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PROCEEDINGS AND DEBATES OF THE *100th* CONGRESS, SECOND SESSION

SENATE—*Wednesday, May 11, 1988*

(Legislative day of Monday, May 9, 1988)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable ALAN J. DIXON, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, Father of us all, we honor Thee today in the profound words of Israel's greatest King, David: "* * * Blessed be Thou, Lord God of Israel our Father, for ever and ever. Thine, O Lord, is the greatness, and the power, and the glory, and the victory, and the majesty: for all that is in the heaven and in the Earth is Thine; Thine is the Kingdom, O Lord, and Thou art exalted as head above all. Both riches and honour come of Thee, and Thou reignest over all and in Thine hand is power and might; and in Thine hand it is to make great, and to give strength unto all. Now, therefore, our God, we thank Thee, and praise Thy glorious name." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALAN J. DIXON, a Senator from the State of Illinois, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. DIXON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his beautiful scriptural readings. They are refreshing. They are like a breath of fresh air through an open window, opening the day. It is a beautiful day in many ways, and these great passages from the Scriptures certainly make it a splendid one.

I hope that we all can take advantage of it, and I know we will profit by the prayer.

RESERVATION OF LEADER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved and that my own time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

THE ROADBLOCK TO ENDING THE CONVENTIONAL WEAPONS ARMS RACE

Mr. PROXMIRE. Mr. President, the Federation of American Scientists have contributed greatly to public and congressional understanding of the possibilities and limitations of arms control. Earlier this year they published a monograph on "the Future of Conventional Arms Control in Europe." There can be no doubt about where these scientists for peace are coming from. Here is a preeminent peace advocacy organization. They have been right out in front in supporting every realistic arms control proposal since virtually the dawn of the nuclear age. But in this latest 10,000-word analysis of the outlook for conventional arms control in Europe, they come up with what this Senator regards as a painfully pessimistic conclusion. Pessimistic but realistic. Oh, the monograph concludes with:

> With time and patience, the logjam can be broken and a new era of stability in Europe achieved.

But a close reading of this analysis by such preeminent arms control advocates suggests that the time of achievement could be decades and the necessary patience infinite. It is not hard to understand the mutual intransigence. Gorbachev speaks of asymetrical reductions. Sounds very promising doesn't it? Obviously with Warsaw Pact forces armed with at least three times as many tanks as the NATO forces, at least twice as much artillery, far more planes and a massive advantage in the number of troops, one would logically assume that the pact is ready to make a significantly disproportionate reduction in weapons and military personnel. Unfortunately there is no evidence that the pact has really changed at all its assertion in the Budapest Appeal of June 1986 that land forces and air forces of both military alliances in Europe should be reduced by some 25 percent as compared with present levels. Such a reduction would obviously be completely unacceptable for NATO.

A year ago—April 10, 1987, in Prague, Gorbachev said the pact favored reaching a balance of forces on both sides "not through a buildup of those who are behind but through reduction on the part of those who are ahead." Hooray. This sounds like hats-in-the-air time. But in the year that has elapsed what have the Soviet

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Union and the Warsaw Pact done? It seems those who were so excited by Gorbachev's Prague assertion overlooked the spin he was putting on this sentence: "We see the process of reducing military confrontation in Europe as a phased process, observing balance at each stage at the level of reasonable sufficiency." So the Soviets will reduce their military forces but only to a level of "reasonable sufficiency." The American Federation of Scientists article contends that the Soviet military substitutes "defense sufficiency" for "reasonable sufficiency." To the military that, of course, means higher defense requirements. And in July 1987, Soviet Defense Minister Yazov said, "It is not we who set the limits of sufficiency, it is the actions of the United States and NATO."

Mr. President, let's face it we are dealing with a power in the Soviet Union that Secretary Gorbachev whether he likes it or not almost certainly cannot control. Mr. Gorbachev is having serious trouble right now with a Soviet economy that is stumbling and staggering. His Perestroika has alienated many of the powerful Politburo bureaucrats as he attempts to decentralize control over pricing and production in 80 percent of the Soviet economy. He can't afford to kick his military around at the same time. Now what happens to the power of that military if and when arms control negotiations mean they lose half their artillery, two-thirds of their tanks, and a massive share of their troops to command? Obviously, their world collapses around them. So the Soviet military bureaucracy becomes alienated at the same time Gorbachev is running smack into very similar civilian bureaucratic resistance. Civilian bureaucrats are stalling Gorbachev's efforts to decentralize its dinosaur of a centralized economy. For Gorbachev to take on his military and his civilian bureaucracy at one and the same time with a double reorganization that could seriously damage both may very well mean that he will lose on both fronts.

Here is why the United States and NATO should push the Kremlin loud and long for conventional arms control reductions and big ones. So why don't we do exactly that? Here's why: We have our own military industrial complex that will resist cutbacks that will cost our own admirals and generals their jobs and will slash the production and profits from powerful military contractors. So arms control at the conventional level where it will bear far and away its biggest economic fruits goes little farther than the rhetorical flourishes and public relations pitches calcaluated to win approval from the vast majority of the world's people who yearn for peace.

How ironic this is, at a time when the surest and wisest way the United States and the Soviet Union can overcome each of their serious economic problems is through a negotiated, mutual and thoroughly verified agreement to stop the conventional arms race and save billions. How specially ironic this is in a world in which the massive arms both sides are working so feverishly to build can only be used in a superpower war in an act of certain double suicide—that would bring the death—the final end for both nations as organized societies.

IN PRAISE OF BARBER SHOP SINGING

Mr. PROXMIRE. Mr. President, today I want to sing the praises of the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc.—S.P.E.B.S.Q.S.A., Inc. This Wisconsin-based organization is celebrating 50 years of spreading goodwill through song.

The S.P.E.B.S.Q.S.A. has more than 800 chapters nationwide, and affiliates in Canada, Great Britain, Sweden, and New Zealand. The Barbershoppers number almost 40,000 men dedicated to the preservation of this American art form. Two women's groups, Sweet Adelines and Harmony, Inc., bring the total number of participants to about 75,000.

S.P.E.B.S.Q.S.A. was formed in 1938 by two Tulsa businessmen, O.C. Cash and Rupert Hall. The name was a takeoff on the "alphabet agencies" of the New Deal era. It is as accurate as it is amusing—the S.P.E.B.S.Q.S.A. has preserved and encouraged a literature and a style of music with a rich tradition of American life. This tradition predates television, the computer age, and the hustle and bustle of much of today's recreational life.

The dedication of the 75,000 men and women in this organization goes far beyond simple fellowship and fun. They contribute to the enrichment of the lives of many in their communities. Through singing they have helped to raise millions of dollars for civic, charitable, and patriotic purposes. The men, for instance, contribute substantially to the Institute of Logopedics, a research and service agency for persons with speech impediments and multiple handicaps.

The Barbershoppers' commitment to quality performance is exemplary. They carry on extensive educational programs to improve their singing. As amateurs, their best quartets are on par with professional groups and university performers anywhere. Last December, the Alexandria Harmonizers from Alexandria, VA, performed in the Kennedy Center Honors Program for the President, Members of Congress, and millions of Americans.

Mr. President, all of America is proud to honor the Barbershoppers on their golden anniversary. They enter upon their 51st year with the warm wishes and congratulations of Americans everywhere. Theirs has been an exceptional historical, social, and creative contribution.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CURRENT SITUATION IN ISRAEL

Mr. SPECTER. Mr. President, I rise today to bring to my colleagues' attention an editorial that appeared in the Independent and Montgomery Transcript of Collegeville and Trappe, PA, in the edition of March 29, 1988, regarding the current situation in Israel.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ISRAEL—SURROUNDED BY EVIL MEN AND THEIR "FINAL SOLUTIONS"

(By John Stewart)

Israel has been fighting a war of survival for forty years. The United Nations created Israel in 1947. A larger Arab state was also created by the same U.N. mandate. The Jews accepted the United Nations Law. The Arabs rejected it and started a war against Israel. Syria, Jordan and Egypt ganged up on Israel and attempted the total destruction of the Jewish state. The Arabs failed their "final solution" 40 years ago.

In judging Israel on their present actions in dealing with the Palestinians one must review the following past and present facts:

1. The League of Nations, after World War One, allocated an area for the future Jewish National Home.
2. In 1922, Britian took 76% of the League of Nations' Jewish Home Land and gave it to Jordan.
3. The United Nations created Israel and a larger Arab state in 1947, the Jews accepted this mandate and the Arabs rejected it.
4. The Arabs started a war of extinguishment against Israel in 1947.
5. Israel defeated the Arabs and annexed Gaza to their land.
6. The Arabs sued for peace in 1949 and Israel returned Gaza to Egypt.
7. Egypt governed the Gaza for 19 years and did nothing for the Palestinians. Egypt lost Gaza in the 1967 war she started.
8. Egypt refused to take back the Gaza in the Camp David accords of 1978.
9. Jordan, ruled by King Hussein, is 85% Palestinian.
10. King Hussein slaughtered 20,000 Palestinians in 1968.
11. King Hussein and every other living Arab leader has refused direct negotiations with Israel.

12. The only two Arab leaders, Anwar Sadat and Bashir Gemayel, who made peace with Israel, were assassinated.

13. Palestinians both within the PLO and outside of it were murdered for SPEAKING ABOUT SPEAKING with Israeli officials.

14. There are no Arab moderates in the Middle East because to speak out for peace with Israel is to sign your own death warrant by the PLO or other Arab radicals.

15. Israel was involved in four wars in her forty years of existence to sustain her survival—1947, 1956, 1967, 1973.

16. Israel has traded land for peace on two separate occasions in the past.

17. Arab Nationalists continue, to this day, to call for the total destruction of Israel as the final solution to the Middle East's problems.

18. United Nations Resolutions #242 and #338, which would provide secure borders for both Jews and Arabs has been accepted by Israel and rejected by the Arab nations.

19. Arabs have killed thousands of Arab women and children to further their aim of the "final solution"—killing all Jews.

20. There are no trials in Arab countries for assaults on Jews.

21. Israeli soldiers have been criminally charged and will be tried for assault and torture of stone throwing and fire bomb throwing young Arab terrorists.

22. Arabs kill Jews by bombs and guns all over the world. Arabs kill anyone who do not agree with them—Americans, Germans, French or British.

23. Israel kills only those who attack them in their 40 year war of survival.

We must, if we are a friend of Israel, review and remember these facts in order to judge the actions of the Israeli government in quelling the Arab uprising. We Americans have a right to criticize any government, including Israel. We even have a right to suggest a course of action. We cannot, however, suggest that she commit hari-kari or blue print her own self-destruction; that must be Israel's choice.

The Israeli government has for forty years traded land for peace and gotten war in return. The Israeli government has, for forty years, begged for one thing—peace, and gotten terrorist murders, for their pains. The Israeli government has, for forty years, asked but one thing from its Arab neighbors—"recognize our existence as a nation"—the Arab world answers with rocks or rockets, bombs or bullets.

No decent human being can condone either violence or murder. No one can condone brutality or killing. Israel rejects all forms of human brutality to achieve its aims of a secure homeland. We, as Americans, must support our only friend in the Middle East and remember they are surrounded on all sides by men of evil intent who call for the Jews' total destruction as the "final solution" to the Middle East problem.

Think about it.

TENTH ANNIVERSARY OF THE SAN FRANCISCO ETHNIC DANCE FESTIVAL AND CITY CELEBRATION, INC.

Mr. CRANSTON. Mr. President, 10 years ago, the San Francisco Ethnic Dance Festival, one of the Nation's most prestigious ethnic dance events, gave its first performance at the downtown Herbst Theater. Ever since, the festival has consistently offered very talented local dancers and dance troupes representing an unprecedented diversity of ethnic dance traditions—from China's Yunnan Province to the heart of Africa and a spectrum of points in between.

Over the years, the festival has grown dramatically, becoming ever more popular. In this 10th anniversary season, it will attract an audience of nearly 25,000. Seventeen thousand fans are expected to attend the Stern Grove outdoor concert alone.

The festival's success is due largely to the assistance of another terrific performing arts organization: City Celebration, Inc. Also celebrating its 10th anniversary, City Celebration is a leading nonprofit presenter of music and dance. Contracted by the city of San Francisco in 1982 to produce the festival, City Celebration, along with Grants for the Arts of the San Francisco Hotel Tax Fund, created a national model of public/private cosponsorship.

In honor of this unique cooperative venture, City Celebration produced "And We Still Dance," a documentary film on the San Francisco Ethnic Dance Festival. The film offers a behind-the-scenes look into the production process of the festival, highlighting the hard work and determination of individual dancers committed to maintaining the cultural integrity of their respective heritages. "And We Still Dance," I'm delighted to add, is the winner of the CINE Golden Eagle Award and will be shown at international film festivals worldwide.

The San Francisco Ethnic Dance Festival represents the best the bay area has to offer in artistic expression and cultural diversity. Mr. President, nothing pleases me more than to congratulate everyone concerned for a decade of exceptionally fine work. Here is to a superb 10th anniversary season and to a bright future of continued success.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, this is the period that has been set aside for morning business. If Senators have morning business, introduction of bills or resolutions, they should let the floor staffs know so that once we get on the bill, we ought not be interrupted then by morning business speeches. This happens from time to time. The period for morning business goes by and Senators come in, and the Senate gets to the unfinished business or to the major business, the pending business, and they want to make morning business speeches.

The order has been entered to permit Senators to speak up to 5 minutes each during morning business. If the Cloakrooms do not hear of any morning business requests, I will recess until 10 o'clock when the Senate goes on the bill.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 10:01 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 9:51 a.m., recessed until 10:01 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2355, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2015

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for himself, Mr. EVANS, Mr. LEVIN, and Mr. BUMPERS, proposes an amendment numbered 2015.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> On page 26 at the end of line 3 delete the period and insert in lieu thereof ", and" and add the following new paragraph:
>
> "(6) $700 million shall be available only to reimburse NASA as DoD's share of the cost to support production including ancillary network communications and data systems necessary to return the Space Transportation System to flight status and sustain near-term launch rates."

Mr. JOHNSTON. Mr. President, I hope my friends on the Armed Services Committee will give me very careful attention. I say that not because they would not ordinarily give careful attention, but because this is a new and important initiative which was not brought up, and I apologize for that, before the Armed Services Committee, because we were trying to solve this problem in another arena, mainly on the Appropriations Committee, but I hope and I think it will have a strong appeal particularly to my dear friend who is the manager of the bill at this point, Senator EXON, from Nebraska.

Mr. President, what the amendment does is to provide that $700 million presently available for the SDI program shall be available only to reimburse NASA as DOD's share of the cost to support production including ancillary network communications and flight data systems to return the space transportation system to flight status and sustain near-term launch rates.

What that means in plain language, Mr. President, is that we take $700 million from SDI and dedicate it to NASA for the shuttle and in effect to make possible the space station.

Now, the first question is, Mr. President, is it necessary to do this?

Mr. President, for the last few weeks in the Appropriations Committee we have been dealing with this terrible number crunch brought on by the economic summit of last year. My colleagues will recall that in the economic summit of last year we provided for ceilings in national defense which essentially provided for a 3-percent growth. We provided that with respect to discretionary nondefense, which are most of the other functions of Government, there was a target of a 2-percent-nominal increase. Because of spendout rates and rescoring, that has been increased to about a 3-percent-nominal rate under the economic summit. However, on the discretionary nondefense, we have less than inflation. To put it another way, there are $4.8 billion of new dollars in discretionary nondefense to cover about $17 billion-plus of new initiatives by the President and others.

Now, the new initiatives by the President and others are very high priority. They are drug interdiction, airport safety, waste water treatment, the space station, the super collider, new initiatives on AIDS research, new initiatives by the National Science Foundation. There are a plethora of new initiatives which simply cannot be provided for with available money.

One of those with which we are having great difficulty—some would say an impossibility of providing money for, although I am dedicated to trying to do it—is the space station.

In effect, this $700 million would give us the money for NASA. This does not specify that it goes for the space station. But it would free up other money in the NASA budget to build a space station. So the question which this amendment poses is, what is the higher priority in our spending, to build a space station or to have a $700 million increase in SDI?

The committee's budget provides a $700 million increase—I think it is $67.5 million, but I will round it to $700 million—to have that $700 million spent within the four corners of space-based kinetic kill vehicles and other things, or whether we should spend that on another Department of Defense initiative, which is NASA and space.

Mr. President, the first question is, Is a space station a high priority? I think this body has answered that question time and time again.

Last year we had an extensive debate here on the question of the space station. That debate, as I recall, lasted about 5 hours, and I was trying to recall what the count was. It seems to me it was in the neighborhood of 4 or 5 to 1. Senators said, yes, let us build a space station.

I will not try to repeat all of those arguments, Mr. President, because the arguments were made and as indicated by that debate are well known by the Senators. I would invite my colleagues' attention to the May 18 issue of U.S. News & World Report entitled "Soviets In Space." That is the lead article. It goes on to point out what we all know to be a fact; that is, that the Soviets are making huge advances in space, more launches, they have a space station. As the article says:

> By launching frequently and reliably the Soviet Union has shown it can generate and support a broad range of space programs from highly publicized manned flights to secret spy satellites.

So, Mr. President, I will not dwell on that question of what is the priority of the space station. That question has been answered by the Senate. It is being answered every day by Soviet strides, Soviet excellence in space, Soviet ability to not only launch but to maintain a space station which orbits as we speak in the heavens.

Question No. 2, Mr. President: Is this a legitimate expense of the Department of Defense? I think this is an essential question. First, because under the summit agreement, we set limits on defense spending and discretionary nondefense; second, because, from the standpoint of the Budget Act if it is not a legitimate defense expenditure, it would be a transfer and perhaps subject to a point of order; third, we simply, at least from my standpoint, do not want to turn a defense expenditure into a domestic expenditure if it is not legitimate.

So I think we ought to face up to that question of: Is this a legitimate defense expenditure?

First, from the standpoint of scoring, I am advised that this scores as a defense expenditure. It does not constitute a transfer from defense to nondefense. That is from the technical standpoint because the technical standpoint is quite important. Second, from the standpoint of is it a legitimate defense expenditure, I think the facts support that overwhelmingly. In 1986, for example, the Senate Armed Services Committee supported the payment for the fourth orbiter.

The report accompanying that defense appropriation bill for fiscal 1987 states on page 344 as follows:

> The Department of Defense testified * * * the severe impact the shuttle loss has on defense payloads and strongly supported the procurement of a replacement orbiter for national security requirements. The Department noted that, for national security missions, loss of the Challenger meant that only two of the three remaining orbiters were fully capable since the third NASA orbiter is not configured to provide the capacity for heavier defense loads.

And they conclude, continuing the quote:

> The committee's recommendation to fund the replacement orbiter in this bill recognizes critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

I could not say it any better, or the committee could not be any more correct. National defense requirements depend upon the shuttle which we fund in this amendment.

Why $700 million, and why do we transfer that figure? Mr. President, that figure is derived from what we see or what has been stated as the Department of Defense percentage of the shuttle cost. It has been noted that there will be 52 flights for the shuttle through 1993. Of those 52 flights, 13 are dedicated to the Department of Defense, and two are partial DOD flights, or 29 percent are dedicated to the DOD. In fiscal year 1989, the DOD use of the shuttle is even more intensive than that 29 percent.

Of the seven shuttle flights, three are DOD dedicated and one is partially DOD dedicated. However, we have used the lower figure, that is, the 29-percent figure. Twenty-nine percent of what? In the budget of NASA presently pending, there is an increase for space shuttle production and operation capability of $1.4 billion, space and ground networks increase of $1.035 billion, for a total of $2.43 billion new initiatives in the NASA budget this year. So if you take 29 percent of that $2.43 billion, it comes out to be $700 million, which is the amount transferred by this bill.

So to repeat, this is a legitimate DOD expenditure. It has been so stated by no lesser authority than the Senate Armed Services Committee. The amount and the percentage are precisely and exactly consistent with the DOD needs.

Question No. 2, I believe, is answered and overwhelmingly so. It is a legitimate DOD expense, so stated by the committee, so scored by the Parliamentarian, by the Budget Committee, and by the Committee on the Budget.

The third question: What is the higher priority between the SDI increases and the space station? That is to say, you have a $700 million increase in the SDI budget, and the 29 percent DOD share of the NASA budget increase would also be $700 million.

What is the higher priority? Can you do them both?

First of all, Mr. President, it would be very difficult to do them both. The NASA budget is contained in the HUD and independent agencies budget, and that is not only one of the most popular budgets in terms of additional spending initiatives, but also, it is, by most any standard, one of the most needed budgets in terms of increases.

If you look at the major program increases in just the President's budget in NASA, you have the $2.6 billion increase in NASA which I just alluded to. You have the EPA Superfund increase—that is the hazardous waste increase—of $472 million. National Science Foundation is $333 million. What is a higher priority today than National Science Foundation, to try to get this country back into the competition for high technology and for excellence in science? What can be a higher priority than that?

Veterans medical care: $230 million. Not only is that greatly needed, but also, it is very popular in the Senate.

So, when you try to balance those new initiatives by the President against a $2.6 billion increase in NASA, it is going to be very difficult to stretch those dollars. The President did it. How did he do it in HUD and independent agencies? By cutting assisted housing $850 million; by cutting waste treatment construction grants by $804 million; by cutting community development programs by $616 million; by cutting elderly housing by $200 million; by cutting homeless programs by $119 million.

Mr. President, we could debate those programs for weeks, as to which have the higher priorities and which do not have the higher priorities.

We have debated homeless for days. Do you know how the Senate comes out for homeless? We are for the homeless. We are not for cutting it. It is almost silly to suggest that not only the Senate but also Congress would cut $119 million from the Homeless Program or is going to cut the Waste Water Treatment Program by $472 million, or assisted housing by $850 million, or elderly housing by $200 million, in order to fund the space station. I think we could agree and stipulate to that. That is true. It is not arguable.

That is what we came up against in the Appropriations Committee. As I say, we have in the broad category of discretionary nondefense $4.8 billion to cover over $17 billion of these new initiatives, and one of the new initiatives is the space station. Another of the new initiatives is a new orbiter. Another is a whole range of new requirements in the NASA budget.

If I may point out some of these things in the NASA budget, in addition to the space station itself—and it appears that the minimum amount for the space station this year, I am advised by Dr. Fletcher, is about $800 million. But, in addition to that, there is a requirement of $313 million for shuttle recovery efforts, $400 million for shuttle operations, $168 million for expendable launch vehicles, $151 million for space and ground communications and data networks. The list goes on.

So, the picture I am trying to paint—and I hope I am not overwhelming my colleagues with numbers—but, if I can lay it out as simply as I can, it is going to be very difficult to find money for the space station or even to keep the rest of the NASA program going unless we can justify money out of this DOD budget.

(Mr. BREAUX assumed the chair.)

Mr. WARNER. Mr. President, will the Senator at some point entertain a question on the budget aspects of this?

Mr. JOHNSTON. Yes.

Mr. WARNER. The Senator is fully aware that in the latter part of last year, December, there was a deadlock between the legislative branch and the executive branch over budget figures. We came to the famous budget summit, and figures were allocated. Defense was given $299.5 million. In our report to the Senate, we stated that the summit between the President and Congress last November resulted in an agreement that national defense spending for fiscal year 1989 would be $299.5 million, and the committee meets the budget authority.

In other words, our committee operated, as my distinguished colleague from Nebraska, I am sure, will confirm, within the confines of that budget summit. This is going to break that apart.

I ask my good friend: What incentive is there for the President and Congress to try again and have a summit and make these tough decisions on budget allocations if we are going to take large sums such as this away from that agreement?

Mr. JOHNSTON. I thank my colleague for his question. I think perhaps he did not hear the early part of my——

Mr. WARNER. I have listened to everything, Mr. President. I may have missed the early part of it, and maybe it ought to be reviewed.

Mr. JOHNSTON. I thank the Senator for his question, and that is the central question, and that is what I started my speech with.

I was a member of that budget summit.

Mr. WARNER. That is my recollection.

Mr. JOHNSTON. And I strongly supported it.

What I am doing is taking 29 percent of the space shuttle expenditures, which happens to be the exact percentage that is a DOD requirement——

Mr. WARNER. For what fiscal year?

Mr. JOHNSTON. Through fiscal year 1993. In other words, there are 52 launches to be done between now and 1993, and 13 are dedicated to DOD and 2 are partially DOD flights, or 29 percent.

Mr. WARNER. Mr. President, I am going to try to refine those facts, because my indication, preliminarily, is that because of the lack of availability, DOD is virtually off the shuttle in 1992.

Mr. JOHNSTON. Except for SDI.

Mr. WARNER. I want to go back to the principle. What is the incentive for us ever to sit down and have another summit if we are going to sit here and take it apart?

Mr. JOHNSTON. Because we are not taking this out of defense.

Mr. WARNER. I understand.

Mr. JOHNSTON. In fiscal year 1987—I ask my colleague to listen to this—the committee said this:

> The committee recommendation to fund the replacement orbiter in this bill recognizes the critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

Will the Senator tell me what was meant by that?

Mr. WARNER. Mr. President, I yield to my distinguished colleague from Nebraska, who is a member of the Budget Committee, to join in this debate, because I think he takes the same position I do.

Mr. EXON. Mr. President, will the Senator yield?

JOHNSTON. Yes. But, first, all one Senator or the other tell me what their committee meant in its report when it said:

> The committee's recommendation to fund the replacement orbiter in this bill recognizes the critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

Mr. WARNER. What is the Senator reading from?

Mr. EXON. What is he reading from? I think he is mistaken. I think that is not our bill. That is, I think, the Appropriations Committee bill.

Mr. WARNER. It is not our bill.

Mr. JOHNSTON. It is the Department of Defense appropriation bill.

Mr. WARNER. It is not our bill.

Mr. EXON. The Senator was alluding to the fact time and time again. It is not what we said in the Armed Services Committee, I assure my friend and colleague from Louisiana. That is not the case.

What he is doing is taking material from the committee on which he serves and using it as an argument that it is a position of the Armed Services Committee which is definitely not the case. I think we should get that straight.

Mr. JOHNSTON. I apologize to my colleagues. Frankly, in reading it quickly, it is clearly the Appropriations Committee bill.

Mr. WARNER. I think the Senator is now referring to a document which is not our bill.

Mr. JOHNSTON. Do the floor managers think that that conclusion is nor correct?

Mr. WARNER. Mr. President, I have not had the opportunity to examine the conclusion in some detail. I am not prepared to give an answer to that.

My point in standing up and interrupting my distinguished friend from Louisiana is simply to say what significance does he attach to these summit agreements and what is the incentive in the future for ever trying to reach another? Why should the Secretary of Defense in the future try to take the dramatic cuts he accepted if he felt that in subsequent debate in the Senate and elsewhere the Congress these large cuts would come.

Mr. JOHNSTON. The first conclusion is that 29 percent is the precise amount of payloads which are DOD dedicated. Now, if these are not DOD dedicated, if there is no connection, if the appropriations bill and the Appropriations Committee was incorrect in saying that there is this vital connectivity between the shuttle and the Department of Defense then, of course, the Senator is correct.

If we were sending this out to buy lollipops or pay for food stamps, yes, sure. But this is to pay the Department of Defense's share of shuttle operations, exactly, not a dollar more, exactly $700 million.

Mr. WARNER. Mr. President, I will eventually get this information. My understanding is that DOD has already prepared those bills in the future.

Mr. EXON. To correct the record, we have paid for 9 of the 15 in advance that NASA already owes us, and that is one of the arguments I intend to make.

Mr. WARNER. That goes to the 29 percent that the Senator keeps raising.

Mr. JOHNSTON. I am advised those are user fees that DOD is not paying any of the recovery costs and that is what we are talking about in this question. But you know the rationale of the 29 percent—I mean, I think we have to recognize that the Department of Defense has some payloads, do we not? Is there not an interest in the Department of Defense in the shuttle program? Is that not absolutely true? If it is not true, let us decide that. But it seems to me that that is very clear. It may not have been the Senate Armed Services Committee but it was the Defense Appropriations Subcommittee when Senator STEVENS was the chairman of that, which said that there was a very clear connection and they were going to pay for the fourth orbiter on that account.

I do not understand what the argument about it is. Is the Senator honestly saying that there is not a military DOD interest in the shuttle?

Mr. EXON. Mr. President, if the Senator will yield, I was trying to give the Senator an opportunity to present his case and then I had the rebuttal prepared to answer his question. The Armed Services Committee has held extensive hearings on this matter. We are not prepared in the Armed Services Committee to put all of our eggs in one basket which is essentially being suggested here by the Senator from Louisiana with regard to more and more money on the shuttle.

The facts of the matter are that the Department of Defense has already paid for the equivalent of 9 of the 15 shuttle operations that we felt we needed for national defense, and we have not gotten any of them. We have already paid in advance.

To clarify this situation, I would like to read from the Armed Services Committee report in this regard after several lengthy hearings on the matter, and the report says on page 36:

> The Committee supported last year and continues to support the development of redundant space launch capability so that the United States will never again * * *

never again, Mr. President—

> be dependent for space access on a single vehicle type.

I think we have learned our lesson.

> The space launch recovery efforts will result in a number of expendable launch vehicles ensuring * * *

ensuring—

> that the failure of a single booster type will not ground all the satellite programs.

More editorial comment.

Mr. JOHNSTON. Is the Senator answering the question? I want to be sure I retain my right to the floor.

Mr. EXON. I will yield back to my friend. He asked a question and I was trying to answer. I will yield back and save the remainder of my rebuttal until after he finishes.

Mr. JOHNSTON. I did want to have the give and take because I would rather not go into this as a confrontation but as reasonable men thinking together. It seems to me it is so clear that there is a defense DOD Armed Services Committee interest in the shuttle and in the space station.

You can argue about whether it has been paid for and our mathematics excludes the user fees that have already been paid by the Department of Defense. Those have been excluded in our 29 percent calculation.

Mr. EXON. But why?

Mr. JOHNSTON. Because you have already paid for it. This is the part.

Mr. EXON. We have not gotten services rendered that we paid for. That is the point.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. JOHNSTON. This is to fix the problems with the shuttle because of *Challenger*. That is where the additional $700 million comes from.

But, look, if the Department of Defense is going to take the attitude that anytime you pay for something and something breaks and you have to pay additional that you are not going to pay the additional because you already paid for it, then there are a whole host of weapons programs, including the B-1 and a lot of others that you never fix when they are broken.

These are what you might call fixing costs; $700 million is the 29-percent share of DOD plus after 1992, as your report says, quoting from page 37, and this is the defense authorization report:

> The current shuttle manifest to DOD shows only strategic defense initiative and research and development-related flights with the unique manned requirements after 1992.

So after 1992, there are SDI needs.

So, Mr. President, we have tried to do the mathematics correctly to reflect the DOD percentage of the cost in the shuttle, and I think the mathematics are correct and I think logic is correct.

The next question is what is the higher priority between the SDI increases and the space station. That I think is sort of the ultimate question here. There are scarce dollars to go around. You cannot do everything, as I pointed out. It is very arguable that when you get to competition and in the HUD and Independent Agencies Subcommittee of the Appropriations Committee there is not going to be enough money to do the space station without this, and I went through the list, assist housing, waste treatment grants, community development block grants, elderly housing, the homeless program, EPA, Superfund, National Science Foundation, veterans medical care.

Mr. President, if you do not get some extra money, I will not say you can kiss the space staton goodbye, because I and Senator CHILES and others are trying to build it, but I can tell you that when you get in those subcommittees—Senator PROXMIRE is chairman of that subcommittee. Ask him whether he thinks there is going to be enough money to stretch around to build the space station or ask Chairman EDDIE BOLAND in the House.

Mr. EXON. Will the Senator yield for just a suggestion?

Mr. JOHNSTON. Yes.

Mr. EXON. I know he is cramped for time today. He has an amendment. But since the question the Senator just posed was one that the Senator from Wisconsin just told me that he evidently did not agree with the Senator on, would the Senator like to have him respond to the question the Senator just asked at this time and, if so, would the Senator yield to the Senator from Wisconsin for that purpose?

Mr. JOHNSTON. Yes, I would ask the Senator from Wisconsin, retaining my right to the floor, of course, that whether in his judgment, without this amendment—we will discuss this amendment later—but without this amendment, whether in his view there is going to be enough money to build the space station.

Mr. PROXMIRE. Mr. President, may I say to my good friend that nobody has worked harder and more effectively and more wisely on SDI than the Senator from Louisiana. He knows more about it and spends more time on it than any of the rest of us.

However, Mr. President, I, unfortunately, have to disagree with him, because what I would like to do is to save $700 million. What this does is simply transfer it from one purpose to another.

I think the most important element of our defense is our economy. We have to have a strong economy. We have been running deficit after deficit. I would like to save the $700 million.

Let me say that what the Senator's amendment does is reduce the SDI by $700 million. I would save that $700 million, much as we would like to have it in our subcommittee of which I am the chairman, the HUD and Independent Agencies Subcommittee; we could use it for a lot of purposes. I can tell you that the space station is not one of the ones I would certainly put it into. The space station is going to cost $30 billion before we are through—$30 billion.

Mr. JOHNSTON. What is the SDI going to cost?

Mr. PROXMIRE. A trillion dollars.

So that is exactly why I think we should save in both these areas. I tried very hard to see if I could work out a division on this and call for a separate vote on the two parts; in other words, cutting it from the SDI on one hand and adding it to the space station on the other. I found I could not do that. The Senator from Louisiana, as usual, is much too clever for me. He is way ahead of me.

But what I can do is offer an amendment in the second degree, which I have here and which I intend to offer, which would simply provide that $700 million shall not be expended as an amendment and strike the section that would transfer it to the space station. It seems to me this will give us an opportunity to vote on whether we want to save $700 million or not and have an increase in spending for SDI, but a modest increase of about 6 percent.

Mr. JOHNSTON. Well, I think that the Senator's answer to the question which I posed to him—which was: Is there enough money in the budget without this to maintain the space station this year? I think that answer is no; is that correct? Probably not, shall we say?

Mr. PROXMIRE. I think, undoubtedly, you would have to slow down that particular operation. But, frankly, I think that the manned space station of the kind we have in Texas offers a far wiser way to proceed.

Mr. JOHNSTON. I think, without question as to what we ought to do, just on the narrow question of in today's budget, keep in mind we have not done our 302(b) allocation. Does the Senator think there would be money to maintain the space station together this year in that budget?

Mr. PROXMIRE. Well, I would agree with the Senator that it is going to be very difficult, very difficult all the way around. But I think that is the problem for all the subcommittees of the Appropriations Committee.

Mr. JOHNSTON. Exactly.

Mr. PROXMIRE. The Senator from Arkansas is a chairman of a subcommittee. The Senator from Louisiana is a chairman of a subcommittee. We have to be very careful in all these areas and hold down spending. That is our job. It is one of the toughest problems the Senate, I am sure, in all its history has ever had to face. We are going to have to do that in my subcommittee. It will not be enough. We will have to limit the funds. That is absolutely right.

It is true in the armed services appropriation. When that comes before the Appropriations Committee, we are going to have to limit that. It is going to be tough, cruel, and mean, but we are going to have to do that. That is why I would save $700 million this year and say let SDI go ahead at a reasonable pace but not a 20-percent increase, but a 6-percent increase, which is what the Senator from Louisiana is asking us to do.

Mr. JOHNSTON. Mr. President, I urge my colleague from Wisconsin not to urge that second-degree amendment on the Senate at this time. First, because I would like to get a vote on this, of course; but, second, because I think an amendment which simply cut down SDI would, in fact, violate the summit agreement, because what the summit agreement provided was both a floor and a ceiling of $299.5 billion in budget authority. The Armed Services Committee treated that mandate of the summit as binding on the authorization committee, so that they have authorized only the $299.5 billion.

So to simply cut down in one category would be to reduce the $299.5 billion and violate the summit.

Mr. PROXMIRE. May I say to my good friend, I admire and respect the members of the Armed Services Committee. They have done a fine job. They are among the ablest people in this body. But I do not think they can make a commitment for the rest of us. I did not make any commitment of $299.5 billion. I think we can cut that by $700 million without betraying our trust. Nobody told me to stand up and say I would go ahead with it. And that is true of the overwhelming majority of Members of this body. I think we have that right.

I have checked with the chairman of the Armed Services Committee, Senator NUNN. He said we have a right to cut this budget below what the Armed Services Committee comes in for. I think we should do that.

The notion that we should come to the floor and say we are bound to provide every dollar that they request does not seem to me to be reasonable.

Mr. JOHNSTON. Well, there is, of course, a constitutional right of this body to not adhere to the summit agreement.

Mr. PROXMIRE. We were never part of it.

Mr. JOHNSTON. Well, we did vote these numbers at $299.5 billion, and I believe it is $294 billion in budget obligations, as part of our budget resolution which has, in fact, passed here. But I would say that there are many Senators here, the Senator from Wisconsin may not be among them, who think we have a commitment to that, to the summit agreement. I certainly feel that way.

There would be other amendments of other Senators which would spend the SDI money on other more important, in their view, defenses.

Mr. PROXMIRE. I would amend those, too.

Mr. JOHNSTON. Excuse me?

Mr. PROXMIRE. I will amend every one of those if I get a chance to do it. I want to save the money, but I do not think we should transfer it anywhere else.

Mr. JOHNSTON. The Senator, of course, may put in a second-degree amendment—obviously, the rules permit that—but I wish he would let us vote on this first, because I think it is a very clear choice between two priorities.

Mr. PROXMIRE. May I say to my good friend, I have no illusions about winning on my amendment. I just think the Senate ought to have a chance to vote on whether or not we should save $700 million or not. I will be gratified if I get a few votes. I am certainly not going to get a majority of votes, but I think the Senate ought to stand up and be counted on a $700 million decision here. I am going to ask the Senate to make that decision. I do not think it will hurt the Senator, and then he can press on with his amendment.

Mr. JOHNSTON. Mr. President, I am also reminded that the numbers from the summit were also enacted into law as part of the budget reconciliation at the latter part of the last calendar year.

Mr. President, to finish my statement in chief, the question is: What is the highest priority, the increase in the NASA budget or the increase in the SDI budget? The increase in the NASA budget, as previously stated, 29 percent of that or $700 million, is to cover DOD launches. So that is the DOD part of the NASA increase. The $700 million or, to be precise, $675 million represents the increase in SDI. Which is the higher priority?

Mr. President, each year we debate the SDI budget. There are various justifications for the increases in SDI. Usually that argument goes something like this: well, the House is going to cut more, so, therefore, we have got to be higher so that we can meet them half way. But we never came to grips with the question of what it is we are trying to do with SDI: What are the goals we are trying to achieve? What kind of spending does it take to reach a certain goal? Does it make any sense to be going in certain directions?

We mask all of those arguments and talk more in terms of what does it take to make a compromise about some as yet undefined goal.

Well, Mr. President, I think we have seen enough of SDI now to be able to ascertain and assess that program with some real knowledge. First, we know, Mr. President, that when the so-called star wars program was launched full blown from the ashes of the BAMBI program back in the President's March 1983 speech, we know that that was hatched, more or less, in the President's mind. It did not come from the Joint Chiefs of Staff.

In fact, it was not cleared with the Joint Chiefs of Staff. It was not cleared with the science adviser. As a matter of fact, the science adviser did not know of that at the time. On the very day that the President was making his SDI speech, the Department of Defense was testifying on the Hill, saying that we did not need an increased program.

The Air Force general in charge of direct energy technology research told the Senate Armed Services Committee that the purpose of strategic defense, and offense as well, is to maintain nuclear deterrence. Exotic laser or particle beam technology could defeat a limited nuclear strike.

So that on the very day that the President came out with this program, the Department of Defense, the Air Force, was going in opposite directions. And we know it came from the President.

The President has told us, time and time again, it came from him. Revelations, lately, give us a new insight on why they call it star wars.

But, in any event, it came from the President. Now, what do all the experts say about star wars? Well, we know what the American Physical Society has said, Mr. President. There are 19 out of 20, or a higher percentage, I think, than that, of the American Physical Society people who say that we are going in the wrong direction on star wars and specifically that the space-based kinetic kill vehicle will not work.

More to the point, the Department of Defense itself created a distinguished review board. On that review board are serving Bill Perry and Dr. Everett and a whole panel of distinguished people. Their report just came in last week, Mr. President. I am advised that this is a preliminary report, which I have, dated April 13, 1987.

But what that report states, Mr. President, is that to go to a phase 1 deployment of kinetic kill vehicles, the phase 1 is where you put up a complete system of orbiting rocket pods or space-based kinetic kill vehicles; a BSTS, boosted satellite tracking system; ERIS interceptors, which are the ground-based interceptors—and the battle management system. That system which would cost, according to the contractors, about $150 billion and, according to SDIO, would take $45.5 billion of additional research money before you reached the decision as to whether to develop. And those are their figures. They say that the deployment of that system is very risky.

What they say is that you ought to go into a six-step program. The first step would be to have accidental launch protection. Well, now, Mr. President, it might be nice to have accidental launch protection. Yesterday I asked the Secretary of Defense about that. He said well, you know, if Libya, for example, got intercontinental ballistic missiles, this would protect against Libya. Well, Mr. President, that really is an implausible threat and certainly one that we do not need to spend billions and billions of dollars to defend against. If Libya has the atomic bomb, and we hope and pray that they do not, or North Korea or a host of other—well, maybe not a host, a number of other irresponsible countries, then there are cheaper and better and more effective ways of detonating those weapons here, as terrorist weapons, than by an ICBM. If they use an ICBM, we know where that weapon came from and we can target that spot and blow them off the face of the Earth.

But terrorists do not work like that. They would bring them in in suitcases or, indeed, a briefcase. Thermonuclear weapons today are small enough to put in a briefcase. Not even a suitcase. And, if you know what the pouch that comes in, the diplomatic pouches from around the world, our pouches are not really pouches like a little leather pouch. They are like multiple railroad cars full of things.

So, if somebody wants to shoot an atomic weapon at the United States, they are not going to launch it, intentionally or accidentally, at the United States. They are going to bring it in in a suitcase or in a briefcase.

Mr. NUNN. Would the Senator yield just for an observation and question?

Mr. JOHNSTON. Certainly.

Mr. NUNN. I think it is important we get our terms in the same vein here. The accidental launch system, which I started talking about earlier, is not designed to protect against a terrorist attack by unconventional means. I do not think anyone even predicted that. In fact the very word accidental would denote something other than a deliberate act.

The system that was being talked about—and I have not said that we should deploy such a system, I do not think we have enough evidence yet, we do not know what it is going to cost, we do not know the feasibility, we do not know the coverage—but what I have said is we should explore that. We should devote some of this research money to that more limited purpose, which I think is also a more feasible purpose. But an accidental launch would be a superpower accident. The Soviet Union having a launch of a ballistic missile from a submarine or land-based or some other country having that.

The other word that we had used would be "unauthorized launch." An unauthorized launch would not be an accident, but would be commander, being in charge, taking it on himself to cause a nuclear attack on the United States, limited though it might be, from his command. But it could be a very substantial attack if it was from a submarine.

So, those are the terms we are using. And this question of the threat by terrorism against the United States, I think, has a different dimension to it. I would agree with the Senator from Louisiana that that kind of threat is more likely to come by nonconventional means rather than by ballistic missile.

Although I must add that the developments in the Middle East between Iran and Iraq, where they are firing missiles at each other's key cities and the new deployment, at least planned deployment, of missiles in Saudi Arabia that would have a medium-range capability, gives us the apprehension that that is where the world is heading.

So, down the road it may very well be there will be a threat against the United States from one of those sources, but I think we ought to keep the accidental launch terminology separate from the "threat by terrorists." At some point, we may decide that both of those threats are worthy of our attention, but it would not be by the same defensive mechanism. And I would hope we would keep those distinctions in mind.

Mr. JOHNSTON. I thank my friend for his explanation. The reason I mentioned Libya is when I questioned the Secretary of Defense yesterday on the very subject of the six steps and the accidental launch, that was the example he brought up. I think when the Senator from Georgia first mentioned accidental launch, he did not have Libya in mind at all. But that was being discussed by the Secretary of Defense in the Defense Appropriations Committee hearing yesterday.

Mr. NUNN. I would more nearly call that a third-country attack; a country not major superpower. But I would imagine if Libya started deploying missiles and we woke up one morning and found one heading toward the United States we would not consider that to be an accident.

Mr. JOHNSTON. The Senator and I discussed this accidental launch protection and, as he points out himself, he and his committee are not proposing that. It is in the "pre-preliminary thought stage," as it ought to be.

The point I am making is that this defense science board panel recommends six steps. There is the accidental launch system. The next step is to deploy the BSTS, or boost surveillance and tracking system; and then the third step is ERIS interceptors, the ground-based interceptors, the fourth step is more ground-based interceptors.

It is only in the fifth step that you get the space-based interceptors and in the sixth step, the directed energy weapons. That is some time in the next century.

But the point is, that we proceed with SDI, it was hatched without scientific examination, and it continues on, in spite of the evidence, without real direction.

It seems to me that the evidence is irrefutable that SDI, that is, the space-based kinetic kill vehicles, the orbiting rocket pods previously rejected twice by this country in the BAMBI Program in the 1960's and the high frontier programs in the 1980's, clearly rejected before the President's March 1983 speech, that that kind of technology can never pass the Nitze test of cost effective at the margin.

What does cost effective in the margin in the Nitze test mean? By the way, the Nitze test says, in effect, that we should not deploy a system where it costs us more to build a rocket or to kill a rocket than it costs them to build a substitute for that rocket.

Let us say the other side has 100 rockets which you can shoot down for $100 million. You do not want to build that ballistic missile defense system if they can employ additional rockets at one-tenth that cost.

That is about where we are in the evidence, Mr. President. We know, for example, that the figures are $45 billion. SDI says it takes you $45 billion of additional research money before you can make the decision as to whether to develop the space kinetic kill vehicles, and the so-called phase 1.

Then the cost, according to the contractors, of a phase 1 would be about $150 billion. What percentage of the Soviet rocket force will that shoot down? About 16 percent. That is in the public domain. You can figure that out. It takes you $150 billion, and we will add to that whatever the portion of the $45 billion R&D you want to include, and figure what it costs you to shoot down 16 percent of about 10,000 Soviet ICBM's. That is roughly 1,600 Soviet ICBM's. For the total of $150 billion cost, divide 1,600 warheads into $150 billion and then compare that with what it costs to build additional warheads.

We know that according to the published figures we can build the D-5 missile for about $28 million per missile. If you add in silos and nuclear warheads for that, it would be about $50 million per missile, each with eight warheads.

So the comparison is an additional missile for about $50 million complete with silo, the latest faster-burn technology. Compare that to the cost of intercepting that with phase 1, and you can get a lack of cost effective in the margin of about 2 to 1. I think it exceeds 2 to 1 by a long way if you look at warheads.

So, what we need to do with the SDI Program is to reassess it, reevaluate it, and not mindlessly continue to increase it every year.

I am not talking about gutting the SDI Program. The SDI Program had a big increase last year. What we are talking about doing is maintaining the SDI Program where it is now while we reevaluate it, while we take the advice of the best scientists available in America, and while we put the money on higher priority items.

So to repeat, what this amendment does is to set priorities. It is to compare the space program with the SDI Program and to decide where that $700 million should go. I believe it is much more important to build a space station than to mindlessly continue to put money down this space-based kinetic kill vehicle rathole.

The scientists tell us it is not going to work; it is never going to be cost effective in the margin; time is going to overwhelm that system.

What we ought to be doing on SDI is redirecting our efforts toward the energy beam weapons. That is where the promise of SDI can come for the future, that is where the research ought to be done, and we ought to quit wasting the money on the kinetic kill vehicles.

That $700 million increase in SDI is just what it takes to build a space station.

I yield the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Wisconsin.

AMENDMENT NO. 2017 TO AMENDMENT NO. 2015

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. PROXMIRE] proposes an amendment numbered 2017.

In the amendment strike all after "6)" and insert the following: "$700 million shall not be expended".

Mr. PROXMIRE. Mr. President, the purpose of this amendment I think has been explained in the debate already. What the amendment will do is simply save the $700 million the distinguished Senator from Louisiana has argued should be saved in the SDI Program. It will cut the SDI Program from an increase of 20 percent to an increase of 6 percent. You still have an increase; you still have $3.8 billion expended for SDI, but we would save $700 million.

Seven hundred million dollars in a trillion dollar budget may not be very much, but $700 million here and there adds up to real money.

I think we ought to keep in mind that we do have a terrific deficit. As has been pointed out in the debate before, I am chairman of the subcommittee that would get this $700 million if the amendment is not changed as I suggest. Of course, we could use it. Of course, it would make it easier for us.

The most important action the Congress can do, in the judgment of this Senator, is to do everything we can to hold down the deficit, and we should do that by cutting spending.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the Senator from Nebraska has been waiting patiently for 1 hour and 20 minutes after my friend from Louisiana had offered his amendment to give a response and the position of the Armed Services Committee on his amendment.

I have no quarrel with the attitude that the Senator from Louisiana and, indeed, the Senator from Wisconsin have with regard to the SDI Program. I share many of the concerns they have since I have been intricately involved in this matter from the very beginning.

I would simply say, let us try and keep all of this in context. It is true, in my mind, that one of the grave mistakes made with the SDI Program was that from the day the President made the announcement, there has been more false information as to what this program could possibly bring about than any other defense program that I have ever had anything to do with.

The President has certainly fanned much of that himself. I have been one of those who said we are way overboard on what can be done with this program. But I have always thought, in view of the Soviet threat—and what the Soviet Union is doing in this area today experimentationwise—we have an obligation to at least proceed to see what is here.

One of the worst things that happened, Mr. President, in this whole unfortunate, or fortunate, discussion of SDI, depending upon one's point of view, was the series of television advertisings that went out a year and a half or 2 years ago which had a little girl with a crayon drawing an umbrella and then with the very clever audiovisual aids, while she was playing with this umbrella, the next thing you saw was crudely drawn bombs coming out of the air and glancing off of the umbrella in a harmless fashion. I thought that was a very simplistic way to try to describe the SCI Program, not unlike some of the statements that the President of the United States himself has made about it. But I thought that was so simplistic that I hoped it would have had the desired effect on the American people in recognizing that any concept that we can have a perfect shield is nonsense. It is hogwash. It is never going to fly.

Having said that, I think there are some benefits of a research program in the strategic defense initiative area and I have supported that. I will move at an appropriate time—and I hope it will not be too long—to table the amendment offered by the Senator from Wisconsin, and after that I intend to move to table the amendment offered by the Senator from Louisiana. I simply am going to try as briefly as I can to put this in context, Mr. President, so that the Senate will really know what we are doing.

Now, if you are against the SDI Program and think it should be abolished or cut drastically, as the Senator from Wisconsin is suggesting, then you should support that amendment, if you are basically against SDI in the amount the Armed Services Committee feels would be proper funding. Likewise, regardless of how it is presented to the Senate, the amendment of the Senator from Louisiana essentially does the same thing except the Senator from Louisiana is suggesting that we can use this money for defense better over here on the space shuttle.

Now, I think that is not sound logic, and I want to emphasize once again, Mr. President, that the funding level of SDI, if anyone thinks we should have some research and development in that area—and I would suggest that the SDI exercise has done more to bring the Soviets to the bargaining table than probably anything that we have done—is worth continuing at about the level that we funded SDI last year.

Now, a lot of figures are being thrown around, Mr. President. We should remember that last year we had a funding level for the SDI program of $3.9 billion. The President first requested a level of over $6 billion. That was amended down to $4.8 billion in the formal request that came over from the administration. We have reduced that further. The House of Representatives in its actions of last week reduced that program to $3.4 billion, which essentially would have been more than one-half of a billion dollars below last year's figure. If we would accept the amendment offered by the Senator from Wisconsin or the amendment offered by the Senator from Louisiana, we would be down, even splitting the difference with the House of Representatives in conference, to a figure some $300 million to $400 million less than last year. I think that is far below what would be proper and wise at this particular juncture.

There has been a lot of talk about the violation of the summit agreement. I am somewhat like the Senator from Wisconsin in that I was not a part of that agreement, but the facts are we have been proceeding in the Budget Committee, in the Armed Services Committee, and hopefully in the Appropriations Committee to say that this was an agreement made by the President of the United States with the leadership of both the majority and minority in the House of Representatives and in the Senate, and it was necessary, of course, because of the severe budget constraints in which we found ourselves. Regardless of how it is postured, Mr. President, the Senator from Wisconsin has clearly said he is not trying to disguise it. He feels he has this right, which he does and with which I agree. He asked me about it and I said it is entirely appropriate to offer an amendment. The Senator from Louisiana has disguised it somewhat in that he is saying he is not cutting defense: he is cutting defense, but he is putting it over into a separate program that has a relationship to defense.

Now, there has been a lot of talk this morning about how important the shuttle is to the national defense interests of the United States, and to a certain point that is true. That is why, Mr. President, over the years there has been planned there would be 15—15, Mr. President—shuttle flights that would carry some military payload. Indeed, out of the Department of Defense budget over the years we have funded some $4 billion, and so far we have got little or nothing from the investment that the Department of Defense made in the shuttle program.

As a result of the tragic shuttle accident, the payload of the shuttle has been cut down so that it can no longer provide launch into polar orbit from Vandenberg where we need satellites to carry on critical monitoring activities. I would say now that if there is one serious concern which we should all have today, as has been evidenced by the debate which is going on now with regard to verification of the INF Treaty, if there is one place that we have a serious shortfall at the present time it is in the area of surveillance from the satellites that the shuttle was supposed to provide.

What we have done, which I referred to earlier in our give and take with the Senator from Louisiana, what the Armed Services Committee has done and what the Department of Defense is doing and recommending is that we no longer rely on that single vehicle, basically, the shuttle.

I would simply like to read from the report of our committee at page 37, and I think probably this would help clarify for Members of the Senate why both of these amendments that are now before us would be bad from the national security interests of the United States.

Mr. President, I quote from page 37 of the Armed Services Committee report:

> As a result of availability and performance considerations, and the National Aeronautics and Space Administration's (NASA) desire to work off the backlog of non-DOD payloads, the current shuttle manifest for DOD shows only Strategic Defense Initiative (SDI) and Research and Development related flights with unique manned requirements after 1992. In view of the immense DOD investment in the shuttle the committee believes that a very thorough review of the long term prospects for future DOD utilization of the shuttle is required before any actions are taken that would preclude use of the shuttle from either coast after 1995. A reporting requirement to this end is described below. In a related action, the committee recommended a prohibition on the expenditure of any funds for the proposed new Titan IV pad at Vandenberg pending completion of the shuttle utilization study.

Mr. President, I want to also have the U.S. Senate know that the Strategic Subcommittee of the Armed Services Committee went into this whole matter very, very thoroughly. We agreed that with the new constraints that are put on the shuttle—and I want to add that this is a Senator that has supported the shuttle program and all space programs in the future. But I am talking now about the national security interests of the United States. I hope my voice will be heard that it is not in my view in the national security interests of the United States to go ahead with what is being recommended here when we in the Armed Services Committee have gone into this very carefully and in great detail.

I will probably have some more to say on this as we go on. But I know my friend and colleague from Virginia has been very much involved in all of these programs since their inception. If possible, I would like to yield to my friend from Virginia for any remarks that he might have.

Mr. **BUMPERS** addressed the Chair.

The **PRESIDING OFFICER.** Does the Senator yield the floor?

Mr. **EXON.** I yield the floor.

The **PRESIDING OFFICER.** The Senator from Arkansas.

Mr. **BUMPERS.** Thank you, Mr. President.

Mr. President, I will try to be briefer than usual, considering the feelings that I have about this amendment. But I want to start off by saying as solemnly as I know how, that we are dealing here with a momentous issue. I strongly urge my colleagues to give this issue at least the same scrutiny they would give food stamps, Medicaid, or the new welfare bill which is going to be coming before us

The number of Senators on the floor right now would indicate that this issue is being treated rather capriciously and almost whimsically, and yet we are talking about the fate of the good planet Earth. We are talking about a budget deficit that is absolutely out of control.

So I sincerely hope that the staffs at least who are present will communicate to their Senators however they may feel about this debate. My temptation always on an issue like this about which I feel very strongly is to make a jury argument. As a former trial lawyer I have a tendency to make a jury argument on everything. But I would say this: I would be delighted to go on national television and debate anybody from General Abrahamson to the President or anybody else on this proposition.

Resolved, that most of the money we spend on SDI will weaken this Nation, not strengthen it. And leave that proposition after the debate in the hands of the American people. Can the argument now be made that $23 billion on the 50 MX missiles, about 23 of which we bought still not operational, and the ones that are sitting in vulnerable silos where the Minuteman III formerly resided, and does anybody in this body now think that was a wise expenditure of money? Some will say of course it was. I say it was an utter waste. I said it then and I say it now. I am proud that I voted against it.

Can anyody here now say that the B-1 bomber which was proposed as a low-flying bomber to enter the Soviet Union, penetrate the Soviet Union at low altitude—and all of those arguments which I will not repeat—and will anybody here now make the argument that the $30 billion we spent for that bomber, and we received the 99th and last one just last week, was well spent? That program is over, we have 99 of them. Does anybody here now argue that program was a wise expenditure of $30 billion when the B-1 will hardly fly let alone penetrate?

The reason we have 99 instead of 100 is because a blackbird shot down one of them. I have said if the Soviet Union really wants an air defense system against a 400-feet altitude flying B-1 bomber, just store up millions of blackbirds and release them. You can take down almost every one of them. I see no reason why you could not. That is the way we lost one. Is that not right?

But no, the arguments around here is always suspect. You can be accused of being weak on defense. How many times do you hear in the privacy of the cloakroom right there, "Nobody is going to get to the right of me on defense," and so we keep spending more money for things you and I both know are nonsensical, and never will be completed.

I will say to you right now I do not know whether I will be here for somebody to say you were crazy or not, but I will tell you this: SDI will never be deployed. I am just as certain of that as I am of my name, and when I finish with my arguments, I will tell you how I arrived at that conclusion.

Let us just talk for a moment about the Paul Nitze argument. He said two very sensible things, and incidentally, everybody in this body as far as I know has an immense respect for this man, Paul Nitze, the President's top arms control adviser. He said SDI only makes sense if it is cost effective and survivable. What does he mean when he says cost effective? He says that simply means if we can deploy it and defeat Soviet missiles cheaper than they could overwhelm the system, that would be a good sign for SDI. We now know both through classified and unclassified information—this is in the public domain—that the Soviets can probably defeat the system on a magnitude of 5 to 10 to 1 cheaper than we can build it. If you tell me in the face of overwhelming evidence that the Soviet Union can spend $1 for every $5 to $10 we spend and be just as well off, does this system makes any sense to you? You do not invest your money that way. Incidentally, I will tell you an interesting story about this budget deficit.

There is an old gent in Arkansas, and he is a dyed-in-the-wool Democrat, but I remember in 1981—you just get native intelligence often from people who never went to the eighth grade—when President Reagan was going around the country and on national television saying, "We are going to cut your taxes by 28 percent; we are going to double the defense budget and balance the budget," this old man said, "What a dynamite idea. I wonder why we never thought of that before?"

Nobody argues that under the best case scenario this system is going to be fail safe, and is going to be 100 percent effective. If you ask General Abrahamson today, "General, if you had all the money in the world to build this system, what is the very best kill rate you could possibly anticipate?" the figures I have heard are 90 percent. But nobody believes that. I can tell you the Soviets have about 12,000 warheads. If 1,200 of them got through, that is enough to ruin your whole day. That is enough to destroy the great planet Earth.

I have seen those little television cartoons in 30-seconds spots. I do not know who paid for them. The little girl is saying, "My daddy is so smart. He believes in this system that the President is talking about that will protect our home from Soviet missiles. My daddy is so smart." You all saw that spot on television, did you not? All of a sudden, slowly but surely the information comes out which all of us knew in the first place, this system is not designed to protect population centers.

It is not designed to protect this little girl. It is designed to protect command and control centers, and military targets.

Nobody has ever made the argument, with the possible exception of the President, who at least led people to believe that somehow or other they were going to live and the Soviets were going to die if we built this system.

Well, it assumes the ultimate technology. This argument is that if we just put this thing up in the sky, nobody will ever be able to improve on it.

I ask you: What technology have you ever known of that was not improved? If we deploy SDI, we'll never be able to rest. We'll have to keep on improving it to keep ahead of the Soviets.

Then there is the burn time issue: can the Soviets shorten their missile burn times so that SDI interceptions won't have enough time to destroy the missiles? The MX has a burn time of 180 seconds. The Trident I missile, which we have on most of our submarines, has a burn time of 158 seconds. The Trident II missile has a burn time of 171 seconds. And we anticipate that we will not pick up the burn of a Soviet missile for 30 to 60 seconds after it is launched.

Bear in mind that nobody in the Soviet Union, when they were building their missiles, was trying to defeat SDI. They were just building a missile. They were just designing missiles that would hit the United States. They were not trying to get the shortest burn time possible. It would not be difficult for either side to shorten their missile burn times.

Here is a study put out by Lawrence Livermore Laboratories that shows that if we deploy the so-called kinetic kill vehicles, the Soviets already have one missile, the SS-25, which is totally invulnerable to a kinetic kill vehicle. $330 million of this $4.7 billion we are talking about is going into research for kinetic kill vehicles; and it is now anticipated that to deploy it in 1995—we will be lucky to get it up by the year 2000—but if we can deploy it, and I do not care if you deploy 3,000 of them or 30,000 of them, the Soviet SS-25 right now is already invulnerable to the technology that we are talking about being the ultimate.

Their other missiles are liquid-propelled missiles, and they will convert them to solid propellant as soon as possible, which burn much faster. They will build a new fleet of missiles that will leave us no time to intercept them.

They can revolve their missiles. They do not do it now, but they can slowly revolve their missiles on liftoff, which means that we have to have two to three times as much power in our lasers. They can thicken the hulls on their missiles, which will require another doubling. They can put millions of decoys in the noses of these missiles, and we have to figure out which ones are real and which ones are not. They can make their missiles maneuverable.

This is not classified, and I will bet there are not 50 Senators who know this: The Trident II missile, which the Navy calls the D-5, and which I have been a strong supporter of because it is invulnerable, being on submarines, has a very low CEP—that is, the error margin where it hits. That missile is very accurate. It is going to have hard target kill capability, and we are going to deploy those this fall on the Trident submarine.

Another thing the missile will do is maneuver. Do you know something? The Soviets do not have maneuver capability on their missiles yet, but when they do, I can tell you that, based on present plans for SDI, a maneuverable vehicle will defeat SDI.

I can remember that, as a child, I was worried about Hitler. I was a paperboy. Every afternoon when I got my papers to fold, to throw them on the front yards and porches of my customers, I would see the headlines about what Hitler was up to.

As a child, younger than these pages who sit here, I became apprehensive about what this all meant. It later meant 3 years in the Marine Corps for me, 3 years out of my life.

I had that sneaky suspicion even as a child. But I will tell you one thing: I would read about the French having this gigantic Maginot Line, and as a child, I was comforted by that. I thought that no matter how powerful an army Hitler had, the French will be able to stop him because they have this big Maginot Line. I did not know what that meant. I did not know what it was designed to stop.

I am not going to belabor this point, because everybody here remembers just how powerful the Maginot Line was. Hitler went over it, around it. The Maginot Line did not slow up the German Army 24 hours.

Yet, the argument is made here that, somehow or other, we can put a technology in the sky and that is going to be the end of it. You tell me one thing we have ever done technically in this country that we have not improved on. We'll have to keep on adding to it.

I remember the ABM system. I was not here, but the decision to spend $6 billion to deploy the ABM system in North Dakota passed the U.S. Senate by 1 vote.

The argument was made by the losing side at that time that by the time you got it built, it would be obsolete and probably was not going to work, anyway. But, as always, we had a bunch of Senators that did not want to go home and have somebody charge them with being weak on defense, so they voted for it, and we started dismantling that system before the last weapon was installed. I was here when we voted to dismantle it.

Some people say: "Senator, you're a skeptic. You didn't think we could send somebody to the Moon, either; and if you had been here, you wouldn't have thought we would ever develop airplanes."

Well, I was around when the first ABM system was built, and I am sorry I was not here to be the vote to defeat it.

I was not around here when we started talking about nuclear-powered airplanes, which we have not done yet either. But in all those technologies that people around here like to talk about, we did not have the Soviet Union trying to defeat the system. They are light years behind us in technology. Everybody knows that. Even Gorbachev knows they are on their way to becoming a third-rate nation if they continue to spend 15 percent of their gross national product on defense.

Well, back to the kinetic kill vehicles: Our own Office of Technology Assessment had a question: The software is very vulnerable to errors, and the whole system is vulnerable to a host of countermeasures.

Incidentally, one other thing I did not mention is that the Soviets can just fire a few missiles up with nuclear weapons on them, set them off, and blind SDI.

Several years ago, when this whole thing came up, I asked a very respected arms negotiator, whom I consider one of the wisest arms negotiators, something.

I said: "Suppose you were advising Secretary Gorbachev, and he called you in and he said, 'Mr. So-and-So, the United States is getting ready to build this defensive shield against our missiles. What do you advise?' "

He said, "I'll tell you what I would tell him. I would tell him, No. 1, 'Start building bombers as fast as you can build them. No. 2, start building ships that will accommodate anywhere from 30 to 100 cruise missiles. Third, if you really feel that this is a serious problem, you can always consider the clandestine introduction of nuclear weapons into the United States. If they can't keep carloads of marijuana from coming into the country, certainly we can introduce nuclear weapons. We can plant them at the base of the Empire State Building and at the Washington Monument, and have them ready to detonate at a moment's notice.' "

Can you imagine anything more ominous than our reaching that point?

Have you noticed that Gorbachev does not talk about SDI anymore?

He says that is not really a big deterrent. Do you know why? Because his advisers apparently have convinced him that if we want to spend $1 trillion doing this, this is OK, but they could probably defeat it for $100 billion. That is the reason he quit talking about it.

The Senator from New York [Mr. MOYNIHAN] who I heard 3 years ago, in discussing the SDI Program, said we have a fixation somehow that all missiles come in from outer space, but the truth is a lot of them are going to come in under the Brooklyn Bridge. He was talking about the cruise missile.

The interesting thing is, number one, if the Soviets decided to build their own SDI, I can just hear the arguments in this place right now. No. 1, how dare they? No. 2, if they build their own SDI that means that our missiles are then vulnerable to their SDI and we have to start building a whole new generation of ICBM's. And the interesting thing about it is they have already spent hundreds of billions on an air defense system, but it doesn't work against our bombers. If they build an SDI and we start talking about bombers and cruise missiles, you have to bear in mind they have already spent $200 billion or $300 billion to defeat that system.

I just told you what this reputable arms controller told me, and here on May 2 is an article in the Wall Street Journal, and I am going to insert this in the RECORD, Mr. President, and I ask unanimous consent that immediately after I quote from it that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. It reads in part:

> After decades of building up ballistic missiles that vault nuclear warheads through space, the Soviet Union is pouring money into bombers and cruise missiles that carry deadly payloads and fly closer to the Earth.
>
> The shift beclouds the outlook for the Pentagon's most costly and far-reaching weapons project, the Strategic Defense Initiative, designed to intercept ballistic missiles in space. U.S. strategists warn that even if President Reagan some day realizes his dream of deploying a "peace shield" in space, the Soviets will probably be in a position to unleash a force of bombers and cruise missiles that could sneak under the protective umbrella.

EXHIBIT 1

SOVIET LOW-FLYING BOMBERS AND MISSILES RAISE QUESTIONS ABOUT STAR WARS SYSTEM

(By Tim Carrington)

After decades of building up ballistic missiles that vault nuclear warheads through space, the Soviet Union is pouring money into bombers and cruise missiles that carry deadly payloads and fly closer to the Earth.

The shift beclouds the outlook for the Pentagon's most costly and far-reaching weapons project, the Strategic Defense Initiative, designed to intercept ballistic missiles in space. U.S. strategists warn that even if President Reagan some day realizes his dream of deploying a "peace shield" in space, the Soviets will probably be in a position to unleash a force of bombers and cruise missiles that could sneak under the protective umbrella.

Unlike some complex countermeasures the Soviets might use to foil SDI, or Star Wars, the bombers and cruise missiles would simply bypass the defense system.

By focusing on the gap in U.S. defenses, Moscow presents the U.S. with an uncomfortable choice: to admit that even a perfectly functioning Star Wars system would only counter part of the Soviet nuclear threat; or to complement the strategic defense system with a very costly air-defense network to block low-level attacks.

"It makes no sense to deploy SDI as long as there is no defense against the emerging air-breathing threat," weapons powered by jet engines rather than by rockets, says Loren Thompson of Georgetown University's national security studies program.

The Heritage Foundation has singled out the absence of a U.S. air-defense system as one of four big military problems the next administration will have to confront. Kim Holmes, a military analyst at the conservative think tank, calls for the U.S. to deploy more tactical fighter planes, as well as modernized Patriot ground-to-air missiles. But he concedes that budget pressures weigh against such a buildup.

The Soviet planes and cruise missiles, meanwhile, have become harder to track and intercept. The Russian AS-15, a cruise missile that can travel about 3,000 kilometers (1,875 miles), became operational in 1984. The missiles can be mounted on Bear-H bombers, which can fire at a safe distance from their targets. U.S. F-15 pilots in Alaska report a sharp increase in the number of Bear-H bombers conducting exercises. Mr. Thompson estimates that by 1991, the Soviets will have more than 100 Bear-H bombers, along with about 1,000 AS-15 cruise missiles.

The Soviets have deployed cruise missiles that can be launched from any of the three newest classes of submarines. These submarines are significantly quieter than the boats they are replacing, and thus able to travel closer to the U.S. coastlines.

Pentagon officials say that the newest Soviet cruise missiles carry accurate terrain-reading guidance systems similar to those in U.S. cruise missiles. The Soviets are also designing a long-range supersonic cruise missile that would be more difficult to intercept.

The latest edition of "Soviet Military Power," released by the Pentagon Friday, says the Soviets have produced 11 Blackjack bombers, which resemble the U.S. B-1 sweptwing bomber. The publication says that with the Blackjack and the Bear-H bombers, the Soviet "intercontinental bomber force is more flexible than it has ever been." The Pentagon report noted that the two aircraft could be refueled in flight by the Midas tanker plane, fielded in 1987.

U.S. worries about these new weapons may turn out to be unnecessary, like the missile and bomber gaps of past eras. Intelligence assessments have found that the Soviets often hit technological snarls building big supersonic bombers like the Blackjack. Although the Pentagon for several years has been predicting that the Blackjack was about to surge into full production, this hasn't happened. One Defense Department official says, "We think it's in the realm of being deployed."

Though the bombers and cruise missiles still only represent about 10% of the Soviets' total nuclear arsenal, the low-flying systems could mount a decapitating strike on U.S. command and control centers the president would rely on during a crisis.

Thirty years ago, the U.S. maintained a broad network of radars, interceptor planes, and ground-to-air missiles to thwart a feared Soviet bomber attack. But in the 1960s, when both superpowers were building up ballistic missiles that could rain warheads down from space, the U.S. decided against sinking money into what would be only a partial defense. In the 1990s, the Pentagon could be faced with the opposite problem—being able to deflect nuclear attacks in space but not inside the atmosphere.

U.S. AIR DEFENSES

	Early 1960's	Today
Interceptor planes	2,612	252
Air Force surface-to-air missiles	439	0
Army surface-to-air missile batteries	274	0
Air defense control centers	68	7

Source: Georgetown University National Security Studies Program.

U.S. military planners are taking some steps to lessen the disparity. The Pentagon is installing modern radar equipment along the aging Distant Early Warning line in northern Canada. Powerful radar equipment is being designed for the coastlines as well, and the Air Force is buying General Dynamics Corp. F-16s to replace old interceptor planes.

However, strategists say these moves fall far short of providing a comprehensive defense against the Soviet's newest low-flying weapons. Under pressure from Congress, the Pentagon has set up an Air Defense Initiative to study high-tech approaches. However, this project has only attracted a fraction of the funds dedicated to the better-known SDI.

"The Air Force has never been very excited about the air-defense mission," says one Pentagon official. He notes that under budget pressures, the service generally chops air-defense projects to keep money flowing to bombers and fighter jets.

Some analysts argue that building a complex U.S. air-defense system could be a waste of money. The Soviets have spent billions setting up air defenses; but the Pentagon claims its low-flying B-1 bomber, Stealth bomber and advanced cruise missiles can get through the thicket of defenses. Pointing to what may turn out to be wasted expenditures by the Soviets, a House aide says, "We're not going to clamor for a big increase."

Mr. BUMPERS. Mr. President, some money for SDI for research is appropriate and reasonable, and I am not going to debate that. Everybody here agrees with that.

But one of the reasons that I am on my feet here today is I know what is going on. I have been here now almost 14 years, and if you pay attention around here, you learn a few things. One of the things I have learned is that in this program the President keeps asking for more and more and not just because he believes in it, but people in Congress keep voting for more and more to accommodate the President. What they are trying to do is to build a momentum for this whole cockamamie idea so that we will have to go forward with it after Ronald Regan is no longer in the White House.

I am reluctant to say this, but I heard one of our Republican colleagues about a year ago say, "Yes, Senator, we know that this is a crazy idea. This is what we on our side of the aisle call the 'humor-the-President' program."

I want to tell you that when I read Paul Kennedy's book about the United States being threatened with decline, and I have to look at my children and admit that my generation and yours, colleagues, is going to be the first generation in the history of this country to hand our country over to them at least economically in potentially worse shape than it was when we found it, and one of the reasons is that the herd instinct sweeps through this body on taxes and defense spending and nobody really wants to sit down and talk sense about what is an adequate amount of defense and are taxes really what you pay in order to live in civilized society, as Justice Holmes said.

Paul Kennedy said the United States could be in decline because we are spending 7 percent of our national product to defend countries like Japan that spends 1 percent. If we spent 1 percent of our GNP on defense, we would have a balanced budget and $100 billion to educate our children, provide health care for the 37 million people in this country that do not have any, to repair the 52,000 bridges that are fatally defective in this country, and on and on the list goes.

People act as though SDI is the ultimate defense.

I said many times on this floor, and it bears repeating, we ought to make ourselves sit down and talk about something else that is related to our national security, and that is how well we treat each other, how we feel about our institutions, how well we educate our children, how well we take care of our elderly, what kind of a transportation system do we have. Those things are just as important to our security as how many planes and tanks and guns we have.

Well, Paul Kennedy says, if it will give you any comfort, the Sovet Union is in a faster rate of decline than we are because their GNP is only half as great as ours, so they have to spend 15 percent of their GNP to match us dollar for dollar, but to their eternal credit—Secretary Gorbachev has admitted this publicly and he has said that they can never fullfil the promise of their system. I do not think they will anyway because their system is fatally flawed. He said they certainly cannot do it and spend 15 percent of their wealth on defense.

So, Mr. President, as I said a moment ago, I am not too crazy about transferring $700 million over to space. I am going to vote for that because I think the space station is probably going to be built, but I am going to vote for the amendment of the Senator from Wisconsin because I want to believe that some of these days we are going to come to our senses around here about what we really need to do to become a leaner, more efficient and effective fighting country in our military, and I can tell you the expenditure of $4.5 to $5 billion on SDI year after year, headed for a trillion dollars, weakens America. As I say, I would love to debate the proposition that that weakens this country; it does not strengthen us.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, there are other Senators who want to speak on this subject and we certainly do not want to cut off debate.

I previously indicated that I will move to table at the appropriate time.

I am wondering in the interest of conserving time if we could get a unanimous-consent agreement to allow the speakers who want to speak now, I was thinking if we could agree for 5 minutes from the different speakers that are on hand and then we would have a vote on the tabling motion that I intend to make on the amendment of the Senator from Wisconsin, and then following that maybe 10 minutes equally divided between the Senator from Louisiana and this Senator on his amendment and then we can dispose of this.

Mr. HEFLIN. Mr. President, I hesitate right now to put a limitation of time on this thing. There are some matters that I am looking into that I may want to speak several times. At this stage I cannot agree to a time limitation.

Mr. EXON. Then we made an effort. We will maybe make an effort on that sometime later.

I would just tell all that I do not wish to cut off debate, but a tabling motion is in order any time any Senator gets the floor.

I would hope that we would make our points. We have been on this now for 2 hours, and a lot of good information has flown. I do not know how many minds have been changed.

I would simply advise the Chair that the ranking member on the other side of the aisle I do not believe has yet been recognized for his opening statement during the 2 hours that we have been in debate, which is somewhat unusual, and if possible I would like to appeal to the Chair while I cannot control the Chair from this position, that it would seem that the Senator from Virginia should stand for recognition.

Mr. WARNER. Mr. President, I ask for recognition at this time.

Mr. JOHNSTON. Mr. President, will the Senator yield on the question of time?

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I thank the Chair, and I am glad to yield for a question.

Mr. JOHNSTON. On the question of a time limitation on the underlying Johnston-Evans-Bumpers-Levin amendment, we would certainly agree to a time limitation. I think we would need probably 15 minutes on our side.

Mr. NUNN. Let me propose this, if the Senator will yield.

Mr. WARNER. I yield for a question.

Mr. NUNN. I understand the Senator from Wisconsin has presented his case fully and we will be voting on the Proxmire amendment first, as I understand the order.

Could we vote on the Proxmire amendment at, say, 20 after 12, and then move directly to the vote on the Johnston amendment?

Mr. EXON. Mr. President, I advise the Senator that I tried to propose that and the Senator from Alabama objected and I think the junior Senator from Alabama was about ready to object. So, at this juncture, it does not look possible.

Mr. NUNN. If I could further get my colleague to yield, could I inquire approximately how much time the Senators from Alabama would desire if we entered into a time agreement?

Mr. HEFLIN. As I said, I am looking into some aspects of that right now and I am in a stage of uncertainty. Right now, I do not think I would take more than 10 minutes on the Proxmire amendment. What I will do on the Johnston amendment, I am uncertain of right at this stage. I think we probably would be in a better position in a little while. Maybe we should let the Senator from Virginia speak and the two Senators from Alabama speak and then I think we might be able to enter into an agreement. Right now, I just have an uncertainty.

Mr. NUNN. May I further inquire whether the junior Senator from Alabama would like to speak prior to the vote on the Proxmire amendment or is it on the Johnston amendment, or both?

Mr. SHELBY. If the Senator will yield, I would like to speak first on the Proxmire second-degree amendment for about 10 minutes.

Mr. NUNN. I think the Senator from Nebraska has made a right decision to go ahead.

We have six major amendments. We have a function this evening that I am sure is going to require that we not go later than about 6 or 7 o'clock, depending on whether we can line up votes for tomorrow and debate would carry over into the evening and to hold rollcall votes over until tomorrow.

We have had about 2 hours on this debate. I know it has been a good one. It is an enormously important subject, but I would suggest we are going to have to find a way to accelerate if we are going to keep the schedule for today.

Mr. HEFLIN. Mr. President, if the Senator will yield, I think in just a short time, if we go ahead on this and let us speak on the Proxmire amendment, after that is over I think we will do it. We are not trying to delay. It is just a matter of trying to eliminate some uncertainty.

Mr. NUNN. I understand. I certainly know the Senator from Alabama has a very keen interest in this matter and a lot of expertise.

I thank my colleague for yielding.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Subcommittee on Strategic Forces for speaking on my behalf. I do not feel I have been denied the opportunity. I have listened.

But it seems to me that I can, in a very short time, set forth an argument which I hope will be persuasive to my colleagues here in the Senate. And that is, sometimes we have short memories.

Last fall, this Congress was in absolute gridlock. It could not move. We had no expectation of going home for Christmas until such time as the President and the leadership of the Congress sat down and fashioned this summit agreement.

I have here a copy of a memorandum issued by the Congressional Budget Office which summarizes the essence of that summit agreement. If my colleagues will bear with me a minute or 2, I would like to acquaint you with these details. Paragraph one:

> The elements of this agreement should provide for deficit reduction amounts that exceed the requirements of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 and thus when fully implemented eliminate the need for sequestration.

And that was an important decision that was made in the fall.

> The package outline is approved by the President, the Speaker, and the Majority and Republican Leadership of Congress.
>
> The President and the Leadership of Congress agree to carry out this agreement.
>
> The President's FY 1989 budget shall comply with the appropriations levels in this agreement.
>
> For FY 1988 Congress shall present reconciliation and the continuing resolution (or other appropriations legislation) to the President concurrently.
>
> Congress shall provide sufficient budget authority to achieve full levels of domestic, international affairs, and defense outlays, in both FY 1988 and FY 1989.
>
> Agreed upon discretionary spending levels are as follows:

Then they are set forth right here.

The effect of the amendment of the Senator from Louisiana would be to breach this. It would be a violation of this budget summit in two areas. One, you would bring down the defense cap, and, second, you would jack up the domestic cap.

Mr. JOHNSTON. Will the Senator yield?

Mr. WARNER. For a question.

Mr. JOHNSTON. I think the Senator is speaking of the Proxmire amendment which would have that effect, because the Proxmire amendment reduces that $299.5 billion. The Johnston amendment does not move the money out of defense. The Johnston amendment keeps it in defense.

If you will look back at your bill, the bill, under SDI, has a number of categories, I think some five categories already, that specify as follows. This is on page 25 under section (b) beginning with the words, "Of the amounts available for the Strategic Defense Initiative * * *." It has a subsection (a) and then it specifies "$200 million shall be available only for the advanced launch system."

Mr. WARNER addressed the Chair.

Mr. JOHNSTON. If I may, I am answering the Senator's question.

Then you go down this list and you have the BSTS, you have ERIS, you have HEDI, and you have Gallium Arsenide. What we do is simply add a sixth category, which says that $700 million shall be available only to reimburse NASA as DOD's share of the cost. And, as I pointed out, the 29 percent, the $700 million is DOD's share of the shuttle cost. It is exactly consistent with what you have done in your bill and the $700 million represents DOD's share of the cost.

Mr. WARNER. Mr. President, I think the Senator from Louisiana is technically correct. He has very skillfully stayed within a technical framework. But, in terms of the spirit of the budget agreement and the spirit of the summit, it is gone.

Mr. JOHNSTON. Mr. President, I quoted from the defense appropriation report. I am sorry if I gave the impression that that was the Armed Services Committee. It was not. It was the defense appropriation report.

But the defense appropriation report clearly recognized, before this amendment arose, that NASA has a direct relationship to defense.

Mr. WARNER. Mr. President, I yield on that point. The Senator is correct. There is a direct relationship, as evidenced by the facts being brought forth that after 1992 we will have far less reliance on it. To me, those are subsidiary arguments.

My point is, if we are ever to have an expectation of a budget summit holding up, then we cannot trash this one. And that is the essence of what is going to happen here.

Mr. JOHNSTON. Only, if I might say to the Senator, if NASA does not have a relationship to defense. If you can say that NASA has no relationship to defense, your argument is logically correct. If it does, it is not logically correct.

You may disagree with it, you may not like a space station, but as far as having a relationship to defense, it has long been recognized. The Appropriations Committee has recognized it. The Senate has recognized it. The 29 percent is mathematically the proper share, considering the 15 launches of the 52 NASA launches.

Mr. WARNER. Mr. President, other Members of the Senate could come in and make the same arguments with respect to housing, medical things, all types of subjects which have a relationship to defense and defense dependence on certain other programs and we slowly begin to bring down the effectiveness of the defense cap.

Mr. JOHNSTON. If we added some money for defense housing or for the CHAMPUS Program, you would clearly say that that is not breaching the cap. But, obviously, if we added it for civilian housing, it would. This 29 percent, the $700 million, is for the DOD share of NASA.

Mr. WARNER. Mr. President, the essence of what the Senator is doing is taking dollars away from the Cabinet officer assigned to this budget, the Secretary of Defense, and effectively putting it in another budget.

We can use the technicalities that you skillfully moved it around, but, in essence, it violates the spirit of the summit agreement. And it was the summit agreement that rescued the Congress from sitting here throughout that period doing nothing. You remember it well. You were on the committee.

Mr. JOHNSTON. Let me tell you. Senator, at the summit agreement we put a cap of $299.5 billion in BA, which was both a cap and a ceiling. I agree with that. That is why I opposed the Proxmire amendment. But we never said how we defined how that $299.5 billion should be made up.

There are those who think we ought to spend more of the $299.5 billion on SDI. There are those who think we ought to spend less. There are those who think we ought to build an advanced launch system for the rocket and all of those kinds of things. But this is entirely consistent with the summit agreement and simply recognizes DOD's share of NASA.

Mr. WARNER. Mr. President, I repeat that the NASA account is not subject to the discretion of the Secretary of Defense and the $299.5 billion was to give the Secretary of Defense a figure over which he would exercise discretion. That is the essence of the summit agreement.

When I read—I understand there is no suggestion that I am in error—that in the package the President and the leadership agree to carry out this agreement: The Congress shall provide sufficient budget authority to the individual Cabinet officers to achieve full levels of international and domestic defense outlays—those are statements which clearly indicate the intent of that summit agreement.

I also bring to the attention of my distinguished colleague that the budget resolution, which as you well know is already out there, assumes a 27-percent increase for NASA for fiscal year 1988 funding. The House-passed resolution includes a 20-percent increase for NASA. And that, of course, is matter still in conference. And the defense spending is capped off at this figure, it represents a −0.7 percent.

So, it seems to me that discretion has been exercised already in favor of NASA. Some substantial increase in their overall spending will emerge from this conference. Whereas defense will remain in the negative growth posture, 0.7 percent.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, maybe we can lay to rest once and for all the argument that is made by the Senator from Louisiana that this is a defense need. I wish that the Senator would understand that the Defense Department has already spent billions of dollars on defense-related issues—and I realize it is a defense-related issue—that they have not got services rendered for.

Therefore, what the Senator from Louisiana is proposing to do is to put some more money down that rathole, without any immediate return with regard to national defense. I think it cannot be legitimately argued, if the amendment offered by the Senator from Louisiana was passed, that it would be for a legitimate national defense purpose.

Which gets back to the argument made by the Senator from Virginia that it is a disguised violation of the agreement that was made. I have got a whole series of figures on this. I just want to say that here are some of the costs that DOD has already paid.

Four billion dollars for the replacement orbiter; $3.5 billion for the now useless shuttle launch facility at Vandenberg; over $2 billion in the development of the now expendable launch vehicle to launch satellite programs; nine prepaid shuttle flights which represents $1 billion in advance payment to NASA already, by DOD.

On and on. So, when the Senator speaks of DOD paying a fair share of the recovery costs, I look at this list, which already adds up to more than $10 billion already advanced to NASA by the Defense Department. So I would simply say that I think that if anything, the amendment offered by the Senator from Wisconsin is more straightforward and I would hope that we would defeat both of these amendments when I make the tabling motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise in strong opposition to the amendment offered by my colleague from Wisconsin Senator PROXMIRE, which is a second degree amendment to the Johnston amendment. I have, from the very beginning, supported SDI for a number of reasons. I hope to outline some of those in a few remarks that I will make.

I, likewise, have supported the space program completely. I believe I was the first Senator to call on the President to initiate a program for a permanently manned space station. And I really think that the space station has tremendous potential, not only in space but for byproducts that it could produce particularly in the area of medical research and materials processing.

However, the Johnston amendment puts me between a rock and a hard place; I will be forced to make a very difficult decision—that is choosing between adequate funding for space or funding for SDI. While the Johnston amendment would put badly needed funds into the Shuttle program and could free funds also badly needed for the space station, the amendment takes the money from SDI, another program which I greatly support. In that regard, the Johnston amendment is a particularly difficult amendment for me since it deals with two programs that I think have great potential.

But let me direct my remarks at this time to the Proxmire amendment. I think you have to look at the Space Program to really give you proper perspective as to one phase of SDI. That is the success of the Space Program in producing valuable spinoffs and byproducts.

I do not think anyone today can challenge the fact that the Space Program has many, many times paid for itself in economic enhancements to this country. Digital watches, for example, came out of the Space Program. Great advancements in the field of computer science have come from the Space Program. The satellites that people are using in rural areas to view television would not be possible if it had not been for the Space Program.

I could go on and list a great many instances where spinoffs and byproducts have provided great benefits to the American people. There is no question that the Space Program has brought economic benefits that no one could have conceived of and predicted at the time that we entered into it.

I think SDI has a similar potential in the future. It involves technologies that can produce tremendous economic benefits to the United States, regardless of whether or not we ever have an SDI defensive program.

I say this because it concentrates resources that are being directed toward certain technologies that have a tremendous scientific and economic potential. One of the first bills that I introduced when I came to the Senate was to create a National Laser Institute, to bring about the coordination of the development of laser technology and the many aspects of that technology, at that time.

We were even thinking about laser-generated fusion.

Today we see laser technology being used as a surgical scalpel to remove cataracts from the human eye. There are those that predict that laser technology will one day produce laser beams to clean out clogged arteries and veins of the circulatory system and the heart and that open heart surgery, bypass surgery, will be obsolete in a few years.

As a result of laser technology, long-range projections have been made by scientists that we can develop a propulsion system by which spacecraft could be launched into space at a tremendous rate of speed far greater than what we could imagine to date. So you can see, lasers have a great potential and the SDI Program is devoting a good deal of resources to this exciting technology.

Computer science, under the SDI Program, must advance tremendously. We now probably are somewhere between the fifth and sixth generation of computers.

There are those who predict that, with the SDI Program, we can go to the 9th and 10th generation of computers. The advancements in the area of computer science, by concentrating on an SDI Program, also have tremendous potential. While I am not a scientist, Mr. President, it just makes a great deal of sense to me to continue this exciting program which could yield many great benefits, both in commercial activities and defense technology.

Then there is the area, which I am told by many scientists, has tremendous opportunities, and that is in the field of optics. These are all essential in the SDI Program and they are being greatly advanced due to the ongoing SDI research.

Mr. President, all of these are just a few areas that can be advanced as a result of our investment in SDI.

Certainly today there is a large group of scientists that says SDI can be successful as a defensive shield, and those arguments have been made. The

Armed Services Committee has carefully considered those and are recommending a good funding level for the SDI Program.

I do not know whether or not it can be a perfect shield as those who have advocated it. I am not a scientist in that regard, I am not sure I can properly evaluate it, but I think we are now at a stage of research where we need to continue to support SDI and support it vigorously.

In my judgment, we are at a research stage today that I think in a few or more years, we will be in a situation to properly evaluate the status and defensive possibilities of the SDI Program. But in the meantime, research into those areas of technology that can mean so much to the American people and to the economy of America ought to go forward to see if a defensive shield could someday, in the near future, be possible. So, Mr. President, I believe that we should not cut back on SDI's research at this time.

However, on the other hand, we see the great potential of space technology. There are so many great things that can come from space technology that benefit our everyday lives that we could not count them all. We ought to build a space station, and we ought to move forward for the next few years certainly in the research area of SDI.

The ALPS Program that Senator NUNN has spoken about also has tremendous potential. As we look to the future, the real danger of a missile being launched against the United States probably, and I have to say probably because I do not know, would more likely come from a nation other than Russia. It would more likely come from a third country or from a mad group of individuals such as terrorists. We will have to consider this. Certainly the ALPS Program as conceived by Senator NUNN deserves considerable attention as we go forward with the evaluation of a strategic defense.

With regard to SDI funding, we are in a situation of where the House has already cut SDI funding. In the floor debate in the House, they were saying that when you get to conference, the Senate will have a high figure and we will end up splitting the difference or coming close to it. That this is what has happened now almost every year in regard to the authorization for SDI funding.

The House passed a SDI funding level for SDI that was about $3.5 billion. The Senate figure, out of committee, is $4.55 billion.

So Mr. President, if we accept the Proxmire amendment, we will cut $700 million from the Senate Armed Services Committee level, and we would then have a situation where we would go to conference with a SDI funding level much closer to the House level, thereby reducing our negotiating room and ending up with a lower total funding for the SDI Program. In my judgment, this would be a serious mistake.

I feel like we ought to defeat the Proxmire amendment at this time. However, the Johnston amendment causes me a great deal of concern. At that stage, I am simply in a degree of uncertainty about my position on it. In that regard, I want to study it further. It involves the issues of allocation of funds that will go to subcommittees of the Appropriations Committee, and there are competing factors there. This is a very complicated matter, but it is one that I want to give further study to.

However, at this time, I urge the defeat of the Proxmire amendment.

Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the amendment offered first by the Senator from Louisiana and the second degree amendment offered to it by the Senator from Wisconsin.

Let me begin by stating that NASA funding has been and will continue to be a very high priority for this Senator.

I could not imagine a more deserving recipient of additional funding.

However, I do believe a transfer of funds from the Department of Defense to another account should have been attempted during consideration of the budget resolution, not during debate of the defense bill.

The administration's request for $4.84 billion for the program was thoroughly discussed by members of this Committee on Armed Services. Working in a spirit of bipartisanship, the Armed Services Committee reported out a funding level of $4.55 billion for SDI, a cut of about $300 million from the President's request.

I believe that a funding level of $4.55 billion, $4.271 billion for defense, strikes a satisfactory balance between the need for healthy growth in this program and the need to work within current budget constraints.

The Soviets wish to stop us from proceeding with our SDI while they go forward with theirs. At this point in time, however, the United States has absolutely no defense against nuclear attack. Nothing. Zero.

One must remember that for many years now the Soviet Union has been investing huge amounts of money on an extensive strategic defense effort of its own, an effort that appears to include the development, testing and deployment of traditional ABM systems and components that could be expanded quickly for nationwide ABM defense purposes.

The Soviets appear to be working toward the development of directed-energy weapons systems that can be used for strategic missile defense and to attack space targets.

General Secretary Gorbachev, for his part, has good reason to oppose U.S. research into a strategic defense. He has made it clear that his main job is to rescue the Soviet economy. He does not want to have to spend billions of rubles on an even more sophisticated high-technology competition with our country. A competition in which our country already has a decided advantage.

The Soviets are far behind the United States in the computer technology necessary to develop the command, control and communications network necessary to manage a whole system.

All this notwithstanding, significant progress has been made in the SDI Program. Kenetic energy weapons such as ERIS the exoatmospheric reentry vehicle interceptor subsystem and HEDI. The high endoatmospheric defense interceptor show exceptional promise. With this in mind, the Armed Services Committee has put a floor on funding levels for ERIS and hedi as well as the advanced launch system and BSTS.

The House, as has already been said, has reduced funding on SDI to $3.5 billion. The Johnston amendment would put the Senate at $3.85 billion. We would come out of conference at around $3.7 billion, $200 million less than last year.

Mr. President, permit me to quote from a report to Congress on the strategic defense initiative, prepared by the strategic defense initiative organization just last month. The goal of the SDI Program has been and continues to be and I quote:

> To conduct a vigorous research and technology program that could provide the basis for an informed decision regarding the feasibility of eliminating the threat posed by nuclear ballistic missiles of all ranges and increasing the contribution of defensive systems to United States and allied security.

The role of the strategic defense initiative could not be put more succinctly. The $4.55 billion approved by the Armed Services Committee for this program is the absolute minimum amount necessary to sustain progress already made. Anything less will serve only to increase total costs at the risk of national security.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I rise in opposition to the Proxmire and Johnston amendments which would reduce the Armed Services Committee recommended funding level of $4.55 billion for the SDI Program by $700 million. The Johnston amendment transfers these funds to the National Aeronautics and Space Administration. As I understand it, the Proxmire amendment would eliminate the item altogether, to which I am bitterly opposed.

Mr. President, in proposing that SDI funds be transferred to NASA, the amendment undermines the framework of the budget agreement that was so painstakingly worked out by congressional leaders with the Administration, and which has been honored to the letter by the Senate and House Armed Services Committees in making their recommendations.

As Secretary of Defense Carlucci has recently written, the "SDI is the cornerstone of our overall defense program. It holds the promise of a more stable and effective deterrent posture based on a balance of offense and defense." I believe that the committee recommendation, which enjoyed strong bipartisan support, reflects Secretary Carlucci's characterization of the program.

The Secretary, in putting together the amended fiscal year 1989 budget request, has already reduced the program by $1.7 billion from the original fiscal year 1989 request, and the Armed Services Committee reduced the DOD request by another $285 million. At the recommended level, I believe that the SDI program reflects a balance between security requirements and budgetary constraints, and is a sound technical program.

The SDI Program itself is also a balanced one. The program represents a careful balance between technology base research and validation experiments, between ground and space based systems, and between mature and advanced technologies. The greatest impact of funding at the level proposed by the amendment would be on planned experiments which are essential to demonstrate concept feasibility. The amendment would seriously jeopardize the basis for a full scale development decision which has been the focus of the program since its inception.

Mr. President, the House has authorized only $3.2 billion for the SDI Program, a level supported by Chairman ASPIN "as a negotiating maneuver prior to a conference with the Senate." This amendment would seriously undermine the Senate's ability to achieve a reasonable level of funding for the SDI Program as a result of conference, and I urge my colleagues to reject the amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we will adopt the Johnston amendment. The issue of funding of SDI has become something of a numbers game in Congress and perhaps as a result we have lost sight of the relative priority which is being placed on SDI. The committee recommendations for SDI funding make SDI a very high-spending priority, far higher than can be warranted by that program. The President's request for DOD/SDI funds constituted a 28-percent increase over last year's level. The $4.6 billion recommended by the committee still grants the DOD portion of SDI a 21.7-percent increase over last year's level. Now, this is in very sharp contrast to how other research and development programs are faring in the President's budget. The aggregate R&D programs of the three military services actually are sustaining a cut from last year's level. When you put the R&D programs of the services together, what we find is in this budget there is actually a reduction in research and development at the same time that we have an increase proposed by the President of 28 percent in SDI and by the committee of over 21 percent.

We get national defense return on our research and development investment in the Services. We need that development and we will get national defense return form an investment in the Shuttle Program as proposed in the Johnston amendment. But what do we get for our investment in SDI? Given the numerous technical problems with the program which have been cited by the Office of Technology Assessment in recent studies, the many unanswered questions about how the phased deployment of SDI will affect our security, and the serious question about how the SDI office has handled the relationship with various advisory committees, I do not think we can justify providing the SDI program with a 21-percent increase in their current budget.

First, a word on the technical problems. According to a report in the Washington Post, the OTA study made the following observations about the SDI Program. First, there has been little analysis of any kind of space-based threats to the system survivability; in particular, the SDIO and its contractors have conducted no serious study of the situation in which the United States and the Soviet Union both occupy space with comparable systems.

Second, it appears that direct ascent nuclear antisatellite weapons would pose a significant threat to all three defense systems phases but particularly the first two.

Third, in OTA's judgment, in the Office of Technology Assessment, there would be a significant probability that the first and presumably only time ballistic missile defense systems are used in a real war it would suffer a catastrophic failure. In other words, OTA is reported as saying that the SDIO has not even analyzed whether SDI deployment makes sense if the Soviets also deploy such a system, that the survivability of the first two phases of SDI is placed in serious doubt by a weapons system we first tested in the 1960's, that direct ascent nuclear antisatellite, and that it is significantly probable that this whole system will catastrophically fail if it is ever called upon to perform its mission.

Is that the kind of a system that we should be providing a 21-percent increase in research and development funding for when we cannot even get the space shuttle off the ground, and when we have other higher priority defense programs that are going unfunded in this bill? I do not think so.

Just one word about those advisory committees that the SDI is relying on. They have mishandled the advisory committee that they fund. We have a law in this country that governs Federal advisory committees. It is called FACA. FACA requires balanced advisory committees. It requires a charter for each committee in order to keep track of them and to justify their creation. Our law requires minutes and recordkeeping for those advisory committees. It has salary limits on the people who belong to those advisory committees. It provides for an automatic 2-year termination of the committees. And it requires agencies to protect committees against inappropriate influences by special interests.

There is a pattern of noncompliance with our advisory committee law when it comes to the SDI Office, and the SDI Program. First of all, the very panels that advise the Department of Defense to set up SDI, the Fletcher and the Hoffman panels, were not formed nor did they operate in compliance with our law. The Federal Advisory Committee Act was not complied with by the very panels that recommended the existence and the creation of the SDI Program. And the people who were participating in that were so informed by the DOD general counsel's office, and they were told not to circumvent FACA. They were told it was improper to do so, but they did so anyway. Those panels were set up in noncompliance with FACA despite the recommendation of the general counsel's office of the Department of Defense.

Then, after the SDI Office was created, there as a panel on the lethality and a panel on kinetic energy. These are the very people who are advising the SDI presumably independently and objectively on what they should be doing. Those panels were not formed in compliance with our law.

After our inquiry, the head of the SDI Program acknowledged that they should have been chartered and he terminated them.

Then there is another group called the Eastport group. They are the ones who advise the SDI Office on battle management and on computers. After our inquiry, again the SDI Office decided to stop their funding and they are now reviewing whether or not the

Eastport group should have been chartered under FACA. And may I tell the Chair and my colleagues that the preliminary decision of the DOD staff is that it should have been chartered, and the General Services Administration says it should have been chartered.

How about the SDI Advisory Committee, the only advisory committee that the SDIO has chartered properly under FACA? They in turn are not even following the rules. When you look at the one advisory committee that they have formed in compliance with our advisory law, our advisory committee law, all 12 of the appointees of that committee began to serve prior to filing of their financial disclosure forms, all 12 began their service prior to the review of those forms, all 12 began prior to the filing of their disqualification forms, 3 of the 12 do not even have a current appointment, and 6 of the 12 have not filed the proper disqualification forms. This was despite all of the potential conflicts of interest that exist, conflicts of interest that are so right that some people who have been appointed to these panels have refused to serve.

David Parnas, a professor who was appointed to the Eastport Panel, finally wrote to the head of the SDIO saying that:

> The panel on which you have asked me to serve is not appropriately constituted, clearly chartered, or adequately informed. There are better ways to manage research.

This is what he pointedly told us then back in 1985. "During the first sittings of our panel, I could see the dollar figures dazzling everyone involved. Almost everyone that I know sees in the SDI a new pot of gold just waiting to be tapped," and he decided to resign from that panel.

So put together two facts: First, the technical problems that exist with SDI, and the fact that SDIO has repeatedly been in noncompliance with the Federal Advisory Committee Act, the act which is supposed to give us some kind of confidence that the people that advise us are representing the public interest and not their private interests; that are supposed to give us some assurance that there will not be self-dealing and use of inside information, some guarantees that there will not be conflict of interest.

That act has not been complied with by any of the advisory committees representing the SDI Program. Is this the program that should be given a 21-percent increase in its funding? I think not.

I think there are much better uses of the funds, and that is why I hope that we will support the Johnston amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, in order to move things along I offer the following unanimous consent request.

I ask unanimous consent that there be no further debate or amendments or other actions save a tabling motion on the Proxmire amendment; there be no further debate except for 3 minutes as has been requested by the Senator from South Carolina and 3 minutes to be granted to the Senator from Georgia; following that, since the yeas and nays have been ordered, I will move to table the amendment offered by the Senator from Wisconsin; following that—this is all part and parcel of the unanimous consent request—and if the tabling motion is successful, then I would ask unanimous consent that there follow a half hour evenly divided between the Senator from Louisiana and the Senator from Nebraska to end debate, finish debate, on the underlying amendment of the Senator from Louisiana; and that no amendments or parliamentary moves be made other than tabling and/or a request for the yeas and nays.

Mr. NUNN. Mr. President, reserving the right to object, and I agree with the general proposal that the Senator from Nebraska has outlined with the exception that I think if we could cut down that time, I would prefer to vote, after perhaps 5 minutes of debate on each side of the Johnston amendment.

Mr. JOHNSTON. Up or down.

Mr. EXON. I intended to offer the tabling motion on the amendment.

Mr. JOHNSTON. Is the Senator asking unanimous consent on my amendment?

Mr. EXON. I am asking for unanimous consent as I outlined, and I outlined and clearly stated that in each case the only amendments, or motions, that would be in order would be requests for the yeas and nays and/or a tabling motion.

Mr. JOHNSTON. I would go along with the 5 minutes on an up or down vote.

Mr. EXON. Is the Senator objecting to the rest of it?

Mr. JOHNSTON. Mr. President, reserving the right to object, I suggest we talk a moment about this before we propose the formal motion or at least I would ask the Senator from Nebraska to withhold the formal motion. For one thing, the majority leader has to be consulted, I understand, on any unanimous consent request, and I am sure the minority leader would have to be consulted also. That is taking place right now. I would ask the Senator from Nebraska if he would withhold.

Mr. EXON. I will withhold and maybe in the interest of conservation of time, we could entertain Senators who do wish to speak.

I believe now the Senator from Indiana would also like to talk on the subject. So I ask the Chair to withhold action on the unanimous consent request.

The PRESIDING OFFICER. The request is withheld.

Mr. THURMOND. Mr. President, the distinguished Senator from Michigan referred to the OTA report. I should like to put this matter in proper perspective by reading a letter to Mr. Benjamin C. Bradlee, executive editor of the Washington Post, dated May 2, 1988, signed by James A. Abrahamson, Lieutenant General, USAF, Director, Strategic Defense Initiative Organization, and John H. Gibbons, Director, Office of Technology Assessment, U.S. Congress.

> DEAR MR. BRADLEE: As the Directors of the U.S. Congress' Office of Technology Assessment (OTA) and the Defense Department's Strategic Defense Initiative Organization (SDIO), we take serious issue with the April 24 Washington Post story on the new OTA study of the Strategic Defense Initiative.
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> The Post story offered an inaccurate and incomplete picture of the OTA findings. The OTA study examines very complex issues in considerable detail; any effort to distill its contents into a few newspaper column inches would have to result in oversimplifications which, while regrettable, are understandable. However, in writing about the OTA report before it is publicly available, the Post denied its readers the ability to judge independently the accuracy or fairness of its presentation.
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> The Post story failed to report important areas of agreement between SDIO and OTA, and misrepresented some areas of disagreement. The headline and first paragraph of the Post story offer a particularly telling example of such misrepresentation. SDIO and OTA disagree on the feasibility of reliable, trustworthy software for a future defense against ballistic missiles. SDIO believes that such software can be developed; OTA is much more skeptical, and contends that there would be a "significant probability" of "catastrophic failure" of a ballistic missile defense system resulting from a software error. Nowhere in its study, however, does OTA conclude—as alleged by the Post—that such a failure would be "likely." As any statistician knows, and as the OTA report makes clear, "significant probability" does not equate to likelihood."
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> Technical experts can and will differ on how rapidly we can generate and refine the technologies needed for effective defenses against ballistic missiles. SDIO finds many of OTA's conclusions in this regard to be unduly pessimistic, whereas OTA considers SDIO to be excessively optimistic. Both our organizations, however, are firmly committed to informed, constructive discussion of strategic defense issues. We regret the misleading characterization of our positions in the April 24 Post story, and look forward to a fuller, more accurate, and more productive airing of these issues when the OTA report is published.

As I stated, this letter was signed by General Abrahamson, the Director of the Strategic Defense Initiative Organization, and John H. Gibbons, the Director of the Office of Technology Assessment, U.S. Congress.

I felt, in response to the able Senator from Michigan, that I should present this letter to set the record straight.

Mr. QUAYLE. Mr. President, what we have before us are two amendments, one by the Senator from Wisconsin and the other by the Senator from Louisiana. I think both amendments are essentially the same. They are going to cut SDI by $700 million.

I think the senior Senator from Wisconsin, whom we will miss in the future, has the direct approach. There is no smoke and mirrors about it. It just says: "We want $700 million less."

With respect to the Senator from Louisiana, there is maybe a sleight of hand, that technically, somehow, this is in the budget summit, but it is not. We are taking from one, Department of Defense, and giving to another department, nondefense.

I think both amendments do one thing. It would reduce SDI below what we spent and what we committed to last year. Last year, we were 3.9. This would take us down to 3.8, the actual reduction, and you might as well consign SDI to the graveyard if these amendments are adopted. I think that is perhaps the intent.

Certainly, many people in this body are very much opposed to SDI. I am very supportive of the strategic defense initiative. It is very interesting, Mr. President, that as we listened to the debate over the years on the strategic defense initiative, it has gone something like this: We do not really want to get into any kind of SDI Program that has this near perfect umbrella, that we have a perfect shield, that that is pie in the sky and way into the next century. I advocated that argument when it first came out. I said the definition ought to be redefined, and we should focus on what we can do in the near term. Many of the critics joined those in support of strategic defense, and we got to looking to what we could do in the near term with respect to research and development and, ultimately, deployment. There have been discussions with respect to all sorts of near-term options we might have.

Now we have the same critics say: "We are not sure we really want to do in the near term anything other than R&D, and let's R&D it forever." If you have research and development forever, you are not going to have any strategic defenses.

We should ask ourselves whether we should pursue the possibility of having strategic defenses or not. I happen to believe, and I think anybody who will step back a moment and observe where we are going in the area of arms control, where we are going in the relationship of how our military security is going to be provided in the near future, will come to the logical conclusion that our objectives are manyfold. But we have one objective, to reduce the number of offensive weapons—that is, the INF agreement, the recent discussion of START, the recent study by Clay and Wolstetter, saying that conventional forces can fullfill some strategic missions, that the handwriting is on the wall, that we are going to look at a reduction in nuclear weapons as an objective and still maintain peace, security, and stability.

Another objective in this kind of equation is that we should be looking at some defensive capabilities. There is nothing wrong with having strategic defenses. There is nothing wrong with saying let us have a proper balance of reduction in offensive weapons and introduction of defensive capabilities that will provide for a more stable world in the future.

I do not know why we want to turn our back on having some defensive options in the future. It is not a matter of catching up with the Soviet Union, which in fact has spent more on strategic defenses than they have on strategic offenses. It is not the idea of catching up with the Soviet Union in trying to have engineers involved in looking for lasers and having 10,000 people working in a program like that. We are simply doing what is in our national security interests, and what is in our national security interests is that we must look at the possibility of deploying strategic defenses.

You can look at the strategic defenses that would be used, whether it be an accidental launch, whether it would be potentially from a Third World country, if they would get some ICBM capability, or you could look at a limited attack from the Soviet Union.

I have never been one of those people who believes in a bolt out of the blue, that the Soviet Union is going to unleash all their weapons. But as to a limited attack, certainly strategic defenses would complicate any military planner in the Soviet Union from contemplating that attack if they had defenses to defend with.

Perhaps, as you try to look forward instead of hanging on to the past, it is time that we really start thinking of some new strategic doctrine and why we want to rely on the doctrine of mutual assured destruction as the only doctrine that is going to provide for peace and stability and deterrence.

Can we not do better? Can we not do better than saying we are going to provide for peace for this generation and future generations by only having offensive nuclear weapons and not having a defensive capability, not having any defensive capability against ballistic missiles, none, zero? We know the Soviets have that.

I think that we ought to go down that road so we can have those options of deploying some defense.

As a matter of fact, I think it would be a far better world and much more stable if we had some defenses rather than just relying on offensive weapons for peace and security.

I can think just about 2 years ago when a *Yankee*-class submarine of the Soviet Union sunk off the coast of Bermuda about 1,200 miles from our shore. There was a fire and the submarine sunk. If you take the hypothetical situation, if that fire had gotten out of control and had gotten in the ballistic missile place and the ballistic missiles had gotten lose, even if Gorbachev had gotten on the hotline and said, "Here are the coordinates; here is where it is going to land. Anything else you want to know," and the President would say, "Thank you," you know what, America, we could not do a darn thing about it, except take the hit even if it was an accidental launching from that submarine that sank off the coast of Bermuda.

We do not have any ballistic missile defense. I can tell you, the Proxmire and the Johnston amendments will make sure we do not even have any strategic defense system.

Now I think it is about time that we get away and try to improve upon the doctrine and the strategy of a mutual assured destruction that says that for peace and security of this country we are only going to have offensive nuclear weapons and it is time that we make an investment in strategic defenses, strategic defenses that will provide for the peace and security of this country.

I submit both of these amendments do essentially the same thing. Although the Johnston amendment is sort of clearly drafted saying it does not breach the summit, both breach the summit. It is a cut of $700 million. It is below what we spent last year. If we start to go below what we spent as I said you may as well confine this to the graveyard.

(The following colloquy occurred earlier and appears in the RECORD at this point by unanimous consent:)

Mr. NUNN. Mr. President, will the Senator from Indiana yield briefly? I am trying to decide how we allot our time.

Mr. QUAYLE. I guess I will yield.

Mr. NUNN. I am assuming the Senator has yielded.

Mr. QUAYLE. I always do what the chairman says.

Mr. NUNN. Will the Senator yield?

Mr. QUAYLE. I am glad to yield.

Mr. NUNN. We asked the Senator from Wisconsin to come up and we will maybe summarize and go to a tabling motion on this amendment. We are going to have about 3 minutes on each side. The Senator from Wisconsin came back up. He might want to speak for 2 or 3 minutes. We hoped to go ahead and vote on the tabling motion and vote on the Johnston amendment after 10 minutes equally divided in accordance with the unanimous consent agreement.

I ask the Senator from Indiana, on his side of the issue, could we expedite this matter at this point in time? We have been on it now since 10 o'clock. We have six major amendments today. This is only one of them. And we are trying to get through. I would like to expedite it if possible.

Mr. QUAYLE. I would be glad to accommodate the Senator, my chairman, on trying to expedite this. I do not think I will speak any longer than an hour. I will try to curtail those enlightening remarks that I was about to give for 60 minutes into a couple minutes and in summation.

Mr. NUNN. The Senator already persuaded me. If I listen much longer I may be unpersuaded.

Mr. QUAYLE. What I want to do is I want to get the Senator really persuaded and really convinced.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. QUAYLE. I am glad to yield.

Mr. BYRD. Will the Senator allow me to propound the following unanimous consent request which would accommodate his interests as well as I understand, if he will yield for that purpose.

Mr. QUAYLE. I am glad to yield.

Mr. BYRD. Mr. President, I ask unanimous consent that on the pending amendment by Mr. PROXMIRE, there be a time limitation of not to exceed 6 minutes, 2 minutes for Mr. QUAYLE, 2 minutes for Mr. NUNN, 2 for Mr. PROXMIRE, and that upon the expiration of this time, the Senate then vote on or in relation to the amendment by Mr. PROXMIRE, following which there be not to exceed 10 minutes on the amendment by Mr. JOHNSTON, the time to be equally divided and controlled between Mr. JOHNSTON and Mr. EXON, and that upon the expiration of that time then the vote occur without any intervening action other than the ordering of the yeas and nays, the vote then occur on or in relation to the amendment by Mr. JOHNSTON.

Mr. WARNER. Mr. President, reserving the right to object.

Mr. BYRD. And that no amendment to the Johnston amendment then be in order upon the disposition of the amendment by Mr. PROXMIRE prior to the vote on or in relation to the amendment.

The PRESIDING OFFICER. The Senator from Indiana has the time.

Mr. JOHNSTON. What was that last?

Mr. BYRD. The last phrase was to allow a tabling motion or vote up or down.

Mr. JOHNSTON. Reserving the right to object, as I told my friend from Nebraska, I would be perfectly willing to agree to a time limitation with the usual stipulation that it be an up or down vote. Otherwise, that is the usual way to do it.

Mr. BYRD. That is the usual way if that is what the Members agree to. I understood it said that all Senators have the right to reserve. I would be very glad to include in the request that it be an up or down vote.

Mr. EXON. Mr. President, I am the one who proposed the unanimous consent, and we touched all bases. Now, we are objecting to my right to table. I object and I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Could we at least get the first part of the request dealing with the amendment by Mr. PROXMIRE? Could we get that part agreed to?

I ask unanimous consent that on the amendment by Mr. PROXMIRE there be 6 minutes to be equally divided among Senator QUAYLE, Senator NUNN, and Senator PROXMIRE; that upon the expiration of that time the vote occur on or in relation to the amendment without further action intervening.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, I yield.

Mr. JOHNSTON. I hope I will get an up or down vote. I think that is the usual way to do it. I do not want to hold up the Senate. If the Senator from Nebraska says it is tabling, the usual situation, I will not object to that. I want to dispatch the matter.

Mr. BYRD. I thank the distinguished Senator. I renew the earlier request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I will not object, I ask 5 minutes time on the Johnston amendment to be added under my control.

Mr. BYRD. I include that request on the amendment by Mr. JOHNSTON, 5 minutes for Mr. JOHNSTON, 5 for Mr. EXON, and 5 for Mr. WARNER.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Since there are 10 minutes in opposition, I think we should have 10 minutes on this side.

Mr. BYRD. All right; 10 minutes to Mr. JOHNSTON and 5 minutes for Mr. NUNN and 5 minutes for Mr. WARNER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. I ask unanimous consent that the record show no interruption in my speech that I was about to convey and it had been shortened from 60 minutes down to 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BYRD. Let me also, without the time coming out of the Senator's time, I thank the Senator for his generosity and courtesy.

(Conclusion of earlier colloquy.)

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Georgia.

Mr. NUNN. Mr. President, I will take less than my 2 minutes. I agree with the arguments that have been made by the Senator from Nebraska, the Senator from Virginia, and the Senator from Indiana. I believe we should table the Proxmire amendment.

The budget summit conference last year did not bind every individual Senator, but I believe that we would have a very difficult time getting another agreement with the President on overall fiscal policy relating to taxes, relating to defense, relating to social programs, if, indeed, we go below the overall agreement on defense that was made last year.

In addition, I also believe that we are in a situation where the House has made major cuts in the SDI Program. If we want to come out of conference with a sensible program, I think it is very important that we preserve the Senate level of funding at this stage which inevitably will have to come down in conference. We all know that. So, I urge the defeat of the amendment.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Indiana said we would consign SDI to the graveyard if we pass my amendment. Well, my amendment is for $3.85 billion. Very few research programs have ever had that for a year. Altogether, we have spent well over $15 billion. It would be something like $18 billion on that one program before we finish.

Mr. President, let us keep in mind that what the Proxmire amendment does is simply change the Johnston amendment. Then we would have a vote, if my amendment should succeed, on whether or not to defeat or pass that amendment. So, what my amendment does is say, let us make this clear-cut; let us do what we have done in the past; let us simply cut SDI. We have done that in the past and many Senator voted for it.

I am simply asking that we make a reduction back roughly to the level that it is now, a very, very high level, and we recognize what Senator JOHNSTON has said so eloquently and Senator BUMPERS also, that this is a program that, on the basis of the best scientific expert advice we can get, is almost certain not to be deployed and not to work.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I am voting against the amendment by Senator PROXMIRE to reduce SDI spending by $700 million and against the amendment by Senator JOHNSTON to transfer $700 million from SDI to NASA because I believe it is important at this time to support the President's program on SDI as he prepares for the summit with General Secretary Gorbachev in Moscow later this month.

In general, I support funding for SDI because I believe that it holds realistic promise to provide significant defense capability against ballistic missiles although I have in the past, as the Record shows, voted for moderate expenditures on SDI.

In my view, our SDI Program has been a significant factor in bringing the Soviet Union to the bargaining table and an inducement for signficant Soviet concessions on arms control including strategic arms reduction.

With the upcoming summit in Moscow later this month, I believe the Congress should strengthen the President's negotiating hand. Accordingly, I have opposed reducing the SDI funding levels at this time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I move to table the Proxmire amendment.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion of the Senator from Nebraska [Mr. Exon] to table the amendment of the Senator from Wisconsion [Mr. Proxmire]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. Dodd] and the Senator from New Jersey [Mr. Lautenberg], are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. Karnes] and the Senator from Idaho [Mr. Symms], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—66

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Byrd
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Levin
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Reid
Rockefeller
Roth
Rudman
Sasser
Shelby
Simpson
Specter
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—29

Bradley
Bumpers
Burdick
Chafee
Conrad
Cranston
Daschle
Durenberger
Grassley
Harkin
Hatfield
Kennedy
Kerry
Leahy
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Riegle
Sanford
Sarbanes
Simon
Stafford
Weicker

NOT VOTING—5

Biden
Dodd
Karnes
Lautenberg
Symms

So, the motion to lay on the table amendment No. 2017 was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CHILES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Under the previous order, there will now be 20 minutes of debate on the Johnston amendment; 5 minutes to the Senator from Georgia, Senator Nunn; 5 minutes to the Senator from Virginia, Senator Warner; 10 minutes to the Senator from Louisiana, Senator Johnston.

Mr. WARNER. Mr. President, I seek recognition only for the request to get order in the Senate prior to the beginning of the times announced for debate.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. BYRD. Mr. President, time is running against all sides at this point; is it not?

The PRESIDING OFFICER. The majority leader is correct.

Who seeks recognition?

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I yield 5 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, the President's budget calls for only adequate funds for the space station for fiscal year 1989. I say adequate because it is substantially reduced from the funding level planned by NASA. This is due to a congressional reduction in NASA's fiscal year 1988 request last year.

In order to meet the budget summit figures and to provide for the space station in the President's budget, OMB had to cut certain other programs.

The programs that they cut were elderly housing, homeless programs, community development programs, waste treatment construction grant money, and assisted housing.

This would allow for the increases that would, if the President's budget passed as requested, go to space which would have included the space station. I think that it would be realistic to say that none of those programs are going to end substantially cut. In that regard, those programs are put in competition for funding with the shuttle and the space station.

Mr. President, I have a great amount of respect for our friends and colleagues who serve on the Appropriations Committees. They have their own budget view and priorities. As for myself, I support the SDI research as the President requested it. I support the space program at the level of funding the President requested. In that regard I am between a rock and a hard place as to where to come down on this issue. Since I learned of the amendment of the distinguished Senator from Louisiana, I have thought long and hard.

Due to the budget problems that we face, I am extremely fearful that if the Johnston amendment does not carry, there may not be funding for the space station this year. I say this after looking at the figures which the HUD-Independent Agencies Appropriations Subcommittee has had to deal with this year. As we all know, this is the subcommittee that funds NASA programs.

Within the HUD-Independent Agencies, there is a great amount of competition that exists relative to the allotment of funds to the different subcommittees. Whether or not the space station moves forward, or even survives, this year depends on the allocation to the HUD-Independent Agencies Subcommittee.

I have spoken on many occasions about the great advantages of the space station. But from a realistic viewpoint, I am seriously concerned that without the Johnston amendment, the Space Station Program will not be funded or will be funded at such a low level that it will be prevented from getting started.

On the other hand, the way the Johnston amendment is arranged, the overall DOD finding for SDI remains at $4.2 billion. This figure will go to the House if the Johnston amendment is adopted and we will end up in between the House figures and the Senate figures.

The conference committee will make some changes in the SDI funding level from that proposed by the full Senate.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. HEFLIN. May I have about 2 minutes?

Mr. JOHNSTON. Mr. President, I only have 5 minutes left, but I will yield an additional minute.

Mr. HEFLIN. Under the circumstances, I believe we should give serious consideration to this matter. I find myself in that position. I believe that this year we may be forced to decide if this Nation is to have a space station or not. In my judgment, we should do all that is possible to provide this Nation with that capability.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield myself whatever time of the 5 minutes I might need.

In answer to the question that was raised by the Senator from Alabama, I think it should be made very clear if the Johnston amendment passes, we will have when we go to conference with the House $3.85 billion as opposed to the $4.55 billion in the committee bill. That means at the most the Senate could go for or expend would be $3.85 billion. The House of Representatives has already come down to $3.4 billion. So it would be somewhere between $3.4 billion and $3.8 billion and a cut of that much.

Mr. President, I reserve the remainder of my time.

Mr. HEFLIN. Will the Senator yield?

Mr. EXON. I will be happy to. I only have 5 minutes. I will yield 1 minute.

Mr. HEFLIN. The figure of $4.5 billion has already been broken down into many different parts. The conference committee may make changes in these funding levels. In that regard, we shall keep the $4.5 billion for your negotiations with the House. With the $4.5 billion and the $3.5 billion in the House, you can settle on an in between figure. I do not believe that the Johnston amendment will change the total SDI funding level in the bill that the Armed Service Committee has reported.

Mr. EXON. I think we are playing with numbers. I simply advise my friend that it will be the position of the House conferees, if they want to stick with their low figure, I am sure that if this amendment passes, it will be the interpretation of the majority of the Armed Services Committee that the Senate had dictated $3.8 billion. You can figure that any way you want, but that is the breakdown. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, earlier today I addressed this issue, and I wish to repeat my comments. This is, in my judgment, should this amendment be adopted, it not only would be detrimental to the defense budget, but to the precedent of summits between a President and the leadership of the Congress to try and break gridlock.

That was done last fall. Out of it came an agreement which explicitly said, the President and the leadership of the Congress agreed to carry out this agreement, which is that Congress shall provide sufficient budget authority to achieve full levels of domestic and international affairs and defense outlays in both fiscal year 1988 and fiscal year 1989.

To the credit of my distinguished colleague from Louisiana, there is a technical matter which he has gotten around, the budget technicalities. But the spirit of the summit is destroyed and, for that reason, Mr. President, I think and I hope Senators will vote against the Johnston amendment.

I yield the remainder of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Texas has 4 minutes.

Mr. GRAMM. Mr. President, when the budget summit agreement was reached last year, Secretary Carlucci cut SDI by $1.7 billion. The administration sent a proposal to the Congress for a $4.8 billion total in fiscal year 1989. That was cut in the Armed Services Committee to $4.55 billion. This amendment will cut it to $3.8 billion. The House has provided $3.4 billion so that if this amendment is accepted, one thing is for certain, we will not spend more than $3.8 billion for SDI next year. We will have cut SDI below the current level.

Now, I say to those who say we have to help NASA, and I am going to talk about that in a minute, we are not necessarily helping NASA here. The only thing that is binding in conference is that we shall not spend more than $3.8 billion on SDI.

Now, the House has already cut SDI to $3.4 billion, and they proceeded to spend the money on every add-on you can imagine. So when we go to conference it is those add-ons against NASA.

I remind my colleagues what this Congress has done to the space and science budget. Last year we cut it by $700 million. This year the House cut the President's space budget by $1.4 billion. Did they do it to invest in lowering the deficit? No. They cut funding for the next generation of America and invested in the next election. And who can believe, if we come in and cut SDI here, that in conference we are not going to see the same old pork-barrel politics that we have seen in the past.

I am a strong supporter of NASA. I think it is an absolute outrage what happened last year in the budget and in the Appropriations Committee. After we adopted the budget the Appropriations Committee came in with a low 302(b) allocations and attempted to take more money out of space and science and put more money into the social programs.

So we are going to have an opportunity to vote on NASA, and I am going to vote for full funding. If those 302(b) allocations come to the floor and we have cut NASA below the budget, I for one am going to offer an amendment to change those allocations. I do not know whether it will pass or not, but that is when we are going to be debating the space budget. Today we are debating SDI, an investment in science, an investment in technology.

The distinguished Senator from Louisiana has been consistent. He has voted to cut SDI every single year. He wants to cut it. This year he came up with a new wrinkle. The new wrinkle was that Congress has been cheating space, cheating science, and he said, "Well, let us cut SDI. We will promise it to space and then it will be another matter when we get down to see what the 302(b) allocations are."

I urge my colleagues to reject this amendment and then let us vote to have full funding for space and science. We have it within our power to do that. If we have a majority that is willing to fund it by taking money away from the beekeepers' indemnity fund and weed research in North Dakota and all the other so-called items that we funded in last year's supplemental, if we are willing to do those things, we can have SDI and we have the NASA funding.

Finally, let me say to my colleague, a deal was made on the budget. I did not think much of the deal. I thought it was a bad deal because spending which grew last year by only 1.4 percent now grows by 4.5 percent. That is not what I think of as fiscal responsibility. But part of the deal was that we agreed on a defense figure.

Now this amendment comes along with a sleight of hand and seeks to violate that agreement. I think our chances of ever working out another budget agreement will be destroyed if we adopt this amendment, and I urge my colleagues to reject it.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. How much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 4 minutes. The Senator from Nebraska has 3 minutes.

Who yields time?

If no one yields time, time will be deducted equally.

Mr. WARNER. Do I have remaining time?

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. JOHNSTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, point No. 1, the Senator from Texas is correct. The President's budget does fund the space station. He does not fund it by doing away with beekeepers. If I recall, the beekeepers had a couple hundred thousand dollars in the last budget. Here is how he funds it. This is the President's budget on HUD and Independent Agencies, as follows:

Assisted housing, a cut of $850 million; waste treatment construction grants, a cut of $904 million; community development programs, $616 million; elderly housing, $200 million; homeless programs, $119 million; for a cut of $2.589 billion which pays for the NASA Program of $2.6 billion.

If somebody thinks that the Senate or the Congress is going to make those cuts, you have got to be smoking something, Mr. President. That is not going to happen. We are not going to make any of those cuts and you cannot pay for it through beekeepers. If you want to fund the space station, you have to do it with real dollars, not with these fanciful dollars.

I ask unanimous consent that this list of eliminations and program increases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJOR PROGRAM ELIMINATIONS OR REDUCTIONS IN PRESIDENT'S BUDGET

[In millions of dollars]

Program	Budget authority	Outlay
Assisted housing	850	0
Waste treatment construction grant	804	28
Community development programs	616	27
Elderly housing	200	0
Homeless programs	119	60
Total	2,589	115

MAJOR PROGRAM INCREASES IN PRESIDENT'S REQUEST

[In millions of dollars]

Program	Budget authority	Outlay
NASA programs	2,600	1,560
EPA Superfund (hazardous waste cleanup) Program	472	87
National Science Foundation	333	106
Veterans medical care	230	196
Total	3,635	1,949

Mr. JOHNSTON. Point number two, Mr. President. By this amendment do we cut this down to $3.85 billion? The answer is no. If you will look at page 25 of this bill, it says that the Department of Defense for SDI research gets $4.271 billion. That figure remains in here. Now, it comes up to $4.639 billion when you add DOE and MilCon. That figure will go to conference. You do not go to conference with $3.85 billion. What my amendment says is that of that amount you shall spend $700 million for NASA-related activities.

Now, are those proper expenditures for the Department of Defense? Let me read from the appropriation report of 1987. It says as follows:

> The committee's recommendation to fund the replacement orbiter in this bill recognizes the critical dependence on the space shuttle system to meet national security mission demands and balance launch system requirements.

Critical national security depends on the space shuttle. That was true at the time it was said 2 years ago. It remains true, Mr. President, national security is vitally dependent upon this.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. JOHNSTON. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, let me try to summarize this, if I might.

The case made by the Senator from Louisiana for why and how much the Department of Defense should reimburse NASA for recovery costs simply does not hold water. I read earlier to the Senate a list of all the expenditures that the Department of Defense has made to the shuttle program which adds up to about $10 billion. The total Air Force costs through 1995 for the recovery program of space launch capabilities is $12 billion. These are all costs that DOD will bear with no contribution by NASA.

Since NASA now plans to use a number of the expendable launch vehicles that the Air Force has developed, I wonder how much of this $12 billion the Senator from Louisiana would like NASA to pay DOD of its share of the added costs that DOD has had to bear.

In sum, Mr. President, this amendment has nothing to do with the Space Launched Recovery Program. It merely is—and if it passes I predict it will come to be—a very cleverly designed ploy to shift $700 million from the Department of Defense to NASA's space station, which has little or nothing to do with putting up the satellites that we need so desperately today.

I reserve the remainder of my time.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there is no secret. This will fund the space station. That is that intent of it. It funds the space station out of SDI money, and it does so because of the critical national security relationship between both the space station and the shuttle because the space station and the shuttle and the entire NASA program are, of course, in the NASA budget in HUD and Indpendent Agencies. There is nothing hidden about that agenda. It is right up front.

Let me tell you, it is going to be very difficult under any circumstances to get that space station going. I am for it.

This is a way to do it, a way consistent with the defense budget because it does have defense implications. I think our accounting is right for the $700 million. I think there are 15 of the 52 launches which are DOD related. I do not think they are already paid for. But that accounting problem is endless. Suffice it to say that we check our accounting with NASA. Maybe they are a party in interest here although the administration is officially against this. According to NASA that is the right way to account for it. But this is really bigger than the accounting because we are not bound by whatever accounting. The fact is there is a definite direct defense interest in NASA, and in the space station. It is a higher priority than a $700 million add-on to SDI. By the way, in the past, I have never been for an SDI cut.

Every amendment which I have put in here increases SDI. To be sure it cuts that astronomical figure which the President asks for every year, but if we had funded those, we would be so far down in the budget deficit that we would never get out.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. GORE. Mr. President, I have a brief statement to make for the purpose of explaining why I shall not be voting in favor of amendments to reduce SDI funding, whether for the purpose of transferring the funds to NASA, or simply not spending them at all.

My opposition to SDI is unchanged. Like others here, I regard the $13 billion thus far spent on this program as largely wasted. Like others here, I am acutely aware of other priorities which are in danger of failing for want of funds; and this includes the space station, which I support.

In the past, I have supported efforts to move money out of SDI on the Senate floor.

However, this year the Senate Armed Services Committee has voted to grossly underfund the small ICBM Program. I regard this missile as a basic element for strategic stability and as a building block for arms control.

It is my hope that this will be corrected in conference. But if that is to happen, then the pot of money represented by SDI—and for that matter, by garrison based rail mobile MX—must come to conference intact. If this money is reallocated here on the Senate floor to other priorities, it will not be available for bargaining among the conferees.

Granted, there is no guarantee that conference will work out as I hope.

But that is the risk we all take when we make decisions on votes that involve our basic objectives and the strategies we think may lead to outcomes we think important.

Therefore, in this vote and on others which would break apart the Senate Armed Services Committee's strategic spending package, to the detriment of the small ICBM I shall vote in support of the package. Not because I support the package. On the contrary. Rather, because I want to protect the chance for a better allocation of resources in conference.

Mr. BENTSEN. Mr. President, I want to join in supporting the amendment of the distinguished Senator from Louisiana [Mr. JOHNSTON] and I want to commend him for offering this way of strengthening America's space program.

This amendment provides substantial funds for the SDI Program while recognizing the fact that that program, like many other vital defense activities, depends on access to space. It also is consistent with previous congressional action requiring the Pentagon to foot part of the bill for the Space Shuttle Program.

Without a viable shuttle program, without the eventual space station, our national security would face dangerous risks. Space is an American frontier for security, for scientific research, and for commercial development. Thus, it is most appropriate for the defense budget to pay a fair share of the cost of restoring the shuttle to regular flight operations. The nondefense portion of the budget should not have to bear the whole burden.

As the distinguished sponsor of this amendment has said, some 29 percent of the planned shuttle flights through 1993 are already assigned to military missions, and this amendment would assign $700 million because that figure is 28 percent of the shuttle recovery cost. That seems fair to me.

Mr. President, this amendment also gives the Senate an opportunity to speak up for a strong space program. It lets us send a powerful signal to the Appropriations Committee that we want an expanded space and science program such as that recommended by the President. We do not want NASA to be victimized by opponents of the space station or other manned space flight programs.

I have been deeply concerned, as have several of my colleagues, about the prospect of inadequate allocations under the Budget Act to the HUD and Independent Agencies Subcommittee of Appropriations. If that occurs, NASA and the National Science Foundation could be unjustifiably squeezed, and the space station could face cancellation. This amendment would reduce the pressure on those budget activities by requiring the Defense Department to pay a reasonable share of shuttle recovery costs.

Mr. President, I believe that the SDI Program permitted by this amendment would be robust and fully capable of exploring the many technologies which must be studied before any decision can be made on possible deployment of a ballistic missile defense system. The issue is not whether we favor a substantial SDI Program but whether we favor a strong space program.

Mr. EXON. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. EXON. I will move to table at the end of 1 minute, and ask for the yeas and nays.

Very simply stated, so that everyone understands, if this amendment prevails, we are going to be reducing the SDI Program, which this Senator felt should be reduced and led the effort in the committee to do it. But if this passes, we are going to have one thing assured: SDI funding at a level below in real dollars what it is this year. I think that is what the majority of the Senate does not want. I think SDI is an overblown program. But I think we need to keep this investment in there to make something out of it for some specific need for national defense.

Mr. President, I move to table the Johnston amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to lay on the table the amendment of the Senator from Louisiana [Mr. JOHNSTON]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] is necessarily absent.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—50

Armstrong
Bingaman
Bond
Boren
Boschwitz
Cochran
Cohen
D'Amato
Danforth
Dixon
Dole
Domenici
Exon
Gore
Gramm
Hatch
Hecht
Heinz
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Reid
Roth
Rudman
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—46

Adams
Baucus
Bentsen
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Daschle
DeConcini
Dodd
Durenberger
Evans
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Weicker

NOT VOTING—4

Biden
Cranston
Karnes
Pryor

So the motion to lay on the table amendment No. 2015 was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. WARNER. I move to lay that motion on the table.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays, but if we could have just a few minutes perhaps I can obviate that and save the vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur, the Chair will state, on the motion to table the motion to reconsider.

Mr. DOLE. Does the Senator want 10 minutes?

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair will state that there has been no intervening business.

Mr. STEVENS. That is not true. The Chair announced the vote.

The PRESIDING OFFICER. There is an order previously entered that there be no intervening business. Therefore, the Senator will be required to ask for unanimous consent.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent that we proceed to the Bumpers amendment for a period of 20 minutes, after which we will give the Senator from Louisiana the right he has at the present time, which is to proceed on the yeas and nays on the motion to table. He would have that option under my unanimous consent request, but we would not waste the next 20 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. BUMPERS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas reserves the right to object.

Mr. BUMPERS. Do I understand the request of the Senator from Georgia to include some period of debate on the motion to table?

Mr. NUNN. We would be right back where we are now 20 minutes from now when instead we could be able to hear the erudite, articulate Senator from Arkansas make his presentation.

Mr. BUMPERS. I do not know what I would do under the circumstances as they exist. I want to know one thing. I do not want to start debate on my amendment for 20 minutes and goof around 2 hours on the other amendment and come back to mine.

If I am going to make one of my barn-burning speeches, I want it to be in consecutive order of the amendment and not be interrupted by this.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WARNER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DECONCINI. I suggest the absence of a quorum.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to table the motion to reconsider.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—47

Armstrong
Bingaman
Bond
Boren
Boschwitz
Cochran
Cohen
D'Amato
Danforth
Dixon
Dole
Domenici
Gore
Gramm
Grassley
Hatch
Hecht
Heinz
Helms
Hollings
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Reid
Roth
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—50

Adams
Baucus
Bentsen
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Stennis
Weicker

NOT VOTING—3

Biden
Karnes
Rudman

So the motion to table the motion to reconsider was rejected.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection?

Mr. McCLURE. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed and concluded the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 18]

Adams
Bingaman
Boren
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
Dodd
Dole
Evans
Exon
Ford
Glenn
Graham, Florida
Gramm, Texas
Grassley
Hatfield
Heflin
Johnston
Kasten
Leahy
McCain
McClure
Melcher
Murkowski
Nickles
Nunn
Packwood
Pressler
Proxmire
Quayle
Roth
Sarbanes
Sasser
Simon
Specter
Stevens
Thurmond
Warner
Weicker
Wirth

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr. BYRD] to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. SANFORD] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nebraska [Mr. KARNES], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—72

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simon
Simpson
Stafford
Stennis
Thurmond
Trible
Warner
Wilson
Wirth

NAYS—23

Armstrong
Bond
Boschwitz
Danforth
Evans
Garn
Hatch
Hecht
Heinz
Helms
Kasten
Lugar
McCain
McConnell
Murkowski
Nickles
Proxmire
Quayle
Specter
Stevens
Symms
Wallop
Weicker

NOT VOTING—5

Biden
Humphrey
Karnes
Kassebaum
Sanford

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who do not answer the quorum call, a quorum is now present.

Mr. WARNER. Mr. President, I ask unanimous consent that a copy of an agreement issued by the Congressional Budget Office relating to the summit agreement be printed in the RECORD.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

SUMMIT AGREEMENT BETWEEN THE PRESIDENT AND THE JOINT LEADERSHIP OF CONGRESS

1. The elements of this agreement should provide for deficit reduction amounts that exceed the requirements of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 and thus when fully implemented eliminate the need for sequestration.

2. The package outline is approved by the President, the Speaker, and the Majority and Republican Leadership of Congress.

3. The President and the Leadership of Congress agree to carry out this agreement.

4. The President's FY 1989 budget shall comply with the appropriations levels in this agreement.

5. For FY 1988 Congress shall present reconciliation and the continuing resolution (or other appropriations legislation) to the President concurrently.

6. Congress shall provide sufficient budget authority to achieve full levels of domestic, international affairs, and defense outlays, in both FY 1988 and FY 1989.

7. Agreed upon discretionary spending levels are as follows:

[In billions of dollars]

Category	Fiscal year—			
	1988		1989	
	Budget authority	Outlays	Budget authority	Outlays
Domestic	145.1	160.3	148.1	169.2
International Affairs (150)	17.8	16.5	18.1	16.1
Defense (050) [1]	292.0	285.4	299.5	294.0

[1] Functional total includes mandatory spending.

Note.—The President and leadership agree that, in implementing this agreement, essential programs serving the poor, including the elderly, should be a priority.

8. Discretionary scorekeeping: Use CBO estimates with an agreed-upon list of discretionary accounts; no change in methodology from the current CBO-OMB understanding. CBO and OMB shall work together to resolve scoring methodology problems on mandatory accounts.

9. The following procedures will be utilized to implement this agreement for spending:

a. FY 1988—The agreement will provide ceilings for defense and non-defense domestic spending (including international affairs); the continuing resolution or other appropriations legislation will carry them out.

b. FY 1989—The FY 1988 reconciliation bill will specify:

i. agreed-upon defense and non-defense budget authority and outlay discretionary ceilings;

ii. the FY 1989 budget resolution, and committee 302 (a) and (b) allocations pursuant thereto, shall be consistent with the agreement; and

iii. in the Senate, a three-fifths point of order will lie against a budget resolution that is inconsistent with the agreement.

c. Neither the Congress nor the President shall initiate supplementals except in the case of dire emergency. When the Executive Branch makes such a request, it shall be accompanied by a presidentially-transmitted budget amendment to Congress.

d. For FY 1988 in the Senate, before the continuing resolution (or other appropriations legislation) comes to the floor, a separate resolution will modify the relationship between reconciliation and defense spending, and adjust 302(a) allocations and budget totals for 311 purposes to conform with the agreement. The leadership will seek a waiver of points of order under sections 302 and 311 for the FY 1988 continuing resolution if it conforms to this agreement.

10. The $9 billion in receipts in 1988 and the $14 billion in receipts in 1989 are *gross* figures and the ingredients composing these figures will be determined through the regular legislative process and conference agreement, subject to the President's signature or veto.

11. Pending the enactment of legislation to implement this agreement, the President shall take such action consistent with current law as may be necessary to reduce the effects of sequestration and provide for minimal disruption of on-going governmental programs and services during this interim period.

PROPOSED BUDGET COMPROMISE

	Fiscal year—	
	1988	1989
Revenues:		
Hard taxes	$9.00	$14.00
IRS compliance (net)	1.60	2.90
User fees	.40	.40
Subtotal, revenues	11.00	17.30
Spending:		
Defense (function 050)	5.00	8.20
Nondefense discretionary	2.60	3.40
1989 effect of 1988 2 percent pay	0	2.40
Entitlements:		
Medicare	2.00	3.50
Farm price supports	.90	1.60
GSL balances	.25	0
Federal personnel	.85	.85
Subtotal, entitlements	4.00	5.95
Debt service	1.20	3.50
Subtotal, spending	12.80	23.45
Additional savings:		
PBGC premiums	.40	.40
VA origination fee extension	.20	.20
VA loan guarantee	.80	1.00
Asset sales	5.00	3.50
Subtotal	6.40	5.10
Grand total	30.20	45.85

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. WARNER. My inquiry is as to the pending business.

The **PRESIDING OFFICER.** The question is on the motion to reconsider the vote whereby the Johnston amendment was tabled.

Mr. WARNER. Have the yeas and nays been ordered?

The **PRESIDING OFFICER.** They have not.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** Is there further debate?

There being no further debate, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nebraska [Mr. KARNES] is necessarily absent.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—48

Adams
Baucus
Bentsen
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Evans
Ford
Garn
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Stennis
Weicker

NAYS—50

Armstrong
Bingaman
Bond
Boren
Boschwitz
Cochran
Cohen
D'Amato
Danforth
Dixon
Dole
Domenici
Exon
Fowler
Gore
Gramm
Grassley
Hatch
Hecht
Heinz
Helms
Hollings
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Reid
Roth
Rudman
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NOT VOTING—2

Biden
Karnes

So the motion to reconsider the vote by which the amendment (No. 2015) was tabled was rejected.

Mr. DOLE. Mr. President, I wish to submit for the RECORD a statement which will clear up the situation surrounding the right of a Senator to suggest the absence of a quorum. Article I, section 5 of the Constitution states that to do business a majority shall constitute a quorum. Thus it is a constitutional right of any Senator before the Senate does any business to demand that a quorum be present.

In addition Senate procedure on pages 833 through 867 enumerates the precedents surrounding this right. There is no question that a quorum call was in order before the call of the roll on the motion to table the motion to reconsider the vote by which the Johnston amendment was tabled, a fact which I am told the Parliamentarian has confirmed.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer an amendment relative to SALT II.

Mr. NUNN. Mr. President, will the Senator yield for about 30 seconds so I can give our colleagues a general idea about the schedule?

Mr. BUMPERS addressed the Chair.

Mr. LEAHY. May we have order, please, Mr. President.

The PRESIDING OFFICER (Mr. KERRY). The Senate will be in order. Senators having conversations will please retire to the Cloakroom or take their seats. The Senate is not in order. Senators will please restrain their conversations.

The Senator from Arkansas has been asked a question.

Mr. BUMPERS. Mr. President, that amendment is offered on behalf of Senators CHAFEE, HEINZ, LEAHY, and myself, and I have consistently offered a 2-hour time agreement. Each one of the cosponsors of the amendment, of course, will want to speak. I would certainly be willing to enter into a 2-hour time agreement. Unless there are a lot of people on that side who wish to speak in opposition, I would think we could get through within an hour, an hour and a half.

Mr. NUNN. Mr. President, I would like very much to enter into a time agreement. It had not been shopped around at this stage. From my own perspective I would welcome a 2-hour time agreement. I would want to reserve the right to have amendments to the Bumpers amendment.

Mr. BUMPERS. It is almost identical to the amendment that was agreed to in conference last year. This amendment prevailed in the Senate 57 to 41 last year.

Mr. LEAHY. Mr. President, will the Senator yield for a point. Maybe we could start the debate and kick it around among a few people and see whether we do have enough agreement to have a time agreement. Otherwise, we could probably spend a half an hour here talking about whether we could have a time agreement.

Mr. BYRD. Mr. President, who has the floor—Mr. BUMPERS?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BUMPERS. I yield to the majority leader.

Mr. BYRD. Mr. President, is this amendment a first-degree amendment?

Mr. BUMPERS. It is.

Mr. BYRD. Will there be a second-degree amendment offered?

Mr. BUMPERS. There will be.

Mr. BYRD. Does the time contemplated include the time on both amendments?

Mr. BUMPERS. Yes.

Mr. ADAMS. Parliamentary inquiry, Mr. President. Under the unanimous-consent order previously entered, were second-degree amendments allowed to any of the amendments that were listed?

The PRESIDING OFFICER. The answer is yes, there were.

Mr. ADAMS. They were allowed two amendments on that list of people who were identified as being recognized?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that that is correct.

Mr. ADAMS. There are second-degree amendments allowed?

The PRESIDING OFFICER. There are second-degree amendments allowed.

Mr. ADAMS. I thank the Chair.

Mr. BYRD. The question then——

Mr. LEAHY. Mr. President, we are still not in order. I am having an awfully hard time hearing the majority leader and he is only 10 feet away from me.

The PRESIDING OFFICER. The Senator from Vermont is correct. If Senators in the aisles will please take their seats or take their conversations to the Cloakroom, the Senate will be in order so it can proceed with its business. The Senate will suspend until we are in order.

Mr. BYRD. Mr. President, I think the Senate should have an understanding as to what the second-degree amendment is. If time is limited on the first-degree amendment only, that may create some problem with respect to a second-degree amendment. Is it the proposal that the 2 hours cover both amendments?

Mr. BUMPERS. It is, Mr. Leader.

Mr. BYRD. I have no knowledge of the substance of the second-degree amendment.

Mr. McCLURE. Will the Senator yield.

Mr. BUMPERS. I am happy to yield.

Mr. McCLURE. I might aid the resolution of this particular issue. I will object to a time limit until I know what the second-degree amendment is.

AMENDMENT NO. 2018

(Purpose: To reinforce the INF Treaty by restricting funding for excessive levels of MIRV'd strategic nuclear forces, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. LEAHY, Mr. CHAFEE, and Mr. HEINZ, proposes an amendment numbered 2018.

Mr. BUMPERS. Mr. President, I offer that amendment on behalf of the Senator from Pennsylvania [Mr. HEINZ], Senator CHAFEE, Senator LEAHY, and myself.

The PRESIDING OFFICER. The clerk will report.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I ask unanimous consent that——

The PRESIDING OFFICER. If I may say, regular order is for the clerk to report unless there is a unanimous-consent request that the clerk not report.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will report the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUMPERS and Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS addressed the Chair.

Mr. STENNIS. Mr. President, will the Senator yield to me for 1 minute for the purpose of making an announcement about a meeting of the Appropriations Committee?

Mr. BUMPERS. I yield to the Senator from Mississippi for that purpose.

Mr. STENNIS. I thank the Senator.

Mr. BYRD. Mr. President, has the reading been called off?

The PRESIDING OFFICER. Is there objection to termination of the reading of the amendment?

Hearing none, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 921. INF TREATY REINFORCEMENT ACT OF 1988.

(a) SHORT TITLE.—This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are

currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) Prohibition on Use of Funds.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) Reporting Requirement.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) Policy on Interim Restraint Regime.—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) Waiver.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles, or MIRVed strategic systems that it had deployed on January 25, 1988; and

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) Temporary Waiver.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) Definitions.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, may I use 1 minute now?

The PRESIDING OFFICER. Did I understand the Senator from Arkansas has reserved his time?

Mr. BUMPERS. I yield to the Senator for the purpose of the announcement.

Mr. STENNIS. Mr. President, we have a great number of full committee members of the Appropriations Committee downstairs now assembling. We can proceed. I think we are making headway, if we can go on down now and be prepared then to vote and so forth. It is in room S-128 where we are already assembling, and are ready to have the explanation.

I thank the Chair. I thank the Senator from Arkansas.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair corrects itself. The Senator from Arkansas has reserved his right.

Mr. BUMPERS. I yield to the Senator from Vermont.

AMENDMENT NO. 2019 TO AMENDMENT NO. 2018

(Purpose: To reinforce the INF Treaty by restricting funding for excessive levels of MIRVed strategic nuclear forces, and for other purposes)

Mr. LEAHY. Mr. President, I send an amendment to the desk to the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Before we proceed, is there objection to the Senator yielding for the purpose for which it has been stated?

Mr. BOSCHWITZ. Reserving the right to object, Mr. President, is there a time agreement? Does the Senator from Arkansas intend to enter into a time agreement?

Mr. BUMPERS. There is not a time agreement. I tried to make it clear a while ago that we will try to finish this in less than 2 hours. I offered a 2-hour time agreement. There was an objection to that. So I said we will start, and hope to finish in an hour or an hour and a half.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Vermont [Mr. Leahy] proposes an amendment numbered 2019 to Amendment No. 2018.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. QUAYLE. Objection.

Mr. BOSCHWITZ. Objection.

The PRESIDING OFFICER. The clerk will resume the reading of the amendment.

The bill clerk continued reading the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator address the Chair?

Mr. LEAHY. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order is for the amendment to be reported at this time.

The clerk will report the amendment.

The bill clerk continued reading the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike all after the words "Short Title," and insert the following:

This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) Congressional Findings.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME.—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles that it had deployed on January 25, 1988; or

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

Mr. HELMS addressed the Chair.

Mr. LEAHY addressed the Chair.

Mr. HELMS. Mr. President, I seek the floor. I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

If we could wait for the Chair to recognize, we could proceed in a more orderly fashion.

Mr. HELMS. I am sorry. I did not understand the Chair.

The PRESIDING OFFICER. The Chair had not recognized anybody at that point in time. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair. Now, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. It takes unanimous consent to order the yeas and nays with respect to the underlying amendment. Is there objection to ordering the yeas and nays?

Mr. BUMPERS. Mr. President, parliamentary inquiry. Does the Senator from North Carolina ask for the yeas and nays on the amendment as I originally offered it?

Mr. HELMS. That is correct.

Mr. BUMPERS. I have no objection.

The PRESIDING OFFICER. It takes unanimous consent in order for it to be in order for the yeas and nays to be ordered on the underlying amendment.

Mr. LEAHY and Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. There is an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to yield to the Senator from Ohio for the purpose of a matter relating to Irving Berlin, regarding his 100th birthday, a man much beloved by the rest of us.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I thank the Senator from Vermont, and I appreciate the fact I have the floor, but I am advised that the Senator from New York [Mr. D'AMATO] wanted to be here for this purpose. I am waiting to see if he will get here. It will only take us 1 minute. It is a short resolution.

Mr. LEAHY. Mr. President, will the Senator yield for a moment, for a comment?

Mr. METZENBAUM. I yield.

Mr. LEAHY. Mr. President, I know this is going to be on a matter relating to the 100th birthday of Irving Berlin. If we are going to have many more delays getting to it, the Senator from Ohio may want to adjust it to the 101st birthday of Irving Berlin.

I yield the floor.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, with the understanding that at the conclusion——

The PRESIDING OFFICER. The Senator may not qualify the purpose for the quorum call.

Is there objection to the order for the quorum call being rescinded?

The Chair hears none, and it is so ordered.

The Senator from Ohio is recognized.

APPRECIATION AND GRATITUDE TO IRVING BERLIN

Mr. METZENBAUM. Mr. President, this is a momentous day in American history. It is the occasion of the 100th birthday of probably America's most famous composer. Tonight there is a major celebration in his honor. Irving Berlin is 100 years old as of today.

I offer a very short resolution, on behalf of myself and Senator D'AMATO. I send to the desk the resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 428) to express appreciation and gratitude to Irving Berlin.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. METZENBAUM. Mr. President, the resolution reads as follows:

S. RES. 428

Whereas, Irving Berlin, like no other composer, has brought American popular song into the lives and hearts of every American;

Whereas, after emigrating from Russia in 1892, Irving Berlin celebrated the spirit of the United States in his patriotic songs, including his inspiring and well-loved "God Bless America";

Whereas, each of us has a personal favorite Irving Berlin song, be it "White Christmas", "Top Hat", "Cheek to Cheek", "Blue Skies", or "Easter Parade" that we find ourselves humming or singing as the years go by; and

Whereas, May 11, 1988, is Irving Berlin's 100th birthday, marking his century-long love affair with America: Now, therefore, be it

Resolved, That the United States Senate expresses its sincere appreciation and gratitude to Irving Berlin for his century of faithful and exemplary contributions to our Nation through his delightful and enduring songs.

Mr. MOYNIHAN. Mr. President, I rise today to mark the birthday of one of the greatest living musicians of our century: Irving Berlin. Last July, I introduced a resolution honoring him, and I am pleased to note that this resolution passed the Senate by unanimous consent on October 30, 1987. I am even more heartened today to be able to send him the good wishes of this body on his 100th birthday. A century of music, indeed.

Mr. Berlin emigrated from Russia with his family at the age of 5, and became a resident of the Lower East Side of New York City. His father died when he was 8 years old and Mr. Berlin was forced to leave school to contribute to the support of his family. Because of his love for singing and music, Mr. Berlin began his career singing on the streets and collecting whatever change he could get. At the age of 17, Mr. Berlin obtained a job as a singing waiter at the Pelham Cafe in downtown New York. It was during his stint at the Pelham Cafe that Mr. Berlin's talent was first recognized and he was commissioned to write what would be his first hit song in 1909, "Dorando." His career escalated from there to make him the success he has become today.

There are few who could claim the lifetime achievements of Mr. Berlin. He has written the music and lyrics for over 900 songs, 19 musicals, and 18 movies. He had his first hit in 1909, wrote his first musical in 1916, and has not stopped writing since. As recently as 1962, he came out with the musical "Mr. President."

The number of hits Mr. Berlin has had is astounding. He has written songs such as "Oh, How I Hate To Get Up in the Morning," "Cheek to Cheek," and "Puttin' on the Ritz," among others. He has also written the scores for "Annie Get Your Gun," "Top Hat." But perhaps the song he has received the most recognition for is "God Bless America," for which he received the Congressional Gold Medal from President Eisenhower in 1955. This song has become our unofficial national anthem.

Irving Berlin has entertained America with his songs for over three-quarters of a century. His music has become symbolic of the American spirit just as his life is symbolic of the American dream—he is a success in the field he loves. Mr. Berlin has brought pure pleasure to the American people through his music. For this, Irving Berlin deserves great congratulations on his birthday, and may he have many more.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 428) was agreed to.

The preamble was agreed to.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, let me just say for the information of people who might not have known what was going on here the last few minutes, the amendment that I offered was sort of superseded by the amendment of the Senator from Vermont, Mr. LEAHY, and it was admittedly designed to fill up the tree. But we concluded, after we did it, that it was not all that important. What his amendment does, so everybody here will understand, it simply changes about three words in my amendment to give it some consistency.

I do not want to go into a belabored explanation of it, but we had used the phrase "MIRV'd systems" twice which made our amendment slightly inconsistent. It would not have been fatal. It was not a really big deal. But just to be consistent and to make it read right, we changed it. That is all the Leahy amendment does. So nobody need to be looking for any hidden tricks as to what the Leahy amendment does.

Having said that, let me say that on the defense authorization bill it just seems we have these amendments we have to ritualistically offer every year, such as SDI and such as this amendment.

Last October 2, the Senate voted 57 to 41 to continue observing the sublimits of the SALT II Treaty. We had a good debate on it and the Senate overwhelmingly voted to continue. Even though that was an unratified treaty and even though the word "SALT" is apparently the dirtiest word you can say to the President or anybody in the White House, that is what we did.

Now, if the White House is hung up on the word "SALT;" that does not bother me. The reason we are offering this for the fifth consecutive year—and I might say the Senate for the previous 4 years has voted almost overwhelmingly for some constraints on the nuclear arms race—all we are offering this amendment for is to say the INF Treaty is fine. We are all for it. It will not have 20 votes against it in this body.

Second, we have been trying to negotiate a really substantial reduction in nuclear weapons with the Soviet Union under the START Treaty. We now know and everybody says that we cannot possibly reach an agreement by the time the President goes to Moscow. I do not know when we will reach an agreement. But I want to say that unless we do reach an agreement soon, we need some kind of restraint on both the United States and the Soviet Union in this continuing escalation of the arms race.

For the record and the benefit of anybody who may be listening, the sublimits that we have voted on in the past here are these under the SALT II Treaty: Either side is limited to 820 MIRV'd ICBM's. Both sides—and I am talking about an unratified treaty SALT II—both sides were limited to 820 MIRV'd ICBM's such as we have in silos out West, the Minuteman III, principally.

No. 2, both sides were limited to 1,200 missiles, MIRV'd missiles, that is, ICBM's and SLBM's. That means the kind that sit in the silos out West plus the missiles on our submarines—1,200. You can mix them up just about any way you want to.

For example, we have 550 MIRV'd ICBM's. The Soviets have 803 as of right now. But we make up the difference between 550 and 1,200 with submarine missiles, which incidentally happens to be my favorite deterrent to the Soviet Union.

The third category, of course, was all MIRV'd systems which includes ICBM's, submarine-launched ballistic missiles and bombers that carry the cruise missile.

So, here were the limits: 820 MIRV'd ICBM's, 1,200 combination of MIRV'd ICBM's and SLBM's and 1,320 ICBM submarine-launched and bomber-carrying cruise missiles.

In 1980, during the campaign, candidate Reagan said he did not like the SALT Treaty; that it was fatally flawed. In 1982, he said he had changed his mind and that as long as the Soviet Union maintained a compliance with the numbers in that unratified treaty so would we.

That was the situation until late November 1986 when President Reagan said we are no longer going to comply with what we call our no-undercut policy; that is, we are no longer going to comply with the numerical limits of the treaty.

So the Senator from Pennsylvania, Mr. HEINZ, the Senator from Rhode Island, Mr. CHAFEE, and the Senator from Vermont, Mr. LEAHY, and I got together in a bipartisan spirit and came to the Senate and said, "We think this is bad business."

Last October 2, this Senate voted 57 to 41 to continue complying with those SALT II limits. The House had already voted to do the same thing. So you had the House and the Senate both saying, "Mr. President, don't exceed the limits. No money herein may be used to exceed the limits."

The President threatened to veto the bill. And to his credit, the distinguished Senator from Georgia, Mr. NUNN, called me and stayed in close touch with me during the time the Senate and the House were in conference. He said, "We would like to get this bill signed. The President will not sign it as it is presently drafted. Here is what we are proposing." And he gave me their proposal.

While I did not like it, and my colleagues who had fought with me on this did not like it, we agreed to it. We were interested in getting a bill passed, too.

And so here is what the conference said last year when they tinkered with it just a little bit. It did allow us and the Soviet Union both to exceed the 1,320 limit, but not by a lot. And it certainly kept some wraps on the nuclear arms race. Here is what the conferees said when they did this. And I want to read this into the RECORD, Mr. President.

> The conferees note that decisions taken for budgetary reasons elsewhere in the bill will have the effect of stabilizing U.S. strategic forces during fiscal year 1988 at roughly the level deployed as of the date of enactment of the bill. The conferees

—and this is critical—

> The conferees believe that maintaining interim restraint and strategic defense force levels is not only prudent in light of current budget realities, but also consistent with the recent progress in the START negotiations and the continuing Soviet practice of retiring older ICBM's and SLBM's prior to the end of their normal service life.
>
> Assuming the progress continues to be made in START, and that the Soviet Union continues early retirement of ICBM's and SLBM's it would be the intent of the conferees to take such actions as may be required to maintain U.S. and Soviet interim restraint, including the option of foregoing the overhaul of additional Poseidon class submarines near the ending of their normal service life.

So, Mr. President, last year the House and the Senate both voted to limit MIRV'd system to 1,320 on both sides. Incidentally, just for anybody who does not study this, I will give you an interesting statistic.

Let me assume that when the ninth Trident submarine goes to sea this fall—we are not going to do this, but may we do it later, but just for argument purposes—let me assume when the ninth Trident submarine goes to sea this fall, we put new Trident II missiles on it and we put 10 warheads on each one of those missiles. The Trident II submarine has 24 missiles. If you put 10 warheads on each missile, that is 240.

You know, this is not a part of our SIOP, I am sure. I am not privy to what our SIOP is. But if the Soviet Union should launch a pre-emptive strike against the United States that destroyed all 550 of our ICBM's in their silos out West, destroyed every B-52 bomber we have that could possibly reach the Soviet Union, destroyed every F-11 we have in England that could possibly strike the Soviet Union, destroyed every aircraft carrier in the Mediterranean that had a plane on board that is nuclear wired, destroyed every single submarine we had except just that one little Trident submarine, the ninth one, this fall, that Trident submarine has the potential ability to destroy every city in the Soviet Union of over 100,000 people.

When it comes to overkill, we have the ability to destroy the Soviet Union perhaps 48 times and they have a comparable ability to destroy the United States, a similar number of times.

When one lies down on a pillow at night, if he reflects on that at all for any period of time, it might cost a night's sleep. But my point is this. Pursuant to what the conference did last year, which gave us a decided advantage over the Soviet Union, here is essentially where we are right now.

You see, what the conference did is some erosion of the arms control process. Right now the United States has 1,336 MIRV'd systems—MIRV'd missiles and bombers with cruise missiles. Incidentally, I found it curious that the debate around here for years was that the B-52 ought to be retired and we ought to build the B-1, then everybody wanted the Stealth. But the important thing was our pilots were flying in airplanes that were older than they were.

If I have heard the argument on this floor once, I have heard it 1,000 times. Our pilots are flying airplanes older than they are. So when the President says we are not going to comply with the SALT II Treaty any longer, we are going to trash it, how did he choose to trash it? He chose to put cruise missiles on those B-52 bombers.

If he had said we are going to build an extra Trident submarine, or we are going to put some more ICBM's in silos, that might have made a little sense. But those old B-52G's, B-52H's, and now we have about 161 B-52 bombers equipped with cruise missiles, so that they are now counted in this MIRV'd system. They count as a MIRV'd system when you put cruise missiles on them.

They do not count in this 1,320 number unless you put cruise missiles on them. But I thought that was a curious way to trash the treaty.

But here I go again. The Soviet Union right now, these figures could vary a few, one way or the other, but right now the Soviet Union has 1,270 MIRV'd launchers and bombers. The United States has 1,336. We are not only 16 above the SALT II limits, we are about 66 above the Soviet Union.

The bean counters, and there are a lot of them in the Senate, I hear them talk all the time about how the Soviets have more tanks, guns, planes, and everything else than we have—now here is one for you. Just since last October when we voted on this thing we have added enough MIRV'd launchers that we now have 1,336 and the Soviet Union has 1,270. If that will help you sleep at night, to know that we have that many more then they do, be my guest.

But what this amendment does, Mr. President, it says that none of the funds herein may be used to exceed the limits that we were at on January 25.

Why January 25? Well, it is sort of sentimental. That is the day the President sent the INF Treaty to the Senate. And I picked that day because if you are going to talk about reducing nuclear weapons under the INF Treaty, why torpedo the whole concept by continuing to add long-range strategic weapons?

So, Mr. President, this is not a complicated amendment. It says that we will stay where we were on January 25, and if the President at any time in the next fiscal year certifies to us that the Soviet Union is above that, he can do whatever he wants to. All he has got to do is to certify to Congress that the Soviet Union is exceeding the limit that we have chosen. Not them.

I might say before the argument starts about how the Soviets cheat, steal, and lie, every intelligence agency we have says that they are generally complying with arms treaties and arms agreements. Here is the article from the New York Times dated January 10, 1986. I will ask to have it printed in the RECORD in just a moment. It says, "The Soviet Union has complied within the vast majority of important arms control provisions, according to private congressional testimony by a ranking State Department official. The same State Department official also said in private congressional testimony that the United States would risk starting an arms race that it might lose, if it responded to purported Soviet violations with American actions that run counter to the unratified arms limitation treaty of 1979."

Mr. President, I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 10, 1986]

U.S. AIDE SAYS SOVIET HAS KEPT MOST ARMS PACTS

(By Michael R. Gordon)

WASHINGTON, Jan. 9.—The Soviet Union has complied with the vast majority of important arms control provisions, according to private Congressional testimony by a ranking State Department official.

The same State Department official also said in private Congressional testimony that the United States would risk starting an arms race that it might lose, if it responded to purported Soviet violations with American actions that run counter to the unratified arms limitation treaty of 1979.

The disclosure of the testimony was made against a background of repeated charges by some Reagan Administration officials that the Soviet Union has routinely violated arms control treaties.

The State Department testimony was given early last year in a closed-door session of the Senate Armed Services Committee and was recently published by the committee in an unclassified form.

DEEP DIVISIONS

The State Department views run counter to Defense Department assertions, and provide a look at the deep divisions within the Administration on the issue of Soviet compliance with arms treaties.

The Defense Department has asserted that the Soviet Union has a "policy of treaty violation." Defense Secretary Caspar W. Weinberger has recommended to the White House that the United States take a number of steps that would conflict with the unratified 1979 treaty in order to respond to a purported pattern of Soviet violations.

The State Department comments were presented last February by Lieut. Gen. John T. Chain, Jr., who was then director of the bureau of politico-military affairs in the State Department and is now chief of staff for the NATO commander.

The Administration's allegations of Soviet treaty violations have not changed fundamentally since that time.

In the committee deliberations on the purported violations, General Chain said there was a need for the committee "to put a little balance into the conversation."

THE LARGE MAJORITY

He told the committee that the Soviet Union has kept most of its treaty commitments, although he asserted that it had committed some violations.

"If you take the body of the treaties in a macrosense," he said, "they have complied with the large majority of the treaties."

"I would hate to see this body walk out of here at the end of day thinking of arms control as no good because the Soviets always cheat," he added. "That is not the position of the Administration. It certainly is not the position of the State Department."

During the closed session, General Chain also differed with Richard N. Perle, an Assistant Secretary of Defense, over the value of the 1979 treaty limits.

General Chain argued that the Soviet Union might be in a better position to move ahead in the strategic arms race if the treaty limits were dropped.

He noted that the Administration was considering, at that time, whether to dismantle a Poseidon submarine when a new Trident submarine went to sea. A decision not to dismantle the submarine would have pushed the United States over a treaty limit on the number of multiple-warhead missiles.

RISK IS DESCRIBED

General Chain said that "If we cross this line" and abandon some treaty limits, the United States could be at a disadvantage since the Soviet Union probably had a far greater potential for building up its strategic arms than the United States. This is because the Soviet Union does not need public support to increase its arms buildup, General Chain said.

This view was disputed by Mr. Perle, who said in a subsequent committee session that there would be "no militarily significant difference" through 1990 if the United States abandoned the 1979 arms limitation treaty.

He told the committee that "the Soviet program for the next few years is accommodated" by the treaty because the limits set in the treaty are high and because the Soviet Union can cheat.

The Administration eventually decided to stay within the treaty limits by dismantling the Poseidon submarine. But the issue has re-emerged because yet another Trident submarine is going to sea this May and because the continuing deployment of air-launched cruise missiles on bombers will also push the United States over a treaty limit unless the Administration takes action to offset it.

OPPOSITION TO DISMANTLING

The United States could stay within the treaty limits by dismantling two Poseidon submarines.

Mr. Weinberger has recommended that the Administration not dismantle the two Poseidon submarines.

Instead, he has suggested that the submarines be retired for a year. After that time, the United States would decide whether to overhaul the submarines and send them out to sea, or dismantle them. Mr. Weinberger also proposed other responses that run counter to the 1979 treaty.

President Reagan, in the public report on Soviet "noncompliance" that he made in Congress on Dec. 20, did not assess the overall Soviet record on arms control. While asserting that there has been a pattern of violations, Mr. Reagan did not address the subject of what steps the Soviet Union had taken to comply with arms treaties.

Mr. BUMPERS. Mr. President, you cannot get one intelligence agency in the United States not to tell you that the Soviets not only have been dismantling missile systems for every one they deploy, but they are dismantling a much newer, more modern weapon than we are. Our Poseidon submarines are all going to be out of service in the 1990's. So, when we dismantle the Poseidon submarine, we are not giving up very much.

Under this agreement we will have to dismantle 51 missile systems by the end of the 1989 fiscal year and the Soviet Union will have to dismantle about 60.

With no new language, if we do not pass this amendment, we will be coming out with a new Trident submarine this fall and another one in 1989, and we will add 51 more MIRV'd systems, or a total of 77 above what we already have exceeded the 1,320 limit by.

You remember last year Senator DOLE offered an amendment to our amendment saying: "Nothing herein is to be considered complying with the SALT II Treaty." And we agreed with that.

Mr. President, just as food for thought, what if we do not get a START Treaty for years? The START Treaty is designed to reduce the number of warheads on both sides by 50 percent. We have about 13,000 right now. The Soviet Union has about 12,000.

So if we had a START agreement right now, we would be reducing the number of warheads on both sides to 6,000. But if we do not get a START agreement for several years and 10 years from now we each have 24,000 warheads and you get a START agreement, you are right back to where you are right now.

Mr. LEAHY. Will the Senator yield at that point?

Mr. BUMPERS. Yes.

Mr. LEAHY. Mr. President, the Senator from Arkansas is correct. I think he feels as I do. We hope that President Reagan can sign a START Treaty before he leaves office. He would like to be able to see us get the problems on the INF Treaty out of the way so the Senate could advise and consent to its ratification by the President.

But if he cannot sign a START Treaty or if the President cannot ratify one because we cannot advise and consent to it, then I urge the next President to make the finishing of an agreement, a strategic arms agreement that would cut weapons, a top priority.

In the meantime, the security of NATO, the validity of the INF Treaty, and the hopes of further arms control demand we put some kind of a cap on Soviet strategic missiles and bombers.

Our amendment, in one sense, would do this. It freezes U.S. multiple warhead missile and bomber deployments at their January 25, of this year levels, so long as equivalent Soviet deployments stay at their levels on that date, except for overall multiple warhead systems. There they could theoretically rise to our 1,345, although, as a practical matter, they will not.

Consider what we are saying, Mr. President. The Soviets could break out of those ceilings much easier, I believe the Senator from Arkansas would quickly agree, because of their hot missile and bomber production lines. They could break out of an agreement very quickly, but they have not.

Why not give them an incentive not to break out? Why not give them an incentive to stay where they are? Does anybody really think we are going to gain more security if they increase the number of warheads they have or we increase the numbers we have?

All Bumpers-Leahy does is to say: "Here we are on January 25. Let us keep it at these levels." Both countries seem to be able to live within them, and I use that term advisedly. Neither country has shown any need to go beyond those levels.

So why not have an incentive for mutual restraint here? We lose absolutely nothing by it. We are saying to Moscow, "If you do not increase, we will not increase. If you do increase, we will do so also, but we know we cannot keep up with you for some years yet, at least in number of land-based missiles."

I tried a lot of cases, Mr. President, when I was in private law practice, and I settled a lot of cases. A settlement which says that the other side gives up one of their major advantages while you give up practically nothing was a settlement you like to grab hold of. I suppose it would be the same in Arkansas. It certainly is the same around the country.

I would like to see us be in a position where we could put some kind of cap on these missiles and bombers, while at the same time encouraging the President to go forward with a real START agreement, something under this he could do. Achieving a START Treaty would actually enable him to set aside Leahy-Bumpers-Chafee-Heinz.

Consider the difficulties we are in. The President hoped we might ratify the INF agreement before he went to the Moscow summit, but it appears we may not be able to give him the advice and consent necessary, for many solid reasons. The INF agreement by itself is a very minor agreement, and yet it may not be ratified by that time.

In fact, if the worst happened, we could end up with a severe political crisis in NATO. If the INF agreement runs into serious delays all our allies will say: "You are going to have to live up to your side of the bargain, United States, because that is it. As far as we are concerned, those U.S. missiles have to come out, whether or not you get the treaty ratified.

Those NATO countries went through a great deal of political turmoil when they accepted the U.S. Pershing and cruise missiles. I have talked with most of the defense ministers and foreign ministers of our NATO allies, and they tell me, as far as they are concerned, the INF deployment plan is over. Whether the United States ratifies it or not, those missiles are coming out.

If we wind up with an unratified INF Treaty, the United States is, by political pressure, going to have to live up to its side of the agreement, and there will be nothing on paper requiring the Soviets to live up to their side.

Let us not get ourselves an even worse situation, a nuclear arms race which the American people do not want where the Soviet Union has most of the advantages.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, while we cannot understand why the Soviet Union may have changed some of the signals on INF, especially verification, I think most of the Members of the Senate, both Republicans and Democrats, hope that Secretary Shultz' visit to Geneva with Mr. Shevardnadze will do away with those differences. They should be resolved in such a way the distinguished Members of this body, on both sides of the aisle, who have expressed support for the underlying goals for the INF agreement can then be satisfied as to the verification issues which we have legitimately raised, and the Senate will be able to advise and consent to the INF agreement.

I, for one, wish that this will be done before the President goes to Moscow so the President could then ratify the INF agreement either before he goes to Moscow or at the time he gets there. This would put the President of the United States in a better negotiating position when he starts talking about START. He will not be in any position where he will have to explain an unratified INF agreement.

I might also say in that regard that I think most Members of the Senate are willing to put aside their political labels and stand as one with the President and hope that he will be able to go there with unanimity and support on an arms control issue like INF; that we can also establish here the kind of atmosphere necessary for our chief negotiator, in this case the President of the United States, to talk about real arms control reductions.

When the President says he wants real reductions and that is his goal, I take him at his word. I think if that is the case, he deserves the support of the United States, the people of this country.

So we face a couple of difficult issues here, Mr. President. I can express my hopes as a Senator from Vermont that Secretary Shultz and Mr. Shevardnadze will be able to settle the differences and the questions that have been raised by Senators on both sides of the aisle in this body and that the Senate can then go ahead and advise and consent to the INF agreement and the Senate can ratify it.

I also express the other hope, that Bumpers-Leahy-Chafee-Heinz amendment can be passed once again as it has been in the past by this body and by the other body, and send a clear signal that the United States is willing to show restraint in strategic weapons systems so long as the Soviet Union does. And, of course, the purpose of the four of us in urging interim restraint is to set up an atmosphere where the United States and the Soviet Union can for the first time agree on real reductions in strategic weapons systems. This is what President Reagan has said he supports, and what Mr. Gorbachev has said he supports. Frankly, it is something that the majority of Americans have said they support.

It really should not be considered that radical an idea, Mr. President. I think if we were to go out to our constituencies, whether it is in Colorado, the home of the distinguished Presiding Officer, Vermont, Rhode Island, Pennsylvania, or Arkansas, the homes of the four main sponsors of this legislation, we would find the same thing. People are concerned about the specter of nuclear war, and they want to see restraint first and foremost on the part of the superpowers and then they want to see an honest and realistic effort to move us back off that threshold of nuclear posturing and overkill in the number of weapons that we have.

Mr. President, I applaud the distinguished Senator from Arkansas and align myself completely with what he has said. I also applaud the distinguished Senator from Rhode Island

and the distinguished Senator from Pennsylvania, Messrs. CHAFEE and HEINZ, and their longstanding support in this matter.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. LEAHY. I yield the floor.

Mr. BUMPERS and Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I know both Senators wish to speak. Let me finish my statement. I yielded to the Senator from Vermont because he had a statement he wanted to make.

Mr. QUAYLE. Will the Senator yield for a question about the contents of the amendment?

Mr. BUMPERS. Sure.

Mr. QUAYLE. I am reading from page 3—I do not know if it is the right amendment or not, but it says BUMPERS for himself, LEAHY, CHAFEE, and HEINZ—on the prohibition on the use of funds.

Mr. BUMPERS. Yes.

Mr. QUAYLE. it says:

> Notwithstanding any other provision of law and subject to the provisons of subsection (f), 60 days after the date of enactment of this act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRV'd strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRV'd ICBM's, MIRV'd ballistic missiles, and MIRV'd strategic systems that it had deployed on January 25, 1988.

Now, what number will the United States be committed to by this langauge?

Mr. BUMPERS. One thousand three hundred and forty-six, total systems.

Mr. QUAYLE. We would be limited to 1,346.

Mr. BUMPERS. Right.

Mr. QUAYLE. Can we move that 1,346 within——

Mr. BUMPERS. The 60-day period?

Mr. QUAYLE. In other words, can we move that within the SALT II limits? Say, in other words, we want to employ more MIRV'd ICBM's.

Mr. BUMPERS. Do not even talk about SALT. That is supposed to be a dirty word around here.

Mr. QUAYLE. I agree it is. But we have to refer to it. What I am saying is the 1,346, can we deploy 1,346——

Mr. BUMPERS. We already have 1,346 on January 25.

Mr. QUAYLE. But are you freezing in by this amendment the ICBM's that we have, the number?

Mr. BUMPERS. You can change the mix if you want to. We are not going to, I can tell the Senator categorically—I am not on Armed Services or Intelligence, but I can tell the Senator we are not going to change the number of ICMB's that we have that are in silos. I am talking about land-based.

Mr. QUAYLE. So the only thing this reference is to is the 1,346 and nothing else? In other words, we would be free—if we wanted to go over, say, the 820 sublimit of the ICBM's, we could do that if we wanted?

Mr. BUMPERS. No.

Mr. QUAYLE. We could not.

Mr. BUMPERS. The Senator was not here when I made my opening statement.

Mr. Quayle. Was it a good one?

Mr. BUMPERS. I hate to belabor it for those who were, but let me give it to the Senator this way, quickly. As the Senator knows, under the SALT II Treaty, both sides were limited to 820 land-based ICBM's that were MIRV'd.

Mr. Quayle. Right.

Mr. BUMPERS. They were limited to 1,200 land-based MIRV'd ICBM's plus submarine MIRV'd missiles. And you could mix that up just about any way you wanted. Does the Senator follow me?

Mr. QUAYLE. I understand what the SALT II sublimits are.

Mr. BUMPERS. Then we have the 1,320 sublimit which included land-based, submarine-based, plus bombers that carried cruise missiles. Is the Senator with me on that?

Mr. QUAYLE. I understand that fully.

Mr. BUMPERS. OK. Right now we have 550 MIRV'd land-based missiles. They are either MX's or Minuteman III's. Now, my point is, as a practical matter, we are not going to add anything to that 550 in the next year when we will have to address this again.

Mr. QUAYLE. Does this amendment freeze that 550 if we wanted to?

Mr. BUMPERS. No, it does not.

Mr. QUAYLE. It does not.

Mr. BUMPERS. No.

Mr. QUAYLE. I guess I would read it that it would. That is why I am asking the author of the amendment.

Mr. BUMPERS. We make the record very clear on that, that that does not freeze us. Incidentally, I will tell the Senator one interesting thing about it that will make him want to vote for this amendment. This amendment sort of freezes the Soviet Union into weapons systems that are vulnerable, namely, land based. I can tell the Senator that as a practical matter they are not going to be able under this amendment, or under their own plan, to increase the number of submarine-launched missiles. So what we are doing is we are sort of freezing ourselves in on invulnerable systems and freezing them in on vulnerable systems.

Mr. QUAYLE. So the Senator is really saying that this is a good deal.

Mr. BUMPERS. It certainly is. And if the President decides that they are not complying with the terms of this amendment, all he has to do is notify Congress.

Mr. QUAYLE. I just wanted that point of clarification to see exactly what the Senator was freezing. My understanding is that the Senator is freezing the 1,346 and not getting into the mix within the sublimits.

Mr. BUMPERS. We are not.

Mr. QUAYLE. It is the total number of strategic MIRV'd launchers that we presently have.

Mr. BUMPERS. That is correct.

Let me close, Mr. President, if I may, with a few comments about two or three salient points that I think ought to be of some interest to the Members of the body.

Everybody knows that the Soviet Union is in a better position to break out of the SALT II Treaty and break out of the limits of last year's agreement and even this amendment, if they chose to. And I might add the Soviet Union is not going to forever restrain themselves while we continue to add strategic MIRV'd systems to our arsenal.

Right now we have about 65 more MIRV'd systems than they do, but they are in a better position to break out than we are, and every intelligence agency in town will tell you that by 1992, if they choose, they can have around 3,000 more warheads than we have.

President Reagan was asked in 1982, "You campaigned against the SALT II Treaty all during the Presidential campaign of 1980. Why are you changing your mind now and saying we are not going to undercut the treaty?"

He said, "I'll tell you why. Somebody told me the Soviet Union was in a much better position to break out of the treaty than we were."

Those are President Reagan's words.

Now let me tell you what our allies say. Maybe you do not care what our allies think, but I will tell you what they say anyway. Here is what the spokesman for the West German Government said: "West Germany believes that both superpowers should adhere to the agreed-upon upper limits on strategic weapons systems.

Francois Mitterand, just reelected in a fairly good landslide in France:

> It would have been very wise and very useful [for the U.S. to continue to comply with SALT II].

The Belgian Foreign Ministry:

> Any non-compliance with the provisions of SALT II undertaken by whichever side is regretted.

Margaret Thatcher—here is what she says:

> The provisions [of SALT II] must be observed by both sides . . . difficulties will arise if both sides do not observe them.

Here is the Canadian Secretary of State:

> Canada strongly supports the arms control regime established by the ABM and SALT agreements and believes nothing should be done to undercut their authority

> . . . We are, however, very concerned about the implications of the President's stated intention to exceed SALT II limits later this year . . . Our views on the importance of the USA abiding by the provisions of the SALT II agreement have been conveyed to the USA Government.

Mr. President, I could go on with statements by others. Here is Hans-Dietrich Genscher, Foreign Minister of West Germany:

> We supported the United States sentiment of commitment to the SALT II treaty, although it was never ratified. Because it is very difficult to make new agreements in arms control, it is all the more important to most carefully preserve existing treaties and adhere to them.

Here is what six former Secretaries of Defense say.

You think about that, six former Secretaries of Defense—three Republicans and three Democrats—have written a letter saying U.S. policy should be to continue, not to undercut, the SALT II Treaty, especially its numerical limits. Gen. Brent Scowcroft, who was Chairman of the Scowcroft Commission, and whose word is almost divine around here on strategic weaponry, here is what he said:

> Yes, I think we should (comply with SALT II). There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all.
>
> General Scowcroft said President Reagan's decision to comply for now with the 1979 arms limitation treaty (SALT II) "made a great deal of sense." he said the United States had nothing to gain from a policy of "reciprocal violation (of the treaty) because we have virtually no leverage . . . (the treaty) is in a sense a refuge for us."

Gen. Bennie Davis, commander of Strategic Air Command said on March 6, 1985 before the Senate Armed Services Committee:

> I have made that assessment privately today that we should continue to abide by the SALT II limitations.

He goes on to say:

> The Soviet Union, due to its production base, has an enormous capability to field systems. If they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant . . . any action by the Soviet Union which would change the nuclear balance so dramatically would adversely affect the strategic balance.

Even Lieutenant General Abrahamson, who heads up the Strategic Defense Organization said:

> I would not like to see the Soviets go beyond the SALT II limits.

And Gen. David Jones, Chairman of the Joint Chiefs of Staff not too long ago, said:

> There's not even a marginal military reason for exceeding the SALT limits . . . these guys have got a lot to learn.

Mr. President, I am sometimes perplexed, dismayed, and shocked in how we here in the Senate and in the Congress put such great emphasis on what every one of those people think, and what every one of them say until it comes down to the point where you may disagree. Here all the experts in the country, the military, diplomatic, worldwide, all of our NATO allies, say, please do not break out of this treaty and allow for an unrestrained nuclear arms race.

As I said a moment ago, if we keep going, you cannot expect the Soviet Union not to do so also.

Mr. President, I want to give everybody a chance to speak, but I just want to close with where I opened my statement this morning on SDI. You know, this is not beanbag. We are not debating here for the afternoon society. We are really debating just a marginal step that we can take to slow the nuclear arms race.

I might tell you I had 8 percent more women votes when I ran for reelection in 1986 than I did men. My wife insists that women are more sensitive to this issue than men are. Maybe she is right. I do not know. But I know that the nine new Democratic Senators who came into the Senate in 1987, every one of them came because they got a significantly higher number of women votes. That could be because we talk a lot about education on this side. We talk a lot about child care. We talk about health for all of our people but particularly children of poor families.

You know, of the 37 million people in this country who have no health care coverage, half of them are children. What do you think about the greatest nation on Earth, with all the wealth of this country, having about 18.5 million children with no health care, not even Medicaid which covers the poorest of the poor? We have $300 billion for defense, but all I am saying is when I ran in 1986, I said I believe in health care for your children. I believe in spending sums of money to educate this country and your children. I believe in child care particularly for you women who head single family households and trying to raise your children. But I promise you, if you send me back to the Senate, I will do everything I can to bring this arms race under control and guarantee your children a chance to grow to adulthood. I have been fighting for it ever since I have been here, win, lose, or draw. I do not intend to ever quit because it makes more sense to me than anything else we ever talk about around here even though people have a tendency to treat it as a political issue. It is so much greater than that.

The House has already voted—last week the House voted—240 to 174. They voted last week for a much stronger measure than mine. This is going to be in the conference. It is going to be in conference. I feel like I have given a lot. I think my colleagues on this amendment with me feel that we have given a lot. But at least we will describe the parameters that the conference committee can deal with.

Mr. President, I yield the floor.

Mr. QUAYLE. Will the Senator yield for a question, Mr. President?

Mr. BUMPERS. I yield the floor.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Let me indulge my friend from Arkansas one more time on this amendment because I really do not read it in the same way that he does. On page 3 it says it would cause the United States to exceed the numbers of MIRV'd ICBM's. I presume the Senator is referring to the 820 category.

Mr. BUMPERS. Just a moment.

Mr. QUAYLE. All right.

Mr. BUMPERS. I stand corrected. The Senator is right. I apologize. It does freeze the U.S. at 550 land-based ICBM's.

Mr. QUAYLE. In the first category we are frozen at 550 ICBM's.

Mr. BUMPERS. That is correct.

Mr. QUAYLE. How many will the Soviets be allowed to have?

Mr. BUMPERS. That figure is classified but they have always had considerably more land-based missiles than we have.

Mr. QUAYLE. I do not believe it is classified.

Mr. BUMPERS. I am not going to take a chance on it. I think it is classified. It may not be. The Senator from Indiana is on the Armed Services Committee.

Mr. QUAYLE. I do not think it is classified.

Mr. BUMPERS. Does the Senator know how many they had? If he wants to say it out here, it is OK with me.

Mr. QUAYLE. I am told unclassified that they have near 820. Is that correct?

Mr. BUMPERS. I think the Senator may be right. Close to it.

Mr. QUAYLE. So, we would be frozen at 550, and they would be frozen at near 820.

Mr. BUMPERS. That is the point I was trying to make a moment ago. They have so many more of their missiles in vulnerable silos, and they are not going to change the mix, and this sort of freezes them into vulnerable systems, while we have so many more submarine missiles than they have which are invulnerable. So, it is really a big advantage to us.

Mr. QUAYLE. In the second category on MIRV'd ballistic missiles, we are frozen at how many?

Mr. BUMPERS. About 1,200 and for the Soviets, too. This means that in MIRV'd SLBM's, we could have 650 while the Soviets can only have 380.

Mr. QUAYLE. We are frozen at about 1, 200?

Mr. BUMPERS. That is right.

Mr. QUAYLE. And in the third category, we are frozen at 1,348, I presume.

Mr. BUMPERS. 1,346.

Mr. QUAYLE. So, we were frozen at 550, about 1,200, and 1,346. That is as of January 25, 1988. We are going to freeze—this is back to the freeze mentality—we are going to freeze these levels at this particular date, January 25, 1988.

Mr. President, this amendment is different from the amendment we have had in the past. I would have to go back and review it. I think we talked about the sublimits of SALT II, which has been the reference point, which would certainly give the United States—and I think it is a bad amendment—more flexibility.

This amendment we have today is more restrictive than any Bumpers amendment we have had in the past, because it picks a date out of the air and just says that we will freeze in this category of ICBM's and then MIRV'd ballistic missiles and in MIRV'd strategic systems.

I do not believe it is a good idea to sit here and try to write treaties on the floor of the Senate.

In this particular amendment—and I will speak on it more later—but at this time, why in the world would the U.S. Senate want to arbitrarily pick a date out of the air in January and say we are going to freeze; we will freeze and they will freeze?

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. QUAYLE. I yield.

Mr. LEAHY. The Senator is on the Armed Services Committee. I wonder if he could tell me whether we have any intent—to back up a bit.

The date of this amendment goes through, I believe, October 1, 1989. Is the Senator aware of any intention to increase our MIRV'd ICBM's between now and that time?

Mr. QUAYLE. I do not think that we will, nor am I advocating that we should.

I think it shows what kind of amendment we have here. We pick something out of the blue moon or from the stars, or wherever we get these dates. I guess it is the date the INF Treaty was submitted to the Senate. This year, we are doing it because of the INF Treaty. Last year, the Bumpers amendment goal was something along the lines, if I recall, to control the arms race—some nice, jazzy, politically attractive amendment.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. QUAYLE. This is going to be done because of the INF Treaty.

Let me conclude my point, and I will be glad to yield for questions.

This amendment, as I said, is different from what we have had in the past. What is of interest is that we say, "Well, if we're going to violate the treaty or if the Soviet Union is going to violate any treaty, we have to have some sort of responses."

This treaty was never ever ratified. Everybody knows that. We do not have to go back into that argument. We have had a lot of discussion about treaties and compliance and things of that sort. But what we are doing here is taking the SALT II Treaty, trying to bind the President to something that is more restrictive and unequal than the SALT II Treaty, the way I read the amendment—simply trying to write this into statutory language, saying, "Maybe this would be a good deal for the Soviet Union.

Senators are going to negotiate with the Soviet Union, not the Commander in Chief. The Senate is going to negotiate with the Soviet Union on a treaty that this body was not willing to ratify.

I have said time and time again, "Why don't you call up the SALT II Treaty, and we will have a debate on it?" I predict that it will not have the two-thirds vote, for a lot of reasons. It will not be just because of people saying they invaded Afghanistan. They are getting out of Afghanistan, we think, we hope.

So we can debate it free and clear. But we do not want to do that, because you cannot bring up the SALT II Treaty in its totality, because there are many things in the SALT II Treaty that the Soviets are violating, like the encryption of telemetry, like the new missile. Those are just two.

When we get into violations, Senators say, "By golly, we can't stand for those violations."

We are having a dispute right now wherein the Soviet Union entered into a treaty that is before the Senate; and, all of a sudden, we are having the big argument on inspection and verification rights. But we cannot bring up the SALT II Treaty and debate it because there are parts the Soviet Union violated; and because they violated it, we cannot bind the United States to that, so we want to drop the things that the Soviet Union violates, but want to comply and pick a date and restrict the United States on things that the Soviet Union apparently thinks is in their interest. What kind of negotiation is that?

I will quote from former President Carter, April 30, 1979:

> If we ever detect any violation of the SALT agreement, that would be a basis on which to reject the treaty in its entirety. There would be a possible termination of the good relationships between our country and the Soviet Union on which detente is based, and it might very well escalate into nuclear confrontation.

Tough talk.

The Senate Foreign Relations Committee voted 15 to 0 on the SALT II Treaty. It said:

> Failure to transmit relevant telemetry information which results in the impeding of verification by the United States will be raised by the United States in the standing consultative commission; and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including but not limited to the right to withdraw from the treaty.

No use to withdraw from the treaty. We never ratified the treaty. Now we are going to pick and choose which part of the treaty, which is unratified, we should bind ourselves to.

Apparently, the Soviets like and are willing to go along with the sublimits, are willing to go along with the limitations, whether it would be the ICBM's or the SLBM's, including the bombers, the strategic MIRV systems. They are over the strategic nuclear vehicles. They are violating that. They are over that limit. That is part of SALT II. But we have to take that out because they violated that part of the treaty. So we drop all the things the Soviets violate, and we sit there and try to put on ourselves the things that the Soviet Union apparently wants.

Boy, am I glad that the Senate does not sit down and negotiate treaties, if that is the way that we are going to negotiate treaties and that is the kind of treaty that some in the Senate would like to have.

The reason, in my judgment, that the Soviets are willing to go ahead and be bound by these limits is that there is no incentive for them at all to get into any more MIRV's, or warheads. They already have our targets covered by their hard target killers. They are way ahead of us in that category.

You want to look at trying to have deterrence and want to have peace, and I have to say that nuclear weapons, as hideous as they are, are political instruments, and in fact we make an investment in strategic weapons to maintain stability and maintain peace and in fact it has worked. Nobody is going to refute that. It has worked.

Why do they need anymore? They already can knock out our hard targets, which are a little over 1,000 hardened sites with their SS-18's and SS-19's. They have over 5,000 warheads that are hard target killers. They do not need any more to cover our targets.

Yet if we look at their hardened silos and command bunkers, they have over 3,000 and we have only 900 ballistic missile warheads that are accurate enough to ever hope to knock them out. As for the Soviets' mobile ICBM's our ability to target them is quite limited.

I would just say, Mr. President, that as you look at this thing here we go again. I have heard time and time again that the reason we have to have these amendments is that this administration is not interested in arms control. I also have heard where we have talked about going beyond the SALT limits. They said, oh, my gosh, if we do that you are going to break off negotiations. There are all sorts of dire predictions of what kind of relationship we would have vis-a-vis the Soviet Union. All of that is a red herring, all of those arguments. You do not hear that too much anymore because all those dire predictions of doom and gloom that, by golly, if we do this and we go on our way problems are going to erupt did not come true. This administration is not serious about arms control.

Yet you know any other view is just absolutely lunacy.

We have the Secretary of State over there today or tonight. He is tired. He had a good day, you will find out in his meeting with the Foreign Minister of the Soviet Union talking about concluding the arms control agreement on INF, and talking about other potential agreements. And to say that this administration is not interested in arms control is absolutely absurd.

Yet we say we have to go ahead and try to tie the President's hands. We are simply going to write this thing on the floor, and this amendment is much different than the amendment that we have had in the past. The amendment in the past referred to that SALT Treaty but not this amendment. This amendment on a date picked out of the air—I guess I should not say "picked out of the air" in deference to the Senator from Arkansas—he said the reason they picked that date that was the date the INF Treaty was submitted to the Senate.

So the day that the treaty was submitted to the United States Senate is the day that the United States Senate is being asked to bind this country, and we are going to ask good faith on the part of the Soviet Union, but if the Soviet Union violates this then the President just has to certify and we go, I guess, as far are they go, so they can control what in effect is in this agreement.

This is no place to be writing treaties. Treaties are to be conducted between heads of state. Sure, we can push and we can cajole, and we can ask and we can request and we can demand, but we should not be writing treaties.

You are not going to write treaties on the floor of the Senate. That is precisely what this amendment is trying to do. And it goes in the direction—I hope the Senate understands that—that we are simply binding ourselves as to what we can do on our land base, our sea base, and our bomber base on a date of January 25, 1988. Wheel of fortune, this happens to come up—January 25, 1988.

I hope that this amendment will be tabled so we can get on with the business of the Armed Services Committee and we can pass a defense bill.

The Senator is right, we are going to have this issue in the conference. It has been passed by the House of Representatives.

Mr. LEAHY. Mr. President, earlier I asked the Senator if he would yield for a question, and he said he would be willing to yield. I wonder if he is still willing to yield for a question.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. QUAYLE. I will be glad to yield for a question.

Mr. LEAHY. I want to just make sure I understand. The Senator from Indiana says that we have no intention of increasing our MIRV'd ICBM's before October 1989. Am I correct in my understanding on that?

I know we have no request in the Appropriations Committee for the money to do it.

Mr. QUAYLE. I think it is a possibility with the MX and depending on how we go on the MX debate that we might—in fact it is a possibility—let me conclude my answer.

Mr. LEAHY. The administration told me——

Mr. QUAYLE. Mr. President, I claim the floor. I want to respond to the Senator's question. I am glad to respond to the Senator's question and I will be glad to yield for questions.

In answer to the Senator's question is there any intention to have any more MIRV'd ICBM's, I think the MX is a possibility and it is a possibility depending on what you might want to do that you might in fact not have any design now.

We do not know how the debate on the MX, rail garrison, production lines, will be, but I say there is a possibility that we might in fact go above what we had on January 25, 1988.

Mr. LEAHY. Will the Senator yield for a question?

Mr. QUAYLE. I am glad to yield for the purpose of a question.

Mr. LEAHY. If a key figure in the administration told the Senator from Vermont or the Appropriations Committee that there is no intention to increase our MIRV'd ICBM's between now and October 1989, would he be misleading us?

Mr. QUAYLE. I would say that the question that the Senator from Vermont posed to me was a general question, whether I thought that there would be any additional MIRV'd ICBM's, and I said I do not know of any. I said, it is certainly possible depending on the MX. Now we get a question about some administration official said they did not have any plans. If the administration official said that I accept that, and I am not going to say for certain whether they would or would not. Whether they do or not I do not think is relevant.

I think what is relevant is that what we have done here is to pick a date and we have frozen in 550 ICBM's for the United States and about 820 ICBM's for the Soviet Union.

Now then I might point out that the Jackson amendment, that I presume the Senator from Vermont and the Senator from Arkansas are familiar with, the Jackson amendment that was statute that was passed in the SALT I ABM debate said that we would never agree to unequal ceilings. That was the Jackson amendment, and this resolution would violate the Jackson amendment.

We can go back and we violate and overturn statutes and change things however we want to, but I do not think that the U.S. Senate wants to go on record the day that they are negotiating in Geneva saying that in fact the U.S. Senate would agree to unequal ceilings. That is precisely the end result of this amendment the way it is drafted.

Mr. LEAHY. Mr. President, will the Senator yield for a further question?

Mr. QUAYLE. I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I will be glad to yield to my friend.

I would like to inquire of the floor manager and also of the authors of the amendment how much more debate we are going to need tonight. I would like about 5 minutes myself. I wonder if I could get some indication how much more debate because the plan would be to have a tabling motion, I believe, and try to complete the vote as quickly as possible because we have a general agreement because of certain activities taking place tonight to conclude the final vote about 6:15.

Mr. QUAYLE. Mr. President, will the Senator yield for a response?

Nr. NUNN. Yes.

Mr. QUAYLE. Let me take that and run it through our leadership in our Cloakroom. But you would have a vote on tabling motion around——

Mr. NUNN. I would like to start in about 10 minutes if we could or 6:05, and it is really to accommodate some people I believe primarily on the minority side.

Mr. LEAHY. Mr. President, I say to the Senator from Georgia, the last thing in the world I would want to do is to have an arms control debate slow up a Republican fundraiser. We are only talking about destroying all of mankind. I would not want us to have to take more than another 10 or 15 minutes if it would inconvenience the fundraising activity on the other side.

But the point I made earlier, and the Senator from Indiana has raised a whole lot of points, but, basically, I would point out that we are under a congressionally imposed cap of 50 MX missiles. If we did deploy any more MX's, they will be on a rail garrison which would not be before 1991 at the earliest. We do not have any other ICBM's in production. We are under a pragmatic limitation on ICBM's anyway under this resolution.

The point is we give up absolutely nothing by keeping to the limits we now have because there are not going to be any more, not in the 16 or 17 months or so of this resolution.

As far as where we do have superiority, of course, is in the far less vulnerable SLBM's. And I think the Senator from Indiana would agree that a MIRV'd SLBM is far less vulnerable than a MIRV'd ICBM.

Mr. NUNN. Mr. President, would the Senator state the question?

Mr. LEAHY. That is the question. Does the Senator from Indiana agree that a MIRV'd SLBM is less vulnerable than a MIRV'd ICBM?

Mr. QUAYLE. It would depend. Some Soviet mobile ICBM's are quite difficult to target; other Soviet missiles are in very hard silos.

Mr. NUNN. Mr. President, let me say again, I do not want to cut off debate. With deference to my colleagues, if the Senator from Vermont and the Senator from Arkansas do not think they could conclude this debate or do not want to vote this evening, then I will have to defer to their judgment on that. I am not going to move to table myself unless they tell me they are through with the debate.

I am inquiring to see if they think we have had a full enough debate on this subject. I plan to take 4 or 5 minutes myself.

Mr. LEAHY. If the Senator would yield just for one moment, obviously anybody could stand and move to table if they got the floor. If there were those concerned enough about getting to the fundraiser that they wanted to table, they could get to do it. So, certainly, they could move to table anytime.

I appreciate the courtesy of the distinguished Senator, the chairman of the Armed Services Committee. I would be perfectly willing—if it is possible to keep a couple more minutes for me, fine—but I would also be perfectly willing if anybody wanted to vote up or down right now.

Mr. BUMPERS. Mr. President, let me just say to the distinguished Senator from Georgia, the chairman of the committee, that I am ready to vote. The Senator wants 4 or 5 minutes to speak. I do not know who else may want some time, but I am prepared to vote at 6 or 6:15, either one.

Mr. NUNN. Mr. President, I will just make a few remarks. I would have to say that I find myself in somewhat of an unusual and uncomfortable position here, because I happen to agree with the goals that the Senator from Vermont and the Senator from Arkansas have set forth.

I also agree that it did not make sense and still does not make sense for the United States to have exceeded the SALT II subceilings while we were trying to get a START agreement and while negotiations were going forward on both sides in that respect. We have a long way to go in the START agreement. We do have, certainly, concerns about Soviet compliance with certain aspects. But on the subceilings, I think that it is clear that the Soviet Union has, generally speaking, been dismantling old systems when they have been adding new ones. I think it is in our best interest to stay within those general parameters.

I also have to say, though—and I have said it many times—that I do not believe in doing by statute what the Constitution of the United States intended to be done by treaty. I have never believed that we should put in a provision that basically requires that SALT II, which has never been ratified, be complied with. I felt that the informal arrangement begun in 1979 was a satisfactory arrangement. When the President decided to depart from that arrangement in 1986, then it left the Senate in an awkward situation and we have been debating this subject every year since then.

So, do we ignore it altogether and let the ceilings go up and hope that we get a START agreement and that we do not encourage proliferation on both sides, or do we go the other way and put ceilings in the law, never having ratified the SALT II Treaty? That is a dilemma for me and I see the argument both ways.

Last year, as the Senator from Arkansas will recall, there were certain numbers put in the Bumpers-Leahy amendment. At that time, I had been oppposed to that amendment, but then I voted for it on the last vote. The reason was that the minority leader, the Senator from Kansas, put in a provision that said that the SALT II ceilings are not part of the law of the land and, notwithstanding any other provision, that we are not in this body ratifying that treaty and that if we were going to be compelled to abide by it, it would only be under the normal procedure. That was the general effect.

With that understanding, I felt that the suggested subceilings for United States and Soviet forces proposed by the Senator from Vermont and the Senator from Arkansas had a different coloration at that point in time. It was clear that they were not the SALT II provisions under that Dole amendment, which I believe most people voted for. We were not, in effect, writing a treaty into the law of the land by a simple majority vote.

Now, I find myself agreeing again with the goal, but finding that I do not agree with the way this amendment is drafted. I do not like to be too technical on these matters, but it is true that what we have in this amendment is a mandate that the MIRV'd land-based systems of the United States be at 550, because that was where they were on the date that this amendment references.

Now, how does that compare to SALT II? It is more restrictive than SALT II and it is more restrictive than the number permitted the Soviet Union on MIRV'd land-based systems.

We have a whole history in this body—maybe it is an overemphasis—on land-based systems. However, there is no doubt about that fact, going back to 1972. There was a big debate then, when Senator JACKSON, from Washington State, one of our colleagues and most respected Senators, had an amendment that passed that said we would not have an inferior position regarding the level of strategic systems compared with the Soviet Union.

So we are in a situation, if we vote for this amendment now, of, in fact, mandating a limit that is more restrictive on United States MIRV'd land-based systems than on the Soviets or under the SALT II limit. For that reason, I will not be able to vote for this amendment.

I would say to my colleagues, though, that I know they are going to get a very healthy vote. I do not know whether they will win or whether they will lose. It may be a close vote. But I do understand the goals that they are seeking, and I agree with the goals they are seeking.

I do not think it makes sense for us to encourage a proliferation on both sides if the START agreement is not agreed to. I think there are a lot of indications that we may not get a START agreement in the next few months. I hope we do. But I hope if we get one, it is a sound agreement. I do not want one unless it is a sound agreement. So I think the Senator from Indiana and I agree on that.

But I believe that the situation with START now indicates that we should even be more sensitive to this possibility of both sides proliferating systems because the other side is doing so. Therefore, when we go to conference, whether or not this amendment prevails, we will have an amendment on the House side that deals with this. It is very similar to the amendment that the Senator from Arkansas proposed last year.

I will let my colleague know that, as far as this conferee is concerned, even though I am voting opposing this at this point in time, I do agree with the goals, and it would be my view that we would be in a situation in the conference where we would really have to work out something to see that the United States stayed within the rough parameters of the overall numbers that reflect the sublimits on a strictly informal basis and not on a basis of law.

Now, how do we do that as a practical matter? I think the likelihood is, as Congressman Aspin has already said, we will do it by taking a step that is likely to occur anyway, and that is retiring a submarine that is already going to be retired rather than overhauled. We will have to do that in an informal way because this is an extremely volatile subject and a sensitive subject with the White House and the Reagan administration. We will have to work it out carefully, and we will be in consultation.

So I would say that whatever happens on this amendment, and I shall vote to table, we are going to have the matter before us in conference and we are going to have to work on it in conference.

Mr. President, I would——

Mr. BUMPERS. Would the Senator yield for one observation or question?

Mr. NUNN. I will be glad to.

Mr. BUMPERS. The Senator is correct, the House provision is a simple restraint based on the SALT II limits which does, indeed, give you the 820-1,200 flexibility that we were talking about. So, you could go with the House language. But our limits are higher and I think much easier for the United States to comply with, just simply because of what we have in the works, including the dismantling of a Poseidon.

But let me just ask the Senator, while we are limiting—and this was done with some deliberation—we are limiting the United States to 550 ICBM, land-based missiles, and we are limiting the Soviet Union, who has a much higher, about 820, they are up to the limit—my point is this: No. 1, they are not going to be able to change their mix either, which they probably do not plan to. But you see, they have a lot more of what I consider vulnerable systems than we have because we have a lot more submarines which are invulnerable. But can the Senator tell us anything, and we will certainly visit this next year just as we have every year for the past 6 or 8, can the Senator tell me of anything that he can think of that would cause the United States to want to exceed the 550 limits?

I do not think we are capable of exceeding the 550 limit this year, next year, or the following year, and have no intention of exceedng the 550 limit. So I do not understand why. And with the knowledge that you are going to go to the House which gives you the kind of flexibility that gives you two options; you will have time to reflect.

In my opinion this amendment really favors the United States because we are locking them into the most vulnerable systems and locking ourselves into the most invulnerable systems and at the same time we are not doing anything to alter our plans for what we intend to do for the next 2 or 3 years so far as land-based missiles are concerned.

Mr. NUNN. I would just say that I agree with part of what my colleague and friend has said about the practical effects, in terms of our plans. At least for the next year.

I think the truth of it is, and this is one of the big problems in our START negotiations now, our country does not know where we are going in land-based systems. We do not know what we are going to do about the MX rail mobile. We do not know what we are going to do about the Midgetman. We have had 8 years, maybe even 10 years of debate on this subject and we still do not know and it is awfully hard for me to be able to visualize how we are going to enter into a START agreement which is sound if we do not know what we are going to do with our land-based components. So next year as a practical matter the difference between the 820 figure and the 550 figure is not going to make much difference.

I do think, though, based on the history of this body and the debate in this body and the history of concern about the window of vulnerability, all the concerns we have had about equality between the United States and the Soviet Union, including the Jackson amendment, that the perception and the symbolism of imposing by law a ceiling on land-based systems that is substantially lower than the SALT II limits and lower than the Soviet Union is important. So much of this arms control business concerns perceptions now. I think there are some practical considerations that sometimes are far divorced from the perception and the symbolism.

I would say the Senator is correct in part. I would also say, though, that I would not state, with the kind of certainty that the Senator has stated, about the complete vulnerability of land-based missiles, at least not on the Soviet side.

The SS-24 on the Soviet side is going to be MIRV'd and mobile. The SS-25 on the Soviet side is going to be mobile. So the Soviet Union apparently read the Scowcroft report and took it seriously. Unfortunately, in this country, we have not seemed to be able to have come to this kind of conclusion. They have gone mobile. We have not gone mobile and we have no consensus now as to how we are going to go mobile and when we are going to go mobile.

Mr. President, I yield the floor. I do not want to cut anyone off but it is my intent to move to table in a few minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HELMS. Thank you very much.

The PRESIDING OFFICER. The Chair called on the Senator from South Carolina.

Mr. HELMS. Fine.

Mr. THURMOND. Go ahead, if you want.

Mr. HELMS. I will be rather brief. I thank the Senator. I have been here for an hour and a half.

Mr. THURMOND. I have been here for 3 or 4 hours, but go ahead; I will yield to you.

Mr. HELMS. Well, it does not matter. We will both be here for a while longer.

Mr. President, the pending amendment should be defeated because current Soviet deployments have already made the amendment nugatory. The Bumpers amendment states that it will be null and void if the Soviets are exceeding the SALT II sublimits. But the Soviets already are exceeding the SALT II sublimits, according to official administration statement. Therefore the amendment is just a rhetorical exercise, but a dangerous one since it sets a precedent that a failed treaty can be put into effect by legislation.

Let's look at the waiver. The language is as follows:

> The prohibition [that is, on United States MIRV'd ICBM's, MIRV'd SLBM's, and heavy bombers equipped with air-launched cruise missiles in excess of those the United States had deployed on January 25, 1988] shall not apply if the President notifies the Congress in writing that * * * the Soviet Union has deployed strategic launchers and platforms in excess of the numbers of launchers of MIRV'd ICBM's, or MIRV'd ballistic missiles, or MIRV'd strategic systems that it had deployed on January 25, 1988.

Mr. President, for all practical purposes, the waiver conditions have already been met. I have discussed this with the administration. The administration states that the Soviets are already over the SALT II sublimit. An administration official has officially informed me that the following statement is both accurate and unclassified.

> Information indicates that the Soviets are currently over the SALT II sublimit of 1,200 MIRV'd ICBM and MIRV'd SLBM launchers, and on occasion have exceeded this sublimit since mid-1987.

What this statement means is that the Soviets do not regard the sublimit as a limit at all. As they modernize and redeploy their forces, they are guided by their own military needs, not by the need to meet any so-called SALT II sublimit. At some times they are "above" the sublimit, and at other times they are "below" the sublimit, although I admit that in the present context above and below are meaningless terms of reference. The Soviets have not taken upon themselves any obligation to meet any supposed sublimit. Their levels go up and down according to their military needs, without reference to the terms of SALT II.

Of course, you might say that they could come into so-called compliance at any time if for reasons of their own military strategy, the number of deployments temporarily dips. Yes, they could do that. But the fact remains that they go up and they go down and they go up again. The truth is that they do not pay any attention to any unilateral limit, even if legislated by the U.S. Congress.

The bottom line, Mr. President, is that today, at this very moment, the Soviets have more MIRV'd ICBM's, MIRV'd SLBM's, and heavy bombers equipped with long-range air-launched cruise missiles than they had on January 25, 1988, and the administration has said so.

Therefore, you might say that the waiver clause of the amendment has already been invoked by the administration—at least, it's just a matter of form. The President will be forced to invoke it by the facts of present Soviet deployments. So the amendment is, for all practical purposes, null and void.

Nevertheless, the amendment is mischievous, Mr. President. It perpetuates the dangerous illusion that the Soviets somehow feel bound by SALT II. They do not. The Bumpers amendment is unilateral disarmament that calls into question the basic right of the United States to provide for its own defense. This amendment is the worst kind of delusion: it represents the surrender to illusion.

Mr. McCLURE. Mr. President, I rise in vehement opposition to the amendment before us.

The sponsors of this amendment have attempted some creative packaging. By entitling their amendment "The INF Treaty Reinforcement Act," they hope to capitalize on what is left of the warm fuzzy feelings surrounding the INF Treaty. But I am afraid that some "truth in advertising" is needed.

What this amendment should be called is the "INF Sabotage Act," because I can't think of anything less helpful for the INF Treaty than sending the message that the Soviets can violate treaties with impunity.

Let me ask my colleagues to put themselves in Marshall Akhromeyev's shoes. We all know that the INF Treaty, despite its unprecedented verification procedures, still gives the Soviets the opportunity to amass a covert force of SS-20's if they decide it is worth the risk of detection. If you saw the U.S. Congress bind the United States, unilaterally, to a treaty that the Soviets have repeatedly and consistently violated, a treaty that is of much greater magnitude because it covers our entire strategic force, what would you do? I know what I would do.

As former Assistant Secretary of Defense Richard Perle said, the failure to respond to Soviet violations "leads to a dangerous double-standard and confirms to the Soviets the value of cheating." They will only be deterred from cheating if they are convinced that the advantages of cheating will be outweighed by the disadvantages of a vigorous U.S. response.

So I would advise my colleagues who support the INF Treaty and who support arms control to take a very close look at this amendment. Because if the INF Treaty is ratified only to fail because of Soviet violations, that will be a severe setback for the arms control process.

Of course, one of the ironies of the INF Treaty is the extensive procedures it provides for ensuring that no SS-20's, which are illegal under INF, are produced or deployed in the guise of "INF-legal" SS-25's. The SS-25, as we all know, is one of the key Soviet SALT II violations, and was deployed during the period when a policy of interim restraint, similar to what the sponsors are proposing today, was in place. Saying "this is not an SS-20, it's an SS-25" is about as convincing as saying, "I am not a burglar, I am an axe-murderer."

Now I know that some of my colleagues do not think the Soviet SALT II violations are important. But that is not what the Carter administration thought at the time it signed the treaty. In 1979, President Carter said telemetry encryption was just as serious a violation as exceeding the limits on strategic weapons—those are the limits we are talking about today—and would be grounds for abrogation of the treaty.

Secretary of State Cyrus Vance touted the ban on new types—the ban violated by the SS-25—as one of the main achievements of the SALT II Treaty. So it seems to follow that if these provisions were considered vital elements of SALT II by the progenitors of that treaty, then the violation of these provisions must be considered very serious business indeed.

The Senate Foreign Relations Committee shared these concerns. The committee, including a number of my distinguished colleagues here today, voted unanimously for an understanding providing that the encryption of telemetry could constitute grounds for withdrawal from the treaty.

The Senate Foreign Relations Committee also argued in its report on the SALT II Treaty would be "countered by a timely response upon detection." But what happened when the Reagan administration, belatedly, responds to Soviet SALT violations? The Congress binds us, unilaterally, to a treaty that was never even ratified and would have expired by now if it had been.

Mr. President, I hope I do not offend my colleagues here today if I tell them that I find this behavior perverse and masochistic. It is absurd to bind ourselves to an agreement that really never even existed. It is doubly absurd to do so when our so-called partners in the agreement have made a mockery of its provisions.

Mr. President, this amendment is silly. It is ridiculous. It defies common sense. It is not worthy of us.

Mr. HELMS. Mr. President, I have a parliamentary inquiry. Is the Senator from North Carolina correct that the pending perfecting amendment by the Senator from Vermont, Mr. LEAHY, is divisible?

The PRESIDING OFFICER (Mr. DASCHLE). The perfecting amendment is constructed as an amendment that strikes and inserts and, therefore, is not divisible.

Mr. HELMS. But an amendment which adds at the end of the language proposed to be stricken by the Leahy amendment would be in order?

The PRESIDING OFFICER. The pending amendment is a second-degree amendment.

Mr. LEAHY. Mr. President, I am sorry, I did not hear the question. I wonder if the Senator would indulge me to repeat the question?

Mr. HELMS. I simply was asking, inasmuch as it is a perfecting amendment and not an amendment in the nature of a substitute, whether it is amendable at the end.

The PRESIDING OFFICER. The amendment itself is not amendable but after it is adopted, should it be adopted, the amendment would then be amendable at the end.

Mr. HELMS. Very well. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment. It would prohibit the expenditure of funds for any action which would cause the United States to exceed the levels of three SALT II numerical subceilings as of January 25, 1988. As noted by the distinguished Senator from Georgia [Mr. NUNN], this would be more restrictive for the United States than for the U.S.S.R.

This amendment effectively mandates compliance with an expired agreement that has never been ratified by the Senate. Moreover, the Soviet Union has for several years violated, and continues to violate, some of the central provisions of SALT II. The United States sought repeatedly to correct Soviet noncompliance, and gave the Soviets over a year and a half to correct the situation before deciding 2 years ago to end our unilateral adherence.

While the sponsors of this amendment regard the numerical sublimits as the "essence" of SALT II, proponents of the treaty in 1979 argued that the essence of SALT II was found in three key provisions—the new types limit, the SNDV numerical limit, and the provisions on telemetry encryption—provisions which today are being violated by the Soviet Union and ignored by the sponsors of this amendment.

The proponents of this amendment argue that continued adherence of the Soviets to the SALT II sublimits is important for the national security of the United States, especially in the context of the INF Treaty. Yet these limits have not constrained the Soviet inventory. In the 8 years since the signing of SALT II, the Soviet Union almost doubled its inventory of strategic weapons, and under SALT II sublimits, could add another 3,000 warheads.

These facts run exactly counter to the claim that these sublimits will prevent the Soviets from replacing SS-20's eliminated under the INF Treaty with modern MIRV'd systems now in production. I would also remind my colleagues that the Soviets do not need to build more weapons to cover SS-20 targets—they have enough strategic weapons today to cover them without degrading their strategic missions.

Mr. President, in making his interim restraint decision, President Reagan established the policy that as long as there is no significant change in the threat facing the United States, the United States will not deploy more strategic ballistic missile warheads or more strategic nuclear delivery vehicles than the U.S.S.R. The President's policy forms a much better foundation for mutual restraint than unilateral legislated compliance with part of the SALT II Treaty. This is especially the case as negotiations are ongoing on real reductions in the numbers of nuclear weapons.

SALT II does not constrain Soviet warhead growth. SALT II has not been ratified by the Senate and could not be ratified today if a vote were taken. Finally, the Soviets are violating key provisions of SALT II that are ignored by the amendment.

Mr. President, I urge my colleagues to oppose the amendment.

Mr. CHAFEE. Mr. President, I am pleased once again to join my distinguished colleagues from Pennsylvania, Arkansas, and Vermont in this continuing effort to bring about a more realistic U.S. policy on strategic arms. Today we are offering an amendment to limit the United States and Soviet strategic weapons arsenals and, in so doing, bolster the military value of the Intermediate-range Nuclear Forces Treaty.

We are on the threshold of a new era of arms control, Mr. President. The Senate will soon take up ratification of the INF Treaty, the first arms control treaty to eliminate an entire class of nuclear weapons. As we deliberate this important agreement, I strongly believe we should seize this opportunity to ensure that the security objectives of the INF Treaty can be realized.

The INF Treaty and strategic arms control are intertwined. Thus, now that an agreement has been signed by the United States and the Soviet Union, we believe there should be a mutually observed and stable temporary cap on strategic forces until a strategic arms reductions talks [START] agreement can be concluded.

We four have been hammering at the issue of U.S. compliance with key SALT II sublimits for 6 years. Last October, the Senate approved a similar amendment which we offered during consideration of the Department of Defense Authorization bill for fiscal year 1988 and 1989. This 57-to-41 vote made clear the Senate's support for restraint in the most destabilizing categories of strategic offensive weapons, that is, ACLM-carrying heavy bombers and MIRV'd missiles.

We continue to believe that the core sublimits of the SALT II Treaty should not have been abandoned by the United States in November 1986. And we still believe that continued United States adherence to those limits serves our national security interests, so long as the Soviets also adhere to the same limits.

Now that the United States and Soviet Union have an agreement on Intermediate Nuclear Forces, the need for limits on strategic offensive weapons is even more acute. The INF Treaty is a breakthrough in arms control, and I hope it will be ratified by the Senate. However, there is the potential for its military value to be severely undercut by a Soviet strategic build-up.

Were the SALT II limits to be abandoned by the administration, there is nothing in place to prevent the Soviets from using new strategic missiles to compensate for the eliminated INF weapons. The Soviets, with large MIRV'd ICBM forces and ongoing production lines, can easily replace with long-range launchers all the SS-20 launchers it is removing under the INF Treaty.

Our amendment would ensure the military benefit of the INF Treaty to NATO by imposing an interim restraint on certain strategic forces pending the signing of a START agreement.

Our amendment does not specify compliance with the SALT II numerical sublimits. Rather, it upholds the spirit of the SALT II restraints. It caps Soviet strategic force deployments while also taking into account the growth in our own strategic forces up to the time of the submission of the treaty to the Senate.

It provides that no funds can be obligated or expended to deploy MIRV'd strategic launchers or platforms in excess of the number deployed by the United States on January 25, 1988—the date the INF Treaty was submitted to the Senate—so long as the Soviet Union does not exceed those levels.

Our amendment would allow the President to set aside these restrictions if he certifies to Congress that:

First, a new strategic arms agreement between the United States and the Soviet Union has entered into force; or

Second, the United States and the Soviet Union have agreed on an alternative interim restraint agreement; or

Third, the Soviets have deployed strategic systems in excess of those deployed on January 25, 1988; or

Fourth, uncertainties in United States intelligence assessments prevent the President from certifying that the Soviets are observing the informal ceiling of January 25, 1988, level of deployments.

The INF accord—revolutionary as it is—will only be truly beneficial to the security of NATO if there are some limits on Soviet strategic nuclear forces. Without these restraints on Soviet long-range missiles, the Soviets will be free to compensate for their dismantled, intermediate-range SS-20's by deploying more strategic missiles that could be aimed at European targets. Restoring the SALT sublimit framework will therefore help prevent Soviet undercutting of the INF accord.

Not only will our amendment ensure that the INF Treaty is militarily beneficial to us and our NATO allies, it will improve the chances that a strategic agreement will be reached. If it passes and becomes law, and the Soviets agree to join the United States in adhering to an interim restraint on strategic deployments, I think this initiative will give a strong push to the strategic talks. It will lend some stability and predictability to the nuclear arsenals of the two countries. Such a bilateral restraint will enhance the atmosphere of cooperation necessary for the achievement of a new treaty to reduce strategic arms.

This amendment is aimed squarely at the future security of the United States. It is meant to serve as a concrete interim restraint on strategic nuclear forces until a future United States-Soviet strategic agreement is achieved.

I urge all Senators to support the INF Treaty Reinforcement Act of 1988.

Mr. PELL. Mr. President, I strongly support this amendment. After months of hearings on the INF Treaty, it became very clear that the treaty's primary significance is political rather than military. That reality does not diminish the importance of the treaty, but it does mean we should not exaggerate the military benefits it will bring. First, the treaty covers only a small fraction of the superpowers' nuclear arsenals. Second, all the targets covered by INF missiles can be struck by other nuclear systems that are not covered by the treaty. Furthermore, in the absence of any constraints on strategic forces, the Soviets can simply build new strategic systems to cover those targets that were covered by INF missiles.

That is why this amendment is so critical. While the INF Treaty represents an important political step forward—and I hope the remaining problems will be quickly resolved—it does nothing to curb the growth of the strategic arsenals. In the absence of a START agreement, both sides remain free to expand their strategic forces. Thus, until a START agreement is concluded, it makes sense to impose some modest interim restraint on nuclear forces. This amendment simply caps the arsenals at the already high levels they had reached at the time the President submitted the INF Treaty to the Senate. At a time the President is talking about dramatic cuts in the nuclear arsenals, this amendment represents a small, but important step in the right direction.

This amendment also contains an important provision requiring the administration to provide a report detailing the number of United States and Soviet missiles that have been dismantled since the SALT I Treaty. I think it is important to have that information presented in an authoritative manner. Indeed, the fiscal year 1988 and 1989 ACDA authorization bill approved by the Congress last year includes such a requirement in connection with an annual report on adherence to and compliance with arms control agreements. That information is to be provided shortly and on an annual basis thereafter. I think the record will clearly show that past arms control agreements have strengthened United States security by requiring the dismantling of large numbers of Soviet missiles. And I think this amendment will strengthen United States security by curtailing further growth in the Soviet nuclear arsenal.

Mr. DIXON. Mr. President, last year I voted to support my good friend from Arkansas, Senator BUMPERS', amendment which capped the U.S. strategic forces at the SALT II levels.

This year however the amendment is more restrictive than SALT II, and is unequal in its application to the United States and the Soviet Union. The Bumpers-Leahy amendment would hold the United States to 550 MIRV'd ICBM's, while it allows the Soviet Union to deploy 820 ICBM's. Congress in the past has insisted that United States strategic forces not be restricted to a level inferior to that allowed the Soviet Union.

Therefore Mr. President, I regretfully must oppose this amendment.

SOVIET SALT VIOLATIONS INVALIDATE BUMPERS AMENDMENT

Mr. SYMMS. Mr. President, I oppose the Bumpers amendment because it is invalidated by ongoing and expanding Soviet SALT violations.

I ask unanimous consent that the following history of Soviet treaty violations be prevented in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY HISTORY OF OFFICIALLY CONFIRMED SOVIET VIOLATIONS OF INTERNATIONAL SECURITY TREATIES SINCE 1917—BROKEN PIE CRUSTS

President Reagan stated correctly in his March 10, 1987 sixth Report to Congress on Soviet Noncompliance With Arms Control Agreements that: "Compliance with past arms control commitments is an essential prerequisite for future arms control agreements."

Then on December 1, 1987, President Reagan in his seventh report to Congress confirmed a serious new Soviet ABM Treaty violation to Congress. In this seventh report, President Reagan also stated that: "Compliance with treaty obligations is a cornerstone of international law. . ."

But in direct contrast to President Reagan's profoundly important emphasis on the requirement for compliance, Soviet leader Lenin himself once succinctly summed up Soviet diplomacy and the Bolshevik approach to treaties, when in 1918 he stated that: "Promises are like pie crusts, made to be broken."

Because President Reagan and another Soviet leader, Mikhail Gorbachev, have now signed a new arms control treaty, perhaps we should take both Reagan and Lenin at their word.

COMPLIANCE AND THE INF TREATY

The fundamental issue in the impending Senate advice and consent debate over the proposed Treaty on Intermediate-range Nuclear Forces therefore boils down to a very simple question:

* * * Should two thirds of the United States Senate give its advice and consent for the President to ratify any new treaty with the Soviet Union, when the grim facts of Soviet diplomatic history suggest that the Soviets will not, and are never going to, comply with all the old treaties?

Was President Reagan correctly predicting the Senate's deliberations when he stated that there can be no new arms treaty until the Soviets comply with the old treaties? Is it likely that two thirds of the Senate will give its advice and consent to a new arms treaty while the Soviets are increasing their violations of all the existing ones? Lenin also seems correct when he predicted that the Soviet Union would never comply with treaties?

Thus the Senate must directly confront the fundamental issue—what good are arms control treaties if they are not complied with by the Soviets? Do Soviet-violated arms treaties inevitably become exercises in U.S. unilateral disarmament? Does the history of the unilateral disarmament of the Western democracies the 1920s and 1930s demonstrate that unilateral disarmament inevitably becomes appeasement, and appeasement of totalitarian dictators leads only to instability, aggression, and eventually either to enslavement or war?

Like the arms control treaty violations of Hitler's Nazis, the record of Soviet violations of international security treaties since the Bolshevik Revolution of 1917 is long, grisly, and tragic.

The historical record shows that the Soviet Union has violated virtually every single international security treaty it has ever signed, except one—the Hitler-Stalin Pact of August 23, 1939. But the Hitler-Stalin Pact, with which the Soviet Union complied scrupulously, was the catalyst for World War Two.

Later we will examine in detail the grim history of international security treaties signed by the Soviets and later broken by the Soviets. But before we begin this grim litany of Soviet treaty violations, we can summarize from these cumulative facts of diplomatic history and from careful case studies of the Soviet approach to treaties the fact that the Soviets usually sign treaties fully intending to violate them from the very moment of their signature. The Marxist-Leninist ideology which motivates the Communist Party elite and attempts to legitimize the Soviet dictatorship requires this approach to treaties.

There are alarming press reports that President Reagan and Soviet leader Gorbachev have signed an INF Treaty that Gorbachev has already violated, by failing to provide required verification data, by forging several required photographs of their INF missiles, by providing false verification data on the numbers and locations of their INF missiles, and by covertly mixing the banned SS-20 mobile IRBMs with the almost identical SS-25 mobile ICBMs that are outside of the treaty. In fact, there is unclassified evidence that all of these negotiating deceptions and violations have already occurred, which will be examined carefully during the hearings on this proposed treaty in the Committee on Foreign Relations.

Here is what President Reagan said about the credibility of Soviet diplomacy just after the Soviets brutally shot down Korean Airlines Flight 007 murdering 269 innocent passengers, including the honorable Congressman Larry MacDonald:

"What can be said about Soviet credibility when they so flagrantly lie? What can be the scope of legitimate mutual discourse with a state whose values permit such atrocities? And what are we to think of a regime which establishes one set of standards for itself and another for the rest of mankind?"

In addition to reciting the litany of official U.S. Government findings of Soviet treaty violations since the Bolshevik Revolution of 1917, we would like to call attention to two documents. The first is The President's December 1, 1987, Unclassified Report On Soviet Noncompliance With Arms Control Agreements, and the second is the Dissenting Views to the Report by the Permanent Select Committee on Intelligence of the House of Representatives entitled "Intelligence Support To Arms Control." These two most recent documents merely provide current and official support for the proposition that it is dangerous to sign new treaties with the Soviets, because they have not complied with any of the old ones.

It may not matter what the terms of an agreement are if the Soviet Union will not be held to comply with them by either the United States or the world community. The fact that the Soviet Union will not be held to comply with the new INF Treaty may be clearly signalled by the fact that President Reagan signed this new treaty despite repeated and uncorrected Soviet violations of all prior treaties. This fact may have been driven home to the Soviets by the signing of the new INF Treaty only seven days after President Reagan delivered his newest, seventh report to Congress on Soviet SALT violations, which stated: "The Soviet Union to date has not corrected its noncompliance activity. Indeed, since the last report [as recent as March 10, 1987], there has been an additional case of Soviet violation of the ABM Treaty . . ."

The best summation of the Soviet attitude toward treaties was given by Soviet leaders themselves. As noted, Lenin stated that "Promises are like pie crusts, made to be broken." Lenin also coldly admitted shortly after the March, 1918 Soviet-German peace treaty of Brest-Litovsk that: "Yes, of course we are violating the treaty. We have already violated it 30 or 40 times." But Joseph Stalin most succinctly summarized Soviet diplomacy, when he made the famous statement that:

"Words have no relation to actions—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron."

If Soviet leader Gorbachev's "glasnost" and "perestroika" policies made him a different kind of Soviet leader, perhaps the Soviet Union would not be increasing its violations of the SALT I ABM Treaty on the very eve of the Pearl Harbor Summit, as President Reagan has just confirmed to Congress.

Indeed, there is evidence that Gorbachev is no different from all the rest of the Soviet leaders before him. Not only did he have a long career in the KGB, but he resorted to murder to destroy his rivals and become Soviet General Secretary. Gorbachev's so-called reformist policies have only one fundamental objective—to make the Soviet Union more effective in its quest for domination over the U.S.

OFFICIAL U.S. GOVERNMENT DOCUMENTATION OF SOVIET TREATY VIOLATIONS

Thirty three years ago, on August 1, 1955, the Senate Committee on the Judiciary filed an important official report on Soviet treaty violations. This report was followed by similar Senate Judiciary Committee reports on January 1, 1959, and January 1, 1964. The Department of Defense made a similar official report on Soviet treaty violations on November 5, 1962.

These four official reports covered more than 150 Soviet international security treaty violations from 1917 through 1964.

But then, for the next 20 years, there was total, complete official blackout of the news of Soviet treaty violations.

On January 23, 1984, that official, U.S. Government cover-up ended with President Reagan's first report to Congress on Soviet SALT Violations. That first report established Ronald Reagan as the first President to have the courage to officially and publicly accuse the Soviet Union of violating SALT treaties.

It was a historic report, because it broke the 20 year silence from official Washington on Soviet violations of international security treaties.

Since that January 23, 1984, historic Presidential Report to Congress on Soviet SALT Violations, there have been six more, for a total of seven official reports to Congress on Soviet SALT cheating. These reports establish a still-expanding pattern of over 50 Soviet violations of SALT and other arms control treaties.

These seven Reagan Administration reports, together with the previous four 1955-1964 reports from both the legislative and the executive branches, are of real significance for U.S. security and world peace. Without Soviet compliance with arms control and international security treaties, there can be no order in international relations and no reliable security arrangements not wholly based on military might.

In sum, now there is a total of eleven official U.S. Government reports to Congress confirming over 200 Soviet international security treaty violations. These official reports establish the fact that the Soviet always have cheated on their solemn legal commitments to comply with international security treaties.

Soviet noncompliance with treaties will inevitably increase the risk of war. That is why the chief American arms control negotiator in Geneva, our distinguished Ambassador Max Kampelman, himself stated recently that:

"It is essential in our negotiations in Geneva that we highlight the issue of Soviet violations of existing arms control agreements, even though they will yell like stuck pigs."

But as Lenin stated in 1916, "Every peace program is a deception . . . unless its principal object is . . . the revolutionary struggle."

SOVIET VIOLATIONS 1920 THROUGH 1960

Now we need to recite the chronological history of these officially confirmed Soviet treaty violations, which is appropriate now that President Reagan and Gorbachev have signed a new treaty. Here is a list of the most important Soviet violations of international security treaties between 1920 and 1960, as summarized from the official 1962 Defense Department report:

1. On May 7, 1920, the new Soviet regime signed a treaty with the independent Georgian Republic, pledging no interference in Georgia's internal affairs. The Soviet Violation: On February 11 and 12, 1921, Soviet troops invaded Georgia, in a step leading to the absorption of the Republic into the USSR.

2. On March 16, 1921, in a trade agreement with Britain, the Soviet Union pleadged not to engage in propaganda in Britain. The Soviet Violation: On May 26, 1927, Britain ended the agreement because of Soviet violations, including Soviet failure to stop propaganda inside Britain as promised.

3. On June 5, 1922, the Soviet Union concluded a friendship agreement with Czechoslovakia. The Soviet Violation: On June 29, 1945, the USSR compelled Czechoslovakia to cede the Carpatho-Ukraine to the Soviet Union.

4. On December 12, 1943, the USSR and the Czech Government-in-exile signed a treaty of friendship and mutual assistance. The Soviet Violation: On February 25, 1948, the Czechoslovakian Government was forced to accept a Communist ultimatum as the Soviet Union completed arrangements to force the country into its satellite empire. The Soviet ultimatum compelled the appointment of a cabinet of Moscow followers, and it climaxed the Soviet postwar drive to absorb the once-independent Czechoslovakia.

5. On December 17, 1925, the USSR signed a nonaggression and neutrality pact with Turkey. The Soviet Violation: On March 20, 1945, the USSR denounced this pact, and began a campaign to secure control of the Black Sea straits.

6. On August 31, 1926, the Soviet Union concluded a nonaggression pact with Afghanistan. The Soviet Violation: On June 1946, the USSR forced Afghanistan to cede the border territory of Kishka.

7. On September 28, 1926, the Soviet Union made a nonaggression pact with Lithuania, later extending the agreement through 1945. The Soviet Violation: On June 15, 1940, Soviet troops invaded Lithuania. On August 8, 1940, Lithuania was annexed by the Soviet Union.

8. On September 27, 1928, the Soviet Union adhered to the Kellog-Briand pact for the renunciation of war. The Soviet Violation: The Soviet Union violated this pledge by their 1939-40 invasions of Poland, Lithuania, Latvia, Estonia, Romania, and Finland.

9. On January 21, 1932, the USSR agreed to a nonaggression pact with Finland. The Soviet Violation: On November 30, 1939, Soviet military forces invaded Finland.

10. On February 5, 1932, the Soviet Union signed a nonaggression pact with Latvia. The Soviet Violation: On June 16, 1940, Soviet troops invaded Latvia.

11. On May 4, 1932, the Soviet Union pledged nonaggression in an agreement with Estonia. The Soviet Violation: On June 16, 1940, Soviet military forces invaded and occupied Estonia.

12. On July 25, 1932, the Soviet Union signed a nonaggression pact with Poland. The Soviet Violation: On September 17, 1939, Soviet troops invaded Poland.

13. On May 8, 1934, the USSR and Poland extended their nonaggression pact for ten years. The Soviet Violation: On September 29, 1939, the USSR signed an agreement with Nazi Germany to partition Poland.

14. On June 9, 1934, the USSR agreed to recognize Romania, and to guarantee her sovereignty. The Soviet Violation: On June 27, 1940, the Soviet army invaded and occupied the Romanian provinces of Bessarabia and Northern Bukovina.

15. On September 15, 1934, the USSR entered the League of Nations, pledging thereby "the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another." The Soviet Violation: On August 23, 1939, the USSR made a treaty with Nazi Germany, termed "a joint conspiracy" to deprive Poland, Estonia, Latvia, Lithuania, Finland, and Romania of their independence and territorial integrity.

16. On August 31, 1937, the Soviet Union signed a nonaggression pact with the Republic of China. The Soviet Violation: On October 2, 1940, the USSR broke relations with the Republic of China, after recognizing the Communist Chinese regime it helped to eventually gain power in 1948.

17. On July 30, 1941, the USSR concluded an agreement with the Polish Government-in-exile, pledging mutual aid and cooperation. The Soviet Violation: On April 28, 1943, the USSR broke its relations with the Polish Government-in-exile, on the pretext of the Polish request for a Red Cross investigation of the Katyn Forest Massacre.

18. On September 24, 1941, the Soviet Union pledged adherence to the Atlantic Charter, which provided that agreeing countries seek no aggrandizement, that the countries desired no territorial changes not made with the freely expressed wishes of the people concerned, and that they respected the right of all peoples to choose their own government. The Soviet Violation: Against these promises stands the Soviet Union's record of occupation and domination of Ro-

mania, Estonia, Latvia, Lithuania, Czechoslovakia, Tannu Tuva, Afghanistan territory, Hungary, East Germany, Albania, Bulgaria, Poland, North Korea, and Mongolia.

19. On January 29, 1942, the Soviet Union, with Iran and Britain, signed a treaty of alliance, providing for the military use of Iranian territory only until the end of military operations against Germany. The Soviet Violation: The Soviet Union refused to withdraw its troops from Iran at the end of World War Two.

20. On February 4-11, 1945, at the Yalta Conference, the USSR agreed on various postwar measures, including adoption of a resolution that the liberated peoples of Europe should have the opportunity to solve their economic problems by democratic means. The Soviet Violation: In violation of this agreement stands the USSR's record of domination in Bulgaria, Romania, Poland, East Germany, Hungary, and Czechoslovakia, and other countries which were forced into postwar roles as satellites of the Soviet Union.

21. On February 11, 1945, the USSR at the Yalta Conference, agreed to a declaration that the Polish provisional government "shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot." The Soviet Violation: On January 5, 1947, the Soviet Union refused to participate in the meeting with the United States and Britain to secure compliance with the 1945 agreement pledging free elections in Poland.

22. On April 11, 1945, the USSR signed a 20 year treaty of friendship, mutual aid, and cooperation with Yugoslavia. The Soviet Violation: On September 29, 1949, the USSR denounced this agreement.

23. On June 14-18, 1945, President Truman and Premier Stalin agreed, in an exchange of letters, to "free access by air, road, and rail, from Frankfurt and Bremen to Berlin for U.S. forces." The Soviet Violation: From April 1, 1948, to May 12, 1949, the Soviet Union imposed the Berlin Blockade by severing all land and water routes between Berlin and West Germany. The Western Allies supplied Berlin by airlift. In March, 1962, the Soviet Union harassed flights by Allied airplanes between Berlin and West Germany.

24. On July 17 to August 2, 1945, at the Potsdam Conference, the USSR agreed that there should be uniform treatment of the German people throughout Germany. The Soviet Violation: East Germany today continues to be a rigidly controlled Soviet satellite. Its people have been denied free elections, have been isolated from the people of West Germany, and have been victimized by the same kind of regimentation, police rule, and economic restrictions imposed on the people of the Soviet Bloc states in Europe.

25. On August 14, 1945, the Soviet Union entered into a treaty with the Republic of China, containing these pledges: "Each high contracting party undertakes not to conclude any alliance and not to take any part in any coalition directed against the other high contracting party . . . the treaty comes into force immediately . . . and shall remain in force for a term of 30 years." The Soviet Violation: On February 14, 1950, these pledges were broken when the USSR made a new agreement with the Communist Chinese regime it had helped to create. The Soviets did not even bother to change the basic wording. The new treaty also pledges: "Both high contracting parties undertaken not to conclude any alliance against the other high contracting party and not to take part in any coalition or actions or measures directed against the other high contracting party . . . The present treaty will be valid for 30 years."

26. On March 10, 1947, the Soviet Council of Ministers, meeting in Moscow, agreed that all German prisoners of war should be repatriated by December 31, 1948. The Soviet Violation: On August 3, 1955, the Soviets furnished the West German Red Cross with data on the health and whereabouts of only 20 of the approximately 14,000 Germans known to be still held in the USSR.

27. On May 4, and June 20, 1949, Four Power Agreements of New York and Paris guarantee the United States, British, French, and Soviet joint control of Berlin, all access routes to and from the city, and freedom of movement within the city. The Soviet Violation: On September 20, 1955, the USSR unilaterally transfered Soviet control over all access routes to and from Berlin to the East German regime.

28. On July 27, 1956, the military armistice was established between the United Nations command and opposing communist forces of North Korea and China, assisted by the USSR. The Armistice Agreement pledged signers to "cease introduction into Korea of reinforcing military personnel." The Soviet Violation: On July 11, 1956, the United Nations command detailed a long list of armistice agreement violations by communist parties. On May 6, 1957, the U.N. command, in another series of official complaints, charged that the communists had sent troops into Korea's demilitarized zone six times in a period of less than 4 months.

29. On January 14, 1956, the USSR signed an agreement with Yugoslavia, pledging $110 million in credits for industrial construction. On August 4, 1956, the USSR pledged an additional grant of $175 million, bringing the total of $285 million. The Soviet Violation: On May 28, 1958, Yugoslav sources disclosed that the Soviet Union had postponed for five years the grant to Yugoslavia amounting to $285 million. This represented an attempt to retaliate against Yugoslavia for its refusal to accept the Soviet Communist Party's ideological leadership.

30. On October 19, 1956, the USSR-Japanese joint declaration pledged the Soviet Union to refrain from interference in Japan's internal affairs. The Soviet Violation: In 1958, during the weeks preceding the Japanese elections of May 22, the Soviets beamed radio propaganda at Japan violently opposing the election of Premier Kishi's government. Between 1959 and 1960, the USSR threatened Japan with the possibility of nuclear war if Japan ratified the U.S.-Japan security treaty, signed January 19, 1960.

As noted, the above Soviet violations of international security treaties occurred during the 40 years between 1920 and 1960, and they were officially confirmed by the Senate Judiciary Committee and by the Department of Defense in 1962 and 1964. But there was a long, 20 year hiatus from 1964 until 1984, when there were no official U.S. Government reports on Soviet treaty violations. Then on January 23, 1984, President Reagan made his first report to Congress on Soviet SALT violations. There have now been seven such reports to Congress, confirming the following numerical tabulation of Soviet violations of SALT and other arms control treaties:

1. SALT I ABM Treaty—now 10 confirmed violations;
2. SALT I Interim Agreement—5 confirmed violations;
3. SALT II Treaty—now 25 confirmed violations;
4. Limited Test Ban Treaty—over 100 confirmed violations;
5. Threshold Test Ban Treaty—over 24 probable violations;
6. Biological Warfare Convention—multiple confirmed violations;
7. Geneva Protocol on Chemical Weapons—multiple confirmed violations;
8. Kennedy-Khrushchev Agreement—multiple confirmed violations.

In addition, long before SALT began in 1969, the Soviets violated two significant arms control treaties, one in the 1920s which even entailed on-site inspection (the Soviets colaborated with the Germans in violating the Versailles Treaty), and another in the late 1940s (on demobilization in Eastern Europe). Soviet authorities on international law have candidly stated their view of treaty compliance: "Those institutions of international law which can facilitate the accomplishment of the stated tasks of Soviet [i.e. Marxist-Leninist] foreign policy are recognized and applied in the USSR; those which contradict these aims in any way are rejected.

According to an official U.S. State Department Soviet Affairs Note dated August 10, 1959:

"Few nations can match the USSR in vociferous protestations of loyalty to international obligations! However, such declarations which are typical of Soviet propagandists and scholars alike—diverge widely from Soviet practice. In the years since the Bolshevik Revolution the Soviet government, while consistently accusing others of bad faith in international dealings, has not hesitated to violate its own treaty obligations when such actions appeared to be in its interest. The history of the last 40 years provides numerous examples of deliberate treaty violation by the Soviet regime . . . The USSR has disregarded treaty provisions inconvenient to itself, has unilaterally denounced conventions to which it is a party, has threatened abrogation as a means of intimidation, and has on several occasions attacked fellow signatories to treaties of friendship and nonaggression."

The implications of Soviet noncompliance were stated by President Reagan in his June 1985 report to the Congress on Soviet SALT violations. The President stated: ". . . this pattern of Soviet noncompliance raises fundamental concerns about the integrity of the arms control process, concerns that—if not corrected-undercut the integrity and viability of arms control as an instrument to assist in ensuring a secure and stable future world." The President continued: ". . . we have made it absolutely clear that we expect the Soviet Union to take positive steps to correct their noncompliance and to resolve our compliance concerns in order to maintain the integrity of existing agreements and to establish the positive environment necessary for the successful negotiation of new agreements."

On March 10, 1987, the President stated in his sixth report to Congress on Soviet SALT violations that: "If we are to enter agreements of this magnitude and significance . . . cheating is simply not acceptable." And the President added in a speech on October 28, 1987, that: "As you know, the Soviets have an extensive record of violating past arms control agreements. . ." President Reagan added in a speech on November 18, 1987: "I cherish no illusions about the Soviets . . . for them, past arms control treaties were like diets. The second day was always the best, for that's when they broke them."

SOVIET SALT AND OTHER ARMS CONTROL TREATY VIOLATIONS

We must finally turn to a summary of Presidentially confirmed Soviet SALT and other arms control treaty violations.

A. Presidentially confirmed expanding pattern of Soviet SALT II break-out violations—total of 25

President Reagan recently reported to Congress that: "A number of [Soviet] activities involving SALT II constituted violations of the core or central provisions of the Treaty frequently cited by proponents of SALT II as the primary reason for supporting the agreement. . . In no case where we determined that the Soviet Union was in violation [i.e. of SALT II and SALT I] did they take corrective action."

I. SS-25 mobile ICBM—prohibited second new type ICBM

1. Development since about 1975;

2. Flight-testing (irreversible) since February, 1983;

3. Deployment since 1985—over one hundred concealed mobile launchers, "direct violation;"

4. Prohibited rapid-refire capability—doubles force;

5. RV-to-Throw-Weight Ratio (and doubling of throw-weight over old SS-13 ICBM)—probable covert SS-25 2 or 3 MIRV capability—"direct violation", plus reported testing of 3 MIRV SS-25;

6. Total encryption of SS-25 telemetry, "direct violation."

II. SNDV's

7. De facto Strategic Nuclear Delivery limit of 2,504—the Soviets have long been at least 75 to over 600 SNDVs over even the 2,504 number only they had when SALT II was signed in 1979, thus illustrating the fundamental inequality of SALT II. The Reagan Administration stated in September, 1987: "The Soviet Union continues to exceed the de facto SALT II overall Strategic Nuclear Delivery Vehicle (SNDVs) ceiling of 2,504. Their ongoing deployments of SS-25 ICBM launchers, TU-95 Bear H Bombers, and SLBM launchers carried by Delta IV and Typhoon submarines, plus the presence of SALT II-accountable SS-X-24 ICBM launchers and Blackjack bombers results in the Soviets exceeding the SNDV limit by about 25. The Soviets have not compensated adequately for these new weapons, primarily because insufficient numbers of older Bison bombers and SS-11 ICBM silos have been dismantled." The CIA and ACDA also stated in October, 1987, that the number of Soviet SNDVs "remains greater than the 2,504 SNDVs recognized as permitted by SALT II."

III. SS-N-23 SLBM

8. Heavy throw-weight prohibited (conclusive evidence);

9. Development since about 1975;

10. Flight-testing (irreversible);

11. Deployment on Delta IV and III Class submarines;

12. Total encryption of telemetry.

IV. Backfire intercontinental bomber

13. Arctic basing, increasing already intercontinental operating capability;

14. Probable refueling probe, actually widely detected, increasing intercontinental operating capability;

15. Production of more than thirty Backfire bombers per year, for an estimated five years, making at least more than an estimated 12 extra illegal Backfires produced.

V. CCD

16. Expanding pattern of Camouflage, Concealment, and Deception (Maskirovka), deliberately impeding verification.

VI. Encryption

17. Total encryption of ICBM, SLBM, and all other missile telemetry.

VII. Launcher-ICBM missile relationship

18. Reported probable concealment of the relationship between the SS-24 missile and its mobile ICBM launchers, and confirmed concealment of the relationship between the SS-25 missile and its mobile ICBM launchers.

VIII. SS-16

19. Confirmed concealed deployment of 50 to 200 banned SS-16 mobile ICBM launchers at the Plesetsk test range, now reportedly probably being replaced by a similar number of banned SS-25 mobile ICBM launchers. SS-16s replaced at Plesetsk are unlocated, and are now probably deployed covertly.

IX. Falsification of SALT II data exchange

20. Operationally deployed, concealed SS-16 launchers not declared;

21. AS-3 Kangaroo long-range air launched cruise missile range falsely declared to be less than the 600 kilometer range limit and therefore was not counted, even though its range was at least 650 kilometers.

22. Falsification of Backfire bomber range and refueling capability, by Brezhnev.

X. Excess MIRV fractionation

23. According to press reports, the current National Intelligence Estimate states that the 308 SS-18 super-heavy ICBMs are deployed with 14 warheads each, adding 1,232 Soviet warheads.

24. According to press reports, the Soviet Super-super-heavy SS-X-26 (the follow-on to the SS-18) is now being flight-tested on polar trajectories simulating first strike attacks aimed at Pearl Harbor—sovereign U.S. territory, and its deployment is being accelerated in converted SS-18 silos. This Soviet flight-testing and accelerated deployment of the even heavier throw-weight follow-on to the super heavy SS-18 ICBM violates the SALT II absolute ceiling on SS-18 throw-weight. This new super-super heavy ICBM, the SS-X-26, is also being tested with more RVs than the number carried on the SS-18. This development certainly will result in further excess MIRVing of the SS-18 class of missiles.

XI. Exceeding MIRV sublimits

Additionally, the Soviets have now probably deployed more than 50 concealed SS-24 rail-mobile MIRVed ICBM launchers. First deployment of this missile was actually confirmed to President Reagan at the Iceland Summit on October 11, 1986, by Soviet Leader Gorbachev himself.

The Reagan Administration confirmed on August 7, 1987, that: "The Soviet Union has exceeded the SALT II sublimit of 1,200 permitted MIRVed ICBMs and MIRVed SLBMs when the fifth Typhoon submarine recently began sea trials. Moreover, some SS-X-24 MIRVed ICBM railmobile launchers should now be accountable under the SALT II sublimit on MIRVed ICBMs. It appears that the Soviets have not yet compensated for any of the SALT II-accountable SS-X-24 launchers. Therefore, the Soviets may also have exceeded the SALT II sublimit of 820 MIRVed ICBM launchers."

The Reagan Administration later in September, 1987, also confirmed the following statement to be accurate and unclassified at that time: "The fact that the Soviet Union has exceeded the SALT II sublimit of 820 MIRVed ICBMs with their SS-24 deployment is now clear. Moreover, the Soviets have clearly exceeded the SALT II sublimit of 1,200 MIRVed ICBMs and MIRVed SLBMs. The Soviet Union has not compensated for their SS-24 deployment or for their Typhoon and Delta IV submarine deployments exceeding the SALT II sublimits."

The Reagan Administration also confirmed the following statement to be accurate and unclassified as of October, 1987: "Current information indicates that the Soviets are still over the 1,200 sublimit of SALT II, although the same information indicates that the Soviets could come into compliance at any time."

This confirmed Soviet MIRV missile deployment above the 1,200 MIRV missile sublimit is the 24th confirmed Soviet SALT II violation.

And the 25th confirmed Soviet SALT II violation is the Soviet deployment of now over 50 SS-24 rail-mobile MIRVed ICBMs in violation of the 820 MIRV ICBM sublimit.

Finally, the CIA has publicly warned that, in the event that Soviet SALT II "Break Out" could be confirmed, the U.S. should consider that the Soviets are also violating the third SALT II sublimit—1,320 MIRVed missiles and heavy bombers equipped with long range cruise missiles. Thus, because the 24 confirmed Soviet SALT II violations clearly constitute Soviet Break Out from SALT II, the Soviets must also be considered to be violating the 1,320 sublimit.

This would make the total of confirmed Soviet SALT II violations 26.

The Soviets reportedly told the U.S. arms negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1,200, and 1,320, which they are now confirmed to be doing.

Finally, the SS-24 probably has greater throw-weight than the SS-19, reportedly making the SS-24 an illegal heavy ICBM.

B. Presidentially confirmed expanding pattern of Soviet violations of the SALT I interim agreement—5 violations

1. Soviet deployment of the heavy SS-19 ICBM and the medium SS-17 ICBM to replace the light SS-11 ICBM was a circumvention defeating the object and purpose of the SALT I Interim Agreement. Article II of the Interim Agreement prohibited heavy ICBMs from replacing light ICBMs. This violation alone increased the Soviet first strike threat by a factor of six.

2. Soviet deployment of modern SLBM submarines exceeding the limit of 740 SLBM launchers, without dismantling other older ICBM or SLBM launchers, which in March, 1976, the Soviets actually admitted was a violation.

3. Soviet camouflage, concealment, and deception deliberately impeded verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long-range cruise missiles on converted Y Class SLBM submarines, which "is a threat to United States and allied security similar to that of the original SSBNs."

5. "The United States judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement."

As Defense Secretary Weinberger stated on December 11, 1986: "SALT I and SALT II have been largely irrelevant to the Soviet military buildup. Both agreements merely codified and authorized large increases."

C. Presidentially confirmed expanding pattern of Soviet SALT I ABM Treaty break out violations—10 violations

1. "The U.S. Government reaffirms the conclusion in the March 1987 Report that the new large phases-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Construction continued in 1987. The absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory." This judgment is "based on conclusive evidence," and this is the clearest evidence of Soviet violation of the ABM Treaty. Thus the siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM Battle Management Radar "directly violates" three provisions of the SALT I ABM Treaty. The Soviets have even privately admitted this violation to themselves. The CIA has stated recently that "The United States is aware that, over the last several years, Soviet officials have indicated that the Krasnoyarsk radar is a violation of the ABM Treaty." During 1987, both houses of the Congress, the U.S. Senate and the U.S. House of Representatives, have each voted overwhelmingly and almost unanimously in agreement with President Reagan that the Krasnoyarsk Radar is a clear violation of the ABM Treaty. The Senate also voted 93 to 2 that the Krasnoyarsk violation was "an important obstacle" to the Senate's advice and consent to the ratification of the new INF Treaty. The Soviets have conceded in diplomatic channels that a radar identical to the Krasnoyarsk radar is an early warning radar.

2. "The U.S. Government finds that the USSR's activities with respect to moving a Flat Twin ABM radar and a Pawn Shop van, a component of an ABM system, from a test range and initiating deployment at a location [i.e. Gomel] outside of an ABM deployment area or ABM test range constitutes a violation of the ABM Treaty . . . This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory." In his December 1, 1987, seventh report to Congress on Soviet SALT violations, President Reagan referred for the first time to "the new violation in the deployment of the Flat Twin and Pawn Shop observed at Gomel . . ." The Soviets have admitted in diplomatic channels that the Gomel radar is an ABM radar, and further, that if such ABM radar were located outside a test range or allowed deployment area, it would constitute, a prohibited base for a prohibited nationwide ABM defense. Thereby violating the most important provision of the ABM Treaty, Article I. But the Soviets have more recently lied to the U.S. on their Gomel activity claiming it is not a violation and that the Flat Twin was sent to Gomel to be dismantled.

3. Over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 surface-to-air missiles and radars and "highly probable" violations of the SALT I ABM Treaty. Two high Soviet officials have even admitted that their SAMs have been designed, tested, and deployed with a prohibited ABM capability. "The U.S. Government reaffirms the judgment made in the March 1987 Report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty . . . In recent years, we have gathered an increased amount of evidence on activities that could be associated with Soviet concurrent operations . . . the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases, this may be highly probable. This and other such ABM-related activities suggest that the USSR may be preparing an ABM defense of its national territory."

4. There is strong evidence that Soviets may be developing and deploying a territorial, and especially a nationwide, ABM defense, which violates the ABM Treaty ban on developing even a base for a nationwide ABM defense. "The U.S. Government reaffirms the judgment of the March 1987 Report that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload, ABM mobility, and deployment of ABM components to Gomel) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues . . . The redundancy in coverage provided by these new radars [i.e. the 9 Pechora-Krasnoyarsk Class radars] and the disposition of these radars closely resembles the design of the U.S. Safeguard ABM program." The U.S. Safeguard program was designed to be a 12 site, nationwide ABM defense. President Reagan has also stated that "this is a serious cause for concern." The Secretary of Defense has testified to the Senate that the "Soviets have some nationwide ABM capability" already. In his December, 1985 report to Congress on Soviet SALT violations, President Reagan stated that a unilateral Soviet ABM defense: "Would have profound implications for the vital East-West balance. A unilateral Soviet territorial ABM capability acquired in violation of the ABM Treaty could erode our deterrent and leave doubts about its credibility." The CIA has recently stated that: "In totality, these (Soviet ABM) activities provide a strong basis for concern that the USSR might have an integrated plan for an ABM defense of its national territory, and might be working toward it." Finally, as the Defense and State Departments' White Paper on Soviet strategic defense programs of October 1985 confirmed: "The aggregate of current Soviet ABM and ABM-related activities suggests that the USSR may be preparing an ABM defense of its national territory—precisely what the ABM Treaty was designed to prevent."

5. The mobility of the Soviet ABM-3 system is a violation of the ABM Treaty's prohibition on mobile ABMs.

6. Continuing Soviet development of mobile Flat Twin ABM radars from 1975 to the present, is a violation of the prohibition on developing and testing mobile ABMs. The Soviets evidently are now mass producing the mobile ABM-3 system for rapid nationwide deployment.

7. Soviet ABM rapid reload capability for ABM launchers is a serious cause for concern. The State and Defense Departments state that the Soviets "may" have a prohibited reloadable ABM system.

8. Soviet deliberate camouflage, concealment, and deception activity impedes verification.

9. Confirmed Soviet falsification of the deactivation of ABM test range launchers is a violation of the ABM Treaty dismantling procedures.

10. Soviet rapid relocation without the required prior notification of a Flat Twin ABM radar, creating the additional Kamchatka ABM test range, not only confirms the illegal mobility of the Flat Twin radar and ABM-3 system, but is a violation of the ABM Treaty.

As Defense Secretary Weinberger stated on December 11, 1986: "There has been the recent discovery of three new Soviet large phased-array radars of this type [i.e. the Pechora-Krasnoyarsk Class]—a 50 percent increase in the number of such radars. These radars are the essential components of any large ABM deployment. The deployment of such a large number of radars [i.e. nine], and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide Soviet defense in violation of the ABM Treaty. Such a development would have the gravest implications on the United States-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

Finally, the Soviets are reportedly increasing the SAM defenses of their LPARs, in further violation of the ABM Treaty.

D. Presidentially confirmed expanding pattern of Soviet violations of nuclear test bans—over 70 violations.

1. About 20 atmospheric nuclear weapon tests, August through September 1961, were conducted by the Soviets in violation of the 1959 Mutual Test Ban Moratorium. One of these tests reached a yield of 58 megatons.

2. There have been over 30 conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited (i.e., Atmospheric) Test Ban Treaty. A hundred more tests are probable violations of the LTBT. "The U.S. Government reaffirms the judgment made in the March 1987 Report that the Soviet Union's underground nuclear test practices resulted in the venting of radioactive matter on numerous occasions and caused radioactive matter to be present outside the Soviet Union's territorial limits in *violation* of its legal obligation under the Limited Test Ban Treaty. The Soviet Union failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous U.S. demarches and requests for corrective action. This practice has continued. Since the resumption of Soviet underground testing in February 1987, the United States has presented demarches to the Soviet Union on two separate occasions when unambiguously attributable venting has occurred . . . and received completely unacceptable explanations . . . our repeated attempts to discuss these occurrences with Soviet authorities have been rebuffed . . . Soviet refusal to discuss this matter *calls into question their sincerity on the whole range of arms control agreements.*" (Emphasis added.)

3. There have been over 24 cases of Soviet underground nuclear weapons tests over the 150 kiloton threshold in probable violation of the 1974 Threshold Test Ban Treaty.

E. Presidentially confirmed expanding pattern of Soviet violations of biological and chemical weapons bans

1. "Soviet involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol." Tens of thousands of innocent men, women, and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

2. "The Soviets have maintained an offensive biological warfare program and capability in direct violation of the 1972 Biological and Toxin Weapon Convention." The United States has absolutely no defenses against this capability. The Sverdlovsk anthrax explosion of April 1979, killing several thousand Soviet soldiers and civilians, is direct evidence of the existance of this illegal capability. "After reports of the events at Sverdlovsk reached the West, the United States repeatedly and explicitly approached the Soviet Union for consultation under Article V of the Biological and Toxin Weapons Convention. These efforts were initiated in March of 1980 and continued through the 1986 Review Conference of the Parties to the Convention. The Soviets have consistently refused to engage in consultations, despite their obligation under Article V . . . The U.S. Government judges that continued activity during 1987 at suspect biological and toxin weapon facilities in the Soviet Union, and reports that a Soviet BW program may now include investigation of new classes of BW agents, reaffirm the conclusion of the March 1987 Report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972 . . . We are particularly concerned because it may include advanced biological agents about which we have little knowledge and against which we have no defense. The Soviets continue to expand their chemical and toxin warfare capabilities. Neither NATO retaliatory nor defensive programs can begin to match the Soviet effort . . . There have been no confirmed attacks with lethal chemicals or toxins in Cambodia, Laos, or Afghanistan in 1987 according to our strict standards of evidence. Nonetheless, there is no basis for amending the March 1987 Report conclusion that, prior to this time, the Soviet Union has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Cambodia, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972."

F. Soviet violation of the Kennedy-Khrushchev Agreement of 1962

"The Soviets breached a unilateral commitment by sending offensive weapons—intercontinental nuclear-delivery-capable bombers, nuclear-delivery-capable fighter-bombers, and various kinds of nuclear missile submarines—back to Cuba, beginning in 1969." The Soviets are thus violating the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba because of the reported presence of 12 or more TU-95 Bear intercontinental bombers, more than 55 nuclear-delivery-capable MIG-27 Flogger fighter-bombers, several types of strategic submarines (Golf, Echo, Victor, Yankee, and Foxtrot Classes), over 200 nuclear-delivery-capable MIG-21 fighter-bombers, a nuclear weapons handling and storage facility, a Chemical and Biological Weapons production and storage facility, and the Soviet Combat Brigade. On September 14, 1983, President Reagan for a second time confirmed that the Soviet Union had violated the Kennedy-Khrushchev Agreement, when he stated: "That Agreement has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be described as offensive weapons, not defensive, there." That statement and an earlier one by President Reagan has been backed up by similar public statements by the CIA Director, the JCS Chairman, and the Under Secretary of Defense for Policy, all charging that the Soviets are violating the Agreement. And even the State Department concedes that the Soviets are violating the "spirit" of the Agreement.

CONCLUSION

As President Reagan stated in his seventh Report to Congress on Soviet SALT violations, dated December 1, 1987: "When taken as a whole, this series (i.e. of seven) reports provides a clear picture of continuing Soviet violations . . . there is a pattern of Soviet noncompliance . . . The compliance concerns enumerated in this Report are not unfamiliar to the Soviet Union. I expressed my personal interest in these issues directly to Soviet General Gorbachev during my meetings with him, both in 1985 in Geneva and then again in Reykjavik in October 1986. In addition, the Standing Consultative Commission discusses compliance concerns in detail during its biannual sessions . . . Most recently, Secretary of State Shultz raised U.S. concerns about Soviet noncompliance during his October 1987 visit to Moscow . . . the Soviet Union has failed to correct its noncompliant activities . . . strict compliance with all provisions of arms control agreements is fundamental . . . Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence *essential* to an effective arms control process *in the future* . . . it will be achieved *only* if effective verification and *total compliance* are integral elements of the process both with respect to existing arms control agreements and *possible new ones*." (Emphasis added.)

In his March 10, 1987 Report to Congress on Soviet SALT violations, President Reagan added: "Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less . . . If we are to enter agreements of this magnitude and significance, effective verification is indispensable and cheating is simply not acceptable."

Finally, in his June 1985 Report to Congress on Soviet SALT violations, President Reagan stated: ". . . this pattern of Soviet noncompliance raises fundamental concerns about the integrity of the arms control process, concerns that—if not corrected—undercut the integrity and viability of arms control as an instrument to assist in ensuring a secure and stable future world . . . we have made it absolutely clear that we expect the Soviet Union to take positive steps to correct their noncompliance and to resolve our compliance concerns in order to maintain the integrity of existing agreements and to establish the positive environment necessary for the successsful negotiation of new agreements." But as President Reagan conceded in his March 1987 Report in regard to all Soviet violations of SALT I and SALT II: "In no case where we determined that the Soviet Union was in violation did they take corrective action."

In a letter to the Congress transmitting his December 1, 1987 violations report, President Reagan stated: "Correcting their violations will be a true test of Soviet willingness to enter a more constructive relationship . . . on security matters."

Thus by President Reagan's own 1985 and 1987 standards, there may be no integrity to the arms control process and there may be a lack of the positive environment necessary for the negotiation of new agreements. In sum, we may question whether arms control treaties have served as an instrument to assist in ensuring a secure and stable future world.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I have talked to the majority leader and I know he has consulted the Republican leader. Everyone is pretty well alert. I plan to move to table.

Mr. LEAHY. Mr. President, before the Senator does, will he yield for one last question?

Mr. NUNN. If it is a very short question.

Mr. LEAHY. It is a very short question and can be answered shortly.

Mr. NUNN. I yield for a question.

Mr. LEAHY. There has been a lot of discussion about the 550 limit ICBM's. Have we changed off that 550 anytime during the last 10 years? In effect, we have stayed within the 550 ICBM's, say, for the last decade?

Mr. NUNN. The Senator is correct. I am informed if we go the rail mobile MX with a MIRV'd system, we might go up higher than that in about 3 years.

Mr. LEAHY. Which will not be before October 1 of 1989.

Mr. NUNN. I think the Senator is essentially correct as a practical matter. As a theoretical matter, we stayed within that limit primarily because we have not been able to come to a consensus on ground-based systems. But we have not been compelled by law to do that.

Mr. LEAHY. The only reason I ask that question is because there was some confusion in the debate, and I want to have it clearly on the record this is no change from anything in the last 10 years.

Mr. NUNN. The only change is this would be by law. The other is by discord, disagreement and policy.

Mr. President, I move to table the underlying amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. HECHT] and the Senator from Nebraska [Mr. KARNES] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—51

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Evans
Exon
Garn
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Hollings
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NAYS—45

Adams
Baucus
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Conrad
Cranston
Daschle
Dodd
Ford
Fowler
Glenn
Gore
Harkin
Hatfield
Heinz
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Stafford
Wirth

NOT VOTING—4

Biden
Hecht
Karnes
Stennis

So the motion to lay on the table amendment No. 2018 was agreed to.

ORDER OF PROCEDURE

Mr. NUNN. Mr. President, while the people are still in the Chamber, let me just say I have talked to the majority leader about this, and I am speaking for myself as one of the two floor managers here. But we do not plan to have any more rollcall votes tonight. If anyone wants to bring up an amendment they believe has been cleared, I am prepared to stay and take those amendments up now as long as we have productive business. I would encourage that to happen. But there will be no more rollcalls tonight based on the majority leader's earlier statement.

Tomorrow we are going to get started as early as possible on the Kennedy-Hatfield test ban amendment, and then we have a Kennedy on combat troops in Central America amendment; we have a Heinz Buy America amendment; and a Wilson drug interdiction amendment. We have probably 20, 25 other amendments that are pending, and at least 7 or 8 are major amendments.

I want to put my colleagues on notice. We have not been in late any night this week.

Mr. BYRD. Mr. President, there are too many conversations going on. We want to know what is happening.

The PRESIDING OFFICER. Senators will cease audible conversations. If the Senator will suspend until we get order.

The Senator from Georgia.

Mr. NUNN. Mr. President, we have not been in late any night this week. I too would like to get home at a reasonable hour. Tomorrow night though, if we have any hope of finishing this bill on Friday, we are going to have to stay until at least a reasonable hour in the evening tomorrow night. I would like to see us make so much progress that we might, in view of staying until 11 or 12 o'clock, finish the bill. But that would be highly optimistic.

I would have to say that we will take a look tomorrow afternoon. If it looks like we can finish the bill, we will let everyone know, and we will try to go very late. If it looks like we cannot, it would be my suggestion to the majority leader that we work until 8:30 or 9 o'clock tomorrow night, come in Friday morning early, and work as long as required Friday including very late into the evening until we can finish this bill. That is the goal I would have as the manager.

I know Senator WARNER shares that goal.

Mr. BYRD. Mr. President, I thank the distinguished chairman.

Mr. President, does the sequence of the amendments that was ordered during yesterday carry over until tomorrow?

The PRESIDING OFFICER. The majority leader is not correct. It does not carry over.

Mr. BYRD. Mr. President, I ask unanimous consent that that sequence of amendments continue to carry until disposed of.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I would suggest then that the Senate begin tomorrow on this bill no later than 9:30 a.m. Is that satisfactory? Do the managers wish to have us begin earlier?

Mr. DIXON. Mr. President, would the distinguished leader yield for a question?

Mr. BYRD. Yes.

Mr. DIXON. Mr. President, I wonder if the distinguished leader and the manager have discussed the possibility of pursuing time agreements. As I walk around the room and talk to other people, people think we could be making a little better progress. I do not mean that as a reflection on anybody or any of the discussion that took place. Our list of amendments is so much shorter than last time when I was involved with the distinguished manager and as the manager is listening, I really think that this list is short enough. If we can get some time agreements, we could get this bill finished by maybe noon or so Friday. I honestly believe that. I think if we worked until 11 or 12 tomorrow night, and then begin Friday morning early, we could finish this bill this week by the middle of Friday, if we could get some time agreements.

As I talk to people around here, I think they are ready to have time agreements.

Mr. NUNN. That is a good suggestion. Let me ask while the Senator from Indiana is here, I know the Senator from Georgia and I are going to be on the floor all day tomorrow. The Senators from Indiana and Illinois are about as good as two can be on this question.

Mr. DIXON. I would be glad to volunteer to be the one that worked for our manager on this side to get time limits, if my friend from Indiana would do it.

Mr. NUNN. Would the two work together, and if Senator QUAYLE will work the Republican side and Senator DIXON the Democratic side to see how many people would be willing to have time agreements, we can take a good look at it about noon tomorrow. We may very well be able to finish this bill tomorrow night or by noon on Friday.

I would say I have been informed on the other, subject to the majority leader, that Senator HATFIELD will be prepared to enter into a time agreement for 1 hour equally divided and that we could begin that debate at 9:45 tomorrow morning which means we would conclude it 1 hour later.

Mr. BYRD. Very well. Then, is that an amendment in the second degree, may I ask the distinguished chairman, the amendment by Mr. HATFIELD. It is not.

Very well. I wonder if we could get an agreement now that there be a 1-hour time limitation on that amendment to begin running at 9:45 tomorrow morning with the understanding that the 1-hour time limitation on that amendment does not mean that if an amendment is offered to that amendment there would be no time on the second-degree amendment?

Mr. DIXON. Mr. President, if I could say again to the majority leader, if he will yield the floor for a moment, could the manager listen for just a moment?

I am just advised by my good friend, the distinguished Senator from Wisconsin, he would be willing to accept a 2-hour time limit on the whole War Powers Act question. I think that would be a valuable contribution. He says he would be ready to do it tomorrow some time. So I think that is a big one we could put in the box.

Mr. NUNN. I do not know whether we can get agreement on this side of the aisle on that one. I believe we can on the 1-hour on the testing but I believe the other one we would have to wait and let people think about it overnight. We will take that into consideration.

Mr. QUAYLE. We might get 2 hours on the tabling motion. We would have to check that.

Mr. BYRD. Yes. I understand we would have to check further on this side.

Mr. REID. Mr. President, I know that Senator KENNEDY agrees on a 40-minute time limit. I certainly would agree to it. That would be on the motion to table. If the motion to table for some reason was not agreed to, then it would be just on the motion to table the time agreement.

I have spoken to Senator KENNEDY on more than one occasion and I can represent to the Senate that he has agreed to that time limit.

Mr. BYRD. Ordinarily the motion to table is not debatable. What you are doing here is making a motion to table debatable. It is all right if the Senators want to do that.

Mr. QUAYLE. Mr. President, would the majority leader yield so I can move to reconsider that last vote?

Mr. BYRD. Yes, Mr. President, I yield for that purpose.

Mr. QUAYLE. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I would suggest our respective Cloakrooms and floor staffs inquire between now and early morning tomorrow as to what other amendments may be in the wings, if the chairman would feel that is a good idea so we can have the whole kit and caboodle.

Mr. NUNN. I think that would be a good idea. If we could get the Cloakroom to also notify the Members of both sides that Senator DIXON and Senator QUAYLE will be available for talking and discussing on behalf of the floor managers the possible time agreements.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business and that Senators may speak therein for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL MINUTE

MAY 11 1911: PRESIDENT PRO TEMPORE ELECTION DEADLOCKED

Mr. DOLE. Mr. President, 77 years ago today, on May 11, 1911, the Senate become entangled in a bitter deadlock over the election of a president pro tempore. This dispute demonstrated a significant change of political ideology within the early 20th century Congress.

In the 1910 midterm congressional elections, Democrats had gained a majority in the House of Representatives and had picked up 10 Senate seats. This reduced the Republican margin of control to 7 votes. The 49 Senate Republicans were split into progressive and conservative wings. Among the progressives where seven insurgents who hoped to topple the Senate's entrenched old-guard leadership. In this effort, they were inspired by the success of a recent major revolt in the House. There insurgents had stripped speaker Joseph Cannon of his power to appoint committees and their chairman.

On April 27, 1911, shorty after the Senate of the 62d Congress convened, Maine's William Frye resigned as President pro tempore due to illness. Frye had served in that post for 15 years. A man of conservative personal and political temperament, he was considered one of the "wheel-horses" of the Senate and was deeply respected by Senators of both parties.

On May 11, the Senate began balloting for Frye's replacement. Each party caucus nominated a senior Member. Republican insurgents divided their votes among four lesser candidates. On each of the seven ballots, Georgia Democrat Augustus Bacon received a plurality, but remained several votes short of the necessary majority. The other major candidate, New Hampshire Republican Jacob Gallinger, followed closely behind. Following several days of rancorous debate, leaders of both parties reluctantly agreed to alternate the duties of President pro tempore between Bacon and Gallinger for the remainder of the 62d Congress.

GREECE, TURKEY, AND CYPRUS

Mr. PRESSLER. Mr. President, during the Senate's recess last week, I had the pleasure of accompanying our minority leader, Senator DOLE, to meetings with the top leadership of Greece and Turkey.

Our meetings with Greek Prime Minister Andreas Papandreou, Greek National Defense Minister Ioannis Haralambopolous, Turkish President Kenan Evren and Prime Minister Turgut Ozal, as well as the mayor of Istanbul, suggested to me that this is an opportune time to resolve the conflict over Cyprus.

All of these officials expressed the view that progress has been made during the past year in improving relations between Greece and Turkey. This is good news, not only for those two great nations, but also for their NATO allies, including the United States. Yet, much remains to be accomplished in settling the Cyprus problem.

Although I applaud Turkey's leaders for cooperating with Greece in some areas, I am disappointed that they continue to stonewall efforts to end their illegal occupation of northern Cyprus. Other nations and leaders, including the United States and its leaders, bear some of the responsibility for the current division of Cyprus. But the primary responsibility lies with Turkey, which illegally used United States weapons to invade Cyprus in July and August 1974. Just last year, Turkey compounded this problem by sending its occupation forces on Cyprus large amounts of the military assistance we gave them for NATO defense purposes.

Mr. President, I urge the United States Government to help in the resolution of the Cyprus problem by making it clear we will not accept the perpetual occupation of 40 percent of Cyprus by Turkey. There must be a democratic united Cyprus. Turkey must understand that sanctions sooner or later will be imposed if it does not move forward on the diplomatic front in this area. Turkey is a valuable American and NATO ally with capable and intelligent leaders. But, as a nation that was founded on the principle of the rule of law, we will not simply close our eyes to aggression and violations of that principle by even the best of our friends and allies.

Once again, Mr. President, I am encouraged by the apparent growing civility of relations between Turkey and Greece. Turkey in particular would gain much by furthering the easing of tensions in taking the right steps regarding Cyprus.

REDUCING THE GAP: PROMOTING ADULT DAY CARE

Mr. PRESSLER. Mr. President, I would like to address the topic of adult day care. Too often we have focused our attention and directed our resources to institutional care for the infirm elderly. With only 5 percent of the elderly population residing in a nursing home at any given time, it is apparent that we should now direct our attention to community-based alternative services. On April 18, 1988, the Senate Committee on Aging held an excellent hearing entitled, "Adult Day Health Care: A Vital Component of Long-Term Care." That hearing underscored the following point: With an aging population, we no longer can afford to have a fragmented long-term care delivery system.

The population over age 75 is increasing. These individuals are more likely to be "at risk" from multiple chronic conditions. Adult day care can be important in keeping older adults in the community.

Adult day care also can provide programs to the elderly with cognitive impairments, such as Alzheimer's disease. According to one survey by the National Council on Aging, it was estimated that 2,000 to 3,000 of the 10,000 to 15,000 adults currently in adult day care programs suffer from dementing diseases, such as Alzheimer's and related disorders. But many more of the estimated 1.5 to 2 million individuals who suffer from these diseases could be served by adult day care programs.

Adult day care can be a valuable support to family care givers who provide 80 percent of all health care for the elderly. Elderly participants in adult day care who require continuous supervision are able to live with spouse or children in their own homes. Adult day care programs can reduce caregiver burnout. Some view this as the most significant factor in nursing home placement.

Advocates of adult day care state that this type of service is a cost-effective way to deliver care to the elderly. In the State of South Carolina, an adult medical day care package, including physical therapy, meals, nursing care, personal care services, transportation and recreation, costs $40 per day, compared to $60 per day for only physical therapy services provided at home.

Although reports from other States such as Hawaii, New Jersey, and Massachusetts have been favorable to adult day care, some public policymakers still question the validity of the research data.

Extensive and comparable data often are lacking. Comparisons between the costs of day care and institional and home care are difficult to make because the intensity of care provided at each level can vary greatly. Furthermore, costs vary between day care centers serving different kinds of individuals, provide different services or operate at different hours.

Lack of adequate transportation may create a barrier to those who are disabled and isolated in the communities. These individuals would benefit from adult day care. Buses may not be designed to carry wheelchairs and buildings may not be designed for the disabled. Policymakers have questioned whether adult care would be cost-effective in reducing admissions to more expensive nursing homes.

Although some may view adult day care solely as a respite or home health service, many view it as a separate service in the continuum of long-term care. Adult day care programs are multifaceted, including medical services, counseling, rehabilitation, personal care services, meals, transportation, therapeutic, and recreational services.

My visit to an adult day care center at the Huron Area Senior Center in Huron, SD, provided me with an example of an excellent program. By watching the activities at the Huron center, I know that adult day care can be of great assistance to both family care givers and participants.

Adult day care can assist the elderly to maintain their independence and the quality of their lives. It can provide a way for the elderly to stay in their own homes in the community. Mr. President, in a nutshell, independence, quality of life, and ties to the community sum up the advantages of adult day care.

INF REINFORCEMENT ACT

Mr. HEINZ. Mr. President, the Senate will soon consider the INF Treaty. We will do so when the Soviets have demonstrated that they understand a deal is a deal. The Kremlin must know that in the American system, the Senate's role in treatymaking is a real and independent one, and we will not stand for any backsliding or fudging when it comes to the stringent verification provisions that are the heart of the INF Treaty.

I am confident the Soviets will get the message, and we will proceed to consider the INF Treaty. That treaty makes a real contribution to American security and arms control. But I am concerned that the unequal cuts in nuclear missiles that treaty imposes on the Soviets may be offset by growth in Soviet strategic forces.

The Soviets can cover their INF targets with strategic systems. In fact, I expect that one criticism of the treaty we will hear from its opponents is that the agreement does not remove the Soviet nuclear threat against Europe. That is true, but the Soviets must take from their forces aimed at the United States if they want to cover European targets without their INF missiles.

The only way the Soviets can maintain their coverage of European targets and avoid weakening their nuclear threat against America is by adding to their strategic forces. And there is no existing arrangement—formal or informal—that would keep the Soviets from adding to their strategic arsenal to do just that.

Last year this Senate adopted an amendment I offered along with my colleagues Senators BUMPERS, CHAFEE, and LEAHY to preserve some cap on the strategic forces of the United States and the Soviet Union while a new Strategic Arms Treaty is negotiated. This cap would be the only limit we have on the arms race until there is a START Treaty in place.

Today I join these same colleagues today in offering this amendment to create a barrier to Soviet breakout. Our amendment is simple. It requires the United States to deploy no more strategic forces than we had on January 25, 1988, the day the INF Treaty was submitted to the Senate, so long as the Soviets do the same.

Mr. President, in late 1986, the United States broke out of the old sublimits on strategic weapons both superpowers had observed for 5 years. The Soviets continue to stay under those limits. A recent Pentagon publication put the Soviets 66 under the old informal ceiling.

Right now the Soviets continue to destroy existing weapons as new ones come on line. They might continue to do so, no matter what the United States does. But if they want to exploit what some conservative opponents of the INF Treaty may call a loophole in that treaty, we are giving them the green light.

If the United States continues to add new submarine missile launchers and convert B-52 bombers to carry cruise missiles without any restraint, we will be approximately 22 launchers above our January 1988, level by the end of 1988. This does not give us any military advantage. But it could give Moscow the excuse to boost their strategic missile forces to replace the capability they will lose through INF dismantlements.

Our amendment would restore a basis for the two superpowers to limit their strategic forces until a START Treaty is achieved. It would fence in possible growth in Soviet forces, growth not limited by any current formal or informal agreement, that otherwise could negate the gains we make under the INF Treaty. I urge my colleagues to support this amendment.

ELLSWORTH AIR FORCE BASE

Mr. PRESSLER. Mr. President, I would like to take this opportunity during discussion of the Department of Defense reauthorization bill to mention the important national defense role played by Ellsworth Air Force Base, located in my home State of South Dakota.

Ellsworth Air Force Base is the largest operational base in the Strategic Air Command. The 44th Strategic Missile Wing at Ellsworth commands 150 Minuteman II missiles. It is the only SAC base with two squadrons of B1-B bombers and a strategic training center is now under construction there. This center will provide the advanced bomber training for all SAC bases.

These statistics demonstrate the vital importance of Ellsworth Air Force Base to our Nation's defense system. In fact, with both the 44th Strategic Missile Wing and the 28th Bombardment Wing, two of the three legs of our triad defense system, missiles, and bombers, are located at Ellsworth. The basing of the B1-B bombers at Ellsworth and the location of the strategic training center there have greatly increased the responsibility given to the base. Given its recent increased responsibilities, Ellsworth's role in the Nation's defense network is likely to continue to grow in the future.

Earlier this year, I visited Offutt Air Force Base where I received a briefing on the Strategic Air Command. The importance of Ellsworth Air Force Base was repeatedly stressed. I came away from that meeting with an increased sense of pride in South Dakota's role in our national defense, a pride shared by the men and women who serve at Ellsworth and by all the citizens of my State.

It has become evident to me that the increased responsibilities entrusted to Ellsworth Air Force Base warrant the presence of a commanding general at the base. I have been pursuing this matter for some time now.

I ask unanimous consent to insert in the RECORD copies of my correspondence to Secretary Aldridge and an article which appeared in the Rapid City Journal regarding this issue. Certainly America's largest Strategic Air Command base deserves to be commanded by a general officer. I look forward to such an assignment in the near future.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 13, 1988.

Hon. EDWARD C. ALDRIDGE, Jr.,
Department of the Air Force, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: As I am sure you will agree, Ellsworth Air Force Base plays a key role in our nation's defense system. My fellow South Dakotans and I have always been very proud of Ellsworth and its vital strategic mission.

Ellsworth AFB is now the largest operational base in the Strategic Air Command. In addition to the 150 Minuteman II missiles located throughout western South Dakota, Ellsworth is also home of the 28th Bombardment Wing. The only SAC base designated to have two squadrons of B1-B bombers, Ellsworth welcomed its 35th and final B1-B last September. Thus, two of the three legs of our traid defense system—missiles and bombers—are located at Ellsworth AFB.

In addition to these key missions, the SAC Strategic Training Center currently is under construction at Ellsworth. Upon completion, all of the advanced bomber training for the Strategic Air Command will be conducted at Ellsworth. Given these increased responsibilities and functions, Ellsworth's role in our defense network will continue to expand in the years ahead. We are proud of the increased responsibility given to Ellsworth and look forward to continuing our state's strong commitment to our national security.

In view of Ellsworth's growth and enhanced mission levels, I respectfully request that full consideration be given to locating the division command at Ellsworth AFB. It is my understanding that the 44th Strategic Missile Wing and the 28th Bomb Wing currently are assigned to the 4th Strategic Missile Division at F.E. Warren AFB, Wyoming. Because no bombers are stationed at F.E. Warren AFB, it would appear logical to transfer the division command to Ellsworth, where both missiles and bombers are located.

It is my understanding that the command of the 4th Air Division was originally located at Barksdale, AFB, Louisiana, until December of 1964. Redesignated the 4th Aerospace Division, the command was moved to Grand Forks AFB, North Dakota. In June of 1971 the command was relocated to F.E. Warren AFB and redesignated the 4th Strategic Missile Division, where it remains today.

As mentioned previously, the level of community support for a military installation is exceptionally strong at Ellsworth AFB. During his visit to Ellsworth last fall, Secretary of Defense Weinberger underscored this deep community support and commended the Rapid City community for its huge turnout to welcome the first B1-B bomber at Ellsworth during a winter storm last January.

I respectfully request that the feasibility of establishing the division command at Ellsworth be given your full and expeditious consideration. Aside from the fact that our state would be very proud to host the division command at Ellsworth, it seems to make good sense from an organizational standpoint.

Thank you for your time and attention to this matter. I look forward to hearing from you in the near future and would be most willing to discuss this personally with you at your convenience.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

[From the Rapid City (SD) Journal, Feb. 10, 1988]

PRESSLER PROPOSAL WOULD TRANSFER 4TH AIR DIVISION HEADQUARTERS HERE

(By Gordon Hanson)

Sen. Larry Pressler, R-S.D., has asked the Secretary of the Air Force to transfer headquarters of the 4th Air Division from F.E. Warren Air Force Base, Wyo., to Ellsworth AFB.

Some military associations and civic leaders favor the move and may have prompted Pressler's proposal, sources said.

"The community feels we have an important mission out here" at Ellsworth, said Jan Laitos, a retired Air Force colonel and member of the Rapid City Area Chamber of Commerce's military affairs committee.

Some area residents visiting other Strategic Air Command bases find a general in command and believe Ellsworth is important enough also to have a general officer on base, he said Monday.

Ellsworth's 28th Bombardment Wing, 44th Strategic Missile Wing, and other units such as the 44th Combat Support Group are commanded by colonels.

Of the proposed transfer, "The military associations are in favor of this taking place, not only for the prestige but for the important missions assigned to Ellsworth and its strategic role for the national defense," Laitos said.

Ellsworth commanders were aware that Pressler had made the proposal, said Maj. Ron Trithart, base public affairs officer. "However, he did not make the proposal at our request."

If such a transfer were made, it would mean the arrival of a general officer, usually a brigadier general, and a staff of about 30 people, Trithart said.

It isn't unusual for an air division headquarters to be changed, Trithart said. "As a mission changes and tactics change, there is realignment of bases to different air divisions."

Ellsworth, F.E. Warren and Malmstrom AFB, Mont, are currently under the 4th Air Division, he said.

In Ellsworth's chain of command, Air Force headquarters in Washington is at the top, followed by SAC headquarters at Offut AFB, Neb., 15th Air Force at March AFB, Calif., and the 4th Air Division.

Ellsworth is SAC's largest operational base with two squadrons of B-1s and commands 150 Minuteman II missiles. Also, a Strategic Training Center is under construction at the base.

In Pressler's letter, he told Air Force Secretary Edward Aldridge, Jr.: "Two of the three legs of our triad defense system—missiles and bombers—are located at Ellsworth AFB." He said the training center would mean "all of the advanced bomber training for the Strategic Air Command will be conducted at Ellsworth.

"Given these increased responsibilities and functions, Ellsworth's role in our defense network will continue to expand."

Pressler told Aldridge that because there were no bombers at F.E. Warren, "it would appear logical to transfer the division command to Ellsworth."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2756. An act to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio;

H.R. 2835. An act to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, TN;

H.R. 3911. An act to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States;

H.R. 3927. An act to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives;

H.R. 4083. An act to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes;

H.R. 4262. An act to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes;

H.R. 4267. An act to authorize additional appropriations for the WEB Rural Water Development project;

H.R. 4306. An act to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget;

H.R. 4318. An act to improve the administration of the personnel systems of the General Accounting Office; and

H.R. 4445. An act to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 296. Concurrent resolution authorizing printing of the House of Representatives Election Law Guidebook, 1988.

At 4:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1570. An act to establish an emergency response program within the Nuclear Regulatory Commission.

ENROLLED BILL SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3. An act to enhance the competitiveness of American industry, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1570. An act to establish an emergency response program within the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

H.R. 2756. An act to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio; to the Committee on the Judiciary.

H.R. 2835. An act to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, TN; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3911. An act to mend title 18, United States Code, to provide increased penalties for certain major frauds against the United States; to the Committee on the Judiciary.

H.R. 3927. An act to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives; to the Select Committee on Indian Affairs.

H.R. 4267. An act to authorize additional appropriations for the WEB Rural Water Development project; to the Committee on Energy and Natural Resources.

H.R. 4306. An act to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4318. An act to improve the administration of the personnel systems of the General Accounting Office; to the Committee on Governmental Affairs.

H.R. 4445. An act to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists; to the Committee on the Judiciary.

The following concurrent resolution, and referred as indicated:

H. Con. Res. 296. A concurrent resolution authorizing printing of the House of Representatives Election Law Guidebook, 1988; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3190. A communication from the Archivist of the United States, transmitting, pursuant to law a report on a proposed archival depository for the Presidential and other historical materials of the Reagan administration; to the Committee on Governmental Affairs.

EC-3191. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3192. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation on a basis indicating a need for a supplemental estimate of appropriations; to the Committee on Appropriations.

EC-3193. A communication from the Secretary of the Navy, transmitting, pursuant to law, notification of the Department of the Navy's proposal to transfer the obsolete submarine ex-GROWLER to the Intrepid Sea-Air-Space Museum, New York, New York; to the committee on Armed Services.

EC-3194. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Soviet Military Power: An Assessment of the Threat—1988"; to the Committee on Armed Services.

EC-3195. A communication from the Assistant General Counsel (Legal Counsel), Department of Defense, transmitting, pursuant to law, a report on individuals who have filed a report of DoD and Defense Related Employment for fiscal year 1987; to the Committee on Armed Services.

EC-3196. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the commissary shelf stocking and resale warehouse function at Keesler Air Force Base, Mississippi, to performance by contract; to the Committee on Armed Services.

EC-3197. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the conversion of the administrative telephone switchboard function at Kirtland Air Force Base, New Mexico, to performance by contract; to the Committee on Armed Services.

EC-3198. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, a report entitled "Defense Manpower Requirements Report for FY 1989"; to the Committee on Armed Services.

EC-3199. A communication from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to provide the Service Secretary concerned the option to order a cadet or midshipman to reimburse the United States without first ordering such cadet or midshipman to active duty; to the Committee on Armed Services.

EC-3200. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1987 annual report of the Department of Housing and Urban Development's Solar Energy and Energy Conservation Bank program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3201. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Nicaragua; to the Committee on Banking, Housing, and Urban Affairs.

EC-3202. A communication from the Under Secretary of Commerce, transmitting, pursuant to law, the fiscal year 1987 report of the National Oceanic and Atmospheric Administration on Ocean Thermal Energy Conversion; to the Committee on Commerce, Science, and Transportation.

EC-3203. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the fiscal year 1989 budget requests of the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

EC-3204. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1989 and 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3205. A communication from the Secretary of the Interior, transmitting, pursuant to law, the seventh annual progress report under the Alaska National Interest Lands Conservation Act; to the Committee on Energy and Natural Resources.

EC-3206. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments on certain oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3207. A communication from the Director of the Council on Environmental Quality, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for the Office of Environmental Quality for fiscal years 1989 and 1990; to the Committee on Environment and Public Works.

EC-3208. A communication from the President of the United States, transmitting, pursuant to law, notice of his intent to remove certain countries from beneficiary status under the Generalized System of Preferences; to the Committee on Finance.

EC-3209. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, Commission notice and order concerning filing of petition of Postal Service for initiation of rulemaking to amend procedural requirements for changes in express mail rates; to the Committee on Governmental Affairs.

EC-3210. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on single audits for the period ending January 30, 1988; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1851: A bill to implement the International Convention on the Prevention and Punishment of Genocide (Rept. No. 100-333).

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 2366: An original bill to authorize appropriations for fiscal year 1989 for the intelligence activities of the U.S. Government, the intelligence community staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 100-334).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE (for himself, Mr. Boschwitz, and Mr. Simon):

S. 2364. A bill to enable certain U.S. flag vessels to engage temporarily in trade within the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 2365. A bill authorizing the release of 86 USIA films with respect to the Marshall plan; to the Committee on Foreign Relations.

By Mr. BOREN, from the Select Committee on Intelligence:

S. 2366. An original bill to authorize appropriations for fiscal year 1989 for the intelligence activities of the U.S. Government, the intelligence community staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Armed Services, by unanimous consent for a period not to exceed 30 calendar days, not to include days when the Senate is not in session, pursuant to the provisions of section 3(b) of S. Res. 400, 94th Congress.

By Mr. LAUTENBERG (for himself, Mr. Danforth, Mr. Bentsen, Mr. Pell, Mr. Gore, and Mr. Chafee):

S. 2367. A bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BUMPERS (for himself, Mr. Dixon, and Mr. Conrad):

S. 2368. A bill to authorize the several States and the District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM:

S. Res. 428. A resolution to express appreciation and gratitude to Irving Berlin; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE (for himself, Mr. Boschwitz, and Mr. Simon):

S. 2364. A bill to enable certain U.S. flag vessels to engage temporarily in trade within the Great Lakes, and for other purposes; referred to the Committee on Commerce, Science, and Transportation.

GREAT LAKES REFLAGGING

Mr. PROXMIRE. Mr. President, today Senator Boschwitz, Senator Simon and I are introducing legislation to revive trade in the Great Lakes region. Wisconsin and other Great Lakes ports are at a competitive disadvantage because American flag merchant ships no longer call at our ports for international trade. As of April 1 of this year, the cargo preference provision of the Food Security Act mandates that 75 percent of U.S. Government cargo be carried on U.S.-flag carriers. This amplifies the disadvantage imposed on Great Lakes exports.

So far this shipping season, Great Lakes ports have suffered a loss of $1 million due to diversion of cargo by the Departments of Agriculture and Transportation from our region to gulf ports in satisfaction of the 75 percent U.S. carrier requirement. We offer this legislation today in order to entice foreign flag carriers to switch to the American flag and call for U.S. Government cargoes at our ports.

Private enterprise would provide U.S. flag service to the Lakes if our current laws were not so restrictive. The Merchant Marine Act requires a 3 year wait after U.S. flagging of a foreign vessel before that ship can carry U.S. Government cargoes such as the Public Law 480 title II shipments. This 3 year wait prevents investors from quickly earning a return on the capital expenditures needed for setting up in the shipping service. My bill proposes waiving the 3 year wait for applicants over the next 2 years. The number of ships that may reflag under this waiver is restricted to six. The ships would be serving the Great Lakes ports, with the exception of two calls per year to other ports, at the close of the Great Lakes shipping season.

This bill would result in specific economic benefits. U.S. shipyards would upgrade these vessels as required for national defense purposes. The bill creates work opportunities in the U.S. shipbuilding industry. In adddition it requires the use of U.S. crews.

The Great Lakes offers transport efficiencies which can make U.S. exports more competitive, depending on the type of product involved, its source and destination. For example, agriculture shipping costs are lower during the months when the Lakes/Seaway waterway is open.

The Great Lakes/Seaway provides an important waterway for the United States. Both for strategic and commercial reasons, it is urgent that the United States have at least some ongoing U.S.-flag cargo carrying capacity out of the Lakes. This legislation will help achieve that end.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) for purposes of section 901(b)(1) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)(1)), the term "privately owned United States-flag commercial vessels" shall be deemed to include any United States flag vessel designated by the Secretary of Transportation as a "Great Lakes Exempt Vessel" pursuant to paragraph (2), without regard to the number of years such vessel has been documented under the laws of the United States.

(2) For the purpose of enabling vessels documented under the laws of the United States for a period of less than 3 years to engage temporarily in trade within the Great Lakes, the Secretary of Transportation, in accordance with this Act and such regulations as he may prescribe, is authorized to designate each of six vessels as a Great Lakes Exempt Vessel. No vessel engaged primarily in bulk trade shall be designated as a Great Lakes Exempt Vessel.

(b) No vessel shall retain its designation as a Great Lakes Exempt Vessel if such vessel, following such designation, has any repair work, work required for such vessel to meet Coast Guard specifications for the documentation of vessels in the United States, reconditioning, or maintenance work done on such vessel other than in a United States shipyard. The Secretary of Transportation is authorized to waive the provisions of the first sentence of this subsection in the case of any such work performed on a vessel, if such work was necessary to enable the vessel to safely sail from a port outside of the United States.

(c)(1) Except to the extent provided under paragraph (2), no vessel designated as a Great Lakes Exempt Vessel pursuant to this Act shall serve any other United States seaport other than the Great Lakes.

(2) During a period of not to exceed 90 days in any 12-month period as determined by the Secretary of Transportation, the Sec-

retary is authorized, by regulation, to permit a Great Lakes Exempt Vessel to serve a United States seaport other than the Great Lakes, but in no event more than twice in any such 90-day period.

(d) The Secretary of Transportation shall not designate any vessel as a Great Lakes Exempt Vessel pursuant to this Act unless such vessel has been approved by the Secretary of Defense as a vessel suitable for national defense purposes.

(e) As used in this Act, the term "Great Lakes" means Lake Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as St. Regis, and adjacent port areas.

(f) The designation of any vessel as a Great Lakes Exempt Vessel pursuant to this Act shall be considered terminated on December 31, 1990.

By Mr. KERRY:

S. 2365. A bill authorizing the release of 86 USIA films with respect to the Marshall plan; to the Committee on Foreign Relations.

RELEASE OF CERTAIN FILMS WITH RESPECT TO THE MARSHALL PLAN

● Mr. KERRY. Mr. President, as you may know, 1987 marked the 40th anniversary of the launching of the Marshall plan, a chapter in our history of which we can all be proud.

Few people realize that our Nation has a documentary motion picture record of the Marshall plan's achievements. Over 100 films were produced in Europe by the Marshall plan agencies, but unfortunately, these films are not available in the United States—not to American historians, not to educators, not to the general public.

I am introducing legislation that would allow these films to be seen in the United States. Responsibility for the films currently rests with the U.S. Information Agency, as successor to the Marshall plan's information activities. I propose that the National Archives be allowed to receive a master copy of the films from the United States Information Agency. Our National Archives would, then, in turn, promptly make prints of the films available for purchase by the public.

The Marshall plan was one of the great economic and political successes in this century. I believe these films provide an important historical source to remind future generations of the positive role that our Nation played in the restoration of Europe following the Second World War.●

By Mr. LAUTENBERG (for himself, Mr. DANFORTH, Mr. BENTSEN, Mr. PELL, Mr. GORE, Mr. WEICKER, and Mr. CHAFEE):

S. 2367. A bill to promote highway traffic safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving, and for other purposes; to the Committee on Environment and Public Works.

DRUNK DRIVING PREVENTION ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to promote tougher, more effective laws to curb drunk driving. I am pleased to be joined by Senators DANFORTH, BENTSEN, PELL, and GORE. Along with groups like Mothers Against Drunk Driving, we're working together toward a simple goal, to save lives.

With the passage of the National Uniform Minimum Drinking Age Act in 1984, the Congress took an important step forward in the battle against drunk driving. Today, all 50 States have adopted a minimum drinking age of 21, eliminating "blood borders." A study by the National Highway Traffic Safety Administration found that over an 18-month period, almost 850 young lives were saved, largely due to the increased minimum drinking age.

But the battle against drunk driving is far from over. A drunk driving fatality occurs every 22 minutes in this country. Drunk driving has to be reduced among drivers of all ages.

An essential component of our continuing efforts must be enhanced enforcement of Federal, State, and local laws. Our bill would help States meet that goal.

The bill would authorize Federal seed money to States to help establish self-sustaining drunk driving prevention programs. In order to be eligible for this program, States would have to put into place a self-supporting enforcement program, under which fines and surcharges collected from individuals convicted of drunk driving are returned to communities for enforcement.

States would also have to adopt laws that provide for the prompt suspension or revocation of the license of a driver found to be driving under the influence of alcohol. A recent study released by the Insurance Institute for Highway Safety [IIHS] showed that such laws reduce drunk driving fatalities by 9 percent.

In addition to being eligible for grants under these two basic requirements, States could also receive supplemental funds for adoption of either or both of the following procedures: First, a means of making drivers licenses of those under the legal drinking age readily distinguishable from those of drivers of legal drinking age; and second, the mandatory blood alcohol testing of drivers involved in fatal or serious accidents.

Finally, the bill would direct the Secretary of Transportation to commission a study by the National Academy of Sciences on the appropriate blood alcohol concentration at which a driver should be deemed to be under the influence of alcohol.

Mr. President, the importance of this legislation is apparent to anyone who has suffered the loss of a loved one. This morning, I listened to the tragic story of Bob Gore. Mr. Gore was vacationing in Hawaii with his 24-year-old son and daughter, when his children were killed by a drunk driver. This was not the first time that driver had been guilty of driving drunk. But he was still able to drink and drive. That is an outrage that must be corrected. That's what this bill would do.

That drunk driver has now been convicted of manslaughter in the death of the Gores. But in the 15 months between their deaths and the conviction, he was allowed to go on driving. In fact, Mr. Gore told us that the last thing the convicted killer of his children did before leaving the courtroom was to turn over his driver's license. If that had been done after his earlier transgressions, perhaps that tragedy might never have happened.

Nothing can be done to bring lost loved ones back. But we can take steps to keep tragedies like the one that killed the Gores from happening to other families. I want to commend Mr. Gore for his commitment to this effort. He's turning his personal grief into a positive force, trying to spare others. For that, he deserves to be commended.

I'm pleased to be joined in this effort by Mothers Against Drunk Driving, the Insurance Institute for Highway Safety, and the National Safety Council. This coalition has been successful before, providing crucial force behind the minimum drinking age bill. I look forward to continued success with this legislation, and urge my colleagues to join in consponsoring the bill.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drunk Driving Prevention Act of 1988".

SEC. 2. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 409. Drunk driving enforcement programs

"(a) Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement drunk driving enforcement programs which include measures, described in this section, to improve the effectiveness of the enforcement of laws to prevent drunk driving. Such grants may only be used by recipient States to implement and enforce such measures.

"(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for drunk driving enforcement programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

"(c) No State may receive grants under this section in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year a State receives a grant under this section, 75 per centum of the cost of implementing and enforcing in such fiscal year the drunk driving enforcement program adopted by the State pursuant to subsection (a) of this section;

"(2) in the second fiscal year the State receives a grant under this section, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third fiscal year the State receives a grant under this section, 25 per centum of the cost of implementing and enforcing in such fiscal year such program.

"(d)(1) Subject to subsection (c) of this section, the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(1) of this section shall equal 30 per centum of the amount apportioned to such State for fiscal year 1989 under section 402 of this title.

"(2) Subject to subsection (c) of this section, the amount of a supplemental grant made under this section for any fiscal year to any State which is eligible for such a grand under subsection (e)(2) of this section shall not exceed 20 per centum of the amount apportioned to such State for fiscal year 1989 under section 402 of this title. Such supplemental grant shall be in addition to any basic grant received by such State.

"(e) For purposes of this section, a State is eligible for a basic grant if such State provides for—

"(1) an expedited driver's license suspension or revocation system which requires that—

"(A) when a law enforcement officer has probable cause under State law to believe an individual has committed an alcohol-related traffic offense, and such individual is determined, on the basis of one or more chemical tests, to have been under the influence of alcohol while operating the motor vehicle concerned or refuses to submit to such a test as proposed by the officer, such officer shall serve such individual with a notice of suspension or revocation, which shall provide information on the administrative procedures by which a State may suspend or revoke a license for drunk driving and specify any rights of the driver in connection with such procedures, and shall take possession of the driver's license of such individual;

"(B) after serving such notice and taking possession of such driver's license, the law enforcement officer shall immediately report to the State entity responsible for administering driver's licenses all information relevant to the enforcement action involved;

"(C) upon receipt of the report of the law enforcement officer, the State entity responsible for administering driver's licenses shall, where an individual is determined on the basis of one or more chemical tests to have been intoxicated while operating a motor vehicle or is determined to have refused to submit to such a test as proposed by the officer, (i) suspend the driver's license of such individual for a period of not less than ninety days if such individual is a first offender and (ii) suspend the driver's license of such individual for a period of not less than one year, or revoke such license, if such individual is a repeat offender;

"(D) such suspension or revocation shall take effect at the end of a period of not more than fifteen days immediately after the day on which the driver first received notice of the suspension or revocation; and

"(E) the determination as required by subparagraph (C) of this paragraph shall be in accordance with a process established by the State, under guidelines established by the Secretary to ensure due process of law, (i) for such administrative determination and (ii) for reviewing such determination, upon request by the affected individual within the period specified in subparagraph (D) of this paragraph; and

"(2) a self-sustaining drunk driving enforcement program under which the fines or surcharges collected from individuals convicted of driving a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of drunk driving.

"(f) for purposes of this section, a State is eligible for a supplemental grant if such State is eligible for a basic grant and in addition such State provides for—

"(1) mandatory blood alcohol content testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a collision resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense; or

"(2) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages, which may include the issuance of driver's licenses to individuals under age 21 that are easily distinguishable in appearance from driver's licenses issued to individuals 21 years of age or older.

"(g) There are authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1989, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1990, and September 30, 1991. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.".

(b) The analysis of chapter 4 of title 23, United States Code, is amended by adding at the end the following: "409. Drunk driving enforcement programs.".

SEC. 3.(a) Not later than 30 days after the date of enactment of this Act, the Secretary of Transporation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study to determine the blood alcohol concentration level at or above which an individual when operating a motor vehicle is deemed to be driving while under the influence of alcohol.

(b) In entering into any arrangement with the National Academy of Sciences for conducting the study under this section, the Secretary shall request the National Academy of Sciences to submit, not later than one year after the date of enactment of this Act, to the Secretary a report on the results of such study. Upon its receipt, the Secretary shall immediately transmit the report to the Congress.

SEC. 4. The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 409 of title 23, United States Code, not later than December 1, 1988. The final regulations for such implemention shall be issued, published in the Federal Register, and transmitted to Congress before March 1, 1989.●

● Mr. DANFORTH. Mr. President, I am pleased to join Senator LAUTENBERG in sponsoring the Drunk Driving Prevention Act of 1988. Its goal is an important one—stopping drunk drivers from killing and injuring innocent citizens.

We have made some progress in the fight against drunk driving. According to the National Highway Traffic Safety Administration, in 1982, 25,170 Americans were killed in alcohol-related crashes. In 1987, there were an estimated 23,500 alcohol-related fatalities, a decrease of 7 percent.

How did we make this progress? One way we made progress was by encouraging States to pass tough laws to combat drunk driving. In 1982, I authored, with Senator PELL, legislation to provide States incentive grants if they passed a law with each of the following provisions: First, a provision requiring prompt license suspension for a minimum period of 90 days on the first offense and for 1-year on the second offense; second, a provision establishing a 0.10 percent blood alcohol content [BAC] per se intoxication standard; and third, a provision requiring a jail sentence of 48 hours or at least 10 days of community service on the second drunk driving offense within 5 years. To date, 16 States have qualified for these grants by passing laws with the required provisions.

In 1984, we took further steps to fight drunk driving. We passed the National Minimum Drinking Age Act. Since that legislation's enactment, all 50 States have adopted a minimum drinking age of 21. The States' adoption of the minimum drinking age has eliminated "blood borders"—areas where young people would drive across State lines to buy alcohol. The 1984 legislation also included provisions I authored expanding the 1982 incentive grant program to include States using grants to prevent drugged driving and to provide grants to States who update and computerize their traffic record keeping systems.

Even with these stronger laws, alcohol is involved in the deaths of over 50 percent of those killed in highway crashes. We have made some progress, but we are far from satisfied. We must take further steps to combat drunk driving.

Mr. President, our bill would authorize Federal seed money for States that enact and enforce laws shown to be effective weapons in the fight against drunk driving. There would be two requirements for receiving a basic grant under this legislation.

First, a State would have to establish a self-supportive prevention program under which fines collected from convicted drunk drivers would be returned to communities for enforcement.

Second, a State would have to adopt an administrative per se law under which a police officer could immediately confiscate a drunk driver's license at the point of arrest. Such a law removes a demonstrated hazard from the highways. A recently released Insurance Institute for Highway Safety study found that such laws reduce drunk driving fatalities by 9 percent in those States that adopt them.

The bill would enable States to receive supplemental funds for meeting either or both of the following requirements: First, making the drivers' licenses of those under the legal drinking age readily distinguishable from the licenses of drivers of legal drinking age; and second, requiring blood alcohol content testing of drivers involved in fatal or serious accidents.

In addition, our bill would require the Secretary of Transportation to commission a study by the National Academy of Sciences on the BAC level at which a driver should be deemed to be under the influence of alcohol.

Mr. President, this drunk driving prevention bill has the support of Mothers Against Drunk Driving and the National Safety Council. With their support and with the support of our colleagues, we can help to stop the unnecessary slaughter of innocent people on our highways.●

● Mr. CHAFEE. Mr. President, we all know of the tragedies resulting from drunk driving. Too often, I pick up the newspaper and read about the suffering caused by drunk drivers: The tremendous loss of human potential, the promising lives cut short, and the families torn apart by senseless tragedy. Alcohol abuse has become an increasing problem in this country. The costs of this abuse are clearly magnified in the transportation sector. When operators of a car, truck, or bus drink and drive, they endanger not only their own lives, but the lives of passengers entrusted to their care, other motorists and even innocent bystanders.

The Congress has not let these tragedies go unnoticed. In 1984, we approved the National Uniform Minimum Drinking Age Act. That legislation highlighted the need to unify minimum drinking ages across State borders. Since its passage, all 50 States have adopted a minimum drinking age of 21. The uniformity of the minimum drinking age has gone a long way to reducing the incidence of drunk driving, a leading cause of death among our young people.

It is important to remember that the incidence of drunk driving crosses all age groups and economic backgrounds. An estimated 560,000 people are injured in alcohol-related crashes each year. That is why I joined with my colleague Senator PELL and 98 other Senators this week in urging Surg. Gen. C. Everett Koop to declare drunk driving a national crisis. We must bring every Federal effort possible to bear on this problem.

As you know, Mr. President, the Federal Government currently provides incentive grants for alcohol safety programs. The so-called Section 408 Program which includes both basic and supplemental grants has been a major success in my home State of Rhode Island and has made possible several worthwhile programs to combat drunk driving.

The bill I am cosponsoring today with Senator LAUTENBERG and Senator DANFORTH would complement the 408 Program and authorize Federal seed money to States for the establishment of additional self-supporting drunk driving prevention programs. In order to be eligible for a grant, States would have to establish programs under which fines and surcharges collected from individuals convicted of drunk driving would be returned to communities for enforcement. In addition, the proposal requires States to provide for an expedited driver's license suspension or revocation system. This second provision is essential to deter individuals from driving while under the influence of alcohol. Drunk drivers must know that they will be prosecuted and that their licenses will be revoked in timely fashion.

In addition, under this legislation, States will be eligible for supplemental grants if: First, law enforcement officers are required to test for blood alcohol content whenever they have probable cause to believe that a driver involved in a collision resulting in the loss of human life or serious injury, had committed an alcohol-related traffic offense; and second, there is established an effective system for preventing drivers under age 21 from obtaining alcoholic beverages. It is time to get tough with drunk drivers and support a uniform response to alcohol-related accidents.

The purpose of this legislation is to encourage States to adopt laws that have proven to be highly effective in reducing alcohol-related fatalities. Despite the past successes of Federal and State efforts to combat drug and alcohol abuse, the fight against drunk driving on our roads and highways is far from over.

I urge my colleagues to support this legislation.●

By Mr. BUMPERS (for himself, Mr. DIXON, and Mr. CONRAD):

S. 2368. A bill to authorize the several States and the District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

MAIN STREET FAIR COMPETITION ACT

● Mr. BUMPERS. Mr. President, I am today introducing the Main Street Fair Competition Act. The bill would assist State and local governments in collecting sales taxes due on interstate mail-order sales and provide justice for the Main Street small business which compete with these mail-order firms.

As chairman of the Senate Small Business Committee, I know the problems that Main Street small businesses have in surviving the intense competition they face from large, multistate firms. This competition is tough enough, but it is simply unfair that some of their competitors, specifically out-of-State mail-order firms, are able to avoid collecting State sales taxes on their mail-order sales and can sell products on a tax-free basis.

NO NEW TAX IS IMPOSED

The issue here is collection of sales taxes which already are legally due to State and local government. The problem is that sales taxes cannot now be collected when the customer has purchased the item from an out-of-State mail-order firm. This bill does not impose any new sales tax. It simply permits collection of taxes which now go uncollected.

The State and local governments have no difficulty collecting sales taxes when the item is bought from a Main Street small business which is located within the State. Local small businesses, including local mail-order firms, must include the State and local sales taxes in the purchase price for all the items they sell. They must then remit the proceeds of the tax to the State or local governmental unit.

Every small business located in a State is involved in collection of sales taxes. There is nothing new or unusual about it. There are well-established procedures for collecting the tax, accounting for the taxes which are collected, and remitting the tax to the State or local government. Local small businesses are even compensated by the State for serving as part of the State tax collection system. They can earn some income from the float on the sales taxes they collect until these taxes are remitted to the State. There is no controversy about the obligation of local small businesses to collect sales taxes.

This routine collection procedure does not, however, currently apply where the business does not maintain a store or plant within the State. Under a Supreme Court ruling, the *Bellas Hess* case, State and local governments cannot now require an out-of-State mail-order firm to collect and remit the taxes when it mails the purchased item to citizens residing in that State or local jurisdiction. The Court found that mailing the item did not constitute enough of a "nexus" with the State to give the State the power to require the firm to collect sales taxes on the transaction.

This is an obvious loophole in the sales tax collection system and its practical effect is to prevent collection of the taxes by any government entity.

State and local governments could try to collect these sales taxes directly from the customer of the out-of-State mail-order firm, but this is quite impractical. Can you imagine a State or local government requiring its citizens to report all purchases from out-of-State mail-order firms and to pay the applicable sales taxes each year when they file their income tax forms? States could require this, but it's an absurd prospect.

The fact is that without the assistance from the out-of-State mail-order firm, the State cannot collect the sales taxes on purchases from these firms.

When these sales taxes go uncollected by the State where the customer resides, no sales taxes are ever collected on these transactions. The State where the mail-order firm is located collects no sales taxes on these purchases. The State where the item is mailed is unable to collect the sales taxes. These sales simply fall between the cracks and are never taxed by anyone. The result is a national loss in sales tax revenue to State and local governments.

I am sure that most persons who buy an item from an out-of-State mail-order firm believe that no sales taxes is due to the State or local government in which they reside. I would think that some people buy items from out-of-State mail-order firms precisely because they believe that they are not obligated to pay any sales taxes.

This is a misconception which mail-order firms undoubtedly foster. Indeed, at some point in the legislative process, I would not be surprised to see mail-order firms launch an advertising campaign trying to convince their customers that this bill or other bills on this issue are imposing some new taxes. Any such representations would be false and I trust that mail-order firms will think twice before they make any false statements regarding this issue.

The truth of the matter is that sales taxes are due on all of these sales irrespective of whether the item is purchased from a Main Street small business or from an out-of-State mail-order firm. With respect to purchases from a mail-order firm, the customer simply never receives any bill for the sales taxes which are due, either from the mail-order firm or directly from the State or local jurisdiction.

UNFAIR COMPETITION FOR SMALL BUSINESSES

When the sales of out-of-State mail-order firms are not taxed, the mail-order firm gains a significant competitive advantage over Main Street small businesses which must collect the tax.

Americans have a natural aversion to taxes, to income taxes, to sales taxes, all excise taxes, to all taxes. Everyone seems to have pride when they can gain the biggest refund on their income tax return. We love to gripe about the tax burden. We happily elected an administration committed to drastically cutting Federal income tax rates and were unconcerned that this would lead inevitably to the huge budget deficits.

When a customer of a mail-order firm avoids paying sales taxes, he or she may feel that he or she has received a special tax break. It's exciting to be able to avoid paying taxes. The avoidance of sales taxes constitutes a minor victory over the whole tax collection system.

But, this tax avoidance is unfair to the Main Street small businesses which must collect taxes from their customers. What happens is that the small business on Main Street finds that its prices are automatically 4 or 5 percent higher than those of a mail-order firm. The mail-order firm always has a built-in, guaranteed price advantage on the price of the item. This is unfair, and the Federal Government should step in to put all businesses on the same competitive footing.

Competition among retailers should not be artificially biased in favor of mail-order firms just because of a quirk in the ability of States to collect sales taxes. Businesses should compete based on the quality of their products and service and the cost to the consumer. This is competition we want and should encourage. It is fundamental to the free enterprise system. A small number of businesses should not be given an automatic, contrived, inadvertent, and unfair competitive advantage because of a quirk in the law.

Ironically, the mail-order sales tax loophole gives interstate mail-order firms a competitive advantage over intrastate mail-order firms. The loophole only applies to sales to customers in a State where the firm has no plant or store. It does not apply to mail-order sales in the same State where the firm has facilities. So, the loophole only helps interstate mail-order firms and it hurts intrastate mail-order firms just as much as it hurts Main Street small businesses which have no mail-order business.

BENEFITS TO STATE AND LOCAL GOVERNMENTS

The issue here is important to State and local governments. With many cutbacks in Federal aid, State and local governments are strapped to raise the revenue they need to provide services to their citizens. Indeed, it is in the interest of all citizens that their State and local government be able to collect all the taxes which are due.

To the extent that State and local government sales taxes cannot be collected, the taxes on all the citizens and businesses in the State must be raised. There is no reason why the lost revenue on out-of-State mail-order sales should be made up by citizens irrespective of whether or not they choose to make purchases from mail-order firms.

It is estimated that my State of Arkansas loses $16 million in sales tax revenue on interstate mail-order sales, one of the highest revenue losses of any State in terms of the percentage of sales tax revenue collected. If these taxes could be collected, the State of Arkansas can use the funds to improve education and roads and other important purposes. It might even be able to reduce some of the taxes it imposes on individuals and businesses within the State. State officials in Arkansas—and every other State—strongly support eliminating this loophole for mail-order firms.

Nationwide it is estimated that $2.5 billion in sales tax goes uncollected due to the mail-order loophole. This $2.5 billion could be used by State and local communities to help fight drug addiction, provide assistance to small businesses, or clean up the environment.

It also is important to collect sales taxes on all sales to avoid shenanigans and sham transactions. Living here in the District of Columbia we have two adjacent jurisdictions. It is possible to buy an item in Chevy Chase, MD, and have it shipped two blocks away to Friendship Heights in the District and avoid paying sales taxes. This makes no sense and it spawns efforts to circumvent the payment of taxes, particularly on luxury items where the sales tax is particularly heavy or where there is a substantial differential in the sales taxes which are imposed in one jurisdiction bordering another.

FEDERAL INTEREST IN HELPING THE STATES

The Federal Government has several different interests in the mail-order sales tax loophole issue. This is not simply a State and local government issue.

The Federal Government has an interest in anything which reduces the ability of State and local governments to fund needed social programs. If State and local governments must cut back on service delivery, there will be a stronger demand for increased Federal Government programs to address the same problem. State and local governments will demand greater financial support so that they can avoid cutting back on these programs.

As I have said, the issue here is whether $2.5 billion in State and local sales taxes can be collected. This is a large amount of revenue, even by Federal standards. We have had tens of hours of debate in the Congress about cutting revenue sharing programs by amounts much less than this. We are talking here about an action on the part of the Federal Government which can provide $2.5 billion in assistance to State and local governments.

Just as important, the Federal Government has a duty to assist State and local governments. This is particularly true when this is an area where State and local governments cannot help themselves. As a matter of comity, the Federal Government should be helpful.

There is no Federal Government interest which conflicts with that of the State and local governments. There no longer exists a deduction on the Federal income tax form for State and local sales taxes. If that deduction still existed, increasing the amount of local sales tax collected would increase the amount of sales tax deductions, depriving the Federal Government of some amount of revenue. But with the demise of the sales tax deduction, there is no adverse impact of this legislation on the Federal Government.

For the Federal Government, this legislation is a matter of self-interest, comity, and fairness. The Federal Government has its own revenue problems, but this does not mean that the Federal Government should ignore the revenue problems of State and local governments.

COLLECTION PROCEDURE FOR SALES TAXES

What my bill would do is give States the power to require out-of-State mail-order firms to begin collecting State and local sales taxes.

This requirement will put out-of-State mail-order firms on the same footing with local merchants on Main Street and it will eliminate the artificial distinction between in-State and out-of-State mail-order sales.

By requiring the out-of-State mail-order firm to collect the sales taxes, States will not be tempted to begin requiring the customers of these firms to keep records on his or her purchases and to pay the taxes to the State himself. This requirement ensures that the taxes will be paid. It gives no special tax advantage to any particular type of retailer. It promotes fair competition based on cost, quality, and service.

In drafting this legislation, I was concerned that this requirement might impose a huge paperwork burden on the out-of-State mail-order firm. But, as I have said, these firms already must collect sales taxes on all sales to States where the firm has offices or facilities. This requires them to keep two sets of books—one on sales where no sales tax is collected and one on sales where sales taxes are collected. I would doubt if there is any mail-order firm which does not now already collect some sales taxes.

I was also concerned that this requirement would be confusing to the customers of out-of-State mail-order firms. But, mail-order sales forms already include a line which says something like "add 4 percent sales tax if you live in Arkansas." My legislation would simply require that all customers fill in this line. The mail-order firm can easily provide a small chart listing the applicable sales tax for each State. Or, if the item is charged on a credit card, the mail-order firm could fill in the amount of the applicable sales tax for the customer.

For the large mail-order firms, all of these items are handled by computers. If the order contains the address of the customer—and let us hope that it does—then the computer can be made to automatically fill in the applicable sales tax.

The legislation requires the mail-order firm to collect one set rate of sales tax for each State. If the State has a State sales tax, that tax must be collected. If the State also empowers local communities to collect a local sales tax, the legislation requires that this local tax be added to the States sales tax rate and does not require that it be collected separately.

This avoids the apparent nightmare of requiring the mail-order firm to collect each and every one of the approximately 6,400 local sales taxes which are imposed in the United States. It would seem to be unreasonable to require a mail-order firm to determine the amount of any local sales tax and this legislation does not require it to do so. There will be only one rate of tax per State and that is the rate of tax which is collected for any sale in that State.

I would say that this apparent nightmare might not exist in practice. There are now available computer programs which would automatically fill in the amount of any applicable local sales tax. As long as the mail-order firm knows the ZIP Code of the customer, the computer would do the rest. Of course, this would not help if the customer is paying by check and must determine the amount of the local sales tax but it would work where the customer is charging the purchases. But, as I have said, this legislation avoids this problem altogether.

Mail-order firms covered by the legislation are required to remit the sales taxes on a quarterly basis. Most Main Street small businesses must remit sales taxes on a monthly basis. This means that the out-of-State firm would have a greater ability to benefit from the float on the sales tax funds than a Main Street firm. It also means that the legislation imposes less paperwork burden on the out-of-State firm. In addition, it may be possible to require all States to agree on one sales tax remittance form. The legislation does not require this, but we may want to see if this could be done.

IMPACT ON CUSTOMERS OF MAIL-ORDER FIRMS

I anticipate that some persons who rely heavily on mail-order purchases will be concerned about this proposal. For example, some elderly persons and those who are unable to purchase certain items locally may rely on mail-order purchases.

My legislation would simply say that these persons should pay sales taxes on their purchases just as their neighbors are required to do when they walk into a local store. Everyone should have every opportunity to utilize mail-order catalogs for their purchases, but there is no reason why they should be able to avoid paying sales taxes on these purchases.

There are many commercial benefits of mail-order sales which will more than support a thriving mail-order sales industry whether or not sales taxes are collected on all of their sales instead of just some of them. These firms will not cease operations simply because they must begin collecting sales taxes on their sales.

Sales taxes are regressive. They tend to hit hardest at persons at the low end of the income scale. I have strongly resisted proposals here in the Congress to increase excise taxes and I have strongly supported efforts to maintain the progressivity of the Federal income tax. On the mail-order sales tax issue, we are dealing mostly with middle-income or upper-income individuals.

Mail-order firms mail their catalogs to customers with the highest incomes. Their mailing lists may come from companies which issue credit cards or they may come based on households in affluent neighborhoods. I doubt if there are many low-income individuals on the mailing lists of mail-order firms or many who have credit cards. The mail-order business does not, and never will, cater to low-income individuals.

There are some firms, like Sears, which have major catalog operations which are patronized by middle-income individuals. But Sears has stores in every State, or nearly every State, and it already is required to collect sales taxes on its mail-order sales. It cannot avoid collecting sales taxes. And it certainly is doing well in the mail-order business. Its customers don't complain or take their business elsewhere because sales taxes are collected.

When all sales taxes are collected, State and local governments are better able to maintain services for their citizens. Low-income citizens benefit greatly from State and local government programs. They have a strong interest in the collection of all revenue due to the State. They may pay some more sales taxes when they purchase items from mail-order firms, but they benefit much more from the services which the State is able to provide. On a net basis, this legislation is a good deal for them.

COLLECTION OF LOCAL SALES TAXES

The question of local sales taxes is a complicated one. I have already explained that this legislation permits collection of some local sales taxes as long as mail-order firms are required to collect only one rate of tax per State. This legislation addresses the issue of how the States determines what this local sales tax rate should be.

There currently is an effort to resolve a number of important issues between State and local officials about how to set this local sales tax component of the mail-order sales tax. In my view, it is unreasonable to require that a mail-order firm collect each and every one of the 6,400 local sales taxes. But, there are some thorny issues about how they determine what rate of local sales tax is collected.

There is no problem if every local jurisdiction in the State collects the exact same amount of local sales tax. If the State has a 0.04 cent sales tax and every local jurisdiction collects a 0.01 cent sales tax, then the mail-order firm should collect 0.05 cents in sales taxes. This is an easy case and there is no difficulty in collecting all the local sales taxes which are imposed in the State.

It would be unwise for the Federal Government to force States to require that every local jurisdiction collect the same rate of local sales tax. If the legislation stated that local sales taxes could only be collected when they are uniform throughout the State, there would be pressure on local jurisdictions to agree to one uniform local sales tax rate. If they could not reach agreement, they could receive no proceeds of the sales taxes collected from mail-order firms. That would be a painful choice and one that would pit larger jurisdictions against smaller ones.

There are not many States where every single local jurisdiction collects the exact same amount in local sales taxes. In Arkansas, for example, local jurisdictions may levy a sales tax of 0.01 cent or 0.02 cents. Very few of them collect 0.02 cents in local sales tax, but some do. And there are some local jurisdictions which do not collect even 0.01 cent in local sales tax. If this legislation required that all local taxes be uniform, few if any States would qualify and little if any local sales tax would be collected.

The legislation addresses the issue of variable local sales taxes in an imaginative way. It states that if a majority of the local jurisdictions collect a local sales tax, the State may collect "the lowest rate of local sales tax which * * * local jurisdictions may impose." In the case of Arkansas, this would mean that the State could collect 0.01 cents in local sales tax because a majority of the jurisdictions in Arkansas impose some local sales tax and 0.01 cents is the lowest rate of tax that may be imposed. Local jurisdictions cannot impose a 0.005-cent local sales tax.

This provision does not permit the State to collect all the local sales taxes which are due. It permits collection of some of the local sales taxes which are due. Mail-order firms are given some tax relief by this provision, as compared to Main Street small businesses. This is a "rough justice" provision. It avoids the problem of requiring collection of 6,400 different taxes, but it also avoids requiring every local jurisdiction in a State to collect the exact same rate of local sales tax.

There is one additional issue which arises once the State has collected some local sales taxes from a mail-order firm and that is how these tax proceeds are distributed to the local jurisdictions. The legislation states simply that the system for distributing these proceeds must be "substantially the same as the system by which the State distributes the receipts of other local sales taxes which it collects and administers."

Most local sales taxes are, in fact, collected by the State Government. Local jurisdictions simply piggy-back their local sales taxes on the State sales tax collection system. This is the most efficient way for local jurisidctions to collect their local sales taxes and it imposes the least burden on the businesses which collect the tax. This means that there already exists and agreed-upon system for the State to remit the proceeds of this sales tax collection to the local jurisdictions. The legislation would require that States use the same or a substantially similar system for distributing the proceeds of the sales taxes collected from mail-order firms.

IMPACT ON SMALL MAIL ORDER FIRMS

I have been emphasizing the concerns of Main Street small businessses, but, of course, there are many small mail-order businesses. My proposal is directed as providing justice to Main Street small businesses, but we must ensure that we do not impose an unfair burden on small mail-order businesses.

To avoid this result, I have set a minimum sales threshold of $15 million in my bill. This exempts every small mail-order firm and many which are quite large.

BORDER CITY SALES TAX LAWS

Finally, we have one special situation in Arkansas which needs to be covered in the legislation. We have a city in Arkansas which is exempt from the statewide sales tax because it sits on the border with Texas, which takes a different approach on local sales tax. In lieu of paying this sales tax, the State collects an additional amount of income tax.

This is an entirely legitimate response of the State to a special situation. Under my bill, this local situation would not deny to Arkansas the ability to qualify under the terms of the legislation. It would not require Arkansas to repeal this local law in order to qualify.

NEED FOR CONSTRUCTIVE DEBATE

Undoubtedly there are other issues which need to be reviewed as we draft a mail-order sales tax bill. Unfortunately, the debate thus far is more on the overall concept than on issues of implementation.

It always is a temptation for interest groups to first oppose a proposal and then to discuss compromises and details when they may not be able to prevent a bill from passing. I would hope that groups which are concerned about this proposal would be willing and able to offer constructive proposals on how to administer the collection of sales taxes on mail-order sales and how to minimize the burden on mail-order firms and their customers.

The inability of State and local governments to collect sales taxes on out-of-State mail-order sales is a legitimate issue. The small business community is becoming aroused about the unfair competition they see from mail-order firms.

This issue will not go away. It is time to discuss the specific terms of legislation to close this loophole. There are legitimate issues to resolve, and I hope that introducing this legislation will advance the debate on these issues.●

● Mr. CONRAD. Mr. President, I am pleased to join my distinguished colleague from Arkansas [Mr. BUMPERS] in sponsoring this legislation, which will enable State and local governments to collect sales taxes on interstate mail order sales.

Sales by out-of-State mail order firms pose special problems for tax collection efforts at the State and local level. Under the Supreme Court's ruling in a 1967 case, National Bellas Hess versus Illinois Department of Revenue, State and local governments cannot require an out-of-State mail order firm to remit sales taxes on purchases by residents of their State or local jurisdiction.

In two decades since this decision was handed down, mail order firms have enjoyed impressive growth and popularity. Catalog sales have soared, and direct marketers have also turned to sophisticated commercials, telephone contracts and other techniques to generate $150 billion of business a year. Sales by direct marketers currently account for 14 percent of retail sales nationwide; by 1990, their share is expected to reach 20 percent. The 1986 tax reform law, by repealing the deduction for State and local sales taxes, gives mail order firms a further advantage. As the market has been thoroughly transformed by these developments, the tax law as defined by the Bellas Hess case has become a relic from days gone by.

States and localities across the country are strapped for revenues to meet pressing public needs. Uncollected sales taxes on mail order sales amount to $1.5 to $2 billion a year. Under existing law, my State of North Dakota forgoes between $4 and $10 million of sales taxes a year. Some large states—like California, New York, and Texas—are losing hundreds of millions of dollars. There's every reason to close this loophole in the tax collection system—particularly now that Federal aid to States and municipalities under a variety of programs has been reduced.

I commend Senator Bumpers for introducing the "Justice for Main Street Small Business Act." Because beside the difficulties created for State and local governments, current law in this area gives an unfair advantage to out-of-State mail order firms who compete with local retailers. Small mail order firms, with less than $15 million in sales, are exempt under the Bumpers bill. But it's time, in my view, to collect sales taxes on the products of large, multi-state firms—sales taxes that would be due and collectable if the same products were purchased from a local retailer.

In the House, a similar measure sponsored by Representative Dorgan was reported out of a subcommittee of the Ways and Means Committee. Last November, the Senate Finance Committee held a hearing on the issue of mail order sales tax collection, reviewing measures introduced by Senators Burdick and Cochran. I welcome the indications that interest in this issue is growing, and look forward to working with members of the tax-writing committees to pass this important legislation.●

ADDITIONAL COSPONSORS

S. 165

At the request of Mr. Inouye, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 165, a bill to amend title 37, United States Code, to authorize special pay for certain officers of the Armed Forces who obtain certain professional board certifications as psychologists.

S. 564

At the request of Mr. D'Amato, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of S. 564, a bill to amend the Internal Revenue Code of 1986 to exclude tax-exempt interest from the computation of the alternative minimum tax and the amount of Social Security benefits to be taxed.

S. 1340

At the request of Mr. Pryor, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 1340, a bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles.

S. 1469

At the request of Mr. Boschwitz, the names of the Senator from Missouri [Mr. Bond], the Senator from Idaho [Mr. Symms], the Senator from Oklahoma [Mr. Nickles], the Senator from Nevada [Mr. Hecht], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of S. 1469, a bill to amend title VII of the Social Security Act to restrict the use of "Social Security" or "Social Security Administration" on goods not connected with such Administration.

S. 1774

At the request of Mr. Pryor, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 1774, a bill to promote and protect taxpayer rights, and for other purposes.

S. 2078

At the request of Mr. Armstrong, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to require a majority of employees to approve the establishment of an employee stock ownership plan, and for other purposes.

S. 2098

At the request of Mr. Hollings, the names of the Senator from Colorado [Mr. Wirth], and the Senator from Michigan [Mr. Riegle] were added as cosponsors of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2123

At the request of Mr. Kennedy, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2159

At the request of Mr. Nickles, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 2159, a bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm vehicles.

S. 2182

At the request of Mr. Mitchell, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 2182, a bill to amend title XVIII of the Social Security Act to increase the amount authorized for the patient outcome assessment research program, and for other purposes.

S. 2199

At the request of Mr. Chafee, the name of the Senator from South Dakota [Mr. Daschle] was added as a cosponsor of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2305

At the request of Mr. Mitchell, the name of the Senator from Connecticut [Mr. Weicker] was added as a cosponsor of S. 2305, a bill to amend title XVIII of the Social Security Act to provide for long-term care benefits, and for other purposes.

S. 2344

At the request of Mr. Levin, the names of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 2344, a bill to provide for the reauthorization of appropriations for the Office of Government Ethics, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. Quayle, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awarness Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. Durenberger, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 272, a bill to designate November, 1988, as "National Diabetes Month."

SENATE JOINT RESOLUTION 275

At the request of Mr. Weicker, the names of the Senator from Maine [Mr. Cohen], and the Senator from Ohio [Mr. Glenn] were added as cosponsors of Senate Joint Resolution 275, a joint resolution to designate August 1-8, 1988, as "National Harness Horse Week."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DeConcini, the names of the Senator from Rhode Island [Mr. Pell], and the Senator from South Dakota [Mr. Pressler] were added as cosponsors of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE RESOLUTION 389

At the request of Mr. Lautenberg, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosposor of Senate Resolution 389, a resolution to express the sense of the

Senate regarding future funding of the Construction Grants Program of the Clean Water Act.

SENATE RESOLUTION 428—TO EXPRESS APPRECIATION AND GRATITUDE TO IRVING BERLIN

Mr. METZENBAUM (for himself and Mr. D'AMATO) submitted the following resolution; which was considered and agreed to:

S. RES. 428

Whereas, Irving Berlin, like no other composer, has brought American popular song into the lives and hearts of every American;

Whereas, after emigrating from Russia in 1892, Irving Berlin celebrated the spirit of the United States in his patriotic songs, including his inspiring and well-loved "God Bless America";

Whereas, each of us has a personal favorite Irving Berlin song, be it "White Christmas", "Top Hat", "Cheek to Cheek", "Blue Skies", or "Easter Parade", that we find ourselves humming or singing as the years go by; and

Whereas, May 11, 1988, is Irving Berlin's 100th birthday, marking his century-long love affair with America: Now, therefore, be it

Resolved, That the United States Senate expresses its sincere appreciation and gratitude to Irving Berlin for his century of faithful and exemplary contributions to our Nation through his delightful and enduring songs.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

JOHNSTON (AND OTHERS) AMENDMENT NO. 2015

Mr. JOHNSTON (for himself, Mr. EVANS, Mr. LEVIN, and Mr. BUMPERS) proposed an amendment to the bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26 at the end of line 3 delete the period and insert in lieu thereof ", and" and add the following new paragraph:

"6) $700 million shall be available only to reimburse NASA as DoD's share of the cost to support production including ancillary network communications and data systems necessary to return the Space Transportation System to flight status and sustain near-term launch rates."

BREAUX AMENDMENT NO. 2016

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill S. 2355, supra; as follows:

On page 7, line 20, strike "(1)(A)".

On page 8, line 1, strike "the Secretary" and all that follows thereafter through page 9, line 11, and insert the following in lieu thereof:

"the Secretary of the Navy shall ensure that there be full and open competition for contracts for any DDG-51 class destroyers and that no technically qualified American shipbuilder be prevented from competitively bidding for any such contracts."

PROXMIRE AMENDMENT NO. 2017

Mr. PROXIMRE proposed an amendment to amendment No. 2015 proposed by Mr. Johnston (and others) to the bill S. 2355, supra; as follows:

in the amendment strike all after "6)" and insert the following:

$700 million shall not be expended.

BUMPERS (AND OTHERS) AMENDMENT NO. 2018

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, and Mr. HEINZ) proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 921. INF TREATY REINFORCEMENT ACT OF 1988.

(a) SHORT TITLE.—This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME.—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles, or MIRVed strategic systems that it had deployed on January 25, 1988; and

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermedi-

ate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

LEAHY AMENDMENT NO. 2019

Mr. LEAHY proposed an amendment to amendment No. 2018 proposed by Mr. BUMPERS (and others) to the bill S. 2355, supra; as follows:

In the pending amendment, strike all after the words "Short Title," and insert the following:

This section may be cited as the "INF Treaty Reinforcement Act of 1988".

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the INF Treaty has been signed by President Reagan and endorsed by the Joint Chiefs of Staff, the Secretary of State, and the Secretary of Defense;

(2) the INF Treaty, which the President submitted to the Senate on January 25, 1988, for its advice and consent to ratification, is strongly supported by the Congress and the American people;

(3) the INF Treaty eliminates Soviet intermediate and shorter-range ballistic missiles targeted on the NATO allies of the United States in Europe;

(4) the military benefits of the INF Treaty to the United States and its NATO allies gained by the elimination of these classes of Soviet ballistic missiles could be undermined by the Soviet Union through the deployment of additional long-range nuclear weapons, the numbers of which are currently not subject to any legally binding limitations or informal mutual interim restraint measures;

(5) at present there are effectively no limits on the number of strategic weapons the Soviet Union or the United States may deploy;

(6) the achievement of a verifiable strategic arms agreement that strengthens the security interests of the United States and its NATO allies is an important security objective, and the Congress supports the President's continuing efforts to conclude such an agreement;

(7) it is possible that such an agreement may not be reached during 1988 or 1989;

(8) the Soviet Union is currently producing and deploying new SS-24 and SS-25 ICBMs and new SS-N-20 and SS-N-23 SLBMs, and will shortly be deploying modernized versions of the SS-18 ICBM, strategic ballistic missiles which are not restricted by the INF Treaty; and

(9) it is in the security interests of the United States and the NATO alliance to restrict the numbers of these and other Soviet strategic offensive weapons deployed by the Soviet Union, both to reinforce the INF Treaty and to limit the strategic threat to the United States and its NATO allies.

(c) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law and subject to the provisions of subsection (f), 60 days after the date of enactment of this Act, no funds may be obligated or expended through September 30, 1989, to overhaul, maintain, operate, or deploy any MIRVed strategic nuclear weapons launcher or platform that would cause the United States to exceed the numbers of MIRVed ICBMs, MIRVed ballistic missiles, and MIRVed strategic systems that it had deployed on January 25, 1988. Not later than 30 days after the date of enactment of this Act, the President shall notify the Congress of his plans for carrying out the provisions of this subsection.

(d) REPORTING REQUIREMENT.—Not later than December 1, 1988, the President shall submit to the Congress a report, in both classified and unclassified versions, describing the numbers and types of operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled since October 1972.

(e) POLICY ON INTERIM RESTRAINT REGIME—The Congress recognizes that alternative mutual interim restraint regimes are possible that would be in the security interests of the United States and its allies, and the Congress, therefore, hereby encourages the President to pursue such alternative approaches so that effective restraints on offensive nuclear forces are applied on a mutual basis until a new strategic offensive arms agreement can be concluded.

(f) WAIVER.—(1) The prohibition contained in subsection (c) shall not apply if the President notifies the Congress in writing that—

(A) a new strategic arms agreement between the United States and the Soviet Union has entered into force;

(B) the United States and the Soviet Union have agreed upon an alternative regime for interim restraint on strategic nuclear weapons; or

(C) the Soviet Union has deployed strategic launchers and platforms—

(i) in excess of the numbers of launchers of MIRVed ICBMs, or MIRVed ballistic missiles that it had deployed on January 25, 1988; or

(ii) in excess of the number of launchers and platforms of MIRVed strategic systems that the United States had deployed on that date.

(2) Such notification shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

(g) TEMPORARY WAIVER.—The prohibition contained in subsection (c) shall not apply for any period of 30 days if the President notifies the Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to determine whether the Soviet Union has exceeded the levels of strategic forces specified in clauses (i) and (ii) of subsection (f)(1)(C).

(h) DEFINITIONS.—For purposes of this section—

(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate and Shorter-Range Missiles, done at Washington on December 8, 1987;

(2) the term "MIRVed" means equipped with multiple independently-targetable reentry vehicles; and

(3) the term "MIRVed strategic systems" means MIRVed ICBMs, MIRVed SLBMs, and heavy bombers equipped with air-launched cruise missiles.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Monday, May 16, 1988. The subcommittee will hear witnesses from the Postal Rate Commission and the General Accounting Office on postal practices and policies.

The hearing is scheduled for 2 p.m., in room SD-342, Senate Dirksen Office Building. For further information, please call Ed Gleiman, subcommittee staff director, on 224-2254.

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled two public hearings to examine the special problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

The first hearing will take place on Monday, June 13, 1988, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC. This hearing will focus on rural hospital issues.

The second hearing will take place on Monday, July 11, 1988, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC. This hearing will examine issues related to rural physicians and other health care personnel.

For further information, please contact Max Richtman, at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to mark up pending legislation including the Shore Protection Act (S. 1751), the Indoor Air Quality Act (S. 1629), and Senate Resolution 389—expressing the sense of the Senate regarding future funding of the construction grants program of the Clean Water Act.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, May 11, 1988. The committee will hold a markup on S. 1993, the Minority Business Development Program Reform Act of 1987 and on a 1-year authorization bill for the Small Business Administration which will be an original committee bill.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, for a business meeting on pending calendar business.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to receive testimony on S. 1480, National Laboratory Cooperative Research Initiatives Act, and proposed amendment No. 16.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committtee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to hold a hearing on S. 1976, the Indian Child Welfare Act amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to receive testimony on S. 1869, the Dairy Farm Protection Act, and milk marketing orders.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BYRD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session on the Senate on Wednesday, May 11, 1988, to hold a hearing on advances in aging research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to conduct a hearing on Smart Start: The Community Collaborative for Early Childhood Development Act of 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, May 11, 1988, to conduct hearings on stockmarket reform and S. 2256, the Intermarket Coordination Act of 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the committee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, and the steel caucus, be authorized to meet during the session of the Senate on Wednesday, May 11, 1988, to hold a hearing on United States-Canadian free trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A QUICK-FIX LEGISLATIVE RESPONSE TO THE STOCK MARKET CRASH IS UNWISE

● Mr. DIXON. Mr. President, Congress has been criticized by the members of the Brady Commission and others for not enacting legislation to respond to last October's stock market crash. I agree with the Brady Commission members that the stock market crash was a frightening event—one that deserves our careful attention. However, I do not share their sense of alarm over the fact that there has been no legislative response.

I think the only way to respond to the problems highlighted by the crash is carefully and deliberately. A quick-fix solution directed solely at the operation of our markets duplicates the efforts of the President's Working Group—whose recommendations will be made next week—and, even more importantly, is very unlikely to prevent future episodes of volatility.

The Washington Post made this point very persuasively in an editorial in their Saturday edition entitled "Remember the Crash?" The Post pointed out that while "the financial markets' defects, as the crash revealed them, are 'still in place and need to be addressed'. * * * The delay—in responding—is not as outrageous as it looks."

The Post goes on to point out that "the remedies are not entirely obvious, and there's a strong case for moving cautiously." The Post concludes that "financial market reform belongs on the lengthening list of things probably best left until next January."

I share this view. I think we make a real mistake by acting too hastily. In spite of the many studies that have been done, we still do not understand enough about the fundamental changes that have occurred in our financial markets over the many years since our basic regulatory structure was set up, and that makes it difficult to fashion a proper response quickly.

We have spent the last 6 years working on legislation amending the Glass-Steagall Act, which would enhance the power of bank holding companies to participate in many, but not all, securities activities. Congress has still not completed action on that issue. It is unreasonable, it seems to me, to suggest that we should act within 6 months on market reform.

I urge my colleagues in both the House and the Senate to take the Post editorial to heart. I think Congress should focus its attention on the fundamental changes that have occurred in the marketplace, rather than trying to fashion a quick-fix solution that simply will not and cannot do the job. Mr. President, I ask that the Post editorial be included at this point in the RECORD.

The article follows:

[From the Washington Post, May 7, 1988]

REMEMBER THE CRASH?

When the Brady Commission gave President Reagan its report five months ago on the October stock market crash, it expected to see action. Instead, the White House backed apprehensively away from the idea of expanded regulation. The regulators began quarreling over jurisdiction. And in Congress the sense of urgency cooled rapidly as stock prices leveled off and the economy strengthened.

Now the Brady Commission has published a statement reminding the world that the financial markets' defects, as the crash revealed them, are "still in place and need to be addressed." That's true, but perhaps the delay is not quite so outrageous as it looks. The remedies are not entirely obvious, and there's a strong case for moving cautiously.

It's in the nature of financial markets to swing up and down sharply, particularly in a country with growing debts and an unstable currency. The proper purpose of the reforms is not to prevent a downswing but to ensure that when it starts, it will not begin to feed on itself by generating malfunctions and bankruptcies that in turn make the market fall farther. The commission puts great emphasis on what it calls circuit breakers—that is, brief halts in trading to let people settle their accounts and let the panic evaporate. But the usefulness of trading halts is far from clear. The October crash, after all, took place over six days (including a weekend) in which the panic only mounted. Perhaps the circuit-breaker proposal will turn out to be helpful, but it belongs to the category of advice that needs to be considered carefully and tested.

Most of the Brady reforms require legislation, and the commission said last week that it would be a mistake not to keep pushing Congress to move. That, unfortunately, is also questionable. It's too late in this congressional year, and in this administration, for careful legislation. Particularly in the House of Representatives, the unmanageable turf struggles among the committees, and the nature of the committees to which financial legislation would be referred, suggest that the final product would be neither prompt nor reliably useful.

When the Brady report appeared in January, the administration wasted two valuable months before setting up its internal working group, headed by Undersecretary of the Treasury George Gould and including some of the regulators, to develop its own position. Mr. Gould and his colleagues are to report within a few weeks. But despite the risks to which the Brady Commission justifiably points, financial market reform belongs on the lengthening list of things probably best left until next January.●

PHYLLIS WOODARD

● Mr. ARMSTRONG. Mr. President, for the past 17 years the Colorado State Capitol Building in Denver has come alive for thousands of visitors due to the director of public tours, Mrs. Phyllis Woodard. Later today in the State capitol she loves so much, she will be honored on her retirement from that position.

Mrs. Woodard was giving public tours of the State capitol when I served in the Colorado General Assembly. Over those many years, I was one of the many State legislators who marveled at Mrs. Woodard's many talents.

The Colorado State Capitol is truly one of the most beautiful State capitol buildings in the Nation. It is filled with the history of our State and its government. Mrs. Woodard's command of this history is only surpassed by her wonderful storytelling ability, her personal charm and grace, and her love of Colorado.

Thousands of Coloradans learned more about their State from this dedicated fellow citizen. And thousands of visitors from other States and nations learned about our great State from one of Colorado's finest ambassadors.

As Phyllis Woodard retires today, I wanted to join in thanking her for her years of service.●

REVEREND LAVERNE BUTLER

● Mr. McCONNELL. Mr. President, I rise today to enter into the CONGRESSIONAL RECORD a Courier-Journal article about a good friend of mine, the Reverend LaVerne Butler. After 19 years as the leader of one of Jefferson County, KY's largest congregations, LaVerne has resigned as pastor and will become the president of Mid-Continent Bible College in Mayfield, KY. As the article notes, he will be deeply missed by the loyal supporters he has at the Ninth and O Baptist Church.

LaVerne has an outstanding record of achievement in his leadership in the church. Under LaVerne's direction, the Ninth and O membership has grown from 2,800 to 4,400 and its annual budget has increased from $240,000 to $1.2 million. Additionally, the church has established a school offering kindergarten through 12th grades, a day-care center, a television ministry, and a counseling center.

However, LaVerne's departure does not mean he is abandoning the cause of the conservative religious movement which he has helped lead. Mid-Continent will give LaVerne a chance to expand his ministry through the educational training of young people prepared to carry his message.

I spoke with LaVerne by phone this week and am pleased to report that he seems to be well prepared for the task ahead of him. I know of few people who are as qualified to accept such a challenge and I hope that my colleagues in this body will join me in wishing LaVerne Butler the best of luck in his new role.

I ask that the article to which I have referred be printed in the RECORD.

The article follows:

BUTLER LEAVING NINTH & O BAPTIST TO HEAD BIBLE COLLEGE

(By Clarence Matthews)

The Rev. LaVerne Butler, a leader of Kentucky's Southern Baptist conservative movement, has resigned as pastor of Louisville's Ninth & O Baptist Church.

He will become president of Mid-Continent Bible College, a Baptist oriented school in Mayfield, KY. He will begin his new duties July 15.

"I believe this is the Lord's will for me at this time," Butler said of his resignation after 19 years as leader of the 4,400-member congregation, one of the largest in Jefferson County. "I'm excited about the potential for ministry."

The Bible college, which has about 200 part-time and full-time students, is supported by 14 Southern Baptist associations representing 485 churches in Kentucky, Tennessee, Missouri, and Illinois. It recently was accredited by the Southern Association of Colleges and Schools.

Butler expects to continue his leadership in the conservative movement and sees the school presidency as a new opportunity to extend his beliefs to aspiring pastors.

"It represents a new challenge," he said. "I felt I could reproduce myself in young preachers. There are very few schools producing men who will preach the Bible."

Butler told members of Ninth & O, 2921 Taylor Blvd., of his decision at the close of Sunday morning's worship service.

Larry Lewis, chairman of the church's deacons, said Butler will be missed.

"My hope is to find some way to persuade him to stay," said Lewis, a 10-year member. "I think I speak for 98 percent of the congregation. He has near-unanimous support."

Butler is a Kentucky leader in the conservative movement. Conservatives rallied behind the issue of biblical inerrancy—the belief that every word in the Bible is literally true—to seize control of the 14.7 million-member Southern Baptist Convention, the nation's largest Protestant denomination.

He also has led several conservative battles, including the fight that ended in a switch of the Kentucky Derby Festival's mini-marathon from Sunday to Saturday morning.

He unsuccessfully opposed Sunday racing at Churchill Downs and in 1978 took then-Gov. Julian M. Carroll to task for telling reporters that "everyone bets on the Kentucky Derby, from Baptist preachers to Catholic priests."

Butler also has been active in anti-pornography and anti-abortion campaigns.

"He has been willing to stand up for things that he believed were not in the best interest of the church and community," said Juanita Downing, a longtime member of Ninth & O. "Whether people agree with him or not, they respect him."

Cedella Colbert, a member of the church for 11 years, was surprised by Butler's resignation.

"We love him; we think the world of him and hate to see him go," she said.

Butler 62, is a native of Henderson, KY. He graduated from Georgetown College and attended Southern Baptist Theological Seminary.

Under Butler's leadership, Ninth & O has grown from 2,800 to 4,400 members and its annual budget has increased from $240,000 to $1.2 million.

The church also has established a school offering kindergarten through 12th grades, a day-care center, a television ministry and a counseling center.

"Our emphasis has been reaching out to the whole man with the whole Gospel," Butler said.

The decision to leave Ninth & O was difficult, he said:

"I had put down roots and thought I would stay in Louisville," he said. "It was something I struggled with for six months" before reaching a decision. Butler said Mid-Continent offers a broader base from which to extend his ministry.

"The school will be sending our students to preach all over the convention," he said. "And I will have the opportunity to travel and preach, which I feel is my No. 1 calling."●

PISCATAWAY HIGH SCHOOL CONCERT CHOIR

● Mr. LAUTENBERG. Mr. President, I rise to commend the Piscataway High School Concert Choir, a national and international award winning musical group from New Jersey.

The concert choir is made up of 130 talented young musicians, selected through an audition process. Once selected, the members commit themselves to achieving and maintaining a level of excellence that is the foundation of their program.

In 1984, the choir competed in the International Music Festival held in Montreal, Canada. It was awarded a silver medal which placed it in the top 20 percent of the world's best concert choirs.

In 1985, it was 1 of 10 choirs chosen from 4 States to perform at the opening dedication ceremonies for South Street Seaport in New York City. That same year, the choir won first place in its division with superior ratings and best overall choir in the Big Apple Festival. Other competitions have followed, and the Piscataway High School Concert Choir continues to win awards for their superior talent.

The New Jersey State Legislature adopted a resolution in 1985 declaring it the "Official Choir of the New Jersey Legislature."

In addition to musical competitions, the choir is active performing on average 15 concerts each year. These include performances for local, county, and State organizations and major companies.

It is fitting that this outstanding group of young people will perform at the National Shrine in our Nation's Capital on May 23, 1988. Mr. President, it is indeed an honor for me to recognize these fine young people for their accomplishments and for bringing their gift of music to others.●

HONORING CAB CALLOWAY

● Mr. D'AMATO. Mr. President, I rise today to honor the King of HI-DE-HO, Cab Calloway. For over 60 years Cab Calloway and his Hi-De-Ho Orchestra has entertained Americans young and old. His revolutionary jazz sound popularized such hits as "Stormy Weather" and "Jumpin' Jive," and introduced terms like "jive," "hip," and "hepster" into American lingo.

During the thirties Cab and his bigger-than-life stage show could be seen at the famed Cotton Club, where the downtown clientele would gather to take in many of the world's best known jazz artists. Calloway has continued throughout the years to give sterling performances which leave audiences spellbound.

Calloway, a native New Yorker, has had an enormous influence on scores of young entertainers. Kid Creole, Little Richard, and Prince, to name a few, credit Cab Calloway for his musical and artistic inspiration.

His music has endured decades of fickle fashion. Recently, many of his hits were reintroduced to music lovers in the movie "The Blues Brothers" in which Calloway performs perhaps his most famous song "Minnie the Moocher."

Through a long and distinguished career, Cab Calloway has left his mark on the hearts and minds of generations of Americans.

Mr. President, I tip my hat to Cab Calloway—an American institution.●

ABE STOLAR—PART III

● Mr. SIMON. Mr. President, in this second part of a series on behalf of Abe Stolar and his family, I would like to look at Abe's first attempt to leave the Soviet Union.

Abe first applied to emigrate with his family to Israel in 1974. In May 1975, the family received permission to leave and began making plans for their departure. They shipped their belongings to Israel and said their farewells. Immediately before boarding the plane to emigrate, the family was detained by Passport Control on the pretext that Abe's wife, Gita, had been engaged in secret work at the time of her retirement in 1973. The Stolar family was officially informed that the entire family would be unable to emigrate for 2 years on the grounds of security. This notice was given orally. Officials then promised that they would be able to leave the country after 1977.

Gita's alleged secrecy in previous work was clearly a pretext for preventing emigration. She had worked in a chemical laboratory in an institute under the Ministry of Geology, but was never involved in secret work. This was confirmed in writing to OVIR during the processing of their visa application. Furthermore, without such confirmation, Soviet officials would never have issued the original exit permits to the family. It should also go without saying that Gita had been retired from work for many years, which would have made any information obsolete.

So, the Stolars remained in the Soviet Union stripped of their Soviet citizenship and belongings. To this day, their belongings remain in the Haifa Customs Warehouse, waiting to be picked up by the Stolars. And the Stolars live in an impossible and intolerable limbo.●

VIETNAM WOMEN'S MEMORIAL PROJECT

● Mr. DURENBERGER. Mr. President, earlier today, the Senate Committee on Energy and Natural Resources reported Senate bill 2042 by the overwhelming vote of 16 to 1. As my respected colleagues know, this bill will authorize a statue to recognize and honor the service of American women in the Vietnam conflict. The Energy Committee's action is an important step toward the realization of the Vietnam Women's Memorial.

The committee adopted several technical amendments in the markup and also acted to strengthen the language preventing any new additions to existing memorials—a suggestion I made in my testimony before the Subcommittee on Natural Parks, Public Lands and Resources. I would also like to express my appreciation for the support and advice provided by Senator BUMPERS and the staff of the Subcommittee on Natural Parks, Public Land and Resources. S. 2042 will be eligible for consideration by the full Senate next week. I hope we can move swiftly to have this legislation considered at the earliest possible date.

The December 1987 issue of the Officer, the monthly publication of the Reserve Officers Association of the United States, contains an eloquent editorial supporting the merits of the Vietnam Women's Memorial project. The editorial, which is appropriately titled "Finish the Circle," concisely expresses the merits of the project and calls for the approval of the proposed statue.

The Reserve Officers Association has helped lead the fight to properly recognize the service of women in the Vietnam conflict. I commend their effort and appreciate their long recognized support for the memorial. Mr. President, I ask that the editorial "Finish the Circle" be printed in the RECORD.

The editorial follows:

FINISH THE CIRCLE

For all military and civilian women who served in Southeast Asia during the Vietnam Conflict, placing a nurse statue at the Vietnam Memorial would rightfully honor them and complete that chapter of their lives. The woman's sculpture would also compositionally "finish the circle" design at the memorial, which presently consists of the inscribed marble wall, the U.S. flag, and the statue of three fighting men.

The Vietnam Women's Memorial Project (VWMP), headquartered in Minneapolis, Minn., has spearheaded the nurse statue effort. ROA members recognized the need to honor women who served in Vietnam by adopting an ROA resolution at the 1986 National Convention supporting the statue and the VWMP.

In October the project received a positive recommendation from Secretary of Interior Donald Hodel. In the next step, the project was rejected by the US Commission on Fine Arts (FAC). Supporters of the nurse addition were disappointed but undaunted. The FAC's function—by law—is to review the artistic merit of a proposed sculpture. This it did not do.

On 10 November, a Senate bill (S.J. Res. 215) and a House bill (H. Res. 3628) were introduced in Congress. The bills would place more authority for the final decisions on the proposed nurse statue under the direction of the Secretary of the Interior and direct the FAC to carry out its lawful duty to provide comments only on the artistic nature of the statue.

To express approval for the nurse sculpture, supporters are urged to write to their congressional representatives; President Reagan; Donald Hodel, Secretary of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240; and Charles Atherton, Secretary, Fine Arts Commission, 708 Jackson Pl., N.W., Washington, D.C. 20006. Copies of the letter should also be sent to FAC commissioners (at the FAC address above) Pachal Reagan, Neil Porterfield, Carolyn Deaver, Diane Wolf, Frederick Hart, J. Carter Brown, and Roy Goodman (the only commissioner who voted to approve the statue).

From Molly Pitcher at the cannon in the American Revolution—to women pilots in WWII—to the women who served in Vietnam in combat areas under direct fire—the active participation of women in national defense throughout our county's entire history needs to be visibly honored and recognized. Our country's appreciation of the dedication and supreme sacrifice of these women can be forever symbolized in a women's statue at the Vietnam Memorial to "finish the circle."●

NEVADA WETLANDS

● Mr. HECHT. Mr. President, several months ago I became aware of the Interior Department's intention to solve an endangered species problem by destroying vast areas of vital wetland habitat in northwestern Nevada.

The Stillwater National Wildlife Refuge, and thousands of acres of State-managed wildlife areas that surround it, are to be sacrificed to provide more water to the endangered cui-ui fish of Pyramid Lake. While I have nothing against the cui-ui, I am absolutely amazed that the Interior Department reads the Endangered Species Act as forcing it to take an action that will destroy fish and wildlife habitat of such significance to Nevada, the United States, and indeed the Western Hemisphere. About 18,000 acres of vital wetland habitat will just dry up and blow away. The elevated levels of boron and arsenic in the remaining 7,000 acres of previously productive habitat will turn it into a toxic death trap for any birds foolish enough to venture near.

The wetland habitat in question is very important in the Pacific flyway, and is part of the International Hemispheric Reserve for Shorebirds. What's more, several species of birds that use these wetlands are considered sensitive by the Fish and Wildlife Service. This means they could become federally listed as threatened or endangered in the foreseeable future. These sensitive birds are the white-faced ibis, western snowy plover, American white pelican, Swainson's hawk, and the yellow-billed cuckoo. Speaking of cuckoos, taking an action to protect one endangered species that, in the process, possibly pushes five other species over the edge onto the endangered species list, is just about the most cuckoo thing I have ever heard of.

If that is truly what a reasonable interpretation of the Endangered Species Act forces the Interior Department to do, then something is very wrong with the Endangered Species Act.

Because of the value of the resources at stake here, I felt compelled several months ago to place a hold on the bill to reauthorize the Endangered Species Act as a way of focusing attention on the importance of the wetlands, and the fish and wildlife resources dependent on them. I hoped that this attention would result in a solution to the threat facing these resources.

Since placing a hold on the bill, my office has received considerable cooperation and assistance from the staffs of the Committee on Environment and Public Works, and the Select Committee on Indian Affairs. These committees have worked with me in developing an amendment that would require the Interior Department to examine other ways to help the cui-ui that would not also have the effect of wiping out the wetlands.

Several weeks ago, the Interior Department indicated to me that they will willingly conduct the studies that would have been required by my amendment. The Department is also planning to spend some money this year to improve the condition of the wetlands. Futhermore, the Department's action intended to help the cui-ui will not actually have any detrimental impact on the wetlands this year, because Nevada is already suffering drought conditions. Under the circumstances, I no longer feel it is appropriate or necessary for me to keep a hold on the bill to reauthorize the Endangered Species Act, nor need I pursue an amendment to the bill to require Interior to do what they have already agreed to do.

After consulting with the National Audubon Society, and a number of conservation groups based in Nevada, I have concluded that the one best way to protect these wetlands is for the Federal Government to acquire water rights from willing sellers for the benefit of the wetlands. Since a Federal law, the Endangered Species Act, has created the threat to the wetlands, it seems entirely appropriate that the Federal Government should bear the cost of eliminating that threat.

As the Senate begins the appropriations process, I will pursue the matter of purchasing water rights from willing sellers for the benefit of the wetlands. I hope that I will be able to rely on the assistance of the Environment Committee and the Indian Affairs Committee in this regard, so we can protect these fish and wildlife resources that are important to Nevada, our Nation, and indeed the entire Western Hemisphere.

Mr. President, I ask that an article from the New York Times of Tuesday, April 26, 1988, which discusses this tragic and bizarre conflict between the Endangered Species Act and the need to protect our fish and wildlife resources, be printed in the RECORD.

The article follows:

THE DILEMMA: SAVE A FISH OR A WETLAND

(By Lindsey Gruson)

FALLON, NEV.—A festering water dispute here is forcing environmentalists to choose between saving an endangered fish and preserving one of the country's most vital rest stops for migrating shorebirds.

The dilemma is caused by Federal efforts to protect the qui-ui, the last remaining genus of a family of suckerlike fish threatened with extinction because of falling water levels in its sole known habitat, Pyramid Lake, 60 miles northeast of Reno.

The Department of Interior last week unveiled a plan to raise the level of the lake to save the fish. But that would require reducing the trickle of life-sustaining water flowing into the wetlands of the Stillwater Wildlife Management Area.

The Stillwater wetlands are the vestige of a prehistoric sea that once spread across northwestern Nevada and into California. As recently as 25 years ago, Stillwater was a nutritious soup of algae and insects, aquatic weeds and fish. But now the wetlands are little more than naturally polluted pools permeated by the stench of death. Barren salt flats bake where tangles of bullrushes once thrived. Mass death of wildlife is almost as regular as the changing seasons.

The refuge, which in prehistoric times was under more than 500 feet of water, gained national notoriety early last year when millions of fish washed aground, ringing 40 miles of shoreline with a four-foot-wide band of rotting fish. Although the cause of the kill has not been pinpointed, pollution is suspected.

State wildlife officials and numerous environmentalists say the Federal plan would be the death blow for the embattled wetlands. It is a winter home of several endangered bird species, including peregrine falcons and bald eagles, and one of the hemisphere's key rest and feeding stops for birds migrating along the Pacific flyway.

"We'll still have an area with water, but it will be little more than a toxic waste dump," said Norman Saake, a waterfowl biologist with the Nevada State Department of Wildlife. "We've already reached the threshold; we've almost lost it. The question is, do we want the wetlands to exist? Do we want the Pacific flyway to exist?"

Also involved in the dispute are local Indians whose culture depends on the qui-ui.

An alternative to choosing between the fish and the wetlands has been proposed: buying water rights from farmers who appear willing to sell. But this, too, carries a high price that the Federal Government has not been willing to pay.

The threat to Stillwater illustrates a weakness in the tactics historically used to protect endangered species and environmentally sensitive areas such as rivers, wetlands, bogs and marshes.

In the past, conservationists successfully battled to preserve these delicate areas by persuading the Federal Government to designate them as wetlands or wilderness refuges. That protected the wildlife's natural habitat by imposing stiff restrictions on most types of development and commercial exploitation.

But too often lands were set aside without insuring access to the lifeblood of the arid West: scarce water. Since few of the region's protected wetlands own water rights, recent increases in demand by farmers or cities for Western water are drying up wildlife habitats and concentrating waterborne pollution downstream.

ALMOST ALL GONE

"It's like a steppingstone across a rapid," Dr. Myers said. "One by one, the stones are being uprooted and removed. They're almost all gone now in Nevada."

Like the nearby Lake Winnemucca refuge, which evaporated 50 years ago, the Fallon National Wildlife Refuge is expected to dry up altogether this year. Stillwater is not in much better shape, an 8,000-acre, fast-vanishing shadow of what was originally 33,000 acres of bogs and marshes, bullrushes and cattails.

Stillwater is fed by the runoff from upstream farms and as it shrinks, pollutants in the runoff, including boron, selenium, arsenic and mercury, are concentrated. Now great blue herons that feed in the marsh fall dead out of the sky. And biologists find American white pelicans with grotesque deformities, such as cinnamon-bun-shaped bills.

The problem grows out of the Newlands Project, the Bureau of Reclamation's first irrigation project. The network of dams and canals, completed in 1915, diverted water from the Truckee River, which flows from the Sierra Nevada through Lake Tahoe and into Pyramid Lake, to the rich but arid soil of the Lahontan Valley.

The level of the lake soon fell, stopping the spillover into Winnemucca Lake, an oasis for swirling clouds of waterfowl and dense schools of fish. By 1936, when Winnemucca Lake was declared a national wildlife refuge, it was little more than a sun-baked desert. The Government soon revoked its status as a refuge.

Now the level of Pyramid Lake has fallen an estimated 80 feet, forming a barrier of shallow shoals across the mouth of the Truckee and blocking the qui-ui from their spawning grounds 25 miles upstream. In the past, the spring spawning runs were so thick that some fish were crowded out of the stream and onto the banks, providing a feast for the Kuyuidokado, Indians whose names means qui-ui eaters.

PLAN TOUCHES OFF PROTESTS

Acting in keeping with the Endangered Species Act, the Bureau of Reclamation proposed this year to raise the level of Pyramid Lake by reducing the amount of water diverted to area farmers by 42,000 acre-feet, the amount required to flood 42,000 acres under water a foot deep.

But storms of protest by farmers and environmentalists, who note that much of the water reaching the wetlands passes through farms first forced the agency to delay and reconsider.

The New proposal, which was recently announced at a Washington news conference by Earl E. Gjelde, Under Secretary of the Interior, would in effect put Truckee water into a bank account and impose a sliding cap on withdrawals. Fallon farmers could save or borrow from their allocation from one year to the next.

"We're being forced into a Solomonic choice between an endangered species and a wetland," said Cynthia Lenhart, a wildlife specialist for the National Audubon Society. "And that's no choice at all. The question is, do public lands have inherent water rights or do they have to depend on the largess of upstream users?"

The state and conservation groups want the Government to buy water rights from area alfalfa farmers and cattle ranchers. That would guarantee a minimum water flow, flush pollutants and spur the regeneration of vegetation. But it would cost $50 million just for Stillwater and billions for other threatened wetlands.

THAT'S A LOT OF MONEY

"In this era of high deficits, that's a lot of money," Ms. Lenhart acknowledged. "But this is a critical link in the flyway, the only gas stop for hundreds of miles. There's no other route for the birds. They've used it for millenniums. The only thing that will help the refuge is buying water rights."

The loss of Stillwater would erect an impassable barrier to migrating birds, which depend on the wetlands to rest, eat and gather strength, said Dr. J.P. Myers, the Audubon Society's senior vice president for science and sanctuaries, who estimated that 450,000 acres of wetlands, much of it in the West, vanish each eyar.

Each year, Stillwater shelters at least 250,000 migrating shorebirds, more than 30 percent of the entire populations of some species. It is so vital to migrating fowl that an international conservation group, the Western Hemisphere Shorebird Reserve Network, recently named it one of the country's six most import shorebird preserves.

GREATER LOSSES PREDICTED

Like the original proposal, the ultimate impact of the plan would be to give Pyramid Lake more water, raising its level six feet, and to give Fallon farmers less. That would reduce flows into the Stillwater Management area and dry up about 18,000 acres, Mr. Gjelde said. But state officials predit a much greater loss of wetland acreage.

Mr. Gjelde said the Department of Interior would mitigate the loss of wetland acreage by spending $200,000 on a series of dikes to create 400 acres of "high-quality wetlands." The department will also ask Congress to allocate $1.2 million for a variety of other physical improvements to the management area.

"You might as well throw it down the rat hole," Mr. Saake said. "To put it into structures when there won't be any water is idiocy."●

COTTONWOOD ELEMENTARY SCHOOL

● Mr. MELCHER. Mr. President, I call to the attention of Senators the critical construction needs of the Cottonwood Elementary School near Havre, MT, which have been caused by the reactivation of the Havre Air Force bombing range.

The Cottonwood Elementary School is a small country school located adjacent to the Havre Air Force Base in Montana. Before the base was reactivated in 1986, the student population at Cottonwood Elementary School numbered 16 students. Since the base has been reactivated, the student population has mushroomed to 50 students.

This influx of military-connected students has strained the school facilities to such an extent that the State board of public education placed Cottonwood School on probation for violations of school facility standards. The students at the school are being crammed into a facility which is dreadfully inadequate and, if the space shortages are not corrected, the school will lose its State accreditation.

Normally, schools in this dilemma are eligible for construction funds through the Impact Aid Program (Public Law 83-815). However, because of a technicality the Department of Education has denied Cottonwood's eligibility for assistance. This has created a crisis situation and the quality of education for all students at the school has declined. The local school board and the instructional staff is to be commended for carrying on in such difficult circumstances, but this cannot continue.

I had considered offering an amendment to the Defense appropriations bill on behalf of this small country school, but the Air Force assured me today in a letter that "This issue will receive the utmost attention until it becomes resolved at the earliest possible date."

In light of the Air Force pledge that this problem will be satisfactorily resolved, I am going to withhold my amendment, but I do want to clarify my understanding of what the Air Force has agreed to do.

I am pleased that the Air Force has agreed that it has a responsibility to work out this problem. According to my discussions with the Air Force and the letter which I am inserting for the RECORD, the Cottonwood School problem will receive the needed attention until the current situation is resolved and the Cottonwood elementary students can be educated in a facility which is safe and adequate for a quality education.

In light of the emergency situation, I believe it is critical that the construction at Cottonwood Elementary School be completed by the beginning of the 1989-90 school year. I will be working with the Air Force to make sure this is accomplished.

I thank the chairman of the committee for his support and assistance in addressing this problem.

I ask that the Department of the Air Force letter of May 11, 1988, be printed in the RECORD.

The letter follows.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 11, 1988.

Hon. JOHN MELCHER,
U.S. Senate,
Washington, DC

DEAR SENATOR MELCHER: This is an interim response to your request for assistance for the Cottonwood Elementary School in Montana.

We wish to assure you we will work with all appropriate agencies/parties, and this issue will receive the utmost attention until it becomes resolved at the earliest possible date. The complete response to your inquiry should be completed the week of 16 May.

Our Air Force point of contact is Mr. Jack G. Williams, (202) 695-7321. He will coordinate all relevant activities with your staff.

We appreciate your personal interest in the Cottonwood School and trust this information is helpful.

Sincerely,

ERIC M. THORSON,
Deputy Assistant Secretary
(Manpower, Resources and Military Personnel).●

IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. BYRD. Mr. President, on behalf of Mr. GLENN I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 442.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 442) entitled "An Act to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Rodino, Mr. Frank, Mr. Berman, Mr. Shaw, and Mr. Swindall be the managers of the conference on the part of the House.

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House and agree with the conference requested by the other body on the disagreeing votes, between the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. DASCHLE] appointed Mr. GLENN, Mr. PRYOR, Mr. MATSUNAGA, Mr. STEVENS, and Mr. RUDMAN conferees on the part of the Senate.

ORDER TO PRINT S. 1220

Mr. BYRD. Mr. President, I ask unanimous consent that S. 1220, the Acquired Immunodeficiency Syndrome Research and Information Act, be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BILL REFERRALS

H.R. 2615 AND S. 1602

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of the following bills: H.R. 2615, a bill holding lands in trust for the Pechanga Band of Luiseno Mission Indians in California; and S. 1602, a bill holding lands in trust for the Potawatomi Indians. I ask unanimous consent that the committee be discharged from further consideration of those bills en bloc and that the bills be referred en bloc to the Select Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF A BILL—H.R. 2839

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 2839 a bill dealing with the Goshute Reservation in Utah and that this bill be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF A BILL—S. 2366

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2366, reported today by the chairman of the Select Committee on Intelligence, authorizing appropriations for U.S. intelligence activities for fiscal year 1989, be referred for a period of 30 days to the Committee on Armed Services. If at the end of such period, the Committee on Armed Services has failed to report such bill, it shall be automatically discharged from further consideration of such proposed legislation, in accordance with section 3(b) of Senate Resolution 400, 94th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader as to whether Calendar Order No. 546 on the Executive Calendar has been cleared on that side?

Mr. RUDMAN. I advise the distinguished majority leader it has been cleared on this side.

Mr. BYRD. I thank my friend.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Order 546 on the Executive Calendar, that the nominee be confirmed, that the President be notified of the confirmation of the nominee, that the motion to reconsider be laid on the table, and that the Senate return to legislative session and that if any Senator wishes to have a speech appear in the RECORD in support of the nomination he may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination confirmed follows:

DEPARTMENT OF STATE

Edward Morgan Rowell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal, to which position he was appointed during the last recess of the Senate.

STATEMENT ON THE NOMINATION OF EDWARD M. ROWELL AS AMBASSADOR TO PORTUGAL

Mr. DOLE. Mr. President, I am pleased to join in enthusiastic support of the nomination of Edward M. Rowell as Ambassasor to Portugal.

Recently, while leading a Senate delegation to visit NATO southern flank countries, I had the opportunity to meet Ambassador Rowell in Lisbon. He has been there since early this year, serving with distinction as Ambassador under a recess appointment—an unusual procedure, but one justified in this instance by the sensitivity of our relations with the Portuguese at this point, and the long gap in filling this important post.

Based on my own observations in Lisbon, it is clear that Ed Rowell is doing an outstanding job. He is representing American interests with the Portuguese Government with skill and sensitivity, at an important time in our bilateral relations—with ongoing consultations on the future of our vital bases in Lajes.

I should also note that Ambassador Rowell is running a very "tight ship" at his mission, and—judging by the enthusiasm of his staff—is providing real leadership and good management.

Ed Rowell's success in Lisbon comes as no surprise. He has an extensive and impressive diplomatic background. He has been a member of the Foreign Service for more than three decades, and has served ably at posts in Central and South America; Europe; and at the State Department. And he is an expert in Iberian affairs, and a fluent speaker of Portuguese—facts made impressively clear in my own meetings with Portuguese officials in Lisbon.

I endorse this nomination without reservation. I congratulate Ed Rowell, his wife, Lenora, and his two children. And I urge unanimous Senate approval of this nomination.

STATEMENT ON THE NOMINATION OF EDWARD MORGAN ROWELL TO BE AMBASSADOR TO PORTUGAL

Mr. HELMS. Mr. President, I have been concerned by the appointment of Mr. Rowell to be Ambassador to Portugal in this one respect—that his appointment was made while the Senate was in recess.

The majority leader has been vigorous in ensuring that the administration does not take advantage of periodic recesses of the Senate in order to make such recess appointments. For reasons which remain unclear to this Senator, however, the administration earlier this year departed from its assurances to the Senate and Mr. Rowell was appointed just 1 week—I emphasize, just 1 week—prior to the Senate reconvening on January 25, 1988. Indeed, Mr. Rowell did not actually arrive in Portugal until January 23, 2 days before the Senate reconvened.

Mr. President, Mr. Rowell would have been confirmed long ago if the administration had followed the normal and proper procedure. The Committee on Foreign Relations was eager to consider the nomination, and did so expeditiously. There was no urgency to send Mr. Rowell prior to consideration of his nomination by the committee and by the Senate. The post had been vacant for over 1 year. The previous nominee for the post, Richard Viets, asked that his name be withdrawn. During the consideration of the Viets nomination, I raised a number of questions about Mr. Viets' previous conduct in other representational posts.

Certainly Mr. Rowell is not personally responsible for the decision to have been appointed during a recess. It is regrettable that this decision was made, and I hope that it will not be repeated.

Mr. President, I ask unanimous consent that questions which I posed Mr. Rowell in writing, and the answers thereto, be printed in the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I note, Mr. President, that Mr. Rowell responded to questions which I raised with regard to published reports that United States officials—specifically Secretary of Defense Carlucci—had met in Portugal with regard to providing military aid to the Communist government of Mozambique and that the United States has been providing covert military aid to that Communist government. These allegations were denied.

EXHIBIT 1

ANSWERS TO QUESTIONS SUBMITTED BY SENATOR JESSE HELMS

RECESS APPOINTMENT

Q. For what reasons did the President appoint you to be Ambassador during a recess, just one week prior to the reconvening of the Senate?

A. In late December, 1987, Richard Viets asked that his name be withdrawn from consideration to be U.S. Ambassador to Portugal. Over one year had lapsed since the post had been occupied. In the interim U.S. interests in Portugal were suffering. Portuguese dismay about the vacancy had been expressed both by Portugal's President and the Prime Minister. In the aftermath of Mr. Viets' withdrawal, I was asked to become ambassador.

Portugal is an important NATO ally. We have vital interests there, including a military base key to our anti-submarine operations in the Atlantic and our re-supply operations in the Middle East. Our assistance levels have declined steadily for three years. The sharp reduction in U.S. aid, combined with the prolonged absence of an American Ambassador, had led to rising frustration and anger at top levels of the Portuguese government. The Portuguese interpreted this absence, together with declining security assistance, as evidence that the U.S. did not attach importance to the relationship and was taking Portugal for granted. Our ability to conduct business at senior levels in Lisbon was increasingly impaired. Several important matters, including consultations concerning future use of our extremely important military base in the Azores as well as high level visits by Secretary Carlucci and Portuguese Prime Minister Cavaco Silva, were coming to a head. It was essential to have a U.S. ambassador in Lisbon to protect and advance our security interests.

Q. On what date did you arrive in Portugal after your appointment?

A. January 23, 1988.

Q. Had the Senate leadership been assured that no recess appointments would be made? If so, for what reasons was this assurance violated?

A. I have no personal knowledge of such matters.

Q. Please provide a chronology and summary of all discussions with Members of Congress regarding the recess nature of your appointment. Please specify in which cases such discussions would qualify as "consultation" versus those which were essentially "notification."

A. I have had no personal discussions with members of Congress prior to my appointment.

MOZAMBIQUE

Q. The Heritage Foundation reported, in a research paper issued February 12, 1988, entitled "In Southern Africa, the State Department Bets Against the Reagan Doctrine":

"Just last week, senior U.S. representatives, including Secretary of Defense Frank Carlucci in Lisbon and Chief of Command of U.S. Forces in Europe Lt. General Howard Crowl in Maputo, possibly discussed further U.S. military assistance. Washington also has been reluctant to press Mozambican President Joaquim Chissano to live up to his promises to Ronald Reagan to open negotiations with RENAMO by last January 1. The reason for this violation of the Reagan Doctrine apparently is that the State Department believes, without offering any evidence, that Chissano and his FRELIMO regime can be 'weaned away' from Moscow."

Did Secretary Carlucci attend such a meeting with representatives of Mozambique?

A. Secretary Carlucci visited Lisbon on February 3 for talks with the Portuguese Government on our bilateral security relationship with Portugal and European security issues. He did not meet with representatives of the Mozambican Government in Lisbon.

Q. Specifically, I am told that he met with Mario Machungo, Prime Minister of Mozambique, in a meeting held at the U.S. embassy. Did such a meeting take place? What was the purpose? Please describe the discussions.

A. Prime Minister Machungo coincidentally was in Lisbon February 3-5 on a long-planned visit when Secretary Carlucci traveled to Lisbon, but the two never met nor did they have any discussion at the U.S. embassy or elsewhere in Portugal.

Q. Was the provision of military aid—U.S. or otherwise—discussed?

A. As stated in the answer above, Secretary Carlucci did not meet with or discuss military aid with the Mozambicans in Lisbon. Secretary Carlucci did discuss with Portuguese officials U.S. military assistance to Portugal in the context of our bilateral security relationship, but this was in no way related to Mozambique.

Q. Under what authority is the U.S. contemplating the provision of military assistance to Mozambique?

A. In 1985, the Administration proposed a modest program of non-lethal military assistance to Mozambique. This request was rejected by Congress. In light of the current Congressional prohibition on military aid to Mozambique, the United States Government has no plans to provide such assistance to Mozambique at this time.

Q. Does section 589 of P.L. 100-202 (the continuing resolution for fiscal year 1988) leave any ambiguity with respect to the fact that military aid to Mozambique is prohibited during fiscal year 1988? (Section 589 of the fiscal year 1988 continuing resolution (P.L. 100-202) provides, "Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available pursuant to this Act may be used to provide military assistance to Mozambique.")

A. It is clear that section 589 prohibits military assistance under the continuing resolution, P.L. 100-202, during fiscal year 1988.

Q. Are there any funds other than those contained in the continuing resolution which are being, or could be, used for furnishing military assistance to Mozambique?

A. There are no U.S. Government funds, under the continuing resolution or otherwise, being used to furnish military assistance to Mozambique.

Q. Has the U.S. discussed with representatives of the Government of Portugal the provision of military aid to Mozambique?

A. We have encouraged all our allies, including Portugal, to assist the Government of Mozambique's efforts to restructure its economy toward private sector-oriented development and to move away from dependence on the Soviet Union and Eastern bloc.

Q. Has the U.S. Government funnelled military aid, directly or indirectly, through Portugal or any other country, to Mozambique?

A. Section 813 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83) prohibited military assistance and international military education and training to Mozambique during Fiscal Years 1986 and 1987, unless the President certified that certain conditions had been met. No such certification was made. In addition, as you point out, Section 589 of the 1988 continuing resolution (P.L. 100-202) prohibits military assistance during Fiscal Year 1988. The Administration has not provided military assistance to Mozambique, either directly or indirectly, in violation of these legislative provisions.

Q. Has any U.S. Government aid to Portugal, military or economic, subsequently been furnished to Mozambique by the Portuguese?

A. No.

Q. Please provide a list of all recipients of Portuguese foreign aid (both military and economic) and the amounts of such aid, by category, for the past 3 years (by year).

A. The Portuguese Government does not maintain a centralized budgetary or administrative control mechanism to monitor its overseas assistance. Each ministry has its own department of international relations through which it conducts foreign assistance programs. Therefore, a definitive list of all Portuguese foreign aid recipients, the amounts—either cumulative or annual—and the types of aid is not available.

The Government of Portugal does provide significant amounts of assistance to the Southern Africa Development and Cooperation Council (SADCC). The SADCC allocates funds, resources, and personnel for regional economic development to numerous countries, including: Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zaire, Zambia, and Zimbabwe. Portuguese Government contributions were approximately $30 million in calendar year 1987 and are expected to be $10 million in calendar year 1988.

Portugal also maintains bilateral assistance programs with some of these countries, most notably Angola, Mozambique, Zaire, and Zimbabwe. In addition, the Government of Portugal provides assistance to Cape Verde, Guinea-Bissua, Sao Tome and Principe, and Senegal.

Q. Specifically, please provide details on the Portuguese assistance furnished to Mozambique, especially military assistance. It has been reported, for instance, that the Portuguese have provided covert military assistance for several years. Please describe the type and level of such assistance.

A. Portugal does not have a military assistance program with Mozambique. There are, however, 17 Mozambican military students currently training at Portuguese army, naval, and medical institutions under a program initiated last year.

Like the U.S. Government, the Portuguese Government as a matter of policy does not confirm, deny, or comment upon intelligence matters, including possible covert military assistance. The U.S. is therefore not able to confirm or deny the possible existence of Portuguese covert military aid to Mozambique.

Portuguese Prime Minister Cavaco Silva told the Senate Foreign Relations Committee on February 24 that Portugal has provided Mozambique with $300 million in economic assistance. This figure probably refers to all Portuguese aid to Mozambique since the latter's independence in 1975. It includes $200 million in Mozambican debt to Portugal, $120 million of which was rescheduled last year on favorable terms (20 years repayment with a 10 year grace period at 4 percent). The remainder appears to be medium to long term debt.

Q. Please provide a detailed description of the recently-announced military assistance program to Mozambique announced by Portugal, including the amount and types of such assistance.

A. As noted above, the Government of Portugal does not have a military assistance program with Mozambique, nor has one been announced. However, a Portuguese military team visited Mozambique in late January/early February to survey Mozambique's training and logistical needs with a view toward some future limited assistance in these two areas. Evaluation has not yet been completed.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, has the Senate returned to legislative session?

The PRESIDING OFFICER. The Senator is correct.

ORDERS FOR THURSDAY, MAY 12, 1988

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order on tomorrow, there be a period for morning business not to exceed the hour of 9:30 a.m., that Senators may speak during that period for not to exceed 5 minutes each, and that at the hour of 9:30 a.m. the Senate resume consideration of the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, there have been several amendments that have been enumerated previously which have been sequentially ordered with respect to the DOD authorization bill. At 9:30 tomorrow morning, the Senate will proceed to the resumption of the consideration of that bill and the pending question at that time will be on the amendment by Mr. KENNEDY. There will be rollcall votes tomorrow morning and throughout the day. It could be a late session.

It is hoped by the managers and by the joint leadership that action will be completed on the DOD authorization bill Thursday, tomorrow, but that is probably unlikely, in which case action will continue on the DOD authorization bill on Friday. And there could be a late session on Friday in an effort to complete action on the DOD authorization bill.

So all Senators are so informed, if they read the RECORD, which I am sure they do. And the staffs, in reading the RECORD or in hearing my voice at this time, would do well to inform their Senators of the likelihood of a late session even on Friday.

Mr. President, if my friend the acting leader on the other side of the aisle has any further statement or business he would like to transact, I would be glad to yield the floor.

Mr. RUDMAN. I thank the distinguished leader, but we have none. I believe that in the morning there will be some attempt to work out a unanimous-consent agreement on time that the leader had been working on earlier this evening.

Mr. BYRD. Mr. President, I thank the Senator.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 6:56 p.m., the Senate recessed until Thursday, May 12, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1988:

DEPARTMENT OF STATE

CHRISTOPHER W.S. ROSS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

RICHARD LLEWELLYN WILLIAMS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE MONGOLIAN PEOPLE'S REPUBLIC.

PHILIP D. WINN, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

BOARD FOR INTERNATIONAL BROADCASTING

EDWARD NOONAN NEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1991, REAPPOINTMENT.

SECURITIES AND EXCHANGE COMMISSION

CHARLES C. COX, OF TEXAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1993, REAPPOINTMENT.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

WILLIAM R. ETNYRE, [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

CHARLES H. PITMAN, [redacted] U.S. MARINE CORPS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. HUNTINGTON HARDISTY, [redacted]/1310, U.S. NAVY.

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3385:

ARMY PROMOTION LIST

To be colonel

CHARLES L. ATTAWAY, [redacted]
HOMER E. DAVIS, [redacted]
DANIEL L. ECCLES, [redacted]
LARRY K. ECKLES, [redacted]
ROSS S. FORTIER, [redacted]
EDWARD H. GERHARDT, [redacted]
WILLIAM T. HARRISON, [redacted]
RONALD L. HEIN, [redacted]
CHARLES E. HILLARD, JR. [redacted]
FRANK P. INTINI, JR. [redacted]
SAMUEL H. JEFFUS, [redacted]
SONNY D. JONES, [redacted]
JAMES O. KEATHLEY, [redacted]
RALPH B. KELLY, [redacted]
LEO A. LORENZO, [redacted]
PHILIP K. MOORE, [redacted]
THOMAS C. PUGH, [redacted]
THOMAS A. SPROELICH, [redacted]
JESSE T. STACKS, III, [redacted]
BRUCE R. WALTON, [redacted]
HERBERT O. WARDELL, JR. [redacted]

CHAPLAIN

To be colonel

DAVID A. HOYME, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

ALLEN R. BOZEMAN, [redacted]
JOSE F. CAMPOSDELGADO, [redacted]
DANIEL W. COOK, [redacted]
WILLIAM J. DONOVAN, [redacted]
GARY C. DOUGHERTY, [redacted]
MARVIN B. DUNCAN, [redacted]
GARY L. ELLIOTT, [redacted]
RICKY D. ERLANDSON, [redacted]
NEIL S. ERWIN, [redacted]
JACK R. FOX, [redacted]
JOSEPH E. GODDARD, [redacted]
DAVID E. GOFF, [redacted]
ROBERT F. GUNTER, JR. [redacted]
CHARLES E. HENRY, [redacted]
ROBERT B. JAMES, JR. [redacted]
RICHARD A. JORGENSEN, [redacted]
THOMAS J. KESTER, [redacted]
MICHAEL K. KOELLER, [redacted]
JOHN W. KREGER, [redacted]
ELWYN L. KROPUENSKE, [redacted]
LYLE D. LALIM, [redacted]
DONALD A. LAND, [redacted]
FRED A. LEISTIKO, [redacted]
MAURICE J. MAYFIELD, [redacted]
JOSEPH W. MEJASKI, JR. [redacted]
GEORGE MENDOZA, JR. [redacted]
JAMES F. PERRY, JR. [redacted]
JOHN A. RAINEY, [redacted]
MICHAEL A. REYNOLDS, [redacted]
RICHARD E. ROWLANDS, [redacted]
DONALD L. SINGER, [redacted]
JOHN W. STRAHAN, [redacted]
MICHAEL A. STROJNY, [redacted]
JAMES W. TANEYHILL, [redacted]
RONNIE R. VANWINKLE, [redacted]
JERRY B. WILLIAMS, [redacted]
WILLIAM D. WOFFORD, [redacted]
JAMES R. WOOTEN, [redacted]

CHAPLAIN

To be lieutenant colonel

MARVIN E. DAILEY, [redacted]
EDWARD D. MCCABE, [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

BRENDA G. COOK, [redacted]

MEDICAL CORPS

To be lieutenant colonel

JOHN M. ANDREWS, [redacted]
ROBERT P. MARLER, [redacted]
JONATHAN H. SALEWSKI, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

ROYCE D. JONES, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTION 531, 532, AND 533:

MEDICAL CORPS

To be colonels

BAUMAN, DAVID T., [redacted]
BURTON, CHARLES, [redacted]
BUSTOS, OSVALDO, [redacted]
CRAST, FRANK W., [redacted]
DURANDHOLLIS GABRIEL, [redacted]
GUSHWA, RICHARD, [redacted]

To be lieutenant colonels

PRABHA, CHANDRA, [redacted]
QUINLAN, ELIZABETH, [redacted]
VASALLO, PAULINO, [redacted]

To be majors

FRANCIS, GARY L., [redacted]
SILBERMAN, WARREN, [redacted]

To be captains

ALLEN, THOMAS W., [redacted]
ARRINGTON, EDWARD D., [redacted]
BOLT, JODIE L., [redacted]
BOLT, STEPHEN L., [redacted]
BRADLEY, KENT L., [redacted]
BRESLEY, THOMAS D., [redacted]
BYERS, JOHN P., [redacted]
CANFIELD, ANTHONY J., [redacted]
CHAPMAN, DOUGLAS E., [redacted]
CHARETTE, JOHN D., [redacted]
CHO, JOHN N., [redacted]
CIRANGLE, PAUL T., [redacted]
CLARK, GARY W., [redacted]
CLARK, JOSEPH Y., [redacted]
CLOSE, HEIDI L., [redacted]
COMBS, JAN M., [redacted]
COTHERN, BRIAN E., [redacted]
CROYLE, DAVID J. [redacted]
CUTTING PAUL J., [redacted]
DAHL, JAMES A., [redacted]
DOUKAS, WILLIAM C., [redacted]
FAREER, GERALD L., [redacted]
FIALA, LOIS A., [redacted]
FLORINE, ROBERTA A., [redacted]
FRACISCO, SUSAN D., [redacted]
GALAPON, DERRICK B., [redacted]
GANNON, MICHAEL H., [redacted]
GARVER, THOMAS H., [redacted]
GIUSEPPETTI, MARY M., [redacted]
GREEN, COLIN M., [redacted]
GROSSO, NICHOLAS P., [redacted]
HADLEY, STEVEN C., [redacted]
HAYDA, ROMAN A., [redacted]
HOWDEN, JAMES K., [redacted]
JOHANSEN, LUTHER B., [redacted]
KELLAM, LAURA L., [redacted]
KELLEY, COLIN T., [redacted]
KING, ANDREW W., [redacted]
KINGSLEY, THOMAS E., [redacted]
KLINE, MARK D., [redacted]
LAWSON, JEFFREY A., [redacted]
MACLELLAN, ANDREW J., [redacted]
MCCLELLAN, DONALD R., [redacted]
MCVAY, WILLIS A., [redacted]
NASH, BARRINGTON N., [redacted]
OAKS, HOWARD G., [redacted]
PARKER, JOSEPH M., [redacted]
PARKER, MARY F., [redacted]
PETERMANN, GREGORY W., [redacted]
PORAMBO, ALBERT V., [redacted]
PRICE, ROBERT W., [redacted]
PUCKETT, TEDD R., [redacted]
RIGGINS, JIMMIE W., [redacted]
ROWE, JOHN R., [redacted]
SCHAFER, CHRISTINE M., [redacted]
SEAY, WALLACE J., [redacted]
STRACENER, JANICE C., [redacted]
TERRIO, JAMES D., [redacted]
TOROK, PETER G., [redacted]
UNWIN, BRIAN K., [redacted]
WINGO, SUSAN T., [redacted]

DENTAL CROPS

To be lieutenant colonels

ROCKMAN, ROY A., [redacted]
SMITH, DAVID W., [redacted]

To be majors

CHILDERS, BLAKE, [redacted]
CHILDERS, ESTHER, [redacted]
DEMIZIO, PETER L., [redacted]
ENGIBOUS, PAUL J., [redacted]
HERMAN, DAVID A., [redacted]
MCCARTHY, JAMES, [redacted]
MOYER, MICHAEL, [redacted]
RAKER, THOMAS C., [redacted]
SCHUMAKER, PAUL, [redacted]
THEBERG, DANIEL, [redacted]
TOLSON, GEORGE E., [redacted]
WOLFF, GERALD K., [redacted]

To be captains

FERRER, NICHOLS MARIA C., [redacted]
GLENN, ROGER D., [redacted]
HOKETT, STEVEN D., [redacted]
KOSIOREK, DAVID, [redacted]
LUZADER, JEFFERY, [redacted]
NICHOLS, ROBERT, [redacted]
STANKO, RONALD S., [redacted]

VETERINARY CORPS

To be majors

MCCULLEN, ALBERT, [redacted]
NUZUM, EDWIN O., [redacted]

To be captains

ANGULO, FREDERIC, [redacted]
BANKS, RONALD, [redacted]
BRYANT, MARK A., [redacted]
COUCH, DON L., [redacted]
CUMMINGS, JAMES C., [redacted]
PIXLEY, CHARLES, [redacted]
SEVERIN, SCOTT, R., [redacted]
WHITE, BRYAN S., [redacted]

MEDICAL SPECIALIST CORPS

To be majors

COLLIER, EDWARD, [redacted]
LUSTER, STEPHEN, [redacted]
WRIGHT, ROSE A., [redacted]

To be captains

DABILL, CAROL L., [redacted]
WARD, DON J., [redacted]

ARMY NURSE CORPS

To be lieutenant colonels

HAGEY, ANTIONETT, [redacted]
MORRILL, KENNETH, [redacted]

To be majors

BENCE, PRISCILLA, [redacted]
BOYD, BETTINA, [redacted]
ENZEL, LENORE, [redacted]
JOLLY, SALLIE J., [redacted]
KRIMBILL, CHRIST, [redacted]
PHILLIPS, JILL S., [redacted]
WEST, IRIS J., [redacted]

To be captains

BOULLIE, PATRICIA, [redacted]
BRUMBACK, MARK A., [redacted]
JENNINGS, LILLIAN L., [redacted]
PRICE, PAULA, [redacted]

To be first lieutenants

CHAPMAN, THOMAS, [redacted]

MEDICAL SERVICE CORPS

To be majors

BERRY, PHILLIP C., [redacted]
BLANDING, ZENOLA, [redacted]
DAVIES, JEFFREY, [redacted]
HARBACH, RALPH E., [redacted]
LINTHICUM, KENNETH J., [redacted]
STEWART, DENNIS, [redacted]
THORNBURGH, J.H., [redacted]

To be captains

BAUMANN, GRETA, [redacted]
BROCKER, DONALD, [redacted]
DRESCHER, ROBIN, [redacted]
DUBAY, ROBERT, [redacted]
HARPER, ISIAH M., [redacted]
KAMINSKY, MICHAEL, [redacted]
KAMMERER, RICKY, [redacted]
MARTIN, SUZANNE, [redacted]
NEWHOUSE, ROBERT, [redacted]
PARKER, MARY R., [redacted]
PIPKIN, ROBERT W., [redacted]
PURKETT, RICHARD, [redacted]
REED, CHERYL A., [redacted]
REYES, ROMAN B., [redacted]
SHAMBURGER, CLIFFORD, [redacted]
TUCKER, CHARLES, [redacted]
VRENTAS, GREGORY, [redacted]

To be first lieutenants

CUTLER, THERESA, [redacted]
HUNTSINGER, CHARLES, [redacted]
IRVIN, MARK A., [redacted]
PHILLIPS, RICHARD, [redacted]
THOMAS, TERESA, [redacted]
VITAKIS, PHILLIP, [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be captains

FOUNTAIN, FRANK W., [redacted]
HARVEY, STEPHEN D., [redacted]
HENDERSON, MARK E., [redacted]

INFANTRY

To be major

PETERS, DAVID M., [redacted]

FIELD ARTILLERY

To be second lieutenants

BILLEAUD, ROBERT L., [redacted]
MOORE, MICHAEL C., [redacted]

ADJUTANT GENERAL'S CORPS

To be second lieutenant

WARREN, JILL M., [redacted]

MILITARY INTELLIGENCE

To be captains

PERKINS, DAVID D., [redacted]
WALLACE, STEVENSON M., [redacted]

THE FOLLOWING-NAMED DISTINGUISHED HONOR GRADUATE OF OFFICER CANDIDATE SCHOOL, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

FOLEY, DANA J., [redacted]

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

ADAMS, JAMES A., [redacted]
ALEXANDER, SCOTT E., [redacted]
ALLEN, ANTHONY, [redacted]
ALLEN, WILLIAM E., [redacted]
ALLISON, DAVID A., [redacted]
ANDREWS, ARDIS W., JR., [redacted]
ANTI, MICHAEL E., [redacted]
ARCHER, STEPHEN L., [redacted]
ARMENDARIZ, LOUIS M., [redacted]
ASHMORE, DANIEL G., [redacted]
ASHURST, KEVIN J., [redacted]
ASSARO, LOUIS A., [redacted]
BABB, DOUGLAS R., [redacted]
BAKER, JEFFREY S., [redacted]
BAKER, TIMOTHY L., [redacted]
BARNES, DANIEL E., [redacted]
BASHAM, DAVID N., [redacted]
BATTLE, THOMAS A., [redacted]
BEATTY, WILLIAM L. II, [redacted]
BECK, JOHN D., [redacted]
BELL, DOUGLAS L., [redacted]
BENNETT, DAVID J., [redacted]
BERTRANG, JEFFREY E., [redacted]
BETANCOURT, CARLOS J., [redacted]
BIAGIOTTI, ALDO P., JR., [redacted]
BISHOP, LAURENCE R., [redacted]
BLACKMUN, RICHARD L., JR., [redacted]
BLAIN, DALMA, E., [redacted]
BLANCO, JAMES A., [redacted]
BLANKENSHIP, JEFF, [redacted]
BOEHNLEIN, ROBERT D., [redacted]
BOLTINHOUSE, CHARLES J., [redacted]
BONTRAGER, PAUL, [redacted]
BOYETTE, ROBERT A., [redacted]
BOYLES, ROBERT W., [redacted]
BOZEMAN, ANTHONY C., [redacted]
BOZEMAN, CURTIS W., [redacted]
BRADBERRY, EDMOND W., JR., [redacted]
BRANCH, REAGOR L., [redacted]
BRICE, WILLIS D., [redacted]
BRIGGS, TODD J., [redacted]
BRISTOL, CLARK M., [redacted]
BRITT, BENITA R., [redacted]
BROWN, DUANE E., [redacted]
BROWN, HALBERT, [redacted]
BROWN, JAMES K., [redacted]
BROZEK, DENNIS W., [redacted]
BUCK, KENNETH T., III, [redacted]
BUCKINGHAM, DAVID W., [redacted]
BUCKLIN, WILLIAM M., [redacted]
BULLWINKEL, EDWARD C, [redacted]
BUMGARNER, MART E., [redacted]
BUNKER, CONSTANCE G., [redacted]
BURDICK, JAMES D., [redacted]
BUSH, GARRY B., [redacted]
BUSTAMANTE, CHRISTINA M., [redacted]
BUTLER, CLARENCE D., [redacted]
BUTLER, MARK D., [redacted]
CABALLERO, LEO F., [redacted]
CALLAHAN, MARION K., [redacted]
CALLION, CATHY J., [redacted]
CARBONE, CHRISTINE M., [redacted]
CARBONE, JOSE A., [redacted]
CARCHEDI, JAMES, JR., [redacted]
CARNEY, DUANE T., [redacted]
CASTILLO, GILBERTO, JR., [redacted]
CASTILLO, LAURA L., [redacted]
CATLETT, DENNIS W., JR., [redacted]
CHAMBERLAIN, ELIZABETH A., [redacted]
CHAMBERS, TERRELL M., [redacted]
CHAMBERS, ZANE D., JR., [redacted]
CHIAVACCI, ROY A., [redacted]
CIOCHON, RICHARD E., [redacted]
CLUTTS, DAVID L., [redacted]
COFFMAN, CARL R., JR., [redacted]
COLLINS, ROBERT E., [redacted]
CONRAD, JAMES W., [redacted]
COOK, DONALD M., [redacted]
COOPER, THOMAS R., [redacted]
CORISH, JOHN R., [redacted]
CROSS, CHRISTOPHER G., [redacted]

CROSSWAIT, GLENN M., [redacted]
CROW, BRIAN P., [redacted]
DAYLEY, BRANT V., [redacted]
DEAN, STEVEN G., [redacted]
DECKER, SEAN C., [redacted]
DEDRICH, CAROL M., [redacted]
DELAINE, BUANE B., [redacted]
DEMITH, LAURA, [redacted]
DIAZGONZALEZ, RICHARD J., [redacted]
DICKINSON, CRAIG M., [redacted]
DIGGS, JAMES E., [redacted]
DODGE, RONALD C., JR., [redacted]
DOMINGUEZ, MARIE A., [redacted]
DONALDSON, STEVEN L., [redacted]
DUMAS, ALEXANDER L., [redacted]
EAKES, KENNETH J., [redacted]
EASTER, DUANE P., [redacted]
EASTWOOD, FRED R., III, [redacted]
ECKLER, LAURA L., [redacted]
EDIN, ERIC E., [redacted]
EDWARDS, DERIC B., [redacted]
EDWARDS, SEAN P., [redacted]
EISEMAN, BRENDA K., [redacted]
ELSASSER, LAURA K., [redacted]
EMERO, MICHAEL F., [redacted]
EMERY, EDWARD E., JR., [redacted]
EPPLEY, DANE E., [redacted]
ERST, FREDERICK J., [redacted]
EVANS, JACQUELINE A., [redacted]
FOX, THEODORE J., [redacted]
FRANCIS, JOHN E., [redacted]
FRAZIER, GREGORY O., [redacted]
FRENCH, STEVAN J., [redacted]
FROM, JEFFREY D., [redacted]
GANTT, THOMAS M., [redacted]
GARMAN, THOMAS A., [redacted]
GASKIN, LOMAX, [redacted]
GEHLER, GREGORY A., [redacted]
GETTER, TERESA M., [redacted]
GERLACH, CHRIS D., [redacted]
GIBBONS, RICHARD T., [redacted]
GONZALEZ, ALBERTO C., [redacted]
GOODWIN, SCOTT A., [redacted]
GOULD, RICKY F., [redacted]
GRAESE, MICHAEL S., [redacted]
GRANGER, BRETT A., [redacted]
GRECO, THOMAS J., [redacted]
GREENE, MELVIN L., [redacted]
GUFFEY, RICHARD K., [redacted]
GUILFORD, DANIEL J., [redacted]
GUYSE, PAUL A., [redacted]
HALEY, TIMMY E., [redacted]
HANNAMAN, EDGAR M., [redacted]
HANSEN, STANLEY D., [redacted]
HARE, MICHELLE, [redacted]
HARRIS, HUGHIE B., [redacted]
HEATH WORNER O., III, [redacted]
HEDEGAARD, MICHAEL L., [redacted]
HEESCHEN, JAMES M., [redacted]
HELLER, KIM F., II, [redacted]
HEPFNER, SAMUEL A., JR., [redacted]
HIGDON, BRIAN S., [redacted]
HILL, DONALD J., [redacted]
HOLLADAY, BRETT, N., [redacted]
HOLMES, VERNON D., [redacted]
HOLTON, CRAIG A., [redacted]
HOSSENLOPP, PAUL, [redacted]
HOUGH, ROBERT A., [redacted]
HOWARD, DONNA M., [redacted]
HUDSON, CLIFTON B., [redacted]
HUNT, KENNETH A., [redacted]
IMIG, PAUL A., [redacted]
INFANTI, MICHAEL, [redacted]
IOOSS, STEVEN P., [redacted]
IRLAND, CRAIG R., [redacted]
IRVIN, JOHN A., [redacted]
ISAACSON, DAVID T., [redacted]
JACKSON, BRIAN L., [redacted]
JAMES, STEVEN, [redacted]
JEFFERSON, JOSEPH, [redacted]
JENSEN, CHRISTOPHER B., [redacted]
KALSCH, PHILLIP A., [redacted]
KAMINSKY, DONNA M., [redacted]
KENNARD, RODNEY W., [redacted]
KESTLE, MELISSA J., [redacted]
KEY, TODD E., [redacted]
KIENTZ, BRYAN C., [redacted]
KILGO, JEFFREY W., [redacted]
KILGO, MITCHELL L., [redacted]
KING, JEFFREY S., [redacted]
KING, LISA M., [redacted]
KING, RODNEY L., [redacted]
KINSNER, DEBORAH L., [redacted]
KIRBY, JOHN J., IV., [redacted]
KITE, LAWRENCE W., [redacted]
KIVETT, RYAN, [redacted]
KNESS, LENNY J., [redacted]
KNOTT, TAMMY L., [redacted]
KOELTZOW, SHERYL M., [redacted]
KORDENBROCK, JEFFREY C., [redacted]
KOTVAS, JOHN E., III, [redacted]
KRAEMER, JOANNE, [redacted]
KRAMER, RANDALL P., [redacted]
KRUCZEK, RICHARD, [redacted]
KUESTER, CAROL L., [redacted]
KUROSU, SHIRLEY M., [redacted]
LACOCK, CHRISTOPHER D., [redacted]
LAFOLLETTE, STEPHEN J., [redacted]
LAGANUSKY, VAUGHN T., [redacted]
LANDERS, JAMES, [redacted]
LANEY, DONALD B., [redacted]
LANGELAND, TODD W., [redacted]
LARSON, DAVID J., [redacted]
LAX, THOMAS J., [redacted]
LEGG, ADAM J., [redacted]
LEWIS, BURTON W., [redacted]
LEWIS, DAVID F., [redacted]
LIMB, RODNEY D., [redacted]
LINK, GARY E., [redacted]
LOFREDDO, SCOTT J., [redacted]
LOPEZ, JOSEPH, [redacted]
LOUDEN, GREGORY D., [redacted]
LUTZ, ROBERT J., [redacted]
MACK, CHARLES C., [redacted]
MANN, ANDERSON L., [redacted]
MARINAKIS, CHRISTOPHER A., [redacted]
MARTIN, RICHARD A., JR., [redacted]
MARTINSON, PHILIP A., [redacted]
MAYER, ROGER K., [redacted]
MCCLANAHAN, MICHAEL, [redacted]
MCCLINTOCK, BRIAN L., [redacted]
MCCUTCHEON, KIMBERLY G., [redacted]
MCDONALD, KAMMERA K., [redacted]
MCDOWELL, CLIFFORD D., [redacted]
MCDOWELL, TIMOTHY S., [redacted]
MCELROY, DAN, [redacted]
MCGAHAN, ROBERT J., [redacted]
MCGINLEY, SHAWN P., [redacted]
MCGREGOR, OTIS W., III, [redacted]
MCGUINNESS, MICHAEL J., [redacted]
MCGUINNESS, SEAN P., [redacted]
MCKEONE, DAVON L., [redacted]
MCTASNEY, ROBERT J., [redacted]
MECCA, JOHN M., [redacted]
MEDINA, ASHAWN D., [redacted]
METTS, MEL M., [redacted]
METZ, PHILIP J., [redacted]
MEYER, EILEEN A., [redacted]
MICKLES, PHILLIP T., [redacted]
MILLER, BILLY L., [redacted]
MILLER, KENNETH J., [redacted]
MILLER, MICHAEL G., [redacted]
MINER, DOUGLAS D., [redacted]
MIYAMOTO, INEZ M., [redacted]
MOFFATT, JAMES A., [redacted]
MOHLER, LENNA M., [redacted]
MONSIVAIS, DANIEL R., [redacted]
MOORE, ALLAN J., [redacted]
MOORE, CHARLES G., [redacted]
MORAN, TERESA L., [redacted]
MORRIS, KEVIN C., [redacted]
MORRIS, TAMARA C., [redacted]
MOSLEY, LEROY, [redacted]
MOTT, BRETTNEY D., [redacted]
MOTT, JOHN G., [redacted]
MURPHY, JOHN D., [redacted]
MURPHY, MICHAEL T., [redacted]
MURPHY, TERRYNE F., [redacted]
NAVARRO, CARLOS, [redacted]
NEAVERTH, MICHAEL P., [redacted]
NORRIS, JOHN G., [redacted]
NORRIS, RICHARD M. JR., [redacted]
NORWOOD, PAMELA S., [redacted]
OCONNOR, JAMES D., [redacted]
OGLESBEE, AARON K., [redacted]
OJEDA, SENEN, [redacted]
OLIVER, MICHAEL D., [redacted]
ORTEGA, DANNY R., [redacted]
OSBORNE, ROSS T., [redacted]
OTT, PAUL A., [redacted]
OVERHOLSER, RANDY R., [redacted]
OWEN, CHRISTOPHER W., [redacted]
OWEN, WILLIAM E., [redacted]
PEREZ, JORGE N., [redacted]
PHILLIPS, CALVIN, L., [redacted]
PHILLIPS, LORENZO R., [redacted]
PONTIUS, MARK J., [redacted]
POULIOT, LISA M., [redacted]
POWELL, GLADYS L., [redacted]
PRUITT, WILLIAM F., [redacted]
QUIETT, RONALD H., [redacted]
RAHN, BRIAN S., [redacted]
RAHN, BRUCE, [redacted]
RASINS, MARK R., [redacted]
RECTOR, BRANSON P., [redacted]
REED, JANA L., [redacted]
REESE, NOEL K., [redacted]
REID, MICHAEL J., [redacted]
RESER, DAVID R., [redacted]
REYES, BENJAMIN T. II, [redacted]
RHINE, DEAN M., [redacted]
RHODES, PAULA J., [redacted]
RICHARDS, JAMES D., [redacted]
RICHARDSON, JEFFREY W., [redacted]
RICHBURG, WILBUR D., [redacted]
RIDGE, NATHANIEL C., [redacted]
RIORDAN, MATTHEW T., [redacted]
ROHLENA, STEVEN L., [redacted]
ROOK, SCOTT W., [redacted]
ROSENAU, ANGELA K., [redacted]
ROSS, JOSE, [redacted]
ROTH, ADAM S., [redacted]
RUSSELL, MICHEL M., [redacted]
RUTH, LEO J. III, [redacted]
RUTZ, MICHAEL L., [redacted]
RYAN, CHRISTOPHER M., [redacted]
SACCO, KATHLEEN A., [redacted]
SALO, THOMAS A., [redacted]
SANDERSON, ROBERT I., [redacted]
SANDOVAL, RAYMOND M., [redacted]
SATTLER, JEFFREY D., [redacted]
SAVAGE, ROBERT M., [redacted]
SCHAFER, JERRY L., [redacted]
SCHEFFLER, GERALD A. JR., [redacted]
SCHENCK, CHRISTOPHER E., [redacted]
SCHRINER, SCOTT A., [redacted]
SCHULTZ, STUART T., [redacted]
SEIDLER, MARK M., [redacted]
SERGESKETTER, ROBERT J., [redacted]
SHANKLE, MARK E., [redacted]
SHANKS, JON M., [redacted]
SHARKEY, JAMES C., [redacted]
SHEARER, DIRK E., [redacted]
SHEETS, ERIC T., [redacted]
SHERIDAN, JOHN P., [redacted]
SHUE, GRADY V. JR., [redacted]
SIKKEMA, MARK E., [redacted]
SIMELARO, ROBERT P., [redacted]
SIMONS, BRIAN K., [redacted]
SKAW, GERALD R., [redacted]
SLOANE, MICHAEL E., [redacted]
SMITH, BARNEY I., [redacted]
SMITH, DELILAH M., [redacted]
SMITH, KENNETH R., [redacted]
SMITH, STEPHEN T., [redacted]
SOLOMON, WESCOTT D., [redacted]
SPENCER ERICK, [redacted]
SPRAWLS, NACHEE, [redacted]
STADLER, CHRISTOPHER M., [redacted]
STEIGLER, MICHAEL D., [redacted]
STEINIG, PETER A., [redacted]
STEVENSON, BICHSON, [redacted]
STEWART, DEBRA, [redacted]
SUMTER, RODNEY W., [redacted]
SUNDLOFF, FREDRICK P., [redacted]
SWARTWOOK, ROBERT S., [redacted]
SWEET, KIMBERLY A., [redacted]
SWOLAK, PETER C., [redacted]
TAKACS, WILLIAM S., [redacted]
TANKINS, DANA S., [redacted]
TANNER, CHARLES K., [redacted]
TAYLOR, JOEL C., [redacted]
TEASLEY, GLEN A., [redacted]
TENNER, DEBORAH A., [redacted]
THALER, JULIANA L., [redacted]
THOMAS, ERIC, [redacted]
THOMPSON, BRENDA E., [redacted]
TOMA, ANN L., [redacted]
TOROK, DOUGLAS A., [redacted]
TROPF, ANGELA B., [redacted]
TRUJILLO, HOWARD L., [redacted]
VAJDIC, STANLEY F., [redacted]
VANDERFELTZ, MATTHEW, [redacted]
VANN, GEORGE L., JR., [redacted]
VANORDEN, ROBERT C., [redacted]
VELAZQUEZ, PETER, [redacted]
VINES, SHURMAN L., [redacted]
VINYARD, CURTIS H., [redacted]
VOLBERDING, RICHARD L., [redacted]
WADE, DAVID G., [redacted]
WADE, KAREN T., [redacted]
WALGREN, KELDA M., [redacted]
WALKER, RICHARD L., [redacted]
WATKINS, CHARLES F., [redacted]
WATWOOD, JOHN R., [redacted]
WEATHERSBY, STEVEN T., [redacted]
WEBB, KEITH D., [redacted]
WEBER, MICHAEL A., [redacted]
WEBSTER, CHARLES R., [redacted]
WEED, SHAWN C., [redacted]
WEISLER, GREGORY A., [redacted]
WHELAN, JOSEPH F., [redacted]
WHITAKER, REBECCA S., [redacted]
WHITE, ERIC L., [redacted]
WILDER, KENNETH S., [redacted]
WILLIAMS, JULIAN R., [redacted]
WILLIAMS, THOMAS M., [redacted]
WILSON, JOSEPH C., [redacted]
WILSON, RODNEY E., [redacted]
WITHERSPOON, ERIC, [redacted]
WITTEVEEN, DAVID M., [redacted]
YAKAWICH, JOSEPH, [redacted]
YANDELL, TOMMY D., [redacted]
YATES, TROY R., [redacted]
ZIPPAY, EDWARD J., [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3383:

ARMY PROMOTION LIST

To be colonel

RONALD M. ABE, [redacted]
HERBERT AH YO, JR, [redacted]
MICHAEL C. ARCHIBALD, [redacted]
JERRY DUKE, [redacted]
JOHN S. GALT, [redacted]
JAMES F. GATZKE, [redacted]
BLAIR A. HOLMAN, [redacted]
DONALD M. ISENHATH, [redacted]
GERALD KATAHARA, [redacted]
HIROSHI KATO, [redacted]
CARL T. MASAKI, [redacted]
THOMAS A. OKIMOTO, [redacted]
JAMES R. WHITLEY, [redacted]
DANA J. WINKLER, [redacted]

CHAPLAIN

To be colonel

CHAMP T. BREEDEN, JR, [redacted]
DONALD E. GNEWUCH, [redacted]

HARRY W. HALLMAN, [redacted]
WALTER G. HED, [redacted]
JERRY M. POTEET, [redacted]
PHILIP J. SECKER, [redacted]

DENTAL CORPS

To be colonel

ROGER M. WEED, [redacted]

MEDICAL CORPS

To be colonel

ROBERT D. HODGELL, [redacted]
YELLESHPUR JAYARAM, [redacted]
CARL D. MERKEL, [redacted]
MICHAEL MITTLEMANN, [redacted]
GEORGE J. MOLNAR, [redacted]
T. J. RUNDLE, [redacted]
JONATHAN SUSSMAN, [redacted]

MEDICAL SERVICE CORPS

To be colonel

ELDON J. JAGER, [redacted]
DOMENICO LAROSA, [redacted]
HOWARD V. PAYTON, JR, [redacted]
JOHN L. SUTHERLAND, [redacted]
DONALD F. WOOLSON, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

JAMES R. ADAMS, [redacted]
BERTIE S. ALEXANDER, [redacted]
BARRY L. ARBUCKEL, [redacted]
RICHERT T. AU HOY, [redacted]
WILLIAM BARKER, [redacted]
GERALD A. BYRD, [redacted]
JOHN J. CLEARY, [redacted]
FRED C. COVEY, JR, [redacted]
RUSSELL DALLAS, [redacted]
DENNIS T. DOI, [redacted]
ORRIE C. DONLEY, JR, [redacted]
MACARIO S. DORADO, [redacted]
BERTIE S. DUEITT, [redacted]
PETER M. DUGRE, [redacted]
ROBERT N. FARKAS, [redacted]
ALAN A. FUJIOKA, [redacted]
ROBERT W. GEORGE, [redacted]
CHARLEY W. GREEN, JR, [redacted]
GREGORY K. GUERREIRO [redacted]
DALE W. HANSEN, [redacted]
KENNETH R. HARTLEIN, [redacted]
ROBERT M. HARTLEY, [redacted]
FRANCIS H. HILLS, JR, [redacted]
ROBERT M. HIPPENSTIEL, [redacted]
TIMOTHY H. ISENBERG, [redacted]
GARY M. ISHIKAWA, [redacted]
VINCENT P. IWAHASHI, [redacted]
CLEASTOR W. JENNINGS, [redacted]
ALLEN M. KAMEMOTO, [redacted]
EDWARD R. LACHEY, [redacted]
DENNIS J. LAICH, [redacted]
WARREN H. LEE, [redacted]
LARRY J. LIGHT, [redacted]
JOHN H. LOUGHRIDGE, JR, [redacted]
DAVID M. LOWRY, [redacted]
JOHN Y. MA, [redacted]
BRIAN K. MIYAGI, [redacted]
HOMER D. NELSON, [redacted]
MICHAEL L. NEVEAUX, [redacted]
JOSE A. OKADA, [redacted]
FRANK G. OLIVEIRA, [redacted]
KENNETH M. PADGETT, [redacted]
GIGG M. POWERS, [redacted]
RONALD L. RASCH, [redacted]
WILLIAM C. REITAN, [redacted]
WILLIAM P. SCHMIDT, [redacted]
ROGER K. SMITH, [redacted]
WILLIAM R. SPENS, [redacted]
FREDERICK M. SPIELMAN, [redacted]
NICHOLAS L. STRAFFON, [redacted]
RAMON Q. SUDO, [redacted]
PAUL Y. TAMAYOSE, [redacted]
MARK D. THEIS, [redacted]
DAVID J. TRAUTMAN, [redacted]
MICHAEL P. WONG, [redacted]
FRANK K. YAP, JR, [redacted]
JOHN C. YOUNGS, [redacted]
JOHN M. ZOSCAK, JR, [redacted]

CHAPLAIN

To be lieutenant colonel

JIMMY R. WILLIAMS, [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

PATRICIA A. TUCKER, [redacted]

MEDICAL CORPS

To be lieutenant colonel

RIZAL R. DELGADO, [redacted]
DANTE J. DIMARZIO, JR, [redacted]
JOHN D. DUNCAN, [redacted]
ROLAND NAVARRO, [redacted]
JAMES M. VEAZEY, JR, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

VINCENT J. BARRECA, JR, [redacted]
ROBERT S. POPE, [redacted]
GARY D. RUSSI, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

LOUISE C. NORTON, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATED CODE, SECTION 3370:

ARMY PROMOTION LIST

To be colonel

RAFAEL A. ACEVEDO, [redacted]
JOEL M. ADAMS, [redacted]
CLARENCE M. AGENA, [redacted]
WILLIE A. ALEXANDER, [redacted]
GARY R. ALLEN, [redacted]
JOHN E. ALLEN, [redacted]
JOHN W. ALLEN, JR, [redacted]
JOSE M. ALVAREZ, [redacted]
RONALD D. ANDREEN, [redacted]
STEPHEN E. AREY, [redacted]
CHARLES R. ARGO, [redacted]
FARRIS G. ARWOOD, [redacted]
JORGE ARZOLA, [redacted]
DAVID P. AYCOCK, [redacted]
JON H. BAAKE, [redacted]
HEINRICH N. BABB, [redacted]
MARK R. BAILEY, [redacted]
ROBERT R. BALDWIN, [redacted]
GEORGE A. BANNON, [redacted]
ANTHONY F. BARBONE, [redacted]
NORMAN S. BARCHI, [redacted]
PAUL Z. BARNES, [redacted]
RAYMON BARRERASRIVERAS, [redacted]
DENNIS BARTON, [redacted]
GLENN W. BARTSCH, [redacted]
WILLIAM T. BAUGH, [redacted]
LARRY C. BEAM, [redacted]
MICHAEL W. BEASLEY, [redacted]
CHARLES M. BECHTEL, [redacted]
JAMES E. BELL, [redacted]
GARY N. BENMARK, [redacted]
JERRY C. BENNETTE, [redacted]
ROBERT M. BENSON, [redacted]
GARY M. BENTSEN, [redacted]
RONALD G. BERRY, [redacted]
JOHN J. BIESE, [redacted]
ROBERT E. BLACK, [redacted]
GEORGE J. BLYSAK, [redacted]
DONALD L. BONEY, [redacted]
JOHN M. BOSTDORF, [redacted]
LOUIS BRACKETT, [redacted]
ROBERT F. BRACKI, [redacted]
RICHARD C. BRACKNEY, [redacted]
CHARLES S. BRAIN, [redacted]
KENNETH E. BRANDT, [redacted]
DONALD C. BRASWELL, [redacted]
ROGER L. BRAUTIGAN, [redacted]
FRANK R. BRAY, [redacted]
ABBOTT A. BRAYTON, [redacted]
JOE K. BRIDGFORTH, [redacted]
DONALD J. BRINGOL, [redacted]
NORMAN S. BRINSLEY, [redacted]
CHARLES BRODERICK, [redacted]
HUGH S. BRYANT, [redacted]
PATRICK J. BUFFA, [redacted]
DOUGLAS B. CARDIS, [redacted]
STANLEY E. CARLSON, [redacted]
JAMES L. CARNEY, [redacted]
DANIEL J. CARRO, [redacted]
DANIEL F. CARROLL, [redacted]
THOMAS C. CARROLL, [redacted]
ANTHONY F. CARUANA, [redacted]
ROSENDO J. CASTILLO, [redacted]
FRANK A. CATALANO, [redacted]
THOMAS H. CATO, [redacted]
JAMES R. CAZIER, [redacted]
GERALD T. CECIL, [redacted]
GARY M. CHAMBERS, [redacted]
CARROLL D. CHILDERS, [redacted]
RICHARD R. CLARK, [redacted]
CHARLES E. CLIFTON, [redacted]
DONOVAN M. COLLINS, [redacted]
MAXWELL S. COLON, [redacted]
DAVID T. CONNOR, [redacted]
CARL B. COOPER, [redacted]
ROBERT S. COOPER, [redacted]
JAMES N. COPELAND, [redacted]
JERRY N. CORBIN, [redacted]
EDWARD L. CORREA, [redacted]
JOHN R. COX, [redacted]
RONALD A. CRAIG, [redacted]
JOHN E. CREWS, [redacted]
EDWIN A. CRISPIN, [redacted]
RICHARD CROSSLAND, [redacted]
JAMES O. CULVER, [redacted]
DENNIS M. CUNNEEN, [redacted]
RONALD T. CYR, [redacted]
DAVID C. DAHLKE, [redacted]
STEPHEN DANGERFIELD, [redacted]
PETER M. DAVENPORT, [redacted]
CHARLES R. DAVIES, [redacted]
JAMES D. DAVIS, [redacted]
STEPHEN DAVIS, [redacted]
ROBERT E. DEAN, [redacted]
DONALD R. DEERING, [redacted]
WILFRED L. DELLVA, [redacted]
LANCE E. DEPLANTE, [redacted]
RONALD DEPUTRON, [redacted]
WILLIAM G. DERIS, [redacted]
JAMES G. DEROPP, [redacted]
EDWIN W. DESMOND, [redacted]
WILEY M. DEWITT, JR, [redacted]
HAROLD E. DEXTER, [redacted]
JOHN W. DICKINSON, [redacted]
WILBURN DILLON, JR, [redacted]
JAMES C. DIPPMAN, [redacted]
DAVID R. DIXON, [redacted]
MICHAEL J. DONAHUE, [redacted]
PAUL A. DOUCETTE, [redacted]
TRENTON S. DOUGLAS, [redacted]
JAMES DOUGOVITO, [redacted]
ROBERT P. DUDLEY, [redacted]
JOHN P. DUFFY, [redacted]
DALE T. DUMMER, [redacted]
JERRY M. DUNCAN, [redacted]
JIMMY W. EASTERLING, [redacted]
RANDALL T. ELLIOTT, [redacted]
RONALD L. ELLIOTT, [redacted]
ANDREW J. ESCHEN, [redacted]
CLIFFORD A. ESTES, [redacted]
JOHN B. FARLEY, [redacted]
DAVID P. FELT, [redacted]
GLEN L. FIALA, [redacted]
WALTER J. FISHER, [redacted]
JOHN E. FITZGERALD, [redacted]
ROSS S. FORTIER, [redacted]
GEORGE F. FRANCIONI, [redacted]
ROGER C. FRANKLIN [redacted]
RICHARD J. FRIEDMAN, [redacted]
JEWEL L. FURLOW, [redacted]
JOSE I. GARCIA, [redacted]
LUIS M. GARCIA, [redacted]
DIRK L. GASTERLAND, [redacted]
GEORGE A. GATES, [redacted]
JORDAN B. GAUDRY, [redacted]
FLOYD J. GENTILINI [redacted]
HERBERT D. GEORGE, [redacted]
EDWARD H. GERHARDT, [redacted]
RICHARD E. GEYER, [redacted]
TODD R. GEYER, [redacted]
LARRY E. GILMAN, [redacted]
GERALD E. GLASS, [redacted]
MARK R. GOAR, [redacted]
MARSHALL J. GOBY, [redacted]
BOBBY R. GOIN, [redacted]
HAROLD M. GOLDSTEIN, [redacted]
JOSEPH A. GONZALES, [redacted]
ROYAL T. GOODDEN, [redacted]
DELROY J. GORECKI, [redacted]
RANDALL C. GRAHAM, [redacted]
CHARLES A. GREEN, [redacted]
THOMAS E. GREYARD, [redacted]
JAMES W. GRIFFITH, [redacted]
CHELSEY V. GRINDELL, [redacted]
RICHARD L. GROVE, [redacted]
ROBERT GRUBENMANN [redacted]
EDWARD GRUETZEMACHER, [redacted]
ROBERT E. GRUNEWALD, [redacted]
JAMES B. GULICK, [redacted]
JAMES H. HADFIELD, [redacted]
LARRY A. HAHN, [redacted]
NORMAN T. HAINES, [redacted]
ALVIN J. HALEY, [redacted]
CAROLYN M. HALL, [redacted]
THOMAS W. HALLETT, [redacted]
JAMES P. HALLIDAY [redacted]
WALT HAMMERSCHMIDT, [redacted]
WILLIAM F. HANNA, [redacted]
JOSEPH R. HARDWICK, [redacted]
WILLIAM E. HARMAN, [redacted]
JAMES D. HARRIS, [redacted]
KEITH F. HARRIS, [redacted]
JOHN A. HAYS, [redacted]
CHARLES HEBERLE, [redacted]
DON J. HEDRICK, SR, [redacted]
RONALD L. HEIN, [redacted]
JOEL M. HEISER, [redacted]
WALTER C. HENDRIX, I, [redacted]
JUAN F. HERRERA, [redacted]
DON B. HERSEY, [redacted]
KLAUS A. HINGST, [redacted]
EDDIE J. HINKLE, [redacted]
JAY D. HIRSCH, [redacted]
AUGUST E. HOCEVAR, [redacted]
NORMAN A. HOFFMAN, [redacted]
WILLIAM HOLLEY, [redacted]
PETER H. HOLLISTER, [redacted]
FLOYD J. HOPSON, [redacted]
ROBERT M. HOWARD, [redacted]
THOMAS A. HUGHES, [redacted]
CHARLES M. HUNT, [redacted]
NORMAN J. HUNT, JR, [redacted]
GEORGE A. HUTCHISON, [redacted]
RICHARD J. IFFERT, [redacted]
CHARLES A. INGRAM, [redacted]
GARVIN J. INGRAM, [redacted]
RODNEY D. IREY, [redacted]
DAVID R. IRVINE, [redacted]
JAMES L. IRWIN, [redacted]
RONALD J. IVERSON, [redacted]
PAUL W. IVORY, [redacted]
JERRY L. JACKSON, [redacted]
THOMAS M. JACKSON, [redacted]
THEODORE JAROWICZ, [redacted]

WALTON M. JEFFRESS, [redacted]
OTTO F. JENSEN, [redacted]
HENRY L. JEZEK, [redacted]
LAWRENCE J. JOHNSON, [redacted]
GEORGE L. JONES, [redacted]
MICHAEL M. JONES, [redacted]
SONNY D. JONES, [redacted]
JAMES P. KALKE, [redacted]
HERBERT L. KEESEE, [redacted]
DONALD L. KEIL, [redacted]
DAVID M. KELLER, [redacted]
RALPH B. KELLY, [redacted]
JOHN P. KEMPTON, [redacted]
ROBERT M. KENNEMER, [redacted]
JAMES T. KERR, [redacted]
JOSEPH D. KILGALLON, [redacted]
JOHN C. KINGSLEY, [redacted]
JAMES E. KLEIN, [redacted]
RONALD G. KLOET, [redacted]
ERNEST O. KLUKOW, [redacted]
ERSKINE W. KLYCE, [redacted]
BUFORD R. KOEHLER, [redacted]
JAMES B. KOHNEN, [redacted]
PETER KOSTAKIS, [redacted]
HAROLD R. KOUGH, [redacted]
JOHN D. KRAUS, JR, [redacted]
JOHN T. KUELBS, [redacted]
JOHN F. KUTCHER, [redacted]
CLIFFORD W. LANT, [redacted]
DAVID W. LARSON, [redacted]
GARY E. LEBLANC, [redacted]
CHARLENE H. LEE, [redacted]
ROBERT E. LEE, [redacted]
MICHAEL D. LEHMANN, [redacted]
ROSS B. LEIDY, [redacted]
DON L. LEINWEBER, [redacted]
EUGENE A. LEONARD, [redacted]
LARRY A. LEONARD, [redacted]
PAUL J. LIESS, [redacted]
FREDERICK W. LILLEY, [redacted]
GEORGE M. LIND, [redacted]
DONALD R. LINKE, [redacted]
JOSEPHINE LINKER, [redacted]
EDWARD G. LINSKEY, JR, [redacted]
JAMES H. LIPSCOMB, [redacted]
PHILLIP LIPSMEYER, [redacted]
WILLIAM S. LITTLE, [redacted]
EUGENE V. LOMBARDO, [redacted]
GARY D. LONG, [redacted]
DONALD L. LONGERO, [redacted]
GLENN W. LOSEL, [redacted]
FRED K. LOVELESS, [redacted]
CHARLES A. LOWERY, [redacted]
JAMES P. LOWSLEY, [redacted]
JOHN M. MACHEN, [redacted]
JOHN L. MADDEN, [redacted]
PAUL D. MAHAFFY, [redacted]
JAMES E. MALLORY, [redacted]
JOHN F. MANN, [redacted]
JOSEPH E. MARCOTTE, [redacted]
DAVID H. MARSHALL, [redacted]
CLIFFORD MASSENGALE, [redacted]
RAMON MAURAS, [redacted]
THOMAS J. MCCAFFERY, [redacted]
ROBERT MCCARTHY, [redacted]
SAMUEL T. MCCLURE, [redacted]
BRIAN C. MCCONNELL, [redacted]
JAMES W. MCCONNELL, [redacted]
JOHN A. MCFARLAND, [redacted]
EDWARD T. MCGARRY, [redacted]
MARGARET J. MCGEE, [redacted]
HOWARD F. MCKENZIE, [redacted]
GARY D. MCLAUGHLIN, [redacted]
JAMES L. MCLAUGHLIN, [redacted]
HARRY F. MEHRMANN, [redacted]
JAMES W. MERCHANT, [redacted]
JOSEPH T. MESCH, [redacted]
PETE G. MILEY, [redacted]
GARY G. MILLER, [redacted]
RONALD C. MIS, [redacted]
TERRY P. MIX, [redacted]
RICHARD R. MOONEY, [redacted]
ROBERT C. MOORE, [redacted]
OTIS P. MORRIS, [redacted]
STEPHEN A. MORRIS, [redacted]
JAMES E. MORRISON, [redacted]
DWAIN L. MOUSER, [redacted]
KENNETH D. MUKOMELA, [redacted]
JERRY D. MULLINIX, [redacted]
ANDREW J. MUNDY, [redacted]
MICHAEL E. NAYLON, [redacted]
WILLIAM W. NEELY, JR, [redacted]
CLAUD D. NEILSON, [redacted]
RONALD R. NELSON, [redacted]
MICHAEL J. NEVIN, [redacted]
JOHN R. NINO, [redacted]
SAMUEL S. NIXON, [redacted]
EDMOND B. NOLLEY, [redacted]
EDWARD C. NORMAN, [redacted]
WILLIAM A. NUNN, [redacted]
STANLEY O. ORROCK, [redacted]
EZEQUIEL L. ORTIZ, [redacted]
ROBERT B. OSTENBERG, [redacted]
PAUL T. OTT, [redacted]
RICHARD E. OTTES, [redacted]
ROBERT L. OTTO, [redacted]
RONALD H. OUELLET, [redacted]
JOHN P. PACIOREK, [redacted]
JAN B. PACKWOOD, [redacted]
STEPHEN B. PATRICK, [redacted]
JAMES W. PATTERSON, [redacted]
GLENN A. PEARCE, [redacted]
ROBERT L. PEARCE, [redacted]
HOWARD M. PECKHAM, [redacted]
LEWIS J. PEEVY, [redacted]
SALVADOR PEREZ-MAYOL, [redacted]
OLIVER D. PETERS, [redacted]
HARRY R. PIERCE, [redacted]
JEFFREY L. PIERSON, [redacted]
VITTORFRANCIS PISANO, [redacted]
JAMES A. PITTS, [redacted]
ROBERT R. POINSETT, [redacted]
ALFRED J. POOLE, [redacted]
JAMES L. POOR, [redacted]
WILLIAM H. PORATH, [redacted]
PETER P. PORRELLO, [redacted]
JOHN W. PORTER, [redacted]
ROBERT W. POTTS, [redacted]
RONALD F. PRESCOTT, [redacted]
ROBERT A. PRESTON, [redacted]
THOMAS QUISENBERRY, [redacted]
JOSEPH R. RADIGAN, [redacted]
ERNESTO RAMOSSANTIAGO, [redacted]
RICHARD S. RASH, [redacted]
SALVADORE RECIOSANCHEZ, [redacted]
DAVID W. REED, [redacted]
CHARLES W. REEDER, [redacted]
THOMAS M. REEVES, [redacted]
LEE R. REID, JR, [redacted]
ROBERT A. REITZ, [redacted]
JAMES B. RESPICIO, [redacted]
TRAVIS REYNOLDS, [redacted]
GARLAND R. RHYNE, [redacted]
MICHAEL J. RICE, [redacted]
GENE R. RILEY, [redacted]
JOSEPH B. RILEY, [redacted]
RAMON RIVERAITURBE, [redacted]
DONALD W. ROBERTS, [redacted]
STEPHEN M. ROBINSON, [redacted]
ALBERTO RODRIGUEZ, [redacted]
RUBEN RODRIGUEZRUIZ, [redacted]
ERLING O. ROLFSON, [redacted]
JOSEPH J. ROMANO, [redacted]
CHARLES L. ROWE, [redacted]
ROGER E. ROWE, [redacted]
MICHALE T. RUANE, [redacted]
RICHARD M. RUCKER, [redacted]
RODNEY D. RUDDOCK, [redacted]
JAMES E. RUSSELL, [redacted]
JAMES W. RUSSELL, [redacted]
WILLIAM A. RUSSELL, [redacted]
RONALD RUTHERFORD, [redacted]
WILLIAM H. RUTLEDGE, [redacted]
PETER J. RZEMINSKI, [redacted]
RICHARD M. SANCHEZ, [redacted]
PRESTON C. SASSER, [redacted]
BILLY W. SCEARCE, [redacted]
JAMES E. SCHEURICH, [redacted]
EUGENE W. SCHMIDT, [redacted]
WILLIAM SCHNEIDER, [redacted]
ALAN L. SCHNIPKE, [redacted]
DAVID L. SCHRECK, [redacted]
JOHN D. SCHRIMPF, [redacted]
DANIEL SCHWINGHAMMER, [redacted]
BEN R. SEGESMAN, [redacted]
WALTER L. SEIP, II, [redacted]
ROGER A. SEVIGNY, [redacted]
LAWRENCE W. SHANNON, [redacted]
EMANUEL M. SHARPE, JR, [redacted]
HARRY H. SHAW, [redacted]
GEORGE F. SHERIDAN, [redacted]
ALAN H. SHERMAN, [redacted]
JAMES W. SHOFF, [redacted]
JOSEPH T. SHUTA, [redacted]
DONALD R. SIEVERS, [redacted]
BEDFORD J. SILVEY, [redacted]
CHARLES K. SMITH, [redacted]
GARY S. SMITH, [redacted]
HOWARD K. SMITH, [redacted]
JOHN P. SMITH, [redacted]
KENNETH R. SMITH, [redacted]
KENNETH W. SMITH, [redacted]
NATHAN R. SMITH, [redacted]
RONALD J. SMITH, [redacted]
RONALD M. SMITH, [redacted]
WILLIAM F. SMITH, [redacted]
WILLIAM R. SMITH, [redacted]
JAMES W. SPEED, [redacted]
GEORGE T. SPENCER, [redacted]
THOMAS A. SPROELICH, [redacted]
JAMES E. SPURLOCK, [redacted]
BILLY L. ST ANDRE, [redacted]
JESSE T. STACKS, [redacted]
LARRY D. STACY, [redacted]
CARLTON W. STANLEY, [redacted]
JOHN T. STEWART, [redacted]
HERBERT G. STOCKING, [redacted]
ROBBINS M. STOCKING, [redacted]
WILLIAM E. STUCKER, [redacted]
OLUF J. SUNDEEN, [redacted]
JOHN H. SYDOW, [redacted]
DENNIS K. TAILLIE, [redacted]
RAYFORD E. TALLEY, [redacted]
JOHN A. TANDY, [redacted]
HOWARD T. TAYLOR, [redacted]
ONOFRIO P. TERRAGNA, [redacted]
DAVID F. THOMAS, [redacted]
CARLETON K. THOMPSON, [redacted]
RAYMOND THOMPSON, [redacted]
WALTER TORRES, JR, [redacted]
VICTOR TORRESCOLON, [redacted]
JAMES A. TOWN, [redacted]
LEONARD L. TRAINER, [redacted]
VINCENT C. TRAPP, [redacted]
DOMINICK TROCCHIA, [redacted]
EDWARD K. UCHIDA, [redacted]
MICHAEL F. VALDEZ, [redacted]
RICHARD D. VANCE, [redacted]
ROBERT L. VANCE, [redacted]
BRUCE W. VANDERKOLK, [redacted]
KLAAS VANDERMOLEN, [redacted]
ERROL H. VANEATON, [redacted]
WILLIAM J. VECHIONE, [redacted]
LAWRENCE R. VERNE, [redacted]
WILLIAM A. VICK, [redacted]
KARL P. VOCKERT, [redacted]
CURTISS R. WAGGONER, [redacted]
JAMES M. WAGNER, [redacted]
JAMES H. WAKEMAN, [redacted]
DONALD J. WALDNER, [redacted]
CHARLES M. WALKER, [redacted]
JAMES T. WALKER, [redacted]
PAUL D. WALKER, [redacted]
RICHARD G. WALRUFF, [redacted]
DENNIS F. WAMPLER, [redacted]
BRUCE B. WANDS, [redacted]
EZELL WARE, [redacted]
RONALD W. WEISKOPF, [redacted]
JAY L. WELLS, [redacted]
WILLIAM WESTERDAHL, [redacted]
JOSEPH WESTON, II, [redacted]
KENNETH M. WHEATLEY, [redacted]
THOMAS B. WHEEL, [redacted]
LARRY A. WHITE, [redacted]
MARION J. WHITE, [redacted]
EDGAR E. WILKINS, [redacted]
JERRY WILKINS, [redacted]
FREDERICK WILLIAMS, [redacted]
JOHN G. WILLIAMS, [redacted]
KENNETH WILLIAMSON, [redacted]
RICHARD WILLIAMSON, [redacted]
CHARLES H. WILSON, [redacted]
WILLIAM J. WISHART, [redacted]
MYLES M. WOLFMAN, [redacted]
GARY M. WOODS, [redacted]
WILLIAM E. WYNNS, [redacted]
JOHN D. ZAVER, [redacted]
PAUL L. ZEIGLER, [redacted]
EDDI Z. ZYKO, [redacted]
RICHARD J. ZYLA, [redacted]

CHAPLAIN

To be colonel

MURRAY J. BERGER, [redacted]
WILLIAM BOUKNIGHT, [redacted]
CLARENCE M. BROOKS, [redacted]
CALVIN H. COLE, [redacted]
THOMAS K. DEVITT, [redacted]
EDSON G. GILMORE, [redacted]
ROBERT G. HARRIS, JR, [redacted]
WILLIAM A. HARRISON, [redacted]
THOMAS HOOGERLAND, [redacted]
SAMUEL W. HOPKINS, [redacted]
DAVID P. MAHN, [redacted]
RONALD L. MALLOW, [redacted]
PAUL E. PARLOW, [redacted]
VAHAN SIPANTZI, [redacted]
JAMES L. TRAVIS, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

ANNA J. WILSON, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

ALBERT M. ARCHIBALD, JR, [redacted]
RAYMOND M. BREWER, [redacted]
JAMES R. BURNS, [redacted]
J. TOM DICKENS, III, [redacted]
WILLIAM B. GIOLITTO, [redacted]
MICHAEL E. HOREJSI, [redacted]
BOYCE G. REEVES, [redacted]
BARBARA K. SANDERS, [redacted]
DELMAR SISK, [redacted]
ANTHONY SROKA, JR, [redacted]
RICHARD P. WAGNER, [redacted]
PALMER D. WILSON, [redacted]
RONALD V. WOODHEAD, [redacted]

CHAPLAIN

To be lieutenant colonel

LUTHER ABRAHAMSON, [redacted]
GEORGE A. AULT, [redacted]
CHARLES R. BREEDEN, [redacted]
RODGER R. BUZARD, [redacted]
RODNEY O. CALLAHAN, [redacted]
LARRY H. COUCH, [redacted]
ROBERT L. ENGLISH, [redacted]
DOUGLAS F. FARACI, [redacted]
DONALD R. FORDEN, [redacted]
ROBERT V. GALE, [redacted]
CARLOS O. GARDNER, [redacted]
EDWIN N. GRIFFIN, [redacted]
DALE F. HANSEN, [redacted]
ROBERT L. HARTFIELD, [redacted]
JOHN W. HELMS, [redacted]
FERRELL J. HILL, [redacted]
JOHN W. HOFFMANN, [redacted]
WILLIAM J. HULTBERG, [redacted]
JAMES R. JOHNSON, [redacted]
VAN M. JONES, [redacted]
JOHN P. KOHL, [redacted]
VICTOR C. LANGFORD, [redacted]
ROBERT L. LARSON, [redacted]
WILLIAM R. MARK, [redacted]
DALE M. MARSH, [redacted]
VILAS E. MAZEMKE, [redacted]
MICHAEL J. MITCHELL, [redacted]
DARRELL A. NEVES, [redacted]

DAVID M. NOLTE, [redacted]
THOMAS J. POWERS, [redacted]
JAY R. PRUIM, [redacted]
CLAUDE M. RONEY, [redacted]
DANIEL M. ROTHWELL, [redacted]
THAD B. RUDD, [redacted]
LOUIS S. SHIM, [redacted]
JAMES F. SHUMAKE, [redacted]
ROBERT E. SMITH, [redacted]
JOHN W. STIEVE, [redacted]
WINSTON K. WEEKLEY, [redacted]
WILLIAM R. YOWN, [redacted]
DAVID ZALIS, [redacted]

MEDICAL CORPS

To be lieutenant colonel

STANLEY A. BLOUSTINE, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

EUGENE A. QUINDLEN, [redacted]
JUDITH M. SCHUSTER, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED CADETS, GRADUATING CLASS OF 1988, UNITED STATES MILITARY ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533 AND 4353:

JEFFREY A. ABRAMSON, [redacted]
PATRICIA A. ABT, [redacted]
EDWARD F. ACEVEDO, [redacted]
KEVIN H. ADAMS, [redacted]
JOAQUIN D. AGSALUD, [redacted]
ANTONIO A. AGUTO, JR., [redacted]
MAYNARD C. AHNER, II, [redacted]
JEFFREY C. AHRENS, [redacted]
DANIEL S. ALBERT, [redacted]
MERRITT E. ALBERTI, [redacted]
CARLISE E. ALBERTY, [redacted]
DARREN W. ALCH, [redacted]
MICHAEL S. ALEMAN, [redacted]
GREGORY J. ALLEN, [redacted]
JOSEPH K. ALLEN, [redacted]
JOHN M. ALVERMANN, [redacted]
JOHN W. AMBERG, II, [redacted]
CRAIG J. AMNOTT, [redacted]
GREGORY J. ANDERSON, [redacted]
JAMES D. ANDERSON, [redacted]
MATTHEW R. ANDERSON, [redacted]
STEVEN P. ANDERSON, [redacted]
GERALD H. ANKENY, [redacted]
CHRISTOPHER L. ANSTEAD, [redacted]
DOUGLAS P. APPERT, [redacted]
HOWARD E. AREY, IV, [redacted]
BRETT W. AVANTS, [redacted]
ANDREW W. BACKUS, [redacted]
DOUGLAS A. BADEN, [redacted]
LANCE T. BAGLEY, [redacted]
JOSEPH M. BAGONIS, [redacted]
CURTISS M. BAILEY, JR., [redacted]
JAMES E. BAKER, JR., [redacted]
STEVEN A. BAKER, [redacted]
JAMES S. BALDREE, [redacted]
CHRISTOPHER L. BALLARD, [redacted]
JERALD C. BANGERTER, JR., [redacted]
PAUL F. BARBER, [redacted]
MICHAEL G. BARGER, [redacted]
RUSSELL BARNES, [redacted]
WILLIAM C. BARNES, JR., [redacted]
THOMAS A. BARNETT, [redacted]
ROBERT J. BARRETT, [redacted]
DUNCAN L. BARRY, [redacted]
MICHAEL K. BARSELLA, [redacted]
ROBERT G. BARTHOLET, [redacted]
DANIEL D. BARULLI, [redacted]
MICHAEL E. BASSEL, [redacted]
RICHARD A. BAUER, [redacted]
PATRICK M. BEARSE, [redacted]
RANDALL J. BECHTEL, [redacted]
JAY F. BECKERMAN, [redacted]
MICHAEL J. BECKMAN, [redacted]
DAVID C. BEHRENS, [redacted]
WILLIAM J. BEITZEL, [redacted]
JOHN N. BENDER, [redacted]
JOSEPH A. BENEVENTO, [redacted]
LISA M. BENITEZ, [redacted]
DAVID M. BENNETT, [redacted]
PAULO J. BENTO, [redacted]
DAVID L. BERDAN, [redacted]
WALTER W. BERG, [redacted]
DEANNA L. BERNARD, [redacted]
ROBERT M. BETCHLEY, JR., [redacted]
PETER B. BICKFORD, [redacted]
SUSAN A. BIELSKI, [redacted]
JUDE P. BILAFER, [redacted]
GEORGE R. BISKER, [redacted]
RUSSELL D. BISSINGER, [redacted]
PATRICK E. BLAIR, [redacted]
MICHAEL A. BODEN, [redacted]
WILLIAM P. BOHNAKER, [redacted]
WILLIAM L. BOICE, [redacted]
RICHARD K. BOND, [redacted]
VINCENT A. BONO, [redacted]
JEFFREY R. BOONE, [redacted]
CRAIG C. BORCHELT, [redacted]
BRENT D. BORDEN, [redacted]
STUART K. BORN, [redacted]
JAMES G. BOSWORTH, [redacted]
HUGH F. BOYD, IV, [redacted]
JAMES H. BRADLEY, JR., [redacted]
SCOTT A. BRADLEY, [redacted]
GARY D. BRANCH, [redacted]
MARK W. BRANTLEY, [redacted]
LAWRENCE M. BREDE, [redacted]
JAMES F. BRENNAN, JR., [redacted]
THOMAS M. BRENNAN, [redacted]
TIMOTHY P. BRERETON, [redacted]
JEANNE E. BRITANISKY, [redacted]
CHARLES E. BROADUS, JR., [redacted]
AARON W. BRODY, [redacted]
ILEAN K. BROOK, [redacted]
HOWARD E. BROOKSHIRE, III, [redacted]
JAMES E. BROWN, III, [redacted]
KERK B. BROWN, [redacted]
TIMOTHY J. BROWN, [redacted]
KATHLEEN M. BRUCKER, [redacted]
DAVID P. BRUNER, [redacted]
ERIC B. BRUNS, [redacted]
KAREN C. BURGIN, [redacted]
STEPHEN A. BURK, [redacted]
WILLARD M. BURLESON, III, [redacted]
NORVIN D. BURRUS, [redacted]
TROY D. BUSBY, [redacted]
ROBERT D. BUTLER, [redacted]
WINDSOR S. BUZZA, [redacted]
LEO P. BUZZERIO, [redacted]
JEFFERY G. BYINGTON, [redacted]
SCOTT J. BYRNES, [redacted]
LYLE J. CADDELL, [redacted]
JACQUELINE M. CAIN, [redacted]
JEFFREY S. CAIN, [redacted]
ALBERT A. CALA, [redacted]
ROBERT D. CALDERON, [redacted]
JOHN Q. CALHOUN, [redacted]
HUGH S. CAMPBELL, [redacted]
DANIEL CANALES, [redacted]
WILLIAM J. CAPRIO, [redacted]
MICHAEL A. CARLINO, [redacted]
JOHN M. CARLISLE, [redacted]
KENNETH R. CARLSON, [redacted]
ALVIN B. CARROLL, [redacted]
KEVIN M. CARROLL, [redacted]
BRIAN A. CARSON, [redacted]
PETER M. CARTER, [redacted]
JEFFRY T. CHANCEY, [redacted]
KATHLEEN T. CHANDLER, [redacted]
DAVID P. CHAPMAN, [redacted]
MARK A. CHARETTE, [redacted]
JOSEPH M. CHATFIELD, [redacted]
BRIAN E. CHEE, [redacted]
MICHAEL W. CHENETTE, [redacted]
ALAN A. CHENEY, [redacted]
PAUL J. CHEVLIN, [redacted]
STEVE S. CHI, [redacted]
DAVID P. CHRISMER, [redacted]
GEORGE N. CHRISTENSEN, III, [redacted]
BENSON L. CHU, [redacted]
DAVID H. CHUNG, [redacted]
PAUL M. CIMINO, [redacted]
CHRISTOPHER J. CLARK, [redacted]
RONALD P. CLARK, [redacted]
SCOTT D. CLARKE, [redacted]
DAVID R. CLONTS, [redacted]
TIMOTHY J. CLOUSER, [redacted]
MELISSA COCHRANE, [redacted]
WILLIAM J. COFFIN, [redacted]
DANIEL P. COLASANTO, [redacted]
OSBORNE M. COLLINS, [redacted]
SCOTT E. COLLINS, [redacted]
RAYMOND C. COLUCCIELLO, JR., [redacted]
GARTH CONNER, [redacted]
WILLIAM C. CONNER, [redacted]
TIMOTHY P. CONNORS, [redacted]
LEAH K. CONSER, [redacted]
WILLIAM D. CONWELL, [redacted]
CHRIS T. COOK, [redacted]
RHONDA K. COOK, [redacted]
ANTHONY C. COPELAND, [redacted]
MARK W. COPLEN, [redacted]
ROBERT M. CORNEJO, [redacted]
SEAN J. CORRIGAN, [redacted]
GLENN R. COVER, [redacted]
GREGORY R. COX, [redacted]
GEOFFREY A. CRAFT, [redacted]
ROBERT A. CRAIG, [redacted]
ROBERT R. CRAIG, [redacted]
MARK S. CRAVOTTA, [redacted]
JOHN CRAWFORD, IV, [redacted]
TORY J. CRAWFORD, [redacted]
DOUGLAS C. CRISSMAN, [redacted]
JONATHAN B. CROCKER, [redacted]
CHARLES T. CROSBY, [redacted]
ROBERT L. CROUCH, [redacted]
RICHARD A. CRUSAN, [redacted]
JOHN C. CUNNIFFE, [redacted]
ALBERT K. CUSHON, [redacted]
SCOTT D. CUSTER, [redacted]
ERIK C. DAHL, [redacted]
WILLIAM E. DAHLBERG, [redacted]
JOHN S. DAILEY, [redacted]
THEODORE J. DALEY, [redacted]
GAIL L. DART, [redacted]
JOHN M. DAVIS, [redacted]
WILLIAM C. DEGUTIS, [redacted]
ANDREA R. DEGUTTADAURO, [redacted]
DANIEL V. DELEON, [redacted]
SEAN T. DELLER, [redacted]
DAVID L. DELLINGER, [redacted]
JAMES R. DEMOSS, [redacted]
DONNA L. DENNERLEIN, [redacted]
LISA M. DENNY, [redacted]
BARRY G. DEPOT, [redacted]
THOMAS J. DESPERITO, [redacted]
DAVID W. DETATA, [redacted]
KEITH A. DETWILER, [redacted]
MARY C. DEVOE, [redacted]
ELLEN S. DEXTER, [redacted]
RICARDO F. DIAZJIMENEZ, [redacted]
AMY M. DICKINSON, [redacted]
ANTHONY J. DINALLO, JR., [redacted]
DOUGLAS A. DISINGER, [redacted]
CATHERINE L. DIX, [redacted]
GEORGE K. DIXON, [redacted]
JOHN T. DLUZAK, [redacted]
DAVID J. DLUZYN, [redacted]
DEAN M. DOCHTERMAN, [redacted]
JAMES E. DODSON, [redacted]
ALBERT F. DOMBROWSKI, [redacted]
STEVEN K. DONALDSON, [redacted]
JENNIFER J. DONNELLY, [redacted]
CHRISTOPHER A. DONOVAN, [redacted]
THOMAS T. DORAME, [redacted]
ROBERT L. DORAN, [redacted]
TIMOTHY T. DORAN, [redacted]
JOHN J. DORNEY, [redacted]
GRANT R. DOTY, [redacted]
SCOTT H. DOUGLAS, [redacted]
MICHAEL E. DOYLE, [redacted]
PATRICK O. DOYLE, [redacted]
DAVID A. DROTAR, [redacted]
ALAN H. DRUM, [redacted]
STEPHEN R. DUEA, [redacted]
ROBERT L. DUFFY, [redacted]
JOHN M. DUHAMEL, [redacted]
GARY V. DUNCAN, [redacted]
ALBERT H. DUNFEE, [redacted]
CHRISTOPHER A. DURAND, [redacted]
JAMES M. DURHAM, [redacted]
JAMES F. DUSENBERRY, III, [redacted]
COLLEEN A. DWYER, [redacted]
PATRICK A. DWYER, [redacted]
THOMAS A. EARLS, [redacted]
MATTHEW P. EASLEY, [redacted]
MICHAEL O. EAST, [redacted]
CHRISTOPHER R. EASTER, [redacted]
DAVID R. EBBRECHT, [redacted]
ANDREW W. EBERHARD, [redacted]
GREGORY R. EBNER, [redacted]
ERIN P. EDGAR, [redacted]
JOHN B. EDWARDS, [redacted]
JOHN F. EGAN, [redacted]
STEPHEN M. EGBERT, [redacted]
DAVID G. EHLIS, [redacted]
MARK E. EICHELMAN, [redacted]
PAUL L. EISENMANN, [redacted]
ROBERT E. EISIMINGER, [redacted]
RAYMOND K. ELDERD, III, [redacted]
TIMOTHY J. ENGLING, [redacted]
THEODORE M. EPPLE, [redacted]
MICHAEL D. ESCH, II, [redacted]
STEVEN E. ESKRIDGE, [redacted]
MICHAEL C. ESQUIVEL, [redacted]
GARTH S. ESTADT, [redacted]
PABLO ESTRADA, [redacted]
ARNOLD B. EVANS, [redacted]
KELLY M. EVANS, [redacted]
MICHAEL D. EVANS, [redacted]
ROBERT P. FABRIZZIO, II, [redacted]
SAMUEL P. FAGONE, JR., [redacted]
DONALD G. FALLIN, [redacted]
MICHAEL J. FARLEY, [redacted]
BARTH C. FASSBENDER, [redacted]
THOMAS C. FEDER, [redacted]
ADRIAN J. FEHL, [redacted]
WILLIAM S. FIELD, [redacted]
PETER A. FINKEN, [redacted]
KAREN A. FISH, [redacted]
ROBERT J. FITZSIMMONS, JR., [redacted]
MATTHEW C. FLY, [redacted]
WADE A. FOOTE, [redacted]
DAVID D. FORCHIELLI, [redacted]
ANDREA M. FORD, [redacted]
MARY M. FOREMAN, [redacted]
KEVIN C. FORTIER, [redacted]
JOSEPH E. FOSTER, [redacted]
ROBERT FRAIRE, [redacted]
BRIAN D. FRALEY, [redacted]
DOUGLAS E. FRALEY, [redacted]
GEORGE H. FRANCO, [redacted]
STEVEN R. FRANK, [redacted]
ANTOINE FRECHE, [redacted]
MARK A. FREITAG, [redacted]
GREGORY O. FRIEDLAND, [redacted]
VAUGHN A. FRIGON, [redacted]
KENNETH H. FRITZSCHE, [redacted]
MALCOLM B. FROST, [redacted]
WALTER D. FRYE, [redacted]
JEFF B. FUCHS, [redacted]
MARC D. FUREY, [redacted]
DALE K. FURROW, [redacted]
STEVEN R. FUSINETTI, [redacted]
NORMAN H. FUSS, III, [redacted]
MICHELE L. FUTERNICK, [redacted]
THOMAS B. GABRIELE, [redacted]
DANIEL M. GADBOIS, [redacted]
FRANCINE A. GAGNE, [redacted]
SANDY L. GALACIO, JR, [redacted]
JAMES L. GALANTE, [redacted]
JAMES C. GALLUP, [redacted]
SAMUEL J. GAMEL, [redacted]
CHRISTOPHER E. GANNY, [redacted]
SEAN GANO, [redacted]
ANTONIO GARCIA, [redacted]
WILLIAM A. GARLAND, [redacted]
TODD GARLICK, [redacted]
JOHN L. GARNICA, [redacted]
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PATRICK L. GARY, [redacted]
BRIAN K. GATES, [redacted]
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JOHN S. GERSCH, [redacted]

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DO Y. KIM, [redacted]
WON S. KIM, [redacted]
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MICHAEL J. MANION, JR, [redacted]
RODNEY C. MANOR, [redacted]
JOHN V. MARADITS, [redacted]
FRANCIS G. MARESCO, JR, [redacted]
PABLO C. MARIANO, [redacted]
JOSEPH R. MARKERT, [redacted]
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VICTOR F. MONDO, [redacted]
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JOSEPH A. MONTANARO, JR, [redacted]
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CAROLINE J. MOORE, [redacted]
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JOHN F. NORTON, [redacted]

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PHILIP J. SOBIESK, [redacted]
DAVID N. SOMMERNESS, [redacted]
WAYNE W. SONG, [redacted]
JAMES E. SORENSEN, JR, [redacted]
WILLIAM L. SOSCIA, [redacted]
SCOTT R. SPANIAL, [redacted]
BRIAN K. SPICER, [redacted]
JOSEPH M. SROKA, [redacted]
WILLIAM S. STALLWORTH, [redacted]
DARRELL D. STANAFORD, [redacted]
JOHN H. STANLEY, JR, [redacted]
JON M. STAPLES, [redacted]
RONALD D. STAPPERT, [redacted]
MURRAY P. STARKEL, [redacted]
EDWIN E. STARR, [redacted]
MARK D. STEELE, [redacted]
NICHOLAS T. STEELE, [redacted]
MARK C. STEVENS, [redacted]
DALE B. STEWART, [redacted]
STEVEN A. STODDARD, [redacted]
PETER R. STONEHAM, [redacted]
VERONICA A. STORBECK, [redacted]
TIMOTHY J. STRANGE, [redacted]
TRAVIS C. STRICKLAND, JR, [redacted]
SCOTT A. STRINE, [redacted]
EDWARD A. STRUZIK, [redacted]
SCOTT A. SUITTS, [redacted]
DENNIS S. SULLIVAN, [redacted]
GARY A. SULLIVAN, [redacted]
DARREN J. SUMTER, [redacted]
EDWARD S. SUREK, [redacted]
PHON D. SUTTON, III, [redacted]
BARRY P. SWEENEY, [redacted]
SAMUEL V. SWINDELL, [redacted]
STEPHANIE L. SYKES, [redacted]
JAMES R. TALLEY, [redacted]
ARUNAS J. TAMULAITIS, [redacted]
FRANK W. TATE, [redacted]
GERALD L. TAYLOR, JR, [redacted]
JEFFREY A. TEACH, [redacted]
MICHAEL T. TETU, [redacted]
JOHN A. TEWKSBURY, JR, [redacted]
ROY THERRIEN, [redacted]
ANDREW E. THOMPSON, [redacted]
JOHN L. THURMAN, [redacted]
DONALDSON P. TILLAR, III, [redacted]
JAMES I. TILTON, [redacted]
ERIC K. TITUS, [redacted]
DAVID M. TOCZEK, [redacted]
PETER M. TOFANI, [redacted]
JEFFERY K. TOOMER, [redacted]
KERRY J. TRAHAN, [redacted]
DOUGLAS J. TRAINOR, [redacted]
MATTHEW D. TRAVERS, [redacted]
LUIS A. TRIGO, [redacted]
JEFFREY R. TRONVOLD, [redacted]
SHERISE L. TUGGLE, [redacted]
EDWARD M. TURNER, [redacted]
MORRIS A. TURNER, [redacted]
DAVID E. TUTTLE, [redacted]
ANDREAS S. ULRICH, [redacted]
DAVID J. UYEMATSU, [redacted]
ERIK VALENTZAS, [redacted]
LOYAL C. VANDYKE, [redacted]
LAURA L. VANVALKENBURG, [redacted]
TIMOTHY R. VARA, [redacted]
ANTHONY W. VASSALO, [redacted]
DAVID D. VELLONEY, [redacted]
PHILIP M. VERGES, [redacted]
JOHN A. VIGNA, [redacted]
JOSEPH J. VOLPE, [redacted]
LARRY H. VORPAHL, [redacted]
WAYMON R. VOTAW, JR, [redacted]
NICHOLAS J. VOZZO, [redacted]
DANIEL P. WALLACE, [redacted]
DANIEL R. WALRATH, [redacted]
MICHAEL J. WALSH, [redacted]
MARK L. WALTERS, [redacted]
JOHN L. WARD, [redacted]
KELLY J. WARD, [redacted]
DAVID G. WARNER, JR, [redacted]
JOHN W. WASHBURN, [redacted]
JEFFERY J. WATSON, [redacted]
ROBERT L. WATSON, JR, [redacted]
ROBERT M. WEAVER, [redacted]
BENJAMIN E. WEBB, [redacted]
ROBERT K. WEBSTER, [redacted]
WILLIAM V. WECHSLER, [redacted]
KAREN A. WEGLINSKI, [redacted]
DAVID M. WEINERTH, [redacted]
LEONARD E. WELLS, [redacted]
JOANN WENNER, [redacted]
ERIC W. WERNER, [redacted]
MICHAEL A. WERNICKE, [redacted]
CHRISTOPHER K. WEST, [redacted]
GORDON W. WHATLEY, [redacted]
DONALD S. WHIPP, [redacted]
SHARI K. WHIPPLE, [redacted]
PAUL N. WIERSCHEM, [redacted]
DAVID J. WILKIE, [redacted]
CHARLES H. WILLIAMS, III, [redacted]
CHRISTOPHER E. WILLIAMS, [redacted]
DENNIS C. WILLIAMS, [redacted]
KEVIN W. WILLIAMS, [redacted]
MICHAEL J. WILLIAMS, [redacted]
MICHELLE M. WILLIAMS, [redacted]
PAUL S. WILLIAMS, [redacted]
DENNIS M. WINCE, [redacted]
JOHN P. WINEGARDEN, [redacted]
MICHAEL J. WISE, [redacted]
WISELY ANTHONY J, [redacted]
PETER B. WITH, [redacted]
MARK R. WITTLIN, [redacted]
RICHARD E. WOEHLER, [redacted]
MARVIN R. WOLGAST, [redacted]
ALAN R. WOOD, [redacted]
JOHN L. WOODBURY, [redacted]
JOSEPH L. WOODBURY, [redacted]
PHILLIP C. WOODHAM, [redacted]
CARL R. WOODS, [redacted]
JOHNNY D. WRIGHT, JR, [redacted]
SCOTT A. WYCHGEL, [redacted]
LEDLEY L. YAUSSY, [redacted]
CAROL R. YOUNG, JR, [redacted]
KEVIN P. YOUNG, [redacted]
ROBERT J. YOUNG, [redacted]
MICHAEL YUSCHAK, [redacted]
CARLOS A. ZAMORA, [redacted]
GWEN E. ZEMAITIS, [redacted]
RHONDA S. ZIEGLER, [redacted]
SCOTT J. ZIGMOND, [redacted]
FRANCISO ZUNIGA, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE ACTIVE DUTY PROMOTION GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533:

To be major

JOSEPH H. SANKER, [redacted]

THE FOLLOWING NAMED DISTINGUISHED HONOR GRADUATE OF OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED SATES CODE, SECTION 531, 532, AND 533:

To be second lieutenant

VIRGIL H. FLINK, [redacted]

THE FOLLOWING NAMED CADETS, GRADUATING CLASS OF 1988, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531 AND 541:

To be second lieutenant

GERALD R. DIOTTE, JR, [redacted]
MICHAEL R. MATTHEWS, [redacted]
GEORGE R. SAVOY, II, [redacted]
NATHAN K. WATANABE, [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 1988:

DEPARTMENT OF STATE

EDWARD MORGAN ROWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 11, 1988*

The House met at 11 a.m.

The Reverend Monsignor Harold P. Darcy, Notre Dame Parish, North Caldwell, NJ, offered the following prayer:

Almighty God, bestow Your blessing upon the Members of this august House, eldest daughter of the Mother of Parliaments. Help them make all things holy by consecrating to You the works of their hands, hearts, and minds.

In these days of quickening crises and mounting distress throughout our world, endow these men and women with revered wisdom and keen insight, compassionate understanding and unwavering strength to achieve successfully the honest purpose of securing peace and justice for all.

May the rewards of their efforts be rays of hope, never shadows of despair. May their decisions be marked by internal consistency and noble dignity, so that every law be truly an ordinance of reason for the sake of the common good. Only then will the humblest be the peer of the powerful, and rich and poor stand equal in the light of freedom's day.

Finally, Creator and Redeemer, never allow any of us to forget that the first values are always those of spirit, of life, of truth, of Your kingdom. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DAVIS of Illinois. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DAVIS of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 119, not voting 26, as follows:

[Roll No. 121]

YEAS—286

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Carper
Carr
Chappell
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Combest
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schulze
Schumer
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Valentine
Vander Jagt
Vento
Visclosky
Walgren
Watkins
Waxman
Weiss
Weldon
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yatron

NAYS—119

Armey
Badham
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clay
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Davis (IL)
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Gallegly
Gallo
Gekas
Goodling
Gregg
Hastert
Hawkins
Henry
Herger
Hiler
Hunter
Hyde
Inhofe
Ireland
Kolbe
Konnyu
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
McCandless
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison (WA)
Murphy
Oxley
Parris
Pashayan
Penny
Pursell
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Volkmer
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Biaggi
Cardin
Chapman
Conte
Conyers
Daub
Duncan
Flake
Ford (MI)
Gilman
Gingrich
Gray (PA)
Hubbard
Jacobs
Kemp
Levin (MI)
Mavroules
McGrath
Mica
Nichols
Rodino
Sharp
Spence
Traxler
Williams
Yates

□ 1124

So the Journal was approved.

The result of the vote was announced as above recorded.

REV. MSGR. HAROLD P. DARCY

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. GUARINI. Mr. Speaker, I am delighted and privileged to welcome our guest chaplain, Msgr. Harold P. Darcy from New Jersey. I wish to thank him for his inspirational message and invocation.

Monsignor Darcy has been a pastor of Notre Dame Parish in North Caldwell, NJ, and has been a most highly regarded church and community leader.

His long and distinguished career as a scholar and spiritual leader includes service as rector of the North American College in Rome, Italy, and also as secretary of the Apostolic Delegate in Washington, DC.

I am proud that he is my friend and adviser, and I am very happy to have him here today to open this session of Congress.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1989

Mr. BEVILL. I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the energy and water development appropriation bill for 1989 for printing under the rule.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DEATH TO DRUG KINGPINS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the war on drugs cannot be won unless we arm ourselves with the ultimate weapon, one that the American public demands be employed in proper cases.

The drug kingpin, the drug dealer, the impresario of spreading poison among our youth, that drug kingpin will stop at nothing in the furtherance of his criminal enterprise, including murder, the execution of a judge in Texas, the execution of a witness of New York, the slaughtering of drug enforcement agents, and others who would stand in their way in the pursuit of their ultimate criminal enterprise.

It is about time that this body adopt the death penalty for drug kingpins who will kill in the furtherance of their drug business.

Mr. Speaker, the House has three times passed such a measure and it got bogged down in the Senate. I ask the Members of the House to reconsider that implementation of the war on drugs at the next best opportunity.

SUPPORT URGED FOR BILL TO RAISE THE MINIMUM WAGE

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, Danny Casey works at a health supply store in my district. He has a wife who is 8 months pregnant. Danny works full time at the health store, and this year he will earn less than $7,000. For about 1 more month that salary will keep him just above the poverty level. When the baby comes, the Caseys' names will be added to the growing number of working people living below the poverty level.

Aside from all of the extra expenses the Caseys will have to incur over the next few years for infant and child care, Danny Casey has one other permanent expense. Care for his diabetes. Danny cannot afford a private doctor, so the city provides him with some assistance, but in order to get it Danny must wait for hours at the clinic. This provides him with two choices, neglect his treatment or lose his job. Danny chooses to risk his health. "I have a family to support," he says.

In 1987, 2 million adults worked full time at the minimum wage. Two-thirds of all minimum wage workers are adults, 60 percent of those are women, most of them single mothers.

Since the last time the minimum wage was raised in 1981, real earnings for those full-time workers have dropped 29 percent. Meanwhile, since 1983 top paid executives in this country have experienced a pay increase of 16 percent.

These statistics are grim. But the most distressing fact is that there are thousands of families like Danny's, people who work hard to support themselves, and yet are still forced to live in poverty.

Mr. Speaker, H.R. 1834 is a bill which seeks to address this serious inequity. I plan to support this bill when it comes to the floor, and I hope my colleagues will do the same.

□ 1125

NATIONAL "JUST SAY NO TO DRUGS" WEEK

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as you well know, this week is "National Just Say No To Drugs Week." All week there will be demonstrations and exhibits across the country carrying the same message to America's young people, "Say No to Drugs."

The problem of drug abuse in this country is serious business! We must not allow ourselves to get desensitized to the issue. We cannot find ourselves looking at the newspaper and saying, "Oh, just another drug story."

Tens of thousands of people are dying every year because of illegal drug use. In Chicago, 73 percent of all men arrested for major crimes tested positive for illegal drugs. In Washington, DC, that number is 77 percent. Crime and drugs are going hand in hand. Even more disturbing are the reports that well over half of all kids graduating from high school have used illegal drugs—over half! These are not just statistics, these are our neighbors and our children.

The drug problem is a war that must be fought on all fronts. We must educate parents and children, arrest the drug traffickers in schools and on the streets, and intercept the flow of illegal narcotics coming across the borders of the United States, using every means available, including the armed services. These are the goals that we must concentrate on in the remainder of the 100th Congress. We will have to make a bipartisan effort to beat this crisis that is as much of a threat to our national security as any we have faced.

RECOGNITION OF HEROICS OF PO2C WILLIAM BAKER ABOARD THE U.S.S. "BONEFISH"

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, on April 24, the submarine U.S.S. *Bonefish,* cruising in the Atlantic Ocean approximately 160 miles off the coast of Florida, suffered a disastrous explosion resulting in extensive property damage and in the deaths of three crewmembers. Were it not for the efforts of 3 valiant sailors, who died at their posts, and of the 89 surviving crewmembers, the incident aboard the *Bonefish* could have been much worse.

One crewmember, PO2c William Baker, from the Okolona neighborhood of Louisville, KY, played an especially significant role in this emergency. It was my constituent, Petty Officer Baker—on duty in the control room at the time—who sounded the general alarm immediately upon determining there was a fire aboard the *Bonefish.*

Petty Officer Baker's heroics did not stop there, however. As the control room filled with thick, dark smoke, he spotted a fellow crewmember who was overcome and gasping for breath. Petty Officer Baker, who minutes earlier had located an emergency breathing mask for himself, without hesitation shared the mask with the stricken sailor until they both could escape to safety.

Mr. Speaker, it is reassuring to know that the United States of America is represented in its armed services by loyal, brave, and selfless people such as Petty Officer Baker.

As a proud sponsor of House Concurrent Resolution 291—which recognizes the gallant efforts of the crew of the U.S.S. *Bonefish*—and on behalf of all the residents of Louisville and Jefferson County, KY, I salute PO2c William Baker and his crewmates for their tremendous courage and conspicuous gallantry.

WELCOME BACK FOR FLOYD SPENCE

(Mr. COBLE asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, acts of courage provide good lessons for all of us. One such act has been demonstrated for the past 5 to 6 months by South Carolina Congressman FLOYD SPENCE. FLOYD has been confined to a wheelchair patiently awaiting a double-lung transplant. Last week an 18-year-old Texas youth was fatally injured in an automobile accident and his parents generously donated his organs, his eyes, his heart, and lungs.

Mr. Speaker, FLOYD SPENCE was the grateful beneficiary of the donation of the lungs.

We have seen FLOYD SPENCE day in and day out off the Speaker's lobby in his wheelchair. At times his eyes reflected sadness but they always reflected hope. He hung tough, he never lost faith. Thanks to a talented team of surgeons from the University of Mississippi, he will soon be rejoining us.

Mr. Speaker, we welcome the return to the House of this distinguished gentleman from the land of the palmetto, FLOYD SPENCE.

MR. PRESIDENT, SIGN THE TRADE BILL

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the President of the United States and this administration supports the rapid response assistance unit to come into play after a plant closing, 48 hours after a plant closing to help workers with job placement and retraining. In doing this, the President does offer a glimmer of hope to workers across this country but he understands the problem. But would not this belated and half-hearted measure coming after trauma, after the pain, after the anguish of losing your job, be far more effective and far more compassionate if it came along and linked with the 60-day notice of plant closing that is contained in the bill that passed the Congress?

Does not every test of logic say that that assistance, worker retraining and worker placement, should that not come at the time of notice of plant closing 60 days before when the medicine instead of being sickness care can be preventive health care?

Mr. Speaker, the President has held out some hope to the American workers that he understands their plight. Is it not absurd, therefore, for him to even think of vetoing the trade bill because it provides timely notice and timely retraining and timely job placement services 60 days perhaps before the plant closing? It is absurd on the face of it. The President should sign this bill. Not to sign it, rather to veto it because the notice takes place before the firing instead of after the firing, would be a cruel and insensitive act.

Mr. Speaker, I call on the President to sign the trade bill.

JAPAN SAYS NO TO GIRL SCOUTS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, this is a note of outrage. Apparently the customs of Japan are really on hard times when they find it necessary to rip off the Girl Scouts of America and the American sailors on the aircraft carrier U.S.S. *Midway*, which incidentally has been undergoing some $25 million in repairs and overhaul in the Yokuska shipyard in Japan since the ship is homeported there.

A Brownie troop of Girl Scouts of the first, second, and third graders in Beeville, TX, worked all year with the crewmembers of the U.S.S. *Midway*. Beeville happens to be near Corpus Christi where there is a naval station.

So when cookie time came around, the Brownie troop had a natural sale.

□ 1140

The American sailors wanted this touch of home and ordered 804 dollars' worth of cookies. American Airlines volunteered its help in the true spirit of voluntarism and took the cookies over, but the Japanese Customs demanded $2,000 in duties for this 804 dollars' worth of Girl Scout cookies. American Airlines took the cookies back. The Japanese Government would make no exception.

The story does have a happy ending, because Americans will handle it in their own way directly ship to ship, but the one fact that will be remembered is that the Government of Japan acted negatively to the Girl Scouts of America and the crewmembers of the U.S.S. *Midway* by demanding to tax Girl Scout cookies.

Certainly, I am outraged.

SUPPORT H.R. 4150

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, this morning the Committee on Post Office and Civil Service under the able leadership of the gentleman from Michigan [Mr. FORD], the chairman, unanimously voted to approve H.R. 4150, a bill to restore the off-budget status of the post office. This important legislation, vital to continued efficient operations of the Postal Service, will help to restore local economies around the Nation.

Last year's budget reconciliation bill forced the post office, because of its on-budget status, to make cutbacks in the long-term capital improvement program. No new postal facilities are being built in any of our districts this year. The impact of these cutbacks will not only affect the post office's ability to move the mail efficiently over the next few years but will also directly affect local economies.

The Postal Service needs to continue to expand its service and modernize its facilities, especially in rapidly growing communities. If the Postal Service remains on budget, and this will not happen, there will be negative effects.

I commend some 300 of my colleagues who have cosponsored H.R. 4150, and I also urge strong support in passage on the House floor.

IN MEMORY OF OUR CONFEDERATE DEAD

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, yesterday in South Carolina we remembered our Confederate dead. With excerpts from a poem by Stanley Horn and from the Confederate Monument at our State House in Columbia, I salute them now:

Some had shoes, but all had rifles,
Them that wasn't bald was beardless,
And a drum was rolling "Dixie."
Rags and tatters, belts and bayonets,
On they marched, the drum a rolling.
Mum and sour, it looked like fighting,
And they meant it too, by thunder!
* * * These were men
Whom power could not corrupt,
Whom death could not terrify,
Whom defeat could not dishonor.
And let their virtues plead
For just judgment
Of the cause in which they perished.
Let the South Carolinian
Of another generation remember
That the State taught them
How to live and how to die.
And that from her broken fortunes,
She has preserved for her children
The priceless treasure of their

memories. * * *

TRADE BILL VETO: GOOD NEWS AND BAD NEWS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, the President said, "I am going to use my veto pen where I should on that trade bill because of the plant-closing notice." That is both bad and good news in this House.

The bad news is that since 1981 the increase of imports have skyrocketed, West Germany 850 percent, England 427 percent, France 380 percent, Italy 332 percent, Japan 224 percent, and we are still being robbed by unfair trade practices.

The good news is that this veto will veto George Bush's run for President and will probably kill the Republican Party.

MORE OF THE SAME FROM MEDICARE'S TRUSTEES: HOW MANY MORE TIMES WILL WE HAVE TO HEAR IT UNTIL WE ACT?

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, our Medicare system's Board of Trustees recently released its annual report on status of the Medicare trust funds, and once again the news is bleak.

Despite the fact that continued strong economic growth has slightly improved the actuarial status of the trust funds since last year's report, the Board estimates that the hospital insurance trust funds will begin running deficits in 10 years and be exhausted in 17, according to expected economic assumptions.

Now, Mr. Speaker, "exhausted" means the trust funds will not have the money to cover the health care costs promised by Medicare to over 28 million elderly Americans who now depend on this system. In addition, this depletion of the trust funds will occur before the retirement of the baby boom generation, which has contributed toward these promised benefits throughout their working years.

I believe this situation is unacceptable, and so do the trustees, who conclude their report for the third year in a row with the following directive to the Congress:

> Because of the magnitude of the projected actuarial deficit in the Hospital Insurance program and the probability that the Hospital Insurance trust fund will be exhausted shortly after the end of this century, the Board believes that early corrective action is essential in order to avoid the need for later, potentially precipitous changes. The Board, therefore, urges that the Congress take early remedial measures to bring future Hospital Insurance program costs and financing into balance. * * *

I ask my colleagues: How many more times will we have to hear this warning before we act?

In the 99th Congress, and again in the 100th Congress, I introduced original legislation, the Health Care Savings Account Act (H.R. 955), to provide incentives for individuals to voluntarily save funds during their working years which would be used in retirement before claims could be made on Medicare.

By thus reducing Medicare's long-term liability, the health care savings account plan could ensure that promised benefits will be paid, now and in the future—and without the 14-percent cut in Medicare benefits or the 16-percent payroll tax increase the Secretary of Health and Human Services announced last week would be necessary in order to maintain solvency in the system for more than 25 years.

The time to act is now: We must reduce Medicare's long-term liability—not increase it as more have proposed—in order to ensure that this most important program survives, not only for today's elderly, but for future retirees as well. I believe health care savings accounts are the best solution to this critical problem.

HOUSE FAIR EMPLOYMENT PRACTICES ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I am reintroducing the House Fair Employment Practices Act. This was first drafted 12 years ago by the gentleman from Arizona [Mr. UDALL], the gentleman from North Carolina [Mr. ROSE], and myself. It has been around for 12 years, and for Members who wanted to participate, there has been a voluntary way to participate. About 100 Members have.

Basically what this bill does is it puts the Congress under the same fair employment practices that we require private employers to be under, and it creates a board and mechanism for enforcement. I think anyone who wants to move forward can certainly join the voluntary system and hopefully if we get enough people we could then move the bill to make it Housewide.

DEMOCRACY IN NICARAGUA BILL

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, as the deadline for the Sapoa cease fire agreement draws near, events in Nicaragua are taking a troubling turn for the worse.

While our common hope is for a peaceful solution to the war in Nicaragua that would bring true freedom and democracy to the Nicaraguan people, it appears that some in the Sandinista regime would have otherwise.

Since the cease-fire was agreed to, dozens of labor leaders have been arrested, opposition leaders have been jailed and threatened for striking and participating in a hunger strike, three radio news shows have been shut down, and the opposition daily newspaper, La Prensa, was shut down for 2 weeks.

It also appears quite clear that the Sandinistas are trying to starve the Contras into surrendering, rather than abide by the agreements they made at Sapoa just 6 weeks ago.

We here in Congress have a responsibility to ensure that the Sandinistas do not use this peace initiative to destroy their opposition and irrevocably consolidate their power, which is exactly what they are doing.

For this reason, I am introducing the Democracy in Nicaragua Act of 1988 with this gentlewoman from Maryland. This bill establishes as official United States policy 33 criteria for the development of democracy in Nicaragua.

Among them are the abolition of the President's right to suspend the Constitution, the abolition of the Sandinista defense committees known as CDS's, and full restoration of political and media rights.

Of what value is a democracy that can be eliminated with the stroke of a pen? Unless Nicaragua changes its Constitution, that is what can and probably will happen as soon as President Ortega thinks the world is looking the other way.

The CDS's, and other party organizations that spy on the people of Nicaragua, are also responsible for dispensing desperately needed ration cards and other government services. This role is commonly used to coerce citizens into joining the ruling party.

How can there ever be democracy in Nicaragua when the same organizations that spy on the people and judge their obedience to the ruling party, also administer food rations and housing allowances?

When I met President Daniel Ortega in Nicaragua, he told me he was going to define democracy any way he wanted to.

Well, we have seen how he defines democracy, and so have the labor leaders of Nicaragua who are sitting in jail cells throughout the country. It is time for us in Congress to issue our definition of democracy.

It is time for us to take a stand for what is right.

We have heard the call to give peace a chance, and I agree, we should give peace a chance—but that requires giving democracy a chance too. In a civil war, peace without freedom is surrender.

After 7 years of involvement in this civil war, after 60 years of involvement in the politics of Nicaragua, we owe the Nicaraguan people a definition of what we consider a just peace.

At times, we have said our goal is the intercession of arms to other insurgents. At other times we have said it is the destruction of the Soviet beachhead in our hemisphere. Some of us have emphasized anticommunism, others the betrayal of a just revolution. But with freedom—full and honest freedom—all of these other concerns will be met.

This bill is cosponsored by 50 of my colleagues, 25 Democrats and 25 Republicans. Among their ranks are the distinguished minority leader and four committee chairmen. I am honored to have their support, and urge others in this body to join us in supporting this needed measure.

DEMOCRATIZATION IN NICARAGUA—COMPELLING NEED FOR DEFINITIVE STANDARDS

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, today I rise to introduce with my colleague from the State of Washington, Mr. CHANDLER, legislation that specifies several important standards for evaluating democratization in Nicaragua under the Guatemala peace accord.

The compelling need for definitive standards for democratization in Nicaragua has never been more clear. Over 30 labor leaders have been arrested during the last month while wildcat strikes against the Sandinistas have been violently repressed. Just last week, three radio programs were suspended for 8 days by the Interior Minister, Tomas Borges. One of the stations is the Iglesia news show on Radio Catolica. A "divine mob" of Sandinista thugs also destroyed vital equipment at Radio Mundial.

In his May Day speech, Nicaragua's President Daniel Ortega warned that the Sandinista front would never relinquish control of the army and police. Ortega ruled out negotiating democratization with the Contras, proclaiming that the resistance leaders "should be thankful that we're not offering them the guillotine or the firing squad, which is what they deserve."

Our bill urges the Government of Nicaragua to guarantee the rights of opposition parties to meet and organize; full freedom of the press; freedom for the labor movement to organize and strike; unrestrained religious liberty; and equal rights for Atlantic coast and Indian peoples. It makes achieving these steps in Nicaragua the policy of the United States and states that these principles should be adopted by all countries in the region.

I urge my colleagues to support this important legislation.

□ 1150

TRIBUTE TO FOREST HILL, LA

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, I rise to pay tribute to a small town in my district which happens to be my home town of Forest Hill, LA. There are two reasons I want to pay tribute at this time.

No. 1, back in 1980 we had a Federal busing order in our home town. We fought this busing order, both black and white. It does my heart good to see people stand up, both black and white, in cities like Baton Rouge who are willing to say that busing does not work in this country, that it is very expensive and it is not a cure to anything.

But the reason I address the floor today is the fact that I have my first senior class of a school that was formed from this order, and they are here in Washington on a senior trip this week, and I want to pay tribute to them.

The other reason is we have the same situation facing us in a parish very close to us that the judge will start a trial on this week. I ask him to please look at the facts, that busing does not work, it does not help, it does not have any answers to the problems we have in society.

We will only become one if we all look at each other as Americans.

MR. PRESIDENT, SIGN THE TRADE BILL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, when the President sitting at his desk in the Oval Office considers H.R. 3, I hope that he will heed Shakespeare's admonition as Julius Caesar, "The fault, dear Brutus, is not in the stars but in ourselves." Before he opts to veto H.R. 3, the President should reflect not on the stars but on his own responsibility for our Nation's poor performance in international trade.

A number of factors, Mr. Speaker, have contributed to the disastrous situation for American businesses, farmers and industries. In fairness, of course, not all of the problems are the result of the misguided policies or inattention of this administration. However, we must consider the facts.

In 1987 the annual trade deficit again was the largest in American history, $171.2 billion. The current account deficit is $160.7 billion.

In 1981 the United States was the largest creditor nation. Are you better off than you were 8 years ago? The answer is no, we are now the largest debtor nation in the world.

Why does this President want to veto H.R. 3? Because it adopts a very fundamental process. When we are going to adversely affect somebody in this country we try to give them a little notice. This bill calls for 60 days for workers who are going to be displaced, discharged, and disheartened.

Sixty days is not too much, Mr. Speaker. Sign this bill, Mr. President.

UNEXPECTED PASSING OF GOV. RICHARD OGILVIE OF ILLINOIS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the former Governor of Illinois, Richard Ogilvie, died unexpectedly last night. We, in Illinois, mourn the passing of a public man of immense stature and strength.

My first campaign working for a candidate I knew was for Dick Ogilvie when he ran for and won election as president of the Cook County Board. In a county seldom represented by Republicans, Dick Ogilvie—fresh from the U.S. attorney's office in Chicago where he headed a team that prosecuted and convicted crime syndicate mobster Tony Accardo—won successive elections as Cook County sheriff, president of the Cook County Board, and then, Governor of Illinois.

He was the best Governor Illinois ever had. Dick was organized, tough, and decisive. He surrounded himself with a group of young people of exceptional talent, who worked with him to provide the kind of strong leadership and forthright governance that a State as large and important as Illinois always needed but seldom found.

An authentic hero of World War II, who fought under Patton as a tank commander, was severely wounded in action and highly decorated for his heroism, Dick Ogilvie brought that some kind of strength, courage, and integrity to every public office he held.

Dick leaves to Illinois the model for decisive leadership and exemplary character in public office. He will be greatly mourned and missed and remembered.

COMMEMORATING 125TH ANNIVERSARY OF THE FOUNDING OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I am proud to have this opportunity to commemorate the 125th anniversary of the founding of the Brotherhood of Locomotive Engineers, the oldest railway labor organization in the Western Hemisphere.

The BLE, which currently has 28,000 active members in the United States and Canada, was founded on May 8, 1863, in Detroit, MI. Since that day, the brotherhood has provided leadership and inspiration for working men and women while maintaining their independence. The brotherhood has worked for safer, healthier, and more sanitary working conditions for all Americans. They have been an integral participant in the progressive industrial change that united our Nation through the development of the American railroad system.

In addition, the brotherhood has worked to stimulate the political education of their members, foster understanding of their political rights, and to encourage members to exercise their right to vote.

Finally, Mr. Speaker, we should note that on last October 16, the Grand International Auxiliary of the BLE celebrated the 100th anniversary of their founding in Chicago, IL.

Mr. Speaker, I am proud to represent many northeast Kansans who are members of the Brotherhood of Locomotive Engineers, and I commend them on the 125th anniversary of their founding.

DESIGNATING THE MIXED BREED DOG AS THE ALL-AMERICAN DOG

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, who is man's best friend; who is woman's best friend? Is it our mates, our financees, our chief of staff, our receptionist, our gal or guy Friday? Of course, but they do not wear the formal title of "man's best friend." That is reserved for a special member of the animal kingdom, our dogs.

I think it is high time we introduced in this House, along with Pickle Week and Armadillo Week, a resolution recognizing the service of canines to people throughout the world. I know, Mr. Speaker, that you, as a dog lover and dog owner, will rush to get on this resolution, and I urge all of our colleagues to do the same.

Here are the words of this joint resolution:

JOINT RESOLUTION

Whereas dogs, by their loving and loyal nature, have taught children responsibility, comforted the elderly, the sick and the lonely, and served our nation's handicapped;

Whereas dogs have become a vital part of our nation's law enforcement community protecting lives, detecting illegal narcotics and explosives, and other illicit materials;

Whereas dogs have become an integral part of many American families;

Whereas the United States of America is a "melting pot" of different nationalities, races and creeds;

Whereas the mixed breed dog, also affectionately known as the "mutt," is symbolic of our nation's diversity;

Whereas a national survey of dog lovers overwhelmingly selected the mixed breed dog to be "The All-American dog": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the mixed breed dog is adopted as the All-American dog and the President of the United States is authorized and requested to declare such fact by proclamation.

Thank you, Mr. Speaker.

THE TRADE BILL

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today the President of the United States will receive H.R. 3, the trade bill that provides the ability for this country to compete more effectively. Yet he says he is going to veto it because of one provision that requires employers with over 100 employees to give 60 days notice of closing a plant.

Mr. President, why do you object to a 2-month notice? Let us face it, after all, you have had 4 years to know when you were going to be terminated, and you have used it well. You and Mrs. Reagan have bought a new retirement home, and we are delighted to hear that. According to the nightly TV news, you even had time to plan ahead and have the address changed from 666 to 668 because it might have a connection to the occult.

That is what comes with advanced planning and advanced notice of termination, Mr. President. But what about the rest of working America deciding whether to buy a new car this month, or perhaps to refinance the mortgage, or even deciding whether to take a vacation this summer? Can they afford it? A 60-day notice whether or not they will lose their job could change those important personal decisions.

Mr. President, a lot of working people cannot afford astrologers to predict when they are going to be unemployed. You had 4 years' notice. How about giving the rest of America 60 days?

I urge you to sign this important trade bill.

WARM WISHES FOR A SPEEDY RECOVERY TO THE HONORABLE FLOYD SPENCE OF SOUTH CAROLINA

(Mr. SPRATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, just last week our colleague, and my friend from South Carolina, Floyd Spence, made a brave and courageous decision. He followed through with radical surgery for which he has been waiting literally months and had a complete lung replacement.

I was informed this morning by his administrative assistant, Mr. Black, that last night at about 7 o'clock he was taken off the respirator so his lungs are now operating on their own.

I know every Member of this House joins me in saluting Floyd Spence for his courageous undertaking, and also in sending him our earnest best wishes for a full and speedy recovery.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

The SPEAKER pro tempore (Mr. Stratton). Pursuant to House Resolution 436 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4264.

□ 1201

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 5, 1988, the amendment relating to the D-5 missile printed in section 1 of House Report 100-590 offered by the gentleman from New York [Mr. Weiss] had been disposed of.

Pursuant to the notice provided by the chairman of the Committee on Armed Services on Thursday, May 5, 1988, under paragraph 8 of section 2 of House Resolution 436, it is now in order to consider the amendments relating to the strategic defense initiative printed in section 1 of House Report 100-590, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) Representative SPRATT; and

(B) Representative KEMP.

If more than one amendment is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, pursuant to the rule, I would like to give notice of the schedule of the remaining items for the Defense authorization bill today.

First, as the Chairman announced, we will consider the two SDI ALPS amendments, one to be offered by the gentleman from South Carolina [Mr. SPRATT] and the other by the gentleman from New York [Mr. KEMP].

Next we will consider an SDI policy amendment which is to be offered by the gentleman from Oregon [Mr. AUCOIN] as printed in the report No. 100-590.

Then we will consider the test ban package by the gentleman from Massachusetts [Mr. MARKEY] with the Dickinson substitute, followed by the Nagle-Dornan depressed trajectory missile amendment.

Then we will consider the remaining regular order amendments.

There will be an add-back amendment that also will be necessary to be called up.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT: Page 19, after line 18, insert the following new section:

SEC. 212. ACCIDENTAL LAUNCH PROTECTION

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States is a signatory to the 1972 Anti-Ballistic Missile Treaty.

(2) The Soviet Union has deployed approximately 1400 land-based ICBMs and approximately 900 sea-based SLBMs.

(3) There have been several accidents involving ballistic missiles, including a Soviet submarine loss due to inadvertent missile ignition and a Soviet test missile landing inadvertently in China.

(4) Proliferation of ballistic missile technology, such as China's decision to provide ballistic missiles to Saudi Arabia, raises the possibility of future nuclear threats.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Strategic Defense Initiative Organization should concentrate development efforts for the first phase of a strategic defense system on technologies and systems capable of protecting the United States from the accidental launch of an ICBM against the continental United States; and

(2) such a system should be designed to be in compliance with the traditional interpretation of the Anti-Ballistic Missile Treaty.

(c) REPORT.—The Secretary of Defense shall report to Congress by March 1, 1989, on the status of planning for an accidental launch protection system.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is basic and simple; but it will help if I explain the background before I explain the amendment.

The Strategic Defense Initiative Organization [SDIO] has said that if strategic defense is ever deployed, it will be deployed in phases. The first phase, as they now conceive it, would put space-based interceptors, stationed on satellites, in orbit over the Soviet Union. The mission of these missiles would be to destroy Soviet SS-18's and -19's in the boost phase, as they rise from their silos. The SDIO does not expect these space-based interceptors to be fully effective; that is, to destroy all of the Soviets' ICBM's in their boost phase; so, in the first phase, as now conceived, the space-based interceptors will be backed up by another set of interceptors, ground-based in this country. Their mission would be to range out above the atmosphere and intercept the individual reentry vehicles as they move in their trajectory through space.

What my amendment calls for is simply a study by the SDIO and a report to Congress on the merits of going with the ground-based interceptors, in preference to space-based interceptors, as the first phase of a strategic defense system.

There are merits to such a system that I believe the SDIO should seriously analyze and consider in a report to the Congress:

First of all, a ground-based system, deployed at Grand Forks, would comply with the ABM Treaty; provided it consisted of no more than 100 launchers.

Second, though a ground-based system of interceptors would not be a fully effective strategic defense system, it might be sufficient to protect this country against an accidental launch, or a missile attack by a rogue commander or a rogue country.

Third, in addition to providing protection against an accidental or unauthorized launch, a ground-based system would give us firsthand experience in the operation of an antiballistic missile system. Instead of dealing with models and test articles, we would have a working system, with which we could determine whether we can actually distinguish real reentry vehicles from decoys in the midcourse. We would have a working system to see if we can battle-manage all the targeting and tracking that must be coordinated in an incredibly short time for strategic defense to be functional.

Fourth, a ground-based system appears to be affordable. The estimates provided by contractors for the most likely candidates probably understate the overall cost; but they fall in range of about $11 billion over the next 5 to 10 years, which is affordable, even in the present budget environment.

Fifth, midcourse interceptors have an advantage over space-based interceptors, provided they work as promised. In the midcourse, RV's can be tracked, and their ultimate aimpoints or targets can be inferred from the trajectories. With this information, our midcourse interceptors could then be fired selectively at certain Soviet RV's; namely, those headed for high value targets in this country. This is a role the boost-phase interceptors could not take on. Boost-phase interceptors would simply thin out the attack. They would not be able to protect selected, high-value targets.

When these two factors are considered—the lower cost of ground-based systems and the selectivity of midcourse interceptors—the ground-based systems come out well ahead in cost-effectiveness studies. For example, William Davis, former Deputy Program Manager for Missile Defense at the Army's Space Command in Huntsville testified before our committee just a couple of weeks ago. He has done a study comparing the cost-effectiveness of an all-ground-based system to a mixed ground- and space-based system. His study shows that all ground-based system would cost half as much per site—or aimpoint—saved as would the mixed system.

Ground-based interceptors have other advantages that ought to be weighed, but I will mention just one more: Since they are based on the ground in this country, they are far more survivable than space-based interceptors stationed on satellites 500 to 700 kilometers over the Soviet Union.

Mr. Chairman, last week, the House approved an amendment fixing the allocation of dollars for near-term or phase 1 systems at 40 percent, their current level of funding. In offering that amendment, I stressed that we did not seek to dictate how the SDIO should spend its funds within please 1; but we wanted to make certain that phase 1 did not siphon money from research into the longer term technologies, like the free electron laser, which could one day provide an effective strategic defense. This amendment amplifies the amendment passed last week, and directs the SDIO to consider seriously the possibility of a ground-based, treaty complaint system.

□ 1205

Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I want to make sure I understood one point about the gentleman's amendment.

As I understand it, is the gentleman saying that he is mandating that the SDIO proceed forward on this, or is the gentleman asking them to explore this option? I think that is important to understand here.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for asking for that clarification because, if one reads my amendment, one will see that I am not mandating anything about a report. I am mandating that this matter be studied seriously, analyzed carefully and that a report weighing the merits and demerits of a ground-based system be rendered to Congress before we take up the Defense authorization bill next year.

Mr. Chairman, I yield to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, is the gentleman in favor of ALPS?

Mr. SPRATT. Mr. Chairman, I am in favor of seriously considering it and having SDIO seriously study it, but I am not so presumptuous as to say to them that mandatorily this is something they ought to do. I think they ought to consider an ALPS with a ground-based system, in preference to a space-based system, as the first phase of SDI.

Mr. KEMP. Mr. Chairman, if it works, would the gentleman be in favor of it?

Mr. SPRATT. If it works and it proves to be cost effective, yes. That is why I am bringing the amendment up, because I believe it should be the preference.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina [Mr. SPRATT] has expired.

Does any Member desire to rise in opposition to the pending amendment?

Mr. KEMP. Mr. Chairman, I rise in opposition.

I do so, Mr. Chairman, to ask some questions of the distinguished gentleman who is the author of the amendment.

Mr. DICKS. Mr. Chairman, would the gentleman yield?

Mr. KEMP. Mr. Chairman, could I just finish the question I was going to ask, and then I will yield to my friend from Washington?

I want to ask the gentleman from South Carolina [Mr. SPRATT] if the SDIO says it can work and if it is cost effective, the gentleman is in favor of accidental launch protection systems; correct?

Mr. SPRATT. The gentleman is correct. There are lots of things to be considered.

Mr. KEMP. Then why the hedge words?

Mr. SPRATT. Because what does cost effective mean; executive——

Mr. KEMP. Cost effective; let us just accept cost effective for purposes of argument. Second, it has to be done by March 1989.

Mr. SPRATT. The study does.

Mr. KEMP. The study.

Mr. SPRATT. Completely.

Mr. KEMP. Third, it has to be done within the confines of what the gentleman interprets as the narrow interpretation of ABM; correct?

Mr. SPRATT. Initially at least, and I would emphasize that because, if it works, I say to the gentleman from New York [Mr. KEMP] I think the possibility exists sometime well into the next decade that we would take this same sort of system and expand it to the coastal United States to give us fuller, effective and more effective government.

But the first thing to find out is: Does it work?

Mr. KEMP. Mr. Chairman, I want to ask the gentleman, in view of the narrow interpretation of the ABM Treaty, does it allow for a point defense system?

Mr. SPRATT. Yes.

Mr. KEMP. On both coasts and at Grand Forks, ND?

Mr. SPRATT. It would allow for some area defense, but using adaptive preferential defense. It would allow for the protection of certain targets.

Now it would be limited, and we could only truly have area defense or point defense by adding these additional rotations.

Mr. KEMP. Well, Mr. Chairman, I am not trying to trap the gentleman. I am just trying to remind everybody, the ABM Treaty, as narrowly interpreted by the other body, suggests that there can only be one ABM site; true or false?

Mr. DICKS. Mr. Chairman, will the gentleman yield to me on that point?

Mr. KEMP. Yes, Mr. Chairman, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, it has nothing to do with the narrow interpretation. The ABM agreement was amended during the Nixon administration, I believe, to limit the deployment to one site in each country. Under the initial agreement there were two sites.

Mr. KEMP. I agree with that.

Mr. DICKS. Now we have not gotten to the Kemp amendment, the very important amendment——

Mr. KEMP. Now wait. Do not go beyond the ABM Treaty for just a moment.

Mr. Chairman, let me take my time back. I am willing to yield——

Mr. DICKS. Mr. Chairman, I just want to answer the gentleman's question.

The CHAIRMAN pro tempore. The gentleman from New York has the time.

Mr. KEMP. Mr. Chairman, I think the debate turns to a certain extent on the issue of whether or not the ABM Treaty, as interpreted by the gentleman in his amendment would allow for a missile defense system if hypothetically it were to work and hypothetically if it were to be cost efficient. The Spratt amendment does not allow for enough defense for the country against accidental launch.

Mr. Chairman, I am trying to make a point.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

It would have to be an amendment of the ABM agreement to go to a second site.

Mr. KEMP. But the gentleman makes——

Mr. DICKS. It has nothing to do——

Mr. SPRATT. Mr. Chairman, could I intercede, because the gentleman——

The CHAIRMAN pro tempore. The gentleman from New York has the time. Does the gentleman yield, and, if so, to whom?

Mr. KEMP. Mr. Chairman, I would be willing to yield if the gentleman from Washington will stop after at least a paragraph.

Mr. DICKS. Mr. Chairman, I will stop after a sentence.

Mr. KEMP. But, Mr. Chairman, I want to make the point that the gentleman is saying we have to amend the ABM Treaty.

Mr. DICKS. The gentleman is correct.

Mr. KEMP. The gentleman's amendment is not seeking to amend the ABM Treaty. He is seeking to interpret narrowly a defense system against accidental launch which would preclude——

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Will the gentleman let me finish? Why is the gentleman so insistent on interrupting me? I am going to give him all the time he wants.

Mr. SPRATT. Because the gentleman is speaking incorrectly, and I would like to straighten it out.

The CHAIRMAN. The gentleman from New York has the time; the gentleman is recognized.

Mr. KEMP. Mr. Chairman, I hope the gentleman from Washington will allow me to finish my point.

Mr. DICKS. Mr. Chairman, will the gentleman yield to me?

Mr. KEMP. Mr. Chairman, I will yield after I finish my point.

The CHAIRMAN pro tempore. The gentleman from New York has the time.

Mr. KEMP. My point is that unless we amend the ABM Treaty, I say to my friend from Washington, the Spratt amendment precludes defending Seattle or Buffalo. I would only defend an area centered on Grand Forks, ND. I would love to defend people in Grand Forks, ND, against an accidental launch, but I happen to think folks in Buffalo, folks in Seattle, folks in South Carolina, folks all over the country, deserve the same protection against an accidental launch.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Mr. Chairman, I yield to the gentleman from South Carolina, who is the author of the amendment for an answer.

Mr. SPRATT. Mr. Chairman, let me clarify my answer to the gentleman from New York to [Mr. KEMP].

The initial deployment at Grand Forks would hypothetically, if it were to be sufficient to protect us against an accidental launch of an ICBM coming over the North Pole, which would be the ordinary course of an ICBM. It would probably not be sufficient to protect us against a whole boatload of Soviet SLBM's dumped somewhere off one of our coasts by a road commander.

□ 1215

It would give us some protection. It would depend on the extent of the attack, the location of the attack, but what it would provide us is the opportunity, as I said in my statement, to determine if this system is effective, and if it is effective, then I think as the next stage we should then consider the additional deployment plus a modification of the amendment of the ABM Treaty. It might not even require abrogation of the treaty.

Mr. KEMP. Mr. Chairman, let me reclaim my time, for this reason.

Let me say to my friend, I appreciate his amendment. I appreciate the dialog and I agree and am entirely sympathetic with what I think is the thrust of the gentleman's idea. I agree with him. I applaud him.

I agree with the senior Senator from Georgia, who advanced the idea of an accidental launch protection system.

Now, the question is, does the Spratt amendment or the Kemp amendment give the best protection against accidental launch? With all due respect, I do not think we should have to narrowly interpret the ABM Treaty when the Congress voted to declare the Soviets were not in compliance with the ABM Treaty.

I would suggest if you want accidental launch protection, you ought to stick with the Kemp amendment.

Mr. SPRATT. Mr. Chairman, I think there are some issues dangling here that we might further clarify with an additional 5 minutes on each side.

Mr. Chairman, I ask unanimous consent for an additional 5 minutes for each side.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Under the rule, with 5 minutes on each side, the only Members who can move to strike the last word are the gentleman from Alabama [Mr. DICKINSON] or the gentleman from Wisconsin [Mr. ASPIN], or by unanimous consent, the two Members controlling time as proponent and opponent on the amendment may have their time extended.

Mr. KEMP. Mr. Chairman, I will not object if we can get the same.

The CHAIRMAN pro tempore. For what purpose does the distinguished gentleman from Alabama [Mr. DICKINSON] rise?

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, today, the House is considering two sense-of-Congress amendments on the issue of accidental launch protection system [ALPS], offered by Representative SPRATT and Representative KEMP.

While both amendments address a very important issue—providing protection against an accidental or unauthorized launch of a ballistic missile(s)—the impact and implications of each amendment on the overall effectiveness of an ALPS and, in fact, on an overall strategic defense system, differ dramatically.

The Spratt amendment—by directing SDIO to concentrate phase 1 development efforts on an ALPS that is compliant with the narrower interpretation of the 1972 ABM Treaty—limits us to a ground-based, single-layered phase 1 system which is incapable of protecting all of the United States in the event of an accidental launch. This amendment, coupled with an earlier Spratt amendment to limit spending on phase 1 systems to 40 percent of SDI funding and the Bennet amendment to reduce overall SDI funding, effectively eliminates the possibility of space-based assets and the effective leverage gained by such assets. In short, the Spratt amendment precludes the possibility of, and even research toward, a layered defense—both in phase 1 and in follow-on phases—which is key to an effective strategic defense system.

The Kemp amendment, by contrast, recognizes the necessity of a layered defense. This amendment calls for accelerated deployment of an ALPS as an integral first step in a strategic defense system. Early deployment of ALPS would serve our national security interests by:

Providing a vital insurance policy against accidental or unauthorized launch;

Providing operational experience and knowledge with a defense system;

Helping to close the major Soviet advantage in deployed ABM capabilities thereby reducing the threat of a Soviet breakout from the ABM Treaty.

Most importantly in the context of the current debate, the Kemp ALPS proposal could be initially designed to be compliant with the ABM Treaty (a treaty broken by the Soviets), but, recognizing the shortcomings of such a treaty-limited defense, provides for the integration of more comprehensive deployments into a layered strategic defense system.

A system to protect against an accidental or unauthorized launch should be examined vigorously. However, we cannot have an effective ALPS and still be treaty compliant, unless we want to write off the east and west coasts and rely on our ground-based assets to intercept what they can.

The Spratt ABM Treaty-limited ALPS amendment closes the door on an effective defense against ballistic missiles. Keep the door open; support the Kemp ALPS amendment.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman for yielding.

Mr. Chairman, I must admit, the gentleman from New York makes some awfully good points.

May I say to the gentleman from Washington and the gentleman from South Carolina, this is the first time I heard either one of them admit you have to amend the ABM Treaty to protect against ALPS, to protect against an accidental launch.

I guess my question is, is it the chicken or the egg, which is I think the point the gentleman from New York was making, is it the chicken or the egg? Should we not be amending the ABM Treaty first, or should we not be looking at breaking out on accidental launch?

Who then is going to decide whether Washington is the city that is protected or the east coast is protected from the SLBM or is it Grand Forks?

Who is going to tell California, "You are not protected because we can only have one site under the ABM Treaty."

So I congratulate the gentleman from South Carolina [Mr. SPRATT] for his amendment. His amendment talks about an accidental launch protection system, talks about a report, talks about looking into it, but then says only in the context of the ABM narrow interpretation of the treaty.

I just cannot understand that difference, that dichotomy in his thinking, where on the one hand you say, "Gee, good idea. Let's have an extra launch protection system," admittedly out of the words of both gentlemen on the other side; but on the other hand, let's just keep it to one site and we will put it in Grand Forks, or we'll put it in Washington, DC, or we'll put it in South Carolina or New York or in Washington State."

I mean, where are you going to put it and how are you going to tell the rest of the country, "You are not covered, folks, but we are where we are at."

I just think it is silly. If you are going to have an ALPS, you ought to look at the Kemp amendment and you ought to realize that this is a very real possibility of an accidental launch from not the Soviets, necessarily, or from us necessarily, but from all the rest of the world that is now getting into the nuclear business, the strategic nuclear business.

So we had better be looking at an expansion of the ABM Treaty before we get involved in the ALPS business.

Mr. DICKINSON. Reclaiming my time, Mr. Chairman, I notice that the chairman is on the floor, so he can move to strike the requisite number of words at the conclusion of my time if he so desires.

Mr. Chairman, I yield to the gentleman from Arizona [Mr. Kyl].

Mr. KYL. Mr. Chairman, I would just simply like to reflect concurrence with my colleague, the gentleman from Illinois [Mr. Davis] and my colleague, the gentleman from New York [Mr. Kemp].

It seems to me that between these two amendments, the preferable amendment is the Kemp amendment, which would permit us a more robust defense against accidental launch and would actually permit us to go forward with the development of a system that would protect our two coasts as well as the very central part of the Nation. The Spratt amendment would not permit us to go forward with the development of a space-based component of this system and thereby again enhance the robustness of the system. And, the Spratt amendment needlessly opens the whole question of the ABM Treaty.

So for all these reasons, Mr. Chairman, it makes much more sense to me to support the Kemp amendment than the Spratt amendment.

Finally, I would like to point out that in the hearings before our SDI panel, the witnesses who testified before us did concur that the land-based ALPS system would not be effective to protect the coasts of the Untied States. They could only protect the north central part of the United States. The Spratt amendment, therefore, would lead to a system that would be ineffective to protect the entire country.

Mr. DICKINSON. Mr. Chairman, I yield for the balance of my remaining time to the gentleman from New York [Mr. Kemp].

Mr. KEMP. Mr. Chairman, I want to thank the ranking member for yielding me this time.

Again, Mr. Chairman, I want to say to all the Members who are on the floor, I think an accidental launch protection system is essential to doing what all of us would like to do. We need to begin to test and to find out whether or not it is feasible. I happen to think it is. The gentleman might disagree, but nonetheless, as the gentleman from Arizona pointed out, if there is going to be accidental launch protection, we need to recognize that the ABM Treaty as it is presently construed or interpreted prevents this country from developing or deploying an ALPS system, ground-terminal based and space-based, that can protect both sides of the continent.

I think if you want an accidental launch protection system—you may not, as some of our colleagues do not—but if you do, the Kemp amendment gives you the best chance of accelerating the ALPS program, providing for the type of robust activity that would lead to a phased architecture, I think it is essential.

The CHAIRMAN pro tempore. Does the gentleman from South Carolina [Mr. Spratt] wish to renew his unanimous-consent request?

Mr. SPRATT. I do not renew my request, Mr. Chairman. I ask for the adoption of my amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina [Mr. Spratt].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DAVIS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 176, not voting 16, as follows:

[Roll No. 122]

AYES—239

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Coyne
Crockett
Darden
DeFazio
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flippo
Foglietta
Foley
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Mrazek
Murphy
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ray
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Spratt
St Germain
Staggers
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Wise
Wolpe
Wyden

NOES—176

Applegate
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Bonker
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Cheney
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (CA)
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Goodling
Gradison
Gregg
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kemp
Kolbe
Kolter
Kyl
Lagomarsino
Latta
Leland
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nielson
Oakar
Oxley
Packard
Parris
Pashayan
Pease
Petri
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rowland (CT)
Russo
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solarz
Solomon
Stallings
Stangeland
Stark
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker

Weber
Weldon
Whittaker
Williams
Wilson
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—16

Archer
Biaggi
Conyers
Daub
Duncan
Flake
Florio
Ford (MI)
Levin (MI)
McGrath
Mica
Roth
Spence
Traxler
Whitten
Yates

☐ 1242

Mr. PARRIS and Mr. RUSSO changed their votes from "aye" to "no."

Mrs. LLOYD changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1245

AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KEMP: Page 19, after line 18, insert the following:

SEC. 212. ACCIDENTAL LAUNCH PROTECTION SYSTEM.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Strategic Defense Initiative has made substantial progress in developing the technologies to defend the United States from a ballistic missile attack. Advances in interceptor technology, sensors, and command, control, and communications have been achieved and six key components of the SDI program have recently been combined to form the basic architecture for a Phase I deployment.

(2) As a result of additional development and analytical study of ground-based midcourse and low-atmosphere interceptors and their appropriate sensors, a decision can be made with confidence to deploy an Accidental Launch Protection System (ALPS) as an initial step in a phased deployment of a comprehensive SDI system, with the available evidence indicating that the technology for defending the Nation against an accidental or unauthorized launch of ballistic missiles can be deployed by 1995.

(3) Deployment of an Accidental Launch Protection System would be a basic defense insurance policy which would be in the national interest for the following reasons:

(A) Such deployment would provide the United States with an operational system that would yield substantial knowledge and actual experience in moving to a greater reliance on defense for deterrence and security.

(B) As the United States continues to negotiate major reductions in nuclear forces (including in START), a commitment to deployment of such a system would provide the technology and the production base to help safeguard agreements for such reductions from noncompliance by the Soviet Union which, given the record of the Soviet Union of violations of existing arms control agreements, would be a prudent course of action.

(C) The deployment of such a system would close the advantage currently held by the Soviet Union in ABM capabilities that are currently deployed, substantially reducing the threat of a wholesale strategic defense breakout by the Soviet Union.

(D) Such deployment could initially be designed to be consistent with the 1972 ABM Treaty, although that treaty has been violated and broken by the Soviet Union. Options for more comprehensive deployment of such a system integrated into a step-by-step strategic defense initiative system (including space-based elements) should be studied by the Department of Defense and, if appropriate, discussed with the Soviet Union.

(b) ALPS PROGRAM.—(1) An Accidental Launch Protection (ALPS) System developed by the United States should provide a two-layered defense against ballistic missiles consisting of—

(A) the Exoatmospheric Reentry Intercept System (ERIS) interceptor; and

(B) the High Endoatmospheric Defense Interceptor (HEDI) system.

Such an ALPS system should include the Ground-Based Radar and the Ground-Based Tracking System.

(2) In considering sites for the initial deployment of an ALPS system, the Secretary of Defense should give particular consideration to selection of Grand Forks Air Force Base, North Dakota and should design an ALPS system so as to take advantage of the original antiballistic missile (ABM) program investment at the Grand Forks site. Additionally, the Secretary of Defense should plan for a second deployment site for the National Capital Area.

(3) For fiscal years after fiscal year 1989, the Secretary of Defense should program funds for deployment of an ALPS system as an integral component of a comprehensive, layered Strategic Defense System. Such a comprehensive Strategic Defense System should be given the highest priority accorded to research and development programs to assure that the more advanced technologies for deployment of a comprehensive system are available in the mid- to late-1990s.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for the accelerated deployment of the Accidental Launch Protection (ALPS) System as an important and integral initial step in a comprehensive, layered Strategic Defense System to include space-based elements.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New York [Mr. KEMP] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, let me say to the gentleman from South Carolina [Mr. SPRATT], my friend, and Members who have voted for the Spratt amendment, that there really would not be any inconsistency in having voted "yes" for the Spratt amendment and voting for the Kemp amendment.

The Spratt amendment calls for a study of defending part of the United States. The Kemp amendment calls for a report from DOD and SDIO for a plan to defend all of the United States. The Spratt amendment wants to defend North Dakota. The Kemp amendment wants to expand protection against accidental launch to South Carolina, California, New York, throughout the country. I am not being facetious, notwithstanding the fact that the gentleman was very sincere in offering his amendment for a study of ALPS, accidental launch protection.

The Spratt amendment calls for the study to be completed on March 1 of 1989. The Kemp amendment calls for the study to be completed in 120 days.

Someone asked does the Kemp amendment violate ABM. A study does not violate ABM. The study that my amendment requests and that I would hope Spratt supporters would also support, simply says that we should examine a system to defend our country. The study should include the continental United States, both coasts, both North and South. A study cannot violate the ABM.

We should recognize that the Soviet Union has already violated the ABM treaty, violation which I might note, this House has already condemned by an overwhelming vote, that the Krasnoyarsk radar is a violation of the treaty.

I would like to encourage Members to vote for the Kemp amendment. It extends the Spratt amendment. It accelerates the study. It calls for a robust defense against accidental launch, and it does not address the question of ABM. It leaves that up to the future administration and to some future Congress. I think it is responsible, appropriate and necessarily called for, because what we just did, Members, we just voted for an amendment that recognizes the vulnerability of the United States of America to an accidental launch of an ICBM, and none of us wants that. I believe there either should be a Spratt with Kemp or a Kemp to replace Spratt.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. COURTER], one of the leading proponents of SDI.

Mr. COURTER. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, the way I analyze the Spratt amendment, it is basically a request to study part of an elephant or part of a tree or only one side of the Moon.

Basically the theory here, the idea, is to make sure that if we are going to do a study on determining how best to defend the United States from an accidental launch, that study should look at all the squares on the chessboard. It should not be a study that restricts the conclusions to be based on only one site, because we have had, as the gentleman from New York knows, hearings in the Committee on Armed Services, and all the preliminary evidence was that a preliminary study done by the manufacturers in the business of creating the components for a defensive system say that one site is insufficient. We cannot protect the entire United States with one ground-based system in one place like North Dakota. If we want a study that will, actually, so we can make a determination to have a protection of the United States, we need the Kemp amendment.

Mr. KEMP. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER], my friend.

Before I do that, for all the critics, I want to remind everybody in the Chamber who does not believe in any defense against any ballistic missile attack, we are working today with Israel on antitactical ballistic missile defense, and the State of Israel believes in ATBM, and Mrs. Thatcher believes in ATBM. This is an extension of the SDI technology, and I believe it is as important for the United States as it is for our allies in Europe and in Israel.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from New York for yielding.

Let me just say, for an accidental launch protection system, we want to move to deployment. There is nothing in the ABM Treaty that says that a Khomeini or a Qadhafi or an accidential launch of a Soviet ICBM has the right to strike the United States.

We may argue about the ABM Treaty, about exchanges between the superpowers, but this is not that type of an amendment.

I would urge everybody who wants to have early deployment for accidental launch protection to support the Kemp amendment.

Mr. KEMP. Mr. Chairman, in my time remaining, I just want to repeat it is not inconsistent to have voted for Spratt and vote for Kemp at this point in the debate.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. KEMP] has expired.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Chairman, I will agree with the gentleman from New York that there is much that we have in common in these two amendments, but there is a specific area in which we disagree. I would like to point out to the committee that the Strategic Defense Initiative Organization does not favor this amendment. It really did not favor either amendment, but it does not favor this amendment for a specific reason, and that is because it is specific and concrete. This amendment, in effect, prejudges the conclusion. We are simply asking in my amendment that the Strategic Defense Initiative Organization undertake a study. We are not trying to prejudge the results of that study. The Kemp amendment prejudges the study and dictates the conclusion.

We do suggest, and strongly advocate, that SDIO make the design of the first phase system such that it is treaty-compliant, so that it complies with the ABM Treaty. We do not go as far as to suggest that the system be based at two sites, which the gentleman from New York [Mr. KEMP] would suggest. I did say earlier that I thought that if it worked at Grand Forks then, and at that time, we could make the decision whether or not to expand it to additional sites. Then we would know. We would have in hand a workable system, and we could make an informed judgment as to whether or not we wanted then to either modify, amend, or abrogate the ABM Treaty and to go to additional coastal sites so as to give us more complete protection.

This particular amendment, unlike my amendment, is guilty of what Mr. KEMP accused me of last week—micromanagement. It is prescriptive, specific, and concrete.

First of all, on the very first page, it proposes a deployment date of 1995, a date when this protection could be provided. Reading through the amendment further, you will see that it mentions specific systems which should be components of a first phase accidental launch protection system. It singles out the exoatmospheric reentry intercept system, called ERIS, a Lockheed project, and it singles out high endoatmospheric defense interceptor system, called HEDI, which is a McDonnell Douglas system, and, incidentally, it leaves out a third alternative, another candidate system, which is a Rockwell International project. It does not mention that. It specifies the inclusion of ground-based radar and a ground-based tracking system.

As I said, it implicitly would authorize the abrogation or at least violation of the ABM Treaty by calling for the deployment at two sites initially rather than one, so this amendment goes much beyond my amendment. It would implicitly put us in the position of authorizing action that would go beyond not just the narrow limits of the ABM Treaty but an interpretation of the ABM Treaty that is clear and definitive: the confinement of each party to a single site.

Mr. Chairman, I would urge the House to stay with the amendment we have just adopted. We have given to the SDIO our direction; we only bolster their resolve with the study they already have underway and cause them, I hope, to concentrate upon systems in the first phase that are treaty-compliant for deployment at Grand Forks.

Mr. Chairman, I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding.

I was only going to point out that my amendment does have in the language suggested early deployment technology for accidental launch protection. That is true. But it calls for a study. It is a report no later than 120 days, and the report can include any technology, any plan, and as the gentleman from South Carolina knows, a report cannot be prescribed by the body, and it is not prescribed in the Kemp amendment.

Notwithstanding the language, I think that is a false explanation of the Kemp amendment.

Mr. SPRATT. Mr. Chairman, reclaiming my time, it defines the program to consist of the exoatmospheric reentry intercept system and the high endoatmospheric defense interceptor system. It specifies individual systems. The main difference between our two amendments is that I am not so presumptuous as to know what should be included in the first phase or whether it should be deployed, but the gentleman tries to specify these things. That's why I think the gentleman is guilty of the very sort of micromanagement that he was accusing us of last week.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I am happy to yield to the gentleman.

Mr. KEMP. As the gentleman knows, because he is a student of SDI, and ERIS and HEDI are the two most advanced early deployment ideas for this aspect of a strategic defense, and it fits most closely a comprehensive architecture of a strategic defense for the United States. But it cannot proscribe.

□ 1255

Voting for the Kemp amendment does not proscribe HEDI or ERIS. It simply says these are leading technologies in the field.

Mr. SPRATT. Reclaiming my time, as to ERIS, the gentleman is correct. As to HEDI, it is not even in phase one, and McDonnell Douglas puts its prudent deployment time beyond the 1995 date which the gentleman cites.

Mr. KEMP. It depends on which phase one the gentleman is talking about.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. KEMP].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 249, not voting 15, as follows:

[Roll No. 123]

AYES—167

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Cheney
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Dyson
Edwards (OK)
Emerson
Erdreich
Fields
Flippo
Gallegly
Gallo
Gekas
Gilman
Gingrich
Grant
Gregg
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Quillen
Ravenel
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rogers
Roth
Rowland (CT)
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Udall
Valentine
Vucanovich
Walker
Weber
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—249

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hughes
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ray
Richardson
Ridge
Roberts
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Upton
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron

NOT VOTING—15

Biaggi
Conyers
Daub
Dicks
Duncan
Flake
Florio
Levin (MI)
McGrath
Mica
Spence
Traxler
Vander Jagt
Vento
Yates

☐ 1310

The Clerk announced the following pair:

On this vote:

Mr. McGrath for, with Mr. Dicks against.

Mr. OWENS of New York changed his vote from "aye" to "no."

Mr. PASHAYAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. Gray of Illinois). Pursuant to the notice provided by the chairman of the Committee on Armed Services on Thursday, May 5, 1988, under paragraph 8 of section 2 of House Resolution 436 it is now in order to consider further amendments relating to the strategic defense initiative printed in section 1 of House Report 100-590 by, and if offered by, the following Members or their designees:

The Chair would note that the Spratt amendment has already been adopted on Friday, April 29, 1988, as part of an en bloc amendment.

Is that the understanding of the gentleman from South Carolina?

Mr. SPRATT. That is my understanding, Mr. Chairman.

The CHAIRMAN pro tempore. It is next in order to consider such amendments by, and if offered by, Representative AuCoin of Oregon, and then Representative Burton of Indiana. Said amendments shall be subject to amendment, and debate on any amendment offered to said amendments shall be limited to 10 minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

Does the gentleman from Oregon [Mr. AuCoin] desire to offer this amendment?

Mr. AuCOIN. Mr. chairman, I do not intend to offer my amendment.

The CHAIRMAN pro tempore. The gentleman from Oregon does not offer his amendment.

Does the gentleman from Indiana [Mr. Burton] desire to offer his amendment?

If not, pursuant to the notice provided by the chairman of the Committee on Armed Services earlier today under paragraph 8 of section 2 of House Resolution 436, it is now in order to debate the subject matter of a comprehensive test ban.

Pursuant to the rule, the gentleman from Wisconsin [Mr. Aspin] or the gentleman from South Carolina [Mr. Spratt] will be recognized for 20 minutes and the gentleman from Alabama [Mr. Dickinson] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. Spratt].

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the sponsor of this amendment, the gentleman from Massachusetts [Mr. Markey].

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, I would just like to briefly here lay out what the rationale for my amendment is so that Members can understand that it does not prevent the Department of Energy or this administration from doing anything. What it does is to put in place an additional responsibility for the Department of Energy so that we have the type of readiness and reliability program on the books that can ensure that in the event there is success in negotiations with the Soviet Union on test ban limitations, either comprehensive or limited, that we retain at our existing nuclear weapons laboratories, the capacity to ensure that the already-tested, the already-reliable nuclear weapons stockpile can serve as a complete deterrent against the Soviet Union.

So that is really the purpose of this. That is, it is really the purpose of this. That is, it is a Nuclear Test Ban Readiness Program. It basically accepts the premise that this administration at this time believes that it is wrong for Congress to be voting here on a nuclear test ban and that the Senate will vote against it once again and in the conference committee it will be an amendment which is deleted. We've been through this now 3 years in row, we understand the realities of that.

But we make our case here on the floor for test ban. But the arguments which are used against us are that first we should not be voting here on the floor on such an amendment; and second, that if we did have such an amendment that it would undermine the reliability of the existing stockpile.

I am offering this amendment for a very simple reason, I am sick of hearing the Reagan administration and the weapons labs shed crocodile tears that they'd love to have a test ban, but they can't because it would harm the reliability and safety of our nuclear weapons.

The fact is there are simple steps that can prevent safety and reliability problems from degrading our deterrent under a test ban—if only we are willing to take these. We don't rely on the White House astrologer to tell us whether we're ready for a test ban.

What my amendment does is authorize the establishment of a Nuclear Test Ban Readiness Program within the Department of Energy. This program would be managed by the Department's Alburquerque Operations Office, which oversees the nuclear weapons production complex.

The objective of the program would be to assure that the United States is in a position to preserve the continued safety and reliability of our nuclear weapons in the event that an agreement lowering the testing threshold or banning all testing should go into effect.

This would be accomplished in three ways.

First, the United States would maintain a vigorous program of stockpile inspection, disassembly and nonnuclear testing of nuclear weapons and their components to monitor the current state of the nucler weapons stockpile and detect possible problems resulting from the aging of the chemical components in nuclear weapons.

This is something that the Department of Energy already does. In 1988, DOE budgeted $154.5 million of its operating expenses for the maintenance of the existing stockpile and the development of materials and processes to build nuclear and nonnuclear weapons components. In fiscal year 1989, $160.9 million is budgeted for these same activities.

So we are not talking about asking DOE to do something it isn't already doing when we require the Department to conduct stockpile inspections and nonnuclear tests to monitor our stockpile, and develop materials and processes to build warheads. This something that we are already doing today, and it is very effective.

Our weapons are extraordinarily reliable today. According to a recent study, the reliability of our weapons in stockpile today approaches 99 percent.

What this amendment is saying is that these existing stockpile maintenance programs need to consider what our future requirements might be in the event that there should be further restrictions on testing. By establishing a readiness program, my amendment forces DOE to give greater consideration to how these existing programs would operate in a restrictive testing environment.

The second thing my amendment does is require that the readiness program identify what specific materials, processes, and personnel would be needed for the remanufacture of existing nuclear warheads or the substitution of alternate nuclear warheads should it become necessary.

The current practice is to make modifications in our warheads in such a situation, and then conduct a nuclear test of the redesigned warhead. The administration says that this has been done with 15 out of the 41 warheads it put into the stockpile since the late fifties. But a scientist at the Livermore Lab recently completed a report which found that those examples "have little if any relevance to the question of maintaining the reliability of the stockpile of nuclear weapons that exists today."

Back in the 1958 to 1961 test moratorium the United States put entirely new weapons into the stockpile that had never been adequately tested. When we tested them after the moratorium some didn't work. The lesson of that experience is don't try to modernize weapons without testing them. Nobody who supports a test ban is recommending that we do that today.

From 1970 to the present, only 8 percent of the roughly 300 nuclear tests that have taken place were for reliability. These tests were used to confirm that design changes in nuclear warheads didn't interfere with a weapon's performance.

When you make changes in a warhead, you introduce uncertainties that make you sometimes want to test. That's one way of dealing with the problem, but its not the only way. If you have a test ban, you have to stop making changes and stick with what you have.

When you have a problem with the engine of your car, you could always go to the garage and ask the mechanic to redesign the engine and make it better. But if you didn't want to do that you could just have the garage look at the car and replace any broken or worn out parts with new ones taken off the shelf.

Under a low-threshold or comprehensive test ban, the weapons labs will no longer be free to make changes in our warheads. Instead, they're going to have to replace those components or materials with new ones taken off the shelf. The Department of Energy itself admits that this can be done. In testimony before the House Armed Services Committee 2 years ago, former Assistant Secretary for DOE Defense Programs, Admiral Foley, stated that:

> * * * new warhead or bomb military characteristics submitted by the Department of Defense for acceptance by the Department of Energy normally contain a requirement that the design, development, and production of the warhead (or bomb) be well documented and involve processes that to the extent possible allow replication of the warhead (or bomb) at a future date. Assuming, therefore, that vendor-supplied materials and components are still available at the time desired for remanufacture (and this will not necessarily be the case), the remanufacture of existing, well-tested warheads is possible.

So even DOE admits we can do this if we have the materials and components. My amendment forces DOE to prepare for a test ban contingency by indentifying the specific materials, components, and processes that would be needed and stockpiling them now. Admiral Foley has also testified that rebuilding existing warheads is "less than a totally new warhead would cost at the same time."

The third thing that the readiness program does is to help assure that a vigorous program of scientific research in areas related to nuclear weapons science and engineering is supported in order to maintain a base of knowledge about weapons design and weapons effects under a low-threshold or comprehensive test ban. Continuation of such research would assure that the United States could quickly respond to any Soviet breakout from a test ban agreement.

In the case of a low-threshold test ban, say at 1 kiloton, such a program could consist of expanded use of computer simulations, weapons effects simulators, subkiloton nuclear tests to study weapons physics and weapons effects, the development of a reusable underground test chamber such as the high energy density facility like that proposed by scientists at the Livermore Lab, or an intensification of research in the inertial confinement fusion programs at the national labs.

All of these could continue under a low-threshold test ban. Under a comprehensive test ban, I would expect that some form of inertial confinement fusion, computer simulations and weapons effects simulators would still continue to provide information of interest and value to our scientists.

Whether or not you support further limits on nuclear testing, you should be able to support this amendment. My amendment does not limit nuclear testing in any way. It will not stop one nuclear test.

It is fully consistent with support for the 1 kiloton threshold set under the Gephardt amendment, but it makes sense even if this limit on testing fails to become law. There is no reason why people should oppose this kind of amendment.

Nevertheless, I understand that my distinguished colleague from Alabama is planning to offer a substitute to my amendment.

The Dickinson substitute expresses the sense of Congress that there should be a nuclear weapons stockpile maintenance program and asks DOE to submit a report on the costs, requirements, and objectives of a nuclear stockpile maintenance program. That sounds unobjectionable, but inserted into the Dickinson amendment is a requirement that invites the weapons labs to come up with more excuses for continuing testing into the indefinite future.

The substitute asks for DOE to determine "the need for new weapons designs to assure effectiveness, reliability and safety of nuclear weapons" under a test ban. That amounts to an engraved invitation to the weapons labs to claim that they've got to go back and redesign the entire nuclear stockpile before we can have any limits on testing.

That's not a test ban preparation program, its a test ban avoidance program. If there's a test ban, you can't develop and test new weapons designs—that's the whole point of the agreement.

The weapons labs have known since the 1960's that a comprehensive test ban was a national objective. Former Atomic Energy Commission Chairman Dr. Glenn Seaborg wrote me 2 years ago that:

> During my tenure as Chairman of the Atomic Energy Commission in the 1960's our national policy was to seek a verifiable Comprehensive Test Ban Treaty and the development and building of nuclear weapons were conducted with this objective in mind. I do not recall that the proof testing of stockpiled nuclear weapons was ever an issue in this connection. It is my impression that the same situation prevailed during most of the 1970's."

So the fact that we may not be able to test our weapons in the future and would have to assure that they remain reliable and safe in the absence of testing is nothing new. No one should be under the mistaken impression that we have to redesign our nuclear stockpile in order to have a test ban. According to Dr. John Immele, deputy associate director of the Livermore Laboratory for Nuclear Design "To anyone who says that our weapons are fragile, I say balderdash. That's generally a charge made by people not familiar with nuclear design."

As former Livermore Laboratory director Dr. Herbert York stated last September, "the stockpile is already robust enough to maintain deterrence during a test ban regime * * * there is, in brief, no technical problem that needs to be fixed before we can have a test ban, and we should not act as if there were."

We do not need to give the weapons labs more excuses for avoiding a test ban. That's what the Dickinson substitute does. What we need to do is start preparing for the possibility of further test restrictions. That's what my amendment does.

My amendment does not put any further limits on testing. My amendment will not stop a single nuclear test. It just says let's prepare for the possibility that there might be further limits by establishing a Test Ban Readiness Program.

Whether or not you support a test ban, there is likely to be some kind of limitation on testing within the next few years. We can either wait until those limits go into effect before we start getting ready, or we can start getting ready now.

My amendment says let's start getting ready now.

So if you want a Test Ban Readiness Program, vote for the Markey amendment and vote against the Dickinson amendment.

Well, what this amendment does is it says to the Department of Energy that they should institute a program that ensures that they have the capacity to remanufacture existing warheads that have already been tested or to manufacture new warheads using already tested nuclear weapons designs. And the purpose of that is to ensure that if an agreement between the United States and the Soviet Union, that would end or significantly curtail the nuclear testing regime, is in fact put in place that we still have the total reliability, the total confidence which we are going to need in our deterrent capacity against the Soviet Union in the event they would be so foolish as to believe they could launch a nuclear attack against our country.

So here is what the objective is: First the United States would maintain a vigorous program of stockpile inspection, disassembly, and nonnuclear testing of nuclear weapons and their components, to monitor the current state of the nuclear weapons stockpile and to detect possible problems resulting from the aging of the chemical components in nuclear weapons.

The second thing my amendment does is it requires that the readiness program identify what specific materials, processes, and personnel would be needed for the remanufacture of existing nuclear warheads or the substitution of alternative nuclear warheads should it become necessary.

The current practice is to make modifications in our warheads in such a situation and then conduct a nuclear test of the redesigned warhead.

When you make changes in a warhead you introduce uncertainties that make you sometimes want to test. That is one way of dealing with the problem but it is not the only way.

If you have a test ban you have to stop making changes and stick with what you have. When you have a problem with the engine of your car you could always go to the garage and ask the mechanic to redesign the engine and make it better; but if you did not want to do that you could just have the garage look at the car, replace the broken or worn out parts with ones of the same type that are already on the shelf and your car would continue to operate with the same degree of reliability.

The third thing that my amendment does is to help to ensure that a vigorous program of scientific research in areas related to nuclear weapon science and engineering is supported in order to maintain a base of knowledge about weapon design and weapon effects under a low threshold or comprehensive test ban. Continuation of such research would assure that the United States could quickly respond to any Soviet breakout if in fact the test ban was reached by any administration at anytime in the future.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was wondering if I might get the attention of the sponsor of the amendment, the gentleman from Massachusetts [Mr. MARKEY], and I would like to ask a couple of questions of the gentleman.

I have listened attentively to the gentleman as he spoke in the well; I am not totally unfamiliar with the weapon systems. But I do have difficulty following all the nuances and intricacies of the gentleman's amendment because it is very difficult on the floor to get the substance of what the gentleman is trying to offer.

I was wondering, has the gentleman offered his amendment in any committee of jurisdiction?

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, no, I am not a member of any committee of jurisdiction as the gentleman knows.

Mr. DICKINSON. You do not have to be a member of a committee to offer an amendment.

I was wondering if this amendment had been offered in the Committee on Foreign Affairs, if it has to do with arms control, or the Committee on Armed Services. Has it been offered in any forum, any committee of the House with competent jurisdiction that might have held hearings on it, where witnesses could have testified for and against so that we could develop the pluses and minuses of it.

Mr. MARKEY. I have here a hearing record on this subject, hearings which have been held on this issue over the last 2 years in Congress and I can provide the list to the gentleman if he wants it. But there were hearings in the Senate Committee on Foreign Relations on January 13 and 15 on the Threshold Test Ban Treaty.

Mr. DICKINSON. Well, let me correct or amend my question: Has any committee of the House of appropriate jurisdiction had hearings on this issue? Has the gentleman asked for a hearing so that the matter may be discussed, with witnesses brought forth to develop a consensus one way or another for this? Does the gentleman see my point? It is difficult for me to understand and certainly with as few Members sitting here in the Chamber who have not heard your words, to ask them to vote on something of this complex nature is very difficult. I would be just naturally inclined to oppose that amendment without having the opportunity to really hear all sides and I think the other Members might feel the same and that is the reason I asked: Has any committee of competent jurisdiction had hearings on the amendment of the gentleman from Massachusetts as to what it would do or not do and whether it would be desirable or not?

Mr. MARKEY. Again, for the gentleman's purposes, I think this issue has been discussed and it has been discussed in the whole range of nuclear testing debates on amendments which have been conducted. In fact, what we are trying to do here is redress the primary concern here which is raised by the gentleman from Alabama and others.

Mr. DICKINSON. I understand that. Either I am having difficulty stating my question or else the gentleman is having difficulty understanding me.

□ 1325

My question was: Have you offered this amendment to any committee of competent jurisdiction of the House so that they might have had hearings, and then come to a consensus yea or nay? Has any committee of the House been given an opportunity to hear your amendment and to act on it? Has any committee acted on it?

Mr. MARKEY. Mr. Chairman, will the gentleman yield once again?

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Again, this is a subject that has been one of constant concern on that side of the aisle for the last 3 years discussing this issue.

Mr. DICKINSON. I understand the gentleman's words.

Mr. MARKEY. And what I am trying to present to the gentleman——

Mr. DICKINSON. Mr. Chairman, the gentleman will not answer my question.

Mr. MARKEY. Well, the gentleman——

Mr. DICKINSON. Is it yes or no?

Mr. MARKEY. The gentleman from Alabama [Mr. DICKINSON] has put his finger on this issue on debate after debate out here on the floor for the last 3 years. It is just that we do not have a program at the DOE that can deal with this issue.

Mr. DICKINSON. Mr. Chairman, let me reclaim my time, and since I have asked the question three times without getting an answer, I have to assume that the answer is "no." It has not been introduced. No committee of competent jurisdiction has had jurisdiction over it to hold hearings. We have not heard witnesses on it.

So, Mr. Chairman, I would have to assume that the answer is "no" since the gentleman from Massachusetts [Mr. MARKEY] will not answer it directly.

Mr. Chairman, I yield to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank the distinguished ranking minority Member, the gentleman from Alabama [Mr. DICKINSON], for yielding, but I think the provenance of this amendment is quite well known. The fact of the matter is that the chairman of the Armed Services Committee asked the Lawrence Livermore Laboratories——

Mr. DICKINSON. Mr. Chairman, if the gentleman is not going to answer the question directly, I will reclaim my time there. I just want to know if any committee of the Congress had a hearing on this subject matter, any competent jurisdiction of any committee, have they had witnesses, have they heard testimony or anything of this complicated nature? Obviously, the answer is "no."

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding, and I should be happy to yield to the distinguished chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I would just like to make the comment that I think we ought not hold the Markey amendment to a standard that we are not holding other amendments to on the floor here.

The answer directly to the gentleman from Alabama [Mr. DICKINSON] on did we have any hearings on this issue is: no, we have not. But the corollary question, have we had any hearings on 90 percent of the amendments that we have dealt with over the past 2 weeks on this bill, the answer is, no, we have not.

Mr. DICKINSON. If the gentleman will yield?

Mr. GREEN. Mr. Chairman, I have the time.

Mr. Chairman, I should really like to make the point that the gentleman from Alabama—as is his right—did not want me to conclude on his time, and that is that the origin of this amendment is very well known. The distinguished chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], asked the Lawrence Livermore Laboratories for a report on what the consequences would be of a low threshold or comprehensive test band, and the gentleman, the distinguished chairman of the Committee on Armed Services, got back a report, the so-called Kidder report on, "Maintaining the U.S. Stockpile of Nuclear Weapons During a Low Threshold or Comprehensive Test Ban." Let me read from the unclassified version of that report:

> During the Moratorium of 1958-61, a Readiness Program was instituted whose purpose was to ensure that the U.S. would be in good position to resume nuclear testing should the Moratorium suddenly be terminated. What is needed today is a Readiness Program whose purpose is to ensure that the U.S. is in good position to maintain the reliability of its stockpile of nuclear weapons in the absence of nuclear explosive tests. There is much work to be done, inasmuch as preparations for future remanufacture of the nuclear weapons now in stockpile must be done individually for each different weapon design on a case-by-case basis.
>
> It is recommended that the DOE be encouraged to undertake the formulation and execution of such a plan, and that funds earmarked for this purpose be provided.

The Markey amendment simply implements that recommendation in the Kidder report from the Lawrence Livermore Laboratories. The report shows that we can, in fact, live with a limited threshold test ban or a comprehensive test ban if we will take the steps recommended in the report.

The Markey report simply gets the Department of Energy marching down the track that was outlined in the Kidder report. It does nothing more, nothing less. This is not some bolt from the blue that leapt from the brow of the gentleman from Massachusetts [Mr. MARKEY]. It is the direct implementation of what the Kidder report from the Lawrence Livermore Laboratory suggested to the Committee on Armed Services, and I believe that we should follow that recommendation and vote for the Markey amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I think that if my colleague, the gentleman from New York [Mr. GREEN], and my colleagues here would accept all the advice of the Lawrence Livermore Laboratories, that we would not even be talking about a test ban treaty because of course the laboratory strongly opposes a test ban treaty of the type that was adopted by this body just a little bit earlier.

I would like to quickly go over six specific reasons why the Markey amendment should be defeated and add to that my agreement with the gentleman from Alabama [Mr. DICKINSON], the ranking member, who pointed out that because of the complexity of this amendment it is important that it be debated and discussed in full, not during the limited time that we have here on the floor for the first time, but that it should have first been presented to the House Committee on Armed Services.

But aside from that point, this is a very premature amendment. We have not even had a treaty yet between the Soviets and the United States either on a threshold or a peaceful nuclear explosions treaty, both of which are in the process of negotiation right now, and, as my colleague, the gentleman from Massachusetts, Mr. MARKEY, points out, this amendment is not intended to go into effect until that treaty is actually achieved. We will not know what the limits of such a treaty are, what the specifics of such a treaty are until it has been negotiated; and those negotiations are revealing right now some signficant problems with verification and, I suspect, even with limitations in terms of kilotons, which will obviously have to set the parameters for any kind of a program that would be established. But my colleagues says, "No, let us get going right now, and develop a program and put it into effect before we even know what the parameters of that program should be."

That's putting the cart before the horse.

As a matter of fact, it has been indicated by the U.S. Arms Control and Disarmament Agency that both sides have tabled their versions of new protocols for the TTBT and the PNET treaties. As a result, it is premature. We should not go forward with this when we do not even know what the parameters of a treaty are going to be.

Second, funding. This could be a very expensive program, but nothing has been allocated. Where is the money for this program coming from? I know during the amendments that we presented the question continually: Where will the money come from? We do not know what programs are going to suffer as a result of the funding that will be required by this amendment.

Now, if all we are talking about is preliminary study, the ranking member, the gentleman from Alabama [Mr. DICKINSON], has an amendment which provides for a study; so we can achieve the purposes of a study very easily without the expense that would attendent to this particular amendment.

Third, the amendment assumes things can be done that cannot be done. It assumes that we can assure reliability and safety, and that is the direct language of the amendment, to assure reliability and safety.

There are a lot of different things that could be adduced here to support the proposition that we cannot assure any such thing without actual testing, but let me just quote briefly from testimony of Roger Batzel of the Lawrence Livermore National Laboratory before the Senate Committee on Armed Services about a year ago.

He said that the nuclear weapons operate in conditions which are virtually unique. The material speeds are millions of miles per hour. The temperatures and pressures are hotter than the center of the sun, and the time scales are billionths of a second. We frequently cannot predict how a given nuclear weapon design will perform until it is tested. We cannot take all the information measured by nonnuclear means and make the extrapolations into the nuclear performance regime. We cannot always adequately assess the implications of aging which occurs in nuclear weapons without nuclear tests. And then he says something very interesting.

> Approximately one-third of all modern weapon designs placed in the United States stockpile have required and received post-deployment nuclear tests for resolution of problems. In three-fourths of these cases the problems were discovered only because of the ongoing nuclear tests.

And there are pages of examples where only by testing were we able to find out what the problems were.

And, without testing, we will lose personnel. As a matter of fact, during the earlier test ban we lost from the laboratories a significant amount of personnel because we were not testing. In the 3 years between 1958 and 1961 Lawrence Livermore Lab lost 10 percent; Los Alamos Lab lost 30 percent of their weapons designers and diagnostic physicists. As a result, it is assumed that we can do things we cannot do.

□ 1335

Fourth, why just reliable and safe? Why not survivable and effective? Time does not permit me to go into that.

Fifth. Why do we talk about designs? The language of the amendment does not talk about weapons. It talks about nuclear weapons designs. This I think is a fatal flaw in the drafting of the amendment. I suspect that it is merely a mistake in drafting and that there was nothing intended by the use of the word "designs" in lines 8 and 15.

Finally, the micromanagement of this bill. Why all the specific levels, which I am led to believe the Department of Defense does not even agree with, but the levels assuming that three-fourths of our weapons must work—that that is good enough.

I think, Mr. Chairman, that this is premature. It is not needed and it ought to be tested in the committee before being brought to the floor.

We should vote no on the Markey amendment.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, if you have supported the previous test ban amendments, and a majority in this Chamber have done so, the Markey amendment is the logical next step for those of you who are concerned about the readiness of the nuclear arsenal.

Just think for a moment, and I know it is hard to predict the future, that we have a President Dukakis who wants to negotiate quickly a comprehensive test ban agreement with the Soviet Union. The gentleman from Alabama [Mr. DICKINSON], the gentleman from Ohio [Mr. KASICH] and the gentleman from Illinois [Mr. HYDE] will leap to their feet and say, "How can we possibly have a test ban? We have no idea whether our weapons are reliable. We have no readiness program to determine whether or not we can assure reliability without testing."

The Markey amendment says that if we have a Dukakis Presidency, we will have a readiness program.

Now, let us assume something else. Let us assume that the Moon is in the seventh house and that Jupiter is aligned with Mars and that peace suddenly will guide the planets and love will fill the stars. This is the dawning of the age of Aquarius, and let us assume that Ronald Reagan's horoscope suggests to him that he should have a comprehensive test ban. Then in that event we would want to have the Markey readiness program in the event that it is in the stars that we just have not seen.

It makes eminent good sense for us to prepare the way for a comprehensive test ban.

The vast majority of the nations in the United Nations, the Soviet Union, the majority of the Members of the House of Representatives, the majority of the people of the United States—the United States, remember those, the constituents who vote for us—would like to see an end to nuclear weapons testing. If we are to prepare the way for that end, if we are to be reasonably confident that the disassembly of nuclear weapons and their remanufacture can be successfully completed, the Markey amendment will do that.

Now, where will the money come from, one of our colleagues asked, and that is an excellent question. From the $8 billion that the labs currently spend on the manufacture of weapons. They can find within that money the money that is necessary to complete the Markey amendment.

It makes enormous sense. It is logical and sensible that we have this information and that we prepare for the day, and I know it is tragic for many of you to think that there may be no more nuclear explosions on the planet Earth, the Markey amendment prepares us in a scientific and a military way.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. Of course, I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I just would like to read for the benefit of others who are here a quotation from Admiral Foley in his 1986 testimony before the House Armed Services Committee, who until recently served as the head of DOE's defense program. Here is what he said in testimony before our committee:

> The cost to remanufacture a warhead after the initial production line is closed will be dependent upon a number of factors; but in general, however, it will be greater than the initial warhead cost if only because of the effects of inflation, but less than a totally new warhead would cost at the same time.

That is all we are really talking about, being cost-effective in that new era.

The CHAIRMAN pro tempore (Mr. SMITH of Iowa). The time of the gentleman from New York has expired.

Mr. SPRATT. Mr. Chairman, I yield 1 additional minute to the gentleman from New York so he can complete this colloquy.

Mr. DOWNEY of New York. Again, Mr. Chairman, I think this protects us: First, in the event of a Dukakis Presidency; or second, in the event of an astrological epiphany on the part of the President.

Mr. MARKEY. Mr. Chairman, will the gentleman continue to yield briefly?

Mr. DOWNEY of New York. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Again, Mr. Chairman, according to the Department of Energy, remanufacture of already existing designs will cost less than the building of new ones, and in the long term this amendment will save the United States money because we are going to ensure that the Department of Energy does not build in planned obsolescence into our nuclear weapons, but rather the capacity to have the durability and the capacity to ensure that we can maintain the credibility of our deterrent without having to go through newer and newer regimes of nuclear testing with new designs, when the old designs have proved satisfactory.

Mr. DOWNEY of New York. Does the gentleman not have, and would he not submit for the record when we are in the House, a list of some eight Nobel Laureates who have worked on nuclear weapons, who point out that the testing regime is unnecessary, that this is a far more efficacious way of accomplishing a test ban?

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the sponsor of the amendment, the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, to my good friend from Ohio, you cannot have it both ways at the same time. The gentleman is now saying to us that we should not be voting here because we hear reports from the Soviet Union, from Geneva, that there may be an agreement on the test ban, and that it is Ronald Reagan, not Michael Dukakis, who is considering a test ban with the Soviet Union. That is what the gentleman is telling us right now.

What the gentleman says out of the other side of his mouth is that we should not have a test ban, that we ought to continue and that we cannot guarantee the reliability of our stockpile. Well, you cannot have it both ways at the same time. If you believe there should be a test ban and that Ronald Reagan has the right to negotiate one and that you would support it, then you are going to have a program in place that can insure that the existing nuclear weapons stockpile is reliable, is safe, and will serve as a deterrent against our Soviet rival. You cannot have it both ways.

You cannot have these crocodile tears out here on the floor about the reliability of our stockpile and the safety of our stockpile and then when an amendment comes along that has nothing to do with negotiations, nothing to do with Geneva, nothing to do with anything except a deficiency in what the DOE does, we now say that we are handcuffing them in the negotiations, when it is an aid to negotiations.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AUCOIN].

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Mr. AUCOIN. Mr. Chairman, it gives me great pleasure to yield to my friend the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I appreciate the gentleman from Oregon yielding.

Mr. AUCOIN. And I yield to the gentleman from Ohio who, I would stipulate, never once has yielded in this session of Congress to this gentleman, but I yield to him.

Mr. KASICH. Mr. Chairman, let me point out to the gentleman from Massachusetts [Mr. MARKEY] that the administration opposes this amendment, and if the gentleman from Massachusetts really supports the President in his negotiations, he would not have supported the test ban which he, the President, believes undercuts him. That is what I want to tell the gentleman from Massachusetts.

The administration is opposed to this amendment. They do not favor this amendment. They think it is premature. They do not think it supports the process. All I want to do is support the process like I am sure the gentleman from Massachusetts does. We have the same goals. I guess we have a little different approach.

Mr. AUCOIN. Mr. Chairman, on my own time let me make one point about this question of undercutting the President of the United States. I have listened to the gentleman from Ohio [Mr. KASICH] make this statement, that Congress just cannot legislate any kind of restraint on the arms race or we will undercut the President.

Let every Member of this House be reminded that this House passed and put into law 3 years ago a restraint on the flight testing of Asat's. It is the law. It has been law for 3 years.

Guess what? That did not undercut the President. The President was still able to negotiate successfully the INF treaty with the Soviet leader. That is one clear example of where the Congress exercising its powers, its responsibilities in restraining this madness called the arms race, did what it had to do and I think wisely so. This stuff about undercutting the President did not prove out. It just simply has not proved the point. Let us enter that into the RECORD.

With respect to the Markey amendment, I strongly support it. Let me indicate that there have been two schools of thought among advocates on the nuclear explosive test ban. One school says that one can maintain reliability without testing. The other school, to which I belong, says that both sides will ultimately lose reliability but that can be good if it discourages a first strike on both sides.

Either way, regardless of that difference, there is a persuasive reason to favor the Markey amendment that is before us today. Everybody agrees including the test ban opponents that if our weapons in the United States degrade faster than the Soviets' in a test ban environment, that would put America at a substantial disadvantage. The Markey amendment is only prudent common sense. It helps the arsenal that we have remain at least as reliable as the Soviet arsenal in a test ban environment should a test ban ever be negotiated. That is all it does.

I would say to my colleagues that if they favor a test ban that hopefully will be negotiated, they should vote for the Markey amendment. But to those of my colleagues who oppose the test ban, they should also support the Markey amendment because a ban may be legislated over your objection and if it is legislated over your objection, you should want the highest degree of reliability that we can maintain that is possible to maintain in a test ban environment.

Mr. Chairman, I urge my colleagues to vote for the Markey amendment.

PARLIAMENTARY INQUIRIES

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. If I understand correctly, Mr. Chairman, I have the right to close?

The CHAIRMAN pro tempore. The gentleman is correct with respect to the amendment.

Mr. DICKINSON. I thank the Chair.

Mr. SPRATT. Mr. Chairman, is it the amendment of the gentleman from Alabama [Mr. DICKINSON] in the nature of a substitute which will be offered before and voted upon before the Markey amendment, or is it king of the hill, so to speak?

Mr. DICKINSON. Mr. Chairman, if I may reply to the gentleman, it is my understanding that my amendment is king of the hill. We will follow the Markey amendment.

Mr. SPRATT. Mr. Chairman, I simply wanted that clarification.

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very distinguished and able gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, it is unfortunate that an important subject like this is circumscribed in time to debate by the rule of 10 minutes to each side. It trivializes the whole subject of defending our country in a dangerous world and it trivializes this issue. Everybody wants a safe nuclear deterrent. Everybody wants a reliable nuclear deterrent. But I also want an effective one. That is not contemplated by the gentleman from Massachusetts in his amendment. He does not talk about "effective." He talks only about "reliable and safe."

Mr. Chairman, I do not know if we can test nuclear weapons nonexplosively. I am sure there is a long line of Ph.D.'s who say yes, we can, but I am sure there is an equally long line of Ph.D.'s who will say that we need to explode these weapons in order to properly test them.

Mr. Chairman, I do not know the answer. I should think we would want to know that answer. I should think that we would want to take more than the biases, if I may say so, of a group of people who are completely antinuclear and have persistently been so. I should think we would want to hear from the experts, the people who have spent their lives in this field, not political pundits.

Mr. Chairman, there have been no hearings on the Markey amendment as to whether we can reliably, safely, and effectively test nuclear weapons nonexplosively. These are matters of war and peace, life and death, national security, and for the Committee on Armed Services to blithely accept an amendment like this and even support it when there have been no hearings, no expert testimony adduced, trivializes this issue. It is a shame. It is very, very bad legislation.

Mr. Chairman, we are all consumed with a memory of the *Challenger* disaster. We lost astronauts and our space program was set back immeasurably. That ought to have heightened in us an understanding of the importance of really testing these weapons.

As long as America and as long as the free world must depend on nuclear weapons to deter the Soviet Union and the Qadhafis and the Ayatollahs of this world, I want our nuclear deterrents to be effective, to be safe, and to be reliable.

How do we determine that?

The gentleman from Massachusetts [Mr. MARKEY] says that we can do it by a nonexplosive method. I do not know that for a fact. I do know we are rushing this amendment through, we are rushing this bill through, we are rolling over people who have serious concerns and objections because the majority has the votes, and they are already salivating at the prospect of President Dukakis coming in. That is wonderful, but just remember the American people understand what the majority is doing to the defense of this country, and what they have done all week on the eve of a summit meeting with the General Secretary of the Soviet Union. I am not so sure that action enhances your candidate's chances for administering the security and the safety of the American people.

Mr. SPRATT. Mr. Chairman, I yield the balance of our time to the gentlewoman from Colorado [Mrs. SCHROEDER].

The CHAIRMAN pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 3½ minutes.

Mrs. SCHROEDER. Mr. Chairman, I urge my colleagues to support the Markey amendment establishing a Nuclear Test Ban Readiness Program within the Department of Energy and to oppose the Dickinson substitute.

The Reagan administration has stated recently in its talks with the Soviets that negotiations on limiting nuclear testing would accompany progress on an arms agreement with the Soviets on the reduction of strategic nuclear weapons. If the administration is serious about its stated policy and is close to concluding a treaty with the Soviets on strategic nuclear weapons, it should support a program that would insure the reliability and safety of the United States nuclear stockpile during a nuclear test ban.

The administration in the past has maintained that nuclear testing is essential in order to maintain the safety and reliability of our nuclear stockpile. Many prominent experts in the field have disagreed with the administration's position. Weapons experts such as Dr. Hans Bethe, former director of the theoretical division of the Los Alamos Laboratory, Dr. Herbert York, first director of the Lawrence Livermore Laboratory and many others have agreed that safety and reliability of our nuclear stockpile can be maintained by a careful program of stockpile inspections, nonnuclear testing, and remanufacture of warheads using the design parameters of existing warheads provided for in the Markey amendment.

In recognition of adoption by the House of a nuclear testing amendment on April 28 and on agreeing to the amendment three other times over the last 2 years, I urge you to support the Markey amendment. A vote for the Markey amendment would be a vote supporting the House position on nuclear testing. The amendment answers the administrations questions over reliability and safety testing of our nuclear stockpile during a nuclear test ban and assures U.S. preparedness in the event of a Nuclear Test Ban Treaty.

Please support the Markey amendment to prepare for a nuclear test ban and oppose the Dickinson substitute that would only require a report on a Test Ban Readiness Program.

Mr. Chairman, I include for the RECORD a quote of Dr. Andrei Sakharov, dissident Soviet physicist and father of the Soviet H-bomb. This is from an interview in Time magazine, March 16, 1987:

Regarding the problem of nuclear testing, I maintain that the combat capability of many new versions of nuclear weapons (of both the fission and fusion kind) can be reliably maintained without conducting nuclear tests. A possible exception may be weapons based on new physical and design principles. But existing physical and design principals already are quite sufficient to manufacture nuclear weapons satisfying all military requirements. Testing is not required to develop new versions of weapons differing only in terms of dimensions, weight or other such parameters from those previously tested. Testing is currently not necessary to verify the reliability of alder, stockpiled weapons or to verify their ability to withstand the mechanical, thermal and radiation effects they may have been subjected to in combat.

Mr. Chairman, I would like to ask the author of this amendment what does Geneva have to do with this? Did I miss something? I have read the amendment of the gentleman from Massachusetts and it does not have anything to do with Geneva as far as I can tell. It has to do with telling the Department of Energy to move forward in looking at how we do this testing.

Mr. MARKEY. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for yielding. Once again what we have heard from that side is their belief on the one hand that we should not be doing anything because there are negotiations going on concerning the test ban, but they go to the well and they all say the same thing, that there should be no test ban, we should never stop testing, we have to keep testing, testing, testing, testing, testing, testing. So we have it both ways. There is no vote because they are going to have a negotiation that Ronald Reagan will sign or GEORGE BUSH, but if they did sign such an agreement, they would believe that they would be wrong. That is what they are all saying on the other side here on the floor.

My amendment has nothing to do with that debate. That debate goes on between members of both parties and within parties. Our amendment just says that if Ronald Reagan is successful and he does get an agreement this year, or GEORGE BUSH, or Mike Dukakis, we ought to have a program in place like Andrei Sakharov and Hans Bethe and others support that ensures our weapons will be as reliable as Soviet weapons if Ronald Reagan decides to get that treaty that the minority says we should not be inhibiting out here on the floor.

I do not understand what all the rest of that rhetoric has to do with it.

My amendment is just being smart. It is using our heads. It is saying that we ought to be prepared and we ought to have everything in place. It has nothing to do with what is going on in Geneva whatsoever.

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, let me ask the gentleman from Massachusetts [Mr. MARKEY] another question. It strikes me that it could be terribly embarrassing to the United States if the Soviets did table a proposal on testing and that we did not have this research done, and they did, and we had to pull back because we had not done it.

Mr. MARKEY. If the gentlewoman will yield, I agree with the gentlewoman 100 percent.

Mr. DICKINSON. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank my ranking member for yielding. I just want to say that what we have here is a situation where we will not let our negotiators negotiate. We weigh them down with chains like Marley's ghost. We send them over to negotiate but they have all their cards taken out of their hands. What are they supposed to do, a soft shoe? Why do we not let our negotiators negotiate?

I prefer our negotiators to the gentlewoman from Colorado [Mrs. SCHROEDER]. I know that is unesthetic, but I prefer them. I think they know their field a micromillimeter more than the gentlewoman from Colorado does.

I have affection and admiration for the gentleman from Massachusetts [Mr. MARKEY] but I prefer Ambassador Glitman, and people who have spent their lives in this field. Let the negotiators negotiate. That ought to be our slogan.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time for debate on this subject has expired.

It is now in order to consider the amendments relating to a comprehensive test ban printed in section 1 of House Report 100-579, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

(A) By Representative MARKEY; and

(B) By Representative DICKINSON.

Each amendment shall be in order even if amending portions of the amendment in the nature of a substitute, as modified and as amended, already changed by amendment. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: At the end of title I of division C (page 246, after line 6), add the following new section:

SEC. 3133. NUCLEAR TEST BAN READINESS PROGRAM.

(a) REQUIREMENT.—Within the amounts authorized for the Department of Energy for operating expenses, the Secretary of Energy shall allocate such funds as may be necessary to establish and support a readiness program to assure that the United States is in a position to maintain the reliability and safety of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive ban on nuclear explosive testing should go into effect. The purposes of the readiness program are the following:

(1) To assure that a vigorous program of stockpile inspection and nonexplosive testing is maintained in order to detect and identify potential stockpile reliability and safety problems in existing nuclear weapons designs during a low-threshold or comprehensive test ban.

(2) To assure that the specific materials, components, processes, and personnel needed for the remanufacture of existing nuclear warheads or the substitution of alternative nuclear warheads are made available to support such remanufacture or substitution should it become necessary in order to address reliability and safety problems under a low-threshold or comprehensive test ban.

(3) To assure that a vigorous program of research in areas related to nuclear weapons science and engineering is supported in order to maintain a base of technical knowledge about nuclear weapons design and nuclear weapons effects under a low-threshold or comprehensive test ban.

(b) CONDUCT OF READINESS PROGRAM.—The program established under subsection (a) shall be directed by the Albuquerque Operations Office of the Department of Energy, with the participation of representatives of the national weapons production facilities, the national weapons laboratories, and the Department of Defense.

(c) REPORT.—The Secretary of Energy shall submit to Congress an annual unclassified report (with a classified annex as necessary) which describes the progress made to date in achieving the purposes of the program established under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term "reliability" means that—

(A) not less than 90 percent of the different weapon types in the stockpile picked at random will perform adequately;

(B) not less than 75 percent of the warheads of a given stockpile weapon type will perform adequately; and

(C) the explosive yield of a weapon of any type is not less than 75 percent and not more than 133 percent of its nominal value.

(2) The term "safety" means that—

(A) all of the different weapon types in the stockpile are one-point safe so that an accidental detonation would produce a neligible nuclear yield; and

(B) all of the different weapon types in the stockpile either utilize insensitive high explosive to minimize the likelihood of dispersal of nuclear material into the environment during their stockpile life or are subjected to special handling procedures aimed at minimizing the possibility of an accidental detonation of high explosive.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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Mr. MARKEY. Mr. Chairman I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding.

I would just have to respond to the remarks from the gentleman from Illinois [Mr. HYDE], my friend, that his argument is totally off base. This amendment, the Markey amendment, has nothing to do with Geneva or with negotiators. It has to do with the Department of Energy. It provides a direction to the Department of Energy.

It provides direction to the Department of Energy that if, ever, in the event a test ban should be negotiated, and some of us hope it will, that there be in place in the Department of Energy a readiness program that helps reliability within our arsenal in that atmosphere. I happen to be one who hopes there will be a test ban negotiated. The gentleman from Illinois disagrees with that. He does not want any test ban, but I would think that the gentleman from Illinois and people like him ought to consider the fact that someday a test ban may be negotiated over his objections, and in that environment, I would think he would want a readiness program so that the United States in that environment has the highest degree of reliability in its arsenal. That is what we constantly hear from the other side. That is what this amendment would provide if that prospect should ever come to pass, a test ban negotiated at Geneva or somewhere else.

I would think opponents and proponents of the test ban should support this.

Mr. HYDE. Mr. Chairman, will the gentleman yield? Will the gentleman yield, since the gentleman used my name?

Mr. AUCOIN. For that reason, I urge the gentleman from Illinois, to whom I will not yield, to support this amendment, and I urge all of my colleagues to support a well-founded and well-thought-out amendment.

There have been two schools of thought among advocates of the nuclear explosive test ban. One school says you can maintain reliability without testing. The other school, to which I belong, says both sides will lose reliability and that's good because it discourages first strike.

But either way, there's persuasive reason to favor this amendment. Everyone agrees—including test ban opponents—that if our weapons degrade faster than the Soviets' in a test ban environment, that puts us at a disadvantage.

This amendment is only prudent common sense. It helps the arsenal that we have remain at least as reliable as the other side's arsenal—if a test ban should ever be negotiated.

Those of you who favor a test ban should vote for the Markey amendment. Those of you who oppose a test ban should also vote for the amendment—because a ban may come over your opposition. And surely—in that case—you would want the best degree of reliability possible.

Pass the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

The gentleman from Oregon [Mr. AUCOIN] is making the exact point. If we do not pass the amendment of the gentleman from Massachusetts, we are crippling our negotiators. The other side has flipped this argument, and what they are really saying is they want to make sure we can never do a test ban. We would be crippling our negotiators, because our negotiators rely on the DOE and our scientists and what they want to do is lock them into information that will not allow them to be competitive with the Soviet Union.

It is not us who will be cripping our negotiators. It is the other side who is crippling our negotiators. PAT SCHROEDER is not talking about what she is going to do. She is talking about the DOE, the scientists whom we trust with this stockpile to have a little more authority to move forward and plan for the future. I cannot believe the other side is arguing against that.

Again, as I say, it sounds like they believe in the flat Earth. We must be moving in that way or our negotiators have no backup in the scientific realm, and that would be ridiculous.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I rise in oppostion to the amendment.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I just want to correct a misstatement by the gentleman from Oregon [Mr. AUCOIN], my friend.

I support a comprehensive test ban treaty when it is verifiable, when it results in mutual militarily significant reductions. I would like to have that happen. I hope that straightens that out.

As far as the DOE, why do we not hear from them? What is the inhibition to having hearings and taking testimony from this agency that the gentlewoman from Colorado has such implicit confidence in? Why does not your confidence extend to letting them testify in the hearing as to why one can test these weapons nonexplosively? I think that would be awfully important to hear, and I am unwilling, and I hope it is not too cynical, to simply accept the fiat of the gentleman from Massachusetts, as skilled as he is in these things.

So that is the reality, and if Members were serious about it and wanted our negotiators to go in without a lot of legislated handicaps, Members would not saddle them with this sort of amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Again, once again, we hear the contradictions from the other side. Earlier, the gentleman from Illinois went to the well and said that we should test nuclear weapons as long as there are nuclear weapons. Now he stands up and says that he supports a comprehensive test ban which is just the opposite.

My argument is that we are not going to resolve that here on the floor today, but if the gentleman's last wish comes true and there is a comprehensive test ban that we ought to follow the advice of Hans Bethe, Andrei Sakharov, Herb Yok, former head of Lawrence Livermore, Lawrence Bradpur, former director of Los Alamos, Glen Seaborg, former Chairman of the Atomic Energy Commission, a whole long list of distinguished American scientists with long pedigrees that says we should have a program that ensures that if there is a comprehensive test ban that is agreed to by Ronald Reagan, or GEORGE BUSH, or Mike Dukakis, or Jesse Jackson, that we have the capacity to ensure the reliability and safety of our weapons.

We do not have a program right now in the Department of Energy. That is all we were talking about.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, I thank the gentleman from Alabama for yielding me this time.

I would like to point out to the gentleman from Massachusetts [Mr. MARKEY], my colleague, as he knows, there have been occasions in the past when I have supported a test ban treaty. There have also been occasions in the past when I think we needed to give the administration a push and perhaps even send a message to the Soviet Union. That was before the INF agreement. It was before we faced another sensitive situation with an agreement just a few days away. I would encourage the Members, whether they supported a test ban in the past or not, to realize that at this juncture, at this point in time, it makes no sense whatsoever to support a test ban treaty.

I think we all recognize, and I think we have got to be truthful with ourselves, that this is a political statement. This is nothing more than a political gesture, and I hope that we can get past the politics and the campaigning and the rhetoric of whether we are in favor of a test ban treaty or not. Let's understand and realize that this is a time when we have to come together to stand behind this President or any President in the future because we have a good INF agreement. It has not yet been ratified, but we are on the verge of yet more agreements, and it will serve no useful purpose for us unilaterally to send a message to the President or unilaterally to send a message to the Soviet Union that we in the Congress, in the House, are willing to tie the hands of the President and the negotiators.

I think the gentleman from Illinois [Mr. HYDE] made some very clear statements; yes, he would be in favor of a comprehensive test ban treaty if it is agreed to by the two supernations, not by this House of Representatives, and I compliment the gentleman from Massachusetts [Mr. MARKEY]. I felt he had good intentions over the years and that we needed to send a message to the President at that time, and perhaps we were successful. Perhaps that played a small part in the game, perhaps it was an important part of the puzzle. It played a significant role in getting an INF agreement, getting the administration to move.

We now have something on the table, and let us ratify that. Let us not tie the hands of the President or negotiators. Let us stick together and support the President and the negotiators in the next several days.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MARKEY. Mr. Chairman, may I inquire which side has the right to conclude debate?

The CHAIRMAN pro tempore. Under the rules, the gentleman from Alabama [Mr. DICKINSON] would have the right to conclude because he is defending the bill against the amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

I have voted for the test ban in the past. This year I voted against it, but I still think that my vote this year on the test ban is consistent with a vote in favor of the Markey amendment. Why? I voted against the test ban this year because I thought there were ongoing negotiations and ongoing developments, progress being made in the area of verification.

Indeed, Soviet scientists and American scientists have recently been in Nevada at the test site to test seismic listening devices, that is, to test their effectiveness for verifying a test ban in both countries. We are making progress on that front.

For that reason, I thought it was well to pull off a test ban this year, but we also need to make progress on the second objection that is frequently raised whenever the question of a test ban comes up, and that is the question of reliability and safety.

All Mr. MARKEY proposes with this amendment is that we get on with a solution to that particular problem so that if these negotiations do break in favor of a test ban, if that is included as part of the deep cuts, cuts in the START negotiations, then we will be able to deal with it prudently and sensibly. That logic is recognized in the substitute offered by the gentleman from Alabama [Mr. DICKINSON]. His substitute says there are ongoing nuclear negotiations between the United States and Soviet Union, and the Secretary of Energy for that reason "should be prepared to initiate a program that assures the maintenance of an effective, reliable, and safe United States stockpile."

☐ 1415

If he should be "prepared" to initiate such a program, why do we not simply go straight to the conclusion, and have him initiate it now? Don't our negotiators need to know now if we can be assured of a safe and reliable stockpile without nuclear testing? Surely, they need to know that before negotiating a test ban and not after negotiating a test ban, and that is the simple, plain, logic of the Markey amendment. That is why I support it, and urge other Members to support it in preference to the substitute to be offered by the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, no matter how well meaning the amendment just offered by the gentleman from Massachusetts [Mr. MARKEY] if we read it it says that the Secretary of Energy shall allocate such funds, as may be necessary, and we do not know how much or where they come from, to establish and support a readiness program to assure that the United States is in a position to maintain the reliability and safety of its stockpile of existing nuclear weapons designs in the event that a low threshold or comprehensive ban on nuclear explosive testing shall go into effect. We are requiring him to do something that he is unable to do.

If this amendment should pass, I have a substitute which would at least say do a study, give us a report on how you are planning to do this, if it is a desirable thing to do.

But basically, Mr. Chairman, there are three sound, cogent and I hope compelling reasons that this amendment should be defeated. First, the membership in general does not understand it. They do not understand the intricacies of what is required by the bill. They are not here and we have not debated it or had witnesses on either side. This is a question of first impressions of those who have sat through the debate on the floor, and I see some 20 Members here out of 435 who have the experience of hearing what has been said. I do not know how many may be listening on television.

But I would ask all Members to understand what is in the amendment, and if they understand what is in the amendment vote for it. But if they do not understand it, vote against it, and it will go down by an overwhelming number.

Second, this is a question of first impressions for this committee.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from Alabama [Mr. DICKINSON] has expired.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman offering the amendment feels so strongly, why not go through the regular process before the committee of competent jurisdiction, offer the amendment or a bill, and hold hearings. Let the proponents and opponents come forward. Let us have a hearing, let us come to a consensus based on the facts and determine whether the administration supports it or opposes it. Let us at least come to an understanding of what we are dealing with, not bring an amendment to the floor that Members do not undertstand. It is complicated. We do not know its ramifications, we do not know its costs, and we do not know who would administer it. We are just told, hey, take my word for it, this is a good thing, without our having had an opportunity to explore it. As the chairman of the full committee says, why should this be any different. Ninety percent of the items we have taken up and consumed the Committee's time with has not come through the committee either. That is true, and that is one of the fallacies of our system that I hope that the Rules Committee will correct next year. On all of these policymaking issues that we want to be debated and want to be put into law, let the proponents bring their ideas to the committee like they do every other committee, and let them have committee hearings, let them have witnesses, let the Members understand, and let them debate the question.

Then we can come to a decision based on reason and fact, not on emotion or just taking someone's word for what may or may not be the case. Let the committee system work. It has worked in every other committee, so it should not come to the floor as a matter of first impression or according to what the Senate hearings might have shown, or what somebody's paper might have said, or what somebody who worked for Lawrence Livermore might have said. Let it come through the committee system, let them vote on it in the committee of jurisdiction and act on it.

Third, and just as compelling, or more so, I would hope, if this amendment is passed I have a substitute that would try to correct some of its inadequacies. If it fails, I will not have to offer my substitute, thus saving 25 minutes of the Committee's time and the House's time, and we will get out a half hour earlier if we vote it down.

I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 10, as follows:

[Roll No. 124]

AYES—201

Ackerman
Akaka
Alexander
Anderson
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Clarke
Clay
Coelho
Collins
Conte
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hochbrueckner
Hoyer
Hughes
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Rahall
Rangel
Ray
Rodino
Roe
Rose
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yatron
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—220

Andrews
Annunzio
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boucher
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Chappell
Cheney
Clement
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Dreier
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Pickett
Pickle
Porter
Price
Pursell
Quillen
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)

NOT VOTING—10

Biaggi
Conyers
Daub
Duncan
Flake
McGrath
Mica
Spence
Swift
Yates

□ 1439

The Clerk announced the following pair:

On this vote:

Mr. Flake for, with Mr. McGrath against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). Does the gentleman from Alabama [Mr. DICKINSON] desire to offer his amendment.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, it had been my intention to offer a substitute if the last amendment had passed. Since it did not pass, I will not offer my amendment.

Mr. Chairman, I would like to take this opportunity to yield to the chairman of the committee so that he might explain how the next amendment will come up out of the printed order and maybe perhaps he could explain what we might expect for the rest of the day.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, let me just say we are very close to the end of this bill, surprising as it may seem.

We have one more major amendment in terms of the amount of time that is left. There is an amendment by Mr. NAGEL and Mr. DORNAN of California that is on the the depressed trajectory amendment for which there will be 40 minutes of general debate, 10 minutes of debate of the amendment and then a vote.

Following that we have two more regular order amendments, if both of them are offered—we are not sure whether they will be—we have yet the add-back amendment for which the gentleman from Alabama and our staff's have been working on, that would take care of, restore the money cut in the ICBM amendment from last week.

Then we are at the end of the bill.

As I understand it on the Republican side there is going to be a motion to recommit and there will be a vote on final passage.

We are looking at finishing this in the next hour and a half.

Mr. DICKINSON. If I might recap what I understood to be the order: We will have one amendment on the depressed trajectory, ICBM or missiles, 40 minutes, plus 10 minutes before the vote, and after that there will be 2 amendments of 10 minutes each if they are offered. After that we will have a catchall amendment of addbacks to use up whatever funds were not allocated and used in the regular order of business.

There will be 60 minutes of possible debate on that and that will be the last amendment to this bill. After that there will be a motion to recommit with instructions and the final passage.

I would anticipate that if things move in an orderly manner that we will be out of here perhaps by 4:30, between 4:30 and 5.

I would like to compliment and commend the ladies and gentleman of the committee for their "no" vote on the last amendment because that saved us 30 minutes as well as striking a blow for freedom.

☐ 1445

The SPEAKER pro tempore. Pursuant to the notice provided by the chairman of the Committee on Armed Services earlier today, under paragraph 7 of section 2 of House Resolution 436, it is now in order to debate the subject matter of depressed trajectory missiles.

Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 20 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. NAGLE], the author of the amendment.

Mr. NAGLE. Mr. Chairman, I rise in obvious support of this amendment since I am one of the two sponsors of it, and I might observe that this is somewhat new and somewhat different. We have in this House for the last 8 years debated amendments over the limitation.

As I started to say, this is an important amendment. It is somewhat different than what we have considered before.

As a matter of fact, to my knowledge this amendment has never been considered by a legislative body previously. That is the first thing that makes it unique. The second is the sponsors.

Mr. Chairman, the political left, as I am generally regarded, and the poltical right, the gentleman from California [Mr. DORNAN] have managed to unite on a defense initiative. That in and of itself has caused some consternation and some curiosity.

Basically what the amendment seeks to do is ban the testing of depressed trajectories. In order to understand that, because it has not been raised before, it is necessary to go into some explanation.

Under current United States and Soviet technology, a nuclear warhead, whether it is MIRV or single-entry vehicle, has to fly 13 minutes into the air in order to hit its target inland United States or inland the Soviet Union. That 13-minute drag is very, very important from the concept of our defense posture, which is mutual assured destruction.

What that simply says is it gives us enough time to get our bombers off the ground and respond to a Soviet attack. It assures massive retaliation, the doctrine this country has had since John Foster Dulles and Robert McNamara.

The amendment says that we would not try to develop the new weapons system if the Soviets do not.

Now to understand that, I would like to illustrate by a chart I have here on my right what exactly we are talking about.

Under current United States, Soviet technology the time it takes to hit a target corresponding to the minutes is shown by the black line. The time necessary to launch our bomber force is shown in the blue block, from here to here.

As long as missiles take longer to reach then they do to respond, we can afford to have a bomber force and make it work.

If the Soviets or the United States ever attempted to launch a flat trajectory, a depressed trajectory missile that would strike before our bombers get off the ground, it would be a very destabilizing weapon. That is why I support the amendment.

The gentleman from California [Mr. DORNAN] supports it, I believe, because of the fact that believing the B-1 bomber retaliatory force, he does not want a weapons system that makes it obsolete.

For those reasons we have offered this amendment to the floor.

Now in addition to that, I should point out that it is not necessarily new that this amendment has been offered. It has been tried previously in arms negotiations between the Soviet Union and the United States. Unfortunately, when approaching the Soviet Union, with this, we find that they want concessions in return. We do not want to give concessions. We simply want a ban on the testing.

So what the amendment does, it says to the Soviet Union we would not test if they do not test. "If you don't test, we won't test."

We have checked with the CIA. It is a verifiable arms limitation agreement. We have checked with the Navy; we have checked with the Air Force. There is currently no U.S. program for researcher technology.

What is really significant about it is, when the START talks stalled with INF in disarray, we have managed to actually initiate an arms control measure with the Soviet Union that requires neither side to do anything but simply stop the halt of new technology.

Now this body is 200 years old, and I think when everyone of us were sworn in that we felt some kind of an historic presence, being part of the 100th Congress of the United States. What better momentum to Congress of the United States than to initiate a new arms agreement, something that stops the arms race by stopping the technology race, something that will save the United States, if we ever had to do it, over $40 billion, and it is something from a perception of avoiding a nuclear war, takes the hair off the trigger and, indeed, makes it possible for stabilization in the event of a confrontation between the Soviet Union and the United States.

For those reasons, Mr. Chairman, I urge its adoption.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I want to make sure. We are talking here about a very important subject.

Who in the administration says this is verifiable?

Mr. NAGLE. Mr. Chairman, I have checked with the CIA. I was briefed by them. They came in and did the whole sweep of the office and everything else.

We do have the capability to determine whether or not a Soviet missile is launched and tested. Principally, and all that I am allowed to say because of the briefing is, by satellite recognizance photographs. But it is verifiable. We will know if they do it, and we can commence our own testing, if we desire.

Mr. DICKS. As I understand, the Director of the Central Intelligence Agency would be called upon, who is in charge of all intelligence gathering for the administration. So, he would have the Defense Intelligence Agency, the National Security Agency, and other agencies that are involved in intelligence gathering involved in this activity, as I understand it.

Mr. NAGLE. The gentleman from Washington is correct.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I have respect for both authors of this amendment, however, I think once again we are entering into that area of having legislation that has not been perused by the committee in which extremely important elements of the amendment have not been subject to examination in hearings, have not been subject to the scrutiny of the staff members of the Committee on Armed Services. Let me just give an example.

One key element on this particular amendment would be verifiability. Is this ban verifiable, mutually verifiable? In talking with members of the Committee on Armed Services staff, some of them are of the opinion that it is not verifiable. The author of the amendment stated that we have checked with the CIA and that they say it is verifiable. We have not had an opportunity to ask the CIA to comment on this. We have not had an opportunity to cross-examine them, and here we are moving ahead with major legislation which is going to establish a precedent where Members will come back year after year and say, "How was my vote last year," not, "What are the merits?" And we are going to be in a dangerous situation.

So, Mr. Chairman, I thank both gentlemen for raising this amendment. I think it is good because they have gotten our attention. We did have hearings on it, we should examine the issue, but on the basis of a 10- or 15-minute debate, we should not pass such critical legislation.

Mr. Chairman, let me just give you, as an example, what happened with the Asat test ban. The Asat test ban came out much in the manner that this amendment came out. It was on the periphery of the issues and one of the Committee on Armed Services bills several years ago with a lot of Members on it; it was kind of a throwaway arms control vote, was not really important. Asat satellite sounded like kind of a star warsy thing, a good thing to vote against politically. We find out a couple of years later that the Soviet Union has satellities that they are using to target our naval vessels, Rorsat's and Eosat's, where they can kill the men and women of our Navy in short order by using these satellites to coordinate attacks on our naval vessels. The House in its wisdom, when it learned about this, reversed its judgment and voted down the Asat ban that we had established earlier when we were not so vigilant, and we did not scrutinize the legislation so carefully, but that was a painful thing. You had Members having to change their votes because they made an early decision that seemed like an easy decision, and, after we put some scrutiny on the issue, they felt compelled to change their decisions.

☐ 1455

I think we have much the same thing right here.

I want to thank both gentlemen for offering the legislation. It has gotten the attention of the Armed Services Committee, but I would not be willing to cast my vote in favor of this just based on the assertion that the CIA says this is fine and this is verifiable, without going into hours and hours of examination and cross-examination in committee.

Mr. NAGLE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Chairman, I think I can reassure the gentleman on the verifiable question. Is the gentleman aware, this was a part of a formal arms control presentation to the Soviet Union by President Carter in 1978? It cleared the Joint Chiefs of Staff as a legitimate proposal, satisfied them 10 years ago as to its verifiability.

Was the gentleman aware that the United States previously proposed this to the Soviet Union and was satisfied 10 years ago that it was verifiable?

Mr. HUNTER. Mr. Chairman, let me just answer the gentleman that what happened under the Carter regime would certainly not be satisfactory to this gentleman. I would still want the opportunity to scrutinize and cross-examine.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from California has expired.

Mr. DICKINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I would still demand the opportunity to scrutinize and cross-examine those experts in any administration who would ascertain that verifiability is at hand and that other elements of this particular amendment would not accrue to the detriment of American national security.

Let me just tell the gentleman, we are in a different world now, if we are talking about short-flight missiles. We are in a world where the Soviet high command is going to great expense to put itself in a position of invulnerability during nuclear attack. We might want to have short-flight missiles.

We are in a world where we have SS-24's and -25's that are mobile. Perhaps we want to have short-flight missiles, perhaps we do not.

We have to spend more time on this particular amendment. The Armed Services Committee has not had that opportunity. For that reason, I thank the gentleman for offering the amendment. I think he has gotten our attention, but I cannot myself pass judgment on the amendment based on the gentleman's assertion that an earlier administration liked it and that the CIA thinks it is verifiable.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, may I say to the distinguished gentleman from California [Mr. HUNTER], a highly qualified, airborne qualified infantry lieutenant, that I have never crossed swords with him before and I hate to see the gentleman go down in flames.

"Geronimo" to the gentleman from California [Mr. HUNTER].

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I really want to hear this speech.

Mr. DORNAN of California. Mr. Chairman, I will button up for that.

Mr. Chairman, depressed trajectory weapons are depressing. They are depressing to our military planners. They are depressing to the 10 combatant commanders who work with the Joint Chiefs of Staff directly, and through them, to the President of the United States in a time of crisis.

This is one area of arms control where conservatives and liberals should be together, because we are strangling in its crib a weapons system that is destabilizing in the extreme because its only purpose is a first strike.

It is a December 7, 1941, sneak attack weapon. As my cosponsor, the gentleman from Iowa [Mr. NAGLE], who is the initiator of this amendment, showed on this chart, it puts at risk all of these B-1 bombers. There are 99 of them. We lost 1 because of a tragic accident, but those 99 B-1's—we only picked up the last one last month and they will be all combat ready within a year—need time to get off the runways. What we have done with the Nagle-Dornan amendment is to pick a 7-minute factor from the time of launch from a submarine off the Atlantic or the Pacific coasts until a nuclear weapon impacts on one of the four B-1 bases. These bases were put in the center of the country deliberately to give them some more escape time from Soviet launched missiles. Those bases are in North Dakota, South Dakota, Kansas, and Dyess, TX. The idea is to keep them as far away from the coasts as possible.

We have millions of dollars of construction money for the B-2 bomber, the Shadow, the Stealth, at Whiteman Air Force Base in Missouri. Again to keep it near the Mississippi, the spine of our country, as far away from Soviet launched submarine missiles as we possibly can.

Now, there is one area where there is always agreement between liberals and conservatives, between our executive branch and arms controllers in every nation. Gorbachev, even his Stalin-loving opponent, Ligachev, agree that neither side wants an accidental war. That is why we have no controversy or conflict when it comes to the teletype system, the so-called red phone, on which no voice contact takes place. In spite of Dr. Strangelove 25 years ago, there is not going to be a President or a General Secretary getting on the phone and saying, "Dmitri, a naughty thing has happened," as the President was supposed to have said in Strangelove. That is all teletype stuff.

But we all agree that each side wants to be ready during a period of crisis if something ugly is going to happen.

Well, this is the next closest thing to total agreement on not having an accidental war. We know we are never going to strike the Soviet Union in a sneak attack first strike.

We would like to think that under this modern new General Secretary that they will get away from their planning for first strikes.

Let us strangle this depressed trajectory, sneak attack, destabilizing, first-strike weapon in the crib, something on which both sides can agree.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. Mr. Chairman, I have two distinguished leaders seeking recognition. Let me go to my own side first, to our distinguished leader.

Mr. Chairman, I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I do not mind yielding the gentleman some additional time, if he needs it.

If this is such a good amendment, such a good idea, why did the gentleman not come to the committee with it and let us have hearings and develop the thing? Why is it dropped on the floor in the full House and expect us all to understand it? I do not understand this.

There is no reason that it could not in the regular process, regular order, be presented to the committee, have hearings and be reported out if it is a good thing.

Nobody here understands this. It is just unfair to ask the Members to make a decision on something this complicated when it is a matter of first aggression.

Mr. DORNAN of California. This, I think, Mr. Chairman, is the only fair challenge to the amendment. But I think because it is not all that complex, because it is easily understood, it is going to pass.

Now, I will resign from three committees and four task forces if the gentleman will take me on his committee, come to the gentleman's bosom. If I am made a member of the Armed Services Committee, this will never happen again, I promise that.

The gentleman from Iowa [Mr. NAGLE] came to me with an excellent idea.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I am not sure I understood. The gentleman will resign from what?

Mr. DORNAN of California. Three committees and four task forces.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

Mr. ASPIN. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I am supportive of the Nagle-Dornan amendment.

One thing I do think we need to make clear here is that they can verify whether either side is in fact launching a depressed trajectory.

Now, is the gentleman satisfied that that is the case?

Mr. DORNAN of California. Those of us in this Chamber—and that includes almost everybody in this room who is interested in this debate—know the difference between a long-range intercontinental ballistic missile in the ionosphere, without much atmosphere or resistance, compared to a depressed trajectory, or a missile going through heavy atmosphere, much as we see meteors burn up at night. A great deal of research and testing of the warheads is necessary so it can push its way through the heavy air closer to the atmosphere and reach one of our B-1 or B-2 bases in less than 7 minutes.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, we have the national technical means to spot that in the testing phase, is that not correct?

Mr. DORNAN of California. There is a school of thought that says anything can be tested on a computer. I think most of us disagree with that.

The CHAIRMAN pro tempore. The time of the gentleman from California has again expired.

Mr. ASPIN. Mr. Chairman, I yield 1 more minute to the gentleman from California.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield again to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman was saying that he believes we have the national technical means so that if the Soviets were in fact testing in a depressed trajectory that we would have complete confidence that we would be able to see that and ascertain it, so that we would then be free of this amendment if in fact we did conduct the test.

Mr. DORNAN of California. You can design almost anything on a computer. The Edsel was designed on a computer. We should have tested it again.

Mr. DICKS. I am talking about our satellite capability.

Mr. DORNAN of California. Oh yes.

Mr. DICKS. With our national technical means?

Mr. DORNAN of California. Yes.

Mr. DICKS. Because one thing we would not want is to have the Soviets able to do this kind of testing and then us be bound by the Nagle-Dornan amendment.

Mr. DORNAN of California. Our NTN is capable of detecting testing.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I think the gentleman has done a service to the House by bringing the amendment up. I simply have questions that have not been answered.

Do we have the national technical means to detect Soviet depressed trajectory launches?

I would like to be able to cross-examine some of our intelligence people on that. I think that is the problem with this amendment. I think the gentleman otherwise has done a real service to bring it up.

Mr. DORNAN of California. We have the time between now and a conference committee to do that.

Depressed trajectory weapons are designed to abet a first-strike strategy. While the United States strategic deterrent is based on a retaliatory force structure, the Soviet Union relies on a strategic threat that is primarily first-strike in nature. Currently the Soviet Union has no operational missile system capable of a superdepressed trajectory strike. But, as we deploy the first phase of SDI—which excludes a terminal defense, a window of opportunity may open if we let down our guard.

The Soviet Union has moved away from deploying ballistic missile submarines off the Atlantic and Pacific coasts of the United States. Instead it has moved toward stationing its SLBM force closer to its own shore often under the Arctic ice with boring equipment. But Soviet strategy has never been static; rather, it has been responsive to opportunities. If we concentrate solely on boost phase and mid-course intercept, it will open a window of opportunity for depressed trajectory SLBM launches and increased reliance on ballistic and cruise missile carrying submarines operating closer to U.S. coastlines. Weapons launched from this range—500 to 1,000 miles—would not be threatened by the two-layered architecture approved by the Pentagon.

The purpose of the amendment is twofold and is fully supported by the Navy: First, it puts the Soviet Union on notice that we will not look favorably on future testing of "destabilizing" systems by the Soviet Union; and, second, it requires the CIA to specifically monitor Soviet compliance with this measure. If it is found that the Soviet Union tests any system in a severely depressed trajectory mode, the

United States can take the appropriate action.

While this measure falls within the realm of arms control, it does not interfere with any ongoing negotiations. I have consistently opposed attempts by Congress to legislate arms control policy. This is particulary true when such attempts have a direct bearing on current negotiations. A "yes" vote for Nagle-Dornan is a positive step in arms control.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, it is not often that I disagree with my colleague, the gentleman from California [Mr. DORNAN], but on this I must.

First of all, on the grounds that our ranking member, the gentleman from Alabama [Mr. DICKINSON], has pointed out: not now, not here.

This amendment should not have been brought to the floor of the House to be debated for the first time under restrictions that prohibit us from discussing extremely sensitive information.

Now, I am certain that my colleague, the gentleman from Iowa, is being totally candid with us when he describes very succinctly, without going into full detail, what he was briefed upon by the CIA; but everybody here understands that we are precluded from discussing a great many things that ought to be discussed in connection with this particular amendment. We know, for example, there are significant disagreements. The DIA and the CIA have significant disagreements about matters very close to this particular subject. The DIA believes that there is a certain Soviet weapons system that is about ready for deployment, that we had ought to be able to discuss in the context of this particular debate, and we cannot.

There are a great many things that need to be discussed and brought out with respect to this question of verifiability that cannot be brought out in the context of this debate on the floor of the House where it has never been discussed before the House Armed Services Committee and where we need an opportunity to be able to cross-examine the people from the intelligence community.

I do not think it is ever a good idea to have just one agency, the CIA in this case, be the certifying agency.

Here is another matter with respect to verifiability. As my colleague, the chairman of the Armed Services Committee I am sure would attest, there are many times when we do not dare bring out the fact that we are aware that there may be a problem, that there may have been violation. In other words, we cannot disclose the fact that we are aware of something because the mere fact of disclosing it would itself reveal something that we cannot have revealed. That is one of the reasons that we cannot go to the commissions on treaties with the Soviet Union and bring up the fact that we are aware of a violation, because to do that very thing would be to disclose means of verification that we do not want to disclose.

So the amendment is not providential at this time.

Now, a third point. This amendment is very destabilizing at this point in time. There is nothing stabilizing about an arsenal of nuclear weapons that cannot be tested. It is very clear that we ought to be able to test this kind of weapon in the future, if nothing else to understand how we may be able to destroy it. If the Soviets have tested it, as we are informed, if they have this kind of capability as a part of the SDI, if nothing else, we need to be able to know whether or not we can destroy this kind of a system, and you cannot know whether you can destroy it, obviously, unless you test the weapon.

Where did the numbers come from? I am informed that people in the Air Force have run some of these numbers, such as the formula in the bill, and feel there may have been a mistake. Why are we legislating numbers like this formula of .015(.323R+316)? There may be one or two Members in this body who understand what that particular formula means, and yet in just a couple minutes we are going to ask all our colleagues to come in here and vote on this amendment, when they do not have the foggiest notion of what it is.

Would it not be more responsible to present the amendment to the Committee? There is plenty of time to do it. There is plenty of time. If my colleagues suggest that we do not have any plans to test within the next year, then what harm does it do?

If the gentleman will answer that question, I would be happy to yield to my colleague, the gentleman from Iowa.

What harm does it do to wait until next year when we have an opportunity to bring this before the Committee, to have the debate, to discuss it with our intelligence experts, if we are not testing it anyway?

□ 1510

Mr. NAGLE. Mr. Chairman, will the gentleman yield?

Mr. KYL. Mr. Chairman, I am happy to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Chairman, the advantage of not waiting is the fact that this was first proposed 10 years ago, and we have waited. The disadvantage of waiting is that the Soviets would start to develop that technology and that capability, and SDI as presently conceived is by definition obsolete.

Mr. KYL. Mr. Chairman, I will reclaim my time.

Mr. NAGLE. If the gentleman will allow me to answer his question, I would be happy to do so.

Mr. KYL. Mr. Chairman, I will reclaim my time.

Mr. NAGLE. Obviously not.

Mr. KYL. Mr. Chairman, I would point out first of all that my colleague the gentleman from Iowa [Mr. NAGLE] is the one who said this never was presented before a legislative body. This has not been presented before us.

Second, if the Soviets do test it, then under your amendment we have the capability of testing it. I do not think either of those two reasons hold water. Please give me another one.

Mr. NAGLE. If the gentleman will yield, I can understand, and I am sure the gentleman from Arizona is not aware that not only are we currently not testing a depressed trajectory missile, we are not even doing research on it. So if we do not start down that road, and if the Soviets do not start down that road, we are frozen where we are.

Mr. KYL. Then what do we need the amendment for, I ask the question?

Mr. NAGLE. If the gentleman would yield further, I realize this is something new, and it is hard to understand, but it is still valid.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. McCURDY. Mr. Chairman, I rise in support of the Nagle-Dornan amendment because it serves as a signal to the Soviet Union that they have nothing to fear from the United States on depressed trajectory technology.

Neither the U.S. Navy nor the U.S. Air Force has any intention or plans to develop such a capability.

Mr. Chairman, should the Soviets ignore this message and decide to develop a depressed trajectory capability, United States intelligence has the ability to detect such a program in sufficient time to adequately react to it.

I say to my colleague and friend the gentleman from Arizona [Mr. KYL] that I, too, share the concern of having all the amendments addressed on the floor of the House. However, this particular amendment does not harm U.S. security. If anything, it enhances our ability to send those signals to the Soviets not to move in this direction. U.S. intelligence has the capability through NTM and other means to adequately verify this.

Mr. Chairman, because of that, I believe that this amendment should be supported. I am also glad to see the gentleman from California [Mr. DORNAN] joining us on this amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself 3 minutes to inquire of the chairman of the Committee on Armed Services for 1 minute.

In order to come to some resolution on this, it is my very strong feeling, and I think it is the feeling of the gentleman from Wisconsin that the whole issue ought to be ventilated. We ought to have testimony. We ought to have hearings. I was wondering if in the event this amendment should not pass at the present time would the chairman be willing to set a hearing date and have witnesses to explore the subject matter of this amendment? This is a matter of first impression to us and I do not know that much about it.

I yield to the chairman.

Mr. ASPIN. If the gentleman would yield, I believe we are dealing with an unfamiliar issue. I also recognize that this amendment and the previous Markey amendment are not the first amendments that we have dealt with that we have not had proper hearings on.

Mr. DICKINSON. That is one the of the problems.

Mr. ASPIN. What I would propose that we do is that we do not withdraw this amendment. The gentleman from Iowa [Mr. NAGLE] has the opportunity to do that, but I would suggest that we go along and continue this debate and have a vote on it, and I plan to vote for the amendment. I believe the history of this amendment and the history of dealing with it in the Carter administration shows that it is a wise and prudent and important national security vote for the United States to vote for this amendment.

I will say to the gentleman from Alabama [Mr. DICKINSON] that I, too, am interested in getting to the bottom of this issue about whether we can or cannot verify it. I do not dismiss that point lightly. In particular, I do not dismiss that point lightly because the staff member of the gentleman from Alabama, Mr. Ellis, is a man whom I have some respect for and his abilities, and he has raised some very important questions. I do believe we ought to look at that issue.

For myself, that is the first time I have heard of it. I do believe that the history of it is that it was proposed during the Carter administration and it was the view of the Central Intelligence Agency that we can in fact verify these kinds of things. But the gentleman from Alabama has raised some important questions.

Let me propose a way of dealing with it. I think we ought to go ahead with the amendment. I think that the amendment of the gentleman from Iowa [Mr. NAGLE] is a well thought out amendment. I think it is one that we ought to vote on today. We ought to debate it for the full 40 minutes, and vote on it today.

I think that it is important for the members of the Committee on Armed Services to do some hearings on this issue before we go into conference with the Senate on the issue and I would be interested in doing that.

Mr. DICKINSON. Mr. Chairman, reclaiming my time, just let me say that in viewing the same facts I would come down just 180 degrees different. If we do not know the answers, why vote on it in the affirmative in the first place? Let us find out the answers first, let us have the hearing first. It will not derail anything or stop the world if we do bring this up as a separate piece of legislation or in the next budget cycle. But to say that we should vote affirmatively on this and then find out the facts, I think that is ludicrous. That is not the normal way we do business. The normal way is we would have a hearing, we would ventilate the issue and we would hear both sides, then we would vote.

Mr. ASPIN. If the gentleman would yield further, I point out to the gentleman from Alabama that this is exactly what we did with the Hunter amendment on drugs just the other day when I was arguing that we ought to hold some hearings on it, and we could not do that. We said then that we would accept the amendment, try to clean it up in conference and do something with it.

This amendment is on a lot stronger grounds than the Hunter amendment. The point about this amendment is that this amendment has a lot of history behind it. The gentleman from Alabama and Members on that side of the aisle have raised some questions that I personally would like to get to the bottom of in terms of finding the answers myself, but I do not feel uncomfortable with this amendment going forward.

Mr. DICKINSON. Mr. Chairman, reclaiming my time, I believe we should get to the facts first and then vote.

Mr. ASPIN. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I thank the gentleman from Wisconsin for yielding. The chairman said this had come up before, and the gentleman from Iowa [Mr. NAGLE] when he began said this had never been presented.

Has this amendment ever been presented, and has it been voted on before?

Mr. ASPIN. Mr. Chairman, reclaiming my time, it has come up in the following sense, that it was part of the Carter administration's arms control proposals in 1978. It has never come up before the Congress.

Mr. KYL. I thank the gentleman for that response.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, we are near the end of the longest debate on any bill that we will face this year. But with the Nagle-Dornan amendment, we have an opportunity to demonstrate that we can all come together when a clear national security interest is involved. We can demonstrate that conservatives are not inherently hostile to arms control, and liberals are not inherently indifferent to national security.

The gentleman from California [Mr. DORNAN] hits the nail on the head when he points out that since the United States will never strike first, we have no use for depressed trajectories. This is also what the U.S. Navy and the U.S. Air Force say.

But we cannot be sure of the Russians. We need to keep first-strike technologies out of their hands.

If the Soviets get depressed trajectory missiles and decide to use them in a surprise attack, we can kiss our bomber force goodbye. And we can kiss our air-launched cruise missile force goodbye. The point is: Do you want to preserve our bomber capability or not?

The Soviets see the same thing in mirror image. Just as we're afraid of a Soviet first strike using future depressed trajectories, they're afraid of a United States first strike using future depressed trajectories. So they have every interest in joining the Nagle-Dornan provision.

We can give up something we don't want and can't use, and get a good shot at keeping the Russians from getting something we don't want them to have. Whether you're a dove or a hawk, that's an all-win proposition. With all sincerity, I say to my friends on both sides of the aisle:

Vote for the Nagle-Dornan amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, let me respond to a couple of points that have been made recently by my colleagues on the other side. First of all, I think it is telling that this amendment has never been presented to the House Committee on Armed Services or any other committee of the House of Representatives. It has never been voted on. We have never had an opportunity to discuss it with the members of our intelligence community on whom so much depends in this situation. It is absolutely putting the cart before the horse to ask our colleagues to vote for or against this amendment before we have even had an opportunity to hold hearings to answer these very serious questions. It is not a proper answer to say that we should vote first and then ask questions second. That is not fair to our colleagues.

Second, what is the rush? What is the rush? If we do not have any plans to test this next year, then this amendment does not do a thing with regard to our plans.

What about the Soviets? If they test under this amendment, we have the opportunity to test ourselves. So this amendment does not solve anything with respect to stopping the Soviets from testing and it does not have any applicability to our plans for the next year.

What is the rush? Why not hold hearings as the gentleman from Alabama [Mr. Dickinson] suggested and find out the answers to the questions and then decide and vote on the matter next year? That seems to make much more sense.

Finally, my colleague the gentleman from Iowa [Mr. Nagle] asked do we want to protect our bombers? Of course we want to protect our bombers. There are a lot of things we can do to protect our bombers short of this particular amendment, but how does this amendment help? This amendment says that the United States will not test a certain kind of weapon. How does that protect our bombers? If my colleague believes that because we here in the Congress pass this amendment, therefore the Soviets are not going to go forward with whatever testing and deployment of whatever program they want to use to hold our bombers in jeopardy, then I think the gentleman from Iowa gravely miscalculates how the Soviet Union operates.

In summary, No. 1, the amendment has never come before the Congress before and it is the kind of amendment that we should not ask our colleagues to vote upon until after we have had the opportunity to discuss it and debate it.

Second, what is the rush?

Third, there are other means of protecting our bombers that would work. This amendment would not work.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend from Arizona for yielding. It just seems to me wisdom, prudence, and common sense for us not to be unilaterally imposing on ourselves a bar on testing. Why do we have to always help the Soviets by tellimg them what we are not going to do, we are not going to test, we are not going to test but we are going to pass a law refusing us the right to test. These are matters that ought to be negotiated, not decided in the office of the gentleman from Iowa over in the Cannon Building even though it has been swept.

Mr. DICKINSON. Mr. Chairman, unless I have another speaker, I have heard enough about this and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I have two more speakers, and I yield 2 minutes to the gentleman from Missouri [Mr. Gephardt].

Mr. GEPHARDT. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Oklahoma [Mr. McCurdy], a former member of the Permanent Select Committee on Intelligence and in my view one of the most knowledgeable Members of this body in intelligence matters and verification matters. The gentleman from Oklahoma has made a study of this whole area. I would like to ask the gentleman from Oklahoma if in his view this is a verifiable action if we were to take it?

□ 1525

Mr. McCURDY. I would state as a former member of the Committee on Intelligence who spent 5 years on the committee and also ranking on Research and Development of Armed Services, that in my opinion this amendment is verifiable, and in discussions with members of the intelligence community they so agree.

Mr. GEPHARDT. It seems to me on the basis of that and on the basis of the fact of what the Reagan administration is trying to negotiate in the START Treaty that this is clearly verifiable. If what they are trying to do in the START Treaty is verifiable, then it seems obvious that is verifiable. The Carter administration offered it in a package back in 1978.

The gentleman from Arizona talks about what is the rush. I will tell you what the rush is: The rush is if the Russians believe this is an important weapon to have and they begin to test it, the horse is out of the barn, and every time in arms control, we are chasing after a weapon that is already being tested, trying to bring it back and stop it.

This is a chance to do it before it gets tested. I think it can succeed. Let us pass it now.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Iowa [Mr. Nagle], the author of the amendment.

Mr. NAGLE. Mr. Chairman, I did not have the opportunity during our discussions to inform the gentleman from Illinois who posed the question that the Reagan administration has also talked publicly as early as 1982 about proposing this to the Soviet Union. The significance of this is simply this: Neither side is doing it now. Why start? If the Soviets know that we are not going to test, they are not going to start the technology so that they can conduct tests.

Actually for the first time this puts this Congress ahead of the curve in terms of developing technology by halting the technological development and freezing the current terror at the current level. That is why it is bold, that is why it is new, that is why it is hard to accept, that is why it does the United States no harm and may do mankind a good deal of benefit.

The SPEAKER pro tempore. (Mr. Gray of Illinois). It is now in order to consider the amendment relating to depressed trajectory missiles printed in section 1 of House Report 100-590 offered by the gentleman from Iowa [Mr. Nagle], or his designee.

AMENDMENT OFFERED BY MR. NAGLE

Mr. NAGLE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Nagle:

SEC. 206. MORATORIUM ON FLIGHT TESTING OF DEPRESSED TRAJECTORY BALLISTIC MISSILES.

(a) Limitation.—Except as provided under subsection (c), the Secretary of Defense may not during fiscal year 1989 carry out a flight test of a depressed trajectory ballistic missile.

(b) DCI Reports on Soviet Tests.—The Director of Central Intelligence shall submit to Congress reports not later than October 1, 1988, not later than April 1, 1989, and not later than September 30, 1989, starting whether the Soviet Union has carried out, after the date of the passage by the House of Representatives of H.R. 4254 of the 100th Congress, a flight test of a depressed trajectory ballistic missile.

(c) Removal of Limitation.—If either of the first two reports under subsection (b) states the Soviet Union has carried out a flight test as described in that subsection, the limitation under subsection (a) shall cease to apply upon the receipt of the report by Congress.

(d) Definition.—For purposes of subsection (a), a flight test of a depressed trajectory ballistic missile is a flight test of a ballistic missile on a trajectory which would result in a launch-to-impact time-for-distance of—

(1) for trajectories between 300 and 500 nautical miles: four minutes or less; or

(2) for trajectories between 500 and 1500 nautical miles: twelve minutes or less; or

(3) for trajectories longer than 1500 nautical miles: less than the number of minutes calculated by

$$.015(.323R+316)$$

where R is range in nautical miles.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, May 5, 1988, the gentleman from Iowa [Mr. Nagle] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Iowa [Mr. Nagle].

Mr. NAGLE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. Downey].

Mr. DOWNEY of New York. Mr. Chairman, I just want to congratulate the gentleman from Iowa [Mr. Nagle] and the gentleman from California [Mr. Dornan] for offering this amendment.

As the gentleman from California [Mr. Dornan] pointed out to the membership, there is a certain synergism in the triad that enhances all legs of our national security. The fact is that depressed trajectories, whether they are in the hands of the United States or of the Soviet Union, are disasters for the air-breathing leg of the triad. If the Soviet Union or if we should have it, both sides will be less secure as a result of this new technological breakthrough.

Let me make the point that the Navy, and this was not from the brow of Zeus, but the Navy has provided us the technical details as to what constitutes a depressed trajectory. The gentleman from Oklahoma [Mr. McCURDY] has pointed out that there is uniformity of belief in the technical areas of the national security apparatus that there is widespread agreement that this is verifiable. We will be able to determine if the Soviets are testing or if we are; they can determine whether or not there is any breach of this agreement.

Third, it is not unilateral. It holds out the incentive for the Soviet Union to follow us.

The Soviets have made a big deal about the fact that they themselves are not interested in waging a first strike. By offering this amendment, by offering this incentive, we can put them to the further test of their word as to whether or not they are truly interested in forswearing the capability of waging a first strike against the United States. This is an important amendment.

Questions have been raised, "Well, why not wait?" Why bother to wait? If we recognize that this is inimical to our security and the Soviets to theirs, the time to act is now. The time to stop this dangerous development is not when we provide the R&D money when we are on the threshold of testing. It is before it has developed into any form of requirement by either the Navy or the Air Force. It is timely. It is appropriate. It is not unilateral. It preserves the very elements of the triad that we need to have preserved.

I congratulate the gentleman for offering this amendment.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself 1 minute.

In my 1 minute prior to yielding to the gentleman from California, just let me say, Mr. Chairman, it has been pointed out, and I think very forcefully, we have not had hearings. We do not know the efficacy of what is being proposed here. We are not sure what is verifiable. We should get this testimony in classified hearings. We have not done any of these things, and to ask us to legislate in the blind on faith, betting on what somebody told somebody on the telephone on the other side, that is a terrible way to legislate. There is no reason to do it at the present time.

I would hope that we would turn it down and let the committee take it up in due process and in the committee procedure as we always do.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, again, I want to commend the offerors of the amendment for bringing this issue up, because I think it is an important issue.

I think, once again, the key here is deterrence. Does this add to nuclear deterrence? The argument has been made that because you are keeping the flight times of submarine-launched ballistic missiles and other missiles at a fairly long period of time, we are going to have more American bombers that are able to escape, and because of that, the American deterrent strategic force will survive and, therefore, the Soviets will be less inclined to launch a surprise nuclear attack on the United States.

The point is that you have several elements that have not been proven to the satisfaction of this committee, at least most of the Members, and I am sure to the satisfaction of the full House and I think that the position of the other side with regard to the verifiability of this was well stated when the gentleman from Oklahoma [Mr. McCURDY] got up and said that it was his opinion that intelligence experts feel that there is verifiability. That is not an absolute statement. The chairman has pointed out that Mr. Ellis, who is a respected staff member on the Committee on Armed Services, bipartisan staff, feels verifiability is not present. We do have a question.

The gentleman from Missouri [Mr. GEPHARDT] got up and sought to paraphrase the statement of the gentleman from Oklahoma [Mr. McCURDY] in a way that would convey to us that there is a certainty that there is verifiability. That is not certain. The chairman himself said that he is concerned about this issue, and we should look at that issue.

With regard to the Hunter amendment that came up the other day, that did not come up in committee, I can say that there is a difference between that amendment and this one simply because the chairman himself said to this gentleman, "Offer that one on the House floor," which I did.

I think in this case where verifiability is the absolute nub of this issue and the House has found itself in the past, for example, the Asat ban, having to retract its position because it made a vote that looked like an easy vote, looked like an arms control vote that did not endanger the Nation, we found out later that, in fact, our Asat ban did endanger the men and women of the U.S. Navy, and we had to change votes, that it is not wise at this time to establish a precedent when we have not laid to rest the question of verifiability.

I would be happy to see this information coming out from our intelligence people. Let us have that issue not only debated but also let us ask whether the situation has not changed since the Carter administration. Are there certain elements of the Soviet military command and elements of the Soviet war machine that require a fast flight time? Has the mobility of their SS-24's and SS-25's mandated that we have systems that have a short flight time? Should we balance those two off with the presumed mobility of our MX mobile systems and Midgetmen? Where is the balance?

We have a lot of very deep questions here that have to be asked and answered. It is an important amendment and, again, I want to say that the gentleman from California [Mr. DORNAN] is a thoughtful Member of this House, and the gentleman from Iowa [Mr. NAGLE], also. They have raised very important issues, but we have not had the technical advice that is necessary for this House to make a decision spur of the moment when we are in the full committee.

I would ask Members on both sides of the aisle to not follow their tendencies or their gut reaction here. Wait until they get some hard information and they have satisfied themselves individually that this type of a ban could be mutually verifiable.

□ 1535

Mr. NAGLE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AuCOIN].

Mr. AuCOIN. Mr. Chairman, at the bottom line, the issue is the survivability of the U.S. strategic bomber force.

America is spending more than $100 billion to buy and operate the B-1 and B-2 bombers. A substantial amount of this is already spent.

But beyond the dollar aspect is the fact that manned bombers, and the cruise missiles they carry, provide a major element of the U.S. nuclear deterrent.

If the Soviets test and deploy depressed trajectory ballistic missiles, America will lose that deterrent. If we test and deploy them, we'll gain no capability we will ever use—because we're not a first strike nation.

Are any of the procedural objections which have been raised today so significant that they warrant jeopardizing the American bomber deterrent? With all due respect to those who have made them, it's clear that national security and the bomber deterrent are more important. That's why this amendment deserves a "yes" vote.

Mr. NAGLE. Mr. Chairman, I yield my remaining 1 minute to the distinguished gentleman from California [Mr. DORNAN] to close debate.

Mr. DORNAN of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am very sensitive to the statements on my side of the aisle about hearings, but neither the distinguished principal author of the amendment nor myself is aware of the inner workings of this most important committee here on Capitol Hill, and I look forward, if this does not survive conference, to everybody keeping their promises of having good, in-depth hearings on this issue.

I just want to make one final point that I know to be a fact because of the nature of our country, its citizenry, our executive branch and this Congress, and that is that we have no plans, none whatsoever, to develop a sneak attack, severely depressed trajectory weapon. And since we have no desire, inclination, or plans to do this, we simply have an opportunity here to slam the door on the Soviet Union.

I believe it is verifiable. If they were to try and get around something like this, them that means they were so passionately committed to it they would have done it without benefit of this restricting amendment, and then we have got them in an egregious violation of yet another agreement that we both would have agreed to.

So take advantage of this golden opportunity.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from Iowa [Mr. NAGLE].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 262, noes 160, not voting 9, as follows:

[Roll No. 125]

AYES—262

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Ray
Regula
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Roth
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weiss
Weldon
Wheat
Wilson
Wise
Wolpe
Wyden
Yatron

NOES—160

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Chappell
Cheney
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dreier
Edwards (OK)
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Gregg
Hall (TX)
Hammerschmidt
Hansen
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roukema
Rowland (CT)
Saxton
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Udall
Valentine
Vucanovich
Weber
Whittaker
Whitten
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—9

Biaggi
Daub
Duncan
Flake
Mack
Mica
Spence
Williams
Yates

□ 1559

Mr. BROWN of Colorado and Mr. STRATTON changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I would like to commend the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN], the gentleman from Alabama [Mr. DICKINSON], and members of the staff for the outstanding work that they have done in introducing this bill and request that we pass this legislation.

Mr. Chairman, I rise in support of H.R. 4264, a bill that amends the National Defense Authorization Act for fiscal years 1988 and 1989, and authorizes appropriations for the amended budget request of the Defense Department for fiscal year 1989 in the amount of $299.5 billion. I commend and thank both the distinguished chairman of the Committee on Armed Services from Wisconsin and the distinguished minority leader from Alabama for their leadership in bringing this bill to the floor and during its debate before the House. In reporting this bill, the committee has stayed within the defense spending ceiling agreed upon during the November 1987 budget summit meetings.

Each of us gathered here recognize the powers and duties of the Congress in relation to national defense matters stemming from article I, section 8, of our Constitution, which in part, provides Congress the power to:

> Raise and support armies;
>
> Provide and maintain a navy;
>
> Provide for organizing, arming, and disciplining the militia * * *; and
>
> Exercising exclusive legislation * * * over (purchases made) * * * for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; * * *

In this legislation, we have continued to provide for the health and welfare of our personnel, and have enhanced force sustainability while improving those facilities required to maintain our unit and materiel readiness. This year, a greater portion of our national resources are directed toward improvement of the Army's capabilities. Although we have continued to provide those resources necessary for our air and naval elements to carry out their missions, it is the Army and the Marine Corps elements that ultimately close with and destroy the enemy, secure objectives, and occupy the terrain so necessary to conclude any conflict.

Yes, basically, this bill satisfies our responsibility to provide for the common defense, but only by accepting a certain degree of risk. Risks that I believe retain and maintain the strategic and conventional deterrent capabilities of our Nation's armed forces and yet should not affect America's ability to sustain peace throughout the world. There will be those of my colleagues who feel that this authorization bill provides too little or to much funding and have sought to add or cut funds from the bill. However, I am reminded that by supporting this amended bill we will remain within the budget guidelines and the constraints faced by the Congress in reducing our national debt. Again, I urge your support and approval of H.R. 4264, the National Defense Authorization Act, Fiscal Year 1989.

Mr. Chairman, I thank the gentleman for yielding.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. NICHOLS] for the purpose of entering into a colloquy with the gentleman from Massachusetts [Mr. MAVROULES].

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Chairman, I rise to enter into a colloquy with my colleague, the gentleman from Massachusetts [Mr. MAVROULES], concerning the amendment that the gentleman offered which was passed en bloc on Tuesday, May 4.

Mr. Chairman, the amendment would establish a 12th Assistant Secretary of Defense—one for intelligence. The investigations subcommittee has not had a chance to have hearings or otherwise consider this important change in the organizational structure of the Office of the Secretary of Defense. Consequently, I was at first reluctant to recommend that the committee accept this amendment. Mr. MAVROULES and I have discussed the matter, however, and agreed to a formula whereby I do accept the amendment as modified. As a part of the amendment, the Investigations Subcommittee will conduct an inquiry into the issues, including hearings. Hopefully that inquiry will be completed prior to the House-Senate conference on the defense authorization bill. We have agreed that the recommendations that emerge from the hearings will strongly influence the position of the House conferees during that conference.

I want to commend Mr. MAVROULES for continuing to bring before the Congress important questions on defense matters that deserve our close attention and possibly require congressional action for resolution. I assure him that our subcommittee will embark upon this task with an open mind and may well arrive at the same conclusion.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman from Alabama [Mr. Nichols]. First let me thank him for his cooperation and his wisdom in agreeing with me.

Let me thank the gentleman from Alabama who has been very, very cooperative with relation to an amendment of which I had offered both in the House and also in the Intelligence Committee. The meaning behind the amendment was to bring under one particular head of one agency in one position the intelligence dissemination to the members of the Intelligence Committee and also to DOD.

I want to thank the gentleman very much for his input in ageeing to a resolution to the problem and also agreeing to have hearings.

☐ 1605

I think that once we get that out of the way that we can come up with a real good piece of legislation that has long been needed by this House, and I think we all will benefit from it. Let me thank the genetleman very much for his cooperation.

Mr. ASPIN. Mr. Chairman, I yield for the purposes of colloquy to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, as you know, the Procurement Subcommittee held a close air support hearing in early March. Many members of the committee, from both sides of the aisle, came away from that hearing with a concern that the Air Force was predisposed toward a particular aircraft for their next close air support aircraft and did not plan to give adequate, objective consideration to alternatives. This apparent Air Force preference persists despite the fact that an analysis conducted by the Air Force Science Advisory Board concluded that the Air Force choice would not be a good aircraft for the close air support mission and that funds should be devoted to developing a more appropriately designed aircraft.

Mr. ASPIN. I think the gentleman is correct in his characterization of the issue. I am also aware that you have not yet received a reply to the letter to the Deputy Under Secretary of Defense in which you, and the gentleman from Connecticut [Mr. ROWLAND] expressed these concerns and asked for his personal involvement in any close air support decision.

Mr. SISISKY. Mr. Chairman, I am told that the other body has expressed similar concerns in their review of the fiscal year 1989 budget request. And, they have also concluded that the Air Force seems more content to redefine the close air support requirement so that it will not have to procure an aircraft specifically designed to support troops in close combat situations.

Mr. ASPIN. I agree that the Air Force's decision to invest $13 billion to develop the next air-to-air fighter while investing virtually nothing to develop the next generation of close air support aircraft would suggest that they may need help establishing better priorities. I am aware that the other body would begin to redirect the Air Force's priorities in fiscal year 1989 by adding $15 million to the defense agencies research and development account and requiring that special attention be given to close air support alternatives. It is my judgment that these efforts include objective consideration of upgrades to the exciting A-10 aircraft and advanced vertical take-off-and-landing technologies, such as the AV-8B Harrier.

Mr. SISISKY. Mr. Chairman, I think we can all agree that the other body's action is a first step in the best interest of the troops on the ground. This will surely be an issue when we meet to reconcile the differences in our authorization bills and I would hope that the House conferees understand that the action of the other body would help ensure that there is a level playing field in the choice of the next close air support aircraft. Mr. Chairman, would you agree that this would be a reasonable position for the House to consider during the conference?

Mr. ASPIN. Yes; unless the Department of Defense provides some unexpected answers in response to the letter that you and the gentleman from Connecticut sent to the Department.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Pursuant to the notice provided by the chairman of the Committee on Armed Services on Thursday, May 5, 1988, under paragraph 6 of section 2 of House Resolution 436, it is now in order to consider any amendment printed in section 3 of House Report 100-579 not previously disposed of in the following order: The Chair will call the names of the following Members at this time:

Representative KYL of Arizona;
Representative HERTEL of Michigan;
Representative DARDEN of Georgia;
Representative HERTEL of Michigan; and
Representative COLLINS of Illinois.

For what purpose does the gentlewoman from Illinois [Mrs. COLLINS] rise?

AMENDMENT OFFERED BY MRS. COLLINS

Mrs. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. COLLINS: At the end of part B of title VI of division A (page 109, after line 23), insert the following new section:

SEC. 616. CHILD CARE STUDY.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study of child care services for the members of the Armed Forces and the civilian employees of the Department of Defense. The study shall include an assessment of the supply of, and demand for, child care services at Department of Defense facilities nationwide.

(b) CONSULTATION WITH GSA.—In carrying out the study, the Inspector General shall consider the child care policies and procedures which are presently being implemented by the General Services Administration. The Inspector General shall request assistance and participation from the Administrator of General Services whenever the Inspector General believes that such involvement will assist in carrying out the study.

(c) REPORT.—The Inspector General shall submit to Congress a report on the study required by subsection (a) not later than 6 months after the date of enactment of this Act. The report shall include recommendations to address any deficiencies in child care services in the Department of Defense.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair now recognizes the distinguished gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Chairman, my amendment directs the DOD to study the status of child care within the Department of Defense, and issue a report on its conclusions, complete with recommendations.

This amendment would direct the inspector general to assess the demand for services among both military and civilian personnel, evaluate the extent and quality of services presently being provided, and offer recommendations of how to deal with any deficiencies that are revealed. The inspector general would be given this responsibility because its statutory duties include a mandate, "to provide leadership and coordination and recommend policies * * *" and to inform Congress "* * * about problems and deficiencies * * * and the necessity for and progress of corrective action." The study and report which this amendment calls for would thus package all the information about child care in the DOD in one place where it could be easily reviewed and serve as guidance in the future.

On December 15 last year, the Government Activities and Transportation Subcommittee, which I chair, held a hearing on this subject, known as the Department of Defense Onsite Child Care Initiative. It was found that the DOD has a pretty good record with respect to offering child care for its uniformed personnel, but its record on child care for its civilian personnel appears to be severely lacking. What is more, there were a number of instances during the hearings where the witnesses—high ranking DOD officials—had neither information nor answers for critical questions. And the need for sorting out the status of child care in the DOD was shown to be great. Here is a sampling of the unsatisfactory responses from DOD officials at the hearing which indicate substantial deficiencies in their child care services.

In response to a question regarding where there is an eligible child, but no available child care space, Ms. Clare Freeman, Deputy Assistant Secretary of Defense for Civilian Personnel Policy, responded, "Actually, I do not have any information on military child care."

In an attempt to assess child care needs for civilian personnel, Congressman NIELSON, the ranking member on our subcommittee, then asked, "What percentage of these 95,000 [children in care facilities] would you say would be civilian-employee related rather than military?" The response from General Lukeman, Deputy Assistant Secretary of Defense for Military Manpower And Personnel Policy, was, "I do not have a good fix on it, Mr. NIELSON. We anticipated that question, but do not have readily available records from which we can ascertain civilian employee use of onbase child care centers. I will say that it is very low because capacity is the major problem in the child care area."

So, it seems quite clear from these comments that a study and report, as called for in my amendment, would help the DOD to analyze its needs and determine whether they are being met.

I have been pleased to learn that private industry is beginning to recognize the value of on-site child care and its relationship to the all-important bottom line. Just this month, the magazine, Nation's Business, had as its cover story the increasing need for child care. And last year, Fortune magazine pointed out that where such care is available, absenteeism and tardiness have decreased, work quality is enhanced, recruitment is facilitated, and turnover is reduced.

There is little doubt that the Department of Defense, our government's largest employer, could benefit from these advantages. A more consistent work force which generates an improved work product is an optimal work climate. I believe we should encourage the DOD toward this goal.

The December Government Operations hearing revealed DOD's child care strengths and weaknesses. As is the usual congressional process, first we hold hearings to ascertain the problem and then we act on our findings with legislation. My amendment follows this process.

It does not mandate construction of child care facilities.

It does not stipulate new training techniques.

It does not require quotas.

All it does is call for a study to further investigate the points of concern, and then ask for a report to let us know of the findings.

This amendment is timely. The simple fact is that, if we do not require a study now, the DOD, at a later time, could object to us requesting child care action on the grounds that no study has been done, thus delaying progress in the establishment of needed child care facilities.

Mr. Speaker, it is manifestly clear that a study and report are essential if we are to make any sort of progress on this issue. And the best time for action on child care is right now. I urge my colleagues to adopt this amendment.

The CHAIRMAN pro tempore. Is there any member of the committee desiring to rise in opposition?

Mrs. BYRON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentlewoman from Maryland [Mrs. BYRON] is recognized for 5 minutes.

Mrs. BYRON. Mr. Chairman, I rise in opposition to the Collins amendment. As chairman of the Subcommittee on Military Personnel and Compensation, I have announced a series of hearings on military child care beginning in June and, therefore, I believe that this amendment is premature.

I know that the gentlewoman from Illinois [Mrs. COLLINS] is concerned about the availability and quality of child care services on military installations, and I share that concern. I am committed to take a closer look at the system and to recommend improvements after we gather the facts. Although the Collins amendment may seem consistent with the goals of gathering the facts, I must point out that the gentlewoman from Illinois [Mrs. COLLINS] would direct an investigation on the one factor that the GAO is already investigating.

□ 1615

That report is due in 5 to 6 weeks. I am referring to the supply and demand of child care services at military installations. The gentlewoman will have a copy of that report as soon as it is available.

We do not at this time need another report by the inspector general on top of the GAO report, which as I said is due in a few weeks. It was ordered last year.

In addition, the Collins amendment suggests that the military child care system might have something to learn from what the GSA is doing for the rest of the Federal Government.

I agree, there are always lessons to be learned, and since the GSA has not been in the child care business as long and as extensively as the military—GSA only has 12 child care centers now with 37 by the end of the year, while the military has 581 centers worldwide—my suspicion is that the GSA would benefit more from this comparison than the military. In any event, I agree that comparisons are helpful. The problem is that the Collins amendment picks a very incomplete point of comparison. At the very least, a study on military child care ought to compare State standards to military standards, to review the kinds of child care services supplied by large private sector employers, as well as looking at the GSA. By just selecting the GSA as a point of comparison, the military system may actually seem better than it is and the problem in the system could be masked.

In conclusion, I respect what the gentlewoman is trying to do, but I would ask my colleagues to give my subcommittee a chance to conduct a comprehensive review of the system we have been charged to undertake and promised to do.

Mrs. BOXER. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I am happy to yield to the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, as a member of the Armed Services Committee and also as a member of the Select Committee on Children, Youth, and Families, I want to commend both the gentlewomen who have spoken thus far for the work that they have done in this whole child care issue. The gentlewoman from Illinois on the Committee on Government Operations has done a super job for all of us; but she referred to the fact that the way we do business around here is to hold a hearing and then act.

I would make the point to the gentlewoman from Illinois that the gentlewoman from Maryland is going to do just that. She not only has committed herself to a series of hearings, but I think it is important to note that she flew out 3,000 miles into my district where we have had a horrible case of child abuse to visit with those children, to visit with those parents, and to pledge to them her commitment that she is going to hold these hearings and move forward.

I, myself, have a bill that the gentlewoman from Maryland will be looking at which will call for an examination of all the child care facilities the military has.

So I would urge my colleagues here to support the gentlewoman who is the chairperson of the Personnel Subcommittee of the Armed Services Committee. I think not to do so would not be giving her a fair chance to attack this very serious problem.

Mrs. BYRON. Mr. Chairman, let me say that I have tried to work with the gentlewoman from Illinois and have invited her to testify before the subcommittee at hearings beginning next month.

I feel that this amendment is unnecessary at this time. I would hope that the gentlewoman from Illinois would withdraw her amendment.

Mrs. COLLINS. Mr. Chairman, I just want to speak on two points very briefly.

The references made to the General Services Administration were made not because we think the Department of Defense is not capable of handling its own kind of any kind of child care center it wants to make. It is just that they had already begun to do something about it and it is the only agency that I am aware of that has made a concerted effort in the last few years to do something about creating new onsite child care centers.

There was no reflection at all on the Department of Defense.

Also, as far as the study at the GAO is doing, there are two points that I want to make on that. One is that the inspector general has a much larger capacity for getting information than does the GAO, and also the GSA does not necessarily have to make recommendations. We do want to see the recommendations that have been made.

I thank the gentlewoman for yielding.

Mrs. BYRON. Mr. Chairman, I would ask if the gentlewoman would consider at this time withdrawing her amendment?

Mrs. COLLINS. Mr. Chairman, if the gentlewoman will yield, I think it is so vitally important that we get enough information at this point in time that I would like to go forward with my amendment.

Mrs. BYRON. Well, as I have said, I have hearings scheduled in June. We have the GAO report which is a copy of the form we have before us. Those statistics are being compiled. They should be ready within 5 to 6 weeks.

Mrs. COLLINS. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise today in support of the Collins amendment to the Department of Defense authorization bill. In this day and age of working mothers, child care is becoming one of the most important services in our country.

Mr. Chairman, I appreciate the work being done by our colleagues and the gentlewoman from Maryland as well.

The need for child care at Department of Defense facilities is growing as the number of working military mothers increases. By calling for an indepth study of child care services at DOD facilities, this amendment takes strong action in improving the quality of child care in our military. The Collins amendment is also significant because it focuses on child care for civilian employees of the Department of Defense, a group that has not received adequate access to child care services in the past.

This issue is of particular concern to me because of problems with child care at the Presidio in San Francisco, headquarters of the 6th Army. Allegations of sexual abuse involving children at the child development center at the Presidio resulted in a congressional investigation last year.

It is clear that a thorough study of America's military child care facilities is needed. I strongly urge my colleagues to support the Collins amendment.

The CHAIRMAN pro tempore. The time of the gentlewoman from Maryland [Mrs. BYRON] has expired.

(By unanimous consent Mrs. BYRON was allowed to proceed for 30 additional seconds.)

Mrs. BYRON. Mr. Chairman, let me say that in the interest of time and the fact that we have had a very long lengthy debate on this amendment, I will withdraw my objection to the amendment.

Mr. ROYBAL. Mr. Chairman, I rise in support of the Collins amendment. For several years now I have introduced comprehensive child care legislation in the House of Representatives, and this year I am proud to be a cosponsor of the act for better child care. I have become involved in this issue because I am acutely aware of the need in this country for readily available, quality child care. Just a cursory examination of the available statistics bolsters my concern.

In 1986, 60 percent of mothers whose youngest child was 3 to 5 years old were employed, as were 51 percent of mothers with children under age 3. Most of these women work because of economic necessity: Fifty percent are married to men who make less than $20,000 a year, and 80 percent are married to men who earn less than $30,000. Twenty-six percent of children under 18 currently live in single-parent homes, for which the median income is $6,114 for families with children under 6, and $12,152 for families with children from 6 to 17. All of these percentages are expected to rise over the next few years.

In a recent study, 75 percent of the women and 57 percent of the men surveyed reported it difficult to find child care. In view of these statistics, there is widespread agreement across the political spectrum that we are facing a very serious problem.

Whether or not you believe that a comprehensive, national solution is demanded, we should all be able to agree that the federal government should be leading by example. Some of our agencies are doing us proud by providing model child care facilities on-site, and responding to other child care needs and problems with sensitivity and concern. Others are lagging behind. There are widespread reports that DOD civilian employees are highly dissatisfied with that agency's child care efforts. The Collins amendment will enable us to determine if this is the case, as well as provide an impetus to DOD to take appropriate action if necessary.

It has been determined that agencies which respond to their employees' child care concerns reap benefits far beyond the simple good will engendered. Rises in employee productivity and job satisfaction are well-documented, as are improvements in employee recruitment and retention. Those who are not moved by altruistic arguments should be convinced by the sound economics of reaping a return far greater than the outlay.

This amendment would not mandate DOD to take any action. It would simply provide an assessment of the child care situation, and recommend remedies if problems are found. No matter your position on national child care legislation, nothing can refute the wisdom of the Federal agencies themselves responding to the needs of their employees. I urge your support for the Collins amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

The amendment was agreed to.

The CHAIRMAN pro tempore. Pursuant to the notice provided by the chairman of the Committee on Armed Services on Thursday, May 5, 1988 under paragraph 6 of section 2 of House Resolution 436, it is now in order to consider amendments printed in section 2 of House Report 100-590 offered by the gentleman from Wisconsin [Mr. ASPIN] or his designee. Said amendments shall not be subject to amendment except for amendments offered by the chairman or ranking minority member of the Committee on Armed Services.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer Amendment No. 4.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ASPIN: At the end of division A (page 163, after line 6), insert the following new title:

TITLE X—ADDITIONAL AUTHORIZATIONS

SEC. 1001. ARMY AMMUNITION.

The amount provided in section 101 for procurement of ammunition is hereby increased by $25,000,000.

SEC. 1002. NAVY AND MARINE CORPS.

(a) NAVY AMMUNITION.—The amount provided in section 102(d) for other procurement for the Navy is hereby increased by $25,000,000 for procurement of ammunition.

(b) MARINE CORPS AMMUNITION.—The amount provided in section 102(e) for procurement of the Marine Corps is hereby increased by $25,000,000 for procurement of ammunition.

SEC. 1003. GUARD AND RESERVE PROCUREMENT.

The amount provided in section 106 for procurement for the Army National Guard is hereby increased by $25,000,000 for procurement of training devices.

SEC. 1004. OPERATION AND MAINTENANCE.

(a) ARMY.—The amount provided in section 301 for operation and maintenance for the Army in hereby increased by $70,000,000.

(b) NAVY.—The amount provided in section 301 for operation and maintenance for the Navy is hereby increased by $65,000,000.

(c) AIR FORCE.—The amount provided in section 301 for operation and maintenance for the Air Force is hereby increased by $40,000,000.

(d) WORKING CAPITAL FUND.—The amount provided in section 302 for the Air Force Stock Fund is hereby increased by $25,000,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I would like to commend the chairman and the ranking minority member for their work thus far on this authorization bill.

Mr. ASPIN. Mr. Chairman, this amendment, amendment No. 4, is the add-back amendment which would restore $300 million in authorization that is available because of the actions taken last week on the rail garrison MX and the small ICBM programs.

This is an add-back amendment which is consistent with the committee recommendations of improving our conventional force posture and strengthening our readiness accounts.

In this case, $75 million would be allocated for additional rounds of conventional ammunition; $200 million would go to the operation and maintenance accounts to support the depot maintenance activities, stock funded spare parts purchases and General Purpose Forces Operations, and the remaining $25 million would buy training simulators for the National Guard.

As with the previous add-back amendment, the items here are not very glamorous or exotic, but they are needed.

I ask my colleagues to support the amendment.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. DICKINSON] desire to rise in opposition to the pending amendment?

Mr. DICKINSON. Mr. Chairman, I do not rise in opposition, but I move to strike the last word.

Mr. Chairman, let me say that the chairman of the full committee and I have gone over these items contained therein, and as the gentleman has explained, the amounts which are some $300 million of add-backs are strictly good government amendments. There is no pork in here so far as I can identify, no special interest for Members. These were items that were requested by the Department of Defense that fell out initially due to other interests. As money became available through amendments, this money became available and there was an agreement between the chairman of the full committee and me that if money should become available, that it would be added back not to the strategic, but to conventional weapons initially requested by the Department of Defense.

The chairman has acted on good faith. That is what is contained therein. We have no problem with it.

Even though we are allowed, I think, 60 minutes in which to discuss it, the hour is late. I think if we vote on this, I would not ask for a roll call vote and we could go right into a motion to recommit and final passage.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, let me commend both the chairman and the gentleman from Alabama [Mr. DICKINSON] for a job very well done. I think, in their foresight and wisdom, they have a good grip on the problem that we do have.

Mr. Chairman, I rise in support of this provision that would restore $300 million to conventional readiness. For the past few months we have seen the effects of a shortfall in operation and maintenance funding. The services propose to lay off thousands of civilian employees, while training is being cut back and the number of aircraft, tanks, and other equipment awaiting repairs on spare parts is increasing. Make no mistake about it, the problems in 1988 are very real and we haven't seen the worst of it yet. We are going to have to closely monitor these problems and react to them as the year progresses; 1988's problems will, in turn, have detrimental impacts in 1989. I believe we will see the same problems in 1989 that we are trying to cope with this year. For example, during our hearings we identified a number of areas that were already underfunded in the 1989 request, like Army supply operations and Navy aircraft maintenance. We reprioritized funds in the request to reduce the shortfalls in these critical readiness areas.

While the Department's witnesses continually stressed during our hearings that 1989 looks like a reasonably good year for readiness, I am not convinced this will be the case. The 1989 funding level for operation and maintenance is a modest increase over 1988 which was severely underfunded. Yet, the requirements for operation and maintenance funds keep increasing: large numbers of new weapons purchased during the last few years are becoming operational and must be maintained; medical costs are skyrocketing; foreign currency exchange rates are deteriorating; the number of military installations are increasing because of projects like homeporting, while our commitments around the world, like the Persian Gulf, keep expanding.

This amendment would transfer $200 million to the services for activities that would mitigate some of the problems we are facing in 1988 and help address the increasing requirements.

Specifically, the following accounts would be increased:

Army: $70 million for spare parts, direct support, and depot maintenance;

Navy/Marines: $65 million for increased operations and depot maintenance; and

Air Force: $65 million for war reserve materials and depot maintenance.

These additional authorizations would reduce critical shortages of medical supplies, clinical equipment, clothing and other supplies. It would also increase funding for war reserve spares and the maintenance of aircraft, vehicles, and other equipment. This increased authorization would alleviate many of the problems we are seeing in 1988 and help insure that they are not repeated in 1989.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The amendment was agreed to.

The CHAIRMAN pro tempore. The Chair will now call the names of those Members who are eligible to offer amendments under the rule:

The gentleman from Massachusetts [Mr. MARKEY];

The gentleman from California [Mr. HUNTER];

The gentleman from California [Mr. DORNAN];

The gentleman from Arkansas [Mr. ROBINSON]; and

The gentleman from Washington [Mr. MORRISON].

That concludes the list of all Members eligible to offer amendments under the rule.

Mr. FAZIO. Mr. Chairman, as we consider the National Defense Authorization Act, I would like to remind my colleagues of what seems to be a long-forgotten provision in this legislation that denys our military personnel, and their dependents, the full range of medical care to which they are entitled. This legislation prohibits the use of Federal funds to provide abortion services unless the life of the pregnant woman is endangered. Under this restriction, our personnel cannot receive an abortion even if the pregnancy is the result of rape or if the fetus is diagnosed as having a severe genetic defect. While I am not prepared at this time to offer a motion to strike this unfair provision, I would like to remind my colleagues of its serious adverse consequences on both our service personnel and our Armed Forces.

As a member of the Subcommittee on Military Construction of the Appropriations Committee, I would like to remind my colleagues of the testimony of Vice Adm. Willard P. Arentzen, then-Surgeon General of the U.S. Navy, on this issue. Speaking before the Defense Subcommittee of the House Appropriations Committee in 1979, Vice Admiral Arentzen said:

> There have been however, a variety of reported indirect problems arising when active duty and dependent women have had to seek abortions in the civilian sector. Active duty personnel have borrowed money and taken leave to terminate pregnancies. Others in overseas assignments have been transferred back to the continental United States earlier than expected because they could not qualify for anticipated housing needs or adequate child care. Financial and transportation difficulties are the major problems facing most active duty personnel. Dependent mothers who had previous children with developmental birth defects were denied abortions under the new criteria and sponsors were forced to bear the cost of abortions. Much of the data reveals that a large percentage of active duty personnel complaining of hardship were E-5 or below.

Mr. Chairman, Navy personnel with a rank of E-5, with a minimum of 4 to 6 years service, receive a base pay of less than $13,000 in an entire year. These personnel may not be able to afford safe abortion services, if they are not included as part of the medical benefits to which they are entitled. Further, since safe medical abortions may not be available in the remote locations where naval personnel are often stationed, denying coverage may threaten the health of our service personnel and their dependents—even if they are financially able to arrange for a privately funded local abortion. Speaking of the restriction on the use of Federal funds for abortion services for military personnel and their dependents before the same panel in 1979, Lt. Gen. Paul W. Myers, then Surgeon General of the U.S. Air Force, said:

> This law has a significant impact on the female service member. Since health care is an earned military benefit, active duty members view this restrictive legislation as a health entitlement loss. At present, for abortions other than the stringent criteria in the law, members must absorb the full cost which ranges from $250 to $600 in the United States. The tragic aspect of the law is that it does not allow termination of pregnancy for conditions which may result in severe congenital defects. Fetal indications for abortion include those conditions which can be diagnosed accurately early in pregnancy by studying the amniotic fluid for abnormalities. Down's Syndrome is one and anencephaly is another. These indications for abortion are recognized by medical authorities. The restrictive language in the law does not allow for Air Force personnel to get appropriate care in such cases.

The purpose of the CHAMPUS Program, Mr. Chairman, is to provide health care for those persons who have committed their lives to serving our country. Reproductive health care services are among those needed by military personnel and their dependents. Abortion is a legal medical service. The antiabortion provision contained in the National Defense Authorization Act clearly jeopardizes the health of pregnant women and denies our personnel a benefit to which, as men and women who are valiantly and voluntarily serving their country, they are entitled. I hope my colleagues will reconsider this dangerous and unfair prohibition.

Mr. MARKEY. Mr. Chairman, the bill before us today, the Department of Defense Authorization Act, contains an unusual provision regarding the provision of transportation for assistance to the Cambodian resistance. This provision is included in section 303 of the bill, whose stated purpose is the provision of humanitarian assistance for persons displaced or who are made refugees because of the invasion of Afghanistan; however, this Cambodia provision is not limited to assistance to refugees or displaced persons, and has nothing to do with Afghanistan. This earmark was not mentioned in the report on the bill.

This provision nonetheless was noticed, and an amendment to strike this inappropriate authority for Cambodian operations was duly prepared and properly proposed. Notwithstanding the clear germaneness of the amendment, and indeed the nature of the provision it would have struck, the amendment was not allowed to be offered. While I understand the difficulties inherent in the large number of amendments proposed to the Defense authorization bill, it is important that the lack of action on this particular issue in the full House not be wrongly interpreted.

I make this statement to ensure that the record shows that this inappropriate provision was opposed, but Members did not have an opportunity to vote to strike it from this bill. The inclusion of this language relating to Cambodia in this year's bill should in no way be construed to suggest that the full membership of the House necessarily supported, or even was aware of, this provision.

Mr. ARMEY. Mr. Chairman, I would like to comment on one section of the Defense authorization which I think represents a disturbing trend toward increasing the paperwork burden on our Nation's defense industry in a well-intentioned but misguided attempt to control defense costs. Section 329 of the bill mandates standards for defense contractor accounting systems. Many will argue that this is a minor and inoffensive provision, and indeed it probably pales in comparison with the intrusive paperwork and reporting requirements that we have already imposed on our defense industry. And yet it is one more step toward the incorporation of private companies—owned and operated by private Americans—into the Federal bureaucracy.

U.S. military equipment and technology is second to that of no other country in the world today for one reason: We rely on private enterprise to supply our arsenal of democracy. Private enterprises, competing against each other, using the skills and disciplines developed in the open marketplace, are able to produce the finest equipment in the world. We must recognize this basic source of our strength.

Sadly, many seem to feel that if a business is involved in a transaction with the Government, it virtually becomes part of the Federal Government. They believe that we can require reports, dictate internal policies, and mandate inspection of these private businesses in the same way that we would for a Federal agency. The result may actually be increased costs and reduced efficiency as these companies are forced to assume enormous administrative burdens and are prevented from adopting policies appropriate to their unique circumstances. Our defense industry is already shackled with Government paperwork. We must unshackle it.

I would submit that there is another, vastly superior, approach to restraining the cost of national defense. We should whenever possible distribute contracts through a competitive bidding process and require, to the extent possible, that contractors not exceed their bids. Such an approach would draw on the strengths of our system rather than undermine those strengths.

I realize that section 329 was included in this bill with the best of intentions. I feel, however, that it is most unwise, and I strongly urge that it be amended or removed before this bill becomes law.

Mr. FRENZEL. Mr. Chairman, I will be voting against final passage of this year's military authorization bill. This bill has been a disappointment for me. Because of the unfair rule under which the House has been considering this bill, we have spent the last 2 weeks in relatively unproductive, and mostly irrelevant debate. We have debated arms control, foreign policy, and import restrictions, but we have not talked much about defense and national security.

This bill authorizes around $300 billion in defense spending. This is a tremendous amount of spending even by today's inflated standards. However, because of the rule and an agreement made at the budget summit last year, the House has not had an opportunity to make a dent in his amount. As a result, we have spent the last 2 weeks trying to micromanage the Pentagon by shifting money from items which the military wants, to items the House majority wants—with no budget savings whatsoever. At a time when our budget deficit is so massive, I would have preferred that the House had an opportunity to find some real savings.

I am also opposing this bill because it fails to reform the Davis-Bacon Act. Davis-Bacon is awful and needs to be repealed. At the very least, it needs to be substantially reformed. However, by adopting the Hawkins amendment and rejecting the Stenholm amendment, the House failed to do either.

In addition, the House passed amendments which could, in my view, hamper the President's ability to negotiate a strategic arms reduction treaty with the Soviet Union. The President and his negotiators need as much flexibility as possible, and the House should be trying to provide that flexibility. Instead, we have tied the President to treaties and to interpretations of treaties which the House thinks would be a nice ending for negotiations. It is a mistake for Congress to limit its own Government right before it attempts to deal with the Soviets, because with the restrictions, we may not be able to get to the end of the negotiations.

I hope future defense authorization bills will be different. I would like to see the House trying to find ways to provide for a more efficient and less expensive defense. Because of this bill's failure to do this, I will oppose it.

Mr. STARK. Mr. Chairman, I would like to take a moment to thank the chairman of the Subcommittee on Military Installations and Facilities, Mr. DELLUMS, for his leadership in drafting section 2813 of H.R. 4264.

This section provides a land transfer in Alameda County, CA, which will help all concerned: the Army, the county, BART, the city of Dublin, and the East Bay Regional Park District.

I would like to include in the RECORD at this point an editorial from the Hayward, CA, Daily Review of April 27, 1988, which explains how Chairman DELLUMS' leadership on this issue will be of longlasting benefit to everyone in the East Bay area.

[From the Daily Review, Apr. 27, 1988]

LAND SWAP GOOD FOR ALL INVOLVED

Three public agencies are working on a land deal that may truly benefit their constitutents, the residents of the East Bay.

The primary agencies involved are the East Bay Regional Park District, the United States Army and Alameda County. The city of Dublin also stands to benefit.

The Army and the park district have been battling for the last few years over the 440-acre Tassajara Regional Park, located at the northeast end of the Army's Camp Parks. The land was considered surplus and given to the park district many years ago when the Army anticipated phasing out Camp Parks.

But, in recent years, the base has been refurbished and upgraded as a training facility for reserves. Presumably, it has a long future with that mission and its convenient location to thousands of Northern California reserve soldiers.

The Army has wanted the land back in the name of the national defense, but the park district has resisted.

The proposed swap potentially solves everyone's problem.

The Army gets the 440 acres back. In return, the park district would get title to Alameda County's 118 acres that contain the old Arroyo Del Valle Sanitarium on Arroyo Road in Livermore.

The County would receive 35 acres of surplus Army land in Dublin along Interstate 580 that presumably could be sold to BART for a station site. In addition, the city of Dublin would get 12 acres to extend Dublin Boulevard.

On paper, the deal looks good.

All of the agencies appear to win and, more importantly, so does the public.

The old sanitarium site is one of the most picturesque pieces of property in the Livermore Valley. It's located between the Veterans' Administration Hospital and the park surrounding Del Valle Reservoir.

Transferring ownership to the East Bay park district would continue Del Valle park, and also provide an easy link with the Livermore Area Recreation and Park District's two parks in the area, Veterans' Park and Sycamore Grove.

The land would continue a greenbelt and provide a rural respite just minutes from downtown Livermore. Simply put, it's an ideal park site, if the problems can be solved.

One of the major challenges is asbestos-covered pipes in the numerous old buildings. The asbestos must be cleaned up before the public can use the site, and those costs must be figured before the park district commits to the project.

We believe trading the land on the edge of the military base for the gorgeous county parcel is a good deal for the park district. The district already has other permanent open space coming along some ridgelines in San Ramon, as well as the opportunity to pursue more as other residential projects are proposed in the Dougherty and Tassajara valleys.

The county will pick up exceptionally valuable freeway frontage property that the federal government already has declared surplus and Dublin will be able to extend a key east-west road.

We urge the involved agencies to aggressively pursue this deal. It makes good sense because the big winners will be the people living throughout the East Bay.

Mr. KOSTMAYER. Mr. Chairman, as debate closes on the Defense authorization bill, I'd like to take a moment to let my colleagues know about an important facility that is funded under this bill.

The Naval Air Development Center [NADC] is located in Warminster, PA. It is a vital research facility for work in navigation technologies, gravity effects, and airborne antisubmarine warfare.

I need not remind my colleagues of the additional antisubmarine warfare challenges this country now faces as a result of the Toshiba milling equipment sale to the Soviet Union. The Soviets have used that equipment to make their submarines quieter—and thus harder for us to detect. The Congress has approved tough sanctions against Toshiba as a result of this sale, but as the only airborne antisubmarine warfare research center in the country, NADC is the institution playing a vital role in actually restoring our ASW capabilities.

They bring particular expertise to that task. The P3-C ASW system was conceived and developed at NADC, and NADC is currently providing the technical experts needed to evaluate proposals for the P3-C replacement.

Mr. Chairman, NADC's work extends beyond airborne antisubmarine warfare, however. NADC is also the home of the world's largest dynamic flight simulator. This simulator is used to study gravity's effects on pilots and ways to prevent gravity blackout. It is also used in the development of antigravity suits. This one of a kind human centerfuge is used by the Navy, the Air Force, and private industry. It is considered essential to the development of the X31A—the new, highly maneuverable fighter aircraft currently being developed.

The Naval Air Development Center also houses the Inertial Navigation Test Facility. A uniquely constructed building allows NADC to research, develop, and test, the inertial navigation units that guide aircraft flying over water. Thanks in part to a new laboratory completed just last year, NADC is the Navy's core research and development center for these and other navigation technologies. I fought hard for funding for that laboratory, and I think is clear now that it was money well spent.

Mr. Chairman, the men and women of the Naval Air Development Center are conducting work vital to our national defense. Their work is too often overlooked, and we owe them a great debt. We have provided badly needed construction funds for the NADC in this bill—$1.2 million—and it is my hope that we will continue to support and encourage their important efforts.

Mr. BENNETT. Mr. Chairman, during the 100th Congress, I am serving as cochairman of the Military Reform Caucus, along with Congressman Tom Ridge.

This bill contains a number of adjustments to the administration's request which reflect the work and the point of view of the caucus. The caucus focuses on conventional forces primarily—reflecting, in part, the experiences of Tom Ridge and I, both of us concerned combat veterans. We believe improvements in conventional forces should be at the top of Congress' agenda.

The caucus, in particular, has endorsed and endorses the following measures adopted in this bill:

LIVE-FIRE WEAPONS TESTING

This bill increases the funding requested for the Office of Live-fire Testing in the Department of Defense. In addition, thanks to the good work of Mr. Bustamante, section 236 establishes a stable funding source for all future live-fire testing. This is vital for the office to carry out the job we have given it.

The caucus has long advocated tougher, more realistic testing of new weapons. In 1986, the caucus endorsed legislation—now law—to require live-fire testing of all new weapons. The purpose of this requirement is to ensure that weapons systems really work—that they can either survive a hit by enemy ammunition or destroy an enemy target, depending on their mission. It is vital that our troops have weapons systems that are effective on the real battlefield, and not just under computer-simulated conditions.

In 1987, the caucus endorsed two successful amendments by caucus members to strengthen this law by extending its coverage and increasing funding for this important Pentagon office. We are delighted this legislation has continued this emphasis.

WHISTLEBLOWER PROTECTION

The bill includes whistleblower legislation endorsed by the caucus this year and introduced by Representative Boxer and cosponsored by over 100 Members of the House. It is aimed at providing better protection for military whistleblowers.

Section 810 of the bill would set a solid procedure whereby military whistleblowers who feel they have been harassed as a result of reporting waste or fraud to Congress or to the inspector general could obtain prompt review of their cases.

We want to make sure that members of the military who do their patriotic duty in reporting improper or illegal activities are not unfairly punished or even discouraged from coming forward. Any unfavorable personnel action, or the withholding of a favorable personnel action, as a reprisal for blowing the whistle would be prohibited under this action.

The caucus held a deeply moving panel discussion this year with several military whistleblowers. Their harrowing stories of official misconduct and retribution should convince all of us that this legislation is long overdue.

INFANTRY ANTITANK WEAPONS

The caucus again this year is trying to get a decent infantry antitank weapon into our arsenal. Section 115 of this legislation seeks to replace the Dragon, which almost everyone agrees is worthless, with one of the existing European weapons proven superior in Army tests or with a new version of the Dragon. The caucus supports the efforts underway to develop new advanced antitank weapons, but wants the Army to field a new weapon as soon as possible and not wait until the advanced antitank weapon system [AAWS-M] is developed sometime in the mid-1990's. This legislation gives the Defense Department direction to decide by June 1989 on the antitank weapon now so greatly needed.

IMPROVING OUR CONVENTIONAL FORCES

The caucus enthusiastically endorses the principle of shifting budgetary resources from our strategic programs to our more pressing conventional programs. This legislation does this by reallocating some $3 billion to a conventional force package.

CONTRACTOR PROHIBITIONS

The caucus particularly endorses this legislation's prohibitions on persons convicted of fraud or any other defense contract-related felony from serving in the management of a defense firm—section 2408. The new ban would last for 5 years.

The caucus also endorses the provision added by Congresswoman Barbara Boxer that would limit to $75 an hour the legal fees billed to the Government by contractors indicted of violations of law. If convicted, contractors would not be allowed to bill the Government for any legal fees. At present there is no cap and taxpayers reimburse contractors for millions of dollars of unfair costs.

CLOSE-AIR SUPPORT

The caucus supports efforts to build a new plane to give air support to our frontline troops. Therefore, we endorse the report language in this legislation that directs the Department of Defense to consider the full range of options that may be available for a new close air support aircraft.

The caucus held a panel discussion this year which showed that a powerful, modern aircraft specifically designed for frontline air support could be procured inexpensively. The caucus urges the Department of Defense to consider the full range of aircraft available and avoid rushing to buy a plane which is not well suited for frontline support, but for only long-range missions.

A great deal remains to be done to improve and reform our defense procurement processes but this legislation continues the progress made over the past few years and is a piece of legislation in which all Members of the House can take pride.

Mr. WEISS. Mr. Chairman, I rise in opposition to H.R. 4264, the National Defense Authorization Act for fiscal year 1989.

I am pleased that the House has taken a series of actions to improve this legislation over the past 2 weeks. However, the bill authorizes substantial funding for wasteful and destabilizing weaponry requested by the Reagan administration. This funding will contribute to instability and increase the likelihood of a catastrophic nuclear war. Therefore, I feel compelled to vote against the bill.

A number of the improvements adopted by the House will contribute substantially to arms control if they are enacted into law. These deserve to be mentioned individually.

First, the Aspin amendment to ensure continued compliance with the traditional, or strict, interpretation of the Antiballistic Missile [ABM] Treaty will help to prevent a destabilizing race for defensive arms in space. It will also help to save the ABM Treaty, which is being undermined by the Reagan administration in its rush to deploy an ineffective and fabulously expensive missile defense system.

Second, the Dicks amendment to ensure continued compliance with the numerical sublimits of the SALT II Treaty will help to prevent a massive new offensive arms race. The Soviet Union continues to abide by the sublimits of the treaty, but the United States has violated these core provisions of the treaty. It is the Soviet Union that stands to gain the most from abandonment of SALT II, since the Soviets are able to add to their offensive forces far more rapidly than we are able. A return to compliance with the numerical sublimits of the treaty is essential in order to restrain the nuclear arms race and enhance our national security.

I am also pleased by the adoption of the Gephardt-Schroeder-Markey amendment to ban all but the smallest nuclear test explosions, and to ban tests conducted outside designated test areas, so long as the Soviet Union abides by the same ban. A test ban would impede the current testing programs of both nations aimed at the development of a new generation of increasingly accurate and destructive nuclear weapons. It would also contribute to current efforts to prevent the spread of nuclear weapons. Finally, a bilateral moratorium on testing would provide us with the time necessary to conclude negotiations on a Comprehensive Test Ban Treaty.

I am also pleased that the House has resolved the dispute between funding of the MX and Midgetman missiles in favor of the Midgetman. While there are serious drawbacks to the Midgetman missile, it is clearly to be preferred to the far more dangerous and destablizing MX missile.

It is in the interest of the United States to move away from weapons that are vulnerable to attack, carry multiple warheads, and are capable of destroying hardened targets. So long as our Nation maintains nuclear weapons, it will contribute to stability if we substitute forces that are invulnerable to attack, carry only one warhead, and are not capable of destroying hardened targets.

The MX missile, even in the administration's proposed railgarrison basing mode, fails all three of these tests. By contrast, Midgetman will be highly mobile and will carry only one warhead. Therefore, it will likely meet two of the above qualifications, and it will contribute to stability for those reasons. I am pleased that the House adopted the Mavroules-AuCoin amendment to substantially reduce funding for the MX missile and slightly increase funding for the Midgetman.

These improvements—if endorsed by the Senate and enacted into law—will make a substantial contribution to arms control efforts. Nevertheless, the amended bill contains substantial funding for unnecessary and destabilizing weapons that will increase the chances of nuclear war.

Although the House approved the Bennett-Ridge amendment to reduce star wars funding to $3.5 billion, I believe that continued funding of the Star Wars Program is entirely unjustified. As the evidence mounts that star wars can never protect the entire Nation from nuclear attack, the administration has shifted its emphasis to favor quick deployment of a partial defense against nuclear missiles. However, such a defense would violate the ABM Treaty, cost the taxpayers billions, and be easy for the Soviets to foil. If the problem has become one of complicating a Soviet first-strike against our land-based forces, we have a far more promising and less costly solution in the Midgetman.

In addition, I am deeply troubled by continued funding of the Trident II submarine-based missile system. Although submarine missiles are attractive in that they are invulnerable to attack, the Trident II is a highly accurate and powerful weapon that will be capable of destroying the entire force of Soviet ICBM's within 15 minutes. This will force the Soviets to adopt a policy of "launch on warning," greatly increasing the risk of accidental war. In a time of crisis, the Soviets might even be tempted to launch a preemptive attack against American targets.

We need not give up on submarine basing of our missiles in order to stave off the threat posed by Trident II. The first eight Trident submarines already carry a far more stable weapon—the Trident I. This missile can do absolutely everything the Trident II can do, except destroy Soviet ICBM's in their silos. Therefore, it will not undermine deterrence or increase the threat of war. Moreover, it could be deployed at far less expense than the dangerous and destabilizing Trident II.

I am disappointed that the House has repeatedly rejected my amendments to replace the Trident II with the Trident I. While Congress appears committed to Trident II deployment, I remain hopeful that Members will increasingly understand the drawbacks of this system and will eventually embrace a compromise on force levels. At this stage, the most logical solution to the Trident problem would be to forego the Navy's plan to backfit the first eight Trident submarines with Trident II missiles. Such a decision would not only save $6.4 billion, according to a recent CBO estimate, but would substantially reduce the overall number of Trident II missiles deployed on our submarines.

The failure of the House to adopt the Brown amendment to provide for a continued moratorium on the testing of antisatellite [Asat] weapons is of grave concern. Before the signing of the INF Treaty, the congressionally imposed Asat moratorium stood alone as the major arms control achievement of the Reagan era. For 3 years running, the Asat ban has helped our Nation avoid a costly and counterproductive arms race in space. Absent such a ban, it is likely that the United States and the Soviet Union will resume testing of these weapons, threatening the early warning systems of both sides and increasing the risk of nuclear war.

Finally, this bill contains substantial funding for the Navy's Strategic Homeporting Program, which threatens to consume billions of dollars for no apparent reason other than to increase the amount of pork-barrel spending that the Navy has spread around the Nation. Former Senator Barry Goldwater predicted that the homeporting scheme will cost $10 billion before we are through with it. The General Accounting Office [GAO] has also questioned the Navy's cost estimates and suggested that the strategic benefits of the program are unclear.

I am particularly opposed to the bill's authorization of $38.3 million for construction of a homeport in New York Harbor. The New York homeport is scheduled to receive ships capable of carrying nuclear weapons. These ships will endanger each and every resident of the New York City metropolitan area.

According to the GAO, the Navy has experienced a substantial number of "nuclear incidents." Moreover, the threat of a full-fledged accident involving radiological contamination is real. The consequences of such an accident in our Nation's most populous city could be unimaginably tragic.

In addition, the Navy has failed to abide by its responsibility to comply with Federal and State environmental laws in its pursuit of this project. And it has produced no plausible plan for the housing of personnel to be stationed at this base. There is simply no rationale for the continued funding of this project while so many outstanding questions remain about the safety and legality of the New York homeport.

It is my belief that the Navy's strategic homeporting program should be completely canceled in the interests of reducing the budget deficit. In keeping with this decision, the Navy's misguided attempts to locate nuclear-capable vessels in the midst of New York City should be rejected out of hand.

Mr. Chairman, I support a strong and adequate defense of the United States of America. However, too many of the policies and programs authorized in this legislation run counter to our own security interests. Instead, they threaten to add fuel to the nuclear arms race and ignite a nuclear conflict. Moreover, they threaten to bankrupt our Government and seriously damage our economy. Even though this bill contains numerous provisions which will contribute to nuclear arms control if they are enacted into law, I do not believe that these provisions are sufficient to justify an affirmative vote on this legislation.

It is my hope that the post-Reagan era will build upon the achievements begun in recent years and bring a new realism to the debate over our Nation's defense. I am ready and willing to participate in the crafting of a sensible defense policy, and I look forward to that task with great anticipation.

Mr. BOXER. Mr. Chairman, I would like to place in the RECORD a letter addressed to me from Congressman BARNEY FRANK regarding an amendment I had intended to offer to the fiscal year 1989 Defense authorization bill. The amendment would mandate that the Department of Defense require payments bonds of prime contractors in order to protect subcontractors.

As is evident in the letter, Mr. FRANK assured me that hearings would be held on this issue and my bill, H.R. 4539, based on the amendment, would be considered by the Judiciary Committee.

Therefore, there is no need to consider my amendment as part of the DOD bill.

The letter follows:

COMMITTEE ON THE JUDICIARY,
Washington, DC, May 11, 1988.

Hon. BARBARA BOXER,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BOXER: I greatly appreciate you efforts to better protect subcontractors by filing an amendment to the FY 1989 House Defense Authorization bill that mandate that the Department of Defense require payment bonds of prime contractors. The amendment would provide for the payment of the subcontractor in the event the prime contractor failed to pay the subcontractor. Your amendment would also repeal a section of the 1935 Miller Act which provides for a waiver of payment and performance bonds required under the Act.

I thank you for withdrawing your amendment from consideration as part of the Defense Authorization bill since this issue is within the jurisdiction of the Judiciary Committee. As you know, I have introduced a bill, H.R. 3356, to address problems with the Miller Act which have been brought to my attention. I introduced similar legislation in the 99th Congress.

The Judiciary Subcommittee on Administrative Law and Governmental Relations will hold a hearing on H.R. 3356 on Thursday, May 12, 1988. You introduced a bill, H.R. 4539, which is based on your amendment and has been referred to the Judiciary Committee. We will also consider your bill, along with the testimony of one of your constituents at the May 12th hearing.

I look foward to working with you on this issue and will keep you informed as the legislation works its way through the committee process.

Sincerely,

BARNEY FRANK,
Chairman, Subcommittee on Administrative Law and Governmental Relations.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Let me at this point, Mr. Chairman, announce that we have completed the bill before us. The committee will now rise and report the bill back and we will have I guess a motion to recommit and final passage.

Before we do that, Mr. Chairman, let me just say thanks to several people.

Let me just point out about handling this bill at the amount of amendments that we dealt with was a record number, but we did it in a record number of hours. The number of hours that this bill is on the floor continues now to decline, in spite of the fact that the number of amendments that we are dealing with continues to increase.

In 1986, we were on the floor for nearly 57 hours.

In 1987, it was 52½.

For 1988, it was 50 hours.

This year it is about 40 hours.

In spite of the fact that the number of amendments continue to rise, the amount of time on the floor has decreased. That is due to several things.

I would first of all like to commend the people in the Rules Committee for their help and cooperation and their diligence in putting together a very, very good rule.

I would also like to commend the gentleman from Alabama [Mr. Dickinson] on the minority side for their cooperation in being able to deal with this bill and helping to deal with it in an expeditious manner.

Finally, Mr. Chairman, let me commend the gentleman in the chair, the gentleman from Illinois [Mr. Gray]. This is the gentleman's last year in Congress. He is retiring at the end of that time.

Let me tell the Members, I do not know how we would have made it through the last 2 weeks had it not been for the good humor, the cooperation, and the expeditious way of handling the bill by the gentleman from Illinois [Mr. Gray], and I would like to thank the chair very much at this time.

The CHAIRMAN pro tempore. The Chair thanks the gentleman so much.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Murtha] having assumed the chair, Mr. Gray of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4264) to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes, pursuant to House Resolution 436, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DICKINSON. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

□ 1630

The Clerk read as follows:

Mr. Dickinson moves to recommit the bill H.R. 4264 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title IX of division A (page 163, after line 6) add the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ROLE OF CONGRESS IN ARMS CONTROL POLICY.

It is the sense of the Congress that the Congress has a constitutionally defined role to play in arms control and nuclear testing policy, but the Congress, in these and other related fields, should not usurp, undermine, or in any other way interfere with the constitutionally defined powers of the President to negotiate and implement such policies, especially when the Soviet Union is not subject to similar restraints.

The SPEAKER pro tempore (Mr. Murtha). The gentleman from Alabama [Mr. Dickinson] is recognized for 5 minutes in support of his motion to recommit.

Mr. DICKINSON. Mr. Speaker, I would like to pay my particular compliments to the gentleman from Illinois [Mr. Gray] who acted as chairman during the long, drawn-out rather arduous hearings, and pay my respects and compliments to the gentleman from Wisconsin [Mr. Aspin], the chairman of the Committee on Armed Services, for working so well and in a coordinated fashion with the minority. I have no complaints. It has been a long, drawn-out, grinding battle but just let me say, Mr. Speaker, that throughout the over 2 weeks of floor debate and arguments back and forth and the many hours put forth on the floor, I was sustained and buoyed by the memory and admonition of my mother when I was growing up and she said in her own southern tone nonillegitimus carborundum.

It has been an interesting experience. Mr. Speaker, I offer the motion to recommit which simply says that it is the sense of the Congress that the Congress has a constitutionally defined role to play in arms control and nuclear testing policy, that the Congress in these related fields should not usurp, determine or in any other way interfere with the constitutionally defined powers of the President to negotiate and implement such policies, especially when the Soviet Union is not so bound.

That is the sense of the special instructions that go with the motion to recommit.

Mr. Speaker, I am also in receipt of a letter mailed today, May 11, 1988, from the White House that reads:

> I am deeply disappointed that the House of Representatives is headed toward passing a Defense Authorization bill (H.R. 4264) that would seriously undermine our position in negotiations with the Soviet Union and hold back the progress of the Strategic Defense Initiative. I urge you and your colleagues to make every effort to recommit this bill and correct these deficiencies.

The letter goes on to say that the President thinks the bill should be recommitted to give the President a free hand. I might add, there was no express language contained in the letter that would do that.

Mr. Speaker, I include for the Record the letter dated May 11, 1988, from the White House:

The White House,
Washington, May 11, 1988.

Hon. William L. Dickinson,
House of Representatives, Washington, DC.

Dear Bill: I am deeply disappointed that the House of Representatives is headed toward passing a Defense Authorization bill (H.R. 4264) that would seriously undermine our position in negotiations with the Soviet Union and hold back the progress of the Strategic Defense Initiative. I urge you and your colleagues to make every effort to recommit this bill and correct these deficiencies.

The Defense Authorization bill that the House is considering would reimpose the inequitable and unverifiable restrictions of SALT II, impede our ability to test nuclear weapons critical to maintaining our deterrent, and cut over a billion dollars from the SDI budget request.

No President can successfully negotiate effective arms control agreements if he must negotiate simultaneously with both the Soviets and the House of Representatives. Those in the House who have spoken of a need to provide incentives to both the Administration and the Soviets are wrong. We—the Congress, the Administration, and our Allies—have proven that only through united and determined defense of our principles, backed by a willingness to deploy weapons needed for deterrence, can we gain Soviet agreement to arms reductions. That is how we obtained Soviet agreement to eliminate an entire class of nuclear missiles with the INF Treaty.

My Administration has worked long and hard to achieve measures for equitable, verifiable, and stabilizing arms reductions. But we cannot do it alone. It is time for the House to step up to these responsibilties and pass a Defense Authorization bill that will strengthen our security. I urge the House to reconsider its course and recommit the Defense Authorization bill in the hope these problems with the bill can be rectified.

Sincerely,

RONALD REAGAN.

Mr. DICKINSON. Mr. Speaker, I urge the Members to go along with my motion to recommit which simply states an obvious statement of the law to say that it is not the policy or the province of the Congress to undermine the President in his negotiations. I urge an affirmative vote from all of my colleagues on the motion to recommit.

The SPEAKER pro tempore (Mr. MURTHA). Under the rule, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, let me say that we looked at the amendment of the gentleman from Alabama [Mr. DICKINSON] and we have no problems with any of it. We do not believe there is anything in the bill that the House has done that contradicts what the gentleman from Alabama says here either in word or in deed. Therefore, we accept the motion to recommit in the spirit of bipartisan cooperation with which we have dealt with this bill. We accept the motion to recommit.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER pro tempore (Mr. MURTHA). The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Speaker, pursuant to the instructions of the House, I report the bill H.R. 4264 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: At the end of title IX of division A (page 163, after line 6) add the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ROLE OF CONGRESS IN ARMS CONTROL POLICY.

It is the sense of the Congress that the Congress has a constitutionally defined role to play in arms control and nuclear testing policy, but the Congress, in these and other related fields, should not usurp, undermine, or in any other way interfere with the constitutionally defined powers of the President to negotiate and implement such policies, especially when the Soviet Union is not subject to similar restraints.

The amendment was agreed to.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. MURTHA). Without objection, the Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

There was no objection.

Mr. DICKINSON. Mr. Speaker, I simply want to explain my vote on this matter. I said that I was in opposition to the bill as it then stood, and subsequently my motion to recommit passed. Mr. Speaker, I think in view of the arms control provisions that are I think improperly in the bill, along with the severe cuts, really very aggravating cuts on SDI and other issues contained in the bill, I really feel that I cannot support this bill in its present form. Perhaps we can make it palatable in conference. If not, I would urge a veto of the bill if it were not corrected in conference.

For that reason, Mr. Speaker, for myself I am voting no on passage of the bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 172, not voting 7, as follows:

[Roll No. 126]

YEAS—252

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Coyne
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foley
Ford (MI)
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Obey
Olin
Ortiz
Owens (UT)
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Rahall
Ravenel
Ray
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Schneider
Schumer
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stenholm
Stratton
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weldon
Whitten
Wilson
Wise
Wolpe
Wyden
Yatron

NAYS—172

Applegate
Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Boulter
Boxer
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clay
Clinger
Coats
Coble
Coleman (MO)
Combest
Conyers
Courter
Craig
Crane
Crockett
DeFazio
DeLay
Dellums
DeWine
Dickinson
Dornan (CA)
Dreier
Dymally
Edwards (CA)
Edwards (OK)
Emerson
Fawell
Fields
Foglietta
Ford (TN)
Frank
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Gradison
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hayes (IL)
Hefley
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Kasich
Kastenmeier
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Leland
Lent
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Lungren
Mack
Madigan
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Molinari
Moody
Moorhead
Nielson
Oberstar
Owens (NY)
Oxley
Packard
Parris
Pashayan
Pelosi
Petri
Quillen
Rangel
Regula
Rhodes
Roberts
Rogers
Roth
Rowland (CT)
Roybal
Savage
Saxton
Schaefer
Scheuer
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sikorski
Skeen
Smith (NE)
Smith (TX)
Smith, Denny

(OR)
Smith, Robert
(NH)
Solomon
Stangeland
Stark
Stokes
Studds
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Towns
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weiss
Wheat
Whittaker
Williams
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—7

Biaggi
Daub
Duncan
Flake
Mica
Spence
Yates

□ 1702

Messrs. BROWN of Colorado, SKEEN, FRANK, TOWNS, HASTERT, FOGLIETTA, and SIKORSKI changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4264, the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4264, as amended, the Clerk be authorized to make such clerical and technical corrections, including title and section numbers and cross references, as may be necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

INCREASE IN FISCAL YEAR 1988 DEFENSE FUNDS TRANSFER AUTHORIZATION

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H.R. 4524) to increase the dollar amount of defense authorizations for fiscal year 1988 that are subject to transfer for new purposes pursuant to law, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROWLAND of Connecticut. Mr. Speaker, reserving the right to object, I would ask the gentleman from Wisconsin [Mr. ASPIN] to please explain the reason for his request.

Mr. Speaker, I yield to the gentleman from Wisconsin for that purpose.

Mr. ASPIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are passing as a separate piece of legislation an amendment we have already passed as a part of the authorization bill. The reason we are doing this is because the amendment has to do with increasing the transfer authority from $2 to $4 billion, and we are doing it as a separate piece of legislation at this time in case we get hung up in the conference with the Senate on the DOD authorization bill and we may want to move this as a separate piece of legislation because there is some urgency behind it.

Mr. ROWLAND of Connecticut. Mr. Speaker, I thank the gentleman for that explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN FISCAL YEAR 1988 DEFENSE FUNDS TRANSFER AUTHORIZATION.

Section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153) is amended—

(1) in subsection (a)—

(A) by inserting "of this Act or any prior defense authorization Act" in paragraph (1) before "for any fiscal year";

(B) by striking out "$2,000,000,000" in paragraph (2) and inserting in lieu thereof "$4,000,000,000"; and

(2) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) SPECIFIED PURPOSES.—In determining the purposes for which the authority provided by subsection (a) will be used, the Secretary of Defense shall ensure that an appropriate portion of that authority is used to transfer to operation and maintenance accounts of the Department of Defense for fiscal year 1988 (1) funds for depot maintenance activities in amounts sufficient to reduce service backlogs which would otherwise occur, and (2) funds for pay of civilian personnel in amounts sufficient to prevent furloughs, reductions-in-force, or release of on-call employees into a nonpay status which would otherwise be required due to insufficient funding for civilian personnel of the Department of Defense for fiscal year 1988.

"(e) NOTICE TO CONGRESS.—The Secretary of Defense shall submit to Congress notification of each transfer to be made under the authority of this section not less than 15 days before the transfer is made. Any such notification shall include specific identification of any delays or deferrals in programs or other specific actions (including delays permitted by law in payments required to be made) that the Secretary is taking in order to ensure that the transfer is made in compliance with subsection (f)(1).

"(f) CONTROL OF OUTLAYS.—(1) The Secretary of Defense shall carry out transfers authorized by this section and (notwithstanding the provisions of the Impoundment Control Act of 1974) shall manage appropriations and other accounts of the Department of Defense for fiscal year 1988 so that any such transfer, and the expenditure of funds so transferred, do not result in an increase in outlays by the Department of Defense during fiscal year 1988.

"(2) The Secretary shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report at the close of each month during fiscal year 1988 on any increase or decrease in outlays by the Department of Defense during that month resulting from the exercise of the authority provided by this section.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader about any change in the program for the balance of the day, and then what will be programmed for tomorrow? I yield to the gentleman from Washington for that purpose.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican leader for yielding.

Mr. Speaker, we had intended to take up this afternoon a privileged resolution which will be introduced by myself on my own behalf and on behalf of the gentleman from Illinois [Mr. MICHEL] expressing the sense of Congress relating to the duties and privileges of Members of the House of Representatives, and specifically with respect to the decision of the U.S. Court of Appeals in the case of Chastain versus Sundquist.

This is a matter of critical importance to the privileges of Members and to the privileges of the House. In order to express what we hope and believe should be the unanimous vote of the House on this question we intend to ask for a recorded vote in support of the resolution. Because tonight there are Members who anticipated that the conclusion of the Department of Defense authorization bill would conclude the business for the day, we are going to move this privileged resolution to the first item of business tomorrow morning, and the House will meet at 11 a.m. tomorrow.

Following that we will consider H.R. 4471, Miscellaneous International Affairs Authorization Act, a modified rule with 1 hour of debate; the Hate Crime Statistics Act, subject to a rule, which is an open rule with 1 hour of debate; and H.R. 1801, and the Juvenile Justice and Delinquency Prevention Act amendments, an open rule, 1 hour of debate, We hope that we can then have a fairly early adjournment tomorrow.

The House will meet Friday at 11 a.m. for a pro forma session.

Mr. MICHEL. Mr. Speaker, did the gentleman say we would definitely have a pro forma session on Friday?

Mr. FOLEY. There will be a pro forma session on Friday.

Mr. MICHEL. Originally some of us thought there would not be any session at all.

Mr. FOLEY. I think our plan was to have a pro forma session beginning at 11 a.m.

Mr. MICHEL. Would the gentleman have any prediction for the following Monday at this juncture?

Mr. FOLEY. I would prefer to make the usual announcement tomorrow, if the gentleman will permit me.

Mr. MICHEL. I thank the gentleman from Washington.

RESOLUTION RELATING TO PRIVILEGES OF THE HOUSE

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, if I may have the attention of the House, it is not my intention today to offer and debate the privileged resolution referred to previously, but I do wish all Members to understand that this resolution has the strong support of the leadership on both sides of the aisle. It will be offered by myself on my own behalf and on behalf of the gentleman from Illinois [Mr. MICHEL]. It involves the question of whether Members of Congress will retain official immunity for more than purely legislative acts.

If the current decision of the U.S. Court of Appeals were to remain on the books, there would be a situation which would call into doubt the vulnerability of every Member of this body to civil suit for acts that have always been considered part of the official responsibility of Members, and the potential liability to each Member should be understood clearly.

Second, the inhibition that would be imposed on Members in carrying out representation of their constituents in a manner long understood, in fact from the foundation of this Republic understood to be a part of the legislative responsibility of individual Members. This is not a partisan matter. It is a matter of the privileges of this House and the privileges of Members, and the purpose of this resolution is to send an overwhelming, unanimous vote of this body to the Supreme Court respectfully asking that they take up and review this case.

So I hope that there will no misunderstanding about it. It goes back, in fact, to precedents in the 14th Century in the history of the House of Commons, and I do not wish any Member to underestimate the signal importance of this matter to the functioning of the House of Representatives and to his or her individual responsibilities as Members.

NATIONAL HOSPICE MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 525) to designate the month of November 1988 as "National Hospice Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 525

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in confort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical, emotional, and spiritual needs and, specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and other community volunteers trained in the hospice concept of care;

Whereas hospice is rapidly becoming a full partner in the Nation's health care system;

Whereas the recent enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more Americans to have the opportuntiy to elect to receive hospice care.

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefit in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1988 is designated as "National Hospice Month". The President is requested to issue a proclamation calling upon all Government agencies, the health care community, appropriate private organizations, and people of the United States to observe the month with appropriate forums, programs, and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in this country.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL RURAL HEALTH AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 254) to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the legislation.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. TAUKE], one of the sponsors of this resolution.

Mr. TAUKE. Mr. Speaker, on behalf of the House Rural Health Care Coalition, I request your support for House Joint Resolution 461, designating the week of May 15 "National Rural Health Awareness Week." This week of recognition will focus national attention on the unique needs and characteristics of the rural health care delivery system.

As a nation, we have committed ourselves to the ideal of universal access to basic health care services. To keep that commitment to rural Americans, we must recognize the unique stresses on our rural health care delivery system:

First, we tend to associate poverty and lack of insurance coverage with urban areas. In fact, rural areas, with 30 percent of the Nation's population, have 38 percent of the Nation's poor.

One in five rural residents now live in poverty.

The poverty rates for the rural elderly are 75 percent higher than for all U.S. elderly.

Rural Americans have a 15-percent higher rate of lack of insurance coverage than the U.S. average and a 24-percent higher rate than their metropolitan counterparts.

Second, while we tend to think of rural life as healthier,

In fact, rural occupations—farming, mining, lumbering—are among the most dangerous; and

The rural elderly, comprising a higher proportion of the general rural population than the urban population, have higher rates of chronic illness and disabling conditions.

Rural infant mortality rates are substantially higher than urban rates.

Third, we often think it is cheaper to provide care in rural areas. In fact, however,

The greater distances, geographic barriers, and sparse population make care more expensive in rural areas; and

Rural providers often have to pay as much or more to attract and retain health professionals.

Fourth, due to the higher percentage of elderly as a portion of the total population in rural areas, rural providers are especially dependent on Medicare. They lack the volume and the mix of patients to balance shortfalls in Medicare reimbursement and are thus hard-pressed to pay the salaries that will attract and retain professionals.

Rural hospitals are in particular peril. Recent reports show that as a group, they now have negative Medicare operating margins.

Rural areas are finding it difficult to attract and retain family physicians, in part due to substantial differentials in rural versus urban Medicare physician reimbursement rates.

Rural hospitals, nursing homes, and home health agencies are reporting severe shortages of nurses and allied health professionals.

Access to community-based, high-quality, basic health care services is at risk in rural America. The House Rural Health Care Coalition was formed to meet this challenge. We are making progress in addressing reimbursement inequities and refining reimbursement policy, but much remains to be done.

Our further progress in meeting this challenge requires an understanding in Congress and the nation as a whole of the unique stresses on the rural health care delivery system. That is why we ask your support for "National Rural Health Awareness Week."

I thank the Members for their attention to my comments.

□ 1710

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 254

Whereas the health of a nation depends on the health of its people;

Whereas one quarter of the population of the United States lives in rural communities;

Whereas one third of the Nation's elderly live in rural communities;

Whereas rural communities have disproportionately fewer health care providers compared to the urban population, with rural communities holding 12 percent of the Nation's doctors, 18 percent of the Nation's nurses, and 14 percent of the Nation's pharmacies;

Whereas rural areas face an acute and growing nursing shortage, with 50 percent of rural hospitals and long-term care facilities reporting difficulty in recruiting and retaining nurses;

Whereas rural areas are increasingly impacted by a lack of access to obstetric care;

Whereas the decline of the rural economy in recent years has reduced economic resources available to rural communities, leading to increased closures of hospitals and other health care facilities in rural areas, the loss or curtailing of services by local health departments, and disruption of social service programs;

Whereas the decline in availability of health care services in rural areas has, in turn, increased the shortage of physicians, nurses, psychologists, and other allied health professionals;

Whereas rural communities have few transportation services, preventing rural residents from obtaining needed health care;

Whereas the health status of rural Americans is lower than for residents of urban areas, with rural residents having higher infant and maternal mortality rates, higher rates of chronic illness, and higher rates of injury;

Whereas there are more poor and medically indigent in rural areas than in urban areas;

Whereas rural hospitals serve a higher than average number of elderly patients, resulting in a high proportion of Medicare payment as a percentage of their total revenue; and

Whereas current policies result in substantially lower Medicare payments to rural health care providers for equivalent services, further increasing the likelihood of financial failure and closure of these facilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 15, 1988, and ending on May 21, 1988, is designated as "National Rural Health Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the above period with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LITHUANIAN INDEPENDENCE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 448) designating February 16, 1989, as "Lithuanian Independence Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation being considered, designating February 16, 1989, as "Lithuanian Independence Day."

Mr. RUSSO. Mr. Speaker, February 16, 1989, will mark the 71st anniversary of the restoration of independence of the independent democratic Republic of Lithuania, and this day will be celebrated wherever people of Lithuanian descent have settled. On February 16, 1918, the Lithuanian National Council, composed of 20 prominent leaders of varying political views, fulfilled their aspiration for self-determination and national independence by proclaiming that Lithuania would choose its own government.

Lithuania enjoyed 20 years of self-government between the two world wars. Cultural activities, the educational system, and commercial undertakings grew at a rapid pace, and the arts and sciences flourished in a renaissance that made Lithuania a respected member of the international community. It was admitted into the League of Nations on September 22, 1921, and exchanged diplomatic representatives with other sovereign nations.

The freedom that Lithuania enjoyed came to an abrupt halt with the aggression that led to the Second World War. On June 15, 1940, the Soviet army, in violation of international law and treaties concerning sovereignty, invaded and occupied Lithuania. The Soviets ruthlessly seized total control of this tiny country. On July 14, 1940, elections were held with a single list of candidates approved by Moscow; only the Communist party was recognized.

Once the Nazi-German occupation ended in 1944, Soviet Russia invaded and occupied Lithuania for a second time. Stalinist policies introduced collectivization and a national reign of terror to this predominantly Roman Catholic nation; the Soviets closed the monasteries and took control of religious schools, orphanages, and hospitals. Approximately 300,000 Lithuanians were murdered, or deported to the wastelands of Siberia to become slave laborers. Professionals, farmers, laborers, the young and the old were the victims of this indiscriminate terror. Loss of life was so great that only today, some five decades later, is Lithuania returning to its prewar population levels. There was almost no family which was not in one way or another affected by the systematic and brutal terror. Persecution in Lithuania continues to this very day.

Despite these economic, cultural, and political hardships, Lithuania remains a bastion of nonviolent, anti-Soviet resistance in Eastern Europe, and I am proud to echo the call for freedom that is raised by Lithuanians living in all parts of the free world. This annual commemoration of Lithuania's independence by the U.S. Congress allows the representatives of our country to reaffirm our stand against tyranny and our desire for justice. The continued assurance that we have not forgotten will give hope to the brave people of Lithuania, as well as those around the world who share their devotion to freedom.

Mrs. **MORELLA.** Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 448

Whereas February 16, 1989, is the 71st anniversary of the declaration of independence of Lithuania;

Whereas on February 16, 1918, the Council of Lithuania, the sole representative of the Lithuanian people, in conformity with the recognized right to national self determination, proclaimed the restoration of an independent and democratic Lithuania and ended all ties that formally subordinated Lithuania to other nations;

Whereas Lithuania was independent until 1940 when the Soviet Union took over the country;

Whereas the United States opposes tyranny and injustice in all forms and supports the cause of Lithuanian independence; and

Whereas the oppressed people currently living in Lithuania keep the flame of freedom forever burning in their hearts: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 16, 1989, is designated as "Lithuanian Independence Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **DYMALLY.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 525, Senate Joint Resolution 254, and the House Joint Resolution 448, the three joint resolutions just considered.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONGRATULATIONS TO MRS. MORELLA

(Mr. DYMALLY asked and was given permission to address the House for 1 minute.)

Mr. **DYMALLY.** Mr. Speaker, I ask that the gentlewoman from Maryland [Mrs. MORELLA] remain for a moment because I want to share with my colleague on the Subcommittee on Census and Population a compliment which we received from one of the veteran reporters here in the House. He has stated that for the last 18 months we have conducted business in a very parliamentary and very businesslike manner, and as a result of which the desk has very little trouble dealing with the resolutions which we have presented to the House. Even though the compliment is self-serving, I wanted to share that with the gentlewoman from Maryland.

Mrs. **MORELLA.** Mr. Speaker, will the gentleman yield?

Mr. **DYMALLY.** I yield to the gentlewoman from Maryland.

Mrs. **MORELLA.** I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's comments very much. It really has very much to do with the leadership that comes from the chairman and demonstrates that gentility and class are in the House of Representatives.

I thank the gentleman very much for sharing that compliment.

VACATING SPECIAL ORDER

Mr. **CRAIG.** Mr. Speaker, I ask unanimous consent that my special order scheduled for today for 60 minutes be vacated.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

The **SPEAKER** pro tempore. (Mr. HUTTO) Under a previous order of the House, the gentleman from Maine [Mr. BRENNAN] is recognized for 5 minutes.

Mr. **BRENNAN.** Mr. Speaker, the American lobster fishery management plan, which took years of hard work to craft, is in danger of falling apart.

Why? Because undersize Canadian lobsters are being imported into the United States, undermining the American plan.

When a Maine lobster fisherman discovers, using this lobster gauge, that a small lobster has been caught in one of his traps, he pulls it out and throws the puny lobster back into the sea. Next year, or maybe the year after, that lobster will be ready for harvest.

Maine and Massachusetts lobster fishermen, along with their State governments, worked out a management plan when everyone benefits so long as everyone abides by the rules.

But the Canadians are not playing by the rules. When a Canadian lobster fisherman pulls a small lobster out of his trap, he merely tosses that lobster in with the rest, knowing that he can export it to the lucrative United States market.

You see, our country's laws allow middlemen to import lobsters from Canada that our States do not allow our lobster fishermen to catch and keep because they are too small.

Yesterday, my colleague from the State of Maine, OLYMPIA SNOWE, and I along with the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, introduced legislation to close this major loophole by restricting the importation of undersize lobsters.

The lobster fishery is an important natural resource. Nationwide, the value of lobster landings totaled $133 million in 1987.

In my own State of Maine, the lobster fishery supports an industry that does more than provide a vital source of income to the State. Lobstermen embody values that we cherish—self-reliance, hard work, and an understanding of our natural resources.

I encourage all of my colleagues in the House of Representatives to join us in this effort to preserve one of America's most precious natural resources.

NATIONAL FOREST PLANS AND TIMBER SALES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. CRAIG] is recognized for 5 minutes.

Mr. **CRAIG.** Mr. Speaker, there is a demonstration planned in the Northwest for this Friday, May 13. It will involve participation from the Northwest States of Washington, Oregon, Wyoming, Montana, and of course my State of Idaho. The demonstration will be a convoy of loaded logging trucks, up to 200 of them, stretching the convoy up to 15 miles in length. The convoy's destination is the Darby Lumber Co. in Darby, MT. This is being done because the Darby Lumber Co. is in trouble. The company has totally shut down operations since last Wednesday, in part due to timber sales that have been delayed or withdrawn because of appeals of national forest plans. Mr. Speaker, national forest plans and timber sales are being held hostage by appeals. These appeals are being filed despite the knowledge that timber sale programs and sustained yield management is so important to the well being of small communities in the timbered region of the West. The delay of timber sales results in serious economic disruption through unemployment and lost revenues to local communities. Forest Service statistics show that, nationally, 61 percent of the timber sale volume that is under appeal and stayed in fiscal year 1987 is in unroaded areas. This demonstrates the unwillingness of some enviromental factions to allow forest plans to be implemented even though the plans represent years of efforts to make wise allocations of our land base for multiresource development and use.

In an effort to improve national forest management, Congress enacted the National Forest Management Act in 1976 [NFMA]. NFMA went a step beyond the 1960 multiple use sustained yield act by setting forth specific management criteria for such resource values as wildlife, watershed, timber, and recreation in a comprehensive national forest planning process.

All groups have the legal right to delay or halt timber sales by appealing the local decision to sell the timber to the Chief of the Forest Service. This is a simple matter and a process routinely invoked for timber sales proposed for roadless areas or where groups believe water quality, recreational opportunities or wildlife might arguably be affected. This occurs even though the Forest Service always prepares an environmental assessment or full environmental impact statement for proposed actions.

So where has the breakdown in the system occurred? In the northern Panhandle of my State of Idaho, a coalition of local and national environmental groups appealed the entire comprehensive, long term, final plan for the Panhandle National Forests. As part of that appeal, these groups asked for a stay on all timber sales planned for roadless areas in the Panhandle National Forest, until the plan appeal is resolved. Since the same groups can challenge the plan in court once the agency has decided on the appeal, full resolution of the appeal could take 3 to 5 years or longer.

Their stay request was recently granted by the Forest Service, possibly guaranteeing that enormous amounts of timber will be withheld from the market for many years. According to the Forest Service, 19 percent of the Panhandle's 275 million board feet maximum sale program—the annual allowable sale quantity, or ASQ—is to come from currently roadless areas. This timber may not now be sold.

This action has immediate, significant and far-reaching implications for north Idaho. Specifically, the Idaho Panhandle Forest must now reduce its timber sale offerings by 54 million board feet annually. This will greatly impact funding for local governments and schools.

Fifty-four million board feet, to be sold at $60/thousand board feet equals $3,240,000 each year. Of this amount, the counties in which the timber is harvested receive 25 percent, or $810,000 annually. Idaho law requires that 70 percent of the $810,000 be used for county roads ($567,000), with the remaining $243,000 dedicated to public schools in those counties. Thus, over a 3 year period, the action of the appellant will cost the five north Idaho counties $1,701,000 for roads and $729,000 for schools. This money is now not available and can only be made up through large general State or local tax increases.

There is no finality in this process. Forest plans are not bringing finality due to the appeals process. Even in those States where there are wilderness acts there is no finality. Whenever there is a threat of entry into one of the rare II areas, someone appeals that decision. I fear that this pattern will only keep repeating itself as proposals to allow multiple resource management to take place in rare areas are made. There must be a time when a balanced resource decision that has been made by qualified resource managers and made in conjunction with exhaustive public involvement, as the forest planning did, is final. It is time for the Congress to consider how this finality can be brought to bear on our valuable public lands. I suggest that it is time for the Congress to bring forth legislation that will allow forest plans to be executed as they were intended to be.

The concerns that are being voiced by the citizens of the north west in Darby, MT, on Friday the 13th are real and these concerns must be heard and answered. We can not sacrifice our Western communities on an altar of special interest.

IN TRIBUTE TO RICHARD OGILVIE, A VISIONARY AND EFFECTIVE LEADER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in tribute to one of Illinois' greatest and most visionary leaders of modern times and a valued friend of mine, former Gov. Richard B. Ogilvie, who died on Tuesday, May 10, 1988, at the age of 65.

Dick Ogilvie was a remarkable politician and public servant who rose from humble roots to the heights of respect. His 4 years as Illinois Governor, which ended in his narrow defeat for reelection in 1972, produced a program of fiscal and administrative reform which might never be matched.

The list of Governor Ogilvie's accomplishments while in office constitutes a how-to course in rescuing a State from bankruptcy and equipping its government to face the challenges of the modern era.

His creation of a broad-missioned department of transportation positioned this crossroads State for the demands of commerce and population which have come with growth.

The Illinois Environmental Protection Agency, which he fostered, served as the model for the U.S. EPA in both its mission and its organization.

Through a constitutional convention and the institution of annual sessions, he turned a sluggish State legislature into a modern representative body, more in touch with the people and better equipped to enact the reform programs they needed.

Through his patient, no-nonsense no-fluff approach, farseeing programs for highway construction, law enforcement, corrections, public schools, the park system, mental health care, and other governmental services further established his commitment and his record of success in bringing government to the people in an effective and efficient way.

Perhaps the hallmark of Governor Ogilvie's public career is the bold accomplishment which led to his defeat for reelection. That was his championing, and his achieving, an income tax for the State of Illinois. He knew how unpopular it would be. He knew it could ruin his chances for a second term. But he also know the public schools, the public health system, and the other essential services of the State could not survive without it, so he took it to the people and worked it through the enactment.

That action was his "profile in courage" and was, to my mind, one of the bravest political deeds by one of the bravest political leaders I have known.

Despite the disappointment and unfairness of his defeat, Dick Ogilvie carried his commitment to public service into the private sector fully intact. His legal skills and business acumen served him well as he quickly became a leading light in national and international business circles. But he sought out and found plenty of opportunities to continue to serve Illinois and its people until the very end.

Most prominent among the assignments he completed was the almost impossible job of picking up the pieces of a stalled expansion of the McCormick Place exhibition area, which he brought to successful completion against great odds. I cannot think of a task requiring a stronger combination of legal, business, and political wherewithall.

Most recently, he was approached by Chicago Mayor Gene Sawyer to head the effort to revitalize Chicago's problem-ridden public housing program. You could feel a surge of hope moving through the entire city when it was learned that Dick had met with the mayor and it looked like the announcement was forthcoming—only to be followed by an empty "back to square one" feeling when he failed to survive his heart attacks.

In short, Mr. Speaker, Gov. Richard B. Ogilvie was a model public servant. I wanted to take this opportunity to make note of his accomplishments and his life in the permanent record of our Nation, so that all citizens can know more about him and emulate his life.

My sympathy and that of my wife, LaVerne, is extended to Dick's wife, Dorothy, and his family. We will sorely miss this visionary, down-to-earth, and effective leader.

MORE ON NATIONAL FOREST PLANS AND TIMBER SALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DENNY SMITH] is recognized for 5 minutes.

□ 1725

Mr. DENNY SMITH. Mr. Speaker, I think that maybe a little history here, following along my colleague's history of the recent timber sale problems that we are having in the West, is in order.

Mr. Speaker, when I went to the Congress in 1981 from the Second District of Oregon, we had 1.2 million acres of wilderness. In 1983, that was doubled to 2.4 million acres, and in 1986 we got a Columbia River Gorge Protected Scenic Area which added more wilderness area.

So the environmentalists have been makinig one step after another, kind of like the Pac-Man chewing up more and more of the land where we do not have the ability to raise timber, reforest it and provide jobs for working Oregonians. Unfortunately, the environmental community, so-called, is not interested in doing anything but blocking the use of the good Lord's land that has been given to this Nation, and unfortunately that land has not been able to be managed because of a continuation of locking up or a blocking in any way they can.

Recently, we have seen in southern Oregon over 240 appeals on timber sales, some of which were in the Silver Fire complex, and so these sales had already been through the process of being looked at, appealed before, and they are back in here, 240 of them; all they had to do was put in a letter, some of them mimeographed, many of them not done correctly. At that time, some of them were able to do this for a 22-cent stamp. Now, of course, that has been raised to 25 cents.

One of the things that this Member of Congress has done recently is to put a bill into this hopper here in the House that would require a $1,000 fee for any timber appeal plus a bond that would be equal to the bond put up by the timber purchaser.

Mr. Speaker, I think this is the only rational way to get at this problem because these people are intent on blocking the working Oregonian's ability to make a living out of harvesting the trees.

This is a renewable resource. We are not talking about something that is going to run out. These lands should be harvested. They should be handled in a very professional manner and have been.

We do not even have the requirement in law that these timber sales be appealed or have an appeal process. That is put in by the Secretary of Agriculture and the U.S. Forest Service.

So we have in the administrative rules this ability to have an appeal process. Last year the Forest Service estimated that the appeal cost them $5.7 million, and for the number of appeals we are really talking about approximately $5,000 to $6,000 for each sale appealed that was filed. So the 240 of them in southern Oregon are not only going to keep the logging from going forward and keep the workers throughout those communities, and in the lumber mills and the fallers from having their jobs this year, but what is more, some of us in the Silver Fire complex where, if we do not get the timber out either this year or next year, we are not going to get it; the bugs are going to have won, and yet the environmentalists would like to have those trees lying on the ground and not be brought out even when there would be wood pulp that could be utilized.

I think this is an outrage. It is an outrage to the Oregon taxpayers, an outrage to the U.S. taxpayers, it is an outrage to the counties that won't receive those funds, and under Oregon law the payment is in lieu of taxes. Money would go toward education, and we are losing here.

Mr. Speaker, the environmental community has gone too far this time. They in fact have issued a challenge here which is basically to try and shut down the ordinary flow of business through a very orderly planning process, through a very orderly sale process, and then through an appeal process they have tried to convolute all this planning.

I for one would like to see this bill passed. I think that we need something like this, and I have no pride in authorship. I think we just need something to be able to protect ourselves against this very militant minority that is willing to put the spikes into the trees, is willing to spike these kinds of sales and appeals, and what they are trying to do to the working Oregonians that make their living out of the timber industry is outrageous. These kinds of actions are the things that the people in Oregon have been afraid of when we have the organizations that are outside our State trying to make our State into a national park, and I think that all Oregonians and all Americans ought to be outraged over this.

I certainly appreciate the comments of the gentleman from Idaho [Mr. CRAIG], about the truck caravan, whether it is going to be loaded with logs to go into the Darby, MT., mill. I think it is important that we have some kind of sanity, and I would appreciate some support for my bill.

TRIBUTE TO KRISTIN N. DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker I am pleased to recognize Kristin N. Daniel, a senior from Hayfield High School in Hayfield, MN, who recently won fourth place in the 1988 national journalism contest sponsored by the President's Committee on Employment of the Handicapped.

Her entry in the competition is entitled, "The Man Who Looked Beyond His Disability," an inspiring story of a blind sociology professor at Rochester Community College in Rochester, MN. His name is Bill Polich and Kristin's award-winning story is as follows:

THE MAN WHO LOOKED BEYOND HIS DISABILITY

(By Kristin N. Daniel)

If a teacher is to be successful he must first plant a seed of thought in a student's mind . . . nourish that seed with facts and research and then harvest the result, which is education. Bill Polich, a sociology teacher at Rochester Community College in Rochester, Minnesota, has been planting the seeds of education for the past seventeen years. Students who have passed through his classroom door have learned perhaps a very different kind of lesson that could never be found in a textbook: they have learned firsthand that disabled doesn't mean unabled and a teacher of any subject need only be knowledgeable. Because for the past seventeen years, Polich has never once seen any student he has taught—for he is blind.

In 1958, Polich was twenty-one years old and a private in the military. It was then his world began to go dark. Over the next fourteen months, Polich would lose perhaps the most precious sense one has—his sense of sight. If all were to reflect on the enormity of the devastation blindness could bring to one's life, few could face it with courage. But Polich said, "My sight came and went over those fourteen months . . . I was blind and then I could see and then I'd go blind again. That made it easier for me to adjust." The doctors at Walter Reed Army Hospital said he lost his sight due to detached retinas. He will never see again.

After being discharged, Polich started his own business which gave him respect from those who felt he couldn't do it, but it eventually failed. At age twenty-nine, approximately eight years after losing his sight, Polich decided to go to college. Backed by the Veterans Administration Vocational Rehabilitation Program, he settled on an education major, earning his masters degree in five years. Next, he faced finding a job. The year was 1971 and few were aware of the ability of the disabled person. So it is surprising to note that Polich did not find it difficult to find employment—he was hired to teach after his second interview.

One has to wonder how college students react to a teacher who is blind. Polich says they are primarily surprised the first day, but for the most part, they are responsive to him. Over the course of eleven weeks students are able to see how a teacher who is blind is able to handle classroom situations. Textbooks are either on tape or in braille, essays and tests are read by his wife and graded by Polich. Polich has been asked in the past to speak to elementary-age children about persons with disability. He enjoys talking to students that are young, because "they have no preconceived notions. They are openly curious about things and they are not hesitant to ask questions . . . they are not afraid to sound stupid."

By speaking to school-age children, Polich feels he is fulfilling a task that should not be ignored: teaching people not to be prejudiced against those who are disabled. "It is only through education that we can change the attitudes of biased people," Polich said. He feels that if employers could rid themselves of their preconceived notions about people who are disabled, employment problems could be easily remedied. It is when people who are blind interact with biased people, such as employers, "they begin to feel inferior and start that self-fulfilling prophecy . . . they think they are not able to achieve and so they do not achieve" Polich said. "They begin to have the rocking chair attitude. If you put them in a rocking chair, and they accept it, they'll stay there," he further concluded. And so, we have to educate students to respect everyone no matter what their disability. And how can you tell if they have been "educated"? Polich said, "If they say they were taught by a teacher who is blind instead of saying they have a blind teacher, then I know they have changed their attitude."

Perhaps the greatest summation of Bill Polich's career was said by one of his former students. If Polich had heard it, he would have realized he had taught a student to disregard the disability. It occurred when a student was asked if she thought Mr. Polich would like to be interviewed for an article on disabled Americans. The student looked puzzled for a moment and then she replied, "I had forgotten Mr. Polich was disabled."

TIMBER PLANNING AND THE TIMBER PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. ROBERT F. SMITH] is recognized for 5 minutes.

Mr. ROBERT F. SMITH. Mr. Speaker, I want to address for just a few minutes with those listening and those still in the House and for the RECORD some of the concerns that I have in Oregon regarding this whole question of timber planning and the timber process.

As my colleagues have heard from the previous 2 speakers, we indeed face a very difficult situation in this Nation. In Oregon and Washington we are blessed with the opportunity to produce more than 50 percent of all the softwoods in the United States of America. Timber in Oregon is the No. 1 industry, and remains that and is the No. 1 employer as well, so we have a great deal at stake in this question of how we manage timber, and, as the years have gone by, we have discovered that through actions by the Congress, through wilderness acts, through various Federal laws, slowly but surely the noose is tightened around the timber base diminishing it to the point that the Congress has to act as a result on very high stumpage prices very recently and so-call bail out timber companies because the stumpage was pressed to a very high value. Therefore, they could no longer pay for it and, of course, maintain their employment.

As a result of that and other actions including the courts, we now are faced with a situation, with a declining timber base, a demand for lumber in America to provide the great dream of all Americans, to own their own home, and a manner in which they can pay for it being diminished as well.

We had the question of appeals that we are discussing this evening, and there must be a correction. What we have really done is allow the courts to become de facto managers of the timber base and timber resource in America. We have designated; that is, the Congress, that the Forest Service and the Overland Management are the land managers, but no longer. The courts manage the land and determine the allowable cut in America.

Some of the examples are almost unbelievable. The manner in which some people in this country beyond the identification of wilderness, beyond the set asides, the MMR's, beyond the set aside for the spotted owl, they have taken their course to the courts and appealed almost all sales in my State of Oregon. In fact, in four forests in the southern part of Oregon, they appealed every sale. It is now before the court shutting down the timber resource in my State.

Beyond that, we had a huge fire. It burned 50,000 acres outside the wilderness area and 50,000 acres inside. The 50,000 acres that were burned inside the wilderness area can never be rehabilitated by man. We will never restore and regenerate the timber there. We will never restore the watershed, and the fish habitat and the wild game habitat. But even that that was burned outside the wilderness area now is being appealed. Those people will not even allow us to harvest the salvage which, by the way, is worth $10 million to my counties in southern Oregon, 3 million of which go to the counties with their share.

Here we know that we can restore and regenerate the timber. We know that we can rehabilitate the land, and yet the same people that are trying to stop timber harvesting across the Nation, certainly the Pacific Northwest, are trying to stop us from even taking burned trees out while they are still valuable to us and to our resource.

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Obviously, we need to change the method by which we operate. The appeals process has been mentioned. Somehow there has to be finality.

I agree with my friend, the gentleman from Idaho, somehow we have to take out the frivolous appeals which cost the Federal Government so much money, cost the resource so much money and cost those who need jobs in the timber industry, our schools, our whole system of government in this country. So we must change it.

The best way, I do not know how. We must find a result. We must find a way.

The Forestry Subcommittee, by the way, of the Agriculture Committee is holding hearings on this very issue. We hope to find a manner in which we can resolve this horrendous problem to our economic base of timber.

Mr. CRAIG. Mr. Speaker, will the gentleman yield?

Mr. ROBERT F. SMITH. I am happy to yield to the gentleman from Idaho.

Mr. CRAIG. Mr. Speaker, I spoke of a situation in Montana under relatively normal circumstances where a mill does not have logs to saw or operate, and there are trees all around them. This mill happens to sit literally in the middle of a forest.

The gentleman mentioned the situation in Oregon and the gentleman is telling me that a fire has moved through the area, burned the area, and still the environmental community will not let loggers into the area to harvest the burned trees and to start the rehabilitation of the burn itself?

Mr. ROBERT F. SMITH. That is correct, and that is the situation we face in Oregon. It goes a step beyond even being surrounded by green trees. We are surrounded by dead trees that we cannot harvest.

I thank the gentleman.

LOVING COUPLES, ASTROLOGY, AND THE CYNICAL SICKNESS OF WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk briefly about loving couples, astrology, and the cynical sickness of Washington.

Like many Americans, I have heard all weekend about the exposes in Time magazine. I picked up the cover today with an exclusive on astrology in the White House. As I began reading the introduction on page 25, I found myself frankly getting angrier and angrier. I thought it was a pathetic comment on the cynical sickness of this city and the power structure of this country and it reminded me a great deal of Tom Wolf's novel, "Bonfire of the Vanities."

Let me tell you what I read as a Georgian coming maybe from a different angle than a lot of Washington cynicism. I read that the First Lady, Nancy Reagan, dabbled in astrology as far back as 1967. Well, frankly, I suspect that 95 percent of the Members of the House have read their horoscope, just as almost all of us at Chinese restaurants read the fortune cookies, and that could be called dabbling.

In 1981, Quigley made Nancy a believer by showing how the astrologist charts could have foretold that the period on or around March 30, 1981, would be extremely dangerous for the President. On that day, a bullet from John Hinckely Jr.'s handgun gravely wounded the President. From then on Nancy, obsessed with her husband's safety, was convinced of her friend's power to protect him.

Now, what is that really talking about? I thought as a history teacher of Lincoln and Mary Lincoln. I thought of other Presidents and their relationships with their wives, and what occurred to me was when you really read this page and you take it out of the Washington cynicism and you take it away from the self-serving of the people who paid to bring the book out and want to get rich by selling it, you have a couple who had been married 30 years in 1981, that loved each other a lot, and that day on March 30 their lives were shattered. Nancy discovered that her husband was mortal. He was almost killed by an assassin.

I remember how emotionally we welcomed Ronald Reagan when he came into this room to address a joint session just a few months afterwards, how amazed we were that he had recovered so quickly.

From that time on, having seen her husband almost die, realizing how dangerous his job was, Nancy Reagan worried about him. She worried about him a lot.

Oh, it talks here in Time magazine about how the White House communications network was ablaze with Nancy's effort to abort a trip that she was worried about, that she thought he should not travel.

I had to think to myself, you know, if you are a man and you have been married now, as he has for 37 years, and your wife loves you enough to be worried about your safety, if your wife, as this article says, "When it comes to her security, says a confidante, she worries in her dreams. She wakes up worrying."

If the gimmick they happen to use, as Ronald Reagan apparently knocks on wood, walks around and not under ladders, and there are superstitions that go back to the days when he was in the movies, and you look at all that, does it not tell you something about the sickness of America's establishment, that instead of marveling that after 37 years they still look at each other, they still worry all day, they still care passionately, that they actually would place their relationship above the official schedule, that she would actually care enough to telephone all day?

Is it not fascinating that some smaller, more cynical people, the kind of people that Tom Wolf described in Bonfire of the Vanities, people who are quite willing to eat off the President's plate, to ride in the President's airplane, to sit in the President's limousine; oh, nothing was wrong then, but when the time comes for revenge, suddenly it is shocking, suddenly it is difficult.

I have to say, I was a little sickened by this city, by Time magazine's portrait, by the way in which petty revenge told us more about the revenger than the couple he was trying to get revenge on.

I just want to take the floor to say that if Ronald Reagan and his Vice President over the future years were to carry the vote of every person who has ever read their horoscope, were to carry the vote of every person who ever walked in and talked about the stars and what sign they were born under, if they were to carry every person who cared enough and loved somebody enough to call them, they could have left the cynical, corrupt and decaying New York and Washington establishment keep publishing magazines and writing memoirs; but frankly, it is kind of nice, it is kind of almost comforting to know that Nancy Reagan is just a woman who happens to love Ronnie, that President Reagan is a man who is more hurt by the attack on her than he would have been if the attacker had the courage to take the President head on.

As far as I am concerned, it is much ado about nothing. It is a pity we cannot learn a lot more about a decent, loving couple, who try everyday to serve their country and about a man who risked his life for real when others who do not have the courage to come out front are willing to stab his wife and himself in the back.

VOTE "AYE" ON RESOLUTION OF PRIVILEGES AND IMMUNITIES OF THE HOUSE THURSDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the conjunction of two events today impelled me to speak. One is the news story coming out of my district in San Antonio of the arrest of an individual who seems to be what the newspapers call a member of an extremist group, labeled American Patriots, but in reality part of a group that has been active in the southwest and up in the middle west, known as the Aryan American group.

The other is the announcement by our majority leader that we will be entertaining a resolution tomorrow in order to safeguard the privileges and immunities of the House of Representatives of the United States.

Those two events conjoin at this time and evoke and in fact mandate a response and a comment from me.

The newspapers and the reports coming out of San Antonio indicate that the district attorney for Bexar County and his investigator were the ones who had more or less tracked the individual.

I want to remind my colleagues that a year ago I was engrossed and confronted with what turned out to be an accusation filed by the same district attorney. The news story today said that this individual arrested was making death threats toward the mayor, our very distinguished mayor of the city of San Antonio, and other public officials.

Now, a year ago the district attorney of that county after 5 months finally in this month of May, in fact on May 4 to be exact, filed misdemeanor charges against me, based on an incident that had occurred the December prior, that is, on December 4, 1986, in our restaurant, not as reported maliciously in a bar, but in a restaurant at breakfast time, a restaurant which I had been frequenting for 40 years.

As a matter of fact, that particular morning of December 4 was the fifth morning in a row I had a breakfast meeting, because to me that was the equivalent of our House dining room facility for meeting constituents to entertain congressional business who could not afford to come to the district.

So that when the filing was made after 5 months of consideration, can you imagine on a case that ordinarily and always has been referred either to a justice of the peace level court or a police or city court, seldom or never on the county level or district attorney level, but the fact is that that happened. It was filed in an obviously hostile county judge's court, who immediately issued a gag order and on his own violation, this is unheard of in judicial precedent, a county level misdemeanor gag order and an announcement by the same judge that he intended to move the case to another county, but he would go with the case, without the request of either the district attorney or the defendant. That also is unprecedented.

So I then took the floor and announced to the House that the privileges and immunities of the House were involved because I as a Member of this body and protected by the privileges and immunities clause in article I for immunity from anything said in the course of debate or proceedings of the House, and since I had discussed the case during the proceedings known as special orders, because I received the hostility, solid hostility of the local press, through bitter criticism, in columns, in cartoons, ridiculing me. Then to my amazement I was criticized for having spoken on the House floor. The issue was made about the cost to the taxpayers of the time I had taken to discuss the privileges and immunities of the House.

To make a long story short, that became the basis of a refusal motion that I insisted on, in which we refused the judge, who himself refused himself and ended the case.

Now, if there ever was an attempted character assassination through a judicial lynching, which unfortunately in our criminal justice system in our areas has some history, precedent and antecedent, that was one. Fortunately, we were able to defend the privileges and immunities of the House.

Mr. Speaker, I intend to vote "aye" on tomorrow's resolution.

A SALUTE TO THE COURAGEOUS WORKERS OF POLAND

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Mr. Speaker, we all know that the workers' strike in Gdansk, Poland, is now over. I salute them and their courageous behavior in the face of riot police, hunger, fear, and the burdens placed on their loved ones. The workers who walked out of the shipyards held their heads high and did not back down from their demands for the legalization of the Solidarity labor union—the only way in which the Polish Government can achieve anything resembling true economic reform in Poland.

On the surface, Polish workers on strike at Nowa Huta, Gdansk, and in other areas of the country were protesting huge price increases that would further impoverish them without changing the way in which the economy is ordered. According to an article in yesterday's Wall Street Journal, Poland's gross national product stands at about its 1978 level, while real per capita income is only 78 percent of what it was 10 years ago. Solidarity economists have reported that between 25-33 percent of Poles now live below the poverty line.

Half of all Polish workers die before reaching retirement age, giving the country the highest mortality rate for workers in all of Europe. The wait for an apartment can take as long as 50 years. Health care is in a disgraceful state—needed medicines cannot be obtained, diagnostic equipment is obsolete or not available at all, and the environment is in such sad shape that a new grassroots social organization—the Freedom and Peace Movement—has devoted itself almost exclusively to this vital issue and has seen its membership swell in recent years.

All of these problems point to the failure of the Polish Government to implement an economic reform package able to meet the needs of the Polish people. The workers rose up in protest not just because of price increases but because true economic reform cannot take place without real political reform. As Solidarity Chairman Lech Walesa has said, reform must be based on "the citizen's natural right to economic initiatives and interprises." And this can only come about if the citizens of Poland are given the right to form their own trade unions, to join other organizations not dominated by the government, and to work toward institutional guarantees which will ensure a pluralistic society.

Mr. Speaker, what gave me a great deal of hope for the situation in Poland was the youth of the workers that struck at Gdansk. Most were too young to appreciate the events leading up to legalization of Solidarity in 1980, and yet these were the very workers who were chanting "No freedom without Solidarity!" and often appeared to be more militant than their elders, who had experienced labor unrest in the past. On Monday, it was these young workers who refused to accept a compromise that was largely agreed to by the strike committee. Only when the prospect of a police attack looked imminent did these young men agree with their older leaders to leave the shipyard. The Reverend Henryk Jankowski, pastor of the nearby St. Brygida's Church, called them "wonderful young men" who he "could not allow * * * to be beaten."

Mr. Speaker, I want to commend our President for speaking out and condemning the use of force against the workers. It was statements like these which made the Polish Government think twice about doing at Gdansk what was done at Nowa Huta. I sincerely hope the President will continue to watch the situation closely in Poland. Prominent Solidarity activists like Bodgan Lis and Wladislaw Frasyniuk still remain in jail and the Polish Government may still take retribution against those who took part in the strike.

Far from being a failure, the strikes in Poland represented, in the words of Chairman Walesa, a "new spring for Solidarity." They reaffirm the demand for workers, in a supposedly worker state, to have a voice in the management of their factories—to have a say in the vital matters which affect them. I agree with Walesa that nothing has ended, and that nothing has been finished. The end of the strike was certainly no victory for the government. The reform policy of the government cannot possibly succeed without the consent of the people of Poland—and in large part, this means the legalization of Solidarity.

Mr. ARMEY. Mr. Speaker, I would like to thank the gentleman from Illinois, Mr. LIPINSKI, for holding this important special order. His devotion to the cause of the captive peoples of Eastern Europe should earn him the gratitude of believers in freedom everywhere.

Let us take a moment to reflect on the supreme irony of the recent events of Gdansk. The Communist rulers of Poland and their overlords in the U.S.S.R. seek to portray themselves as the champions of the rights of the workers. They style their societies as "Peoples' Democracies" and claim, with an absurdity unparalleled in the history of human presumption, that they are building a workers' paradise, a worldly utopia destined to extinguish all the ailments and miseries which have afflicted mankind throughout the ages.

And yet here we see the workers themselves rising against the power of this Communist state, demanding the same rights to assembly, free speech, and redress of grievances which have been the birthright of citizens of the capitalist democracies for two centuries and more.

I would submit, Mr. Speaker, that the strikers at the Lenin Shipyards in Gdansk—the men bravely confronting the disciplined ranks of the Polish state police as they fight for their human rights—are performing an invaluable service for all humanity. They have, once and for all, exposed the lie which is Marxism-Leninism. No longer will the Communist despots be able to maintain their pretense as the heralds of a new and better society, and the end of their cruel tyrannies cannot be long in coming. I have little doubt, Mr. Speaker, that when future historians chronicle the inevitable decline and fall of the Soviet Empire, they will record that the decline began in Poland in the decade of the 1980's. For that, Mr. Speaker, our posterity will be forever grateful to the courageous men of Solidarity.

Mr. HOYER. Mr. Speaker, I want to thank Congressman LIPINSKI for bringing this important issue to the floor. I have just recently returned from a trip to Poland, where I, along with my colleagues Mr. RITTER, Mr. SIKORSKI, Mr. MFUME, and Mr. SHAW, had the opportunity to meet with Prof. Zdzislaw Sadowski, Poland's Deputy Premier and Chief of Central Planning. As you know, Professor Sadowski was expected to visit Washington this month at the invitation of the World Bank. A respected non-party economist, Sadowski has become known as "Poland's economic dictator" because of the degree of power to implement reform which General Jaruzelski has vested in him. Sadowski had hoped to arrange rescheduling of Poland's massive $37 billion foreign debt. Yet at the 11th hour, Sadowski has had to postpone—perhaps until June—his planned visit because, for the second time in this decade, Poland experienced potentially combustible strikes which threatened to ignite both the economic and political order.

These strikes came just as Warsaw is beginning a new phase in its plans to decentralize the economy, cut the bureaucracy, enhance enterprise autonomy and provide greater latitude to the private sector. Undoubtedly Sadowski believes that Poland's latest crack at reform demonstrates Warsaw's commitment to democratic change and that the United States should not torpedo Poland's chances of expeditiously coming to terms with the IMF and the World Bank. The Government admits that democratization is an indispensable complement to these new economic programs and the oppostion concedes that the economic reforms are necessary. Yet developments in Poland these past 2 weeks show that while Poles agree that the reforms are necessary, they do not trust this government to carry out economic reform or to offer a satisfactory quid pro quo in the political sphere.

At the heart of the matter lies the fundamental bitterness and cynicism which has emerged between the Warsaw leadership and its people since 1981. The wound sliced into the heart of Polish society by the crackdown on Solidarity and the imposition of martial law has yet to heal. If not treated soon, this wound may fester and infect the whole body that is Poland. By rejecting price hikes unless and until they are accompanied by wage increases, Poles from Nowa Huta to Bydgoszcz to Stalowa Wola are sending a strong message: in order to gain our trust, you have to give us something, and you haven't given us enough yet.

The question we must ask ourselves is, if the Poles do not trust their government to pull off this reform, should we? If Poland wants Western backing in the IMF and World Bank, if we are to believe that this is more than merely throwing good money after bad, then Poland must demonstrate concretely the capacity to carry through a fundamental overhaul of the country's economy. That, in turn, clearly requires a real democratization of political life. In a country as volatile as Poland, economic reforms will not be achieved without social consensus.

Unfortunately, the measures taken thus far to effect reconciliation between state and society have been token gestures. For example, a Consultative Council was created in December 1986 as an institutionalized forum to transmit public opinion to policymakers. But Council members in Warsaw recently stated that while they can present their views face-to-face with General Jaruzelski, the members could not cite any occasion when their suggestions have actually been implemented.

Such palliatives are unlikely to mollify a populace which tasted real power during Solidarity's legal existence. Instead, what is needed is a national reconciliation capable of encompassing all of the growing number of groups in Poland. Only in this way will it be possible to bridge the vast gulf between Poland's rulers and the ruled—as well as the growing gaps among the rules—and stem the flow of disillusionment (if not outright alienation) of large segments of Polish society.

Economic reform will be a bitter pill to swallow, and may exacerbate societal tensions. But there appears to be no disagreement as to the need for reforms or even as to their general nature. Poland is dying. Its revival will require the efforts of all its citizens. An enormous degree of cooperation will be necessary if Poland is to survive.

The United States has an interest in that survival and in promoting democratization in Poland. Strategically located at the center of Europe, Poland is a country with whose people we have long enjoyed warm relations and which is the ancestral homeland of many Americans. True, the degree of freedom and openness in Poland already far exceeds that in many other parts of the world, including most of Eastern Europe. But this relative tolerance has been forced on the State by the strength of domestic opposition and Western pressure. The atmosphere could change for the worse if the regime decides there is no hope of Western assistance in overcoming Poland's economic crisis.

This does not mean the West should bail the Jaruzekski regime out of its troubles. Polish officials have admitted that their own mistaken policies, in part, created the economic catastrophe. But such candid acknowledgements of responsibility for mismanagement are not enough. Unless the Government gives the Polish people what they want—increased political pluralism—they will withhold from the Government what it needs—popular support for its economic reforms.

Along with opening up the economy, that is, by ending the preferential treatment currently granted to inefficient state enterprises, so must society be opened up. Dissent must be tolerated and freedom of association must be accommodated. While there are many groups in Poland which the authorities tolerate in today's comparatively liberal atmosphere, their activities could be terminated at any time unless and until they receive legal recognition and concomitant protections.

Opening up Polish society is risky for the Party, but there is no other way to gain the trust of a skeptical and sullen population. Nor can the regime claim that Moscow will not hear of reform. Having Mikhail Gorbachev in the Kremlin can only strengthen the position of Polish reformers vis-a-vis Party conservatives and recalcitrant bureaucrats. The Poles like to say that glasnost and perestroika began in Poland long before Gorbachev made these words part of the international lexicon. True enough. But it is time for the Poles to extend their precocity farther. Poland's plight is too grim for history to forgive timidity now. The very urgency of the situation may create common ground between the state and the opposition. If Poland's leaders show the courage to take real responsibility for the country's fate, the odds are they would find understanding from Poland's society and from Poland's friends abroad, including the United States.

Mr. CARDIN. Mr. Speaker, I would like to take this opportunity to express my support for the people of Poland who, even in abandoning their 9 day strike at the Lenin shipyard in Gdansk, have demonstrated their commitment to economic and political freedom. Initially, the labor strikes were a reaction to endless increases in prices without increases in living standards. They evolved, however, into a broader expression of the solidarity of the Polish people in the face of their government's refusal to provide them with political and economic rights. Quoted in the bimonthy Solidarity newsletter, Lech Walesa said, "The situation in Poland constantly deteriorates. People deprived of hope and prospects for the future have simply had enough."

In light of this pessimistic future for the people of Poland, I call on General Jaruzelski to institute real economic reform and real political pluralism. For these two issues must go hand in hand if there is to be any true improvement in the lives of the Polish people. A good first step in demonstrating this commitment to change would be to recognize and legalize the outlawed Solidarity.

Just last week, on May 3, the people of Poland celebrated the 197th anniversary of the Polish Constitution. In 1791, for the first time in history, the ruling and upper class extended existing rights to the lower classes without bloodshed. This unprecedented transition did not take rights away from one class and give them to another, but attempted to extend social equality to all. This constitution was born from a middle ground—from the archaic institutions of the past on the one hand and the radical doctrines of the French Revolution on the other. The Polish people have taken great pride in having put national interest over individual gain. In only hope that the President and his government will have the courage to take the cue from the history of their people and put the national interest first now.

Mr. DWYER of New Jersey. Mr. Speaker, for the past 2½ weeks, the eyes of the Nation has again been turned toward Poland.

Reminiscent of those days in 1980, pictures of strikes across Poland filled our headlines and TV news programs. The basic issues are still the same, recognition of the Solidarity union and better wages for the workers. While these strikes started in Krakow, soon others joined and closed the Lenin shipyard in Gdansk.

For 9 days the workers held the yard, pressing for the recognition of their union. They ended their holdout yesterday without accomplishing their goals.

The efforts of the strikers have not been in vain, however, The attention which has been focused on the strikes reminds us that their struggle is far from over. Their battle is a continuous one with or without international publicity. We applaud their efforts and we stand with them in support of their fight for decent living standards, fair wages, and their right to have Solidarity recognized by the government.

I wish to thank my colleague, Mr. LIPINSKI, for setting aside this time to give us another opportunity to align ourselves with the struggle started so many years ago in Gdansk.

Mr. HERTEL. Mr. Speaker, less than 24 hours ago a group of 500 citizens peacefully assembled behind a poster of the Pope, the Polish flag, a 10-foot-high cross and a poster of the Black Madonna of Czestochowa and marched out of the Lenin shipyard in Gdansk, Poland. As they entered the streets of that now famous port city, pedestrians began singing the national anthem and throwing red tulips while nearby church bells rang. Several hundred people joined the group all the while chanting "Solidarnosc." The entire group made its way in peaceful procession to St. Brygida Church where Father Henryk Jankowski celebrated a special Mass wearing a robe with the word "Solidarnosc," the Black Madonna of Czestochowa and the crowned eagle emblazoned on the red and white fabric.

This activity marked the end of an 8-day strike by Polish workers who were seeking higher pay and union rights. The event made headlines around the world because it climaxed a string of unrest that began at the Lenin steel mill in Nowa Huta. Polish workers were defending their right to fight "the arrogance" of the state. As they, themselves, said:

"Our strike should make everybody aware that one has to fight to win. There is no freedom without Solidarity."

The recent events are but the latest in a continuing struggle by the Polish people to win the rights that so many of us take for granted in this country: the right to union representation and the ability to earn a decent living. The people of Poland have been struggling since August 1980, when the Solidarity movement first began, to exercise their human rights. Although the union, originated by Nobel prize winner Lech Walesa was outlawed only 16 short months after its birth; the movement has remained a vital force in the Polish people's fight for human dignity and freedom. This struggle will continue as long as the people of Poland are reassured that the rights they seek are legitimate and that their cause is supported by the citizens of the free world.

In 1981, when I introduced the first resolution on the floor of the House asking for a United States day of "Solidarity" with the people of Poland, I knew that these courageous people would never give up their struggle. The large contingent of Polish-Americans in my district has demonstrated to me, firsthand, their willingness to work very hard for causes they support. There is no doubt in my mind that their cousins across the sea are similarly dedicated. The passion which the people of Poland have for their cause is evident in their rallying behind the banner of Solidarity and their continued use of the symbols of pre-Communist Poland.

We cannot abandon them in their struggle for freedom. We must assure them that their heroes Lech Walesa, leader of the Solidarity movement and the late Father Jerzy Popieluszko, a Roman Catholic priest who was slain by Polish security officers, have not suffered in vain.

The strikers in Gdansk were simply seeking a $38 per month pay increase to help them contend with the 42 percent increase in this year's prices that resulted from the Polish Government's reform program. Is that so much to ask, that workers be allowed to feed their families? I think not.

Their success can be measured in the fact that the workers were allowed to leave the shipyard without interference from the security officers who surrounded the site. Even now, the word coming out of the Politboro is that there is an "indispensible" need to quicken the democratization process, a process it has heretofore largely ignored.

We must continue to do whatever we can to let the people of Poland know they are not alone in their struggle for freedom. We must let them know that we will not tolerate such actions as the use of stun grenades and tear gas that injured 42 people in last week's Nowa Huta strike. We must let them know that we are totally committed to the words that the late President John Kennedy uttered to Congress on May 25, 1961 that:

"We stand for freedom. That is our conviction for ourselves; that is our only commitment to others. We are not against any man, or any nation, or any system, except as it is hostile to freedom."

□ 1750

Mr. LIPINSKI. Mr. Speaker, in conclusion, I simply want to once again salute the determination, the courage of the workers who went on strike in Poland. The strike at Gdansk and Nowa Huta and other areas of Poland may not have been successful on this occasion, but I firmly believe that when the Communist Iron Curtain is rolled back from Eastern Europe we will look back on the 1980's in Poland and see that this is where it all began.

SOVIET MILITARY POWER

The SPEAKER pro tempore (Mr. HUTTO). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, today we passed the Defense authorization bill, and it passed overwhelmingly although many of us voted against it. I am very concerned about where we are heading as far as the military structure of this country is concerned and our ability to defend the freedoms that we enjoy. This year we are going to cut $33 billion from our defense budget, or our projected defense budget. The Department of Defense under Secretary Carlucci has projected over the next 5 years we are going to cut an additional $300 billion out of the budget for defense.

Mr. Speaker, we cannot continue to do that in my view and really believe that we are defending adequately the United States of America particularly in view of the fact of what the Soviet Union is doing.

Each year the Department of Defense puts out a book called "Soviet Military Power," which is an assessment of the threat. This is the 1988 version, Mr. Speaker.

On the cover of this publication there is a picture of the General Secretary of the Soviet Union, Mr. Gorbachev, on board one of the new Soviet submarines that is capable of delivering ICBM missiles, or submarine-launched ballistic missiles with nuclear warheads to the United States.

Mr. Speaker, I want to read a little bit from this publication because I think every single American ought to know what we are up against and every Member of this body ought to know. Unfortunately, I would be willing to bet that not 10 percent of the Members of the House and Senate have taken a look at this publication.

In this publication Mr. Carlucci says:

> As in previous issues this year's "Soviet Military Power" also draws attention to some of the more noteworthy developments in Soviet military strength observed since the publication of "Soviet Military Power" in 1987.

That would be last year's publication.

These are the improvements the Soviets have made since last year. Among them are the Soviet longstanding extensive program to build deep underground facilities for leadership protection during nuclear war. That is discussed in detail for the first time in this year's edition.

> The SS-24 rail-mobile intercontinental ballistic missile (ICBM) began its initial deployment;
>
> The SL-16 medium-lift space-launch vehicle became operational;
>
> The first launch of the SL-X-17 heavy-lift space-launch vehicle was observed;
>
> The SS-N-21 sea-launched cruise missile became operational;
>
> A fourth Kiev-Class aircraft carrier became operational;
>
> A third Akula-Class nuclear-powered attack submarine was launched; and
>
> The Il-76/Mainstay airborne warning and control system aircraft became operational.
>
> These are merely the most recent manifestations of a continuing buildup of Soviet nuclear and conventional force capabilities. Since 1981, virtually every component of Soviet military power has been expanded and modernized:
>
> Soviet strategic nuclear offensive forces continue to be upgraded. The decade began with the completion of fourth-generation ICBM deployment—the SS-17, SS-18, and SS-19. In 1985, the Soviets led off the introduction of a fifth generation of ICBMs with the road-mobile SS-25.

The road-mobile 25 is a single-warhead ICBM nuclear warhead missile that can strike anywhere in the United States and it is on the back of a trucklike delivery system. It is a mobile system that can go anywhere in the Soviet Union. It is almost impossible to police or detect. They have it. We have been talking about a system like that for several years called the Midgetman and we are now cutting funds out of our defense budget, or have cut funds out of the defense budget on this floor for the Midgetman Program. The Soviets have already deployed the SS-25 and prior to that they were deploying the SS-20 which was an intermediate-range ballistic missile with three warheads. They are replacing that now with the SS-25 and we have yet to deploy or build the Midgetman.

> The Typhoon ballistic missile submarine (SSBN) carrying 20 SS-N-20 missiles was introduced, followed closely by the DELTA IV SSBN carrying the SS-N-23 missile.
>
> The Bear H bomber, armed with the AS-15 long-range, nuclear-armed cruise missile, was introduced, and deployment of the new strategic bomber, the Blackjack, is about to begin.
>
> The Soviets continue modernizing their ballistic missile defense system around

> Moscow by converting it into a two-layer defense composed of silo-based, long-range, modified Galosh interceptors; silo-based Gazelle high-acceleration endoatmospheric interceptors; and associated engagement, guidance, and battle management radar systems, including the new Pill Box large phased-array radar at Pushkino.
>
> The across-the-board modernization of Soviet conventional forces in the 1980s, including tanks, artillery, fighter aircraft, and surface and submarine combatants, constitutes a major improvement in Soviet military capabilities. The T-80 tank, BTR-80 armored personnel carrier, SPAA-M-1986 air defense gun, SA-12 surface-to-air missile, and SS-23 short-range ballistic missile have all become operational since 1981.
>
> The Su-25/Frogfoot and the state-of-the-art Su-27/Flanker, MiG-29/Fulcrum, and MiG-31/Foxhound aircraft are now all operational and widely deployed.
>
> In the Soviet Navy, a 65,000-ton aircraft carrier designed for ramp-assisted aircraft launch is under construction. Additionally, four new surface warship classes, two attack submarine classes, three new naval aircraft types, six new naval surface weapon systems, and six new general purpose submarine classes have been put to sea by the Soviets since 1981.

Soviet military power and the threat it represents are not abstract notions. The Soviets' willingness to use military force to exact compliance through threats or even by crossing international borders in armed aggression as they did in Afghanistan is undeniable.

Mr. Carlucci goes on to say:

> While we continue to hope for meaningful change on the Soviets' part to less aggressive and less dangerous policies and postures, to date, we have seen no evidence of the USSR changing the offensive nature of its force structure and deployment patterns. Military output has not been reduced nor has military spending decreased. On the contrary, the Soviet military budget under General Secretary Gorbachev continues to grow at a rate of 3 percent per year at a level representing 15 to 17 percent of their GNP. Most important, the Soviet force posture and military capabilities detailed in this book are not consistent with a defensive military posture. We would all welcome a sincere Soviet effort to change their military posture, especially if it is backed up by observable reductions in forces and spending. We will continue to watch—while maintaining our vigilance.

Mr. Carlucci may think cutting $300 billion out of the defense spending over the next 5 to 6 years is vigilance. I do not.

□ 1805

The Soviets continue to build, spending 15 to 17 percent of their GNP each and every year, expanding their military force while we unilaterally are disarming. It is a scary prospect.

In chapter 2 of this publication, and I would like to read this one paragraph. It says:

> Soviet foreign policy has not abandoned its traditional long-term objective of shifting the coalition of forces in its favor. Under Gorbachev the Soviets intend to protect earlier gains by involving themselves in more creative ways in world political and economic affairs. The U.S.S.R. may be expected to continue to challenge Western interests through diplomacy, military and economic aid and the support of proxies, regimes and movements opposed to Western policies, i.e., 45,000 Cuban troops in Angola. The Soviets will continue to develop and deploy their own powerful armed forces. The basic Soviet conviction that conflict is normal in foreign affairs and that they must exploit opportunities to enhance their power and reduce Western influence, remain unchanged.

Their objective, their goal, their purpose in this world has not changed, and yet we are unilaterally cutting back on our defense, unilaterally disarming. The Soviets continue to export revolution. They have sent over $2 billion in military support plus top military generals into Angola. They have sent well over $1 billion into Mozambique and there have been military advisers seen there as well. They have used their surrogates, the Cubans, to export revolution there, 45,000 Cuban troops in Angola as we speak. They have sent about $2 billion in military supplies into Nicaragua, and as the peace process contines to be discussed down there, the cease-fire, and as our Contras, the Contras that we have been supporting down there, are literally dying on the vine for lack of food, the food that we appropriated money for to feed them during this cease-fire talk that is taking place, the cease-fire talks that are taking place, is not getting to the Contras in the country. As a result, they are leaving the country and going to Honduras and other countries in large numbers because they cannot get food.

We are seeing the demise of the freedom fighters in Nicaragua, because we are not providing even humanitarian aid to them; at least, we are not able to get it through to them, while the Soviets, the first 3 months of this year or first 4 months of this year, sent approximately $2 billion in additional military supplies. The Communists are getting their supplies. They are expanding their sphere of influence in Nicaragua, in Mozambique, in Angola and elsewhere in the world, and we are unilaterally cutting back on defense.

Mr. Speaker, this is the fourth straight year of real-dollar decline in defense spending. We are down to about 26.2 percent, last year, of the Federal budget for defense spending.

Back during the Kennedy time it was about 48.6 percent of total spending, 48.6 percent of total spending was for defense under John F. Kennedy. In the early 1970's it was over 40 percent, and Jimmy Carter cut defense spending below 23 percent, but when Ronald Reagan talked about a window of vulnerability, he said he was going to increase defense spending to protect the United States and make sure we had adequate security. He was able to get defense spending up to 28 percent of our total budget, far less than John F. Kennedy, far less than the 1970's, but still better than under Jimmy Carter. We are now going to see in the next fiscal year defense spending below 25 percent, down to about 24.6 or 24.7 percent, and we are going to cut $33 billion out of defense spending this year and $50 billion out over the next 5 or 6 years, a total reduction of $300 billion while the Soviets are spending 15 to 17 percent of their GNP each and every year to upgrade their defenses and their offensive capability, and they are building a huge war machine unparalleled in our lifetimes. Even Hitler did not build up like the Soviets are building as we speak.

We are in danger of unilateral disarmament. The Soviet Union is not disarming. On the contrary, as I have mentioned earlier in my talk and from quoting from the Sovet military handbook of 1988, they are building up at a very rapid rate.

Mr. Speaker, in my view, cutting defense spending below where we have cut it is unconscionable. It is unconscionable. We must let our colleagues in this body and the other body know that to cut defense spending by $300 billion over the next 5 to 6 years is something we cannot tolerate and have a sound defense system to make sure that the security of this Nation is ensured, and to make sure that freedom is ensured.

If cuts must be made, they must not be draconian. They must be based on coherent strategic planning and realistic risk assessment, and that was not done here on the floor today or in the last couple of weeks.

Mr. Carlucci said in a Committee on Foreign Affairs hearing, when I asked him a question about defense cuts, he said, "If the current trend continues, the deterrent capability could be eroded to the point where the risks are unacceptable," and I submit that we are heading in that direction.

Mr. Speaker, I think it is very important that we understand what the Soviets are all about. In November of last year, prior to coming to the United States of America, General Secretary Gorbachev gave a speech to the Supreme Soviet, and in that speech he made the following statement, and this was about 4 weeks before he signed the INF Treaty here in Washington, DC, with President Reagan, he said, "In October 1917 we irrevocably departed the old world. We are heading toward a new world, the world of communism. We shall never deviate from that path."

Think about that now. Mr. Gorbachev, before signing the INF Treaty, which in my view was a terrible mistake, 4 weeks before he signed that treaty, he made that statement that, "In October 1917 we irreversibly departed the old world. We are heading toward a new world, the world of communism. We shall never deviate from that path."

Does that sound like a man who wants peace? Does that sound like a man who believes in peaceful coexistence? Does that sound like a man we can trust, especially in view of the fact they violated almost every single agreement they signed with us that I can recall? Of course not.

Yet, here we are today on this floor, and we passed a Defense authorization bill that reduces spending by $33 billion, and the projections are we are going to cut defense spending over the next 5 to 6 years by $300 billion. It is unconscionable. I say to the Members tonight, as I close my remarks, we ought to read this book in detail. Our Defense Department puts it out every year—"The Soviet Military Power: An Assessment of the Threat, 1988," I have been reading it every year since they have been putting it out. The Soviets continue to buildup, buildup, buildup, not only their strategic forces but their conventional forces as well. They outnumber us in Western Europe and the Warsaw Pact countries by 2-to-1 as far as manpower is concerned, and by a 5-to-1 margin as far as their mechanized capabilities are concerned. They are building, building, building, and we are disarming.

I would just like to end by saying this, Mr. Speaker: We ought to learn from history. Every Member of this body ought to read the book about Winston Churchill called "The Wilderness Years." In 1934 the Prime Minister of Great Britain was a man named MacDonald. Mr. MacDonald was pushing for a disarmament conference in Geneva. He wanted disarmament for the whole world. He said the best way to avoid war was to disarm. He wanted France to disarm. He wanted Great Britain to disarm. He wanted America to disarm. At the very time he was pushing the disarmament conference in 1933, 1934, and 1935, Hitler was violating the Treaty of Versailles, and he was building a huge army. As a matter of fact, Great Britain, while they were disarming, were selling airplane engines to Hitler, and Hitler was hellbent on taking over all of Western Europe and ultimately the world. But still they pushed for disarmament.

Tyrants, people who have as their goal world conquest, must be looked at with a jaundiced eye whenever they make a promise. Winston Churchill said, "Like the Communists, the Nazis cannot be trusted. Like the Communists, the Nazis are always looking for a new prize, a new victim, a new objective." He knew what the Communists were all about back in 1934, 1935, 1936, 1937, 1938, 1939, and into the 1940's. He knew what they were about. He knew what the Nazi threat was. We should learn from history that unilateral disarmament will not bring peace. Cutting back on our defense capability will not bring peace. It invites aggression on the part of our chief adversary, the Soviet Union. They will perceive it as weakness, and they will push very rapidly to expand their sphere of influence and control over various parts of the world.

□ 1815

They are moving in Central America right now, they are moving in southern Africa right now, they are moving in northern Africa right now, they are moving in the Middle East right now, they are moving in the Indian Ocean right now, and they are building their military capability up like they have never built it up before, and we are cutting defense. It is crazy.

These projections of a $300 billion cut over the next 5 years, as I said before, is unconscionable. The No. 1 objective of government, at least in our country when our forefathers wrote the Constitution, was to provide for the defense of the Nation so that we would always remain free. That was the No. 1 objective, and if we start unilaterally disarming as they did prior to World War II, we invite Soviet aggression.

Conversely, if we keep our defenses up, we make sure we spend adequately and we meet them as far as their capability is concerned, if we deploy a Midgetman missile system to countermand or counteract against their SS-25's, if we make sure we have a rail mobile system for our MX's, then we will be able to detour their aggressive acts and stop them from taking us down that long slippery road toward another war.

They are moving all over the world. For us to unilaterally disarm is unconscionable.

So, Mr. Speaker, I just would like to end by saying let us learn from history. Let us learn from what happened prior to World War II. Let us study what the Communists have been doing. Let us read what they are doing right now in this book entitled, "Soviet Military Power 1988." And let us not make the mistakes that have been made in the past. If we do that, I think we will remain strong and free. If we do not, I think we are going to have our kids involved in wars in Central America and elsewhere that are totally unnecessary.

I yield back the balance of my time.

PERMANENT PROHIBITION ON ASAT TESTING

The SPEAKER pro tempore (Mr. Hutto). Under a previous order of the House, the gentleman from California [Mr. Brown] is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, the recent defeat in the House of an amendment to the Defense authorization bill which would have made permanent existing law prohibiting tests of the F-15 launched miniature homing vehicle [MHV] antisatellite [Asat] weapon, unless the Soviets test their Asat system, moves me to offer these remarks. The distinguished gentleman from Pennsylvania [Mr. Coughlin] and I have offered this amendment for the past several years, and it has been approved each year. Because the Air Force has canceled the particular Asat system to which our amendment refers, we felt that it was no longer necessary to limit its application to a timespan of 1 year, but that it should be made permanent. Obviously, if there is no longer a possibility of proceeding with the deployment of the system, it is a matter of little importance as to whether it can be tested or not.

Why, therefore, did about two dozen Members who have supported this amendment in prior years decide to vote against it this year?

The most commonly offered answer was that these Members were fearful of the permanent nature of the testing restriction.

Another explanation was that these members felt that passage of the amendment was not necessary, because of the cancellation of the program.

A third explanation was that these Members felt that it was no longer good arms control policy, since the President was now a vigorous proponent of arms control and could be depended upon to seek a reasonable Asat arms control agreement with the Soviets, without further restrictions by the Congress.

Each of these reasons may have influenced some of the members who changed their votes this year. However, I believe that there are other forces at work, and larger issues at stake, which require some exploration. I would like to undertake that exploration in my following remarks.

It is clear that the Air Force, the Joint Chiefs, and the White House made a strong and coordinated effort to defeat the Brown-Coughlin amendment this year. This vigor of this effort was surprising in light of the minimal effect of the amendment. It cannot be explained solely on the basis of an intent to reactivate the F-15 launched MHV Asat Program—although that intent has been voiced by Air Force spokesmen—because the chances of securing additional funding for the MHV Asat through reprogramming or a supplemental appropriation are extremely small. Are there other reasons for this escalation of effort to defeat a rather innocuous amendment? Clearly there are.

The U.S. Defense Establishment is now moving very aggressively toward the development of a sophisticated war-fighting capability in space, using both ground-based and space-based assets. That hoped-for capability includes:

First. The deployment of a phase 1 space-based ballistic missile defense for the protection primarily of our land-based missiles.

Second. A vast increase in space-based assets for surveillance, warning, communication, positioning, and targeting of mobile as well as fixed targets.

Third. A similar increase in Earth-based assets to supplement the space assets, including systems for use by unit commanders in the field or at sea.

Fourth. A satellite negation capability—a family of Asat's—for attacking the military spacecraft of an adversary at all altitudes, using both ground-based and space-based technologies.

All of this activity is endorsed by Defense Department policy, embodied in White House policy directives, Defense Department space policy statements, and requirements documents of the Joint Chiefs of Staff. It is explained in some detail in an excellent statement by Gen. John L. Piotrowski, USAF, Commander in Chief, U.S. Space Command, before the R&D Subcommittee of the Armed Services Committee on March 10, 1988.

In seeking to develop the many different components of this space war-fighting capability a wide variety of actions are taking place, including interesting conflicts within the Defense Establishment itself. The fact that much of this activity is classified makes it difficult for the Congress to exercise reasonable oversight and policy direction. I have commented on this point before in other speeches, and in fact it was this problem which led to my resignation from the House Intelligence Committee last year. I will develop this point further in a later speech.

It is clear to me that the very high and rapidly increasing priority being given to the development of a war-fighting capability in space is at the heart of the vigorous effort made this year to defeat the Asat amendment. It is simply unacceptable to the Defense Department and to this administration that the Congress should establish or continue a precedent of intervening in the vital area of Asat testing and deployment, for the purpose of encouraging an Asat arms control agreement with the Soviets. To further extend the arms control environment in space would strangle the hopes of many in this administration and the military to develop space as the new "high ground" for military conquest.

This is not a peripheral issue at the Pentagon, nor should it be in the Congress. According to a recent article in the journal Military Space (April 25, 1988) the Department of Defense is now planning for "a multiservice space negation system. The advanced Asat Program is being managed by a Defense Department general office steering group." The article goes on to State:

> For the near-term, all three services are now evaluating kinetic-kill Asat's that could be based on ground vehicles, ships or aircraft. DOD hopes to start tests of a new kinetic-kill Asat in the early 1990's.

The Air Force Space Division plans to award multiple contracts for studies of kinetic-kill Asat's in the near future, with work on the contract to start July 1, 1988, according to Military Space.

Can we now understand better why the Defense Department feels so strongly about an amendment which would ban tests against a target in space of a kinetic-kill vehicle, even one they have discarded?

DOD's vigorous opposition to the Brown-Coughlin amendment becomes even clearer when one looks at current activities of the Strategic Defense Initiative [SDI] Program, another key component of the Pentagon's proposed space war-fighting capability. SDI's proposed space-based ballistic missile defense system is moving rather quickly toward an architecture that looks more and more like the "high frontier" proposal made by Gen. Daniel Graham in 1982. General Graham should take some pride in the fact that after 5 years and $15 billion, the SDIO is admitting that he had the best idea for a space-based missile defense system, and he offered it to us for free, before the President ever made his star wars speech. The essence of the high frontier proposal is thousands of kinetic kill vehicles, launched from hundreds of satellites in permanent orbits which cover the Soviet Union's missile fields. The system would of course need the sensors and computers which SDIO has been working on for the past few years, as well as a new generation of kinetic kill vehicles.

This system is now described as a phase 1 ballistic missile defense, which could be deployed in the short term in order to provide some protection to U.S. land-based missiles, but not to the general population. Obviously, the SDI-generated new kinetic kill vehicles will look very much like the old Asat kinetic kill vehicles, and will have to be tested against objects in space, just as Asat's do.

Today, the testing in space of systems with ABM capability is prohibited by the ABM Treaty. There is no such treaty restriction on the testing of Asat's. Almost every analysis of SDI has concluded that while there is considerable doubt about its ability to produce a missile defense, it will produce a variety of potential Asat's. This is one of the central conclusions of the recently completed but not yet released SDI report by the Office of Technology Assessment. That analysis shows that most missile defense technologies for use against targets in space will achieve Asat capabilities long before they are applicable to BMD missions. As a result, OTA predicts heavy pressure from the military establishment to deploy such weapons as they become feasible, whether or not they hold promise for missile defense.

A case will be made, and already has been, that tests of these technologies in an Asat mode would not fall under the prohibition of the ABM Treaty. The Asat loophole within the ABM Treaty constitutes another reason for the DOD's vigorous opposition to congressional restrictions on the testing of Asat kinetic-kill vehicles.

One cannot enter into an analysis of the kind that I am making here without proceeding to discuss even broader issues of defense policy. I will confess that this is not a policy area in which I can claim detailed knowledge. I have ventured into the space weapons debate because I am concerned about, and have some knowledge of, the development of space for human use. But I think that it is becoming necessary for all Members to become more involved in this critical policy area, which will determine the future of the United States in world affairs.

I wish to make clear that I am not criticizing the military for seeking to exploit the space environment for security purposes. I have said many times that the development of space technology for surveillance, early warning, communication, positioning, and other similar activities has been of tremendous benefit to U.S. security through the force-enhancing effects of these technologies. Such spacecraft have likewise contributed to stability in our relations with the Soviets by reducing, by orders of magnitude, the uncertainty which each side feels about the other's capabilities and actions. I wish to expand these positive security and stability enhancing aspects of space development.

It is quite understandable that the defense establishment would regard space as an analog of the oceans, and in addition to exploiting its force-enhancing and stability-enhancing capabilities, would seek to establish a space control effort, in the same fashion as it seeks for control of the seas. Nations have pursued such policies for the control of their environment for millenia, first on the land, then on the seas, in the air, and now in space. Nations have likewise exploited for security purposes, each new technology created by human ingenuity from the bow and arrow, through gunpowder and on to nuclear weapons. The bulk of mankind still thinks in terms of achieving security for its particular tribe or nation through extending control of its surrounding environment by the use of more and better weapons than its neighbors. The military-industrial complex reflects these age-old views. Individual policymakers in this enterprise "* * * derive a very large part of their self-esteem from their participation in what they believe to be an essential—even a holy cause," according to Herbert York, first director of the Livermore lab in California, which designs nuclear weapons.

It has been my hope for the past 50 years that humanity might be moving into a new era marked by a dedication to the rule of law, peaceful coexistence and a commitment to the common security of all nations. I do not expect this to happen overnight. I know that certain essential conditions for justice and economic progress must be met. But I see signs of hope not visible before in my lifetime.

It is a sign of hope that the leadership of the two present superpowers seem to have reached an awareness that nuclear weapons cannot be used as instruments of national policy, and for the first time are seriously considering equitable and verifiable reductions.

It is a sign of hope that there seems to be likewise a nascent awareness that the use of conventional force has serious limitations in terms of achieving reasonable national goals, a lesson learned by the superpowers in Vietnam and Afghanistan, and by a host of smaller powers who have been bleed dry in senseless regional conflicts. There are now new and significant efforts for reduction in conventional forces to a level which can provide nonthreatening defense of national borders.

It is a sign of hope that we are now aware of the clear evidence, provided by Japan, West Germany, and other smaller countries, that economic power grows best in stable environments free from the burden of massive military budgets, and with reasonable freedom for individual innovation and entrepreneurship.

It is a sign of hope that in the U.S.S.R. and around the world there is a growing awareness that both ideological and economic strength develops best in an atmosphere which encourages the free exchange of ideas, a principal imbedded in the United States Constitution for over 200 years.

These are encouraging, but fragile, signs that could portend a new age of peace for humanity. But there are likewise a multitude of signs that old ways of thinking still run strong. These old ways of thinking are imbedded in the Pentagon, the White House, the Congress and the military-industrial infrastructure, and reflect the conventional wisdom accepted by much of the public.

At the heart of the old way of thinking is the idea that U.S. national security requires that it should be able to project overwhelming power throughout the globe, control the seas, the air, and in the quaint words of the JCS Multicommand Required Operational Capability (MROC, SM 77-88), as quoted by General Piotrowski "* * * provide a satellite negation capability at all of the altitudes where hostile space systems operate." General Piotrowski makes the future statement that:

> In view of the importance of our space assets, and the continued need to project power to deter war and control escalation during conflict, it is essential that the United States begin to develop and deploy an operational satellite negation system immediately.

It is the duty of the Congress to weigh the words of General Piotrowski very carefully. He is the commander in chief of the U.S. Space Command, with all that implies in terms of professional ability and dedication to the welfare of this country. "I am the miltiary commander uniquely charged by the President of the United States to control space in conflict" said General Piotrowski to the Armed Services Committee. We must also weigh the words of the general's counterparts in the Army, the Navy, the Air Force, and the Marines, who also have JCS validated requirements for similar capabilities within their own areas of responsibility. But it would be helpful if we were to weigh these words in the light of some vision of a new and more peaceful world.

I am convinced that the Congress, which has the ultimate responsibility for determining the level of military forces necessary to provide for the national security, must become much more involved in the process of defining the "validated requirements" which are among the first steps in the military acquisition process. We have seen the problems involved in the procurement of complex military systems and the Congress has devoted great effort to improving that process. But improving the procurement process has a miniscule impact on defense expenditures compared to the impact of faulty threat assessment and requirements definition. These processes can be badly skewed by hypothetical, exaggerated, or biased intelligence estimates and by the input of self-serving contractors, as well as by the ideological biases of those in high office, yet they are the driving forces behind the military demand for increasingly expensive, often destabilizing, and frequently unworkable new high-technology systems.

Many competent military analysts, including present and former high-ranking officers, have concluded that the contribution of an Asat capability to U.S. security is minimal, if not negative. In the view of these analysts such a capability:

First, would have little or no deterrent effect on the Soviets in the case of either limited war or a major nuclear war, because of the asymmetrical dependence on satellites of the two sides, with the United States being more dependent;

Second, is not essential to the protection of U.S. battle fleets, or other potential targets;

Third, would be less effective in protecting U.S. space assets than would a vigorous effort to increase satellite survivability through hardening, maneuverability, use of stealth technologies, on-orbit spares, keep-out zones, rapid relaunch of key assets, adequate ground reserves of both satellites and launchers, and similar programs, all of which are in process, or under consideration.

Fourth, if deployed, could be easily countered by the Soviets using the same technologies listed above.

Fifth, if successfully used to destroy Soviet warning, reconnaissance, communication, and other satellites, in an escalation scenario, could provoke a spasm response and mitigate against rapid termination of a nuclear exchange.

Sixth, would motivate an immediate Soviet target to develop and deploy an advanced Asat of their own.

Responsible military commanders have frequently expressed the view that the United States would benefit from limiting or banning weapons in space. At a forum on space and national security at the Brookings Institution on March 2, 1988, reported in the Washington Post of March 3, 1988, Navy Vice Adm. William E. Ramsey, who is vice commander of the North American Aerospace Defense Command and deputy commander of the Space Command in Colorado Springs, said "We should have as a national objective * * * an environment in space where weapons are not introduced." Vice Admiral Ramsey joined several other speakers at the Brookings symposium in suggesting that the administration at least pursue a ban on weapons capable of destroying satellites. Air Force Gen. Robert T. Herres, vice chairman of the Joint Chiefs of Staff, at this same meeting, is quoted as saying "chances are we would like to see" a negotiated limit on space weapons, if not a ban. General Herres also said that verification of a space weapons ban would be far less difficult than verifying limitations on earth-bound weapons such as sea-launched cruise missiles, according to the Post article. Likewise, a report issued by the Arms Control and Disarmament Agency in December 1984, stated:

> It is the conclusion of this study that arms control measures for antisatellite weapons can support U.S. security interests.

It is possible that the U.S. Air Force, the Space Command, and the Joint Chiefs have carefully considered all of these objections to Asat development, and the advantages of an arms control regime in space, and on balance have determined that they are without merit. I would feel much more comfortable if I knew that such consideration had been given, that it had been reviewed by an objective and competent scientific and policy-oriented external review panel, and that the process was subject to congressional oversight and debate. To the best of my knowledge, such is not the case.

Likewise, our national security is seriously degraded if we do not properly comprehend and address the full range of threats to which we are exposed as a nation, including not only the military, but the ideological, the economic, and the threats of social and moral corruption. We cannot expect the military leaders of our country to make these judgments for us. Only enlightened political leadership, attuned both to history and to the potential of our people and the world, can make these judgments, as was done so brilliantly by our predecessors 200 years ago. In more recent years a great Republican President, Dwight Eisenhower, increasingly disturbed by the influence of the military industrial complex wrote:

> Our security is the total product of our economic, intellectual, moral and military strength.
>
> Let me elaborate on this great truth. It happens that defense is a field in which I have had varied experience over a lifetime, and if I have learned anything, it is that there is no way in which a country can satisfy the craving for absolute security—but it can easily bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone. The military establishment, not productive of itself, necessarily must feed on the energy, productivity and brainpower of the country, and if it takes too much, our total strength declines. (Quoted in L.A. Times article, Sunday, July 10, 1983, part VI, p. 3.)

Wise and perceptive students of our dynamic human society perceive that the ability of the United States to dominate world affairs is on the wane, and it will continue to be. Our Nation was not founded to be a world empire. Our goal should be to achieve the most of which we are capable, to set standards of excellence in every form of human achievement, to inspire all people with our vision, but not to be the most powerful, the most populous, or the richest nation on earth, for those are fleeting things already passing from us. The center of population, of wealth, and of technological development in the 21st century will probably be in China and its Asian neighbors. We should be their partners, not their masters. Europe, including the Soviets, and Latin America, will likewise be major forces in the world, but not dominant. Because the world will be a global market and a global community, our progress will depend upon our ability to cooperate with and help each other, not on our ability to threaten each other.

For these and many other reasons, a farsighted "threat assessment" to our future in space might well be more concerned that the additional resources required for "a satellite negation capability at all of the altitudes where hostile space systems operate," which I estimate conservatively to cost 25 billion in current dollars, is approximately equal to the additional resources, above current base-line projections, necessary for the United States to create a world-class space infrastructure for peaceful purposes, including an advanced space transportation system, space station, space industrial facilities, space communication system, space-based Earth observing system, and other related assets.

That we are at a crisis in our civilian space program is now widely recognized. This week a CBO report describes the crisis in great detail. A Washington Post headline (May 10, 1988 p. A19) says "Congress at Crossroads on NASA Budget, Study Says." The story, based on the CBO report, goes on to say:

> Congress must either drastically increase the resources devoted to the space program or "redirect NASA's program to accomplish more limited goals."

Continuing to quote the report, the story says:

> If Congress * * * fails to grant a big increase in the budget of the space program * * * [it] would also mean that Congress was placing a low value on the nation's leadership in space.
>
> * * * The time for an honest-to-God, rock-hard national debate is at hand.

Those of us who are closest to the space program know that the CBO report is on the mark, even possibly understated. Unfortunately, the Congress has been placed in the completely unrealistic position of having to play off the space program against important social programs such as housing for the poor, care of our veterans, or support for the National Science Foundation.

We must escape from that box.

The real trade-off is that between a vitally necessary civilian space program, and a completely unnecessary and potentially very dangerous, crash program to put weapons in space, beginning with a $25 billion Asat weapon and an estimated $250 billion phase 1 BMD system.

The signal that the House has given in defeating the Brown-Coughlin amendment is that we are ready to sacrifice the civilian space program for a pie-in-the-sky Asat weapons program.

Looked at in this way, one can ask if our security is threatened more by the certain erosion of our civilian space—and related high technology—leadership, or by the hypothetical possibility that the Soviet's rudimentary co-orbital Asat, untested now for 5 years, would be used against United States space assets in a conventional war scenario that would not escalate to nuclear. I make this precise qualification because of the simple fact that in a nuclear war scenario all of the space assets of every nation can be, and will be, destroyed by existing capabilities, such as direct ascent nuclear-armed space interceptors. Both the United States and Soviets have this capability, as do several other nuclear powers, and such systems have been deployed for decades.

Going beyond the simplistic argument that "they have one, so we need one," frequently offered by Asat supporters, let us examine some additional possible reasons in the minds of military planners to justify an Asat capability. It has become common knowledge, reflected in several critical reviews, that the greatest threat to a deployed United States BMD system is an effective Soviet Asat capability, which can negate the critical space-based elements in our system. Much of present military concern with Asat's, although rarely expressed, is based on a futile hope that we can develop a capability to negate, not just Soviet satellites, but potential Soviet Asat's, thus providing a gossamer veil of protection to our anticipated space-based BMD system, of whatever type. A secondary concern is that the Soviets might create a workable space-based BMD system of their own, and we would need the capability to destroy it with our Asat system.

Military space-war planners are thus embarking upon a course remarkably similar to the nuclear weapons planning of the past 40 years. At least one key actor, Dr. Edward Teller, has been involved in both activities. Both sides—United States and U.S.S.R—spawned generation after generation of exciting new ways to create, deploy, and potentially use these nuclear weapons, creating increased anxiety and insecurity for the entire world, and probably contributing to the eventual relative economic decline of both sides. Do we want to continue down that road?

After 40 years we seem to be making a tentative start on the more rational course of reversing the proliferation of nuclear weapons. But as has been true of every arms control effort that I know of, we are now seeing a countereffort to expand military spending in those areas not subject to arms control limitations, that is, Asat weapons in space.

Instead of seizing the great opportunity now opened to us by the changes in the Soviet Union, which is assiduously seeking major arms reductions in nuclear and conventional weapons, and strengthened provisions against space-based BMD systems and Asat's, we are seeing powerful forces working in the opposite direction—to weaken or eliminate the ABM Treaty, to refuse to consider an Asat treaty, to establish a crash program aimed at making space the new, and far more expensive, arena for the next spiral in the arms race.

This is the central issue to which we must address ourselves in the Congress.

Mr. Speaker, the awesome capabilities which we have created in space, and are still creating, hold the promise of making life better, and safer, for all humanity. We have created, in the space program, the technology to locate precisely every significant object on the surface of the Earth, to continuously track everything that moves on the surface of the Earth, to provide direct television and radio communication to every human being on Earth. With this technology we can, given the will, provide for the safety and security of all humans in ways never before possible. We can enhance the quality of life throughout the Earth. We can expand the reach of science and speed the development of even more exciting technologies. We can begin to move man into space as permanent settlers, and to explore the far reaches of the solar system.

All this is possible if we have the wisdom to begin to reverse the arms race and create new and nonthreatening ways to achieve U.S. and world security.

The Asat test moratorium enacted by the Congress in the past—and currently in effect—has been a minor side-show, an effort to slow the momentum of the rush toward arms in space until leaders of a different outlook moved into the White House and the Pentagon. But the old thinking, which seeks security through military superiority and control of theatre environments, is very strong on both sides. And since it is a logical impossibility for both sides to be superior to the other and to control the theater environments in which they both operate, we have set the stage for continuous escalation, continuous insecurity and ultimate bankruptcy. This process is driven by the institutional mechanism for threat assessment and JCS "validated requirements," largely conducted in secret and not subject to a balanced outside review which can consider the multitude of other factors bearing on national security and national leadership.

This condition must be changed.

The flawed analyses in threat assessment and requirements definition go far beyond the individual military services. The intelligence community, whose budget now rivals that of the services, and is largely concealed, is grappling with similar problems. Their problems also center on defining the requirements for the next generation of space capability. Protection of intelligence community space assets is one of the reasons given by the JCS for their Asat requirements.

I will not discuss and analyze the intelligence policy issues at this time. I began that process last year in memos to my colleagues on the Intelligence Committee. I will address some of these issues in later speeches, in which I will make the case that classification has been used not to protect national security but to inhibit policy discussion of critical issues and to protect flawed decisionmaking by the "old guard," which is committed to a continuation of the arms race.

Mr. Speaker, let me conclude by expressing the hope that my colleagues will join with me in reviewing the situation which I address in these remarks. I recognize that I have been incomplete in my analysis, possibly mistaken in some respects, undeniably biased in my point of view. These faults can be corrected with your help. To the degree that I am correct, we will need to join together in action to redress the problem, for the sake of our countries' future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES of Illinois (at the request of Mr. FOLEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CRAIG) to revise and extend their remarks and include extraneous material:)

Mr. CRAIG, for 5 minutes, today.

Mr. MARLENEE, for 5 minutes, today.

Mr. CHENEY, for 5 minutes, today.

Mr. DENNY SMITH, for 5 minutes, today.

Mr. ROBERT F. SMITH, for 5 minutes, today.

Mr. MORRISON of Washington, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

(The following Members (at the request of Mr. BRENNAN) to revise and extend their remarks and include extraneous material:)

Mr. WILLIAMS, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PENNY, for 5 minutes, today.

(The following Member (at his own request):)

Mr. GONZALEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CRAIG) and to include extraneous matter:)

Mrs. BENTLEY.

Mr. KONNYU.

Mr. BARTON of Texas.

Mr. LEWIS of Florida.

Mr. COURTER.

Mr. KEMP.

Mr. CRANE in two instances.

Mr. COBLE.

Mr. LAGOMARSINO.

Mr. SHUMWAY.

(The following Members (at the request of Mr. BRENNAN) and to include extraneous matter:)

Mr. ROE.

Mr. MAZZOLI.

Mr. DORGAN of North Dakota.

Mr. GEPHARDT.

Mr. MCHUGH.

Mr. DINGELL.

Mr. SKELTON.

Mr. COELHO.

Mr. MAVROULES.

Mr. KILDEE.

Ms. PELOSI.

Mr. HAMILTON.

Mr. LEHMAN of Florida.

Mr. WILLIAMS.

Mr. LEVINE of California.

Mr. GEJDENSON.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3. An act to enhance the competitiveness of American industry, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On May 9, 1988:

H.R. 1811. An act to amend title 38, United States Code, to provide a presumption service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program or on the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and for other purposes;

H.R. 2616. An act to amend title 38, United States Code, to revise, improve, and extend various veterans' programs, and for other purposes;

H.R. 2889. An act for the relief of Frances Silver;

H.R. 3025. An act to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact; and

H.R. 3606. An act for the relief of Brenda W. Gay.

ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, May 12, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3605. A letter from the Deputy Director, Office of Management and Budget, transmitting a report that the appropriations to the Department of Justice have been reapportioned on a basis that indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

3606. A letter from the Secretary of Health and Human Services, transmitting the twelfth annual report on Health Maintenance Organizations for fiscal year 1986; to the Committee on Energy and Commerce.

3607. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report of the Commission's compliance with the Government in the Sunshine Act for calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3608. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal year 1989 and 1990, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEVILL: Committee on Apropriations. H.R. 4567. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes. (Rept. 100-618). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. House Concurrent Resolution 262. A resolution to express the sense of the Congress that the Secretary of Transportation should conduct a full investigation into the management of Texas Air Corporation and Eastern Air Lines since Eastern's acquisition by Texas Air Corporation; with amendments (Rept. 100-619.) Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 4567. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. CLAY:

H.R. 4568. A bill to guarantee the right of law enforcement officers to organize and bargain collectively; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. BOSCO (for himself, Mr. Shumway, and Mr. Herger):

H.R. 4569. A bill to direct the Secretary of Agriculture to undertake actions to limit damage to natural resources and deterioration of wood fiber on certain national forests damaged by wildfire during 1987, and for other purposes; to the Committee on Agriculture.

By Mr. ROSE (for himself, Mr. Gilman, Mr. Conyers, Mr. Lantos, Mr. Dornan of California, Mr. Porter, and Mr. McCloskey):

H.R. 4570. A bill concerning human rights violations in Tibet by the People's Republic of China; jointly, to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. FRENZEL:

H.R. 4571. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child on investments attributable to the child's earned income shall not be taxed at the parents' rate of tax; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 4572. A bill to amend the Higher Education Act of 1965 to require the use of succeeding fiscal year Pell Grant appropriations to meet prior fiscal year shortfalls; to the Committee on Education and Labor.

By Mr. JEFFORDS (by request):

H.R. 4573. A bill to amend the Higher Education Act of 1965 to provide for alternative reduction formulas in the event of shortfalls in Pell grant appropriations; to the Committee on Education and Labor.

By Mr. KASICH (for himself and Mrs. Schroeder):

H.R. 4574. A bill to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McHUGH (for himself and Mr. Conte):

H.R. 4575. A bill to amend section 124 of the Foreign Assistance Act of 1961 (relating to use of foreign assistance loan repayments for development activities) to authorize the use of up to $75,000,000 in loan repayments in accordance with that section during fiscal year 1989; to the Committee on Foreign Affairs.

By Mrs. MARTIN of Illinois (for herself, Mr. McCrery, Mr. Pease, Mr. Wolf, Mr. Baker, Mr. Shaw, Mr. Porter, Mr. Brown of Colorado, Mr. Frank, Mr. Miller of Washington, Mr. Tauke, Mr. AuCoin, Mr. Moody, Mr. Kolbe, Mr. DeLay, Mr. Parris, Ms. Snowe, Mr. Sensenbrenner, Mr. Konnyu, Mr. Evans, Mr. Traficant, Mr. Leach of Iowa, Miss Schneider, Mr. Rhodes, Mr. Buechner, Mrs. Vucanovich, Mr. Gingrich, Mr. Ballenger, Mr. Upton, Mrs. Johnson of Connecticut, Mrs. Morella, Mr. Gunderson, Mr. Boehlert, Mrs. Smith of Nebraska, Mrs. Saiki, Mr. Walker, Mr. Kyl, Mr. Donald E. Lukens, Mr. Craig, Mr. Garcia, Mr. Frost, Mr. Frenzel, Mr. Bartlett, Mr. Synar, Mr. Dellums, Mr. Dymally, Mr. Jeffords, Mr. Pursell, Mr. Lewis of California, Mr. Robert F. Smith, Mr. Dornan of California, Mr. Fauntroy, Mrs. Bentley, Mr. Conyers, and Mr. Wortley):

H.R. 4576. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination based on race, color, religion, sex, handicap, national origin, or age in employment in the legislative or judicial branches of the Federal Government; and to establish the Employment Review Board composed of senior Federal judges, which shall have authority to adjudicate claims regarding such discrimination; jointly, to the Committees on Education and Labor, House Administration, and the Judiciary.

By Mr. MOLLOHAN:

H.R. 4577. A bill to amend the Buy American Act to extend its coverage to temporary structures used in Army Corps of Engineers projects; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. NEAL:

H.R. 4578. A bill to amend the Food Security Act of 1985 to provide an additional exemption to program ineligibility for production on highly erodible land, and to provide a 2-year moratorium on that program ineligibility while its effects are studied; to the Committee on Agriculture.

By Mr. OBEY:

H.R. 4579. A bill to amend the Federal Election Campaign Act of 1971 to provide for financing of general election campaigns for the House of Representatives, to limit contributions by nonparty multicandidate political committees in election campaigns for the House of Representatives, and for other purposes; jointly, to the Committees on House Administration and Energy and Commerce.

By Mr. RICHARDSON:

H.R. 4580. A bill to amend the Internal Revenue Code of 1986 to exempt freelance authors, photographers, and artists from the capitalization rules added by the Tax Reform Act of 1986, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 4581. A bill to amend the Immigration and Nationality Act to make the use of the employment verification paperwork system voluntary for recruiters and referrers; to the Committee on the Judiciary.

H.R. 4582. A bill to authorize the State of Florida to use Federal-aid highway funds apportioned to the State of Florida for construction of a tunnel or bridge to replace the 17th Street Causeway Bridge in Fort Lauderdale, FL, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SHUMWAY:

H.R. 4583. A bill entitled: "The New Melones Emergency Drought Relief Act"; to the Committee on Interior and Insular Affairs.

By Mr. STALLINGS:

H.R. 4584. A bill to authorize the development of public outdoor recreation areas and facilities at Minidoka Dam in the State of

Idaho; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS (for himself, Mr. Ford of Michigan, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Perkins, Mr. Robinson, Mr. Atkins, Mr. Martinez, Mr. Gaydos, Mr. Jeffords, and Mr. Coleman of Missouri):

H.R. 4585. A bill to extend the authorization of appropriations for the Taft Institute through fiscal year 1991; to the Committee on Education and Labor.

By Mr. CHANDLER (for himself, Mrs. Byron, Mr. Pepper, Mr. Fascell, Mr. Montgomery, Mr. MacKay, Mr. Ray, Mr. Skelton, Mr. Borski, Mr. Stenholm, Mr. Lipinski, Mr. Huckaby, Mr. Tallon, Mr. Hutto, Mr. McCurdy, Mr. Andrews, Mr. Ortiz, Mr. Harris, Mr. Bustamante, Mr. Robinson, Mr. Stratton, Mr. Applegate, Mr. Spratt, Mr. Wilson, Mr. Tauzin, Mr. Hall of Texas, Mr. Grant, Mr. Mollohan, Mr. Michel, Mr. Edwards of Oklahoma, Mr. Ballenger, Mr. Miller of Washington, Mr. Lagomarsino, Mrs. Meyers of Kansas, Mrs. Johnson of Connecticut, Mr. Mack, Mr. Lewis of California, Mr. Hyde, Mr. Bereuter, Mr. Wortley, Mr. Kasich, Mr. Burton of Indiana, Mr. Lowery of California, Mr. Lewis of Florida, Mr. Badham, Mr. Crane, Mr. Baker, Mr. DeWine, Mr. Fawell, Mr. Upton, Mr. Herger, Mr. Solomon, Mr. Gunderson, and Mr. DeLay):

H.J. Res. 566. Joint resolution expressing United States policy regarding reforms which should be taken by the Government of Nicaragua in order to bring about lasting peace, pluralism, and democracy in Nicaragua; to the Committee on Foreign Affairs.

By Mr. DORNAN of California (for himself and Mr. Smith of New Hampshire):

H.J. Res. 567. Joint resolution designating the American mixed-breed hybrid dog as the All-American dog; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON:

H. Res. 444. Resolution authorizing the printing of a collection of statements made in tribute to the late Representative Harold T. "Bizz" Johnson; to the Committee on House Administration.

By Mrs. SCHROEDER:

H. Res. 445. Resolution to amend and to implement clause 9 of rule XLIII and clause 6(a)(3)(A) of rule XI of the Rules of the House of Representatives, relating to employment practices; jointly, to the Committees on Rules and House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

363. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to child care and social maladjustments encountered by military personnel and family members; to the Committee on Armed Services.

364. Also, memorial of the Senate of the State of Hawaii, relative to long-term institutional care; to the Committee on Energy and Commerce.

365. Also, memorial of the Senate of the State of Hawaii, relative to the Fairness Doctrine; to the Committee on Energy and Commerce.

366. Also, memorial of the Senate of the State of Hawaii, relative to the Census Bureau; to the Committee on Post Office and Civil Service.

367. Also, memorial of the House of Representatives of the State of Missouri, relative to Canada; to the Committee on Ways and Means.

368. Also, memorial of the Senate of the State of Hawaii, relative to a postal inspection program; jointly, to the Committees on Agriculture and Post Office and Civil Service.

369. Also, memorial of the Senate of the State of Hawaii, relative to the Young Americans Act of 1987; jointly, to the Committees on Education and Labor, Energy and Commerce, and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. Saxton.

H.R. 341: Mr. Boulter, Mr. Courter, Mr. Gekas, and Mr. Mack.

H.R. 458: Mr. Baker, Mr. Bustamante, Mr. Lehman of California, and Mr. Wolpe.

H.R. 813: Mr. Yates, Mr. Jontz, Mr. Wilson, Mr. Lipinski, and Mr. Espy.

H.R. 1016: Mr. Udall.

H.R. 1115: Mrs. Vucanovich.

H.R. 1638: Mr. DeFazio, Mr. Yates, Mr. AuCoin, Mr. Rowland of Connecticut, and Mr. Gray of Illinois.

H.R. 2595: Mr. Lowry of Washington.

H.R. 2800: Mrs. Martin of Illinois and Mr. Packard.

H.R. 3009: Mr. Matsui.

H.R. 3322: Mr. Baker.

H.R. 3382: Mr. Edwards of Oklahoma, Mr. Goodling, Mr. Shumway, and Mr. Kolbe.

H.R. 3791: Mr. Lancaster, Mr. Courter, Mr. Dornan of California, Mr. Wise, and Mr. Hatcher.

H.R. 3866: Mr. Hamilton.

H.R. 3889: Mr. Miller of Washington, Mr. Volkmer, Mr. Frost, Mrs. Meyers of Kansas, Mr. Valentine, Mr. Staggers, and Mrs. Martin of Illinois.

H.R. 3907: Mr. Miller of Washington.

H.R. 3918: Mr. AuCoin, Mr. Miller of Washington, Mr. Dicks, Mr. Russo, Mr. Feighan, Mr. Conte, Mr. Henry, Mr. Kanjorski, Mr. Chapman, Mr. de la Garza, Mr. Sabo, Mr. Hayes of Illinois, Mr. Craig, Mr. Whittaker, Mr. Mollohan, Mr. Morrison of Washington, Mr. Roe, and Mr. Brown of Colorado.

H.R. 3919: Mr. Ballenger, Ms. Kaptur, Mr. Livingston, Mr. Mavroules, and Ms. Pelosi.

H.R. 3944: Mr. Robert F. Smith, Mr. Burton of Indiana, Mr. Baker, Mr. Craig, Mr. Davis of Illinois, Mr. Dreier of California, Mr. Houghton, Mr. Lewis of California, Mr. Ravenel, Mr. Weldon, and Mr. Stangeland.

H.R. 4024: Mr. Espy.

H.R. 4032: Mr. Parris.

H.R. 4088: Mr. Johnson of South Dakota.

H.R. 4111: Mrs. Johnson of Connecticut, Mr. Fazio, Mr. Frost, Mr. Sabo, Mr. Lancaster, Mr. Dixon, Mr. Miller of California, Mr. Sawyer, and Mr. Atkins.

H.R. 4152: Mr. Akaka, Mr. Miller of California, Mr. Espy, Mr. Lewis of Georgia, Mr. Martinez, Mr. Dellums, Mr. Chapman, Mr. Clarke, Mr. Borski, Ms. Pelosi, Mr. Evans, Mr. Wheat, Mr. Ford of Tennessee, Mr. Grant, Mr. Kostmayer, Mr. Lowry of Washington, Mr. Edwards of California, Mr. Stark, Mr. Ackerman, Mr. Waxman, Mr. Levine of California, Mr. Savage, Mr. Bustamante, and Mr. Atkins.

H.R. 4213: Mr. Clinger and Mr. Regula.

H.R. 4261: Mrs. Bentley, Mr. Boehlert, Mr. Lewis of Florida, and Mr. Robert F. Smith.

H.R. 4273: Mr. Roe and Mr. Frost.

H.R. 4277: Mr. Borski, Mr. Garcia, Mr. Anderson, and Mr. McMillan of North Carolina.

H.R. 4280: Mr. Lewis of Florida.

H.R. 4338: Mr. Grant, Mr. Eckart, Mr. Foglietta, Mr. de la Garza, and Mr. Owens of Utah.

H.R. 4373: Mr. Rangel, Mr. Roe, Mr. Emerson, Mr. Fazio, and Mr. Hayes of Illinois.

H.R. 4429: Mr. Rangel.

H.R. 4468: Mr. Skaggs, Mr. Fawell, Mr. Gregg, Mr. Jontz, Mr. Neal, Mr. Borski, and Mr. Pursell.

H.R. 4481: Mr. Badham, Mr. Bates, Mr. Brown of California, Mr. Burton of Indiana, Mr. Clarke, Mr. Craig, Mr. Daub, Mr. Feighan, Mr. Guarini, Mr. Hefley, Mr. Huckaby, Mr. Lent, Mr. Lipinski, Mr. Mack, Mr. Miller of Washington, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Rahall, Mr. Rangel, Mr. Ravenel, Mr. Rowland of Connecticut, Mr. St Germain, Mr. Schuette, Mr. Skaggs, Mr. Swindall, and Mr. Thomas of California.

H.R. 4503: Mr. Durbin.

H.R. 4516: Mr. Penny and Mr. Robinson.

H.J. Res. 306: Mr. Johnson of South Dakota.

H.J. Res. 409: Mr. Gray of Pennsylvania.

H.J. Res. 423: Mr. Barton of Texas, Mr. Bevill, Mr. Biaggi, Mr. Boland, Mr. Carr, Mrs. Collins, Mr. Craig, Mr. Davis of Michigan, Mr. de Lugo, Mr. Dornan of California, Mr. Durbin, Mr. Fawell, Mr. Frost, Mr. Gonzalez, Mr. Green, Mr. Hammerschmidt, Mr. Hoyer, Mr. Hubbard, Mr. Hyde, Ms. Kaptur, Mr. Kasich, Mr. Kolter, Mr. Lagomarsino, Mr. Lehman of California, Mr. Leland, Mr. Levin of Michigan, Mr. Lewis of Florida, Mr. Lightfoot, Mr. Lujan, Mr. McDade, Mr. McMillen of Maryland, Mr. MacKay, Mr. Madigan, Mr. Manton, Mr. Matsui, Mr. Moakley, Mr. Moody, Mr. Morrison of Connecticut, Mr. Ortiz, Mr. Panetta, Ms. Polosi, Mr. Peppper, Mr. Pickle, Mr. Quillen, Mr. Rhodes, Mr. Sabo, Mr. Savage, Mr. Sawyer, Mr. Schuette, Mr. Sharp, Mr. Skelton, Mr. Sweeney, Mr. Torres, Mr. Torricelli, Mr. Valentine, Mr. Weiss, Mr. Whittaker, Mr. Whitten, Mr. Wise, Mr. Wolf, Mr. Wylie, and Mr. Young of Florida.

H.J. Res. 438: Mr. Solarz and Mr. Coleman of Missouri.

H.J. Res. 452: Mr. Dwyer of New Jersey, and Mr. Hatcher.

H.J. Res. 461: Mr. Ballenger, Mr. Sweeney, Mr. Jacobs, Mr. Price of North Carolina, Mr. AuCoin, Mr. Rhodes, and Mr. Frost.

H.J. Res. 504: Mr. Hyde, Mr. Conyers, and Mrs. Byron.

H.J. Res. 540: Mr. Frost.

H.J. Res. 543: Mr. Shays and Mrs. Byron.

H.J. Res. 556: Mr. Ackerman, Mr. Bonior, Mr. Clinger, Mr. Davis of Michigan, Mr. de la Garza, Mr. Fazio, Mr. Frost, Mr. Garcia, Mr. Goodling, Mr. Gordon, Mr. Hall of Texas, Mr. Hansen, Mr. Harris, Mr. Hefner, Mr. Henry, Mr. Jeffords, Mr. Kostmayer, Mr. Lehman of California, Mr. Levin of Michigan, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. Martinez, Mr. McDade, Mr. McEwen, Mr. Mfume, Mr. Morrison of Washington, Mr. Nelson of Florida, Mr. Nielson of Utah, Mr. Owens of New York, Mr. Owens of Utah, Mrs. Patterson, Mr. Rangel, Mr. Sisisky, Mr. Skelton, Mr. Stallings, Mr. Stenholm, Mr. Sunia, Mr. Tallon, Mr. Towns, Mr. Traxler, Mr. Upton, Mr. Walgren, Mr. Weiss, Mr. Wise, and Mr. Young of Alaska.

H. Con. Res. 233: Mr. Bateman, Mr. Bustamante, Mr. Gray of Illinois, Mr. Harris, Mr. Horton, Ms. Kaptur, Mr. Lagomarsino, Mr. Lipinski, Mr. Madigan, Mr. Neal, Mr. Quillen, Mr. Roe, Mr. Shumway, Mr. Sunia, Mr. Williams, Mrs. Bentley, Mr. Lancaster, Mr. Panetta, and Mr. Rose.

H. Con. Res. 262: Mr. Volkmer, Mr. Hutto, and Mr. Traxler.

H. Con. Res. 281: Mr. Hutto, Mr. Shaw, Mr. Parris, Mrs. Vucanovich, and Mr. Leath of Texas.

H. Con. Res. 284: Mr. Kyl, Mr. Packard, Mr. Mack, Mr. Lungren, Mr. Wortley, Mr. Boulter, Mr. Weldon, Mr. Kolbe, and Mr. Lagomarsino.

H. Con. Res. 291: Mr. de la Garza, Mr. Darden, Mrs. Patterson, Mr. McCurdy, Mr. Bateman, Mr. Manton, Mr. Courter, Mr. Montgomery, Mr. Lehman of Florida, Mr. Mrazek, Mrs. Collins, Mr. Upton, Mr. Wolf, Mrs. Meyers of Kansas, Mr. Pashayan, Mr. DeFazio, Mr. Hunter, Mr. Frost, Mr. Dicks, Mr. Lantos, Mr. Rahall, and Mr. MacKay.

H. Res. 379: Mr. Frost.

EXTENSIONS OF REMARKS

NAJIBULLAH MEETS GANDHI; PAKISTAN DECRIES TALKS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. BURTON of Indiana. Mr. Speaker, I rise today in protest of the Indian military's recent assault on the Golden Temple in Amritsar. The Golden Temple is the Sikh people's holiest shrine. More than 2,500 government troops sealed off the temple killing five persons and wounding five others. The Indian Government is again trying to solve the problems in the Punjab with force and repression. Indian Prime Minister Rajiv Gandhi must learn that the Sikhs will never submit to oppression. The Indian Government must show restraint in solving the problems of the Punjab. I am submitting, for the RECORD, an article from the London Observer detailing how the Indian secret police attempt to frame innocent Sikhs for committing terrorist acts that are actually performed by the Indian Government. I have also included a statement from Dr. Gurmit Singh Aulakh, the President of the Council of Khalistan.

I would also like to comment on the recent meeting of the Afghan Communist dictator Najibullah and Indian Prime Minister Rajiv Gandhi. I am appalled, but not surprised, Prime Minister Gandhi would meet with a man partially responsible for the genocide of over a million Afghans. Moscow obviously asked its puppet, Rajiv Gandhi, to help lend credibility to Moscow's puppet regime in Kabul. India, a country that has still refused to condemn the Soviet invasion of Afghanistan, has a foreign policy that consistantly toes the Soviet line. I would like to submit for the RECORD an article from the Washington Times which documents this unfortunate collaboration.

[From the London Observer Apr. 24, 1988]

RAJIV'S SPIES SMUGGLE ARMS

[By Dhiren Bhagat]

NEW DELHI.—Caches of arms, including rockets are being smuggled into India from Paskistan—not by terrorists but by the Indian secret services.

In an extraordinary incident which could throw light on the Rajiv Gandhi Government's recent action in the Punjab, The Observer has discovered that the Research and Analysis Wing (Raw), India's external intelligence outfit, has been receiving secret consignments of arms.

On the afternoon of Thursday 19 November 1987, an alert security man at Indira Gandhi international airport in New Delhi spotted bullets rolling out of a crate which had arrived on an Indian Airlines flight from Kabul. The crate was one of a large consignment: 23 crates according to my informant, 22 crates according to the airline's freight records.

The crates were isolated and an X-ray examination of their contents began under the supervision of the deputy commissioner of police, R.K. Neogi.

The examination revealed more than dropped bullets. According to information obtained by The Observer, an eyewitness claims there was at least one rocket launcher in the crates.

A dispute began between customs and security, each claiming the credit for what they believed to be an incredible discovery of terrorist contraband. As the appreciation letters were being written out—letters that would help the officials to claim a reward—a man in civilian clothes identified himself to Neogi as an operative of Raw.

He claimed this was government property and whipped away the crates before Neogi's security men could open them and make a inventory of the contents. According to the freight records, these crates were collected from the cargo warehouse the following day.

The crates bore two addresses. The sender's address was given: Director General, Communications, Pul-e. Bag, Hea, Amoomi, Kabul.

The consignment was addressed to: Director General, Communications, Sanchar Bhawan, New Delhi.

Sanchar Bhawan is the building which houses the Indian Ministry of Communications, but a check with the Ministry revealed that there is no such position as Director General.

B.G. Deshmukh, the Cabinet Secretary, could not explain the incident. He is India's most senior civil servant and the official to whom Raw is supposed to report.

It is reasonable to suppose that the arms—in a consignment out of Kabul—are of Russian manufacture. But the Indian Army does not need to import rocket launchers by such clandestine means.

The obvious destination would be Punjab. Two months after this consignment arrived, Mid-Day, a New Delhi paper carried a story—based almost certainly on a tip from intelligence sources—that Sikh terrorists now possess rockets and rocket launchers.

ROCKETS FIRED

On 21 March, nearly two months after Mid-Day's story appeared, the first rockets went off in the Punjab. The target was the Central Reserve Police Force post in the Vishvakarma Temple on the outskirts of Phagwara. Ballistics experts confirmed that the rockets were of Soviet manufacture.

The Phagwara episode occurred at 11 pm on 21 March. The next day, the Lok Sabha, the lower house of the Indian Parliament, passed the 59th amendment to the constitution despite determined opposition. It empowers the Government to impose a state of emergency in the Punjab and simultaneously suspend article 21 of the constitution which guarantees life and liberty. Since then, the President has given his approval to the Bill which has become law.

It is not clear when the Government plans to use the powers it has recently acquired. The haste with which it set about pushing through the 59th amendment can be explained in other ways. On 28 March, biennial elections to the Upper House were held and the Government lost the two-thirds majority which it needs to secure any constitutional amendment.

On 19 November 1987, somebody bungled and packed a crate inexpertly. There is no way of knowing how many other such consignments have been received in New Delhi or what precisely they have been used for, but it is possible to speculate.

SPECULATION ONE

The terrorists in the Punjab do not possess any rockets. According to this view, the terrorists do not need rockets—AK47s do a good job for them. If so, then the Phagwara incident and a later rocket firing would be the work of government-sponsored agents provocateurs whose motive is to terrorize the population into accepting repressive 'anti-terrorist' legislation like the 59th amendment.

SPECULATION TWO

The terrorists in the Punjab possess rockets of Russian manufacture which they have bought in Pakistan. It is well known that the Afghan Mujahideen in Peshawar sell Russian rockets and rocket launchers to all and sundry. According to this view, the terrorists are responsible for all rockets fired in the Punjab but the Government uses the rockets and launchers brought in from Kabul by Raw to stage fake recoveries of arms caches. Certainly in the past month arms caches are being recovered every week in the Punjab.

These recoveries and their announcement are often inept. On 8 April, a deputy inspector general said that eight AK47s were found in a room. A policeman interjected and said they were found in the bags of terrorists who were crossing the border from Pakistan to India. When were these terrorists apprehended? 'Oh, at 9 p.m. last night.' The Press conference to announce the recovery had been called at 7:30 p.m. the day before.

COUNCIL OF KHALISTAN,
Washington, DC, May 10, 1988.

NEWS BULLETIN

The Council of Khalistan condemns in the strongest terms the most recent attack by Indian troops on the Golden Temple at Amritsar on May 9.

The Council demands an immediate end to the desecration of the temple and the withdrawal from its precincts of Indian para-military and police forces.

It also demands the withdrawal of Indian government "agents-provocateurs" from inside the temple who are responsible for the latest outburst of violence, and not "militants" as reported by the Associated Press, and warns the government of India that if the Golden Temple is invaded in the same manner as on June 6, 1984, when thousands of Sikhs were slaughtered, the Sikh nation will never forgive the Indian government and will bear eternal hostility towards it.

The Council also demands:

The withdrawal of Indian "agents-provocateurs" responsible for the current bloodshed in Punjab, and the Indian para-military and police forces, who support these

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"agents-provocateurs" from Punjab in general.

The peaceful hand-over of the Sikh homeland of Khalistan to the Sikh nation.

The peaceful settlement of boundaries between India and Khalistan by negotiations with the Panthic Committee and the Council of Khalistan.

The Council of Khalistan appeals to all freedom-loving countries to support the Sikh freedom movement and to pressure the Indian government to stop its policy of a genocidal "final solution" towards the Sikh nation.

The Council draws attention to the fact that the Associated Press dispatch from Amritsar, dated May 9, which has appeared in many newspapers is, as usual, a regurgitation of Indian government disinformation, although it appreciates the fact that it is extremely difficult for any correspondent to give an objective report, bearing in mind the disinformation with which he or she is fed. The AP dispatch also quoted as United News of India news agency report. This is a government-run agency, equivalent to the Soviet agency TASS. Both are propaganda outlets and untrustworthy as objective sources of information, whose reporters are subject to arrest if they do not report that which is required of them.

One example of falsification of fact which reappears in the AP dispatch is the assertion that "more than 2,000 people were killed" following the assassination of Prime Minister Indira Gandhi in 1984. The correct figure is over 20,000.

Dr. Gurmit Singh Aulakh,
President, Council of Khalistan.

[From the Washington Times, May 5, 1988]

Najibullah Meets Gandhi; Pakistan Decries Talks

NEW DELHI, India—Afghan President Najibullah held talks with Indian Prime Minister Rajiv Gandhi yesterday and later appealed for compliance with the Geneva accords providing for withdrawal of Soviet troops and non-interference in Afghan affairs.

An Indian External Affairs Ministry spokesman said the two South Asian leaders held "one-on-one" talks for more than two hours and discussed regional developments, including the accords signed in April. The spokesman gave no details.

In Islamabad, Pakistan's Foreign Office deplored Mr. Gandhi's invitation to the Soviet-backed Afghan ruler to pay an official visit to India.

"It is very unfortunate that he [Najibullah] should have been invited by India," a spokesman said, noting that Najibullah has no control over a large part of Afghan territory.

Najibullah, who opened a three-day official visit to India, said at a banquet that he expected countries involved in the accord to implement it.

"We shall carry in good faith our commitments in compliance with the accords, the implementation of which shall start within 10 days' time, and we earnestly appeal to the other parties involved to act likewise," he said.

The U.N.-mediated pact, signed by Aghanistan and Pakistan, was guaranteed by the Soviet Union and the United States. Under the agreement, the Soviet Union will start pulling out its estimated 115,000 troops from Afghanistan on May 15.

"Now that a new climate has evolved in and around our country . . . we expect all countries to support this process and to back our endeavors for ensuring peace and security in our country and the region," Najibullah said.

India, which has never openly condemned the presence of Soviet troops, has sought a role in the Afghan settlement. But it has never made clear what part it wanted to play beyond expressing its interest in peace and stability in Afghanistan.

Indian Foreign Secretary K.P.S. Menon visited Pakistan on Tuesday for talks with Pakistani officials. "We are both agreed on our objectives," he said yesterday. "We would like to see there is no bloodshed."

The Najibullah trip is the first official visit to New Delhi by an Afghan leader since the Soviet invasion of Aghanistan in 1979.

The year before, a Marxist coup effectively ended the country's role as a neutral nation and a buffer separating Moscow, China and Pakistan.

Meanwhile, Pakistan charged yesterday that no arrangements had been made in Afghanistan for the return of three million refugees from Pakistan, 11 days before the official date of implementation of the Geneva accord.

"There is no evidence of any preparation from the other side for receiving the Afghan refugees who need camps, transport and also an infrastructure to return home," the Foreign Office spokesman said.

"Even routes have not been decided" for the refugees' return, the spokesman said.

The Kabul government "has no control on its territory and we do not know how it [the return of the refugees] will happen," the spokesman said.

He warned that if Kabul did not make arrangements to enable the refugees to start returning, "it will constitute a violation of the Geneva accord."

WORLD POPULATION AWARENESS WEEK APRIL 17 THROUGH APRIL 23, 1988

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. HAYES of Louisiana. Mr. Speaker, during the week beginning April 17, 1988, the citizens of Louisiana are proud to join the rest of the Nation in celebrating "World Population Awareness Week." Today, I join my colleagues in Congress as well as our friends across the world in recognizing the responsibilities associated with the rapid growth of our world's population.

We as Americans are fortunate to be a part of a nation rich in resources. Our farmers grow an abundance of crops, our educators are ever mindful of the importance of the intellectual growth of our youth, and our doctors and researchers continue to develop new methods of caring for our sick. While America forges onward as a progressive nation strong and willing, to meet the needs of our people, other countries are not so blessed.

The world population has reached 5 billion, with 92 percent of this growth occurring in the poorer countries. It is these Third World nations, responsible for the tremendous growth in our world population, that are unable to provide their people with the basic necessities essential to the sustainment of human life. I believe that this week serves as an important reminder to us all that the prosperity and knowledge of America must be shared with our less fortunate friends across the world. It is for this reason that I am very pleased that the citizens of Louisiana will be participating in World Population week, and I ask that Gov. Buddy Roemer's proclamation be printed in the RECORD.

Whereas, the current world population surpasses five billion and is projected to exceed six billion before the end of this century; and

Whereas, the consequences of rapid growth throughout the developing world are unemployment, malnutrition, environmental degradation, overcrowded cities and atmospheric pollution; and

Whereas, the United States is not shielded from the effects of worldwide population growth. The United States depends heavily on the developing world for many strategic materials. U.S. net imports from developing market economies account for some 90 percent of domestic consumption of tin, more than 80 percent of niobium (a chemical element used in jet engines and rockets), over 50 percent of aluminum and more than 30 percent of manganese; and

Whereas, U.S. exports to developing nations account for about one of every twenty U.S. manufacturing jobs. U.S. farmers depend on developing countries for about ⅖ of their export market. Some 40 percent of U.S. cereal grain exports go to the developing world;

Now, therefore, I Buddy Roemer, Governor of the State of Louisiana, do hereby proclaim the week of April 17—23, 1988 as World Population Awareness Week in the State of Louisiana.

H.R. 4445, THE TERRORIST FIREARMS DETECTION ACT OF 1988

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. McEWEN. Mr. Speaker, I rise to commend the National Rifle Association of America for its support of H.R. 4445, the Terrorist Firearms Detection Act of 1988, which passed the House of Representatives. The NRA's backing of this important legislation was crucial to its passage and I commend its continued vigilance in protecting our citizens constitutional right to keep and bear arms. In a recent letter the NRA stated that the Terrorist Firearms Detection Act "neither prohibits, nor allows any discretion to prohibit, existing firearms, it does not infringe on the rights firearms owners enjoy under the Second Amendement." At this point I wish to submit into the RECORD an NRA analysis of H.R. 4445 which I received this week:

Analysis of H.R. 4445—The Terrorist Firearms Detection Act of 1988

All future firearms must contain "3.7 ounces of electromagnetically detectable metal."

Each major component (i.e., barrel, slide or cylinder, frame or receiver) of future firearms must "generate an image that accurately depicts the shape of the component" when subjected to inspection by x-ray machines "commonly used at airports." There is no requirement that firearms be "identifiable as firearms" on those x-ray systems, thus eliminating the concern that incompetent security personnel could determine which firearms would be prohibited.

There is a provision requiring the Treasury Secretary to report biannually to the Congress "regarding the state of the art of firearm manufacture and firearm technology."

No "firearm possessed in the United States before the date of the enactment" would be prohibited under, or in any way affected by, the provisions of this Act.

All but the reporting provision of the legislation is repealed five years after the date of enactment.

AFGHANISTAN: NO LONGER IN VOGUE?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. CRANE. Mr. Speaker, once a problem has been publicly resolved, the American media and very often the American Government forget—forget both the problem and its underlying causes. Since the Geneva accords have been signed, I fear that the mujahidin are now entering the toughest battle of all, a battle in which they have lost the support of their professed allies, the United States and Pakistan. It is a battle made so difficult because the world no longer believes that there is a threat from the Soviet Union.

While the existing animosity between the United States and the Soviet Union may have been lightened by the Geneva accords, there has been no reconciliation between the U.S.S.R. and the mujahidin. In fact, Secretary of State George Schultz committed the unforgiveable oversight of failing to include the mujahidin in the negotiations, and then committing to the accords despite strong objections by the freedom fighters themselves. The mujahidin have had to bear the full brunt of the cruel Soviet thrust into their land, the full brunt of top Soviet Army weaponry and forces against a strong bid for self-determination. Their courage and fastidiousness is an example to us all and we must continue to support a struggle we backed for over 9 long years.

It is important that we not forget the underlying cause of the Soviet invasion. The cause simply being the acquisition of a very rich and strategic territory, a territory which would stretch the Soviet hand all the way to the borders of our Western ally, Pakistan, and nearer to the sensitive Arabian Sea and the Gulf of Oman. It would not be logical for the Soviet Union to give all of this up after having pumped almost 10 years' worth of energy, ammunition, and men into their quest for the country. Has Mr. Schultz really looked at all the long-term ramifications and logistics of an agreement he helped create for the mujahidin?

Let us all hope that the wave of hooplah surrounding the accords will not wash away a true commitment to the Afghan resistance. We can only hope that political fashion will not dictate where America's interest should lie, and that if Afghanistan goes out of vogue, America will ignore the trends and reaffirm her commitment to the mujahidin. In the April 18 edition of the Wall Street Journal, S.J. Masty has provided an excellent insight into this troubling situation. I highly recommend the article, entitled "Has Geneva Afghan Accord Brought Peace In Our Time?" to my colleagues truly concerned with the plight of the Afghan people.

[From the Wall Street Journal, Apr. 18, 1988]

HAS GENEVA AFGHAN ACCORD BROUGHT PEACE IN OUR TIME?

(By S.J. Masty)

PESHAWAR, PAKISTAN.—Brandishing pens and press releases at the conclusion of Geneva's Afghan peace talks, the signers and their superpower allies finally produced a document. Islamabad, Kabul, Washington and Moscow say the Soviets will withdraw in nine months and the Afghan people can return home with honor.

Everyone seems happy—everyone, that is, but the Afghans, whose ancient suspicion of treaties might have proved useful to Neville Chamberlain at Munich. At a rally here Saturday, the resistance-party leaders and more than 50,000 mujahideen vowed to fight on and denounced the Geneva process of which they were never a part.

This is not Afghan cynicism, nor is it jitters over the uncertainties of going home to an interim government Pakistan talks about but no one has seen. Actually, there are two separate agreements, one between the U.S. and the Soviet Union that will probably remain secret, and another between the Kabul regime and Pakistan—two governments that have never recognized each other, that have never sat at the same table, and that exchange threats and insults at every opportunity.

What the public sees of the Pakistan-Kabul accord is vague. The Soviets say they will withdraw 50,000 men in the next three months (almost half their force), but give no public details on how that withdrawal will take place—whether troops will be phased out equally throughout Afghanistan or just withdraw to the north. There also is no public timetable for the return of refugees, and, most important, no discussion of the end of hostilities and the "symmetrical" withdrawal of Soviet aid to the regime and American aid to the resistance. Although the Soviets say Pakistan must remove all mujahideen bases in Pakistan within 30 days, the supply of arms is not mentioned. That supposedly is addressed in the superpower agreement.

The precise manner of withdrawal is important, especially if Pakistan is required to shut down cross-border mujahideen raids: If the Soviets withdraw completely from, say, the south, then foreign aid to the resistance could be flown in directly and not channeled through Pakistan. The repatriation schedule is also critical, since shipping refugees to a hot war zone would be murder.

"All Afghanistan must be free or the war will continue," says Babrak Babakarkhel, a Pathan mujahid from central Afghanistan. "If the Parchamis and Khalqis [the Afghan Communist parties] remain, we will still fight, with rocks and swords if we have to." This is the general sentiment, as Saturday's rally graphically demonstrated.

Although it would be hard to call it peace, there are three strata of results from Geneva. On the superficial level peace has been declared, ostensibly letting Ronald Reagan leave office with a foreign policy victory greater than Grenada, giving Mikhail Gorbachev better standing as peacemaking reformer and allowing U.N. negotiator Diego de Cordovez a shot at becoming security general.

On the middle, or diplomatic, stratum, a piece of paper was signed that means little to anyone except diplomats. With or without Western arms, with or without a safe base in Pakistan, the mujahideen will keep fighting until either they are extirpated or they eliminate the bloodthirsty regime the Soviets invaded Afghanistan to protect. Accords between Pakistan and Kabul miss the point: As commander Abdul Haq, the resistance leader for Kabul, points out, "The Soviets didn't need an agreement to invade, they don't need one to leave."

So if the talks between Pakistan and Kabul are meaningless, if the Soviets are leaving anyway and don't need an agreement to do so, why did the West bother with Geneva?

One reason is the superficial victory of declaring peace; and then there's Sir Edmund Hillary's rationale for climbing Mount Everest—simply "Because it's there." A diplomatic process like Geneva is often reason enough for diplomats to sign something even if it means nothing. To do less, or end the talks, is admission of diplomatic and professional failure. This works to the Soviets' advantage. A veneer of legitimacy was conferred on their regime in Kabul. Even though Pakistan swears it has not formally recognized the regime, this skews the debate on weapons "symmetry": Moscow will aid a somewhat legitimized government, and the U.S. is allowed to assist its allies—but an ally usually means a government and not an insurgent force, or whatever the mujahideen will be termed next month.

Although the U.S. seems sincere in promising to aid the resistance until it topples the regime and creates the democracy it wants, both Pakistan and the U.S. now face a diplomatic disadvantage. In the eyes of many, the peace process is under way. Afghan objections will not make the Afghan mujahideen look like the problem instead of the regime that supervised the death or permanent incapacitation of nearly 1.5 million of their brothers and sisters. Understandably, the Afghans cannot countenance living even temporarily with such a regime.

The last stratum of Geneva affects Soviet strategy, since the U.S.S.R. alone decided to invade and only it can decide to leave. The Soviet Union's lasting interest—and the reason for its 1979 invasion—was top secure a pro-Soviet, communist regime in Afghanistan. All its diplomatic overtures since—including the Kabul regime's 1987 offer of "national reconciliation" and Moscow's Geneva strategy—aimed to protect those gains. It is possible that it will withdraw fully, and let the regime and resistance battle it out. In that case the regime will topple swiftly despite its immense stockpile of arms.

"There is another possibility," says a senior Pakistan government official in Peshawar. "Since 1976 [the Soviets] have organized four coups in Afghanistan. What if they do it again? As the Soviets leave Kabul, the regime is supposedly overthrown by some army colonel friendly to Moscow but without communist ties. He declares a nonaligned Islamic Afghanistan. Then who does America support—one nonaligned Islamic Afghanistan or another? If America supports the mujahideen, it seems to promote civil war. If it does not, the Kabul government keeps the Soviet-trained infrastructure, including the secret police."

It would be a clever piece of treachery. Even if such a move did not completely divide the West and the mujahideen, it may buy time for the Soviets to halt their withdrawal and incorporate north Afghanistan into their ethnically related central Asian republics. If the partition held, it could in time re-ignite old tribal problems for Pakistan, since Pathan tribesmen in Pakistan's Northwest Frontier-Province have more in common with south Afghan Pathans than with other Pakistanis.

Certainly the Soviets sound determined to leave, but it would be illogical for them to throw away at the negotiating table what they fought for in more than eight years on the battlefield. It also would be illogical—indeed, immoral—for the West to let them achieve it through diplomatic legerdemain, and let itself be pressured to prematurely cut aid to the resistance.

IN HONOR OF KAMBIZ HEKMAT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to honor Kambiz Hekmat, chairman of the board of directors of the Los Angeles West Chamber of Commerce, under whose leadership the chamber continued to grow and prosper. I would like to share some of Mr. Hekmat's accomplishments with my colleagues in the U.S. House of Representatives as Kambiz Hekmat is honored on June 14, 1988, as the Los Angeles West Chamber of Commerce celebrates its 58 years of service to the community.

Under Kambiz Hekmat's leadership, the Los Angeles West Chamber of Commerce successfully completed the first year of its leadership L.A. program, which is designed to prepare business leaders to assume active leadership roles in the community.

The chamber received its fourth consecutive accreditation from the United States Chamber of Commerce, distinguishing it as the only chamber in California to have earned 20 years recognition.

Mr. Hekmat helped the chamber establish a marketing task force which dealt with the issue of increasing the visibility of the chamber and increasing its membership. Out of this grew the concept of a name change to reflect more accurately who we are and in what way we contribute to the community. Consequently, under the chairmanship of Kam Hekmat, the Los Angeles West Chamber of Commerce, changed its name to the Los Angeles Business Council, an accredited chamber of commerce. In keeping with this new identity, it developed a new mission statement which reads: "The mission of the Los Angeles Business Council is to promote the quality of economic, social, and cultural life."

During Kambiz Hekmat's guidance, the urban beautification and improvement committee initiated a series of seminars with prominent speakers on topics dealing with the esthetic enhancement of the community. The council celebrated its 18th Annual Beautification Awards presentations, recognizing the commercial, residential, and landscaping projects developed during the past year, which added to the quality of life throughout our community.

Mr. Hekmat is a Phi Beta Kappa graduate of Oklahoma State University and holds an MS degree in mechanical engineering from Stanford University. As a representative of President Kennedy's people-to-people movement during the early 1960's, he traveled extensively throughout Europe.

From 1964 to 1973, he was project engineer and plant manager with Dow Chemical Co., where he was responsible for the design and construction of plant facilities in Michigan, Texas, Germany, and Holland.

Kam Hekmat settled in Los Angeles in 1973, and became a U.S. citizen in 1979.

Mr. Hekmat has been chairman of the board from July 1, 1987, to June 30, 1988. He has been a member of the chamber board's executive committee for 8 years, he has served on the housing supply task force, the headquarters expansion task force, and the transportation and planning committee.

In addition to his chamber activities, Mr. Hekmat serves on the Los Angeles Police Department's West Los Angeles Boosters Association, the executive committee of the board of directors of Sinai Temple and the Chancellors' Association at UCLA.

Throughout all his endeavors, Kam Hekmat has had the support of his wife, Mahaas and their children, Cyrus, Reuben, and Daniella.

It is with great pleasure that I ask my colleagues in the House of Representatives to join me in recognizing a fine American for a job well done.

THE TATE FAMILY: BUILDERS OF A BETTER FLORIDA

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. LEHMAN of Florida. Mr. Speaker, Florida, perhaps more than any other State, has been shaped by real estate developers. Thousands of building companies have come and gone over the years, but for the past 54 years the Tate family has been committed to building a better Florida.

"Florida has been good to me and my family, and now I want to do what I can for Florida," Stanley Tate told me recently. He is now devoting his considerable energy to the development of a program to enable low- and middle-income parents to provide the opportunity of future higher education to their children.

Stanley Tate is chairman of the Florida Prepaid Postsecondary Education Expenses Board, which is responsible for implementing a unique plan passed by the Florida Legislature. This law will enable parents to guarantee prepayment of their children's higher education costs in Florida's excellent system of colleges and universities by paying relatively small installments while their children are growing up. This plan will virtually insure that no Florida child will be denied higher education because of a lack of funds.

Mr. Speaker, I would like to share with my colleagues a recent Miami Herald article on the remarkable Tate family, which is reprinted below.

[From The Miami Herald, Apr. 24, 1988]

BUILDERS ADAPTING TO CHANGE—FAMILY COPING WITH CHALLENGES

(By Lynne F. Peterson)

Just as Florida has changed over the past half century, so has the Tate family's real estate business.

Through 54 years and three generations, the Tate family has seen, and contributed to, these changes.

Since 1948 the Tate family has done in excess of $1 billion in apartment, condominium, single-family home and shopping center construction.

It all started in 1934, when Morton Greenwood gave up his Akron, Ohio, haberdashery business to move to Florida. Little did he dream that, in founding Royal Builders, Inc., he would create a real estate dynasty.

FILLED THE NEED

Greenwood saw a need and moved to fill it: housing for senior citizens retiring to Florida. For several years business boomed in single-family homes and apartment houses. Then came World War II and a building supply and manpower shortage hit the nation.

After the war, business picked up again. In 1948, Greenwood's son-in-law, Stanley Tate, decided to give up teaching statistical psychology to join the family real estate development business.

"Building was easier in those days," Tate remembered. "We ran our own crews; timing, scheduling and cost control were easier."

Houses were cheaper, too. Stanley Tate's first homes sold for $15,990.

Then, Tate decided to respond to the growing demand for affordable adult communities.

NO MORE STAIRS

"People wanted that single-family feeling, without stairs, and were dissatisfied with condominiums," he said.

So, he brought a California trend to Florida with development of the first Florida four-plex housing, at High Point in Boynton Beach and later at High Point of Delray Beach.

A 556-unit four-plex Tate community is under construction at the Savannahs in Fort Pierce. Buyers of the approximately $50,000 homes have a choice of one-bedroom, one-bath or two-bedroom, two-bath models, ranging from 1,000 to 1,260 square feet.

Stanley Tate's oldest son, J. Kenneth Tate, decided against joining the family business when he finished college in 1977 and went into banking. But less than a year later, he changed his mind.

"More than the building bug bit me; it was the entrepreneurial spirit of being on my own that attracted me," Ken said. "The strict corporate structure of banking was not for me; it stifled my individuality."

Ken Tate, 36, who is in charge of projects at High Point, at Delray West and the Savannahs, said he had reservations about working with his father. "I knew what a tough business person he was. We had a close relationship, and I didn't want to jeopardize that."

In the late 1970s, however, recession struck Florida. Even for the Tate family "building came to a sudden stop," recalled Ken Tate's youngest brother, James.

"The multifamily unit was hit hardest," said Ken. "Single-family homes were OK, so we had to redefine our approach."

The solution involved another trip to California, this time by Ken Tate. He came back with a new design idea—the California style. That meant single-family homes with clerestory windows, wood exteriors, cathedral ceilings and luxury kitchens.

Now Ken Tate believes Florida has grown up. He doesn't think he will have to turn to California again for building ideas. "Now Florida can stand on its own against California," he said. "In some areas, such as energy saving and contemporary design, we are a leader; and there is a younger outlook on the part of professionals trained and bred in Florida.

"Today," he said, "we are reversing the trend of most builders, which is to move steadily north, from Miami to Broward County to West Palm Beach to Martin County.

"We are moving back south, looking for open opportunities, passed-over sites and areas that have been developed with from eight to 12 open lots where there is a demand for a certain type of building."

And they are moving west. The Tates agreed that they are "no longer dealing with the first-time Florida buyer." As Ken Tate put it: "The glamour has worn off 'the ocean'." Buyers, he said, want to live in a community; the roads being built are opening up the area west of the turnpike.

Ken Tate believes "retirees are not as predominant as they used to be. The younger buyer is becoming stronger and stronger."

Stanley Tate stressed the importance of diversification. "There is still a retiree market, but the percentage is shrinking," he said.

And the Tate family has diversified. Ken and Jim Tate, his 24-year-old brother, formed Tate Development Corp. and entered the luxury single-family home market at Jacaranda Cove in Plantation and the private Boca Raton community of Newport Bay Club.

The newest development is the Hamlet in Davie, where five-bedroom, 4½-bath homes with 3,496 square feet, costing from $350,000 to $800,000 will be built on ¾-acre lots.

The Tates also have under construction a 154,000-square-foot office/retail complex in Sunrise called Indian Trace Shopping Center. They also bought and are refurbishing the 37-unit Villa Del Ray Golf Apartments in Delray Beach.

In a business—and a state—where developers come and go, the Tate family has remained. Stanley Tate credited their continued success to "building a good product and not disappearing. Being available and standing behind our product has made us successful," he said.

"There is a responsibility on the part of the developer that goes beyond the law. There is a helplessness on the part of purchasers. They have to be able to lean on the developer for repairs, advice, information on whom to call if there is a problem even after the warranties expire."

THE TRADE BILL: END GAME, PART II

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. KEMP. Mr. Speaker, I am submitting the remainder of an excellent article on the trade bill, written by Mr. Richard Billmire, a Washington-based economist. The first part of the article appeared in yesterday's CONGRESSIONAL RECORD. The article highlights the bill's devastating impact on our trade laws, and Mr. Billmire eloquently shows why the trade provisions alone deserve a Presidential veto.

I call my colleagues' attention to the rest of this incisive article:

D. Mandatory Retaliation: The transfer of authority in section 301 cases is made effective by provisions of the bill that mandate U.S. trade action, either in the form of import relief or retaliatory actions. The Section 301 changes require the USTR to take action against countries violating U.S. trade agreement rights. In finding violation by Canada of a trade agreement, for example, the USTR could take action even though there was no specific injury finding to a company or industry. More importantly, in cases involving "unreasonable" or "discriminatory" actions which do not violate our trade agreement rights, the USTR is given discretionary authority to retaliate: The conferees intent is to assert a presumption that the USTR will act if he believes such action would be effective.

In Section 201 cases, the President is required to take actions that will assist a domestic industry in adjusting to foreign competition. The actions must pass a cost/benefit test. But the rub is that for the first time "social benefits" are mandated as factors in doing such analysis, an enormous loophole for protectionists. (How many minority workers will be displaced in a plant shutdown?) Another critical victory for protectionists is that only the ITC commissioners who find a domestic firm injured will be allowed to make action recommendations to the President. In a 5-to-4 vote finding injury, for example, only the five in the majority will be allowed to determine the relief. Also included in this section is the authorization of emergency provisional relief for industries in "critical circumstances." Linked as this provision is with the mandatory provisions, this dramatically expands the range of potential trade actions.

E. An Explosion of Trade Actions: Under this new system the power of special industry groups is magnified. In the real world of Washington trade politics, effective pressure can easily be brought to bear on an individual congressman, committee or high-level bureaucrats than on the President. The trade bill drastically lowers a group's cost of seeking action by shifting costs of inquiry to the government. On this count, Washington law firms that specialize in defending foreign countries against charges of unfair trade practices must assume few billing hours under this legislation. On the other hand, there will certainly be much more litigation. There has recently been a sharp increase in the number of companies, as opposed to associations, registering as trade lobbyists. In the past, bottom line considerations limited such action only on the well-heeled firms and associations. The end result is likely to be explosive growth in trade investigations, injury findings, and U.S. trade actions. Any check on the likelihood of these developments is minimal. Consumers are afforded few protections and the relative strength of any consumer lobby is diminished under the new process.

The conference agreement makes no effective provision to protect competitive U.S. export industries that could be innocent third-party victims to a U.S.-trading partner exchange of retaliatory actions. In the event a trading partner wishes to attract our attention. The recent experience of Canada's action against U.S. corn following our action against its cedar shake makes it clear that trade conflicts would likely be extended to even our healthy industries.

There is a bow to a national economic interest in the bill. But the earlier Bradley and Gramm amendments, which would have protected low income consumers and farmers were dropped in conference. They were replaced by relatively weak provisions that invite creative accounting. (1) No Section 301 action would be taken if it would have an adverse effect "substantially out of proportion to the benefits of that action." (2) Protection under Section 201, as previously noted, includes the measurement of "social benefits" when considering the cost/benefit calculation of an action.

Other provisions of the bill could also impose new economic burdens on consumers and taxpayers. They are being asked to finance, through higher prices caused by a new import fee on all imports of up to 0.15%, a new entitlement program for displaced workers. The objective may be laudable, but similar past programs have not met this objective. The new import fee seems low enough, but the first income-tax rates also seemed reasonable in 1913. Agricultural provisions of the bill may not only fail to lower trade barriers, but also may lead to further expansion of the U.S./European agricultural subsidy war. Under the bill, if the President fails to certify that GATT talks are achieving significant progress, a "market loan" program would be triggered. The subsidy program would allow U.S. farmers to repay their crop loans below the value of the loan, thus enabling them to sell at world prices. Recent statements indicate that our trading partners would counter such an action, leading to the possibility of a cycle of increased subsidization, the very worst thing for both domestic and world agriculture.

F. A Broadening Cycle of Retaliation: The stated intention of the bill's authors is that it will increase the pace, volume and severity of U.S. trade actions. It is difficult to imagine that these new provisions, once enacted, would not provoke similar responses from our trading partners. Public statements by foreign policy makers support the argument that a more aggressive trade policy will be met in kind. Supporters of the legislation argue that many of these provisions will only have the effect of bringing other countries to the negotiating table, and that the bill allows sufficient time for negotiations to produce the desired result.

Several factors counter this argument. First, the bill does little to change the basis of our trade policy, i.e., we negotiate on a product by product, or at best, on a sector by sector basis. Unless everything is on the table, and thus cross sector package deals can be made, it is difficult to reduce layers of trade barriers.

Secondly, issues raised for negotiation will, through the process described above, be more a question of political "muscle" than of economics. Thirdly, the bill's criteria in establishing injury and the degree to which U.S. firms are responsible for staying competitive represent loopholes through which non-trade related problems can serve as the basis for improper U.S. actions.

FUTURE ADMINISTRATION ACTION

The Administration has released one major document outlining the objectionable provisions in the bill. Although the items listed are indeed objectionable and should be removed or modified, they are non-trade provisions. As of the date of this paper, the administration has not made its position known on the more or equally important trade provisions discussed above.

The State Department April 22 stated its objection to the entire trade bill. This was the first positive sign that at least one corner of the administration is aware of the trap and the consequences of enactment. Free trade advocates are more concerned with the perceived willingness of Treasury Secretary Baker to press for a cleverly written bill, that on any close inspection will be inimical to the interests of the national and world economy. In this end game over the most dangerous trade bill in more than half a century, President Reagan's key people have played into the hands of the protectionists. At the moment of truth, which we now approach, it is not at all clear that the President will be able to sidestep the mousetrap that lies in his path.

TRIBUTE TO MRS. JULIA BUTLER HANSEN

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. WATKINS. Mr. Speaker, the passing of Representative Julia Butler Hansen of the Third District of Washington was noted both institutionally and personally in Oklahoma.

Representative Hansen was a close and loyal ally of Speaker Carl Albert, my predecessor and constituent, who celebrated his 80th birthday, May 10, 1988. Representative Hansen would have been 81 next Flag Day, June 14.

Joe Carter, now the vice president of Cameron University in Lawton, OK, was a member of Representative Hansen's staff during the late sixties and early seventies.

Representative Hansen held two powerful chairmanships: Interior and Related Agencies in Appropriations and the caucus' Committee on Organization, Study and Review known simply as "The Hansen Committee." In close concert with Speaker Albert, with Carter as chief of staff, the Hansen Committee drafted the historic House rules reform of the 93rd Congress.

I asked Carter for his account of Mrs. Hansen's career and insert it in the RECORD as follows:

MS. JULIA BUTLER HANSEN

(By Joe Carter)

Julia Butler Hansen rattled history.

She was the first woman Speaker Pro Tempore of the Washington State Legislature where she served two decades.

She was the first woman to serve as chairman of a House Appropriations Subcommittee.

She shepherded through the House one of the toughest bills of the 93rd Congress, the reform of the House's own rules. It was a delicate operation by a master lawmaker.

In 1973, under the astute and able chairmanship of Rep. Richard Bolling of Missouri, the House had assembled a special bipartisan committee to write new rules. The panel was richly staffed but its recommendations met with stiff objections in the House.

Rep. Hansen's caucus committee, meeting in the Board of Education room with only Bill Cable as acting counsel and me as the lone other staffer but without a budget, labored long weeks drafting alternative reforms.

Then, on the the Floor, Julia made her draft the substitute for the Bolling Committee's bill. On her 65-year-old feet for long hours during six days, Rep. Hansen led the debate late into evenings. The Hansen Substitute was voted the basis for reform.

The "Summary of Major Changes in Rules X and XI of the Rules of the House of Representatives" was released October 10, 1974 under "Supreme Court" red cover. H. Res. 988 was a fact. The rules were changed but as Julia had largely determined.

At the time, Julia Butler Hansen already had declared her retirement. She was 65 and, by heavens, she would quit answering the phone. She would move from her townhouse in Georgetown back to her modest home in the tiny hamlet of Cathlamet, Washington. She would spend the next 14 years tending a very elegant garden. In 1981, she would bury her husband of 42 years, Henry.

Then she lived a good and harmonious life with her scholarly, historian son, David, his wife Nancy and her two grandaughters: Elizabeth, 8, and Julia Ann, 14, who is rumored to be filled with Congressional genes.

That was the her chosen cap for a career.

After college, Julia Butler wrote "Singing Paddlers," a children's book. Fame elected her to the Cathlamet city council on the north bank of the navigable Columbia River. From the tall forests would come lumberjacks. From the seas would land fishermen. Burly longshoremen worked the piers.

Julia, the daugther of a gun-toting frontier sheriff, walked unfraid. As a politician, fear was not in her vocabulary. She faced opponents. They suffered fear.

One august lawmaker, who had money for an aquarium in her appropriations bill, arose in support of a slashing amendment that would have crippled Interior. Julia was stunned. Angry. She whirled with a shaking finger. The colleague dashed toward the door, slipped, fell, sprained his ankle and never voted against Julia again.

In a House where seniority was essential where men traditionally dominated; where no woman before had been a chairman in appropriations, Julia Butler Hansen broke tradition to lead the Interior Appropriations Subcommittee.

Yet, when she retired from Congress, she had served only 12 years!

When Lady Bird Johnson wanted to plant trees and beautify America, she went to Julia for money. Liz Carpenter was the conduit. America got prettier because of those three women.

Julia delivered.

Liz carried.

Lady Bird planted.

Recently I sat on Carl Albert's front porch in Bug Tussle, Oklahoma overlooking Lake Eufaula. He laughed and recounted a story:

"I went to Julia and told her I needed $1.5 million for an Indian hospital at Ada (an Oklahoma town.)

"Later (Appropriations Committee Chair) George Mahon asked Julia the total of her budget. Julia replied that she was $1.5 million over her allowance.

"'Julia, you'll have to take that $1.5 million out,' George told her.

"Later whan George asked her about the progress, Julia said: 'I took $2 million out. I took away the project that was planned in your district in Texas.'

"Julia has made the cut and the hospital was built for the Indians in Ada," Albert said.

As an Oklahoma newsman before venturing into politics, I knew about health care delivery problems in Oklahoma. Working closely with Dr. Emergy Johnson, Indian Health Service director, appropriate clinics were constructed in poor, rural areas of Oklahoma and across the nation. The Navajo, Cherokees, Creeks, Osage, Sioux and other tribes should add Congresswoman Hansen to their legends. But, Julia was real.

Chairman Julia Butler Hansen fine-tuned the budget. She fought waste. She knew slices doen to $20,000—and that's small in a $2 billion pie. She mandated Indian housing and built schools.

July escalated the National Park Service budget long before Earth Day. She was saving the land years before the environmental movement shook the Nation. George Weyerhauser and the Sierra Club both advised her on forest management. Oilmen praised her handling of the Santa Barbara oil spill. Ecologists agreed. America's outer continental shelf never had a more savvy banker.

Under Julia Butler Hansen's tutelary, the Endowments of Arts and Humanities flourished and the Nation became more civilized.

When it was time to build the Air & Space Museum, Chair Hansen played a banker's role that kept the job on schedule and under budget—the first such feat in 30 years of Washington, D.C. history. The ribbon was calmly cut July 4, 1976. the Smithsonian had Julia's understanding. It prospered.

Uncanny understanding, great wisdom, careful study, tough minded, unfettered patriotism, detail tending, fine intuition and loyal friend fit the gentlelady from Washington. but the greatest legacy of Julia Butler Hansen was hard work.

HOUSE JOINT RESOLUTION 485, NATIONAL SAFETY BELT USE WEEK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. DINGELL. Mr. Speaker, I rise today to bring to the attention of the American public, and article recently published in the Reader's Digest on the value of wearing safety belts. While some of the depictions are rather graphic, I think the article effectively illustrates some of the unnecessary injuries experienced by those not wearing safety belts. Please note, since the article was written, there are now 32 States, not 30 as mentioned in the article, plus the District of Columbia that have mandated the use of seat belts, leaving 18 States without seat belt laws in effect. I commend the over 100 Members of the House who have cosponsored House Joint Resolution 485 to proclaim June 26 through July 2, 1988, as National Safety Belt Use Week.

The article follows:

[From the Reader's Digest, May 1988]

WHO NEEDS A SEAT BELT? IF YOU DRIVE, SOONER OR LATER YOU'LL FIND OUT

(By Robert Gannon)

On patrol north of Baltimore one afternoon in March 1986, Maryland state trooper John Burton noticed a toddler standing on the front seat of a moving car. That was a violation of Maryland's child-restraint law, so Burton pulled the driver over.

"You know kids, officer," said 25-year-old Roger Moore. "They get restless." Burton wrote him a citation anyway.

Grumbling, Moore buckled his son in, tossed the ticket into his glove compartment and went on his way.

Moore's attitude isn't unusual. Even in the 30 states and the District of Columbia where seat-belt use is mandatory, only half the motorists obey. In other states, seven out of ten go beltless. Some complain that seat belts are uncomfortable. Others fear being trapped during a crash. Still others simply don't want rule makers telling them what to do.

The average motorist is virtually certain to have at least one injury-causing accident in his lifetime. Without a belt, he will be twice as likely to be killed or seriously injured. So why the resistance?

"Because these people don't understand the forces that are involved in an automobile accident," says Diane Steed, administrator of the National Highway Traffic Safety Administration. For years, scientists in NHTSA's Accident Investigation Division have analyzed films of test crashes involving dummies. Watching some of the films, I saw what my accident may be like if I'm not wearing a seat belt.

The First Half-Second. Suppose I'm going 40 miles per hour, and my car hits a fixed object. Immediately on impact, my body is hurtling toward the dashboard at almost 60 feet per second. I can't stop myself with my hands—that would be like bench-pressing at least 3,500 pounds. Inevitably, my stomach rams the steering wheel.

Meanwhile, my legs instinctively stiffen and crack at the knees. My right knee wedges under the dash. As the firewall buckles upward, the leg snaps just above the ankle. My upper legs, jammed into the dash, resist the forward motion of my torso, dislocating my hip joints instantly.

My upper body is jackknifing forward. Less than a tenth of a second into the crash, it slams into the steering column. My breastbone caves in just before my ribs start to break. Little room remains in my chest for my lungs, heart and aorta, while the broken bones have become spears.

Now my head is smashing into the windshield, crushing my nose and cheekbones. It strikes at the same speed I would attain by diving onto the sidewalk from a second-story window. My brain simultaneously slams into my forehead and rips away from the back of my skull. Then it rebounds, crushing and ripping again.

Serious accidents happen more than 600 times every day across the United States. If everyone used seat belts, Steed says, over 10,000 lives a year would be saved, and half of those who would have been seriously injured would escape with only cuts and bruises.

Flimsy Excuses. Vince Caplins supervises the 911 emergency exchange in Anne Arundel County, south of Baltimore. "Even the little accidents get to you after a while," he says of his nine years as a paramedic. "The car will be hardly dented, yet you'll have someone with his teeth knocked out or his nose broken or his lip hanging by a thread—all because he didn't bother to buckle up."

Jim Rostek works for one of 13 paramedic units in the county. Ride with him awhile and you'll forever remember the 30-year-old stevedore with a ruptured spleen, broken legs, cracked ribs and a concussion, who kept saying, "Don't hurt my arm!" when the arm wasn't even scratched. You'll remember the middle-aged secretary found wandering confused after a ten-mile-an-hour fender-bender; she looked fine until you noticed the half-inch depression in her forehead from the radio knob.

You will remember the sounds, the little wounded-animal mewing that led you to the woman nobody noticed thrown under a bush. You'll remember the groaning rasp of a person's last breath. And you'll remember seeing, time after time, a seat belt neatly stowed.

The paramedics talk about excuses people use for not buckling up. "They say they'd rather be thrown from the car than be trapped in it," one veteran told me. "They'll be thrown out, all right. But the car is flipping over in the same direction and it'll roll right over them. I've seen too many crushed heads and severed arms to buy that one." Studies show that in an accident where seat belts are not used, the front-seat passenger is 2½ times more likely to be killed, and the driver is four times more likely to die than a person who is buckled in.

"I've seen about 2,400 accidents," Rostek says. "And I can't remember ever unbuckling a corpse."

Shattered Lives. "If you could see what we see every night, you'd be as religious about wearing your seat belt as we are," asserts Dr. R. Adams Cowley, director of the Maryland Shock Trauma Center in Baltimore.

One night when I was there, Jill Avery was brought in. Drifting into consciousness, Avery would whisper through cut and mashed lips, "What happened? But the pain of multiple bone fractures kept her from hearing the answer.

Jill's husband of 16 days, Richie, had let the car wander across the center line. The car sideswiped another car, then swerved and slammed into a gully. Richie, his seat belt fastened, received only a mild concussion from striking his head on the side window. Jill, who had been unbelted, was now about to undergo surgery on a shattered thighbone. She also had severe head trauma, an upper-arm fracture, and bruises all over her face. She would be in the hospital for weeks and unable to work for months.

Philip Militello, the center's director of surgery, tells of patients who preferred not to wear seat belts: the student who arrived with a rear-view mirror embedded three inches into his brain. (He lived, but lost sight in one eye). The man who was brought in with his brain exposed—he had flown through the windshield and struck a phone pole, hitting a metal step that ripped off the top of his skull. (He lived, too, but three years later he does little more than sit in a chair, look out his window, and rock.) The beautiful young woman who caught the gearshift with the corner of her mouth; it ripped upward to just underneath her eye. (Plastic surgery has helped a great deal.)

Even tough hospital veterans shudder when they talk about unbelted mothers with young children on their laps, and how often the parent survives because the child is crushed.

Everyone Pays. Montebello Rehabilitation Hospital in Baltimore, the state's main rehabilitation center, usually has about 20 car-accident victims in its two trauma sections. I asked if any of those had been wearing seat belts. "Some were," said 36-year-old Gail Ulrich, who had spent more than a year on the mend there. "But they usually say that without the belt they'd be dead."

Ulrich was one of the lucky ones. Other victims will never be the same again.

You see them as you walk from room to room. The mother saying to her son, curled up like a fetus, "If you can hear me, squeeze my hand"; the newly blind hairdresser; the paralyzed phone repairman; the musician who will never speak; the basketball coach who only stares.

Some drivers insist that it's their own business if they choose not to wear a seat belt. They're wrong. Of the 35,000 severe brain injuries caused by auto accidents each year, most could have been prevented by seat belts. Lifetime care for a severely brain-damaged patient costs an average of $4 million. It is now estimated that deaths and injuries that could have been prevented by proper seat-belt usage cost society as much as $6 billion a year. Most of that is borne by the public, in either insurance premiums or taxes.

After ticketing Roger Moore for leaving his child unbuckled, trooper John Burton thought no more about the incident. Then a week later, a fellow officer pulled the ticket from his own pocket. He had found it in the glove compartment of a car wrecked in Bel Air, Md., just 19 minutes after Burton had issued it. The boy, strapped into his seat, received only minor injuries.

He will never see his father again, however. While Moore had taken the time to fasten his son's seat belt, he had failed to buckle his own.

HOW LONG WILL THEY WAIT?

Despite the overwhelming evidence that mandatory seat-belt laws save lives, 17 states still do not have such laws in effect. They are:

Alabama, Arizona, Arkansas, Alaska, Delaware, Kentucky, Maine, Massachusetts, Mississippi, Nebraska, New Hampshire, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, and Wyoming.

Some states listed above currently have seat-belt legislation pending. West Virginia, Georgia and Oregon's mandatory laws go into effect July 1, 1988, September 1, 1988, and January 1, 1989, respectively.

HOUSE CONCURRENT RESOLUTION 262: DON'T RUSH OUR EFFORTS

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. HAYES of Louisiana. Mr. Speaker, the Department of Transportation is in the process of completing its investigation of Texas Air management and its plane-by-plane inspection of Eastern and Continental Airlines. This inspection, which is unprecedented in Federal aviation history, was prompted out of concern that Texas Air and its subsidiary airlines are not operating in a safe manner. I support the Department's efforts to ensure that our Nation's commercial airlines are safe to fly and have even cosponsored House Concurrent Resolution 262.

I am concerned, however, that congressional attention to this investigation in the form of House Concurrent Resolution 262 may cause unnecessary duplication of the DOT's investigation activities. Therefore, I urge my fellow cosponsors to pause before bringing this measure to a floor vote until the completion of the DOT investigation. By so doing, we can assure that Congress will neither interfere with the present investigation nor approve legislation that is redundant in purpose and scope.

THE INF TREATY: ARE WE FOOLS AGAIN?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. CRANE. Mr. Speaker, as my fellow colleagues consider House Resolution 422, a bill that would express the House of Representatives support for the Intermediate Range Nuclear Forces [INF] Treaty between the United States and the Union of Soviet Socialist Republics, I ask one question:

For years we have been signing treaties with the Soviet Union only to have them used as vehicles of manipulation. A country that devotes 17 percent of its gross national product on military expenditures and exports terrorism all over the world, including our very own backyard, must be dealt with carefully. A close examination of this treaty would reveal many flaws, even to the casual observer.

Initially, this was a treaty for treaty's sake. It was a rushed project under the constraint of time to ensure a successful summit between President Reagan and Mikhail Gorbachev. I ask why do we need to sacrifice the security of your family, my family and the entire free world to promote a treaty that is politically motivated. This treaty would not reduce a single warhead for only the rockets themselves would be eliminated. The worst part of this whole treaty process, is that the proposed Strategic Arms Reduction Treaty [START] is being processed in the same fashion. The end result of all these treaties is substantially less strategic defense capability.

Let us take a look at some plain truths about the INF Treaty which can only reiterate that it is ill-conceived and undersirable. The most talked about problem, and rightfully so, is the topic of verification. No one knows how many SS-20 missiles the Soviets have in their arsenal. Experts differ on the number of missiles they actually have. The Kremlin admits to possessing a little over 600 of the medium-range SS-20's. There are some experts who believe that this figure is much too low and put the figure closer to 2,000. One fact remains constant, Moscow has not deployed all of the SS-20's and where they are stored, no one knows.

Furthermore, there are the continuing questions on the ability to trust the intentions of Mr. Gorbachev and the Soviet Union. They have violated every major arms control accord negotiated with the United States. It abrogated the antiballistic missile [ABM] with the Kranoyarsk radar complex. It deployed SS-25 missiles in contravention of the SALT-II covenant. The Politburo also breached the provisions of SALT-I, the Threshold Test Ban Treaty, the Limited Test Ban Treaty, and the Biological Weapons Convention. With this record, what makes us actually believe that Moscow will honor this treaty?

And what about our North Atlantic Treaty Organization [NATO] allies that have the umbrella of U.S. nuclear protection. When we pull out the Pershings and cruise missiles, there is no protection from a conventional war with the Soviets. Our NATO forces will be at such a disadvantage, Europe would be lost. The Warsaw Pact has 52,200 main battle tanks while NATO has 22,000. It has 46,000 artillery pieces, against our 13,700.

They have 25,800 mobile infantry combat vehicles to our 4,200 and along with the 1,630 armed helicopters, we have only 780, the number superiority is clearly in their favor.

It is without any reservation I urge that the ratification of the INF Treaty be halted. Why do we want to put the freedom and security of the free world in jeopardy by appeasing the Soviet Union's desire to "rule the world." In closing, I submit the now famous poem that was found in the Soviet Communist Party newspaper Pravda that so eloquently explains the Soviets' intentions.

[From the Washington Times, Apr. 6, 1988]

POETRY OF DECEIT

Official Soviet attitudes toward the problem of verifying the elimination of mobile missiles under the INF Treaty appeared several days after the pact was signed on Dec. 8, when the Soviet Communist Party newspaper Pravda published a poem indicating that SS-20 mobile nuclear missile forces—the main Soviet system to be eliminated—will be difficult to detect with spy satellites.

Titled "Meditations from the Starting Position," it goes:

A march of a missile division
was occurring along
a nocturnal, snowbound road,
past sleeping villages,
blizzard-smitten fields,
through forests and clearings,
over icy lakes, and rivers,
shaking the earth,
the column is rolling on,
heavily filing the ground . . .
It is sinking into the wilderness,
into nature, an itinerant military unit,
changing its environment,
unknown to the enemy . . .
It is futile to seek it from space,
to grope for it with radar rays.

EXEMPLARY PROGRAM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. LEVINE of California. Mr. Speaker, I would like to share with my colleagues an article from the Santa Monica Evening Outlook which describes an exemplary program that has been undertaken by G.D. Searle and Co. It will provide free cardiovascular medication for heart patients who are unable to afford the drugs they need to control their conditions. In a more limited program last year, that firm donated the antihypertensive drug Calan to 20,000 patients at the cost of about $4 million. This year, the program has been expanded to include seven of Searles most widely used cardiovascular medications.

I am pleased that the Venice Family Clinic has received $25,000 in coupons for Searle products and wish to commend that firm for making this lifesaving medication available to those of my constituents who might otherwise not be able to afford proper treatment.

Mr. Speaker, I ask unanimous consent to include in the RECORD a copy of an article about this important program and commend it to my colleagues attention.

VENICE CLINIC GIVEN HEART DRUG COUPONS: COMPANY OFFERS FREE MEDICATION

(By Rick Cziment)

The Venice Family Clinic received $25,000 in coupons for free heart medication Wednesday as part of a pharmaceutical firm's campaign to make the drugs available to poor people.

The drugs involved, manufactured by G.D. Searle and Co., are widely used in controlling high blood pressure, angina and irregular heartbeats, among other problems.

They include Calan, Aldactone, Aldactazide, Norpace and Nitrodisc, said Dave Gleason of Searle.

Under Searle's $1 million national program, physicians who determine their patients need those drugs give out coupons, which are filled for free at pharmacies.

Although the price varies with the drug and dosage, Gleason said that an average daily dose of Calan, which is used to treat high blood pressure, costs about $25 a month.

That amount is beyond the means of many patients, said Fern Seizer, director of the Venice clinic. The clinic, located at 604 Rose Ave., sees more than 10,000 patients annually, about 10 percent of whom suffer chronic ailments that may require the donated medications.

"We have an increasing number with chronic problems like hypertension and heart disease," she said. Ninety-four percent of the clinic's patients are considered indigent, she added.

"We have to give them the medication for free, because they couldn't afford the over $20 a month cost, and the problems (they suffer) can be life-threatening," Seizer said.

Also receiving donations from Searle were the Martin Luther King-Charles Drew Medical Center in Los Angeles, and clinics in West Covina and Coschella, Gleason said.

CONCERN FOR CHRISTIANS IN THE SOVIET UNION

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. McEWEN. Mr. Speaker, as a member of the Congressional Human Rights Caucus, I urge my colleagues to cosponsor House Concurrent Resolution 223, legislation which expresses the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians in celebration of the millennium of the Christianization of Kievan-Rus. As a cosponsor of this legislation I can think of no better time, with the Moscow summit only weeks away, to send a strong bipartisan message to General Secretary Gorbachev about our concerns for imprisoned Christians in the Soviet Union.

As many of my colleagues know, the Soviet Constitution guarantees religious freedom. However, since the days of Lenin that right has been consistently trampled upon by one Soviet dictator after another in a conserted effort by the Communist Party to end all forms of religious practice in favor of atheism. International agreements have similarly been tossed aside. The Helsinki Final Act, which the Soviet Union signed and pledged to uphold, obligates the signatory to "respect * * * freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." Their adherence to this historic human rights document has become a laughing stock to those Christians living under the specter of the hammer and sickle.

For one such Christian, Father Alfonsas Svarinskas, the battle for religious liberty has gone on for over 40 years. Father Svarinakas is a leader of the Catholic Church in Vidukle, Lithuania, and a founding member of the Catholic Committee for the Defense of Believer's Rights. He is presently serving his third, 7-year term in a Soviet labor camp for "anti-Soviet agitation and propaganda." First arrested in 1946 "for having connections with Lithuanian nationalists," Father Svarinskas has since spent roughly two decades in various Soviet labor camps. In January 1983 he was arrested for the third time and sentenced to 7 years confinement in a strict regime camp as well as 3 years exile.

The years of gulag imprisonment have taken its toll and he is in very poor health. Father Svarinskas not only suffers from high blood pressure and tuberculosis, but salt deposits in the small of his back make it difficult for him to sit or bend over. In addition, he has a painful skin disorder on his face and his ears are covered with bleeding ulcers. Not surprisingly, he receives no medical treatment.

Today, I call upon my colleagues to cosign a letter I am sending to General Secretary Gorbachev urging the release of Father Svarinskas. It is my sincere hope that with the upcoming Moscow summit between President Reagan and General Secretary Gorbachev, his release can be expedited so that he may join his family.

H.R. 4514: HELP SMALL BANKS REMAIN ON CASH ACCOUNTING

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, last week I introduced H.R. 4514 in order to clarify that small commercial banks may continue to use the cash method of accounting for income tax purposes, under section 448(c) of the Tax Reform Act of 1986.

Section 448(c) provided that any business entity with up to $5 million of annual gross receipts may continue to use cash accounting for tax purposes. There was no indication in the statutory language or legislative background of that section that Congress intended to exclude any entity that meets the under $5 million gross receipts test, and therefore small commercial banks should be able to rely upon that provision as a basis for using cash accounting.

A problem arose, however, because language in a subsequent part of the Tax Reform Act of 1986, in sections 1281 and 1282, requires that all banks accrue daily the income from stated interest on their short-term loans. If applied to small banks, that requirements makes it untenable to remain on the cash method because the bank would be accruing interest income on those loans prior to being able to offset interest expenses on the deposit funds used to make those loans. The resulting imbalance of income and expense is particularly serious for smaller banks, because a large percentage of their total assets is often composed of short-term loans that mature in 1 year or less.

The discrepancy created by Congress between section 448(c) and sections 1281 and 1282 was, by all indications, inadvertent. In fact, the legislative background shows that the original provision dealing with accruals on short-term obligations, in the Deficit Reduction Act of 1984, was intended to require the daily accrual of the market discount on such short-term obligations as Treasury bills that mature in 1 year or less. The record indicates that Congress was concerned that taxpayers using the accrual method should be required to accrue this income due to the high interest rates at the time and the concern that taxpayers were making leveraged purchases of such discounted obligations at year-end to achieve tax deferral. The 1986 amendment to this provision, sections 1281 and 1282, broadened the provision to include interest on short-term obligations, regardless of whether the interest is stated or is in the form of acquisition discount or when the interest is paid. However, such loans made by banks, especially small banks in the ordinary course of their business are not the type of loans that create the abuses to which the special legislative provision for short-term obligations was addressed. And under section 448, larger banks with average gross receipts of more than $5 million are required to use the accrual method.

Consequently, the small banks under $5 million of gross receipts that are on cash accounting for tax purposes are caught in a catch-22 situation that truly appears to be due to an oversight in the law, an oversight that can be corrected without reopening any abuses that Congress intended to close off. Many small bankers who have contacted me have just been presented by their accountants with an artificially high tax bill because of their inability to offset interest income with interest expense, when they follow a strict interpretation of sections 1281 and 1282. Many of the banks have been advised to extend their 1987 tax returns in the hope that Congress will clarify this issue.

I believe that Congress in section 448(c) of the Tax Reform Act of 1986 made a commitment to the small banks identical to the commitment to other small businesses under $5 million gross receipts that they may continue to use cash accounting. To honor that commitment, we should now make the technical change in the Tax Code so that the interest accrual provision will not apply to those small banks who are on cash accounting with respect to short-term loans that are made in the ordinary course of the bank's trade or business. That is what my bill is designed to do.

I hope that we can correct the situation now, so that we don't prolong the confusion for this group of small bankers. I urge you to cosponsor H.R. 4514.

TEXANS SUPPORT THE SSC

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. BARTON of Texas. Mr. Speaker, I would like to share with you and our House colleagues a resolution recently passed by the Texas Municipal League in support of the building of the superconducting super collider (SSC). The Texas Municipal League has more than 1,000 member cities in the State of Texas.

Resolutions of support for the SSC, similar to the one here by the Texas Municipal League, are being passed by dozens of local governments and organizations in Texas. From the corporate boardroom to the county courthouse, from the Capitols in Austin to Washington, Texans are united for the SSC.

TEXAS MUNICIPAL LEAGUE—RESOLUTION

Whereas, the proposed superconducting super collider (SSC) is a high-energy research particle accelerator that, when completed, will be the largest and most ambitious scientific project ever constructed in the world: and

Whereas, as designed, the facility will be located between 30 and 200 feet below ground and will consist of a circular tunnel 10 feet in diameter and 53 miles in circumference; and

Whereas, total federal government expenditures to build the facility will be $4.4 billion, with an annual operating budget of over $275 million; and

Whereas, Texas is one of seven state finalists for this project which will create at least 4,500 jobs during the six to nine year construction phase and roughly 2,500 positions will become available once the facility is fully operational; and

Whereas, Texas is the home of great public and private universities and colleges, which can readily provide much needed expertise for the project and capable resources to accelerate off-shoot research and development that will be of great benefit to this country; and

Whereas, Texas is recognized for its support of high technology industries as evidenced by the location of MCC and Sematech; and

Whereas, Governor Bill Clements, the Texas Legislature, the National Research Laboratory Commission and the people of Texas remain committed to providing whatever support is necessary to the success and timely advancement of the SSC project, including authorization of a $1 billion package consisting of revenue and general obligation bonds, which would be used to finance activities relating to the research facility being located in Texas;

Now, Therefore, be it Resolved that the Board of Directors of the Texas Municipal League, representing 1,000 member cities, strongly encourages the Texas Congressional Delegation to fully support federal funding of the Superconducting Super Collider project.

Passed and approved at Austin, Texas this 7th day of April, 1988.

Attest:

TED C. WILLIS,
Executive Director.

Approved:

THOMAS SHAPIRO,
President.

MENTAL ILLNESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 11, 1988, into the CONGRESSIONAL RECORD:

MENTAL ILLNESS

Mental illness is widespread in the United States. Two million seriously ill persons reside here; an additional 27 million persons have less serious mental illnesses which also require treatment. That means that more than 10 percent of all Americans suffer from some kind of mental illness, making it one of our most serious health problems. Fewer than one million mentally ill persons are in institutions. The others are in communities where their needs are sometimes met, but often neglected.

Mentally ill persons suffer from a variety of ailments, such as depression, paranoia, and schizophrenia. Some mental illnesses are caused by chemical imbalances which affect the functioning of the brain; the causes of others are unknown. Mental illness differs from mental retardation, which is usually caused by a genetic disorder or brain damage at birth. The cost of mental illness is high; an estimated $73 billion a year, including care in public and private institutions, income assistance, and loss of time from work. Families and friends who take responsibility for the mentally ill often suffer a heavy emotional toll that cannot be measured in dollars.

Treatment of mental illness has gone through several stages. A diagnosis of mental illness was once cause for automatic, and often permanent, commitment to an institution. As recently as forty years ago, the most common response to mental illness was placement in a mental hospital, where actual treatment of the patient's illness left much to be desired. Committing a person to a mental hospital was easy, and sometimes abused. Mentally retarded persons and those with little-understood diseases like epilepsy were often put in institutions for the mentally ill. In the 1950s and 1960s, widely documented abuses in state mental hospitals and advances in drug therapies led to significant changes in the treatment of the mentally ill. Many were discharged from the institutions; their civil rights were emphasized. States passed laws making it more difficult to have a person committed, which sometimes meant that seriously ill persons could not be hospitalized even if relatives or others familiar with the person thought it advisable.

Today some states are changing their laws again, and allowing hospitalization of persons who are determined to be "gravely disabled," rather than meeting the stricter standard of "posing an immediate danger." Feelings run strong on the advisability of these commitment laws. The rights of the mentally ill person must be balanced against the possibility that the patient might harm himself or others.

Most mental health professionals now agree that commitment to an institution should be the last resort, to be done only when strong family and community support is insufficient. In 1963 the Congress enacted the Community Mental Health Centers Act, which favored the deinstitutionalization view of the late 1950s and early 1960s. The problem was that essential ingredients of good treatment for the mentally ill were missing from the requirements of the Act. The original intent was that patients coming out of hospitals would be referred to community mental health centers, where follow-up care and support services would help them function in the community. But there were not nearly enough centers or services to help the people being discharged from the hospitals. This lack of essential services has contributed to problems such as homelessness. A large percentage of the homeless are mentally ill.

Without community-based treatment and support for the mentally ill, deinstitutionalization will not work. The chronically mentally ill need supervision to ensure continued medication; many need financial support and help with basic tasks like finding housing and applying for jobs and benefits. The patient has a much better prognosis if he or she is welcomed into the community and made to feel a part of it. Lack of public acceptance of the mentally ill makes it more difficult to restore these persons to useful lives. Communities across the country are working to develop community mental health centers that will help local persons who are mentally ill to receive the help they need in their community rather than in the less hospitable mental institution.

The federal government plays a limited, but important, role in addressing the needs of the mentally ill. The federal government spends some $6 billion every year on research, and on Medicare and income assistance for the mentally ill. The National Institute of Mental Health, for example, is an important center for research into the causes and treatments of mental illness. It supports training for researchers and clinical workers such as psychologists. The Institute also funds the Community Support Program, which works with states and localities to provide comprehensive community services for the chronically mentally ill.

The Congress is currently examining ways to provide more support for efforts to treat mental illness in the community. It is wrestling with difficult policy issues: How should mental illness be defined? What is the appropriate treatment? How much will it cost? What level of government should bear the cost? Although outpatient coverage of mental health services under Medicare was recently expanded, such coverage is still much less extensive than for other types of illness. Medicare pays for unlimited hospitalization of mentally ill persons, a benefit which helps relatively few persons but is very expensive. Recent Congressional hearings indicate that even with the large sums of public and private money being spent each year, services are frequently ineffective because they are the wrong treatment or are poorly managed.

As our knowledge of mental illness is growing, so is our ability to treat it. With the understanding and support of each of us, and the support of community centers, many of the mentally ill will not only be treated less expensively, but they will be happier and more productive.

PERSONAL EXPLANATION

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. TRAXLER. Mr. Speaker, because of important official business in my district on May 10, I was unable to be present for the vote on H.R. 4445, the Terrorist Firearms Detection Act of 1988. Had I been present, I would have voted for this legislation.

I feel that H.R. 4445 addresses the issue of future, nonmetallic firearms that might have been undetectable by airport detectors. Also, since this bill does not impose restriction on any existing firearms, it does not infringe upon the rights of anyone who already owns a firearm with some plastic parts.

WORLD POPULATION AWARENESS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. GEPHARDT. Mr. Speaker, the rate of growth of the world's population is a matter of concern to all of us. The number of people inhabiting our planet is now 5.1 billion. By the year 2000 it will be more than 6 billion. In fact, fully 92 percent of this growth is taking place in the poorer nations of the Third World, where it means that the great majority of new human beings are being born into deepening poverty.

Specific comparisons make this point even more starkly. Ecuador is nearly twice the land area of the State of Missouri with almost twice the population. But that is where the similarity ends. Missouri has a stable population and it will take more than 100 years to double at current growth rates. Ecuador's population, on the other hand, is growing at 2.8 percent annually, meaning that its population will double in 25 years. The result is massive upheaval in Ecuador that undercuts economic development and could endanger its democratic institutions. Put simply, developing nations, like Ecuador, cannot continue to have rapid population growth without dire consequences.

The Governor of Missouri, John Ashcroft, recently issued a proclamation focusing on the consequences of overpopulation and declaring "World Population Awareness Week" in Missouri. I am pleased that the citizens of

Missouri are focusing attention on the overpopulation problem, and I want to insert the text of Governor Ashcroft's proclamation in the RECORD for all to see.

PROCLAMATION

Whereas, the world's population has reached 5 billion and is growing at the rate of 87 million a year; and

Whereas, rapid population growth may cause or intensify a wide range of problems in the developing world; and

Whereas, it is appropriate that we reflect on the consequences of overpopulation:

Now, therefore, I, John Ashcroft, Governor of the State of Missouri, do hereby proclaim April 17-23, 1988, as "World Population Awareness Week" in Missouri.

DR. FAZLUR RAHMAN KHAN—A GENTLE GIANT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. CRANE. Mr. Speaker, on May 20, 1988, structural engineers will honor the work of the late Dr. Fazlur Rahman Khan, preeminent structural engineer, with a reception celebrating the arrival of the Khan Sculpture to Chicago. The sculpture was commissioned by the Structural Engineers Association of Illinois [SEAOI] in honor of Dr. Khan's great contribution to structural design, as well as his leadership and humanistic concerns for a better world.

Dr. Khan is best known as the developer of the innovative tubular design structural system for tall buildings, incorporated with spectacular success in the 100-story John Hancock Center and the 110-story Sears Tower, both in Chicago. Dr. Kahn's tubular designs were innovative in a number of ways: They provided greater wind resistance and increased flexibility in the planning of interior space, while boldly making the structural system the keynote of the exterior design. Using principles designed by Dr. Khan, it is now possible to design and construct more efficient buildings, which use less structural steel and reinforced concrete than in the past. The traditional idea of the union of architecture and engineering was revived by Dr. Khan, who was truly a master in merging art and technology by expressing the function of structures.

Dr. Khan accepted the principle of bigness, believing that if population density decreed a need for tall buildings, it was the responsibility of architects and builders to make giant skyscrapers socially functional. In 1972, after receiving the Engineering News Record prestigious Construction Man of the Year award, the gentle giant stated,

> I don't look at my work as personal goals, but I look at it as something that I enjoy and something that has social value.

I commend Dr. Kahn, the SEAOI, and all structural engineers, for their art has provided the world with its greatest monuments to modern technology, as exemplified by our bridges and our cities' skylines.

KENTUCKY DERBY WINNERS WINNING COLORS, GENE AND JOYCE KLEIN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. LEVINE of California. Mr. Speaker, today I rise to congratulate Winning Colors, who lived up to her name Saturday when she beat out all the competition at Churchill Downs, and her owner Gene Klein. As the third filly to win the Kentucky Derby in its 114-year history, Winning Colors deserves the highest praise for her fine performance.

Winning Colors led the Derby from wire to wire and was never seriously challenged by any other horse—a clear indication that she was far and away the best horse on the track. If you ask her trainer Wayne Lukas, he'll tell you she's the best horse in the country. After Saturday's race, it would be hard to argue otherwise.

I would also like to take this opportunity to congratulate the human part of the team, beginning with my good friend Gene Klein, owner of this fine horse, and his lovely wife Joyce. In the many years that Gene has been involved in sports, few moments could come close to being in the winner's circle at the Kentucky Derby. Although he only became involved in horse racing 6 years ago, Gene certainly has shown an aptitude for the sport. It is a rare privelige to be the owner of a Derby winner; of the 50,000 or so horse foaled each year, only one 3-year-old can win the Kentucky Derby. Two summers ago, Gene bought the yearling who would take this year's prize.

Gene's commitment to winning was demonstrated during the time he owned the San Diego Chargers Football Team. During that period the Chargers consistently posted winning records and developed a well deserved reputation as one of the toughest, most innovative teams in football. Professional football suffered a great loss when Gene sold the Chargers and went on to other endeavors.

Wayne and Jeff Lukas, Winning Colors trainers, and Gary Stevens, her jockey deserve a lot of the credit for her outstanding run. Without their confidence in her ability and their skillful training and riding, Winning Colors could not have excelled as she has.

Mr. Speaker, I ask my colleagues to join me in congratulating Gene and Joyce Klein and her winning team and in wishing them the best of luck in the remaining races of the triple crown.

HENRY DWIGHT: REPRESENTATIVE IN CONGRESS TO THE RESIDENTS OF WESTERN MASSACHUSETTS FROM 1821-31

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. CONTE. Mr. Speaker, I rise today with another installment in my series of profiles on former Members of Congress from what is now known as the First District of Massachusetts.

After completing his undergraduate studies at Williams College, Henry Williams Dwight passed his bar and began practicing law before being elected to the U.S. Congress in 1821 where he served for 10 years. However, his most significant contribution to the history of Massachusetts may well have been his efforts to prevent Williams College from moving to Amherst.

Henry Dwight was born to Henry and Abigail Welles Dwight on February 26, 1788 in Stockbridge, MA. His father, a well-respected member of the community and a soldier in the Continental Army, commanded a brigade of Massachusetts militia at Lake Champlain in the second French war. Young Henry Dwight continued in the family's military tradition as an advisor to General Whiton in the War of 1812.

In 1815, much of the attention of Berkshire County was focused on the future of the fledgling Williams College. Seven years earlier the college's first president Ebenezer Fitch, had retired from his post and those concerned about the young college were worried for its future. Many suggested that the only solution to the feared demise of the institution was to move it from its home in Williamstown to a more centrally located town.

The citizens of Northampton and Stockbridge tried to capitalize on this growing sentiment by offering to pay the school to move to their towns. However, the strongest advocate of removal, Reverend Packard, demanded that the college be moved to Amherst—home to Williams College rival Amherst College.

Fearing the imminent removal of the college the people of Northern Berkshire County appealed to their representative in the State House of Representatives, Henry Dwight. Mr. Dwight ably presented the case of the people of Berkshire County before the legislature and the college remained in Williamstown. Had it been any other way, the healthy distance between rivals Amherst College and Williams College may have become uncomfortably close.

In 1821 Henry Dwight was elected to the U.S. Congress from what was then known as the Seventh District of Massachusetts. His sharp legal mind was immediately recognized by his colleagues and he received important committee assignments during his five successive terms. By his fifth term he was the third ranking member of the powerful House Ways and Means Committee.

Yet, despite his long service in the Congress and the fact that his brother, Edwin, authored a history of Berkshire County, Henry Dwight's work in the Congress is given only passing mention in the history of that institution. The official recorder's notes from the era show us a man who eloquently defended many causes on the floor of the House. But, the records also show that he was a man who was not known for any particular initiatives.

However, one of Mr. Dwight's private interests was importing special breeds of sheep and cattle. As did many residents of Berkshire County, including many of his predecessors in the Congress, Henry Dwight tended a small herd of sheep. In fact, he was one of this country's first importers of merino sheep and Devonshire cattle.

In 1937 he retired from his law practice in Stockbridge, MA and retired from his position as a trustee of Williams College. He then move to New York City where he lived until his death on February 21, 1845.

While he did not use his position as a Member of Congress to alter the course of the Nation's history, in his farming and in his strong opposition to Williams College's removal, Henry Dwight clearly left his mark in the Berkshires—and he helped nurture a rivalry.

IN HONOR OF BOBBIE McLAUGHLIN'S 50TH BIRTHDAY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. DIXON. Mr. Speaker, It is a privilege to take this opportunity to express my sincere congratulations to a dear friend on the occasion of her 50th birthday. Bobbie McLaughlin will celebrate her "golden anniversary" on May 14, and celebrate with family and friends on May 15, 1988.

Bobbie has been a loyal and trusted friend since 1971, and has served as a member of my assembly and congressional staffs since 1973. Bobbie is known for her sharp wit, great insight, and warm sense of humor. She has been a tremendous asset to my work and has helped thousands of people cut through red tape and solve problems with Government programs. Her patience and perseverance have made the difference for so many people.

Bobbie is also the proud mother to two wonderful sons; Hugh and Ian, and the just as proud mother-in-law of Hugh's wife, Linda. My life has been made richer because of our years of friendship, and I am pleased to share my congratulations for this wonderful friend on her 50th birthday.

A TRIBUTE TO NATIONAL POLICE MEMORIAL DAY

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. SAWYER. Mr. Speaker, this week communities across our Nation are paying tribute to police officers who have given their lives in the line of duty. These tributes will culminate in a national observance on National Police Memorial Day, Sunday, May 15.

I am grateful to have this opportunity to pay tribute to the police officers of the 14th Congressional District of Ohio. Like officers across our Nation, they are committed to a demanding but valued career which tests the strength, endurance, and courage of men and women like the ones we are remembering this week.

It is fitting that we come together as a country to honor police officers. It is even more important to remind ourselves of their sacrifice on this special day so that every day we come to appreciate the work of their colleagues throughout the year. Their record has earned the pride and respect of the 14th Congressional District, the State of Ohio, and our Nation as a whole.

I know that I speak for our entire Nation when I say that our thoughts are with the families, friends, and colleagues of those police officers whom we honor with lasting gratitude for their heroism. This dedication to public peace and equal justice under law is the practical foundation for real freedom in our democracy.

In conclusion, I hope that each of my colleagues will join me in paying tribute to National Police Memorial Day by honoring those police officers who have bravely dedicated themselves to improving the condition of our lives together.

GLEN ELLEN—A SPECIAL TASTE FOR MARKETING

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. COELHO. Mr. Speaker, innovation is the key that has kept our Nation at the forefront of the international economy over the last century and a half. Recently an article appeared in the Los Angeles Times that proves, despite the claims to the contrary of some observers, the spirit of innovation is still alive and well in the United States today. This article discusses the outstanding successes of Bruno Benziger and his Glen Ellen Winery.

Bruno Benziger bought Glen Ellen Winery in 1980, at a time when the domestic market was already flooded with wine. In 1981 Mr. Benziger, working with his sons, produced his first vintage—a Chardonnay and a Sauvignon blanc that won the top two awards at the Sonoma County Harvest Fair. The Benziger's innovation and success lies in their pioneering of low-priced premium wines. That same year they mixed bulk varietal wine, bottled it under the Glen Ellen Proprietor's Reserve label, and were able to market a premium wine at about half what other wineries were charging at the time.

Now low-priced premium wines account for 15 percent of all California wine sold in the United States annually, and for 25 percent of California wine revenue. Other wineries have entered this lucrative field, but Glen Ellen remains the leader even today. The winery's success has astounded even the Benzigers. From the 6,450 cases Glen Ellen sold in 1982, the winery has multiplied its sales over 200 times in the last several years and sold 1.5 million cases in 1987.

Mr. Speaker, I would like to commend Bruno Benziger and his family for their innovative marketing techniques that have helped to revitalize the California wine industry. I have no doubt that Glen Ellen Winery will continue to set new records for sales and growth under Mr. Benziger's wise leadership, and in recognition of his achievements, I ask that the article from the Los Angeles Times be reprinted here in the RECORD.

[From the Los Angeles Times, Apr. 6, 1988]

GLEN ELLEN—A SPECIAL TASTE FOR MARKETING

(By Bruce Keppel)

GLEN ELLEN, CA.—After a long day of making the rounds of major San Francisco Bay Area retailers who sell his family's wines, Bruno Benziger stepped into the cool interior of the 120-year-old ranch house that serves as home of Glen Ellen Winery and accepted a glass of Sauvignon blanc.

"I didn't see any Scotch around," Benziger confided later, disclosing, a bit sheepishly, his beverage of preference.

Loyalty may be a factor in Benziger's lingering liking for imported whiskey in the heart of Northern California's wine country. After all, Scotch fueled the first Benziger fortune, made while a partner in Park-Benziger, a New York importer of wines and spirits established around the turn of the century. "Bruno, you know, was the first to import bulk Scotch for bottling in this country, reducing the excise tax on it," explained Jon Fredrikson, president of the San Francisco wine consulting firm of Gomberg, Fredrikson & Associates. That saved consumers about $1 a bottle.

Today, however, it is wine—not Scotch—that is creating a new Benziger fortune.

But the success in both cases stems from an alertness to consumer demand that has been as rare in the wine business as was bargin-priced Chardonnay until the numerous members of the Benziger family pulled up their White Plains, N.Y., roots and sunk them in this Sonoma County hamlet barely seven years ago.

"Glen Ellen Winery is run by some very astute people who know the market very keenly," Fredrikson said.

The Benziger family—five children are in the business and two remain in school—may have been new to wine production, but it has a long tradition in marketing wine and spirits. And they had the good fortune to enter the field at a time when California was brimming with more varietal wines than the existing market could consume.

"There was an ocean of wine out there," recalled eldest son, Michael, 36, who persuaded his father in late 1980 to buy the overgrown Glen Ellen property at the end of Jack London Ranch Road and who now serves as the partnership's general manager. Nobody wanted the bulk wine, he recalled, but Bruno Benziger—the veteran marketer—quickly saw an overlooked sales opportunity. "Give me something to sell!" Michael recalled him saying.

"You've got to watch the price points in the market," Joe explained. "After all, people don't need to buy wine, and there's always a price point where you'll turn to something else."

And the reverse, the Benzigers were to find, is also true.

In 1981, using an improvished winery and the best grapes available on their property's vines, the Benzigers produced their first wines. These were estate-bottled 1981 vintages of Sauvignon blanc and Chardonnay that astounded the wine world (not to mention the Benzigers) by winning the top two prizes at the 1982 Sonoma County Harvest Fair. Then, while completing a permanent winery, the family bought up thousands of gallons of unwanted bulk varietal wine, which was blended, bottled and retailed at nearly jug wine prices under the Glen Ellen Proprietor's Reserve label.

"The estate wines initially put us on the map," Michael Benziger recalled as he walked the steep vineyard recently with a visitor. "Then, almost simultaneously, we came out with the Proprietor's Reserve red and white—the red then was 80% Cabernet and the White mostly French Colombard, but in a very dry style." By 1984, bulk Cabernet Sauvignon and Chardonnay were added to the Proprietor's Reserve program, and Bruno Benziger brought them to market at the unheard of price of $3.50 a bottle—about half the price of the cheapest Chardonnay then available.

"That's when it really took off!" Michael said.

Other wineries—including Fetzers, Sutter Home, Sebastiani and E&J Gallo—have since entered the market for low-priced premium wines, a segment Fredrikson calls "the fighting varietals." But Glen Ellen remains the "clear leader," he said. "They were the pioneer in that category."

From nothing when Glen Ellen introduced the low-priced varietals, the category (defined as retailing for between $3 and $7 per 750-milliliter bottle) last year accounted for 15% of all California wine sold and 25% of the revenue, Fredrikson reported. In contrast, jug wine (retailing for less than $3, often a good deal less) accounted for 80% of the volume sold but only 55% of the revenue.

The payoff for Glen Ellen Winery was almost instantaneous: While the family's business plan called for production of 30,000 nine-liter cases by 1990, by capitalizing on the ready supply of bulk varietals that goal was surpassed within 18 months. From 6,450 cases sold in 1982, sales topped 1.5 million cases last year, according to Bruno Benziger. And the company is running ahead of its 1988 projection of 2.2 million cases sold.

Thus, propelled by mass marketing of the Proprietor's Reserve line and the critical success of its estate-bottled varietals, Glen Ellen Winery achieved in barely half a decade a strong brand and a solidly financed operation.

"We were lucky," the brothers acknowledge. But more than luck was involved since the presence of that "ocean of wine" was no secret, and Glen Ellen's sales continued to grow after the surplus evaporated, demonstrating the winery's ability to adapt.

"We couldn't be at the mercy of the bulk wine market," Michael Benziger explained.

NOT BUYING MORE VINEYARDS

So the family in 1984 began lining up growers to supply Glen Ellen's grapes, and last year the company bought from 270 different producers and used no bulk wine at all. The wisdom of long-term leasing has now become evident in the face of drought-induced shortages of premium grapes that shot prices up 37% in 1985 and another 18% in 1986, the California Department of Food and Agriculture reported last month.

The Benzigers have no intention, however, of imitating some of their neighbors in the Nepa Valley who have been buying additional vineyard acreage to assure adequate future supplies of grapes. "What we do best is blend, bottle and market wine," Michael Benziger said. "We want to stay flexible by not owning properties with big stone wineries on them."

Glen Ellen has also moved to sort out its production of super-premium priced estate-produced wines from the high-volume Proprietor's Reserve program. The latter will move in July to a new winery being built on Highway 121 near Sonoma. Not only will the move head off growing annoyance by suburban residents over the to-and-fro of heavy trucks through their town, but it will save the winery "a dime a case" in shipping costs, Bruno Benziger estimates.

"That's a quarter of a million dollars on 2.5 million cases," he pointed out.

It will also free the overtaxed, 7,500-square-foot winery here to concentrate on the newly relabeled Benziger of Glen Ellen "super-premium" wines, which retail at double-digit prices.

Meanwhile, another fast-growing market segment has caught the Benzigers' interest, sparkling wine made in the traditional French method. The Glen Ellen version, due in 1989, will be produced at Gloria Ferrer Champagne Caves, a 2-year-old Sonoma County sparkling-wine facility built by the Spanish family that owns Freixenet, the world's largest producer of me'thode champenoise sparklers.

But Glen Ellen, Benziger said, will provide the blend. The problem now is to decide—all in the family—what that blend, or cuve'e, should be. There's no lack of opinions, he said.

HOUSE BILL RESCINDS AIR FORCE FLIGHT JACKETS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. RAY. Mr. Speaker, I sponsored in this year's DOD authorization bill, an amendment which will eliminate $5.2 million appropriated but not authorized in fiscal year 1988 for leather flight jackets for Air Force pilots.

The Air Force intended these flight jackets for combat crews as a morale booster, with the overall objective of increasing pilot retention. I am in favor of doing what we can to retain experienced pilots in the Air Force including bonuses and pay increases, but I don't think flight jackets are a contributing factor to pilot retention.

Studies conducted by DOD and the Personnel Subcommittee have shown that most pilots leave service for monetary reasons and family problems encountered from multiple moves and long separations. A leather flight jacket isn't going to do much to help if these are the underlying reasons, and simply serves to deterioate funding for more critical programs.

More importantly, in fiscal year 1988, when the Air Force sliped this $5.2 million into the budget, they didn't have enough money to continue repairing and maintaining their airplanes which will increase their backlogs of maintenance to almost $1 billion.

Funding is so short that they cannot employ the civilian personnel they need to repair the planes, and came up with the idea to furlough 80,000 AFLC employees 4 days at the end of this year. The Air Force is also reducing flying time for combat crews and canceling flag exercises and overseas deployments.

Mr. Speaker, we took the $5.2 million back from the Air Force because it seemed ridiculous to be putting priority on flight jackets, to retain pilots, when the Air Force is not going to have enough money to keep the planes repaired and flying. It is necessary for pilots want to fly, and a more sensible use of that money would have been to put it into accounts where it can keep them flying.

I recently received the attached article which details a few more specifics about the leather flight jacket purchase which I think my colleagues will find interesting. You'll note when you read the article that we aren't even buying American on this one. All around, it's a bad purchase and the timing is terrible. I, for one, am pleased that this year's DOD bill will eliminate the funds.

AN INSIGHT INTO PENTAGONAL PROBLEM SOLVING

(By David Evans)

WASHINGTON.—Buried deep, deep down inside the Air Force's $107 billion budget is $5 million for new flight jackets. The money will buy 53,000 of them, at $98 apiece.

These are not the same jackets the Navy has issued to its pilots in the past few years. Naval aviators wear a cowhide leather jacket, embossed to look like goatskin (the Navy's mascot is a goat).

Air Force pilots will be issued the real thing. Genuine goatskin.

Here's a boondoggle worth looking at, because it provides an eye-opening insight into Pentagonal methods of problem solving.

Air Force generals say they need to issue their guys flight jackets as a "retention incentive."

The Navy issued flight jackets hoping to improve flagging aviator morale, and thereby pilot retention. Nope. Retention dropped through the bilges, from 50 percent to 35 percent, as airline hiring soared to unprecedented levels.

The project does show that when the morale of patriot-pilots is at stake, the American military stands ready to buy foreign goods.

The hides of Texas' Angora goats, according to the manufacturers of the Air Force's flight jackets, are too coarse and too heavy. There aren't enough of the smaller breeds of American goats to supply the 185,500 skins that are required, 3½ per jacket.

No problem. An exemption to the usual Buy-American clause was quickly granted. Air Force pilots will strut their stuff in skins imported from Tasmania, Nigeria and Pakistan.

Too bad America's infantrymen can't defend their hides with foreign weapons.

Last year the Congressional Reform Caucus hosted a big symposium on antitank weapons. All present somberly agreed that America's infantrymen are poorly equipped (or non-equipped) to fight tanks, that the situation is unconscionable and must be fixed.

The Congress, weary of a series of failed Army antitank weapons projects that wasted billions of dollars, directed the Army and marines to buy one of two antitank weapons manufactured by our NATO allies.

The Army and Marines, who don't want to see the money diverted from their pet projects, came back saying these foreign weapons don't meet an obscure Pentagon specification about sensitivity to radio and radar transmissions, which in very rare circumstances can detonate the warhead.

The Army's own TOW antitank missile reportedly doesn't meet the Pentagon requirement, either. Both of the European systems do meet the NATO standard.

America's warlords would rather buy domestic, and let the troops die, unable to fight tanks with the weapons they now have.

The flight jacket gambit provides an even more startling revelation: The Armed Services don't pay the same price for the same product.

The Navy pays less, $95, for its flight jackets. Different skins, different manufacturer.

For weapons, the differences can be much more striking. The Navy and Air Force both buy Sidewinder and Sparrow air-to-air missiles from the same manufacturer. The Navy pays $25,000 more for its Sidewinders, about $130 more per pound than the Air Force. The Air Force spends $40 a pound more for its Sparrow missiles.

In fact, if the Air Force were paying the cheaper Navy price for Sparrows, it could save $11 million.

If the Navy were paying the lower Air Force price for Sidewinders, another $7 million could be saved. That's almost $20 million in savings for just two weapons, with absolutely no reduction in the quantity defending America.

While the armed services spend money for jackets that don't affect the battle, real needs are neglected.

Neither the Navy nor the Air Force flight jackets can be worn while flying. Instead, pilots wear special fire-resistant clothing when they're in the air.

The $5 million about to be thrown away on flight jackets could save thousands of lives in the Navy.

For years, the U.S. Navy has lagged behind the Royal Navy in equipping its sailors with adequate clothing to survive fires, and fight them.

The Navy is belatedly spending a few million dollars to outfit its ships with a new firefighting ensemble, which will allow crews to deal with flash fires, severe smoke and the tremendous heat of shipboard fires (estimated to exceed 2,500 degrees aboard the frigate Stark, hit by an Exocet missile in the Persian Gulf last year).

A Navy spokesman says about two dozen of the $450 suits are being purchased for each ship. Skip the flight jackets; the same $5 million buys life for 11,300 sailors, or roughly enough firefighting suits to double the stockage plan in the entire fleet.

The goatskin caper reveals a defense procurement establishment quite willing to unnecessarily sacrifice goats, soldiers and sailors.

ARMED FORCES WEEK

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Ms. PELOSI. Mr. Speaker, Armed Forces Week celebrations are currently being held in San Francisco. In honor of these events, I would like to enter the following Armed Services Week 1988 Proclamation into the RECORD.

ARMED FORCES WEEK 1988 PROCLAMATION

Whereas the role of the Armed Forces during times of national defense, natural disaster and emergency has been one of preserving the principles of the Constitution and of support to the citizens of this Nation.

Whereas organized around the theme "Securing the Blessings of Liberty," Armed Forces Week '88 is a community sponsored, public service event designed to inform surrounding communities of the importance and benefits of military preparedness. It serves as a reminder of the military's past and continuing contributions to the San Francisco area and will increase overall understanding and mutual support between the various military communities and their respective civilian communities.

Whereas one of only thirteen Department of Defense approved regional sites throughout the country, San Francisco will be represented in a five day Armed Forces Week '88 celebration through a series of interactive events including hi-tech equipment displays and exhibits, health fairs, band concerts, parades, patriotic festivities, opening ceremonies at a San Francisco Giants baseball game and support to the "Bay to Breakers" race.

Whereas this celebration will provide the public with an opportunity to participate in the continuing celebration of the Constitution and to become better acquainted with the Armed Forces.

Therefore, it is appropriate that we acknowledge the significance of the Army, Navy, Air Force, Marines and Coast Guard and their historic connections with the citizens of the San Francisco area during the Armed Forces Week celebration, May 11 to 15, 1988. We encourage all San Francisco Bay Area citizens to join us during these celebrations to honor the men and women who serve their nation in today's Armed Forces by "Securing the Blessings of Liberty."

IRVING BERLIN'S TIMELESS TALENT

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. BOLAND. Mr. Speaker, the great American composer Irving Berlin is 100 years old today.

Living to be a century old is an accomplishment in and of itself, but for this distinguished American, it is overshadowed by a lifetime of magnificent achievements.

Born in Russia and brought to this country as an infant, Berlin's life and work personifies that with which we identify as being American. From humble beginnings on New York's Lower East Side, he became a self-taught musician and composer. His success came from his diligence, his incredible ability to create, and, of course, his remarkable talent.

Berlin has written over 1,000 songs. Many are among the most easily recognized, frequently sung tunes ever. Some have become standards such as "Always," "Easter Parade," and "There's No Business Like Show Business." A few have transcended any measure of popularity, becoming American classics. Without "Happy Birthday," what fun would a birthday party be? Without "God Bless America," the beloved Kate Smith's magnificent voice and repertoire would not have reached so many millions of Americans.

Mr. Speaker, an editorial in today's New York Times nicely and movingly reaches back through the years to pronounce some of Irving Berlin's greatest hits on his 100th birthday. I ask that it be reproduced in its entirety at this point in the RECORD.

IRVING BERLIN, STILL ON THE CHARTS

"Blue Skies" was a show-stopper when Belle Baker first sang it in the musical "Betsy" in 1926. Al Jolson kept it going in "The Jazz Singer." In 1941, a Tommy Dorsey recording made it No. 1 on the Hit Parade. Fritz Kreisler, the concert violinist, recorded it. The commedienne Beatrice Lillie did, too. Willie Nelson's 1978 rendition is still on the charts, a contemporary classic. So is the man who wrote "Blue Skies," Irving Berlin, 100 years old today.

But for a printer's error, there might never have been an Irving Berlin. In 1907, young Izzy Baline, a singing waiter in Chinatown, composed his first published lyrics, for "Marie From Sunny Italy." The sheet music credited I. Berlin. The song is long forgotten. I. Berlin may never be.

"Irving Berlin has no place in American music," Jerome Kern once said. "He is American music." Indeed, some of his tunes are so familiar that a lot of people who hear them today don't know whose they are.

"White Christmas" was an afterthought, written on the spur of the moment to replace another Christmas song he had written for the 1942 movie "Holiday Inn." The unofficial national anthem, "God Bless America," was cut from the score of Mr. Berlin's World War I Army show and not published until Kate Smith sang it in 1939. "Easter Parade" was a flop when it first appeared as "Smile and Show Your Dimple" in 1917, but became a perennial after being reworked in 1933 for "As Thousands Cheer" on Broadway.

Other hits have come and gone, and returned: "Alexander's Ragtime Band," composed in 1911, when Mr. Berlin was 23, became his first hit and remains his most enduring. "Puttin' on the Ritz" offered intricate syncopation that established a musical talent far beyond the merely melodic. The title song of a 1929 movie, it was revived by Clark Gable in "Idiot's Delight" 10 years later, by Fred Astaire in 1946 and by the monster in "Young Frankenstein" in the mid-1970's. A rock musician named Taco introduced it to yet another generation in 1983.

In more than 50 active years, Irving Berlin wrote more than 1,000 songs. He hasn't had any big new songs since the 1960's, but that's hard to notice when so much of what's old is still fresh.

DEBT FOR DEVELOPMENT

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. MCHUGH. Mr. Speaker, today Representative SILVIO CONTE and I are introducing the Debt for Development Act of 1988.

This legislation would implement section 124 of the Foreign Assistance Act of 1961. That provision authorizes the President, on a case-by-case basis, to permit relatively least developed countries to pay back principal and interest on development debt owed to the United States in local currencies. The local currencies would remain available for development purposes in these countries. In certain cases, this provision also authorizes the President to forgive the interest on development debt entirely.

Section 124 was enacted in 1979. To date, however, it has not been used because the law requires Congress to establish a budgetary ceiling on the extent to which the authority can be used and Congress has not done so. Our bill would establish a ceiling of $75 million in fiscal year 1989.

As noted, section 124 is entirely permissive. It does not require the President to adjust the terms of debt owed by relatively least developed countries to the United States, but it would allow him to do so on a case-by-case basis, taking into account the financial situation of the country and the commitment of its government to the development goals of the Foreign Assistance Act.

In short, section 124 provides the President with additional flexibility in addressing the problems faced by the very poorest countries, especially their debt problems.

Mr. Speaker, there is growing recognition that debt has become an important constraint on development in the poorest countries. The impact of the debt crisis is also being felt in the United States. In the debtor countries, an acute lack of foreign exchange has crippled economies that are already fragile. The debt crisis has played a role in restricting essential imports, such as fertilizer and spare parts. It has brought on a dramatic decline in essential government services in areas such as public health and education. It has discouraged investment incentives, restricted food imports, and resulted in lowered income levels, all of which have contributed to increases in malnutrition and hunger.

Third World debt has also been a significant factor in the decline of American exports. For example, the Treasury Department has noted that developing countries were the fastest growing market for United States exports prior to 1981. Between 1981 and 1983, however, U.S. merchandise exports fell by more than $23 billion. According to the Department, more than 65 percent of the loss was in exports to the developing world.

In addition, according to the Joint Economic Committee, at least 20 percent of the decline in U.S. agricultural exports in recent years is attributable to lower Third World purchases. The loss of export sales is not totally due to the debt problem—the strong U.S. dollar played a significant role in the early 1980's—but debt is a major factor. The Overseas Development Council has suggested that up to 1.6 million U.S. jobs may have been lost due to the debt crisis.

It is also increasingly apparent that the very poorest countries will never be able to fully repay the debt they owe. As a result, many of our allies have already taken significant steps to cope with the debt-burden of the poorest countries. For example, Canada recently decided to provide $650 million in debt relief for the nations of sub-Saharan Africa. Japan and West Germany are taking similar steps. To date, however, the United States has been reluctant to come to grips with the problem.

That is why we are introducing this proposal today. We believe it is a modest step in the right direction. It builds on existing law, which is permissive. It does not require adjustment of the terms of debt on an across-the-board basis. It provides only a modest amount of funds to deal with the problem in the very poorest nations. And it links debt relief to a commitment by the debtor government to take appropriate steps to foster long-term development.

As I said, Mr. Speaker, this is a modest proposal. It will not solve the debt problem of third-world nations. However, it gives the President expanded authority to begin addressing the problems the very poorest nations face in a flexible fashion.

AMERICAN POLICY TOWARD PANAMA: QUITE AN ACHIEVEMENT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to inform Members of Congress of a stinging article in the May 7 issue of the New York Times about our foreign policy debacle in Panama, "Hope Fades for Panama's Economy." As the author painfully points out, the effect of economic sanctions has been to demoralize political opposition while solidifying Noriega's hold on the country. Ironically, the President has accomplished exactly what he claimed would arise as a result of the ratification of the Panama Canal Treaties, the political and economic destabilization of Panama.

"We have ruined a healthy capitalist economy, weakened the pro-American middle class and created the conditions in Panama for growing Communist influence," said an American official in Panama. The article highlights the disaster—banks with little or no liquidity, an economy at 40 percent of normal capacity, a construction industry that once provided employment for 30,000, now silent.

Rather than pursue a multilateral approach to the political crisis in Panama, the administration has turned what was a Panamanian struggle into what Latin American perceives as yet another dose of Yankee imperialism. It is time to rethink our unilateral approach and pursue a multilateral one.

Noriega must go, but getting rid of Noriega alone will not solve the problems of Panama. Working with the international agencies, other countries, and the Panamanians themselves, we need to help craft an international economic recovery program for Panama.

As policies are overtaken by events, leaders must find the strength of character to reassess the situation and change accordingly. It is now time to change our policy toward Panama.

I ask that the full text of the article be included in the RECORD following my remarks.

HOPE FADES FOR PANAMA'S ECONOMY

(By James LeMoyne)

PANAMA, May 7.—Anyone interested in seeing how quickly a political crisis can destroy an economy should pay a visit to Panama these days.

After 11 months of political battling and four months of increased American economic sanctions, almost nothing is working normally and most businesses and their former employees are not working at all.

Downtown in the capital, Panama City, child beggars ply the sidewalks in front of empty shops and restaurants, most of which are now closed. There is no longer a morning rush hour because so few people are working. At night the streets are deserted because few have extra money to spend.

Panama's economic slide has been caused primarily by efforts to oust its leader, Gen. Manuel Antonio Noriega, who has been indicted in the United States on drug-trafficing and racketeering charges. Most political observers say that the economy's capacity to spring back depends on whether a lasting solution can be found that will restore faith in the Government.

DOUBTS ABOUT A SOLUTION

But in interviews here, several businessmen, diplomats and local political leaders said they doubt such a far-reaching solution can be found, given corruption within the Army, the military-dominated ruling party and the Government and among business cronies sponsored by the Army.

As the crisis continues, business executives here are concerned that billions of dollars in private capital could be withdrawn from the country for good, and that international banks, trading companies and the educated professional class may be considering leaving as well.

"Faith is the hardest thing to rebuild," an executive at a major concern here said in an interview. "Once it is gone, you can't just bring it back, and right now people are losing faith in Panama."

That gloomy conclusion has spurred a strong debate here over the value of continuing American economic sanctions that have failed to force General Noriega to resign quickly.

RUINED A HEALTHY ECONOMY

Some of those interviewed here argue that although they are painful, the sanctions have to be maintained to eventually force General Noriega out. Others, including some American officials, argue that the sanctions are further damaging the economy with no assurance that they will force General Noriega to go.

"We have ruined a heathly capitalist economy, weakened the pro-American middle class and created the conditions in Panama for growing Communist influence," said an American official here. "You've got to give yourself credit: That's a hell of an achievement for diplomacy."

Five leading Panamanian economists recently published an open letter here arguing that even with a political polution, it will take at least two years to revive the economy. The economists reported that the economy is working at 40 percent of normal capacity and that 25 percent of the work force faces semi-permanent unemployment in the years ahead.

CONSTRUCTION HALTED

The construction industry once provided jobs for 30,000 Panamanians. Today, every construction site in the capital is silent.

Since most people in Panama have little money, few are paying rent, electricity or water bills or buying anything other than food. Most people say they are living on savings.

Political leaders and economists say they doubt that the large international banking community here and the free trade zone in the port of Colón will fully recover from the crisis because, they say, the military regime will not change sufficiently to bring lasting confidence.

International businesses annually generate hundreds of millions of dollars of income and jobs that help give Panamanians one of the highest standards of living in Latin America. They also contribute to a highly educated, professional middle class and a degree of social stability that are rare in the region.

Banks have been closed for several weeks, but are now scheduled to try to reopen next Monday. Most economists, however, believe the banks have almost no funds to loan or to pay depositors. Since no one can get credit, businesses cannot import needed products and farmers cannot get loans to plant crops. Business executives frankly discuss the prospect of bankruptcy.

The working-class slums of the capital, like Chorillo and San Miguelito, are full of adult men who once had jobs. Several businessmen said in interviews that they are paying their employees who have been laid off $20 to $50 a week so their families will have something to eat. But it is a stop-gap measure that they say cannot last.

The Government is barely surviving by paying its employees with checks that banks will honor only for a small portion of their value. They are, however, accepted by some supermarkets—a step that allows Government employees to eat.

INTERNAL CURRENCY

The Government checks have, in turn, become a kind of internal currency, because the Government will accept them as cash for the payment of tax and utility bills.

Business operators say there is a black market in the checks. Government employees sell them for lower than face value to get dollars in return. The buyer can then use the check for its full value to pay his debts to the Government. The American dollar, known here as the balboa, is the local currency.

The Government will eventually go bankrupt, because it is receiving almost no funds to back the checks that it is circulating.

Most economists think the Government is already bankrupt. Two leading bankers say the Government's central bank has an estimated $115 million in bad loans to Government agencies.

REPORTEDLY APPEALED TO LIBYA

General Noriega has reportedly sought cash from Libya to bolster his regime, and a diplomat here said there are unconfirmed reports that the general has also sought cash assistance from the so-called Medellin drug cartel in Colombia.

The Panamanian Chamber of Commerce held its first meeting in several months here on Thursday night. The organization has been a principal source of opposition to General Noriega, and the discussion was emotional.

A real estate broker rose to argue that maybe the time had come to ask the United States to lift economic sanctions. The Chamber of Commerce has strongly backed the sanctions as a way to oust General Noriega.

SAFEGUARD OF DEMOCRACY

Many heads began shaking in disagreement, but there was respectful applause when the real estate agent sat down after saying, "The economic sanctions are destroying the private sector, which is the safeguard of democracy in Panama."

Several business executives said after the meeting that any solution to the current crisis will require between $300 million and $500 million in assistance from the United States to revive the economy.

One executive characterized the amount as "the going rate" for ousting a military dictator these days.

THE BECK CASE

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. KONNYU. Mr. Speaker, the U.S. Supreme Court will soon decide in the landmark Beck case whether or not compulsory union dues collected under the National Labor Relations Act as a condition of employment can be used to support candidates and political causes opposed by dissenting workers.

Twelve years ago, a group of Maryland telephone workers aided by the National Right to Work Legal Defense Foundation filed suit to recover that portion of their dues spent on political, noncollective bagaining purposes they opposed. Led by Harry Beck, the workers argued that forced dues politics violates the National Labor Relations Act and their first amendment rights of freedom of association.

The tenacity with which union lawyers have expended huge sums of time and money to fight the Beck case points to how important Big Labor considers forced dues politics to be.

In 1979 a trial court ruled that the constitutional rights of workers like Beck are violated by the compulsory payment of dues for anything other than collective bargaining.

In 1981 Beck and his coworkers won again when a special master of the Federal court found that the CWA union spent as much as 81 percent of their forced dues on noncollective bargaining purposes they opposed.

In 1983 the district court issued its final judgment, in which it again agreed with earlier rulings and reaffirmed the constitutional rights of workers to refrain from financing causes they opposed. Predictably, the union lawyers appealed.

In 1985 the U.S. Appeals Court ruled that the forced payment of dues for noncollective bargaining purposes violates both the Constitution and the National Labor Relations Act and again the union lawyers appealed. In 1986 the full 10 judge Court of Appeals reaffirmed the proworker decision. Again Big Labor appealed the case and now it is before the highest court in the land. The Supreme Court has already heard oral aguments and the decision could be handed down soon.

The potential impact of the Beck case is enormous. Union officials collect approximately $3.5 billion in compulsory dues every year and they spend an estimated several hundred million dollars in support of political campaigns every election cycle—much of it raised through forced dues.

AFL-CIO President Lane Kirkland proudly announced after the 1986 elections that Big Labor's political machinery lavished nearly $60 million in direct cash support of candidates. This cash was disbursed from union political action committees which are directly subsidized by forced dues payments into union general treasury funds. And this $60 million figure does not even include the vast in-kind soft money support union political machines contributed to their favorite candidates.

Incredibly, thousands of workers like Harry Beck—compelled to pay for this political support as a condition of employment—don't really have any voice in the selection of the union hierarchy's favorite candidates and causes. They simply pay the money or they lose their jobs.

Mr. Speaker, it is my sincere hope that the Supreme Court will issue a ruling favorable to Harry Beck and his coworkers. They have fought long and hard to protect their constitutional rights. The Supreme Court, in two previous cases, has already extended similar constitutional protections to workers covered by the Railway Labor Act and State public employee collective bargaining laws.

Unfortunately, even if the telephone workers win the Beck case, this precedent will apply only to forced dues payed by dissenting workers willing to face costly, drawn-out lawsuits against an army of union lawyers armed with huge amounts of money—much of that money coming from the very forced dues payed by the dissenting workers.

That's why today I am putting my efforts behind a legislative remedy to this problem by cosponsoring H.R. 2895, an amendment to the FECA that would make the abuse of forced dues for politics a violation of the law enforceable by the Federal Election Commission. While the bill would only cover those nonallowed forced dues expenditures pertaining to elections, it would help relieve some of the financial burdens of dissenting workers by forcing the Government to shoulder some of the costs of enforcement.

I will also work to insure that H.R. 2895 is included in any version of campaign reform should that issue come before the House for consideration. I hope my colleagues will join with me in suporting this much-needed reform to our election laws to help curb the abuse of workers' constitutional rights caused by forced dues politics.

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H.R. 1834, THE MINIMUM WAGE RESTORATION ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. KILDEE. Mr. Speaker, I rise in strong support of H.R. 1834, the Minimum Wage Restoration Act. In support of this bill, I would like to share a letter I recently received from a constituent of mine, Mr. Jack Doak of Lapeer, MI, who clearly expresses the need for an increase in the minimum wage. The letter follows:

DEAR MR. KILDEE: I watched a commentary on television today in regard to the minimum wage dispute. I know that many business people are against raising the minimum wage, but there are many things that they do not take into consideration. Sure, it will cost them more money in their payroll department, but do they stop to realize that if all the people that now work for minimum wage were to make another $2.00 per hour it could possibly increase their income too? People who are working for such small pay cannot survive, especially if only one member of the family is working. If they have rent to pay, as I have, it is not possible to make ends meet. If children are involved, it is even more impossible.

I have been working for a little above minimum wage for the last nine years. I cannot get ahead. I am the sole supporter of just my wife and myself, and it is quite a struggle just to keep a roof over heads and food on the table. There is no way I can help the economy by going out and buying a new car or a new refrigerator, which we need badly. I have work clothes that I wore in the late 1970's. I know that this is hard to believe, but we have to make things last, and we do. I left a small factory in 1979, and I am still wearing the work clothes I wore when I worked there. Believe it. I cannot afford life insurance or hospitalization. Do you know how it feels to sit here and wonder what would happen to my wife if I were to leave this earth tomorrow? She cannot work because of arthritis, and so I can't help but worry about this. I have a 1982 car that will not run on a rainy day, but I can't afford to get it repaired. It needs a $40 replacement part, but I do not have it to spare. I am working for $4.15 per hour and paying $300 a month for rent. I have to pay my own heat, lights, and telephone. With the price of food going up every time we go to the store, it will not be long before we are subject to living on soup. We went to the grocery store yesterday and spent $117 and we did not buy extra, or junk food. We got only what we had to have to last until the next payday.

If people like myself made more money than $3 or $4 per hour, we might be able to add to the economy of this great country, but, at the rate of pay we have, it is not likely that we contribute anything at all.

These business people that say they will have to close down instead of paying higher wages are unbelievably selfish, self-centered bigots that thrive on making high profits without paying a decent wage. If they would loosen up, they may benefit in the long run because we (the poor people), may be able to buy ourselves something once in awhile and not have to put it all into rent and food.

I get so sick and tired of hearing the same old story. If the tax is voted down, we will have to cut down on staff. If the school tax is voted down, we will have to cut out sports. It's always the same scare. In my opinion, if we had people in office that knew how to manage the tax money, there would not be such a deficit all the time. It is the same thing from local government right on up to the White House.

It was an act of Congress to raise the salary of Congressmen not too long ago, because they could not manage on what they were getting. How in the hell do they expect us to get by on less than poverty wages? Everything is fine for those in office, but to hell with the poor peole that helped to put them there. People promise everything to get the vote, but once they get into office it is the style, I guess, to say "poor people can go to hell". Every time there is a crisis, Reagan can turn to the Medicare program or Social Security and make cuts, and, as a result, the poor and the elderly get less and less. Is this democracy? How long is reverse Robin Hood going to work?

I think that it is about time for cuts to be made in other people's salaries. The poor have made all the concessions up to now. Isn't it about time someone else did? After all, it was not the poor that caused the deficits. Let the people that cause it pay for it. We should not give $40,000,000 to other countries when there are people that are going without right here in our own backyard. But try to get help here if you do not have kids and are under 65. Impossible. My wife and I are both in need of medical attention, but I can't afford a doctor. A country as rich as this country is, and there is no insurance for those that can't afford it. This is shameful, yet we can help the people in other places that pay no taxes at all here. We can keep letting people come in here 20,000 at a time and support them, but a U.S. citizen can't get help.

I am 57 years old and I have worked and paid taxes of one sort or another since I was 13. I would like to have some government official take my place for one month and do my job and pay my expenses from the pay I get and see for himself how it is. One month, just one month and there is no way they could do anything but agree with what I am saying. I would like to see one of them struggle like we do just to see how long they could take it.

Well, Mr. Kildee, I know I have gone on, but I hope I have got my point across to you. People in my class are tired of being the scapegoats. It is time we are recognized as people. We are human, the same as the people that are trying to run this country, but badly. Maybe we need poor people in the White House. Someone who knows what hard times are like. The people that are born rich and go to the White House and get richer have no idea of the struggles of the poor, and furthermore, they do not care. All they can think of is lobbying for their own interests or finding ways for the poor to support them. Yet this is a democratic type of government, right? I have words for the type of democracy some of them would have us have. You cannot have democracy in a dictatorship.

Sincerely,

JACK DOAK.

IN SUPPORT OF THE TRADE AND INTERNATIONAL ECONOMIC POLICY REFORM ACT OF 1987

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. SYNAR. Mr. Speaker, I rise in support of the Trade and International Economic Policy Reform Act of 1987, H.R. 3, a bill to enhance the competitiveness of American industry.

The conference agreement on this legislation was passed by the House on April 21 by a 290-to-137 vote, and by the Senate on April 27 by a 63-to-36 vote.

This legislation establishes a trade policy that will both enhance American competitiveness in the world market and benefit Americans here at home. It would repeal the windfall profit tax on oil that was imposed in 1980; extend the Export Enhancement Program, which uses surplus commodities to lower U.S. agricultural export prices; broaden the Trade Adjustment Assistance Program to include oil and gas workers; expand U.S. telecommunications exports; and provide unemployment compensation and retraining benefits to workers who have lost their jobs due to increased imports.

I sincerely hope that the President will sign the conference report that is on his desk. However, if the President carries out his threat to veto the bill, I intend to support an override of the veto.

Mr. Speaker, I ask that an excellent article from the Washington Post of April 28 be included in the RECORD. It indicates the provisions of the trade bill that would benefit the President and his administration, as well as American business, labor, oil producers, and farmers.

TRADE BILL CRAFTED TO HOLD SOMETHING FOR EVERYONE—INCLUDING PRESIDENT

The landmark trade bill that the Senate passed yesterday contains something for almost everyone, including President Reagan, who has threatened to veto it over a labor-supported plant-closing notification.

For President Reagan and his administration, the bill provides:

Authority to negotiate a new round of global talks to expand and strengthen the compact that governs world trade, the General Agreement on Tariffs and Trade (GATT), a cornerstone of administration trade policy. Many trade specialists fear the talks will falter if other countries believe Congress will not ratify its results under a fast-track, no-amendment, no-filibuster procedure called for in the bill.

Stronger laws against foreign pirating of U.S. patented intellectual property such as computer software, books and films. Business organizations also want this provision.

Approval of a new system of harmonized tariffs that other trading nations adopted last January. This is also part of the business wish list.

Clarification of the Foreign Corrupt Practices Act so corporate executives have to know specifically that their employees violated the law by bribing foreign officials to be liable for punishment. This is also favored by business.

An easier course for passage of one of the president's trade priorities, the U.S.-Canada free trade agreement. Senate Majority Leader Robert C. Byrd has said a bruising veto battle over the trade bill could jeopardize congressional ratification of the Canadian pact.

For labor, the bill contains:

A plant-closing notification provison that the unions insisted the Democratic leadership keep in the bill and that Reagan has made the major reason for a veto. Companies would be required to give 60 days' advance notice of plans for mass layoffs or plant closings.

A $1 billion training program for displaced workers, initially proposed by the administration, and $80 million in expanded assistance to workers who lose jobs due to imports.

Stronger enforcement of voluntary restraint agreements curbing steel imports.

Language making violations of international norms of workers' rights grounds for trade complaints.

Business, which played a major role in crafting the bill, gains:

Tougher rules against unfair trade practices, including a requirement for presidential retaliation in the worst cases. Authority to decide whether a foreign practice is unfair would be transferred from the president to the U.S. trade representative; this is designed to give the trade office more clout within an administration.

Streamlined export licensing rules that reduce the controls on sales of low-technology equipment to western as well as Soviet bloc nations.

Improved financing for U.S. exporters through the Export-Import Bank.

Expanded government export promotion activities, with greater help to small businesses.

Farm groups get:

As much as $500 million in added payments to wheat, feed grain and oilseed producers unless the current round of GATT talks makes major progress in ending farm subsidies worldwide by January 1990.

A $1.5 billion increase, to $2.5 billion, in the export enhancement program that gives exporters surplus to sell overseas.

Oil producers get:

Repeal of the windfall profits tax, a prime objective of the oil industry, which split with its business allies in trying to round up enough votes to override a veto.

Other provisions include:

A three-year ban on imports of products made by Japan's Toshiba Machine Co. and Norway's Kongsberg Vaapenfabrikk for illegally selling militarily significant technology to the Soviet Union, and a ban on U.S. government purchases from the Japanese firm's parent company, Toshiba Corp. Japan has attacked this as being motivated by an anti-Japanese attitude and racial discrimination.

A bar on foreign companies serving as primary dealers in U.S. government securities in this country unless their governments offer the same privilege to U.S. companies.—Stuart Auerbach.

THE 40TH ANNIVERSARY OF THE PALM BEACH BLOOD BANK

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. LEWIS of Florida. I am pleased to join in honoring one of southeast Florida's best-known health-care institutions—the Palm Beach Blood Bank, on the occasion of the blood bank's 40th anniversary of service to our community.

Founded in 1948 by one of the region's foremost pathologists—Dr. V. Marklin Johnson—the Palm Beach Blood Bank was among Florida's early pioneers in the field of nonprofit community blood banking.

Today the blood bank stands in the forefront of volunteer blood-collection facilities, not only in the State of Florida but nationwide, with an outstanding record of service and a widespread reputation for meeting the needs of hospital patients in a timely and professional manner.

Over the years of growth of the blood bank—just like the growth of the area that it serves—has been a notable example of dramatic progress, made possible jointly by the dedicated and innovative leadership of the blood bank itself and the civic concern of responsive and caring residents.

During its first year of operations the blood bank collected 425 pints of blood. In 1987 that figure exceeded 70,000, thereby enabling the blood bank to help provide 45,000 local patients with a second chance at experiencing the "gift of life."

Indeed, inasmuch as more than 500,000 area residents have rolled up their sleeves at different times since the blood bank first opened its doors 40 years ago, in the intervening years approximately one-quarter of a million diverse patients have benefited directly from the generosity of those selfless donors and the skilled proficiency of the blood bank.

In recent years the blood bank has also made a number of significant strides in the field of specialized transfusion medicine designed to ensure that all area residents have the type of modern, full-service blood center they deserve and are entitled to expect.

In the process the blood bank has become a respected leader in providing specific components for victims of cancer, anemia, leukemia, and hemophilia; in furnishing the highly specialized laboratory services associated with organ transplantation procedures; and in meeting the bone tissue requirements of patients who undergo reconstructive surgery.

The four decades which have marked the birth and growth of the Palm Beach Blood Bank have been a remarkable testament to the underlying strength of concerted community action; and a tribute both to those men and women of vision who pioneered the vital work of the blood bank and those who have continued the excellence of that tradition.

DIAMOND JUBILEE OF LINCOLN HIGH SCHOOL

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. DICKS. Mr. Speaker, this week Lincoln High School in Tacoma, WA, will celebrate its 75th birthday with a series of diamond jubilee events. Named for our 16th President, Lincoln High School has educated generations of young men and women in the south end of Tacoma. The school is known for its highly spirited student body, and its graduates serve in positions of influence in Pierce County, in Washington State, and around the Nation.

The diamond jubilee events will bring together representatives of each and every Lincoln High graduating class for a weekend of remembering and of marking the progress that this great institution has made in the last seven and one-half decades. But what distinguishes this event from other anniversaries is the vision and generosity of the organizing committee. The graduates have chosen to establish a scholarship fund to commemorate these 75 years of excellence in a lasting tribute to their alma mater. The Alumni Association has conducted an aggressive "Phone an Abe" campaign with the goal of $1,000 per class, in order to establish the scholarship program. Mr. Speaker, I want my colleagues to know how proud I am of the scholarship campaign: this is clearly a recognition that our education is a debt to future generations.

So it is with great pleasure that I call attention today in the House of Representatives to the 75th anniversary of the opening of Lincoln High School. As we take this look backward at these decades of successful graduating classes, the scholarship program gives us the opportunity to look forward to future classes, who will be assisted by the generosity of Lincoln alumni. This is a fine tribute to a fine institution, and I am honored to have this opportunity to celebrate the diamond jubilee of Lincoln High School.

THE REAUTHORIZATION OF TAFT INSTITUTE FOR TWO PARTY GOVERNMENT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. WILLIAMS. Mr. Speaker, today I am joined by a bipartisan group of my colleagues in introducing legislation to extend the authorization of the Taft Institute for Two Party Government. This institute, founded in 1961 in honor of the late Senator Robert Taft, provides a special opportunity for elementary and secondary school teachers and administrators who are responsible for teaching social studies, civics, and government. Though an intensive 2 to 3 week seminar taught by elected party officials, teachers are given the opportunity to develop a working understanding of the political process.

The institute programs are done on a joint venture with colleges and universities across the country.

Since the program began in 1961, more than 17,000 teachers have had the chance to participate in one of the Taft seminars and I am certain that such an experience has made a difference in the way these individuals present the workings of our Government in the classroom.

This legislation will extend the authorization of the Taft Institute for Two Party Government through 1991. These funds are matched on a one-to-one basis by the institute.

I urge my colleagues to join me in supporting this legislation.

TRIBUTE TO ELVIA CARDENAS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Elvia Cardenas, who is leaving the Santa Barbara Family Care Center after serving there as the executive director for 16 years.

Elvia began her career helping young children in 1965 while working at the Jack and Jill Nursery School, and in 1967 she joined the Los Ninos Headstart Program. She became the executive director of the Santa Barbara Family Care Center—also known as Centro Familia—in 1972, just 2 years after it was begun. It is here that she has devoted a large portion of her life to the care of children and their families throughout all of Santa Barbara County.

In addition to her work at the Family Care Center, Elvia has overseen the operation of the Children's Resources and Referral Center in both the north and south county, and has administered an infant day care center, a child care food program and a preschool program for 3 and 4 year olds. She is a member of the South Coast Coordinating Council, Latinos for Better Government, and the Santa Barbara City College and University of California at Santa Barbara Advisory Committee on Early Childhood Education. She also raises funds for Buena Nueva, a Spanish language radio and television religious program.

Elvia has also served as an excellent role model for children, especially those of Hispanic background. In 1985 she was chosen as an honoree of the Santa Barbara Hispanic Council. Through her involvement in various child care and youth development programs, she has touched the lives of young Hispanics throughout the Santa Barbara community.

At this time, I join with the Santa Barbara community in saluting Elvia Cardenas' efforts and expressing our sincere appreciation for her many years of dedicated service.

A SALUTE TO SMALL BUSINESS WEEK

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. MAVROULES. Mr. Speaker, the President has declared this week, May 8–14, as National Small Business Week—a time to pay tribute to the contributions made to this Nation by our 18 million small businesses.

As a member of the Small Business Committee, I can say without reservation that it is our smaller enterprises which are at the forefront in the fields of innovation and job creation.

I am proud that the small businesses on the north shore of Massachusetts—in my district—have been at the forefront of innovation. This year the Excel Engineering Corp., of Beverly, MA, was named as the National Small Business Subcontractor of the Year for region I. The company was founded in 1979 by two enterprising gentlemen—William W. Wiseman and Bryan F. Denman. Then, they were the sole employees and managers; today, their company has grown to over 65 employees and does $4.5 million in business. Excel specializes in the machining of the high temperature alloys for our high performance aircraft engines.

Massachusetts firms also have been among the top winners, ranking second in the Nation, in the Small Business Innovation Research [SBIR] Program. As you certainly are aware, the SBIR Program is proving to be of great benefit to the Nation, and I expect it will continue to be so for many years to come.

Finally, I am pleased with the active participation of small businesses in my district in developing national policy. As far back as 1984, concern was raised by these businessmen and women over the sensitivity of the Federal Reserve Board to the needs of small business owners and farmers. Legislation was developed to require a small business and agricultural representative on the Federal Reserve Board. The final result was the establishment of small business and agricultural advisory task forces at each of the Nation's 12 regional Reserve banks.

Last fall, the House Banking Committee held hearings to measure the councils' overall effectiveness and influence on monetary policy. With small businesses employing 55 percent of the Nation's work force and generating almost 40 percent of the GNP, it is clear that much of our economic strength lies in small business.

Mr. Speaker, I hope my colleagues will join me in saluting not only Excel Engineering Corp., but all small businesses during this 25th celebration of Small Business Week.

In supporting our small businesses, we are renewing our commitment to our Nation's future.

TRIBUTE TO CLARISSE B. MECHANIC

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mrs. BENTLEY. Mr. Speaker, on April 20, 1988, we in Maryland saluted a grand lady and a true patron of the arts. Clarisse B. Mechanic was proclaimed 1988's Woman of the Year by the Advertising and Professional Club of Baltimore, a great honor which only a few ever achieve. This wonderful woman has over the past several decades established a record of community involvement and philanthropy which is second to none. There are few charitable organizations who have not known Clarisse's friendship, and it is only fair and just that this exemplary human being receive proper recognition here.

Her list of accomplishments is so long and distinguished that it is impossible to list everything that she has done. Yet the dedication that she and her late husband, Morris A. Mechanic, reflected in terms of patronage of the arts is worthy of special attention. Clarisse was very active in the music industry during the 1940's. Among other things she managed the Blue Barron Orchestra and wrote a column for Orchestra World magazine. When she married Mr. Mechanic he made her president of Ford's Theater. She also helped manage their cinema houses in Baltimore and was instrumental in the establishment of the Morris A. Mechanic Complex, which houses the famed theater of the same name. In addition, her involvement with the theater helped her to make such friends as Marlon Brando, Louella Parsons, Judy Garland, and Katharine Hepburn.

Yet her community involvement extends into other areas as well. Among the institutions and organizations which she has faithfully supported over the years are the Girl Scouts of America, the American Cancer Society, the Cystic Fibrosis Foundation, the American-Israel Society of Maryland, the Child Care Foundation, and the Goodwill Corp. This list is indeed abbreviated, yet it reflects the fact that Clarisse's generosity is to be found in a wide variety of areas.

Mr. Speaker, I am proud to salute this great friend and lady. She is indeed "one in a million," and society would be much better off if there were more people like her to help it along.

God bless you, Clarisse, and thanks for a job well done.

IN RECOGNITION OF EAST BRUNSWICK HIGH SCHOOL

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. COURTER. Mr. Speaker, on April 25–27, 1988, students from East Brunswick High School represented the State of New Jersey in the National Bicentennial Competition on the Constitution and the Bill of Rights. Competing against more than 1,000 students from 43 States their outstanding performance earned them a ranking of second place in the United States.

I would like to commend Jodi Abramson, Peter Barsoom, Matthew Blackman, Gregory Bland, Todd Carlson, Robin Chazkel. David Cingari, Carrie Epstein, Janling Fu, Steven Goldman, Jodi Heitner, Meredith Hirsch, Andrew Kushnick, Marni Langbert, Julie Meyers, Steven Oh, Gary Oxfeld, Sujay Parikh, Adam Rosenberg, Arun Sannuti, Allison Schmidt, Scott Schwartz, Gary Seiden, Michielle Spector, Jenk Uygur, Stephanie Warshaw and their teacher, John Calimano, for their exceptional performance in this competition.

TRIBUTE TO REV. JOHN MICHAEL HEEKIN ON THE SILVER ANNIVERSARY OF HIS ORDINATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. ROE. Mr. Speaker, on Sunday, May 22, residents of my Eighth Congressional District and the State of New Jesey will join the parish community of Holy Cross Church of Wayne, NJ, and Rev. John Michael Heekin in celebration of the 25th anniversary of his consecration into the sacrament of holy orders.

Mr. Speaker, the faith and devotion of our people in a full communion of understanding—ever caring and respecting the individual beliefs of our fellowman has been the lifeline of our democracy—ever inspiring our people with home and urging the individual on to great achievements and purpose in pursuing the fulfillment of his or her dreams and ambitions. The exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream and today we express our appreciation to Rev. John Michael Heekin whose esteemed dedication and unselfish devotion in promulgating spiritual guidance, goodwill, fellowship, and brotherhood in service to God have truly enriched our community, State, and Nation.

Reverend Heekin has maintained the highest standards of excellence throughout his lifetime and we are pleased to share the pride of his family, many friends and parishioners in the distinguished achievements so unselfishly dedicated to the betterment of mankind. There is so much that can be said of the love, affection, and reverence with which Reverend Heekin is held by all who have had the good fortune to know him.

Mr. Speaker, we are so proud to have Reverend Heekin with us, in Wayne, NJ. He is the pastor of Holy Cross Church, where he has served for 13 devoted and faithful years. Prior to coming to Holy Cross Church in 1975, he served at Immaculate Conception of Franklin; St. Therese of Paterson, St. Pius X of Montville, and St. Mary's of Paterson. He also taught at St. Mary's of Paterson, Morris Catholic in Denville, Paterson Catholic, Bayley-Ellard of Madison and Pope Pius XII of Passaic, NJ.

Reverend Heekin received his B.A. degree from Seton Hall University and his M.A. there in 1971. He also received a masters of divinity degree from Immaculate Conception Seminary in Mahwah, NJ, in 1976. Reverend Heekin was ordained on May 25, 1963, at the Cathedral of St. John in Paterson, NJ. Along with his work in the church, Reverend Heekin has also been highly involved in the community, having served as a member of the board of directors of the Wayne Rotary Club and the Wayne Senior Citizens, and as key communicator of the Wayne Township Public Schools.

Mr. Speaker, I appreciate the opportunity to present this brief profile of a distinguished man of God who has dedicated his life's purpose and fulfillment to helping others and guiding them in their pathway of life. The quality of his leadership is mirrored in the security and dignity that his parishioners have found in the comfort and aid he unselfishly and willingly gives to those in need and those who seek his helping hand and spiritual guidance.

Mr. Speaker, as Reverend Heekin celebrates the 25th anniversary of his ordination to the priesthood, I know that you and all of our colleagues here in the Congress will want to join me in extending our warmest greetings and felicitations for the excellence of his service to his church, our Nation and all mankind. We do indeed salute an esteemed pastor, exemplary clergyman and great Amercian—Rev. John Michael Heekin, pastor of Holy Cross Church, Wayne, NJ.

THE NEW MELONES DROUGHT EMERGENCY RELIEF ACT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. SHUMWAY. Mr. Speaker, for the second year in a row, significant parts of my congressional district are experiencing a critical water shortage.

This year the drought conditions are causing considerable hardships for many of my constituents. Farmers are unable to irrigate their crops and risk losing their entire harvests. Residential water users face the prospect of water rationing and water meters. The effects of this drought will mean the loss of millions of dollars to the local economies. And it will also exacerbate the problems of an already depleted ground water supply.

Mr. Speaker, there is a remedy. Unallocated water in the Federal New Melones projects on the Stanislaus River in California is available to be contracted to the area water districts in need of an emergency water supply for drought relief. Unfortunately, the Bureau of Reclamation can not contract this water to these districts, even on a temporary basis, without subjecting these districts to the long-term provisions and restrictions of the Reclamation Reform Act of 1982.

Since these districts are not interested in a long-term arrangement to contract New Melones water, but rather a temporary arrangement to alleviate the hardships of the drought, it doesn't make sense to subject these districts to the long-term Reclamation Reform Act restrictions—particularly the acreage limitation restriction. This provision would mean area farmers would have to sell off parts of their family farms just to get temporary drought relief.

Mr. Speaker, the bill I am introducing today would allow the Bureau of Reclamation to sell water to the area water districts in need of drought relief without subjecting them to the long-term restrictions of the Reclamation Reform Act. The water is available and presently unused. This emergency arrangement will provide enormous relief to those in need of this emergency water supply. And it will also benefit the Federal Government because it will be able to sell Federal water which otherwise would not be contracted for this year.

Mr. Speaker, this is a reasonable and fair response to an increasingly dire situation in central and northern California. It is my expressed hope that the House will act expeditiously to pass this bill and provide the emergency water needed to respond to this drought.

SALUTING AN OUTSTANDING LAW ENFORCEMENT OFFICER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. SKELTON. Mr. Speaker, after 9 years of leading his department with integrity and commitment, Jimmy Luster, the police chief of Belton, MO, has announced his retirement.

Mr. Luster, who is 51, first joined the Belton police force as an officer in 1963. He later worked as police chief in small towns in Illinois and Arkansas. His dedication to serving and protecting the people has spanned more than two decades—a record of which Mr. Luster and all of Missouri can be proud. We need more outstanding men and women who are willing to commit their lives to enforcing our Nation's laws.

As the city of Belton meets to name an interim police chief, Mr. Luster said he plans to rest for a while after his official retirement on June 1. After 25 years as a law enforcement officer, I would certainly say he deserves the time. I join with his many colleagues and friends in wishing Mr. Luster all the best in his retirement and in thanking him for his years of service.

TRIBUTE TO KAMBIZ HEKMAT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Los Angeles community, Mr. Kambiz Hekmat. For the past year he has served as the chairman of the board for the Los Angeles West Chamber of Commerce during which time he has made tremendous voluntary contributions of time and energy. On June 14, he will be honored by the chamber of commerce for his year of leadership.

Mr. Hekmat's diverse background along with his commitment to serving his community made him an ideal leader for the Los Angeles West Chamber of Commerce. He is a Phi Beta Kappa graduate of Oklahoma State University and he holds an M.S. degree in mechanical engineering from Stanford University. As a representative of President Kennedy's people-to-people movement during the early 1960's, he traveled extensively throughout Europe. From 1964 to 1973, he was project engineer and plant manager with Dow Chemical Co., where he was responsible for the design and construction of plant facilities in Michigan, Texas, Germany, and Holland.

Mr. Hekmat was made chairman of the board of the Los Angeles West Chamber of Commerce on July 1, 1987 and he will finish his tenure on June 30, 1988. In addition, he has been a member of the chamber's board's executive committee for 8 years, he has served on the housing supply task force, the headquarters expansion task force, and the transportation and planning committee.

Under the leadership of Chairman Hekmat, the Los Angeles West Chamber of Commerce prospered and grew to great heights. It received its fourth consecutive accreditation from the U.S. Chamber of Commerce, distinguishing it as the only Chamber in California to have earned such recognition for 20 years. The Chamber also successfully completed the first year of its Leadership L.A. Program, which is designed to prepare business leaders to assume active leadership roles in the community. It established a marketing task force which deals with the issue of increasing the visibility of the chamber and increasing its membership. The concept of a name change was therefore, adopted to reflect more accurately the composition of the chamber and the ways in which it contributed to the community. Consequently, under the chairmanship of Mr. Hekmat, the Los Angeles West Chamber of Commerce changed its name to the Los Angeles Business Council, and accredited Chamber of Commerce. In keeping with this new identity, it developed a new mission statement which reads, "the Mission of the Los Angeles Business Council is to promote the quality of economic, social and cultural life."

The council's urban beautification and improvement committee initiated a series of seminars on topics dealing with the aesthetic enchancement of the community. Through its transportation and planning committee, it helped to develop and support Mayor Bradley's 9-point traffic initiative to ease traffic congestion throughout the Los Angeles area. Other chamber committees dealt with such legislative issues as water policies and liability insurance. The council also established an education task force to study educational issues and reform.

In addition to his extensive involvement with the chamber, Mr. Hekmat is very active in his community. He serves on the Los Angeles Police Department's West Los Angeles Boosters Association, the executive committee of the board of directors of Sinai Temple, and the Chancellor's Association at UCLA.

Mr. Hekmat also celebrated a very personal triumph when, after eight years of litigation, ground was broken for Center West, his elegant office and shopping complex on the corner of Wilshire and Glendon.

It is my distinct honor and pleasure to ask my colleagues to join me and the Los Angeles West Chamber of Commerce in honoring Mr. Kambiz Hekmat, an effective leader and a man dedicated to serving his community.

IN HONOR OF TERRY M. WEEKS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. GORDON. Mr. Speaker, this is a special day for my hometown, Murfreesboro, TN, because we in Rutherford County are showing our appreciation to a special man, Terry M. Weeks.

Quality public education depends on well bound books, on a school roof that does not leak, on having enough chalk and in these days even on having access to computers. But more than anything else, quality education still depends on outstanding people who are willing to make sacrifices in the interest of young people. In this year, no person in America exemplifies this standard of education excellence more clearly than our own Terry Weeks, the National Teacher of the Year.

Teaching is not easy. The pay can never match the responsibilities, and the responsibilities seem to grow each year. We ask our students be taught not only the facts, but how to think, how to make decisions, how to reach their potential. This is the strength of Terry Weeks.

Listening to Terry's colleagues and former students, one realizes that this man understands the great power of teaching. He understands that young minds are our future, and through the training of those minds, he and other teachers change lives and communities and the world.

Terry Weeks has given the kind of careful, time-consuming attention students in the 1980's need more than ever, and he has set a standard not only for his fellow teachers at Central Middle School in Murfreesboro, but also for all those gifted young people in this Nation who think they might want to teach.

On this day, Members of Congress should join educators and parents from all across this Nation in saying thank you to Terry Weeks. You have made a difference.

MOURN THE LOSS OF MARINE CAPTAIN KENNETH W. HILL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. COBLE. Mr. Speaker, all of us in the Sixth District of North Carolina continue to mourn the loss of Marine Capt. Kenneth W. Hill of Thomasville. Captain Hill was one of two American servicemen killed when a Marine Corps Cobra helicopter was presumably shot down in the Persian Gulf on April 18. There will be a special memorial service on May 12 at Arlington National Cemetery to honor these gallant Americans.

To Ken's parents, Mary and Bob Hill, his wife, Lora, his son, Andrew, and to all of his friends and family, we extend our deepest sympathies. All of us can take some comfort in the knowledge, however, that Ken died doing something he loved. He was proud of his career in the military. All of us are proud that someone of the caliber of Ken Hill was willing to serve his country. The men and women who protect U.S. interests at home and abroad often perform thankless tasks. The tragedy of Ken's loss brings home the reminder that these men and women are often placed in dangerous situations. In Ken's case, he knew the risks involved, but was willing to accept a difficult assignment.

Besides his love of flying, Ken was also known for his interest in drama. In 1975, Ken worked with the Thomasville Park and Recreation Department to establish a special drama program. Ken started a threater group for children in grades 1 through 6. Ken called those in the drama class "his kids." He wanted to share with them his love of the theater and acting. Many of those children still remember what fun they had with Ken in his drama class.

Ken was only 33 years old when he died, but those years were filled with achievement and glory. He served his family, his community, and his country with honor and distinction. The pain of Ken's loss will diminish over time. Our respect and admiration for him never will.

CONGRESSMAN MILLER SAYS "JUST SAY NO"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. MILLER of California. Mr. Speaker, as the chairman of the Select Committee on Children, Youth, and Families, as well as the Representative for the Seventh District of California, I am pleased to recognize an exemplary national organization which has its headquarters in my district. The Just Say No Foundation, which has done much to educate young people about the danger of drugs and positive alternatives to drug use. is headquartered in Walnut Creek, CA.

Today, the Just Say No Foundation is holding its fourth annual Walk Against Drugs in Washington, DC. Over 20,000 children from 25 States and 20 foreign embassies are participating in the walk to make their stand against drug use. Similar walks are occurring simultaneously all over the country. These walks are not simply a march against drugs, but a celebration of a life free of drugs and full of healthy, constructive alternatives.

Established in 1986, the Just Say No Foundation serves as the headquarters for Just Say No clubs all over the country. Club members range in age from 7 to 14 years, and are bound by their commitment to live drug free and help their peers do the same. There are an estimated 15,000 clubs across the United States.

I applaud the Just Say No Foundation for providing guidance and incentive to children who may be encouraged to use drugs. This foundation reminds us of the critical importance and significance of preventitive measures. Providing children with sound and appealing alternatives to drug use, and creating an atmosphere in which drug use ceases to be attractive, are essential in helping children resist the temptation to use drugs.

The occasion of the Just Say No Walk provides Members of the U.S. Congress with the perfect opportunity to voice our support for this worthy organization. However, we must do more throughout the year to provide positive alternatives to drug use for children throughout the country, and help them to "Just Say No."

AGAINST VETO OF THE TRADE BILL

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1988

Mr. GARCIA. Mr. Speaker, 7 years ago, the Reagan administration pledged to make trade a national priority. At that time, the U.S. trade deficit was $34.7 billion. Last year, the trade deficit was $171.2 billion. This figure is almost five times more than when the administration first took office. The trade deficit is unsustainable and the effectiveness of the administration's current policies are questionable.

The time for a coherent trade policy is long overdue. The status of the United States in the world economy continues to decline as many countries catch up and surpass America's level of competitiveness. The trade legislation, overwhelmingly passed by both bodies, would give our Nation an effective trade policy. All of us, both in the House and the Senate, worked hard to pass this legislation. But now, we are faced with a likely veto by the same administration which has not succeeded in reducing the trade deficit over the past 7 years, but instead, has increased it by $136.5 billion.

The subconference in which I had the privilege to participate dealt with various important provisions that can strengthen our trade policy. The exchange rate provisions would make exchange rate and the level of foreign borrowings matters of conscious policy. The provisions would also keep Congress involved with the tracking of our exchange rate policy. The provisions on international debt would implement concepts supported by Members who are deeply concerned about the impact that the debt crisis is having on our trade deficit. Even conservative estimates indicate that the United States has lost $75 billion in trade with Latin America as a result of this crisis. In addition, there is an extension of Eximbank's tied aid war chest in this bill which will help the Bank and our exporters to combat the pernicious practice of tied aid by making certain that the agreement reached at OECD last year on this issue will be fully implemented.

The trade bill needs to become law. If it does not, we all stand to lose. All of us worked hard to craft legislation that can serve the interests of both industry and labor, and I believe that we have succeeded. We need to keep trade a national priority, and this bill will ensure that. In addition, given the sensitivity of our financial markets to the activities of the administration and Congress on the trade and the budget deficits, we need to send a signal to them that we in Congress can take positive action. Making sure the trade bill becomes law is one way to send a positive signal. But more importantly, we cannot continue with the current policies which have not been effective in reducing the unsustainable trade deficit.

The primary reason for the threatened veto, according to the White House is the plant closing provision. There was an article in the Journal of Commerce, May 10, 1988, recently which presented a fair argument supporting the plant closing provision. The administration has been concerned that this provision will be detrimental to our competitive position in world trade. Many European countries that are among our major trade competitors have incorporated similar measures as part of their national agenda to protect the rights of workers. They are puzzled as to why workers should not have the right to be notified that they will lose their jobs. I, too, am puzzled as to why the White House has made this the primary reason for a veto. I am submitting the article Journal of Commerce for my colleagues perusal.

Finally, I ask my colleagues on both sides of the aisle to override the expected veto and keep the important plant closing provision and this entire bill intact. In our efforts to strengthen America's competitive position in the world economy, we must have a coherent and effective trade policy that protect the rights and concerns of labor, as well.

PLANT-CLOSING ISSUE PUZZLES EUROPEANS

LONDON.—The debate in Washington over a bill requiring a company to give 60 days' notice before closing a plant puzzles people in Europe where such measures are woven into the fiber of national welfare systems.

"I can't remember the subject being discussed in the 10 years I've been working here," said Keith Faulkner, spokesman for the Trades Union Congress, the umbrella movement of British organized labor.

"I don't see what's the big deal," remarked French economist Bernard Ewenczyk, a specialist in company bankruptcy law. "It's not an issue here."

Washington has debated a clause in the trade bill that would require many employers to give workers and local authorities 60 days' notice of plans to close a plant or lay off large numbers of people.

President Reagan promised to veto the bill, which was passed by Congress. He and pro-business lobbies say the bill would lead to government interference in the market and hamper competitiveness in world trade.

But union and management representatives in several European countries sounded surprised that anyone would deny workers the right to be notified that they will lose their jobs.

Even in Britain, where Prime Minister Margaret Thatcher is busy stamping her free-market, anti-union doctrines into the social fabric, at least 90 days' closure notice must be given by a plant employing 100 or more people. For work forces numbering between 10 and 99, 30 days is needed.

"This notice is obligatory all over Europe," said Carlos Liebana, a spokesman for the European Community's Social Affairs Commission. "It's a very common thing. It can be 30, 60 or 90 days, but the principle of giving notice is universal."

West Germany and France do not set specific periods for notification, but their procedures are so complex that a company seeking to close down can expect to wait months to shut the gates.

The same goes for Sweden, where "even the most clear cases will take months," said Jan Nordin, a senior Employers' Federation official.

Martin Oertel, a spokesman for IG Metal, West Germany's largest union, said: "It would be inconceivable for someone to simply close a plant here. It would be seen as anti-social and inhuman. No major action could be taken here without the relevant unions' knowledge and cooperation."

In July 1986, the Michelin tire giant closed its Belgian plant without warning as two out of three shifts were away on summer vacation.

The reaction was universally vehement. Workers occupied the plant, and authorities pressed Michelin to keep it in operation. Michelin refused but compensated every worker with at least six months' pay.

Such compensation is fairly normal in Europe. In France, for instance, laid-off workers get 75 percent of their gross salary for 14 months, and for another 14 months if they can prove they have looked hard for another job.

The money comes out of the social security fund, and this, says Mr. Ewenczyk, is the real problem. In times of high unemployment, the social security fund can't cope with the drain.

In the past, French companies had to justify closings before shutting down, and the bureaucratic tangle could be crippling.

Prime Minister Jacques Chirac's conservative government has made attempts to help smaller businesses by doing away with that requirement for work forces numbering under 10 workers, and Britain has enacted a similar change.

But Mr. Chirac has introduced a new rule: Companies closing plants have to train workers for other jobs or help them open their own businesses.

"The situation in the United States is much rougher," Mr. Ewenczyk said. "Here it is felt that if a company has to close, it has some responsibility (to its workers). It's a very European point of view."

In Britain, the opposition Labor Party has outlined a demand for companies not only to notify workers of a closing but to justify it to an independent body.

But among various groups questioned, none expressed any dissatisfaction with the existing laws on notification.

In Paris, a spokesman for the French Federation of Workers said the union was relatively happy with the present situation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 12, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

9:00 a.m.

Armed Services

To hold hearings on the nominations of Gordon A. Smith, of Maryland, to be Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, Michael P.W. Stone, of California, to be Under Secretary of the Army, and Alan M. Elkins, of Maine, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences.

SR-222

9:30 a.m.

Governmental Affairs

To hold hearings on regulatory reform.

SD-342

10:00 a.m.

Finance

Social Security and Family Policy Subcommittee

To hold hearings on the long-term status of Social Security trust funds.

SD-215

Foreign Relations

Business meeting, to consider S.J. Res. 305, providing specific authorization under the War Powers Resolution for the continued use of U.S. Armed Forces in the Persian Gulf, consistent with the foreign policy objectives and national security interests of the United States, S. Res. 426, expressing the sense of the Senate that the seven major industrial nations of the world must take immediate action to protect the earth's stratospheric ozone layer, pending treaties relating to Mutual Legal Assistance in Criminal Matters, and pending nominations.

SD-419

Judiciary

To hold hearings on S. 1250, to provide assistance to State and local governments to strengthen the criminal justice system.

SD-226

Select on Indian Affairs

Business meeting, to mark up S. 555, to provide for Federal regulations of gaming activities on Indian lands.

SR-485

MAY 16

2:00 p.m.

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold oversight hearings on activities of the U.S. Postal Service.

SD-342

Judiciary

To hold hearings on pending nominations.

SD-226

MAY 17

9:00 a.m.

Rules and Administration

To hold hearings on S. Res. 260, to amend the rules of the Senate to revise current committee structure and designations, and S. 1835, to establish a procedure for consideration of conference reports on a bill or joint resolution making continuing appropriations for a period of 30 days or more.

SR-301

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on commercial expendible launch vehicle liability.

SR-253

Environment and Public Works

Hazardous Wastes and Toxic Substances Subcommittee

Water Resources, Transportation, and Infrastructure Subcommittee

To hold joint hearings on State groundwater programs and groundwater research.

SD-406

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on the wheat supply situation, focusing on current stocks and production estimates for the upcoming harvest season.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

Judiciary

To resume hearings on proposed legislation authorizing funds for the Department of Justice, focusing on activities of the Federal Bureau of Investigation.

SD-226

MAY 18

9:00 a.m.

Selection on Indian Affairs

To hold hearings on S. 2250, to ensure that Federal lands are managed in a manner that does not impair the exercise of traditional American Indian religion.

SR-485

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To hold hearings to review the issue of cashing government checks by banks for non-customers, and S. 2110, to provide access to check cashing services.

SD-538

Governmental Affairs

Government Efficiency, Federalism, and the District of Columbia Subcommittee

To resume hearings on S. 1992, to promote intergovernmental and interagency cooperation in the development of groundwater policy.

SD-608

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on renewable energy and energy conservation programs.

SD-366

MAY 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the Marine Mammal Protection Act.

SR-253

Energy and Natural Resources

To hold hearings on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure" theory of recovery in restitution, as adopted in Citronelle-Mobile Gathering, Inc. et al, v. Herrington, 826 F. 2d 16 (TECA 1987).

SD-366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

Banking, Housing, and Urban Affairs

To hold oversight hearings on the condition of the Federal Savings and Loan Insurance Corporation and the thrift industry.

SD-538

Governmental Affairs

Business meeting, to mark up H.R. 3400, to provide for participation of Federal empoyees in political activities, and other pending calendar business.

SD-342

MAY 20

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for technology programs of the Department of Commerce.

SR-253

10:00 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1461, to convey certain lands to the YMCA of Las Vegas, Nevada, S. 1687, to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson, and S. 2264, to exchange certain Federal mining rights for certain lands in New Mexico.

SD-366

Finance

Social Security and Family Policy Subcommittee

To resume hearings on the long-term status of Social Security trust funds.

SD-215

MAY 23

8:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Departments of the Interior and Energy.

S-128, Capitol

10:00 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on the Department of the Interior's royalty management program.

SD-366

MAY 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of

Labor, Health and Human Services, and Education, and related agencies.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor and space nuclear power research and development programs.
SD-366

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the conclusions and recommendations of the President's "Working Group on Financial Markets."
SD-538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To resume hearings on children's health care issues.
SD-215

2:30 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on tourism as an export.
SR-253

MAY 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
To hold hearings on insurance antitrust matters.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on current and expected world wheat damand and the status of the United States marketing tools.
SR-332

Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the banking industry.
SD-538

Governmental Affairs
To hold hearings on issues relative to alcoholism.
SD-342

Veterans' Affairs
To hold hearings on S. 1997, to reduce the monthly reduction of an individual's basic pay for the provision of basic educational assistance and provide for the payment to survivors of basic educational assistance paid for, but unused, by the participant, provisions of H.R. 4213, Montgomery GI Bill Amendments of 1988, and S. 2307, to make certain improvements in the educational assistance programs for veterans and eligible persons.
SR-418

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the local rail service assistance program and related measures, including S. 2174 and S. 2195.
SR-253

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1967, to provide for the establishment of the Tallgrass Prairie National Preserve in the State of Oklahoma.
SD-366

Governmental Affairs
To continue hearings on issues relative to alcoholism.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on the Pacific rim nations.
SD-192

Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the thrift industry.
SD-538

Finance
To resume hearings on children's health care issues.
SD-215

2:00 p.m.
Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings to review the annual report of the U.S. Postal Service.
SD-562

Select on Indian Affairs
To hold oversight hearings on the Federal Acknowledgment Petition (FAP) process for Federal recognition of Indian tribes.
SR-485

JUNE 6

2:00 p.m.
Governmental Affairs
To hold hearings on issues concerning acquired immunodeficiency syndrome (AIDS).
SD-342

JUNE 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings on budget reform.
SD-342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.
S-126, Capitol

JUNE 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Governmental Affairs
To resume hearings on issues concerning acquired immunodeficiency syndrome (AIDS).
SD-342

2:00 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings to review youth employment issues and related provisions of Title II of the Job Training Partnership Act.
SD-430

JUNE 9

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 2011, to increase the rate of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805, to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", and to hold oversight hearings on activities of the Board of Veterans' Appeals, and related matters.
SR-418

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

JUNE 10

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.
S-126, Capitol

JUNE 14

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
S-126, Capitol

JUNE 16

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

SD-192

9:30 a.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

Veterans' Affairs

To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel.

SR-418

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SR-253

JUNE 27

2:00 p.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JUNE 29

10:00 a.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

HOUSE OF REPRESENTATIVES—*Thursday, May 12, 1988*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we are conscious of our unity as a people, how we are bound together in our joys and sorrows, how we share with one another the laughter and tears. We offer our thanksgiving and appreciation for all those people who give encouragement along life's way, whose prayers and love help give comfort and assurance and strength. Teach us, O God, to use our thoughts and words and prayers to support each other so that we may better express the love to others that You have already given to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. EDWARDS of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. EDWARDS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 127, not voting 30, as follows:

[Roll No. 127]

YEAS—274

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (NJ)
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yatron

NAYS—127

Armey
Badham
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Edwards (OK)
Emerson
Fields
Gallo
Gekas
Goodling
Grandy
Gregg
Hammerschmidt
Hastert
Hawkins
Hefley
Henry
Hiler
Holloway
Hopkins
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Miller (OH)
Molinari
Moorhead
Morella
Morrison (WA)
Oxley
Parris
Pashayan
Penny
Pursell
Rhodes
Ridge
Roberts
Rogers
Roukema
Rowland (CT)
Saxton
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

AuCoin
Biaggi
Conyers
Dornan (CA)
Downey
Duncan
Flake
Frenzel
Gallegly
Gaydos
Gingrich
Hansen
Herger
Hunter
Jenkins
Kemp
Kleczka
Konnyu
Mavroules
Mica
Murphy
Nichols
Porter
Smith (FL)
Solarz
Spence
Sweeney
Udall
Williams
Yates

☐ 1121

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 442) "An act to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians," disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLENN, Mr. PRYOR, Mr. MATSUNAGA, Mr. STEVENS, and Mr. RUDMAN, to be the conferees on the part of the Senate.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPORT ON H.R. 4586, DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION APPROPRIATIONS, 1989

Mr. HEFNER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 100-620) on the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. LOWERY of California reserved all points of order on the bill.

REPORT ON H.R. 4587, LEGISLATIVE BRANCH APPROPRIATIONS, 1989

Mr. FAZIO, from the Committee on Appropriations, submitted a privileged report (Rept. No. 100-621) on the bill (H.R. 4587) making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. LEWIS of California reserved all points of order on the bill.

PERMISSION FOR SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES AND THE ADMINISTRATION OF JUSTICE OF COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE TODAY

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule today, Thursday, May 12, 1988.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PRIVILEGES OF THE HOUSE—RELATING TO THE DUTIES AND PRIVILEGES OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. FOLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 446) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 446

Whereas, consistent with the Constitution and the history of parliamentary bodies, the Members of the United States House of Representatives have always considered it to be an integral part of the official responsibilities of Members of Congress to inform the citizens they represent and the agencies of government regarding issues of public importance;

Whereas, the judiciary of the United States has in a long series of decisions established the doctrine of official immunity pursuant to which all public officials are provided certain protections from civil liability when engaged in the good faith performance of their official functions;

Whereas, in 1985 Representative Don Sundquist, a Member of this House, communicated with the Attorney General of the United States, the Federal Legal Services Corporation, and the citizens of the congressional district which he represents, informing them of an ongoing issue of public importance, a controversy relating to the expenditure of federal funds by the Memphis Area Legal Services in that federally funded organization's continuing dispute with the State of Tennessee's judicial branch;

Whereas, Wayne Chastain an attorney with the Memphis Area Legal Services filed suit against Representative Sundquist seeking in excess of one million dollars in personal damages based on Representative Sundquist's official communications with the Attorney General of the United States, the Federal Legal Services Corporation, and the citizens of Tennessee;

Whereas, the United States District Court for the District of Columbia dismissed the suit, holding that Representative Sundquist's actions were official and that for the good faith performance of their official duties Members of Congress, like all other public officials, are protected from civil liability;

Whereas, on November 6, 1987, a divided panel of the United States Court of Appeals for the District of Columbia Circuit, departed from the precedent of that Court and the Supreme Court and reversed the ruling of the District Court holding that the doctrine of official immunity, which provides certain protections from civil liability to all public officials engaged in the good faith performance of their official duties, was not applicable to the official actions of a Member of Congress;

Whereas, despite the expressed desire of a majority of the participating judges of the Court of Appeals for the District of Columbia Circuit to review the decision of the panel's majority by rehearing the case en banc, the en banc Court of Appeals declined to rehear the case;

Whereas, Representative Sundquist, through the Office of General Counsel to the Clerk of the House, is presently seeking a writ of certiorari from the Supreme Court of the United States;

Whereas, the decision of the divided panel of the Court of Appeals raises the most serious concerns for the doctrine of separation of powers provided in the Constitution and for the ancient and historic rights and privileges of the House; and

Whereas, the decision of the divided panel of the Court of Appeals, if left standing, will have an adverse effect on the performance of important official duties by Members of the House and will deprive citizens of an irreplaceable source of information about the functioning of their government: Now, therefore, be it

Resolved, That the House of Representatives considers the informing of citizens and executive branch agencies on matters of public importance to be a part of the official duties of a Member of the House; and be it further

Resolved, That the House of Representatives considers it to be appropriate that Members of the House engaged in the performance of their official duties will be treated by the Courts with the same respect and protection presently afforded by the Courts to all other public officials; and be it further

Resolved, That the House of Representatives views with deep concern the decision of the divided panel of the Court of Appeals of the District of Columbia Circuit in the case of Wayne Chastain v. The Honorable Don Sundquist because of its impact on the necessary and proper functioning of the House of Representatives as a coordinate branch of government and as the elected representatives of the American people; and be it further

Resolved, That the House of Representatives respectfully requests the Supreme Court of the United States to grant a writ of certiorari, so that it may review this matter, and reach a just result; and be it further

Resolved, That the Clerk of the House shall forthwith transmit a certified copy of this resolution to the Honorable Clerk of the Supreme Court.

□ 1125

The SPEAKER pro tempore (Mr. SCHUMER). The resolution presents a question of privilege, and the Chair recognizes the gentleman from Washington for 1 hour.

Mr. FOLEY. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the distinguished gentleman from Illinois [Mr. MICHEL], pending which I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Republican leader, Mr. MICHEL and myself, I have introduced this privileged resolution. The resolution expresses, to the Supreme Court of the United States, a respectful request of this House. By adopting this resolution we will be asking that the Court grant a review of a recent decision of the Federal Court of Appeals for the District of Columbia Circuit which impacts on the day-to-day operation of the House and its Members.

The litigation at issue, Chastain versus Sundquist, is a civil action which alleges that Congressman SUNDQUIST, our colleague from Tennessee, included defamatory material in a letter which he sent to a Federal agency discussing an issue of public importance and controversy in the Memphis area. Specifically, Representative SUNDQUIST, in his letters and in his discussions with his constituents, expressed his concerns with respect to the operation of a federally funded program, the Memphis Area Legal Services.

Mr. Chastain, an attorney employed by the Memphis Area Legal Services, filed suit against Representative SUNDQUIST. The General Counsel to the Clerk, representing Representative SUNDQUIST, moved for a dismissal. The U.S. District Court for the District of Columbia dismissed the case holding that the Representative had been engaged in the official activities of communicating with Federal agencies and with his constituents on matters of

Federal policy, and that when engaged in official actions Members of Congress, like all other public officials, receive the protections of the doctrine of official immunity. Under that long-established judicial doctrine, public officials engaged in the performance of official duties can only be held liable in a civil action for the violation of clearly established standards of constitutional or statutory law. Mr. Chastain's suit did not allege that Representative SUNDQUIST had violated any statutory or constitutional provision and, therefore, the doctrine of official immunity required the dismissal of the lawsuit.

On appeal, however, a divided three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit overturned the dismissal. The two-judge majority wrote that although Mr. SUNDQUIST had certainly been acting within the sphere of his official, though not legislative, duties, Members of Congress, alone among all public officials, are not eligible to receive the protections provided by the doctrine of official immunity. The majority reasoned that since the Constitution provides Members with an absolute immunity for their legislative actions, no other immunity should be provided. This reasoning leaves Members, who are the only officials the framers of the Constitution believed required an immunity, more exposed to litigation than all other public officials.

Judge Mikva dissented from the ruling of the majority, writing that it made no sense to treat Members in this fashion. Judge Mikva noted that the role of the Representative, today and throughout history, has included many official functions which are not legislative. The dissent then points out that in a departure from the established precedent of this circuit and the Supreme Court, the panel's majority had denied to Members of Congress a protection that the courts had routinely extended to all public officials ranging from Cabinet officers to local postmen. Judge Mikva could have gone further because, in fact, the courts have extended this immunity to cover the official actions of public officials including dog-catchers, local liquor licensing boards, and a variety of judges and court personnel.

After this panel decision, Representative SUNDQUIST sought a rehearing by the entire court of appeals. This request was based on the panel's departure from the established precedent of the circuit and on the serious flaws contained in the two-judge majority's reasoning. Under the rules of this circuit, such a review will be granted if a majority of the judges in regular active service vote to rehear the case. Earlier this year, the court of appeals acted on Representative SUNDQUIST's request for a rehearing. Six judges on the circuit voted to rehear the case. Five judges voted not to rehear the case. Judge Bork, who at the time had announced his departure from the bench was still officially a member of the court, declined to participate. The 6-to-5 plurality vote constituted only half, not a majority, of all judges in regular active service. Therefore, the opinion of the two-judge majority stands as the decision of the circuit. Thus, a decision which affects each and every Member of the Congress in his day-to-day performance of his official duties remains in effect even though a plurality of the judges on the circuit have called for a reassessment of that opinion.

This strange treatment of the matter by the court of appeals simply highlights the need for the Supreme Court to review this decision. Representative SUNDQUIST has now filed with the Supreme Court a petition for a writ of certiorari. If the Court grants the writ, it will review the decision of the court of appeals. What we do today is to express the institutional desire of the House, as a coordinate branch of government, to obtain this Supreme Court review. The resolution does not ask the Court to decide the case in any particular fashion; though we may all have thoughts on what the proper outcome should be. However, it should be clear that this resolution does not seek any particular outcome, it only seeks to have the Supreme Court review the matter.

This resolution is unusual but not unique. In the 97th Congress, I offered and the House adopted a similar resolution asking the court of appeals to review a decision of a three-judge panel which, on a 2-to-1 vote, had ruled that it was unconstitutional for the House to select and maintain a Chaplain of the House. After the adoption of that resolution, the court of appeals granted a motion for rehearing and vacated the panel's decision. Eventually the constitutionallity of our actions in selecting and maintaining a Chaplain was clearly vindicated by the court.

Through this resolution, the House does not take sides in an extra-legislative dispute between persons or policies in the Nation at large. Through all its history, the House has spoken on questions of privilege recognized pursuant in its rule IX as "affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." This role goes back, beyond even the framing of the Constitution two centuries ago, to the early stirrings of legislative consciousness in the medieval House of Commons. As described in the authoritative treatise on Parliamentary Procedure by Sir Thomas Erskine May, in "Haxey's Case" in 1396, a member of the House of Commons at first was condemned as a traitor for proposing a bill for reducing the excessive charge of the royal household. The House of Commons came to the aid of Haxey, by successfully asking for reconsideration of the judgment against him, which in review was annulled. So, too, at this time, this House responds to a suit brought against one of its own Members, concerning that Member's own actions, and raising an issue concerning the House's own ability to discharge its responsibilities.

For these reasons, I believe that it is important for the Supreme Court to recognize the vital importance of this question to the House of Representatives and adoption of this resolution will express to the Court the institutional interest in this matter on behalf of the House. I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution which I have cosponsored with the gentleman from Washington [Mr. FOLEY].

This resolution has one central and vital purpose—and that is to urge the Supreme Court to clarify the constitutional parameters of our official acts as Representatives of the American people.

I believe it is essential that the underlying case, Chastain against Sundquist receive the total and thorough attention of our highest judicial body.

Before addressing some of the substantive issues involved in this case I should like to outline the facts and the pleadings of the case up to this point.

The basic facts are as follows:

In January 1985, our colleague, the gentleman from Tennessee [Mr. SUNDQUIST], acting in his official capacity as a Congressman, sent a letter to the Attorney General of the United States concerning the activity of a group in his district, the "Memphis Area Legal Services," commonly referred to as MALS.

In this letter Mr. SUNDQUIST alluded to the plaintiff, Mr. Chastain, a staff attorney for MALS, in such a way as to trigger this defamation of character suit. Later, Mr. SUNDQUIST publicized his views concerning Mr. Chastain and MALS in his congressional district.

The defamation of character suit was originally brought in D.C. Superior Court. It was removed by motion of Mr. SUNDQUIST to the U.S. District Court for the District of Columbia where a motion by Mr. SUNDQUIST to dismiss based on official immunity was granted.

However, upon appeal, a divided three-judge panel of the U.S. Circuit Court of Appeals for the District of Columbia reversed the lower court decision and held that "Members of Congress are not entitled to immunity for common law tort suits even if committed while acting in the scope of their official acts."

Mr. SUNDQUIST's motion for reconsideration by the full circuit court failed on a 6-to-5 plurality vote, because at the time Judge Bork, the 12th judge on the circuit, did not vote, and the rules of the court require a majority of all sitting judges. In this case it meant seven, not six, was the required number for a majority.

A petition for a rehearing also failed, so Mr. SUNDQUIST filed for certiorari before the Supreme Court, which now must first decide whether to hear the case, and if so, then decide on its merits.

Before proceeding further I believe we should pause for a moment to reflect on another very important case that bears on this. I refer to Hutchinson versus Proxmire decided by the Supreme Court, some 9 years ago.

In that case, the Supreme Court stated that the "speech or debate clause does not protect transmittal of information by individual Members of Congress by press release and newsletters."

Members will recall that in the Hutchinson case a Member of the Senate in his "golden fleece" award offended a scientist doing research on monkeys at the National Institute of Health.

The Hutchinson case stands as an important landmark of constitutional law, but I do not believe it governs the outcome of the case at hand.

The activity of the legislator in the Sundquist case is, in my opinion, clearly within the perimeters of official acts. Such things as writing to Cabinet officers and informing your constituents are vital, basic and essential functions for any Member of Congress.

There is indeed a large body of law that insulates judges and executive branch officials from tort liability for their official acts. Let us hope the same standard is available to Members of Congress in addition to our precious speech or debate privilege embodied in the text of the Constitution itself.

There are, you know, several ways for the people to have a free voice in the affairs and events of their time. They are allowed to speak individually for themselves under the first amendment and of equal importance, they look to their elected representatives—that's us—to speak up for them.

They are counting on us to speak, not only on the floors of the House and Senate in regular debate, but also through the advancing electronic and ever-expanding means of modern communications.

When the founders codified the speech or debate clause, they also recognized the existence of official immunity but I'm not so sure they ever imagined the television technology that would multiply and transmit the words and images of this Chamber to millions of television viewers across the Nation and the world.

That is why, Mr. Speaker, this case is so important. We must be able to speak and act freely within the bounds of our official duties if we are to continue to represent a free and strong people. If we are unable to speak forthrightly and fairly within the bounds of our official duties, we will be less able to represent the people we are elected to serve.

That is why, Mr. Speaker, this resolution, like the resolution we adopted 6 years ago petitioning the full court of appeals to hear the Chaplain case, should be overwhelmingly adopted today.

☐ 1140

Mr. Speaker, I would ask then to include with my remarks at the conclusion of my opening remarks the text of our "Dear Colleague" letter that the gentleman from Washington [Mr. FOLEY] and I jointly signed to the membership.

I will reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR COLLEAGUE: On Wednesday, May 11, 1988, we will seek floor consideration of a privileged resolution. The resolution requests the Supreme Court to review a recent decision of the United States Court of Appeals for the District of Columbia Circuit in *Chastain* v. *Sundquist.* The Speaker and the Bipartisan Leadership of the House believe that the opinion of the divided panel of the Court of Appeals represents a significant departure from established precedent and seriously threatens the proper functioning of Members of the House as representatives of the American people.

The Court of Appeals has held that Members of Congress do not receive the protections provided to all other public officials under the doctrine of official immunity. This ruling was issued, and permitted to stand, by a sharply divided Court of Appeals in a million dollar lawsuit brought against our colleague, Don Sundquist.

Congressman Sundquist had written letters to the appropriate Executive Branch officials expressing his concern with the allocation of resources, and the manner of operation, of the Memphis Area Legal Services, a federally funded entity. He also brought these concerns on this ongoing public controversy to the attention of his constituents.

A lawyer, who was mentioned in one of the letters, brought suit against Congressman Sundquist alleging that the communications with the Executive Branch and with the public had been defamatory. The suit sought in excess of one million dollars in damages.

Congressman Sundquist was represented by the General Counsel to the Clerk of the House. The District Court dismissed the suit, holding that Congressman Sundquist had been engaged in his official duties and, therefore, was protected by the doctrine of official immunity. Pursuant to that doctrine, all public officials who are engaged in the discretionary performance of their official functions can only be subjected to suit and liability for violations of clearly established standards of statutory or constitutional law. Since the Plaintiff had not alleged that Congressman Sundquist had violated any statute or constitutional provision, the District Court dismissed the case.

On appeal a three-judge panel ruled, on a two-to-one vote, that Members of Congress engaged in official, but not legislative actions, receive no protection whatsoever. The justification for this treatment, which differs from the treatment accorded every other public official at all levels and in all branches of government, was that the Constitution provides Members with an absolute privilege for legislative actions under the Speech or Debate Clause and that, therefore, no other privilege would apply.

Judge Mikva, a former Member of the House, dissented and wrote a strongly worded opinion which argued for the application of the immunity and pointed out that the two-judge majority was departing from the established precedent of the Court of Appeals.

Congressman Sundquist sought to have the decision reviewed by the full Court of Appeals, but despite the agreement of a six-judge plurality that the panel's decision should be reviewed, the full court declined to rehear the case. Congressman Sundquist is presently seeking a review of the matter by the Supreme Court.

Our resolution simply requests the Supreme Court to review the case. Adoption of the resolution will not ask the Court to rule in any particular fashion on the merits of Congressman Sundquist's argument but will highlight for the Court the extreme importance of this question to all Members of the House. Every one of us is called upon on a daily basis to perform many official functions which are not integral parts of the legislative process. The job of a Congressman extends far beyond the confines of formulating, debating and acting on legislative proposals. Each of us is in daily contact with Executive agencies and with our constituents. Part of our task is to bridge the gap between the federal government and the citizens we represent. It is important that we be able to attend to these responsibilities without unnecessary fear or inconvenience from litigation. The same reasoning that has led the Judicial Branch to provide a degree of protection to Executive and Judicial Branch officials ranging from cabinet officers to local dog catchers should lead the Court to review a decision denying that protection to Members of Congress.

We hope you will support our privileged resolution.

THOMAS S. FOLEY,
Majority Leader.
ROBERT H. MICHEL,
Republican Leader.

Mr. FOLEY. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I join with my colleagues in support of this resolution. It is clear that among our primary responsibilities is being advocates for our constituents within the bureaucracy and challenges that they face. Half of our work at times may be the work of serving our constituents.

When you take a look at the volume of our work of the Congress as a whole, some estimate beyond a million cases a year, that is what restores the faith of people in the governmental process who have been trampled by the bureaucracy or larger corporations. Often our role as advocates may be as important as our role as legislators in seeing that this Government serves its people.

I applaud the efforts of the gentleman from Washington [Mr. FOLEY], the majority leader, and the gentleman from Illinois [Mr. MICHEL], the minority leader, on this particular resolution. I urge all of my colleagues to support it.

Mr. Speaker, I rise in support of the resolution asking the Supreme Court to consider the Sundquist case. I am particularly concerned about the impact that case may have on the ability of Representatives and Senators to help their constituents who have trouble with Federal agencies.

While we do not have precise figures, it is a fair estimate that Congress handles over a million constituent cases a year. These include helping constituents on matters of social security, tax, veteran's benefits, immigration, Medicare and Medicaid, and the whole array of problems with the Federal Government.

The help we give constituents is a vital part of their lives, and a major part of our responsibility in holding office. Yet, the Sundquist decision says that when we help on constituent case matters, we are mere volunteers. That decision says that we lack the immunity protection against litigation that every other Federal officer has.

This means that if anyone involved in a constituent case becomes dissatisfied or angry, they can sue us under some negligence theory or other theory, and we will not have any official protection. It involves the courts deeply in the relationship of constituents and their representatives. Quite clearly, the decision puts in doubt our ability to perform casework any more.

An obstacle to our performing casework imperils one of the Congress' most useful public functions. The Supreme Court should take this case, to decide whether the lower court's doctrine squares with the important role casework plays in making the Federal Government responsible to the people.

Mr. MICHEL. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I strongly support this bipartisan resolution to request that the Supreme Court grant the writ of certiorari and review the case in which a lower court held that our colleague, Congressman DON SUNDQUIST, would not receive official immunity for addressing the Attorney General on a public issue, or even for communicating with his constituents on that issue.

Two centuries ago, Thomas Jefferson and James Madison expressed the vital part played in the separation of powers by Members' speech in their "Protest against interference of Judiciary between Representative and Constituent," reprinted in volume 8 of the collected "Works of Thomas Jefferson." Jefferson and Madison's attention was attracted, and their indignation aroused, by a threat to the Representative from their own Virginia district, Samuel Jordan Cabell.

Congressman Cabell had sent his constituents a "circular letter," what we would today call a newsletter—only in those days it was circulated from constituent to constituent as a treasured item, a kinder fate than some of ours meet, I fear. Like any typical opposition newsletter, it blamed the administration for all problems in foreign affairs, particularly, at that time, the conduct of President John Adams' administration with respect to the war in France following the French Revolution.

In response, a grand jury was convened to inquire into the "unfounded calumnies" contained in the circular letter, and whether to charge the Congressman with criminal defamation. In their "Protest," Jefferson and Madison defended the Congressman saying that "the people have professed the right to being governed by laws to which they have consented by representatives chosen by themselves immediately" and therefore:

> * * * in order to give to the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully, it was part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the coordinate branches, Judiciary and Executive; and that their communications with their constituents should of right, as of duty also, be free, [and] full. * * *

Jefferson and Madison went on to warn of what the effect would be if the Federal judiciary took over this area, in words that we might use today, if we had the deeper understanding of the Constitution they possessed—

> [F]or the Judiciary to interpose in the legislative department between the constituent and his representative, to control them in the exercise of their functions or duties towards each other * * * is to put the legislative department under the feet of the Judiciary, is to leave us, indeed, the shadow, but to take away the substance of representation, which requires essentially that the representative be as free as his constituents would be * * *; is to do away with the influence of the people over the proceedings of their representatives by excluding [them] from knowledge. * * *

Mr. Speaker, I know of few observations so prophetic as Jefferson's, when he says that constituent newsletters are "the substance of representation" and all the rest merely "the shadow." I know that I do not relish being fitted for a judicial muzzle. I find myself in firm agreement with our former colleague, Abner Mikva, who was the vigorously dissenting judge in Congressman SUNDQUIST's case. In this case, his dissent has truly said to those of us on opposite sides of the aisle, that while we may disagree with each other about what we say, we must defend each other's right to say it. As Judge Mikva warned, without judicial protection for communication with constituents, "we are liable to have a Congress that is deterred from the vigorous exercise of its constitutional responsibilities."

And so, on the eve of the bicentennial year of the Constitution's ratification, I can think of no case more worthy than this of the granting of the writ of certiorari by the Supreme Court. I urge adoption of a resolution to recommend this course to the Supreme Court.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I rise in strong support of the resolution urging the Supreme Court to review and overturn the court of appeals decision in Chastain versus Sunquist.

The libel suit against our colleague grew out of a political dispute in Memphis over the propriety of certain techniques for enforcing child support laws and over the proper allocation of the resources of the Legal Services Corporation. In the past, Mr. SUNDQUIST and I have been on opposite sides of the fence with regard to various political disputes. It is quite possible that we will continue to disagree about many subjects.

There is no disagreement between us, however, about the court of appeal's decision or about the lawsuit. The court's decision is very wrong, and this libel suit should be dismissed. Decisions such as this threaten to muzzle the Members of this body and choke off our free and open communications with our constituents.

Mr. Speaker, as many in this body are aware, I myself was recently the victim of an unconstitutional attempt to silence me and prevent me from fulfilling my obligation to communicate with and inform my constituents. A district court in my home State of Tennessee issued a gag order that prevented me from discussing or refuting charges made against me.

Fortunately, the Sixth Circuit Court of Appeals recognized how fundamentally improper it was to interfere with the communications between a Representative and the people he represents. The sixth circuit relied extensively on the works of Thomas Jefferson and James Madison. It quoted their comment that communications with constituents "should of right, as of duty also, be free, full, and unawed by any." The sixth circuit understood that a "Representative's legislative role is not limited to formal speech and debate in Congress but includes communication with the electorate." By ignoring these crucial points, the D.C. Circuit has opened the door to an avalanche of harassing and vexatious litigation. The Supreme Court should review this harmful decision and reverse it.

□ 1150

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I wish to express my alarm concerning the recent decision against Representative DON SUNDQUIST. The lower court in that case has announced that legislators do not have the official immunity that all other officials have. That case suggests that legislators can be sued for what they say in public and for what they write to executive agency officials.

I want to take a moment to discuss what this decision means, not only to us, but to all legislators. The somewhat twisted logic of the lower court which gave this decision, imperils State legislators quite as much as Members of Congress. That is, if Members of Congress are mere volunteers when they speak out publicly, or write letters to executive agencies, then State legislators are also volunteers when they speak out or write.

Yet, while there are only 535 Members of Congress, there are 50 State legislatures, and thousands of city councils and other local legislative bodies. We are talking about thousands and thousands of State and local legislators. If the Federal courts are going to police what State and local legislators do and say, they will launch a major Federal invasion into how State governments work.

The last thing we need is for the Federal courts, whose dockets are already overloaded, to take on policing the activity and debates of State legislators. I therefore join in supporting the House's request that the Supreme Court take up this case.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I concur in everything that has been said so far by the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL].

Mr. Speaker, the court's decision in the Sundquist cast poses a dangerous threat to one of the most basic of the responsibilities that each of us was elected to carry out.

The framers of our Constitution, in their wisdom, could not have foreseen that this body would be sealed off from communicating with the people whom we represent by a court's decision. Those framers deliberately established a legislature that was to be open and responsibe to the people, not a star Chamber in which decisions and the process by which those decisions are reached remain forever mysterious. The Supreme Court should undo the damage.

How empty would the right of the people to petition the Congress be if the Congress and its Members could not communicate back to those who petition. The intrusion by the court of appeals into this fundamental process of give and take between the Congress and the people must be undone.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. SUNDQUIST. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, since I am a direct beneficiary of this legislation, I will refrain from casting a yea or nay vote. I will be voting "present" on this resolution in the event of a recorded vote.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I appreciate the gentleman from Washington, the majority leader, for yielding me this time.

Mr. Speaker, I too wish to rise in strong support of this resolution.

If Members are sitting in their offices, think about all of the mail that has come in, think about all of the inquiries that have gone out to Federal agencies.

The situation that the gentleman from Tennessee [Mr. SUNDQUIST] is in I find myself in, but perhaps at a little earlier stage. I have not yet been sued, but the implication is clear that I may be because I got involved in a controversy in my district, and because of the request of some constituents I requested a Federal agency to perform an investigation. That is right, to perform an investigation. That was it.

Immediately I get a letter from a law firm with at least five names in the letterhead, that is always a tip off, urging or demanding I retract my statements or the implication is that litigation will follow.

So I say to my colleages somewhere sitting in their offices right now is a letter with those possible implications. That is the significance of this case, and that is why I strongly urge a unanimous vote in favor of this resolution.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I strongly concur in this resolution. I believe the speech and debate clause is extremely important for the Members of this body to conduct their business and for the country to be protected.

But having experienced a good deal of study of this issue during the course of the Iran-Contra hearings, I do want to point up some distinctions involved in this matter. First of all, the letter involving the gentleman from Tennessee [Mr. SUNDQUIST], was something that he wrote to an agency of Government as a part of his official duties. There is no question in my mind, and I do not think in reading the law there should be a question in the court's mind when they finally analyze this, if they take it up, that anything to do with actions on the floor, anything to do with actions in the committees or in an official capacity, such as this letter, should be protected. That is the only way that we can conduct business in a civil society.

On the other hand, there is an area in which things can be protected and should be unprotected that Members of Congress can do in the way of communicating while they are holding office, and to me one of the most egregious things that a Member of this body or any other body can do while he is holding office is to leak highly classified security information to people who do not have any official reason to have that information.

I certainly do not believe that whatever we pass today or whatever the Supreme Court rules on should impinge the opportunity for this body or for future Congresses to restrain Members from that kind of conduct. I do not think it is protected by the speech and debate clause, and my study of the history of the law, and I have conducted quite a bit of study of it, says that is the case.

But I do urge my colleagues to vote unanimously for this resolution. It concerns the official duties of the gentleman from Tennessee [Mr. SUNDQUIST]. If we do not have a ruling on this, there is going to be tremendous impediment to free and open discussion within this Government that we have to have in conducting our affairs.

Mr. HUGHES. Mr. Speaker, I rise in stong support of the resolution.

I am very concerned that the speech and debate clause of the Constitution is being construed more and more narrowly by the courts in a series of decisions, to the point where it has become almost a meaningless vestige of what was intended by the Framers of the Constitution.

The most recent decision in this line is Chastain versus Sundquist, which held, in essence, that a Member of Congress cannot, in good faith, write to the Attorney General of the United States, about suspected improprieties in the conduct of a federally funded program, without making himself potentially liable for defaming the individuals who are involved in that program.

Mr. Speaker, that just doesn't make sense. It is essentially incomprehensible because, in this particular case, plaintiff and defendant alike agree that the Member of Congress was acting within the scope of his official duties when he contacted the Attorney General.

I don't believe election to Congress should be seen as a license to defame.

But, by the same token, the courts must recognize that debate on public issues does not take place in a vacuum. Rather, it is a public process that, almost by definition, includes an active exchange between the news media, the general public, elected and appointed officials, and everyone else who has an interest in the matter.

We, as elected officials, cannot take part in the process if we are exposed to civil liability everytime we tackle a controversial subject that might invite the attention of the news media.

Our citizens do not send us to Congress so that we can engage in esoteric debate in some quiet corner of the Capitol.

They want to know what we're doing.

They want to know how we feel about what's going on in the public arena.

They want us to be active on behalf of the things they feel are important and that includes, at a minimum, working to eliminate waste, fraud, abuse and impropriety in the conduct of Federal programs.

If I am sitting in my office, and a constituent contacts me to let me know of some impropriety in a federally funded program, should I not bring this to the attention of the proper authorities?

Or, if I feel that the abuse is significant enough, do I not have a duty to raise my voice?

And, if the abuse is a true outrage, do I not have a duty to speak out loud enough for all to hear?

Or instead, perhaps I should think about the possibility that I might be sued, if I speak out. Maybe I should consider that, instead of improving public administration, my actions might just result in days of endless depositions, fishing expeditions through my office files, and all sorts of legal expenses and maybe even a judgment for damages.

In fact, maybe I should just forget the whole thing.

But, Mr. Speaker, that is not our role. We must not forget about, or turn our backs, on the things we believe to be wrong.

Indeed, the history of the speech and debate clause has been traced back through our English heritage to at least the year 1689. Legislative immunity has been seen as critical in fighting against British monarchs who used criminal and civil law to attack and intimidate independent-minded legislators. The Framers of the Constitution sought the same protection for us.

In many respects, the history and development of legislative immunity is one and the same with the history and development of the system of checks and balances we hold dear in this country, and the idea that each branch of Government in this country is coequal.

Exposing legislators to civil liability, for doing things which are unquestionably within the scope of their official duties, is a step backwards. It is dangerous. It will undermine the ability of elected officials to exercise oversight of the conduct of Government projects and programs. It will unquestionably have a chilling effect on the willingness of Senators and Congressman to take on controversial subjects.

I urge the overwhelming adoption of this resolution, in hopes that the Supreme Court will overturn this ill-considered decision that is so patently contrary to good government, and the separation of powers.

Mr. FOLEY. Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. LOTT. Mr. Speaker, I am the final speaker on this side, and I yield myself such time as I might consume.

Mr. Speaker, I rise in support of the House's request to the Supreme Court to review the Sundquist case. This decision by a divided lower court held Congressmen liable for expressing their views to the press on public issues. It casts a pall over the ability of Members of Congress to take part in public debate.

In this case, Congressman SUNDQUIST commented on the issues of a dispute between Memphis Area Legal Services, and the juvenile court of that area. That is the type of public issue about which Members of Congress routinely comment. The issue in the case is not which side was right or wrong, but whether Congressmen may comment at all on such matters.

As the divided court ruled in the matter, a Congressman has no official immunity for his statements on official matters. Judge Mikva, in his dissent, points out that under that ruling:

> Congressmen cannot also qualify for the immunity that courts have given to postmen. Today's holding not only ignores precedent, but does damage to our governmental structure.

It astonishes me that a Federal court could say that every other official of the Federal Government receives official protection, but Members of Congress do not, when speaking out on public issues within their responsibilities.

I sincerely hope that the Supreme Court will review this case and in its most careful manner will reverse the lower court decision. It does go to the basic fundamentals of our guarantees as Members of Congress, and I do think this is a forerunner of what could be a whole number of this type of lawsuits being brought against Members of Congress to tie us up and to shut us up. If we do not take active part in this appeal before the Supreme Court and get a favorable ruling by the Supreme Court, the door is wide open, and there will be no end to this sort of thing.

It is a very important part of our responsibility as a Member of Congress to be able to speak out on these public issues. I urge the House to give this overwhelming and in fact hopefully a unanimous vote.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GORDON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, answered "present" 2, not voting 16, as follows:

[Roll No. 128]

YEAS—413

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp

Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

ANSWERED "PRESENT"—2

Jacobs
Sundquist

NOT VOTING—16

Biaggi
Boulter
Brooks
de la Garza
Dornan (CA)
Duncan
Flake
Frenzel
Gallegly
Hansen
Hoyer
Konnyu
Mica
Nichols
Spence
Yates

□ 1220

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, I was off the floor and failed to vote on House Resolution 446, which is a proposition that I strongly support and, had I been on the floor, I would have voted "aye" on rollcall 128.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 446, the privileged resolution just agreed to.

The SPEAKER pro tempore (Mr. Kildee). Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

(Mr. GILMAN asked and was given permission to address the House for 1 minute.)

Mr. GILMAN. Mr. Speaker, I was unavoidably detained on Wednesday May 11, 1988, because I was participating in the White House Conference for a Drug-Free America, and as a result I missed roll call 121, on approving the Journal. Had I been present, I would have voted "yea."

WRONG MESSAGES FROM THE WHITE HOUSE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA Mr. Speaker, there are disturbing reports this morning that indicate that the Reagan administration has offered to drop all drug trafficking charges against Panamanian dictator Manuel Noriega if he will leave power by August 12 of this year. It is a bad idea, Mr. President, and it sends all the wrong messages.

How can this Nation talk tough about drug enforcement when it is willing to drop all charges against a known drug dealer? What message are we sending to other Central and Latin American nations when this administration is willing to negotiate with a dictator from Panama, but unwilling to participate in a peace process in Central America?

Finally and perhaps most incredibly, as the administration threatens to veto the trade bill, why is this administration willing to give 60 days' notice to Noriega to get a new job and not 1 hour notice to an American worker?

Mr. President, these are the wrong messages.

SMALL BUSINESS WEEK

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, this year President Reagan has designated May 8 to 14, 1988, as "Small Business Week" in America.

In Oklahoma, 96 percent of our businesses have fewer than 50 employees. We have a lot of good examples of small business entrepreneurs. I want to single one out. His name is Ken Selby. Ken Selby started "Ken's Pizza" in 1961 with one employee. It took him 4 years before he hired his second employee. Today, 27 years later, Mazzio's Pizza has operations in 14 States and revenues exceeding $140 million. He contributes over $2 million a year to Oklahoma taxes.

Most of the employees of Ken's Pizza who started with him are still there. Craig Bothwell was a dishwasher for Ken 20 years ago and now he is president.

Ken Selby epitomizes the American success story in Oklahoma, and I am sure there are a lot of other Kens around.

What can we in Congress do for these small business people who are employing America's labor? We can leave them alone. We can let them run their own businesses without Government interference and it would help small business around America to put America back to work.

So to all you Ken Selbys out there, you guys are great.

PERSONAL EXPLANATION

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Washington. Mr. Speaker, on Friday, April 29, I was unavoidably detained while there were five votes on H.R. 4264, the Department of Defense authorization bill.

Had I been present on rollcall No. 81, the Aspin en bloc amendment, I would have voted "yes."

On rollcall No. 82, the Traficant amendment to prohibit contracting out, I would have voted "no."

On rollcall No. 83, the Bryant amendment to reduce the number of U.S. troops in Europe by 1993, I would have voted "yes."

On rollcall No. 84, the Robinson amendment to provide for phased withdrawal of U.S. forces in Europe, I would have voted "no."

On rollcall No. 85, the McMillan of North Carolina amendment to express the sense of Congress that the United States should enter into defense-burden sharing negotiations with our allies, I would have voted "yes."

NOTICE TO NORIEGA, BUT NO NOTICE TO AMERICAN WORKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President will veto the trade bill. He says it gives American workers 60 days' notice and he cannot tolerate that.

On the other hand, as just stated earlier, he gives General Noriega, one of America's greatest drug smugglers and enemies, a 75-day notice to find a new job, leave Panama, and in addition he makes him an offer, an offer that would drop all the indictments. All he has to do is leave.

I say, just think about it. If you are a patriotic American worker, you cannot get a minute's notice from the President, but he will give Noriega a 75-day notice.

You know, the Republicans keep saying, "Let Reagan be Reagan."

I say, unfortunately, Mr. Speaker, it looks instead of Reagan being Reagan, he turned into Monte Hall. The only deal America should make is with Panama. You extradite Noriega to America, to stand trial or we will come in after him, and that is the only signal that should go out to drug smugglers in Central America.

BRING EMPLOYEES OF CONGRESS AND THE FEDERAL JUDICIARY UNDER CONSTITUTIONAL CIVIL RIGHTS

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, it is appropriate when we differ with the executive branch and the President, as the prior two speakers from the other side of the aisle have done, to voice our disappointment and disagreement, but it is even more appropriate if we look at our own House first and perhaps correct what I can only assume on the other side of the aisle is ignorance of a situation that exists, that anyone concerned about civil rights will want to change, and that is I ask your support from the Democrat side of the aisle to be cosponsors of the bill that would bring the Congress of the United States, all of its employees and the Federal Judiciary, under a Civil Rights Act that would be constitutional, but would end the hypocrisy that now we have as we tell the rest of the Nation what to do, but exempt ourselves.

I am still naive enough to believe that as soon as everyone understands what we have done, they will wish to end this, and the majority party will want to take a leadership role in supporting my bill and end the ultimate hyprocrisy of this place, so it will be called the last plantation no more.

SUPPORT FOR INCREASE IN MINIMUM WAGE

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, I would like to take this opportunity to express my strong support for increasing the minimum wage.

It seems to me that we, the Congress, can do one or two things. We can support taxpayer-financed social programs to provide the necessities of life—food, clothing, and housing—to the working poor. Or we can raise the minimum wage so that those who earn it can live on it.

I believe it is far better to reward hard work and promote self-sufficiency by raising the minimum wage, than to force someone to accept a Government handout in order to survive.

As Governor of a State which raised its minimum wage above the national minimum a few years ago, I found few negative effects on our economy. In fact, employment grew at more than three times the national rate.

I urge my colleagues to encourage financial independence and show their respect for those at the lowest end of the wage scale. Vote for human dignity by voting to increase the minimum wage. Support the Hawkins bill.

DEATH PENALTY FOR DRUG TRAFFICKERS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, as all of us know, drugs are killing thousands of young Americans and ruining hundreds of thousands of other lives.

In addition, drugs are costing Americans hundreds of billions of dollars. Because of that, today I have introduced legislation which would call for the death penalty or life imprisonment without benefit of parole for all major drug traffickers in this country.

A major drug trafficker, according to the Justice Department, is defined as a person who is in possession of 4 or more kilos of pure cocaine, 2 or more kilos of pure heroin, or 200,000 dosage units of PCP or LSD.

Mr. Speaker, it is time to get tough with these people. It is time to put them behind bars forever or to take their lives for killing our young people.

Mr. Speaker, I urge my colleagues to support this legislation.

ENVIRONMENTAL QUALITY IN ALASKA

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, in the name of energy independence, a number of my colleagues have suggested that the Interior Committee should immediately move legislation which would open up the Alaska National Wildlife Refuge for exploitation for gas and oil reserves.

□ 1230

I have never visited any place in the world that rivals Alaska's National Wildlife Refuge for austere primitive beauty. It is a timeless unspoiled landscape that has seen no material change in thousands of years.

There are some disquieting reports, including an analysis done by the Fish and Wildlife Service, that suggest that oil development and gas development in this area could cause far more environmental damage than anyone has anticipated. I can only submit that the Committee on Interior and Insular Affairs should be given an opportunity to hold thorough, careful, and deliberate hearings on what the impact of gas and oil development would be in the wildlife refuge before this priceless and primitive habitat is possibly destroyed.

MAKE IT A CABINET POST BY MEMORIAL DAY, 1988

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, last November the House approved important legislation elevating the Veterans' Administration from an independent Federal agency to a Cabinet-level department.

The House vote was 339 to 17. I strongly supported the measure. The President has endorsed the proposal. It has substantial backing from virtually every veterans organization.

All those who support this worthy effort and recognize the importance of the bill should urge its immediate enactment into law.

The goal, in fact, should be making it a reality by Memorial Day, 1988. As Chairman SONNY MONTGOMERY recently reminded us: In whatever fashion, in whatever manner, we need to remember our veterans. We need to remember the past, remember the cause, remember the cost.

What could be more fitting or more appropriate in honoring our veterans than to see this bill making the VA part of the President's Cabinet become law by Memorial Day.

This would make Memorial Day, 1988, one we will not forget.

OPPOSING THE GEKAS AMENDMENT TO THE HATE CRIMES STATISTICS ACT

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, I rise today in strong opposition to the Gekas amendment to H.R. 3193, Hate Crimes Statistics Act. For a number of reasons, that section that Mr. GEKAS seeks to eliminate is perhaps the most important part of this bill.

Last year, the House Criminal Justice Subcommittee, chaired by my friend, Mr. CONYERS, heard testimony from a wide range of experts indicating that antigay violence was on the rise and becoming more pervasive. This increase in volatility is fueled, sadly enough, by AIDS paranoia and hatred of the gay community.

Statistics support this belief. In New York City alone, the victims on antigay violence increased 83 percent last year. Studies have shown that nearly 1 in 4 gay men and nearly 1 in 10 women had been physically abused because of their sexual orientation.

In fact, hate and violence motivated by sexual orientation more than doubled between 1985 and 1986. To me, it is a grave injustice to tell thousands and thousands of victims that their pain, their suffering, and their fear are unworthy of the attention of a government that is supposed to safeguard the rights and freedoms of all Americans. To me, it is a grave injustice to tell aggressors that the Government will turn its face from their crimes, if only they carefully select their victims. But those are exactly the messages which the Gekas amendment would send.

Mr. GEKAS maintains that this provision does not belong in this bill. I could not disagree more strongly. Whether it is crime motivated by predjudice against a person because of race, ethnicity, religion, or sexual orientation. Hate and violence do not discriminate and we should not either.

Perhaps most importantly, it is crucial that Congress send a message to the aggressors and the community of potential victims that violence against people based on their sexual orientation is not acceptable. The gay community deserves this fundamental justice. Basic human decency demands it. And, aggressors must be made to understand that we will not stand by and tolerate any violence or compromise of civil liberties.

Violence against sexual orientation has motivated many of the Nation's leaders to action. Cardinal John O'Connor, of the Roman Catholic Diocese of New York, vehemently stated before the U.S. Commission on Civil Rights last year that the Catholic Church "categorically rejects all forms of violence against homosexual persons. * * * I have publicly abhored, orally and in writing, against any individuals or classes, regardless of reasons given to justify it. * * *"

Archbishop John R. Quinn of San Francisco, joins Cardinal O'Connor saying that, "Nothing can justify attacks on homosexual persons, and the church must clearly repudiate all such acts. Violence is not the way of the Gospel. Violence is not the way of the church. Violence is not the way of Christ."

For all of these reasons, please join me in voting against this regressive and damaging amendment.

MEDICAL UPDATE ON CONGRESSMAN FLOYD SPENCE

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, I know the Members will be interested in hearing about the progress of our respected colleague FLOYD SPENCE of South Carolina. As you know, he is at the University of Mississippi where he has received a double lung transplant. FLOYD had another good night last night, and he continues to improve. This morning he will be transferred from "coronary intensive care" to "coronary care," the next step in his recovery. His condition will then be upgraded to "serious but improving" from the current grade of "critical but stable." There are no signs of rejection and he has no fever. FLOYD was removed from the respirator yesterday afternoon—and today he is breathing with his new lungs. He is asking for letters to sign and wants to begin sending memos to his staff.

I have a personal message from FLOYD to all Members:

> I would like to thank all of my friends in the Congress for their prayers, calls and letters of support. I will be back with you very soon.

TRADE BILL VETO

Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, today the President is readying his Presidential inkpen to veto the trade bill. Such an absurd action is an astrological abomination. Mr. President, I thought that Aquarians were known for their humanitarian spirit. Come on, Mr. President, be true to your sign.

The trade bill is an equitable response to an inequitable world trade environment. It would provide workers with advanced notice of impending layoffs or plant closings. Such a provision is only fair.

America needs a stronger trade policy that will reverse the exportation of U.S. jobs to foreign shores. The relief which this bill would bring to my State is needed, our unemployed who have already lost their jobs need the retraining and assistance that this bill would provide.

Under the Reagan administration, the American trade deficit has soared to become the largest on record. This administration's idea to combat the deficit seems to be a reliance on the decline of the dollar. Economists predict that, if such a plan continues, the standard of living in America will be reduced by over 7 percent. While such a drop in the standard of living could mean only one less meal with imported Russian caviar for the Reagan White House, such a drop could mean enduring one more day on an empty stomach for the children of America's unemployed.

This trade bill is a prudent and balanced response to the unfair trading practices of our competitors; to the unreasonable restrictions on U.S. exports; and to the displaced worker who suffers from trade related unemployment. Mr. President, I hope when you gaze into that crystal ball of yours you will see the concerned faces of thousands of threatened American workers, rather than the callous hearts of those few who feel that a 60-day plant closing notice provision would be just too much of an inconvenience.

HONORING THE MEN WHO DEFENDED WAKE ISLAND IN 1941

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I rise today to recognize and honor the civilian men who participated in the defense of Wake Island during the invasion by Japan from December 8 through December 23, 1941. Their heroic actions have never been properly recognized by the Congress. For this reason, I am introducing a House concurrent resolution to give these men the recognition that is long overdue.

The defense of Wake Island is a remarkable story. These civilian construction workers, using meager weapons and equipment, fought alongside members of the Marines against overwhelming odds for 16 days. Their tenacious fighting was a ray of hope in the gloom of the aftermath of Pearl Harbor.

A number of these men died in the defense of Wake Island. The majority were taken as prisoners for the duration of the war. After over 40 years, the surviving members of this group have erected a monument on Wake

Island. They have asked me to dedicate the monument at a ceremony next month. I am honored they would choose me to do so.

I believe it is fitting and proper for the Congress to pass a resolution honoring these men. I would ask that each of my colleagues join with me in supporting speedy passage of this resolution.

THE TRADE BILL AND THE PRESIDENT'S VETO

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, I rise today to join those who are calling on the President not to veto H.R. 3. There are many important provisions in this bill, including import relief, Third World debt relief, export expansion, and agricultural export enhancement. There are also important features for American workers. This bill includes worker retraining and education programs, dislocated worker programs, and my bill dropout prevention and reentry legislation.

But nothing has drawn as much attention as the plant-closing notice. I would like to inform the House that as a former union official, I have negotiated many notification plans for workers, some for as long as 6 months. The 60 days that are called for in this bill are not much; 60 days is not much notice to give workers who will lose their jobs; 60 days is not much notice to give to communities which will lose their economic base.

Mr. President, we would like to exchange our trade deficit for better jobs, a more efficient economy, and a real national trade policy. Don't veto this opportunity.

TRIBUTE TO STEVE BUCKNER

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, I rise today to honor Steve Buckner, who will be taking up residence in Seattle, WA, next month after 8 years working in the Nation's Capitol.

Steve came to Capitol Hill from Wallace, ID. He served as my legislative director before assuming the post of minority staff director of the Subcommittee on Mining and Natural Resources in 1985.

Steve became well known in Government circles for his professionalism and expertise in natural resource issues, as well as his no-nonsense style. The committee benefited especially from his ability to cut through a tangle of complex regulations and bureaucratese, and bring out essential policy questions in a direct and forthright manner. As a consistent—and persistent—advocate for strong natural resource policy, he left his mark on much of the resource-related legislation that has been enacted in recent years.

Despite his commitment to public service, Steve always looked forward to returning to the Northwest some day. Now that day has arrived. Although his contribution will be sorely missed, it is fortunate that his new position in the private sector will enable him to keep in close touch with his many friends and associates in Idaho and back here in Washington, DC.

It is a pleasure to take this oppotunity to recognize the good work that my friend and former staffer has performed for the Committee on Interior and Insular Affairs and our home State of Idaho. I know I speak for my colleagues on the Interior Committee, other Members of this body and Members of the other body in wishing Steve Buckner and his family the best of luck in Seattle.

THE FINANCIAL INSTITUTION BODY COUNT

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, only once before in the Nation's history—during the dark days of the depression—have the casualty figures among our financial institutions been more devastating.

Between 1983 and the end of 1987, tombstones of 569 commercial banks and 62 thrifts were added to the graveyard of financial institutions. Currently there are 1,600 banks on the troubled list and 500 thrifts classified as insolvent.

While individual depositors remain fully protected, these conditions are impacting heavily on the insurance funds. Estimates suggest that the FSLIC fund may be from $11 to $13 billion in the red. FDIC, with $18 billion remains solvent, but big bailouts like First City and First Republic in Texas have had a heavy adverse impact.

Mr. Speaker, the Banking Committee has undertaken a close and intense monitoring of the supervisory and assistance programs being carried out by the Federal financial regulators. I have instructed the committee staff to analyze some specific case histories so that we may have the data on which to evaluate the agencies' performance in this most critical moment.

Mr. Speaker, the Banking Committee intends to make certain that we have: First, tough supervision that will stem the troubles; and second, fair and cost-efficient assistance programs.

JOE ZAPPALA MAKES A DIFFERENCE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I would like to take a few moments this morning to tell you, my House colleagues and the Nation about a very special individual from my district area.

Like me, Joe Zappala is the son of immigrants; a man who 34 years ago set his hand to building homes in Florida and in the process he has built quite a life for himself and his family.

Today he is a successful businessman who believes in hard work and accomplishment—but he is respected by everyone who knows him for more than that.

He is admired and respected because he will not say "no" to a little extra if it means it will enrich someone's life or the welfare of the community. He devotes his time to many organizations in my area—the Pinellas Association for Retarded Children, United Jewish Appeal, and Straight Inc., a now national drug treatment program that he helped establish.

Joe Zappala believes what all of us must believe—that one person can make a difference. He believes it, he has lived it, and he is proving it every day.

He is setting standards of personal and local involvement that everyone can emulate. This represents the best our Nation has to offer—hard-won initiative and a sense of caring for fellow human beings.

□ 1245

GIVE OUR WORKERS A BREAK

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, when the Hamilton Standard plant in Flora, IN, closed this past year, the workers at this plant, their families, and the community were at least given notice of the company's plans. It has not been easy for the people in Flora, IN, who lost their jobs, but it could have been worse.

Unfortunately, every American worker in every American community does not have the benefit of a warning for plant closings. The pain they suffer is far more severe than it should be.

Mr. President, give our workers and their families a break. Sign the trade bill. Give us the tools we need to fight unfair trade practices that are stealing American jobs and help restore America to its rightful place in the world's economy.

POSTAL RESPONSIBILITY ACT OF 1988

(Mr. MARLENEE asked and was given permission to address the House for 1 minute.)

Mr. MARLENEE. Mr. Speaker, I stand before you holding a U.S. Postal Service body bag and I've seen a number of them. Incredibly the contents of this bag is an official reply from the U.S. Postal Service regarding one of the many pieces of my official congressional mail which the Postal Service has managed to lose or delay. By the way, it took 13 days for this letter to travel across town, a few blocks all within this city.

As you can see the contents of the letter were destroyed, and if this had been one of my constituent's financial loan papers, a contract or a cashier's check they would be on their own to remedy the situation. The U.S. Postal Service currently is immue from responsibility.

Mr. Speaker, today I have introduced the Postal Responsibility Act of 1988. The U.S. Postal Service has severely damaged a number of its patrons. A huge number of my constituents are complaining. A private company would be forced to compensate its customers for damages.

Under my bill, the Postal Responsibility Act of 1988, the American taxpayer would finally have access to the courts and would be able to receive monetary compensation for damages caused by the loss, miscarriage, or negligent transmission of letters and other postal matter, if they proved their case.

I urge all my colleagues to contact my office and cosponsor this landmark piece of legislation.

MR. PRESIDENT, DON'T VETO THE TRADE REFORM BILL

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, H.R. 3, the Omnibus Trade and Competitiveness Act of 1988 is a trade reform bill that's good for this Nation. This country needs to make a strong statement to our trading partners, and H.R. 3 does just that. Regrettably, the President is about to send the wrong message to the world by vetoing this much needed legislation. I urge you, Mr. President, not to veto this bill.

Our $171 billion trade deficit last year is intolerable, and taking action to expand our trade opportunities is a response that we must pursue. This trade bill announces to the world our commitment to be a leader in world free trade, and it asserts our right to be treated fairly. This trade bill improves and strengthens our trade laws. It enhances our competitiveness. It sends the right message to the world.

This trade reform bill is good for the small farmer. The extension of the Export Enhancement Program through 1990 and the increase in the value of commodities to $2.5 billion is good news to our farmers. Moreover, demanding greater access for our agricultural exports to Japan and South Korea is precisely what we need to do more. These nations cannot continue to flood our markets with their products and ban or restrict our agricultural exports. This bill will help pry open markets for America's farm products.

Mr. President, this bill is the culmination of many months of work in Congress. I urge you not to veto it simply because you disagree with one provision—plant closing. Giving notice to American workers when their plants are about to close represents simple, common decency. The bill asks for just 60 days notice. It exempts small firms and provides other ways for companies to avoid the notice under certain circumstances. For the worker trying to support a family and make ends meet, 60 days is a minimal amount of time. As for the argument that Government has no business getting involved in this, I say, ridiculous. Workers are integral parts of companies and deserve to be treated with dignity.

This trade bill is good for every American. It's a bill that will help put America back on top. It tells our trading partners that we mean business. Mr. President, I urge you to sign this bill.

OMNIBUS TRADE BILL

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I would like to emphasize the attributes and importance of H.R. 3, the omnibus trade bill.

It is my belief the U.S. Congress has reported positive, intelligent, responsible legislation that sends a clear, comprehensive message to our friends abroad who currently trade, and would like to potentially trade, with the United States.

I do not believe the United States should undertake protectionism.

The omnibus trade bill is not an example of protectionism, and does not serve as a preamble of protectionist measures to come.

Furthermore, the omnibus trade bill does not seek to sway the balances of competitiveness, and it does not seek to dictate, or influence the future, as it has been so unjustly accused. The omnibus trade bill in effect simply seeks to establish a system of fair trade in that what we produce here in the United States, and seek to seek in foreign markets, has to be treated as fairly as that which is produced by foreign markets and sold here in the United States.

The importance of this measure, and the positive impact it could have on the district I am honored to represent, western Kentucky, as well as the Nation, cannot be expressed in such a short period of time. I have cosponsored and supported this legislation from the start. I urge its enactment into law as soon as possible.

I urge our President to sign H.R. 3 into law next week and to announce his intentions this Saturday in his radio message to the people.

NATION NEEDS H.R. 3

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, America is facing a trade crisis. The U.S. merchandise trade account has shown a record deficit for the past 5 years. Imports have doubled since 1980. The 1987 trade deficit of $171 billion was the largest annual imbalance ever.

It is time to put our fiscal house in order. The Nation needs H.R. 3 which reflects a comprehensive and fair trade policy. This bill, H.R. 3, reforms our trade laws, provides new remedies against countries which pursue unfair trade policies, removes unreasonable restrictions on our high-technology exports like semiconductor chips and copyrighted products and provides for the retraining of American workers who suffer trade-related unemployment.

Mr. President, it is ludicrous to veto this sweeping and balanced measure just because of one modest provision which requires companies to give advance notice of plant closing. Eighty-six percent of the American people support this provision which simply gives the American workers the opportunity to plan for their families and their future. Do not our workers deserve a few weeks to prepare for the sudden loss of their jobs? Where is this administration's sense of fairness for working people?

H.R. 3 provides many remedies for our vast and complicated trade problems. Mr. President, I urge you to reconsider and sign this trade bill. America must speak with one voice to our foreign competitors who subsidize and protect their farms and industries.

TRADE BILL HAS OTHER PROBLEMS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, perhaps only in Washington, DC, could we at a point in which we are setting new records in terms of expanded economic opportunity, at a time when we have created 16 million new jobs, at a time when we have created 7½ times as many new jobs in America as all of the rest of the Western industrial world put together, at a time when we have created these jobs and Western Europe has created a total of zero new jobs over the last 6 years could the Congress of the United States be asking the President of the United States to sign a trade bill which has important protectionist elements in it. It does not create flexibility for a President to respond to unfair trade practices. It takes flexibility away from the President. It gives more political power to the Congress of the United States to attempt to influence decisions, and we have gone that route before. We did that in the late 1920's and early 1930's, and now we have a President who is willing to say that he will use a veto, and I urge the President to use that veto but not just to give us a veto message talking about plant closings but talking about the other problems with this bill.

We may think we have problems here, but we do not have problems in comparison to what we would have if we began a major trade war in the world at a time when we are creating jobs, when the rest of the world is not, and it does not look very good. It does not make much sense. It is disastrous for us to claim that we are exporting American jobs and that we are doing poorly and that the way to win is somehow to punish the others.

□ 1255

What we have to do is improve ourselves, work with our trading partners where there are problems, utilize the laws that are presently available and continue to add upon this economic expansion to set even further records.

Let us not close our eyes to the successes we have had.

NO DEALS WITH GENERAL NORIEGA

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, the No. 1 threat to the security of this country, the No. 1 threat to the future of America as we know it today is illegal drug traffic. That is what made me very concerned, as it did most Americans today, to wake up to the news that the administration might be working out a deal with General Noriega to exchange his leaving the country for dropping the drug charges placed against him in southern Florida.

Mr. President, I along with the American people want you to send one message to General Noriega. That message is very clear. General Noriega, you can run but you cannot hide. General Noriega, we shall not rest until you are brought to trial.

Mr. President, this is the only way to deal with drug traffickers.

MISCELLANEOUS INTERNATIONAL AFFAIRS AUTHORIZATIONS ACT OF 1988

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 441

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4471) to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule, by titles instead of by sections, each title shall be considered as having been read and all points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. No amendment to the bill, including amendments in the nature of a substitute, shall be in order except amendments which are germane to either title I or to title II. After title II has been considered for amendment, no further amendment to the bill shall be in order except for an amendment inserting at the end of the bill the text of H.R. 3100 as passed by the House as a new division B. Said amendment shall be considered as having been agreed to in the House and in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions, which must be germane to either title I or to title II.

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 441 is a modified open rule providing for the consideration of H.R. 4471, the Miscellaneous International Affairs Authorization Act of 1988.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The bill shall be considered for amendment by titles, instead of by sections, and each title shall be considered as having been read.

The rule further waives points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill. This technical waiver is needed to protect a section of the bill relating to the disposition of funding for radio transmitter construction and modernization.

The rule permits germane amendments to title I and title II of H.R. 4471. Therefore, the rule is open with respect to H.R. 4471, as reported by the Committee on Foreign Affairs.

It should be noted that the rule provides that after title II has been considered for amendment, no further amendment to the bill shall be in order except for an amendment inserting at the end of the bill the text of H.R. 3100 as passed by the House. This amendment, a new division B of the bill, shall be considered as having been agreed to in the House and in the Committee of the Whole.

Finally, the rule provides for one motion to recommit, with or without instructions, which must be germane to either title I or to title II.

Mr. Speaker, H.R. 4471 extends the authority of the Overseas Private Investment Corporation [OPIC] to issue insurance and loan guarantees for 4 years, through fiscal 1992. It also authorizes certain activities of the Board for International Broadcasting.

In summary, this is essentially an open rule on H.R. 4471. However, the rule provides for the text of H.R. 3100, as passed by the House, to be attached to H.R. 4471 in order to expedite Senate action on the foreign aid authorization bill. The rule does not permit H.R. 3100 to be reopened for amendment.

The foreign aid authorization bill passed the House last December by the widest margin in the history of the unified foreign aid bill. This vote followed long consideration by the full House, which included the adoption of some 99 amendments. The House has already considered this 2-year authorization measure, so there is no need to revisit its issues on the House floor.

Despite timely House action on H.R. 3100, the Senate failed to act.

Since it is not clear whether time constraints will permit the Senate to consider its own version of the foreign aid authorization, this rule will allow the Senate to go to conference with the House on the House-passed foreign aid authorization bill by passing a companion version of H.R. 4471.

This proposal has the support of the minority of the Foreign Affairs Committee, as well as the support of the Subcommittee on Foreign Operations of the Appropriations Committee. While Members may have different views about the substance of H.R. 3100, there is a growing consensus that the procedures which require enactment of such an authorization measure should be observed.

This rule will provide a needed opportunity for the restoration of the authorization process with respect to foreign aid. I urge my colleagues to vote in favor of this bipartisan rule.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, this is a modified open rule, as has been ably explained, but it is an unusual rule.

With adoption of this rule the text of H.R. 3100 as passed by the House is attached to H.R. 4471, and after passage will be sent over to the Senate.

H.R. 3100 is the International Security and Development Cooperation Act of 1987 which passed the House on December 10, 1987. The rule does not permit any amendments to be offered to the text of H.R. 3100, but it does permit all germane amendments to be offered to title I and title II of H.R. 4471, which the rule makes in order.

Members should be aware that the Rules Committee agreed to this unusual procedure regarding H.R. 3100 at the request of the bipartisan leadership of the Committee on Foreign Affairs.

Mr. Speaker, the rule has been fully explained, and I would like to see the House get down to the business of discussing the main legislation.

Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I support the adoption of the rule before us for the consideration of H.R. 4471, the Overseas Private Investment Corporation reauthorization bill.

The rule would allow germane amendments to titles I and II of the bill, and would permit a motion to recommit either with or without instruction.

Although the current OPIC bill has the backing of the administration, several Members have expressed an interest in striking the section of this bill dealing with Hungary. This rule will allow that, and other amendments to be offered.

Also included in this rule will be the attachment of H.R. 3100, the International Security and Development Cooperation Act of 1987. Upon adoption of the rule this attachment, which passed overwhelmingly in the House last year, will be considered passed again and attached to H.R. 4471.

Let me emphasize that this is the exact same language as passed by the House in H.R. 3100. There is no substantive change in the legislation.

Although the method used here is unusual, I have agreed to support the chairman of the Foreign Affairs Committee in his request for the attachment of this legislation to the rule in order to prompt Senate majority leadership action on the foreign aid bill. The intent is to reinforce the jurisdictional interests and integrity of the authorization process.

The Senate will have the option to consider this legislation before final action on the foreign operations appropriations bill.

I know this is an unusual step but I do not think this action will prejudice the House's consideration of either the OPIC or foreign aid legislation.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HUBBARD). Pursuant to House Resolution 441 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4471.

☐ 1306

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4471) to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes, with Mr. KILDEE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for the first time.

Under the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4471. The principal purpose of this legislation is to approve the President's request to extend the authorization of the Overseas Private Investment Corporation through 1992 and to authorize the construction of a broadcasting relay station in Israel to improve the broadcasting capability of Radio Free Europe/Radio Liberty. The bill also contains a provision, added by the committee, which removes Romania from the list of countries eligible to receive OPIC guarantees and replaces that country with Hungary. The committee makes this recommendation based on Romania's deteriorating record on worker's rights and overall human rights in contrast to Hungary's improved record in this area.

I would like to take this opportunity to commend the distinguished chairmen and ranking members of the two subcommittees which did the necessary work on these provisions, Mr. BONKER, Mr. MICA, Mr. ROTH, and Ms. SNOWE.

I would also like to express my appreciation to my good friend and colleague, the ranking Republican on the committee, BILL BROOMFIELD, for his support of the authorization process and his advice and counsel with respect to the procedure under which we are considering this legislation.

After my colleague from Michigan and I complete our statements, I will yield to the chairman of the Subcommittee on International Economic Policy and Trade, Mr. BONKER, and my colleague from Florida, Mr. SMITH, a member of the Subcommittee on International Operations to explain titles I and II of this bill.

Mr. Chairman, I would like to take this opportunity to explain to my colleagues the reason for including the text of H.R. 3100, the International Security and Development Cooperation Act of 1987, in the legislation now before the House pursuant to the rule just adopted. While this procedure may appear to be somewhat unusual, we are taking this course in order to put the congressional authorization process back on track in this important area of foreign policy.

As you will recall, last year the House passed H.R. 3100, its version of the foreign aid authorization for fiscal years 1988 and 1989, by a vote of 286 to 122, the widest margin in the history of the unified foreign aid bill. This vote culminated extensive consideration by the committee and the House which added some 99 amendments.

However, because the Senate did not yet act during the last session, the entire fiscal year 1988 appropriation was rolled into the omnibus continuing resolution, including numerous authorizations which were never considered by the House either in committee or on the floor.

The option made available by this proposal will give the Senate two avenues to reach conference on the foreign aid authorization; by the normal route, or by passing a companion version of H.R. 4471.

Mr. Chairman, we are supported in this procedure by the Subcommittee on Foreign Operations of the Appropriations Committee, which has included a proviso in its fiscal year 1989 foreign aid appropriation bill which subjects the expenditure of such funds to the enactment of an authorization bill.

Mr. Chairman, if we fail to insist on the authorization process, Congress will once again rubberstamp the expenditure of more than $14 billion in foreign assistance without adequate, proper consideration of the terms and conditions of this spending by either the House or the Senate.

I urge my colleagues to support this procedure and vote in favor of H.R. 4471.

□ 1310

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge the adoption of H.R. 4471, the Overseas Private Investment Corporation reauthorization, which has been in effect nearly 20 years.

The Overseas Private Investment Corporation has performed well under its mandate. By insuring U.S. business ventures in Third World countries, this program has efficiently implemented some of the United States' most important global development goals.

While the authorization of Federal programs normally is followed by a costly appropriation process, OPIC does not require one penny of taxpayer dollars. In fact, OPIC is currently operating under a surplus.

Title I of the bill primarily authorizes OPIC's operations for an additional 4 years, with provisions allowing expanded operations in the Caribbean and greater flexibility to the use of OPIC funds for product development. The bill also allows OPIC to insure up to $1.5 billion in assets and encourages cooperation with private insurers.

Title I also provides the administration with the flexibility to allow the operation of OPIC in Hungary if that country meets various requirements such as workers' rights, low per capita income, and an investment treaty with the United States.

Several Members have expressed opposition to the Hungary provision. However, the administration supports the Hungary provision and I have a letter from Secretary Armacost in support of the provision.

Title II of the bill authorizes the construction of an international transmitter in Israel for Radio Free Europe/Radio Liberty.

The OPIC reauthorization bill, as reported out of the Foreign Affairs Committee, has the strong support of the administration and is worthy of support in the House.

DEPARTMENT OF STATE,
Washington, May 11, 1988.

Hon. THOMAS LANTOS,
House of Representatives.

DEAR MR. CHAIRMAN: I wanted to take the opportunity to follow up on our letter of March 23, 1988, regarding the State Department's views on opening an Overseas Private Investment Corporation (OPIC) program in Hungary. In that letter, we noted that we required additional information on the labor situation in Hungary, and also wished to discuss this proposal with other U.S. government agencies.

We have since completed this review and conclude that ongoing political liberalization and market-oriented reform in Hungary certainly justify our support for an OPIC program. Apart from signaling our support of the reform process, an OPIC program would provide an incentive which could be used to encourage progress on workers' rights in Hungary.

I know that John Whitehead, who is traveling in North Africa now, and Secretary Shultz share these views.

I appreciate your taking the time to consult closely with the Department on this and other important issues affecting our relations with Eastern Europe.

Sincerely yours,
MICHAEL H. ARMACOST,
Acting Secretary.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois [Mr. HYDE], a senior member of the Committee on Foreign Affairs.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I am troubled about including Hungary within the ambit of OPIC. I know it is the first of a chain of reactions that will include Poland, Rumania, Bulgaria, Latvia, Lithuania, Estonia, et cetera, et cetera, et cetera.

I just do not see why our Government, even though OPIC is an agency that has attained the level of self-sustenance, should be encouraging investments in a Communist society. That is what OPIC does, it provides insurance against political disturbances in Third World and other countries.

Now this is a Communist country; a beautiful country, beautiful people, lovely history, but it is a Communist country.

Communist countries we are told are under economic duress. They are having trouble making ends meet. Hence, glasnost, hence perestroika, hence our falling over ourselves to open avenues of trade. The "rope salesmen" never rest in this country.

Now that is fine. I understand the need for the bottom line and I know the theory of convergence. If we will just shower them with capitalism's goods they will converge and become more like we and we will converge, I guess, and become more like they.

I do not look upon that as a happy outcome.

I would like the Communist bloc to try to sustain itself so that their economy might drain some of the resources away from the Soviet's formidable military machine.

Now there may come a day when it is useful for us to facilitate American investment in a Communist country. I do not really see that day, frankly. But I can envision that it might happen. But not today, not today.

Let them make some reforms over there, let them become less attached to mother Russia and more attached to freedom and democracy.

It is a Communist country, say what you will, with beautiful music, beautiful food, but it is a Communist country.

And why we should be facilitating investing in an economic system that is moribund, that cannot make it, boggles my mind.

I know, as I say, we are about to ostracize South Africa because their form of apartheid is abhorrent, but the other political and religious apartheids that are practiced in Communist countries get the other treatment; we fall all over ourselves to trade with them.

Mr. ROTH. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. BROOMFIELD. I yield to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the remarks of the gentleman from Illinois. As always, they are very cogent and very persuasive.

Mr. Chairman, I want the gentleman to know that I have an amendment to strike the Hungarian provisions, which I will offer shortly.

Mr. Chairman, I appreciate the gentleman yielding.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield to me?

Mr. BROOMFIELD. Mr. Chairman, I yield to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Chairman, I have such a great respect for Mr. HYDE and for the other speakers over there that I thought I would like to get into this dialog with them.

You know, I am certainly no Communist and certainly am not in love with communism.

Mr. HYDE. Nor is the Secretary of Commerce a Communist.

Mr. GIBBONS. No, but I just wanted to make that opening statement.

But I think we lead by example. I have visited Hungary a number of times and I find that there is a great striving within that country for liberation. You know, at the close of World War II we are responsible for the mess that developed over there. We gave Hungary away.

And those people fundamentally are good entrepreneurs, are good citizens and they want to be. But they are militarily dominated by the U.S.S.R. They have got lots and lots of troops in their country or surrounding them that force this on them. I find that there is a great yearning for the kind of freedom that you advocate and that I subscribe to, but they cannot get to it.

But this is a great chance that we can keep that yearning for freedom alive, that we can build on it and that we can strengthen the drive for that in there, if we lead by example.

And what better example is there than to show them the entrepreneurial way, the American way of doing business? I do not want to build up any Communist forces, but if we can plant examples into their society as to how you can get people to work in freedom and to do the things that motivate them, then we have got a great opportunity to make progress.

Unfortunately, much of that is dying with the repopulation that is now past maturity because of the fact that those people have not had any opportunity for freedom for 40 years, mainly because of the mistake that was made at Yalta and at Potsdam where we participated and just turned them over to the Russians. We should be ashamed of ourselves and should be out there trying to help them and help liberate and free that country. While we cannot do it by arms, we can certainly do it by example.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I appreciate what the gentleman has said. I have been a student of Yalta and a student of the 1956 uprisings in Budapest where the people were cut down like so much cattle by the Soviet masters who are still the masters of Hungary.

Mr. GIBBONS. No doubt about that.

Mr. HYDE. You want to show them by example. Why do we not go to the head of the octopus, let us get the Soviet Union in on OPIC so we can all invest over there, just obliterate all of these philosophical and economic distinctions?

Mr. GIBBONS. May I say I have visited in industrial operations in Hungary. I notice that they are, first of all, their plants are full of American machinery or they used to be. Unfortunately, they are full of Japanese machinery now because we have turned our back on those people. But they use the same motivational principles and techniques that we do. They understand the dignity of the individual and the strive that they have. But lest we put some more feed out there for them to work on, you know, all these things are going to be lost and buried in this very depressive Communist system.

□ 1325

Mr. HYDE. Let me just say this to the gentleman, and I appreciate the gentleman's point of view for which I have total respect and admiration.

Unfortunately, I think we just have a different perspective. The gentleman thinks that by example, and that means investment, I guess, and showing them how we capitalists do it, as if they do not know, as if they do not know that we are facilitating the economic health of a police state.

Now my colleague thinks it is a good idea, and I think it is a bad idea, and I guess never the twain shall meet.

Mr. Chairman, I thank the gentleman for yielding this time.

Mr. BROOMFIELD. Mr. Chairman, I reserve the balance of my time.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. BONKER], the chairman of the Subcommittee on International Economic Policy and Trade.

Mr. BONKER. Mr. Chairman, I rise in support of H.R. 4471 and, Mr. Chairman, I think we are getting a little ahead of ourselves. When the gentleman from Wisconsin offers his amendment, then I am sure that we can fully explore the pros and cons of whether or not Hungary ought to be eligible for OPIC programs.

Mr. Chairman, OPIC is a quasi-independent government entity, and its purpose is to ensure American private investment against political risks and help to finance private sector projects in over 100 developing countries. It is of particular value as a self-sufficient mechanism by which substantial additional resources from the private sector are mobilized on behalf of Third World development programs.

So the purpose is not primarily to assist U.S. investors. The goal is to foster investment in developing countries.

This is an authorization bill, Mr. Chairman, but it authorizes no expenditure of taxpayer dollars. In fact, during the last 3 fiscal years OPIC has generated over $300 million in income while supporting a record 446 projects worth $8.7 billion in 61 nations.

It is also notable, Mr. Chairman, that more than half of all OPIC-supported projects over the last 3 years were located in the poorest developing countries with per capita incomes below $900 per year. OPIC's contribution in this regard is particularly significant given the net disinvestment of capital from these countries in recent years.

OPIC's insurance and guarantee activities are subject to periodic congressional reauthorization. Its current authority expires on September 30 of this year. Thus the principal purpose of title I is to reauthorize OPIC's insurance and guarantee programs through 1992.

Mr. Chairman, I would add that at one time OPIC was very controversial and was the subject of intense debate here on the House floor. Fortunately, through good management and through a number of changes adopted by the Foreign Affairs Committee and the House, it is less controversial. In recent years the committee has attempted to meet the concerns of organized labor, by way of proposals advanced by the gentleman from Ohio [Mr. PEASE], and on the committee, the gentlemen from California and New York, Mr. BERMAN and Mr. WEISS. So, while OPIC is still not entirely to labor's liking, at least we have taken into account such things as international worker rights in determining the countries in which OPIC can operate.

Mr. Chairman, I want to take just a moment to explain the changes that are included in this legislation.

First, it establishes a pilot program under which OPIC may make limited equity investments in development projects in the Caribbean and Africa.

Second, we attempt to facilitate increased OPIC involvement in the Caribbean by eliminating the restriction on OPIC activities in higher income Caribbean nations.

Third, we raise the liability ceiling under OPIC's investment guarantee program to $1.5 billion to enable OPIC to continue this program at current levels.

Fourth, we promote greater cooperation between OPIC and the private political risk insurance industry so as to increase the total insurance capacity available for projects in developing countries.

And finally, we authorize the use of OPIC loan proceeds in the United States to adapt technology needed for a development project.

Mr. Chairman, in view of the Third World debt crisis and a much more receptive attitude toward private investment in many developing countries, OPIC programs will have an increasingly important role in mobilizing private investment for development and growth.

Mr. Chairman, I urge my colleagues to continue their support for this valuable and self-sustaining agency, and I also urge the House to reject the Roth amendment, which is to be offered shortly, that would strike Hungary from the list of countries eligible for OPIC programs.

Mr. Chairman, I yield back the remainder of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 4471, which reauthorizes the Overseas Private Investment Corporation. It is not often that we in Congress have the opportunity to support an economic development agency that promotes growth in the neediest areas of the world, fosters the role of the private sector in these nations, assists U.S. business, and promotes U.S. exports—all at no cost to the taxpayer. This bill does all of that.

OPIC was created in the 1960's as an outgrowth of the Marshall plan, which so effectively enhanced the role of the private sector in rebuilding Europe following World War II. The concept underlying OPIC was to extend a Marshall plan-like program to the Third World through the provision of political risk insurance, investment guaranties, direct loans, and investment promotion programs for U.S. firms in targeted developing countries.

OPIC's primary mission is to provide political risk insurance against currency inconvertibility, revolution and insurrection. It also provides loan guaranties, feasibility study assistance, and, with this bill, equity investments in projects in sub-Saharan Africa and the Caribbean. These programs are available only to American investments in new projects located in a developing country in which OPIC operates.

OPIC is an unusual agency of the U.S. Government in that it does not require an appropriation—only a congressional authorization to operate. It began with $106 million in public funds which have long since been returned to the U.S. Treasury. It is a self-sustaining operation and, in fact, has returned moneys to the Government on occasion.

OPIC programs, by removing much of the political uncertainty surrounding projects in the developing world, allow the private sector to be the vehicle for development. An indirect benefit of U.S companies undertaking projects in developing countries is that such projects often help develop the host country's private sector. During the past several decades, developing country governments have often practiced "statism" or government rectorship of the economy and government participation in the economy through parastatal enterprises. These policies have proven to be ineffective models for development.

Because OPIC insures U.S. investments abroad, there has been some concern that it underwrites the export of jobs from U.S. soil. At Congress' direction, OPIC contracted an investigation of the trade and employment effects of its programs. Arthur Young, the contractor, found that OPIC is a net creator of jobs in the United States. It generated almost 18,000 person years in 1983, 28,000 in 1984, and 17,000 in 1985.

OPIC estimates that in fiscal year 1987, it created 15,000 jobs in host countries and generated $1.7 billion in U.S. exports. It believes that 1987 programs will generate 13,500 person years of U.S. employment and $2 billion in exports. Many of these projects are being undertaken by small- to medium-sized U.S. companies.

The legislation before the House today extends and builds upon OPIC's previous authorizations. Although there are no major departures from previous legislation, the bill includes a potentially significant new program. As mentioned by Chairman BONKER, it provides a 5-year pilot project for equity investments in sub-Saharan Africa and the Caribbean Basin—areas particularly economically distressed. OPIC will be allowed to own up to 30 percent of a project. Once up and running, OPIC will sell its equity share. With the debt crisis, many sources of international lending have dried up. Often, an equity investment by a bilateral or multilateral lending organization is necessary to attract other investors to a project. Small businesses in particular often have difficulty in acquiring financial backing. This pilot project will allow important projects in priority areas to go forward.

Other developed countries have organizations similar to OPIC. In the case of Japan, it is the Export Insurance Division [EID] in the Ministry of International Trade and Development [MIT]. Last year, the EID had a portfolio of outstanding insured investment of $7.4 billion. In contrast, OPIC had a portfolio of $4.7 billion. Neither EID nor many of its European counterparts are self-sustaining. Perhaps as a result, their insurance rates are lower. Almost all make equity investments.

The concept of political risk insurance and loan guaranties for projects in the developing world has proved so useful that World Bank members have established the Multilateral Investment Guarantee Agency [MIGA—, which will provide programs similar to OPIC's to investments in developing nations. MIGA is expected to be in operation by the fall. MIGA's programs will be available to firms from all member countries; it will not be exclusively for U.S. investments, as in OPIC's program.

Mr. Chairman, at a time when U.S. foreign assistance budgets are rapidly declining and international commercial lending is in retreat, programs such as OPIC's are even more important. I urge my colleagues to support this bill.

□ 1335

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. PEASE], who is a member of the Ways and Means Committee and the Trade Subcommittee and who was formerly a member of the Foreign Affairs Committee who introduced the whole issue of workers' rights and the questions of OPIC guarantees and trade legislation generally.

Mr. PEASE. Mr. Chairman, I would like to begin first by commending Chairman FASCELL and the Foreign Affairs Committee for their good work on this legislation and much other legislation that comes before this House.

As the chairman noted, I have had particular interest in the issue of worker rights over the years. I am extremely gratified that the Foreign Affairs Committee, under the leadership of Subcommittee Chairman BONKER and Committee Chairman FASCELL, picked up on the issue very early in the game in 1985, I believe it was, when OPIC was reauthorized the last time. In that reauthorization language, the committee required OPIC to consider the situation of worker rights in each country that OPIC was involved with and to rule some countries off limits for OPIC activity because of their worker rights record.

I am extremely pleased, as I say, with the interest of the Committee on Foreign Affairs in this area, and I note that even in this bill, although no additional statutory changes were needed, the matter did come up during the course of committee hearings, in that OPIC in the course of those hearings took steps to provide even more useful information on this subject.

Second, I would like to commend OPIC itself for the way in which it has sought to implement the worker rights language. The language that OPIC has in its authorizing statute is similar to that which also exists for the USTR in the Generalized System of Preferences Program.

I must say, in this area OPIC has been more cooperative, more forthcoming, and more progressive than the USTR.

Particularly, OPIC does hold open hearings each fall, and on the question of whether countries should be eligible or not eligible for OPIC activities under the worker rights language, OPIC has been careful not to exclude petitions regarding worker rights from any reputable organization which has alleged worker rights violations, and OPIC has conducted not only open hearings, but has kept hearing transcripts and has made them available to the Congress.

I commend OPIC for all those activities.

OPIC covers some nations which are covered by GSP. It deals with other nations which are not.

I note with pleasure in the committee report that OPIC has agreed to provide in the future full and detailed reports to the Congress regarding its worker rights determinations for any non-GST beneficiary country which is the subject of a formal complaint at OPIC's annual public hearings.

Again, I think OPIC has done an outstanding job of fulfilling its responsibilities under this statute and I applaud OPIC, as well as the committee.

Mr. Chairman, I hope to be here a little later for the debate on the Roth amendment. I would just point out that I do, as the author of worker rights language, have some serious misgivings about granting OPIC eligibility to Hungary.

I think that it is entirely in order to take away OPIC authority to deal with Romania, although that has already been done under existing law, but I hope that we will think twice about extending this privilege to Hungary.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to my friend, the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I came to the Chamber prepared to deliver a ringing speech in support of OPIC and for the opportunities that it is being given in this particular bill, but unfortunately my friend and colleague, the gentleman from Nebraska [Mr. BEREUTER] has preceded me and said all the good things that I would love to have said.

I would really simply like at this point to utter a ringing "amen" to his statement and to congratulate that extraordinary agency of Government, which operates on its own, and has been so successful and effective in protecting and inspiring U.S. investment abroad, and in enhancing U.S. export activities abroad, for its wonderful work.

I wish we had dozens of agencies like OPIC located in our Government bureaucracy.

But I do, Mr. Chairman, want to comment on the wisdom of the amendment of the gentleman from Wisconsin to strike from the list of OPIC authority of countries in which OPIC has authority to operate, the state of Hungary.

There are, I think, some awfully good reasons for adding Hungary to the list. I am particularly grateful to the committee that it has looked the situation over very carefully, has investigated the subject referred to by the previous speaker, the gentleman from Ohio [Mr. PEASE], and has determined that as has the State Department and OPIC itself, that Hungary ought to be qualified for the use of OPIC services.

Mr. Chairman, everybody knows that the State Department approves and recommends this extension of authority, that OPIC itself has requested it and is ready to offer the services.

It is also true that in the private sector many independent businesses have requested that these services be made available.

We know, too, that when OPIC was created, we had reservations about East bloc countries, about nonmarket economies, and so on, and it was probably wise not to include Hungary in that list. But, if one looks at East bloc countries, certainly Hungary stands out for its human rights program, for its immigration program, and for the freedom of religion.

Recently, if we can have some confidence in our own Human Right's Caucus and in the State Department and in OPIC itself, Hungary is doing a pretty good job on worker rights. We have never had problems with family unification. OPIC itself has been a member of long standing in the General Agreement on Tariffs and Trade. It has been a good commercial citizen. It is a member of the IBRD, which we call the World Bank. It has been a good international citizen.

Its businesses are organized in a way that are familiar to American businesses. Our companies are able to work with Hungarian counterparts, and together they are able to promote greater economic activity in both of our countries.

Now, OPIC was founded to foster U.S. investment abroad and to promote U.S. export. I can see no reason why those functions are not just as important to United States companies in Hungary as they are in the other countries in which we know OPIC to do business.

Hungary is a good country. It has tried to meet the qualifications that we have made a part of our law and a part of the qualifications that we have made a part of our list of aspirations for countries. If we can provide more economic activity for ourselves and for the people of Hungary, it seems to me that now is a good time to do it.

I can remember when President Carter very graciously, and very wisely, returned the crown of St. Stephon to the people of Hungary. It had been in the safekeeping of the U.S. Government for a long time. That act was criticized by Americans who said we are giving away this important relic to a Communist government. That was not the President's intention. He gave the crown to the people of Hungary.

If we allow these services to be rendered by OPIC, we will give their benefits to the people of the United States, the economic interests of the United States. And, at the same time, will be recognizing that the people of Hungary are trying to do their part toward the improvement of the world.

Mr. Chairman, I urge that the Roth amendment be defeated.

Ms. SNOWE. Mr. Chairman, in addition to reauthorizing the Overseas Private Investment Corporation, this legislation contains two minor amendments to last year's State Department authorization. Both of these amendments relate to the Board for International Broadcasting, and were requested by the administration. I join the distinguished chairman and ranking Republican of the full Foreign Affairs Committee, Mr. FASCELL and Mr. BROOMFIELD, in supporting this legislation.

I also support reenacting the foreign aid authorization passed by the House last year, but which never received the attention of the other body. This will provide us with a legislative vehicle to conference that important authorization.

The International Operations Subcommittee, where I serve as ranking Republican, has jurisdiction over the two provisions relating to the Board for International Broadcasting. The first provision authorizes construction of a joint VOA-BIB transmitter in Israel.

The United States-Israel transmitter agreement was reached late last year after the House has already completed action on the State Department authorization. This project will allow the Voice of America and RFE/RL for the first time to broadcast a strong signal into Soviet Central Asia. This important region contains the Soviet Union's fast-growing Moslem population.

Second, the bill removes our original earmark for BIB's modernization program. This is necessary because BIB needs these funds to cover $28 million in losses for the remainder of fiscal year 1988 from adverse currency fluctuation between the dollar and the German mark.

RFE/RL is particularly susceptible to currency fluctuations between and the mark and the dollar. In fact, 80 percent of its expenditures are made in German marks. To make up for currency losses while adhering to the budget agreement, the administration has requested that the $20 million already appropriated for the RFE/RL modernization program be shifted to the radios' regular operating budget to be released before September 30.

So, I believe that we have achieved an appropriate balance in this legislation, and I support its passage.

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the Miscellaneous International Affairs Authorizations Act of 1988. Throughout my years in Congress I have consistently opposed foreign aid authorization bills because I believe our tax dollars should be spent here at home—where those who contribute to the Federal tax kitty can directly benefit from their hard earned dollars.

I wish to state publicly, however, that I am a strong supporter of the State of Israel. The United States has a historic commitment to Israel's security and economic well-being and United States assistance provides a tangible demonstration of the strength and durability of that commitment. Should section 202 of this bill, which provides authorizations for a broadcasting relay station in Israel, be considered as separate legislation, I would strongly support it.

Recently, the House of Representatives commended the State of Israel and its people on the occasion of the 40th anniversary of the reestablishment of the independent State of Israel. I stated then, and I will reiterate now, my hope that the relationship between our country and Israel will continue to grow and become stronger. As a Member of Congress I will continue to do all I can toward that end.

Mr. WEISS. Mr. Chairman, I would like to call my colleagues attention to the very important language contained in the report accompanying this bill regarding workers' rights conditions in those countries in which the Overseas Private Investment Corporation [OPIC] operates.

During consideration of H.R. 4471 in the Foreign Affairs Committee, I had intended to offer an amendment to require OPIC to submit a report to Congress summarizing each formal workers' rights challenge brought before OPIC in their annual review. The amendment was based on a suggestion made by Congressman DON PEASE of the Ways and Means Committee during the public hearing held by OPIC last November.

However, I decided to forego the amendment after I received a letter from Mr. Gerald West, vice president of the Office of Development at OPIC. In that letter, which I would like to submit for the record, OPIC agrees to provide on its own initiative "a full and detailed report for any country which is a subject of a formal complaint at OPIC's annual public hearing."

That report will address any beneficiary developing country that is not also a beneficiary under chapter V of the Trade Act of 1974, as amended; that is, all beneficiary countries which are not also GSP beneficiaries, whose compliance with the workers' rights conditions has been the subject of a formal complaint. It should include: First, the oral and written testimony presented to the Corporation by private witnesses; second, the findings of the Corporation; third, a description of the issues covered in the corresponding bilateral consultations with the beneficiary countries concerned; and fourth, a statement of the resolution of the pertinent issues.

The information provided in this report will enable Congress to effectively track the progress, or lack of progress, that certain OPIC beneficiary countries are really making in affording workers' rights to their workers. It is vitally important that the Congress be able to gauge steady progress over time on respect for workers' right in those countries where OPIC operates.

Mr. Chairman, I hope that the written assurances of OPIC will result in a detailed and informative report on workers' rights in non-GSP, OPIC beneficiary countries. I also hope that OPIC's cooperation in this matter is a signal that this administration intends to fully implement the workers' rights conditions that are the law of this country. To date, the Reagan administration has provided sketchy, brief, informal summaries of the actions they have taken with respect to workers' rights violations in a handful of countries.

The committee's direction that OPIC submit a workers' rights report represents an important step toward insuring that the promotion of international workers' rights becomes an integral part of U.S. foreign policy. My urgent hope is that this will be only the beginning as the United States increasingly demonstrates a firm and lasting commitment to promoting workers' rights around the globe.

OPIC,
Washington, DC, April 27, 1988.

Hon. TED WEISS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WEISS: This is to respond to your April 19 letter to Congressman Don Bonker, Chairman of the House Foreign Affairs Subcommittee on International Economic Policy and Trade, with respect to Congressman Pease's suggestion that OPIC provide an annual report to the Congress regarding determinations reached in response to worker rights challenges. We have worked closely on this matter with Congressman Pease and we welcome your additional interest.

On April 25, members of OPIC staff and I met with Jennifer Windsor of your staff and Bill Goold of Congressman Pease's staff, to discuss this matter. During this meeting it was acknowledged that with respect to those countries which benefit from the Generalized System of Preferences (GSP), where OPIC merely applies the findings of the interagency effort chaired by United States Trade Representative (USTR), any OPIC report would be redundant to the worker report already provided to Congress by USTR on an annual basis. In response to your interest, for those remaining countries in which OPIC operates, which are not GSP beneficiaries, we agreed to provide a full and detailed report for any country which is the subject of a formal complaint at OPIC's annual public hearing. We would provide this report to Congress at about the same time that USTR issues its annual report, which is currently set for April 1.

Moreover, in the course of our productive discussions with your staff, it became apparent that everyone would benefit from an examination of how to systematically apply the various worker rights criteria articulated by Congress to the broad range of Third World countries. The problem of "measuring" worker rights progress in countries which vary widely in their political, economic, and social systems is a serious methodological concern for both Congress and the Executive Branch. Therefore, we proposed to your staff that OPIC contract for an external study that would examine alternative methodological approaches to measuring progress implementing internationally recognized worker rights. The aim would be to develop a more precise method by which a country's worker rights status and progress could be measured. This study would take into account such features as the varying levels of economic development (from the higher-income developing countries to the least developed) as well as the diverse structures of the economies (market, nonmarket, and mixed) of the countries concerned. It would be our hope that such a study will facilitate communication with Congress concerning the implementation of the worker rights provisions in U.S. legislation.

I hope that these proposals are responsive to your concerns. Although we are a small agency, we are intent on continuing to implement the worker rights provisions in our statute with due diligence and look forward to cooperating with you in this process.

Very truly yours,
GERALD T. WEST,
Vice President,
Office of Development.

Mr. BROOMFIELD. Mr. Chairman, I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered by titles for the purpose of amendment, and each title shall be considered as having been read.

No amendments are in order, including amendments in the nature of a substitute, except germane amendments to title I or title II. After the consideration of title II, no further amendments are in order except an amendment inserting at the end of the bill the text of H.R. 3100, as passed by the House, as a new division B, which is considered as having been adopted.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miscellaneous International Affairs Authorizations Act of 1988".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC 101. SHORT TITLE.

This title may be cited as the "Overseas Private Investment Corporation Amendments Act of 1988".

SEC. 102. UPDATING INCOME LEVELS; CARIBBEAN BASIN EXCEPTION.

Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended in paragraph (2) of the second undesignated paragraph—

(1) by striking out "$896 or less in 1983 United States dollars" and inserting in lieu thereof "$984 or less in 1986 United States dollars"; and

(2) by striking out "$3,887 or more in 1983 United States dollars" and inserting in lieu thereof "$4,269 or more in 1986 United States dollars (other than countries designated as beneficiary countries under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702))".

SEC. 103. FINANCING DEVELOPMENTAL TECHNOLOGY AND PRODUCTS.

Section 234(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2194(c)) is amended by inserting after the first paragraph the following new paragraph:

"The Corporation may designate up to 25 percent of any loan under this subsection for use in the development or adaptation in the United States of new technologies or new products or services that are to be used in the project for which the loan is made and are likely to contribute to the economic or social development of less developed countries.".

SEC. 104. PILOT PROGRAM OF EQUITY FINANCING IN AFRICA AND CARIBBEAN BASIN.

Section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended—

(1) in subsection (c) by striking out the second and third sentences;

(2) in subsection (f) by striking out the first sentence of the last paragraph; and

(3) by adding at the end thereof the following new subsection:

"(g) PILOT EQUITY FINANCE PROGRAM.—

"(1) AUTHORITY FOR PILOT PROGRAM.—In order to study the feasibility and desirability of a program of equity financing, the Corporation is authorized to establish a 4-year pilot program under which it may, on the limited basis prescribed in paragraphs (2) through (5), purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, upon such terms and conditions as the Corporation may determine, for the purpose of providing capital for any project which is consistent with the provisions of this title, except that—

"(A) the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment; and

"(B) the Corporation's equity investment under this subsection with respect to any project, when added to any other investments made or guaranteed by the Corporation under subsection (b) or (c) with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project as determined by the Corporation.

The determination of the Corporation under subparagraph (B) shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

"(2) LIMITATION TO PROJECTS IN SUB-SAHARAN AFRICA AND CARIBBEAN BASIN.—Equity investments may be made under this subsection only in projects in countries eligible for financing under this title that are countries in sub-Saharan Africa or countries designated as beneficiary countries under section 212 of the Caribbean Basin Economy Recovery Act.

"(3) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Corporation shall give preferential consideration to projects sponsored by or significantly involving United States small business or cooperatives. The Corporation shall also consider the extent to which the Corporation's equity investment will assist in obtaining the financing required for the project.

"(4) DISPOSITION OF EQUITY INTEREST.—Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire under this subsection within a period of 10 years from the date of acquisition of such interest.

"(5) CREATION OF FUND FROM CORPORATE REVENUES.—The Corporation is authorized to establish a fund to be available solely for the purposes specified in this subsection and to make a one-time transfer to the fund of $10,000,000 from its income and revenues.

"(6) CONSULTATIONS WITH CONGRESS.—The Corporation shall consult annually with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the implementation of the pilot equity finance program established under this subsection.".

SEC. 105. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.

(a) COOPERATIVE PROGRAMS.—Section 234A (22 U.S.C. 2194A) is amended to read as follows:

"SEC. 234A. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.

"(a) COOPERATIVE PROGRAMS.—In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, and to the extent consistent with this title, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may engage in the following activities:

"(1) Utilizing its statutory authorities, encourage the development of associations, pools, or consortia of United States private political risk insurers.

"(2) Share insurance risks (through coinsurance, contingent insurance, or other means) in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States.

"(3) Notwithstanding section 237(e), upon the expiration of insurance provided by the Corporation for an investment, enter into risk-sharing agreements with United States private political risk insurers to insure any such investment; except that, in cooperating in the offering of insurance under this paragraph, the Corporation shall not assume responsibility for more than 50 percent of the insurance being offered in each separate transaction.

"(b) ADVISORY GROUP.—

"(1) ESTABLISHMENT AND MEMBERSHIP.—The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs under this section. The group shall be appointed by the Board and shall be composed of up to 12 members, including the following:

"(A) Up to seven persons from the private political risk insurance industry, of whom no fewer than two shall represent private political risk insurers, one shall represent private political risk reinsurers, and one shall represent insurance or reinsurance brokerage firms.

"(B) Up to four persons, other than persons described in subparagraph (A), who are purchasers of political risk insurance.

"(2) FUNCTIONS.—The Corporation shall call upon members of the advisory group, either collectively or individually, to advise it regarding the capability of the private political risk insurance industry to meet the political risk insurance needs of United States investors, and regarding the development of cooperative programs to enhance such capability.

"(3) MEETINGS.—The advisory group shall meet not later than September 30, 1989, and at least annually thereafter. The Corporation may from time to time convene meetings of selected members of the advisory group to address particular questions requiring their specialized knowledge.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) REPORT ON COOPERATION WITH PRIVATE SECTOR.—(1) Section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following:

"(e) Each annual report required by subsection (a) shall include an assessment of programs implemented by the Corporation under section 234A(a), including the following information, to the extent such information is available to the Corporation:

"(1) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was not permitted to provide under this title.

"(2) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was permitted to provide under this title.

"(3) The manner in which such private insurers and the Corporation cooperated in recovery efforts and claims management.".

(2) Subsection (f) of such section (as redesignated by paragraph (1) of this subsection) is amended by striking out "(c)" and inserting in lieu thereof "(e)".

SEC. 106. RAISING CEILING ON INVESTMENT GUARANTIES.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended by striking out "$750,000,000" and inserting in lieu thereof "$1,500,000,000".

SEC. 107. EXTENDING ISSUING AUTHORITY.

Section 235(a)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(5)) is amended by striking out "1988" and inserting in lieu thereof "1992".

SEC. 108. ELIGIBILITY OF HUNGARY AND ROMANIA FOR OPIC PROGRAMS.

Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by striking out "Romania," and inserting in lieu thereof "Hungary,".

SEC. 109. TECHNICAL AMENDMENTS.

(a) ENVIRONMENTAL CONSIDERATIONS.—(1) Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended in paragraph (3)—

(A) by striking out "sections 118 and" and inserting in lieu thereof "section 117 (as so redesignated by the Special Foreign Assistance Act of 1986), section 118, and section"; and

(B) by striking out "biological diversity" and inserting in lieu thereof "tropical forests and endangered species".

(2) Section 239(g) of that Act (22 U.S.C. 2199(g)) is amended by striking out "118(c)" and inserting in lieu thereof "117(c)".

(b) REPORTING REQUIREMENT.—Section 240A of that Act (22 U.S.C. 2200A) is amended—

(1) by repealing subsection (c); and

(2) in subsection (d) by inserting after "(c)" the following: "(as in effect before the enactment of the Overseas Private Investment Corporation Amendments Act of 1988)".

(c) CONFORMING AMENDMENT.—The section caption for section 237 of that Act (22 U.S.C. 2197) is amended by striking out "AND GUARANTY" and inserting "GUARANTY, AND FINANCING".

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: at the end of title I (page 11, after line 17) insert the following:

SEC. 110. OPIC PROGRAMS IN HAITI.

Prohibitions on United States assistance for Haiti during fiscal year 1988 shall not be construed to apply with respect to the Overseas Private Investment Corporation unless the prohibition specifically states that it applies with respect to the Overseas Private Investment Corporation.

Mr. FASCELL. Mr. Chairman, this is essentially a technical amendment. Its purpose is to provide any clarification which may be needed with respect to OPIC's authority to carry on activities relating to Haiti.

Whether or not such an amendment is actually needed is currently being disputed by lawyers as a result of language adopted by Congress in the continuing resolution adopted late last year. As one who has been extremely critical of events in Haiti and as one who has proposed legislation which, if adopted, would cut off OPIC funding for projects in Haiti I believe the United States must maintain a firm policy toward Haiti aimed at encouraging a prompt return to the transition to genuine democracy so brutally terminated last November 29. That is why last year the House approved the Oberstar amendment aimed at terminating United States assistance to the Government of Haiti.

At the time Congress acted OPIC had under serious consideration a limited number of requests by United States firms for modest investments in Haiti. These were projects that reflected OPIC's activities to promote development in Haiti in response to the expressed wishes of the executive branch and many in Congress in the wake of the 1986 overthrow of the Duvalier dictatorship.

Because of the legal dispute about whether Congress intended to halt OPIC activities in Haiti a small number of United States firms have their projects in a legal limbo. These U.S. firms have spent time, money, and effort developing carefully thought out projects which would have a small but beneficial development impact. These projects do not involve the government in Haiti. I believe that these projects which OPIC was seriously considering before the violence of last November should be allowed to go forward. As for future activities in Haiti I would hope and expect that OPIC would not approve further activities relating to Haiti until there has been an indication of positive steps taken by the Manigat government in Haiti toward implementing Haiti's Constitution, particularly those provisions relating to protection of human rights and civil liberties.

Mr. Chairman, as I alluded to a moment ago, any need for this amendment arises from action taken by this body December 3, 1987, when we approved an amendment offered by the gentleman from Minnesota [Mr. OBERSTAR] that provided that during fiscal year 1988, none of the funds made available by the joint resolution or by any other act or resolution could be obligated or expended to provide assistance for Haiti unless the democratic process set forth in the Haitian Constitution was being fully and faithfully adhered to by the Government of Haiti. A similar amendment was approved by the Senate and by the conferees on the continuing resolution. Because the amendment did not specifically describe the programs being suspended, there has been some legal debate as to whether it was applicable to OPIC's programs of incentives to United States investors to create job opportunities for the Haitian people and to otherwise aid the private sector in Haiti.

Descriptions of the amendment by relevant committees of the Congress and by its sponsors indicate that it was aimed at suspending assistance to or through the Haitian Government, and that programs such as OPIC's that do not go through the government but create jobs and help the Haitian private sector were not being suspended, at least not until further consideration was given to this matter by the Congress. On March 15, 1988, legislation was introduced in both Houses that would make the suspension of OPIC's programs an additional sanction that might be imposed against Haiti. Although I think it is clear that congressional intent was not to apply the suspension in the continuing resolution to OPIC's programs, the amendment I am proposing to the OPIC reauthorization bill would remove any doubt by providing that no provision of law suspending or restricting assistance to Haiti shall be deemed applicable to OPIC's programs unless such programs are expressly identified in such provision. This amendment is consistent with the intent of Congress regarding the suspension in the continuing resolution and would make certain that the Congress will have an opportunity to fully assess the appropriateness and timing of a suspension of OPIC's programs in Haiti as a possible additional sanction against that country.

Finally, I want to emphasize that this amendment is for clarification only, and that if this matter can be otherwise resolved so that OPIC can continue supporting appropriate private sector projects in Haiti, then it should so without awaiting final enactment of this measure.

Mr. BROOMFIELD. Mr. Chairman, in view of the statement of the committee chairman, the gentleman from Florida [Mr. FASCELL], I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FASCELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: Page 10, line 13, strike out "HUNGARY AND".

Page 10, strike out lines 16 and 17 and insert in lieu thereof the following: (22 U.S.C. 2199(f)) is amended by striking out ", Romania,".

Mr. ROTH. Mr. Chairman, let me explain this amendment, point by point, as follows:

I. WHAT THE AMENDMENT DOES

This amendment is very straightforward. The amendment simply strikes the language in this bill that authorizes the Overseas Private Investment Corporation to operate in the Warsaw Pact country of Hungary.

II. WHAT IS OPIC?

OPIC is a U.S. Government agency set up by Congress to help companies invest overseas. Its programs include: First, granting direct loans or loan guarantees for investments; and second, extending insurance to cover the risks of investment. If you are a company investing overseas, OPIC is the Government program you might go to for help.

Now why do we have a program like OPIC to encourage investment overseas? That's a good question. There are many in Congress who feel that taking investments overseas takes jobs away from right here in America.

Despite the concern, Congress set up OPIC to do one thing: to further our foreign aid objectives. Under its charter, we—the Congress—said that the purpose of the Overseas Private Investment Corporation was "to mobilize and facilitate the participation of U.S. private capital and skills in the economic and social development of less developed, friendly countries thereby complementing the development assistance objectives of the United States."

That is why we set up this program to take U.S. investment and jobs overseas—to further our development objectives. We saw OPIC as a way to stretch our taxpayer's foreign aid dollar. That's why we find OPIC under the Foreign Assistance Act.

By setting up this insurance program, we could get U.S. companies to build development projects using their own funds in the riskier Third World countries. Instead of using taxpayer dollars in outright grants for public projects, we would create a fund that would insure U.S. private projects.

And under those assumptions, Congress has supported the reauthorization of OPIC.

But in the bill before us today, we are moving out of the realm of development and opening up OPIC's programs to a Warsaw Pact country—Hungary.

III. WHY NOT HUNGARY?

When Congress set up OPIC, we specifically stated that Communist countries would not be eligible for these programs. OPIC was created for friendly, developing, countries, not Warsaw Pact nations.

It is the view of this Member that our foreign aid development objectives do not extend to the Warsaw Pact, and that includes Hungary.

In the past, we made an exception for the Warsaw Pact country of Romania. We would use OPIC to wean Romania away from the Soviet bloc. We would reward Romania for its human rights record. Where did that get us? Nowhere.

Now, instead of learning from that mistake, we want to try Hungary.

But, Mr. Chairman, this is not the time for the U.S. Government to be extending financial and economic concessions to the Eastern bloc.

Witness the recent events in Poland. Witness the recent crackdown on Armenians and opposition groups in the Soviet Union. Witness the tense and unstable situation in Hungary. The entire Central Committee of the Communist Party is being reshuffled. Some 100 members are resigning.

As Ken Adelman wrote this week:

> The natural goodness of Americans to bail out countries in distress should be curbed. Bailing out Eastern Europe today—with loans, guarantees, or grants through the government—would bail out these systems. Reforms must be pushed from within, not pre-empted by aid from abroad.

IV. WHO AGREES WITH US?

Extending OPIC insurance to Hungary is vigorously opposed by the AFL–CIO, the Teamsters, and the Union of Councils for Soviet Jews.

In a letter dated March 7, 1988, to Secretary Shultz, AFL–CIO President Lane Kirkland writes:

> OPIC legislation requires eligible states to take steps to respect fundamental workers' rights. * * * It is the view of the AFL–CIO that in recent years, there has been no such improvement in Hungary. In fact, mounting evidence suggests there has been a significant deterioration with regard to such fundamental workers' rights.

Kirkland goes on to tell us that he "urges the State Department to oppose OPIC eligibility for Hungary."

This is what the Teamsters have to say in a letter dated March 15, 1988, to Chairman DANTE FASCELL:

> To propose extending OPIC programs to U.S. companies that invest in Warsaw Pact nations is an outrage. We do not accept the idea that the United States can wean away countries like Hungary from the Soviet policy orbit by offering economic and financial assistance. To believe that Hungarian independence can be advanced by any amount of economic aid is to believe in fairytales.

The letter goes on:

> We are now looking at the possibility of another significant export of American jobs, this time to Communist countries, which engage in slave labor, facilitated by Western bank financing of American joint ventures whose main purpose is to re-export to our market.

The Union of Councils for Soviet Jews has this to say:

> We wish to express strong opposition to any legislative measures granting Hungary or any other Warsaw Pact country eligibility for OPIC programs. At the heart of our opposition is the conviction that granting eligibility to Hungary for OPIC political risk insurance and loan guarantees represents a distinct signal to the Soviets that economic concessions is possible without reference or linkage to improved human rights.

So, I ask my colleagues, does it make sense for us to extend OPIC programs to Hungary, a Warsaw Pact country? The answer is no.

V. WHY SHOULD MEMBERS BE CONCERNED?

Every dollar that we would use to insure projects in an East bloc, Soviet-aligned, country is one less dollar that we have for development projects in the emerging democracies of Latin America, the Caribbean Basin, Africa, and elsewhere.

For those of you who vote for OPIC programs to be extended to Hungary, don't come complaining when there's no money left for the Caribbean Basin countries, or the Latin American countries, or Africa.

The stampede seems to be to rush madly to the aid of the Soviet bloc. Let's help them develop manufacturing capabilities. We know that they need to export to earn foreign exchange. Let's help them out. We need more competitors. Our workers can compete with their wages. Sure, let's help them out.

Think about it. Is that what we want to do? No. Exporting jobs is bad enough. But exporting jobs to the Warsaw Pact is an insult to the American work force.

If U.S. companies want to invest in the East bloc, fine. Let them take that risk. Or let them use private insurance. But we should not use a U.S. Government program that was set up for Third World development purpose to cover that risk.

VI. UNDER WHAT CONDITIONS SHOULD WE ALLOW OPIC TO OPERATE IN HUNGARY?

When Hungary becomes a free country, with free elections, with appropriate worker rights conditions, then let us consider adding Hungary to our foreign aid list. Now is not the time.

I urge my colleagues to support my amendment and strike the Lantos provision which makes Hungary eligible for United States Government insurance programs.

□ 1350

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this bill and for the Roth amendment. I have an important substantive objection to the OPIC portion of it, which I will turn to in a few moments. But what I am also concerned about is the incorporation of the foreign assistance bill into this legislation.

This, Mr. Chairman, is legislative gimmickry at its worst. The normal legislative procedure by which a bill is to be considered by both Houses of Congress is again being short-circuited. To incorporate the foreign aid bill in this fashion into another piece of legislation is not to uphold the integrity of the authorization process. It is, rather, a further corruption of that process.

As every Member knows, this particular gambit is being employed to compel the other body to act this year on a foreign aid authorization bill. The House, in effect, is being asked to twist its own rules so as to accommodate the inevitable results of a leadership failure over in the other body. The real losers in this whole exercise are the House of Representatives and the foreign aid program itself.

Ask yourself, Mr. Chairman, what the implications are if we pass H.R. 4471 with the foreign aid bill folded into it. The administration has already made it clear that if H.R. 4471 arrives at the White House with the foreign aid bill in its present form included in it, the President will veto the entire package. Is that what we want?

Worse yet, consider the implications for the legislative process if we pass H.R. 4471 with foreign aid included in it. The other body will pass an OPIC reauthorization bill, without foreign aid, and then the two bills will go to conference. And what a conference that will be!

The conferees will be faced with the task of reconciling a massive foreign aid bill passed by this House with the comparable legislation passed by the other body which is nothing. Trying to reconcile something with nothing will mean that the conferees will have a free hand to rewrite the foreign aid bill again. A handful of people will have the opportunity of doing a complete rewrite on a bill of major importance. Is this what we want? Does this serve to protect the integrity of the authorization process? We will have even fewer people writing the bill than if the appropriations committee does it.

Mr. Chairman, if this legislation passes, with the foreign aid bill included, we will have added one more item to the list of legislative follies that have contributed so much to undermining public confidence in the institutions of Government. We will once again be mocking the legislative process.

In truth, Mr. Chairman, this foreign aid bill has had such a checkered history to begin with, I wonder if anyone can realistically look forward to the prospect of starting all over again. The bill the House passed in December was already the third version. The committee began a year ago to mark up the administration's bill—that was No. 1. Once that exercise was over, the finished product—bill No. 2—was such a mess that no self-respecting committee could even consider taking it to the floor.

So, we went back to the drawing boards again and produced bill No. 3, which came before the House in December. Now we can look forward to bill No. 4 if this thing goes to conference as part of the OPIC reauthorization.

My point simply is this: The whole system has broken down, and including foreign aid as part of H.R. 4471 isn't the way to fix it. The corruption of this entire process is clearly reflected by the confused and contradictory language that fills the foreign aid bill already.

The current foreign aid bill, passed in December, raises micro-management to an art form. It is overloaded with nit-picking provisions that are constitutionally dubious and impossible to enforce without turning a free society into a police state.

To his great credit, Chairman FACELL has initiated a stem-to-stern review of the whole foreign aid process. We simply cannot go down this same road any longer. The cumulative effects from years of misguided legislative tinkerings are finally being felt. We have a Foreign Assistant Act that contains no less than 600 reporting requirements and 50 policy objectives, many of which contradict each other.

And so my plea to the House today is: Let's resist the temptation to make a bad situation worse. Let's draw the line at corrupting the legislative process any further.

Turning now, Mr. Chairman, to this antilabor anti-American jobs portion of the bill. I cannot support the extension of OPIC coverage to the country of Hungary. OPIC was set up to advance our development objectives in friendly developing countries that want to use free markets as the means of progress. And that does not include Hungary.

More than half of our Nation's defense budget is committed every year to defending the North Atlantic Alliance against the Warsaw Pact. If an American businessman wants to invest in Hungary, that's his business, but he must understand that a Warsaw pact country is not just another country, and he should be prepared to take a risk if he's interested in doing business there.

Moreover, resources that would otherwise go to countries that are trying to develop along Democratic and free enterprise lines should not be made available to Communist countries, no matter what the so-called reforms.

Finally, I would add that countries such as Hungary specialize in manufacturing products for export. Are we really prepared to provide Government guarantees to protect investments in Hungary when the fruits of those investments will return in the form of exports that cost jobs in the United States?

And so I strongly object to this bill on these grounds.

Mr. LANTOS. Mr. Chairman, I move to strike the requisite number of words.

□ 1405

Mr. Chairman, I am delighted to have this debate, and I hope we will be able at long last to join the substantive issues.

What should be the criterion for extending OPIC privileges to Hungary? I suggest that there should be only one criterion, and that is our national interest. The question is be answered is: Is it in our national interest to extend OPIC privileges to Hungary? I am convinced that it is, and I would like to outline why.

First as chairman of the congressional human rights caucus on the Democratic side, and my distinguished Republican cochairman will join me in this, we have concluded that Hungary's human rights record in the context of Eastern Europe is exemplary. There is not one political prisoner in a Hungarian jail. There is not one single family unification case pending, and as of January 1 of this year Hungary provides passports to all of its citizens who wish to leave the country. I only wish that the Soviet Union and many other countries would move in this direction.

Second, Hungary has a very large sector which is market-oriented, participated in by large numbers of American enterprises.

Third, Hungary is about to inaugurate with the help of American corporations the first American-style graduate school of business in Budapest, which will train managers at all levels for Hungary and other Eastern European countries.

I would also like to suggest to my friends and colleagues who have made the observation that OPIC was designed for friendly developing countries in our own hemisphere, that there are over 100 countries now eligible for OPIC, and most of them with human rights records that are abominable compared to the human rights record in Hungary, countries such as China, Haiti, the Sudan, Saudi Arabia, and others. I think it is the ultimate of hypocrisy to hold up standards that we like to aspire to in this free and open and democratic society and apply to OPIC.

I wonder whether the Members, my colleagues, who have spoken so strongly against extending OPIC privileges to Hungary consider the police state of Syria as being more solicitous of human rights or Saudi Arabia or Yemen or China.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. Mr. Chairman, I am most happy to yield to the gentleman.

Mr. FRENZEL. Why do you not try Chile and Panama and that great capitalist bastion of Yugoslavia?

Mr. LANTOS. Thank you.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I have joined with the gentleman in the human rights area many, many times.

Mr. LANTOS. The gentleman surely has.

Mr. KEMP. I have great respect for the caucus that he is chair of as I am the gentleman from New York [Mr. GILMAN], my colleague, who apparently is going to support this amendment.

I want to say to the gentleman, my friend, that he makes an eloquent case for his position, but forgets something that was brought up inadvertently in the gentleman's argument which is should OPIC, should we, be subsidizing American investment in Syria—no; Sudan—no; China—no; Hungary—no. Frankly, I agree with the gentleman from New York who spoke earlier. I do not think we should be guaranteeing the investment of any American business anywhere in the world.

We do not guarantee investment in California. We do not guarantee investment in New York. Why should we do it in a Warsaw Pact country? That question should be raised.

Mr. LANTOS. Mr. Chairman, let me try to answer the gentleman from New York [Mr. KEMP], my good friend, as to why we should try to do so. One of the signs of political maturity is that we are capable of contending with ambivalence.

My colleague was right. We just passed the Defense authorization bill, and I voted for it, at about $300 billion. At the same time many of us are delighted that the President of the United States is about to visit the Soviet Union for a summit meeting. We would like to move away from cold war rhetoric. We would like to move away from the nuclear abyss. We would like to move in the direction of a more rational and civilized development of international relations.

This little measure alone will surely not guarantee it, but it is a small step along the way.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I am happy to yield to the gentleman.

Mr. KEMP. One more question: How about Poland?

The CHAIRMAN. The time of the gentleman from California [Mr. LANTOS] has expired.

(By unanimous consent, Mr. LANTOS was allowed to proceed for 2 additional minutes.)

Mr. KEMP. The case was being raised recently about Poland being admitted to OPIC, and I was going to take some time, but I will not have to thanks to the generosity of the gentleman from California [Mr. LANTOS], my friend.

I would imagine there are Members in this Chamber and members of this administration, of which I am a strong supporter, who want to have MFN status for the Soviet Union, who want OPIC for Poland, who want to do things the gentleman and I cannot even contemplate at this point. So if the gentleman is making a legitimate argument for OPIC in Hungary, do not forget the same argument is ultimately going to be made to broaden much more favorable trade status with other Communist bloc countries. To vote against it does not mean a Member wants nuclear war or a Member does not want peace or a Member does not want better relations with the Soviet Union, because, frankly, OPIC is not going to buy off Communist governments, and the gentleman understands that as well as anybody in this body, just like we did not buy off our enemies in the 1930's.

I want to make a case again that OPIC is fundamentally flawed, fundamentally flawed in giving guaranteed overseas investment opportunities to American businesses that ought to compete in the marketplace just as every small business man and woman in the United States must do.

Mr. LANTOS. Mr. Chairman, reclaiming my time, I would like to point out to the gentleman from New York, my friend, that he makes a very valid point. The fact is that no OPIC guarantees are required for Switzerland or Austria, because American businesses investing in Switzerland do not feel nationalization, expropriation and other such measures.

OPIC was designed to share the risk with private American investors as they move into areas where some danger does exist, and OPIC, during the course of its years, has performed its function magnificently.

The point I am making, however, and I know the gentleman from New York, my friend, understands it, is that there should be some consistency in the standards applied in extending OPIC privileges.

The CHAIRMAN. The time of the gentleman from California [Mr. LANTOS] has again expired.

(At the request of Mr. FRENZEL and by unanimous consent, Mr. LANTOS was allowed to proceed for 1 additional minute.)

Mr. LANTOS. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I want to make an extra point.

The gentleman from New York [Mr. KEMP], my friend, said we should not be permitted to subsidize U.S. investment in Hungary. It is true that OPIC is a Federal agency, but it is also fair to say that U.S. investment is subsidizing itself, because by its OPIC premiums, it is paying the full cost of whatever services that OPIC can provide in the area. Businesses pay those costs everywhere which enable OPIC to operate without Federal subsidy.

Yes, it is a Federal agency, but nevertheless, the businesses themselves are paying the freight. It is not a taxpayer subsidy.

Another Member spoke of foreign aid. It is not foreign aid. It is assistance for American companies to do things for their own good and for our good.

Mr. LANTOS. Mr. Chairman, reclaiming my time, I just would like to conclude by suggesting that the proposal to extend OPIC privileges to Hungary is a profoundly bipartisan proposal. It is supported by the Secretary of State of this Republican administration, the ranking Republican on the Committee on Foreign Affairs, and many other distinguished Members on the other side.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a couple of statements from the gentleman from California [Mr. LANTOS], my good friend, piqued my interest. One was that Hungary's human rights record is exemplary. The Human Rights Caucus of which he is chairman must have access to information that I surely do not have, but I would like to quote to you from a letter dated April 5, 1988, signed by the Secretary of Labor, Ann McLaughlin, and this is a letter to Lane Kirkland of the AFL-CIO. She says:

> I agree with you that Hungary does not provide its workers with basic rights such as freedom of association and the right to organize and bargain collectively. The Hungarian Trade Union Council is basically controlled and directed by the Hungarian Communist Party. Also, as you point out, there is some evidence that Hungary may be increasing the use of forced labor. For these reasons, the Department of Labor would seriously question whether Hungary should be eligible for OPIC programs.

□ 1415

I know the Secretary of State feels differently, the Secretary of Commerce and Minneapolis-Honeywell, I know they feel differently. I know there is a lot of push for moving these computers along, and Hungary is a lovely country. But in the shadow of Gdansk, when Solidarity goes back to work, not crushed but bent a little bit, not being recognized as a free union, our reaction to that is to permit an American agency, an agency of the American Government, not to subsidize, not foreign aid but to facilitate American investment in a Communist police state.

Where is the wisdom of that?

The gentleman from Florida, again whom I admire enormously and from whom I have learned a great deal, seems to me to be of the school that by example we can purchase some change in attitude by a Communist state. I confess I believed that once. I was one of the early ones who voted for $75 million for the Sandinistas. God, let us rush our money down there and show them, kill them with kindness, and maybe they will reciprocate. Maybe. How wrong I was. That was a lesson I learned. That is a lesson I learned. We cannot kill these people with kindness. Their agenda is not purchasable.

Was the National Security Council taken in on this deal, was the Defense Department taken in on this deal? I doubt it very much.

For the Human Rights Caucus, let me quote from the Thursday, March 10, Washington Times, Vienna, Austria, and this is from Reuters:

> Hungarian police seized typewriters, a photocopier, books and hundreds of copies of an underground Jewish journal from five Budapest disssidents, leading underground editor Miklos Haraszti said yesterday.
>
> Speaking to Reuters from Budapest, Mr. Haraszti described the raids Tuesday night as "unprecedented." But he said Hungary's independent publishers would not be dissuaded from taking part in a demonstration planned for Tuesday.
>
> "Freedom of press, real representative parliamentarianism and a government responsible to parliament are still not achieved."

Charles Gati of Union College in New York told the Helsinki Commission in March of this year on a hearing on Eastern Europe that while the atmosphere in Hungary today is not like that during the 1848 Revolution, "It is more tense than it has been at any time since that other, more recent revolution—1956."

So what do we do? We have to keep those wheels turning, we have to watch that bottom line.

We conservatives are criticized and characterized as being materialists. We are kind of bottom line watchers, and it is the party of compassion who is more interested in abstract virtue.

I submit to my colleagues I do not give a darn about profits or anything like that. I am concerned about freedom, I am concerned about human dignity and where it is oppressed, where it is extirpated, where it is crushed, I do not want our Government facilitating them out of their economic problems. They have economic problems. Marxism does not work.

So why should our country, Minneapolis-Honeywell notwithstanding, or Rochester Tile, I do not care, or Chicago Bridge & Iron help them with their economy?

Let them permit one union, one free union to operate over there and I might relent.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(By unanimous consent Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. LANTOS. I am grateful to my colleague for yielding. He is perfectly correct in saying that there are degrees of freedom and degrees of suppression across the globe.

My point, and I would like my colleague kindly to focus on this, is that within the context of the countries that today enjoy OPIC privileges, Hungary's human rights record is in fact exemplary.

It is in that context which we are dealing. Hungary is not a NATO country. Hungary is not a Western style democracy. To compare Hungary to Switzerland or Norway is absurd.

OPIC deals with countries that are fundamentally nondemocratic countries. In that spectrum, Hungary is toward the end which respects human rights.

Mr. HYDE. Does the gentleman mean among the bad it is not the worst? The gentleman has said it is a sign of political maturity if one can contend with ambivalence. The gentleman's definition of ambivalence is different from mine. I see nothing ambivalent about no free press, no free unions, no freedom of assembly. Those are the conditions. They may be better than they are in Bulgaria, but as far as they should be and that we should facilitate their economic rehabilitation, it is not good enough.

I continue to yield to the gentleman from Calfornia.

Mr. LANTOS. If I may comment on consistency, it would be appropriate for my friend and others to strike OPIC privileges from three quarters of the countries currently on the list before objecting to extending those privileges to Hungary.

Mr. HYDE. Let me say in response to my friend I think we should look at each country, country by country, and where there is a possibility of helping the people, and there is a possibility of advancing the cause of human dignity, I am for continuing. But I have reached the conclusion that in the Warsaw Pact and behind the Iron Curtain they have got to make an awful lot of changes before I want to facilitate their economy.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I appreciate my friend yielding. I just want to take a second to discuss this matter.

We all know what the issue is and everybody likes to debate, but I do not see the reason or the rationale for taking extensions of time, especially when the issue is so crystal clear.

I would hope, therefore, we could get on with the debate and everybody would just say his piece.

Mr. GIBBONS. Mr. Chairman, this is an important debate because unless we listen to this and learn from this, those countries who have unfortunately found themselves not by choice but by political accident, in which we participate, behind the Iron Curtain, will never be liberated. These people are not behind the Iron Curtain by choice. They are there because we assigned them there.

We made a terrible, terrible mistake. We do not have the manpower nor would we devote the lives to correcting that error. But we can offer them some hope and some opportunity.

One of the mistakes that we make is to look at all countries that do not follow our beliefs and believe that all countries that do not follow us are alike. The countries of Eastern Europe are very, very different. No matter which end of the Iron Curtain you start at, they are different from country to country, and in many countries right alongside each other they do not get along because they have a different heritage and a different outlook, and they have fought with each other over a long period of time.

But let us not delude ourselves. If we do not go in there with OPIC and with other encouragements into Hungary there are going to be plenty of other entrepreneurs that will go there. The Japanese are there, the West Germans are there, the East Germans are there, the British are there, the French are there, the Italians are there. Everybody is there except the United States of America.

Is that helping jobs in the United States? No. Is that helping to understand the United States any better? The answer is "No." We cannot isolate ourselves from these people and preach from this podium how they should live and expect them to even hear us or to believe us. They laugh at us, they sneer at us. They are proud, educated people.

But we can get down there and work with them. We can lead by example. In this life I have learned we can only lead two ways. We can lead by force, and we are not willing to do that. It would be senseless to do that. Or we can lead by example, and we ought to be proud enough and intelligent enough to believe in our own way of life and to go over there and lead by example.

Are we talking about taxpayers' money to do this? No, we are not taking any taxpayers' money. OPIC is entirely voluntary. It is not subsidized by the U.S. taxpayer. It is subsidized by men, businessmen who work together. If one American businessman is over there and another comes along, and another comes along, they will be doing business with each other. It is good for everybody. It is good for jobs here. Yes, some of the AFL-CIO workers will get jobs that do not have them now.

How stupid can we be? The cold war has gone on for 40 years, and what progress have we made? We have made zilch.

Let us change our attitude. Let us begin again. Let us lead by example and work like that and not work like a bunch of fools.

Mr. KEMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know we are all looking for a calm, orderly debate accomplished with dispatch. I wonder, if my friend, the gentleman from Florida [Mr. GIBBONS] for whom I have high regard, might just listen to a portion of my remarks. I am directing my attention to the argument of the gentleman from Florida, and he is such a great guy, and everybody reveres him so much, but to see him get so exercised about behavioral modification programs, as if the burden is on us, I want to say I do not feel guilty as an American for the behavior of the United States of America since World War II. I think the burden of proof is not on the West. It is on the East.

I want to say to my friend from Florida he has no bigger fan, and I do not want to ruin his day, on this side of the aisle than the gentleman from New York. And he is a strong believer in free trade, we have had many discussions about that, as am I.

But where in the gentleman's calculation, what model is he using to suggest that if there is a blowup in Hungary and a lot of United States investors have invested in a nonmarket economy, and it is nationalized or expropriated, upon whom does the burden fall of the failure of that investment ultimately?

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman form Florida.

Mr. GIBBONS. It falls upon the other American companies who contribute voluntarily to OPIC. Nobody is required to seek OPIC insurance. It falls voluntarily.

Mr. KEMP. Question: If it is a modest investment, it might fall on the pool of capital that is reserved for OPIC; is that right?

Mr. GIBBONS. Yes, it would, the gentleman is correct.

Mr. KEMP. What if it is a major investment?

Mr. GIBBONS. If it is a major investment and the pool is exhausted, they just do not get anything.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I am glad to yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, the answer to the question is that ultimately the American people would have to pay, the U.S. Treasury, the U.S. taxpayer. That is who has to pay, and that is the answer.

Mr. GIBBONS. That is not correct.

Mr. KEMP. Of course. Of course, it is a Government agency. But that is not so much my argument as much as the following, I would say to my friend from Florida: Look, folks, it has been mentioned that the State Department is in favor of this. I say to my friend, the gentleman from California [Mr. LANTOS] for whom I have high regard, the State Department believes that détente is here, that the Soviets have announced they are pulling out of Afghanistan, they have announced that they are going to pull all their SS-20's out of Eastern Europe, and that the millennium has arrived. My argument is simply this: I hope and pray that the case is not only sound but that there is empirical evidence to support the contention that there is going to be a relaxation of tensions, and I hope that the Soviets march 140,000 troops out of Afghanistan on Sunday. I doubt it, but my mind is at least open to some empirical evidence that they do.

The gentleman from California [Mr. LANTOS] made eloquent testimony to the remarkable progress that he sees in Hungary, and no one is more credible on that subject than the gentleman from California to be sure. But lurking deep in the bosom of the State Department is the desire not only for OPIC for Hungary, but OPIC for Poland, OPIC for the Soviet Union, MFN for the Soviet Union.

☐ 1430

Let me ask my friend from California: Is he in favor of taking off MFN if the Soviet Union wants to get into most-favored-nation status; yes or no?

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. I thank the gentleman for yielding.

Mr. Chairman, certainly not at this point.

Mr. KEMP. Good, good, I am glad to hear that. But does he acknowledge that the State Department and others, détente-ists want to pursue these types of facilitated trade policies?

Mr. LANTOS. If the gentleman is prepared to yield, I will be happy to make a statement on that. Will the gentleman yield?

Mr. KEMP. I do not want to yield for a statement, I want to yield for an answer.

Mr. LANTOS. Will the gentleman restate the question.

Mr. KEMP. Is the gentleman aware that there are people in this town in both parties who are so anxious to rush into a new form of détente as we had in the seventies that they want to use any proposal they can to facilitate trade between our two sides.

Mr. LANTOS. What the gentleman from California is aware of is that the Secretary of State of the United States is currently negotiating with the Foreign Minister of the Soviet Union to facilitate the summit of our President and the Soviet leader. And I would like to advise my good friend from New York that the overwhelming bulk of the American people are hoping and praying for a successful summit.

Mr. KEMP. That dodges the question because the question had to do with what evidence is there that there has been a change in the behavior of the Warsaw Pact. The gentleman is a member of a party that believes in burden sharing. We are kicking the heck out of our allies for not——

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. I was thinking about burden-sharing. Does the gentleman know what we are trying to do with our own allies? Get them to share a greater burden of sacrifice for the defense of the West.

Yet we are subsidizing the very pact which is opposed to NATO, and my only comment here before I yield to my friend from San Diego is that there has to be some behavioral change. I want to see a modification of the Warsaw Pact behavior before I am willing to suggest that we should render unto the Soviet Union or to Hungary or Poland; I want to see a modification of the treatment of the Jews, Christians, labor, free labor unions, the press, the church and other such issues that are of great importance to all of us on the floor of this body.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I wanted to answer one of the gentleman's questions. The Soviets, there was an interesting article in the Post today that told one reason why the Soviets want to enter into a second détente and reinvigorate their commercial relationship with their Warsaw Pact allies in the United States.

Very simply, Mr. Gorbachev has been told by his science advisors, by his technical people, by his generals that he needs the Western industrial base to produce high-technology weapons that are necessary to make the Soviet Union superior in many areas to the United States and it has been an agreement between their commercial leaders and their generals that they will make a new effort for a détente.

Just let me repeat Mr. Lenin's statement. He said "The Western capitalists are so greedy they will sell us the rope with which to hang them." And that is exactly what we are doing.

Mr. KEMP. HENRY HYDE put it best: Socialism is a failure, communism is in a state of economic collapse.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEMP] has again expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 1 additional minute.)

Mr. KEMP. Mr. Chairman, socialism does not work, communism is in a state of economic collapse. These are Third World countries who need breathing space, they need oxygen. The gentleman from Wisconsin [Mr. ROTH], the gentleman from California [Mr. HUNTER], the gentleman from Illinois [Mr. HYDE] have all recognized the central flaw, the fundamental flaw in a Communist government.

It is a nonmarket, it is unable to allocate resources. They collapse it. Why should we bail them out? Why? Absent changes in their behavior? Hungary never votes with us in the United Nations. They are a Warsaw Pact nation. Why should we be doing this?

I want to say I am deeply disturbed that the West German consortium of banks has rushed into a $2.1 billion untied loan to the Soviet Union without any regard for the fact that we are propping up the collapse—I am not saying collapse tomorrow, I am not saying they are on the brink of collapse—but the system does not work and we are bailing them out. Let us not do it absent modification of their behavior.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. ROTH] to H.R. 4471, the reauthorization of the Overseas Private Investment Corporation.

Mr. Chairman, Eastern Europe is on the verge of what has been called the "finlandization"—or perhaps the "reverse finlandization." By this I mean that the nations of Eastern Europe are looking more and more to the West for economic and political inspiration, and becoming less and less dependent on the Soviet Union.

We can encourage this trend, Mr. Chairman, by a policy of differentiation between the countries of Eastern Europe. We must mix our policy of "sticks" with an occasional "carrot."

The fact of the matter is that Hungary, while far from being a paradise, while still carrying the burden of a Marxist-Leninist apparatus, is engaged in a historical liberalization of its economy and its political system. Government leaders appear on call-in shows and answer sharp questions from listeners, and there are multiple-candidate elections for Parliament. The Hungarian people are getting used to the high standard of living that comes with a freed-up economy and are unlikely to permit a reversal of the decentralization that brought about that better life.

Having been to Hungary, I would say that we ought to encourage contacts between our people and theirs, so as to encourage the favorable trends now underway. The amendment of the gentleman from Wisconsin would turn that trend around by preventing OPIC from extending its insurance, loans, and loan guarantees programs in Hungary. The problem is that we were unable to provide assistance to the people of Hungary through any direct action when it might have been helpful, in 1956, when they were dying on the streets of Budapest fighting the Soviets. Let us encourage gradual change in Eastern Europe through the use of calibrated measures such as the one contained in the committee bill. I urge my colleagues to vote against the pending amendment.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, it has been, I think, a very appropriate debate on this issue in the last 45 minutes and it has been a very interesting one from the point of view of different perspectives. But it is quite interesting also to note that the debate has centered around the question of whether we should be either helping or rewarding Communist countries instead of talking about the real issue. And the real issue is whether or not a program of the Federal Government which is not paid for by the taxpayers, a program of the Federal Government which has not cost the U.S. taxpayers a dime, a program of the Federal Government which has been very, very well run, capable of perpetuating and fulfilling the goals for which it was originally founded, should be extended to a country in the Eastern bloc.

Now I understand the arguments with reference to the government system of Hungary and I agree with my colleagues on the other side, the gentleman from Illinois who is always eloquent and articulate if not absolutely every time on the mark, that there is in fact a very significant argument not to help a Communist country. And also that Hungary, in its own context, is less than capable of fulfilling our desire on human rights. But there is a certain reality here that we have to take into account. For instance, Romania, Romania which was an eligible country under OPIC is being taken off the eligible list by this legislation.

Now while everybody agrees that should be done, it has a greater significance because what it means is that we are not stuck forever with a country on the OPIC list if in fact their human rights record becomes such as to make it ineligible. And the same thing can happen to Hungary.

There is merit to the argument that they are, in their own context, better on human rights than many other countries. And that is what we should look at.

We should also look at the reality of what is happening today in Hungary and what has happened over the past number of years. Over the past number of years, Hungary has in fact been one of the most pro-Western, pro-Western Eastern bloc countries. They have had an uprising, they have attempted to break out of that mold; they have been very pro-Western in their attitudes on trade, on emigration, on the flow of culture, on the flow of tourists and in many other areas.

That is something, again, to take into consideration. And we should take into consideration the situation as it exists today.

In the last week, the Central Committee of the Communist Party of Hungary resigned en masse; a very bold move, calculated to bring attention to the fact, I believe, that Hungary wants to exercise a certain amount of independence from the Soviet Union, as other Eastern bloc countries are beginning to do.

And also that Hungary is willing to make the statement by the resignation of the Central Committee. A small step, yes, a step that probably in the short-term will not have a monumental effect, but in the long-term will have a significant impact.

The whole question of glasnost is beginning to catch on in the Warsaw Pact countries. Many of us have been in countries like East Germany and in Hungary and in Poland and in others and we are beginning to see cracks, cracks in that solidarity with the Soviet Union.

That should be nurtured, that should be helped along. And it is not the taxpayers' money that has gone to do that; it is not the U.S. Government subsidizing. And I might add we are not giving any money to Hungary.

We are not subsidizing Hungarian businesses, we are not giving any money to the Government of Hungary. What we are doing is telling American business that the Government of the United States, "if you pay us a premium which takes care of the cost of the program, we will stand behind you in the unlikely event that there may be a nationalization of your business investment in Hungary."

We must, finally, be willing to stand up for what we believe in.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SMITH of Florida. Mr. Chairman, we must be willing to stand up for something that we believe in. Now is the time to exploit the cracks in those systems.

Now is the time, as the gentleman from Florida said, to lead by example; now is the time to start to reverse what may have been a 40-year mistake in what we did with Eastern Europe and we can do that economically without cost to the American taxpayer and with the moral certainty that if it is a mistake we can come back and fix it like we did with Romania.

I urge my colleagues not to approve this resolution which would send a terrible signal to a country which is sending us a small signal that it is willing to join with us on our moral plane for a change and move away from the sphere and from the orbit of the Soviet Union.

What better foreign policy could we want to put in place?

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, in 1954 Hungary tried to move away from the Soviet orbit.

Andropov was a foreign ambassador at that time.

They promised amnesty to the freedom fighters in Hungary if they would lay down their arms. They did lay down their arms and Andropov lined the freedom fighters up against the wall and he shot them down, threw them in a pit. Since that time they have not been able to extricate themselves from the Communist bloc, nor will they. So let us lay that to rest right now.

□ 1445

The Communists are in control of Hungary, and that is not going to change.

Now one of the things that has been lost in this debate is the fact that the

Soviet bloc has been building up militarily as rapidly as they possibly can. The Soviet Union is spending 17 percent of their GNP on military expansionism and on their military power. That is expressed very, very clearly in the Defense Department's handbook that has been put out this year, "Soviet Military Power." Seventeen percent of their GNP is being spent on military.

Now one of the things that really bothers me about this debate, Mr. Chairman, is that we are not putting things into historical perspective. In 1934, when Hitler was building up his army in violation of the Treaty of Versailles, England and the free world was in Geneva trying to get a disarmament conference started. They were for disarmament. England was unilaterally disarming. France was unilaterally disarming. America was involved in that. We were for unilateral disarmament because they said, "If we disarm, we won't have war. Building up armaments causes war, so we must disarm."

Now at the very time that this disarmament was taking place, Hitler was building the biggest military machine the world had ever known, and do my colleagues know who was selling them war materials? England. England was selling Hitler aircraft parts and aircraft engines.

Now what does that have to do with the debate today? I will tell my colleagues what it has to do with the debate today.

We right now with this type of effort are going to be helping a Communist country with their economy, and while we are helping them with their economy, they are diverting their natural resources to build a war machine. The Soviet Union, as I said before, is spending 17 percent of their GNP on military equipment and manpower, new weapon systems, and we are going to help the Soviet bloc by guaranteeing loans of American companies that are going to go into those countries and build up their industrial complex. It is going to help those people. It is going to help their economies.

Now, if we have any hope of weaning Hungary away from the Soviet bloc, I would say we should go ahead with this. I think it is a good idea. But the fact of the matter is they are in the Communist orbit. There is no chance of them extricating themselves, and, by doing this, we are going to help the Soviets keep control of Hungary like they are doing in Poland, in Czechoslovakia and every other Communist country.

The fact of the matter is that we must allow them to rise and fall by themselves. If the Soviet Union and the Soviet bloc cannot keep their economies afloat, then we should allow them to fall. We should not buoy them up. We should not keep their heads above water because, if the Soviet bloc falls, and the people are upset with it and they can throw off the chains of communism, then they will turn toward democracy, and they will turn toward capitalism.

Now I think one of the previous speakers said earlier that Khrushchev said that they would sell us the rope with which to hang ourselves, and I think that is exactly what is being done. They are building up their military arsenal, and their economy is in a shambles, and we are trying to bail them out and allow their economy to keep flourishing, at least to stay above water while they build a military machine that will destroy the free world.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, the gentleman from Indiana is so right to the point. I am reading the headlines of today's newspaper. It says, "Soviet Influence Appears in Hungarian Political Shift."

It goes on to say, "Hungarian Communist leader Janos Kadar has walked the tightrope between the desires of his people and the commands of the Kremlin for over 30 years. But his ambitious new prime minister may be on the verge of toppling him with Kremlin approval."

It goes on to say, "Hungary today faces the third worse economic crisis in the East bloc, behind Romania and Poland," which some on that side of the aisle have been pointing out is one of these economic miracles.

Let me tell my colleagues that if this goes through, it means that we are going to be insuring American businesses to produce goods in Hungary for export to the United States costing American jobs. It is wrong, and the Roth amendment ought to be passed overwhelmingly, and we ought to get on to doing it right now.

Mr. Chairman, I thank the gentleman from Indiana [Mr. BURTON] for yielding.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for his contribution.

Mr. Chairman, let me just end up by making a few real salient points, at least I hope they are salient.

First, this has happened before in history. The free world has bailed out and helped a tyrannical government stay in power. It happened prior to World War II when Hitler was building up Nazi Germany. We were selling them airplane parts, we were selling them airplane engines, while they were violating the Treaty of Versailles, not unlike what the Soviet Union is doing today by violating almost every treaty agreement we signed with them. That is the first thing.

The second thing is the Soviet Union is hell-bent on the biggest military expansion in the history of mankind. They are spending 17 percent of their GNP each and every year for further military expansionism. At the same time that the Soviet Union is building this huge military machine, we are cutting $33 billion out of our Defense budget this year, and the projection is that we are going to cut $300 billion over the next 5 years out of Defense.

Mr. Chairman, we are unilaterally disarming or heading toward unilateral disarmament in this country. It is wrong. We should not be helping them build up their economies, saving their economies, while they build a huge military machine at the expense of American employees, American workmen, as the gentleman from New York said. And at the same time we should not be unilaterally disarming this Nation, and it is happening.

If my colleagues do not believe this, look at what happened in this body during the last 2 weeks. We cut Defense spending by $33 billion. We cut four wings out of our Air Force. We cut back on our ships. We cut back on all parts of the defense of this Nation, and that is not the end of it. They are promising to do it each and every year for the next 5 to 6 years.

When Ronald Reagan came into office as President, he said that we had a window of vulnerability and he was going to close it. He raised Defense spending up to 28 percent from 23 percent, far less than the Democrats had done in the past. Under Kennedy we spent 48 percent of our budgets on Defense. Nevertheless, he did close somewhat the window of vulnerability.

Now we are cutting back, cutting back while the Soviets build, and we are bailing out their economies. I think we should support the Roth amendment.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Mr. Chairman, I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I would like to bring to the attention of my colleagues two quotes. One is from the Teamsters Union who said in a letter dated March 15, 1988, to Chairman DANTE FASCELL:

> To propose extending OPIC programs to U.S. companies that invest in Warsaw Pact nations is an outrage. It would compromise important foreign policy, national security and human rights interests. We do not accept the idea that the United States can wean away countries like Hungary from the Soviet policy orbit by offering economic and financial assistance. To believe that Hungarian independence can be advanced by any amount of economic aid is to believe in fairy tales.

And from the Union of Councils for Soviet Jews:

> We wish to express strong opposition to any legislative measures granting Hungary or any other Warsaw Pact country eligibility for OPIC programs. At the heart of our opposition is the conviction that granting eligibility to Hungary for OPIC political risk insurance and loan guarantees represents a distinct signal to the Soviets that economic concessions is possible without reference or linkage to improved human rights or Soviet Jewry emigration.

Mr. Chairman, I thank the gentleman from Indiana [Mr. BURTON] for yielding this time to me.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his contribution.

Let me just end by saying this:

Lest my colleagues doubt what I said, 4 weeks before Gorbachev came to Washington to sign the INF Treaty last December he gave a speech to the Supreme Soviet, and I want to quote to you the last paragraph of his speech because I have committed it to memory. He said, and I quote Mr. Gorbachev: "In October 1917 we irreversibly departed the old world. We are headed toward a new world," Mr. Gorbachev said, "the world of communism. We shall never deviate from that path."

Now, if my colleagues think that I am incorrect, think about what they are doing. They are building their military, 17 percent of their GNP each year, while we cut back, while we unilaterally disarm. We are spending our moneys to help their economies. It is wrong. We should support the Roth amendment.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Roth amendment.

Like my colleague from California, I believe that the extension of OPIC opportunities in Hungary will serve to advance the cause of human rights in that country, something that should be and I think is, a foreign policy goal of the United States. The Congressional Human Rights Caucus, that I cochair with my distinguished colleague from California, follows the principle of linkage where we deny economic benefits to those countries that do not observe basic international human rights standards and human rights accords and extend those economic benefits to those countries that do and who are moving, at least, in the right direction. But, by extending OPIC's opportunities in Hungary, we certainly are not ignoring the political or economic differences between our society and theirs; we are simply following the linkage principle. This is the carrot. This is to encourage the direction that we see being taken already in Hungary, as set forth by Mr. LANTOS to improve their human rights record.

□ 1455

Just as we used the stick very recently in voting here in the House of Representatives to deny most-favored-nation status to Romania for a period of 6 months for their egregious human rights record and the denial of basic rights in that country, it is appropriate to extend the carrot to countries like Hungary, where their record is improving.

It seems to me listening to the debate, Mr. Chairman, that there are those in this Chamber who would deny us the opportunity to use linkage, because their position is always limited to only one part of it. The stick is fine, but the carrot is never appropriate.

But, Mr. Chairman, that denies the credibility of linkage, the true leverage of using both carrot and stick to change the direction of policies in those countries where human rights problems are in evidence.

I would say to my colleague, the gentleman from Illinois, that I had just arrived in the House of Representatives in early 1980 when we had the vote on aid to the new Sandinista government in Nicaragua. I voted against that aid.

I would also say to my most able and distinguished colleague and friend that I voted against sanctions on South Africa. And why did I do that? Because I felt, Mr. Chairman, that the presence of Western business interests in South Africa, a society that denies basic human rights, was a positive element toward improving that human rights condition there and that withdrawing the Western presence in South Africa would be detrimental to encouraging change in a positive direction.

I would say to the gentleman that just as we want to have a presence in autocratic societies like South Africa to change their direction, we want to have a presence in Communist societies as well to encourage changes there.

In South Africa, in Hungary, in wherever it may be, a Western presence may in certain circumstances be exactly what helps to advance the human rights cause.

Let me say that if you only recognize human rights abuses as existing in Communist bloc countries and in dealing with them use only the economic stick, that is a bankrupt policy. There has to be a policy of linkage that uses both the carrot and the stick. And there has to be a single, not a double standard, where our application of the carrot and the stick applies to every country where human rights are being abused. We have to embrace one standard and have the credibility of that single standard. We have to embrace linkage and have the credibility of that linkage if we are going to move this world in the right direction.

While I can understand the feelings of many in the House of Representatives about the Roth amendment, that this is a Communist country, I believe that by supporting the amendment we are simply denying the chance to advance human rights in place where there looks to be, at this moment, a good chance of doing so.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Well, Mr. Chairman, the only question I have of the gentleman is that the people in most of these Communist countries are very fine people. You know, Ted Turner sent us all sorts of tapes from the Soviet Union telling us how the Soviet people are and what they are like, and they are all fine people, I am sure. But that is not the problem.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. BURTON of Indiana, and by unanimous consent, Mr. PORTER was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. If the gentleman will continue to yield, Mr. Chairman, I would ask how we can believe that by extending these privileges to the Hungarian Government it is going to help the people over there? The Politburo consists of what—12 people in Hungary. It is a very small clique of people. How are you going to change the plight of the people when it is controlled by just 12 tyrants?

Mr. PORTER. If the gentleman was here earlier he would have heard the gentleman from California explain that in trade, in the granting of passports, in immigration, that there are some strong signs of improvement in Hungary. If we are not to encourage those in certain ways, it seems to me that we are denying ourselves the leverage that linkage would afford us.

So while we recognize the differences and while we recognize that Hungary, like South Africa, is not a free society, we have to ask ourselves, what is the best strategy toward advancing the cause that we seek?

The cause that we seek is not the destruction of the Hungarian people. The cause that we seek is greater freedom within Hungarian society, and that seems to me to be something that we can positively effect through OPIC privileges.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, probably I will not take all the 5 minutes.

I want to associate myself with the remarks of the gentleman from Wisconsin, Mr. ROTH, and the gentleman from Illinois, Mr. HENRY HYDE. I think they were right on target. I am proud to stand here and associate myself with those comments.

I just want to make a few points. I might even be going a step further, and I am sure most Republicans will not agree with me on this.

I am not even for the OPIC Program. Since 1971, we have lost nothing but manufacturing jobs in America. Since 1981, since 1981 alone, American multinational corporations have invested $650 billion overseas in manufacturing plants.

In 1985 alone, they made $35 billion in profits. Under the Tax Code with tax deferrals and loopholes under foreign-based income, if they take those profits and reinvest them overseas, they do not even pay taxes to Uncle Sam.

Now, what are we here on the floor for now? This amendment makes sense. If we do not pass this amendment, we might as well all pack it in. We are talking about a Warsaw Pact country that has never been the standard for human rights, let alone worker rights.

Let us face it. I stand here on the other side of the aisle, and I commend you, join forces with you, and I commend the drafter of this legislation.

I would just like to say one last thing before I yield to the chairman. Anybody who believes that we are going to help America by passing legislation like this is going to continue to bankrupt our country. I do not know how much more we can afford.

Now, in closing, if we were spending the amount of time that we have invested today on trying to help the American manufacturing industries, we would have a better nation without the trade problems we have. We continue to find ways to finance every cause all over the world and we forget to take care of our country first, and it is catching us.

Mr. Chairman, I am for this amendment.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the drafter of the amendment, the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman from Ohio for yielding.

I will say one thing for the gentleman in the well. He is consistent. There are not many people, in my opinion, who always speak up for the American worker and the American people, but the gentleman from Ohio does and I take my hat off to him for it.

When we started this debate, and I think it has been a good debate today, when we started this debate there were two questions that I had in mind that were not answered and have not been answered in this entire debate. One is that we have friends in the Caribbean Basin. We have friends in Central and South America, Africa. Are we going to take money away from these areas to give to Hungary, a Warsaw Pact country?

The other thing is, the gentleman in the well remembers, like we all do, that we had a debate here ad infinitum on our Defense bill the other day, some $296 billion. On the one hand, we are spending a lot of money to defend ourselves, and on the other, a day later, we are spending money to build up our adversaries.

It does not make a lot of sense.

So I thank the gentleman for his comments.

Mr. TRAFICANT. Not at all.

I agree with the gentleman 100 percent and I hope Members will vote for this amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have had a long and spirited debate today. I hope it does not go too much longer. I think part of the reason is that many of us feel frustrated by the last 3 weeks of work on the Defense bill, when none of us could exercise our vocal cords because the debate was restricted to members of a single committee only. I hope that tells us something about these closed rules for the future.

But we are talking about an important matter, however. We are talking about the extension of OPIC services to a new country, which to the promoters of the idea seems reasonable, to the State Department seems reasonable, to OPIC itself seems reasonable, and to American businesses seems reasonable.

Arrayed on the other side are people who believe that a Communist government is a sentence to eternal condemnation, no matter what its record in international affairs is, and that anything which helps us to operate in a Communist government is somehow rendering aid and assistance to that government or to that system or is a blessing of the system.

Yes, it is true that Hungary is a member of Warsaw Pact. One of our speakers said today that we should not do this until the whole Warsaw Pact recanted and became capitalists. I think that is an extreme position, Mr. Chairman.

Another person tied it to trade with the U.S.S.R.

Other persons quoted Lenin, Khrushchev, Engels, Marx, and others in the party who I suppose are experts on certain forms of government, but I do not think any of those arguments are legitimate to the question before the body at this moment.

The question is, Shall we let OPIC operate in an area in which it sees demand for its services so that it can carry out its work under its charter? Its charter is to help the U.S. investment abroad so that we can promote U.S. exports. That is hardly a seditious charter. It is not an unpatriotic function. We are trying to help American companies and American jobs.

Another speaker spoke of subsidizing foreign governments. There are no subsidies. The companies that use OPIC services pay for them. If there is a disaster, there is no risk to the taxpayer unless this body and our friends on the other side of the Capitol vote to make funds available. I doubt that we are going to do that. I do not see that as an important risk.

What we do have is a way to help American jobs and American businesses and an agency that is dedicated to the prosperity of those two objectives achieve their goals.

Now, is Hungary all that bad? I think we have heard quite a lot of comment on a pretty good record over there on rights, worker rights, human rights, immigration, family unification, membership in GATT, membership in the World Bank.

Somebody said that, why, 12 people control the destinies in Hungary. How many people control the destinies in Chile? We have these services in Chile. How many in China? How many in Panama? We have a wonderful OPIC Program in Panama.

Mr. Chairman, we are talking about things that detract us. We are looking at the hole in the doughnut if we want to fight communism by restricting OPIC.

What we are trying to do is to feather our own nest, to promote our own commercial interests, and if at the same time we can show people who do not believe in our form of government that capitalism is a good route to follow and one that is best capable of improving the prosperity of all its citizens, so be it. I think that will be a plus.

Mr. Chairman, I urge defeat of the Roth amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to my distinguished colleague, the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding, and I concur in his statement and his analysis of the matter.

Let me just say, as we get ready to vote on this amendment, the debate has been spirited and good, but I would like to get back to the fact that the law now provides that Romania could be an exception to OPIC if the President determines that the operation of such a program in such country is important to the national interest. So the President has to make that determination. The statute gives him the selection of a country.

What the committee bill does is take Romania out and put Hungary in.

I think in the discussion it is fair to say that on whatever criteria you want to make a comparison, Hungary is better than Romania, certainly on human rights and other rights; so on the score I see no problem in substituting Hungary for Romania.

Therefore, Mr. Chairman, I would hope the amendment would be defeated.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in some ambivalence toward this amendment. I think I come down in support of the amendment, but on rather narrow grounds in concern about worker rights.

Generally, I think there is merit to the points that have been made on the floor today that there ought not to be any automatic veto of the eligibility of all East bloc nations for OPIC eligibility. We do need to encourage East bloc countries to go down the path of free and open markets.

I also think that my friend and colleague, the gentleman from California [Mr. LANTOS] is correct when he says that comparatively speaking, looking at other East bloc countries, Hungary is much better than the rest.

□ 1510

Certainly its immigration policy is a model compared with other Eastern bloc nations. I think the inclination of Hungarian citizens is much more toward capitalism and free enterprise than is the case in some other countries in Eastern Europe. I think there is a case to be made, a good one, that by making a nation such as Hungary eligible we would encourage further movement toward the open market system. All of that is to the good.

On the other hand, our experience as some people have said here, with Romania, for example, has not been so good. We have been granting Romania most-favored-nation privileges and other privileges over the years in a effort to encourage them to take a more independent course from the Soviet Union. Perhaps they have done that in relation to foreign policy and military affairs, but that policy certainly has not yielded many results in relation to human rights.

Talking about worker rights in particular, I think it has already been noted on the floor here that the AFL-CIO has expressed concern particularly about a new law relatively speaking in Hungary that makes it an offense to be a work shirker which by some stretch could be defined as tending toward forced labor.

We also, I think, have heard this afternoon that the Secretary of Labor, perhaps in contrast to the Secretary of State, has serious misgivings about extending OPIC eligibility to Hungary because of worker rights problems.

Mr. Chairman, however this amendment goes, I would like to ask the chairman of the distinguished Committee on Foreign Affairs if he would clarify one point.

Mr. Chairman, as I read the report of the committee, it seems to make it clear that the committee is recommending that OPIC be permitted to insure and finance American investments in Hungary if, and I underscore if, the other requirements governing OPIC's operations are satisfied in the case of Hungary.

Would that mean that if this amendment carries that OPIC would have to satisfy other requirements in relation to worker rights and other areas?

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. PEASE. Mr. Chairman, I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I can only say that the gentleman is absolutely correct. That is a requirement of the law. OPIC would not only have to meet that requirement and all the requirements laid out in there, they would have to convince the President first of all that it was in the national interest, and the President would have to make that determination before OPIC could do anything.

Mr. PEASE. Mr. Chairman, I thank the gentleman from Florida for that response.

Mr. Chairman, I emphasize again that while I do support this amendment, I support it on the narrow grounds of worker rights objections and not the others.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Illinois [Mr. HYDE] rose to read a letter from the AFL-CIO concerning this situation. I have a letter from the International Brotherhood of Teamsters. Perhaps it also has been read. Let me preface the reading of this letter with the simple observation that organized labor in the past under such leaders as Mr. Meaney, have been more realistic in understanding the threat of the Soviet Union and indeed the Warsaw Pact than members of our State Department.

Let me read the first couple of paragraphs:

> The International Brotherhood of Teamsters is deeply concerned by reports that the Administration seeks to qualify Hungary and possibly other Warsaw Pact countries for the programs of the Overseas Private Investment Corporation [OPIC].
>
> Organized labor in the United States has always been skeptical of policies designed to export American jobs, and for this reason has opposed the OPIC reauthorizations in previous years. By providing political risk insurance and loan guarantees to foreign countries, OPIC could harm American industry and workers. To propose extending the OPIC programs to U.S. companies that invest in Warsaw Pact nations is an outrage. It would compromise important foreign policy, national security, and human rights interests.

Mr. Chairman, on that point let me speak to the argument that somehow we are going to lead by example in extending American industry, the vitality of American industry to the decaying Socialist and Communist system in the Warsaw Pact.

The Soviet leaders and the Warsaw Pact leaders do not respect us for doing business with the Communists, or for extending them technology.

Mr. Lenin said that—

> Western capitalists are so greedy that they are going to sell us the very rope with which we are going to hang them.

That is not a statement of admiration. That is not a statement of sympathy with the free enterprise system. That is a statement of cynicism. They cynically regard our American business community as being so interested in profits that we will forgo our own security interest in order to make a dollar. That is precisely the wrong message to send to them. We are not helping the people of Hungary by extending these economic benefits to the leadership of that country. We are helping the leaders who control the people of Hungary.

Mr. Chairman, I have heard time and again from people from Poland, refugees from Poland, and they have said not to give aid to the dictators of Poland and to the Soviet Union leadership that crushes the citizens of Poland. That does not help them in their struggle as a people. That does not help the country in the sense that it helps the people.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman from California yield?

Mr. HUNTER. Mr. Chairman, I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I will read briefly from this letter that I have from the Department of Labor. It has been talked about earlier today but it bears repeating.

The Department of Labor sent a letter to Lane Kirkland and I want everybody to hear this one more time. It says:

> I agree with you that Hungary does not provide its workers with basic rights such as freedom of association and the right to organize and bargain collectively. The Hungarian Trade Union Council is basically controlled and directed by the Hungarian Communist Party. Also, as you point out, there is some evidence that Hungary may be increasing the use of forced labor. For these reasons, the Department of Labor would seriously question whether Hungary should be eligible for OPIC programs.

Mr. Chairman, I think that says it all.

Mr. HUNTER. Mr. Chairman, let me read the third paragraph of the letter from the Teamsters Union:

> We do not accept the idea that the United States can wean away countries like Hunga-

ry from the Soviet policy orbit by offering economic and financial assistance. To believe that Hungarian independence can be advanced by any amount of economic aid is to believe in fairytales. All such aid accomplishes is the improved efficiency of Soviet military production.

Let me say as a Member who probably has a zero rating or close to that with the Teamsters, in this particular area they are absolutely right.

The Washington Post this morning had a good article concerning the genesis of "Détente II" which Mr. Gorbachev is seeking to nourish with the United States. The reason we are having an economic détente with the Soviet Union at their instance right now is because his military leaders have told him that they need the technology of the United States and other Western countries in their military machine.

The CHAIRMAN. The time of the gentleman from California [Mr. Hunter] has expired.

(At the request of Mr. Solomon and by unanimous consent, Mr. Hunter was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, I have great respect for the gentleman from Florida [Mr. Gibbons] but the idea that somehow we can change the political policies of the ideologs who control the people of Hungary, by following through with Mr. Lenin's idea that we would be so greedy that we would sell high technology to them that they could use in their military machine, is completely in error. We are not going to change those people. Right now we are trying to change Cocom, we are trying to get our allies in Cocom to toughen up on exports to the Warsaw Pact.

Mr. Chairman, we had the Toshiba affair which arrested this hemorrhage of technology to the East and that brought everybody up short for a few weeks, but now the capitalists in the West are again vying with each other to sell to the East, and the gentleman from Florida said if we do not do it, others will.

That is the old story, "If you cannot beat them, join them" syndrome. We have to be the leaders in this area.

Mr. SOLOMON. Mr. Chairman, will the gentleman from California yield?

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the gentleman from California [Mr. Hunter] is hitting a very cogent point. Everybody on both sides of the aisle ought to ask is this really going to help the workers in Hungary? Is it really going to help the consumers in Hungary?

I would say to my colleagues that I just returned from China, where we have been hearing about the Chinese who are now turning toward a little bit of capitalism. I met with many businessmen in Beijing and Shanghai and I would ask my colleagues if they know what the complaint was, the complaint of every single one of those business people, those American industries?

The complaint is that China will not let them produce goods and distribute them domestically. They told me that China would let them produce goods but the goods had to be shipped back to America.

I would say to my colleagues that in these Communist countries, Hungary especially, they are going to let Americans produce goods at slave labor wages which are not going to help those Hungarian workers. They are still going to be under the same terrible restrictions that they are under now. They are not going to let the Hungarian consumers, the people, have access to those goods. They are going to ship those goods back to America so that we would be hurting the Hungarian worker, hurting the Hungarian consumer, and hurting the American worker as well. That is why we have to pass the Roth amendment today.

The gentleman from California [Mr. Hunter] makes a great deal of sense.

Mr. HUNTER. Mr. Chairman, I appreciate the remarks of the gentleman from New York. I will close very shortly, but let me cite one thing to my colleagues. In 1972, under a program of détente, we sold to the Soviet Union the Bryant grinders. Those grinders allowed them to build the ball bearings that they now use in the SS-18 missiles that are aimed at our communities today.

Under détente they have achieved American technology that has accrued to our detriment. That is precisely what they are trying to achieve in the present time.

Mr. Chairman, I urge all my colleagues in the name of national security to support the Roth amendment.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say at the outset that I intend to vote for the Roth amendment, but I intend to vote for it because it is very clear on the face of it that given the language of the legislation which requires that there be adherence to internationally accepted standards of worker rights, it simply could not allow this legislation to permit Hungary to qualify under the OPIC legislation.

Mr. Chairman, I must say that having said that it ill-behooves Members of this body, who whenever we raise issues regarding deprivation of worker rights in El Salvador, for example, turning a blind eye to that automatically, or given the struggle that we had to deprive OPIC benefits to Chile, it seems to me that there is an element of Hungary-bashing in this thing which is ill-conceived and ill-founded. The fact is that although I think Hungary does not qualify under the OPIC legislation, without question, the experience and the standard of human rights generally in Hungary is greater than any place else in the Eastern bloc nations. There is no question about that. I know from personal experience that fact that there is absolutely no limitation on family unification, indeed on emigration or leaving of Hungary for visits by any citizen of that country.

Indeed, Hungary has come a long way. The hope is that it will continue to come a long way. I do not think that we do a service to either Hungary or to the United States or to our mutual relations by taking this occasion which, if denied, the benefits ought to be done on strictly technical grounds. We use the exercise to cover up the facts, to distort the facts, and engage in basic Communist or Hungary-bashing. It is wrong. It is a disservice to this country. It is a disservice to our relations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Roth].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 8, noes 9.

RECORDED VOTE

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 237, noes 155, not voting 39, as follows:

[Roll No. 129]

AYES—237

Andrews
Annunzio
Applegate
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Berman
Bevill
Bilirakis
Bliley
Boulter
Boxer
Brennan
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Chapman
Cheney
Coble
Coelho
Collins
Combest
Cooper
Coughlin
Courter
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
Dickinson
Donnelly
Dorgan (ND)
Dowdy
Dreier
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fields
Ford (MI)
Gallo
Garcia
Gekas
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (PA)
Gregg
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Hyde
Inhofe
Jacobs
Jenkins
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kemp
Kennelly
Kildee
Kolbe
Kyl
Lagomarsino
Lancaster
Latta
Lehman (CA)
Leland
Lent
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston

Lloyd
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Martin (IL)
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
Mfume
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Pease
Perkins
Petri
Pickle
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Roberts
Robinson
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Russo
Savage
Saxton
Schaefer
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Traficant
Traxler
Valentine
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weiss
Weldon
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NOES—155

Ackerman
Akaka
Anderson
Aspin
Atkins
Bates
Beilenson
Bereuter
Bilbray
Boehlert
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Broomfield
Brown (CA)
Campbell
Cardin
Carper
Carr
Clarke
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Conte
Conyers
Coyne
Craig
Crockett
Darden
Dellums
Dicks
Dingell
DioGuardi
Dixon
Downey
Durbin
Dwyer
Dymally
Edwards (CA)
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Florio
Foley
Frank
Frenzel
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Gradison
Gray (IL)
Green
Guarini
Gunderson
Hamilton
Hawkins
Hochbrueckner
Horton
Houghton
Hoyer
Ireland
Jeffords
Johnson (CT)
Jones (NC)
Kastenmeier
Kennedy
Kleczka
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lowry (WA)
Luken, Thomas
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
McCloskey
McDade
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (CA)
Mineta
Moody
Morella
Myers
Nagle
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pelosi
Penny
Pepper
Pickett
Porter
Price
Richardson
Rodino
Roe
Roukema
Roybal
Sabo
Saiki
Sawyer
Scheuer
Schneider
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Thomas (CA)
Torres
Torricelli
Towns
Udall
Upton
Vander Jagt
Vento
Visclosky
Waxman
Wheat
Wyden

NOT VOTING—39

Alexander
Anthony
AuCoin
Biaggi
Bonior
Brooks
Bustamante
Chandler
Chappell
Coats
Crane
de la Garza
DeFazio
Dornan (CA)
Duncan
Early
Flippo
Foglietta
Ford (TN)
Gallegly
Gaydos
Hansen
Hughes
Hutto
Jones (TN)
Kolter
Konnyu
Leath (TX)
Lukens, Donald
MacKay
Martin (NY)
Mazzoli
Mica
Moakley
Nichols
Ortiz
Ritter
Spence
Yates

☐ 1546

The Clerk announced the following pair:

On this vote:

Mr. Nichols for, with Mr. Anthony against.

Messrs. JOHNSON of South Dakota, BENNETT, DERRICK, PICKLE, LEHMAN of California, Mrs. COLLINS, Messrs. LEWIS of Georgia, WOLPE, BAKER, LOWERY of California, Mrs. BYRON, Messrs. GRAY of Pennsylvania, and HERTEL changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 10, insert the following after line 17 and redesignate the succeeding section accordingly:

SEC. 109. SMALL AND MINORITY-OWNED BUSINESSES.

(a) FINDINGS.—The Congress finds that—

(1) the Overseas Private Investment Corporation has a consistent record of encouraging United States business investment in the world's developing countries; 62 percent of the open projects supported by the Corporation during fiscal year 1987 were located in the poorest of developing countries; and

(2) United States small businesses participated in 34 percent of the open projects supported by the Corporation during fiscal year 1987.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Overseas Private Investment Corporation should continue to encourage United States small businesses to invest in the world's developing countries; and

(2) the Corporation should continue to encourage United States small businesses that are minority-owned to invest in the world's developing countries as these businesses are well suited to the economic and social development needs of such countries.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered and read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, I am introducing an amendment to the Miscellaneous International Affairs Authorizations Act that would express the sense of Congress that the Overseas Private Investment Corporation should continue to encourage United States small businesses and minority-owned businesses to invest in the world's developing countries.

OPIC was established to "mobilze and facilitate the participation of U.S. private capital and skills in the economic and social development of less developed friendly countries." OPIC has encouraged American business investment in the world's developing nations for over 10 years providing qualified investors with insurance against certain political risks; loan guaranties; direct loans to small businesses and cooperatives; and many other investment-encouragement programs.

OPIC has a successful record insuring or financing 446 projects in 61 countries from fiscal year 1985 through 1987. It is estimated that these projects will provide developing countries with $8.7 billion in project investments and $2.6 billion in additional foreign exchange. Most importantly, in fiscal year 1987 62 percent of these projects were located in the poorest of developing countries.

U.S. small business plays an integral role participating in 34 percent of the open projects supported by the Corporation during fiscal year 1987. My amendment simply states that it is the sense of Congress that OPIC should continue to encourage U.S. small businesses to invest in the world's developing countries.

My amendment also states the sense of Congress that the Corporation should continue to encourage U.S. small businesses that are minority-owned to invest in the world's developing countries. Although there are no exact figures on how many minority-owned businesses are insured by OPIC, the Corporation has communicated that minority businesses are very adaptable to the economic and social development needs of such countries.

There are many minority-owned businesses in New Mexico but not one is currently financed or insured by the Corporation. My amendment would simply highlight the fact that OPIC encourages minority-owned businesses to participate so that they may begin to take advantage of this international opportunity.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding.

Is this the amendment which the gentleman has discussed with me, that it is the sense of the Congress that OPIC has a consistent record in encouraging U.S. business investment in the poorest developing countries, and that it should continue its support for small and minority-owned business?

Mr. RICHARDSON. The gentleman is correct.

Mr. FASCELL. Mr. Chairman, we have had an opportunity to examine this amendment; we agree with the gentleman, and on this side we are prepared to accept the amendment.

Mr. RICHARDSON. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we have had a chance also to examine the proposed amendment by the gentleman from New Mexico and we also accept it.

Mr. RICHARDSON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—BOARD FOR INTERNATIONAL BROADCASTING

SEC. 201. RADIO TRANSMITTER CONSTRUCTION AND MODERNIZATION.

Section 501(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (101 Stat. 1383) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS FOR RADIO TRANSMITTER CONSTRUCTION AND MODERNIZATION.—Section 8 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended by adding at the end thereof the following:

'(d) In addition to amounts authorized to be appropriated under subsection (a)(1)(A), there is authorized to be appropriated without fiscal year limitation $24,000,000 to the Board for International Broadcasting for radio transmitter construction and modernization.' ".

SEC. 202. BROADCASTING RELAY STATION IN ISRAEL.

There are authorized to be appropriated to the Board for International Broadcasting such sums as may be necessary for the costs associated with construction of a relay station in Israel. Amounts appropriated under this section are authorized to be made available until expended.

The CHAIRMAN. Are there any amendments to title II?

If not, no further amendments are in order except an amendment inserting at the end of the bill the text of H.R. 3100 as passed by the House as a new division B, which is considered as having been adopted, as follows:

SECTION 100. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Security and Development Cooperation Act of 1987".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 100. Short title and table of contents.

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

Sec. 101. Foreign military sales credits.
Sec. 102. Military assistance program.
Sec. 103. International military education and training.
Sec. 104. Peacekeeping operations.
Sec. 105. Cooperative training agreements with major non-NATO allies.
Sec. 106. Sales from stocks.
Sec. 107. Financing for commercial leasing arrangements.
Sec. 108. Terms of foreign military sales credits.
Sec. 109. Waiver of penalty interest on FMS arrearages.
Sec. 110. Enforcement and processing of arms export licensing requirements.
Sec. 111. Biennial review of the International Traffic in Arms Regulations.
Sec. 112. Reciprocal leasing.
Sec. 113. Sales of antitank shells containing a depleted uranium penetrator component.
Sec. 114. Exclusion of salaries from prices of certain FMS sales.
Sec. 115. FMS Guaranty Reserve Fund.
Sec. 116. Conditions on sales of F-15's to Saudi Arabia.
Sec. 117. Restrictions on FMS sales of STINGER missiles.
Sec. 118. Notice to Congress regarding possible missiles sales.
Sec. 119. Limitations on military assistance.

TITLE II—ECONOMIC SUPPORT FUND

Sec. 201. Authorizations of appropriations.
Sec. 202. Authority to use funds for emergency assistance.
Sec. 203. Segregated accounts for cash transfers.
Sec. 204. Use of ESF assistance to promote long-term development.
Sec. 205. Prohibition on use of ESF assistance for port or terminal construction projects detrimental to United States farmers.
Sec. 206. Purchase of United States goods and services with ESF assistance.
Sec. 207. Tied aid credit program.
Sec. 208. Restriction on use of funds for nuclear facilities.

TITLE III—DEVELOPMENT ASSISTANCE

Sec. 301. Agriculture, rural development, and nutrition.
Sec. 302. Child survival fund.
Sec. 303. Population and health.
Sec. 304. Education and human resources development.
Sec. 305. Cooperative development program.
Sec. 306. Energy, private and voluntary organizations, and selected development activities.
Sec. 307. Sustainable development.
Sec. 308. Private sector revolving fund.
Sec. 309. Protecting biological diversity.
Sec. 310. Private sector assistance.
Sec. 311. Limitation relating to development assistance.
Sec. 312. Enhancing the private-public partnership for foreign assistance.
Sec. 313. Use of foreign assistance loan repayments for development assistance activities.
Sec. 314. Providing credit for the poor in developing countries.
Sec. 315. Assistance for the prevention and control of AIDS in developing countries.
Sec. 316. AIDS education.
Sec. 317. Minority set-aside.
Sec. 318. International cooperation to protect biological diversity.

TITLE IV—OTHER ASSISTANCE PROGRAMS AND AUTHORIZATIONS

PART A—FOREIGN ASSISTANCE ACT PROGRAMS

Sec. 401. American schools and hospitals.
Sec. 402. Housing guaranty program.
Sec. 403. Agricultural and productive credit and self-help community development programs.
Sec. 404. Trade credit insurance program.
Sec. 405. Voluntary contributions to international organizations and programs.
Sec. 406. International disaster assistance.
Sec. 407. Antiterrorism assistance program.
Sec. 408. Trade and development program.
Sec. 409. Operating expenses of the Agency for International Development.

PART B—PUBLIC LAW 480 AND SECTION 416 PROGRAMS

Sec. 421. Promoting biological diversity.
Sec. 422. Period for agency response; period for comments on agency guidelines.
Sec. 423. Farmer-to-farmer program under Public Law 480.
Sec. 424. Multiyear agreements under section 416(b).
Sec. 425. Minimum level of food assistance.

TITLE V—INTERNATIONAL NARCOTICS CONTROL

Sec. 501. Authorizations of appropriations.
Sec. 502. Development of herbicides for aerial coca eradication.
Sec. 503. Procurement of weapons to defend aircraft involved in narcotics control efforts.
Sec. 504. Pilot and aircraft maintenance training for narcotics control activities.
Sec. 505. Reallocation of funds withheld from countries which fail to take adequate steps to halt illicit drug production or trafficking.
Sec. 506. Waiver of restrictions on United States assistance for certain major drug-transit countries.
Sec. 507. Reports and restrictions concerning certain countries.
Sec. 508. United States reliance on licit opium gum from foreign sources.
Sec. 509. Assistance for Bolivia.
Sec. 510. Assistance for Peru.
Sec. 511. Assistance for Mexico.
Sec. 512. Cooperative nonmajor drug-transit countries.
Sec. 513. Increased funding for AID drug education programs.
Sec. 514. Development of model treaties and comprehensive antidrug laws.
Sec. 515. Reporting on transfer of U.S. assets.
Sec. 516. Establishment of a Latin American regional anti-narcotics police force.
Sec. 517. Establishment of a regional antinarcotics training center in the Caribbean.
Sec. 518. Importance of suppressing international narcotics trafficking.
Sec. 519. Information from other agencies in annual narcotics control reports.
Sec. 520. Expression in numerical terms of maximum achievable reductions in illicit drug production.
Sec. 521. Reports on assistance denied.

TITLE VI—EUROPE AND THE MIDDLE EAST

Sec. 601. Assistance for Israel.
Sec. 602. Assistance for Egypt.
Sec. 603. Cooperative scientific and technological projects.

Sec. 604. Use of certain deobligated funds for projects in the Middle East and for additional assistance for American hospitals abroad.
Sec. 605. West Bank and Gaza development initiative.
Sec. 606. Foreign military sales for Jordan.
Sec. 607. Use of chemical weapons in the Near East.
Sec. 608. Assistance for Greece.
Sec. 609. Assistance for Turkey.
Sec. 610. Cyprus.
Sec. 611. Turkish occupation troops and Greek military forces on Cyprus.
Sec. 612. Excess defense articles for NATO southern flank countries and major non-NATO allies on the southern and southeastern flank of NATO.
Sec. 613. Assistance for Poland.
Sec. 614. United States contributions to the Anglo-Irish International Fund.
Sec. 615. Annual reports on economic conditions in Egypt, Israel, Turkey, and Portugal.
Sec. 616. Reporting requirements.
Sec. 617. Syrian sponsorship and support for terrorism.
Sec. 618. Human rights in Bulgaria.
Sec. 619. Human rights in Romania.
Sec. 620. Plight of Jews in Arab countries.
Sec. 621. United Nations peacekeeping force in the Persian Gulf.

TITLE VII—WESTERN HEMISPHERE

PART A—CENTRAL AMERICA

Sec. 701. Central America democracy, peace, and development initiative.
Sec. 702. Military aircraft transfers.
Sec. 703. Economic assistance for Central America.
Sec. 704. Suspension of assistance if a military coup occurs.
Sec. 705. Assistance for El Salvador.
Sec. 706. Assistance for Guatemala.
Sec. 707. Refugees in Honduras.
Sec. 708. Assistance for Costa Rica.
Sec. 709. Assistance for implementation of regional peace agreement.
Sec. 710. Restrictions on assistance to Panama.
Sec. 711. Nicaragua.
Sec. 712. Restrictions on assistance to police.
Sec. 713. Economic growth in Central America.
Sec. 714. Relations with the private sector in El Salvador.
Sec. 715. Peace, pluralism, and democracy in Nicaragua.
Sec. 716. Arias peace initiative.
Sec. 717. Central American peace agreement.
Sec. 718. January 22 Movement of Mothers of Political Prisoners and human rights in Nicaragua.

PART B—SOUTH AMERICA

Sec. 721. Military assistance for Paraguay.
Sec. 722. Nonlethal military assistance for Uruguay.
Sec. 723. Economic Assistance for Uruguay.
Sec. 724. Policy regarding Chile.
Sec. 725. Suspension of OPIC programs for Chile.
Sec. 726. Restrictions on training assistance for Argentina and Brazil.

PART C—THE CARIBBEAN

Sec. 741. Assistance for Haiti.
Sec. 742. Caribbean development plan.
Sec. 743. Assistance for the Eastern Caribbean.
Sec. 744. Annual report on Soviet military assistance to Cuba.

PART D—PROVISIONS RELATING TO THE REGION GENERALLY

Sec. 761. Condition on military assistance for Latin America and the Caribbean.
Sec. 762. Allocations of economic support fund assistance.
Sec. 763. Inter-American Foundation.
Sec. 764. Administration of justice program.
Sec. 765. Caribbean-Central American scholarship partnership.
Sec. 766. Assistance to Nicaragua by other countries.

TITLE VIII—AFRICA

PART A—AFRICA FAMINE RECOVERY AND DEVELOPMENT

Sec. 801. Short title.
Sec. 802. Africa famine recovery and development.
Sec. 803. Reports to Congress.
Sec. 804. Conforming amendments.
Sec. 805. African famine assistance.
Sec. 806. African Development Foundation.
Sec. 807. United States trade restrictions on products from sub-Saharan Africa.
Sec. 808. Effective date.

PART B—OTHER PROVISIONS RELATING TO SUB-SAHARAN AFRICA

Sec. 821. Balance-of-payments support for countries in Africa.
Sec. 822. Support for the Southern Africa Development Coordination Conference.
Sec. 823. Assistance for Zaire.
Sec. 824. Assistance for Liberia.
Sec. 825. Policy regarding Kenya.
Sec. 826. Policy regarding Sudan.
Sec. 827. Assistance for the People's Republic of Mozambique.
Sec. 828. Restriction on military assistance to countries exporting oil to South Africa.
Sec. 829. Study and report on attempts to undermine import sanctions against South Africa.
Sec. 830. Economic assistance for sub-Saharan Africa.
Sec. 831. South Africa.

PART C—NORTHERN AFRICA

Sec. 841. Policy regarding Tunisia.
Sec. 842. Western Sahara.

TITLE IX—ASIA AND THE PACIFIC

PART A—EAST ASIA AND THE PACIFIC

Sec. 901. Support for the right of self-determination for the Cambodian people.
Sec. 902. Assistance for the Cambodian people.
Sec. 903. Policies regarding Vietnam.
Sec. 904. Japanese Middle East policies.
Sec. 905. Annual report regarding Korea.
Sec. 906. Assistance for the Philippines.
Sec. 907. South Pacific regional programs; scholarships.
Sec. 908. Authority to stockpile defense articles in Thailand and Korea.
Sec. 909. Refugees from Southeast Asia.
Sec. 910. Cooperation on POW/MIA issue.
Sec. 911. Security assistance and arms export control preferences for New Zealand.
Sec. 912. Human rights policy in the People's Republic of China.
Sec. 913. Transfers of Silkworm missiles to Iran by the People's Republic of China.

PART B—SOUTH ASIA

Sec. 921. Assistance for the Afghan people.
Sec. 922. Democracy in Bangladesh.
Sec. 923. Israel-India relations.
Sec. 924. Waiver for Pakistan of section 669 prohibition on assistance.
Sec. 925. Sales of military equipment to Pakistan.
Sec. 926. Democracy and human rights in Pakistan.
Sec. 927. Illicit drug production and trafficking in Pakistan.
Sec. 928. Limitation on development assistance for India.
Sec. 929. Annual report on Pakistan.
Sec. 930. Human rights of the Sikhs in the Punjab of India.
Sec. 931. Administration policy on Afghanistan.
Sec. 932. Policies pursued by India.

TITLE X—PEACE CORPS

Sec. 1001. Authorizations of appropriations.
Sec. 1002. Passenger automobiles.
Sec. 1003. Technical publications.
Sec. 1004. Prohibition on Peace Corps funding of abortions.
Sec. 1005. Peace Corps health services pilot program.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Effective date.
Sec. 1102. Uses of foreign currencies.
Sec. 1103. Comprehensive annual reports on foreign assistance.
Sec. 1104. Reprogrammings of assistance.
Sec. 1105. Foreign assistance allocation reports.
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TITLE XII—ADDITIONAL ASSISTANCE FOR BASE RIGHTS COUNTRIES

Sec. 1201. Additional authorizations of appropriations.
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Sec. 1301. Short title.

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TITLE XIV—CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION

Sec. 1401. Finding and policy.
Sec. 1402. Proliferation-risk assessment.
Sec. 1403. Annual report on proliferation.
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TITLE XV—OTHER PROVISIONS

Sec. 1501. Human rights abuses by the government of Cuba.
Sec. 1502. Child labor rights.
Sec. 1503. Report on process of interagency review of certain agreements with controlled countries.
Sec. 1504. South African uranium exports.
Sec. 1505. Report on Soviet hard currency sources and uses.
Sec. 1506. Soviet policy on Jewish emigration.
Sec. 1507. Soviet human rights policy and the summit.
Sec. 1508. Comprehensive foreign debt information.
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Sec. 1510. Review of United States participation in the United Nations.
Sec. 1511. Human rights violations in Tibet by the People's Republic of China.
Sec. 1512. Democracy in Taiwan.

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

SEC. 101. FOREIGN MILITARY SALES CREDITS.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The first sentence of section 31(a) of the Arms Export Control Act is amended to read as follows: "There are authorized to be appropriated to the President to carry out this Act $3,950,000,000 for fiscal year 1988 and $3,950,000,000 for fiscal year 1989.".

(b) AGGREGATE PROGRAM CEILING.—Section 31(b)(1) of that Act is amended to read as follows:

"(b)(1) The total amount of credits extended under section 23 of this Act may not exceed $3,950,000,000 for fiscal year 1988 and $3,950,000,000 for fiscal year 1989.".

SEC. 102. MILITARY ASSISTANCE PROGRAM.

Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $950,000,000 for fiscal year 1988 and $950,000,000 for fiscal year 1989.".

SEC. 103. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Section 542 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 542. AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out the purposes of this chapter $55,851,000 for fiscal year 1988 and $55,851,000 for fiscal year 1989.".

(b) HUMAN RIGHTS TRAINING IN IMET PROGRAMS.—Chapter 5 of part II of that Act is amended by adding at the end the following:

"SEC. 546. HUMAN RIGHTS TRAINING.

"Respect for internationally recognized human rights shall be an important component of the assistance provided to any country under this chapter for any fiscal year.".

(c) SCHOOL OF THE AMERICAS.—Chapter 5 of part II of that Act (as amended by subsection (b) of this section) is further amended by adding at the end the following:

"SEC. 547. SCHOOL OF THE AMERICAS.

"Of the funds made available to carry out this chapter, up to $3,000,000 each fiscal year may be used for the fixed base operating costs of the United States Army School of the Americas.".

SEC. 104. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $31,689,000 for fiscal year 1988 and $31,689,000 for fiscal year 1989.".

SEC. 105. COOPERATIVE TRAINING AGREEMENTS WITH MAJOR NON-NATO ALLIES.

Section 21(g) of the Arms Export Control Act is amended—

(1) by inserting "and with other countries which are major non-NATO allies," after "New Zealand,"; and

(2) by adding at the end the following: "As used in this subsection, the term 'major non-NATO allies' means those countries designated as major non-NATO allies for purposes of section 1105 of the National Defense Authorization Act of Fiscal Year 1987.".

SEC. 106. SALES FROM STOCKS.

Section 21 of the Arms Export Control Act is amended by adding at the end the following:

"(j) In the case of a sale under subsection (a)(1)(B) of this section, the President may contract for the procurement of replacement major defense equipment if the eligible country or international organization provides the United States Government with a dependable undertaking as described in section 22(a) of this Act. The authority of this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 107. FINANCING FOR COMMERCIAL LEASING ARRANGEMENTS.

Section 23(a) of the Arms Export Control Act is amended by adding at the end the following: "The authority of this section may be used to provide financing to Israel for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under this Act.".

SEC. 108. TERMS OF FOREIGN MILITARY SALES CREDITS.

(a) WHEN INTEREST RATES DETERMINED.—Section 23(c)(2) of the Arms Export Control Act is amended by striking out the parenthetical phrase in subparagraph (B).

(b) EFFECTIVE DATE.—Section 23(c) of that Act is amended by adding at the end the following:

"(3) Loan agreements made on market rate terms pursuant to this section after September 30, 1984, may be amended to fix the interest rates applicable to undisbursed funds as of the time each disbursement is made. The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 109. WAIVER OF PENALTY INTEREST ON FMS ARREARAGES.

Section 23 of the Arms Export Control Act is amended by adding at the end the following:

"(e) The President may waive the collection of penalty charges that have accrued or may accrue on loans made pursuant to this section or section 24. The authority of this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 110. ENFORCEMENT AND PROCESSING OF ARMS EXPORT LICENSING REQUIREMENTS.

(a) REGISTRATION FEES FOR MUNITIONS CONTROL LICENSES.—Section 38(b) of the Arms Export Control Act is amended by inserting at the end the following:

"(3)(A) For each of the fiscal years 1988 and 1989, $250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

"(i) contract personnel to assist in the evaluation of munitions control license applications, reduce processing time for license applications, and improve monitoring of compliance with the terms of licenses; and

"(ii) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.

"(B) Funds made available under subparagraph (A) may not be used for any purpose other than those specified in subparagraph (A), and this limitation may not be waived under the authority of any other provision of law.

"(C) The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

(b) DISQUALIFICATION AND FORFEITURE FOR VIOLATIONS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—Section 38 of that Act is amended by inserting after subsection (c) the following:

"(d)(1) No contract between a foreign government and a person convicted or debarred for a violation of this section or section 39, or any rule or regulation issued under either section, may be approved for financing under this Act during the twelve months following the date of such conviction or debarment.

"(2)(A) Any person who is convicted for a violation of this section or section 39, or any rule or regulation issued under either section, shall (in addition to any other penalty) forfeit to the United States—

"(i) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in any defense article or other tangible item that was the subject of the violation;

"(ii) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in any defense article or other tangible item that was used in—

"(I) the export or attempt to export, or

"(II) the contribution, gift, commission, or fee that was paid or offered or agreed to be paid,

that was the subject of the violation; and

"(iii) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

"(B) The procedures in any forfeiture under this paragraph, and the duties and authorities of the courts of the United States and the Attorney General with respect to any forfeiture action under this paragraph or with respect to any property that may be subject to forfeiture under this paragraph, shall be governed by section 1963 of title 18, United States Code. Any new budget authority provided by this subparagraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

(c) EFFECTIVE DATE.—Subsection (d) of section 38 of that Act, as enacted by subsection (b) of this section, shall take effect on the date of enactment of this Act or October 1, 1987 (whichever is later), and applies—

(1) in the case of paragraph (1) of subsection (d), with respect to convictions or debarments occurring on or after the effective date of that subsection; and

(2) in the case of paragraph (2) of subsection (d), with respect to convictions based on conduct occurring on or after the effective date of that subsection.

SEC. 111. BIENNIAL REVIEW OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

Section 38(f) of the Arms Export Control Act is amended by striking out the first sentence and inserting in lieu thereof the following: "At least once every 2 years, the President shall review the regulations issued to carry out this section, including the items listed on the United States Munitions List, in order to determine what changes in those regulations are appropriate, including determining what items, if any, no longer warrant export controls under this section. Based on each such review, the President shall revise those regulations as necessary and shall publish a revised compilation of those regulations.".

SEC. 112. RECIPROCAL LEASING.

Section 61(a) of the Arms Export Control Act is amended in subparagraph (B) by striking out "fiscal year 1987 and only with respect to one country" and inserting in lieu thereof "fiscal years 1987, 1988, and 1989 and only with respect to one country each such year".

SEC. 113. SALES OF ANTITANK SHELLS CONTAINING A DEPLETED URANIUM PENETRATOR COMPONENT.

The President may not sell any M833 antitank shells, or any comparable antitank shells containing a depleted uranium penetrator component, to any country other than—

(1) a country which is a member of the North Atlantic Treaty Organization, or

(2) a country which has been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987.

SEC. 114. EXCLUSION OF SALARIES FROM PRICES OF CERTAIN FMS SALES.

The last sentence of section 503(a) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting ", or from funds made available on a nonrepayable basis under section 23 of the Arms Export Control Act," after "under paragraph (3)"; and

(2) by inserting "(other than the Coast Guard)" after "Armed Forces of the United States".

SEC. 115. FMS GUARANTY RESERVE FUND.

The authority contained in the third sentence of section 24(c) of the Arms Export Control Act shall be exercised to the extent necessary in order for the Defense Security Assistance Agency and the Department of Defense to honor their loan guarantee contracts and to make all payments to the Federal Financing Bank required by those contracts according to their original payment schedules.

SEC. 116. CONDITIONS ON SALES OF F-15's TO SAUDI ARABIA.

Any sale or other transfer to Saudi Arabia by the United States of F-15 aircraft shall be subject to the following conditions:

(1) Any F-15 aircraft sold or otherwise transferred to Saudi Arabia shall be limited to models A, B, C, and D.

(2) The United States shall not sell or otherwise transfer to Saudi Arabia the F-15-E or other advanced aircraft with a ground attack capability and shall not upgrade existing Saudi aircraft to that capability.

(3) Saudi Arabia shall not possess more than 60 F-15 aircraft at any one time, except that additional replacement F-15 aircraft may be held in the United States, at the expense of Saudi Arabia, for shipment to Saudi Arabia only after the President notifies the Congress that the existing inventory of F-15 aircraft held by Saudi Arabia is less than 60 and, then, only on a one-for-one replacement basis as each F-15 aircraft is totally removed from the inventory of Saudi Arabia.

SEC. 117. RESTRICTIONS ON FMS SALES OF STINGER MISSILES.

(a) PROHIBITION.—Except as provided in subsection (b), the United States Government may not sell any STINGER air defense guided missile (or any other man-portable ground-to-air missile with comparable advanced technology) to any foreign military or paramilitary force under the Arms Export Control Act.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) does not apply with respect to—

(1) a transfer to the North Atlantic Treaty Organization or the armed forces of a member nation of that organization;

(2) a transfer to the armed forces of a country designated as major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act of Fiscal Year 1987;

(3) a transfer otherwise specifically authorized by the Congress by an Act or joint resolution enacted after the date of enactment of this Act; or

(4) a transfer if the President certifies to the Congress that—

(A) an unforeseen emergency exists which requires the immediate transfer of the missiles; and

(B) no other air defense system can meet the air defense needs of the recipient.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the President shall submit to the Congress a report which assesses the global threat caused by the proliferation of man-portable ground-to-air missiles with advanced technology comparable to that of the STINGER missile, without regard to the country of origin of those missiles. This report shall give special emphasis to the danger of such missiles being used in acts of terrorism.

SEC. 118. NOTICE TO CONGRESS REGARDING POSSIBLE MISSILES SALES.

(a) PRICE AND AVAILABILITY REPORTS.—Section 28 of the Arms Export Control Act is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "or" after "$7,000,000 or more" and inserting in lieu thereof a comma, and

(B) by inserting ", or of any missiles, rockets, or associated launchers or any artillery projectiles (without regard to the amount of the possible sale)," after "$25,000,000 or more"; and

(2) in clause (2) of subsection (b)—

(A) by striking out "or" after "$7,000,000 or more" and inserting in lieu thereof a comma, and

(B) by inserting ", or of any missiles, rockets, or associated launchers or any artillery projectiles (without regard to the amount of the proposed sale)," after "$25,000,000 or more".

(b) NOTIFICATIONS IN THE ABSENCE OF RECENT PRICE AND AVAILABILITY REPORT LISTING.—

(1) SALES SUBJECT TO NOTIFICATION REQUIREMENT.—Paragraph (2) of this subsection applies with respect to any letter or offer to sell any missiles, rockets, or associated launchers or any artillery projectiles (without regard to the amount of the sale) if, within the preceding 6 months, a listing has not been transmitted to the Congress pursuant to section 28 of the Arms Export Control Act with respect to that sale and if section 36(b) of that Act does not apply.

(2) REQUIREMENT FOR NOTIFICATION.—Before issuing any letter of offer described in paragraph (1), the President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate. Any such notification shall contain the information required in a certification under section 36(b) of the Arms Export Control Act.

(3) TIME FOR NOTIFICATION.—The notification required by paragraph (2) shall be submitted not less than 30 days before the letter of offer is issued, unless the President states in the notification that an emergency exists which requires the proposed sale in the national security interests of the United States. If the President states that such an emergency exists, he shall include a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security issues involved.

SEC. 119. LIMITATIONS ON MILITARY ASSISTANCE.

(a) GENERAL ASSEMBLY VOTES.—Funds authorized to be appropriated by this title may not be allocated to any country whose votes in the United Nations General Assembly Plenary differed from the United States position by more than 90 percent, as recorded in the most recent Department of State report entitled "Report to the Congress on Voting Practices in the United Nations", unless the President determines, and reports to the Congress, that national security or humanitarian reasons justify furnishing such assistance to that country.

(b) MOST RECENT REPORT DEFINED.—For purposes of applying subsection (a)—

(1) with respect to fiscal year 1988 assistance, the most recent such report shall be deemed to be the report dated April 23, 1987;

(2) with respect to fiscal year 1989 assistance, the most recent such report shall be deemed to be the next annual report submitted after that date; and

(3) with respect to such assistance for each fiscal year thereafter, the most recent report shall be deemed to be the last such

report submitted before that fiscal year begins.

TITLE II—ECONOMIC SUPPORT FUND

SEC. 201. AUTHORIZATIONS OF APPROPRIATIONS.

Section 532(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,380,812,000 for fiscal year 1988 and $3,415,812,000 for fiscal year 1989, in addition to amounts otherwise authorized to be appropriated for those purposes.".

SEC. 202. AUTHORITY TO USE FUNDS FOR EMERGENCY ASSISTANCE.

Section 533(a) of the Foreign Assistance Act of 1961 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 203. SEGREGATED ACCOUNTS FOR CASH TRANSFERS.

Section 531 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(f)(1) If funds to carry out this chapter are provided to a foreign country as cash transfer assistance, that country shall be required to maintain those funds in a separate account and not commingle them with any other funds.

"(2) Those funds may be obligated and expended notwithstanding any provision of law which is inconsistent with the cash transfer nature of the assistance.".

SEC. 204. USE OF ESF ASSISTANCE TO PROMOTE LONG-TERM DEVELOPMENT.

Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 536. PROMOTING LONG-TERM DEVELOPMENT.

"(a) Requirement That Assistance Be Used to Promote Long-Term Development.—The following requirements apply with respect to any country with an annual per capita income of less than $2,500 which receives assistance under this chapter:

"(1) At least 40 percent of that assistance for fiscal year 1988, and at least 50 percent of that assistance for each fiscal year thereafter, shall be used for projects and sector programs in accordance with chapter 1 of part I.

"(2) The remaining assistance shall be used to promote specific economic policy reforms—

"(A) which serve United States national interests;

"(B) which will contribute to long-term economic development; and

"(C) which—

"(i) are reforms that are in addition to reforms that would otherwise be undertaken, or

"(ii) are significant reforms already being implemented which will be directly supported by such assistance, or

"(iii) are reforms being promoted by the United States in conjunction with the efforts of other donors.

Assistance pursuant to paragraph (2) may be provided in the form of balance of payments support or budget support so long as the provision of the assistance in that form will promote the specific economic policy reforms required by paragraph (2).

"(b) Exemptions for Certain Countries.—Subsection (a) does not apply with respect to a country—

"(1) which receives $5,000,000 or less in assistance under this chapter for a fiscal year; or

"(2) with which the United States has an agreement providing the United States with base rights in that country.

"(c) Waiver in Certain Circumstances.—The percentage requirement of paragraph (1) of subsection (a) shall not apply with respect to assistance for a country for a fiscal year to the extent that the President determines that significant unforeseen circumstances exist which necessitate the provision of assistance for that country without regard to the requirement of paragraph (1). The reprogramming notice submitted to the Congress pursuant to section 634A with respect to that assistance shall include a description of the significant unforeseen circumstances which require the waiver and a justification for the waiver.

"(d) Definitions of Long-Term Economic Development and Economic Policy Reform.—For purposes of this section—

"(1) the term 'long-term economic development' means progress in achieving the policy objectives set forth in chapter 1 of part I; and

"(2) the term 'economic policy reforms' means macro-economic reforms such as changes in interest rates to encourage saving, divestiture of state-owned enterprises and the development of the private sector, revision of tax structures to encourage growth, and adjustments in exchange rates to achieve market clearing rates.".

SEC. 205. PROHIBITION ON USE OF ESF ASSISTANCE FOR PORT OR TERMINAL CONSTRUCTION PROJECTS DETRIMENTAL TO UNITED STATES FARMERS.

Chapter 4 of part II of the Foreign Assistance Act of 1961 (as amended by section 204) is further amended by adding at the end the following:

"SEC. 537. PROHIBITION ON USE OF ESF FOR PORT OR TERMINAL CONSTRUCTION PROJECTS DETRIMENTAL TO UNITED STATES FARMERS.

"Funds made available to carry out this chapter may not be used to finance any port or terminal construction project in a foreign country which would have a significant negative impact on the export of United States agricultural commodities.".

SEC. 206. PURCHASE OF UNITED STATES GOODS AND SERVICES WITH ESF ASSISTANCE.

Chapter 4 of part II of the Foreign Assistance Act of 1961 (as amended by sections 204 and 205) is further amended by adding at the end the following:

"SEC. 538. PURCHASE OF UNITED STATES GOODS AND SERVICES.

"(a) General Policy Regarding Forms of Assistance.—Assistance under this chapter should be provided principally through commodity import programs, project assistance, sector programs, or the provision of United States goods and services.

"(b) Use of Cash Transfers for United States Goods and Services.—Assistance may be provided to a country under this chapter as a cash transfer only pursuant to an agreement requiring that the country spend an amount equal to the amount of the cash transfer to purchase United States goods and services. Nothing in this section, however, shall prevent a country from purchasing, with United States cash transfer assistance, goods and services produced in that country. United States goods, except agricultural commodities (or products derived from such commodities), purchased pursuant to such an agreement shall be deemed to have been furnished in connection with funds advanced by the United States. The President shall ensure that purchases of United States goods pursuant to such agreements, and the ports of departure for those goods, are distributed equitably throughout the United States. The United States goods purchased pursuant to such agreements shall be United States goods which are available in the United States at fair prices for such goods.

"(c) GAO Audits.—Each agreement pursuant to which cash transfer assistance is provided under this chapter shall include provisions to ensure that representatives of the Comptroller General have the access to records and personnel necessary to carry out such monitoring and auditing as the Comptroller General deems appropriate.

"(d) Exemptions.—This section shall not apply to any country—

"(1) which receives cash transfer assistance under this chapter of less than $10,000,000 for a fiscal year;

"(2) which, as of April 1, 1987, was receiving cash transfer assistance under this chapter and has an agreement with the United States under which the country agrees—

"(A) to spend an amount equal to the amount of the cash transfer on the purchase of United States goods and services, and

"(B) to carry 50 percent of all bulk shipments of United States grain on 'privately-owned United States-flag commercial vessels', to the extent such vessels are available at fair and reasonable rates for such vessels,

except that a country shall be exempted pursuant to this paragraph only so long as the country continues to agree to those conditions; or

"(3) which, as of the effective date of this section, has an agreement with the United States requiring that the country spend an amount equal to the amount of any cash transfer assistance under this chapter to purchase United States goods and services, except that a country shall be exempted pursuant to this paragraph only so long as that country continues to agree to that condition.

United States goods purchased pursuant to an agreement described in paragraph (3) shall be deemed to have been furnished in connection with funds advanced by the United States, and the last sentence of subsection (b) shall apply with respect to such goods.

"(e) Waiver.—The The President may waive the provisions of this section to the extent the President determines that it is important to the national interest to do so. Any such waiver shall be reported to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(f) Definition of United States Goods.—For purposes of this section, the term 'United States goods' means goods (including components) and commodities (including agricultural commodities) grown, processed, produced, or manufactured in the United States.

"(g) Nothing in this section shall be construed to apply the requirements of sections 901 through 901k of the Merchant Marine Act, 1936 (46 U.S.C. 1101 et seq.) to purchases of United States goods and services except to the extent such purchases are attributable to a cash transfer provided pursuant to this chapter, and in accordance with the agreement required in subsection (b) of this section.".

SEC. 207. TIED AID CREDIT PROGRAM.

(a) Earmarking.—Of the amounts authorized to be appropriated to carry out chapter

4 of part II of the Foreign Assistance Act of 1961—

(1) not less than $50,000,000 for fiscal year 1988, and

(2) an aggregate of not less than $100,000,000 for both fiscal years 1988 and 1989,

shall be deposited in the fund authorized by subsection (c)(2) of section 645 of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635r) and shall be used by the Trade and Development Program, as agreed upon by the Secretary of State and the Administrator of the Agency for International Development, in carrying out the program of tied aid credits for United States exports which is provided for in that section.

(b) Use of Funds For Other Purposes.—Funds that have not been obligated pursuant to the tied aid credit program by the end of the third quarter of the fiscal year for which they were appropriated may be used for other purposes under chapter 4 of part II of the Foreign Assistance Act of 1961 if the Director of the Trade and Development Program, as agreed upon by the Secretary of State and the Administrator of the Agency for International Development, certifies to the Congress that—

(1) no trade credit application acceptable and timely under the Trade and Development Enhancement Act of 1983 is pending, or

(2) those funds are not needed for that program because other countries are not engaging in predatory financing practices in order to compete with United States exports.

SEC. 208. RESTRICTION ON USE OF FUNDS FOR NUCLEAR FACILITIES.

Funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1988 or fiscal year 1989 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that such country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (the "Treaty of Tlatelolco"), cooperates fully with the International Atomic Energy Agency, and pursues nonproliferation policies consistent with those of the United States.

TITLE III—DEVELOPMENT ASSISTANCE

SEC. 301. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

(a) Authorizations of Appropriations.—The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $471,612,000 for fiscal year 1988 and $471,612,000 for fiscal year 1989.".

(b) Protecting United States Agricultural Exports.—Section 103 of that Act is amended by adding at the end the following:

"(i) None of the funds made available to carry out this chapter shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States. This subsection shall not prohibit—

"(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

"(2) research activities intended primarily to benefit American producers."

(c) Vitamin A Deficiency Program.—Section 103 of that Act, as amended by subsection (b), is further amended by adding at the end the following:

"(j)(1) The Congress recognizes that vitamin A deficiency is a major cause of childhood morbidity and mortality. An estimated 500,000 children are blinded every year from the vitamin A deficiency disease known as Xerophthalmia. The Congress further recognizes that vitamin A intervention programs are inexpensive, practical to administer, and cost-effective in terms of human productivity. Supplying doses of vitamin A, promoting the consumption of foods which are either good natural sources of vitamin A or fortified with vitamin A, nutrition education, and agricultural extension projects which emphasize the utility of consuming adequate amounts of dietary sources of vitamin A are essential interventions to be considered in the design of programs to eliminate vitamin A deficiency.

"(2) Of the funds authorized to be appropriated to carry out this section for each of the fiscal years 1988 and 1989, not less than $8,000,000 shall be available only for the Vitamin A Deficiency Program.".

SEC. 302. CHILD SURVIVAL FUND.

(a) Authorization.—Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(B)(i) Not less than $80,000,000 for fiscal year 1988 and not less than $90,000,000 for fiscal year 1989 shall be used for activities described in subparagraph (A) which are carried out with funds made available under this subsection and chapter 7 of this part.

"(ii) There are authorized to be appropriated to the President $66,000,000 for fiscal year 1988 and $76,000,000 for fiscal year 1989 for use in carrying out subparagraph (A), which are in addition to amounts otherwise available for that purpose and which are authorized to remain available until expended.".

(b) Conforming Amendment.—Section 104(c)(2)(C) of that Act is amended by striking out "Appropriations" and inserting in lieu thereof "Funds made available".

(c) Use of Funds To Reimburse Medical Personnel Detailed to AID.—Section 104(c)(2)(A) of that Act is amended by adding at the end the following: "Funds authorized to be appropriated to carry out the purposes of this subsection may be used to reimburse the United States Public Health Service or the Centers for Disease Control for the full cost of Public Health Service employees detailed or assigned to the agency primarily responsible for administering this part for the purpose of carrying out activities authorized by this paragraph.".

(d) Restrictions on Assistance Not Applicable.—Section 104(c)(2) of that Act is amended by adding at the end the following:

"(D) Except as provided in this section, assistance provided under this paragraph may be made available notwithstanding any other provision of this Act (other than subsections (a), (f), and (t) of section 620 and section 620A) or any other Act.".

(e) Effective Date.—The amendments made by subsections (c) and (d) do not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 303. POPULATION AND HEALTH.

(a) Authorizations of Appropriations.—Section 104(g)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(A) $223,724,000 for fiscal year 1988 and $223,724,000 for fiscal year 1989 to carry out subsection (b) of this section (relating to assistance for population planning); and

"(B) $143,161,000 for fiscal year 1988 and $143,161,000 for fiscal year 1989 to carry out subsection (c) of this section (relating to assistance for health and disease prevention).".

(b) Family Planning Projects.—Section 104(c) of that Act is amended by adding at the end the following:

"(4) In order to reduce reliance on abortion in developing countries, funds shall be available under this part only to voluntary family planning projects which offer, either directly or through referral to or information about access to, a broad range of family planning methods and services. In awarding grants for natural family planning under this part, no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the first sentence of this paragraph.".

SEC. 304. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.

(a) Authorizations of Appropriations.—Section 105(a) of the Foreign Assistance Act of 1961 is amended by striking out the second sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $122,699,000 for fiscal year 1988 and $122,699,000 for fiscal year 1989. Funds appropriated under this subsection are authorized to remain available until expended.".

(b) Global Basic Education Enhancement.—

(1) Findings.—The Congress makes the following findings:

(A) Basic education, which includes primary education for children and literacy training for adults, is necessary to promote the social and economic development of people and nations, developing the necessary knowledge, skills, and productive capacities of the workforce.

(B) Basic education increases the effectiveness of investments in other development sectors. The poorer the country, the higher the payoff for teaching its citizens to read, write, and perform basic arithmetic skills.

(C) Improvements in educational levels, particularly of women, are strongly associated with increasing agricultural productivity, improving nutritional status, declining infant and child mortality, and slowing population growth.

(D) Literacy rates in many countries which receive assistance from the Agency for International Development are very low.

(E) The Congress authorizes the appropriation of funds to the Agency for International Development under section 105 of the Foreign Assistance Act of 1961 in order "to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development".

(F) As a percentage of development assistance funding for education, funding for basic education enhancement has been declining in recent years.

(G) The Agency for International Development could have a substantial role in improving the efficiency and cost-effectiveness of educational systems in developing countries if more resources were directed toward enhancing basic education.

(2) FUNDING FOR BASIC EDUCATION IN DEVELOPING COUNTRIES.—Section 105 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(c) Not less than 30 percent of funds authorized to be appropriated to carry out this section each fiscal year shall be available only for programs whose effect is to reduce illiteracy and extend basic education. Basic education can include increasing the relevance of formal education systems to the needs of the poor (especially at the primary level) through reform of curricula, teaching materials, and teaching methods, and improved teacher training. It can also include expanding and strengthening nonformal education methods, especially those designed to improve productive skills of rural families and the urban poor and to provide them with useful information.".

SEC. 305. COOPERATIVE DEVELOPMENT PROGRAM.

Section 106(f) of the Foreign Assistance Act of 1961 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 306. ENERGY, PRIVATE AND VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.

Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $146,699,000 for fiscal year 1988 and $146,699,000 for fiscal year 1989.".

SEC. 307. SUSTAINABLE DEVELOPMENT.

(a) AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.—

(1) AUTHORIZED USES OF ASSISTANCE.—Section 103(a)(1) of the Foreign Assistance Act of 1961 is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting the following new subparagraph (C) after subparagraph (B):

"(C) to ensure that agriculture is cost-effective and does not diminish the productivity of the natural resource base; and".

(2) METHODS AND TECHNIQUES TO BE EMPHASIZED.—Section 103(b) of that Act is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting the following new paragraph after paragraph (2):

"(3)(A) The Congress finds that organic, regenerative, and other low-cost, low-input farming methods which use affordable, low-energy, resource-conserving techniques, and agricultural methods which utilize the productivity of natural systems (for example, through wildlife ranching or sustainable use of wetlands) have great potential for increasing the sustainability and productivity of agriculture in many developing countries.

"(B) In providing assistance to developing countries under this chapter, the President should place a high priority on the use of organic, regenerative, and other low-cost, low-input farming methods which use affordable, low-energy, resource-conserving techniques and materials, and should, to the fullest extent possible, support programs and projects in a number of countries aimed at the earliest practicable development and wide application of these methods. Whenever appropriate, these projects should be managed by private and voluntary organizations or international or regional or national nongovernmental organizations.".

(3) AGRICULTURAL RESEARCH.—Section 103A of that Act is amended by striking out "and (3)" and inserting in lieu thereof "(3) place a high priority on research on organic, regenerative, and other low-cost, low-input farming methods which use affordable, low-energy, resource-conserving techniques and materials, and on research to develop methods of utilizing the productivity of natural systems (for example, through wildlife ranching or sustainable use of wetlands), and (4)".

(4) CONFORMING AMENDMENT.—Section 118(a) of that Act is amended by striking out "103(b)(3)" and inserting in lieu thereof "103(b)(4)".

(b) WATER DEVELOPMENT.—Section 103 of that Act is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) The President should, to the fullest extent feasible, encourage any country which receives assistance under this chapter for any water project to comply with following conditions:

"(1) For any such project—

"(A) conduct an assessment of all benefits and costs, including intangible and nonquantifiable costs; and

"(B) provide for early involvement in planning by those directly affected, utilizing the capabilities of local nongovernmental organizations and making information available to the public in their native language and in forms comprehensible to the illiterate.

"(2) For any project involving or potentially affecting groundwater—

"(A) conduct surveys of groundwater recharge, storage, and movement to determine sustainable withdrawal capacity;

"(B) establish an effective system for permitting and regulating pumping rates, to ensure sustainability; and

"(C) establish measures to prevent groundwater contamination.

"(3) For any irrigation project—

"(A) conduct an assessment of small-scale alternatives whenever large projects are considered;

"(B) conduct an assessment of the potential for salinization and waterlogging;

"(C) establish measures to recover costs and provide incentives for efficient water use, such as—

"(i) requirements making irrigation entities, state and provincial governments, and water users financially responsible for irrigation investments (including investments in rehabilitation),

"(ii) innovative techniques for levying water user charges, collecting irrigation rents, and valuing water at its marginal opportunity cost;

"(iii) increasing the private sector's role in irrigation development, and

"(iv) projects to rehabilitate existing systems to prevent water loss; and

"(D) establish watershed protection measures.

"(4) For drinking water and sanitation projects—

"(A) establish measures to ensure equity and prevent exclusion of the poorest;

"(B) consider wastewater recovery technologies and low-cost sanitation alternatives; and

"(C) establish user charges to recover costs.".

(c) ENERGY DEVELOPMENT.—Section 106 of that Act is amended—

(1) in paragraph (1)(D) of subsection (a), by striking out "subsection (b) of this section" and inserting in lieu thereof "paragraph (2) of this subsection";

(2) by striking out paragraph (2) of subsection (a);

(3) by redesignating subsection (b)(1) as paragraph (2) of subsection (a);

(4) by inserting at the end of that paragraph the following: "It is the sense of the Congress that assistance should not be furnished under this chapter for large-scale production of energy from fossil fuels."; and

(5) by striking out subsection (b)(2) and inserting in lieu thereof the following:

"(b)(1) The Congress finds that energy conservation and energy production from renewable, decentralized sources have great potential for meeting energy needs in developing nations, especially the needs of the rural poor. These techniques can enable developing countries to make efficient use of scarce resources, minimize environmental harm (including warming of the Earth's atmosphere due to the 'greenhouse effect'), lessen the danger of nuclear weapons proliferation, and reduce dependence on dwindling oil reserves and expensive imported energy. Often, energy needs can be met more cheaply and more employment can be generated by these methods than by production of energy from conventional sources.

"(2) The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another. Such programs also may include any type of assistance aimed at energy conservation and assistance for transmission facilities to increase the availability of energy in rural areas.

"(3) In providing assistance to developing countries under paragraph (2) of this subsection, the President should, to the fullest extent feasible, do the following:

"(A) For each country receiving such assistance, analyze (in cooperation with that country) the potential for application of these technologies on a nationwide basis, publish the resulting analysis, and use it as a basis for planning.

"(B) Support projects to develop and demonstrate small-scale, decentralized, renewable energy sources for rural areas. Such projects should seek to use appropriate technologies and methods suited to the local environment, should feature close consultation with and involvement of local people at all stages of project design and implementation, and should be directed toward the earliest possible widespread application. Appropriate technologies include but are not limited to biomass, biogas, wind energy, passive solar, solar electricity, and low-head hydroelectric generation.

"(C) Whenever appropriate, accomplish the objectives of this subsection through projects managed by private and voluntary organizations or international or regional or national nongovernmental organizations.".

SEC. 308. PRIVATE SECTOR REVOLVING FUND.

The first sentence of section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "in each of the fiscal years 1986 and 1987, up to $18,000,000" and inserting in lieu thereof ", up to $3,000,000 in fiscal year 1988 and up to $2,000,000 in fiscal year 1989".

SEC. 309. PROTECTING BIOLOGICAL DIVERSITY.

Section 119(c) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1987" and inserting in lieu thereof "each of the fiscal years 1988 and 1989".

SEC. 310. PRIVATE SECTOR ASSISTANCE.

(a) Repayment.—Section 122 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(f) Section 620(r) of this Act shall not apply in the case of loans made at or near market rates of interest to private borrowers pursuant to the authority contained in this chapter, chapter 7 of this part, or chapter 4 of part II if the President determines that by not applying such provisions repayment to the United States is likely to be greater than if such provisions were applicable.".

(b) Effective Date.—The amendment made by subsection (a) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 311. LIMITATION RELATING TO DEVELOPMENT ASSISTANCE.

Section 122 of the Foreign Assistance Act of 1961, as amended by section 310 of this Act, is further amended by adding at the end the following:

"(g) Funds made available to carry out this chapter may be used only to provide assistance for projects or sector programs. This subsection shall not be construed to apply to assistance under chapter 7 of this part.".

SEC. 312. ENHANCING THE PRIVATE-PUBLIC PARTNERSHIP FOR FOREIGN ASSISTANCE.

(a) Additional Policies and Requirements Concerning PVOs and Cooperatives.—Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subsections (b) through (h) as subsections (e) through (k), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Congress encourages the fuller utilization of private indigenous organizations and cooperatives, especially those representing women, tribal peoples, and other minorities, in the implementation and planning of activities authorized by this part. Public and private technical and financial assistance from United States private and voluntary organizations and cooperatives can accelerate the strengthening of these organizations and their ability to assist the poor.

"(c) The Congress encourages the Administrator of the agency primarily responsible for administering this part to use, in addition to funding for other activities of private and voluntary organizations, up to $20,000,000 in each of fiscal years 1988 and 1989 for private and voluntary organizations and cooperatives under this chapter, chapter 7 of this part, and chapter 4 of part II to design, initiate, expand, and enhance food assistance programs that reach the poor in conjunction with food made available under title II of the Agricultural Trade Development and Assistance Act of 1954 and section 416(b) of the Agricultural Act of 1949.

"(d) The Congress finds that one of the most effective and least costly ways to maintain and restore the natural resource base in developing countries is through small-scale, affordable, participatory projects using methods suited to the local environment. Assistance under this part may support private and voluntary organizations in carrying out resource conserving development projects, training, and education programs that promote sustainable agricultural development practices. Particular emphasis should be placed on agricultural and rural development projects which include environmentally sound land and water management technologies, including agroforestry, water harvesting, soil conservation, reforestation, range and pasture management, small-scale irrigation systems, family gardens, park management, renewable and decentralized energy techniques, and the training of local staff on more effective community-based extension techniques that promise greater choice, improved communications, and the more active involvement of farmers in projects utilizing these technologies.".

(b) Funding Levels.—Subsection (i) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(i)(1) For each fiscal year, funds in an amount not less than the percentage specified in paragraph (2) of the aggregate amount appropriated for that fiscal year to carry out sections 103, 104(b), 104(c)(1), 104(c)(2), 105, 106, 472, and 491 of this Act shall be made available for the activities of private and voluntary organizations; and the President shall seek to channel funds in an amount not less than 25 percent of such aggregate amount for the activities of private and voluntary organizations. Funds made available under chapter 4 of part II of this Act for the activities of private and voluntary organizations and cooperatives may be considered in determining compliance with the requirements of this subsection.

"(2) The minimum percentages under this subsection are as follows:

"(A) 15 percent for each of the fiscal years 1988, 1989, and 1990.

"(B) 15.5 percent for fiscal year 1991.

"(C) 16 percent for fiscal year 1992 and each fiscal year thereafter.".

(c) Non-Federal Funding Requirement.—Subsection (j) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(j)(1) Funds made available to carry out this part may not be made available to any United States private and voluntary organization (other than a cooperative development organization) which obtains less than the percentages specified in paragraph (2) of its total annual funding for international activities from sources other than the United States Government. In calculating the amount of Government support received by an organization, there shall be excluded the value of commodities (and related transportation) made available for overseas distribution and the value of contracts for services, grants, and other activities initiated primarily by the agency primarily responsible for administering this part.

"(2) The minimum percentages under this subsection shall be 20 percent for each of the fiscal years 1988 through 1991 and shall be 30 percent for fiscal year 1992 and each fiscal year thereafter.

"(3) The Administrator of the agency primarily responsible for administering this part may, on a case-by-case basis, waive the restriction established by this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency primarily responsible for administering this part.".

SEC. 313. USE OF FOREIGN ASSISTANCE LOAN REPAYMENTS FOR DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) Authority To Use.—Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 129. USE OF FOREIGN ASSISTANCE LOAN REPAYMENTS FOR DEVELOPMENT ASSISTANCE ACTIVITIES.

"(a) Authority.—Subject to subsection (e), in the case of any developing country which faces severe difficulties in repaying its external debt obligations, the President may (on a case-by-case basis) permit that country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under this part, into local currency accounts (in equivalent amounts of local currency as determined by the official exchange rate for that country) for use by that country, with the concurrence of the Administrator of the agency primarily responsible for administering this part, for development activities which are consistent with section 102. Such activities may include development activities carried out by United States and indigenous private and voluntary organizations.

"(b) Notification to Congress.—The President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A, at least 15 days before each exercise of the authority contained in subsection (a).

"(c) Other Provisions.—The authority contained in subsection (a) may be exercised notwithstanding section 620(r) of this Act and section 321 of the International Development and Food Assistance Act of 1975.

"(d) Acting in Concert With Other Creditors.—In exercising the authority of this section, the President should act in concert with other creditor countries.

"(e) Requirement for Appropriations Action.—The authority of subsection (a) may be exercised only to such extent or in such amount as is provided in advance in appropriation Acts.".

(b) Conforming Amendment.—Subsection (c) of section 124 of that Act is repealed, and subsection (d) is redesignated as subsection (c).

(c) Effective Date.—The amendment made by subsection (a) applies with respect to liability incurred under part I of that Act at any time before or after the enactment of this Act.

SEC. 314. PROVIDING CREDIT FOR THE POOR IN DEVELOPING COUNTRIES.

(a) Findings.—The Congress makes the following findings:

(1) Hunger and hunger-related disease take the lives of 13,000,000 to 18,000,000

people annually. Three-quarters of these deaths are children under the age of 5.

(2) A primary cause of this suffering is the inability of the poor majority living in developing countries to earn incomes which would enable them to provide the nutritional and health benefits that their families need.

(3) The rural and urban poor comprise the developing world's greatest untapped resource, and the health of national economies and democratic institutions is vastly improved when opportunities for the poor to participate in the economies of their countries are actively promoted and expanded.

(4) The inability of the rural and urban poor to obtain credit to finance their economic activities (and related nonfinancial assistance) has long been an obstacle to their achievement of economic progress and well-being.

(5) This inability to obtain credit and other critical productive inputs has been a significant factor inhibiting the growth of micro and small enterprises. Even so, such enterprises still represent an important source of private sector commercial activity in developing countries, provide significant benefits for the poor majority in those countries (particularly women, tribal peoples, and other minorities), and serve to integrate them into the economic life of their countries.

(6) Formal financial institutions in developing countries have not recognized that, although the poor majority may lack collateral for loans and may not be able to comply with all the traditional loan formalities, the productive activities of micro and small enterprises can nevertheless be financially viable if access to sources of credit is expanded.

(7) Experience with making productive credit available to the poor, including to micro-enterprises and to groups of poor people, has demonstrated their ability to repay loans and to achieve significant improvements in their living standards and to make significant contributions to the local economy.

(8) Economic policies, particularly those which are neutral as to enterprise size, are important to the encouragement and operation of micro and small enterprises.

(b) CREDIT PROGRAMS AND OTHER ASSISTANCE.—The Administrator shall make assistance available, in accordance with this section, to financial intermediaries in developing countries to enable them to provide loans and other assistance for micro and small enterprises of the poor majority. In carrying out this section, primary emphasis shall be placed on making loans and other assistance available to those individuals living in absolute poverty. Funds described in subsection (f)(3) may be made available to financial intermediaries pursuant to this section for use by them—

(1) in extending credit for micro and small enterprises in order to provide such enterprises with financial resources for working capital, the acquisition of equipment and other supplies, and payment of other expenses of the enterprise;

(2) in extending credit for such purposes as the procurement of farm implements and commodities, the acquisition of livestock, the construction of storage facilities, water and soil conservation activities, and the enhancement of marketing facilities;

(3) for the startup costs incurred by a nongovernmental organization in becoming a financial intermediary, and for other institutional development expenses (including audit and evaluation costs) of the intermediary which are related to the establishment and initial operation of the credit and other business support activities assisted pursuant to this section;

(4) for expenses incurred by the financial intermediary in providing training and technical assistance for micro and small enterprises, in order to enable them to obtain and utilize credit and other nonfinancial assistance under this section; and

(5) to provide other assistance necessary to the successful functioning of micro and small enterprises.

(c) GUIDELINES FOR PROGRAM.—The Administrator shall issue guidelines for financial intermediaries providing assistance pursuant to this section. These guidelines shall seek to ensure that financial intermediaries—

(1) consult with potential recipients of credit and other assistance under this section, and include their views to the greatest extent possible, in the designing of credit projects to ensure that the projects are responsive to the credit and other productive input needs of the recipients;

(2) establish credit terms at rates of interest which reflect the prevailing market rate of interest and the real cost of providing credit to the targeted beneficiaries;

(3) utilize the assistance made available pursuant to this section to provide credit and related assistance to the poorest people, with special attention being given to the provision of credit and other assistance to women, tribal peoples, and other minorities; and

(4) minimize or remove obstacles to credit provided under this section, such as collateral and literacy requirements.

(d) PRIMARY EMPHASIS.—In carrying out this section, the Administrator shall place primary emphasis on the development of the capacity of indigenous nongovernmental organizations (especially those representing women, tribal peoples, and other minorities) which will assist the development of micro and small enterprises, but the Administrator may also support other entities as appropriate. Attention shall also be directed to savings and capital formation as part of the systems support for micro and small enterprises.

(e) ADVISORY COMMITTEE.—The Administrator shall appoint an advisory committee to advise the Administrator with regard to the implementation of this section. This advisory committee shall be composed of individuals from nongovernmental organizations who are knowledgeable about the needs of micro and small enterprises in developing countries for credit and other assistance. Among other responsibilities, the advisory committee shall—

(1) assist the Administrator in developing the report required by subsection (m); and

(2) shall review and comment on the initial guidelines issued by the Administrator pursuant to subsection (c) before those guidelines are issued.

(f) SOURCES OF FUNDS AND FUNDING LEVELS .—

(1) DETERMINATION OF FISCAL YEAR 1987 ASSISTANCE LEVEL.—The Administrator shall conduct a benchmark survey to determine the total amount of assistance made available during fiscal year 1987 for credit and other assistance (as described in subsection (b)) for micro and small enterprises under part I of the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954. The results of this survey shall be reported to the Congress not later than September 30, 1987, or 30 days after the date of enactment of this Act, whichever is later.

(2) ASSISTANCE FOR FISCAL YEARS 1988 AND 1989.—The total amount of assistance provided pursuant to this section—

(A) during fiscal year 1988, shall be at least $50,000,000, or 25 percent more than the amount determined pursuant to paragraph (1), whichever is greater; and

(B) during fiscal year 1989, shall be at least $75,000,000, or 50 percent more than the amount determined pursuant to paragraph (1), whichever is greater.

(3) SOURCES OF FUNDS.—Assistance pursuant to this section shall be provided with the following funds:

(A) Funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), and chapter 4 of part II of that Act (relating to the economic support fund).

(B) Foreign currencies acquired as payments of loans made under those chapters pursuant to the authority contained in subsection (h).

(C) Foreign currencies accruing from assistance provided under those chapters.

(D) Foreign currencies accruing or acquired under title I of the Agricultural Trade Development and Assistance Act of 1954, including foreign currencies made available to carry out section 108 and foreign currencies available for use pursuant to title III.

(E) Amounts paid to the United States on loans made to financial intermediaries pursuant to this section.

(4) ALLOCATIONS OF ASSISTANCE FOR MICRO ENTERPRISES.—At least 80 percent of the funds described in paragraph (3) which are made available under this section each fiscal year shall be used in support of micro enterprises. Of the funds used pursuant to this paragraph—

(A) to the maximum extent practicable, at least 50 percent shall be used in support of micro enterprises with 4 or fewer workers, with special emphasis on 1 or 2 person enterprises; and

(B) at least 80 percent shall be used for loans to micro enterprises, to the maximum extent practicable in an amount of $300 or less or, in the case of an initial loan, of $150 or less.

(5) ALLOCATIONS OF ASSISTANCE FOR SMALL ENTERPRISES.—At least 50 percent of the funds described in paragraph (3) which are made available under this section each fiscal year in support of small enterprises shall be used in support of small enterprises with 10 or fewer workers.

(g) APPLICABLE AUTHORITIES.—Except as provided in this section, assistance provided pursuant to this section shall be provided in accordance with the relevant authorities contained in the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954.

(h) AUTHORITY TO GENERATE FOREIGN CURRENCIES.—In order to generate foreign currencies which can be made available to financial intermediaries pursuant to this section, the Administrator is authorized to use funds made available to carry out chapter 1 of part I, chapter 7 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in foreign currencies, at a rate of exchange to be negotiated by the

Administrator and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the Administrator.

(i) Foreign Assistance Act Assistance to Intermediaries.—

(1) Terms.—Loans and grants made to financial intermediaries for the purposes of this section with funds described in subsections (f)(3) (A), (B), and (C), or with amounts made available pursuant to paragraph (2) of this subsection, shall be on such terms and conditions as are determined by the Administrator and the intermediary.

(2) Use of loan proceeds.—Amounts paid to the United States on loans under this section with funds described in subsections (f)(3) (A), (B), and (C), or with amounts used pursuant to this paragraph shall, as determined by the Administrator, be available for use for assistance pursuant to this section.

(j) Application of Certain Laws.—Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant to subsections (h) or (i). Funds described in subsection (f)(3) (B) and (C) or subsection (i)(2) which are received by the United States pursuant to this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies accruing to the United States. New budget authority provided by this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(k) Terms of Foreign Currency Assistance Under Public Law 480.—Funds described in subsection (f)(3)(D), or in the second sentence of this subsection, which are made available to financial intermediaries pursuant to this section may be provided on a grant or loan basis, notwithstanding any provision of the Agricultural Trade Development and Assistance Act of 1954. Any foreign currencies under that Act which are repaid by financial intermediaries under this section shall be available to and used by the Administrator to make available assistance for the purposes of this section. Section 108(d) of that Act shall not apply to the use of such currencies. Section 103(m) of that Act shall not apply to agreements entered into under section 108 of that Act for purposes of this section.

(l) Notice to Congress.—At least 15 days before making funds described in subsection (f)(3) available to a financial intermediary under this section, the Administrator shall notify the Congress in accordance with the procedures applicable to reprogrammings under section 634A of the Foreign Assistance Act of 1961.

(m) Initial Report.—Not later than January 1, 1988, the Administrator shall submit to the Congress a report setting forth the manner in which this section will be implemented.

(n) Annual Reports.—Not later than February 1, 1989, and each year thereafter, the Administrator shall submit a report to the Congress describing the implementation of this section. The report shall include—

(1) a description of the activities funded under this section during the previous fiscal year and the amount of funds described in each subparagraph of subsection (f)(3) which were provided for such activities; and

(2) recommendations for procedural or statutory changes which would facilitate the implementation of this section.

(o) Economic Policies.—In policy dialogues concerning economic policies with, and efforts to reform economic policies of, countries receiving assistance under part I of the Foreign Assistance Act of 1961, the Administrator shall encourage economic policies which promote micro and small enterprises.

(p) Definitions.—For purposes of this section—

(1) the term "Administrator" means the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961;

(2) the term "micro enterprises" means enterprises which are single or family proprietorships, small-group enterprises, or cooperatives, which generally have 7 or fewer workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost;

(3) the term "small enterprises" means enterprises which are single or family proprietorships, small-group enterprises, or cooperatives, which generally have between 8 and 15 workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost;

(4) the term "financial intermediary" has the same meaning as is given that term in section 108(i)(2) of the Agricultural Trade Development and Assistance Act of 1954; and

(5) the term "absolute poverty" refers to those people who lack access to assets sufficient to permit them to provide for their basic human needs.

SEC. 315. ASSISTANCE FOR THE PREVENTION AND CONTROL OF AIDS IN DEVELOPING COUNTRIES.

Of the aggregate amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 7 of part I of that Act (relating to Africa famine recovery and development), not less than $20,000,000 for each of the fiscal years 1988 and 1989 shall be available only for activities relating to research on and the treatment and control of acquired immune deficiency syndrome (AIDS) in developing countries. Of the funds made available pursuant to this section each fiscal year, at least $12,000,000 shall be programmed through international organizations, including at least $10,000,000 through the World Health Organization and the Pan American Health Organization.

SEC. 316. AIDS EDUCATION.

Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"(H) AIDS Education.—As part of providing health and population planning assistance under this part, the President shall require that programs include information about the risks of infection with human immunodeficiency virus. This information shall include—

"(1) the effectiveness of contraceptive methods as a method to prevent infection with the human immunodeficient virus and a comparison of such effectiveness with the effectiveness of abstaining from high-risk behavior,

"(2) that many individuals who are infected with the human immunodeficiency virus will develop immunodeficiency syndrome, which is a fatal disease, and

"(3) that the most effective way to avoid becoming infected with the human immunodeficiency virus is to abstain from high-risk behavior.

This subsection shall not apply with respect to programs in a country if the President determines that the incidence of Acquired Immunity Deficiency Syndrome in that country, or the laws or customs of that country, make the inclusion of such information inappropriate.".

SEC. 317. MINORITY SET-ASIDE.

(a) Set-Aside Requirement.—Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for each of the fiscal years 1988 and 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 7 of part I of that Act (relating to Africa famine recovery and development) shall be made available only for activities of business concerns owned and controlled by socially and economically disadvantaged individuals (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, colleges and universities having a student body in which more than 40 percent of the students are Hispanic, and private and voluntary organizations which are controlled by individuals who are socially and economically disadvantaged (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977). For purposes of this section, socially and economically disadvantaged individuals shall be deemed to include women.

(b) Additional Requirements.—In addition to any other actions taken to carry out this section—

(1) notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator, to the maximum extent practicable—

(A) may utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637);

(B) may enter into contracts—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) utilizing an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require, except to the extent that the Administrator determines otherwise (on a case-by-case basis or by category of contract), that any contract in excess of $500,000 entered into to carry out chapter 1 or chapter 7 of part I of the Foreign Assistance Act of 1961 contain a provision requiring that no less than 10 percent of the dollar value of the contract be subcontracted to entities described in subsection (a), except that this subparagraph shall not apply to any prime contractor that is an entity described in subsection (a);

(2) each person with contracting authority who is attached to Agency for International Development headquarters in Washington, as well as all Agency for International Development missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least 7 business days before advertising a contract in excess of $100,000 under chapter 1 or chapter 7 of part I of the Foreign Assistance Act of 1961;

(3) the Administrator shall include, as part of the performance evaluation of any

mission director the Agency, the mission director's efforts to carry out this section; and

(4) the Administrator shall annually submit to the Congress a report on the implementation of this section, which shall include information with respect to historically black colleges and universities and private and voluntary organizations described in subsection (a), including—

(A)(i) the number and amounts of grants to and cooperative agreements with historically black colleges and universities as compared to the number and amounts of grants to all colleges and universities under chapter 1 and chapter 7 of part I of the Foreign Assistance Act of 1961; and

(ii) the number and dollar value of contracts with historically black colleges and universities as compared to the number and dollar value of contracts with all colleges and universities under those chapters; and

(B)(i) the number and amounts of grants to and cooperative agreements with private and voluntary organizations described in subsection (a) as compared to the number and amounts of grants to all private and voluntary organizations under those chapters; and

(ii) the number and dollar value of contracts with private and voluntary organizations described in subsection (a) as compared to the number and dollar value of contracts with all private and voluntary organizations under those chapters.

(c) REGULATIONS.—The Administrator shall issue interim regulations to carry out this section within 90 days after the date of the enactment of this Act and final regulations within 180 days.

SEC. 318. INTERNATIONAL COOPERATION TO PROTECT BIOLOGICAL DIVERSITY.

(a) FINDING.—The Congress finds that habitat destruction is a main cause of the accelerating extinction of animal and plant species and that increased international cooperation is essential to protect species threatened with extinction and to halt the loss of unique and irreplaceable ecosystems.

(b) STATEMENT OF POLICIES.—The Congress—

(1) supports the United States efforts, consistent with section 119(g) of the Foreign Assistance Act of 1961, to initiate discussions to develop an international agreement to preserve biological diversity; and

(2) calls upon the President to exert United States leadership in order to achieve the earliest possible negotiation of an international convention to conserve the Earth's biological diversity, including the protection of a representative system of ecosystems adequate to conserve biological diversity.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall submit a report to the Congress on progress toward the goal of negotiating such an international convention.

TITLE IV—OTHER ASSISTANCE PROGRAMS AND AUTHORIZATIONS

PART A—FOREIGN ASSISTANCE ACT PROGRAMS

SEC. 401. AMERICAN SCHOOLS AND HOSPITALS.

Section 214(c)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $35,000,000 for fiscal year 1988 and $35,000,000 for fiscal year 1989.".

SEC. 402. HOUSING GUARANTY PROGRAM.

(a) INCREASING AUTHORIZED HIG PROGRAM LEVEL.—Section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "$2,158,000,000" in the second sentence and inserting in lieu thereof "$2,308,000,000".

(b) EXTENDING HIG PROGRAM AUTHORITY.—Such section is further amended by striking out "1988" in the third sentence and inserting in lieu thereof "1990".

(c) BORROWING AUTHORITY.—Section 223(e)(2)(A)(ii) of that Act is amended by striking out "$40,000,000" and inserting in lieu thereof "$100,000,000".

(d) BUDGET ACT.—The authority provided by the amendments made by subsections (a) and (b) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 403. AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS.

(a) EXTENDING PROGRAM AUTHORITY.—Section 222A(h) of the Foreign Assistance Act of 1961 is amended by striking out "1988" and inserting in lieu thereof "1990".

(b) BUDGET ACT.—The authority provided by the amendment made by subsection (a) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 404. TRADE CREDIT INSURANCE PROGRAM.

Section 224(e) of the Foreign Assistance Act of 1961 is amended by striking out "the aggregate amount of outstanding commitments under subsection (a) may not exceed $300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed $400,000,000 of contingent liability for loan principal during fiscal year 1987" and inserting in lieu thereof "commitments entered into during fiscal year 1988 to guarantee loans under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal and commitments entered into during fiscal year 1989 to guarantee loans under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal".

SEC. 405. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

(a) AUTHORIZATIONS AND EARMARKINGS.—Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President $222,264,000 for fiscal year 1988 and $222,264,000 for fiscal year 1989 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes. Of these amounts for each such fiscal year—

"(A) $112,500,000 shall be for the United Nations Development Program;

"(B) $51,500,000 shall be for the United Nations Children's Fund; and

"(C) $8,000,000 shall be for the United Nations Environment Program.".

(b) INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.—Paragraph (2) of section 103(h) of that Act, as so redesignated by section 307 of this Act, is amended to read as follows:

"(2) In addition to any funds made available under chapter 3 of this part (relating to international organizations and programs) which are used for such purpose, other funds made available to carry out this part may be used for United States contributions to the International Fund for Agricultural Development.".

(c) CONDITION ON CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.—Section 302(a) of that Act is amended by adding at the end the following:

"(3) Funds authorized to be appropriated by paragraph (1) may be contributed to the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.".

(d) GAO STUDY OF INTERNATIONAL ORGANIZATIONS RECEIVING EARMARKED FUNDS.—The Comptroller General shall conduct a study of the accounting practices, current financial reserves, and general level of efficiency and effectiveness of any international organization or agency which is the recipient of funds earmarked pursuant to subsection (a). The Comptroller General shall submit a report on the results of this study to the Congress not later than six months after the date of enactment of this Act.

SEC. 406. INTERNATIONAL DISASTER ASSISTANCE.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The first sentence of section 492(a) is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for fiscal year 1988 and $25,000,000 for fiscal year 1989.".

(b) PROHIBITION ON CASH TRANSFERS.—Section 491 of that Act is amended by adding at the end the following:

"(d) Funds made available to carry out this chapter may not be used to provide assistance on a cash transfer basis.".

SEC. 407. ANTITERRORISM ASSISTANCE PROGRAM.

Section 575(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out this chapter, $9,840,000 for fiscal year 1988 and $9,840,000 for fiscal year 1989.".

SEC. 408. TRADE AND DEVELOPMENT PROGRAM.

Section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b) There are authorized to be appropriated to the President for purposes of this section, $20,000,000 for fiscal year 1988 and $20,000,000 for fiscal year 1989. Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 409. OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Paragraph (1) of section 667(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $340,600,000 for fiscal year 1988 and $340,600,000 for fiscal year 1989 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

(b) USE OF PROGRAM FUNDS FOR OPERATING EXPENSES.—Section 667 of that Act is amended by adding at the end the following:

"(c)(1) Amounts authorized to be appropriated to carry out the purposes of chapter 1 and chapter 7 of part I and chapter 4 of part II of this Act for fiscal years 1988 and 1989 may be made available to carry out the purposes of this section and section 668.

"(2) For fiscal years 1988 and 1989, the Administrator of the agency primarily responsible for administering part I of this Act shall make available to the Inspector General of the Agency for International Development, from funds made available pursuant to subsection (a) or paragraph (1) of this subsection, such amount for payment of expenses described in section 668(a)(1) as the Inspector General may request. The Inspector General may not request funds under this paragraph for a fiscal year in an amount—

"(A) which is greater than 10 percent of the amount authorized to be appropriated for that fiscal year by section 668(a)(1), or

"(B) which would cause the limitation in paragraph (3) to be exceeded.

"(3) The authorities of this subsection may not be used to increase the amount available for a fiscal year to carry out this section or section 668 to an amount greater than the amount made available for the previous fiscal year to carry out the purposes described in such section, except that the amount used to cover the costs of converting to the mandatory Federal Employee Retirement System shall be excluded in applying this limitation for fiscal year 1988.".

(c) OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.—Chapter 3 of part III of that Act is amended by inserting the following after section 667:

"SEC. 668. OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.

"(a) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $21,000,000 for fiscal year 1988 and $21,000,000 for fiscal year 1989 for necessary operating expenses of the Office of the Inspector General of the Agency for International Development; and

"(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such office.

"(b) AUTHORITY FOR EXTENDED AVAILABILITY.—Amounts appropriated under this section are authorized to remain available until expended.".

PART B—PUBLIC LAW 480 AND SECTION 416 PROGRAMS

SEC. 421. PROMOTING BIOLOGICAL DIVERSITY.

(a) SELF-HELP MEASURES BY DEVELOPING COUNTRIES.—Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following:

"(12) promoting the conservation and study of biological diversity.".

(b) USE OF LOCAL CURRENCIES PROCEEDS UNDER TITLE I PROGRAMS.—Section 106(b)(2) of that Act is amended—

(1) by inserting "to carry out activities promoting the conservation and study of biological diversity," after "population planning,"; and

(2) by inserting "promote biological diversity," after "distribution of commodities,".

(c) USE OF LOCAL CURRENCIES PROCEEDS UNDER TITLE II PROGRAMS.—Section 206 of that Act is amended in the first sentence by striking out "or (C)" and inserting in lieu thereof "(C) programs and projects to promote the conservation and study of biological diversity, or (D)".

(d) USE OF LOCAL CURRENCIES UNDER THE TITLE III FOOD FOR DEVELOPMENT PROGRAMS.—Section 301(b) of that Act is amended in the second sentence—

(1) by inserting "programs to promote the conservation and study of biological diversity," after "population planning,"; and

(2) by inserting "promote biological diversity," after "distribution of commodities,".

SEC. 422. PERIOD FOR AGENCY RESPONSE: PERIOD FOR COMMENTS ON AGENCY GUIDELINES.

Title II of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end the following:

"SEC. 208. PERIOD FOR AGENCY RESPONSE.

"If a proposal to make agricultural commodities available under this title is submitted by a nonprofit voluntary agency or cooperative with the concurrence of the appropriate United States Government field mission, or if a proposal to make agricultural commodities available to a nonprofit voluntary agency or cooperative is submitted by a United States Government field mission, a response to that proposal shall be provided within 45 days following submission of the proposal. The response shall detail the reasons for approval or denial of the proposal. If the proposal is denied, the response shall specify the conditions which would need to be met for the proposal to be approved.

"SEC. 209. PERIOD FOR COMMENTS ON AGENCY GUIDELINES.

"Whenever feasible prior to the issuance of a final guideline issued to carry out this title, the President shall—

"(1) provide notice of the proposed guideline to nonprofit voluntary agencies and cooperatives that participate in programs under this title, and other interested persons, that the proposed guideline is available for review and comment;

"(2) make the proposed guideline available, on request, to such agencies, cooperatives, and persons; and

"(3) take any comments received into consideration before issuing the final guideline.".

SEC. 423. FARMER-TO-FARMER PROGRAM UNDER PUBLIC LAW 480.

Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years 1988 and 1989 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of that section shall not constitute more than one-fourth of the funds used pursuant to the first sentence of this section, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of section 406(a), and shall be administered whenever possible in conjunction with programs under sections 296 through 300 of the Foreign Assistance Act of 1961.

SEC. 424. MULTIYEAR AGREEMENTS UNDER SECTION 416(b).

Section 416(b)(4) of the Agricultural Act of 1949 is amended by adding at the end the following: "In agreements with recipients of eligible commodities under this subsection (including nonprofit agencies or cooperatives), the Secretary is encouraged to approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements otherwise meet the requirements of this subsection. Such agreements shall be subject to the availability each fiscal year of the necessary agricultural commodities.".

SEC. 425. MINIMUM LEVEL OF FOOD ASSISTANCE.

(a) ANNUAL MINIMUM.—It is the sense of the Congress that—

(1) the United States should maintain its historic proportion of food assistance constituting one-third of all United States foreign economic assistance; and

(2) accordingly, not less than one-third of the funds available each fiscal year of foreign economic assistance programs should be used to make United States food assistance available to foreign countries pursuant to the Agricultural Trade Development and Assistance Act of 1954 and section 416(b) of the Agricultural Act of 1949.

(b) DEFINITION.—For purposes of this section, the term "foreign economic assistance" includes—

(1) assistance under chapter 1 or chapter 7 of part I of the Foreign Assistance Act of 1961, the Agricultural Trade Development and Assistance Act of 1954, or section 416(b) of the Agricultural Act of 1949; and

(2) United States contributions to the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, or any other multilateral development bank.

TITLE V—INTERNATIONAL NARCOTICS CONTROL

SEC. 501. AUTHORIZATIONS OF APPROPRIATIONS.

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)":

"(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $98,750,000 for fiscal year 1988 and $98,750,000 for fiscal year 1989.".

SEC. 502. DEVELOPMENT OF HERBICIDES FOR AERIAL COCA ERADICATION.

The Secretary of State shall use not less than $500,000 of the funds made available for each of the fiscal years 1988 and 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) to finance research on and the development and testing of safe and effective herbicides for use in the aerial eradication of coca.

SEC. 503. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

(a) EARMARKING OF MAP FUNDS.—Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), $900,000 for each of the fiscal years 1988 and 1989 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. These funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(b) NOTIFICATION TO CONGRESS.—The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

SEC. 504. PILOT AND AIRCRAFT MAINTENANCE TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) EARMARKING OF FUNDS.—Not less than $2,000,000 of the funds made available for each of the fiscal years 1988 and 1989 to carry out chapter 5 of part II of the Foreign Assistance Act (relating to international military education and training) shall be available only for—

(1) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradica-

tion efforts for countries in Latin America and the Caribbean; and

(2) the expenses of deploying, upon the request of the government of a foreign country, Department of Defense mobile training teams in that foreign country to conduct training in military-related individuals and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(b) RELATIONSHIP TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (relating to international narcotics control).

(c) WAIVER OF SECTION 660.—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (relating to police training).

SEC. 505. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

(a) REQUIREMENT TO REALLOCATE.—Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 486. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

"(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

"(1) INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

"(2) SECURITY ASSISTANCE.—Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

"(b) DEFINITION OF SECURITY ASSISTANCE.—As used in this section, the term 'security assistance' means assistance under chapter 2 of part II of this Act (relating to the military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales credits).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 506. WAIVER OF RESTRICTIONS ON UNITED STATES ASSISTANCE FOR CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for the fiscal year 1988 or fiscal year 1989 if the President certifies to the Congress, during that fiscal year, that—

(1) section 481(i)(5)(C) of that Act (relating to money laundering) does not apply to that country;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States.

SEC. 507. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.

Section 2013 of the Anti-Drug Abuse Act of 1986 is amended—

(1) in subsection (a), by striking out "Not later than 6 months after the date of enactment of this Act and every 6 months thereafter," and inserting in lieu thereof "As part of each report required by section 481(e) of the Foreign Assistance Act of 1961,"; and

(2) in subsection (b), before "unless" insert "during the one year period beginning on the date on which the report in which it was listed was submitted to the Congress".

SEC. 508. UNITED STATES RELIANCE ON LICIT OPIUM GUM FROM FOREIGN SOURCES.

(a) REVIEW.—The President shall conduct a review of United States narcotics raw material policy to determine—

(1) the current and reserve international needs for opium-derived pharmaceutical and chemical products, and the relative capabilities for meeting those needs through the opium gum process and the concentrated poppy straw method of production;

(2) whether the United States should continue to rely on a single foreign country for all its licit opium gum;

(3) whether it should be United States policy to encourage all countries which produce licit opium to use the concentrated poppy straw method of production; and

(4) what options are available, consistent with treaties to which the United States is a party, to reduce United States reliance on licit opium gum from foreign sources.

The results of this review shall be reported to the Congress by October 1, 1988.

(b) SECTION 481(h) CERTIFICATIONS WITH RESPECT TO INDIA.—For fiscal years 1988 and 1989, the President may make a certification with respect to India under section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 only if the President determines that the Government of India has taken steps to prevent significant diversion of its licit opium cultivation and production into the illicit market, to reduce its licit opium stockpile, and to eliminate illicit opium cultivation and production. If that certification is made, the President shall include with that certification a detailed report on what steps were taken and an estimate of the amount of licit opium still being diverted to the illicit market.

SEC. 509. ASSISTANCE FOR BOLIVIA.

(a) CONDITIONS ON FISCAL YEAR 1988 ASSISTANCE.—

(1) SECURITY ASSISTANCE.—For fiscal year 1988, assistance may be provided for Bolivia under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia has enacted legislation that will—

(A) establish its legal coca requirements,

(B) provide for the licensing of the number of hectares necessary to produce the legal requirement,

(C) make unlicensed coca production illegal, and

(D) make possession and distribution of coca leaf illegal (other than for licit purposes).

(2) ADDITIONAL REQUIREMENT FOR ESF.—In addition, funds may be obligated for assistance for Bolivia for fiscal year 1988 under chapter 4 of part II of the Foreign Assistance Act of 1961 only if the Secretary of State has submitted to the Congress a plan for conditioning the expenditure of those funds on the Government of Bolivia meeting specific coca eradication targets.

(3) SECTION 481 CERTIFICATION.—For fiscal year 1988, the President may make a certification with respect to Bolivia under clause (i) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985.

(4) RELATION TO OTHER REQUIREMENTS.—The requirements of this subsection are in addition to the requirements contained in section 481(h) of the Foreign Assistance Act of 1961 and other applicable provisions of law.

(b) CONDITIONS ON FISCAL YEAR 1989 ASSISTANCE.—

(1) SECTION 481 CERTIFICATION.—For fiscal year 1989, the President may make a certification with respect to Bolivia under clause (i) or (ii) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia—

(A) has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985;

(B) has fully achieved the eradication targets contained in that agreement; and

(C) has begun a program of forced eradication of illicit coca cultivation.

(2) NONWAIVABILITY.—The authorities contained in section 614 of the Foreign Assistance Act of 1961 may not be used to waive the requirements of this subsection, and may not be used to waive the requirements of section 481(h) of that Act for fiscal year 1989 with respect to Bolivia.

(c) DEVELOPMENT ASSISTANCE.—For fiscal years 1988 and 1989, the project agreement document for any project carried out in Bolivia pursuant to chapter I of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain a clause requiring that project activities be suspended if the Government of Bolivia fails to keep project areas free of illicit coca cultivation.

SEC. 510. ASSISTANCE FOR PERU.

(a) Determinations Regarding Narcotics Control Cooperation.—In making determinations with respect to Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for each of the fiscal years 1988 and 1989, the President shall give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year.

(b) Upper Huallaga Valley Project.—Funds authorized to be appropriated for fiscal years 1988 and 1989 to carry out chapter 1 of part I of that Act (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if, before obligating funds for that fiscal year, the Administrator of that Agency determines, and reports to the Congress, that such project continues to be effective in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 511. ASSISTANCE FOR MEXICO.

(a) Limitation on Assistance.—Of the amounts made available for each of the fiscal years 1988 and 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not more than $15,000,000 may be made available for Mexico.

(b) Prosecution of Those Responsible for the Torture and Murder of DEA Agents.—Of the funds allocated for assistance for Mexico for each of those fiscal years under that chapter, $1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) has brought to trial and is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

SEC. 512. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.

(a) Greater Attention.—The Congress urges the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

(b) Earmarking of Assistance.—Of the amounts made available for each of the fiscal years 1988 and 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not less than $1,000,000 shall be available only for assistance to countries described in subsection (a).

SEC. 513. INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the President $1,000,000 for each of the fiscal years 1988 and 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), which amount shall be used pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

SEC. 514. DEVELOPMENT OF MODEL TREATIES AND COMPREHENSIVE ANTIDRUG LAWS.

The Secretary of State and the Attorney General shall jointly develop a model extradition treaty with respect to narcotics-related violations (including extradition of host country nationals), a model mutual legal assistance treaty, and model comprehensive anti-narcotics legislation. The Secretary of State shall distribute such treaties and legislation to each United States mission abroad. The Secretary of State shall report to the Congress, not later than six months after the date of enactment of this Act, on actions taken to carry out this section.

SEC. 515. REPORTING ON TRANSFER OF U.S. ASSETS.

Any transfer by the United States Government to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics related criminal activity shall be subject to the regular reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961. At the end of each fiscal year, the President shall submit a report to the Congress of all such transfers during that fiscal year, including an estimate of the fair market value and physical condition of each item of property transferred.

SEC. 516. ESTABLISHMENT OF A LATIN AMERICAN REGIONAL ANTI-NARCOTICS POLICE FORCE.

The President shall direct the United States representative to the Organization of American States to seek the views of other member nations on the feasibility of establishing a regional Latin American anti-narcotics force.

SEC. 517. ESTABLISHMENT OF A REGIONAL ANTI-NARCOTICS TRAINING CENTER IN THE CARIBBEAN.

It is the sense of the Congress that the Assistant Secretary of State for International Narcotics Matters should seek the establishment of, and should contribute funds or other resources to, a regional anti-narcotics training center in the Caribbean, and should seek such contributions from other countries for such a center.

SEC. 518. IMPORTANCE OF SUPPRESSING INTERNATIONAL NARCOTICS TRAFFICKING.

Section 481(a)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;".

SEC. 519. INFORMATION FROM OTHER AGENCIES IN ANNUAL NARCOTICS CONTROL REPORTS.

Section 481(e)(3) of the Foreign Assistance Act of 1961 is amended by adding after subparagraph (D) the following:

"(E) A section prepared by the Drug Enforcement Administration, a section prepared by the Customs Service, and a section prepared by the Coast Guard, which describes in detail—

"(i) the assistance provided or to be provided (as the case may be) to such country by that agency, and

"(ii) the assistance provided or to be provided (as the case may be) to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year.".

SEC. 520. EXPRESSION IN NUMERICAL TERMS OF MAXIMUM ACHIEVABLE REDUCTIONS IN ILLICIT DRUG PRODUCTION.

Section 481(e)(4) of the Foreign Assistance Act of 1961 is amended by inserting after the second sentence the following: "Each determination of the President under the preceding sentence shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated.".

SEC. 521. REPORTS ON ASSISTANCE DENIED.

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(7) Each report pursuant to this subsection shall describe the United States assistance for the preceding fiscal year which was denied, pursuant to subsection (h), to each major illicit drug producing country and each major drug-transit country.".

TITLE VI—EUROPE AND THE MIDDLE EAST

SEC. 601. ASSISTANCE FOR ISRAEL.

(a) FMS Financing.—

(1) Amount.—Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $1,800,000,000 for fiscal year 1988 and not less than $1,800,000,000 for fiscal year 1989 shall be available only for Israel.

(2) Terms.—Israel shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to paragraph (1).

(3) Advanced fighter aircraft.—To the extent that the Government of Israel requests that funds be used for such purposes, credits made available for Israel pursuant to paragraph (1) shall be available for the Lavi program or for another advanced fighter aircraft (if agreed by Israel and the United States) or for other advanced weapon systems, as follows:

(A) Up to $150,000,000 for each of the fiscal years 1988 and 1989 shall be available for research and development in the United States.

(B) Not less than $300,000,000 for each of the fiscal years 1988 and 1989 shall be available for the procurement in Israel of defense articles and defense services (including research and development).

(b) Economic Support Fund.—

(1) Amount.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1988 and not less than $1,200,000,000 for fiscal year 1989 shall be available only for Israel.

(2) Terms.—The total amounts of funds allocated for Israel under that chapter for those fiscal years shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the respective fiscal year. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 602. ASSISTANCE FOR EGYPT.

(a) FMS Financing.—

(1) Amount.—Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $1,300,000,000 for fiscal year 1988 and not less than $1,300,000,000 for fiscal year 1989 shall be available only for Egypt.

(2) Terms.—Egypt shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to paragraph (1).

(b) Economic Support Fund.—

(1) Amount.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $815,000,000 for fiscal year 1988 and not less than $815,000,000 for fiscal year 1989 shall be available only for Egypt.

(2) Terms.—All of the funds made available to Egypt under that chapter for those fiscal years shall be provided on a grant basis.

(3) Conditions on cash transfers.—Subject to the requirements of paragraphs (5) and (6), of the amounts provided for Egypt for each of the fiscal years 1988 and 1989 pursuant to paragraph (1)—

(A) $115,000,000 may be provided as a cash transfer with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years; but

(B) amounts in excess of $115,000,000 may be provided as a cash transfer (subject to the ceiling imposed by the last clause of the second sentence of paragraph (4)) only if—

(i) significant progress is being made by Egypt in implementing a comprehensive economic reform program; and

(ii) the additional funds for such transfer are derived by reprogramming equal amounts from—

(I) funds justified for project assistance for Egypt, and

(II) funds justified for Commodity Import Programs for Egypt.

(4) Derivation of funds from cip programs.—For purposprivate sector Commodity Import Programs may be used for purposes of that subclause, except that not more than 75 percent of the total amount of funds justified for both public sector and private sector Commodity Import Programs may be used for purposes of subclause (II).

(5) Maintaining the level of united states exports.—In exercising the authority of paragraph (3), the President shall ensure that the level of cash transfer made to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(6) Notice to congress.—Not less than 15 days before making any cash transfer to Egypt under subparagraph (A) or (B) of paragraph (3), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A of the foreign Assistance Act of 1961.

(c) Public Law 480.—The Congress finds that, as a result of previous expressions of congressional concern, there has been a phased reduction in recent fiscal years in the amount of assistance provided for Egypt under title I of the Agricultural Trade Development and Assistance Act of 1954. The Congress directs that this phased reduction continue in fiscal year 1989 and subsequent fiscal years.

SEC. 603. COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $5,000,000 for each of the fiscal years 1988 and 1989 shall be available only for regional cooperative programs in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985.

SEC. 604. USE OF CERTAIN DEOBLIGATED FUNDS FOR PROJECTS IN THE MIDDLE EAST AND FOR ADDITIONAL ASSISTANCE FOR AMERICAN HOSPITALS ABROAD.

(a) Uses of Funds.—Funds made available pursuant to subsections (b) and (c) shall be used as follows:

(1) The first $750,000 shall be transferred to and consolidated with the funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) and shall be used for scholarships for Israeli Arabs for study at institutions of higher education in the United States.

(2) The next $2,000,000 shall be transferred to and consolidated with the funds made available to carry out section 214 of that Act (relating to American schools and hospitals abroad) and shall be used to provide assistance for hospitals outside the United States. The assistance provided pursuant to this paragraph shall be in addition to the level of assistance traditionally provided for hospitals under that section.

(3) The remaining amount shall be transferred to and consolidated with the funds made available to carry out chapter 4 of part II of that Act, with—

(A) half used for regional cooperative programs in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985, and

(B) half used for development projects on the West Bank and in Gaza.

(b) Prototype Desalting Plant in Israel.—Any unexpended amounts of the funds obligated to carry out section 219 of the Foreign Assistance Act of 1961, which are not needed to carry out that section, shall be deobligated and, to such extent as may be provided in advance in an appropriation Act, shall be used in accordance with subsection (a).

(c) Deobligated Assistance for Syria.—Amounts continued available for the necessary expenses arising from the termination of assistance programs for Syria pursuant to section 1004 of the Department of State Authorization Act, Fiscal Years 1984 and 1985, and pursuant to section 101(b)(1) of Public Law 98-151, which are not needed for such expenses, shall be deobligated and, to such extent as may be provided in advance in an appropriation Act, shall be used in accordance with subsection (a), notwithstanding the paragraph relating to the "Syria Termination Account" in section 101(j) of Public Law 90-190.

(d) Continued Availability.—To such extent as may be provided in advance in an appropriation Act, funds deobligated pursuant to subsection (b) or (c) shall continue to be available until expended in accordance with subsection (a).

SEC. 605. WEST BANK AND GAZA DEVELOPMENT INITIATIVE.

(a) Findings.—The Congress finds that—

(1) the United States has shown its support for the West Bank and Gaza development initiative;

(2) United States assistance provided directly to the West Bank and Gaza, as well as through Jordan, necessitate increased cooperation between the United States and the regional states involved; and

(3) other members of the Organization for Economic Cooperation and Development have professed their desire for peace in the Middle East and their concern for the inhabitants of the West Bank and Gaza.

(b) Statement of Policy.—The United States—

(1) hereby reiterates its support for the West Bank and Gaza development initiative, and

(2) calls upon the other members of the Organization for Economic Cooperation and Development to contribute to West Bank and Gaza economic development either directly or through Jordan, as a demonstration by them of a tangible commitment toward peace and coexistence in the Middle East and toward the well-being of the inhabitants of the West Bank and Gaza.

(c) Report to Congress.—Not later than February 1, 1988, the Secretary of State shall report to the Congress on United States efforts to encourage other members of the Organization for Economic Cooperation and Development to contribute to West Bank and Gaza economic development, either directly or through Jordan.

(d) Funds for United States Contributions.—It is the sense of the Congress that a priority use of any funds—

(1) which are made available for fiscal year 1988 or fiscal year 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) or chapter 4 of part II of that Act (relating to the economic support fund), and

(2) which are unobligated at the end of that fiscal year and would otherwise be returned to the Treasury,

should be the furnishing of assistance to Jordan or United States private and voluntary organizations to support the West Bank and Gaza development initiative.

SEC. 606. FOREIGN MILITARY SALES FOR JORDAN.

(a) Middle East Peace.—The foreign military sales financing authorized by this Act for Jordan is provided in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct and meaningful negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 in order to resolve the state of war between those two countries.

(b) Sense of Congress.—It is the sense of the Congress that no foreign military sales financing authorized by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no notification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons systems, unless Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(c) Certification.—Any notification made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons, shall be accompanied by a Presidential certification of Jordan's public commitment to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

SEC. 607. USE OF CHEMICAL WEAPONS IN THE NEAR EAST.

(a) Findings.—The Congress finds that—

(1) there is evidence that chemical weapons have been used in the Iran-Iraq war;

(2) there are reports that Syria and Libya have the capability to engage in chemical warfare; and

(3) the existence of chemical weapons would pose a threat should wider war break out in the Middle East.

(b) Report to Congress.—Not later than February 1, 1988, the Secretary of State shall report to the Congress on the activities and capabilities of Iraq, Iran, Syria, and Libya with regard to chemical, biological, and radiological weapons, including their sources of supply for such weapons, the technology, equipment, and material each possesses, and the extent to which such weapons could affect the balance of power in the region. This report shall include a United States plan for addressing this problem.

SEC. 608. ASSISTANCE FOR GREECE.

(a) Foreign Military Sales Credits.—Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $313,000,000 for fiscal year 1988 and not less than $313,000,000 for fiscal year 1989 shall be available only for Greece.

(b) Grant Military Assistance.—Of the funds made available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, not less than $30,000,000 for fiscal year 1988 and not less than $30,000,000 for fiscal year 1989 shall be available only for Greece.

SEC. 609. ASSISTANCE FOR TURKEY.

(a) Level of Assistance.—The aggregate amount of funds made available for assistance for Turkey under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) and under the Arms Export Control Act (relating to foreign military sales financing) may not exceed $490,000,000 for fiscal year 1988 and may not exceed $490,000,000 for fiscal year 1989, of which not more than $350,000,000 for fiscal year 1988 and not more than $350,000,000 for fiscal year 1989 may be assistance under chapter 2 of part II of the Foreign Assistance Act of 1961.

(b) Withdrawal of Turkish Military Forces From Cyprus.—It is the sense of the Congress that the President should ask the Government of Turkey to reduce substantially the number of its military personnel on Cyprus.

(c) Report on Americans Missing in Cyprus.—The President shall request from the Government of Turkey a communication regarding its efforts to determine the status of United States citizens missing since the 1974 Cyprus conflict and previously resident in areas of the country now under Turkish Cypriot control. Before providing any assistance for Turkey described in subsection (a), the President shall submit a report with respect to any communication received from the Government of Turkey pursuant to this subsection to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(d) Report on Efforts to Resettle Famagusta/Varosha.—Before providing any assistance for Turkey described in subsection (a), the President shall submit a report, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, on efforts to return the formerly Greek-Cypriot occupied area of Famagusta/Varosha to the Government of Cyprus under the auspices of the United Nations for the immediate resettlement of refugees.

SEC. 610. CYPRUS.

(a) ESF Assistance.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 for fiscal year 1988 and not less than $15,000,000 for fiscal year 1989 shall be available only for Cyprus. Of these funds, not less than $5,000,000 each fiscal year shall be available only for bicommunal development projects.

(b) UN Security Council Resolution 550.—It is the sense of the Congress that there should be compliance with United Nations Security Council Resolution 550, which "considers attempts to settle any part of Varosha (Famagusta) by people other than its inhabitants as inadmissible".

SEC. 611. TURKISH OCCUPATION TROOPS AND GREEK MILITARY FORCES ON CYPRUS.

(a) Prohibition of Use on Cyprus of Military Equipment Provided by the United States.—Section 620C of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e)(1) Except as provided in paragraph (2), defense articles of United States origin may not be transferred to or used on Cyprus by Turkey or Greece. This subsection applies with respect to all defense articles of United States origin which are made available to Turkey or Greece after the date of enactment of this subsection.

"(2) Paragraph (1) shall not apply to the extent that the President certifies to the Congress—

"(A) that there has been an armed attack against one or more parties to North Atlantic Treaty, or there are circumstances clearly indicating that such an armed attack is imminent; and

"(B) that the President has approved the transfer to and use on Cyprus by Turkey or Greece (as the case may be) of defense articles of United States origin upon his determination that such approval is necessary to enable that country to carry out its obligation to respond to that attack pursuant to Article 5 of the North Atlantic Treaty.

"(3) As used in this subsection—

"(A) the term 'defense article of United States origin' means any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) made available pursuant to this Act, the Arms Export Control Act, or chapter 138 (relating to NATO mutual support) or section 7307 (relating to disposal of naval vessels) of title 10 of the United States Code; and includes articles made available under those laws by grant, sale, lease or loan, licensed export, 3rd-country transfer, licensed production, or other means; and

"(B) the term 'transferred to or used on Cyprus' includes use in providing transportation to or from Cyprus and includes stationing or other deployment on Cyprus."

(b) Periodic Reports Regarding Activities on Cyprus of Foreign Armed Forces.—Section 620C(c) of that Act is amended by adding at the end the following: "Such transmissions shall also—

"(1) specify the number of members of the armed forces of the Government of Turkey, and the number of members of the armed forces of the Government of Greece, who were on Cyprus during the preceding 120 days;

"(2) specifying the number of members of the armed forces of the Government of Turkey, and the number of members of the armed forces of the Government of Greece, who were on Cyprus during the preceding 120 days with the permission of the Government of the Republic of Cyprus; and

"(3) describe any defense articles of United States origin (as defined in subsection (e)(3)(A)), which have been made available to Turkey or Greece, which were on Cyprus at any time during the preceding 120 days, specifying (to the extent such information can be obtained) when those articles were transferred to Cyprus and when those articles were made available by the United States to Turkey or Greece (as the case may be).".

SEC. 612. EXCESS DEFENSE ARTICLES FOR NATO SOUTHERN FLANK COUNTRIES AND MAJOR NON-NATO ALLIES ON THE SOUTHERN AND SOUTHEASTERN FLANK OF NATO.

(a) Extension of Program.—Section 516(a) of the Foreign Assistance Act of 1961 is amended in the first sentence by striking out "and 1988" and inserting in lieu thereof ", 1988, and 1989,".

(b) Major Non-NATO Allies.—Section 516(a) of that Act is amended in the first sentence by inserting ", and to major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance," after "military structure".

(c) Excess Defense Articles.—Section 516 of that Act is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting "excess" before "defense articles", and

(B) in the second sentence, by inserting "excess defense" before "articles"; and

(2) in the text of subsection (b) preceding paragraph (1), in subsection (c), and in subsection (d), by inserting "excess" before "defense articles".

(d) Notification to Congressional Committees.—Section 516(c) of that Act is amended—

(1) by striking out "and Foreign Relations" and inserting in lieu thereof ", Foreign Relations, and Appropriations"; and

(2) by striking out "and Foreign Affairs" and inserting in lieu thereof ", Foreign Affairs, and Appropriations".

(e) Maintenance of Military Balance in Eastern Mediterranean.—That section is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting the following new subsection (e) after subsection (d):

"(e) Maintenance of Military Balance in Eastern Mediterranean.—

"(1) United states policy.—The Congress intends that defense articles be made available under this section consistent with the United States policy, established by section 620C of the Foreign Assistance Act of 1961, of maintaining the military balance in the Eastern Mediterranean.

"(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, for each fiscal year, the ratio of—

"(A) the value of excess defense articles made available for Turkey under this section, to

"(B) the value of excess defense articles made available for Greece under this section,

closely approximates the ratio of—

"(i) the amount of military assistance and financing provided for Turkey, to

"(ii) the amount of military assistance and financing provided for Greece.

"(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under subsection (a).".

(f) DEFINITIONS.—Subsection (f) of that section (as so redesignated by this section) is amended to read as follows:

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'excess defense articles' has the meaning given that term by section 644(g) of this Act;

"(2) the term 'made available' means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

"(3) the term 'member country of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO' means Greece, Italy, Portugal, Spain, and Turkey; and

"(4) the term 'military assistance and financing' means military assistance authorized by section 503 of this Act and foreign military sales financing authorized by the Arms Export Control Act.".

SEC. 613. ASSISTANCE FOR POLAND.

(a) USE OF POLISH CURRENCIES TO BENEFIT THE HANDICAPPED AND ORPHANS AND FOR HOLOCAUST EDUCATION.—

(1) PROJECTS FOR THE HANDICAPPED AND ORPHANS.—Up to the equivalent of $1,500,000 of the Polish currencies described in paragraph (3) may be made available for projects in Poland, carried out under the auspices of the Polish Catholic Church, for the benefit of the handicapped and orphans.

(2) HOLOCAUST EDUCATION.—Up to the equivalent of $500,000 of the Polish currencies described in paragraph (3) may be made available for projects, carried out under the auspices of the Institute of Jewish Culture and History of the Jagiellonian University of Krakow, for the study of events related to the Holocaust in Poland.

(3) POLISH CURRENCIES TO BE USED.—The Polish currencies which may be used pursuant to this subsection are the nonconvertible Polish currencies (zlotys) held by the United States, which have been generated by the sale to Poland of surplus United States dairy products, to the extent that such currencies are available after satisfaction of existing commitments to use such currencies for other purposes specified by law.

(4) WAIVER OF CERTAIN REQUIREMENTS.—Polish currencies may be used pursuant to this subsection without regard to the requirements of section 1306 of title 31, United States Code, or any other provision of law.

(5) BUDGET ACT.—The authority provided by this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) AGRICULTURAL ACTIVITIES.—

(1) FINDINGS.—The Congress finds that—

(A) $10,000,000 was made available by the Foreign Assistance and Related Programs Appropriations Act, 1987, for assistance for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations;

(B) under the terms of that Act these funds will remain available for obligation only until September 30, 1987; and

(C) that may not allow sufficient time for the necessary agreements regarding this assistance to be reached with the Polish Catholic Church and other nongovernmental organizations.

(2) EXTENDING PERIOD OF AVAILABILITY.—The funds made available under "AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION, DEVELOPMENT ASSISTANCE" for assistance for agricultural activities in Poland pursuant to title II of the Foreign Assistance and Related Programs Appropriations Act, 1987 (as contained in section 101(f) of Public Laws 99-500 and 99-591), are hereby continued available for obligation until September 30, 1989, except that the new budget authority provided by this paragraph shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) SUPPORT FOR SOLIDARITY.—It is the sense of the Congress that—

(1) Solidarity deserves special praise and recognition as the only free and independent trade union in Poland.

(2) Solidarity reflects the Polish people's desire for free and democratic institutions and activities.

(3) Solidarity is one of the leading democratic representatives of the Polish working people.

(d) ASSISTANCE IN SUPPORT OF DEMOCRACY IN POLAND.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for each of the fiscal years 1988 and 1989, not less than $1,000,000 shall be available only for the unconditional support of democratic institutions and activities in Poland.

SEC. 614. UNITED STATES CONTRIBUTIONS TO THE ANGLO-IRISH INTERNATIONAL FUND.

Section 3 of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following:

"(c) FISCAL YEAR 1989.—Of the amounts made available for fiscal year 1989 to carry out that chapter, up to $35,000,000 may be used for United States contributions to the International Fund.".

SEC. 615. ANNUAL REPORTS ON ECONOMIC CONDITIONS IN EGYPT, ISRAEL, TURKEY, AND PORTUGAL.

Section 1205(b) of the International Security and Development Cooperation Act of 1985 is amended by adding at the end the following: "Each such report shall also include—

"(1) a description of how United States assistance for each country is designed to help it through its economic difficulties;

"(2) an assessment of the steps being taken by each country to help it overcome its economic difficulties, including a description of any economic policy reforms undertaken during the previous year;

"(3) a listing and explanation of the steps proposed by the United States to help each country overcome its economic difficulties, and a description of the means by which the United States conveys its recommendations to each country; and

"(4) such other information as the Congress may request with respect to the economic conditions in each country.".

SEC. 616. REPORTING REQUIREMENTS.

(a) CYPRUS NEGOTIATIONS.—

(1) FREQUENCY OF REPORTS.—Section 620C(c) of the Foreign Assistance Act of 1961 is amended by striking out "60-day" and inserting in lieu thereof "120-day".

(2) DUPLICATIVE REQUIREMENT.—Section 620(x)(2) of that Act is repealed.

(b) MULTINATIONAL FORCE AND OBSERVERS.—Section 6(b) of the Multinational Force and Observers Participation Resolution is amended by striking out "Not later than January 15 of each year (beginning in 1983)," and inserting in lieu thereof "As part of the annual congressional presentation materials for security assistance,".

SEC. 617. SYRIAN SPONSORSHIP AND SUPPORT FOR TERRORISM.

(a) FINDINGS.—The Congress finds that—

(1) a terrorist operating on behalf of Syrian intelligence was convicted in London of attempting to bomb a civilian airliner in November 1986, prompting the withdrawal of the United States Ambassador to Syria and the imposition of certain sanctions;

(2) the terrorist group Saiqa is under Syrian direction, receives training from the Syrian army, and is believed to be responsible for a number of bombings in Western Europe, including the 1979 bombing of a synagogue in Vienna;

(3) while the offices of the Abu Nidal terrorist group have been expelled from Damascus, the group continues to maintain training bases in the Syrian-occupied Bekaa valley;

(4) the terrorists responsible for the April 1986 bombing of Americans in West Berlin admit to receiving explosives from the Syrian embassy in West Berlin;

(5) the Abu Moussa faction of the PLO maintains offices in Damascus, trains terrorists in Syria, receives instructions from Syrian intelligence officers, and received Syrian diplomatic support in an attempt to destroy a commerical airliner in Madrid in June 1986;

(6) the Popular Front for the Liberation of Palestine, led by George Habash, maintains terrorist forces in Syria, and has claimed responsibility for numerous attacks on Israeli civilians and assassinations of Arab mayors on the West Bank;

(7) the Democratic Front for the Liberation of Palestine maintains offices in Damascus and training camps in Syria; and

(8) the Armenian Secret Army for the Liberation of Armenia (ASALA) and the Kurdish Worker's Party (PKK) have received support from Syria for attacks against Turkish civilians.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall submit a report on the nature and extent of Syrian financial, political, and training support of terrorist groups. This report shall be unclassified, with a classified annex if necessary.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should not rescind any of the sanctions currently in force against Syria until Syria expels all terrorist groups operating against the United States and its allies and ceases to support or allow terrorist bases on her territory; and

(2) the President should resume his request to United States corporations that, in the national interest, they voluntarily suspend operations in Syria, and United States

corporations should resume their voluntary compliance with that request.

(d) Sanctions Described.—The sanctions referred to in paragraph (1) of subsection (c) are those economic and diplomatic measures that were taken with respect to Syria on November 14, 1986, and which were in effect on November 1, 1987, and include the expansion of export controls on all national security controlled items, termination of Export-Import Bank credits, termination of insurance from the Overseas Private Investment Corporation, withdrawal of the offered export enhancement program, the prohibition on the sale of Syrian Arab Airline tickets, notice of termination of the International Air Transport Agreement between the United States and Syria, reduction in the staffs of the Syrian embassy in Washington and the United States embassy in Syria, increased restrictions on visas, and restrictions on high level visits.

SEC. 618. HUMAN RIGHTS IN BULGARIA.

(a) Findings.—The Congress finds that—

(1) the Government of the People's Republic of Bulgaria is a signatory to the Final Act of the Conference on Security and Cooperation in Europe which call upon the signatory states to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, and belief;

(2) the Bulgarian constitution provides for certain basic rights, including free speech and press, association and demonstration, and freedom of worship;

(3) in late 1984 and early 1985, over 900,000 members of the Turkish Minority were forcibly compelled to change their Turkish names to new Bulgarian names, and Bulgarian authorities imprisoned ethnic Turks for their nonviolent opposition to the name change; and

(4) the continuing repression of the Turkish minority includes the ban on the use of the Turkish language by the Turkish minority in public, the prohibition of Turkish customs, and the circumscribing of Muslim religious practices.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) the Bulgarian Government should abide by its commitments under the Final Act of the Conference on Security and Cooperation in Europe; and

(2) the President, the Secretary of State, and the United States delegation to the Vienna follow-up meeting of the Conference on Security and Cooperation in Europe should continue—

(A) to speak out forcefully against violations of human rights in Bulgaria, including the Bulgarian Government's treatment of the Turkish minority, and

(B) to use all diplomatic means to resolve outstanding human rights problems in Bulgaria.

SEC. 619. HUMAN RIGHTS IN ROMANIA.

(a) Findings.—The Congress finds that—

(1) emigration rates from Romania to the United States have increased from 1,422 last year to 1,932 as of October 1, 1987;

(2) longstanding prisoner of conscience cases were successfully resolved during the summer of 1987, namely the cases of Ioan Ruta, and Erno Borbely, Laszlo Buzas, and Bela Pall;

(3) all such improvements in Romania are to be welcomed;

(4) in spite of these improvements, a number of United States-Romania divided families cases, such as the case of Napoleon Fodor, remain unresolved;

(5) human contacts continue to be hindered by laws and decrees such as decree number 408 which prohibits Romanian citizens from communicating with foreigners; and

(6) among the rights that Romania has failed to respect are the rights of religious groups and ethnic minorities.

(b) Statement of Policy.—It is the sense of Congress that—

(1) the United States should seek improved compliance by the Romanian Government with its human rights obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights;

(2) the United States should express concern for the fate of Romanians who have not yet received permission to emigrate and who may be harassed and persecuted for their attempts to emigrate; and

(3) the Secretary of State and other executive branch officials should take every opportunity to encourage the Romanian Government to live up to its obligations under the Helsinki Final Act and other international instruments, including at the ongoing Vienna review meeting of the Conference on Security and Cooperation in Europe.

SEC. 620. PLIGHT OF JEWS IN ARAB COUNTRIES.

(a) Findings.—The Congress finds that—

(1) many Jews presently living in Israel and the Diaspora are originally from Morocco, Syria, Yemen, Iraq, Libya, Lebanon, and the other countries in the Middle East and North Africa representing the proud heritage of oriental Jewry;

(2) the number of Jews who are still citizens of these countries has dropped drastically, as can be seen when comparing 1948 to 1984: Syria, 45,000 versus 4,500; Morocco, 40,000 versus 17,000; Iraq, 125,000 versus fewer than 300; and Libya, 40,000 versus none;

(3) these numbers demonstrate that thriving Jewish cultures and communities, each unique, each historic, each contributing substantially to the enrichment of their respective countries, have been decimated; and

(4) several incidents, including the execution of the leader of the Lebanese Jewish community, the tightening of the noose by the Syrian government around the necks of its Jewish citizenry, and the shooting and stabbing of a pregnant Jewish woman and her two young children by unknown assailants in the Syrian town of Aleppo, remind us that, with the notable exceptions of Morocco and Tunisia, those Jews remaining in Arab countries continue to suffer deprivations, degradations, and hardships, and continue to live in peril.

(b) Statement of Policy.—It is the sense of the Congress that the United States Government should—

(1) call upon the governments of those Arab countries where Jews still maintain a presence to guarantee their Jewish citizens full civil and human rights, including the right to lead full Jewish lives free of fear and to emigrate if they so choose;

(2) specifically urge the Government of Syria to halt its intolerable policy of holding its Jewish citizenry hostage through harassment and intimidation and to allow them to emigrate; and

(3) commend countries such as Morocco and Tunisia for their tolerant treatment of their Jewish minorities and for the protection they have provided against attack from the Moslem majorities.

SEC. 621. UNITED NATIONS PEACEKEEPING FORCE IN THE PERSIAN GULF.

(a) Consultations Regarding Feasibility.—It is the sense of the Congress that the President should direct the United States Permanent Representative to the United Nations to explore, through diplomatic consultations with other members of the United Nations Security Council, the feasibility of creating a United Nations peacekeeping force to maintain freedom of the sea in the Persian Gulf and maintain a ceasefire in the Iran-Iraq war. These consultations should include consideration of—

(1) the possible creation of a United Nations naval force in the Persian Gulf, with the prospect of reducing, but not necessarily eliminating, the role of individual nation state activities;

(2) the possible flagging of commercial vessels by the United Nations; and

(3) the possible creation of a United Nations peacekeeping force pursuant to United Nations Security Council Resolution 598.

(b) Report.—Not later than 90 days after the date of enactment of this Act, the President shall report to the Congress on the results of consultations carried out in accordance with subsection (a).

TITLE VII—WESTERN HEMISPHERE

Part A—Central America

SEC. 701. CENTRAL AMERICA DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE.

(a) Peace Process in Central America.—Section 463 of the Foreign Assistance Act of 1961 is amended by striking out " and which sets" and inserting in lieu thereof ", as well as the initiative of the Government of Costa Rica, which set".

(b) Human Rights Groups in Central America.—Section 461(b) of that Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) United States policy should also be designed to encourage the governments of Central American countries to provide full cooperation, protection, and other support to organizations working to advance respect for and end abuses of human rights in the region.".

(c) Levels of Nonmilitary Assistance.—Section 465 of that Act is amended to read as follows:

"Sec. 465. Nonmilitary Assistance for Central America.—The Congress continues to support the recommendations made by the National Bipartisan Commission on Central America with respect to the provision of nonmilitary assistance for Central American countries. Consistent with the report transmitted to the Congress by the President on March 3, 1987, the Congress believes that under current budgetary constraints it would be inappropriate to provide assistance at the annual levels originally envisaged and that it is possible to furnish the needed nonmilitary assistance over a longer period of time than originally recommended by the Commission without negatively affecting the goals and objectives identified by the Commission.".

SEC. 702. MILITARY AIRCRAFT TRANSFERS.

(a) Aircraft Provided by United States.—During fiscal years 1988 and 1989, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified in writing at least 15 days in advance.

(b) Military Aircraft Provided by Other Countries.—During fiscal years 1988 and 1989, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

SEC. 703. ECONOMIC ASSISTANCE FOR CENTRAL AMERICA.

(a) ROCAP.—None of the funds made available for fiscal years 1988 and 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) or chapter 4 of part II of that Act (relating to the economic support fund) may be used for programs and projects administered by the Regional Office for Central America and Panama which were not being funded under those chapters as of September 30, 1987.

(b) Utilization of United States Assistance.—Consistent with sections 103, 104, 105, 106, and 531(e) of the Foreign Assistance Act of 1961, funds made available for fiscal years 1988 and 1989 to carry out chapter 1 of part I of that Act (relating to development assistance) or chapter 4 of part II of that Act (relating to the economic support fund) which are used for assistance in El Salvador and Guatemala, and assistance made available to those countries under the Agricultural Trade Development and Assistance Act of 1954, may not be used for the forced relocation of the civilian population, for civil defense patrols, to coerce or be a condition for participation in civil defense patrols, or for political mobilization and propaganda activities. Where such assistance is used to support projects and programs for reconstruction, rehabilitation, and development in areas of recent combat or conflict, that assistance shall be used only for programs and projects which are independent of military operations and which are planned, administered, and implemented by civilian agencies or private and voluntary organizations. In Guatemala, this subsection prohibits any assistance for the Poles of Development program.

(c) Reports and Certifications.—

(1) Reports.—Not less than 30 days before providing any assistance described in subsection (b) for rural resettlement programs in Guatemala, or for programs or projects in El Salvador coordinated by the National Commission on Restoration of Areas (CONARA) or under the aegis of the United To Reconstruct Program (UPR), the President shall report to the Congress on the ways in which the restrictions in subsection (b) affect the provision of assistance to that country and the steps the United States Government is taking to comply with those restrictions.

(2) Certifications.—Assistance described in subsection (b) may not be provided for rural resettlement programs in Guatemala, or for programs or projects in El Salvador under the aegis of the United To Reconstruct Program (UPR), until the President certifies to the Congress that the government of that country is not preventing access to conflict areas by international humanitarian organizations and religious relief agencies.

SEC. 704. SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.

For fiscal years 1988 and 1989, all assistance allocated for any country in Central America under the Foreign Assistance Act of 1961 and the Arms Export Control Act shall be suspended if the elected president of that country is deposed by military coup or decree.

SEC. 705. ASSISTANCE FOR EL SALVADOR.

(a) Objectives.—The Congress expects that—

(1) the Government of El Salvador and the armed opposition forces and their political representatives will be willing to pursue a dialogue for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending political violence;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) Reports.—On October 1, 1987, April 1, 1988, October 1, 1988, and April 1, 1989, the President shall report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts since January 1, 1979, involving human rights violations against civilians by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

(c) Assassination of Human Rights Commission President.—

(1) Expression of concern.—The Congress expresses its deepest concern at the assassination of Herbert Anaya Sanabria, President of the nongovernmental Human Rights Commission of El Salvador (CDHES). This violent act is in direct contrast to the spirit of reconciliation embodied in the Central American peace agreement signed in Guatemala on August 7, 1987.

(2) United states assistance for investigation.—The Congress calls on the President to formally offer to the Government of El Salvador such investigative services by agencies of the United States Government as are permitted by law to assist in identifying and bringing to trial those responsible for the murder of Herbert Anaya Sanabria.

(3) Report on efforts to investigate the murder of herbert anaya and threats against him.—Not later than 90 days after the date of enactment of this Act, and on every 90th day thereafter during fiscal years 1988 and 1989, the President shall report to the Congress on—

(A) efforts made by the government of El Salvador to identify and bring to trial those persons responsible for the murder of Herbert Anaya Sanabria, including efforts to investigate the earlier threats made against him by members of the Salvadoran security forces, which were reported by Amnesty International to President Duarte; and

(B) the investigative services provided by agencies of the United States Government to support those efforts.

SEC. 706. ASSISTANCE FOR GUATEMALA.

(a) Prohibition on Furnishing Weapons.—For fiscal years 1988 and 1989, funds made available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or the Arms Export Control Act (relating to foreign military sales financing) may not be used for the procurement by Guatemala of any weapons or ammunition.

(b) Human Rights Violations.—Not later than October 1, 1987, and not later than October 1, 1988, the President shall report to the Congress on the extent to which the Government of Guatemala has investigated and prosecuted those responsible for human rights violations against civilians.

(c) Assistance for Agrarian Reform.—It is the sense of the Congress that, of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), up to $3,000,000 for fiscal year 1988 and up to $3,000,000 for fiscal year 1989 should be used to assist in the implementation of agrarian reform in Guatemala if the Government of Guatemala initiates effective agrarian reform programs (such as the market oriented programs now being implemented by the Penny Foundation), as determined by the Administrator of the Agency for International Development, and if such Government requests United States assistance for that program.

SEC. 707. REFUGEES IN HONDURAS.

Funds authorized to be appropriated by this Act and funds authorized to be appropriated for the "Migration and Refugee Assistance" account for fiscal years 1988 and 1989—

(1) which are to be used for refugee assistance or other assistance for Nicaraguan Indian refugees in Honduras shall be channeled, to the maximum extent possible, through the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations; and

(2) may not be used to facilitate the involuntary repatriation of Salvadoran refugees who are in Honduras.

SEC. 708. ASSISTANCE FOR COSTA RICA.

(a) Costa Rica's Peace Initiative.—The Congress applauds the efforts of Costa Rican President Oscar Arias Sanchez to establish a firm and durable peace in Central America. The Congress strongly supports and encourages such attempts to end the regional military conflict and strengthen democracy through diplomatic initiatives.

(b) Earmarking of Funds.—Of the amounts made available for each of the fiscal years 1988 and 1989 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund)—

(1) not less than 23 percent of the aggregate amount which is allocated for country programs for El Salvador, Honduras, Guatemala, and Costa Rica (excluding the amount

provided for Costa Rica pursuant to paragraph (2)), plus

(2) an additional $14,000,000,

shall be made available for assistance for Costa Rica.

(c) Peace Corps Programs.—In addition to amounts otherwise authorized to be appropriated to carry out the Peace Corps Act, there are authorized to be appropriated to carry out that Act $3,000,000 for each of the fiscal years 1988 and 1989. Amounts appropriated under this subsection shall be used for Peace Corps programs in Costa Rica under that Act.

SEC. 709. ASSISTANCE FOR IMPLEMENTATION OF REGIONAL PEACE AGREEMENT.

(a) Use of Existing Funds.—The funds which were authorized to be appropriated by section 722(h) of the International Security and Development Cooperation Act of 1985 to assist in the implementation of a Contadora agreement may also be used for expenses arising from implementation of an agreement resulting from the regional peace initiative proposed by President Arias of Costa Rica, if so provided in an appropriation Act.

(b) Additional Funds.—

(1) Allocation.—Of the funds authorized to be appropriated for fiscal year 1988 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $3,500,000 shall be allocated for use for verification and peacekeeping activities in support of the Central American peace agreement signed in Guatemala on August 7, 1987.

(2) Recipient organizations.—Funds used for this purpose shall be paid to the international verification and follow up commission provided for in that peace agreement, the Organization of American States, or such other organization acting under multilateral auspices as may be involved in verification or peacekeeping activities in support of that agreement.

(3) Reprogramming.—Funds in an amount which is greater than or less than the amount allocated pursuant to this subsection may be used for verification and peacekeeping activities in accordance with this subsection if the Congress is notified 15 days in advance in accordance with the procedures applicable to reprogramming notification under section 634A of the Foreign Assistance Act of 1961.

SEC. 710. RESTRICTIONS ON ASSISTANCE TO PANAMA.

(a) In General.—Unless the President has certified to the Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces, and the Panama Defense Forces and its leaders have been removed from non-military activities and institutions;

(2) the Government of Panama is conducting an impartial investigation into allegations of illegal actions by members of the Panama Defense Forces, including illicit drug-trafficking activities;

(3) freedom of the press and other constitutional guarantees, including due process of law, have been restored to the Panamanian people; and

(4) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections;

funds authorized to be appropriated by this Act may not be made available for assistance for Panama (other than the assistance described in subsection (c)), the Overseas Private Investment Corporation may not carry out programs for fiscal year 1988 or 1989 in Panama under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, and letters of offer may not be issued to Panama under the Arms Control Act during fiscal year 1988 or 1989.

(b) Additional Requirement for Fiscal Year 1989.—Unless the President has certified to the Congress that presidential elections were held in Panama as scheduled in 1989 and were free, fair, and honest—

(1) 50 percent of the funds, which are authorized to be appropriated by this Act for each foreign assistance appropriations account for fiscal year 1989 and which are allocated for assistance for Panama (excluding funds for the assistance described in subsection (c)), shall be withheld from obligation;

(2) 50 percent of the amounts allocated by the Overseas Private Investment Corporation for programs in Panama for fiscal year 1989 shall be withheld; and

(3) letters of offer may not be issued to Panama during fiscal year 1989.

The requirements of this subsection are in addition to the requirements of subsection (a).

(c) Exceptions.—Subsections (a) and (b) do not apply with respect to—

(1) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) which is provided through private and voluntary organizations or other nongovernmental organizations;

(2) assistance for international narcotics control under chapter 8 of part I of the Foreign Assistance Act of 1961;

(3) disaster relief assistance, including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961;

(4) assistance for refugees;

(5) assistance under the Inter-American Foundation Act; and

(6) assistance necessary for the continued financing of education for Panamanians in the United States.

(d) Certification Requirements.—Each certification required by this section shall be submitted in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate at least 30 days before any assistance subject to this subsection is provided or any letter of offer subject to this subsection is issued, shall discuss fully and completely the justification for making the required determination, and shall describe fully the assistance proposed to be provided and the defense articles and defense services proposed to be sold, including the purposes to which the assistance or sale is directed.

(e) Nonapplicability of Other Conditions.—Section 761 of this Act shall not apply with respect to assistance for Panama.

SEC. 711. NICARAGUA.

Section 722(d) of the International Security and Development Cooperation Act of 1985 is amended by amending the second sentence to read as follows: "The United States shall make no agreement and shall enter into no understanding, either formal or informal, under which a recipient of United States economic or military assistance or a purchaser of United States military equipment shall provide assistance of any kind to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.".

SEC. 712. RESTRICTIONS ON ASSISTANCE TO POLICE.

(a) Prohibition.—During fiscal years 1988 and 1989, assistance may not be provided to police forces and prison authorities in El Salvador, Guatemala, and Honduras under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance).

(b) Condition on Future Assistance.—It is the sense of the Congress that before assistance is permitted after fiscal year 1989 for police forces and prison authorities in El Salvador, Guatemala, or Honduras, substantial progress must be made in that country in establishing judicial systems that demonstrate their ability to bring to justice criminals, in particular, those in the police and military forces.

(c) Definition.—As used in this section, the term "police forces" includes all members of security forces other than the regular uniformed armed forces, and in the case of El Salvador, includes all members of the National Police, Treasury Police, National Guard, and civil defense organizations.

SEC. 713. ECONOMIC GROWTH IN CENTRAL AMERICA.

(a) Findings.—The Congress finds that—

(1) Central America is a region of great economic potential, which has significant natural resources, favorable location, and people justly celebrated for their intelligence, courage, vitality, generosity, and sense of personal honor;

(2) ultimately genuine democracy can only be rooted in the full economic growth and development of Central America's regional economy;

(3) this economic growth must be the product of Central American initiated economic reforms such as deregulating overly controlled economies, privatizing government owned corporations, offering a legal environment conducive to foreign investment, stabilizing regional currencies and possibly introducing a regional trade currency, and lowering high marginal income tax rates, creating efficient capital markets;

(4) the expansion of trade is essential to the economic success of Central America and this will require a more complete integration of the individual economies in the region;

(5) there is a crucial need within Central America for millions of Central Americans to become economic participants in their national patrimony;

(6) proposals for greater economic expansion must always be supplemented with policies to encourage development at the grassroots;

(7) additional emphasis should be placed on the creation of genuine local self-government, exercised in communities having their own independent revenue base, because free political parties, labor unions, solidarity associations, universities and research institutions, newspapers, fraternal organizations, and churches are essential to a fully functioning democracy; and

(8) no program for advancing the prosperity of the people of Central America can have any real chance of success until the people of the free democratic countries of the region can feel confident that they are secure against invasion and antidemocratic insurrection.

(b) Sense of Congress.—It is, therefore, the sense of the Congress that economic growth, development, and prosperity is possible in Central America if appropriate free market reforms are initiated and undertaken by the Central American nations themselves and these reforms are supported by the Western, free market democracies.

SEC. 714. RELATIONS WITH THE PRIVATE SECTOR IN EL SALVADOR.

(a) Findings.—The Congress finds that—

(1) the Congress has, sometimes reluctantly, supported massive flows of assistance to El Salvador in the hope that all elements of Salvadoran society would eventually work together for peace, social justice, and more equitable economic development; and

(2) United States fiscal resources, particularly for foreign assistance, currently are extremely limited and are likely to be restricted in the future to those programs which demonstrate positive returns.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the Government of El Salvador, the business community (including the small business community), the free labor unions, and all other potentially constructive groups should begin a new dialogue for nation building in El Salvador;

(2) none of these elements can be excluded from the national dialogue; and

(3) the Government of El Salvador and the private sector must abandon the distrust and antagonism that have characterized their relations in the past and must move forward in a cooperative and constructive manner to resolve the problems that threaten to undermine the democratic processes now underway in that country.

SEC. 715. PEACE, PLURALISM, AND DEMOCRACY IN NICARAGUA.

(a) Findings.—The Congress finds that—

(1) in signing the Central American peace accord in Guatemala on August 7, 1987, the Nicaraguan Government pledged "to promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice" and "respect for human rights"; and

(2) under the Guatemala Accord, Nicaragua is specifically required to establish "complete freedom of press, television and radio" "for all ideological groups" "without prior censorship"; to grant political groupings "broad access to communications media" and full exercise of the rights of association, free speech, and movement; to decree an amnesty guaranteeing "freedom in all its forms"; and to terminate state of emergency laws while reestablishing "the full exercise of all constitutional guarantees".

(b) Reforms Which Should be Undertaken by Nicaragua.—It is the sense of the Congress that Nicaragua should undertake the following reforms to begin to bring about lasting peace, pluralism, and democracy in Nicaragua:

(1) Ensure freedoms of expression, association, assembly and movement, religion, and education.

(2) Restore rights to security of person and home and freedom from unjustified arrest and detention.

(3) Ensure that no coercive pressure is employed to force any individual to join Sandinista party groups.

(4) Prevent discriminatory and punitive application of military conscription.

(5) Allow all citizens, including refugees and exiles, to return to Nicaragua.

(6) Reinstate due process and fair trials and release those imprisoned without charge, trial, or due process, including Campesinos, Creoles, and Indians.

(7) Abolish extraordinary tribunals and the powers of police forces to conduct trials, decide appeals, and sentence individuals to prison terms.

(8) Permit independent human rights observers, including the International Committee of the Red Cross, to meet and travel freely and to visit prisoners, prisons, and tribunals.

(9) End all forms of torture and conditions of confinement which constitute torture and end the practice of holding prisoners incommunicado.

(10) Allow political parties and the democratic opposition to meet and march publicly, publicize meetings, and meet with and utilize the media.

(11) Not subject opposition party activists to civil harassment or indiscriminate arrest.

(12) Hold free and open presidential, legislative, and municipal elections by December 31, 1990, as specified in the Nicaraguan Constitution.

(13) Abolish the suspension provisions of the Nicaraguan Constitution.

(14) Separate political parties from civil authority and military organizations.

SEC. 716. ARIAS PEACE INITIATIVE.

The Congress supports—

(1) the initiative of President Oscar Arias of Costa Rica toward ending the armed conflict in Central America;

(2) the active participation by all 5 signatory nations to the Central American peace agreement signed in Guatemala on August 7, 1987, in order to secure democracy in Central America in compliance with the Arias peace plan; and

(3) extending the date for complete compliance with the Guatemala Accord to January 4, 1988, as agreed to by the leaders of the 5 signatory nations.

SEC. 717. CENTRAL AMERICAN PEACE AGREEMENT.

(a) Findings.—The Congress finds that—

(1) the Presidents of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica signed the "Esquipulas II Accord" on August 7, 1987, to establish democracy, end civil strife, and promote economic stability in Central America;

(2) the establishment of democracy, the termination of civil strife, and the promotion of economic stability in Central America is in the national interest of the United States;

(3) the Esquipulas II Accord calls for the signatories "to make dialogue prevail over violence and reason over rancor";

(4) a lasting peace in Central America can only come about through dialogue;

(5) the Government of El Salvador, Guatemala, and Honduras have entered into direct negotiations with the representatives of both internal opposition organizations and antigovernment insurgent forces to bring about a mutual and verifiable cease fire within those countries and the region as a whole;

(6) the President of Costa Rica and Nobel Laureate Oscar Arias has called for direct negotiations between the Government of Nicaragua and the Nicaraguan Resistance for a mutual and verifiable cease fire;

(7) President Arias stated that a negotiated cease fire between the Government of Nicaragua and the Nicaraguan Resistance is "indespensable if we are to achieve a lasting peace in Central America";

(8) the Presidents of El Salvador, Guatemala, and Honduras have also called upon the Government of Nicaragua to negotiate directly with the Nicaraguan Resistance;

(9) the President of Nicaragua announced on November 5, 1987, that the Nicaraguan Government would negotiate a cease fire with the Directorate of the Nicaraguan Resistance through an intermediary;

(10) in signing the Central American peace accord on August 7, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America", the Nicaraguan Government pledged "to promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice [and] respect for human rights"; and

(11) under that accord, Nicaragua is specifically required to establish "complete freedom of press, television and radio" "for all ideological groups" "without prior censorship"; to grant political groupings "broad access to communications media" and full exercise of the rights of association, free speech, and movement; to decree an amnesty guaranteeing "freedom in all its forms"; and to terminate state of emergency laws while reestablishing "the full exercise of all constitutional guarantees.".

(b) Statement of Congress.—The Congress urges the Government of Nicaragua to enter into direct negotiations immediately with the Directorate of the Nicaraguan Resistance in order to bring about a mutual and verifiable cease fire and to reach a political settlement with the Nicaraguan Resistance, so that the spirit of the Esquipulas II Accord may be fulfilled and democracy, peace, and economic stability will become reality for Central America.

(c) Actions Which Should Be Undertaken by Nicaragua.—It is the sense of the Congress that Nicaragua should undertake the following reforms in order to bring about lasting peace, pluralism, and democracy in Nicaragua:

(1) In general.—

(A) Ensure freedoms of expression, association, assembly and movement, religion, and education.

(B) Restore rights to security of person and home and freedom from unjustified arrest.

(C) Stop coercive pressure to join Sandinista party groups.

(D) Stop discriminatory and punitive application of military conscription.

(E) Allow all citizens, including refugees and exiles, to return to Nicaragua.

(F) Reinstate due process and fair trials and release those imprisoned without charge, trial, or due process, including Campesinos, Creoles, and Indians.

(G) Abolish extraordinary tribunals and the powers of police forces to conduct trials, decide appeals, and sentence individuals to prison terms.

(H) Permit independent human rights observers, including the International Committee of the Red Cross, to meet and travel freely and to visit prisoners, prisons, and tribunals.

(I) End all forms of torture and conditions of confinement which constitute torture and end the practice of holding prisoners incommunicado.

(2) Political process reforms.—

(A) Allow political parties and the democratic opposition to meet and march publicly, publicize meetings, and meet with and utilize the media.

(B) End jailing of opposition party activists and the drafting of opposition party activists and their children in reprisal for nonviolent political activity.

(C) Abolish the role of the Committees for the Defense of Sandinismo's (CDS) and other party organizations in dispensing rationing cards and government services.

(D) Conduct free and open presidential, legislative, and municipal elections by December 31, 1990, as specified by current Nicaraguan law.

(E) Repeal the suspension provisions of the Nicaraguan constitution.

(F) Separate the armed forces from any political party.

(3) PRESS AND MEDIA RIGHTS.—

(A) Allow an uncensored, free press.

(B) End newsprint restrictions and allow private newsprint sales.

(C) Allow the full spectrum of private television and radio broadcasting.

(4) LABOR RIGHTS.—

(A) Ensure the right to strike and to publish by independent unions.

(B) Release those imprisoned because of non-violent union activities.

(5) RELIGIOUS FREEDOMS.—

(A) Allow the Catholic church to reopen its social welfare, human rights, and publication offices.

(B) Allow Cardinal Obando Y Bravo to resume his televised Sunday mass.

(C) Allow the return of all expelled Catholic priests.

(D) Allow religion courses to be taught in private schools.

(E) Allow Protestant evangelicals to preach and conduct meetings.

(6) CAMPESINO RIGHTS.—

(A) End preventive detention and forcible resettlement of campesinos and allow those who have been displaced to return.

(B) Cease aerial bombing attacks against civilians and their properties.

(C) Cease the destruction of peasant farmlands.

(D) End pressure to join Sandinista farming cooperatives.

(7) INDIAN AND CREOLE RIGHTS.—

(A) Permit Indian and Creole residents to freely travel, assemble, speak, publish, broadcast, and maintain cultural beliefs and practices.

(B) End forcible detention and relocation of Indian and Creole residents and allow them to return to their home communities.

(C) Cease aerial bombings and attacks on Atlantic Coast civilians and their properties.

(D) Allow Indians and Creoles to engage in traditional farming, fishing, hunting, and necessary subsistence activity.

(d) ACHIEVEMENT OF DEMOCRATIC PRINCIPLES AND PROCESSES IN CENTRAL AMERICA.—It is the sense of the Congress that all countries in Central America should continue to work toward achieving the democratic principles and processes specified in the Central American peace accord of August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America".

SEC. 718. JANUARY 22 MOVEMENT OF MOTHERS OF POLITICAL PRISONERS AND HUMAN RIGHTS IN NICARAGUA.

(a) FINDINGS.—The Congress finds that—

(1) the January 22 Movement of Mothers of Political Prisoners in Nicaragua has joined forces to draw attention to the plight of relatives incarcerated for supposed violations of security laws;

(2) over 1,500 mothers of political prisoners in Nicaragua, through their strength and resolve, utilize peaceful means to dramatize human rights violations in Nicaragua, describe the Sandinista prison system as "cruel and unjust", and have sponsored assemblies which have drawn hundreds of people despite government efforts to stop the demonstrations;

(3) the participants in the January 22 Movement of Mothers of Political Prisoners risk reprisals against their families and themselves and have suffered cruel and harsh punishment for their activities, including threats, torture, detainment, and further arrest of their family members to coerce an end to their activism for justice;

(4) the January 22 Movement of Mothers of Political Prisoners demand the abolition of the highly political Anti-Somocista Tribunals (TPAs) which operate outside of the existing legal system, enjoy absolute discretion concerning the admissibility of evidence, and fail to recognize basic rights of due process;

(5) the Nicaraguan Constitution, which purports to guarantee basic individual, civil, and political rights, was suspended hours after it was promulgated and a state of emergency, whch suspends basic civil rights, was implemented and is still in place; and

(6) the regional peace agreement signed by Nicaraguan President Daniel Ortega in Guatemala on August 7, 1987, which requires the Sandinista government to undertake immediate reforms to democratize Nicaraguan society and end the state of emergency, is consistent with the demands of the January 22 Movement of Mothers of Political Prisoners.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the January 22 Movement of Mothers of Political Prisoners should be commended for calling attention to the Sandinistas' deplorable human rights record and for demonstrating inspiring courage in working peacefully for the improvement of human rights in Nicaragua;

(2) the January 22 Movement of Mothers of Political Prisoners demonstrates the need for respect for internationally recognized human rights, including respect for freedom of speech, freedom of the press, freedom of assembly, due process of law, the restoration of individual, political, and civil rights, and the lifting of the suspension of constitutional guarantees in Nicaragua, which are required by the Guatemala regional peace agreement;

(3) the Sandinista government should comply with the demands of the January 22 Movement of Mothers of Political Prisoners and issue a decree of amnesty to all political prisoners and undertake efforts to bring about a general improvement in what has been a contemptible record in their treatment of Nicaraguan citizens;

(4) the Sandinista government should issue a total political amnesty, conduct negotiations directly with the resistance, guarantee the freedom and safety of all Nicaraguans from harassment and persecution, and grant full freedom of the press and other internationally recognized rights, which heretofore have been held in disdain by Sandinista authorities; and

(5) the Sandinista government should, in general, undertake all efforts to meet the requirements of the Guatemala regional peace agreement faithfully and completely.

PART B—SOUTH AMERICA

SEC. 721. MILITARY ASSISTANCE FOR PARAGUAY.

(a) CONDITIONS ON ASSISTANCE.—For fiscal years 1988 and 1989, funds authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), chapter 5 of part II of that Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing) may not be used for assistance for Paraguay unless the President certifies to the Congress, before providing any such assistance for that fiscal year, that the Government of Paraguay—

(1) has ended the practice of torture and abuse of individuals held in detention by its military and security forces;

(2) has instituted procedures to ensure that those arrested are promptly charged and brought to trial;

(3) has restored the political rights necessary for democracy, including freedom of speech and freedom of the press; and

(4) has taken steps toward internal reconciliation and a pluralistic democratic system.

(b) CERTIFICATION REQUIREMENTS.—Each certification required by this section shall be submitted in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate at least 30 days before funds are obligated for any assistance subject to this section, shall discuss fully and completely the justification for making each of the required determinations, and shall describe fully the assistance proposed to be provided and the purposes to which it is directed.

SEC. 722. NONLETHAL MILITARY ASSISTANCE FOR URUGUAY.

Of the amounts authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to the grant military assistance program), not less than $5,000,000 for each of the fiscal years 1988 and 1989 shall be available only for use in providing nonlethal defense articles to Uruguay.

SEC. 723. ECONOMIC ASSISTANCE FOR URUGUAY.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $6,000,000 for each of the fiscal years 1988 and 1989 shall be available only for Uruguay.

SEC. 724. POLICY REGARDING CHILE.

It is the sense of the Congress that the Government of Chile should end its oppression of trade unions, opposition political parties, and freedom of expression. As the free and open expression of divergent views is essential for a free and open democratic society, the Congress especially condemns the recent actions by the Chilean Government which censor the expression of political views in that country's press. Congress calls upon the Government of Chile to rescind such laws and embark on a program of democratization.

SEC. 725. SUSPENSION OF OPIC PROGRAMS FOR CHILE.

(a) WORKER RIGHTS.—The Congress hereby determines that the Government of Chile has not taken steps to adopt and implement laws that extend internationally recognized workers rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in that country.

(b) TERMINATION OF OPIC PROGRAMS.—Accordingly, as required by section 231A(a)(1) of the Foreign Assistance Act of 1961, the Overseas Private Investment Corporation may not insure, reinsure, guarantee, or finance any project to be undertaken in Chile. The President may not use the waiver authority contained in section 231A(a)(3) of that Act.

(c) EFFECTIVE DATE.—This section shall apply during fiscal years 1988 and 1989.

SEC. 726. RESTRICTIONS ON TRAINING ASSISTANCE FOR ARGENTINA AND BRAZIL.

(a) EXEMPTION FROM CERTAIN PROHIBITIONS.—Section 638 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" before "No"; and

(2) by adding at the end the following:

"(b) No provision of this Act or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this Act for Brazil or Argentina as long as such country continues to have a democratically elected government and the assistance is otherwise consistent with sections 116, 502B, 620(f), 620A, and 660 of this Act.".

(b) Effective Date.—The amendment made by subsection (a)(2) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

Part C—The Caribbean

SEC. 741. ASSISTANCE FOR HAITI.

(a) Policy Declarations With Regard to Haiti.—

(1) Failure of national governing council to support transition to democracy.—The United States condemns the failure of the National Governing Council of Haiti to fulfill its pledge to the Haitian people, to the United States, and to the international community to support a transition to democracy in accordance with the provisions of the constitution overwhelmingly approved by the Haitian people on March 29, 1987.

(2) Failure of national governing council to protect human rights.—The United States condemns the National Governing Council of Haiti for its failure to provide security and protection for the internationally recognized human rights of the people of Haiti, to abide by international law with respect to human rights, and to provide adequate protection for diplomats as required by international law.

(3) Policy regarding united states assistance.—It shall be the policy of the United States to suspend all assistance to Haiti (other than the types of assistance described in subsection (c)(3)) unless the democratic process set forth in the Haitian Constitution approved by the Haitian people on March 29, 1987, especially those provisions relating to the Provisional Electoral Council, is being fully and faithfully adhered to by the Government of Haiti.

(b) Actions by the United States to Promote Human Rights and Democracy in Haiti.—

(1) In general.—The President shall take such steps, consistent with otherwise applicable laws, as the President deems appropriate—

(A) to encourage full respect for human rights in Haiti;

(B) to promote the Haitian Government's prompt adherence to the commitments it has made to the international community to hold free and fair elections and to respect human rights; and

(C) to assist the people of Haiti in securing a transition to a democratic form of government.

(2) Specific actions.—The Congress urges the President to take the following actions, by exercising existing authorities, to achieve the objectives specified in paragraph (1):

(A) Use the vote and influence of the United States to halt or discourage the provision of any assistance to Haiti by international financial institutions, international organizations, and other governments (other assistance of the types described in subsection (c)(3)).

(B) Undertake diplomatic initiatives to secure international cooperation to maximize diplomatic and economic pressure on Haiti.

(C) Immediately suspend Haiti's eligibility for benefits under the Caribbean Basin Economic Recovery Act.

(D) Furnish assistance to the news media in Haiti to assure freedom of speech and freedom of the press for the Haitian people.

(E) Furnish such assistance (including funding) as the President considers appropriate to—

(i) private and voluntary organizations and nongovernmental organizations;

(ii) foreign governments, including an entity recognized as the legitimate Government of Haiti in accordance with subparagraph (G); and

(iii) international organizations.

Assistance under this subparagraph could include United States participation in international peacekeeping activities. It is the sense of the Congress that should the United States consider participation in peacekeeping activities in Haiti, the United States should undertake such activities jointly with other countries and only if the United States has clear indications, based on consultations with entities broadly representative of the Haitian people, that such activities would have the support of the Haitian people.

(F) Sever diplomatic relations with the National Governing Council of Haiti.

(G) Recognize an alternative entity, which is committed to a prompt transition to democracy, as the legitimate Government of Haiti.

(H) Impose an arms embargo, impose trade and financial sanctions (under the International Emergency Economic Powers Act), and seek international cooperation for the imposition multilaterally of an arms embargo and trade and financial sanctions against the Government of Haiti.

(3) Denial of visas.—In addition, in order to achieve the objectives specified in paragraph (1), the President is authorized and urged to deny visas to, and exclude from admission to the United States, aliens—

(A) who have been involved in the denial of human rights in Haiti or in activities designed to impair Haiti's transition to democracy, or

(B) who are the immediate members of the family and the associates of aliens described in subparagraph (A).

(c) Restrictions on Assistance for Haiti.—

(1) Suspension of assistance.—Funds made available by any Act or joint resolution may not be obligated or expended to provide assistance to Haiti (other than the assistance described in paragraph (3)) unless the democratic process set forth in the Haitian Constitution approved by the Haitian people on March 29, 1987, especially those provisions relating to the Provisional Electoral Council, is being fully and faithfully adhered to by the Government of Haiti.

(2) Elected civilian government.—After February 7, 1988, the democratic process set forth in the Haitian Constitution approved by the Haitian people on March 29, 1987, shall not be considered to have been fully and faithfully adhered to by the Government of Haiti for purposes of paragraph (1) unless—

(A) a civilian government is in office pursuant to the provisions for elections set forth in the Haitian Constitution approved on March 29, 1987; and

(B) that government was elected in elections held under the auspices of the Provisional Electoral Council, appointed pursuant to the Haitian Constitution, which was responsible for the organization and administration of the election scheduled for November 29, 1987.

(3) Exceptions to ban on assistance.—Paragraph (1) does not apply with respect to—

(A) assistance, provided through private and voluntary organizations or nongovernmental organizations, to meet humanitarian and developmental needs or to promote respect for human rights and the transition to democracy;

(B) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations; or

(C) assistance authorized by subsection (d).

(d) Assistance for Elections in Haiti.—

(1) Authorization of assistance.—The President is authorized to provide such logistical, technical, and financial assistance through such departments and agencies of the United States Government as the President determines appropriate for purposes related to the organization and holding of elections under the auspices of the Provisional Electoral Council pursuant to the constitution approved by the Haitian people on March 29, 1987.

(2) Congressional review.—Not less than 15 days before providing any assistance pursuant to paragraph (1), the President shall notify the committees of the Congress specified in section 634A of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section. The notification requirement of this subsection is in addition to any otherwise applicable requirements for notification to the Congress with respect to such assistance. The notification requirement of this subsection does not apply to the extent that section 501 of the National Security Act of 1947 applies with respect to the assistance to be provided.

(e) Periodic Notification to the Congress.—The President shall keep the Congress advised, on a regular basis, of actions taken pursuant to subsections (b), (c), and (d) and on progress made toward achieving the objectives specified in subsection (b)(1).

(f) Economic Assistance.—

(1) Economic support fund.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $41,300,000 for each of fiscal years 1988 and 1989 shall be available only for Haiti, subject to paragraph (3) and subsection (c). Of these amounts, up to $300,000 for each fiscal year shall be available only for assistance for Haiti under section 534 of that Act (relating to the administration of justice program) following the transfer of the police to the Ministry of Justice pursuant to a new constitution.

(2) Development assistance.—Of the amounts made available to carry out chapter 1 of part I of that Act, not less than $40,000,000 for each of fiscal years 1988 and 1989 shall be available only for Haiti, subject to paragraph (3) and subsection (c). These funds shall be used to support a transition to and to strengthen democracy in Haiti, emphasizing job creation, rural development, health care and sanitation, small scale irrigation, reforestation, watershed conservation, swine repopulation, and literacy education. Such assistance should reflect the need to distribute development assistance resources more equitably among the various regions in Haiti in order to support sustainable development in all of Haiti.

(3) Conditions on assistance.—Funds may be obligated for assistance for Haiti pursuant to paragraph (1) and (2) for a fiscal year only if, before obligating funds

for that fiscal year, the President determines the Government of Haiti is meeting the criteria specified in section 202(d) of the Special Foreign Assistance Act of 1986.

(4) Public law 480.—Of the funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954, not less than $20,000,000 for each of the fiscal years 1988 and 1989 shall be available only for Haiti, subject to subsection (c).

(5) Termination of earmarkings.—The requirements of this subsection that specified amounts of assistance shall be available only for Haiti shall cease to apply on February 7, 1988, unless as of that date the conditions specified in subparagraphs (A) and (B) of subsection (c)(2) have been satisfied. If assistance described in paragraph (1) or (2) of this subsection is provided for Haiti after that date, consistent with subsection (c), that assistance shall be provided subject to paragraph (3) of this subsection and, in the case of assistance under chapter 1 of part I of the Foreign Assistance Act of 1961, shall be provided in accordance with the last two sentences of paragraph (2) of this subsection.

(g) Military Assistance.—

(1) Limitation on amount and uses.—For each of the fiscal years 1988 and 1989, not more than an aggregate amount of $2,400,000 may be made available for assistance for Haiti under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) and chapter 5 of part II of that Act (relating to international military education and training). Material assistance under chapter 2 of part II of that Act shall be restricted to nonlethal items such as transportation and communications equipment and uniforms.

(2) Conditions on assistance.—Assistance described in paragraph (1) is subject to subsection (c) and may be obligated for Haiti only if the President certifies to the Congress that the following conditions exist in Haiti:

(A) A formal written request for such assistance has been submitted to the United States by an elected civilian government which satisfies the requirements of subsection (c)(2) and that request specifies a comprehensive plan for the reform and reorganization of the mission, command, and control structures of the armed forces of Haiti consistent with democratic processes, the rule of law, and constitutional government. Such a plan should include a publicly announced commitment by the armed forces of Haiti to abide by international human rights standards and adoption of a code of conduct to assure adherence to these standards.

(B) The Government of Haiti is making substantial efforts—

(i) to exercise effective control over the armed forces of Haiti;

(ii) to prevent the involvement of the armed forces in human rights abuses and corruption by removing from the armed forces and prosecuting, in accordance with due process, those members of the armed forces responsible for the human rights abuses and corruption;

(iii) to ensure that freedom of speech and assembly are respected;

(iv) to conduct investigations into the killings of unarmed civilians in Gonaives, Martissant, and Fort Dimanche and during the protests of June and July 1987, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;

(v) to provide education and training to the armed forces of Haiti with respect to internationally recognized human rights and the political and civil rights essential to democracy, in order to enable those forces to function consistent with those rights; and

(vi) to take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security (VSN) to turn in their weapons and to take the necessary actions to enforce this requirement.

(3) Certification requirements.—Each certification required by this subsection shall be submitted in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate at least 30 days before funds are obligated for any assistance subject to this subsection, shall discuss fully and completely the justification for making each of the required determinations, and shall describe fully the assistance proposed to be provided and the purposes to which it is directed.

(4) Reports.—Not later than 90 days after the President submits his certification under paragraph (2) and 180 days thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each of the objectives specified in paragraph (2). Half of the assistance allocated for Haiti for each fiscal year pursuant to paragraph (1) shall be withheld from disbursement until the President submits the first such report.

SEC. 742. CARIBBEAN DEVELOPMENT PLAN.

(a) Purpose.—In order to determine the necessary infrastructural developments that would be adequate in supporting United States economic development policies in the Caribbean region, determine the needed agricultural developments that would improve and strengthen this regional industry, and determine an effective approach by the United States to the development of the Caribbean region, it is the purpose of this section—

(1) to provide for a regional comprehensive study of the developmental needs of the Caribbean region in terms of infrastructure, human resources, transportation, tourism, and agriculture; and

(2) to provide for a feasibility study of a Caribbean food corporation.

(b) Funding.—Of the funds allocated for the Caribbean regional program under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), up to $500,000 for fiscal year 1988 may, subject to subsection (e), be made available for the Caribbean Community group (CARICOM) for use in accordance with subsection (c). These funds shall remain available until expended, notwithstanding any other provision of law.

(c) Use of Funds.—The Caribbean Community group shall, in close consultation with countries in the Caribbean region, use the funds made available pursuant to subsection (b) for—

(1) a comprehensive study of the economic development needs of the Caribbean region, including infrastructure, human resources, transportation, tourism, and agriculture; and

(2) a feasibility study of a Caribbean food corporation.

(d) Report.—As a condition of receiving funds pursuant to this section, the Caribbean Community group shall be required to submit a report to the Agency for International Development not later than January 15, 1989. This report shall include—

(1) a full accounting of the funds utilized for the studies described in subsection (c);

(2) the overall findings of those studies; and

(3) the recommendations of the Caribbean Community group, based on those studies, for an effective development plan for the Caribbean region, including recommendations of an appropriate role for the United States regarding implementation of the plan.

The Administrator for the Agency of International Development shall immediately transmit copies of this report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(e) Submission of Proposal on Use of Funds.—Funds authorized to be made available under subsection (b) may be provided to the Caribbean Community group only if the Caribbean Community group submits to the Administrator of the Agency for International Development, not later than 90 days after the date of enactment of this Act, a proposal describing in detail how the Caribbean Community group will use the funds to carry out the objectives of this section. If the Administrator of the Agency for International Development does not receive such a proposal within that 90-day period, the funds authorized to be made available under subsection (b) may be used for other purposes under the Caribbean regional program.

(f) Definition of Caribbean Region.—As used in this section, the term "Caribbean Region" includes—

(1) Antigua and Barbuda, the Bahamas, Barbados, Dominica, the Dominican Republic, Grenada, Haiti, Jamaica, St. Christopher and Nevis, St. Vincent and the Grenadines, St. Lucia, Trinidad and Tobago, Belize, and Guyana;

(2) Anguilla, Cayman Islands, Montserrat, Netherlands Antilles, Turks and Caicos Islands, and the British Virgin Islands; and

(3) French Guiana, Guadeloupe, and Martinique.

SEC. 743. ASSISTANCE FOR THE EASTERN CARIBBEAN.

Of the aggregate amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 4 of part II of that Act (relating to the economic support fund), not less than $1,500,000 for each of the fiscal years 1988 and 1989 shall be available only to assist electric utilities in the Eastern Caribbean in developing a common services program and to provide technical assistance and training to such utilities.

SEC. 744. ANNUAL REPORT ON SOVIET MILITARY ASSISTANCE TO CUBA.

Section 25 of the Arms Export Control Act, as amended by section 905 of this Act, is amended by adding at the end of subsection (d) the following: "The information required by subsection (a)(9) shall be transmitted to the Congress no later than May 1 of each year.".

PART D—PROVISIONS RELATING TO THE REGION GENERALLY

SEC. 761. CONDITION ON MILITARY ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN.

For fiscal years 1988 and 1989, assistance may be provided for a country in Latin America or the Caribbean under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), under chapter 5 of part II of that Act (relating to international military education and training), and under the Arms Export Control Act (relating to foreign military sales) only if that country has a democratically elected civilian government and requests such assistance.

SEC. 762. ALLOCATIONS OF ECONOMIC SUPPORT FUND ASSISTANCE.

For each of the fiscal years 1988 and 1989, not more than 30 percent of the amounts allocated for assistance for Latin America and the Caribbean under chapter 4 of part II of the Foreign Assistance Act of 1961 may be allocated for any single country.

SEC. 763. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $16,000,000 for fiscal year 1988 and $20,000,000 for fiscal year 1989 to carry out the purposes of this section.".

SEC. 764. ADMINISTRATION OF JUSTICE PROGRAM.

Section 534 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 534. ADMINISTRATION OF JUSTICE.

"(a) General Authority.—Subject to the provisions of this section, the President is authorized to furnish assistance to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean. To the fullest extent possible, such assistance shall be provided through multilateral or regional institutions. Such assistance shall be designed to—

"(1) promote respect for the rule of law and internationally recognized human rights by all elements of society;

"(2) improve the professionalism and effectiveness of the judicial system and increase the accessibility of the judicial system and its capabilities to operate humanely and fairly; and

"(3) promote the development of civilian democratic institutions, including an effective legal profession; an independent judiciary; professional, modern, and humane law enforcement agencies; and effective application of the principle of equal justice under law.

"(b) Types of Assistance Authorized.—Assistance under this section may only include the following:

"(1) Programs to support specialized professional training, scholarships, and exchanges for continuing legal education.

"(2) Programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases.

"(3)(A) Programs to enhance investigative and forensic capabilities, conducted under judicial or prosecutorial control. Among the programs conducted under this subparagraph shall be programs of training in procedures to investigate allegations of human rights violations and other crimes by law enforcement and military personnel.

"(B) Programs to assist in the development of academic instruction and curricula for training law enforcement personnel.

"(C) Programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel performance evaluation, and internal discipline procedures.

"(D) Programs, conducted through multilateral or regional institutions, to improve penal institutions and the rehabilitation of offenders.

"(4) Programs to strengthen professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform.

"(5) Programs to increase the availability of legal materials and publications.

"(6) Programs to provide seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights.

"(7) Programs to revise and modernize legal codes and procedures.

"(c) Prohibition on United States Military Involvement in Program.—Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the planning, management, training, or implementation of programs authorized by this section.

"(d) Equipment.—In carrying out this section, primary emphasis shall be placed on the provision of training and other services, rather than the provision of equipment. Not more than 25 percent of the funds made available each fiscal year for programs under subsection (b)(3) may be used to provide equipment. Funds made available to carry out this section may not be used to provide any lethal equipment.

"(e) Consultation With Assistant Secretary for Human Rights.—The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in the development and implementation of programs under this section, including determinations of the countries that will receive assistance and determinations of the nature of the assistance to be provided.

"(f) Advance Notice to Congress.—

"(1) In general.—Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act. Such notification shall specify the country which will receive the assistance and the amount, purpose, and nature of the assistance, including a detailed description of the assistance. Except as provided in paragraph (2), such notification shall be provided at least 15 days before the funds are obligated.

"(2) Special requirements.—In the case of assistance under subsection (b)(3), such notifications shall be given at least 30 days in advance and shall specify where the assistance is to be provided and the persons who will receive the training or otherwise be the recipients of the assistance.

"(3) Determinations.—Assistance may be provided under subsection (b)(3) only if the President determines, and certifies to the Congress in the notification required by this subsection, that the government of the recipient country, during the preceding 6 months, either—

"(A) made significant and demonstrated progress in eliminating human rights violations, including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, and prolonged detention without trial; or

"(B) respected internationally recognized human rights and did not engage in any of the human rights violations specified in subparagraph (A).

Each certification under subparagraph (A) shall discuss fully and completely the justification for making the determination with respect to each type of human rights violation specified in subparagraph (A).

"(g) Annual Report.—As part of the annual presentation materials on foreign assistance, the President shall submit a report to the Congress—

"(1) describing in detail the assistance provided to each country under this section during the preceding fiscal year, planned for the current fiscal year, and proposed for the coming fiscal year; and

"(2) describing, for each country receiving assistance under this section, how such assistance enhances judicial authority, humane and professional law enforcement, and respect for internationally recognized human rights, in particular internal disciplinary procedures and prosecutions of police and military personnel who are alleged to have engaged in human rights abuses and crimes, and the extent to which increased arrests and prosecutions have occurred or can be expected to occur as a result of the assistance.

"(h) Funding.—

"(1) ESF funds.—Not more than $28,000,000 of the funds made available to carry out this chapter for each of fiscal years 1988 and 1989 shall be available to carry out this section, in addition to amounts otherwise available for such purpose.

"(2) Transfer of MAP funds.—Not to exceed $6,000,000 of the funds made available to carry out chapter 2 of this part for each of fiscal years 1988 and 1989 may be transferred for use under this section. Any funds so transferred shall be counted against the $28,000,000 ceiling established by paragraph (1). Any transfer of funds under this paragraph shall be subject to the advance notification requirements specified in subsection (f)(1).

"(3) Reduction of earmarkings.—If the amount made available to carry out this section for fiscal year 1988 or for fiscal year 1989 is less than $28,000,000, the amounts specified in paragraphs (2), (4), and (5) of subsection (i) shall be deemed to be reduced for that fiscal year to the amount which bears the same ratio to the amount specified in that paragraph as the amount made available to carry out this section bears to $28,000,000.

"(4) Limitation on funding of certain programs.—Not more than $7,000,000 of the funds made available for each such fiscal year to carry out this section shall be used for the programs described in subsection (b)(3), excluding programs for El Salvador and Guatemala.

"(i) Assistance for Specific Countries.—

"(1) El Salvador.—Of the funds made available for each of the fiscal years 1988 and 1989 to carry out this section, not more than $3,000,000 may be used for El Salvador for programs described in subsections (b)(3).

"(2) Guatemala.—Of the funds made available for each of the fiscal years 1988 and 1989 to carry out this section, not less than $2,000,000 shall be available only for Guatemala for programs described in subsection (b)(3).

"(3) Honduras.—Of the funds made available for each of the fiscal years 1988 and 1989 to carry out this section, not more than $2,000,000 may be used for assistance for Honduras under this section.

"(4) Peru.—Of the funds made available for each of the fiscal years 1988 and 1989 to carry out this section, not less than $1,000,000 shall be available only for assistance for Peru under this section.

"(5) Colombia.—Of the funds made available for each of the fiscal years 1988 and 1989 to carry out this section, not less than $3,000,000 shall be used to provide to the Government of Colombia such assistance as it may request to provide protection against narcoterrorist attacks to judges, other government officials, and members of the press. The assistance authorized by this paragraph for Colombia is in addition to the programs authorized by subsection (b) of this section.

"(6) Haiti.—Section 741(a) of the International Security and Development Cooperation Act of 1987 authorizes up to $300,000 for each of the fiscal years 1988 and 1989 for assistance for Haiti under this section.

"(7) Paraguay.—Assistance may not be provided for Paraguay under this section for fiscal years 1988 and 1989.

"(8) Chile.—Assistance for Chile under this section is subject to the limitations contained in section 726(b) of the International Security and Development Cooperation Act of 1981.

"(j) Waiver of Certain Laws.—Assistance under this section may be provided without regard to section 660 of this Act. Notwithstanding any other provision of law which restricts assistance to foreign countries, assistance may be provided under this section for fiscal years 1988 and 1989 for programs for Peru and for programs for Brazil and Argentina which only involve their participation in regional and multilateral projects and activities.

"(k) Expiration Date.—The authority of this section shall expire on September 30, 1989.".

SEC. 765. CARIBBEAN-CENTRAL AMERICAN SCHOLARSHIP PARTNERSHIP.

(a) Establishment of Scholarship Program.—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships in the form of loans to enable students from eligible countries in the Caribbean and Central America to study in the United States.

(b) Grants to States.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate degree programs and for training programs of one year or longer in study areas related to the critical development needs of the students' respective countries.

(c) Consultation With States.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(d) Selection Panels.—The Administrator shall establish a selection panel for each eligible country to select the individuals from that country who will receive scholarships under this section. The panel shall consist of—

(1) one or more representatives of the Agency of International Development mission for that country;

(2) one or more representatives of the government of that country; and

(3) representatives of academic and other appropriate institutions of that country, who shall constitute a majority of the panel.

(e) Federal Share.—The Federal share for each year for which a State receives payments under this section shall be not less than 50 percent.

(f) Non-Federal Share.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(g) Private Sector Participation.—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(h) Funding.—Funds allocated for Latin American and Caribbean regional programs under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be used in carrying out this section.

(i) Eligible Countries.—As used in this section, the term "eligible country" means any country which is designated by the President as a beneficiary country pursuant to the Caribbean Basin Economic Recovery Act.

SEC. 766. ASSISTANCE TO NICARAGUA BY OTHER COUNTRIES.

(a) Findings.—The Congress finds that—

(1) President Arias of Costa Rica proposed, and on August 7, 1987, the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua signed, an historic agreement to bring peace to Central America; and

(2) the peace plan in that agreement calls for ceasefires, amnesties, dialogue, democratic processes, and the reduction of military forces.

(b) Sense of Congress.—It is the sense of the Congress that unless and until—

(1) the Nicaraguan Government is in full compliance with its obligations under the Central American Peace Agreement signed in Guatemala City on August 7, 1987, and

(2) democratic institutions are established in Nicaragua which result in broad respect for fundamental human rights of all citizens of that country,

the Governments of the countries of Western Europe should not provide any direct assistance to the Government of Nicaragua. Any assistance to the Nicaraguan people should be limited to aid provided through organizations which are not under the direct or indirect control of the Government of Nicaragua.

TITLE VIII—AFRICA

Part A—Africa Famine Recovery and Development

SEC. 801. SHORT TITLE.

This part may be cited as the "Africa Famine Recovery and Development Act".

SEC. 802. AFRICA FAMINE RECOVERY AND DEVELOPMENT.

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 6 the following new chapter:

"CHAPTER 7—AFRICA FAMINE RECOVERY AND DEVELOPMENT

"SEC. 171. FINDINGS.

"The Congress finds as follows:

"(1) Drought and famine, most recently in 1983-85, have caused countless deaths and untold suffering in sub-Saharan Africa and have also severely affected the region's long-term development. The most cost-effective and efficient way of addressing Africa's vulnerability to drought and famine is to address its long-term development needs.

"(2) Beyond humanitarian concerns, United States interests in sub-Saharan Africa lie primarily in the advancement of long-term, mutually beneficial economic and political relations. These relations can best be furthered by the promotion of long-term development through a process of economic growth that is equitable, participatory, environmentally sustainable, and self-reliant. A developing Africa will benefit the United States economically through expanded trade and investment, and politically through the avoidance of political turmoil, external interventions that exacerbate international conflicts, and hostility between rich and poor nations.

"(3) The development crisis in sub-Saharan Africa is a result of a combination of internal and external factors which include—

"(A) government neglect of the agricultural sector,

"(B) the stifling of private initiative through inappropriate economic policies, including artificially low farmgate prices and overvalued exchange rates, overextended bureaucracies, political corruption, and repression, and

"(C) worsening terms of trade, oil shocks, world recession, high interest rates, and external aggression.

"(4) Resolution of the development crisis in sub-Saharan Africa calls for, among other things, renewed and sustained real economic growth with increased involvement of the private sector. Political and economic development which protects and involves the individual must be encouraged. Agricultural production must expand to reduce the vulnerability of Africans to recurring drought and food shortages. Productive employment and real incomes must grow and this growth must be spread broadly among the population, for even in countries which are self-reliant in overall food availability, there are large segments of the population without the income or resources to acquire or produce sufficient food. Human productivity must be increased through improvements in health, education, and nutrition in order to expand and sustain the productive capacities of national economies.

"(5) A common cause of past failures of assistance has been the inadequate fit of the assistance and needs. There must be local level consultation and involvement in order to gain the benefit of local advice and participation in assisted projects and programs.

"(6) To provide more responsive, effective development assistance to the poor majority of men and women in sub-Saharan Africa, United States Government development agencies should learn from and build upon the capabilities and experience of African, United States, and other private and voluntary organizations active in local grass roots development efforts. These agencies should consult closely with such private and voluntary organizations and significantly factor their views into decisions on assistance, and they should also support the expansion and strengthening of activities of private and voluntary organizations without compromising their private and independent nature.

"(7) United States Government development agencies should ensure that assistance to sub-Saharan Africa reaches, in just proportions, African women who produce, market, process, and transport the overwhelming majority of the region's food.

"(8) While United States development assistance for sub-Saharan Africa should continue primarily to emphasize projects and programs that attack constraints to development in particular economic and social sectors, it should also provide program aid to address more general economic constraints such as maintenance and rehabilitation needs and inappropriate national economic policies that deny prices, markets, the private sector, and good public management their proper role in promoting African development. Assisted economic policy reforms should include provisions to protect vulnerable groups and long-term environmental interests.

"(9) United States development assistance should focus on critical development issues in the following interrelated sectors: agriculture, natural resources, health, population planning, education, and off-farm employment. Of increasing concern, as demonstrated by the recent famine, is the degradation of the natural resource base due to overgrazing, overharvesting of trees, and overcropping on fragile soils and to large-scale inappropriate development projects which have caused soil erosion, flooding, removal of tree cover, loss of water supplies, and desertification. Prompt action to maintain and restore the natural resource base is essential.

"(10) The effectiveness and efficiency of United States development assistance can be significantly increased through the making of a long-term commitment to development in sub-Saharan Africa, more flexible and integrated programming and improved organization, reporting, and evaluation of assistance, and greater participation in international coordination mechanisms by the governments in sub-Saharan Africa.

"(11) The United States and other international donors should adopt measures to alleviate more effectively the contemporary debt service burdens of low-income countries in sub-Saharan Africa. African debt has expanded more rapidly in recent years than that of any other region. Low-income African countries, the great majority of the world's poorer nations, have little capacity to generate the foreign exchange necessary to meet debt service obligations in a timely manner and maintain even existing levels of economic growth and living standards. The debt of low-income African countries is unique in that it is overwhelmingly owed to official rather than private creditors, and new private capital is generally unavailable to these countries.

"SEC. 472. LONG-TERM DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICA.

"(a) Authority To Provide Assistance.—The President is authorized to provide project and program assistance, on such terms and conditions as he may determine, for long-term development in sub-Saharan Africa.

"(b) Purpose of Assistance.—The purpose of assistance under this section shall be to help the poor majority of men and women in sub-Saharan Africa to participate in a process of long-term development through economic growth that is—

"(1) equitable, in that it enables the poor to increase their incomes and their access to productive resources and services so that they can satisfy their basic needs and lead lives of decency, dignity, and hope;

"(2) participatory, in that it enables the poor to contribute knowledge and other resources and to make and influence decisions that affect their lives;

"(3) environmentally sustainable, in that it maintains and restores the renewable natural resource base of the economy and wisely uses nonrenewable resources; and

"(4) self-reliant, in that it is based on indigenous institutions, private and public, local and national, that have the capacity (including the human resources and finances) to carry out development policies.

Assistance provided under this section should also, in a manner consistent with the preceding provisions of this subsection, encourage private sector development and promote individual initiatives and help to reduce the role of central governments in areas more appropriate for the private sector.

"(c) Application of Development Assistance General Authorities and Policies.—Except to the extent inconsistent with this section—

"(1) reference in any law to chapter 1 of this part (including references to sections 103 through 106, inclusive) shall be deemed to include reference to this section, and

"(2) assistance under this section shall be provided in accordance with the policies contained in section 102.

"(d) Private and Voluntary Organizations.—

"(1) Consultation to ensure local perspectives.—The agency primarily responsible for administering this part shall take into account the local-level perspectives of the rural and urban poor in sub-Saharan Africa during the initial planning and final review stages of the Country Development Strategy Statement, Mission Action Plan, and any similar annual country planning documents for project and program assistance under this section. In order to gain that perspective, the agency shall consult closely with African, United States, and other private and voluntary organizations which have demonstrated effectiveness in or commitment to the promotion of local, grass-roots activities on behalf of long-term development in sub-Saharan Africa as described in subsection (b). The agency shall establish, in each country which receives assistance under this section, specific and regular mechanisms for such consultation. Views and information emanating from such consultations shall be generally represented in annual assistance plans and significantly factored into decisions on project and program assistance under this section.

"(2) Funding for strengthening of development efforts.—In carrying out this section, the agency primarily responsible for administering this part shall make available funds for a significant (relative to fiscal year 1986) long-term expansion and strengthening of development efforts by African, United States, and other private and voluntary organizations which have demonstrated effectiveness in or a commitment to the promotion of local grassroots activities on behalf of long-term development in sub-Saharan Africa as described in subsection (b).

"(3) Simplified procedures.—The agency primarily responsible for administering this part is encouraged to review procedures for the development, approval, management, and evaluation of projects and programs to be carried out by private and voluntary organizations under this section and to simplify such procedures wherever appropriate. Such procedures should include incorporation of elements which would encourage a long-term perspective, a period of effective joint planning, and a collaborative assistance mode in approaching relationships and new project development.

"(4) Identification of relevant pvos.—In order to identify relevant private and voluntary organizations for purposes of this subsection, the agency primarily responsible for administering this part shall consult with organizations such as InterACTION (American Council for Voluntary International Action), PACT (Private Agencies Collaborating Together), the African Development Foundation, Churches Development Action in Africa, the Office of Technology Assessment, the International Fund for Agricultural Development, the International Labor Organization, the United Nations Children's Fund, and the United Nations Research Institute for Social Development.

"(5) Definition of private and voluntary organization.—For purposes of this section, the term 'private and voluntary organization' includes (in addition to entities traditionally considered to be private and voluntary organizations) cooperatives, credit unions, trade unions, women's groups, higher education institutions, nonprofit development research institutions, other intermediaries, and indigenous local organizations, which are private and nonprofit.

"(e) Local Involvement in Design and Implementation of Projects.—Local people shall be closely consulted and involved in all stages of the design and implementation of every project under this section which has a local focus.

"(f) Participation of African Women.—The agency primarily responsible for administering this part shall ensure that development activities assisted under this section incorporate a significant expansion of the participation (including decision-making) and integration of African women in each of the critical sectors described in subsection (h). The views of women as well as men shall be ascertained and factored into decisions relating to development activities which affect them, and every effort shall be made to assure adequate attention to gender differences and roles. Country Development Strategy Statements, Mission Action Plans, and any similar annual country planning documents for assistance prepared by such agency shall, for each sector in which assistance is to be provided, address how the participation and integration of women will be promoted and assess the extent to which participation and integration of women exists at the time such document is prepared.

"(g) Need for Maintenance and Rehabilitation Within Critical Sectors and Need for Reform of National Economic Policies.—

"(1) Use of program assistance.—The agency primarily responsible for administering this part shall utilize program assistance—

"(A) to meet the need for maintenance and rehabilitation within the critical sectoral priorities described in subsection (h), and

"(B) to promote reform of national economic policies to support these priorities.

Assistance under this section shall, however, continue to emphasize primarily projects and programs to address critical sectoral priorities for long-term development as described in subsection (h).

"(2) Examples of national economic policy reforms which can be supported.—Assistance may be provided to support such national economic policy reforms as correction of overvalued exchange rates, reduction of government budget deficits, raising of real prices of food crops, reform or privatization of inefficient parastatal enterprises, improved public management, and other reforms suggested in the consultation process pursuant to subsection (d)(1) which reflect the local-level perspective of the rural and urban poor in sub-Saharan Africa.

"(3) PROTECTION OF VULNERABLE GROUPS.—Assisted policy reforms shall also include provisions to protect vulnerable groups (especially poor, isolated, and female farmers and the urban poor) and long-term environmental interests from possible negative consequences of the reforms.

"(4) ADJUSTMENTS ON ACCOUNT OF DROUGHT.—Assistance under this section for national economic policy reforms shall take account of the need for adjustments should a recurrence of drought make it impossible to achieve the goals of the reforms.

"(h) CRITICAL SECTORAL PRIORITIES.—Assistance under this section shall be provided only with respect to the following critical sectoral priorities for long-term development as described in subsection (b):

"(1) AGRICULTURAL PRODUCTION AND NATURAL RESOURCES.—

"(A) AGRICULTURAL PRODUCTION.—Increasing agricultural production in ways which protect and restore the natural resource base, especially food production, through agricultural policy changes at the macroeconomic and sector levels, agricultural research (including participatory research directly involving small farmers) and extension, development, and promotion of agriculture marketing activities, credit facilities, and appropriate production packages, and the construction and improvement of needed production-related infrastructure such as farm-to-market roads, small-scale irrigation, and rural electrification. Emphasis shall be given to promoting increased equity in rural income distribution, recognizing the role of small farmers (the majority of whom are women) and the farm family. In view of the central role of women in sub-Saharan African food systems, gender roles shall be analyzed and taken into account in order to ensure the integration of women into development activities.

"(B) NATURAL RESOURCE BASE.—Maintaining and restoring the renewable natural resource base in ways which increase agricultural production, through the following:

"(i) Primary emphasis on small-scale, affordable, resource-conserving, low-risk local projects, using appropriate technologies (including traditional agricultural methods) suited to local environmental, resource, and climatic conditions, and featuring close consultation with and involvement of local people at all stages of project design and implementation. Emphasis shall be given to grants for African local government organizations, international or African nongovernmental organizations, and United States private and voluntary organizations. Appropriate activities include agroforestry, small-scale farms and gardens, and other innovative agricultural methods (including energy and resource-conserving techniques and use of organic or regenerative methods where feasible); check dams and terraces and other projects to prevent erosion or protect watersheds; tree planting for windbreaks, soil stabilization, or firewood; energy conservation and small-scale energy production to reduce consumption of firewood and animal wastes otherwise usable as fertilizer; sustained production from indigenous plants and animals, especially to conserve rangelands; and local education and training efforts.

"(ii) Significant support for efforts at national and regional levels to provide technical and other support for projects of the kinds described in clause (i) and to strengthen the capacities of African countries to provide effective extension and other services in support of environmentally sustainable increases in food production. Appropriate activities include strengthening institutions such as environmental authorities, soil conservation and forestry services, and nongovernmental organizations; providing seeds, seedlings, energy-efficient and resource-conserving devices, and other needed materials; and creating financial mechanisms to furnish credit to small farmers.

"(iii) Significant support for special training and education efforts to improve the capacity of countries in sub-Saharan Africa to manage their own environments and natural resources. Appropriate activities include support for African training and educational institutions; development of curricula; training and education components of projects of the kinds described in clauses (i) and (ii); training and education programs through national and local government extension services, nongovernmental organizations, and other appropriate indigenous institutions; establishment of cooperative arrangements between United States and African academic institutions; support for natural resource managers to participate in conferences, courses, seminars, and the like; and training of trainers.

"(2) HEALTH.—Improving health conditions in order to improve the quality of life of the people and their ability to contribute to economic growth, with special emphasis on meeting the health needs of mothers and children through the establishment of self-sustaining primary health care systems that give priority to preventive health.

"(3) VOLUNTARY FAMILY PLANNING SERVICES.—Providing increased access to voluntary family planning services, including encouragement of private, community, and local government initiatives, in order to allow couples to space the births of their children as they desire, thus contributing to improved health for mothers and children and reduced pressure on natural resources.

"(4) EDUCATION.—Improving the relevance to production and the efficiency of education, with substantial attention given to improving basic literacy and numeracy, especially to those outside the formal educational system, and improving primary education.

"(5) INCOME-GENERATING OPPORTUNITIES.—Developing income-generating opportunities for the unemployed and underemployed in urban and rural areas. Off-farm employment opportunities in micro- and small-scale labor-intensive enterprises shall be emphasized (especially those which relate to processing increased agricultural production and adding to the value of that production and to production of consumer goods in rural areas).

"(i) MINIMUM LEVELS OF ASSISTANCE FOR CERTAIN CRITICAL SECTORS.—Of the amount made available each fiscal year pursuant to section 473—

"(1) not less than 10 percent shall be used for activities described in paragraph (1)(B) of subsection (h), including identifiable components of agricultural production projects,

"(2) not less than 10 percent shall be used for activities described in paragraph (2) of subsection (h), and

"(3) not less than 10 percent shall be used for activities described in paragraph (3) of subsection (h).

"(j) AFRICAN AGRICULTURAL UNIVERSITY DEVELOPMENT.—Given the critical role in African growth and development that indigenous institutions of higher education can play in developing agriculture and human resources and in furtherance of subsection (h)(1)(A), the Administrator of the agency primarily responsible for administering this part is directed to provide support for strengthening and developing selected African higher education institutions in order to address the problems of food production and distribution. In order to create continuing support for applied agricultural research and education, this support should, to the maximum extent possible, promote linkages (A) between agricultural research and extension activities in sub-Saharan Africa through the involvement of institutions of higher education, and (B) between African institutions of higher education and indigenous farmers' associations. This support should be provided on a long-term basis in recognition of the complexity of institution-building efforts and should utilize, in a collaborative manner, the capabilities and expertise of United States universities participating in programs under title XII of chapter 2 of this part. The Administrator shall consult with the Board for International Food and Agricultural Development on effective means of implementing this subsection.

"(k) IN-COUNTRY NATURAL RESOURCES AND ENVIRONMENTAL TRAINING.—The Administrator of the agency primarily responsible for administering this part shall use not less than the following amounts of the funds made available to carry out this section for in-country natural resources and environmental training in sub-Saharan Africa:

"(1) For fiscal year 1988, the amount used for such training for fiscal year 1987.

"(2) For fiscal year 1989 and each fiscal year thereafter, not less than 4 percent of the funds made available for that fiscal year (pursuant to paragraph (1) of subsection (i)) to carry out subsection (h)(1)(B).

Local currencies accruing under this Act or the Agricultural Trade Development and Assistance Act of 1954 may be used in carrying out this subsection in lieu of an equal amount of dollars.

"(l) COUNTRY DEVELOPMENT STRATEGIES.—In carrying out this section, the agency primarily responsible for administering this part shall formulate coherent country development assistance strategies that explicitly analyze and address—

"(1) relationships among various activities within the same sector and among different sectors;

"(2) the desirability of concentrating assistance on a limited number of eligible sectors, based on country circumstances, for maximum effectiveness; and

"(3) relationships between local and national level activities.

"(m) EFFECTIVE USE OF ASSISTANCE.—Assistance provided under this section shall be concentrated in countries which will make the most effective use of such assistance in order to fulfill the purpose specified in subsection (b), especially those countries (including those of the Sahel region) having the greatest need for outside assistance. Assistance shall not be allocated for a project or program in a country where the relevant sector or national economic policies are clearly unfavorable to the sustainability or broadened impact of the assisted activity.

"(n) GENERATED LOCAL CURRENCIES.—

"(1) GENERATED UNDER THIS SECTION.—Local currencies generated under this section by the sale of imports or foreign exchange by the government of a country in sub-Saharan Africa shall be deposited in a special account established by that government. These local currencies shall be available only for use, in accordance with an agreement with the United States, for development activities which are consistent with the policy directions of section 102 and which would be eligible for assistance under this section, except that the agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government. The agency primarily responsible for administering this part shall carefully monitor the deposit of local currencies and their application to specific developmental activities in accordance with this paragraph.

"(2) GENERATED UNDER OTHER LAWS.—Local currencies generated in sub-Saharan Africa under chapter 4 of part II of this Act (relating to the Economic Support Fund) or under section 106(b)(2), section 206, or title III of the Agricultural Trade Development and Assistance Act of 1954 (relating to the Food for Peace program) that are to be used for development activities shall be used only for activities which would be eligible for assistance under this section.

"(o) DONOR COORDINATION MECHANISM.—Funds made available to carry out this section may be used to assist the governments of countries in sub-Saharan Africa to increase their capacity to participate effectively in donor coordination mechanisms at the country, regional, and sector levels.

"(p) RELATION TO OTHER AUTHORITIES.—The authority granted by this section to provide assistance for long-term development in sub-Saharan Africa is not intended to preclude the use of other authorities for that purpose. Centrally-funded programs which benefit sub-Saharan Africa shall continue to be funded under chapter 1 of this part.

"SEC. 473. AUTHORIZATIONS OF APPROPRIATIONS FOR ASSISTANCE FOR SUB-SAHARAN AFRICA.

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to the President $450,000,000 for fiscal year 1988, $450,000,000 for fiscal year 1989, $450,000,000 for fiscal year 1990, $500,000,000 for fiscal year 1991, and $550,000,000 for fiscal year 1992 for assistance for sub-Saharan Africa under section 472 and section 477(b).

"(b) EXTENDED AVAILABILITY OF FUNDS.—Funds appropriated under this section are authorized to remain available until expended. It is the sense of the Congress that the authority of this subsection should be used to extend the period of availability of those funds whenever appropriate to improve the quality of assistance provided under section 472.

"(c) LIMITATION ON TRANSFERS BETWEEN ACCOUNTS.—

"(1) DEVELOPMENT ASSISTANCE TRANSFER AUTHORITY.—The transfer authority contained in section 109 shall not apply with respect to this chapter.

"(2) GENERAL TRANSFER AUTHORITY.—The transfer authority contained in section 610(a) may not be used to transfer funds made available to carry out this section in order to allow them to be used in carrying out any other provision of this Act.

"SEC. 474. AID ORGANIZATIONAL CHANGES.

"(a) DEVELOPMENT OF PLAN FOR CHANGES.—

"(1) REQUIREMENT FOR PREPARATION OF PLAN.—The Administrator of the agency primarily responsible for administering this part shall develop a plan for organizational changes within the agency in order to carry out section 472 with maximum effectiveness.

"(2) MEASURES TO BE CONSIDERED.—In preparing this plan, the Administrator shall seriously consider measures to increase substantially the proportion of in-country staff time spent on field work at the local grass roots level, develop greater language competence among in-country United States staff, increase the period of in-country assignments, increase the utilization and training of locally hired African staff, increase staff trained in macroeconomics and African political economy to enhance the capacity to provide assistance in policy reform and in technical areas (especially environmental science), and revise personnel incentive and evaluation systems in order to achieve the purpose specified in section 472(b).

"(3) CONSULTATION WITH AND SUBMISSION OF PLAN TO CONGRESS.—The plan required by this subsection—

"(A) shall be developed in consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and

"(B) shall be submitted to those committees by the Administrator within 120 days after the date of enactment of this chapter.

"(b) FUNDING FOR INCREASED AID ORGANIZATIONAL RESOURCES FOR SUB-SAHARAN AFRICA.—

"(1) AUTHORITY TO TRANSFER FUNDS.—The Administrator of the agency primarily responsible for administering this part may transfer up to 5 percent of the funds made available each fiscal year pursuant to section 473 to the 'Operating Expenses of the Agency for International Development' account for use in increasing (above the level of resources available for fiscal year 1987) the organizational resources which the agency has available for development assistance activities for sub-Saharan Africa. These funds shall be in addition to amounts otherwise allocated to the agency's Bureau for Africa.

"(2) CONSULTATION.—Such transfers may be made only after consultation with the committees specified in subsection (a)(3).

"(3) POLICY ON DETERMINING AMOUNT TO BE TRANSFERRED.—The extent to which funds are made available pursuant to this subsection in order to increase the organizational resources available for development assistance activities for sub-Saharan Africa should be determined by the extent to which the plan developed pursuant to subsection (a) achieves the objectives specified in that subsection.

"SEC. 475. EVALUATIONS.

"(a) DEVELOPMENT OF EVALUATION PLAN.—

"(1) REQUIREMENT FOR PREPARATION.—The Administrator of the agency primarily responsible for administering this part shall develop a plan for evaluating the agency's progress in achieving the purpose specified in section 472(b). This plan shall provide for—

"(A) an interim evaluation to be reported to the committees specified in subsection (b) by October 1, 1989, and a summary evaluation to be reported to those committees by February 1, 1993;

"(B) the establishment of specific criteria for measuring the performance of United States development assistance for the poor majority of men and women in sub-Saharan Africa in fostering economic growth; increasing the income of the poor, the access by the poor to productive assets and services, and the satisfaction of basic human needs of the poor; maintaining and restoring the renewable natural resource base of the economy; enabling the poor to contribute knowledge and other resources and to make and influence decisions that affect their lives; and enhancing the capacity of indigenous institutions to carry out development policies;

"(C) the collection and on-going monitoring of base-line data for future measurement of the effectiveness of assistance and consideration of exogenous and endogenous factors influencing the impact of development assistance; and

"(D) measures by which the evaluations contained in subparagraph (A) will be used to institutionalize learning within the agency, especially with regard to program planning, and within the international donor community generally.

"(2) CONSULTATION WITH AND SUBMISSION OF PLAN TO CONGRESS.—The plan required by this subsection—

"(A) shall be developed in consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and

"(B) shall be submitted to those committees by the Administrator within 120 days after the date of enactment of this chapter.

"(b) INDEPENDENT EVALUATION.—It is the sense of the Congress that there should be independent evaluations of the performance of the agency primarily responsible for administering this part in achieving the objectives specified in subparagraph (B) of subsection (a)(1).

"SEC. 476. OTHER ASSISTANCE PROGRAMS.

"To the maximum extent practicable, resources allocated for sub-Saharan Africa under chapter 4 of part II (relating to the Economic Support Fund), title IV of chapter 2 of this part (relating to the Overseas Private Investment Corporation), the Export-Import Bank Act of 1945, the Peace Corps Act, and the African Development Foundation Act shall be used to provide assistance which meets the criteria specified in section 472(b). To the maximum extent practicable, the agency primarily responsible for administering this part should use resources and authorities available under the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, and the Food for Progress Act of 1985 to complement the assistance provided under section 472.

"SEC. 477. INTERNATIONAL ORGANIZATIONS AND MULTILATERAL DEVELOPMENT BANKS.

"(a) FINDINGS.—The Congress finds as follows:

"(1) International organizations have provided significant and critical support for development and humanitarian efforts in sub-Saharan Africa, which has effectively complemented assistance provided by the United States.

"(2) International organizations must continue to play a significant role in addressing issues of critical importance to development in sub-Saharan Africa, such as agricultural production and research, maternal and child health care, family planning, primary and technical education, and the maintenance of the natural resource base. Among the international organizations which have played a prominent role in these areas are the United Nations Development Program, the International Fund for Agricultural Development, the United Nations Children's Fund, the United Nations Environment Program, and the United Nations Development Fund for Women.

"(3) The African Development Bank and the African Development Fund, as the most prominent development institutions in the region, and the International Bank for Reconstruction and Development (especially through the activities of the International Development Association), play a significant role in financing development, in influencing economic policy issues, and in providing training for the region's development leaders. The sectoral priorities of these institutions, which include lending to help countries meet their basic food requirements, to develop their human resource potential through education and health programs, and to create basic infrastructure, are consistent with the objectives of this chapter.

"(4) The Special Facility for Africa of the International Development Association is an important new institution whose purpose is to increase significantly the amount and effectiveness of development resources available to sub-Saharan Africa.

"(b) Funding for Activities of International Organizations.—The President is authorized to make available such amounts from the funds made available pursuant to section 473 as the President deems appropriate to support activities of international organizations which are consistent with the purpose specified in section 472(b) and are undertaken in coordination with the agency primarily responsible for administering this part. Any funds made available under this subsection shall be in addition to amounts authorized to be made available to such organizations from other sources.

"(c) Multilateral Development Banks.—The President is encouraged to use the authorities provided in section 472 in cooperation with activities of the multilateral development banks in sub-Saharan Africa, particularly when such activities are directed toward the encouragement of policy reforms in the beneficiary countries.

"SEC. 478. RESCHEDULING OF DEBT SERVICE PAYMENTS FOR LOW-INCOME COUNTRIES.

"(a) Rescheduling of United States Government Loans.—

"(1) Debt rescheduling for certain low-income countries.—The Congress strongly urges the President to provide debt rescheduling in accordance with paragraph (2) to a country in sub-Saharan Africa if—

"(A) that country had an average per capita income in 1984 of less than $550; and

"(B) at any time during the period beginning on October 1, 1987, and ending on September 30, 1992—

"(i) an International Monetary Fund standby agreement is in effect with respect to that country, or

"(ii) a structural adjustment program of the International Bank for Reconstruction and Development or of the International Development Association is in effect with respect to that country, or

"(iii) the President finds that, although such an agreement or program is not in effect, the country has indicated its intention and determination to pursue national economic policy reforms which are consistent with paragraphs (2), (3), and (4) of section 472(g).

"(2) Nature of debt rescheduling to be given.—The debt rescheduling called for in paragraph (1) is the granting of a grace period of 5 years on all payments (including arrearages) to the United States Government with respect to loans made under chapter 1 of this part or chapter 4 of part II of this Act and with respect to sales for dollars on credit terms or for convertible foreign currencies under the Agricultural Trade Development and Assistance Act of 1954. This grace period should begin on October 1, 1987, or the first date thereafter (before October 1, 1992) when the country first meets the specifications described in paragraph (1). At the end of the grace period, payments to the United States should resume with all payments due 5 years after they were originally scheduled. No interest or other charge should apply with respect to the grace period.

"(3) Notice to congress.—The President shall notify the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate of any debt rescheduling granted in accordance with this subsection within 15 days after the rescheduling is approved.

"(b) Policy on Use of Funds for Payment of Official Debt.—It shall be the policy of the United States that funds made available to carry out section 472 not be used by any country in sub-Saharan Africa to make payments with respect to any official debt owed by that country to the United States Government, any foreign government, or any multilateral lending institution. Exceptions to this policy may be made (1) only in certain instances where the recipient country's debt service is a significant barrier to development and where such payments would have a significant effect in leveraging additional flows of development finance, and (2) only after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.".

SEC. 803. REPORTS TO CONGRESS.

(a) Annual Foreign Assistance Reports.—Section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by redesignating paragraph (12) as paragraph (13); and

(3) by inserting the following new paragraph (12) after paragraph (11):

"(12) a description, which shall be submitted as part of the annual congressional presentation materials for economic assistance, of the progress made in carrying out chapter 7 of part I (relating to Africa Famine Recovery and Development), including, for each country and for sub-Saharan Africa as a whole, a description of—

"(A) the activities undertaken and the modes of assistance employed, including the amounts obligated and expended (including local currencies);

"(B) consultation to ensure local perspectives as described in section 472(d)(1);

"(C) the assistance provided to private and voluntary organizations pursuant to section 472(d)(2), specifying the amounts obligated and expended for such assistance and comparing these amounts with those provided for the previous fiscal year, and describing the steps taken to simplify procedures with respect to projects and programs carried out by such organizations;

"(D) the consultation with and involvement of local people in the design and implementation of projects having a local focus;

"(E) the extent to which there has been a significant expansion of the participation and integration of African women in each of the critical sectors specified in section 472(h);

"(F) program assistance provided to meet needs for maintenance and rehabilitation within critical sectors and to promote national economic policy reforms, including the amounts obligated and expended and the specific criteria used for assistance for national economic policy reforms;

"(G) assistance for the critical sectoral priorities specified in section 472(h), by sector, including the amounts obligated and expended, and how country development assistance strategies address issues of sectoral and other linkages and priorities;

"(H) the support provided for African higher education institutions in order to address the problems of food production and distribution, and the progress being made in strengthening and developing those institutions;

"(I) the concentration of assistance by country, and any decision not to allocate assistance because of unfavorable sector or national economic policies;

"(J) organizational changes undertaken pursuant to section 474, and amounts obligated and expended for these changes; and

"(K) assistance provided to the governments of countries in sub-Saharan Africa for donor coordination efforts, including the amounts obligated and expended; and".

(b) Reprogramming Notifications.—Section 634A of that Act is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting the following new subsection (c) after subsection (b):

"(c) The notification requirement of this section does not apply to the reprogramming of funds to carry out section 472 (relating to Africa famine recovery and development).".

SEC. 804. CONFORMING AMENDMENTS.

(a) Foreign Assistance Act.—The Foreign Assistance Act of 1961 is amended as follows:

(1) Private sector revolving fund.—In section 108(b), by inserting "and chapter 7 of this part" after "this chapter".

(2) Integrating women into national economies.—In section 113(b)(1), by inserting "and chapter 7 of this part" after "this chapter".

(3) Human rights activities.—In section 116(e)(1)—

(A) by inserting ", chapter 7 of this part," after "available under this chapter"; and

(B) by inserting before the period at the end of the first sentence "or under chapter 7 of this part, except that funds made available under chapter 7 of this part may only be used under this subsection with respect to countries in sub-Saharan Africa".

(4) Environment and natural resources.—In section 117(c)(1), by inserting "and chapter 7 of this part" after "this chapter".

(5) Sahel development program.—By repealing sections 120 and 121.

(6) General authorities.—In section 122, by inserting "and chapter 7 of this part" after "this chapter".

(7) PVOs.—In subsection (e) of section 123, as so redesignated by section 312 of this Act, by inserting "and chapter 7 of this part" after "this chapter".

(8) Development and illicit narcotics production.—In section 126(b)(1), by inserting ", and chapter 7 of this part," after "this chapter".

(9) Targeted assistance.—In subsections (a) and (b) of section 128, by inserting "and chapter 7 of this part" after "this chapter".

(10) ESF.—In section 531(a), by inserting "or, in the case of countries in sub-Saharan Africa, chapter 7 of part I" after "chapter 1 of part I".

(b) Public Law 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 106(b)(2), by inserting "or, in the case of sub-Saharan Africa, paragraphs (1) through (3) of section 472(h) of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961";

(2) in clause (3)(A) of section 206, by inserting "(or in the case of sub-Saharan Africa, paragraph (1) of section 472(h) of that Act)" after "section 103 of the Foreign Assistance Act of 1961";

(3) in section 301(b), by inserting "or, in the case of sub-Saharan Africa, paragraphs (1) through (3) of section 472(h) of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961"; and

(4) in section 303(b), by inserting "(or in the case of sub-Saharan Africa, paragraph (1) of section 472(h) of that Act)" after "section 103 of the Foreign Assistance Act of 1961".

SEC. 805. AFRICAN FAMINE ASSISTANCE.

(a) Relation to Long-Term Development.—Section 495K(a) of the Foreign Assistance Act of 1961 is amended by adding after the second sentence the following: "Where appropriate, recovery activities assisted under this section should serve as the foundation for long-term development activities undertaken pursuant to section 472 of this Act.".

(b) Management Support Activities.—Paragraph (3) of section 495K(b) of that Act is amended to read as follows:

"(3) Management support activities.—Amounts allocated to carry out this section may be transferred to the 'Operating Expenses of the Agency for International Development' account and used for management support activities associated with the planning, monitoring, and supervision of assistance provided under this section.".

SEC. 806. AFRICAN DEVELOPMENT FOUNDATION.

(a) Sense of Congress.—It is the sense of the Congress that the purposes of the African Development Foundation, as set forth in the African Development Foundation Act, which include supporting self-help activities at the local level, fostering effective participation, and encouraging the establishment and growth of indigenous development institutions which can respond to the requirements of the poor, are consistent with the purpose specified in section 472(b) of the Foreign Assistance Act of 1961 (as enacted by section 802 of this Act).

(b) Authorization of Appropriations.—Section 510 of the African Development Foundation Act is amended by striking out all of the first sentence that follows "purpose," and inserting in lieu thereof "$7,500,000 for fiscal year 1988 and $7,500,000 for fiscal year 1989.".

(c) Independent Evaluation of the Foundation.—It is the sense of the Congress that the Office of Technology Assessment should conduct an independent evaluation of the performance of the African Development Foundation in carrying out its purposes and in assuring the sustainability and replicability of the development efforts which the Foundation supports.

SEC. 807. UNITED STATES TRADE RESTRICTIONS ON PRODUCTS FROM SUB-SAHARAN AFRICA.

(a) Need To Reduce Restrictions.—It is the sense of the Congress that special efforts should be undertaken to reduce trade barriers and promote economic interchange between the United States and developing countries in sub-Saharan Africa.

(b) GAO Study.—The Comptroller General shall conduct a study to determine the restrictions which affect the importation into the United States of products of developing countries in sub-Saharan Africa. To the maximum extent possible, this study shall—

(1) identify the principal United States imports from sub-Saharan Africa;

(2) identify the United States trade with and determine restrictions which affect the importation of products from sub-Saharan Africa;

(3) assess the economic loss to sub-Saharan Africa caused by United States trade restrictions;

(4) assess the economic cost to the United States, in both job loss and dollar loss, of removing those restrictions;

(5) examine United States trade with such countries and identify efforts already made by the United States to reduce barriers and extend preferential tariff treatment to sub-Saharan Africa; and

(6) survey the impact of actions by European countries and others to reduce trade barriers with sub-Saharan Africa.

(c) Report to Congress.—Not later than June 1, 1988, the Comptroller General shall submit a report to the Congress on the results of the study conducted pursuant to subsection (b). This report shall include such recommendations for administrative or legislative action as the Comptroller General finds appropriate based on the study.

SEC. 808. EFFECTIVE DATE.

The amendments made by this part shall take effect on the date of enactment of this Act, but shall apply with respect to fiscal years beginning on or after October 1, 1987.

PART B—OTHER PROVISIONS RELATING TO SUB-SAHARAN AFRICA

SEC. 821. BALANCE-OF-PAYMENTS SUPPORT FOR COUNTRIES IN AFRICA.

(a) ESF Commodity Import and Sector Programs.—Agreements with countries in Africa which provide for the use of funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for the fiscal years 1988 and 1989 to finance imports by those countries (under commodity import programs or sector programs) shall require that those imports be used to meet long-term development needs in those countries in accordance with the following criteria:

(1) Spare parts and other imports shall be allocated on the basis of evaluations, by the agency primarily responsible for administering part I of that Act, of the ability of likely recipients to use such spare parts and imports in a maximally productive, employment generating, and cost effective way.

(2) Imports shall be coordinated with investments in accordance with the recipient country's plans for promoting economic development. The agency primarily responsible for administering part I of that Act shall assess such plans to determine whether they will effectively promote economic development.

(3) Emphasis shall be placed on imports for agricultural activities which will expand agricultural production, particularly activities which expand production for export or production to reduce reliance on imported agricultural products.

(4) Emphasis shall also be placed on a distribution of imports having a broad development impact in terms of economic sectors, geographic regions, and social equity.

(5) In order to maximize the likelihood that the imports financed by the United States under such chapter are in addition to imports which would otherwise occur, consideration shall be given to historical patterns of foreign exchange uses.

(b) Annual Evaluations.—The agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct annual evaluations of the extent to which the criteria set forth in this section have been met.

SEC. 822. SUPPORT FOR THE SOUTHERN AFRICA DEVELOPMENT COORDINATION CONFERENCE.

(a) Assistance for SADCC Projects.—

(1) Earmarking of funds.—Of the amounts authorized to be appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), not less than $50,000,000 for fiscal year 1988, not less than $50,000,000 for fiscal year 1989, not less than $50,000,000 for fiscal year 1990, not less than $50,000,000 for fiscal year 1991, and not less than $50,000,000 for fiscal year 1992, shall be available only to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the 9 member states forming that regional institution.

(2) Uses of funds.—Of the amounts made available pursuant to this subsection each fiscal year, not less than 50 percent shall be available for the transportation sector, and the remaining amount shall be available for one or more of the following sectors: manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity); and industrial development and trade (including private sector initiatives).

(3) Waiver of restrictions.—Funds made available pursuant to this subsection may be used without regard to section 620(q) of the Foreign Assistance Act of 1961 or any similar provision.

(b) Security of SADCC Projects.—The Congress urges the President to use diplomatic means, including multilateral negotiations and cooperation with international organizations, to protect the security of projects supported by the Southern Africa Development Coordination Conference from external attack, and urges the Government of South Africa to respect the territorial integrity of these states and to refrain from direct or indirect military aggression across its borders.

(c) Policy on Assistance to Certain Countries.—It is the sense of the Congress that assistance should not be provided under subsection (a) for projects or programs in any country which has not made best efforts to prevent the operation in its territory of any organization that supports, encourages, or will not renounce the practice of terrorism, including "necklacing" and state terrorism, against South African blacks.

SEC. 823. ASSISTANCE FOR ZAIRE.

(a) Economic Assistance.—For each of the fiscal years 1988 and 1989, any economic assistance provided for Zaire under the Foreign Assistance Act of 1961 shall be provided under chapter 7 of part I (as enacted by part A of this title), and may not be provided under chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund). Such assistance shall be provided, to the maximum extent practicable, through private and voluntary organizations.

(b) MILITARY ASSISTANCE.—For each of the fiscal years 1988 and 1989—

(1) the value of assistance provided under chapter 2 of part II of the Foreign Assistance Act of 1961 for Zaire may not exceed $4,000,000; and

(2) financing may not be provided under the Arms Export Control Act for Zaire.

SEC. 824. ASSISTANCE FOR LIBERIA.

(a) WITHHOLDING OF ASSISTANCE PENDING CERTIFICATIONS.—Assistance for Liberia under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), under chapter 4 of part II of that Act (relating to the economic support fund), or under title I of the Agricultural Trade Development and Assistance Act of 1954—

(1) for fiscal year 1988, may not be made available before April 1, 1988, and

(2) for fiscal year 1989, may not be made available before December 31, 1988,

and may be made available only after the end of the 30-day period beginning on the date on which the certification for that fiscal year described in subsection (b) has been submitted to the Congress.

(b) CERTIFICATION REQUIRED.—The certification for each fiscal year required by subsection (a) is a certification submitted to the Speaker of the House of Representatives and chairman of the Committee on Foreign Relations of the Senate on or after the date specified in that subsection in which—

(1) the Administrator of the Agency for International Development certifies that the Government of Liberia—

(A) between July 1, 1987, and April 1, 1988 (in the case of fiscal year 1988) or December 31, 1988 (in the case of fiscal year 1989), has complied with the Agency's fiscal year 1986 Conditions Precedent as stated in its Program Assistance Authorization Document and Conditions Precedent in the Program Assistance Authorization Documents for fiscal years 1987 and 1988;

(B) between July 1, 1987, and April 1, 1988 (in the case of fiscal year 1988) or December 31, 1988 (in the case of fiscal year 1989), has not made any extra-budgetary expenditures, has not borrowed from any source, whether local or foreign, in anticipation of future tax receipts, profit sharing, maritime revenues, or other revenues, has not used off-shore funds for the financing of domestic expenditures, and has not permitted public expenditures to exceed allocations;

(C) between July 1, 1987, and April 1, 1988 (in the case of fiscal year 1988) or December 31, 1988 (in the case of fiscal year 1989), has not diverted or misused any United States assistance; and

(D) has paid all amounts owed to the local currency accounts, established pursuant to the Agricultural Trade Development and Assistance Act of 1954, for the shortfalls in its payments for the fiscal years 1983 and 1984; and

(2) the President certifies that the Government of Liberia has demonstrated its commitment to progress toward improving human rights conditions by fulfilling each of the following:

(A) the removal of all restrictions on the right of political parties to form coalitions and the right of opposition parties to freely organize, assemble, and disseminate their views;

(B) the lifting of restrictions on freedom of the press; and

(C) the restoration of an independent judiciary.

Any certification pursuant to this subsection shall discuss fully and completely the justification for making each of the determinations required by this subsection and shall contain a full description of the assistance which is proposed to be provided and the purposes to which it is directed.

SEC. 825. POLICY REGARDING KENYA.

(a) FINDINGS.—The Congress finds that—

(1) friendship and longstanding mutual interests bind the United States and Kenya; and

(2) the decline in freedom of political expression in Kenya, intolerance of elements of society critical of government polices, increased detentions for political views, and reports of mistreatment of prisoners could ultimately jeopardize bilateral relations.

(b) UNITED STATES POLICY.—It is therefore the policy of the United States that the provision of security assistance for Kenya for fiscal years 1988 and 1989 shall bear a relation to the Government of Kenya taking significant steps toward improving human rights conditions in Kenya.

SEC. 826. POLICY REGARDING SUDAN.

(a) FINDINGS.—The Congress finds that—

(1) friendship and mutual interests bind the United States and Sudan; and

(2) the peace, security, and economic development of Sudan depend in large part on addressing the problems associated with the traditional north-south division in that country, particularly the need to assure religious freedom and equitable economic development, through political rather than military means.

(b) UNITED STATES POLICY.—It is therefore the policy of the United States that the provision of security assistance for Sudan for fiscal years 1988 and 1989 shall bear a relation to the Government of Sudan making progress toward reaching a political settlement with all parties to the conflict in the south of Sudan.

SEC. 827. ASSISTANCE FOR THE PEOPLE'S REPUBLIC OF MOZAMBIQUE.

(a) FINDINGS.—The Congress finds that—

(1) mutual interests, bilateral and regional in nature, bind the United States and Mozambique;

(2) there is encouraging proof of—

(A) shifts in the Mozambique Government's macroeconomic policy and its openness to the West, and

(B) actions taken by the Government of Mozambique to improve human rights, as detailed in the State Department's Country Reports on Human Rights Practices for 1986, including the recent halt to the execution of insurgents and persons guilty of economic sabotage, and the campaign begun in 1985 to improve the legal rights of detainees;

(3) together these changes raise the possibility of improved relations between the United States and this strategically important country;

(4) the military conflict with the Mozambique National Resistance (RENAMO) has created an extremely difficult domestic climate, involving significant evidence of systematic human rights abuses by RENAMO;

(5) there is nonetheless a continuing need for the Government of Mozambique to take deliberate steps to improve human rights, particularly with respect to the unlimited power to detain which is presently enjoyed by the state security forces (SNASP), the continued killing of innocent civilians during military operations, the capricious and cruel treatment of prisoners, and the excessive and illegal floggings of individuals; and

(6) the Catholic Bishops of Mozambique, in the Pastoral Letter of April 30, 1987, stated that "the only solution for peace and honor is dialogue and national reconciliation . . . We are appealing to all people, organizations and governments, to help the country achieve peace through peaceful means and political dialogue, and national reconciliation to help our people build a society of brotherhood and prosperity".

(b) ECONOMIC ASSISTANCE.—The funds authorized to be appropriated for fiscal years 1988 and 1989 to carry out chapter 7 of part I (relating to Africa famine recovery and development) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 that are allocated for bilateral assistance to the People's Republic of Mozambique shall be used solely for assistance to the private sector of the economy of Mozambique to the maximum extent practicable. To the maximum extent practicable, such funds shall be channeled to nongovernmental entities in Mozambique.

(c) MILITARY ASSISTANCE.—

(1) CONDITION ON ASSISTANCE.—None of the funds authorized to be appropriated for fiscal year 1988 or fiscal year 1989 to carry out chapter 2 of part II (relating to grant military assistance) or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 shall be used to provide assistance to the People's Republic of Mozambique unless the President makes the certification described in paragraph (2) before providing any such assistance for that fiscal year.

(2) CERTIFICATION REQUIRED.—The certification required by paragraph (1) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that the Government of the People's Republic of Mozambique—

(A) is making a concerted and significant effort to comply with internationally recognized human rights;

(B) is making continued progress in implementing essential economic and political reforms, including the restoration of private property and respect for the right to engage in free enterprise in all sectors of the economy;

(C) continues to show signs of progress in reducing the number of Soviet bloc advisors; and

(D) has held or is committeed to holding competitive elections, and has offered political amnesty to opposition paramilitary forces, including the right to participate nonviolently in the national political process.

SEC. 828. RESTRICTION ON MILITARY ASSISTANCE TO COUNTRIES EXPORTING OIL TO SOUTH AFRICA.

(a) STUDY BY THE PRESIDENT.—The President shall conduct a study of the extent to which the purpose of the prohibition on the export of crude oil and refined petroleum products, which is imposed by section 321 of the Comprehensive Anti-Apartheid Act of 1986, is being rendered less effective by direct or indirect sales of such oil and products to South Africa from other countries.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a), including an identification of those countries that are selling crude oil and refined petroleum products, directly or indirectly, to South Africa. Such report shall include an assessment of the extent to which terminating United States military sales and assistance to the countries specified in the report would induce such countries to refrain from such sales to South Africa, and an assessment of the implication for United States national security of terminating such military sales and assistance.

SEC. 829. STUDY AND REPORT ON ATTEMPTS TO UNDERMINE IMPORT SANCTIONS AGAINST SOUTH AFRICA.

(a) STUDY BY THE PRESIDENT.—The President shall conduct a study of the extent to which the prohibitions on the importation of articles of South Africa, which are imposed by the Comprehensive Anti-Apartheid Act of 1986, are being circumvented by any of the following methods:

(1) The transshipment of articles of South Africa through other countries, during the course of which information with respect to the country of origin of the articles is falsified by means of falsification of labeling or ship's records, the establishment of dummy corporations, or otherwise.

(2) The transformation of an article of South Africa in another country by the addition of labor and materials comprising up to 65 percent of the value of the article so transformed.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a), including an identification of those countries described in that subsection, with a view to terminating military assistance to those countries.

SEC. 830. ECONOMIC ASSISTANCE FOR SUB-SAHARAN AFRICA.

(a) EARMARKING.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $85,000,000 for each of the fiscal years 1988 and 1989 shall be available only for assistance for sub-Saharan Africa.

(b) AUTHORIZATION.—In order that the earmarking of funds for sub-Saharan Africa contained in subsection (a) not reduce the amount of funds authorized for other regions of the world, there is authorized to be appropriated for each of the fiscal years 1988 and 1989 $85,000,000 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961.

SEC. 831. SOUTH AFRICA.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, in light of the continued abuse of the most fundamental human rights by the Government of South Africa, the President should make every effort to encourage and influence our European and other allies to join in applying sanctions as outlined in the Comprehensive Anti-Apartheid Act of 1986 against South Africa.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the progress in gaining international support for such sanctions.

PART C—NORTHERN AFRICA

SEC. 841. POLICY REGARDING TUNISIA.

(a) FINDINGS.—The Congress finds that—

(1) friendship and mutual interests bind the United States and Tunisia, which has a long tradition of political stability, relative political openness, and economic and social progress;

(2) there was a decline in the human rights situation in Tunisia during 1986 and 1987, including government repression of opposition parties, unions, student organizations, and Islamic groups, and these developments threaten future political stability and economic and social progress; and

(3) the recent announcement by the new government of Tunisia that the Tunisian people "deserve an institutionalized and sophisticated political life based on multipartyism and diversity of grassroots organizations" is a significant and promising development, as is the new government's pledge to introduce legislation clarifying the role of political parties and the status of the press.

(b) UNITED STATES POLICY.—The United States reaffirms its strong commitment to the territorial integrity of Tunisia. It is the policy of the United States to base security assistance to Tunisia for fiscal years 1988 and 1989 on the expectation that the Government of Tunisia will take steps, in accordance with its own political tradition of openness, to advance both political stability and economic and social progress.

(c) ECONOMIC SUPPORT FUND.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $16,200,000 for fiscal year 1988 and not less than $16,200,000 for fiscal year 1989 shall be available only for Tunisia.

SEC. 842. WESTERN SAHARA.

(a) UNITED STATES POLICY.—The policy of the United States shall be to support a negotiated political solution to the conflict in the Western Sahara taking into account the principle of self-determination as outlined in the 1981 Nairobi resolution; to support the effort of the Secretary-General of the United Nations, with support and cooperation of the Chairman of the Organization of African Unity, to encourage, through proximity talks between the parties to the conflict, a peaceful, internationally recognized settlement; and to encourage all parties to the conflict to reach a peaceful internationally recognized settlement. As part of this policy, the United States should carefully consider each type of military assistance it furnishes for fiscal years 1988 and 1989 to any of the parties to the conflict and should seek to insure that the furnishing of such military assistance is consistent with United States policy which seeks a negotiated settlement.

(b) FURTHER STATEMENT OF POLICY.—It is the further policy of the United States to support Morocco's legitimate defense needs and to discourage aggression by any country in North Africa against another.

TITLE IX—ASIA AND THE PACIFIC

PART A—EAST ASIA AND THE PACIFIC

SEC. 901. SUPPORT FOR THE RIGHT OF SELF-DETERMINATION FOR THE CAMBODIAN PEOPLE.

(a) FINDINGS.—The Congress finds that—

(1) the Socialist Republic of Vietnam, in violation of its obligations under international law, including the United Nations Charter, invaded Cambodia in December 1978;

(2) in January 1979, Vietnam installed a puppet government in Phnom Penh, Cambodia, headed by Heng Samrin;

(3) eight years later Vietnam continues, with Soviet backing, to occupy Cambodia with over 140,000 troops;

(4) Vietnam has attempted to submerge Cambodian culture and heritage through the settlement of large numbers of Vietnamese in Cambodia;

(5) human rights observers have noted a pattern of torture, political detention, inhumane treatment, and other abuses of human rights by officials of the Vietnamese-backed puppet Cambodian regime;

(6) the Vietnamese occupation of Cambodia has compounded the hardship and suffering of a people which had previously suffered barbaric crimes of genocide under Pol Pot's Khmer Rouge;

(7) in recognition of the illegal occupation of Cambodia by the Vietnamese, the United Nations has refused to recognize the credentials of the Heng Samrin regime and has instead continued to recognize the credentials of the Coalition Government of Democratic Kampuchea under the leadership of Prince Norodom Sihanouk;

(8) the member states of the United Nations for the eighth time, and by a record vote of 115-21, approved a resolution at the forty-first session of the General Assembly calling for the withdrawal of foreign troops from Cambodia;

(9) the 1981 United Nations-sponsored International Conference on Kampuchea called for the early withdrawal of foreign troops and the holding of free elections under United Nations supervision;

(10) the United States has supported the leadership role of the Association of Southeast Asian Nations (ASEAN) in the quest for a negotiated political settlement to the Cambodian problem;

(11) the President has indicated the United States is prepared to play a constructive role in such a settlement; and

(12) in the absence of such a settlement, the non-Communist Cambodian forces continue to wage a war of resistance against Vietnamese occupation forces.

(b) STATEMENT OF POLICY.—The Congress—

(1) deplores the continued violation of the sovereignty and territorial independence of Cambodia by the Socialist Republic of Vietnam;

(2) calls upon Vietnam to negotiate decisively to restore self-determination in Cambodia;

(3) calls upon Vietnam to withdraw completely its troops from Cambodia;

(4) believes that such negotiations and withdrawal by Vietnam, together with a satisfactory accounting of Americans still missing in action, would constitute positive steps that would help facilitate the prospect of normalization of relations between the United States and Vietnam;

(5) supports the efforts of the member nations of the Association of Southeast Asian Nations (ASEAN), the United Nations Secretary General, and the non-Communist Cambodian people to achieve a political settlement which would include such elements as internationally supervised free and fair elections, as well as assurances that there will be no return to the genocidal policies of the Pol Pot regime;

(6) supports efforts to establish an international tribunal to bring to justice those Khmer Rouge leaders during the reign of Pol Pot, and any others, responsible for crimes of genocide against the Cambodian people; and

(7) calls upon the international community to observe a special day of remembrance—

(A) in recognition of the suffering of the Cambodian people under Pol Pot,

(B) in protest of the efforts of Vietnam to suppress basic human rights and exterminate the culture and way of life of the Cambodian people, and

(C) in protest of the illegal occupation of Cambodia by Vietnamese troops.

SEC. 902. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

Section 905 of the International Security and Development Cooperation Act of 1985 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 903. POLICIES REGARDING VIETNAM.

The Congress—

(1) calls upon Vietnam to release all political prisoners;

(2) calls upon Vietnam to adopt and promote a policy of family reunification;

(3) encourages Vietnam to adhere to its self-imposed 2-year target for providing the fullest possible accounting of American prisoners and missing in action; and

(4) calls upon Vietnam to withdraw its military forces from Cambodia and to permit a political settlement in which the people of Cambodia will be permitted to determine their own future.

SEC. 904. JAPANESE MIDDLE EAST POLICIES.

(a) Arab Economic Boycott of Israel.—It is the sense of the Congress that the United States should encourage the Government of Japan in its efforts to expand trade relations with Israel and to end compliance by Japanese commercial enterprises with the Arab economic boycott of Israel.

(b) Participation In Persian Gulf Efforts.—

(1) Findings.—The Congress finds that—

(A) Iran continues to threaten peace and stability in the Persian Gulf region;

(B) Iran has engaged in aggressive military action against United States military forces in the Persian Gulf, including the use of sea mines and Silkworm missiles;

(C) Iran has refused to accept a ceasefire in the Iran-Iraq war, as proposed by the United Nations Security Council;

(D) Japan's announced policy of refusing to engage in a United States-instigated trade embargo against Iran will continue to provide the Government of Iran with the hard currencies necessary to finance its war efforts;

(E) Japan purchases about 20 percent of Iran's total oil exports, an average of between 1,500,000 and 2,000,000 barrels per day;

(F) continued hostilities in the Gulf threaten the free flow of oil from the Persian Gulf to the industrial democracies;

(G) no industrial democracy is more dependent on the free flow of oil out of the Persian Gulf than Japan; and

(H) Japan's participation in Western efforts to restore peace in the Gulf region have been disappointing.

(2) Sense of congress.—It is the sense of the Congress that, by failing to make substantive contributions to restore peace in the Gulf region, Japan has been negligent in its responsibility as a member of the Western Alliance and as a member of the community of nations.

SEC. 905. ANNUAL REPORT REGARDING KOREA.

Section 25(a) of the Arms Export Control Act is amended—

(1) by repealing paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraph (9) through (11), respectively.

SEC. 906. ASSISTANCE FOR THE PHILIPPINES.

(a) Assistance Pursuant to Base Agreement.—

(1) Fiscal year 1988.—For fiscal year 1988, there shall be available only for the Philippines—

(A) not less than $110,000,000 of the funds made available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), and

(B) not less than $124,000,000 of the funds made available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(2) Fiscal year 1989.—For fiscal year 1989, there shall be available only for assistance for Philippines—

(A) of the funds made available to carry out chapter 2 of part II of that Act, and

(B) of the funds made available to carry out chapter 4 of part II of that Act,

not less than the amount necessary to provide the remaining amount of military and economic assistance specified in the 1983 amendment to the agreement between the United States and the Philippines concerning military bases.

(b) Agrarian Reform.—Of the amounts made available to carry out chapter 4 of part II of that Act, not less than $50,000,000 for fiscal year 1988 and not less than $50,000,000 for fiscal year 1989 shall be available only to assist in the implementation of agrarian reform in the Philippines if the Government of the Philippines initiates an effective agrarian reform program and requests United States assistance for that program and if a clear majority of the resources for the implementation of that program each year will be provided by the Government of the Philippines or other non-United States donors, or both. If, however, those conditions are not met by the end of the 9th month of a fiscal year, the funds earmarked by this subsection for that fiscal year may be used for assistance for other countries.

(c) House Lot Program.—

(1) Authority to use funds; characteristics of program.—Subject to paragraph (3), not more than $13,000,000 for fiscal year 1988, and not more than $12,000,000 for fiscal year 1989, of the amounts made available for assistance for the Philippines under chapter 4 of part II of that Act may be used to assist in the implementation of a productive house lot program for the rural landless in the Philippines which has the following characteristics:

(A) The program will involve the establishment of village centers consisting of a cluster of individual house lots. These lots will normally consist of not less that 1,000 square meters. These lots will be used for a dwelling and for agricultural cultivation by an individual or family, who will have title to the lot and control over it and the production of agricultural commodities on it.

(B) Not less than half of the resources for the program will come from other resources available to the Government of the Philippines.

(C) The program will not use funds made available pursuant to this subsection for housing or electricity, water, or roadways, but will use other funds for these purposes.

(D) The funds provided pursuant to this subsection will be used to cover the cost of purchasing land for the program, for technical assistance (particularly in high value crop production), for agro-processing centers, and for related purposes in order to assist and encourage farmers in introducing high value crops in the village centers.

(2) Private voluntary groups.—It is the intent of the Congress that private voluntary groups should be encouraged to become involved with the administration of any house lot program supported under this subsection.

(3) Conditionality.—Funds may be used pursuant to paragraph (1) of this subsection for such a productive house lot program only if, not later than the end of the 9th month of fiscal year 1988, the Government of the Philippines requests those funds for such a program and proposes an effective productive house lot program having the characteristics specified in this subsection.

(d) Uncommitted FMS Credits.—Uncommitted balances of loans made to the Philippines pursuant to section 23 of the Arms Export Control Act since October 1, 1984, may be disbursed without requirement for repayment of principal or interest, except that the new budget authority provided by this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 907. SOUTH PACIFIC REGIONAL PROGRAMS; SCHOLARSHIPS.

(a) Earmarking.—Of the amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), not less than $6,000,000 for fiscal year 1988 and not less than $6,000,000 for fiscal year 1989 shall be available only for South Pacific regional programs.

(b) Scholarships.—Of the amounts made available pursuant to subsection (a), not less than $2,000,000 each year shall be available only for scholarships for study at post-secondary institutions of education in the United States.

SEC. 908. AUTHORITY TO STOCKPILE DEFENSE ARTICLES IN THAILAND AND KOREA.

(a) Stockpiling in Thailand.—Section 514(c) of the Foreign Assistance Act of 1961 is amended by inserting ", Thailand," after "Korea".

(b) Authorized Level of Additions to Stockpiles.—Section 514(b)(2) of that Act is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $116,000,000 for fiscal year 1988 and shall not exceed $77,000,000 for fiscal year 1989.".

SEC. 909. REFUGEES FROM SOUTHEAST ASIA.

(a) Findings.—The Congress finds that—

(1) the United States remains firmly committed to the security of Thailand and to improving relations between our two nations;

(2) the United States refugee resettlement and humanitarian assistance programs constitute an important factor in bilateral relations between the United States and Thailand;

(3) the preservation of first asylum for those fleeing persecution is one of the primary objectives of the United States refugee program;

(4) the actions of another government in labeling refugee populations as "displaced persons" or closing its borders to new arrivals shall not constitute a barrier to the

United States considering those individuals or groups to be refugees;

(5) it is in the national interest to facilitate the reunification of separated families of United States citizens and permanent residents, and the Congress will look with disfavor on any nation which seriously hinders emigration for such reunifications;

(6) the persecution of the Cambodian people under the Khmer Rouge rule from 1975-1979, which caused the deaths of up to two million people and in which the bulk of the Khmer people were subjected to life in an Asian Auschwitz, constituted one of the clearest examples of genocide in recent history; and

(7) the invasion of Cambodia by Vietnam and the subsequent occupation of that country by 140,000 Vietnamese troops backing up the Heng Samrin regime, which itself continues to seriously violate the human rights of Cambodians, and the presence of 40,000 heavily armed troops under the control of the same Khmer Rouge leaders, overwhelmingly demonstrate that the life or freedom of any Cambodian not allied with the Khmer Rouge or supporting Heng Samrin would be seriously endangered if such individual were forced by a country of first asylum to return to his or her homeland.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) any Cambodians who are, or had been, at Khao I Dang camp should be considered and interviewed for eligibility for the United States refugee program, irrespective of the date they entered Thailand or that refugee camp;

(2) any Cambodian rejected for admission to the United States who can demonstrate new or additional evidence relating to his claim should have his or her case reviewed;

(3) the United States should work with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the Government of Thailand to improve the security of all refugee facilities in Thailand and to prevent the forced repatriation of Cambodian refugees;

(4) the United States should treat with utmost seriousness the continued reports of forced repatriations to Laos of would-be asylum seekers, and should lodge strong and continuous protests with the Thai Government to bring about an end to these repatriations, which endanger the life and safety of those involuntarily returned to Laos;

(5) the United States will try to facilitate on a high priority basis the resumption of the Orderly Departure Program from Vietnam and the processing of Amerasians from Vietnam; and

(6) within the Orderly Departure Program the United States will give high priority consideration to determining the eligibility of serious health cases and cases involving children separated from both parents.

SEC. 910. COOPERATION ON POW/MIA ISSUE.

It is the sense of the Congress that the President should use available authority and appropriations to provide up to $200,000 in the fiscal year 1988 and up to $200,000 in the fiscal year 1989 for support of humanitarian projects in Laos directly associated with joint United States-Laotian cooperative efforts to resolve questions concerning Vietnam era prisoners of war or those missing in action. The executive branch shall inform the appropriate oversight committees of the Congress of all progress made in POW/MIA cases in Laos and shall notify the appropriate committees of the Congress of any United States expenditures approved for projects associated with POW/MIA cases in Laos.

SEC. 911. SECURITY ASSISTANCE AND ARMS EXPORT CONTROL PREFERENCES FOR NEW ZEALAND.

(a) Findings.—The Congress finds that—

(1) the people of the United States enjoy a long-standing friendship and close association with the people of New Zealand, and not only share common democratic values, heritage, and national interests but have fought side-by-side in the two World Wars of this century as well as the Korean conflict and the Vietnam conflict, and have participated jointly in numerous multilateral peacekeeping efforts under United Nations and similar auspices;

(2) visits to New Zealand ports by United States naval vessels are a part of this historical, overall framework of military cooperation and coordination which includes many other functions of benefit to all parties to the ANZUS Treaty;

(3) the recent codification of New Zealand Goverment policy to deny port access to United States ships which might be nuclear powered or nuclear armed is incompatible with the "neither confirm nor deny policy" of the United States, has raised serious operational difficulties for United States naval forces in defending the national security interests of the United States and its allies, and impairs the objective of maximum military cooperation between the United States and New Zealand and under the ANZUS Treaty;

(4) the President has taken appropriate action in response to New Zealand's diminished defense coopertion with the United States by suspending United States obligations to New Zealand under the ANZUS Treaty, as announced in August 1986; and

(5) important aims of United States policy, in reaction to the port policies and law of New Zealand, must be to maintain the ANZUS Treaty alliance structure during the absence of New Zealand, to look forward to New Zealand's early return to a normal trilateral defense relationship, and to deny the Soviet Union any potential benefit it might otherwise derive from this temporary discord in the ANZUS Treaty alliance.

(b) New Zealand Should Reconsider its Policy.—The United States urges the Government of New Zealand—

(1) to reconsider its decision and law denying port access to certain United States ships, and

(2) to resume its fulfillment of its obligations under the ANZUS Treaty.

(c) Suspension of Preferences.—Section 515(a)(6) of the Foreign Assistance Act of 1961 and sections 3(d)(2)(B), 21(e)(2), 21(g), 36(b)(1), 36(b)(2), 36(c)(2)(B), and 63(a)(2) of the Arms Export Control Act shall apply with respect to New Zealand only if the President determines, and reports to the Congress, that New Zealand is complying fully with its obligations under the ANZUS Treaty.

(d) ANZUS Treaty.—As used in this section, the term "ANZUS Treaty" means the Security Treaty Between Australia, New Zealand, and the United States.

(e) Assignment of United States Military Personnel to Manage Defense Cooperation Measures.—Section 515(a)(6) of the Foreign Assistance Act of 1961 is amended by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(f) Charges for Certain Arms Sales Costs.—Section 21(e)(2) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(g) Cooperative Military Training Agreements.—Section 21(g) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(h) Congressional Review of Arms Transfers.—The Arms Export Control Act is amended—

(1) in section 3(d)(2)(B), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(2) in section 36(b)(1), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand" in the second sentence following subparagraph (P);

(3) in section 36(b)(2), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(4) in section 36(c)(2)(B), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand"; and

(5) in section 63(a)(2), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

SEC. 912. HUMAN RIGHTS POLICY IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) Condemning Human Rights Violations by the Government of the People's Republic of China.—The Congress—

(1) strongly condemns the continued violations of human rights by the Government of the People's Republic of China, including—

(A) the one-child-per-family policy adopted in 1979 that relies on coercion, economic penalties, and forced abortions (often late in pregnancy) as a means of enforcing compliance;

(B) the continued use of a repressive "birth quota" system that empowers the authorities to dictate to couples if and when they may have a child; and

(C) the use of forced abortions and involuntary sterilizations of Tibetans by Chinese authorities in Tibet; and

(2) affirms internationally recognized basic human rights, such as—

(A) the conclusion made by the 1981 United Nations symposium on Population and Human Rights that compulsory abortion is a violation of human rights; and

(B) the declaration made at the Nuremberg War Crimes trials that forced abortion be regarded as a "crime against humanity".

(b) Instructing the President and the Department of State.—The Congress asks that the President and the Department of State—

(1) raise the concerns expressed in this section with the Government of the People's Republic of China, and

(2) call upon that Government to cease immediately this repressive policy.

SEC. 913. TRANSFERS OF SILKWORM MISSILES TO IRAN BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) Findings.—The Congress finds that—

(1) on October 16, 1987, the American-flagged tanker Sea Isle City was struck by a Chinese-produced Silkworm missile;

(2) at least 18 persons aboard the Sea Isle City were injured, among them 2 Americans;

(3) on October 15, 1987, the American-owned tanker Sungari was struck by a Chinese-produced Silkworm missile;

(4) the People's Republic of China has continued to supply Silkworm missiles to Iran despite repeated official protests by the United States;

(5) the People's Republic of China has so far not unreservedly declared its willingness to support an arms embargo of Iran if Iran refuses to accept United Nations Security Council Resolution 598 of July 20, 1987; and

(6) the United States is engaged in significant transfers of military-related technology and weapons to the People's Republic of China.

(b) Declaration of Policy.—It is the sense of Congress that—

(1) the United States should review all transfers of United States military-related technology, all sales under the Arms Export Control Act, and all deliveries pursuant to previous sales under the Arms Export Control Act, to the People's Republic of China until the Government of the People's Republic of China indicates its willingness to support an arms embargo in the event that Secretary-General Perez de Cuellar's negotiations with Iran and Iraq fail to gain Iran's acceptance of Security Council Resolution 598;

(2) the administration should make a strong representation to the Government of the People's Republic of China that the continued transfer of Silkworm missiles to Iran may seriously jeopardize relations between the United States and the People's Republic of China; and

(3) the administration should report to the Congress within 30 days after the date of enactment of this Act whether such a representation has been made, and if so, what response has been received.

Part B—South Asia

SEC. 921. ASSISTANCE FOR THE AFGHAN PEOPLE.

(a) Funds Available for Assistance.—Section 904 of the International Security and Development Cooperation Act of 1985 is amended—

(1) in subsection (a), by striking out "chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund)" and inserting in lieu thereof "chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961";

(2) by striking out "(a) Authorization.—"; and

(3) by repealing subsections (b) and (c).

(b) Effective Date.—The amendment made by subsection (a)(1) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 922. DEMOCRACY IN BANGLADESH.

(a) Primary Purpose of United States Assistance.—The primary purpose of United States economic assistance for Bangladesh is to foster economic development and political pluralism. Accordingly, in determining whether to provide economic assistance to Bangladesh and in determining how much assistance to provide, the President shall take into account whether—

(1) there is a credible electoral process, in which by-elections and eventual general elections accurately reflect the popular will;

(2) there is an effective parliament, in which both the majority and minority are able to make constructive contributions;

(3) the press is allowed to operate freely, and all points of view can be expressed in the press;

(4) there is effective elected government at the local and regional levels; and

(5) there is an independent judiciary.

(b) Requests for Assistance.—Whenever requesting economic assistance for Bangladesh, the President shall report to the Congress with respect to each of the issues described in paragraph (1) through (5) of subsection (a).

SEC. 923. ISRAEL-INDIA RELATIONS.

(a) Findings.—The Congress finds that—

(1) the Government of India has blocked participation by Israelis in international academic gatherings and sporting events held in India; and

(2) India and Israel are sister democracies that share an interest in international cooperation and development.

(b) Statement of Policy.—It is the sense of the Congress that the growth of contacts between Indians and Israelis would benefit both countries and that the Government of India should facilitate such contacts in the future.

SEC. 924. WAIVER FOR PAKISTAN OF SECTION 669 PROHIBITION ON ASSISTANCE.

(a) Findings.—The Congress finds that—

(1) the United States considers the spread of nuclear weapons to South Asia to be potentially catastrophic for the countries of the region and, therefore, has made nuclear nonproliferation a vital element of United States policy toward the region;

(2) United States assistance is intended to induce Pakistan to forgo the development of nuclear weapons and, therefore, any effort by Pakistan to develop a nuclear weapons capability could have serious adverse consequences for the United States assistance relationship with Pakistan; and

(3) the most viable, long-term solution to the dangers posed by the threat of nuclear proliferation in South Asia is an agreement involving all countries of the region and, therefore, it is in the interest of the United States to encourage all countries to seek such an agreement.

(b) Extension of Waiver.—Section 620E(d) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1987" and inserting in lieu thereof "1989";

(2) by inserting "(1)" after "(d)"; and

(3) by adding at the end the following:

"(2)(A) Any waiver for Pakistan under this subsection shall cease to be effective if the President certifies to the Congress that India has formally accepted the application of appropriate, verifiable, and reliable safeguards to all its nuclear materials.

"(B) If such a certification is made with respect to India and the President certifies to the Congress (at the same time or subsequently) that Pakistan has also formally accepted the application of appropriate, verifiable, and reliable safeguards to all its nuclear materials, such acceptance shall be deemed to constitute reliable assurances, for purposes of section 669(b)(1)(B) of this Act, that Pakistan will not acquire or develop nuclear weapons or assist other nations in doing so.".

(c) Additional Certification Requirement.—Section 620E(e) of that Act is amended—

(1) by striking out "device and" and inserting in lieu thereof "device,"; and

(2) by inserting before the period at the end ", and that Pakistan is taking responsible steps to reduce nuclear tensions on the Asian Subcontinent".

(d) Information on Pakistan's Enrichment Activities.—The President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a factual description of the uranium enrichment levels which Pakistan has reached as of the time of the report. This report may be classified if necessary and shall be submitted when the extension (which is provided for in subsection (a)(1) of this section) of the waiver contained in section 620E(d) of the Foreign Assistance Act of 1961 takes effect.

SEC. 925. SALES OF MILITARY EQUIPMENT TO PAKISTAN.

(a) Airborne Early Warning Aircraft.—During the period beginning on the date of enactment of this Act and ending on September 30, 1989, the United States may not sell any airborne early warning aircraft to Pakistan unless the President certifies to the Congress that—

(1) no alternative system exists which could perform the same functions as those aircraft are intended to perform and which would be equally or more cost-effective; and

(2) those aircraft, in conjunction with Pakistani combat aircraft, will enable Pakistan to effectively counter violations of its airspace, and air attacks against its territory, from Afghanistan.

(b) Limitations on Use of Military Equipment.—Section 620E(c) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "solely" before "defensive purposes";

(2) by inserting "(1)" after "(c)"; and

(3) by adding at the end the following:

"(2) Defense articles which are not suitable for defending against the threat to Pakistan posed by the Soviet Union, including because of the Soviet presence in Afghanistan, may not be provided to Pakistan under the Arms Export Control Act or the Foreign Assistance Act of 1961.".

SEC. 926. DEMOCRACY AND HUMAN RIGHTS IN PAKISTAN.

(a) Findings.—The Congress finds that—

(1) the United States has a great interest in Pakistan's political stability;

(2) the completion of the process of democratization is essential for the establishment and maintenance of political stability in Pakistan;

(3) the lifting of martial law and the state of emergency in December 1985 was a positive step in the direction of political democracy;

(4) the holding of parliamentary elections and the lifting of censorship are additional welcome indications of Pakistan's intent to move toward a system of democracy; and

(5) a failure to conduct the next elections on a party basis would raise serious questions concerning the legitimacy of any government coming out of those elections.

(b) United States Assistance.—Section 620E of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(f) United States assistance for Pakistan is intended to promote democratic and representative government and respect for internationally recognized human rights in Pakistan. Therefore, assistance may be provided for Pakistan under the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954 only if, each fiscal year at least 30 days before providing any such assistance, the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of Pakistan—

"(1) intends to hold (or has held), in accordance with the current stipulations of the Pakistani constitution, free and fair multiparty-based elections open to the full participation of all eligible voters (as currently specified in that constitution);

"(2) has made significant and demonstrated progress in eliminating human rights violations, in particular the practice of torture, armed attacks against civilian noncombatants, prolonged arbitrary detention, and imprisonment on political grounds;

"(3) has made significant and demonstrated progress in promoting respect for freedom of expression, freedom of the press, freedom of association, freedom of peaceful assembly, and the right of all citizens to participate in political life; and

"(4) has made significant and demonstrated progress in restoring full civil and religious freedom to minority groups, such as the Ahmadis, and in removing restrictions on freedom of religion.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).".

SEC. 927. ILLICIT DRUG PRODUCTION AND TRAFFICKING IN PAKISTAN.

In making determinations with respect to Pakistan pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of Pakistan—

(1) is reducing illicit narcotics cultivation;

(2) is increasing drug seizures;

(3) is increasing its suppression of the manufacture of illicit narcotics;

(4) is increasing the number of illicit laboratories destroyed;

(5) is increasing the number of arrests and successful prosecutions of violators, with particular emphasis on putting major traffickers out of business;

(6) has made changes in Pakistani legal codes in order to enable Pakistani law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws; and

(7) is expeditiously processing United States extradition requests relating to narcotics trafficking.

SEC. 928. LIMITATION ON DEVELOPMENT ASSISTANCE FOR INDIA.

For each of fiscal years 1988 and 1989, not more than $35,000,000 of the funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 may be made available for assistance for India.

SEC. 929. ANNUAL REPORT ON PAKISTAN.

The President shall submit a report to the Congress each year which details—

(1) the extent to which Pakistan has received assistance or support from other countries for activities related to nuclear enrichment or the development of nuclear weapons and the extent to which Pakistan has cooperated with or assisted other countries in nuclear enrichment or nuclear weapons development activites; and

(2) the extent to which Pakistan has shared sensitive United States military technology or information with any other country or allowed such technology to be compromised.

SEC. 930. HUMAN RIGHTS OF THE SIKHS IN THE PUNJAB OF INDIA.

(a) FINDINGS.—The Congress finds that—

(1) Amnesty International found in its 1987 report that India has failed to adequately protect the human rights of the Sikhs living in the Punjab;

(2) there is evidence that the Indian authorities are currently suspending basic freedoms in the Punjab and that increasingly harsh police tactics are only aggravating the situation;

(3) due to the breakdown of law and order in the Punjab, India's central government has dismissed the elected state government and has introduced large numbers of police and paramilitary units;

(4) these paramilitary units temporarily sealed off the Golden Temple, the most sacred religious shrine of the Sikh people, and for the first time in centuries, devotees could not offer prayers or bathe in the historic holy tank built around the Golden Temple; and

(5) historically, Sikhs have been a peaceful people, and most Sikhs still want a peaceful solution in the Punjab.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that the Government of India should continue to allow Sikhs to have full access to the Golden Temple for the purpose of religious worship and should remove all military presence from the Shrine as soon as possible. While the Congress condemns the use of terrorist tactics in the region, the Government of India should use restraint in resolving its dispute with the Sikh people in the Punjab. The Congress supports the territorial integrity of India and respectfully urges Prime Minister Ghandi, and all responsible leaders of the Sikh community, to renew their efforts to achieve a political solution that will permit the settlement of accumulated grievances, the restoration of law and order, and the return to home rule in the Punjab, while guaranteeing religious freedom and respect for the human rights of all the people of India.

SEC. 931. ADMINISTRATION POLICY ON AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) each of the substantive sanctions imposed on the Soviet Union by the United States to protest the Soviet invasion of Afghanistan have been lifted;

(2) although the administration's policy on Afghanistan states that only "steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces", political and diplomatic pressures on the Soviet Union have decreased rather than increased;

(3) in the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to unilaterally implement numerous programs to bring "steadily increasing pressure" to bear on the Soviet Union; and

(4) despite the failure of Soviet troops to withdraw from Afghanistan, and the serious deterioration with regard to the situation of human rights in Afghanistan, the administration is planning to lift further sanctions and initiate increasing areas of cooperation with the Soviet Union.

(b) REPORT TO CONGRESS.—(1) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee with a report listing each sanction imposed against the Soviet Union by the United States since the first anniversary of the Soviet invasion of Afghanistan, a detailed explanation for the lifting of each sanction, and a detailed analysis of the benefit to the Soviet Union incurred by the lifting of each sanction.

(2) Not later than sixty days after the date of enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee a comprehensive list of all areas of ongoing cooperation that could be withheld from the Soviet Union.

(3) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee with a detailed and comprehensive report in a suitably classified form, and in an unclassified form, containing the disposition of Soviet military forces in the Afghanistan region and an account of any troop withdrawals and any new troop deployments.

SEC. 932. POLICIES PURSUED BY INDIA.

(a) FINDINGS.—The Congress finds that—

(1) President Reagan has favored closer collaboration between the United States and India, the world's two largest democracies;

(2) President Reagan on October 20, 1987, stated that substantial progress has occurred in relations between the United States and India since 1985 and that powerful political, economic, and cultural currents draw our two democracies together;

(3) the President noted India and the United States have a shared dedication to democracy and to the efforts to reduce and eliminate nuclear weapons;

(4) Prime Minister Gandhi has applauded the intermediate-range nuclear force (INF) agreement concluded by the United States and the Soviet Union as an historic step offering the world hope that some day President Reagan's wish that a world without nuclear weapons may be possible;

(5) the President has sought to expand bilateral trade, further reduce trade barriers between our two nations, and increase collaboration between the American and Indian private sector;

(6) the President has achieved an agreement with India to safeguard the use of all United States technology transferred to India and has agreed to enlarge its cooperation with India in defense production;

(7) President Reagan has sought to increase scientific, cultural, and educational cooperation with India through the successful renegotiation of a three-year science and technology agreement and the use of the United States-Indian Fund for Cultural, Educational, and Scientific Cooperation to increase educational resources in both countries;

(8) President Reagan has obtained assurances of increased Indian cooperation to stem drug trafficking and drug abuse and to combat the scourge of international terrorism;

(9) Prime Minister Ghandi has assured President Reagan of India's strong support for United Nations efforts to move toward a political settlement in Afghanistan that would remove all foreign troops from that country and permit its people to live in

peace as citizens of a neutral country free from outside intervention; and

(10) Prime Minister Ghandi and the President of Sri Lanka have demonstrated statesmenship and courage in their efforts to end the ethnic strife in Sri Lanka.

(b) Statement of Policy.—The Congress calls on the President to take all appropriate steps to encourage India to follow a genuinely independent nonaligned foreign policy. The Congress supports the President's efforts to encourage India to increase its pressure on the Soviet Union to withdraw its forces from Afghanistan, further diversify its procurement of military equipment, intensify its dialogue with Pakistan in order to decrease tensions in South Asia, and undertake steps to contain the threat of nuclear proliferation in the region. Progress on these issues would quickly lead to increased support for closer United States-Indian relations.

TITLE X—PEACE CORPS

SEC. 1001. AUTHORIZATIONS OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $142,000,000 for fiscal year 1988 and $142,000,000 for fiscal year 1989.".

SEC. 1002. PASSENGER AUTOMOBILES.

Section 15(d)(4) of the Peace Corps Act is amended to read as follows:

"(4) purchase and hire of passenger motor vehicles, except that—

"(A) section 1343 of title 31, United States Code, shall not apply to vehicles purchased for the transportation, maintenance, or direct overseas support of volunteers,

"(B) except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price) in the case of an automobile for any Peace Corps country representative appointed under section 7(c), and

"(C) passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;".

SEC. 1003. TECHNICAL PUBLICATIONS.

Section 15 of the Peace Corps Act is amended by adding at the end the following:

"(e) Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriations Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

SEC. 1004. PROHIBITION ON PEACE CORPS FUNDING OF ABORTIONS.

Section 3 of the Peace Corps Act is amended by adding at the end the following new subsection:

"(i) None of the funds authorized to be appropriated to carry out the provisions of this Act shall be used to pay for abortions.".

SEC. 1005. PEACE CORPS HEALTH SERVICES PILOT PROGRAM.

(a) Authority to Establish.—The President may establish, under the Peace Corps Act, a pilot program, to be carried out, during the fiscal years 1988 and 1989, in each of 2 host countries which have existing Peace Corps programs, for the purpose of—

(1) training foreign nationals of the host country to deliver basic health care services; and

(2) providing basic health care to the people of the host country.

(b) Health Service Teams.—The training and health care described in paragraphs (1) and (2) of subsection (a) shall be provided by a health service team selected for each of the 2 host countries selected under subsection (a). Each health service team shall consist of not more than 12 volunteers who are physicians and dentists. Volunteers on each team shall, to the extent possible, be selected from both experienced physicians and dentists (especially retired persons) and recent medical and dental graduates.

(c) Funding.—Funds otherwise authorized to be appropriated to carry out the Peace Corps Act shall be used for the program authorized by this section.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 1987.

SEC. 1102. USES OF FOREIGN CURRENCIES.

(a) Special Accounts; Use for Development Purposes.—Section 609(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "any commodity" and all that follows through "sale thereof," and inserting in lieu thereof "assistance is furnished to a foreign country under part I under arrangements which will result in the accrual to that country of local currencies,";

(2) in paragraph (1) by striking out "proceeds" and inserting in lieu thereof "accrued local currencies"; and

(3) by amending paragraph (3) to read as follows:

"(3) utilize the remainder of the Special Account for purposes for which funds authorized to be appropriated to carry out sections 103 through 106 or, in the case of sub-Saharan Africa, section 472, would be available and which are agreed to by the agency primarily responsible for administering part I.".

(b) Conforming Amendments.—Section 531(d) of that Act is amended—

(1) by striking out ", not less than 50 percent" and all that follows through "part I of this Act"; and

(2) by adding at the end the following: "All local currencies that accrue as the result of assistance under this chapter shall be deposited in a special account and used in accordance with section 609 of this Act.".

SEC. 1103. COMPREHENSIVE ANNUAL REPORTS ON FOREIGN ASSISTANCE.

Section 634 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(c) As part of the annual congressional presentation materials on foreign assistance programs, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the preceding fiscal year under the Foreign Assistance Act of 1961 (other than chapter 7 of part I) and the Arms Export Control Act. This accounting shall include for each fiscal year, among other things, the following with respect to each authorization account:

"(1) The specific projects and other activities carried out in each country.

"(2) The number of persons from each country who were provided with training, and the types of training provided.

"(3) The defense articles and defense services provided for each country.

"(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II (relating to the economic support fund), and a copy of each agreement for the furnishing of any assistance under that chapter.

"(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currencies still available for use as of the time of the report.

"(6) A report on any transfers or reprogrammings of funds, and a description of how transferred or reprogrammed funds modified the amounts requested for each account.

"(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

"(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channels.

"(9) For each country to which section 536 applied during the previous fiscal year—

"(A) how the assistance provided under chapter 4 of part II was used in carrying out that section; and

"(B) the progress that was made during that year with respect to long-term economic development and economic policy reform (as defined in that section).

"(10) For each country which received cash transfer assistance under chapter 4 of part II during the previous fiscal year, a detailed description of how the country used the funds that were made available, with a discussion of the United States interests that were served by the assistance (including, as appropriate, a description of any economic policy reforms that were promoted by the cash transfer assistance).

"(d) The annual congressional presentation materials on foreign assistance programs shall also include, for each country for which cash transfer assistance is proposed under chapter 4 of part II for the coming fiscal year, a discussion of the United States interests that will be served by the assistance, including, as appropriate, a description of the economic policy and development situation in the country which may affect the implementation of United States economic assistance programs and long-term economic development.".

SEC. 1104. REPROGRAMMINGS OF ASSISTANCE.

(a) Reprogrammings Subject to Notification Requirements.—Section 634A(a) of the Foreign Assistance Act of 1961 is amended by striking out the first sentence and inserting in lieu thereof the following: "Unless the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress are notified at least 15 days before the funds are obligated—

"(1) funds made available for any fiscal year to carry out any provision of this Act (other than titles III and IV of chapter 2 of part I, chapter 5 of part I, and chapter 9 of part I) or the Arms Export Control Act may not be obligated for assistance for any foreign country or international organization in any amount in excess of 5 percent of the amount allocated for that country or organization for that fiscal year in the report required by section 653(a) of this Act;

"(2) funds made available for any fiscal year to carry out chapter 1 of part I or chapter 4 of part II of this Act may not be obligated for any program, project, or activity in any amount which exceeds by more than 20 percent the amount justified to the Congress for that program, project, or activity; and

"(3) funds made available for any fiscal year to carry out chapter 4 of part II of this Act may not be obligated for any cash transfer assistance.

A notification pursuant to paragraph (3) shall include a detailed description of how the funds proposed to be made available as a cash transfer will be used and a discussion of the United States interests that will be served by providing the assistance as a cash transfer (including, as appropriate, a description of the economic policy reforms that will be promoted).".

(b) Conforming Amendment.—Section 634A(b) of that Act is amended by striking out "reprogramming—" and all that follows through "(2)" and inserting in lieu thereof "reprogramming".

SEC. 1105. FOREIGN ASSISTANCE ALLOCATION REPORTS.

(a) Applicability to Continuing Resolutions.—Section 653(b) of the Foreign Assistance Act of 1961 is amended by inserting after "law making continuing appropriations" the following: "for a period of less than 60 days,".

(b) Applicability to International Narcotics Control Assistance.—Section 653(a) of that Act is amended by striking out "other than" in the parenthetical clause and inserting in lieu thereof "including section 481 but excluding".

SEC. 1106. FOREIGN DEBT REPAYMENT.

(a) Policy on New Economic Assistance Loans to Countries Unable To Service Existing Debts.—It is the sense of the Congress that the Agency for International Development should generally not provide assistance on a loan basis to a country which is unable to service its debt obligations arising from loans provided by the Agency in prior fiscal years, unless it can be demonstrated clearly that the country's inability to service its existing debt is temporary and nonrecurring.

(b) Reports to Congress on Debt Rescheduling.—Section 603(a)(2) of the International Development and Food Assistance Act of 1978 is amended by inserting after the first sentence the following: "This justification shall explain why the proposed debt relief is necessary, how much debt has previously been rescheduled for that government by the United States, why previous debt relief agreements have failed, and what the current prospects are for collecting the rescheduled receivables.".

(c) Accelerated Loan Repayments.—Paragraph (3) of section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "and" after the semicolon; and

(3) by inserting the following at the end of the paragraph:

"(B) a description of the efforts made pursuant to section 127 by the Administrator of the agency primarily responsible for administering part I to negotiate accelerated loan repayments by countries with the financial resources to make accelerated loan repayments, in particular European countries that were recipients of concessional loans by predecessor agencies;".

SEC. 1107. ANNUAL FOREIGN ASSISTANCE REPORT.

Section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (1)(A), by striking out "oceans,"; and

(2) by repealing paragraph (8) and redesignating paragraphs (9) through (13), as redesignated by section 803 of this Act, as paragraphs (8) through (12), respectively.

SEC. 1108. FOREIGN ASSISTANCE ACCOUNTABILITY.

Chapter III of part III of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 671. FOREIGN ASSISTANCE ACCOUNTABILITY.

"(a) Prohibition on Diverting Foreign Assistance for Corrupt Personal Financial Gain or Other Unauthorized Uses.—United States foreign assistance may not be used in any way which would result in corrupt personal financial gain for any person and may not otherwise be used for any purpose other than the purpose for which the assistance was provided.

"(b) Accounting Procedures.—The President shall establish strict accounting procedures and other controls with respect to all United States foreign assistance sufficient to provide reasonable assurance that such assistance is not used for corrupt personal financial gain or otherwise diverted for use for a purpose other than the purpose for which the assistance was provided.

"(c) Sanctions.—

"(1) Termination of assistance.—The President shall terminate all United States foreign assistance to any country whose senior government officials are involved in a substantial violation of subsection (a). Assistance may not be resumed to such a country until the President reports to the Congress that he is satisfied that appropriate steps have been taken to prevent future such violations. Any such report shall include a description of those steps.

"(2) Additional sanctions.—The President shall establish an appropriate range of additional sanctions to be applied if United States foreign assistance is used in violation of subsection (a). Mandatory sanctions shall be included.

"(d) Incorporation in Assistance Agreements.—Each agreement entered into more than 90 days after the date of enactment of this section pursuant to which United States foreign assistance is provided shall incorporate (expressly or by reference) the applicable procedures and controls, and the relevant sanctions, established pursuant to this section.

"(e) Reports to Congress.—

"(1) Establishment of accounting procedures and sanctions.—Not later than 90 days after the date of enactment of this section, the President shall report to the Congress on the steps taken to carry out subsections (b) and (c).

"(2) Annual implementation.—The annual congressional presentation materials on foreign assistance shall discuss the implementation of this section during the previous fiscal year, including a description of any instance in which United States foreign assistance was used in violation of subsection (a) and a description of the sanctions imposed.

"(f) Definitions.—As used in this section—

"(1) the term 'corrupt personal financial gain' means any financial benefit accruing to any person as the result of an act which (as determined by the President) either—

"(A) violates the criminal laws of the recipient country, or

"(B) violates the criminal laws of the United States, or would violate those laws if committed within the jurisdiction of the United States; and

"(2) the term 'United States foreign assistance' includes—

"(A) any funds available to carry out programs under this Act, the Arms Export Control Act, the Agricultural Trade Development and Assistance Act of 1954, or any other Act authorizing foreign economic or military assistance programs;

"(B) any commodities or articles made available for any such program; and

"(C) any local currencies acquired with any such funds, or generated by the sale of any such commodities or articles, for use in any such program.".

SEC. 1109. COORDINATION OF ALL UNITED STATES ASSISTANCE FOR FOREIGN LAW ENFORCEMENT AGENCIES.

(a) Coordination.—The Secretary of State shall be responsible for coordinating all training and other assistance provided by the United States Government to the police, prison authorities, or other law enforcement agencies of any foreign government.

(b) Reports.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the training and assistance provided by the United States Government during the preceding fiscal year to the police, prison authorities, or other law enforcement agencies of any foreign government. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

(c) Rule of Construction.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

SEC. 1110. TECHNICAL CORRECTIONS.

(a) Correction of Cross-References to International Traffic in Arms Regulations.—

(1) Section 505(e) of the Foreign Assistance Act of 1961 is amended in the second sentence—

(A) by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment"; and

(B) by striking "such defense articles" both places it appears and inserting in lieu thereof "such significant military equipment".

(2) Section 3(a) of the Arms Export Control Act is amended in the second sentence following paragraph (4)—

(A) by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment"; and

(B) by striking "such defense articles" both places it appears and inserting in lieu "such significant military equipment".

(3) Section 36(d) of that Act is amended by striking out "combat" and inserting in lieu thereof "military".

(b) Clerical Errors in 1985 Authorization Act.—

(1) Subsection (d) of section 25 of the Arms Export Control Act, as added by section 112(b) of the International Security

and Development Cooperation Act of 1985, is amended—

(A) by redesignating that subsection as subsection (e); and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period.

(2) Subparagraph (B) of section 25(a)(5) of the Arms Export Control Act is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(3)(A) Section 124(c) of the Foreign Assistance Act of 1961, as so redesignated by section 313 of this Act, is amended by striking out "110(a)" and inserting in lieu thereof "110".

(B) Section 124(e) of that Act is repealed.

(C) Section 110 of that Act is amended by striking out "and Funding Limits".

(c) Clerical Errors in Anti-Drug Abuse Act of 1986.—

(1) Section 481 of the Foreign Assistance Act of 1961 (as amended by section 2005 of the Anti-Drug Abuse Act of 1986) is amended—

(A) in subsection (h)(2)(A), by striking out ", or" at the end of clause (ii) and inserting in lieu thereof a period;

(B) in subsection (h)(4)(A), by inserting "a" before "joint resolution"; and

(C) in subsection (i)(4)(vi), by striking out "section 1049(c)(2)" and inserting in lieu thereof "section 104(c)(2)".

(2) Section 2015(b)(1) of the Anti-Drug Abuse Act of 1986 is amended by striking out "effects" and inserting in lieu thereof "efforts".

(3) Section 2030(b) of the Anti-Drug Abuse Act of 1986 is amended by striking out "subsection (A)(4)" and inserting in lieu thereof "subsection (a)(4)".

(d) Public Laws 99-440 and 99-529.—Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 117 (as enacted by section 201(b) of Public Law 99-440) as section 115 and by inserting that section before section 116.

SEC. 1111. COUNTRIES WHICH IMPORT SUGAR FROM CUBA.

(a) Reduction of Assistance by Value of Sugar Imports From Cuba.—Beginning in fiscal year 1989, the President shall have the authority to withhold from the amount of assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) which is allocated to a country for a fiscal year the amount equal to the value of confirmed sales of sugar which is the product of Cuba and which is imported by that country in the preceding fiscal year.

(b) Reductions To Be Made Notwithstanding Earmarkings.—The withholding of amounts under subsection (a) may be made notwithstanding any provision of law specifying the amount of assistance to be provided to a particular country.

(c) Sense of Congress With Respect to Other Countries.—It is the sense of the Congress that the President should urge countries that import sugar which is the product of Cuba and do not receive economic support funds or other forms of foreign assistance from the United States to import sugar from other Central American or Caribbean countries with democratically elected governments.

SEC. 1112. EARLY WARNING SYSTEM REGARDING MULTILATERAL DEVELOPMENT BANK LOANS.

(a) Analysis.—The President shall instruct missions of the Agency for International Development and United States diplomatic missions in the relevant foreign countries to analyze the impacts of proposed loans by multilateral development banks well in advance of such loan's approval by the bank. Such analyses shall address the economic viability of the project, adverse impacts on the environment, natural resources, public health, and indigenous peoples, and recommendations as to measures (including alternatives) that could eliminate or mitigate adverse impacts. If not classified under the national security system of classification, the information obtained in carrying out this subsection shall be made available to the public.

(b) Investigations.—The President shall further instruct those missions that, if the analysis of a proposed loan pursuant to subsection (a) fails to identify adverse impacts on the environment, natural resources, public health, or indigenous peoples, but there is nonetheless reason to believe that such a loan may have such impacts, they shall undertake an affirmative investigation of such impacts in consultation with relevant Federal agencies.

(c) Furnishing Information to Secretary of the Treasury.—If an analysis pursuant to subsection (a) or an investigation pursuant to subsection (b) identifies adverse impacts of a proposed multilateral development bank loan on the environment, natural resources, public health, or indigenous peoples, the Administrator of the Agency for International Development or the Secretary of State (as appropriate) shall provide the relevant information to the Secretary of the Treasury for his consideration in determining whether to instruct the United States Executive Director of the relevant multilateral development bank to seek changes in the loans necessary to eliminate or mitigate such impacts.

(d) Cooperation With Other Countries.—The Administrator of the Agency for International Development or the Secretary of State (as appropriate) shall make the information collected pursuant to subsections (a) and (b), other than classified information, available to foreign governments and shall actively cooperate with such governments to facilitate exchanges of such information.

(e) Semiannual Lists.—Six months after the date of enactment of this Act and semiannually thereafter, the Administrator of the Agency for International Development shall publish a list of proposed multilateral development bank loans that may have adverse impacts on the environment, natural resources, public health, or indigenous peoples. The list shall be developed in consultation with interested members of the public and shall contain—

(1) the name of the lending institution;

(2) the name of the borrowing country;

(3) the name of the project or loan;

(4) a brief description of the project or loan;

(5) the total anticipated cost and anticipated contribution from development banks;

(6) a summary of adverse effects on the environment, natural resources, public health, or indigenous peoples;

(7) identification of alternatives which may eliminate or mitigate such effects, including the possibility of terminating further action on the potential loan; and

(8) identification of actions taken or underway by the Administrator or other Federal agencies to secure necessary changes in the project.

SEC. 1113. INDEPENDENT LABOR UNIONS.

The Congress encourages the Administrator of the Agency for International Development to make greater use of independent labor unions in carrying out programs under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), chapter 9 of part I of that Act (relating to international disaster assistance), and chapter 4 of part II of that Act (relating to the economic support fund).

SEC. 1114. PROHIBITION ON ASSISTANCE TO COMMUNIST COUNTRIES.

Section 620(f) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(f)(1) No assistance shall be furnished under this Act (except section 214(b)) to any Communist country.

"(2) This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that—

"(A) such assistance is vital to the security of the United States;

"(B) in the case of a country listed in paragraph (3), the government of the recipient country is taking steps to reduce economic reliance on a centrally planned economy based on the principles of Marxist-Leninism;

"(C) the government of the recipient country is not engaged in a consistent pattern of gross violations of internationally recognized human rights; and

"(D) the assistance will help reduce the recipient country's political, economic, and military reliance (as the case may be) on the Union of Soviet Socialist Republics or on any other Communist country.

"(3) For the purposes of this subsection, the term 'Communist country' includes specifically, but is not limited to, the following countries:

"Czechoslovak Socialist Republic.
"Democratic People's Republic of Korea.
"Democratic Republic of Afghanistan.
"Estonia.
"German Democratic Republic.
"Hungarian People's Republic.
"Latvia.
"Lithuania.
"Mongolian People's Republic.
"People's Republic of Ethiopia.
"People's Democratic Republic of Yemen.
"People's Republic of Albania.
"People's Republic of Angola.
"People's Republic of Bulgaria.
"People's Republic of China.
"People's Republic of Kampuchea.
"Polish People's Republic.
"Republic of Cuba.
"Republic of Nicaragua.
"Socialist Federal Republic of Yugoslavia.
"Socialist Republic of Romania.
"Socialist Republic of Vietnam.
"Tibet.
"Union of Soviet Socialist Republics (including its captive constituents republics).".

SEC. 1115. RESTRICTION ON FOREIGN ASSISTANCE TO CERTAIN COUNTRIES.

(a) Prohibition.—Foreign assistance may not be provided to any country which has in effect a Treaty of Friendship and Cooperation with the Soviet Union, except to the extent that the President determines that such assistance is in the national interest of the United States.

(b) Definition.—For purposes of this section, the term "foreign assistance" means assistance under the Foreign Assistance Act of 1961, the Agriculture Trade Development and Assistance Act of 1954, the African Development Foundation Act, the Inter-American Foundation Act, or the Arms Export

Control Act, and Peace Corps programs under the Peace Corps Act.

SEC. 1116. REPORTS ON COMMUNIST COUNTRIES RECEIVING UNITED STATES HUMANITARIAN DISASTER RELIEF ASSISTANCE.

Section 491 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(d) Whenever the United States is providing humanitarian disaster relief assistance under this chapter or any other provision of law to a Communist country (as defined in section 620(f) of this Act), the President shall report to the Congress every 3 months on the steps being taken by the government of that country to alleviate the conditions that make such assistance necessary.".

SEC. 1117. PAYMENT OF IMPORT DUTIES AND OTHER FEES CONCERNING HUMANITARIAN ASSISTANCE.

Section 491 of the Foreign Assistance Act of 1961, as amended by section 1116 of this Act, is further amended by adding at the end the following:

"(e) Whenever humanitarian relief assistance is provided under the authority in this chapter or any other provision of law, it shall be the policy of the United States to pay no import duties at the point of delivery to the recipient country which represent levies over and above the fees paid for port and other services actually rendered. It shall be the further policy of the United States to not pay fees for such services which are not in line with fees charged in the surrounding region, allowing only for reasonable adjustments which reflect significant differences in the technology at such ports.".

SEC. 1118. MINERAL IMPORTS FROM COMMUNIST COUNTRIES.

(a) Sense of Congress.—It is the sense of the Congress that the vital national interests and security of the United States would be jeopardized if the Nation became dependent on Communist countries as the sources for essential minerals and metals.

(b) Report Requirement.—Not later than 180 days after the date of enactment of this Act, and every year thereafter when the annual foreign assistance request is presented to the Congress, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the extent to which the United States is dependent on Communist countries (as defined in section 620(f) of the Foreign Assistance Act of 1961) as sources for supply and importation of—

(1) chromium,

(2) cobalt,

(3) manganese,

(4) platinum group metals,

(5) ferroalloys, and

(6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

(c) Additional Information in Reports.—Each report pursuant to subsection (b) shall also describe progress toward reducing such United States dependence through—

(1) stockpiling;

(2) increasing the world supply of strategic and critical materials through the development of promising deposits, both foreign and domestic, and through exploration for new deposits of strategic materials;

(3) decreasing demand for strategic and critical materials through the implementation of improved manufacturing processes, conservation, and recycling of these materials from scrap and waste; and

(4) identifying and testing substitute materials for current application and developing new materials with reduced strategic materials content for future applications.

SEC. 1119. EFFECTIVENESS OF UNITED STATES ECONOMIC ASSISTANCE.

(a) Reports.—Not later than December 31, 1988, and December 31 of each third year thereafter, the President shall submit to the Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of the United States economic assistance provided during the preceding 3 fiscal years. Each such report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding 3 fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding 3 fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding 3 fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) Listing of Assistance Programs Which Are More and Which Are Less Successful.—Each report required by this section shall identify—

(1) those countries in which United States economic assistance has been more successful, and

(2) those countries in which United States economic assistance has been less successful.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(c) Report To Be a Separate Document.—Each report required by this section shall be submitted to the Congress as a separate document.

(d) Definition.—As used in this section, the term "United States economic assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), or chapter 4 of part II of that Act (relating to the economic support fund).

SEC. 1120. ASSISTANCE TO COUNTRIES RECEIVING SUPERSONIC FIGHTER AIRCRAFT FROM THE SOVIET UNION.

(a) Criteria in Assistance Decisions.—In determining whether to provide foreign assistance to a country for fiscal years 1988 and 1989 and the amount of assistance to be provided, the president shall take into account whether that country has an agreement with the Soviet Union pursuant to which that country will obtain supersonic fighter aircraft from the Soviet Union.

(b) Definitions.—As used in this section—

(1) the term "agreement" includes a coproduction agreement; and

(2) the term "foreign assistance" means any assistance under the Arms Export Control Act, the Foreign Assistance Act of 1961 (excluding assistance under chapter 9 of part I, relating to disaster assistance), or the Agricultural Trade Development and Assistance Act of 1954 (excluding emergency food assistance under title II).

SEC. 1121. COORDINATION OF CONGRESSIONAL POLICY TOWARD ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) It is the sense of the Congress that—

(1) at least six Members of the Congress designated as provided for in subsection (b), should meet on an ad-hoc basis for the purpose of developing a coordinated congressional policy toward assessed contributions to international organizations; and

(2) the Secretary of State should provide such cooperation as may be required by such Members.

(b) The Members described in subsection (a)(1) should be designated as follows:

(1) The Speaker of the House of Representatives, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the House as follows:

(A) one Member of the Committee on Foreign Affairs;

(B) one Member of the Committee on Appropriations, from the subcommittee handling activites of the Department of State; and

(C) one Member of the Committee on the Budget.

(2) The President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the Senate as follows:

(A) one Member of the Committee on Foreign Relations;

(B) one Member of the Committee on Appropriations, from the subcommittee handling activities of the Department of State; and

(C) one Member of the Committee on the Budget.

(c) Not later than March 1, 1988, the Members of Congress designated under this section shall prepare and transmit to the committees of Congress referred to in subsection (b) a report on the findings and conclusions of the Members made pursuant to this section, together with any recommendations for appropriate action by such committees.

TITLE XII—ADDITIONAL ASSISTANCE FOR BASE RIGHTS COUNTRIES

SEC. 1201. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.

(a) Authorizations.—In addition to the amounts authorized to be appropriated by the preceding provisions of this Act, there are authorized to be appropriated, for use in accordance with subsection (b), an aggregate of $400,000,000 for each of the fiscal years 1988 and 1989 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), chapter 4 of that part (relating to the economic support fund), and chapter 5 of that part (relating to international military education and training) and section 23 of the Arms Export Control Act (relating to foreign military sales credits).

(b) BASE RIGHTS COUNTRIES.—The funds authorized to be appropriated by subsection (a) shall be available only to meet United States security assistance requirements arising from agreements providing for United States access to military facilities in foreign countries.

(c) AUTHORITY TO EXTEND PERIOD OF AVAILABILITY.—Amounts appropriated pursuant to the authorizations of appropriations contained in subsection (a) are authorized to be made available until expended.

SEC. 1202. FOREIGN MILITARY SALES PROGRAM CEILING.

The aggregate foreign military sales financing ceiling for fiscal year 1988 and for fiscal year 1989 which is specified in section 31(b)(1) of the Arms Export Control Act shall be deemed to be increased by the amount appropriated under this title to carry out section 23 of that Act for that fiscal year.

SEC. 1203. MAINTENANCE OF MILITARY BALANCE IN THE EASTERN MEDITERRANEAN.

(a) REQUIREMENT THAT BALANCE BE MAINTAINED.—Amounts authorized to be appropriated by this title may not be made available in a manner inconsistent with—

(1) the policy established in section 620C(b) of the Foreign Assistance Act of 1961; and

(2) the ratio described in section 516(e)(2)(B) (i) and (ii) of that Act (as enacted by section 612 of this Act).

(b) CONFORMING PROVISION.—Assistance provided for Greece and Turkey with funds authorized to be appropriated by this title is in addition to the amounts of assistance provided for in section 608 and section 609 of this Act.

TITLE XIII—ASSISTANCE TO POLAND

SEC. 1301. SHORT TITLE.

This title may be cited as the "American Aid to Poland Act of 1987".

SEC. 1302. FUNDING FOR SCIENCE AND TECHNOLOGY AGREEMENT.

(a) FUNDING.—For purposes of implementing the 1987 United States-Polish science and technology agreement, there are authorized to be appropriated to the Secretary of State for fiscal year 1988, $1,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

(c) DEFINITION.—For purposes of this section, the term "1987 United States-Polish science and technology agreement" refers to the draft agreement concluded in 1987 by the United States and Poland, entitled "Agreement Between the Government of the United States of America and the Polish People's Republic on Cooperation in Science and Technology and Its Funding", together with annexes relating thereto.

SEC. 1303. AGRICULTURAL ASSISTANCE FOR POLAND.

Notwithstanding any other provision of law, $10,000,000 of funds made available to carry out section 103 of the Foreign Assistance Act of 1961 (relating to development assistance for agriculture, rural development, and nutrition) for fiscal year 1988 shall be available until August 15, 1988, only for agricultural activities in Poland. Any funds made available under the preceding sentence which have not been obligated or expended by such date may be obligated for other purposes in accordance with section 103 of the Foreign Assistance Act of 1961 if the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress are notified at least 15 days in advance of such obligation. Such notification shall be considered in accordance with the procedures applicable under section 634A of that Act.

SEC. 1304. DONATION OF SURPLUS AGRICULTURAL COMMODITIES.

(a) AUTHORITY TO DONATE.—Notwithstanding any other provision of law, the Secretary of Agriculture shall donate, under the applicable provisions of section 416(b) of the Agricultural Act of 1949, for each of the fiscal years 1988 through 1992, 8,000 metric tons of uncommitted stocks of eligible commodities of the Commodity Credit Corporation under an agreement with the Government of Poland that the Government of Poland will sell such commodities and that all the proceeds from such sales will be used by nongovernmental agencies for eligible activities in Poland described in section 416(b)(7)(D)(ii) of that Act (as amended by section 1306 of this Act) that have been approved, upon application, by the United States chief of diplomatic mission in Poland, and by the joint commission described in section 1307.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "eligible commodities" has the same meaning as is given such term in section 416(b)(2) of the Agricultural Act of 1949 and, in addition, includes feed grains; and

(2) the term "nongovernmental agencies" includes nonprofit voluntary agencies, cooperatives, intergovernmental agencies such as the World Food Program, and other multilateral organizations.

SEC. 1305. USE OF POLISH CURRENCIES.

(a) USE OF POLISH CURRENCIES.—Subject to subsection (b), nonconvertible Polish currencies (zlotys) held by the United States on the date of enactment of this Act pursuant to an agreement with the Government of Poland under the Agricultural Trade Development and Assistance Act of 1954 which are not assets of the Commodity Credit Corporation shall be made available, to the extent and in such amounts as are provided in advance in appropriation Acts, for eligible activities in Poland described in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (as amended by section 1306 of this Act) and approved, upon application, by the joint commission described in section 1307 and by the United States chief of diplomatic mission in Poland.

(b) AVAILABILITY OF CURRENCIES.—Currencies available under subsection (a) are currencies available after satisfaction of existing commitments to use such currencies for other proposes specified by law.

SEC. 1306. ELIGIBLE ACTIVITIES.

Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 is amended by adding at the end the following: "In addition, foreign currency proceeds generated in Poland may also be used by such agencies or cooperatives for eligible activities approved by the joint commission established pursuant to section 1307 of the American Aid to Poland Act of 1987 and by the United States chief of diplomatic mission in Poland that would improve the quality of life of the Polish people and would strengthen and support the activities of private, nongovernmental independent institutions in Poland. Activities eligible under the preceding sentence include—

"(I) any project undertaken in Poland under the auspices of the Charitable Commission of the Polish Catholic Episcopate for the benefit of handicapped or orphaned children;

"(II) any project for the reconstruction, renovation, or maintenance of the Research Center on Jewish History and Culture of the Jagiellonian University of Krakow, Poland, established for the study of events related to the Holocaust in Poland; and

"(III) any other project or activity which strengthens and supports private and independent sectors of the Polish economy, especially independent farming and agriculture.".

SEC. 1307. JOINT COMMISSION.

(a) ESTABLISHMENT.—The joint commission referred to in section 1304 and in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (as amended by section 1306 of this Act) shall be established under an agreement between the United States Government, the Government of Poland, and nongovernmental agencies (as defined in section 1304) operating in Poland.

(b) MEMBERSHIP.—The joint commission shall be composed of—

(1) appropriate representatives of the Government of Poland;

(2) appropriate representatives of nongovernmental agencies which are parties to the agreement described in subsection (a); and

(3) representatives from the United States diplomatic mission in Poland, which may include a representative of the Foreign Agricultural Service.

SEC. 1308. PROVISION OF MEDICAL SUPPLIES AND HOSPITAL EQUIPMENT TO POLAND.

In addition to amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for fiscal years 1988 and 1989, there are authorized to be appropriated to carry out that chapter for each such fiscal year, $2,000,000, which shall be available only for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment.

TITLE XIV—CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION

SEC. 1401. FINDING AND POLICY.

(a) FINDING.—The Congress finds and declares that the spread of chemical weapons and the capability to manufacture or otherwise acquire such weapons pose a grave threat to the security interest of the United States and to continued international progress toward world peace and development. Therefore, efforts should be undertaken to stop proliferation of chemical and biological weapons in an attempt to contribute to a complete ban of these weapons.

(b) POLICY.—It is the policy of the United States to—

(1) assure that the policy of the United States regarding all security assistance, including all military assistance and education and training programs, is consistent with this policy;

(2) obtain international agreement to abolish chemical and biological weapons and

prohibit their manufacture, possession, or use in the spirit of the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972;

(3) assure that exports from the United States of materials, equipment, or technology having significance for production of chemicals are consistent with efforts to prevent proliferation of chemical and biological weapons;

(4) obtain assurances that exports from the United States of materials, equipment, or technology having direct significance for the production of chemical and biological weapons are used for peaceful purposes;

(5) cooperate with other nations to prevent the spread of materials, equipment, and technology with properties useful for the production of chemical and biological weapons;

(6) examine allegations that other countries are developing and proliferating chemical or biological weapons or materials, equipment, and technology for the production of such weapons;

(7) protect the health and safety of the public against threats from chemical or biological weapons due to accident, terrorism, or war; and

(8) coordinate the policies, programs, and other activities of all departments and agencies of the United States Government to implement this policy fully.

SEC. 1402. PROLIFERATION-RISK ASSESSMENT.

(a) IN GENERAL.—The Secretary of State shall assess the risk of the proliferation of chemical or biological weapons, and shall recommend to the Congress legislation to control such proliferation. The assessment shall give particular attention to the technology of chemical or biological weapons and to the materials, equipment, and technology that have direct significance for the production and use of chemical or biological weapons.

(b) PARTICULAR MATTERS TO BE CONSIDERED.—The assessment shall consider the following:

(1) Any recommendation for legislation required to implement fully the policy of this title.

(2) Existing technologies for the production of chemical or biological weapons.

(3) Actual and potential suppliers of materials, equipment, and technology having significance for the production of chemical weapons.

(4) The effectiveness of present United States regulatory and other authority for control of exports of such materials, equipment, and technology.

(5) The projected effect of export controls on industry in the United States, considering the likelihood of obtaining the cooperation of foreign governments in limiting exports of materials, equipment, and technology with properties useful for the production of chemical and biological weapons.

(6) Any other matter the President determines to be relevant in carrying out the policy of this title.

(c) CONSULTATION WITH OTHER AGENCIES.—The assessment shall be carried out in consultation with the Secretary of Defense, the Secretary of Commerce, the Secretary of Health and Human Services, and the Director of the Arms Control and Disarmament Agency.

(d) REPORT TO CONGRESS.—Not later than six months after the date of the enactment of this title, the Secretary of State shall transmit to Congress a report setting forth the results of the assessment under this section.

SEC. 1403. ANNUAL REPORT ON PROLIFERATION.

(a) IN GENERAL.—The Secretary of State shall transmit to Congress a biannual report describing the status of—

(1) control of the proliferation of chemical and biological weapons;

(2) efforts to prevent the spread of such weapons; and

(3) programs to control the export of materials, equipment, and technology having direct significance for the production of chemical and biological weapons.

(b) RECOMMENDATIONS.—Each such report shall include any recommendation that the Secretary considers appropriate regarding additional authority needed to carry out the policy of this title.

(c) TIME FOR FIRST REPORT.—The first such report shall be submitted two years after the date of the enactment of this title.

SEC. 1404. CHEMICAL INDUSTRY ADVISORY GROUP.

The Secretary of State shall establish a Chemical Industry Advisory Group to provide advice to the Secretary with respect to sections 1402 and 1403. Members of the Group shall be appointed from business firms in the chemical industry.

SEC. 1405. CONSULTATION WITH CONGRESS.

The Secretary of State shall keep the appropriate committees of Congress fully and currently informed of all developments of significance to the proliferation and control of chemical and biological weapons.

TITLE XV—OTHER PROVISIONS

SEC. 1501. HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF CUBA.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations was established in 1945 for, among other purposes, the promotion and encouragement of respect for human rights and fundamental freedoms for all;

(2) the United Nations Human Rights Commission was established by the Economic and Social Council in 1946 to investigate and make recommendations concerning the violation of human rights and fundamental freedoms;

(3) the Government of Cuba has engaged in systematic and flagrant abuses of basic human rights and freedoms so offensive that they demand universal condemnation, including—

(A) the arbitrary arrest and prolonged imprisonment of individuals accused of political opposition to the Government of Cuba for engaging in such activities as the open or private expression of political opinions or religious beliefs, the attempt to form independent labor unions, the possession, reproduction, or intended distribution of religious or political literature, including the Universal Declaration of Human Rights, or even the professional representation by legal counsel of those so accused;

(B) the murder of political prisoners while in custody or the execution of individuals sentenced to death for political offenses;

(C) the reported systematic use of physical and psychological torture and the degrading and abusive treatment of political prisoners, especially the "plantados"—those who refuse out of conscience to participate in so-called political rehabilitation programs;

(D) the institutionalized use of a network of neighborhood informants organized by political "block committees", or so-called "Committees for the Defense of the Revolution", to repress the exercise of any freedom of expression and otherwise control the behavior of citizens through intimidation;

(E) the repression of the independent Committee for Human Rights in Cuba for its attempt to register as a legal organization under the laws of the state, and the reported arrest, disappearance, or death of members of the Committee, and the continuing persecution of its president who has had to seek the safety of a foreign embassy out of fear for his life and continues to be deprived of the right to leave Cuba to be reunited with his family; and

(F) the expulsion from Cuba of foreign journalists for having attempted to interview Cuban citizens and report objectively on the human rights situation in that country; and

(4) the United Nations has consistently failed to address the violation of fundamental human rights and freedoms in Cuba.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United Nations and the United Nations Human Rights Commission have acted selectively and inconsistently in addressing violations of basic human rights in various countries;

(2) the United Nations General Assembly and the United Nations Human Rights Commission have failed to responsibly address the deplorable human rights situation in Cuba despite overwhelming evidence of the continuing disregard and systematic abuse of the most basic human rights by the Government of Cuba;

(3) the President, the Secretary of State, and the Permanent Representative of the United States to the United Nations are to be commended for their efforts to place Cuba on the human rights agenda of the United Nations and are strongly encouraged to continue in their efforts to bring this issue to the attention of the United Nations;

(4) the following countries are to be commended for voting in favor of considering human rights violations in Cuba, particularly in light of the thinly veiled threats of the Cuban delegation: Austria, Australia, Belgium, Costa Rica, France, Gambia, Federal Republic of Germany, Iceland, Italy, Japan, Lesoto, Liberia, Norway, Philippines, Somalia, Togo, and the United Kingdom;

(5) the United States should strongly urge the member countries of the United Nations Human Rights Commission which are interested in democracy in the region, particularly Mexico, Spain, Peru, Venezuela, Argentina, and Colombia, to support the United States resolution on Cuban human rights at the next session of the Commission;

(6) the United States should take into account this vote in determining United States bilateral and other assistance to all member countries of the Commission;

(7) The United States should continue to emphasize how other countries vote on fundamental issues such as human rights when determining financial support for the United Nations, which includes the contribution to the Human Rights Commission; and

(8) the United Nations Human Rights Commission (which will hold its forty-fourth session in Geneva, Switzerland, in 1988) should include among the highest priorities of its human rights agenda consideration of human rights violations in Cuba.

SEC. 1502. CHILD LABOR RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) the international exploitation of child labor remains a serious problem, notwithstanding the adoption of the Declaration of the Rights of the Child and efforts by the United Nations, including a draft convention on the rights of the child and a seminar

on ways of achieving the elimination of child labor in all parts of the world;

(2) at least 88,000,000 children, and perhaps as many as 200,000,000 children, between the ages of 11 and 15 currently serve in the world's workforce;

(3) child workers frequently labor under extremely hazardous conditions at virtually no pay and in excess of the hours allowed by law for adults;

(4) the use of child labor is growing in many developing countries;

(5) the exploitation of child labor does grave physical, mental, and moral harm to children and severely weakens the society's future capacity for economic growth;

(6) there exist recognized international child labor standards, including the minimum age for admission to employment, which are intended to assure the fullest physical and mental development of young persons;

(7) the United Nations is an appropriate forum for initiatives to focus international attention on child labor rights; and

(8) the annual reports prepared by the Department of State on individual country human rights practices can be used to call greater attention to the international exploitation of child labor.

(b) UNITED NATIONS MEASURES.—The United States delegation to the United Nations should recommend to the United Nations appropriate measures to call further international attention to the exploitation of child labor and the need for international respect for child labor rights.

(c) ANNUAL ASSESSMENTS AND REPORTS.—The Secretary of State shall fully and completely assess, on an annual basis, the status of internationally recognized child labor rights. The Secretary shall include the results of those assessments in the annual reports on individual country human rights practices (submitted to the Congress by the Department of State pursuant to sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961). In making those assessments, the Secretary shall—

(1) use all available information about observance of and respect for internationally recognized child labor rights, including information made available by the International Labor Organization, trade unions, children's advocacy organizations, and human rights organizations; and

(2) describe which countries recognize and abide by internationally recognized child labor rights, including the domestic mechanisms for the enforcement and legal penalties for violations of such rights.

(d) DEFINITION.—For the purposes of subsection (c), the term "internationally recognized child labor rights" includes—

(1) the right of children to not be employed while they are below a minimum age;

(2) the right of children below the age of eighteen to not be employed at night or in occupations that jeopardize their health, safety, or morals;

(3) the right of children to be employed consistent with standards for minimum wages, hours of work, and occupational safety and health; and

(4) the right of children to be free from any form of forced or compulsory employment.

SEC. 1503. REPORT ON PROCESS OF INTERAGENCY REVIEW OF CERTAIN AGREEMENTS WITH CONTROLLED COUNTRIES.

(a) EVALUATION OF INTERAGENCY REVIEW PROCESS.—The Comptroller General shall evaluate and, not later than 1 year after the date of the enactment of this Act, shall submit to the Congress a report on the methods and procedures used in, and the effectiveness of, the current interagency arrangements to review agreements between controlled countries and United States Federal agencies which involve the exchange or transfer of militarily critical scientific or technological information.

(b) FACTORS TO BE CONSIDERED.—In carrying out subsection (a), the Comptroller General shall—

(1) evaluate the adequacy of, and the need to enhance, the current interagency review process, particularly with respect to timeliness, mechanisms to ensure appropriate consultation among interested parties, and procedures to assure consistency with current United States laws, policies, and procedures;

(2) review the adequacy of resources available to the Committee on Exchanges of the Technology Transfer Intelligence Committee and other interagency groups to conduct appropriate and timely technical assessments of proposed agreements;

(3) evaluate the policy implications of linking foreign access to United States facilities or individuals to reciprocal access to renowned foreign scientists identified by the United States, including those subject to discrimination on account of their political or religious beliefs;

(4) evaluate the need for, and the feasibility and usefulness of, a requirement that persons who visit controlled countries for purposes of scientific or technological exchanges provide upon their return from such countries, in cases where the visits are supported with Federal funds or other resources of the Federal Government, briefings and reports to interested United States Government agencies on their activities in those countries; and

(5) make any other recommendations that would enhance the benefits to the United States of scientific and technological arrangements with controlled countries.

(c) OTHER REVIEWS.—Before submitting to the Congress the report described in subsection (a), the Comptroller General shall submit the report to the Departments of State, Defense, and Commerce and the National Academy of Sciences for their respective reviews of the report. When the Comptroller General submits the report to the Congress, the Comptroller General shall include with the report any comments on the report which are transmitted to the Comptroller General pursuant to such reviews.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "controlled country" means any controlled country within the meaning of the Export Administration Act of 1979; and

(2) the term "militarily critical scientific or technological information" means any technology on which export controls are in effect under section 5 of the Export Administration Act of 1979.

SEC. 1504. SOUTH AFRICAN URANIUM EXPORTS.

Section 309(a) of the Comprehensive Anti-Apartheid Act of 1986 is amended by adding at the end the following: "It is the sense of the Congress that no uranium compounds in any form, which are derived from uranium that is produced or manufactured in South Africa, should be imported into the United States.".

SEC. 1505. REPORT ON SOVIET HARD CURRENCY SOURCES AND USES.

Not later than 30 days after the date of enactment of this Act, the President shall submit to the Congress a report (which shall be unclassified, with a classified annex if necessary) which provides the following information with respect to the Union of Soviet Socialist Republics, Czechoslovakia, Romania, Bulgaria, Hungary, the German Democratic Republic, and Poland:

(1) That country's hard currency income and borrowings from each of the following sources:

(A) Loans by Western governments.

(B) Commercial loans from banks in Western countries, including from branches and subsidiaries of such banks.

(C) Interbank deposits by Western banks and their branches and subsidiaries in banks owned by that country, including those banks owned by that country located in Western countries.

(D) The export earnings of that country divided into the following sectors: oil, gas, gold, arms sales (by country), and other export sources.

(2) That country's hard currency outlays toward each of the following purposes:

(A) Support for allies and client regimes (by country), including forgone hard currency income through subsidization of exports or military assistance.

(B) Support for insurgencies and terrorist groups (by group).

(C) KGB and GRU activities, including disinformation and high technology acquisition.

(D) Debt service.

(E) Imports from Western countries.

SEC. 1506. SOVIET POLICY ON JEWISH EMIGRATION.

(a) FINDINGS.—The Congress finds that—

(1) many Jewish individuals and their families have been prevented from emigrating from the Soviet Union because they were once employed in what the Soviet Government calls "secret work";

(2) General Secretary Mikhail Gorbachev has publicly stated that possession of "State secrets" could not be grounds for refusal to allow individuals to emigrate after 5 years or 10 years at most;

(3) whereas a Soviet review board has been convened by the order of the Politburo to reconsider emigration cases which have been rejected or delayed for many years on the grounds of knowledge of "State secrets";

(4) the Soviet Union has agreed to meet formally with the United States at the highest levels to discuss matters relating to arms control, human rights, and bilateral relations; and

(5) many individuals and their families continue to wait patiently for approval of their applications to emigrate.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, in the course of his negotiations and dealings with the leadership of the Soviet Union, the President should express—

(1) the strong opposition of the United States to the Soviet Union's refusal to permit Yuli Kosharovsky, Aleksandr Lerner, Yakhov Rakhlenko, Valery Soifer, Yulian Khasin, and Gennady and Natsha Khasin, their families, and other families in similar positions, to emigrate from the Soviet Union; and

(2) the desire of the United States that the Government of the Soviet Union comply with its obligations under the Final Act of the Conference on Security and Cooperation in Europe, the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, and

permit these individuals, their families, and others to emigrate from the Soviet Union.

SEC. 1507. SOVIET HUMAN RIGHTS POLICY AND THE SUMMIT.

(a) Findings.—The Congress finds that—

(1) President Reagan and General Secretary Gorbachev are meeting in Washington from December 6 to 10, 1987;

(2) among the issues on the agenda are human rights;

(3) despite such welcome developments as the release of political prisoners, the resolution of longstanding divided family and refusenik cases, and the increase in emigration rates, the Soviet Union continues to violate the internationally recognized human rights of its citizens, including freedom of emigration, religion, thought, and expression; and

(4) continued Soviet violations of human rights are a serious impediment to improved bilateral relations between the United States and the Soviet Union.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) the President should be commended for his efforts to press the Soviet Union to abide by its commitments to respect internationally recognized human rights and should protest forcefully to General Secretary Gorbachev continued Soviet human rights violations; and

(2) the Soviet Union should abide by its obligations under the Universal Declaration of Human Rights, the International Covenants on Human Rights, and Final Act of the Conference on Security and Cooperation in Europe, to respect human rights and fundamental freedoms, including freedom of emigration, religion, thought, and expression.

SEC. 1508. COMPREHENSIVE FOREIGN DEBT INFORMATION.

(a) Requirement for Comprehensive Information.—The President shall take steps to insure that the various reports submitted to the Congress provide full and compatible information on the status of all loans, credits, loan guarantees, and all other repayable financial assistance provided to foreign governments by the United States Government. As appropriate, information detailing the current status of foreign debt obligations owed the United States Government may be classified.

(b) Programs Covered by Comprehensive Information Requirement.—Programs covered by this section should include (but not be limited to) programs under the Foreign Assistance Act of 1961, the Commodity Credit Charter Act, the Arms Export Control Act, the Agricultural Trade Development and Assistance Act of 1954, and the Export-Import Bank Act of 1945.

(c) Information To Be Provided.—Reports subject to this section shall detail, where appropriate, the following:

(1) The amounts of foreign assistance loan authorization, disbursements, accumulated outstanding rescheduled debt, repayments, and outstanding balances, by program and country.

(2) The applicability of provisions of law providing for termination of assistance to countries in default on repayments to the United States Government and the collectibility of non-current loans, by country.

(3) The reasons for any significant shortfalls in repayments of billed principal and interest for the preceding year.

(4) A listing of loan rescheduling, restructuring, and other debt relief, by country, including a statement as to why debt relief is necessary and in the United States interest, how the completed debt rescheduling will affect United States financial interests, how much and how many times debts owed to the United States have been restructured, and what are the prospects for collecting rescheduled receivables, by country.

(5) A listing of how many foreign loans have been written off and for what reason, by program and country.

(6) A list of all contingent liabilities from loan guarantees, credits, and other assistance programs, by program and country.

(7) A best estimate of the current value of the portfolio of outstanding loans and other obligations by program, through the creation of a loan loss reserve account which shall be estimated to reflect the decline from face value of all outstanding loans and other obligations. This loan loss reserve estimate shall reflect the decline in value that may result from factors such as interest concessions and reduced likelihood that loans and other obligations will be repaid in full in a timely manner in accordance with loan terms.

(8) A list of countries still being given new loan assistance, although those countries have had outstanding obligations rescheduled or restructured.

SEC. 1509. REPORT ON UNITED NATIONS-BASED ESPIONAGE.

Not later than 6 months after the date of enactment of this Act and annually thereafter, the President shall provide to the appropriate committees of the House of Representatives and the Senate a comprehensive report on espionage undertaken by foreign nationals within the United Nations Secretariat and member delegations to the United Nations. This report shall be unclassified, with a classified appendix if necessary.

SEC. 1510. REVIEW OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS.

(a) Findings.—The Congress finds that—

(1) the United Nations was founded for the primary purpose of maintaining international peace and security by encouraging peaceful resolution of disputes and the development of friendly relations among nations;

(2) the United States, as the host nation of the United Nations, a founding member of the United Nations, and the largest contributor to the United Nations, became and remains a member of the United Nations in order to contribute to collective efforts among the nations of the world to realize the ends of international peace and security;

(3) the United States is committed to upholding and strengthening the principles and purposes of the United Nations Charter upon which the United Nations was founded;

(4) in recent years, the United Nations as a body, and many of its member nations, have strayed from the original purposes established by the United Nations Charter;

(5) the United States has been called upon to shoulder increasing financial costs associated with the United Nations and its affiliated agencies at a time of increasing budget constraints within the United States;

(6) the presence of the United Nations within the United States has come to present major national security concerns as a result of espionage by foreign nationals within the United Nations Secretariat and member delegations to the United Nations;

(7) according to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet Intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance; and

(8) other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(b) Presidential Review and Reports to Congress.—

(1) Review.—The President shall comprehensively review United States participation in the United Nations.

(2) Report.—Not later than six months after the date of enactment of this Act and annual by thereafter, the President shall provide a written report to the Congress containing the President's findings and recommendations based on the review required by paragraph (1). Each such report shall contain, at a minimum, a thorough analysis of the following issues:

(A) The extent and levels of United States financial contributions to the United Nations.

(B) The importance of the United Nations, as presently constituted, to fulfilling the national security and foreign policy objectives of the United States.

(C) The benefits and detriments derived by the United States from its participation in the United Nations.

(D) The danger to the United States from espionage associated with the United Nations, and the financial costs to the United Nations, and the financial costs to the United States of detecting, monitoring, and preventing such espionage.

(E) The advantages and disadvantages of having the United Nations located outside the United States.

SEC. 1511. HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) Findings.—The Congress finds that—

(1) on October 1, 1987, Chinese police in Lhasa fired upon several thousand unarmed Tibetan demonstrators, which included hundreds of women, children, and Tibetan Buddhist monks, killing at least six and wounding many others;

(2) on September 27, 1987, a peaceful demonstration in Lhasa calling for Tibetan independence and the restoration of human rights in Tibet, which was led by hundreds of Tibetan monks, was violently broken up by Chinese authorities and 27 Tibetan Buddhist monks were arrested;

(3) in the wake of His Holiness the Dalai Lama's five point peace plan, which was presented to Members of the United States Congress during his visit to Washington in September 1987, Chinese authorities in Tibet staged, on September 24, 1987, a mass political rally at which three Tibetans were given death sentences, two of whom were executed immediately;

(4) beginning October 7, 1950, the Chinese Communist army invaded and occupied Tibet;

(5) since that time, the Chinese Government has exercised dominion over the Tibetan people, who had always considered themselves as independent, through the presence of a large occupation force;

(6) over 1,000,000 Tibetans perished in 1959 to 1979 as a direct result of the political instability, executions, imprisonment, and widescale famine engendered by the policies of the People's Republic of China in Tibet;

(7) after 1950, particularly during the ravages of China's Cultural Revolution, over 6,000 monasteries, the repositories of 1,300 years of Tibet's ancient civilization, were destroyed and their irreplaceable national legacy of art and literature either destroyed, stolen, or removed from Tibet;

(8) the exploitation of Tibet's vast mineral, forest, and animal reserves has occurred with limited benefit to the Tibetan people;

(9) Tibet's economy and education, health, and human services remain far below those of the People's Republic of China as a whole;

(10) the People's Republic of China has encouraged a large influx of Han-Chinese into Tibet, thereby undermining the political and cultural traditions of the Tibetan people;

(11) there are credible reports of many Tibetans being incarcerated in labor camps and prisons and killed for the nonviolent expression of their religious and political beliefs;

(12) His Holiness the Dalai Lama, spiritual and temporal leader of the Tibetan people, in conjunction with the 100,000 refugees forced into exile with him, has worked tirelessly for almost 30 years to secure peace and religious freedom in Tibet, as well as the preservation of the Tibetan culture;

(13) in 1959, 1961, and 1965, the United Nations General Assembly called upon the People's Republic of China to end the violations of Tibetans' human rights;

(14) on July 24, 1985, 91 Members of the Congress signed a letter to President Li Xiannian of the People's Republic of China expressing support for direct talks between Beijing and representatives of His Holiness the Dalai Lama and the Tibetans in exile, and urging the Government of the People's Republic of China "to grant the very reasonable and justified aspirations of His Holiness the Dalai Lama and his people every consideration";

(15) on September 27, 1987, the chairman and ranking minority member of the Senate Foreign Relations Committee, the chairman and ranking minority member of the House Foreign Affairs Committee, and the Co-Chairman of the Congressional Human Rights Caucus signed a letter to his Excellency Zhao Ziyang, the Prime Minister of the People's Republic of China, expressing their "grave concern with the present situation in Tibet and welcome(d) His Holiness the Dalai Lama's (five point) proposal as an historic step toward resolving the important question of Tibet and alleviating the suffering of the Tibetan people . . . (and) express(ing) their full support for his proposal."; and

(16) there has been no positive response by the Government of the People's Republic of China to either of these communications.

(b) Statement of Policies.—It is the sense of the Congress that—

(1) the United States should express sympathy for those Tibetans who have suffered and died as a result of fighting, persecution, or famine over the past four decades;

(2) the United States should make the treatment of the Tibetan people an important factor in its conduct of relations with the People's Republic of China;

(3) the Government of the People's Republic of China should respect internationally recognized human rights and end human rights violations against Tibetans;

(4) the United States should urge the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialogue on the future of Tibet;

(5) Tibetan culture and religion should be preserved and the Dalai Lama should be commended for his efforts in this regard;

(6) the United States, through the Secretary of State, should address and call attention to the rights of the Tibetan people, as well as other non-Han-Chinese within the People's Republic of China such as the Uighurs of Eastern Turkestan (Sinkiang), and the Monogolians of Inner Mongolia;

(7) the President should instruct United States officials, including the United States Ambassadors to the People's Republic of China and India, to pay greater attention to the concerns of the Tibetan people and to work closely with all concerned about human rights violations in Tibet in order to find areas in which the United States Government and people can be helpful; and

(8) the United States should urge the People's Republic of China to release all political prisoners in Tibet.

(c) Transfer of Defense Articles.—With respect to any sale, licensed export, or other transfer of any defense articles or defense services to the People's Republic of China, the United States Government shall, consistent with United States law, take into account the extent to which the Government of the People's Republic of China is acting in good faith and in a timely manner to resolve human rights issues in Tibet.

(d) Migration and Refugee Assistance.—Within 60 days after the date of the enactment of this Act, the Secretary of State shall determine whether the needs of displaced Tibetans are similar to those of displaced persons and refugees in other parts of the world and shall report that determination to the Congress. If the Secretary makes a positive determination, of the amounts authorized to be appropriated for the Department of State for "Migration and Refugee Assistance" for each of the fiscal years 1988 and 1989, such sums as are necessary shall be made available for assistance for displaced Tibetans. The Secretary of State shall determine the best means for providing such assistance.

(e) Scholarships.—For each of the fiscal years 1988 and 1989, the Director of the United States Information Agency shall make available to Tibetan students and professionals who are outside Tibet not less than 15 scholarships for study at institutions of higher education in the United States.

SEC. 1512. DEMOCRACY IN TAIWAN.

(a) Findings.—The Congress finds that—

(1) stability and peace prevail on the island of Taiwan and in the Western Pacific region;

(2) economic vitality, educational advancement, and social progress have created conditions favoring the furtherance of democracy in Taiwan;

(3) the people of Taiwan, in both national and local elections, have shown themselves fully capable of participating in a democratic political process;

(4) the authorities on Taiwan are nurturing a transition toward truly democratic and representative political institutions, although a minority of the seats in the central legislature and central electoral college are filled through periodic elections, with the majority of seats still being held by individuals who took office in the late 1940's;

(5) on September 28, 1986, Taiwan's democratic opposition announced the formation of the Democratic Progressive Party;

(6) on October 7, 1986, President Chiang Ching-kuo, announced that the Kuomintang intended to end the state of martial law and to lift the ban on the creation of new political parties;

(7) the lifting of martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan;

(8) the Kuomintang has indicated a desire over the next few years to make more representative Taiwan's central representative bodies, to broaden decisionmaking within the Nationalist Party, to enhance the rule of law, and to increase the powers of local-level government; and

(9) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan and an acceleration of progress toward a full democracy on Taiwan, including full respect for human rights, will strengthen United States ties with the people on Taiwan.

(b) Sense of Congress.—The Congress—

(1) welcomes the democratic trends emerging in Taiwan and commends the progress that has been made recently in advancing democratic institutions and values;

(2) welcomes the lifting of martial law and looks forward to the lifting of the ban on new political parties;

(3) encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions, in particular by—

(A) guaranteeing freedom of speech, expression, and assembly; and

(B) moving toward a fully representative government, including the free and fair election of all members of all central representative bodies; and

(4) requests the American Institute in Taiwan to convey this Nation's continuing support for a democratic and prosperous Taiwan as stated in the Taiwan Relations Act and our encouragement for democracy to the leaders and the people of Taiwan.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1550

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Coelho], having assumed the chair, Mr. Kildee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4471) to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes, pursuant to House Resolution 441, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

An amendment inserting a new division B is considered as adopted pursuant to House Resolution 441.

Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 267, noes 112, not voting 52, as follows:

[Roll No. 130]

AYES—267

Ackerman
Akaka
Anderson
Andrews
Annunzio
Aspin
Atkins
Baker
Ballenger
Bates
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coble
Coelho
Coleman (TX)
Conte
Cooper
Coughlin
Courter
Coyne
Daub
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Florio
Foley
Frank
Frenzel
Frost
Gallo
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hertel
Hochbrueckner
Holloway
Horton
Houghton
Hoyer
Huckaby
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lowery (CA)
Lowry (WA)
Luken, Thomas
Mack
Madigan
Manton
Markey
Mavroules
McCloskey
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Nagle
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Parris
Pease
Pelosi
Penny
Pepper
Pickle
Porter
Price
Pursell
Rangel
Ravenel
Rhodes
Richardson
Ridge
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Upton
Vander Jagt
Vento
Visclosky
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron

NOES—112

Applegate
Archer
Armey
Badham
Bartlett
Barton
Bateman
Bennett
Bilirakis
Boulter
Brown (CO)
Bunning
Burton
Byron
Callahan
Cheney
Coleman (MO)
Collins
Combest
Conyers
Craig
Crockett
Dannemeyer
Darden
Davis (MI)
DeLay
DeWine
Dickinson
Dreier
Edwards (OK)
Emerson
English
Evans
Gekas
Gonzalez
Gregg
Hall (TX)
Hammerschmidt
Hayes (IL)
Hefner
Henry
Herger
Hiler
Hopkins
Hubbard
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Jontz
Kanjorski
Kyl
Latta
Lightfoot
Lloyd
Lott
Lujan
Lungren
Marlenee
Martin (IL)
McCandless
McEwen
Michel
Miller (OH)
Montgomery
Moorhead
Murphy
Murtha
Neal
Nielson
Oxley
Packard
Pashayan
Patterson
Perkins
Petri
Pickett
Quillen
Rahall
Ray
Regula
Roberts
Robinson
Rogers
Roth
Russo
Savage
Schaefer
Sensenbrenner
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sweeney
Swindall
Tallon
Taylor
Traficant
Valentine
Volkmer
Walker
Whittaker
Young (AK)

NOT VOTING—52

Alexander
Anthony
AuCoin
Barnard
Biaggi
Brooks
Bustamante
Chandler
Chappell
Clay
Coats
Crane
Davis (IL)
de la Garza
DeFazio
Dornan (CA)
Duncan
Early
Fields
Flippo
Foglietta
Ford (MI)
Ford (TN)
Gallegly
Gaydos
Gunderson
Hansen
Hughes
Hutto
Jones (TN)
Kemp
Kolbe
Kolter
Konnyu
Leath (TX)
Lukens, Donald
MacKay
Martin (NY)
Martinez
Matsui
Mazzoli
McCollum
Mica
Moakley
Myers
Nichols
Ortiz
Ritter
Spence
Udall
Yates
Young (FL)

□ 1610

Mr. VOLKMER and Mr. HEFNER changed their votes from "aye" to "no."

Mrs. VUCANOVICH changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, on rollcall No. 130, final passage of the Miscellaneous International Affairs Authorization Act of 1988, I was unavoidably detained by a legislative meeting in the Senate.

Had I been present, I would have voted "aye."

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4567, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1989

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-622) on the resolution (H. Res. 447) waiving certain points of order against consideration of the bill (H.R. 4567) making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4471, MISCELLANEOUS INTERNATIONAL AFFAIRS AUTHORIZATIONS ACT OF 1988

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4471, the Clerk be authorized to make such changes in section numbers and other technical corrections as may be necessary to incorporate the amendments to that bill that were adopted by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. ROTH. Mr. Speaker, reserving the right to object, there were no substantive changes. Our understanding is there are no substantive changes, and we have no changes on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF AVAILABILITY OF DOCUMENTS RELATING TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

(Mr. STOKES asked and was given permission to address the House for 1 minute.)

Mr. STOKES. Mr. Speaker, I would like to notify all Members that the classified schedule of authorizations and the classified annex to the report to the permanent Select Committee on Intelligence for H.R. 4387, the Intelligence Authorization Act for fiscal year 1989, is now available at the offices of the committee, H-405 in the Capitol, for the review of all Members of the House. The committee hopes to bring H.R. 4387 to the floor in the near future. So I urge Members to take the opportunity to review these documents.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican leader for yielding.

Mr. Speaker, in order to accommodate the Members we have removed the last bill from the calendar today that will be rescheduled next week, and the reason for doing this, as I think is obvious, is that the program took longer than expected, and Members who have travel arrangements to the west coast were not going to be able to make their airplanes this afternoon. Accordingly, that legislation will be rescheduled, and this concludes the business for today and for the week.

The House will be in session tomorrow in a pro forma session. No votes are expected. We hope there will not be any procedural votes for legislative business to be considered.

The House will not be in session on Monday, and tomorrow we will be requesting that when the House adjourns tomorrow it adjourn to meet on Tuesday.

□ 1615

On Tuesday, the House will consider four bills under Suspension of the Rules:

H. Con. Res. 274, to commend the Prime Ministers of Turkey and Greece for initiating their current dialog;

H. Con. Res. 223, to express the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians;

H.R. 4162, to make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States; and

H.R. 3651, Antiterrorism and Arms Export Amendments Act of 1988.

We will also consider H.R. 4567, energy and water appropriations, fiscal 1989 (subject to a rule).

On Wednesday and Thursday, May 18 and 19, the House will meet at 10 a.m. and consider the following bills:

H.R. 4586, military construction appropriations, fiscal 1989 (subject to a rule);

H.R. 4587, legislative branch appropriations, fiscal 1989 (subject to a rule);

H.R. 3913, Hate Crime Statistics Act (open rule, 1 hour of debate);

H.R. 1801, Juvenile Justice and Delinquency Prevention Act amendments (open rule, 1 hour of debate); and

H.R. 3146, Lottery Advertising Clarification Act of 1987 (subject to a rule).

On Friday, May 20, the House will not be in session.

Members should be advised that there could be further action on H.R. 3, the trade bill. Specifically, if the President should veto the legislation, we may be scheduling a veto override vote at an appropriate time next week.

Mr. MICHEL. I see that we are coming in on Wednesday and Thursday now at 10 a.m., which also signals that we are now in the summer session, having passed May 15, or will have by that date.

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. And that will be our normal time for meeting, am I not correct?

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. Then might I inquire of the distinguished majority leader, on Friday, May 27, as we begin the Memorial Day weekend, I am getting more and more questions of Members there. Is it the gentleman's feeling that we would not be in session on that Friday, or has a decision definitely been made?

Mr. FOLEY. We do not intend to be in session on that Friday, but we do intend to be in session on Thursday, the 26.

Mr. MICHEL. That recess will mean that we are off Friday, Saturday, Sunday, Monday, and Tuesday, is that correct?

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. The House will meet again on noon, Wednesday, June 1?

Mr. FOLEY. The House will be returning then.

Mr. MICHEL. Maybe the gentleman can withhold a specific time on that day. I was given to understand through some grapevine that maybe we would have the Agriculture appropriation bill, that maybe we would have general debate and not amendments until later on that Wednesday, again to help accommodate some Members for coming back after that recess.

Mr. FOLEY. We do not have a final schedule for that, but we are going to be returning at 1 o'clock. I think it is doubtful that votes will occur before 3 o'clock in the afternoon.

Mr. FOLEY. Mr. Speaker, I thank the gentleman. That news about the Friday before Memorial Day will give our membership a good indication then on what they can do better for Memorial Day.

ADJOURNMENT FROM FRIDAY, MAY 13, 1988, TO TUESDAY, MAY 17, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, May 13, 1988, it adjourn to meet at noon on Tuesday, May 17, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

EIGHTH AND NINTH ANNUAL REPORTS ON CONSERVATION AND USE OF PETROLEUM AND NATURAL GAS IN FEDERAL FACILITIES, 1986 AND 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, May 12, 1988.)

INTRODUCTION OF THE REAUTHORIZATION OF THE U.S. INSTITUTE OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am joined by a group of my colleagues in introducing legislation to reauthorize the U.S. Institute of Peace. Founded in October 1984, the

U.S. Institute of Peace is an independent, education corporation created with the sole purpose of educating the American people on ways to promote international peace and the resolution of international conflicts without the use of violence. The Institute achieves this goal through educational programs, training, research, and the distribution of information.

This legislation would extend the authorization for the U.S. Institute of Peace through 1991. In addition, this legislation codifies the newly established Jeanette Rankin Library Program. This program, named for the only Member of the House of Representatives who voted against both World Wars, this library program will include an oral history collection, the development of a specialized classification system, information exchange among the Institute and the public, as well as support related projects that enrich the activities supportive of scholarship and research in international peace.

I urge my colleagues to join me in supporting this legislation.

INTRODUCTION OF A BILL TO EXTEND THE URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. CAMPBELL] is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Speaker, I am happy to announce that I have introduced legislation to extend the Uranimum Mill Tailings Radiation and Control Act of 1978 [UMTRA] for an additional 4 years.

The act, which expires in 1990, authorizes the cleanup of radioactive tailings at 24 sites around the country. The act must be extended because budget limitations have caused work to proceed more slowly than anticipated. In addition, technical problems are preventing the completion of licensing procedures by the Nuclear Regulatory Commission [NRC]. An extension must be granted soon so that cleanup currently in progress will not be stopped.

The Department of Energy [DOE] says the 4-year extension will provide enough time to complete the program and will cost no more than was originally planned; spending will simply be spread out over a longer period.

The UMTRA project is particularly important for Colorado. Our State legislature showed its support by appropriating $3.1 million for cleanup in fiscal year 1988.

Colorado's contributions have been matched by a Federal commitment of over $112 million through 1988. In addition to making towns on Colorado's western slope healthier places to live and work, the employment and economic benefits of the UMTRA project are important. When the remedial action is completed in the 1990's, over 9,500 man-years of employment will have been created through the project and the Colorado economy will have received a direct, net, benefit of $160 million.

The UMTRA project is an example of a significant "bridge economy" for western Colorado. For the next several years, hundreds of jobs will be created in local communities and State/local revenues will be generated.

The benefits of the program are shared in each State that has an identified UMTRA site. By helping me pass this legislation, you'll not only be helping to protect the health and safety of your constituents, but making your areas' economy healthier as well.

SAY NO TO NORIEGA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. GUARINI] is recognized for 5 minutes.

Mr. GUARINI. Mr. Speaker, I urge President Reagan: Say no to Noriega. Do not drop the indictments.

For too long, the administration has let Noriega get away with murder.

Obviously, they paid him off. They looked the other way. They condoned his criminal conduct. While he sold his country to the drug lords, they did nothing.

To drop the indictments now would be a direct attack on the rule of law. It would send a message to drug pushers around the world: if the price is right, you can get away with it.

Mr. President, in the name of decency, justice, and common sense, say no to Noriega. Do not drop the indictments. Do not let him get away. Do not make a mockery of the rule of law. Do not make a mockery of the war against drugs.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. McKAY. Mr. Speaker, due to a previous commitment I missed several votes. Had I been able to vote, I would have voted for the amendment of Representative ROTH to H.R. 4471 and for final passage of H.R. 4471.

I appreciate having this opportunity to state my position on these measures.

DEVELOPING A PERSPECTIVE ON RECENT ARTICLES ABOUT JAPANESE BUSINESS

The SPEAKER pro tempore [Mr. NAGLE]. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, from time to time in recent months I have been reading excerpts from the book "The Japanese Conspiracy" and occasionally been including current articles about Japanese business practices. Suddenly, I find there is a stronger need to interpret these articles to understand what is happening to American business.

It is easy to miss the story of what is actually happening to our trade deficit and the loss of American jobs.

Another spate of Japanese stories has appeared within the last few days to show how they do business. What caught my attention was the May 9 issue of U.S. News & World Report. The front cover shows a man planting the Japanese flag in America's heartland, Tennessee. The title is catchy—"Japan Moves In."

A statement from the May 9 issue of Business Week will help put in perspective what the long-term goal of Japan is—and how the Japanese help our trade deficit.

The article states:

> Normura Research Institute estimates that Japan will ship 248 billion dollars' worth of goods overseas this year, up 11 percent from 1987.

That is $248 billion from Japan.

> An internal Bank of Japan study shows how entrenched the problem of Japanese exports to the United States is. The report explains that many Japanese manufacturers are setting up factories in America. This strategy is actually increasing Japanese exports to the United States, since parent companies in Japan are shipping machinery and spare parts to their expanding U.S. operations. Meanwhile to maintain market share while waiting for their American factories to be built they ship finished goods to the U.S. as well.

I might also point out that in building these factories, they are all demanding great tax concessions from both our States and they manage to get some from our Federal Government.

While we read how many Americans are employed by Japan and how Americans benefit from these jobs, we must be aware what these stories actually mean—Americans fighting to keep their companies—and Americans fighting to keep their jobs.

Recently, I read a letter from the president of the Aunyx Corp. of Hingham, MA, which explained how a small business of 85 people took on a giant Japanese corporation for violation of our trade laws. Unfortunately, they found the International Trade Commissioners overruled an administrative judge in favor of the Japanese.

Although discouraged, the president, Robert Langone has not yet given up. He ended his letter with a plea "tell me that someone out there in authority cares."—well I care, Mr. Langone. I care about Aunyx and I care about another company which is experiencing difficulties in original equipment auto parts manufacturer [OEM].

D.H. Keller, the president of an auto parts company, Lake Center Industries of Winona, MN, recently wrote to me:

> Predictions are that by 1990 the Japanese will export 2½ million cars to the United States and manufacture another 2½ million in the United States. Based on a 10-million car-per-year market, this will most certainly lead to the closing of even more United States owned auto plants, further eroding our business.

He explained that "over the past 2 years Lake Industries has attempted to penetrate the Japanese car market, both here and in Japan."

They have been unsuccessful. Because Lake is an American business, the playing field has not been as open and as friendly for them as some articles would indicate. What they experienced is interesting.

Mr. Keller writes:

> United States-based Japanese car manufacturing purchasing people have often treated our people rudely or unprofessionally, and were uninterested in what our company could do for them.
>
> In Japan, they were treated better by members of the Japanese automobile manufacturers. However, the Japanese were protected by MITI [Ministry of International Trade and Industry] and MITI was openly arrogant and abrasive and inferred that American companies and products are inferior.

Slowly our small companies are being squeezed out while, according to Mr. Keller:

> The Japanese car manufacturers show favoritism to Japanese auto parts suppliers. Because of size—these are large companies doing the squeezing—and financial strengths they will soon own a major share of the United States auto parts supply businesses.

□ 1630

What Mr. Keller is asking for is not protectionism but for us, the Congress, to address this problem. He cites the effects of States offering free land and extensive tax incentives to entice a Japanese supplier base to locate in their States. He said, "Because of favoritism they will thrive in the United States."

Ultimately, Mr. Keller states, "We will suffer a loss of size and strength of the United States auto parts industry as we know it."

His letter is prophetic. A story in the Washington Post, May 8 illustrates the Lake Center Industries story about auto parts manufacturers entitled "Japanese Capturing Another Segment of United States Auto Market: Parts—Pressure Increases on Domestic Manufacturers."

[From the Washington Post, May 8, 1988]

JAPANESE CAPTURING ANOTHER SEGMENT OF UNITED STATES AUTO MARKET: PARTS

(By Warren Brown)

DETROIT.—The third Japanese invasion of the American auto market is under way.

Phase one was launched with exports, mass numbers of cars and trucks sent here for American consumption.

The second wave came with Japanese auto companies actually moving their production facilities to U.S. shores.

And now, as radio commentator Paul Harvey might say, the Japanese are ready to complete what could be "the rest of the story."

With the same stunning growth that accompanied phases one and two, the Japanese are capturing yet another segment of the American auto scene—the lucrative parts business. Some 150 Japanese auto parts companies are making components in the United States today, nearly triple the number producing goods here in January 1984.

By 1990, many auto industry analysts and officials believe, about 300 Japanese auto parts makers will be turning out engine and transmission parts, heating and cooling components, tires and other automotive equipment in such states as Michigan, Indiana, Illinois, Kentucky and Tennessee.

Those parts will be in addition to myriad automotive components that will continue moving to the United States from Japan for the foreseeable future. And that means even greater pressure for domestic auto parts suppliers, squeezed out of the Japanese parts market overseas and threatened by increasingly cost- and quality-conscious U.S. auto makers at home.

"Clearly, what you have here is a shifting of automotive capacity from Japan to North America," said Christopher Bates, director of policy analysis for the New Jersey-based Motor and Equipment Manufacturers Association. "This is a dangerous trend," he said, particularly for domestic parts suppliers that are being set upon from both sides.

MEMA represents nearly 800 U.S. parts manufacturers, most of them privately owned.

For many of the Japanese parts makers coming ashore, the immediate goal is to supply Mazda Motor Corp., Toyota Motor Corp., Nissan Motor Co. Ltd., Honda Motor Co. Ltd. and other Japanese auto companies that, separately and in joint ventures with American car producers, will have the capacity to produce nearly two million cars and trucks annually in the United States by 1990.

But the goals of the transplanted Japanese parts makers go beyond serving their traditional clients.

Their ultimate goal is to take the biggest possible piece of the nation's $200 billion auto-parts business. That means selling parts for every new vehicle manufactured and sold in the United States, providing items from chemicals to hardware to keep those machines running and looking good long after they have left dealers' showrooms.

Indeed, parts ring up bigger numbers than the sales of the vehicles themselves, which accounted for $175.2 billion in revenue in the U.S. market in 1987, according to figures compiled by the Motor Vehicle Manufacturers Association of the United States Inc.

Vehicle parts come in two basic categories—parts made for original equipment manufacturers, known in industry parlance as OEM parts, and parts made for the aftermarket. The latter group includes replacement and equipment added after the car is purchased.

In dollar terms, the biggest sales in the auto parts industry is in the aftermarket, valued at about $130 billion by analysts at the Automotive Parts and Accessories Association in Lanham, Md. Those same analysts put an estimated $70 billion tag on the OEM market, where there is tremendous pressure from vehicle manufacturers and assemblers to hold down supplier prices.

The Japanese parts suppliers are not alone in their migration to the United States. But they are the most visible members of those importing parts, largely because of the success of Japanese auto makers in America.

The penetration of Japanese parts suppliers here is stoking the fires of protectionism while, at the same time, changing the way all vehicle manufacturers and their suppliers do business in this country. The events also are raising questions about the practice of using billions of dollars in tax money to lure foreign manufacturers to states and localities where, sometimes, competitive native U.S. businesses go begging for government assistance.

The eagerness of the states to attract new companies, foreign and domestic, is evident in a 687-page tome called "Directly of Incentives for Business Investment and Development in the United States," which gives a state-by-state breakdown of an estimated $300 billion in incentives and tax breaks available for companies willing to jump their borders.

Japanese auto parts companies, like their brethren car makers, have made expert use of the book. Mazda, for example, received $120 million in government incentives to build its new $550 million plant in Flat Rock, Mich., where it started auto production in September 1987.

Japanese parts plants coming into Michigan and surrounding states to service Mazda also are receiving a bundle of incentives, although exact amounts are hard to determine.

But the governments' generosity is causing chargin among U.S. auto parts makers, who say that no comparable funding is available to help them do business, in Japan or, indeed, to help them compete against the newcomers in the United States.

"American parts companies are seeing red as their tax dollars are used to lure and subsidize their foreign competitors and give them unnatural cost advantages," said Linda J. Hoffman, a vice president for the Automotive Parts and Accessories Association.

The General Accounting Office, the investigative arm of Congress, studied those charges and reported in March that domestic auto parts makers "have some valid concerns" about governmental assistance to foreign competitors. But the report concluded that U.S. businesses "received the greatest percentage" of available incentives, although Japanese companies are getting an increasing share.

U.S. parts suppliers are not convinced.

"Independent studies show, and Japan's car manufacturers know, that there are highly competitive U.S. manufacturers in every automotive product category," said William F. Busker, president of the Muskegon Products Division of the Goetse Corp. of America, which makes precision engine parts.

But Japanese-affiliated auto manufacturers in this country tend to buy key components, such as engine and drive-train kits, only from Japanese suppliers who are producing components in Japan or in the United States, Busker said. That means American auto parts companies often are excluded from critical research-and-development programs involved in the design and engineering of new Japanese cars, he said.

The upshot? "Japan's lock on its original equipment markets virtually eliminates U.S. parts manufacturers from participating in the global aftermarket where Japanese cars dominate," Busker said.

That alleged lockout is causing a loss of business and jobs for American parts makers, according to Busker and others.

The United Auto Workers union believes that the transplanted Japanese parts suppliers and vehicle manufacturers could wipe out 100,000 U.S. jobs by 1990. The GAO, using a different set of assumptions, says that 45,000 jobs could be scrapped.

Further loss could come from another direction.

The Big Three auto makers in the United States—General Motors Corp., Ford Motor Co. and Chrysler Corp.—all have relationships with Japanese and European parts suppliers and are exploring the possibility of establishing others. Like the Japanese auto makers, they, too, want the highest-quality components at the lowest possible cost. Some of those mating's are long-term and intertwined, such as the nearly 20-year

> partnership between Ford and Nippondenso Co. Ltd.
>
> Ford owns 25 percent of Mazda, which does about $300 million worth of business a year with Nippondenso in Japan. Nippondenso supplies Ford with heaters, blowers and electric radiator fans. Ford and Nippondenso's U.S. operations, which are based in Battle Creek, Mich., supply parts to Mazda's new car assembly plant in Flat Rock, Mich.
>
> The Mazda plant builds the sporty MX-6 four-seat car sold in the United States by Mazda. It also builds a mechanically and structurally identical front-wheel-drive car, the Ford Probe, that Ford sells in this country.
>
> Most of the MX-6's and Ford Probe's high-value parts and component assemblies—engine, transaxle, suspension, brakes—are supplied by Mazda or a Japanese-affiliated parts maker. Many of the bulky, low-tech components—carpets, various plastic assemblies, glass and tires—come from U.S.-based parts makers.

Mr. Keller stated he "is only one of several hundred U.S. companies that are being affected" by favoritism for Japanese auto parts suppliers.

His plea is similar to the president of the small business Auynx Corp. Mr. Keller asks:

> We want to know if anything is being done on our behalf to ensure the future of American owned industry and auto parts suppliers in particular.

Unfortunately, our Government does not seem to hear the cry from companies like Lake Industries. While Japanese companies are in the limelight because of their financing, our American firms seem to be in the shadows pleading for help.

We continue to read stories like the May 9 issue of U.S. News & World Report about the Japanese moving in to Tennessee and what it means to have their plants employing Tennesseans.

I'm for Americans working. Although the article emphasizes the benign side of the Japanese contribution, excerpts from the last two pages are revealing. Americans view this economic thrust as an assault on our national security.

TRADE AND THE FEAR FACTOR

> (Economic security, a news poll shows, is a bigger worry than the arms race.)
>
> Americans, in fact, may already be on the verge of redefining national security as a matter of economic stability: A survey released last week by Democratic pollsters John Martila and Tom Kiley showed 59 percent of the public agreeing that economic rivals like Japan "pose a greater threat to our national security than our military adversaries."

In referring to trade measures, the article states:

> While Japan remains the third-largest investor in this country, its contributions to the work force are not likely to make future trade measures more benevolent. Indeed, a recent U.S. News survey showed 58 percent of Americans uncomfortable with the level of Japanese investment here.

It went on:

> And then there's the matter of motive. The Japanese didn't come to Tennessee "out of the goodness of their hearts or out of an altruistic sense they wanted to help Americans", says Tennessee Senator Jim Sasser. "They did it to get around import quotas."

It further states:

> That won't stop governors in Tennesee and other states from wooing the Japanese in hopes that they will build factories in their towns—a campaign that critics say, uses taxpayer dollars to subsidize America's economic competitors. With or without subsidies, Japanese companies are using their rising yen to turn themselves into the political equivalent of defense contractors. By sprinkling their plants thoughout the nation, they make foreign investment a local-jobs issue.
>
> It's not just American factories that Japan is using its money for in this decade. At last count, the Japanese had nearly $110 billion invested in corporate stocks, bonds, government securities and real estate in the U.S. It further states that in the purchase of companies the yen is becoming a takeover tool. The article lists acquisitions it but this is not a complete list. How could it be? Acquisitions are occurring at an ever increasing rate. Firestone and CBS Records are examples American companies purchased by the Japanese.
>
> I want to emphasize—we are talking about jobs for many Americans in all the 50 states. To put the trade deficit in perspective we need to know how many jobs are lost in the trade imbalance. The U.S. Chamber estimates that for every $1 billion in trade converts to 22,500 jobs.
>
> So regardless of how we appear to improve and quote our labor statistics, we are losing jobs when it is not necessary. We must improve our industrial base. I would much rather have Americans working than receiving food stamps.
>
> We have always regarded its as a birthright for Americans to be free to use their ingenuity in pursuit of their dreams. Today the government is holding the arms of Americans so they cannot fight while they are being punched with bad government policies.

Mr. Speaker, I think what I am really saying throughout all of this is the fact that it is a one-sided deal. There is no reciprocity. American companies cannot go to Japan. American goods cannot enter Japan with the freedom that they can come into this country. Right now our special trade representative, Ambassador Clayton Yeutter is having a great deal of difficulty just trying to open the door in Japan to our citrus fruit, our grapefruit, and to our beef. Beef over there is now selling for nearly $40 a pound for steak, and they will not allow American beef in there to compete in the open market.

An orange in Japan costs $3 for one single orange, and they will not allow American citrus fruit in there to compete.

It is an unfair one-way street and this is what I am trying to point out to the American public.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. FOLEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. CAMPBELL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GUARINI, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on May 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KOLBE, after rollcall No. 130, on H.R. 4471, today.

(The following Members (at the request of Mr. ARMEY) and to include extraneous matter:)

Mr. HEFLEY.

Mr. CONTE in two instances.

Mr. LEWIS of California.

Mr. LOTT.

Mr. LAGOMARSINO.

Mr. COURTER.

Mr. JEFFORDS.

Mr. CRAIG.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. SOLARZ.

Mr. DARDEN.

Mr. TORRICELLI.

MR. RANGEL.

Mr. KILDEE.

Mr. STARK.

Mr. LELAND.

Mr. BERMAN.

Mr. LEVIN of Michigan in two instances.

Mr. ACKERMAN.

Mr. GARCIA.

Mr. MAZZOLI.

Mr. RICHARDSON.

Mr. CARDIN.

Mr. FASCELL.

Mr. LIPINSKI.

Mr. HATCHER.

Mr. FLORIO.

Mr. JONES of North Carolina.

Mr. OBEY.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, May 13, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3609. A letter from the General Deputy Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, transmitting a copy of "Community Development Programs: State Reports 1988"; to the Committee on Banking, Finance and Urban Affairs.

3610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-177, "Tenant Assistance Program Low-Yield Cooperative Association Amendment Temporary Act of 1988," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-178, "Personal Property Tax Amendment Act of 1986 Clarification Amendment Act of 1988," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3612. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the reports of political contributions by Charles A. Gargano, of New York, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Trinidad and Tobago; Jeffrey Davidow, of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Zambia, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3613. A letter from the Chairman, Tennessee Valley Authority, transmitting the agency's annual report of its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3614. A letter from the Acting Assistant Attorney General for Legislative Affairs, transmitting a copy of the report entitled, "The Four City Pilot Program Narcotics Traffickers Deportation Act, Anti-Drug Abuse Act of 1986—One Year Evaluation," pursuant to 8 U.S.C. 1103 note; to the Committee on the Judiciary.

3615. A letter from the Secretary of Transportation, transmitting the sixth annual report of accomplishments under the Airport Improvement Program, fiscal year 1987, pursuant to 49 U.S.C. app. 2220; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HEFNER: Committee on Appropriations. H.R. 4586. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes; (Rept. 100-620). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee on Appropriations. H.R. 4587. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes. (Rept. 100-621). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 447. Resolution waiving certain points of order against consideration of H.R. 4567, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes. (Rept. 100-622). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFNER:

H.R. 4586. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. FAZIO:

H.R. 4587. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. UPTON (for himself and Mr. Vander Jagt):

H.R. 4588. A bill to provide for the transfer of the Coast Guard cutter *Raritan* to the city of Grand Haven, MI, for use as a maritime museum and display; to the Committee on Merchant Marine and Fisheries.

By Mr. BRYANT:

H.R. 4589. A bill to provide for military assistance to certain civilian law enforcement agencies to enhance their ability to detect and interdict the unlawful transport of controlled substances across the international boundaries of the United States; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. BURTON of Indiana:

H.R. 4590. A bill to amend the Controlled Substances Act to provide for life imprisonment or the death penalty for certain drug trafficking offenses; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. CAMPBELL (for himself, Mr. Udall, Mr. Brown of Colorado, Mr. Richardson, Mr. Huckaby and Mr. Fuster):

H.R. 4591. A bill to amend the Uranium Mill Tailings Radiation Control Act of 1978; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. GLICKMAN (for himself, Mr. Williams, Mr. Ford of Michigan, Mr. Leach of Iowa, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Perkins, Mr. Robinson, Mr. Atkins, Mr. Martinez, Mr. Gaydos, Mr. Dorgan of North Dakota, and Mr. Jeffords):

H.R. 4592. A bill to extend the authorization of appropriations for the U.S. Institute of Peace through fiscal year 1991, and for other purposes; jointly, to the Committee on Education and Labor and Foreign Affairs.

By Mr. GREGG (for himself, Mr. Archer, Mr. Crane, Mr. Frenzel, Mr. Brown of Colorado, and Mr. McCollum):

H.R. 4593. A bill to amend the Internal Revenue Code of 1986 to encourage the coverage of individuals by private long-term health care insurance; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 4594. A bill to amend title III of the Marine Protection, Research and Sanctuaries Act of 1972, to provide for a permanent display of U.S.S. *Monitor* artifacts at a suitable site in coastal North Carolina, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LEVIN of Michigan (for himself, Mr. Pease, and Mr. Kildee):

H.R. 4595. A bill to provide for an additional, optional indicator for making available extended unemployment compensation benefits under the Federal-State Extended Unemployed Compensation Act of 1970; to the Committee on Ways and Means.

By Mr. LOTT:

H.R. 4596. A bill to establish the Mississippi River National Park in the State of Mississippi; to the Committee on Interior and Insular Affairs.

By Mr. McCANDLESS (for himself and Mr. Marlenee):

H.R. 4597. A bill to transfer a parcel of land located in Riverside County, CA; to the Committee on Interior and Insular Affairs.

By Mr. MARLENEE:

H.R. 4598. A bill to permit claims to be brought against the U.S. Postal Service based on the loss, miscarriage, or negligent transmission of letters and certain other postal matter; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 4599. A bill to amend the Public Health Service Act with respect to providing nursing practitioners for underserved areas, population groups, and medical facilities; to the Committee on Energy and Commerce.

By Mr. RICHARDSON:

H.R. 4600. A bill to amend the Natural Gas Act to require that costs of imported natural gas be passed through to consumers in the same manner as such costs are passed through for domestically produced gas; to the Committee on Energy and Commerce.

By Mr. FLORIO (for himself, Mr. Parris, and Ms. Oakar);

H.J. Res. 568. Joint resolution to designate the period beginning July 25, 1988, and ending July 31, 1988, as "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; to the Committee on Post Office and Civil Service.

By Mr. LEACH of Iowa:

H. Con. Res. 300. Concurrent resolution expressing the sense of the Congress that the President should give high priority to pursuing acceptance by both the United States and the Soviet Union of compulsory jurisdiction of the International Court of Justice; to the Committee on Foreign Affairs.

By Mr. PACKARD:

H. Con. Res. 301. Concurrent resolution recognizing the heroic acts of civilian construction workers who participated in the defense of Wake Island during its invasion by Japan during December 8 through 23, 1941; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Res. 446. Resolution relating to the duties and privileges of Members of the House of Representatives; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

370. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to expanding the criteria for Medicaid reimbursement of the cost of community living arrangements for persons who have autism; to the Committee on Energy and Commerce.

371. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the establishment of a Vietnam Women's Memorial; to the Committee on House Administration.

372. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to restoring the exemption of farmers from payment of the tax on diesel fuel; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. GINGRICH introduced a bill (H.R. 4601) for the relief of Fiona McLeod; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 495: Mr. Johnson of South Dakota.

H.R. 1516: Mr. Matsui and Mr. Torricelli.

H.R. 1620: Mr. Weber.

H.R. 1770: Miss Schneider.

H.R. 2231: Mr. Gray of Illinois, Mr. Jontz, and Mr. Coelho.

H.R. 2532: Mr. Parris, Mrs. Collins, Mr. Guarini, and Mr. Lantos.

H.R. 2640: Mr. Horton, Mr. Pepper, Mr. Houghton, Mr. Young of Florida, Mr. Dixon, Mr. Gallegly, Mr. Nagle, Mr. Hutto, and Mr. McHugh.

H.R. 2750: Mr. Miller of California, Mr. Foglietta, Mr. Rodino, Mr. LaFalce, and Mr. Borski.

H.R. 2895: Mr. Konnyu.

H.R. 3010: Mr. Conte.

H.R. 3064: Mr. Upton.

H.R. 3119: Mr. Olin.

H.R. 3133: Mr. Johnson of South Dakota.

H.R. 3250: Mr. Gallo, Mr. Stangeland, Mr. Rahall, Mr. Lent, and Mr. Lujan.

H.R. 3392: Mrs. Boxer and Mr. Packard.

H.R. 3526: Mr. Stump, Mr. Swindall, Mr. Johnson of South Dakota, Mr. Schuette, Mr. Robinson, Mr. Hastert, Mr. Jontz, and Mr. Gingrich.

H.R. 3565: Mr. Schuette.

H.R. 3654: Mrs. Meyers of Kansas.

H.R. 3769: Mr. Foglietta and Mr. Stokes.

H.R. 3788: Miss Schneider and Mr. Fauntroy.

H.R. 3794: Mr. Hutto and Mr. Shaw.

H.R. 3840: Mr. Lipinski.

H.R. 3892: Mr. Coble and Mr. Lantos.

H.R. 3964: Mr. Lewis of Georgia, Mr. de Lugo, Mr. Rahall, Mr. Richardson, Mr. DeFazio, Mr. Ravenel, Mr. Kildee, Mr. Horton, Mr. Fazio, Mr. Kostmayer, Mr. Lehman of California, Mr. Campbell, Mr. Akaka, Mr. Clarke, Mr. Darden, Mr. Beilenson, Mr. Sunia, Mr. Lantos, Mr. Smith of Florida, Mr. Buechner, Mr. Levine of California, Mrs. Byron, Mr. Owens of New York, Mr. Visclosky, Mr. Miller of California, Mr. Bilbray, Ms. Snowe, Mr. Boucher, Mr. Udall, Mr. Atkins, Mr. Coelho, Mr. Panetta, Mr. Ray, Mr. Wilson, Mr. Fascell, Mr. St Germain, Miss Schneider, Mr. Huckaby, Mr. Synar, Mr. Gordon, Mr. Emerson, Mr. Schumer, and Mr. Flake.

H.R. 4011: Mr. Miller of Washington, Mr. Gekas, Mr. Donald E. Lukens, Mrs. Martin of Illinois, Mr. Lancaster, Mr. Ballenger, and Mr. Solomon.

H.R. 4014: Mr. Konnyu.

H.R. 4036: Mr. McHugh.

H.R. 4042: Mr. Evans and Mr. Stark.

H.R. 4072: Mr. Borski.

H.R. 4074: Mr. Tallon.

H.R. 4101: Mr. Hammerschmidt and Mrs. Roukema.

H.R. 4115: Mr. Skelton, Mr. Gray of Illinois, Mr. Baker, Mr. de la Garza, Mr. Oxley, Mr. Roe, Mr. Saxton, Mr. Stark, Mr. Manton, Mr. Fauntroy, Mr. Bereuter, Mrs. Collins, Mr. Rinaldo, Mr. Wyden, Mr. Kolbe, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Lancaster, Mr. Horton, Mr. Fawell, and Mr. Emerson.

H.R. 4188: Mr. Flake and Mr. Gilman.

H.R. 4198: Mr. Tallon, Mr. Bliley, Mr. Bevill, Mr. Emerson, Mr. Frost, Mr. Lancaster, Mr. Mfume, Mr. Ritter, and Mr. Brooks.

H.R. 4221: Mr. Martin of New York, Mr. Ravenel, and Mr. Manton.

H.R. 4297: Mrs. Boxer, Mr. Fauntroy, Mr. Akaka, Mrs. Saiki, Mr. Foglietta, and Mr. Darden.

H.R. 4314: Mr. Herger, Mr. Marlenee, Mr. Penny, Mr. Roberts, and Mr. Stenholm.

H.R. 4317: Mr. Kolbe, Mrs. Bentley, and Mr. Ravenel.

H.R. 4335: Mr. Kildee, Mr. Leach of Iowa, Mr. Bates, Mr. Conyers, Mr. Konnyu, Mr. Rose, and Ms. Oakar.

H.R. 4338: Mr. Barnard, Mrs. Meyers of Kansas, Mr. Bennett, and Mr. Tauke.

H.R. 4357: Mr. Solomon.

H.R. 4372: Mr. Frank, Mr. Lantos, Mr. Studds, Mr. Fauntroy, Mrs. Collins, Mr. Foglietta, and Mrs. Boxer.

H.R. 4426: Mr. Sunia, Mr. Roe, Mr. Feighan, Mr. Conte, Mrs. Martin of Illinois, and Mr. Dwyer of New Jersey.

H.R. 4432: Mr. Dixon, Mr. Evans, Mr. Crockett, Mr. Solarz, Mr. Fuster, Mr. Sunia, Mr. Blaz, Mr. Sikorski, Mr. Manton, Mr. Garcia, Mr. Fazio, Mr. Brown of California, Mr. Weiss, Mr. Levine of California, Mr. Bustamante, Mr. Frank, Mr. Stark, Mr. Towns, Mr. Torres, Mr. Lantos, Mr. Ackerman, and Mr. Dornan of California.

H.R. 4498: Mr. Bonker, Mr. Fazio, Mr. Gephardt, and Mr. Evans.

H.R. 4526: Mr. Towns, Mr. Owens of New York, Mr. Boehlert, Mr. Perkins, Mr. Sharp, Mr. Huckaby, Mr. Rose, Mr. Staggers, Mr. Jontz, Ms. Slaughter of New York, Mr. Lancaster, Mr. Sikorski, Mr. Morrison of Connecticut, Mr. Brown of California, Mr. Garcia, Mr. Jones of North Carolina, Mr. Tallon, Mr. Berman, Mr. Hayes of Illinois, Mr. Kasich, Mr. Bonior of Michigan, Mr. Buechner, Mr. Gordon, Mr. Torres, Mr. Leland, Mr. Derrick, Mr. McHugh, Mr. Markey, Mr. Russo, Mr. Bennett, Mr. Matsui, Mr. Solarz, Mr. Myers of Indiana, Mr. Dixon, Mr. Lowry of Washington, Mr. Evans, Mr. Rhodes, Mr. Eckart, Mr. Hayes of Louisiana, and Mr. Lehman of California.

H.R. 4543: Mr. Sikorski, Mr. Bates, and Mr. Studds.

H.R. 4562: Mr. Horton, Mr. Visclosky, Mr. McEwen, Mr. Jacobs, Mrs. Martin of Illinois, and Mr. Nowak.

H.J. Res. 50: Mr. Bonior of Michigan.

H.J. Res. 140: Mr. Borski, Mr. Kasich, Mr. Murtha, Mr. Robinson, Mr. Kolbe, and Mr. MacKay.

H.J. Res. 398: Mr. Stump, Mr. Ray, Mr. Tauke, Mr. Porter, Mr. Fawell, Mr. Carper, Mr. St Germain, Mr. Packard, Mr. Hansen, Mr. Bereuter, Mr. Mrazek, Mr. Traficant, and Mr. Jeffords.

H.J. Res. 524: Mr. Applegate, Mr. Campbell, Mr. Borski, Mr. Roe, Mr. Murtha, Mr. Robert F. Smith, Mr. Stokes, and Mrs. Patterson.

H.J. Res. 553: Mr. Hayes of Louisiana, Mr. Dixon, Mr. Evans, and Mr. Grant.

H.J. Res. 559: Mrs. Martin of Illinois, Mr. Wortley, Mr. Dyson, Mr. Horton, Mr. Lightfoot, Mrs. Bentley, and Mr. Neal.

H.J. Res. 564: Mr. Hayes of Illinois, Mr. Pashayan, Mr. Stark, Mr. Mrazek, Mr. Dornan of California, Mr. Emerson, Mr. Coelho, Mr. Panetta, Mr. Gray of Illinois, Mr. Quillen, Mr. Hunter, Mr. Nowak, Mr. Akaka, Mr. Frank, Mr. Gray of Pennsylvania, Mrs. Boxer, Mr. McEwen, Mr. Lagomarsino, Mr. Lantos, Mr. Beilenson, and Mr. Bates.

H.J. Res. 565: Mr. Swift, Mr. Volkmer, Mr. Davis of Illinois, and Mr. Schaefer.

H. Con. Res. 126: Mrs. Vucanovich, Mr. Saxton, Mr. Dickinson, Mr. Parris, and Mr. Shaw.

H. Con. Res. 258: Mr. Dornan of California, Mr. Studds, Mr. Foglietta, Mr. Evans, Mr. Frost, Mr. Lancaster, and Mr. Mineta.

H. Con. Res. 276: Mr. Fascell, Mr. Bennett, Mr. Callahan, Mrs. Lloyd, Mrs. Saiki, Mr. Hefner, Mrs. Roukema, Mr. Michel, Mr. Lowry of Washington, Mr. Wilson, Mrs. Morella, Mr. Stallings, Mr. Matsui, Mr. Mack, Mr. Alexander, Mr. Holloway, Mr. Ballenger, Mr. Leland, Mrs. Smith of Nebraska, Mr. McCollum, Mr. Flippo, Mr. Ireland, Mr. Akaka, Mr. Robinson, Mr. Swindall, Mr. Walgren, Mr. Burton of Indiana, Mr. Tauzin, Mr. Penny, Mr. Wortley, Mr. Atkins, Mr. Hubbard, Mr. Pursell, Mrs. Meyers of Kansas, Mr. Daub, Mr. Garcia, Mr. Spratt, Mr. Dicks, and Mr. Biaggi.

H. Con. Res. 298: Mr. Schuette, Mr. Horton, and Mr. Stenholm.

PETITIONS, ETC.

Under clause 1 of rule XXII,

170. The SPEAKER presented a petition of the City Council, New York, NY, relative to the enactment of H.R. 3436, the Medicare Long Term Home Care Catastrophic Protection Act; which was referred jointly, to the Committees on Ways and Means and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1801

By Mr. LEWIS of Florida:

—Page 61, line 3, strike "and" at the end.

Page 61, beginning on line 6, strike "title" and all that follows through line 7, and insert "title; and".

Page 61, after line 6, insert the following:

"(I)(i) identifying each clearinghouse with respect to which assistance is provided under section 405(a)(9) in the preceding fiscal year;

"(ii) describing the activities carried out by such clearinghouse in such fiscal year;

"(iii) specifying the types and amounts of assistance (other than assistance under section 405(a)(9)) received by such clearinghouse in such fiscal year; and

"(iv) specifying the number and types of missing children cases handled (and the number of such cases resolved) by such clearinghouse in such fiscal year and summarizing the circumstances of each such case.", and

Page 63, line 8, strike "and" at the end.

Page 63, line 12, strike "consent" and all that follows through the period at the end, and insert "consent; and".

Page 63, after line 12, insert the following:

"(9) to establish or operate statewide clearinghouses to assist in locating and recovering missing children.".

SENATE—*Thursday, May 12, 1988*

(Legislative day of Monday, May 9, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BOB GRAHAM, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

** * * the things which are seen are temporal; but the things which are not seen are eternal.*—II Corinthians 4:18.

*By faith Moses * * * endured as seeing Him who is invisible.*—Hebrews 11:27.

Dear God, help us to see Him who is invisible. We so easily become victims of the visible, making the parameters of our lives only what we can see and feel and measure. It is so much easier, Lord, to believe what we see—so much easier to take seriously the material—the temporal—the possible. Forgive us, Lord, for limiting our lives—confining our hopes—reducing our options. Grant us grace to open our minds and hearts to spiritual—eternal realities, to believe in the God for whom the impossible is possible. Help us, like Moses who saw beyond the Pharoah's might, to be leaders who see beyond the horizon to the limitless possibilities in the Eternal God, in the name of whose Son we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 12, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB GRAHAM, a Senator from the State of Florida, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EFFECTIVE ARMS CONTROL

Mr. BYRD. Mr. President, as my colleagues are aware, the Secretary of State, Mr. Shultz, the National Security Advisor, General Powell, and other administration officials are in Geneva today to try and resolve differences which have arisen in regard to the INF Treaty. These differences are the result, as has been reported by the Intelligence Committee, of Soviet actions which contradict previously agreed-to aspects of the onsite verification regime. It is my hope that the Soviets will retract their objections and remove these obstacles to the verification system. The ball is in the court of the Soviet leadership. We have to stand firm on this matter. The Soviets cannot realistically expect us to now compromise away decisions which have already been negotiated or should have been negotiated and closed between the two parties. The disputes raises some questions about the reliability of Soviet negotiating practices. A central feature of the INF Treaty is its verification system. This is a historic breakthrough providing for onsite inspection. Our NATO allies support the approval of the treaty, as it was formulated and agreed to. This was a key finding of a Senate delegation trip to five NATO capitals which I led in February of this year. I am today releasing the delegations report on the results of that trip.

Mr. President, our NATO allies support the INF Treaty, just as I do, and the treaty is a testimony to the success of the alliance in standing together in the face of the Soviet SS-20 deployments. It is a testimony to steadfastness among the NATO partners in the face of very strong Soviet pressure and the activities of left-wing political movements in various NATO countries to derail NATO's INF deployment strategy. The alliance needs to continue to stand fast at a time when there appears to be a last Soviet effort to walk away from provisions of the agreement.

I have said in the past, Mr. President, that this INF agreement could be the beginning or it could be the end of arms control. If the verification system is sound, if it stands the test of time, and if we know what we are doing and if we are walking into it with our eyes open and positive that we have left no stones unturned in being sure that there is not something that really needs fixing, then negotiations for future treaties will be given an added chance of support and success. But if now, when we are just on the verge of approval of the INF Treaty, we should allow its verification provisions to be unraveled by the Soviets, or allow them to be in some way defective because of lack of perspicuity and diligence on our own negotiators' part, then the prospects for sound future arms control agreements will be dismal, very dismal indeed.

It is clear that unambiguous, effective onsite verification is needed not only for this INF agreement, but also for agreements on conventional forces in the European theater—an area to which the NATO alliance is now giving top priority, and certainly with respect to any START Treaty that might be at some point possible. My delegation found that the Europeans put the conventional arms imbalance in Europe at the top of the alliance's priority list for resolution in the foreseeable future.

Mr. President, the Senate has done a very workmanlike and thorough job in examining the provisions of this treaty.

The three committee chairmen are to be commended for their work: Senator PELL, Senator NUNN, and Senator BOREN. These chairmen and I agreed from the beginning of this process that all issues which fall within the expertise of all three committees had to be examined and closed before the treaty would be called up for the consideration of the full Senate. So that judgment has proved correct, in light of the problems which have arisen on the definition of weapon systems covered, problems in connection with futuristic technologies, and questions that have arisen on the issues of verification systems now in the treaty, and being developed by the two parties, as well as verification capabilities for exotic, future weapons systems. If the Senate had rushed in and approved the treaty, say, a month ago, and then discovered these ambiguities and contradictions, the level of confidence of the country in our ability to reach good, solid agreements with the Soviets, fully protective of United States interests, would have plummeted. The Senate would have been criticized for rushing to approval before thoroughly examining the terms of the agreement. The cloud which would have been cast over our processes would surely have a major, adverse effect on the success of future arms control agreements being approved by this body.

I not only congratulate the chairmen of these committees but I also congratulate the Republican leadership and the Republican members of these committees who have joined with the chairmen in examining the treaty so carefully and in taking a solid, unified, bipartisan position to the effect that these problems have to be rectified and corrected before the Senate should go forward.

Mr. President, the report I am releasing today concludes that public opinion in the alliance must be informed and educated about the needs of the alliance for good arms control agreements that enhance our mutual security. "The delegation strongly believes that NATO's efforts in the field of public explanation and persuasion must be coordinated fully. . . ." I note that Secretary Shultz will brief the allies after his current discussions in Geneva with the Soviet Foreign Minister, and I commend the administration for its efforts in consulting and coordinating with our European partners.

If the Soviets remain intransigent in the backsliding that we have just witnessed regarding verification, then the alliance must carefully and fully inform Western constituencies of this fact, and effectively persuade our people of the continued need to stand firm until the agreement is sound as I think it will be. As this report concluded, regarding our discussions with NATO leaders, there was a "clear consensus that arms control agreements, including a START agreement, should be concluded when, and only when, issues in dispute have been satisfactorily negotiated, and should not be negotiated under the pressure of artificial deadlines. Likewise, when and if a sound agreement is in sight, there should be no undue delay in concluding it. But the important thing is that it be a good agreement—not dictated by calendar deadlines, not dictated by election year politics."

Mr. President, I yield the floor.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business, not to extend beyond the hour of 9:30 a.m. During that period, Senators may be permitted to speak therein not to exceed 5 minutes each.

The Senator from Wisconsin.

COMMENDATION OF THE MAJORITY LEADER

Mr. PROXMIRE. Mr. President, first I want to commend my good friend, the majority leader, on his statement. He is absolutely right in stressing verification aspects of the INF Treaty. The INF Treaty does not do very much in reducing nuclear weapons on either side. That is not the significant part. The significant part is the precedent that it provides in providing meticulous and thorough verification. If that is going to be changed, I think it does change the attractiveness and the consideration by the Senate on ratifying that treaty.

So I am grateful to the distinguished majority leader for stressing that point.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator for his statement.

HOW WOMEN ARE GREATLY IMPROVING THE U.S. MILITARY

Mr. PROXMIRE. Mr. President, this country now has more women in the active duty, uniformed military service of our country than any country in the world. There has been a spectacular increase in the last 20 years. Twenty years ago women constituted barely 1 percent of our U.S. military forces. Today they represent 10.3 percent, more than 220,000 strong.

During this period of female recruiting, the U.S. military has improved by every objective criteria. The education attainment of today's military is the best ever. A high proportion of the military has graduated from high school. Intelligence scores of military personnel also surpass any on record. The discipline and morale of the troops has also sharply improved as measured by the far better records on drug and alcohol abuse and AWOL [absence-without-leave]. In every one of these categories, U.S. female military personnel surpass male military personnel and elevate the overall average.

So far women have not achieved the rank status of men. Only a very few have been promoted to brigadier general or rear admiral rank. There are three reasons for this. One is because women have represented such a small proportion of the services until recently. It takes years for military personnel to work their way into the top command of the military.

Until the 1970's women represented only a tiny fraction of military personnel. Since there are now about 10 times as high a proportion of women in the military as in the late 1960's, we should expect more to advance to top rank in the future.

Second, women have only lately begun to attend the service academies—West Point, Annapolis, and the Air Force Academy—in substantial numbers. In 1987, the number of women in the academies had increased to 10.9 percent, an even higher percentage than in the overall military. Since such a high proportion of top military officers come from the academies, we can expect more female generals and admirals in the future.

The third factor in future command positions for women is less promising. Most command posts require training in combat positions. Women's opportunities for serving in combat positions are limited, ambiguous, and erratic. The Defense Department has said that this is something for the Congress to decide. The Congress has provided a statutory directive that women in the military should serve in "combat support" positions. But "combat support" is left open for the services to define in their own way.

Obviously, each of the services has viewed the role of women differently. In the Army, women constitute 10.7 percent of the total active duty uniformed personnel. In the Navy, they are 9.1 percent. In the Air Force, 12.5 percent are women. This is the highest percentage of any service. In the Marine Corps, the lowest percentage are on duty—only 4.9 percent.

In trying to meet the congressional directive for combat-related duty for women, the Navy and the Secretary of Defense released reports last December and January, respectively. These reports dramatize the sharp differences in the assignment of women in the various military services.

To reach a more consistent position, the Department of Defense defined what they called a risk rule. The services are directed to report back by June 1 on the changes in assignment of personnel based on the risk rule. The risk rule asserts that noncombat positions will be closed to women under these circumstances: Whenever their risk exposure to direct combat, or to hostile fire, or to capture are equal to or greater than the risks for land or sea or air combat units with which they are associated in a theater of operations.

The purpose of this rule is to develop a consistent policy for all the services. The services must respond to the DOD on their response to the new risk rule policy by June 1. So next month the Congress will have a chance to review the way the services have complied. Here is the situation the risk rule will have to deal with in the Army, Navy, and Air Force:

The Army ranks each assignment to a battlefield on what they call a combat probability code. P1 is the front line. The Army considers it the most dangerous. Women are excluded. DOD believes that this coding has resulted in excluding women from too many combat support positions unnecessarily. Does this mean women can be assigned to forward support battalions right on the battle line as they are now? Does it mean that women who have been assigned to above ground Pershing II missiles which are being phased out in the INF Treaty could be reassigned to shorter range Lance missiles? This is for the Army to decide.

The Navy has several classifications, like "general detail" duty in aviation squadrons, where women are excluded from career opportunities because they are not allowed to serve in combat positions. They spend month after month washing airplanes and pulling chocks. But they cannot advance because other positions involve combat.

The Air Force has the best record in the proportion of women in their service. This is largely because "combat" is easier to define with aircraft. But women are assigned in the Air Force to such combat work as launching crews for ground launched cruise missiles. Women are also assigned as crew members of fighters, like the First Tactical Fighter wing. They perform maintenance and other work. The wing would be far less able to fight if women were held back in wartime.

In the judgment of this Senator, women have been a principle reason for the impressive improvement in the quality of American military personnel in the past few years. They represent one reason why our country today probably has both the highest overall quality of military personnel of any nation in the world and the largest proportion of women of any nation in the military. But women still represent only about 10 percent of American military personnel. We can and should do better.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak for 8 minutes, if necessary.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FETAL ALCOHOL SYNDROME AWARENESS WEEK

Mr. THURMOND. Mr. President, on April 21, a press conference was held to announce Congressman JOHN CONYERS' introduction of companion legislation to S. 2047, my bill to require rotating health warning labels on alcoholic beverages. One of the labels would warn that the Surgeon General had advised pregnant women not to drink. At the press conference, Dr. Sheila Blume, a world renowned expert on fetal alcohol syndrome, known as [FAS], showed color slides of children suffering from this disease.

Although I was pleased that Senator GLENN and Senator SIMON were able to join me in viewing these slides, I wish more of my colleagues could have observed the physical devastation which FAS causes innocent children. The worst part about FAS is that it is entirely preventable.

It is appropriate that, this week, from Mother's Day, May 8, to May 15, has been declared "Fetal Alcohol Syndrome Awareness Week." The purpose of this week, as well as my legislation, is to educate the American public and increase awareness of the adverse consequences of alcohol consumption. The need for such education is evidenced by the following statistics:

First, only 57 percent of Americans under the age of 45 have even heard of fetal alcohol syndrome.

Second, at least 5,000 babies each year suffer the effects of FAS. As many as 50,000 babies each year suffer a milder form of alcohol-related birth defect known as fetal alcohol effects.

Third, it is the third leading cause of birth defects, and I repeat, is entirely preventable.

Fourth, it is characterized by growth deficiencies, facial abnormalities—including a small head circumference, flattened face and sunken nasal bridge—malformed organs and mental retardation.

Fifth, the incidence of FAS is approximately 3 per 1,000 live births.

Sixth, it costs approximately $15 million to treat FAS babies. It costs $670 million to treat nearly 70,000 FAS children under the age of 18. It costs over $760 million to treat the 160,000 FAS adults.

In the last 2 weeks, I have read that a certain prescription acne medicine may cause birth defects when used by pregnant mothers. To date, there have been 62 cases of birth defects reportedly due to this medication. There has been a great deal of attention paid to these recent medical findings, and many experts have advocated taking this drug completely off the market. I bring this matter to the attention of the Senate, not for the purpose of taking a position on this controversy, but rather to highlight the double standard that is imposed on alcohol-related birth defects. The legislation which I have sponsored does not propose to prohibit the use of alcohol. It would not constrain the $2 billion which is spent each year glamorizing the use of alcohol. It merely provides basic health information to consumers so that a more educated choice can be made as to whether or not to consume the beverage. Nevertheless, even this small step toward consumer education is fought relentlessly by the alcohol beverage industry.

On March 1, 1988, I offered my bill, S. 2047, as an amendment to legislation being considered by the Senate. I was urged to withdraw that amendment, and I agreed to do so based on my understanding that the alcohol beverage industry would be strongly encouraged to examine avenues for compromise labeling language. Since I would prefer the alcohol beverage industry to voluntarily place health warning labels on their products, I was willing to withdraw the amendment. Two months have now passed, and the opponents of this legislation have not placed a single proposal on the negotiating table.

Too many people die each year because of this drug. Too many innocent children are born with physical and mental defects because of alcohol consumption during pregnancy. Too much money is spent each year—over $116 billion—in health care costs and loss of productivity due to the adverse consequences of alcohol abuse. Too much effort has been spent trying to kill this modest step toward educating American consumers of some of the negative consequences of alcohol abuse.

Accordingly, I am giving notice to all who are interested in this legislation that its time has come. Nearly 80 percent of Americans, according to a recent Gallup poll, support health warning labels on alcoholic beverages. Over 90 organizations, including the American Cancer Society, the American Heart Association, and American Liver Foundation, the American Medical Association, Mothers Against Drunk Driving, the March of Dimes, the National Association of State Alcohol and Drug Abuse Directors, and the National Council on Alcoholism, have endorsed this legislation.

Since there has been no effort by the alcohol beverage industry to engage in productive negotiations, commencing today, I intend to examine a variety of alternatives available to bring this legislation to a vote. I thank the cosponsors of my bill, Senator GLENN, Senator METZENBAUM, Senator EVANS, Senator SIMON, Senator HATCH, Senator HARKIN, Senator MATSUNAGA, and Senator CHILES for their assistance. I urge my other distinguished colleagues to join us in this effort.

Mr. President, I ask unanimous consent that a Chicago Tribune editorial by the president of the American Academy of Pediatrics entitled "Alcohol Warning Labels—for the Kids' Sake,"; an article from the Washington Post concerning a scientific panel which recently concluded that alcohol abuse can cause cancer, and an editorial from the Miami Herald entitled "Label This Drug," be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Apr. 26, 1988]

ALCOHOL WARNING LABELS—FOR THE KIDS' SAKE

(By Richard M. Narkewicz)

Pediatricians, I'm pleased to say, are uncommonly happy people. In medical school we decided that careers dedicated to the robust health of children would ensure wide smiles for years to come, and by and large we were right. Getting new parents off to a good start and seeing their youngsters grow and prosper are rich rewards.

But the job does have its drawbacks. Our society's persistent glamorization of alcohol, for example, takes a terribly heavy—and entirely unnecessary—toll on the health of American children, from infancy straight through adolescence. Fortunately, Congress appears to be poised this year to act in bipartisan spirit to protect those who cannot protect themselves by requiring alcoholic beverage manufacturers, much like cigarette producers, to put warning labels on their products.

There is a crying need. Since 1981, U.S. Surgeon General C. Everett Koop, a pediatrician, has advised women to abstain from drinking during pregnancy. Despite this warning, fetal alcohol syndrome is among the top three leading known causes of birth defects with accompanying mental retardation.

Among teenagers, alcohol abuse has reached epidemic proportion. According to a 1987 report, "Alcohol and Health," issued by the U.S. Department of Health and Human Services, an estimated 30 percent, or 4.4 million, adolescents experience negative consequences of alcohol use, including poor school performance, trouble with parents or trouble with the law. In 1986, alcohol remained the most widely used drug among American youth.

On the highway, that spells disaster for too many families of too many of our patients. Alcohol is still involved in 50 percent of traffic fatalities.

But now something is being done to help. Sen. Strom Thurmond (R., S.C.) has introduced vital legislation (S. 2047) that would force the alcoholic beverage industry to place on its products a series of rotating labels, among them:

"WARNING: The Surgeon General has determined that the consumption of this product, which contains alcohol, during pregnancy can cause mental retardation and other birth defects."

"WARNING: Drinking this product, which contains alcohol, impairs your ability to drive a car or operate heavy machinery."

Though health and safety organizations support the measure, there is strong opposition from a $70 billion alcoholic beverage industry that spends $2 billion annually on sophisticated advertisements.

Nevertheless, the beer industry contends that warning labels "will act as a challenge, taunting adolescents to prove they can handle drinking no matter what the older generation says." The distilled spirits industry argues that there are potential health benefits from alcohol consumption that warning labels would undercut.

Common sense argues otherwise—and so does the U.S. Public Health Service, which recently completed a study on the potential educational effects of health warning labels on alcoholic beverages. It concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives.

Pediatricians are convinced that warning labels, as part of a more comprehensive national effort to steer pregnant women and children away from the peril of alcohol consumption, would work. Shouldn't every effort be made to reduce casualties from alcohol abuse so that thousands more healthy and happy kids will be around to thank us?

[From the Washington Post, Apr. 24, 1988]

CALIFORNIA PANEL LINKS ALCOHOL ABUSE, CANCER

BERKELEY, CALIF., April 23.—Alcohol beverages can cause cancer in chronic abusers, a scientific advisory panel has concluded in a move that could lead to health warnings for consumers.

The panel members, appointed by Gov. George Deukmejian (R) to help implement Proposition 65, agreed unanimously to place alcoholic beverages on the list of chemicals known to the state to cause cancer, thereby subjecting beer, wine and liquor to the requirements of the antitoxics initiative.

"A strong connection between alcoholic beverages and cancer has been shown in human studies involving high levels of alcoholic beverage consumption," chairman Wendell Kilgore said in summarizing the panel's action Friday. ". . . We recommend alcoholic beverages be listed as carcinogenic."

Representatives of the beer, wine and liquor industries, who had strongly resisted the panel's action, protested that scientific studies have not conclusively proven alcoholic beverages are carcinogenic. "The science does not show that it causes cancer," said Michele Corash, a lawyer for the alcoholic beverage industry. "We're disappointed and surprised by the panel's action."

Before deciding what kind of warnings will be required for alcoholic beverages, California Health and Welfare Undersecretary Thomas E. Warriner said the state will conduct its own analysis to determine the level of consumption likely to cause cancer. He emphasized that such cancer warnings are likely to apply only to heavy drinkers.

"I think for the average drinker, what happened today is not something they should be particularly concerned about," Warriner said. "You're talking about alcohol abusers. You're not talking about the ordinary person who drinks wine, beer or has a highball at dinner."

The action by the governor's panel is apparently the first time a government agency in the United States has identified alcoholic beverages as carcinogenic. Last year, the World Health Organization's International Agency for Research in Cancer announced it had reached the same conclusion but it has yet to release its findings in detail.

Under Proposition 65, businesses must warn the public of exposure to "significant" amounts of a chemical known to cause cancer or birth defects. The panel already has identified alcohol as a substance that can cause birth defects—even when consumed in moderate amounts. Warnings for pregnant women will be required in stores, bars and restaurants beginning Oct. 1.

"The results of the epidemiological studies clearly demonstrate statistically positive associations between alcoholic beverage consumption and cancer at the following sites: oral cavity, larynx, pharynx, esophangus, liver, breast and rectum," a report by the Department of Health Services concluded.

[From the Miami Herald, Apr. 12, 1988]

LABEL THIS DRUG

Again this year, several vacationing college students fell to their death from hotel balconies while drunk. A University of Miami student killed in such a fall this month had a blood-alcohol content of 0.25 percent—250 percent of the legal-drunk threshold of 0.1. Most people lose consciousness at 0.3 percent; death occurs somewhere between there and 0.5 or 0.6.

A new UM study shows that 37 percent of its students drink heavily, meaning that they take four to six drinks daily or more than eight drinks at once several times a month. Little wonder that car accidents, drownings, and suicide are the leading death risks for college-age Americans.

Ironically, many of these same young adults don't smoke cigarettes because they understand the health hazards of tobacco. It's time, then, to look to the shift in attitudes about smoking for clues to curbing the drinking problem.

Legislation to impose cigarette-style warning labels on alcohol products has bipartisan support in both houses of Congress and is sought by the American Medical Association, the American Public Health Association, the National Education Association, and the National Council on Alcoholism among many others. The Food and Drug Administration has favored labels since 1977.

The proposed labels are simple and would rotate. They say:

"The Surgeon General has determined that the consumption of this product, which contains alcohol, during pregnancy can cause mental retardation and other birth defects."

"Drinking this product, which contains alcohol, Impairs your ability to drive a car or operate machinery."

"This product contains alcohol and is particularly hazardous in combination with some drugs."

"The consumption of this product, which contains alcohol, can increase the risk of developing hypertension, liver disease, and cancer."

"Alcohol is a drug and may be addictive."

Among the potentially dangerous nonprescription products that are sold legally, only alcohol fails to carry a warning to consumers. That failure should end immediately.

CAMPAIGN FINANCE REFORM

Mr. BOREN. Mr. President, 10 weeks ago, the Senate concluded an extensive debate on the issue of comprehensive campaign finance reform. This issue, while seeming to have been placed on the back burner until the next Congress convenes, is not at all in a quiet sleep. Several news stories have again helped to highlight the need for the very reforms discussed as a part of S. 2.

Less than a week ago, former Florida Governor, Reubin Askew abandoned his bid to run for the U.S. Senate seat currently held by Senator CHILES, despite his popular lead in the polls. The primary concern expressed at the time of his withdrawal was the inordinate amount of time consumed in raising money to run for office. This distinguished and popular public servant had served two terms as Governor of Florida, as Trade Ambassador in the Carter administration and made a brief run for the Presidency in 1984.

This example clearly shows, as expressed during the debate earlier this year, that the costs of campaigns are discouraging qualified candidates for service and Senate seats are simply being placed on the auction block. As I have stated before, we should have an electoral system that selects Congress based on ideas, issues, and qualifications, not on the enormous amount of money that today must be raised to run for that office.

S. 2, through its system of overall spending limits, would have set up such an environment. It would have defined a saturation point of adequate and useful campaign funds for Senate races and return the main focus of our elections to center on issues—not money.

I would also note at this time, Mr. President, that recent statistics from the first 15 months of the current election cycle show that political action committees have contributed $19 million to Senate candidates and $34 million to House candidates. In the Senate, this represents an increase of 33 percent over the same period of time in the 1986 election cycle.

Further, so far in this election cycle, incumbents in both Houses are the recipients of 88 percent of all PAC money—showing once again that if ever there was an "incumbents protection system" in campaign finance—current law is it. When challengers are faced with odds that so inordinately favor incumbent Members of Congress, there is no wonder what the result will be. While Senate races are by their nature more competitive, House races saw 98 percent of running incumbents return to office in 1986. Still, in the Senate, how can we say it is proincumbent to put an outer-limit on what both candidates may spend? Compared to the "PAC-advantage" of incumbents, a spending limit that is placed high enough to not discriminate against a competent challenger, would serve to the advantage of the challenger, as well as benefit the Senate as an institution.

Mr. President, the issue of congressional campaign finance reform is not the only area of interest to the Senate. I have noted with some disappointment that an assault on our Presidential system is likewise in the minds of some Senators. This system is by far, a better form of electing our Nation's highest public official than that which was the practice before the act. Limits on spending in Presidential elections, with a system of partial public financing, has been the law of the land through three complete election cycles. For the most part, it has worked effectively to curtail what was an astronomical growth in spending. While I can agree that some refinements can and should be made to the system, wholesale repeal of the system is just not necessary. One such refinement could include repeal of State-by-State primary spending limits which is where most of the loopholes have been abused.

Mr. President, I will continue to be vigilant on this issue and hope my colleagues will pay close heed to the occurrences in this election cycle. Let no one have any doubt, I will continue in the fight to see substantial, meaningful reform made in our system of campaign finance.

BICENTENNIAL MINUTE

MAY 12, 1846: SENATE VOTES TO GO TO WAR WITH MEXICO

Mr. DOLE. Mr. President, 142 years ago today, on May 12, 1846, the Senate voted, 40 to 2, to declare war upon Mexico.

One day earlier, President James K. Polk had reported to Congress that Mexican troops had crossed the Rio Grande, into territory claimed by both nations, and attacked a small detachment of U.S. cavalry, killing 11 and capturing the rest. By this action, Polk charged that Mexico had "shed American blood on the American soil. War exists by the act of Mexico herself." The House responded immediately, voting 174 to 14 to declare war, authorizing a $10 million appropriation and a call for 50,000 volunteers to fight the war.

While many northerners opposed war with Mexico, believing that the South was promoting the war to seize more territory for the spread of slavery, ironically the chief opponent of the war in the Senate was the South's leading spokesman. South Carolina's John C. Calhoun was troubled by the President's message, and did his best to slow down the rush toward war. He objected to the declaration's preamble, which stated that war already existed, on the constitutional grounds that only Congress could declare war. On May 12, when both the Foreign Relations and Military Affairs Committees favorably reported the war bill, Calhoun and a few whigs led the opposition during the floor debate. The Government's haste had plunged him into "a state of wonder and deep alarm," Calhoun said. He feared that future Presidents would follow Polk's actions in similarly forcing Congress into a declaration of war, that the Nation was unprepared militarily to fight, and that war with Mexico would adversely affect America's relations with other nations. But President Polk clearly had the votes on his side. When the vote came, only two Senators voted no, while Calhoun and a few others abstained.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of S. 2355, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 2020

(Purpose: To provide injury, disability, and death compensation coverage for Senior Reserve Officers' Training Corps cadets during military training)

Mr. THURMOND. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Massachusetts was to be recognized for an amendment at this time. Does the Senator request unanimous consent that his amendment be in order?

Mr. THURMOND. Mr. President, I ask unanimous consent that this amendment be in order.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. WILSON, proposes an amendment numbered 2020.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of part B, title VI, division A of the bill, add the following new section:

SEC. 6 . Injury, disability, and death compensation coverage for ROTC cadets during military training activities.

(a) AUTHORITY TO PRESCRIBE TRAINING.—Section 2109 of title 10, United States Code, is amended—

(1) by striking out the catchline and inserting in lieu thereof the following:

"§ 2109. Practical military training";

(2) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) For the further practical instruction of members of, and designated applicants for membership in, the program, the Secretary of the military department concerned may prescribe and conduct practical military training, in addition to field training and practice cruises prescribed under section 2104(b)(6) of this title. The Secretary concerned may require that some or all training prescribed under this subsection must be completed by members before they are commissioned."; and

(3) in subsection (b)—

(A) by inserting after "Secretary of the military department concerned may" the phrase ", with respect to practical military training prescribed under this section and field training and practice cruises prescribed under section 2104(b)(6) of this title"; and

(B) by striking out "field training or practice cruises", "training or cruise", "field training and practice cruises" and "training or practice cruises" each place such phrases appear and inserting in lieu thereof "such training".

(b) Coverage for Injury, Disability, and Death.—Section 8140 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "disability or death from an injury" and inserting in lieu thereof "an injury, disability, or death"; and

(B) by striking out "field training or a practice cruise" and inserting in lieu thereof "training prescribed";

(2) in subsection (f), by striking out "while attending field training or a practice cruise under chapter 103 of title 10" and inserting in lieu thereof "by a military department"; and

(3) by adding at the end thereof the following new subsection:

"(g) For purposes of this section, the term 'applicant for membership' includes a student enrolled, during a semester or other enrollment term, in a course which is part of Reserve Officers' Training Corps instruction at an educational institution.".

(c) Training Included Within Certain Definitions.—Section 101 of title 38, United States Code, is amended—

(1) in paragraph (22) by inserting "for not less than four weeks duration and which must be completed before commissioning" after "title 10" in clause (D) thereof; and

(2) in paragraph (23)—

(A) by striking out "and" at the end of clause (A);

(B) by striking out the period at the end of clause (B) and inserting "; and" in lieu thereof; and

(C) by inserting immediately after clause (B) the following new clause:

(C) training (other than active duty for training) by a member, or applicant for membership (as defined in section 8140(g) of title 5) of the Senior Reserve Officers' Training Corps prescribed under chapter 103 of title 10.".

(d) Pay Status While in Certain Training.—Section 209(c) of title 37, United States Code, is amended by striking out "field training or practice cruises under section 2109 of title 10" and inserting in lieu thereof "training prescribed under section 2109 of title 10 if such training is of at least four weeks duration and must be completed before commissioning".

(e) Effective Date.—The amendments made by this section shall apply only to training performed and injuries, disabilities, or deaths occurring during training performed, after September 30, 1988.

Mr. THURMOND. Mr. President, the amendment that I am offering today will extend certain benefits to members of the Reserve Officer Training Corps while they are undergoing practical military training other than the training they receive at annual summer camp.

Quite simply, the amendment will provide medical care for injuries received in training and compensation in the case of disability or death. These same benefits are provided while cadets are at annual summer camp. My amendment extends this coverage to the training they receive while at school during the academic year. It is my understanding that the amendment has been cleared by both sides, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. NUNN. Mr. President, this is a good amendment. We have worked with the Senator from South Carolina on the amendment. It has been an oversight that has needed our attention. The amendment makes the correction. It is long overdue.

I congratulate the Senator for his sponsorship of this amendment. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. WARNER. Mr. President, I join the distinguished chairman in commending our colleague from South Carolina, and the amendment is acceptable to both sides.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina [Mr. Thurmond].

The amendment (No. 2020) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we are about to move to the Kennedy-Hatfield amendment on test ban. The majority leader is here. I would like to put in another unanimous consent request to limit debate on this amendment to 1 hour. This would not preclude further debate if the tabling motion failed, and it would protect a tabling motion.

Those who might be apprehensive about this amendment would have no reason not to agree to a time agreement, and we can determine where the votes are.

Mr. WARNER. Mr. President, at this time I advise my distinguished colleague that I am obligated to protect a Member on this side who is in transit to the Senate area.

Mr. NUNN. I understand.

Mr. WARNER. I will advise the chairman.

Mr. NUNN. I hope we can get some kind of indication as soon as possible.

We were talking about a 1½-hour or 2-hour limit on the Johnston SDI amendment, and we were not able to get that, and I was assured by the proponents of the amendment that it would not take longer than 2 hours. We started it at 10 o'clock, and we had not finished it at 4 o'clock yesterday afternoon, to the best of my recollection.

With these amendments that do not take long, if you do not get some understanding on them, the debate goes on and on, and we pay the price for it on Thursday night, Friday night, Saturday morning, or whenever we come in to try to finish the bill.

These are not free hours. I want every amendment to be debated thoroughly, but I hope we can get unanimous consent on a 1-hour time agreement. In the meantime, as soon as Senators Hatfield and Kennedy get the floor, we will be prepared to proceed with that.

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

Mr. QUAYLE. I think it would be far easier to get an hour time agreement, or whatever, on tabling motions, because there are people on this side with amendments who do not have a problem with a tabling motion. The problem comes when the tabling motion fails. If Senators knew that the time agreement would be for tabling motions, it might be easier to get the time agreements.

Mr. NUNN. We have been shopping for this one since last night and we cannot get it, even with that indication. I agree with the Senator from Indiana, but we still do not appear to be able to get a 1-hour time agreement.

Mr. BYRD. I think it should be obvious that time agreements on tabling motions do not amount to much. A tabling motion can be made at any time. If a Senator gets the floor, he can make it, and the motion is not debatable. So, why talk about having time agreements on tabling motions? Perhaps in this instance it can be helpful.

Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so that I may send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2021

(Purpose: To authorize use of funds from prior year savings to construct an aircraft parking ramp/holding pad at Charleston, West Virginia, for the Air National Guard of the United States)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2021.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 224, between lines 14 and 15, insert the following new section:

SEC. 2602. AIRCRAFT PARKING RAMP/HOLDING PAD AT YEAGER AIRPORT, CHARLESTON, WEST VIRGINIA

There is authorized to be constructed an aircraft parking ramp/holding pad for the Air National Guard of the United States at Yeager Airport at Charleston, West Virginia, in the amount of $3,300,000. Such project may be constructed only with funds realized as the result of savings on construction projects of the Air National Guard of the United States for which funds were appropriated for fiscal year 1987.

Mr. BYRD. Mr. President, this is an amendment that has been discussed with the managers. I hope they will be in a position to clear this.

The amendment I am offering would authorize $3,300,000 to construct a needed aircraft parking ramp and holding pad at the Air National Guard's 130th Tactical Airlift Group at Yeager Airport in Charleston, WV. The project would be funded with savings from fiscal year 1987, so that the amendment will not add to the bill. This is consistent with a recent proposal by the Defense Department for financing of this project.

Mr. President, as my colleagues may recall, this high priority Air National Guard military construction project was previously approved by the Armed Services Committee, the Senate, the Congress, and the President, in last year's Department of Defense authorization legislation for fiscal year 1989. The purpose of this amendment, then, is to reauthorize the same project which was approved last year.

Earlier this year, the Department of Defense submitted a reprogramming request in the amount of $3.3 million to fund the aircraft parking ramp and holding pad at Yeager Airport, to be funded out of fiscal year 1987 savings derived from projects where construction costs were less than expected. Subsequently, the Senate Armed Services Committee approved the project. However, I am advised that both the House Armed Services and Appropriations Committees are considering this project a "new start" and may, therefore, be reluctant to approve the project without legislative authority. Consequently, I am offering the subject amendment to provide the necessary legislative authority.

Mr. President, the proposed aircraft parking ramp and holding pad project would consist of a 33,000-square-yard parking apron and holding pad addition to accommodate C-130 aircraft during predeparture operations. According to the Department of Defense, this construction project would eliminate the hazardous practice of backing aircraft from their parking spaces. If this project is not approved, the hazardous practice of backing aircraft will continue to jeopardize personnel, aircraft, and ground support equipment. Taxi and parking operations will continue to consume excessive amounts of time and fuel; and unnecessary conflict between civilian and military operations will continue, causing excessive delays in military departures which could affect the operation mission.

In summary, Mr. President, I urge the adoption of this amendment which would authorize $3,300,000 for an aircraft parking ramp and holding pad at the Air National Guard facility at Charleston, WV, for fiscal year 1989, to be funded out of savings derived from projects where construction costs were less than expected.

I thank the very able chairman of the committee, Mr. NUNN, and the very distinguished ranking minority member, Mr. WARNER, as well as the able chairman, Mr. DIXON, and the distinguished ranking minority member, Mr. HUMPHREY, of the Subcommittee on Readiness, Sustainability and Support, for their consideration and support in this matter.

Mr. NUNN. Mr. President, I urge the adoption of this amendment. We have consulted with the Senator from West Virginia on it.

This project meets a valid need. It is designed to meet the needs of the military. It was in last year's 2-year budget request. It was an Air Force priority, and they tried to have a reprogramming request last year. I think it is a priority project and it is meritorious, and I urge its adoption.

Mr. WARNER. Mr. President, I join the distinguished chairman in recommending that this amendment be adopted. The State of West Virginia received only a modest amount from the defense budget. This is needed for the purpose of national defense, and I commend the majority leader for bringing it up.

Mr. BYRD. I thank the managers. This is the Air National Guard's 130th Tactical Airlift Group at Yeager Airport in Charleston, WV.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2021) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2022

(Purpose: To impose certain limitations on underground nuclear testing)

Mr. HATFIELD, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Under the previous order the next amendment to be considered is an amendment to be offered by the Senator from Massachusetts. Is the Senator from Oregon requesting unanimous consent?

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may offer on behalf of the Senator from Massachusetts and myself an amendment that I have sent to the desk.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon, [Mr. HATFIELD] for himself, Mr. KENNEDY, and Mr. MITCHELL proposes an amendment numbered 2022.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following:

SEC. 924. UNDERGROUND NUCLEAR TESTING

(a) FINDINGS.—The Congress makes the following findings:

(1) The national interest of the United States would be served by the achievement of mutual, verifiable nuclear arms reductions with the Soviet Union and by mutual, verifiable limits on the number and yield of future underground nuclear explosions conducted by both nations.

(2) A 2-year, mutual moratorium by the United States and the Soviet Union on virtually all underground nuclear explosions above a verifiable low-yield threshold would be a crucial first step by both nations toward achieving the goals described in paragraph (1).

(3) A 2-year, mutual moratorium on underground nuclear explosions above a verifiable low-yield threshold would constitute a good faith step toward fulfilling the obligations of the United States and the Soviet Union under article VI of the Nonproliferation Treaty to pursue "effective measures relating to the cessation of the nuclear arms race at an early date" and under article I of the Limited Test Ban Treaty to seek "the permanent banning of all nuclear test explosions, including all such explosions underground."

(4) A level of weapon reliability sufficient to deter the use of nuclear stockpiles can be

maintained at a greatly reduced rate and yield for underground nuclear test explosions.

(5) The task of monitoring the yields of explosions for compliance with a low-threshold moratorium can be made considerably easier by limiting test explosions to one small test area composed of strong-coupling rock, thereby allowing detection-identification of any off-site nuclear explosion, regardless of yield, to serve as sufficient evidence of violation of the moratorium.

(6) A 2-year moratorium on any underground nuclear test which has an explosive power greater than one kiloton could be verified with a high degree of confidence if the current external seismic monitoring network were supplemented by three in-country networks, each composed of four stations, deployed in the vicinity of each nation's primary test site and in regions where peaceful nuclear explosions may have created suitable decoupling cavities in thick salt deposits.

(7) A joint research project between the United States and the Soviet Union to determine the number, type, and locations of additional in-country seismic monitoring stations necessary to verify long-term compliance with the limitations of a low-threshold test ban treaty would contribute significantly to the prospect of concluding such a treaty in the future.

(b) Limitations on Nuclear Testing.—(1) Subject to paragraph (2), during the 2-year period beginning 270 days after the date of the enactment of this Act, funds may not be obligated or expended by any department or agency to conduct an underground nuclear explosion—

(A) with a yield greater than one kiloton, except for two designated test explosions, each with a yield not exceeding 15 kilotons;

(B) in weak-coupling geologic media;

(C) at a location that is not part of a single designated test area; and

(D) unless a public announcement of a proposed explosion has been made at least 30 days before the date of the explosion.

(2) The restriction in paragraph (1) shall cease to apply if—

(A) after the restriction has become effective, the President certifies to Congress that the Soviet Union—

(i) has conducted an underground nuclear explosion having a joint seismic yield estimate which indicates a yield greater than one kiloton, except for two designated explosions with a joint seismic yield estimate indicating a yield not greater than 15 kilotons;

(ii) has conducted an underground nuclear explosion in weak-coupling geologic media; or

(iii) has conducted an underground nuclear explosion at a location that is not part of a single designated test area; or

(B)(i) the President certifies to Congress that the Soviet Union has refused, after the restriction has become effective, to implement reciprocal, in-country monitoring arrangements; and

(ii) Congress has enacted a joint resolution approving such certification.

(c) Termination for Certain New Agreements.—The restrictions on testing contained in subsection (b) shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union which makes reductions in the number or yield of underground nuclear explosions permitted under treaties between the United States and the Soviet Union signed before January 1, 1987.

(d) Definitions.—For purposes of this section:

(1) The term "designated test area" means an area not exceeding 100 square kilometers within the Soviet Union or the United States, as the case may be, which—

(A) is located within the boundaries of a single existing nuclear weapons testing site in each country;

(B) incorporates competent or water-saturated strong-coupling rock that does not contain closely spaced underground tunnels or a cavity with a radius greater than 20 meters; and

(C) has been the site, before the effective date of the testing restrictions specified in this Act, of five nuclear calibration explosions having a range of independently determined yields, conducted for the primary purpose of improving the accuracy of seismic monitoring techniques, without the use of diagnostic equipment, except equipment for a Continuous Reflectometry for Radius versus Time Experiment (CORRTEX), or any other method of ascertaining the yield of explosions which is mutually agreeable to the United States and the Soviet Union.

(2) The term "joint seismic yield estimate" means a composite estimate at a high confidence level which—

(A) is based on the concurrent employment of several independent methods for calculating yields of explosions at designated test sites using different seismic waves from an underground nuclear explosion; and

(B) has been the subject of a technical report, provided in both classified and unclassified form to the Committees on Armed Services and on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Armed Services and on Foreign Relations of the Senate, and the Select Committee on Intelligence of the Senate, conducted by a scientific review panel convened under the auspices of the National Academy of Sciences and comprised of ten highly qualified seismologists designated as follows:

(i) one by the Chairman of the Select Committee on Intelligence of the Senate;

(ii) one by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives;

(iii) one by the head of the Air Force Technical Applications Center;

(iv) one by the Director of the Defense Intelligence Agency;

(v) one by the Director of Central Intelligence;

(vi) one by the head of the Defense Advanced Research Projects Agency;

(vii) one jointly by the directors of the national weapons laboratories;

(viii) one by the Director of the Geological Survey;

(ix) one by the Director of the Office of Technology Assessment; and

(x) one by the President of the National Academy of Sciences.

(3) The term "reciprocal, in-country monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of verification through—

(A) the conduct by either country of up to six on-site inspections on the national territory of the other, each of which shall be allowed to commence within 10 days after the day on which either nation has presented to the other a formal request demonstrating the need for additional information to identify a specific ambiguous event or activity related to apparent violations of the restrictions specified in subsection (b)(1);

(B) designation by each country, not later than 30 days after the date of enactment of this Act, of a candidate designated test area, followed by an independent inspection by the monitoring country, beginning not later than 60 days after the date of enactment of this Act and ending not later than 180 days after such date, of—

(i) the geologic and material properties within each candidate designated test area, including the presence and disposition of any underground tunnels and cavities; and

(ii) complete drill cores and logs from five calibration test holes of appropriate depth within each candidate designated test area, the drilling of which has been observed and the locations of which have been selected by the side monitoring that area;

(C) the provision of at least 30 days advance notice of—

(i) the scheduled date, time, depth, and coordinates for each nuclear test explosion of one kiloton or less;

(ii) the scheduled date, time, depth, and coordinates for not more than two explosions, each with a planned yield in excess of one kiloton, but not exceeding 15 kilotons; and

(iii) the coordinates, dates, times, and yields of industrial explosions larger than 20 tons of high explosive to be conducted within the nuclear test-capable areas defined in clause (D);

(D) the emplacement by each country, on the national territory of the other, of twelve high performance seismic stations (four bore-hole instrument packages sited within 1,500 kilometers of each designated test area and eight additional seismic stations in regions where peaceful nuclear explosions may have created suitable decoupling cavities in thick salt deposits) such that the combined internal and external seismic monitoring network of each nation will be capable of detecting and identifying all nuclear explosions with yields exceeding one kiloton—

(i) at known nuclear weapons tests sites of the other country; and

(ii) at sites in the other country having a current capability to accommodate a decoupled nuclear explosion with a yield exceeding one kiloton; and

(E) the conduct of a joint verification study by experts on nuclear test verification techniques from both the United States and the Soviet Union for the purpose of determining the number and locations in both countries of additional in-country seismic monitoring stations needed to monitor long-term compliance with the terms of a low-yield threshold test ban treaty.

(e) Special Procedures for Considering Legislation Approving Presidential Certification.—(1) For the purpose of expediting the consideration of a joint resolution referred to in subsection (b)(2)(B)(ii), the procedures specified in paragraph (2) of this subsection shall apply.

(2)(A) For the purposes of subsection (b)(2)(B)(ii), "joint resolution" means only a joint resolution introduced after the date on which a certification by the President under such subsection is received by Congress the matter after the resolving clause of which is as follows: "That Congress approves the certification made by the President, dated ______, with respect to the refusal of the Soviet Union to implement reciprocal, in-country monitoring arrangements in connection with underground nuclear testing.", the blank space therein being filled with the appropriate date.

(B) A resolution described in subparagraph (A) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in subparagraph (A) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(C) If the committee to which is referred a resolution described in subparagraph (A) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(D)(i) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under subparagraph (C)) from further consideration of, a resolution described in subparagraph (A), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(ii) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(iii) Immediately following the conclusion of the debate on a resolution described in subparagraph (A), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subparagraph (A) shall be decided without debate.

(v) If, before the passage by one House of a resolution of that House described in subparagraph (A), that House receives from the other House a resolution described in subparagraph (A), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee.

(ii) With respect to a resolution described in subparagraph (A) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(vi) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subparagraph (A), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. **HATFIELD**. Mr. President, some 13 months ago the Senator from Massachusetts, Senator KENNEDY, and I introduced a bill related to this subject, and we now have some 33 cosponsors of that bill. We now offer the bill in the form of an amendment to the defense authorization bill.

I believe that incorporated in this amendment is really the first serious attempt that the Senate has made to address the technical objections to a temporary limitation on underground nuclear testing.

The House of Representatives, on the other hand, has acted upon this subject a number of times, including as recently as a month ago. The House of Representatives cuts off funding for underground nuclear testing above 1 kiloton for 12 months rather than for the 24 months which the Senate bill requires, provided, of course, that the Soviet Union reciprocates.

Like the House bill, it provides for seismic monitoring, and it requires that each side designate a single test site for any explosion under that 1 kiloton limit.

Legitimate questions have been raised, which I think have to be answered.

How do you know that the Soviet Union will abide by any kind of a mutual ban on underground testing? We have provided for the seismic monitoring in our amendment. We have required the designation of a single test site which would be much simpler to monitor. But our legislation even goes further.

Many have objected to this concept of a virtual ban in the past, and we have met their objections by providing an exception for two nuclear warhead reliability tests on each side during the 2-year moratorium.

In addition to the installation of seismic monitoring networks in each country, our amendment requires the use of a Corrtex device. Again we have had people who have raised objections to the ban because it lacks a specific kind of monitoring program, and so we have adopted the idea of a Corrtex device to calibrate the designated test sites.

We also feel we have met the objections that have been raised legitimately about a timeframe within which to put this into effect. We have met that objection. We allow 9 months for the implementation of the required verification and monitoring arrangements. In addition to that, for those who say all mechanical devices are subject to possible error or failure, we provide onsite inspections on demand.

We have broken through that onsite barrier with the INF Treaty, much to the surprise and perhaps disappointment of some of the advisers that I have identified as arms control saboteurs who really do not want an arms control program. Their only objection that was seemingly irrefutable or unassailable was onsite inspection.

Now that the Soviet Union has agreed to that in the INF Treaty, it certainly does open up an opportunity to see that expanded in this kind of a proposal.

I think, in other words, Mr. President, that the technical objections have been answered to the ban on underground testing. It is a mutual proposal; that is, it has to be mutually agreed by the Soviet Union and the United States, and it is verifiable.

This will not be a vote upon whether or not we can trust the Soviets. I think that old conundrum has been laid to rest by the provisions that we have made in this bill.

This will be a vote about whether or not we want to continue the superpower arms race.

Bear in mind, Mr. President, we can talk about the importance of the INF Treaty, and I do support it, but we have not really addressed the fuel, the actual power system that has been moving this arms race ever higher and higher. That is the technology. The INF Treaty does not touch on that subject. It addresses the numbers of warheads. We can replace warheads with more powerful warheads and still reduce the overall arsenal in numbers. But that does not really get to the heart of the matter of getting these weapons under control. We have to address the technology of the arms race. That is what fuels the arms race.

Underground nuclear testing is an essential component, perhaps the essential component, of unbridled nuclear technology.

Again, I emphasize and underscore the INF Treaty, for all its merit, does not address technology and does not address the arms race—except that it paves a way for a more comprehensive on-site inspection program.

My guess is that this debate will not focus on technical objections, but on politics. We have heard the arguments before and how redundant they have become. It is not the right time, or we cannot take this action just prior to the summit. Let that be one of the cards in the hand being played out by the President negotiating with Mr. Gorbachev. Or that progress is being made on negotiations and this will not help that.

How often have we heard "Do not tie the President's hands"? These will probably again be introduced in an old worn-out, dog-eared fashion—not with any more validity today, perhaps with even less validity because of how we have answered the legitimate questions of the past. But these are the political objections.

We do not want to tie the President's hands I do not think, Democrat or Republican. We want to offer him a challenge. If the administration comes up with any limitations on testing, our moratorium is off.

There is the specific response to those who claim that this would tie the President's hands. It will not tie the President's hands whatsoever. It merely offers the President an objective, a goal, a challenge. We also want to offer the Soviets a challenge.

Were they serious when they called off all testing for 18 months? And do not forget, my colleagues, from August 1985 to February 1987 the Soviets unilaterally called off underground testing as a challenge to us. Our response was, of course, to engage in more underground testing.

(Mr. SANFORD assumed the chair.)

Mr. HATFIELD. A third thing the Senator from Massachusetts and I would like to offer, besides the challenge to our President and challenge to the Soviet Union, is that we would like to offer the people of the world a hope.

If we truly want a test ban, I do not think there are any more excuses.

First, it was said that a temporary test ban could not be verified, so we specified the number of in-country seismic stations that many experts agree would ensure verification.

Then they said a temporary test ban would prevent us from ensuring the safety and reliability of our nuclear stockpile, so we have allowed two exceptions on each side for "reliability" tests.

Then they said Corrtex was a necessary component of any verification regime, so we required Corrtex for the calibration of the designated test sites.

Then they said there must be on-site inspections, so we required onsite inspections too.

All the excuses that have been used in the past are gone. We ought to face up to the reality that this now presents to the Senate an opportunity to be serious about engaging in a temporary, 2-year, mutually verifiable limited test ban on underground nuclear explosions.

I am very happy to say that we have as supporters a rather extraordinary cross-section of Senators from all parts of the country, from all political persuasions and philosophical persuasions. I think it illustrates that the Senate is getting a little anxious about getting on with the substantive part of the arms race—namely, addressing the technology.

Mr. President, I ask unanimous consent to add the Senator from Maine, Senator MITCHELL, as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following colloquy occurred earlier and appears at this point in the RECORD by unanimous consent.)

Mr. NUNN. Would the Senator from Oregon yield just for 1 minute on an administrative question?

Mr. HATFIELD. I am very happy to yield for 50 seconds.

Mr. NUNN. Mr. President, I thank the Senator from Oregon. I would like to announce—and I have talked to the Senator from Virginia about this—that between now and 1 o'clock, Senator DIXON, on the Democratic side, and Senator QUAYLE, on the Republican side, will be receiving from any Senator an indication of what amendment you would like to bring up during the course of debate of this defense bill.

We have 42 amendments that are now listed. We are going to try to finish this bill tonight or tomorrow or tomorrow night. I think it is very important that we do that. If we do not finish it, then we will possibly go to the INF Treaty and it will be a long, long time before we can get back to this bill. So we are going to be driving hard late tonight and late tomorrow night if necessary to finish.

The reason we would like to have all amendments is because around 2 o'clock today, I will ask the majority leader—I am sure the Senator from Virginia will be in discussion with the minority leader—to come to the floor and ask unanimous consent that this list of amendments be all the amendments that we will consider to this bill. I want to put everyone on notice of that because we will be asking unanimous consent sometime around 2 o'clock that this list, the 42 plus others that come in in the interim period, be the inclusive list so we can bind the debate and at least know where we are going between now and late tomorrow night.

I thank the Senator from Oregon.

Mr. DIXON. Will the distinguished Senator from Oregon permit me to respond to the manager for 1 moment and report the progress to date?

Mr. HATFIELD. I am happy to do that.

Mr. NUNN. Mr. President, I ask unanimous consent that this dialog not be shown in the RECORD as interrupting the Senator from Oregon's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, may I report to the distinguished managers of the bill—and I thank the distinguished senior Senator from Oregon—that there is progress already. Amendment 4 and amendment 36 are stricken, so we have reduced it by two. The distinguished Senator from Iowa, Senator HARKIN, with amendment 14, has agreed to a half hour, equally divided.

The distinguished senior Senator from Massachusetts, with amendments 18 and 19, has agreed to a limit of 40 minutes on 18, evenly divided, and 1 hour on 19, evenly divided.

The distinguished Senator from Illinois, Senator SIMON, has agreed to 1 hour, equally divided, on 31.

The distinguished Senator from Wyoming, Senator WALLOP, agreed to an hour, equally divided, on 38.

I appreciate the interruption being permitted by the Senator from Oregon, because the point I want to make is people are already cooperating. We can get this job done.

Please call Senator QUAYLE in the Republican Cloakroom or Senator DIXON in the Democratic Cloakroom and we will immediately accommodate you. If you have one to be stricken from the list, let us strike it. If you have a time limit, give it to us now. And if you have anything else to put on the list, give it to us before 1 o'clock and then we are going to ask for a unanimous-consent agreement.

Mr. WARNER. Mr. President, I join the distinguished chairman. We are making progress on this side and assure my colleagues that we are here to accommodate them.

Mr. HATFIELD. Mr. President, I think I could say with great empathy that I have total appreciation for the problem the Senator from Georgia and the Senator from Virginia have in this defense authorization bill. I know of no two legislative vehicles that have more of a magnetism, that draw amendments from under rocks and from in trees and elsewhere, than the defense authorization bill and the continuing resolution on appropriations. Having had the experience of managing a continuing resolution or two, I know precisely the predicament they are in.

I am happy to cooperate and also assure them that I will be very brief. If the managers would like to accept the amendment we can make it even briefer after the Senator from Massachusetts has made his remarks.

(Conclusion of earlier colloquy.)

Mr. HATFIELD. Mr. President, I could talk at some length about our illustrious colleague from Massachusetts on many fronts and many areas of legislation. I know few Senators who are as deeply involved in such a variety of issues as the Senator from Massachusetts, Mr. KENNEDY. I have always counted it a privilege to be in harness—in tandem, associated with, however we want to express it—with him on many good causes and particularly in trying to address the arms race and the questions of peace and war.

Again, I am very privileged today to be offering this amendment in tandem with the distinguished Senator from the State of Massachusetts Mr. [KENNEDY].

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join with my friend and colleague from Oregon in recommending that the Senate accept this extremely important amendment. It is entirely timely for the reasons that we will outline.

Again, I welcome the chance to work with the Senator from Oregon, whose service in the U.S. Senate on the issues of war and peace are readily acknowledged by all the Members of this body. Once again, we come together with some 34 other Senators who are cosponsoring this measure and urging that this morning the Senate take a very important and significant step forward in the area of arms control.

Enactment of this legislation would create an opportunity to establish a mutual and strictly verifiable 2-year limitation on Soviet and American underground nuclear explosions above a monitoring threshold of 1 kiloton.

This year marks the 25th anniversary of the Limited Test Ban Treaty, ratified by the Senate in 1963 with overwhelming bipartisan support. In article I of this treaty, the United States, the Soviet Union, and the United Kingdom pledged to continue their negotiations in order to achieve "the permanent banning of all nuclear test explosions, including all such explosions underground."

Rather than allowing this commitment to languish in a diplomatic nether world of endless delay and doubletalk, the sponsors of this amendment believe the time has come for binding legislation that could provide the basis for a meaningful test-ban option in our future national security policy.

Our amendment would create the opportunity for both sides to reduce the explosive power of their nuclear tests to the lowest level consistent with effective verification and maintenance of a reliable nuclear deterrent.

The amendment has many checks and safeguards built into it, and has been specifically designed to accommodate the concerns of some Senators about a complete test ban or an uninspected moratorium. This is an amendment that a majority of the Senate can endorse with confidence.

It sets up a strictly verifiable 2-year restriction on most but not all tests above 1 kiloton. If all the verification conditions are met, the restriction would take effect 9 months after enactment. This period will allow ample time to negotiate the enhanced verification measures which, under the terms of this amendment, must be in place before the testing restriction can take effect.

Under this amendment, the Soviet Union must accept mutual onsite inspections, the installation of an in-country seismic monitoring network, and the seismic calibration of its designated test site using the yield estimation device commonly referred to as corrtex or a method of equivalent accuracy.

To further assist verification, both sides will be required to announce all tests 30 days in advance and confine them to one small designated testing area. Over the 2-year period, each side will be allowed to conduct two tests that exceed the limitation for the purpose of providing confidence in the reliability of each side's arsenal.

On this point, Mr. President, I had the opportunity of visiting, about 2 to 3 weeks ago, with Glenn Seaborg, who was the Chairman of the Atomic Energy Commission during the 1960's, for 10 years. I spoke to him about the question that is raised time and again in the Senate debate on the issue of reliability. This very distinguished scientist, who is one of the real pathfinders in the whole development of nuclear energy, indicated to me that over a 10-year period they did not conduct one single test for the purpose of confirming reliability. Not one in 10 years, because of the confidence they had in other measures to assure the reliability of the American nuclear deterrent.

As I mentioned, over the 2-year period, each side would be allowed to conduct two tests that exceed the limitation for the purpose of providing confidence in the reliability of each side's arsenal.

I point out when the Senator from Oregon and I introduced previous legislation urging a ban on testing, we did not have this provision. But we have added that, and this quota is consistent with our understanding of the average number of tests that have been conducted in recent times for reliability.

Regarding the alleged need for nuclear explosive tests to maintain confidence in the reliability of today's nuclear arsenal, the record shows that from 1965 to the present, there have been only 11 nuclear tests conducted to resolve suspected reliability problems. It is instructive to note that from 1965 to 1980, no such tests were conducted.

These numbers translate to an average of about one stockpile reliability test every 2 years. This amendment provides for two reliability tests over a 2-year period, twice the historical rate. Such tests involve the primary stage of a thermonuclear weapon, and can be conducted under 15 kilotons, as provided for in this amendment.

Moreover, even if one includes in the analysis the 28 tests conducted in the early sixties to remedy the defects in weapons rushed into stockpile without adequate testing during the 1958-61 moratorium, only 5 reliability tests have involved weapons that had been in stockpile more than 3 years.

This statistic indicates that the vast majority of so-called reliability problems in the stockpile are really a function of the constant introduction of new weapon designs into the stockpile. Without a continuing process of warhead modernization, one could expect that the rate of stockpile confidence tests would drop well below the level provided for in this amendment.

According to a recent report by Livermore Laboratory's Scientific and Academic Advisory Committee:

> The Committee concludes that the endurance of the stockpile, already great, continues to improve.

The chairman of this committee, Dr. Fred Reines of UC Irvine, has stated that U.S. nuclear weapons are designed:

> To last one hell of a long time * * *. We should not be prevented from thinking in a constructive way about the possibilities of test bans. We are not precluded from this by any means.

According to the results of a detailed statistical study of the stockpile reliability issue by senior physicist Ray Kidder of the Livermore National Laboratory—a report which I requested in conjunction with LES ASPIN, chairman of the House Armed Services Committee—none of the examples of stockpile problems cited by the Department of Energy support the conclusion that today's stockpile of thoroughly tested weapons requires continued nuclear explosive testing to maintain confidence in its reliability.

The stockpile confidence provided for in this amendment is limited to 15 kilotons in yield, a level which permits ample yield for our national laboratories to verify the boosting performance of the critical primary stages of our nuclear weapons.

If the President negotiates a new agreement with the Soviet Union limiting nuclear tests or if the Soviet Union conducts an unauthorized test, all restrictions would cease to apply.

In drafting this legislation, the sponsors have sought to satisfy concerns regarding verification and weapon reliability. We want the Senate to face the critical question: "Is it in our interest, and does it enhance international security, to slow down the nuclear weapons technology race with the U.S.S.R.?" The only sensible answer to that question is clearly "Yes."

Sixty national church, labor, environmental, professional, and arms control organizations representing millions of Americans have endorsed the Hatfield-Kennedy Nuclear Explosions Control Act. Two weeks ago, the House of Representatives passed a similar test restriction for the third consecutive year. Clearly, this body has not caught up with U.S. public and world opinion on the importance of achieving a test ban in the very near future.

The provisions of our amendment would slow the pace of developments in destabilizing hard-target-kill and directed energy weapons. A brake on such developments would increase "crisis stability" and ease the political tensions and economic burdens arising from competitive pressures to deploy new strategic weapons. Our amendment would also strengthen the moral and political basis of our nonproliferation policy by signaling reduced superpower reliance on nuclear weaponry to ensure security.

The U.S.S.R.'s willingness to respond positively to the administration's demand for improved verification of the Threshold Test Ban Treaty is but one of a series of recent Soviet concessions to United States views on the need for in-country monitoring systems and onsite inspections to verify nuclear testing agreements.

But what about parallel movement in the U.S. negotiating position? What about the hopes and aspirations of millions of Americans and other citizens around the world who have marched and signed petitions and lobbied their governments for the achievement of a nuclear test ban? Are they to be disappointed yet again?

The Soviet Union has repeatedly indicated that it is willing to go far beyond the current ponderous agenda for nuclear testing negotiations advanced by the present administration. The U.S.S.R. has also stated and demonstrated in practice that it will accept extensive and rigorous procedures for verification of a low-threshold test ban. Recent studies from both inside and outside the Government have confirmed that no significant technical obstacles remain to excuse the present failure to achieve major new limits on nuclear testing.

And what of the views of the more than 100 nations which are adhering to the Nuclear Nonproliferation Treaty? These nations are bound to wonder why the U.S. Government is willing to cooperate with the U.S.S.R. in improving verification of continued testing at 150 kilotons, while it refuses to implement verification measures which could be used to restrict tests to dramatically reduced yields.

To cast aside the present political opportunity afforded by this amendment, and by the parallel action of our House colleagues, will only deepen the cynicism already felt worldwide about the continuing failure of the nuclear weapon powers to conclude a meaningful restriction on nuclear testing. Unfortunately, in the eyes of the rest of the world, the moral and political onus for failure to make progress toward a comprehensive test ban increasingly rests with the United States.

Senators should ponder the implication of this perception for our stature in the rest of the wold. No doubt we can continue indefinitely to field the latest in nuclear weapons technology—microwave bombs and hypervelocity pellets and x-ray lasers and Earth penetrators—but even these esoteric variations on the theme of nuclear destruction will not win us the respect of other nations. The moral and political authority needed to support this Nation's foreign policy—particularly its nuclear nonproliferation policy—will not be found in the bomb craters that scar the Nevada desert.

The fervor often expressed in this body for intrusive verification must be matched by an equal fervor for concrete limitations. Words must be matched by deeds. The people of the world have waited 30 years for a nuclear test ban. Under the present negotiating agenda, they will have to wait another 30 years. In fact, until this body musters the wisdom and courage to act decisively, they could wait forever.

Opponents of this amendment have argued that it represents an unwarranted intrusion into Presidential authority to conduct test ban negotiations. Once again we hear the refrain that it would "tie his hands" at the negotiating table.

But as my able colleague, the senior Senator from Georgia, noted last year, the Constitution does not assign the Senate the decorative role of a "potted plant" when it comes to determining foreign and defense policies. Just as this body has already done for the conduct of SDI tests, placing certain conditions on the expenditure of funds for underground nuclear tests is an entirely legitimate exercise of the legislative powers assigned to the Senate under the Constitution.

Under the terms of this amendment, any further restrictions would not take effect until 9 months following the date of enactment of this bill. This would provide the President with considerable time in which to negotiate a new agreement limiting nuclear tests.

The amendment also provides that any agreement negotiated before or during the 2-year period which reduces the number or yield of nuclear tests would automatically replace the restrictions in this amendment. I want to reassure my colleagues that the separation of powers is fully protected under the terms of this amendment.

We also hear the argument that we should set aside this amendment because the Soviet Union and the United States are now engaged in bilateral negotiations on nuclear testing, beginning with verification improvements to the Threshold Test Ban Treaty and then proceeding at some unspecified future date to unspecified further restrictions on nuclear tests, which in turn are said to be dependent on further reductions in nuclear weapons and conventional forces.

Let us be candid about this. This program amounts to negotiations on a test ban thrice removed.

Every Senator in this Chamber knows that the recent change in the nominal status of the test ban talks—from informal technical discussions to formal negotiations—has come about only as a response to strong congressional pressure. Every Senator in this Chamber also knows that for nearly 7 years, this administration has opposed the negotiation of any meaningful restriction on nuclear tests, and continues to oppose such restrictions even as we speak.

Does any Member of this body really believe that this administration is now seriously pursuing a test ban simply because it has obtained the Soviet Union's assent to renaming the talks?

In almost 7 years, this administration has accomplished precisely nothing in the area of limiting nuclear tests. Now, in the 8 months remaining to it, the administration will be lucky to produce a protocol improving the accuracy of yield estimates for Soviet tests near the 150 kiloton threshold.

Given that the charges of Soviet noncompliance with this threshold were largely based on known errors in our own official yield estimation methods—which have now been corrected—one can hardly regard the negotiation of this protocol as a major step forward in arms control.

The administration's rigid and exclusive insistence on this part of the negotiating agenda has always been suspect. Legislators who want to be fooled by the apparent importance of these negotiations can no doubt find the political cover they desire.

In my view these negotiations are little more than diplomatic busywork. They are designed to create an illusion of purposeful activity on the nuclear testing issue to deflect the mounting political pressure world-wide for a meaningful restriction on nuclear tests. It is a change in form, but not in substance.

Renaming discussions on a threshold test ban protocol as "comprehensive test ban negotiations" will not bring us even one step closer to a stabilizing reduction in the yield and frequency of nuclear tests, and it will not bring us even one step closer to a comprehensive test ban. The only way to do that is to support this amendment.

Critics of this amendment have also charged, without a shred of supporting analysis, that the Soviet Union could cheat on its provisions without being detected by United States monitoring systems.

Those of my colleagues who have examined this amendment will attest to the fact that it contains very extensive and stringent verification provisions. The restrictions on testing are contingent on the Soviet Union's implementation and adherence to these verification provisions, and to a cooperative program of research designed to improve monitoring for longer term agreements that might be reached in the future.

Another objection raised against this amendment is that it would allegedly interfere with continued testing to maintain the safety, security, and reliability of the nuclear arsenal.

Let me first deal with the question of warhead safety. After four decades of development, the safety design of nuclear weapons is well advanced. All U.S. nuclear weapons are already "one-point safe," meaning that they will not produce a significant nuclear yield even if the chemical explosives are triggered at one point by the penetration of a bullet or by fire.

Another safety improvement has been the use since 1980 of "insensitive high explosive," which reduces the probability of plutonium dispersal in an accident. Warheads containing IHE are now available for high-yield and low-yield bombs, all U.S. cruise missiles, and short and long range ballistic missiles.

In cases where new warheads containing IHE have not been developed, there has usually been no intention to do so for institutional or technical reasons.

For example, the Navy had the option of incorporating insensitive high explosive in the new Trident II warhead, and chose not to. The Department of Energy has stated:

> The DOE has not provided, and will never provide, to DOD a warhead which is considered unsafe.

In the area of nuclear weapon security, the primary issue today is not further technical refinement, but rather the fact that many weapons in the U.S. stockpile, including the weapons on board ballistic-missile submarines, still have no built-in coded security devices. This amendment would do nothing to interfere with the introduction of modern category D coded locks into currently unprotected weapons, because these electronic locks operate on components that do not require nuclear tests to certify their performance.

I would like to ask just to take a few more moments of the Senate's time. I would like to ask the Senator from Oregon if he remembers the negotiations which were taking place in the latter part of the 1970's. These were negotiations between President Carter's administration, and General Secretary Brezhnev's. These negotiations took place in Geneva and included the negotiators of the United Kingdom. These negotiations took place for about a period of 3 years. They were not terminated even at the time the Soviet troops invaded Afghanistan.

I think all of us are mindful of the steps that were taken to halt the submission of the SALT agreement to the Senate just at that very moment. But even during that period of time the negotiations continued. They continued all through the campaign. They continued even past election day.

If these negotiators were asked about the degree of separation between the United States and the Soviet Union on this issue. The response would have been it was effectively microscopic. They were contemplating a test ban that was a good deal more restrictive than the one which we offer today and which did not have the type of verification provisions that are included in this particular amendment.

I had the opportunity at the middle part of the negotiations to attend as a Senate observer and to follow those very, very closely. I believe, as the Senator from Oregon does, when we have been down in the tough negotiations to insure the preservation, obviously, of our own security interest and adequate verification, that very substantial progress had been made, which I think is a pretty clear indication that, at least at that time, the Soviet Union was prepared to negotiate seriously on this issue; and it could have been done in ways which would have been consistent with the security of both our countries.

What this amendment is doing is challenging the Soviet Union to really put up on the issue of a partial ban on nuclear testing underground. If they are not willing to accept these various provisions, there will be no agreement. This is a mutual agreement. It is going to require a Soviet response.

If they are not prepared to respond in the ways that we have outlined here, which face the basic issues which have been raised, as the Senator from Oregon and I have pointed out, this partial moratorium would not go into effect.

I am very hopeful, for the reasons that we have outlined here, that we can gain favorable consideration for this proposal by this body.

Now is the time—not next year or in 10 years or some time in the next century—but now is the time to tell the world that the American people want real progress in the effort to end nuclear testing. I urge my colleagues to join with the cosponsors of this amendment in taking this important step toward strategic stability and a safer world.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment which would limit nuclear testing over 1 kiloton except for one test annually not to exceed 15 kilotons.

As has been made very clear in testimony about the INF treaty, we, and our allies will continue to depend on nuclear weapons to deter both nuclear and conventional conflict. So long as we depend on nuclear weapons for deterrence, we must maintain unquestionable nuclear competence, which our experts at the national nuclear laboratories tell us requires continued testing.

Mr. President, testing contributes to the confidence in our deterrence in a number of ways.

Testing permits us periodically to remove weapons from the stockpile and determine their reliability. Our experience with this testing has uncovered examples of problems that would have seriously undermined the effectiveness of the stockpiled weapons.

Testing permits us to carry on weapons developments designed to make our stockpile safer, more reliable and more resistant to unauthorized tampering or use.

Testing permits us to maintain the effectiveness of our nuclear weapons stockpile in the face of dedicated Soviet efforts to undermine that effectiveness. Such modernization has been required to deal with the effects of Soviet hardening, for example.

Testing permits us to determine the effects of nuclear weapons detonations on the survivability of U.S. command, control, and communications systems, critical satellites, and other systems that contribute to deterrence and whose operation in wartime is essential to effective retaliation if deterrence fails.

The yield thresholds proposed in this amendment would not permit such essential testing to continue. As a consequence, the amendment would begin a process of eroded confidence in the reliability of our nuclear stockpile, would prevent us from completing programs designed to make our weapons safer and more secure, would prevent us from completing modernization programs that respond to Soviet activities that would not be constrained by a testing moratorium, and finally would erode confidence in the wartime effectiveness of land and space based command, control, communications, and intelligence functions.

Moreover, we have heard expert testimony in the Armed Services Committee that monitoring compliance with a 1-kiloton limit is not technically feasible for the foreseeable future. Monitoring compliance with the 15 kiloton threshold involves uncertainty of a factor of two or better, which would raise serious national security concerns if the Soviets chose to take advantage of such uncertainty.

The road to real arms control is not through the back door of limitations on nuclear testing. The road to real arms control is through tough negotiations on real proposals to reduce significantly the numbers of nuclear weapons in the arsenals of both sides. This is precisely what President Reagan has instructed his negotiators to do in the ongoing negotiations in Geneva. Our negotiators are not aided by actions of the Congress that propose unverifiable testing regimes that would serve to both undermine confidence in the existing stockpile and to preclude improvements designed to make our stockpile more effective, more safe, and more secure.

Last year the Senate rejected almost the very same amendment 61 to 36 on a motion to table. Nothing has changed to make this amendment any more attractive. In fact, the amendment ignores the considerable progress that has been made to improve verification of a threshold test ban. I, therefore, urge my colleagues to reject again this amendment.

I would like to call attention to an excerpt from a letter from the Secretary of Energy on this subject in which he says:

> Our weapon scientists are convinced that this deterrent and its necessary credibility cannot be maintained without continued nuclear weapons testing. We currently test nuclear weapons neither more frequently nor at higher yield levels than necessary to meet our military needs, so restrictions beyond the already-limiting 150-kiloton (kt) threshold would, in our judgment, be damaging to national security interests.

Mr. President, this is a Cabinet member who is responsible for this work who says that it would be damaging to our national security interests to do what this amendment would do.

Further he says:

> A one-kiloton yield threshold would eliminate our ability to perform confidence tests of current stockpile systems.

Again, this is the man responsible for protecting our interests in this particular line, and that is the matter of energy.

I ask unanimous consent, Mr. President, that this entire letter be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, May 11, 1988.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that an amendment may be offered to S. 2355, the "National Defense Authorization Act, Fiscal Year 1989," that would place additional restriction on the testing of nuclear weapons. This Department, with the statutory responsibility for nuclear weapons development, is deeply concerned that such limitations could severely hamper our ability to respond to urgent defense needs. For decades, the United States has relied on nuclear weapons and their absolute credibility as the essential feature of its deterrent force. Our weapon scientists are convinced that this deterrent and its necessary credibility cannot be maintained without continued nuclear weapons testing. We currently test nuclear weapons neither more frequently nor at higher yield levels than necessary to meet our military needs, so restrictions beyond the already-limiting 150-kiloton (kt) threshold would, in our judgment, be damaging to national security interests.

A one kt yield threshold would eliminate our ability to perform confidence tests of current stockpile systems. Nearly all U.S. stockpile confidence tests have had yields greater than one kt. This limit would prevent future detection and correction of possible stockpile problems. In the past, many problems would have gone undetected had it not been for nuclear tests. Nuclear tests were also needed to verify that the fixes were effective. Under the proposed limit, the high-yield components of these weapons, which are critical to their effectiveness, simply could not be tested.

Under the one kt yield limit, many new developments required to maintain the nuclear deterrent into the future could not be pursued. For example, testing necessary to modernize the stockpile in the event of successful Strategic Arms Reduction Talks (START), to assess threats posed by potential nuclear directed energy weapons, and to introduce new weapons would be precluded. Earth penetrator warheads needed for hardened or deeply buried targets could not be developed. In addition, the incorporation of modern nuclear weapon safety and security measures would be precluded by imposition of this test yield threshold.

We now have agreement in principle with the Soviets to conduct joint verification experiments in FY 1988 to support ratificiation of the 150 kt yield Threshold Test Ban Treaty (TTBT). Verification of lower yields becomes increasingly difficult and may well be impossible at 1 kt. It has been very difficult in the past to verify the 150 kt TTBT using available technical verification measures and, at lower yields, there are many methods for violating the proposed 1 kt yield test limit without detection.

Expert-level discussions between U.S. and Soviet representatives are currently underway. If unilateral Congressional action were, for example, to eliminate or further restrict the U.S. testing program, there would be little reason for those discussions or for concessions from the Soviets. The Soviets would believe that they need not discuss testing issues in good faith, but need only pressure the Congress to achieve Soviet arms control objectives.

We are convinced that our ability to respond to the needs of the national defense would suffer great damage under a yield restriction such as that being proposed. Finally, we see no way in which the proposed restriction would represent effective arms control or add to global stability.

I appreciate the opportunity to comment on these important issues.

Yours truly,

John S. Herrington.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I rise in opposition to the amendment offered by the senior Senators from Oregon and Massachusetts. Mr. President, the problem is not, of course, nuclear testing. The problem we have in the world today is not nuclear testing. The problem we have in the world today is nuclear weapons. I am sorry to see that this amendment has been brought up in the defense authorization bill again this year.

However, since the distinguished Senators from Oregon and Massachusetts have chosen to raise this issue, I will rise to strenuously oppose the amendment. We debated this amendment on last year's defense authorization bill, and it was tabled. I hope that the result will be the same this year because this amendment simply does not belong on this bill.

Agreement has been reached by President Reagan and General Secretary Gorbachev that the question of nuclear test ban ought to be the subject of ongoing negotiations dealing with arms control.

At this point, I would like to read into the RECORD part of a statement by the President of the United States relative to the negotiations between General Secretary Gorbachev and the President. The letter, among other things, says:

> Further, I informed the General Secretary in Reykjavik that, once our verification concerns have been satisfied and the treaties have been ratified, and in association with a program to reduce and ultimately eliminate all nuclear weapons, I would propose that the United States and the Soviet Union immediately engage in negotiations on ways to implement a step-by-step parallel program of limiting and ultimately ending nuclear testing.
>
> The steps in this program would take into account our long-standing position that a comprehensive test ban is a long-term objective which must be viewed in the context of a time when we do not need to depend on nuclear deterrence to ensure international security and stability, and when we have achieved broad, deep, and verifiable arms reductions, substantially improved verification capabilities, expanded confidence-building measures, and greater balance in conventional forces. Signed Ronald Reagan.

Now, Mr. President, what the President spoke of in this letter has already been initiated. It has been headlines in papers in the western part of the United States and especially in the State of Nevada, the fact that there have been numerous Soviet scientists staying for periods of time in Nevada. Some are still there. They have been monitoring the tests that have been going on at the test sites. Those proceedings are going on right now, indicating that what the President said is certainly a fact.

Those discussions, Mr. President, are continuing. As we all know, this is the proper form for the decision, that is, the discussion between the President of the United States and the leader of the Soviet Union. We should not be making unilateral decisions to drop an important element of our nuclear modernization reliability program in this bill without an agreement with the Soviets.

There have been some direct assertions that this amendment would effectuate a treaty between the United States and the Soviet Union. That simply is not a fact. We are not talking about this amendment being a treaty. What we are saying is we will do it and then we will wait to see if the Soviet Union does it. That, Mr. President, is not a treaty.

This legislation has the expressed purpose of ensuring the strength of our national security, not the purpose of unilaterally undermining an important element of our military arsenal. The dangers inherent in proceeding down the path to a unilateral test ban are as clear today as they were last year.

In fact, Mr. President, I think it is interesting to note that last year I gave a statement on the Senate floor, and what I said last year I think is worth repeating today. I do it to show that there has been some improvement in what has gone on between the Soviet Union and the United States, and I also repeat this statement to indicate that what was true a year ago is even more true today. I said last year:

> We have before this body an amendment to a bill relating to the defense of this Nation. It is offered and supported by men and women of sincere conviction who are rightly and justly concerned about the terror of nuclear arms. But valid and sincere as they are, the amendment they offer is at best wrong and counterproductive. This past week may have been one of historic proportion.

Now, Mr. President, we can change that this year, today, to say the negotiations that have been conducted this week, because we have negotiations going on right now in the Continent of Europe between the Secretary of State and the Foreign Minister of the Soviet Union that relate to reduction of nuclear weapons. And in fact, Mr. President, with a little bit of good luck today, we in this same Chamber will be debating a historic treaty. It is historic in the fact that we will be talking about reducing nuclear weapons. What we should be doing in this Chamber is talking about reducing nuclear weapons. That is where the fear is in this country. That is where the fear is to this world, nuclear weapons, not nuclear testing.

I do not think it is an accident, Mr. President, that nuclear testing is proceeding not only in the Soviet Union and the United States, but today on the news accounts all over the world they talk about a nuclear weapons test that took place in the South Pacific by the French Government. Nuclear testing is not a problem. What the French did today is not destabilizing. What the French did today is not a threat to world peace.

The statement continues, Mr. President:

> This past week may have been one of historic proportion. It is possible that Secretary Shultz and Foreign Minister Shevardnadze have cleared the final hurdles on the road to a treaty banning intermediate range ballistic missiles.

Great progress has been made since I gave that statement on this floor last year.

> If those obstacles have indeed been overcome, it is indeed a time for celebration. I see no need, however, to celebrate that occasion by legislatively abandoning America's ramparts or of hauling down the Flag on our fortifications as a gesture of good will.
>
> What is proposed to this body is a moratorium on the testing of most weapons, at the same time our Nation has hammered out a rational beginning in the process of creating a verifiable and acceptable procedure by which tests would be banned when weapons were abandoned.

Mr. NUNN. Will the Senator from Nevada yield for a question.

Mr. REID. I would be most happy to yield.

Mr. NUNN. We are searching now for a time agreement. I know the Senator has been very cooperative and been willing to give one since last night. We would like to close off debate at 11 o'clock. I ask the Senator how much more time will he need so we can propound it based on that and discussion with the Senator from Oregon.

Mr. REID. I can limit my remarks to, say, 12 minutes.

Mr. NUNN. Twelve minutes from now?

Mr. REID. Or if the manager, which I know he is, is pressed for time, I bet I could do it in 10.

Mr. NUNN. Ten minutes.

I thank the Senator from Nevada for his patience, and the Senator from Oregon for his cooperation. Mr. President, I would like to suggest to the majority leader a total of 35 minutes of debate on this, at which time a motion to table would be in order. Thirty minutes would be divided equally between the Senator from Oregon and the Senator from Georgia—I will share my time with others—and 5 minutes at the end for the leader.

Mr. BYRD. Very well.

Mr. REID. Mr. President, I say to the Senator for Georgia, I would like to be recognized in 35 minutes to make a motion to table on the underlying amendment.

Mr. NUNN. I would have no objection to that.

Mr. BYRD. Is this an amendment in the second degree?

Mr. NUNN. It is not, but I understand there will be a modification.

Mr. REID. I said the underlying amendment, Mr. President.

Mr. HATFIELD. Mr. President, will the Senator yield. Will the Senator include in that the understanding that the proponents would have the right to make a modification changing one figure from 1 to 5?

Mr. NUNN. All right, we will be glad to have that part of the agreement. I suggest to the leader that we have 35 minutes, equally divided between the Senators from Oregon and Georgia; 5 minutes would be under the control of the leader, after which time debate shall be concluded and a motion to table be in order, the motion to table to be offered by the Senator from Nevada.

I would also like to suggest to the leader—if there is objection, I will withdraw it—to accommodate Senators very interested in voting on this that the vote on this begin at 12 o'clock.

I withhold that. There would be objection on that, so I withhold the latter request.

Mr. REID. Mr. President, there are apparently among us, at least some who believe that it is safe to rely upon the good will of the coalition against which we have armed and occasionally fought these 40 years past. While I am pleased, and indeed anxious, to test the willingness of the Warsaw Pact to negotiate and abide by arms control limitation treaties, I am most certainly not about to presume that the word is father to the deed.

The trouble with such negotiations, of course, is that they are long, slow, and laborious. By their attention to minute detail and in their seemingly interminable haggling over apparently endless issues, they cut against the grain of the American character.

Mr. President, I at this time ask unanimous consent that the statement the Senator from Nevada gave last year be made part of this RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Mr. REID. Mr. President, we have before this body an amendment to a bill relating to the defense of this Nation. It is offered and supported by men and women of sincere conviction who are rightly and justly concerned about the terror of nuclear arms. But valid and sincere as are their concerns, the amendment they offer is, at best, wrong and counterproductive.
>
> The past week may have been one of historic proportion. It is possible that Secretary Schultz and Foreign Minister Shevardnadze have cleared the final hurdles on the road to a treaty banning intermediate range

ballistic missiles. If those obstacles have indeed been overcome, it is indeed a time for celebration. I see no need, however, to celebrate that occasion by legislatively abandoning America's ramparts or of hauling down the flag on our fortifications as a gesture of good will.

What is proposed to this body is a moratorium on the testing of most weapons, at the same time our Nation has hammered out a rational beginning in the process of creating a verifiable and acceptable procedure by which tests would be banned when weapons were abandoned.

There are apparently among us, at least some who believe that it is safe to rely upon the good will of the coalition against which we have armed and occasionally fought these 40 years past. While I am pleased, and indeed anxious, to test the willingness of the Warsaw Pact to negotiate and abide by arms control limitation treaties, I am most certainly not about to presume that the word is father to the deed.

The trouble with such negotiations, of course, is that they are long, slow, and laborious. By their attention to minute detail and in their seemingly interminable haggling over apparently endless issues, they cut against the grain of the American character.

We prefer the quick, straightforward, and simple solution; the handshake of the old West, where a man's word was his honor.

The Soviets, on the other hand, Mr. President, are hardened and experienced negotiators. They have come to the table, I believe, in large part because of the strategic defense initiative. They may well bargain to the point of peace, if they believe it in their own best interest.

If, however, we eliminate the reason for the Eastern bloc to negotiate, I can assure you they will take what we give and ask for more. The bear can be trained, Mr. President, but he is always hungry.

What my friends most sincerely offer is what they believe to be an easy solution. Unilaterally ban testing they say, and the Soviets will follow. Indeed, they may, for it is unquestionably in the military interest of the U.S.S.R. to see nuclear research in this Nation screech to a halt.

At this point our Nation and our allies, are outnumbered in central Europe in tanks, artillery, troops, and aircraft. Those weapons of war and mass destruction, including chemical munitions, would kill our young men and women in any conflict as sure as any nuclear bomb or missile.

We have an opportunity, a unique opportunity to put the world on the path to reduction of weaponry of all types. We may, if we are careful and persistent, place this globe on a road to that point where swords are indeed beaten into plowshares, and where when the lion lies down with the lamb the result is not always lamb chops.

The route, however, as history teaches us is neither easy nor quick. We cannot abandon our commitment to the defense of freedom; we cannot turn aside from the one policy we have developed which has finally convinced the Soviets it is in their best interests to negotiate.

Mr. President, the testing of nuclear weapons is vital to the defense of this Nation; it is a keystone in the policy which finally brought the Warsaw Pact to a serious bargaining position.

Mr. President, in the House of Representatives I supported a nuclear weapons freeze. The problem is nuclear weapons, not nuclear testing.

The use of nuclear weapons is a horrible thought. It is that horror which has maintained the peace; it may be that horror which in the end causes the abandonment of war as an instrument of national policy, at least among those nations whose power is capable of world destruction.

As long, however, as we rely upon those weapons to keep the peace, we must test them to maintain an effective and credible deterrence posture. We need to know that the weapons in our arsenal are safe and reliable. We need to know that they may survive any attack. We need to know their effect on our equipment and that of the enemy. It has been that testing program, which by creating smaller, more accurate and more efficient weapons, has enabled us already to substantially reduce the size of our nuclear arsenal.

Perhaps as importantly, we also need to test to know the future. We test those weapons to verify computer modeling, maintain scientific vitality, and to avoid technological surprises.

Finally, testing of nuclear weapons is directly related to the strategic defense initiative. As many of my colleagues know, I speak up when I believe the administration is in error. I also make it known when I believe they are correct.

When President Reagan proposed the strategic defense initiative I said I would support it. I did so because I believed we had the technological capability to create a situation in which the Soviets were forced to the bargaining table. I believe that policy is succeeding.

We all know, we have repeatedly seen, that the U.S.S.R. is terrified of SDI. They want to end it, and end it perhaps they will. But let the Russians end our defense initiative, only as part of a comprehensive program which eliminates the very threat against which SDI is designed to defend. That is the promise of our research, and of the massive amounts already spent, and it is promise which is bearing fruit.

For SDI we need a figure which we hope can retain its vitality and viability as an effective tool in the search for peace.

Without nuclear testing, however, SDI will cease to exist. It is simply inexcusable to abandon at this time the very means we have developed to create a realistic and acceptable end to the threat of war on this planet, and this body has already declined to do so.

We must remember, Mr. President, that we are dealing at the Nation's test site with highly complex scientific operations, which involve literally hundreds of scientists and engineers and thousands of highly skilled technicians. You neither create nor deactivate such a facility with the wave of some magic wand.

This amendment says that we could begin testing again if the Soviets continue their present weapons testing program, or if, in fact, they stopped and began again. Considering that their last test was on September 18, that seems a very great likelihood.

Mr. President, we have heard a lot of talk here about what Presidents have said and what they have done, but I would like to quote verbatim from an address given by President John F. Kennedy, on March 2, 1962. This is an excerpt from that address.

We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future, nor can large technical laboratories be kept fully alert on a standby basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient. We have explored this alterntive thoroughly and found it impossible of execution.

Mr. President, the Soviet Union for 19 months said that they were not going to test and they did not test, but they were doing the same thing they had done from 1959 until 1962. They were doing their tunneling, preparing their instrumentation, and everything else necessary to get the tests ready for firing.

In period following the expiration of their self-imposed moratorium, they have conducted 17 tests. We conducted only nine tests during that period.

It is my opinion, and I think that of the scientific community generally, that there is no way to prevent or detect the tunneling and installation of instrumentation. They simply are going to get ready. In our free society, you cannot emulate that deception and nothing in the proposed legislation, indeed, nothing we can do, will resolve that problem.

Again, as President Kennedy said, "This is not merely difficult or inconvenient. We have explored this alternative thoroughly and found it impossible of execution."

I would further submit, Mr. President, that there has been a general desire of all Presidents to do something about the nuclear arms race. No President, however, wanted it done by legislation. They wanted it done by treaty. That is the route to take. It can be a more deliberate and more thoughtful process, and certainly then can be brought to the Senate for our review. That is the constitutional process.

In any case, Mr. President, the proposition is simply impractical. There is no commitment from the Soviets in this amendment. There is no enforceable agreement that they close their test facilities and retrain or transfer their staff. There is nothing to prevent a Soviet cessation of testing only until all facilities are completely disrupted, and then a rapid resumption by them of a testing program.

The United States, Mr. President, is not a totalitarian society. If we close down operations at the test site it will take a very long time before we can retrain and retain the scientists, engineers, and skilled technicians who perform jobs so vital to our national defense. The Soviets can go on as they did in the period 1959-60.

Mr. President, before I close I would like to point out to my distinguished friend from Oregon that when he introduced S. 1106, the basis of this amendment, he said:

"This legislation will not end the arms race nor will it insure our future commitment to arms control. What it will do is offer us all—the Soviets, the Americans, and the literally billions of people in between who are now held hostage to the insanity of this arms race—a glimmer of hope that maybe tomorrow begins today."

In short, Mr. President, this amendment is offered only for its symbolic value. My colleagues must known that this is not a time for symbols. We have finally begun a rational approach to reducing nuclear arms. This is not the time to undercut the administration or its negotiators.

The administration has committed itself to negotiations which are aimed at a reduction in strategic nuclear weapons. Reduction in that arsenal may well reduce the need for testing. It is certainly the only rational reason for doing so.

Mr. President, we have before us two treaties which limit the testing of nuclear weapons at realistic limits acceptable to our national security. If this body is serious in its concern, those treaties could be quickly ratified. Rather than debating meaningless and counter-productive symbols, let's get on with the serious work of uniting to end the nuclear arms race.

Mr. President, there are, as Thomas Paine has told us, times that try men's souls. When Paine spoke of the summer soldier and the sunshine patriot, he looked to those who shrank from confrontation in times of crisis. He had, however, some advice for all of us in such circumstances.

"What we obtain too cheap, we esteem too lightly;" he said. "'tis dearness only that gives everything its value."

The proposal before this body is one which on its face must appeal to those who seek a cheap and easy solution to the threat which confronts the world. If we have learned any lesson from history my friends, it is that in the search for a true and lasting peace, we must negotiate from strength, not from weakness, or the only peace this world will ever find will be the desperate peace of the vanquished, or the peace one finds in the silence of the grave.

Mr. REID. Mr. President, dangers inherent in proceeding down the path to a unilateral test ban are as clear today as they were last year. Today there are many scientists, technicians, and other employees working at the test site. There are also other scientists working at other locations supporting test site operations. If test site operations are virtually shut down, as they would be under this amendment, many if not most of these experienced scientists and technicians would be forced to find other employment.

Should the Soviets then choose to unilaterally enter into some sort of accelerated test program, we would be faced with the very time consuming and difficult job of trying to reassemble experienced people to restart our test program. Mr. President, it just does not make sense to take that chance. We don't need to take that kind of risk and we should not. We should let the negotiators continue their work and see if they can come to a verifiable agreement that both we and the Soviets can accept.

Mr. HATFIELD. Will the Senator yield for a question on my time?

Mr. REID. I am happy to yield.

Mr. HATFIELD. Would the Senator from Nevada explain why he calls this the unilateral test ban?

Mr. REID. Of course, under the terms of the House proposal and this one, as I understand it, we would stop our testing and wait and see if the Soviet Union would.

Mr. HATFIELD. No. That is incorrect.

Mr. REID. Would the Senator respond?

Mr. HATFIELD. I know of no reason why the Senator should continue to call this a unilateral test ban when every evidence is to the contrary. I do not think it represents accurately what this bill includes.

Mr. REID. I would respond to the Senator from Oregon that we do not need an amendment to the defense authorization bill to do what the Senator talks about is required under this proposed amendment. That is why, Mr. President, we have a Secretary of State. That is why—and I would certainly if I were in a position to choose a Secretary of State—one of the people up at the top of my short list would be the senior Senator from Oregon.

But the fact of the matter is that this country cannot have 535 Secretaries of State. We have one. That is how many we need. Each Member of this Senate, each Member of the other body would, of course, have their own ideas as to how they could better handle the foreign affairs of this country. But our Government is not set up that way. There is not anything in this legislation that cannot be accomplished in the proper manner through the State Department and executive branch of this Government.

We will hear today, perhaps, at a subsequent time, that the Office of Technology Assessment has been working on a study that will conclude that a 5-kiloton limit would be appropriate and that it could be verifiable.

I might add, parenthetically, that in speaking recently to the senior Senator from Massachusetts, he has had the ability to see that report. I attempted to see a copy of it, from the Office of Technology Assessment, and they would not give it to me. I am sure that is not how it is supposed to work, and I hope to work that out in the near future, or to take it up with the chairman of the Legislative Appropriations Subcommittee.

Notwithstanding what will come up later in this debate about the OTA report, the issue is not whether we can catch the Russians cheating. Let us understand that they unilaterally stopped their testing recently, but it is interesting to note that as soon as they decided to start their tests, they started lots of tests. This means that during the time they were saying to the world that they were not conducting tests, they were still preparing for the tests with their tunneling and with their instrumentation. As soon as we said we were going to start testing, they started that day.

We had the treaties being negotiated, giving the verification necessary, as is going on today with their scientists in the Las Vegas area and the American scientists in the Soviet Union. That is the way it should be done. We do not want to give them the advantage of doing the preparatory work for a new round of tests.

Let us not rush into this proposal. Let us give the negotiators the time to complete their negotiations with their Soviet counterparts.

We should table this amendment and get on with passing the authorization bill. I do not want to tie up this bill. No one does. The Senator from Georgia has done an outstanding job during the week, as he always does, and we should move this bill forward.

I believe we would be making a serious mistake to act unilaterally on a test ban at this time, and it could take days and weeks to settle this controversial issue.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Acting Director of the Arms Control and Disarmament Agency, in opposition to this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, DC, May 11, 1988.

DEAR SENATOR: I am writing to you to urge you to oppose any amendments to the FY 1989 DOD authorization bill that would impose further restrictions on U.S. nuclear testing. Such premature and unilateral limitations will both seriously undermine national security and significantly hamper U.S. arms control negotiations on nuclear testing.

The Nuclear Testing Talks are now underway in Geneva. We have been successful in getting the Soviets to agree to step-by-step negotiations on nuclear testing, and, as a necessary first step, we and the Soviets have agreed to negotiate effective verification measures for the Threshold Test Ban Treaty (TTBT), limiting tests to 150 kilotons, and the Peaceful Nuclear Explosions Treaty (PNET).

The negotiation of effective verification measures is the key to ratification of these two treaties, and we are making good progress in these negotiations. In January of this year, experts from each side visited the other's nuclear test site to gain familiarity with test site conditions and operations. At last month's Ministerial, the two sides reviewed an agreement to conduct a Joint Verification Experiment (JVE) under which each side will have the opportunity to use the verification methods it prefers to measure the yield of the other's test. The purpose of the JVE is to provide the United States with the opportunity to demonstrate the effectiveness and nonintrusiveness of the CORRTEX verification method which the U.S. requires for effective verification of the TTBT and PNET. The United States will use CORRTEX, a direct, on-site, hydrodynamic yield measuring technique, at Semipalatinsk, and the Soviets will use a similar technique, which they have used on numerous Soviet tests, on a U.S. test in Nevada. We expect to conduct these JVEs in the July/August timeframe.

In addition, both sides have tabled their versions of new protocols for the TTBT and PNET. The United States has designed the JVE to answer the concern identified by the Soviets regarding our routine use of CORR-

TEX for verification of their weapons tests, and we hope that the JVE results and analysis will allow the sides to reach agreement on the new TTBT and PNET protocols so that we can seek Senate advice and consent to ratification—a long-time goal of the Administration.

For the past 40 years our nuclear weapons stockpile has played a prominent role in our national security. While we continue to depend on our nuclear deterrent for our security and that of our friends and allies, we must ensure that nuclear weapons are safe, reliable, effective, and survivable—in other words, that our deterrent is credible. This requires continued nuclear testing.

The United States exercises all prudent restraint in its nuclear testing program, testing neither more frequently nor at yields higher than necessary to meet current military requirements. We have a clear, long term agenda with respect to nuclear testing. Following ratification of the TTBT and PNET, we and the Soviets have agreed to proceed to negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of the complete cessation of nuclear testing as part of an effective disarmament process. This process would pursue as the first priority the goal of the reduction of nuclear weapons and ultimately their elimination.

A premature and unilateral limitation placed on the U.S. nuclear testing program would seriously undermine our ability to assure a credible deterrent. Furthermore, it would totally undercut our current negotiations with the Soviets. Since determining the testing yield is considerably more uncertain at low yield levels than it is at higher levels, we may not be able to determine with reasonable certainty that the yield limit had been violated. Such a situation would cause even greater and unreasonable uncertainty regarding Soviet test practices that have plagued the TTBT and PNET and would undermine the very confidence that such a limitation was intended to achieve.

I hope that we can count on your support for our ongoing arms control efforts particularly in the area of nuclear testing. Improvement of verification for the TTBT and PNET would be a substantial arms control achievement.

Sincerely,

GEORGE F. MURPHY,
Acting Director.

Mr. REID. Mr. President, I fear that the proponents of this amendment are turning the nuclear arms control discussion on its head. I think I heard them saying that ending nuclear testing is more important than reducing the number of nuclear weapons. I do not share that view, and I do not believe most other Americans share that view.

Mr. President, in the few minutes I have remaining, I will state that we can only return to the remarks that were made many years ago by President John Kennedy, on May 2, 1962:

> We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future, nor can large technical laboratories be kept fully alert on a standby basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient. We have explored this alternative thoroughly and found it impossible of execution.

That is why this Government today is trying to work out a program where there can be inspections that are verifiable, and that is why the Secretary of State has spent a lot of time doing this, and that is why the motion to table, when it is made, should be agreed to.

(The following colloquy occurred earlier and appears in the RECORD at this point by unanimous consent:)

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without any interruption being shown in the statement of the Senator who now has the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is this an agreement which pertains only to time leading up to a tabling motion?

Mr. REID. That is correct.

Mr. BYRD. If the motion to table is not agreed to, do we contemplate any further debate on the amendment?

Mr. REID. There would be from this Senator.

Mr. BYRD. Very well. Are Senators ready for this request to be propounded?

UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that there be 35 minutes of debate prior to a motion to table the pending amendment, as modified, and I understand it will be modified; that there be 35 minutes of debate, 30 minutes to be equally divided between Mr. NUNN and Mr. HATFIELD; and, that I have control of the last 5 minutes, not to exceed 5 minutes; after which the motion to table will be made with the understanding that no amendment to the amendment—is this a second-degree amendment?

Mr. REID. It is my understanding there will be an amendment to this amendment. Is that right?

Mr. BYRD. Prior to the tabling amendment?

Mr. REID. Prior to the tabling amendment.

Mr. BYRD. That is a modification. We are only speaking of a modification? All right; that no amendment to the amendment be in order; and, that following the tabling motion, if the tabling motion is not agreed to, there is no time limitation on the amendment.

Mr. REID. The leader is correct.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I ask unanimous consent that any Senator may have a statement incorporated into the RECORD as though it were read in relation to the pending amendment and/or tabling motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. Is there objection to the overall request?

Mr. NUNN. Mr. President, reserving the right to object, I have just consulted with the Senator form Virginia. There is another matter that has nothing to do with this but we feel we need to speak on that matter. I thought we would have already had time. But we have not. I would ask if we could have an additional 10 minutes unrelated to the debate on testing to be divided equally between the Senator from Virginia and the Senator form Georgia after which the motion to table would be in order on the Hatfield amendment.

We need to make that statement. That would put us to approximately 11:25 or 11:30.

Mr. BYRD. We are talking about 45 minutes, 35 minutes already in the request, plus an additional 10 minutes. That would make the vote occur at 11:30. I think we should, if it is agreeable, and I will now include that in the request; that the vote on the tabling motion occur at 11:30 a.m. so all Senators will know.

Mr. NUNN. Fine.

Mr. BYRD. I include that in the request.

The PRESIDING OFFICER. Is there objection to the overall request? If not, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the motion to table at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Now I ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, our respective cloakrooms can now inform Senators that there will be a rollcall vote at 11:30 a.m. today, and that will be a 15-minute rollcall vote.

Mr. NUNN. And that also I could say the amendment by Senator KENNEDY on Central America will follow this debate. We hope that debate will begin at approximately quarter of 12 following the rollcall.

Mr. REID addressed the Chair.

Mr. NUNN. Mr. President, I yield to the Senator from Nevada 7 minutes with the expectation that he may need another minute.

Mr. REID. I thank the Senator.

Mr. NUNN. I thank the Senator. If he needs another minute or two, I will give it to him.

(Conclusion of earlier colloquy.)

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield myself 2 minutes from the opponents' side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, while I cannot support this amendment, for reasons I will discuss in a moment, I commend Senator KENNEDY and Senator HATFIELD for their work on nuclear testing. They have made an important contribution to the public debate on nuclear testing.

I have no doubt that had the Senate not repeatedly expressed its interest and concern about nuclear testing in recent years we would not have seen the resumption of United States-Soviet negotiations on nuclear testing last winter. Senators KENNEDY and HATFIELD and all other Senators whose work has contributed to bringing the United States and Soviet Union back to the negotiating table are to be commended.

George Murphy, the Acting Director of the Arms Control and Disarmament Agency has sent a letter to all Senators in which he outlines the progress and current status of the nuclear testing negotiations. According to Mr. Murphy:

> In January of this year, experts from each side visited the other's nuclear test site to gain familiarity with test site conditions and operations. At last month's Ministerial, the two sides reviewed an agreement to conduct a Joint Verification Experiment (JVE) under which each side will have the opportunity to use the verification methods it prefers to measure the yield of the other's test. The purpose of the JVE is to provide the United States with the opportunity to demonstrate the effectiveness and nonintrusiveness of the CORRTEX verification method which the U.S. requires for effective verification of the TTBT and PNET. The United States will use CORRTEX, a direct, on-site, hydrodynamic yield measuring technique, at Semipalatinsk, and the Soviets will use a similar technique, which they have used on numerous Soviet tests, on a U.S. test in Nevada. We expect to conduct these JVEs in the July/August timeframe.
>
> In addition, both sides have tabled their versions of new protocols for the TTBT and PNET.

I hope that the Reagan administration will give careful study to the provisions of the Kennedy-Hatfield amendment as it proceeds in the negotiations.

As we search for means of fulfilling the commitment we made in the Limited Test Ban Treaty to pursue "the permanent banning of all nuclear test explosions," we cannot ignore the fact that our national security rests on nuclear deterrence and that deterrence is only as sound as our nuclear forces. We cannot ignore the fact that as long as a conventional imbalance exists, our reliance upon nuclear weapons will be greater than the Soviet reliance upon their nuclear forces.

The Kennedy-Hatfield amendment does attempt to distinguish between reliability testing and testing for new weapons development. This is an important distinction that needs to be made in permitting continuing testing of nuclear devices below 5 kt and in making provision for two tests, whose yields are not to exceed 15 kt, this proposal is making an important distinction between testing required to maintain the reliability of our nuclear stockpile and testing to develop new nuclear weapons.

Also, the Kennedy-Hatfield amendment does contain far-reaching verification requirements, which, if instituted, would represent a major contribution to laying the foundation for a permanent low-threshold test ban. And this is something we should continue to explore.

The verification provisions include:

One designated test area; 3 premoratorium calibration shots measured with Corrtex; 6 onsite inspections on request; advance notice of all tests; 12 in-country seismic monitoring stations.

I would advise the administration to look with particular care at the verification provisions as it negotiates verifications procedures which will make possible the ratification of TTBT and PNET.

These are the aspects of the Kennedy-Hatfield amendment which could serve as a useful model for our negotiators.

However, there are aspects of this proposal which I cannot support. To institute a 2-year mortorium with only 9 months' notice, and to allow only two tests of a significant kilotonnage during that time period is to demand too much too soon. The importance of continued testing for stockpile reliability, recognized by the text of this proposal, is a point almost completely negated by these constraints. Such an abrupt and virtually complete halt to our current testing program would defeat the very purpose this proposal intends to preserve, maintaining our confidence in the reliability of the nuclear stockpile, and thereby, the strength of our policy of deterrence.

In addition, the allowance for testing under 5 kt is not sufficient to permit physics and nuclear effects research, which require tests at a higher kiloton level, to continue. The two 15-kiloton tests allowed are not sufficient to maintain stockpile reliability and sustain necessary weapons expertise at the national labs. In fact, the practical outcome of this amendment is a total moratorium of all essential aspects of the U.S. test program.

Finally, the United States is currently engaged in some weapons development programs, which will contribute not only to deterrence but to strategic stability in future arms reduction regimes. This moratorium would place sudden and untimely constraints upon these weapon modernization programs and thereby hamper the ultimate achievement of our shared goal of a comprehensive, stable, arms reduction regime.

Thus, while I highly commend the direction in which Senators KENNEDY and HATFIELD have moved the discussion of low-threshold test ban regimes, I cannot support this particular proposal.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Georgia has 6½ minutes, and the Senator from Oregon has 13 minutes and 55 seconds.

Mr. NUNN. I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, will the Senator yield 2 or 3 minutes?

Mr. HATFIELD. I yield.

Mr. KENNEDY. Mr. President, letters have been circulated to the membership that allege that this proposal is a unilateral moratorium. I think the Senator from Oregon has been quite clear in pointing out that it is not.

I direct the attention of the membership to the amendment on page 5, line 6: "The President certifies to Congress that the Soviet Union has refused, after the restriction has become effective"—that is, prior to the triggering date, after the legislation has been enacted—"to implement reciprocal, in-country monitoring arrangements."

Then the amendment goes through a very significant and elaborate definition of what would be included in any such requirement. Both the Senator from Oregon and I have outlined that in our formal statements.

When we talk about trying to be specific, to respond to the various vertification questions, we are accused of micromanagement, of being a Secretary of State. When we talk about the general proposals, they are said to be too general—there are not adequate verification provisions and it should not be supported.

The Senator from Oregon and I and others who have been involved in the fashioning of this amendment believe this represents the latest scientific information in order to ensure both the adequacy of verification and the adequacy of reliability. I think both of those issues have been responded to in this debate.

Mr. HATFIELD. Mr. President, we have heard a great deal about the numbers game. We have played that numbers game rather than looking at the qualitative analysis of the arms race.

I remember when the arguments were that the Soviets have many more launchers than we, and therefore we were behind. We knew the number of missiles on the launch was the measurement. It was a qualitative analysis. After we shot down that facetious argument about the number of launchers, comparing it to the Soviet Union, we then talked about the number of missiles we had and the Soviet Union's number of missiles. We finally analyzed that numbers game and proved that the point was how many warheads are on the missile.

So we played the numbers game not only on the number of warheads on the missile, but also the number of missiles on a launch and the number of launchers.

Then we got down to the question of accuracy, the accuracy of the warhead. And on and on.

So we have heard again the numbers—if we can only address the numbers of missiles. My friends on both sides of the aisle have used this argument over a period of time, and really what it has done is to excuse an escalation of the arms race. We have not addressed technology.

We have to address the qualitative factors, the intensity, the deadliness of the weapon.

It would be like saying the Soviet Union has so many slingshots and we have so many slingshots. We are going to eliminate the number of slingshots and replace them with rifles. Or we are going to reduce the number of rifles and replace them with machineguns, or we are going to replace the machineguns with some kind of bombs.

That is the whole history of the arms race from the beginning with the use of rocks and slingshots. We have been engaged in the numbers game, and do not let us get caught in that old conundrum again today or that old trap.

If we are serious about wanting to really address the arms race, I think this amendment the Senator from Massachusetts and I have offered has answered all of the questions and the issues and legitimate ones that have been raised in the past to persist in calling this unilateral action belies the facts of the case, and I would only like to have such people read again the language. If there is any way to clarify that language to prove the intent of the authors of this amendment to make it mutual and verifiable, we are certainly open to that.

Mr. President, this is an opportunity we have, I think, to really address the question of the arms race. And if we are serious about that, let us pass this. We have answered all of the legitimate and otherwise objections of the past.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I yield 5 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, I want to express a lingering concern about the threshold contained in the amendment. Without regard to the military usefulness or the lack of usefulness of a 1 kiloton versus the 5 kiloton test, purely with regard to verification, I am concerned that a 1 kiloton threshold really pushes verification to the limit even with extensive cooperative measures.

It would diminish consensus in the scientific community and with the multiplier effect that would diminish the political consensus in favor of the proposition that this measure could be verified.

In support of this concern, I ask unanimous consent to print in the RECORD chapter 10 of a study from Lawrence Livermore National Laboratory entitled "Evaluation Framework for Comprehensive Test Ban Treaty Seismic Verification Systems."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EVALUATION FRAMEWORK FOR COMPREHENSIVE TEST BAN TREATY SEISMIC VERIFICATION SYSTEMS

VERIFICATION OF A COMPREHENSIVE TEST BAN TREATY

Before discussing the framework for RSVS evaluation, it is important to review the key verification issues and seismic monitoring capabilities. We begin with a brief overview of the issues and then review recent capability assessments.

BACKGROUND

A Comprehensive Test Ban Treaty (CTBT) prohibiting all testing of nuclear weapons and all peaceful nuclear explosions has been under discussion at the international level for more than twenty years (Greb and Heckrotte, 1983). Most recently, in 1977, the United States, the Soviet Union, and the United Kingdom reentered formal negotiations concerning a CTBT. These trilateral negotiations have been in recess since 1980, but public interest in such a test ban continues to be widespread.

Landauer (1980) provides a brief review of the status of the negotiations at the time talks were recessed. The key provision of the treaty was a ban on all nuclear weapon tests; peaceful nuclear explosions would be banned by an accompanying protocol. Verification measures included national technical means, international seismic data exchanges, voluntary on-site inspections, and a regional system of seismic stations inside each participating country. The number, location, and technical characteristics of these in-country stations had not yet been agreed upon when negotiations ceased. The treaty would become multilateral after ratification by twenty states including the negotiators.

Although the negotiators had agreed on a large portion of the text of the draft treaty, significant aspects were unresolved, including the verification provisions and the proposed duration of the treaty. Since that time, informal CTBT discussions have emphasized broad national security implications, the value of continued testing, as well as verification assessments (York, 1983).

Landauer (1980), York (1982, 1983), Kerr (1982), Greb and Heckrotte (1983), and Marsh (1983) have reviewed the major issues and expressed opinions regarding their significance. Four key issues have emerged:

Value of a test ban including linkage to other treaties.

Value of a test program including stockpile testing, development of options, and maintenance of capability.

Verification capabilities including deterrence, assurance, and confidential building.

Significance of possible clandestine testing under a CTBT.

Starting with the same basic premise that any treaty should reduce the risk of nuclear war and thereby enhance national and international security, it is possible to reach different conclusions regarding the desirability of a CTBT depending on the relative emphasis one places on these four issues. For example, Landauer questions the value of a comprehensive test ban. He concludes that a CTBT may not be consistent with the major arms control objectives because it would lead inevitably to a decline in nuclear weapons capability. He argues that decline in capability could have several destabilizing effects: loss of confidence in the stockpile reliability, potential asymmetries in impact on the U.S. and the U.S.S.R., and the loss of opportunity to develop new nuclear weapon systems that could be safer, less vulnerable, or otherwise more desirable than existing systems.

In contrast, Marsh and York place a high value on a CTBT. Marsh supports renewed attempts to negotiate a CTBT, arguing that verification capabilities are generally adequate to detect significant testing programs. York also concludes that a CTBT is valuable, largely because of its linkage to nonproliferation issues. He feels it should be pursued in spite of the fact that there are questions regarding verification capabilities. He also cautions that a CTBT should not be viewed as an isolated treaty, but instead should be engaged in only "when things in general are moving away from a dependence on nuclear weapons."

Kerr agrees in general with Landauer but highlights uncertainties in monitoring treaty compliance and possible inequities associated with undetectable clandestine test programs. If one assumes that low-yield clandestine tests are undetectable and that some parties will conduct such tests while others will not, then the long-term balance may be affected. Further, differences in verification capability among the parties exacerbates the asymmetry. These observations have led some to suggest that a low yield Threshold Test Ban Treaty (TTBT) may be more equitable.

While there are clearly differences of opinion regarding the necessity of continued testing by the U.S. and the overall role of a CTBT in arms control measures, the question of verification capability remains central to all discussions of a CTBT. In the next section we briefly review various assessments of the present capability of the U.S. to monitor compliance with a CTBT.

ASSESSMENT OF SEISMIC VERIFICATION CAPABILITIES

Judgments Required

Any assessment of the adequacy of seismic verification capability requires several explicit or implied judgments:

Descriptions of the military significance of weapons testing program.

Political considerations, including the goals of the verification measures, the confidence required of them, the willingness to take action if a violation is identified, and the costs of false accusations.

Assessments of seismic monitoring capabilities and the potential for evading detection.

The costs of verification measures.

Hannon (1983) provides an extensive review of these issues in the context of CTBT verification.

Weapons/military considerations are typically expressed in terms of the numbers of tests and associated yields required of "significant military programs." The purpose of such programs may be to ensure nuclear weapons stockpile reliability or to develop new weapons. Some experts view a single, low-yield explosion as militarily important, while others suggest that only a series of explosions constitutes a significant program.

Political considerations include defining the verification goals, assessing the level of confidence necessary, and ensuring the negotiability of the verification method. Hannon defines three major goals of verification systems—deterrence, assurance and reduction of false alarms. He notes that the degree of confidence necessary depends both on the verification goals and on the definition of a significant military program. For example, a 30 percent probability of detecting and identifying a single clandestine explosion might be viewed as adequate if one believes multiple tests are necessary in a significant program and deterrence is the major verification objective. In conclusion, those who feel a single test could be important and that U.S. assurance is the essential verification objective might require a much higher capability. Another important consideration is the political implication of a violation to the credibility and efficacy of negotiated agreements in general.

Seismic monitoring capabilities are judged in terms of the probability of detecting, locating, and identifying seismic sources (or, equivalently, the magnitude/yield that can be detected, located, and identified with a given probability). A common capability measure for a network of seismic stations is the number of stations required to provide specified probability of detecting an explosion of a given yield detonated anywhere within a country.

Conclusions of the Assessments

Sykes and Evernden (1982), Hannon (1983), and Sykes, Evernden and Cifuento (1983) have assessed seismic verification capabilities in the context of a CTBT. The essential conclusions of these studies are:

For explosions with yields below a certain threshold, detection is unlikely. That threshold is a function of the monitoring system deployed, the evasion threat to be countered, and the geological and geophysical characteristics of the region to be monitored.

An extensive network of in-country stations coupled with other national technical means may reduce that threshold to the range of 1-5kt. There are many who conclude this is the range of interest for verifying a test ban treaty based on their definitions of "military significant programs" and judgment about the "acceptable level of assurance."

Uncertainties about evasion possibilities (especially cavity decoupling) and RSVS technical performance significantly affect estimates of overall verification capabilities.

Limitations of the Assessments

While the above studies identify key technical and political issues and provide a useful assessment of seismic verification capabilities, they are not adequate for making specific policy decisions regarding the negotiation, implementation, monitoring, and compliance evaluation of a CTBT. In particular, they do not provide a blueprint for developing a verification system. Further, some of these studies draw conclusions that reflect implicit assumptions about verification objectives, evader actions, and a host of other uncertainties. In contrast, what is needed before making key policy decisions in this area is an explicit comprehensive evaluation of the range of technical and political issues surrounding a CTBT, a systematic review of their impact taking uncertainties into account, and an analysis of the compliance evaluation process. In the next section we describe the essential features of such an evaluation and provide a brief overview of the decision analysis approach chosen for the evaluation framework.

Mr. GORE. There are no other works which tend to support the same analysis. It may be a matter that is not of tremendous concern to many Members of this body but I think that it is in fact significant, and I express the desire that this threshold be changed from 1 to 5. There have been some previous discussions about it, and I hope that might be actively considered by the sponsors of the amendment.

Mr. HATFIELD. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I recognize that there is a range of credible scientific view on the monitoring threshold for in-country verification systems when it is first installed, and I quite frankly agree with the Senator from Oregon that we believe that there is both scientific and strong scientific justification for the 1 kiloton. We understand that there is some range in the degrees, and I prefer what is existing in the current amendment, but I think if we were able to have this body speak greater support for this concept that we would move the whole debate closer to the time where we can make very significant and meaningful progress which I know the Senator from Tennessee as well as the Senator from Oregon and others want to make.

So I would be willing to hear the reaction of the Senator from Oregon. I would think that this would not be an objectionable feature. I think it still falls within the general scientific information that was available. And I would hope that perhaps such modification would be made and that we might move ahead with the legislation.

Mr. HATFIELD. Mr. President, I am fully convinced, first of all, that the 1 kiloton is verifiable. We have already compromised this proposal from a preferred position of no test to a 1 kiloton test to reliability test explosions as well. But we have to get this proposal adopted sometime and to the conference with the House of Representatives. I suppose that going there with five and the House with one, we might split the difference as we do on so many other occasions.

I would consider this modification barely tolerable, but on the basis of seeking to pass a principle, a concept here upon which we would be hopeful to build more restrictions later on, with the concurrence of my colleague from Massachusetts, the cosponsor of this proposal, Mr. President, I ask unanimous consent—I think it was incuded in the unanimous-consent agreement propounded by the majority leader a while ago—that we modify this amendment by changing the figure "one" to "five" in six specific locations in the bill in order for it to then be consistent to read that the threshold would be 5 kilotons rather than 1.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. HATFIELD. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 4, line 6 of the amendment proposed by Senator Hatfield, replace the phrase "1 kiloton" with the phrase "five kilotons;"

On page 4, line 22, replace the phrase "1 kiloton" with the phrase "five kilotons;"

On page 10, line 3, replace the phrase "1 kiloton" with the phrase "five kilotons;"

On page 10, line 11, replace the number "20" with the number "50";

On page 11, lines 1 and 2, replace the phrase "1 kiloton" with the prase "five kilotons;"

On page 11, line 8, replace the phrase "1 kiloton" with the phrase "five kilotons."

NUCLEAR TESTING

Mr. DOLE. Mr. President, last week Senators GRASSLEY, PRESSLER, NICKLES, and I had the opportunity to visit with our arms control negotiators in Geneva. In addition to meeting with our START and defense and space negotiators—where most attention is focused—we were also fortunate to meet with Ambassador Paul Robinson, our representative at the nuclear testing talks.

Ambassador Robinson told us of two significant developments at the nuclear testing talks which I would like to share as we consider this amendment.

First, the United States and the Soviet Union will soon be ready to conduct a joint verification experiment or JVE, at each other's nuclear testing sites. In fact, final arrangements for the JVE could well be ready for the upcoming summit between President Reagan and General Secretary Gorbachev.

This JVE will truly be a landmark verification event. This summer the United States and the Soviet Union will each install the verification equipment of their choice at the other's testing site, and proceed to monitor actual nuclear tests.

Second, the United States and the Soviet Union have already tabled draft verification protocols for the Threshold Test Ban and Peaceful Nuclear Explosions Treaties which are now on the calendar of the Foreign Relations Committee.

The bottom line is that President Reagan has proceeded apace to achieve effective verification for the TTBT and PNET, and the Geneva talks are going well. This is the only path to ratification of those treaties.

Put our arms control objectives in perspective. In the field of nuclear testing our goal is to ratify TTBT and NNET let's not put the cart before the horse with further restrictions on nuclear testing.

Recall that across town in Geneva, Ambassadors Cooper and Hanmer are working diligently on start and defense and space. If we truly want a 50-percent cut which enhances strategic stability, we will need to maintain a properly structured, modern and reliable nuclear force. That will require nuclear testing.

Deterrent force modernization will be essential under a START regime, and that will require nuclear testing. And we will still need to test for weapon reliability, and to insure that our vital command, control and communications systems can function in a nuclear environment.

And let's not forget that we also test to improve the safety of our weapons for those who must handle them, and to provide greater security against terrorists.

The bottom line is that a good START agreement will leave us in a more stable world in which our security—the peace of the world—is still dependent on nuclear deterrence.

Maybe someday further weapons reductions will warrant further curbs on testing. But that day is not today. Let's keep our eye on the ball, press on with effective verification for the existing testing treaties, and keep working for a good START agreement.

Mr. HATFIELD. Mr. President, I believe with the approval of the Senator from Massachusetts that we are ready to yield, although I think the unanimous-consent agreement did say 11:30. So I withdraw the possible offer to return the unused time.

Mr. WARNER. Mr. President, the time that remains is some 5 minutes of it under the control of the chairman, the senior Senator from Georgia, and he and I have agreed to allocate the time between ourselves.

Mr. REID. I cannot hear the Senator from Virginia.

Mr. WARNER. I say there are 5 minutes remaining under the control of the Senator from Georgia which he indicated he will share with me. So I will briefly speak to the position taken by the U.S. Control and Disarmament Agency in a letter I now ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, DC, May 11, 1988.

DEAR SENATOR: I am writing to you to urge you to oppose any amendments to the FY 1989 DOD authorization bill that would impose further restrictions on U.S. nuclear testing. Such premature and unilateral limitations will both seriously undermine national security and significantly hamper U.S. arms control negotiations on nuclear testing.

The Nuclear Testing Talks are now underway in Geneva. We have been successful in getting the Soviets to agree to step-by-step negotiations on nuclear testing, and, as a necessary first step, we and the Soviets have agreed to negotiate effective verification measures for the Threshold Test Ban Treaty (TTBT), limiting tests to 150 kilotons, and the Peaceful Nuclear Explosions Treaty (PNET).

The negotiation of effective verification measures is the key to ratification of these two treaties, and we are making good progress in these negotiations. In January of this year, experts from each side visited the other's nuclear test site to gain familiarity with test site conditions and operations. At last month's Ministerial, the two sides reviewed an agreement to conduct a Joint Verification Experiment (JVE) under which each side will have the opportunity to use the verification methods it prefers to measure the yield of the other's test. The purpose of the JVE is to provide the United States with the opportunity to demonstrate the effectiveness and non-intrusiveness of the CORRTEX verification method which the U.S. requires for effective verification of the TTBT and PNET. The United States will use CORRTEX, a direct, on-site, hydrodynamic yield measuring technique, at Semipalatinsk, and the Soviets will use a similar technique, which they have used on numerous Soviet tests, on a U.S. test in Nevada. We expect to conduct these JVEs in the July/August timeframe.

In addition, both sides have tabled their versions of new protocols for the TTBT and PNET. The United States has designed the JVE to answer the concern identified by the Soviets regarding our routine use of CORRTEX for verification of their weapons tests, and we hope that the JVE results and analysis will allow the sides to reach agreement on the new TTBT and PNET protocols so that we can seek Senate advice and consent to ratification—a long-time goal of the Administration.

For the past 40 years our nuclear weapons stockpile has played a prominent role in our national security. While we continue to depend on our nuclear deterrent for our security and that of our friends and allies, we must ensure that nuclear weapons are safe, reliable, effective, and survivable—in other words, that our deterrent is credible. This requires continued nuclear testing.

The United States exercises all prudent restraint in its nuclear testing program, testing neither more frequently nor at yields higher than necessary to meet current military requirements. We have a clear, long term agenda with respect to nuclear testing. Following ratification of the TTBT and PNET, we and the Soviets have agreed to proceed to negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of the complete cessation of nuclear testing as part of an effective disarmament process. This process would pursue as the first priority the goal of the reduction of nuclear weapons and ultimately their elimination.

A premature and unilateral limitation placed on the U.S. nuclear testing program would seriously undermine our ability to assure a credible deterrent. Furthermore, it would totally undercut our current negotiations with the Soviets. Since determining the tested yield is considerably more uncertain at low yield levels than it is at higher levels, we may not be able to determine with reasonable certainty that the yield limit had been violated. Such a situation would cause even greater and unresolvable uncertainty regarding Soviet test practices that have plagued the TTBT and PNET and would undermine the very confidence that such a limitation was intended to achieve.

I hope that we can count on your support for our ongoing arms control efforts particularly in the area of nuclear testing. Improvement of verification for the TTBT and PNET would be a substantial arms control achievement.

Sincerely,

GEORGE F. MURPHY
Acting Director.

Mr. WARNER. In that letter they unequivocally state that such premature and unilateral limitations as would be proposed by this amendment would both seriously undermine national security and significantly hamper U.S. arms control negotiations on nuclear testing.

The Nuclear Testing Talks are now underway in Geneva. We have been successful in getting the Soviets to agree to step-by-step negotiations on nuclear testing, and, as a necessary first step, we and the Soviets have agreed to negotiate effective verification measures for the Threshold Test Ban Treaty (TTBT), limiting tests to 150 kilotons, and the Peaceful Nuclear Explosions Treaty (PNET).

The negotiation of effective verification measures is the key to ratification of these two treaties, and we are making good progress in these negotiations.

The thrust of the balance of the letter, of course, Mr. President, is that the amendment would undermine the very work that is now going on in Geneva by our negotiators.

Mr. President, I ask unanimous consent that part of the Armed Services Committee report relative to the amendment be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY OF THE FEASIBILITY OF REDUCED RELIANCE ON UNDERGROUND NUCLEAR TESTING

On October 10, 1986, President Reagan informed this committee that once the administration's concerns about the verifiability of the 1974 Threshold Test Ban Treaty (TTBT) and the 1976 Peaceful Nuclear Explosions Treaty (PNET) had been satisfied and the two treaties had been ratified, he would propose "that the United States and the Soviet Union immediately engage in negotiations on ways to implement a step-by-step parallel program—in association with a program to reduce and ultimately eliminate all nuclear weapons—of limiting and ultimately ending nuclear testing." The committee agrees that any further nuclear test limitations beyond those contained in the TTBT and PNET should be an integral part of a comprehensive approach to arms control, with further limitations on nuclear testing established only in association with further progress in other areas of arms control.

The committee notes also the continuing controversy over the extent to which the reliability of the nuclear weapon stockpile, or our confidence in it, would be affected during a prolonged period of substantial limits on testing beyond those in the TTBT. While there is a range of opinion expressed by the expert community on this subject, the committee believes that the gravity of the issue is such that a conservative position should be taken; that is, the committee believes that we must understand how to deal with some degree of unreliability that might develop over time.

The committee also notes that there is disagreement in the expert community as to the yield above which nuclear tests can be reliably identified as such—the range of disagreement extending approximately between 1 kiloton and 10 kilotons.

Finally, the committee notes the salutary precedent, first established in conjunction with the 1963 Limited Test Ban Treaty, of providing safeguards concomitant to nuclear testing limitations. The committee continues to support the ratification and entry into force of the TTBT and PNET, subject to improved verification procedures.

In light of these several considerations, the committee believes that, as a safeguard against the implementation at some future date of further test limitations, the administration should begin to assess the feasibility of modifying the nuclear stockpile in ways that would minimize both the likelihood and the impact of unreliability that might develop during a period of further restricted testing. If such measures are feasible, DOD and DOE should undertake a program to evaluate the cost and timetable to prepare a more durable stockpile and to implement such changes as may be needed to delivery systems. The committee seeks to understand the feasibility of a posture for the nation's nuclear weapon stockpile which, in the face of long-term and substantial further limitations on testing, would be as well suited as possible to preserving the essential elements of our national security.

To this end, therefore:

I. The Nuclear Weapons Council (NWC) shall direct the Department of Energy (DOE) to study the extent to which it is feasible to prepare the stockpile to be less susceptible to unreliability during long periods of substantially limited testing. The DOE shall report its findings through the NWC to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives not later than 1 July 1988. This report shall include an assessment of the feasibility of developing and stockpiling nuclear warheads that would be either

a) less subject than current warheads to degradation while in stockpile for long periods of time; or

b) more amenable than current warheads to reliability assessment and, where necessary, to reliable repair, both accomplished without nuclear testing; or both.

The report should describe ways in which existing and/or new types of calculations, non-nuclear testing, and permissible but infrequent low-yield nuclear testing might be used to move toward these objectives. It should also address the potential utility of the Inertial Confinement Fusion (IFC) program in such a regime.

To the extent it is determined feasible in this study to achieve these objectives, the report should describe the scope and nature of the research, development and testing program needed, first, to fully assess this issue and then to prepare designs for more durable warheads, including:

1. any nuclear testing required before further limits are imposed;

2. the type and cost of any additional facilities, such as non-nuclear, allowed low-yield nuclear testing, or Inertial Confinement Fusion facilities, which would be required either before or after the commencement of further limits on testing; and

3. the lead-time required to move to a regime of fewer tests.

Finally, the report should estimate the penalties in size, weight, safety, or other characteristics that more durable warheads would impose on the military systems of which they might be a part.

II. Concurrent with this tasking, the NWC shall direct the DOD to study the following:

a) the extent to which the military capabilities of the nuclear warhead stockpile might be affected by incorporation of such more durable warhead designs;

b) the extent to which commonality among such designs in the stockpile (i.e., using the same warhead design for more than one system application) might be desirable or feasible, considering advantages and disadvamtages of commonality both for durability and for minimizing degradation of military characteristics;

c) ways in which such possible degradation of military characteristics might be partly or fully compensated for by changes in other nuclear weapon system characteristics; and

d) whether there could be degradation of weapon system survivability in ways similar to those which might produce warhead reliability degradation during prolonged periods of further nuclear test limitations, and, if so, whether there are ways to provide additional durability or survivability if measures are put in place either before or after commencement of such further test limitations.

The DOD shall report its findings on the above through the NWC to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives not later than 1 July 1988.

For the purposes of the reports of Sections I and II, the department shall assume that the further test limits would preclude nuclear tests above a) 1 kiloton or b) 10 kilotons.

III. Concurrently with the above reports, the President shall report to the Congress on considerations pertaining to the relationship between:

a) various types and degrees of progress in other areas of arms control—for example, further limitations on the number of characteristics of nuclear weapons systems, their geographical deployment, or limitations on other military systems such as chemical weapons or conventional forces; and

b) progressively more stringent limitations on nuclear testing, such as reductions in yield threshold below the TTBT, limitations on numbers of tests, or combinations of these, including, but not limited to, limitations as stringent as a complete ban on tests above 1 kiloton.

Mr. WARNER. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Who yields time to the Senator from Nevada?

Mr. WARNER. Mr. President, in the absence of the chairman, I take it upon myself to yield to the distinguished Senator a minute and a half.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, thank you.

This is what we have spoken about. We have here on the Senate floor today negotiations taking place on one of the most important things in the world. We have negotiations taking place here on the Senate floor raising the level of the tonnage of these blasts. Why? Not because it is the right thing to do, as indicated by the senior Senator from Oregon, but because it may pick up a few more votes.

I have stated before that this country does not need 535 Secretaries of State. It does not need three Secretaries of State. It needs one. That is the way the process has worked for 200 years and it has worked well. The executive branch of Government is the one that should negotiate treaties. I have to suggest that they have made great progress in the area that is of a concern to this Senator, the reduction of nuclear weapons. That is about what we should be concerned, not nuclear testing.

Mr. HATFIELD. I yield myself 1 minute.

Mr. President, as usual when we get into a matter of arms control, we put all the emphasis on the United States of America, all the constraints upon us, what we may be limited in doing.

I suggest—and I think with legitimacy—that not supporting a proposal of this kind invites unrestrained Soviet development. We ought to put the focus where it belongs—on both sides of this superpower race in arms. This is a constraint upon the Soviet Union every bit as much as a constraint upon ourselves.

Do you want the Soviet scientists to be unleashed to develop new weapons at will? This amendment would stop that kind of freedom for the Soviet Union to pursue the arms race, and in some cases to catch up, other cases to surpass us, other cases to move further ahead, however you want to interpret it.

This, to me, is really the fallacy. The legislative debate in the U.S. Congress is all internalized: What is it going to do to us?

Whatever we have as constraints under this kind of proposal will be constraints on the Soviet Union, as well. It is mutual. It is not only mutual in having to reach agreements, it is mutual in the impact upon controlling arms and playing the numbers game. Let me emphasize again, we have not addressed the basic center of the whole arms race.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Who yields time?

The chairman of the committee controls 3 minutes 15 seconds.

Mr. NUNN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Georgia controls 3 minutes and the Senator from Oregon controls 1 minute. We have remaining time reserved to the majority leader of 5 minutes and additional time also to Senator NUNN and Senator WARNER on another matter.

Mr. NUNN. Mr. President, I would like to reserve the remainder of my time, but I see the majority leader on the floor and perhaps he would like to utilize this time at this point. I understand that I have 3 minutes left and the Senator from Oregon has 1 minute left.

The PRESIDING OFFICER. The Senator from Georgia is correct.

Mr. NUNN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. SPECTER. Mr. President, I am voting against the amendment on a moratorium on nuclear testing offered by Senator HATFIELD and Senator KENNEDY because I believe that maximum flexibility should be left with President Reagan to negotiate with General Secretary Gorbachev on this and other similar issues at the summit later this month in Moscow.

In the past, I have voted in favor of similar amendments seeking moratoria on such testing because, at that time, it was my judgment that the Senate should use its influence to advance arms control and limitations which were mutually applied to both the United States and the Soviet Union. With the signing of the INF Treaty last December, with negotiations on strategic arms reduction during the course of the past several months, and with the summit being scheduled later this month in Moscow, it is apparent that President Reagan is moving ahead on efforts for arms control and arms reduction.

On this date of the record, the Reagan administration is moving with due diligence on arms control and arms reduction. In my judgment, those efforts will be promoted by giving the President maximum flexibility at this time without having the Congress impose limitations like the one proposed in the moratorium amendment offered by Senator HATFIELD and Senator KENNEDY.

Mr. BYRD. Mr. President, I certainly have no problem with the objective of the amendment. I have not indicated to the manager or to those opposing or those supporting the amendment as to what my position is on this matter.

First of all, I want to say that I think we are getting into too many expedited procedures here in this Senate. As the majority leader, I probably can see and feel that better than can almost anyone else.

Second, the expedited procedures in this amendment are not very carefully written. This is no reflection—I want to make that absolutely clear—on the authors of this amendment. I say that as a general application concerning the expedited procedures that increasingly appear here.

The expedited procedures that I see from time to time are not carefully written. I do not know who writes them or from where they are lifted. I suppose those who draft them go into expedited procedures that already appear in certain legislation around here and they lift a little here and lift a little there and lift a little from somewhere else out of these various forms of expedited procedures, so that we end up with a conglomerate of expedited procedures which are absolutely full of loopholes.

For example, I intend, with the distinguished Senator from Georgia and the distinguished Senator from Virginia [Mr. WARNER], and others, to go over a bill that we have been working on for weeks dealing with the War Powers Resolution. I have gone over those expedited procedures, over and over and over and over, and there are still gaps.

I feel a little uneasy about expedited procedures that are not carefully drawn in connection with matters that come before the Senate, and this is entirely aside from the fact that it is going to get to the point where a future majority leader has very little to say about what goes on around here in controlling the schedule of this Senate. It will all be done by expedited procedures. The Senate will be on automatic pilot, and any Member can come to the floor at any time he wishes and he can make a motion under those procedures and there goes the majority leader's schedule out the window and we are on automatic pilot, and the Senate will be taking up something else all of a sudden.

And so from the standpoint of planning the schedule and from the standpoint of an orderly, thorough procedure here, I think we have to stop, look, and listen to what we are doing when we more and more resort to expedited procedures.

I have told my floor staff from here on out on anything that has expedited procedures in it, I want to take a look at it. I think that I owe the Senate that consideration and I owe it to all Senators. Expedited procedures can be useful and necessary if not used to excess and if used sparingly, but they should be carefully drawn to meet clear needs.

Here, in this particular instance, we are talking about a moratorium on underground nuclear explosions. What I have to say has nothing to do with the substance of this amendment. I have only had a brief look at this because I have been engaged in other very important matters all morning. I will read this.

> The restriction in paragraph (1) shall cease to apply if, after the restriction has become effective, the President certifies to Congress that the Soviet Union

We are dealing with the Soviet Union here——

> has conducted an underground nuclear explosion having a joint seismic yield estimate which indicates a yield greater than one kiloton, except for two designated explosions with a joint seismic yield estimate indicating a yield not greater than 15 kilotons; . . .
>
> the President certifies to Congress that the Soviet Union has refused, after the restriction has become effective, to implement reciprocal, in-country monitoring arrangements; and
>
> Congress has enacted a joint resolution approving such certification.

The expedited procedures in this amendment have many gaps which could make it very difficult for the Congress to enact a joint resolution approving such certification. That would leave the Soviets with an advantage, and I am sure no Senator intends that.

I am not saying that the objective is not good. I think it is. But with respect to expedited procedures in general, we need to take a closer look at them. And the expedited procedures in this instance, as in many others, are not carefully drawn. They do not take into consideration—I could raise point after point with respect to these expedited procedures—they do not take into consideration the various amendments that can, and often do, arise between the two Houses, conference actions and so on, that would make it difficult for the Congress ever to enact the resolution that is referred to here.

For that reason, I intend to vote against the amendment, and I intend to support the tabling motion.

The PRESIDING OFFICER. The time of the majority leader has expired.

Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 1 minute.

Mr. President, we will be very happy to work with the majority leader if this is the only problem with this amendment. We drafted this amendment for one simple purpose: We wanted expedited procedures in order to deal with a situation of the Soviet Union cheating on what they may have agreed to do.

If our expedited procedures pose a problem, we would be very happy to modify in any way those procedures to make them more understandable, more accurate.

I do not like expedited procedures either, but in this case national security was the interest and Soviet cheating was the issue.

The PRESIDING OFFICER. The Senator from Georgia has 2 minutes 25 seconds remaining.

Mr. NUNN. Mr. President, I do not support the Kennedy-Hatfield amendment, but I do want to compliment the two sponsors for their role in pushing this issue to the forefront. I have not agreed with them nor have I voted with them on their proposals in the past. The reason I have not is I felt they have gone too far. I felt we had to take our nuclear testing efforts and arms control on a step-by-step basis. The unfortunate reality of America's position in the world and our NATO position in the world—which is our principal alliance—is that for years and years we have been the side that has relied on nuclear deterrence to compensate for conventional disadvantages.

We may be slowly moving into another era, but I think it has to be done in a very careful and very evolutionary way. I believe this amendment goes too far in terms of the threshold of megatonnage. I think it goes too far in the number of tests. But there is certainly a forward momentum here that has been inspired by the efforts of Senators HATFIELD and KENNEDY and others in pushing nuclear testing to the forefront.

I have supported the two treaties that have never been ratified by the Senate. We are making progress in finding ways of verifying those thresholds on the Nuclear Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. Progress is being made in that regard. The Soviets have agreed to move more toward a step-by-step negotiation. So I agree with the general thrust the Senator from Oregon and the Senator from Massachusetts have pushed toward, but I do not agree with the specific provisions of this amendment, so I will not vote for the amendment.

But I do hope that we can continue to make progress and I do take some encouragement from the fact that this administration, after several years of not moving at all and showing no interest in this area, is beginning to pursue it in a much more active manner, a more reasonable manner.

I give a lot of credit for that movement to the Senator from Oregon and the Senator from Massachusetts and others who have been pushing this. So I would join Senator REID from Nevada in opposing this amendment, and my colleague Senator WARNER, from Virginia. I would join them in voting to table the amendment.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

POSSE COMITATUS

The PRESIDING OFFICER. Under the previously entered into agreement, the Senator from Virginia [Mr. WARNER] and the Senator from Georgia [Senator NUNN] each have 5 minutes on another matter. They may proceed to be recognized.

Mr. NUNN. Mr. President, I will proceed to make my remarks very brief. Maybe we will not use the entire 10 minutes and proceed to a vote. We will have later in this debate today and tomorrow an effort to get the military more involved in the fight against the narcotics coming into this country. I know there are an awful lot of Senators interested in this subject. I am interested in it.

I sponsored, back in 1981, the amendment to the posse comitatus statute which allowed the military to begin working with law enforcement to help them with equipment, to help them in surveillance, to help them in detection. The military had slowly moved in that direction, based on the amendment to that posse comitatus statute, which is now law. So I have been involved in this a long time.

We also now have Coast Guard personnel that are stationed on Navy ships in the Caribbean. Those Coast Guard personnel are trained in law enforcement. They have the power of arrest. That is making some progress, although, again, it is slow progress.

I have tried in the last several months and intensely in the last few months to think of other ways that the military could responsibly be involved in the fight against drug importation in this country. I think all of us owe it to our constituents and to the general public to state that no matter what we do in interdiction we are still going to have a drug problem in this country as long as we, as the American people, shell out the dollars and buy the drugs. So the old Pogo cartoon that we have heard quoted so many times: "We have met the enemy and the enemy is us," has to be part of our recognition.

But that does not mean we cannot improve interdiction. We can improve interdiction and we should improve interdiction. We should have the military in this country playing the most appropriate role they can play and still carry out their mission of protecting this Nation from military threat.

Mr. President, I view the drug problem as a national security problem. I view the importation of drugs into this country as a form of chemical warfare against this country. It is a serious problem.

I also believe that we need to take a look down the road. We need to take a look at where we are going in terms of threats of a military variety. Our military now primarily employs its considerable assets, surveillance assets, detection assets, against high-flying aircraft that would be coming from another superpower. We do not have capabilities, very good capabilities, nor do we train against low-flying aircraft. Most of the drugs coming into this country are in low-flying aircraft. Our military is not well equipped to deal with that problem.

I have searched and thought and talked to Senator WARNER. We have worked on this together. I have talked to Senator GRAHAM, BOB GRAHAM, from Florida, and Senator DIXON, from Illinois, have also been very involved in this, as has Senator SASSER. We have talked to many Senators on both sides of the aisle. Senator THURMOND and Senator GRAMM, from Texas, also.

We are all searching for a way to give the military a meaningful role without getting into the situation where we have abuse of military power and where we depart from some traditions in this country that are historical and very meaningful.

What kind of role is that? We are going to have an effort this afternoon on this subject by several Senators, and we will have an alternative proposal. That proposal of Senator WARNER and I and Senator GRAHAM and Senator CHILES and others that I have named, will have an alternative. We do not have it drafted yet, but the essence of the proposal is the U.S. military will be required to be the lead agency to detect the importation of drugs in this country by planes or ships. That is number one.

That means that they are going to have to have a different kind of capability than they have now. They are going to have to have new assets and we are going to have to give them a few weeks or months to determine what kind of assets they have got to have.

Everyone thinks these assets already exist and in many cases they do not.

The second primary thrust of this would be that the military would play the role of helping to set up the command and control and communications that would lead the fight against drugs. The law enforcement officials are now struggling. We have all sorts of jurisdictional battles about who is going to control the command and communications.

Mr. President, I ask unanimous consent that I be given 1 more minute that would not be subtracted from the time of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. The military would then, under the concept we would put forward, be given the duty of helping set up for domestic law enforcement the capabilities to really have sophisticated command control and communications. They do not have that now. We have a patchwork.

So these would be two principal new roles.

The third major thrust of this legislation would be to give the National Guard that are already carrying out, under State government, certain tasks in this area, to give them a forward boost by putting some additional money in the National Guard.

I think they can perform a much more meaningful role. We talked to many Governors about this, and I think our National Guard personnel are going to play a more meaningful role. We want to give them more assistance.

Those will be the three principal thrusts of the legislation. I would urge all Senators that are interested in this problem and interested in this approach to contact us and to let us know that, and we will be working together on that alternative.

I thank my friend from Virginia for being my partner in looking into this important area.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired. The Senator from Virginia has 5 minutes.

Mr. WARNER. Mr. President, through the past few days I have stated a neutral position with respect to a number of proposals that have been advanced by a number of Senators. Indeed, on my side of the aisle the distinguished minority leader, Mr. Dole, Mr. D'Amato, Mr. Wilson, Mr. DeConcini—of course, on the other side of the aisle—Mr. Boschwitz and Mr. Stevens many of them have been working.

I am not suggesting what their proposal may contain, but there came a point in time where I had to make a decision for myself as to which direction I believe we should pursue this problem of allowing the Department of Defense a greater role in the interdiction of drugs. I had to draw the line on the question of arrests. I felt that I could not associate myself with any proposal which would, although preserving the time-honored tradition of posse comitatus, enable members of the Armed Forces to participate in arrests beyond the borders of this Nation; namely, beyond the 3-mile territorial limit.

So in that case, I indicated to Mr. Nunn this morning about an hour ago that I would join with him in what is now called the Nunn-Warner amendment, details of which have been covered by the Senator from Georgia.

Essentially, this proposed amendment would in no way involve men and women of the Armed Forces in an arrest procedure—of course, within the continental limits—that is precluded by posse comitatus, and in no way does it involve arrest procedures beyond the jurisdiction of this country. I think that is the most important feature.

The bill features those areas where the Department of Defense technically can give assistance. For example, a subsection "gives DOD the express statutory mission of ensuring the effective detection and monitoring of all potential aerial and maritime threats to the national security. The Secretary of Defense, with the advice and assistance of the Chairman of the JCS, will provide specific guidance on force levels and resources to accomplish this mission."

Another provision "designates DOD as the lead agency within the Federal Government for the detection and monitoring of all potenital aerial and maritime transit of illegal drugs into the United States."

Another subsection "requires DOD to establish a communications network to provide civilian agencies with tactical command, control, and intelligence information."

The essence, Mr. President, is that some entity in this Government has to take charge. In our judgment, the Department of Defense should take charge in those areas where they have the assets, have the experience, and, to the extent the other remaining agencies which have been working on this to date have experience, they will contribute to DOD.

Somehow there should be consolidation of responsibility in one agency and there you can point your finger and hold responsible a single entity of this Government. I think that is the essential part that we need now in this amendment.

I thank the Chair.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WARNER. I yield back my time.

Mr. NUNN. Mr. President, I yield back my time.

VOTE ON MOTION TO TABLE AMENDMENT 2022, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the time for the vote is now at hand.

The Senator from Nevada is recognized.

Mr. REID. Mr. President, I move to table the amendment that is before this body.

Mr. NUNN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the motion to table the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], and the Senator from Nebraska [Mr. Karnes] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—57

Armstrong
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Byrd
Chiles
Cochran
Cohen
D'Amato
Dixon
Dole
Domenici
Durenberger
Evans
Exon
Ford
Garn
Glenn
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Roth
Rudman
Shelby
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—39

Adams
Baucus
Bumpers
Burdick
Chafee
Conrad
Cranston
Danforth
Daschle
DeConcini
Dodd
Fowler
Gore
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Pell
Proxmire
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Stafford
Weicker
Wirth

NOT VOTING—4

Biden
Hecht
Heinz
Karnes

So the motion to lay on the table amendment No. 2022, as modified, was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senate is not in order. The Senator will suspend.

Mr. DIXON. Mr. President, may I have the order of the Senate to suggest what we are doing next?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order so that the Chair may announce the pending business.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. DIXON. Mr. President, we are prepared to take two agreed-to amendments, one from each side. One is an amendment by the distinguished Senator from California. He has a limited amendment referring to a land transfer only, which is agreed to by both sides. We have a limited amendment by the distinguished Senator from New Jersey involving no new funds. It is a question of dredging in New Jersey. Both are agreed to.

After we take those two amendments, we are going to an amendment by the Senator from Massachusetts. The debate on that should be culminated by 12:30 because some folks have an obligation off the Hill. So there are two agreed-to amendments, and then the Senator from Massachusetts, concluding by 12:30 with a roll call.

We are prepared to recognize the Senator from California for an amendment which has been agreed to.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that the previous order calls for consideration of the Kennedy amendment relative to troops in Central America. Does the Senator ask unanimous consent to change that order?

Mr. DIXON. Mr. President, I ask unanimous consent that the Senator from California may offer an amendment related to land transfer only.

The PRESIDING OFFICER. The Senate will be in order.

Does the Senator from California seek recognition?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to. It is so ordered.

The Chair recognizes the Senator from California, Senator WILSON.

AMENDMENT NO. 2023

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mr. WILSON], for himself and Mr. CRANSTON, proposes an amendment numbered 2023.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . LAND CONVEYANCE, LOMPOC, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Army may convey, without reimbursement, to the City of Lompoc, California, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) of approximately 100 acres located adjacent to the real property conveyed to the City pursuant to section 834 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1526).

(b) USE OF PROPERTY.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that the real property conveyed shall be used for educational purposes only, and/or the purposes provided in section 834 of Public Law 98-407; 98 Stat. 1526.

(2) If the property conveyed pursuant to subsection (a) is not used for the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States, which shall have the right of immediate entry thereon.

(c) LEGAL DESCRIPTION AND SURVEYS.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the City.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. WILSON. Mr. President, I rise in support of my amendment to provide for the transfer of 100 acres of surplus land at Vandenburg Air Force Base to the city of Lompoc, CA.

The land is located immediately adjacent to 149 acres transferred to the city in the Military Construction Authorization Act of 1985 as a site for the Western Spaceport Museum and Science Center. This addition will allow joint use of the site as a local campus for Alan Hancock Community College and the Western Spaceport Museum and Science Center.

Alan Hancock is located in Santa Maria, CA, but has operated a Lompoc campus for the past several years in buildings leased from the local school district. The school district needs the buildings for its own use, however, and the lease will expire in 1990, leaving Lompoc without any college facilities.

The college will complement the educational purposes of the museum and science center with a curriculum which will include courses in aerospace electronics and space-related technical courses.

The warden of the U.S. penitentiary at Lompoc, which currently administers the land being transferred, fully supports the city's request, as does the college. The Army, which holds the underlying title to the land, has no objection, and I understand that it has been accepted by both sides.

Mr. President, I urge adoption of the amendment.

Mr. NUNN. Mr. President, the Senator from California is correct. This has been accepted by both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? It not, the question is on agreeing to the amendment of the Senator from California [Mr. WILSON].

The amendment (No. 2023) was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2024

(Purpose: To provide authorization for phases one and two of the Earle Naval Weapons station dredging project)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 2024.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 187, line 23, strike "$18,600,000." and insert "30,400,000."

On page 194, line 2, strike "61,589,000." and insert "58,589,000."

On page 198, line 22, strike "$552,988,000" and insert "$544,188,000"

Mr. LAUTENBERG. Mr. President, the Senate version of this bill would authorize $18.6 million for the first of a two-phase dredging project at the Naval Weapons Station in Earle, NJ. My amendment would authorize $30.4 million for both phases of the dredging project. Simply put, it would add $11.8 million to the Senate bill to enable the Navy to complete both phases of its dredging project in fiscal year 1989. It is in line with the House bill, which includes $30.4 million for this project.

I understand the amendment has been reviewed and is acceptable to the managers on both sides.

The offset for this amendment would come from funds provided by the Senate Armed Services Committee to improve and support military family housing units. It would cut less than 2 percent of the funds provided by the committee in this bill for improvements and support.

Providing money for both phases of this project in fiscal year 1989 is a matter of safety. The dredging work is necessary to provide access to the Earle pier in order to relocate to Earle two fast combat support ships [AOE's] currently homeported in Norfolk, VA. These ships are refueling off a Navy pier in Norfolk under an explosive safety waiver administered by the Explosive Safety Board of the Department of Defense. They are not within the explosive safety quantity distance arc as properly required by the Department of Defense. In other words, the ships are not operating at a safe distance from land and if they explode human lives could be lost.

Originally, the Navy planned to complete the dredging project in fiscal year 1989. They planned to do the first phase in fiscal year 1988 and the second phase in fiscal year 1989. In fact, last year the Navy requested $18.6 million for the first phase of the project in fiscal year 1988 and $15.9 for the second phase in fiscal year 1989. However, the money for the first phase of the project was not authorized and appropriated last year. The

Senate authorized the money, but the House did not and the provision was dropped in conference. If the money had been provided, it appears that the Navy would have proceeded on schedule and completed the project in fiscal year 1989. Now, instead of requesting money for both phases this year, the Navy has only requested money for the first phase.

Nonetheless, the Navy indicated that completion of both phases of the dredging project at Earle is possible in fiscal year 1989. Even more, the Navy has indicated that fiscal year 1989 may be the best year to complete the dredging project. Apparently, the Army Corps of Engineers equipment that will be used for the dredging project will be needed for a significant job elsewhere in fiscal year 1990.

Last year, the conferees on the fiscal year 1988 DOD authorization bill believed that combining the two dredging projects in 1 year may be more effective. And they recognized that completion of all the dredging in fiscal year 1989 would permit operation of the pier at the earliest possible date.

There is also an issue of savings here. This amendment would provide $30.4 million for both phases of the dredging project, which the Navy has indicated is sufficient. Last year, the Navy requested $34.5 million for both phases. So, this amendment would enable the Navy to execute both phases of this project for $4.1 million less than they originally requested.

Mr. President, the beach quality sand that will be dredged from the second phase of this project is needed to address critical erosion problems at nearby beaches in New Jersey. Together with the State of New Jersey, the Federal Government can make arrangements to divert the sand to nourish the beaches in the area.

For all of these reasons, it appears that fiscal year 1989 may be the best year for the Navy to move forward with both phases of this dredging project. I urge my colleagues to adopt this amendment.

Mr. BRADLEY. Mr. President, I rise today with my distinguished colleague from New Jersey, to introduce an amendment to provide authorization for phase 1 and 2 of the Earle Naval Station dredging project. This amendment will help remedy two problems in New Jersey. The dredging project will help the serious beach erosion problems on the Jersey shore and it will provide access to the Naval Station, Earle, NJ.

Authorization of $30.4 million to complete the pier dredging project at Earle was included in the House version of the fiscal year 1989 DOD authorization bill. This much-needed dredging work, which includes widening and deepening of the channel is necessary to provide access to the pier for two ships scheduled to be homeported at Earle. The Navy has confirmed that completion of both phases is possible in fiscal year 1989 and that this may be the best time to finish the dredging project due to the availability of equipment from the Army Corps of Engineers.

Both phases of the project are important to the Navy. However, the disposal of dredged sand obtained from the second phase is critical to the preservation of the New Jersey coastline. The completion of this project and the disposal of dredged sands in a manner that will project local beaches are of great concern to me and to all who visit the Jersey shore.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from New Jersey?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, this amendment is agreed to. We urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey [Mr. LAUTENBERG].

The amendment (No. 2024) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I believe the Senator from Massachusetts is to be recognized next.

The PRESIDING OFFICER. The Senator from Georgia is correct.

The Senator from Massachusetts is recognized.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. KENNEDY. I would be glad to yield.

Mr. NUNN. Mr. President, it is my understanding, and the majority leader is here, I would like all Senators interested in the next two amendments to pay attention because I understand that we can get a half-hour time limitation on this next amendment to be equally divided.

I understand that has been chopped on both sides. That is on the motion to table.

Mr. KENNEDY. That is fine.

Mr. NUNN. On the motion to table.

Mr. KENNEDY. Mr. President, with the idea that we would not be subject to further amendment or otherwise we are going to have to follow the usual order, if we are not prepared to get an early resolution of it. But if we could have that understanding, we are quite prepared.

Mr. NUNN. So there would be a half-hour limit evenly divided, and the motion to table at the conclusion of the half-hour under the usual order.

And the other proposal that I would state to the majority leader, I understand that the next amendment is the Heinz amendment. That is the so-called "Buy America" amendment. Senator GRAMM from Texas will be opposing that amendment. And that has a time limit. If we started at 1 o'clock, we could have a time limit on that one to last 1 hour, with the hour to be equally divided.

If those two time agreements could be propounded for unanimous consent, we would have a gap but I would hope to handle a lot of noncontroversial amendments between approximately 12:30 and 1 o'clock. I hope we can handle six or eight of them.

These are two big amendments. That would get us through several amendments by 2 o'clock.

Mr. KENNEDY. Reserving the right to object, I do not intend to object——

Mr. NUNN. I have not proposed that yet.

Mr. KENNEDY. As I understand, it does not provide for additional amendments on my amendment. Is that correct?

Mr. NUNN. In other words, there would be no additional amendments.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 30 minutes of debate in relation to the amendment by Mr. KENNEDY; that the time be equally divided between Mr. NUNN and Mr. KENNEDY; that the motion to table then be made; that no amendment to the amendment be in order prior thereto.

Provided, further, that if the motion to table is not agreed to, there is no time limitation thereafter in relation to that amendment.

Provided, further, that in any event, at 1 o'clock p.m. today, the debate begin on the amendment by Mr. HEINZ, the "Buy-American" amendment; that there be a 1-hour time limitation on the amendment; that no amendment to the amendment be in order; that the time be equally divided between Mr. HEINZ and Mr. NUNN; and that at the expiration of 1 hour, a vote occur on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

AMENDMENT NO. 2025

(Purpose: To Prohibit the introduction of U.S. troops into Honduras or Nicaragua for the purpose of combat)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, Senator HATFIELD, Senator KERRY, Senator HARKIN, and Senator DODD.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and others, proposes an amendment numbered 2025.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

The amendment is as follows:

SEC. . PROHIBITION OF INTRODUCTION OF U.S. TROOPS INTO HONDURAS OR NICARAGUA FOR THE PURPOSE OF COMBAT.

(a) LIMITATION.—Notwithstanding any other provision of law, no member of the United States Armed Forces or employees of any department, agency or other component of the United States Government shall be introduced into the territory of Honduras or Nicaragua to engage—directly or indirectly—in combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term combat means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon the enemy.

(c) EXCEPTIONS TO LIMITATIONS.—This section does not apply with respect to an introduction of United States Forces into or over Honduras or Nicaragua for combat if—

(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States, or

(2) The President has determined that the presence of such forces is necessary to protect American lives, to provide for the immediate evacuation of United States citizens or to respond to a clear and present danger of military attack on the United States.

(d) TREATY AUTHORITY PRESERVED.—Nothing in this section shall invalidate any authority of the United States to act under the provisions of the Inter-American Treaty of Reciprocal Assistance.

Mr. BYRD. Mr. President, will the distinguished Senator yield briefly, without losing his right to the floor?

Mr. KENNEDY. I yield.

Mr. BYRD. Mr. President, I am now informed that the agreement on the Heinz amendment was supposed to be only with relation to a tabling motion and that if the tabling motion were not agreed to, there was to be no time agreement on the amendment thereafter. Am I correct in that?

Mr. NUNN. That had not been told to me. I had not had that message. I would hope we would just go ahead and dispose of it one way or the other. I do not think stretching it out is going to make a difference.

I talked to the Senator from Texas on it. There is going to be vigorous opposition. I am opposed to the amendment, but even if I lose, I would like to go ahead and conclude it.

In a few minutes, we are going to have one or two amendments that are not tabled, and then we will be on those all day. So everybody is hedging their bets. I would prefer to have the time agreement with that last stipulation or none at all.

Mr. BYRD. Mr. President, the time agreement that was entered provides for a vote on or in relation to the amendment after 1 hour of debate and it does not carry the provisions that accompanied the agreement on the Kennedy agreement. So the agreement that is entered comports with the wishes of the chairman.

Mr. NUNN. I have not talked to Senator HEINZ. I talked to Senator GRAMM, and he conveyed to me that he had talked to Senator HEINZ, and he did not stipulate that if the tabling motion failed, there would then be unlimited debate. So I would say that if they came back and told me their agreement was to the contrary, I would be willing to amend the unanimous consent request. But the word I got did not convey the same condition as the Kennedy amendment on Central America.

Mr. BYRD. Mr. President, I think that the staff member who was whispering in my ear was simply concerned that that might have been the understanding. I am sure the chairman understood it correctly.

Mr. NUNN. If they come back and tell me I misunderstood, then I would ask unanimous consent and, hopefully, we could get to it.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand, there is a half hour, and I yield myself 6 minutes.

I rise to introduce with my distinguished colleagues Senators HATFIELD, KERRY, HARKIN, and DODD an amendment I have introduced every year since 1984—legislation requiring the President to obtain the approval of Congress before sending U.S. combat troops into Central America.

This legislation is similar to an amendment which passed the House of Representatives on May 2 by the overwhelming margin of 276 to 92. The House action reflects the deep and growing concern of the American people about war in Central America; it is long past due for the U.S. Senate to respond to that concern.

The amendment prohibits the introduction of United States troops into combat in Nicaragua or Honduras unless Congress had declared war or authorized by joint resolution the presence of such forces. The legislation maintains the President's authority to use such force to protect American lives, to evacuate U.S. citizens or to respond to a clear and present danger of military attack on the United States. It would not invalidate any portion of our obligations under the Rio Treaty. Nor would it prohibit the sending of troops into Central America for a show of force only, such as President Reagan did last March.

The Senate has voted on this issue four times in the past 4 years—and each time support for it has increased. And today, the need for this legislation is as great as it has ever been. Two months ago, President Reagan rushed 3,000 United States troops from the United States to Honduras in response to a border incursion by the Sandinista army. He acted before the Honduran military had responded and—hardly by coincidence—just as Congress took up the issue of aid to the Contras.

We all understand that President Reagan is reluctant to leave office with his score against the Sandinistas still unsettled. In the waning months of his administration; almost any pretext might encourage the President to try to settle the issue by force, and Congress should do all it can to prevent the reckless possibility.

Delicate peace negotiations are underway in Nicaragua. Progress toward peace is mixed at best. The Contras remain armed in Honduras. U.S. humanitarian aid continues to flow to the Contras despite a prohibition in the Sapoa and Arias peace plan agreements on outside aid to irregular forces. Negotiations are stalled while each side accuses the other of bad faith. The Sandinistas' repression continues with crackdowns on labor strikes and radio stations, and the Contra military and political leadership is in disarray and bickering among itself.

The current ceasefire agreement expires on June 1 and the prospects for a lasting peace are far from clear. The Contras' military leader, Enrique Bermudez, is already talking about resuming the war at the end of this month. And the Reagan administration has repeatedly shown its inclination for wider war in Nicaragua.

Time and again, the administration has rejected a negotiated solution to the crisis. In fact, the administration was caught by surprise when the Contras and Sandinistas signed the Sapoa ceasefire agreement on March 23. The President's National Security Adviser admitted at the time that "there is discomfort" over the agreement within the administration.

The administration has often gone to great lengths to deceive the American people about its activities in Central America. It began supporting the Contras under the guise of interdicting the flow of arms to the Salvadoran rebels. It mined the harbors of Nicaragua in blatant violation of international law. It claimed that our support for the Contras was aimed at pressuring the Sandinistas into reforms when the real goal was to overthrow the regime. It denied any knowledge about the downing of the plane carrying Eugene Hasenfus, when that operation was part and parcel of Oliver North's clandestine and illegal effort.

In its policies in Central America, this administration has violated international law, broken United States law, misled the Congress and lied to the American people. With that record, the Congress should not give up its constitutional powers to the President over the critical issue of war and peace and the decision to send American troops into combat.

In March 1986, President Reagan exaggerated a Nicaraguan cross-border raid into Honduras and pressured the Honduran President into requesting United States assistance in transporting Honduran troops into the area of combat.

That history was repeated in March 1988, when President Reagan exploited another border incident to introduce U.S. troops into the region. In response to questions from Congress as to why the 82nd Airborne arrived in Honduras before the Hondurans had themselves reacted, President Reagan prodded the Hondurans to drop a few bombs in the area of conflict.

Such reflexive reliance on a military solution is dangerous, irresponsible and counterproductive.

The United States clearly has legitimate security interests in Central America. We will not tolerate Soviet or Cuban bases in the region. We will not tolerate the introduction of sophisticated offensive weaponry into the region or attempts to subvert or destabilize other nations of the region. There is a clear consensus in this country on these matters.

But there is also a clear consensus in this country against sending United States troops into Central America for combat, unless the American people are consulted in advance. For that reason, the Congress must have a role in any decision to send United States forces into combat in Central America. Our Constitution reserves the power to make war for Congress—and Congress has a solemn responsibility to exercise that power.

This amendment simply requires the President, before sending United States troops into combat in Central America, to obtain Congress' approval. The danger of combat is real in Central America under this administration; the need for this legislation has been demonstrated time and time again. Let us follow our colleagues in the House and pass this timely amendment today.

Mr. President, how much time remains?

The PRESIDING OFFICER. Eleven minutes and twenty seconds.

Mr. KENNEDY. I yield 5 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I will be very brief.

I am pleased to be a cosponsor of this amendment with my colleague from Massachusetts. He has very adequately explained the simple, straightforward purpose of our amendment.

We do not know what the future of Nicaragua is. We do not know whether the talks will collapse. But we do know one thing: we do not want to be caught in a situation in which troops are dispatched and then we have no option but to affirm that in a very simplistic way.

We have a war-making role in the U.S. Congress. We have it under the Constitution. And we have it under the War Powers Act, which we passed even over a Presidential veto.

This is a simple message to the President: There is not any authority he has to send combat troops to Central America without the concurrence of Congress.

We have wrestled with this whole knotty problem in the Persian Gulf, where we have dodged and ducked and avoided our responsibility. Now is an opportunity to prevent that kind of Persian Gulf situation developing, where we sit idly by and let the President escalate the involvement of troops.

Now is the time to take an action to prevent that in Central America.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I yield myself such time as I may consume.

Mr. President, I agree with the thrust of the amendment by my friend from Massachusetts, that United States forces should not be sent into combat in Central America without a congressional voice in the decision. He is correct, of course, that under the Constitution the Congress has the power to declare war. But the President, as Commander in Chief has the primary responsibility to protect our Nation's security and the security of our friends and allies. Congress must not tie his hands as he carries out those responsibilities.

Mr. President, everyone in this body recognizes that the Communist government in Managua poses a threat to the freedom and security of Central America. The Sandinistas are propped up by vast amounts of military and economic aid from the Soviet Union, Cuba and other Soviet bloc countries. They support subversion in their neighboring countries and recently conducted aggressive military actions against the Contras in Honduras.

I believe that the President must be able to react to the situation in Central America—including the possible use of force—without undue restrictions imposed by Congress. Congress has already enacted the War Powers Resolution to deal with the relationship between the President and the Congress on the use of force. Although I have some reservations about the War Powers Resolution, I believe that is a far better approach than the one suggested by Senator KENNEDY.

Let me be specific, Mr. President. My principal concern with the Kennedy amendment is that it limits the President's freedom of action by specifying, in law, the situations in which he can commit United States' forces to combat in Honduras and Nicaragua. It limits the employment of the U.S. Armed Forces to very narrow circumstances. Under the amendment, troops may not be introduced for combat unless Congress declares war or authorizes the presence by joint resolution, or the President determines that the forces are necessary to, and I quote, "protect American lives, to provide for the immediate evacuation of U.S. citizens or to respond to a clear and present danger of military attack on the United States."

Mr. President, this omits several situations in which I believe the President should be free to commit troops if necessary.

Mr. President, if the Soviet Union put offensive missiles or bases in Nicaragua, we might not be able to use military forces to take them out. Under the Kennedy amendment, the President could not use force unless he concluded that the Soviet missiles or bases were a "clear and present danger of military attack on the United States." I believe such bases would present such a danger, but I do not believe it is wise to enact this standard in the law. To do so, ties the President's hands in the event that the Soviets do deploy missiles or build bases in Nicaragua.

Mr. President, under the Kennedy amendment we could not even deploy forces to blocade or quarantine Nicaragua. Presumably, we could send forces to Honduras but, by the terms of this amendment, they could not engage in combat and the Sandinistas would know it. As a result they would pose no threat to Nicaragua and would not be effective as a quarantine.

What if the Soviets gave high-performance Mig aircraft to the Sandinistas? Would we be free to take them out by military action? I do not believe the Kennedy amendment would permit that.

The limitations in this amendment is like the statement made by Dean Acheson in 1950 that we did not have an interest in defending Korea. Shortly after the announcement, North Korea invaded South Korea. By sharply limiting the use of U.S. forces to narrow circumstances, the Kennedy amendment is a roadmap for aggression.

The President has said that he is not going to send United States combat forces to Central America but has left open the possibility of sending forces if they are necessary. I believe that is the right decision.

The President has left the door open as a warning. We should not shut it.

Recently the Sandinistas and the Contras began negotiations to resolve the conflict in Nicaragua. I hope they are successful but there has not been much progress. The negotiations may fail. The Soviets and Cubans may increase their support for the Sandinistas. They may deploy their own forces to Nicaragua.

Mr. President, Central America is a volatile area. Recent events in the region, including Panama, demonstrate the importance of maintaining stability and security in the region. To maintain our interests in the region we must have maximum freedom of action, both diplomatically and militarily. The Kennedy amendment would restrict that freedom.

As I mentioned, Mr. President, the Congress has enacted the War Powers Resolution to deal with the question of employment of forces by the President. The Kennedy amendment would conflict with the War Powers Resolution by specifically limiting in advance when the President may and may not deploy forces. The purpose of the War Powers Resolution was to give Congress a voice in the deployment of forces. I strongly support that objective and encourage the President to consult fully and openly with Congress on the important questions concerning United States security interests in Central America. But I believe it is a mistake to enact specific limits into law in advance as the Kennedy amendment would do. Enactment of the amendment would also cause confusion. Which law is the President to follow, the War Powers Act or the Kennedy amendment?

Mr. President, the House enacted a few days ago the Hunter modification of the Foley amendment which limits the President's ability to deploy forces into or over Nicaragua. I disagree with that amendment but it is an improvement to the Kennedy amendment. It is limited only to Nicaragua but also gives the President somewhat greater freedom of action.

For the past several years, the Senate has refused to enact an amendment along the lines proposed by Senator KENNEDY. The House has enacted its version of the Foley amendment. In conference, we have always agreed on a sense of Congress provision that United States Armed Forces should not be introduced into or over Nicaragua for combat and that nothing in the provision should be construed as affecting the authority and responsibilities of the President or the Congress under the Constitution statutes or treaties of the United States. I believe that is a far better outcome and urge my colleagues to vote against the Kennedy amendment.

I yield such time to the Senator from Arizona as he may consume.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

I would like to congratulate my distinguished friend and colleague from Alabama for a very important statement. I think he has laid out the arguments against this amendment. I intend to offer a motion to table at the expiration of the agreed-upon time by unanimous consent.

Mr. President, we have been through this issue on numerous occasions in the past. As my friend from Massachusetts mentioned four times these last 4 years, this amendment has been proposed, and it has been defeated. We seem to be plowing a great deal of ground over and over again.

I think a couple of things have changed in the intervening year since the last time that this amendment was voted. I think it is important to point out that in the opinion of many, including this Senator, for all intents and purposes, unless something significant changes, a message has been sent in Central American that we have abandoned the Contras. By the action taken by the other body in cutting off aid to the Contras, that signal, in the view not just of this Senator but of many Central Americans with whom I have a close and long relationship, is that the United States does not intend under present circumstances to renew military aid to the Contras any time in the near future.

We are seeing strains within the Contras being exhibited on a daily basis and we also see a certain deterioration in their military capability which is understandable given the type of environment in which they presently exist.

It was my understanding, Mr. President, that the major reason for the cutoff to the Contras was not because those who favored that wanted to abandon Central America but they believed that we could somehow contain the Sandinista government if necessary if they failed to live up to their commitments under Esquipulas II and if they failed to move forward with the peace process that somehow the United States was capable of containing the Sandinista government and the use of "military aid to the Contras was not an effective nor acceptable moral method of achieving that goal."

So here, on the one hand, those who believe that we should contain the Sandinistas through various methods, diplomatic aid to the surrounding neighbors, and so forth, are now seeking to pass an amendment which would, for all intents and purposes, do away with that capability. And that is why I find this amendment so puzzling at this particular juncture.

As my friend from Massachusetts mentioned, the United States did indeed dispatch 3,000 troops into Honduras in response to a well-documented and basically indisputable incursion on the part of the Sandinistas into their neighboring country Honduras. If we had been bound by the Kennedy amendment at that time it would have been impossible for the President of the United States to do so. It is also clear that the presence of those 3,000 U.S. troops, although they were not committed to combat and never came within 175 miles of the combat zone, that their presence had a significant effect on the Sandinistas and was a major factor in motivating them to withdraw back to the Communist country in which they do not enjoy existing.

I think that it would be a bit curious that we would now selectively choose a part of the world in which the President of the U.S. clearly would have his constitutional authority abridged and at the same time we find no problem with other parts of the world.

For example, I wonder if my friend and colleague from Massachusetts would approve of expanding the amendment, which I do not, to encompass the Middle East. Certainly the situation in the Middle East today is indeed perilous; American lives have been lost as recently as a few weeks ago. I wonder if he would approve of this kind of limitation be placed on the commitment of presence of U.S. troops in the Middle East.

I would suggest that he probably does not and I find certainly a lack of uniformity evident there in our addressing of the U.S. national security interests in one part of the world as opposed to another.

Mr. President, I will not waste much more of this body's time.

I believe my colleague from Indiana would like to discuss this amendment, as well. Clearly we have a War Powers Act. That War Powers Act, whether this Senator happens to support it or not, at least in its present form, the War Powers Act provides ample protection against some untoward or precipitous act on the part of the President of the United States. That act is in being and contains detailed provisions which I have every confidence would be carried out in the event of a circumstance arising such as described in this amendment.

I believe that it is an effort to further abandon our responsibilities in Central America and one which would be unwise to be adopted at this time.

I yield back my time.

Mr. SHELBY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 1 minute and 30 seconds remaining. Who yields time?

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 30 seconds.

Mr. KENNEDY. I yield 5 minutes to the Senator from Connecticut.

Mr. DODD. I thank my colleague from Massachusetts.

Mr. President, the facts have been laid out. The amendment is rather clear. The reason this amendment is being offered is for obvious reasons. It specifically is pointed at a specific fact situation, and that is Honduras and Nicaragua. That is being done because of the imminent danger posed as reflected by the President's decision to send 3,000 troops into Honduras only a few short weeks ago.

The Senator from Massachusetts has crafted this amendment in such a way that if there are obvious fact situations which would demand the immediate decision by the President, he can then make that decision, in no way tying his hands.

But when it comes to the dangers—and I think we all recognize the dangers—of this administration quite frankly deciding to precipitously send United States troops into Nicaragua because of their disappointment over the Arias peace plan—and the success to this point of that plan, with all of its shortcomings, it is still proceeding. It is on track. And yet there is a legitimate concern in this country that this administration is determined to undermine that process and to take unilateral decisions and action to send in U.S. troops.

Now, the President has said he is not going to do that. I certainly rely on those words at this juncture. But my concern is that, given the sense of emotionalism that this issue has generated, the administration has generated over the last several years, that there is that danger in the waning days of this administration that they will decide to take action and take it without the advice and consent and consultation with the Congress.

So this amendment is particularly important, it seems to me. At this juncture there is no reason to suspect that this amendment would have to be invoked—if, in fact, we would support the efforts of the resistance forces and the Sandinistas that are presently engaged in those discussions.

Frankly, I suspect that this administration will try to undermine that, I will tell you quite honestly. But my hope is that they will be unsuccessful in that event and, in fact, that the opposition forces will reach an agreement. Then we will never have to worry about this amendment.

But my concern is they are trying to undermine it, and if they are successful, then my fear is you will see just the kind of action that this amendment predicts.

So I would urge my colleagues today to read this amendment carefully. If they are not here on the floor, when they come to the floor to read the language carefully. This is not a total prohibition against the United States sending in military forces into Nicaragua or Honduras. I would oppose that amendment. I would flatly oppose any amendment that prohibited us from doing that.

But this narrows the fact situation. And there is a reason for it and the reason is quite clear to anyone who picks up a newspaper every single day this week and last week about the troubles that are ongoing during the process of trying to resolve those difficulties in that civil conflict with the political and diplomatic means. So I would urge the adoption of the amendment or the rejection of the tabling motion.

I thank my colleague.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes.

Mr. KENNEDY. I yield myself 4 minutes.

Mr. President, the Founding Fathers placed the war-making powers in the Congress of the United States. They understood what they were doing. Senators that reject this amendment are basically saying they are going to give that total power to the President of the United States. The Founding Fathers understood that when a President intends to commit American boys overseas, it ought to have the support of the American people as reflected in the House of Representatives and the Senate of the United States.

Now, the reason this legislation is necessary with regard to Nicaragua and Honduras is really based upon the administration's record in that part of the world. This administration has dealt with drug dealers, it has dealt with terrorists, it has dealt with lawbreakers, it has misrepresented its actions to the Congress of the United States time and time again. That is a fact, Mr. President.

I believe it is absolutely essential, that before this country becomes involved in sending American troops into combat in Central America, the issue ought to come before Congress of the United States.

I listened to the arguments of the other side about what are we going to do with regard to Mig's or offensive missiles in Nicaragua. We all know what we are going to do. Does anybody doubt that this Congress can act in 12 hours or 12 minutes with the arrival of Mig's or nuclear offensive missiles in that country?

And if the President is concerned about real problems in the region, about legitimate threats to our security or that of our neighbors, then the American people—and the U.S. Congress—will share that concern and will stand ready to act. That is the basic question. We can act. Anybody that says we cannot really does a disservice to this institution and the Members by suggesting that they are not as patriotic as the President of the United States.

So, Mr. President, this reaches the historic issue and question about the division of authority.

I have been around here when we have seen the commitment of Americans overseas without bringing the Congress and the American people into the issue. We know what has happened in Central America over the period of the last 6 and 7 years and the record of this administration in the region. We hear from those opposed to this amendment, that the administration has no intention of sending U.S. troops into combat in Central America. If there is no such intention, why not support this amendment? What is the administration concerned about? It is that simple.

Mr. President, I reserve the remainder of my time.

Mr. SHELBY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 1 minute and 25 seconds remaining.

Mr. SHELBY. Mr. President, the Kennedy amendment infringes upon the President's right to conduct foreign policy. We, therefore, oppose it on principle.

Second, on a technical level, the amendment's wording is so broad and vague that it could be construed to cover any number of activities that are well within the President's prerogatives as Commander in Chief.

Third, on a political level, the amendment would send a damaging message to our allies in the region and I believe would undercut the cease-fire talks under way between the resistance and the Sandinista government.

In addition, the amendment fails to address the possibility of changing circumstances in Nicaragua; the possibility of the introduction of high-performance combat aircraft or the Nicaraguan decision to invade a neighboring country.

I urge my colleagues to vote against the Kennedy amendment.

Mr. SPECTER. Mr. President, I am voting against the amendment offered by Senator KENNEDY to limit the introduction of United States combat forces in Honduras and Nicaragua because I believe it is unwise for Congress to speak on this issue at this time. On August 7, 1987, the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua signed a historic peace accord in Guatemala City. Toward fulfillment of the regional peace process, the Nicaraguan Government and the Nicaraguan resistance—the Contras—signed a cease-fire agreement witnessed by Cardinal Obando y Bravo and Ambassador Joao Clemente Baena Soares, the Secretary General to the Organization of American States, in Sapoa, Nicaragua, on March 23, 1988.

The peace process appears to be moving ahead, though not without difficulty. There is no reason at this time to anticipate the kind of a problem embodied in the pending amendment nor to inject any additional, uncertain ingredient in that region's peace process.

The preferable way to address the issue of deploying U.S. military forces is pursuant to the War Powers Act. As the record shows, I have supported congressional action under the War Powers Act. Invocation of the act's provisions, however, must be determined on the facts of the specific case. Prejudgment in this regard is unwise. There has been no showing that the President is likely to deploy U.S. forces which would require some anticipatory action by the Congress.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

Mr. President, let me respond to the point on the broad restrictions contained in this amendment. The definition of combat contained in this legislation is "delivering weapons fire upon the enemy." You do not have to be a college graduate to understand what that means. It is very specific: delivering fire upon the enemy.

Quite frankly, the broad language in this amendment is reserved for the authority retained by the President. It enables the President to determine when the presence of such forces is necessary to protect American lives, to provide for the immediate evacuation of American citizens or to respond to a clear and present danger of military attack on the United States. This language gives the President the benefit of the doubt, but maintains very specific language when his powers would be restricted—only regarding the introduction of United States troops into combat in Honduras or Nicaragua. If you are going to have such an action, I think—and the American people believe—the Congress of the United States ought to be involved in the decision.

I am prepared to yield back the remainder of my time. Have we got the yeas and nays, Mr. President?

Mr. McCAIN. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The Senator has yielded back his time. The motion to table is in order.

Mr. McCAIN. Mr. President, I make a motion to table the Kennedy amendment.

Mr. President, I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. Hecht] and the Senator from Nebraska [Mr. Karnes] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—60

Armstrong
Bentsen
Bond
Boschwitz
Bradley
Breaux
Bumpers
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Roth
Rudman
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—37

Adams
Baucus
Bingaman
Boren
Burdick
Conrad
Cranston
Daschle
Dodd
Exon
Gore
Harkin
Hatfield
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Weicker
Wirth

NOT VOTING—3

Biden
Hecht
Karnes

So the motion to lay on the table amendment No. 2025 was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2026

(Purpose: To authorize the Secretary of the Navy to contract for the performance of firefighting and security guard functions at Amchitka, Alaska)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. Gramm] proposes an amendment numbered 2026.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title III of division A of the bill, insert the following:

SEC. 3 . PERFORMANCE OF FIREFIGHTING AND SECURITY GUARD FUNCTIONS AT AMCHITKA, ALASKA

(a) Authority To Contract.—The Secretary of the Navy may contract for the performance of firefighting and security guard functions required by the Navy at the over-the-horizon radar site at Amchitka, Alaska.

(b) Inapplicability of Limitation on Use of Funds.—Section 2693 of title 10, United States Code, shall not apply with respect to the authority provided in subsection (a).

Mr. GRAMM. Mr. President, this amendment has been agreed to on both sides of the aisle. It deals with an isolated area in Alaska, Amchitka. Our basic problem is it is so isolated that if we perform the firefighting and security function with military personnel, we are going to have to do it on a 4-month rotation.

It is going to be very inefficient, very costly. As many are aware, we have provisions in the law that are aimed at protecting special interests against competition, and result in raised costs to the American taxpayer. This is an example where free enterprise can do something. We cannot now do it efficiently. We are simply asking that we remove a constraint that is imposing very heavy costs on the taxpayer. I am hopeful, given the clearance on both sides, the amendment will be adopted.

Mr. NUNN. Mr. President, we have looked over this amendment. I think it is a good amendment. I believe that it is a worthy exception to the general rule and I think the amendment of the Senator from Texas should be approved. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2026) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

AMENDMENT NO. 2027

(Purpose: To provide a substitute for portions of titles VIII and IX that omits provisions relating to the purchase of American products)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. METZENBAUM, Mr. BYRD, Mr. SASSER, Mr. SPECTER, and Mr. MOYNIHAN, proposes an amendment numbered 2027.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The text of the amendment is printed under Amendments Submitted later in the RECORD.

Mr. HEINZ. Mr. President, I offer this amendment on behalf of myself, Senator METZENBAUM, Senator BYRD, the distinguished majority leader, Senator SASSER, my colleague from Pennsylvania, Senator SPECTER, my distinguished colleague from New York, Senator MOYNIHAN, and perhaps others.

Very simply the amendment restores the domestic preference provisions, "Buy-America" provisions, if you will, which were virtually repealed by the committee bill.

The PRESIDING OFFICER. The Chair would inform the Senator that there are 30 minutes equally divided on each side.

Mr. HEINZ. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HEINZ. Mr. President, since the enactment of the Military Appropriations Act of 1945, Congress has sought to ensure that the United States has an effective mobilization base in clothing, food, and critical materials such as specialty steel. For 43 years, we have had on our books, reenacted at each opportunity as part of our appropriations process, a provision to ensure that American suppliers essential to our defense needs come first.

What the Armed Services Committee has done in the legislation before us is to take legislation with a 43-year history, which was reaffirmed in 1953 and expanded, reaffirmed and expanded in 1972, and then again in 1983; and, with a stroke of a pen, to wipe out, X it right out of the law, some 43 years all together on the books.

Not only has what has been referred to as the Berry amendment been essential to having a safe and secure base of vital supplies, but also, as it has been proposed to us by the Armed Services Committee, we are being presented, whether they need it or not—and certainly whether we like it or not, and I do not—with what I call the Unfair Trading Practices Promotion Act of 1988.

This bill reported by the Armed Services Committee, by striking the sections I referred to, would reward those foreigners who subsidize their steel and textile industries, reward their unfair trade practices, as well as undercut our readiness.

What the bill sponsors intend and state is that foreign products must only undersell domestic products by 10 pecent in order to be purchased by the Defense Department; and when it comes to subsidizing, when it comes to selling below cost, that 10 percent is an infinitesimal amount.

In the United States, we do not subsidize our steel industry; we do not subsidize our apparel industry or our textile industry. So this committee bill will leave domestic industries absolutely defenseless against predatory nations—and we all know they are out there—who are only too willing to take advantage of this unreciprocated generosity.

Mr. President, under present law, domestic DOD procurement is required for the following articles: Food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or blends, spun silk yarn for cartridge cloth, synthetic fabric or coated fabric, canvas products or wool, and any equipment containing these fibers, as well as specialty metals including stainless steel flatware, and hand or measuring tools and to a limited degree produced only by coal.

Why did we enact those provisions over the last 43 years? Why, when there was very little foreign competition in 1944 and 1945, when there was very little competition in 1953, when there was substantially less foreign competition in 1972—why did we enact and reenact and strengthen these provisions of law? The answer is that the sponsors understood that we had to have an important, essential domestic mobilization base.

Mr. President, Congress has acted reasonably over the years, and what we have before us from the Armed Services Committee, in my judgment, is unwise, unjustified, and dangerous. I would like to take 1 or 2 moments to discuss the importance of one of these commodities—namely, specialty steel.

Congress has a lengthy history of ensuring sufficient domestic production. Domestic steel came under this for the first time in 1972, after the Armed Services Committee, itself, issued a report entitled "Essentiality of Specialty Steels to National Security."

We all remember John Tower, the distinguished senior Senator from Texas, the former chairman of the Armed Services Committee, the predecessor of our distinguished junior Senator from Texas [Mr. GRAMM]. It was Senator Tower who, in 1983, on this very floor, stated:

> Our national defense capability depends in a very substantial way upon specialty steels * * * all of our missiles and aircraft depend upon these metals for their construction. The guidance systems and other components of virtually all our weapons systems need these metals. Navigational equipment and other critical items used by our Navy require various kinds of specialty steel. In short, we would not have a modern defense capability without the specialty steel industry. We cannot place our aircraft makers, our shipbuilders, and missile manufacturers at the mercy of foreign suppliers whose supplies could be cut off in an emergency.

I have quoted former Senator Tower of Texas.

What is the real world like when it comes to specialty steel? The real world is so full of predatory pricing and unfair trade practices that on three separate occasions, this President, President Ronald Reagan, has found that dumping and subsidies have caused the specialty steel industry to suffer.

That is why, first, in 1983, President Reagan granted import relief to the industry, under the Trade Act, and at that time he stated: "Relief is necessitated by the pervasive nature of unfair trading practices in specialty steel." He has acted most recently to extend that protection for the same reason, through 1989.

I am sure that we are going to hear arguments that the justification for what the committee has done is that there is, somehow, insufficient domestic competition for these articles. If we do not know better about that by now, we are never going to know. Does anybody think there is insufficient food and clothing competition? Is there a Member of this body who thinks we do not have a surplus of agricultural commodities? Is there anybody who believes that they cannot go down to the nearest department store and there is not surfeit of every kind of article of clothing known to man, woman or child?

In the case of specialty steel, could this argument stand for a moment, when we know that we have all the competition we can stand, so much that the President had to take the actions I described a moment ago?

If our only criterion is to save a few pennies, I have to wonder what else we might do. If we want to save money, one thing the Armed Services Committee might have proposed is that we lower military pay to the same level as that of Singapore. That would save some money. If we could not get Americans to serve, maybe the Armed Services Committee could open our military to foreign volunteers. That would have saved money. Then, maybe we could have paid them the base pay in their own country, like Singapore.

But nobody proposes to do that, thank God, because they have more sense than that.

I suggest, Mr. President, we need to apply common sense in other areas as well.

The bill before us undermines the President's findings by potentially expanding the access of unfairly traded specialty steel to the U.S. market. Indeed, this bill is an active incentive to unfair trading! The bill would allow our competitors to evade buy America provisions by simply undercutting—through subsidies and dumping—domestic products. We are inviting our foreign competitors to take advantage of us, Mr. President, and past experience absolutely convinces me that they will. Compelling arguments could be made for other commodities. However, in the interest of time, I will allow my colleagues to make those.

Mr. President, some argue that the Berry amendment "Buy America" provisions are too restrictive. However, the provisions of the Berry amendment are hardly ironclad. It provides discretionary authority to waive the Buy America requirements after a determination that satisfactory quality and quantity of these articles cannot be procured when needed at U.S. market prices. These provisions may also be waived for combat purposes, or for vessels in foreign waters, or for emergency procurements, or for procurement of perishable foods at establishments outside the United States. They also may be waived if the United States has an agreement or understanding with a NATO ally.

My point is that there are already many waivers built into the so-called Buy America requirements. And the Department of Defense makes frequent use of these. In 1983, a subcommittee of the House Armed Services Committee found that procurement of foreign steel, under existing waivers, has damaged U.S. interests and security. The pending legislation would weaken an already weak law.

S. 2355 makes two changes in the Buy America provisions. The first, allows the Buy America provision to be waived where foreign goods are sold at 10 percent or more beneath the U.S. price and, second, the Secretary of Defense must determine that the nation exporting the good is no more restrictive in military procurement than the United States.

Allowing foreign companies to bid on U.S. Defense procurement contracts simply because they can undersell domestic producers by 10 percent or better will devastate American interests.

The proposed weakening of the Buy America provisions illustrates the pressing need for a rational trade policy. Domestic preference for government agencies is a legitimate practice that is widely used. Yet, once again, we see a proposal to unilaterally surrender U.S. economic interests without any concessions whatsoever from any other nation to do the same.

The bill before us will grant a significant economic benefit to foreign companies without ensuring similar or identical treatment for American enterprises seeking to sell in foreign markets.

Defense acquisition represents the lion's share of countless small businesses' livelihood. When our textile mills, our specialty steel mills and others, close their doors we will lose them and that will be that. I have a list of textile mills which do most of their business with the Defense Department, and the number of workers employed at those plants, and I ask that this list be included in the RECORD.

These mills are primarily small mills, some with 80 or fewer employees, who compete for defense procurement. Unfair trade practices have saturated the domestic market for textiles—imports now control more than 50 percent of consumption. Repeal or modification of the Berry amendment will close these mills down, put these workers out on the street, and cause economic disruption in the affected communities.

Some argue that S. 2355's provision requiring the Secretary of Defense to find that the nation in question is no more restrictive in military procurement than the United States sets up a system of reciprocity. It does not.

I need give only a few brief examples. Recently in Taiwan, several contractors bid on a contract. The government called one contractor in for consultation, he submitted an amended proposal, and won the contract. The American bidder, to no one's surprise, was not so consulted. Is this an unfair trade practice, a barrier to procurement? In Europe, domestic contractors often receive 4 or 5 weeks advance notice of a government request. American contractors receive 2 weeks. Do you think the Secretary of Defense will rule that such subtle practices are more restrictive than U.S. practices?

If only it were so easy to find trade restraints! We wouldn't need a trade bill if, as S. 2355 appears to believe, all we need is a determination from a Cabinet Secretary that other nations are abiding by the rules. If unfair trade practices were so blatant, we could take the offending nation to GATT and prevail. The real world, sadly, is far more complicated, and the bill before us fails to understand that.

Moreover, the committee has given the responsibility for making procurement determinations not to the Department of Commerce, but to the Department of Defense. Does anyone think that a Defense Department, bent on cutting corners, is going to worry about such issues as unfair trade? The determination of foreign procurement practices more properly belongs to the International Trade Administration.

This Department of Defense has been willing to purchase foreign products. My State is home to the only domestic manufacturer of anchor chains and moorings. The Department of Defense is its sole signficant source of income. Under current Buy America exemptions, the Department of Defense wanted to contract with a foreign company to supply these materials. If DOD has its way, the only American source of these supplies will be lost and the Navy will be entirely dependent upon foreign anchors.

Not too long ago, the military thought it had saved money by buying steel bolts abroad. Now, we are paying the price in our military readiness because the steel is below grade, breaks under pressure, and renders entire units incapable of taking the field. What is more, there is very little hope of obtaining any compensation for the defective bolts from those foreigners who supplied them.

The amendment I am offering will provide our critical materials with the defense they need against mercantile trading practices. Some may argue that this increases our costs, but to do otherwise would be penny wise and dollar foolish. When we become dependent on insecure supply lines, we yield up a significant portion of our national security. Moreover, Mr. President, I do not believe anyone has analyzed the cost to this nation of unemployment, plant closing, and lost revenues from formerly productive plants who will see their business exported to foreign countries. Before accepting the committee bill, we should understand those costs.

Some might argue that there is insufficient domestic competition for these articles. I think we know better. Does anyone believe that there is insufficient food and clothing competition? Only in the case of specialty steel could this argument stand for a moment, and we would have plenty of competition even in that hard-pressed industry but for our own tolerance of unfair trade.

If our only criteria is to save money, I have to wonder what else we might do. Should we lower military pay to that of Singapore? Should we open the armed services to foreign volunteers, and then pay them the base military pay in their home country?

In conclusion, Mr. President, my amendment removes provisions which render our Nation less secure, less productive, and less able to defend itself against either our enemies, or unfair trading practices. The Buy America provisions provide reasonable and prudent protection for the mobilization base of critical supply items. They ensure adequate sources to feed and clothe the military in time of war.

This amendment makes simple, good sense. I hope we can pass it overwhelmingly.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, how much time do I have under the agreement—30 minutes?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. GRAMM. Mr. President, I yield myself 10 minutes

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Mr. President, let me begin by giving a one-word answer to the distinguished Senator from Pennsylvania. He asked why has Congress done all this. The answer is theft. The answer is theft. We are stealing from the working men and women of America to line the pockets of special interest groups who do not want to compete and who therefore come to the U.S. Congress and force the taxpayer to involuntarily transfer them money. I want to give you an example.

Our distinguished colleague has talked about this so-called Berry amendment, but if you look at his amendment, his amendment also strikes on page 153 the following provision:

Section 8113 of the Department of Defense Authorization Act of 1988 is repealed.

Now what is this section 8113?

It is a gigantic ripoff, a theft of the taxpayers' money in a time of tight budgets when Ivan is at the gate and the bill collector is at the door. We force the Pentagon to buy 300,000 short tons of high sulfur coal that they do not want, that they do not need, that they did not ask for. And why do we do that? We do that because special interest groups are stealing from the American taxpayer, and it is wrong and it has got to stop.

Now for years we had this crazy policy whereby we force the United States Government to buy coal domestically, high sulfur coal, ship that coal over to Germany where they already have plenty of low sulfur coal. They would not let us burn it so for years we took it and we stacked it along the railroad tracks. And who pays for it? The same person who pays for all of these ripoffs of the taxpayer—the working men and women of America.

Now what happened when we finally in righteous indignation stood up and said this theft has got to stop? What happened is the Armed Services Authorization Committee stopped it, the Appropriations Committee came along and said, "Great, don't send it to Germany. They are not going to use it anyway. Pay the bill to dig it up and then just stack it out in a big pile somewhere and some day you worry about all the environmental problems that that causes."

So what are we doing? We are buying 300,000 short tons of high-sulfur coal that nobody wants, that nobody needs, that nobody is burning. And what are we doing with it? We are stacking it up in a big pile. Why are we doing that? We are doing it because of theft, because people are stealing from the working men and women of America with exactly these kinds of amendments and somewhere, somehow, it has got to stop.

So I want people when they cast this vote to realize they are casting a vote on one issue and I wish that every person in this country was listening. This amendment would undo what the Armed Services Committee did. The committee stopped a senseless policy of making us buy coal that nobody wants, that the Pentagon did not ask for, making us buy this coal because somebody wants the taxpayers' money. So when we cast this vote I hope people will look at this vote and see who wants to steal from the taxpayer and who does not. And that is why I am going to oppose this amendment.

Now, Mr. President, let me talk about these items that are so critical to America's national defense.

We have here an argument that we have to maintain our industrial base, that we have to be able to protect our capacity to produce these things that are so vital to America's war fighting capacity and that we cannot get them anywhere else if we should destroy our ability to produce them.

Let me just look at one of the items here: Stainless steel flatware. Are we going to lose the war in keeping Ivan back from the gate because of stainless steel flatware? Are we going to someday see this great bastion of democracy die because we lacked the capacity to produce stainless steel flatware?

Mr. President, this provision is in law for only one reason—to cheat the working men and women of America and to make them buy things noncompetitively.

We have spun silk yarn for cartridge cloth. Are we going to fail to defend America because we should buy that somewhere else? And it is interesting, with all this talk about our domestic production base, that none of these provisions exempt Canada. Are they not part of our defense production base?

So I assert, Mr. President, that if you look at it on its face, canvas products, stainless steel flatware, spun silk, each one of these represents an individual special interest that wants something from the taxpayer and they want to be protected.

The interesting paradox here, Mr. President, is that the distinguished Senator from Pennsylvania ought to be arguing in favor of what the Armed Services Committee did. I hope that Senators and their staff are listening to this debate because the provision in the bill is a pro-American provision and it is a protrade provision. What it says is this: With all of these items, we can buy at the lowest price except for two big exceptions. No. 1, if we buy stainless steel flatware from the Israelis, for example, we cannot do it unless it is more than 10 percent cheaper than a domestic producer of stainless steel flatware.

I know there are people who ask why should we give the taxpayer a break, the heck with the taxpayer, let the taxpayer pay whatever is charged. But we are giving the domestic producer a 10-percent break.

Second, we say that we can only buy from a country that gives our producers a break. We have a provision here that says that we can enter into these agreements only if the country is less restrictive on the purchase of American goods than we are on the purchase of their goods.

So what we are saying is, for example, if a nation like Turkey wants us to buy an item from it, let us say it is stainless steel flatware, the condition under which we would do that would be a condition whereby they would have to have fewer restrictions on American goods than we have on Turkish goods.

So it is a reciprocal trade agreement. It is exactly the kind of agreement that we have been trying to get here over and over again. It is exactly what the Senator from Pennsylvania and others have said when they have stood up and pounded their chest and said, "I am not a protectionist. I just want fair trade. I just want people to treat us like we treat them."

This provision says that in order for us to buy anything from any foreign nation under this provision two things have to be true.

No. 1, they have to be less protectionist in buying military supplies for their army than we are.

No. 2, they have to sell for more than 10 percent less than our domestic price.

Now, I remind my colleagues that of all areas of trade we do not want to start a trade war, and of all areas we want to promote trade in, it is defense. For example, last year in aerospace we exported about 24 billion dollars' worth of American products and we imported about $7 billion. In other words, we exported three times as much as we imported. Should we not be trying to encourage nations to open their markets so that we can sell them airplanes and we can buy from them stainless steel flatware, so that we can buy spun silk yarn cartridge cloth?

If the alternative is creating more jobs in America, should we not be doing it?

In terms of overall defense items that are strictly defense related, we exported, the last figure we have, $7.6 billion; we imported only $435 million. So it behooves us to be opening markets for American goods abroad, not closing them. Of all areas we ought not to be starting a trade war on, this ought to be one of the areas.

So I submit, Mr. President, that this is not, as our colleague has called it, an unfair trade promotion act. Far from it. This is a fair trade promotion act that, in a real sense, is unfair; it is biased toward the United States. It says they have to be less protectionist than we are or we do not buy from them and they have to sell for more than 10 percent below our price.

What is unfair about that? What is unfair trade promotion about that?

Can we expect to sell the F-15 and the F-16 and the Bradley fighting vehicle all over the world and then say to countries that are buying those items, "Not only will we not buy anything from you for our army, but we won't even buy stainless steel flatware"? Somewhere this nonsense has to stop.

What is the result of the amendment that has been offered? The result is to make us go back and buy coal that nobody wants and store it along the roadside and in the process the American worker picks up the tab to buy something nobody wants and nobody is going to use.

Second, we make the taxpayer pay premiums on all these items in those cases where we could have bought them abroad for more than 10 percent less than what we bought them for.

Finally, whereas we could prove to the world that our worlds here in the Senate are not hollow, that we are not protectionists, that we simply want fair trade, this amendment says, "No, we don't want fair trade." This amendments says, "Even if you are less protectionist than we are in buying items for your military, even if you sell for more than 10 percent below what the taxpayers are having to pay, we don't want to trade. And we don't want to trade because we want to protect special interests." That is not in America's interest, Mr. President.

I know the problem here. The problem here is every one of these little special-interest groups is looking over the right shoulder and they are going to be sending a letter out tomorrow asking whether you care about the stainless steel flatware industry. Nobody is looking over the left shoulder to see whether you care about the American worker being robbed to buy coal that nobody wants and dump it out in the country somewhere.

The provision the committee put together on a bipartisan basis is a good provision. It is not an unfair trade promotion provision. It is a fair trade promotion provision. It is clearly biased toward domestic producers.

But it does say, at a time when we are running a surplus of almost 20 to 1 in military exports as compared to imports, that we want to promote more trade. Quite frankly, I am willing to buy stainless steel flatware from people who buy F-16's, who are less protectionist than we are. I mean, is not trade a two-way street? How can we stand up here on the trade bill and say we have to do something because these countries are unfair to us and then turn around on the Defense authorization bill and deny the ability to buy stainless steel flatware when it is 10 percent cheaper than domestic producers and when we only buy it from countries that are less protectionist than we are? How can you justify that? The truth is you cannot justify it.

It makes absolutely no sense. It is special interest legislation at its worst and it hurts America and it ought not to pass.

I do not know what is going to happen on this amendment. I can guess, given who is looking over the right shoulder and given that the guys paying the bills are not paying attention. My guess is we will probably end up buying this coal again, imposing all these restrictions again. But it is not right. Somebody needs to stand up and say so, and I am happy that it is my opportunity to do that. I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Will the Senator from Pennsylvania yield the Senator from Ohio 5 minutes?

Mr. HEINZ. I am happy to yield to the distinguished Senator from Ohio 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. METZENBAUM. I rise to support this amendment. Let me be frank. The Senator from Texas is talking about the American taxpayer. Well, let me make it clear. You do not have taxpayers if people do not have jobs.

What this amendment is about is seeing to it that we have a viable, strong steel industry, that we have a viable strong coal industry, and that we in America recognize that our dollars ought to be used in every instance possible to make the economy of this country a strong one.

This amendment strikes section 808 of the Defense authorization bill which would devastate the specialty steel industry by eliminating the requirement that the military purchase American-made specialty steel products. Eliminating the Buy-American Program is absolutely an open invitation to our foreign competitors to dump specialty steel in the U.S. market. Now why would we in our right minds want to make that possible?

I am chairman of the Senate Steel Caucus. I want my colleagues to understand that without a strong steel industry in this country, America can no longer remain the No. 1 world power. And every time we cut into the viability, into the efficiency, into the fact of the American steel industry having an opportunity to continue operating on a profitable basis, we are weakening America.

The American specialty steel industry has suffered great losses over the years as a result of unfair foreign trade practices. But today, the U.S. specialty steel industry is beginning to make a comeback—in large part because of our Buy-America Program. They are having a pretty decent year. But without this program, I believe much of the American specialty steel industry would be forced to close its doors.

Now it is argued that eliminating the Buy-America Program will save money. I believe it will do just the opposite. It will jeopardize the 34,000 jobs in the U.S. specialty steel industry, adding many to the unemployment lines and welfare rolls.

There are those who would have you believe that section 808 would save the military a few dollars on flatware. I heard some reference made about if Israel has flatware and they want to sell it and it is 10 percent less. The issue is not any one country. We are not talking about Israel or West Germany or Japan or Korea or Taiwan. We are talking about the United States of America. We are talking about jobs in this country. And that is the preeminent concern of those of us who support this amendment.

But much more is at stake. This provision would put our national security at risk. Stainless steel is not merely a household product, it is an important component in many defense systems. We need a strong specialty steel industry in the United States to remain a first-rate military power.

The fact of the matter is that without the specialty steel industry we cannot defend our Nation. And, just as importantly, if we go about legislating the demise of our own industrial infrastructure by gutting buy-American laws, there will not be much left to defend.

I have joined with Senator HEINZ many times in the past to save jobs and American industries by preserving our buy-American laws. I commend the Senator for his leadership and I am happy to be a cosponsor with him on this amendment. I urge all my colleagues to vote with us to support American jobs and guarantee American security.

Let there be no doubt about it, this country has done well over the years with this provision in. Now there is an effort to take it out for no logical reason that I can understand. I believe that if they believe as strongly as I do in the economy of this country, in the industrial growth of this country, in the need to have a strong steel industry, in the need to have a strong defense establishment, then we cannot afford to vote "no" on this amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Fifteen minutes twenty-six seconds.

Mr. GRAMM. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Let me read two paragraphs from the Wall Street Journal of April 5, 1988. Dateline, Washington:

> This year, for the first time since 1962, the Pentagon won't ship American anthracite coal to West Germany, where U.S. bases already own enough to last more than 4 years.
>
> Instead, the Pentagon will buy 300,000 tons of anthracite that it doesn't need and will spread it 20 feet high over 45 acres of land in Eastern Pennsylvania, a monument to Congress and to the coal lobby.

Mr. President, we maintain a collegiality here that is the heart of the Senate. But I do not have the ability to see how somebody can argue to do this and invoke the defense of America and American workers. How can it be in America's interest to buy coal that we do not need and this year mandate that we buy enough coal to spread 20 feet deep over 45 acres?

If our objective is to help people, let us not buy the coal and let us go out and give every coal miner $138,000 apiece this year.

This provision makes absolutely no sense. You can cloak it in national defense and pro-American rhetoric and the American flag, but it is simply a ripoff of the people who do the work and pay the taxes and pull the wagon and make this a great Nation. Forcing them to buy something that we do not need and cannot use because some special interest has power in Congress is fundamentally wrong and it ought to stop.

It is interesting to me that the same people who jump up and down about over-priced toilet seats and hammers and cathode ray tubes are willing to steal more from the taxpayer in 1 year on one provision than we have spent on hammers and cresent wrenches and toilet lids in the whole history of the Republic.

Why are we so conscious of wrong when it is a little wrong by some little crook but we are so callous when it is a big wrong by big and well-organized special interest groups? I urge my colleagues: do not force us to buy 300,000 tons of coal, spread it 20 feet deep over 45 acres when we do not need it, when we are not going to use it, to simply give money to a group that has political power.

We do not have the money to waste. We have a deficit. We have Ivan at the gate. We face the greatest defense constraint we have had in 8 years. Do not force us to waste this money, to take it from the taxpayer. It is not right, and I urge my colleagues to reject this amendment. I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. Mr. President, I yield 5 minutes to the distinguished Senator from West Virginia, Senator BYRD.

The PRESIDING OFFICER. The majority leader is recognized for 5 minutes.

Mr. BYRD. Mr. President, I strongly support this amendment offered by the Senator from Pennsylvania, and of which I am a cosponsor.

Mr. President, the bill now being considered by the Senate contains provisions that effectively repeal the buy America provisions that have existed for over 40 years. This is a policy that has been in existence and should continue in existence to ensure the supply of materials necessary for our national defense.

The committee provision on equitable policies on purchase of foreign defense products requires that the limitation on purchases of foreign-produced products, that have been covered by the law, will not apply if the United States can procure such products from a foreign producer at 10-percent less than the cost of procuring the item in the United States. This is an open ticket to allow foreign nations to dump and subsidize such products for sale to the U.S. Department of Defense.

When our own Nation does not subsidize production of specialty steel and textile products, how can we support allowing foreign subsidized products to be sold to our Defense Department? Not only are we undercutting our ability to domestically supply critical materials to our Nation's military, but we are also undercutting American jobs in the process.

The specialty steel and textile and apparel industries have been beset by a massive influx of imports, many of which have been subsidized by their own governments and dumped in the United States. Defense contracts have contributed to the continued existence of many firms in these industries. The specialty steel industry has also been found by this administration to have suffered from unfair trading practices by foreign suppliers and has been granted import relief under section 201 of the Trade Act.

Thus we are talking about industries that are under stress. Without the buy American provisions that the committee bill tries to strike, we cannot be assured that in a time of national emergency that we would be able to supply critically needed specialty metal items such as tools, textile items such as clothing, tents, and parachutes, and even food, to our military. We open ourselves to the mercy of foreign suppliers, who once the domestic capability to produce these items is gone, can gouge us for any price they want.

Mr. President, to sell our long-term national security down the river for possible short-term cost savings is not wise, nor prudent. I commend again the Senator from Pennsylvania for his amendment to restore these provisions to this legislation, and I strongly urge my colleagues to support this amendment, and I yield back to the Senator any time that I have not used.

Mr. BENTSEN. Mr. President, who is in control of the time?

The PRESIDING OFFICER. The Senator from Pennsylvania and the Senator from Georgia. But I believe he has yielded to the Senator from Texas in opposition.

Who yields time?

Mr. BENTSEN. Mr. President, I rise in support of the amendment of the Senator from Pennsylvania and ask 3 minutes.

Mr. HEINZ. I yield 3 minutes to the Senator from Texas.

Mr. BENTSEN. And I ask to be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I support the amendment. I really think what we are seeing in section 808 is equivalent to the unilateral disarmanment. The trade bill that we sent to the President provides the authority and the congressional encouragement to negotiate substantially broad agreements eliminating restrictive national purchasing laws. And I hope that that occurs. But I do not think it is wise for the United States to give up its longstanding limitations without receiving anything in return. That is a part of the trade. That is a part of the bargaining. That is the way we break down some of these kinds of limitations.

If we are going to deny several U.S. industries a market for which they have long been reliable suppliers, surely we should be opening up other markets to them in the process; doing it at the same time. But this section would deny our negotiators important leverage to reduce the barriers which other nations have erected.

Mr. President, I support the amendment.

The **PRESIDING OFFICER**. Who yields time?

Mr. **HEINZ**. Mr. President, I yield, not to exceed 3 minutes, to the Senator from South Carolina, Senator THURMOND.

The **PRESIDING OFFICER**. The Senator from South Carolina is recognized for 3 minutes.

Mr. **THURMOND**. Mr. President, I rise in support of this amendment. I am going to speak mainly on the textile aspect.

Whether in peacetime or war, it is impossible to properly equip and supply military personnel without textiles and apparel—from socks, uniforms, boots and blankets to numerous high-tech products.

The term mobilization itself implies that battle uniforms and critical field equipment ought to be made in America, because we cannot rely on imports landing on our shores in time of war.

Mr. President, we are far from being able to meet our defense clothing and textile needs today.

Most tents sold in America today are produced offshore. Fewer than 12 domestic companies produce tents for the military.

There are four manufacturers in the United States of critical protective clothing. Fifty such producers employing 500 workers each would be needed for mobilization.

There is serious doubt that Vietnam-era textile and apparel production levels could be matched today.

These and other shortfalls in our textile and apparel mobilization capacity have been brought on by an unchecked, year-in, year-out flow of imported goods into the American market.

Often, these foreign-produced textile products come from low wage, price-controlled, government-subsidized countries. Often, too, the products are transshipped through third countries, making it extremely difficult to trace origins.

Section 808, if enacted into law, would serve to close plant doors and increase unemployment for those firms that survive today solely on Government contract business.

Others, already severely hurt by the ongoing rise in imports, such as wool fabric manufacturers, would be further displaced by the amendment.

The preferred action is to maintain an adequate industrial base to meet defense needs by preserving American industries.

Ensuring that our soldiers are properly equipped is not a foreign issue—it is an American obligation.

Mr. President, in view of that information I am convinced that we ought to adopt this amendment. We just cannot rely on foreign imports in time of war. It is too late then. With submarines available in the seas, we may not be able to get these items. We have got to be self-sufficient and, therefore, I support the amendment of the Senator from Pennsylvania.

The **PRESIDING OFFICER**. Who yields time? The Senator from Texas.

Mr. **GRAMM**. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator from Texas has 11 minutes and 50 seconds.

Mr. **GRAMM**. Mr. President, I yield myself 6 minutes and 50 seconds.

The **PRESIDING OFFICER**. The Senator from Texas is recognized for 6 minutes and 50 seconds.

Mr. **GRAMM**. Mr. President, I hear my dear colleague talk about unilateral disarmament; getting nothing in return. I urge my colleagues to read what the Armed Services Committee amendment says.

The Armed Services Committee says that in order for us to buy any of these items from a foreign nation, two things have to be true: No. 1, that nation has to be willing, by lowering its own protectionism, to be less protectionist than we are. They have to be willing to open up their markets in procurement for more American goods than we are willing to open our markets for their goods.

Now, what is unilateral disarmament about that? What is getting nothing in return about that?

If Turkey wants to sell us this great ingredient of national security, stainless steel flatware, they have to be less protectionist in buying our beef, in buying our cotton, in buying our corn than we are in buying Turkish items for our military. So this is reciprocal trade; this is fair trade. But we are not just asking for fair trade. We are saying, in addition, that we cannot buy any of these items from them unless they sell it to our taxpayers for at least 10 percent less.

I ask my colleagues to remember: Heaven does not give us this money we are spending. We take it from the working men and women of America who are not sitting in a nice air-conditioned room today in Texas. They are out working and sweating in garages and in the fields and on factory floors, and we are so cavalier about their interests that we say: "Don't worry about buying cheaper. It is only money and money comes from Heaven. So if we didn't spend it, it probably would be lost anyway." I do not accept that.

In addition to them having to be less protectionist than we are, they still have to sell it for 10 percent less. Now what is unfair about that? Can anybody tell me anything unfair about that?

Mr. **HEINZ**. Will the Senator yield? I will be happy to tell the Senator.

Mr. **GRAMM**. I will when I finish.

Then we hear all this industrial base argument, but yet this excludes Canada. Are the submarines going to come up through the St. Lawrence Seaway and sink barges coming across Lake Erie? We already are preserving a military base up there from the War of 1812. If they do, we are prepared.

But are we going to lose the next war because of stainless steel flatware and yarns and cartridge cloth made out of spun silk yarn? I mean, let us be honest. This is absolute, outright special interest legislation, benefiting special interests at the expense of the working men and women of America. But that is not the worst part.

I want my colleagues to be aware, and I am going to say it for the third time because I do not want anybody to cast this vote without people knowing what they are voting on, that the amendment of the distinguished Senator from Pennsylvania strikes a provision that ends an outrageous policy that has been in effect since 1962. That policy is forcing us to buy coal that nobody wants, coal that is not being used and, if this amendment is adopted, we will be buying enough coal this year to pile it 20-feet deep over 45 acres of land in eastern Pennsylvania. What will we get from it? We will probably kill a lot of rabbits and squirrels. We will certainly kill a lot of grass and flora and fauna. I do not know where the environmentalists will be while we are doing this, and later when all this coal leaches. But I am not here to argue that today.

I am saying, at a time when we say we are under the Gramm-Rudman law, that fierce engine trying to control spending, at a time when we are debating whether we can keep Ivan back from the gate, do we really want to buy coal that nobody wants, for which nobody has use, to pile 20 feet high over 45 acres of land?

Do we really want to do that when we could take that money, not dig up the coal, and just give $138,000 to each coal miner? Does that make any sense whatsoever? Am I somehow misled on this issue? Is it just that I am so dull that I cannot see how it makes sense to take the taxpayers' money and dig up the coal and spread it 20 feet deep over 45 acres?

Mr. HEINZ. If the Senator will yield on that, I can help him.

Mr. GRAMM. I would like to be helped on that point.

Mr. HEINZ. Firstly, I do not believe everything I read in the newspapers.

Mr. GRAMM. Mr. President, I reclaim my time. If the best the Senator can do is say, "I don't believe everything I read in the newspaper," that is not answering and helping me out of this issue.

Mr. HEINZ. It would if the Senator will let me continue.

Mr. GRAMM. The Senator can use his own time, if I might say, Mr. President.

Mr. President, the American people have an opportunity to know what is going on in this country. This amendment takes their money and continues a policy of buying coal we are not using. It is outright theft of the taxpayers' money. It ought to stop, and I want to make it clear I am going to fight this amendment until someday people wake up to the fact that a terrible wrong is occurring in America. It ought not to happen. It is absolutely outrageous, and I intend to speak out against it until someday this kind of theft is stopped.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes and 15 seconds.

Mr. HEINZ. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. HEINZ. Mr. President, I have been listening to the comments of the Senator from Texas, and, under most circumstances, he makes a lot of sense. But I have to tell my colleagues that he would have a far stronger case than the one he appears to have made if he did four things differently.

First, he would have a stronger case if his facts were right.

Second, he would have a far stronger case if his arguments did not ignore the reality of world trade.

Third, he would have a cogent case if he talked about the real issue here, which is strategic materials instead of stainless steel flatware.

And, finally, he would have a terrific case if his amendment did what he thinks it did, whereas it does not.

Four minutes; it means I have to spend about 1 minute rebutting each of those points. What I can tell the Senator first, anthracite coal he refers to is low-sulfur, not high-sulfur. He ought to get that right.

Second, there is not a single source, other than a Wall Street Journal article, that can confirm that there is any such quantity of coal. There is not a single coal dump in Pennsylvania or anywhere in the United States, as he alludes to. It is not my fault if he just believes what is in the newspaper. I thought we all learned that lesson a long time ago.

But the fact is that there are no such tons of coal. I do not know what has happened to all the coal that has been bought since 1962, but it somehow has not piled up. Maybe somebody is using it because they need to. Maybe they think it is better to use American coal than to be dependent on Soviet natural gas coming through the pipeline.

As to world trade, I think the Senator from West Virginia has made it very clear that we are the victims of dumping and subsidies, and that the net result of this provision in the Armed Services Committee bill would be to leave our Defense Establishment and many workers and industries in our country defenseless. I will not belabor that further.

But I do say that if the Senator from Texas would confront the real issue, and we are not talking, as he would have us believe, about stainless steel flatware, but what we are talking about are materials that are absolutely critical—high speed steel that is used in jet engine bearings; tool steel for forging, extrusion, and machining; stainless steel for naval reactor valves, pumps and components; valve steel for reciprocating engine valves; high temperature alloys for jet engine blades and fasteners, airframe components, jet engine components; titanium for airframe fasteners; alloy bar for naval reactors and specialty grades—he would understand that we are talking about the heart of our national security.

It saddens me that the debate has not been on a higher level because that is what it is really all about.

Finally, Mr. President, the Senator from Texas has made a big point that his amendment somehow forces the other countries to open up their markets to us when, in fact, that is not either as he has described the amendment or as described on page 110 or 111 of the report. That is not what it does.

Mr. President, what this amendment does is it says that somebody has to find that the United States Buy America provisions here are going to be more restrictive than that which is being done by a country on all its products, not just defense products but all its products, nationwide. Our provision, of course, only applies to Armed Forces procurement. Under the Senator's amendment, if a country is not at least as restrictive as we are with respect to our strategic industries, they get a free ride; they are doing fine. That is to say, if Turkey does not have a Turkeywide buy national provision, 10 percent or more, they are less restrictive than the trigger and, therefore, we must buy whatever it is they want to sell us irrespective of the fact they, judged by any reasonable standard, might in the hypothetical be very restrictive.

Mr. President, I urge the adoption of our amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. Adams). The Senator from Texas.

Mr. GRAMM. Mr. President, I think our colleague from Pennsylvania is the only person who is unaware of the facts. First of all, on page 115 of the bill it is very clear that we can buy the items that are listed in this section only if, first, they are more than 10 percent cheaper than we can buy domestically and; second only if the country we buy them from does not impose limitations on procurement for the Armed Forces of that country that are more restrictive than our own restrictions.

So, Mr. President, first of all, this is a fair trade provision. It says that, for us to buy anything from a nation on this list, two things have to be true. First, it has to be more than 10 percent cheaper than we can buy it at home; second we cannot but it from a nation that does not open its market in procuring for its military at least as much as we do.

Our colleague from Pennsylvania is the only person who has never seen these coal dumps. They are all over Europe. They are along all the railroad tracks of West Germany.

Let me read from a letter from Frank Carlucci dated May 10, 1988:

> As a related matter, the Department of Defense is faced with purchasing 300,000 tons of anthracite coal we do not need in FY 1988, as directed by section 8113 of the FY 1988 Department of Defense Appropriations Act. I support the recent action of the Senate Armed Services Committee to repeal this requirement.

The amendment of the Senator from Pennsylvania will take that provision out and will force us to buy coal that is not needed and stack it 20 feet deep over 45 acres. It ought to be stopped. It ought to be rejected. I urge my colleagues to oppose this amendment.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Texas has 3 minutes remaining.

Mr. GRAMM. How much time does my distinguished colleague from Pennsylvania have?

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. GRAMM. Mr. President, let me sum up. I am down to 3 minutes. I will be brief. The provision that is in the Armed Services bill that was adopted by members of the Armed Services

Committee repeals restrictions on items such as spun silk, stainless steel, and canvas products. It says we can buy these items only if they are sold 10 percent cheaper by a nation that buys more of our products, or has a more open market to American products for its military than we do.

The amendment that has been offered not only strikes that provision but requires us to continue to buy 300,000 tons of coal the military does not want, coal that has been dumped all over Europe, coal that this year will be stacked 20 feet high over 45 acres in Pennsylvania.

This policy, which has been underway since 1962, needs to be stopped. If you care about waste, fraud and abuse, if you are outraged by cathode ray tubes and hammers and toilet seats where we are cheated, do not allow this great theft to continue.

Mr. President, I move to table this amendment.

Mr. HEINZ. Mr. President, will the Senator withhold for some unanimous-consent requests that I have?

Mr. GRAMM. I will be happy to yield 1 minute to the distinguished chairman of the committee.

Mr. NUNN. Mr. President, I think we can all count heads and we know where this one is heading in all likelihood. But this is a solid provision in our committee bill. We not only have a 10-percent differential, but we say, as the Senator from Texas has said, we cannot buy unless we are buying from a country that allows the purchase of American goods. So we are talking about promoting free trade in a reciprocally fair way. We are talking about America not being a patsy. We are saying that the country we buy from has to be a country that allows the purchase of American goods on a freer basis than we do with their goods. Now, that is about as fair a rule for the game as you can have. It saves an awful lot of money.

I also agree with the strong arguments that the Senator from Texas has made about coal. We have all sorts of problems in the military budget. We have all sorts of programs we are having to cut. Here we are buying a commodity that everybody knows we do not need and everybody in the military says we do not need. So it just does not make any sense. I hope that we would have a substantial vote on the position of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas has 4 seconds remaining.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Senator from West Virginia [Mr. Rockefeller] and the Senator from Kentucky [Mr. Ford] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that a list of specialty steel defense-related items be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Specialty Steel Defense Related Markets

High Speed Steel—Jet engine bearings M-50; tooling to fabricate aircraft parts, guns, ammo, etc.

Tool Steels—Forging, extrusion, machining and cutting of high strength steels, super alloys, and titanium.

Stainless Steel—Fuses 416, 416F; naval reactor valves, pumps, components 304, 316, 316L, 348, 410; jet engine components 403, 410, 302, 310, 310S, 321, 347; fasteners—bolts, nuts, screws, fittings, rivets 303Se, 304, 316, 316L, 416, 431; and naval shipyards—304, 316, 304L, 316L, 416, 410; aircraft structurals—301, maraging steels, aircraft heaters—309; bearings—440C.

Valve Steel—Reciprocating engine valves, various grades.

High Temperature Alloys—Jet engine fasteners—A286; airframe components AM355; naval reactor components—WF11, A286; jet engine components astroloy, Rene 95, WF-11, 16-25-6, Hastelloy A286, Greek ascoloy, Alloy 901, 16-25-6, Inconel 718; and gun barrels—CG-27.

Titanium Alloys—Airframe fasteners, airframe structures, jet engine blades and vanes, and jet engine and airframe fasteners; hydraulic tubing.

Alloy Bar—Naval reactors-special vacuum grades of 4340, 1026; Landing gear—vacuum melted grades such as 4340, 300M.

Mr. HEINZ. Mr. President, I ask unanimous consent that the relevant parts of the committee report, pages 110-111, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Export of United States Defense Products

The United States benefits from increased exports of its defense products through a favorable impact on the balance of trade as well as through reductions in unit costs of specific systems acquired by the Department of Defense. The Department of Defense has recommended that the marketing costs of such exports be treated as allowable. To ensure that there is an appropriate degree of monitoring and that such costs are consistent with the government's interests, section 807 would treat such costs as allowable to the extent provided for in advance agreements between the contractor and the Department of Defense. Such costs would be allowed only to the extent allocable, reasonable, and not otherwise unallowable under applicable laws and regulations.

EQUITABLE POLICIES ON PURCHASE OF FOREIGN DEFENSE PRODUCTS

For many years, the annual defense appropriations act has prohibited the Department of Defense from buying a variety of defense supplies from foreign manufacturers. Commonly known as the "Berry Amendment", this "Buy America" restriction currently applies, with certain exceptions, to food, specialty metals, hand or measuring tools, and textile fabrics and products.

Although such restrictions may sometimes be necessary, the committee believes that they should be undertaken in a limited and balanced fashion. It is especially important that the Defense Department be able to pursue opportunities to achieve savings in the purchase of supplies and to strengthen cooperation with allied countries.

The committee recommends that the authority of the Secretary of Defense to waive the restrictioins in section 8011 of the Fiscal Year 1988 Department of Defense Appropriations Act be expanded. In addition to the waiver authority that he may now exercise under section 8011, the Secretary would be able to waive the restrictions if two conditions are met: (1) the purchase of an article or item listed in section 8011 results in at least a 10 percent savings to the Department of Defense, and (2) the Secretary determines that the foreign country from which an article or item listed in section 8011 is bought does not impose limitations on the purchase of U.S. articles or items for its armed forces that are more restrictive than limitations imposed by the United States on purchases from that country for U.S. Armed Forces.

PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

The Procurement Technical Asssitance Cooperative Agreement Program provides financial assistance to organizations operating programs that assist firms seeking to enter the Department's supplier base, especially small firms. Under section 807 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, $7,000,000 is provided for this program out of the amounts appropriated for the defense agencies for fiscal year 1989. Last year, the Congress designated $500,000 of the 1988 amount for procurement technical assistance for Indian tribal organizations. Section 809 of this year's bill extends that provisions through fiscal year 1989.

Experience over the first three years of the program reflects that the majority of awards are being made to small business development centers based on state-wide educational institutions and to economic development organizations operated by States. Such State-wide programs have demonstrated the capability to provide effective coverage to the program's client base. To enhance the potential effectiveness of State-wide programs, section 809 increases the limitation on an award to an eligible entity from $150,000 to $300,000 if the technical assistance program is operated on a State-wide basis. Section 809 also gives the Procurement Technical Assistance Cooperative Agreement Programs the mission of providing assistance that facilitates the export of defense-related products and services.

REGULATORY SIMPLICATION AND STREAMLINING OF OVERSIGHT ACTIVITIES

A constant theme of witnesses before the committee has been the adverse effect on the efficiency of the acquisition system posed by the volume and complexity of acquisition laws and regulations and the duplication of oversight activities. The committee believes that the Department must place a greater priority on developing statutory and regulatory initiatives to eliminate procedures that add cost, rather than value to procurement process. The report required by section 810 is designed to encourage greater progress by the Department on these issues. In preparing this report, the committee expects the Under Secretary to obtain a broad range of views, including the views of the advisory panel established under section 811 of this bill.

The committee is concerned that the Department has not established criteria or procedures for a systematic evaluation of its regulatory simplification projects, such as the Pilot Contracting Program and the "could cost" system. To ensure proper and timely evaluation in the coming year, the bill requires DOD to make an assessment of these concepts and to establish a timetable for implementing regulatory reform measures.

Mr. SASSER. Mr. President, I rise in strong support of the amendment of the Senator from Pennsylvania.

The amendment will strike sections 808 and 916 of the bill. The provisions unwisely repeal two sections of current law. Our amendment would simply restore current law.

As reported to the Senate, the Department of Defense authorization bill would overturn a public policy of 40 years which recognizes the national interest of retaining a portion of Government contracts of our domestic industries. This is a serious matter of national security.

Military contracts are critical in maintaining our industrial base. We have kept that industrial base viable by ensuring that a significant percentage of these contracts stay here at home. Without that reserved portion, that percentage, we will become more and more dependent on foreign sources for our own military defense. And that, Mr. President, is simply unacceptable.

I do not believe the American people will tolerate a situation where we become more and more dependent for key military components upon countries which may not prove to be reliable allies—or maybe not even allies at all.

Take specialty steel, for example. This industry provides the specialized components needed for today's sophisticated weapons systems. It is a high tech and very competitive industry. In the past few years, the industry has adjusted and streamlined its operations to compete in the modern world marketplace. Yet, the industry still faces unfair trading practices from steel producing countries.

If the Gramm provision remains in the DOD authorization bill, it will give these foreign companies an unbeatable advantage in bidding on Government contracts and reward them for their unfair trading practices. That will undo the progress that has been made over the past few years in modernizing the specialty steel industry and will result in a decline in the industry itself—not because it is inefficient but because it is being outbid by companies with an unfair price advantage.

It is not only high-tech industries which will suffer from the workings of these provisions of the bill, however. Many companies in the textile and apparel industries rely on military uniform contracts. Yet it is clear that if the Gramm amendment remains in the bill, our textile industry will be unable to outbid countries whose textile and apparel industries pay sweatshop wages.

That will inevitably lead to a further decline in the industry's production capacity. In fact, the import penetration rate for textiles and apparel is already 52 percent. The industry is reaching a point where once factories are closed it will be extremely difficult to restart production and find enough trained workers to expand production.

Think of that, Mr. President. We are looking at a real prospect that we will not have the capacity to produce enough uniforms for our Armed Forces.

Those of us who represent States with a significant textile industry have seen the devastating impact that textile imports have already had on the communities in our States. Many such facilities are located in rural areas—areas which have few alternative employment opportunities. As I travel around Tennessee, I constantly see the effects of imports on our citizens. I talk to individuals who have lost their jobs in the communities where they have lived and worked for years. We should not add to the harm already being done to these communities.

Another industry that would be seriously affected by the Gramm language is the coal industry. Over the past few years, we have established a public policy of converting our domestic defense facilities to coal, where that is cost-effective. That current law also sets targets for coal purchases of 1.3 million tons of bituminous coal and 300 tons of anthracite coal.

Last year the Department of Defense bought 1.6 million tons of coal for domestic use. Those sales provided a needed boost to an industry which is critical to our defense base.

It is, however, an industry characterized by wide economic swings. Today, there is widespread recession in the industry. Large numbers of miners are unemployed. Our coal industry does not need to be cut any further. We must maintain a healthy coal industry for defense purposes.

The coal industry has also been crucial to the development of many communities in my State of Tennessee—particularly in east Tennessee. When the industry is facing hard times, as it is now, it can have a devastating impact on a community. A coal company is often by far the largest employer and taxpayer in an area. A portion of the 1.6 million tons of the coal DOD purchased last year came from Tennessee. For many companies and many communities that was the difference between good times and bad times.

Finally, there is one more factor here. It is now clear that the President, despite bipartisan urging to the contrary, is going to veto the trade bill. That is bad enough. But, with that in mind, now is not the time to send a signal to our trading partners that it is open season on the domestic industries of this country.

We simply must, in our own national interest, keep the means of military production in our own hands. So, I call on my colleagues to join us in passing this amendment.

Mr. SPECTER. Mr. President, I strongly support the pending amendment to the Department of Defense authorization bill, S. 2355. This amendment addresses an issue of fundamental fairness to American workers in textile and apparel, specialty steel, agriculture, coal mining, and other industries, who have lost their jobs due to subsidized foreign imports.

This amendment strikes section 808 of the Defense authorization bill which would waive the "Berry amendment" Buy America requirements if purchase of a foreign product results in at least a 10-percent savings to DOD and if the Secretary of Defense determines that the foreign country has less restrictive limitations on the purchase of U.S. products for its Armed Forces.

The Buy America requirement has been in effect for over 40 years, and ensures that U.S. fighting forces are equipped with U.S. produced, quality materials during peacetime as well as in the event of armed conflict. No modifications to this important statute must be made prior to a full hearing on the impact of any changes on the domestic defense industrial base and the quality of supplies used by U.S. Armed Forces.

The pending amendment also strikes section 916 of the Defense authorization bill which would repeal the requirement that the Department of Defense achieve a coal consumption target of at least 300,000 short tons of anthracite coal in fiscal year 1988.

If the oil embargo of 1973 taught the United States anything, it was that dependency on foreign suppliers for strategic commodities can engender economic and political vulnerability. As a member of the Senate Coal Caucus, I believe that we must maintain our Nation's energy independence through the use of coal and other domestic fuels for our energy needs.

By maintaining this minimum purchase level for low sulfur anthracite coal, Congress and the Department of Defense will ensure the continued economic viability of this industry. It will also ensure the availability of this domestic energy source in the event that future defense needs or energy supply disruptions require the purchase of anthracite coal.

I urge my colleagues to join me in support of this "Pro America" amendment.

Mr. LEVIN. Mr. President, this amendment would strike from the committee bill a provision concerning Department of Defense purchases of defense supplies. Under current law, a provision known as the "Berry amendment" prohibits the Defense Department from purchasing from abroad food, clothing, certain textile products, and some metals and tools which are produced abroad, except under very limited circumstances. The committee bill modifies the Berry amendment to allow the Secretary of Defense to make these purchases as long as two important conditions are met.

First, under the committee bill, the purchase of the foreign article must result in at least a 10-percent cost savings to the Department of Defense. Second, the Secretary of Defense must determine that the foreign country from which the article is purchased does not impose restrictions on the purchase of U.S. products for its military that are greater than the restrictions we impose on purchases of their products for our military. In other words, that foreign country must treat us no worse than we treat them in terms of military purchases. I was involved in getting this condition of reciprocal treatment included when the Armed Services Committee considered this provision. It is simple reciprocity—we will not buy their goods for our military if they don't allow us the same or better access to their military procurement programs.

Senator BENTSEN makes a valid point when he says that we need leverage if we hope to get other countries to remove their own buy national laws. The senior Senator from Texas urges us to retain the Berry amendment in its current form because it gives us leverage that we can use effectively in future trade negotiations.

However, the practical problem is that we have not used the Berry amendment up until now to get equal access to other country's military procurement, and I do not have any great hopes that we will do so under the current administration. The committee provision at least puts in place an incentive for foreign governments to give us reciprocal treatment—they cannot sell us the products covered by the Berry amendment unless we can sell our products to them on a similar or less restrictive basis. It is preferable to put in place now an incentive for reciprocal trade rather than relying on uncertain future negotiations.

But proponents of the Heinz amendment have not for the most part used the argument that the current DOD Buy America restrictions should be retained because they give us leverage in trade negotiations. Their primary argument has been that this Buy America provision helps industries vital to our national security to remain viable. Without a strong specialty steel industry or textile industry, they argue, we will become dangerously dependent on foreign sources to supply us with commodities essential to our military readiness. While I agree with the general principle that a strong industrial base is a crucial component of our national security, I cannot agree that the current law accomplishes this goal.

The list of products receiving protection under the Berry amendment is arbitrary and selective. Why are cotton and wool products vital to our national security, but not rubber, plastic, or glass products? Why do we seek to ensure a viable hand tool industry, but not a viable automobile industry? Among the other products not covered by the Buy America provision in current law are nuts, bolts, and screws, medical supplies, telecommunications equipment, printed materials, chemicals, paper and paper products, paint products, and lumber. These uncovered items are all major products produced in my State. Some of the covered products are also made in my State. My objection to the current system is that we have determined on an arbitrary basis that certain U.S. industries are more important to military readiness than others.

Many of the uncovered items are at least as vital to maintaining military readiness as the products covered under current law. Yet these uncovered commodities, produced by industries vital to the economy of my State and indeed to the Nation's economy, do not get the same preference in terms of purchases by the U.S. military.

The bill's language would help bring an end to that arbitrary system and help end discrimination so blatant against many of my State's products. Hopefully, it would force a nondiscriminatory resolution of this issue in conference if we leave it in until then. So, I will vote to table the Heinz amendment.

Mr. GRAMM. Mr. President, I move to table the pending amendment and ask for the yeas and the nays.

The PRESIDING OFFICER. The Senator from Texas has moved to table the amendment of the Senator from Pennsylvania. The yeas and nays have been requested.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to table the amendment of the Senator from Pennsylvania. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. HECHT] and the Senator from Nebraska [Mr. KARNES] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 132 Leg]

YEAS—32

Adams
Armstrong
Bingaman
Bond
Boschwitz
Bradley
Chiles
Cochran
Cranston
Dodd
Evans
Glenn
Graham
Gramm
Hatfield
Humphrey
Kassebaum
Leahy
Levin
McCain
McClure
Murkowski
Nickles
Nunn
Packwood
Proxmire
Quayle
Roth
Simpson
Symms
Wallop
Wirth

NAYS—64

Baucus
Bentsen
Boren
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gore
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson

NOT VOTING—4

Biden
Breaux
Hecht
Karnes

So the motion to lay on the table amendment No. 2027 was rejected.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 2027) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the agreement was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the order previously entered, the Senator from California——

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I see the Senator from California on the floor. I have not talked to the Senator from California, but I have talked to the Senator from New York and the Senator from Virginia. It is my understanding that the Senator from California would be willing to temporarily lay aside his amendment, and we could go to other business, without losing his present rights.

Mr. WILSON. That is right.

Mr. BYRD. Mr. President, the Senator from California does not have an amendment down, does he?

The PRESIDING OFFICER. He does not. He is entitled to recognition under the unanimous-consent agreement. No amendment has been laid down.

Mr. BYRD. His amendment is not down and, therefore, is not open to amendment at this point.

The PRESIDING OFFICER. That is correct.

Mr. PRYOR. Mr. President, the Senate is not in order, and we cannot hear the majority leader on this side.

The PRESIDING OFFICER. The point of order is well taken.

The Senate will be in order. Senators will take their seats or retire to the cloakroom.

Mr. BYRD. Mr. President, the managers of the bill, working with other Senators on both sides and with staffs, have put together a list, a very imposing list, of known amendments, with known offerers, which will have to be dealt with one way or the other—hopefully, not called up—before this bill can be voted on. The number of such amendments amounts to circa 100, give or take a little.

It is the desire of the managers and the joint leadership that we limit the number of amendments to this bill at some point, else it will go on, like Tennyson's brook, forever.

So, Mr. President, I am prepared to read a list of the amendments and the authors thereof, hoping that we can get unanimous consent that there be no further amendments. This would be with the understanding—and it would be part of the request—that amendments to the amendments would be in order, provided such amendments to the amendments are germane and relevant.

Let me also make it clear that we are not seeking at this point to get time agreements. So that if an amendment comes up, Senators who may want to filibuster the amendment certainly have their rights to do so. We are simply trying to put a limit on amendments, so that we have a full, clear picture of the maximum number of amendments and the subject matter thereof.

So if I may, I would like to begin, and the distinguished Republican leader is here. Before I begin enumerating the amendments, would the distinguished Republican leader like for me to yield?

Mr. DOLE. If the majority leader will yield, we looked at the amendments and it is an imposing list, as he suggests, but I agree and I think the distinguished manager on this side, Senator WARNER, agrees, we would like to have some limit on amendments. Maybe this would be a start. Hopefully not many of these will be offered. But we have looked over these various pages. I understand all the amendments we have now are more or less relevant to the DOD authorization bill.

Mr. NUNN. More or less.

Mr. DOLE. More or less.

So we are prepared to not object to anything at this point.

Mr. BYRD. Mr. President, I thank the leader from the other side.

The PRESIDING OFFICER. The Senate will be in order so that the list may be heard by all present and not present.

The majority leader.

Mr. BYRD. Mr. President, I should add that, as the distinguished chairman has pointed out repeatedly, if we do not get a limit on these amendments today, tomorrow there will be an additional 100. So let us proceed.

An amendment by Mr. ADAMS on the subject matter use of U.S. forces in the Persian Gulf.

ADAMS and EVANS, Hanford waste cleanup.

BREAUX, DDG-51 competition.

CHILES, study of excess military bases.

DIXON, sense of Senate on Polish human rights.

DIXON, ATARS.

DURENBERGER and BOSCHWITZ, alert status of ANG/Northern Tier.

GARN, add $5 million for low-profile antenna.

GRAMM, repeal section 715 standby Regis system.

GRAMM, President's certification on Saudi missiles.

GRASSLEY, limitation on contractors' legal expenses.

HARKIN, sense of Congress—ban on weapons in space.

HEINZ, buy American.

That one comes off the list.

HUMPHREY, medical care for grandchildren of military personnel.

HUMPHREY, abortion conscience clause.

KENNEDY, combat troops in Central America. That is off.

KENNEDY, Navy force structure at 14 carriers.

KENNEDY-GLENN, SIS project, delay/study.

KENNEDY-HATFIELD, restrict nuclear testing. That is already off.

KERRY-CHAFEE, ASAT test moratorium.

LAUTENBERG, increase for Earle, NJ dredging project.

Mr. DIXON. That is off.

Mr. BYRD. That is off.

LEVIN, reduce SDI transfer to conventional program.

MCCLURE, study report on Soviet ABM activities.

METZENBAUM, sale of F-15 aircraft to Saudi Arabia.

MURKOWSKI, sense of Senate—Philippine base negotiations.

NUNN, Third Infantry Division.

PRYOR, delete funding for the Bigeye.

SIMON, reduce MX rail/transfer to conventional programs.

SPECTER, transfer funds for Army computers.

STEVENS, modify section 807, export of U.S. defense products.

STEVENS, delete section 903, supplemental.

STEVENS, delete section 904, repeals permanent solution.

WALLOP, SDI mission assignment.

WALLOP, ALPS.

WARNER, empress/EMP testing in Chesapeake Bay.

WILSON, Lompoc. That is out.

WILSON-D'AMATO, drug interdiction.

WIRTH, incentives for energy savings.

BYRD, two amendments. I may not call either of them up.

LEAHY, arms control.

BUMPERS, arms control.

METZENBAUM, clean up and disposition.

NUNN-WARNER, drugs.

METZENBAUM, unidentified.

MURKOWSKI, possible use of military technology to guard against certain economic losses.

CRANSTON, nuclear proliferation.

BUMPERS, base closing.

DIXON, three amendments on Atar's, Poland, 155 millimeter base burn.

ADAMS, dealing with Everett home port.

MELCHER, Air National Guard.

WILSON, post-START posture report.

WILSON, drugs.

WILSON, ICBM.

HELMS, four unidentified.

MCCAIN, burden sharing.

D'AMATO, death penalty for drug-related homicides.

WARNER, GPS adjustment.

WARNER, Asat contingents.

WARNER, AFAPS/Lance follow on.

Mr. WARNER. Could one be changed to be announced?

Mr. BYRD. And WARNER, one amendment to be announced.

DOLE, START report.

DOLE, cruise missiles.

DOLE, TBD.

NICKLES, hospital funding.

NICKLES, Navy procurement.

BINGAMAN, undersecretary for acquisition.

GORE, depressed trajectory, SLBM's.

STEVENS, fixed price contracts.

ROTH, bids by Government employees/conflict of interest.

Hollings, unknown.

SHELBY, Army Reserve center.

NICKLES, Davis-Bacon.

HECHT, nuclear waste.

MCCLURE, unidentified.

WARNER, printing and binding services.

JOHNSTON, SDI.

JOHNSTON, DDG-51.

GRAHAM, international military education training amendment.

QUAYLE, Cruise missile.

QUAYLE, NATO report.

PRESSLER, base closures (foreign).

GRAMM, draft.

GRAMM, coal.

HARKIN, biodegradable plastics.

SPECTER, $22 million Pennsylvania program.

DECONCINI-D'AMATO, S. 2205, drug bill.

PACKWOOD, conscience clause.

KENNEDY, report on naval patrol aircraft.

COHEN, SALT II compliance.

COHEN, destroyers.

COHEN, chemical monitoring devices.

EVANS, Everett home port.

EVANS has four additional amendments on cleanup of defense wastes, Hanford, WA; Fort Lewis, WA elementary education center; aid to economic diversification at Hanford, WA; plan for disposition of nuclear weapons materials.

And THURMOND, National Guard.

DOMENICI, verification.

QUAYLE, proliferation.

And all is well with Senator BYRD's lungs.

And NUNN, technical amendment; technical amendment, Mr. NUNN.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. I have a request from Senator MCCLURE, two TBD's, to be determined.

Mr. BYRD. Very well.

Mr. DOLE. And MURKOWSKI, one TBD.

Mr. BYRD. Very well.

Mr. DOLE. To be determined.

Mr. METZENBAUM. Mr. President, reserving the right to object, I hope I do not have to have an unidentified amendment. I think the Senator from North Carolina has four unidentified amendments. I think the Senator from West Virginia has an unidentified amendment. I think the Senator from Kansas indicated he had two unidentified amendments.

I have no objection to entering into an agreement to limit the number of amendments, but when we agree to unidentified amendments, it seems to me we open the floor very wide for all sorts of problems, and I would just ask the majority leader whether or not—I am prepared to identify my amendment—I would hope he would do the same and Mr. HELMS would do the same and Mr. DOLE would do the same and any others.

I think we are entitled to know when we sign off that and I am aware of the fact there is no time limit, that each of these amendments leaves the floor open for extensive debate, but I think it would help all the way around if we could get everybody's amendments at least identified in some manner. I would ask that that be done.

Mr. BYRD. I have no problem in identifying my two amendments. I say I may not call them up.

But I also say that with every passing minute we can be sure we will get calls on the telephone to add to this list. Every Senator is fully protected on the list. Amendments in the second degree if relevant and germane may be offered. There is no time agreement being requested or desired or at least sought for at this point. I hope we can at least get an agreement on this list. Otherwise, we will have another 50 before the end of the day. It will take some time, I am sure, to get the identification of these amendments.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. NUNN. May I say to my friend from Ohio this is step No. 1. No. 2 is to try to get all the amendments identified, try to reduce as many as we can, and try to get time agreements on the others. Before we get any time agreements, I can assure we will do everything we can to get the amendment identified, at which time there can be objection interposed to any time agreement.

In the meantime, no one has forfeited any rights. Anybody can come over right now with an unidentified amendment. They can come over with 10 unidentified amendments, so nobody will lose any rights. But the committee and the Senate, I think, as an institution, is gaining a lot of time by at least saying that this is all we are going to deal with on this bill. I would ask the Senator to consider that very carefully.

Mr. BYRD. May I make this additional modification to my request: that we agree now to a limitation on all the amendments that have been identified and agreed, with respect to those that have not been identified, that the list will not grow beyond that, but at least leave those out there for the moment.

What I want is to give us a little time to find out what the identification of these other amendments are. Could we at least agree on the amendments that have been identified and say there will be no more amendments?

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes, I yield.

Mr. DOLE. I am afraid what might happen, if we do not agree to the "to be determined" amendments, there are going to be 100 more of those.

Mr. BYRD. Yes. But only by those authors.

The PRESIDING OFFICER. Senators will suspend a moment. The majority leader has the floor. The Chair has not heard a unanimous-consent request as yet. The list has been read and I am simply asking the Senators to suspend so the majority leader may place his unanimous-consent request and the Chair may hear it and other Members, or he can yield, of course to whoever he wishes. But I had not heard a request yet, so I do not know what to rule on.

The majority leader.

Mr. BYRD. Mr. President, one of my amendments is only offered for protection against a subject matter that may have a very serious impact on the State of West Virginia were it to be called up.

Mr. METZENBAUM. Does the majority leader think that it would be appropriate that, on the unidentified amendments, there be an agreement that they must be germane?

Mr. BYRD. They must be germane and relevant.

Mr. METZENBAUM. My amendment, I might say, is a Rockwell amendment. It could be so identified.

Mr. BYRD. Mr. President, I can identify my amendment. I only have one. I will not call up the second amendment. I only have one amendment and that is an amendment in defense of my own State in the event somebody calls up an acid rain amendment.

Mr. METZENBAUM. I have no objection.

Mr. BYRD. The other amendment is a death penalty amendment. I may not call it up. If other amendments are called up, I may or may not call that amendment up, but I will identify it.

Mr. METZENBAUM. Wait until I stop shaking at the knees, because I did not anticipate that would be the subject. We are not talking about death penalties having to do with military endeavors. We are talking about general death penalties.

Mr. BYRD. Death penalties for espionage.

Mr. METZENBAUM. I would say that would be a rather lengthy discussion.

Mr. BYRD. That is all right with me. I am simply identifying the amendment. I said I may or may not call it up. I think these guys ought to be shot, after they have had due process and have been found guilty of treason. That is the way I feel about it. I do not ask everyone else to agree with me.

Mr. LEVIN. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. LEVIN. I have an amendment that would modify the inertial confinement fusion process which should be on that list.

Mr. BYRD. Very well. That is on the list.

Mr. METZENBAUM. Do we have any further word as to the amendments of the Senator from North Carolina?

Mr. DOLE. If the majority leader will yield?

Mr. BYRD. Yes.

Mr. DOLE. I was going to suggest that maybe all the other "to be determined" amendments be germane and relevant. I understand we cannot get consent to that.

But I do think if the majority leader would go back to what he suggested a couple of minutes ago, to let us agree on those that have been identified and maybe those TBD's, to be determined, that we have until 4 or 5 o'clock, but no other amendments can be added except by those persons. And, instead of having just two, they cannot have five an hour from now.

Mr. BYRD. Yes; could we make it 4 o'clock?

Mr. DOLE. Fine.

Mr. BYRD. Four o'clock p.m.

And all Senators have the right to filibuster. I might find myself in such a predicament sometime.

The PRESIDING OFFICER. The Chair has not as yet heard the unanimous-consent request. If the majority leader would repeat it, then the Chair will rule on it.

Mr. BYRD. Mr. President, I ask unanimous consent that the enumerated amendments which I have read and which have been added to by various other Senators be the only amendments to this bill, with the understanding that amendments to those amendments must be relevant and germane, and with the further understanding that Senators who have the TBD amendments, to be determined, will have to identify those amendments before 4 o'clock or else they will be locked out.

Mr. QUAYLE. Reserving the right to object.

The PRESIDING OFFICER. The Chair wants to be certain—and the Chair will recognize the Senator from Indiana—the Chair wanted to be correct in that the unidentified amendments need be germane and relevant. I just did not hear that.

Mr. BYRD. Be identified by 4 p.m. or else they will not be eligible and that other than those amendments, no other amendments would be eligible; that they are to be identified by those parties who were named already.

The PRESIDING OFFICER. The Senator from Indiana reserved the right to object.

Mr. QUAYLE. Mr. President, I do reserve the right to object. Let me tell the majority leader my concern. I have two of the to be determined amendments. My present intention is not to offer those two amendments. It would depend on what would be adopted in the flow of action on the 100-some amendments that have been enumerated. So I could not by 4 o'clock identify what those to be determined amendments are because I do not know what is going to be adopted or what is going to be voted upon in this defense bill as we move forward.

So that is the predicament the Senator from Indiana is in as far as giving unanimous consent. If I have to come forward by 4 o'clock and identify my amendments, I cannot do that.

Mr. BYRD. The Senator states a circumstance in which we all are put. I am in the same position. I do not know what amendments may be adopted or may not be.

Mr. NUNN. Well, the managers of the bill are in that position, too. We have over 100 amendments, any one of which might necessarily precipitate that. But I would think the Senator from Indiana would have a general idea what his concern is and then he could identify that his amendment is an amendment if such and such amendment is passed.

Mr. QUAYLE. I suppose, if I am absolutely pushed—and I can consult with the managers of the bill—that I could put a very broad pronouncement of what my amendment would be, which would cover virtually anything within the Department of Defense authorization bill. I could do that.

Mr. NUNN. I do not think you will have any trouble with it as long as it is related to the defense authorization bill. I think what people are concerned about is amendments beyond the defense authorization bill.

The PRESIDING OFFICER. The Senator from Indiana has reserved the right to object.

Mr. QUAYLE. So, let me ask, under this unanimous consent you would have to identify, by 4 o'clock, what the amendment is going to be?

Mr. BYRD. Yes.

Mr. DOLE. In general terms.

Mr. BYRD. The Senator from Indiana, with the perspicacity and perspicuity he constantly demonstrates on the floor, I am sure will have no problem.

Mr. QUAYLE. I am almost so flattered I will sit down.

The PRESIDING OFFICER. Without objection——

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I do not want to object, but I need to have one more base covered here.

Mr. BYRD. Are you talking about a military base?

Mr. DOLE. You are probably right.

The PRESIDING OFFICER. The Chair will suspend.

Mr. DOLE. We have gotten the order for all the identified amendments; is that right?

Mr. BYRD. Mr. President, yes. Well, it has not been put yet.

Mr. DOLE. I do not want somebody coming in while I am waiting.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand Mr. SIMON wishes to proceed with some remarks. I ask unanimous consent that the Senator may be permitted to do so, notwithstanding the fact that a unanimous-consent request is pending before the Senate. I must leave the floor and I will leave the matter in the hands of Mr. NUNN. If I am needed, he can call me.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The Senator from Illinois.

Mr. SIMON. Mr. President, I do not know what I can do. I inquire of the Chair. I have an amendment. Shall I go ahead and speak on the amendment, and offer the amendment after we dispose of the unanimous-consent request?

The PRESIDING OFFICER. The Chair would state to the Senator from Illinois that that is not in order. There is one last amendment by the Senator from California which under the unanimous-consent order that Senator is entitled to recognition to offer—that Senator's amendment. The Senator from Illinois, under the unanimous-consent request, is recognized for whatever remarks the Senator from Illinois wishes to make. Then the Chair must proceed back to the order that has previously been stated and the Senator from California will be entitled to offer his amendment.

After that, the Senator from Illinois will be entitled to recognition because that is the last one under the unanimous-consent request.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thought I had earlier propounded a unanimous-consent agreement that the amendment of the Senator from California be temporarily laid aside and that other amendments could be presented to the Senate. I thought that unanimous-consent request had been consented to.

The PRESIDING OFFICER. That had not been assented to. What was assented to was the unanimous-consent request of the Senator from Georgia to proceed with other business which involved the presenting of what has just gone forth.

Mr. NUNN. Mr. President, having talked to the Senator from California and having discussed it with the Senator from New York and the Senator from Virginia, I would ask unanimous consent that the Wilson amendment be temporarily laid aside for the purpose of the Simon amendment being considered.

The **PRESIDING OFFICER.** Is there objection? The Chair hears no objection. It is so ordered and the Senator from Illinois is recognized.

AMENDMENT NO. 2028

(Purpose: To reduce the amount authorized to be appropriated for the ICBM rail-garrison program and to increase the amount authorized to be appropriated for Army procurement of Hellfire missiles by $70,000,000, for Navy procurement of aircraft electronic countermeasures by $30,000,000, for Army supply operations by $100,000,000, and for Air Force war reserve spare parts by $300,000,000)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. LEVIN, proposes an amendment numbered 2028.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 20, strike out "$2,541,800,000" and insert in lieu thereof "$2,611,800,000".

On page 3, line 5, strike out "$9,076,200,000" and insert in lieu thereof "$9,106,200,000".

On page 4, line 18, strike out "$16,256,100,000" and insert in lieu therof "$16,556,100,000".

On page 12, line 15, strike out "$14,721,709,000" and insert in lieu thereof "$14,221,709,000".

On page 16, line 7, strike out "$700,000,000" and insert in lieu thereof "$200,000,000".

On page 34, line 22, strike out "$22,142,400,000" and insert in lieu thereof "$22,242,400,000".

Mr. SIMON. Mr. President, I offer this amendment in behalf of Senator LEVIN and myself.

About 2 years before he retired as military commander of NATO, Gen. Bernard Rogers said:

> We are puting too many eggs in the nuclear basket. We ought to be building up our conventional resources so that we have a more flexible response.

General Rogers was absolutely correct. What this bill does is to take $700 million from the MX railroad garrison, put it down to $200 million, and reallocate that $500 million into needed conventional areas. And, frankly, I have relied on my colleague from Michigan, Senator LEVIN, in determining where those $500 million ought to be allocated.

I am not new to this whole question of the MX railroad missile. The Presiding Officer may recall back when I was a Member of the House, I had the amendment to get rid of that old railroad MX missile, a monster that would not have worked militarily, would have been a huge drain on our economic resources; and, fortunately, that finally died. That dog would have been very, very costly, and I am pleased this administration helped to kill that proposal.

But like a cat with nine lives, all of a sudden it reappears. This particular proposal, I think, will never, ever ultimately see the light of day in terms of construction, and it should not. I would simply point out that the House in their debate on this reduced the amount, not to $200 million as I am proposing, but to $100 million by a count of 233 to 171.

There are all kinds of things wrong with this. In fact, the distinguished chairman of the committee on the floor of the Senate pointed out one of the key vulnerabilities of this. It takes 4 to 5 hours to pull this thing out of the garrison. Now, it is nice if the Soviets attack us and they send us a telegram saying: "In 4 to 5 hours, we are going to attack you." I think it is unlikely they are going to send us that kind of a message.

UNANIMOUS CONSENT AGREEMENT

Mr. NUNN. Will the Senator yield?

Mr. SIMON. I will be pleased to yield to my colleague.

Mr. NUNN. The Republican leader is on the floor. It is my understanding, and the Chair can advise the Senator from Georgia, that the unanimous-consent request is pending?

The **PRESIDING OFFICER.** That unanimous-consent request is pending. The Senator from Georgia is correct. It was suspended until the Senator from Kansas could determine that the provisions of the request were not objected to.

Mr. NUNN. I ask the Chair to restate the unanimous-consent request.

The **PRESIDING OFFICER.** If the Senator will suspend a moment.

Mr. NUNN. I withdraw that and——

The **PRESIDING OFFICER.** The unanimous-consent request is that the number of amendments shall be limited to those that have been read by the majority leader. That certain ones were not identified, but that those amendments must be relevant and germane to the bill. That amendments in the second degree were allowed but they had to be relevant and germane, but the time of identification was until 4 o'clock.

All of the amendments had been identified except a limited number. The Senator from Indiana raised an objection, and it was indicated that he would have the opportunity to identify in a very broad degree the amendments.

The Senator from Kansas wanted a period of time to obtain the additional information that identification was possible. I think I have identified the unanimous-consent request.

Mr. DOLE. Parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator from Kansas.

Mr. DOLE. As I understand it, the amendments that are identified and those that are unidentified do not have to be relevant or germane; it is only second-degree amendments to those amendments.

The **PRESIDING OFFICER.** The Chair stands corrected. The Senator is correct.

Mr. NUNN. May I ask the Chair, when you say relevant and germane, at that stage second-degree amendments applied to that amendment, not to the bill?

The **PRESIDING OFFICER.** The second-degree amendment would have to be relevant and germane to the first-degree amendment to which it is proposed.

Mr. LEVIN. Reserving the right to object.

The **PRESIDING OFFICER.** The Senators will suspend a moment. The Senator from Georgia has repropounded the unanimous-consent request. The Chair has stated it.

Mr. DOLE. I withdraw my reservation.

The **PRESIDING OFFICER.** The Senator from Kansas withdraws his reservation. The Senator from Michigan has a reservation?

Mr. LEVIN. Reserving the right to object, I am trying to get a message to the majority leader. I have a problem with the unanimous-consent proposal which restricts amendments to nongermane, unknown amendments to be germane and relevant.

If I could just state my reservation completely, if we are going to have an unknown amendment that does not have to be germane or relevant, I have problems in restricting amendments to such amendments to germane or relevant amendments. I am trying to get that message to the majority leader. That is the nature of my reservation.

Mr. DOLE. If the Senator will yield, I think it has been assumed they have to be DOD related or defense or foreign policy related.

Mr. LEVIN. If that is part of the unanimous-consent request, that would be helpful, but it was not stated that way.

The **PRESIDING OFFICER.** In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I would make the following addendum or modification with respect to the request. Videlicet, that those amendments which are unidentified must be relevant to defense or foreign policy to qualify.

Mr. DOLE. And that any second-degree amendments to those amendments would be relevant.

Mr. BYRD. Yes. Second-degree amendments to any one of those amendments be likewise relevant to the first-degree amendment.

Mr. LEVIN. I thank the leader.

The PRESIDING OFFICER. The Chair has heard the unanimous-consent request and that includes that the amendment must be identified by 4 o'clock.

Mr. BYRD. Mr. President, if we wait much longer we will have 100 more amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Illinois.

Mr. SIMON. Mr. President, we seem to get more done while I have the floor than at any other time.

As I indicated, this amendment would reduce the amount for the MX railroad garrison from $700 million to $200 million. That is still $100 million more than the House put in. I would point out that in fiscal year 1988 Congress gave the MX railroad garrison $350 million. As of the end of February, only $49 million had been obligated, or about 14 percent, and only $1.4 million, or one-half of 1 percent, had actually been spent.

Now, that is far below any other R&D program of which I am aware, so there is still plenty of money there—in my opinion far too much money. If I thought it would carry, frankly, I would get the $700 million down to zero and I would do away with whatever money is over there right now. But I think this is a practical answer, and I hope it is something that those who favor the MX railroad garrison proposal will find acceptable.

Let me just read a few quotes on this. Air Force Gen. John Toomay, who is a member of the Air Force Scientific Board, has written:

> There is an unassailable logic about systems that are useful only if strategic warning works. They are useless if it does not work. * * * The Soviets are thereby strongly motivated to work out schemes for denying us strategic warning and, particularly, for cheaply incapacitating any systems that require it to be effective.

That is precisely what we are talking about here.

Gen. Brent Scowcroft, John Deutch, and Jim Woolsey wrote:

> * * * history has shown that when a nation designs its key military forces so that they will survive *only* when strategic warning is perceived and acted upon, it risks tempting an enemy to exploit the vulnerability at some point and attack.

Of course, that is precisely what this MX railroad garrison thing does.

I cannot believe we are going to go ahead with a system that says we can get this missile out of the ground if you give us 4, 5, or 6 hours of warning, and yet that is precisely what this present system does.

Our colleague, the chairman of the committee, during floor debate on the continuing resolution in December said:

> Proponents of the rail-mobile MX concede that the system would need at least 6 hours' warning to get out of garrison and disperse throughout our rail network. That means the system is dependent on strategic warning and is admittedly vulnerable to a surprise "bolt out of the blue" attack. * * * When I hear the argument that a "bolt out of the blue" attack is not possible, I cannot help but think that sometime in 1941 there must have been an admiral somewhere who said: "Yes, it is true that most of our battleships are lined up in Pearl Harbor, but, by golly, we can disperse them out to sea within 6 hours."

Senator SAM NUNN was absolutely correct. Soviet missiles can reach any one of these sites in 15 minutes from their submarines. Why would they send us a 4-, 5-, or 6-hours notice?

Our colleague, Senator WILLIAM COHEN, in the defense authorization bill in additional views had this to say:

> The rail-garrison concept, since it would be vulnerable to the Soviet SLBM threat, as our strategic airbreathing force is, fails the critical test applied by the Scowcroft Commission in narrowing the "window of vulnerability." Ironically, in this respect, rail-garrison is a less attractive basing mode than silos * * *.

Our colleague from Maine is absolutely correct.

In unclassified form, we list—and we have sent it around to all the Members of the Senate—the 11 sites under consideration, I assume trying to pick up votes from Senators around here. Only seven are going to be used; 11 and 7 are supposed to be lucky numbers. Let me tell you they are unlucky numbers for the defense and economy of this country. But where these garrisons are going to be is not a secret. If the Soviets at some point want to attack this country, they can pinpoint those spots and hit us.

It just does not make sense. It is going to cost more than Midgetman. The chairman of the House Armed Services Committee, Congressman ASPIN, has received an estimate now of $36.5 billion. It clearly is more vulnerable. It violates the agreement that was entered into, and if there was a national necessity for violating that agreement we ought to do it, with the capping at 50. And we are doing it when other programs are underfunded. I just do not think that it makes sense to go ahead.

We also concentrate our warheads relative to Midgetman, for example, which I happen to support. If we would go ahead on START, that would mean, if ultimately we put all 100 MX missiles in these rail garrisons, two-thirds of our warheads would be in this very vulnerable mode. I cannot believe that either from a military point of view or any other point of view we would want to be considering that.

My former colleague in the House, Congressman DICKS, in debate on this had this to say:

> The single warhead, small ICBM restores survivability to the land-based leg because it is highly mobile and with only one warhead it is not an inviting target. MX rail mobile is slow, vulnerable, and with 10 warheads a highly lucrative target.

Congressman AUCOIN from Oregon says:

> We have to talk cost-effectiveness in terms of value. A low-cost missile that does not produce value or survivability produces nothing but a Soviet target rather than a credible deterrent and is no bargain at all.

Well, my friends, it just seems it is fairly obvious we ought to be moving away from this.

Henry Kissinger, in the Washington Post a couple of weeks ago, wrote:

> The wisest course would be to develop a new single warhead missile to combine the advantages for a discriminating target and dispersal for survivability. It could be placed into a silo or preferably made mobile or both.

That is precisely the opposite of where we are headed.

In terms of where we reallocate the $500 million, there are $300 million for Air Force war reserve spare parts, $100 million for Army supply operations, $70 million for 2,000 Hellfire missiles, antitank weapons, and $30 million for Navy aircraft electronic countermeasures equipment.

And frankly, as I indicated earlier, I relied heavily on my colleague from Michigan, Senator LEVIN, in determining where they ought to be allocated.

I think this amendment makes sense, and I hope my colleagues in the Senate will adopt this amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me commend my friend from Illinois for bringing this amendment to the Senate. It is an important and significant amendment. I also want to thank the manager, the acting manager and chairman of the Strategic Forces Subcommittee, Senator EXON, who is on the floor now for all the courtesies he has extended over this debate although he does not agree with this amendment.

I know, as always, he has extended courtesies to those of us who might disagree with him on it.

I support the Simon amendment to transfer $500 million of the $700 million in the bill for the R&D on the MX rail garrison basing mode to certain conventional programs. This amendment directly addresses a major problem we have in our security policy: overemphasis on strategic nuclear forces at the expense of our—and this is critical because these dollars come from somewhere—conventional military capability. It does so without foreclosing the options of the next President regarding ICBM modernization, should the President think it necessary.

Mr. President, we simply must shift our funding emphasis from redundant strategic nuclear programs to our conventional forces. We must do so because our defense spending priorities should be set relative to the severity of the threats that we face and the likelihood that those threats will be transformed into actual challenges to the security interests of the United States.

Under the leadership of Chairman NUNN, the Armed Services Committee has dug deeply into our national security strategy in the military balance. Our findings, it seems to me, are very clear. At least the conclusions strike me as clear. It is our conventional forces that are lacking relative to the threats that we face. That is the heart of the Simon amendment. It is the conventional forces that are lacking relative to the threats that we face.

The question we must ask ourselves is why. Why should we continue to spend billions and billions more defense dollars on additional strategic nuclear systems like the rail garrison MX when our strategic forces are already sufficiently redundant? Why are we placing such a high priority on these strategic programs while we leave shortfalls, real honest to goodness shortfalls, in our conventional military capability?

Do any of us really believe that a sane person would initiate a war with a nuclear strike, thus guaranteeing a mutually suicidal nuclear exchange?

The threat of nuclear war is indeed all too real. But it is posed primarily by the possibility that a conventional military conflict will escalate out of control and result in a nuclear exchange. If our conventional forces are deficient, a conventional conflict is far more likely to escalate to the use of nuclear weapons. That is in fact our strategy of flexible response. Thus, improving our conventional deterrent is perhaps the single best way to make nuclear war less likely. If that is so, shouldn't we be placing a higher budget priority on conventional forces, as the Simon amendment proposes?

There are three basic reasons to support the Simon amendment:

First, our strategic nuclear deterrent is strong beyond question, and this bill provides more than adequate funding for other strategic programs such as Trident, Stealth, and cruise missiles, to ensure that it stays that way.

Second, it is essential that we improve our conventional forces, and this budget leaves important conventional programs underfunded unnecessarily.

Third, the overall budget constraints we face dictate that we must fund the needed improvement of our conventional forces by making prudent, sensible cuts in certain strategic weapons programs.

Let me address the status of our strategic nuclear deterrent and how the MX rail garrison system is supposed to improve it.

The United States today deploys over 12,000 strategic nuclear warheads. According to data from the Congressional Budget Office, almost 3,700 of those warheads would survive a Soviet surprise or "bolt from the blue" attack and strike the Soviet Union, while roughly 8,200 warheads would survive an attack on us after we had alerted our strategic forces.

Those figures are important. If we were hit without having time to alert our own forces, we would still have 3,700 survivable nuclear warheads to wipe out the Soviet Union or any part thereof. If we had time to alert our forces, we would have approximately 8,200 warheads that would survive an attack again after we had generated those forces.

In arguing for the MX rail garrison basing system the Air Force has repeatedly stated that the vulnerability of that system to a "bolt from the blue" attack is not a serious concern. Remember that the Air Force argued against Midgetman. In arguing against Midgetman, they said a bolt out of the blue against us is an irrational attack. It would be absolutley irrational, we were told, for us to be hit suddenly out of the blue. Why? It is obvious why it is irrational. If we were hit out of the blue without any warning, the Soviet Union would then be subject to retaliatory attack by 3,700 strategic nuclear warheads, more than enough, many times, to terminate the existence of life in the Soviet Union.

I agree with the Air Force analysis so far because given the power of our retaliatiory forces, even a surprise attack "out of the blue" would be suicidal, and thus irrational.

Now, if an attack on us which results in the Soviets being hit with 3,700 American warheads is irrational, how can an attack on us which results in the Soviets being hit with 8,200 American warheads be rational?

Mr. President, if the Air Force does not see a need to improve the survivability of our land-based missiles against a surprise attack because such an attack would be irrational, why do they see a need to improve our ICBM survivability against an attack that would be more than twice as irrational? More than twice because there would be 8,200 warheads to hit the Soviet Union instead of the 3,700 warheads which would survive a surprise attack.

In my view the answer is that the Air Force wants another 50 MX missiles, and by law the only way they can get them is to come up with yet another basing mode to put them in.

Regardless of why the Air Force has selected the rail garrison basing mode, we in Congress have to assess it relative to other priorities in the defense budget. The question we must ask is, how much would the MX in rail garrison contribute to our security compared to other defense programs. In my view the answer is clear. Not much.

Unless we adopted a launch on warning policy, the MX in rail garrison would contribute virtually no survivable warheads to our arsenal in the case of a surprise, "bolt from the blue" attack. In fact, as Senator SIMON pointed out, the MX in rail garrison is less survivable than our existing Minuteman and MX missiles in silos.

What would MX rail garrison contribute to our survivable warheads after a generated alert, after the President made the decision to roll MX missile trains onto the national rail network in the heat of a crisis? Again, not much.

Based on data from the Congressional Budget Office, 50 MX on rails would increase our deliverable surviving warheads by about 6 percent, at an estimated cost of $9 billion.

What does this all mean? The bottom line is that MX, a rail garrison, enhances the portion of our strategic deterrent that is the most robust. It does so only marginally, 6 percent, and at considerable cost.

So the question we must answer is, do we think it is worth $9 billion to take those existing 50 MX out of silos and put them on railroad cars to increase our deliverable surviving warheads, after a generated alert, from 8,200 warheads to 8,700 warheads? Do we really believe that if an 8,200 retaliatory warhead response will not deter a Soviet attack, 8,700 warheads will?

This amendment simply puts our defense dollars where we need them—in conventional—and reduces them from where we do not need them, which is a strategic redundancy in this budget.

As I noted earlier, the Armed Services Committee heard hours of testimony on our defense posture. We repeatedly heard that, relative to the threats we face, it is our conventional forces that need improvement, not our strategic forces.

Let me cite a few examples from that testimony before the Senate.

We asked the Chiefs of Staff: "Do you view the trends getting better or worsening vis-a-vis our capabilities versus those of our adversaries?"

General Welch, the Air Force Chief of Staff replied:

> Sir, I think on a strategic nuclear level that the strategic modernization program is stable * * * the biggest concern is over conventional.

Admiral Baggett, CINC Atlantic Command told the Committee:

> My top overall priority is the preservation of the gains we have made in readiness * * * There are indications that readiness within the Atlantic Command, however, has leveled off, and the positive trends of the past eight years may likely be reversed.

We asked the Secretary of the Air Force:

> How much of the cuts were taken out of strategic forces in general and strategic forces investment accounts, in particular?

Air Force Secretary Aldridge told us:

> I think a fairly small amount came out of the strategic forces for the Air Force.

In that same hearing Secretary Aldridge told us that:

> We are not meeting the JCS requirements for 66 tactical fighter wings. We are not meeting all the requirements we would like to have for the Special Operations Forces. We are well short on airlift. We are well short on the Army's requirement for close air support. All across the board we are short in what our requirements ought to be.

Mr. President, that kind of testimony went on and on, as the Presiding Officer (Mr. WIRTH) knows, because he is an active member of this committee and attended these hearings. That testimony went on and on before our committee.

We are underfunding conventional forces while we are allocating $700 million to design a rail car for the MX, which is a down payment on a $9 billion investment. We are trying to move 50 MX missiles from silos onto rail cars, at a time when we already have 8,200 nuclear weapons which would survive an attack after our forces were generated. The rail car would only add to these 8,200 nuclear weapons if our forces were generated because it only survives if our forces are generated.

The Simon amendment seeks to redress that imbalance, those misguided defense spending priorities we have identified, by transferring $500 million from the MX rail garrison program to conventional military needs. What are some of those needs? What are we asking the Senate, in the Simon amendment, to fund instead of the MX garrison research to the extent of $700 million?

I emphasize that Senator SIMON's amendment leaves money in that account, so that the next President could, if he wanted to, move to an MX rail garrison. It does not wipe out the total amount. It reduces it to $200 million.

What would the Simon amendment add on the conventional side? This is a very important part of the equation. We in the Senate must look at priorities. It would add $300 million to the Air Force war reserve account for spare parts. Why? Well, General Hansen, the commander of the Air Force Logistics Command, told us the following:

> Last year Congress cut the nearly $600 million from the Air Force spares program and deleted all the war time readiness spares that we had at that time * * * it will be virtually impossible for me to recover from the backlogs until about 1994.

He said that the fiscal year 1989 budget request, which is approved in the bill before us, provides only enough Air Force spare parts money to conduct peacetime operations. Peacetime operations is what we are funding, not spare parts in case of war.

General Crist, the commander of our central command, which includes the Persian Gulf, told the committee: "Overall sustainability remains a problem. The problem is rooted principally in * * * dollars for Air Force F-15 and F-16 War Reserve Spares Kits * * *" among other items.

The Simon amendment would add $300 million to the Air Force spare parts budget to help correct that.

The Simon amendment would also add $70 million for 2,000 additional Hellfire missiles for the Army. The Hellfire was cited in our armor-antiarmor hearing as one of the few U.S. antitank weapons that will destroy any Soviet tank in the field. The bill before us includes funds for work on a ground launched version of the Hellfire missile, but provides no more funds for Hellfire missile procurement than we did last year. It is essential that we have enough of this system to sustain our forces in combat. Today we do not. The Simon amendment would help us get there.

The Simon amendment would also provide an additional $30 million for Navy aircraft electronic countermeasures equipment. The Navy needs this equipment, and is not procuring it fast enough. I have heard reports that some of our Atlantic fleet pilots have spent their own money to buy commercial highway radar detectors to give them some protection, some warning, that an enemy radar was tracking them, because they hadn't yet received their military radar detectors. The Simon amendment would buy this equipment that is vital to the survival of our Navy carrier pilots sooner.

Finally, the Simon amendment adds $100 million to the Army supply operations account. The fiscal year 1989 request for this account was 18 percent below the fiscal year 1987 estimate in real terms. Shortfalls in supply operations will have negative effects on the Army's ability to perform depot level maintenance of our modern combat equipment. This is precisely the kind of dull, nitty-gritty infrastructure funding that makes combat sustainability and effectiveness possible.

The bottom line of this amendment is this: Do we want to provide $500 million for real, tangible, identified—verified by our full committee, may I say—national security purposes? Each of the items that would be funded in this amendment has been approved as needed by our subcommittee. We could not fund them, but our subcommittees and full committee approved each of the items in this amendment as being needed; and we stated that if we had any additional funds, these would be among the items we would fund. Our committee has identified these items and some others as being needed—conventional items.

So the question is, Do we want to spend $500 million on those? Are we serious when we talk about improving our conventional capability, trying to raise the nuclear threshold? Are we truly serious about that? Or do we want to spend this $500 million as a down payment to learn how to put MX missiles on rail cars and thereby, at best, increase our retaliatory response by 6 percent, by 500 warheads, so that we would have 8,700 warheads instead of 8,200 warheads when we need far less than that to deter an attack by the Soviet Union.

That is the kind of issue which we face with this amendment and that is the issue which I think we are here to face. It is the priorities we are here to determine and these conventional needs that are set forth in the Simon amendment are real ones. I hope we fund them and fund them in a sensible way by removing some of the unneeded redundancy in this budget.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I intend to make some remarks on this subject and I am advised by the Senator from Virginia that he would like to make some remarks all in opposition. Then at the appropriate time—and I hope not too long into the future—I intend to move to table the amendment.

I have been listening with great interest to the remarks by the Senator from Illinois and the Senator from Michigan. I know that they were very, very well-intended. I was amazed, somewhat, Mr. President, at the statement read into the RECORD by the Senator from Illinois that it would be cheaper to fund the Midgetman or small ICBM than to deploy the MX rail garrison. And he cited some House figures on that.

Those are the first figures like that I have ever seen, and I have official documents that I will introduce in just a few moments and have read into the RECORD and printed in the RECORD from the highest military official in this land that disputes that. It may well be that the House of Representatives in their usual creative bookkeeping procedure have decided that rather than 500 Midgetmen missiles they will take that down to 250 and therefore it would be cheaper or maybe you could take it down to 100 or maybe you could take it down to 10, you know, just 10 small ICBM's and naturally the cost would be considerably less than if you built 500.

I am going to suggest somewhat facetiously but somewhat on point what we should do is zero out the ICBM altogether. Then it would not cost us anything. That is one way to follow up on that kind of logic.

Now if we would adopt the amendment offered by the Senator from Illinois and the Senator from Michigan, we would cut to a total of $250 million, $250 million in toto, for both the small ICBM and the rail garrison MX and we would also cut any chance of any modernization whatsoever of our strategic systems which are basically built today around the Minuteman II's and Minuteman III's that for the most part are over 20 years old at a time when the Soviet Union is going through accelerated modernization.

I cannot believe that the U.S. Senate will make that much of a cut in a program that already under the leadership of this chairman of the Strategic Subcommittee voluntarily cut $700 million out of the figure recommended by the administration. Most of it went to the subcommittee under the chairmanship of the Senator from Michigan. He happens to chair a very, very important subcommittee and all of the items that he suggests that we spend this money on if we make this saving are very worthy items and I wish the money were there to fund them. That is why the Strategic Subcommittee that I chair was the only subcommittee, and the chairman knows full well because he is a very valuable member of the Armed Services Committee, it was the only subcommittee that came up with any savings on anything, and here we have the same people bringing forth the same things that were voted down overwhelmingly in the Armed Services Committee to the floor of the U.S. Senate and I cannot argue with where they want to spend the money and if the money were available I would be for it also.

I would just say to my colleagues that I cannot believe that we would want to eliminate as far as the U.S. Senate figures are concerned, going into conference with the House of Representatives. I cannot imagine that we would want to go down to a total of only $250 million for rail garrison MX, for small ICBM's and any modernization of our strategic services. Such a procedure would be astonishing in my view, Mr. President, would be totally irresponsible and one of the most irresponsible things that the U.S. Senate has ever done.

Let me go back to some of the costs of these various programs and the record will clearly show that this Senator in opening remarks when this bill was brought to the floor indicated that there would be an ensuing battle with regard to the rail garrison MX and/or the small ICBM, and I went into considerable discussion of that and will not repeat that today.

I would simply ask unanimous consent to print in the RECORD following my remarks, Mr. President, a letter dated May 11, 1988, from the Secretary of Defense, and April 21, 1988, from the Chief of Staff of the Air Force, that I think most would agree would make all but undetectable the arguments that have been made with regard to the cost of these various programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

MR. EXON. At this time, Mr. President, I would like to quote two paragraphs from the letter from the Department of the Air Force signed by Mr. Larry Welch, Chief of Staff:

> The Rail Garrison program outlined in the FY 1989 amended President's Budget remains the most effective path to a modernized ICBM force—both from a cost and operational standpoint. This program provides a low cost, near 100 percent peacetime alert mode with the capability for rapid transition to a highly survivable Rail Mobile configuration when needed. There is no need to pay the cost of dispersal from garrision in normal times considering the other strategic forces available day to day. These and other thoughts are expanded upon in an attached paper.

The next paragraph of that letter:

> While Rail Garrision is my choice for a survivable ICMB basing mode. I appreciate the views of those who favor the Small ICBM. There is no doubt the unique attributes of the Small ICBM would contribute to strategic deterrence. However, the relatively high cost of the program makes it less attractive in the present budget environment. It would cost approximately $38 billion to acquire and operate a SICBM force carrying 500 warheads. The comparative cost to acquire and operate a 500 warhead capability with Peacekeeper Rail Garrision is less than $13 billion.

Now, once again this is the Chief of Staff of the Air Force and he has told me this in private conversation. He has told this in the meetings that we have held in the Strategic Subcommittee both closed and opened and the figures from the Chief of Staff of the Air Force are $38 billion for the cost of 500 small ICBM and $13 billion for the Peacekeeper rail garrison, $38 billion to $13 billion in times of budget contraints. I would hope that we should pay attention to those figures.

Mr. President, I would like to quote now from two paragraphs of a letter from the Secretary of Defense, Mr. Frank Carlucci, whom I think we all have a great deal of respect for, especially the job that the Secretary has done since he came into office inheriting a defense posture that was backrupt as far as the available resources to meet those needs. It was Frank Carlucci who ordered a cut in all of the services, a cut that amounted to a considerable amount of money that I think we all recognize and thank him for because he faces reality.

Here is what the Secretary of Defense had to say about this:

> I am concerned our agreement on ICBM Moderization may be unraveling as the Congress continues its deliberations on the FY 89 budget request. As you recall, I agreed to add $200 million to the FY 89 request to keep the Small ICBM option open for the next Administration.
>
> The Senate is about to begin debate on funding levels of $700 million for Rail Garrision and $50 million for the Small ICBM. I can accept these levels for both programs. However, given the House mark of $100 million for Rail and $600 million for Small, it appears the Senate will have to compromise at some intermediate position on Rail Garrison in the upcoming Conference with the House. I would hope that the net effect of such a compromise is to keep Rail Garrison funding as close as possible to the Committee mark of $700M.

I might add in this regard, Mr. President, that the Chairman of the Joint Chiefs of Staff has also consulted with this Senator. He is extremely concerned about some of the innovations not well thought out that are being suggested in both the House and the Senate, some of it from leadership in very responsible positions.

Above everything else, Mr. President, we need not just to throw an awful lot of money at our ICBM deterrent—and it is a very important deterrent given the number of warheads that we are faced with from the Soviet Union.

But, I simply say that the President of the United States, the Chairman of the Joint Chiefs of Staff, the Chief of the Air Force, and the Secretary of Defense have clearly indicated what they think is best.

Above everything else, Mr. President, I want to just close by saying that I think it would be highly irresponsible, regardless of the worthiness of where the funds would go, to reduce our whole proposal for nuclear deterrence, small ICBM or rail garrison or a mix of both, along with all of the other modernizations that we heard over and over and over again from the leadership of our Nation's Armed Forces. Modernization of the deterrent, above everything else in this environment, is critically important for the national defense of the United States of America. To cut that to only $250 million for all of those programs would, in my opinion, be the height of irresponsibility.

I will move to table very shortly. Are there any other Senators who wish to be recognized?

EXHIBIT 1

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, April 21, 1988.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In recent months, I have watched with interest the ongoing

Congressional debate on ICBM Modernization. As in past years, there is a wide range of views on the subject, most of which deserve careful consideration. With that in mind, I'd like to reiterate my position on ICBM modernization.

The Rail Garrison program outlined in the FY 1989 amended President's Budget remains the most effective path to a modernized ICBM force—both from a cost and operational standpoint. This program provides a low cost, near 100% peacetime alert mode with the capability for rapid transition to a highly survivable Rail Mobile configuration when needed. There is no need to pay the cost of dispersal from garrison in normal times considering the other strategic forces available day to day. These and other thoughts are expanded upon in an attached paper.

While Rail Garrison is my choice for a survivable ICBM basing mode, I appreciate the views of those who favor the Small ICBM. There is no doubt the unique attributes of the Small ICBM would contribute to strategic deterrence. However, the relatively high cost of the program makes it less attractive in the present budget environment. It would cost approximately $38 billion to acquire and operate a SICBM force carrying 500 warheads. The comparative cost to acquire and operate a 500 warhead capability with Peacekeeper Rail Garrison is less than $13 billion.

Considering the budget levels available to the Air Force, the Rail Garrison Peacekeeper is our clear choice. Nevertheless, our FY 89 budget submission includes $200 million to allow the next administration to make the final decision on whether funding can be provided to support fielding the Small ICBM.

Sincerely,

Larry D. Welch,
Chief of Staff.

ICBM Issues in Perspective

Air Force fully supported and funded the SICBM full scale development and Rail Garrison RDT&E in the FY88 budget.

The FY89 AF budget was reduced by $10.5B. FY90 guidance was reduced by $21B and FY 90 through FY 93 reduction totals $97B.

Forced severe priority choices; 500 warheads on SICBM costs more than 3 times more than 500 warheads on Peacekeeper Rail Garrison.

The incremental cost to complete (beyond FY88) 500 additional deployed Peacekeeper warheads on rail garrison is under $9B. The cost to complete 500 deployed warheads on SICBM is over $27B.

Some have compared the cost of fielding the first 500 Peacekeeper warheads to the cost of 500 SICBM warheads. Since the first 500 Peacekeeper warheads are not at issue, that comparison does not contribute much to FY89 and beyond decisions.

Total life cycle costs in FY88 dollars are $12.6B for 500 Peacekeeper Rail Garrison and $38.2B for SICBM.

There are three major deterrence issues involved:

Deterring a surprise attack (so-called bolt out of the blue) with day to day alert forces.

Providing stability in crisis with rapid, survivable additions to the alert force.

Deterring conventional confrontations with the attendant danger of escalation to nuclear war.

Current and planned daily alert forces deter a surprise attack.

A surprise attack, would, by definition be in absence of a crisis that could produce compelling pressures for a Soviet attack.

The U.S. normally has:

One-third of bomber weapons on daily alert.

About one-half of SLBMs at sea.

Some 98 percent of the ICBM force on alert.

All of these forces can respond and collectively threaten a retaliatory response that would extract a very high price for any Soviet attack.

The U.S. alert forces available today are markedly better than those of the 1970s when surprise attack was a widely discussed concern.

Cruise missiles and much improved delivery accuracy have doubled the effectiveness of B-52 aircraft.

B-1B aircraft will be steadily added to the alert force as aircrew training progresses.

Increased accuracy in the Minuteman force and addition of Peacekeeper missiles to the alert force adds to ICBM effectiveness.

SLBM accuracy and effectiveness has greatly increased.

The national commitment, supported by the Congress, to fill the need for more capable alert forces is a result of the concerns of the seventies. That commitment has produced results and will produce further significant improvements in the future.

Full alert commitment for the B-1 force.

Full alert for the first 50 Peacekeeper missiles.

Deployment of the much more capable Trident II, D-5.

Production of the B-2 stealth bomber.

The clear conclusion is that current and planned U.S. forces provide high confidence deterrence of a surprise attack.

A greater concern is adequate forces providing stability in crisis.

We need forces we can afford to buy and operate in normal times and . . .

Surge to high states of alert and survivability in crisis.

Bombers generate to near 100% survivable alert in a day or so.

All available SLBMs are dispersed at sea in a day or so.

Rail Garrison Peacekeepers disperse on the rail in a few hours.

Small ICBM can disperse on tactical warning or on generation.

The Rail Garrison approach provides low cost near 100% peacetime alert and rapid transition to highly survivable Rail Mobile when needed.

Technical/operational feasibility is not an issue.

Rail mobile has long been the operationally preferred approach.

Soviets are doing it now.

Rail Garrison provides a low peacetime requirement for public interface, low peactime costs and high survivability when needed.

Rail Garrison does not require "strategic" warning—it requires a decision to disperse prompted by the world situation or by some Soviet development or action or any other cause of concern.

There is no need to pay the cost of dispersal to Rail Mobile in normal times considering the other strategic nuclear forces available day to day.

Dispersal to Rail Mobile, when needed, is not provocative.

Dispersal does not increase offensive capability or perceived threat to the Soviets—Peacekeeper is on full alert in garrison.

As to the public interface issue, experience supports the conviction that the American public will support actions that increase deterrence when needed.

Civilian populations near strategic bomber bases and missile fields have historically been supporters of strategic deterrent systems—not withstanding imported protestors.

The Rail Garrison deployment mode with capability to transition to Rail Mobile as needed is a cost effective, operationally effective, contribution to deterrence.

Conventional deterrence contributes to strategic nuclear stability.

The greatest danger of strategic nuclear war lies in escalation from a conventional confrontation.

The only Air Force option for financing continued SICBM development and deployment is to divert most of the funding from conventional forces.

Budget pressures have forced restructuring of several strategic programs.

Budget pressures have significantly impacted conventional forces.

Even more drastic reductions in conventional forces or other strategic forces to pay for SICBM within currently expected budget levels would not serve the interests of deterrence or national security.

The Secretary of Defense,
Washington, DC, May 11, 1988.

Hon. Sam Nunn,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

Dear Sam: I am concerned our agreement on ICBM Modernization may be unraveling as the Congress continues its deliberations on the FY 89 budget request. As you recall, I agreed to add $200 million to the FY 89 request to keep the Small ICBM option open for the next Administration.

The Senate is about to begin debate on funding levels of $700 million for Rail Garrison and $50 million for the Small ICBM. I can accept these levels for both programs. However, given the House mark of $100 million for Rail and $600 million for Small, it appears the Senate will have to compromise at some intermediate position on Rail Garrison in the upcoming Conference with the House. I would hope that the net effect of such a compromise is to keep Rail Garrison funding as close as possible to the Committee mark of $700M.

I understand the Senate will consider an amendment to provide $375 million for the Small ICBM and Rail Garrison. This position would provide minimal benefits for the Small ICBM while it would severely penalize Rail Garrison. A Small ICBM program funded at $375 million is not appreciably different than the $200 million program we proposed in the President's Budget. The additional funding would be used for additional flight test efforts. It would not restore the program to a pace that would change major milestones such as IOC. On the other hand, reducing Rail Garrison to $375 million would significantly impair our ability to proceed with full scale development and would impact all major program milestones including IOC.

I urge you to keep our agreement alive both in spirit and intent. The House position of $600 million for the Small ICBM guarantees that program will come out of conference in a comfortable position. I look to the Senate to ensure the same is true for Rail Garrison. Thus, I strongly recommend that the Senate position remain at a level of

at least $700 million for Rail Garrison and I ask for your support on this vital issue.

Sincerely,

Frank Carlucci,
Secretary of Defense.

Mr. DIXON. Mr. President, if I may make a brief announcement. I understand, from talking to the proponents and opponents, that we are about to come to a vote on this amendment. May I announce that at 4:30 we have a time agreement with the distinguished Senator from Washington, Senator Adams, and the opponents to go to the War Powers Act debate for 2 hours evenly divided. So that when this comes to a conclusion in a moment and we vote, thereafter we will take about a half-dozen agreed amendments, and then we will go to the war powers amendment at 4:30 and we will vote that at 6:30. I thank my colleagues, the distinguished manager.

Mr. EXON. I yield the floor.

Mr. SIMON. Mr. President, I have great respect for the Senator from Nebraska, who has contributed a great deal to this body. Ninety-five percent of the time he is right, but once in a while he can make a mistake. I recognize his sincerity, but I think in this case he is wrong.

First, I would point out the question is not Midgetman versus the MX rail garrison. I did cite some figures from the House, and I ask unanimous consent to have printed in the Record the statement by the chairman of the House Armed Services Committee in a news release dated May 5, which does support the figures I used. Frankly, whether they are right or wrong I do not know.

There being no objection, the news release was ordered to be printed in the Record, as follows:

MIDGETMAN COSTS FALL WHILE MX COSTS RISE

WASHINGTON.—Chairman Les Aspin (D-Wis.) of the House Armed Services Committee today said the Midgetman was a "rare bird" among weapon systems—one whose costs are coming down.

Aspin released a fact sheet citing costs for the Midgetman missile, the MX rail mobile proposal and other strategic weapons, showing that progressive refinements have brought the Midgetman's cost estimates down.

At the same time, the cost of the MX rail mobile system has risen. In addition, the published official cost figures do not include the costs of the MX missile itself, while the Midgetman program costs do include the cost of the missile.

Aspin released the Fact Sheet as he spoke to a breakfast meeting of the Institute for Foreign Policy Analysis at the Capitol Hill Club at 8 a.m. Thursday.

Aspin said, "Cost ought not be the sole determinant of whether we buy a weapon system. But cost properly is one element of consideration. The Midgetman has been assailed primarily for its cost—for providing too little bang for the buck," Aspin said.

"But the tales of a $60-plus billion pricetag for Midgetman should long ago have evaporated. The formal estimate in last June's SAR (Selected Acquisition Report) put the cost at $49 billion. And the current estimate of the cost for a two-warhead system is only $25 billion. On a per warhead basis—a comparison favored in the past by Midgetman critics—such a Midgetman would cost $51 million.

"Meanwhile," Aspin said, "the per warhead cost of the MX is rising." Aspin said it was hard to put MX costs on a clear apples-to-apples comparison.

"If you include just the 50 missiles that would initially be placed on railroad cars, the cost is $33 million per warhead. But if you include all the MX missiles the Pentagon is seeking—100 for deployment on railroad cars and others for testing and whatnot—the cost works out at $45 million per warhead. The two programs are then very close.

"Suddenly the old cost comparisons that showed the MX at a mere $22 million per warhead and the Midgetman topping a hundred million disappear and the two programs show comparable costs," Aspin said. "At that point, discussion of the arms control implications of the two systems should predominate. And at that point, the Midgetman comes out the clear winner."

COMPARISON OF COSTS, MIDGETMAN, RAIL-MX, AND OTHER STRATEGIC SYSTEMS

(By Les Aspin)

BASIC POINTS

Costs for Midgetman are on a downward trend.

Air Force estimates for the costs of rail-MX are artificially low, since they don't include missiles.

On a cost per deployed warhead basis, Midgetman may be competitive with other strategic systems, depending on the assumptions used.

With revised cost figures, Midgetman is arguably only 15–20 percent more expensive per deployed warhead than rail-MX.

MIDGETMAN

Costs for the total Midgetman program are on a downward trend. Here's some data, including cost per deployed re-entry vehicle (RV):

[Billions of fiscal year 1989 dollars]

	Total acquisition cost	Total program cost	Cost per deployed RV [1]
June 87 SAR (6/87)	41.4	48.9	98
AF-Welch-1 (4/88)	30.7	39.5	79
AF-Welch-2 (4/88 and 1/88)	30.7	37.2	74
Industry (4/88)	25.0	31.5	63
AF-2RV (3/88)	21.6	25.4	51

[1] In millions of dollars.

Operations and support for 15 years included.

IMPORTANT NOTES ON SOURCES

"Jun 87 SAR" is the June 1987 Selected Acquisition Report (SAR), with total costs reported above in constant FY 1989 dollars.

IMPORTANT NOTES ON SOURCES

"Dec 87 SAR" is the December 1987 Selected Acquisition Report, with total costs reported above in constant FY 1989 dollars.

"AF-Welch-1" is the same point paper referred to above (dated 04/21/88, from General Larry Welch). Note the 17% increase between 12/87 and 4/88.

"AF-Welch-1 plus MX" reflects a correction for the fact that General Welch's estimate for rail-MX program costs artificially do not include the purchase of missiles. Since all missile costs are paid under the silo-basing program, rail-MX costs are artificially low.

The silo-MX program pays for the RDT&E of the MX missile ($7.5 billion, according to the December 1987 SAR) and the procurement of 235 MX missiles ($15.6 billion), some of which would be deployed in silos and others in rail-cars; the remainder are spares and missiles for the Aging and Surveillance program to monitor the effects of time on missile performance.

What is a "fair" allocation of missile costs to the rail-MX program? Since some MX missiles are deployed in silos, RDT&E costs for the missile probably should not be included. But surely some procurement costs should be included.

The current and immediate plan as described by the Secretary of Defense is to deploy 50 in silos, and 50 in rail-cars. If we allocate to rail-MX the average procurement cost of 50 MX missiles (i.e., $3.3 billion), we see that based on the Welch estimate, the cost per deployed warhead is $33 million.

But an equally fair allocation would be to charge the rail-MX program with half the procurement cost of the entire missile buy (i.e., 118 missiles, or $7.8 billion) since the rail-MX will have half the missiles. This brings total program costs for rail-MX to $20.8 billion for 500 deployed MX warheads, for a cost per warhead of $42 million.

"AF-Welch-1 plus 235 MX" describes the cost of the long-term Administration program for rail-MX, which is to deploy a total of 100 MX missiles in rail-cars by re-basing the 50 silo-based MX missiles. This estimate is made by doubling the cost of the AF-Welch-1 plus 118 MX estimate, subtracting the RDT&E costs for rail-MX (thereby eliminating double-counting of those costs) and an additional $2 billion (to eliminate double-counting of fixed costs for procurement), and adding the RDT&E costs for the silo-MX program (since the rail-MX program will use all MX missiles).

Using this final estimate, we see that Midgetman costs per deployed warhead can be brought to within 15% of rail-MX costs.

Other strategic systems

Trident II

The December 1987 SAR indicates a total program cost for 19 Trident submarines and 815 Trident II missiles of $82.4 billion in FY 1989 dollars, excluding backfit costs. In then-year dollars, backfit costs are about $2.

Mr. SIMON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Mr. President, there are two key questions. One is, if we adopt this amendment, will we be killing the rail-MX proposal? And the answer is, we would not. They already have $350 million. They have obligated 14 percent of that. They have spent less than one-half of 1 percent. This amendment would give them an additional $200 million.

Frankly, I would like to give them nothing. But I agree that there is some logic to the argument used by the Senator from Michigan that the next President of the United States ought to have the option, so it is kept

alive. We do no harm to that program, but we do slow it down a little. And we are providing $100 million more here for that program than the House now has.

The second question that we ought to address—and we really have not addressed sufficiently in this body—is, what is the great need of the military? I think our friends in the military who advise us day after day that the great need is in conventional are correct. Again, I would quote Gen. Bernie Rogers, our former NATO military commander, who says we are putting too many eggs in the nuclear basket; we ought to be building a more stronger more conventional response. And he is absolutely correct.

That is what this amendment does. It puts $500 million in the area of great need. We ought to move in that direction and I hope this body will do precisely that.

I yield the floor, Mr. President.

Mr. LEVIN. Mr. President, just very briefly. There is an awful lot of money for modernization of our strategic nuclear deterrent in this budget. I just want to reassure everybody—and I think the chairman of the subcommittee, Senator Exon, would agree—that the reduction here comes out of but one element of the strategic modernization.

What is left in this budget in full blast are the D-5's, the Trident missile, the Stealth bomber, the advanced cruise missiles, and a number of other items. I believe there may have been a different implication by some of the words that was unintended by Chairman Exon.

The issue here is $500 of the $700 million for this one system. That is my understanding of this amendment. It does not remove any Trident money. It leaves all the Trident money there, the D-5 missiles there, the Stealth money there, the advanced cruise missiles there, and a number of other very important strategic nuclear improvements. That is my understanding of the budget. I hope that my friend from Nebraska would agree to that.

When he said that $250 million would be all that would be left for strategic modernization, I believe that he was referring to that is what would be left for Midgetman and for the MX rail garrison together, if I am correct.

Second, the strongest argument, it seems to me, that is made against this amendment is that the MX rail garrison is cheaper than Midgetman. My friend from Nebraska made the point that the Midgetman missile costs more than MX rail garrison, and I happen to agree with him.

I think that the chairman of the Strategic Subcommittee is correct in that regard when he said that Midgetman would cost more than the MX rail garrison. I agree with his figures. I think they are correct.

But that, really, ducks the key issue, which is whether or not it makes sense to fund the MX rail garrison. It is cheaper than Midgetman. I agree. But is it worth what we are going to pay for it? That is what the agreement is.

Should we be investing more money in this redundancy or should we be strengthening our conventional deterrent? That is the issue before us, and I would hope this Senate would decide today that the advantage that we would gain from having 8,700 survivable warheads after our forces were generated with MX rail garrison does not buy us anything significant above the 8,200 warheads which we would have without the MX rail garrison, in the generated situation. Moreover, these billions of dollars can be used very effectively to strengthen our conventional deterrent and to raise the nuclear threshold.

I think that is the real issue here. Yes, it is cheaper than Midgetman. Chairman Exon is correct on this. It is cheaper than Midgetman. I agree with your figures. The issue, though, is: Is it worth the $9 billion to move these 50 out of silos onto rail cars, compared to what we could spend that money for? Because this $500 million is just another small piece of the total cost of this system.

Again, I want to thank my friend from Nebraska. We work very closely on these issues, even in those few instances where we disagree.

I think in this case, the issue is fairly clear and I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the Senator from Michigan is correct. If I said that, I did not mean to imply that the 250 would be all that we would have left for all of our deterrent. I was speaking particularly about the land-based part of the triad which is what is the main component of this. My remarks are true and correct from the land-based part of the triad that has always been a key part of our nuclear deterrent and I had assumed that we were not ready to move away from that at the present time.

I would simply say, before I move to table, Mr. President, that there are many worthy programs in all the subcommittees of the Armed Services Committee. We work through these in long, detailed hearings. We had a total of 15 or 16 hearings in the Strategic Subcommittee alone, meaning that we take time to look and try to balance off all the various elements and demands, which was the most difficult of all this year, Mr. President, with the constraints of the budget.

Therefore, I hope that this amendment will be tabled and if we table this amendment, then we would be going along with the vast majority's opinion on both sides of the aisle of the Armed Services Committee with regard to the funding levels for our nuclear deterrent as well as the other worthy programs that were suggested here today.

Mr. President, I move to table the amendment offered by the Senator from Illinois and the Senator from Michigan and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Harkin). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. Hecht] and the Senator from Nebraska [Mr. Karnes] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—61

Armstrong
Bentsen
Bond
Boren
Boschwitz
Breaux
Burdick
Byrd
Cochran
Cohen
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Garn
Glenn
Gore
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Lugar
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Reid
Roth
Rudman
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—36

Adams
Baucus
Bingaman
Bradley
Bumpers
Chafee
Chiles
Cranston
Daschle
Durenberger
Ford
Fowler
Harkin
Hatfield
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Weicker
Wirth

NOT VOTING—3

Biden
Hecht
Karnes

So the motion to lay on the table amendment No. 2028 was agreed to.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, for the benefit of the Senators here, if I could explain the procedure now, we have five agreed amendments that have been cleared on both sides beginning with one by the distinguished Senator from Idaho, Senator McClure, then going to one by the distinguished Senator from Colorado, Senator Wirth, and then going to one by the distinguished Senator from Nevada, Senator Hecht, two by this Senator, and then at 4:30 we will go to the war powers amendment debate by the distinguished Senator from Washington, Senator Brock Adams, with 2 hours evenly divided between the two sides. We will vote at 6:30.

At 6:30 we will go to an amendment by the distinguished Senator from Massachusetts, Senator Kennedy, 1 hour evenly divided on aircraft, and at 7:30 we will go to an amendment by the distinguished Senator from Arkansas, Senator Pryor, 1 hour evenly divided on the Bigeye bomb, and then at 8:30 we will see what we will see. The Senator from Idaho is here, Mr. President.

Mr. McCLURE addressed the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Will the Senate please be in order.

Mr. DOLE. Mr. President, I yield to the Senator from Nebraska.

Mr. WARNER. Mr. President, was that in the form of a unanimous-consent request or how was that put?

Mr. DIXON. Mr. President, I talked to that side, but I did not talk to the Senator from Arizona, in all fairness. Now, the aircraft carrier amendment at 6:30, Senator Kennedy was wanting to take longer, and I talked him into an hour and cleared it on that side. But if the Senator from Arizona is not happy with that, what would be his suggestion? I did not know the Senator from Arizona was concerned. I apologize to the Senator from Arizona. I did not know of it.

Mr. McCAIN. It is not the Senator's fault. I thank the Senator.

Mr. DIXON. I talked to that side.

Mr. WARNER. Mr. President, I think the best thing is not to try to establish a time agreement on the carrier amendment at this time.

Mr. DIXON. All right, can we reserve that and try to determine it while we are doing Senator McClure's amendment?

Mr. NUNN. If I could say, let us do try to get a time agreement, whatever it is, because our experience is thus far two amendments that we thought we were going to get time agreements on that we did not right at the last minute and they said, "Well, we will go ahead with them and take no longer," we ended up with one of them taking 6 hours and the other one 5 hours, so I would hope we could get a time agreement.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. I ask unanimous consent to speak out of order for 2 minutes.

The PRESIDING OFFICER. The Chair asks for order. I cannot hear what the request is. The minority leader has the floor.

Mr. DIXON. Will he yield?

Mr. DOLE. I would be happy to.

Mr. DIXON. May I say I now understand that the distinguished Senator from Arizona is agreeable to an hour. If that is so, then the same rules will apply, 6:30 the aircraft amendment and 7:30 Bigeye bomb. I thank the leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. That is not a request. Did the Senator from Illinois ask for unanimous consent?

Mr. DIXON. I yield to the majority leader for that purpose, Mr. President, but I think that agreement has been reached subject to the leaders.

Mr. BYRD. Mr. President, will the Senator state the request again.

Mr. DIXON. May I say to the distinguished majority leader, 2 hours, immediately following these agreed amendments, on the war powers amendment by Senator Adams to be evenly divided, thereafter, which should be roughly 6:30, but thereafter 1 hour on the aircraft carrier amendment of the Senator from Massachusetts, Senator Kennedy, evenly divided, and thereafter 1 hour on the amendment by the Senator from Arkansas, Senator Pryor, on the Bigeye bomb, evenly divided.

Mr. BYRD. Mr. President, the agreement has only to do with the three amendments as to the time, and on the so-called agreed-upon amendments there is no time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Illinois?

Mr. DOLE. Let me yield to the Senator from Nebraska.

The PRESIDING OFFICER. Hearing no objection, the unanimous-consent request——

Mr. EXON. Mr. President, I move to reconsider the last vote that was taken on the amendment of the Senator from Illinois and the Senator from Michigan.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I think the way the request was put it does not state that the vote has to be taken up or down on those amendments. I hope Senators understand they are open to tabling motions.

Mr. DOLE. Are they open to second-degree amendments?

Mr. BYRD. The request as stated does not rule out second-degree amendments.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. If not, the request is agreed to.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. And the minority leader still has the floor.

Mr. DOLE. Mr. President, I understand the Senator from Arkansas is reserving the right to object.

Mr. PRYOR. Mr. President, I will not object, and I say to the managers, frankly, I do not want to offer an amendment on the Bigeye bomb. I do not look forward to offering an amendment on the Bigeye bomb and having our colleagues once again, as we have for the last 8 years, walk that plank. Mr. President, I am attempting through negotiation to work out some degree of settlement. I am only suggesting that at 7:30 if the Bigeye bomb has been negotiated, we may in fact attempt to put another amendment into that time slot if we have in fact worked out a settlement by that particular time. I am just trying to expedite the procedure.

Mr. BYRD. Mr. President, I did not put the request, but let me state my understanding of the request as it was put. It does not definitely lock in those amendments at the specific hour; it sequentially orders them and provides for time limitations on each of those three amendments.

The PRESIDING OFFICER. The majority leader is right.

THE INF TREATY

Mr. DOLE. Mr. President, I understand that a short time ago Secretary Shultz and Foreign Minister Shevardnadze wrapped up their INF discussions in Geneva. We do not have any details at this time but Secretary Shultz is sending positive signals to Capitol Hill. According to reports, he says, "We have reached a completely satisfactory agreement on the INF Treaty's outstanding issues." The Secretary added, that he thinks the agreement will be well received here in the Senate.

National Security Adviser Colin Powell is flying back immediately so that he can brief the Senate leadership on what was accomplished in Geneva. In fact, I understand that a leadership meeting may be in the process of being arranged now. At least staff has contacted staff, so I am not certain. But I sincerely hope that General Powell brings us an explicit United States-Soviet common understanding on the so-called futures issue. I also hope he reports that Foreign Minister Shevardnadze has confirmed that the Soviet Union will live up to the letter of the inspection protocol to the treaty. If that is the message we receive, we should move, as the majority leader has indicated earlier, quickly on consideration of the INF Treaty.

Whenever that comes, I would hope that we can deal with the treaty and give the President advice and consent to ratification as soon as possible. Obviously, we cannot rush to meet any artificial deadline. That has been the appropriate point made time after time by the majority leader. The administration agreed to this on Monday, that we would not bring it up until the issues are resolved. But if the outstanding issues are resolved, I think we should bring our 4-month examination of the treaty to successful conclusion with the ratification at the Moscow summit.

Of course, I will work closely with the majority leader in anything he wishes to pursue, and in any way we can to expedite, to make certain we have the information, and to make certain it has satisfied the Senate.

But regardless of what details we learn tomorrow, there is a point about the role of the Senate in treatymaking which I would like to make today. I said at the outset that the Senate would play a constructive role. And it has done just that. The Constitution gives us a second look to ensure that any potential problems have been addressed before the United States becomes legally bound.

In other words, the system worked.

The problems which we hope Secretary Shultz has now ironed out were uncovered in the course of Senate scrutiny. The course of action we chose was developed by a bipartisan Senate effort in cooperation with the administration.

The fact is, the INF Treaty is a good treaty which will win Senate approval with a large bipartisan majority. We—and all Americans—can be confident in that vote because of the Senate's thorough work.

Mr. BYRD. Mr. President, I have listened carefully with great interest to the comments by the distinguished Republican leader and what he says is good news. I also want to say that the system has worked, and that is the reason why the current discussions in Moscow have gone forward. We could have been on this treaty much earlier and found out, to our regret later, that our national security interests were not well served.

This is good news. But I want our committees which have the responsibility for taking a microscopic look at the fine print, to have the opportunity to carefully go into the matters following the return of those from Moscow who have been dealing with the Soviets. I want those committees to have adequate opportunity to take a good look and advise the joint leadership as to whether or not the agreements, that have now purportedly been reached, adequately treat the problems.

Briefings are fine. I look forward to being briefed when those individuals return from Moscow. But the final decision, as far as I am concerned, will be on what these committees, the chairmen and ranking members, especially, have to say. I am sure that they will have hearings at the appropriate time, and, on the basis of those hearings, we will know better than we know now as to whether or not the problems that have emerged have been adequately addressed.

I just want to make it clear for the record, lest someone in the galleries or elsewhere gets the impression that we are off and running now and all we have to do is wait until we are briefed, I do not want them to labor under any such illusions. I think I have said enough. I do not need to repeat it.

Mr. NUNN. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. NUNN. Mr. President, I would say I agree with the majority leader on both points he has made. I think the news that we heard a few minutes ago from the Senator from Kansas is good news. I hope we will see the details of that good news tomorrow. I hope we will agree that it is good news. I hope we will agree that the problems have been solved. We have had different problems come up on this, and every time we think we have solved one it seems another one comes up. I hope we do not have any more come up. We have worked long and hard. I think our Committee on Armed Services has had 32 hearings, the Intelligence Committee has had many hearings, and the Foreign Relations Committee has had many hearings. We have approached this in a totally bipartisan way.

I think most people in this body realize that when the majority leader the other day decided we were not going to get started on Wednesday, that decision was based on the consultation with the committee chairman and the ranking member on Armed Services; the same thing on Intelligence, Senator BOREN and Senator COHEN and Senator DOLE. We all went out with the news media, and we said we have some problems that have to be taken care of. I think that has been the proper course of action.

I believe the committees, under Mr. PELL of Foreign Relations, the Committee on Armed Services, and Intelligence, have performed their functions thoroughly. I believe we ought to continue that course. For my part, the issue on the futures is something that we will be looking at very carefully in the Armed Services Committee, and then I have a hat on in the Intelligence Committee. As a member of that committee, I am sure the Senator from Virginia would agree, I would want to look at each one of the on-site verification problems and proposed solutions. Some of the problems were technical, but some of the problems have been covered in the treaty, have been anticipated in the treaty, had been clearly articulated in the treaty and the treaty simply was not being complied with at the early stages. But we hope that was simply a technical matter, a bureaucratic matter and not a policy matter. I think that hopefully is going to be the news we get back.

For the purpose of procedure, I believe we could certainly have committee hearings. Whether we have a briefing first or not, it does not matter to me. I have heard some suggestion we have a briefing and then have hearings. It seems to me one of the ways we could proceed is to go ahead and have the hearings. As far as the Senate Armed Services Committee is concerned, I would be pleased to suggest to my colleagues, Senator PELL and Senator BOREN, that we have a combination so we do not have to have a series of one committee after another, that we combine forces and look at the problems together. Whether that can work or not, I do not know.

I know the Intelligence and Armed Services Committee have been working closely together. We have worked together on the futures problem. We worked together on the on-site verification problems. Before that, the Armed Services Committee and the Foreign Relations Committee worked very closely together on a number of different issues.

So I am willing to have the Armed Services Committee join with the other committees in an effort not to duplicate and to expedite this. But I believe while briefings may be informative; in briefings you cannot go into the detailed questions that you have to go into to find out whether we really do have solutions. So I will proceed as the majority leader, minority leader, and others desire.

But we will on the Armed Services Committee cooperate with the other committees, and avoid duplication and expedite the matters as long as it is consistent with a thoroughness and a surety in terms of where we are going.

I would also say, as I have said over and over again, that I understand the priority is the INF Treaty when it is ready to come to the floor. When it comes to the floor, there will be no hesitancy in putting this bill aside in order to accomplish that. I hope we can finish this bill either very late tonight or tomorrow sometime, more likely tomorrow, sometime tomorrow night. I think that possibility is well within sight because of the cooperation we have received today.

So that is all I have. I appreciate the majority leader.

Mr. PELL and Mr. WARNER addressed the Chair.

Mr. WARNER. Mr. President, I join the distinguished chairman and the majority leader in the sentiments. I think we should stop. About 50 Senators are involved in the three committees, Armed Services, Foreign Relations, and Intelligence. Over half of the Senate through their committee work have had an intensified analysis of this treaty, well recognize the problems, and they will be able to analyze the solutions if there are in fact solutions as they come back from this most recent mission by the National Security Adviser and the Secretary of State.

So, given the background that half the Senate has worked on it—and I am certain that other Members, in their own time, have acquainted themselves with the treaty and the problems—it is my hope that we move expeditiously and complete this treaty prior to the President's departure for the summit.

Mr. PELL. Mr. President, it is indeed good news that the minority leader relays to us.

A meeting is scheduled for Monday afternoon at 2:30 with the Secretary of State, where he will be reporting to the Foreign Relations Committee as to what he has ascertained. To that meeting, I have already invited the majority leader, the minority leader, and the chairmen and ranking members of the two other committees that have been involved with this—the Intelligence Committee and the Armed Services Committee. They are welcome. I am not sure that all three committees can sit around our table at the same time.

We hope we can get started on Tuesday. As I understand it, the schedule is pretty definite that Mr. Shultz will be with us Monday afternoon.

Mr. STEVENS. Mr. President, I have listened with interest to the comments that have been made and the report made by the minority leader, but I also am looking at the calendar.

I applaud the work that has been done so far by the committees. I think it has been very thorough, and we have actually saved time on the floor. But there will come a time when those who are not members of the committee will also want to examine this treaty, and that will be here on the floor.

I want to raise with my good friend from West Virginia, the distinguished majority leader, the question of when the treaty will come to the floor, so that those people who are not members of those committees may start their examination, may start their suggestions, for change or consideration of points.

We have not heard from half of the Senate yet. As the Senator from Virginia mentions, half of the Senate is on those three committees. The other half will have their point of view, too, and I see time marching on.

In my judgment, the meeting that the President of the United States will have in Moscow, the opportunity for an American President to present before the Soviet people this significant and historic agreement, is one that should not be missed, if it is in any way possible for the Senate to complete its business.

The distinguished leader has appointed a group of 12 of us to monitor and be the oversight group for this treaty and the ongoing arms control negotiations, which we have taken very seriously. Those ongoing negotiations deal with the bulk of the problem. This deals with 3 to 4 percent of the problem.

We have not ratified an agreement with the Soviet Union since 1972. We have two main treaties before us now—the threshold test ban treaty, the peaceful nuclear explosions treaty—which ought to be addressed after the INF Treaty, in my judgment.

In any event, the meeting in Moscow is not just a symbolic one. It is a very sensitive one, to enable the Chief Executive of the United States to appear before the Soviet people and present an agreement which has already been agreed to by the Senate.

If he goes to Moscow and faces the question of why we cannot ratify or get the consent of the Senate to ratify negotiations that have been entered into by our executive branch with the Soviet Union, I think we place the Presidency in jeopardy, so far as future negotiations are concerned.

I want to make sure everyone understands that what has been done so far has been excellent work on behalf of the committee. No one I know has critized the questions that have been raised or the manner in which we have tried to help the administration resolve those questions. But time, in my opinion, is the commodity that is scarce now. I would hope that the leadership of the Senate and the membership of the Senate would join together, if it is necessary to work Saturdays and Sundays and evenings, whatever is necessary to complete our work, so that we can decide whether or not we will consent to the ratification of this treaty prior to the departure of the President of the United States for Moscow.

That is just in the sense of stating a hope. I am not making any requests or anything further. It is just to state the hope that we can recognize the historic significance of the trip that is going to be made to Moscow by our President. It is not a question of which party he represents. It is the President of the United States who ought to be in the position of saying: "The Senate has already given us the right to ratify this treaty, and we are not coming here to Moscow once again to report to you that, no, we are not able to report that the Senate has consented to the ratification of the treaty that we have already agreed to."

I make those comments, Mr. President, with every deep respect for my friend, the leader, and the very difficult job he has. But, to me, the idea that the three committees involved are going to hold hearings and the other 50 of us are going to sit around for a period of time and wait for that treaty to be brought up in the Senate is a matter of some difficulty.

Mr. BYRD. Mr. President, I think the remarks were in part addressed to the majority leader, so, if the Senate will indulge me briefly: I understand the necessity for Senators who are not members of the three committees that are directly involved, to have an opportunity to debate and study the treaty. The opportunity will be had. The opportunity will be had for the Senate to fully explore this treaty, as it ought to, and not be driven by an automatic, arbitrary calendar date line.

I have said from the beginning that it is not the role of the Senate to rubberstamp the actions of any President, whether it be a Democrat or a Republican, and I continue to hold that view of our constitutional role.

It would be very well, as the Senator says, for the President to be in a position, when he goes to Moscow, to say, "Yes, the Senate has approved the ratification of this treaty." I would like to see that, and perhaps that can be done. I am not saying it cannot. But, Mr. President, the Senate did not set the date for the summit.

We were told that all the i's were dotted and the t's were crossed. We were told that this was a good agreement. But it was through the minute examination by these committees that is was found that such was not the case—and that was a bipartisan finding.

The President has his responsibilities, and the Senate has its responsibilities, and this Senator is not going to be driven by a calendar date.

The treaty, I have no doubt, will ultimately be approved by the Senate. If it happens that it is approved before the summit, well and good. There is no problem with that. But, so far as I am concerned, that treaty has to be in the interests of the United States. Perhaps it does just deal with 3 or 4 percent of the nuclear weapons. But the point is that if we make mistakes in this treaty, small though the percentage of weapons may be, and we find that we have been hoodwinked or outguessed or outsmarted and that the security interests of the United States are not fully protected, then you all can kiss any future treaty goodbye. That will be the end of arms control.

So, if we really are interested in arms control, let us go little by little and be careful as to what we are buying. I do not want the Soviets to be able to cheat, even if it is only by 3 or 4 percent. Let us do this thing right, and then we are in a much better position to go on from there.

Mr. President, I know what my duties are, and Senators have a perfect right to tell me what they think my duties are, and I will listen to them.

I know what my duties are, and I am going to live by that oath which I swore, "So help me God," five times already, in entering upon this office, and I hope I will be able to swear to it a sixth time next year.

The Senate has an equal part with the President in making treaties. He makes treaties "by and with the consent" of the U.S. Senate.

I am not the ultimate voice in this Senate. The Senate itself is the ultimate voice. But as far as this Senator sees his duties, he has followed them and, thus far, we have proved to be right in taking our time and taking a good look before we leap.

We could have already had the treaty bound up with a blue ribbon on it and the President could have it in his pocket and be on his way and then a month later find that we made a mistake. Then where would we be?

Mr. President, I thank the distinguished Senator from Alaska. He is my friend. I have the utmost respect for him. He and other Senators in this Senate are entitled, as much as are those Senators who are on the committees that have jurisdiction, to take a good look at this treaty, but whether it is on the 20th day of May or the 25th day of May or the 29th day of May or the 15th day of June, the important thing is that the Senate have its day and be able to work its will on the treaty in an orderly and thorough way and that the treaty, in the final analysis, be in the best interests of the United States.

After all, the administration itself finally agreed that there were some matters that were still unresolved with the Soviets. The President may yet be able to say at the summit that the treaty has been approved by the Senate if the work by the administration's negotiators has now been done right.

We were told weeks ago that everything was hunky-dory, but we found that it was not the case. It is not the Senate's fault that it was not.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I join with my colleague from Alaska and I want to state to him that I have said before to a number of my colleagues almost precisely what he said. I want him to know and my other colleagues who may not have heard my remarks that I was dismayed that this was not heard this last week. We want to have that treaty done and the Senate to act.

I am satisfied and I understand the position of the majority leader, but as was well stated by several of our colleagues, all of Europe could unravel if we do not ratify this treaty. We spent 6 months in hearings on this and we were disappointed, many of us on the committee, that it did not come up. I wanted that to be understood by the Senator from Alaska, by the Senators on the other side of the aisle, because the Senators on this side of the aisle have already heard me address that point.

I pray we do this Senate action prior to the end of this month and that we start on it next week, not to be rushed, not to do something inappropriate, but we have a duty and I hope this institution carries it out.

In a moment we are going to discuss another foreign policy issue, and I deeply believe that this institution should act on the foreign policy issues of the United States, and I pray we will ratify this treaty this month. I certainly will be one attempting to see that that happens, and I thank the President.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Idalo .

AMENDMENT NO. 2029

(Purpose: To provide for a study and report on Soviet ABM capability and activities)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. McClure] proposes an amendment numbered 2029.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 924. STUDY AND REPORT ON SOVIET ANTIBALLISTIC MISSILE CAPABILITY AND ACTIVITIES.

(a) Study Required.—(1) The President shall conduct a study regarding the antiballistic missile capability and activities of the Union of Soviet Socialist Republics. As a part of such study, the Secretary shall assess—

(A) the military capabilities and significance of the Soviet extensive network of large-phased array radars;

(B) whether the Soviet Government is illegally developing or producing mobile or transportable engagement radars;

(C) the Soviet ability to develop an effective exoatmospheric antiballistic missile defense without using widespread deployments of traditional engagement radars;

(D) the ability of Soviet air defense interceptors missiles now and in the future to successfully destroy ballistic missile warheads;

(E) whether Soviet silos or hardened facilities outside of the antiballistic missile site permitted near Moscow are or could be associated with illegal anti-ballistic missile defenses;

(F) whether the Soviet Government is developing terminal antiballistic missile defenses;

(G) whether the antiballistic missile site permitted near Moscow conceals or could conceal development, testing, or deployment of a widespread Soviet antiballistic missile system;

(H) Soviet activities regarding sea, land or air-based boost-phase intercepts of ballistic missiles;

(I) the status of Soviet laser, particle beam, and other advanced technology programs comparable to programs conducted by the United States under the Strategic Defense Initiative; and

(J) the consequences for the United States of a successful Soviet effort to acquire an effective nation-wide limited antiballistic missile system and the ability of the United States to respond to such effort.

(2) The assessment provided for in paragraph (1) shall include, but not be limited to, discussion of:

The ability of the United States to modify its existing strategic offensive forces including the use of penetration aids, and its strategic doctrine and tactics to effectively counter such a Soviet ABM system over the same period of time that the Soviets required to deploy it.

(b) Preparation of Report.—The President shall prepare a report, in both a classified and an unclassified version—

(1) specifying the results of the study required by subsection (a); and

(2) containing such recommendations as the Secretary considers appropriate, including recommendations with regard to maintaining the deterrent value of the strategic forces of the United States given the antiballistic missile capability and activities of the Union of Soviet Socialist Republics.

(c) Submission of Report.—The President shall submit to the Speaker of the House of Representatives, and the President pro tempore of the Senate the report required by subsection (b) not later than October 1, 1989.

Mr. BUMPERS. Mr. President, will the Senator from Idaho yield for 1 minute?

Mr. McCLURE. Mr. President, might I dispose of this amendment? It is agreed upon. Thirty-five minutes ago I was assured I was next. I had a 4:30 appointment with another Senator who is waiting for my arrival, and it will only take me a very short while to dispose of the amendment.

I appreciate the Senator's courtesy in recognizing my problem.

Mr. President, this amendment has been cleared on both sides of the aisle. I think it is acceptable to the managers. What it does is to try to solve one of the problems pending before this country at the present time with respect to what we face with respect to the ABM breakout capability of the Soviet Union.

The amendment calls for a study and a report back to the Congress and analysis of what that situation is so that the Congress can deal with that question without delaying the consideration of this bill at this time.

The report would be back to us by October 1 of next year, 1989. It is not a hurry-up proposal at all, but it will give the administration the time for thoughtful review, report back to us and analysis of what that situation is.

Mr. DIXON. Mr. President, the distinguished Senator from Idaho has been a leader in this body in bringing to our attention the scale of the Soviet strategic effort and implication for the United States security systems, and I recommend that we adopt this amendment.

Mr. McCLURE. Mr. President, let me first express my appreciation for the cooperation of the distinguished Senators from Georgia and Virginia, the chairman and ranking member of the Armed Services Committee, in working with me on this amendment.

What the amendment does, in a nutshell, is require the President to report to the Congress on Soviet antiballistic missile activities and capabilities. This report would include recommendations on what steps may be necessary to maintain the deterrent value of United States strategic forces in the face of Soviet ABM capabilities.

Mr. President, earlier this year, many of us were extremely concerned to read that portions of the United States intelligence community now believe that the Soviet Union is breaking out of the ABM Treaty and deploying a strategic defense system. As my colleagues are well aware, the unilateral deployment of a missile defense by the Soviet Union would represent a seismic shift in the world's balance.

Let me make it clear that the intelligence analysts are divided on the question of Soviet ABM breakout. So far, the consensus judgment of the intelligence community is that the Soviets may be preparing to deploy a nationwide ABM defense, but have not broken out of the treaty at this time. Once again, however, there are some analysts who believe that the Soviet ABM breakout has already begun.

The purpose of this amendment is simply to put before the Senate, in one integrated report, the best information available on Soviet ABM capabilities. This is information we need if we are to be able to fulfill our duty to protect our Nation's security.

Mr. President, in considering what the Soviets are doing today on strategic defense, I believe it is necessary to review what the Soviets have been saying and doing about strategic defense over the last several decades. As we all know, in 1972, the ABM Treaty supposedly enshrined the doctrine of mutually assured destruction, the idea that defenses against nuclear weapons were destabilizing and dangerous. But did the Soviets accept the idea that defenses are destabilizing, or that there can be no defense against nuclear weapons?

In 1982, we find Marshal Nikolai Ogarkov saying this:

> The experience of past wars persuasively attests to the fact that the development of new offensive weapons has always inevitably led to the development of corresponding countermeasures. . . . This also applies in full measure to nuclear missile weapons, the development and rapid growth of which compelled military-scientific theory and practice to work vigorously to develop means and methods of countering weapons.

Interestingly enough, after President Reagan's famous SDI speech of 1983, Ogarkov realized two could play at this game, and the next edition of his views drops the portion about defense against nuclear weapons. This belief in the inevitability of defense is found in many other statements by Soviet military leaders, many of which were made after 1972.

The Soviets have made enormous investments to turn their theories of strategic defense into practice. In the 15 years since the ABM Treaty was signed, the Soviets have spent over $200 billion on their missile defense system—15 times what the United States has spent on SDI. An estimated 10,000 scientists and technicians are working on military lasers alone. Today, the Soviets have deployed some 9,000 surface-to-air missile launchers, 10,000 radars, and 2,250 air defense interceptors dedicated to the strategic defense of the Soviet Union. Compare this with our almost nonexistent air defense system, with no SAM's, 300 interceptors, and 100 radars. The Soviets also spend somewhere around $3 billion a year on civil defense, almost as much as we spend on our entire SDI.

Where do the Soviets stand today with their strategic defense efforts? That is what this amendment is designed to find out. But as I have mentioned earlier, some analysts believe breakout is underway. Intelligence sources cited in the Wall Street Journal report that the Soviets are "internetting" their early-warning radars with their interceptor-guidance radars. In other words, large phased-array radars like the one at Krasnoyarsk are testing, picking up, and handing off targets to the Flat Twin and Pawn Shop radars that guide antimissile interceptors to the missile. This is a key test of the critical battle-management function.

The Soviets are also reported to have stepped up production of Flat Twin and Pawn Shop radars, which the ABM Treaty restricts to two testsites. In the most recently certified violation of the ABM Treaty, radars of this type have already been illegally moved from the designated testsite at Sary Shagan to an illegal site at Gomel. Additionally, Moscow is increasing production of the SH-08 interceptor. Reportedly, the Soviets may have produced up to 500 of these high-speed endoatmospheric interceptors, even though the ABM Treaty only allows 100 interceptors. The Soviets have also built secret underground sites for ABM radars and missiles.

This evidence comes on top of the well-known and ongoing violation of the ABM Treaty with the Krasnoyarsk radar. Large phased array radars of this type are a key long leadtime component of an ABM system. By itself, the Krasnoyarsk radar can provide battle-management to defend 200 MIRV'd ICBM warheads comprising some 20 percent of Moscow's total ICBM warheads. Remember also that the Soviets already have the world's only operational ABM system around Moscow, which they are currently modernizing.

Mr. President, as I said earlier, there is considerable debate within the intelligence community as to the nature of Soviet activities and what all of these Soviet actions means. With this amendment, I am not attempting to prejudge the issue or force a conclusion one way or the other. What I am trying to do is provide the Senate with the information we need to make an informed judgment.

If I may close with one last quote, this one from Gen. Mikhail Milstein:

> Mutual Assured Destruction is not a military concept, and should not be accepted as such by either side. It might be a political concept, it might be a philosophical concept, but it is not valid militarily. Whenever a new weapon system is developed, a defense must be provided against it.

Mr. President, General Milstein made that statement in 1976, 4 years after the ABM Treaty enshrined MAD as the modern equivalent of peace in our time.

Mr. McCAIN. Mr. President, this side fully supports this very important amendment from my colleague from Idaho, and we are pleased to support it on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 2029) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICE. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, are we operating in any kind of consent agreement?

Mr. DIXON. May I say to my distinguished friend from Arkansas——

Mr. BUMPERS. I want to speak for 60 seconds.

Mr. DIXON. We are going to the amendment by the Senator from Colorado which has been agreed to and I am sure he has no problem in yielding for a minute to the Senator from Arkansas.

THE INF TREATY

Mr. BUMPERS. Mr. President, I want to comment on the INF Treaty and state again that the reason I offered the interim restraint proposal yesterday and the reason I will offer another one before we get off this bill deals precisely with the discussion on the INF Treaty.

First of all, everybody has responsibilities here. The Armed Services Committee, the Foreign Relations Committee, and Intelligence Committee have all examined that treaty in great detail.

Some of them have come out with differing conclusions, but I think all of them agree, particularly now, in light of the word from Secretary Shultz that we ought to proceed as expeditiously as possible to ratify the treaty or to advise and consent to the ratification of the treaty.

I just want to make this one point for my colleagues, and that is bear in mind that the INF Treaty is a very small part of the total equation. I applaud it. I will enthusiastically support it, and the removal of 3 percent of all the warheads of both sides in Western Europe and in Eastern Europe will be most welcome, especially, in my opinion, by Western Europeans. That is a foreign policy decision as well as a strategic decision.

But having said that, I also want to point out that the START Treaty is far from being completed, and that is where the ball game is. Just to give you some idea of why interim restraints are important, listen to this: We have added more warheads to our strategic arsenal since the INF Treaty was signed than we will remove under the INF Treaty after all this folderol about the INF Treaty during the past year.

So you can see we made some progress in order to stand still. If we ratify that treaty next week, we will still have more warheads in our arsenal by a magnitude of 400 to 450 than we had the day that treaty was signed. That can scarcely be called much progress in arms control.

I thank the Senator for allowing me to proceed.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2030

(Purpose: To encourage energy conservation at Department of Defense installations)

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes an amendment numbered 2030.

Mr. WIRTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . ENERGY EFFICIENCY INCENTIVE.

(a) The services of the Department of Defense shall be authorized to establish a program of incentives for the purpose of conserving, and otherwise making more efficient use of, energy by the services.

(b) In carrying out this program, the head of each service shall, by no later than 120 days from the enactment of this bill, implement procedures for the identification, verification, accrual, and use of the first year's energy cost savings resulting from contracts entered into under title VIII of the National Energy Conservation Policy Act as amended in 1986.

(c) The portion of the funds appropriated for payment of a service's energy expenses that is equal to the government's share of the first year's energy cost savings resulting from contracts entered into under title VIII of the National Energy Conservation Policy Act as amended in 1986, shall be treated as an unobligated balance and shall be available to the service in the fiscal year after the fiscal year in which the savings occur to be used in equal amounts, until expended, for the purposes of:

(1) additional energy efficiency projects by the service, and

(2) appropriated Morale, Welfare and Recreation purposes and minor construction projects that enhance the quality of life at the installation at which the savings are realized.

(d) For the purposes of this section, "energy cost savings" means the present dollar value of the government's share of the first year's energy cost savings resulting from contracts entered into under title VIII of the National Energy Conservation Policy Act, as amended.

Mr. WIRTH. Very briefly, Mr. President, the amendment goes to two issues. One, how are we going to fund the morale, welfare, and recreation programs for our military services and, second, how are we going to go about saving more energy in the military so that we reduce the overall energy costs to the military. Sixty percent of the people in the military today are married. This brings to us a military with a very different set of problems.

Service men and women, and their families, have a tremendous need for child care services, libraries, and recreational facilities. It is going to be an increasingly expensive proposition to the American taxpayer to provide these services to our troops in an all-volunteer army.

Unfortunately, morale, welfare, and recreation is the kind of account that is first to be cut under constrained budgets. So we are going to have a funding problem on the morale, recreation, and related accounts. Where are we going to find money for that?

Mr. President, I think this amendment has been agreed to on both sides.

One of the dilemmas facing base commanders at defense installations at home and abroad is finding ways to improve the conditions for our troops and their families. In these times of fiscal austerity, it has become increasingly difficult to fund morale, welfare, and recreation accounts that meet the needs of our service men and women. I have heard this concern expressed by commanders in Europe and at bases in my home State of Colorado. Quite simply, more needs to be done to provide funding for such essential services as libraries, child care centers, and recreational facilities.

In the search for reliable means of providing these services to the individuals and families who make up the armed services, we must look for creative sources of funding. One source of funding can be found if we encourage the Department of Defense to enter into shared savings contracts that reduce the Nation's energy bill without any capital investment by the Federal Government. Under the shared savings format, an energy service company will install equipment for energy improvements at a facility at no initial cost. A portion of the savings are then committed to the energy service company as compensation for its work.

The amendment before the Senate today would allow base commanders to retain a portion of the savings they achieve for appropriated morale, welfare, and recreation purposes and minor construction projects that improve the quality of life at military installations. The remaining savings would be kept within the service for further energy efficiency improvements.

My amendment will also reduce consumption by the Federal Government's foremost energy user. The Department of Defense accounts for more than 80 percent of the Federal Government's energy use. Defense facilities alone ran up a $2.7 billion energy bill in 1986. And without the steady improvements toward greater energy efficiency made in the previous decade, the bill for defense facilities could have been much higher.

During the period from 1975 to 1985, the Department of Defense achieved an 18.3-percent reduction in energy used per square foot at its facilities. The Army surpassed its own ambitious goals and reduced energy consumption at its facilities by 22 percent. The improvements in energy efficiency achieved by the Defense Department saved American taxpayers close to $4 billion over the 10-year period.

While these are impressive gains, more can be done to save energy if we encourage the services to enter into shared savings contracts. Although the Department of Defense and the other Federal agencies have had the authority to enter into shared savings arrangements for almost 2 years, few contracts have been signed. The amendment I have submitted would provide an incentive for energy managers and base commanders to move more swiftly in their efforts to reduce the Federal Government's energy costs. And this amendment targets a portion of those savings toward a pressing need of the armed services—quality of life improvements.

This is a twofer. It saves us energy and helps the quality of life for our troops.

These are the kinds of issues that, as the distinguished Senator from Illinois has pointed out over and over and over again, get lost, but they are enormously important. These measures will help improve the infrastructure of our military.

I think this is a good amendment. It is a sound approach that we ought to be taking. I thank the Senator from Illinois for his assistance in putting this amendment together. I believe it has been agreed to on both sides and by the leadership of the Energy Committee.

Mr. DIXON. Mr. President, I congratulate the distinguished Senator from Colorado on his usual good judgment in connection with this amendment. This amendment is also supported by the Department of Defense. This side does support the amendment.

Mr. McCAIN. Mr. President, this side also supports the amendment. We have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2030) was agreed to.

Mr. WIRTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, the distinguished Senator from Arizona, I believe, at this time has an agreed-upon amendment on behalf of the distinguished Senator from Nevada, Senator Hecht and Senator Reid, as well, I believe.

AMENDMENT NO. 2031

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCain], on behalf of Mr. Hecht and Mr. Reid, proposes an amendment numbered 2031.

Mr. McCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add the following new section at the end of the bill:

Sec. . ( ). Section 114(a)(1) of the Nuclear Waste Policy Act of 1982 is amended by—

(1) adding the phrase "and in subparagraph (I)" at the end of the fourth sentence thereof;

(2) striking the word "and" at the end of subparagraph (G);

(3) striking the period after subparagraph (H) and inserting in lieu thereof "; and"; and

(4) adding a new subparagraph (I) as follows:

"(I) a report by the Secretary of Defense, with regard to any site recommended under this section, as to whether and how the construction and operation of a repository at such site would jeopardize the national security by reason of interference with national defense activities, if any, occurring nearby."

Mr. McCAIN. Mr. President, this amendment has been agreed to on both sides. It has to do with the possibility of the siting of a nuclear waste repository near a military base. I think it is an important addition, not only for the State of Nevada, but for any other place that a repository may be contemplated near a military installation. I ask for its approval.

Mr. DIXON. Mr. President, the amendment that we have before us closely resembles a provision that passed the Senate last November on the energy and water appropriations bill as part of the nuclear waste package. The provision, as I understand it, was also in the reconciliation bill which was a conference vehicle for the nuclear waste amendments.

As I understand it, both distinguished Senators from Nevada enthusiastically support the amendment. This side supports the amendment and we are prepared for a vote.

● Mr. HECHT. Mr. President, I appreciate the cooperation of the Armed Services Committee with regard to the amendment which I have offered and which the Senate is currently considering.

I take second place to no one in this body in my support of a strong national defense for America, and I, like all Nevadans, am proud of our State's contribution to our mutual defense.

One of the most important defense installations in the world is Nellis Air Force Base in southern Nevada. The pilots who train at Nellis comprise the first line of defense for the free world. Nellis also is a valued contributor to the economy of southern Nevada.

The importance of the Nellis mission, and that of the Nevada Test Site, makes it essential that we not unwittingly jeopardize them as a result of some other Federal program. When the Nuclear Waste Policy Act Amendments of 1987 passed the Senate last November, it contained an amendment which I attached to the bill which required the Secretary of Energy to consult with the Secretary of Defense to make sure that the construction or operation of a repository not jeopardize national security by interfering with national defense activities occurring nearby. This amendment did not turn up in the conference report on the bill, so I now find it necessary to offer essentially the same provision as an amendment to this bill.

Mr. President, let me make it quite clear that I am opposed to a deep geologic repository in Nevada under any conditions, whether or not a repository would harm Nellis or the weapons testing program at the Nevada test site. A repository would be terribly expensive and has never been proven safe anywhere in the world. What we ought to do is reprocess and recycle nuclear waste, put it right back into nuclear reactors and burn it for energy.

However, I recognize that the present orientation of Congress is in favor of a repository program. I, therefore, am offering this amendment to make sure that we do not compound an energy policy error with a national security error. This amendment will make sure that the Secretary of Defense is given a strong voice in protecting the many essential national defense activities that take place in southern Nevada.

Once again, Mr. President, I appreciate the cooperation of the committee in accepting this amendment.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2031) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2032

(Purpose: To establish the sense of the Senate with respect to the restoration of human rights in Poland)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. Dixon], for himself, Mr. Bond, Mr. Wilson, and Mr.

NUNN proposes an amendment numbered 2032.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end thereof, add the following:

SEC. . HUMAN RIGHTS VIOLATIONS BY THE POLISH REGIME.

(a) The Senate finds:

(1) that the regime of General Wojciech Jaruzelski has again violated the most fundamental rights of the people of Poland, including the right to peaceably assemble, the right to strike, the right to freely associate, the right to speak freely, and the right to due process;

(2) that the Jaruzelski regime has retaliated against the justified, peaceful protests of workers at Nowa Huta through the use of violent force;

(3) that the Jaruzelski regime has sentenced human rights activist Bogdan Lis to three months imprisonment for his activities on behalf of the rights and freedoms of Polish workers, and has in addition sentenced Janusz Onyszkiewicz, Czeslaw Nowak, Tadeusz Pikurski, Halina Lopek, Stefan Malecki, Janusz Dura, Adam Jedrasiak, Stanislaw Strzepek, Edward Banaszkiewicz, Julian Gasior, Bogdan Kowalewski, Lech Matiaszkiewicz, and Robert Pawlik to terms of imprisonment ranging from one month to three months in duration;

(4) that a number of other persons have been prosecuted and imprisoned for politically related offenses;

(5) that several hundred workers have been temporarily detained;

(6) that the Jaruzelski regime refuses to take steps, which would guarantee the Polish peoples' right to participation in the management of the country's economy, and would accept the principle of pluralism in the country's national life.

(b) It is therefore the sense of the Senate that:

(1) it condemns the actions of the Jaruzelski regime to violate the fundamental rights of the people of Poland; and

(2) any improvement in relations between the United States and Poland must be predicated on a fundamental improvement in human rights in Poland, including the release of political prisoners, the rights of independent trade unions to organize, and steps toward genuine national reconciliation and dialogue.

Mr. DIXON. Mr. President, this is an amendment sponsored by myself, the distinguished Senator from Missouri, Mr. BOND; the distinguished chairman of the Armed Services Committee, Senator NUNN; and the distinguished Senator from California, Mr. WILSON.

Mr. President, this amendment expresses the sense of the Senate with respect to the restoration of human rights in Poland.

At 2 a.m. last Thursday, four van loads of Polish security forces stormed the Lenin steel mill to break up a 9-day strike. They hurled stun grenades as they charged into the mill. About 40 people were arrested, including 13 members of the Ad Hoc Strike Committee that had led the strike of up to 17,000 workers. Baton-wielding police proceeded to brutally beat the strikers. Opposition spokesmen reported that at least 32 people required treatment, including a man with two broken legs.

This resolution condemns the use of violent force against the striking Polish workers, and the violation of the most fundamental human rights of the people of Poland. Further, it expresses the sense of the Senate that any improvement in relations between the United States and Poland must be predicated on a fundamental improvement in human rights in Poland, including the release of political prisoners, the rights of trade unions to organize, and steps toward genuine national reconciliation and dialog.

Following steep official price increases ranging from 40 percent for food to 200 percent for heating materials, a strike broke out April 26 at the Lenin steel mill.

The strikers initially demanded a doubling of the pay increase recently given by the government to all state workers to offset the stiff price increases. Moreover, they called for establishing a special body to guarantee that any agreement made with the government is implemented. Soon, the strike organizers expanded their demands to include the legalization of Solidarity; the reinstatement of fired union activists; and the release of all political prisoners.

Instead of recognizing the rights of these workers to hold this justified and peaceful protest, the Jaruzelski regime brutally retaliated with violent force. We must condemn this action as a direct violation of the fundamental human rights of these workers and the people of Poland.

Last October General Jaruzelski announced a program for the "second stage" of economic reform. The program was supposed to make state companies more independent and force them to compete in the market. In addition, the reform was to expand private enterprise in Poland. However, the government has done little other than sharply raising the rate of inflation.

At the same time the Jaruzelski regime was developing this economic program, they made statements which appeared to recognize the need for increased democratization of Poland in order to gather broad popular support for their economic reform program. However, the government has not taken the necessary steps to involve the Polish people in the management of the country's economy, and to accept the principle of pluralism in the country's national life.

The necessity of these democratizing steps has been dramatically underscored by the recent strikes. The United States has been exploring ways to help Poland achieve effective economic reform. However, United States assistance is only possible if the economic reform program has the popular support of a broad spectrum of Polish society. To earn this widespread support, the Polish Government must respect the human rights of all of its citizens, and seek dialog and national reconciliation with all elements of Polish society, including the solidarity trade union.

I urge my colleagues to support this amendment to send a clear signal to the Government of Poland that the United States Senate condemns the use of force to break the strike at the Lenin steel mill, and predicates any improvement in the relations between our nations on the fundamental improvement in human rights in Poland.

Mr. BOND. Mr. President, I am pleased to join my colleague from Illinois in offering this amendment to the Defense authorization bill.

We all have been concerned over the past few weeks as we have watched the reports on television and read in the paper of the Polish Government's brutal efforts to prevent Polish workers from achieving their basic rights.

In a disturbing repeat of the scenes we remember from 1980 and 1981, last week we saw Polish storm troopers sweep into the Lenin steel mill in Nowa Huta—firing percussion grenades, and clubing and arresting strikers. According to Father Tadeusz Zaleski, a pro-Solidarity priest who is quoted in Time magazine this week, the strikers "were chased all over the hall and beaten with truncheons."

Then on Monday, other strikers, led by Lech Walesa, at the Gdansk shipyard were forced to abandon their strike and give in on their demand that the government recognize the Solidarity trade union.

I know that my colleagues share my concern that the Jaruzelski regime, despite almost a decade of pressure, continues to refuse to recognize Solidarity, and continues to refuse to grant workers basic human rights. It is bad enough that workers do not have the right to speak freely or to associate freely or to strike. However, it is absolutely unacceptable that they are beaten and jailed for attempting to excercise these fundamental rights.

Mr. President, the Poles are a courageous and spririted people. Time after time throughout history we have seen them rise up against incredible odds to fight for their right to live freely.

Last month I had the pleasure of visiting Poland and meeting with many Poles. Their desire for freedom—for basic economic and human rights—was clear. Despite a general assumption that the Communist government was capable of electronic survellance over our conversations in hotel rooms, churches, and private homes, we found the Poles eager to discuss candidly their resentments against the Soviets and the very real problems they saw with the Jaruzelski government.

This spirit of defiance will not easily be snuffed. Though the government may feel it has won a victory by bringing the current round of strikes to an end, I feel confident that Polish people will continue to fight for their rights.

That is why I feel it is important to support today's resolution. We must let the Polish people know that we in the United States support their efforts, and we need to let the Polish Government know that we will not allow business as usual so long as it refuses to take the simple steps of granting basic rights and recognizing Solidarity. I am pleased that today the Senate will deliver that message, and I hope the President makes it even more clear when he meets with Soviet leader Gorbachev later this month.

Mr. DIXON. Mr. President, this amendment has been cleared on both sides.

Mr. McCAIN. Mr. President, this side has no objection to the amendment and we support the amendment.

Mr. PELL. Mr. President, I strongly support this amendment. We have reached a critical juncture in United States-Polish relations. The Government of Poland is reaching out for United States economic assistance to bolster its sagging economy. But the answer to Poland's economic woes does not lie principally with the West. The answer lies in the relationship between the Polish Government and the Polish people. Before Poland reaches out to the West for economic assistance, it must reach out to its own people. And as long as the Government of Poland refuses to enter into a partnership with the Polish people, the people of the United States cannot extend assistance to Poland.

Events in Poland over the last few weeks suggest that the Polish Government is not yet prepared to enter into such a partnership. The strikes that erupted across Poland in the last 2 weeks reveal a seething discontent with the decrepit Polish economy and the stifling absence of political freedoms. The Polish Government crushed some of these strikes with violent force. Such tactics will only further divide the country at a time when the only way to put the Polish economy on track is through national reconciliation.

That is the message of this amendment. It makes it clear that if the United States is to continue to improve its relations with Poland, the Government of Poland must allow the people of Poland to assert their fundamental human rights. It makes clear that further improvements in United States-Polish relations is linked to the process of national reconciliation within Poland.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2032) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2033

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 2033.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . Not later than 90 days after enactment of this act, the Secretary of the Air Force shall submit a report to the Congress outlining his plans for establishing, to the maximum extent practicable, competition in the development and production of components for the Advance Tactical Reconnaissance System.

Mr. DIXON. Mr. President, the advance tactical air reconnaissance system [ATARS] is to upgrade our tactical reconnaissance capabilities. ATARS will be used by the U.S. Air Force and the Navy on a variety of aircraft—the RF-4, the F-16, the F-14, and unmanned vehicles.

The ATARS Program will eliminate film cameras and introduce new reconnaissance technology which includes electro-optical sensors.

My amendment simply requires the Secretary of the Air Force to report to Congress within 90 days on the Air Force's plan to develop and qualify a second production source so that there will be competition throughout the entire program.

The ATARS Program will revolutionize the tactical reconnaissance industry in the United States. It is important to the tactical reconnaissance industrial base of the United States that this not be a sole-source program.

Mr. President, this amendment has been cleared on both sides.

Mr. McCAIN. Mr. President, we have no objection, and we support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2033) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. DIXON. Mr. President, if I could have the attention of the Senate for just a moment, let me say at this point in time, we will go to the distinguished Senator from Washington, Senator ADAMS, who will have an amendment on war powers. The agreement is for 2 hours, evenly divided. That means a vote will take place about roughly at 10 after 7.

May I say that, beyond that, I had suggested there would be other business on Senator KENNEDY's aircraft carrier amendment tonight. That is not correct. That business will take place tomorrow morning, instead. But there will be other votes tonight.

The majority leader will later announce that we will come in at 9 in the morning. I believe that I am privileged to say that he will suggest there will be a half an hour of morning business. We will take up Senator KENNEDY's aircraft carrier amendment at 9:30, with 1½ hours, evenly divided. So there will be a vote about 11 a.m. in the morning on that aircraft carrier amendment.

I thank the Chair and I believe Senator ADAMS is prepared to go forward with his amendment.

AMENDMENT NO. 2034

(Purpose: To require a comprehensive plan for the use of United States Armed Forces in the Persian Gulf, to express a congressional policy on the Iran-Iraq war, and for other purposes)

Mr. ADAMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. FOWLER). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS] proposes an amendment numbered 2034.

Mr. ADAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 921. PLAN FOR USE OF UNITED STATES ARMED FORCES IN THE PERSIAN GULF.

(a) CONGRESSIONAL FINDINGS AND POLICY ON THE IRAN-IRAQ WAR.—(1) The Congress finds that the hostilities in the Persian Gulf will not end until the Iran-Iraq war is terminated and that thus far the United States has not made the termination of the Iran-

Iraq war the top priority of United States policy in the Persian Gulf.

(2) It is the sense of the Congress that—

(A) the United States should aggressively pursue initiatives to end the Iran-Iraq war, including both multilateral and bilateral efforts;

(B) the United States in seeking a resolution of the conflict should not take sides in the Iran-Iraq conflict, but rather it should be the policy of the United States to remain impartial;

(C) the United States must pursue diplomatic efforts in the Persian Gulf as the primary tool to end the Iran-Iraq war instead of using the convoying and escorting of ships or the common defense of such ships to achieve such objectives;

(D) in recognition of our legitimate security interests in the Persian Gulf, the United States should continue to maintain a military presence there as it has for nearly forty years;

(E) United States forces performed with great courage and professional skill during the recent hostilities triggered by the mining of the Persian Gulf by Iran; and

(F) notwithstanding the outstanding performance of United States Forces in the Persian Gulf, our current policy in the Persian Gulf is principally a unilateral policy whereas the United States should more vigorously pursue efforts to establish multinational cooperation.

(b) Authorization of Funds To Carry Out Policy.—(1) Beginning thirty days after enactment of this Act, no funds authorized to be appropriated by this or any other act may be obligated or expended to—

(A) escort or convoy commercial vessels registered under the flag of the United States but formerly owned by Kuwait or Kuwaiti nationals; or

(B) defend commercial vessels in the Persian Gulf registered under the flags of other nations.

(2) Paragraph (1) shall not apply if, within 15 days after the submission of the plan required under subsection (c), the Congress fails to enact a joint resolution of disapproval pursuant to subsections (d) and (e).

(c) Plan.—Not later than 15 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report, in classified and unclassified form, setting forth a plan for the continued presence of United States Armed Forces in the Persian Gulf as part of a multinational force. The plan shall identify—

(1) the goals and objectives of United States military presence in the Persian Gulf;

(2) the anticipated length of deployment for United States Forces and estimated costs for such deployment, together with a discussion of how such costs will be covered during fiscal year 1989;

(3) the rules of engagement for such forces while they are participating in this multinational effort;

(4) the specific responsibilities of United States Armed Forces in the Persian Gulf, as well as specific responsibilities of other nations with a presence in the Persian Gulf; and

(5) the multilateral and bilateral diplomatic efforts which are planned in order to press for an end to the Iran-Iraq war.

(d) Implementation of Plan.—(1)(A) The plan described in subsection (c) shall be deemed approved by the Congress if the Congress has not enacted a joint resolution disapproving the use of such forces under such plan by 15 days after receipt by the Congress of the plan described in subsection (c).

(B) Funds appropriated or otherwise made available under any provision of law may only be used consistent with, and not in violation of the goals, guidelines, or activities of the plan deemed to be approved by the Congress under subparagraph (A).

(2) In the case of the enactment of a joint resolution of disapproval under paragraph (1), funds appropriated or otherwise made available under any provision of law may only be available for the use of United States Armed Forces in the Persian Gulf to carry out the activities described in subsection (b)(1) if:

(A) the President has resubmitted to the Congress, within 30 days after the date of enactment of the joint resolution of disapproval, a report setting forth a plan described in subsection (c) which has been revised in consultation with the Congress;

(B) the Congress has enacted a joint resolution approving the use of funds under the revised plan; and

(C) the funds are only used consistent with, and not in violation of the goals, guidelines, or activities specified in the revised plan.

(e) Congressional Priority Procedures.—A joint resolution—

(1) which is described in paragraph (1) or (2) or subsection (d), and

(2) which is introduced in a House of Congress after receipt by that House of a report described in the respective paragraph shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(A) such joint resolution shall be referred, in the case of the House of Representatives, to the Committee on Armed Services, and in the case of the Senate to the Committee on Armed Services; and

(B) for purposes of a joint resolution described in subsection (d)(1), a committee shall be discharged from further consideration of such a joint resolution, at the end of 5 calendar days after its introduction if that committee has not reported such joint resolution (or an identical joint resolution) by that date.

(f) Specific Budget Requests.—Notwithstanding subsection (d), beginning with the first fiscal year beginning after the date of enactment of this Act, no funds appropriated or otherwise made available may be obligated or expended for use by the United States Armed Forces in the Persian Gulf in a fiscal year unless the President specifically requests such funds in a budget submission to the Congress for that fiscal year and the Congress enacts an appropriation Act specifically providing such funds.

(g) Consultation Requirement.—Whenever the President seeks to change the goals and objectives of the use of United States Armed Forces in the Persian Gulf, he shall consult with the Congress before making any alteration in the plan being implemented under this section.

Mr. ADAMS. Mr. President, for over a year now, the U.S. Navy has been engaged with distinction, honor, and bravery in activities in the Persian Gulf which have placed our forces at risk and at no time during that period, Mr. President, has the Congress ever authorized those activities or provided a single penny in funds specifically appropriated for the purposes of carrying them out.

Mr. President, to those Senators who are within range of my voice, I say that the Congress of the United States and the U.S. Senate has the responsibility for marshaling the resources of the Nation and for appropriating funds when we are engaged in hostilities.

This might not appear to be, or be appropriate, Mr. President, for a short rescue operation or for a 48-hour period. But, Mr. President, we are dealing with a period of hostilities and major naval engagement for now a period that has been over a year. The Congress has never been asked to authorize or appropriate funds.

Mr. President, we are here today on a bill which is a bill to authorize funds and, to a degree policy, for the use of the armed services of the United States. That is why I am here with this amendment, Mr. President.

Given the magnitude of our commitment and the risks associated with our policy to the lives of our men and to the resources of the Nation, I think the Congress ought to be involved in this process.

From time to time a number of us have tried to generate a debate about our policy in the Persian Gulf. Last year, using the procedures established by the War Powers Resolution, we attempted to debate the policy in the Persian Gulf. Not day-to-day micromanagement, Mr. President; not trying to tell commanders in the field what to do. But, Mr. President, to deal with the major military and foreign policy commitment of the United States which is a shared power, under the Constitution of the United States, between the President of the United States and the Congress of the United States.

Mr. President, that effort under the War Powers Resolution did not succeed. Debate focused more on the process, the War Powers Resolution and whether or not it was being properly use, than it did on the policy. The policy debate never took place.

Despite the problems with the War Powers Resolution as a procedure, I am ready to repeat that effort again this year. Mr. President, the War Powers Resolution is the law of the land. It requires the President of the United States to come to the Congress whenever our troops are in imminent hostilities. It gives a 48-hour period for immediate action. It sets up a very detailed procedure for review. And I have filed a resolution under the War Powers Resolution to meet the requirements of section 5 and I am prepared to debate that at an appropriate time. But the amendment that I offer today, Mr. President, has nothing to do with the War Powers Resolution. It is a pure policy amendment, relevant and germane to the most important bill involved with our military services. It is tied to the traditional congressional powers of authorization and appropriation. It is the place that many people, when we argued this process last year, said: You should control this with money. Not with the law of the land, which is the War Powers Resolution; but with money.

So, Mr. President, I am here today with this bill. This is a money bill. This DOD authorization bill is maybe the only vehicle for people to debate our policy in the gulf. After all, we appropriate nearly $300 billion for our national defense. We debate what weapons we will buy, down to the smallest weapon. We determine the base structure of our nuclear strategy. We make decisions about how to allocate resources between various branches and missions.

It makes no sense to debate how much we are going to spend and buy, unless we consider how our forces will be used.

In terms of consulting with the Congress on the question or how our forces should be used, I would be the first to agree that the administration has now taken some positive steps to incease congressional involvement. I want to give them credit for that. I do not want to say that we forced them to do that. I want to say that they did it because they think it is the right thing to do and that they will do it in the future. And I give them credit for that.

I am sure all of my colleagues will recall that the initial decision to reflag the Kuwaiti tankers and expand our presence in the gulf was made without any real discussion in the Congress. Our response to the Iranian attacks last year—last year—also took place without any meaningful consultation with the Congress. This year things have changed. At least this Member is told by other Members that things have changed. At least to a degree.

There was, by all reports—and I am very hopeful my colleagues who were involved with it will so state and will tell us—a real discussion for the first time between the congressional leadership and the White House prior to our response to Iran's renewed mining in the gulf last month. And the decision to expand American protection to all nonbelligerent vessels appears—again, I have to say appears because it has never been debated here, it has never been talked about, it has not gone to the Members of the Senate; maybe it has gone to some but not to the Senate as an institution or as a body—that some of these decisions were made at the suggestion of Members of the body of the U.S. Senate.

I hope that was true. We have a distinguished Member who is the ranking member of this committee who is a former Secretary of the Navy. I would pray to God, Mr. President, that at least the President of the United States would talk to him about this and that he, in turn, would begin to say to all of us what the policy is, what the policy is going to be, how much it is going to cost, where it fits; and that we begin to be part of taking on our constitutional responsibilities.

The plain truth is the Congress has the ability; it has the responsibility through the authorization process which we are conducting right now and the appropriations process which we will conduct, to pass judgment on that policy. And we pass judgment on policy of the United States by authorization and by appropriation every day of the year.

We have not done that with one of the most important policies being pursued by the United States in the world today, which is a facing off of what will happen in the Middle East, both with fundamentalism, with the states that are there that supply oil, with our allies that are there; we just have not done it.

In fact, as I studied the committee report on this legislation, I have got to admit my deep disappointment, there was just a passing reference to our presence in the Persian Gulf.

The administration has, in essence, hidden the costs of this operation by simply stealing money to pay for it from the operations and maintenance accounts. And I hope that our other members on this committee and other committees will comment on that.

Mr. President, during the Vietnam war we went for almost 3 years before we ever found out how much it was costing us. We stole from the other accounts until we got to a point where we really had to start appropriating money.

Rather than having a direct and open request for congressional support, we would not let that happen in an area like SDI or the weapons we buy, and we should not have that happen here either.

I do not believe we can shirk our responsibilities in this area. The American people and the American servicemen stationed in the gulf deserve to know where the Congress stands.

I have a feeling, Mr. President, we probably are in support of a major part of that policy. Why do we not vote on it? Why do we not come to that conclusion? This Member will accept what a majority of the U.S. Senate does. I have always said that. But the Congress deserves, is required, and the Constitution states that we have a role in this, particularly in a policy as important and as dangerous as the one we are following in the Persian Gulf. My amendment, which I placed on every desk in this Senate and which I have communicated to every Member who has any interest, is an attempt to put the Congress on record and to give the administration formal direction from the Congress as an institution, not as an individual Congressman or individual Senator, but as an institution relative to the policy that we want to authorize and appropriate money for.

So a part of what I am attempting to do here is deal with the process question, the process by which the Congress gets involved in shaping broad policy directing the use of military force. I am advocating a specific policy in this amendment.

Let me be the first to say that I do not believe that what I have suggested is the only option. It is a policy that I prefer.

Accordingly, I have not attempted to fill the amendment tree or prevent others from offering amendments. Indeed, I welcome amendments and suggestions from my colleagues. This is a matter that must be addressed by the Congress as an institution and not dictated by any single Senator through some set of parliamentary tactics.

I begin with this assumption: The threat to international shipping in the gulf does not exist in isolation. It is a part and a parcel of the ongoing war between Iran and Iraq. There is no way the gulf can be made secure as long as that war goes on.

Our announced goal of protecting freedom of the seas may be achieved on a case-by-case basis, but as long as that war between Iran and Iraq continues, the right of free passage through the gulf will not be secure. I address that in the amendment as being a priority of U.S. policy.

While I agree we need to provide protection for ships, hopefully in cooperation with other nations, that simply is not enough to achieve our goals. There has to be an increased emphasis on multilateral and bilateral efforts to resolve the conflict. In my view, however, current policy works against such efforts by overtly providing protection to an ally of only one of the combatants. We have tilted toward Iraq.

While there may be reasons for this tilt, the consequences are twofold: First, we violate our announced policy of neutrality. We have a policy of neutrality. Our strategy and the things we do should meet that goal, or we will further reduce our credibility in the region.

Second, as long as we are viewed as partisan, our ability to exert diplomatic pressure in the region is decreased. Given these considerations, Mr. President, my amendment begins with a statement of policy emphasizing the need for diplomatic initiatives and affirming America's neutrality in the region.

With that policy in mind, the amendment directs the President to work with other nations to develop a plan for a multinational force in which each nation accepts specific obligations and responsibilities for providing protection to all vessels of nonbelligerent states in the gulf.

In the context of such a multinational force, the United States would be free to continue to provide protection to Kuwaiti reflagged vessels, as well as to other nonbelligerent shipping.

The amendment goes on to direct the President to provide the Congress with a complete description of the plan developed relative to our operations as part of a multinational force. Everybody else knows it. We are not there; we are doing it; we are implementing something. Why not tell the Senate? Why not tell the House? Bring the Congress in and let us go to it as a nation.

The description of our plan would spell out our goals and our objectives; the length and cost of our employment, because at some point we have to know that and at some point this committee must authorize it and those committees in the U.S. Senate must appropriate the money for it; our rules of engagement governing our forces, the responsibilities of each member of the multinational force and the multinational and bilateral diplomatic efforts, which are being undertaken to bring an end to the Iran-Iraq war.

The plan spelling out our policy would deem to be approved if the Congress had not adopted under expedited procedures a resolution of disapproval 15 days after receipt.

Mr. President, I tilt this amendment in support of the President's policy. In other words, the Congress, the Senate, we must say that this plan is no good if we ever can find out what the plan is.

I call to the attention of my colleagues the presumption this offers the President. It would constitute a burden on any of us who would object to the President's proposal, rather than a burden on those who favor it.

I indicate in this disapproval provision an indication of the fact that I recognize we operate in a government of shared power. I am not attempting to usurp the powers or the prerogatives of the President. I am simply insisting that the Congress protect its own powers and prerogatives and, frankly, I am surprised, returning to the U.S. Senate after many years and after being in the House, it used to be that other parties protected the prerogatives of the Congress against Presidents who they felt were exceeding those powers.

In this amendment, if the President's plan was rejected by the Congress, it still does not mean that the President is not a person viewed as having certain defined and inalienable constitutional powers. He would have 30 days to submit a revised plan that would need to be approved by the Congress, again, under expedited procedures before it could go into effect.

In addition to this, it addresses the immediate need to develop a congressionally authorized policy.

There are just two other features in the amendment. First, and I would think that the committee would insist upon this and I hope in any event they will insist upon this, that if the President in future fiscal years submit a specific budget request for the funds needed to support our forces in the Persian Gulf.

Where is the money coming from? All of us who have served in the executive branch know that it is not just coming like manna from heaven. It is being taken from other accounts. It is my understanding—and again, I hope we have a policy debate on this and somebody tells us how much money is being spent every month. It has to be $20 million to $30 million, which is a quarter of a billion dollars a year which is coming out of something. We have been arguing about much smaller things than that. There is not any reason to keep the costs of this operation secret or hidden in this budget. We ought to know what the program costs. The President ought to tell us.

The second thing the amendment does is it says to the President, consult with the Congress prior to making any changes in the goals and objectives of American policies as articulated in a plan that you sent up to the Congress and which we have accepted.

That, Mr. President, is the essence of this amendment.

Let me explain what this amendment is not and then I will yield the floor so my colleague can answer some of my questions.

Mr. President, I have said a number of times I recognize our right to be in the Persian Gulf. I recognize our responsibility in the region. I do not want to withdraw our forces. This amendment does not require that. What it requires is that Congress be involved in developing the policy governing the use of force in the region. The amendment does not eliminate escorting and conveying of Kuwaiti vessels, even though I think the decision to reflag was a mistake and a major error. We have made that decision. We have to live with it. What it allows is continuation of that policy but it has to take place as part of a multinational effort to protect all nonbelligerent shipping.

Mr. President, I have some other things to say, but I want those present and those who may be listening to know this is not related to the War Powers Resolution.

Mr. WARNER. Excuse me. Mr. President, I did not understand one word. It is or it is not?

Mr. ADAMS. It is not. It is a straight amendment to this bill to say that we should authorize and that we should appropriate money. It is not a war powers resolution. It uses the power of the purse, the power of authorization and the appropriation process to establish policy guidelines. It is not micromanagement. I am not telling the President what ships to send. All I am asking the President to do is to use those ships to achieve what we together determine is our national policy. I am not trying to tell him what tactics to use or second guess commanders or go to the Pentagon. I just want to make an educated guess, Mr. President, about what they are doing.

Mr. President, I have some additional things I would like to say, but I very much want others to engage in this debate and I will yield the floor at this time. I hope I will have another opportunity to speak on this, but I would like my very good friend and colleague from Virginia, Senator WARNER, to have an opportunity to address some of the things I have said.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I respect my colleague and I return to him his kind remarks of me, for we have worked together on this issue many times and debated it many times on the floor. First, I believe, although he says otherwise, that this is an attempt to have a war powers framework to address this issue in the gulf, and I think that cannot be handled in 2 hours' time.

It would set a very dangerous precedent for the next military action, and the next military action, until such time as the Congress lives up to its responsibility to strengthen the War Powers Act. I know the distinguished majority leader, and I have been associated with him, as have other Senators, is taking a hard look at the War Powers Act to determine how the Congress can correct this piece of legislation in a manner to strike a proper balance between the role of the legislative branch and executive branch in the conduct of the military operations of our Nation.

So it would not be in our interest to try to adopt this amendment today because it would set down a precedent which again would send a confusing signal to our allies and others and, indeed, to the enemy that once again the Congress is indecisive on how it wants to proceed on the issue of the War Powers Act.

I thank the Senator for his reference to the consultations that have taken place between the executive branch and the leadership of the Congress with respect to the most recent actions in the Persian Gulf. I participated in one or more of those meetings, and indeed I think it was an initiative by the President to send up his principal deputies, the Secretary of Defense, the Chairman of the Joint Chiefs, the Secretary of State, to work with Members of the Congress. Indeed, the President himself met with the leadership of the Congress on the eve of taking such retaliatory action as was necessary to send a signal, indeed, to represent this country's total disregard for that illegal attack on our destroyer by virtue of the mines.

I thank the Senator for including in the finding, however, that the United States forces performed with great courage and professional skill during the recent hostilities in the Persian Gulf triggered by Iran. I think that is a proper reference. But the next reference in which he indicates that we are pursuing a unilateral policy, I am not sure I understand that in view of the participation of our allies; namely, Great Britain, France, and others who have sent in their naval forces, and other allies who have participated in trying to bring about peace in the gulf. To me it has been a coordinated effort and it has been a successful one.

Last, I point to paragraph (f), which would require year-by-year authority by Congress. It would establish a very dangerous precedent for any military operation if we had to come back and justify it each year before the Congress. On the eve of that justification, the enemy could sit back and anticipate possibly what the Congress might wish to do and therefore be guided in its actions by congressional action on a budget. I think the President as Commander in Chief of the Armed Forces should have the power to send those forces beyond the shores of our country in defense of freedom and the security interest of this country. It is up to the Congress, hopefully under a revised War Powers Act, to participate and give such support as the President desires but in no instance to try to put time deadlines on an annual basis.

Mr. ADAMS. Will the Senator yield for a question?

Mr. WARNER. Surely.

Mr. ADAMS. I cannot understand the Senator's position when he states that the Congress should allow, or have the President commit major military forces, and perhaps we have to replace vessels or do all the things that we have done in this bill, and that the President of the United States does not have to come up to Congress and say, "I want money; I need this amount of money, and I am going to spend this money for these purposes. It is costing us money over in the Persian Gulf and I need this amount in order to do it," because this is no secret anyplace and what we would be arguing about would be how much.

Now, I have been in this Chamber, as has the distinguished Senator from Virginia, when we have authorized $500 million for this and $300 million for that and argued about whether we could transfer some funds from one system to another.

We have a whole series of ships that have been holed which have to be repaired. We are going to have some more holed over there probably that have to be repaired. We are running them in and out of the gulf, have a very high rate of activity, and all of this is costing money.

I want to know, is the Senator saying we should not appropriate and be asked to appropriate money specifically to carry out the operation?

Mr. WARNER. Mr. President, that is correct. I think it would be ill-advised for the Congress of the United States to single out any particular military operation and say we are going to an annual basis to fund or not fund that operation. It places the authority of the Commander in Chief in difficulty in prosecuting whatever force structure we have there in the course of the national interests of this country.

We annually authorize and appropriate for the overall Armed Forces. That goes into a common pot from which a President can draw such funds as he deems necessary to prosecute a military action which he in turn deems necessary. If the Congress wants to adopt it, we can come in and say henceforth from this day not one penny of that common pot should be expended for this military operation. We always have that authority.

Mr. ADAMS. Do we not do that? Have we not just done that in the Central American operation, whether the Senator agrees or not?

Mr. WARNER. That is not a military operation.

Mr. ADAMS. Do we not use any of this money for this purpose? That is what this committee spends its time doing and what we all vote for or do not vote for. Is it not? That is what I am trying to reach. I have been told repeatedly by the Senator from Virginia, by the Senator from Georgia, you have to use the power of the purse to control what a President does with the military. That is the way the country was set up. That is what I am trying to do. Is that not the way we should go about it?

Mr. WARNER. Mr. President, as it is drawn, the Congress could, by virtue of inaction, jeopardize the policy in the way it is drawn. But I have made my point. I think it is most ill-advised that we put down in law any inhibition on a President to conduct a military operation on an annual basis.

I have made my case specifically. This refers to the Armed Forces in the Persian Gulf. What if we had another military operation here or there? We would have to go on each one on an annual basis and look at each one individually. I think that would be ill-advised.

I have agreed to share my time with the Senator from Arizona.

Mr. ADAMS. I would be happy to hear from the Senator from Arizona.

I reserve my time.

The PRESIDING OFFICER. The Senator from Arizona, Mr. McCAIN, is recognized.

Mr. McCAIN. Thank you, Mr. President.

I would like to follow up the important discussion that was just held between my two friends, the Senator from Washington and my distinguished ranking minority leader, Senator WARNER. We do not fund our operations throughout the world individually. The Army brigade in Berlin does not have specific funds earmarked for it. We do not earmark specific funds for our troops in Korea although they are very near a battle situation. Our 7th Fleet does not have specific funds earmarked for it, although the 7th Fleet was involved in the *Mayaguez* operation. We do not earmark specific funds for any other contingency. As has been pointed out, however, if the Congress of the United States decides that it does not want a certain operation carried out in any part of the world, it can and has, as in the case of our operations in Vietnam and Cambodia, cut off all further funding. That is the proper option open to Congress, not earmarking specific money for specific operations.

Mr. ADAMS. Would the Senator yield for a question on that point?

Mr. McCAIN. Yes. I would be more than happy to yield.

Mr. ADAMS. Is that not what this amendment does, limit funds for particular operations and, therefore, if it fits within that category, and I think—I do not want to state this as a fact because I have not gone back through each one of the cases. This is institutional knowledge on my part—that in each of the operations after World War II, whether it was Korea, Vietnam, elsewhere, we ended up having to appropriate moneys for specific operations there because we were involved in combat and hostilities. I particularly remember that the President of the United States in the Vietnam situation had to come up and ask for a special tax to pay for it.

So I am asking that as a question. I know how O&M accounts work overall. But the O&M accounts are also divided into line items which the Senator who is a distinguished member of the Armed Services Committee knows that in those line items, you are replacing vehicles that are lost due to combat, and you are replacing certain items. We increase the size of our commitment in Berlin. You are informed of it, the line item comes in, you operate either doing it or not doing it, and that is what the Persian Gulf is only it is more dangerous.

I appreciate the Senator answering me as to whether or not that is the way we go at it.

Mr. McCAIN. Let me say my colleague is correct in that, if additional funds are needed for a specific purpose such as during the Vietnam war, and the administration did not have sufficient moneys, it could come in for a supplemental appropriation in order to carry out what it thought was necessary to complete the conduct of that war. At no time, however, were specific funds authorized for a specific operation.

Indeed, the Senator is correct on another point. His amendment does indeed limit the expenditure of funds in a way which is within the responsibility and authority of the Congress of the United States. But, to say that it is a normal procedure for us to earmark funds for any specific operation throughout the world is incorrect.

In any case, the real thrust behind what the Senator is trying to do is indeed what our colleague from Massachusetts just tried to do a short time ago, concerning the use of any United States combat troops in Nicaragua or Honduras. He is seeking a new limitations on U.S. operations.

What I again say it is not normal for the Congress of the United States to earmark specific funds for a specific area of the world, whether it be Korea, whether it be in Berlin, whether it be the operations of the 7th Fleet or our operations in Central America, or anywhere else.

Mr. ADAMS. I would ask the Senator another question if he would yield. When we are involved in combat operations—the Senator is a combat veteran and is a very distinguished Member of this body—in conflict, and I think we are engaged in hostilities in the Persian Gulf. I hope the Senator agrees with me because I certainly think we are. In those types of situations, I am asking the question, do we not authorize and examine item by item what we are having to spend both for replacement and for additional expenses caused by those operations?

They are very distinctive from the standard operations of occupations as in Europe or elsewhere, but these are places where you get a great ballooning of expenditures because any time combat occurs you have that kind of shift.

I am asking the Senator that question because I would like him also to address what accounts there come out of. If it does not mean that we are shorting people elsewhere, and that the Senator is going to have to come to this floor and say we need more money for these reasons, and they really are because we used it over here.

I just think we ought to do that straightaway, out in front, and not some way indirectly. I ask that as a question.

Mr. McCAIN. Let me respond to my colleague. There have been several cases where that is indeed the case but these apply to less than 10 out of some 200 military deployments and operations in which this country has been involved since the end of World War II.

When there are unanticipated additional expenditures of money, such as the Persian Gulf, an administration does come back to Congress and says we need additional funding because of the unanticipated expenditures. That, in my view, is very different from what the amendment calls for here. The amendment asks that we limit funds for a certain operation.

Now, let me address the Senator's amendment for a few minutes. Perhaps after that we can engage in a discussion of his amendment further, because I have a couple of questions that I would like to ask him.

This amendment calls for the President to pursue exactly the same peace program he has pursued for a number of years. It ignores the fact that there really is only one nation that does not want an end to the war, and that nation is Iran.

We have sought peace. In fact, we have seen people who are former officials of this Government get in serious trouble because of their attempts to improve relations with Iran and bring about an end to this war.

I think it is important to note that since 1982, various nations have made over 100 peace initiatives to the Iranian Government, all of which have been rejected. It is important to remember that the United States along with every other member of the Security Council save the Soviet Union, have strongly supported United Nations Resolution 598, which calls for a cease-fire in the region.

This is why I take strong exception to the finding stated in this amendment that says: "The United States has not made the termination of the Iran-Iraq war the top priority of United States policy in the Persian Gulf." To the contrary, we have made peace a top policy priority, and we recognize it is the Iran-Iraq war which is the root cause of the problems in the gulf, including the tragic loss of American lives and materiel.

During the last year, Iran has refused initiative after initiative by the United States to open formal or informal talks on these issues. Worse, since 1982, it has repeatedly attempted to manipulate cease-fires or put forward unacceptable conditions for peace whose real purpose is to help it prosecute the war.

We all recognize now that we are not dealing with leaders with our goals, values, or way of thinking. We are dealing with a degree of fanaticism which I think is unprecedented in recent history.

This is why this amendment would not help peace. In fact, I think it would help Mr. Khomeini fight the war. It would tie the hands of the United States, and would make progress toward peace dependent on a degree of good will by the Iranian leadership that simply does not exist.

This amendment would convince the Iranians that there was a weakening of American will and a growing possibility of the withdrawal of United States forces from the gulf. It would make the United States the hostage to Iran's efforts to manipulate the peace process to aid its effort to win the war, rather than seek a true peace.

This amendment also requires the kind of plan that would require the President to be a prophet. The President cannot provide the Congress of the United States with such a plan, given the fluid nature of events in that part of the world. It would deny the President freedom of action, and, I repeat, it would send a message that the United States is weak, that it lacks the will to meet our strategic commitments, and that our staying power in the gulf is open to serious question.

During the course of my colleague's very persuasive argument, he stated that there has been no help from our allies. I think it is very important that we understand that Saudi Arabia has severed relations with the Iranian Government. They have restricted the number of Iranian pilgrims who can go to Mecca. The Kuwait's have refused to release prisoners in the face of a murderous hijacking. Bahrain, Kuwait, Oman, and Saudi Arabia have provided us with many forms of low profile, or secret cooperation, and the Kuwaitis are now going to purchase the F-18 aircraft. These are many indications that we have had good cooperation on the part of our Arab friends in the gulf.

More importantly, this amendment states in section (F),

> "Our current policy in the Persian Gulf is principally a unilateral policy."

I hope that my friend and very well-informed colleague on this issue understands that we have Belgian, Italian, British, Dutch, and French ships in the Persian Gulf that, as we speak, are preserving the free and unimpeded flow of oil through the Persian Gulf. The British Navy today has a higher percentage of their navy in the Persian Gulf than the United States does. The German Navy is now operating in the Mediterranean to free up NATO forces for operation in the Persian Gulf. Many of these allies have contributed mine forces—forces the United States is tragically short of.

They are playing a vital role in minesweeping in the sealanes of the gulf.

I think it is also important for us to recognize that this amendment says:

> The United States must pursue diplomatic efforts in the Persian Gulf as the primary tool to end the Iran-Iraq War, instead of using the convoying and escorting of ships.

That statement says to me that we should not be convoying ships or escorting ships in the Persian Gulf. The United States, however, will not achieve security or any reasonable hope of peace in the gulf unless we do both. We will accomplish nothing unless we make it clear that we will not submit to blackmail, piracy, and acts of terror on the part of the Iranians.

I do not think it is correct to say that the United States should pursue diplomatic efforts instead of convoying and protecting the freedom of navigation. I think it is important for us to do both.

I reiterate that the United States has pursued every reasonable avenue to try to bring diplomatic pressure to bear to bring this tragic situation in the gulf to an end. We have fully recognized that it is the Iran-Iraq war that is the root cause of this situation, and that—until that war is over—there will be no peace in the Persian Gulf.

If we move on to the authorization part of this amendment, it states:

> * * * no funds authorized to be appropriated by this or any other act may be obligated or expended to—
>
> (A) escort or convoy commercial vessels registered under the flag of the United States but formerly owned by Kuwait or Kuwaiti nationals; or
>
> (B) defend commercial vessels in the Persian Gulf registered under the flags of other nations.

The question I ask my friend is if we take this seriously, whom can we protect? What if there is a scenario where a U.S.-owned tanker is cruising through the Persian Gulf; it may be partly crewed by U.S. citizens, but it is under a foreign flag. It comes under attack by the Iranians. There are an American warship and aircraft and naval presence nearby. Does the United States respond to the call for assistance when they are under attack by fanatic Iranian Revolutionary Guards, or do we sit by and say, "No; under the Adams amendment, we can't be involved in escorting or convoying commercial vessels in the Persian Gulf registered under the flags of other nations"?

I suggest, Mr. President, that we have an obligation to protect freedom of navigation and defend American lives, and this amendment would prevent that from taking place.

Mr. ADAMS. Mr. President, if the Senator will yield, I will answer his question.

Mr. McCAIN. I yield.

Mr. ADAMS. This is directed precisely at the fact that we, in effect, sold the American flag to Kuwaiti vessels, and it is directed toward our doing what every other nation in the gulf is doing, which is protecting their own flag vessels.

The operations the Senator refers to by the Dutch, the Belgians, and the others protect only their flag vessels. They are only doing minesweeping where they believe their flag vessels are involved.

I am stating in this amendment that we should protect U.S. flag vessels, except for the phony flag vessels. So any time you want to send a U.S. ship into the gulf under the U.S. flag, with U.S. people on it, the U.S. Navy is going to protect that U.S. ship. That is what this amendment is drawn to do.

The amendment also provides that if the other nations say, "We will protect nonbelligerent"—that means Dutch, Belgian, French, and so on—"and ours, we will protect yours," I think that is a very good policy. That is what this amendment is very carefully drawn to do.

Mr. McCAIN. The Senator has responded to my question. If I may reclaim the floor, let me first say that those minesweepers are not sweeping mines and saying to themselves that, "This mine is not intended for a Dutch ship, so we will leave it here," or "This mine is not intended for a British ship, so we will leave it here."

(At this point, Mr. ROCKEFELLER assumed the Chair.)

Mr. McCAIN. They are sweeping all the mines in the sealanes in the Persian Gulf, and I would point out to my friend that the mines do not have any particular label on them as to who they might sink.

Second, the Senator did not address my question, I asked: Suppose that a non United States-flagged ship with American citizens on board is being attacked by Iranian Revolutionary Guards. The American citizens aboard that ship call for assistance from a nearby U.S. warship or airplane. According to the amendment the United States cannot obligate or expand any funds to defend commercial vessels in the Persian Gulf registered under the flags of other nations.

Mr. ADAMS addressed the Chair.

Mr. McCAIN. I do not yield the floor to my friend from Washington. I would like to finish what I am saying.

Despite my friend's intention, it is clear to this Senator that we are prevented by this amendment from protecting American lives under ships that do not have American flags on board.

Now I am glad to yield.

Mr. ADAMS. I would state to the Senator that that is precisely what the American policy was until 30 days ago. My goodness, we had a strict statement by the President and everyone else that we would not defend any other ship in the Persian Gulf except the 11 Kuwaiti tankers we were escorting, and the Senator, who is very well informed, knows that.

The point I am making in this whole amendment is that we are getting deeper and deeper and deeper with decision after decision.

The one the Senator mentions, if he were on the floor 30 days ago we would have stated exactly what that amendment says, which was we were not going to defend anybody else's ships with regard to the minelaying operations. We have been doing more than minesweeping, as the Senator well knows, when we had a few exchanges with missiles, planes, and so on. And it was reported when Carlucci went over to talk with them that the British and the others, the Netherlands, Belgium, Italy met with him and said their plans would affect only minesweeping and not the naval vessel escort services, and the United States and the British were offering to fly their national flags. We have always protected our national flag. We extended that to Kuwaiti vessels we reflagged.

Now, I understand, but the Senator will have to tell me because I was not at the White House and no Member of the Senate has come on the floor who was at any of those meetings and said when we changed policy to defend the ships that the Senator mentions, or if we have changed policy to do it, or how much we are going to defend, or whether we are going to shoot back.

That is the whole point of this policy debate. If that is our policy now and the Senator is announcing it, I am pleased to receive it, but I would like to have an administration official, hopefully the President, maybe the Secretary of State—I will even take an Assistant Secretary of State, whoever they will give us—come up and tell us that that is now our policy because it was not.

Mr. McCAIN. Let me respond to my colleague. He was referring to the reflagging policy as it existed 30 days ago. This was a policy I did not support. I agreed with my colleague that to selectively protect only 11 ships was wrong, and I am glad that that policy has been corrected.

The situation today is that our policy is deliberately ambiguous as to exactly when we will use force to protect nonbelligerent ships. We have now stated clearly that we will protect and support the Carter doctrine, the Carter doctrine that said we will protect and make sure there is unimpeded flow of oil through the Persian Gulf, and that we will take whatever steps necessary. Our policy is correct and we are only ambiguous, and I think correctly ambiguous, about exactly what military actions the United States is going to take to protect given ships. We have made it perfectly clear that we will come to the assistance of ships under attack.

Now, the Senator does not need an Assistant Secretary of State or Secretary to come up to see him and tell him this because that policy is in writing, and I can provide it to the Senator within a very short space of time, all that it is ambiguous is exactly when we will come to the rescue of people and ships who are in distress.

Let me press forward, and return to the amendment's call for specific budget requests. Although my friend from Washington and I have already discussed this in some detail, I want to say again this would be very unique.

Let me now make two broader points. One, our policy in the gulf is working. Our policy is working because we have been steadfast. The tangible evidence of our success has been the moderate Arab States have shown a degree of cooperation which has surprised all the so-called Mideast experts. Those experts did not predict that we would ever get the degree of cooperation that we have from the Arab States.

Those same experts have been surprised at the degree of cooperation that we have received from our European allies, and at no small cost to those allies. As I mentioned before, the British have now a larger percentage of their Navy in the Persian Gulf than the United States does. Allied minesweeping activity is vital. Further, minutes cannot discriminate. They cannot pop up and look and see what flag a ship is carrying. Those mines sink all ships that pass by them. So, our policy in the Persian Gulf is working. It is important to recognize this. To start this kind of micromanagement as embodied by this amendment would hurt that policy and I think that would be a serious mistake.

Let me also point out that although my friend and colleague states unequivocally that this is not a revisitation of the War Powers Act, certain aspects of it certainly seem familiar because it basically accomplishes the same purpose as if we invoked the War Powers Act.

I know that my friend from Washington has worked long and hard on this issue. He is very familiar with the War Powers Act. He is very erudite and I would hope that he, Senator BYRD, Senator NUNN, Senator WARNER, and other distinguished Members of this body would work together so that we possibly could remove the onerous aspect of the War Powers Act. We need to remove the automatic triggering of the withdrawal of U.S. forces and then we not only can remove the obstacles to its application but see it triggered when the proper occasion arises.

I think and believe that my friend from Washington makes a very legitimate argument when he says that we have reached a point where perhaps the War Powers Act should be triggered. Why has this body reluctance to do so, because of shrinking responsibilities? No; I do not think so. We have not acted because doing so would send a signal throughout the world that those troops are being withdrawn within 60 days.

Mr. President, I have just acquired from my staff a statement by Frank Carlucci concerning the United States' role in the gulf. I would like to have the entire statement quoted for the RECORD, and I would like to read the relevant part here.

> The President has decided to provide assistance under certain circumstances to ships in distress in the Persian Gulf and Strait of Hormuz in keeping with longstanding, time honored Navy and maritime tradition. Such aid will be provided to friendly, innocent neutral vessels flying a nonbelligerent flag, outside declared war exclusion zones.

Let me repeat to my friend—and I think this is a very important statement because he said there is no policy—that Secretary Carlucci makes the policy clear enough for me.

> The President has decided to provide assistance under certain circumstances to ships in distress in the Persian Gulf and Strait of Hormuz in keeping with longstanding, time honored Navy and maritime tradition. Such aid will be provided to friendly, innocent neutral vessels flying a nonbelligerent flag, outside declared war exclusion zones, that are not carrying contraband or resisting legitimate visit and search by a Persian Gulf belligerent. Following a request from the vessel under attack, assistance will be rendered by a U.S. warship or aircraft if this unit is in the vicinity and its mission permits rendering such assistance. With this assistance, we anticipate no increase in our current force levels.

He also goes on to say something I think is important.

> We cannot stand by and watch innocent people be killed or maimed by malicious, lawless actions when we have the means to assist, and perhaps prevent them. We do not intend to describe our specific rules of engagement or the methods we plan to use in rendering this assistance. We see no reason to give advantage to those who wish us ill.

I think that is a clear-cut statement. I think it is one that is important.

And he says:

> With regard to mines, I have consulted with our allies who were attending the nuclear planning group meeting in Brussels last week. We all agreed that we should provide each other mutual support and cooperation in the interest of keeping the international waterways free from this threat.
>
> Finally, this policy should not be construed as a tilt in either direction in the war. Our policy has been and will continue to be one of strict neutrality. We, along with the rest of the civilized international community, want this war to end. In this respect we support strongly implementation of UN Security Council Resolution 598 and passage of a second resolution imposing an arms embargo on that belligerent that does not accept 598 as a means to reach a diplomatic settlement of this tragic war. We also want to see an end to the wanton waste of human life that has characterized this war. In that regard, we especially deplore the use of chemical warfare by either belligerent which has become one of the most regrettable developments in this protracted conflict.
>
> This policy will go into effect once we have informed those free world, non-belligerent countries that maintain shipping interests in the gulf.

Mr. President, I ask unanimous consent that the statement of April 29, 1988, by Secretary Carlucci be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR CORRESPONDENTS, APRIL 29, 1988, STATEMENT BY U.S. SECRETARY OF DEFENSE FRANK C. CARLUCCI

The President has decided to provide assistance under certain circumstances to ships in distress in the Persian Gulf and Strait of Hormuz in keeping with longstanding, time honored Navy and Maritime tradition. Such aid will be provided to friendly, innocent neutral vessels flying a non-belligerent flag, outside declared war exclusion zones, that are not carrying contraband or resisting legitimate visit and search by a Persian Gulf belligerent. Following a request from the vessel under attack, assistance will be rendered by a U.S. warship or aircraft if this unit is in the vicinity and its mission permits rendering such assistance. With this assistance, we anticipate no increase in our current force levels.

We are not the policemen of the Gulf, nor do we wish to be. For over 200 years U.S. policy has been to help protect freedom of navigation in international waters. This assistance is a logical and humanitarian outgrowth of recent events in the Gulf which further strengthens our adherence to this principle. We cannot stand by and watch innocent people be killed or maimed by malicious, lawless actions when we have the means to assist, and perhaps prevent them. We do not intend to describe our specific rules of engagement or the methods we plan to use in rendering this assistance. We see no reason to give advantage to those who wish us ill.

With regard to mines, I have consulted with our allies who were attending the Nuclear Planning Group meeting in Brussels last week. We all agreed that we should provide each other mutual support and cooperation in the interest of keeping the international waterways free from this threat.

Finally, this policy should not be construed as a tilt in either direction in the war. Our policy has been and will continue to be one of strict neutrality. We, along with the rest of the civilized international community, want this war to end. In this respect we support strongly implementation of U.N. Security Council Resolution 598 and passage of a second resolution imposing an arms embargo on that belligerent that does not accept 598 as a means to reach a diplomatic settlement of this tragic war. We also want to see an end to the wanton waste of human life that has characterized this war. In that regard, we especially deplore the use of chemical warfare by either belligerent which has become one of the most regrettable developments in this protracted conflict.

This policy will go into effect once we have informed those free world, non-belligerent countries that maintain shipping interests in the Gulf.

Mr. McCAIN. Mr. President, I appreciate the commitment and dedication and concern that my colleague from the State of Washington has on this issue. He has worked long and hard. He has written eloquently and compellingly to make us face up to the gravity of this situation and to work us how close, upon occasion, this situation has come to escalating into a situation which could mean the significant loss of U.S. lives and property.

I hope that we can work together and get a workable War Powers Act between us, and eliminate the kind of signal that a triggering of the War Powers Act sends by indicating the withdrawal within 60 days of U.S. troops from any region of the world. I believe we can get an act that will produce what I think is the major thrust of my friend's argument! Closer consultation, closer cooperation, and more participation on the part of the Congress in the decisionmaking process when we are bordering on a situation which could lead the United States to military involvement in a large scale conflict. I look forward to working with him.

Since there are not many other requests for time, after my colleague is finished, I will probably make a motion to table his amendment, but only after he has completed all that he has to say.

I reserve the balance of my time.

Mr. ADAMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Washington has 36½ minutes.

Mr. ADAMS. Mr. President, I want to state something first to the Senator that I hope he will reply to, because I really do not believe he meant to say that and I want to have him have an opportunity to correct it, which was that we were pursuing a deliberately ambiguous policy, in effect, to keep the other side confused.

I will say that and I want to preface it so that he answers it in terms of something that we both are very familiar with. There is seared on the souls of our generation a series of Presidents carrying out an ambiguous policy in the Third World area involving our military where we went from step to step to step, which the Senator knows very well, and which we did not ever, ever unite the U.S. Congress and public behind us as we had in World War II and as we were partially successful in Korea.

Now, here we have the same kind of doctrine being pursued, which is: We will do this thing today. It started with the Turner Joy and then a division at Da Nang, and then we were going to have an all-out bombing.

But it was war without victory and it was never known what we were precisely going to do. The Congress was always three steps behind and the public was five. People went to the streets because the debate did not occur. They did not feel the Representatives had represented them; that only part of them were involved in this war. And it lasts to this day.

Now we are facing, in this Senator's opinion, what is one of the most dangerous forces in the entire world out there. This force of fundamentalism spreads not just to that gulf region but all over. And what we are doing with it at this point, with an ambiguous policy and without a national policy, is to go step by step by step. And I want this Congress to control that. I want this Congress to say to their constituents at home: "We are all in this together."

I do not want an announced policy that comes out of the paper or that Frank Carlucci sends a letter. He did not send one to me. I have known Frank a long time. I have a lot of respect for him.

But this is not government. This is sort of, we are going to do things and then we will tell you about it later. Now, that is no way to make policy and it is certainly no way to handle the military.

Now, let me tell you why I have the provisions in there about diplomatic.

Mr. McCAIN. Could I respond?

Mr. ADAMS. Let me finish on the diplomatic and then please ask your questions.

About the diplomatic, lipservice is not very good when compared to the actuality. We can say all we want that we are pursuing the United Nations and so on, but let us look at what is happening in the gulf.

May 12, "U.S. Plans F-18's to Kuwait."

"U.S. Envoy Seeks Missiles for Oman."

We already know about the request that has gone for missiles to go to Saudi Arabia. During this period of time, we have seen allegedly—I do not know the exact figures—allegedly the Chinese sell billions of dollars' worth of weapons. We are militarizing the whole area, all down through those Gulf States. And I have some familiarity with the Arab States. These are not like Belgium or the Netherlands. These are very small, very fragile government-type states where we are pouring weapons in there.

My trusty staff has given me a few of these, too, and your staff can check them. I do not think they are wrong. They go to the fundamental policy point.

I do not want to argue the tactics of what a ship is doing or how many missiles are at what place. The Senator from Arizona spent a lot of time in committee doing that. I am on the Foreign Relations Committee and we are trying to do a policy. We let you do your thing and we do ours and we all try to do it together.

Let us look at this. Iraq has just made a statement that it is abandoning diplomatic efforts and it was aiming for an all-out military victory. They think that because we happened to hit—and I take the word of everybody; nobody ever told us again. Nobody came to Mr. DIXON and said we want you to know that we are going to hit the south end of the gulf while the Iraqis hit the north end at the Faw Peninsula. I think it was a coincidence. I pray to God it was a coincidence. But the Iraqis got the victory, so they now are feeling pretty good. So we have increased the military escalation there. That is why I talk about diplomatic things in this amendment.

Second, I just mentioned we are going to sell F-18's to Kuwait. My Lord, an F-18 in Kuwait. By the time it gets its gear up, it is going to be to the border. I mean, it is not going to fight those tribesmen. I do not know what we have in mind. I have a lot of worries about that. But I am telling you we are arming them and these are small states.

This is the first time an F-18 was ever sold to an Arab nation. It has never been sold to any Third World nation. It has a radius of 500 miles. And if Kuwait becomes an ally of Iraq, it is capable of striking clear into Iran. I do not know why we are doing this.

And, please, do not tell me and scare me some more that we have an ambiguous policy and we are hiding it from somebody and that there is something in mind I do not know about.

Oman wants the sale of Stinger antiaircraft. Oman is a country that—a Stinger antiaircraft missile in Oman, I just do not know who you are going to shoot it at. I hope they do not make a mistake and have it go up and, because it is heat-seeking, come down in one of those flared oil fields. Now, you and I both know what is going on over there.

Now, over the last 8 years, I am told China sold $8.2 billion worth of weapons in the area. Now, we are not trying to pull us out. We are not trying to disarm. We are trying to say, "Come up. Give us the plan and get us in on the act, work with us on this and let us have this national policy, and don't keep surprising us." Because those surprises mean that we are going step by step into something that we do not know all about and we are dealing with a whole series of countries that are a tinderbox.

So, what I am trying to say in this amendment is we made a mistake. If you want to say it a different way, if the war powers part bothers you, just put in some line items for me in the amendment that say we made a mistake on the Kuwaiti flagging, let us not do that. Let us say to our allies: "All right, how much are your putting up? How many dollars? We will put up this. Let us all march together and this is the amount."

Let us say to the Japanese—maybe we have done it. Maybe we have done it. "Why do you not pay for the fact that we are escorting your oil out of there? This is not ours." Because the American taxpayers are going to pay for this one way or the other.

So that we are part of saying: "Here is the money; here is the authorization; there is your policy. We are with it. If you want to change it, come up here, have the leaders or whoever else you want to designate tell us that you want it just like they do when they say we want the SDI, or we want the MX, or we want something."

My Lord, this is more important than these other weapons systems, in my opinion, because it is people. We have our people out there and we ought to be very definite what those people have to do. They ought to know when to declare victory. And they should not be worried about whether there is going to be some change in policy and whether they are to protect this ship or that.

I had a little experience with that in a very minor level, when the Coast Guard happened to pull alongside when a Soviet vessel was there and a guy went over the side and started swimming in the water and a second lieutenant had to make up his mind whether or not to give him back. And he could not reach anybody. So he made a mistake.

I do not want our people out there having some question about what the policy of the United States is. Maybe the Senator and I have a disagreement on whether there is a shared foreign policy and war power. To me, when you get to using military forces on a sustained basis over a period of time you are into the war powers area; the declaration of war. I do not say you have to declare it. But the Congress of the United States is required under the Constitution to make regulations for the Navy. It is required to raise armed forces. It is required to appropriate money. These are our responsibilities, our duties.

I just want us to step up to them and do them and do them all at once. If there are things that have to be hidden, those things can be done in a fashion that we understand. But this war, or whatever we want to call this—and I really, I guess, should not call it a war—but when you state to me this was the Carter Doctrine as well as the Reagan Doctrine, I want to state to the Senator, that does not give this Senator any comfort at all. I did not get comfort out of Johnson or Nixon very much, in that area.

What I am trying to do in this limited time is to bring the Nation together. I have set forth what I think is a process for doing it. The War Powers Resolution is very separate.

As I understand it, the Senator opposes the Kennedy amendment; that we ought to be using the War Powers Resolution rather than the moneymaking power. This is like the shell game. We try to use one and that is not good. So we use the other one that we are told to use and that is no good.

I just in some fashion want to be sure we are doing the right thing; we are appropriating the money for the right purposes, and that we have decided as a Congress we want to spend our money on reflagging, or we want to spend our money on protecting all vessels, and that we have commitments from other people.

I have a very strong sense of institutional responsibility. I feel it about the INF Treaty. I feel it about this matter. Maybe I do not state it exactly in perfect fashion. But I am torn by the experiences we have had of not doing it right before.

I see the Senator from Ohio has come onto the floor, and I do not know whether he is going to oppose or support me. But I just want him to know that I am concerned. I would be happy to answer his question.

Mr. McCAIN. Will my colleague yield to answer my question?

Mr. ADAMS. I certainly will.

Mr. McCAIN. Thank you. I will be brief because I know our distinguished former Marine, who had a chance to review this situation from a long way, away up in space, wants to contribute to this debate.

Let me say first, however, that I hope I did not deceive my friend about the United States having an ambiguous policy. I support keeping our precise tactics ambiguous just as we did in World War II. We did not tell the Germans we were going to land at Normandy or Callais. We let them guess. We did not tell the Japanese which island we were going to attack next. This policy is ambiguous only in that we are not telling the Iranians exactly what our military response will be. We are telling them clearly that we will provide assistance to ships in distress in the Persian Gulf.

Ambiguous tactics are the best way of waging war. You don't tell you adversary exactly what you are going to do.

Mr. ADAMS. I am not talking about that. What I am concerned about, the point we were discussing, was we apparently have shifted policy—I say "apparently" because nobody has officially told me—from protecting 11 Kuwaiti vessels to protecting nonbelligerent vessels. This has been done solely by a Presidential decision. It is going to involve a greater commitment and to me this is not a tactical decision. This is a strategic change.

Just as though tomorrow there is an announcement by somebody that we have decided to do something else to Iran.

I do not like, personally, either of these two combatants very well. I mean I do not think the Iraqi behavior has been something that we are very happy with. I certainly am not with the Iranians. That is what I am trying to say in this resolution. It could be said better: be a neutral in this.

The reason for the policy statements in there, rather than just line items, are if you are going to make a strategic shift—and to me, shifting from 11 vessels to protecting the whole nonbelligerent fleet is strategic—that we ought to have a method of doing it.

I have suggested a method. The original war powers people, I will state to the Senator, when this was debated on the floor, said the President could not go in at all and create a long-term military commitment until he had come to Congress first. That probably tracks with the Constitution better. Instead a compromise came out of our coming in later and that later always is after hostilities have built up and the pot is boiling.

We know that, as it boils more and more, support will come. I will tell you this, if I am defeated in this I will go after the war powers again and then I assume the Senator will stand up and say well, you should have used the appropriations policy. I understand that. But I am going to use them all to prevent this thing from going forward without the Congress giving its approval.

Does the Senator from Ohio wish some time, because we are under time limit?

Mr. GLENN. I appreciate the inquiry. I would respond that I am going to be in opposition and my time would have to come from the other side. I appreciate that.

Mr. ADAMS. Mr. President, how much time do we each have?

The PRESIDING OFFICER. The Senator from Washington has 21 minutes and 10 seconds. The other side has 20 minutes and 11 seconds.

Who yields time?

Mr. McCAIN. I would like to yield 3 minutes to my friend and distinguished colleague Senator THURMOND from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment concerning U.S. efforts in the Persian Gulf. What we are seeing here today is another example of the criticism that is often leveled at the Congress, and that criticism is that the United States cannot function as a world power with 535 Secretaries of State.

Mr. President, if we adopt this amendment, it will be one more example of congressional interference in foreign policy decisions. Our country is committed to assist the Kuwaiti Government, and we should follow through with the commitment.

I do not for 1 minute ignore the dangers that are present in the region, nor do I wish to endanger the lives of U.S. military personnel, but I do feel that freedom of navigation and keeping the Persian Gulf open to commerce are in our national interest.

The facts are that the United States is assisting a nation that has asked us for help and that the need for our help stems from Iranian attempts to widen the war. It is not up to the U.S. Senate to try to make this a multinational effort.

The Congress should not continually attempt to micromanage U.S. policy. We have debated the role of our forces in the Persian Gulf before, and if we find our policy there unacceptable, we can terminate funds for operations in the Gulf. Otherwise, I recommend that we support the present policy.

Mr. President, I urge all of my colleagues to oppose this amendment.

Mr. McCAIN. Does the Senator from Washington choose to take time at this time, or does he prefer that I yield to my colleague from Ohio?

Mr. ADAMS. If the Senator from Ohio wishes to make a statement, this would be an appropriate time.

Mr. McCAIN. May I inquire as to how much time remains on this side?

The PRESIDING OFFICER. Seventeen minutes and 45 seconds.

Mr. McCAIN. I would like to yield 12 minutes at this time to my colleague from Ohio, Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank the Senator very much.

Mr. President, I very reluctantly rise in opposition, and I am reluctant because in the matter of trying to get the administration's attention on the War Powers Act, I have been completely supportive of the efforts of Senator ADAMS. He has stuck to this, and I compliment him for what he has done in this regard and for keeping the Senate's attention on this subject, because I agree with him. I know that Senator McCAIN, Senator THURMOND, and others may have a differing view on this. But that is not specifically what we are voting on here today.

What we are voting on is sort of a followup to our failure to adhere to the War Powers Act.

I am very concerned that the Adams amendment, if passed by the Congress, might have the effect of cutting off funding for this Persian Gulf operation.

Let me tell you why I believe this and why I feel so strongly about it.

The industrialized free world runs on oil, basically. We do not have alternate energy sources now that can fill in for the industrialized world's need for oil. We furnish some oil domestically, but when we look to the long-term future, we look at the Persian Gulf. What we must realize is that in these darker areas around here are the largest oil pools in the world, in the Persian Gulf area, some 70 percent of the world's known reserves of oil lie. That is not something we can ignore.

I think the administration did an absolutely lousy job of presenting our reasons for being in the Persian Gulf to begin with. They talked about freedom of the seas.

Let me just ask this: If there were two little islands out in the Pacific Ocean and they were out there and had a war going on and they were shooting at each other, would we be out there steaming our carriers up and down and sending battleships out there, and sending frigates out there, and sending destoryers out there and saying "Freedom of the seas, you people best not shoot at us, it is freedom of the seas"? That would be ludicrous. We would not even come close to doing that.

Why are we willing to do that in the Persian Gulf and scream "Freedom of the seas"? We are not providing freedom of the seas for Iran, I can guarantee you that. Why are we over there?

We are over there for one very good reason. That is, we and the rest of the free industrialized world have very great, long-term, economic interest in that area of the world and in seeing that the energy that comes out of there remains available to us and the rest of the world. That is the reason we are there. Let no one make any mistake about it.

What does that mean? It means then whether we talk freedom of the seas or whatever, we are in there because we are a superpower, we are the leader of the free world, and we cannot afford to see the oil reserves that are in the Persian Gulf and that normally flow to our Nation and others around this world fall either under the domination of an ayatollah from over here in Iran or under a commissar from the Soviet Union up here a few hundred miles north of the head of the Persian Gulf. Those are the facts. That is why we have a commitment to the Persian Gulf.

It is not this freedom of the seas. Sure, we want freedom of the seas. If that is our sole reason for being there, why do we not guarantee Iran's tankers coming down here, the shuttle tankers that load out of Kharg Island and come down and reload at Bandar Abbas and steam out into international traffic with 60, 70 percent of Japan's oil, only about 6 or 7 percent of ours, about 30 percent on the average for the European nations?

That is the reason we are in the Persian Gulf. For the long-term future, we do not see alternative energy sources from anywhere that can replace that flow out of the Persian Gulf.

We have a pipeline across here that goes across to the Red Sea. That takes out some of the oil, but we are still dependent on tanker traffic. And up here sits Kuwait, clear up the north end of the gulf.

I think that our policy of reflagging Kuwaiti tankers was foolish. We should not have tied ourselves to one nation. Our orders over there in the early part of this conflict were that we would escort those reflagged Kuwaiti tankers only, and if there were friendly nations, whose tankers were under attack right beside us, we would, theoretically, go steaming right on past. Those were our orders. We only had a commitment to Kuwait in the Persian Gulf.

I think that was the wrong approach to this whole thing. What we needed to do was keep to our options open for escorting whatever we wanted to escort in the Persian Gulf in the interest of keeping the oil flowing that is the lifeline of the industrialized nations of this world.

That is the reason we are in the gulf and we need to stay in the gulf. I do not know how long that is going to require us to be there. I agree completely with the distinguished Senator when he says that we hope to bring an end to the Iran and Iraq war. That is key and fundamental. I want to pursue every diplomatic avenue to do exactly that.

But at the same time if we are not successful, if that war goes on for more years than we would like, we need a long-term commitment in the gulf because we cannot afford to see that important area of the world fall under the domination of, as I said, either an ayatollah or a commissar.

Where does this leave us? Well, we are there and combat has occurred. I believe the President of the United States is not living up to the law. The law of the land says in a situation like that, where combat is either in effect or imminent, then the President will report under the War Powers Act.

Every President since that law went into effect has said: "Well, the War Powers Act is unconstitutional." Why do they not take it to the Supreme Court, then, and get it tested? No, they will not do it. They just do not agree with the War Powers Act, so they refuse to live up to it.

I do not have the option myself of saying on April 15, because I do not agree with the amount I am being taxed, "Well, I will ignore that law." Citizens cannot do that, nor should a President of the United States have the option of saying: "I just disagree with the War Powers Act, so I am not going to do anything about it."

It is the law of the land and the President should be required to live up to the War Powers Act.

It has been very vexing trying to get that accomplished. The distinguished Senator has made every effort, and he deserves the credit for having led the fight in trying to get that War Powers Act enforced. I agree with his efforts in that. But that is not the question right now; it is not a question of saying: "Mr. President, we support the War Powers Act, so you better report under it, as the law says, and we feel you are in violation of the law if you do not," which I happen to think is true. I think the President of the United States is in violation of the law of this land when he does not report to us. He cannot say that hostilities are not imminent. We brought 37 body bags off the *Stark*.

That is hostilities, I guarantee you, whether it was by accident or whatever. There have been many people killed in the course of the gulf tanker war; a couple hundred or whatever the current count is over there, with TV every day showing pictures of tankers being attacked, yet we say hostilities are not imminent? This would be some sort of cruel joke if there were not fatalities hooked up with it.

So now the Senator has taken the next step., He has said, "OK, we are going to force this a little bit with, I guess you could call it, a poor man's War Powers Act or something like that." I do not know if he would agree with that nomenclature for it, but that is in effect what we are doing. We are saying if the President does not form a multinational force, then we will cut off funding. That is where I have to part company, and I am sorry I do because I have backed every effort on the War Powers Act. I certainly do not want to see us take any action in the Persian Gulf area here that would really mean, if we cutoff funding, that we are willing to pull out. And to me it is not a matter of turning tail and running. It is not a matter as much of prestige as it is the hard, honest-to-goodness facts of the situation. If we pull out, and if the Persian Gulf falls under the domination of some other power, then the Persian Gulf has become a source of energy not for the industrialized free world as we know it, but it has become an instrument for other nations, for Communist nations, for the Ayatollah and his brand of fundamentalist Muslim thought that he is trying to spread throughout the whole sub-Asian area clear from Morocco to Indonesia.

Right now, what they have here is oil out of that gulf. Without the sale of oil out of the gulf, Iran cannot prosecute this war. They send out about 2 million barrels a day which comes out of Kharg Island up here, comes down through the gulf, and it comes down by shuttle tanker down here, reload and out they go through the strait. Multiply that by the cost of oil on the international market and you get an idea of the amount of money they are able to spend on the war.

So if push came to shove over there, we could control this by cutting off the flow of oil through Kharg Island, which is their only means of getting oil out of Iran. We have not found it necessary to do that yet. We are trying to control this by a naval presence here by doing some escorting up through here with Kuwait and now expanded to some other nations at our option, which should have been our option to begin with. I will add that. We did not go that route, which was a mistake to begin with. But we are at least correcting it later on. We are basing out of Bahrain right here, so everyone has an idea of what our situation is in the gulf. We have in the Gulf of Oman our forces with battleships which if pushed could come up here at any time. If the battleships wanted to come up here and take out those 14 oil-loading docks at Kharg Island, they could do it.

To show you how ludicrous our position has been also, the President sold weapons to Iran in the Iran-Contra situation, sold weapons to Iran that they now put on Kharg Island to defend it. While we tilt toward Iraq, the President sends over Hawk missiles and spare parts that are put up now to defend Kharg Island.

The PRESIDING OFFICER. The Chair must remind the Senator from Ohio that the 12 minutes has expired.

Mr. GLENN. Will the Senator yield me 1 more minute?

Mr. McCAIN. I will be glad to.

Mr. GLENN. I wanted to finish that up. What a ludicrous situation. We, in effect, went over there, supported Iran in the defense of the only place from which they can ship oil—out of Kharg Island—and in effect made it harder to bring the war to an end because it strengthened Iran's hand in the war and made it even more difficult for the United Nations to get support for their resolutions or to get a diplomatic solution to it.

Now, just one other word on the multinational force that has been slowly coming together. We now have an international minesweeping group in there and, while it is not the balance we would like to see, nevertheless it has been a growing influence. For all these reasons—and I appreciate the distinguished Senator giving me so much time on this—I very regrettably have to oppose the amendment on the basis which I have just stated. However, I do fully support the Senator's efforts to get the War Powers Act adhered to, which I think is a key element we are really addressing.

I wish the President would live up to the law. I hate to say that the President is not living up to the law, but I do not believe he is on the War Powers Act. I hate to see us taking this secondary method which might have the effect, if passed, of really doing some damage to us in the gulf and hindering our ability to insure that those reserves of oil remain available for international commerce.

I thank the Senator for the time yielded to me.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I will be glad to yield more time to the Senator from Ohio, but I do want to engage in a colloquy because I think we are trying to accomplish the same thing.

As I stated in the early remarks that I made on this amendment, the whole effort is to use the traditional powers of the Congress this time—and I will go back to the War Powers Act, I mean I will go again.

Mr. GLENN. The Senator will have my support.

Mr. ADAMS. To say that what we are trying to do in this amendment is not to pull out of the gulf. I agree completely with the Senator from Ohio. I know why we are there, and it is a very important reason. But it is to have the President come up with a plan and the plan is not—and I have discussed this with the Senator from Arizona—to be tactical. It is to say this is what we are trying to do. What is concerning me and the reason I have asked for the plan and in the amendment used the power of the purse to get the plan—and incidentally, the amendment is carefully tilted, I would state to the Senator from Ohio, to say that the President's plan will go into effect unless it is disapproved by the Congress.

Frankly, I do not think it would be disapproved by the Congress if he came up with a rational plan. And that plan is simply to state what the Senator has so eloquently stated what we are trying to do, and what it is going to cost us and the multinational force. It is to say to the President that this is what at least this Senator feels is a way to approach it.

If the Senator from Ohio or some other Senator wants to say the United States ought to take this burden on all alone, that is fine. But we ought to know what we are doing because at some point we are going to come up with a big bill and not only a big bill but we are putting our troops in jeopardy, we are putting them in jeopardy in an area that is strategic to us without a defined mission.

I do not think the Senator from Ohio was here a little earlier when we had the exchange where the Senator from Arizona asked me "Well, don't you think we ought to protect ships that have American citizens on them without American flags?"

I said, "Well, we weren't doing that up until 30 days ago."

Now, I do not know if tomorrow the President or whoever is doing it is going to come up and say to the Congress, "Well, I have changed; I have done this."

To me this is a national policy and this is the Congress being involved in its responsbility, which is authorization and the expenditure of money, in a national policy which probably is precisely as the Senator stated it, to protect a strategic resource.

But how we go about it—and I would say to the Senator from Ohio my concern is that we are at the fringe of military action every day. The Iranians are not the kind of people you can depend upon, at least I do not think, to continue a series of rational actions. By not being very clear on our policy, the rules of engagement, what we are trying to do, we give over to them the fact that we may draw our forces into an attack on the mainland.

Now, I would say to the Senator from Ohio, I hope and pray that we are not on this floor together discussing the fact that we have made a strike in some nation, and the blood will boil and we all know that that will happen, that we go one step further, and this comes to me because that is how we got into it before, and we did not know when to declare victory and we did not know when to declare what we wanted.

I think the Senator is right, our purpose is a flow of oil.

Now, we can take steps if we keep militarizing this area where we will cut off a significant supply of oil to the world. We just did, in shelling those platforms. I will say to the Senator from Ohio I have no special information. I am probably just about the last one up here who hears what our new policy is. And that is OK as long as some people like yourself and others are hearing it soon enough. But when we shelled those two platforms, I was under the assumption they were empty platforms like before, that they were used maybe for radar tracking and so on. Then I read the newspaper and hear on the television that we have cut off 150,000 barrels a day of oil flowing. I assume, I think the Senator is right, that is flowing either to Japan or our other allies. I do not say we should maybe cut off the Iranian oil. But there are 2 million barrels a day. The price in America went up $1 a barrel with one military action.

I am just trying to figure out a way in this amendment to get this thing under control. If the Senator does not like my amendment and he can give me another one, I will do it. I will go after War Powers. But somehow we have to not do things. I agree with the Senator. I have always felt the *Iowa* was the only ship that was probably safe in there. We have a navy setup at the present time to fight World War III and it is fighting World War I. It is having a very difficult time doing that because it is not equipped to do the things that it wants to do. It tried to get some Coast Guard boats. I had to complain about that because they ought to be involved in the war that is really going on, which is the declared war against drugs down in the gulf. But they are going to take our new cutters and send them over because we obviously do not have anything to do with those inlets. I do not know exactly why we are going to chase everybody in those inlets. We are not set up to do that. The *Iowa* probably is safe for that class of battleship. If we went up and took out Kharg Island, and cut that oil supply, the world price of oil would skyrocket.

That is why I would like to get their war over there stopped. I do not like to have us militarize the area. That is what I tried to draw in this amendment. Yes, you can excuse me legitimately as a poor man's war power. I did not want to be on the War Powers Act. I am trying to get in the traditional appropriations. I have to figure out a way to make the President of the United States follow the law and the Constitution and send us up what is going on.

Ordinarily this is done through the appropriations and authorizing process because we have the money. If you do not come up and ask for it, you do not get it. So you have to stop whatever you are doing. That is why I am here. That is what these things are for.

I would just as soon go with the line item if the committee wants to do that. I have discussed this with the chairman of the committee, the ranking member, and with anybody else who will listen. If there is another way to get compliance, and by compliance, I am not trying to say make the President do something for the Congress. I am trying to say get a national policy, get us all in on it, tell us what we are doing, tell us when we have victory, tell us what we, not the Iranians, are going to cause to happen, and let us do that. Let us say we are doing it with our allies.

Foreign policy not all in the present tense. The Senator from Ohio has served in the executive branch just as I have. It is not omnipotent. It is not all-knowing. The whole purpose of the Constitution was not to have one person or one group around one person make major commitments of American military might and resources without the approval of the Congress, and by that we mean the Nation.

Presidents get in trouble that way. Democrats as well as Republicans do. So I am hopeful the Senator will support me, or if he has a different way of doing it, he will do it. I will not give up on the war powers but the problem was when it was drafted up here, it was after the fact instead of before the fact of the commitment of forces out of a great sense of trying to be certain the President could handle 48-hour events, protect American citizens, and do normal things that a Commander in Chief does.

What I am saying to the Senator from Arizona and what I am saying to the Senator from Ohio, and to all of the other Senators, is that a long term—I will not call it war—whatever we are doing over there with combatants, hostilities, casualties, money spent is not a normal Commander in Chief type of thing. It is a long-term commitment. We are going to be in there a long time, spend a lot of money, probably send some troops, and be involved in a very dangerous situation. We ought to all be in it together, and we all ought to establish the policy. That is what today is about. I am exhausted at trying to do this at least for the day. Anybody else that wants to talk, if the Senator would like to say something, I am happy to do it. Otherwise I will do the same thing as the Senator from Arizona, and we will go to a vote on it.

Mr. GLENN. Will the Senator yield?

Mr. ADAMS. I yield to the Senator from Ohio.

Mr. GLENN. I do not know whether the Senator would consider that we have a multinational force by the definition he was looking for in the Persian Gulf now. I presume we would not.

Mr. ADAMS. To answer the Senator, I think we have other nations each pursuing their own idea. They are talking back and forth to us. They do not have any commitment to continue doing anything or to cooperate with us. I think they are all sort of huddled around. I am certain our commanders talk to one another. But I think the people in those nations are not certain what their policy is other than you put your finger on our policy. It is just military policy. I am not certain it is matching the foreign policy goals. The foreign policy goal is oil and strategic reserves. The military policy we are pursuing is, I am not sure what. It sort of changes from day to day and goes back and forth. I would be hopeful that Senators would tell the President how to help get his act together.

I yield to the Senator from Ohio.

Mr. GLENN. I thank the Senator for yielding a couple of minutes because I want to make this comment. The multinational force that is there now is not formally organized as a multinational force. The Senator is absolutely correct. They can float in and out if they want to. They can do whatever they like. Right now they are there cooperating, and have communication nets. They have things like this that normally would be part of a multinational force. But they are not formally organized as such. That has been by their own choice.

So I would agree that probably is not a multinational force which you would find acceptable as a definition of such an organization. But I guess the basic problem I have is this: I read from the Dear Colleague letter under enforcement:

> My amendment would terminate the funding for convoying and escorting reflagged Kuwaiti vessels and protection of commercial vessels from other nations 30 days after enactment unless the United States armed forces are participating in a multinational force.

That is the part that I have difficulty with. That is the guts of it. That is the part that puts some teeth into it and makes it in effect saying if the President will not agree to the War Powers Act, and will not do what I believe he should be doing under the War Powers Act, then we are going to force his hand with the power of the purse, and we will pull ourselves out. But to me that would be in effect sort of cutting off our noses to spite our face, because I think we have some bigger interests in the gulf with the maintenance of the availability of that 70 percent, nearly 70 percent of the world's oil reserves for the future.

So I want once again to congratulate the distingished Senator from the State of Washington. His people should be very proud of him for leading a fight on the War Powers Act. I have supported every effort he has made up until now. I am just afraid if this passed we would be getting ourselves in more of a pickle than we are in. But I absolutely agree with his efforts on War Powers and have supported his efforts to get the President of the United States to live up to the law—the War Powers Act.

If he thinks it is unconstitutional, let us take it to the court. Let us find out. Right now, in this day when we have accelerated military activities that can occur within minutes, there may be a requirement for commitment of forces. But the Constitution of the United States reserves to the Congress of the United States the right to declare war.

We have to support that or there is not to be a war. That is the only interpretation you can make of the Constitution of the United States. The War Powers Act was meant to address the gap that has developed because we now have the ability to commit forces in minutes around this world and draw them out in minutes. There may be times when we do not have the luxury of coming and having a lengthy debate in Congress, and the War Powers Act was supposed to fill that, and in my view the President of the United States should be reporting to us under the War Powers Act.

So I congratulate the Senator from Washington for his efforts. I just think that in this case, if we adopt this particular amendment, we are liable to do more harm than good. I will support his efforts in the future to get the President to report on the War Powers Act.

I yield back whatever time I have remaining.

Mr. ADAMS. Mr. President, I will take 1 minute to sum up and I will yield back the remainder of my time, and I gather that the Senator from Arizona is prepared to yield back the remainder of his time.

Mr. McCAIN. The distinguished Republican leader wants to speak. I will wait until the Senator is finished.

Mr. ADAMS. I will yield the floor, so that the distinguished minority leader may speak.

Mr. McCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes and seventeen seconds. The Senator from Washington has 5 minutes.

Mr. McCAIN. Mr. President, I yield 3 minutes to the Senator from Kansas, the distinguished Republican leader.

Mr. DOLE. I thank the Senator from Arizona and the Senator from Washington.

Mr. President, I have listened with interest to the Senator from Ohio and others. I think that in the early stages there were some reasons for criticisms of the administration's handling of the escort policy. But the President did consult Congress. He did notify Congress. He did this before we made the major commitment in the Persian Gulf.

Mr. DOLE. Mr. President, it is the season again for some in Congress to engage in their periodic exercise of trying to snatch defeat from the jaws of victory.

Many months ago, the President of the United States—after notification and consultation with the Congress—made a major commitment of American power in the Persian Gulf; a commitment with some specifically stated objectives:

To keep the sea lanes open, and preserve freedom of navigation.

To send a message to our allies and friends, that we have the ability and determination to meet our responsibilities.

To send a message to all the belligerents in the gulf that we do not want a wider war, but we are willing to do what is necessary to defend our interests.

The President's policy—a policy which, candidly, did involve some risks—that policy has worked. The sea lanes remain open. Our allies and friends are more confident in the strength of our commitment, and the value of their close ties to America. The Soviet Union has not found any wedge to increase its presence or its role. And Iran must now understand more clearly, the cost of attacking America, and the risks of the belligerence it pursues.

The policy has worked, too, to encourage others to do their fair share. Several of our Western European allies have military units in the gulf. Friendly gulf states are cooperating both militarily and logistically. Others—notably the Japanese—should still do much more. But we are far less "alone" in the gulf than we were when the American commitment was first made.

The policy has worked.

Yet some insist on trying to pull the plug.

Mr. President, the presence of American forces anywhere there is risk raises important questions—questions that are in the domain of both the President and the Congress.

The framers of the Constitution knew that, when they named the President Commander in Chief, but gave the Congress power to declare war. Members of the Congress asserted that fact, when we wrote and passed the War Powers Resolution. And others in Congress demonstrate that today, in efforts that are ongoing right now to reexamine the War Powers Act.

In the past, I have offered my own bill to amend the War Powers Resolution, to deal with the new threat of international terrorism—a change in the War Powers legislation which I continue to believe is needed. And when the legislation which I understand the distinguished Democratic leader and others are working on now is introduced and considered in committee and on the floor, I look forward to further productive debate and consideration of the war powers issue.

That is the time and the way to do it: after careful thought, consideration and debate; with a full understanding of the consequences of our action; and with the aim of enhancing our ability to meet the real threats of the modern world—not just tying the hands of the President of the United States.

This effort, this amendment—this is not the time and way to deal with this very important and complex issue.

The President's ability to play his constitutional role as Commander in Chief is at stake. The reliability of America's word is at stake. The willingness of the United States to meet its responsibilities is at stake. And even the lives of American service men and women are at stake.

Too much is at stake for us to take this drastic—and wrong—step today.

Mr. President, I urge all Senators to join in tabling this amendment.

Mr. ADAMS. Mr. President, I will conclude my portion of this debate by saying that we have a policy, I think, but nobody has ever articulated it until we began this debate today, in that area where we are trying to stop a war so that we will have a supply of oil. Our military policy, whatever it is—because it is changing constantly—does not match that.

I say to the minority and to the others that policy is not something that happened in the past. The beat goes on. It will go on tomorrow, the next day, the next month, the month after. Therefore, not having a policy and a plan, which I tried to draft in this amendment, and I think I have, and a way for Congress to be in it, this will not stop today, because our interests in the gulf will not stop, and this institution will be faced again and again with this.

This is the traditional method, and I am here with it. I hope we will adopt this amendment, which will ask and obtain a plan which states what our policy is and how we will carry it out, and will then appropriate and authorize the money for it, and that will happen in an orderly fashion.

Mr. President, I hope this will occur; because if it does not, we will continue to lurch from military option to military option to military option, until we lose our goal in the gulf.

I yield back the remainder of my time.

Mr. McCAIN. Mr. President, we have the right policy in the gulf right now. We are seeking peace. We are taking the lead in seeking an arms embargo, and we are defending the right of passage of nonbelligerents. The United States has an unambiguous policy from a strategic point of view.

Nothing proposed in this amendment will bring peace. If anything, it would act as an incentive to Iran to continue fighting. It is Iran that is deliberately seeking to continue the war. It is Iran that is driving the arms race in the gulf, it is Iran that is attacking nonbelligerent ships in international waters, and it is Iran that is using weapons, terrorism, and subversion against nonbelligerent Southern Gulf States. We must defend our interests in the search for peace. This amendment can be nothing but harm to that effort.

I yield back the remainder of my time.

Mr. BYRD. Mr. President, before the Senator yields his time back, will he yield to me?

Mr. McCAIN. I yield.

Mr. BYRD. Mr. President, I congratulate the Senator from Washington [Mr. ADAMS] on his tenacity in pursuing the goal that he seeks.

I think he is entitled to a great deal of credit. The War Powers Resolution that is on the books is simply not working. It never has been and never will be.

The distinguished chairman of the committee, Mr. NUNN, Senator WARNER, and others, and Mr. ADAMS will be included in that group, and I have discussed it in a cursory way with him, not the details, but only that such a bill is being worked on and that before it is introduced, he will be thoroughly advised concerning its contents. I am hopeful that he will want to be a cosponsor of it. That bill has been carefully, methodically, thoroughly studied, and gone over and over with the legislative counsel and Senator NUNN, Mr. WARNER, and others are prepared to introduce that bill on hopefully tomorrow or Monday or next week.

I am not suggesting that that will be an end-all or a cure-all. Obviously, we cannot foresee every contingency, but I think it will be a tremendous advantage and improvement over the present resolution that is on the books.

I am going to vote against this amendment, having said what I have stated, because I believe this is a matter that the Foreign Relations Committee is prepared to take a very careful look at.

Senator PELL has appointed a task group of Senators on that committee to handle such legislation and he has indicated to me that he has been awaiting the introduction of that legislation.

Now that we are about to introduce it I would invite all Senators then to take a look at it. It will certainly be carefully scrutinized by the Foreign Relations Committee and I am confident that if there are additional improvements that can be made or if the bill has shortcomings the committee will make such observations and perhaps corrections.

So, having said that, I intend to vote against this amendment, but I again congratulate the Senator from Washington and I say that he has put forth good effort, his objective is good, but I think this is something that really requires careful study and a lot of it and much of it has gone into the bill that is going to be introduced. It is not something that will be haphazardly dealt with on this floor.

I yield the floor and I thank the distinguished Senator for yielding to me before he moves to table.

Mr. McCAIN. Mr. President, I move to table the amendment and request the yeas and nays.

The PRESIDING OFFICER (Mr. DODD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the amendment of the Senator from Washington.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. HECHT] and the Senator from Nebraska [Mr. KARNES] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 13, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—82

Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lugar
McCain
McClure
McConnell
Melcher
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Reid
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—13

Adams
Conrad
Cranston
Harkin
Hatfield
Leahy
Matsunaga
Metzenbaum
Proxmire
Riegle
Sanford
Simon
Weicker

NOT VOTING—5

Biden
Daschle
Hecht
Karnes
Stennis

So the motion to lay on the table amendment No. 2034 was agreed to.

Mr. DIXON. I move to reconsider the vote by which that motion to table was agreed to, Mr. President.

Mr. FOWLER. I move to lay that motion on the table.

The motion was laid on the table was agreed to.

The PRESIDING OFFICER (Ms. MIKULSKI). The majority leader.

Mr. BYRD. Madam President, if we may have order in the Senate perhaps we can expedite the proceedings.

The PRESIDING OFFICER. The majority leader is correct. All conversation will cease.

Mr. BYRD. Madam President, I am going to propound a request. I hope that all Senators are listening.

Madam President, before I propound the request I yield to Mr. NUNN or Mr. DIXON.

Mr. NUNN. I thank the majority leader.

I can give you a little sketch on this situation and then Senator DIXON is going to fill in some of the details about tomorrow. We believe we will have another rollcall vote tonight. We have a Bigeye chemical amendment and I know that everyone wants to be able to vote on chemicals again, so we are going to be able to do that tonight, it looks like.

We will then have about five amendments that we can accept. Senator DIXON has done a superb job in working with a number of you on both sides; Senator QUAYLE has been of great assistance, Senator WARNER has, and it appears that we have got a pretty good schedule tomorrow morning for the most controversial amendments. I call them the big amendments.

It looks to me as if we are going to be able to get through most of those big amendments by a reasonable hour tomorrow afternoon.

What I would suggest we do, to the majority leader, we will have staff here on both sides after we get through tonight, which I hope will be in the neighborhood of 9 o'clock; somewhere in that neighborhood. We will have staff here for at least 2 more hours. They will work with your staffs, if you would like to, on any amendment that you think has a chance of being accepted. We will set up off the floor and they will be here until about 11 o'clock.

Tomorrow morning I suggest that we start on the bill, if we can, at 8:30. We have a debate coming at 9:30 that Senator DIXON has worked out: Senator KENNEDY on aircraft carriers.

Mr. DIXON. That is correct.

Mr. NUNN. That begins at 9:30. We will be here, the floor managers, at 8:30 and will try to handle every amendment that has been worked out and accepted by both sides tonight. So all Senators that would like to work out an amendment tonight, we will be in business from right now until 11 o'clock.

Tomorrow morning we will, for the first hour, come in and from 8:30 to 9:30, anything that has been worked out we will accept that at that time.

At 9:30 we begin the debate.

We are talking about the staff being here until 11 o'clock. I am not going to try to keep the Senators here until 11 o'clock, although Senator WARNER, I know, will be delighted to be here.

But that is the general plan and I would hope the majority leader would be able to secure unanimous consent to finish this bill at a designated hour tomorrow afternoon.

I would ask Senator DIXON, before the majority leader propounds that, to give a little more detailed report on what he has worked out.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. May I report to the two leaders and two managers as follows: The final scheduled vote tonight is 1 hour evenly divided on the Bigeye bomb. Senator PRYOR has that amendment.

Thereafter, immediately subsequent to the rollcall on that, we will accept three Republican amendments that have been agreed to and one Democratic amendment that has been agreed to.

Thereafter, we have no business that we can do tonight, unless anybody gets an amendment agreed to within the next hour. The shop is open to discuss that.

Tomorrow morning, we will come in at whatever time the leader indicates. But at 9:30, Senator KENNEDY will offer his aircraft carrier amendment. The agreed time is 1½ hours evenly divided, so we should vote around 11.

At 12 o'clock we have agreed with Senator LEVIN to do his amendment, an SDI reduction amendment, to use the money for conventional weaponry. That is 1 hour evenly divided.

In that window between the Kennedy and Levin amendments we may do an amendment by Senator BUMPERS that is a refinement of the SALT II amendment he did before with the numbers changed.

In the meantime may I report to the leaders and the managers, the discussions between Senator GRAMM and Senator D'AMATO and Senator WILSON and others, Senator WARNER, go on the question of the military being used for drug interdiction. I am pleased to report there is progress and hope there.

My final report is this. Of amendments remaining we have talked to everyone. Either the folks are trying to get an accommodation, and we are prepared to do that where we can, Mr. Leader; or these are duplications of House provisions in the bill, many of which we are ready to take. But, candidly, we would like to have some bargaining power in the conference between the two Houses so we would hope our friends are understanding. Or people are trying to get some kind of an accommodation with others on this floor. And there are no big amendments that we see left.

So I must tell you that it is the view——

The PRESIDING OFFICER. Will the Senator from Illinois withhold. There is not order in the Senate and it is very difficult to hear the Senator's voice. Would the Senators having conversation please withhold that conversation and would Senators please take their seats.

The Senator from Illinois is proposing an outline for the business of the Senate and it is important we all hear it. Please, let us have some order.

Mr. DIXON. Madam President, may I say to the leader therefore, as I have said to the majority and minority leaders, that I have reported to the two managers that it is the view of this Senator who has worked the phones along with his colleague from Indiana on the other side, that this business can easily be disposed of tomorrow. There is no significant business left unless someone here is hiding something under a bushel basket that this reporter does not know about.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I compliment the distinguished Senator from Illinois, Mr. DIXON, on his optimistic report and also on the good work that he has done and that others have done and the staffs have done. Obviously, a lot of work has gone into the makings of the report.

UNANIMOUS-CONSENT REQUEST

I make the following unanimous-consent request based on what has been said here and reported publicly to all. I ask unanimous consent that on tomorrow the Senate come in at 8:30 and if the distinguished minority leader will waive his time, except for 5 minutes, I will do the same following the prayer, and then the Senate will resume consideration of the bill. And for the next hour, or at least until, we might say, 9:30, those amendments which have been worked out, as Senator NUNN has suggested, that have been worked out tonight with staffs and which can be accepted or agreed to with a very minimum of debate in the morning, those can be adopted. There may be several that will have been worked out that can be adopted by unanimous consent or voice vote.

Then at 9:30, the Senate would go to the aircraft carrier amendment, as I understand it.

Further, that at 3 o'clock tomorrow the Senate vote on final passage of the bill with paragraph 4 of rule XII waived with the understanding, of course, as is always the case, unless I am precluded by agreement, Senators who have amendments and who are determined to call them up may of course call them up and get a vote on them or on a tabling motion thereto. This would allow the Senate, then, beginning at 3 o'clock tomorrow, to work its way through any amendments that remained at that time that Senators insist upon calling up.

If there are several, the Senate ought to dispose of those by rollcalls at a reasonable hour tomorrow.

Otherwise we will be in late tomorrow night and if we do not finish tomorrow night, we will be in on Monday on this bill.

So, I am happy to answer any questions but I hope that the request is clear.

Mr. PELL. Madam President, reserving the right to object. I do not intend to object. Will committees be able to meet tomorrow until 12 o'clock? Will that be included in the request?

Mr. BYRD. Madam President, I include that in the request.

The PRESIDING OFFICER. Is there objection to the request? The distinguished minority leader.

Mr. DOLE. Madam President, personally I would not object but I have had a couple of requests on this side so that at this time I am constrained to object. I agree with the majority leader and with the managers of the bill and with the Senator from Illinois and others who have been trying to work through the amendments. But I have been requested to object on this side. I object.

The PRESIDING OFFICER. Did I understand the minority leader to object to the unanimous consent? Objection is heard.

Mr. BYRD. Could I renew the request that all committees may be permitted to meet tomorrow? Would there be any objection?

The PRESIDING OFFICER. Is there objection? The distinguished minority leader.

The minority leader has the floor.

Mr. BYRD. Madam President, I believe I have the floor.

The PRESIDING OFFICER. The majority leader has the floor. The minority leader is reserving the right to object.

Mr. DOLE. I reserve the right to object and I believe we can accommodate the majority leader on an individual committee basis but I cannot make a blanket agreement. Therefore I object.

Mr. BYRD. Very well, I thank the Republican leader and I withdraw my request.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DOLE. I object. Yes.

Mr. NUNN. Madam President?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, the staff will be in the room——

The PRESIDING OFFICER. Will the Senator from Georgia withhold? The Chair is having difficulty following the discussion because there are Senators standing throughout the Chamber and particularly in the well and it is difficult to, one, see who seeks recognition and, second, to hear the Senator who has the floor.

Mr. NUNN. Madam President, the staff will be available for consultation. We will have staff on both sides of the aisle in room 228 of the Russell Building, which is the Armed Services Committee room. They will be available from now until as late as 11 o'clock tonight.

So I hope that every Senator who has an amendment who thinks it might be able to be worked out and approved by both sides take advantage of that. We will be here doing business tomorrow morning at 8:30.

I say to Senators, if we do not get a unanimous-consent agreement, the floor managers, I believe, will both suggest we go as late as we can tomorrow night and see if we can finish. If not, we will do the best we can, but it will be a late night tomorrow.

Mr. BYRD. Will the Senator yield?

Madam President, I shall renew my request a little later this evening. I hope we will be able to work out an agreement.

Mr. METZENBAUM. Will the manager of the bill yield for a question?

I am advised that Senator PRYOR has no objection and members of the Republican side have no objection about our putting the Pryor vote which is the only one to be brought up this evening on for final passage vote tomorrow morning.

Will the manager of the bill object to doing that?

Mr. NUNN. I would like to accommodate the Senator from Ohio. I know there are many people who have conflicts this evening. We have a couple of problems with that.

One problem is we do not have an extra 15 minutes tomorrow. I have heard colleagues on both sides say they would like to get away by 4 o'clock. Every 15 minutes is important tomorrow morning, and rollcalls normally take about 15 minutes. We do not have any time to spare.

The second thing I observe, and I think Senator PRYOR will be willing to indicate and we will be willing to indicate we are going to vote at approximately 9 o'clock. Can we have a 1-hour agreement?

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I will accommodate the distinguished chairman of the Armed Services Committee even to a greater extent. In fact, if the distinguished chairman and the manager would like to vote——

Mr. NUNN. Madam President, may we have order? I just cannot hear the Senator.

The PRESIDING OFFICER. The Senator from Georgia is right, and the Chair is going to become more strict. This is the third request the Chair has made for order and quiet in the Chamber.

Is there any reason we cannot have one speaker?

Mr. PRYOR. Madam President, I will be glad to agree to an 8:30 vote tonight. I might not even use all of that time.

Mr. NUNN. That will be acceptable to the managers.

Madam President, I ask unanimous consent that the vote on the Pryor amendment occur at 8:30.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. NUNN. Madam President, the unanimous-consent request is that the vote on the Pryor amendment, or related thereto, occur at 8:30.

Mr. WARNER. Madam President, I object.

The PRESIDING OFFICER. An objection is heard.

Mr. WARNER. As I understand it, we may want to table.

Mr. NUNN. That is why I said "related thereto."

Mr. WARNER. We may want an amendment in the second degree. Is that all right?

Mr. NUNN. It is all right with me.

The PRESIDING OFFICER. The unanimous-consent request has been objected to.

Mr. PRYOR. Madam President, a parliamentary inquiry. Is the vote still set on the Pryor amendment for 8:30 p.m.?

The PRESIDING OFFICER. No, it is not. There was an objection to the unanimous-consent request by the Senator from Virginia.

Mr. WARNER. Madam President, it is my expectation to withdraw that objection shortly, but I understand we are about to work out a compromise.

Mr. PRYOR. If we are about to work out a compromise, this Senator is not aware of it. I have been trying to work out a compromise all along.

Mr. WARNER. I assure the Senator from Arkansas, the forces are at work.

Mr. PRYOR. I would not want to be the compromisee.

Mr. NUNN. I can assure the Senator he will be informed of any compromise before it is passed by the Senate.

Mr. BYRD. Will the Senator yield for a question?

Madam President, is there not a time limit on this amendment of 1 hour?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So that the vote should occur at no later than 8:45, if all time is taken.

Mr. WARNER. Madam President, I am not able to follow the majority leader's request. May we have order?

Mr. PRYOR. Madam President, I apologize. I cannot hear thunder in this place.

The PRESIDING OFFICER. The Chair will not allow the Senate to continue until only the Senator from Arkansas, who has the floor, is standing. It is very difficult to continue the proceedings of the Senate.

The Senator from Arkansas.

AMENDMENT NO. 2035

(Purpose: To delete the amounts authorized to be appropriated for accelerating production of the Bigeye bomb and to increase the amount authorized to be appropriated for Army procurement and for research, development, test and evaluation of long-range stand-off chemical delivery systems by the Defense Agencies.)

Mr. PRYOR. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR) proposes an amendment numbered 2035.

Mr. PRYOR. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 23, strike out "$2,035,536,000" and insert in lieu thereof "$2,129,923,000".

On page 3, line 7, strike out "$6,193,100,000" and insert in lieu thereof "$6,183,200,000".

On page 4, line 20, strike out "$8,318,023,000" and insert in lieu thereof "$8,228,536,000".

On page 12, line 16, strike out "$8,990,541,000" and insert in lieu thereof "$8,995,541,000".

On page 17, between lines 6 and 7, insert the following:

(d) LONG-RANGE STAND-OFF CHEMICAL DELIVERY SYSTEMS.—Of the funds appropriated pursuant to section 201 for the Defense Agencies, $5,000,000 shall be available only for research, development, test, and evaluation on long-range stand-off chemical delivery systems.

Mr. PRYOR. Madam President, in the interest of conserving time and keeping at least a little bit of goodwill from my colleagues, I do not plan to use all the time allocated to this amendment tonight.

Let me just state specifically that tonight's vote—and this is probably the most important thing I will say—is not about whether we believe in or support or oppose chemical warfare or the production of binary nerve gas. That is not the issue. That issue has been decided by this body and by the Congress.

But the issue, Madam President, before the Senate tonight is whether we believe in funding an additional $100 million for a weapon, in this case the Bigeye bomb, that is not meeting the standards and requirements this Congress had previously set for Bigeye bomb performance.

My amendment does not kill the Bigeye bomb. In January of this year, the President of the United States certified the Bigeye in the national interest, thereby releasing $135 million for production of the facilities to manufacture and an additional $35 million to produce several hundred Bigeye bombs for testing purposes.

Today that same $135 million is there. It is in the bank. It is in the pipeline. It is ready to be spent, but now we find that the Department of Defense, with the concurrence of the distinguished members of the Armed Services Committee, want, in addition to that $135 million, an extra $100 million for further production of over 1,000 Bigeye bombs.

To be more precise, let me focus on what is about to happen. We are on the eve of creating a $235 million fund for a bomb that is not meeting the test requirement.

Madam President, the Bigeye bomb does not work. 1988 is the 30th anniversary of the concept of binary chemical weapons. The Bigeye bomb perhaps was part of the concept 30 years ago, but the truth is that the Bigeye bomb did not work when it was first tested and it does not work in 1988.

Let me, if I might, give a sequence of events to my colleagues very quickly. In the development stage of testing, the Bigeye bomb did poorly but was certified as ready for operational testing anyway. GAO said that, "these nine unresolved developmental issues pose unrelenting problems with regard to the Bigeye's technical credibility as a weapon." That is a quote from the GAO.

Spring 1987, this time last year, the Bigeye bomb was decertified, Madam President from further operational testing. It had passed the basic standards for operation in only 6 of 10 bombdrops.

Fall 1987. Testing of the Bigeye is resumed. The Senate decided to fund the Bigeye because testing has not been completed. By December 1987, Madam President, completed tests showed that the Bigeye had passed basic reliability measures in only 41 of the 48 bombdrops, far below the military's own standard.

I received today, Madam President, a letter addressed to the Honorable DANTE FASCELL, chairman of the House Foreign Affairs Committee, from the General Accounting Office. Let quote, if I might, from that letter.

At the time of our June 1987 analysis, the Bigeye operational testing program had been suspended and the bomb decertified.

This was only a year ago.

I ask unanimous consent that the text of this letter be printed at the end of my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HON. DANTE FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This report responds to your staff's request that we provide preliminary findings on our work involving the developmental and operational testing of the Bigeye bomb. We have continued to actively monitor and evaluate the Bigeye program since we sent you our June 4, 1987, analysis of the Bigeye operational test plan. As you know, several GAO reports and letters of correspondence have been issued over the past five years in the area of chemical warfare and the Bigeye bomb. We will provide more detailed reports on operational and developmental testing in the near future.

OBJECTIVES, SCOPE AND METHODOLOGY

We have concentrated our attention on three key areas of quality: that of the operational testing program for Bigeye; that of the developmental (laboratory) testing of the weapon, involving lethal agent; and that of DOD's evaluation of the Bigeye's operational capabilities in a mission context. This report discusses our findings, which are based on the data we have received from DOD to date. We employed multiple data gathering methods to produce our findings. We obtained documents such as briefing papers, status reports, manuals, memos, test plans and test results and analyses. We reviewed and analyzed these documents to assess the status of the program and to identify information gaps related to testing issues. We interviewed officials from the Office of the Secretary of Defense, the Naval Air Systems Command Program Office, the Army's Chemical Research, Development and Engineering Center, the Director of Operational Test and Evaluation, the Navy's Operational Test and Evaluation Force, and we also interviewed operational testers from the Air Force and Navy and private sector experts to verify results and to assure the completeness of our evidence.

We discussed the issues in our report with these officials and have included their comments where appropriate. However, in accordance with your wishes, we did not obtain written comments on a draft of this report.

OPERATIONAL TESTING

At the time of our June 1987 analysis, the Bigeye operational testing (OT) program had been suspended and the bomb decertified, due to numerous failures during the testing of the first ten bombs. That testing resumed in late August 1987, and 48 additional bombs were dropped by the end of December 1987. The Defense Department expected to issue a report on the OT results by March 15, but no report has yet been issued. Our comments therefore must be based on the data we have received, and on our interviews with DOD officials, rather than on a completed DOD report.

Our June 1987 analysis cited four major concerns with the OT program—unrealistic mission profiles, the absence of a data analysis plan, an excessive number of independent variables, and 10 limitations to achieving operational realism. Although DOD did not resume testing for nearly three months after we raised these issues, no changes were made in the test plan to address them. Indeed, DOD rejected most of our observations as unfounded in a lengthy letter sent to the House Armed Services Committee at the end of July, which we did not see until early September. We did not, in fact, receive a direct reply to our comments until March 8 of this year—almost nine months after our report was issued.

The results of the August to December 1987 tests confirm the validity of the issues we raised in our June analysis. Although we have the test data from Dugway, it is virtually impossible to determine why some test runs were successful and why some failed, due to the large number of independent variables present in every run (a problem we highlighted in our June 1987 analysis). For example, we cannot determine why a test run with three bombs covered less area than a test run with one bomb. The variables include: wind, drop height, fuze setting, number of weapons, release mode, aircrew experience, type of aircraft, and so on. Even for purposes of determining accuracy, for which all 58 weapons will be used, there are only 18 weapons that are countable, given DOD's criteria.

The Bigeye program office states that the overall reliability of Bigeye now stands at 0.79 at the 80 percent lower confidence level. However, this reliability figure is based in part on DOD's assumption that the bomb will generate lethal agent every time its mixing system functions. Using data from the DOD laboratory tests, however, we determined that at the DOD-required level of lethality, VX was generated much less often than the level assumed by DOD. Including these actual test results from the laboratory in calculating reliability, the weapon system reliability figure falls considerably lower than 0.79.

Other problems complicating analysis of Bigeye tests involve changing and loose definitions of success being used by DOD. A criterion contained in the Test and Evaluation Master Plan was changed during the course of testing, which lowered the reliability requirement. Furthermore, criteria for accuracy and deposition are either so vague or so broad that deposition of virtually any simulant over a very large area is considered evidence of a successful run. Such criteria are of questionable utility in evaluating the weapon.

Despite these problems with the test program, President Reagan certified the Bigeye as "in the national interest" in January 1988, thereby releasing $90 million in funds previously allocated for Bigeye production "facilitization."

According to the Bigeye program office, the Bigeye program has now entered low-rate-initial production [LRIP], which calls for the production of hundreds of bombs. Of these, 20 bombs will be subjected to article acceptance tests in the fall of 1989, and 80 will be used for additional operational testing scheduled for early 1990.

However, if future test plans also contain a multiplicity of independent variables and shifting and vague definitions of success, important questions about weapon performance will remain unanswered. In sum, then, we find that the quality of the operational testing program for Bigeye has not improved.

BIGEYE DEVELOPMENTAL TESTING

In addition to the operational testing results, the Defense Department issued a collection of reports in September 1987 on supplemental developmental testing [DT] of the Bigeye bomb. The DT reports, based in part on laboratory tests of lethal agent and simulant by the Chemical Research Development and Engineering Center [CRDEC], were issued together as a set of seven appendices with one cover letter from DOD. They were the DOD response to legislative requirements in the fiscal year 1987 Defense Appropriation Bill involving four major Bigeye problems cited in our June 1986 report (GAO/PEMD-86-12BR): excessive pressure buildup, generation of lethal agent, agent "flashing" (burning), and the overall reliability of the weapon.

In order to answer questions about pressure, DOD conducted just one additional test, at the CRDEC laboratories. We believe that the results of this test are not conclusive, in part because the rate of pressure buildup in the test was noticeably slower than in four of the five previous high temperature-start tests.

Similarly, with regard to lethal agent generation, we find that DOD has not fully answered the congressional question. DOD continues to assume that there is a predictable correlation between VX purity and biotoxicity, despite the fact that CRDEC officials state that this is not scientifically sound. This assumed correlation is especially significant because DOD's calculations of weapon reliability are based on the assumption that adequate VX is generated every time mixing occurs inside the weapon. If this is not true, and we believe as does CRDEC that it is not, then the reliability calculations being claimed by DOD are in doubt and the weapon does not meet DOD specifications for lethal agent generation.

We also believe that flashing, or agent burning, is an unresolved Bigeye issue, contrary to DOD conclusions. Rather than conducting any tests, DOD did a literature search on flashing, and concluded that it is no longer a concern. Yet in four of six Bigeye lethal agent generation tests with high temperature starts, the temperature generated inside the bomb actually met or exceeded the VX auto-ignition temperature. There is also empirical evidence that impure VX flashes at lower temperatures than pure VX, and Bigeye reactions often contain high levels of impurities.

Furthermore, Bigeye program officials now state that almost all the data they cited in their August 1987 report on Bigeye reliability cannot be replicated, because a former program official selectively chose the data to portray the program in a favorable way. The Bigeye program office is uncertain about which test data were used to calculate lethal agent generation reliability, and therefore no longer endorses the figures issued in the report. We commend the Bigeye program office's candor on this point, but note that the matter of Bigeye reliability is left unresolved.

We conclude that DOD has not answered the major concerns raised in the fiscal year 1987 legislation with regard to developmental testing. The evidence cited by DOD is unconvincing—potential pressure problems are not solved by one additional test which differs from previous tests; flashing is not solved by a literature search; lethality is not solved by using a correlation rejected by CRDEC experts; and reliability is not demonstrated by using data analyses now considered unreliable by the Bigeye program office.

OPERATIONAL CAPABILITIES

At your request, we also reviewed DOD's August 1987 study of the operational capabilities of the Bigeye bomb, which had been issued in response to a legislative requirement in the fiscal year 1987 Defense Appropriation Bill. The legislation required DOD to report on the "military requirements for long-range standoff chemical weapons," including "the military advantages and disadvantages of such weapons and the potential of such weapons to complement the currently planned binary chemical weapon systems."

However, we found that the 11-page DOD report contained such a small amount of empirical data that it was impossible for us to do a proper full-scale analysis. The DOD study analyzed only four of many possible delivery-system alternatives for chemical weapons; provided only a cursory comparison of the military advantages and disadvantages of the alternatives; and gave no indication of the comparative cost of developing and fielding the alternatives. In effect, DOD had not prepared a report with the essential elements of an operational capability analysis. In interviews with DOD officials, they conceded that the study was at best "preliminary," and that further study of operational capability is necessary.

Under these circumstances, we decided to end our operational capability study, after consultation with your staff.

SUMMARY

Clearly, a great deal of work remains to be done with regard to the Bigeye weapon. Questions about operational capability remain unanswered. Many of the issues we raised in our June 1986 report on development testing remain unresolved, as do the concerns about the operational testing program that we brought to your attention in June 1987. We continue to believe that a careful testing program could have answered most of our major questions.

Unfortunately, the necessary changes were not made in the test plan to respond to the issues we raised.

If you have any questions concerning this report or any other aspect of our work on the Bigeye weapon system, please call me (275-1854) or Mr. Kwai Chan, Group Director (275-6161).

Sincerely,

ELEANOR CHELIMSKY,
Director.

Mr. PRYOR. Mr. President, let me continue to quote further from the letter.

Due to numerous failures during the testing of the first 10 bombs. The Defense Department expected to issue a report on the operational testing results by March 15, but no report has yet been issued.

Our June 1987 analysis cited four major concerns with the operational testing program. Although DOD did not resume testing for nearly 3 months after we raised these issues, no changes were made in the test plan to address them.

The results of the August to December '87 tests confirm the validity of the issues we raised in our June analysis. Although we have the test data from Dugway, it is virtually impossible to determine why some test runs were successful and why some failed, due to the large number of independent variables presented in every run.

A criterion contained in the test and evaluation master plan was changed during the course of testing, which lowered the reliability requirement.

However, future test plans also contain a multiplicity of independent variables and shifting and vague definitions of success, important questions about weapons performance will remain unanswered. In sum, we find that the quality of the operational testing program for the Bigeye bomb has not improved.

And finally, Madam President, from the GAO letter that I received today:

Furthermore, Bigeye program officials now state that almost all of the data they cited in their August 1987 report on Bigeye reliability cannot be replicated, because a former program official selectively chose the data to portray the program in a favorable way.

> Clearly, a great deal of work remains to be done with regard to the Bigeye weapon. Questions about operational capability remain unanswered. Many of the issues we raised in our June '86 report on developmental testing remain unresolved.

Madam President, a letter to me from Jack Krings, Director of the Operational Test and Evaluation Office in the Department of Defense dated March 7 reads as follows:

> The Navy has scheduled another phase of operational testing (fiscal year 1990 or 1991) which will provide operational effectiveness and suitability data.

In 1990 and 1991 tests will resume.

Madam President, by that time, when these tests begin by the Navy, we will have moved a long way toward full rate production of the Bigeye bomb, a bomb not yet proven if it works or not.

My amendment, Madam President, is simple. First, keep the $135 million the President released in January in the pipeline. Second, of the additional $100 million that DOD wants to go into massive production of the Bigeye bomb, take $5 million of these dollars for studies of an alternative long range standoff chemical weapons program or option to the Bigeye bomb. And, finally, the remaining $95 million would be used for the underfunded Army ammunition account which contains $270 million less than last year.

Madam President, the President's 1989 request for Army ammunition was the lowest level requested or approved by Congress since 1981, in constant dollars. Also, the Cinccentcom, General Crist, who directs our operations in the Persian Gulf and other operations, said before the Armed Services Committee:

> In fiscal year '87 on hand stocks of level effort munitions improved by only 1 percent. These shortfalls were primarily in the modern direct fire and artillery munitions in support of ground forces.

This money would be given to that account for such munitions, Madam President.

Finally, the bottom line, Madam President, and then I will allow the distinguished managers to respond to this amendment, is we are about to fund a weapon that has not proven it can work, and I think that our military needs and the needs of our soldiers and our many conventional needs are so desperate out there, that for us to do that is not only a waste of money but it is also a guarantee that we will not get the maximum protection out of our defense dollars—we cannot assure ourselves that we will be protected by this new generation of Bigeye bombs.

Madam President, for the moment, I reserve the remainder of my time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I would like 4 minutes.

The PRESIDING OFFICER. Who yields time to the Senator from Rhode Island?

Mr. CHAFEE. If the Senator from Arkansas will yield me 4 minutes, I would appreciate it.

Mr. PRYOR. Madam President, I might ask, does the Senator from Rhode Island support this amendment?

Mr. CHAFEE. I am waiting to hear the answers to the information the Senator provided, and if I might just have 4 minutes or less.

Mr. PRYOR. I yield 4 mintues to the Senator.

Mr. CHAFEE. Madam President, I am not opposed to the Bigeye system. I am not for binary gas, but that was decided, as the Senator from Arkansas said, by this body over the past several years. So the question is, How do we deliver it? I believe that the Bigeye system, when and if it is ready, is the way to go about this. The question is, Is it ready?

Now, in 1986, when this first came up, I voted for the Bigeye. The following year I was convinced from the evidence that the weapon did not meet the tests, and that we should not proceed with production. And so the question is now, are we ready for this weapon? Can it meet the tests? Should we go into production?

The Senator from Arkansas, I believe, has stated the question quite correctly. He said this is not to kill the Bigeye bomb. This is to decide whether we should go forward with it at this time. Then he cited the results of some tests which to me appears to be fairly convincing.

I would like to hear from the proponents of the system. What is the answer to the information that was given to us by the Senator from Arkansas? If I could be convinced that the weapon is indeed ready, that it can meet the test, therefore we should go into production with it, because having visited and spent time in NATO, as have most of the Senators, I am convinced that a delivery system such as this is required. Clearly, however, we do not want to proceed with it if we are not ready. There is no point in going into production unless the weapon can meet the tests as set forth by the ordinance division of the U.S. Army.

So I wonder whether the managers of the legislation can come forward and give us the answers to these facts and statistics posed by the Senator from Arkansas. If they can, then I will vote for it.

I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Rhode Island does not have the time to do that.

Who yields time?

Mr. CHAFEE. I am prepared to ask unanimous consent that the time be equally divided during the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, there are a lot of Senators who would like to know where we are going tonight.

It is my opinion that we are about to work out a compromise which moves very far toward the position of the Senator from Arkansas on the Bigeye. He can describe that compromise, and we will be drawing up the amendment. He will describe it orally tonight, and we will try to get the amendment drawn up and adopted. But there is no need for Members to stay for rollcall votes.

I say to the majority leader that we have worked out the Bigeye amendment. In my opinion, we need no more rollcall votes. We will be working on that language, and we will have a voice vote on that, probably tonight.

We will have a number of other amendments accepted, and we will stay around with the staff in the Armed Services Committee, and we will get as many amendments worked out as possible this evening.

Mr. BYRD. Mr. President, I thank the chairman, the Senator from Arkansas, and other Senators to the extent that they have worked something out on the Bigeye, which will allow most of us to get a little shuteye.

There will be no more rollcall votes tonight. The Senate will come in at 8:30 tomorrow morning. Those Senators who can work out their amendments this evening with staffs, so that those amendments can receive approval in the morning between 8:30 and 9:30, will proceed in that manner, and those Senators should be ready.

Beginning at 9:30, it is agreed that the Senate will go to the amendment dealing with aircraft carriers. There will be rollcall votes throughout the day.

Tomorrow, we will attempt to get an agreement that will allow for a set time for a final vote.

I thank all Senators for their patience and their persistence, and I yield the floor.

Mr. DIXON. Madam President, may I say that after my friend, the distinguished Senator from Arkansas, has described his amendment, we will take agreed amendments by the distinguished Senator from Maine [Mr. COHEN]; the ranking Republican manager, Senator WARNER; the chairman, Senator NUNN; one amendment and possibly two by Senator QUAYLE.

Then there will be a colloquy with the Senator from Iowa [Mr. HARKIN] and an agreed amendment by the Senator from Michigan.

All those Members whose names I have mentioned should understand that we will dispose of their amendments as agreed.

Mr. PRYOR. Madam President, momentarily if the wording of this language can be agreed upon by the distinguished chairman and managers of the bill, then at the appropriate time I will ask unanimous consent to withdraw my amendment.

Madam President, the chairman of the Armed Services Committee and several other managers and those involved with this legislation have agreed, it is my understanding, to this language.

The agreed-to language, as I understand it, and I would like to recite my understanding of the basic agreement that would basically substitute for this amendment, which I will ultimately withdraw if the language is accepted and agreed upon, is as follows:

That the roughly $100 million, $99.4 million, would be fenced until such time as the General Accounting Office certifies, one, that the operational and developmental tests' results are, one, accurate and reliable and that the methodology used in obtaining those tests' results were accurate and acceptable testing procedures.

The second would be that the certification that the Bigeye bomb has passed its tests and is ready for production would have to be certified and signed off on by the General Accounting Office.

This is my understanding of the agreement, and I assume that either late this evening or tomorrow we would put this in final language, and I would accept such arrangement.

Mr. NUNN. The Senator has stated the understanding that we have arrived at in this matter, and I will state that that is my understanding.

I would like to hear from the Senator from Nebraska since he is the real expert in this area.

Mr. EXON. Madam President, I thank the Senator from Arkansas for a very reasonable position.

We held extensive hearings on this matter in my subcommittee and I have some of the same concerns as does the Senator from Arkansas.

I believe that what he has agreed to is reasonable and appropriate and will allow us to see whether the Bigeye, that I have always supported, is going to work and if it is not going to work we are not going to build it.

I appreciate the cooperation.

Mr. PRYOR. I thank the distinguished Senator from Nebraska. We have negotiated over this issue during the course of the past 2 days. We have had some very constructive discussions and hopefully a very positive result in the settlement of the issue. Also, I thank the distinguished Senator from Georgia, the distinguished Senator from Illinois, the distinguished Senator from Maine, and the distinguished Senator from Virginia, Senator WARNER, in helping to negotiate this settlement.

Madam President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was withdrawn.

Mr. DIXON. Madam President, my understanding is that we are prepared to accept an amendment by the distinguished Senator from Maine.

Mr. COHEN. I did want to offer, if I can, just a few moments concerning the agreement that was reached in principle.

Mr. NUNN. Will the Senator yield a moment?

The PRESIDING OFFICER. Is the Senator from Maine offering an amendment?

Mr. COHEN. I would be as soon as I return to my chair.

Mr. NUNN. If I could have the attention of the Senator from Arkansas, did the Senator withdraw his amendment?

Mr. PRYOR. Yes, I did.

Mr. NUNN. Madam President, to protect the Senator from Arkansas, we have a list of amendments that is frozen. We cannot have other amendments added to that, and the Senator withdrew his amendment in good faith, so I ask unanimous consent that the Senator from Arkansas be permitted to place an amendment back on this same subject as outlined by the Senator from Arkansas in the colloquy and that would take place tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Madam President, as I now understand it the Senator from Indiana is prepared with his amendment. We will take that one and then the Senator from Maine.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2036

Mr. QUAYLE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE] proposes an amendment numbered 2036.

Mr. QUAYLE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of page 152, insert the following new section:

SEC. 9. NATO DEFENSE PROGRAM REPORT.—Not later than January 15, 1989 the Secretary of Defense shall submit to Congress a report detailing the programs to be included in the NATO Defense Program. This report shall include:

(1) An identification of each program by program element.

(2) A description and the level of funding that the President will be requesting for each of these programs for Fiscal Year in 1990.

Mr. QUAYLE. Madam President, this amendment has been cleared on both sides. It simply takes the report that is report language and puts in bill language. It has been cleared by both the majority and minority.

Mr. DIXON. It has been cleared.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2036) was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2037

Mr. COHEN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 2037.

Mr. COHEN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, between lines 13 and 14, insert the following new section:

SEC. . CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM.

Of the funds appropriated pursuant to this title, $6,800,000 is available only to conduct a program to develop and demonstrate compliance monitoring capabilities in support of the Convention on the Prohibition of Chemical Weapons proposed by the United States in the Conference on Disarmament.

Mr. COHEN. Madam President, this is an amendment that was similar to that adopted by the Senate last year. It allows for the money for the first year of the proposed program to help monitor chemical weapons treaties. It is very important to our negotiators in fact who have tabled a chemical weapons proposal at the conference on disarmament which occurred back in 1984. It has the endorsement of the Department of Defense and it is acceptable to the majority and minority.

Mr. DIXON. Madam President, this side supports the distinguished Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2037) was agreed to.

AMENDMENT NO. 2038

(Purpose: To authorize the erection of a memorial to the Third Infantry Division in Arlington National Cemetery)

Mr. DIXON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] for Mr. NUNN proposes an amendment numbered 2038.

Mr. DIXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 232, between lines 14 and 15, insert the following:

SEC. 2811. THIRD INFANTRY DIVISION MEMORIAL.

(a) IN GENERAL.—The Society of the Third Infantry Division is authorized to erect, on public grounds in Arlington National Cemetery selected pursuant to subsection (b)(1), a memorial in honor and in commemoration of the men of the "Rock of the Marne" of the Third Infantry Divison, United States Army, who have served their country in World War I, World War II, and Korea.

(b) ADMINISTRATIVE PROVISIONS.—(1) The Secretary of the Army is authorized to select a suitable site on public grounds in Arlington National Cemetery upon which may be erected the memorial authorized in subsection (a).

(2) The design and plans for such memorial shall be subject to the approval of the Secretary of the Army, the American Battle Monuments Commission, the National Capital Planning Commission, and the national Commission of Fine Arts.

(3) The United States shall not be liable for any expense in connection with the erection of the memorial authorized by subsection (a).

(4) The maintenance and care of the memorial erected under this section shall be the responsibility of the Secretary of the Army.

(c) EXPIRATION OF AUTHORITY.—The authority provided in this section shall expire at the end of the 5-year period beginning on the date of the enactment of this Act unless (1) the erection of the memorial authorized in subsection (a) is commenced within such period, and (2) prior to commencement of the erection of the memorial funds are certified available in an amount sufficient, in the judgment of the Secretary of the Army, to ensure completion of the memorial.

Mr. DIXON. Mr. President, this is an amendment by the distinguished chairman of the Armed Services Committee, the Senator from Georgia. The proposed amendment would authorize the erection of a memorial to the Third Infantry Division at a site selected by the Army in Arlington Cemetery. The cost of design and construction would be borne by private sources. There is no objection to the amendment.

The PRESIDING OFFICER (Mr. REID). The question is on agreement to the amendment.

The amendment (No. 2038) was agreed to.

Mr. DIXON. Mr. President, I believe the distinguished Senator from Virginia has an agreed-to amendment.

Mr. President, may I say, if the Senator from Iowa would indulge me, the Senator from Virginia is ready with an agreed amendment, and then we will go to the Senator from Iowa.

Mr. HARKIN. Mr. President, Senator PROXMIRE is on his way over.

Mr. DIXON. Fine.

The Senator from Virginia is prepared with an amendment.

AMENDMENT NO. 2039

(Purpose: To prohibit testing electromagnetic pulse in Chesapeake Bay in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for ships (Empress) during fiscal year 1989)

Mr. WARNER. Mr. President, I shall momentarily send an amendment to the desk offered by myself and the distinguished Senator from Maryland [Ms. MIKULSKI]. At the appropriate place in the bill, it will insert a prohibition on testing electromagnetic pulse in the Chesapeake Bay during fiscal year 1989. The Secretary of the Navy may not carry out an electromagnetic pulse program in the Chesapeake Bay in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for ships, known as Empress.

We have found through the years that this affects the environment in that area. Both Senator MIKULSKI and I urge the Senate to accept this amendment.

Mr. DIXON. Mr. President, we support this amendment by the distinguished Senator from Virginia, the ranking member, who made such a valuable contribution to everything that has been done on this bill.

Mr. WARNER. Mr. President, I send the amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Ms. MIKULSKI, proposes an amendment numbered 2039.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 212, add the following:

(c) PROHIBITION ON TESTING ELECTROMAGNETIC PULSE IN CHESAPEAKE BAY.—During fiscal year 1989, the Secretary of the Navy may not carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for ships (Empress).

Mr. BINGAMAN. Mr. President, I rise to engage in a colloquy with the Senator from Virginia about the implications of his amendment for the Defense Department's Electromagnetic Pulse Testing Program.

I do not oppose the pending amendment. However, I am concerned that it not be construed in any way as blocking the Defense Department's necessary EMP testing programs.

In my own State of New Mexico, EMP testing has been going on for almost a quarter of a century at Kirtland Air Force Base. Both the Air Force and the Defense Nuclear Agency have EMP test facilities there, the largest of which the so-called Trestle device, has two 5 million volt generators which fire simultaneously. The Trestle device has been operating since 1979. Other EMP simulators have operated since as early as 1964 at Kirtland. At White Sands, the Army operates a lower power EMP facility. And of course, there are other Army and Navy facilities around the country.

These facilities have been operated after careful consideration of safety and environmental issues. For example, environmental impact assessments were prepared on the EMP facilities constructed at Kirtland in the 1970's. In addition, these activities were coordinated with local and regional offices of agencies such as the FAA, the Albuquerque Airport, and the State of New Mexico Environmental Improvement Agency. Extensive health studies were also conducted.

These EMP facilities provide the Defense Department with critical information about the vulnerability of weapons systems to the electromagnetic pulse generated by nuclear explosions. All of us hope and pray that our weapon systems will never be subjected to an EMP pulse other than at a test facility, but it is an important part of our deterrent that we harden our systems against this effect.

Mr. WARNER. Mr. President, I fully appreciate the importance of this testing effort and I am not trying to restrict it in any way except that Empress II testing not take place in the Chesapeake Bay. We have worked so long and hard to bring this unique and fragile ecosystem back to health that when there is an alternative site available in the Atlantic, I think the Navy should use that site. I do not intend that this amendment have an adverse effect on the EMP Testing Program anywhere else in the Nation.

Mr. BINGAMAN. Mr. President, I appreciate that clarification from my distinguished colleague, the ranking minority member on the Armed Services Committee. With that clarification, I have no objection to the amendment and commend the Senator for his strong advocacy of cleaning up and reviving the Chesapeake Bay over many years.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2039) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I think the distinguished Senator from Michigan has an amendment.

Mr. LEVIN. While the Senator from Virginia is here, I wonder if we could dispose of this amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think we can dispose of this amendment now with the Senator from Virginia here.

AMENDMENT NO. 2040

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2040.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 249, after the period in line 2, insert the following:

"Not less than $16,800,000 of such amount shall be used only for the purposes of entering into a contract with KMS Fusion, Incorporated for the performance of a portion of the inertial confinement fusion program."

Mr. LEVIN. Mr. President, the Senator from Virginia and I urged upon the Strategic Forces Subcommittee an allocation of $16.8 million for KMS Fusion. I have spoken with Senator EXON, who represented to me that it was his intent that that request be granted, that it was an error that the committee report referred to a different number, and that he supports this amendment. I am representing that to the body. He is not on the floor, nor is his staff. While Senator WARNER is here, who corequested this allocation, I think perhaps we can get this approved.

Mr. WARNER. Mr. President, we are prepared to accept the amendment on this side. I believe the representations of the Senator from Michigan are accurate.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2040) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I may say to all my colleagues in the Senate that if anyone else has any amendment that they would like to bring to us right now, we would be prepared to deal with that amendment right now. In a few minutes, we are going to go to the Senate from Iowa, who is going to offer an amendment and we will have a discussion on it. I believe that will be the end of this evening's business.

I urge any Senator who may be within the sound of my voice who has any further amendment to come here right now.

May I ask my distinguished friend from Iowa if he is prepared to proceed, because that is the last of this evening's business.

Mr. HARKIN. In reply to the Senator, I think I will go ahead and proceed. Senator PROXMIRE asked that we wait. I think it will take me some time to develop my remarks. By the time I get through with them, I assume Senator PROXMIRE will be here.

AMENDMENT NO 2041

(Purpose: To request and urge the President to enter into negotiations with the Soviet Union with the goal of banning all weapons based in outer space and banning the testing of any weapons against objects in outer space)

Mr. HARKIN. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. HATFIELD, Mr. KENNEDY, Mr. PROXMIRE, and Mr. SANFORD, proposes an amendment numbered 2041.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING THE TESTING AND BASING OF WEAPONS OF OUTER SPACE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Section 102(a) of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2451(a)) states that it "is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.".

(2) The United Nations, by a vote of 154 to 1, agreed to a resolution on November 30, 1987, calling on all nations to prevent an arms race in outer space.

(3) Existing military activities in space, including communications, navigation, surveillance, early warning of missile attack, and monitoring of treaty compliance, are essential to our national security.

(4) Civilian uses of outer space, including sensor satellites for earth resources management, scientific experiments, space exploration, and materials processing in the microgravity environment of space, are vital to continued commercial growth.

(5) The basing of weapons in outer space by the Soviet Union, or development by the Soviet Union of earth-based weapons designed to destroy objects in outer space would jeopardize both the military and commercial activities of the United States in outer space and would degrade the national security of the United States.

(b) CONGRESSIONAL POLICY.—(1) It is the sense of Congress that the President should, and he is hereby urged and requested, to enter into bilateral negotiations with the Soviet Union at the earliest practical date for the purpose of achieving the following objectives:

(A) A prohibition on the development, testing, production, and deployment of all weapons based in outer space and a prohibition on the testing of all weapons against objects in space.

(B) The establishment of an effective procedure for monitoring compliance with and resolving possible disputes regarding prohibitions referred to in subparagraph (A).

(2) It is further the sense of Congress that the United States should maintain a long-term reserach program on ballistic missile defense technologies so as to provide the United States with expanded options for responding to any future breakout by the Soviet Union from the 1972 Anti-Ballistic Missile Treaty.

Mr. HARKIN. Mr. President, the amendment I have just offered on behalf of myself, Mr. HATFIELD, Mr. KENNEDY, Mr. PROXMIRE, and Mr. SANFORD requests and urges the President to negotiate a treaty with the Soviet Union to ban all weapons in space and to ban the testing of any weapons designed to destroy objects in space. The amendment that I sent to the desk is a sense-of-the-Congress resolution.

Mr. President, several days ago, I, along with Senator HATFIELD, introduced this bill, which is now listed in the RECORD as S. 2346, to ban all weapons from space.

Mr. President, it occurred to this Senator at some point in the last several months that the intricacies of arms control agreements were such that it really boggles the mind, and were such that each new progression of weapons, each new stage of development of the weapons systems by both the United States and the Soviet Union, made arms control even more difficult and more complex. We have a situation that confronts us now in the world unlike any situation that has ever confronted us before; unlike any situation that has ever confronted mankind in the long march of history.

At this point in the development of the human species, we are about to embark from planet Earth to explore the universe. Small steps at first—near Earth orbit, the Moon, the planets in our own solar system, and then beyond that, even beyond our own solar system.

I do not think there is anyone today, Mr. President, who doubts that in the not-too-distant future mankind's progeny will be more populous in space than they are on Earth.

We know that the charge of history and the march of human development, our own inquiring minds, our own desire to seek the unknown, is going to propel mankind into outer space.

We can argue over space stations and how fast we should go or slow we should go, but we are doing it and we are going to do it.

However, there is one thing that could happen, Mr. President, that would forever doom mankind and all of our descendants to an eternal round of conflict and wars in outer space; one thing that could happen that has not happened yet, that could mean the difference between the peaceful exploration of space and the exploration of space that is based upon conflict, death, and destruction. It truly is a unique moment in human history.

The bill that we introduced a couple of weeks ago would ban all weapons from space. It is not just banning nuclear weapons or laser weapons, but banning all weapons from space.

Now, at first blush one might say, well, that is sort of wishful thinking, pie-in-the-sky type of thing. But when one takes a closer look at it and looks at where we are in terms of our space development, one can see that we are at that point in time where we really can keep all weapons from going into space.

How can that be? It can be because, Mr. President, there is only one way to get into space. There is only one way to get there. You have got to get on a rocket and get launched into orbit. There is no other way.

You cannot go there in submarines. You cannot sneak through the jungles. You cannot carry something in a suitcase that is hidden. Every human being that goes into space must go on a rocket. Every object that goes into space must go on a rocket. There is no other way to get there. It has to get there that way.

Well, what that means, Mr. President, is that if in fact we had a treaty with the Soviet Union and all the other nations that are now involved in space exploration, space development, to ban all weapons from space without exception and we provided in that treaty for intrusive on-site inspection of the cargoes of every launch that went into orbit, then we can prohibit all weapons from going into space.

In all of the thousands, hundreds of thousands of years of human development, whenever our ancestors, men and women, left their homelands in ancient times to go off and explore and discover other lands, they always took with them their weapons. They took with them their weapons for two reasons: one, because there were natural enemies, animals that they had to be fearful of, that they had to protect themselves from. So they had natural enemies and they had to take their weapons with them. The second reason they took their weapons was because they had every reason to believe that there were other humans there that might not like the fact that they were entering into their homeland.

So, every time people ventured forth in ancient times they took their weapons with them for those two reasons. But, Mr. President, this time is unlike any other time of human exploration and discovery. There are no natural enemies in space. There are no tigers and lions and wild animals out there for which we have to take our weapons with us to protect ourselves. And, as far as we know, there are no other alien beings out there waiting for us, armed to the teeth, ready to do us in.

We really are embarking on a discovery and exploration unlike anything known to mankind before, so there is really no reason to take weapons into space. If there are no natural enemies and if there are not other humans or other beings out there waiting to do us in, why take weapons?

Another thing that is unique about this exploration of space and discovery in space is what I just commented on earlier. There is only one way to get there.

Mr. PROXMIRE. Will the distinguished Senator from Iowa yield just briefly?

Mr. HARKIN. I would be delighted to yield.

Mr. PROXMIRE. I want to congratulate the Senator from Iowa on this amendment. He is absolutely right. I earnestly hope the Members of the Senate can support it. There are very few initiatives that the Senate can take that would do more to help ensure peace in the future.

Let me say to the Senator that I think it is absolutely essential that the Senate convey a loud and clear message to the President that we oppose the deployment of weapons in space and the testing of any weapons against targets in space.

For three decades the United States and the Soviet Union have collectively pursued a course of negotiating limits on the military uses of space that permitted the deployment in space of military systems that each nation considered necessary for their national security such as satellites for verification of arms control agreements, but precluded the deployment of weapons in space. Why? Because the superpowers' military and political leaders knew that to deploy weapons in space would be destabilizing. In the last 5 years, however, we have been bombarded by the backward logic of those that say space weapons will increase U.S. and international security.

Mr. President, let me remind my colleagues that in 1957 the dramatic launching of the Soviet artificial satellite, Sputnik I, confronted the United States with the frightening prospect that the Soviet Union could launch any weapon even the most devastating weapon of that era—the hydrogen bomb—into space and deliver it to any location on Earth at any time. But this threat was averted because the superpowers realized the importance of banning weapons from outer space. Yet, the space weapon arms control regime that was constructed by the superpowers has come under attack by those who want to convince us that space-based interceptors and antisatellite weapons will make the United States more secure and contribute to peace between the superpowers.

It is my opinion that introducing weapons into space would not enhance U.S. security and would erode U.S.-Soviet strategic stability. Senator HARKIN's amendment encourages the President to enter into negotiations with the Soviets to prohibit weapons from being tested or deployed in space, or tested against targets in space. It also states that the United States should maintain a long-term research program on ballistic missile defense technologies to protect against Soviet breakout from the ABM Treaty. These are objectives that we should all support. They are goals that ensure that the present military uses of space which are essential to U.S. security can continue undisturbed, and that the commercial uses of space can continue to be explored. I urge my colleagues to support the Harkin amendment.

Once again I congratulate my friend from Iowa on taking leadership and initiative in this respect. It is a great contribution.

Mr. HARKIN. I thank my friend from Wisconsin for his remarks and I am going to comment further on that destabilization aspect here on Earth—not only in space but here on Earth—if, indeed, we start putting weapons in space.

I know the Senator is aware of the fact that right now there are no weapons in space but there soon might be, unless we put a halt to it right away.

I also would like to just ask the Senator if he is aware, I am sure he must be, of the vote that was held last fall in the United Nations?

It was a resolution in the United Nations to ask all nations to bind together to ban all weapons from space. The vote was held and it was 154 to 1 to ban all weapons from space. The only country, the only nation voting no was the United States. All of our NATO allies, Japan, Canada, all of our allies around the world, all voted to ban weapons from space.

I believe now is the time to join with those other 154 countries in getting this kind of treaty right now. We may never be able to ban all weapons from Earth. But we can, I submit, we can at this point in time keep weapons from going into space. It is relatively easy to do.

Mr. PROXMIRE. The Senator is absolutely right in stressing the fact that this is the time to do it. If we let it slip, if we do not act within the next year or two or three, we are very likely to lose control of it and then the likelihood of a nuclear holocaust would be greatly increased.

Mr. HARKIN. I dare say, to the Senator, that if anyone thinks arms control is difficult here on Earth, and it certainly is, once weapons get into space it is all over with.

I do not know how you would ever account for them. The vastness of space would just prohibit any kind of real meaningful arms control, at least for as far in the future as I or anyone else that I know of can see, if we allow those weapons to go up there right now.

So I thank the Senator.

Mr. PROXMIRE. I thank my good friend and congratulate him.

Mr. HARKIN. I have been talking a little bit about the historical concepts of why this time is so different than others, why we have to change our mode of thinking. We talked about in the past if you left your country and went to another country and said you could not take your weapons, well, people could sneak them. What would prevent people from hiding them and taking them? Verification would have been very difficult.

Mr. President, you cannot sneak weapons into space in a submarine. You cannot hide them by going through the jungles. You cannot stick them in something and sneak them up there. They have to go up in a rocket.

We have a means of verifying any rocket launch, certainly any rocket launch that puts anything into orbit. But if we have the means of onsite inspecting of all cargo of every launch, and we have a treaty that bans all weapons, then it would be a relatively simple task to ensure there are no weapons in space because there is no other way to get weapons there, other than on those launches of those rockets.

Mr. President, we have some precedents for such a treaty, some things that we could look to that we have done in the past that I believe are somewhat analogous to the amendment I just offered and the bill that Senator HATFIELD and I introduced, along with other Senators, a couple weeks ago.

We concluded a treaty banning all weapons from Antarctica. The Antarctic Treaty of 1961 "prohibits any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any types of weapons" from Antarctica.

In addition, the treaty permits onsite inspections anytime, anywhere, without notice. Since that time, the United States has conducted inspections of the stations of six countries, including several inspections of Soviet stations.

Mr. President, there are several parallels between Antarctica and outer space. Both have been declared the exclusive province for peaceful exploration and scientific experimentation. As I said earlier, there are no national enemies acquiring weapons. Access is limited, making verification of a weapons ban quite simple.

So when you look at the Antarctica Treaty and look at Antarctica and say it is something like outer space—access is limited, no natural enemies—you can verify as long as you have a treaty that permits onsite inspection anywhere at any time without notice.

Again, if we have a treaty permitting onsite intrusive inspections of all payloads of every rocket into orbit, then we can ensure that no weapons would be sent into space.

Also, Mr. President, we have the 1967 Outer Space Treaty which prohibits all weapons of mass destruction, basically nuclear weapons, from outer space. But that is a hard definition to come by.

What is a weapon of mass destruction? Is a laser? Is SDI. Are the battle stations with hundreds of chemical rockets on board? Is that a weapon of mass destruction? Could be; could not be. I daresay we would probably interpret it as not to be, to put it into orbit and still comply with the 1967 treaty.

So regardless of how good the 1967 Outer Space Treaty prohibiting weapons of mass destruction is, it has a loophole in it big enough to drive a Mack truck through, but if we have a treaty prohibiting all weapons from space, then you do not have a loophole.

What I mean by all weapons is exactly what it say, all weapons. That not only includes nuclear weapons, it includes hand grenades, rifles, shotguns, bazookas, and mortars and anything else you can imagine that can damage or inflict injury upon humans or upon property, upon objects.

So that is why I think the time has come to recognize that we have entered a new era. There is a new set of dynamics, a new set of barriers that are there now that have never been there before in all of the vast discoveries made by human beings in all times past, but there is another reason for banning weapons from space.

Senator PROXMIRE just alluded to that. I have focused on banning weapons from space in my few minutes of remarks here as prohibiting weapons from being taken into space and then projected outward. I like to think if we can prohibit all weapons from space, perhaps 100 years from now, 200, 300 years from now when our progeny are expanding not only throughout all our solar system, but maybe even beyond that, the carrying of a weapon of any destructive power at all would be looked upon as abnormal. The normal would be not to have weapons. The abnormal would be to have a weapon.

So I have confirmed my remarks so far to that aspect of it, to stop the weapons race from entering into space. But there is another reason, and that was touched upon by Senator PROXMIRE of Wisconsin. That has to do with our own security here in Earth.

Both superpowers now use outer space for various military functions. We use satellites for communications, navigation, reconnaissance, and early warning of missile attack. Satellites provide our primary method of verifying compliance with arms control treaties.

In short, many of our vital national security functions rely on satellites in outer space. These sensor satellites are stablizing. They prevent surprises that could exacerbate international relations or lead to a miscalculation in a crisis.

While the military of both superpowers use space for various sensory activities, they have not as yet placed any weapons in space. So, therefore, we have witnessed the militarization of space but not the weaponization of space.

Civilian space activities, while curtailed in recent years, are bound to expand dramatically in the years and decades ahead. Near-Earth orbits offer the ideal platform for Earth resources monitoring, weather forecasting, and a host of other things. Space exploration and scientific experiments will undoubtedly open up commercial opportunities in space that are unimagined today.

Mr. President, both the military and commerical potential of outer space can be threatened if the Soviet Union or some future adversary develop, tested and deployed effective weapons that will attack satellities in space. If these weapons were based in space they could and probably would be equipped eventually to attack targets on the ground, in the air, on or under the sea. They might be designed and built with the intention of attacking other weapons, such as ballistic missiles.

But once battle stations are in place, does anyone really think that military establishments of either superpower could resist indefinitely the temptation to modify these space weapons for ground attack?

Again, people think about putting the battle stations in space as only hitting an intercontinental ballistic missile as it comes up.

Well, that might be so, but it would not take much of a modification for those same battle stations to send rockets down to attack targets here on Earth.

If we alone had space weapons, the military potential would be irresistible. The next time we attack a Qadhafi, our military would not need to ask the permission to use bombers based in England. We would not have to ask permission to overfly any territory; we would not have to risk losing the lives of any airmen. We can simply fly weapons from battle stations passing overhead, direct attach from overhead, precise attack with no risk of U.S. casualties.

Clearly, space offers great potential as the new high ground for military attack, as long as we are the only ones who have the weapons. But what if the Soviets also base weapons in space? Would we really be more secure with hundreds or thousands of Soviet battle stations orbiting a few hundred miles above every American city, above every military installation, above every industrial facility? I think we would not be any more secure.

Ironically, if future Soviet battle stations were equipped with nuclear-tipped ground strike missiles, they would completely circumvent any proposed SDI ballistic missile defense system.

There would be no boost phase, no post-boost phase, no mid-course phase, just direct attack from directly above without warning.

So we again find ourselves finding billions of dollars to erect an SDI defense only to be thwarted by battle stations orbiting just a few hundred miles above Earth.

And so, Mr. President, we are at that point in time where we can not only prevent weapons from going into space but also better ensure the security of our own Nation if we only prohibit weapons from going into space. But once the genie is out of the bottle, once the first weapon is put into space, once that first battle station is orbiting, there will be no turning back, never. Arms control in space will be as ephemeral as the thought right now of traveling to different universes. We will never be able to take that genie back.

The bill that Senator HATFIELD and I and other Senators introduced a couple of weeks ago I believe is, as the well-worn statement says, an idea whose time has come. It has come because we have reached the point in the development of humankind where we can take that step.

Mr. President, I was interested to see in the March 3 Washington Post an article that quotes Navy Vice Adm. William E. Ramsey, the Deputy Chief of the U.S. Space Command. The headline says, "Admiral Calls Pact Banning Arms From Space a Worthy Goal."

Mr. President, let me read what the Deputy Chief of the U.S. Space Command said. He declared that:

> A U.S. Soviet treaty banning weapons from space is "a damn worthy goal" for the superpower arms negotiators.
>
> "I think we should negotiate toward . . . no weapons in space," Navy Vice Adm. William W. Ramsey told a forum on space and national security at the Brookings Institution. "We should have as a national objective . . . an environment in space where weapons are not introduced."

This from the Deputy Chief of the U.S. Space Command, a vice admiral. Mr. President, I ask unanimous consent the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 3, 1988]

ADMIRAL CALLS PACT BANNING ARMS FROM SPACE A WORTHY GOAL

(By R. Jeffrey Smith)

The deputy chief of the U.S. Space Command, which likely would direct the nation's shield against Soviet ballistic missiles, yesterday declared that a U.S. Soviet treaty banning weapons from space is "a damn worthy goal" for the superpower arms negotiators.

"I think we should negotiate toward . . . no weapons in space," Navy Vice Adm. William E. Ramsey told a forum on space and national security at the Brookings Institution. "We should have as a national objective . . . an environment in space where weapons are not introduced."

Ramsey's remarks appeared to put him at odds with the Reagan administration's longstanding drive in arms control negotiations to obtain Soviet approval for future U.S. deployment of a "Star Wars" missile shield involving hundreds and perhaps thousands of weapons in space.

Ramsey is vice commander of the North American Aerospace Defense Command and a deputy commander of the Space Command in Colorado Springs, Colo. Last month, the command was assigned tentative responsibility for operating the potential U.S. missile shield under development by the Pentagon's Strategic Defense Initiative (SDI) Organization.

Ramsey said, however, that he sees no conflict between his support for a space weapons ban and his potential responsibility for operating SDI weapons aimed at destroying Soviet boosters. "I strongly favor continued research on SDI, which . . . has kept the Soviets at the negotiating table," Ramsey said.

But he also said "if we could outlaw weapons in space, it would be a damn worthy goal," and joined several other speakers at the meeting in suggesting that the administration at least pursue a ban on weapons capable of destroying satellites.

Although the administration has repeatedly spurned an agreement on antisatellite weapons, Congress blocked the space tests needed to complete development of such a weapon, and the Air Force, in part because of budget cuts, responded last month by canceling its efforts to do so.

Ramsey indicated he favored a pact eliminating existing Soviet capability to destroy low-altitude U.S. satellites, but expressed doubt the Soviets would allow the highly intrusive inspections of its rocket-launching pads needed to verify compliance.

Air Force Gen. Robert T. Herres told the forum, however, that such inspections may be possible "without revealing other [highly sensitive] activities."

Herres, vice chairman of the Joint Chiefs of Staff, said verification of a space weapons ban likely would be far less difficult than verifying limitations on earth-bound weapons such as sea-launched cruise missiles.

Herres declined to offer his opinion of a space weapons ban, but said "chances are we would like to see" a negotiated limit on space weapons, if not a ban.

Herres also said a longstanding proposal by senior U.S. arms control adviser Paul H. Nitze to negotiate limits on SDI research was "not without merit." The proposal, which calls for U.S. and Soviet negotiators to draw up a detailed agreement on missile defense research permitted or barred by the 1972 Antiballistic Missile Treaty, has "some interesting ramifications" and "certainly . . . should not be summarily cast aside," Herres said.

Nitze's approach has been rejected repeatedly by President Reagan and Secretary of Defense Frank C. Carlucci; the Soviets support it.

Neither Herres nor Ramsey said why they thought space weapon limitations should be pursued. Ramsey indicated that such weapons eventually will threaten vital reconnaissance, communications, and weather satellites "needed by on-scene commanders and the decision-makers in Washington to make timely, accurate decisions based on facts."

Mr. HARKIN. Now, I have not personally talked with Admiral Ramsey, but I believe that he along with so many other military people can understand the salient truth of what I have just said, that in fact we can through a treaty with the Soviet Union and other nations absolutely without question, without any chance of cheating by any side, prohibit all weapons from going into space. Verification would be very easy. Cheating would be very difficult because there is no other way to get those weapons up there except on a rocket.

So I think, Mr. President, that this issue is one that needs to be debated and needs to be fully thought about and discussed by the American public at large. Quite frankly, I was surprised when some of us came up with the thought of introducing a bill banning all weapons in space that nothing had been done like that before. I had just assumed that it sounded like a logical idea and that someone certainly had done it before. Much to my surprise, it had never been introduced. But perhaps that is because everyone has focused on arms control on Earth—

SALT I, SALT II, INF Treaty, START, but no one has focused, yet anyway, on what will happen when the first weapon goes into space, how it will be impossible to turn the clock back and put the genie back in the bottle again.

So I believe this issue really needs to be discussed not only just by our Nation but by in fact people around the world.

As I mentioned earlier, Mr. President, last fall the United Nations voted on a resolution to ban all weapons from space. The vote was 154 to 1, the United States being the only nation to vote against the resolution. Our NATO allies, Japan, Canada, all of our friends from around the world, voted in favor of a binding treaty to prohibit all weapons from space. So I think the world is ready for this type of a treaty. And I might add that with the advent of the INF Treaty allowing for intrusive onsite inspection and with, as I understand it, the recent commitment by the Soviet leaders to live up to not only the spirit but the letter of the treaty and in providing for comprehensive intrusive onsite inspection regarding the destruction of the intermediate nuclear forces, that sets the stage for inspection of all rocket launches that would go into orbit around the Earth.

Mr. President, I offered this amendment because I believe it is time that we start talking about this matter. Maybe it is not time to vote on it yet, it is not time for people to fully comprehend all of its implications, but I wanted the opportunity to talk about it at this point in time this year on the debate surrounding the defense authorization bill because I believe very seriously that this issue of banning all weapons from space is going to become one of the key issues in our country in the very few months ahead.

So, Mr. President, having said all that I believe I can say about the historical analysis, the technical abilities that we have to ensure compliance with such a treaty, the security that it would provide for our own Nation not to have any weapons in space by anyone, and what it would mean to our children and grandchildren and greatgrandchildren who are going to be venturing into space, having no weapons in space adequately delineated, I would leave the debate in the public forum in the weeks and months ahead, hopefully even as the Presidential race unfolds, knowing full well that this is an issue that is going to be here, one that is going to be debated very fully by the American people and by this Congress at some point. I hope with all my heart that at some point in the very near future this Congress, the Senate and the House, will pass this type of legislation and that the next President of the United States, whoever it might be, will negotiate with the Soviet Union and all other nations that are involved in space exploration this treaty to ban all weapons from space.

Mr. President, having said that, I ask unanimous consent to withdraw my amendment at this point.

The DEPUTY PRESIDENT pro tempore (Mr. MITCHELL). Is there objection? Without objection, it is so ordered.

The amendment was withdrawn.

SDI AND CONVENTIONAL FUNDING

Mr. DECONCINI. Mr. President, I would like to very briefly address the subject of the SDI budget. The SDI budget will inevitably be less than the President's request of $4.9 billion, yet more than the House's authorized level of $3.5 billion. We need to discuss and determine in a careful manner how to best provide for our national defense, especially in a post-INF environment. If the verification provisions and compliance methods are worked out between Secretary Shultz and Foreign Minister Shervarnadze, an INF Treaty might be ratified soon.

I believe we need to spend more on enhancement of our conventional forces such as Hellfire missiles, spare parts for the Navy and Air Force, depot maintenance for the Army, AHIP modifications, Blackhawk helicopters, and Apache helicopters. These are weapons we need in the INF Treaty environment. I will discuss these programs more specifically in the Defense Subcommittee of the Appropriations Committee. I will consider offering an amendment on the floor to the DOD authorization bill which might combine $200 million for conventional enhancement and $200 million for the space station, shifted from the SDI budget which will inevitably be decreased. I would hope my colleagues would support an amendment which would wisely and prudently spend our taxpayers money on programs which the United States and NATO can use to offset the Warsaw Pacts advantages in raw numbers of conventional weapons.

COST OF UNITED STATES MILITARY PERSONNEL IN JAPAN

Mr. STEVENS. Mr. President, it is often instructive to examine the monetary cost of our national policy decisions to put things in perspective. Our international defense commitments lend themselves to such quantification and it's frequently an eye opener to look at defense burden sharing among our allies relative to their economic capability. Japan is a glaring example of the imbalance between economic means and limited defense burden sharing.

Rather than spend this time recanting Japan's modest defense contributions, I would like to focus on what it costs the United States to maintain a viable defense presence in Japan. In short, Mr. President, the United States pays a premium for this policy. Let me illustrate the point.

Direct expenditures by the United States in Japan—payroll outlays and prime contracts awarded—exceeded $2.3 billion in fiscal year 1987. That represented an increase of almost 9 percent over expenditures in fiscal year 1986.

Payments for overseas station allowances to our United States military personnel in Japan totaled $175 million in fiscal year 1987. That equates to over $3,500 per active duty military person, and is a 40-percent increase over fiscal year 1986.

Using an exchange rate with the yen of 163:1 the Department of Defense estimate for these allowances in fiscal year 1988 is $235 million. The exchange rate today is closer to 120. Unless things improve, we'll be paying over $300 million, an increase of 150 percent since fiscal year 1986, just for the additional cost to keep our current military personnel in Japan.

Given these facts, it is not unreasonable to expect Japan to increase their contributions toward keeping our troops stationed there. Absent such assistance we may be forced to adjust troop levels because we're paying a lot more just to support the existing level of 55,000 U.S. personnel.

One of the largest arguments against force structure reductions overseas has been that costs are comparable or higher to ship troops back to the United States. For troops stationed in Japan, that axiom is outmoded.

Let's look at what it costs the taxpayer to keep personnel stationed in Japan compared to being stationed in the continental United States. As an example, let's focus on two types of troops: An Air Force captain, an O-3, with over 8 years of service and two dependents and a Navy 2d class petty officer, an E-5, with over 6 years of service and two dependents. The statistics are quite revealing.

The basic pay, basic allowance for quarters [BAQ], and basic allowance for subsistence [BAS] for a serviceman stationed anywhere in the world are comparable. The difference is when the variable housing allowance [VHA], overseas housing allowance [OHA], and cost-of-living allowances are considered.

The variable housing allowance is only for those servicemen stationed in the United States. It is over-and-above the BAQ that is received. An O-3 stationed in San Antonio receives an extra $100 a month, whereas the same officer grade in San Diego receives $250 a month. An O-3 in Tokyo or Misawa, Japan, receives overseas housing allowances in lieu of VHA.

The overseas housing allowance is a supplement to BAQ that is paid to service members living in private housing at their overseas duty station. It is directly dependent on where the duty station is located. The O-3 stationed in Tokyo could receive as much as $3,300 per month, with the enlisted E-5 receiving $850. These payments are before even considering the cost-of-living adjustment that is also used as a supplement for personnel stationed overseas.

COLA payments are intended to defray expenses in high-cost areas overseas. COLA's paid in Japan are at a rate necessary to maintain the same purchasing power if stationed in the United States. In a sense, we're underwriting the $4.50 cup of coffee and the $85 cantaloupe purchases in Japan. For the O-3 and E-5 stationed in Tokyo that means over $1,200 and $850 per month respectively.

Between these two primary cash allowances, we are paying as much as $4,500 per month—above basic pay—to keep a junior officer in Tokyo.

Using Tokyo as an example for a cost comparison of personnel in Japan might be considered the extreme case. However, the O-3 stationed at the Air Force F-16 base in Misawa, in northern Honshu, Japan, receives OHA and COLA benefits that total over $1,300 per month, while the E-5 would be supplemented over $1,200.

Additional U.S. subsidies to support service personnel stationed overseas are commissaries and exchanges. These facilities offer subsistence goods to military personnel stationed all over the world at prices comparable to what they would find in the United States. The cost to provide this support averages $600 to $700 million per year for transportation and payroll expenses.

It is important to reiterate that overseas housing allowance and COLA payments are costs that would not be borne if the sample O-3 and E-5 were stationed in the United States. By virtue of the variable formulas for these benefits, the costs are open ended. OHA and COLA are adjusted as often as every 2 weeks depending on the fluctuation of the foreign exchange rates. For troops stationed in Japan, costs are escalating every 2 weeks as a direct relationship to the yen-to-dollar ratio's continuing decline.

To put it in comparative terms, it costs the American taxpayer almost 150 percent more per month to station a service member in Tokyo as opposed to San Antonio, and 130 percent more than San Diego. Comparably, it costs 40 percent more to station a soldier in Misawa, Japan, as opposed to San Antonio, and almost 33 percent more than San Diego.

When the costs are totaled, to station an Air Force captain receiving full benefits, with two dependents in Tokyo it's over $90,000 per year. People ask me why don't we increase military and civilian pay. The answer is simple: Despite repeated attempts to hold down costs of accompanied tours abroad, the escalation in taxpayer expense caused solely by the fiat established yen/dollar ratio prevents us from adjusting pay. To the contrary, this year for the first time in many years, we will discharge servicemen so we can continue to absorb these staggering new costs.

Mr. President, this illustration of comparative expenses demonstrates the magnitude of increasing burden that falls to the United States for maintenance of current troop levels in Japan.

The increasing cost does not translate to increased capability. We're simply paying more to cover economic realities attached to maintaining current capability. The Japanese Government must do more to relieve some of the defense burden of their country. In the current budget environment we cannot continue to foot the bill for the ever-increasing cost of stationing troops there. As it stands now, Japan enjoys a defense insurance policy with an extremely low premium.

INDEPENDENT OVERSIGHT OF DOE NUCLEAR FACILITIES

Mr. GLENN. Mr. President, I would like to call my colleagues' attention to the section of the defense authorization bill establishing an independent Nuclear Safety Board to oversee Department of Energy [DOE] nuclear facilities. This section derives from title 1 of S. 1085, the Nuclear Protections and Safety Act, a bill I introduced in April of last year. Title 1 was reported out of the Senate Governmental Affairs Committee and then sequentially referred to the Senate Armed Services Committee, where it was modified and unanimously reported last November. After dozens of GAO reports and congressional hearings, this legislation is now ripe for passage by the full Senate.

DEFENSE NUCLEAR SAFETY BOARD

The legislation before the Senate today would create a Defense Nuclear Safety Board to oversee DOE health and safety practices. The Board would consist of five nuclear safety experts, appointed by the President with the advice and consent of the Senate, and would be charged with:

Reviewing the content and implementation of health and safety standards at DOE defense nuclear facilities;

Recommending improvements in DOE health and safety standards so that they are comparable to standards for commercial nuclear facilities;

Investigating actual or potential "nuclear incidents" at DOE facilities—nuclear incidents are defined as nuclear events that result in bodily injury, sickness disease or death, or loss of or damage to property; and

Recommending specific measures to reduce substantially the likelihood that nuclear incidents will occur at DOE facilities in the future.

The Board would have the authority to oversee virtually all "production or utilization" facilities operated by the Department of Energy or its contractors. These facilities are defined in the Atomic Energy Act as facilities capable of producing or using plutonium or enriched uranium "in such quantities as to be of significance to the common defense and security, or in such a manner as to affect the health and safety of the public." This would include, but is not limited to, defense production reactors, uranium processing and enrichment facilities, weapons assembly plants, and national laboratories using special nuclear material.

The Board would also have authority to review the design and construction of the all new DOE nuclear facilities, and would be given the opportunity to make timely recommendations based on its finding to ensure adequate protection of public health and safety. This function is especially important in order to ensure that the anticipated modernization of the defense production complex will be undertaken in a manner that promotes safety and environmental protection, as well as meets our future defense needs.

The Board's recommendations to the Secretary of Energy would be public, and could be accepted or rejected by the Secretary. If the Secretary favored a recommendation but was unable to implement it due to budgetary or production requirements, then the matter would be bucked to the President for resolution. If the Secretary opposed a recommendation, and the Board determined that its recommendation related to an imminent or severe threat to public health and safety, again the President would have the final say on implementation.

While I anticipate almost all recommendations would fall short of this "imminent or severe" standard, it is unequivocally the province of the Board to determine when this threshold has been crossed. Recommendations relating to power operating limits, emergency cooling systems, confinement systems, and hydrogen mitigation are but a few examples of the types of recommendations the Board may find warrant Presidential involvement.

In such cases, only the President has the mandate to make the critical choices between producing nuclear weapon materials and taking steps to prevent a nuclear accident. And only the President, not the Secretary of Energy, is in a position to consider the full range of national security concerns that must enter into such a decision.

Mr. President, I ask unanimous consent that excerpts from my March 18 floor statement, which examines the history and workings of the Defense Nuclear Safety Board in greater depth, be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

GAO RECOMMENDATIONS

Mr. GLENN. Mr. President, since 1980 the General Accounting Office [GAO] has—by its own count—issued 32 reports on environment, safety, and health issues at DOE nuclear facilities. GAO deserves tremendous credit for tirelessly investigating these vital matters on behalf of myself and other concerned Members of Congress. The oversight legislation before the Senate today stems from nearly a decade of work by GAO, as well as from substantial testimony before the Governmental Affairs Committee and a report by the National Research Council of the National Academy of Sciences.

Over the years, GAO has recommended that DOE take certain steps to improve health and safety at its nuclear plants. I recently asked GAO to review these recommendations and to report back to me on the extent to which DOE has been responsive to GAO's suggestions. The response I received from Mr. J. Dexter Peach, Assistant Comptroller General, is quite troubling. He stated that:

> Slightly more than 40 percent of our recommendations still need to be implemented, including an overall strategic plan for the nuclear defense complex and outside, independent oversight. In our view, implementing these recommendations is critical to assuring the Congress and the public that the nuclear defense complex is rebuilt in a safe and environmentally acceptable manner.

Mr. President, I ask unanimous consent that the full text of GAO's response be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

DEPARTMENT OF ENERGY POSITION

Mr. President, despite this exhaustive record supporting my legislation, the Secretary of Energy persists in opposing the oversight provision. He asserts that the recently chartered Advisory Committee on Nuclear Facility Safety—"the DOE Committee"—will "fill the need for external review" of health and safety at the defense production complex. In fact, the DOE Committee falls well short of what is needed to redress the balance between production and safety at DOE's nuclear facilities.

In a letter to me dated March 18, 1988, the General Accounting Office [GAO] questioned whether the DOE Committee can provide the type of comprehensive oversight necessary. GAO wrote that an effective oversight body must possess the following qualities:

First, independence; second, technical expertise; third, the ability to perform reviews of DOE facilities as needed; fourth, clear organizational authority to require DOE to address the organization's findings and recommendations; and fifth, a system to provide public access to the organization's findings and recommendations.

GAO concluded that the DOE Committee "does not meet two of our criteria for an effective independent oversight organization: independence and clear authority to require DOE to address the organization's findings and recommendations. In addition, it is unclear whether another criteria [sic]—public disclosure—is met." At a March 31 House hearing, Dr. John Ahearne, Chairman of the DOE Committee, testified that he did not dispute these findings. Mr. President, I ask unanimous consent that the March 18 GAO letter be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GLENN. Mr. President, authority and independence—the features the DOE Committee lacks—are the very essence of effective oversight. An oversight board that cannot require DOE to address its recommendations can never truly watch over the Department. And an oversight board that is dependent on the Department for its funding, staffing and informational needs is always at risk of having its sight impaired. Already, the DOE Committee has encountered "slow starting within the Department to respond to some of [its] requests," according to testimony by Dr. Ahearne at a March 31 hearing.

By contrast, the Defense Nuclear Safety Board I have proposed could neither be effectively muzzled nor ignored by the Secretary of Energy. Indeed, the Safety Board would satisfy all five GAO criteria for effective oversight. Without such effective oversight, DOE runs the added risk of a nuclear catastrophe that would not only inflict irreparable damage on the public, but would jeopardize the continued production of nuclear materials needed for our national defense.

HOUSE ACTION

Mr. President, I would like to congratulate Representatives Sharp, Spratt, and Dicks for their success last week in amending the House defense authorization bill to include nuclear safety oversight. Their amendment, which was accepted without a recorded vote, closely tracks with the oversight language contained in the Senate bill before us today. Its passage brings us one step closer toward relieving the tension between production and safety that has plagued DOE and its predecessors for nearly four decades.

There are, however, some disparities between oversight legislation included in the House and Senate defense authorization bills. I look forward to working with the House conferees on resolving these differences.

CONCLUSION

Mr. President, more than 3 years ago I attended a Governmental Affairs hearing at the Feed Materials Production Center in Fernald, OH. After reviewing conditions at that plant, I reached the conclusion that DOE had been "clearly insensitive to growing public and worker concern about health, safety and environmental protection."

Today, DOE has become more sensitive to health and safety concerns and has begun to take remedial action. This cautious progress, however, comes only aftter years of prodding by Congress and could easily be reversed. It is not the bold and sustained policy needed to address environment, safety, and health problems that may take decades—not to mention many tens of billions of dollars—to solve. As long as DOE remains solely responsible for production and safety, the temptation to cut corners when it comes to safety will remain too great. My legislation would minimize this temptation by establishing an independent safety board to oversee health and safety practices at DOE nuclear facilities.

Mr. President, the concept of independent oversight has been endorsed by two Senate committees and enacted by the House. Now the time has come for Congress to send an unmistakable signal to the executive branch that national security means defending the public from domestic—as well as foreign—nuclear threats. The nuclear oversight legislation included in the defense authorization bill sends just such a message.

EXHIBIT 1

EXCERPTS FROM MARCH 18 STATEMENT

Mr. Glenn. Mr. President, as long as DOE remains solely responsible both for producing nuclear-weapon material and ensuring health and safety at its production facilities, workers, the public, and ultimately our national security will remain at risk.

I state this conclusion reluctantly, but with conviction. Three years ago I conducted an investigation into the management and operation of the Feed Materials Production Center [FMPC] in Fernald, OH. The Fernald site is used by DOE to, among other things, manufacture uranium metal ingots, which are then irradiated in DOE production reactors to produce plutonium.

What we discovered at Fernald was shocking: During the 35 years of the plant's operation, more than 300,000 pounds of radioactive uranium had been released into the surrounding air and water, contaminating offsite wells and seriously jeopardizing the health of plant workers and nearby residents. This is both a safety and an environmental problem. Despite this record of neglect, DOE consistently evaluated the contractor's performance as "excellent" and awarded substantial bonus fees to the contractor based on production.

GAO Assistant Comptroller J. Dexter Peach described the situation at Fernald this way:

During the 1970's, DOE considered closing this plant. As a result, it did not make capital improvements, and equipment became obsolete. In the early 1980's. DOE production goals increased, putting a strain on the plant's resources. According to DOE's own documents, Fernald management emphasized production over worker safety and health concerns.

I might add that, even when contractors operating DOE nuclear facilities take a more responsible approach, their requests for funds to upgrade these facilities and alleviate dangers are often denied. And the situation continues unabated.

If Fernald were a civilian nuclear facility, the Nuclear Regulatory Commission—whose sole mission is to make sure that nuclear powerplants are operated in a safe and healthy manner—might have shut it down long ago. However, because Fernald is part of the DOE bomb complex, the owner is also the safety authority. It is this conflict of interest that must be tempered by the creation of an outside oversight board that can require DOE management to focus on safety and health problems including environmental protection.

GENERAL ACCOUNTING OFFICE INVESTIGATIONS

The Fernald situation suggested to me that the operation of facilities in other States might be equally flawed, so we started looking into that. Subsequent studies and hearings confirmed that Fernald was not an isolated case, but indicative of a nationwide problem including almost every DOE production and utilization facility.

For example, in testimony last March before my committee, GAO Assistant Comptroller General J. Dexter Peach had this to say about DOE's Rocky Flats Plant, which is used to fabricate and assemble the nuclear explosive core of atomic weapons:

At Rocky Flats, a new building was to be built to lower workers's radiation exposure levels and reduce the danger to the public in the event of an earthquake and/or high winds. Because of technical and design problems, this new building never became fully operational. As a result, DOE is continuing to process plutonium in the old buildings, which the new one was to replace for safety and health reasons. This situation has raised safety concerns about Rocky Flats.

To get a more complete understanding of the problem, I asked GAO to survey safety and health practices at a wide range of DOE facilities. In June 1986, GAO released a report examining DOE's safety analysis reviews. These safety reviews are needed to demonstrate that DOE facilities are safety designed and constructed. According to GAO:

Our review showed that some safety reviews have not been approved by DOE, some provided little or no comparison with safety design criteria, and different assumptions were used in analyzing serious accidents. We also noted that DOE's safety review process is an internal DOE function carried out primarily by DOE field offices. Because an effective and well-accepted safety review process is the key to demonstrating that a nuclear facility can be safely operated, we made a number of recommendations to ensure that DOE has a credible safety review process.

Then in September of that year, GAO surveyed environmental conditions at nine important DOE nuclear facilities and reported that:

At eight of the nine facilities we reviewed, the groundwater is contaminated as a result of DOE activities. At most of the facilities, the groundwater is contaminated with both hazardous waste and radioactive material. Although not as widespread, our review also showed that soil, outside of restricted burial grounds or disposal facilities, was also contaminated with radioactive and/or hazardous waste at six of the facilities we reviewed.

GAO Associate Director Keith Fultz backed up this report at a hearing last March. Mr. Fultz testified that "DOE has not given sufficient emphasis to environmental protection." This would seem to be quite an understatement, considering the illustrations offered by Mr. Fultz:

At the Savannah River site in South Carolina, radioactive contamination in one stream was found by GAO to be 750 times greater than drinking water standards;

At DOE sites in Colorado and Tennessee, groundwater contamination was measured at as much as 1,000 times above drinking water standards;

And at the Hanford site in Washington, GAO found that 25 million gallons of contaminated waste had been placed in an unlined disposal site without proper groundwater monitoring.

So we have the presumption that as of this date we still have 25 million gallons of contaminated waste in the unlined disposal site slowly dripping down into whatever aquifer level runs under that area.

DOE's systematic disregard for safety and the environment in the name of production at its nuclear facilities is certainly well documented. GAO's J. Dexter Peach testified last March before the Governmental Affairs Committee that when it comes to DOE's management of the production complex:

Self-regulation provides only a minimum level of public assurance that these facilities can safely operate. This minimum level, I believe, is becoming more unacceptable to the public and Congress as more problems and issues surface in the DOE nuclear defense complex. In view of the foregoing, I believe outside, independent oversight is critical if DOE wants to provide a high degree of public assurance that its operations are safe and conducted in an environmentally acceptable manner.

I can assure you that GAO has done its homework when it comes to safety and environmental issues at DOE nuclear facilities.

I have here this morning 21 different GAO reports, just so we know we are not talking off the top of our heads, going back 8 or 9 years that deal with this whole thing.

These are GAO reports, have been prepared by experts who looked at these different areas. These reports go back year after year after year. I will read in just a moment just the titles of these reports.

You would think any one report would have galvanized DOE into action, and I do not have any question that the people there are concerned about safety and health. But the problem is that through the years they have not done enough to address safety and health even while report after report after report has come out to indicate that there are deep and serious problems.

Let me just read some of these. "Nuclear Waste, Unresolved Issues Concerning Hanford's Waste Management Practice." Another one: "Nuclear Energy, Environmental Issues at DOE's Nuclear Defense Facilities." Another one: "Nuclear Safety, Comparison of DOE's Hanford N Reactor with the Chernobyl Reactor."

I might say that as a result of the concerns about the N reactor, along with reduced production demands, it has been shut down; indefinite status; closed down; DOE does not know whether it will operate again or not.

"Nuclear Waste, Impact of Savannah River Plant's Radioactive Waste Management Practices."

"Nuclear Energy, A Compendium of Relevant GAO Products on Regulation, Health and Safety."

"Nuclear Safety, Safety Analyses Reviews for DOE's Defense Facilities Can Be Improved."

Virtually all of these conclude that there are very serious deficiencies in the safety and health matters at these DOE plants.

"Environment Safety and Health, Status of Department of Energy's Implementation of 1985 Initiatives."

Another: "Nuclear Waste, Department of Energy's Transwaste Disposal Plant Needs Revision."

Another one: "Environment Safety and Health, Environment Workers Could Be Better Protected at Ohio Defense Plants."

Another one: "Environment Safety and Health, Information on Three Ohio Defense Facilities."

"Department of Energy Acting To Control Hazardous Waste at Its Savannah River Nuclear Facilities."

"DOE's Safety and Health Oversight Program at Nuclear Facilities Could Be Strengthened."

These go way back. That one is in November of 1983. That is 5 years ago.

"Decommissioning Retired Nuclear Reactors at Hanford Reservation."

"Cleaning Up Nuclear Facilities, an Aggressive and Unified Federal Program Is Needed."

That goes back to 1982. I repeat that one: "Cleaning Up Nuclear Facilities, an Aggressive and Unified Federal Program Is Needed."

We do not have it to this very day.

Another one: "GAO's Response to DOE on a Report Number AMK10108, Weather Oversight Needed for Safety and Health Facilities at DOE's Nuclear Facilities, January 1982."

Another one: "Congress Should Increase Financial Protection to the Public From Accidents at DOE's Nuclear Operations."

That is what we are addressing here today, Price-Anderson.

Another one going back to August 1981: "Better Oversight Needed for Safety and Health Activities at DOE's Nuclear Facilities."

Another one back in 1980: "DOE's Analysis of Alleged Health and Safety Violations at the Navy's Power Training Unit, Windsor, Connecticut."

"Department of Energy Safety and Health Programs for Enrichment Plant Workers Is Not Adequately Implemented," goes clear back to 1980. And the problems indicated by some of these titles exist to this very day. It is not that we have not realized there is a problem. It is that DOE has not moved aggressively to correct these problems.

These safety and health concerns have taken short shrift. DOE has formed some advisory councils in the past to advise them on safety. They have formed an environmental safety and health group within DOE, but not funded to really do the cleanup job and not with sufficient people to really monitor the whole DOE complex. That is the point.

In addition to these GAO reports and congressional hearings, the National Research Council of the National Academy of Sciences [NAS] has reviewed safety issues at the defense production reactors at the request of Energy Secretary Herrington. These reactors, located at the Hanford site in Washington and the Savannah River site in South Carolina, produce the plutonium and tritium used in our Nation's nuclear arsenal. The Academy's results, released last fall, show that DOE's production reactors are not exempt from the risk-taking that pervades the Department's management of the bomb complex.

Safe and effective management of the production and research complex requires a clearly defined safety objective, a comprehensive set of directives for implementing this objective, and a rigorous program of inspections and audits to verify that these directives are being observed.

Yet the NAS panel concluded that "the Department"—this is the National Research Council that is saying this, referring to DOE—"has not clearly articulated, documented or implemented any specific safety objective for its reactors."

DOE contractors do not even know what the Department's safety goal is much less what actions are required of them to meet this objective. If this problem sounds very abstract, consider some of the technical findings contained in the NASA report. These are direct quotes out of the National Academy of Sciences report.

The production reactors all display symptoms of acute aging that could affect safety and are likely to limit the useful lives of these reactors.

The increasing needs for maintenance and plant modernization brought on by the aging of the production reactors are not being met by existing programs.

Adequate resources have only recently been devoted to developing a thoroughly documented understanding of the behavior of the reactors in a loss-of-coolant accident.

That is the most serious kind of accident we can possibly face with a nuclear plant.

The risks associated with operation of the defense production reactors are currently inadequately understood.

Another one from the National Academy of Sciences:

The existing level of understanding of severe accident behavior for the production reactors is inadequate to permit a realistic assessment of the effectiveness of these designs in mitigating the consequences of severe accidents.

There are significant uncertainties in the abilities of production reactor confinements to mitigate radionuclide releases that would be expected to occur during severe accidents.

Discharge of radionuclide-contaminated liquids from the production reactor confinements into open basins, as occurs during normal operation of the N reactor and as could occur during accidents at both sites, poses a safety hazard. It is also an environmentally unsound practice.

Mr. President, these are not abstract concerns. Savannah River that is referred to by the NAS, sits some 20 miles from downtown Augusta, GA. Just as an example, what if there is a prevailing wind blowing toward Augusta? What if something does happen? We have been lucky. We have been very fortunate.

These are not abstract concerns. They are matters that directly affect public health and safety. To remedy this egregious situation the report concluded:

In light of the conflicting responsibilities of the Department to meet production requirements and assure safety * * * the committee recommends that an independent external safety oversight committee, advisory to the Secretary of Energy, be established.

That is from the National Academy of Sciences.

Mr. President, that is one of the things that my amendment would do.

In reaction to the NAS report DOE admitted for the first time that margins of safety at its production reactors are not comparable—that is their word, "comparable"—to those of the commercial sector. Despite this recent candor, which is a good if belated sign of recognition, there is little indication that conditions at the production reactors have improved enough to vitiate the recommendations made by the National Research Council or the General Accounting Office.

Following the Chernobyl accident, Secretary Herrington asked an expert panel chaired by former utility president, Lewis Roddis, to review the safety of the N reactor.

The Roddis panel was not the first advisory group to assess the dangers of the N reactor. Indeed, Roddis cited a 1966 report by the NRC's Advisory Committee on Reactor Safeguards warning that:

Potential hazards associated with the Hanford reactors (as they are now confined) exceed those of licensed reactors. Radiological consequences in the unlikely event of a severe reactor accident at the N reactor during operation would exceed the dose guidelines now used for licensed power reactors.

"Licensed" means those in the civilian sector.

Two decades later, the Roddis panel concluded that "this situation is unchanged."

How could DOE have continued to run its Hanford reactors and failed to address this grave concern for over 20 years? The answer is as simple as it is unsettling. Throughout this period, sole responsibility for monitoring the safety of the N reactor resided in the same offices that were charged with making sure that the reactor met plutonium production goals.

I have supported the necessity for plutonium production all during that time period, but we have been far too lax in making safety a paramount item.

While DOE did seek outside safety expertise during this period, it chose to ignore this advice when it conflicted with production demands.

In seeking the proper mechanism to reduce this conflict, the Roddis panel observed that "the entire process would be more credible if a permanent system of outside overview were established." My amendment would meet this need.

The need for independent oversight was underscored a week after the Roddis report was released, when the Washington Post reported that human errors had created a risk of setting off an uncontrolled nuclear chain reaction. The incident occurred when plutonium-laden liquid was accidently routed to an already full storage tank, raising the possibility that the nuclear material would reach critical mass. When fallable human beings and machines work with these deadly materials, such accidents can only be prevented by vigilance and continous thoughtful review. My amendment would encourage such caution.

In December 1986, DOE finally shutdown the Hanford plant for extensive repairs, and last February the Department announced that all plans to restart the N reactor in the near future had been scrapped. Such caution, however belated, has not always characterized the Department's handling of safety problems at the other production reactors.

SAVANNAH RIVER

The Savannah River site in Aiken, SC, is the home of three operating DOE production reactors: The L reactor which produces plutonium, and the K and P reactors which produce tritium. With the N reactor at Hanford shutdown indefinitely, these three reactors at Savannah River are the only source of weapon-grade nuclear material.

As early as 1981, Du Pont scientists determined that they could not rule out the possibility of core melting during a severe loss-of-coolant accident as long as the reactors continued to operate at existing power levels. Nonetheless, no action was taken to reduce the power until November 1986—well after the Chernobyl accident had awakened the slumbering public to the importance of nuclear safety.

Then, in March 1987, the chairman of the NAS review panel wrote Secretary Herrington to say that DOE had not gone far enough. Chairman Richard Meserve wrote that:

We are not able to conclude with confidence that significant core damage would be avoided if there were a severe loss of coolant accident while the reactors are operating at the currently established reduced power limits. In our view, the reactors should only be operated at power levels at which it can be convincingly demonstrated that there will be adequate cooling of the fuel over the entire duration of the transient.

As a result of that letter, DOE reduced power at the reactors to half of their original operating levels.

In other words, during those 7 years, the reactors had been operating well beyond the capacity of the coolant system to control what they refer to as a transient, which means an accident that is in its early stages. The reactors were operating beyond the capacity to control an accident. That is the opinion of the National Academy of Sciences. So DOE reduced power at the reactors to half of their original operating levels.

It is chilling to consider that for decades the potential for a catastrophic accident went undetected and then ignored at Savannah River. A report in the Washington Post last month suggests that DOE may still not have learned the lessons of this harrowing experience.

On February 22, the Post reported that the L-reactor at Savannah River has been allowed to continue to operate at power levels beyond the proven capacity of its emergency core cooling system. In effect, the scientists found that, at existing power levels, a catastrophe might not have been preventable in the event of a serious accident.

Even after contractor scientists uncovered the problem, DOE reportedly resisted a reduction in power. According to the report:

DOE's initial reluctance to take that step infuriated Dupont scientists and has raised new questions about the Department's commitment to safety. According to several sources, DOE managers at Savannah River resisted the latest cutback because they did not want to admit a mistake and risk kindling public pressure to close the South Carolina reactors.

Mr. President, the amendment I am proposing would establish a panel composed of experts in nuclear safety to review and investigate precisely these types of problems, and the panel would be given the authority to have its disagreements with the Secretary of Energy bucked to the President when public safety hangs in the balance.

That is the most important part of this amendment. It would set up an independent group that would make their recommendations to the Secretary. But where the Secretary said, "No, I choose to ignore this because of production demands," even though the independent group had prioritized them.

Issues that related to an imminent or severe threat to public health and safety, the recommendations have to be sent to the President. The President then would be the person to make the decision as to whether public health and safety or production was more important, whatever the national situation might be. He could decide that production was more important.

Or he could say: "Mr. Secretary, I am not going to go with you. I overrule you on this."

We are not going to buck up every little nut and bolt to the President. It will never be our intention to do that.

It will only be where an outside review panel of experts have said, "We have an imminent or severe threat to public safety on our hands."

And I cannot think of anything more important to buck to the President than that kind of decision.

We would have the review done independently, not under the direction of the DOE, not with people who could be fired by the Secretary of Energy. And where they found that there were such situations that the public safety and health was in danger, then they could say if the Secretary does not want to go along with the recommendation then let's buck it to the President for his decision.

Only the President has the mandate and the resources to determine what safety risks are tolerable in the interest of national security. Without such an eminent and autonomous safety board, insulated from operational responsibilities, there can be no effective check on DOE's handling of its dual-production and safety roles.

We do that on the civilian side. That is the reason we have not had a serious accident. We almost had one with Three Mile Island, of course. We do not have those layers of protection at DOE. DOE runs all of its own program internally.

Mr. President, I ask unanimous consent that recent articles on the Handford reactor, the Savannah River plants, and DOE's reaction to the NAS report be printed in the RECORD at the end of my remarks.

Mr. President, I would, however, like to take a moment now to read to my colleagues a March 2 editorial from the Atlanta Constitution, just a couple weeks ago. The Atlanta Constitution editorial has this to say. The title of it is "Everyone Has Stake in SRP Safety Board," Wednesday, March 2, 1988, and reads as follows:

Should we laugh or cry? In another round of hearings Department of Energy administrators have hung their heads and mumbled apologies for health and safety troubles at the Savannah River plant, SRP. This week an Energy official admitted the agency has no "valid excuses" for its failure to act on problems recently created there. Last fall a department Under Secretary confessed to Congress that the agency had a dismal safety record at weapons plants nationwide. Unfortunately, this contribution does not reflect a willingness to remedy the mess. The Department stubbornly opposes a bill that would establish firm outside oversight of its weapons facilities. Proposed by Senator Glenn, the measure would set up a three-member nuclear safety board to handle policing chores. The panel would be able to order new procedures and close dangerous plants. What gives Energy folks the cold sweats, though, is the provision that allows the President not the Department to resolve any disputes. Without this component the bill means little. Just look at DOE's record. At the SRP's plant near Augusta problems have been documented for years. Hazardous wastes contaminate many sites on its grounds. Safety questions keep the plant's aging reactors operation at reduced levels. Years of self-policing allowed the situation to become urgent, but even as Energy fights the Glenn plan its enforcement of safety standards remains slack. Hope that the Department is better with scientific equations than it is with logic. Its position doesn't add up. Stern independent oversight not only would give neighbors of the plant peace of mind, tough policing would save the Department from temptations to cut corners. Problems then could be corrected before they become critical and defense reactors could run safely at capacity. Energy Department bureaucrats who view safety as the enemy of efficiency are wrong. How efficient is it to, one, gamble with the health and environment of Americans or, two, close weapons installations that were allowed to deteriorate. Too often Energy faces that ugly choice today. Glenn offers a nicer option for all of us.That is out of the Atlanta Constitution just a couple of weeks ago. I appreciate their support for this. I appreciate even more the fact that they recognize the danger that is imminent in their area of the country.

DOE'S ADVISORY COMMITTEE ON NUCLEAR FACILITY SAFETY

I am fully cognizant of DOE's recent establishment of a committee to advise the Secretary of Energy on health and safety. The differences between that committee and the one I am proposing are simple but very fundamental. The committee created by the Secretary can be ignored or can be disbanded. It can be ignored as past advisory groups have been ignored. It can be ignored as these 21 GAO reports going clear back into the late 1970's have been ignored.

The DOE committee would have very few resources. The one created by my amendment would issue public recommendations, the most important of which would be evaluated by the President if the Board and Secretary disagree. In addition my Board would be guaranteed a 6-year trial period and would be given adequate resources to accomplish its crucial oversight role.

The members of the new DOE Advisory Committee were announced by Energy Secretary Herrington on February 24—2 days after the most recent Washington Post report on problems at Savannah River. While I hope this was just coincidential, I have noted in the past that such announcements often follow on the heels of embarrassing matters like the Post article. In any event, the DOE committee, while composed of distinguished members, falls short of what is needed to overcome DOE's legacy or risk-taking and environmental neglect at its defense production facilities.

The chairman of the DOE Advisory Committee—former NRC Commissioner John Ahearne—recognized its limitations in testimony last year. In comparing the DOE committee with the independent, outside review board I proposed in S. 1085, Mr. Ahearne had the following comments:

A key question is the relation between the independent board identified in H.R. 2047 and S. 1085 and my committee. I only speak for myself here. My committee has not discussed this issue. The board and the committee are separate. The analogy really would be my committee is like the ACRS (the NRC's advisory committee on reactor safeguards); the independent boards are like the Nuclear Regulatory Commission * * * from testimony I gave last year on S. 1085, I believe that having oversight by the NRC would be desirable. But that is an issue up to the Congress.

I continue to quote from Mr. Ahearne:

My committee certainly does not have the staff to perform the tasks that S. 1085 laid out and that I believe are embedded within H.R. 2047.

These are the basic principles I have in this amendment. I add that.

Mr. Ahearne continues:

I estimated last year this would take approximately 200 people. With regard to my committee, the charter states that DOE will provide 8 person-years and $2 million in fiscal year 1988—although the staff may need to be expanded in future years, I see no possibility of it approaching that of the ACRS—we are not the independent organization that is going to oversee all the operations, investigate all incidents, establish standards, and regulate facilities. We are an advisory committee.

Clearly Mr. Ahearne does not shape the view that the DOE committee—with its restricted scope and resources—is a viable substitute for a more comprehensive and autonomous oversight board. In testimony before the Governmental Affairs Committee, he had this to say about the original proposal, S. 1085:

Fundamentally, I believe this act takes a step in a necessary direction. That direction is to provide independent safety review for the nuclear facilities operated by the Department of Energy. These facilities, which range from small research reactors through reprocessing plants and a very large production reactor, the N-reactor at Hanford, have been a source of concern among many in the nuclear community for years. A series of GAO reports has reflected these concerns. In addition, DOE studies have also expressed considerable reservations about the quality of operation of these facilities.

I believe the DOE finds itself in a difficult situation. Operators of technology frequently have difficulty standing back and objectively analyzing what should be done to improve the safety of their operations—the act currently under discussion (S. 1085) provides the fundamentally sound step of requesting independent oversight and recommendations, and attempts to provide a forcing mechanism to ensure that the Energy Department will take the steps necessary for safe operation of its nuclear facilities.

Adequate resources must be supplied. It is not sufficient to charge an independent group with oversight responsibilities and assume those responsibilities can then be carried out in the absence of adequate resources. I believe that to do the review and the necessary followup exercises (which I believe must include some level of inspection) will require several hundred people. I believe the organization should be funded accordingly. Finally, I would like to add that, as I said in the beginning, this act is a necessary and good step in the right direction.

Mr. Ahearne remarks echo those of the General Accounting Office, the Roddis panel, the National Research Council of the National Academy of Sciences, and dozens of expert witnesses that have testified before congressional committees on these issues. All have recognized the need for rigorous, independent oversight of DOE's bomb complex. My amendment would meet this need in a way that DOE alone cannot.

WHAT THE GLENN AMENDMENT DOES

The Glenn amendment, simply put, would promote worker and public health and safety at Department of Energy nuclear defense facilities. Since the beginning of the nuclear age, DOE and its predecessor agencies have had sole responsibility both for producing nuclear weapon materials and for protecting against the dangers of this production. The Glenn amendment would alleviate this dangerous conflict of interest by providing independent, outside oversight of DOE's bomb complex and related research facilities.

That is exactly what we do over on the civilian side. We have the experts at the NRC and they, in turn, have a double-check opinion, if you will, from the ACRS. We do not have that in DOE, and that type of protection is what I am trying to establish.

COMMITTEE ACTION

There can be no quick fix for the 35-year history of risk taking and environmental neglect at the defense production complex.

Let me say this: I support DOE. I have supported, I think, every DOE budget since I came here some 13 years ago. I supported all of their requests for safety improvements and requests for refurbishing plants that were outdated. The newest plant in the whole defense complex is 25 years old—the newest plant is 25 years old. So I come here—and they may not see it right now—but I come here as a friend of DOE. We have worked for years and years and years to try to get them the funding to do the things we felt had to be done.

What is needed is a careful and sustained policy designed to eliminate these safety problems without jeopardizing DOE's national defense mission.

That is why the Governmental Affairs Committee held four lengthy hearings to closely examine this legislation. GAO, DOE, NRC, EPA and numerous other public and private witnesses were given ample opportunity to make their views known to the committee. That kind of thoroughness at the Governmental Affairs Committee was matched by the Armed Services Committee, which held no less than five hearings to review and amend title I of the act. The Armed Services Committee concluded that the proposed safety review board could "provide critical expertise, technical vigor, and a sense of vigilance within the Department at all levels."

As a member of both committees, I can assure you that the bill has been intensely scrutinized and is ripe for consideration by the full Senate.

And on the Price-Anderson Act, which deals with compensating victims after an accident, is the ideal place for it to address the problems that are concerned with preventing an accident.

DEFENSE NUCLEAR SAFETY BOARD

Title I of my amendment would create a Defense Nuclear Safety Board to oversee DOE health and safety practices in the manner unanimously agreed to by the Senate Armed Services Committee. The Board would consist of five nuclear safety experts, appointed by the President with the advice and consent of the Senate, and would be charged with:

First, reviewing the content and application of health and safety standards at DOE defense nuclear facilities;

Second, recommending improvements in DOE health and safety standards so that they are comparable to standards for commercial nuclear facilities.

We do not have that same kind of protection now. That is the difference between civilian plants and the DOE side.

Third, investigating actual or potential "nuclear incidents" at DOE facilities—nuclear incidents are defined as nuclear events that result in bodily injury, sickness disease or death, or loss of or damage to property; and

Fourth, recommending specific measures to reduce substantially the likelihood that nuclear incidents will occur at DOE facilities in the future. And that is the most important of all.

The Board's recommendations could be accepted or rejected by the Secretary of Energy. If the Secretary favored a recommendation but was unable to implement it due to budgetary or production requirements, then the matter would be bucked to the President for resolution. If the Secretary opposed a recommendation, and the Board determined that its recommendation related to an imminent or severe threat to public health and safety, again the President would have the final say on implementation, as he should have.

Only the President has the mandate to make the critical choices between producing nuclear weapon materials and taking steps to prevent a severe nuclear accident. And only the President, not the Secretary of Energy, is in a position to consider the full range of national security concerns that must enter into such a decision.

The Secretary of Energy does not know what is going on in all aspects of the international situation, in arms control negotiations with the Soviets, for instance. Only the President has the full scope of everything that is going on to make a decision which may take precedence over a severe safety threat.

Mr. President, I can assure you that the Board cannot interfere with DOE activities judged by the President to be vital to U.S. national security. The Board has no power to close down facilities, nor can it override the President if he objects to a Board recommendation on national security grounds. To the contrary, the Board would advance national security on two fronts.

Before I cite these, let me say the Board is strictly advisory. Nothing in this makes it binding on the President.

First, by reviewing safety standards and investigating nuclear incidents, the Board would serve to identify potentially crippling problems at DOE's production facilities. And by issuing public recommendations that must be responded to by the Secretary of Energy within 45 days, the Board would make it more difficult for DOE to defer action once these safety problems were identified. This early warning and the system for obtaining a prompt response is crucial if the aging production complex is to operate with technical reliability and public confidence until more modern facilities come on line.

Second, by forcing DOE to address safety concerns, the Board would reduce the chances of public exposure to lethal doses of radiation. As Chernobyl so vividly illustrated, foreign aggression is only one element of the nuclear threat to national security. Another would be the inevitable pressures to shut down the entire weapons complex in the event of an accident. The Safety Board in my amendment is an insurance policy to allow us to keep our national security options open. The continuation of DOE's self-regulation poses a real threat to our ability to keep production going in the future.

Beyond all this is a stark moral issue, too. DOE's conflict of interest means that if we do not vote for independent, outside oversight of the bomb complex, we are telling the American people that we value production over their health and safety. And this we should not do.

CONCLUSION

It should be clear to my colleagues, that my amendment is not antinuclear but prosafety. As long as our Nation's security rests on nuclear deterrence, DOE has a responsibility to produce nuclear materials to serve our defense needs. I support that entirely. But it is a terrible irony that, in seeking to deter a nuclear attack, large numbers of Americans are being put increasingly at risk of being poisoned or irradiated in peacetime.

For more than four decades, the nuclear weapons complex of DOE and its predecessor agencies has been shrouded in secrecy. This insulation, while perhaps necessary at the beginning of the nuclear age, has allowed the truth to be hidden about potentially unsafe reactor designs, deteriorating processing plants, sloppy operations, and disregard of internal reports documenting safety and environmental deficiencies.

My amendment would lift the veil on health and safety problems at DOE nuclear facilities, without compromising security. I certainly do not want anything that will compromise security. The intent is not to discredit the department; to the contrary, through independent oversight my amendment would allow DOE to regain the public confidence and technical reliability needed for continued safe operation of its defense production complex. Only then will our Nation truly be secure against the nuclear threat.

Mr. President, let there be no mistake about it: a vote for my amendment is a vote for nuclear safety. It is pure and simple no amount of procedural manuvering can obscure this basic fact. For 40 years safety has taken a back seat to production at the Nation's bomb factories; that is more than long enough. I urge my colleagues to vote today for health and safety at the defense production complex.

U.S. GENERAL ACCOUNTING OFFICE,
RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION,
Washington, DC, April 20, 1988.
Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: In your letter dated March 30, 1988, you requested our assessment of the Department of Energy's (DOE's) responsiveness to our reports on environmental, safety and health (ES&H)

matters associated with DOE's nuclear facilities. DOE performed its analysis on 21 General Accounting Office (GAO) reports showing that they have completed corrective action for all but 4 GAO reports.[1] DOE also shows that corrective action is being implemented in response to these four reports. DOE's analysis focuses on whether they have implemented our individual recommendations, but the bigger question is whether DOE has adequately resolved the serious environmental and safety problems identified in GAO reports.

Since 1980, GAO has issued 32 reports that address a wide range of ES&H matters at DOE's nuclear defense complex.[2] Collectively, this body of work has:

—Identified serious environmental and safety problems at DOE facilites around the country and

—Resulted in recommendations to DOE to (1) improve its ES&H programs and (2) provide more detailed information to the Congress concerning the resolution of its ES&H problems.

In our view, DOE is just beginning to solve the problems identified by this body of work. In this regard, the seriousness of the situation facing DOE is only now coming into focus. For example, the cost to rebuild and clean up DOE's defense facilities, while still uncertain, will likely be enormous—estimated from tens of billions of dollars to as much as $100 billion. Slightly more than 40 percent of our recommendations still need to be implemented, including an overall strategic plan for the nuclear defense complex and outside, independent oversight. In our view, implementing these recommendations is critical to assuring the Congress and the public that the nuclear defense complex is rebuilt in a safe and environmentally acceptable manner.

SERIOUS PROBLEMS FACING DOE

As pointed out in many of our reports, the DOE nuclear defense complex faces a wide range of significant environmental, safety and health problems. These problems include questions about the adequacy of the emergency cooling system at DOE operating reactors, poor management of hazardous and radioactive wastes, extensive soil and groundwater contamination, the disposal of radioactive and hazardous waste, and worker exposure to radiation. Many of these problems exist throughout the DOE complex.

The problems, coupled with the age of the facilities, also raise serious concerns about DOE's future ability to meet national defense needs. For example, the N-Reactor in Hanford, Washington, is in "cold standby" status and DOE's other production reactors at the Savannah River Plant in South Carolina are only allowed to operate at about 50 percent capacity because of safety concerns. As a result, DOE's ability to produce nuclear material is substantially less than it was 2 years ago. DOE is considering building a new production reactor which could cost more than $5 billion. Other facilities such as the Feed Material Production Center in Ohio are old and need major rebuilding if they are to operate in a safe manner.

Many of the safety and environmental problems raised in our reports still exist. For example, there is still concern about the adequacy of the emergency core cooling system at DOE's Savannah River Plant reactors and groundwater and soil contamination at DOE sites around the country. Thus, many of the issues raised in our reports are as pertinent today as when they were first disclosed. These problems are likely to be with us for many years because of the enormous cost to resolve them. Although there is a great deal of uncertainty about what has to be done, we believe the cost to rebuild and clean up DOE facilities will run into the tens of billions of dollars and could be as high as $100 billion. Consequently, we believe it is critical that the Congress have the necessary information showing the scope and seriousness of the problems DOE faces. Furthermore, Congress needs to be kept fully informed on how DOE plans to resolve ES&H problems at its facilities. As you know, DOE has yet to issue a comprehensive report spelling out the cost and the time frame needed to resolve these problems.

GAO'S ES&H RECOMMENDATIONS TO DOE

In addition to identifying problems within the DOE complex, our reports have also made recommendations to strengthen ES&H programs at DOE and provide detailed information to the Congress to judge the seriousness of the problems DOE faces. Since 1980, we have made 32 recommendations that relate to ES&H matters at DOE. DOE has undertaken corrective action in response to all these recommendations. However, we consider 14 recommendations (about 43 percent) still open because corrective actions have not yet been completed by DOE or the corrective action does not fully address the identified problem.[3]

These open recommendations include improving DOE's budgeting and accounting for environmental clean up funds, issuing an overall strategic plan for its nuclear defense complex, developing a ground water and soil protection strategy, improving DOE's safety analysis review process, and enhancing radiological monitoring at DOE sites. We have also called for outside, independent oversight of various aspects of DOE's operations. Enclosure I provides a brief discussion of each open recommendation. Some of these recommendations have been open for years. For example, in 1981 and again in 1985 we recommended that DOE establish mandatory radiological guides for its facilities and also establish an independent verification system for monitoring data. Both of these recommendations are still open.

Further, we consider two of our more significant recommendations still open. These are an overall strategic plan for DOE's nuclear defense complex and outside, independent oversight. The strategic plan, among other things, should clearly show what has to be done in rebuilding the complex and the likely cost. Such a plan is vital for the Congress to fully understand the problems and to direct the future rebuilding of the complex. Outside, independent oversight is important to ensure that DOE facilities are built and operated safely. Such oversight, in our view, will be critical to avoid the situation DOE now faces in the future. Such oversight, will also keep the Congress and the public informed about conditions at DOE facilities.

Given the importance of dealing effectively with all the identified problems which include rebuilding the nuclear defense complex in a safe and environmentally acceptable manner, we will pay close attention to the corrective actions DOE implements not only in responding to our recommendations, but also in addressing the problems of the complex.

Sincerely yours,

J. DEXTER PEACH,
Assistant Comptroller General.

OPEN GAO RECOMMENDATIONS TO DOE ON ENVIRONMENTAL, SAFETY AND HEALTH MATTERS

1. Recommendation: Specifically budget and account for all of DOE's RCRA and CERCLA funds. (GAO/RCED-88-62, Dec. 16, 1987)

Discussion: In a letter to us dated March 28, 1988, DOE stated it plans to enhance crosscut data in its annual budget to display separately the funding for RCRA and CERCLA. Further, beginning on October 1, 1988, DOE will have the capability to collect data on funds for RCRA and CERCLA activities. We consider this recommendation open until these actions are fully implemented.

2. Recommendation: Develop an overall strategic plan for its nuclear defense complex that sets forth the projected facility requirements for continued nuclear weapons production; a comprehensive picture of the environmental, safety and health issues facing DOE; and solutions to resolve them. (GAO/T-RCED-87-4, Mar. 12, 1987)

Discussion: DOE is developing a modernization plan in response to a requirement of the National Defense Authorization Act of FY 1988 and FY 1989. This plan will include actions necessary to ensure that the operation of facilities in the complex is safe and environmentally acceptable. It will also include the estimated cost to modernize the complex. The plan is scheduled to be issued in December 1988. Only when this plan is fully developed will DOE be in a position to prioritize its more severe problems.

3. Recommendation: Establish a groundwater and soil protection strategy that would reflect DOE policy on the extent groundwater and soil can become contaminated. (GAO/RCED-86-192, Sept. 8, 1986)

Discussion: According to DOE a groundwater policy that encompasses groundwater and soil protection is under development. Target date for issuance of the policy statement is August 1, 1988.

4. Recommendation: Provide the Congress a comprehensive report setting forth DOE's plans, milestones, and cost estimates for bringing DOE defense facilities into compliance with all applicable environmental laws. (GAO/RCED-86-192, Sept. 8, 1986)

Discussion: DOE is conducting environmental surveys at all its sites. According to DOE, these surveys will provide the necessary information as recommended. These surveys are scheduled to be completed in 1989. Additionally, DOE is developing a plan on environmental, safety and health problems within the DOE nuclear defense complex. The plan is scheduled to be issued July 1, 1988.

5. Recommendation: Revise DOE Order 5480.2 governing hazardous and mixed waste to reflect how waste operations will be managed in the future. (GAO/RCED-86-192, Sept. 8, 1986)

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[1] DOE's analysis is contained in a March 12, 1988, letter from Under Secretary Salgado to Senator J. James Exon.

[2] These reports include testimonies, fact sheets, and briefing reports. DOE's analysis of 21 GAO reports does not include reports issued in 1987 and 1988.

[3] Our analysis was based on our internal recommendation tracking system, information contained in DOE's March 12, 1988, letter, and our ongoing work. To the extent possible, we also evaluated how effectively these recommendations are being implemented in the conduct of DOE's operations.

Discussion: A DOE notice has been issued which cancelled DOE Order 5480.2. A replacement order is being drafted. Until a replacement order is published, DOE facilities have been advised to consult DOE headquarters on related policy matters.

6. Recommendation: Complete and approved Safety Analysis Reports for all high-hazard facilities in a timely fashion. (GAO/RCED-86-175, June 16, 1986)

Discussion: DOE concurred with this recommendation and committed to have all safety reports approved by the end of fiscal year 1987. Our recent review of DOE's 1986 SAR data base shows that at least one high-hazard facility will not have an approved SAR until 1989. Hence, we still consider this recommendation open.

7. Recommendation: Develop more consistent requirements to be followed in preparing Safety Analysis Reports, outlining appropriate methodologies and assumptions to be used in analyzing accidents and their consequences. (GAO/RCED-86-175, June 16, 1986)

Discussion: DOE concurs with this recommendation and is updating and improving DOE's headquarters guidance on the approaches to be used in accident analysis methodology. DOE is also reviewing selected safety reports to examine their accident analysis. General guidance for the preparation of safety reports has been drafted and is undergoing internal review.

8. Recommendation: Establish an arrangement with an outside independent organization to review Safety Analysis Reports for the most hazardous facilities. (GAO/RCED-86-175, June 16, 1976)

Discussion: Although DOE initially disagreed with the recommendation, it recently established an Advisory Committee on Nuclear Facility Safety. Our reading of this Committee's charter indicates it will review safety analysis reports. However, we do not believe this Committee is independent or has sufficient authority to require DOE to act on its recommendations. Consequently, we consider this recommendation still open.

9. Recommendation: Require that radiological monitoring guides be mandatory for all DOE facilities. (GAO/RCED-86-61, Dec. 13, 1985)

Discussion: DOE will review and update the existing guides and determine those provisions that can be adopted as mandatory requirements. DOE plans to issue an order on radiation protection in July 1988.

10. Recommendation: A coordinated DOE/State/Contractor system should be developed to independently verify contractor reported environmental monitoring data. (GAO/RCED-86-61, Dec. 13, 1985)

Discussion: A DOE Order on General Environmental Protection Program Requirements is being developed. The new order will require each DOE environmental monitoring program to contain an independent data verification element that provides evaluation by outside groups. The target date for issuance of the new order is July 1988.

11. Recommendation: Take action to develop a uniform policy for dealing with safety and health violations. (EMD-81-108, Aug. 4, 1981)

Discussion: This recommendation was made in August 1981. In November 1983, we again reported on our concern and found that DOE still has no overall procedures for dealing with violations of safety and health standards. In particular, we were concerned about procedures for dealing with violations identified in non-OSHA type oversight activities.

12. Recommendation: Direct that radiological monitoring requirements be issued for mandatory application to all DOE facilities. (EMD-81-108, August 4, 1981)

Discussion: See recommendation 9.

13. Recommendation: Develop a coordinated system whereby radiological monitoring data supplied by DOE's operating contractor are verified with State and local government agencies with monitoring capabilities. (EMD-81-108, Aug. 4, 1981)

Discussion: See recommendation 10.

14. Recommendation: Reorganize those field organizations involved in safety and health oversight to report directly and exclusively to the elevated safety and health organization at headquarters. (EMD-81-108, Aug. 4, 1981)

Discussion: DOE has made a number or organizational changes in the last few years including the establishment of the Assistant Secretary for Environment, Safety, and Health. DOE has also located DOE headquarter representatives at some DOE facilities. However, safety and health staff within DOE field organizations still report to field managers and not to the safety and health staff at headquarters.

EXHIBIT 3

U.S. GENERAL ACCOUNTING OFFICE,
RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION,
Washington, DC, March 18, 1988.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN: On March 4, 1988, your office requested us to assess whether the Department of Energy's (DOE's) newly appointed Advisory Committee on Nuclear Facility Safety satisfies the General Accounting Office criteria as an effective independent oversight organization for ensuring safety at DOE nuclear facilities. As you know, this criteria was included in our June 16, 1987 testimony before your committee. In this testimony we identified five key elements that any organization needs to provide effective independent oversight independence, technical expertise, the ability to perform reviews of DOE facilities as needed, clear authority to require DOE to address the organization's findings and recommendations, and a system to provide public access to the organization's findings and recommendations.

We believe any proposal that the Congress considers—including any approaches proposed by DOE—must be analyzed to determine if it meets the five key elements for effective independent oversight.

DOE's new Advisory Committee was formed in November 1987. While the committee has yet to meet and formulate its agenda it does have a charter (Attachment I) and the 12 members have been appointed. Based on our initial evaluation, it appears that the Advisory Committee does not meet two of our criteria for an effective independent oversight organization: independence and clear authority to require DOE to address the organization's findings and recommendations. In addition, it is unclear whether another criteria—public disclosure—is met. Our reasons why these criteria are or may not be met are discussed below.

For an oversight organization to be truly independent it must be structurally distinct and separate from DOE. This is important so that the organization is visibly removed from DOE's influence in funding, staffing, and setting of safety agendas. Only in this way can conflicts between DOE's programmatic and safety goals be prevented. DOE's new Advisory Committee is not structurally distinct and separate from DOE. The members are appointed by the Secretary of Energy and its activities funded by DOE. Hence, it would appear that the committee is more of an adjunct to DOE's own safety oversight functions than a separate and distinct entity.

Besides being independent, any effective oversight organization should have the clear authority to require DOE to address the organization's findings and recommendations. Such accountability is important so that DOE will seriously consider and act on these findings and recommendations. Without such influence the organization could easily become a DOE "consultant-type" organization, which could be a drawback. DOE's new Advisory Committee, as spelled out in its charter, is "solely advisory" in its duties. In this regard, the committee will provide to the Secretary of Energy technical information, advice, and recommendations concerning the safety of the Department's production and utilization facilities. While the committee can make recommendations, the Secretary is not compelled to act on them or even provide rationale as to why the recommendations will not be implemented. Thus, in our view, the new Advisory Committee has no authority requiring DOE to adopt any of its recommendations.

In addition, it is unclear from the charter of the Advisory Committee whether its nonclassified findings, conclusions, or recommendations would be made available to appropriate congressional committees or the public. We believe such disclosure is necessary to keep the Congress and public fully informed of the problems DOE faces and the risk in operating the nuclear defense complex. Furthermore, public disclosure provides a record of the actions DOE should take and, therefore, would make DOE more accountable for its actions. If public disclosure of the committee's findings, conclusions, and recommendations were required, then DOE would have to provide a rationale for any recommendation that it chooses not to implement.

In summary, while the newly formed Advisory Committee can be useful in providing additional views on safety matters to the Secretary of Energy, it, in our view, does not meet at least two and possibly three of the GAO criteria for effective independent oversight. We continue to believe as set forth in our reports and testimonies that independent oversight is needed for various aspects of DOE's nuclear facilities and that any approach to provide this oversight should meet the aforementioned key elements.

Sincerely yours,

J. DEXTER PEACH,
Assistant Comptroller General.

DEPARTMENT OF ENERGY CHARTER—ADVISORY COMMITTEE ON NUCLEAR FACILITY SAFETY

1. *Committee's Official Designation:* Advisory Committee on Nuclear Facility Safety.

2. *Committee' Objectives and Scope of Activities and Duties:* The Advisory Committee on Nuclear Facility Safety (ACNFS) will provide to the Secretary of Energy technical information, advice, and recommendations concerning the safety of the Department's production and utilization facilities, as defined in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014), except those facilities covered under Executive Order 12344 (42 U.S.C. 7158, note). A review

of other nuclear-related facilities may be conducted if directed by the Secretary, except those facilities covered under Executive Order 12344.

The ACNFS will have two primary duties:

(1) The ACNFS will review significant safety concerns and shall provide advice to the Secretary of Energy. In technical matters relating to the safety of the Department's nuclear facilities and operations, this technical review shall include, but not be limited to, existing and proposed program efforts by DOE and its contractors relating to nuclear facility designs, construction, operation, decommissioning, safety analysis, inspections, safety standards, and Departmental implementation of safety requirements;

(2) As requested by the Secretary, ACNFS may also review and provide advice, on specific issues or matters relating to the safety of DOE facilities or operations.

3. *Time Period Necessary for the Committee to Carry Out Its Purpose:*

In view of the goals and purposes of the committee, it is expected to be continuing in nature.

4. *Official to Whom this Committee Reports:*

The committee will report to the Secretary of Energy.

5. *Agency Responsible for Providing Necessary Support for this Committee:*

Department of Energy.

6. *A Description of Duties for Which the Committee is Responsible:*

The duties of the committee are solely advisory and are fully stated in paragraph 2 above.

7. *Estimated Annual Operating Costs in Dollars and Person-Years:*

The Committee will be provided with resources sufficient to conduct its business. In FY 1988, the estimated costs are $2,000,000 and eight person years. The costs may be somewhat higher in subsequent years.

8. *Estimated Number and Frequency of Committee Meetings:*

The committee is expected to meet approximately twelve times a year, approximately once each month, or as determined by the Secretary.

9. *Committee's Termination Date (if less than two years from the date of establishment or renewal):*

Not applicable.

10. *Subcommittees:*

To facilitate the functioning of the committee, subcommittees may be formed. The objectives of the subcommittees would be to make recommendations to the parent committee with respect to matters concerning Department of Energy plans and programs which are related to the responsibilities of the parent committee. The subcommittees shall be comprised of such members of the parent committee as may be determined by the Chairperson of the parent committee.

11. *Members:*

a. Committee members shall be appointed by the Secretary of Energy. That appointment shall be for a term of two years, unless earlier terminated. Members may be reappointed to additional two year terms following review.

b. Approximate number of members: 15.

12. *Chairperson:*

The Chairperson shall be designated by the Secretary of Energy and shall serve for a period of two years.

This Charter for the Advisory Committee named above is hereby approved on:

Date: November 13, 1987.

CHARLES R. TIERNEY,
Advisory Committee
Management Officer.

MAJOR COST SAVING FROM BASE CLOSINGS

Mr. DeCONCINI. Mr. President, this Nation is desperately in need of direction and leadership to deal with today's budgetary crisis. It is therefore particularly important for the U.S. Senate to boldly confront and act on budgetary issues. We need to more prudently spend defense dollars. This means more on effective weapons and less on obscure and obsolete bases. The Senate acted to address both the budget issue and on wise defense spending yesterday. The Senate voted decisively to empower and define the Commission on Base Consolidation, which will recommend base closures to the Secretary of Defense.

I believe that the Authorization Act language as amended will provide a sound basis for achieving substantial long-term dollar savings with minimal or no adverse impact on U.S. security. A real debt is owed to the distinguished members of the Senate Armed Services Committee who worked to develop and comprise the amended language. I also commend Senators DIXON, LEVIN, McCAIN, ROTH, and STEVENS for working in a bipartisan manner to craft this compromise. Along with the distinguished chairman of the Senate Armed Services Committee, these gentlemen orchestrated a statesmanlike negotiation process.

Mr. President, I sincerely believe that we have taken an important step with this action. The Secretary of Defense will have the capability to make well-informed decisions that will contribute significantly to a more cost-effective defense budget. I understand the concern of some that too much congressional oversight might not allow the Secretary to close bases. He should have the discretion to do this. This Senator believes that the compromise does provide assurances that the base closure process will be nonpartisan, efficient, and productive. This process could save the taxpayers up to $5 billion in money spent on bases which do not significantly contribute to our national defense.

AGENT ORANGE UPDATE

Mr. CRANSTON. Mr. President, today I chaired a 6½-hour hearing of the Committee on Veterans' Affairs on legislative and oversight issues related to agent orange. We heard testimony from a great number of witnesses, including representatives from the VA, scientific entities which have conducted or reviewed research related to the health effects of agent orange or other herbicides, representatives of veterans' service organizations, and, I would particularly like to note, eight witnesses who either are Vietnam veterans or are representatives of Vietnam veterans or agent orange organizations.

I would like to take this opportunity to update my colleagues and others with an interest in this issue on certain matters discussed at the hearing today and the status of current scientific research, including the results of the Centers for Disease Control's [CDC] Vietnam Experience Study [VES] which were released at the hearing and are summarized in the May 13, 1988, issue of the Journal of the American Medical Association [JAMA].

Since agent orange first came to public attention in the late 1970's, I have been working to resolve the concerns raised about possible adverse health effects arising from veterans' exposure to this herbicide in Vietnam. These have been very emotional and controversial issues, and the inability to resolve them completely has undoubtedly contributed to a feeling on the part of some Vietnam veterans that they have not been treated fairly by the Nation for which they fought.

During Senate consideration on December 3, 1987, of S. 9, the proposed Omnibus Veterans' Benefits and Services Act of 1987, I made a lengthy statement on various questions regarding agent orange exposure. I refer my colleagues and others with an interest in this issue to that statement beginning on page S17084 of the RECORD for December 3. On December 21, 1987, I again reaffirmed my commitment to the quest for answers to the many remaining questions regarding Vietnam veterans' exposure to agent orange and other herbicides and possible environmental hazards during their service in Vietnam by pledging to hold hearings on agent orange early in this session of Congress. That commitment was honored today.

I am proud to have authored legislation that provided VA health care eligibility for Vietnam veterans exposed to agent orange and that mandated comprehensive epidemiological study of the health of Vietnam veterans. But I feel that we must continue to work to ensure that all appropriate efforts are made to try to find answers to the questions that have been raised regarding the long-term health effects of agent orange exposure, and to ensure that veterans exposed to that herbicide are treated fairly and compassionately. It is my hope that today's comprehensive hearing helped move us toward those goals.

BACKGROUND

In 1979, Congress passed legislation—enacted in section 307 of Public Law 96-151—mandating that the VA conduct epidemiological study of the health effects in Vietnam veterans of exposure to dioxin as found in herbicides used in Vietnam. The scope of

that study was expanded—by section 401 of Public Law 97-72—to authorize the inclusion of an evaluation of the impact on the health of Vietnam veterans of other environmental factors which may have been present in Vietnam. This latter element is known as the Vietnam experience study. In 1983, the VA delegated to the Centers for Disease Control [CDC] the responsibility for the overall study.

CDC EPIDEMIOLOGICAL STUDIES

A February 19, 1988, letter from Thomas K. Turnage, the Administrator of Veterans' Affairs, provided the committee with an update of the CDC "Epidemiological Studies of the Health Status of Vietnam Veterans." This letter transmitted the third annual progress report to the Congress by the CDC. Mr. President, I ask unanimous consent that the February 19, 1988, letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
Washington, DC, February 19, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Section 307(b)(2) of Public Law 96-151, the "Veterans Health Programs Extension Act of 1979" enacted December 20, 1979, and amended by Public Law 97-72, enacted November 3, 1981, requires the Administrator of Veterans Affairs to report annually to the appropriate committees of Congress on the status of the epidemiologic study mandated by that legislation. The first and second reports on the status of this major research effort were provided to Congress on February 13, 1986, and February 6, 1987, respectively (Attachment A). I am pleased to present at this time the third annual report prepared by the Centers for Disease Control (CDC) on this major epidemiologic research effort. The report describes the progress of the mandated study from January through December 1987, and anticipated project activities for the period from January through December 1988. The study, entitled "Epidemiologic Studies of the Health Status of Vietnam Veterans," consists of three major components: the Vietnam Experience Study (VES), the Agent Orange Exposure Study (AOES), and the Selected Cancers Study (SCS). This entire study is being conducted by CDC under terms of an interagency agreement between that Agency and the Veterans Administration (VA). This report is submitted without revision by this Agency.

Conduct of the Agent Orange Study, as you are aware, was halted in January 1986 at the request of the Office of Technology Assessment (OTA). The study was delayed pending completion by CDC of a special TCDD Validation Study which would assist in determining whether it is possible to identify a sufficient number of exposed ground troops to conduct a scientifically valid study, that is, the AOES originally mandated by Congress.

On October 27, 1986, CDC undertook conduct of the "Validation Study Comparing Military Records-based Estimates of Likelihood of Exposure to Agent Orange with Plasma Levels of 2,3,7,8,-TCDD." Preliminary findings were provided on July 23, 1987, to the Agent Orange Working Group (AOWG) Science Panel and OTA. On July 24, briefings were held for staff members of the Senate and House Veterans' Affairs Committees and for representatives of major national veterans service organizations. Also, on July 24 these preliminary results were published in the CDC publication Morbidity and Mortality Weekly Report (MMWR).

According to CDC researchers, findings of the validation study showed virtually no difference in median amounts of TCDD measured in the blood sera of veterans who had served in-country and those who had served elsewhere. Within the in-country group, tests showed virtually no difference in median amounts of TCDD between groups presumed to have had heavy, medium, and no exposure to Agent Orange. Of 724 sera specimens measured (as of September 30), all but 2 contained levels of dioxin below 20 parts per trillion, which is considered the upper limit for residents of the United States without known TCDD exposure.

Independent reviews of CDC's findings were conducted on August 7 by the Science Panel, AOWG, and on August 27 by OTA's advisory panel. An OTA paper reporting on the advisory panel review was released on September 25 (Attachment B). The OTA advisory panel review concurred with the findings of the TCDD Validation Study which indicate that an insufficient number of exposed individuals can be identified for the conduct of a scientifically valid study of the effects of ground troops' exposure to Agent Orange. The panel noted that:

"CDC's validation study and the dioxin half-life study provide convincing evidence that it is not possible to design a large-scale epidemiologic study to look for effects of Agent Orange in ground troops who served in Vietnam. There is no support for the rationale for such a study—that a large percentage of ground troops were heavily exposed to Agent Orange—in the results of these studies and in the results of extensive studies of spray patterns and troop movements that have been carried out by the (U.S. Army and Joint Services) Environmental Support Group over the past several years."

On October 29, 1987, the Veterans Administration was advised by Dr. James O. Mason, Director, Centers for Disease Control (CDC), that negotiations for settlement of contract costs for the conduct of the Agent Orange Study component of the epidemiologic study are now underway with that Agency's contractors, the Lovelace Medical Foundation and the Research Triangle Institute (Attachment C).

On December 11, 1987, the VA received CDC's final report of findings on the TCDD Validation Study. Our reviewers concurred in the conclusion reached by CDC, OTA, and AOWG that a scientifically sound AOES is not possible.

My recent letter advised you of my concurrence in CDC's decision to stop work on the AOES, but recommended that the remaining components of the epidemiologic study, that is, the VES and SES, be continued and also, that VA research into the Vietnam experience be continued as well. As you are aware, CDC has consistently reported excellent progress on the conduct of both the VES and SCS components of the epidemiologic study. The unaltered report prepared by CDC provides a comprehensive description of that Agency's progress in the conduct of the VES, AOES, and SCS.

The VA will continue to support any meaningful research efforts which will result in the resolution of the health care issues raised by the use of this defoliant during the Vietnam conflict. It is the Agency's opinion however, based upon the results of the recently completed TCDD Validation Study, that an AOES cannot be conducted so as to arrive at scientifically sound conclusions regarding the possible adverse health effects of exposure of Vietnam veterans to Agent Orange.

A similar letter has been sent to Senator Frank H. Murkowski and to the Chairman and Ranking Minority Member of the House Committee on Veterans Affairs.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

Mr. CRANSTON. Mr. President, the first component of the CDC study, the Vietnam Experience Study, is a three-part effort designed to demonstrate whether or not there is any difference in the health of veterans who served in Vietnam compared to the health of veterans who served elsewhere during the same period of time. The first report from the VES study appears in the May 13 edition of JAMA. According to CDC, the VES was a multidimensional assessment of the health of Vietnam veterans that compared the health status of a sample of Vietnam veterans with a sample of other veterans who served during the same period but not in Vietnam. This comparison was carried out through phone interviews with all of the participants and extensive physical exams for a randomly selected subsample of the participants. According to CDC, at the time of the study the two groups of veterans were similar in terms of level of education, employment, income, marital status, and satisfaction with personal relationships. The results of the study were presented in three articles in JAMA—"Psychosocial Characteristics," "Physical Health," and "Reproductive Outcomes and Child Health."

In the article entitled "Psychosocial Characteristics," CDC reported that "[c]ertain psychological problems * * * were significantly more prevalent among Vietnam veterans than among non-Vietnam veterans." Among these problems was posttraumatic stress disorder which was found to have been experienced by 14.7 percent of the Vietnam veterans "at some time during or after military service" and which 2.2 percent of the participants in the study experienced "during the month before the examination" they underwent as part of the study.

These results are the latest—and to this point, the most detailed—findings that significant numbers of Vietnam veterans have suffered and continue to suffer significant psychological problems related to their service in Vietnam. During today's hearing I was

able to determine from the VA that these findings are consistent with preliminary results from the extensive PTSD study that Congress mandated the VA to carry out 4 years ago and which is being carried out by Research Triangle Institute.

From the very outset of my time in the Senate in 1969, I have been concerned about the issue of Vietnam veterans suffering psychological problems stemming from their service. Although there were many delays before the VA got started, it has taken some appropriate steps to respond to the needs of these veterans, especially through the Vet Center Program. However, more effort is still needed in terms of:

Increased efforts to provide a full range of care and treatment for veterans with PTSD, including specialized inpatient units;

Greater support for research into the disorder, a priority recognized by Congress just this month in sending H.R. 2616 to the President for signature;

Perfecting treatment methods; and

Ensuring better coordination and cooperation between those in the VA responsible for providing treatment and those responsible for adjudicating claims for benefits.

Our committee has already scheduled an oversight hearing for July 7 to consider these and other PTSD issues. That hearing takes on a new urgency in light of the CDC and VA findings.

At today's hearing, I urged the VA to evaluate carefully these CDC findings as well as the soon-to-be-released results from the VA's PTSD study, both in the context of submitting any proposals relating to the future of the Vet Center Program, such as are called for in H.R. 2616, and generally as the agency seeks to meet the needs of Vietnam veterans. I further urged the VA to be prepared, as soon as possible and certainly by the July 7 hearing, to respond in detail to the many findings and recommendations that the Chief Medical Director's Special Committee on PTSD has made in its four reports.

Healing the wounds of war must be the VA's primary responsibility and the findings on PTSD again highlight one area that demands special attention in this regard.

The second JAMA article just released is entitled "Physical Health." In it, the CDC reported that, during the telephone interview phase of the study, Vietnam veterans reported current and past health problems more frequently than did non-Vietnam veterans. However, the physical examination phase of the study showed few current objective differences in physical health between the two groups. A subsample of those who were given the physical exam also had semen samples evaluated and, among this subset, Vietnam veterans had lower sperm concentrations. However, despite this difference, CDC found that Vietnam and non-Vietnam veterans have fathered similar numbers of children.

In the third JAMA article, "Reproductive Outcomes and Child Health", CDC reported that, despite the fact that Vietnam veterans reported more adverse reproductive and child health outcomes, the study found based upon further inquiry that children of Vietnam veterans were not more likely to have birth defects recorded on hospital birth records than were children of non-Vietnam veterans.

Mr. President, I ask unanimous consent that the three JAMA articles be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From JAMA magazine, May 13, 1988]

HEALTH STATUS OF VIETNAM VETERANS—I. PSYCHOSOCIAL CHARACTERISTICS

[Tables and figures not reproducible for the RECORD.]

The Vietnam Experience Study was a multidimensional assessment of the health of Vietnam veterans. From a random sample of enlisted men who entered the U.S. Army from 1965 to 1971, 7,924 Vietnam and 7,364 non-Vietnam veterans participated in a telephone interview; a random subsample of 2,490 Vietnam and 1,972 non-Vietnam veterans also underwent a comprehensive health examination, including a psychological evaluation. At the time of the study, the two groups of veterans were similar in terms of level of education, employment, income, marital status, and satisfaction with personal relationships. Certain psychological problems, however, were significantly more prevalent among Vietnam veterans than among non-Vietnam veterans. These included depression (4.5% of Vietnam veterans vs 2.3% of non-Vietnam veterans), anxiety (4.9% vs 3.2%), and alcohol abuse or dependence (13.7% vs 9.2%). About 15% of Vietnam veterans experienced combat-related posttraumatic stress disorder at some time during or after military service, and 2.2% had the disorder during the month before the examination.

Many veterans are concerned that military service in Vietnam may have adversely affected their health and, perhaps, that of their children. Little objective evidence has been available as yet, regarding Vietnam veterans' health compared with that of other veterans of similar age and background. To address these concerns, Congress directed that appropriate epidemiologic studies be conducted (Veterans Health Programs Extension and Improvement Act of 1979, Public Law 96-151 [HR 3892], 93 STAT 1092-1098; and Veterans' Health Care, Training, and Small Business Loan Act of 1981, Public Law 97-72 [HR 34997], 95 STAT 1047-1063). One study, conducted by the Centers for Disease Control in response to this congressional mandate, was the Vietnam Experience Study (VES).

The VES assessed health effects related to the general Vietnam military experience; it did not focus on exposure to herbicides such as Agent Orange. The health of a sample of male US Army Vietnam veterans was compared with the health of a similar group of US Army veterans who did not serve in Vietnam. The study included an analysis of postservice mortality, which has been published previously,[1,2] a telephone interview, medical examination and psychological testing, and an evaluation of reproductive outcomes and child health. Comprehensive accounts of the latter three components can be found in a five-volume monograph.[3-7] Information in these five volumes is summarized in a series of three reports in this issue of "The Journal." In this first report, we focus on current psychosocial characteristics; in the second,[8] on physical health; and in the third,[9] on reproductive outcomes.

SUBJECTS AND METHODS

Participant Selection

Study participants were selected from a random sample of male U.S. Army veterans who served during the Vietnam era. To increase comparability between those who served in Vietnam and those who served elsewhere, we selected only veterans who (1) entered military service for the first time between January 1965 and December 1971, (2) served only one term of enlistment, (3) had at least 16 weeks of active service, (4) earned a military occupational specialty other than "trainee" or "duty soldier," and (5) had a pay grade no higher than E-5 (sergeant) when discharged from active duty.

Tracing and Interviewing

All veterans not known to have died were eligible for the telephone interview. With the assistance of a private contractor, all eligible veterans were traced using mailings, telephone directory assistance, credit bureau searches, driver's license and motor vehicle registration records, city directories, local records, and personal field visits. Overall, 85% of Vietnam veterans (7924) and 84% of non-Vietnam veterans (7364) were successfully located and interviewed by telephone. Among Vietnam veterans located but not interviewed, 31 were incarcerated and nine were physically or mentally handicapped; the corresponding figures for non-Vietnam veterans were 32 and 11, respectively.

A structured questionnaire was administered by trained interviewers using a computer-assisted telephone interview system. Before the telephone interview and all other components of the VES, participants were given a special assurance of confidentiality. Interviewers could not distinguish Vietnam veterans from other veterans until late in the interview when Vietnam veterans were asked about various experiences unique to Vietnam.

Examination and Testing

A random subsample of veterans was selected to participate in a comprehensive medical and psychological examination in addition to the telephone interview. Of those invited, 75% of the Vietnam veterans (2490) and 63% of the non-Vietnam veterans (1972) participated. All examinations and tests were performed at one medical facility. Participants' expenses—including travel, meals, lodging, and a nominal stipend—were paid from study funds.

Psychological health was assessed by using the Diagnostic Interview Schedule (DIS) and the Minnesota Multiphasic Personality Inventory (MMPI). The DIS[10] is a standardized questionnaire that is designed to assess the prevalence of certain psychiatric conditions according to the *DSM-III*[11] criteria of the American Psychiatric Association. The DIS was administered by specially trained psychology technicians under

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Footnotes appear at end of article.

the supervision of licensed clinical psychologists. Technicians generally did not know whether a veteran had served in Vietnam until the end of the interview, when questions about posttraumatic stress disorder (PTSD) were asked.

Since we focused on current status, veterans were considered to have a condition of interest (generalized anxiety, depression, alcohol abuse or dependence, drug abuse or dependence, and PTSD) if they reported a pattern of symptoms in the past month that met the full DSM-III criteria for that condition. When we analyzed the occurrence of conditions over a veteran's lifetime, the prevalences of all conditions increased but the relative differences between Vietnam and non-Vietnam veterans generally remained the same.[6]

The MMPI is a self-administered questionnaire that provides a quantitative evaluation of personality, emotional status, and level of psychopathology.[12] Elevations on the standard MMPI clinical scales were defined as T scores of 70 or higher, which represents 2 SDs above the mean for the population on which the scales were developed.

Data Analysis

Multivariate analyses were performed by using logistic regression[13] to compute odds ratios and 95% confidence intervals. As a general approximation, if a 95% confidence interval excludes 1.0, the odds ratio estimate can be considered to be statistically significant (ie, $P<.05$). In the results presented herein, all odds ratios have been adjusted for six characteristics that were considered a priori to be potential confounders or modifiers of associations between place of service and current health. These "entry characteristics" were age at entry into the army, race, score on the enlistment general technical test (a measure of mental aptitude), enlistment status (drafted or volunteered), year of entry into the army, and primary military occupational specialty (tactical or nontactical). For nearly all conditions, unadjusted estimates were similar to estimates that were adjusted for the six entry characteristics as well as to estimates that were adjusted for additional characteristics, such as education and marital status.[6] We also evaluated interactions between entry characteristics and place of service. When final models included significant interaction terms, odds ratios were standardized to the distribution of the interaction variable in both cohorts combined.[14] [15]

In the VES we had no objective measure of the amount of combat experienced by individual veterans. We did, however, use tactical military occupational specialty as an indirect indicator of which men were likely to have participated in direct combat. We realize, however, that some men with nontactical military occupational specialties would have experienced heavy combat and vice versa. As part of the psychological testing, we administered a combat exposure questionnaire[16] that relied on men's recollections of events that occurred 15 to 20 years earlier. Both of these indicators of combat exposure are thus imperfect, although they probably are related to some extent to actual combat experienced. Vietnam veterans with tactical military occupational specialties did have higher self-reported combat exposure scores (mean, 34 [of a possible 72]) than those with nontactical military occupational specialties (mean, 18). Since we tried to use objective information as much as possible, we relied on military occupational specialty category as the indicator of level of combat for the present analysis.

A summary analysis was performed to determined which of the entry characteristics, including place of service, were associated with current "poor psychological status." A veteran was considered to have a poor psychological status if he met full DIS criteria for generalized anxiety, depression, or substance abuse in the past month and if he had elevations on at least two of eight clinical scales (scales 1 through 4 and 6 through 9) from the MMPI. In a clinical setting, such findings would typically lead to further psychological or psychiatric evaluation and, perhaps, treatment.

RESULTS

Participants Characteristics

Among those who were interviewed, the age and racial distributions of the Vietnam and non-Vietnam groups were similar. The two groups also were similar with respect to age at entry into the army, enlistment status, and having had any absent without leave or confinement time while in the army. Non-Vietnam veterans tended to have higher entry general technical test scores while more Vietnam veterans entered the army before 1969, were assigned tactical military occupational specialties, and served in units associated with direct combat activity. Smaller proportions of Vietnam that non-Vietnam veterans were discharged nonhonorably or at lower pay grades.

The characteristics of the subsample of veterans examined were similar to those of the telephone interview participants. Additional information that was available only for the examination participants indicated that childhood (younger than age 15 years) behavioral problems, as reported by the veterans, were not different in the two groups. In each group, about 12% had been expelled or suspended from school, 3% had run away from home, and 6% had been arrested.

At the time of the study, the socioeconomic characteristics of Vietnam and non-Vietnam veterans were generally similar among the telephone interview participants and those examined. Marital status was similar in the two cohorts: about 60% of ever-married veterans were currently married to their first wives. Non-Vietnam veterans tended to have more education and higher hoursehold incomes, but these differences almost disappeared after adjusting for differences in the six entry characteristics. More than 90% of the veterans in both groups were currently employed. The types of jobs the veterans held also were similar, although more non-Vietnam veterans were in executive, managerial, and professional specialty occupations. Information from those examined indicated that more than 90% of Vietnam and non-Vietnam veterans felt satisfied with their current personal relationships.

Psychological Evaluation

Vietnam veterans were more likely than non-Vietnam veterans to meet DIS criteria for alcohol abuse or dependence, generalized anxiety, and depression. Few men in either group met DIS criteria for drug abuse or dependence. Vietnam veterans were significantly more likely to meet criteria for at least one of the conditions or for two or more of the conditions.

Analyses of combat-related PTSD were restricted to Vietnam veterans since non-Vietnam veterans had little opportunity to experience combat. About half of Vietnam veterans reported experiencing one or more symptoms related to a traumatic combat event, and 15% met DIS diagnostic criteria for combat-related PTSD at sometime during or after service. In the month before examination, 79% of Vietnam veterans had no symptoms and 21% had one or more symptoms, with 2% meeting full diagnostic criteria for combat-related PTSD.

Meeting DIS diagnostic criteria for combat-related PTSD was associated with having a tactical military occupational specialty. The odds ratio for tactical vs nontactical military occupational specialties was 2.0 (95% confidence interval, 1.5 to 2.5) for "ever" meeting DIS diagnostic criteria and 1.7 (95% confidence interval, 1.0 to 3.0) for meeting diagnostic criteria in the month before examination.

Veterans who met criteria for PTSD were also more likely to meet DIS criteria for other psychiatric conditions. Among those who met DIS criteria for combat-related PTSD during the month before examination, 66% also met DIS criteria for anxiety or depression and 39% met criteria for alcohol abuse or dependence.

The MMPI provided further information about the veterans' current psychological status. The reliability of each veteran's responses was evaluated by using the standard MMPI validity scales (L, F, and K) and two additional scales (Carelessness and Test-Retest). The same proportion of veterans in the two cohorts (11%) showed questionable or invalid profiles on the basis of elevations on these scales (*T scores* ≧70 on the L scale; ≧80 on the F scale; or >70 on the K, Carelessness, or Test-Retest scales). Analyses conducted with and without exclusions of questionable profiles yielded essentially the same results; questionable profiles have been excluded from the results presented herein.

A larger proportion of Vietnam than non-Vietnam veterans showed MMPI indications of psychological problems (Table 5). Significantly more Vietnam veterans had elevations on scales 1, 2, 3, and 7 (which provide the MMPI's best indication of anxiety, somatization, and depression) as well as on scale 8 (which indicates unusual thoughts or behaviors, usually related to distress or psychopathology). Other clinical scales, including 4 and 9 (which are commonly associated with characteristics of addictive or antisocial personality) and 5 and 0 (both of which are of little clinical relevance), did not differ between Vietnam and non-Vietnam veterans. Overall, about half the participants in each group showed no elevation on any clinical scales, but elevations on two or more clinically relevant scales (scales 1 through 4 and 6 through 9) were significantly more frequent among Vietnam veterans.

Current poor psychological status was also more prevalent among Vietnam veterans. The increased prevalence of current poor psychological status, however, was more prominent among those veterans who entered the army before 1968. Regardless of whether a veteran had served in Vietnam, current poor psychological status was more prevalent in veterans who were not white, who had been young (younger than age 19 years) at enlistment, or who had lower general technical test scores at enlistment. The other entry characteristics, including military occupational specialty category, were not associated with current poor psychological status. The prevalence of current poor psychological status among Vietnam veterans was 13 percent for those with tactical military occupational specialties and 12 percent for those with nontactical military occupational specialties.

The same proportional increase in current poor psychological status associated with service in Vietnam was found within different subgroups defined by race, age at enlistment, and enlistment general technical test score. Although proportional differences remained the same, absolute differences in risk of current poor psychological status between Vietnam and non-Vietnam veterans necessarily varied as the underlying risk changed. Thus, the absolute differences in risk between Vietnam and non-Vietnam veterans diminish as the risk moves downward from nonwhite veterans who had been young and had had low general technical test scores at enlistment to white veterans who had been older and had had high general technical test scores at enlistment.

COMMENT

Since the time of the conflict to the present, veterans and others have been concerned about the psychological health of American military personnel who served in Vietnam and about their adaptation to civilian life after their return home.[17-20] In this study, 15 to 20 years after army service, Vietnam veterans seem to be functioning socially and economically in a manner similar to army veterans who did not serve in Vietnam. At the time of the study, few men in either group of veterans were in jail, institutionalized, or mentally or physically incapacitated. In both groups, three fourths of the men were married at the time of interview, with similar proportions married to their first wives. In addition, more than 90 percent expressed satisfaction with their family and other personal relationships. More than 90 percent were also currently employed. After differences that were present at induction into the army (such as general technical test score) had been accounted for, the educational levels, types of occupations, and household incomes of the two groups were similar.

Although the outward indications are that the two groups of veterans have made similar adaptations to civilian life, the study results also indicate that more Vietnam veterans than non-Vietnam veterans currently are experiencing psychological problems. The current psychological problems of Vietnam veterans, as determined by the DIS, mainly involve (1) alcohol abuse or dependence, affecting about 14% of Vietnam veterans compared with 9% of non-Vietnam veterans; (2) anxiety, 5% vs. 3%; and (3) depression, 5% vs 2%. The MMPI results, although they do not provide information on discrete diagnostic categories, were generally in accord with the DIS results. Also, according to DIS criteria, about 15% of Vietnam veterans have ever experienced combat-related PTSD, and about 2% experienced the disorder during the month before the examination.

Fewer than 1% in either cohort met DIS criteria for current drug abuse or dependence. The mortality analysis of the VES cohorts suggested that drug-related deaths were higher among Vietnam veterans throughout the approximately 13 years of follow-up.[1,2] The VES telephone interviews and examinations, however, indicate that current regular use of illicit drugs was similar among Vietnam and non-Vietnam veterans. Drug use, typically involving only marijuana, was reported by about 10% of Vietnam and 8% of non-Vietnam veterans.[4] Use of illicit drugs other than marijuana was reported by about 2% to 3% in each group.[4]

To identify the participants who could be considered to have the poorest current psychological status, we combined findings from the DIS and the MMPI. Among veterans who entered the army from 1965 to 1967, the prevalence of current poor psychological status for Vietnam veterans was about double the prevalence for veterans who did not serve in Vietnam; among those who entered later, the prevalences were similar. This suggests that some change occurred around 1968, but we cannot specify what the change may have been. The range of possibilities includes not only changes in the nature of the Vietnam conflict, but also changes in American societal attitudes and perceptions about the conflict and changes in the attitudes or expectations of men entering the army. Compared with veterans who entered the army before 1968, the prevalence of current poor psychological status decreased among Vietnam veterans but increased among non-Vietnam veterans who entered in 1968 or later.

When military occupational specialty category was used as an indicator of the extent of direct combat likely to have been experienced, the only psychological condition that showed a strong association with level of combat was combat-related PTSD. Vietnam veterans with tactical military occupational specialties were nearly twice as likely as those with nontactical military occupational specialties to have ever experienced combat-related PTSD. For all the other psychological conditions, the increased relative risk associated with service in Vietnam was evident in both military occupational specialty categories. This suggests that those Vietnam veterans who had tactical military occupational specialties were not at any greater relative risk of having these subsequent psychological problems than those who had nontactical military occupational specialties.

For most psychological conditions, the relative effect of service in Vietnam was the same regardless of such characteristics as race, age at entry into the army, enlistment status, and induction general technical test score, as well as military occupational specialty category. This suggests that the effect of Vietnam service, at least for those who entered the Army between 1965 and 1967, was a general one for which most veterans who served in Vietnam may have been at risk.

The increased prevalence of current psychological problems among Vietnam veterans does not seem to have been due to the characteristics of the men who were sent to Vietnam. From all available information, the characteristics of the two groups seemed to be similar. In particular, the racial distributions and the prevalences of reported childhood behavioral problems were nearly identical. Also, preservice prevalences of psychiatric symptoms, including anxiety, depression, and substance abuse, were similar in the two groups.[6] The only difference in known entry characteristics was that those with higher entry general technical test scores seemed less likely to serve in Vietnam. This difference, however, was small and did not account for the differences in psychological findings between Vietnam and non-Vietnam veterans.

A potential concern with the study is the possibility of participation bias. Examination participation rates for Vietnam veterans were higher than those for non-Vietnam veterans. Detailed analyses of the factors that influenced participation showed that those examined were similar to those interviewed by telephone.[5] Thus, participation bias is not likely to have had a large influence on the study results.

The higher prevalence of psychological problems among Vietnam veterans does not seem to be related to their being in worse current physical health. In the medical examination component of the VES, few differences were found between Vietnam and non-Vietnam veterans in terms of neuropsychological performance, neurological findings, or other objective measures of current physical health.[5-8]

Military service in Vietnam was, undoubtedly, an emotionally and psychologically difficult experience for many U.S. servicemen. Fifteen to 20 years afterward, more Vietnam veterans have psychological and emotional problems compared with veterans who did not serve in Vietnam. these psychological problems, however, are not of a magnitude that has resulted in Vietnam veterans' having, as a group, lower social and economic attainment.

NOTES—This report was prepared by the following: Drue H. Barrett, MA; Coleen A. Boyle, PhD; Pierre Decoufle, ScD; Frank DeStefano, MD, MPH; Owen J. Devine, MS; Robin D. Morris, PhD (Centers for Disease Control and Georgia State University, Atlanta); Mark J. Scally, MPA; Nancy E. Stroup, PhD; Scott F. Wetterhall, MD; and Robert M. Worth, MD, PhD.

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FOOTNOTES

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HEALTH STATUS OF VIETNAM VETERANS—II. PHYSICAL HEALTH

(The Vietnam Experience Study was a multidimensional assessment of the health of Vietnam veterans. From a random sample of enlisted men who entered the US Army from 1965 through 1971, 7924 Vietnam and 7364 non-Vietnam veterans participated in a telephone interview; a random subsample of 2490 Vietnam and 1972 non-Vietnam veterans also underwent a comprehensive medical examination. During the telephone interview, Vietnam veterans reported current and past health problems more frequently than did non-Vietnam veterans, although results of medical examinations showed few current objective differences in physical health between the two groups. The Vietnam veterans had more hearing loss. Also, among a subsample of 571 participants who had semen samples evaluated, Vietnam veterans had lower sperm concentrations and lower mean proportions of morphologically "normal" sperm cells. Despite differences in sperm characteristics, Vietnam and non-Vietnam veterans have fathered similar numbers of children.)

[Tables not reproducible for the RECORD.]

The centers for Disease Control has undertaken a congressional mandated health study of Vietnam veterans called the Vietnam Experience Study (VES). This is the second of three articles in this issue of THE JOURNAL about the health status of Vietnam veterans.

We herein describe the physical health status of a sample of US Army Vietnam veterans and a comparison group of other Vietnam-era US Army veterans. The first report focuses on current psychosocial characteristics of the veterans [1] and the third report focuses on reproductive outcomes.[2]

SUBJECTS AND METHODS: PARTICIPANT SELECTION

The selection of participants and the methods used in locating and interviewing them have been described in detail elsewhere.[1,3,4]. After the vital status of a random sample of US Army Vietnam-era veterans had been ascertained, 9078 Vietnam and 8789 non-Vietnam veterans met study criteria and were thus eligible for telephone interview. Of these 7924 Vietnam (87%) and 7364 non-Vietnam (84%) veterans completed telephone health interviews. Of the random subsample of veterans selected for further evaluation, 2490 Vietnam (75%) and 1972 non-Vietnam (63%) veterans underwent extensive physical and psychological health examinations.

MEDICAL EXAMINATIONS

All examinations were performed at one medical facility. Physicians, interviewers, and study technicians were unaware of which cohort the veterans were in. Board-certified internists, dermatologists, and neurologists performed complete general physical, dermatologic, and neurological examinations, respectively. Abnormal findings from these screening examinations were not evaluated further at the examination facility, but were reviewed with each veteran in an exit interview.

The peripheral arterial system was evaluated by using a Doppler instrument. Electrocardiograms were interpreted by board-certified cardiologists. Chest films were interpreted by radiologists. Pulmonary function was tested with a wedge spirometer, followed by computer analysis of spirometric results.

The nerve conduction velocity and amplitude of upper- and lower-extremity sensory and motor nerves were measured by standard techniques. vibratory and thermal sensations were tested with specially designed instruments (Pfizer Vibration[6] and Thermal Tester[7]). Auditory acuity was tested with an audiometer that operated in automatic mode.

Trained technicians administered standard neuropsychological tests,[8,9] including the general technical test section of the Army Classification Battery, an aptitude test that participants took during their induction into the army. the neuropsychological test battery evaluated concept formation and problem-solving abilities, memory functioning, manual dexterity, verbal abilities, visual-perceptual-motor functioning, and mental control and attention.

LABORATORY METHODS

Standard hematologic assays were performed, and T and B lymphocytes were quantified using monoclonal antibodies.[10] Delayed-type hypersensitivity was assessed with the Multitest CMI.[11] Immunoglobulin levels were measured by Immunoprecipitin reaction.[12]

Most serum chemistry assays[12] were performed on an autoanalyzer (Kodak Ektachem 700). Serum samples also were tested for various hormones and for markers of hepatitis B infection using commercial radioimmunoassays.[12] A 12-hour overnight collection of urine was tested for levels of creatinine, D-glucaric acid and porphyrin. Porphyrin levels measured by high-performance liquid chromatography,[13] were classified by chronic hepatic porphyria pattern.[14] Stool samples were tested for occult blood (Hemoccult, Smith-Kline Diagnostics, San Jose, Calif).

Early analyses of responses in the telephone interviews showed that Vietnam veterans were reporting more difficulty conceiving children;[3] therefore, analysis of semen samples was added to the examination for the last five months of the study. Of 705 veterans without vasectomy who were examined during this period, 571 participated (81%).[4] Participation rates were the same in the two cohorts. The Cellsoft system (Cryo Resources, New York),[15] which employs computer analysis of digitized video images of sperm heads, was used to measure sperm concentration, movement characteristics, and shapes and dimensions of sperm heads. Morphology of sperm heads was classified according to World Health Organization criteria.[16]

CASE DEFINITIONS

Chloracnelike lesions were defined as (1) comedones in a malar crescent or periauricular distribution, with nasal sparing, or (2) postinflammatory scars in chloracne-prone locations with a history of chloracne. Altered peripheral arterial hemodynamic findings were defined as the presence of a femoral bruit, an absent posterior tibial pulse wave-form (using a Doppler probe), or a resting brachial/ankle blood pressure ratio less than 1. Pulmonary function values of "never-smokers" without lung disease from the two combined cohorts were used to develop prediction equations of expected values based on race, age, and height.[17] For all neuropsychological tests, scores were standardized (mean, 0; SD=1) to the two cohorts combined. For the current general technical test scores, the expected value of a standardized score was −1 or above. To adjust for effects of general ability, in other neuropsychological tests if the veteran's standardized general technical test score minus his standardized test score was greater than 1, the test score was lower than expected.[8]

STATISTICAL METHODS

The primary purpose of the analysis was to estimate the association between service in Vietnam and specific health conditions and measures. Dichotomous outcomes were analyzed by logistic regression [18] to compute

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Footnotes at end of article.

odds ratios (ORs) and 95% confidence intervals (CI). As a general approximation, if a 95% CI excludes 1.0, the OR estimate can be considered statistically significant (ie, $P<.05$). These analyses included the following six primary covariates, based on characteristics of the participants at entry into the US veterans were current smokers and 13% and 11% respectively, reported heavy alcohol use (≥90 drinks per month).

TELEPHONE INTERVIEW

Although more than 80% of all veterans rated their current health status as "good" or "excellent," Vietnam veterans were almost twice as likely (19.6% vs 11.1%) to assess their health as "poor" or "fair" (Table 1). Most medical conditions were reported significantly more often by Vietnam veterans, including current limitations in activities, use of prescribed medications, various somatic symptoms, and having been hospitalized since discharge from active duty. When asked about the past occurrence of certain physician-diagnosed conditions, Vietnam veterans reported each condition more frequently than did other veterans, except for cancer (all sites combined). Odds ratios were greatest for chloracne and other types of skin conditions. Within each cohort, the prevalence of reported medical problems among those examined was similar to the prevalence in the total telephone interview group (Table 1). Odds ratios based on examination results were similar to those based on results of the telephone interview.

MEDICAL EXAMINATIONS

Among examination participants, dermatologic findings were similar in the two cohorts (Table 2). Chloracnelike skin lesions, hyperpigmentation, hirsutism, and skin cancer were rarely noted in either group. Infection-related conditions and postinflammatory scars were similarly prevalent in both cohorts of veterans.

About one third of Vietnam and non-Vietnam veterans were hypertensive (Table 3) and about 5% of veterans in each group reported current use of anti-hypertensive medication. Overall, the prevalence of any abnormal electrocardiographic finding was similar in the two groups. The largest relative difference was for left ventricular hypertrophy, although the 95% CI included 1.0. Altered peripheral arterial hemodynamic findings also were rare and were found at a similar prevalence among veterans in the two groups.

The proportion of veterans with abnormal findings on chest films was comparable in the two groups (Table 3). Calcified nodules were the most common specific pulmonary finding in each group. The proportions of veterans with diminished pulmonary function were the same in each group, and the ORs were unchanged after adjustment for current smoking status.

Few veterans in either cohort had any Army: age at enlistment, race, year of enlistment, enlistment status (volunteer vs draftee), score on general technical test, and primary military occupational specialty. In certain analyses, additional covariates (eg, smoking status and alcohol use) also were included. In general, ORs changed little after these other covariates were added. Therefore, results presented herein are adjusted only for primary covariates, unless otherwise noted. When final models included significant interaction terms, ORs were standardized to the distribution of the interaction variable in both cohorts combined.[19 20]

Similar analyses were conducted for continuously distributed measures by using multiple linear regression.[21] Test results that were logarithmically normally distributed were transformed before analysis. Unadjusted means are presented in the tables for all measures. Differences that are statistically significant ($P<.05$) after adjustment for characteristics at entry into the army are noted in the tables.

RESULTS

Participant characteristics

As described elsewhere,[1] demongraphic and current socioeconomic characteristics of both groups were similar among both the telephone interview participants and the subsample of veterans who participated in the medical examinations. Among examinees, 46% of Vietnam and 43% of non-Vietnam evidence of peripheral neuropathy (Table 4). The largest relative difference between groups was for those veterans who had primarily subjective criteria (symptoms) of neuropathy (OR=1.5), but the lower bound of the 95% CI included 1.0.

Vietnam veterans were 40% more likely to have high-frequency hearing loss than were non-Vietnam veterans (Table 4). Differences between the two groups in bilateral hearing loss were greatest among men with tactical military occupational specialties (infantrymen, armored vehicle crewmen, combat engineers, and artillery crewmen), for whom the OR (adjusted for preservice auditory acuity) was 2.5 (95% CI, 1.5 to 4.0); for men with nontactical specialties, it was 1.2 (95% CI, 0.9 to 1.6).

The current mean general technical test scores were significantly lower for the Vietnam veterans (Table 5), a finding that is consistent with differences noted at entry into the army. Adjustment for the six entry characteristics, including induction general technical test score, decreased this difference. The increase in general technical test scores since entry into service was similar for Vietnam and non-Vietnam veterans. There were small but statistically significant differences between cohorts in mean scores for three subtests—the RO Complex Figure Copy, the WAIS-R Block Design, and the Wisconsin Card Sorting Test (average number of cards per sort), but the proportions of veterans with test scores below expected values were similar in both groups. For other tests, there was little difference between cohorts after adjustment for the six entry characteristics.

Mean values of the results of immune function tests did not differ significantly between cohorts (Table 6). The proportions in each cohort with values above or below the reference range for all test measurements were similar; all ORs were less than 1.5 and their 95% CIs included 1.0. The percentages of participants who were anergic, defined as a less than 2-mm response to all seven recall antigens in the CMI test, were 3.5% for Vietnam and 3.9% for non-Vietnam veterans (OR=1.0).

Results of most other laboratory tests were similar between cohorts (Table 7). For γ-glutamyl transferase, there were small but statistically significant differences in geometric means. After results were adjusted for current smoking status, alcohol use, illicit drug use, and body mass, these cohort differences virtually disappeared.

Total urinary porphyrin levels were practically the same in the two cohorts. One Vietnam veteran had a pattern of urinary porphyrin levels that was consistent with porphyria cutanea tarda. Nine other veterans, five Vietnam and four non-Vietnam, had porphyrin level patterns that were consistent with chronic hepatic porphyria.

With few exceptions, test results for endocrine function were similar in the two cohorts. A 1% higher mean serum glucose level in Vietnam veterans persisted after results were adjusted for entry characteristics and other covariates (current smoking status, alcohol use, body mass index, and medication use), but the proportions with values above 140 mg/dL were the same in both cohorts. After adjustment for entry characteristics, Vietnam veterans had about a 4% higher mean thyroid-stimulating hormone (TSH) level, a statistically significant difference. In addition, Vietnam veterans were twice as likely to have a TSH value above 10 mU/L (>10 μU/mL). When hypothyroidism was defined either as a TSH of greater than 10 mU/L (>10 μU/mL) or as self-reported use of thyroid replacement medication, the OR was 1.3 (95% CI, 0.7 to 2.4).

The Vietnam and non-Vietnam veterans differed regarding two additional examination items, stool occult blood and hepatitis B serology. Occult blood was found in the stool samples of more Vietnam (1.3%) than non-Vietnam (0.5%) veterans (OR=2.8; 95% CI, 1.3 to 6.0). Tests for few Vietnam (0.5%) and non-Vietnam (0.9%) veterans were positive for hepatitis B surface antigen (OR=0.6). However, the prevalence of past hepatitis B infection (defined as having antibody to either surface or core antigens while being negative for hepatitis B surface antigen) was higher among Vietnam veterans (14.1%) than among non-Vietnam veterans (11.1%) (OR=1.4; 95% CI, 1.1 to 1.6).

The 571 men who participated in semen sample analysis had demographic and medical history characteristics that were nearly identical to those of all the veterans who took part in the medical examination,[4] suggesting that these veterans were representative of the entire examination sample. Some differences were found in semen characteristics (Table 8), with Vietnam veterans having significantly lower mean sperm concentrations than non-Vietnam veterans and twice the proportion with values below the clinical reference value of 20 million cells per milliliter. Five Vietnam and three non-Vietnam veterans had sperm concentrations below 5 million cells per milliliter. The mean percentage of morphologically "normal" cells also was significantly lower in the Vietnam group than in the non-Vietnam group (57.9% vs 60.8%). This difference was reflected in a higher prevalence of men with low levels (<40%) of morphologically normal cells among the Vietnam veterans (OR=1.6), although the 95% CI of the OR included 1.0. These differences persisted, even after adjustment for the six entry characteristics and six additional covariates (current smoking status, alcohol use, illicit drug use, medication use, time since previous ejaculation, and time between sample collection and video recording). Measurements of sperm head dimensions indicated that the Vietnam veterans' lower proportion of normal cells was due to their having larger and more tapered sperm heads. The percentage of motile cells was similar in the two cohorts, as were other measures of sperm movement characteristics, such as velocity, lateral head motion, and linearity of motion.

Several hundred other conditions were evaluated during the examinations, particularly during the dermatologic, neurological, and general physical examinations. For the most part, these conditions were found with similar frequency in the two cohorts.

COMMENT

Although most of the veterans who participated in this study considered their health to be good or excellent, Vietnam veterans tended not to perceive their current health status as being as good as that of non-Vietnam veterans. In the telephone interview, Vietnam veterans reported many health conditions and symptoms more frequently than did other veterans. In the medical examination, however, we found few cohort differences.

The discrepancy between the telephone interview findings and the results of the medical examinations has several possible explanations. One is that the conditions had resolved by the time of the examinations. Alternatively, Vietnam veterans may have reported more symptoms and past medical conditions because they experienced more stress than did non-Vietnam veterans. In the VES psychological evaluations, we found that a greater proportion of Vietnam veterans currently were anxious and depressed.[1, 22] Stress can produce anxiety, depression, and a variety of somatic symptoms.[23] The VES also has found that perceived exposure to herbicides (a perception that in itself may lead to additional stress) is associated both with psychological problems and with self-reported adverse health conditions,[3, 4, 24] but is not associated with objective measures of exposure.[25]

Among the few differences found between cohorts at examination, two of note were stool occult blood and left ventricular hypertrophy on electrocardiogram. The association between military service in Vietnam and these two health measures cannot be easily explained. Furthermore, the large number of tests we performed increased the probability of spurious associations. In any event, these two abnormalities were rare, affecting less than 2% of the veterans in either group, and, for both findings, the absolute difference between cohorts was less than 1%.

Two of the cohort differences can be explained on the basis of prior military experiences. Increased hearing loss in Vietnam veterans, particularly among those who had tactical military occupational specialties, is consistent with results of several studies of army troops that show that exposure to military noise results in irreversible hearing impairment.[26-28] Similarly, the higher prevalence of past hepatitis B infection among Vietnam veterans may be related to service in a country where this viral infection is endemic.[29]

The purpose of the VES was to evaluate health effects that may have resulted from the "general experience" of having served in Vietnam. In designing the telephone interview and the physical examinations, we used a broad approach but emphasized health conditions that have been suggested as being related to prior exposure to herbicides or dioxin.[30, 31] On examination, we found no differences between cohorts in these health effects, such as skin conditions, peripheral neuropathy, hepatic dysfunction, porphyria, lipid abnormalities, and impaired immune function.

The observed similarity between cohorts regarding herbicide or dioxin-related conditions has several possible explanations. Examinations were performed 15 to 20 years after the veterans had been in the army, and most of the conditions of interest may have resolved in that time. Alternatively, the two groups may not differ in such conditions at present because few of the study participants were heavily exposed to dioxin-containing herbicides. An objective measure of herbicide exposure, such as a serum dioxin level, was not available at the time of the VES.[32] However, in a recent study of enlisted Vietnam veterans, we found that few US Army ground troops had been heavily exposed to dioxin-containing herbicides.[25]

Although we found no overall increase in cancers reported by Vietnam veterans, the VES was not designed to assess adequately the risk of rare cancers. The Center for Disease Control is conducting a separate study [32] designed to evaluate Vietnam veterans' risks for six specific cancers that have been suggested as being associated with herbicide or dioxin exposure.

Among the subsample of 571 men whose semen characteristics were evaluated, Vietnam veterans were found to have lower sperm concentrations and a significantly lower average proportion of "normal" sperm heads. Low sperm concentrations, low levels of morphologically normal sperm, and low percentages of motile sperm have traditionally been used as indicators of reduced fertility potential.[16, 33-40] The Vietnam veterans were twice as likely to have low sperm concentrations (<20 million/mL) and about 1½ times more likely to have low levels (<40%) of normal sperm heads compared with the non-Vietnam group. Although this latter finding was not statistically significant, it is consistent with the statistically significant decrease in the mean proportion of normal sperm heads. The two cohorts had about the same proportion of men whose semen samples were judged to have low motile sperm counts (<40% motile cells).

Less clear are the implications of the observed differences in semen characteristics for pregnancy outcomes. No studies among humans have clearly shown that poor semen quality is related to adverse reproductive outcomes [41-44] or birth defects. In the VES, although there were differences in sperm characteristics between Vietnam and non-Vietnam veterans, rates of most adverse pregnancy outcomes were similar.[2, 4, 45] Specifically, among those who participated in semen sample analysis, the rates of birth defects (as determined by birth record information) were 5.9% for Vietnam and 5.7% for non-Vietnam veterans' children.

The fertility histories of those who had semen samples analyzed suggest that cohort differences in semen characteristics have not resulted in an increase in the number of men unable to father children.[4] In each cohort, the average number of children fathered per veteran after assignment to primary tour of duty was similar (1.4 for Vietnam vs 1.5 for non-Vietnam veterans), as was the proportion who have not fathered any children (31% vs 25%). Among all VES participants, the fertility histories of Vietnam and non-Vietnam veterans were identical (average number of children, 1.6; proportion who fathered no children, 23%). These results are consistent with the results of a 20-year follow-up study [46] that found that the lower sperm concentration correlated with the time interval to pregnancy but that pregnancy rates were not affected unless the sperm concentration was below 5 million cells per milliliter.

We were not able to determine the reasons for the differences in sperm characteristics between Vietnam and non-Vietnam veterans. We evaluated several factors that are known or suspected to affect sperm characteristics, including race, age, reported history of sexually transmitted diseases, and current use of alcohol, marijuana, other drugs, cigarettes, and certain medications. None of these accounted for the differences in sperm characteristics. We also did not find that the more prevalent psychological disturbances experienced by Vietnam veterans, including anxiety, depression, and post-traumatic stress disorder, accounted for the differences in semen characteristics.

The differences in sperm characteristics between the Vietnam and non-Vietnam cohorts did not seem to be specific to a particular subgroup of veterans. There were no consistent variations in the findings of semen sample analysis in the two cohorts according to the army entry and service characteristics, including year of entry and military occupational specialty category. The findings also do not seem to be accounted for by reported use of heroin or other drugs while in the army. Level of combat experienced in Vietnam seems not to be related to findings from semen sample analysis, as there was no relationship between semen characteristics and military occupational specialty (tactical vs nontactical) or self-reported combat experiences. The possibility that exposure to dioxin-containing herbicides may have affected the sperm of Vietnam veterans is a potential concern. However, this explanation seems unlikely since in a recent study we found that few army ground troops were heavily exposed to dioxin-containing herbicides [25]; also, in the VES there was no difference in semen characteristics according to different levels of self-reported herbicide exposure.

In this epidemiologic study, the possibility that biases in design or conduct may have affected the findings, including those from semen sample analysis, needs to be considered. Some of the increased prevalence of self-reported conditions among Vietnam veterans could have been due either to their enhanced recall of these conditions compared with non-Vietnam veterans or to their different health care-seeking practices. Such biases, however, should have had little effect on the examination findings. The examiners and technicians did not know the participants' cohort status, nor were they allowed to take any "history" from the participants as they conducted the examinations.

Another concern is the possibility of selection or participation bias. Participation bias should have been minimal for the telephone interview component, since participation rates were high in that phase of the study. For the medical examinations, however, the participation rates were lower, and the Vietnam group had a higher participation rate than did the non-Vietnam group. Yet, detailed analyses of the factors that influenced participation showed that those examined were similar to those interviewed by telephone.[4]

The findings are also not likely to be explained on the basis of confounding by other factors. The two cohorts were similar on most important characteristics—eg, age, race, and certain personal habits—known to influence health. Further, additional analyses, adjusted for the effects of several important characteristics that influence health, did not change the study results.

Inconclusion, most Vietnam veterans who participated in this study felt they were in good current health 15 to 20 years after service. However, Vietnam veterans more frequently reported current somatic symptoms and physician-diagnosed diseases than did non-Vietnam veterans. Most of these conditions were not currently detectable by the comprehensive physical and laboratory screening examinations used in this study.

One physical difference that is still detectable is that Vietnam veterans, particularly those who served in tactical military occupational specialties, have greater hearing loss. Further, among the subsample of participants who had semen samples evaluated, there were certain differences in semen characteristics between Vietnam and non-Vietnam veterans. These included a decrease in the Vietnam veterans' sperm concentrations and a significant decrease in the average proportion of "normal" sperm cells. Despite these differences, Vietnam and non-Vietnam veterans have fathered similar numbers of children.

Use of trade names is for identification only and does not constitute endorsement by the Public Health Service or the Department of Health and Human Services.

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FOOTNOTES

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HEALTH STATUS OF VIETNAM VETERANS—III. REPRODUCTIVE OUTCOMES AND CHILD HEALTH

The Vietnam Experience Study was a multidimensional assessment of the health of Vietnam veterans. From a random sample of enlisted men who entered the US Army from 1965 through 1971, 7924 Vietnam and 7364 non-Vietnam veterans participated in a telephone interview; a random subsample of 2490 Vietnam and 1972 non-Vietnam veterans also underwent a comprehensive medical examination. During the telephone interview, Vietnam veterans reported more adverse reproductive and child health outcomes than did non-Vietnam veterans. However, children of Vietnam veterans were not more likely to have birth defects recorded on hospital birth records than were children of non-Vietnam veterans. The rates of total, major, minor, and suspected defects were similar among children of Vietnam and non-Vietnam veterans (odds ratios, 1.0, 1.1, 1.0, and 0.9 respectively). These results are consistent with the findings of three epidemiologic studies conducted since 1981 on the relationship of Vietnam service and birth defects in children of male veterans.

[Tables not reproducible for the RECORD.]

The Centers for Disease Control has undertaken a congressionally mandated health study of Vietnam veterans called the Vietnam Experience Study (VES). In the VES, the health of a sample of male U.S. Army Vietnam veterans was compared with that of a similar group of Vietnam-era veterans who served elsewhere. This is the third of three reports in this issue of The Journal summarizing the results of the VES. In it, we present data on reproductive outcomes and child health, including adverse pregnancy outcomes, birth defects, major childhood health problems, cancer, and mortality. The first report[1] focuses on the psychosocial characteristics of the veterans after discharge from the Army and the second report[2] describes their physical health.

SUBJECTS AND METHODS—DATA COLLECTION AND STUDY PARTICIPANTS

In the VES, we identified a random sample of men who met certain eligibility criteria based on data from military records, traced them to their present locations, conducted telephone interviews, and invited a random sample of interviewees to participate in an extensive physical, laboratory, psychological, and neuropsychological examination. Subject selection, participation rates, and comparability of the study cohorts are described in the first article.[1]

Two sources of data were used to examine reproductive outcomes and child health: reports by veterans during the telephone interview and hospital birth records of selected veterans' children. During the telephone interview, veterans were asked questions about their offspring covering the following areas: (1) pregnancies that ended early, including miscarriages, induced abortions, and tubal pregnancies; (2) date of birth, sex of child, and status for all births (live births or stillbirth); (3) types of birth defects; (4) types of major health problems or impairments occurring in the first five years of life; (5) leukemia or other type of cancer; and (6) infant and child mortality. The 15,288 veterans who completed the telephone interview reported fathering 28,724 pregnancies, 24,698 of which resulted in a birth (Table 1). Reported pregnancies that were conceived before the veteran was assigned to Vietnam or another duty location are not included in Table 1 or in the analyses presented herein.

An interim analysis of preliminary VES interview data showed differences in the rates of total birth defects and cerebrospinal malformations (CSMs) (anencephaly, spina bifida, and hydrocephalus) between children of a Vietnam and non-Vietnam veterans. As a result of these findings, two substudies were added to the VES at the time of the interim analysis. The objective of the main substudy was to compare the rates of total birth defects recorded on hospital birth records for children of Vietnam and non-Vietnam veterans to verify the reported cohort differences found in the interview data. All veterans whose medical examinations were scheduled from Jan. 1, 1986, to Sept. 30, 1986, were asked to participate in this substudy. The interview results were not used in selecting veterans or offspring. In addition to studying total birth defects, we used this population to examine other outcomes, such as birth weight.

Of the 4,462 veterans who participated in both the interview and the medical examination components of the VES, 2,282 were examined after Jan. 1, 1986, and were asked to give detailed birth and hospital information for each of their children (live born and stillborn) so that birth records could be obtained. The 2,282 veterans reported a total of 4,122 offspring (Table 1). We tried to obtain birth records for all reported offspring to confirm reported birth dates and determine eligibility for inclusion in the final substudy population. Of the 4,122 reported offspring, 381 were conceived before the veterans' assignments to Vietnam or other primary duty locations, 41 were 18 years of age or older at the time of record retrieval (veterans' adult children were considered ineligible), six were not the biologic children of the veterans, and 11 were miscarriages (birth weight, <500 g). When these ineligible offspring were omitted, the population for the main substudy of total birth defects was 3683 (1945 offspring of Vietnam veterans and 1738 offspring of non-Vietnam veterans.)

In a second substudy, hospital birth records were sought for a small, select group of offspring for this substudy were obtained from the entire VES interview population. Birth records for three types of children were sought: those with a reported CSM, so stated by the veteran; those with a reported condition that suggested a possible CSM; and all children reported as stillborn. These children were selected in an attempt to identify all CSM cases in the offspring of interviewed veterans and to verify those cases by using hospital birth records.

Of the children reported during the interview, 403 met one of the three criteria listed above for inclusion in the CSM substudy. Veterans were recontacted by telephone and asked for additional birth and hospital information about these children so that records could be obtained. Of the 403 reported children, 58 were conceived before the veterans' assignments to Vietnam or other primary duty locations and 51 were miscarriages (birth weight, <500 g), resulting in an eligible group of 294 potential CSM cases (Table 1).

For both substudies, hospitals were asked to send a copy of the child's entire medical record, covering the birth and associated hospital stay. Medical records were abstracted by a team of nurses and physicians, and the quality of the abstraction process was closely monitored throughout the study. To minimize bias, staff members who obtained and abstracted medical records were blinded to the military history status of all veterans.

Hospital birth records were obtained for more than 91% of the 3683 births that were eligible for inclusion in the main substudy of total birth defects (Table 1). Among offspring of Vietnam veterans, 1791 birth records (92.1%) were obtained; among offspring of non-Vietnam veterans, 1575 birth records (90.6%) were obtained.

In the substudy of potential CSM cases, the success rates for retrieving hospital records varied considerably by cohort status (Table 1); records were obtained for 127 eligible children of Vietnam veterans (82.5%) and for 94 eligible children of non-Vietnam veterans (67.1%). Non-Vietnam veterans were more difficult to locate and contact and much more likely to refuse participation than were Vietnam veterans.

DEFINITIONS OF BIRTH DEFECTS

For all analyses, a birth defect was defined as a condition that was coded within the range of 740.0 to 759.9 of the ninth revision of the International Classification of Diseases.[3] In addition, we classified the birth defects documented on hospital records as major or minor, using the general method of Erickson et al.[4] A third class, suspected defects, was used when a defect was described in the record as "suspected" or "rule out" but was not otherwise confirmed by available records. Details of this classification system are presented elsewhere.[5]

ANALYSIS

Crude rates of outcomes among veterans' offspring were computed. The denominator of the rates varied, depending on the outcome; total pregnancies, total births, and live births were the denominators most often used. The primary measure used to assess the association of the Vietnam experience with reproductive outcomes was the odds ratio (OR). The precision of the OR estimate was evaluated by computing 95% confidence intervals (CI). Odds ratios were adjusted simultaneously for the following veteran characteristics by using multiple logistic regression methods:[6] age of the veteran at the birth of the child (or at the time of the adverse pregnancy outcome), race, year of entry into the Army, enlistment status, general technical aptitude test score, primary military occupational specialty, and number of years between enlistment and the birth of the child (or the time of the adverse pregnancy outcome). Two additional covariates were included in analyses of record-based outcomes: maternal age and gravidity. Interactions between Vietnam service and each of the covariates were assessed.[7] If an interaction was found, a standardized OR was computed by using the covariate distribution of both cohorts combined.[8, 9]

Since many veterans reported more than one pregnancy or child, we had to evaluate the possible impact of correlation among offspring within a family. We compared the results of the standard logistic regression method with results of a modified logistic method that accounted for correlation among the offspring.[5, 10] These comparisons indicated that intrafamily correlation had virtually no effect on our estimates of the regression coefficient, or their SEs; consequently, standard logistic regression techniques are presented herein.

RESULTS—BIRTH DEFECTS

During the telephone interview, Vietnam veterans reported significantly more birth defects in their children than did non-Viet-

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Footnotes at end of article.

nam veterans; the rates for each cohort are 64.6 and 49.5 per 1000 total births, respectively, and the adjusted OR is 1.3 (95% CI, 1.2 to 1.4) (Table 2). The excess is present for virtually every major organ system and does not seem to be explained by a single type (or category) of defect. The ORs for nervous system anomalies, hydrocephalus, anomalies of the integument, and musculoskeletal deformities are significantly greater than 1.0. While there was a positive association between Vietnam service and reported birth defects among children of both white and black veterans (adjusted ORs, 1.3 and 1.2 respectively), the reverse was true for children of Hispanic veterans of other races (OR=0.7).

In the main substudy, the rates of total birth defects recorded on hospital birth records were similar in the two cohorts. As shown in Table 3, the crude rates per 1000 total births are 72.6 and 71.1, respectively, and the adjusted OR is 1.0 (95% CI, 0.8 to 1.4). When defects were classified as major, minor, or suspected, the adjusted ORs are 1.1, 1.0, and 0.9, respectively.

An analysis of total, major, minor, and suspected defects stratified by race shows that ORs vary considerably.[5] The adjusted OR for total defects among off-spring of black veterans is 3.3 (95% CI, 1.5 to 7.5) compared with 0.9 (95% CI, 0.7 to 1.3) for offspring of white veterans and 0.4 (95% CI, 0.2 to 1.3) for off-spring of Hispanic veterans and veterans of other races. This variability in the OR also is present for major and minor defects. The OR is statistically significant for total and minor defects among offspring of black veterans.

We examined the types of abnormalities in black infants more closely.[5] No single type of major defect occurred more than once in either veteran group. None of the infants with major defects had identical anomalies or any patterns of multiple anomalies suggestive of a syndrome. Of the 13 infants of black Vietnam veterans with minor defects, four had polydactyly (two of whom were siblings) and two other siblings had supernumerary nipples. No other minor anomalies occurred more than once.

The analysis of potential CSM cases was done separately for stillbirths and live births in each cohort (Table 4). Among reported stillbirths, birth records documented five CSMs in offspring of Vietnam veterans and six in offspring of non-Vietnam veterans. Ten of these 11 cases had no report of a defect by the veteran during the interview. Among live-born offspring, birth records documented 21 CSMs in children of Vietnam veterans and six in children of non-Vietnam veterans. Because record retrieval rates varied considerably by cohort status and because negative responses were not verified, we did not calculate or compare rates of CSM cases in the two cohorts; the results are expressed as numbers of verified cases.

LOW BIRTH WEIGHT—HOSPITAL BIRTH RECORDS SUBSTUDY

Rates of low birth weight (*s/s*2500 g) were similar in offspring of Vietnam and non-Vietnam veterans (5.6% and 5.5%, respectively; adjusted OR = 1.1; 95% CI, 0.8 to 1.4). The mean birth weights of offspring of Vietnam and non-Vietnam veterans were 3366 g and 3370 g, respectively.

OTHER PREGNANCY AND CHILD HEALTH OUTCOMES—INTERVIEW STUDY

Vietnam veterans were more likely to report having fathered a pregnancy that ended in a miscarriage than were non-Vietnam veterans (adjusted OR = 1.3; 95% CI, 1.2 to 1.4). This relative excess appeared regardless of the trimester in which the miscarriage was reported to have occurred, and the magnitude of the ORs varied little across trimesters. The other reproductive outcomes examined—pregnancies ending in an induced abortion, tubal pregnancies, and stillbirths—were no more likely to be reported by Vietnam veterans than by non-Vietnam veterans.[5]

Among children of Vietnam and non-Vietnam veterans, 25 and 17 cancers were reported, respectively (adjusted OR = 1.5; 95% CI, 0.8 to 2.8). When childhood cancers were examined by site, the preponderant type reported among both groups of veterans was leukemia, with 12 cases among children of Vietnam veterans and seven cases among children of non-Vietnam veterans (crude OR = 1.6; 95% CI, 0.6 to 4.1).

More than half of the reported childhood health problems were attributed to respiratory diseases (mostly asthma and pneumonia) and diseases of the ear (primarily otitis media). The adjusted OR for all reported conditions is 1.3 (95% CI, 1.2 to 1.4). For most disease categories, Vietnam veterans reported more health problems in their children than did non-Vietnam veterans.[5]

Analyses of reported infant mortality (the proportion of all live-born children who die before reaching their first birthday) and child mortality (the proportion of children surviving until 1 year of age who subsequently die) showed no appreciable differences between children of Vietnam and non-Vietnam veterans.[5]

COMMENT

For most reproductive and child health outcomes studied, Vietnam veterans were more likely to report an adverse event than were non-Vietnam veterans. The exceptions to this pattern were induced abortions, tubal pregnancies, stillbirths, and mortality. The tendency to report more adverse events for their children is consistent with the Vietnam veterans' reporting more adverse events with regard to their own health status.[2,11] For the many reproductive and child health outcomes (other than birth defects) examined in the interview, verification on this large sample using objective data sources was not feasible. Consequently, the possibility of differential recall and/or reporting must be considered when interpreting the interview results.

For birth defects, a second source of information not subject to differential reporting was available for a subgroup of children who were included in the main birth records substudy. This substudy had 80% power to detect a relative risk of 1.4 for total birth defects in the subgroup of children for whom birth records were received. However, the substudy was not large enough to assess cohort differences for specific birth defects. For all races combined, there were no differences between children of Vietnam and non-Vietnam veterans in the prevalence of total, major, minor, or suspected birth defects documented in hospital birth records. This finding supports the explanation of differential reporting in the interview and the conclusion that (at least for birth defects evident at birth) children of Vietnam veterans were not at increased risk.

The reasons for the apparent racial variation in the association between Vietnam service and total birth defects found in the hospital records substudy are unclear. The findings in black offspring may be explained, in part, by the multiple occurrence of polydactyly and supernumerary nipples in two families; both have been suggested to have a strong genetic component, most likely autosomal dominant interitance.[12] Also, the results are based on small numbers of offspring among black and Hispanic veterans and may be due to sampling variability.[5]

The veterans in the main substudy of total birth defects were selected from those veterans who completed the physical examination. Detailed analyses of the examination participants relative to the telephone interview participants did not show different characteristics or health histories.[13] In addition, participation in this substudy was high in both cohorts, and, moreover, the two cohorts were similar with respect to various demographic and military covariates.[5] Thus, there is no evidence of selection bias or participation bias in this substudy. Also, the selection of participants in this substudy was independent of interview reports and, consequently, was unlikely to be biased by potential differential reporting among the two veteran cohorts.

One limitation of these studies is the lack of data about the mothers of the children studied. Only limited maternal information (age and gravidity) was uniformly recorded in the hospital birth records. Other maternal behaviors and exposures, such as tobacco, alcohol, and drug use, may be important for a more complete assessment of the outcomes studied. However, given the similarity of sociodemographic and behavioral characteristics between the fathers in the two cohorts, it seems unlikely that maternal characteristics would differ greatly. While we have extensive information on paternal characteristics in this study, little is known about the association of paternal behaviors or exposures and birth defects in their children.

The CSM substudy was designed to identify possible CSM cases, based on interview reports, and to verify them using birth records. No attempt was made to verify negative responses (ie, children with no reported CSM) because these defects are rare, occurring at a rate of only 1.4 to 2.5 per 1000 total births.[14,15] The total number of verified CSMs in the Vietnam cohort is similar to the number that would be expected in the interview population on the basis of rates of these defects from two US birth defect surveillance systems (Table 5).[14,15] In contrast, the number of record-based CSM cases among children of non-Vietnam veterans is much lower than would be expected. This suggests a deficit of ascertained CSMs among children of non-Vietnam veterans rather than an excess among children of Vietnam veterans. These data may reflect true differences between the cohorts or may be due to differences in the opportunity to identify and verify probable CSM cases. There is evidence to suggest the latter explanation, since selection of participants for this substudy was based on fathers' interview reports and, hence, was subject to differential reporting in the two cohorts. Also, there were appreciable differences in participation rates in this substudy: Vietnam veterans were much more likely to participate than were non-Vietnam veterans.[5]

Our results for total birth defects can be compared with three previous epidemiologic studies of Vietnam service and reproductive outcomes of male veterans. The first two, conducted by the Australian government[16] and the Centers for Disease Control,[4,17] were large case-control studies of children born with congenital malformations. In the first study,[16] defects were identified through hospital and cytogenetic laboratories; in the second,[4 17] through a population-based registry. The third study was a cohort follow-up study of air force personnel who conducted the defoliation missions in Vietnam and a comparison cohort of cargo-mission personnel who flew to Vietnam but were not involved in spraying operations.[18] Information about reproductive outcomes in this study was obtained mainly through spouse interviews. Both the Australian study and the Centers for Disease Control study showed no difference in the odds of Vietnam service among case and control fathers for all types of defects combined (ORs=1.0 and 0.97, respectively). However, even these large-scale studies could not adequately address whether Vietnam veterans, or a subgroup of Vietnam veterans, were at increased risk of fathering babies, with specific rare malformations. In the air force cohort follow-up study, there was a significant excess of total reported birth defects among children of personnel conducting the defoliation missions. This reported excess prompted the collection of birth and medical records for all children, an effort that is currently ongoing.

In summary, Vietnam veterans reported more adverse reproductive and child health outcomes in the telephone interview than did non-Vietnam veterans. However, results of a substudy of birth defects documented on hospital birth records showed that Vietnam veterans were not at increased risk of fathering children with birth defects evident at birth. These results are consistent with the findings of three epidemiologic studies conducted since 1981 on the relationship of Vietnam service and birth defects in children of male veterans.

CONTRIBUTORS TO THIS REPORT

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Current and former Centers for Disease Control staff members who also made important contributions include the following: John J. Drescher; J. David Erickson, DDS, PhD; Melinda L. Flock, MSPH; John J. Gallagher; Jerry G. Gentry, MSPH; Marilyn L. Kirk; Michael E. Kafrissen, MD; Peter M. Layde, MD, MSc; Maurice E. LeVois, PhD; Peter McCumiskey; Daniel L. McGee, PhD; Daniel A. Pollok, MD; Melvin W. Ralston; Philip H. Rhodes, MS; Richard K. Rudy, MD; Paul D. Simpson, MS; and Dennis M. Smith, MD.

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Leaders of Veterans Service Organizations provided important input and support to the study, and participation by Vietnam-era veterans made the study possible.

FOOTNOTES

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Mr. CRANSTON. Agent orange exposure study. The second component of the CDC effort, the agent orange study, was designed to determine if there are any differences in the health of veterans who were exposed to that herbicide during service in Vietnam compared to the health of veterans who also served in Vietnam but were not so exposed. Both the Office of Technology Assessment [OTA] and the agent orange working group of the Domestic Policy Council [AOWG] have determined that the agent orange study, at least as originally envisioned, cannot be carried out. With regard to the CDC conclusions, I refer my colleagues to my more extensive floor statement in the Record on October 1, 1987, beginning on page S13347. As I noted in that statement, the OTA concluded that, first, "[t]here is no support for the rationale for a large-scale epidemiologic study" and second, "[t]here cannot be a general study of Agent Orange effects on ground troops." In the same vein, Don M. Newman, Chair of the AOWG, in a November 3, 1987, letter to me, stated that the "Agent Orange Exposure Study * * * has proved scientifically impossible to do." Those determinations were reconfirmed at today's hearing.

SELECTED CANCERS STUDY

Mr. President, the third component of the CDC health experience study, the selected cancers study, is designed to determine whether there is an increase among Vietnam veterans in the incidence of several serious, but relatively rare, cancers which have, in some studies, been suggested to be linked to dioxin exposure. Results from the selected cancer study are expected in 1990.

I plan to continue to monitor these activities very closely.

RANCH HAND STUDY

In 1979, the Air Force began an epidemiological study of ranch hands, the personnel who participated in the agent orange spraying missions in Vietnam, to determine whether these individuals suffered adverse health effects from herbicide exposure. In October 1987, a summary of results from the first followup examinations of the Air Force health study was released. The report concluded "that there is not significant plausible or consistent scientific evidence at this time to implicate a causal relationship between herbicide exposure and adverse health in the Ranch Hand group."

In February 1988, a report entitled "United States Air Force Personnel and Exposure to Herbicide Orange," identified as an interim report for the period March 1984–February 1988 by Dr. Richard A. Albanese of the U.S. Air Force School of Aerospace Medicine, was released by the Air Force. The abstract describing this report states:

> This report reviews salient findings of the [Air Force Health Study (AFHS)] first morbidity report published in 1984, and presents new work by examining relationships between AFHS findings and the results of laboratory toxicological studies and other epidemiological studies addressing dioxin. * * * In six of these eleven clinical areas, statistically significant group differences occurred, and in five of these six instances the group differences were in the direction of expected dioxin effects. Dioxin cannot be confidently identified as the causative Agent of these findings at this time because of several reasons, including the absence of correlations with an exposure index and the incomplete clinical picture. However, dioxin is not exonerated as a causative Agent because of the directionality of the observed group differences and the preliminary nature of the exposure index used in the AFHS first morbidity report.

The Senate and House Veterans' Affairs Committees, in letters dated March 30, 1988, asked the OTA, the AOWG, and the Veterans' Administration's Veterans' Advisory Committee on Environmental Hazards [VACEH] to review this interim report and comment on the scientific methods used and the validity of the statistical analysis, as well as to identify any specific findings discussed in the report which warrant followup investigation or analysis.

In a May 6, 1988, letter accompanying their review, the OTA concluded that the "report by Dr. Albanese does not call into question any of the findings reported directly by the Air Force study team in their original reports. * * * Other than continuing to study this group [i.e., the Ranch Handers], as is planned, and to use new technology to determine dioxin body burdens, the reinterpretation does not suggest interventions of any kind or new directions for [the Ranch Hand study]."

In an April 18, 1988, memorandum to Dr. Ronald Hart, chairman of the science panel of the AOWG, Dr. Vernon Houk concluded that "[t]his paper appears to be intended as an expansion of the discussion section of the 1984 Ranch Hand 'baseline' morbidity report * * *. In summary, the five 'significant' morbidity measures mentioned by [Dr.] Albanese as being in excess among the Ranch Hand group are either undergoing validation (parent-reported birth defects) or are not supported by subsequent work."

I will report further information in the RECORD when we receive the VACEH's review of this study.

In a February 29, 1988, letter to Lt. Gen. Murphy A. Chesney, Surgeon General of the Department of the Air Force, the two Committees on Veterans' Affairs requested that a copy of the Air Force protocol for completing the testing of serum dioxin levels in ranch handers through blood analysis from which past exposure to dioxin can be determined—an independent method of exposure verification developed by the CDC and approved by the AOWG Science Panel and the OTA in October 1986—be provided to the OTA for review. Concurrently, the committees requested, in a letter to Dr. John H. Gibbons, Director of the OTA, that the OTA review and comment on the scientific merit of the Air Force's protocol for the completion of that testing.

In an April 15, 1988, letter, Air Force Deputy Surgeon General Alexander M. Sloan responded that the Air Force had sent the protocol to the OTA.

In a May 6, 1988, letter accompanying the OTA's review of the Air Force study protocol, Dr. Gibbons responded that the OTA had received the protocol from General Sloan, and concluded that "[o]verall, the Air Force plan to determine dioxin body burdens, reflected in blood serum levels, is a sound one and will add an entirely new dimension to the study. * * * This will be the first large study in which it will be possible to use actual body burden as a measure of exposure, which will enhance the power of the study to detect agent orange effects, if they are present. * * * As the blood samples for this analysis have already been collected and are awaiting shipment to CDC, I find no reason to delay beginning this task."

Mr. President, I ask unanimous consent that the Albanese report and the letters I have cited be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
BOLLING AIR FORCE BASE,
Washington, DC, March 29, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Attached is a copy of an interim report on the Air Force Health Study, "United States Air Force Personnel and Exposure to Herbicide Orange". This interim report prepared by one of the study's original co-investigators, evaluates the relationship between the findings of the 1984 study and an in-depth literature review of the toxicology of dioxin. While statistically significant group differences were noted in some clinical areas, there is insufficient evidence to support a cause and effect relationship between herbicide exposure and adverse health. Further clarification of the role of dioxin exposure in human health must await the results of the follow-up phases of the study and other studies of dioxin-exposed groups.

Sincerely

ALEXANDER M. SLOAN,
Major General, USAF, MC,
Deputy Surgeon General.

UNITED STATES AIR FORCE PERSONNEL AND EXPOSURE TO HERBICIDE ORANGE

NOTICES

This interim report was submitted by personnel of the Radiation Analysis Branch, Radiation Sciences Division, USAF School of Aerospace Medicine, Human Systems Division, AFSC, Brooks Air Force Base, Texas, under job order SUPTXXRH.

When Government drawings, specifications, or other data are used for any purpose other than in connection with a definitely Government-related procurement, the United States Government incurs no responsibility or any obligation whatsoever. The fact that the Government may have formulated or in any way supplied the said drawings, specifications, or other data, is not to be regarded by implication, or otherwise in any manner construed, as licensing the holder, or any other person or corporation; or as conveying any rights or permission to manufacture, use, or sell any patented invention that may in any way be related thereto.

The Office of Public Affairs has reviewed this report, and it is releaseable to the National Technical Information Service, where it will be available to the general public, including foreign nationals.

This report has been reviewed and is approved for publication.

RICHARD A. ALBANESE,
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Project Scientist.
JEFFREY G. DAVIS,
Colonel, USAF, MC.
Commander.
JOHN C. MITCHELL, B.S.,
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19. Abstract.—The United States Air Force is conducting an epidemiological study, called the Air Force Health Study (AFHS), to determine whether or not military personnel associated with herbicide

spraying during the Vietnam War have experienced any adverse health effects. This report reviews salient findings of the AFHS first morbidity report published in 1984, and presents new work by examining relationships between AFHS findings and the results of laboratory toxicological studies and other epidemiological studies addressing dioxin. Eleven clinical areas have been emphasized based on a toxicological profile developed from the literature and availability of data in the AFHS: weight loss, neoplasia, birth defects, neurological changes, psychological changes, hepatotoxicity, chloracne, cardiovascular changes immunological deficits, endocrine changes, and mortality. In six of these eleven clinical areas, statistically significant group differences occurred, and in five of these six instances the group differences were in the direction of expected dioxin effects. Dioxin cannot be confidently identified as the causative agent of these findings at this time because of several reasons, including the absence of correlations with an exposure index and the incomplete clinical picture. However, dioxin is not exonerated as a causative agent because of the directionality of the observed group differences and the preliminary nature of the exposure index used in the AFHS first morbidity report.

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22a. Name of Responsible Individual.—Richard A. Albanese, M.D.

22b. Telephone.—(512) 536-3884.

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U.S. AIR FORCE PERSONNEL AND EXPOSURE TO HERBICIDE ORANGE

INTRODUCTION

The United States Air Force is conducting an epidemiological study to determine whether or not military personnel associated with herbicide spraying during the Vietnam War have experienced any adverse health effects. The Air Force program responsible for the herbicide spraying was code named Operation Ranch Hand, and the personnel involved in the spray missions are termed Ranch Hands. The current epidemiological study is called the Air Force Health Study (AFHS).

This report reviews salient findings of the AFHS first morbidity report.[1] Building on prior reports, this article presents new work by examining relationships between AFHS findings and the results of laboratory toxicological studies and other epidemiological studies addressing dioxin. This report attempts to assess the extent to which these initial AFHS findings are compatible with toxic effects of 2,3,7,8-tetrachlorodibenzo para dioxin (TCDD) as known from animal experiments and, to a lesser extent, from observation in humans. In the preparation of this report, more than 400 dioxin-related published articles were studied, and a biomedical portrait of dioxin effects emerged. This portrait will change as research proceeds; nevertheless, the current literature is sufficiently mature to permit comparison with AFHS findings.

METHODS

The Protocol

Investigators at the USAF School of Aerospace Medicine developed a comprehensive study protocol to govern the AFHS.[2] The protocol underwent extensive peer review by military and civilian agencies, including: The University of Texas School of Public Health, an Air Force Scientific Advisory Board, the Armed Forces Epidemiological Board, the National Academy of Sciences, and the White House appointed Agent Orange Working Group. This last organization continues to act in an advisory role. Recommendations by these groups were incorporated into the protocol.

Study Design

The study design is a matched cohort design in a nonconcurrent prospective setting. The study addresses mortality and morbidity and includes long-term follow-up activities. A detailed population ascertainment process identified 1,278 Ranch Hand personnel who served in Vietnam during the period 1962 through 1971, when the spraying operation was active. A comparison group was formed by identifying all individuals assigned to Air Force organizational units with a mission of flying cargo to, from, and in Vietnam during the same period. A computerized nearest neighbor selection process was used to match up to 10 comparison individuals to each Ranch Hand. This matching was done by job category, race, and age. The initial comparison group erroneously contained some individuals who did not in fact have any Southeast Asia experience. These individuals (18%) were removed from the comparison population after detailed hand record review, leaving an average of approximately eight comparison individuals matched to each Ranch Hand.

The comparison individuals matched to each Ranch Hand were listed in random order within each set. The first five comparisons were included in the mortality analyses giving these studies a 1:5 design. For each living Ranch Hand, the first living member of his randomized comparison set was selected for participation in a morbidity study consisting of an in-home interview and a comprehensive physical examination. If the matched comparison subject declined to participate or subsequently withdrew from the morbidity study, that individual was replaced by the next living comparison subject from the randomized set who was willing to participate.

Follow-up studies are an important aspect of the AFHS. The follow-up studies consist of mortality and morbidity components. Each Ranch Hand and his set of comparisons will be the subject of mortality evaluations for the next 20 years. In addition, follow-up questionnaires and physical examinations are being offered to participants in 1985, 1987, 1992, 1997, and 2002 in order to bracket the latency periods associated with possible attributable disease.

Inference concerning herbicide causation

In an experiment, members from a single population are randomly assigned to either a treatment (exposed) or control group. In the setting of such completely randomized designs, statistically significant differences between the treated and control group can often be reliably ascribed to the effect of the exposure. The AFHS is the study of an unplanned envionmental exposure and thus does not follow the above experimental design. The study has a non-randomized design and is an observational study. In such studies, while the comparison group is chosen to be similar to the exposed group with respect to as many qualities as possible, except exposure status, in the absence of randomization, group differences or the lack thereof cannot be interpreted solely in terms of exposure. For example, in the AFHS the exposed group was stationed in the Republic of Vietnam itself, while most of the comparison group was quartered in surrounding areas such as Okinawa and Japan. Comparison aircrew members periodically flew into Vietnam while comparison ground support personnel, predominately enlisted, remained in non-combat areas. Ranch Hand Vietnam tour length was approximately 1 year while comparison tour length was 3 years. These differences and others may or may not influence health and longevity. Thus, group differences or the lack thereof cannot unambiguously be ascribed to herbicide exposure. This emphasizes the importance of relating study results to other studies to see whether common patterns of effect emerge.

Another approach to inference is the use of an exposure measure or index. If one knew exactly how much herbicide each Ranch Hand was exposed to, highly exposed individuals could be contrasted with less exposed individuals within the Ranch Hand group and an estimate of herbicide effect could be constructed. However, once again, since randomization was not employed in the dose assignment, estimates of herbicide effect must be viewed with great care due to the possibility of confounding factors. For example, it could happen that higher exposures occurred for a variety of reasons in the lower socio-economic strata (lower ranks) of the Ranch Hand cohort. Industrial hygiene data concerning herbicide exposure where not collected during the Vietnam era. In any case, howver, the use of an exposure index provides another view of exposure effects which can augment interpretation of group differences.

The exposure index used in this report relates to the TCDD-containing herbicides: Herbicide Orange, Herbicide Purple, Herbicide Pink, and Herbicide Green. Archived samples of Herbicide Purple had a mean TCDD concentration of approximately 33 ppm, and archived samples of Herbicide Orange had a mean concentration of 2 ppm. Herbicides Pink and Green contained twice the 2,4,5-T of Herbicide Purple and, therefore, have been estimated to contain TCDD at a concentration of approximately 66 ppm.

Using mission records, it was possible to determine the amount of each herbicide sprayed each month in Vietnam as well as the number of Ranch Hands in each job category who were involved in spraying that month for the period 1962 through 1971. Tour data also allowed determination of the months each individual was involved in the Ranch Hand operation. Using these data, an exposure index was developed for each Ranch Hand. The exposure index is directly proportional to the number of gallons of herbicide sprayed to Vietnam during the individual's tour, where potential exposure to the higher TCDD-containing herbicides (Purple, Pink, Green) has been properly scaled according to dioxin concentration to place then on the same basis as Herbicide Orange. Also, the exposure index is inversely proportional to the number of airmen assigned to the specific subject's job category during his tour.

From the description just given, it should be clear that the currrent Ranch Hand exposure index is an estimate only, as it applies theater-wide spraying to a single individual, and, since it assumes that all individuals in a job category were equally exposed. Also, the degree to which this calculated index is associated with actual body burden of TCDD is unknown. In short, the absence of a positive association between the index

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Footnotes at end of article.

and health outcomes cannot be taken as confirming a lack of herbicide effect, nor can the presence of an association be interpreted as an unambiguous herbicide effect without consideration of possible confounding factors.

Job category matching in the AFHS used five categories: (a) officer-pilot, (b) officer-navigator, (c) officer-other, (d) enlisted-flying, and (e) enlisted-ground. Exposure index analyses used three occupational categories: all officers were combined into one category called "officer" due to the fact that navigators and pilots, while having different jobs, were believed to be exposed in the same manner. For each exposure occupational group (officer, enlisted-flying, enlisted-ground), the calculated exposure index was trichotomized into three levels: low exposure, medium exposure, and high exposure. Since the mode of exposure was judged to be different in each occupational group, statistical analyses with the exposure index were occupational group specific.

Questionnaire and physical examination

The AFHS uses a broad history and physical examination. The medical history was collected by an extensive in-home questionnaire.[3]

The purpose of the extensive questionnaire was to collect data that could be analyzed for the subjective presence of adverse health effects that might be related to herbicide exposure. In addition to the study participants, the questionnaire contractor was also required to interview the participants' current and former wives, as well as the first-order next-of-kin of deceased individuals to obtain morbidity data as completely as possible.

Physical examinations were performed at a single location by a contractor. All examiners evaluated the participants without knowledge of their exposure status. The number of examiners and the turnover of staff members were kept to a minimum to limit between-examiner variability. All laboratory tests were subjected to rigid standards of quality control, and laboratory and physical examination data were measured on a continuous scale whenever possible to improve statistical power in the anaylsis.

A general summary of the major components of the examination is presented in Table 1, and the laboratory procedures conducted on each subject are listed in Table 2. [Tables not reproducible for the RECORD.]

RESULTS

Morbidity

The results of the analysis of the baseline morbidity data were released in February 1984.[1] Of all Ranch Hand and comparison individuals who were selected for the questionnaire and physical examination phases of this study, 99.5% were contacted, eliminating the major concern of selection bias. One thousand one hundred and seventy-four (97%) of the Ranch Hand group and 956 (93%) of the originally selected comparison group participated in the questionnaire portion of the Morbidity Study. An additional 576 comparison subjects were interviewed as substitute subjects, bringing the total number of comparison participants to 1,532. Substitute comparisons were selected to replace comparisons selected erroneously and to replace noncompliant comparisons. Two thousand seven hundred eight current and former wives of the study participants were also interviewed. One thousand and forty-five (87%) of the Ranch Hand group participated in the physical examination, and 773 (76%) of the originally selected comparison subjects participated in the examination process, giving a total of 2,269 participants.

The analyses presented in the baseline morbidity report were largely performed using all available Ranch Hand data (1,045 participants) and data from originally selected comparison subjects (773 participants) yielding a total of 1,818 subjects. Data from the substitute comparison subjects were not used for inference. Due to logistic difficulties, the substitute comparisons were invited to participate in the physical examination later in the study period; therefore the substitute comparisons had a narrower time window within which to travel to the examination site. The substitute comparison subjects, entered early into the study to replace ineligible subjects, were found to be statistically comparable to the original comparisons when evaluated on clinical endpoints. Some principal investigators were concerned that the group substituting later for noncompliant comparisons may have self selected differently due to the reduced scheduling opportunity. Since opinions differed, a management decision was made to use only the originally invited comparisons for inference.

The baseline morbidity report had 13 primary clinical chapters addressing: general health, neoplasia, reproduction, neurological status, psychological status, hepatic function, dermatological findings, cardiovascular conditions, immunological competence, hematopoietic status, and renal, pulmonary, and endocrine functions. More than 190 clinical variables were tabulated. In this report only a subset of these variables will be discussed. The variables selected for emphasis in this report were chosen because of the availability of corresponding or related evaluations in laboratory or other epidemiological studies related to dioxin effects. Thus, this report reflects on the degree to which AFHS findings are compatible with TCDD toxic effects as currently suggested by experiments with animals and observations in humans. Sample sizes may vary in adjusted analyses due to missing covariate or end-point data. In all analyses, the phrase "statistically significant" refers to point data. In all analyses, the phrase "statistically significant" refers to a point value of less than or equal to 0.05.

The fixed sample sizes in this study impose limits on its ability to detect small relative risks for rare diseases. This ability is expressed in probabilistic terms using the statistical quantity called power, which is defined as the probability of detecting a group difference of interest. In the case of dichotomous response, such as presence or absence of disease, groups are generally compared with relative risk, defined as the ratio of the probability of disease in the exposed group to the probability of disease in the comparison group. A relative risk of two, for example, would indicate a doubling of the disease rate in the exposed group relative to the comparisons. If the disease incidence in the control group is 1/1000, as is typical for some specific cancers, such as bladder cancer, the AFHS would require 22,840 exposed and an equal number of comparisons to attain a power of 80% to detect a relative risk of two, assuming two-sided testing with a 5% significance level. In fact, the AFHS is unable to detect relative risks less than eight in diseases with a comparison incidence of less than or equal to 1/1000. There is a 0.351 change of observing no cases at all of a rare disease of incidence 1/1000 in a group of 1,045 subjects. With even rarer diseases of incidence, 1/10,000, there is a 90% probability of observing no cases at all in a group of 1,045 subjects.

This study does have good power to detect small relative risks for diseases having an incidence of 5/100 or greater. For example, the power for detecting a relative risk of 2, when the disease rate in the comparison population is 5/100, is 0.85, based on only 450 pairs in a matched pair analysis. In the case of continuously distributed response variables, such as blood pressure or cholesterol, this study has good power to detect small mean shifts. For example, the probability of detecting a mean shift of 5% in a matched pair analysis utilizing only 450 pairs is at least 0.90, assuming equal variances, two-sided testing and an 0.05 significance level.

The power of the mortality component of this study is similarly constrained. The mortality study design consists of all 1,247 Ranch Hands and up to 5 matched controls per Ranch Hand. The mortality study has a power of 0.85 to detect a relative risk of two for causes of death, such as heart disease, having incidence 1/100 in the comparison population. The corresponding power is less than 0.25 for causes having an incidence of 1/1000 in the control population.

This study, in summary, has good power for detecting relative risks on the order of two or three for common diseases and causes of death and has virtually no power for detecting relative risks of the same order of magnitude for rare diseases. It does have good power for detecting small mean shifts in continuously distributed response variables. Bearing these study power constraints in mind, the following ten areas of clinical morbidity are discussed.

General Health: Weight loss has been frequently reported as a consequence of subacute and chronic administration of TCDD to animals. McNulty[4] noted marked weight loss in two male rhesus monkeys fed diets containing 2 or 20 ppb TCDD. Horses ingesting TCDD-contaminated waste oil sprayed on arenas in Missouri showed significant weight loss.[5,6] Chapman and Schiller[7] report that decreased feed consumption did not account for weight loss in C57 mice given dioxin in their feed. Seefeld and colleagues[8] concludes that TCDD affects the weight regulation set-point in rats. Weight loss has not been prominently commented on in studies of human exposure. However, Oliver[9] indicates weight loss or loss of appetite in two of three reported cases.

The toxicological literature mentioned here suggests that weight changes might be anticipated in a dioxin-exposed group. In the AFHS, body fat percent was calculated by a formula that uses height and weight as independent variables.[10] No statistically significant differences in the distribution of estimated body fat were detected between the Ranch Hand and comparison group.

The sample sizes in Table 3 (1,044 and 771) are reduced due to missing data for three individuals. A chi-square statistical test using these data indicated no statistically significant difference between the distributions for the groups (p=0.89). Detailed analyses of percent body fat, adjusting for age, race, and occupational category, are described in the baseline report, and these analyses also indicated the absence of a group difference. Also, within the Ranch Hand group no relationship between body fat and the exposure index was found.

Neoplasia: The animal toxicology literature portrays dioxin as a carcinogen, a co-carcarcinogen, and as having anti-carcinogenic properties. Jackson[11] showed impairment in the functioning of the mitotic apparatus at 0.2 ug/1 in dividing endosperm cells of the African blood lily. Kociba et al[12] fed male and female Sprague-Dawley rats on diets supplying 0.1, 0.01, or 0.001 ug of TCDD/kg/day for 2 years. Exposed male rats displayed more stratified squamous cell carcinomas of the hard palate and tongue. However, fewer adenomas of the pancreas and pheochromocytomas of the adrenal were found. Kouri and colleagues conclude that TCDD is a cocarcinogen. They propose that this effect is mediated through aryl hydrocarbon hydroxylase induction. On the other hand, DiGiovanni and colleagues[14] found that TCDD reduced cutaneous papilloma formation by various hydrocarbons, indicating an anti-carcinogenic effect. With respect to carcinogenesis in man, Coggon and Acheson[15] reviewed the available epidemiological studies and concluded ". . . there is suggestive evidence of a biological association between phenoxy herbicides (or their contaminants) and soft-tissue sarcomas. The evidence relating these products to the occurrences of lymphomas is weaker."

Of 1,045 Ranch Hands, 4.59% have a skin or systemic cancer. Of the 773 comparison individuals, 2.33% have a skin or systemic cancer. Thus, the relative risk for any type of cancer is 1.97 and this relative risk has a probability of less than 0.01 of occurring by chance under the hypothesis of no difference. This statistical test for overall cancer rate difference was the hypothesis test formulated prior to examination of the cancer data set. After this statistical test was performed, detailed review of the cancer data file suggested that the file be partitioned into skin and systemic events based upon the observation that skin cancer comprised a large fraction of the cancer set. The relative risk for skin cancer is 2.59, and this risk has a p value of less than 0.01. The relative risk for systemic cancer is 1.20, and this risk has a probability of 0.67 of occurring by chance.

In the first morbidity report, the authors felt the neoplastic process was confined to skin. This inference cannot be affirmed because the separate skin and systemic hypothesis tests followed rather than preceded review of the cancer data file; thus the critical levels for these tests are unknown. Furthermore, important increments in relative risk for systemic cancer could be missed by chance mechanism because of the small sample sizes in the AFHS. Neither skin cancer nor systemic cancer rates were correlated with herbicide exposure level; however, these statistical analyses involved a very small number of cases in most of the nine occupation-exposure categories, thus decreasing the precision of rate determinations in these categories.

Reproduction: The literature suggests that dioxin has mutagenic and teratogenic capacity. Some bacterial tests have been positive for TCDD mutagenicity.[16] The baby hamster kidney cell transformation assay was positive for TCDD mutagenicity.[16] Chromosome aberrations have been seen in bone marrow cells of male rats exposed to TCDD.[17] Van Miller and Allen[18] observed reduced spermatogenesis in rats experiencing chronic exposure to TCDD. Seiler[19] observed reduced DNA synthesis in mouse testicle. Courtney and Moore[20] observed kidney abnormalities in fetuses of female rats given 0.5 μg/kg/day of TCDD subcutaneously on days 6-15 of gestation. Cleft palate and renal abnormalities have been produced in the mouse after oral or subcutaneous administration of TCDD to females.[21] Lamb and colleagues[22] showed that exposure of male mice to toxic levels of TCDD with subsequent mating did not affect sperm, mating frequency, or quality of offspring.

This sampling of the literature should be sufficient to indicate the possibility of reproductive changes in exposed human populations. Hanify and colleagues[23] have reported an association of aerial spraying of 2, 4, 5-T and an excess of talipes in New Zealand. Townsend et al.,[24] in a study of Dow chemical workers' wives, found no statistically significant differences in fetal wastage or birth defects. The Australian government's study of birth defects in Vietnam veterans showed no statistically significant differences in rates between veterans who served in Vietnam and those who did not.[25] A Centers for Disease Control study (CDC) also found Vietnam veterans to have the same overall risk for fathering abnormal offspring as nonveterans. In the CDC study some specific defects were associated with higher exposures, but interpretation of this finding was uncertain.[26]

Male exposure could theoretically lead to unfavorable reproductive outcomes by means of several mechanisms: (a) mutated DNA in sperm, (b) abnormal sperm or testicular function due to biochemical effects, (c) transmission of TCDD to the female by spermatic fluid, and (d) transmission of TCDD to the female by contact with clothes or other objects.

Conceptions reported by study participants and their spouses were categorized as miscarriages, stillbirths, induced abortions, and live births.

The data were analyzed using log-linear models[27], adjusting for the factors of maternal age (<35, $\geqq 35$), maternal smoking (yes/no), maternal alcohol use (yes/no), and paternal age (<35, $\geqq 35$). The four statistical tests all had p values greater than or equal to 0.76. Exposure analyses showed no consistent pattern with exposure level.

Once again, in this larger data set, an increase in reported defects in noted. Specifically, the Ranch Hand to comparison birth defect odds ratio is 0.85 for children born prior to Vietnam, while the post-Vietnam ratio is 1.39. A statistical analysis of the complete data set suggests that the birth defect severity pattern by group relationship changes with time ($p=0.07$). Visual inspection of these data suggests that this nearly significant change may be due to a relatively large number (26) of post-Vietnam Ranch Hand children reported as having limited birth defects; the Ranch Hand to comparison odds ratio in this category is 2.16. However, an excess of severe defects is also seen by visual inspection. A separate analysis on data for defective children only (with the reported non-defective children removed) suggests that the group by severity relationship does not change with time ($p=0.15$) and that the severity pattern does not change with group ($p=0.78$). The statistical analysis of the complete data set is more powerful than these last two analyses since the latter analyses use only the 305 reportedly defective children, which constitutes only 6.3% of the total data set.

In the AFHS first morbidity report, it was asserted that minor skin lesions accounted for the reported birth defects excess. That analysis was incomplete, and we are no longer confident in that inference. Also in the AFHS first morbidity report, it was properly suggested that differential reporting of birth defects could be responsible for the apparent excess. A preliminary analysis of medical records of children reported abnormal, has indicated that overreporting of defects may not account for the excess; however, intensive work is in progress addressing both differential over- and underreporting.

Exposure index analysis of the birth defect data yields inconsistent findings that are not interpretable as a herbicide effect.

The finding of increased birth defects as reported by study participants, their wives, and partners is under further investigation by review of birth certificates and medical records of all 5,663 children to verify both positive and negative responses.

Neurological Findings: A variety of neurological symptoms have been described following industrial accidents involving TCDD including headaches, asthenia, sleep disturbances, irritability, and confusion. Peripheral polyneuropathy is a specific neurological condition that has also been linked to acute dioxin exposure, and is a condition that is amenable to direct clinical measurement.[28] Elovaara and colleagues[29] found that acid proteinase activity was increased in the brains of Wistar rats after TCDD treatment. Acid proteinase is a lysosomal enzyme responsible for protein destruction in the mammalian brain, and may play a role in degenerative diseases and intoxications.

In the AFHS, neurological examination of the twelve cranial nerves revealed no statistically significant group differences. Assessment of peripheral nerve status included sensitivity to touch, vibration, and test of the patellar, achilles, and biceps reflexes. Again, no statistically significant group differentials were observed.

Psychological Assessment: Working with rats, Creso et al.[30] have noted that TCDD provokes irritability, aggressiveness, and restlessness. They found by in vitro studies that TCDD directly stimulates the striatal and hypothalamic adenylate cyclase of rat. Oliver[9] reports that two of three TCDD-exposed individuals studied expressed the symptom of excessive fatigue, and one communicated loss of ability to concentrate. Bauer et al.[31] studied nine workers with chloracne and noted fatigue and apathy alternating with anger and irritability. Rorschach tests showed a weakened emotional reaction, slowed thought processes, and perseveration. Poland and Smith[32] observed increased values on the MMPI mania scale in the group of workers with chloracne when compared to two groups with less severe acne.

The AFHS disclosed several group differences in psychological testing. Indices developed from the questionnaire relating to fatigue, anger, mental erosion, anxiety, isolation, and depression all showed Ranch Hands to be statistically significantly less well than comparisons. The Cornell index results paralleled the questionnaire indices; however, no increase in Ranch Hand depression was seen. Education strongly related to results of all psychological testing with group differences tending to be most prominent in high-school-only educated individuals rather than college educated. For example, the MMPI among high-school-only educated individuals showed statistically significantly higher hypochondria, mania, and social introversion scores among Ranch Hands. The MMPI among college-educated participants showed only higher social introversion among Ranch Hands. In interpreting these data it must be remembered that there is a very high association between being college educated and having officer status. None of these data had been adjusted for the potentially confounding variable of combat stress. This area was pursued during the 1985 follow-up examination. Tests aiming at neuromuscular and intellectual functioning (WAIS and Halsted-Reitan) showed no group differences, and no consistent patterns emerged from any analyses using the exposure index.

Thirty-six of 1,045 Ranch Handers (3.4%) and 16 of 773 comparisons (2.1%) reported psychological illness (psychosis, alcohol dependence, anxiety, or other neurosis). This group difference is not statistically significant.

Hepatic Examination: Dioxin has been associated with the occurrence of hepatotoxicity. Proliferation of the smooth endoplasmic reticulum, distortion of liver architecture, and increase in liver weight relative to body weight have been seen in rats and mice. Changes in serum enzymes have been observed, but not with consistency. Porphyria has been observed after chronic dosing. A sampling of an extensive literature is given next. Weber et al.[33] observed rats over a 32-week period following a single intraperitoneal dose (20 ug/kg) of TCDD. Centrolobular necrosis, mitochondrial lesions, smooth endoplasmic reticulum increase, and hepatic regeneration were seen. The abnormalities began to regress 16 weeks after exposure. Similar findings in rats have also been reported by King and Roesler.[34] Gupta and colleagues [35] orally administered single, daily, and weekly doses of TCDD to rats, guinea pigs, and mice. Severe liver lesions were only seen in the rat indicating species variation. Kociba et al.[12] noted elevated liver enzyme levels in rats fed diets with TCDD for two years. Porphyria cutanea tarda has occurred in workers exposed to TCDD,[36] and porphyria has been observed in rats.[12]

Sweeney and colleagues [37] have performed work that shows a synergism between the effects of TCDD and systemic iron. Iron deficiency was seen to prevent TCDD-induced porphyria in mice. In iron-deficient animals, TCDD was not able to decrease uridine decarboxylase levels. Iron deficiency protected mice against skin damage and the disruption of hepatic architecture seen with TCDD. Mixed function oxygenase activity was induced by TCDD in iron-deficient animals to a lesser degree than in non-deficient animals, but this difference was not significant. Sinclair and Granick [38] had earlier seen that iron was needed for uroporphyrin formation induced by chlorinated hydrocarbons. Smith et al.[39] noted an increase in hepatic iron content 3 weeks after a 75 ug/kg oral dose of TCDD to C57BL/10 and DBA/2 mice. Increased intestinal uptake of iron has been observed in mice and rats after TDCC exposure.[40]

In the AFHS, nine biochemical determinations of liver function were made: SGOT, SGPT, GGTP, alkaline phosphatase (Alk.Phos.), total bilirubin (T.Bili), direct bilirubin (D.Bili), lactic acid dehydrogenase (LDH), cholesterol (Chol), and triglycerides (Trig). In the analyses of these nine variables, statistical adjustments were made for four covariates: current alcohol ingestion (self-reported in drinks per day), self-reported days of exposure to non-herbicide industrial chemicals, self-reported days of exposure to degreasing chemicals, and presence or absence of antibody to hepatitis B surface antigen (anti-HBsAg).

Table 10 provides unadjusted and adjusted means and percent abnormality by group for the nine hepatic-related variables. The standard age-adjusted criteria for abnormal laboratory values were used throughout. No obvious group differences are apparent in these data. However, the statistical modeling of the dependent variables with the covariables showed three group differences. The Ranch Hand SGOT-alcohol regression slope is 0.0178 base-10 logarithmic units per drink per day while the comparison slope is 0.0113. These slopes mean that among study participants who report one drink per day, Ranch Hand SGOT levels are 1.5% higher than comparison levels. Among study participants who had four drinks per day, Ranch Hands have SGOT levels 6.8% higher than comparisons.

LDH-alcohol slopes were 0.0041 logarithmic units per drink per day in the Ranch Hand cohort and −0.0008 in the comparison group ($p=0.011$). The LDH-degreasing chemical slopes were 0.000005 and −0.0000008 logarithmic units per day degreasing chemical exposure in the Ranch Hand and comparison groups respectively ($p=0.037$).

Twenty-four-hour urine collections were obtained for 620 Ranch Hands and 439 comparisons; uroporphyrins, coproporphyrins, and d-aminolevulinic acid were determined.

No statistically significant differences are obvious in these data. Detailed statistical analyses were done, simultaneously adjusting for six covariates: current alcohol use, blood urinary nitrogen, creatinine clearance, days of exposure to industrial chemicals, days of exposure to degreasing chemicals, and presence/absence of antibody to hepatitis B surface antigen. A generalized linear model analysis was done for each of the three compounds with all six covariates examined simultaneously. The coproporphyrin-alcohol slope was +0.013 logarithmic units per drink per day in the Ranch Hand group and -0.008 logarithmic units per drink per day in the comparison group ($p=0.045$). No other group differences were statistically significant. The clinical relevance of these differences in slope is unclear.

Sixteen of 1,027 Ranch Handers (1.56%) were diagnosed as having hepatomegaly at physical examination while six of 769 comparisons (0.78%) had that finding ($p=0.138$). Thirteen of 1,032 Ranch Handers had a verified medical history of liver disorder other than hepatitis, jaundice, or cirrhosis verified by medical record while two of 773 comparisons had the same ($p=0.004$).

Throughout the hepatic analyses no variable showed a meaningful relationship with the herbicide exposure index. In all the above analyses no adjustments for iron metabolism were made.

Dermatological Finding: TCDD is known to cause chloracne. Chloracne is an acneiform lesion which tends to predominate in the areas of the face around the eyes, temples, and ears. Chloracne has been frequently seen in humans who have contacted TCDD in the context of industrial accidents. In one study the chloracne resolved within 1 year for the most part with no scarring. [41] Chloracne has been noted by many investigators years after exposure and is generally recognized as a persistent effect of dioxin exposure. Bovey and Young [42] conclude that "the presence of active chloracne months to years after exposure does not necessarily mean continuing exposure."

Cardiovascular System: TCDD causes a rapid, dose-dependent elevation of lipofuscin in the hearts of female Fischer 344 rats. The authors of the research suggest that TCDD toxicity may be associated with radical-induced lipid peroxidation.[43] Kociba and colleagues [12] saw an incidence of arteritis in rats. In 1958, Schmittle and colleagues [44] reported hydropericardium in pultry following ingestion of feeds contaminated with industrial chemicals. In 1969 a dioxin was shown to be the hydropericardium-producing factor in poultry.[45] Jirasek and colleagues [46] report that a 57-year-old male with chloracne developed unusually severe atherosclerosis and subsequently died. Moses and colleagues [47] found that 17 of 116 workers with chloracne reported myocardial infraction (14.7%) while 7 of 85 (8.2%) without chloracne reported the same ($p>0.10$). Zack and Suskind [48] observed no excess in circulatory system deaths comparing events in Monsanto Company workers to standard U.S. population rates.

In the AFHS no statistically significant group differences were observed with respect to measurements of systolic and diastolic blood pressures. Also, the groups were not statistically significantly different with respect to numbers of abnormal electrocardiograms. Abnormal funduscopic findings were not associated with group membership nor was the occurrence of carotid bruits. During the physical examination, 10 peripheral pluses were examined: the radial, femoral, popliteal, dorsalis pedis, and posterior tibial pulses. One or more pulses in this set of pulses were found to be abnormal in 12.8% (106/829) of the non-black Ranch Hands, while 9.4% (56/596) were found abnormal in the comparison group ($p=0.05$). The group difference was not statistically significant in the data set on Black study participants, but this may only reflect smaller numbers. Peripheral pulse abnormalities tended to aggregate in older individuals ($\geqq 40$ years) who smoked (>10 pack years). The participants were allowed to smoke prior to the examination of the pulses, and more Ranch Hands smoked at the time of the examination than did comparisons (45.7% versus 40.5%, $p=0.03$).

Immunological Effects: Clark and colleagues [49] describe thymic atrophy as a consistent observation in all animal specimens following TCDD exposure. They also observed reduced delayed hypersensitivity reactions assessed by ear swelling following oxazalone swensitization in 6- to 8-week-old mice. Cytotoxic T cell lymphocyte generation was impaired by low doses (0.004 μg/kg) of TCDD. Following a variety of experiments, the authors suggest that TCDD may acutely decrease cytotoxic T lymphocyte generation by promoting the generation of suppressor T cells. In parallel results, Montovani and colleagues [50] observed decreased numbers of peritoneal macrophages and splenocytes in TCDD-treated 6- to 8-week-old mice, while cytotoxic capability per unit number of cells was not affected. Van Logten and colleagues [51] conclude that the atrophy of the thymus observed following TCDD administration in rats is not mediated by the adrenal or pituitary glands. Clark and colleagues [52] state that the immunotoxic effects of TCDD in C57B/6 and DBA/2 mice occur at dose levels below those needed to induce nepatic mixed function-oxidase enzymes.

In the AFHS, immunological status was assessed in 592 participants by (1) the enumeration of T-lymphocytes, T-lymphocyte subsets, and B-lymphocytes using monoclonal surface marker analysis, and by (2) the assessment of lymphocyte ability to respond to selected antigen or mitogen stimuli.

No statistically significant group differences are noted in these T and B cell function data. High laboratory variability and small sample sizes led to the decision to not use exposure index analyses with the immunological data. The control #1 and control #2 variables represent the unstimulated activity of the T cells.

Endocrinological Effects: Working with liver homogenates taken from adult male Wistar rats, Nienstedt and colleagues[53] showed that TCDD reduced the catabolism of testosterone. Hook and colleagues[54] also reported reduced metabolism of testosterone. These reports would suggest that elevated testosterone levels could be observed in a recently dioxin-exposed population.

Bastomsky[55] observed serum T_4 levels to be one-half of normal in TCDD-treated animals, but serum T_3 was elevated by 50%. Sephadex uptake of T_3 was statistically significantly decreased. Potter and colleagues[56] observed serum levels of T_4 to fall to 46% of pair-fed controls in TCDD-dosed rats. However, no statistically significant change in serum T_3 occurred. These authors also noted hypoglycemia after a single intraperitoneal dose of TCDD. Rozman and colleagues[57] emphasize the potentially important role of thyroid hormones in certain expressions of TCDD toxicity. Specifically, athyroid rats showed a markedly decreased mortality rate and less weight loss than nonthyroidectomized or thyroidectomized but euthyroid controls.

In the endocrinological portion of the AFHS, five clinical variables were studied: T_3 uptake, serum T_4, free thyroxine index (FTI), 2-hr postprandial glucose, and serum testosterone. One statistical analysis of these variables examined the number of participants below, in, or above the variables' normal ranges. This analysis is summarized in Table 16. Statistically significant difference is seen in these data for the T_3 uptake comparison. The Ranch Hand group was also contrasted with the comparison group in terms of the five endocrinological variables using analysis of covariance, adjusting for age and percent body fat. These analyses are summarized in Table 17. Three group differences are noted in these analyses. In both the Ranch Hand and comparison groups, a decrease in T_3 uptake is observed with advancing age, but the slope is −0.0068% per year in the comparison group and −0.0495% per year in the Ranch Hand group, and this group difference was statistically significant ($p=0.026$). Two-hour postprandial glucose levels increase with age in both the Ranch Hand and comparison groups, but the rate of increase is 1.53 mg/dl per year in the Ranch Hand group and 0.77 mg/dl per year in the comparison group ($p=0.006$). Lastly, Ranch Hands show a higher (but not statistically significant) testosterone level than do comparisons. Both increasing age and body fat were found to be associated with decreasing testosterone levels to the same extent in both groups.

Mortality

Administration of single doses of dioxin to animals can result in lethality with marked species differences being observed.[42] Repeated daily doses can also lead to death. No studies with large numbers of animals (for instance, with 100 control and 100 exposed animals) are being conducted where the possibility of life shortening by very low doses of dioxin can be evaluated.

The Australian government provides a very complex report addressing mortality among Vietnam veterans.[58] Infantry exhibited a relative mortality rate of 0.96 with 95% confidence interval from 0.7 to 1.3. Engineers exhibited a relative mortality rate of 2.5 (confidence interval 1.4 to 4.0); armour and artillery, 1.06 (confidence interval 0.7 to 1.7); veterans with minor field presence, 1.5 (confidence interval 0.9 to 2.6); and nonfield corps, 1.01 (confidence interval 0.7 to 1.5). Thus, only the engineers exhibited a statistically significant difference ($p=0.001$), and that difference involved increased Vietnam veteran mortality.

In the AFHS, cumulative mortality as of 31 December 1984 displays no statistically significant overall Ranch Hand-comparison differences. Further study of these mortality data discloses complex patterns with date of birth (which is related to date of service in Vietnam) and date of death.

CONCLUSION

In this report, eleven clinical areas have been emphasized based on a clinical toxicological profile developed from the literature concerning animal and human responses to dioxin and availability of data in the AFHS. Table 19 lists the general toxicological effects anticipated on the basis of the literature and also summarizes Ranch Hand findings. The toxicological profile we have developed from the literature certainly has an element of subjectivity as articles were selected and interpreted from a very large literature. Similarly, each observation in the AFHS can be challenged, and some specific caveats have already been mentioned.

At this time one cannot ascribe the observed group differences to an effect of dioxin. One cannot implicate dioxin for at least four reasons: (a) the exposure index completely failed to demonstrate any association between increased exposure and increasing adverse outcome; (b) the full clinical profile for dioxin was not realized with the absence of chloracne being particularly noteworthy; (c) uninvestigated confounding variables remain for several of the target clinical endpoints, and resolution of these issues may alter the observed group differences; and (d) the effect of multiple statistical testing is not well defined.

However, the AFHS does not exonerate dioxin as a causative agent of these group differences. This conclusion is supported by three reasons: (a) in six of eleven clinical variables, statistically significant group differences occurred, and in five of these six instances the group differences were in the direction of expected dioxin effects; (b) uninvestigated confounding variables remain for several of the targeted clinical endpoints and resolution of these issues could alter group differences; and (c) the currently available exposure index is only an indication of exposure with unknown precision.

The overall probability of obtaining the AFHS results under the hypothesis of no group difference is not known. The summary in Table 19 cannot be used for statistical inference at this time because the table summarizes the results of hundreds of potentially correlated tests of significance. Further clarification of the role of dioxin in human health must await the results of the follow-up phases of the AFHS and other ongoing epidemiologic studies of dioxin-exposed groups.

ACKNOWLEDGMENT

I thank Ms. Edith E. Wood for her professional help in retrieving and organizing the extensive literature review summarized in this report.

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CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, May 6, 1988.
Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR ALAN: Enclosed is the review that you and your colleagues requested in your letter of March 30, 1988, of the report entitled "United States Air Force Personnel and Exposure to Herbicide Orange" (referred to hereafter as the "Report"). The Report takes a second look at data presented by the Air Force in its 1984 report of the first morbidity results from the Air Force Health Study (AFHS).

According to OTA staff who reviewed the study, and contrary to Dr. Albanese's introduction, the Report does not diverge greatly from the original Air Force interpretation, and no new findings emerge from it. Dr. Albanese has not taken issue with the original analyses, except in the case of cancers. His analysis, however, in our opinion, is not more appropriate than the original one performed by the Air Force. While this approach is not wrong, it does not add information.

The main concern expressed by Albanese is that the 1984 findings not be taken as proof that Agent Orange is not affecting the health of the Ranch Hands. To support his concern, he cites animal studies and other epidemiologic studies, and highlights selected AFHS findings in which significant differences between Ranch Hands and comparisons were found. Dr. Albanese also comments on the weakness of the Agent Orange exposure estimates used. The method Albanese used in putting together his observation does not represent a particular study design, in the usual sense of the phrase, and it is not subject to a formal independent quantitative analysis.

The major areas in which Albanese noted evidence which he judged to support an effect of Agent Orange are commented on in the enclosed Staff Paper, and corresponding information in those subject areas from the AFHS second examination (published in 1987) is added.

The Report by Dr. Albanese does not call into question any of the findings reported directly by the Air Force study team in their original reports. Albanese does draw attention to the fact that the study results cannot be taken to mean that Agent Orange is not harmful, or that the Ranch Hands are entirely free of any effects. The AFHS is limited by its size and by the relative young age of the participants.

Other than continuing to study this group, as is planned, and to use new technology to determine dioxin body burdens, the reinterpretation does not suggest new directions for AFHS.

I hope this OTA review is helpful to you. If you have any questions, please do not hesitate to contact me, or Hellen Gelband in the OTA Health Program (8-6590), who was responsible for this review.

Sincerely,

JOHN H. GIBBONS.

OTA REVIEW OF: "UNITED STATES AIR FORCE PERSONNEL AND EXPOSURE TO HERBICIDE ORANGE" RICHARD A. ALBANESE, M.D., FEBRUARY 1988 (USAFSAM-TR-88-3)

This review was prepared in response to a March 30, 1988, letter from the Chairmen and Ranking Minority Members of the House and Senate Veterans' Affairs Committees, asking that OTA provide comments on the technical aspects of this report.

The reinterpretation of results of the first Air Force Health Study morbidity report (AFHS),[1] by Richard A. Albanese, M.D., does not diverge greatly from the original Air Force interpretation, and no new findings emerge from it. Albanese has not taken issue with the method of the analyses (except in the case of cancers, discussed below), nor with the analytic results. The main concern expressed by Albanese is that the 1984 findings not be taken as proof that Agent Orange has not affected or will not in the future affect the health of Ranch Hands. To support his concerns, he cites animal studies and other epidemiologic studies, and highlights selected AFHS findings in which significant differences between Ranch Hands and comparisons were found. Dr. Albanese also comments on the Agent Orange exposure estimates used. This reinterpretation does not have a particular study design, in the usual sense of the phrase, and it is not subject to a formal independent quantitative analysis.

The major areas in which Albanese noted evidence which he judged to support an effect of Agent Orange (in his summary table 19) are commented on below, and corresponding information in those subject areas from the second examination [2] is added. In general, from the first to the second morbidity reports, some shifts have occurred, with the Ranch Hands having slightly better test measurements than the comparisons in some cases, and slightly worse in others.

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[1] Lathrop, George D., Wolfe, William H., Albanese, Richard A., and Moynahan, Patricia M., "Air Force Health Study (Project Ranch Hand II); An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides," Baseline Morbidity Results, 24 February 1984.

[2] Lathrop, George D., Wolfe, William H., and coauthors, "Air Force Health Study: An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides," First Followup Examination Results, October 1987.

EXPOSURE INDEX

Albanese states a major concern about the exposure index used in the study, commenting that misclassification may obscure Agent Orange dose-related relationships. This has also been a concern of the Ranch Hand researchers. If the Air Force implements its proposal to measure blood dioxin levels in the study population, this issue should be greatly clarified, though undoubtedly a certain amount of misclassification will still remain. Until these measurements are made, there is no way to estimate the effect of misclassification.

NEOPLASIA

Albanese reinterprets the data on cancer, asserting that, for all malignant cancers combined, the rate in the Ranch Hand group is about twice as high as the original control group, and that the difference is statistically significant. The main Air Force 1984 analysis split cancers into those of the skin and all others, categorized as systemic. They reported a significant excess of skin cancers (the vast majority in both groups being generally curable nonmelanomas) in the Ranch Hand group, but no difference in systemic cancers. Albanese criticizes this separate analysis as being based on a decision made after the data had been examined, rather than on a plan stated in the study design.

Nonmelanomas are the commonest malignancies in relatively healthy, middle-aged men, and the total number of cancer cases in this study is dominated by them. While it is not wrong to look at total cancers, it is of greater epidemiologic interest, where numbers of cases are sufficiently large, to identify more specific types of cancer in which the groups differ, rather than to claim an excess in a broader category. Albanese himself did not hypothesize that one would expect an overall increase. Because the numbers of each specific type of systemic cancer are small in both groups, it is not possible to analyze each one separately, though that is theoretically desirable. Lumping all cancers together does give greater overall power to detect an excess in *total* cancers, but it produces cruder information than do site-specific analyses. In this case, stating that there appears to be an excess of skin cancers (specifically, nonmelanomas) is more informative and uses the data better than does a claim of excess total cancer.

The numbers Albanese close to include in his analysis of neoplasia may be influenced by a bias that, as far as can be detected, is not mentioned by Albanese or by the 1984 report. Albanese bases his analyses on data from Ranch Hands and original comparisons who were both interviewed and examined (1045 Ranch Handers and 773 original comparisons). The 1984 report gives both these figures and those for the group that completed the interview only. For cancers, he reports the following numbers of confirmed (by medical or pathological records) cases:

TABLE 1

Group	Skin cancer		Systemic cancer		Total
	Number	Percent	Number	Percent	
Ranch hand	35	3.3	13	1.2	1,045
Comparison	10	1.3	8	1.0	773

The corresponding numbers from all interviewed Ranch Hands and original comparisons are the following:

TABLE 2

Group	Skin cancer		Systemic cancer		Total
	Number	Percent	Number	Percent	
Ranch hand	35	3.0	[1] 14	1.1	1,174
Comparison	15	1.6	10	1.0	956

[1] One of these men died between interview and examination.

A comparison of the figures in these two tables suggests that a self-selection bias may have been operating, whereby Ranch Handers who had cancer (and potentially other conditions) were more likely to complete the examination than were comparisons. This type of self-selection is not illogical, if Ranch Handers believe that Agent Orange may have been responsible for their cancers, and are more motivated to participate in a study that might shed light on that relationship.

Based on the figures in Table 1 above, Albanese reported a statistically significant relative risk of 1.97 for all cancers combined. The data in the second table above yield a relative risk of 1.6, which is not significant. A relative risk of 1.9 for skin cancer is still statistically significant. If there really is a self-selection bias operating here, however, it could extend back to those agreeing to the interview in the first instance. If it followed the pattern associated with agreeing to the examination, it might mean that the Ranch Hands with cancer would be more likely to participate than comparisons with cancer. The excess skin cancer finding should certainly not be ignored, but it should not be overinterpreted either, and these possible biases should be taken into account.

According to the 1987 report, incidence of skin and systemic cancers during the interval between the first and second morbidity surveys was not significantly different between Ranch Hands and comparisons. Looking at the entire followup period (combining initial incidence with interval incidence), there was again no significant difference in an "unadjusted" analysis. However, when the analysis was adjusted for varying distributions of characteristics known to affect the incidence of the predominant form of skin cancer—skin color, reactivity to the sun, occupation, latitude of residence—there was a significant excess among the Ranch Hands (relative risk of 1.56) not explainable by other known factors.

BIRTH DEFECTS

A significant excess of birth defects reported by Ranch Hand parents is given considerable attention by the 1984 report and by Albanese. The Air Force has not dismissed this finding and is in the final stages of obtaining birth records for all births to all study participants. The analysis based on actual records (rather than parents' reports) will allow complete exploration of this important area. Dr. Albanese's concern is well taken, and the action by the Air Force is a comprehensive one.

PSYCHOLOGICAL ASSESSMENT

Albanese bases his report of significant adverse psychological findings on responses to questionnaires showing the Ranch Hands to be less well on the following indices: fatigue, anger, mental erosion, anxiety, isolation, and depression. The depression finding was not corroborated by responses to a test administered during the physical examination. In one case, an index of denial, the comparisons were less well, but this is not reported by Albanese, which seems arbitrary. The 1987 data show fewer differences, and the differences are split more evenly with respect to which group has the more favorable measurement. On the one specific measure designed to detect possible organic causes for psychological effects, no differences between Ranch Hands and comparisons were found. There were also no significant differences in the frequency of actual psychologic pathology, i.e., in the number of diagnosed cases of mental disorder. A reanalysis of these data using the blood dioxin levels as surrogates for exposure may prove useful in determining whether such an effect exists.

HEPATIC EXAMINATION

Differences between Ranch Hand and comparisons in certain laboratory measurements were noted by the 1984 report and by Albanese. Albanese also points to a highly significant difference in the number of liver disorders other than hepatitis, jaundice, or cirrhosis reported by participants and verified in their medical records. Of the 13 reported in Ranch Hands, 10 were of an unspecified nature, making this an uninterpretable finding.

At the second examination, some shifts had taken place, and the 1987 report states that, of the measures in which there were significant differences, about half tended to favor the Ranch Hands and half the comparisons.

CARDIOVASCULAR SYSTEM

The significant finding in this area was poorer peripheral pulses among some Ranch Hands. This finding was no longer significant by 1987. The researchers suggest that, in part, the lack of a difference in the later examination may be due to the participants being asked not to smoke before the examination, because smoking directly affects the vascular system. This had not been the practice during the first examination.

ENDOCRINOLOGIC EFFECTS

Differences between the two groups in several laboratory measures were noted by Albanese and the 1984 report. By the second examination, at least some of these differences had disappeared, and overall, the Ranch Hands and the comparisons differed on a number of measures, some in which the Ranch Hands fared better, and some in which the comparisons fared better.

CONCLUSION

The report by Dr. Albanese does not call into question any of the findings reported directly by the Air Force study team in their original reports. Albanese does draw attention to the fact that the study results cannot be taken to mean that Agent Orange is not harmful, or that the Ranch Hands are entirely free of any effects. The study is limited by its size and by the relatively young age of the participants. Other than continuing to study this group, as is planned, and to use new technology to determine dioxin body burdens, the reinterpretation does not suggest interventions of any kind or new directions for AFHS.

DEPARTMENT OF HEALTH & HUMAN SERVICES, PUBLIC HEALTH SERVICE, CENTERS FOR DISEASE CONTROL

MEMORANDUM

Date: April 18, 1988.
From: Director, Center for Environmental Health and Injury Control.
Subject: Review of USAF Technical Report.
To: Ron Hart, Ph.D., Chairman, Agent Orange Working Group Science Panel.

This paper appears to be intended as an expansion of the discussion section of the 1984 Ranch Hand "baseline" morbidity report. It focuses on 11 selected areas of morbidity and on the fact that the herbicide exposure index used in that report was probably quite imprecise.

The Ranch Hand study staff now readily concede that their original herbicide exposure index was of unknown validity, and they are now working with the CDC Environmental Health Laboratory Division in obtaining serum TCDD levels for use as their criterion of exposure. Part of Albanese's critique has, therefore, become moot.

The 11 areas of morbidity selected for discussion were chosen by Albanese because of biological plausibility (a review of the literature relating to each of these areas). Five of these 11 areas were identified by Albanese as having definite statistical differences between the Ranch Hand and the comparison group, with more pathology being shown in the Ranch Hand group *in every one of the 5*. His main point is that the consistent direction of the differences is an important feature.

Let us look at each of these five areas with higher prevalence of abnormality among the Ranch Hand group:

1. *Neoplasia.*—There appears to be a medical-record validated small excess of skin cancers among the Ranch Handers, all of whom served for extended periods in South Vietnam. We are not told anything about the amount of duty time in the tropics among the comparison group, nor of postwar residence in southerly latitudes in either group. The 1987 Ranch Hand follow-up results, when adjusted for lifetime latitude of residence, show no difference in skin cancers.

2. *Birth defects.*—There is an excess of birth defects reported by Ranch Hand parents, and Albanese notes that "intensive work is in progress [seeking medical confirmation of the defects], addressing both differential over- and underreporting." The Ranch Hand 1987 follow-up does not cover this activity, and the VES has found evidence of greater underreporting by non-Vietnam fathers, thus creating the "excess" of reported birth defects in the Vietnam group. When birth records were retrieved and used as the basis for "blind" computation of rates, the group differences disappeared.

3. *Psychological.*—No psychological group differences were found in the 1987 Ranch Hand follow-up. The VES has found a pattern of excess anxiety, depression, and alcohol abuse or dependency in the Vietnam group, along with evidence of other stress-related symptoms. This is not surprising, given the nature of the Vietnam experience for ground troops.

4. *Hepatoxicity.*—The listing of liver-related variables (Table 10) provides no evidence of significant group differences, and in 7 of the 9 tests shown the comparison group has a higher percentage of men outside the normal ranges. It is hard to see how Albanese makes a case out of this. Perhaps it was the subgroup analyses, showing excesses of SGOT and LDH abnormal values in some *self-reported* alcohol strata. The 1987 Ranch Hand follow-up shows no covariate-adjusted differences between the two groups except for:

a. more SGPT abnormalities in the comparison group and

b. more alkaline phosphatase abnormalities in Ranch Handers.

The VES found only G-glutamyl transferase elevations in the Vietnam group (5.5% versus 4.4%), of marginal significance (OR=1.3; 95% CI 1.0-1.8).

4. *Cardiovascular.*—The excess of clinically-defined peripheral pulse abnormalities (no Doppler test reported) mentioned by Albanese is not confirmed in the 1987 Ranch Hand follow-up report, where Doppler tests were included, and the VES, using Doppler testing, also found no group differences.

In summary, the five "significant" morbidity measures mentioned by Albanese as being in excess among the Ranch Hand group are either undergoing validation (parent-reported birth defects) or are not supported by subsequent work. It is interesting that the Air Force (in its flight and support personnel) is not finding the intergroup psychological differences found among ground troops.

VERNON N. HOUK, M.D.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 29, 1988.

Lt. Gen. MURPHY A. CHESNEY,
Surgeon General, Department of the Air Force, Bolling Air Force Base, Washington, DC.

DEAR GENERAL CHESNEY: We are writing, as the Chairmen and Ranking Minority Members of the Senate and House Committees on Veterans' Affairs, regarding the Air Force study of veterans who participated in Operation Ranch Hand in Vietnam.

As you know, Public Law 96-151 mandated (and, subsequently, Public Law 97-72 authorized an expansion of) study of the possible long-term adverse human health effects of veterans' exposure to various herbicides and other substances during service in Vietnam. The Office of Technology Assessment (OTA) was statutorily designated to perform scientific review and monitoring functions in connection with the study.

The Air Force has been contributing to the knowledge of the health of Vietnam veterans through its ongoing longitudinal studies of Operation Ranch Hand participants. The Centers for Disease Control (CDC) recently completed its preliminary findings of blood serum tests to ascertain the presence of dioxin in Ranch Handers. This latest Air Force effort is of particular note in view of the scientific obstacles preventing the CDC from completing a specific study of health and exposure to Agent Orange among ground troops, although studies of the Vietnam Experience and Selected Cancers are being completed by CDC.

We have written to Dr. John H. Gibbons, Director of the OTA, to request that the OTA review the scientific merit of the protocol for completion of the testing of the levels of dioxin in the blood of veterans who participated in Operation Ranch Hand. We also have asked the OTA to evaluate the possibility that the Ranch Hand study (including the blood serum tests) may contribute to meeting the mandate of Public Law 96-151 for a study of health effects which may result from exposure to Agent Orange. (A copy of our letter to Dr. Gibbons is enclosed.) We therefore request that you send a copy of that scientific protocol to Dr. Gibbons.

We would greatly appreciate your expeditious response to our request.

Sincerely,

ALAN CRANSTON,
Chairman.
FRANK H. MURKOWSKI,
Ranking Minority Member.
Senate Committee on Veterans' Affairs.
G.V. (SONNY) MONTGOMERY,
Chairman.
GERALD B.H. SOLOMON,
Ranking Minority Member.
House Committee on Veterans' Affairs.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS, UNITED STATES AIR FORCE,
Bolling AFB, DC, April 15, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter to Lieutenant General Murphy A. Chesney, also signed by other members of your committee, requesting that a copy of the protocol for serum dioxin testing in support of the Air Force Health Study be provided to Dr. John H. Gibbons, Director, Office of Technology Assessment.

The protocol has been sent to Dr. Gibbons, and attached for your information is a copy of the cover letter. The serum assay method of determining dioxin exposure promises to answer many of the unresolved questions so vital to our research and to our veterans.

Thank you for your interest and support of the Air Force Health Study.

Sincerely,

ALEXANDER M. SLOAN,
Major General, USAF, MC,
Deputy Surgeon General.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS, UNITED STATES AIR FORCE,
Bolling AFB, DC, April 15, 1988.

Dr. JOHN H. GIBBONS,
Director, Office of Technology Assessment, U.S. Congress, Washington, DC.

DEAR DR. GIBBONS: At the request of the Chairmen and Ranking Minority Members of the Senate and House Committees on Veterans' Affairs, I am sending you the protocol for serum dioxin testing in support of the Air Force Health Study. This protocol was prepared by the Air Force study investigators at Brooks AFB, Texas.

In light of the difficulty in conducting an epidemiologic study of the effects of dioxin on ground troops, the Air Force study assumes great importance as a study with sufficient size and power to properly evaluate the issue of Agent Orange and its effects on Vietnam veterans.

To date, the Air Force study has had to rely on a calculated index of exposure to Agent Orange and dioxin which was based on several assumptions of work habits. That approach represented the state-of-the-art, but the availability of a serum assay will allow more precise measurement of each subject's exposure. The assay will more accurately classify our participants and will significantly strengthen the study.

Thank you for your consideration of this protocol. With your support, we continue to make progress in resolving the important Agent Orange issue.

Sincerely,

ALEXANDER M. SLOAN,
Major General, USAF, MC,
Deputy Surgeon General.

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, May 6, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: In your letter of February 29, 1988, you asked OTA to review the Air Force protocol for determining serum dioxin levels in participants in the Air Force Health Study (Ranch Hand II). I received the protocol from General Sloan last week, and asked the Health Program to provide comments. The enclosed memorandum to me from Hellen Gelband, who was responsible for the review, summarizes our comments.

Overall, the Air Force plan to determine dioxin body burdens, reflected in blood serum levels, is a sound one and will add an entirely new dimension to the study. The dioxin measurements are of potentially great importance to the understanding of Agent Orange exposure and its possible effects on Vietnam veterans, and beyond that, to the larger field of dioxin-related research. This will be the first large study in which it will be possible to use actual body burden as a measure of exposure, which will enhance the power of the study to detect Agent Orange effects, if they are present.

As the blood samples for this analysis have already been collected and are awaiting shipment to CDC, I find no reason to delay beginning this task.

I hope this review is helpful to you. As always, I am happy that OTA can assist in these important matters relating to Vietnam veterans. If you have any further questions, please do not hesitate to call me or Hellen Gelband (8-6590).

Sincerely,

JOHN H. GIBBONS.

OTA HEALTH PROGRAM
STAFF MEMORANDUM

To: Jack Gibbons.
From: Hellen Gelband, Project Director for Vietnam Veteran Issues.
Re Review of "Protocol" Serum Dioxin Levels in Participants in the Air Force Health Study (Ranch Hand II).
Date: May 2, 1988.

I have reviewed the protocol for determining serum dioxin levels in the Air Force Health Study (AFHS), which was sent to you by Major General Sloan (letter dated 15 April 1988) at the request of the Senate and House Veterans' Affairs Committees. This memo contains comments on the scientific merit of this proposed activity, as requested by the committees.

The question asked is what there is merit in the Air Force's having the Centers for Disease Control (CDC) determine the dioxin concentrations in blood samples collected for that purpose during the 1986-87 round of AFHS physical examinations. The samples have been prepared expressly for this analysis, and are ready to be supplied to CDC as soon as funding is available.

In a general sense, having dioxin measurements for AFHS participants will add an entirely new dimension to the study. Results of analyses using these data will be of potentially great importance to the Understanding of Agent Orange exposure and its possible effects on Vietnam veterans, and beyond that, to the larger field of dioxin-related research. It will be the first study of a relatively large group of exposed individuals in whom actual body burden of dioxin will be used as a measure of exposure. By reducing misclassification of exposed and unexposed, the study should have greater power to detect Agent Orange effects, if they exist.

Regarding specific aspects of the protocol, there are two major scientific issues relating to the conduct of this exercise: (1) whether the measurements will be reliable enough to be used confidently in subsequent analyses; and (2) the desirability of analyzing blood samples from all Ranch Hands and comparisons, as opposed to a sample.

The first issue relates to both the state of the technology detecting dioxin in blood samples, and CDC's capability to carry out the measurements. Based on the early studies by CDC and others, it appears that the technology is advanced enough to produce accurate and precise measurements. CDC has proven their ability to carry out these measurements in their studies on dioxin-exposed civilians in Missouri, and on a sample of Vietnam ground troops and AFHS participants. I believe CDC has done more of the determinations than any other laboratory in the work, and they are certainly among the leaders in this area. They have developed rigorous quality control and assurance procedures, and their results appear to be accurate and precise. There is every reason to place confidence in CDC's ability to carry out this task.

The second issue is whether it is scientifically necessary to conduct analyses on all of the men in the comparison group, rather than on a sample of them. Though this is of theoretical interest, in fact, there is little room for maneuvering here. The blood has already been drawn and, according to Colonel Wolfe, the Chief Principal Investigator of the AFHS, all the participants have been informed that dioxin measurements would be made. The men are expecting to learn the results. The credibility of the study could be damaged by failing to meet this expectation, which could have a long-term effect of the validity of the study. It appears, therefore, that the only reasonable course is to carry out analyses on all participants.

One other comment relates to the way in which dioxin levels will be used in the analyses: the protocol that analyses will be based on dioxin levels presumed to have been present (by extrapolation) at the time the men were in Vietnam. The discussion of this is brief, and I am sure a more detailed plan will be drawn up, but it might be worth considering the possibility of using current levels in the analysis. Perhaps the analyses could be carried out both ways. While using current levels might introduce some bias due to the fact that not all participants served at the same time, there will also undoubtedly be error introduced by extrapolating backward. This point is not something that should delay beginning the laboratory analyses, but something the investigators might want to consider.

VA PROPORTIONATE MORTALITY STUDY

Mr. CRANSTON. The VA released last fall a proportionate mortality study of Army and Marine Corps Vietnam veterans. The study found a statistically significant twofold increase of non-Hodgkin's lymphoma [NHL] and a statistically significant 57-percent increase of lung cancer among the Marine Corps Vietnam veterans, although there was no increase in these causes of death among the Army veterans, who comprised about 80 percent of those studied, or among all of the approximately 25,000 Vietnam veterans studied.

The chairman of the two Committees on Veterans' Affairs requested a review of this study from the OTA, the AOWG, and the VACEH, with particular reference to whether it supports the suggestion in several studies of a link between NHL and dioxin exposure. In an October 9, 1987, letter, Don M. Newman, chair of the Agent Orange Working Group of the Domestic Policy Council, concluded that although the study was well executed in mechanics, the AOWG had several recommendations for followup work on the study.

In my statement of December 3, 1987, I reported that in an October 23, 1987, letter, the OTA noted that:

> Overall, the methodology of this study appears sound and appropriate—

And recommended that the VA carry out certain specific followup analyses. In a February 25, 1988, letter to both committees, the VACEH provided a copy of summary minutes from their meeting of October 15-16, 1987, which included comments on the VA proportionate mortality study. The VACEH concluded that:

> It is our best scientific and professional judgement that the findings concerning the non-Hodgkin's lymphoma and lung cancer, while statistically significant, should be interpreted with caution and are not conclusive.

In a February 29, 1988, letter, the two committees wrote to the VA urging it to give the fullest consideration to the followup research recommendations made by the AOWG and the OTA, and to keep the committees fully and promptly advised regarding the VA's intentions and the outcomes from any other agent orange studies.

In its testimony at today's hearing, the VA described five specific followup actions it had underway.

Mr. President, I ask unanimous consent that the October 9, 1987, CDC letter, the February 25, 1988, VACEH letter, and the February 29, 1988, letter from the Senate and House Committees on Veterans' Affairs be printed in the RECORD at this point followed by an excerpt from the VA's testimony today describing the followup actions it is taking regarding this study.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Under Secretary of
Health and Human Services,
Washington, DC, October 9, 1987.

Hon. Alan Cranston,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: This is in reply to your letter of September 6, 1987, requesting that the Science Panel of the Agent Orange Working Group, review and comment on the Veterans Administration study entitled, "Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War".

The Science Panel met on September 14, 1987, to review and comment on the study. I am appending the summary report from Dr. Ronald Hart, Director, National Center for Toxicological Research, who chairs the Science Panel, and in addition, the individual comments of key members of the Science Panel.

I believe the specific findings discussed in the report which warrant follow up investigation and analysis are clearly identified.

Should you have further questions, please do not hesitate to ask.

Sincerely,

Don M. Newman,
Chair, Domestic Policy Council,
Agent Orange Working Group.

Department of Health and Human Services, Public Health Service, Food and Drug Administration,
Jefferson, AR, September 8, 1987.

Hon. Don M. Newman,
Chairman, Domestic Policy Council, Agent Orange Working Group.

Review of VA Submission to JAMA Proportional Mortality Study of Army and Marine Corps Veterans of the Vietnam War

(By P. Breslin, H.K. Kang, Y. Lee, V. Burt, and B.M. Shepard)

This proportionate mortality ratio (MMR) study appears to be well executed in mechanics. However, the presentation and discussion of the results do not provide the necessary caution in interpretation but do allow uninitiated to make casual inferences where they may not exist.

PMR studes are usually used to generate, not test hypotheses. The article appropriately recommends further work to evaluate causal factors.

This study can not be used to infer anything about Agent Orange or any other specific cause of effect other than being a Vietnam veteran.

The authors emphasize only the statistically significant positive findings. From this study the Marines have an increased risk due to Non-Hodgkins Lymphomas and lung cancer; however, the risk of death from genitourinary disease and all cancers combined is statistically significantly decreased.

No evaluation of latency is presented for lymphoma or lung outcomes. An evaluation of time-to-tumor data should be conducted.

The findings for lung cancer in Marine Vietnam veterans are provocative, although similar observations were not made in other studies of Vietnam veterans. The absence of smoking histories makes the interpretation of this finding difficult.

It is not surprising to encounter the small number of statistical departures from expected mortality seen in this study. Some of these could have arisen by chance alone. This study, as originally designed, cannot conclusively clarify mortality risks for Vietnam veterans, let alone elucidate possible causative factors within, or outside of, the Vietnam experience.

Ronald W. Mart, Ph.D.,
Chairman, ADWS Science Panel.

Proportional Mortality Study of Army and Marine Corps Veterans of the Vietnam War

(By P. Breslin, H.K. Kang, Y. Lee, V. Burt, and B.M. Shepard)

Regardless of any possible methodological flaws, this study can not be used to infer anything about Agent Orange or any other specific cause of effect other than being a Vietnam veteran.

From the write up, one can not check the statistical procedures and therefore must assume that it was done correctly using acceptable methods; however, a more detailed description of the methods with references would be helpful.

From this study the Marines have an increased risk due to Non-Hodgkins Lymphomas; however, the Army risk is lower than expected but not significantly. When combined, the overall risk is less than expected with a PMR 0.95.

The manuscript is for the most part written clearly; however, there are still obvious errors and statements made that are not well documented. Positive findings are pointed out but corresponding negative findings are not discussed.

Statements are made on page 14 that PMR values may be inflated or deflated. Life-table analyses could be conducted to overcome these limitations.

It is not clear how age and race adjustments were made in the analyses. Were the average age of the Vietnam and non-Vietnam groups the same?

Department of Health
and Human Services,
September 11, 1987.

To: Ronald W. Hart, Ph.D, Director, National Center for Toxicological Research.

From: Director, Center for Environmental Health and Injury Control.

Subject: Review of VA Mortality Study.

The Veterans Administration (VA) has conducted a proportionate mortality study (PMR) of 24,235 deaths among U.S. Army and U.S. Marine male veterans who served in Vietnam and 26,685 deaths among male veterans of the same two services who did not serve anywhere in Southeast Asia. All deaths were identified from the VA BIRLS file and occurred between July 4, 1965, and March 1, 1982. These deceased veterans had to have served in the military sometime between July 4, 1965, and March 1, 1973. Career and non-career, officers, and enlisted men, as well as reservists, were included. In-service deaths occurring before 1974 and men dying from war-related injuries were excluded. In service deaths after 1973 were included.

Within the group of Vietnam veterans, the fraction of all deaths attributable to a particular cause was computed and compared to the corresponding proportion for non-Vietnam veterans. The comparison was done using the proportionate mortality ratio (PMR) technique in which age at death, race and branch of service were taken into account. There was no adjustment for calendar year of death or rank. Altogether, PMRs were computed for 18 major causes of death groupings and for 23 specific cancer sites.

We will address our concerns in data collection, data analysis, and interpretation.

Data collection: Are the BIRLS tapes truly at least 94 percent complete? From the CDC Mortality Study which used multiple sources of mortality we found that BIRLS were less complete.

Data Analysis: Why do the authors emphasize only the statistically significant positive findings? Why were not the significant decreases in deaths from genitourinary diseases (Table 3) and the decrease in deaths from all cancers for one-tour of duty veterans (Table 5) not discussed?

The lack of association between service in Vietnam and suicide needs to be reevaluated in light of the CDC finding that they were increased only in the first 5 years after discharge. CDC used the time period since discharge rather than year of death. This subject was repeatedly brought up with the VA prior to completion of their analysis. The CDC study would indicate that grouping by 10 year periods would minimize the effects.

The findings for lung cancer and NHL in Marine Vietnam veterans are provocative, although similar observations were not made in other studies of Vietnam veterans. The absence of unusual mortality from soft-tissue cancers is consistent with some previous studies but at variance with others. Because so many statistical tests were done on the data set, these apparent findings could be due to chance. It would be helpful to see a more detailed analysis in which mortality from these cancer sites is examined by calendar year in Vietnam, rank, MOS, and principal duty. These additional analyses would help in deciding whether some factor related to the Vietnam experience is responsible for the apparent association.

Interpretation: The authors suggest that these were major differences in the findings of previous studies cited, but there are in fact few major differences in the findings.

Referenced studies were not critically discussed. There has never been, for example, an association demonstrated between lung cancer and phenoxy herbicides except in the Zack Study (Ref. 29) where 3.6 cases were expected and 6 were found in those exposed to 2,4,5-T. Those authors state that they cannot evaluate trends in lung cancer deaths as they relate to occupation because of "limitation in the data."

As noted above, it is not surprising to encounter the small number of statistical departures from expected mortality seen in this study. These could easily have arisen by chance alone. This study, as originally designed, cannot conclusively clarify mortality risks for Vietnam veterans, let alone elucidate possible causative factors within, or outside of, the Vietnam experience. Reasons include lack of a defined population-at-risk, incomplete ascertainment of deaths, and absence of "exposure" data on individual veterans.

This PMR study appears to be well executed in mechanics. However, the presentation and discussion of the results do not provide the necessary caution in interpretation and allow the uninitiated to make causal inferences where they do not exist.

Vernon H. Houk, M.D.,
Assistant Surgeon General.

Comments on "Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War"

(By P. Breslin et al., Marilyn Fingerhut)

Use of BIRLS for a PMR study is reasonable.

Structure of PMR study is reasonable: Random sample of complete file of BIRLS, with Vietnam exposure confirmed; death certificates obtained (96.9% followup), adequate size (at least for Army).

PMR studies are usually used to generate, not test hypotheses. The article appropriately recommends further work to evaluate etiological factors. The media reports have not conveyed this information.

The problem at hand results from the timing of the release of the article, and the inclusion of a sentence in the Abstract (inappropriately) referring to Agent Orange exposure.

The structure of the study is appropriate; the scientific weakness of the article lies in the analysis and interpretation of the results. The authors can revise the article for submission to a journal.

The weakness of the article results from (1) the absence of data evaluating elevations in other smoking related diseases in the Marines, (2) absence of latency evaluations for the malignancy outcomes, (3) lack of data evaluating the adequacy of the marine comparison group, and (4) inadequate evaluation of the limitations of the PMR study design.

No evaluation of latency is presented for lymphoma or lung outcomes. Service was '64-'73, deaths were '65-'82. The article does not evaluate the relationship of time of exposure to time of death.

No data are provided to show whether other circulatory or respiratory deaths were elevated in army and marines for conditions associated with smoking.

It is unclear whether the cancer outcomes were obtained in the overall PMR, or in a separate Proportionate Cancer Mortality Ratio (PCMR).

The results for deaths from external causes and accidental poisonings are consistent with other studies of veterans and point out problems for veterans following this war.

The nonVietnam comparison group for the Army is large, so the numbers can be expected to be stable; the same may not be true for the marines. It would have been helpful if, (1) the authors had carefully presented data to show that the marine Vietnam vs. nonVietnam populations were truly comparable, and (2) the authors had provided a table showing the expected numbers for each cause of death if the national population had been used as the comparison.

REVIEW OF VIETNAM VETERANS MORTALITY STUDY

A study of proportionate mortality among U.S. Army and Marine veterans who served between July 4, 1965 and March 1, 1973 and died before March 1, 1982 was reported by the Veterans Administration. The study included 19708 Army and 4527 Marine veterans who had served in Vietnam and 22904 Army and 3781 Marine veterans who had not served in Southeast Asia during this period. The study included a random sample of about one-third of the potentially eligible veterans who had died during this period. The selection of study subjects and recovery of information on them appears to have been unbiased and appropriate.

The major findings from the study included a statistically significant excess of accidental and drug related deaths and paucity of suicides among Army veterans who had served in Vietnam compared to those who had not served in Southeast Asia. In addition, there was a statistically significant excess of lung cancer and non-Hodgkins lymphoma among Marine veterans who had served in Vietnam compared to those who had not. Several other findings were not mentioned in either the conclusions nor in the narrative, but are evident in the tables. These include a statistically significant decrease in mortality due to genitourinary disease and cancer of the extra-cranial nervous system among Army Vietnam veterans. In addition, there appears to have been a significant decrease in cancer deaths among enlisted Army veterans with only one tour of duty in Vietnam, and among similar Marine veterans before 1975. There was also a significant increase in accidental poisonings among enlisted Marine Vietnam veterans dying before 1975.

The authors computed Standardized Proportionate Mortality Ratios (SPMR) and tested with the Chi-Square statistic (not presented in the tables). According to the reference used to justify this procedure (ref No. 13), Professor Monson suggests using the Poisson approximation of the variance of the expected deaths, i.e., that the expected number of deaths approximates the variance. If this procedure is applied to the information which can be deduced from the observed number of deaths and the SPMR as given in the tables, several additional SPMRs appear to be statistically significant. These include an excess of all cancer deaths among Marine veterans who served in Vietnam, particularly single tour enlisted Marines after 1975. Other possibly significant findings would include a decrease in deaths due to infectious diseases and diseases of the blood, an increase in deaths due to musculoskeletal and connective tissue diseases, and a decrease in deaths from thyroid cancer and non-Hodgkins lymphoma among Army Vietnam veterans.

While there is no way to determine which statistical procedures are "correct", these results indicate that more significant findings are available in these data than have been discussed in the manuscript. While this does not make it any easier to interpret the results, it does serve to point out the selective nature of the findings which have been emphasized in the manuscript. In particular, the inclusion of one-seventh of the abstract and considerable discussion in the narrative to Agent Orange is misleading. Other possible explanations for the findings should receive relatively more emphasis.

CARL A. KELLER, Ph.D.,
Epidemiologist, NIEHS.

COMMENTS ON "PROPORTIONATE MORTALITY STUDY OF ARMY AND MARINE CORPS VETERANS OF THE VIETNAM WAR"

(By Donald G. Barnes, U.S. Environmental Protection Agency)

1. Proportionate mortality studies have inherent limitations which restrict their interpretation and conclusions; e.g., reduced PMR in one area necessitates increased PMR in another area. This particular study is a generally well-designed example of this type of investigation. The report clearly discusses the procedures, methods of analysis, and the conclusions, including caveats. The results should not be cited without a thorough appreciation of these caveats.

2. The study is a descriptive study which essentially suggests hypotheses for further investigation. As such, the study does not test any particular association, let alone prove any cause-effect relationship.

3. It should be noted that of all the PMRs the two identified as being of concern, while statistically significant, are modest (roughly 2)—a tribute to the scale of the study.

4. Among the areas of concern is the question of whether there is an inherent difference between Marines in Vietnam, compared to non-Vietnam Marines and all Army troops. It has been suggested that the Marines in Vietnam had attitudes and behaviors (e.g., risk takers) which were distinguishable from other troops.

5. The diagnosis of Non-Hopkins lymphoma is not easy. There might be a bias in the recording of this diagnosis in cases in which it was known that the patient had served in Vietnam.

6. If one is concerned about the etiology of cancer vis a vis Vietnam, it would be preferable to exclude any cancers that appears prior to some, minimal latency period; e.g., 10 years.

7. It would be enlightening to look at the proportionate cancer mortality ratios (PMCRS), which would examine the relative cancer experience in greater detail.

8. Possible followups include:

a. An I corps study of the Army veterans—planned

b. A periodic updating of the current study to take into account latency, etc.—planned?

c. A cohort study of the Marines

d. A case-control study of the NHL and lung cancers in the Marines.

The question of exposure still remains. Given the recent results of the CDC exposure validation study, it is not clear that options c and d are tenable.

FEBRUARY 25, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed please find a copy of the summary minutes from the meeting of the Veterans' Advisory Committee on Environmental Hazards of October 15-16, 1987.

If I may be of further assistance, please let me know.

Sincerely,

FREDERIC L. CONWAY
Executive Secretary, Veterans' Advisory Committee on Environmental Hazards.

SUMMARY MINUTES OF THE VETERANS' ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

The Committee reviewed a draft statement prepared by Mr. Conway. The statement as presented read:

The Veterans Administration's "Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War" is a well designed and well conducted study. The general conclusion, no statistically significant differences in overall mortality between Vietnam and non Vietnam veterans, is supported by the reported data. Concern is raised by the statistically significant proportional mortality findings of excess non-Hodgkin's lymphoma and lung cancer among Marines who served in Vietnam. This finding did not appear among Army veterans who served in Vietnam during the same time period as the Marine veterans involved in the study. It is our best scientific and professional judgment that this finding, while highly significant, is not conclusory.

A proportionate mortality study, by its very nature, cannot resolve, by itself, the question whether the observed effect of this study is applicable to all Vietnam veterans. A study such as this can only lead to the identification of issues requiring further study and analysis.

We strongly advise patience and the avoidance of the temptation to overinterpret this study's results. For example, with respect to the lung cancer finding, nothing is known about the smoking history of the study's subjects. Given the widely accepted association between smoking and the subsequent development of lung cancer, it is critical that more analysis be done before drawing any conclusions about the relationship between service in Vietnam and later appearing lung cancer.

Also, we take note of the blood serum assay study recently completed by the Centers for Disease Control wherein it was concluded that Vietnam veterans were not found to have significantly different levels of dioxin (2,3,7,8-TCDD) than non Vietnam veterans. This study raises a number of questions, not the least of which is whether studies of the effects of exposure to phenoxy herbicides are truly applicable to the Vietnam Veterans' experience. That is, if, as the CDC study suggests, Vietnam veterans did not have significant exposures to the phenoxy herbicides 2,4-D and 2,4,5-T, components of Agent Orange, as determined by the absence of significant differences in levels of 2,3,7,8-TCDD, a contaminant of 2,4,5-T, between Vietnam veterans and non Vietnam veterans, then it may be inappropriate to consider studies of phenoxy herbicides' effects as being confirmatory of or contributory to the findings of this mortality study.

We, therefore, recommend that the Veterans Administration not effect any changes in its current guidelines and that it diligently pursue additional research and analysis as expeditiously as possible.

After discussion, it was agreed that the Committee would make two consensus statements, one dealing with the mortality study findings and the other dealing with the CDC blood assay findings. Those statements read as follows:

The Veterans Administration's "Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War" is a well-designed and well-conducted study. The general conclusion, no statistically significant differences in overall mortality between Vietnam and non Vietnam veterans, is supported by the reported data. Concern is raised by the statistically significant proportional mortality findings of excess non-Hodgkin's lymphoma and lung cancer among Marines who served in Vietnam. This finding did not appear among Army veterans who served in Vietnam during the same time period as the Marine veterans involved in the study. It is our best scientific and professional judgment that the findings concerning the non-Hodgkin's lymphoma and lung cancer, while statistically significant, should be interpreted with caution and are not conclusive.

Reasons for this include the fact that a proportionate mortality study, by its very nature, cannot resolve by itself the question whether the observed results constitute a direct cause and effect relationship. A study such as this can only lead to the identification of issues requiring further study and analysis.

In particular, with respect to the lung cancer finding, nothing is known about the smoking history of the study's subjects. Given the widely-accepted view of a causal relationship between smoking and the subsequent development of lung cancer, it is critical that more analysis be done before drawing any conclusions about the relationship between service in Vietnam and the subsequent occurrence of lung cancer.

We, therefore, do not recommend that the Veterans Administration effect any changes in its current guidelines on the basis of this study.

The second statement pertaining to the blood serum assay study read as follows:

We take note of the preliminary results of the blood serum assay study recently completed by the Centers for Disease Control. (*Morbidity and Mortality Weekly Report* 36: 470-475 (July 24, 1987)) The purpose of the study was to determine whether estimates of exposure based on military records or on interviews of U.S. Army veterans can identify those with heavy exposure to TCDD (2,3,7,8 tetrachloro-dibenzo-dioxin), a contaminant of 2,4,5-T, one of the components of Agent Orange. The study concluded, based upon recently drawn samples, that Vietnam veterans were not found to have significantly different levels of dioxin (2,3,7,8-TCDD) than non Vietnam veterans. This study raises a number of questions, not the least of which is whether studies of the effects of exposure to phenoxy herbicides are truly applicable to the Vietnam veterans experience. The CDC study suggests that many U.S. Army Vietnam veterans may not have had appreciable exposures to the phenoxy herbicides 2,4-D and 2,4,5-T, components of Agent Orange, as determined by the absence of significant difference in levels of TCDD in serum lipids between Army Vietnam veterans and non Vietnam veterans. It may be inappropriate, therefore, to consider studies of phenoxy herbicides' effects as being relevant to the Vietnam experience.

Congress of the United States,
Washington, DC, February 29, 1988.

Hon. Thomas K. Turnage,
Administrator of Veterans' Affairs,
Washington, DC.

Dear Mr. Administrator: We are writing regarding the Veterans' Administration's "Proportionate mortality study of the Army and Marine Corps veterans of the Vietnam War" and VA plans for follow-up research with respect to the experiences of the troops who served in I Corps and their possible exposure to Agent Orange.

As you know, the study found a statistically-significant twofold increase of non-Hodgkin's lymphoma (NHL) and a statistically-significant 57-percent increase of lung cancer among the 8,308 Marine Corps Vietnam veterans in the study. At the same time, there was no increase in these causes of death among the Army veterans who comprised about 80 percent of those studied, or among the approximately 25,000 veterans in the study as a whole. Our Committees requested a review of this study from the Office of Technology Assessment (OTA) and the Agent Orange Working Group of the Domestic Policy Council (AOWG), with particular reference to whether the study supports the suggestion in certain other studies of a link between NHL and dioxin exposure. Both the AOWG and the OTA made several recommendations for follow-up work on the study. Copies of their responses are enclosed.

We urge that you give the fullest consideration to the research options proposed by the AOWG and OTA and let us know your response and specific future plans regarding follow-up on the proportionate mortality study. We also ask that you continue to keep our Committees fully and promptly advised regarding your intentions and the outcomes from any other Agent Orange studies.

We would greatly appreciate your timely response to this inquiry since the Senate Committee has scheduled a comprehensive Agent Orange oversight and legislative hearing for March 31, 1988. The House Committee has also scheduled an Agent Orange hearing for June 8, 1988.

Thank you for your continuing cooperation and assistance.

With warm regards,
Cordially,

Alan Cranston,
Chairman,
Frank H. Murkowski,
Ranking Minority Member,
Senate Committee on Veterans' Affairs.
G.V. (Sonny) Montgomery,
Chairman,
Gerald B.H. Solomon,
Ranking Minority Member,
House Committee on Veterans' Affairs.

Excerpt From Statement of Thomas E. Harvey, Deputy Administrator of the Veterans' Administration Before the Senate Committee on Veterans' Affairs

In accordance with these recommendations, the VA is conducting five follow-up studies to confirm or complement the findings of the mortality study. First, the VA is updating the mortality study by including an additional 11,000 Vietnam era veterans' dealths in the analysis. These deaths occurred between 1982 and 1984. They will give added statistical power and cases with longer latency periods to the study. This is important because some of the diseases that have been suggested as being associated with Agent Orange exposure or Vietnam service may take a long time to develop. For example, it generally takes as long as 20 years for certain cancers to manifest themselves if they are caused by exposure to environmental chemicals such as Agent Orange. Almost all necessary data have been collected for this analysis.

Second, a separate analysis is planned for Army Vietnam veterans who served in the I Corps area of Vietnam. This is an effort to determine whether the Army veterans who were stationed in the same geographic areas as the Marine Corps veterans experienced mortality patterns similar to the Marines. The U.S. Army and Joint Services Environmental Support Group is assisting the VA in researching Army unit locations in Vietnam for given time periods.

Third, given the widely accepted view of a causal relationship between smoking and lung cancer, a special effort was made to examine military medical records of Marines in the mortality study who died from lung cancer in an attempt to determine their smoking status. The records, however, were not helpful. Fourth, the VA is reviewing the Patient Treatment File for non-Hodgkin's lymphoma and Hodgkin's disease among Vietnam era veterans who have been treated in VA medical centers. The cases and the control patients will be compared with respect to service in Vietnam and other military service factors. The hypothesis is that if military service in Vietnam is not associated with an increased risk of non-Hodgkin's lymphoma or Hodgkin's disease, then the proportion of veterans having served in Vietnam or having certain military characteristics should be similar for both the cases and the controls.

Finally, a separate mortality study has been designed exclusively for Marine Corps Vietnam veterans. To date, the only study providing an overall mortality rate of the Vietnam veterans is a cohort mortality study recently published by the Centers for Disease Control, but it was restricted to

Army veterans. A substantial portion (approximately 20%) of U.S. ground troops in Vietnam were Marines. Unlike the Army units, the Marine Corps units were located in one geographic area, I Corps. In view of the VA mortality study results and the lack of overall mortality rates as well as cause-specific mortality rates for Marine Vietnam veterans, a separate mortality study for Marine veterans will be conducted. The Marine Corps is cooperating fully with the VA in this effort.

Mr. CRANSTON. I will report any further progress regarding followup on the VA proportionate mortality study when the committee receives further information.

SOFT TISSUE SARCOMA VIETNAM VETERANS STUDY

Mr. President, a recent study, entitled "Soft Tissue Sarcoma and Military Service in Vietnam: A Case-control Study," by Dr. Han Kang, et al; published in the October 1987 issue of the Journal of the National Cancer Institute, added further information on the issue of the possible long-term adverse health effects resulting from veterans' service in Vietnam. This study sought to "examine the association of soft tissue sarcomas [STS's] with military service in Vietnam as well as other host and environmental risk factors." It found a small, not statistically significant increased risk of STS among subgroups of Vietnam veterans who had higher estimated opportunities for exposure to agent orange, but concluded that Vietnam veterans generally "did not have a statistically significant increased risk of STS when compared to men who had never been in Vietnam."

On December 8, 1987, the two committees wrote to the OTA, the AOWG, and the VACEH requesting that they review and comment on the scientific methods used and the validity of the statistical analysis in this study and identify any specific findings discussed in the study which warrant followup investigation or analysis, especially in light of the ongoing CDC selected cancers study, its VES study, and other pertinent studies such as the 1987 Western Washington State study, the 1986 Kansas study, and the Swedish studies, all regarding agricultural workers' exposure to various phenoxy herbicides.

In a February 4, 1988, letter, the OTA responded that the "finding of no increased risk of STS among Vietnam veterans as a group is very strong, and is unlikely to be a spurious result. We do not believe, however, that this study provides support for increased risk of STS among subgroups of veterans."

In a February 16, 1988, memorandum to Don Newman, chair of the AOWG, forwarded as part of the AOWG's April 1, 1988, response, Dr. Ronald W. Hart, chair of the AOWG Science Panel, noted that "[t]he science panel was in agreement that the study contains important information that should be published and that in general the scientific methods and statistical analysis were valid. However, there was general criticism to the author's statement implicating agent orange."

Mr. President, I ask unanimous consent that the OTA's February 4, 1988, letter and the AOWG's April 1, 1988, letter be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, February 4, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: Enclosed is a Staff Paper prepared by the OTA Health Program, reviewing the study, "Soft Tissue Sarcoma and Military Service in Vietnam: A Case Study," by Han Kang, Franz Enziger, Patricia Breslin, Michael Feil, Yvonne Lee, and Barclay Shepard, in response to the letter you and your colleagues sent me on December 8, 1987.

The study was basically well designed and well executed, and it had greater statistical power than any previous studies of soft tissue sarcoma (STS) in Vietnam veterans. Their finding of no increased risk of STS among Vietnam veterans as a group is very strong, and is unlikely to be a spurious result. We do not believe, however, that this study provides support for increased risk of STS among subgroups of veterans. None of the subgroup analyses were statistically significant, therefore the point estimates of risk were very imprecise. In addition, the recent CDC "validation study" provided evidence that few ground troops, regardless of the nature of their military activities in Vietnam, had significant exposure to Agent Orange. The CDC study was undertaken because categorizations such as were used in this VA study were inadequate bases for epidemiologic studies.

The findings of the Swedish forestry worker studies, in light of CDC's validation study findings, appear to have lesser relevance for Vietnam veterans, particularly ground troops. In addition, the STS-phenoxyherbicide hypothesis has not generally been corroborated by other studies. The Swedish studies still stand as the major support for the hypothesis.

The CDC Selected Cancer Study, which includes STS, is gathering cases from a later time period, (July 1984 through June 1988), which could conceivably provide evidence of an increased risk with a longer latency period. The CDC STS study will have roughly the same power as this VA study. Although CDC will accrue more STS cases, according to their original estimates, a smaller proportion of the underlying population will be veterans, which is the major determinant of the study's power in this case.

If CDC's case control study has findings similar to this VA study regarding STS, there will be no reason to continue considering the possibility that STS could be a major problem for Vietnam veterans. This is not equivalent to saying that phenoxyherbicides do not cause soft tissue sarcoma, as the final judgment on that connection cannot yet be made, nor that there might not be a small number of STS cases arising in Vietnam veterans with some relationship to their military service. But, in the absence of positive evidence, any excess risk must be quite small.

I hope you and your colleagues find this analysis helpful. Please do not hesitate to call me if I may be of further assistance, or contact Hellen Gelband, in the OTA Health Program (at 8-6590), who was responsible for this review.

Sincerely,

JOHN H. GIBBONS.

OTA CRITIQUE OF: "SOFT TISSUE SARCOMA AND MILITARY SERVICE IN VIETNAM: A CASE CONTROL STUDY"

(by Han Kang, Franz Enziger, Patricia Breslin, Michael Feil, Yvonne Lee, and Barclay Shepard)

PURPOSE OF STUDY

This study was conducted by Veterans Administration (VA) researchers to determine whether veterans of the Vietnam conflict were more likely to develop a soft tissue sarcoma (STS) than were men who did not serve in Vietnam. As well as using service in Vietnam as a basis for analysis, the investigators also attempted to analyze STS risk for subcategories of veterans, using measures presumed to be surrogates for Agent Orange Exposure.

STUDY DESCRIPTION

This study used a case control design. Four hundred forty STS pathology specimens referred to the Armed Forces Institute of Pathology (AFIP) in men who were of draftable age during the Vietnam conflict (both 1940 through 1955) and diagnosed during the period 1975 through 1980 formed the initial pool of cases. AFIP is well known in the pathology community for its expertise in the sometimes difficult classification of STS. According to the VA authors, one-quarter to one-third of all STS in the United States, both in the civilian and veteran population, are referred to AFIP for confirmatory diagnoses. For each case, the hospital that had referred the case to AFIP was contacted (a total of 368 hospitals) and asked to supply medical records for the STS patients and to select three male patients from their records who were born between 1940 and 1955 to serve as controls.

The number of participants finally included in the study was diminished significantly to 217 cases and 599 controls, owing mainly to inability or unwillingness of hospitals to cooperate with the study, and also due to refusal of interviews (either by treating physicians or by the individuals or their proxies) and inability to locate some people.

All willing participants (either the chosen individuals or their proxies) were interviewed by telephone and asked a broad range of questions about their medical history, occupation and military experience, and lifestyle factors. Military history was verified by examining Department of Defense personnel service records.

FINDINGS

Forty-five of the cases and 145 of the controls had served in Vietnam. Service in Vietnam was not associated with an increased risk of STS. This finding was quite strong, and is highly unlikely to represent a spurious finding. The study had very high power to detect a 2-fold increase in risk, and had good power to detect a 1.5-fold increase. Some corroboration for the overall null finding is the additional fact that the distribution of STS tumor types, of which there are many, was similar in the Vietnam veterans and the rest of the case group. If there were an association of Vietnam service with STS, it would most likely occur among one or a limited number of tumor types, and not across the range of types.

A number of subanalyses were carried out placing Vietnam veterans into presumptive Agent Orange exposure categories based on the following service characteristics: military occupation specialty code (MOSC; combat-related specialties treated as entailing higher probable exposure), area of Vietnam in which a man served (I, II, III, or IV Corps), and branch of service. The assumptions about relative probability of exposure related to these characteristics, and therefore the analyses based upon them, are unsupported, given current evidence. The CDC "validation study," in particular, provided evidence that few ground troops, regardless of their military activities in Vietnam, had significant Agent Orange exposure. The CDC study was undertaken because categorizations such as were used in this VA study were inadequate bases for epidemiologic studies. This is the main aspect of the VA study that can be faulted. In any case, no significant increased risks were found in the subanalyses.

SIGNIFICANCE OF THE FINDINGS

This study is the most powerful, best designed and executed study to date of STS in Vietnam veterans. The state mortality studies that have been completed (New York, Massachusetts, West Virginia) are of much weaker design, and include far fewer cases. In addition, the use of AFIP-confirmed cases alleviates the problem of misdiagnosis, which is a frequent problem with this tumor type. (In the recent study of STS in Western Washington State, 20 percent of cases originally classified as STS were actually other tumors.) The time period of the study, 1975 through 1980, is reasonable as a first period during which increased risk might become apparent, if it is, if fact, there. The CDC Selected Cancer Study, which includes STS, is looking at a later time period, July 1984 through June 1988, which should provide evidence of whether there is an increased risk but with a longer latency period. The CDC STS study will have roughly the same power as this VA study. Although CDC will accrue more STS cases, according to their original estimates, a smaller proportion of the underlying population will be veterans, which is the major determinant of the study's power in this case.

The authors of this study suggest that their results leave open the possibility of increased STS risk among subgroups of veterans. While no study can prove that no risk exists, particularly among subgroups, we believe the authors overstated the implication that even slight support for such an increased risk exists in this study. None of the subgroup analyses had significant results, and each was based on very few cases. The 95 percent confidence intervals (the range in which it is likely the "true" level of risk is included) are very wide, making the point estimates of risk (the odds ratios reported) have little practical meaning.

This study is consistent with CDC's validation study, which provided evidence that Agent Orange exposure was not widespread among ground troops, therefore one would not expect herbicide-related effects to be prevalent among these men. The STS-phenoxyherbicide link itself is somewhat weaker than it was in the early 1980's when the results of the Swedish forestry worker studies first suggested the association. The two recent studies in the United States, of STS and lymphomas in Kansas and in western Washingotn State, both have positive findings for non-Hodgkin's lymphomas, but have failed to confirm the connection with STS. If CDC's case control study has findings similar to this VA study regarding STS, there will be no reason to continue considering the possibility that STS could be a major problem for Vietnam veterans. This is not equivalent to saying that phenoxyherbicides do not cause soft tissue sarcoma, as the final judgment on that connection cannot yet be made, nor that there might not be a small number of STS cases arising in Vietnam veterans with some relationship to their military service. But, in the absence of other positive evidence, any excess risk must be quite small.

THE UNDER SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, April 1, 1988.

Hon. ALAN CRANSTON,
Chairman, Senate Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is the review you requested of the study by Dr. Han Kang entitled "Soft Tissue Sarcoma and Military Service in Vietnam: A Case-Control Study". I requested the Science Panel of the Domestic Policy Council Agent Orange Working Group (DPC/AOWG) to conduct an in-depth review of this study and I am appending the summary report from Dr. Robert Hart, Director, National Center for Toxicological Research, who chairs the Science Panel.

In addition, the individual comments of key members of the Science Panel are included. As you will note, the specific findings discussed in the report, which warrant follow up investigation and analysis are identified.

Should you have further questions, please do not hesitate to contact us.

DON NEWMAN,
Chairman,
Domestic Policy Council, Agent Orange Working Group.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION, NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH,
Jefferson, AR, February 16, 1988.

Hon. DONALD M. NEWMAN,
Chairman, Domestic Policy Council, Agent Orange Working Group, Department of Health and Human Services, Washington, DC.

DEAR MR. NEWMAN: Prior to your request and in anticipation of a possible Congressional request, the AOWG Science Panel reviewed the JNCI article by Kang et al. entitled "Soft tissue sarcoma and military service in Vietnam: A case-control study" and discussed it at the November 24, 1987 Science Panel meeting. A written sumary of the Science Panel reviewer's comments along with the individual responses is attached.

The Science Panel was in agreement that the study contains important information that should be published and that in general the scientific methods and statistical analysis were valid. However, there was general criticism to the authors' statements implicating Agent Orange.

I wish to thank the following individuals for taking the time to review the article and submitting written comments: Drs. Gaylor, Kodell, Chen and Young, NCTR; Dr. Vernon Houk and Staff, CEH/CDC; Col. George Stebbing, OASD/HA; Dr. Donald Barnes, USEPA; Col. William Wolfe, USAF; Dr. Carl Keller, NIEHS; and Dr. Marilyn Fingerhut, NIOSH/CDC.

If more information is needed, please do not hesitate to ask.

Sincerely,

RONALD W. HART, Ph.D.,
Chairman, AOWG Science Panel,
Director, NCTR.

SUMMARY OF REVIEW OF JNCI 79 (4):693-699, 1987, SOFT TISSUE SARCOMA AND MILITARY SERVICES IN VIETNAM

(A Case-Control Study by Dr. H. Kang, Dr. P. Breslin, Dr. Y. Lee, Dr. F. Enziger, Dr. M. Feil, and Dr. B. Shepard)

(Reviews submitted by Drs. Gaylor, Kodell, Chen and Young, NCTR; Dr. Vernon Houk and Staff, CEH/CDC; Col. George Stebbing, OASD/HA; Dr. Donald Barnes, USEPA; and Col. William Wolfe, USAF)

The Congressional inquiry requests the Agent Orange Working Group to:

A. Evaluate the scientific methods used.

B. Review validity of the scientific analysis.

C. Identify findings which warrant further investigation as related to other studies.

RESPONSE

A. Scientific Methods

All reviewers mentioned the inappropriateness of the Agent Orange implications in this paper. Each cited the recently completed Centers for Disease Control (CDC) study which attempted to correlate serum levels to exposure indices as information which should have been taken into consideration. Even though the CDC study may not have been completed when the article was initially submitted to the journal, the CDC study was definitely complete when the galley proofs were returned to JNCI and then distributed to the Science Panel members.

B. Validity of the Study

Most reviewers agreed that the study is important and should have been conducted and published. However, there are several specific criticisms:

1. Several reviewers commented on the inappropriateness of the use of MOSC and military region as potential subgroups.

2. Other reviewers questioned why controls were not matched to the STS cases by race or vital status.

3. Several reviewers questioned the statement concerning the limitation of selection bias due to publicity by only considering those STS cases reported between 1975 and 1980. It was pointed out that a great deal of publicity was generated in the late '60s and early '70s concerning the environmental effects of Agent Orange and again in the late '70s when the AOWG was formed.

4. Other reviewers expressed concern that the long latency period for appearance of STS may have forced this into a negative study.

C. Conclusions, Specific Findings and Need for Clarification

Most reviewers agreed that it is unfortunate that the study was published without the input and review of the Science Panel which undoubtedly would have recommended the elimination of the controversial and unsubstantiated statements implicating Agent Orange.

Even though this and several other recent studies have not found a positive correlation between Vietnam service and STS cases, the long latency period for STS and the one positive study would indicate that this form of cancer needs to continue to be monitored along with several other cancers (specifically non-Hodgkins lymphomas).

As each reviewer stated his concerns in his own particular manner and felt some issues were more important than others, it is the Science Panel's policy to pass on the individual comments as well as this more general summary. The individual reviews are attached.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
November 18, 1987.

From: Drs. Gaylor, Kodell, Chen, and Young.

Subject: NCTR Review of JNCI 79(4):693-699, 1987.

To: Ronald W. Hart, Ph.D., Director, NCTR.

There is no basis for implying AO association with STS in the Abstract or in the Summary paragraph at the end of the article (entitled "Soft Tissue Sarcoma and Military Service in Vietnam: A Case-Control Study"). Even with the caveats and disclaimers of non-significance, the AO implications should not be made.

There were no statistically significant findings reported in this study. The first sentence of the Discussion section is a biased statement and should be restated; the results of this study do not support "any" association, much less a "strong positive" association between Vietnam service and the occurrence of STS.

Based on the recently completed CDC study that indicated that all attempts at categorizing AO exposure in Vietnam were no good, the use of Military Occupation Specialty Code or military, region to indicate AO exposure is without merit.

In addition, the area where the authors indicated extensive AO spraying, the OR was the lowest (Table 4, OR=0.53).

The article would be much improved if Table 5 and all inferences to Agent Orange (AO) were removed.

It is surprising that no comparison was found to be significant as you would expect 1 or 2 comparisons to be significant by chance alone.

Table 5 also has an error in column 2 and line 1 of the data as the column and row totals do not add up. If the Military Region I Controls Yes value were 6 instead of 7, the table would balance.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
November 23, 1987.

From: Director, Center for Environmental Health and Injury Control.

Subject: Response to Kang et al., JNCI—12 Nov. 1987.

To: Ronald W. Hart, Ph.D., Chairman, AWOG Science Panel.

Kang et al. (1) report no association between soft tissue sarcoma (STS) and service in Vietnam in a study of 217 STS cases and 599 controls, with an odds ratio of 0.8. However, they suggest that "veterans who had higher estimated opportunities for Agent Orange exposure seemed to be at greater risks of STS. . . ." Recent data on serum dioxin levels in Vietnam veterans suggest that their measure of estimated opportunity for exposure is not likely to be reliable, casting doubt on the validity of this statement.

The data leading to their comment about the risk of exposure to Agent Orange are summarized in their Table 4, the heading for which describes a classification by "categories of estimated Agent Orange exposure likelihood." In fact, the Vietnam veterans are classified by military occupational specialty category (MOSC) as combat or noncombat and, for Army veterans, also by military region. Kang et al. provide no data to support their statement that veterans who saw more combat might have been more likely to be exposed to herbicides.

Data relevant to using MOSC as a surrogate for herbicide exposure are available from the Centers for Disease Control's recently completed study of serum dioxin levels in 646 Vietnam and 97 non-Vietnam male U.S. Army veterans (2). As shown in several recent studies (3-5), current serum dioxin level can be used as an objective biological marker for heavy exposure to Agent Orange in Vietnam. The 646 Vietnam veterans in the CDC study served as ground combat troops in the III Corps military region during 1967 and 1968, a time of heavy spraying. More than 80% had a combat MOSC. The distribution of their serum dioxin levels was nearly identical to the distribution of levels in the 97 veterans who did not serve in Vietnam. There was no relation between dioxin levels and self-reported intensity of combat in the Vietnam veterans. There was also no association between dioxin levels and number of days a veteran's unit spent in five heavily sprayed regions, four of which (War Zones C and D, the Iron Triangle, and Rung Sat) were heavy combat zones. In summary, the CDC study suggests that a combat MOSC is unlikely to be a better indicator of likelihood of exposure to Agent Orange than are other indicators derived from military records. As Kang et al. indicate, these other measures have been rejected as inadequate surrogates for exposure to Agent Orange.

Several other points are worth considering. Vietnam veterans with a noncombat MOSC include clerks and others who served in combat areas with combat troops. If the most likely source of exposure to Agent Orange was spraying around base camps, as has been suggested (6), these "noncombat" troops were about as likely to be exposed to Agent Orange as were those with a combat MOSC. Other plausible differences between veterans with combat and noncombat MOSC, such as education and stress, could be confounders for the associations in Table 4, but Kang et al. do not report an attempt to control for such factors.

In addition, in finding these suggested associations Kang et al. have examined particular subgroups. Standard practice requires great caution in interpreting the results of subgroup analyses, particularly (as the authors emphasize) when the association between the subgroup and the exposure of interest is very uncertain. That caution was not exercised by the quoted statement in the first paragraph of this letter.

REFERENCES

(1) Kang H, Enziger F, Breslin P, et al. Soft tissue sarcoma and military service in Vietnam: a case-control study. JNCI 1987; 79:000-000.

(2) Centers for Disease Control. Serum dioxin in Vietnam-era veterans—preliminary report. Morbidity and Mortality, Weekly Report 1987; 36:470-475.

(3) Gross ML, Jackson O, Lyon PA et al. 2,3,7,8-tetrachlorodibenzo-p-dioxin levels in adipose tissue of Vietnam veterans. Environmental Research 1985; 33:261-268.

(4) Kahn PC, Gochfeld M, Rappe C, et al. Analysis of adipose tissue and blood samples from Vietnam veterans: project outline and preliminary results.

(5) Pirkle JL, Wolff WH, Patterson DG, et al. Estimates of half-life of 2,3,7,8-tetrachlorodibenzo-p-dioxin in Ranch Hand veterans. Presented at the Seventh International Symposium on Chlorinated Dioxins and Related Compounds, Las Vegas, 1987.

(6) AOWG Science Panel. Report of the Agent Orange Working Group Science Subpanel on exposure assessment, Washington, DC: Department of Health and Human Services. June 3, 1986.

VERNON N. HOUK, M.D.,
Assistant Surgeon General.

COMMENTS ON THE ARTICLE: SOFT TISSUE SARCOMA AND MILITARY SERVICE IN VIETNAM: A CASE CONTROL STUDY

(By Dr. Han Kang, P.H. et al.)

A primary question is why was the AOWG Science Panel not given sufficient time prior to the publication of this paper in the Journal of the National Cancer Institute to provide thorough written comments to the authors and to the Chairman of the Science Panel? The letter to the Science Panel members was dated October 2, 1987 and was not received at the Department of Defense until several days later with publication being scheduled for October 9, 1987.

What peer review process did this article go through at the Veterans' Administration prior to submission to the journal for publication? Why did the Science Panel not have an opportunity to review the pressumed reviewers comments?

COMMENTS

Why was the study stopped in 1980 when another 5 to 6 years of information could have been obtained on STS, especially when it has such a long latent period from exposure to the carcinogen? The original controversy on herbicides began as early as 1968 in the public press around the world. This is what forced the cessation of Ranch Hand spraying in 1969.

Why were not the controls matched to STS on the basis of race or vital status?

Why were combat engineers excluded while tank crews were included? Many combat engineers cleared trees and brush which had the potential for strong residual concentrations of herbicides, especially Orange. Many other personnel not necessarily having a combat MOS were stationed on firebases and other fortified installations which had had their perimeters repeatedly sprayed with herbicides. These non-combat type troops may have had repeated exposures to spray drift situations from perimeter spraying. On the other hand tank crews being protected by their vehicles would not likely have had their uniforms and skin contaminated by any herbicide on the foliage. Why did they not include Chemical Corps troops? Were any of these STS cases Chemical Corps troops?

Although III Corps did receive very heavy spraying during the entire war, many of the exact same areas were repeatedly sprayed from year to year because of the regrowth of the dense forests. On the other hand large areas where there were combat troops were never sprayed with Agent Orange because there were no dense forests to defoliate. The NAS overlay transparencies show this fact quite clearly. Thus many Army members with a combat MOS who served in III Corps may not have been serving in areas which had been intensively sprayed with Agent Orange. A very detailed tracking of each of the STS case Vietnam veterans would have to have been accomplished to make sure that they were serving in sprayed areas. We should not forget that thousands and thousands of gallons of herbicides Blue and White were also sprayed in these areas and neither of them contained TCDD. This is a rather sloppy and inexact way of relating any herbicide exposure to these STS cases. It casts doubt on any credibility of the findings of the study. Also a mission should be differentiated from a sorte. Gallons of Herbicide Orange disseminated over a specifically defined area is a much more accurate way to determine how much Orange was laid down on the forests.

What are "non-ground troops" are they only Air Force and Navy personnel in the air or on ships? There is no way from the methodology used to even say that certain combat troops had "higher estimated opportunities for Agent Orange exposure". Also the noncombat troops, if stationed at a firebase, such as headquarters administrative or medical corpsmen personnel, may have, in fact, received higher exposure to Herbicide Orange if that firebase had been repeatedly sprayed around the perimeter with Agent Orange. At the same time those "combat troops" assigned to the firebase may have been out in the field operating in areas where there had been no spraying and away from the firebase when the permanent party personnel were exposed to perimeter spraying. A very detailed review of the whereabouts of each STS Vietnam veteran on a day-to-day basis in relation to actual spray missions and perimeter spray activities before one could say that this person had a likelihood of Orange exposure.

Much was written in the public press as early as 1969 about the terrible environmental effects from herbicide spraying in Vietnam. This furor generated an extensive study done by the NAS in the period of 1972 to 1974 so this statement does not ring true. The effects on chickens was found in 1969 and this led to the cancellation of Ranch Hand spraying of Agent Orange in 1969. More research should have been accomplished on the Congressional hearings and the earlier public press articles which covered the period from the late 1960's. Concerning the health status of both STS cases of Vietnam veterans and control Vietnam veterans, was any attempt made to secure their military medical records to determine what had been their health and disease incidence while they were in the Army or Marines?

The tone of this paragraph gives one the impression that the authors are trying to seek out a positive correlation between STS and Agent Orange exposure even though the data does not support such a conclusion. Why was this even included in the discussion? There is no way that you can say that these men were more likely to have had Agent Orange exposure considering the exceptionally crude methods used to assign exposure. Since the numbers of STS cases were so small a much more detailed analysis of exposure should have been undertaken to increase the value of these findings.

It is interesting to note that of the 7 cases of STS found in I Corps, 4 of these did not have a Combat MOS. Also in II Corps there were two cases and none of these soldiers had a combat MOS. Even in III Corps one case was found in a soldier with a noncombat MOS. In the total figures there were 8 cases having a combat MOS while 7 did not have a combat MOS, almost a 50/50 ratio which would seem to discount the combat MOS as a determining factor in exposure to Agent Orange. It is also Very Interesting to note that there were more STS cases (7) in I Corps in Army troops than there were in III Corps (6). I Corps had the next to lowest number of spray missions recorded as per page 4, paragraph 5. Add to this the five Marine cases of STS and the concentrations of STS cases are much higher in I Corps than in III Corps where all the spraying was supposed to have taken place. It just does not make sense to draw any conclusions as to Agent Orange exposure in III Corps from the data found. Were any comparisons made as to the total numbers of Marine Corps and Army troops concentrated in the four Corps areas. The results may have been more closely related to shear numbers of troops located in each of the Corps areas and have nothing to do with either a combat MOS or Agent Orange exposure.

COMMENTS ON THE SOFT TISSUE SARCOMA STUDY

(Col. William H. Wolfe, USAF, MC, Chief, Epidemiology Division)

1. The authors comment that Hardell (references 5 and 6) found an increased risk of STS in exposed persons. The study was a case control design, that found increased exposure in patients with STS. Technically, the study found an increased "risk" of exposure in STS patients, not an increase of STS in an exposed cohort.
2. The authors' assumption that Agent Orange was the exposure of interest is inappropriate in light of the CDC study of serum dioxin levels in ground troops.
3. In page 3, para 2, the authors infer that there was no publicity on the effects of Agent Orange prior to 1980. In fact, intense publicity began in 1978, and the Hardell studies began to appear in 1979. Selection bias could have occurred between 1978 and 1980. 1978 should have been the cutoff point for selection of cases in this study.
4. The authors need to clarify the criteria used for selection of controls. Were the same criteria used in all facilities submitting specimens to AFIP for the study?
5. A table of the distribution of diseases in the controls should be provided.
6. The comments on Agent Orange exposure on page 4 are misleading in view of the low levels of dioxin found in ground troops by the CDC study. Agent Orange exposure should not be presented as a cause of any observed findings.
7. The discussion of results on page 5 needs to be expanded to place the observed odds ratios (OR) in better perspective. It is misleading to emphasize a nonsignificant OR with a broad confidence interval (that includes 1) because it fits the study hypothesis. It is likely that the reader who is not an epidemiologist or statistician will misinterpret the discussion.
8. The use of the adjective "strong" in the phrase "does not support a strong positive association" on line 2, para 1 of page 6 is also misleading. The data do not demonstrate any positive association. The OR were all nonsignificant. The authors appear to have overinterpreted the subgroup analyses—the confidence intervals of the odds ratios included 1, and the likelihood of significant exposure of Agent Orange in these men is highly questionable.

SOFT TISSUE SARCOMA AND MILITARY SERVICE IN VIETNAM: A CASE CONTROL STUDY

(By Han Kang, et al.)

A comparison of 217 cases of Soft Tissue Sarcoma diagnosed at the AFIP with 599 controls from the same referral sources revealed that Vietnam veterans were at no greater risk from this cancer than men who had never been in Vietnam. The study was designed to have 98 percent probability of detecting a twofold increased risk of STS among Vietnam veterans had such an elevated risk existed. Markedly elevated risks were found for Army and Marine Vietnam veterans who held combat-related Military Occupational Specialty Codes (i.e., infantry, field artillery, etc.) or were assigned to one of the 2 Military Areas in Vietnam where much Agent Orange was known to have been used. These elevated risks, however, were based on relatively small numbers and did not test as statistically significant. Cases and controls were identified between 1975 to 1980 to avoid spurious association following publication of the Swedish data linking STS to phenoxyacetic acid containing herbicides. Other possible biases due to the source of case material seem to have been adequately disposed of.

The study appears to have been well designed and well executed and apparently indicates that Vietnam veterans are at no greater risk from STS than others. However, several additions and changes in the data which is presented might make it easier to interpret the results. There should have been a comparison of Vietnam veterans to other veterans as well as to non-veterans. Do veterans have a different risk for STS? Do Vietnam veterans with the longer [among admittedly short] possible latency periods have a different risk? It can be calculated from Table 4 that, compared to other veterans among the "ever in Vietnam", Army and Marine veterans have an estimated relative risk for STS of only 0.50 which is of borderline statistical significance (Chi Sq.=4.02, uncorrected for continuity). Thus, if combat Army and Marine veterans have twice the risk for STS as non-combat Army and Marine veterans from Vietnam, (as can be calculated from Table 5) they must have about the same risk as other Vietnam veterans (presumably Navy and Air Force). This suggests that results in no way support any association between STS and Agent Orange exposure, even non-statistically significant. In addition, although the narrative states that "No statistically significant association was found between STS and other study variables" the data in Table 6 clearly indicate that cigarette smokers were at significantly lower risk from STS than non smokers. How this is related to the Vietnam veteran issue cannot be determined without some form of multivariate analysis of the data, of which there is no evidence in the manuscript.

In summary, while the study seems to have been well done, the published report makes more mention of the possible role of Agent Orange than the results which are presented can support. The results which are presented "do not support" . . . [any] . . . "positive association between Vietnam service and the occurrence of STS."

COMMENTS ON SOFT TISSUE SARCOMA AND MILITARY SERVICE IN VIETNAM: A CASE CONTROL STUDY

This case-control study utilized STS pathologic specimens sent to the Armed Forces Institute of Pathology between 1975 and 1980 for men born between 1940 and 1945. Controls were obtained from patient logs of referring pathologists. Vietnam service was determined by review of military records. Analysis was conducted by calculating the

Odds Ratio for the entire study group and for subgroups suggested to have possible Agent Orange exposure. No statistically significant increased risk for STS was found in the Vietnam veterans or in the Agent Orange subgroups.

The study seems to have been conducted properly, and the results were presented clearly in the JNCI article. The authors considered carefully all possible sources of bias in the Discussion section.

Several points come to mind regarding the desirability of coordination of research studies at the Veterans' Administration:

1. Did the authors of this article know the results of the CDC Validation study prior to submitting this article to JNCI? If so, the sections on Agent Orange estimates should have been revised to reflect the CDC findings that ground troops did not have substantial exposure.

2. This article states clearly that Military Region III received the heaviest Agent Orange spraying (3,487 spray missions), but the V.A. Mortality Study suggested that Military Region I received the heaviest spraying. If that report is revised, it is desirable to have the report be consistent with this report. It should also reflect the results of prior studies such as the CDC Validation Study.

3. This case control study has some overlap with the Irey study of STS pathologic specimens. The Irey report should clarify similarities and differences in the two studies.

WESTERN WASHINGTON NONVETERAN HERBICIDE STUDY

Mr. CRANSTON. Mr. President, in addition to studies of the effects of dioxin exposure on Vietnam veterans, other studies have examined the effects of herbicide exposure on agricultural, forestry, and industrial workers.

A recent study entitled "Soft Tissue Sarcoma and Non-Hodgkin's Lymphoma in Relation to Phenoxy Herbicide and Chlorinated Phenol Exposure in Western Washington," published in the May 1987 issue of the Journal of the National Cancer Institute, found "small but statistically insignificant increased risks for developing NHL in association with some occupational activities involving exposure to phenoxy herbicides, particularly for prolonged periods, and possibly, in combination with other chemicals", but did not demonstrate "a positive association between increased cancer risks and exposure to any specific phenoxy herbicide product alone."

On October 16, 1988, the two committees wrote to the OTA, the AOWG, and the VACEH requesting that they review and comment on this study and provide their views on its relevance to issues relating to the Vietnam veterans. The VACEH responded, noting in summary minutes enclosed in a November 6, 1987, letter, that the study was well-designed and well-executed and that "this study adds to the accumulating evidence of no relationship with herbicide exposure and the occurrence of soft-tissue sarcoma" but that "[t]he association of phenoxy herbicide exposure with NHL warranted careful watching for new evidence".

In a January 20, 1988, letter the AOWG enclosed the AOWG's science panel's review of the study, which concluded that "the results of this study do not support an association between STS and NHL and occupational exposure to phenoxy herbicides or chlorophenols."

In a February 4, 1988, letter, the OTA stated:

> This study does not provide support for a hypothesized connection between Agent Orange and subsequent development of STS and provides very limited support for a connection with NHL.

Mr. President, I ask unanimous consent that the VACEH's November 6 letter and the relevant portion of the summary minutes from the VACEH's April 27 and 28 meeting, the February 4, 1988, letter from the AOWG, and the January 20, 1988, letter from the OTA, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
OFFICE OF GENERAL COUNSEL,
Washington DC, November 6, 1987.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of October 16, 1987, concerning a study by Woods, et. al., entitled, "Soft-Tissue Sarcoma and Non-Hodgkins's Lymphoma in Relation to Phenoxyherbicide and Chlorinated Phenol Exposure in Western Washington." (Journal of the National Cancer Institute, 78: 899-910 (1987).) The Veterans' Advisory Committee on Environmental Hazards reviewed this study at its April 27-28, 1987, meeting. The comments of the Committee on this study are summarized on pages 18 and 19 of the Summary Minutes for that meeting. I am enclosing a copy of those minutes for your information.

An identical letter is being sent to the Chairman and Ranking Minority Members of the Senate and House Committees on Veterans' Affairs who co-signed your letter. If I may be of further assistance, please let me know.

Sincerely,
FREDERIC L. CONWAY,
Executive Secretary,
Veterans' Advisory Committee on Environmental Hazards.

MINUTES OF THE VA ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

The Council next reviewed a study by Woods, et al., "Soft-Tissue Sarcoma and Non-Hodgkins Lymphoma in Relation to Phenoxyherbicide and Chlorinated Phenol Exposure in Western Washington." (JNCI 78: 899-910 (1987).)

This was a population-based case control study in Western Washington of 128 cases of soft-tissue sarcomas, 576 cases of non-Hodgkins Lymphoma, and 694 controls without cancer. Outcome variables were occupational history by job categories and an assessment of past occupational exposures to phenoxyherbicides or chlorophenols. The authors found no increased risk of either soft-tissue sarcoma or non-Hodgkins lymphoma associated with occupational history of exposure either to phenoxy herbicides or chlorophenols. With regards to occupational history by job category, however, there was found an increased risk on non-Hodgkins lymphoma for farmers, forestry herbicide applicators, and for those potentially exposed to phenoxy herbicides in any occupation for 15 years or more during the period prior to 15 years before cancer diagnosis.

Dr. Colton, the principal reviewer, described the study as being well-designed and well executed. The strengths of the study include its population basis, the careful choice of controls, the validation of the diagnosis of a soft-tissue sarcoma, the absence of any particular media attention during the period of data collection, and the validation by other sources the subjects' reported occupational histories and exposures to herbicides. The study's authors also presented various possible explanations for the discrepancies between their study's findings and other more recent U.S. findings with the Swedish studies of Hardell.

Dr. Lathrop expressed several concerns. First, he noted that when the overall population is looked at, no differences are found and that an association is seen only when the groups are further broken down. Secondly, he was concerned about the relatively low number of study subjects noting that with just a few misclassifications, the significance line can change quite easily. Overall, he believed the study to be extremely well conducted but noted that multiple comparison issue needs to be considered.

Dr. Kurland stated that he recalled a considerable amount of publicity regarding the use of herbicides by the Forestry Service and wondered whether there was, in fact, publicity to which the subjects were exposed and of which the investigators were unaware.

Dr. Colton expressed the belief that this study adds to the accumulating evidence of no relationship with herbicides exposure and the occurrence of soft-tissue sarcoma. With regards to the question of non-Hodgkin's lymphoma, Dr. Colton stated that this study raised the response to the question whether the VA's guidelines should be modified from a "no" to a "maybe." Dr. Lathrop noted the association of phenoxy herbicide exposure with non-Hodgkin's lymphoma warranted careful watching for new evidence.

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, February 4, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR ALAN: Enclosed is an Staff Paper, prepared by the OTA Health Program, reviewing the paper, "Soft Tissues Sarcoma and Non-Hodgkin's Lymphoma in Relation to Phenoxyherbicide and Chlorinated Phenol Exposure in Western Washington" (Journal of the National Cancer Institute 78(5):899-910, 1987), in response to the request of you and your colleagues in your joint letter of October 16, 1987.

The study examined the occurrence of two types of cancer, soft tissue sarcoma (STS) and non-Hodgkin's lymphoma (NHL) in men in relation to various occupational chemical exposures and other factors thought to be associated with these cancers. The study was well designed and the analyses appear to be appropriate. The key analyses concern two classes of chemicals, chlorophenols and phenoxyherbicides, which were heavily used in western Washington State, the study area. The major limitation of the study, as has been the case with many studies of herbicide and chemical exposure, was the lack of a quantitative measure of human exposure. Exposures were categorized based on job descriptions and expert judgment.

As you stated in your letter, the investigators found no association of either STS or NHL with their best estimates of aggregate exposure to either class of chemical, even in the "high intensity" categories. There were three findings of modestly increased risk, however, associated with particular jobs or activities undertaken sometime during the lives of the men in the study. These include: (1) NHL among farmers; (2) NHL among those who reported spraying forests with herbicides; and (3) STS among those who worked as lumber graders. While the chemical exposures in the first two cases may have been predominantly to phenoxyherbicides, and in the third, chlorophenols, the particular exposures or other risk factors that might be related to the excess risk are unknown.

This study does not provide support for a hypothesized connection between Agent Orange and subsequent development of STS and provides very limited support for a connection with NHL.

The study did find factors other than chemical exposures associated with NHL, and the findings are consistent with those of many previous studies: those findings are conditions (either disease related or the result of medical treatment for serious disease) of impaired immunologic function. If evidence of an increased NHL risk, as was suggested by the recent VA mortality study, is corroborated by the CDC NHL case control study, these might provide clues for exploring potential NHL risks other than exposure to Agent Orange.

I hope you find this helpful. If you have any further questions about it, please do not hesitate to call me or Hellen Gelband, of the OTA Health Program (at 8-6590), who was responsible for the review.

Sincerely,

JOHN H. GIBBONS.

OTA CRITIQUE OF: "SOFT TISSUE SARCOMA AND NON-HODGKIN'S LYMPHOMA IN RELATION TO PHENOXYHERBICIDE AND CHLORINATED PHENOL EXPOSURE IN WESTERN WASHINGTON"

(by James S. Woods, Lincoln Polissar, Richard K. Severson, Linda S. Heuser, and Bruce G. Kulander)

STUDY DESCRIPTION

The purpose of the Woods et al. study was to investigate possible associations between the development of either soft tissue sarcoma (STS) or non-Hodgkin's lymphoma (NHL) and known or inferred (on the basis of occupation) exposure to two classes of chemicals, chlorophenols and phenoxyherbicides. All men, aged 20 to 79 at diagnosis of STS or NHL, who were reported to a registry covering western Washington State during the period 1981 through 1984, constituted the pool of cases for the study. Controls for live men in the case group were selected from the general population of men in the same geographic area (by a combination of methods), in the same age frequency distribution as the NHL cases. Controls for those men in the case group who had died before the study began consisted of men who had died of causes other than cancer (excluding also homicide and suicide) during the study period (identified through death certificates) and were within the age range of the case group when they died.

Initially, 206 (150 living and 56 dead) men with STS and 746 (527 living and 219 dead) with NHL were identified from the registry as meeting study criteria. Controls, chosen in a ratio of 1.2 per NHL case, initially numbered 910. Excluding those whose physicians (of men in the case groups) refused to allow the patients to be interviewed or instances in which the individuals themselves declined to be interviewed, and those who were later found to have been misdiagnosed or were ineligible for other reasons, the final totals were: 128 STS (97 living, 31 dead), 576 NHL (402 alive, 174 dead), and 694 controls (475 living, 219 dead). Each participant (or a proxy) was interviewed to find out about past exposures to chlorophenols and phenoxyherbicides, job descriptions, military histories, and information about potential risk factors for NHL and STS, such as immunosuppressive disorders or use of immunosuppressant medication (in the case of NHL).

Each job title (e.g., farmer) and specific activity (e.g., spraying herbicide from a backpack sprayer) was given a relative "rating" for potential exposure to each category of chemical (chlorophenols and phenoxyherbicides). These ratings, combined in various ways, were used in the analyses.

FINDINGS

Overall, about 40 percent of the study population had some exposure to phenoxyherbicides, and about 60 percent to chlorophenols. The main aggregate analyses broke the potential exposure experiences for each category of chemical into categories of high, medium, low, and none. In those analyses, no significantly elevated risks (odds ratios) were found for either STS or NHL.

The investigators also looked for associations between particular occupations and activities involving potential exposure to the two classes of chemicals and the occurrence of STS or NHL. Out of a relatively large number of such analyses, three emerged as elevated at levels of statistical significance suggesting that they are not very likely to be due to the play of chance, though no finding is so strong as to exclude the possibility that it might be explained by chance alone. The three findings are:

1. An elevated risk of NHL among farmers, in whom the probable exposure is to phenoxyherbicides, the estimate suggesting that among farmers the risk of developing NHL is 1.33 times the risk for non-farmers. There were a relatively large number of farmers in the study population (about 30 percent), so this estimate fits within a fairly narrow range (1.03 to 1.7) of variation (95 percent confidence limits) within which the actual odds ratio would fall.

2. An elevated risk of NHL among those who reported spraying forests with herbicides (potential exposure to phenoxyherbicides) at some time, the estimate suggesting a risk 4.8 times that of individuals not reporting forest herbicide spraying. Only 1 percent of the study population fell into this category, therefore the range of variation (95 percent confidence limits) about the 4.8 estimate is rather wide (1.2 to 19.4).

3. An elevated risk of STS among those who worked as lumber graders, the potential exposure being to chlorophenols, suggesting that the risk of developing STS is 2.66 times that for individuals not reporting that occupation. A relatively small number, 3.1 percent of the study population, reported some experience as lumber graders, and the 95 percent confidence limits about the estimate range from 1.1 to 6.4.

Elevated risks of NHL were also found in association with medical conditions suggesting compromise of immune function, and with certain occupational exposures other than chlorophenols and phenoxyherbicides (DDT, organic solvents, lead and lead arsenate, and welding fumes). No other factors were found in association with STS. No analysis of military experience was included in this paper. According to the primary author, few in the study population were Vietnam veterans, but information about that aspect of the study and other analyses not included in this paper will be presented in a future publication.

SIGNIFICANCE OF THE FINDINGS

As has been the case with most studies relating phenoxyherbicide exposure to health effects, the exposure information is not quantifiable, and must be assessed on the basis of subjective judgments. While these judgments appear to have been carried out according to a well-designed scheme in this study, it is impossible to know how well the categories correspond with actual exposures.

The strongest finding, when viewed in the context of other studies and the data presented in this study, is the modestly increased risk of NHL among farmers. The 1986 National Cancer Institute study of STS and NHL in Kansas found a similar increased risk. The increase is modest, however, and could be due to any number of factors associated with farming. In addition, though the authors downplay this, it is possible that "recall bias"—heightened or distorted memory of exposures among cancer patients when compared to people without cancer—may have also affected the findings, tending toward finding a risk where none might exist. The lack of association overall of NHL with what were considered high levels of potential exposure leaves considerable doubt that chlorophenols or phenoxyherbicides alone were responsible for the excess.

The risks identified, while not unimportant, do not represent large excesses of STS or NHL, and do not match what was seen in the earlier studies of Swedish forestry workers. This study does not provide support for a hypothesized connection of Agent Orange with subsequent development of STS and provides very limited support for a connection with NHL.

The study did find factors other than chemical exposures associated with NHL, and the findings are consistent with those of many previous studies: these findings are conditions (either disease related or the result of medical treatment for serious disease) of impaired immunologic function. If evidence of an increased NHL risk, as was suggested by the recent VA mortality study, is corroborated by the CDC NHL case control study, these might provide clues for exploring potential NHL risks other than exposure to Agent Orange.

THE UNDER SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, January 20, 1988.

Hon. ALAN CRANSTON,
Chairman, Senate Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: As promised in my last letter to you dated November 27, 1987, enclosed is the review you requested of the study by Dr. James S. Woods entitled "Soft Tissue Sarcoma and Non-Hodgkin's Lymphoma in Relation to Phenoxy Herbicide and Chlorinated Phenol Exposure in Western Washington". I requested the Science Panel of the Domestic Policy Council Agent Orange Working Group (DPC/AOWG) to conduct an in-depth review of this study and I am appending the summary report from Dr. Ronald Hart, Director, National Center for Toxicological Research, who chairs the Science Panel.

In addition, the individual comments of key members of the Science Panel are included. As you will note, the specific findings discussed in the report, which warrant follow up investigation and analysis are identified.

Should you have further questions, please do not hesitate to contact us.

Sincerely,

DON NEWMAN,
Chairman, Domestic Policy Council Agent Orange Working Group.

December 23, 1987.

Hon. DONALD M. NEWMAN,
Chairman, Domestic Policy Council Agent Orange Working Group, Washington, DC.

DEAR MR. NEWMAN: In response to your request, the AOWG Science Panel has reviewed the 1987 JNCI article by Woods et al. The AOWG summary response as well as the individual Science Panel members' responses are attached.

I wish to thank the following individuals for taking the time to review the article: Dr. Vernon Houk (CEH/CDC), Dr. Marilyn Fingerhut (NIOSH/CDC), Dr. Han K. Kang (VA), Dr. Carl A. Keller (NIEHS), and Col. William H. Wolfe (USAF).

If more information is needed, please do not hesitate to ask.

Sincerely,

RONALD W. HART, Ph.D.,
Chairman, AOWG Science Panel, Director, NCTR.

AWOG SCIENCE PANEL SUMMARY REVIEW

(Prepared by Dr. John F. Young (NCTR) Dec. 14, 1987)

Soft tissue sarcoma and non-Hodgkin's lymphoma in relation to phenoxy-herbicide and chlorinated phenol exposure in western Washington. J.S. Woods, L. Polissar, R.K. Seveson, L.S. Heuser and B.G. Kulander, JNCI 78(5):899-910, 1987.

Contributions to this summary review were made by Dr. Vernon Houk (CEH/CDC), Dr. Marilyn Fingerhut (NIOSH/CDC), Dr. Han K. Kang (VA), Dr. Carl A. Keller (NIEHS), and Col. William H. Wolfe (USAF). Their individual reviews are attached.

This all male study compares the occupational experience of 128 soft tissue sarcoma (STS) and 576 non-Hodgkin's lymphoma (NHL) cases and 694 controls in 13 counties of Western Washington State. Cases were diagnosed between 1981 and 1984 and were identified through a population based tumor registry and group matched by vital status and age to randomly selected controls from the same population. Study subjects were interviewed for life-time residential, military and medical histories and occupational exposures to herbicides, chlorophenols and other chemicals. These STS cases were reviewed for accuracy of diagnoses, and the study seems to have been conducted using standard epidemiological principles for case-control studies. (Keller)

In general it was felt that the study seemed to be well executed. However, there were deficiencies in the published report which made it impossible to evaluate some important issues. Specific criticisms were voiced as follows:

1. It is not clear how individual's exposures were identified. (Keller and Fingerhut)

2. Concern about the adequacy of exposure information from interviews of next-of-kin. (Fingerhut and Kang)

3. Some subgroup differences could be due to chance alone. (Keller and Fingerhut)

4. There was some concern about the controls. (Kang and Fingerhut)

No trend of increasing risk of STS or NHL was observed for exposure to either phenoxyherbicides or chlorophenols. Subgroup analyses for specific occupational groups also showed no excess risk for STS [except lumber graders with potential exposure to chlorophenols] but did not show increased risk for NHL among farmers and forestry herbicide sprayers. (Houk)

The only result in this study which is suggestive of a causal association is the statistically significant elevated odds ratio of NHL for those with 15 years exposure to phenoxyherbicides more than 15 years before diagnosis. Unfortunately, the authors did not include any details of how this was measured nor how many persons or what kinds of occupations were involved. (Keller)

There was a long discussion of why these results fail to support the positive findings from Sweden, focusing principally on shorter and more intensive exposure in Sweden vs. longer, more intermittent exposure yielding lower body burdens in Washington, but this was very conjectural. This study does not support the thesis that exposure to Agent Orange as it occurred in Vietnam is associated with NHL or STS. (Houk)

In summary, the results of this study do not support an association between STS and NHL and occupational exposure to phenoxyherbicides or chlorophenols. They do suggest, however, that a latency period of at least 15 years must ensure before elevated risks for lymphoma can become apparent. Although this fact has often been pointed out, it may not have been accorded the emphasis which is due. Perhaps the results of some other studies should be reappraised in this light. (Keller)

COMMENTS ON "SOFT TISSUE SARCOMA AND NON-HODGKIN'S LYMPHOMA IN RELATION TO PHENOXY HERBICIDE AND CHLORINATED PHENOL EXPOSURE IN WESTERN WASHINGTON"

(By James S. Woods)

It is difficult to draw conclusions from only a reading of the paper regarding the adequacy of the results, because the authors did not provide detailed information on some aspects of data collection and analysis. For example:

1. Adequacy of Controls:

A description and discussion of the adequacy of telephone, HCFA and death certificate controls would have been helpful. What counties were included? What was the rural/urban makeup of the 13 counties? Were Seattle and Tacoma included? How were the controls "group matched" to the cases? Did over-matching or inappropriate urban/rural matching occur? Is it surprising that 58.5 percent of the study population had exposure to chlorophenols (Table 3)?

2. Adequacy of Exposure Information from Self-Reports:

The authors did not discuss adequacy of information recalled as far back as 40 years. Nor did they discuss the adequacy of exposure information from next-of-kin (needed for 1/3 of the study population). In our experience, next-of-kin are not very reliable regarding details of occupational exposure. It would have been helpful to have description of percent response for the various types of questions, and a discussion of the confidence the authors have in the responses.

3. Adequacy of Exposure Assessment:

More detail is needed to understand the data and the criteria used by the consultants to determine the categories of low, medium, and high occupational exposure.

4. Analysis:

The data presented on tables 3, 4, 5, and 7 are difficult to interpret for several reasons:

a. It is clear which the categories are mutually exclusive (e.g., Table 4 categories sum to 79.9 percent of population, but Table 3 indicates that only 36.7 percent were exposed to phenoxy herbicides.).

b. Some categories seem to be missing from the tables (e.g., Table 5 lists 47.9 percent of population with potential exposure to chlorophenols, but Table 3 indicates that 58.5 percent were exposed.).

c. The actual numbers of STS and NHL cases in each category are not presented.

d. It would have been useful if the authors had constructed and utilized in analysis a single measure reflecting both the duration and the intensity of exposure for each individual.

e. The authors deal with "chlorophenols" only superficially. The "chlorophenols" are not defined. It is possible that the exposure is to pentachlorophenol in these individuals, although the authors refer only to 2,4,5-trichlorophenol in the Introduction. Since dioxin contaminants differ in these two chlorophenols, it would be helpful to know the criteria used in the assessment of exposure. It is unclear how the overall OR for STS in chlorophenol exposed individuals is 0.99 (CI = 0.7-1.5) on page 904, but 7 or 10 occupational categories in Table 5 have OR greater than 1.

5. Conclusions

a. the authors found that overall, for the whole group, there was no increased risk for STS or NHL among those reporting any exposure to phenoxy herbicides or chlorophenols. However, for several subgroups, statistically significant risks were observed, and for many subgroups elevated but not statistically significant risks were found. Since many categories included small numbers of people, it is possible that low power accounts for the lack of statistical significance and it is possible that the statistically significant positive results are due to chance. The authors do not discuss these points.

b. The authors state on page 902 of the current report that the elevated risk in farmers of 1.33, CI=1.03-1.7, is consistent with reports from other studies which have identified farmers at increased NHL risk. However, the results from questions specifically inquiring about phenoxy herbicide usage appear to contradict the conclusions drawn by Hoar et al. that phenoxy herbicides, especially 2.4-D, are associated with increased risk of NHL in Kansas (Hoar, SE et al. "Agricutlural herbicide use and risk of lymphoma and soft tissue sarcoma" JAMA, 1986 256:1141-1147). The authors do not address this point.

COMMENTS ON "SOFT TISSUE SARCOMA AND NON-HODGKIN'S LYMPHOMA IN RELATION TO PHENOXYHERBICIDE AND CHLORINATED PHENOL EXPOSURE IN WESTERN WASHINGTON"

(Han K. Kang, Dr. P.H., Veterans Administration)

1. Study Design:

This was a population based case control study in 13 counties of Western Washington State to evaluate the relationship between occupational exposure to phenoxyherbicides and chlorinated phenols and soft tissue sarcoma (STS) and non-Hodgkin's lymphoma (NHL). A total of 128 STS cases and 576 NHL cases, aged between 20 and 79 at diagnosis during the years 1981-84 and 694 controls, group matched to NHL cases by vital status and 5-year age group were included in the analysis. All study subjects were male. Information on occupational exposures to herbicides, chlorophenols and other chemicals, and subjects' residential, military and medical histories was obtained through an in person interview lasting approximately one hour.

The Mantel-Haenszel method was used to calculate estimates of relative risks as odds ratio and the method of Miettinen was employed to calculate 95% confidence intervals. In addition, logistic regression analysis was made to evaluate the joint effects.

2. Conclusions:

The authors concluded that no significantly elevated risk of STS was seen among those exposed to phenoxyherbicides, chlorophenols, or among individuals involved in activities or occupations which had the potential for exposure to these chemicals. However, they stated, "the present investigation demonstrate increased risks of NHL in several specific occupations in which phenoxyacetic acid herbicides are used, as well as for prolonged occupational exposure to these substances".

3. Critique:

This study appears to be appropriately designed and carefully executed and followed customary precautions to minimize bias leading to spurious association. Data analysis seems appropriate and conclusions are supported by the data presented. I nonetheless have the following observations to make:

a. Controls were group matched to NHL cases, not to STS cases. As a result there was significant difference in the distribution of ages between STS cases and controls: 28 percent of the STS cases fell within the 20-39 age category whereas 10 percent of the controls fitted in this age category. Intuitively, one can assume that individuals at younger ages would have less chance of exposure to these substances through their work or would have shorter work histories than individuals with 40+ years of work histories. It would have been helpful had the age distribution (Table 2) been presented in 5 year intervals rather than 20 year intervals.

b. Description of "proxies" are in order. Were they spouses, parents, siblings, friends, or other relatives? Quality of information may vary depending on the relationship of respondents to the subjects. Although quality control measures were described as "to verify the accuracy of the data collected by interview", it was in fact only for consistency of response, not for accuracy.

c. It was stated that "exposure" for all variables refers to that occurring prior to the date of diagnosis for the cases and prior to the date of interview for controls. Cases were diagnosed during the years 1981-84 and the interviews were conducted during the years 1983-85. This arrangement may have introduced small but systematic observation bias for underestimating the risk because controls were afforded a minimum of 1 year or maximum of 4 years of additional "exposure" period as compared to cases.

d. It was not clear whether control subjects were men without cancer or men without STS or NHL. The abstract describes controls as "controls without cancer" and in the text controls were described as "a control group without STS or NHL".

e. The authors recognized the importance of validating the diagnosis of STS. In fact they eliminated 33 individuals (21 percent) originally selected as STS cases from the study following pathologic review. According to Table 1, a total of 163 STS cases were interviewed of which 33 cases were eliminated as a result of the pathologic review. However, in the text I read only 155 cases were submitted for pathologic review. In other words it seems as though 8 STS cases were never subject to pathologic review, yet they were included in the study.

f. The authors described conducting the interview during a period (1983-85) of low local or national media attention to the herbicide and cancer issue as a deliberate measure taken to reduce the likelihood of recall bias. I found the statement somewhat presumptuous.

(1) I don't know about at a local level but certainly there was extensive media coverage at the national levels during the years 1983-85.

(2) Whether there was or was not wide spread media attention was immaterial. It seems to me that the authors had few options because this study did not begin until 1983.

4. I don't believe any of my comments will make significant differences in the final conclusions. The comments do, however, suggest a need for further clarifications in presentation and for paying more attention to details. In every other way, I think the study is a good one and supports a basis for concern that certain occupations involving potential exposure to phenoxyherbicides increase the risk of developing NHL.

HAN K. KANG, Dr. P.H.

CRITIQUE OF "SOFT TISSUE SARCOMA AND NON-HODGKIN'S LYMPHOMA IN RELATION TO PHENOXYHERBICIDE AND CHLORINATED PHENOL EXPOSURE IN WESTERN WASHINGTON"

(J.S. Woods)

Study design and execution: This is a straight-forward, carefully done case-control study. All customary steps appear to have been done to assure data quality and to avoid bias. Definition of exposure (verification of exposure classification) is a bit soft, but they tried hard. This is a difficult arena. Analyses are appropriate.

Findings: No trend of increasing risk of STS or NHL was observed for exposure to either class of chemicals. Subgroup analyses for specific occupational groups also showed no excess risk for STS but did show increased risk for NHL among farmers and forestry herbicide sprayers. They postulated that there had to be exposure to the chemical of concern plus other unknown factors to produce the NHL. For those occupational groups exposed to chlorophenol there was no excess risk for NHL, but for lumber graders (a very small subgroup) there was a modest elevation in the OR ($p<.05$).

Other special analyses investigated the potentiating effects of immunosuppressive conditions and of differing hypothetical latent periods after exposure.

There is a long discussion of why these essentially negative results fail to support the positive findings from Sweden, focusing principally on shorter and more intensive exposure in Sweden vs. longer, more intermittent exposure yielding lower body burdens in Washington, but this is very conjectural. This study does not support the thesis that exposure to Agent Orange as it occurred in Vietnam is associated with NHL or STS.

DEPARTMENT OF THE AIR FORCE,
Brooks Air Force Base TX, December 1,
1988. 78235-5301

Subject: Review of "Soft Tissue Sarcoma and Non-Hodgkin's Lymphoma in Relation to Phenoxyherbicide and Chlorinated Phenol Exposure in Western Washington," (Woods, JS, et al. JNCI, Vol 78, No. 5, May 1987), HHS Memo, 25 Nov 87.

To: Dr John F. Young, Director, Division of Reproductive and Developmental Toxicology NCTR Jefferson AR 72079.

1. This study appeared to have been well planned, conducted, interpreted and written. The authors properly tested the equivalence of the living and deceased groups before pooling the data for analysis.

2. They used excellent techniques to assess and monitor the quality control of their questionnaire and pathological data collection methods.

3. The data concerning other risk factors which is presented in Table 6 is very valuable and they should be commended for providing it. These data will be useful in other studies.

4. The discussion section was excellent. Care was exercised in interpreting the data and weaknesses of study design were recognized and fully discussed. The approach to the differences in this study and the Swedish studies of Hardell was interesting.

5. Suggestions for clarification:

a. Were patients with unconfirmed or missing pathological specimens included in the data base?

b. If there was a 21% error rate in the diagnosis of Soft Tissue Sarcoma, could not a similar error be present in the diagnosis of Chloracne? Without verification of this difficult diagnosis, any association of chloracne with phenoxyherbicides is questionable.

c. The differences between the analyses of dose response (nonsignificant) and the occupation-specific groupings (significant in some instances) could easily have been due to inaccuracies in the exposure indices.

6. Overall, this study makes a significant contribution to the scientific literature on the possible effects of phenoxy herbicides. It does not have a direct effect on the issue of exposure of Vietnam veterans, but does provide useful information on the general issue of the health effects following the use of agricultural/industrial chemicals.

WILLIAM H. WOLFE, *Colonel, USAF,*
MC,
Chief, Epidemiology Division.

Mr. CRANSTON. Mr. President, I will continue to review very carefully the testimony we received during today's hearing and other relevant material on the agent orange issue. House Veterans' Affairs Committee Chairman G.V. "Sonny" MONTGOMERY and I share fully a commitment to doing what is right and fair for Vietnam veterans on this issue. Along with our ranking minority members, Senator FRANK MURKOWSKI and Representative GERALD SOLOMON, we and all the members of our two committees will be working closely together in the days and months ahead as we continue to grapple with this very complicated and vitally important issue.

HUMANITARIAN ASSISTANCE TO THE YATAMA INDIANS

Mr. HARKIN. Mr. President, if I may, I would like to have the attention of the chairman of the Senate Appropriations Subcommittee on Foreign Operations, Senator INOUYE.

I would ask the chairman to confirm our mutual understanding of certain matters relating to the provision of assistance to the Indian resistance force known as Yatama.

On March 31, 1988, during Senate consideration of House Joint Resolution 523 (Public Law 100-276), the Senator from Hawaii engaged in a colloquy with Mr. KASTEN on the matter of the $2.19 million provided for the Yatama Indians by that legislation. Your colloquy established that, if the February 2, 1988, agreement between the Yatama Indians and the Nicaraguan Government had been abrogated, and if the principal negotiator had been expelled from the Indian leadership, then "it should be left to the judgment of the Agency for International Development as to how best to reach the needy majority of the Yatama Indians."

Mr. INOUYE. That is correct. Since my colloquy of March 31, however, I have been informed that the February 2 agreement signed by Yatama representatives and the Government of Nicaragua was approved by the majority of the Indian directorate and by the Indian assembly held in Honduras from February 27 to 29 of this year. In addition, rather than expelling from Yatama leadership Mr. Brooklyn Rivera, the principal negotiator of the February 2 agreement, the Indian assembly reconfirmed his position as one of the five directors of Yatama, the others being Steadman Fagoth, Wycliffe Diego, Walter Ortiz, and Julian Comenios Patron.

Mr. HARKIN. That is also my understanding. We need to clarify this matter in order to resolve the question of how the Yatama aid will be distributed. It is your understanding that since the Indian assembly has confirmed the five directors of Yatama, and since the Indian assembly has confirmed the February 2 accord between Yatama and the Nicaraguan Government, then the $2.19 million for Yatama should be provided as the resolution states: "consistent with the preliminary accord signed by Yatama and the Government of Nicaragua on February 2, 1988, and any subsequent agreement based on that accord"?

Mr. INOUYE. That is correct.

Mr. HARKIN. Let me further clarify this matter. If, in a subsequent agreement based on the February 2 accord, Yatama and the Government of Nicaragua agree on a neutral organization to deliver the $2.19 million, then should that delivery mechanism be the one selected by the United States Agency for International Development to distribute that assistance?

Mr. INOUYE. If a delivery mechanism is accepted pursuant to an agreement based on the February 2 accord, then I would agree that delivery mechanism should be the one selected by AID to distribute the $2.19 million, provided that a number of conditions set forth in Public Law 100-276 are met. First, the delivery mechanism should be a neutral organization consistent with the requirements of section 4 of Public Law 100-276. Second, the $2.19 million can be provided only to "the Indian resistance force known as Yatama," as stated in section 3(g)(1) of Public Law 100-276. Third, the funds must be provided in a manner consistent with the February 2 accord and any subsequent agreement based on that accord, as stated in section 3(g)(2) of Public Law 100-276. Fourth, the assistance to the Yatama must be provided under authorities exercised in a manner which the Verification Commission noted in section 2 of Public Law 100-276 would not find to be inconsistent to the Sapoa Agreement also noted in Section 2 of Public Law 100-276. Fifth, the Yatama aid should be provided under appropriate controls and procedures as provided for by section 4(c) and section 7 of Public Law 100-276.

Finally, provided these conditions are met and a majority of the five members of the Yatama directorate I identified earlier agree on a delivery mechanism, then I would see no reason to delay provision of the assistance to Yatama and I would urge the Agency for International Development to distribute expeditiously the $2.19 million to the Indian resistance force known as Yatama.

"BANKING LEGISLATION IN THE HOUSE OF REPRESENTATIVES"

Mr. GARN. Mr. President, today I join several of my colleagues in urging the House of Representatives to delay no further in passing legislation that would fundamentally reform the financial laws of this country.

On March 30, 1988, this body passed the sorely needed Proxmire Financial Modernization Act of 1988 by the overwhelming vote of 94 to 2. This followed a similarly lopsided 18-to-2 vote in the Banking Committee to pass virtually the same legislation. Such a consensus was the product of a very delicate compromise that was hammered out at the committee markup after months of wrangling over intensely controversial issues. My colleagues and I, after years of sometimes acrimonious debate and tens of thousands of pages of testimony, finally said enough is enough: Congress needs to reassert its control over changes in the regulatory structure of financial institutions because the market is already rapidly changing the financial system.

Unfortunately, despite the Senate's virutally unanimous reform proposal, we find ourselves in a familiar state of frustration and paralysis: The Senate has passed sweeping banking legislation, but the House of Representatives is sitting on its hands. I am sorry to say that I am only too familiar with this situation. In 1984, when I was chairman of the Banking Committee, we passed a similar piece of legislation that the House simply refused to consider. In 1986 the House made it perfectly clear that it would not accept a comprehensive banking bill, and at the end of that Congress it killed the Senate's $15 billion package to recapitalize the ailing Federal Savings and Loan Insurance Corporation by trying to attach a controversial housing bill.

Now they're at it again. First, the Senate bill was referred jointly, without any time limitations, to both House Banking and House Energy and Commerce. That will obviously slow things down, and once again, I am very familiar with the tactic. In both 1974 and 1986 I received letters from House Energy and Commerce asserting its intention to take jurisdiction over certain banking issues with the consent of House Banking. In both cases that effectively killed Senate legislation because of the time it would take to move a comprehensive bill through two committees.

Furthermore, although both committees have held a series of hearings on financial restructuring legislation, that's as far as they have gotten. Six weeks have passed since the Senate passed its bill, but the House Banking Committee has not yet scheduled a markup and evidently is not planning to any time soon. House Energy and Commerce has also failed to schedule a markup.

Meanwhile, the legislative clock for this Congress is steadily ticking away. There is still time to pass meaningful banking legislation, but the longer we wait, the slimmer those prospects become. I realize there are those who believe that the closer we get to the end of this Congress, the more likely it is that a much more narrow or restrictive bill will pass. Some have even suggested that Congress is likely to reinstate the anticompetitive and irresponsible moratorium on bank activities that Congress imposed for 7 months as part of the Competitive Equality Banking Act of 1987.

Let me respond directly to these suggestions: We will not let them happen. No bill at all is a far better result than anticompetitive, restrictive legislation that hamstrings this country's financial services providers. Most of my colleagues and I would much perfer to leave in place the present "system" of creative regulatory interpretations of outmoded laws than pass something regressive. Furthermore, any type of moratorium extension is as out of the question now as it was 2 months ago when a substantial majority of this body had gone on record refusing to take such an action. My colleagues and I will do everything we can to stop these efforts.

Mr. President, we have sent a very good bill to the House. No one was completely happy with it, but nearly everyone could at least live with it, and that is the sign of a good compromise. The bill is supported by the administration, the Federal Reserve and the other bank regulators, the Securities and Exchange Commission, the banks, the insurance industry and agents, and as a substantial first step in financial reform, by several of the diversified financial companies. The real estate industry was not happy that their issues were not addressed, but my understanding is that they and the bankers are close to working out a compromise of their differences.

With all of this support, and with the overwhelming vote of the Senate, now is the time for Congress to act. Final resolution of these structural issues is needed this year to enable the banking committees to focus next year on other critical issues—like the FSLIC—that also demand our attention. I refuse to believe that the House will simply derail this critically important legislation, and I urge that body to act soon.

Let me close with a sobering thought. The American financial services industry is coming under increasing pressure from overseas competitors, particularly the Japanese. Ranked by market capitalization, 13 of the 15 largest financial firms in the world, including banks and securities firms, are Japanese. None are American.

At the same time, every industrial country in the world except the United States permits commercial banks or their affiliates to underwrite securities, as the Senate bill would do. Even the Japanese permit a far greater degree of affiliation between the securities and banking industries than is popularly perceived, and they are poised to take much greater steps in that direction. As the National Journal stated earlier this year, "Japan's newly deregulated, cash-rich banks have the potential to dominate world markets much as Japanese automakers have." We in the Congress have a duty to unshackle U.S. competitors in the largest financial market in the world, our own country, as at least one effort to prevent such domination from taking place

That is an even more important reason why we can't sit idly by and do nothing about banking reform legislation.

THE SAPOA CEASE-FIRE: AN UPDATE

Mr. ARMSTRONG. Mr. President [reading]:

> At this point it is hard to visualize a House so repelled by transgressions by the Sandinistas that it would turn contra aid back on * * *. In recent days the Sandinistas have been on an antidemocratic tear, finding openings to gang up on striking workers, detain leaders of the internal political opposition and silence media critics, meanwhile taking a hard line in cease-fire talks with the contras. [Washington Post editorial, May 8, 1988]

Mr. President, a little over a month ago—March 23—following the cutoff of any United States support to the Contras, the two sides met in Sapoa, Nicaragua, to sign a 60-day cease-fire agreement. As was noted at that time, the cease-fire agreement included promises by the Sandinistas of free expression, amnesty, political participation, national dialog—which many observers expected the Sandinistas to keep about as well as they had their other promises.

The Sandinistas have not disappointed us. Except for the token release of 100 prisoners—out of an estimated 7,000 to 9,000—the Sandinistas have observed the other promises by stonewalling—both in moves toward democracy and in efforts to achieve a comprehensive cease-fire.

For example, the media, which were supposed to have been guaranteed "unrestricted freedom of expression" have been systematically harassed. La Prensa, as we all know from the headlines over the past few weeks, was for a time not only refused permission to receive newsprint from abroad but was discriminated against in the supply of state-supplied Soviet paper. With the arrival of a Soviet ship in early May, according to the State Department, La Prensa has about a 60-day paper supply, but the Sandinistas have been shutting off the power during daytime hours when La Prensa, an afternoon paper, has to run the presses.

Likewise, the few independent broadcasting media are subject to arbitrary discipline. The Sandinista-controlled Radio Managua announced on May 4 that three newscasts, including that of Radio Catolica, were suspended for 8 days because the Communications Media Directorate claimed they had broadcast a false story concerning a man supposedly killed by the Sandinistas who turned out to be alive. What kind of "unrestricted freedom of expression" means that a government "Communications Media Directorate" can shut a news operation down on their claim that a story was in error? Not a democracy.

It reminds me of a statement made by one of Tomas Borge's media watchdogs, who commented in 1984 about La Prensa: "They accused us of suppressing freedom of expression. This was a lie and we could not let them print it." [AP 1/29/84 and NYT 2/3/84.]

Attacks on labor union, demonstrators, and opposite parties have continued. One day, riot police use rubber truncheons to disperse striking workers and their families, and persons distributing leaflets for an opposition party are arrested [Miami Herald, WP, 4/30/88]. Opposition leaders are called "instruments of the CIA," and the armed resistance is threatened with an attack if they do not accept a Sandinista surrender ultimatum. [WT, 5/2/88.] More than 25 other opposition leaders were rounded up last week while trying to visit workers on a hunger strike. [Boston Globe, WT.]

Meanwhile, even as the Sandinistas backpedal on their latest democratic promises, they have asked for the cease-fire to be extended for another 30 days. "They are just playing with us," said one rebel official. "They're doing everything in their power to avoid arriving at a full cease-fire." [WT 4/29/88.] Another resistance leader stated: "This war will not end until the reasons that provoked the war are eliminated, and those reasons are: lack of freedom, the lack of human rights guarantees, the repression and violations of human rights, and the state of submission into which the Army, party, and government of the Sandinists Front have pushed the Nicaraguan people so that the Front may stay in power." [Managua "Radio Noticias" 4/29/88.]

Democracy and human rights are what this war—and the peace that was supposed to have been reached under the Arias plan and the Sapoa cease-fire—have always been about. Now, once more, are the Sandinistas ready to give in to Nicaraguans' demands for democracy? Will they honestly negotiate a comprehensive cease-fire with real guarantees? Here is Daniel Ortega's answer:

> They [i.e., the opposition] think we are willing to discuss whether there is going to be a revolutionary process or a counterrevolutionary process here. That is not up for discussion. What we are discussing is how the mercenary forces, who are already defeated, can lay down their weapons. They should be grateful that we are not offering them the guillotine or the firing squad, which is what they deserve. [NYT 5/2/88.]

Mr. President, that, I think, pretty much says it all. The Sandinistas, just as so many of us said, never had any intention of negotiating democracy—only a resistance surrender, which the U.S. Congress so thoughtfully has all but delivered to them. The flip side to that was that the opponents of aid to the resistance were supposedly taking a real interest in democracy in Nicaragua—which, in case any of those opponents have bothered to notice, has not blossomed forth.

Mr. President, I ask unanimous consent that the articles to which I have referred be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, May 8, 1988]

Superdiplomat Jim Wright

House Speaker Jim Wright, representing presumably like-minded Democrats on the Nicaragua issue, is showing signs of impatience with the pace of cease-fire talks between the Sandinistas and the rebels. He calls upon the two parties to bargain in "good faith" and warns them both not to use the current 60-day cease-fire to prepare for resumption of further war.

Mr. Wright is good at elevated appeals. His latest sounds like pure statesmanship. Certainly it is unsurpassed in its evenhandedness. But what is Mr. Wright really doing? Mr. Wright fashions himself as a disinterested arbiter, a superdiplomat. Actually, he is the leader of the political element that took the military card out of the hands of the contras, even while the Sandinistas' military card remained very much available to them. In his advice to the two sides not to reopen the war, he speaks as one who has the power—and the demonstrated readiness to use it—to enforce his will on the rebels but who has not shown a similar power (or disposition?) to enforce his will on the regime. Mr. Wright is not an impartial diplomatic arbiter but a key player.

At this point it is hard to visualize a House so repelled by transgressions by the Sandinistas that it would turn contra aid back on. The working assumption must be that there will be no change in the congressional decision to deny the contras a military card as they bargain for the political future of their country. It then becomes all the more important for those who support this position to seek other ways to help move Nicaragua toward democracy. These other ways come down to putting nonmilitary pressure on the Sandinistas to respect their solemn pledges of peace and democracy.

How are Mr. Wright and the Democrats doing? In recent days the Sandinistas have been on an antidemocratic tear, finding openings to gang up on striking workers, detain leaders of the internal political opposition and silence media critics, meanwhile taking a hard line in cease-fire talks with the contras. From Mr. Wright one would expect the kind of words to the Sandinistas that would tend to balance the odds—the odds he helped to unbalance by cutting off military aid. Instead there is earnest counsel to both sides to bargain in good faith and get the negotiations back on track. It is a pathetic performance.

[From the Washington Post, Apr. 14, 1988]

Nicaragua Cuts Off American Airlift of Paper to La Prensa

(By Julia Preston)

Managua, Nicaragua, April 13—The Sandinista government has blocked an airlift by a private American humanitarian organization of newsprint for the opposition daily La Prensa and medicines for the Catholic Church, government officials and an executive of the private group said today.

The five-day episode started a storm of accusations between government officials here and Connecticut-based AmeriCares as well as members of the staff of Vice President Bush, who personally acknowledged that he backed efforts to expedite the shipment.

Although the incident apparently involved only a private donation, it is a sign of problems that are likely to arise when Washington seeks to deliver humanitarian aid from a $48 million package to feed and clothe the contra rebels during a two-month cease-fire and to help Nicaraguan children affected by the war.

AmeriCares President Robert Macauley said he reacted last Saturday to press reports from Nicaragua that La Prensa had run out of newsprint by pulling together a shipment of 15 tons of newsprint to fly to Managua.

La Prensa stopped publishing April 5 when it ran out of paper. The leftist government controls the distribution of newsprint and La Prensa's editors accused it of shutting the paper down to control press coverage in the days before the arrival of contra leaders for cease-fire negotiations, which were scheduled to begin Friday.

Macauley, who is chairman of the Virginia Fiber Corp., a paper company, solicited private donations of newsprint. AmeriCares added 1,465 pounds of medicines, to be sent to Cardinal Miguel Obando y Bravo, Macauley said in a telephone interview from Connecticut. AmeriCares did not consult with the Roman Catholic leader ahead of time because the medical cargo was small, Macauley said.

An airplane chartered from the Miami firm Transairlink sat in New Orleans all day Sunday while AmeriCares tried to get landing clearance from Managua, Macauley added.

Bush staff members called the Nicaraguan Embassy over the weekend to urge them to facilitate the shipment, aides to Bush said today in New York. Macauley said he had no knowledge that the vice president was involved with the shipment. But he noted that Prescott Bush Jr., the vice president's brother, is a member of the board of AmeriCares.

On Monday, the clearance was denied, government officials said. A government communique called the shipment "a mockery of Nicaragua's children" and "a mere propaganda maneuver."

Sandinista officials accused AmeriCares of being a CIA front and part of the secret network of private groups used by Lt. Col. Oliver North to deliver aid to the contras during a two-year aid cutoff.

"We are not going to assist either Mr. Bush's presidential aspirations or AmeriCares' pro-contra activities," said a top Foreign Ministry official, Alejandro Bendana.

The government also argued, ironically, that the shipment would violate a three-year-old U.S. trade embargo against Nicaragua, which allows export from the United States of medicines but not newsprint.

"We were not going to facilitate loopholes in the embargo for a pittance of aid. We were simply helping to enforce the U.S. embargo," Bendana said.

"All of that is lies," Macauley said. He said AmeriCares is a non-political, private, voluntary organization that has donated more than $170 million in medicines since 1981 to countries across the political spectrum.

AmeriCares delivered 200 tons of newsprint to La Prensa in 1986, during another shortage, Macauley said. In 1985, the group sent a shipment worth $291,383 of vitamins and malaria pills to Nicaraguan refugee children in Honduras through a contra organization run by Mario Calero, brother of top contra leader Adolfo Calero, he said.

AmeriCares currently is aiding one government-run health clinic in Managua, Macauley said, but had never attempted to deliver goods to it by air.

La Prensa resumed publishing yesterday. A government-run elections council provided it with 42 tons of newsprint, editor Cristiana Chamorro said. A major shipment of Soviet paper is expected in mid-April.

The aid package approved in late March by Congress includes $17.7 million in aid to sustain the contras during the truce and an equal amount for Nicaraguan children, to be administered by the U.S. Agency for International Development.

The contra aid, according to a March 23 cease-fire agreement, must be administered by a "neutral" organization.

[From the Washington Times, Apr. 14, 1988]

Managua Blocks Flight of Paper to La Prensa

Managua, Nicaragua.—The Marxist government said yesterday it would not allow a shipment of newsprint for the opposition newspaper La Prensa into the country because it comes from a CIA-linked group. A government statement said the group that chartered a plane to fly 17,000 tons of newsprint for La Prensa and 2½ tons of medical supplies to Nicaraguan children has been used in the past by the CIA to supply the U.S.-backed Nicaraguan resistance.

The DC-6 carrying the supplies has been stuck in Costa Rica awaiting permission to land in Managua since flying from New Orleans Monday. It was hired by Americares, a companion organization of the Caribbean Commission. Caribbean Commission officials have described their group as a private anti-communist organization that has provided medical supplies and services to the anti-Sandinista rebels for several years.

La Prensa Out of Paper; Cites Discrimination

This newspaper will not be able to circulate on 28 March because of the paper shortage, despite great efforts by the La Prensa management with the Industry Ministry upon forseeing the printing paper scarcity.

This newspaper has run out of newsprint, despite great efforts to economize, such as eliminating the literary section and the Sunday edition. La Prensa General Manager Louis Gonzalez said.

Gonzalez said there is marked discrimination against La Prensa in assigning printing paper quotas, and other newspapers are favored, as those newspapers can print up to 16 pages, literary sections, and in addition do outside work.

Gonzalez added that the La Prensa returns are below 5 percent, while for the other newspaper the percentage is 20, proving they print more because they have sufficient printing paper.

Due to this, La Prensa will print its last issue on 26 March and will await the arrival of a Soviet ship that is in Panama or about to arrive in Nicaragua.

Gonzalez said that after taking charge as general manager, the military advised the paper would arrive in February, then mid-March.

However, the fact is that the printing paper did not arrive, and La Prensa is faced with a lack of its main raw material, in addition to film and chemicals. Up to now the Central Bank has not replied to a request for $15,000 that was made the month our paper reopened production engineer Francisco Rosales said.

Rosales said that the 700 tons of paper La Prensa had since October has run out, and according to the latest reports the Soviet ship that arrived yesterday only brought toilet paper and fine cardboard.

NICARAGUA—MANAGUA SUSPENDS 3 NEWSCASTS, 1 RADIO STATION

The communications media directorate has suspended for 8 days three newscasts and Radio Corporation's broadcasts for airing false reports. The following newscasts have been suspended: Radio Catolica's Iglesia, Radio Noticia's El Pueblo, and Radio Mundial's El Nicaraguense. The suspension also is against Radio Corporation's broadcasts.

According to the directorate's communique, the aforementined newscasts had reported that Rafael Blandon Ubeda, a construction worker, had died as a result of torture inflicted by the Sandinista police—the report's aim was to discredit this state body. Of course, such reports were false, because Blandon Ubeda was presented to journalists this afternoon and he did not have a single injury.

[From the Washington Post, Apr. 30, 1988]

NICARAGUAN POLICE ARREST 30 IN 2-MONTH-OLD STRIKE

(By Julia Preston)

MANAGUA, NICARAGUA, April 29—At least 30 auto and construction workers were violently arrested here today in the sharpest street confrontations with police since a strike movement began two months ago.

The clashes in the center city came as contra rebel and Sandinista government leaders were closeted in meetings for the second day in a hotel on the outskirts of Managua. They wrangled with little progress to try to reach a lasting cease-fire agreement, contra and Sandinista spokesmen reported.

More than 30 workers from an independent labor coalition have been on a hunger strike since Monday at a union headquarters in the center of Managua. They are demanding to return to a wage system that was in effect for five years before February, when the leftist government enacted an economic austerity program.

The auto and construction strikes that began in early March brought the most important upsurge of labor strife to Nicaragua since the Sandinistas took power in a 1979 revolution with wide working-class backing. The unions, ranging from liberal to far left, claim that several thousand workers are on strike. The government says they number a few hundred.

The workers say the economic measures left them too little income. "We're not striking for politics. We're on strike to stay alive," said labor leader Antonio Jarquin.

President Daniel Ortega accused the U.S. Embassy in Managua of inciting the strike.

The arrests came in a series of scuffles and shouting matches throughout the day as the police, who numbered about 60 by late afternoon, repeatedly herded strike supporters hundreds of feet back down the street from the union building.

The police claimed that the workers were demonstrating without a permit. They detained workers by grabbling them in neck locks and hauling them away. They did not use clubs or weapons, and no serious injuries were reported.

[From the Miami Herald, Apr. 30, 1988]

SANDINISTA POLICE BATTER, ARREST DOZENS OF STRIKERS

(By Sam Dillon)

MANAGUA, NICARAGUA.—Sandinista police arrested dozens of striking workers Friday in a raid on the headquarters of a leftist labor federation as the government continued cease-fire talks with contra rebels.

Scores of riot police used rubber truncheons to disperse several hundred workers and their families gathered outside the federation in support of activists on their fifth day of a hunger strike. Police repeatedly punched many workers during the arrests, witnesses reported.

In a separate action hours later, riot police broke up a contingent of about 25 Social Democratic Party activists distributing leaflets supporting the strikers. Two people were arrested.

Antonio Jarquin, secretary general of one of four unions in the leftist federation, said more than 35 strikers and relatives were arrested in the raid on union headquarters. Interior Ministry spokeswoman Alma Morales said 27 were detained. She said they would be tried by police magistrates for violating public order.

The government's rough intervention in the 8-week-old strike by construction workers and auto mechanics appeared to be an embarrassing distraction on the second day of peace talks between Sandinistas and top rebel leaders in Managua.

Rebel negotiators also had embarrassing problems. Apparently uneasy over public reports of a dispute between top military and political leaders, they avoided all contact with the press after their arrival Thursday. In a first news conference Friday, they batted aside questions about reports of opposition to top commander Enrique Bermudez by nearly 30 field commanders.

Rebel negotiator Aristides Sanchez called the reports "disinformation."

The talks are expected to conclude today. Both sides said on Friday that the negotiations were progressing slowly.

But top rebel leader Adolfo Calero announced Friday that the contras had dropped what had been a major obstacle to agreement on the cease-fire rules—a demand to receive replacement military supplies during the truce.

On Wednesday, police arrested nine workers outside the labor federation. On Friday, nearly 100 traffic and riot police arrested many more in three hours of skirmishes there. Among those detained was a doctor arriving to examine the hunger strikers and two members of the federation's executive board. Carlos Salgado, the Socialist Party's top labor organizer, was roughed up.

In Washington, President Reagan said Friday—in a semiannual report required by law—that he will continue to apply economic sanctions against Nicaragua to counter the "unusual and extraordinary threat to the national security and foreign policy of the United States" posed by the Sandinistas.

[From the Washington Times, May 2, 1988]

ORTEGA THREATENS TO ATTACK IF CONTRAS REFUSE TO BEND

MANAGUA, NICARAGUA.—President Daniel Ortega threatened yesterday to launch a huge military offensive to crush resistance forces if their leaders do not agree to a peace accord before a cease-fire expires May 30.

In a major speech to thousands of workers on May Day, Mr. Ortega said the resistance leadership must either accept peace or at least agree to prolong the cease-fire, as the government proposed last week at the last round of high-level peace talks between the two sides.

The talks ended without an accord as the rebel negotiating team rejected a 32-point proposal presented by the Marxist Sandinista government.

As in a previous round of talks here in April, the two sides agreed only to arrange a new meeting. This time, even the question of where and when the next round should be held was unresolved.

Apparently toughening their bargaining stance, the resistance leaders insisted any new talks be held outside Nicaragua. They said the atmosphere for talks in Managua had been soured by a government crackdown on striking workers.

Mr. Ortega said if the resistance continues to refuse the offer, "the only [option] left is to launch a major military offensive against the mercenary forces—one that will make the Danto operation look small." He had made a similar threat in an interview published Thursday:

Nicaraguan troops attacked rebel posts on the Honduran border in late February and early March in a huge offensive called Danto. Some 3,200 U.S. troops were subsequently sent to Honduras after Tegucigalpa charged that Nicaraguan troops had invaded its territory.

The Nicaraguan Resistance political umbrella group and the Sandinistas agreed to the current 60-day cease-fire on March 23, but the resistance has been demanding that a peace agreement be simultaneous with democratizing steps by Managua.

But Mr. Ortega said yesterday the insurgents should be "grateful" the government has been "generous" enough to offer the opportunity to re-enter civilian life.

In the United States, he said, they would be sent "to the electric chair or they would be condemned to death."

"The power is Sandinista and will not be defeated or conquered," he said.

Mr. Ortega mocked the resistance negotiators for demanding that the next round of talks be held outside Managua. "It's already very difficult having them here; we would have to have all the cities fumigated after they leave."

The president also harshly criticized leaders of a hunger strike by construction workers demanding better wages, calling them "instruments of the CIA."

The resistance cited the arrests of at least 20 striking workers on Friday as an example of government repression.

"There is no point in us sitting in a hotel here while the workers are being repressed. It undermines our dignity," said Alfredo Cesar, a member of the resistance Directorate.

The labor dispute also apparently contributed to an attack by hard-line Interior Minister Tomas Borge on Jose Castillo Osejo of the opposition Radio Corporacion.

The station's reports of the arrests and its coverage of the resistance leaders' visit led Mr. Borge to summon Mr. Castillo to his house Friday, The New York Times reported yesterday. It quoted Mr. Castillo as saying Mr. Borge shouted at him and attacked him physically.

"The government is frightened of democratization," a key rebel demand, said fellow Director Maria Azucena Ferrey. "Democracy would logically lead to the Sandinistas' loss of power."

Disagreements on how to implement the March accords have snagged talks since then. The government has pressed for swift agreement on an armistice, but the rebels demand step-by-step negotiations.

The chief Sandinista representative in the talks, Defense Minister Gen. Humberto Ortega, sought to play down the deadlock, which he blamed on internal divisions among the resistance leadership.

"For the government of Nicaragua, the fact the meeting finished like this does not mean we are not advancing," he said at a news conference. He said the government proposed a new round of talks May 12-14 in Managua.

"The important thing is that we are talking," he said.

During the talks the rebels rejected a government proposal to extend the 60-day truce ending May 30 for another month to allow more time for a successful conclusion to the negotiations.

[From the Boston Globe, May 5, 1988]

CONTRAS VOW ANEW TO STAY AT PEACE TALKS

WASHINGTON.—Nicaraguan rebel leaders yesterday reaffirmed their intention to continue stalled peace talks with the Sandinista government and appeared to paper over internal differences after talks with Secretary of State George P. Shultz.

They said Enrique Bermudez, the military chief who has voiced reservations about the talks with the government would keep his post. They also accused the Sandinistas of wasting negotiating time to better their own position.

Bermudez, meanwhile, admitted that there was opposition to his role as military chief but insisted that it was minimal.

"I am the military chief. . . . I will continue to be," Bermudez told reporters after the hourlong talk with Shultz at the State Department, which took place amid reports that the rebels were considering removing Bermudez.

A contra leader, Alfredo Cesar, said the rebels had told Shultz they would keep negotiating but that they feared that the Sandinstas were using the current 60-day ceasefire to "better their own military position" without moving toward democratic liberalization.

Another leader, Adolfo Calero, accused the Nicaraguan government in Managua of reneging on promises including a commitment that supplies to rebels could be delivered by neutral firms.

Before the meeting the contras had been said to be deeply divided over Bermudez, who has voiced grave reservations about the peace process.

[In Honduras, contra and military sources said police yesterday arrested several rebels opposed to Bermudez, Reuters reported.

[Contra sources said two rebel military commanders, Walter Calderon and Diogenes Hernandez, would be deported from Honduras and probably flown to the United States.]

[From the Washington Times, May 5, 1988]

SANDINISTAS HOLD LEADERS OF OPPOSITION AFTER MARCH

(By Glenn Garvin)

Many of Nicaragua's top opposition leaders were arrested yesterday after marching to a labor union headquarters in an attempt to see 35 union members who are on a hunger strike.

The arrests were non-violent. Diplomats in Managua said they expected the opposition leaders to be released within 48 hours. But the diplomats said the arrests would seriously worsen a labor problem that is rapidly turning into a crisis.

The hunger strike began April 24 to protest the Marxist Sandinista government's refusal to negotiate with striking unions of construction workers, mechanics and waiters.

It already has led to the collapse of the "national dialogue" on democratization between the government and opposition political parties, and yesterday the Sandinistas suspended news programming at several radio stations in retaliation for coverage of the hunger strike.

Details of yesterday's arrests were difficult to come by, since the government-owned telephone company cut off thousands of telephones over the weekend.

But opposition and diplomatic sources said 12 to 25 leaders of the largest 14 opposition parties were arrested at 10 a.m. when they marched to the headquarters of the CGT-I union, where the hunger strikers are staying.

Among those reported arrested are Erick Ramirez, a senior leader of the Social Christian Party; Guillermo Potoy, general secretary of the Social Democratic Party; Gustavo Tablada, general secretary of the Socialist Party; and Eli Altamirano, head of the Communist Party.

The opposition leaders had announced the march Monday afternoon. They said they wanted to protest a police cordon that was thrown up around the union headquarters last week.

The police have refused to allow anyone to enter or leave the building since they surrounded it, and reportedly are refusing to allow any water to enter the building.

Temperatures in Managua have been hovering around 100 degrees all week. Several of the hunger strikers reportedly are seriously ill.

The labor situation has been festering for about a year. It turned serious in February when the Sandinistas, seeking to comply with a Central American peace plan, lifted a state of emergency that made strikes and labor organizing illegal.

The three unions immediately went on strike, and the Sandinistas retaliated by firing hundreds of workers. In March, the government promised that if opposition parties would join in a "national dialogue" on democratization—also required by the Central American peace plan—it would settle the labor dispute amicably.

But there has been no settlement. Last week, 15 opposition parties—the 14 largest and a small Maoist party—walked out of the national dialogue to protest what they called the government's broken promise.

Tomas Borge, Nicaragua's minister of the interior, has been so enraged by press coverage of the hunger strike that last week he summoned the director of the largest opposition radio station Radio Corporacion, to his home and reportedly punched him in the mouth.

Yesterday the government announced that all news programming at that station would be suspended for eight days. The station can appeal.

The government also suspended individual news programs at three other opposition radio stations, including the one belonging to the Roman Catholic Church.

Barricada, the newspaper of the ruling Sandinista National Liberation Front, said the radio stations were accused of "spreading false information" about the hunger strike and of violating public-order laws.

Meanwhile, in an interview with The Associated Press, Mr. Borge said the Sandinistas had agreed to negotiate with the Nicaraguan Resistance because of the high cost in lives of Nicaragua's civil war and as a way of holding indirect talks with the United States.

But he cautioned that if the ceasefire talks failed, the entire nation would be called to battle the U.S. supported insurgents.

Mr. Borge described the Sandinista government as "the Nicaragua we dreamed of," despite opposition from an American "administration that is particularly aggressive, visceral, expansionist and reactionary."

A fragile 60-day truce remains in effect until the end of this month. The resistance has refused a Sandinista offer to extend it an additional 30 days.

If the truce ends without an agreement to either prolong, the cease-fire or a lasting peace plan, "we'll mobilize the entire nation," Mr. Borge said.

He said Nicaragua agreed to negotiations with the rebels because it "has paid a high cost in blood" in the war.

"But if the Contras were not badly beaten militarily, or held land, they would never negotiate with us," he said.

He said the Sandinistas would give up power if they lost in elections, but said that would be the end of Nicaraguan revolution.

"And this is impossible. Nothing can kill the revolution," he added.

[From the Washington Times, Apr. 29, 1988]

CONTRAS REJECT SANDINISTAS' PROPOSAL FOR TRUCE EXTENTION

(By Glenn Garvin)

The U.S.-backed Nicaraguan resistance rejected yesterday a proposal by the Marxist government to extend a 60-day truce in their civil war, accusing the ruling Sandinista National Liberation Front of stalling on full implementation of the truce.

"They are just playing around with us," said a rebel official who asked not to be quoted by name. "They're doing everything in their power to avoid arriving at a full cease-fire."

The Sandinista proposal, and the rejection by the insurgents, came during the opening session of what are expected to be four days of talks between leaders of the two sides in a hotel on the outskirts of Managua.

The atmosphere during the first 2½-hour session of yesterday's negotiations was described as "cool and very professional." It was also not very fruitful, although rebel leaders said they were hopeful the talks will pick up momentum as they go along.

The morning session centered around the 60-day truce agreement that the two sides engineered last month in Sapoa, Nicaragua. It called for rebel troops to withdraw into designated cease-fire zones inside Nicaragua, where they would be permitted to receive non-lethal U.S. aid while negotiators tried to work out a broader political settlement that would lead to a permanent cease-fire.

But although today is the 29th day of the truce, the two sides have never been able to agree on the precise location of the cease-fire zones nor the exact method of delivery of the U.S. aid.

Yesterday's proposal by the Sandinistas was to extend the truce for another 30 days while the two sides keep talking. But resistance officials said the extension would just be an excuse for the Sandinistas to stall on wrapping up the details of the truce—particularly those concerning the U.S. aid.

"It's quite clear they are trying to avoid having the aid start up again," one rebel official said.

Even before the talks got under way yesterday morning, the Sandinistas were predicting that a schism among leaders of the insurgents would slow the progress of the negotiations.

"There have been a series of political events causing new difficulties," said Defense Minister Humberto Ortega, the chief Sandinista negotiator.

He was referring to disputes between some Contra political leaders and their top military commanders, as well as a split among the military commanders themselves. The schism grew so serious last week that the rebels had to gather in Honduras to try to patch it up.

In an interview published yesterday in the official Sandinista party newspaper Barricada, President Daniel Ortega warned that if the talks were unsuccessful, his army would move swiftly to attack the insurgents.

"We would call on all national forces and would begin an offensive to wipe out the counterrevolution in the shortest time possible," President Ortega said. "That is to say, we would undertake a mobilization such as has never been seen before in this country in all these year."

FERREY REJECTS EXTENSION

(PA2904191388 Managua Radio Noticias in Spanish 1200 GMT 29 Apr 88)

[Text] The government has proposed extending the cease-fire truce for 30 days. Nicaraguan Resistance leader Azucena Ferrey says that the next step now should be aimed at making progress in the negotiations that will be renewed today at 0900.

Azucena Ferrey, member of the RN Directorate, explains why her organization disagrees with the government's proposal:

[Begin Ferrey recording] With regard to the proposal of the representative of the Sandinist Front's Army, party, and government regarding the need for extending the cease-fire truce, we have said the cease-fire in effect now is not over yet and they are already thinking about extending it. This leads us to believe the Sandinist Front does not have the political will to comply with some points of the Sapoa agreement. We have said here the modus operandi part must not be conditioned on the signing of a cease-fire agreement because this necessarily leads to [words indistinct] regarding democratization, the national dialogue, and national reconciliation. [passage indistinct]

This war will not end until the reasons that provoked the war are eliminated, and those reasons are: the lack of freedom, the lack of human rights guarantees, the repression and violation of human rights, and the state of submission into which the Army, party, and government of the Sandinist Front have pushed the Nicaraguan people so that the Front may stay in power. [end recording]

[From the New York Times, May 2, 1988]

ORTEGA DENOUNCES "PSEUDO-LEADERS" OF LABOR

(By Stephen Kinzr)

MANAGUA, NICARAGUA, May 1.—With Nicaragua facing its first major labor conflict since the 1979 revolution, President Daniel Ortega Saavedra denounced opposition labor organizers today as "pseudo-leaders who receive money from the C.I.A."

"They are playing a sad role as allies of imperialism," Mr. Ortega told a May Day crowd. "They are led by people who have a counterrevolutionary program."

Inside a union hall a mile away from the plaza where Mr. Ortega spoke, 38 striking workers were in their seventh day of a hunger strike protesting a new wage scale imposed by the Government. The police stood guard to prevent anyone from entering.

Across the street from the union hall, protesters' relatives gathered. "They say this is a political strike, but the real cause is that we can't live on what they want to pay," said Esperanza Espinoza, mother of a striker.

Strikes were illegal in Nicaragua until the state of emergency was lifted last year after the signing of a regional peace accord. The current strike by construction workers and auto mechanics is entering its third month. On March 21, Mr. Ortega signed an agreement with opposition parties promising "to resolve current labor problems," but negotiations have been fruitless.

While Mr. Ortega was speaking, opposition groups staged a rally in another part of Managua. Several other cities also had Sandinista and opposition marches.

On the speaker's platform with Mr. Ortega were relatives of Benjamin Linder, an American engineer who was killed in a contra raid a year ago. They brought a check for $250,000, money raised in the United States to complete the rural electrification program on which Mr. Linder was working.

In his speech, Mr. Ortega referred to the second round of peace talks his Government recently concluded with contra leaders. The talks broke up without even an agreement on when or where the next round would be held.

A Government spokesman announced Saturday that some contras would remain in Managua for further talks, but the contras denied that and all left over the weekend as scheduled.

"They think we are willing to discuss whether there is going to be a revolutionary process or a counterrevolutionary process here," Mr. Ortega said in his speech. "That is not up for discussion. What we are discussing is how the mercenary forces, who are already defeated, can lay down their weapons."

"They should be grateful that we are not offering them the guillotine or the firing squad, which is what they deserve," he said.

THE PERSIAN GULF: SHARING THE COSTS WITH OUR ALLIES

Mr. MURKOWSKI. Mr. President, as the events of the last several days indicate, the situation in the Persian Gulf is still critical. Our television screens have been filled each night with pictures of hostilities there. On both sides large numbers of people each day die in the Iran-Iraq war.

We have recently witnessed the horrors of the use of poison gas in that war.

In the gulf itself, we risk our sailors' lives and our Navy's ships to escort oil tankers carrying other people's oil.

Mr. President, it is only fair that we in the United States expect those of our allies who are the beneficiaries of our security protection in the Persian Gulf to share in the costs of that protection.

Some have done so, others have now been given specific proposals.

Mr. President, I want to commend the Department of Defense for taking the lead in this area. The Department has made specific burden sharing proposals to our key allies and has adopted a business-like attitude which I would like to see more frequently in our foreign policy dealings.

Two nations in the Far East, Japan and Korea, have had the benefit of a strong United States defense commitment for many years.

Japan and Korea have grown into strong economic powers from positions of poverty both as a result of their own hard work and as a result of the protection of United States forces on their soil.

Mr. President, there are many policies of the Japanese Government which I think deserve criticism, and I have not been shy in voicing my concerns, but with respect to helping us to bear the burden of both defending Japan and keeping her oil supply lines open in the Persian Gulf, Japan has made significant progress since the beginning of 1988.

This support has come in the form of offsets for the cost of maintaining our United States forces in Japan.

The total Japanese support in 1988 will be over $2.5 billion. This amounts to $45,000 for each of the 55,000 servicemen and women stationed in Japan.

Mr. President, Japan is the principal beneficiary of our escort operations in the gulf. Over 50 percent of the oil which has been carried in the tankers to which we have provided protection has been destined for Japan.

The 1988 burden sharing initiatives are welcome, but with Japan's enormous economic power, more is possible.

I commend Japan for what she is doing, but urge the Japanese Government to consider other ways and means of bearing the costs of United

States protection both in the gulf and on the Islands of Japan.

Mr. President, the Republic of Korea is another major beneficiary of our Persian Gulf efforts. Half of Korea's oil comes from the Persian Gulf as well.

I need not point out the degree of our defense commitment to Korea.

In terms of cost sharing, Korea fares well in comparison with many of our other European and Asian Allies, but as with Japan, more is possible—and more is expected.

In many respects, Korea's view of itself as an immature economy is no longer accurate.

If there are any Americans who are unaware of the progress which Korea has made, the television coverage of the Olympics in Seoul, this fall, will bring the truth boldly to their attention.

The time has come, Mr. President, for Korea to use some of its new found financial security to provide a larger share of the cost of its defense at home and the defense of its oil supply in the Persian Gulf.

Korea has taken several enormous steps toward achieving internal political maturity in the last year.

The time has come, Mr. President, for the Korean Government to seek new and more mature roles in the international sphere.

Deputy Secretary of Defense Taft has presented to the Koreans a new plan for substantial increases in cost sharing for United States forces in Korea.

These amounts will be over and above the 34 percent of the Republic of Korea defense budget which is now committed to cost sharing.

I urge the Korean Government to reflect carefully on these proposals and to respond favorably to them when Secretary Carlucci visits Seoul in June.

Mr. President, I also believe that Korea can make a very valuable contribution to the rebuilding of the Armed Forces of the Philippines.

Surely the Korean people are mindful of the assistance which the Philippines provided as part of the United Nations Command during the Korean War.

Now is the time to repay that favor. The cost of refitting helicopters and armored personnel carriers for the Philippine Army will eat up a large share of military aid funds available to the Philippines in the next few years.

Korea, however, has the capability, and the excess plant capacity to do this work.

I urge the Korean Government to fund these important projects. They will contribute to the spread of democracy in the region.

Mr. President, the initiative which the administration has taken in seeking a sharing of costs from our Allies is sound.

I am convinced that both Japan and Korea will increase their sharing programs. With this assistance the burden of our defense of shipping in the Persian Gulf will be a little easier to bear.

ANNUAL REPORT ON THE IMPLEMENTATION OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978—MESSAGE FROM THE PRESIDENT—PM 138

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

As required by Section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, I hereby transmit the eighth and ninth annual reports describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities, which covers calendar years 1986 and 1987.

RONALD REAGAN.

THE WHITE HOUSE, *May 12, 1988.*

MESSAGES FROM THE HOUSE

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Month."

The message also announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4524. An act to increase the dollar amount of defense authorizations for fiscal year 1988 that a subject to transfer for new purposes pursuant to law, and for other purposes;

H.J. Res. 448. Joint resolution designating February 16, 1989, as "Lithuanian Independence Day"; and

H.J. Res. 525. Joint resolution to designate the month of November 1988 as "National Hospice Month."

ENROLLED JOINT RESOLUTION SIGNED

At 4:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week."

The enrolled joint resolution was subsequently signed by the Deputy President pro tempore [Mr. MITCHELL].

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4524. An act to increase the dollar amount of defense authorizations for fiscal year 1988 that a subject to transfer for new purposes pursuant to law, and for other purposes; to the Committee on Armed Services.

H.J. Res. 448. Joint resolution designating February 16, 1989, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

H.J. Res. 525. Joint resolution to designate the month of November 1988 as "National Hospice Month"; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The **PRESIDENT** pro tempore (Mr. STENNIS) reported that be had signed the following enrolled bill, which had previously been signed by the Speaker of the House of Representatives;

H.R. 3. An act to enhance the competitiveness of American industry, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3211. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-3212. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-3213. A communication from the Secretary of Transportation, transmitting, pursuant to law, a summary of the Buhne Point shoreline erosion demonstration project; to the Committee on Environment and Public Works.

EC-3214. A communication from the inspector general of the Department of Agriculture, transmitting, pursuant to law, notice of computer matching programs; to the Committee on Governmental Affairs.

EC-3215. A communication from the Assistant Executive Director for Operations, D.C. Retirement Board, transmitting, pursuant to law, financial disclosure statements of members of the Board; to the Committee on Governmental Affairs.

EC-3216. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3217. A communication from the Acting Director of the European Institute, transmitting a draft of proposed legislation to authorize appropriations for the Woodrow Wilson International Center for Scholars' Endowment Challenge Fund; to the Committee on Governmental Affairs.

EC-3218. A communication from the D.C. Auditor, transmitting, pursuant to law, a report entitled "Review of Disbursements and Accountability of Certain Grant Funds Related to Homeless Programs in the District of Columbia"; to the Committee on Governmental Affairs.

EC-3219. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplement to Special Analysis D of the report providing projections of Federal investment spending and a review of recent public civilian investment needs assessment; to the Committee on Governmental Affairs.

EC-3220. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual reports for 1987 of the 12 voluntary organizations participating in the Reception and Placement Program for the initial resettlement of refugees; to the Committee on the Judiciary.

EC-3221. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, reports on the suspension of deportation of certain aliens under section 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3222. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a summary of temporary amendments which have been proposed to the sentencing guidelines; to the Committee on the Judiciary.

EC-3223. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-3224. A communication from the Assistant Secretary of Health and Human Services (Health) and Director of the National Vaccine Program, transmitting, pursuant to law, the first report on the national vaccine plan; to the Committee on Labor and Human Resources.

EC-3225. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priority—Rehabilitation Long-Term Training (Rehabilitation Counseling); to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-487. A resolution adopted by the House of Representatives of the State of Florida; to the Committee on Energy and Natural Resources.

"RESOLUTION 1528

"Whereas, on April 28, 1988, the United States House of Representatives Appropriations Committee responsible for funding the United States Department of the Interior's Five Year (1987-1991) oil and gas leasing program will meet to determine funding for the lease program, and

"Whereas, in previous lease sales, the United States Department of the Interior has recognized the extreme sensitivity of the Florida Keys's marine environment by providing a drilling ban south of 26 degrees north latitude along Florida's Gulf Coast, and

"Whereas, the United States Secretary of the Department of the Interior and the Governor of Florida have recently entered into an agreement to provide additional protection for the Florida Keys in future lease sales, and

"Whereas, in November 1988, the United States Department of the Interior plans to offer for lease over 60 million acres in federal waters for oil and gas development that would include areas within 25 miles of Key West, the Marquesas, and the Dry Tortugas, and

"Whereas, the natural resources of the Florida Keys are unique to the continental United States, highlighted by environmental sensitive coral ecosystems, and

"Whereas, offshore oil development near the Florida Keys could place Florida's coral ecosystems and the regions coastal-based economy at risk: Now, therefore, be it "*Resolved by the House of Representatives of the State of Florida*, That the United States House of Representatives Appropriations Committee is requested to defer the areas south of 26 degrees north latitude from OCS lease sale 116 currently scheduled for November 1988, which includes areas within 25 miles of Key West, the Marquesas, and the Dry Tortugas, to protect the nationally unique natural resources of the Florida Keys: Be it further

Resolved, that future lease sales in the area of the Florida Keys undergo review in order to assure the continued protection of this nationally unique natural resource: Be it further

Resolved, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-488. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Finance.

"SENATE JOINT MEMORIAL No. 8026

"To the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The United States Congress has failed to renew the federal tax provision excluding tuition waivers from income subject to federal income tax; and

"Whereas, Tuition waivers worth about two thousand two hundred dollars apiece are awarded on a competitive basis to students hired as teaching and research assistants at the University of Washington and Washington State University; and

"Whereas, More than four thousand graduate students at the University of Washington and Washington State University will be required to pay taxes on money they will never see; and

"Whereas, These graduate students are crucial to the ability of the universities to educate large numbers of students in science and other important subjects; Now, therefore

"Your Memorialists respectfully pray that the United States Congress reconsider the issue and exclude tuition waivers from income subject to federal income tax. Be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2369. An original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 100-335).

S. 2370. An original bill to authorize appropriations for fiscal year 1989 for military construction, and for other purposes (Rept. No. 100-336).

S. 2371. An original bill to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1989, to authorize certain National Defense Stockpile transactions, and for other purposes (Rept. No. 100-337).

S. 2372. An original bill to authorize appropriations for Federal Civil Defense programs for fiscal year 1989 (Rept. No. 100-338).

S. 2373. An original bill to make supplemental authorizations for appropriations for fiscal year 1988 for the Department of Defense, and for other purposes (Rept. No. 100-339).

S. 2374. An original bill to authorize the Secretary of Defense to transfer between accounts a limited amount of funds appropriated for the Department of Defense for fiscal year 1989 (Rept. No. 100-340).

S. 2375. An original bill to amend title 10, United States Code, to impose certain limitations on the obligation of authorized appropriations for the Department of Defense, and for other purposes (Rept. No. 100-341).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 533. A bill to establish the Veterans' Administration as an executive department; to establish the National Commission on Executive Organization and Management, and for other purposes (Rept. No. 100-342).

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment:

S. 881. A bill for the relief of Marsha D. Christopher.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment:

S. 1652. A bill to authorize the establishment by the Secretary of Agriculture of plant stress and water conservation research laboratory and program at Lubbock, Texas.

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1883. A bill to amend the act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes."

S. 2180. A bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems.

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, without amendment:

S. 2200. A bill to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary:

Grace Flores-Hughes, of Texas, to be Director, Community Relations Service, for a term of 4 years;

David A. Erza, of Hawaii, to be U.S. district judge for the District of Hawaii; and

John C. Lifland, of New Jersey, to be U.S. district judge for the District of New Jersey.

● Mr. METZENBAUM. Mr. President, at its business meeting on May 12, the Judiciary Committee reported favorably on two nominations to the Federal courts. These nominees were examined at a committee hearing held on April 28, 1988, at which I presided. For the benefit of my colleagues who will soon vote on whether the Senate should consent to these nominations, I offer the following brief summaries of the nominees' qualifications, the issues addressed in the committee's investigation of these nominations, and the testimony elicited at the hearing.

First, David Ezra has been nominated to the U.S. District Court for the District of Hawaii. For the past 8 years, Mr. Ezra has been a named partner in the Honolulu firm of Ezra, O'Connor, Moon & Tam, where he has concentrated in commercial and construction litigation. Before that, he spent 7 years with another Honolulu firm. Since 1978, he has also served as an adjunct professor at the University of Hawaii. Mr. Ezra is 40 years old, and is a graduate of St. Mary's University and St. Mary's University School of Law. Most of the comments the committee received concerning his nomination were favorable, and he was rated "well qualified" by the ABA committee.

At the hearing on April 28, Mr. Ezra was introduced by Senators INOUYE and MATSUNAGA. I then questioned him on the following subjects: First, the approach he would take as a judge to hearing cases involving the firm he established; and second, his representation of a Hawaiian company known as Center Art Galleries on a number of matters. Mr. Ezra also responded to written questions propounded by Senator THURMOND concerning constitutional interpretation and the role of a judge in overseeing implementation of court orders.

In addition, Mr. Ezra responded to more extensive written questions concerning his representation of Center Art Galleries. Center Art is currently the subject of a grand jury investigation in Honolulu for allegedly fraudulent activities in the sale of Salvador Dali art prints that date back to the late 1970's, when the nominee represented the company. Mr. Ezra was specifically asked about his knowledge and involvement in the facts surrounding two particular allegations: First, that Center Art exerted improper influence in 1981 to stop the state attorney general from filing a cease-and-desist suit against it; and second, that Center Art entered into improper civil settlements with individual art buyers who were charging the galleries with fraud. Under the terms of these settlement agreements, the individuals agreed not to discuss their dealings with Center Art with anyone, effectively precluding them from bringing the galleries' alleged fraud to the attention of law enforcement officials.

Mr. Ezra responded to these questions by setting forth his knowledge of both the attorney general's suit and the confidentiality agreements that were entered into, and indicating that he was neither involved with nor aware of any impropriety in either matter. Mr. Ezra also set forth the kinds of investigation he conducted into allegations of wrongdoing by his client and expressed the view that his representation of Center Art was professionally ethical and did not violate any rule of professional conduct.

Second. John Lifland, nominee for the U.S. District Court for the District of New Jersey, has been a practicing attorney in Newark for the past 26 years. During that time, the nominee has practiced with the firm of Stryker, Tams & Dill, and has concentrated in antitrust, securities, and labor litigation. Mr. Lifland is 54 years old, and is a graduate of Yale University and Harvard Law School. He appears to be highly regarded in the Newark legal community, and was rated "Well Qualified" by a majority of the ABA committee and "Exceptionally Well Qualified" by a minority.

At the hearing on April 28, Mr. Lifland was introduced by Senators BRADLEY and LAUTENBERG. He then responded to questions on the following subjects: First, his involvement with Project Pass, an effort to assist minority law graduates to pass the New Jersey bar exam; second, his lack of criminal law experience; third, what approach he would take as a judge in dealing with conflicts of interest posed by his stock ownership in and prior representation of several large corporations; and fourth, his thinking on the proper role of a judge.

Mr. President, these two nominations bring to 73 the number of Federal judicial nominations reported by the Judiciary Committee during this Congress. The committee has thoroughly investigated these nominations, and has acted expeditiously on them. In this regard, I note that the seat to which Mr. Ezra has been nominated has been vacant for nearly 42 months. His nomination has been before the Judiciary Committee for less than 6 months, about one-seventh of the total vacancy period. Mr. Lifland has been nominated to a post which has been vacant for more than 7 months; his nomination has been pending before the Judiciary Committee for less than 2½ months, or about one-third of the total vacancy period.

The members of the Judiciary Committee share the widespread concern about longstanding vacancies on the Federal courts. By acting promptly on these nominations, the committee has moved to address this problem. The Judicial Conference of the United States recently identified the situation in Hawaii as a "judicial emergency," since that Federal court has been one judge short since 1984. Similarly, the Senators from New Jersey described to the committee the workload problems faced by the Federal court in New Jersey, due in part to the unfilled vacancy which the Judiciary Committee has now moved to fill. Once again, Mr. President, the record shows that the bottleneck in the process of keeping the Federal courts at full strength lies within the executive branch, not the Senate.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN from the Committee on Armed Services:

S. 2369. An original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; placed on the calendar.

S. 2370. An original bill to authorize appropriations for fiscal year 1989 for military construction, and for other purposes; placed on the calendar.

S. 2371. An original bill to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1989, to authorize certain National Defense Stockpile transactions, and for other purposes; placed on the calendar.

S. 2372. An original bill to authorize appropriations for Federal Civil Defense programs for fiscal year 1989; placed on the calendar.

S. 2373. An original bill to make supplemental authorizations for appropriations for fiscal year 1988 for the Department of Defense, and for other purposes; placed on the calendar.

S. 2374. An original bill to authorize the Secretary of Defense to transfer between accounts a limited amount of funds appropriated for the Department of Defense for fiscal year 1989; placed on the calendar.

S. 2375. An original bill to amend title 10, United States Code, to impose certain limitations on the obligation of authorized appropriations for the Department of Defense, and for other purposes; placed on the calendar.

By Mr. QUAYLE:

S. 2376. A bill to encourage the advance notification of major employment reductions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON:

S. 2377. A bill to amend the United States Grain Standards Act to improve the quality of United States grain, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. WEICKER, Mr. CRANSTON, Mr. SIMON, Mr. LEVIN, Mr. RIEGLE, Mr. LAUTENBERG, Mr. SARBANES, Ms. MIKULSKI, and Mr. BRADLEY):

S. 2378. A bill to amend the comprehensive Anti-Apartheid Act of 1986 to strengthen the sanctions against South Africa; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. HEINZ, Mr. SANFORD, Mr. CHAFEE, and Mr. GRAHAM):

S. 2379. A bill to authorize the insurance of certain mortgages for first-time homebuyers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STAFFORD (for himself, Mr. BURDICK, Mr. HEINZ, and Mr. MOYNIHAN):

S. 2380. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORE:

S. 2381. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; to the Committee on Commerce, Science, and Transportation.

By Mr. MELCHER:

S. 2382. A bill to delay the implementation of a certain rule affecting the provision of health services by the Indian Health Service; to the Select Committee on Indian Affairs.

By Mr. CRANSTON (for himself, Mr. MATSUNAGA, and Mr. GRAHAM):

S. 2383. A bill to amend title 38, United States Code, to extend eligibility for education benefits under the Vietnam-era GI bill to certain service academy and Senior Reserve Officer Training Corps graduates, to permit students using Veterans' Administration education assistance one instance of course withdrawal without a requirement to repay benefits, and to provide tutorial assistance for Post-Vietnam Era Educational Assistance Program and Montgomery GI Bill participants; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 2384. A bill to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself and Mr. GORE):

S.J. Res. 316. Joint resolution designating October 1, 1988, as "National Quality First Day"; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. LUGAR):

S.J. Res. 317. Joint resolution commemorating the bicentennial of the French Revolution and the Declaration of the Rights of Man and of the Citizen; to the Committee on Foreign Relations.

By Mr. ARMSTRONG (for himself and Mr. GLENN):

S.J. Res. 318. Joint resolution to designate the week of July 25-31, 1988, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHILES (for himself and Mr. GRAHAM):

S. Con. Res. 118. Concurrent resolution to express the sense of the Congress regarding the heroic efforts of the officers and enlisted members of the U.S.S. *Bonefish*; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. QUAYLE:

S. 2376. A bill encourage the advance notification of major employment reductions, and for other purposes; to the Committee on Labor and Human Resources.

ADVANCE NOTIFICATION OF MAJOR EMPLOYMENT REDUCTIONS

Mr. QUAYLE. Mr. President, we are all united on the proposition that business should give advance notice of plant closing and yet that issue has become the center of fierce partisan warfare. The issue is not, I repeat not, whether business should give notice—the issue is what is the role of Government in promoting that notice. One side says that the solution is governmental compulsion—the other says that governmental compulsion will stifle the very job creation that is needed to absorb those displaced by the closings.

It is time to stop partisan warfare and see if we can make peace on a reasonable basis. The choice is not between governmental compulsion and governmental inaction. We can try governmental persuasion.

I am today introducing a bill stating that it is the policy of the United States that employers give reasonable advance notice of major job losses to their employees.

My proposal is an alternative to the mandatory, court-enforced approach taken in the trade bill. It is the voluntary, ethical approach and it incorporates, as an incentive, one of the most effective tools available to influence Americans' behavior—publicity. My proposal not only gives the Secretary of Labor the authority to investigate business closings, collect data on the extent to which employees do and do not get advance notice of business closings but also to publicize examples of instances in which notice is not given.

In addition, my proposal would require any Government contractor who is required to file a written affirmative action compliance program to specify, as an appendix to the affirmative action plan, the minimum period of advance notice that will be given to employees in the event of a permanent shutdown. The contractor is also required to specify exceptions to issuing notice.

Why is this statement of policy a better alternative to mandatory notice? First, it is abundantly clear that if the business community does not begin to police itself, then Congress will quickly step in and do it for them. That would be a pity because such regulation will stifle the economic growth of our dynamic free-enterprise economy. The proponents of this legislation freely concede that this is but the first step toward more sweeping restrictions on closing businesses or to ever laying off employees.

Second, advance notice of business closings is essential to assist both employees and communities to the dislocations inherent in the transition to a postindustrial economy. Individual companies are the best judge of the economic circumstances surrounding the need to close a facility. The Federal Government cannot tailor an appropriate notice period for all the companies and economic circumstances in this Nation. In the European Economic Community, where many nations are traditionally ambivalent toward capitalism, rigid mandatory notice can work. In a capitalist system, such a law would cause stagnation. Some employees and towns would be spared the pain of change, but new business startups and new hires would be discouraged. The Federal Government's statement of policy and the apprehension over adverse publicity will induce a trend of voluntary notice.

Third, this trend will be led by Government contractors who will have a requirement to have a written policy on period of advance notice, of whatever type appropriate to their businesses. This practice is not unprecedented. In matters of affirmative action, in hiring of the handicapped and in hiring veterans, we have asked those who receive Federal contracts to set an example for the rest of the business community. I have carried on that tradition in this case. The notice set down by the contractors would not be reviewable by the Government, but in all cases, there would be review by the American people who would learn of employment practices from the Office of the Secretary of Labor.

Mr. President, the omnibus trade bill will be vetoed by the President. The administration has problems with a number of provisions in that bill. One provision that we have heard of, and that I have spoken of, is the mandatory plant closing and layoff notification provision. Mandatory advance notice for layoffs as well as business closings is based on an experiment that failed.

Don't let anyone tell you that this provision is based on a Japanese model. It is not based on the Japanese model anymore than our trade practices are based on Japanese trade practices. Do not let anyone tell you that the provision is based on the Canadian plant-closing law. It is not; it is based on the European legislative straitjacket, and that is a model that has failed. European employers don't like to add new workers. They prefer to add new capital to replace labor, because the machine can be turned off in hard times, but European labor law makes it too expensive and too difficult to let redundant workers go. That is what they call those people, "redundant."

I do firmly believe that businesses should give advance notice prior to closing a business. We all do. Employees need a warning before their income is cut off. Well-publicized incidents on, and off the Senate floor should compel us to take some sort of positive action. The mandatory notice provision is in serious jeopardy. I believe that this alternative should be enacted by the Congress without delay.

Mr. President, we will soon be sustaining the President's veto on the trade bill. That bill obviously has problems but they are problems that can be resolved and should be resolved. The adoption of this approach to worker notification can resolve one of the major problems of the trade bill—and with that resolution I am confident it is but a short step to the enactment of a trade bill that will be good for trade and good for America.

Mr. President, I offer this legislation in the spirit that I know the issue of plant closing is going to be back with us once the veto of the trade bill is sustained. I think the trade bill will be back with us. I think that it is time that we work out our differences on this issue and I do not think there is any dispute that businesses should, in fact, give notice.

That is an obligation and responsibility that I think they should do. Whether they can do it in all times and all circumstances and whether it should be mandated is another situation.

What I have introduced here today is a statement of U.S. policy that businesses should give advanced notice. More importantly, where businesses do business with the Government, they will actually file with the Government what their advance notification requirements are. Furthermore, it will give the power to the Secretary of Labor, where businesses actually close without giving this advanced notice, to go in and publicize what went wrong, what should have been the situation, and perhaps, a better way to handle similar situations in the future.

I believe that this alternative is a far preferable route than the mandatory court enforced notice. The proposal in the omnibus trade bill is the classic European scheme. It involves micromanagement and the mandate of benefits. Its result is double-digit unemployment. Our objective is to put our workers to work. But I think that it is time that we try to resolve the plant closing. This is only one of the problematic issues in the trade bill. This is only one of the issues over which it will be vetoed. But I think it is an issue that has received tremendous attention of the media. It is an issue that necessitates our attention and the bill that I am introducing today is in the spirit of compromise. I hope that we can move trade legislation forward after the veto will be sustained, either by the House of Representatives or the U.S. Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act:

(1) MAJOR EMPLOYMENT REDUCTION.—The term "major employment reduction" means—

(A) any permanent closing of a place of employment with 100 or more employees; or

(B) any permanent reduction in the workforce at any site of employment of 100 or more employees.

(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 2. POLICY AND FINDINGS.

(a) POLICY.—It is the policy of the United States that employers should give reasonable advance notice to employees affected by major employment reductions.

(b) FINDINGS.—Congress finds that such policy is—

(1) needed because employees require warning of major employment reductions to secure job search assistance, retraining, or other employment;

(2) essential for effective local planning for dealing with major disruptions in the economy;

(3) consistent with good industrial practice; and

(4) declared to encourage all employers to comply.

SEC. 3. FUNCTIONS OF SECRETARY.

(a) ENCOURAGEMENT TO COMPLY.—The Secretary shall take appropriate steps to encourage employers to comply with the policy declared in section 2(a) both directly and by communications with trade associations and other employer organizations. The Secretary shall encourage employer organizations to develop codes of ethics or other mechanisms to publicize and promote such policy among their membership.

(b) COLLECTION OF DATA.—The Secretary shall collect data on the extent to which businesses give and do not give advance notice of major employment reductions, as well as on the circumstances surrounding such reductions. The Secretary shall compile such data and, on request, shall make such data available to Congress.

(c) INVESTIGATION AND PUBLICATION OF VIOLATIONS.—The Secretary may investigate flagrant instances in which major employment reductions occur without advance notice and may publicize the facts and circumstances surrounding such instances. The Secretary shall make such recommendations as may be appropriate to deter such occurrences in the future.

SEC. 4. GOVERNMENT CONTRACTORS.

Each government contractor required to file a written affirmative action compliance program pursuant to the regulations issued pursuant to Executive Order 11246 shall, as an appendix to such program, specify the minimum period of advance notice (and any exceptions thereto) that the contractor will give of major employment reductions. The substance of the appendix shall not be subject to review or approval by the Secretary or the contracting agency.

SEC. 5. EXCLUSION.

Nothing in this Act shall be considered to require any advance notice that would interfere with an employer's ability to raise financing necessary to prevent major employment reductions or otherwise impede the continuance of operations.

By Mr. EXON:

S. 2377. A bill to amend the United States Grain Standards Act to improve the quality of U.S. grain, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

GRAIN QUALITY IMPROVEMENT ACT

● Mr. EXON. Mr. President, today I am introducing legislation aimed at improving our grain quality standards and increasing our ability to sell grain overseas. Given the fact that the Senate Agriculture Committee will soon consider legislation to reauthorize the Federal Grain Inspection Service [FGIS], I believe this legislation is very timely and urge my colleagues to join me in this effort.

The bill I am introducing would essentially do four things. First, it would amend the FGIS mission statement to include the promotion and marketing of high quality grain. The FGIS can become a more positive force in our grain marketing system with an expanded mission statement. The FGIS should go a step beyond the monitoring, regulating and reporting into the realm of improving grain quality and this change would be an important step in that direction.

Second, this legislation would reapportion the membership of the FGIS Advisory Committee by requiring it to include not less than four producers.

Mr. President, I believe a reapportionment would be very helpful in our efforts to improve the quality of grain we export. The bill also extends the advisory committee until 1990 which would put the whole issue of grain quality on the table when our current commodity programs are due for reauthorization. America's farmers will be best served if we keep the issue of grain quality on the front burner until our problems are worked out. Insuring that the advisory committee is up for reauthorization in 1990 is one sure way to do that.

Another provision of this legislation would encourage the FGIS to keep moving with two studies on grain quality.

One of these studies deals with grain classification and the other with uniform end use value tests for grain. These are important studies for the Nation's farmers and I do not want to see them sidetracked due to a lack of interest on the USDA's part. This provision would keep the ball rolling.

Finally, this legislation would include dockage with foreign material for the purposes of wheat grading. I believe this is an important change for Congress to enact. Simply put, dockage is a measurement of inferior kernels contained in a given load of wheat. Dockage has a definite impact on grain quality, but it is not a currently a factor in determining the grade assigned to wheat by the FGIS.

In support of this change, let me just point out that the dockage in 1987 crop of Hard Red Winter wheat averaged about 0.6 percent and foreign material averaged 0.3 percent. Even after combining those two figures, the total is still below the allowable level of foreign material allowed in U.S. No. 2 wheat. The point is, Mr. President, this change will not upset the apple cart as I am sure some in the industry would have us believe.

Mr. President, Nebraska farmers have long pushed for tighter grain standards and I don't blame them. They produce a good crop and they have every right to expect that the fruits of their labor will be passed on in good quality.

These changes are a realistic step toward improving grain quality and giving our export customers the type of information they need to bring them back to our markets.

I want to thank Erv Friehe of the Nebraska Wheat Board for bringing this proposal to me and for offering Senate testimony on this subject late last month.

Hopefully, this legislation will be adopted quickly.●

By Mr. KENNEDY (for himself, Mr. WEICKER, Mr. CRANSTON, Mr. SIMON, Mr. LEVIN, Mr. RIEGLE, Mr. LAUTENBERG, Mr. SARBANES, Ms. MIKULSKI, and Mr. BRADLEY):

S. 2378. A bill to amend the Comprehensive Anti-Apartheid Act of 1986 to strengthen the sanctions against South Africa; to the Committee on Foreign Relations.

COMPREHENSIVE ANTI-APARTHEID AMENDMENTS

Mr. KENNEDY. Mr. President, for 40 long years, the Government of South Africa has resisted all efforts to end apartheid.

But during the past 4 years, that resistance has reached levels of violence and brutality unprecedented even for that sad and tortured land.

Rather than seeking justice for all the people of their country, the authorities in Pretoria have increased the repression. Rather than pursuing peace with the other nations of the region, the South African Government has exported violence and terrorism. Rather than joining with the other civilized nations of the world in a common effort to eradicate racism, South Africa has rejected all appeals to justice and resorted to the gun and the tank to keep 22 million nonwhite citizens in subjugation.

That Government has made a choice. It has chosen the path of most resistance—resistance to change, resistance to justice, resistance to freedom for its people. With that choice, the Government of South Africa has removed itself from the community of civilized nations.

The people of South Africa cry out for nothing more than that to which all people on this Earth are entitled as human beings—the right to speak and to live and to raise their children without fear, the right to choose their own path in the world, the right to be accorded a measure of dignity and respect, the right to be treated as God's children.

The cause of freedom in South Africa deserves our help, and we are here again today, speaking for millions of Americans, to rally to that cause.

With Senators WEICKER, CRANSTON, SIMON, LEVIN, RIEGLE, LAUTENBERG, SARBANES, MIKULSKI, and BRADLEY, we are introducing the Comprehensive Anti-Apartheid Act of 1988. By a vote of 27 to 14 last Tuesday, this legislation was sent to the floor of the House of Representatives by the House Foreign Affairs Committee. We will be working hard here to see that the Senate turns to this important business at the earliest possible time. One way or another, the Senate should pass South Africa legislation this year.

This measure, if enacted, will end—once and for all time—American complicity in and support for apartheid. If enacted, this legislation will:

Impose a trade embargo on South Africa by prohibiting all exports to and imports from that country;

Require Americans to rid themselves of any and all investments in the economy of South Africa;

Ban any and all new loans to South Africa, in whatever form those loans may take;

Forbid Americans from assisting the South African nuclear program; and

Halt all cooperation and contact between American and South African military and intelligence services.

In addition, this legislation, when it is enacted, will establish a special office in the State Department to lead other executive agencies in implementing these sanctions. It will also create an inter-agency coordinating committee to monitor the enforcement program.

Two of the most important provisions will advance the effort to achieve cooperation of other nations in fashioning a common strategy for the world community to work together to end apartheid.

This legislation directs the President to confer with other industrialized democracies to adopt a common program of sanctions against South Africa. And it requires the President to take steps against any nation that takes "significant commercial advantage" of any sanction or prohibition.

There are those who say that comprehensive sanctions have not worked and will not work, and that these measures if implemented will only harden the resistance to change inside South Africa.

But I reply: The United States indulged the apartheid regime for 40 years without taking concrete steps to demonstrate our disapproval—and apartheid did not end. It is time to chart a different course.

The modest sanctions that Congress adopted over the President's veto in 1986 have now been in place for only 17 months. No one thought that those measures, standing alone, would end apartheid. That action was important, but it was only the first step. If they have not worked well, it is because they are too weak.

Comprehensive sanctions have never been tried, and there has been no international cooperation in the effort to end apartheid. On the contrary, this administration has steadfastly protected South Africa from the rest of the world by repeatedly using its veto power in the Security Council—shameful moments in our history.

Finally, to those who say that sanctions have increased resistance to change inside South Africa, I point out a simple fact of recent history: the South African authorities embarked on their path of total subjugation and brutal repression long before the United States adopted any sanctions against that government. Tens of thousands of South Africans were killed, beaten, and detained without trial, long before Congress began to consider economic sanctions. The regime's decision 3 months ago to increase the repression—by banning organizations and individuals—stripped all pretense of reform from the face of the Botha government. In fact, the South African Government has made its views known to the entire world with astonishing clarity. It has nothing but contempt for the international community.

In the words of the old spiritual, the question we must answer today is "Which side are you on?" Let us answer that question by demonstrating with our words and deeds—and with our strength and with confidence—that the United States is on the side of freedom. This year, the American people can fully join the struggle to bring freedom to South Africa—by enacting this legislation in the Congress and by electing a new President to the White House who is committed to this cause.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Anti-Apartheid Amendments of 1988".

(b) REFERENCES.—References in this Act to "the Act" are to the Comprehensive Anti-Apartheid Act of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; references; table of contents.
Sec. 2. Prohibitions on investment and trade.
Sec. 3. Prohibition regarding involvement in the South African energy sector.
Sec. 4. Prohibition on nuclear assistance to South Africa.
Sec. 5. Prohibition on United States intelligence and military cooperation with South Africa.
Sec. 6. Multilateral measures to undermine apartheid.
Sec. 7. Coordinator of South Africa sanctions; inter-agency coordinating committee on South Africa.
Sec. 8. Independence of Namibia.
Sec. 9. Report on program to reduce dependence upon importation of strategic minerals from South Africa.
Sec. 10. Penalties.
Sec. 11. Assistance for disadvantaged South Africans.
Sec. 12. Sense of Congress regarding antitrust investigation of South African diamond cartel and study of diamond origins.
Sec. 13. Study of measures to reduce South Africa's foreign exchange earnings from gold.
Sec. 14. Sense of Congress regarding South African consulates and approval of visas.
Sec. 15. Report on South Africa's involvement in international terrorism.
Sec. 16. Technical and conforming amendments.
Sec. 17. Effective date.

SEC. 2. PROHIBITIONS ON INVESTMENT AND TRADE.

(a) PROHIBITIONS ON INVESTMENT AND TRADE.—Effective 180 days after the date of the enactment of this Act, sections 301, 302, and 303 of the Comprehensive Anti-Apartheid Act of 1986 (hereafter in this Act referred to as "the Act") are amended to read as follows:

"PROHIBITION ON INVESTMENT IN SOUTH AFRICA

"SEC. 301. A United States person may not purchase, acquire, own, or hold any investment in South Africa.

"PROHIBITION ON IMPORTS INTO THE UNITED STATES FROM SOUTH AFRICA

"SEC. 302. (a) No article which is grown, produced, extracted, or manufactured in South Africa may be imported into the United States.

"(b) The prohibition of subsection (a) shall not apply to the import of—

"(1) any strategic mineral (including any ferroalloy thereof) with respect to which the President certifies to the Congress that the quantities of such mineral which are essential for the economy or defense of the United States are not available from alternative reliable suppliers and that such needs cannot be met in a timely manner by improved manufacturing processes, conservation, recycling, and economical substitution; and

"(2) publications.

"(c) The prohibition under subsection (a) shall not apply to imports from business enterprises in South Africa that are wholly-owned by black and other nonwhite South Africans.

"(d) The prohibition under subsection (a) includes—

"(1) uranium hexafluoride that has been manufactured from South African uranium or uranium oxide; and

"(2) fish or seafood—

"(A) purchased from a ship owned by a South African or of South African registry;

"(B) purchased from a South African;

"(C) processed in whole or part by a South African ship or person; or

"(D) stored in or shipped from South Africa.

"PROHIBITION OF EXPORTS TO SOUTH AFRICA FROM THE UNITED STATES

"SEC. 303. (a) No goods or technology subject to the jurisdiction of the United States may be exported, or re-exported, to South Africa. No goods or technology may be exported, or re-exported, to South Africa by any person subject to the jurisdiction of the United States.

"(b) The prohibitions under subsection (a) shall not apply to—

"(1) publications;

"(2) donations of articles intended to relieve human suffering, such as food, clothing, and medicine and medical supplies intended strictly for medical purposes; and

"(3) commercial sales of agricultural commodities and products.

"(c) The prohibitions under subsection (a) shall not apply to any goods that are the direct product of technology of United States origin under a written agreement entered into on or before April 20, 1988, and that are exported prior to the date which is one year after the date of the enactment of the Anti-Apartheid Act Amendments of 1988.

"(d) The prohibitions under subsection (a) shall not apply to—

"(1) economic assistance or human rights programs for disadvantaged South Africans, South African blacks or other nonwhite South Africans, or victims of apartheid in South Africa pursuant to the Foreign Assistance Act of 1961, the Export-Import Bank Act of 1945, or any other provision of law authorizing economic or human rights assistance programs; and

"(2) contributions to charitable organizations engaged in social welfare, public health, religious, educational, and emergency relief activities in South Africa.".

(b) WAIVER.—A person affected by the prohibition under section 301 of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)) may apply to the President for a one-time waiver of the prohibition. With respect to any applicant, the President may waive the application of section 301 for not more than 180 days after such section takes effect. Such waiver may be granted only for good cause. During any period of waiver under this subparagraph, the provisions of the Comprehensive Anti-Apartheid Act of 1986 as in effect before the date of the enactment of the Anti-Apartheid Act Amendments of 1988 shall apply and the President may not waive any such provision.

(c) REPEAL OF CERTAIN PROVISIONS OF THE ACT.—Effective 180 days after the date of the enactment of this Act, the Comprehensive Anti-Apartheid Act of 1986 is amended by striking sections 212, 304, 309, 310, 317, 318, 319, 320, 321, and 323.

(d) DEFINITIONS.—

(1) Paragraphs (3) and (4) of section 3 of the Act are amended to read as follows:

"(3) the term "loan"—

"(A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including—

"(i) overdrafts;

"(ii) currency swaps;

"(iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act;

"(iv) the purchase of a loan made by another person;

"(v) the sale of financial assets subject to an agreement to repurchase;

"(vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity;

"(vii) short-term trade financing, as by letters of credit or similar trade credits;

"(viii) sales on open account in cases where such sales are normal business practice; and

"(ix) rescheduling of existing loans; and

"(B) does not include, a loan for which an agreement was entered into before April 20, 1988, so long as such a loan is maintained under the terms in effect on such date.

"(4) the term 'investment in South Africa' means—

"(A) a commitment of funds or other assets (in order to earn a financial return) to a South African entity, including—

"(i) a loan or other extension of credit made to a South African entity, or security given for the debts of an entity;

"(ii) the beneficial ownership or control of a share or interest in a South African entity, or of a bond or other debt instrument issued by such an entity; or

"(iii) capital contributions in money or other assets to a South African entity; or

"(B) the control of a South African entity in cases in which subparagraph (A) does not apply.".

(2) Section 3 of the Act is further amended by—

(A) striking "and" after the semicolon in paragraph (8)(B);

(B) striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) adding at the end of such section the following:

"(10) the terms 'United States person' and 'person subject to the jurisdiction of the Untied States' mean—

"(A) any person, wherever located, who is a citizen or resident of the United States;

"(B) any person actually within the United States;

"(C) any corporation organized under the laws of the United States or of any State, territory, possession, or district of the United States; and

"(D) any partnership, association, corporation, or other organization, wherever organized or doing business, that is owned or controlled by persons specified in subparagraphs (A), (B), or (C) of this paragraph;

"(11) the terms 'goods' and 'technology' have the meanings given such terms by section 16 of the Export Administration Act of 1979;

"(12) the term 'goods subject to the jurisdiction of the United States' includes goods that are the direct product of technology of United States origin; and

"(13) the term 'foreign person'—

"(A) means any person who is not a United States person or subject to the jurisdiction of the United States, and

"(B) does not include any government or any agency or other entity or instrumentality thereof (including a government-sponsored agency) unless any such agency, entity, or instrumentality is a business enterprise.".

(3) The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

(e) NEGOTIATIONS WITH EMPLOYEE ORGANIZATIONS REGARDING TERMINATION OF INVESTMENT.—A controlled South African entity, subject to the investment prohibition under section 301 of the Comprehensive Anti-Apartheid Act of 1986 (as amended by subsection (a)), that employs more than 24 South Africans—

(1) shall notify all South African employees and their employee organizations of such termination of investment not less than 90 days prior to such termination; and

(2) shall enter into good faith negotiations with representative trade unions, particularly those representing disadvantaged South Africans, (or with other representative worker organizations if there are no such unions) regarding the terms of a termination.

Negotiations shall include discussions and agreements concerning pension benefits; relocation of employees; continuation of existing union recognition agreements; severance pay; and acquisition of the terminated business or the business assets by representative trade unions, union-sponsored workers' trusts, other representative worker organizations, or employees.

SEC. 3. PROHIBITION REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR.

The Act is amended by adding after section 303 (as amended by section 2 of this Act) the following new section 304:

"RESTRICTIONS REGARDING INVOLVEMENT IN THE SOUTH AFRICAN ENERGY SECTOR

"SEC. 304. (a) A United States person may not, directly or through an affiliate, provide transport to South Africa of a commercial quantity of crude oil or refined petroleum products. The prohibition under this subsection includes transport on a vessel of United States registry and transport on a vessel owned, directly or indirectly, by a United States person.

"(b)(1) The Secretary of the Interior may not issue any lease pursuant to the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands, the Outer Continental Shelf Lands Act, or the Geothermal Steam Act of 1970 to any national of the United States which is controlled by, or under common control with, any foreign person who—

"(A) purchases, acquires, owns, or holds any investment in South Africa; or

"(B) exports to South Africa, directly or indirectly, any crude oil or refined petroleum products.

"(2) Prior to issuing any lease referred to in paragraph (1), the Secretary of the Interior shall require an applicant for such a lease to certify that the applicant is not subject to the provisions of paragraph (1).".

SEC. 4. PROHIBITION ON NUCLEAR ASSISTANCE TO SOUTH AFRICA.

Section 307 of the Act is amended to read as follows:

"PROHIBITION ON NUCLEAR ASSISTANCE TO SOUTH AFRICA

"SEC. 307. Notwithstanding any other provision of law, the Secretary of Energy shall not, under section 57b.(2) of the Atomic Energy Act of 1954, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa.".

SEC. 5. PROHIBITION ON UNITED STATES INTELLIGENCE AND MILITARY COOPERATION WITH SOUTH AFRICA.

The Act is amended by striking section 322 and adding after section 308 the following new section:

"PROHIBITION ON UNITED STATES INTELLIGENCE AND MILITARY COOPERATION WITH SOUTH AFRICA

"SEC. 309. (a)(1) No agency or entity of the United States involved in intelligence activities may engage in any form of cooperation, direct or indirect, with the Government of South Africa (specifically including the authorities administering Namibia so long as Namibia is illegally occupied). The cooperation prohibited by this subsection specifically includes any activity relating to the collection of intelligence, including the exchange of intelligence either directly or through a third country.

"(b) No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa.

"(c) Funds authorized to be appropriated or otherwise made available by the Congress (including funds specified in a classified schedule of authorizations or appropriations) may not be obligated or expended by any agency or entity of the United States for any expenses related to any cooperation prohibited by this section.

"(d) Consistent with the objectives of this section, the President should not—

"(1) assign or detail any member of the United States Armed Forces to serve as, or otherwise perform the functions of, a defense (or military) attache in South Africa; or

"(2) accredit any individual to serve as, or otherwise perform the functions of, a defense (or military) attache at a South African diplomatic mission in the United States.".

SEC. 6. MULTILATERAL MEASURES TO UNDERMINE APARTHEID.

(a) NEGOTIATING AUTHORITY.—

(1) Section 401(b)(1) of the Act is amended to read as follows:

"(b)(1) The President, or at his direction, the Secretary of State, shall, consistent with the policy under subsection (a), confer with the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

(2) Section 401(b)(2) of the Act is amended by striking "this Act," and inserting "the Anti-Apartheid Act Amendments of 1988,".

(b) UNITED NATIONS SANCTIONS.—Section 401(e) of the Act is amended by striking "It is the sense of the Congress that the President should" and inserting "The President shall".

(c) LIMITATION ON IMPORTS FROM AND CONTRACTING WITH CERTAIN FOREIGN PERSONS.—Section 402 of the Act is amended to read as follows:

"LIMITATION ON IMPORTS FROM AND CONTRACTING WITH CERTAIN FOREIGN PERSONS

"SEC. 402. (a) To the extent that a foreign person takes significant commercial advantage of—

"(1) any sanction or prohibition imposed by or under this Act, or

"(2) any sanction or prohibition of another industrialized democracy which is comparable to, and increases the efficacy of, United States sanctions and prohibitions under this Act,

the President shall impose not less than one of the penalties under subsection (b).

"(b) The penalties which the President may impose under subsection (a) are:

"(1) Limit the importation into the United States of any product or service of the foreign person.

"(2) Restrict the foreign person from contracting with departments, agencies, and instrumentalities of the United States Government.".

SEC. 7. COORDINATOR OF SOUTH AFRICA SANCTIONS: INTER-AGENCY COORDINATING COMMITTEE ON SOUTH AFRICA.

The Act is amended by adding after section 606 the following new sections:

"COORDINATOR OF SOUTH AFRICA SANCTIONS,

"SEC. 607.(a) There is established within the Department of State a coordinator of South Africa sanctions who shall be responsible to the Secretary of State for matters pertaining to the implementation of sanctions against South Africa, in accordance with the provisions of this subsection.

"(b) The Secretary of State, through the coordinator of South Africa sanctions, shall—

"(1) lead and coordinate all executive agency activities concerning monitoring of compliance with, and enforcement of, this Act;

"(2) lead and coordinate monitoring by appropriate executive agencies of other countries' trade and financial flows with South Africa (including economic relations which may undermine the effects of United States sanctions);

"(3) assist the Department of Commerce, the Department of the Treasury, and appropriate intelligence and other agencies in carrying out the functions of such agencies under paragraphs (1) and (2); and

"(4) annually prepare and submit, on February 1 of each year after 1989, a comprehensive report to the Congress which—

"(A) describes specific actions taken during the preceding year by each affected executive agency to monitor compliance with, and enforce, the provisions of this Act;

"(B) describes the trade and financial flows (by commodity, activity, total volume, and value) during the preceding year between South Africa and each of its trading and financial partners, including economic relations which may violate section 402 of this Act;

"(C) describes the resources utilized by the coordinator, the Department of State, and other executive agencies in carrying out their functions under this Act in the preceding year, including an evaluation of whether such resources were adequate; and

"(E) provides any recommendations of the Secretary of State for improving the effectiveness of the coordinator.

"(c) In carrying out the functions under subsection (b), the coordinator shall place particular emphasis on activities related to strategically important trade in oil, coal, computers, specialized machinery and arms, and to financial credits.

"INTER-AGENCY COORDINATING COMMITTEE ON SOUTH AFRICA

"SEC. 608. (a) There is established an Inter-Agency Coordinating Committee on South Africa. The Committee shall coordinate and monitor implementation of this Act.

"(b) The committee shall be composed of—

"(1) the Secretary of State,

"(2) the Secretary of the Treasury,

"(3) the Secretary of Defense,

"(4) the Secretary of Commerce,

"(5) the Secretary of Agriculture,

"(6) the Attorney General,

"(7) the United States Trade Representative, and

"(8) such other heads of executive agencies with functions under this Act as the President considers appropriate.

The Secretary of State shall be the chairperson of the Committee.".

SEC. 8. INDEPENDENCE OF NAMIBIA.

(a) ADDITIONAL MEASURE FOR TERMINATION OF CERTAIN PROVISIONS OF THE ACT.—Section 311 of the Act is amended—

(1) in subsection (a)—

(A) in paragraph (4) by striking "and" after the semicolon;

(B) in paragraph (5) by striking the period and inserting "; and";

(C) by adding after paragraph (5) the following new paragraph:

"(6) ends the illegal occupation of Namibia and implements United Nations Resolution 435 which calls for the independence of Namibia."; and

(2) in subsection (b) by amending paragraph (2) to read as follows:

"(2) taken four of the five actions listed in paragraphs (2) through (6) of subsection (a), and".

(b) POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA.—Section 101 is amended—

(1) in paragraph (5) by striking "and" after the semicolon;

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding after paragraph (6) the following new paragraph (7):

"(7) end South Africa's illegal occupation of Namibia and implement United Nations Resolution 435 which calls for the establishment of an independent Namibia."

SEC. 9. REPORT ON PROGRAM TO REDUCE DEPENDENCE UPON IMPORTATION OF STRATEGIC MINERALS FROM SOUTH AFRICA.

Section 504(b) of the Act is amended by adding at the end "Not later than April 1, 1989, the President shall submit to the Congress a report describing the program developed under this subsection.".

SEC. 10. PENALTIES.

Effective 180 days after the date of the enactment of this Act, section 603(b) of the Act is amended—

(1) in paragraph (2)—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end the following new subparagraph:

"(B) any person, other than an individual that knowingly violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than $500,000;"; and

(2) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B) any individual who knowingly violates the provisions of this Act, or any regulation, license, or order issued to carry out this act shall be fined not more than $250,000, or imprisoned not more than 5 years, or both; and".

SEC. 11. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.

(a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—Section 535(a) of the Foreign Assistance Act of 1961 is amended—

(1) by amending paragraph (1) to read as follows:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a)(1) Up to $40,000,000 of the funds authorized to be appropriated to carry out this chapter and any other economic development assistance activities under the Foreign Assistance Act of 1961, for the fiscal year 1989 and each fiscal year thereafter, shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on nonracial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs, and training and other assistance (including legal aid in challenging government media restrictions) for South African Journalists.".

(2) in paragraph (2) by striking "programs for South Africa's trade unionists." and inserting "and other support programs (including legal assistance) for trade unions in South Africa and Namibia, including COSATU (Congress of South Africa Trade Unions), NACTU (National Council of Trade Unions), and NUNW (National Union of Namibian Workers), their affiliates and other viable unions in order to develop a balanced assistance program which is representative of the trade union movement."; and

(3) by adding after paragraph (2) the following new paragraph:

"(3)(A) Not less than $4,000,000 of the amounts provided for each fiscal year pursuant to this subsection shall be available for programs of refugee education and assistance for South Africans and Namibians.

"(B)(i) Except as provided in clause (ii), funds provided pursuant to this paragraph—

"(I) may not be used for assistance to individuals who are residing in areas under the control of or administered by the South West Africa People's Organization hereinafter referred to as 'SWAPO') or the African National Congress (hereinafter referred to as 'ANC'); and

"(II) may not be administered through SWAPO, the ANC, or any other group or individual affiliated with SWAPO or the ANC.

"(ii) The President may waive any limitation concerning the African National Congress (ANC) under clause (i) if the President determines that the ANC has provided assurances that it does not support any form of violence against individuals who are not members of the South African military or security services actually engaged in military or paramilitary operations against the ANC or other resistance organizations or if the President determines that it is in the national security interests of the United States to waive any such limitation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1988.

SEC. 12. SENSE OF CONGRESS REGARDING ANTITRUST INVESTIGATION OF SOUTH AFRICAN DIAMOND CARTEL.

It is the sense of the Congress that—

(1) the President should direct the Attorney General of the United States to conduct an investigation of the South African-controlled international diamond cartel in order to ascertain if any enforcement action is appropriate under the antitrust laws of the United States; and

(2) the President should direct the Secretary of Commerce and the Commissioner of Customs to conduct a study to determine the feasibility of identifying at port of entry, without harm to producers and processors of diamonds outside of South Africa, the national origin of diamonds entering the United States.

SEC. 13. STUDY OF MEASURES TO REDUCE SOUTH AFRICA'S FOREIGN EXCHANGE EARNINGS FROM GOLD.

(a) STUDY.—In consultation with other industrialized nations and international financial institutions, the President shall conduct a study of possible actions by the United States to reduce the foreign exchange earnings of South Africa which accrue through sales of gold. The President shall consider possible international and domestic consequences of any course of action and shall evaluate mechanisms to avoid or minimize any adverse effects on the United States gold mining industry.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report of the findings of such study.

SEC. 14. SENSE OF CONGRESS REGARDING SOUTH AFRICAN CONSULATES AND APPROVAL OF VISAS.

It is the sense of the Congress that—

(1) South Africa has effectively banned 19 major anti-apartheid organizations, forbade the major trade union federation, COSATU, from engaging in political activities, and denied permission for travel to the United States to numerous South Africans;

(2) the repression by South Africa of domestic and foreign media has prevented the free flow of information essential to the advance of any national dialogue between the government and the nonwhite majority which actively opposes apartheid, and has restricted the ability of the foreign press to report developments in South Africa;

(3) the President should immediately close two of South Africa's consulates general,

eliminate all honorary consuls which South Africa has in the United States, and forbid South Africa to expand the staffing of its embassy beyond the level of January 1, 1988; and

(4) approval of temporary United States visas, especially to South African government personnel, should be granted on a case-by-case basis only after close security of the South African Government's record of allowing South African citizens, particularly those who are members of anti-apartheid organizations, to travel to the United States.

SEC. 15. REPORT ON SOUTH AFRICA'S INVOLVEMENT IN INTERNATIONAL TERRORISM.

Not less than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit a detailed report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate concerning the extent to which, if at all, the Government of South Africa has been involved in or has provided support for acts of international terrorism.

SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO THE TABLE OF CONTENTS.—

(1) The table of contents in section 2 of the Act is amended by amending the items relating to title III to read as follows:

"TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

"Sec. 301. Prohibition on investment and trade.
"Sec. 302. Prohibition on imports into the United States from South Africa.
"Sec. 303. Prohibition of exports to South Africa from the United States.
"Sec. 304. Restrictions regarding involvement in the South African energy sector.
"Sec. 305. Prohibition on loans to the Government of South Africa.
"Sec. 306. Prohibition on air transportation with South Africa.
"Sec. 307. Prohibition on nuclear trade with South Africa.
"Sec. 308. Government of South Africa bank accounts.
"Sec. 309. Prohibition on United States intelligence and military cooperation with South Africa.
"Sec. 311. Termination of certain provisions.
"Sec. 312. Policy toward violence or terrorism.
"Sec. 313. Termination of tax treaty and protocol.
"Sec. 314. Prohibition of United States Government procurement from South Africa.
"Sec. 315. Prohibition on the promotion of United States tourism in South Africa.
"Sec. 316. Prohibition on United States Government assistance to, involvement in, or subsidy for trade with, South Africa.

(2) The table of contents in section 2 of the Act is further amended—

(A) by striking the item relating to section 212;

(B) by amending the items relating to sections 402 and 502, respectively, to read as follows:

"Sec. 402. Limitation on imports from and contracting with certain foreign persons.
"Sec. 502. Reports on United States imports from member states of the Council for Mutual Economic Assistance."; and

(C) by adding after the items relating to section 606 the following new items:

"Sec. 607. Coordinator of South Africa sanctions.
"Sec. 608. Inter-agency coordinating committee on South Africa.".

(b) CONFORMING AMENDMENTS TO THE ACT.—

(1) Section 602(a)(3) and 602(b)(1) of the Act are amended by striking "318(b),".

(2) Section 602(c) is amended by striking paragraph (2) and redesignating paragraphs "(3)" and "(4)" as paragraphs "(2)" and "(3)", respectively.

(3) Section 603(b) of the Act is amended—

(A) by striking paragraph (4);

(B) by striking the semicolon in paragraph (2) and inserting "; and"; and

(C) by striking "; and" in paragraph (3) and inserting a period.

(4) Section 603(c) of the Act is amended by striking paragraph (2) and by redesignating paragraph "(3)" as paragraph "(2)".

(5) Section 501(c) of the Act is amended—

(A) by inserting "or other measures" after "additional measures"; and

(B) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs "(2)" and "(3)", respectively.

(6) Section 502 of the Act is amended to read as follows:

"REPORTS ON UNITED STATES IMPORTS FROM MEMBER STATES OF THE COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE

"SEC. 502. Beginning 30 days after the date of the enactment of this Act, and every 30 days thereafter, the President, through the Secretary of Commerce, shall prepare and transmit to the Congress a report setting forth the average amounts of imports of coal or any strategic and critical material entering the United States from each member country and observer country of the Council for Mutual Economic Assistance (C.M.E.A.).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 17. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

Mr. SIMON. Mr. President, 1½ years ago, Congress enacted the first comprehensive sanctions against South Africa. We took a bold step in repudiating constructive engagement and got our country moving in the right direction. That step honors our traditions, our heritage, and our ideals.

By enacting sanctions, our country has shown leadership in pressing for change in South Africa. The world community looks to us for that leadership. Before the United States exercised its veto, the United Nations appeared ready to follow our lead and use U.S. sanctions as a model for the world to follow.

The South African Government still seems intent on averting peaceful change. Tens of thousands—including 10,000 children—have been detained without charge in the past 2 years. Seventeen antiapartheid organizations have effectively been banned, the Congress of South African Trade Unions restricted to "nonunion" activities—seriously weakening one of the most powerful antiapartheid forces in South Africa—antiapartheid news publications—including the New Nation and South have been shut down, and others such as the Weekly Mail, threatened with shutdown, and antiapartheid activists have been jailed or banned.

South Africa also continues to destabilize the region, with raids into frontline states, active and direct participation in the Angolan war, and continuation of its illegal occupation of Namibia.

These actions make it more clear, and imperative, that the United States impose additional, comprehensive sanctions against the South African Government. We need to send a signal and to apply genuine pressure on the Government for change. We need to say, "We will no longer buy from you, we will not sell to you, we will no longer make loans to you."

Our own administration has failed to pursue an effective policy against apartheid. The administration opposes sanctions, yet it offers no alternative. There has been no effort to engage other industrialized democracies in establishing a consensus position against apartheid.

In our own country in the South, it was pressure from the religious and business communities that provided the necessary push for political change. The business sector can be a positive force for change in South Africa in this same way. To those who say the status quo enables incremental change, I say that fundamental, positive, and peaceful change requires much more from us.

Mr. CRANSTON. Mr. President, we should not continue to do business with a regime that tortures thousands of its people—let alone thousands of children.

The Government of South Africa has detained 30,000 people without charge—10,000 of whom were children—over the past 1½ years in its campaign of repression against antiapartheid activists.

I introduced legislation last year for total U.S. disinvestment in South Africa plus a trade embargo. But the administration has only waffled—and vetoed U.N. Security Council resolutions that would have imposed mandatory economic sanctions against South Africa.

Meanwhile, the situation has gotten worse. Apartheid is a horror that must be abolished, yet the South African Government represses even peaceful efforts to abolish it.

It recently effectively banned all nonviolent antiapartheid political organizations. It has imposed a near-total blackout on reporting anti-apartheid activity in the country.

And it is exporting its terror. It has reinforced its illegal occupation of Namibia, sent thousands of troops into Angola, supported insurgencies in Mozambique and Zimbabwe, and launched raids against Botswana, Swaziland, and Zambia.

Congress must exert leadership. We are not getting it from the White House.

The bill I am introducing with Senators Edward M. Kennedy, Lowell P. Weicker, Paul Simon, and Carl Levin would:

Prohibit Americans from purchasing, acquiring, or owning any investment in South Africa.

Impose a total ban on all imports from South Africa, except publications and certain strategic minerals.

Impose a total ban on all export of goods and technology to South Africa, except publications and donations of articles or economic assistance to disadvantaged South Africans.

Expand the current ban on loans to South Africa to include such things as loan renewals or extensions, short-term trade financing and rescheduling of existing loans.

Ban intelligence and military cooperation.

Ban any form of nuclear assistance.

The bill also calls on Attorney General Edwin Meese III to conduct an antitrust investigation of the South Africa diamond cartel.

In its latest campaign of repression against activists who are fighting the infamous policy of apartheid, the South African regime detained, assaulted and tortured 30,000 people over the past 1½ years. 10,000 of the victims were children.

The American Government—and the American people—should not continue to do business with a government that tortures thousands of its people—let alone thousands of children.

I introduced legislation last year for total disinvestment and a trade embargo.

I am joining my colleagues in introducing an even tougher bill.

Congress must exert leadership.

We are not getting it from the White House.

Mr. WEICKER. Mr. President, today I join in introducing the Anti-Apartheid Act Amendments of 1988, legislation which represents a needed step in our Nation's effort to bring about an end to apartheid in South Africa.

Two years ago the Congress passed the Comprehensive Anti-Apartheid Act of 1986. The new law enacted economic sanctions, but more importantly it sent a message to the South African people that the United States clearly opposed apartheid and supported their right to self-determination.

No one here believed that these sanctions by themselves would end apartheid. Rather we viewed them as a necessary first step, as a foundation upon which we and other nations could build a concerted international response to bring pressure to bear on the minority regime.

Sadly, while there are indications of a growing moderate element among whites, P.W. Botha and his party have not budged. The brutal treatment of South African blacks has continued. Over the last 18 months an estimated 30,000 people have been detained without charge, many of them children. Antiapartheid activists have been subjected to assault and torture merely for desiring the same rights we enjoy every day. In South Africa today it is OK to march down the street carrying swastika-like banners, but men and women of peace, people like Nobel Prize winner Desmond Tutu, cannot speak about human rights without being subject to arrest.

In recent months, the Government has closed down the antiapartheid United Democratic Front [UDF] and 16 other opposition groups. Press blackouts have been imposed on the coverage of peaceful antiapartheid protests and the two largest antiapartheid newspapers, New Nation and South have been shut down. South Africa, through these actions, has attempted to withdraw itself from the sight and judgment of the civilized world.

Our administration has done little to help the situation. Twice it has vetoed U.N. Security Council resolutions, which would have made mandatory for all U.N. members a package of sanctions similar to our own. It has allowed South Africa to utilize loopholes to get around the limited ban on imports and refused to recommend additional sanctions against the South African Government for its failure to make significant progress toward ending apartheid, recommendations required by section 501 of the Anti-Apartheid Act.

Despite the present sanctions, the United States remains one of South Africa's top four trading partners. And despite restrictions on new United States credit to South Africa, United States lending has topped $3 billion for the first half of 1987, a figure which represented an increase over the previous year.

Clearly, sanctions need to be strengthened and enforced. The South African Government cannot be allowed to continue its repressive practices without feeling severe repercussions from the international community. In the absence of leadership from the White House, it is again up to the Congress to step forward and push for these needed sanctions.

The Anti-Apartheid Amendments of 1988 requires United States citizens and corporations to divest themselves of all investments in South Africa. It bans the import into the United States of anything grown, produced, manufactured, or extracted from South Africa with the exception of publications and strategic minerals certified by the President as being essential for the economy or defense of the United States.

No goods or technology subject to the jurisdiction of the United States may be exported to South Africa with the exception of publications, agricultural commodities and products, and humanitarian assistance.

The ban on lending to South Africa will be expanded to include loan renewals or extensions, short-term trade financing, and rescheduling of existing loans.

The amendments prohibit the United States from furnishing South Africa with nuclear assistance, ban intelligence and military cooperation between the United States and South Africa, and require the President to confer with other industrialized democracies to reach agreements to impose sanctions against South Africa.

For years the United States has tried and failed at the policies of constructive engagement. The South African Government has remained intransigent. Its policies today are as barbarous and immoral as they were 20 years ago. We cannot sit idly in diplomatic parlor rooms waiting for Botha to see the light. Velvet gloves are not capable of persuasion with a government that detains and tortures children.

Throughout South Africa, moderate black leaders and organizations are calling for stronger sanctions. Desmond Tutu, Simon Farisani, and COSATU, the largest black trade union in the country are calling upon the United States to take action and we must heed that call.

We must let the people of South Africa know that we are not mere spectators to their struggle. I urge my fellow colleagues to join with us in supporting this next vital step in the battle against apartheid.

By Mr. SASSER (for himself), Mr. Heinz, Mr. Sanford, Mr. Chafee, and Mr. Graham:

S. 2379. A bill to authorize the insurance of certain mortgages for first-time home buyers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOMEOWNERSHIP ASSISTANCE ACT

Mr. SASSER. Mr. President, I rise today to introduce major housing legislation which is being cosponsored by my distinguished colleague from Pennsylvania, Senator Heinz. The Homeownership Assistance Act of 1988 will greatly expand the opportunities of young Americans to own their own homes. We are introducing this bill as part of the Housing Subcommittee effort to comprehensively reform the Nation's housing laws.

Mr. President, it is no secret that the Nation is facing a housing crisis that is worsening every day. Homeownership—a fundamental American ideal—is a dream that is fading fast for millions of young families.

Young people that are unable to buy homes are remaining renters. The fact that young people are excluded from the homeownership market and forced to continue renting, bids up the price of rental housing. In turn, higher rents are having a devastating impact on the poor and exacerbating the homeless problem in this country.

The legislation that Senator HEINZ and I are introducing is directed straight at the problem of declining homeownership.

In the 1980's for the first time in history, homeownership has decreased. In particular, homeownership for persons between the ages of 25 and 30 has dropped an alarming 20 percent.

The decline means that 2 million fewer families own homes today than would have if the increase in homeownership that we have seen for the past half century had been sustained.

More importantly, Mr. President, the Homeownership Assistance Act will provide millions of Americans new opportunities to buy homes without involving increased Federal spending, without adding a single penny to the Federal deficit. Indeed, a proposal we are offering will bring revenues into the Federal Treasury and reduce that deficit.

We propose an expansion of several existing credit programs of the Federal Housing Administration—a proven program, with a proven track record. Over the last 50 years FHA has helped tens of millions of families to buy their own homes. While doing so, the FHA has actually made money for the Federal Government.

Mr. President, this expansion of FHA is fully consistent with the recommendations of the Blue Ribbon National Housing Task Force. This recent exhaustive study was headed by two very distinguished experts in the field of housing—Jim Rouse of the Enterprise Foundation and David Maxwell of the Federal National Mortgage Association.

The National Housing Task Force thoroughly researched the capability of the FHA to embark upon the program that we are recommending today. The housing task force found that the Federal Housing Administration could and should initiate these new housing programs.

I would say to my colleagues that there is increasing evidence that the greatest impediment to owning a new home is accumulating the funds for the downpayment. Many young families are paying too large of a proportion of their income for rent of even over 50 percent, and are simply unable to accumulate the downpayment to purchase a modest home.

But the higher rents being paid indicate an ability to support mortgage payments. If they can pay the higher rent, then they can certainly make the mortgage payment.

The Homeownership Assistance Act initiates among other things a lower down payment FHA program. FHA will be able to ensure 97 percent of the first $50,000 of a home's value.

FHA will be able to insure 97 percent of the first $50,000 of a home's value and 95 percent of the balance. This compares to the present 97 percent of only the first $25,000, and 95 percent of the remaining balance. But for the first time home buyers, the bill permits the Federal Housing Administration to insure 97 percent of the entire home valuation amount which will mean a reduced downpayment, a **reduced downpayment of approximately 30 percent.**

Let us take, for example, an $80,000 house which is a median-priced house in my State of Tennessee. Assuming an $80,000 house, this would mean a downpayment of $2,400 for the first-time home buyers or a $1,100, 30-percent reduction than that required under current law. For all others, it would mean a downpayment of $3,000 or a 15-percent reduction under current law.

In addition to lowering downpayments, the Homeownership Assistance Act will make significant changes to the FHA adjustable rate mortgage program. Under existing law, the FHA is limited to offering an adjustable rate mortgage that can adjust by only 1 percent per year. But under this legislation the FHA can offer an adjustable rate mortgage that adjusts by 2 percent per year. A 2-percent adjustable rate mortgage will mean much lower interest rates than under a 1-percent ARM or a standard fixed-rate mortgage. Therefore, not only will the downpayment be less for the firsttime home buyer, but the initial monthly payments will be less.

Another important provision is the elimination of the mortgage cap in high cost areas. Currently, FHA can insure a mortgage of no more than $101,250. This means that in 57 metropolitan areas in 15 States FHA is incapable of insuring a mortgage on anything near the average priced house. This bill will give all home buyers everywhere the opportunity to purchase a home that is 95 percent of the median sales price in the area.

Last, the bill would establish two innovative demonstration programs. These carefully monitored experimental programs would attempt to assist low-income and other first-time buyers in new ways.

Mr. President, Senator HEINZ and I are looking forward to working with our colleagues on the Housing Subcommittee toward the enactment of this extremely important bill. I yield the floor.

Mr. President, I ask unanimous consent that the text of the Home Ownership Assistance Act appear in the RECORD following my remarks. I ask further consent that a section-by-section analysis of the bill, a summary of the bill, and copies of letters of support for the bill appear in the RECORD at that point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Homeownership Assistance Act of 1988".

(b) FINDINGS.—The Congress finds that—

(1) since 1980, the rate of homeownership in America has declined, after rising steadily for 35 years, and the greatest decline has been among young Americans, 25 to 34 years old;

(2) homeownership among 25- to 29-year olds has dropped from a peak of 44 percent in 1979 to 36.9 percent in the third quarter of 1987, while homeownership has dipped from 62.4 percent (in 1976) to 54.5 percent for 30- to 34-year olds;

(3) homeownership has long been considered the bedrock of American society and is credited with building stable neighborhoods, providing a better environment to raise children, as well as being the primary means for most people to accumulate wealth;

(4) the declining rate of homeownership among young adults could portend serious socioeconomic problems for the United States in the years ahead;

(5) there is increasing evidence that the greatest obstacle facing young potential homebuyers is not meeting monthly payments, but accumulating the necessary downpayment, and yet there is currently no effective program to provide downpayment assistance; and

(6) a homeownership program should not draw on limited Federal revenues, but rather should utilize the existing, proven Federal housing-credit infrastructure, thereby maximizing efficiencies, and preserving Federal funds for the needs of low-income renters and the homeless.

SEC. 2. INSURANCE FOR FIRST-TIME HOMEBUYERS.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by adding at the end the following new paragraph:

"In addition, the Secretary is authorized to insure a mortgage which involves a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount equal to 97 percent of the appraised value of the property as of the date the mortgage is accepted for insurance (subject to the applicable maximum dollar amount limitation), if the mortgagor is a first-time homebuyer (as that term is defined in section 2(a)), and if the property to be acquired with a mortgage insured under this section is a principal residence for such first-time homebuyer.".

SEC. 3. REDUCTION OF DOWNPAYMENT.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "$25,000" the first and second place it appears and inserting "$50,000".

SEC. 4. HIGH COST AREAS.

Section 203(b)(2) of the National Housing Act is amended by striking "the lesser of (A) 150 per centum of the dollar amount so specified, or (B)".

SEC. 5. ADJUSTABLE RATE MORTGAGES.

Section 251 of the National Housing Act (12 U.S.C. 1715z-16) is amended—

(1) by striking "1 percent" and inserting "2 percent" in subsection (a)(2), and

(2) by striking subsection (c).

SEC. 6. DEFINITION OF FIRST-TIME HOMEBUYERS.

Section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting a semicolon and "and", and

(3) by adding at the end the following new paragraph:

"(4) the term 'first-time homebuyer' means an individual who or whose spouse has had no present ownership in a principal residence during the 18-month period ending on the date of purchase of the principal residence described in this section.".

SEC. 7. DOWNPAYMENT MORTGAGES.

(a) DOWNPAYMENTS.—Section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended by inserting after the first paragraph the following new paragraph:

"In addition, the Secretary is authorized, upon such terms and conditions as he may prescribe, to insure, on a demonstration basis, loans made for the purpose of financing the downpayment of a principal residence (including a manufactured home) of a first-time homebuyer where the purchase is financed or assisted by tax-exempt financing or another government program for first-time homebuyers, and the mortgagor receives financial counseling, as defined by the Secretary.".

(b) LIMITATION ON AMOUNT OF DOWNPAYMENT LOANS.—Section 2(b)(1) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (F),

(2) by striking the period at the end of subparagraph (G), and inserting a semicolon and "and", and

(3) by adding at the end the following new subparagraph:

"(H) $7,500 if made for the purpose of financing the downpayment on a principal residence.".

(c) TERM TO MATURITY.—Section 2(b)(3) of the National Housing Act (12 U.S.C. 1703(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (G),

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon and "and", and

(3) by adding at the end the following new subparagraph:

"(I) ten years and thirty-two days if made for the purpose of financing the downpayment of a principal residence of a first-time homebuyer.".

SEC. 8. SECONDARY MARKET FOR DOWNPAYMENT MORTGAGE LOANS.

Section 302(b)(1) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(1)) is amended by inserting before the penultimate sentence the following new sentence: "In addition, the Association may purchase a loan insured under section 2 of the National Housing Act with respect to a downpayment for a first-time homebuyer if the principal obligation thereof does not exceed the limitations applicable under section 2(b)(1)(H) of such Act.".

SEC. 9. ACCUMULATING DOWNPAYMENT MORTGAGE.

(a) IN GENERAL.—Section 203 of the National Housing Act is amended by adding at the end the following:

"(s) The Secretary may insure under this subsection, on a demonstration basis, a mortgage which meets the requirements of subsection (b), except that—

"(1) the mortgage obligation may be 100 per centum of the sum of appraised value (or purchase price, if less) of the property, and the mortgagor's closing costs (as defined by the Secretary);

"(2) the difference between the amount of the mortgage determined under paragraph (1) and the amount which would be determined under subsection (b) shall be fully amortized and repaid (with interest) during the 3-year period following execution of the mortgage, and such repayment shall be in addition to the payment required under section 203(b)(3); and

"(3) the mortgagor shall be a first-time homebuyer within the meaning of section 2(a)(4) and shall receive financial counseling.".

SEC. 10. ADMINISTRATIVE OFFSET DEBT COLLECTION WITH RESPECT TO DOWNPAYMENT MORTGAGES FOR FIRST-TIME HOMEBUYERS.

Section 2653(c) of the Deficit Reduction Act of 1984 is amended by adding at the end the following new sentence: "The January 1, 1988 date shall not apply with respect to past due amounts relating to loans made or insured for the purpose of financing downpayments of first-time homebuyers under section 2 or section 203(s) of the National Housing Act.".

SEC. 11. REPORT AND EVALUATION BY SECRETARY.

Not later than one year after the date of enactment of this Act and annually thereafter, the Secretary of Housing and Urban Development shall submit to Congress a preliminary evaluation of the programs authorized by the amendments made by this Act. Such evaluation shall include—

(1) a profile of the first-time homebuyers for whom financing has been provided under the amendments made by this Act, including the income level of such homebuyers, the price of homes, and the regional distribution,

(2) a description of the programs, including any special problems encountered, and

(3) any recommendations the Secretary may deem appropriate regarding continuation or modification of the programs authorized by this Act.

SECTION-BY-SECTION DISCUSSION OF THE BILL

SECTION 1. SHORT TITLE; FINDINGS

Section 1 provides that the legislation may be cited as the "Homeownership Assistance Act of 1988," and sets forth Congress' findings that since 1980 the homeownership rate in America has declined after rising steadily for 35 years; that the greatest decline has been among Americans 25-34 years old; that homeownership has long been considered the bedrock of American society; that accumulating the funds necessary for a downpayment is increasingly difficult; and that a federal homeownership initiative should not involve direct spending but rather utilize the Federal Housing Administration (FHA).

SECTION 2. INSURANCE FOR FIRST-TIME HOMEBUYERS

Section 2 authorizes the FHA to insure a mortgage for a first-time homebuyer in the amount of 97 percent of the appraised value of the property. Under current law, FHA is not empowered to insure a mortgage specifically for first-time homebuyers. Thus, this section would permit such a buyer to purchase a home with a 3% downpayment.

SECTION 3. REDUCTION OF DOWNPAYMENT

Section 3 permits the FHA to insure a mortgage in the amount of 97 percent of the first $50,000 of a home's value and 95 percent of the balance. Under current law, FHA is permitted to insure mortgages for 97 percent of the first $25,000 of a home's value and 95 percent of the balance.

SECTION 4. HIGH COST AREAS

Section 3 removes the current law cap of $101,250 on the amount of a mortgage that FHA may insure in high cost areas. Under, the bill FHA will be permitted to insure a mortgage of up to 95 percent of the median sales price in such areas. Mortgage limits in no case would drop below those in effect in any area upon enactment. Limits would be computed separately for new homes and existing home.

SECTION 5. ADJUSTABLE RATE MORTGAGES

Section 5 authorizes the FHA to offer an Adjustable Rate Mortgage (ARM) that may rise or fall 2 percent per year, provided that over the life of the loan the increase or decrease may not exceed 5 percent. Under current law, FHA is only authorized to insure a mortgage that may rise or fall 1 percent per year. In addition, the Section removes the volume cap on the aggregate number of ARMs that FHA may insure in a year.

SECTION 6. DEFINITION OF FIRST-TIME HOMEBUYERS

Section 6 defines a first-time homebuyer as an individual who or whose spouse has not owned a principal residence during the 18 months prior to the FHA insured home purchase.

SECTION 7. DOWNPAYMENT MORTGAGES

Section 7 authorizes FHA to being a demonstration program of insuring mortgages to finance downpayments for first-time homebuyers. The program could be used in situations where the purchase is primarily financed or assisted by tax-exempt or other governmental programs for first-time buyers. The mortgagor would be required to receive financial counseling. The downpayment loan could not exceed $7,500 and would amortize over either a 10 or 5 year period.

SECTION 8. SECONDARY MORTGAGE MARKET FOR DOWNPAYMENT MORTGAGE LOANS

Section 8 authorizes the Government National Mortgage Association to create a secondary market for downpayment loans for first-time homebuyers.

SECTION 9. ACCUMULATING DOWNPAYMENT MORTGAGE

Section 9 authorizes FHA to insure, on a demonstration basis, a mortgage for first-time homebuyers for 100 percent of a home's value provided that the downpayment would be paid within 3 years by an additional payment made along with the regular monthly mortgage payment.

SECTION 10. ADMINISTRATION OFFSET DEBT COLLECTION WITH RESPECT TO DOWNPAYMENT AND ACCUMULATING DOWNPAYMENT MORTGAGES FOR FIRST-TIME HOMEBUYERS

Section 10 authorized the Internal Revenue Service to confiscate the tax refund of any mortgagor in default under the Accumulating Downpayment and Downpayment Mortgage demonstration programs.

SECTION 11. REPORT AND EVALUATION BY SECRETARY

Section 11 requires the Secretary of Housing and Urban Development to submit to Congress a preliminary evaluation of the programs authorized by the Act within one year after the date of enactment.

SUMMARY OF THE HOMEOWNERSHIP ASSISTANCE ACT OF 1988

I—LOWER DOWNPAYMENT FINANCING

1. The FHA would be authorized to create a new mortgage insurance program specifically for first-time homebuyers. Under the new program, mortgages could be insured with loan to value ratios of up to 97% (3.0% down). Assuming an $80,000 house, this is a 30% drop in the downpayment required.

2. In general, FHA would be permitted to insure loans of up to 97% of the first $50,000 of a home's value and 95% of the value in excess of $50,000, versus 97% for the first $25,000 of loan amount, and 95% for the balance, under existing law. Assuming an $80,000 house, this is a 15% drop in the downpayment required.

II—AMENDMENTS TO EXISTING FHA PROGRAMS

1. *Adjustable Rate Mortgages (ARMs):*

a. FHA would be authorized to insure ARMs under which interest rates may rise 2 percentage points a year, provided that over the life of a loan, the total increase may not exceed 5 percentage points. Under existing law, FHA can only insure ARMs whose rates rise no more than 1 percentage point per year. Under current market conditions, a 2 percent ARM could achieve an initial interest rate of 1 percentage or more below the 1 percent ARM, and three percentage points below a standard fixed rate mortgage. Thus, a 2 percent ARM would be of great assistance to homebuyers in decreasing mortgage costs in the early years of the mortgage, and in enabling buyers to qualify for the loan.

b. The statutory limit on the aggregate number of ARM loans that FHA may insure in a year would be eliminated. This would give FHA purchasers the same freedom in selecting mortgage forms as conventional home buyers.

2. *Elimination of the Mortgage Limit Cap in High Cost Areas*: the present law mortgage limit cap for high cost areas would be eliminated. In 57 metropolitan areas in 15 states, the FHA program has been rendered largely or partially inoperable because of the mortgage limit cap. Under the legislation, FHA mortgage limits would be established at 95% of the median home sales price in the county or the local MSA whichever is higher.

III—DEMONSTRATION PROGRAMS

FHA would be authorized to begin two innovative downpayment financing programs on a demonstration basis under the Section 203(b) program.

1. *Accumulating Downpayment Mortgages:* FHA would be authorized to insure a loan for a qualified first-time homebuyer to finance the entire purchase price and closing costs on a home. However, the standard FHA downpayment would still be required and would be repaid within three years with interest by requiring an additional payment along with the regular monthly mortgage payment over the three year period. Thus, under the program a homebuyer would have equity in his home within a relatively short period of time. Moreover, the mortgage would be underwritten, and the buyer qualified, at the higher initial combined monthly payment level, thereby reducing risk.

2. *Downpayment Second Mortgages:* to assist lower income first-time homebuyers receiving tax-exempt or other governmental financing (such as under the Housing Opportunity Program recommended by the National Housing Task Force), FHA would be permitted to insure second mortgages to finance part or all of downpayments, and the Government National Mortgage Association (GNMA) would be given authority to create a secondary market for both FHA and privately-insured second (downpayment) mortgages. In no case could the second mortgage be in excess of $7,500. It would amortize quickly over either a 5 or 10 year period thereby reducing risk.

Under both demonstration programs, there will be a requirement that homebuyers participate in financial counseling and the IRS will be empowered to confiscate tax refunds of homebuyers that are in default, further reducing risk.

FANNIE MAE,
Washington, DC, May 12, 1988.

Hon. JIM SASSER,
Washington, DC.

DEAR SENATOR SASSER: I wish to congratulate you on introduction today of the "Homeownership Assistance Act of 1988".

As you know, the National Housing Task Force found that increasing numbers of American families, especially young families, cannot afford to purchase homes of their own. The "Homeownership Assistance Act" is an important step in addressing this problem.

I particularly am pleased to note that your bill adopts one of the key recommendations in the Task Force report, that of tapping FHA insurance coverage for expanded homeownership programs.

Your initiative and leadership in proceeding with these recommendations reflect your long-standing commitment to ensuring all Americans access to fit, livable and affordable housing.

I commend you not only for your willingness to tackle a growing problem in our country, but also for your staunch support of housing.

Sincerely,

DAVID MAXWELL,
Chairman of the Board and Chief Executive Officer.

MORTGAGE BANKERS ASSOCIATION OF AMERICA,
Washington, DC, April 26, 1988.

Hon. JIM SASSER,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: MBA applauds your efforts in proposing legislation that focuses on mortgage credit affordability, particularly addressing the needs of first time homebuyers.

MBA endorses the adoption of recommendations from the Report of the National Housing Task Force which expand the FHA-ARM program by removing the volume limitation and allowing FHA to insure FHA-ARMs with a 2 percent annual interest adjustment, subject to a 5 percent life of the loan cap on interest rate increase.

MBA is also pleased to see that the proposal includes a provision eliminating the ceiling on the maximum mortgage amount—this will allow FHA to serve all markets equally. Currently, borrowers living in high cost areas cannot utilize FHA because the maximum ceiling is too low to accommodate sales prices in those localities. Setting the maximum mortgage amount at 95 percent of an area's median sales price will allow FHA to serve the lower half of the market, in all market areas.

MBA also supports the adjustment of the FHA downpayment formula, which is contained in the proposal, to require a downpayment of 3 percent of the first $50,000 and 5 percent of the balance. This a modest change, but will be particularly helpful for first time borrowers.

Your proposal also provides some new financing ideas for helping first time homebuyers cope with downpayment burdens. It presents interesting concepts for addresing affordability. While these initiatives should be carefully drafted to diminish possible concerns regarding risk, or initially, as proposed, should be operated as demonstration programs, they are important in their clear attempt to help first time homebuyers achieve homeownership.

Sincerely,

BURTON C. WOOD,
Senior Staff Vice President and Legislative Counsel.

THE ENTERPRISE FOUNDATION,
Columbia, MD, May 10, 1988.

Hon. JIM SASSER,
Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATORS SASSER AND HEINZ: Let me commend you on the measures you are proposing to increase the opportunities for people to become homeowners. Increasing numbers of American families, most of them young, cannot afford to purchase a home. Down payment requirements and high carrying costs put ownership beyond the reach of many.

The legislation you are sponsoring ecompasses certain of the carefully researched recommendations of The National Housing Task Force Report—particularly to make homeownership as broadly available as possible without substantial direct subsidy cost to the government. In fact, the proposed increased access to FHA mortgage insurance should not have an adverse impact on the federal budget but would allow an updated FHA program, responsive to changing conditions, to reach many more homebuyers.

While commending your legislative initiatives, let me add that other measures will also need to be taken to provide homeownership and rental opportunities for lower income individuals and to fulfill the objectives of the National Housing Task Force Report to provide a decent place to live for all Americans.

Sincerely,

JAMES W. ROUSE,
Chairman.

Mr. HEINZ. Mr. President, owning a home is part of the American dream. But for too many families, the dream has been deferred. They cannot afford even the foundation, let alone the home.

The recent report of the National Housing Task Force has reminded us that we have a housing crisis in this country.

Today, Senator SASSER and I are introducing legislation that takes the

first step in addressing that crisis. Our bill will make it easier for moderate-income Americans to buy a home. Because after increasing steadily since World War II, the precentage of Americans owning their own home has declined since 1980.

Hardest hit by this trend have been young, moderate-income families. For those in the 25 to 29 age range, the rate of homeownership has dropped 16 percent since 1979. For families with children, the rate has dropped more than 9 percent since 1980.

These are our Nation's first time homebuyers—between the ages of 25 and 29, families with children. To reverse the precipitous decline, the Sasser-Heinz bill aims directly at and helps large numbers of first-time home buyers.

If you're a first-time homebuyer, chances are you will have to borrow with FHA insurance. Although the FHA insures only one-seventh of all mortgages issued each year, it insures 44 percent of mortgages taken out by first-time homebuyers. It is the insurance of first resort for first-time homebuyers.

The Sasser-Heinz bill does two important things for first-time home buyers. First, it will reduce the required downpayment.

Why do Senator SASSER and I believe this is so important? The median income for a family of four in this country is $27,000, before taxes. Taxes take a very large chunk of that, as "Tax Freedom Day" was just May 5. If both parents are working, in addition to their food costs, their utility bills, and other living expenses, they are going to need child care. And about as cheap child care as you can get in this country is $6,000 a year for their two kids if both husband and wife are employed, as increasingly is the case. After they pay all those bills, let alone set aside anything for retirement or for a college education for the downpayment on their first home.

So it is little wonder that young families with children are simply finding it impossible—unaffordable—to begin to own their own home. Taking an example from my home State of Pennsylvania, where the average price of a house is $88,000. Let's take the case of a family in Pennsylvania who buys their first home for $88,000. With an FHA-insured loan under the Sasser-Heinz bill, they will have to put down fully $1,260 less—one-third less—than they do today—the difference between $3,900 and $2,640. And for a moderate-income family with children that need day care and have all those other expenses, that can mean the difference between their first home and staying on the rent treadmill.

The bill will also remove the 30-percent limit on the number of adjustable rate mortgages the FHA is permitted to insure. ARM's have proven to be an effective tool in lowering debt service costs that raise monthly payments for home buyers. In the first quarter of this year, 62 percent of all mortgages issued by conventional lenders were ARM's—more than double the percentage the FHA is allowed to insure.

The legislation will encourage homeownership at no cost to the Federal Government, as FHA premiums generate far more revenue for the U.S. Treasury than the fund incurs expenses.

I just want to commend Senator SASSER for developing this extremely thoughtful bill. I think that this will be a very important part of any housing legislation we write this year.

The bill not only makes adjustments in the existing FHA Program, but in developing two demonstration projects, prepares the way for the future. If we just make improvements for this year or next year, that will help. But we need to recognize that the cost of housing remains a tremendous stumbling block for our first-time homeowners and we need to look for and find better ways to address that in the future as well.

I urge my colleagues to support our legislation, which will help bring the costs of owning a home within reach of those families who need it most, young, moderate-income working families, so that they, too, can be a part of the American dream.

By Mr. GORE:

S. 2381. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act; to the Committee on Commerce, Science, and Transportation.

FEDERAL FIRE PREVENTION AND CONTROL ACT AUTHORIZATION

● Mr. GORE. Mr. President, today I am introducing legislation to provide authorization of appropriations for the U.S. Fire Administration [USFA] and the National Fire Academy.

The United States has had one of the worst fire records of any industrialized nation. Though the statistics have dropped somewhat in recent years, fires still cause some 6,000 deaths and close to $7 billion in direct property loss annually. Consequently, fire prevention and control are of continuing national importance.

The USFA and the Fire Academy were established by the Federal Fire Prevention and Control Act of 1974 to assist States and local firefighters in promoting fire prevention and control. The Federal effort focuses on programs that local communities cannot provide. It collects data on fires, sponsors research into the causes of fire and methods of reducing the damage from fires, and develops programs to educate both firefighters and the public.

In the past few years, the Reagan administration has proposed reductions in funding for the USFA and the Fire Academy. This would yield a serious setback to their important efforts in training and data information that can help to prevent loss of life and property due to fires. Therefore, the legislation which I am introducing restores the proposed funding reductions.

I am hopeful that the Senate will be able to consider this bill in the near future, and in the process demonstrate a continued Federal commitment to fire prevention and control. I invite my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by adding at the end thereof the following:

"(g) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated $17,039,000 for the fiscal year ending September 30, 1989, $17,737,000 for the fiscal year ending September 30, 1990, and $18,464,000 for the fiscal year ending September 30, 1991.".●

By Mr. MELCHER:

S. 2382. A bill to delay the implementation of a certain rule affecting the provision of health services by the Indian Health Service; to the Select Committee on Indian Affairs.

DELAY OF A RULE RELATED TO INDIAN HEALTH CARE SERVICES

Mr. MELCHER. Mr. President, I am introducing a bill today to delay the implementation of a rule which the Department of Health and Human Services has promulgated to change the eligibility criteria under which Indians are eligible to receive health care from the Indian Health Service.

The Indian Health Service developed the proposed regulations intended to reduce the number of Indian people who will be eligible to receive medical care from the Indian Health Service. The two basic changes are: First, to limit Indian health services only to enrolled tribal members; and second, to provide that enrolled Indians residing in "contract health care" areas—which includes urban areas adjacent to Indian reservations, would be eligible and would receive health care services contracted for in those communities by the Indian Health Services.

These proposals are not very well thought out. There needs to be more consideration of what the effect would be if the new regulations were promulgated.

Under the proposed rule, a large number of Indians who currently receive Indian Health Services would be cut off from care in the future. This is of serious concern to Indian tribes across the country because in all likelihood the majority of Indians who would lose Indian Health Service benefits could not afford alternative health care. In addition, there will be an unknown financial impact on the contract health care budget of the Indian Health Service by expanding benefits. According to recent testimony provided to the Select Committee on Indian Affairs by the Indian Health Service, the contract health care budget is already underfunded by some $60 million each year. These proposed changes would greatly increase the required funding for contracts for health care for enrolled Indians living off the reservations.

Last year Congress put these proposed regulations on hold for fiscal year 1988, to provide an opportunity for congressional review of the effects of this change. Unfortunately, the Indian Health Service has not conducted feasibility studies on the impacts of the proposed changes and cannot advise Congress on the budgetary and program impacts of the proposal. We also do not know the human impact of the changes. How many Indians will be without health care alternatives as a result of the change? How much additional funding will be required in contract health care funds? What will be the impact on existing IHS programs and facilities? Absent feasibility studies, these critical questions cannot be answered.

I believe it would be foolhardy to move ahead with new eligibility regulations until we know the answers to these questions. The tribes must also be afforded an opportunity to recommend what, if any, changes should be made.

The Indian tribes contend that they have not been consulted on this matter. This proposed change has created a firestorm in Indian country as individual Indian people learn that they may lose the only health care available to them. Earlier this month, for example, the Indian Health Service convened a meeting of tribal leaders in Nashville, TN, to discuss the eligibility issue. Representatives of more than 75 tribes present at the meeting voted unanimously in favor of a resolution requesting congressional intervention on the proposed IHS eligibility regulations.

The bill I am introducing today is a slow down to the proposed changes and requires proper judgment be made on what the changes would mean if they were finalized. We do not know that now and we need to know. The bills will: First, impose a 3-year moratorium on the implementation of any new rules which would change the existing eligibility criteria; second, require the Secretary, acting through the Indian Health Service, to conduct a study to determine the impact of any changes in eligibility; third, require the Indian Health Service to consult with the Indian tribes which would be affected by any changes in eligibility; and fourth, require the Secretary to report to Congress on the study so that it can evaluate the relative costs and benefits of any changes.

Congress has often found that American Indians suffer the lowest health care status of any ethnic group in the United States. We still have a long way to go in achieving the goal we have to raise the health status of the Indian people to a level comparable with the general population. Changes which would deny health care to Indian families who cannot arrange to pay for medical services would jerk the rug out from under them. That cannot be allowed.

Mr. President, this bill must be passed as soon as possible. I urge the Senate to support prompt consideration and passage of this measure, and I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. The final rule published in the Federal Register on September 16, 1987, by the Health Resources and Services Administration of the Public Health Service of the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, shall not take effect before the day that is 3 years after the date of enactment of this Act, and no action may be taken before such day to implement or administer such rule or to prescribe any other rule or regulation that has a similar effect.

Sec. 2. During the 3 year period described in section 1, the Indian Health Service shall provide services pursuant to the criteria for eligibility for Indian Health Services in effect prior to September 16, 1987.

Sec. 3. (a) The Secretary of Health and Human Services, acting through the Indian Health Service, shall conduct a study to determine the impact that the final rule described in section 1 or any other proposed rules which would change eligibility criteria for Indian Health Services.

(b) The study conducted under subsection (a) shall include—

(1) the full participation of and consultation with American Indian and Alaskan Native tribal governments, and representatives of urban Indian health care programs;

(2) statistics for each of the Indian Health Service Areas on the number of Indians who are currently eligible for the services of the Indian Health Service;

(3) statistics for each of the Indian Health Service Areas on the number of Indians who would be eligible for such services if the final rule described in section 1 or any alternative rules changing eligibility were implemented;

(4) consideration of the financial impact of such final rule or any other proposed rule on the contract health care budget and on the clinical services budget of the Indian Health Service;

(5) consideration of the health status, cultural, social and economic impact on Indian reservations and urban Indian populations if the proposed rule or any other rule changing the eligibility criteria were to be implemented;

(6) consideration of the alternatives, if any, that would be available to those Indians who would not be eligible for such services by reason of any such final rule which would change the eligibility criteria for Indian Health Service services; and

(7) consideration of the program changes that the Indian Health Service would be required to make if the eligibility requirements for such services that are in effect on the date of enactment of this Act were modified.

(c) After complying with the requirements of this section, the Secretary of Health and Human Services shall submit to the Congress a report on the study 24 months after the date of enactment of this Act.

(d) Before submitting to the Congress the report on the study conducted under this section, the Secretary of Health and Human Services shall provide Indian tribes, Alaska Native villages and urban Indian health care programs an opportunity to comment on the report and shall incorporate the comments of such Indian groups into the report.

Sec. 4. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

By Mr. CRANSTON (for himself, Mr. Matsunaga, and Mr. Graham):

S. 2383. A bill to amend title 38, United States Code, to extend eligibility for education benefits under the Vietnam-era GI bill to certain service academy and Senior Reserve Officer Training Corps graduates, to permit students using Veterans' Administration educational assistance one instance of course withdrawal without a requirement to repay benefits and to provide tutorial assistance for Post-Vietnam Era Educational Assistance Program and Montgomery GI bill participants; and for other purposes; referred to the Committee on Veterans' Affairs.

VETERANS' EDUCATION BENEFITS AMENDMENTS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing S. 2383, the proposed Veterans' Education Benefits Amendments of 1988. Joining with me as original cosponsors of this measure are my fellow members of the Veterans' Affairs Committee, Senators Matsunaga and Graham. This measure would, first, make 1977 and 1978 Military, Naval, Air Force, and Coast Guard Academy graduates and 1978 Senior Reserve Officer Training Corps [SROTC] graduates eligible for the Vietnam-era GI bill under certain circumstances; second, allow a student using VA-administered education benefits one instance, not to exceed 6 semester hours (or the equivalent thereof), in which the student may withdraw from a course or courses without being required to repay the benefits received for the course or courses involved; and, third, make post-Vietnam-era (chapter 32) and Montgomery (chapter 30) GI bill students eligible for tutorial assistance.

VIETNAM-ERA GI BILL ELIGIBILITY FOR 1977 AND 1978 SERVICE ACADEMY AND 1978 SROTC GRADUATES

Mr. President, section 2 of the bill would make eligible for Vietnam-era GI bill benefits under chapter 34 of title 38, United States Code, those individuals who before January 1, 1977, commenced the third academic year as a cadet or midshipman at one of the services academies or as a member of the SROTC in a program of educational assistance under section 2104 or 2107 of title 10, United States Code, and who (a) served on active duty for more than 180 days after graduation from one of the service academies or after completion of the title 10 educational assistance program, (b) second, if separated from active duty, were discharged or released under conditions other than dishonorable; and (c) had enrolled in the chapter 32, post-Vietnam-era Veterans' Educational Assistance Program (known as VEAP), which was closed to new enrollment on July 1, 1985.

Those who meet these conditions and before January 1, 1990, file with the VA an election—which would be irrevocable—to receive chapter 34 eligibility and, if enrolled in VEAP at the time of the election, to be disenrolled from VEAP would be ineligible thereafter to participate in VEAP. Any amount that such an individual contributed to the Post-Vietnam-Era Veterans' Education Account ("VEAP account") which has not been paid to the individual would be refunded within 60 days after the VA's receipt of application for the refund. If the individual had received educational benefits under chapter 32, he or she would also be paid any amount by which the educational assistance the individual would have received, if eligible, under chapter 34 for the courses involved exceed the educational assistance which the individual received under chapter 32 for those courses. Finally, any remaining amount contributed to the VEAP account on behalf of the individual by the Secretary of Defense pursuant to section 1622(c) of title 38 would, upon the individual's disenrollment, be returned to the Secretary in accordance with the usual VEAP disenrollment procedures and processes.

Mr. President, the purpose of this provision is to provide a measure of equity for service academy graduates in the classes of 1977 and 1978 and for 1978 SROTC graduates. The October 1976 legislation establishing VEAP under chapter 32 of title 38 (Public Law 94-502) generally provided eligibility for VEAP to those entering active-duty service on or after January 1, 1977. Under VEAP, participants were required to make substantial contributions during their active duty in order to participate in the program. That same legislation, generally closed the noncontributory chapter 34, Vietnam-era GI bill, which generally provided greater benefits, to those entering active duty after December 31, 1976.

In light of the commitments made by persons involved in the delayed-entry program, an exception preserving chapter 34 eligibility was made for those who entered active duty after that date but had previously contracted with the Armed Forces and were enlisted in or assigned to a Reserve component before January 1, 1977, and entered active duty within 12 months after that date.

SROTC participants who graduated from college in 1977 and entered active duty by December 31, 1977, met the requirements of that exception preserving chapter 34 eligibility. However, service academy graduates in the class of 1977 who, at the end of their second year in 1975 had entered into contracts committing them to enter active duty, did not meet the requirements of this exception—because they had not enlisted in or been assigned to a Reserve component before January 1, 1977. Also, 1978 SROTC and service academy graduates, who in 1976 entered into contracts committing themselves to enter active duty did not receive chapter 34 eligibility—in the case of the former because they did not enter active duty before January 1, 1977, and in the case of the latter both for that reason and because they had not joined a Reserve component before that date.

Because chapter 34 eligibility is generally more advantageous to the individual than eligibility for VEAP, which entailed individual monthly contributions up to a total of $2,700 on the part of the participant, a claim of inequitable treatment has been made, particularly by 1977 and 1978 service academy graduates who were not afforded chapter 34 benefits.

This provision would remove this inequity for those individuals who—by their participation in the chapter 32 program—demonstrated an interest in earning education benefits during their service. It is these individuals who clearly are most likely to have taken into account the availability of Vietnam-era GI bill benefits in making the decision to commit themselves to the active-duty obligation entailed in entering the second half of their college careers at the service academies or under the SROTC Program.

Based on preliminary data provided by the Congressional Budget Office, it is anticipated that the cost of this bill would be significantly less than $1 million in any year, including the first year when certain retroactive payments would be made for training incurred prior to the enactment of the bill. There were approximately 5,600 graduates of the 4 service academies in 1977 and 1978. Of these, about 11 percent had prior service and are already eligible for chapter 34 benefits. This leaves about 5,000 academy graduates who could be affected by this bill, but only a small percentage of them enrolled in VEAP. Likewise, the percentage of 1978 SROTC graduates who participated in the chapter 32 program is also considered to be relatively small.

Mr. President, on February 23, 1988, I wrote to the Secretaries of Defense and Transportation and the Administrator of Veterans' Affairs requesting data relating to the issues involved in these situations. In response to those letters, I expected in the next few weeks to receive specific data on the exact percentage of 1978 SROTC graduates and 1977 and 1978 service academy graduates who participated in VEAP.

Mr. President, I ask unanimous consent that copies of those letters and interim replies be printed in the RECORD at the conclusion of my remarks.

NO PENALTY FOR FIRST INSTANCE OF COURSE WITHDRAWAL

Mr. CRANSTON. Mr. President, section 3 of the bill would create an exception to section 1780(a)(4) of title 38, which precludes the payment of educational assistance to any eligible veteran or person for a course from which the students withdraws unless the Administrator finds there are mitigating circumstances. The new exception would provide that mitigating circumstances would be considered by law to exist in the first instance of a student's withdrawal from a course or course being pursued with VA-administered benefits to the extent that the withdrawal does not exceed 6 semester hours or the equivalent thereof.

Currently, if a person receiving VA education benefits withdraws from a course an overpayment is created and if the veteran applies for a waiver of the overpayment he or she must demonstrate that there were mitigating circumstances. If there were none, the overpayment remains and the amount of those benefits become a debt owed by the individual to the VA which then seeks to collect that amount from him or her.

A February 1987 study by the VA's Office of Program Analysis and Evaluation, requested by the Administrator's Educational Assistance Advisory Committee, on the reasons for overpayments in the chapter 34 program—found that 61 percent of such overpayments were due to nonpunitive grades and the subsequent failure of the student to demonstrate that there had been mitigating circumstances. A March 1988 VA review of overpayments in the new chapter 30 program of educational assistance for the All-Volunteers Force—known as the "Montgomery GI bill"—has found that 74.4 percent of overpayments under that program are due to the beneficiary's inability to demonstrate mitigating circumstances. This trend is expected to continue.

Mr. President, often a beneficiary pursuing an undergraduate program will test his or her academic proficiency with respect to the number or complexity of courses in which he or she enrolls and may experience substantial difficulty in achieving a satisfactory grade when too heavy an academic load has been chosen. The beneficiary's choices then are either (a) to withdraw from the course within the drop/add rules of the school and receive a nonpunitive grade—for a course the beneficiary typically has already paid for—and be charged by the VA with an overpayment unless mitigating circumstances are involved, or (b) not withdraw from the course and risk receiving a failing grade but retain GI bill eligibility in connection with that course. Non-VA students do not encounter the penalty involved in the former alternative. Thus, this provision would put veterans in basically the same position as nonveteran students and provide them with a less onerous choice when facing this dilemma.

This provision would also produce a number of other favorable results.

First, it would obviously reduce the frequency and dollar amount of education overpayments, which appear to be artificially inflated as the result of beneficiaries withdrawing from courses in compliance with the course drop/add rules of their schools and either demonstrating "mitigating circumstances" or being charged with overpayments which may never be collected.

Second, it would allow the beneficiary to test his or her academic limits without the penalty resulting from creation of an overpayment. In effect, it would allow a GI bill participant to make a single "mistake"—that is oversubscribing with respect to the number or complexity of courses in their academic program—without running the risk of incurring a substantial debt to the VA.

Third, after the first instance of course withdrawal, it would permit the VA fully and clearly to explain to the affected individual that, in future instances of course withdrawals, mitigating circumstances would have to be demonstrated in order to avoid an overpayment.

I would like to note, Mr. President, that his proposal received uniformly favorable comments during discussions of it on January 25, 1988, by the Veterans' Education Policy Commission—established by Public Law 99-576 to review policies governing the administration of veterans' education programs.

TUTORIAL ASSISTANCE UNDER VEAP AND THE MONTGOMERY GI BILLS

Mr. President, section 4 would make eligible for individualized tutorial assistance individuals who are pursuing an educational program under the Montgomery GI bill—chapter 30 of title 38, for those who earn entitlement at least in part through active-duty service, or chapter 106 of title 10, for members of the Selective Reserve—or the Post-Vietnam era Veterans' Educational Assistance Program [VEAP] under chapter 32 of title 38. Such assistance would be provided on the same basis as tutorial assistance is currently available to veterans pursuing programs of education under the chapter 34 Vietnam-era GI bill and to dependents and survivors pursuing studies with assistance under the chapter 35 program for the spouses and children of veterans with service-connected disabilities rated total and permanent or of those who died while having such ratings or of service-connected causes or of those who are POWs or missing in action. Thus, tutorial assistance would be made available, without charge to entitlement, to those using their Montgomery GI bill or VEAP benefits who are enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution and have a deficiency in a subject which is required as part of, or is a prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

Under this provision, the Administrator would pay to the eligible individual receiving tutorial assistance a reimbursement not to exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is used. Under the current chapter 34 provision in section 1692, the VA may pay up to $84 a month, up to a total of $1,008. These maximums were last increased in 1984 by Public Law 98-543, and our bill would increase them to $100 per month and a total of $1,008, respectively—a 19 percent increase.

Payment for tutorial assistance for chapter 30 and 32 participants would be made from the VA's readjustment benefits account and for chapter 106 participants from the Department of Defense and Department of Transportation accounts which fund the chapter 106 program.

Mr. President, 236,139 veterans and eligible persons have benefitted from the tutorial assistance available under chapters 34 and 35. It has been a valuable program for Vietnam-era veterans—as both tutoring recipients and tutors—and I believe it can be just as valuable for chapter 32, and all-volunteer force veterans and members of the Selected Reserve.

The Veterans' Affairs Committee will hold hearings on this measure and other veterans' education bill on May 25.

Mr. President, I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the Record followed by the materials I previously referred to.

There being no objection, the materials were ordered to be printed in the Record, as follows:

S. 2383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Education Benefits Amendments of 1988".

SEC. 2. VIETNAM-ERA GI BILL ELIGIBILITY.

(a) In General.—Section 1652(a) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out the period at the end of clause (C) and inserting in lieu thereof "; or "; and

(B) by adding at the end the following new clause:

"(D)(i) before January 1, 1977, commenced the third academic year as a cadet or midshipman at one of the service academies or the third academic year as a member of the Senior Reserve Officer Training Corp in a program of educational assistance under section 2104 or 2107 of title 10 if the individual (I) served on active duty for a period of more than 180 days pursuant to an appointment as a commissioned officer received upon graduation from one of the service academies or upon satisfactory completion of advanced training (as defined in section 2101 of title 10) as a member of the Senior Reserve Officers' Training Corps, respectively, (II) was discharged or released from such period of active duty under conditions other than dishonorable, and (III) enrolled in the educational assistance program under chapter 32 of this title, and (ii) before January 1, 1990, submits to the Administrator, in such form and manner as the Administrator may prescribe, an irrevocable election to be eligible after the date of such election for assistance under this chapter and, if enrolled under the chapter 32 program of educational assistance under this title at the time of such election, to be disenrolled from such program."; and

(2) by adding at the end the following new paragraph:

"(4) For the purposes of this subsection, the term 'service academy' means the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.".

(b) Conforming Amendment.—Section 1652(a)(2) of such title is amended by striking out "or (B)" and inserting in lieu thereof ", (B), or (D)".

(c) Disenrollment From Chapter 32 Program and Refunds of Contributions.—Upon receipt of an election under clause (D)(iv) of section 1652(a)(1) of title 38, United States Code (as added by subsection (a)(1)), the Administrator shall—

(1)(A) not later than 60 days after receiving such an election, refund to the individual concerned the amount of the individual's unused contributions to the Post-Vietnam Era Veterans Education Account (hereinafter in this paragraph referred to as the "VEAP Account"), and

(B) if the individual has received educational assistance under chapter 32 of such title for the pursuit of a program of education, pay to the individual (out of funds available for the payment of educational assistance under chapter 34 of such title) an amount equal to the amount by which the amount of the educational assistance that the individual would have received under chapter 34 of such title for the pursuit of such program exceeds the amount of the educational assistance that the individual received under such chapter 32 for the pursuit of such program; and

(2) refund to the Secretary of Defense the amount contributed by the Secretary to the VEAP Account on behalf of such individual remaining in the Account.

(d) Effective Date.—The amendments made by subsections (a) and (b) shall take effect as of January 1, 1977.

SEC. 3. ONE-TIME COURSE WITHDRAWAL WITHOUT REPAYMENT OF BENEFITS.

(a) In General.—Section 1780(a)(4) of title 38, United States Code, is amended by inserting after "circumstances" the following: ", except that, in the first instance of withdrawal by an eligible veteran or person from a course or courses with respect to which such veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totalling not more than six semester hours or the equivalent thereof.".

(b) Effective Date.—The amendment made by subsection (a) shall apply so as to require that mitigating circumstances be considered to exist only with respect to withdrawals from a course of courses being pursued with assistance under such title that occur after the date of the enactment of this Act.

SEC. 4. TUTORIAL ASSISTANCE.

(a) Assistance Under the Montgomery GI Bill—Active Duty.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1417. Tutorial assistance

"An individual entitled to an educational assistance allowance under this chapter shall, without charge to the individual's entitlement to such allowance, also be entitled to the benefits provided an eligible veteran under section 1692 of this title."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1416 the following new item:

"1417. Tutorial assistance.".

(b) Assistance Under the Montgomery GI Bill—Selected Reserve.—Section 2131(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "Educational" and inserting in lieu thereof "Except as provided in paragraph (3) of this subsection, educational"; and

(2) by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, a person entitled to educational assistance under this chapter shall also be entitled to tutorial assistance under this chapter in same manner and amount, to the same extent, and under the same conditions as provided under section 1692 of title 38.".

(c) Post-Vietnam Era Educational Assistance Program.—(1) Subchapter III of Chapter 32 of title 38, United States Code, is amended by inserting after section 1633 the following new section:

"§ 1634. Tutorial assistance

"(a) A veteran entitled to benefits under this chapter shall, without charge to the veteran's entitlement to such benefits, also be entitled to the benefits provided an eligible veteran under section 1692 of this title.

"(b) Payments of benefits under this section shall be made out of funds available for payments under such section 1692.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1633 the following new item:

"1634. Tutorial Assistance."

(d) Increase in Maximum Tutorial Assistance Payments.—(1) Section 1692(b) of title 38, United States Code, is amended by striking out "$84" and "$1,008" and inserting in lieu thereof "$100 and $1,200", respectively.

(2)(A) The heading of section 1692 of such title is amended to read as follows:

"§ 1692. Tutorial assistance".

(B) The item relating to section 1692 in the table of sections at the beginning of chapter 34 is amended to read as follows:

"1692. Tutorial Assistance."

(e) Effective Date.—The amendments made by this section shall take effect on October 1, 1988.

Committee on Veterans' Affairs,
Washington, DC, February 23, 1988.
Hon. Frank C. Carlucci,
Secretary of Defense,
Washington, DC.
Hon. James H. Burnley,
Secretary of Transportation,
Washington, DC.
Hon. Thomas K. Turnage,
Administrator of Veterans' Affairs,
Washington, DC.

Dear Frank, Jim, and Tom, I am writing to you in connection with my review of the desirability of legislation to extend retroactive eligibility for Vietnam-era GI Bill education benefits under chapter 34 of title 38, United States Code, to (1) certain members of the 1977 and 1978 graduating classes of the United States Military, Naval, Air Force, and Coast Guard Academies, and (2) certain 1978 graduates of the Senior Reserve Officer Training Corps (SROTC) for each of the military services and the Coast Guard.

The October 1976 legislation establishing the Post-Vietnam Era Veterans' Education Assistance Program ("VEAP") as chapter 32 of title 38, United States Code (Public Law 94-502), generally provided VEAP eligibility to those entering active-duty service on or after January 1, 1977, and generally closed chapter 34 to those entering active duty after December 31, 1976. In light of the commitments made by persons involved in the delayed-entry program, an exception preserving chapter 34 eligibility was made for those who entered active duty after that date but contracted with the Armed Forces and were enlisted in or assigned to a reserve component before January 1, 1977, and entered active duty within 12 months after that date.

SROTC participants who graduated from college in 1977 and entered active duty by December 31, 1977, met the requirements of that exception. However, service academy graduates in the class of 1977, who in 1975 had entered into contracts committing them to enter active duty did not—because they had not enlisted in or been assigned to a reserve component before January 1, 1977. Also, 1978 graduates of SROTC and of the service academies, who entered into contracts in 1976 committing themselves to enter active duty did not receive chapter 34 eligibility—in the case of the former because they did not enter active duty before January 1, 1977, and in the case of the latter both for that reason and because they had not joined a reserve component before that date.

Because chapter 34 eligibility is generally more advantageous to the individual than eligibility for VEAP, which entailed monthly contributions totalling up to $2,700 on the part of the participant, a claim of inequitable treatment has been made on behalf of the above-mentioned graduates who were not afforded chapter 34 benefits.

In order to assist me in assessing the issues relating to this matter, I request that you jointly respond to the enclosed questions. In view of the need for the Veterans' Affairs Committee to include in its FY 1989 budget views under section 301(c) of the Congressional Budget Act the costs of any legislation that it may choose to pursue in this regard, I urge that you provide the answers by March 10, 1988.

Please coordinate your responses in whatever manner you find convenient to ensure that the pertinent information to each question is provided by the appropriate department, agency, or service branch. Where actual data is not available or cannot finally be gathered please provide the best estimates available, noting this approach.

Thank you for your cooperation and assistance. If you have any questions regarding this matter, please have a member of your staff contact Darryl Kehrer, Professional Staff Member of the Committee, on 224-9126.

Sincerely,

Alan Cranston,
Chairman.

Questions for the Secretary of Defense, the Secretary of Transportation, and the Administrator of Veterans' Affairs From Alan Cranston, Chairman Senate Committee on Veterans' Affairs

ELIGIBILITY AND PARTICIPATION

1. Please submit the following data on eligibility for, and participation in, the chapter 32 program:

A. With respect to the cadets and midshipman who graduated from the United States Military, Naval, Air Force, and Coast Guard Academies in the classes of 1977 and 1978, please provide answers to the following questions separately for each class:

(1) How many individuals graduated and entered active duty?

(2) How many of these individuals had eligibility for the Vietnam-era GI Bill education benefits under chapter 34 of title 38, United States Code, based on previous active-duty service?

(3)(a) How many of these individuals enrolled in the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) under chapter 32 of title 38, United States Code?

(b) What was the total dollar amount of the Secretary of Defense's or Secretary of Transportation's matching contributions for these individuals?

(c) How many of these individuals enrolled in, and pursued for at least one month, a program of education using VEAP benefits?

(d) What was the average (i) number of months of VEAP entitlement used, and (ii) the dollar amount of VEAP benefits received by these individuals?

(e) How many of these individuals (i) received a refund of their VEAP contributions, and (ii) what was the total amount of such refunds?

(f) Please provide an estimate, together with the underlying analyses, of the costs of legislation that would require (i) refunding to these individuals—who have not received a refund—any amount the individual contributed to his/her VEAP account, (ii) paying to these individuals—who have actually received VEAP benefits—the difference between what they have already received and what they would have received under chapter 34, and (iii) refunding to the Secretary of Defense or Secretary of Transportation any amount contributed by such Secretary to these individuals who have not received a refund? (Please include estimates of the administrative costs involved.)

B. With respect to individuals who graduated from an Army, Navy, Air Force, or Marine Corps SROTC program, established under chapter 103 of title 10, United States Code:

(1) How many individuals nationwide graduated from this program in 1978 and entered on active duty that year?

(2) How many of these individuals had eligibility for the Vietnam-era GI Bill based on previous active-duty service?

(3) (a) How many of these individuals enrolled in VEAP?

(b) What was the total dollar amount (i) of the contributions of these individuals, and (ii) the Secretary of Defense's matching contributions for these individuals?

(c) How many of these individuals enrolled in, and pursued for at least one month, a program of education using VEAP benefits?

(d) What was the average (i) number of months of VEAP entitlement used, and (ii) dollar amount of the VEAP benefits received by these individuals?

(e) How many of these individuals (i) received a refund of their VEAP contributions, and (ii) in what amount of such refunds?

(f) Please provide an estimate, together with the underlying analyses, of the costs of legislation that would require (i) refunding to these individuals who have not received a refund—any amount the individual contributed to his/her VEAP account, (ii) paying to these individuals—who have actually received VEAP benefits—the difference between what the individual already received and what the individual would have received under chapter 34, and (iii) refunding to the Secretary of Defense any amount contributed by the Secretary to these individuals who have not received a refund? (Please indicate estimates to the administrative costs involved).

NOTIFICATION METHODS

2. A. If legislation were enacted to extend retroactive eligibility for Vietnam-era GI Bill benefits to service academy graduates in the class of 1977 and 1978 and SROTC graduates in the class of 1978 who participated in VEAP, what method(s) would the Department of Defense (and the Department of Transportation in the case of the Coast Guard Academy) use to contact those graduates who had enrolled in VEAP so that they might be informed of their retroactive eligibility?

B. What is your estimate of the percentages, and the absolute numbers of, 1977 and 1978 service academy graduates and 1978 ROTC graduates who had previously enrolled in VEAP who could be notified of their retroactive Vietnam-era GI Bill eligibility?

PREP SCHOOLS

3. It is my understanding that some individuals who graduated from a service academy in the classes of 1977 or 1978 attended a service academy preparatory school prior to September 1973 or 1974, respectively.

A. (1) What was the average duration, in months, of the prep school program for each of the services for persons entering the classes of 1977 and 1978, respectively?

(2) Were the persons who attended these prep schools placed on active-duty status while enrolled?

(3) Please approximate the percentages of (a) those prep school students who were former active-duty enlisted personnel and (b) those who were recent high school graduates seeking an academy appointment.

B. Was it the intent of the Department of Defense that time spent as prep school students should count as active duty time for chapter 34 eligibility purposes even though section 1652(a)(3)(B) of chapter 34 expressly provided that time served as a midshipman or cadet at a service academy did not count as active duty for eligibility purposes?

FORMS

4. Please provide a copy of DD Form 2057, entitled "Contributory Educational Assistance Program Statement of Understanding".

A. Was this form presented to 1977 and 1978 service academy graduates for signature as a means of them acknowledging their eligibility for the chapter 32 program? If so, at what points in their academy experience or active-duty service did this normally take place?

B. Was this form also presented to 1978 SROTC graduates for signature? If so, when did this normally take place?

5. Please submit to me copies of each edition of DD Form 214 entitled "Certificate of Release or Discharge from Active Duty" as in use during the period 1977 to the present.

A. Was this form presented to 1977 and 1978 service academy graduates at the conclusion of their periods of obligated active-duty service? If so, were such individuals provided notice of their chapter 32 eligibility by virtue of their signing it?

B. Was this form presented to 1978 SROTC graduates at the conclusion of their periods of obligated active-duty service? If so, were such individuals provided notice of their chapter 32 eligibility by virtue of their signing it?

6. Please describe any other means by which 1977 and 1978 academy graduates and 1978 SROTC graduates were notified of their chapter 32 eligibility, the points during or before their active-duty service at which they were so notified, and any documentation of their having been notified that would be available.

THE SECRETARY OF DEFENSE,
Washington, DC, March 31, 1988.
Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: Thank you for your letter of February 23, requesting information to assist you in evaluating the desirability of legislation to extend retroactive eligibility for Vietnam-era GI Bill education benefits to 1977 and 1978 Service Academy graduates and to 1978 ROTC graduates.

Grant Green, Assistant Secretary of Defense for Force Management and Personnel, has his staff working directly with your Committee staff and the staffs of the Secretary of Transportation and the Administrator of Veterans' Affairs. Together, we will provide all the requested information to your Committee.

Sincerely,
FRANK CARLUCCI.

U.S. COAST GUARD,
Washington, DC, March 15, 1988.
Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter requesting information on the graduating classes of the 1977 and 1978 service academies and the Senior Reserve Officer Training Corps (SROTC).

Representatives of the Veterans Administration, the Department of Defense, and the Coast Guard met with Darryl Kehrer of your staff on March 2nd. The purpose of the meeting was to determine a target date for submitting the needed information, to determine which agency would take the lead, and to avoid duplicated effort.

Enclosure (1) contains the responses to the questions assigned to the Coast Guard for action. The Coast Guard will collaborate, as needed, with the Department of Defense and the Veterans Administration to provide answers to the questions for which they have primary responsibility. Enclosure (2) is an excerpt from a Coast Guard manual on the Veterans Educational Assistance Program (VEAP).

If I can be of further assistance, please do not hesitate to call on me.

Adm. P.A. YOST,
Commandant.

ENCLOSURE 1

QUESTIONS FOR THE SECRETARY OF DEFENSE, THE SECRETARY OF TRANSPORTATION, AND THE ADMINISTRATOR OF VETERANS' AFFAIRS FROM ALAN CRANSTON, CHAIRMAN, SENATE COMMITTEE ON VETERANS' AFFAIRS

ELIGIBILITY AND PARTICIPATION

1. Please submit the following data on eligibility for, and participation in, the chapter 32 program:

A. With respect to the cadets and midshipmen who graduated from the United States Military, Naval, Air Force, and Coast Guard Academies in the classes of 1977 and 1978, please provide answers to the following questions for each class:

(1) How many individuals graduated and entered active duty?

Coast Guard Academy, Class of 1977: 206; Coast Guard Academy, class of 1978: 179.

(2) How many of these individuals had eligibility for the Vietnam Era G.I. Bill education benefits under chapter 34 of title 38, United States Code?

Approximately eight.

(3)(a) How many of these individuals enrolled in the Post-Vietnam Era Veterans'

Educational Assistance Program (VEAP) under chapter 32 of title 38, United States Code?

(b) What was the total dollar amount of the Secretary of Defense's or Secretary of Transportation's matching contributions for these individuals?

(c) How many of these individuals enrolled in, and pursued for at least one month, a program of education using VEAP benefits?

(d) What was the average (i) number of months of VEAP entitlement used, and (ii) the dollar amount of VEAP benefits received by these individuals.

(e) How many of these individuals (i) received a refund of their VEAP contributions, and (ii) what was the total amount of such refunds?

(f) Please provide an estimate, together with the underlying analyses, of the costs of legislation that would require (i) refunding to these individuals—who have not received a refund—any amount the individual who contributed to his/her VEAP account, (ii) paying to these individuals—who have actually received VEAP benefits—the difference between what they have already received and what they would have received under chapter 34, and (iii) refunding to the Secretary of Defense or the Secretary of Transportation any amount contributed by such Secretary to these individuals who have not received a refund? (Please include estimates of the administrative costs involved.)

The Coast Guard, and the appropriate Department of Defense armed services, will provide the names and social security numbers of the 1977 and 1978 Academy graduates to the Veterans Administration. The VA, in turn, will use the data to provide the response to questions 1.A.(3)(a) through (f) for all of the services.

B. With respect to the individuals who graduated from the Army, Navy, Air Force, or Marine Corps SROTC program, established under chapter 103 of title 10, United States Code:

(1) How many individuals nationwide graduated from this program in 1978 and entered on active duty that year?

(2) How many of these individuals had eligibility for the Vietnam era G.I. Bill based on previous active-duty service?

(3) (a) How many of these individuals enrolled in VEAP?

(b) What was the total dollar amount (i) of the contributions of these individuals, and (ii) the Secretary of Defense's matching contributions for these individuals?

(c) How many of these individuals enrolled in, and pursued for at least one month, a program of education using VEAP benefits?

(d) What was the average (i) number of months of VEAP entitlement used, and (ii) dollar amount of VEAP benefits received by these individuals?

(e) How many of these individuals (i) received a refund of their VEAP contributions, and (ii) in what amount of such refunds?

(f) Please provide an estimate, together with the underlying analyses, of the costs of legislation that would require (i) refunding to those individuals who have not received a refund—any amount the individual contributed to his/her VEAP account, (ii) paying to these individuals—who have actually received VEAP benefits—the difference between what the individual already received and what the individual would have received under chapter 34, and (iii) refunding to the Secretary of Defense any amount contributed by the Secretary to these individuals who have not received a refund? (Please indicate estimates of the administrative costs involved).

Section B does not pertain to the Coast Guard.

NOTIFICATION METHODS

2. A. If legislation were enacted to extend retroactive eligibility for Vietnam era G.I. Bill benefits to service academy graduates in the class of 1977 and 1978 and SROTC graduates in the class of 1978 who participated in VEAP, what method(s) would the Department of Defense (and the Department of Transportation in the case of the Coast Guard Academy) use to contact those graduates who had eligibility in VEAP so that they might be informed of their retroactive eligibility?

Approximately 72 percent of the 1977 and 1978 Coast Guard Academy graduates remain on active duty. Those individuals would be contacted directly about their retroactive eligibility, if granted. The Coast Guard Alumni Association would be asked to assist in providing notification to the 1977 and 1978 graduates who have left the service. Articles about the retroactive eligibility in various publications of interest to veterans should assist in informing those who may be affected.

B. What is your estimate of the percentages, and the absolute numbers of, 1977 and 1978 service academy graduates and 1978 ROTC graduates who had previously enrolled in VEAP who could be notified of their retroactive Vietnam era G.I. Bill eligibility?

The actual numbers and percentages will be contained in the VA's response to questions 1.A. (3)(a) through (f).

PREP SCHOOLS

3. It is my understanding that some individuals who graduated from a service academy in the classes of 1977 or 1978 attended a service academy preparatory school prior to September 1973 or 1974, respectively.

A.(1) What was the average duration, in months, of the prep school program for each of the services for persons entering the classes of 1977 and 1978, respectively?

(2) Were the persons who attended those prep schools placed on active-duty status while enrolled?

(3) Please approximate the percentages of (a) those prep school students who were former active-duty enlisted personnel and (b) those who were recent high school graduates seeking an academy appointment.

B. Was it the intent of the Department of Defense that time spent as prep school students should count as active duty time for chapter 34 eligibility purposes even though section 1652(a)(3)(B) of chapter 34 expressly provided that time served as a midshipman or cadet at a service academy did not count as active duty for eligibility purposes?

The Coast Guard has participated in the Broadened Opportunity for Officer Selection and Training (BOOST) program and currently has individuals enrolled in the Naval Academy Preparatory School (NAPS). However, during the time frame in question the Coast Guard did not send individuals to service academy prep schools.

FORMS

4. Please provide a copy of DD Form 2057, entitled "Contributory Educational Assistance Program Statement of Understanding."

The Department of Defense will provide a copy of the form as a part of its response.

A. Was this form presented to 1977 and 1978 service academy graduates for signature as a means of them acknowledging their eligibility for the chapter 32 program? If so, at what points in their academy experience or active-duty service did this normally take place?

The Coast Guard did not utilize the DD Form 2057. It was created by the Department of Defense primarily for its own use. However, academy graduates were briefed on their VEAP eligibility prior to graduation. The Coast Guard in general was notified about VEAP by a Commandant's instruction, general messages, and in the Coast Guard's Training and Education Manual.

B. Was this form also presented to 1978 SROTC graduates for signature? If so, when did this normally take place?

Not applicable to the Coast Guard.

5. Please submit to me copies of each edition of DD Form 214 entitled "Certificate of Release or Discharge from Active Duty" as in use during the period 1977 to the present.

The Department of Defense will include copies of the form as part of its response to the question.

A. Was this form presented to 1977 and 1978 service academy graduates at the conclusion of their periods of obligated active-duty service? If so, were such individuals provided notice of their chapter 32 eligibility by virtue of their signing it?

Academy graduates are not given DD Form 214s at the conclusion of their periods of obligated active-duty service. They are appointed as commissioned officers and that status does not normally change throughout their career. The only academy graduates who receive DD Form 214s are those leaving active duty.

B. Was this form presented to 1978 SROTC graduates at the conclusion of their periods of obligated active-duty service? If so, were such individuals provided notice of their chapter 32 eligibility by virtue of their signing it?

Not applicable to the Coast Guard.

6. Please describe any other means by which 1977 and 1978 academy graduates and 1978 SROTC graduates were notified of their chapter 32 eligibility, the points during or before their active-duty service at which they were so notified, and any documentation of their having been notified that it would be available.

However, academy graduates were briefed on their VEAP eligibility prior to graduation. The Coast Guard in general was notified about VEAP by a Commandant's instruction, general messages, pamphlets prepared by the VA, and by information contained in the Coast Guard's Training and Education Manual.

Enclosure (2) is an excerpt about VEAP from the Training and Education Manual.

ENCLOSURE 2

C. PERSONNEL ORIGINALLY ENLISTED OR COMMISSIONED BETWEEN 1 JANUARY 1977 AND 30 JUNE 1985

(1) *Description.* Chapter 32, Title 38, U.S. Code, provides for educational assistance to those who initially enter the Armed Forces between 1 January 1977 and 30 June 1985. Eligibility for assistance is contingent upon the service member's participation in contributory educational benefit fund administered jointly by the Coast Guard and the VA.

(2) *Contributory Program.*

(a) Any eligible Coast Guard member must have initially enrolled prior to 31 March 1987. Once enrolled, a person must contribute for at least 12 consecutive months before disenrolling or suspending participation.

(b) Contributions to the program may be by monthly deductions from military pay or by a lump sum contribution. Each deduction shall be between $25 and $100 (in multiples of $5). The maximum contribution shall not exceed $2700. The number of contributing months to reach the maximum contribution can vary between 108 (108 mo. x $25 per mo. = $2700) and 27 (27 mo. x $100=$2700).

(c) The VA will match funds on a $2 for each $1 contributed basis; the maximum educational account amount is $8100.

(3) *Entitlements.*

(a) While actually enrolled in and pursuing a VA approved program of education, a participant is entitled to a maximum of 36 monthly full time benefit payments (or their equivalent in the event of part time benefit payments). These payments will be made by the VA to the individual upon proper application and need not be made consecutively. The amount of the monthly payment to which an individual participant is entitled is determined by the following formula: dollar amount of participant's contribution x 3 divided by number of months contributed (no more than 36).

(b) The duration and amount of benefits is directly related to your contribution schedule. For example, if you contribute the maximum amount of $100 per month ($2700), your entitlement would be $300 per month for 27 months. If, on the other hand, you contribute $75 per month (an identical $2700), your entitlement would be $225 per month for 36 months while attending school full time.

(c) A participant may be eligible for VA educational loans while pursuing a course of study under this program.

(d) Details of entitlements were available from VA regional offices.

(4) *Duration.* Eligible veterans must use the entitlement within 10 years of discharge or release from active duty. If all entitlements have not been used by the end of the 10 year period the veteran is automatically disenrolled and notified of such, and any contributions remaining in the fund shall be refunded if the veteran applies for such refund.

(5) *Enrollment Eligibility.* Personnel who initially enter active duty between 1 January 1977 and 30 June 1985 are eligible for participating in the Veterans' Educational Assistance Program (VEAP) if they enrolled on or before 31 March 1987. No new enrollments after that date are permitted.

(a) Active duty does not include any period during which an individual is assigned:

1. Full time by the Armed Forces to a civilian institution for a course of education which is substantially the same as an established course offered to civilians.

2. As a cadet at the Coast Guard Academy.

3. In the Coast Guard Reserve in an active duty for training status, per 10 U.S.C. 511(d).

(b) Members who enlisted prior to 1 January 1977 under the provisions of the Delayed Entry Program and whose active duty commenced on or after that date are not eligible for the VEAP but are eligible for the Vietnam-Era G.I. Bill education benefit program as described in Subparagraph 3.D.3.b. provided active duty commenced prior to 2 January 1978.

(6) *Benefit Eligibility.* An individual must meet the requirements of Subparagraph c.(5) above, must be discharged or released under conditions other than dishonorable, and have served a period of active duty of more than 180 days duration. A member is also eligible to receive benefits at any time if the criteria of Subparagraph (5) above are met and the member is discharged or released from active duty due to a service-connected disability.

(a) The requirement of discharge or release from active duty prescribed above is waived in the case of any participant who has completed his or her first obligated period of active duty (which began after 31 December 1976), or six years of active duty (which began after 31 December 1976), whichever period is less.

(b) Any participant who is discharged or released from active duty under dishonorable conditions is automatically disenrolled and is not eligible for any benefits. A refund of contributions paid by the participant shall be made by the Veterans' Administration.

(7) *Suspension and Disenrollment.*

(a) A service member may suspend contributing or disenroll at the end of any 12 consecutive months of participation. The requirement of 12 consecutive months of participation does not apply if the member disenrolls or suspends contributing due to personal hardship of a financial nature (defined in Subparagraph (8) below) or by reason of discharge or release from active duty.

(b) When a member suspends participation, the contributory allotment is stopped until such time that the member wishes to resume contributing and that the member remains on active duty. A refund is not paid to a member that suspends participation. Benefit eligibility is retained up to the amount accumulated in the educational account prior to suspension.

(c) When a member requests disenrollment, a refund of all funds previously contributed by that individual will be made by the VA (see Subparagraph (9) below). Disenrollment procedures are contained in Commandant Instruction 7220.29 (series). A member who requests disenrollment and refund forfeits entitlement to any benefits under the program. However, reenrollment and resulting benefit eligibility in the future is possible if the member continues on or returns to active duty and is otherwise eligible. A new 12 month contributory period begins at the time of reenrollment. Lump sum contributions to establish a retroactive date of enrollment are authorized.

(d) When at any time a participant requests suspension or disenrollment, the individual's command will ensure that the member is fully counseled as to the results of such action.

(8) *Hardship.*

(a) Hardship is defined as personal hardship of a financial nature such that suspension or disenrollment from the program would serve to substantially alleviate the hardship.

(b) A hardship determination will be made by the member's commanding officer or officer-in-charge and an appropriate command endorsement will be attached to the member's written request for disenrollment/refund or suspension. A positive endorsement will serve as sufficient authorization for the finance office to process the request.

(9) *Refund.*

(a) Refunds will be made within 60 days after receipt by the VA of a disenrollment/refund request (VA Form 4-5281, Notice of Disenrollment and Application for Funds Deposited in Post-Vietnam Veterans' Educational Assistance Program).

(b) If a participant dies, the amount of his or her unused contributions shall be paid to the member's beneficiary or beneficiaries as designated by the participant under Serviceman's Group Life Insurance. If no beneficiary has been stated or if the participant is not insured under the Serviceman's Group Life Insurance program, the refund shall be paid to the participant's estate.

(c) A refund will also be made as prescribed in Subparagraph (b) above if a participant dies after being discharged or released from active duty and before having used any or all of his or her contribution.

D. PERSONNEL ORIGINALLY ENLISTED OR COMMISSIONED DURING THE PERIOD 1 JULY 1985 OR LATER/CHAPTER 34 ELIGIBLES ON CONTINUOUS ACTIVE DUTY DURING THE PERIOD 19 OCTOBER 1984 THROUGH 30 JUNE 1988, OR FROM 19 OCTOBER 1984 THROUGH 30 JUNE 1987 FOLLOWED BY 4 YEARS IN THE SELECTED RESERVE

(1) *Description.*

(a) Chapter 30, Title 38, U.S. Code, provides for educational assistance to those men and women who initially enter the Armed Forces during the period 1 July 1985 or later. Eligibility for assistance is contingent upon the servicemember's participation in the contributory educational benefit fund administered jointly by the Coast Guard and the VA.

(b) The program also provides educational entitlements to those eligible for Chapter 34 benefits who serve on active duty commencing during the period from 19 October 1984 through 30 June 1988, or from 19 October 1984 through 30 June 1987 followed by 4 years in the Selected Reserve. The provision allows these individuals to convert the Chapter 34 benefits (not to exceed 36 months) remaining as of 31 December 1989 to the Montgomery GI Bill on 1 January 1990, after benefits available under Chapter 34 expire. No monetary contribution is required of those in this category.

(2) *Contributory Program.*

(a) Coast Guard members initially entering active duty on or after 1 July 1985 are automatically enrolled in the program unless they disenroll during the first two weeks of active duty. The decision to disenroll is irrevocable.

(b) $100.00 per month will be deducted by allotment from the participant's military pay for 12 months. The $1200.00 is not refundable should the member decide not to take advantage of the program at a later date.

(3) *Entitlements.*

(a) For Those Initially Entering Active Duty On 1 July 1985 or Later.

VETERANS' ADMINISTRATION,
Washington, DC, March 17, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the desirability to extend eligibility under the noncontributory G.I. Bill.

Recently, a Veterans Administration staff member consulted with representatives from the Department of Defense and the Department of Transportation to initiate procedures to expedite delivery of the information and data you require. It was agreed that both agencies would furnish the Veterans Administration with the social security numbers of the 1977 and 1978 Service Academies graduates and the individuals who graduated from the Senior ROTC program. This will enable us to identify and extrapolate from our system of records information to permit us to comply with your requests.

You may be assured that if legislation is enacted to extend eligibility under the noncontributory G.I. Bill it will receive widespread publicity in the news media and through organizations engaged in providing services for veterans.

We would defer to the Department of Defense and the Department of Transportation as the agencies primarily concerned with the information requested in paragraphs three through six in the addendum to your letter.

We hope these comments will be helpful. The Committee's continued interest in our educational assistance programs is appreciated.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 2384. A bill to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes; referred to the Committee on Environment and Public Works.

LEGISLATION TO REAUTHORIZE THE ATLANTIC STRIPED BASS CONSERVATION ACT

● Mr. MITCHELL. Mr. President, today Senator CHAFEE and I are introducing legislation to extend the Atlantic Striped Bass Conservation Act and the emergency striped bass study through fiscal year 1991.

The Atlantic striped bass is an important commercial and sport fish from North Carolina to Maine. But populations of this fish, particularly in the Chesapeake Bay, declined dramatically during the past decade.

The Atlantic Striped Bass Conservation Act was enacted in 1984 to encourage the States to develop, implement, and enforce interstate plans for the restoration and conservation of the Atlantic striped bass.

The act recognized the severe decline of striped bass populations and the need for uniform regulations and enforcement of those regulations throughout the range of the species' migrations.

During the 99th Congress, Senator CHAFEE and I sponsored legislation that made a number of improvements in the act to provide for coherent, continuing management of the stocks of striped bass that migrate through the waters of Atlantic Coast States, while retaining traditional State-Federal roles and responsibilities for fisheries management.

Historically, State laws and regulations aimed at conserving and managing striped bass were variable, or even inconsistent among the various jurisdictions.

Establishment of the Atlantic States Marines Fisheries Commission led to development of joint programs for the protection of fisheries, such as the interstate fishery management plan for the striped bass.

However, the Commission does not have the authority to establish or enforce laws and regulations pertaining to the fisheries with which it is concerned. Consequently, the provisions contained in the Commission's fishery management plans are not binding upon its member States.

The unique approach taken by the Atlantic Striped Bass Conservation Act, as amended, gives the States the choice of either carrying out what their representatives on the Commission approved or having the Federal Government impose a moratorium on striped bass fishing in their coastal waters.

The structure of the present statute has proven to be remarkably successful because it relies on the States to develop and agree collectively on a strategy for management of striped bass, but relies on the U.S. Fish and Wildlife Service and National Marine Fisheries Service to make sure that an individual State follows through with the agreement.

Under the provisions of the Commission's interstate fishery management plan for striped bass and its amendment No. 3, the Commission's member States from Maine to North Carolina prohibit taking in coastal waters of striped bass that are less than 33 inches in length. This size limit is intended to protect at least 95 percent of all females that entered the Chesapeake Bay population in 1982 and every year thereafter until 95 percent of these fish have had the opportunity to spawn at least once. Historically, the majority of migratory striped bass in the coastal waters of the Atlantic has been produced in the Chesapeake Bay.

The restrictions on size of fish that may be taken are to remain in effect until the index to the abundance of juvenile striped bass in the Maryland portion of Chesapeake Bay averages a value of 8.0 over a period of 3 consecutive years. At the present time, however, this average Maryland juvenile index is only 3.9.

All of the Commission's member States from North Carolina to Maine, as well as the District of Columbia, have adopted the laws, regulations, and enforcement measures that are necessary to comply with amendment No. 3 to the striped bass management plan. No moratorium on striped bass fishing has had to be invoked by the U.S. Fish and Wildlife Service and National Marine Fisheries Service in the coastal waters of any State.

The State of Maine enacted legislation last January that established size and creel limits and, more importantly, allowed the commissioner of marine resources to adjust these limits to ensure compliance with any future changes in the Atlantic States Marine Fisheries Commission's striped bass management plan.

The first real payoff from the strict measures implemented by the States to conserve the striped bass should become evident this year when the 6-year-old females from 1982 begin to spawn.

One result already apparent from our efforts to date has been reports of reproduction from areas other than the Chesapeake Bay. In New York the production of young striped bass in 1987 in the Hudson River was the highest since 1979. Virginia also has reported finding very high reproduction in its rivers of the lower Chesapeake Bay.

In addition, I am pleased to report that there have been young striped bass found in the Kennebec River system of Maine. These fish are thought to be the first ones produced as a result of previous efforts to stock those waters with striped bass.

These early results give us cause for optimism about the future of the striped bass fishery along the Atlantic coast, but we should not let some initial success lure us into dismantling the effective combination of Federal and State conservation measures that have led us this far.

The legislation that Senator CHAFEE and I are sponsoring would continue our commitment to these conservation measures through 1991. In addition, it would extend for an additional 3 years the emergency striped bass study being conducted by the National Marine Fisheries Service and U.S. Fish and Wildlife Service. This study seeks principally to determine the causes of the decline in migratory striped bass populations and to recommend remedial actions.

As chairman of the Subcommittee on Environmental Protection, I plan to conduct a hearing in May on the bill introduced today. At that time the subcommittee will review implementation of the Atlantic Striped Bass Conservation Act, as amended in 1986, and determine whether the status of the striped bass in Atlantic coastal waters warrants changes in present conservation measures or amendments to the act.●

● Mr. CHAFEE. Mr. President, today, Senator MITCHELL and I are introducing legislation to extend the Atlantic Striped Bass Conservation Act and the emergency striped bass study for an additional 3 years. I look forward to hearings that have been scheduled for later this month and prompt passage of this important legislation.

The plight of the striped bass first came to my attention in 1979. Ever since then, I have been working to help save this magnificent fish. In addition to the historical significance of the striped bass, the striper is a delectable table fish as well as a wonderful game fish.

All along the beaches of Matunuck, RI, you can see those early morning, silent sentinels standing there fishing off the Nebraska Shoals. It is a beautiful sight that is repeated all along the Atlantic coast, from Maine to North Carolina.

The striped bass has deservedly been called the aquatic equivalent of the American bald eagle and the possible loss of the striper has alarmed fisherman, scientists, and people concerned about the environment generally.

In the late 1970's, it became apparent that more efficient commercial fishing methods, increased recreational fishing, lower production, and degraded habitat were some of the factors that led to a precipitous decline in many of our coastal fish. Recognizing that, in addition to the environmental implications, the loss of the striper would have tremendous economic consequences, Congress mandated the emergency striped bass study in 1979 to determine the extent of the stripers populations and to identify the specific factors responsible for the declining populations.

The first part of the study was a success. Unfortunately, the success was in the form of reports that confirmed the depressing decline in stocks. The second part, identifying and causes of the decline, has turned out to be much more difficult.

By 1984, it became clear that, although we did not have a good handle on the cause of the declining stocks, steps had to be taken to save the fish. By enacting the Atlantic Striped Bass Conservation Act, we took the first step to encourage the States to develop, implement, and enforce interstate plans for the restoration and conservation of the striper.

In 1986, Senator MITCHELL and I sponsored legislation to amend and improve the act by, among other things, authorizing the Secretaries of Interior and Commerce to declare a moratorium on fishing for striped bass in those States that fail to comply with the Atlantic States Marine Fisheries Commission's interstate management plan. Prior to this, voluntary State actions were not adequately achieving the objectives set out in the management plan.

Under the provisions of the plan in its current form, the Commission's member States from Maine to North Carolina prohibit the taking in coastal waters of striped bass that are less than 33 inches in length. The goal is to protect at least 95 percent of all females that entered the Chesapeake Bay population in 1982 and every year thereafter until 95 percent of these fish have had the opportunity to spawn at least once. The Chesapeake Bay population is the focus of the plan because, historically, the majority of migratory stripers along the Atlantic coast have come from the Chesapeake.

The record of State compliance with the plan since 1986 has, by most accounts, been excellent. All of the member States and the District of Columbia have adopted the laws, regulation and enforcement measures that are necessary to comply with the plan as amended. No moratorium has had to be invoked by the Secretaries of Interior and Commerce.

Recent reports of increased production in areas other than the Chesapeake Bay, such as the Hudson River and some of Virginia's rivers in the lower Chesapeake Bay, are cause for optimism. But we have a long way to go to save the striper and we should not rush to dismantle the management program that has been developed over the years and is just now starting to work.

The bill we are introducing today will continue our commitment to this management program and keep it in place at least through 1991. Similarly, it will extend the ongoing study to determine the precise causes of the stripers decline and to recommend further remedial actions. The knowledge we gain from this work should help us in our efforts to preserve and help reverse the decline of other coastal, migratory species of fish.

I continue to believe that controls on fishing, such as those included in the interstate management plan, are only part of the answer. Habitat preservation and control of environmental contaminants may be even more important. As we proceed to hearings on this bill, I look forward to hearing the views of outside experts on this and other issues related to the fate of the striped bass.●

By Mr. SASSER (for himself and Mr. GORE):

S.J. Res. 316. Joint resolution designating October 1, 1988, as "National Quality First Day"; to the Committee on the Judiciary.

NATIONAL QUALITY FIRST DAY

● Mr. SASSER. Mr. President, I am today introducing a joint resolution to declare October 1, 1988 as "National Quality First Day."

American industry is at a critical point in its ability to compete in the world marketplace. As the Senate has considered trade legislation in the past few Congresses, it has become clear that we must address both sides of the trade questions—not only problem of imports but also improving our ability to export.

In the trade bill now on the President's desk, the Congress did just that. It included the education and training programs necessary to train our workers for the future, as well as the technological and informational data sharing which will enable our industries to develop state-of-the-art manufacturing techniques. Unfortunately, and unwisely, the President seems committed to vetoing the bill.

The absolute key to improving our exports is to ensure that our products are of the highest quality. Private industry has already taken the first steps in improving industrial quality. They have developed a new attitude toward the manufacturing process—a process which recognizes that ensuring quality is a job for both management and labor.

They also understand that many of the problems that eventually show up in a product as a defect could have been eliminated at the design stage. With that in mind, these companies have designed quality control into their production systems. They realize that a customer is not impressed by a company's willingness to replace a defective product. What the consumer wants is a defect-free product in the first place. They realize that the way to develop a reputation for high quality is to make it right the first time.

They also understand the importance of education—not just education in the traditional sense but education as a continuous process through an employee's working life. They know that both management and labor must continuously develop new skills to remain competitive.

The innovative companies which have adopted these techniques are the ones which will lead American exports into the world marketplace and into the 21st century.

I am pleased that many of the leaders in this effort are located in my State of Tennessee. In June 1985, the Appalachian Quality Council was formed by 15 technical and professional groups to improve industrial quality and competitiveness in the area. These business groups have applied these principles, developed so successfully by American economic consultant Dr. W. Edwards Deming, to their own companies.

The results have been remarkable. So far, 36 teams in the Kingsport area have, through the application of these principles, saved their companies over $5,000,000. This is the kind of innovative business style, the willingness to take a new look at old ways of thinking, that will restore America's export leadership in the world.

I urge my colleagues to join me in cosponsoring this legislation.●

By Mr. PELL (for himself and Mr. LUGAR):

S.J. Res. 317. Joint resolution commemorating the bicentennial of the French Revolution and the Declaration of the Rights of Man and of the

Citizen; to the Committee on Foreign Relations.

COMMEMORATING THE FRENCH REVOLUTION AND THE DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN

● Mr. PELL. Mr. President, I am pleased today to introduce legislation to commemorate the French Revolution and the Declaration of the Rights of Man and the Citizen. Next year marks the bicentennial of the opening chapter of the French Revolution and the closing chapter of the American Revolution. Within a single month in 1789 the Declaration of the Rights of Man was approved by the National Assembly in France, and the Bill of Rights was approved by the Congress of the United states.

The convergence of these two events was not a historical accident. The enlightenment had shed its rays on both sides of the Atlantic, stimulating both political and intellectual activity. The destinies of France and the United States became entwined when Lafayette landed in South Carolina in 1777 to assist in the American struggle for independence and the guarantee of liberty. In addition to Lafayette, many officers in the service of France made key contributions to the American Revolution. Among them were the Compte de Rochambeau, Baron Friedrich Wilhelm von Steuben and Brigadier General Koscinszko, whose statues stand together with Lafayette's in Lafayette Park. Many States made Lafayette an honorary citizen and countless towns and parks bear his name. Lafayette also honored his friendship with George Washington by naming his only son George Washington Lafayette. And today, flanking the podium on the floor of the House of Representatives, are portraits of George Washington and Lafayette.

Lafayette and the French officers who served in the War of Independence were animated by the spirit of liberty they found in the Continental Army. As the war drew to a close, Lafayette declared that "mankind's cause is won and liberty is no longer homeless on Earth."

In the following years, events moved toward revolution in France and toward constitutional government in the United States, but in both countries events were propelled by a common desire to guarantee basic human rights. A lively dialog on the subject engaged the interest of Frenchmen and Americans, led by the conversations of Lafayette and Jefferson. One of the documents they discussed was George Mason's Virginia Bill of Rights of 1776.

On July 11, 1789, as a member of the newly formed French National Assembly, Lafayette introduced a Declaration of the Rights of Man. Three days later the Bastille fell. The final Declaration of the Rights of Man and the Citizen was decreed by the French National Assembly after heated public debate on August 27, 1789. It became the "bill of rights" of the French Revolution and marked the beginning of a new era in France. The first clause of the Declaration proclaimed that "men are born and remain free and equal in rights." Less than 1 month later, on September 25, 1789, the Congress of the United States approved the Bill of Rights, thereby proclaiming the sanctity of human rights on both sides of the Atlantic.

On America's 100th birthday the people of France gave the American people the Statue of Liberty. In her uplifted right hand she carries a torch, and in her left hand she holds a lawbook inscribed "July 4, 1776." Originally called "Liberty Enlightening the World," the statute stands in New York Harbor as a symbol to arriving voyagers of the freedom and opportunity that are offered by the United States. Inscribed on a bronze plaque fastened to her pedestal are the immortal lines, "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teaming shore. Send these, the homeless, tempest tossed to me, I lift my lamp beside the golden door."

By this gift the people of France recognized the role the American Revolution played in unleashing the spirit of Liberty around the world. I think it is, therefore, fitting that on the bicentennial of the French Revolution, Americans remember the important contribution which France and her citizens have made to the cause of human freedom and human rights.

The American Committee on the French Revolution was recently formed to promote and coordinate bicentennial activities in the United States. My friend and former colleague on the Foreign Relations Committee, Senator Mathias, has been named chairman of the Bicentennial Committee. An impressive roster of bicentennial events is being planned by some of America's foremost art and academic institutions. The bicentennial offers an opportunity to recall the important events of 1789 and recognize their impact on the world today.

The resolution I am introducing today urges the people of the United States to observe the bicentennial of the French Revolution and the historic events of 1789. It also authorizes the printing of copies on the Declaration of the Rights of Man and the Citizen and the American Bill of Rights. Bound volumes of these documents are to be prepared for presentation to the President of the French Republic, the President of the Senate of France, and the President of the National Assembly of France.

The more we learn about the French Revolution and the Declaration of the Rights of Man and of the Citizen, the more we learn about our own past. As Senator Mathias recently said:

> The American Revolution began with "a shot heard round the world." In the same way, the French Revolution changed more than France. The world is a different place because of these two events which have many common roots in the ideas and philosophies that ignited them. It is difficult to fully comprehend either one without a recognition of the other.●

By Mr. ARMSTRONG (for himself and Mr. GLENN):

S.J. Res. 318. Joint resolution to designate the week of July 25-31, 1988, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War;" to the Committee on the Judiciary.

NATIONAL WEEK OF RECOGNITION AND REMEMBRANCE FOR THOSE WHO SERVED IN THE KOREAN WAR

● Mr. ARMSTRONG. Mr. President, this years marks the 35th anniversary of the cease-fire agreement that ended the Korean war, and I am today introducing a joint resolution, along with Mr. GLENN and Representative JIM FLORIO in the House to designate the week of July 25-31, 1988 as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War." This resolution will not only authorize the President to issue a proclamation calling on the people of the United States to observe the week with proper ceremonies, but it will also encourage the country to fly the American flag at half staff in honor of those brave Americans who died as a result of their service in Korea.

In June 1950, waves of Communist soldiers from North Korea poured over the 38th parallel for the sole purpose of subjugating the people of the South. Until that time, most Americans had little knowledge of that Asian peninsula. However when President Truman, honoring our commitment to democratic principles, authorized combat support by United States troops, some 5.7 million Americans went to Korea to put their lives on the line. The cost was high. More than 54,000 Americans gave their lives and 100,000 more were wounded.

On July 27, 1958, after 3 years of active hostilities, the territorial integrity of the Republic of Korea was restored, and the freedom and independence of its people are assured even to this date. In recent years an increasing number of Korean war veterans are setting aside July 27, the anniversary of the armistice, as a special day to remember those with whom they served and to honor those who made the supreme sacrifice for their country, and the ideals of freedom and democracy.

Mr. President, it is fitting that we use this 35th anniversary to honor those Americans who so valiantly served this Nation in the Korean war.

I am sure my colleagues will remember with pride that Congress and the President of the United States enacted a law to honor the forgotten warriors of the Korean war by establishing a Korean War Memorial. The site has now been approved and the Korean War Memorial fund continues to receive generous donations from across the globe.

America is blessed with many heroes. I am proud to be part of the effort to recognize those heroes who served the cause of freedom in Korea. No sacrifice is greater, and none is more deserving of our recognition and our most deeply felt thanks.●

ADDITIONAL COSPONSORS

S. 708

At the request of Mr. Proxmire, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation in the Tongass National Forest.

S. 801

At the request of Mr. Johnston, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 801, a bill to facilitate the national distribution and utilization of coal.

S. 2000

At the request of Mr. Cranston, the names of the Senator from Maryland [Ms. Mikulski], and the Senator from New Jersey [Mr. Lautenberg] were added as cosponsors of S. 2000, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity.

S. 2115

At the request of Mr. Danforth, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of S. 2115, a bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes.

S. 2130

At the request of Mr. Wilson, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 2130, a bill to provide that the Consumer Product Safety Commission amend its regulations regarding lawn darts.

S. 2174

At the request of Mr. Sasser, his name was added as a cosponsor of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2180

At the request of Mr. Metzenbaum, the names of the Senator from Utah [Mr. Hatch], the Senator from Arizona [Mr. DeConcini], the Senator from Tennessee [Mr. Gore], the Senator from Alabama [Mr. Heflin], the Senator from Idaho [Mr. McClure], and the Senator from Iowa [Mr. Grassley] were added as cosponsors of S. 2180, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale, or possession of firearms, not detectable by metal detection and x-ray systems.

S. 2216

At the request of Mr. Cochran, the names of the Senator from Illinois [Mr. Simon], and the Senator from Vermont [Mr. Leahy] were added as cosponsors of S. 2216, a bill to designate the National Space Technology Laboratories in Bay St. Louis, MS, as the "John C. Stennis Space Center."

S. 2222

At the request of Mr. Kennedy, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 2222, a bill to amend the Public Health Service Act to reauthorize programs relating to the National Research Institutes established under title IV of such act, and for other purposes.

S. 2231

At the request of Mr. Kennedy, the names of the Senator from New York [Mr. Moynihan] and the Senator from West Virginia [Mr. Rockefeller] were added as cosponsors of S. 2231, a bill to amend the Public Health Service Act to reauthorize nurse education programs established under title VIII of such act, and for other purposes.

S. 2250

At the request of Mr. Cranston, the name of the Senator from Hawaii [Mr. Matsunaga], was added as a cosponsor of S. 2250, a bill to ensure that Federal lands are managed in a manner that does not impair the exercise of traditional American Indian religion.

S. 2328

At the request of Mr. Specter, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 2328, a bill to amend title 38, United States Code, to toll the time limitation for eligibility for an entitlement to educational assistance and training and rehabilitation services and assistance for any period during which the applicant suffers from alcoholism.

S. 2329

At the request of Mr. Bumpers, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 2329, a bill to amend the provisions of the Toxic Control Act relating to asbestos in the Nation's schools by extending the deadlines for local educational agencies to submit asbestos management plans to State Governors and to begin implementation of those plans and by requiring a sufficient number of accredited contractors and laboratories.

SENATE JOINT RESOLUTION 273

At the request of Mr. Lugar, the names of the Senator from Indiana [Mr. Quayle], the Senator from Louisiana [Mr. Breaux], the Senator from Illinois [Mr. Dixon], the Senator from New Hampshire [Mr. Humphrey], the Senator from Massachusetts [Mr. Kennedy], the Senator from Nebraska [Mr. Exon], the Senator from Wisconsin [Mr. Kasten], the Senator from Arizona [Mr. DeConcini], the Senator from Arkansas [Mr. Bumpers], the Senator from Georgia [Mr. Nunn], the Senator from Illinois [Mr. Simon], the Senator from Oklahoma [Mr. Boren], the Senator from New York [Mr. Moynihan], the Senator from New Mexico [Mr. Domenici], the Senator from New Mexico [Mr. Bingaman], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of Senate Joint Resolution 273, a joint resolution designating October 6, 1988, as "German-American Day."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DeConcini, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 107

At the request of Mr. Lautenberg, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of Senate Concurrent Resolution 107, a concurrent resolution calling for a consolidated investigation into the operation of Texas Air Corp. and Eastern Air Lines.

AMENDMENT NO. 1680

At the request of Mr. DeConcini, the names of the Senator from California [Mr. Wilson], and the Senator from Texas [Mr. Gramm] were added as cosponsors of amendment No. 1680 intended to be proposed to Treaty No. 100-11, the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles, together with the memorandum of understanding and two protocols, signed at Washington on December 8, 1987.

SENATE CONCURRENT RESOLUTION 118—REGARDING THE HEROIC EFFORTS OF THE OFFICERS AND ENLISTED MEN OF THE U.S.S. *BONEFISH*

Mr. CHILES (for himself and Mr. Graham) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 118

Whereas the U.S.S. Bonefish, a submarine of the United States Navy, during exercises off the coast of Florida, suffered an explosion resulting in a life threatening fire;

Whereas the officers and enlisted members of the U.S.S. Bonefish took brave actions to stabilize the submarine on the surface, contain the fire resulting from the explosion, and enable most of the submarine personnel to survive with minimal injuries;

Whereas Lieutenant Ray Everts, Jr., Petty Officer 1st Class Robert W. Bordelon, Jr., and Petty Officer 3rd Class Marshall T. Lindgren, following a long-standing tradition of the men and women of the Armed Forces, made the ultimate sacrifice for their country; and

Whereas the valiant actions of those three men and the other personnel of the U.S.S. Bonefish prevented a much greater disaster that could have resulted in the loss of the submarine and all personnel aboard: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) that Lieutenant Ray Everts, Jr., Petty Officer 1st Class Robert W. Bordelon, Jr., and Petty Officer 3rd Class Marshall T. Lindgren should be appropriately recognized by the Navy for their self-sacrificing devotion to duty;

(2) that the personnel of the U.S.S. Bonefish should be appropriately recognized for their efforts to save their fellow shipmates and the U.S.S. Bonefish; and

(3) that all Americans should join in commending the courageous crew of the U.S.S. Bonefish for their commitment to military tradition and the bravery they exhibited in the performance of their duty.

● **Mr. CHILES.** Mr. President, Senator GRAHAM and I are submitting a concurrent resolution today to recognize the heroic efforts of the officers and enlisted crew of the U.S.S. *Bonefish*. This resolution is similar to one that Representative CHAPPELL introduced last week in the House of Representatives.

The U.S.S. *Bonefish*, a 29-year-old Navy diesel-electric powered submarine, suffered an explosion in its forward battery compartment last month while it was on a practice exercise with the U.S.S. *John F. Kennedy* carrier group. Three crew members lost their lives in this tragic incident and 22 others were injured and sent to the Jacksonville Naval Hospital for treatment.

According to the Navy, the submarine was about 160 miles east of Cape Canaveral, FL, when the accident happened. Toxic fumes and smoke which followed the explosion and fire were so pervasive that the captain of the *Bonefish* had to finally order the crew attempting to control the damage to evacuate the ship.

The resolution Senator GRAHAM and I are submitting salutes the *Bonefish* personnel for the courageous actions they took aboard the submarine in preventing the incident from escalating into an even greater disaster where the vessel was lost with all aboard.

Mr. President, each time I visit one of our military installations or go aboard one of our naval ships, I come away more impressed over the ability, skills, and commitment of the young men and women who have chosen to serve in our country's Armed Forces. I've seen so much courage and dedication in these young people who work each day in what we all know are very dangerous occupations. That courage was further reflected several weeks ago by the valiant efforts of the men of the U.S.S. *Bonefish*.●

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

THURMOND (AND WILSON) AMENDMENT NO. 2020

Mr. THURMOND (for himself and Mr. WILSON) proposed an amendment to the bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of part B, title VI, division A of the bill, add the following new section:

SEC. 6. INJURY, DISABILITY, AND DEATH COMPENSATION COVERAGE FOR ROTC CADETS DURING MILITARY TRAINING ACTIVITIES.

(a) AUTHORITY TO PRESCRIBE TRAINING.—Section 2109 of title 10, United States Code, is amended—

(1) by striking out the catchline and inserting in lieu thereof the following:

"§ 2109. Practical military training";

(2) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) For the further practical instruction of members of, and designated applicants for membership in, the program, the Secretary of the military department concerned may prescribe and conduct practical military training, in addition to field training and practice cruises prescribed under section 2104(b)(6) of this title. The Secretary concerned may require that some or all training prescribed under this subsection must be completed by members before they are commissioned."; and

(3) in subsection (b)—

(A) by inserting after "Secretary of the military department concerned may" the phrase ", with respect to practical military training prescribed under this section and field training and practice cruises prescribed under section 2104(b)(6) of this title"; and

(B) by striking out "field training or practice cruises", "training or cruise", "field training and practice cruises" and "training or practice cruises" each place such phrases appear and inserting in lieu thereof "such training".

(b) COVERAGE FOR INJURY, DISABILITY, AND DEATH.—Section 8140 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "disability or death from an injury" and inserting in lieu thereof "an injury, disability, or death"; and

(B) by striking out "field training or a practice cruise" and inserting in lieu thereof "training prescribed";

(2) in subsection (f), by striking out "while attending field training or a practice cruise under chapter 103 of title 10" and inserting in lieu thereof "by a military department"; and

(3) by adding at the end thereof the following new subsection:

"(g) For purposes of this section, the term 'applicant for membership' includes a student enrolled, during a semester or other enrollment term, in a course which is part of Reserve Officers' Training Corps instruction at an educational institution.".

(c) TRAINING INCLUDED WITHIN CERTAIN DEFINITIONS.—Section 101 of title 38, United States Code, is amended—

(1) in paragraph (22) by inserting "for not less than four weeks duration and which must be completed before commissioning" after "title 10" in clause (d) thereof; and

(2) in paragraph (23)—

(A) by striking out "and" at the end of clause (A);

(B) by striking out the period at the end of clause (B) and inserting "; and" in lieu thereof; and

(C) by inserting immediately after clause (B) the following new clause:

"(C) training (other than active duty for training) by a member, or applicant for membership (as defined in section 8140(g) of title 5) of the Senior Reserve Officers' Training Corps prescribed under chapter 103 of title 10.".

(d) PAY STATUS WHILE IN CERTAIN TRAINING.—Section 209(c) of title 37, United States Code, is amended by striking out "field training or practice cruises under section 2109 of title 10" and inserting in lieu thereof "training prescribed under section 2109 of title 10 if such training is of at least four weeks duration and must be completed before commissioning".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply only to training performed and injuries, disabilities, or deaths occurring during training performed, after September 30, 1988.

BYRD AMENDMENT NO. 2021

Mr. BYRD proposed an amendment to the bill S. 2355, supra; as follows:

On page 224, between lines 14 and 15, insert the following new section:

SEC. 2602. AIRCRAFT PARKING RAMP/HOLDING PAD AT YEAGER

AIRPORT, CHARLESTON, WEST VIRGINIA

There is authorized to be constructed an aircraft parking ramp/holding pad for the Air National Guard of the United States at Yeager Airport at Charleston, West Virginia, in the amount of $3,300,000. Such project may be constructed only with funds realized as the result of savings on construction projects of the Air National Guard of the United States for which funds were appropriated for fiscal year 1987.

HATFIELD (AND OTHERS) AMENDMENT NO. 2022

Mr. HATFIELD (for himself, Mr. KENNEDY, and Mr. MITCHELL) proposed an amendment, which was subsequent-

ly modified, to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following:

SEC. 924. UNDERGROUND NUCLEAR TESTING

(a) FINDINGS.—The Congress makes the following findings:

(1) The national interest of the United States would be served by the achievement of mutual, verifiable nuclear arms reductions with the Soviet Union and by mutual, verifiable limits on the number and yield of future underground nuclear explosions conducted by both nations.

(2) A 2-year, mutual moratorium by the United States and the Soviet Union on virtually all underground nuclear explosions above a verifiable low-yield threshold would be a crucial first step by both nations toward achieving the goals described in paragraph (1).

(3) A 2-year, mutual moratorium on underground nuclear explosions above a verifiable low-yield threshold would constitute a good faith step toward fulfilling the obligations of the United States and the Soviet Union under article VI of the Nonproliferation Treaty to pursue "effective measures relating to the cessation of the nuclear arms race at an early date" and under article I of the Limited Test Ban Treaty to seek "the permanent banning of all nuclear test explosions, including all such explosions underground."

(4) A level of weapon reliability sufficient to deter the use of nuclear stockpiles can be maintained at a greatly reduced rate and yield for underground nuclear test explosions.

(5) The task of monitoring the yields of explosions for compliance with a low-threshold moratorium can be made considerably easier by limiting test explosions to one small test area composed of strong-coupling rock, thereby allowing detection-identification of any off-site nuclear explosion, regardless of yield, to serve as sufficient evidence of violation of the moratorium.

(6) A 2-year moratorium on any underground nuclear test which has an explosive power greater than one kiloton could be verified with a high degree of confidence if the current external seismic monitoring network were supplemented by three in-country networks, each composed of four stations, deployed in the vicinity of each nation's primary test site and in regions where peaceful nuclear explosions may have created suitable decoupling cavities in thick salt deposits.

(7) A joint research project between the United States and the Soviet Union to determine the number, type, and locations of additional in-country seismic monitoring stations necessary to verify long-term compliance with the limitations of a low-threshold test ban treaty would contribute significantly to the prospect of concluding such a treaty in the future.

(b) LIMITATIONS ON NUCLEAR TESTING.—(1) Subject to paragraph (2), during the 2-year period beginning 270 days after the date of the enactment of this Act, funds may not be obligated or expended by any department or agency to conduct an underground nuclear explosion—

(A) with a yield greater than five kilotons, except for two designated test explosions, each with a yield not exceeding 15 kilotons;

(B) in weak-coupling geologic media;

(C) at a location that is not part of a single designated test area; and

(D) unless a public announcement of a proposed explosion has been made at least 30 days before the date of the explosion.

(2) The restriction in paragraph (1) shall cease to apply if—

(A) after the restriction has become effective, the President certifies to Congress that the Soviet Union—

(i) has conducted an underground nuclear explosion having a joint seismic yield estimate which indicates a yield greater than five kilotons, except for two designated explosions with a joint seismic yield estimate indicating a yield not greater than 15 kilotons;

(ii) has conducted an underground nuclear explosion in weak-coupling geologic media; or

(iii) has conducted an underground nuclear explosion at a location that is not part of a single designated test area; or

(B)(i) the President certifies to Congress that the Soviet Union has refused, after the restriction has become effective, to implement reciprocal, in-country monitoring arrangements; and

(ii) Congress has enacted a joint resolution approving such certification.

(c) TERMINATION FOR CERTAIN NEW AGREEMENTS.—The restrictions on testing contained in subsection (b) shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union which makes reductions in the number or yield of underground nuclear explosions permitted under treaties between the United States and the Soviet Union signed before January 1, 1987.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "designated test area" means an area not exceeding 100 square kilometers within the Soviet Union or the United States, as the case may be, which—

(A) is located within the boundaries of a single existing nuclear weapons testing site in each country;

(B) incorporates competent or water-saturated strong-coupling rock that does not contain closely spaced underground tunnels or a cavity with a radius greater than 20 meters; and

(C) has been the site, before the effective date of the testing restrictions specified in this Act, of five nuclear calibration explosions having a range of independently determined yields, conducted for the primary purpose of improving the accuracy of seismic monitoring techniques, without the use of diagnostic equipment, except equipment for a Continuous Reflectometry for Radius versus Time Experiment (CORRTEX), or any other method of ascertaining the yield of explosions which is mutually agreeable to the United States and the Soviet Union.

(2) The term "joint seismic yield estimate" means a composite estimate at a high confidence level which—

(A) is based on the concurrent employment of several independent methods for calculating yields of explosions at designated test sites using different seismic waves from an underground nuclear explosion; and

(B) has been the subject of a technical report, provided in both classified and unclassified form to the Committees on Armed Services and on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Armed Services and on Foreign Relations of the Senate, and the Select Committee on Intelligence of the Senate, conducted by a scientific review panel convened under the auspices of the National Academy of Sciences and comprised of ten highly qualified seismologists designated as follows:

(i) one by the Chairman of the Select Committee on Intelligence of the Senate;

(ii) one by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives;

(iii) one by the head of the Air Force Technical Applications Center;

(iv) one by the Director of the Defense Intelligence Agency;

(v) one by the Director of Central Intelligence;

(vi) one by the head of the Defense Advanced Research Projects Agency;

(vii) one jointly by the directors of the national weapons laboratories;

(viii) one by the Director of the Geological Survey;

(ix) one by the Director of the Office of Technology Assessment; and

(x) one by the President of the National Academy of Sciences.

(3) The term "reciprocal, in-country monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of verification through—

(A) the conduct by either country of up to six on-site inspections on the national territory of the other, each of which shall be allowed to commence within 10 days after the day on which either nation has presented to the other a formal request demonstrating the need for additional information to identify a specific ambiguous event or activity related to apparent violations of the restrictions specified in subsection (b)(1);

(B) designation by each country, not later than 30 days after the date of enactment of this Act, of a candidate designated test area, followed by an independent inspection by the monitoring country, beginning not later than 60 days after the date of enactment of this Act and ending not later than 180 days after such date, of—

(i) the geologic and material properties within each candidate designated test area, including the presence and disposition of any underground tunnels and cavities; and

(ii) complete drill cores and logs from five calibration test holes of appropriate depth within each candidate designated test area, the drilling of which has been observed and the locations of which have been selected by the side monitoring that area;

(C) the provision of at least 30 days advance notice of—

(i) the scheduled date, time, depth, and coordinates for each nuclear test explosion of five kilotons or less;

(ii) the scheduled date, time, depth, and coordinates for not more than two explosions, each with a planned yield in excess of five kilotons, but not exceeding 15 kilotons; and

(iii) the coordinates, dates, times, and yields of industrial explosions larger than 50 tons of high explosive to be conducted within the nuclear test-capable areas defined in clause (D);

(D) the emplacement by each country, on the national territory of the other, of twelve high performance seismic stations (four bore-hole instrument packages sited within 1,500 kilometers of each designated test area and eight additional seismic stations in regions where peaceful nuclear explosions may have created suitable decoupling cavities in thick salt deposits) such that the combined internal and external seismic monitoring network of each nation will be capable of detecting and identifying all nuclear explosions with yields exceeding five kilotons—

(i) at known nuclear weapons tests sites of the other country; and

(ii) at sites in the other country having a current capability to accommodate a decoupled nuclear explosion with a yield exceeding five kilotons; and

(E) the conduct of a joint verification study by experts on nuclear test verification techniques from both the United States and the Soviet Union for the purpose of determining the number and locations in both countries of additional in-country seismic monitoring stations needed to monitor long-term compliance with the terms of a low-yield threshold test ban treaty.

(e) SPECIAL PROCEDURES FOR CONSIDERING LEGISLATION APPROVING PRESIDENTIAL CERTIFICATION.—(1) For the purpose of expediting the consideration of a joint resolution referred to in subsection (b)(2)(B)(ii), the procedures specified in paragraph (2) of this subsection shall apply.

(2)(A) For the purposes of subsection (b)(2)(B)(ii), "joint resolution" means only a joint resolution introduced after the date on which a certification by the President under such subsection is received by Congress the matter after the resolving clause of which is as follows: "That Congress approves the certification made by the President, dated ______, with respect to the refusal of the Soviet Union to implement reciprocal, in-country monitoring arrangements in connection with underground nuclear testing.", the blank space therein being filled with the appropriate date.

(B) A resolution described in subparagraph (A) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in subparagraph (A) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(C) If the committee to which is referred a resolution described in subparagraph (A) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(D)(i) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under subparagraph (C)) from further consideration of, a resolution described in subparagraph (A), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(ii) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(iii) Immediately following the conclusion of the debate on a resolution described in subparagraph (A), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subparagraph (A) shall be decided without debate.

(v) If, before the passage by one House of a resolution of that House described in subparagraph (A), that House receives from the other House a resolution described in subparagraph (A), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee.

(ii) With respect to a resolution described in subparagraph (A) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(vi) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subparagraph (A), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

WILSON (AND CRANSTON) AMENDMENT NO. 2023

Mr. WILSON (for himself and Mr. CRANSTON) proposed an amendment to the bill S. 2355, supra; as follows:

SEC. LAND CONVEYANCE, LOMPOS, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Army may convey, without reimbursement, to the City of Lompos, California, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) of approximately 100 acres located adjacent to the real property conveyed to the City pursuant to section 834 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1526).

(b) USE OF PROPERTY.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that the real property conveyed shall be used for educational purposes only, and/or the purposes provided in section 834 of Public Law 98-407; 98 Stat. 1526.

(2) If the property conveyed pursuant to subsection (a) is not used for the purpose of described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States, which shall have the right of immediate entry thereon.

(c) LEGAL DESCRIPTION AND SURVEYS.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the City.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

LAUTENBERG (AND BRADLEY) AMENDMENT NO., 2024

Mr. LAUTENBERG (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 2355, supra; as follows:

On page 187, line 23, strike "$18,600,000." and insert "30,400,000."

On page 194, line 2, strike "$61,589,000." and insert "58,589,000."

On page 198, line 22, strike "$552,988,000" and insert "$544,188,000."

KENNEDY (AND OTHERS) AMENDMENT NO. 2025

Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. DODD, Mr. KERRY and Mr. HARKIN) proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place insert;

SEC. PROHIBITION OF INTRODUCTION OF U.S. TROOPS INTO HONDURAS OR NICARAGUA FOR THE PURPOSE OF COMBAT.

(a) LIMITATION.—Notwithstanding any other provision of law, no member of the United States Armed Forces or employees of any department, agency or other component of the United States Government shall be introduced into the territory of Honduras or Nicaragua to engage—directly or indirectly—in combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term combat means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon the enemy.

(c) EXCEPTIONS TO LIMITATIONS.—This section does not apply with respect to an introduction of United States Forces into or over Honduras or Nicaragua for combat if—

(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States, or

(2) The President has determined that the presence of such forces is necessary to protect American lives, to provide for the immediate evacuation of United States citizens or to respond to a clear and present danger of military attack on the United States.

(d) TREATY AUTHORITY PRESERVED.—Nothing in this section shall invalidate any authority of the United States to act under the provisions of the Inter-American Treaty of Reciprocal Assistance.

GRAMM AMENDMENT NO. 2026

Mr. GRAMM proposed the following amendment to the bill S. 2355, supra; as follows:

At the appropriate place in title III of division A of the bill, insert the following:

SEC. 3 . PERFORMANCE OF FIREFIGHTING AND SECURITY GUARD FUNCTIONS AT AMCHITKA, ALASKA

(a) Authority To Contract.—The Secretary of the Navy may contract for the performance of firefighting and security guard functions required by the Navy at the over-the-horizon radar site at Amchitka, Alaska.

(b) Inapplicability of Limitation on Use of Funds.—Section 2693 of title 10, United States Code, shall not apply with respect to the authority provided in subsection (a).

HEINZ (AND OTHERS) AMENDMENT NO. 2027

Mr. HEINZ (for himself, Mr. Metzenbaum, Mr. Byrd, Mr. Sasser, Mr. Specter, Mr. Moynihan, Mr. Bentsen, Mr. Rockefeller, and Mr. Ford) proposed an amendment to the bill S. 2355, supra; as follows:

On page 115, strike out line 3 and all that follows through page 159, line 8, and insert in lieu thereof the following:

SEC. 809. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) Purpose of Program.—Section 2412 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause (3):

"(3) to encourage eligible entities to furnish to business entities, especially small businesses, procurement technical assistance that facilitates the exporting of defense-related products and services by such business entities.".

(b) Limitation.—Section 2414 of title 10, United States Code, is amended to read as follows:

"§ 2414. Limitation

"(a) In General.—The value of the assistance furnished by the Secretary to any eligible entity to carry out a procurement technical assistance program under a cooperative agreement under this chapter during any fiscal year may not exceed—

"(1) in the case of a program operating on a State-wide basis, $300,000; or

"(2) in the case of a program operating on less than a State-wide basis, $150,000.

"(b) Determinations on Scope of Operations.—A determination of whether a procurement technical assistance program is operating on a State-wide basis or on less than a State-wide basis shall be made in accordance with regulations prescribed by the Secretary of Defense.".

(c) Procurement Technical Assistance for Indian Tribal Organizations.—Section 807(a)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1128) is amended by striking out "amount provided under paragraph (1) for fiscal year 1988, $500,000 shall be available" and inserting in lieu thereof "amounts provided under paragraph (1) for each of fiscal years 1988 and 1989, $500,000 shall be available for each such fiscal year".

SEC. 810. REGULATORY SIMPLIFICATION AND STREAMLINING OF OVERSIGHT ACTIVITIES.

(a) Report.—(1) Not later than December 1, 1988, the Under Secretary of Defense for Acquisition shall submit to Congress a report on the current programs of the Under Secretary regarding simplification of procedures governing the acquisition process of the Department of Defense and an assessment of the results of those programs.

(2) The report shall include the following:

(A) A schedule or timetable to effectuate regulation reform measures based upon the lessons learned from the conduct of such programs.

(B) In the case of any programs described in paragraph (1) which have not been completed—

(i) a methodology for evaluating such programs; and

(ii) a schedule or timetable for completing an assessment of the results of such programs.

(C) A comprehensive analysis of the effects that existing procurement laws, regulations, and guidelines have on the capability of the Department of Defense efficiently and effectively to meet the national defense needs of the United States, including any recommendations for legislation that the Under Secretary considers appropriate to improve that capability.

(D) A description of the results of the studies undertaken by the Under Secretary in conjunction with the Inspector General of the Department of Defense and the Comptroller of the Department of Defense regarding the responsibilities of the Under Secretary under section 133(d) of title 10, United States Code, to prescribe policies for the prevention of duplication by different elements of the Department of Defense.

(E) A discussion of the feasibility and desirability of—

(i) tailoring the degree of audit and oversight conducted by the Department of Defense to the degree of risk assumed by a contractor in the types of contracts entered into with the Department of Defense;

(ii) granting authority to a senior official of the Department of Defense to receive and promptly resolve complaints of acquisition officials and contractors of the Department of Defense regarding allegations of duplicative oversight activities;

(iii) establishing a formal independent means within the Department of Defense to ensure quality, integrity, and professionalism in the performance of audit and oversight activities; and

(iv) establishing and implementing a policy that no oversight organization within the Department of Defense may conduct an audit or review of an activity in the Department of Defense if any other oversight organization of the Department of Defense has conducted an audit or review of such activity within a fixed period of time preceding the proposed audit or review, if the audit or review proposed to be conducted is not substantially different in type and scope from such prior audit or review, and if there is no compelling reason not to rely on the prior audit or review.

(b) Amendment to Section 133(d) of Title 10.—Section 133(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "Such policies shall provide for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.".

SEC. 811. DEPARTMENT OF DEFENSE ADVISORY PANEL ON GOVERNMENT-INDUSTRY RELATIONS.

(a) Establishment of Advisory Panel.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish an advisory panel to study and make recommendations to the Secretary on ways to enhance cooperation between the Department of Defense and industry regarding matters of mutual interest, including—

(1) procedures governing the debarment and suspension of contractors from doing business with the Department of Defense;

(2) the role of self-governing oversight programs established by defense contractors;

(3) expanded use of alternative dispute resolution procedures; and

(4) the desirability of establishing a permanent advisory panel on government-industry relations.

(b) Membership of Advisory Panel.—The Secretary of Defense shall appoint persons to the advisory panel who are especially qualified to serve on such panel by virtue of their education, training, and experience in defense acquisition matters. The Secretary shall include on the membership of such panel an appropriate balance of persons from government, private industry, and academia.

(c) Report Deadline.—(1) The Secretary shall require the advisory panel to submit its findings and recommendations to him not later than 180 days after the date on which the panel is appointed.

(2) The Secretary shall transmit a copy of the report of the advisory panel to Congress, together with such comments and recommendations thereon as the Secretary determines appropriate, within 30 days after the date on which the report is submitted to the Secretary.

SEC. 812. EVALUATION OF CONTRACT PROPOSALS FOR PROFESSIONAL AND TECHNICAL SERVICES.

It is the sense of Congress that the evaluation by the Department of Defense of professional and technical services contract proposals should be made on the basis of a 40-hour work week standard.

SEC. 813. ACQUISITION MANAGEMENT AND GOVERNMENT CONTRACTING EDUCATION.

(a) In General.—Not later than April 1, 1989, the Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which institutions of higher education offer and conduct educational programs and courses on Government contracting and acquisition management.

(b) Content of Report.—The report shall include—

(1) a description of graduate-level programs and courses on Government acquisition that are currently offered in the fields of public administration, business, and law;

(2) an assessment of the extent to which such programs meet the needs of the Department of Defense and defense industries for highly qualified, entry-level specialists in Government contract administration, Government contract financing, and Government contract law; and

(3) a plan for determining and prescribing appropriate education and training qualifications for applicants for Government contracting and acquisition management positions.

SEC. 814. SCIENCE AND ENGINEERING WORKFORCE STUDY.

The Secretary of Defense shall complete the study that was initiated by the Department of Defense in 1985 for the purpose of determining and testing the factors that increase the supply of minority and women scientists, engineers, and technologists needed by defense industries and the Department of Defense to fulfill the national defense mission.

SEC. 815. AUTHORITY AND RESPONSIBILITIES OF DEPARTMENT OF DEFENSE ACQUISITION OFFICERS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2303 the following new section:

"§ 2303a. Authority and responsibilities of program managers and contracting officers

"The Secretary of Defense shall prescribe by regulation the authority and responsibilities of Department of Defense acquisition program managers and contracting officers. The Secretary shall ensure that such regulations provide acquisition program managers and contracting officers with decision-making authority that is commensurate with their responsibilities.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2303 the following new item:

"2303a. Authority and responsibilities of program managers and contracting officers.".

(b) IMPLEMENTATION.—The Secretary of Defense shall prescribe the regulations required by section 2303a of title 10, United States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

SEC. 816. PRODUCT EVALUATION.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code (as amended by section 233), is further amended by adding at the end the following new section:

"§ 2369. Product evaluation activity

"(a) ESTABLISHMENT.—There is established within the Department of Defense an office for the supervision and coordination of product evaluation activities within the Department of Defense. The Under Secretary of Defense for Acquisition shall be the head of such office.

"(b) CONDUCT OF PRODUCT EVALUATION.—(1) The Secretary of each military department and the head of each Defense Agency may, subject to supervision and coordination by the Under Secretary of Defense for Acquisition, establish and conduct a product evaluation activity.

"(2) The purpose of each product evaluation activity established under paragraph (1) is to evaluate products developed by private industry independent of any contract or other arrangement with the United States in order to determine the utility of such products to the Department of Defense.

"(c) COST SHARING.—As a condition to conducting an evaluation of any product under this section, the producer of the product shall be required to pay one half of the cost of conducting such evaluation.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 233) is further amended by adding at the end the following new item:

"2369. Product evaluation activity.".

SEC. 817. CRITICAL TECHNOLOGIES PLAN.

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code (as amended by sections 233 and 816(a)), is further amended by adding at the end the following new section:

"§ 2370. Critical technologies plan

"(a) ANNUAL PLAN.—(1) Not later than March 15 of each year, the Under Secretary of Defense for Acquisition, in consultation with the Assistant Secretary of Energy for Defense Programs, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for developing the 20 technologies considered by the Secretary of Defense and the Secretary of Energy to be the technologies most essential to develop in order to ensure the long-term qualitative superiority of United States weapon systems.

"(2) In selecting the technologies to be included in the plan, the Secretary of Defense and the Secretary of Energy shall consider both product technologies and process technologies.

"(3) Such plan shall be submitted in both classified and unclassified form.

"(b) CONTENT OF PLAN.—Each plan submitted under subsection (a) shall include, with respect to each technology included in the plan, the following matters:

"(1) The reasons for selecting such technology.

"(2) The milestone goals for the development of such technology.

"(3) The amounts contained in the budgets of the Department of Defense, the Department of Energy, and other departments and agencies for the support of the development of such technology for the fiscal year in which the plan is submitted.

"(4) A comparison of the relative positions of the United States and the Soviet Union in the development of such technology.

"(5) The potential contributions that the allies of the United States can make to meet the needs of the alliance for such technology.

"(6) The extent to which the United States should depend on its allies for the development of such technology.

"(7) The potential contributions that the private sector can be expected to make from its own resources in connection with development of civilian applications for such technology.".

(2) The table of sections at the beginning of such chapter (as amended by sections 233 and 816(a)) is further amended by adding at the end the following new item:

"2370. Critical technologies plan.".

(b) FIRST REPORT.—The first report under section 2370 of title 10, United States Code (as added by subsection (a)), shall be submitted in 1989.

SEC. 818. UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) INSPECTOR GENERAL AUDITS.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) INSPECTOR GENERAL AUDITS.—The Inspector General of the Department of Defense shall—

"(1) conduct periodic audits of contractual actions by the Defense Agencies, the Department of Defense field activities, and the military departments; and

"(2) after each audit, submit to Congress a report on the management of undefinitized contractual actions by each head of an agency, including the percentage of all contractual actions of such agency that are undefinitized contractual actions.".

(b) REPEAL OF REDUNDANT REPORT REQUIREMENT.—Section 908(a)(4) of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3919; 10 U.S.C. 2326 note) is amended by striking out subparagraphs (C), (D), and (E).

SEC. 819. COMPETITIVE PROTOTYPE STRATEGIES.

Section 2365 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "(or a subsystem of such system)";

(2) in subsection (b)—

(A) by striking out "or subsystem" in clause (1);

(B) by striking out "or subsystems" in the matter before subclause (A) in clause (2);

(C) by striking out "or subsystem" in clause (2)(B); and

(D) by striking out "or subsystem" in clause (3);

(3) in subsection (c)—

(A) by striking out "(or subsystem of such system)" in the matter before clause (1)

(B) by striking out "or subsystem" in clause (1)(A); and

(C) by striking out subclause (B) of clause (1) and inserting in lieu thereof the following:

"(B) a report that fully explains why the use of such a strategy is not practicable; and"; and

(4) in subsection (d)—

(A) by striking out "major" the second place it appears in paragraph (1); and

(B) by striking out paragraph (3).

SEC. 820. NEGOTIATION OF SUBCONTRACTING PLANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following new paragraph:

"(12) A subcontracting plan negotiated by a Federal agency and a contractor for purposes of paragraph (4) or (5) shall apply to the contractor or, if the plan so provides, only to the organizational component or components of the contractor that perform the contract.".

SEC. 821. SMALL BUSINESS ADMINISTRATION CERTIFICATE OF COMPETENCY.

Section 8(b)(7)(C) of the Small Business Act (15 U.S.C. 637(b)(7)(C)) is amended by striking the last sentence and inserting in lieu thereof the following: "In the case of a small purchase contract (within the meaning of section 2304(g)(2) of title 10, United States Code, with respect to contracts awarded pursuant to chapter 137 of such title, or within the meaning of section 303(g)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(2)) with respect to contracts awarded pursuant to title III of such Act), a contracting officer shall not be required to refer a determination of nonresponsibility to the Administration unless the small business concern applies to the Administration for a determination of its responsibility and requests the issuance of a certificate. Nothing in this paragraph requires the processing of an application for certification if the small business concern to which any referral pertains declines to have the application processed.".

SEC. 822. PROCUREMENT OF CRITICAL SPARE OR REPAIR PARTS FOR AIRCRAFT.

(a) IN GENERAL.—The Secretary of a military department procuring a spare or repair part that is critical to the operation of an aircraft shall require the contractor to supply a part that meets applicable qualification and quality requirements.

(b) Applicable Requirements.—The qualification and quality requirements applicable to a spare or repair part referred to in subsection (a) for an aircraft shall be at least as stringent as (1) those qualification and quality requirements that applied to the original part included in the aircraft at the time the aircraft was procured, or (2) if the original part has been redesigned for use in such aircraft, those qualification and quality requirements that applied to the redesigned part.

(c) Construction.—Nothing in this section limits the application of section 2319 of title 10, United States Code, to the procurement of spare or repair parts described in subsection (a).

(d) Effective Date.—This section shall apply with respect to solicitations for contracts (for the supply of parts) that are issued on or after the date of the enactment of this Act.

TITLE IX—GENERAL PROVISIONS

Part A—Financial and Budget Matters

SEC. 901. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in title I, II, or III for any fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Notice to Congress.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 902. FISCAL YEAR 1988 DEFENSE FUNDS TRANSFER AUTHORITY.

(a) Enhanced Transfer Authority.—Section 1201(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153) is amended—

(1) by inserting "of this Act or any prior defense authorization Act" in paragraph (1) before "for any fiscal year"; and

(2) by striking out "$2,000,000,000" in paragraph (2) and inserting in lieu thereof "$4,000,000,000".

(b) Specified Purposes.—In determining the purposes for which amounts of authorizations transferred pursuant to section 1201(a) of the Act referred to in subsection (a) will be used, the Secretary of Defense—

(1) shall ensure that an appropriate portion of that authority is used to transfer to operation and maintenance accounts of the Department of Defense for fiscal year 1988 (A) funds for depot maintenance activities in amounts sufficient to reduce service backlogs which would otherwise occur, and (B) funds for pay of civilian personnel in amounts sufficient to prevent furloughs, reductions-in-force, or release of on-call employees into a nonpay status which would otherwise be required due to insufficient funding for civilian personnel of the Department of Defense for fiscal year 1988;

(2) shall give special consideration and priority to civilian employees of the Department of Defense, readiness, and more efficient acquisition processes; and

(3) shall provide funds for other high priority readiness items.

SEC. 903. SUPPLEMENTAL AUTHORIZATIONS FOR FISCAL YEAR 1988.

(a) Authority.—The amounts described in subsection (b), totaling $8,662,330,000, may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1988 defense appropriations except as otherwise provided in subsection (c).

(b) Covered Amounts.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1988 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1988 defense authorizations.

(c) Programs Not Available for Obligation.—(1) Amounts described in subsections (a) and (b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which the amounts described in subparagraphs (A) through (D) were provided in fiscal year 1988 defense appropriations in excess of authorizations):

(A) Maxicube Cargo System under research, development, test, and evaluation for the Army (for which $10,000,000 was appropriated in excess of authorizations).

(B) Coastal Defense Augmentation (for which $20,000,000 was appropriated in excess of authorizations).

(C) AN/SQR-17 Acoustic Processors for the Mobile In-Shore Undersea Warfare group (for which $10,000,000 was appropriated in excess of authorizations).

(D) P-3C aircraft under procurement of National Guard and Reserve Equipment (for which $193,800,000 was appropriated in excess of authorizations).

(2)(A) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(B) For purposes of this paragraph, the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking, and engagement), reaction time, and operation in the presence of electronic countermeasures.

(3) None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition report submitted to Congress for the quarter ending December 31, 1986).

(4) Funds appropriated for procurement of weapons and tracked combat vehicles for the Army for modification of M60 tanks in the amount of $90,000,000 may be used only for procurement or modification of M1 tanks.

(d) Applicable Limitations and Requirements.—All limitations and requirements set forth in the Department of Defense Authorization Act, 1988, shall apply to the obligation of funds authorized by subsection (a) in the same manner as if the funds made available for obligation by such section had been authorized in that Act.

(e) Transfer Authority.—For the purposes of section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153)—

(1) authorizations in subsection (a) shall be deemed to have been made available to the Department of Defense in such Act; and

(2) $233,800,000 (the sum of the amounts described in subsection (c)(1) of this section) shall be deemed to have been authorized by such Act in equal amounts to the Army, Navy, and Air Force for operation and maintenance for the exclusive purpose of preventing the furlough and separation of civilian employees and for the purpose of funding other high priority readiness programs.

(f) Repeal of Certain General Provisions.—Sections 8098 and 8140 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), are repealed.

(g) Definitions.—In this section:

(1) The term "fiscal year 1988 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1988 in the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202).

(2) The term "fiscal year 1988 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1988 in the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180).

SEC. 904. LIMITATION ON OBLIGATION OF UNAUTHORIZED DEFENSE APPROPRIATIONS.

(a) In General.—(1) Part I of subtitle A of title 10, United States Code, is amended by redesignating chapter 9 as chapter 10 and inserting after chapter 8 the following new chapter:

"CHAPTER 9—OBLIGATION OF APPROPRIATIONS

"Sec.

"211. Unauthorized defense appropriations: limitation on obligation; definition.

"212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities.

"213. Contingent general continuing authorization for Department of Defense operations.

"214. Exclusion of permanent appropriations and trust funds.

"215. Unauthorized defense appropriations: waiver of Impoundment Control Act.

"216. Exemption of National Security Act of 1947.

"217. Rule of construction.

"218. Definition: defense appropriation.

"§ 211. Unauthorized defense appropriations: limitation on obligation; definition

"(a) Limitation on Obligations.—An unauthorized defense appropriation may not be obligated unless (and only to the extent that) the obligation of such appropriation is specifically authorized by law after the enactment of such appropriation.

"(b) Specification of Unauthorized Appropriations.—A defense appropriation is unauthorized to the extent it is made without having been authorized by law as required by section 114(a) of this title.

"§ 212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities

"(a) Reduction in Amounts Available for Obligation Attributable to Unauthorized Programs, Projects, and Activities.—(1) Of any amount appropriated to the Department of Defense in an appropriation law, the amount that may be obligated or expended is the amount appropriated reduced by any amount determined with respect to that appropriation under paragraph (2)(B).

"(2) Upon the enactment of a law making a defense appropriation, the Secretary of Defense shall determine, with respect to each defense appropriation provided in that law—

"(A) whether any part of such appropriation provides funds for an unauthorized program, project, or activity; and

"(B) if there are funds provided as part of any such appropriation for an unauthorized program, project, or activity, the total amount of funds provided under such appropriation for all such unauthorized programs, projects, and activities.

"(3) A determination under paragraph (2) shall be made with respect to a defense appropriation for a fiscal year immediately upon enactment of the law making that appropriation. However, if as of the enactment of such law there has not been enacted a law specifically authorizing appropriations for that fiscal year for the purposes named in section 114(a) of this title, such determination shall be made immediately after enactment of such an authorization law.

"(4) Not later than 30 days after the enactment of such an appropriation or authorization law (whichever is enacted later), the Secretary shall submit to Congress a report identifying—

"(A) any unauthorized program, project, or activity; and

"(B) any amount determined under paragraph (2)(B).

"(b) Comptroller General Review and Report.—(1) The Comptroller General shall promptly review each report of the Secretary under subsection (a). The Comptroller General shall submit a report to Congress if the Comptroller General determines—

"(A) that the law with respect to which the Secretary submitted a report provides appropriations for an unauthorized program, project, or activity in addition to those identified in the report of the Secretary; or

"(B) that a program, project, or activity identified in that report as an unauthorized program, project, or activity is not unauthorized.

"(2) A report under paragraph (1)—

"(A) shall identify those defense appropriations, and programs, projects, and activities under appropriations, with respect to which the Comptroller General made determinations under subparagraphs (A) and (B), respectively, of such paragraph; and

"(B) shall include such comments and recommendations as the Comptroller General considers appropriate.

"(3) Such a report shall be submitted not later than 30 days after the date on which the report of the Secretary under subsection (a) is received by Congress.

"(c) Unauthorized Program, Project, or Activity Defined.—In this section, the term 'unauthorized program, project, or activity' means a program, project, or activity of the Department of Defense for which an amount is provided under a defense appropriation in an amount greater than the amount authorized to be appropriated for such program, project, or activity in a law other than an appropriation law.

"§ 213. Contingent general continuing authorization for Department of Defense operations

"(a) General Rule.—If as of the first day of a fiscal year there has not been enacted a law specifically authorizing appropriations for that fiscal year for a purpose named in section 114(a) of this title, then funds appropriated or otherwise made available for that fiscal year for that purpose may be obligated to the extent provided in subsections (b) and (c).

"(b) Rate at Which Operating Funds May Be Obligated Under General Continuing Authority.—(1) Funds described in subsection (a) that are appropriated or otherwise made available for a purpose named in paragraph (2) may be obligated at a rate consistent with the least of the following:

"(A) The annual budget authority provided under the law appropriating those funds.

"(B) The annual budget authority provided for that purpose for the previous fiscal year.

"(C) The annual budget authority requested for that purpose in the budget submitted to Congress pursuant to section 1105 of title 31 for the fiscal year concerned.

"(2) Paragraph (1) applies only with respect to funds appropriated for any of the following purposes:

"(A) Pay for civilian personnel.

"(B) Operation and maintenance activities.

"(C) Continuing research, development, test, and evaluation activities.

"(c) Rule Upon Subsequent Enactment of an Authorization.—If subsection (a) is applicable to funds appropriated or otherwise made available for a fiscal year for a purpose described in section 114(a) of this title, then upon the enactment of a law specifically authorizing appropriations for that fiscal year for such purpose—

"(1) this section shall cease to apply with respect to those funds; and

"(2) such funds may be obligated subject to section 211 of this title.

"§ 214. Exclusion of permanent appropriations and trust funds

"The provisions of this chapter do not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department of Defense as authorized by law.

"§ 215. Unauthorized defense appropriations: waiver of Impoundment Control Act

"The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) do not apply to an unauthorized defense appropriation.

"§ 216. Exemption of National Security Act of 1947

"Nothing in this chapter shall be considered to affect the application of section 502 of the National Security Act of 1947 (50 U.S.C. 414).

"§ 217. Rule of construction

"A provision of law does not supersede this chapter unless it does so by specifically referring to this chapter and stating that it supersedes this chapter.

"§ 218. Definition: defense appropriation

"In this chapter, the term 'defense appropriation' means an amount appropriated or otherwise made available by Congress in an appropriation law for one of the purposes stated in section 114(a) of this title.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 9 and inserting in lieu thereof the following:

"9. Obligation of Appropriations	211
"10. Regular Components	[no present sections]".

(b) Restatement of Requirement of Authorization of Defense Appropriations.—(1) Subsection (a) of section 114 of title 10, United States Code, is amended to read as follows:

"(a) Funds may not be appropriated for any fiscal year for the military functions of the Department of Defense for any of the following purposes unless such funds are specifically authorized by a law other than an appropriation law:

"(1) Procurement.

"(2) Research, development, test, or evaluation (or acquisition or production related thereto).

"(3) Operation and maintenance.

"(4) A working-capital fund established under section 2208 of this title.

"(5) Military construction.".

(2) Subsection (b) of such section is amended by striking out "subsection (a)(6)" and inserting in lieu thereof "subsection (a)(5)".

(3) The second sentence of section 2208(d) of such title is amended to read as follows: "Further amounts may be provided for working-capital funds from appropriations made for that purpose.".

(c) Effective Date.—Chapter 9 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds appropriated for fiscal years after fiscal year 1988.

Part B—Miscellaneous Matters

SEC. 911. SENSE OF CONGRESS ON EXPANDING CONFIDENCE-BUILDING MEASURES.

(a) Findings.—Congress makes the following findings:

(1) Approximately two years have passed since the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) adjourned in Stockholm following the adoption of measures designed to increase openness and predictability of military activities in Europe.

(2) To date, there have been seven formal observations and challenge inspections which have been conducted in accordance with the Stockholm agreements.

(3) The military leaders of the North Atlantic Treaty Organization have concluded that the Stockholm observations and inspections have positively contributed to an improved understanding of Warsaw Pact forces and capabilities.

(4) The Conventional Stability Talks (CST), which may begin before the end of 1988, will likely require careful and potentially prolonged negotiation.

(5) New negotiations will also begin under the auspices of the Conference on Security and Cooperation in Europe (CSCE) as a follow-on to the Stockholm conference.

(6) The confidence-building measures established at Stockholm could, if expanded, contribute significantly to the success of the CDE follow-on conference and also to the

establishment of a procedural framework for verifying a future CST agreement.

(b) Sense of Congress.—It is the sense of Congress that the President should give high priority to developing, in coordination with the North Atlantic Treaty Organization allies of the United States, stabilizing and verifiable proposals for expanding the regime of confidence-building measures in conjunction with the follow-on to the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) and the new Conventional Stability Talks (CST).

SEC. 912. ANNUAL REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS.

(a) Amendment to Public Law 99-145.—Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a), is amended by adding at the end the following: "The President shall specifically include in such report the following:

"(1) A summary of the current status of all arms control agreements in effect between the United States and the Soviet Union.

"(2) An assessment of all violations by the Soviet Union of such agreements and the risks such violations pose to the national security of the United States and its allies.

"(3) A net assessment of the aggregate military significance of all such violations.

"(4) A statement of the compliance policy of the United States with respect to Soviet violations with such agreements.

"(5) What actions, if any, the President has taken or proposes to take to bring the Soviet Union into compliance with its commitments under arms control agreements with the United States.

"(6) If the President in any second consecutive report submitted to Congress under this section reports that the Soviet Union is not in full compliance with all arms control agreements between the United States and the Soviet Union, the President shall include in such report an assessment of what actions are necessary to compensate for such violations.".

(b) Effective Date.—The amendment made by subsection (a) shall be effective beginning with the report to be submitted by the President pursuant to section 1002 of the Department of Defense Authorization Act, 1986, in 1990.

SEC. 913. ANNUAL REPORT ON ARMS CONTROL STRATEGY.

(a) In General.—The President shall submit to Congress each year, not later than December 1, a report containing a comprehensive discussion and analysis of the arms control strategy of the United States. The President shall include in each such report the following:

(1) The nature and sequence of the future arms control efforts of the United States.

(2) A net assessment of the current effects of arms control agreements on the status of, and trends in, the military balance between the United States and the Soviet Union and between the North Atlantic Treaty Organization (NATO) and the Warsaw Pact.

(3) A comprehensive data base on the military balance of forces of the United States and the Soviet Union, and the balance of forces of NATO and the Warsaw Pact countries, that are affected by arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact, including an explanation of the methodology used to analyze the effects on such forces.

(4) A net assessment of the impact that proposed arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact would likely have on United States force plans and contingency plans, including an assessment of the impact that such proposed agreements would have on the risks and costs to the United States.

(5) An assessment of the impact that proposed treaty sub-ceilings, asymmetries, and other factors or qualifications affecting a treaty or arms control proposal would have on the military balance between the United States and the Soviet Union and between NATO and the Warsaw Pact, including an assessment of how such factors increase deterrence and reduce the risk and cost of war.

(6) A statement of the strategy the United States and NATO will use to verify and ensure compliance with proposed arms control treaties between the United States and the Soviet Union and between NATO and the Warsaw Pact.

(7) A discussion of the extent to which and the manner in which the United States intends to consult with its allies regarding proposed arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact.

(8) A discussion of how the United States proposes to tailor its defense structure in order to ensure that the national security can be preserved with or without arms control agreements.

(b) Explanation of Methodology.—In reporting on the current effect of arms control agreements on the status of, and trends in, the military balance of power between the United States and the Soviet Union and between NATO and the Warsaw Pact (required under paragraphs (2) and (3) of subsection (a)), the President shall—

(1) specify the methodology used in analyzing the military balance between the United States and the Soviet Union and express the results of such analyses in terms of (A) static comparisons, and (B) comparisons that include dynamic factors; and

(2) discuss all major scenarios, assumptions, and contingencies, including political confrontation, full-scale war, and serious confrontations not involving full-scale war.

(c) Form of Report.—The President shall submit such report in both classified and unclassified form.

SEC. 914. ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH ALLIED COUNTRIES.

Section 2347(a)(1) of title 10, United States Code, is amended by striking out "$100,000,000" and inserting in lieu thereof "$200,000,000".

SEC. 915. AUTHORITY TO WAIVE SURCHARGE ON CERTAIN SALES TO NATO.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130a. Waiver authority for certain charges in connection with certain sales to NATO

"(a) The Secretary of Defense may waive, in connection with any sale made by the Department of Defense to the Maintenance and Supply Agency of the North Atlantic Treaty Organization in support of weapon system partnership agreements and NATO/SHAPE projects, the charges that would otherwise be applicable to such sale under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)).

"(b) Funds available to the Department of Defense may be used by the Secretary of Defense to reimburse the fund established to carry out section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)) in the amount of the charges waived under subsection (a).

"(c) Definitions.—In this section:

"(1) The term 'weapon system partnership agreement' means an agreement between two or more member countries of the Maintenance and Supply Agency of the North Atlantic Treaty Organization that—

"(A) is entered into pursuant to the terms of the charter of that organization; and

"(B) is for the common logistic support of a specific weapon system common to the participating countries.

"(2) The term 'NATO/SHAPE project' means a common-funded project supported by allocated credits from North Atlantic Treaty Organization bodies or by host nations with NATO Infrastructure funds.".

(b) Technical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"130a. Waiver authority for certain charges in connection with certain sales to NATO.".

SEC. 917. ADVANCE PAYMENT OF ADMINISTRATIVE CLAIMS.

(a) Increase in Maximum Payment.—Subsection (a) of section 2736 of title 10, United States Code, is amended to read as follows:

"(a)(1) Under such regulations as the Secretary of a military department may prescribe, the Secretary or the Judge Advocate General of an armed force may make a payment of an amount not in excess of $100,000 in advance of the submission of a claim or before the final settlement of a claim to or for any person, or the legal representatives of any person, who was injured or killed, or whose property was damaged or lost, under circumstances for which allowance of a claim is authorized by law.

"(2) The Secretary of a military department may delegate to an officer or employee under the jurisdiction of the Secretary the authority to make a payment under paragraph (1) in an amount not to exceed $25,000.

"(3) Payments under this subsection are limited to payments which would otherwise be payable under section 2733 or 2734 of this title or section 715 of title 32.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to any claim which would otherwise be payable under section 2733 or 2734 of title 10, United States Code, or under section 715 of title 32, United States Code, and which has not been finally settled on the date of the enactment of this Act.

SEC. 918. COURT OF MILITARY APPEALS RETIREMENT REVISIONS.

(a) Civil Service Retirement and Disability System.—Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) in section 8336(l), by striking out the second sentence;

(2) in section 8338—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(3) in section 8339(d)(6)—

(A) by striking out "(6) The" and inserting in lieu thereof "(6)(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) If an employee referred to in subparagraph (A) of this paragraph has completed the term of service for which the employee was appointed as a judge of the United States Court of Military Appeals, then the annuity of such employee is the greater of—

"(i) the amount computed as provided in subparagraph (A) of this paragraph; or

"(ii) the amount equal to 80 percent of the rate of pay established for a judge in active service on such court as in effect on the date of such employee's retirement under this subchapter.

"(C) The amount of the annuity under this paragraph is the amount initially payable to the employee at the time of the retirement of the employee and is subject to adjustment under section 8340 of this title."; and

(4) in section 8339(h)—

(A) by inserting "(d)(6), " after "(d)(5)," in the first sentence; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "Notwithstanding the first sentence of this subsection, the annuity of an employee who is a judge or a former judge of the United States Court of Military Appeals and who has completed the term of service for which he was appointed as a judge of such court shall not be reduced.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Chapter 84 of title 5, United States Code, is amended—

(1) in section 8412, by adding at the end the following new subsection:

"(i) An employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, and who is separated from the service after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity."; and

(2) in section 8415, by adding at the end the following new subsection:

"(h)(1) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, who is retiring under section 8412(i) of this title is the greater of—

"(A) the amount computed under paragraph (2) of this subsection; or

"(B) the amount equal to 54 percent of the rate of pay established for a judge in active service on such court as in effect on the date of the retirement.

"(2) The annuity computed in the case of a judge of the United States Court of Military Appeals, or a former judge of such court, for purposes of paragraph (1)(A) is the annuity computed under subsection (a) of this section, except that, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding 5 years) creditable under section 8411 of this title, his annuity is computed by multiplying $1\frac{7}{10}$ percent of his average pay by the number of years of such service that does not exceed 20 years.

"(3) The amount of the annuity under paragraph (1) is the amount initially payable to an employee referred to in paragraph (1) and is subject to adjustment under section 8462 of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to judges of the United States Court of Military Appeals whose term of service on such court ends on or after the date of the enactment of this Act.

SEC. 919. VOLUNTARY LEGAL ASSISTANCE.

(a) ACCEPTANCE OF VOLUNTARY SERVICES.—Section 1044 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person voluntary attorney, paralegal, clerical, or related services for the provision of legal assistance under this section. Such services shall be performed under the direction and control of the judge advocate or chief legal officer of the command for which the legal assistance services are performed.".

(b) DEFENSE OF SUITS.—Section 1054(a) of title 10, United States Code, is amended by striking out "title 32)"and inserting in lieu thereof "title 32 and persons furnishing voluntary services that are accepted under section 1044(b) of this title)".

SIMON (AND LEAHY) AMENDMENT NO. 2028

Mr. SIMON (for himself and Mr. LEAHY) proposed an amendment to the bill S. 2355, supra; as follows:

On page 2, line 20, strike out "$2,541,800,000" and insert in lieu thereof "$2,611,800,000".

On page 3, line 5, strike out "$9,076,200,000" and insert in lieu thereof "$9,106,200,000".

On page 4, line 18, strike out "$16,256,100,000" and insert in lieu thereof "$16,556,100,000".

On page 12, line 15, strike out "$14,721,709,000" and insert in lieu thereof "$14,221,709,000".

On page 16, line 7, strike out "$700,000,000" and insert in lieu thereof "$200,000,000".

On page 34, line 22, strike out "$22,142,400,000" and insert in lieu thereof "$22,242,400,000".

McCLURE AMENDMENT NO. 2029

Mr. McCLURE proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 924. STUDY AND REPORT ON SOVIET ANTIBALLISTIC MISSILE CAPABILITY AND ACTIVITIES

(a) STUDY REQUIRED.—(1) The President shall conduct a study regarding the antiballistic missile capability and activities of the Union of Soviet Socialist Republics. As a part of such study, the Secretary shall assess—

(A) the military capabilities and significance of the Soviet extensive network of large-phased array radars;

(B) whether the Soviet Government is illegally developing or producing mobile or transportable engagement radars;

(C) the Soviet ability to develop an effective exoatmospheric antiballistic missile defense without using widespread deployments of traditional engagement radars;

(D) the ability of Soviet air defense interceptor missiles now and in the future to successfully destroy ballistic missile warheads;

(E) whether Soviet silos or hardened facilities outside of the antiballistic missile site permitted near Moscow are or could be associated with illegal antiballistic missile defenses;

(F) whether the Soviet Government is developing terminal antiballistic missile defenses;

(G) whether the antiballistic missile site permitted near Moscow conceals or could conceal development, testing, or deployment of a widespread Soviet antiballistic missile system;

(H) Soviet activities regarding sea, land or air-based boost-phase intercepts of ballistic missiles;

(I) the status of Soviet laser, particle beam, and other advanced technology programs comparable to programs conducted by the United States under the Strategic Defense Initiative; and

(J) the consequences for the United States of a successful Soviet effort to acquire an effective nationwide or limited antiballistic missile system and the ability of the United States to respond to such effort.

(2) The assessment provided for in paragraph (1) shall include, but not be limited to, discussion of the ability of the United States to modify its existing strategic offensive forces including the use of penetration aids and its strategic doctrine, and tactics to effectively counter such a Soviet ABM system over the same period of time that the Soviets required to deploy it.

(b) PREPARATION OF REPORT.—The President shall prepare a report, in both a classified and an unclassified version—

(1) specifying the results of the study required by subsection (a); and

(2) containing such recommendations as the Secretary considers appropriate, including recommendations with regard to maintaining the deterrrent value of the strategic forces of the United States given the antiballistic missile capability and activities of the Union of Soviet Socialist Republics.

(c) SUBMISSION OF REPORT.—The President shall submit to the Speaker of the House of Representatives, and the President pro tempore of the Senate the report required by subsection (b) not later than October 1, 1989.

WIRTH AMENDMENT NO. 2030

Mr. WIRTH proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . ENERGY EFFICIENCY INCENTIVE.

(a) The services of the Department of Defense shall be authorized to establish a program of incentives for the purpose of conserving, and otherwise making more efficient use of, energy by the services.

(b) In carrying out this program, the head of each service shall, by no later than 120 days from the enactment of this bill, implement procedures for the identification, verification, accrual, and use of the first year's energy cost savings resulting from contracts entered into under title VIII of the National Energy Conservation Policy Act as amended in 1986.

(c) The portion of the funds appropriated for payment of a service's energy expenses that is equal to the government's share of the first year's energy cost savings resulting from contracts entered into under title VIII of the National Energy Conservation Policy Act as amended in 1986, shall be treated as an unobligated balance and shall be available to the service in the fiscal year after the fiscal year in which the savings occur to be used in equal amounts, until expended, for the purposes of:

(1) additional energy efficiency projects by the service, and

(2) appropriated Morale, Welfare and Recreation purposes and minor construction projects that enhance the quality of life at

the installation at which the savings are realized.

(d) For the purposes of this section, "energy cost savings" means the present dollar value of the government's share of the first year's energy cost savings resulting from contracts entered into under title VIII of the National Energy Conservation Policy Act, as amended.

HECHT (AND REID) AMENDMENT NO. 2031

Mr. McCAIN (for Mr. HECHT, for himself, and Mr. REID) proposed an amendment to the bill S. 2355, supra; as follows:

Add the following new section at the end of the bill:

SEC. . Section 114(a)(1) of the Nuclear Waste Policy Act of 1982 is amended by—

(1) adding the phrase "and in subparagraph (I)" at the end of the fourth sentence thereof;

(2) striking the word "and" at the end of the subparagraph (G);

(3) striking the period after subparagraph (H) and inserting in lieu thereof "; and"; and

(4) adding a new subparagraph (I) as follows:

"(I) a report by the Secretary of Defense, with regard to any site recommended under this section, as to whether and how the construction and operation of a repository at such site would jeopardize the national security by reason of interference with national defense activities, if any, occurring nearby."

DIXON (AND OTHERS) AMENDMENT NO. 2032

Mr. DIXON (for himself, Mr. BOND, Mr. WILSON, and Mr. NUNN) proposed an amendment to the bill S. 2355, supra; as follows:

At the end thereof, add the following:

SEC. . Human Rights Violations by the Polish Regime.

(a) The Senate finds:

(1) that the regime of General Wojciech Jaruzelski has again violated the most fundamental rights of the people of Poland, including the right to peaceably assemble, the right to strike, the right to freely associate, the right to speak freely, and the right to due process;

(2) that the Jaruzelski regime has retaliated against the justified, peaceful protests of workers at Nowa Huta through the use of violent force;

(3) that the Jaruzelski regime has sentenced human rights activist Bogdan Lis to three months imprisonment for his activities on behalf of the rights and freedoms of Polish workers, and has in addition sentenced Janusz Onyszkiewicz, Czeslaw Nowak, Tadeusz Pikurski, Halina Lopek, Stefan Malecki, Janusz Dura, Adam Jedrasiak, Stanislaw Strzepek, Edward Banaszkiewicz, Julian Gasior, Bogdan Kowalewski, Lech Matiaszkiewicz, and Robert Pawlik to terms of imprisonment ranging from one month to three months in duration;

(4) that a number of other persons have been prosecuted and imprisoned for politically related offenses;

(5) that several hundred workers have been temporarily detained;

(6) that the Jaruzelski regime refuses to take steps, which would guarantee the Polish peoples' right to participation in the management of the country's economy, and would accept the principle of pluralism in the country's national life.

(b) It is therefore the sense of the Senate that:

(1) it condemns the actions of the Jaruzelski regime to violate the fundamental rights of the people of Poland; and

(2) any improvement in relations between the United States and Poland must be predicated on a fundamental improvement in human rights in Poland, including the release of political prisoners, the rights of independent trade unions to organize, and steps toward genuine national reconciliation and dialogue.

DIXON AMENDMENT NO. 2033

Mr. DIXON proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . Not later than 90 days after enactment of this act, the Secretary of the Air Force shall submit a report to the Congress outlining his plans for establishing, to the maximum extent practicable, competition in the development and production of components for the Advance Tactical Reconnaissance System.

ADAMS AMENDMENT NO. 2034

Mr. ADAMS proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 921. PLAN FOR USE OF UNITED STATES ARMED FORCES IN THE PERSIAN GULF.

(a) CONGRESSIONAL FINDINGS AND POLICY ON THE IRAN-IRAQ WAR.—(1) The Congress finds that the hostilities in the Persian Gulf will not end until the Iran-Iraq war is terminated and that thus far the United States has not made the termination of the Iran-Iraq war the top priority of United States policy in the Persian Gulf.

(2) It is the sense of the Congress that—

(A) the United States should aggressively pursue initiatives to end the Iran-Iraq war, including both multilateral and bilateral efforts;

(B) the United States is seeking a resolution of the conflict should not take sides in the Iran-Iraq conflict, but rather it should be the policy of the United States to remain impartial;

(C) the United States must pursue diplomatic efforts in the Persian Gulf as the primary tool to end the Iran-Iraq war instead of using the convoying and escorting of ships or the common defense of such ships to achieve such objectives;

(D) in recognition of our legitimate security interests in the Persian Gulf, the United States should continue to maintain a military presence there as it has for nearly forty years;

(E) United States forces performed with great courage and professional skill during the recent hostilities triggered by the mining of the Persian Gulf by Iran; and

(F) notwithstanding the outstanding performance of United States forces in the Persian Gulf, our current policy in the Persian Gulf is principally a unilateral policy whereas the United States should more vigorously pursue efforts to establish multinational cooperation.

(b) AUTHORIZATION FUNDS TO CARRY OUT POLICY.—(1) Beginning thirty days after enactment of this Act, no funds authorized to be appropriated by this or any other act may be obligated or expended to—

(A) escort or convoy commercial vessels registered under the flag of the United States but formerly owned by Kuwait or Kuwaiti nationals; or

(B) defend commercial vessels in the Persian Gulf registered under the flags of other nations.

(2) Paragraph (1) shall not apply if, within 15 days after the submission of the plan required under subsection (c), the Congress fails to enact a joint resolution of disapproval pursuant to subsections (d) and (e).

(c) PLAN.—Not later than 15 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report, in classified and unclassified form, setting forth a plan for the continued presence of United States Armed Forces in the Persian Gulf as part of a multinational force. The plan shall identify—

(1) the goals and objectives of United States military presence in the Persian Gulf;

(2) the anticipated length of deployment for United States forces and estimated costs for such deployment, together with a discussion of how such costs will be covered during fiscal year 1989;

(3) the rules of engagement for such forces while they are participating in this multinational effort;

(4) the specific responsibilities of United States Armed Forces in the Persian Gulf, as well as specific responsibilities of other nations with a presence in the Persian Gulf; and

(5) the multilateral and bilateral diplomatic efforts which are planned in order to press for an end to the Iran-Iraq war.

(d) IMPLEMENTATION OF PLAN.—(1)(A) The plan described in subsection (c) shall be deemed approved by the Congress if the Congress has not enacted a joint resolution disapproving the use of such forces under such plan by 15 days after receipt by the Congress of the plan described in subsection (c).

(B) Funds appropriated or otherwise made available under any provision of law may only be used consistent with, and not in violation of the goals, guidelines, or activities of the plan deemed to be approved by the Congress under subparagraph (A).

(2) In the case of the enactment of a joint resolution of disapproval under paragraph (1), funds appropriated or otherwise made available under any provision of law may only be available for the use of United States Armed Forces in the Persian Gulf to carry out the activities described in subsection (b)(1) if:

(A) the President has resubmitted to the Congress, within 30 days after the date of enactment of the joint resolution of disapproval, a report setting forth a plan described in subsection (c) which has been revised in consultation with the Congress;

(b) the Congress has enacted a joint resolution approving the use of funds under the revised plan; and

(C) the funds are only used consistent with, and not in violation of the goals, guidelines, or activities specified in the revised plan.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—A joint resolution—

(1) which is described in paragraph (1) or (2) of subsection (d), and

(2) which is introduced in a House of Congress after receipt by that House of a report

described in the respective paragraph shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(A) such joint resolution shall be referred, in the case of the House of Representatives, to the Committee on Armed Services, and in the case of the Senate to the Committee on Armed Services; and

(B) for purposes of a joint resolution described in subsection (d)(1), a committee shall be discharged from further consideration of such a joint resolution at the end of 5 calendar days after its introduction if that committee has not reported such joint resolution (or an identical joint resolution) by that date.

(f) Specific Budget Requests.—Notwithstanding subsection (d), beginning with the first fiscal year beginning after the date of enactment of this Act, no funds appropriated or otherwise made available may be obligated or expended for use by the United States Armed Forces in the Persian Gulf in a fiscal year unless the President specifically requests such funds in a budget submission to the Congress for that fiscal year and the Congress enacts an appropriation Act specifically providing such funds.

(g) Consultation Requirements.—Whenever the President seeks to change the goals and objectives of the use of United States Armed Forces in the Persian Gulf, he shall consult with the Congress before making any alteration in the plan being implemented under this section.

PRYOR AMENDMENT NO. 2035

Mr. PRYOR proposed an amendment to the bill S. 2355, supra; as follows:

On page 2, line 23, strike out "$2,035,536,000" and insert in lieu thereof "$2,129,923,000".

On page 3, line 7, strike out "$6,193,100,000" and insert in lieu thereof "$6,183,200,000".

On page 4, line 20, strike out "$8,318,023,000" and insert in lieu thereof "$8,228,536,000".

On page 12, line 16, strike out "$8,990,541,000" and insert lieu thereof "$8,995,541,000".

On page 17, between lines 6 and 7, insert the following:

(d) Long-Range Stand-Off Chemical Delivery Systems.—Of the funds appropriated pursuant to section 201 for the Defense Agencies, $5,000,000 shall be available only for research, development, test, and evaluation on long-range stand-off chemical delivery systems.

QUAYLE AMENDMENT NO. 2036

Mr. QUAYLE proposed an amendment to the bill S. 2355, supra; as follows:

At the end of page 152, insert the following new section:

SEC. 9. NATO DEFENSE PROGRAM REPORT.

Not later than January 15, 1989 the Secretary of Defense shall submit to Congress a report detailing the programs to be included in the NATO Defense Program. This report shall include:

(1) An identification of each program by program element.

(2) A description and the level of funding that the President will be requesting for each of these programs for Fiscal Year in 1990.

COHEN AMENDMENT NO. 2037

Mr. COHEN proposed an amendment to the bill S. 2355, supra; as follows:

On page 34, between lines 13 and 14, insert the following new section:

SEC. . CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM.

Of the funds appropriated pursuant to this title, $6,800,000 is available only to conduct a program to develop and demonstrate compliance monitoring capabilities in support of the Convention of the Prohibition of Chemical Weapons proposed by the United States in the Conference on Disarmament.

NUNN AMENDMENT NO. 2038

Mr. DIXON (for Mr. Nunn) proposed an amendment to the bill S. 2355, supra; as follows:

On page 232, between lines 14 and 15, insert the following:

SEC. 2811. THIRD INFANTRY DIVISION MEMORIAL.

(a) In General.—The Society of the Third Infantry Division is authorized to erect, on public grounds in Arlington National Cemetery selected pursuant to subsection (b)(1), a memorial in honor and in commemoration of the men of the "Rock of the Marne" of the Third Infantry Division, United States Army, who have served their country in World War I, World War II, and Korea.

(b) Administrative Provisions.—(1) The Secretary of the Army is authorized to select a suitable site on public grounds in Arlington National Cemetery upon which may be erected the memorial authorized in subsection (a).

(2) The design and plans for such memorial shall be subject to the approval of the Secretary of the Army, the American Battle Monuments Commission, the National Capital Planning Commission, and the national Commission of Fine Arts.

(3) The United States shall not be liable for any expense in connection with the erection of the memorial authorized by subsection (a).

(4) The maintenance and care of the memorial erected under this section shall be the responsibility of the Secretary of the Army.

(c) Expiration of Authority.—The authority provided in this section shall expire at the end of the 5-year period beginning on the date of the enactment of this Act unless (1) the erection of the memorial authorized in subsection (a) is commenced within such period, and (2) prior to commencement of the erection of the memorial funds are certified available in an amount sufficient, in the judgment of the Secretary of the Army, to ensure completion of the memorial.

WARNER (AND MIKULSKI) AMENDMENT NO. 2039

Mr. WARNER (for himself and Ms. Mikulski) proposed an amendment to the bill S. 2355, supra; as follows:

At the end of section 212, add the following:

(c) Prohibition on Testing Electromagnetic Pulse in Chesapeake Bay.—During fiscal year 1989, the Secretary of the Navy may not carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for ships (EMPRESS).

LEVIN AMENDMENT NO. 2040

Mr. LEVIN proposed an amendment to the bill S. 2355, supra; as follows:

On page 249, after the period in line 2, insert the following: "Not less than $16,800,000 of such amount shall be used only for the purposes of entering into a contract with KMS Fusion, Incorporated for the performance of a portion of the inertial confinement fusion program."

HARKIN (AND OTHERS) AMENDMENT NO. 2041

Mr. HARKIN (for himself, Mr. Hatfield, Mr. Proxmire, Mr. Sanford, and Mr. Kennedy) proposed an amendment to the bill S. 2355; supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING THE TESTING AND BASING OF WEAPONS IN OUTER SPACE.

(a) Findings.—The Congress makes the following findings:

(1) Section 102(a) of the National Aeronautics and Space Administration Act of 1985 (42 U.S.C. 2451(a)) states that it "is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.".

(2) The United Nations, by a vote of 154 to 1, agreed to a resolution on November 30, 1987, calling on all nations to prevent an arms race in outer space.

(3) Existing military activities in space, including communications, navigation, surveillance, early warning of missile attack, and monitoring of treaty compliance, are essential to our national security.

(4) Civilian uses of outer space, including sensor satellites for earth resources management, scientific experiments, space exploration, and materials processing in the microgravity environment of space, are vital to continued commercial growth.

(5) The basing of weapons in outer space by the Soviet Union, or development by the Soviet Union of earth-based weapons designed to destroy objects in outer space would jeopardize both the military and commerical activities of the United States in outer space and would degrade the national security of the United States.

(b) Congressional Policy.—(1) It is the sense of Congress that the President should, and he is hereby urged and requested, to enter into bilateral negotiations with the Soviet Union at the earliest practical date for the purpose of achieving the following objectives:

(A) A prohibition on the development, testing, production, and deployment of all weapons based in outer space and a prohibition on the testing of all weapons against objects in space.

(B) The establishment of an effective procedure for monitoring compliance with and resolving possible disputes regarding prohibitions referred to in subparagraph (A).

(2) It is further the sense of Congress that the United States should maintain a long-term research program on ballistic missile defense technologies so as to provide the United States with expanded options for responding to any future breakout by the

Soviet Union from the 1972 Anti-Ballistic Missile Treaty.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, May 12, 1988, on the subject of Nuclear Regulatory Commission restructuring.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs hold a hearing on S. 1692, the proposed Agent Orange Disability Benefits Act of 1987; and S. 1787, the proposed Veterans' Agent Orange Disabilities Act of 1987; and agent orange oversight issues, on Thursday, May 12, 1988, in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 12, 1988, to continue receiving testimony on S. 2061, to establish national standards for voter registration for elections for Federal office; and to receive testimony on S. 182/H.R. 435, to amend title II, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 12, 1988, to consider recommendations to the administration for the implementation of the United States-Canada Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be authorized to meet during the session of the Senate on Thursday, May 12, to receive testimony concerning S. 2203, a bill to extend the expiration date of title II of the Energy Policy and Conservation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, May 12, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 12, 1988, to hold a Department of Justice authorization hearing on the DEA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition and Investigations and the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, May 12, 1988, to hold a joint hearing on public safety issues surrounding marijuana production in national forests.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 36TH ANNUAL NATIONAL PRAYER BREAKFAST

● Mr. CHILES. Mr. President, on February 4, 1988, I was honored to chair the 36th Annual National Prayer Breakfast at the Washington Hilton. Over 3,700 people gathered from all of our 50 States and from over 130 countries around the world, literally from all walks of life, to collectively turn our eyes upon the Living God, to worship and share fellowship in a spirit of unity, to lift our thoughts to Him in prayer, and to remind ourselves, as well as acknowledge the fact, that we are a nation under God.

The success of this event can be attributed to the efforts of both the House and Senate committee members, as well as the untiring work of our many volunteers. I give my appreciation and thanks to all involved.

Mr. President, I ask that a transcript of the 36th National Prayer Breakfast be printed at this point in the Record.

The material follows:

National Prayer Breakfast Program, February 4, 1988

Pre-Breakfast Prayer: The Honorable Bob Stump, U.S. Representative, Arizona.

Opening Song: Wheaton College Men's Glee Club, Mr. Clayton E. Halvorsen, Director.

Presiding: The Honorable Lawton Chiles, U.S. Senator, Florida.

Opening Prayer: Admiral William J. Crowe, Jr., Chairman, Joint Chiefs of Staff.

BREAKFAST

Welcome: The Honorable Lawton Chiles.

Message from the U.S. Senate: The Honorable Paul Trible, U.S. Senator, Virginia.

Reading: The Honorable Kurt L. Schmoke, Mayor of Baltimore.

Reading: His Royal Highness Prince Bandar bin Sultan, Royal Embassy of Saudi Arabia.

Solo: Mr. Jim Nabors, Mr. Allan Alper, Accompanist.

Message from the U.S. House of Representatives: The Honorable G.V. Montgomery, U.S. Representative, Mississippi.

Reading: The Honorable Diane E. Watson, State Senator, California.

Prayer for National Leaders: The Honorable James A. Baker III, Secretary of the Treasury.

Message: The Honorable William L. Armstrong, U.S. Senator, Colorado.

THE PRESIDENT OF THE UNITED STATES

Group Song: Miss Patricia A. Barnes.

Closing Prayer: Dr. Billy Graham.

TRANSCRIPT OF PROGRAM

Congressman Stump. Our Father in heaven, we are grateful this morning for the opportunity to meet in freedom together in this fellowship of faith.

We thank Thee for the many blessings we have received at Thy hands.

We pray that You bless this meeting of those here today and bless this food to the nourishment of our bodies.

For we ask it in Jesus name, Amen.

Senator Chiles.I want to welcome you, and begin by thanking Congressman Bob Stump of Arizona for our pre-breakfast prayer and the Wheaton College Men's Glee Club for a wonderful beginning of this fine day.

Let's give them a hand.

(Applause.)

Senator Chiles.For our opening prayer, I want to present Admiral William J. Crowe, Chairman of the Joint Chiefs of Staff, a man whose distinguished career began as a young Naval Aid to President Eisenhower—and President Eisenhower was our President at our first National Prayer Breakfast—to hold the highest job in our military, but also a man who has always recognized a need for prayer and divine guidance.

Admiral Crowe.

(Applause.)

Admiral Crowe.Thank you Senator.

Good morning. You can't see yourselves, but I want to assure you that you are a very inspiring sight.

The National Prayer Breakfast began in 1953 as a gathering of our government's leaders. And I understand it was organized by President Eisenhower and a number of his friends in Congress, whom, over the course of a lifetime of service, found strength in a relationship with God. Together, they desired to make a conspicuous renewal of their dedication to the principles of their faith. Now this is an institution and it represents an honored place in our national life, the National Prayer Breakfast.

There is a corridor in the Pentagon dedicated to President Dwight Eisenhower's memory. It's just outside the office of the Secretary of Defense. Not surprisingly, a theme that unmistakably emerges from that exhibit is Dwight Eisenhower's enduring faith. In the course of my duties, I walk by that display many times a day. Overlooking the Eisenhower Gallery from a nearby stairway is a painting that resonates deeply with the theme of faith. The scene is a chapel. An Air Force flyer kneels at the altar with his young family. Their heads are bowed in devotion and their hands are folded in prayer. The inscription below the portrait is a passage from Isaiah, Chapter 6, verse 8, in which the voice of the Lord asks:

"Who in a world full of iniquity can be sent to advance His cause? Whom shall I send?" He asks, and "Who will go for us?".

The Scriptural response engraved on the picture is simple and eloquent.

"Here am I. Send me."

It is an American scene, but its message is much broader than America. In all walks of life and all cultures, across all the boundaries that divide our temporal pursuits, the challenge—Who shall go for us—has confronted every generation as it grappled with an imperfect world.

Unfailingly, men and women of faith have responded. Selflessly, they have gone in the interest of justice and humanity in the search for peace and brotherhood, in the hope that by work, by example and, if necessary, by sacrifice, they will bring us closer to God's intent.

I am here. I will go. Send me.

This morning, it is fitting and appropriate that we have this opportunity together with the leadership not only from America, but from many other countries, to pray together for the wisdom and vision to see how God's design can be realized in this world.

Please join me in prayer:

Heavenly Father, we have come together this morning to reaffirm our dedication to your teachings. We still strive to give your Commandments life in our time. We still yearn for that peaceful concert of peoples, that order of justice and liberty in which all men can pursue their rightful aspirations in tranquility.

We still seek that unity in which all can share in the world's bounty.

We know these things are the heart's desire and the birthright of every individual on earth. Grant us the wisdom to see the way to these ends through clouds of division and discord.

Make us strong against worldly weaknesses and vigilant to find and redress our own shortcomings.

Help us to see your image in others and to understand their ways of serving and searching for your path.

Let all understand that to serve you is to hasten the day when nations, without exception, shall lay aside rivalries and feuds and embrace one another as brothers.

This we ask on behalf of all Your children and in Your Name. Amen.

Senator CHILES. Now, if you will allow me to introduce a few people, who, although they do not appear on your program, are very significant to all of us—especially those of us at the head table—and if you will stand as I introduce you, from my left:

Shirley Crowe, the wife of Admiral William Crowe, Mrs. Crowe.

(Applause.)

Seantor CHILES. And Rosemary Trible, the wife and great helpmate of Senator Paul Trible.

(Applause.)

Senator CHILES. The dear women, Susan Baker, who has participated in many of our Prayer Breakfasts, and the wife of Secretary of the Treasury Baker.

(Applause.)

Senator CHILES. And Ellen Armstrong, the wife and helpmate of Senator Bill Armstrong, our speaker this morning.

(Applause.)

Senator CHILES. And a lady who holds a very special place in our hearts, as well as in the President's heart, the First Lady of our Land, Nancy Reagan.

(Ovation.)

Senator CHILES. Now I want to thank each of you for attending our 36th Annual Prayer Breakfast. We are joined with people from all 50 of our States and more than 130 nations from around the world.

And, today, we have special visitors from the South Pacific and the Indian Ocean that have not had the privilege of fellowshipping with us before. We welcome them.

We have people of many different political systems and many religious faiths, and our National Prayer Breakfast is the time for the last 36 years that the leadership of our country—political, judicial, military, state, national, local—has set aside to acknowledge, as did our Forefathers, that we are a nation under God, that all power derives from Him, that there is nothing that we have done or can do to merit His love, His tender mercy and forgiveness, His divine guidance, which we need as individuals as well as for our country.

This is my 18th Prayer Breakfast, and I think I'm going to get a chance to graduate this year and join the distinguished rank of civilians again.

But over the years it has always amazed me how the Spirit always comes into this breakfast. And I ask you to join with me today in whatever you were thinking about a few minutes ago, put it out of your mind and let's allow that Spirit to come in.

And if you'll join with me just a minute in a prayer for our speakers this morning. Also, I hope many of you can participate in the events which will take place after the breakfast. Many are greatly blessed and helped by these seminars.

But if you'll join with me just a minute, we know that the Lord works in mysterious ways His wonder to perform.

And, Father, we thank you today that we join here in the Spirit of Your Son, Jesus Christ, and we come here expecting, as we have seen happen so many times, that You will visit us, You will work Your will. It's Scriptural:

"Where two or more of us gather, there You will be."

And, Father, we just see you blessing the speakers who participate today, each of the individuals, and bringing a blessing to all of us.

Now, to bring the message from the Senate Prayer Group is the Senator who has spread this Prayer Group vision around the world. He has visited many of our international friends, who are with us today, in many countries. Senator PAUL TRIBLE is a man who has been a great example to all of us in the Senate of the priority that we should be placing on our families, and who I wish to thank very much for the help that he has given in putting on this breakfast.

Senator Trible.

(Applause.)

Senator TRIBLE. Thank you. Mr. President, Mrs. Reagan and Ladies and Gentlemen, on behalf of my colleagues in the Senate, let me extend to all of you the warmest welcome at our National Prayer Breakfast.

For over 40 years now, members of the Senate have gathered on Wednesday morning in prayer, acknowledging the Lordship of God. We come together at 8 o'clock on Wednesday morning. We begin with a prayer. We have a hearty breakfast, and we talk about everything under the sun.

At the mid-point of that hour together, one member of our group will begin the discussion. And we'll focus perhaps on a passage from the Bible, or an important moment in their life. And then we all pitch in and take part.

And then, at the end of that hour, we stand, we hold hands and we ask the Lord to guide our lives and the life of this great nation.

I've thought often as I've surveyed the group:

Here are some of the most powerful and influential men in the world, who come together recognizing that they are unable to meet the problems and challenges of our day. But, with God's help, they recognize that all things are possible.

We find that those are perhaps the most special moments in our life. The world might focus on the great debates on the floor of the Senate, but I think, if you asked each of us, we would tell you, the most precius moments we've shared were those moments together in the presence of God, when we met face to face with our brothers and sister in the Senate.

We have found that we are able through God's help to strengthen our faith and place our priorities aright.

You know, in the busy lives that we lead, it seems that, so often, the enemy of the best is not the bad but the good. All the good things that we can do each day that distract us from those relationships that mean the most—our relationship to God and to family. We find that by focusing on Jesus Christ, His Life, His Presence, His Message for each of us, we are reminded of those priorities, and we go back strengthened in our faith.

We also find that we are able to reach out to one another and begin to transcend the differences between us. And they are real. We represent different parts of this great land, different philosophies and parties. And, yet, by focusing on the Spirit of Christ, we can reach out. We can begin to build trust and understanding.

It doesn't mean that we see the world alike. We do not. But we can begin to build a spirit of cooperation and progress and trust.

Many of us have come to believe that the reconciling Spirit of Christ is not just essential in our national life, but in the life of this world.

You see it played out today as thousands come together from all parts of the world, representing different cultures, different creeds, different histories and philosophies, and yet united in our acknowledgment of the Lordship of God.

Finally, we find that, by coming together in God's name, by focusing on Jesus Christ and His Powerful Presence in this life, that we are empowered to do things that we cannot do alone.

Jesus Christ went out and recruited 12 very ordinary men and He changed the world for good forever. And He promises each of us that if we will come together in His name, that He will be with us and He will empower each of us as well. Dick Halverson, the Chaplain of the Senate, expresses that thought in a very powerful way. He says:

"You know, you've got to think of yourself as a zero."

That's very difficult for Senators to do. (Laughter.)

He said:

"If you take zeroes and you spread them out forever, what do you have? Zero. But, if you put a one in front of those zeroes, then you've got something—a thousand or a million or a trillion." If we're talking about the deficit, Mr. President. (Laughter.)

My friends, Jesus Christ is the one. And if we will put Him first in our life and the life of this great nation, then we'll have something. And there's no end to what we can do together.

Thank you.

(Applause.)

Senator CHILES. Next on our program is a man of spiritual, moral and political—leadership. He's a native of Baltimore, Maryland, born, raised and educated there. This past December, he was inaugurated to the office of Mayor. Bringing us the reading from the Old Testament, Mayor Kurt Schmoke.

(Applause.)

Mayor SCHMOKE. Thank you, very much, Senator. Mr. President. I have the great honor this morning of reading a passage from the Book of Nehemiah, a Book which tells the story of a leader who inspired his people to action at a time when terrible problems plagued the land and the walls of Jerusalem had been destroyed.

"Then said I unto thee, You see the distress that we are in, how Jerusalem lieth waste and the gates thereof are burned with fire. Come, let us build up the wall of Jerusalem that we be no more a reproach. Then I told them of the hand of my God which was good upon me, as also the King's words that He had spoken unto me, and they said, Let us rise up and build. So they strengthened their hands for his good work.

So the wall was finished in twenty and five days and it came to pass that when all our enemies heard thereof and all the heathen that were about us saw these things, they were much cast down in their own eyes, for they perceived that this work was wrought of our God."

Now I commend to all of you the entire Book for your consideration because you will see the importance of Nehemiah to our times. We are all called upon to be latter day Nehemiahs.

Nehemiah came unto his people at a time when they had terrible problems, but he didn't say to them: I am your leader, I will solve your problems. He inspired them to action, and the lessons for us are clear; because you will see in the passages, some of which I didn't read this morning, that what happed after Nehemiah called was that, family by family, they came together.

One family took a section of the gate. Another family took a wall. Another family took a section of the wall. And it said: To the amazement of their enemies, they rebuilt the wall of Jerusalem.

Well, in our day, we have problems, distress and wastes in our land. But, if we can inspire people family by family, community by community, to join together with the lesson that:

With faith in ourselves and faith in our God, and to the amazement of our enemies, we will strengthen ourselves for the challenges of today and tomorrow.

(Applause.)

Senator CHILES. Now we extend a hand of friendship to our next guest, a foreign dignitary from the Kingdom of Saudi Arabia, to read from the Koran, please welcome Prince-Ambassador Bandar Bin Sultan.

(Applause.)

Prince BANDAR. Thank you, Senator.

President Reagan, Mrs. Reagan, Distinguished Guests, it is my pleasure today to be with you here and to share some of our Islamic thoughts, which is being done for the first time in this great gathering.

I think it is appropriate that so many God-fearing people gather together so early. In Islam, the fairest of our five daily prayers comes just about dawn. And that's how I felt this morning when I got up here. (Laughter.)

Islam means submission to God. Our most fundamental commitment, we thus shared with you all and with many hundreds of millions around the world.

As one of America's most frequent statements affirm:

In God we trust.

We Muslims also feel very strongly that in our commitment to the Holy Koran, we are not at all at a cross-purpose with Christianity or Judaism, but rather share a continuity and are an extension of those.

Islam insists on belief in Moses and Jesus Christ. For us, a person who does not believe in them is an atheist.

I would like to commend to this distinguished gathering this morning that it is long past time to cease talking about just the Judeo-Christian tradition and make it Judeo-Christian-Islamic tradition.

In that spirit, I would like to quote briefly from the Holy Koran, page 49, Chapter 45:

(Reference spoken in Islamic.)

In The Name of God, The Most Gracious, The Most Merciful, "Behold the angels said: O Mary, God giveth thee glad tidings of a World from Him; his name will be Christ Jesus, the son of Mary, held in honour in this world and the Hereafter and of (the company of) those nearest to God;"

I would like to further read a short verse from page 18, Chapter 136:

(Reference spoken in Islamic.)

"Say Ye: 'We believe in God, and the revelation given to us, and to Abraham, Ismail, Isaac, Jacob, and the tribes. And that given to Moses and Jesus, and that given to (all) prophets from their Lord: We make no difference between one and another of them: And we bow to God (in Islam).'"

To all of you whom we call fellow people of the Book I urge that in this complex and difficult age, we need to strengthen our faith in the Creator. And with His strength, we must persevere for peace, love and, most of all, tolerance in this world. And in our daily lives and in our relations with each other.

Thank you.

(Applause.)

Senator CHILES. And now I introduce to you a man whom many of us knew as Gomer Pyle. He made us laugh and we enjoyed him very much. He's going to sing for us this morning. He's accompanied by Alan Alper and joined by the Wheaton College Glee Club. He's blessed with a great voice, which he's often used for the Lord.

Please welcome our soloist, Jim Nabors.

(Applause.)

("How Great Thou Art", by Jim Nabors, Wheaton College Glee Club:)

(Ovation.)

Senator CHILES. Oh, my wonderful. Thank you, Jim, and the Wheaton College Men's Glee Club.

We are now about to hear from one of the most faithful leaders in the House Prayer Breakfast Group, a man who has been committed to this group since he was elected to the House in 1966, a member who has attended that meeting faithfully almost every week, to bring us a message from the House of Representatives Breakfast Group, please welcome from Mississippi, Congressman Sonny Montgomery.

(Applause.)

Congressman MONTGOMERY. You know, Lawton, that Jim Nabors is from Alabama and he also has his southern accent. Now, me with my southern accent, some of you might think this is a southern Baptist Convention. I assure you it is not. (Laughter.)

Mr. President and Mrs. Reagan, Ladies and Gentlemen, the leader of our House Prayer Breakfast Group, Dan Daniel of Virginia, died 13 days ago and left a vacuum in our Breakfast Group.

However, in his Virginia accent, Dan would say:

"Carry on and enjoy the fellowship of this National Prayer Breakfast."

So we will with fond memories of the gentleman from Virginia.

I do bring you greetings from the House of Representatives Prayer Breakfast. Our group meets on Thursday mornings in the U.S. Capitol when the Congress is in session, which I must say is most of the time. (Laughter.)

We have had one of our best years as a prayer group thanks to the leadership of Dan Daniel, Bob Stump of Arizona, and Ike Skelton of Missouri.

Attendance has been outstanding. In fact, we need a larger room in the Capitol. About one-tenth of the House of Representatives attends breakfast and we worship and pray together. The attendance is sometimes better than when the House is taking up a bill that is not very exciting. (Laughter.)

Some of us think that Thursday is the best day of the week because the day starts with religious fellowship for an hour. We are very informal. We keep no records. And the only book in the room is the Bible.

This last year, we started doing more singing at our group. I am told that those who hear our voices ring throughout the old walls of the Capitol feel a lot of improvement could be made. (Laughter.)

We will work on it. (Laughter.)

Mr. President, we report on members who are sick and we've added a new category called "injured." In this era of sports, some members over the age of 50 still think they can play baseball, basketball, tennis and run five miles. At one time, we had more people on crutches than the Washington Redskins. (Laughter.)

A member leads an informal discussion on some religious aspect; then we further develop that religious thought. Some of our discussion leaders this past year have hit on the subject of how a member best uses his or her time in this demanding job. How much time do we give the job itself? How much do we give our families, some of whom are thousands of miles away? And how much time do we give our church and religious beliefs? These ideas are most helpful, especially to new members.

Not only do we have an hour for our prayer breakfast, but there are at least three smaller groups of members who meet once a week on Capitol Hill and have Bible studies.

So my brothers and sisters, in this job of responsibility, as members of Congress, we turn to the Almighty without hesitation for guidance, help and protection.

Thank you.

(Applause.)

Senator CHILES. And now to bring us a reading from the New Testament is a woman of great integrity and moral leadership, a woman who has dedicated much of her life to aid our families and our youth. She comes to us from Sacramento and the California State Senate. Please join me in welcoming Senator Diane Watson.

(Applause.)

Senator WATSON. First giving honor to God, Mr. President and Mrs. Reagan, I bring you greetings from your home State. Senator Chiles, members of the platform and the most prestigious audience, I am very pleased to come here and to bring to you some words that I live by, or try to live by. And I hope as I read some words from 1st Corinthians, Chapter 13, that you will identify with them also, for during these times, we certainly need these kinds of words to guide our works as we go by and go about our daily activities.

"Though I speak with the tongues of men and of angels and have not charity, I am become as sounding brass or a tinkling cymbal. And though I have the gift of prophecy and understand all mysteries and all knowledge, and though I have all faith so that I could remove mountains and have not charity, I am nothing.

And though I bestow all my goods to feed the poor, and though I give my body to be burned and have not charity, it profiteth me nothing.

Charity suffereth long and is kind. Charity envieth not. Charity vaunteth not itself, is not puffed up. Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil.

Rejoiceth not in iniquity but rejoiceth in the truth. Reareth all things, believeth all things, hopeth all things, endureth all things.

Charity never faileth, but whether there be prophecies, they shall fail. Whether there be tongues, they shall cease. Whether there be knowledge, it shall vanish away.

For we know in part and we prophesy in party. But, when that which is perfect is come, then that which is in part shall be done away.

When I was a child, I spake as a child, I understood as a child, I thought as a child. But when I became a man, I put away childish things. For now we see through a glass darkly, but then face to face: now I know in part, but then shall I know even as also I am known.

And now abideth faith, hope, charity, these three; but the greatest of these is charity."

(Applause.)

Senator Chiles. Our Secretary of Treasury, Jim Baker, is going to give us a prayer for national leaders. I've had an opportunity to be in some close quarters with Secretary Baker four weeks during the Economic Summit. Mr. President, I can tell you he's a diligent fighter for your causes. But, at the same time, he's a man that believes in bridges and he shares and has a wonderful spirit. Secretary Baker.

(Applause.)

Secretary Baker. Thank you, Lawton.

Ladies and gentleman, would you please bow your heads and join me in asking God's blessing on those whom he's called to serve his people across the United States and throughout the world.

Almighty God, you have called us to serve in the Government of communities, of counties, of states and nations. And, today, we ask Your wisdom in dealing with the challenges that confront us each and every day.

We are here, Lord, to rededicate ourselves to you and to the trust that you have given us. We recognize our shortcomings and we ask your help in finding solutions to the problems we face. Give us grace to see with your perspective rather than with our own limited and sometimes selfish view.

Your word exhorts us to seek justice and truth, as we seek improvement for the world and the enlargement of blessing for others, help us to be especially mindful of the poor, the sick, the homeless and the disenfranchised.

Open our hearts and minds to the needs and the ideas of others. Give us the humility to realize that we are not alone custodians of the truth; that Your truth may be found in the opposition as well as in the concensus among individuals, groups and nations.

Lord, you have bound us all together in a common life. Remind us that the give and take of political debate is not a contest of wills, but is a way of reconciling the needs and the wants of honest seekers for the right path. Grant us a respect for diversity that leads to peaceful solutions to difficult problems. Help us to work together with patience and with mutual respect. When we disagree with one another, let us do so without hatred or bitterness, remembering all the while that it is You and not we who stand in final judgment.

And, finally Lord, bless the leaders of our land and their families, the President and the Vice-President, the Members of the Congress, our state and local legislators, the governors of our states, the mayors of our cities, the judges and officers of the courts, from the Supreme Court to the smallest local jurisdiction.

And bless, too, Lord, all the men and women who serve in our Armed Forces. We rejoice at the large number of men and women in authority from other nations who have joined us here today. Their presence reminds us that we are all united as a vast community in Your service and in search of Your peace.

Thank you, Lord, for the opportunity you have given us to participate in public service. Be with us that we might make this a better world in which to live, not only for ourselves but for our children and our grandchildren.

We ask for all of this, Lord, in the Spirit of Jesus Christ.

Amen.

(Applause.)

Senator Chiles: And now it's my distinct honor to introduce to you our speaker for the morning. He's a colleague who lives and acts out his faith, a man who knows no separation between his faith and his life, and a man whose faith affects every decision and every aspect of his life.

Bill, together with Ellen, his wife, have been a spiritual help and a comfort to many, many couples in the Senate and connected with the Senate. As I introduce him today, I remember the Scripture in the Old Testament, when it says that the Lord visited Solomon in a dream. And He asked Solomon what would he wish. Solomon said that he wished for understanding and wisdom. And, today, I present to you a man who has the gift of wisdom and understanding. To share that wisdom with us, Senator Bill Armstrong.

(Applause.)

Senator Armstrong: Thank you.

Lawton, thank you for your generous words, far more than I deserve. I sure wish you'd been with me in Cortez, Colorado the other day though. (Laughter.)

In Cortez, Colorado, instead of getting a wonderful introduction like that, the person who was preparing to introduce me arose and began to ramble through a lengthy, disorganized introduction. And it finally occurred to him, Lawton, as he was speaking that, at some point in my life, I had been interested in a particular obscure portion of the Tax Code. And he began to explain the Tax Code to this audience. And he got about three or four minutes into it, and it finally dawned on him that this was getting completely off the rails. And he stopped and said:

"If I try to tell you any more about this, I'm just going to make a fool of myself and I don't want to do that * * * but Senator Armstrong will." (Laughter.)

Senator Armstrong: Thank you, Lawton. Thank you, ladies and gentlemen, Mr. President, Mrs. Reagan, Mr. Secretary, Admiral, distinguished guests, my colleagues. What a great morning!

I don't know about you, but I'm excited. This is a very, very special time for Ellen and me, and I really believe for our country and for all of the nations represented here this morning.

I want to join my colleagues in welcoming you to this unique gathering in a spirit of friendship, in a spirit of brotherhood and in the spirit of Jesus Christ.

As I look out into the audience, I see so many distinguished lawyers, I almost hate to bring up a legal issue. But I can't help recalling a particular lawsuit. It was not a great issue of Constitutional law, it was just a traffic case.

There'd been an accident and when it got to trial, the defense attorney got the plaintiff up there on the stand and he was grilling him and was cross-examining him. He was becoming more and more heated and energized and worked up.

And, finally, he exploded:

"How in the world can you be sueing my client when at the time of the accident, you told the investigating officers that everything was perfectly all right, that you felt fine?"

Well, the plaintiff, a farmer, looked up at the Judge and he said:

"Your Honor, I guess I must have said something like that, but let me tell you what actually happened. I was driving down the road in my truck, minding my own business, with my cow in the back of my truck, when, suddenly, wham, there was a tremendous collision. A sports car careened into me, and my truck was demolished. I was thrown into the ditch on one side of the road and my cow was thrown into the ditch on the other side of the road.

And, pretty soon, here came two men from the Sheriff's Department. They went over and looked at the cow, and one of them said, "This amimal is in agony."

The other pulled out his revolver and shot it. (Laughter.)

Then they came across the road to me and they asked "How are you feeling?". (Laughter.)

Well, my dear friends, I'm feeling great about the United States of America. I really am. (Laughter.)

(Applause.)

What a time and place to live. A country in an era in which a meeting like this can occur in the Nation's Capitol, where we can worship freely in the manner of our choosing, or decline to worship if that is our decision. And whatever we decide, we won't be discriminated against because of it.

Names will not be taken. The secret police will not follow us. We will not lose our job. We are a nation of incredible freedom not only to worship, but to publish, a vocation of economics, to travel, to do as we wish, a nation of incredible prosperity. I guess our per capita income is more or less triple that of the world in general. Two-thirds of us own our own homes. Eighty percent of us own automobiles. Seventy-eight percent of those arrive at the 14th Street Bridge at 7:30 * * * (laughter) * * * every morning. Ninety-eight percent of us own television sets. A mixed blessing, Mr. President. (Laughter.)

Unemployment is a problem, but the number of jobs we have in this country has doubled in the last three decades, more or less.

We're conquering disease at an amazing rate.

I am told that, in the century, the life expectancy of Americans has increased by forty percent, and that of minority persons has doubled.

If there was ever a nation in history that had a lot to thank God for, it's this country. How can any thoughtful person think about * * * (applause.) * * * how can any thoughtful person think about America and fail to say:

Praise God from whom all blessings flow. (Applause.)

But, there's another side to American life. There is a darker aspect of life in our country. There are trends which prompted Solzhenitsyn, certainly one of the most distinguished men of our century, to speculate on the doom of Western civilization. And the distinguished author, James Burnham, to write a book entitled "Suicide of the West." Perhaps you have read it.

Now, I do not share such pessimistic views. As a matter of fact, I can't recall a time in my own life when I ever had a greater sense of solid optimism about the future. I am not pessimistic. But, neither am I prepared, nor do I believe that there is a man or woman here today, who is prepared to ignore what is going on in the world; who is prepared to ignore the fact that eighty percent of the people on this planet live in conditions of slavery or conditions which are far less than completely free.

I do not think we are prepared to ignore the fact that famine is a fact of life in many countries. That torture is standard practice even in countries that we are pleased to think of as somewhat civilized.

That while our country is not at war, dozens, I guess four or five dozens of nations are under seige and we could awaken any morning and find that we've been dragged into such a conflict.

Thoughtful men and women must not be complacent about such things, nor about the realization right here in our own country, in our own hometowns and communities, that half of this year's marriages are expected to end in divorce.

Nor about the tidal wave of illegal drugs that are engulfing our schools and taking the lives and ruining some of our finest young people.

That abortion has become commonplace and infanticide and euthanasia are discussed openly and frequently.

That smut has becme a multi-billion dollar industry.

I am not an alarmist. I am not a pessimist. But let me tell you this:

If there was ever a time in the life of this country when we are to call forth our greatest energies and our greatest reforms and our greatest leaders, our most brilliant scientists, our most outstanding military strategists, our finest economists, our greatest statesmen this is such a moment in the life of our country.

Now, has it occurred to you that that is exactly who is gathered in this room today?

I don't know of any occasion anywhere in the world where an audience of such distinction from so many nations, leaders of parliament, great judges, outstanding military men and women, journalists, leaders of the business and arts and professions are gathered in a single room.

And, yet, I can say to you with great confidence that I do not think there is a single one of these talented and famous men and women who are gathered here today who would come before you and say that, within the vocations and disciplines to which they have given their lives, they have discovered the answers to the most serious questions of life, the things that have preoccupied thoughtful men and women down through the centuries:

Who am I? Where did I come from? What is life all about? Is there a God? What is His plan? What happens when I die?

I might be wrong, but I don't think there is one of my colleagues, not a single Senator, who would come up and suggest a political solution for the great issues of life.

There are some famous economists in the room, and I don't think one of them would suggest an economic answer to such a matter, nor a military strategist, nor a diplomat who would say that, within diplomacy or military science, he or she had discovered the answer to such issues.

On the contrary, as I look around the room, I see men and women who have been on the cutting edge, who have looked long and hard at life and who, if they had the privilege that I have today, would say, as I am about to, that it is impossible to answer these questions or even make sense of life except by reference to the birth and life and death and resurrection of Jesus Christ.

(Applause.)

Some of you in the room knew Dr. Charles Malik, who passed away recently. He was certainly one of the most distinguished men of our time. Honored with degrees by more than 50 universities around the world, a skilled diplomat, he served his country in the United Nations.

After a lifetime of service and thought and reflection, a man of vast experience and great wisdom, he put into words what I think many of my colleagues would tell you.

After wrestling with tough issues, tough problems, Dr. Malik wrote these words:

"The needs of the world are much deeper than political freedom and security, much deeper than social justice and economic development, much deeper than democracy and progress.

The deeper need of the world belongs to the sphere of the mind, the heart and the spirit, a sphere to be penetrated with the Light and Grace of Jesus Christ."

Another person I admire greatly, a business man who became one of the greatest evangelists of all time, travelled the world and made friends with people in every walk of life, with students and prisoners, with Prime Ministers and Kings and Presidents and people everywhere all over the globe.

And after three decades of doing so and considering the hurts and cares of mankind, he summed it up ever so simply. He said:

"If we are going to change the world, we must first change men's lives. Only Jesus Christ can change men's lives."

I am, myself, the living proof of Christ's power to do so.

Dr. Graham, I know that at the conclusion of your Crusades, you will often invite those who have made a life-changing decision to stand up and come forward.

I heard of a preacher who did that one time at a service, and he summed up a lengthy and very persuasive sermon by saying:

"Now I want everyone in this room who wants to go to Heaven to please raise their hand."

Well, just about every hand in the room went up. There was one man who didn't raise his hand. Why, he didn't twitch, he didn't move, he didn't blink, he didn't do anything. And the preacher invited everyone else to put their hands down and looked at this man and said:

"What's the matter with you, sir? Don't you want to go to Heaven when you die?"

"Well, of course,," the man said, "I want to go to Heaven when I die. I thought you were making up a load to leave right away." (Laughter.)

That was my spiritual condition when I came to Washington as a member of the Congress. I had decided as a boy that what was important in life was to make a lot of money, to be in business and own some companies and drive a big car and get into the country club. And before I was old enough to vote, I set out to do exactly that. And I was in business for myself when I was 20, and was an owner of several companies by the time I was 25.

And then I shifted gears and thought politics would be great, ran for the State Legislature, ran for Congress. And when I came to Washington, when Ellen and I came about 15 years ago, we had really achieved all the things I'd dreamed of as a boy.

I did own some companies. We made a lot of money. We had a lot of friends. I'd been elected to the Congress. I was going down to the White House and giving advice to the President, whispering in his ear * * * your predecessor, sir * * * (laughter) * * * who was cautious about taking my advice, as you have been as well. (Laughter.)

What I discovered, as so many of my colleagues—and I look around the room and I can see it in their faces, because I've talked to them about it—what I discovered is the things that I thought were important are not. What I thought meant success does not.

What I believed made a person fulfilled and significant does not. And in that setting, at a time of deep despondency, having within my grasp the things I thought I cared about, I realized that they didn't count for anything.

And someone came along and said to me: "Bill, God loves you and has a wonderful plan for your life." And explained in very simple terms how a person could have a personal relationship with the Living God through Jesus Christ. And in the little chamber known to some of you, the Joe Martin Dining Room, which is a tiny room under the U.S. House of Representatives, not a holy setting really, I decided to give my life to Jesus Christ, and a change which is beyond my power to put into words came over me—beginning that day and continuing to this day.

This is not the moment, nor is there time, for me to tell you at length how it has revolutionized my relationship with my wife and our chldren and my colleagues and my constituents and my business associates.

But let me just say that I am the living proof of the power of Jesus Christ to change men's lives.

The most important thing and the reason why I don't want to dwell on my own experience is that it is not unique, it is not unusual. In fact, last night, Ellen and I dined with some men and women from Argentina and Central America and from the Pacific countries, and we played the game that sometimes we play in our home when we're with people we have not met before, and just ask each of them to tell us something about themselves, about their family, and so on. And one after another, not by prearrangement or by rehearsal, they told how their lives had been changed by Jesus Christ.

Over and over again, from thoughtful men and women, that is the report that we have heard.

Three years ago at this breakfast, one of the greatest political leaders in the world came. And after the breakfast, he met with a little group of us and talked to us with great candor and with considerable emotion, because he is a leader within a terribly troubled country, a country of great racial intolerance, a country which teeters on the brink of civil war, a country which has enormous difficulties.

And he is a man who has tried to bring about justice within his country and to avoid bloodshed.

And as he told us something of the developments in his country, about the threats on his life, about the political problems that he was confronting, tears began to stream down his face and he summed up in these words. He said:

"I just don't see any hope for my country except in Jesus Christ."

Nor was this the counsel of despair. It was the thoughful, considered judgement of a man of great wisdom who has considered seriously and arrived at a conclusion with respect to the claims of Jesus Christ.

Is it any wonder that one of our greatest Presidents confided to his friends that he didn't see any hope for reducing the tensions among nations until the leaders could come together to pray?

Or that the man who came to Washington in a big government job a few years ago now looks back and says his greatest accomplishment was starting Bible studies.

We've heard it from Latin America. We have heard it from Asia. We have heard it from Europe:

Jesus Christ is the hope of the world.

My dear friends, this National Prayer Breakfast is a time which is so special that there are scarcely words to express it, a time of fellowship, of friendship, to renew acquaintances, a time for us to elevate our perspective and our thought life and to think about great issues. But it is, it seems to me, more than anything else, a time to fix our gaze firmly upon Jesus Christ who promised forgiveness of sins, the right to become children of God, eternal life and, in this life, the fruits of the spirit—peace, joy, gentleness, self-control.

And so it seems to me that it is along these lines that we ought to pray, that we keep our gaze, our attention, our focus on the Lord Himself. And that, in doing so, we will discover, as did St. Peter, you know the story that as long as we have our gaze focused on Jesus, we can do anything. Even as Peter discovered, we can walk on the water.

Would you pray with me to that end?

Our heavenly Father, we are rejoicing on this occasion in our relationship with each other and with You. And it is our utmost prayer that You will help us to keep our eyes focused on Jesus Christ, that You will take away the obstacles between us and Him; that You will help us to live so that Christ's Love will be reflected in our lives, even so that the first thing that comes to mind if someone sees us on the street or hears of our name is not us, but of Christ.

Holy Father, teach us to pray for those in this room and within the circle of our friends; and give us the boldness to introduce Christ in our communities and where we work. And if there might be even persons in this room who have not come into a saving relationship and a personal knowledge of You, that you will touch their heart now and let them know that, even by giving silent assent to this desire in their heart now, that You will come in.

Lord, make it possible for people all over the world to be touched by and to know Jesus Christ. And help us especially, the leaders of nations, to understand the revolutionary power of Christ's Love, which is greater than ideology or armaments.

We ask it in great faith and confidence to Your Glory through Jesus Christ, Your Son. Amen

(Ovation.)

Senator CHILES. What a wonderful, wonderful message.

Mr. President, this is the 8th Prayer Breakfast that you have participated in. And in the 36 years of this event, no President and his Lady have been more faithful in their participation or more helpful in all of the events surrounding the breakfast, the meeting and greeting and entertaining of our foreign guests and dignitaries than you and Mrs. Reagan. And we wish to extend to both of you our sincere gratitude for that.

And now I present to you the President of the United States.

(Ovation.)

President REAGAN. Thank you. Thank you very much.

(Ovation.)

President REAGAN. Thank you.

Thank you and thank you all very much.

You know, hearing these wonderful young men from Wheaton College here took me down Memory Lane a little bit. Of course, some years ago, before they were born and, well, possibly before some of their fathers were born * * * (laughter) * * * I played football against Wheaton College. And it's kind of nice that I can say here if one of them asks me:

It ended in a tie game. (Laughter.)

At the risk of sounding facetious, I just want to say here in this room has it been so eloquently stated by the people who have spoken already about the uniqueness of how all of us and from so many different heritages have come together here in the name of that one Man.

I have long been unable to understand the atheist in this world of so much beauty. And I've had an unholy desire to invite some atheists to dinner and then serve the most fabulous gourmet dinner that has ever been concocted.

And after dinner, ask them if they believe there is a cook. (Laughter.)

(Applause.)

Well, I want to thank each of you for being here today and for sharing with us the spiritual message that God has placed in your hearts.

God's love shines through every word. His truth is the ultimate power source and it's always there. It's available to ministers of the Gospel, Presidents and the local grocery clerk. His comforting hand, well, I could never carry the responsibilities of this high office without it.

Our forefathers drew on the wisdom and strength of God when they turned a vast wilderness into a blessed land of plenty called the United States of America. God has truly blessed this country, but we never should fall into the trap that would detract from the universality of God's gift. It is for all mankind.

God's love is the hope and the light of the world. Recently, a letter found its way to my desk, I'm pleased to say. And in that letter was a copy of a prayer. It was sent to me by a woman who had lost her husband in World War II. This prayer had been written and delivered in a shell hole during World War II. It read:

"Hear me, oh God, never in the whole of my lifetime have I spoken to You. But, just now, I feel like sending You my greetings. You know, from childhood on, they've always told me You are not. I, like a fool, believed them. I've never contemplated Your creation. And yet, tonight, gazing up out of my shell hole, I marvelled at the shimmering stars above me and suddenly knew the cruelty of the lie.

Will you, my God, reach Your had out to me, I wonder? But I will tell You and You will understand is it not strange that light should come upon me and I see You amid this night of hell?

And there's nothing else I have to say. This, though, I'm glad that I've learned to know You. At midnight, we are scheduled to attack, but You are looking on and I am not afraid. The signal . . . well, I guess I must be going.

I have been happy with You. This more, I want to say:

As You well know the fighting will be cruel and even tonight I may come knocking at Your door. Although I have not been a friend to You before, still, will You let me enter now when I do come?

Why I'm crying, on God, my Lord, you see what happens to me; tonight, my eyes were opened. Farewell, my God, I'm going and I'm not likely to come back. Strange, is it not, but death I fear no longer."

And he did not come back. This prayer was found on the body of a young Russian soldier killed in action in 1944.

I also received some letters—five letters, in fact—from Russian soldiers in Afghanistan—who had deserted their government and their army.

Each one of them wrote a letter to me. And in that letter revealed their belief in God. And that they had deserted not out of fear of battle, but because they could not carry out the unholy orders that have been given.

And just last week, we did get them out. Their plea was for sanctuary. One of those five was in my office; a handsome young man in his early twenties. And it was evident, and not only from his letter but from his words when he was thanking me for what we had done, that he believed in God.

I asked him how much of what he felt, how much religion did he believe there was in his own country. he said:

"Well, among the young people like myself, it is spreading fast."

So I know with all of us here and brought together as we've been told so often this morning, in His Name, I just thank you and God bless you all.

(Ovation.)

("Happy Birthday" sung to President Reagan.)

(Ovation.)

Senator CHILES: And now we're about to be blessed with a woman with a beautiful voice and heart.

Patricia Barnes was born and raised here in Washington, D.C. and she's dedicated her heart to sing of Christ's love for those of this inner-city. She often sings for the benefit of the homeless and the needy and for those in prison.

Today, as Pat sings, "Great Is Thy Faithfulness" we are reminded of Christ's abiding love for each of us, and singing the closing song and then leading us together in one stanza of "Amazing Grace", Patricia Barnes.

(Ovation.)

(Songs by Patricia Barnes.)

Senator CHILES: Even more. It just gets better and better. Many of us get an opportunity to come here and just arrive and make our ways to our seats and enjoy the program.

But, you know, behind the scenes, can you just imagine how many hours of work that goes on, and that's all done by volunteers, lay people—they're not professionals, they're not preachers. This whole Breakfast and all of the logistics and everything that takes place is done by people that volunteer and serve in that.

Let's give them a hand, if we can.

(Applause.)

Senator CHILES: We've been so 'specially blessed this morning with many, many special guests, many Godly men and women. And coming to close this with a few words of prayer is a man that's known to all of us.

He's a teacher. He's an encourager. He's a proclaimer of the truth. A man of prayer and a man of God.

And we're told that God does not raise up a prophet today. But I think that we know that, if He did, he'd look like Billy Graham.

(Laughter.)

(Applause.)

Dr. GRAHAM: President Reagan, Mrs. Reagan, Senator Chiles, Senator Armstrong, distinguished guests, it's been my privilege to be here at every Prayer Breakfast since the very beginning, except two. And that was when I went out to speak to troops when they were fighting out in other parts of the world.

And I was here that first one, and I think I've given the message here about 12 or 15 times. So I've been a part of this Prayer Breakfast, and now I've been here so long, they don't know how to drop me. (Laughter.)

And so I'm here again. But, of all the Prayer Breakfasts that I have been to, this one, I believe, has honored Christ more than any that I can remember. And I keep saying * * * (applause) * * * that.

(Applause.)

Dr. GRAHAM: And since this is the last Breakfast, the Prayer Breakfast, that President and Mrs. Reagan will be in their official capacity, I would like to take this opportunity again to thank them for the wonderful messages that he has brought since being here. And this morning was one of the best he's brought—maybe the best.

And we're very grateful for the moral and spiritual leadership, Mr. President, that you have given the country, and the example you and your wife have set in teaching what love and loyalty between husband and wife can be has been a tremendous inspiration for us.

(Applause.)

Dr. GRAHAM: And, Mrs. Reagan, I want to thank you for the many projects you have instigated and especially your emphasis on fighting the terrible evil of drugs in this country.

(Applause.)

Dr. GRAHAM: George Washington was our first President, the first Commander-in-Chief, who led the Revolution. And, without him, there might have never been an America. He was a man of deep faith. And when he left home, his mother told him:

"Remember that God only is our sure trust. My son, neglect not the duty of secret prayer."

He never forgot her words. And as a young man, he began to keep a little diary in which he recorded his private prayers. And in that little volume, he wrote these words:

"Oh, most glorious God, I acknowledge and confess my faults and sins. Direct my thoughts, words and work, wash away my sins in the Immaculate Blood of the Lamb and purge my heart by the Holy Spirit. Daily frame me more and more into the likeness of Thy Son, Jesus Christ.

Thou gavest Thy Son to die for me and hast given me assurance of salvation upon my repentance and sincerely endeavoring to conform my life to His holy precepts and example."

We've heard this morning that same message that George Washington wrote in his little book, because George Washington and some of those early Founders of America were firm believers in the Gospel of Jesus Christ.

And they believed in the fact we need to repent of our sins and turn by faith to Him; and they did that.

And may we have the same assurance and commitment this morning.

I'm going to ask that we all stand.

The hymn, "Amazing Grace", was written by John Newton, who was a slave trader on the west coast of Africa. One night, caught in a thunderstorm on a ship, a slave ship, he was frightened, and he knelt down and received Christ into his heart and went back to England and became one of the leaders of anti-slavery and social justice.

But he was a great preacher of the Gospel and helped to write more than 5,000 hymns, of which "Amazing Grace" is one of them.

The transformation that can take place in a man or a woman's life. It is my prayer that, as you leave here this morning, that that will take place in your life.

Shall we pray:

And now unto Him who loved us and washed us from our sins in His own blood, and has made us kings and priests, unto Him be the glory and the honor and the majesty, forever and ever and ever. Amen.

(Pause.)

(Ovation.)

(Concluded.)●

BOOKS MAKE A DIFFERENCE

● Mr. QUAYLE. Mr. President, recently I met with a young constituent of mine, Melissa Ann Johnson, who won a national essay contest sponsored by Read magazine and the Center for the Book. This contest was open to students throughout the Nation, and the topic of the contest was "The Book That Taught Me the Most About Freedom."

I want to congratulate Melissa and her family and ask that the attached description of the contest and Melissa's award-winning essay be printed in the CONGRESSIONAL RECORD for my colleagues to read.

The material follows:

THE MANY FACES OF FREEDOM

In issue 5 of Read, we announced our sixth annual Books Make a Difference contest, sponsored in cooperation with the Center for the Book in the Library of Congress. This year's entrants were asked to write on the theme "The Book That Taught Me the Most About Freedom."

Judging from the enormous number of entries we received, books of all kinds carry important messages about freedom. The many thought-provoking entries were evidence that freedom has many faces.

Readers took their lessons from a wide range of books. One of the most frequently mentioned was Mark Twain's classic "Huckleberry Finn. For many readers, this book captured an individual's struggle for freedom. Many readers found a different meaning for freedom. They cited several biographies of Dr. Martin Luther King, Jr., for the inspirational lessons they taught about one man's struggle for many people's freedom.

Young adult favorites such as Roll of Thunder, Hear My Cry by Mildred Taylor and "Across Five Aprils" by Irene Hunt were also frequent choices. These books, said readers, showed that courage and freedom often go hand in hand.

Winner Melissa Ann Johnson of Churubusco, Indiana, chose one of the most frequently mentioned books in the contest, "Anne Frank: The Diary of a Young Girl," as the subject of her essay. Melissa is an eighth grader at Churubusco Junior-Senior High School. She is very active in sports, a member of the volleyball, basketball, and track teams. Her summers are filled with 4-H Club activities.

"The Diary of a Young Girl," Anne Frank's classic, is a book that needs no introduction. It is a work that has had an enormous impact on millions of readers; and as you will see in Melissa's essay, it is a book that carries a personal message about freedom.

THE MEANING OF FREEDOM IN ANNE FRANK: THE DIARY OF A YOUNG GIRL

The book that has taught me the most about freedom is "Anne Frank: The Diary of a Young Girl." I took freedom for granted before reading this book, but I never will again. It was Anne herself who made me realize what a priceless treasure freedom is.

I have been aware, from news on TV and in the newspapers, that people in many parts of the world are struggling for freedom. I felt sorry for them, but their suffering always seemed too horrible to be real to me. It took a diary written by a girl my own age, interested in the same things I am, to reach into my heart and show me what life without freedom would be like.

As I read about everyday privileges being stripped away, and the persecution Anne experienced because of her religion, I began to understand that freedom is more than politics, laws, or wars. I felt Anne's anger, pain, and fear as she struggled to grow up in a world that made no sense. I was moved by Anne's determination to remain normal despite her extraordinary circumstances.

Anne's character and courage taught me that freedom can exist even in the midst of terror and hatred. Rather than sink into self-pity and be frozen with fear during her time in hiding, Anne's spirit allowed her to believe in people's goodness, to embrace life, and to search out positive values. She refused to sink to the level of the Nazis; she dreamed of a gentler world; she left us with an example of the true freedom of the human mind.

Anne's diary also showed me that I can never again look the other way when tyranny threatens any individual's freedom. Her voice has accomplished what the enemies of freedom tried to prevent. A young girl from the past has reached into the present, touched another, and made her truly understand freedom for the first time.●

JON GAILMOR

● Mr. LEAHY. Mr. President, American author James M. Cain once wrote: "A guitar has moonlight in it."

I often think that Jon Gailmor carries our whole State of Vermont around in that instrument. His songs capture the humor, spirit, resolve—not to mention a few of the foibles—of the folks who live in our State.

The Leahy family has known Jon for many years. We are friends as well as fans.

On one of his visits to Washington, Jon could not resist getting out his guitar. He launched an impromptu sing-in one day in a committee room we had reserved for staff making blood donations on behalf of my son, Kevin.

The music drew the attention of aides and secretaries from all the adjoining offices. The audience filled the room and spilled on into the hallway. They were enthralled by the magic of Jon's performance.

Mr. Cain's description applies to a performer like Jon Gailmor. For those who did not get the chance to meet or hear him, I want to introduce Jon to you through this very fine story written by Gary Moore, which appeared in the County Courier on February 26. I ask that it be reprinted in the CONGRESSIONAL RECORD, Mr. President, so that the public can also learn about this accomplished Vermont artist.

My favorite memory of Jon is of a weekend he and Cathy spent with Marcelle, myself, Kevin, Alicia and Mark in Washington. One warm evening Jon and our family sat outside while Jon made the night alive with a moving and touching concert. How fortunate for us.

The article follows:

JON GAILMOR—LOST IN SONG

(By Gary Moore)

A friend once told me she was going to see Jon Gailmor perform, and I asked if she was a fan of his singing. "I do like his singing," she replied, "but to tell you the truth, I also really like to see his bicep coming out of his shirt-sleeve."

Is this any way to talk about Mr. Just Kidding, proprietor of Vermont's long-running radio program for children? I mean, are you telling me this Mr. Rogers is really John Travolta, or what?

Well, neither and both, and much, much more. Jon Gailmor is a varied and complex man who eludes simple labels. He widely explores the realms of human life and sings the poems of his discoveries in the songs he writes. He performs those songs at banks and Scout meetings, nursing homes and colleges, corporations and art councils, folk festivals and rock clubs.

The elusiveness, the richness and the life-affirming spirit of Jon Gailmor are all abundantly expressed in his newly-issued Green Linnet album, Generations.

"In some ways," Gailmor said, "this album should have been called All of Me, but that was taken." While it is true that the record's 11 songs are deep in personal history and emphasize their author's recent life as a father, Gailmor has used the magic of art to transform his experience so that it is not just his. The album might even more appropriately be called All Of Us.

Generations is a set of songs for the human family. The songs include pregnant moms; a guy "shocked, elated, thrilled, afraid," at finding out he's going to be a father; babies giggling and pooping; kids in a one-room schoolhouse; a man trying to make a living; grandparents at the zoo; and even the saga of a neurotic pet dog. The album expresses anger, loss, compassion, nostalgia, hope for the human race, sex with a wink, and, most of all, joy. Because, no matter how Jon Gailmor and his music elude easy labeling, he is a man of joy, and he celebrates the dark and the light, the rough and smooth of life, at all ages, through his music.

And is life always wonderful for such an affirmative and talented man? Apparently not. Generations opens with "Solo," a wailing, scatting complaint about the struggle a singer faces as he tries to get across to an audience:

So why should I pour all my guts out,
When they're only received by the floor.
Give me one set of eyes, looking my way,
And I'll sing to 'em out there some more.

The desire to get across, to "bridge gaps," as he puts it, is strong in Gailmor. Blessed with a secure childhood and the open and encouraging atmosphere of his first school in Miquon, Pa., near Philadelphia, he was stunned and alienated when, in seventh grade, he found himself in a city school with no warmth, no personal attention.

"At Miquon, there were no gaps," he explained, "but junior high was all gaps." Here his grades suffered with his morale, and he took to fooling around and making trouble, as if to try to get across to somebody that something was wrong.

Gailmor sang in choruses in junior high ("Even the automaton music teacher couldn't turn that off.") and throughout high school and college. But it still was many years after the communication paradise of Miquon that he discovered that he could get across to people with his individual voice, in song. It was still more years after the start of his singing career, in 1971, before he mastered enough art and confidence to release a first solo album of his own songs, Passing Through, on Green Mountain Records, in 1978.

The Elmore resident reports that his most eye-opening experience was the discovery, in 1971, while singing American pop songs in European cafes, that he could do "just what I wanted to do more than anything else in the world, and get paid for it."

Along with the pure joy of playing and singing came the benefit of bridging gaps. Bridging gaps between ages, between kinds of people, between kinds of music, and between the U.S. and the U.S.S.R., as he did on his recent tour of the Soviet Union with Project Harmony.

Two more solo albums on Philo, Gonna Die With A Smile If It Kills Me (1980) and Dirt (1983) confirmed Gailmor's transition from song interpreter to the role of a more complete artist, fully responsible for the music and the meaning of his own songs. "I want to affect people," he said, "to have them feel. Feel silliness, sorrow, anger—because feeling is the essence of humanity. I want people to be different, to feel different because they've heard me."

Gailmor knows that some of the emotion he expresses in his songs can be hard for people; they can be hard for him too.

Taught myself to stifle anger he sings on his new album,

Back in the days when I could hide.
I could open a bottling plant for All the
things I've pushed inside.
("Lost In Song")

Writing as he does from personal experience and singing as he does with passion requires Gailmor to reveal a lot of himself. On Generations, he confesses to a sentiment quite unpopular since the dawning of the human-potential movement:

So, don't tell me to smile.
Don't want to have a nice day.
Let me stew in my juice.
What if I need to be this way?
("Don't Tell Me To Smile")

In another song, he offers very different revelations to his infant son, Aaron:

So hard to leave you, and just between us,
I wish I could feed you like your mommy
does.
Your wandering eyes bring tears to mine.
You trust me like none in my time.
I'll teach you reading, and I'll teach you
how to strum, If you'll teach me how
to flail away.
("Flail Away")

Gailmor's experiences with fatherhood provide the poetry for two of the album's songs, the rocking and richly-arranged "Somebody Gonna Change My Name To Dada," and the acapella "Flail Away," on which Gailmor uses his voice like a choir.

"I thought I'd known joy before," Gailmor said, beaming, "but that child has brought such a new level of joy!" And wonder. "Children are full of wonder," he said, "little bastions of wonder. They renew me. Working with children is like getting a wonder charge."

Gailmor's new songs, like his own open-faced presence, are charged with wonder, are full of the child-nature this mature artist has been able to keep alive. You hear it in his love of the "four-eyed cow with fangs" in the title cut "Generations," and in the touching memoir of his grandparents, "Jacob and Eva," with its warm and old-worldly flute, cello and oboe setting.

The human richness of Generations is as various as its repertory of musical styles—rock, jazz, blues, folk, classical—played and sung by some of Vermont's finest musicians. The album's themes and styles are not easy to categorize, something that seems perfectly appropriate as an expression of this poetic songwriter, who says his choice is for a life that "does not compute," but one that reaches out, as in "Lost In Song";

How I long to know your music.
Play me what no words can say.
I love what I learn about you,
When you're lost in song.●

SAVING THE JERSEY SHORE

● Mr. LAUTENBERG. Mr. President, the summer of 1987 will long be remembered by those of us in New Jersey. Officials closed beaches over 100 times because the water was not safe to swim in. Hundreds of dolphins died from mysterious causes and were washed ashore on New Jersey and other east coast beaches. And a garbage slick that included hospital wastes and syringes polluted beaches in New Jersey.

A recent article in the April 1988 issue of New Jersey magazine, "Why We Must Save the Shore," describes the efforts being made to protect the shore. I bring it to the attention of my colleagues, to highlight the need to move forward on the Federal level to protect our precious coastal environment. I ask that this article be printed in the RECORD.

The article follows:

WHY WE MUST SAVE THE SHORE—THE LAST WAVE?

"The sea has many voices." So wrote T.S. Eliot—cribbing a bit from the Bible—and multitudes of New Jerseyans can bear witness to the fact. A great flood of rhetoric—emanating from politicians, industry spokesmen, academics, lobbyists, environmentalists, and disgruntled vacationers—has been washing over the state ever since the sun set on the summer of 1987. You remember the infamous Summer of '87. It was the summer when the tides bore dead dolphins ashore, along with their customary cargo of weedy kelp. The summer when beachcombers found syringes sticking in the sand like tiny poison darts from the deep. The summer when a twenty-foot runaway log bucked through the surf in Mantoloking, fracturing the skull of a five-year-old boy. The summer when, on three occasions, garbage bobbing in the Atlantic Ocean was backed up further than traffic on the Garden State Parkway. The summer when a Sea Bright lifeguard commented on the condition of the water by saying, "I wouldn't go in it unless I had to save someone's life."

In the aftermath of all the wet-blanket headlines (Calls, Letters Report 'Beach Illnesses'; On the Jersey Shore Business Crumbles Like a Sand Castle) came a flurry of post-season press conferences, polls, lawsuits, and legislative hearings. A kind of sun 'n' surf hot-stove league has sprung up, with official and unofficial experts hopscotching between various forums where they are called upon to ponder exactly how much damage has been inflicted upon the state's 127-mile coastline.

One such gathering—billed as "a major public policy symposium"—was held last October at the Toms River Holiday Inn. The atmosphere was not entirely downbeat. A hundred or so people watched John Simas, manager of Ciba-Geigy Corporation's Toms River pharmaceutical plant, labor over a gigantic flowchart packed with filtration tanks coursing with red and blue arrows—and then declare the bottom line was that baby shrimp are thriving in his plant's carefully treated wastewater. Simas, therefore, sees no reason that Ciba-Geigy—one of only three companies still legally discharging industrial waste into the ocean (Allied-Signal Inc. of Morristown and Delaware's giant E.I. du Pont de Nemours & Company being the other two)—shouldn't be permitted to continue flushing 4 million gallons a day of its spiffed-up effluent through a pipeline that empties just 2,500 feet off Ortley Beach.

G. Fred Lee, distinguished professor of civil and environmental engineering at New Jersey Institute of Technology, poo-pooed some of the hazards associated with ocean pollution, noting that consumers are twice as likely to contract cancer from drinking milk as they are from eating PCB-contaminated fish. "We may have gotten our environmental fish risk out of kilter with everything else," Lee observed. And Dr. Robert Abel, president of Princeton's Marine Sciences Consortium, hinted at the possibility of recycling raw sewage in truly wondrous ways: "I have seen with my own eyes some beautiful building blocks . . . Perhaps in the future you'll be able to build your rec room and birdhouses out of construction materials which you will enjoy without worrying about their source."

An intriguing thought . . . but when panel moderator Gordon Bishop—the *Star-Ledger* environmental reporter who confessed that "for good reason" he hasn't gone swimming in the ocean in three years—began taking questions from the floor, it was clear that the audience wasn't interested in the Incredible Toilet-Bricks of Tomorrow. The first questioner indelicately reminded Simas that Ciba-Geigy renovated its treatment plant in response to a 206-count federal indictment in 1972 for pollution violations and public outcries over fish kills in the Toms River. He cited rumors of mutant Ciba-Geigy shrimp, then bluntly inquired, "After your state-of-the-art treatment and before it's pumped into the ocean, would you, your wife, and your kids swim in it?

"I don't think I'd swim in it," Simas allowed, immediately qualifying his response. "But you're not swimming in our treated effluent. You're swimming in an effluent that's significantly dispersed in the ocean."

You mean *diluted*," the man barked back, redfaced and indignant. "We want an accelerated test. We want *you*, *your* wife, and *your* children to swim in it and let us know quick what's gonna happen."

What is gonna happen? Can so delicate an ecosystem survive in anything resembling its natural condition as America's most densely populated state goes barreling toward the 21st century? Those are the larger questions dredged up by the summer's calamitous events. "Last summer was a shock," says Cindy Zipf, coordinator of Clean Ocean Action, the biggest and perhaps most influential of the Shore citizens' groups. "No matter what makes you tick or what the ocean means to you, somehow it was violated."

Of course, the violation of the ocean has been going on in earnest for decades. In 1931, for example, the U.S. Supreme Court issued an injunction barring New York City from dumping garbage into its surrounding waters. Trash sloshing up on New Jersey beaches constituted "a menace to public health," and New York was given a "reasonable time" to develop disposal alternatives. The city stretched "reasonable time" to elastic limits: It has yet to find a practical solution to its garbage woes. Barges continued to slop six-pack rings, hospital fluid bags, and unidentifiable gunk overboard on trips to Staten Island, where the Fresh Kills landfill swells by 22,000 tons every day. And every day 2 million gallons of toxic leachate drips from the percolating refuse into Raritan Bay, headed for points south.

New York, king of the slob municipalities, is just one piece of the degradation puzzle. While the ocean is no longer a free-for-all cesspool (a decade ago, 200 companies were busy deep-sixing assorted junk), dumping—at reduced but nonetheless disturbing levels—continues at five locations:

The Mud Dump, a two-square-mile site six miles east of Sandy Hook, is the final resting place for some 6 million cubic yards of river muck dredged annually from harbors and navigation channels by the U.S. Army Corps of Engineers. The Environmental Protection Agency (EPA) supervises this and all but one of the other sites. In this instance they are not dealing with run-of-the-mill mud. As might be expected given our polluted heritage, the silt is laced with PCBs, lead, zinc, and other heavy metal villains.

The Cellar Dirt Site, a one-square-mile unloading zone seven miles east of Sandy Hook, has been in use since 1940. It accepts unwanted rubble scooped up at New York and New Jersey construction sites. Millions of crabs and starfish have probably been crushed to death over the years, but this is considered the least offensive of the ocean dumps.

The Acid Waste Dump, nine miles east of Asbury Park, is the province of Allied-Signal. The EPA permits the company to discard 59,000 wet tons of hydrochloric acid a year generated by its Elizabeth chemical plant.

The Wood-Burning Site is seventeen miles east of Point Pleasant, beyond U.S. territorial waters and therefore out of the EPA's jurisdiction. Although it is not a dump per se, nearly 49,000 tons of pilings and driftwood are barbecued there annually. The wood is burned on barges that don't have smokestacks equipped to collect soot. Timbers rolling off the barges occasionally turn up as floating battering rams that send swimmers scurrying for safety.

The 106-Mile Dump, due east of Cape May, is currently the most active repository. It is actually two contiguous sites. In December, du Pont applied to the EPA for its third three-year permit to dump a total of 225,000 wet tons of acid waste. The industrial stew—a byproduct from making paint pigment and the whitening agent used in Oreo cookie fillings—contains generous helpings of iron chloride, as well as pinches of cadmium, mercury, arsenic, lead, copper, chromium, iron, nickel, titanium, vanadiun, and zinc. Du Pont, the target of a boycott by New Jersey fishermen, has not dumped at the site since last March.

The sludge dump at the 106 has more than picked up the slack. In December, the original sludge site ten miles off the coast of Sandy Hook (the notorious "Dead Sea") was closed. The EPA elected to shuffle all that sewage waste—8 million wet tons in 1987—farther out of sight. Westchester and Nassau counties have permits to dump at the 106-mile site, as does New York City which is also spewing 5 million gallons a day of raw sewage into the Hudson River.

Six New Jersey sewage authorities also utilize the site: Bergen County Utilities Authority, Linden-Roselle Sewage Authority, the joint Essex-Union Counties Sewage Authority, Rahway Sewage Authority, Middlesex County Utilities Authority, and Passaic Valley Sewage Commission. Those six contributors account for half of the state's sewage sludge. The remainder is being incinerated, used as fertilizer, composted, or trucked to out-of-state landfills.

The sewage problem is more insidious than it appears on—or below—the surface. Many sewer systems in New Jersey were designed a hundred or more years ago. They cannot cope with the modern demands being placed on them. Hudson County towns such as Union City, West New York, and Weehawken have stopped trying and are illegally jettisoning raw sewage into the Hudson.

In waste management parlance, "primary" treatment is the now obsolete method of crudely separating liquid and solid waste by sedimentation. Secondary treatment goes a step further and biologically cleanses the waste. According to Eric Evenson, acting deputy director of the state Department of Environmental Protection's (DEP) Division of Water Resources, all sewage permits in New Jersey currently require "advanced secondary" treatment. But requirement and compliance are two different things. There are approximately 400 nonindustrial sewage treatment facilities statewide, nineteen of which discharge directly into the ocean or back-bay areas, with many of the others indirectly discharging into the ocean via the 106-Mile sludge dump. Of those 400, Evenson says 105 need to undergo significant construction or expansion to meet DEP standards. Five plants along the coast use outdated primary or "inadequate secondary" treatment techniques. They must be upgraded or replaced by July 1. The original deadline was 1977.

Evenson adds that the state's sewage treatment is noticeably improving but admits that a thoroughly modernized system would require the expenditure of perhaps billions of dollars. In the northern counties, sewer lines are as antiquated as the New York City subway system. The main flaw is the reliance on combined sewers, in which sanitary sewers are linked to storm sewer grates, roof leaders, and other all-purpose drains. When it rains, the strained systems often back up, so the sluice gates are thrown open, treatment plants bypassed, and raw sewage mixes with chemically contaminated runoff from thousands of streets and shingled roofs before it empties into a river or stream—and eventually winds up in the ocean, untreated and unhealthy.

An even more troublesome situation stems from the fact that private companies are piggy-backing on the public sewers. When Congress passed the Clean Water Act in 1972, it tacked on a provision that allows industrial waste to be discharged into municipal sewer lines. In New Jersey, the DEP has the responsibility of issuing special Discharge Elimination System Permits that set limits on the amount of toxic material and heavy metals that can be flushed. "The spirit of the law," says Rob Stuart, legislative program director of New Jersey Public Interest Research Group (NJPIRG), "was that as technology got better, they should phase out."

That hasn't happened. Leroy Cattaneo, chief of the bureau of waste management at the DEP's Division of Water Resources, says, "Heavy metals in the sewage system itself has not been presented as a problem." NJPIRG disagrees. Discharge permits are largely self-monitoring: Companies file quarterly reports listing the levels of various pollutants they've pumped into sewer lines. NJPIRG monitored some of the self-monitors.

"We looked at 24 sewage treatment plants that have large industrial input," explains Jeannie Jenkins, NJPIRG's staff biologist. "The vast majority" of companies, she says, are exceeding their permit ceilings, many of them "by hundreds or thousands of times."

NJPIRG has filed suits against 33 alleged permit violators—among them Monsanto, American Cyanamid, and Jersey Central Power & Light—and won all 23 cases that went to court so far. "One of the most interesting things is that companies will say that if they come into compliance, they'll go out of business," notes Jenkins. "But as soon as a court orders them to come into compliance, they generally do. Immediately."

Some 4,000 companies are discharging waste into sewage systems and 1,000 more have permits to discharge directly into rivers. Jenkins estimates that "between one-quarter and one-third" are releasing toxic materials. If that's true, there are ominous implications considering that the Shore is the last stop for all New Jersey's rivers and half of its sewage sludge. "Any sort of solution that's applied to the coast should apply to the state as a whole," declares Jenkins. "There's no way you're going to end coastal problems without upgrading the whole system."

Manny Dosil, owner of Dosil's Sports Center in Keansburg, knows about the interdependence of the whole system. In the early seventies, fishermen frequenting his shop began voicing complaints about odors given off whenever striped bass they'd pulled from Raritan Bay hit the skillet. Dosil took a few bass home and fried them. His kitchen stove was magically transformed into the perfume counter at Bloomingdale's. "When you put it [a fish] in a frying pan, your whole house smelled like an aerosol bottle," he recalls.

Suspicious noses zeroed in on International Flavors & Fragrances (IFF), the world's largest perfume company, which has a manufacturing plant in Union Beach. Company officials were asked if they were releasing chemical waste. "They denied it. 'It has to be a coincidence' and this and that," mutters Dosil. Fourteen years later, in 1987, a discharge trough was found that fed into Raritan Bay. The company fessed up when Monmouth County Prosecutor John Kaye threatened to indict its entire board of directors. The DEP fined IFF $1.25 million. That incident explains why Dosil is now helping to organize the Du Pont boycott: He knows the chain-reaction damage that can be done, and the excuses offered.

"People that are abusing our environment say, 'Prove it,'" he grumbles. "There's not enough proof that we're harming it? Our bay used to be alive with striped bass, porgies. We were like the porgy capital of the world. Our clams, our oysters—they're all gone. Forget it. You may hear of a bushel of porgies comin' every second year. It's gone. Where did it go?"

It—the fish, the plankton, the whole smorgasbord of sea life—went thataway, hightailed it out to sea, or farther down the coast, wherever the pollution wasn't. There have been other red flags. The massive 1976 fish kill that affected most of the Jersey coast was traced to oxygen-gobbling algae that flourish in phosphorous- and nitrogen-rich pollutants. The Dead Sea started out as a 25-square-mile sludge dump. It's now an aqueous netherworld that divers won't venture into without wet suits to ward off the polio and encephalitis viruses lurking in the goop. Why, then, are New York and New Jersey the only two states left dumping in the ocean?

For one thing, the price is right. Du Pont and Allied-Signal acknowledge that ocean dumping is economical. Indeed, it's a bargain. DEP's Evenson says that even with the inconvenience of having to schlepp sludge farther out to sea, it costs sewage authorities roughly $80 a ton to dump at the 106-Mile site. Land-based disposal expenses run about $200 to $240 a ton. Beyond economics, much of the blame lies with the EPA's lackluster enforcement record. Sometimes it seems every directive at the agency is red-stamped mañana. A classic foot-dragging occurred seven years ago, when a federal judge in Manhattan ruled in favor of Mayor Ed Koch and declared a December 31, 1981, halt to ocean dumping invalid. Although that deadline had been set by Congress in the 1977 Ocean Dumping Prohibition Act, the EPA never challenged the court decision.

"I firmly believe that the EPA is under political pressure to sort of approve these permits," says Len Belcaro, a Bricktown charter boat captain fighting to close the 106-Mile Dump. "The reason being that it's the avenue of least resistance. Fish don't vote!"

For its part, Du Pont claims to be the target of pent-up frustration over the ocean's uncooperative behavior last summer. "When you can't point your finger at a clause," says Donald Verrico, a marine biologist who doubles as company spokesman, "then the easy thing is to lash out at what's at least identifiable—and we're identifiable."

Should the EPA refuse to renew Du Pont's permit again, the rejection will be due to public outrage, not any internal get-tough policy. On April 21, 1987, James Seif, administrator of EPA Region III in Philadelphia, sent an eighteen-page memo to Christopher Daggett, administrator of EPA Region II in New York. The Du Pont plant lies within Seif's domain, but Daggett gets to make the final call on their dumping application, since the 106-Mile site is in his region. Seif recommended that the permit be approved. His memo is a monument to loopy logic.

To put it in proper context, keep in mind that for years, Du Pont dumped waste from its Edge Moor, Delaware, plant into the Delaware River. In 1968, the action moved to a site 30 miles east of Cape May. In 1973, the company received its first permit from the EPA, which entered the dumping picture in accordance with the Clean Water Act. A phaseout was scheduled. But instead Du Pont moved to the 106-Mile site in 1977. It was to cease operations there by 1980 . . . then 1983 . . . then 1987. Now Du Pont wants an extension through 1990.

That sounds reasonable to James Seif. There are no underground wells in Delaware geologically suited to storing contaminants ("especially," Seif wrote, "those involving wastes of a hazardous nature such as Du Pont's"). Dumping farther out near the Continental Shelf "would have a significant environmental impact." The river option already proved undesirable ("Du Pont's discharge of concentrated acid wastes was a contributing factor to the degradation of the lower Delaware . . ."). All of which begs the question, if the acid waste is that toxic, why squirt it into the ocean, even at the 106 site?

On page fourteen of his memo, Seif argued that "no short-term environmental impact can be demonstrated." Curiously, on page twelve he stated that cytological examination of fish eggs at the site "showed a significant increase in moribundity" and 19.8 percent of the eggs exposed to the waste plume were "damaged." Seif's conclusion was that "Du Pont has shown sufficient need to use ocean dumping . . . as an interim disposal alternative" and that "denial of Du Pont's request would yield economic hardship." That is a sympathic ear to lend to a Fortune 500 company that has been "interim" dumping for at least fourteen years, made a $1.7-billion profit in 1987, and refuses to spend $16 million to build wastewater storage tanks on the grounds of its Edge Moor plant.

In the non-nonsense Yankee mind of George Whidden, the EPA's munificent attitude toward Du Pont pales in comparison to its decision to relocate the sludge dump. "You're talking grizzly bears versus mice," grumps Whidden, a Rhode Islander who has been lobster fishing the deep-sea canyons of the Atlantic for eighteen years.

The sludge switch was made over a period of ten months, taking full effect in December. As yet no statistics are available on the impact on commercial fishing, but Whidden has had enough: "We're already seeing declines in every species of fish." His own lobster catches are running 70 percent below normal. He also reports a visible decline in bird life and baby lobsters. Other fishermen tell Whidden they've witnessed barge captains dumping loads long before reaching their deep-sea destination. (As one environmentalist observes: "How do we know this guy doesn't want to get home early and watch Jeopardy at seven o'clock.")

In the professional opinions of Whidden and Belcaro, the EPA blundered by not properly evaluating the ramifications of transferring their sludge troubles to the 106-Mile location. The area is not only a spawning ground for many species of fish, it is subjected to peculiar eddies and currents that can churn as furiously as the spindle in a washing machine, whipping toxic waste up the coast of New England. Whidden envisions life being sucked out of the ocean on a scale far beyond what transpired off Sandy Hook: "It won't be long before it's gonna be dead from the Continental Shelf on in."

The ocean has a voice of its own. Listen to the relentless thunder of the surf. It is the tide serving notice that it intends to reclaim the land, either in one flash-flood swoop or by snatching the beachfront right out from under our suntanned noses, bit by bit, like an invisible pickpocket:

A lady who had reached the age of sixty years without seeing the ocean, stood for the first time at its edge a few months ago, at the strand at Beach Haven. "And what is there," she inquired, with manifest uneasiness. "to prevent the sea from rising over this flat beach and carrying us with all these homes, away?" The friend who stood at her side . . . reminded her of the Almighty's challenge expressed in the Book of Job: "Who shut up the sea with doors, when it brake forth, and said, 'Hitherto shall thou come, but no further, and here shall thy proud waves be stayed?' "

Tuckerton's T.T. Price related that story in his Historical and Biographical Atlas of the New Jersey Coast, published in 1878. Those were the prehistoric days of civil engineering, when trust in the Almighty was the sole method of shore protection. And He took a decidedly laissez-faire attitude toward erosion. As in the beginning, the sea was free to sculpt the terrain. Its tools were—and are—two littoral drifts that nibble at the perimeter of New Jersey. One flows north, the other south; dividing roughly at Bay Head.

In 1878, T. T. Price took note that Sandy Hook "has extended northward a mile since the Revolutionary War." Some twenty years later, residents of Sea Bright were carting their cottages to lots across the Shrewsbury River in Rumson because salt water was lapping at their doors. Tucker's Island, a five-mile-long oasis sandwiched between the mainland and Long Beach Island, won a reputation as the state's first seaside resort in the early nineteenth century—but had been whittled into nothingness by the mid-1950s.

Human beings, however, are hypnotically drawn to the ocean. Today there are $400,000 condominiums perched on Ocean Avenue in Sea Bright. "I've often said that there's a race to see who can live in the ocean," chuckles Dery Bennett, executive director of the American Littoral Society.

Bennett is among the ranks of environmentalists who think that it would have been wiser—and safer—to stick with the Almight Method of beach maintenance. That was not to be. In the thirties, the Army Corps of Engineers started using the New Jersey Shore as a large-scale erosion laboratory. The picket fence arrangement of "groins" (those fingerlike projections in the Atlantic that serve the same purpose that jetties do in bays) constructed by the Corps proved initially effective, primarily because the Shore was relatively unpopulated. As development picked up, cracks appeared in the Corps' theoretical thinking.

"The groin interferes with the alongshore transport supposedly by 50 percent, so downdrift gets less sediment," explains Norman Psuty, director of the Center for Coastal and Environmental Studies at Rutgers University. "Also, the way the groins are constructed directs some of the sediment offshore. The net effect is a total reduction in the amount of sediment that's left in the system." What Psuty is describing is basically a balance of sediment deficit: A groin on beach X preserves that area, but, in turn, deprives Beach Y of replenishment and squanders about 5 percent of the sand supply.

If groins had never been built, Atlantic City would not be the vacation capital of South Carolina. The Shore would look essentially as it does now. The differences are that the barrier islands would probably be a little closer to the mainland and the inlets in South Jersey would have crept slightly toward Cape May. As it is, the groins have fostered a false sense of security, buoyed by a 25-year meteorological lucky streak during which the state has been untouched by a major hurricane. That combination helped spur development. Also, the Coastal Area Facilities Review Act (CAFRA) passed by the legislature in 1973 was designed to check growth but may have had the opposite effect. CAFRA gives the DEP's Division of Coastal Resources final control over building permits in a 1,376-square-mile area. To soothe critics, an exemption was granted for housing developments of fewer than 25 units and for commercial projects that contained less than 300 parking spaces. That's a loophole big enough to squeeze several thousand homes and office buildings through.

"You could make an argument that CAFRA actually made the problem worse," says State Senator Frank Pallone (D-Long Branch), "because instead of having a few large projects, you end up having all these little ones."

On the one hand, the state was spared the high-rise beachfront headaches of Florida. On the other hand, New Jersey boasts the most continuously developed coastline in the country; in essence, a man-made San Andreas Fault. Long Beach Island is one of the most vulnerable places to live in America, the San Francisco of the Jersey Shore. It is built to the hilt (60 percent of the houses have been erected since the devastating five-day hurricane of 1962), and there is only one bridge for evacuation in an emergency. "We probably have overdeveloped in a lot of places that are going to be prone to major changes," warns Psuty. "And we probably will suffer tremendous economic loss when the next storm comes through. I hope we don't suffer great loss of life."

One gets the feeling that gale-force winds and karate-choppy waves are loitering off the coast of Cape Hatteras, like punks on a street corner—waiting, waiting, waiting to pounce on Ocean City of Ship Bottom. Psuty figures that a Granddaddy Hurricane is about fourteen years overdue. In addition to inflicting massive property damage, he expects it to swallow about 200 feet of beach and to wipe out acres of precious wetlands.

Forestalling such a disaster may be a losing battle, but that's not to say it's a cheap one. The state and local governments have poured $51.8 million into erosion prevention in the past ten years. Last summer, $2.4 million was spent pumping 500 feet worth of sand onto Avalon's shrinking beach. Some people question whether good taxpayer dollars should be used to enhance a Philadelphia urologist's oceanfront view, but the town's 24 beach blocks represent about a third of its tax base. Similar equations apply up and down the coast: Too much money has been invested to let nature take its course. Consequently, this year the DEP begins an estimated $10-million repair job on the retaining wall in Sea Bright, the state's share of a $70- to $100-million federal effort to keep Sea Bright from becoming the next Atlantis. The DEP will also spend $5 million on groin repairs in Bradley Beach and Ocean City, $4.3 million on beach fill in Stone Harbor and Keansburg, $900,000 on bulkhead reinforcement in Forked River, and $2 million for ongoing jetty work at Barnegat Inlet.

The erosion money pit keeps growing deeper and wider. The overabundance of groins (currently 312, plus twelve miles of protective seawall) increases sand loss exponentially, says Psuty. Furthermore, sea level is rising an inch every ten years—and accelerating—as the earth slowly warms. What's to be done? Six years ago the DEP tried to restore some semblance of balance by supporting legislation that would have banned the rebuilding of property destroyed by ocean storms. The measure languished in committee and was finally declared missing in inaction. Psuty wants to encourage post-disaster relocation with government buyouts or by extending transfer development rights to property owners. A costlier option is to reduce the destructive force of incoming waves with bubble curtains (a cusion of air is forced through a submerged pipeline) or offshore barriers. Unfortunately, waves would lose so much energy that they'd be flat as pancakes. "So you're in a bathtub instead of being at the seashore," sighs Psuty.

That leaves the status quo: groin repair, seawall reinforcement, and sand fill. Pallone and Asemblyman Anthony Villane (R-Deal Park) have been trying to devise a permanent Shore protection funding mechanism for two years. Pallone and Senate President John Russo (D-Toms River) want to levy a 1 percent hotel-motel tax. Villane and Governor Tom Kean prefer increasing the realty tax. Regardless, patching and filling won't stem the tide. Only the Almighty can do that. Orrin Pilkey Jr., a Duke University geologist, said as much last August when he predicted that Avalon will be begging for another sand fix in two or three years: "We either make an orderly retreat now or we make a disorderly retreat later. Nature always bats last at the shoreline."

The governor is cruising the beach, dressed in cool pastels. He pauses to reflect. "Everywhere I go people ask me what a New Jersey vacation is like. Well, it's long white beaches . . . surf fishing . . . all sort of entertainment . . . amusements in the sun." Tom Kean genially strides by a sand castle. "It's *so* many things, we think of it as a vacation in America the Beautiful . . . only smaller."

Now, the governor can't go into details in a 30-second TV commercial, but just as America the Beautiful has changed dramatically over time, so too has a New Jersey vacation. The Jersey Shore isn't what it was when President Ulysses S. Grant was cheering the fillies at Monmouth Park racetrack or Diamond Jim Brady was showing off for Lillian Russell by scooting around Long Branch in his newfangled "horseless carriage." The Jesey Shore isn't even what it was when Elvis Presley was blaring out of transistor radios in Margate.

For starters, a lot of greasers and surfers who dug the King of Rock 'n' Roll also dug the ocean and decided to stick around permanently. Compare the 1960 and 1985 populations of the Shore counties: Atlantic County, 160,800 to 205,100 (up 27.5 percent); Monmouth County, 334,400 to 530,900 (up 58.8 percent); Cape May County, 48,555 to 90,600 (up 86.6 percent); and Ocean County, 108,241 to 380,000 (up 251.1 percent). Not all of the incoming horde settled on the coastal fringe, but there are far fewer boarded up cottages come September than were in evidence 30 years ago. Not that the influx stiffled the seasonal trade. Statistics compiled last fall by the Division of Travel and Tourism show that 8.6 million people visited the Shore between May and September and that they graciously left $7.7 billion behind.

But there is another—less sunny—statistic buried in that survey: 33 percent of the respondents said that they would be less likely to return to the Shore this summer. In some corners that's discouraging news considering recent events. "Every indicator that I have is that business was off the past two summers, at least for amusements," says Michael Redpath, executive director of the New Jersey Amusement Association.

One nasty statistic is not necessarily a harbinger of irreversible gloom-and-doom. Rather, it's an indicator of the fickle vacation market. The traveling public is more mobile, more sophisticated, and more demanding than ever before. Thirty years ago, Shore merchants had a tight grip on loyal tourists' dollars. Today, a trip to Florida, California, or Europe doesn't lighten the wallet much more than two weeks in Cape May. Last season, Jersey Shore daytrippers went home an average of $210 lighter. Visitors who stayed at least one night dropped an average of $780.

The days of the quintessential Shore vacation—when Dad fired up the Chevy wagon, transported Mom, the two kids, and the inner tubes to a low-slung bungalow, and then commuted back and forth to work at the auto plant for a month or so—are dwindling to a precious few. One South Jersey real estate agent observes that twenty years ago 90 percent of the summer business was season or half-season rentals. That percentage has shriveled to about 20 percent of the market, the majority of the rentals being for one, two, or three weeks. The shift is partly due to the realities of modern living. Nowadays the odds are either that Mom and Dad both have full-time jobs—or that Mom and Dad split long before death did them part.

Another factor is that, like so much of the rest of the state, the Shore has gone upscale. It is getting hard to find a rental unit modest enough to even call a "bungalow." That noun has all but disappeared from the vacation lexicon. Other words have come into vogue. "A major difference is the growth of condos," says Mimi Kaufenberg, a Mon-mouth County real estate agent. "Thirteen years ago you couldn't give them away."

Condomania is a sign of what might be called the "Hamptonization" of the Jersey Shore. If you envision the vacation populace as a pyramid arranged according to income, the base keeps climbing ever higher. "Twenty years ago, your schoolteachers, your factory workers, your doctors, lawyers, and Indian chiefs all could afford Avalon," explains William K. Soens, who owns a local real estate agency. "Thirty-thousand-dollar cottages rented for $3,000 a season. It really was an idyllic time we'll never see again. . . . Today's scenario, you're dealing with megabucks. That $30,000 house is now worth $300,000. You've gotta be making $150,000 to $500,000 a year."

Traditionally, the Division of Travel and Tourism has promoted the Shore as a convenient destination that offers something for everyone, both cold beer cravers and the dry martini set. That remains true, but the cold beer contingent is pinching pennies to afford its place in the sun. They are renting for shorter periods or farther inland where only deep breathers can smell the salty air. They are bedding down at campgrounds or migrating to less trendy enclaves such as Seaside Heights, Asbury Park, and Wildwood Crest. But can even the honky-tonk towns escape Hamptonization?

"My greatest fear for the future of the boardwalk areas is that the real estate is so valuable that ultimately it may become economically unfeasible to operate boardwalks," says Michael Redpath, "and that would be a crime . . . So many marinas have been purchased in the last few years and turned into condominiums because of the value of the property. I'm not saying that's an impending danger, but it is certainly one of the factors that's affecting the experience at the Shore."

The state's Department of the Public Advocate says flat out that impending danger is afoot. Therefore, it is taking four towns (Sea Girt, Spring Lake, Avon, and Belmar) to court over the issue of execssive beach fees. The Bay Head Improvement Association, which controls most of the sand in that community, is accused of the same price-gouging, plus conspiring to make only a piddling number of badges available to nonresidents. "Our concern is that it [the Shore] is becoming increasingly more restrictive and limited to a haven for the wealthy," says Richard Shapiro, director of the Division of Public Interest Advocacy. "We think that the Public Trust Doctrine requires that the beaches be accessible to everyone."

The Public Trust Doctrine, which has roots in English law, holds that the state owns all beaches up to the high-water mark—thereby insuring that even paupers can carry on licit love affairs with the sea. The New Jersey Supreme Court first declared the primacy of the Public Trust Doctrine in 1972. By law, municipalities are prohibited from making a profit on beach badges. However, they are free to charge "reasonable fees" that cover beach maintenance and operating expenses. The sticky point has been the vagueness of the applicable staututes. What constitutes a "reasonable" fee? Do indirect costs such as street-lighting equipment and insurance premiums—which can make handy excuses for jacking up fees—qualify as beach expenses?

In preparing its case, the Department of the Public Advocate examined beach fees in 23 states. They found New Jersey's to be the highest in the country. Nine states had free beaches. The rest charged an average of $2 to $3 a car. By contrast, in 1985 a weekend beach pass in New Jersey averaged $4.70 per person. (State law forbids charging children under tweleve.) "Best buys" included the $3 daily rate in Seaside and a $7 season rate in Ocean City. What caught the Public Advocate's eye was that the price of a weekend badge rose to $7 in Sea Girt, to $8 in Belmar, Bay Head, and Spring Lake, and to $8.50 in Avon. The Department roughly calculated that those towns made illegal profits ranging from $200,000 to $1.6 million.

The matter may go to court this spring, although—with appeals virtually guaranteed—a resolution does not seem imminent. Simultaneously, though, the Public Advocate is pressing for judicial clarification of "reasonable" beach fees and expenses and is asking the legislature to consider subsidizing beach fees. In another move that could attract more attention than mandatory topless sunbathing, a department position paper requests that the state "study the feasiblity" of purchasing all municipal beaches in order to end the current "balkanized" system.

Of course, the five towns targeted for legal action deny the allegations of profiteering and restricting access. "They're saying that it's not happening to the extent that we say it's happening," remarks Shapiro. "Also, they say it's changing times."

There is no question that social and cultural tides can be as formidable as littoral drifts. Permanence cannot exist anywhere that is within driving distance of 20 million people. "It's life," sighs William Soens. "There are people that have been here since I came 20, 25 years ago. Some people have left, saying 'Avalon's not the same.' And it's *not* the same. You've got street signs. You've got businesses. You've got five times the number of people. You've got Wawas. You got restaurants that upgraded. It's not the same little community where the sand blew down the street and there wasn't a lot of growth. If you want that type of atmosphere, you're gonna have to go somewhere else. And I don't know where else you go."

Roll on, thou deep and dark blue ocean—roll!" That is one of Lord Byron's more memorable lines. The rogue poet never took a summer sublet in Belmar, but he certainly knew how to root for the home planet. Oh, if only Byron were with us now, hobbling across the dunes at Sandy Hook, resplendent in his NEW JERSEY AND YOU: PERFECT TOGETHER ruffled sweatshirt, curls whipping madly in the wind, megaphone pressed to his impassioned lips. "Roll on, thou deep and dark blue ocean—roll!"

A little Byronian cheerleading wouldn't be inappropriate at this juncture. Believe it or not, there is a strong undercurrent of opinion that New Jersey can pull off an upset and save its beleaguered Shore. Assemblyman Villane concedes that "the Shore is in for a couple of bad years" but adds that it may be a blessing in disguise: "To be honest, this last summer's been a boom to me and the Jersey Shore, because finally we got everybody's attention."

Last fall, Villane's staff did some preelection sampling and discovered that ocean pollution was the most popular topic with voters in Sussex County. North Jersey politicians ran on promises to save the Shore. And interest didn't wane with winter's chill. A mood of cautious optimism is evident among environmentalists as summer approaches. "I think that it has touched a whole state basically by now," says Karen Kiss, executive director of the Lavallette-based group Alliance for a Living Ocean. "And we have the opportunity to mobilize people who have never been there before."

Among the prominent citizens to have been mobilized is Governor Kean, whom environmentalists have reprimanded in the past for being about as visible as a hermit crab on Shore-related issues. The governor is receiving generally enthusiastic backing for his fourteen-point plan to restore the ocean and beaches. The five-year, $211-million package addresses litter control, marine police operations, sewage treatment, and hospital waste disposal procedures. Kean allocated $52 million for phase one of the program in his 1988 budget. It's a promising start.

The Coastal Commission Kean first spoke of more than a year ago has encountered more flak. Environmental groups worry that it lacks teeth; the New Jersey Builders Association is moaning about the extra layer of bureaucracy. The Commission is to have fifteen members, including representatives from the four Shore counties, plus one designee each for the fishing industry, tourism industry, private developers, environmental organizations, and the public at large. The legislation is being sponsored by the familiar tag team of Villane and Pallone.

Two things won Pallone's support. First, the Commission will be empowered to develop a regional master plan for the Shore. Second, the bill lowers the CAFRA threshold from 25 housing units to 3 for construction within 1,000 feet of the ocean or on the first parallel road—and to one unit for oceanfront sites. A similar formula closes the CAFRA loophole for commercial property. Environmentalists like to point out, though, that the problem hasn't been a lack of stringent laws on the books. It's been a lack of enthusiasm about enforcing them. "I'd hate to see another law get passed and get a false sense of security," says Clean Ocean Action's Cindy Zipf.

Well, get out your false-sense-of-security blanket, Cindy. More than 100 bills are in the hopper. "There'll be so many things happening between now and May, the public is gonna be amazed," Villane crowed shortly after Christmas. There are bills to keep a surveillance blimp hovering over the coast all summer, to establish a tactical force of marine pollution police (*Manasquan Vice*?), to banish dredge spoils to a specially built artificial containment island, to put a cork in Ciba-Geigy's pipeline, and to tighten the DEP's Discharge Elimination Permit System, as well as a compromise to sweeten the Shore protection money pot by broadening it into a Natural Resource Trust Fund. Senators Bill Bradley and Frank Lautenberg, and Congressman William Hughes (D-Ocean City) are pushing bills in Washington to force the EPA to abide by a 1991 ocean dumping moratorium—an action New York Senators Moynihan and D'Amato are already trying to sabotage.

On the bureaucratic side, EPA Region II has notified barge owners that they must have cargo-monitoring "beepers" installed by May 31, and the state Department of Health—reacting to complaints from Shore activists—will survey 18,000 beachgoers this summer in an effort to determine whether there are any health risks associated with swimming in the ocean.

Blimps and beepers are nice, but Zipf is justified in fretting about glitz deflecting attention from difficult—even painful—choices that need to be made. The Summer of '87 may have been a warning shot that crunch time has arrived. Since Earth Day in 1970, environmental awareness has increased a thousandfold, but, like the national debt, the Shore's knotty problems can't be talked away. The prescription calls for bitter medicine, and the state gagged on its first swallow. In January, the Source Reduction and Recycling Task Force wrapped up three years of deliberation by recommending ways to encourage industry to voluntarily reduce garbage and step up recycling. The Task Force could have suggested slapping surcharges on piggish companies and setting firm waste reduction goals. The Task Force did back a long-range Technical Assistance Program to wean industry off sloppy habits, but it needs funds to implement the idea.

New Jersey's resolve is going to be tested across the board. Villane has a mandatory plastic recycling bill in the Assembly. New Jersey recycles 1 percent of its pesky plastic, the tumbleweed of the high seas. New York state recaptures 67 percent, Vermont nearly 90 percent. Will the plastics bill become reality? And can the legislature find a way to deflate beach fees? Meanwhile, environmentalists are anxious for business—particularly the chemical and pharmaceutical heavies—to pitch in en masse. Merck & Company stopped generating 2.6 million pounds of deadly methylene chloride annually by adding a solvent recovery system to its Rahway facility. Pioneer Metal Finishing Inc. in Franklinville spent $400,000 figuring out how to refine waste by recycling it through the plant's boiler. Pioneer had been discharging toxic copper and chrome sludge into a nearby marsh for 26 years. No more. That kind of commitment must become a contagion. Then there is the sacred cow of "home rule." Are local planning boards prepared to acquiesce to the regional wisdom of a Coastal Commission?

"The problem with talking about some of that is you get to sound like a social engineer," notes Dery Bennett of the American Littoral Society. "The way I rationalize it is, if people want to live the way they are—as a throwaway society—fair enough, but they've got to pay the price." Will they? In a Star-Ledger/Eagleton poll taken in September, more than 80 percent of the respondents statewide said they were willing to pay higher taxes to combat air and water pollution. That's comforting to know—but it doesn't cost anything to say "yes" to a pollster.

Until the public announces its intentions with a collective shout, the plight of the Jersey Shore will be articulated by singular voices, like Manny Dosil's. Dosil, 52, has an emotionally enlarged heart; he's the sort of man who occasionally gropes for words, but never fumbles when reaching for his checkbook to help a local charity. Other than the battle of the perfumed fish, he had no frontline experience as an activist until he met Cindy Zipf at the Asbury Park boat show in 1984. Dosil was so environmentally naive that when he first heard about the state's ocean quality criterion, he thought "fecal coliform" was something you ate.

"Up until I was 49, I didn't know what was going on," winces Dosil, who now knows everything that's going on. He is sitting in a room inside his sports shop that is used by scuba-diving classes. A waist-high glass case occupies one wall. It contains bounty collected by Dosil's Sea "Romers": shells, a crusty block and tackle, vintage wine bottles, an oil lamp taken from a Spanish galleon that sank off Atlantic Highlands 250 years ago—reminders of the harmless flotsam that littered the Atlantic before the arrival of plastics and titanium dioxide.

"I like to think that the summer of '87 was, I guess, the ebb tide," says Manny Dosil, digging for the proper word to describe his salvaged hopes for the deep and dark blue ocean. "And now it's gonna start going the other way."●

AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. GORE. Mr. President, today I would like to take the opportunity to congratulate the American Political Science Association on the occasion of the 35th anniversary of their Congressional Fellowship program. The program has grown from six Fellows in 1953 to 48 Fellows in 1988. More than 1,300 professionals have been selected for this competitive program and have served in congressional offices as legislative aides, senior research assistants, special project managers, and press aides. They have made a valuable contribution to the legislative policy process of our Nation.

Annually 40 to 50 individuals from a variety of professional backgrounds participate in the fellowship program. These include political scientists, journalists, health care faculty, foreign service officers, social scientists, and a variety of Federal agency employees. In addition, many Fellows come to the program and to Washington DC from foreign nations. These countries have included France, India, West Germany, Thailand, the Philippines, and Indonesia.

The relationship between Congress and the American Political Science Association and their Fellows has been mutually beneficial. Members of Congress receive the benefit of having uniquely qualified professionals serve on their staff and add fresh insight to Capital Hill from their varied backgrounds. The Fellows gain the benefit of learning first hand about how Congress and the American governmental system works. They can then utilize their experience gained in Washington when they return to their home States and communities.

Since my election to Congress in 1976, I have been fortunate to have had outstanding participants from all the major fellowship programs as staff assistants, six from APSA—Myron Genel, Katherine Dee Robinson, Jeffery Katz, Joe Wilson, Dan Clouser, and Virginia Trotter Betts. They brought to my office the career expertise of Federal service officers, journalists, physicians, philosophers, attorneys, and nurses, and joined fellows from other programs in making an invaluable contribution to my work in the House and Senate over the past 12 years.

I urge my colleagues to consider the advantages of having an APSA Congressional Fellow in their offices in the future. Again I congratulate the American Political Science Association on this important anniversary and wish to express to them my appreciation for providing this program of excellence and merit.●

INTELLECTUAL PROPERTY RIGHTS

● Mr. BENTSEN. Mr. President, the trade bill provides vital negotiating authority to our negotiators in a broad range of critical areas. One of the principal U.S. objectives for the GATT round of multilateral trade negotiations currently underway in Geneva that is contained in this bill is the negotiation of a new GATT code on intellectual property rights. Such a code would go a long way in stopping the extensive losses due to foreign counterfeiting and piracy. The International Trade Commission recently estimated that world-wide losses to U.S. industry in 1986 from the inadequate foreign protection of intellectual property rights was well over $40 billion.

Our negotiators have been pushing our reluctant trading partners to negotiate such a comprehensive GATT code. While the governments of our major trading partners—Japan, the EC—are coming around, they are doing so very slowly.

The U.S. private sector long ago recognized that intellectual property rights are the foundation of U.S. competitiveness. The protection of intellectual property is so important to the U.S. private sector that for the last 2 years, the Intellectual Property Committee—a group 13 U.S. companies—has been working with representatives of the Japanese and European private sectors on a report on the type of code that the three private sectors want to see negotiated in the GATT. I have been following this 2-year effort very closely; it is in its last stages and should be completed by mid-May.

I understand that the IPC and the European private sector are very close to agreement. I am, however, concerned that the Japanese private sector appears to be dragging its feet in agreeing to the report. I believe that the outcome of this private sector effort will be an important litmus test about the willingness of the Japanese private sector to assume the responsibility for international economic leadership in a manner that is commensurate with its economic position.

Both the European private sector and the Intellectual Property Committee understand the challenge and are willing to assume the mantle of leadership. I hope the Japanese private sector will seize the opportunity afforded by this cooperative effort to begin to dispel our concerns about its willingness to contribute to the well-being of the international economy. You can be sure that I will be watching these private sector discussions very closely.●

FIRST-TIME HOMEBUYER ASSISTANCE

● Mr. SANFORD. Mr. President, today I would like to express my support for legislation to help reverse the trend for the many in our country who have been unable to share in the American dream of homeownership. The legislation introduced today by my colleagues, Senators SASSER and HEINZ, takes an important step in initiating a program to give first-time homebuyers some much needed help.

The Nation's homeownership rate is at its lowest level in over 15 years. A recent study by the Joint Center for Housing Studies of Harvard University finds that the trend in the decline of homeownership is a nationwide phenomenon, affecting areas with strong and weak economies alike.

In my own State of North Carolina, the population in the first-time homebuyer age category—25 to 34 years—is increasing and will represent more than 17 percent of the population by 1990.

Median home values in the State have taken an 87.5 percent jump—from $36,000 in 1980 to $67,500 in 1987. During the same period, median income increased only 58.4 percent, from $16,791 to $26,600.

The impact of this imbalance is to shut young families out of the housing market. With these households unable to purchase a first home, they remain renters and bid up the price of rental housing.

This bill does not require major new outlays of funds nor authorization to direct assistance to first-time homebuyers. Instead, it simply redirects priorities for FHA mortgage insurance by requiring FHA to insure low downpayment mortgages, by broadening the use of adjustable rate mortgages and by authorizing demonstration programs. These are goals the FHA should be pursuing in line with market needs.

I strongly urge my colleagues to support this legislation, which will help a new generation share in the American dream of owning their own home.●

PROVISIONS OF H.R. 2616 AND S. 999

● Mr. MURKOWSKI. Mr. President, my colleagues may recall that prior to the last recess, final passage occurred on several important veterans bills. These included the conference agreement on H.R. 2616, the Veterans' Benefits and Services Act of 1988, and S. 999, the Veterans' Employment, Training, and Counseling Amendments of 1987.

On May 7, 1988, the Congressional Quarterly summarized the provisions of these bills. I commend Richard Cowan for this most comprehensive summary.

I ask that this article appear in the RECORD.

The summary follows:

MAJOR PROVISIONS OF VETERANS' HEALTH-CARE BILL

(By Richard Cowan)

Congress has sent to the White House an omnibus veterans' health-care measure (HR 2616) that could cost $160 million in outlays in fiscal 1989, according to the Congressional Budget Office (CBO). The CBO says that sum will grow to $186 million by 1993. Reagan administration officials have described the bill as too costly but have not said whether the president will veto it.

The conference report (H Rept 100-578) on the bill, which wraps several health and education measures into one package, was adopted unanimously (416-0) by the House April 27 and by voice vote in the Senate the following day. (Weekly Report p. 1176)

As cleared by Congress, HR 2616 would:

HEALTH-CARE PROGRAMS

OUTPATIENT ENTITLEMENT

Require that the Veterans Administration (VA) furnish medical services on an outpatient basis to qualifying veterans, effective July 1, 1988. Those eligibles include veterans seeking treatment for a service-connected disability; veterans with a service-connected disability rating of 50 percent or more seeking treatment for a medical problem not related to service; and veterans disabled as a result of VA treatment or in pursuit of vocational rehabilitation.

Require outpatient services in preparation for, or to obviate the need for, hospital admission for veterans with a service-connected disability rating of at least 30 percent and for veterans whose income does not exceed a set level. That level is the maximum non-service-connected pension payable to a veteran in need of aid.

Allow the VA administrator to furnish ambulatory or outpatient medical care to other veterans in the following order of priority: 1) veterans with a service-connected disability rating of less than 30 percent; 2) former prisoners of war and veterans with eligibility based on exposure to toxic substances in Vietnam or to radiation from nuclear devices; 3) veterans of the Mexican border period or World War I whose annual income exceeds the maximum annual pension; and 4) other veterans.

Require the comptroller general to conduct a study and report to Congress on the demand for outpatient care and to ascertain the reasons for denial of care.

DOMICILIARY CARE

Allow the VA administrator to furnish domiciliary care to any veteran whose annual income does not exceed the maximum annual pension payable to a veteran in need of aid or to any veteran who the administrator determines has no adequate means of support. A domiciliary is a facility that provides minimal medical care, far less extensive than a nursing home.

NON-VA FACILITIES

Authorize contracts for hospital care and medical services in non-VA facilities for diagnosis services on an inpatient or outpatient basis to determine eligibility for a benefit or service administered by the VA.

POW DENTAL CARE

Reduce, from six months to 90 days, the minimum internment period required of former prisoners of war for eligibility for outpatient dental care.

VIETNAM VETERANS' COUNSELING CENTERS

Repeal a provision of PL 96-22 requiring that Vietnam veterans' counseling centers (so-called "storefront counseling centers") be converted from a program operated primarily apart from VA medical facilities to a program operated primarily within those facilities.

Require the VA administrator to submit a national plan for the storefront counseling centers. No action could be taken with regard to a specific center for at least 120 days after submission of the national plan.

TRAVEL ALLOWANCES

Provide compensation of travel to and from VA medical facilities for: veterans with a VA appointment for treatment of a service-connected disability; veterans with a service-connected disability rating of 30 percent or more; veterans whose annual income does not exceed the maximum annual pension rate; veterans requiring ambulance or wheelchair-van transportation who cannot afford the cost; veterans who the VA administrator determines cannot afford the cost of travel; and other veterans made eligible by VA regulations. Travel allowances would be subject to a $6 round-trip deductible for each visit. For veterans whose medical conditions warrant frequent visits, the maximum monthly deductible would be $18.

ADULT-DAY-HEALTH CARE

Extend the authority to provide adult-day-health care in veterans' facilities for three years, from Sept. 30, 1988, to Sept. 30, 1991. Adult-day-health care includes feeding and therapeutic and recreational programs, much like those at senior citizens centers.

MOBILE CLINICS

Permit a two-year pilot program to evaluate the use of mobile health-care clinics for veterans living at least 100 miles from the nearest VA health facility, subject to specific appropriations for this purpose of $5 milion for each of fiscal 1989 and 1990.

COMMUNITY CARE

Authorize a pilot program of contract community-based residential care for homeless mentally ill veterans in halfway houses, therapeutic communities, psychiatric residential-treatment centers and other facilities. Authorize appropriations for this purpose of $6 million for each of fiscal 1988 and 1989.

AIDS CONFIDENTIALITY

Provide for confidentiality of medical records of AIDS victims except in medical emergencies or upon written request of federal, state or local public-health authorities charged under federal or state law with the protection of the public health.

Permit physicians or professional counselors to disclose information pertaining to AIDS to a spouse or sexual partner should the physician or counselor believe the patient will not provide the information to the spouse or sexual partner and providing disclosure is necessary to protect the health of the spouse or sexual partner.

Prohibit discrimination in treatment of veterans because of AIDS or alcohol or drug abuse or dependency. Provide for an AIDS information and training program for VA employees and beneficaries.

Prohibit widespread testing programs for AIDS unless funds have been specifically appropriated for that purpose. Permit voluntary testing for AIDS.

STATE VETERANS' FACILITIES

Increase daily rates for VA payments to state-run hospitals, nusing homes and domiciliary-care facilities. Increase the per diem rate for domiciliary care from $7.30 to $8.70; increase per diem hospital-care rate from $17.05 to $20.35; increase the per diem Hospital-care rate from $15.25 to $20.35, effective Jan. 1, 1988.

Authorize the VA administrator to increase per diem payments at state-run veterans' facilities annually by a rate not greater than the increase in the cost of care in VA hospitals.

HOMELESS VETERANS

Require the VA to convert unused space in VA facilities to domiciliary beds for homeless veterans in areas where there are significant numbers of homeless persons.

Require the VA administration to report annually on VA activities to assist homeless veterans in 1988–90. The reports are due not later than Dec. 15 of each year.

PERSONNEL AND ADMINISTRATION

VA LIABILITY

Clarify the statute of limitations for suits brought by the United States to recover costs of VA health care. Expand immunity from personal liability for VA health-care providers. Remove a statutory limitation on the authority of the VA administrator to settle administrative tort claims by providing authority to settle claims on the same basis as is currently afforded to U.S. attorneys.

VA MEDICAL CENTER

Authorize establishment of a non-profit corporation at each VA medical center at which significant medical research is carried out to provide a funding mechanism for monies received other than VA appropriations to conduct research projects.

NURSING-HOME REVOLVING FUND

Establish a fund with monies realized from the transfer or sale of VA-owned property for the purpose of construction, alteration and acquisition of nursing-home facilities.

NURSE INCENTIVES

Authorize incentive bonus agreements with registered nurses at facilities that have nurse shortages. Provide a $2,000 bonus per year for an agreement to work two years; $3,000 per year for three years and $4,000 per year for four years. Establish payback requirements for individuals who do not fulfill agreements.

Provide premium pay for Saturday nursing duty.

Expand eligibility for the VA Health Professional Scholarship program to include those who provide direct patient care or services incident to direct patient care.

Authorize tuition reimbursement to full-time employees seeking a nursing degree.

GERONTOLOGY

Require the administrator to report to the Veterans' Affairs committees on VA activities to promote training of health-care professionals to care for older patients and perform research into the aging process.

VETERANS' BENEFITS

CHILD CARE

Authorize the Veterans Canteen Service to operate child-care centers on a fee basis at VA medical facilities for the offspring of VA employees.

HOUSING ASSISTANCE

Increase the allowance, from $35,500 to $38,000, for specially adapted housing for disabled veterans.

Increase, from $6,000 to $6,500, the specially adapted housing allowance for service-connected blindness in both eyes or loss of use of both hands.

AUTOMOBILE ASSISTANCE

Increase, from $5,000 to $5,500, the automobile-assistance allowance for disabled veterans.

BURIAL ALLOWANCE

Increase, from $1,000 to $1,500, the burial allowance for veterans who died as the result of a service-connected disability.

POW BENEFITS

Provide, for former prisoners of war, a presumption that peripheral neuropathy is a service-connected problem, except where directly related to infectious causes, irritable-bowel syndrome or peptic-ulcer disease.

LUPUS ERYTHEMATOSUS

Provide a presumption of service-connection for a form of lupus erythematosus that affects internal organs, if it becomes manifest to a degree of 10 percent or more within one year of discharge from military service.

LIFE INSURANCE

Permit the VA to increase monthly installments payable to beneficiaries receiving National Service Life Insurance, Veterans Special Life Insurance or Veterans Reopened Insurance under a life-annuity-settlement option.

Prohibit state taxation on premiums paid for Servicemen's Group Life Insurance, effective on premiums paid after June 30, 1988.

MORTGAGE PROTECTION

Require that the VA, instead of private insurance companies, provide mortgage-protection life insurance for service-connected disabled veterans receiving specially adapted housing assistance. Insurance may not exceed $40,000 or the amount of the loan outstanding on the housing unit, whichever is less.

GRAVE MARKERS

Permit the VA to place flat markers on graves in national cemeteries and in cemeteries located on the grounds or adjacent to VA health-care facilities. Authorize the VA to provide graveliners for use in national cemeteries.

VA MANAGEMENT AND ADMINISTRATION

MEDICAL SUPPLIES

Require the administrator, no later than Oct. 1, 1989, to develop and institute a plan for the purchase of medical and pharmaceutical items on an agencywide basis.

Authorize multi-year contracts for procurement of supplies or services for VA health-care facilities.

SEQUESTRATION PROHIBITION

Exempt permanently from the mandatory cuts required under the Gramm-Rudman-Hollings deficit-reduction law (PL 99-177) vocational-training benefits for service-connected-disabled veterans and educational benefits for dependents and survivors of service-connected-disabled veterans. Direct the Treasury to return funds already sequestered.

PROPERTY TRANSFERS

Prohibit transfer of property owned by the United States and administered by the VA that has a value of more than $50,000 to another federal agency or to a state unless the transfer was included in the budget for that fiscal year and the VA receives compensation equal to the fair market value of the property.

MEDICAL FACILITY APPROPRIATIONS

Provide that no appropriation be made for a major medical facility unless the appropriation measure specifies the amount to be spent and that the project or lease has been approved in resolutions adopted by the House and Senate Veterans' Affairs committees.

MAJOR PROVISIONS OF VETERANS' JOB-TRAINING BILL

Congress has sent to President Reagan a veterans' employment, training and counseling authorization bill (S 999) aimed primarily at helping the long-term unemployed who served in the Korean and Vietnam wars. (Weekly Report p. 1176)

The House passed S 999 on April 27 by a vote of 417-0. The Senate passed the measure by voice vote April 28.

The bill is designed to stabilize job-training and counseling programs by authorizing specific funds and by clarifying the role of the Department of Labor. Sponsors complained that the program suffered from sharp fluctuations in budget and staff.

The Congressional Budget Office estimates the cost of S 999 to be $62 million in budget authority with no outlays in fiscal year 1988 and $74 million in budget authority and $86 million in outlays in fiscal year 1989.

As cleared by Congress, S 999 would:

LABOR DEPARTMENT ADMINISTRATION

ASVET DUTIES

Clarify that the assistant secretary of labor for veterans' employment and training (ASVET) is the official in the Department of Labor with primary responsibility for veterans' employment and training programs.

Require the ASVET to ensure that veterans are served under all Labor Department employment and training programs.

Require the ASVET to promote and monitor participation of qualified veterans under the Job Training Partnership Act and other federally funded employment and training programs.

LABOR SECRETARY'S REPORT

Require that no later than Feb. 1 of each year the secretary of labor report to the House and Senate Veterans' Affairs committees on the success of meeting the employment and training needs of veterans.

NATIONAL INSTITUTE

Require the secretary of labor to establish and provide necessary funds to operate a National Veterans' Employment and Training Services Institute to train outreach program specialists and local employment counselors.

UNEMPLOYMENT STUDIES

Require the secretary of labor through the Bureau of Labor Statistics, to conduct on a biennial basis studies of unemployment among certain disabled veterans and veterans who served in Vietnam and to report the results to Congress.

INTER-AGENCY COOPERATION

Require the secretary of defense to provide to the secretary of labor and the administrator of the Veterans Administration (VA) any list maintained of employers participating in the National Committee for Employer Support of the Guard and Reserve.

Broaden membership on the secretary of labor's Committee on Veterans' Employment to include a representative of the secretary of education, the Postmaster General and any other agency that has requested a representative on the committee.

Expand the Commission on Veterans' Education Policy to include the assistant secretary of defense for force management and personnel as an ex-officio member.

VETERANS' JOB TRAINING

Authorize $60 million in both fiscal 1988 and 1989 for the Veterans' Job Training Act (VJTA—PL 98-77).

EMPLOYER PARTICIPATION

Require the VA administrator to disapprove employers' participation in VJTA if it is determined that too few veterans are successfully completing the employers' program because of deficiencies in the quality of the program.

NEW VJTA DEADLINES

Extend the deadline by which a veteran must apply to participate in a VJTA on-the-job training program to Sept. 30, 1989.

Extend the deadline by which a veteran participating in VJTA must be enrolled in a job training program to March 31, 1990.

Require the VA administrator to conduct an analysis of VJTA programs.

DVOP AND LVER FUNDING

Require that the necessary funds be made available for use in each state to support the required number of disabled veterans' outreach program specialists (DVOPs) and local veterans' employment representatives (LVERs) and to support reasonable expenses for training, travel, supplies and fringe benefits. The DVOPs and LVERs work at centers throughout the country to aid Vietnam veterans as part of a pilot outreach program. Altogether, there are 188 so-called "storefront counseling centers."

Require the secretary of labor to monitor and supervise the distribution and use of funds provided for DVOPs and LVERs.

Require that funding be made available in the states to support 1,600 full-time LVERs and to clearly define their responsibilities.

PERFORMANCE STANDARDS

Require the secretary of labor to provide a prototype of performance standards to be used by the agencies in developing such standards for DVOPs and LVERs.

Clarify and expand responsibilities of DVOPs to include the provision of vocational counseling to veterans.

Require the VA administrator to provide a program to develop skills to help veterans in finding, applying for and participating in a suitable program under under VJTA.●

MAY IS OLDER AMERICANS MONTH

● Mr. **SARBANES**. Mr. President, for 25 years we have celebrated the month of May as Older Americans Month for the specific purpose of expressing appreciation and respect for the achievements of older Americans and their continuing role in the life of our Nation. I was pleased to join as a cosponsor of Senate Joint Resolution 287, designating May 1988 as Older Americans Month. This resolution passed the Senate on April 21 and has been signed into law.

I am happy to report that Older Americans Month continues to be widely celebrated across the country by senior organizations, community groups, and State and local governments. There are numerous celebrations planned in my own State of Maryland to help focus on the importance of older citizens in our society and the need to be deeply concerned about their well-being. Older Americans, who have contributed so much to our country throughout their lives, must be able to live in dignity and independence during their retirement years.

As recently as 1986, over 12 percent of persons 65 and older had incomes below the poverty level. Our Nation has an obligation to improve the quality of life for older Americans and assist them in remaining independent. Several programs seek to fulfill that goal, including Social Security, Medicare, and the Older Americans Act.

However, many programs which are of vital importance to older citizens have been targeted for reductions in every budget the President has submitted to Congress over the past 8 years. I fully understand the difficulties confronting older Americans living on fixed incomes and believe it is imperative to continue to provide funding and legislation to enable adequate assistance in health, nutrition, housing, energy, and other services to the elderly.

The older population has grown more than twice as fast as the rest of the population in the last two decades. In 1900, 1 in 10 Americans was 55 and over; and 1 in 25 was 65 and over. By 1986, 1 in 5 was at least 55 years old, and 1 in 8 was at least 65. Today older Americans comprise a large percentage of our population and they continue to make significant contributions to our Nation through their wealth of knowledge and experience. In this regard, it is important to set aside the month of May as Older Americans Month, to honor older persons for their valuable contributions to our Nation.●

ALLIED SIGNAL PRODUCES CFC SUBSTITUTE

● Mr. **LAUTENBERG**. Mr. President, recently the problem of depletion of the earth's stratospheric ozone layer by a group of manmade chemicals known as chloroflurocarbons [CFC's] has recevied much attention in the media.

CFC's are widely used in our modern society. They are key components in refrigeration, home insulation and are widely used in solvents in the electronics industry. Recently, the Senate took a major step toward reducing the threat posed by CFC's by giving its consent to the ratification of the Montreal Protocol to Protect the Earth's Ozone Layer. That protocol lays out a strict timetable for reducing the rate of consumption of CFC's.

The protocol presents a tremendous challenge for industy. Substitutes will have to be found to take the place of those CFC's currently in use. This challenge must also be viewed as an opportunity for those companies willing to step forward to take the risks associated with innovation.

A race is on to commercialize safe, nonozone depleting CFC's. In that regard, I want to congratulate Allied-Signal of Morristown, NJ. This week Allied-Signal announced the startup of a pilot plant to produce quantities of a product to substitute for the CFC currently being utilized in thermal insulation products, building materials, and appliances such as refrigerators and freezers. This is an important step in the road to commercialization of substitutes for the CFC's regulated by the Montreal protocol. I want to congratulate Allied-Signal for seizing an opportunity to produce a safer, environmentally benign product.●

ROYCE DOWNEY

● **Mr. McCONNELL.** Mr. President, I rise today on the sad occasion of bringing to the attention of this body the passing of one of Kentucky's truly remarkable civic leaders. Mr. Royce Downey, the city administrator of Marion, KY, whose talents are responsible for Crittenden County's extraordinary economic expansion, died of a heart attack moments after speaking to the chamber of commerce group that had just named him its Man of the Year.

Two years ago, Crittenden County's unemployment rate was over 20 percent. Today, new homes are being constructed, companies are expanding, and corporations are relocating in the county. There is even talk of zero unemployment being on the horizon.

This turnaround is attributable to Royce's commitment to excellence and his unique ability to solicit cooperation. Despite budget shortfalls in the 3 years prior to Royce's arrival in western Kentucky, he brought city and county development groups together to accomplish this economic feat. Humbly, Royce gave credit for the success of his efforts to the volunteers who helped him.

In a little over a year, he brought five industries with a potential of 500 jobs to the county. Three other companies are considering establishing plants in Crittenden County as well. It is encouraging to add that this exemplary record can be emulated by other communities in my State. As Royce said, "Western Kentucky can replicate this if it would approach the problem correctly." Fortunately, the architect of that approach has left us with a remarkable legacy to follow.

Mr. President, I would like to insert into the Record an article that appeared in the Paducah Sun detailing the life and accomplishments of this dedicated public servant. I am sure that my colleagues in this body will appreciate the significance of Royce's contributions to this community.

The article follows:

[From the Paducah Sun, May 6, 1988]

MARION'S ECONOMIC HERO DIES AFTER HONOR—MAN-OF-YEAR DOWNEY COLLAPSES AT BANQUET

(By Joe Walker and Bruce Gardner)

MARION, KY.—Minutes after Royce Downey spoke Thursday night of a glowing vision of zero unemployment for rural Crittenden County, he died of a heart attack, leaving a legacy of a man credited with bringing the community out of the doldrums in a single year.

For those who must continue the work started by the stricken Marion city administrator, there was immediate shock and sadness, then a commitment to carry on as the 60-year-old Hickory native would have wanted.

"He's probably the greatest man I've ever known," said Crittenden Judge-Executive John May, who was seated nearby when Downey collapsed from chest pains at a chamber of commerce banquet about 8:30 p.m. Thursday. Minutes earlier, he had been named the chamber's Man of the Year by out-going president Keith Hart.

A doctor and medical technicians at the banquet rushed to Downey, a tireless worker who had confided to very few people about a previous heart attack. As a horrified crowd watched, he was taken by ambulance about 45 minutes later to Crittenden County Hospital. He died there.

Downey was surprised and humbled by the award, but in acceptance remarks diverted praise to civic leaders, bankers and the Western Kentucky Industrial Foundation.

Downey came to this traditional farming town a year ago from Michigan, bringing 38 years of experience in city management. In one year, he recruited more than 600 jobs.

Gordon Guess, president of Peoples Bank here, said Downey's legacy will be even more impressive once the industries he lured to town are in operation.

"In four years we can look back and say just his one year's activity resulted in 500 or more direct jobs and another 100 or more indirect jobs," Guess said. "That's a record that's hard to top. That's in the neighborhood of what the Toyota plant means for Georgetown."

Downey was credited with bringing city and county development groups together and with being a catalyst who showed the community how to prosper.

"There were some differences, it was like two different groups working to their own best interest and not realizing that their best interest was for both to work together," said incoming chamber president Dr. Steven Crider, a dentist. "Mr. Downey pointed that out and got them working together."

May said Downey had a talent for bringing people together and giving them direction.

"He felt destined to share that and he wanted to bring it back to western Kentucky," May said of the Hickory native. "He felt like it was a gift."

Prior to Downey's 10-minute speech, the group heard U.S. Rep. Carroll Hubbard, by telephone hookup from Washington, compliment a city of only 3,200 population that made great strides under Downey's leadership. Downey was seated next to Hubbard's wife, Carol, at the head table when he collapsed.

Larry Orr, an accountant who worked closely with Downey, said the administrator's dream was a community with no joblessness.

"With everything we have on line, we'd probably reach zero unemployment in Crittenden County and would probably be the first county in Kentucky to achieve that," Orr said.

The recruitment list includes Quick Candy Co., a $2.87 million plant employing 200, announced last week; American Sportswear, a sewing factory whose workforce is expected to jump from 80 to 200; and Caratech Inc., an industrial ceramics plant that will start production later this month with up to 100 employees.

People who attended the banquet likened Downey's last comments to the man: positive.

Downey praised city and country government leaders, issued a challenge to the new chamber board to continue work, and noted things were mushrooming.

"He talked about how things were rolling right along for Crittenden County," Hart said. "He was very happy with how things were going."

Judge May said he was unaware Downey had a heart condition, even though the two men often spoke intimately. One of the few Downey told of the ailment was Richard Conrad, whose supermarket is doubling in size and will anchor a shopping development. Conrad credits Downey for the expansion.

"We were on a business trip in Louisville about two months ago," he said. "We were contemplating whether to walk to a meeting in the cold morning air or take a taxi."

Downey confided that he should not walk because of a previous heart attack, Conrad said.

"He was a very intense worker," May said. "I had numerous times tried to get him to rest. He'd say he would, but he didn't take time for himself."

A year and a half before Downey arrived, Marion was reeling from the loss of Moore's Business Forms, which closed and put 100 people out of work. The average employee had 17½ years of experience.

"I don't know if you've got a big enough paper to print what he meant to this community," said Ronnie Marshall, of Kentucky Utilities. Marshall worked closely with Downey on development projects.

"He has turned this community from basically a negative thinking community to a positive thinking community," Marshall said. "He made us realize we can do something instead of just sitting back and letting the world pass us by. He was such a positive individual. He made you believe he could do something. We've lost a catalyst that made us roll."

Orr said, "Since he's been here, we've been able to fill every available (industrial) building that we have. . . . Now we'll build new buildings. Our whole success has been through Mr. Downey."

Hart said he selected Downey for the award because "he'd done so much for our community. He brought five new industries in, he was just an outstanding member of our community.

"City and county worked together the last year better than they ever had before. What do we do now? We're going to miss him. Tremendously. We just hope, no we're not going to hope, we're going to continue the work Royce Downey started."●

ESSAY CONTEST WINNERS

● Mr. LUGAR. Mr. President, today I would like to introduce my colleagues to a group of Indiana students who have distinguished themselves and their State. This group of young Hoosiers participated in the third annual Eighth Grade Youth Essay Contest, which I sponsor in association with Indiana Farm Bureau and Bank One of Indianapolis. I submit their names for the CONGRESSIONAL RECORD today because they stand as representatives of our State and show the capabilities of our students.

The theme each of the students wrote about was: "Your Meal Tonight, produced by Indiana Farmers." I also submit for the record the winning essays of Tara Gruszynski of Hamilton County and William Kroeger, Jr., of Warrick County. As State winners of the Youth Essay Contest these two students will be honored today during a trip to our Nation's Capital.

The essays follow:

DISTRICT 6 WINNER—TARA GRUSZYNSKI, NOBLESVILLE JUNIOR HIGH SCHOOL, HAMILTON COUNTY

The Hoosier family gathers around their dining room table. Their eyes behold a feast of nutritious foods. The family begins by giving thanks for the food they are about to eat. Slowly, the food is passed around the table. The aroma excites the taste buds.

Tonight's meal consists of many nutritious fruits and vegetables. As they pour gravy over their potatoes and eye the strawberry shortcake for dessert, they are reminded how the farmers in Indiana provide them with a variety of fruits and vegetables.

Vegetables are rich in vitamins A and C. Fruit, delicious and easily digested, is a good source of vitamin C. The recommended amount of servings from the fruit and vegetable group is four daily.

The rolls and biscuits, are from the bread and cereal group. Indiana farmers produce wheat, corn, oats, rye and soy beans. The variety of products made from the grains should be consumed four times a day. These wholesome grains provide quick energy, vitamins, and minerals.

The meat on the table comes from beef cattle. Indiana farmers also raise hogs, sheep, and chicken. This variety provides the two required servings from the meat group. Meats supply the body with necessary sources of proteins, vitamins and minerals.

As milk is poured into tall glasses, other uses of milk are called to mind. There are cheese, yogurt and ice cream. The milk group is one of the best forms of calcium, which builds strong teeth and bones.

Knowing what to eat increases the potential for a longer and healthier life. The nourishment provided in a balanced meal is very important.

As the Hoosier family sits down to their meal, they remember the farmers, who produced the food. Thanks is given, not only for the food, but for the bounty of Indiana **farms**.

DISTRICT 9 WINNER—WILLIAM W. KROEGER, JR., BOONVILLE JUNIOR HIGH SCHOOL, WARRICK COUNTY

When I sat down at the table tonight and checked what we were having for supper, I was not surprised to see that all the food had been produced on an Indiana farm. In fact, in some way, I had helped grow most of the items there. You see, my dad is an Indiana farmer and I help him some on the farm. The meal consisted of beef—part of a corn finished hoosier steer—potatoes, green beans, and tomatoes from our Indiana farm garden. We had milk from a local dairy, and bakery products from a local bakery.

It is important to have all of the basic four food groups represented in order to have a nutritious meal. The groups consist of fruits and vegetables, meat, bread or cereals and dairy products. A nutritious diet is essential to health, vitality, and appearance. Foods from the basic four groups can be found in a list of Indiana produce. Corn, tomatoes, green beans, apples, peaches, pears, several varieties of berries, beef, pork, poultry, fish, grains—such as oats, wheat, rye, soybeans, and corn for cooking oils and salad dressings, and dairy products are only a few of these.

The food products mentioned in the meal above are also produced commercially in Indiana. In fact, the basis of Hoosier economy is farming. Few people know that farming is the state's biggest business. Farming creates jobs for thousands of Hoosiers who never set foot on a farm. Of the state's 23,102,400 acres, 16 million plus acres are used for agriculture. The export of Indiana produce helps balance the cost of imports. Every Hoosier should be proud that our Indiana farms can produce not only enough, but surpluses, of the foods needed to maintain healthy bodies and provide working energy for its population.

So when you sit down to your supper table tonight, check your plate. Does it contain a nutritious meal? It should. The amount of quality food supplies available to your family are abundant, thanks to modern agriculture. And Indiana farm products alone will provide all the foods your body needs.

1987-1988 DISTRICT WINNERS

District 1: Lynette Ducharme, Prit Sinchai.
District 2: Cristi Wechsler, Brent Bockelman.
District 3: Craig Hanna, Stacy Fellure.
District 4: Jeff Stolarz, Kathleen McLaughlin.
District 5: Lachelle Davis, Joel Brazle.
District 6: Chad Copper, Tara Gruszynski.
District 7: Jocelyn Kraus, Brett McBride.
District 8: Caroline Berman, Ryan Miller.
District 9: William Kroeger, Andrea Granderson.
District 10: Susan Cross, Matthew Kruer.

COUNTY WINNERS

Adams—Jason Subler, Kim Lehman.
Allen—Jason Kneubuhler, Teresa Police.
Benton—Michael Teany, Stacy Fellure.
Boone—Crystal Pennington.
Cass—Craig Hanna, Emily Goodrich.
Clinton—Mike Ruppert, Tina Kingery.
Decatur—Jonathan Larcomb, Nina Reed.
DeKalb—Becky Kelham.
Delaware—Michael Feeney, Monica Cirton.
Dubois—Jeremy Sermersheim, Julie Linette.
Elkhart—Samuel Lehman.
Fayette—Ryan Miller, Tammy Thompson.
Floyd—Allison Pangburn.
Fulton—Parry Leavell, Kim Bingle.
Gibson—Todd Walker, Katie Dewig.
Grant—Jason Taylor, Kathleen McLaughlin.
Hamilton—Andy Barker, Tara Gruszynski.
Hancock—Chad Copper, Leigh Bennett.
Harrison—Jason Holman, Susan Cross.
Henry—Steven Engle, Elizabeth Peyton.
Jackson—Ryan Sawyer, Julie Wisehan.
Jasper—Joel Haskell, Jeanna Tanis.
Jefferson—Daniel Sommer, Joyce Hoying.
Jennings—Ann Bridges.
Lake—Prit Sinchai, Nina Carpio.
Madison—Jason Preston, Merrie Arnold.
Marion—Michelle Evans.
Morgan—Jason Dahl, Mimi Keller.
Newton—Dustin Burns, Stefanie Shadowen.
Posey—Krista Fisher.
Ripley—Ben Pierson, Angie Brelage.
St. Joseph—Clay Michaels, Lynette Ducharme.
Switzerland—Cary Cain, Amy Haskell.
Vanderburgh—Michael Tempel, Jena Noll.
Vigo—Eric Roberts, Jocelyn Kraus.
Wabash—Jeff Stolarz, Deanna Jones.
Warren—Chad Smith, Michelle Clark.
Warrick—William Kroeger, Andrea Granderson.
Washington—Matthew Kruer, Tonya Howard.
Wayne—Matt Fix, Ann Koenig.
Wells—Tim Babcock, Staci Jo Walters.●

HONORING DR. J. ALFRED CANNON

● Mr. D'AMATO. Mr. President, I rise today to honor the memory of Dr. J. Alfred Cannon—a scholar, athlete, citizen.

Dr. Cannon was born in Long Island, NY, where at a young age signs of his personal excellence became evident. In high school, Cannon was a three-sport athlete and class president, which led to his receiving an academic-athletic scholarship to Columbia University. While at Columbia, he demonstrated his abilities in the classroom, as well as on the football field.

Upon receiving his bachelor of science degree from Columbia, Dr. Cannon was recruited as a fellow by the College of Physicians and Surgeons at Columbia University, where he earned his M.D. in 1954. He later received a masters degree from UCLA.

After graduating from medical school, Dr. Cannon entered the U.S. Navy Medical Corps, where he served his country for 3 years. Cannon, thereafter, embarked on a long and distinguished career which brought about many personal and professional achievements.

Dr. Cannon dedicated himself to the promotion and establishment of community health care institutions. Among the institutions he was instrumental in founding are the Frederick Douglas Child Development Center, the Mental Health Clinic of the Congregational Church of Christian Fellowship, and the Drew Medical School. His achievements also included the establishment of the Central City Community Mental Health Center and the psychiatric department at King's Hospital in California.

In addition to efforts to promote health care institutions, Dr. Cannon generously shared his knowledge of the healing arts. He taught as an assistant professor of psychiatry at the U.C.L.A. School of Medicine, and later in life brought his expertise to the people of Zimbabwe to assist in the development of a modern health care system.

Mr. President, Dr. J. Alfred Cannon was foremost a citizen. Because Dr. Cannon made a difference, the world is a better place.●

RUN TO WASHINGTON, DC, BY BUFFALO, NY, VETERANS

● Mr. MOYNIHAN. Mr. President, I rise today to congratulate a group of veterans from the city of Buffalo who ran to Washington, DC. They ran the 390 miles from Buffalo's Vietnam Veterans' Memorial to the one here on the mall in just over 2 days. And they did it to emphasize the need for employment assistance for veterans, especially disabled and minority veterans who face great obstacles in getting jobs.

Twenty-three people ran in shifts day and night, on flat land and over the Alleghenies, averaging 7½-minute miles. Thus far their efforts have inspired employers to offer 23 jobs to veterans. This number will grow, and eventually several dozen people will find work and once again become productive citizens because of the run to Washington.

The names of the runners are: Freddy Jordan, Donna Kelly, Jim Donohue, Charlye Messar, Mike Beebe, Hank Humphreys, Albert Stenson, Peter Wigdor, Ed Simmons, Ed Hackbush, Valerie Robinson, David Kelly, Kim Kipler, Michael Lundley, Karen Gardner, Jack Lyda, Larry McCoy, Bob Dailey, Bob Kaminski, Sal Teresi, Ernie Alstrom, Pam Nowakowski, and David Hoffman. Their dedication to finding jobs for veterans is laudable. They have earned our congratulations, and our attention to their message; we must not forget to help those who fought for this country. And a job is the best help our unemployed veterans could get.●

TAYLOR, MI, AT 20

● Mr. LEVIN. Mr. President, I want to pay tribute today to the citizens of Taylor, MI, which became a city 20 years ago tomorrow. Taylor, which is named after our 12th President, Zachary Taylor, has experienced tremendous expansion since the end of World War II. A town of 5,000 in 1945, Taylor is now a city of 77,568.

During its early history, Taylor was primarily an agricultural community. Later many Taylor residents worked on the construction of some of the huge ships that sailed the Great Lakes. One of them, the U.S.S. *Columbia*, has since been designated as an historical site and can be visited on Boblo Island on the Detroit River. Today, many Taylor residents work in the auto industry.

Taylor has worked over the last few years to make the city even more attractive for industrial and commercial growth. It has developed a package of incentives, including tax abatements and loan packaging, to reduce the costs of doing business in Taylor. Taylor has also set aside several hundred acres of certified industrial park land and makes these sites available at reduced rates. These incentives, combined with Michigan's business support programs, make Taylor ideal for the location of new businesses and for industrial expansion.

But Taylor's No. 1 resource is its people. Men and women with skills ranging from manufacturing to high technology; from metal work, assembly, and fabrication to computers and automation systems. The people of Taylor are what makes the city special. It's a good place to work and a fine place to live. I look forward to being in Taylor on Saturday and joining my friend, Mayor Kim Priebe, and a host of other local officials, and the people of Taylor at a grand anniversary celebration.●

ABE STOLAR—PART IV

● Mr. SIMON. Mr. President, I would like to continue telling the story of Abe Stolar, an American citizen who wishes to leave with his family from the Soviet Union.

After the Stolars were prevented from leaving in 1975, they continued to reapply yearly. And yearly their request was denied. While they waited in anticipation of gaining their freedom, the Stolars tried to rebuild the life which had been so cruelly disrupted. Michael Stolar, now an adult, met and fell in love with Juila Shurukht. They attempted to take the normal next step; they tried to get married.

The Soviet authorities would not allow a civil ceremony because they refused to accept Michael's American passport as proper identification. After trying for 6 months to have a civil ceremony, Michael and Julia were finally married on July 1, 1983, by an American rabbi.

The lack of a civil ceremony provided a further obstacle to the Stolars for the Soviets refused to acknowledge that the couple was married. The Stolars continued pressuring the authorities so heavily that in 1985, the Soviets, in an about face, began pressuring the Stolars to get out. However, the condition became that they would have to forever abandon Michael's wife in Russia. The Stolars stated then and continue to this day to insist that they will not leave the Soviet Union without Julia.

In February 1986, Julia and Michael had a baby, Sarah. Inexplicably, the official registry recognized the baby as Michael's, thereby establishing the ties between Julia and the Stolar family. The Soviets no longer talk about the marriage as a reason for denial. Unfortunately, since 1986, the lack of a waiver of financial claims by her mother against Julia has provided the foundation for their refusal to let her go.●

FUND FOR EDUCATIONAL ADVANCEMENT HONORS MONSIGNOR PETILLO

● Mr. LAUTENBERG. Mr. President, on May 18, friends and admirers of Msgr. John J. Petillo will gather to honor him at the fourth annual scholarship awards dinner of the Fund for Educational Advancement.

Monsignor Petillo is the chancellor of Seton Hall University, a fine Catholic institution in South Orange, NJ. Before becoming chancellor in 1983, he served with distinction in positions with the Archdiocese of Newark and Catholic Community Services in New Jersey. Under the leadership of Monsignor Petillo, Seton Hall has raised admissions standards and expanded its recruitment program. He has given particular emphasis to ethical considerations as part of the search for excellence in education.

It is fitting that Monsignor Petillo be honored by the Fund for Educational Excellence. The FEA helps to provide a quality education to the needy children of Essex, Hudson, Union, and Bergen counties in New Jersey. The fund provides financial assistance to needy families who wish to send their children to the schools of the Archdiocese of Newark. Many families find that their dreams for the next generation can come true with the help of the FEA.

Education is the key that opens the door to the future. Monsignor Petillo has dedicated his career to helping to open the door for others. He richly deserves the honor he will be receiving. I ask that my colleagues join me in congratulating Monsignor Petillo and the Fund for Educational Advancement for their commitment to the young people of New Jersey.●

DRUNK DRIVING PREVENTION ACT OF 1988

● Mr. BENTSEN. Mr. President, I am pleased to be an original cosponsor of the Drunk Driving Prevention Act of 1988. This bill will promote highway safety by encouraging the States to establish measures for more effective enforcement of laws to prevent drunk driving.

In 1984 Congress took a bold step forward in the battle against drunk driving by passing the National Uniform Minimum Drinking Age Act. This measure has significantly reduced the number of traffic fatalities involving young drivers, but drunk driving has been reduced among drivers of all ages. That is why I strongly support this measure which will enhance enforcement of Federal, State, and local drunk driving laws.

In my own State of Texas, the statistics reveal the importance of this bill. In 1984, traffic fatalities for 19- and 20-year-olds totaled 307. Two years ago, the Texas State Legislature raised the legal drinking age from 19 to 21. Fatalities for this age group dropped to 229 in 1987. Now, the Texas Department of Public Safety takes care to point out that it can establish no verifiable statistical link between drunk driving and the corresponding reduction in fatalities after the raising of the drinking age. Statistically that is probably correct. But most of us do not have to adhere to such rigid statistical analysis. We can just use our common sense and know that if there are fewer drunk drivers on the street less deaths will occur. So the important thing about Texas' experience is that from 1984 to 1987—only 1 year after the drinking age was raised—there was an overall 16.6-percent reduction in traffic fatalities on Texas streets and highways, and a startling 25-percent reduction in fatalities for 19- and 20-year-olds. I, for one, would like to see even further reductions in the number of fatalities on Texas roads. The Drunk Driving Act of 1988 will help to achieve that goal.

The bill will authorize Federal seed money to States to help establish self-supporting drunk driving prevention programs. Eligibility for the Federal money will be contingent upon the States establishing self-supporting enforcement programs, under which fines and surcharges collected from individuals convicted of drunk driving are returned to communities for enforcement. States would also have to adopt laws that provide for the prompt suspension or revocation of the license of a driver found to be driving under the influence of alcohol. In fact, a study recently released by the Insurance Institute for Highway Safety showed that such laws reduce drunk driving fatalities by 9 percent.

In addition to being eligible for grants under these two basic requirements, States could also receive supplemental funds by adopting one or both of the following procedures: First, a means of making driver's licenses of those under the legal drinking age readily distinguishable from those of drivers of legal drinking age; and second, the mandatory blood alcohol content testing of drivers involved in fatal or serious accidents.

And finally, the bill would also direct the Secretary of Transportation to commission a study by the National Academy of Sciences on the blood alcohol concentration at which a driver should be deemed to be under the influence of alcohol.

Mothers Against Drunk Driving and the National Safety Council join me in supporting this important legislation. I am hopeful that Congress will expedite this legislation so that our States can go about the business of reducing the number of alcohol-related traffic fatalities on our Nation's streets and highways.

There may be refinements needed in the bill. We can make those later. But we must take the first step now.●

ORDERS FOR FRIDAY

RECESS UNTIL 8:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 tomorrow morning.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE LEADERS

Mr. BYRD. Mr. President, I ask unanimous consent that at 8:30 tomorrow morning, following the prayer, the two leaders be recognized, or their designees, each for not to exceed 5 minutes each.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

RESUMPTION OF THE DOD AUTHORIZATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the two leaders, or their designees, on tomorrow morning the Senate resume its consideration of the Department of Defense authorization bill.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

THE KENNEDY AMENDMENT

Mr. BYRD. Mr. President, I ask unanimous consent that at 9:30 tomorrow morning the Senate proceed to the consideration of the amendment by Mr. KENNEDY dealing with aircraft carriers.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, there will be rollcall votes throughout the day tomorrow.

I will again propound on tomorrow a time agreement that will provide for a final vote on the bill, hopefully no later than 3 o'clock p.m., again with the understanding that, if there are other amendments at that time that have not been called up, Senators certainly would have the right to call up amendments and have a vote thereon.

RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until 8:30 a.m. tomorrow morning.

The motion was agreed to; and, at 9:11 p.m., the Senate recessed until Friday, May 13, 1988, at 8:30 a.m.

EXTENSIONS OF REMARKS

MR. PRESIDENT, BRING HOME ABE STOLAR

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LEVIN of Michigan. Mr. Speaker, perhaps most of my colleagues have by now seen the story which appeared on the front page of the "Style" section in the May 10 Washington Post. It's entitled, "The Bitter Pilgrimage of Abe Stolar" and I would like to submit it now for inclusion in the CONGRESSIONAL RECORD.

Abe Stolar is a native Chicagoan whose parents had emigrated to the United States from the Soviet Union in 1909. His parents longed to return and in 1931 the family sold all their belongings so they could return. Abe agreed to join them, and so he emigrated to the U.S.S.R. Although initially buoyed at the thought of living in a new country, Abe gradually became disaffected with Soviet life. Abe survived Stalin's reign of terror and Breznev's repressive regime but by the late 1960's he concluded that he had had enough.

Abe Stolar is not an observant Jew. But like so many other Soviet Jews who never before contemplated emigrating to Israel, news of Israel's stunning victory in the Six-Day War in 1967 stirred him—and steered him—to a return to the homeland of his biblical forefathers.

In 1975 Abe, his wife Gita, and son Michael finally received permission to emigrate and again Abe found himself selling all his belongings. In an infamous, dramatic turn of events, Soviet officials stopped the Stolars just before departure, effectively preventing them from emigrating. Since then, Abe's son Michael has married. He and his wife Julia have one child with one more on the way.

The Soviets have again given Abe, Gita, and Michael permission to leave, but they refuse to let Michael's wife go, claiming that Julia's mother has a financial claim against her. In truth, there is no financial claim but Julia's mother refuses to sign the document admitting as much out of pure vindictiveness. The Soviet emigration office could intervene if they wished but again, this is the work of Soviet Government whose pledge of glasnost has yet to fully extend to human rights. The Stolars have agreed they will only emigrate if the whole family is permitted.

During Passover this year, the traditional time for Jews to commemorate their freedom from slavery, 75 of my colleagues joined me in sending a letter to Julia's mother requesting that she sign the document, thus freeing the Stolars. I forwarded the letter and the signatures to Secretary of State George Shultz and President Reagan.

The President will be traveling to Moscow soon for an arms control summit with the Secretary General. There have been assurances that human rights will also be on the agenda. Abe Stolar is 76 now and ailing and I'm not sure how much time he has left to realize his final dream—to settle in Israel.

There is now a movement afoot in a number of quarters urging the President to press Mr. Gorbachev for the release of all the Stolars. I support that effort and I urge my colleagues in the House to speak out on behalf of the Stolars and to join me in imploring President Reagan to seek to bring the Stolars home with him so they may then emigrate to Israel.

THE BITTER PILGRIMAGE OF ABE STOLAR—A CHICAGOAN'S 57 YEARS IN THE U.S.S.R.

(By David Remnick)

MOSCOW.—In the early days of the American romance with Bolshevism, Abe Stolar was a member of the John Reed Young Pioneers, Chicago chapter, and he would march down the sidewalks of Division Street wearing sandwich boards reading "Save Soviet Russia."

"I was a proud communist and my family and friends all looked to the U.S.S.R. for inspiration," he says. The glory day came in 1930 when Stolar and his parents joined hundreds of other American communists in moving to Moscow, capital of the "great experiment."

It was the fantastic voyage of his generation. "We were idealists, and we wanted to build the workers' paradise," Stolar says. He is an old man now, 76 years old with a hearing aid and a lousy leg. He sits in his weary apartment on the southwest rim of Moscow and stares out his window at a landscape of concrete and dust. A line of buses and troop trucks rumbles down the road. Stolar tries to catch a fly with his hands and misses by two feet. "We were idealists," he says finally, "and we were painfully damn naive. A paradise. That was the big damn joke."

Stolar is a plain man made extraordinary by the place he moved to. But he gradually grew disillusioned and finally disgusted with life here, and for more than 15 years he's wanted to leave, live out his life in Israel. He doesn't have a very firm picture in his mind of what Israel might be like, though a relative once sent him a coded post card that said, "Come running."

He has tried. Once, in 1975, the Soviets said he and his wife Gita and their son Mikhail could go. They packed their things and drove out to Sheremetyvo Airport on the appointed day for the afternoon flight to Vienna. But at the passport window, the police told him to turn around. His wife, they told him, had learned "state secrets" while working at a chemical institute years before.

In the apartment on Vernodskovo Street, there are a few remnants of Stolar's Chicago. His son papered one wall with American cigarette ads and a bathroom wall with chewing gum wrappers. He keeps a stack of Herald Tribunes in his desk. He remembers some things about Chicago, the city he left 57 years ago: the basement meetings in support of Sacco and Vanzetti, the Chicago Daily News featuring the exploits of Al Capone, the streetcars, the lake.

His mind is filled with a cloudy, quaint, left-wing Chicago, an E.L. Doctorow vision writ small and faint. His accent is still Humboldt Park, but all of it fades and fades some more, and he is always asking. "Do they still have that?" "Do they still say that?" "Is all that gone now? Is it? Sure. That must be all gone now."

In the '20s and '30s, many Western intellectuals were entranced with the Soviet Union. Most of them knew little or nothing about the various repressions here, and what they did know about the history of early Bolshevism they sometimes willfully ignored.

Abe Stolar's parents, Morris and Esther, were not intellectuals, but their passion for the revolution was at the heart of their lives. They were born in the Byelorussian city of Kishinev and emigrated to the United States in 1909, a time when Cossacks were killing Jews by the thousands. In Humboldt Park, the Stolars lived with other Jews and Poles, and they worked as printers.

"My sister and I were born in Chicago, so we were American citizens right away," Stolar says. "But right from the start my father always wanted to go back. His whole culture was Russian.

"When we set out on the voyage, I was feeling great, with the sea air and the future all ahead of us. I never thought I'd stay forever, maybe two years or so, enough for a great adventure, that's all.

"We sold all our stuff, all the furniture, nearly everything we had, because my father insisted that the first five-year plan was starting and soon Russia would have plenty of everything for everybody. What a joke. My mother had brought our dishes and wrapped them in old clothes to keep them from breaking. It turned out that those rags helped us get through some tough times in Moscow. My mother ended up selling them as if they were gold."

When the Stolars arrived at Moscow's Byelorussia train station, Stolar was unimpressed. Gorky Street, one of Moscow's main thoroughfares, seemed like something out of a 19th-century tintype, with cobblestones and streetcars and mud all around, and the buildings no more than two or three stories high, and the plaster cracking, and the paint faded from winter.

"Right away, I had all these little criticisms of Moscow," Stolar says, "but my father was always there to explain that the country had been through a revolution and a terrible civil war and they needed years to build communism."

The Stolars handed over their American passports and received Soviet ones. No one thought to ask what this meant—"We all assumed we were free to come and go"—but in the end this transfer of documents would lead to death for Morris Stolar and an endless residence for his son Abe.

The family lived in an apartment building surrounded on all sides by fields that were populated with pigs and sheep. Esther Stolar's idealism was tempered by her daily walks through the muddy fields. "She was

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the bourgeois among us," Stolar says. "She was uncomfortable from the start."

In the early years, Stalin granted foreigners in Moscow many privileges—extra food rations, a club at Gorky Park. "It was a life of Riley compared to everyone else's life in Russia," Stolar says. "We had movies every week, a drama group, I sang in a chorus and we sang stuff like 'The red cavalry are we, of us brave tales are told.' I still sing those songs to myself."

In 1936, Stalin put an end to all that. Stalin's objects of paranoia included not only military leaders, Jews, "cosmopolitans" and intellectuals, but foreigners. Foreigners were ordered to leave the country immediately or remain as Soviet citizens. Most left. The Stolars, who were carrying Soviet passports, had no choice, and stayed behind.

The next year, as Stalin was beginning his purges, Abe Stolar came home one day to discover the apartment a shambles. His father was gone, arrested by the secret police. "Like nearly everyone in that position, we tried to be rational and figured this was some kind of mistake, something they would correct in a couple of days' time," Stolar says. After weeks of visiting the offices of the secret police—then known as the NKVD—Esther Stoler learned that her husband had been given a "dime," gulag-ese for a 10-year sentence in a prison camp. Later (the family does not know when), Morris Stolar was murdered in the camp.

"We never really suspected before the purges that Stalin was doing anything less than heroic work to build communism. I didn't pay much attention to him, really. The first time I had a hint of his mind was when I was walking down Pushkin Street one day on a holiday, maybe May 1, and there was this huge red banner of Marx, Engels, Lenin and, biggest of all, and in the foreground, Stalin.

"And I thought to myself, 'How can they put Stalin up there with such people, the dead gods of communism?' And once more my father had an excuse. He said, 'This is a backward country and the peasants need something to look up to.' So I was reconciled to Stalin. In fact, the first time I ever heard of a friend's parent getting shot by Stalin, I felt bad, but the doublethink was always working on me. I figured that somehow the guy must have deserved it. But then Stalin went ahead and killed my own father, a true believer."

Stolar could get a job only by lying about his father, claiming he was alive or dead from natural causes. He worked for a while painting faces on dolls, and when the war began the same plant started making uniforms for the troops, "I liked any work I could do and do well," Stolar says. "You may think it's crazy but I was raised to believe in the dignity of all work."

In August 1941, the government summoned him from his job to a district office. Stolar was drafted, sent on the next train north to a forest camp in the Arctic Circle.

"I didn't even have time to get warm clothes," he says. "I had no long underwear, just thin pants, a shirt and a jacket, and right away they sent us out into the woods, the weather 40 degrees below zero, and we started chopping down trees. They needed the wood for trenches and dugouts. Though, in the end, the Germans never got that far north."

After that stint as a military woodsman, Stolar went with hundreds of other troops to the front in a town near Lithuania. Their job was to hold the line against the Germans. "But we didn't have many bullets. They gave us two or three bullets a day. That was it. One night the Germans threw a grenade near me, and a splinter of some kind went flying straight into my left eye. Now all I can see through my left are shadows, Shadows and a little light."

Abe Stolar believed.

Even after all he knew and saw, he believed. After the war, he worked for years for the Soviet propaganda machine, writing captions for the official news agency Tass and copy for the English-language service of Radio Moscow. Using the Russian non de plume Nikolai Stolyerov, Stolar pumped out all the monotonous tripe his fingers could manage. He "forgave" Radio Moscow its "little lies" about the West and the Soviet Union's own economic and political life, "because I still thought we were all in this together, building communism." With the overthrow of Khrushchev in 1964, the station became even worse.

"And after a while the whole thing got to be draining," Stolar says of life under Brezhnev. "When the Israelis won the Six-Day war in 1967, and the radio was coming out with all this stuff how terrible Israel was, I finally began to think." Stolar listened intently to friends and family. Many of them were of the nascent Jewish emigration movement. In 1969, a niece left for Israel, and a few years later, Stolar's sister followed.

For the first time, Stolar stopped living in his father's utopia and took a hard look around. "I could no longer justify anything. Especially after I heard what rotten things they were saying about Israel and the Jews." Stolar's attitude has become so bitter, and his views so pronounced, that it cannot have helped him in his attempts to leave the country.

"I realized that this country is behind where Chicago was when I left in 1930. The customer is always wrong. The pedestrian is always wrong. There is no trust of any kind in this country. Everything that is wrong with this country can be attributed to the fact that most people are not interested in their jobs. Doctors have disdain for sick people. Bus drivers hate their passengers. Lawyers aren't interested in winning your case. The worker in the factory doesn't give a good goddam about the product he's making.

"So much is done on the side, on the black markets, that it's as if real work interferes with your life. There is an old saying here, 'He who works shall not eat.' Who eats the best? The bureaucrats who do nothing. Who eats the worst? The workers who are too worn out to do anything on the side."

Abe married Gita in 1956. Their son Mikhail, now 29, became a deeply religious Jew. He wears a yarmulke, keeps kosher, studies and observes as many of the Jewish rituals as he can. "My father is still an atheist, but I want to go to Israel for religious reasons as well as political ones." Mikhal says, his English a strange blend of working-class Chicago and Moscow.

After denying the Stolars their exile at the airport in 1975, the Soviets now say that the Stolars can go. All except Mikhail's wife Julia, a Soviet citizen. The government claims that Julia's mother has a "financial claim" on her daughter. Stolar says, "That's baloney. The only reason Julia's mother is making any claim at all is because the state is putting her up to it. They just want to give us all the trouble they possibly can."

A few years ago, the Soviets told the Stolars to get out of Moscow within five days. They refused, insisting on their right to leave together. In the meantime, Mikhail Stolar has been called a "parasite." Abe and Gita live on Abe's $400-per-month pension. Occasionally, visitors from abroad leave a radio or some books behind, and the Stolars sell them for some extra money for Mikhail and Julia.

"Maybe I could go tomorrow, but how can we possibly leave Julia behind?" Stolar says. "Nobody knows that we will only leave as a family."

The scene is a huge, modern living room on the grounds of the U.S. Embassy in downtown Moscow. High-ranking embassy officers live in town houses that seem airlifted direct from Foggy Bottom. Waitresses float by bearing Thai rolls, meatballs, European cheeses, wine and beer. The room is packed with journalists, diplomats and two dozen refuseniks—Soviets, like Abe Stolar, who have been denied exit visas.

Everyone is waiting for Secretary of State George Shultz, who is in Moscow to lay the groundwork for the summit meeting here at the end of the month. Abe is working on the meatballs. Mikhail and his pregnant wife chat with a few reporters. "Have you seen the letter my father has written to President Reagan?" Mikhail says. "I suppose he gets thousands of letters, though, doesn't he?"

Finally, Shultz arrives, and he inches along from refusenik to refusenik, hearing their encapsulated tales of misery. Each is more nervous than the last as he tries, with everyone watching, to imprint his case on Shultz's mind.

"I have been on a hunger strike. I've been waiting for years to leave. I hope, Mr. Secretary, that you will tell Mr. Gorbachev that my wife and children and I . . ."

"Mr. Secretary, they say I have state secrets, but what was my job? I worked in sausage factory. The only secrets they have there is how much fat they mix with the meat * * *"

Shultz is impassive, a remote man, who emits a stolid concern but little warmth. The refuseniks appeal to him with all the power their eyes and voices can manage. If they could climb inside his mind and stay there, they would. Shultz keeps saying that these cases "are a first priority."

Finally, Shultz arrives at the sofa where Abe Stolar is waiting. Shultz has been at these receptions before, and instantly recognizes Stolar. Shultz says, with a truly warm smile, that he is "tired" of meeting him in Moscow.

"Then let's meet somewhere else," Stolar says. "Somewhere like Israel. Or Chicago."

IN RECOGNITION OF DORIS AND DAVID BAGOFF

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. TORRICELLI. Mr. Speaker, it is a great pleasure for me to rise today to bring to the attention of my colleagues, the accomplishments of two outstanding individuals in my district. The New Milford Jewish Center will be honoring Doris and David Bagoff at a testimonial dinner in recognition of their unstinting participation and exceptional contributions to the center.

David Bagoff, a member of the sales and marketing staff of the Murphy Realty branch office in Fort Lee, is the former president of a well-known tool and die manufacturing company in New York City. During World War II, in service to his country, David joined the U.S. Army Air Forces as a flying cadet and graduated as a second lieutenant. He flew 50 combat missions in the European theater and retired with the rank of major after 30 years of combined active and reserve service. He is a member of post 773 of the Jewish War Veterans and the Knights of Pythias. David Bagoff has long exemplified commitment and responsibility in his community and is a member of the board of governors of the New Milford Jewish Center, where he served as the center's president for two terms, first vice president, chairman of the board of directors and for 2 years worked tirelessly as chairman of the fund-raising journal. He is past president of the men's club and currently serves as active liaison to the center's board of directors.

Doris Bagoff, who is currently employed as the office manager for physicians' practices, was formerly a member of the library staff at Fairleigh Dickinson University. Long known for her generosity and unswerving dedication to the center, she served for 2 years as president of the sisterhood and secretary, fund-raising and adult-education vice president. In addition, she has demonstrated her caring and concern as a charter member of the Triboro chapter of Hadassah.

Doris and David Bagoff are the parents of two sons, Robert a dentist, and Gary an accountant. Since relocating to New Milford 20 years ago, they have dedicated themselves to their community and have achieved distinguished records of service and leadership, especially through their involvement with the New Milford Jewish Center. I know they will continue to respond to the needs of others and extend their talent and support, energy and enthusiasm to the Jewish center that honors them. Mr. Speaker, I am proud to join in paying tribute to this exceptional couple and extend my appreciation on behalf of their efforts and offer my best wishes for continued success.

A TRIBUTE TO THE UNSUNG HEROES OF SMALL BUSINESS—THE SBA'S PROCUREMENT CENTER REPRESENTATIVES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. CONTE. Mr. Speaker, upon the occasion of Small Business Week 1988, I wish to honor some little known and unsung heroes of the small business community; the hard working, knowledgeable, dedicated, servants of small business, the Procurement Center Representatives of the U.S. Small Business Administration. This small team of men and women are both the sword and the shield of small businesses that contract, or seek to contract, with the Federal Government. They are domiciled within, or regularly visit, all major procurement centers of the Federal Government, military and civilian, to assure that a fair share of government procurement opportunities are made available to small business.

Many, including those who benefit from their activities, are unaware that the procurement center representatives are officials of the Small Business Administration, thinking rather that they are employed by the procuring agencies in which they work. These individuals, the traditional procurement center representative working alone or teamed with breakout procurement center representatives and the breakout team of technical advisors, engineers, and procurement analysts, assist procuring agency officials in identifying procurement opportunities appropriate for fulfillment by small business, and identify and qualify small contractors for the identified procurements.

Breakout teams, breakout procurement center representatives, and technical representatives, are a relatively recent and natural outgrowth of the original, or traditional procurement center representative role. The breakout team identifies and negotiates the segmentation, or breakout, of subsystems and subassemblies from major procurements which had previously, because of size or complexity, been the exclusive preserve of large business. This activity has, by its own nature, increased the volume of procurement opportunities available to small contractors. Both the traditional and breakout procurement center representatives maintain surveillance of all purchasing activities to identify and negotiate for those opportunities which do not require breakout for small business accomplishment.

Breakout procurement center representatives and technical advisors, engineering, have both an engineering education and the requisite technical expertise which enables them to pierce the major systems veil and evaluate the subsystems, assemblies and subassemblies which can appropriately be segmented and procured independently from small contractors. This method has proven to be not only more efficient, but more cost effective than procuring the major system and all of its components from one large prime contractor. Additionally, the savings realized on spare and replacement parts procured from these small contractors is a multiplier of the cost effectiveness of the original breakout procurement.

In this historic 100th Congress, I have authored legislation designed to increase the number of procurement center representatives and enhance their powers. As a direct result of this legislation, small business will receive a greater portion of government contracts and the small business competition will generate substantial cost savings to the taxpayer.

American small business is our greatest treasure. In Federal contracting all small business turns to the procurement center representatives. They work for small business. They work for America. They deserve our wholehearted support and congratulations, these heroes of the SBA.

A TSUNAMI OF JAPANESE TECHNOLOGY TO DELUGE UNITED STATES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LEVINE of California. Mr. Speaker, the current issue of New Technology Week contains some very disturbing observations by Sheridan Tatsuno, a senior analyst with Dataquest Corp. in San Jose. Mr. Tatsuno warns that the United States runs a very real risk of being leapfrogged in key technologies in the coming decade. If this occurs it could significantly impair our international competitiveness in the coming decade.

Mr. Tatsuno's warnings about the failure of American managers and the general technological illiteracy of our population are deeply disturbing. They add further credence to my view that many of the wounds we have suffered in recent years with respect to our competitiveness are self-inflicted. Until we change many of the philosophies which guide American managers and our society as a whole becomes more comfortable with technology, we are in for a rough ride.

I include the full text of the New Technology Week article in the RECORD and commend it to my colleagues' attention:

[From the New Technology Week, May 9, 1988]

LEAPFROGGING AMERICA: A TSUNAMI OF JAPANESE TECHNOLOGY TO DELUGE UNITED STATES

(By Richard McCormack)

The executives who run major U.S. corporations fail to appreciate the magnitude of Japan's technological strength, says Sheridan Tatsuno, a senior industry analyst with Dataquest, a high-technology market research firm based in San Jose. Japan is moving rapidly into high-end, creative and innovative research across all industrial segments, and the effort "is not going to let up," warns Tatsuno. "In the 1990s we're going to get leapfrogged in a dozen industries and Americans won't know what hit them. * * * It doesn't take a fool to see what's going on there."

The trend will become obvious in the early 1990s and will accelerate in the middle of the decade, predicts Tatsuno, a sansei or third generation Japanese American. Following closely the situation that has developed in memory chips, where the U.S. had a commanding lead and lost all but a very small portion of the market to Japanese producers, says Tatsuno, "the Japanese are going to have the cards for everything. They'll say: 'You can have the technology, come and get it, but it's all in Japanese.' That's when we'll be in trouble."

The U.S. will then be in the position that it is in now in the dynamic random access memory market: the Japanese have the DRAMs and U.S. consumers have to pay whatever price the Ministry of International Trade and Industry dictates.

This situation also poses problems for the Japanese, says Tatsuno. If a recession sets in, there will be more competition for a smaller market: "People will get very uptight, and will start blaming the Japanese for all of their problems."

Tatsuno doesn't quite understand the U.S. mentality. Executives "pooh-pooh ideas before they investigate them," he says. They are too "mentally lazy" to commit themselves to risky but promising technologies. The Japanese are busily creating markets with new technologies while American companies have a "wait-and-see" attitude, Tatsuno remarks. "And this becomes a self-fulfilling prophecy. The Japanese say, we're not going to wait. We're going to create and invent the future."

America's skepticism has become an excuse for not doing anything and it is leading to an overall immobilization, Tatsuno charges. "I've really noticed this skepticism quite a bit lately," he explains. "Managers are not being rewarded for what they can do but for what they should be doing right now. If [U.S.] managers divert their attention away from the pressing matters [of the moment], then they really run the risk of exposing themselves to failure." The mentality runs something like this: "'We're in the vacuum tube business, we really need to squeeze all of the revenues and energies out ouf that.'"

Tatsuno, whose job is to forecast markets, says many Americans "laugh him off the roof" when he makes predictions concerning the growth of certain technologies, three-dimensional integrated circuits, for instance. Yet when he goes to Japan, they say that it's old news. Today's naysayers "will become the protectionists later who scream 'dumping.' It's really backwards thinking."

In superconductivity, the Japanese are looking at all sorts of practical applications, "and they're thinking 20 years; they're thinking next year" for such things and infrared and magnetic sensors. The country also has the mass production and marketing skills "to pull it off," he says. In the meantime, American companies "will sniff at it because there are no margins or the market won't be big enough or they won't be sure what type of market will develop." High-temperature superconductivity will also play well into the Japanese system because of the country's strength in applications engineering and manufacturing, both of which U.S. companies generally lack.

And while the United States government spends $62 billion a year on research and development much of what is produced is not picked up by industry. Tatsuno uses this comparison: "We're pouring tons of money into fertilizer and seeds and we don't have anybody to harvest the stuff." As a result, the research ends up "rotting in the fields." One way to cure this problem is to have American venture capital companies invade the publicly funded laboratories and pick up whatever they can.

Given that the largest high technology market for U.S.-made products is the U.S. military, Tatsuno believes that this is not a healthy economic condition. The military market is much easier because winning a multi-million dollar contract comes with the stroke of a pen. Whereas in the consumer market "you have to fight for every penny out of the marketplace." To get a similar amount of revenues out of consumers takes a great deal of money and staying power. In defense contracting, it's a one shot deal "either you hit or you don't," he comments. "In the marketplace, it's a constant fight."

The Japanese have a huge amount of high tech products that never make it to the United States. Video telephones are being sold throughout the country, as well as phones that have liquid crystal displays. "Ninety-nine percent of the products are way ahead of the United States, but never make it here," says Tatsuno. The reason for this is that most Americans are not as scientifically or numerically sophisticated as the average Japanese. In order for those products to be successful in the U.S., they would have to be "dumb-downed." In the U.S., consumers get extremely frustrated when a product gets the least bit technical, Tatsuno explains. "Whereas in Japan, the level of education is so high that the average Joe is a pretty sophisticated guy."

The Japanese also have an extremely good command of the English language, and there are only a few Americans who possess knowledge of the Japanese language. Right now, the "biggest problem" facing companies in the Silicon Valley is the lack of college graduates in electrical engineering who possess the ability to speak or read Japanese. Tatsuno continually receives calls from companies asking if he could suggest people with these qualifications. He doesn't know of any. In terms of firepower, the Japanese are graduating hundreds of thousands of electrical engineers a year, all of whom read English and therefore "know exactly what we're doing." By contrast, the United States is graduating less than 100 American born BSEEs a year capable of conversing in Japanese.

If Tatsuno was in charge of hiring for a U.S. technology company, he would raid Japanese companies for their best and brightest talent. This is easier said than done, however. "I'd change the immigration policies to allow any company to pull in a Japanese researcher or engineer," he explains. The danger in this is that a Japanese would leave his position in Japan to take one up at a Japanese company's office in the U.S. "So you say, 'if you don't stay with an American company, you lose your visa.'" There are plenty of Japanese who would love to live in America, he points out.

Does Tatsuno believe that the entrepreneurial high-tech start-up companies are the United States' ace in the hole in this internationally competitive environment? Yes, and no, he responds. "These guys are coming into a pretty crowded marketplace." When Intel was founded in 1968, for instance, it had five years to take control of its market and there was no Japanese competition. "Now, these small companies are protected for only a very, very short time," Tatsuno says.

THE AMERICAN AGENDA: A GOOD IDEA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. GARCIA. Mr. Speaker, today's Washington Post contains a fine article on "an unusual bipartisan effort to identify the most pressing problems that will face the next president and to propose some solutions."

This project is the American Agenda, a bipartisan organization that is cochaired by former Presidents Jimmy Carter and Gerald Ford. The Post article quotes a prospectus of the Agenda as saying, "Our purpose will be to build a bridge of ideas between the experience and wisdom of the past and the policies, actions, and aspirations of the next president."

This is clearly a worthy goal as our Nation prepares itself for the next century. I wish the American Agenda well. I know it will succeed in part because of the worthiness of its aspirations, in part because it is bringing together some of our Nation's finest thinkers and leaders from both political parties.

One of those leaders is Stu Eizenstadt, who many of us remember as President Carter's chief domestic policy adviser. Although Stu has been pursuing an active career as a Washington attorney since leaving the White House, he has still found time to remain involved with important public interest projects such as the American Agenda. I'm sure with dedicated individuals such as Stu involved, the Agenda will prepare a useful blueprint for the next President.

I am submitting the Post article for the Record for my colleagues' perusal.

[From the Washington Post, May 12, 1988]

CARTER, FORD JOIN GROUP TO HELP NEXT PRESIDENT AVOID SOME PITFALLS

(By Lou Cannon)

Former presidents Gerald R. Ford and Jimmy Carter are cooperating in an unusual bipartisan effort to identify the most pressing problems that will face the next president and to propose some solutions.

Carter and Ford are cochairmen of American Agenda, an organization that is attempting to define a "considered agenda" of the five or six most serious issues likely to be faced by President Reagan's successor. The group's formation will be formally announced Sunday.

"Our hope is to help create for the next president and for the nation a summary agenda of where we as a nation are, where we want to go and what we must do to get there," declared a prospectus of American Agenda.

"Our purpose will be to build a bridge of ideas between the experience and wisdom of the past and the policies, actions and aspirations of the next president," it added.

The organization is being jointly directed by Stuart Eizenstat, a Washington attorney who was Carter's chief domestic policy adviser, and James M. Cannon, who served as political adviser to Vice President Nelson A. Rockefeller and then to Howard H. Baker Jr. (R-Tenn.) when he was Senate minority and then majority leader. Baker is now White House chief of staff.

American Agenda, funded by a $500,000 grant from the Times-Mirror Co., will focus on problems expected to confront the next president during his first six months in office.

"The first six months is the period when the president has the least familiarity with the office but also the greatest opportunity to make changes because it is likely to be the time when he has the most bipartisan support," Cannon said.

Eizenstat called the idea "the first attempt at an effective and systematic use of past presidents" and to learn from their experience and mistakes.

"There are those who will say that the people who are responsible for the problems are recommending ways to solve them," Eizenstat said. "But it might be useful for the new president and his aides to hear the recommendations of people who been through the experience and have a few bumps on their heads."

To define problems and prospective solutions, the group will consult with more than

75 specialists in different disciplines and attempt to establish a working relationship with foundations involved in national and international policy analysis.

The two former presidents and an executive committee composed largely of former high government officials will make its recommendations to the president-elect on Nov. 10, two days after the election, and subsequently make the report public.

Cannon and Eizenstat said the emphasis will be on finding a consensus, wherever possible, and on narrowing options on issues where agreement cannot be reached.

American Agenda's prospectus observed that neither of the major parties' nominees "will have the time or opportunity or the responsibility" during the campaign to focus on decisions that must be made if elected.

The winner will have only 10 weeks to recruit his staff and Cabinet, be briefed on the problems he will inherit and initiate his first policies and programs.

The executive committee of American Agenda includes former Tennessee governor Lamar Alexander, former Treasury secretary Michael W. Blumenthal, former deputy secretary of state Warren Christopher, former housing and urban development secretary Carla A. Hills, former Urban League director Vernon E. Jordan, former secretaries of state Henry A. Kissinger and Edmund S. Muskie, former deputy budget director Paul H. O'Neill, former Congressional Budget Office director Alice M. Rivlin, American Express chief executive officer James D. Robinson III, former defense secretary Donald H. Rumsfeld, former national security adviser Brent Scowcroft, former special trade representative Robert S. Strauss and former Communications Workers of America president Glenn E. Watts.

IN HONOR OF THE SUFFOLK JEWISH LEADERSHIP LEGISLATIVE BREAKFAST AND 40 YEARS OF UNITED STATES-ISRAEL RELATIONS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to acknowledge an event celebrating the 40th anniversary of the State of Israel which will occur on Long Island on May 15, 1988. On that day, the Suffolk Jewish Communal Planning Council and the Suffolk Division of the American Jewish Congress will host the Suffolk Jewish Leadership Legislative Breakfast. This breakfast will serve as a forum for Long Island's elected officials and Jewish leaders to discuss the special relationship which exists between the United States and Israel and the future of this relationship over the next 40 years.

The Suffolk Jewish Communal Planning Council is the umbrella organization for more than 30 Jewish groups in Suffolk County. The planning council coordinates the activities of these groups and serves as a conduit for information between them and the community.

The American Jewish Congress, founded in 1981, is celebrating its 70th anniversary this year. It is an organization founded to promote social and economic justice for all Americans, and to ensure the security of Jews around the world. The Suffolk Division of the American Jewish Congress works to protect the basic principles of the Constitution and to maintain the separation between church and state. It is actively involved in defending people against anti-Semitism and works to solve the problems of the homeless.

I spent the second week of January of this year in Israel. This trip was the first time I had been to that region of the world. During my visit there, I had the opportunity to meet with many of Israel's top leaders, and to discuss many of the important international issues which bind the United States and Israel together. In light of the recent disturbances in the West Bank and Gaza Strip, I am especially glad that I had the opportunity to view the situation in Israel firsthand. While in Israel, I was impressed by the many scientific, agricultural, and engineering accomplishments of that country. I have no doubt that if that region of the world was at peace, Israel could make a significant contribution to the welfare and prosperity of the entire region.

Israel's connection to the United States officially began when President Truman made the United States the first country to officially recognize the newly declared State of Israel. Since 1948, relations between the United States and Israel have steadily grown stronger. The United States-Israel relationship is firmly based on a number of factors. I believe the strongest of these factors include a shared heritage as vibrant, innovative people and American respect for Israeli accomplishments—building a modern nation out of little more than sand and hard work in less than half a century.

I am confident that the relationship between the United States and Israel will continue to grow stronger over the next 40 years as it has over the past 40. I look forward to working with the American Jewish Congress and the Suffolk Jewish Communal Planning Council to advance social and economic justice here, and to strengthen the ties between the United States and Israel.

ROME, GA, PROVES THAT DOWNTOWNS CAN SURVIVE MALLS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. DARDEN. Mr. Speaker, we hear pronouncements throughout the Nation these days that downtown is dead—whether it might be downtown in a major city, a medium-sized community or a small town.

However, the city of Rome, in the Seventh Congressional District of Georgia, has proven that downtown can survive and prosper, even in the age of the mall.

Mr. Speaker, I would like to summit into the RECORD a column, by Jim Wooten of the Atlanta Journal-Constitution, which describes the successful effort of the people of Rome to preserve and revitalize their historic downtown area.

[From the Atlanta Journal-Constitution, May 8, 1988]

ROME PROVES THAT DOWNTOWNS CAN SURVIVE MALLS

(By Jim Wooten)

Wait! Citizens are getting too far ahead of their leaders. Before politicians can assemble a comprehensive program to save rural Georgia, it may save itself, and in some instances, in glorious style.

In two weeks, dignitaries will gather in Rome to dedicate a beautification project called Streetscape, another phase of a downtown redevelopment program that is turning Rome into something to be experienced.

The revival of this once-affluent city of 30,000, where the Etowah and Oostanaula rivers merge to form the Coosa, is the story of a city that took advantage of available government help to save itself.

In the past 10 years, $20 million has been invested in downtown and 85 Victorian-style buildings have been renovated. New retail businesses flourish, many of them small enterprises started by local people who started to believe in themselves and their community's future. Last year, 20 new businesses were started, while two closed or moved. The 20 employ a total of 40 people, truly mom-and/or-pop operations.

Admittedly, Rome had a character to redevelop. The city flourished between 1870 and 1920 as a northwest Georgia and northeast Alabama trading center where cotton was processed for steamboat shipment down the river. Fine homes and commercial buildings were constructed during the period. The downtown remained a commercial center until strip shopping centers and, in 1975, a nearby mall shiphoned off major downtown businesses. Property values plunged.

The turnaround started early in this decade when Rome joined a state program called Main Street, which had been developed by the National Trust for Historic Preservation to save downtown historic structures.

The program was aimed at cites of less than 50,000. Administered by the state Department of Community Affairs, it provides mostly technical advice and some incentive grants to smaller cities to redevelop downtown areas. Rome and Athens are the most successful graduates, but now half the eligible cities in the state participate.

It helped change downtown Rome's appearance. But this state is full of cities that have changed downtown's appearance without altering downtown's fate or even its attraction.

Rome is different because it's clearly an instance of people using limited government assistance to solve their own problems, not of people altering building facades or constructing bicycle paths just because free money is available.

This Streetscape project, to be dedicated May 21, is an example. To finance it, downtown property owners agreed to tax themselves an extra five mills for up to five years and to pay a one-time curb and gutter assessment. That raised $400,000. The city kicked in another $250,000. The state Department of Transportation contributed $150,000 to buy a trolley, and the community raised $337,000.

How? Elements of the project were "sold" to about 150 members of the community. Downtown benches sold for $2,000, willow oaks for $350, lights for $1,500 and crepe myrtles for $200. Bricks sold for $15 each. Downtown's revival, thus, is an ongoing effort. It doesn't stop when tax laws change or grants dry up. And that is what sets it apart from dozens of others.

So attractive has Rome become that a major mall has been announced three miles north of town, with four anchor stores and a half million square feet of retail space.

Will downtown survive? Bet the farm on it.

OPPOSITION TO PROPOSED FAA RULE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. COOPER. Mr. Speaker, small aircraft owners and pilots in my district are really upset about the Federal Aviation Administration's [FAA] proposed rules requiring mode C transponders. I'm mighty concerned too, as are many other Members of Congress. I have written T. Allan McArtor, the FAA Administrator, asking for changes in the rules. My folks at home are raising important questions about the broad and burdensome reach of the rules. That's why I'm including in these remarks a copy of the letter I wrote to Mr. McArtor that expresses what's on their minds:

House of Representatives,
Washington, DC, May 12, 1988.

Hon. T. Allan McArtor,
Administrator, Federal Aviation Administration, Washington, DC.

Dear Mr. McArtor: I know you've been receiving comments from other members of Congress about the proposed rules expanding requirements for the use of Mode C transponders. I wanted you to know what's on the minds of my constituents in Tennessee.

The main thing I'm hearing is that the proposed rules are too broad and too burdensome. Making all small planes equip with Mode C transponders within forty nautical miles of 254 airports and above 6,000 feet anywhere in the U.S. goes too far. That's a heavy burden for folks flying small aircraft. When folks are asked to bear the burden of new costs and regulations you've got to be able to justify it. I don't feel that you've justified your proposal.

We're all for improving public safety. We are just asking that you pursue it with a well-tailored rule that is fair to small aircraft. Pilots in my area would willingly bite the bullet and sacrifice if they really believed these proposed rules were the best way to make the skies safer. They feel, and I agree with them, that they are not.

How do you respond to these arguments? First, airports and air controllers don't have the capacity to use all the information that would be coming in from all those transponders at those distances. Second, many of the areas that would be swept in by the rules just don't have that much commercial traffic. The rules should take this into account. Many of my constituents believe it would be better to establish air traffic climb/descent corridors rather than block out more airspace. Third, controlling more airspace without really assessing its impact on small planes and without really knowing how much radar airports can handle is unfair and premature. Why can't a much more limited rule do the job?

When you require Mode C transponders for everybody over such an extensive area and at the same time start expanding controlled airspace, understandably pilots of small craft believe they're not wanted up there—that it's the beginning of the end of their freedom to take to the skies.

To me, it's unfortunate for everybody when your proposed rules pit pilots of small aircraft against commercial airlines. We all should be working together to do everything we can to prevent midair collisions and make the skies safer.

Thank you for extending the deadline for public comment and for giving us all the chance to let you know our views. Pilots of small aircraft are raising serious challenges to the new rules. I urge you to take their comments to heart.

Sincerely,

Jim Cooper,
Member of Congress.

NATIONAL NURSE SERVICE CORPS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. OBEY. Mr. Speaker, I am today introducing a bill to address the growing need for nurses across the Nation, the National Nurse Service Corps Act.

The bill would authorize the forgiveness of loans and scholarships to nursing students who agree to serve in either geographic or practice areas that have a shortage of or need for nurses. It applies the National Health Service Corps and Nurse Education Act loan forgiveness and scholarship programs to nurses who commit to service in return for their education.

WHAT THE BILL DOES

The bill sets aside 50 percent of funds appropriated for National Health Service Corps scholarships and loan repayment programs for nurses who agree to serve in health manpower shortage areas.

Those shortage areas would be defined to include any medical facility or population group, such as rural areas, that have a shortage of nurses. Such facilities could be hospitals, nursing homes or home health agencies, among others.

The loan forgiveness section of the Nurse Education Act—title VIII of the Public Health Service Act—also is reauthorized to allow for the repayment of student loans to nurses who agree to serve for at least 2 years in nurse shortage areas or locations.

This bill is designed to attract men and women back into the time-honored profession of nursing by paying for their education in return for their commitment of service in needy areas.

The concept is one that has been successfully applied to attract physicians to manpower shortage areas, including a number in my own rural district of Wisconsin. A requirement for service in return for a paid education attracts students with a high degree of commitment to the field in which they are trained. It is our hope that, by applying that approach to nurse education, more students, including men and minorities, will come into the field of nursing.

This approach is one that I would like to see approved in forthcoming appropriations bills for fiscal year 1989 for both the National Health Service Corps and the Nurse Education Act, should it be reauthorized, as I hope it will be.

NURSE SHORTAGE PROBLEM

There is no question that the Nation faces a serious problem with respect to its supply of needed nurses. The problem is less one of overall numbers than of increased demand for them in practice areas where they are declining. And it is exacerbated by the shrinking number of people who are entering the profession. For that reason, this nursing "shortage" is more serious than one in the early 1980's because the pipeline of new trainees is threatening to dry up.

There are many reasons why people are not going into nursing these days. They include new professional options for women, who traditionally have made up the majority of nurses; dissatisfaction with working conditions; low wages, among others.

But this bill is designed to attack the problem at the beginning: Provide an incentive for people to train as nurses and the supply of them will increase.

The facts speak for themselves about the growing problem:

There has been a precipitous decline in the number of students entering nursing schools for all types of nurse training programs since 1983. Enrollments in nursing schools dropped nearly 20 percent for baccalaureate programs—general education for registered nurses—between 1983 and 1986. A number of nursing schools have closed and more threaten to do so because of declining enrollment, according to the National League of Nursing and the American Association of Colleges of Nursing.

That means that more than 12,000 fewer nurses were trained in those years.

In 1983, 42,000 first-time full-time 4-year college freshmen indicated a desire to prepare for a career in nursing. In 1986, that number had dropped to 19,800, according to the American Association of Colleges of Nursing.

The vacancy rate for registered nurses in hospitals nationwide more than doubled from 6.3 percent in 1985 to 13.6 percent in 1986, according to the American Hospital Association [AHA].

The U.S. Department of Health and Human Services estimates that there may be a 50-percent shortfall in the supply of nurses—a need for an additional 344,000 nurses—in the next 5 to 10 years.

Eighteen percent of hospitals in large urban areas reported temporary bed closures and 14 percent reported limitations on emergency services in 1987 because of nursing shortages, according to an AHA survey.

In rural areas, 9.5 percent of hospitals reported temporary bed closures on a regular basis for the same reason.

In my own State of Wisconsin, the Hospital Association reports 1,000 vacant nursing positions statewide with the highest vacancy rate—10 percent—in my rural district. Wisconsin nursing school deans say there has been an average drop in enrollment of 50 percent in the past 3 years.

The National Institutes of Health Clinical Center in Bethesda, MD, has 110 vacancies for nurses skilled in critical care and other fields.

The reasons for those vacancies vary and are related to the changing demand for nurses—the increased need for bedside nurses in nursing homes and home health agencies, for acute care nurses in hospitals that have sicker patients because of earlier discharges than in previous years.

It is closely related to the increasing number of elderly people in our population. In 1980 the number of people in nursing homes has risen to 1.2 million, up from 800,000 in 1970, an annual increase of 4.5 percent. Estimates by the Health Care Financing Administration of the U.S. Department of Health and Human Services project that the demand for nursing home care will increase dramatically by the year 2000. The National Institute on Aging," report, "Personnel for Health Needs of the Elderly, Through the Year 2000," September 1987, states: "There is a major need to increase the geriatric content in undergraduate programs" of nurse education (page 61). Nursing homes are the second-largest employer of registered nurses in the Nation.

The supply of nurses, therefore, is not keeping up with the demand. At the same time, Federal support for nurse training has dropped significantly under the Reagan administration, although Congress has tended to maintain a level of funding for nurse education programs. Federal funding for nursing education fell from $150 million in 1973 to $53 million in 1987.

The loan forgiveness and scholarship programs tied to service have not been implemented for nurses under either the National Health Service Corps or the service commitment loans or scholarships to nurses at all, although the authority to do so has existed in the law all along.

This bill provides for programs that nursing deans tell us will be attractive to many students. Major nursing associations, the American Hospital Association, long-term care facility organizations support the concept.

The bill provides a way to reduce financial barriers to nursing careers for those who otherwise could not afford the necessary education. Between 1973 and 1984, the Federal Government supported some 220 nursing students under service payback agreements, and evidence shows that the average default rate for nursing students under the National Student Loan Program is approximately 5 percent, less than the national average.

The Tri Council for Nursing, composed of the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, and the American Organization of Nurse Executives recommended recently, in specifications for reauthorization of the Nurse Education Act, as its No. 1 specification, providing "financial assistance to entering nursing students who will be obligated for service in a nursing shortage area such as long-term care, acute care, perioperative care, and others, as designated by the Secretary [of Health and Human Services]," and providing "financial assistance to licensed nurses to complete their undergraduate education with payback in designated nursing shortage areas."

It is my hope that we will move quickly to put this program in place so that we may see its impact and move toward rebuilding the national supply of nurses.

EXTENDED BENEFIT REFORM BILL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. KILDEE. Mr. Speaker, I rise to introduce the extended benefit reform bill with my colleagues Congressman SANDER LEVIN and Congressman DONALD PEASE. I would also like to commend both of them for their leadership on this bill, and on unemployment issues generally.

Our legislation would provide an additional, optional formula that would make extended unemployment benefits more easily available under the Federal-State Extended Unemployed Compensation Act of 1970. The measure would allow States hard hit by unemployment to count people who have exhausted their unemployment insurance in determining eligibility for the extended benefits program.

The bill would offer an alternative trigger when more than 25 percent of the unemployed workers exhaust their 26 weeks of benefits without finding a job. If the weekly average rate of individuals exhausting regular unemployment benefits for the period of that week and the immediately preceding weeks exceeds 25 percent, the State would be eligible for the extended benefits program.

This percentage would be determined by dividing the number of exhaustees in the current week by the number of persons who received their first benefit for their current benefit year for the week beginning 6 months before. The bill would require the Secretary of Labor to compile the information required to calculate this formula.

Our legislation recognizes that the current formula to determine eligibility for the extended benefits program does not count individuals who have exhausted their unemployment insurance. Therefore, although there may be thousands of unemployed workers no longer receiving benefits, the formula enabling States to "trigger on" to the extended benefits program does not record them. As a result, a State like Michigan, with large numbers of unemployment insurance exhaustees, does not qualify for extended benefits. Our legislation provides a remedy to this problem by providing an alternative trigger that would include workers who have exhausted their benefits to determine eligibility for additional insurance.

In introducing this legislation, I must give a great deal of credit to Mr. Eric Mays from Flint, MI. An active member of region 1-C, UAW, Mr. Mays testified recently at a Northeast-Midwest congressional coalition hearing I sponsored on dislocated workers in the automobile industry, and has tirelessly explored methods of directing additional unemployment benefits to laid-off workers in Flint. I congratulate Mr. Mays for his perseverance in assisting us in drafting this bill. This measure will provide critical benefits to districts severely impacted by layoffs and plant closings and is a model example of legislation originating at the grassroots level. I am pleased that I could work in concert with a gifted constituent to develop a bill that will be enormously helpful to Michigan and to my district.

Flint, MI has borne a disproportionate share of the national unemployment burden. While the level of unemployment nationally has been falling to 5 percent, Flint has suffered under a rate of 20 percent. Over the past year alone, four plants in the area have closed or laid off workers, affecting over 10,000 individuals. What these numbers do not reflect, however, are related jobs that are lost as a result of these layoffs—and the families that are directly hurt when an individual worker loses his or her job.

During the hearing I chaired on dislocated autoworkers and in individual meetings, I was moved by the accounts of unemployed workers losing their jobs, their benefits, and finally, sometimes, their homes and automobiles. Many of them had used up their savings and were turning to social service agencies for the first time in their lives, a wrenching decision for individuals who had always been able to provide for their families. What stuck me, however, is that at no time did these unemployed workers lose their hope. They believed that something could be done to remedy a situation that they were in no way responsible for.

Our legislation is a start in that direction. Although it is no substitute for a coherent industrial and trade policy, the bill makes it easier for States with high levels of unemployment to become eligible for extended benefits and will provide a buffer between laid off workers and powerful economic forces beyond their control. I look forward to working with my colleagues to pass a bill that will help our long-term jobless citizens receive the benefits they deserve.

EXTENDED BENEFIT LEGISLATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LEVIN of Michigan. Mr. Speaker, today, I am introducing, together with my colleagues, Congressmen PEASE and KILDEE, legislation to help a group of people that have been all but forgotten, the long-term unemployed.

While unemployment rates have come down, 6.6 million workers are still out pounding the pavements, looking for a job. This number represents millions of families without a breadwinner, and millions more trying to make do on a single income. For over 50 years, this Nation has provided assistance to these families through the unemployment insurance program. Today, however, the unemployment insurance system is broken. Our bill provides a new approach to fixing the program and ensuring that those who are out of work for more than 6 months are not abandoned.

In recent years, a very troubling situation has developed. The proportion of the unemployed collecting benefits has fallen precipitously. In 1986, an average of only 33 percent of the unemployed were claiming benefits at any one time, an all-time low. This low rate continued in 1987, with a record low of 25 percent recorded in October. In April of this year, the rate had increased to 37 percent.

By comparison, in 1975, a recession year in which programs to assist the long-term unemployed were available and working, 75 percent of those out of work were able to count on a check to help them through. Even in the nonrecession year of 1979, 42 percent claimed benefits. On average, during the 1970's, 60 percent of all the unemployed were collecting benefits.

There are several reasons why so few are collecting benefits, but one critical reason is because the only Federal long-term assistance program is simply not working. The Extended Benefit Program [EB] is designed to provide an additional 13 weeks of benefits in States with high unemployment.

In 1981, the criteria for a State to "trigger on" EB were significantly tightened. Predictably, fewer and fewer people were helped, until today, EB is operating in only one State, Alaska. The two States with the worst unemployment in the country, Louisiana and West Virginia are without any extended benefits. States like Michigan, Texas, and Mississippi, with unemployment rates more than 2 full percentage points higher than the national average have no extended benefits.

But the problem is deeper. If we were to undo the 1981 act, no additional States would trigger on the EB Program. The labor markets of the late 1980's have changed significantly from only a decade before. Unless we make some fundamental amendments to the unemployment insurance system, millions of jobless will continue to face destitution after 6 months of unemployment.

Since the early part of this decade, for as yet unexplained reasons, the traditional measure of unemployment that we are all familiar with, called the total unemployment rate [TUR], began to diverge from the insured unemployment rate [IUR]. The IUR measures only those who are out of work and collecting benefits, while the TUR is based on a survey of households and measures everyone out of work and looking for a job, whether or not they are collecting benefits.

In the recent past, these two measures moved in tandem. When times were tough and the unemployment rate went up, the IUR rose right along side. This is important because getting the additional 13 weeks of extended benefits depends on a State's IUR, not the unemployment rate. Today, there is no such correlation. States with high unemployment have low IUR's.

Thus, this measure no longer captures the amount of distress in the labor market. The Extended Benefit Program is premised on the idea that if unemployment rates are high in a given State, it will probably take people longer to find another job. The program then provides 13 weeks of benefits, 13 weeks of time for further job hunting without the wolf at the door. Because of the failure of the IUR to show which States are having trouble, nobody is eligible for extended benefits.

In the past several Congresses, many Members have put forward proposals to change the mechanism for triggering on the Extended Benefit Program. I have cosponsored several. The basic approach of these bills is to use the normal measure of unemployment or TUR as the key statistic. Critics have pointed out several difficulties with this approach and to date no progress has been made.

Our proposal takes a new tack. Our bill would add a State optional alternative trigger to the extended benefit law based on exhaustion rates. An exhaustion rate measures the number of people who run through their 26 weeks of regular State unemployment insurance and fall out of the system. Our proposal says that, if a State has a relatively high level of exhaustion, then that is a State with economic problems, and workers should have the extra 13 weeks to find a job.

This exhaustion rate measure meets many of the difficulties of the TUR. Exhaustion rates are easily measurable and equally accurate in all States. They can be available on a weekly or monthly basis without delay, and measure only those who are covered by the unemployment insurance system.

You might wonder why we are introducing uneployment legislation in a time of falling unemployment rates. I submit that this is the ideal time to consider program reforms. Too often this institution legislates in the heat of crisis. When joblessness soars, and it will again, we will seek solutions. Unless we lay the ground work now, we will put together piecemeal efforts and in the end, leave fundamental problems, such as pockets of high unemployment, unaddressed.

This legislation is not intended to be a solution to the problem of long-term unemployment. Indeed, I strongly believe that unemployment reform must include not only benefit improvements, but also better access to training and counseling, and strong links to the business community. I introduced legislation to address these aspects of reform earlier in this Congress.

The bill we are introducing today, is one piece of a larger plan. It is a fresh idea and as such I expect that it will be refined. I have asked CRS, CBO, GAO and several labor economists to look into an exhaustion rate trigger. I look forward to their comments.

This legislation, to the extent it provides vital assistance to the long-term unemployed in hard-hit areas, will cost Federal dollars. The Extended Benefit Program is a 50-50 State-federally funded program, but under Gramm-Rudman, all of the expenditures are counted toward the deficit. Thus, the question of priorities will have to be addressed.

In closing, I would like to acknowledge the role in the development of this bill played by a jobless auto worker in Flint named Eric Mays.

Eric came to Washington several months ago with a contingent of auto workers who have recently lost their jobs. After a series of meetings and discussions with members and staff, he took back to Flint a pile of testimony and studies on unemployment insurance reform. Eric poured over that material and began thinking of ways to help those who have exhausted their unemployment benefits, while at the same time responding to the criticism aimed at earlier reform bills.

Out of this effort developed the bill we are introducing today. This may be the first new idea to hit this field in several years. I think Eric's contribution is another example that the best ideas come from the front lines.

My distinguished colleague, the senior Senator from Michigan, DON RIEGLE, has introduced companion legislation. I urge my colleagues to join us in seeking to make the Extended Benefit Program viable again.

I insert the text of the bill in the RECORD at this point:

H.R. 4595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE "ON" AND "OFF" INDICATORS.

(a) IN GENERAL.—Section 203(d) of the Federal-State Extended Unemployed Compensation Act of 1970 is amended by adding the following new sentence at the end: "Effective with respect to compensation for weeks of unemployment beginning on the date established pursuant to State law, a State may by law provide that the determination of whether there has been a State "on" or "off" indicator beginning or ending any extended benefit period shall be made on the basis of whether the weekly average rate of individuals exhausting regular unemployment compensation benefits for the period consisting of such week and the immediately preceding 12 weeks exceeded 25 percent, as determined by dividing the number of individuals who exhaust such benefits in the week for which a determination is being made by the number of individuals who received their first such benefit for their current benefit year for the week beginning 26 weeks before such week.".

(b) IMPLEMENTATION.—(1) The Secretary of Labor shall compile on a weekly basis for each State—

(A) the number of individuals who receive their first regular unemployment compensation benefit for their current benefit year; and

(B) the number of individuals who exhaust regular unemployment compensation benefits.

(2) For purposes of paying benefits for weeks of unemployment under the amendment made by subsection (a), a State may provide for such benefits to be paid only for weeks of unemployment beginning after the date of the enactment of this Act. In determining whether there has been a State "on" or "off" indicator beginning or ending any extended benefit period, however, a State may make such determination based on a weekly average rate which includes the 12 weeks beginning before such date of enactment.

TRIBUTE TO PHILIP CHRISTOPHER

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to Philip Christopher, an outstanding leader in the Greek-Cypriot American community. Mr. Christopher will be honored on May 14 at the Greek-Cypriot American dinner in

New York City for his outstanding contributions to the Greek-American community.

Mr. Christopher serves as the president of the Pancyprian Association of America, which he founded in 1975. The Pancyprian Association is the largest Greek-Cypriot organization in the United States, and through the leadership of Mr. Christopher has sponsored the Pancyprian folk dancers, the Philharmonic band, the Sea Scouts, a championship soccer team, and a community center. Through CY-PAC, Greek-Cypriot Americans have broadened their involvement in the American political process.

A native of Kyrenia, Cyprus, Philip Christopher immigrated to the United States in 1959. He was graduated from New York University with honors in 1970 as captain of the soccer team. After a brief teaching career, Mr. Christopher joined the Audiovax Co., a leader in the electronics field, and currently serves as executive vice president.

Under Philip Christopher's leadership, the Pancyprian Association has offered more than 100 scholarships to Cypriot students for study in the United States. These efforts are an important part of the strengthening of relations between the United States and Cyprus and enable young Cypriots to gain a better awareness of this country.

Philip Christopher's other activities on behalf of his community are manifold. He has served as president of the Cyprus Federation, chairman of the Justice for Cyprus Committee and president of CY-PAC. He is a member of the board of directors of the Cyprus Children's Fund, American Hellenic Alliance, and the United Hellenic Congress.

Mr. Speaker, it is my honor to participate in the tributes being extended to this outstanding son of Cyprus and proud citizen of America, Philip Christopher, and to extend all best wishes to him, his wife Chris, and son Nick, on this auspicious occasion.

TRIBUTE TO BERKSHIRE THEATER FESTIVAL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to the Berkshire Theater Festival in Berkshire, MA, which celebrates its 60th season this year. As a personal friend, and as one who has represented the Berkshires for 38 of those 60 years—8 as a State senator and the past 30 as a Member of Congress—I want to offer my personal congratulations.

And since it is such a special anniversary, Mr. Speaker, the patrons at the theater have decided to dedicate this season to two very special people who have played a tremendous role in helping the Berkshire Theater Festival become the event that it is today—John H. and Jane P. Fitzpatrick.

Jack and Jane, owners of the Red Lion Inn in Stockbridge, MA, have spent innumerable hours working to enhance the festival. There is no question that the Berkshire Theater Festival would be but a shadow of its current self without the yeoman efforts of the Fitzpatricks.

The history of the festival itself is long and proud. Under the direction of two young theater graduates from the Yale Drama School, and with the support of the "Three Arts Society," the theater began in 1928. This was not an average, small-town theater, Mr. Speaker. Such artistic luminaries as James Cagney and Katharine Hepburn graced the wooden stages of Stockbridge. In fact, in 1934, a 13-year-old thespian by the name of Montgomery Clift made his theatrical debut at Stockbridge.

The festival continued to grow in the 1940's, as such leading men and women as Buster Keaton, Ruth Gordon, Tallulah Bankhead, and Ethel Barrymore brought great renown to the Berkshires.

The list of actors and actresses who have graced the stages of Berkshire Theater Festival is an impressive one. But anyone who knows what it takes to put together a production like this knows that it is the people behind the scenes who make things work. People like Jack and Jane Fitzpatrick, whose tireless efforts and generous contributions have bolstered the festival and ensured its success.

Mr. Speaker, my wife Corinne and I have had the distinct pleasure of knowing Jack and Jane for many, many years. We consider them among our closest friends. We know firsthand the efforts they have made to help the Berkshire Theater Festival continue to grow. I can think of no one more richly deserving of this honor than the Fitzpatricks.

Unfortunately, Mrs. Conte and I will be unable to attend the opening night celebration of the Berkshire Theater Festival on June 27. That notwithstanding, I wanted to offer our very best wishes for continued success and happiness, both for the festival and for its two biggest supporters, Jack and Jane Fitzpatrick.

MORGAN FAIRCHILD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LEVINE of California. Mr. Speaker, Morgan Fairchild is one of the most remarkable women I know. Not only is she an accomplished actress, but she has, in recent months become a visible and articulate spokesperson for a variety of social causes ranging from AIDS to environmental protection.

A recent profile of Ms. Fairchild in the Los Angeles Times illustrated the depth of her commitment to the causes in which she has become involved. She is clearly a remarkable woman with a passionate commitment to improving the quality of life in our country.

I include the Times article about Morgan Fairchild, commend it to my colleagues attention, and ask them to join with me in recognizing her contributions to the public policy process:

[From the Los Angeles Times magazine, May 8, 1988]

CAUSE CELEB—MORGAN FAIRCHILD WANTS YOU TO TAKE HER SERIOUSLY

(By Margy Rochlin)

One of the first times that Morgan Fairchild spoke at—rather than just attended—a political function, she wore a fur coat. To be exact, a white, full-length badger coat. This, to an abortion-rights march sponsored by the National Organization for Women. Along with Fairchild's blond coxcomb of hair and theatrical makeup, it made her look—as one feminist at the event put it less than charitably—"like a beauty queen."

So there she was jet-lagged, having just flown in from Italy. It was pouring rain, and she had a sinus infection—the reason she wore the fur coat in the first place. Once the organizers got an eyeful of her, they treated her with the distant chill usually reserved for party crashers. Oh, some of the women came up and said "Hi" and "Thank you for coming," but Fairchild could see that look in their eyes. It was a forlornness that said, "We're glad that a celebrity showed, but why did it have to be you?"

Still, she marched. Along with a crowd of 30,000, Fairchild splashed and slid her way to the Rancho Park destination while her coat turned gutter-water brown. When they got to the rally, most of the guest speakers didn't feel like getting any wetter. But Fairchild figured that the crowd—now ankle-deep in mud—deserved to "hear something." So she gave her speech, which focused on abortion as a "basic inalienable right: the right to decide what to do with your own body." By all accounts, her address was moving, ironic and well-informed; when she finished, the once-skeptical audience reacted. Suddenly, Fairchild recalls, "all these women were coming over and hugging me, saying: 'I didn't know you could talk like that. Would you talk to our group?' "

She saw that moment as "a turning point in the way that some people in the political arena viewed me. * * * Because I realized that they had responded to me, that I had touched people.

"Before I got involved, I never thought anyone would give a damn about what I though. I'm a television actor—who would care? Then I found out that I could help focus attention to an issue in a positive way. That was something I was blind to before."

At 38, Morgan Fairchild knows that on first sight some people will think she is a bimbo. "When you're blond and drop-dead beautiful like Morgan," theorizes Fairchild's friend, actress and political activist Shelley Duvall, "people sometimes think you don't have any brains, which is just not the case [with Fairchild]."

And it can be disconcerting to hear a pop-culture icon talking about AIDS, toxic waste, deforestation and overpopulation. Both the public and Hollywood casting agents see Morgan Fairchild, who started on daytime TV in "Search for Tomorrow" and moved on to "Flamingo Road," "Paper Dolls" and "Falcon Crest," as a staple of the evening soap. Her charm-school haughtiness has elevated prime-time sexiness to a dizzyingly pristine level. The concept of Morgan Fairchild became such a stereotype that just by appearing in the film "Pee-wee's Big Adventure" she was spoofing herself. Only a year and a half ago her name was the butt of Jon Lovitz's most popular routine on "Saturday Night Live": As pathological liar Tommy Flanagan, Lovitz played off her antiseptic sex-symbol image by boasting about "My wife, uh . . . Morgan Fairchild."

But in the past year, especially, Morgan Fairchild has found success in the political community, and some activists are suggesting, in all seriousness, that she should run for office. She has a substantive grasp of the issues and an impressive talent for making extemporaneous speeches—as well as a self-deprecating wit. Recently, for instance, she testified before the Senate Energy and Natural Resources Committee in favor of the California Desert Protection Act. After standing before the Washington press corps, "who were waiting for me to fall on my face," Fairchild was asked about the almost bewilderingly enthusiastic reception that followed her speech. "Honey, with my reputation," she responded, "people are surprised that I can walk and chew gum at the same time." For publicity-hungry politicians, she's clearly a valuable, if unlikely, asset.

And Fairchild has become so fluent in the acronyms of issue-speak that one needs a glossary to decipher her conversations. Her new profile has given her a status heretofore reserved for experts. She's discussed the AIDS crisis with Ted Koppel on "Nightline," breakfasted with Surgeon General C. Everett Koop, addressed the House Budget Committee Task Force on AIDS for San Francisco-Marin County Rep. Barbara Boxer, and spoken at the opening of the first federally financed AIDS-only wing at the Veterans Administration Medical Center in New York. She sat in coveted front-row seats during the Iran-Contra hearings but detested the media's snap assumption that she was studying Fawn Hall as research for a future role. "This is news?" she grouses. "Didn't it occur to anybody that I went there as a concerned citizen?"

Her political involvement is motivated by "my real belief in some of these issues and a chance to do something that I feel is actually worthwhile," Fairchild whispers one afternoon while a speaker drones on at an AIDS benefit luncheon. "I didn't get that feeling on 'Falcon Crest.' "

Still, some people might ask, justifiably, is she for real? It's not unheard of for actors to adopt social causes in order to cast themselves in a more serious light. "You think I'd work my little tushy off like this just for autographs and sunglasses?" she responds with a flash of steel in her voice. "C'mon. It's just not worth it."

"Being at one of these things," Fairchild is saying, "is an invitation for an endorsement. People who are running for something come up and glad-hand you so much you can't even talk to your friends." She's standing in the lobby of the Palm Springs Convention Center, which smells faintly of popcorn, and odor she says she finds "indicative of [the atmosphere of] this whole event, don't you think?" She's a delegate at the State Democratic Convention, appointed by U.S. Senator Alan Cranston, for whom she campaigned in his close 1986 race. Being selected to serve at the convention so impressed her that she gave up "a free trip to Paris to see the fall collection." However, this profoundly disorganized function has so little national importance that only one presidential candidate, the Rev. Jesse Jackson, will bother to stump here. Still, her role as celebrity-delegate would not seem so hollow were she given something to do. Evidently, Fairchild's only responsibilities consist of: (1) being there, and (2) emceeing the Gala Dinner that evening. An undeniably conspicuous presence, she moves through the crowd in an Escada designer suit the color of a freshly mowed putting green. And the Saturday afternoon immediately degenerates into a marathon session of Instamatic flashes and damp handshakes. It seems that every minor candidate dreams of persuading Fairchild to add a glitzy touch to his or her campaign in the boondocks. "It wouldn't be so bad," she moans, after listening politely to yet another rambling pitch, "if when they ask me to endorse them they'd at least tell me what public office they're running for. * * *"

As it happens, seeing her political friends will provide Fairchild one of the few moments of relief in her weekend. "I feel like such a fish out of water," she confesses to State Controller Gray Davis. "I don't know what I'm supposed to be doing." "That's OK, Morgan," he says soothingly. "No one else knows that." Danny Sheehan, the activist lawyer who co-founded the Christic Institute, brings Fairchild up to date on the civil suit he filed against Iran-Contra figures he believes were involved in a Nicaragua assassination attempt. Leo T. McCarthy, who's running for the U.S. Senate, maneuvers his way over to her through a crowded hotel-room cocktail party, waving his hand and calling, "Morgan, Morgan."

In fact, the only sour note from her political brethren comes from Assemblyman Tom Hayden. This is how he kicks off his speech at the Gala Dinner that evening: "Palm Springs? Morgan Fairchild? I knew we [the Democratic Party] were moving toward the middle of the road. But I didn't know we were moving toward the middle of the fairway. * * *" The misfired joke doesn't make sense, but it comes off as a dig. On the dais, Fairchild is shaken but manages a laugh.

Hayden and Fairchild are actually friends, but the incident brings up an ironic and intriguing comparison. Fairchild's public-affairs ambitions are similar to those of Jane Fonda in the early 1970s. Like Fonda when she entered the political arena, Fairchild is an easy target, yet people rush to have their picture taken with her. And much like Fonda's activities in the early '70s, Fairchild's politics can be sincere but unfocused.

The overwhelming consensus among California Democratic activists is that she'll tirelessly support her favored candidates and issues. Fairchild was a key supporter on Cranston's campaign trail, logging a personal record for Time Spent on a Greyhound Bus. But though she often espouses the viewpoints of the liberal left, she isn't a Democrat; she's a registered Independent. Much to the confusion of both parties, she has been known to pop up at the occasional Republican function. "I'm not a political animal, I'm a curious animal," she explains. And her conversations can jerk unexpectedly into another direction, just as credibility is in sight: She takes a discussion from the dank caverns of AIDS-related homophobia into astrology. "One of the hallmarks of the sign of Aquarius is the campaign for justice," she says solemnly. "Everybody is my brother. Justice is very important to me."

Fairchild strongly favors abolishing indiscriminate sex on television. But she's more pragmatic when it comes to her own career. "I've turned down some scripts that had characters that were promiscuous," she says, "but I want to be practical about this: Once they've got you under contract, there's not a hell of a lot you can do except say, 'Please don't do this.' "

It's an interesting contradiction, one political acquaintance points out, "that Morgan, to make her career go well, still plays the sex goddess for all it's worth—then, at the same time feels the need to put all this energy out and work extra hard to prove herself to be someone of intelligence and substance. I think she works at both, frankly, at the same time."

Beauty, for Morgan Fairchild, came from a disciplined reinvention of herself—a process well documented by People magazine.

She was born Patsy McClenney, the eldest daughter of Milton and Martha McClenney of Dallas, Tex. Her romance-novel name comes from the 1966 film "Morgan—A Suitable Case for Treatment," which stars David Warner as a sweetheart iconoclast who's misunderstood by most of the conventional-thinking world. The movie's theme seems to reflect Fairchild's own predicament. She describes herself as a child who was pudgy, bespectacled and "very, very, very shy. Incapacitated. We're talking 'Glass Menagerie' time." Her dreams were, at the least, idiosyncratic. Her childhood idol? "Louis Pasteur." Her future occupation? "Paleontologist." She considered herself a loner, "never good at being * * * close." Even today, she finds it difficult to telephone acquaintances: "I think to myself, 'Oh, they wouldn't want to talk to me, they're probably busy.' "

"If you would have asked me at the age of 10 what I thought would happen to Morgan, quite literally I would have to think and wonder if she would still be alive today," says her sister, actress Cathryn Hartt. "She was like an 80-year-old yogi. She was so sensitive, a leaf could crush this child's soul." A few moments later, Hartt adds, "She also had a will of iron, an inner guts you'd never expect."

At some point, Fairchild dieted off the excess weight, got contact lenses discovered makeup. At 14, she made the finals in the Miss Teen-Age Dallas beauty contest. By her junior year in high school, she had landed a job as Faye Dunaway's double in "Bonnie and Clyde" and gone on a date with Warren Beatty ("and she was still a virgin when she came home from it," Hartt volunteers to those with inquiring minds). Fairchild worked nights in local theater productions. Suddenly, everything was so different. One night, while playing a gold-lame-bikinied courtesan in "A Funny Thing Happened on the Way to the Forum," the 16-year-old found herself doing a boisterous bump-and-grind while looking "right down into the face of the president of the sophomore class." "I knew my name was mud," she says later, laughing. "They'd never believe I was a nice girl again." It didn't matter anyway: At 17, she married her boyfriend and dropped out of high school just short of her senior year. Her education was completed by correspondence and backstage at "Soul City," her new husband's Houston nightclub, where she recalls seeing, among other sobering scenes, violent fights between Ike and Tina Turner.

A few years later, after her marriage dissolved, she moved to New York. Her friends thought the city would "chew me up and spit me out," Fairchild says. "I was doing ['Search for Tomorrow'], but I couldn't get an agent. I would go out for commercials and [casting agents] kept saying [in a whiny singsong], 'You're too classic. Too porcelain. You don't look real.' But I'm one of those people you can tell no a million different ways, and I'll spend the rest of my life trying to figure out some way to get you to say yes."

Fairchild pauses. "People have always underestimated me," she says. "I have great stamina, great tenacity."

In 1981, the Moral Majority's Rev. Donald Wildmon sparked her interest in political activism. Wildmon singled out "Flamingo Road" as "the rottenest show on TV," prompting Fairchild's first People magazine cover story, "Is She Too Sexy for TV?" "I thought it was very amusing at the time, like being on Richard Nixon's hit list," says Fairchild. "But the [subtext] really bothered me, I'm about the straightest person I know in this town. I don't drink, smoke, do drugs. I'm basically a pretty old-fashioned girl, and here these people were denouncing the character I play, and though they weren't labeling me as such, they were denouncing me."

Fairchild was apolitical at the time ("I didn't ever protest in the '60s"), but the Moral Majority's negative campaigns concerned her. Still, she was unsure of what she could do about it. "Ever try to talk to people on the set about stuff like this?" she says. "They thought I was cute."

Around that time, says Fairchild, who calls herself a "science nut," she began following the burgeoning and deadly course of a then-obscure disease in the medical journals. She didn't mention that on the set, either. But in 1985, while Rock Hudson was dying of AIDS, Fairchild suddenly emerged as one of the most loquacious actors on the subject. "There was one day," she says, "when I had ABC in the living room, CBS in the kitchen and NBC in the bedroom, all waiting to talk hard news about AIDS." She was surprised to find that people were willing to listen to her.

In 1984, the powerful Hollywood Women's Political Committee was forming, and Fairchild was invited to become a member. Then, a few months later, Cranston invited her to appear with him at a Fresno fundraiser. Fairchild worried that "with the kind of shows I do, I'll hurt his image," so she devoured a 5-inch-high stack of Cranston background material. Contributors were drawn to her and the senator. "Her fame and attractiveness helped attract people coming to see her that didn't want to see me, "Cranston says. The word about Morgan Fairchild spread quickly through the Democratic political community.

So when other politicians began asking her to endorse them, she took them seriously and consumed their pamphlets and information just as earnestly. Leo McCarthy claims that "I had to go through 2½ years of grilling before I could get Morgan to work for me. It was the toughest exam I've taken since passing the bar."

"I've worked with many [actors], says Patrick Lippert, director of NETWORK (Jane Fonda and Tom Hayden's celebrity political group), "who are just, 'Yeah, yeah, yeah. I have the rap down. That's all I want to know.' They memorize key things, then defer to the experts." Lippert, who become acquainted with Fairchild when they stumped for Proposition 65 on the 2½-day Clean Water Caravan, says that Fairchild is different. "She not only does her homework; I've seen her collar the experts and then talk to them for two hours. Political activists, ones that have been around for a long time, give her very high marks."

Morgan Fairchild's white three-bedroom Mediterranean-style home exudes the heady fragrance of a dried-flower potpourri. The living room is decorated in the tiny floral prints of Laura Ashley. Even her personal knickknacks, which fill every available space, seem ultrafeminine. There is her enormous snapshot collection; cloth- and ceramic-framed photographs of Fairchild and her celebrity friends—Bob Hope, Robin Leach, Barry Manilow—are everywhere, as is her huge collection of stuffed bunny rabbits. All this coexists with piles of subscription copies of Science Digest and Vogue and such books as "West With the Night" by Beryl Markham, "My Story by Marilyn Monroe and "The Secret Door to Success" by Florence Scovel Shinn.

Fairchild, who has just come from her three-day-a-week, two-hour workout at the gym, is wearing almost no makeup. With only a dab of mascara, she looks fragile. She is sitting in a high-back rattan chair in her dining room, drinking a can of Coca-Cola. Every few minutes or so, Fairchild pads into the kitchen and takes another phone call. And it's important to answer each one because something is afoot: Director Mike Nichols has asked her to fly to New York to test for "The Thorns," a sitcom he's developing. There was once a time, before "Flamingo Road," when Fairchild, who was regularly featured on "Mork and Mindy," remembers being considered a budding comedienne. "Then I did the [evening soaps]," she sighs, "and now I'm a plastic bitch."

Fairchild has always been the first one to pigeonhole her work as mere "entertainment." ("We're not talking Ibsen here," she once told a reporter who criticized the high fluff quotient of "Flamingo Road"; "I try to do the best I can with whatever tawdry show I'm given.") But in 1986, after a season on "Falcon Crest," she began to re-evaluate her situation. Fairchild was hired to play Jordan Roberts, a schizophrenic incest victim with a trampy alter ego named Monica. Even before she began to question some of her dual character's dubious story lines, she found that the "Falcon Crest" producers "really didn't seem to want to use me." She was working half a day a week, sitting on the set and "watching my life tick by." By season's end, she felt dispirited and, having recently broken up with her boyfriend of five years, a cameraman, she wanted nothing more than to get out of Hollywood. "This wasn't low-level depression," she says. "This was grand funk blues."

But coincidentally, the day Fairchild decided to leave on a train tour of Scotland with her sister, the opportunities began appearing. Cannon Films wanted her to play the queen in an Israel-based production of "Sleeping Beauty." They needed a commitment immediately. A producer wanted her to tour in "Gentlemen Prefer Blondes." He needed her to come by and sing. Fairchild re-routed her trip via Tel Aviv and signed on for both projects.

For the past year and a half, she's spent a lot of time "just trying to come to grips with what I really want to do with my life." When she took stock of her career it suddenly hit her that her political activities were what she felt best about. "The kind of projects I was doing * * * well, there just has to be something better." In simple terms, Fairchild—in agreement with her managers and agents—decided to pass on the Movie of the Week offers and the brief miniseries cameo parts. Instead, she participated in a four-hour special, "The National AIDS Awareness Test," and appeared on a Bob Hope variety program. She almost did a guest shot on "Newhart," but "they stalled around and stalled around. To do it would mean canceling out on a big AIDS fundraiser, which would have not been the gracious thing to do." According to Fairchild's math, she's forfeited more than $1 million waiting for "quality" roles.

However, the feature films she did accept, "Campus Man" and "Deadly Illusion," were low-budget efforts. The roles diverged slightly, but only just, from the calculating, overdressed women that Fairchild has already proven herself so expert at playing. Even the Mike Nichols project, "The Thorns," required that she portray a philandering social climber, although from a humorous perspective.

Lately, she's been involved with so many political endeavors that her publicist says, "I can't keep track of what she's doing." Her company, Little Bird Productions, is busy developing several project possibilities. She starred in and helped promote a home video called "Safer Sex for the Heterosexual," a well-meaning but slapdash effort produced by a former exploitation-movie producer.

"Just about a month ago," says sister Cathryn, "Morgan and I were talking. She keeps getting all this great feedback from people in the business who are saying [about her political involvement], 'Oh, she's very intelligent. I think maybe she is a better actress than I thought she was.'" One of her converts was "SNL" regular Lovitz, whom she sought out and befriended. As a result, when Fairchild and Lovitz are spotted together in public now, observers say, "Hey! You weren't lying. "You are married!"

But some say that for Fairchild to finesse a career turnaround such as Farrah Fawcett's, she will first have to soften her look—cotillion-decorous hair and dress in the outmoded fashion of "Dynasty" and "Dallas." "We'll see how serious Morgan is about changing her image when she does it," says a friend of Fairchild's. The actress attempted the no-makeup, hair-in-a-bun route early in her career and found the audition-room battles were waged no more effectively. When asked if she will change, Fairchild says stubbornly: "What should I do? Break my nose? I've been running around town for the last year without much makeup on, waring my Reeboks and my big sweaters and stuff. You know, I get really tired of getting painted up all the time. Basically, I'm a bum."

But she has worked hard to improve her standing professionally and politically. Many months later, "The Thorns" will be remembered as a personal triumph; she didn't get the part, but Nichols did compliment her on her acting. And she may put in an encore performance on Capitol Hill, speaking on behalf of Cranston's desert-preservation bill. There's been talk of Fairchild's attending the National Democratic Convention as a delegate, but that will depend on whether she endorses one of the candidates beforehand; for the time being she's not saying whom she likes.

She's also been cast in a CBS-TV pilot called "Some Kinda Woman," of which she says, "it's like the fun part of [the 1986 black comedy] 'Something Wild,' without the black undertones," and "Street of Dreams," a CBS movie that she cheerfully summarizes as "an '80s 'Maltese Falcon.'"

These projects are more likely to get her the secret-square berth on "Hollywood Squares" than the serious regard a TV film such as, say, Fawcett's "The Burning Bed" would confer. But on this afternoon, Fairchild stands in front of her house and says, "At least I'm getting a chance." She offers a smile and thrusts a tiny, clenched fist toward the clouds. "Now, this is progress."

IN SUPPLY OF RELIGIOUS FREEDOM

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. GARCIA. Mr. Speaker, soon the House will take up House Concurrent Resolution 223.

I rise in support of House Concurrent Resolution 223, calling for General Secretary Gorbachev to declare an amnesty for imprisoned Christian believers currently held in the Soviet Union.

Freedom of religious worship stands as one of the most basic of human rights. As the son of a minister, I realize the great importance strong faith plays in many lives. Despite state opposition, many Christians continue to actively practice their religious beliefs. Facing the constant threat of persecution, these courageous individuals require our attention and support. We cannot watch silently while many Soviet citizens remain unjustly imprisoned solely on the basis of their religious beliefs. All people, regardless of creed, within the Soviet Union must be permitted to worship without fear of oppression and imprisonment.

I urge my colleagues to support this worthwhile legislation not only as a call for religious freedom, but as a reaffirmation of the fundamental human rights our country must continue to encourage.

IN HONOR OF THE FORTIETH ANNIVERSARY OF THE EASTERN LONG ISLAND CHAPTER OF HADASSAH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to the Eastern Long Island Chapter of Hadassah, which is celebrating its 40th anniversary. This chapter of Hadassah was founded in 1948, the same year as the establishment of the modern State of Israel. Hadassah is a non-sectarian service organization dedicated to helping to better the lives of people throughout the world. The Eastern Long Island Chapter of Hadassah, which serves the people of the north and south forks of Long Island, started in 1948 with only a handful of dedicated individuals. Since then, it has grown to over 200 members.

The work that Hadassah does is without compare. Hadassah hospitals in Israel provide quality medical care for all the inhabitants of the region: Jews, Arabs, and Christians. In light of the recent disturbances on the West Bank and in the Gaza Strip, it is important to recognize that there are examples of cooperation and co-existence among Jews and Arabs and that the fighting currently going on need not be the norm of relations within Israel. The work of Hadassah is a clear example of this fact.

As you may know, I spent the second week of January of this year in Israel. This trip was the first time I had been to the Middle East. During my visit there, I had the opportunity to meet with many of Israel's top leaders, and to discuss many of the important international issues which bind the United States and Israel together. While in Israel, I was impressed by the many scientific, agricultural, and engineering accomplishments of that country. I have no doubt that if that region of the world were at peace, Israel could make a significant contribution to the welfare and prosperity of the entire region.

I am confident that the people of the Eastern Long Island Chapter of Hadassah will continue to donate their time and energy to further the humanitarian goals of Hadassah. As their Representative in Congress, I look forward to assisting them in every way possible.

A TRIBUTE TO MIKE LEWAN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. SOLARZ. Mr. Speaker, as I'm sure most of my colleagues will agree, none of us would be able to serve our consitutents without the dedicated assistance of our staff. For that reason, I rise today to pay tribute to one of the most remarkable staffers in Washington, my administrative assistant, Michael Lewan.

Mike has been both my trusted friend and closest advisor since I first ran for Congress 15 years ago. He has served my constituents of Brooklyn—as well as other citizens throughout the country—with distinction.

Among Mike's many admirable qualities is his passionate concern for the special needs of the Orthodox Jewish community. The fact that Mike is Catholic makes no difference. Orthodox leaders throughout the country have always considered Mike Lewan one of their closest friends in Washington.

Recently, I had the honor of presenting to Mike a most deserved award. The American Friends of B'nai Brak Hospital named Mike the recipient of their Distinguished Public Servant Award. Mike's work on behalf of this fine organization is repesentative of the commitment he has displayed throughout his career to sustain the institutions and avance the cherished causes of the Orthodox community.

I would like to commend to my colleagues a profile of Mike that was written by Jim Besser and published in the New York Jewish Week.

[From the Jewish Week, Inc., May 6, 1988]

AN UNORTHODOX FRIEND

(By James David Besser)

When Orthodox groups need help in Washington, one of the first people they turn to is Mike Lewan. Lewan is widely known as a central contact point for Orthodox groups interested in having input into the congressional process—a political phenomenon that is on the upswing.

And Lewan, for 14 years a top aide to Rep. Stephen Solarz (D-N.Y.), isn't even Jewish.

On Sunday, Lewan was honored by the American Friends of B'nai Brak hospital, a group dedicated to financing and building a hospital to seve the large Orthodox suburb of Tel Aviv. During the ceremony, he gave a five-minute speech in fluent Yiddish.

Lewan has a reputation for legislative savvy as well as for working effectively with Solarz's large Orthodox constituency. Privately, Lewan has helped the group with public relations and fund-raising. In his official role, he has provided a sympathetic ear for Orthodox activists—and a large dose of political expertise.

"Mike isn't Jewish," said one of his colleagues. "But Orthodox rabbis all over New York consider him a real mentsch. He has been a real friend to the Orthodox community.

PELL GRANT SHORTFALL LEGISLATION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. JEFFORDS. Mr. Speaker, I introduced two bills yesterday to prevent students from losing their Pell grants altogether or having those grants reduced by large amounts. On April 30, well over 1 million students faced the potential of losing their Pell grants entirely or having them reduced substantially. Fortunately, this situation was avoided for this year.

The Department of Education, in their fiscal year 1989 budget submission, projected a shortfall in appropriations for Pell grants which is the Government's largest student grant program enabling millions of our citizens the opportunity to attend college. On April 30, the higher education law requires a linear reduction formula be implemented—if appropriations are deemed to be insufficient to cover program costs. The correct estimate of program costs has always been a subject of dispute when it comes to consideration of the necessity of Pell grant reductions.

According to the Department, the effect of linear reduction would have resulted in 53,000 students losing their Pell grants entirely and approximately another 1.3 million students having their awards reduced by an average of $63.

For fiscal year 1988, the Congress appropriated $4.260 billion for Pell grants. The Department of Education contended this was some $259 million below the necessary level to fully satisfy the requirements of the program. However, the Department of Education would have not implemented the full $259 million cut. Rather, the Department would apply Pell grant surpluses from the 2 prior fiscal years, totaling $160 million to reduce this amount. Consequently, only $99 million would have been taken from student grants.

While these cost estimates sound straightforward, they are not. The Congressional Budget Office informed us that they estimated the Department had sufficient funds and, therefore, such cuts were not necessary. This is not the first time that there have been conflicting Pell grant estimates between the Department of Education and the Congressional Budget Office. Linear reduction was avoided this year only because the Department of Education developed further Pell grant estimates which obviated the need for such cuts.

It would have been a sad occasion if these conflicting estimates resulted in eliminations and reductions of Pell grants for students. In fact, only recently did students suffer Pell grant reductions that were not necessary. That is why the Department had a surplus of Pell grant funds of $80 million from one of the prior fiscal years. In other words, the Department of Education cut student awards by more than $80 million than it had to. But, misestimates in a $4 or $5 billion program can be expected because we cannot be totally accurate in forecasting student and college cost behaviors.

The bills I introduced yesterday seek to rectify the situation we faced last month and may well face again in the future.

The first bill, H.R. 4572, I am introducing seeks to minimize the effects of any shortfall in estimates for the Pell grant program. The effect of this bill would be to mandate that at any time estimates for the Pell grant program costs compared to the actual appropriation are insufficient, then the Secretary would, in any fiscal year, first utilize funds from the next succeeding fiscal year's appropriation to make up for such insufficiencies.

Should the estimate for Pell grant insufficiencies be greater than 5 percent, then the current law's linear reduction schedule would be implemented to obtain the difference. If this proposed legislation were in effect this past April, then no student would have lost eligibility for a Pell grant nor would any student's grant be reduced. For my colleagues benefit I should note that borrowing authority has been given to the Secretary by the Appropriations Committee in the past so that Pell grant reductions were not implemented.

At the request of the Department of Education, I am introducing a second bill, H.R. 4573. In conversations with my Education and Labor Committee colleagues, they have indicated to me a general unwillingness to support the approach suggested by the Department of Education. I am introducing this bill because it is another method of reducing the severity of the Pell grant cuts and it is a legitimate alternative, however unpopular it may be with my legislative friends.

This proposed legislation would allow the Secretary of Education a series of options should Pell grant appropriations be inadequate. The Secretary could, as he can currently, utilize the Pell grant linear reduction schedule. Or the Secretary could reduce Pell grants by either a uniform dollar amount or percentage amount across the board. It would be the decision of the Secretary as to which method of reduction would be implemented.

I am introducing these bills to stimulate debate, but more importantly, I seek to prevent students from having their Pell grants eliminated or reduced because of a simple misestimate of costs by the Department of Education.

Mr. Speaker, it would be a shame if the Congress did not act on my legislative alternatives which this past fiscal year would have averted the possibility of 53,000 students from losing their Pell grants entirely and prevented another 1.3 million from having their awards reduced. We were lucky such cuts did not have to take place in fiscal year 1988, but without my legislation our luck may run out in another year.

I urge my colleagues to study these bills and join me as cosponsors. If you wish to cosponsor either of these bills or need further information please call a member of my staff, Larry Zaglaniczny at 225-1743.

SYLVIA HILL, AN ARCHITECT OF THE APARTHEID PROTESTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to share with my colleagues the accomplishments of Sylvia Hill, an architect of the apartheid protests. Behind most great struggles are the largely unsung organizers and activists. These people work long hours, must have a great belief in their cause, and an unbridled enthusiasm which will motivate the public to act. Sylvia Hill is one of these gifted people. As a student at Howard University, a graduate student at the University of Oregon, and as a professor of criminal justice at the University of the District of Columbia, Sylvia Hill has maintained her strong belief in the power of the individual to fight injustice throughout the world.

Since Thanksgiving eve in 1984, when three protestors were arrested for the first time for sitting at the South African Embassy, Ms. Hill has been working to move the United States toward enforcing economic sanctions against South Africa. Her story and her beliefs should act as an example of one person working, not for fame or fortune, but for justice and peace.

The article below was printed in the Monday, March 7, 1988, Washington Post and embodies the spirit of Sylvia Hill's struggles.

[From the Washington Post, Mar. 7, 1988]

CLIMBING THE NEXT MOUNTAIN

(By Dorothy Gilliam)

As the confrontation with police in front of the South African Embassy died down the other day and 64 persons were led away to be arrested, a woman in her late forties turned to some of the protestors who were drifting away, telling them they would be called on to come back there. Of those who were there, a few understood that the woman who addressed them—Sylvia Hill—has long been a key architect of the embassy protests and is a heroine in the struggle.

With the protest being revived because of increasingly repressive measures in South Africa, including the arrest of Anglican Archibishop Desmond M. Tutu, Sylvia Hill has once again emerged to do what is necessary.

It was on Thanksgiving Eve 1984 that three antiapartheid demonstrators were first arrested for sitting in at the embassy—TransAfrica's Randall Robinson, Civil Rights Commissioner Mary Frances Berry and Del. Walter E. Fauntroy (D-D.C.). Georgetown University professor Eleanor Holmes Norton came out to talk to the media, but Hill was nowhere to be seen in the pictures of the group that appeared in newspapers and on television. Nevertheless, Hill was there—as the protest stretched into 365 days of picketing, rain or shine—meeting with protesters, organizing the marchers and sending celebrities off to be arrested.

"She's truly a long-distance runner," said writer and activist Roger Wilkins, one of the organizers of that first protest, which sparked a nationwide chain of antiapartheid activities and culminated in U.S. sanctions against South Africa.

Behind most of the world's significant movements of social change are the nuts-and-bolts strategists who make it possible for charismatic leaders to capture the attention of the public and media. The late Ella Baker was the silent engine behind the Student Non-Violent Coordinating Committee; Rosalie Tucker, who recently died at 101, played a similar role in the labor movement.

Though Baker and Tucker were important role models for the Florida-born Hill, and she knows that "the history of women workers has been to be behind the scenes," she's no self-effacing traditionalist. This is a woman whose sense of self was honed in the scorching fires and idealism of the 1960s, that unique era of human liberation when people such as the Rev. Martin Luther King, Jr., John F. Kennedy, Malcolm X and Robert F. Kennedy nurtured young ideals. Hill's classmates at Howard University included Stokely Carmichael—Kwame Toure. Sylvia Hill, like many of that generation, grappled with what it meant to be herself—in her case, a black southern woman.

As Hill listened to her Howard professors, as she marched with the others, she became drawn to dealing with problems that institutions inflict on the individual. After enrolling in graduate school in education at the University of Oregon, she studied with Arthur Pearl, a noted West Coast political activist and professor. Probing the reasons behind the poor academic performance of American Indians, poor whites, urban blacks and Mexican migrants, she helped design alternative educational programs.

On her journey of political awareness, she attended the Sixth Pan African Conference in 1974 in Tanzania. It was there that she came to her watershed decision that American blacks had to help make the southern Africa struggle visible if the apartheid system was to change. Moving to Washington, she and a group of people who attended that conference organized the Southern Africa Support Project 10 years ago. Thus when the call came from Randall Robinson to begin a campaign of civil disobedience, she moved naturally into a key behind-the-scenes role. "I see myself as a representative of a collective," she says. "I've had some personal tenacity, but the movement experience helped shape my political development."

And Hill, who is a professor of criminal justice at the University of the District of Columbia, said her role as teacher is important because "teaching is a way to socially reproduce myself."

A firm believer that only global sanctions will force an end to apartheid, Hill sees this presidential election year as a key time to elect a president who will be willing to use the United States' influence to coerce other countries into action. "We are particularly concerned about Japan and Israel and their continued dealings with South Africa," she says.

Deeply committed to individual action to fight injustice, she feels the alternative is that people become silent supporters of apartheid. "The world is looking at black people in U.S. foreign policy. Many people wonder what we will do in this struggle. Will we give up and allow things to remain or will we continue to struggle and climb the next mountain? To people with these questions, despite the lows in between, history indicates we always climbed the next mountain."

NORTH CAROLINA AND THE U.S.S. "MONITOR"

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing legislation to give statutory force to an agreement reached between myself and Dr. Anthony Calio, the former Under Secretary of Commerce for Oceans and Atmosphere. This legislation will ensure that a suitable display of artifacts and materials from the U.S.S. *Monitor* will be made available for display at an appropriate site in coastal North Carolina.

In February 1987, the National Oceanic and Atmospheric Administration chose the Mariners Museum in Newport News, VA, as the principal museum for the conservation, interpretation, and display of U.S.S. *Monitor* artifacts and materials. The manner in which NOAA handled the announcement of this choice was unfortunate and unprofessional, but this does not reflect upon the appropriateness of the Mariners Museum as a fitting institution to provide strong and capable leadership in the care and display of this national treasure.

As chairman of the Committee on Merchant Marine and Fisheries, I will do everything within my power to work with my committee colleagues from Virginia, Mr. Bateman and Mr. Pickett, to assist the Mariners Museum in this important task. As the representative of North Carolina's First Congressional District, however, I want to assure the citizens of coastal North Carolina that they will also have an important role in interpreting the history of this famous warship.

Subsequent to NOAA's 1987 announcement, I was assured by Under Secretary Calio that suitable artifacts and materials would be available for display in North Carolina. In a letter dated March 12, 1987, the Under Secretary provided the following assurance: "I will ensure that a suitable display of *Monitor* artifacts and materials will be available to support the [North Carolina] facility."

Since Dr. Calio has subsequently resigned as Under Secretary for Oceans and Atmosphere, I feel it is appropriate to provide the people of coastal North Carolina with statutory protection. I want to state again, unequivocally, that this provision will not affect the responsibility bestowed upon the Mariners Museum.

The following quotation from "U.S.S. *Monitor*: The Ship That Launched A Modern Navy" defines the motive behind our Nation's passion for this shipwreck:

> By modern standards, the U.S.S. *Monitor* was not much of a ship. She was only 172 feet long, displaced only 1,000 tons, and carried only two guns. Her career in the U.S. Navy was short—less than a year from the day she was commissioned until the day she sank. She fought only one battle, and in that engagement she fired only 41 shots. Yet her startling appearance in Hampton Roads, Virginia, on 8 March 1862, and her near muzzle-to-muzzle gun duel with the C.S.S. *Virginia* on the following day shook the world as * * * the age of sail ended and the age of steam-powered, armored ships began.

On December 30, 1862, the infamous waters of the "Graveyard of the Atlantic" accomplished what the mighty guns of the C.S.S. *Virginia* could not—the sinking of the U.S.S. *Monitor*. Since that time, the U.S.S. *Monitor* has been an important part of the history of coastal North Carolina, and especially the North Carolina outer banks.

North Carolina played a lead role in the discovery of the wreck in 1974. It was an expedition aboard the R.V. *Eastward* that discovered the wreck; the *Eastward* was owned and operated by the Duke University Marine Laboratory in Beaufort, NC.

Subsequent to the discovery of the wreck, the State of North Carolina has been the leader in demanding protection from potentially disruptive activities. Former North Carolina Gov. James E. Holshouser, Jr., nominated the site as the Nation's first National Marine Sanctuary, and the State has repeatedly insisted that the area be excluded from Federal oil and gas lease sales. Thanks to the efforts of North Carolina the site remains largely as it was discovered in 1974.

East Carolina State University in Greenville, NC, has been the most active research institution in the investigation and archaeological documentation of the wreck. Dr. William Still and Mr. Gordon Watts, faculty members at East Carolina University, are two of the most recognized and respected experts on the U.S.S. *Monitor*.

Finally, the citizens of North Carolina's outer banks are very much aware of the important role which the U.S.S. *Monitor* plays in the history of this region. Recent proposals to establish a Graveyard of the Atlantic Museum demonstrate their interest and commitment. Artifacts and materials from the U.S.S. *Monitor* would be an important contribution to such a museum.

The bill which I am introducing today would provide statutory protection to the citizens of North Carolina that the assurance made by Dr. Calio will be fulfilled. It amends title III of the Marine Protection, Research and Sanctuaries Act by adding a new section 310 entitled "Monitor Artifacts".

Subsection (a) outlines Congressional findings that the wreck of the U.S.S. *Monitor* is tied physically and historically to the coastal areas of North Carolina.

Subsection (b) establishes a congressional policy that a suitable display of artifacts and materials from the U.S.S *Monitor* shall be maintained permanently in coastal North Carolina. This language corresponds directly to the assurance given to me by former Under Secretary Calio.

Subsection (c) requires development, within 6 months of enactment, of a plan for display of artifacts and materials in coastal North Carolina. This plan will identify appropriate sites, and suitable artifacts and materials. In addition, it will include an interpretive plan and a draft cooperative agreement with the State of North Carolina and any other appropriate party necessary to implement that plan.

Subsection (d) is a disclaimer, intended to clarify that this legislation will not alter NOAA's responsibility and authority to ensure the preservation, conservation, and display of U.S.S. *Monitor* artifacts and materials. Most importantly, it will not affect the designation and responsibility of the Mariners Museum as the principal museum for coordination of activities concerning display and interpretation of U.S.S. *Monitor* artifacts and materials.

DEBT FOR DEVELOPMENT ACT OF 1988

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. CONTE. Mr. Speaker, yesterday my colleague Matt McHugh and I introduced a bill to help ease the substantial debt burden on the world's poorest nations. The Debt for Development Act would modify section 124 of the Foreign Assistance Act of 1961 to allow the President to authorize the repayment in local currencies of development debt owed to the United States by the poorest nations. The local currencies would then be used for more development purposes.

Section 124 has never been used since it became part of the Foreign Assistance Act in 1979. Congress is supposed to set a ceiling on the total amount of debt that could be forgiven each year, but Congress has not done so. Our bill will establish the ceiling at $75 million for fiscal year 1989. The President would then be authorized, but not required, to take action on a case-by-case basis to relieve debt by allowing repayment in local currencies, or in certain cases forgiving the interest on debt owed to the United States.

We are targeting our bill at those countries which are considered relatively least developed. Those countries suffer the greatest burden from debt. It stifles what little growth they have, it uses up valuable foreign exchange generated from exports, it reduces the ability of governments to provide necessary services, and it lowers the income of citizens. The debt burden is now a major constraint on development and a factor in the continuing hunger and malnourishment affecting many nations.

The problems of debt are not only felt by those countries which bear the debt burden. The United States is affected as well. Prior to 1981 developing countries were a major U.S. export market. But those developing countries no longer have economies which can sustain growth in imports. Debt relief will help develop markets for U.S. exports, easing our trade difficulties.

As Mr. McHugh says, this is a modest proposal. It is meant to move Congress and the President to deal with the problem of debt in a flexible, though small, way. It is not a solution to the debt problems, but it is a beginning.

WORDS OF WISDOM FOR GRADUATES

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LOTT. Mr. Speaker, I would like to call to the attention of my colleagues the attached commencement address presented this past weekend by Secretary William J. Bennett. Given before the 1988 graduating class of the University of Southern Mississippi, the words provide all young adults with some inspirational guidance toward taking off in the direction of the real world. I hope all will take the time to read these insightful comments of our distinguished Secretary.

The Secretary's commencement address follows:

ADVICE FOR THE OTHER PARTS OF THE REAL WORLD

Congressman Lott, Mr. President. Good morning ladies and gentlemen, graduates of the Class of '88. Well, I had thought about singing my address this morning, but after hearing Mr. Smith's and Mr. Brown's beautiful presentation of "The Pilgrim's Psalm," I think I will pass.

I am deeply privileged to be your speaker this morning. It is nice to be back in Hattiesburg at USM, almost twenty years to the day when I left here. I recognize Mr. Montgomery, who is now the University's Registrar and who was one of my students when I was a member of the Philosophy Department.

It is also particularly nice to be introduced by your outstanding Congressman from the Fifth District, Trent Lott. As Flannery O'Connor says, "A good man is hard to find," and today sometimes that is true. But Trent Lott is a good man and that is one reason why I am here today.

Now I have my directions from the President's office. I'm not to talk too long. 20 to 25 minutes would be ample I was told and I thought I detected a suggestion that less than 20 would do. So my question—a question others have asked—is how am I to fill in the time before I may decently sit down and allow the really important part of the proceedings—the conferral of degrees on you—to begin? Well, a very bright man, a good student of the humanities, Robertson Davies, has been of help to me here (and a little later on) in recalling what the usual thing is at a commencement.

The usual thing at a commencement, says Davies, the statistically normal thing, is for the speaker to tell the graduating class that they are going out into a world torn by dissent, racked by problems of unprecedented knottiness and difficulty and that we are all headed for the abyss of destruction unless you, the graduating class, will shoulder your burden and do something splendid to put everything right. The commencement speaker usually says he can't help; he generally admits that he is at the end of this tether, or he is old and broken on the wheel of fate and his decrepitude and his wounds have been received in this great battle with the world's problems. He then says, throwing the torch to you, that nothing, absolutely nothing, can be expected of him in the future. And from his failing hands and with grasping breath he throws you the torch and plants, dear graduates, the task of setting the world right square on your shoulders. He says that he does it with confidence because he believes you are wonderful. But graduation speakers are often so gloomy that one wonders how much their confidence in the graduates is worth. Sometimes one even gets the impression that immediately after commencement the speaker is going home to sit in a dark room and sink into a deep depression.

Well, that is not my intention. Either to throw you the torch or to sink into torpor at 12 o'clock, but to offer you, the graduating class, some advice. You may think it simple, perhaps pedestrian, perhaps commonplace; but as things may be good even if commonplace, they may be true even if they are simple. So here are four pieces of advice, general but personal advice, to each of you about the other parts of the real world to which you are now being transferred. I do not wish to speak of life in the government, in Washington, or of public policy or of some burning public issue of the day, but rather of some of the steady enduring issues of every day and offer a little of what I think that particular blessing of civilization: the humanities, have advised us about them.

First piece of advice (my longest one if you're timing me)—if you can, try to like life. Be good-humored about your mortality.

I don't mean that you should like all parts of the world or that you should be happy with all parts of your life or condition, but my advice is that your attitude be one of optimism and of interest. And, that's largely under your control. Writing about disappointment, George Eliot once said, "Everything depends—not on the fact of disappointment—but on the nature affected and the force that stirs it." Let disappointment, when it comes, stir you.

It is practical optimism that I recommend. Now you may wish to be a theoretical pessimist. That is, you may wish to believe, (as I do), that in the end, in the real long run, that all here is dust and ashes, and that our common enterprises, our institutions, plans and schemes will be as nothing. As Isaiah says: "All our works are nothing—our molten images are empty wind." There is support for theoretical pessimism. But practically, operationally, you should not bring such an attitude to your tasks in the short run, in the run which is the compass of a life. I recommend that there you need practical optimism. It is my belief that you live only one life in this body, in this world at least and therefore, I think you should go about your business with some measure of enterprise, of seriousness, of good humor and of interest. But, by recommending interest in this body, in this life, I do not mean to recommend, as the Joseph Schlitz Brewing Company did some years back, that "You only go around once so grab all the gusto you can." I'm not talking about grabbing gusto or swilling beer. I mean living well, living well because living well really is good revenge.

You see, if you think about it, living with interest and with engagement is an attitude to which there is simply no reasonable alternative. Cynicism, griping, a state of chronic disappointment and complaint about the world is no way to have life work for you or to live it. And those who start out feigning cynicism soon get it for real. Cynicism corrodes; it corrodes passion, it corrodes commitment. So take into your enterprises what E.M. Forster called pluckiness, a pluckiness of spirit, take goodwill and take a sense of humor.

Now against my view, the French poet Baudelaire, who was usually gloomy, said once, "life is a hospital, in which each patient believes he'll be better if he's moved to another bed." Well, this is very French, very gloomy, and I believe very wrong. I believe there are more things in life to be affirmed than to be scorned and depressed about. But if you are a scorner by nature and you wish to scorn or be depressed about something, then scorn and be depressed about indifference.

My second piece of advice is a corollary of the first. Look forward to work, and approach your work with passion and engagement. Among my contemporaries, I have found over and over again that those who like what they do from day to day are happier than those who do not like what they do, even if the latter make twice, three times or five times as much money as the former. Think of your work in terms of what you know and what you love. And try to expand the number of things you know and love.

There are blessings, Ladies and Gentlemen, to be won in this way, blessings to be won from work that cannot be won from idleness or leisure. The humanities have long taught that work kills fewer hearts than boredom and idleness do. Modern medical science bears this out. Perhaps for some of you, your first job may not be the one you really want. That's not unusual. The idea that every person should be able to choose the job he wants is, in fact, as history goes, a very new idea, and still a relatively rare reality. So, if that's your situation, the only reasonable thing to do is to make the best of it. But while making the best of it don't let your passions dry. Don't lose the passion to do what you know and love. We are at our best when we do that which we know and which we love. In the movie Chariots of Fire that great runner Eric Liddel told us he loved to run. "When I run," Liddel says, "I feel God's pleasure." I think all of us have the opportunity to feel God's pleasure through us, but only if we're willing to stay at it. To be at one with one's work whether it is dentistry, running, sales, teaching or farming, is worth a very great deal.

Third, again borrowing from Davies, let me talk just a tiny bit about what is an old issue and a contemporary pre-occupation as well. That pre-occupation is called "happiness." I say to you that I wish happiness for all of you, (and I have no doubt that you wish it for yourself), but my advice is not to seek happiness. There are all kinds of people who think that happiness is a condition that can be sought, caught and maintained indefinitely. Some also believe that the quality of a life is determined by the number of hours of happiness you can chalk up. That's not true. The thing is, the irony is, you will have a much better chance of finding happiness if you don't bother your head about it, and if you worry about other things. No doubt, some of you have already discovered through various experimentations of your own, that happiness is not the same as pleasure. (By the way, Plato could have told you that for $3.00—the cost of an edition of his great dialogue on it, The Gorgias—that's a cheaper price than many of us have to pay to discover this truth.) The point is, as Davies has written, "the nature of happiness is such that happiness retreats the more intensely it is pursued. Happiness is like a cat. If you try to coax it or call it, it will avoid you, it will never come. But if you pay no attention to it and go about your business you'll find it rubbing against your legs and jumping into your lap. So forget pursuing happiness, pin your hopes on understanding, on interest, on engagements, on work, learning, knowing, on loving and play. Forget pursuing happiness—pursue other things, and with luck, happiness will come to you.

I am about finished. But I am not going to close by saying "I resign from life" or that the world now belongs to you and does no longer to me. I am not so much older than you, I'd be lying. And I don't plan to retire. I'm having too much fun working. In fact, you and I, and most of the rest of us here, will still be trotting around this planet for more than a few more years.

But finally, one very brief last thought, a fourth and last piece of advice. It is about your minds. This advice is very simple. Here I offer the wise words of the Maharani of Jaipur. She said once, "Keep an open mind; an open mind is a very good thing, but don't keep your mind so open that your brains fall out."

My congratulations to you ladies and gentlemen. I look forward to your company for the next fifty years. Good luck to all of us.

THERE ALREADY IS A PALESTINIAN STATE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. COURTER. Mr. Speaker, in the current uproar over events in the West Bank and Gaza, a number of important things have been forgotten. One is that there already is a Palestinian state—Jordan, which envelops three-quarters of the old British mandate of Palestine. Another is that what is routinely called "the Israeli-occupied West Bank" was occupied between 1949 and 1967 by a very different regional power: Jordan, which annexed the territories by force and without legal cause in a move recognized by no Arab state.

The journalist Yedidya Atlas reminds us of these and other neglected facts of history and offers his comments on the current uprising in an important article written for Human Events. Published in the April 2, 1988 issue, it deserves to be reprinted here in the CONGRESSIONAL RECORD.

A SHORT HISTORY OF THE WEST BANK

(By Yedidya Atlas)

JERUSALEM.—Since early last December Americans have been inundated by media reports on the "escalating conflict between the Palestinians and Israeli troops in the Occupied West Bank and Gaza Strip."

Israel is being charged with sole responsibility for the current situation, as well as for its solution.

At the same time, the Palestinian Arabs are being simplistically presented as a homogenous nationalist group struggling against their Israeli occupiers for a homeland limited to the administered territories.

To better comprehend this more complex and volatile situation, a brief history is in order. In 1919, the League of Nations entrusted Great Britain with a mandate for establishing a Jewish national homeland in Palestine which included the territory both east and west of the Jordan River.

In 1921, approximately 77 per cent of this area was separated by the British to establish an Arab entity in eastern Palestine, and Abdullah ibn Hussein, an Arabian interloper, was appointed emir. The official reason: to designate a homeland for the Arab Palestinians, leaving the remaining 23 per cent west of the river for the Jewish Palestinian homeland.

In 1946, the British created the Kingdom of Transjordan and Abdullah was promoted to king. Then, in 1947, the U.N. issued a "Partition Plan" to divide the remaining western part of Palestine into a truncated Jewish State and a second Palestinian Arab state in the territories known still as Judea and Samaria.

The Palestinian Jews, under protest, accepted the 1947 Partition Plan. The Palestinian Arabs rejected it. And on May 15, 1948, the combined armies of all the Arab countries attacked the fledgling State of Israel.

Approximately 600,000 Palestinian Arabs fled "temporarily." But temporarily became permanently, when the Arab invaders failed to destroy Israel.

Following the 1949 cease-fire, Judea and Samaria were under Transjordanian occupation, and Egypt occupied the Gaza Strip. Transjordan became Jordan when Abdullah annexed Judea and Samaria. The annexation was recognized by no country in the world, including the U.S., except for Great Britain and Pakistan. The Jordanian monarch was even denounced by his own Arab allies.

At the Arab League Summit the next year, a resolution was jointly presented by Syria, Lebanon, Egypt and Saudi Arabia to expel Jordan from the Arab League for Abdullah's actions.

For 19 years, until 1967, Jordan occupied, sometimes brutally, the renamed "West Bank" with its 20 UN-WRA refugee camps. No one in the world called for the establishment of a Palestinian state in the West Bank, least of all the Palestinian Arabs themselves. Nor would Jordan have agreed.

And when western Palestinians rioted in December 1955, April 1957, April 1963, November 1966 and April 1967, King Hussein sent in tanks which shelled city streets and machine gunned people at random, killing hundreds of men, women and children. Of course he first closed the area to the world media.

The Gaza Strip, as it was known for the 19 years of Egyptian occupation, had eight UNWRA refugee camps in which the Palestinians were forced to live in overcrowded squalor. Egypt refused to absorb any refugees, kept them stateless, denied passports, and forbade them to travel or work in Egypt.

For 19 years, these Jordanian and Egyptian occupied areas were kept in a state of economic stagnation and severe unemployment.

Average unemployment in the early '60s ran between 35 per cent to 45 per cent and refugee unemployment hit a high of 83 per cent. Yet during this entire period, the world was silent. PLO terrorist chieftain Yasir Arafat himself never even bothered to visit Judea and Samaria for the entire period of Jordanian occupation. Only with the capture of these territories by Israel in a defensive war in 1967 did anyone discover the "legitimate rights and national aspirations" of the Palestinian Arabs.

And yet, from a humanitarian viewpoint, the situation of the Palestinian Arab has improved immeasurably since the advent of Israeli administration in 1967.

Unemployment hovers around a mere 1 per cent and per capita gross income trebled in less than 20 years; infant mortality rates dropped from the pre-1967 140 per 1,000 to only 30 per 1,000 today—at a time when the rest of the Arab world is still at 80 per 1,000; and seven Arab colleges and universities were established under Israeli "occupation," where none existed before 1967.

Had the Arab countries any true intentions of helping their beleaguered brethren from western Palestine, they would and could have absorbed them easily four decades ago, as the Israelis did of an even greater number of Jewish refugees from Arab lands.

The Palestinian Arabs share the same language, religion and culture, and for some 75 per cent of them, the same countries of origin just three generations before when their grandfathers emigrated for economic reasons to Palestine from Lebanon, Syria, Egypt, Jordan and Saudi Arabia.

But the 21 Arab countries were not interested in aiding their Palestinian brothers. Rather, they preferred to use them as a political weapon to wield against Israel. And no less a political body than the United Nations lent itself to this manipulation.

In the mid-1970s Israel attempted to give the Palestinian Arab refugees in Gaza new and better housing. The U.N. General Assembly, at the urging of the Arab states, passed Resolution 32/90 condemning Israel for trying to relocate these refugees and demanded they be returned "to the camps from which they were removed."

And yet, U.N. Under Secretary Marrack Goulding came to Gaza this past January during the riots accompanied by 10 TV crews on a fact-finding visit and laid the entire blame for the situation squarely at Israel's feet. As if his own organization's complicity in the matter did not exist.

Today's rioting in the administered territories is said to be just a homogeneous and spontaneous demonstration of Palestinian national aspirations against Israeli occupation. Ignored, however, is the role of a combination of various terrorist factions from PLO to extremist Muslim fundamentalists—groups which are no less at odds with each other as they are in opposition to Israel's existence.

Moreover, one must distinguish between Gaza and the region known as Judea and Samaria, as well as the fact that the majority of the Palestinian Arabs, while not necessarily in favor of Israel, do not prefer either King Hussein or Arafat as alternative choices and thus are unlikely to support the aim of many of the rioters.

Of the 420 Arab villages and 25 municipalities in the administered territories, riots have taken place in less than 50 of them. And these 50 are generally quiet.

The indigenous Palestinian Arab population in the administered territories and their refugee brethren do not, as a rule get along. The Palestinian refugees in Judea and Samaria comprise 30 per cent of the population and only a third, or 10 per cent, lives in UNWRA refugee camps. In Gaza they count for 60 per cent, half still in the camps.

In Gaza there are eight different groups of Islamic fundamentalists whose influence in Judea and Samaria is minor. These Muslim extremists comprise about 25 per cent to 30 per cent of the terrorist factions in Gaza, whereas in Judea and Samaria, they only come to 10 per cent to 15 per cent.

The radical leftist organizations and the Communists are negligible in Gaza with a combined total of maybe 3 per cent of the terrorist factions, whereas in Judea and Samaria they weigh in with at least 25 per cent. Arafat's Fatah faction of the PLO still is the major factor with as much as 70 per cent of the extremist groups in Gaza, and 60 per cent in Judea and Samaria.

But even in Yasir Arafat's Fatah faction of the PLO there are divisions concerning policy and tactics between Fatah outside of Israel, and local Fatah operatives inside the administered territories.

The leftists are split into five main groups: Marxist George Habash's PFLP (Popular Front for the Liberation of Palestine) with links to the Soviet; Ahmed Jibril's PFLP-GC (Popular Front for the Liberation of Palestine-General Command); Naif Hawatme's DFLP (Democratic Front for the Liberation of Palestine); Saiqa, affiliated with the Syrian Baath party; and the Communists.

All of the aforementioned groups are based in Syria and have links with the Soviet Union. Yasir Arafat's PLO faction, too, while not based in Syria, maintains strong ties with Moscow.

All the Islamic extremist groups are primarily splinter factions of the original Egyptian "Muslim Brotherhood," and follow the basic line of "Jihad"—"Holy War"—against the Jews, and the establishment of an Islamic Palestinian state.

All Sunni fundamentalists, each of the eight groups, has its own political line. They include the "Brotherhood," of course; "Islamic Jihad," which is itself divided between supporters of the PLO, the "Al-Mujamma Al-Islami" faction which pursues a Khomeinist doctrine, and the Takfiyu al-Ijerra, whose Cairo branch murdered Egyptian President Anwar Sadat; the Al-Jamiyya Al-Islamiyya breakaway from the "Brotherhood"; and the Salfiyyun, which has links to the Saudi fundamentalists.

Arafat, being himself, as his uncles and father before him, a member of the "Muslim Brotherhood" in Egypt, recognized the rising terrorist potential of the spreading Islamic fundamentalist groups, and set up a "religious department" of Fatah to attempt to harness this terrorist power for the PLO. While only moderately successful, Fatah has more support amongst the Muslim extremists than any other terrorist faction.

While it is true that the initial riots of December 9 in Gaza were local in origin, the outside terrorist organizations soon jumped on the bandwagon and grabbed the reins.

PLO Chairman Yasir Arafat admitted as much in an interview with the French magazine Nouvel Observateur (January 1). "Today [the riots are] a synchronized operation between local organizations and the PLO Executive Committee. At the beginning," Arafat added, "the uprising was largely spontaneous, now it is organized."

Communication between the various "headquarters" and the Palestinian Arab masses in the administered territories is either via radio broadcasts from southern Syria, as in the case of Ahmed Jibril, or Baghdad and Arafat's PLO, or via underground leaflets, as well as direct incitement to "kill the Jews" during Muslim prayer services in the mosques.

The underground leaflets stem from the local operatives, who while claiming to issue orders on a regional basis from "on high," have no real effect beyond their respective villages. The Islamic leaflets have a blunt and primitive anti-Semitic and racist message, referring to the Jews as "blood suckers" and "brothers of monkeys," and the PLO leaflets carry a more Marxist revolutionary tone attacking "imperialism and its allies" and "Israel-American conspiracies" against the Palestinians.

The current riots are not necessarily an indication of a new popular revolt against the Israeli occupation. Although previous waves of rioting did not reach this length and scope, particularly with the expansion of Islamic fundamentalist groups in Gaza, there are no new players here.

The local coordinators and organizers of the riots, including those deported by Israel in January, are veteran terrorist operatives linked to the PLO, Islamic extremists and leftist groups. All have long criminal records ranging from murder and terrorist bombings to incitement to riot and recruiting for terrorist organizations.

With the abject failure of the PLO and all its various factions to seriously hamper Israel's existence, they have bet eveything on the current riots in a last-ditch effort to be taken seriously.

ANTI-DRUG ABUSE ACT OF 1986

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. BRYANT. Mr. Speaker, there is no greater threat to our national security than drugs—threatening our Nation's youth, strength, and stability from within our borders, although most of the drugs originate elsewhere in the world.

We are living in a nation that is plagued by a drug epidemic. Drugs are eating away at the national fabric of American life. Pilots, train engineers, bus drivers, doctors, lawyers, nurses, schoolchildren—everyone is affected. The United States has a national emergency and we must treat it as such by declaring a war on drugs.

The U.S. Drug Enforcement Administration [DEA], the U.S. Customs Service, the U.S. Coast Guard, and our local and State police are trying to stem the flood of illicit drugs into this country, but the statistics make one fact clear: If they caught every car and truck trying to smuggle dope into the country, if they caught every airline and shipline passenger trying to smuggle dope into this country, they would stop only 30 percent of the cocaine and only 12 percent of the marijuana.

The hard, cold fact is that we're up against highly sophisticated, well-organized industries whose sole service is the delivery of illicit drugs into our country. The profit is so great—and the risk of detection and capture is relatively so small—that our outmanned drug-stopping forces are falling further and further behind.

In 1986, I cosponsored the Anti-Drug Abuse Act of 1986 enacted by Congress to make a major commitment of national resources against drug smuggling and drug abuse. I have also supported several other initiatives related to thwarting the illict drug supply and curbing its use. Again this year we will consider another comprehensive drug bill, perhaps in the form of Congressman English's bill, H.R. 4230, the Omnibus Antidrug Act of 1988, of which I am also a cosponsor.

These measures which I have supported are positive steps for us as a country to have taken in order to have a chance against what has become our most serious crime problem, our fastest rising health problem, and one of the greatest threats to our national security.

But we need a stronger front line against drugs—the muscle at our borders and along our coastline to stop cocaine, marijuana, heroin, and the other drugs that are sapping our human and financial resources.

There is no question that we are losing the war on drugs. And there is no question that it is a war—a war for our citizens' safety, for our economy, our health, and our young people's minds.

That is why I have reintroduced the War on Drug Smuggling Act to commit the best of America's Armed Forces and defense technology—radar, aircraft, and ships—for the national battle to end the importation of drugs across our borders.

My bill would expand the role of our military in the war on international drug trafficking by enabling the heads of the major Federal drug enforcement agencies—the Drug Enforcement Agency, the Customs Service, the Federal Bureau of Investigation, and the Federal Aviation Administration—to call upon the Secretary of Defense to provide military equipment and trained personnel to operate and maintain the equipment to assist in halting drug smugglers.

The law enforcement agency head would make an initial determination of the equipment necessary to detect and interdict the unlawful transport of controlled substances across the border and would then consult with the Defense Department. The Secretary of Defense could decline or modify the request if necessary to preserve military preparedness; but the Secretary would have to make such a finding. In the past, the Defense Department has resisted using its discretionary authority to provide this kind of assistance. My bill would direct the Secretary to provide it upon request, subject to military preparedness requirements.

The measure would also require the heads of the specific Federal law enforcement agencies to meet with the Secretary of Defense, or a designee, and the National Guard Bureau to develop a strategy for: (1) the detection of the unlawful transport of any controlled substance across the international boundaries of the United States; (2) the interdiction in the United States of such unlawful transport; and (3) the coordination of the efforts of the special law enforcement agencies, the Department of Defense, and the appropriate components of the National Guard in such detection and interdiction.

The Secretary of Defense is directed to invite the chief law enforcement official of each State to attend and participate in any such strategy meeting. "State" is defined as and of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

Laws presently exist which permit the Secretary of Defense to make available any equipment, base facility, or research facility of the Army, Navy, Air Force, and Marine Corps to any civilian law enforcement official for law enforcement purposes. The Secretary of Defense may also assign members of the above to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of loaned equipment and to provide relevant expert advice. However, Federal law requires the Secretary of Defense to issue regulations to insure that the provision of any assistance does not include direct participation by a member of the Army, Navy, Air Force, or Marine Corps in an interdiction of a vessel or aircraft or in a search, seizure, arrest, or other similar activity, unless such activity is otherwise authorized by law.

My bill would direct the Department of Defense to provide the equipment and personnel and would allow their direct involvement in the interdiction process, but it would in no way change current U.S. law which prohibits our armed forces from performing any law enforcement activity.

Every fact tells us that we're fighting a war. We have the best military in the world. We need it on our side in this war, because we can't win without it.

LACK OF HEALTH INSURANCE COVERAGE, LACK OF HELP FOR HOSPITALS SERVING THE POOR, THREATENS THE NATION'S EMERGENCY MEDICAL CARE SYSTEM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. STARK. Mr. Speaker, The fact that some 37 million Americans do not have health insurance and millions more have inadequate coverage is putting a severe strain on the Nation's public and nonprofit hospitals, and in particular, on their emergency rooms.

Following are two articles from the Los Angeles Times of May 3 and 4 concerning the closing of the emergency room at the California Medical Center. The closing will "leave an area twice the size of San Francisco with inadequate emergency health care." The hospital is closing its emergency room operations because the number of poor and uninsured using the facility, plus the often high cost of trauma-type care, was costing the hospital half a million dollars a month in losses.

There are many pieces to the solution of this spreading "emergency room" emergency. But the bottom line is adequate reimbursement to health care providers. Mandated health care, State risk pools, my bill H.R. 3128 providing a trust fund for payments to "disproportionate share" hospitals, and H.R. 4414 providing for a system of trauma care facilities, are all bills which we must consider—as soon as possible.

[From the Los Angeles Times, May 3, 1988]

HOSPITAL SHUTS ITS EMERGENCY ROOM; "RIPPLE EFFECT" FEARED

(By Claire Spiegel)

Officials at a busy downtown hospital that has long been "an open door to the poor masses of Central Los Angeles" announced Monday the closure of its emergency room to paramedic rescue ambulances.

The move by California Medical Center, designed to save money, came as a major blow to the county's emergency care network. Health officials said they fear a domino effect leading to similar shutdowns at other hospitals and creating havoc in the ambulance rescue system.

About 24,000 patients a year have been treated in the emergency room of the nonprofit medical center at 1414 S. Hope St., the third-oldest hospital in the county, founded in 1887. But effective June 1, the emergency room will be downgraded to "standby" status, meaning that doctors will be on call, rather than on the premises. Walk-in patients will continue to be seen, but ambulances will be diverted to other hospitals.

ALREADY AT MAXIMUM

The center's emergency room has been receiving more rescue ambulance patients—about 10,000 a year—than any private hospital in the county. The bulk of these patients will be rerouted to the two closest county hospitals, County-USC Medical Center and Martin Luther King Jr./Drew Medical Center, which are "already at maximum," Los Angeles County health official Virginia Price Hastings said.

Some of the spillover will fall onto a few small, private hospitals in the downtown area "which are very nervous" because they cannot handle the load, she said. These are the Hospital of the Good Samaritan, French Hospital of Los Angeles, Queen of Angels Medical Center and Hollywood Presbyterian Medical Center.

Battalion Chief Alan Cowen, in charge of the Los Angeles Fire Department paramedics, predicted that "the quality of patient care will go down" and ambulance response times will increase.

The curtailment of the medical center's emergency room was prompted by the hospital's financial losses, amounting to $2.6 million last year, hospital officials said. They figured losses of $500,000 a month in the emergency room, where hundreds of indigent people have sought care and must, by law, be treated and stabilized before discharge.

Adding to the hospital's burden is its $60-million debt from a recent building campaign, which included construction of a nine-story modern medical tower.

Hospital President William F. Haug said the debt had "an impact on every program in the hospital" but added that the main reason for the emergency room curtailment is "the disproportionate number of government-sponsored patients and level of uncompensated care that we provide."

MAJOR ISSUE

Financing of health care for indigent patients has become a major health-care issue in recent years, as increasing numbers of hospitals find that they lack the resources to foot the bill.

Fifteen hospitals in Los Angeles County have closed or curtailed their emergency rooms during the last two years, said David Langness, an official with the Hospital Council of Southern California.

Because of its size and location, the move by California Medical Center is the worst blow to date.

"It's a sad requiem for an inner-city hospital that has such a long tradition of serving the poor," Langness said.

Langness predicted that the move will have a "massive ripple effect" on the rest of the area's ailing emergency network.

"If there is a domino effect, it would indeed be catastrophic," said Allene Nungesser, head of Hollywood Presbyterian Medical Center. She said she expects Hollywood Presbyterian will take some of the spillover of patients from California. She said "pivotal decisions" will be made during the next few weeks by county and state officials either "to backstop" the system, or let it collapse.

SEVERE FINANCIAL CRUNCH

Hospital officials say the emergency care network—including the trauma system—has been suffering from a severe funding crunch. Two years ago, California Medical Center was the first hospital to close its trauma center. Six more have dropped out since then, leaving 16 centers and gaping holes in coverage.

About 80 emergency rooms remain the backbone of the county's emergency care network, with California Medical Center considered to be one of the linchpins.

COUNTY BRACES FOR MORE CASUALTIES IN EMERGENCY CARE

(By Claire Spiegel)

Braced for a follow-up blow to local emergency services. Los Angeles County officials disclosed Tuesday that three more private hospitals in downtown Los Angeles have picked up applications to dramatically curtail their emergency room services. A fourth was feared to be considering doing so as well.

"We may be looking at 2,000 ambulances a month that will have to go someplace else," said Virginia Price Hastings, a county health official. "I don't know what we'll do."

On Monday, the busiest private emergency room in the county, California Medical Center in downtown Los Angeles, announced that because of financial losses, the center will downgrade its busy emergency room to standby status effective June 1. This means that doctors will be "on call" rather than on the premises, and that about 800 rescue ambulances a month will have to be rerouted to other hospitals.

But three of those facilities in the line of fire—Hospital of the Good Samaritan, Linda Vista Hospital and French Hospital of Los Angeles—have indicated their reluctance to take up the slack. Robert Gates, director of the county Department of Health Services, told the Board of Supervisors on Tuesday that several hospitals have inquired "how to go about" curtailing their emergency room services. Hastings said the three have obtained applications from the county to change their emergency room status.

HANDLE 550 CASES

The three hospitals combined now accept about 550 rescue ambulances per month, with most of them going to Good Samaritan.

If Hollywood Presbyterian Medical Center were to downgrade its emergency room service too, as some officials fear, another 600 ambulances would have to be rerouted. This would amount to a total of about 2,000 ambulances monthly that would have to be absorbed by the rest of the county's emergency network. Countywide, there are about 80 hospitals with emergency rooms that accept rescue ambulances.

Hastings predicted that the problem will "boomerang" into longer paramedic response times and more-crowded emergency rooms.

Compared to the recent trauma center crisis, Hastings said, "This is much more serious."

Trauma patients account for only about 15,000 of the 400,000 annual paramedic runs by the Los Angeles City Fire Department, she said. "Trauma is an important but very small subset of all the emergency cases handled by paramedics—the drug overdoses, heart attacks, seizures and so on," she said.

FINANCIAL CRUNCH

County and hospital officials agree that the source of the problem for trauma centers and for private emergency rooms is a financial crunch caused by the cost of providing medical care to increasing numbers of indigent patients—many of whom enter a hospital through its emergency room. By law, a hospital must treat and stabilize all emergency room patients without regard to their ability to pay.

At the Hospital of the Good Samaritan on Witmer Street, which receives about 450 rescue ambulances a month, spokeswoman Heather Hutchison said the emergency room is "losing money." She confirmed that officials there recently obtained an application from the county to downgrade emergency services, but said that no firm decision has been made, pending "a special session of the trustees" scheduled for Thursday.

She said the emergency room has recently been filled to capacity "19 days out of each month" and will be hard-pressed to handle a "20% to 40% increase" in patients due to curtailed emergency services at nearby California Medical Center on South Hope Street.

At California Medical Center, officials figure that the center's emergency room is losing about $500,000 a month. Compounding the hospital's financial problems is its $60-million debt from a recent rebuilding campaign, as well as stricter government controls on hospital charges to public health care programs such as Medicare and Medi-Cal.

Reacting to California Medical Center's announcement, county supervisors declared Tuesday that the hospital's action will "leave an area twice the size of San Francisco with inadequate emergency health care." In an emergency motion, they asked health officials to study the possible "domino effect" on other hospitals.

MAY DOWNGRADE SERVICE

At French Hospital in the Chinatown area, spokeswoman Roselyn Smith said the hospital has suffered financially from the large percentage of indigents brought to the emergency room by paramedics. Of about 50 ambulance patients a month, she said, about half do not pay their bills. "There's a good chance we will downgrade" the hospital emergency room, she added.

Officials at Linda Vista Hospital in Boyle Heights, which also accepts about 50 rescue ambulances a month, could not be reached for comment.

TRIBUTE TO THE EASTERN REGIONAL OFFICE OF THE PENNSYLVANIA STATE CIVIL SERVICE COMMISSION

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, this month the Pennsylvania State Civil Service Commission marks the 20th anniversary of the opening of its eastern regional office in Philadelphia.

Since it opened its doors, the office—which is in my district—has administered between 22,000 and 25,000 tests a year. The workload has grown dramatically from 600 tests a month in 1968 to about 2,000 a month, now.

In addition, staff members conduct specialized and localized testing in surrounding communities on a regular basis to meet the needs of agencies in the Philadelphia area. For example, the department of public welfare required specialized recruitment a few years ago for Hispanic candidates. The commission was able to recruit, test, and certify sufficient numbers for a training class. More recently, Loatian, Vietnamese, Cambodian, and Hmongs were needed by the Philadelphia County Board of Assistance. Again the office swung into action and met that need.

The eastern regional office is also actively involved in providing counseling to candidates. Staff members are available to counsel candidates on employment opportunities, current examinations, job requirements and other information. They also review a candidate's qualifications and provide a list of positions for which the candidate may qualify.

As part of the commission's recruiting efforts, staff members visit local colleges, attend career days, and maintain active contact with placement officers and counseling staff. They also have day-to-day contract with women's organizations, minority student groups, veterans' groups and local community organizations, providing information about civil service positions, requirements, and testing.

Approximately 300 people a day visit the office to get the latest information about job opportunities in State government. In addition, the staff handles about 100 phone calls a day.

In the past 20 years, the eastern regional office has experienced phenomenal growth in the use and demand for its services. But that increase in demand and expectations has been matched by the dedication and professionalism of the fine men and women working in the office.

I commend these outstanding public servants on a job well done. I know my colleagues will join me in congratulating the east regional office and wishing the staff two more decades of exemplary service and success.

EXHIBIT OF TIBETAN CULTURE ON DISPLAY IN CANNON ROTUNDA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LANTOS. Mr. Speaker, on May 10 in the rotunda of the Cannon Building a special ceremony was held to mark an unique exhibit on display there. "The Treasures of Tibet" is an outstanding exhibit of Tibetan antiques, artwork, and photographs which will be in the rotunda for 2 weeks for Members of Congress and visitors to Capitol Hill to admire. Joining the Congressional Human Rights Caucus in sponsoring this wonderful display were Tibet House and its chairman, American actor Richard Gere; the Capital Area Friends of Tibet; and the Office of Tibet.

During our ceremony, Richard Gere expressed grave concern about the need to preserve Tibet's ancient cultural and religious heritage and present its traditions to Westerners who are not familiar with it. It was for this reason that Gere founded the Tibet House in 1987.

Mr. Gere noted in his remarks that in some regards, "The Treasures of Tibet" exhibit in the Cannon rotunda is a "curtain raiser" for an even more ambitious effort to focus on Tibetan culture and to increase the world community's awareness of what is happening to this ancient culture and its peoples. In 1991 Tibet House will sponsor the "Year of Tibet," a series of nationwide cultural events which will include the most extensive exhibition of Tibetan art ever assembled; the premier of a newly commissioned opera by Tibet House board member and prominent American composer Philip Glass; a national tour of the Tibet National Opera from Dharamsala, India, the seat of Tibet's government in exile; the First Annual Tibetan Film Festival; and a series of new films focusing on Tibet's culture and history which will be coproduced by PBS.

Mr. Speaker, a number of other prominent individuals were present for the ceremony in the Cannon rotunda. The Honorable Lord David H. Ennals, who led the first foreign observer mission to Tibet following the March 1988 demonstrations, spoke on the need to preserve Tibetan culture, particularly in light of the Chinese human rights abuses in Tibet he observed this spring.

Others who joined us were Prof. Thubten J. Norbu, member of the Board of Directors of Tibet House, professor emeritius from Indiana University, and the brother of His Holiness the Dalai Lama. In his remarks, Professor Nobu noted that Tibetans need the help of the United States in their efforts to preserve their culture and to secure observance of Tibetan human rights. Rinchen Dharlo, representative of the Dalai Lama for North America, and Tenzin Tethong, the Washington, DC, representative of the Dalai Lama were also in attendance at the ceremony.

Our distinguished colleague from New York, Mr. DIOGUARDI spoke in support of Tibet's cultural and religious plight.

Mr. Speaker, this exhibit, "The Treasures of Tibet," is an extraordinary collection of Tibetan religious and cultural artifacts and photographs, both old and new. Remarkable ritual objects and paintings dating from the 14th to the 19th century, from the outstanding private collection of Mr. and Mrs. John G. Ford, provide an interesting and beautiful core to the display. Contemporary ritual objects from the Kunzang Palyul Choeling—World Prayer Center—were provided by Elizabeth Elgin, Linda Kurkowski, and Michael Burroughs. Two of the elegant "thankas"—Tibetan religious paintings—are on loan from the temple of Ahkon Lhamao, Rinpoche.

The Office of Tibet provided charming costumed dolls made by Tibetans living in exile in India. Such forms of Tibetan art are encouraged in order to preserve and develop traditional crafts as well as to preserve the rich Tibetan heritage of regional, monastic, ritual and traditional costume. Also on display are coins and currency used in Tibet until 1959, when the Dalai Lama fled to India.

On public display for the first time are an unusually significant series of photographs from an unprocessed collection of the Library of Congress. These Tibetan photographs, taken during the period 1920-40, were made available with the help of Dr. Stephen Ostrow and George Hobart of the Library of Congress. The excellent selection and captioning was done by Merlinda Fournier and Lobsang Lhalungpa. Anne Hawthorne expertly photographed and produced the copies. The photographs are particularly impressive since they capture monasteries, customs, religious practices, and traditions which have all but disappeared in the wake of the destructive Cultural Revolution and Chinese occupation.

The exhibit also includes outstanding contemporary photographs of Tibet and Tibetans by the professional photographers ASUPI, Doug Col, Linda Conners, Anne Hawthorne, Mac McCoy, Christian Malinowski, and Whitney Stuart. Artist Philip Sugden's wonderful ink and pen drawings on handmade paper are an impressive addition to the exhibit.

Credit for the exhibit goes to my wife, Annette, who initiated it, and Dr. Kay A. King of my staff, who arranged for the works, and planned and supervised its installation. Many others offered their expert help with the details of installing this exhibit: Richard Squires, Mary Beth Cavanes, Mac McCoy, and Grace Spring-Reinstein, whose wonderful hand-made puppets are also included in the exhibit.

Mr. Speaker, the culture of Tibet is truly remarkable. It is my hope that others who see this outstanding exhibit will become more aware and appreciative of the treasures of Tibet, and of the unique religious and cultural traditions which are rapidly disappearing and stand in danger of extinction.

A TRIBUTE TO AN AMERICAN FAMILY LEGEND: GLADYS KNIGHT AND THE PIPS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. DYMALLY. Mr. Speaker, my colleagues in the Congressional Black Caucus join me today in saluting 35 years of musical tradition that has been created by the noteworthy contributions of legendary Georgia natives Gladys Knight and the Pips. Their wonderful talents have brought pleasure to millions around the world, and their timeless vocal blend spans generations and cultures.

Recognizing the important accomplishments they have made in the entertainment industry, we also take special note of the extraordinary message that their pursuit of excellence expresses. Above all, this is an American family which stands as a role model for young and old—black, white, and ethnic to emulate. Their unity and support of the institutions that is the family represents a legacy for us all. To Gladys Knight and each of the Pips, the Congressional Black Caucus takes great pleasure in making this tribute to you and the wonderful music you have created for all the world to enjoy.

A TRIBUTE TO DR. SANDYE JEAN McINTYRE II

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. MFUME. Mr. Speaker, I would like to take this opportunity to bring the attention of my colleagues to the distinguished and dedicated service of Dr. Sandye Jean McIntyre II, who is retiring after 40 years as a professor of foreign languages at Morgan State University in Baltimore, MD.

Dr. McIntyre received a bachelor of arts degree at Johnson C. Smith University, Charlotte, NC; masters of arts in Romance languages at Case Western Reserve University, Cleveland, OH; and a Ph.D. in French, also at Case Western University. During his academic career, Dr. McIntyre has excelled during the course of his studies. He was awarded a Fulbright Scholarship to study at the University of Grenoble in France, upon which he received the Diplome de Hautes de Langue et de Litterature Francaises, and at the University of Paris he received a Certificat d'Assiduite.

In 1973, Dr. McIntyre was honored by the French Government as a Chevalier in the Order of the Academic Palms. This decoration is awarded to distinguished professors in France for their outstanding contribution in their respective fields and is rarely awarded to foreigners. Of the recipients of this award, only one other African/American had been so honored. Subsequently, he was promoted to the rank of officer in the above order. Approximately 20 persons in the world outside of France had received such rank, and only 20 French citizens were so bestowed.

In the international community, Dr. McIntyre is recognized as a distinguished scholar and diplomat. He has served as the honorary consul of the Republic of Senegal and consul to the Republic of Haiti. He has delivered numerous lectures both in this country and abroad. As president of the Baltimore Consular Corps and vice dean of the Consular Corps College, Dr. McIntyre was known for his dynamic leadership. For his outstanding contributions to the fostering of international understanding and good will among countries in the Americas, Dr. McIntyre has been presented the Bolivar Medal from Columbia, Ecuador, Panama, and Venezuela.

During his 40 years teaching at Morgan State University, Dr. McIntyre has exemplified the highest pedagogical standards, inspired many students of French, written and directed over 50 French plays, and has served graciously as the adviser to the Fulbright Scholarship Program.

It is my privilege to have the opportunity to honor Dr. Sandye McIntyre II, for his extraordinary contribution to the instruction of language and the furthering of international understanding.

COMMENDING MR. PHILIP CHRISTOPHER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. MANTON. Mr. Speaker, on May 14, 1988, the Pancyprian Association of America will be presenting the Freedom Award to its founder and president, Mr. Philip Christopher. In order that my colleagues in the House might know of Philip Christopher's contributions, I would like to enter my remarks for Saturday night in the Congressional Record.

STATEMENT OF HON. THOMAS J. MANTON FOR MAY 14, 1988, AT THE PHILIP CHRISTOPHER TESTIMONIAL DINNER

Good evening everyone. It is my distinct pleasure to serve as a cochairman of tonight's dinner honoring Philip Christopher. Philip Christopher is a very special person whose leadership and commission to improving the world around him should serve as an example to us all.

Philip Christopher is a natural born leader. As a young man, he was president of his high school junior and senior classes. He graduated from New York University with honors and was captain of the soccer team. He has proven himself as a success in the business world and now serves as the executive vice president of Audiovox Corp.

However, Phil has not confined his talents solely to self-advancement. Rather Phil has dedicated his energies and his unique leadership qualities to aid Cyprus. He has worked tirelessly for the people of Cyprus and is committed to securing justice and freedom for that embattled nation.

In 1975, in response to the brutal Turkish invasion of his homeland, Phil founded the Pancyprian Association of America. Under his leadership, the association unified the American Cypriot community and became the largest Greek-Cypriot organization in the United States. The association's generosity in helping hundreds of Cypriot youths is a clear reflection of Phil's personal generosity and his commitment to the people of Cyprus. Furthermore, under Phil's guidance, the Pancyprian Association has become a key voice in helping to shape U.S. public policy toward Cyprus.

The motto of the Pancyprian Association is, "Some people see things as they are and say why? We dream of things that never were and say why not?" Philip Christopher has made that motto his personnal creed. He is indeed a dreamer who has made his dream a reality. It is an honor and a privilege for me to know him and to work with him. Phil is the true American success story. I commend him on his accomplishments and offer my best wishes for his future success.

A TRIBUTE TO MR. CECIL C. BURTON

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, I would like to bring to your attention some of the invaluable contributions which have been made by a long-time Anne Arundel County resident, Mr. Cecil C. Burton.

In the 42 years he has resided in Anne Arundel County, Mr. Burton has done much to touch the lives of county residents. He has enjoyed a diverse career in the educational field as a teacher, coach, guidance counselor, and principal. Cecil Burton assisted literally hundreds of young people to pursue their educational goals, many of the same individuals still remain in touch with him today. Aside from the motivation and support he provided on an individual basis, Cecil Burton had the foresight to etablish a career development program and educational consultant company. In doing so, Mr. Burton was able to solicit the support of other educators to reinforce the foundation he had laid.

Since his retirement from the educational field, Mr. Burton focused his attention on a number of endeavors. He has been an insurance broker, a real estate broker, a housing management consultant, and established his own company, the Homeowners Service Realty Co. Even with this change of direction, Mr. Burton continued to share his knowledge of this field with many would-be realtors, teaching them the sales, management and appraisal aspects of the job.

While serving in the military and later as a disabled veteran, Mr. Burton was also known for his humanitarian interests. He was instrumental in the integration of many local chapters of the Disabled American Veterans.

Mr. Speaker, the many fine civic achievements of Anne Arundel County resident Cecil C. Burton are being brought to your attention at the time he is being honored as the first recipient of the "Distinguished African-American Award" by the Strategic Communications Network for African-Americans, this Sunday, May 15, in Annapolis, MD.

A VERY GOOD COMPROMISE, H.R. 4445, THE TERRORIST FIREARMS DETECTION ACT

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. WISE. Mr. Speaker, on Tuesday, May 10, 1988, the House passed H.R. 4445, the Terrorist Firearms Detection Act of 1988. This bill is the product of intensive negotiations between those on both sides of the issue. I would like to thank and congratulate all those involved in drafting a compromise which will prohibit the manufacture and use of undetectable firearms, as well as enhance airport security, while not infringe on the rights of legitimate gunowners.

This measure is a very important step in a comprehensive effort to protect innocent people from terrorist attacks. H.R. 4445 will not ban any existing guns. It simply requires that all future firearms contain either 3.7 ounces of detectable metal or that its component part be detectable by normal security devices. Military and law enforcement agencies are, however, exempt from the prohibitions.

This bipartisan measure was supported by both the Democratic and Republican leadership and the National Rifle Association.

I am particularly pleased by the passage of this legislation because I think it will become an essential part of a comprehensive effort to effectively address the serious problem of terrorism without infringing on the right of citizens to own legitimate firearms.

IN REMEMBRANCE OF THOSE WHO SERVED IN KOREA

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. FLORIO. Mr. Speaker, I pleased to introduce today a resolution designed to call attention to the sacrifices and efforts of those who served in the Korean war. My resolution, which designates the week of July 25 to July 31, 1988, as "National Week of Recognition and Remembrance for Those Who Served in the Korean War" is an effort to express our appreciation to those brave individuals who participated in this war to ensure freedom and independence for the Republic of Korea.

I am joined in introducing this resolution by my colleagues, STAN PARRIS and MARY ROSE OAKAR as well as Senator ARMSTRONG. This year marks the 35th anniversary of the armistice agreement which was signed on July 27, 1953, to end the Korean war. It is fitting that we take this opportunity to call attention to a war that has, for the most part, been known as America's forgotten war.

Mr. Speaker, over 5.7 million American servicemen and women were involved in the Korean war. Our casualties are staggering. During this period 54,246 died, 103,284 were wounded, and 8,177 were missing or taken prisoners of war. As of today, 329 prisoners of war remain unaccounted for.

And yet, there are no national memorials to those who served in Korea, nor days of honor set aside to remember them. Despite this, we should never forget the sacrifices that were made by those brave men and women who anwsered their Nation's call and proudly served their country and democracy.

In 1986, I was proud to have been the author of the law which directs that a national memorial be built in Washington, DC, to do honor to those who served in Korea. Last month, the Congress completed yet another milestone in the effort to build this memorial—which will be funded by a combination of private and public funding—by enacting my resolution to allow this memorial to be erected on the Mall, in a place of glory.

The Korean War Veterans Memorial Advisory is currently working with the American Battle Monuments Commission to approve the specific site for the memorial and to raise the necessary private funds for the memorial. Private citizens across the country and international corporations have begun making their contributions to the fund to build the memorial.

A series of events are now being planned by the Korean War Veterans Memorial Advisory group in conjunction with veterans' organizations including the Korean War Veterans Association during the week of July 25. These events are intended to call attention to the sacrifices made by those who served in Korea.

I hope that my colleagues will join me in cosponsoring this important legislation. It is very important that we remember those contributions made on behalf of freedom and that our deep appreciation for these sacrifices is properly expressed.

CHEMICAL AND GERM WARFARE RESEARCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. BONIOR. Mr. Speaker, last week, the House renewed our Nation's commitment to a moratorium on chemical weapons production by passing the Aspin-Fascell amendment to the fiscal year 1989 Department of Defense authorization bill. For 19 years, it has been the consensus of the international community, the Congress, and the American people that the use of chemical weapons is never justifiable, and that this horrifying form of warfare should no longer be a part of any nation's arsenal.

At a time when we hear reports of the use of chemical weapons in the Middle East, the United States must not abandon its clear claim to leadership in the effort to halt their use and spread.

In the United States, our chemical and germ warfare reseach efforts has been called into questions. Today's Washington Post quoted a Senate Armed Services subcommittee report that has "uncovered serious deficiencies in * * * [the agency's] management of safety issues surrounding 'many of the most dangerous substances known.'" The report represents an 18-month congressional investigation into the administration of chemical and germ warfare research by Government-run and private contractor laboratories. The report showed that the managers of this deadly research are not protecting the health of their staff or the general public.

The report details such incidents in a Government-run laboratory as the misplacement and spills of germs, the accidential exposure of employees, and a fire which badly damaged a highly sensitive research area. More than 60 percent of the Federal funding for this warfare research go to private contractors, and 90 percent of them are not even subject to Federal safety rules.

The current research safety breaches could expose the public to deadly diseases and nerve agents. If chemical and germ warfare research is this risky to the American public, we must follow a course toward total elimination of all chemical weapons. We cannot wait until there is a "chemical and germ Chernobyl." We have a choice, and that choice is to eliminate the need for research by following up on our commitment to permanently end the production of chemical and germ warfare everywhere.

The Aspin-Fascell amendment is consistent with our Nation's commitment. It imposes a 2-year prohibition on spending for the production of the Bigeye binary chemical bomb, except for a 2-year testing program which limits the number of bombs that can be produced for testing to 100.

After 2 years, the Defense Department is required to submit a report on the results of these tests to be verified by the General Accounting Office.

Mr. Chairman, this amendment gives our Nation time to pursue further efforts with the Soviet Union to eliminate chemical weapons in both of our arsenals. It gives our Nation and the Soviet Union an opportunity to end a costly and dangerous chemical arms race before it begins. And, Mr. Chairman, it could well result in the destruction of chemical arms, not production, if agreement on eliminating these weapons is reached.

I am pleased that this important amendment, which will further our Nation's chemical arms control efforts, was added to the DOD bill.

A TRIBUTE TO HULDA CROOKS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to a most remarkable lady who continues to inspire and climb higher at the young age of 92. Mrs. Hulda Crooks, of Loma Linda, CA is celebrating her 92d birthday on May 19 and more than a few of her friends and family will be on hand to honor her.

Hulda Crooks is an inspiration for a number of reasons; her deep faith in God, her active lifestyle, her commitment to physical fitness and healthful living. Most remarkable about Hulda, though, is that she is a teacher. Indeed, she is one of those rare individuals who is always teaching others, sharing her love and appreciation for life and all that it offers.

I first met Mrs. Crooks in 1985 at a reception honoring her for having climbed Mt. Whitney, the highest mountain peak in the continental United States, for the 22d time. She was articulate, charming, and witty as she spoke and demonstrated her training techniques by exercising with a broom handle. By the time we parted that day, she had challenged her Congressman to join her in celebrating her 90th birthday by climbing Mt. Whitney the following year. In August, 1986 I had the pleasure of spending 3 days hiking and camping upon Mt. Whitney with Mrs. Crooks. It was, to say the least, one of the most fantastic experiences of my life. Since that time, she has scaled Mt. Fuji, the highest point in Japan—at over 12,000 feet—and Mt. Whitney for the 24th time.

Mr. Speaker, Hulda Crooks is no stranger to our U.S. Capitol. Earlier this year, Mrs. Crooks joined me and two dozen huffing and puffing reporters climbing to the top of the Capitol Dome to shed light on the many contributions of women in sports. As reporters caught their breath while taking notes following the climb, Hulda wondered aloud what all the fuss was about. "I found it wasn't very challenging," she said of the climb. "I could turn around and go back."

Mrs. Crooks is recognized worldwide for her mountain climbing endeavors and her contributions promoting physical fitness and healthful living. With her worldwide exposure resulting from her ascent of Mt. Fuji, numerous treks up Mt. Whitney, and the recent dome climb, she is without question one of America's most popular living health symbols. She is a charming 5-foot, silver-haired great grandmother who demonstrates that one is never too old to pursue a healthier lifestyle.

Mr. Speaker, Hulda Crooks is by far the most inspiring individual I know. Her dedication to maintaining physical and spiritual health and her complete love of life provides a remarkable example for all of us. "Old age," she says, "is a state of mind." Mr. Speaker, Hulda Crooks is a living example that this is true. Please join me today in honoring her.

THE 40TH ANNIVERSARY OF ATLANTIC RECORDS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Ms. OAKAR. Mr. Speaker, I rise today to honor one of the pioneer companies in the music industry today, Atlantic Records is celebrating its 40th anniversary.

When rock and roll was born in the fifties few could foresee that by the end of the 1980's it would be one of the most powerful influences in the world not only as an art form but as a social and political force. Today the language of rock and roll is spoken in almost every country in the world. One of the architects of that language has been Atlantic Records whose contributions have been legendary for 40 years.

With the growth of the industry in the 1950's and 1960's also came a new breed of music business entrepreneurs. Notably Ahmet Ertegun and Jerry Wexler who masterfully guided Atlantic Records through "its golden era". Both Wexler and Ertegun were inducted into the Rock and Roll Hall of Fame in 1987.

Mr. Speaker, many of the legends of rock and roll began their recording career at Atlantic Records. From artists like Aretha Franklin to Mick Jagger to composers like Leiber and Stoller who produced the Coasters first hit on Atlantic in 1957. Atlantic broke the racial as well as the accepted musical lines. Atlantic helped pioneer the concept of crossover for rhythm and blues records. This was demonstrated in 1959 with the Drifters record "There Goes My Baby," which proved to be one of the most influential rhythm and blues records of all time and a crossover record at that.

Atlantic Records' CEO Ahmet Ertegun has remained the premier record mogul since the forties. Ertegun started his label in 1947 and had his first major hit in 1949. In a short time Atlantic was soon to become the premier rhythm and blues label in the country. Ertegun and Wexler produced or coproduced many of their artists, including, Ruth Brown, Big Joe Turner, Ray Charles, LaVern Baker, Clyde McPhatter, the Drifters, Ben E. King, the Coasters, the Clovers, Aretha Franklin, Joe Tex, Solomon Burke, Wilson Pickett. Artists of the 1960's and 1970's included Otis Redding, Wilson Pickett, Percy Sledge, Booker T and the MG's, Sam and Dave, Solomon Burke, King Curtis, Led Zepplin, Yes, the Bee Gees, Crosby Stills, Nash, Genesis, Roxy Music, Emerson, Lake and Palmer and the Rolling Stones, Manhattan Transfer, Bette Midler, Phil Collins, Foreigner, to name just a few.

Mr. Speaker on May 14, 1988, at Madison Square Garden will be an 11-hour benefit concert featuring many of the stars already named to honor the 40th anniversary of Atlantic Records. I would also like to salute everyone at Atlantic for their unique contribution to the American music industry and indeed to the world.

TO DEFEND OR NOT TO DEFEND

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. HEFLEY. Mr. Speaker, SDI, strategic defense initiative, star wars—whatever name you call it the President's program to protect us against a missile attack never fails to create fireworks when the subject comes up on the House floor. This week was no exception.

When the subject arose as part of the defense authorization bill, amendments came from everywhere. Last year we appropriated $3.96 billion for SDI. This year the President requested $4.9 billion. The Armed Services Committee recommended $4 billion. The first amendment was to raise the committee recommendation to the President's request. This failed. Then there was an amendment to essentially kill the program, but spend $1.3 billion to create a new Office of Strategic Technology Research. This also failed. A motion at the committee level also failed before an amendment authorizing $3.5 billion finally passed.

While this is not as much as many of us would like, it does present a considerable increase over the amount recommended by the House last year which was $3.1 billion. The other thing to remember is that this is a long process and the decision made this week will not be the final one.

Last year the House recommended $3.1 billion, the Senate $4.5 billion and the final compromise was $3.96 billion. This year the Senate is again looking at $4.5 billion so we can probably anticipate a final result somewhere around the $4 billion level.

More important than the level of support, however, is the question of whether we should support the strategic defense initiative at all. Sure it means jobs and economic impact for Colorado, but that is not enough reason to support it if the Nation doesn't need it.

The arguments on the House floor against SDI can be summarized by saying we don't need it, we can't afford it, and it won't work. This side is willing to accept the "mutual assured distruction" doctrine which holds populations hostage. This side accepts that we don't have any defense against a missile attack and says, "so what."

The arguments in favor of SDI are numerous. It is immoral to hold people in jeopardy when we could put missiles at risk instead. We have made tremendous progress since the concept of SDI was introduced and we could have a workable system in place by the mid 1990's. Further, this is not a question of whether SDI will exist, it is only a question of who will have it—either we will, the Soviets will, or we both will. The progress made by the Soviets to date on their own SDI indicates they are serious about it.

I come down on the side for developing and deploying a strategic defense system. The American people want to be defended and we currently have no defense against incoming missiles. This position was recently confirmed by a poll which found 71 percent of my constituents in the Fifth Congressional District of Colorado in support of the SDI Program.

If our goal is to protect the American people from missile attack, we had better get on with SDI. The Senate takes over from here. Lets hope our own Senators lead the way to increased SDI funding.

IN HONOR OF MILITARY SPOUSES

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. RAY. Mr. Speaker, May 13 has been set aside as a time to recognize the many sacrifices made by the spouses of our military personnel. Military spouses serve our Nation by playing a vital role in the defense of our cherished democracy.

Military spouses are frequently asked to postpone dreams and careers while helping advance the military member's career. The spouse might be employed, but every time the military member gets orders to transfer, the spouse must start over again.

The military spouse may stay home and care for the children while the military member goes overseas unaccompanied, or pulls alert duty for days at a time. The military spouse makes a home out of any house. At one location the family might live on the base or post, and at the next location, they might buy a house. The size might range from a small cottage to a very roomy house, but always, it is made into their home.

Military spouses give very liberally of their time to volunteer work because they want to enhance the quality of life wherever they live. If the community just knew that the volunteers on the concert series board, the Red Cross, Special Olympics, senior citizens centers, and children's activities were military spouses, there would be a dawning of awareness for their contributions.

And finally, the military spouse is very patriotic. They are proud that their military member is keeping America strong. They stand tall as they see the flag pass, watch the planes fly over, or see our Republic in action.

The military spouse is the backbone of the military family. They deserve our respect and recognition for their valuable contributions and sacrifices.

THE 40TH ANNIVERSARY CELEBRATION OF THE ISRAEL CENTER OF HILLCREST MANOR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate the Israel Center of Hillcrest Manor as it celebrates its 40th anniversary. It is my pleasure to take part in the anniversary festivities on May 15, 1988, which mark the start of the center's fifth decade of service to the community.

It should be noted that this special celebration coincides with the 40th anniversary of the State of Israel. The synagogue's name derives from the fact that both the congregation and the nation of Israel were founded at the same time.

Israel Center of Hillcrest Manor came into existence when an ambitious young group of dedicated Jews moved into the Flushing Hillcrest area and saw the need for a neighborhood house of worship. The success of their idea was assured when 200 people attended the first high holiday services held at Royal Arcanum Hall on 76th Avenue.

From the day it first opened its doors, the center became involved in the work of the Jewish Theological Seminary, Israel bonds, United Jewish Appeal, Torah Fund, Women's League, and other major Jewish organizations. The children were encouraged to pursue their own interests in such places as Hebrew school, United Synagogue Youth, Young Judea, and the Boy Scouts.

Mr. Speaker, I can personally attest to the fine work and quality education provided by the Israel Center. My three children attended Hebrew school at the center, and the synagogue's outstanding rabbi, Michael P. Strasberg, officiated at the Bat Mitzvah of my daughter Lauren, and at the Bar Mitzvah of my son Corey, and will officiate at the Bar Mitzvah of my youngest child, Ari, next week.

Mr. Speaker, I want to thank the many people whose hard work and selflessness make the Israel Center a great success. All the past presidents have served the center with great dignity and vision.

The Israel Center thrives today because of the steady leadership of Rabbis Benjamin Teller, Elihu Michelson, and Michael P. Strasberg. I also want to praise current president, David Schwartz, and president of the women's group, Hanna Feldman, for their invaluable work for the center.

Through the tireless work of these dedicated people, the Israel Center of Hillcrest Manor has become a model community organization.

I call on my colleagues in the House of Representatives to join me in offering the Israel Center of Hillcrest Manor the very best of birthday wishes, and our hopes for its continued success.

TRIBUTE TO DR. GILBERT FREITAG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an extraordinary individual, Dr. Gilbert Freitag, a nationally recognized authority in the field of children with developmental and learning problems. Dr. Freitag will be honored on the occasion of his 10th anniversary with the Dubnoff Center for Child Development and Educational Therapy.

Dr. Freitag is an accomplished psychologist and administrator. In addition to serving as executive director of the Dubnoff Center for Child Development and Educational Therapy, Dr. Freitag also maintains a limited practice as a child psychologist and is a guest lecturer to UCLA extension. His richly varied experience over the past 24 years includes his work as a psychological consultant for inner city high school teachers, director of an experimental program for autistic children, counselor to the correctional staff and inmates in a prerelease program and trainer and supervisor of mental health nonprofessionals. Dr. Freitag has been extremely successful in providing leadership and commitment to the psychological development of youth with learning problems.

Dr. Freitag earned his B.A. in psychology at UCLA in 1963 where he was Phi Beta Kappa and a National Science Foundation Undergraduate Fellow. He earned his graduate degrees at Yale University, an M.A. in 1966 and Ph.D. in 1968. Dr. Freitag was also the recipient of the Honorary Woodrow Wilson Fellowship and the United States Public Health Service Training Fellowship. He has been a truly remarkable scholar in the field of psychology.

Dr. Freitag is currently vice president of the California Association of Private Special Education Schools [CAPSES], an organization dedicated to improving the provisions of services for disabled children.

In addition to directing the Dubnoff Center and the practice of child psychology, he is also the author of several impressive publications which address perspectives on the roles of clinical and social psychology.

It is my distinct honor and pleasure to ask my colleagues to join me and the Dubnoff Center for Child Development and Educational Therapy in saluting Dr. Gilbert Freitag. I am proud that he is a member of my community.

TRIBUTE TO SISTER MAUREEN COUGHLIN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. MAZZOLI. Mr. Speaker, I rise to honor Sister of Charity of Nazareth Maureen Coughlin, an esteemed educator, and a leading woman religious on the occasion of her retirement as principal of Presentation Academy which is located in Louisville, KY, in my congressional district.

In her 9 years at Presentation, Sister Maureen has devoted the full measure of her energies to building a stronger foundation for the education of young women. Her leadership and "can do" spirit have united the faculty, parents, and students of the Presentation community.

One of the most important attributes of effective leadership—in whatever field of endeavor, but particularly education—is to encourage and draw from others the best of their abilities. Sister Maureen has done so at Presentation Academy.

The result is that Presentation's students have reacted to this caring, committed and energetic leader by performing in the classroom, on the athletic fields and in extracurricular activities to the top of their capability.

Sister Maureen has also contributed to the education of Louisville's youth by serving as an active member of the board of trustees of Spalding University as well as the board of the Louisville Province of the Sisters of Charity of Nazareth.

I am sure that all who have been fortunate enough to know and work with Sister Maureen will be sorry at her departure. But, I am certain also that her "retirement" is not a stopping point and that Sister Maureen's involvement in education and civic endeavors—activities to which she has been dedicated over the past years—will continue in one form or another.

I wish Sister Maureen much health and happiness in the years ahead.

IN HONOR OF THE REVEREND EDMUND SZLANGA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LIPINSKI. Mr. Speaker, I rise today to honor and recognize a man who has made a distinct contribution to the Chicago community, the Reverend Edmund Szlanga.

On May 8, 1948, Reverend Szlanga was ordained into the church and began his service to the church and community. In the 40 years since that time, he has served many parishes as an associate pastor including St. Josaphat, St. Turibius, St. Mary Magdaline, St. Fidelis, the Alexian Brothers Hospital, and St. Rene Goupil. He has served his present parish in Chicago, St. Bruno, since July 1, 1974.

The dedication, commitment, and strength of spirit which Reverend Szlanga has exhibited is especially precious and commendable in our material world of today. I am sure that my colleagues join me in sending Reverend Szlanga our best wishes and congratulations upon this auspicious occasion.

BICENTENNIAL AWARD WINNER DORIS LUCAS

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to offer congratulations to my constituent Doris Lucas, of Asheboro in Randolph County, NC.

Mrs. Lucas, chairperson of the Social Studies Department at Asheboro High School, accepted a Bicentennial Leadership Project Award on behalf of Asheboro High School for planning and implementing events to commemorate the Bicentennial of the U.S. Constitution. The award will be present by the National Council for the Advancement of Citizenship at a luncheon held in honor of the award winners on May 13, 1988 here in Washington.

Doris Lucas began planning for Constitution Day early in April 1987. Her efforts and initiative were instrumental in planning and coordinating the highly successful activities at Asheboro High School. By the time Constitution Day arrived, the celebration had grown to cover 10 days of activities that began on September 16, 1987. The events culminated with an assembly program on September 26, 1987 that I was fortunate enough to participate in as guest speaker. Refreshments were served on the lawn for 1,200 high school students and balloons were launched to commemorate the historic event.

I can think of no more worthy area of study in the realm of social studies than the history of the United States, especially the deliberative process employed by our Founding Fathers in the writing of our Constitution. I commend Doris Lucas for her obvious love of American history and the manner in which her enthusiastic efforts help instill that same feeling in our young people—the future leaders of our Nation.

TRIBUTE TO CLIFF LAMBERT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to Cliff Lambert, who will be honored as Alumnus of the Year by the Santa Barbara Education Fund and the Santa Barbara High School District at the Third Annual Awards Banquet on May 14, 1988.

An alumnus of the 1967 class of Santa Barbara High School, Mr. Lambert taught and coached basketball at Bishop Diego High School from 1976 to 1980, where he became the first black administrator at that institution when he was appointed dean of boys and athletic director. He has also received a number of awards for community service, including the Hargraves Award for Outstanding Community Service in 1986; recognition from the Santa Barbara Elks Club 613 for outstanding contribution in the field of recreation and in his position as director of the Tournament of Champions; and recognition from the Santa Barbara High School basketball team and support groups for outstanding contribution to the high school basketball program.

Mr. Lambert's priority goal for several years has been to make a maximum contribution to community welfare through his position in the recreation department and his involvement with the Endowment for Youth Committee. In this capacity, he has been committed to raising the level and opportunity of education for the youth of Santa Barbara.

At this time, I join with the Santa Barbara community in saluting Cliff Lambert for his many years of dedicated service and commend him for his efforts and the honor of being Alumnus of the Year of Santa Barbara High School.

TRIBUTE TO THE GRADUATES OF THURGOOD MARSHALL SCHOOL OF LAW

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LELAND. Mr. Speaker, on the occasion of the appointment of Judge Kenneth Hoyt to the U.S. Federal District Court, Southern District of Texas, I would like to take this opportunity to pay tribute to over 50 judges who are graduates of the Thurgood Marshall School of Law, located on the campus of Texas Southern University. The school will be honoring the graduates in a ceremony, Sunday, May 15, 1988.

The theme of this celebration is "judicial honor roll" and is a fitting tribute to the graduates of the law school, particularly because of its history. The guiding spirit which led to the founding of Thurgood Marshall School of Law originated in 1946 when Heman Marion Sweatt, a young black student, filed an application for admission to the University of Texas School of Law and was rejected because of his race. The young man filed a suit against the school which resulted in the State of Texas establishing a makeshift law school for blacks, and ultimately the establishment of Texas State University for Negroes—now Texas Southern University.

Today, under the leadership of Dean James M. Douglas, the law school continues to produce lawyers that are professionals in the fullest sense of the word. Since 1949 the school has graduated over 1,500 lawyers, many of whom, have gone on to serve in the highest positions of legal service. It is with utmost respect I commend the graduates and the institution for years of dedicated service to the community.

FORUM HELD ON FOREIGN AND DOMESTIC POLICIES OF THE UNITED STATES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. FASCELL. Mr. Speaker, I would to bring to the attention of our colleagues a forum in Miami, FL, in which I recently participated and which impressed me greatly. The forum was sponsored by the Close Up Foundation which, in addition to its Washington program, is beginning to conduct regional programs to educate young people around the country on the foreign and domestic policies of the United States.

The subject of the program was United States-Nicaraguan relations. There were group discussions led by political science professors from the University of Miami and Florida International University.

I must stress the interest and intelligence of these high school students concerning the United States and its foreign policy. Many students were already knowledgeable on this subject and others, who had no previous background, asked intelligent questions.

After the program, students voted on several issues that are paramount in United States-Nicaraguan relations. The results of the vote were 94 in favor of the continuing our military assistance to the Contras; 37 for providing only humanitarian support; and 46 for lifting the trade embargo on Nicaragua.

This forum enlightened me as to how important it is to educate the young people of America on foreign and domestic policy. It has been proven that if people are better educated on government and its policies, they will be less cynical of government and more politically aware.

The Close Up Foundation continues to give me and the students an invaluable experience. I think the students learned more about American foreign policy in one day than they could learn from weeks of reading the newspaper and watching television news. The idea of regional Close Up programs around the country is an excellent educational device. I would like to commend Florida International University, the Dade County Public Schools, and Florida Close Up, Inc., for sponsoring this forum and hope it will be the first of many.

SERVICE CORPS OF RETIRED EXECUTIVES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. RICHARDSON. Mr. Speaker, the week of May 7 through May 14 has been declared "Small Business Week in America" by President Reagan. In honor of this event I would like to bring to your attention a group of volunteers in my Third District of New Mexico who have dedicated themselves to helping small businesses start and grow.

This group is the Service Corps of Retired Executives [SCORE] sponsored by the Small Business Administration. SCORE is staffed by retired business executives who volunteer their experienced counsel to a small businesses's ongoing operations and to the new entrepreneur just starting out.

My district's SCORE chapter has a staff of 26 members with over 800 years of combined business experience that is available to small businesses in northern New Mexico.

Over the years SCORE has proven itself an effective resource that helps small businesses grow in the good times and makes them stronger in the lean years, ready for the future.

It is ironic that President Reagan praises SCORE with this declaration while he advocates the elimination of the Small Business Administration. I hope that during "Small Business Week" the President wil realize the contribution programs like SCORE make to help keep our competitive edge.

COMMENDING THE HOUSE OF SEAGRAM FOR THEIR COMMITMENT TO QUALITY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. CARDIN. Mr. Speaker, I rise today to commend the Calvert Distillery at Relay, MD, for its commitment to quality. For the past year, the Calvert Distillery has been instituting a quality improvement process developed by Mr. Phil Crosby.

The goal of this program is to involve all employees and to impress upon each and every one that quality begins with them. As part of the quality improvement process, each employee will attend training classes to convey that message.

On Thursday, May 19, 1988, the Calvert Distillery will have a day of celebration to commemorate the completion of the quality improvement process, and to help reinforce employees' commitment and dedication to the quality process.

I urge my colleagues to join with me to hail this innovative approach. The Calvert Distillery is to be honored for its commitment to its employees, its consumers, and to quality.

SENATOR JENNINGS RANDOLPH'S FIRST SPEECH IN THE U.S. HOUSE OF REPRESENTATIVES—"THE UNAPPLAUDED MOLDERS OF MEN"

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. MOLLOHAN. Mr. Speaker, 55 years ago, Senator Jennings Randolph, of West Virginia, delivered the first of many inspiring speeches he would give both on the floor of the U.S. House of Representatives and the U.S. Senate. It is with great honor that I call my colleagues' attention to that first speech—an eloquent and touching salute to the unapplauded molders of men—our mothers. The following are the words of Senator Randolph:

THE UNAPPLAUDED MOLDERS OF MEN

Mr. RANDOLPH. Mr. Speaker, it is with a feeling that I am treading on holy ground that I ask you to turn with me today for a few minutes to honor the immortal builder of all heroes—mother. Too long have mothers been the unapplauded molders of men, too long the true but unsung architects of destiny.

Volumes have been written about kings and emperors; historians have told of the exploits of a thousand heroes of battle; biographers have packed into colorful words the life and death of our statesmen; while painters have filled galleries with likenesses of our living great; but it remained for Miss Anna Jarvis, a West Virginia woman, untold years after the first mother had given birth to a son, to immortalize mother by having the Congress of the United States give recognition to Mother's Day through the display of our flag. The Congress established this memorial in 1914, and since that year on Mother's Day men and women turn from the turmoil of labor and by silent communion with that mother, living or dead, receive again from her the strength of mind and the pureness of soul that only can be bred in that greatest of all loves—that of a mother for her child.

Oh, if the historians, the painters, and sculptors could see through the outward acts of men to the source from which they derive their power of greatness, how different might be the lists of the honored and successful! How different would be the story of our national progress!

Behold the settling of the New World. With the Pilgrim father who sought his religious liberty in a new and unknown land came also the Pilgrim mother. She it was who endured the same hardships as her stronger mate; she it was who steadfast to her duty of wife and mother battled with him the cold of the cruel New England winters; she with him sacrificed the comparative peace and safety of the Old World for the dangers of the New; she with him fought the savage Indian; she kept his house, cooked his meals, bore him sons and daughters, and earnestly and faithfully reared them into new pioneers destined to build America.

Write, ye historians, of the mother of George Washington faithfully training that great man in the paths of duty and service. Record the story of the brave mother from the hills of western Virginia who sent her three sons to fight in the Continental Army when the British under Colonel Tarleton, threatened invasion of the Shenandoah Valley with these words:

"Go, my sons, and keep back the foot of the invader or see my face no more."

When this story was related to Washington in the darkest hours of the Revolution he said:

"Leave me but a banner to plant upon the mountains of West Augusta and I will rally around me men who will lift our bleeding Nation from the dust and set her free."

Paint, ye artists, the settlement of the western America, but forget not that into that empire-building went not only the toil and blood of our pioneer men but that into it also went the immeasurable toil of pioneer women. Too often we visualize the skeletons that marked the trail across the prairies, the mountains, and deserts as the last remains of a Custer, a Lewis, a great frontiersman who died in glory defending his loved ones. Too often the true story written on the desert sands is the story of a mother's sacrifice, sometimes in the forefront of battle but more often in the burdensome strife of daily tasks that bent and broke her body. Too often the mute bones on the westward trail bespeak the death of a mother in childbirth. The story of the cradle rather than the report of the blunderbuss marks the westward course of empire.

O orators, if you would explain the greatness of Lincoln paint the vision of Nancy Hanks; fill your minds, if you can, with the glory of her mother love, catch the strains of the strange lullabies she sang to her unborn child. What fount of greatness can compare with hers? Biographers, if you would know from whence came the staunchness of Woodrow Wilson's soul, the breadth of his great vision, search out the secret gift of life and life's greatest ideals transmitted to him by his mother.

And so goes the story day in and day out, from the mothers of the great to the mothers of all men throughout the world. I wonder if any son ever knew the true depth of a mother's heart. Is there any force for righteousness and peace in the world equal to the force of a mother's daily teaching of obedience, of peace, of love, and of devotion to high ideals? Is there any nobler lesson taught than is taught by a mother's living example of sacrifice, of duty, and of love?

One September evening, several years ago, I stood on the railroad-station platform in Charleston, the capital of our State, just before the night train for Clarksburg was ready to pull out.

It was a delightful twilight, and I did not want to board the sleeper until the last minute. Just then a young man came swinging toward the car steps carrying his luggage. I know the boy, and it happened that he was leaving for Morgantown to enroll as a freshman at West Virginia University. It was the beginning of his first great life's adventure.

Standing close by, I heard the final words of parting. The father shook his son's hand with a final admonition, "I hope you'll make the football team, but go easy on the money, for your old dad has to settle all the bills." And this was a remark that many a father has made to his son. The sister said she hoped he might be pledged to the best fraternity on the campus. And then his sweetheart murmured—but I shall not report what they said, for we should never tell what sweethearts speak at parting time.

But, seriously, I shall never forget the words spoken by that mother to her boy, as she put her loving arms around his stalwart shoulders and said, "My boy, like your father, I want you to make the football team, and like your sister, I want you know the best people, but above all other things I hope you'll always remember to be a good boy."

When that mother spoke she did not mean "good boy" in the sense that she desired her son to be a wishy-washy sort of person. She meant what every mother has meant when she said those words. She simply wanted her boy to be honest, chivalrous, brave, and to stand four-square against the evil winds that blow.

And thus do mothers write the living stories of men and nations. Behind the storm and strife and blustering of the actors most vividly before our eyes do we see the power of mother love and the fashioning of manhood and womanhood in mother's heart and hands.

I once heard a friend telling a young woman that he did not believe in any hereafter; that so far as he was concerned heaven and hell consisted of the joys and sorrows that every person experienced in this world and that when death stopped the movements of this life his body became only so much decaying matter and nothingness was the end. The young woman answered him in these words, "Do you mean to tell me that I shall never again see my mother?" And in that simple and yet boundless faith that mother and immortality were one and inseparable; in the sureness of her knowledge that when she had become weary of the labors of life there would be waiting the radiant face of her mother to comfort her and the loving arms to enfold her once more—never again to be separated in all eternity—in the light of that abiding hope and faith, all of the scientific arguments of my friend were of the nothingness of which he spoke. Against that mother-love logic was but the mere exercise of dried-up mathematics. And it is the same mother love that has enthroned the highest ideals in the hearts of all men. It has been the inspiration of the great and the comfort and hope of the lowly. Before the voice of a mother telling her son to 'be a good boy" all of the pomp and splender of the outward world fades away and

The tumult and the shouting dies,
The captains and the kings depart,
Still stands thine ancient sacrifice,
An humble and a contrite heart.

Mother's Day is the most fitting memorial that can be raised to mothers of men. When we drive about the city of Washington we proceed from circle to circle, from monument to monument. Here stands a statue of Farragut, and here a likeness of Webster, and towering over them all is the giant spire honoring the great Washington. It is fitting that a nation should honor its heroes. But no statue can be raised to mother as enduring and as inspiring as the child each mother rears herself. No writer can enclose between the backs of any book all of the wisdom of a mother's teaching. No poet can capture all of the joys and sorrows of a mother's heart. No painter has the power to transmit to his canvas the beauty of a mother's face that glows in the memory of her dear ones, no matter how homely, how grotesque, or how blank and stupid that same face many have appeared to strangers. Even the wizardry of the sculptor's hand cannot endue his cold marble with the warmth of a mother's love. No; only a special day set apart for us, sons and daughters of mothers living and mothers dead, to commune again in our thoughts with those to whom we owe our all, is a fitting memorial to Mother. Memory alone holds for us the charm of her personality. Memory alone brings back the picture of those thousands of cares and daily tasks she did for us; the joyful laughter at our successes; the loving kindness of her manner. Memory alone brings back the mother we knew, and to bring back any other mother is only to rear an unworthy monument.

Today we are living in a world of personalities. Europe bristles with names of men rather than names of nations. Stalin of Russia, Mussolini of Italy, Hitler of Germany—who knows what influence their mothers had upon them? From whence their courage, their vision, their power? A mother tapped the sources of their personality, taught them the duties and tasks of life, guarded their bodies, and filled their minds with great thoughts.

Today in our Western Hemisphere it has been said the our President Roosevelt is the outstanding and dominant personality. Fortunate are we Americans to have his mother alive. This splendid mother of our President sees him as he magnificiently commands our ship of state. She remembers daily the dreams she had for him in the yesteryears when with her aid and guidance he was equipping himself for just such a momentous task of leadership. Humble, yet justly proud, she walks securely down the remaining miles on her highway of life, knowing that there follows along the trail a son who is perhaps destined to become one of the truly great leaders of mankind. And ever behind Roosevelt will remain his warm and glowing mother.

The late great poet, Henry Van Dyke, has expressed in tender words my wish and your wish when he says:

I cannot pay my debt
For all the love that she has given;
But Thou, love's Lord,
Wilt not forget
Her due reward—
Bless her in earth and heaven.

[Applause.]

HOUSE OF REPRESENTATIVES—*Friday, May 13, 1988*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. Foley].

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

Washington, DC,
May 13, 1988.

I hereby designate the Honorable Thomas S. Foley to act as Speaker pro tempore on this day.

Jim Wright,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Fill us, O God, with the beauty of this day, strengthen us with the power of Your loving spirit, forgive us with the fullness of Your grace and, O gracious Lord, cause Your presence to be with us and to remain with us all our days. For these and all Your gifts we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Akaka) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Miller of Washington) and to include extraneous matter:)

Mrs. Morella.

ADJOURNMENT

Mr. AKAKA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, May, 17, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3616. A letter from the Acting Assistant Attorney General for Legislative and Intergovernmental Affairs, Department of Justice, transmitting a draft of proposed legislation entitled "The Anti-Public Corruption Act of 1988"; to the Committee on the Judiciary.

3617. A letter from the Director, Office of Management and Budget, transmitting a copy of the supplement to special analysis D, which provides projections of Federal investment spending and a review of recent public civilian investment needs assessments, pursuant to 31 U.S.C. 1105(a); jointly, to the Committees on Public Works and Transportation and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL. Committee on Foreign Affairs. H.R. 3651. A bill to prohibit exports of military equipment to countries supporting international terrorism, and for other purposes; with an amendment (Rept. 100-623). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4210. A bill to reauthorize title II of the Marine Protection, Research and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes (Rept. 100-624, Pt 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS (for himself and Mr. Mrazek):

H.R. 4602. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits in the case of buildings which are constructed near national park system land and which have a significant detrimental impact on the public enjoyment of such land; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 4603. A bill to extend health insurance and survivor annuity benefits to certain former spouses of Federal employees who would not otherwise be eligible therefor, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHARP:

H.R. 4604. A bill to extend the expiration date of title II of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Mr. DioGUARDI (for himself and Mr. Hochbrueckner):

H.J. Res. 569. Joint resolution designating June 12 through 18, 1988, as "Lyme Disease Awareness Week"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4036: Mr. Lehman of Florida.

H.R. 4511: Mr. Huckaby, Mr. Emerson, Mr. Espy, Mr. Young of Alaska, Mr. McCurdy, Mr. Nichols, Mr. Whittaker, Mr. Tallon, Mr. Boehlert, Mr. Lancaster, Mr. Stangeland, Mr. Derrick, Mr. Baker, Mr. Towns, Mrs. Johnson of Connecticut, Mr. Jontz, and Mr. Gray of Illinois.

H.R. 4516. Mr. Perkins, Mr. Gaydos, and Mr. Goodling.

H.R. 4534 Mr. Weber, Mr. Horton, Mr. Dornan of California, Mrs. Collins, Mr. Lagomarsino, Mr. Rhodes, Mr. Lewis of Florida, Mrs. Vucanovich, and Mr. Obey.

H.J. Res. 353: Mr. Anderson, Mr. Boucher, Mr. Oberstar, Mr. Smith of New Jersey, Mr. Bateman, Mr. Waxman, Mr. Henry, Mr. Stark, Mr. Brown of California, Mr. Weldon, Mr. Lewis of California, and Mr. Aspin.

H.J. Res. 474: Mr. Bonior, Mr. Hutto, Mrs. Meyers of Kansas, Mr. Pursell, Mr. Weber, Mr. Frank, Mr. Kostmayer, Mr. Mavroules, Mr. Moody, Mr. Traficant, Mr. Fish, Mr. Stangeland, Mr. Davis of Illinois, Mrs. Boxer, Mr. Nowak, Mr. Stenholm, Mr. Hatcher, Mr. Kolter, Mr. Bustamante, Mr. Fields, Mr. Lantos, Mr. Porter, Mr. Schuette, Mr. Donnelly, Mr. Hall of Ohio, Mr. Lowery of California, Mr. McDade, Mr. Quillen, Mr. Ravenel, Mr. Clinger, Mr. Sunia, Mr. Martin of New York, Mr. Wolf, Mr. Bliley, Mr. Wylie, Mr. Oberstar, Ms. Kaptur, Mr. Bevill, Mr. Donald E. Lukens, Mr. Hoyer, Mr. Markey, Mr. Staggers, Mr. Durbin, Mr. Hayes of Illinois, Mr. McCollum, Mr. Mfume, Mr. Rowland of Connecticut, Mr. Rodino, Mr. Stallings, Mr. Swindall, Mr. Scheuer, Mr. Anderson, Mr. Udall, Mr. Evans, Mr. Frenzel, Mr. Tallon, Mr. Applegate, and Mrs. Kennelly.

H.J. Res. 476: Mr. Dwyer of New Jersey, Mr. Annunzio, Mr. Hastert, Mr. Tauke, Mr. Craig, Mrs. Morella, Mr. Rhodes, Mr. Hammerschmidt, Mr. McEwen, Mr. Jenkins, Mr. Frost, Mr. Boland, and Mr. Levin of Michigan.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.J. Res. 539: Mr. BUECHNER, Mr. CHAPPELL, Mr. EVANS, Mr. GARCIA, Mr. GRANT, Mr. MOAKLEY, and Mr. MOLLOHAN.

H. Res. 225: Mr. THOMAS of Georgia.

H. Res. 258: Mr. PACKARD and Mr. HOLLOWAY.

H. Res. 400: Mr. DORNAN of California, Mr. GRANT, Mr. JEFFORDS, Mr. SCHAEFER, Mr. SKELTON, Mr. SOLOMON, Mr. VENTO, and Mr. PACKARD.

SENATE—*Friday, May 13, 1988*

(Legislative day of Monday, May 9, 1988)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And we know that all things work together for good to them that love God, to them who are the called according to His purpose.

God of grace and glory, we accept this extraordinary promise. We know that all things that happen to us are not good, but we thank You that You work in all things for good to those who love You and "who are called according to Your purpose." Joseph's treatment by his brothers was not good, but Joseph learned as Prime Minister of Egypt that though they "meant it as evil," You meant it as good. King Nebuchadnezzar meant evil to Daniel when he cast him in the lion's den. You used it to bring Daniel to great power in the King's government. Many of the greatest human triumphs have come through tragedy, and the greatest good often comes from evil intentions. Help us to realize, Heavenly Father, that You sovereignly superintend the affairs of all who trust You, who serve You, who love You as did Your son, Jesus, through incomprehensible agony, and in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

WHY VICE PRESIDENT BUSH IS WRONG

Mr. PROXMIRE. Mr. President, Vice President BUSH has made the overriding economic issues in the Presidential campaign very clear. The Bush argument is that 8 years of the Reagan economic program has brought an improving life for most Americans. Vice President BUSH is appealing for election on the grounds that he will continue what he regards as these "productive policies." BUSH says he will bring 4 more years of a growing economy with more jobs, rising national income, moderate inflation, and relatively stable interest rates. And he will do it by providing fully for a strong national defense, including full funding of star wars, more for scientific research and for education, but, as he puts it, "with no tax increase, period." In the judgment of this Senator, Vice President BUSH is absolutely wrong.

Why is the Vice President wrong? Certainly the latest economic developments seem to be with him. Unemployment has just reached a 14-year low. American jobs continue to increase at a 1 million or more a year pace. The inflation explosion of the seventies and early eighties has faded. Interest rates, too, are still below their level of a few years ago. So what's wrong? What's wrong is that the economic growth the Vice President refers to is the result of a policy of an America that is living far beyond its means. In the 6 years of this longest American peacetime economic recovery in this century, the Federal Government has pushed its expenditures so far ahead of its revenues that the Government has run the longest continuous series of mega deficits in history. So why the economic boom? The Government fiscal policies produced it. But there is a price. These fiscal policies have also buried our Government under the largest national debt in the history of the world. They have also forced an increase in interest that has already reached an obscene $150 billion per year on the publicly held portion of the exploding national debt.

Yes, indeed, Americans now enjoy a higher personal income. Yes, there are more jobs. Yes, unemployment is lower. Yes, interest rates have remained fairly stable. Overall Americans have, indeed, enjoyed 6 prosperous years.

The American people haven't yet even begun to pay the price of these Reagan years. But they will. Only an idiot can believe with GEORGE BUSH that we can carry on the Reagan policies for another 4 years without burying the American people under a mountain of debt and an interest burden on that debt that will swiftly become the biggest cost of our Government. We all know we can't eat excessively day after day and year after year without getting fat. We also know we can't spend more than we earn and live year after year on more and more borrowed money without going bankrupt. So what happens if under a Bush Presidency the Reagan fiscal policies continue? The Vice President is telling us that a Bush administration would continue to spend more and more, hold down taxes, and borrow more and more to make up the difference. In other words, more of the same.

That's only part of what a Bush regime would count on to keep prosperity moving ahead. In these Reagan years, the Federal Government has not been alone in living beyond its means. American households have done the same. Since 1981, American families have increased their debt by a resounding 87 percent. Now, it's true that the gross national product and inflation have both grown rapidly. But household debt has increased 27 percent faster than the GNP during that period. Household debt is a resounding $3 trillion, far larger than the Federal Government debt, and an even clearer evidence of the fact that this country is living beyond its means and accumulating a debt that will impose a cruel interest burden for decades to come.

It's worse. American business debt has exploded to the highest debt level of all. Since 1981, this country's business debt has soared by 83 percent, 24 percent faster than our GNP during the same period and has reached the appalling level of more than $4 trillion. Again the interest burden on American business in coming years will be an immense burden. Here is a cost that will prevent many firms from engaging in necessary research or upgrading the skills of their employees or buying more efficient equipment. It will, of course, make American business far more vulnerable to recession. Ever heavier debt and thinner equity

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

is an increasingly more common corporate posture in our country. Here's a sure formula for the big American collapse come the next recession.

The 1988 election will become a referendum on this national debt policy. If the Vice President wins and gives us 4 more years of this Reagan economic policy, our national debt will once again double or triple. Household debt and business debt will climb by trillions. And the big cost, by far, at every level—government, family, business—will be interest to pay for past debt. This will be a cost we cannot reduce. We cannot postpone, we cannot stretch out. We will have to pay it in full. We will have to pay it on time.

Isn't this gloom and doom? You bet it is. Nothing but. It's also stark realism. It's the truth. The answer is to cut spending at all levels. It is to raise taxes. It is to tell our families and businesses to save more, much more, and spend less, much less. Won't this bitter medicine cause economic pain? Won't it slow down the economy? Isn't it likely to increase unemployment in the short run? Of course, it is. But the sooner we take this medicine, the sooner we can save the greatest economy in history.

RESERVATION OF LEADERS' TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority leader be reserved for his use later today and that the time of the Republican leader also be reserved for his use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2355, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is S. 2355.

Mr. NUNN. Mr. President, we made substantial progress last night, as I informed all Members. We had the staff here over in the Armed Services Committee, both Republican and Democratic staff, until 11 o'clock. Some worked much longer than that on a couple compromises. We had one team on the drug proposals working until 3 or 4 o'clock this morning.

So the staff has put in a very, very hard week and an extremely difficult night, and Senators have put in long hours this week also.

We have 93 amendments that are on the list. We have worked out over the course of the evening, we believe, about 30 of those amendments and that includes those that we feel are likely to be worked out which means that those 30 amendments will probably take not longer than about 5 minutes apiece on average.

That gives us a couple hours just getting those amendments finished during the course of the day.

In addition to that, we have approximately 12 amendments that we think are major amendments if they are offered in the sense that they will take a good bit of debate. In addition to those 12, and I hope a number of those will not be offered because if they are, we have a very, very long day and night and probably even later, we have another 14 that if they are offered we believe will require rollcall votes. I do not think the debate on those will be as long as the 12 but if they are offered, and again I hope many of them will not be, they will require rollcall votes and, of course, everybody can add up the amount of time on that.

So it is going to be my hope today, and I will discuss this with the leader later on today and certainly the Senator from Virginia and I will deliberate on it, that we can seek a unanimous-consent request sometime either shortly after the first rollcall or before we get started on the Kennedy-Kerry amendment.

In fact, I would like to seek the unanimous consent early this morning so every Senator will at least be on alert to what we are seeking today and even if we do not achieve the unanimous consent at the first request we would at least begin the discussion.

I know a lot of Members want to try to get away from here in the middle of the afternoon. That is understandable. People have a long way to go. Many people have engagements tonight.

But I want to make clear everybody has known all week long that we were going to be in if necessary late on Friday night.

So as the thing appears now unless we get a unanimous-consent agreement which would permit us to begin to vote on the final amendments and thereby vote on final passage somewhere around 4 o'clock, unless we are able to get that unanimous-consent agreement, then we are going to be in very late this evening and perhaps into the wee hours tomorrow morning.

If we do get that unanimous-consent agreement where we can have final passage by 4 o'clock, and that means under the rules we would take every amendment and vote on it if someone wants a vote beginning at 4 o'clock, unless we get that kind of agreement, then every Member should be alerted that they should not make any plans for this evening unless they want to miss rollcall votes because we are likely to have a number of rollcall votes today, tonight, and early into the hours of the morning.

I hope that we can finish this bill today. But we are going to stay here as long as necessary to see if we can finish it. If we cannot, we cannot.

I know the Senator from Virginia has worked long and hard. I want to thank him and his staff because we have had splendid cooperation from the Republican side of the aisle, led by Senator WARNER, and I would ask Senator WARNER at this time if he has any comments.

But first let me just say that we have about 30 amendments that between now and 9:30 we can take a whole lot of those amendments. We are hoping we would have the Bingaman amendment on the Under Secretary for Procurement; the Adams-Evans amendment on Hanford waste cleanup; the Dixon amendment on 155 base burn; the Gramm amendment on Presidential certification of Saudi missiles; the McCain amendment on burden sharing; the Metzenbaum amendment on cleanup and disposition; the Murkowski amendment on the Philippines; the Quayle amendment on proliferation; the Warner amendment on printing and binding services; the Warner amendment on GPS adjustment; and the Shelby amendment on Army Reserve Center.

That is about 11 amendments that we can do in the next 45 minutes if we can get Members over here.

I will yield to Senator WARNER.

Mr. WARNER. Mr. President, I join the chairman in urging Members to come to the floor and proceed with these amendments.

I indeed express appreciation to the chairman for his statement with respect to the cooperation on both sides of the aisle. Indeed it has been a most cooperative effort as it always is in the Armed Services Committee of the Senate. We work along on basically nonpartisan lines in the cause of national defense under the leadership of our chairman.

Momentarily, I will have the papers for the two small amendments that I have on the bottom of the list and I hope others will come shortly.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Levin). Without objection, it is so ordered.

AMENDMENT NO. 2042

(Purpose: To authorize construction of facilities at the Army Reserve Center, Gordo, Alabama)

Mr. SHELBY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. Shelby for himself and Mr. Heflin] proposes an amendment numbered 2042.

Mr. SHELBY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 224, between lines 8 and 9, insert the following new section:

SEC. 2602. ARMY RESERVE CENTER, GORDO, ALABAMA.

Construction of a new Army Reserve Center building at the Army Reserve Center, Gordo, Alabama, is hereby authorized in the amount of $1,547,000. Payment for such center may be made only from amounts authorized for appropriation for the Army Reserve pursuant to section 2601.

Mr. SHELBY. Mr. President, the Senate, in its consideration of the fiscal year 1988 and 1989 authorizations last year, funded the Army Reserve request for $1.547 million for a reserve center in Gordo, AL, for fiscal year 1989. However, when the amended fiscal year 1989 authorization request came to Congress this year, this project was deleted.

It is my understanding that this project is 95 percent design complete. I believe that we can achieve a cost savings by authorizing this project again this year as originally requested.

I urge my colleagues to authorize $1.547 million for an Army Reserve Center building at the Army Reserve Center in Gordo, AL. The payment will be made from amounts in the Army Reserve account.

Mr. President, I have discussed this with the subcommittee chairman and the chairman of the committee and the ranking minority member.

I do not believe there is any objection to this. I ask that the amendment be adopted.

Mr. HEFLIN. Mr. President, I am delighted to have the opportunity to offer this amendment to the National Defense authorization bill for fiscal year 1989, which would authorize $1.547 million for the construction of a 60-member Army Reserve Center in Gordo, AL, fulfilling a needed and necessary requirement for the U.S. Army Reserves. I do this along with my friend and colleague from my home State of Alabama. This amendment would correct, what I believe to be, a mistake in the Defense Department's fiscal year 1989 amended budget request. I am pleased that the Armed Services Committee has agreed to accept the amendment.

Last year, when the President requested his 2-year budget for the Department of Defense, this Army Reserve Center for Gordo, AL, was included in the request in recognition of its importance to the Army Reserves. However, when the President sent the amended budget request for the Defense Department to the Congress, the Army Reserve Center for Gordo was not included in that request. As I have said, this Reserve Center fulfills a needed and necessary function for the Army Reserves.

I would like to thank my distinguished colleague from Illinois, Senator Dixon, the chairman of the Readiness, Sustainability and Support Subcommittee, which has jurisdiction over military construction for the Armed Services Committee, and the distinguished Senator from New Hampshire, Senator Humphrey, the ranking member of the subcommittee, for agreeing to the amendment. Also, I would like to thank the distinguished Senator from Georgia, Senator Nunn, the chairman of the full Armed Services Committee, and the distinguished Senator from Virginia, Senator Warner, the ranking member of the full committee.

Once again, Mr. President, I am delighted to have the opportunity to offer this amendment, along with my colleague from Alabama, Senator Shelby, which is so important to the Army Reserves and the town of Gordo, AL.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Alabama?

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment (No. 2042) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Mr. SHELBY assumed the chair.)

LIMITS ON STRATEGIC OFFENSIVE FORCES

Mr. COHEN. Mr. President, yesterday, I indicated that I would be offering an amendment pertaining to a limit on strategic offensive forces. I had planned to do so because of the confusing events which took place on Wednesday with regard to the amendment offered by Senator Bumpers and others.

Before I discuss what occurred during consideration of the Bumpers amendment of Wednesday, let me remind my colleagues that I am among the several Members of this body who have long been involved in the effort to maintain a mutual interim restraint framework between the United States and the Soviet Union. In June 1986, Senator Biden and I offered the original legislation to require the Reagan administration to abide by the central numerical sublimits of the unratified SALT II Treaty. I remain committed to ensuring, through binding legislation, that a mutual interim restraint regime be continued, so long as the Soviet Union shows restraints equal to that demonstrated by the United States.

Mr. President, up until very shortly before the Senate vote on the Bumpers amendment on Wednesday, it was my understanding that the Bumpers amendment would have extended for 1 year the agreement on strategic force levels reached in the fiscal year 1988 defense authorization conference. That conference agreement has had the effect of stabilizing, during fiscal year 1988, U.S. MIRV'd strategic systems at roughly the level that existed at the end of 1987. Accordingly, it had been my intent to support the Bumpers amendment.

Shortly before Wednesday's vote, however, the floor colloquy revealed that the amendment's effect would, in fact, be quite different from last year's conference agreement. Instead, the amendment would have had the effect of imposing upon the United States a limit on MIRV'd ICBM's significantly below the level deployed by the Soviet Union. Specifically, under the amendment proposed on Wednesday, the United States would have been allowed no more than 550 MIRV'd ICBM's as compared to the 820 MIRV'd ICBM's deployed by the Soviet Union.

Mr. President, I do not suggest that the United States should possess exactly the same number of each type of strategic weapon as the Soviet Union. The United States has a balanced force structure, relying far more on submarine-launched ballistic missiles and airbreathing weapons than does the Soviet Union. I support this balanced triad for U.S. forces. Accordingly, the mere fact that the United States has fewer weapons of a particular type than the Soviet Union is not necessarily of concern.

However, Mr. President, the United States has a policy that we should not have limits imposed upon our strategic forces inferior to the limits provided for the Soviet Union. The amendment considered on Wednesday was inconsistent with this policy in that it placed unequal limits on the two nations' forces. I would also note that the amendment considered on Wednesday differed in this same respect from the binding interim restraint legislation offered in the past both by myself and by Senator BUMPERS, which imposed equal limits on the two sides' strategic forces.

This was the reason, Mr. President, that I felt it necessary to oppose the amendment offered by Senator BUMPERS on Wednesday.

In no way did this indicate a change in my position on this issue. I remain committed to ensuring that a mutual interim restraint regime between the United States and the Soviet Union is maintained until a START Treaty, can be put in place.

This effort to preseve a predictable strategic environment pending a START Treaty advanced significantly last year when both the Senate and the House of Representatives approved amendments to the Defense Authorization Act requiring that the United States adhere to the SALT II central numerical sublimits, so long as the Soviet Union did the same. The central numerical sublimits are the ceilings of 820 on launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles—that is, MIRV'd ICBM's—1,200 on the combined number of launchers of MIRV'd ICBM's and MIRV'd submarine-launched ballistic missiles [SLBM's]; and 1,320 on the combined number of MIRV'd ICBM's, MIRV'd SLBM's, and heavy bombers equipped for air-launched cruise missiles [ALCM's].

During the conference on the Defense Authorization Act, an agreement was reached among the conferees and with the concurrence of the administration that dropped both the Senate and House interim restraint amendments but added bill language requiring the retirement of the *Andrew Jackson*, a Poseidon submarine. The reason cited in the statement of managers for this requirement was severe budgetary constraints. At the same time, the statement of managers stated:

> * * * the conferees note that decisions taken for budgetary reasonse * * * will have the effect of stabilizing U.S. strategic forces during fiscal year 1988 at roughly the level deployed as of the date of enactment of the bill.

The statement of managers went on to set forth a policy with regard to interim restraint:

> The conferees believe that maintaining interim restraint in strategic offensive force levels is not only prudent in light of current budget realities, but also consistent with the recent progress in the START negotiations and the continuing Soviet practice of retiring older ICBMs and SLBMs prior to the end of their normal service life. Assuming that progress continues to be made in START and that the Soviet Union continues early retirements of ICBMs and SLBMs, it would be the intent of the conferees to take such actions as may be required to maintain U.S. and Soviet interim restraint, including the option of foregoing the overhaul of additional Poseidon-class submarines nearing the end of their normal service life. If, however, the Soviet Union should increase the threat to U.S. national security interests posed by its strategic offensive arms, the conferees would reconsider the advisability of maintaining a stable level of U.S. strategic launchers and would entertain requests by the administration to respond appropriately in reprogramming actions, supplemental budget requests, or the fiscal year 1989 defense budget request.

While this compromise was less explicit than the amendments approved by the Senate and the House, it represented a reversal of the administration's position on this critical issue. In essence, the administration capitulated to the Congress in exchange for the limitation on strategic forces being made implicit.

In my view, this outcome was acceptable and can serve as the basis for maintaining a mutual interim restraint regime during fiscal year 1989.

Senator BUMPERS will very shortly offer an amendment which is essentially identical to the one adopted by the Senate last year. I am joining him as a cosponsor of that amendment.

This would put us in the same conference situation as last year, since the House has approved last month a nearly identical binding interim restraint amendment to its defense authorization bill. Accordingly, we would be assured of a conference outcome containing a binding interim restraint measure. In conference, of course, the conferees could choose to change this amendment's explicit limitation on strategic forces into an implicit limitation similar to last year's, out of deference to the administration's strong views on this matter.

Mr. NUNN. Will the Senator yield?

Mr. COHEN. Yes, I yield.

Mr. NUNN. Mr. President, I would say, in response to the Senator's excellent statement in explanation of where we are now, I agree with him. I am in favor of that interim restraint also. I voted against the Bumpers-Leahy amendment this week. I did not think it was properly drawn. Although I think it was an attempt to basically duplicate what we did last year, it really did not do that and the level on the land-based missiles was below not only the SALT II level but also below the present Soviet level.

So, practically speaking, it would not have made a great deal of difference. Symbolically, it has been important in the past and continues to be.

So I will assure the Senator that I will work very closely with him. He will be on the conference as one of our key members. I will work very closely with him in coming out of that conference with provisions that take into account, of course, the House provision, take into account the Senate debate, and take into account a need for a continued interim restraint, though not a formal restraint since we certainly do not have a formal treaty that has been ratified.

Mr. COHEN. I thank the Senator for his comments.

It is my understanding that Senator BUMPERS will at some point today offer an amendment similar to that of last year that would impose the binding restraints that were identical to last year's.

As the Senator from Georgia will recall, in conference the administration was vehemently opposed to any reference to SALT II. As a result of the conference work, which the Senator from Georgia was instrumental in producing, we dropped the specific explicit prohibition and yet had a commitment to retire the Poseidon submarine that kept us under the limit. So the administration's objections were met, while the objectives on the part of the Senate and House were met. I hope we might achieve a similar result in the event that Senator BUMPERS does offer his amendment, even though it may be explicit, in terms of its binding specific sublimits, that during the conference with the House, we would arrive essentially where we did last year and simply continue for 1 year the same interim restraint we showed this past year.

Mr. NUNN. Mr. President, I suggest to the Senator that if he does have a conversation with Senator BUMPERS and Senator LEAHY—and I certainly will say the same thing to them—I would hope if they bring that up they will debate it a little while but not ask for a rollcall vote. Because we have already dealt with it and I think Members are going to be rather weary of dealing with that subject. I think they are going to get less votes than they would have gotten perhaps last year and I believe that we will be much better off in conference, since the House has that in that bill and since there are a number of conferees who feel just as the Senator from Maine and I do, that we will be able to deal with it better in a better atmosphere if we do not have another vote on SALT II on this bill.

The reason I say that is the White House has not been very involved in that matter this week. They have had other things on their minds. But if we have a big debate on it today, I think it is going to harden positions around town. There is so much symbolism here and there are so few people who are in the practical, realistic, commonsense camp that the Senator from Maine is in that I would hope that we would just let the thing lie where it is, understand that we are going to work it out in conference, and understand that a big debate on the floor of the Senate today is not going to make much difference in the outcome of it and will largely be symbolic.

So everthing has gotten into the symbolic stage here and what we really need is some pragmatism and common sense as to how to maintain an interim restraint without getting into all the emotionalism of the past history.

The Senator from Maine has been a leader in that pragmatic approach and I commend him for that and I will work with him in conference.

Mr. COHEN. Which is not to suggest the Senator from Arkansas has not been a pragmatist at times.

Mr. NUNN. No. I think the Senator from Arkansas has been a very fine leader in this. I think he made a number of good points. I think he made a number of good points in debate. Had the amendment been drawn a little differently, he would have gotten more votes. But I believe we are down to the stage now where it would be much better if we do not have another debate on this. Perhaps my view is tainted somewhat by wanting to finish this bill. But I do believe you get less votes for a proposal that has already been thoroughly debated the second time around, particularly on a Friday afternoon around 6 or 7 o'clock.

AMENDMENT NO. 2043

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2043.

Insert the following at the appropriate places in the bill:

Of the funds authorized to be appropriated in this act for Missile Procurement, Air Force, not less than $75.6 million is authorized to be appropriated for the Global Positioning System, and not more than $376.2 million is authorized to be appropriated for Space Boosters.

Of the funds authorized to be appropriated in this act for RDT&E, Air Force, not more than $48.2 million is authorized to be appropriated for the Global Positioning System.

Mr. WARNER. Mr. President, this amendment is in the nature of a technical correction. It is my understanding, of course, that it has been cleared on both sides.

Mr. NUNN. The Senator is correct. We have looked at this amendment and we urge its approval.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2043) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Illinois.

Mr. DIXON. Mr. President, the distinguished Senator from Alaska is here and has an amendment that this side has agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2044

(Purpose: To direct the Secretaries of Defense and State to study and report to Congress on the costs and benefits of maintaining United States military bases in the Republic of the Philippines, on the costs and benefits of moving such bases to other countries, and on alternative means of funding payments to the host country of such bases)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2044.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. . PHILIPPINE BASE NEGOTIATIONS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) The United States has maintained military bases in the Philippines for more than ninety years.

(2) Clark Air Force Base, Subic Bay Naval Station, and the other United States military installations in the Philippines significantly enhance the United States' ability to project its forces in the Pacific region.

(3) Leaders of the states of the Association of South East Asian Nations have emphasized the importance of such bases to the development of democratic institutions and economic progress in South East Asia.

(4) The United States military installations in the Philippines employ a loyal and highly skilled cadre of Filipinos, and make a substantial contribution to the Philippine economy.

(5) The Base Rights Agreement between the United States and the Republic of the Philippines by which the United States maintains its military installations and stations troops in the Philippines expires in 1991.

(6) The United States and the Republic of the Philippines are currently engaged in a review of the Base Rights Agreement with the view toward renewing and extending such Agreement.

(7) The current Base Rights Agreement does not provide for rental payments for the United States' right to maintain military bases in the Philippines, but provides a Presidential "best efforts" pledge to obtain security assistance aid for the Philippines as consideration for the right to maintain such bases.

(8) Officials of the Philippine government have demanded that the United States significantly increase the consideration made for the right to maintain military bases in the Philippines.

(9) The President of the Republic of the Philippines has stated that consideration of the Base Rights Agreement should be separate from any consideration of security assistance aid to the Philippines.

(b) STUDY OF COSTS AND BENEFITS.—Not later than ninety days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall prepare and transmit to the Congress, in classified and unclassified versions, a study of the costs and benefits of maintaining United States military bases in the Republic of the Philippines, of the costs and benefits of relocating such bases to other countries, and of alternative means of funding payments to the host country of such bases. The study shall include, but not be limited to:

(1) an analysis of—

(A) the strategic value to the United States,

(B) the operation, maintenance and other costs to the United States, and

(C) the economic, social and other benefits to the Philippines

of maintaining United States military bases in the Philippines;

(2) an identification of potential alternative host countries for the United States' military bases currently located in the Philippines;

(3) an analysis of—

(A) the strategic value to the United States,

(B) the operation, maintenance and other costs to the United States, and

(C) the economic, social and other benefits to potential alternative host countries of establishing and maintaining United States military bases in such alternative host countries;

(4) an analysis of—

(A) the cost to the United States, and

(B) the economic, social and other costs to the Philippines

of relocating the United States military bases from the Philippines to potential alternative host countries;

(5) an analysis of the availability of skilled indigenous personnel and the cost of training such personnel in the potential alternative host countries; and.

(6) a comparative analysis of the benefits to the United States from the use of—

(A) no rental payment,

(B) rental payment, and

(C) security assistance programs

for compensating the Philippines or potential alternative host countries for the right to maintain United States military bases in the Philippines or such potential alternative host countries.

Mr. MURKOWSKI. Mr. President, the purpose of this amendment is very simple, and I will be very brief because I know the calendar that we face today. But as we go into the base requests for renewal, 1991 in the Philippines, it is important that we establish up front certain areas of identification, and one, of course, is the one of what those bases are going to cost the United States and whether or not, indeed, we should negotiate a rental or whether it should be on the basis of simply a best efforts associated with foreign assistance. Our agreement is that we should provide at least $180 million, and we have exceeded that in the last 2 years. Last year we will have given the Philippines a total of $249 million and this year it is anticipated to be over $350 million.

The significance of the amendment is to simply look to the alternatives associated with, perhaps, replacing our requirements at both Clark and Subic with facilities somewhere else in that part of the world if, indeed, we cannot reach an agreement with the Philippines.

I have nothing but support for the Philippine Government and maintain that support, but I think our negotiations should be based on a fair price. I think it should be recognized that we are a major employer in the Philippines, if the Philippine Government does not want us, we should be prepared to go someplace else. The purpose of this is to authorize a study to look toward the alternatives, the cost/benefits of moving the base and the identification of those countries.

It is important, Mr. President, that the U.S. Government, both the administration and the Congress, reflect very carefully now on the implications of the renewal of the bases agreement. We must know what our options are.

Mr. President, the Secretary of Foreign Affairs, Mr. Manglapus, has been quoted by the Washington Post as saying that if the United States wants to continue to use the bases we will have to pay a higher price, and we will be considerably limited in our flexibility to use them.

This same gentleman has also indicated that even the most secure areas of the bases will be subject to Philippine inspection. "There is always the suspicion," Mr. Manglapus has said, "that something else may be in those areas."

Mr. President, under the current agreement, the United States has promised its "best efforts" to obtain at least $180 million a year in economic assistance for the Philippines in return for using the bases. In fiscal year 1988 we will exceed this promise. The Philippines will receive a total of $125 million in map funds and $124 million in economic support funds, for a total of $249 million. Other assistance accounts will bring the total U.S. assistance to over $350 million this year.

Mr. Manglapus has said he wants more. He has said that he may want $1.2 billion a year.

The Foreign Secretary has also suggested that the bases provide no useful economic input to the Philippines and that they could easily do without them. This is most puzzling.

According to reliable figures the bases generate some $300 million in local spending per year. They are the second largest employer in the Philippines. In addition they provide jobs for highly skilled workers who could not easily be absorbed into the Philippine economy.

Mr. President, the Washington Post told us the other day that the administration is considering a $10 billion multinational aid program for the Philippines. President Aquino said that she does not want the matter of aid to the Philippines to be linked with the bases issue. I am not surprised. Mrs. Aquino clearly wants to get the maximum amount out of the United States from whatever sources.

My question, Mr. President, is what are the bases in the Philippines going to cost us under a new bases agreement and can we afford it? At the moment no one can answer that question.

More importantly no one can tell us what the alternatives are and what they would cost. Mr. President, the cost of maintaining our forces in the Philippines, whether it is the salaries and operation and maintenance funds that are provided for in this bill, or the payments to the Philippines provided in our foreign aid bill, are legitimate costs of national defense, but no one can predict what the total bill will be in the years after 1991. Furthermore, Mr. President, no one can tell us whether the bases are worth it.

The purpose of this amendment, Mr. President, is to get some answers to those questions. We need to look at the whole spectrum. We need to know what the strategic value of the two major bases, Clark Air Force Base and Subic Bay Naval Base, is. We need some facts and figures, Mr. President.

We base our forces around the world, and we have three different ways of compensating the host countries for having our facilities on their soil.

Some countries pay rent. In discussing this issue, Mr. President, we have been told by the administration and by various staff members of this body that the United States does not pay rent for military bases. That is not true, Mr. President. We do pay rent.

In most of our countries where we have troops, we do not pay any compensation. For instance, Mr. President, we pay nothing for the bases that our troops use in Korea and Japan—they pay us. We pay nothing for the bases our troops use in the NATO countries. In the Philippines, we have an extremely complex arrangement.

Instead of agreeing to pay a specific amount, we promise our best efforts to obtain security assistance to compensate the Philippines for the bases.

What this amendment would do, Mr. President, would be to require the administration to focus on these three methods of compensation and advise us which method or methods would make the most sense in this situation. I am not convinced that the present method makes any sense at all.

Another issue on which we need to focus is the value of these bases to the Philippines. Secretary Manglapus tells us the bases have no military value to the Philippines. The economic benefits, some $300 million a year to the Philippine economy, are not significant to the Philippines and could easily be replaced.

Secretary Shultz said in Manila last year, "if we are not welcome, we will leave." Mr. President, I agree with Secretary Shultz. If I read in the remarks of Mr. Manglapus a desire for the United States to leave those bases, I think he is unwise, but I also think he should know that the United States has other alternatives, that we are not subject to extortion.

But, if we are planning to leave, we had better understand the consequences.

And we had better have our alternatives laid out.

Mr. President I urge my colleagues to support this amendment so that we can have those alternatives spelled out for us too as the negotiations go forth.

It is my understanding it has been cleared on the other side and I would, therefore, move its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. DIXON. Mr. President, the study required by my distinguished friend from Alaska will be a useful cost/benefit analysis of the United States bases in the Philippines and their alternatives and I think is a very useful contribution to that subject matter. I am delighted to announce this side supports the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Could I have the attention of the Senator from Alaska? We have not had an opportunity to look at the clean copy of the amendment. I would just like to take a moment to see its provisions before consenting to it.

Mr. MURKOWSKI. I would be pleased to provide it. My understanding was this morning you had it there but I will defer for a review by my friend from Maine.

Mr. COHEN. Will the Senator agree just to set the amendment aside until we have a chance to look at it?

Mr. MURKOWSKI. I have another amendment which has been cleared which I am prepared to pursue.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. If my friend from Alaska would yield, I only show that one amendment. I wonder if he will accommodate us for a moment. We have one we can take from the Senator from Ohio and I assure the Senator I will come right back to this amendment.

Mr. MURKOWSKI. I was assured both were cleared.

Mr. DIXON. Certainly the one you are referring to was cleared on this side. If you will give us a moment and set that aside we will come back to it. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

AMENDMENT NO. 2045

(Purpose: To provide for the sale or lease of Air Force Plant No. 85 located in Columbus, Ohio)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 2045.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 232, insert between lines 14 and 15, the following new section:

SEC. 2811. AIR FORCE PLANT AT COLUMBUS, OHIO.

(a) LEASE OR SALE OF PROPERTY.—(1) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any other provision of law, the Secretary of Air Force may sell or lease Air Force Plant No. 85 located in Columbus, Ohio.

(2) In connection with any sale or lease of Air Force Plant No. 85, the Secretary shall execute a warranty ensuring that all remedial action, necessary to protect human health and the environment with respect to any known environmental contamination on the property of such plant has been or will be taken by the Secretary as soon as practicable consistent with applicable law.

(b) PREPARATION OF PROPERTY FOR LEASE OR SALE.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of the Air Force shall begin negotiating for the environmental cleanup of the property described in subsection (a) and shall initiate such other actions preparatory to the sale or lease of such property as may be appropriate, including provision for apprisals and a title search.

(c) DEDUCTION OF EXPENSE FROM PROCEEDS OF SALE OR LEASE.—The Secretary may deduct from the proceeds of any sale or lease of the property described in subsection (a) all expenses incurred by the Secretary in connection with the sale or lease, including necessary repairs, environmental cleanup operations, surveys, and apprisals. The remaining proceeds of the sale or lease shall be credited to the general fund of the Treasury.

(d) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with any sale or lease entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. METZENBAUM. Mr. President, this amendment would permit the Air Force to move forward expeditiously with its plan to sell or lease the Government-owned Rockwell industrial facility in Columbus, OH.

This is a matter of great urgency. Last week, the plant contractor, Rockwell International, announced that it was closing the plant and pulling out of Columbus. Rockwell, which employed about 7,000 people at the plant during the height of the B-1B bomber construction, announced that it would lay off its 1,100 remaining workers leaving the state-of-the-art manufacturing facility empty.

I understand certain manufacturing companies have expressed an interest in taking over the plant.

However, according to the Air Force, current law prevents them selling the property for at least 18 months, and precludes them from leasing it at all.

This amendment would permit the Air Force to enter into lease negotiations right away.

In addition, Mr. President, the amendment directs the Air Force to move forward expeditiously with the cleanup of hazardous waste contamination at the plant, and ensures that it will be cleaned up.

What we want to do is enable a manufacturer to lease the plant while the Air Force cleans it up, but to ensure that it is completely cleaned up before responsibility passes out of the Government's hands.

The amendment provides that the costs of the cleanup and the associated disposition of the property be paid for from the lease and/or sale proceeds.

In short, this legislation will give the Columbus, OH, business community the opportunity to get meaningful manufacturing jobs into the plant and, frankly, that is a major concern of this Senator.

I want those workers who lost their jobs when the Rockwell plant closed down to be given an opportunity to find new jobs in new manufacturing facilities. This amendment will make that possible.

I want to commend the hard work done by Representative JOHN KASICH, who represents the area in which the plant is located. Earlier this week, he arranged a briefing in Columbus among all the interested parties. He has been a leader in moving this effort forward.

Mr. President, I believe the amendment is good for the Air Force, it will help protect jobs in Ohio, and it will ensure that a potential environmental threat gets cleaned up.

I urge my colleagues to accept this amendment.

Mr. GLENN. Mr. President, I am pleased to cosponsor this legislation along with my friend and colleague from Ohio, Senator METZENBAUM. On May 5, Rockwell International announced that it would be discontinuing operations at Air Force plant No. 85 located at the Port Columbus International Airport in Ohio. The Rockwell plant and the many Ohioans who have worked there over the years, have consistently delivered the finest aerospace products in the world. The closure of this facility means the layoff of the remaining 1,100 workers at the Rockwell plant in the next 15 months.

Several companies have expressed an interest in purchasing this facility from the Government, and this legislation will expedite the lengthy process of declaring this 3.4 million square foot facility excess to DOD's needs. The purchase of this facility by another manufacturer could mean the employment of the thousands of Ohioans who have been laid off from the Rockwell facility over the last several years because of declining defense business.

The Air Force Systems Command has expressed its desire to dispose of 13 factories it owns and maintains, including the Columbus Rockwell facility. The expeditious disposal of Air Force plant No. 85 in Columbus will thus serve the interests not only of the Department of Defense, but of the Columbus, OH, community as well.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2045) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I want to thank the manager of the bill and the ranking Republican member.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I understand my distinguished friend from Alaska is going to modify the amendment at the desk, and he is awaiting the modification.

In that period, may I ask him to accommodate me by setting aside the amendment so I can offer another amendment until his gets here?

Mr. MURKOWSKI. Mr. President, I am pleased to say the amendment is being provided to both sides. I would like to set it aside.

AMENDMENT NO. 2046

(Purpose: To require a review of certain Defense assets)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2046.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add the following new section:

SEC. . Not later than 90 days after the date of enactment of the Act, the Secretary of Defense shall prepare and transmit to the Congress a review of current and planned Defense assets that might be utilized to reduce and prevent unlawful foreign fishing in the U.S. Exclusive Economic Zone. Such review shall include, but not be limited to, an analysis of:

(1) the feasibility of using over-the-horizon backscatter radar devices to locate and identify fishing vessels in and beyond the Exclusive Economic Zone, both as a discrete system and in conjunction with other monitoring systems and devices;

(2) the use of Defense assets routinely deployed in areas where unlawful fishing may occur to monitor and report potential violations of U.S. fisheries laws and regulations; and,

(3) the application of information gathered by intelligence collection assets which are deployed in such a way as to detect illegal fishing activities as a by-product of other data collection missions.

Mr. MURKOWSKI. Mr. President, this amendment directs the Department of Defense to investigate and report to Congress on the feasibility of using various Defense assets—including over-the-horizon Backscatter radar—to help stop illegal foreign fishing in U.S. waters. The report would be due 90 days after this legislation is enacted.

There would be no question of detracting from regular functions of the Defense Department, nor adding any substantial additional duties. This amendment only calls for a study.

There is already a precedent—a cooperative agreement between the military and the FAA, in which civilian international flights from Anchorage, AK, along with the Kurile Islands into Japan are closely monitored. This came about after the tragic and needless loss of Korean Airline flight 007.

Extensive illegal foreign fishing in the Bering Sea is a well-known fact. The international waters in the central Bering Sea—nicknamed the Donut Hole by fishermen—are used as a staging area for raids on U.S. waters. Vessels cross the boundary at night or under heavy cloud cover to avoid detection. When U.S. Coast Guard aircraft or vessels approach, they quickly flee back into international waters.

The U.S. loss is severe. Other nations report taking over a million metric tons of fish from the Donut Hole annually, but there is reason to believe a significant amount of the catch actually may be from illegal harvests in U.S. waters.

The total loss in U.S. jobs and seafood product sales is in the billions of dollars, not to mention the damage to nontarget resources such as salmon and herring, which have the misfortune to share some of the same waters.

The international waters of the Bering Sea include over 50,000 square miles of open sea beyond the U.S. 200-mile zone, with some of the most severe weather and climatic conditions in the world. The vast area and poor conditions make detection and apprehension extremely difficult.

The enforcement problem is aggravated by a recent 50-percent reduction in Coast Guard air and vessel coverage. That reduction was caused by a falling budget and increasing demands for services which, although I support them as both necessary and well meant, are clearly beyond the Coast Guard's basic tasks of search and rescue, fisheries enforcement, and navigation assistance.

There are a number existing technologies which may help direct our enforcement vessels and aircraft to specific areas where suspected violators are located. Examples include: First, the Backscatter radar combined with vessel-based transponders and possibly other radar technologies; second, a variety of intelligence collection assets; and, third, other Defense assets on routine duty at sea.

The new Backscatter radar to be based in interior Alaska will provide enhanced coverage of a vast area. Experiments involving monitoring of surface vessels already have been conducted with over-the-horizon radars elsewhere, which I regard as another precedent.

The potential benefit to the United States would be substantial, derived not only from halting these illegal harvests, but also from considerable savings on the cost of effective enforcement coverage, and reduced risk of our patrols being detected in time for violators to haul up their nets and reach international waters.

It is my understanding this amendment has been cleared on both sides, and I urge my colleagues to accept it.

Mr. DIXON. Mr. President, I congratulate my friend from Alaska. This is a very good amendment that simply requires a review of our defense assets to prevent unlawful fishing in the exclusive international zone.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2046) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I ask unanimous consent that the amendment by the distinguished Senator from Alaska be temporarily set aside so we can consider other business until he is prepared to modify it.

Without objection, it is so ordered.

AMENDMENT NO. 2047

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 2047.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SECTION. . 155 MILLIMETER AMMUNITION

(a) FINDING.—The Congress is concerned that the schedule of the Army for propellent production and load assemble pack of 155-millimeter M865 ammunition base bleed burn assemblies may not make it economic to carry out such production at two sources concurrently.

(b) LIMITATION ON CONTRACTING FOR SECOND SOURCE.—The Secretary of the Army may not select a second source for production of the program referred to in subsection (a) until the program enters full-rate production and the Secretary reports to the Committees on Armed Services of the Senate and House of Representatives the acquisition plan of the Secretary for the establishment of a second source for the program.

Mr. DIXON. Mr. President, this amendment has been agreed to on both sides. The Army has an urgent need for 155-millimeter base burn ammunition. This round was type classified 1 year early by use of competition in the development cycle.

Fiscal year 1988 low rate initial production of the M-864 is for 36,000 rounds to verify that the technical data package [TDP] is sound and ready for full rate production.

The outyear production quantities of this round have not been finalized by the Army in an approved acquisition plan defining a sound mobilization base capability.

Therefore, the Army should continue with the low rate initial production [LRIP] producer until reaching full rate production at which time the Secretary of the Army will report to the concerned committees his plans for a possible second source producer.

The PRESIDING OFFICER. Is there further debate,

If not, the question is on agreeing to the amendment.

The amendment (No. 2047) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2044, AS MODIFIED

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding the amendment now with regard to the Philippine study on alternative locations, if indeed it should warrant, has now been cleared by both sides. I apologize for the confusion, and I compliment the excellent staff for catching the submission of the incorrect amendment.

Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

At the end of the bill add the following new section:

SEC. . PHILIPPINE BASES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the United States has maintained military bases in the Philippines for more than ninety years;

(2) Clark Air Force Base, Subic Bay Naval Station, and the other United States military installations in the Philippines significantly promote the mutual interests of the United States and the Philippines;

(3) leaders of the state of the Association of South East Asian Nations have emphasized the importance of such bases to the development of democratic institutions and economic progress in South East Asia;

(4) the United States military installations in the Philippines employ a loyal and highly skilled cadre of Filipinos, and make a substantial contribution to the Philippines economy;

(5) the Base Rights Agreement between the United States and the Republic of the Philippines by which the United States maintains its military installations and stations military personnel in the Philippines expires in 1991;

(6) the United States and the Republic of Philippines are currently engaged in a review of the Base Rights Agreement;

(7) in connection with the current Base Rights Agreement, the President has undertaken a "best efforts" pledge to obtain security assistance for the Philippines;

(8) officials of the Philippine government have demanded that the United States significantly increase the consideration for the use of military bases in the Philippines; and

(9) the President of the Republic of the Philippines has stated that consideration of the Base Rights Agreement should be separate from any consideration of security assistance to the Philippines.

(b) STUDY OF COSTS AND BENEFITS.—(1) Not later than ninety days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall prepare and transmit to the Congress, in classified and unclassified versions, a study of—

(A) the costs and benefits of maintaining United States military bases in the Republic of the Philippines;

(B) the costs and benefits of relocating such bases to potential alternative host countries; and

(C) any alternative means of funding payments to the host country of such bases.

(2) The study required by paragraph (1) shall include, but not be limited to:

(A) an analysis of—

(i) the strategic value to the United States;

(ii) the operation, maintenance and other costs to the United States; and

(iii) the economic, social and other benefits to the Philippines;

of maintaining United States military bases in the Philippines;

(B) an identification of potential alternative host countries for the United States' military bases currently located in the Philippines;

(C) an analysis of—

(i) the strategic value to the United States;

(ii) the operation, maintenance and other costs to the United States; and

(iii) the economic, social and other benefits to potential alternative host countries;

of establishing and maintaining United States military bases in such potential alternative host countries;

(D) an analysis of—

(i) the cost to the United States; and

(ii) the economic, social and other costs to the Philippines;

of relocating the United States military bases from the Philippines to potential alternative host countries;

(E) an analysis of the availability of skilled indigenous personnel and the cost of training such personnal in the potential alternative host countries; and

(F) a comparative analysis of the benefits to the United States from the use of the various methods which are now employed for compensating host nations around the world for the use of bases on their soil as applied to compensating either the Philippines or the host nations of alternative locations.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2044), as modified, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I want to announce again the following amendments have been cleared, and if the Senators will come to the floor, they will be adopted: The amendment by the Senator from New Mexico, Senator BINGAMAN, concerning an undersecretary for procurement has been cleared. Will his office notify him?

The amendment by Senators ADAMS and LEVIN on the Hanford waste cleanup has been cleared. Will their offices note that and send one of the Senators to the floor?

The amendment by Senator GRAMM on Presidential certification of Saudi missiles has been cleared on both sides. Would that office note that? Senator MCCAIN, of Arizona, burden sharing, has been cleared; Senator QUAYLE, of Indiana, proliferation, has been cleared; and Senator WARNER's printing and binding services amendment has been cleared.

May I say we are prepared to clear others. Now, we have about 10 or 15 amendments before we start on the amendment of the Senator from Massachusetts. I see the Senator from Massachusetts is here ready to start in 10 minutes on his aircraft carrier amendment. If anybody gets here in the next 10 minutes, there are five amendments positively ready to be cleared. They are cleared on both sides, and we would be anxious to dispose of them before 9:30. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2048

Mr. DIXON. Mr. President, I send an amendment to the desk by the distinguished Senator from New Mexico, Senator BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois, Mr. DIXON, for Mr. BINGAMAN, proposes an amendment numbered 2048.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 131 after line 13, add the following new section.

"SEC. . APPROVAL OF CONTRACTS.

"Section 2304(f)(1)(B)(iii) of title 10, United States Code, is amended by inserting 'or, in the case of an element of the Department of Defense for which the Under Secretary of Defense for Acquisition would be the sole designated senior procurement executive, the senior level official designated for that element by the Under Secretary of Defense for Acquisition,' after '(41 U.S.C. 414(3))'.".

Mr. BINGAMAN. Mr. President, this amendment is designed to enhance the ability of the Under Secretary of Defense for Acquisition to do his job.

In a letter to me dated May 9, Dr. Costello pointed out to me a provision in current law which assigns him the nondelegable responsibility to approve all contract awards over $10 million to be awarded by defense agencies, DOD field activities, and unified or specified commands using other than competitive procedures. In his letter, he asked that he be allowed a limited authority to delegate that relatively routine responsibility so that he can focus on major acquisition policy matters which Congress has assigned him.

I ask unanimous consent that Dr. Costello's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Under Secretary of Defense,
Washington, DC, May 9, 1988.

Hon. Jeff Bingaman,
Chairman, Subcommittee on Defense Industry and Technology, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Mr. Chairman: You have asked me to give you examples of statutes relating to acquisition that I believe need further consideration.

I would like to call to your attention 10 U.S.C. § 2304(f)(1)(B)(iii). This section provides that contracts over $10 million proposed to be awarded using other than competitive procedures cannot be awarded unless the senior procurement executive approves the contracting officer's justification of the use of other than competitive procedures. The problem is that although the Army, Navy, and Air Force each has a senior procurement executive under section 16 of the Office of Federal Procurement Policy Act, the Under Secretary of Defense for Acquisition is, by virtue of 10 U.S.C. §133(c), the only senior procurement executive for all other elements of the Department of Defense. Inasmuch as the approval required by section 2304(f) cannot be delegated, the Under Secretary must get involved in the relatively routine review and approval of the justifications prepared by contracting officers in the defense agencies, DOD field activities, and unified or specified combatant commands.

I believe it was the intent of the Congress that the Under Secretary of Defense for Acquisition concentrate on acquisition policy and significant acquisition matters and not get involved, unless necessary, in the more routine matters such as this approval. It seems to me it would be more consistent with this intent for this approval of the contracting officer's justification to be made at a high level of the element of the Department making the purchase.

Sincerely,
R. Costello.

Mr. BINGAMAN. Mr. President, the amendment I have proposed would allow the limited delegation in these matters that Dr. Costello has requested. The intent is that this delegation will be made to a very limited number of senior level officials. My understanding of the term "senior level official" as used in the amendment is that for most of the smaller defense agencies and field activities, such as the Defense Mapping Agency or the Defense Communications Agency, the designated senior official is likely to be the Assistant Secretary of Defense for Production and Logistics or the Deputy Assistant Secretary for Procurement. In the case of the Defense Logistics Agency, it is likely to be a general officer of two star rank. In total not more than half a dozen officials will be so designated.

This amendment has been cleared by the OMB's Office of Federal Procurement Policy. It has been cleared on both sides by both the Armed Services and Governmental Affairs Committees.

I urge its adoption.

Mr. DIXON. Mr. President, under current law the Under Secretary of Defense for Acquisition has the nondelegable responsibility to review and approve all contract awards over $10 million by the defense agencies. The time he must devote to this function detracts from the time he can devote to broader responsibilities. This amendment would permit the Under Secretary to delegate this authority to other senior officials. It is cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2048) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2049

(Purpose: To require two aircraft carriers to be decommissioned in order to maintain the current level of 14 deployable aircraft carriers)

Mr. DIXON. Mr. President, we had a unanimous-consent agreement that the distinguished Senator from Massachusetts would proceed on his aircraft carrier amendment at 9:30. I see the distinguished Senator from Massachusetts is here and apparently prepared to go. The hour of 9:30 is almost upon us. So I will yield the floor at this time, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. Kennedy] for himself Mr. Levin, and Mr. Nunn proposes an amendment numbered 2049.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . REQUIREMENT TO DECOMMISSION TWO AIRCRAFT CARRIERS

The Secreatary of the Navy shall—

(1) decommission one aircraft carrier and remove such carrier from active operations not later than 30 days after the date on which the aircraft carrier U.S.S. Abraham Lincoln (CVN72) is commissioned by the Navy; and

(2) decommission a second aircraft carrier and remove such carrier from active operations not later than 30 days after the date on which the aircraft carrier U.S.S. George Washington (CVN73) is commissioned by the Navy.

Mr. KENNEDY. I believe the Members are familiar with the amendment since we have had the opportunity to notify them about the amendment over the past few days.

Mr. President, I offer this amendment on behalf of myself, the Senator from Michigan [Mr. Levin], and the Senator from Georgia [Mr. Nunn]. I understand we have a time limitation. Am I correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct. It is a 1-hour time limitation.

Mr. KENNEDY. And it is evenly divided?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself such time as I might need.

Mr. President, I rise to offer an amendment to ensure a balanced naval force structure. Currently, our plans for carrier expansion far outstrip our modernization efforts for warships, planes, and munitions.

Since 1981, the Navy has expanded from 12 to 14 carriers and it plans to add a 15th carrier in 1990. This is in line with the Navy's plans made at the beginning of the 1980's.

Unfortunately, other vital Navy programs have not fared as well. Ironically, the most serious deficiencies are in precisely those forces needed to protect and operate the carriers.

Navy plans at the beginning of the 1980's called for 137 cruisers and destroyers to escort the 15 carriers. Current programs will leave us with a shortfall of at least 20 ships in the 1990's.

Navy plans at the beginning of the 1980's called for enough planes to operate 14 active and 2 Reserve air wings. Current programs will leave us with a shortfall of over 150 planes in the 1990's.

Navy plans at the beginning of the 1980's called for enough modern air-to-air missiles to arm these planes. Current programs will leave us with shortfalls of 50 percent of some categories of missiles in the 1990's.

This is a seriously unbalanced force structure. Beginning in 1990, we will have 15 carriers. But we will lack enough cruisers and destroyers to escort them, enough planes to operate them all fully, and enough munitions to arm the planes.

This unbalance is the consequence of an uneven distribution of budget cuts. Since we entered this period of static or even declining defense budgets, there have been significant reductions in the naval aviation plan, deep cuts in the munitions accounts and significant deferrals of cruiser and destroyer construction. Aircraft carriers, however, remained untouched. Indeed, carrier modernization was actually accelerated in last year's budget.

Our amendment seeks to restore some balance to the Navy budget. Specifically, it defers expansion to 15 carriers from 1990 until 1997 by retiring older carriers as new carriers enter the fleet. This early retirement plan would allow between $1 billion and $5 billion to be shifted to other ship, aircraft, and munition accounts.

This plan does not require any reductions in current carrier force levels. We have 14 carriers now. We would have 14 carriers under the early retirement plan. The only change would be a 7-year delay in the expansion to 15 carriers.

This plan does not require the United States to abandon any international commitments. We are meeting those commitments with 14 carriers and 4 battleships now. These commitments would continue to be met with the same force structure under the early retirement plan. The only change would be that this force would not be expanded further until 1997.

Finally, this plan does not delay modernization of the carrier force. Plans for construction of new nuclear aircraft carriers would be unaffected. The only change is that the Navy would retire two older carriers as the next two new nuclear carriers enter the fleet.

Note that the amendment does not specify which two carriers would be retired early. That decision is left to the discretion of the Secretary of Defense.

But, based on the Navy's current carrier retirement plans and its tesimony before the Armed Services Committee, we assume that the Secretary would retire our most marginal carrier—the two holdovers from World War II. Although these carriers have had distinguished and useful lives and their crews continue to do a remarkable job operating these ships, they are still far less capable than their modern equivalents. The older carriers deploy fewer and less sophisticated aircraft; they face greater maintenance problems; and they have more severe operational restrictions in heavy seas. In short, these carriers are less capable in war and more expensive in peace.

Mr. President, this amendment asks only that the Navy do what the other services have already done: to delay planned expansions in order to avoid creating a hollow force. The Air Force has postponed achievement of 40 air wings to ensure that it can fill its 35 wings with modern aircraft and munitions. The Army has delayed addition of two brigades to ensure that its existing forces can field the best equipment and maintain high levels of readiness.

This amendment would simply impose a similar balanced force structure on the Navy. It would hold carrier growth steady until the other elements of the fleet can catch up.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

Who yields time?

Mr. COHEN. I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, this amendment was debated at length in the Senate Armed Services Committee and was rejected. It was rejected on a number of bases.

Sound practice, it seems to me, requires that we establish first a policy to determine what resources or requirements will be necessary to carry out that particular policy, and then provide the resources necessary to implement it.

We are required to defend the Atlantic, Pacific, the Mediterranean. President Carter expanded our responsibility, as you may recall, when he and his national security adviser stood before the cameras and drew the equivalent of a line in the desert around the Persian Gulf. He said that we have a strategic interest over there, and we will defend that interest if we are required to do so.

Ronald Reagan reaffirmed that commitment. So we have not constricted our commitments overseas. We have actually expanded upon them.

If we do not like this policy, if we do not like the requirements it imposes upon us, we ought to change the policy. But do not try to change the policy by cutting back on the resources. That is precisely what this amendment will have the effect of doing.

It will ultimately guarantee either inaction or retarded action or ineffective action. It will guarantee failure at some point. And with every failure that we experience the United States is going to have another self-inflicted wound upon its prestige as a reliable power.

We had a chance to change that policy just yesterday. We had a very significant vote on the Adams amendment. We had a chance to go on record as to whether we wanted to reject the commitment of our forces in the Persian Gulf. There was an overwhelming rejection of that amendment. But now in what we are unable to do or unwilling to do or categorically refused to do yesterday we are going to do indirectly by cutting back on our ability to maintain 15 deployable carriers.

I think it is unfair to the men and women who serve in our Navy. Their lives are on the line. We are asking them to work harder and remain longer on station, with very little respect for their lives. Yet, we sit here in the comfortable protection of all of these Capitol Hill police with barricades outside, debating, with the only threat of a terrorist attack being that of a filibuster at 2 o'clock in the morning. And yet, we require these men to serve on stations for longer and longer periods of time, not only exposing them longer to attacks, physical attacks upon their lives, but also to put tremendous strain upon their family lives causing them to want to leave the service early.

So I think this has a very dramatic impact upon our ability to maintain not only morale, but our commitments worldwide.

I would like to take a few moments to talk about the aircraft carriers themselves. These are our mobile bases. About 75 percent of all the crises in recent years have been responded to not by submarines, not by land-based aircraft, long-range bombers, but by aircraft carriers. That is the way in which we project force. We cannot project force by long-range bombers. Some of us may recall what the French did in denying us overflight rights during the strike against Libya. So that is really not a power projection capability. We cannot project power by submarines. The only means that we have of projecting power on a global basis is through the carrier battle groups.

I think we have to take this into acount as we see the rise of nationalism spreading across the globe. We might have bases to compensate. Instead of having aircraft carriers, we could have bases. How would you like to rely upon Spain for having your base rights? They would like to remain a member of NATO, but they can send out one of our air wings, and say "Get the airplanes out. This is an anathema for us, to have the presence of the Americans, because it reminds us of the deals you made with Franco." Look at Spain. Is that a reliable place to have bases? I doubt it.

How about Denmark? Denmark has made it clear—at least—that they are considering the possibility of barring from entering their ports any ship carrying nuclear weapons. They might even go as far as New Zealand and bar any ship that is nuclear powered, including ones that might not even be carrying nuclear weapons. Well, there is one of our allies. We have only been talking about those nations where we might seek to put bases in the future. There is a possibility we may not have base rights even in Denmark.

I mentioned New Zealand. How about Greece? Anyone feel comfortable, go to sleep at night time thinking about the possibility of having more bases in Greece? Or Portugal? Or even the Philippines? We accepted an amendment here about studying the cost effective options for alternatives to bases in the Philippines.

What we are seeing around the globe is less and less inclination to allow the United States to have even base rights or visitation rights.

Oman? How about Kuwait? The Kuwaitis want some of our F-18's. Maybe we should make a deal: We will sell them F-18's provided we can put bases in Kuwait. I doubt very much whether the Kuwaitis would be in a position to accept that proposition.

How about Bahrain or Saudi Arabia or Israel? Where exactly do we intend to go to establish base rights so that we can project power in time of emergency?

I suggest that the aircraft carrier provides the only effective, reasonable means of doing that in the foreseeable future.

Those nations concerned about having an American presence on their soil nonetheless want to have American power present. They want to feel us but not see us. They want us over the horizon. The only way you stay over the horizon is through using aircraft carriers, and that happens to be our fate for the immediate future.

Mr. President, we can debate this at length. I have more to say about this amendment, but there are others on the floor who wish to speak.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask the distinguished Senator from Maine to yield me 2 or 3 minutes.

Mr. COHEN. I yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. WARNER. Mr. President, I rise in opposition to the amendment.

Mr. President, I remember that when I first came to the Senate, the distinguished senior Senator from Mississippi [Mr. STENNIS] was chairman of the Armed Services Committee. As is his style, he greeted me most warmly and recalled the many days we had worked together when I was Secretary of the Navy. As I look back on my 9-plus years in the Senate, no other friendship has meant more to me than that of this distinguished American and leader in the Senate, Mr. STENNIS.

How many times have we talked about the naval forces? I cannot recall. But I do recall in the past 2 or 3 years, as issues of the carriers have come along, that he has reflected on his period in the Senate; and he said every time there is a crisis, the first question asked by the President or the Chairman of the Joint Chiefs of Staff or the leadership of Congress is, "Where are carriers today in the world? How quickly could one respond to that situation?"

They are literally floating islands of America, in the wise view of Mr. STENNIS and others who have observed this scene many more years than I.

I have watched—as the distinguished Senator from Maine has stated today—the erosion, the turmoil, the constant changing of our relationships involving base structures throughout the world.

The constant is the carrier. It is always the carrier we call upon. It is under the command of an American officer, who responds directly to the command of the Commander in Chief, the President of the United States, and whose several thousand crewmen salute and march off to any spot in the world at any time, day or night, to defend the interests of this country and those of our allies.

The Senator from Maine correctly stated that our commitments worldwide not only will remain the same, but, in all likelihood, will be increased; and should this amendment be adopted, the burden of this will fall upon the crewmen who serve on these carriers.

It brings to mind a rather sad chapter in the history of our Navy, and that was the fall of 1972. We were in negotiations to try to terminate the war in Vietnam, and the negotiations went back and forth. The orders came from Washington to keep the carriers on the line, far beyond human endurance.

At that time, as Secretary of the Navy, I took a special trip with Admiral Cleary, the commander of all forces in the Pacific. The two of us visited some 23 ships in the Christmas period of 1972. I recall going aboard those carriers and looking into the faces of those men, who had been on station 7 or 8 months—I cannot recall specifically the time. Not one port call, not one day deviating from their orders to defend the interests of this country. Indeed, they were stretched to the human limit at that time.

I hope we do not have similar occurrences in the future. I can assure Senators that if we take the step proposed by this amendment, we could well be faced, once again, with pushing men, ships, and situations to the extreme limits.

I strongly urge the Senate to look elsewhere in our constant search for savings, rather than take this particular step.

The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Chief of Naval Operations all support the requirement for 15 aircraft carriers. They adamantly oppose early retirement.

The Commander in Chief of the Atlantic Command, Admiral Baggett has stated:

> Effectively reducing the Atlantic carrier forces 20 percent for an annual savings of less than one-half of 1 percent of the Navy budget is not a good tradeoff of warfighting capability for budget savings.

Is there not a better way to save one-half of 1 percent of the Navy's budget?

If the early retirement proposal is accepted, the number of carriers available for immediate deployment will drop from the current number of 13 to as low as 12 in the early 1990's. This is due to the Navy placing an additional carrier out of service in the 1990's to replace nuclear reactor cores.

Aircraft carriers are on-station now in the Indian Ocean. Because of lengthy transits to the Indian Ocean, five aircraft carriers are required to support this contingency operation. This operation is not a planned requirement; neither were the carrier operations against Libya or Lebanon. Carriers have been called upon in more than 75 percent of the crises to which we have responded in the last 10 years. Because of the unplanned requirement for aircraft carriers in the Persian Gulf region, the United States is failing to meet its commitment to NATO to station two carriers in the Mediterranean. At the present force level of 13 deployable carriers, freezing or reducing our carrier force structure will result in further inability to meet foreign commitments.

The United States is being denied landing privileges at overseas airfields. One wing of F-16's will soon be removed from Spain. Base restrictions are possible in Greece or Portugal.

The Senate Armed Services Committee report was quite clear with respect to carriers and overseas power projection: "The committee is convinced that aircraft carriers and their associated air wings are in many cases the only option for overseas power projection and should be accorded high priority within the Department."

Should our carriers not also be accorded high priority on the floor of the U.S. Senate?

The Congressional Budget Office, the Congressional Research Service, and the Navy have estimated that the savings associated with reducing a carrier battlegroup and an airwing from the Navy force structure will save $1 billion to $5 billion over a 5-year timeframe.

This amendment if accepted will save $200 million per year out of a defense budget of $300 billion per year.

This savings equates to one-fifteenth of 1 percent of our defense budget and is proposed at a time when our carriers are currently conducting operations to ensure safety of shipping in the Persian Gulf region.

Is there not a better way to save one-fifteenth of 1 percent of the Defense Department budget?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Defense; also, letters from the Joint Chiefs of Staff and the Chief of Naval Operations, whose combined 50-plus years of naval experience bring to bear wisdom on this question that should be heeded by all Members of the Senate.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 10, 1988.

Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR JOHN: As a leading proponent of a strong National Defense posture, you will appreciate that the capabilities of our Carrier Battle Groups are absolutely essential to our national security. The planned force level of fifteen deployable carriers will support the current national strategy and is endorsed by the Joint Chiefs of Staff and the Unified and Specified Commanders as the minimum needed. It is predicated on existing and future threats to our national security ranging from diplomatic crises to limited war and conflict with the Soviet Union.

History has confirmed the value of the aircraft carrier as an instrument of foreign policy. It has been used in the overwhelming majority of crises we have responded to in the last ten years. Reducing our planned peacetime deployable force level to fourteen carriers will impair our ability to respond to crises. As you know, we have longstanding commitments to our allies and friends and the current force of fourteen deployable carriers limits our ability to meet these commitments without imposing unacceptable hardships on our people.

There is no evidence to indicate that national commitments will decrease in the foreseeable future. In fact, low intensity conflict contingencies requiring conventional military force projection are likely to increase. This will require that we maintain, if not increase, aircraft carrier operational tempo in the near term. The trends will impact adversely on the retention of our sailors and the readiness of our equipment unless we attain the planned force levels.

The Chairman of the Joint Chiefs of Staff has affirmed that there is no substitute for an aircraft carrier battle group. No other combination of ships and aircraft embodies capabilities to project power and provide air dominance where needed. We have always known this, but recently it has become increasingly evident as our base access throughout the world continues to diminish.

You have long supported the principle that sea power is vital to our national security. The aircraft carrier represents a capability for which there is no substitute in the most plausible contingencies.

A similar letter has been forwarded to the Chairman of the Senate Armed Services Committee.

Sincerely,
FRANK CARLUCCI.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, May 11, 1988.

Hon. JOHN WARNER,
Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: Please allow me to restate the great value to national security represented by maintaining a viable and ready carrier force. It remains my strong belief that the requirement to achieve a 15 deployable carrier battle group Navy at the earliest opportunity remains valid and we should continue to pursue it aggressively.

The 15 carrier requirement is a result of analysis of the growing Soviet naval threat in areas of vital interest to the United States. As you know, we have commitments in Asia, the Indian Ocean/Persian Gulf, the North Pacific, and our NATO responsibilities in the Mediterranean, North Atlantic, and North Sea.

The process by which force level requirements are determined originates with the warfighting commanders in chiefs (CINCs) and is based on their assessment of their specific needs to execute war plans in support of the national military strategy, with a *prudent level of risk.* Their requirements are then assessed and reviewed by the Joint Staff and Services to provide an integrated national military force which balances the detailed and specific requirements of the CINC with available national resources and priorities.

Fifteen carrier battle groups is a minimum deployable force level needed to execute the CINCs' war plans and terminate the war on terms acceptable to the United States. At this level, fighting a global war would require sequential operations. "Sequential operations" is a phrase that is easy to say but very hard to do. It will require making difficult and explicit political decisions that one region is less important than another or that one ally will have to be left to its own devices in favor of another.

Very few other force requirements have received that extensive study and analysis that the number of carrier battle groups have. A 15 deployable carrier battle group Navy is the floor, not the ceiling, for required force level. I have supported this requirement in the past, and do so today.

A similar letter has been forwarded to Senator Sam Nunn.

Sincerely,
WILLIAM J. CROWE, JR.,
Chairman, Joint Chiefs of Staff.

CHIEF OF NAVAL OPERATIONS,
May 9, 1988.

Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: Our national commitments require the forward deployment of Navy ships, aircraft, and personnel into every maritime region of the world; many of them thousands of miles and weeks of steaming from our own shores. The ability to meet those commitments is an important factor in determining the proper size of the Navy, a question the Congress is reviewing again this year.

Following the recovery of defense strength over the past seven years, the Navy's present size allows it to meet its commitments without unacceptable strategic risk and without running its personnel and material readiness into the ground. But as the number of commitments continues to grow, the size of the fleet must grow accordingly. We must not return to the era of the 1970s, when long, back-to-back deployments and unrelieved work loads drove so many thousands of our finest officers and petty officers out of the Navy.

Even when readiness is high, emergent requirements, such as in the Persian Gulf or during the Libyan crisis, put a considerable strain on fleet operating schedules. This is frequently manifested in reduced capabilities available for deployment to other areas of the world, where danger and crisis are also endemic.

Such a thing is happening today. In a recent dispatch to the Chairman, Joint Chiefs of Staff, General John Galvin, U.S. Commander-in-Chief in Europe, wrote of his concerns for the impact that the Persian Gulf operations have had on force levels in the Mediterranean, on NATO's Southern Flank.

"Your task of having to apportion naval striking forces commensurate with regional needs and availability realities is not an enviable one," General Galfin wrote, "particularly now with the sustained effort in the Persian Gulf area. For my part, I have recognized the importance of the Persian Gulf situation and have encouraged a truly "supporting" role for the U.S. European Command. We have not quibbled as certain degradations to our naval capabilities in the Mediterranean Sea have been realized. [But] the air arm of the 6th Fleet is central to my combatant efforts in both the NATO and U.S.-only contexts. They are my artillery. The deployment rate of carrier battle groups to the Mediterranean has declined from 1.9 in 1986 to less than 1.3 in 1987. [In 1988 we project it to be even less]. While numerically the carrier battle group surface force has remained constant, the capabilities of the force have declined. The bottom line is: carrier battle group presence and quality reductions have had an adverse impact on my southern flank.

"The Mediterranean is a very volatile area, wherein a potent naval presence is respected by would-be adversaries. I am not so sure that we have articulated sufficiently to others that fact or the implications of one Mediterranean carrier battle groups in the NATO context. From a military perspective alone, the defense of the southern region is, to a very large extent, naval air dependent. A cursory look at land-based combat power in the region leads one to that conclusion. In this regard, one carrier battle group is just not deterrence."

To General Galvin's letter it should be added that this represents a concern about only one region within the Navy's span of global responsibilities.

Recently some defense analysts have questioned whether the United States requires a Navy of 15 deployable carrier battle groups. As General Galvin's letter makes clear—as our operational commanders have been stating for many years now—in view of the threats to our security around the world, 15 deployable carrier battle groups constitute a minimum essential requirement. Anything less would pose unacceptable risks, both strategically, to our deterrent capability, and internally, to the outstanding readiness of our Navy personnel and equipment.

I look to the Congress for continued strong leadership in this area. I have sent similar letters to Senators Nunn, Kennedy, Cohen, Stennis, and Stevens.

Sincerely,

C.A.H. Trost,
Admiral, U.S. Navy.

Mr. KENNEDY. I yield myself such time as I may need.

Mr. President, those who are arguing against this position make a number of different arguments, and I would like to address them briefly.

First, the argument is made: How are we going to live up to our commitments, all these additional commitments? The fact is that the major commitments which expanded the role of the United States into the Persian Gulf were made with the Carter doctrine in 1980. At the end of the 1970's, we saw the fall of Iran, the invasion of Afghanistan, and the taking of the hostages. These events led to enunciation of the Carter doctrine, which has been supported by President Reagan. Thus, by 1984, we had added a new commitment for a forward-deployed carrier in the Indian Ocean. But I do not know of any other new commitments that are loosely talked about on the Senate floor.

In 1981, we had 12 aircraft carriers. I did not hear during this period that we could not live up to those commitments. Since 1981, our forces have increased substantially. We have added 14 carriers and 4 battleships, and we are bringing an LHD on line by 1990. Two additional aircraft carriers, modern nuclear aircraft carriers, have been added to our ability to fulfill those commitments. There has been no significant change in commitments, but we have substantial additional forces—two modern aircraft carriers and four battleships—to meet those same commitments. Our amendment maintains the 14 carriers; we are not cutting back.

So if there is some idea that we are going to be running out on our commitments overseas, I do not think that argument holds.

We hear a second argument: What about the people serving in far-off, distant places, who are at risk while we are comfortable in the Senate? I do not understand the context of it; because if we are talking about people serving on those 14 aircraft carriers, they are the ones who are serving today and they will be serving tomorrow. No change.

I ask: What about those who are serving on the destroyers, who are going to serve there for longer periods of time, and those on cruisers? We are facing significant block obsolescence for many of our surface ships. So when the argument is made about those men on the station, the fact is that with the two new carriers, the amount of time they have on station has been reduced by 20 days over this period of time. But, unless we address the problem of block absolescence of our other warships, the time on station for their crews will go up as the number of ships goes down.

You are going to find those people that are out in the Persian Gulf on destroyers and cruisers are going to have to serve there longer.

Why is not their interest, why is not their comfort, why is not their hardship being recognized by this body? I just fail to follow the logic of that particular argument.

Finally, Mr. President, I think you will find a difficult time in suggesting that aircraft carriers replace land bases. We have major defense concerns in terms of our bases overseas. That exists today. It has existed in the past, and it will probably exist in the future. It is going to take the best in terms of defense planning and strategy to try to be able to deal with it. But the idea that you need another aircraft carrier because we may lose a base in Spain is unsustainable. That base in Spain is to provide air support for Central Europe. We do not have aircraft carriers to do that.

The bases that we are talking about around the world have important defense responsibilities but by and large that is a completely different responsibility than aircraft carriers. That has been commented on and testified on for years in the Armed Services Committee.

We ought to be dealing with the issues of overseas bases. There are serious issues and questions. We are going to have to find out how to be able to defend our interests and the interest of our allies overseas. That is important. But aircraft carriers have not replaced these bases in the past nor should we suggest that they do so at the present time.

All you have to do is look through the Navy mission outline of what they believe the aircraft carriers are utilized for, and in no way does it suggest substituting for bases. Those are different issues, those are different questions, and they ought to be addressed.

Mr. President, what we are talking about here is the savings of anywhere from $1 billion to $5 billion. You can accept the high estimate of $5 billion or the low estimate of $1 billion. But last year we accelerated the two aircraft carriers because we hoped to save $700 million. We really thought that this was going to be an extraordinary savings on the Armed Services Committee, and it is a significant one; whether you accept $1 billion or $5 billion, you are still talking about very considerable savings.

There is also the issue of how many aircraft carriers are enough. In some previous administrations, the Secretary of Defense has believed that 12 carriers were sufficient. We have seen additional expansion of our commitment overseas in the Persian Gulf subsequent to the time that these Secretaries of Defense mentioned 12. But to meet those added commitments, we now have 14 carriers.

How the argument can be made that if we get 15 carriers, all of our problems are going to be resolved in defense while if we have 14 they will not be? I think that is difficult to maintain. In my view, the required number of carriers is a range. The floor is 12 carriers and the ceiling is the 20+ carriers that the JCS state would be a "minimum risk" force. Within that range, you must assess the value of an additional carrier against other priorities for the fund.

The fact is, Mr. President, that we are going to face serious shortfalls in terms of the air capability of the Navy. This argument will be made very, very effectively by my colleague, Senator Levin, who chairs the Conventional Force Subcommittee. We have shortages of naval aircraft. We have shortages of surface ships of all different kinds. And, we face shortages in terms of munitions.

The savings that we have with the acceptance of this amendment will be utilized to meet shorfalls in these critical areas which are essential for our national defense.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. GLENN. Mr. President, I am in great sympathy with what the Senator from Massachusetts is trying to do in saving money on the defense budget. I truly am. But I regret that I have to oppose this amendment.

We have held a number of hearings this year. In fact, in the last 2 years we have held hearings on strategy and on American military commitments; and then using that as a base on what to do with regard to the weapons systems that we are buying.

The impact of these early retirements will be that the Navy will not reach its goal of 15 deployable Carrier Battle Groups for the foreseeable future—if ever. This in spite of the fact that Secretary of Defense Carlucci, the Chairman of the Joint Chiefs of Staff, Admiral Crowe, and the Joint Combatant Commanders around the world, have repeatedly stated that our defense strategy requires a minimum of 15 deployable Carrier Battle Groups.

Now, Mr. President, the proponents of this amendment have argued that the only change to the Navy's force structure plan would be to retire 2 carriers early and delay the expansion to 15 deployable carriers for 7 years. Further, that the Navy is currently meeting its commitments with 14 carriers and can continue to do so for the next 7 years.

Mr. President, this is simply not so. The Navy is not fully meeting its worldwide peacetime commitments with 14 carriers and will not even do so when it reaches 15 deployable carriers, not to mention wartime. That is why our warfare commanders have consistently stated that 15 is the minimum number that prudent risk will allow. Even with 15 deployable carriers there will still be risk involved.

Senator KENNEDY's amendment would retire the U.S.S. *Coral Sea* and U.S.S. *Midway* and leave the carrier force at 14 carriers for an additional 7 years.

During that 7 years, the *Coral Sea* is scheduled for two additional extended deployments—normally 6 months duration—before planned retirement in 1992; the *Midway* is scheduled for at least five more deployments before planned retirement in 1997. I would just emphasize the obvious: if you retire those two carriers early, other carriers and their crews will have to take up the slack or we reduce commitments, one or the other. That is a tough choice.

Mr. President, the men and women in the military are often asked to do more with less, especially during periods of reduced defense spending. This has a devastating effect on readiness and retention.

If we retire 2 carriers, it will mean that the 4,000-5,000 men aboard each remaining carrier will be facing even longer cruises and spend less time at home with their families and friends. Also, carriers could be deploying more frequently than the current goal of 12 months between extended deployments, or we reduce the overseas commitment, one or the other.

Mr. President, the fiscal year 1989 Defense bill currently before us contains a provision that would increase the aviation continuation pay for Navy carrier pilots from $6,000 to $12,000. Why is that necessary? As chairman of the Manpower Subcommittee, I have held hearings and meetings on this subject because there is a mass exodus from the Navy of carrier pilots. We are short 1,600 Navy pilots right now. Although there are a lot of factors involved in this situation, especially increased airline hirings, the No. 1 reason given for carrier pilots leaving the Navy is family separation. The same is true in other specialty areas also.

So I can virtually guarantee my colleagues that the early retirement of two carriers will result in one of two things. If we keep our current commitments, it means the carriers are going to have to be out there longer, and it means we will have more trouble retaining our very skilled carrier pilots and all carrier sailors, for that matter, and it costs some $6 million to train a carrier pilot through his first 7 years in the Navy.

I can also guarantee that increased family separation will have a very negative impact on retention rates for both enlisted and officer personnel.

Mr. President, the situation I have just described regarding the potential impact of early retirement of carriers is what I call a best-case situation. Let a crisis erupt anywhere in the world that requires the dedicated commitment of one or more Carrier Battle Groups, and the situation gets worse—much worse.

Our only option, it appears to me, is to go with these 15 carriers, not for this reason, but because of the other commitments we have around the world.

Currently, the Navy has a peacetime requirement to keep five carriers forward deployed in support of the combatant commanders: Two carriers in the Mediterranean in support of NATO; two carriers in the Western Pacific; and one carrier in the Indian Ocean. I do not know where we would pull back from that.

The Navy has stated, and I believe the sponsors of this amendment have accepted, that it normally requires three carriers to keep one carrier forward deployed on an extended 6-month cruise. I would stress the word normally and emphasize again that carrier requirements are a dynamic issue particularly sensitive to national security objectives. Let me give you a graphic example here.

Mr. President, a year ago this month, Senator WARNER and I visited the Persian Gulf following the attack on the U.S.S. *Stark*. We have a chart behind me here that I invite your attention to. As shown on this chart, when we arrived, the U.S.S. *Kitty Hawk* was on station in the Indian Ocean having deployed in February 1987; *Kitty Hawk* was subsequently relieved in May by the U.S.S. *Constellation*.

Since February 1987, we have had a carrier battle group on station in the Indian Ocean continuously, and as far as we know that commitment is going to go on indefinitely into the years ahead. The boxes on this chart represent on station time and the solid lines transit to and from the Indian Ocean. I would note that there is 3 months transit time involved for ships deploying from the west coast.

Mr. President, as you can see, five carriers—not three—are required to keep one carrier on station continuously in the Indian Ocean.

This chart becomes even more meaningful when you realize that using the 3-to-1 planning factor for the two required Western Pacific carriers, you would need 11 deployable carriers in the Pacific alone to fully meet today's peacetime requirements. When you add the two carriers that the Commander in Chief Europe requires on station continuously in the Mediterranean, we have quickly identified a requirement for 17 deployable carriers in peacetime, if you wanted to keep it on the same rotation basis.

Mr. President, add one national security crisis to the peacetime scenario and the whole carrier requirement equation could go out the window.

Finally, I would just add that implied in this amendment is that the *Midway* and *Coral Sea* are no longer combat effective. There is no question that they are less capable than our new Nimitz-class nuclear carriers; however, as you can see from the chart, *Midway* recently took her turn on station in the Gulf of Oman and could have launched the same A-6 model attack aircraft used against targets in the Persian Gulf.

On the east coast, the *Coral Sea* just returned from another very successful 6-month deployment to the Mediterranean. Operating the Navy's newest F/A-18 multirole fighter and attack aircraft, the *Coral Sea* spent 112 days at sea during the cruise, launched nearly 8,000 sorties, and logged over 14,000 flight hours.

Mr. President, the carrier battle group has been and will be for the foreseeable future the most versatile, conventional weapons system in our military arsenal.

Given our current arms control environment, Mr. President, the carrier battle group will assume an even greater conventional and nuclear role. As the recent Commission on Integrated Long-Term Strategy concluded:

"We should emphasize a wider range of contingencies, * * * there is a need for versatile, mobile forces, minimally dependent on overseas bases that can deliver precisely controlled strikes against distant military targets."

The PRESIDING OFFICER. The Senator will suspend.

The Senator has used the 5 minutes allotted.

Mr. GLENN. If I could have 1 additional minute.

Mr. President, I will close by emphasizing what Secretary Carlucci stated in a recent letter to Senator KENNEDY:

"Very few other force requirements have received the extensive study and analysis that the required number of carrier battle groups have. A 15-deployable carrier battle group Navy is the floor, not a ceiling, for required force level."

Mr. President, I intend to oppose this amendment and I urge my colleagues to do the same.

Thank you very much, Mr. President, and I also thank the distinguished Senator from Maine.

Mr. COHEN. Mr. President, I would like to have the attention of the Senator from Massachusetts.

It was my understanding originally we would have to have 1½ hours and that Senators would request time based upon that. It has since been clarified we will only have 1 hour.

I ask unanimous consent that perhaps we be given an additional 15 minutes equally divided. I could then accommodate the Senator from Ohio.

Is there any objection?

Mr. DIXON. No.

The PRESIDING OFFICER. The request is for an additional 15 minutes. Is there objection? Without objection, the additional 15 minutes will be equally divided.

Mr. DIXON. Mr. President, I ask unanimous consent, if the sponsor would be agreeable, to temporarily set aside his amendment. Would the Senator from Massachusetts have an objection to a unanimous-consent agreement to temporarily set aside his amendment so we can go to an agreed amendment and then come back to the debate?

Mr. KENNEDY. Mr. President, I would not object if I could have just a couple of minutes to respond.

Mr. DIXON. Of course.

Mr. KENNEDY. I will be glad to work that out. Basically, what I would like to try and do, if it is agreeable with the Senator from Maine, is have the final 20 minutes evenly divided or a half an hour evenly divided. I would like to give the Senator from Michigan, who is chairing a hearing, some time. I would like to hear from the chairman of the committee, and then I want to make some summary remarks. That would all take approximately 12 or 14 minutes.

I am happy, if it is agreeable with the Senator from Maine, to set this aside for the consideration of other matters.

Mr. President, the Senator from Ohio makes some points that I would like to address just very briefly. On the number of aircraft carriers, we are not reducing the number. There are 14 carriers today and there would be 14 carriers under the amendment. I think that is as it should be, because we have not had a change in terms of requirements. Moreover, the amendment allows modernization within the goal of 14 carriers. The two new ones will have greater capabilities than the older ones that are retired for the reasons I outlined earlier—more planes, more efficiency, less maintenance.

I was on the *Midway* off the Persian Gulf. That is an extraordinarily well maintained ship. I have great respect and a high regard for the personnel. But the fact is that it is more costly. If you take the testimony of Secretary of the Navy Lehman when he was supporting the building of new aircraft carriers last year, he announced that older carriers like the *Midway* are more expensive to maintain. You cannot change it now.

Second, Mr. President, we talked, again, about the pilots and the pilots' retention. With the two new aircraft carriers, we have already increased the time in homeport by 20 days per year, according to the materials that have been provided to us by the Navy. That is, I think, an improvement. So some improvement has been made.

But, again, what we are talking about is pilot retention. This involves, not only length of carrier deployments, but pay levels, airlines hiring and a variety of other factors that I know the Senator from Ohio has worked on very assiduously.

Further, when you are talking about pressure on the families, of Navy personnel, we are talking about the pressure of the families of those who are on surface ships that are in increasingly short supply. They are away from their families and they are going to have difficulty holding on to those individuals as trained individuals. It is a pretty close trade, Mr. President.

I believe that we have to be more imaginative in the retention of pilots. But I think, quite frankly, we have made progress. Effectively, what we are talking about is holding the ground at the present time.

Finally, on the question about commitment in the Indian Ocean, because this commitment is furtherest from the United States it is the most difficult to sustain, requiring nearly four carriers to maintain a year-round deployment. But other commitments are not as strenuous. For example, with a carrier based in Japan, it takes less than three to maintain a deployment.

In the Mediterranean, there is also a ratio of less than 3 to 1 to maintain a forward deployment. We find other parts where the aircraft carriers have a shorter time on the station. I think that the point that is made is that the average of 3 to 1 for carriers to forward deployments is sound. It has not been altered. It has not changed. We are maintaining that with our amendment. I hope that we would be successful.

Mr. DIXON. Mr. President, with the cooperation of the distinguished Senator from Massachusetts, I ask unanimous consent that the distinguished Senator's amendment be temporarily set aside so that we can go to two amendments, one agreed to by the distinguished Senator from Texas, and the other one that will be contentious and require a rollcall. May I have that unanimous consent?

Mr. BYRD. Reserving the right to object, what is the contentious amendment?

Mr. DIXON. May I say to the distinguished majority leader that the amendment that would be in dispute is one offered by the Senator from Texas requiring purchases of coal.

Mr. BYRD. Mr. President, I would object to laying aside the amendment for that amendment.

Mr. DIXON. Then may I have unanimous consent to set aside the amendment of the Senator from Massachusetts to take up an agreed-to-amendment by the distinguished Senator from Texas that has been agreed to on both sides regarding Presidential certification of Saudi missiles?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Texas.

AMENDMENT NO. 2050

(Purpose: To prohibit arms sales to Saudi Arabia or any other nation that has procured CSS-2 Chinese-made missiles unless the President certifies that such nation does not have chemical, biological, or nuclear warheads for its CSS-2 missiles)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. LEVIN and Mr. NUNN, proposes an amendment numbered 2050.

On page 171, between lines 2 and 3, insert the following new section:

SEC. _____. RESTRICTION ON SALE OF ARMS TO SAUDI ARABIA AND CERTAIN OTHER NATIONS

Notwithstanding any other provision of law, no sale of arms may be made by the United States to Saudi Arabia or to any other nation in the Middle East which has procured CSS-2 Chinese-made missiles unless the President has first certified to Congress that Saudi Arabia or such other nation, as the case may be, does not have chemical, biological, or nuclear warheads for such missiles. A separate certification is required in the case of each proposed sale of arms and may not be made more than 90 days before the proposed sale is to be concluded.

Mr. GRAMM. Mr. President, I submit this amendment on behalf of myself, Senator LEVIN and Senator NUNN.

Mr. President, the purchase by the Saudis of the CSS-2 Chinese missile, or East Wind missile, which is a surface-to-surface missile with a 1,600 mile range, is a destablizing factor in the Middle East. I think it is imperative that we recognize that it is destabilizing; that we recognize that this is not something which will promote stability in the Middle East; and that, finally, we make it clear that, since this missile is capable of carrying chemical, biological, and nuclear warheads, we want a certification that the Saudis do not have such capacity, that they are not intent on getting such capacity, and that any time we are debating an arms sale to Saudi Arabia or any other country in the Middle East that has acquired this missile, we want certification that they do not have the capacity to put chemical, biological or nuclear warheads on their East Wind missiles.

Mr. President, let me also make it clear that while the Saudis continue to state that their objective in acquiring this missile, a missile that was acquired without our knowledge, is to protect themselves from the Iranians, I want to draw the attention of my colleagues to a menacing editorial cartoon which appeared in the Saudi newspaper Al Jaziraj.

This is a newspaper that is at least influenced, if not controlled, by the Saudi Government. It has a cartoon that depicits an East Wind missile. From this missile an easterly wind is flowing over a menorah which has the Star of David on it.

I think it is important that we note that while the Saudis talk about Iran, the newspapers that they influence, if not control, draw such cartoons. I think it is imperative that the Saudis understand that if such an East Wind ever blows, it will reap a hurricane, not only from Israel, but from the United States.

So I think this is an important amendment. I am delighted that it is supported on both sides of the aisle. I think it sends a very clear signal.

Obviously, if we are going to have stability in the Middle East we cannot have more missiles that are chemical, biological, or nuclear capable.

I would like to note also that the Saudis did sign the chemical and biological accords of 1971, committing not to proliferate in this area. All this amendment does, in terms of those two important and dangerous weapons, is to commit them through proctoring by the United States, to an agreement they have already reached; and, in addition, includes nuclear weapons.

So I thank my colleagues for accepting the amendment.

Mr. LEVIN. Mr. President, this is a simple but important proposal. I know that the Members of this body were as shocked as I was when we learned that the Government of Saudi Arabia had secretly procured CSS-2 ballistic missiles from China. I joined with a majority of my colleagues in sending a letter to the Secretary of State protesting this introduction of a major offensive weapons system into the Middle East and urging that any United States plans to sell weapons to the Saudis be reexamined in light of this development.

In the wake of this very disturbing event, the Saudis pledged that they would not acquire nuclear or CBW warheads for these missiles. This amendment would simply require the Secretary of State to certify to the Congress before proposing any future arms sales to the Saudis or any other country in the Middle East which acquires this type of missile that they have not been equipped with nuclear or CBW warheads. The amendment does not remove any of the other reporting or approval requirements for foreign military sales, and it is not meant to imply that the Congress approves of the deployment of this type of missile system in the region. I continue to believe that the acquisition of these missiles was a dangerous and destabilizing move by the Saudis. I hope they can be persuaded to pursue their security objectives in less threatening ways in the future.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, in his usual careful manner the Senator has addressed a very serious problem. The destabilizing nature of the Saudi missiles would be greatly magnified if they were equipped with chemical, biological or radiological weapons, and the United States should exert maximum pressure on Saudia Arabia to prevent such a development.

This side is pleased to support the distinguished Senator from Texas and the distinguished Senator from Michigan in this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Texas, Senator GRAMM.

The amendment (No. 2050) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent that the time for the quorum call not be charged against either side with respect to this matter.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent that the consideration of the amendment of the distinguished Senator from Massachusetts on aircraft carriers be temporarily set aside so that the distinguished Senator from Wyoming may offer an amendment pertaining to accidental launch protection system.

I ask unanimous consent, that there be a time constraint of 40 minutes, evenly divided.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object on this for one moment, if I could, I was chairing a hearing and came over to speak on the Kennedy amendment.

I wonder if I might have 5 minutes on that amendment. But if that messes up the schedule——

Mr. WALLOP. Mr. President, reserving the right to object, and I have no objection to letting the Senator from Michigan proceed for his 5 minutes, but I do say to the Senator that our side on that needs a half an hour.

If you want less time than that on your side, that is all right, and I have no objection.

I will do everything I can to do it shorter than that, but there are others who wish to speak on it.

Mr. DIXON. If the Senator would agree to 45 minutes, I think 15 minutes on this side would be adequate and the Senator, we will see, gets his 30 minutes.

Will the Senator agree to that?

Mr. WALLOP. That is fine.

Mr. DIXON. Will the Senator agree to the 5 minutes given to the Senator from Michigan?

Mr. WALLOP. That is correct.

Mr. DIXON. So the unanimous consent request is the Senator from Michigan be heard for 5 minutes. I believe he is a proponent of the amendment by the distinguished Senator from Massachusetts. Then we go to the Senator from Wyoming for 45 minutes to be divided with no amendments to be offered to the amendment but a motion to table may be offered.

Mr. WALLOP. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Michigan.

AMENDMENT NO. 2049

Mr. LEVIN. I thank the Chair and my friend.

Mr. President, this amendment would address some serious imbalances in the Navy. It is an imbalance which was created when we decided to accelerate by 5 years the procurement of two aircraft carriers, but cut out 30 percent of the combat aircraft for the Navy in the 5-year plan. That is a serious imbalance which is leaving the Navy short 150 to 200 combat aircraft.

As a result of that shortage, the Navy has been forced to disestablish the 14th carrier air wing this spring. They now have or are going to have one less active carrier wing than they should have.

There is another problem, too, and that is even with the disestablishment of that air wing, there is still going to be a shortfall of the 150 combat aircraft in the Navy.

In addition to the shortfall of aircraft, we also have an aging in the Navy aircraft fleet. That fleet is older than it should be and is going to get older yet.

Let me just share with our colleagues these figures: The average age of combat aircraft in the Navy today is 10.3 years. The desired average age for the fleet is 7½ years. So the Navy is already operating combat aircraft that are nearly 40 percent older than the desired age goal. This is going to get worse unless we take some action, because it is going to reach an average of 10.7 years by the end of the 5-year plan.

There is another problem. In addition to the fact we are short of aircraft in the Navy with the number of aircraft carriers which we are now planning, in addition to the fact our aircraft are far older than what is desirable, there is shortfall of spare parts for aircraft in the Navy. The Navy needs, according to its own numbers, $1.5 billion in spare parts for aircraft for 1989, and yet because of the number of aircraft carriers, the request is not what it should be. It is only for $1.2 billion. In other words, $300 million less for aircraft spare parts than we need.

So we are going to have older aircraft than is desirable, fewer aircraft than is desirable, and we are not going to buy sufficient aircraft spare parts to maintain the aircraft that we have.

The bottom line is we are going to have whatever number of ships there are, be it 575 or 600, but it is not going to be ships with the proper number of planes, planes with spare parts, with planes that are of the correct age. They are going to be planes that are too old, too few, and without the spare parts to fly.

That may work in peacetime. Mr. President, we may be able to do this in peacetime by having fewer aircraft on our decks, transferring aircrafts from the ships entering port to those ready to depart and having fewer aircraft in training squadrons, but this shortfall cannot be covered if a war begins.

The Kennedy amendment helps address this imbalance. By having one fewer aircraft carrier, by taking the older one and retiring it early, we are going to have a truer balanced, solid Navy rather than a hollower Navy with more ships but without the means for those ships, without the spare parts for those planes and with planes that are too old to properly and safely carry out the mission.

I hope we will adopt this amendment. It will lead to a stronger Navy.

I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor. The Senator from Wyoming is recognized for the purpose of offering an amendment.

AMENDMENT NO. 2051

(Purpose: To provide funds for an accidental launch protection system)

Mr. WALLOP. Mr. President, on behalf of myself, Senators Dole, Bond, Armstrong, Hatch, McClure, Quayle, Thurmond, Wilson, and McCain, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. Wallop] for himself, Mr. Dole, Mr. Bond, Mr. Armstrong, Mr. Hatch, Mr. McClure, Mr. Quayle, Mr. Thurmond, Mr. Wilson, Mr. McCain, Mr. Symms, and Mr. Danforth, proposes an amendment numbered 2051.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, between lines 2 and 3, insert the following new section:

SEC. 220. ACCIDENTAL LAUNCH PROTECTION SYSTEM.

(a) Findings.—The Congress makes the following findings:

(1) The Strategic Defense Initiative (SDI) has made substantial progress in developing the technologies to defend the United States from a ballistic missile attack. Advances in interceptor technology, sensors, and command, control, and communications have been achieved and six key components of the SDI program have recently been combined to form the basic architecture for a Phase I deployment of a system to defend the United States against a ballistic missile attack.

(2) As a result of additional development and analytical study of ground-based midcourse and low-atmosphere interceptors and their appropriate sensors, a decision can be made with confidence to deploy an accidental launch protection system (ALPS) as an initial step in a phased deployment of a comprehensive SDI system.

(3) Available evidence indicates that the technology for defending the United States against an accidental or unauthorized launch of ballistic missiles can be effectively deployed by 1995.

(4) The deployment of an accidental launch protection system would be a basic defense insurance policy which would be in the national interest for the following reasons:

(A) The deployment of such a system would provide the United States with an operational system that would yield substantial knowledge and actual experience in moving to a greater reliance on defense for deterrence and security.

(B) As the United States continues to negotiate major reductions in nuclear forces, a commitment to the deployment of such a system would provide the technology and production base needed to help safeguard against noncompliance by the Soviet Union in the event of an agreement for such reductions.

(C) The deployment of such a system would close the advantage currently held by the Soviet Union in deployed antiballistic missile capabilities, would reduce the threat of a total strategic defense breakout by the Soviet Union, and would provide the United States with a warm technological and production base with which to support a later decision to deploy a more comprehensive strategic defense of the United States.

(D) Such a deployment could initially be limited to 100 ground-based interceptors at Grand Forks, North Dakota, which would be consistent with the 1972 Anti-Ballistic Missile Treaty (even though such treaty has been violated by the Soviet Union).

(5) Options for more comprehensive deployment of an accidental launch protection system integrated into a step-by-step strategic defense initiative system (including space-based elements) should be studied by the Department of Defense and, if appropriate, discussed with the Soviet Union.

(b) ALPS Program.—(1) Of the amounts authorized pursuant to section 221, subsection (b), paragraphs 1-5, $100,000,000 shall be available only for the purpose of deploying an accidental launch protection system (ALPS).

(2) The accidental launch protection system developed pursuant to this section shall provide for at least a two-layer defense and may include the following:

(A) the Exoatmospheric Re-entry Intercept System (ERIS) interceptor and the High Endoatmospheric Defense Interceptor (HEDI).

(B) A ground-based radar.

(C) A ground-based tracking system.

(3) In developing an accidental launch protection system, the Secretary of Defense shall give special consideration to initial deployments that take advantage of existing ABM investments. The Secretary shall design such system so as to take advantage of existing ABM investments, including those at Grand Forks, North Dakota. The Secretary shall plan for a deployment site in the National Capital Area.

(4) For fiscal years after fiscal year 1989, the Secretary of Defense shall budget funds for deployment of the ALPS system as an integral component of a comprehensive, layered Strategic Defense System. The Secretary of Defense shall give such a comprehensive Strategic Defense System the highest research and development priority in order to ensure that the more advanced technologies for deployment of a comprehensive system are available in the mid- to late-1990s.

(5) Not later than 120 days after the date of enactment of this Act, the Secretary of

> Defense shall submit to Congress a plan for the accelerated deployment of an accidental launch protection system as an important and integral step toward a comprehensive, layered strategic defense system, including space-based elements.

Mr. WALLOP. Mr. President, the sole purpose of the amendment I have just sent to the desk is to begin protecting the United States from the greatest military threat in its 200-year history: Soviet ballistic missiles.

Last January, Senator SAM NUNN, chairman of the Armed Services Committee, gave a speech before the Arms Control Association after receiving their William C. Foster Award for Distinguished Service. In that speech, he was highly critical of the Reagan administration's management of the SDI program. He stated then that there is still time to make SDI stand for "sensible defense initiative."

As the Senator from Georgia knows, I have been one of the strongest supporters of President Reagan's program, but also one of its most vocal Republican critics. I charged, in essence, for the first 3 years of the SDI Program what the Senator from Georgia has so recently concluded: "That the SDI program as it was configured would not produce real weapons that defend anything, whether people, U.S. strategic forces, or both."

As it was configured, the SDI Program would only produce more research contracts, and even those in dwindling numbers as Congress lost its taste for a research and development program going nowhere. We have seen that in both Houses for 3 years.

The SDI Program changed, however, in 1986, and was reoriented by the Pentagon, partly under the guidance of the Senate Armed Services Committee, toward the more realistic goal of defeating the objectives of a possible Soviet attack on our Nation, and thereby strengthening deterrence.

I believe this sea change represented a very positive step toward creating the sensible defense initiative the Senator from Georgia has sought. Still, if his speech before the ACA is any evidence, he was not pleased with this change.

It was during that speech that the Senator from Georgia came up with the idea that underlies the effect of this amendment.

If I may quote from his speech at length:

> I can envision certain defensive deployments which could be in the interest of both our nation and the Soviet Union. If carefully redirected, our research efforts could produce options for limited deployments to deal with the frightening possibility of an accidental or unauthorized missile launch. Such defensive deployments might be possible within the terms of the ABM Treaty or, at most, require modest amendment.

It was with some trepidation that I formally embraced this offer of the Senator from Georgia to work toward the realization of what he termed, ALPS, or accidental launch protection system. I was concerned, as were a number of my colleagues, that this might be a trojan horse with which to kill the SDI Program.

Yet I decided that it was more important—more important for the country and more important for the people we represent—to try to forge some bipartisan consensus on defense, and therefore to pursue the course first suggested by Senator NUNN.

On January 26, I wrote him a letter asking if we might join together in a bipartisan fashion to work toward the implementation of his idea.

I regret that I never received a response from the Senator from Georgia.

Since that time the Strategic Subcommittee of the Senate Armed Services Committee held hearings on the feasibility of an ALPS system. I note that he was not present at those hearings, but I am certain that his staff briefed him on the presentations of both the Lockheed and McDonnell-Douglas:

Without a doubt, in their technical judgment, it would be possible with a decision made in this fiscal year, to have an accidental launch protection system in place by the year 1995. These are the technical judgments of companies that have been involved in ABM research, development, and deployment for over 30 years.

I will include for the RECORD the presentation of McDonnell-Douglas which outlines a program for a treaty-limited initial deployment at around $8 billion.

Mr. President, what we do not need, however—and the purpose of this amendment is to avoid—is another sense of the Senate saying how much we like SDI. We do not need another study to tell us if we can do something we already know we can do.

We need a commitment to action from the administration and most especially from the Congress; and around here that means dollars.

In any case, the amount of funding in this amendment is $100 million, just barely enough to begin planning for deployments at Grand Forks and to begin the refurbishment of the missile silos and related equipment there.

The money can be usefully used to set up production lines for booster systems that we know how to do today. We can begin establishing production facilities for the seekers that will be placed on these boosters that we know how to build today. If someone has a quarrel that it is not enough, clearly I would accept an amendment to make it a greater funding level.

Mr. President, what would an Accidental Launch Protection System do? Its first and primary objective would be the protection of the population of the United States from accidental or unauthorized launches. An initial deployment at Grand Forks, for instance, could protect the United States from an accidental launch of the most powerful Soviet ICBM, the SS-18.

While it would not be capable of stopping all Soviets missiles—such as the submarine launched missiles—these could be handled by future deployments, such as around the National Capital area or on the coasts of the United States.

What else will an initial deployment accomplish? For one, it will give the United States its first warm ABM production line since the early 1970's.

All through the post-ABM Treaty era the Soviet Union has continued to improve and deploy newer and better ABM interceptors in its system around Moscow. This will give the United States the ability to surge deploy ABM's in the midst of a crisis or Soviet ABM breakout. It may also give the Soviet Union some pause in making a decision to totally breakout of the treaty themselves.

As the Joint Chiefs of Staff have told the President on numerous occasions, the Soviet Union is in a better position to break out of the ABM Treaty than we are because of their deployed capability and warm production lines. While this argument may have some merit, it is also true that unless we do at least what is allowed under the ABM Treaty—although the Soviets have done much more—we will never be in a relatively advantageous position to commit to the deployment of a comprehensive system.

A deployment at Grand Forks, or any other place the Secretary of Defense decides would be prudent, would also give us operational experience with ABM systems. This is a clear advantage the Soviet Union holds over us now.

Not only do they have dedicated troops of the PVO Strany for ABM defense, but their entire air defense network and radar base give them operational experience in dealing with all manner of aerial threats. We need that experience.

A deployment commitment from this Senate would also give strategic defenses a boost within the military.

There is no and has never been a constituency for strategic defense within the military establishment. That is primarily because there have never been any operational users around which a constituency could coalesce. An initial deployment would begin to put SDI on an even budgetary footing inside the Pentagon bureaucracy.

A deployment would give an impetus to the negotiation of real and stabilizing reductions in United States and Soviet strategic nuclear forces. Indeed, on the eve of the President's trip to Moscow, nothing could give him more bargaining leverage than a commitment from this Senate to an initial ABM deployment. The Senator from Georgia rightly pointed out in his ACA speech:

> * * * such a system would not combine with offensive forces, either with or without a START trenty, to pose a first strike threat. It could be designed so that it would not be destabilizing or prompt the Soviet Union to avoid or abrogate START.

Finally, Mr. President, the deployment of such a system would help close the advantage currently held by the Soviet Union in deployed ABM capabilities while remaining consistent with the objective of deploying, at some future date, more comprehensive defenses against Soviet ballistic missiles.

Mr. President, the choice here is a simple one. Do we or do we not step up to our responsibility to the American people to provide for them the best defense our scarce defense dollars can buy? Or do we hide in the sand and tell them that we have not yet figured out how to defend them perfectly, so we need not defend them partially? We can deploy an accidental launch system by the middle of the next decade; with a major commitment we could do it even sooner. The question is no longer one of feasibility but of politics? I hope my colleagues will support this effort as a first, bipartisan step toward a defended America.

Mr. President, I ask unanimous consent that my letter to the Senator from Georgia, his speech before the Arms Control Association, the presentation of the McDonnell-Douglas Corp., before the Armed Services Committee and a letter to President Reagan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 26, 1988.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SAM: I was intrigued by your speech before the Arms Control Association in which you called for the development of an Accidental Launch Protection System [ALPS] for protection against this kind of attack. I completely agree that this is a strategic defense mission area that needs to and can be filled. While I am sure you know we disagree on where the SDI program in general ought to be headed, I think it is important for the security of the nation that we set those particular differences aside and work together to see this idea through. I believe there is the potential for genuine bipartisan support.

I propose that we jointly sponsor legislation that would bring this system into existence in a timely manner. Clearly the technology to deploy such a system in the next few years exists. I am sure that you or your staff are familiar with the Lockheed proposal to deploy ERIS FTV in 4 years from a go date. While I would not want prematurely to limit deployment options, I believe that the sooner this can be accomplished the better. Another obvious candidate for deployment is the HEDI missile for perhaps a mix of both.

Legislation designed to implement an ALPS in a timely manner would have to cut through the red tape and obfuscation that you so rightly point to in the administration's SDI approach. Such legislation might include:

1. A requirement that the Secretary of Defense submit a plan for the reactivation of Grand Forks as a site for the ALPS system;
2. A requirement that the Secretary of Defense place an order for the interceptors missiles and make the requisite upgrades to U.S. radars and early warning systems.
3. The assignment of the mission for the ALPS to an existing command or the creation of a new one dedicated to strategic defense.

We might begin by writing a letter to the Secretary of Defense asking him to report within 60 days on how he thinks such a system should be configured.

I look forward to hearing from you about this proposal and hope that we can work together in a bipartisan spirit toward achieving the deployment of an accidental launch system.

Sincerely,

MALCOLM WALLOP,
U.S. Senator.

ARMS CONTROL IN THE LAST YEAR OF THE REAGAN ADMINISTRATION

(Senator Sam Nunn)

Thank you Ambassador Smith. Ladies and gentlemen, I am greatly honored to receive the "William C. Foster Award" from your prestigious association.

You are very kind to recognize my activities last year related to the interpretation of the ABM Treaty and the role of the Senate in the ratification process. There are, however, several other individuals whose tireless efforts were essential to our success in this undertaking. Ambassador Smith, you would be at the top of the list, accompanied by senior members of your SALT I Delegation, including Ray Garthoff, John Rhinelander, Sid Graybeal, Royal Allison, and Harold Brown. I also believe that several of my colleagues in the Congress deserve a large portion of this award. In particular, I want to pay tribute to Carl Levin, Bill Cohen, Les Aspin and Joe Biden, whose roles were crucial in the final outcome of this arms control and constitutional debate.

As the Reagan Administration begins its last year in office, the United States stands at a crossroads. Rarely in the post-war era has the dividing line between historic breakthrough and missed opportunity been so finely drawn. Rarely has such a window of opportunity been presented for accomplishing historic improvements in the superpower relationship. Accomplishments that seemed beyond reach during the Administration's first term no longer seem so far-fetched.

Indeed, it is conceivable that during 1988, the Senate could have five major arms control agreements placed on its calendar. In addition to the INF Treaty, the Senate could, prior to adjournment next fall, be presented with a START treaty, a new accord on strategic defenses, and new protocols on verification of nuclear testing which could clear the way for ratification of the long-pending Threshold Test Ban and Peaceful Nuclear Explosions Treaties.

Should these extraordinary events come to pass, you might well find yourself—much to your own amazement—presenting the next "William C. Foster Award" to Ronald Reagan. I hasten to add, however, that the odds that such a new dawn could break during the last year of the Reagan Administration are no more than 50/50.

Whether 1988 is the occasion for such dramatic arms control agreements will depend, of course, on unprecedented Soviet cooperation. Under Gorbachev, the Soviets have voiced an apparent willingness to embrace arms control concepts which just a few years ago would have seemed unattainable. These include disproportionate Soviet reductions, on-site inspection, cooperative measures for enhancing national technical means of verification, detailed data exchanges, high-level military meetings, discussions on doctrine and force postures, and important nuclear risk reduction measures. A word of caution is in order:

It is too soon to determine how many of these concepts can be translated into reality. The West must predicate its positions on Soviet deeds, not words. In areas such as conventional arms control, we must put Soviet rhetoric to the test with bold and innovative proposals of our own. The Soviet Union's disregard of fundamental human rights and unresolved violations of existing arms control agreements, especially the Krasnoyarsk radar, will continue as large impediments. There is no greater obstacle to improved U.S./Soviet relations than the Soviet Union's continued occupation of Afghanistan.

Nevertheless, the advent of Gorbachev, glasnost and perestroika have undeniably improved the overall climate for the conduct of superpower relations. Whether this opportunity will be realized will in large measure depend on whether the Reagan Administration takes what I will call this evening a "cold shower of reality." I believe the Administration must recognize, and act decisively upon, several realities that define the parameters of the current strategic environment.

REALITY ONE: CONGRESS IS NOT PERSUADED BY THE ADMINISTRATION'S ABM REINTERPRETATION

Reflecting on the acrimonious journey of the Levin-Nunn provisions from a committee amendment to enacted law, it is clear that the Administration has failed to make a persuasive case for reinterpreting the ABM Treaty. The ABM battle of 1987, in which your association played such an important role, demonstrated that at this time the Administration does not enjoy majority support in either the House or the Senate for the United States to breach the ABM Treaty as it was approved by the Senate.

Last year's vote on Levin-Nunn was not, however, an explicit referendum on the "broad vs. narrow" interpretation that settled this question for all time. What last year's Levin-Nunn battle does suggest is that the Administration reluctantly recognied that the Congress does have the Constitutional power of the purse and that its explicit approval must be secured before funds could be spent inconsistent with the ABM Treaty as presented to the Senate in 1972.

To me, this debate went far beyond the arcane world of Article V, Agreed Statement "D", and such phrases as other physical principles and tested in an ABM mode. We must never forget that ABM Treaty, like all treaties, is the supreme law of the land under our Constitution.

If we decide the ABM Treaty jeopardizes our national interest, then the honorable course is to serve notice under the terms of the Treaty and withdraw. When we are confronted with Soviet violations of the Treaty, we are entitled to take proportionate responses if the Soviets fail to correct their non-compliance.

Let me emphasize, however, that manipulating and distorting the law of the land is simply not acceptable. If we are going to have a safer and saner world, the United States must stand for the rule of law. It is not out-moded for America to keep our word of honor—even in dealing with the Soviet Union.

REALITY TWO: OUR GENEVA ARMS CONTROL POSTURE AND OUR ICBM MODERNIZATION POLICIES ARE NOT IN SYNCH

Clearly, our goal should be a START agreement with sub-limits which, when combined with sensible U.S. strategic force developments, would significantly reduce Soviet first strike incentives. Such an agreement would be in the mutual interests of both sides, since both nations are under growing pressure to allocate less of their GNP to defense and each is nervous about the growing counterforce capability of the other side.

If, however, our ICBMs are to be based only in vulnerable, fixed silos—or deployed in basing modes that require strategic warning—then I believe the degree of stability afforded under our own START proposal would be in serious question. I was pleased to note that on the eve of the Washington summit, Secretary Shultz emphasized the importance of mobile missiles to survivability. He declared that we are prepared to allow mobile ICBMs under START if the Soviets will help us draw up effective verification provisions.

It would be a supreme irony, however, if the United States and the Soviet Union resolved their differences over START, worked out an effective mobile ICBM verification regime, and produced an historic and potentially stabilizing treaty—only to discover that both the Midgetman and the Rail Mobile MX had been killed in an act of domestic political fratricide. If the administration terminates the Midgetman program, then I think there is a good chance that the House of Representatives will kill the Rail Mobile MX program. If we have no survivable mobile ICBMs to deploy under the START ceilings, then our options for taking advantage of the opportunities for stability afforded by this prospective treaty are greatly reduced. A more stabilizing nuclear environment requires not only a sound arms control regime, it requires our Nation to make sensible strategic deployments.

REALITY THREE: START CANNOT BE CONSIDERED IN ISOLATION

The Reagan Administration must recognize that START and SDI are in completely different time frames. The opportunity to achieve historic reductions in offensive forces is now. Realistic deployment options for SDI systems which could satisfy the Nitze criteria—or even scientifically necessary testing that would require breaching the ABM Treaty—remain years in the future. In addition, the number of Soviet warheads which would remain after all the START reductions were accomplished would still be more than double the number it had deployed at the time the ABM Treaty was signed.

For these reasons, we logically should be able to implement deep cuts in each side's strategic offensive forces while relying on the ABM Treaty to provide predictability as to defensive developments. Unfortunately, the logic of the Administration's approach to SDI is in question.

The current political reality is that some in this Administration have been ardently searching for near-term SDI tests in space that could only be conducted under the broad interpretation and which, if conducted, could trigger a Soviet reaction which could destroy the ABM Treaty. In my view, the motivation for such tests had been driven by ideology, not by scientific judgments.

As long as this attitude prevails then it is impossible to be relaxed about the possibility of a START agreement which is tied to an ABM Treaty whose application to advanced defensive technologies has not been clarified.

In some respects, this could represent the worst case for the United States. The Soviet Union would be relatively free by the Administration's definition to pursue its defensive testing program while in the United States each proposed test would become subject to a raging controversy as to whether it violated the ABM Treaty and whether it would result in termination by the Soviet Union offensive reductions under START.

I could not be comfortable with an outcome that resulted in the United States eliminating half its strategic deterrent while deep concerns remain as to whether the Administration's policy on SDI may lead to the removal of all restraints on Soviet strategic defenses, an area in which they have current operational experience and near-term technical advantages. I was encouraged by Secretary Shultz's statement during a November TV interview:

> Predictability and stability . . . is just as important for us as it is for them, because probably right at the moment their ability to field what we think of as an inferior form of strategic defense is greater than ours. So we don't want to reduce our offensive system unless we have some notions of stability, just as they don't.

REALITY FOUR: A SOUND SDI POLICY CANNOT BE BASED ON SIMPLISTIC AND MISLEADING SLOGANS

In the five years since SDI was launched, the Reagan Administration has consistently substituted slogans for objective and technically sound explanations. Too often, SDI has been treated as a theology rather than a scientific research program. Reasonable questions have been met by the political and strategic equivalent of the locker room battle cry, you gotta believe.

President Reagan's latest applause line on SDI—"we will research it, we will test it, and when it's ready, we will deploy it"—raises several SDI questions. First question: what is the "IT" we will research, test and deploy? Is "IT" the President's vision of "a shield that could protect us from nuclear missiles just as a roof protects a family from rain"? Or is "IT" the Joint Chief's goal of a defensive system designed to destroy 50 percent of the Soviet SS-18 force should they launch an all-out first-strike on our land-based systems. Is "IT" intended to replace deterrence, or enhance it?

Second question: assuming the Administration could agree on what "IT" is, when can we reasonably expect to arrive at the point at which we could make a well-informed decision to deploy "IT"? A year ago, some SDI advocates were insisting that we already knew enough to commit to deployment. This prompted the Chairman of the Joint Chiefs, Admiral Crowe, to complain at a January, 1987 hearing that, "I hear so much said and written about it, as if it is out there in the parking lot, and we just do not know where to put it." Admiral Crowe went on to say, "we have not answered all the research questions yet, as a technical proposition, what the cost of them will be, or whether they can be translated into a weapons system."

Third question: how much would "IT" realistically cost? Is the cost in the range of $40-60 billion as estimated by General Abrahamson last spring? Or is it the $100 billion estimated by the Marshall Institute and now supported by General Abrahamson? Or is this projection too low by 300-400 percent, as estimated by highly reputable research organizations?

The wide gap in these cost projections reflects radically different assessments of the Soviet Union's capacity and willingness to respond to a U.S. SDI deployment by proliferating decoys, switching to faster-burn boosters, and improving its ASAT weapons. Ironically, many of those who have traditionally faulted the U.S. Government for underestimating the pace and scope of Soviet strategic nuclear developments are now implicitly arguing that the Soviet response to SDI deployments would be modest and limited. Some fervent SDI cheerleaders, in their effort to sell early deployment, are trying to convince us that we are in a contest with the Little Sisters of Mercy, rather than the Evil Empire.

Fourth SDI question: what are the implications for U.S. military capabilities across the board if, as part of its effort to sell SDI, the Administration grossly underestimates its true costs? Are we prepared to pursue SDI deployments even if it means we have to seriously erode our present conventional defense capability in a post-INF NATO environment?

Fifth SDI question: how do you decide whether "IT warrants deployment? The so-called Nitze criteria of technical feasibility, survivability and cost-effectiveness at the margin have been endorsed by the President and written into law by the Congress. Most objective and independent analysts agree that a phase-one system based primarily on space-based kinetic-kill vehicles could not satisfy the Nitze criteria. Is the Administration willing to confront the reality that SDI will likely have to go through another generation of development, focusing on directed energy systems, before highly effective defense deployment options become technically feasible?

Final SDI questions: if and when credible SDI deployment options are available, how do we conduct a mutual transition toward a defense-dominant regime in a manner that increases crisis stability? What are the implications for NATO's flexible response strategy if both superpowers are capable of highly effective ballistic missile defenses? How vulnerable would such defenses be to technological breakthroughs by the other side? Would high-performance defenses on both sides give each side an incentive to use their limited penetration capability for the most lucrative targets? Ironically, some analysts have concluded that if both sides have highly-effective defenses it could move us in circular fashion back to explicitly targeting population centers.

Suffice it to say, these are serious questions about SDI which will have to be answered by serious thinkers.

Despite the record of the last five years, I believe it is still possible to bring a coherent national policy out of the stew of politics, physics and metaphysics in which SDI is now deeply immersed. There is still time to make SDI stand for "Sensible Defense Initiative". This will not be easy. Above all, we need to agree that neither offensive nor defensive weapons are inherently more moral than the other. What is moral is that which works to preserve peace and human freedom.

REALITY FIVE: SDI MUST BE PLACED IN A BROADER CONTEXT OF NATIONAL PRIORITIES AND NATIONAL VULNERABILITIES

As we continue research and development on longer-term comprehensive defense options, we must bear in mind that this goal is not a Holy Grail in and of itself. It is fundamentally wrong to believe that only SDI is designed to protect the U.S. population. Every dollar of our military expenditures must be weighed as to its contribution to the protection of our population and that of our allies.

If one looks to our inadequate conventional forces, our vulnerable command and control facilities, our virtually non-existent strategic air defenses, and the fragile infrastructure of our civilian society, one can find a number of vulnerabilities far easier and safer for the Soviets to exploit than an attack by Soviet ICBMs. The Soviets are able chess players, and good chess players rarely gamble their queen when they can wreak havoc with a pawn.

We are increasingly a society of networks—electricity grids, water systems, oil and gas pipelines, telecommunications links—with highly vulnerable nodes to which we have given virtually no thought of protection, even against the simplest efforts to knock them out. One need look no further than Chernobyl, Bhopal and the recent oil spill in Pittsburgh to appreciate the reality of modern society's vulnerability to catastrophic disruption.

If we have a finite amount of money to spend and want to spend it in the wisest ways to protect ourselves, our children and our grandchildren, we must seriously assess whether devoting a very large share of it to deploy comprehensive defenses against ballistic missile attack is the most rational way to proceed.

As one witness before the Armed Services Committee noted wryly, "The Soviets could just put nuclear weapons inside bales of marijuana, since they know we can't prevent that from entering the country."

Or, as a top Soviet official said during the Washington Summit:

We won't copy you anymore, making planes to catch up with your planes, missiles to catch up with your missiles. We'll take asymmetrical means with new scientific principles available to us. Genetic engineering could be a hypothetical example. Things can be done for which neither side could find defenses or countermeasures, with very dangerous results. If you develop something in space, we could develop something on earth. These are not just words. I know what I'm saying.

My point is this: there is no rule of science that says ballistic missiles will remain the most severe threat to population destruction. There is no reason why our adversaries could not shift the rules of the game from physics to biology. There is no reason Third World countries and terrorist groups cannot participate in the biological warfare arena. The superpowers have a mutual interest in preventing this development. Our challenge is to identify areas of clear mutual interest between the superpowers to limit potential new threats of the 1990s.

The reality of our society's vulnerability to such threats does not, however, mean that there are no valid goals for defenses. An effective U.S. research program in strategic defense technologies is necessary both to assess their practical potential (including conventional applications) and as a hedge against a Soviet decision to break out of the ABM Treaty.

In addition, I can envision certain defensive deployments which could be in the interest of both our Nation and the Soviet Union. If carefully redirected, our research efforts could produce options for limited deployments to deal with the frightening possibility of an accidental or unauthorized missile launch. Such defensive deployments might be possible within the terms of the ABM Treaty or, at most, require a modest amendment. If properly designed, such a system would not combine with offensive forces, either with or without a START treaty, to pose a first-strike threat. It would be designed so that it would not be destablizing or prompt the Soviets to avoid or abrogate START.

In Washington, you cannot begin discussing an idea until it has been given an acronym. I might, therefore, suggest that we call this defensive system the "Accidental Launch Protection System"—or "ALPS". Such a limited defense would of course have to be proved both technically feasible and affordable. We would also have to carefully consider the extent to which the other elements of the Nitze criteria would apply.

I believe both superpowers might find common interest in taking out such an "insurance policy". This concept is a logical follow-on to the recent U.S./Soviet agreement on Nuclear Risk Reduction Centers and could be coupled with other imaginative steps to help reduce the risk of accidental or inadvertent nuclear war. For example, President Reagan and General Secretary Gorbachev could agree to make a simple but potentially very important pledge to conduct unilateral comprehensive reviews of each nation's fail-safe mechanisms guarding against accidental or unauthorized launches. This is an area in which I believe far too little attention has been devoted over the last several administrations.

RECOMMENDATIONS

If the Executive Branch is prepared to recognize and act upon these realities, then I believe certain policy prescriptions logically follow.

First, even under the best arms control regime we can now envision, stability will require both continued strategic force modernization and effective investments in research on defensive systems.

Second, we should continue development of both the Midgetman and the Rail Mobile MX ICBM systems until a rational choice can be made based on survivability, stability and cost effectiveness.

Third, we should withdraw our proposal in Geneva for a ban on all mobile ICBM's contingent on agreement on an effective verification regime.

Fourth, we should settle the dispute with the Soviets both over the duration of the ABM non-withdrawal period and on how advanced technologies will be treated during this period for purposes of complying with the Treaty. I believe the Administration should heed Ambassador Nitze's counsel and negotiate with the Soviets on a specific enumeration of what types of SDI devices can and cannot be tested in space during the non-withdrawal period.

Fifth, while maintaining an effective research program, we should set two separate but compatible goals for a redirected strategic defensive effort:

For the near term, we should seriously explore the development of a limited system for protecting against accidental and unauthorized launches. This should be coupled with a rigorous unilateral review by both sides of their respective fail-safe procedures and safeguards.

For the longer-term, our goal should be to pursue research on advanced defensive technologies, principally in the directed energy area, that offer the best prospects for a possible comprehensive defense. This should include much greater emphasis on battle management and system-wide command and control.

However, the United States should not commit any deployment of comprehensive ballistic missile defenses unless:

a. Technical feasibility issues are settled;

b. Cost/effectiveness at the margin appears attractive;

c. We have a reasonable assurance that highly effective deployments could be maintained in the face of plausible Soviet countermeasures;

d. The transition to such defenses would not undermine stability.

e. Economic and political support for the long haul is assured;

General Omar Bradley once said: "Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace, more about killing than we know about living. If we continue to develop our technology without wisdom or prudence our servant may prove to be our executioner." In my introduction, I made reference to General George Marshall. General Marshall said: "If man does find a solution to world peace, it will be the most revolutionary reversal of his record we have ever known." Our task remains clear but awesome. We must reverse the record of history.

NUNN SEEKS SHIELD FOR MISSILES FIRED IN ERROR

(By Michael R. Gordon)

WASHINGTON, January 19.—Senator Sam Nunn said today that the United States should consider developing a limited anti-missile defense system to protect American territory from accidental missile launchings by other nations.

Mr. Nunn, the influential chairman of the Senate Armed Services Committee, repeated his often-stated criticism of President Reagan's plan for a space-based shield against missiles. But in a surprise suggestion he urged that serious consideration be given to a limited defensive system, apparently one based on land.

"For the near term, we should seriously explore the development of a limited system for protecting against accidental and unauthorized missile launches," Mr. Nunn said in a speech to the Arms Control Association, a private group that has often criticized Administration policy.

He said the deployment of such a system might be possible under the terms of the 1972 antiballistic missile treaty, which sharply restricts the development and deployment of anti-missile defense systems. But he added that it could also require a "modest amendment" to the treaty.

Mr. Nunn did not say what sort of defensive system he had in mind. But he appeared to be referring to the possible development of ground-based interceptors. He said the United States would have to determine the technical feasibility of such a defensive system.

Senator Nunn, a conservative Democrat from Georgia, is an influential figure in the

Democratic thinking on military issues. His speech today caught some arms control experts by surprise.

President Reagan's proposal to test and develop a space-based anti-missile defense is confronting budgetary constraints, and the prospect for the stepped-up deployment of such a system in the early 1990's has faded.

Some critics of Mr. Reagan's program, formally the Strategic Defense Initiative but known as "Star Wars," said today they feared that Mr. Nunn's speech would reinvigorate the program as well as the debate over the need for such a defensive shield.

Most of the Democratic candidates for President have been strongly skeptical of the development of anti-missile systems, and none has urged that the United States seriously consider deploying a limited anti-missile system.

An aide to the Senator said Mr. Nunn had developed his position over the last few months. The aide said Mr. Nunn had concluded that an extensive space-based system was unfeasible in the near future, and that he wanted to take steps to reduce the accidental risk of nuclear war.

Many supporters of arms control have argued that limited anti-missile defenses are costly and could provide momentum for bigger ones.

EXTREMELY EXPENSIVE DEFENSE

"A limited defense would be extremely expensive for very limited capability," said Spurgeon M. Keeny Jr., head of the Arms Control Association. He said the deployment of such a defense "could easily be a slippery slope to a dangerous and counterproductive space race that Senator Nunn warns against."

The Reagan Administration and some conservative supporters of the "Star Wars" program have argued that a missile shield in space would provide some measure of protection against accidental missile launchings.

In his broad arms control address, Senator Nunn raised serious questions about proposals for an extensive space-based defense to protect the American population. He asserted that adversaries could attack with bombers and biological weapons.

He urged that "Star Wars" be "redirected" so that the United States would have "options for limited deployments to deal with the frightening possibility of an accidental or unauthorized missile launch."

OFFER TO SOVIET

Mr. Nunn said that such a system, which he called the Accidental Launch Protection System, need not be viewed by Moscow as a destabilizing development that would prompt it to avoid reductions in long-range arms.

"I believe both superpowers might find common interest in taking out such an 'insurance policy,'" Mr. Nunn said. His proposed defensive system, he said, could be a "logical follow-on" to the recent American-Soviet agreement to establish Nuclear Risk Reduction Centers to lower the risk of an accidental nuclear war.

In suggesting a system against accidental attack, Mr. Nunn, in effect repeated arguments that were used to justify work on anti-ballistic missile defenses in the 1960's. At the time, some proponents argued that a limited defensive system could deter any possible attack by China.

The ABM treaty, signed between the United States and the Soviet Union in 1972 and amended in 1973, allows each side to deploy 100 ground-based interceptors at a single site. The Soviet Union has deployed interceptors around Moscow. The United States briefly placed interceptors in North Dakota to defend missile fields there but abandoned them as ineffective.

Among other major points, Mr. Nunn urged the Reagan Administration to negotiate with Moscow over what testing is permitted by the ABM treaty. He suggested he might oppose the ratification of a future treaty reducing long-range arms if the United States and the Soviet Union did not clarify what restrictions apply to the Soviet and American anti-missile research programs.

[From the Washington Times, Jan. 20, 1988]

Nunn Calls for SDI Program To Steer Toward More Long-Term Technologies

(By Warren Strobe)

Sen. Sam Nunn called yesterday for radically redirecting the Strategic Defense Initiative anti-missile program toward more promising long-term technologies while considering deployment of a limited defense against accidentally launched nuclear missiles.

The current SDI program is "a stew of politics and metaphysics," Mr. Nunn said.

Pentagon plans to push a first-phase missile defense violate the administration's own criteria from such a system and are an unnecessary obstacle to superpower arms talks, he said.

"If carefully redirected, our research efforts could produce options for limited deployments to deal with the frightening possibility of an accidental or unauthorized missile launch," the Armed Services Committee chairman said in prepared remarks to the Arms Control Association, a private group often critical of President Reagan's arms policies.

Aides pegged the speech as a major pronouncement on armaments and arms control in the Reagan administration's final year.

Mr. Nunn said such a limited system, presumably consisting of ground-based missile interceptors, would largely comply with the 1972 anti-ballistic missile treaty and would not threaten the prospective U.S.-Soviet strategic arms treaty. The Soviets have said they would abandon any such treaty if America moves toward deployment of a full-blown missile defense.

"In Washington, you cannot begin discussing an idea until it has been given an acronym," the Georgia Democrat said. "I might, therefore, suggest that we call this defensive system the 'Accidental Launch Protection System'—or 'ALPS.'"

Aides to Mr. Nunn said that his call for studying a small-scale anti-missile system is new, but consistent with his promotion of nuclear exchange.

The senator said that current plans for a "star wars" system, hinging on space-based interceptors that smash into enemy missiles, should give way to longer-term research on lasers and other beam weapons that hold greater promise.

"The Reagan administration must recognize that START [strategic arms reduction talks] and SDI are in completely different time frames," Mr. Nunn said. "The opportunity to achieve historic reductions in offensive forces is now."

The Soviets have made any agreement with Washington to halve their land-, air- and sea-based strategic nuclear weapons contingent on curbing SDI.

Mr. Nunn endorsed proposals for an agreed list of missile defense devices that can be tested in space, a move bitterly opposed by conservatives. Before signing a START accord, he said, the superpowers should resolve their dispute over whether the ABM treaty's limits on such tests should be interpreted broadly or narrowly.

Otherwise, he said, the United States would reduce its nuclear deterrent at the same time the Soviets, if they took advantage of the United States' "broad" ABM interpretation, would be positioned to rapidly develop and deploy missile defenses.

He took a swipe at conservatives for downplaying possible Soviet responses to an American SDI deployment, saying, "Some fervent SDI cheerleaders, in their effort to sell early deployment, are trying to convince us that we are in a contest with the Little Sisters of Mercy, rather than the Evil Empire."

In Geneva, the United States should withdraw its proposed ban on mobile ICBMS while continuing development of the mobile MX and Midgetman missiles to ensure stability under a START treaty, Mr. Nunn said.

"As the Reagan administration begins its last year in office, the United States stands at a crossroads," Mr. Nunn said. "Rarely in the postwar era has the dividing line between breakthrough and missed opportunity been so finely drawn."

While the Soviet Union under Mikhail Gorbachev is showing welcome signs of change, "a word of caution is in order," he said. "It is too soon to determine how many of these concepts can be translated into reality. The West must predicate its positions on Soviet deeds, not words."

Statement of D. Dean Hofferth, Director, Program Manager, High Endoatmospheric Interceptor Program (HEDI)

Mr. Chairman and distinguished members of the committee, on behalf of the McDonnell Douglas Astronautics Company, I welcome this opportunity to contribute to your timely examination of the technical feasibility of the Accidental Launch Protection System (ALPS) as suggested by Senator Sam Nunn. I applaud the efforts of this distinguished subcommittee to explore the prospects of a near term defense against a few missiles that might be launched by accident. Such a defense would capitalize on the technology successes of the Strategic Defense Initiative research program. My remarks today will be based upon a study which we have done within McDonnell Douglas to understand how a cost effective ALPS might be architected. This study was initiated several months ago and we will be revising it as we continue further analysis. It is clear at this point, however, that there are benefits that can be derived from an ALPS deployment and it is those benefits that I will be talking about in more detail in the next few minutes.

VIEWGRAPH 1—ALPS MISSION

In order to develop an architecture for an ALPS deployment it is necessary that we first understand the mission for that deployment. Senator Nunn suggested in his speech on 19 January that such a system should safeguard against accidental and unauthorized ballistic missile launches into the United States. He further suggested that such a defensive deployment should be accomplished, to the best of our ability, in conformance with the terms of the 1972 Anti Ballistic Missile (ABM) treaty, or at most, require only modest amendments to that treaty. We can further state that such a system should strive for the capability to intercept all of the incoming reentry vehicles, i.e., it should be a low leakage system. And finally, it is important that we identify a system that draws upon our investment in ballistic missile defense research and development, which most certainly means utilization of elements of the Strategic Defense Initiative (SDI) program that are currently in development.

VIEWGRAPH 2—ALPS THREAT 1993

As a second step in developing a system concept for an ALPS deployment, we need to define the threat that this architecture must address. Since that threat is defined as accidental and unauthorized launches into the U.S., the question becomes, what is an accidental launch and how do we define an unauthorized launch? We have presumed, for our study, that an accidental launch is a single ICBM or SLBM booster launch. If you look at the worst case for such an accidental launch, we conclude that for the ICBM it is an SS-18 with its 10 or more reentry vehicles or the SS-N-18 launched from a ballistic missile submarine with its 7 reentry vehicles. We have further defined the unauthorized launch as a single flight of ICBMs or a boatload of SLBMs. The worst case for an unauthorized launch becomes a flight of SS-18 ICBMs with approximately 100 reentry vehicles. In the case of the SLBM, it is a boatload of missiles launced from the Typhoon class ballistic missile submarine which carries the SS-N-20 booster with as many as 200 or more reentry vehicles.

So, as we look at these definitions of accidental and unauthorized launches, we can begin to understand that a treaty-limited deployment of 100 interceptors at Grand Forks can handle the accidental launch case, however, complete defense of the United States cannot be achieved. With only these 100 interceptors we will be unable to defend against the more severe unauthorized launch. I will come back to this point as we proceed further through the presentation.

VIEWGRAPH 3—ATTACK CORRIDORS

This viewgraph portrays the approach corridors for the ICBMs launched from Russia. You are aware that the Russians have located their ICBM launch facilities across the breadth of their country. We have simply defined the approach corridors here as a set of triangles with their apex at the east and west ICBM launch points in their country. Additionally, you will notice that we have the apex of a third triangle located just above Norway and Sweden which is near the Typhoon submarine home ports or what are called bastion. And as you can see, SLBMs launched from this bastion will look very much like ICBMs coming over the pole. I believe that we must also include consideration for the ballistic missile submarines operating in the broad ocean area or in their patrol zones closer in to our east and west coasts. While current Soviet operating doctrine would seem to mitigate against consideration of SLBMs launched from these areas, it seems to me that we would leave ourselves unnecessarily vulnerable if we fail to consider them as we develop this ALPS architecture.

VIEWGRAPH 4—ALPS DEPLOYMENT AT GRAND FORKS

Having defined the mission and described the threat this mission must address, the architecture for a treaty-limited deployment at Grand Forks, we believe, should include the following elements: 70 Exoatmospheric Reentry Interceptor Subsystem (ERIS) plus 30 High Endoatmospheric Defense Interceptor (HEDI) interceptors installed in the existing SPRINT and SPARTON silos respectively at Grand Forks. Utilization of the early warning information available from Defense Satellite Program (DSP) and Ballistic Missile Early Warning System (BMEWS). Tying the Grand Forks facility for C^3 purposes into the Cheyenne Mountain facility and adding the battle management capability at that facility as well. The addition of a ground based radar (GBR) and the ground based surveillance tracking system (GSTS) as the acquisition and tracking sensors for interceptor commit and final engagement.

This combination of acquisition sensors and interceptors will provide a two layered defense system which will significantly lower the leakage. This dual phenomenology is achieved with the acquisition sensors because the operating band of the GSTS is in the long wave infra red i.e., optical, and the radar, in this case, operates at x-band radar frequencies. In a similar manner the ERIS interceptor operates in the exo atmosphere while HEDI completes its intercept in the endo atmosphere. Both of these interceptors use infra red seekers but ERIS is in the long wave infra red and HEDI operates in the medium infra red waveband.

VIEWGRAPH 5—TWO LAYERS, DUAL PHENOMENOLOGY INCREASE EFFECTIVENESS

As I mentioned before, the dual phenomenology that we are suggesting by the architecture that I have just outlined provides an opportunity for improvement in leakage (probability of each reentry vehicle penetrating the defense). With only one acquisition sensor and launching either an exo or an endo interceptor the leakage as you can see is approximately 14 percent. If we launch two shots while utilizing the data from this single acquisition sensor, we can improve leakage on the order of 6 percent. With two acquisition sensors and two launches of the same kind of interceptor, the leakage improves to 4 percent. By using an exo and an endo interceptor with the two acquisition sensors the leakage improves further to 2 percent. We can improve this further, as noted, by shooting two exo interceptors and one endo interceptor and get to 0.8 percent leakage.

Keep in mind, that since we have no defense system, the leakage in the event of any kind of ballistic missile attack is 100%.

Let me go on and talk cost in the next viewgraph and then I will come back and show you how this probability of kill relates to cost.

VIEWGRAPH 6—COST FOR GRAND FORKS DEPLOYMENT

As you can see from this viewgraph we have estimated the cost of the system we have described for deployment at Grand Forks. These costs are based for the most part, on cost estimating relationships (CER) that we have developed from approximately 30 years of involvement in ballistic missile defense activities. The HEDI, GSTS, and BM/C^3, and system engineering and integration (SE&I) costs were developed using these CERs. The ERIS costs were provided by Lockheed and likewise the radar costs were received from Raytheon. As you can see the total cost for a deployment as we have suggested at Grand Forks comes to just over $8 billion. The normal accuracy band of CERs is considered to be ± 20 percent. Based on this the total cost for the deployment could be as high as $10 billion.

VIEWGRAPH 7—ALPS CONFIGURATIONS COST EFFECTIVENESS

I indicated to you earlier that I would show you the relationship between leakage and cost. As you can see from this viewgraph, if we deploy with a single acquisition sensor and interceptor, the leakage will be in the order of 5 percent and the system costs will be approximately $4 billion. If low leakage is indeed a requirement of this ALPS system, the two-sensor, two-interceptor deployment will be required to achieve leakages of less than 1 percent and the cost for this system will be approximately $8 billion. So it is clear that there must be an understanding of the mission requirements before a decision can be made as to the architecture of the ALPS system.

VIEWGRAPH 8—GRAND FORKS ALPS DEPLOYMENT SUMMARY

To summarize for a deployment at Grand Forks, we believe that it is appropriate to deploy two independent layers of sensor and interceptors to achieve the desired low leakage. A single layer system could be deployed at a lower cost than that associated with the two layer system, however, the higher level of leakage becomes an important factor that must be considered.

With this two layer system, both the ERIS and HEDI interceptors are committed early utilizing sensor data based on exo track. By making this early commit there is sufficient time for both interceptors to accomplish an intercept of the ICBM and long range SLBM over most of the United States. We are continuing our analysis to define how much of the United States can effectively be covered from the single site at Grand Forks, but we have done enough to feel that some, if not all of the east and west coasts cannot be covered effectively.

We believe additionally, that a two layered system deployed at Grand Forks will give us valuable experience in maturing the design for the deployed elements, in establishing production capabilities, in integrating the BM/C^3, and finally in operating all of these systems together. I might point out that the Soviets have many years of valuable experience with their two layered BMD system around Moscow. This experience would provide an invaluable base from which to proceed toward a more aggressive deployment, if that decision was made.

VIEWGRAPH 9—EXPANDED COASTAL DEPLOYMENT FOR ALPS

Up to this point I have talked about a treaty-limited deployment at Grand Forks. The threat, the treaty only allows the deployment of only 100 interceptors. If you accept the definition of an unauthorized launch, a treaty-limited deployment simply does not allow enough interceptors to engage all of the potential incoming RVs. Additionally, as I stated in the summary with regard to the Grand Forks deployment, it will be difficult to effectively defend all of the United States, in particular the coastal areas. With these things in mind, we have looked at a deployment scheme that would protect both the east and west coast. As you are all keenly aware, there are significant national assets located in the band along the coasts of this country. If you provide additional defenses to protect these areas you also gain additional defensive capability to conjunction with the site at Grand Forks.

In order to protect the coastal regions, we believe that approximately five defensive sites will be required. In the study we have done to date, we have looked at only HEDI interceptors at these sites, so the data you see here will show only the HEDI interceptor. It is my belief, however, that there is a more cost effective deployment that would include ERIS along with HEDI, and we are studying this right now. Each the coastal sites, we believe, should be defended with approximately 140 interceptors. This inventory is based on the number of reentry vehicles that could be launched from a Delta III class ballistic missile submarine. We have used for the study to date, the ground based radar at each of these sites for forward acquisition and tracking purposes, however, the GSTS could be used for this function instead of the GBR. While we suggested tying the Grand Forks facility to Cheyenne Mountain for purposes of BM/C^3, for these coastal sites, it will be preferable to utilize the distributed battle manager approach. This means that while each coastal site would receive a "missile launch authorized" signal from Cheyenne Mountain, the battle management function would be accomplished at each site.

VIEWGRAPH 10—COASTAL TARGETS VULNERABLE TO SLBM THREAT

You are all very much aware of the national assets located within 300 miles of our coastlines. This viewgraph simply quantifies the extent of those assets. As you can see they include a significant portion of our national leadership and our national command authority (NCA), our strategic assets and C^{3}I capabilities, as well as a large portion of our other military assets. By deploying interceptors at the five sites that we have suggested we could provide defense for these coastal assets against the SLBM threat as well as for RVs coming into this area from over the pole.

VIEWGRAPH 11—HEDI COASTAL DEFENSE FOR ALPS

This viewgraph depicts the location of the five defensive sites along the coast. As you can see, we have deployed these with three on the east coast and two on the west coast. Do not accept these site locations as a final recommendation. Each of the defended areas could be moved around, eliminated, or added to as the final study or political determination might dictate. For example, it may be important to provide a site in the area of Texas for protection against SLBMs launched from within or just outside of the Caribbean.

VIEWGRAPH 12—HEDI EARLY DEPLOYMENT SCHEDULE

This schedule depicts a business as usual approach for accomplishing a full scale development (FSD) program related to an ALPS deployment. As you can see, the duration of the FSD is shown as five years. The beneficial occupancy date (BOD) for the ALPS facility as we have shown it on this schedule would occur just shortly after completion of FSD. The initial operational capability (IOC) for the Grand Forks site would occur approximately one year later. IOC, for the purposes of this schedule, was defined as the point at which ten percent of the interceptors were installed in the silos. It is possible, that by using a program management approach similar to that which was utilized for the Delta 180 program, this schedule could be shortened by as much as one year. Another area that would require acceleration by the acquisition agency in order to shorten the time to IOC would be preparation of the environmental impact statements required by the element contractors and for the launch facilities. The point is that if there was a compelling need for accelerating the deployment process there are steps that could be taken to accomplish this.

VIEWGRAPH 13—ALPS SUMMARY

In the presentation up to this point I have talked about a treaty-limited deployment at Grand Forks and suggested a deployment that would allow defense of our coastal assets that would, of necessity, require modification of the treaty. Let me summarize what I have just gone over in detail with you.

A deployment at Grand Forks would indeed provide a defense of a significant portion of the United States against an accidental ICBM or long range SLBM threat. But it would leave the significant coastal areas of the United States undefended.

In addition to a site at Grand Forks, we believe that it is important to consider defense site in the coastal areas to provide defense for the extensive assets that are located in this region.

By utilizing the dual phenomenololgy provided by both the GBR and GSTS, in conjunction with ERIS and HEDI, we can provide a defense from Grand Forks that will achieve the lowest leakage level.

And finally, the experience gained from oprating a defense system at either Grand Forks alone or with the possible addition of coastal sites, would provide an invaluable base from which to proceed to a more extensive defensive system if that decision was made.

OCTOBER 1, 1986.

Hon. RONALD REAGAN
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are greatly heartened by the research progress made in the Strategic Defense Initiative (SDI). At the same time, we are dismayed by indications of large strides being made in Soviet defenses which may soon render U.S. retaliatory capabilties obsolescent. Therefore, in addition to a vigorous continuation of the SDI research program, we urge timely application of SDI technologies to the threats to peace posed by rapidly advancing Soviet offensive and defensive capabilities.

Specifically, employment in the very near term of the most modern defensive means can serve to deter use of Soviet tactical ballistic missiles. In this case, the early fruits of SDI work can be used in the next half-dozen years to deter war in the Middle East, and to defend our European and Asiatic Allies from attack with shorter-range Soviet ballistic missiles.

The same basic defensive technology, based on interceptor rockets, hypervelocity projectiles and lasers, may be used to defend all of the Western Alliance against attacks by sea-launched Soviet ballistic missiles, even in the '80's. Indeed, the Soviet Union may employ such defensive technology soon, whether we do or not.

Even within the ABM Treaty, we could and should deploy 100 defensive launchers at a single site in the U.S. What is to be carried on these launchers should continually express the latest advances in ongoing SDI research. However, such deployment activities should be supported separately from the SDI research program. The purposes of such deployments should include population defense, defense of critical military sites and exploration of advanced defensive technologies.

We are deeply concerned that a SDI research program which has no definite consequences for defense of America and its Allies within the next ten years will not be politically sustainable, and furthermore that this total absence of defenses against the growing Soviet ballistic missile threat imperils the entire Western Alliance. We believe that imperfect but significant defensive options have already been laid before the American leadership by the SDI, and that they must not only be continued toward perfection but also prudently exercised, while the political will to do so undeniably exists. Your leadership on this issue is critical in preventing a military imbalance similar to the one that led, a half-century ago, to the surrender at Munich.

Sincerely,

Jim Courter, Lowell Wood, Eugene V. Roston, Jack Kemp, Edward Teller, Rudy Boschwitz, Henry Hyde, Robert Jastrow, Duncan Hunter, Pete Wilson, Zbigniew Brzezinski, Earnest F. Hollings, Richard Allen, Howell Heflin, Gordon Humphrey, John Gardner, Pete DuPont, Alexander Haig, Frederick Seitz, Gregory Canavan, Jeane Kirkpatrick, Malcolm Wallop, Dan Quayle, Harold Agnew, Herbert Stein, Hans Mark, Sam Stratton, and Donald Rumsfeld.

Mr. WALLOP. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes 15 seconds.

Mr. WALLOP. Nineteen minutes. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, I thank my distinguished colleague. I rise in support of his amendment, which I am pleased to join as a cosponsor.

I spend a lot of time traveling throughout Missouri, and I spend a lot of time talking to the people of my State. When the conversation turns to our Nation's defense and to nuclear weapons, I often ask people what they think the United States would do in the event of an accidental missile launch by the Soviets, or in the event a Khomeini or Qadhafi were to get hold of a nuclear missile and use it against the United States. The answer is almost always the same—people say, "We'd shoot it down, of course." And when I tell them that we do not have the means to do that, they are shocked.

I can understand their reaction. It seems only logical that after 40 years of living with the threat of nuclear disaster, we would have at the very least developed the means to defend our cities against one nuclear missile.

Mr. President, I have long believed that we should deploy a system capable of defending against an accidental nuclear launch or against the actions of terrorists or outlaw nations. Thus I was heartened when the discussion developed about an accidental launch protection system.

The possibility of an accidental launch is not merely a hypothetical possibility that simply can be dismissed. There are thousands of nuclear warheads deployed all over the world—as much as we hope it will never happen, it seems quite possible that some day an accident will occur. I, for one, do not want to have to continue to tell my constituents that we in the Congress refuse to protect them against that contigency, despite the fact that we have the technology to do so.

An accidental launch is not the only problem we face, however. In an alarming trend, we are seeing more and more countries around the globe attempting to acquire ballistic missiles. Most recently Saudi Arabia deployed Chinese intermediate-range ballistic missiles. And many other countries—including Brazil, Argentina, India, Egypt, Libya, Iraq, and Taiwan—either already have ballistic missiles or are in the process of developing them. And the Saudi sale shows that it is only a matter of time before the countries that are producing ballistic missiles begin transferring them to third countries.

With these facts in mind, it seems all too possible that the leader of a terrorist nation could acquire ballistic missiles and nuclear warheads—or even more likely chemical warheads—and either hold our Nation hostage or wipe out innocent civilians.

The money we are proposing today would allow the United States to take a first step toward a system that could protect us against such a threat.

There is yet another reason we should approve the amendment before us today. Over the past few years we have spent billions of dollars researching a strategic defense system. I have been a strong supporter of that research and I hope that one day that research will result in a system that makes the world a safer place to live.

I think it would be a mistake, however, to delay until we can deploy a foolproof missile defense system. In fact, I am skeptical we will ever be able to develop a foolproof system. There is a lot to be gained from deploying a limited system now. Most important, it will give us the ability to conduct operational testing on an actual system—it might allow us to uncover and work out bugs that might not show up in the laboratory.

Mr. President, as we all know, the Soviets have deployed an extensive ABM system around Moscow. This system not only gives them the type of protection against accidential launch that I have discussed already, but it gives them a tremendous headstart should they ever decide to abandon the ABM Treaty. In the event of a Soviet breakout of the treaty, they would be able to take advantage of years of production knowledge and warm production lines to quickly deploy a nationwide missile defense system. The United States, on the other hand, would be forced to start at a disadvantage in developing systems and deploying radar and control systems in an effort to catch up with the Soviets.

Mr. President, the amendment we are proposing today is a reasonable and measured effort to deal with the concerns I have set out above. HEDI and ERIS are promising technologies that may well serve to fill what is now a gaping hole in our Nation's defenses. I commend the Senator from Wyoming for offering it and I urge my colleages to support it.

I yield the floor.

Mr. WALLOP. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming has 14 minutes and 15 seconds remaining.

Who yields time?

Mr. DIXON. Mr. President, I ask that the time on this side be in the custody of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska has 15 minutes.

Mr. EXON. Mr. President, I yield myself 5 minutes or such time as I may want.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. The amendment offered by the Senator from Wyoming was a surprise to me, and I did not know about it. It is in his right to offer whatever he wants whenever he wants. These are matters that have been looked into at considerable length by the Committee on Strategic and Nuclear Deterrence under which this measure would fall.

There are many good things that have been said in support of this amendment on the floor. Some of the things that have been said are subscribed to by this Senator. I would assure the Senate that we have looked into these things in great detail. The chairman of the Armed Services Committee, Senator NUNN, made a major speech that touches on some of the concepts of the amendment offered by the Senator from Wyoming and others.

I would simply say that regardless of the merits of this proposal I think this is the wrong time for the U.S. Senate on the spur-of-the-moment amendment offered by the Senator from Wisconsin to be getting into this particular area. I will not go into any great detail. Suffice it to say we are headed for a knock-down, drag-out, if you will, in conference with the House of Representatives on the whole matter of strategic deterrence. Not only is there an all-out attack, as the Senator from Wyoming knows full well, on the SDI Program, not only does this Senator think that we should consider a reasonable research program on SDI, and I have stood on the floor and argued successfully on that matter on numerous occasions including the last 2 days.

So I think there should be no question about the intent and the views of the Senator from Nebraska. The Senator from Nebraska happens to feel and cautions against adopting the amendment that had been offered by the Senator from Wyoming because if this amendment were to be adopted I would suggest to you that it is going to complicate even further the already-strained relationships between the House committee of jurisdiction and the Senate committee of jurisdiction when we go into conference with them on a whole series of matters. Because not only is the SDI funding involved in this, it also involves a very definite misunderstanding. There are differences of opinion on such strategic matters as the MX rail garrison proposition, the small ICBM, and so forth and so on.

While I happen to feel that it is worthy that we have discussions on the matters that are brought up by this amendment, I happen to feel that the only real chance that we have in going ahead with some research on the SDI and the reasonable amounts given the attitude of nearly half of this body, and a majority of the House of Representatives, I think it would be wrong if we would further saddle and complicate that problem by adopting of the amendment offered by the Senator from Wyoming.

Therefore, I would offer that caution and offer that as an explanation for the reason that I will oppose this amendment to the Senator from Wyoming, whom I know is acting in very good faith on what he firmly believes in.

I just say that if there is one real reason that we should consider the SDI Program in the future, as I stated on the floor in recent debate on the SDI proposition itself in the attempts to cut that, was we want to go in with as strong a position as possible.

If there is one real reason to continue research and SDI, it is the proposition to address the accidental launch proposition that concerns the Senator from Wyoming and concerns the Senator from Nebraska. I think this would be the wrong time, the wrong place, and the wrong action to take by adopting the amendment offered by the Senator from Wyoming.

I reserve the remainder of my time.

Mr. WALLOP. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. WALLOP. Mr. President, I ask unanimous consent that Senator DANFORTH be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, looking at what we have in the bill, and if I may have the attention of the subcommittee chairman—I think this is an important debate. I do not want it to be separate speeches that go off into space and they are not responded to because I intend to respond to the Senator.

First of all, looking at what the committee has done, and it is good, I grant, but this is basically a truth-in-advertising amendment to what they have done. You have fenced $200 million for the advanced launch system; $175 million for the boost surveillance and tracking system; you have a $202 million for ERIS; $150 million for HEDI; $17 million for research on gallium arsenide integrated circuit technology. Basically what you are saying is we know how to do these things. They are the near-term technologies that can be applied today to America's defense.

What is America to say when we use as a debating reason on the floor that we will not defend them because we have a complicated relationship with the House? I grant the Senator we do. I have no doubt. I watched it. But I would also tell the Senator that ever since I have been here I have been trying to push this from the status of research into the status of a program with a goal. And there is no goal. This amendment contains a goal. It is limited in scope. It fits in perfectly into phase 1, as the President's science adviser, Dr. Graham, has said. He also said there is no technical reason why we cannot do these things.

So what are we saying to America? We know how to do this. There is no technical reason why we will not do it. We are not going to do it because we have a complicated relationship with the House?

Somehow or another I think they expect more of us in the judgments that we possess than to say it is too difficult politically. They want to be defended. America believes it already is defended and it supports defense overwhelmingly. As the distinguished Senator from Missouri said earlier, the American people are offended when we tell them otherwise.

My whole point is that research creates no constituency, either in Congress or in the military.

I have watched this program defunded year after year. I have watched our efforts slide into the abyss of other priorities that are real programs, bending real metal, with real and achievable ends.

The way to do nothing is to fund research. The way to do nothing is to form a committee. The way to do nothing is not to create a constituency.

Nobody in the Department of Defense wants to do this. There is no mission anywhere to do this. We are going to say that we are going to assign the mission sometime, but we have not. We have not defined the mission.

How much people do you suppose watching us in America today know that nowhere in the missions of the forces of the United States is there a mission to defend against Soviet missiles? Not in the Air Force, Navy, Army. We cannot get the Pentagon behind it. Careers are built by people doing specific things, not looking at things they might do.

We have demonstrated the capabilities of these weapons. We are not saying that they must choose any one of them, but we know how to do it. Since we know how to do it, America is entitled to have it.

I reserve the remainder of my time.

Mr. SYMMS. Mr. President, will the Senator yield me 1 minute?

Mr. WALLOP. I yield 1 minute to the Senator.

Mr. SYMMS. Mr. President, I ask unanimous consent that my name be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I say to the Senator from Wyoming that he is right on target. This is the time for Congress to either fish or cut bait, to make a decision whether we are going to defend this country—and that is why we have a defense budget—or whether we are not. That is really what the Senator is talking about.

I thank the Senator for bringing this to the attention of the Senate. I look forward to voting on it, to see where we stand on it.

Mr. WALLOP. Mr. President, there is an argument going on as if this violates the ABM Treaty. No, it does not. But the Soviets have.

One of the arguments that is driving this Senator absolutely up the wall is the statement from the Joint Chiefs, including their Chairman, that because the Soviets have done so much work within and without the treaty, they are in a perfect position to break out if we do anything in our own behalf. What kind of nation is it that refuses to move when it is threatened by things it has not done that the other side, legally and illegally, has done?

This is an important decision for America, to do something or to continue to study.

I reserve the remainder of my time.

Mr. EXON. I yield myself time from my side.

Mr. President, the chairman of the committee, Senator NUNN, will be adamantly opposed to this amendment, for reasons he will state.

In answer to the questions that have been raised by my friend and colleague from the neighboring State of Wyoming, I simply want to say that it is strange, indeed, when it has been conceded that the Department of Defense is opposed to the amendment being offered by the Senator from Wyoming, that the Joint Chiefs are opposed to the amendment being offered by the distinguished Senator from Wyoming, that the chairman of the Armed Services Committee is opposed, as is the chairman of the Strategic Subcommittee of Jurisdiction, for some of the reasons I have already stated.

How wise does everyone think it is for us to micromanage such an important subject from the floor of the U.S. Senate? How many times have we heard the cries: "Quit micromanaging everything from the floor of the Senate"? I cannot think of a worse case of micromanaging than what this amendment attempts to do.

I emphasize again that I am listening, I hear, and I know some of the concerns, legitimate concerns, being addressed by the Senator from Wyoming. I simply say to him that if he continues to press this amendment, which complicates our relationship with the House of Representatives—and I certainly would add a caveat. I do not agree with the statement that the Senator from Wyoming has made—why should we do something, and how do we explain the fact that we are not doing this, that, or the other thing because the House disagrees? I simply say that, from a practical standpoint, if the Senator from Wyoming continues to push this cause, I suspect it is going to be defeated on the floor of the Senate; and when that is done, the House of Representatives will be pointing to that when we go to conference with them, and anything we might be able to do to move something along in this direction will be further complicated, rather than being enhanced.

I assign the remainder of my time to the chairman of the Armed Services Committee.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield 1 minute to the Senator from Illinois.

Mr. DIXON. Mr. President, in view of the fact that this side has taken less time, as my friend from Wyoming knows, I understand there are only about 8 minutes remaining in opposition. The distinguished chairman of the committee would like 10 minutes, and the distinguished chairman of the subcommittee would like five. I ask unanimous consent that the amount of time still allocated, which is only about 8 minutes, be expanded to 15 minutes.

Mr. WALLOP. Reserving the right to object, Mr. President, how much time remains to me?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. WALLOP. If the Senator were to include an additional 4 minutes for this side, I will not try to use it, but I think we should have some kind of balance.

Mr. DIXON. All right.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. NUNN. Mr. President, first, let me say that I am grateful to the Senator from Wyoming for his focus on this point, this ALPS system, because I do believe that the overall defense of our Nation should begin with a system that is researched and developed and if feasible, deployed, to deal with the accidental or unauthorized launch threat, rather than the bolt out of the blue 10,000 missile threat. So I am with him in that concept.

I differ with him on the amendment, and I will give my reasons.

Mr. President, back in January or February of this year, I suggested examining the feasibility, affordability, and arms control implications of an Accidental Launch Protection System [ALPS], and there has been a wide ranging and highly constructive response both within the U.S. Government and by private groups and individuals.

Reviewing the pros and cons of ALPS is now on the agenda of the Strategic Defense Initiative Organization [SDIO], the Defense Acquisition Board, the Defense Science Board panel headed by Dr. Everett, the House Armed Services Committee special panel on SDI, and the Office of Technology Assessment. In addition, ALPS studies have been conducted by a number of defense contractors, including Lockheed and McDonnell-Douglas, and by analysts at such outside organizations as the Heritage Foundation, High Frontier, the Carnegie Institute, the Committee for National Security, the Center for International Security and Arms Conrol at Stanford University, and the Federation of American Scientists.

So this proposal is getting a lot of attention.

Although the studies which have been completed to date reach different conclusions as to the ultimate advisability of ALPS and cost and performance estimates are not firm, several general themes appear to be emerging from these studies.

Before I talk about these themes, I think it is important for our colleagues to understand that there is a difference between protection against accidental launches and protection against what is known as unauthorized launches. An unauthorized launch could be a rather large threat, because if the commander of a submarine offshore decided to launch, in whatever procedures the Soviet Union might have, then that could be a large number of missiles; whereas, an accidental launch is more likely to be one, two, or three missiles.

It is a different type of threat, and I would like to see us devise a system against both. There are differences as to what can be done against both scenarios.

A requirement that ALPS have a high-confidence intercept capability against worst case unauthorized SLBM and ICBM launch scenarios would most likely necessitate a very robust defensive system which would increase costs substantially and create obvious problems for the caveat that the system * * * be possible within the terms of the ABM Treaty or, at most, require a modest amendment.".

There are many who would disagree with that goal, but that was my view and remains my view at this time.

Second, a limited ALPS system could, nonetheless, provide some protection against some unauthorized launch threats and could limit somewhat the consequences of worst case unauthorized launches.

Of course, the effectiveness would go up. The worst case unauthorized launch, for instance, could be as many as 120 Typhoon missiles coming in very close. That is a pretty large scenario.

The third theme that emerged is on the deployment of 100 fixed, land-based ABM interceptors at Grand Forks, ND, to defend against a single ICBM launched accidentally from the Soviet Union or against a single SLBM launched accidentally from waters relatively adjacent to the Soviet land mass appears to offer much better prospects for meeting the criteria which I think are in order—again this is my view and not all views—of technical feasibility, affordability, and compatibility with the ABM Treaty.

This limited capability, however in terms of a fourth emerging theme might be significantly eroded, or perhaps even negated, by Soviet decoys or other penetration aids—penaids.

In other words, if the Soviet Union takes steps to counter an accidental system by putting penaids or decoys on their missiles, and they viewed this as a beginning of a much larger system, then we would have to change significantly our assessment about the capability of protection based on current technology.

The degree of degradation depends upon what assumptions are made concerning the radars and sensors to be used in an ALPS system. Some proposed radars could raise again treaty compliance issues on ABM. Since ALPS would function optimally in a strategic environment in which Soviet missiles were not equipped extensively with highly capable penaids or other countermeasures, the question of the likely Soviet response to an ALPS deployment, including a treaty-compliant deployment, is obviously a critical issue. I am not talking about negotiated response with the Soviets. I am talking about what they actually do to their systems.

The final couple of themes: This point underscores the importance of another criterion I advanced in my speech, I made in January that ALPS "not combine with offensive forces, either with or without a START treaty, to pose a first-strike threat.

Obviously, if the Soviets believe that we are developing a system that could join with offensive forces at this time or actually deploying that countersystem, it has a great deal of bearing on their response.

To the extent ALPS is perceived by the Soviet Union as a logical follow-on to previous initiatives for preventing accidental war that is in the mutual interest of both nations, the chances that it could serve a constructive purpose are enhanced. On the other hand, if ALPS is seen by the Soviets as a stepping stone to a far more extensive phase one SDI deployment, Soviet actions may attempt to counter the system in which case we have to reexamine the technical feasibility. I am not saying it becomes impossible at that stage. I am saying that we have to have a different kind of response in response to their counter.

Finally, in this regard, more attention needs to be addressed to another, closely related, recommendation in the speech I made in January, which received very little attention but which I felt was one of the most important parts of that speech, and that is that the review of ALPS "be coupled with a rigorous unilateral review by both sides of their respective fail-safe procedures and safeguards." I do not suggest an arms control deliberation on fail-safe procedures at this juncture. I believe it ought to be unilateral. I think the chances that any kind of real verification of such fail-safe procedures is very remote, but I do think a unilateral type review on both sides would be a very significant step forward in terms of both stability and safety. In other words, both sides should take a look at whether they have done everything humanly possible to protect against an accidental or unauthorized launch, including but not limited to the capability of both sides which I would like to see explored very carefully of being able to knock down their own missile if it is shot accidentally. That is something that could greatly increase the safety of mankind if we can both have fail-safes on our own missiles.

There are a lot of complications. I am not ready to say we ought to do that. I am saying we ought to seriously consider it and carefully consider it and I would feel better if I thought the Soviets were considering it themselves. If both sides were highly confident that the other side, acting unilaterally, had taken fully effective steps to prevent or counteract accidental and unauthorized missile launches, then an accidental disaster for the world and for our two countries would be greatly reduced.

My objective in making the ALPS suggestion last January was to catalyze a debate on this issue, and in that regard I am most gratified by the response. At this time, however, it would be premature to reach any final judgments or to mandate through legislation a commitment to any specific programmatic option. In particular, I want to consider the results of the SDIO study, which will not be available before this summer, before deciding where the ALPS idea goes from here. And I also would like to see what this administration thinks in terms of reviewing our fail-safe procedures.

I have not had a chance to discuss this in detail with Senator WARNER lately, but over the course of the last several years, we have discussed whether our committee may very well go into the failed safety capability and it would be a highly sensitive undertaking. It would be taking a long time. It would be behind closed doors. It might be one of the most important functions we could perform for the country and for the future generations.

For these reasons, I am opposed to the amendment by the Senators from Wyoming. I do not agree with the finding stated in the amendment that "a decision can be made with confidence to deploy an Accidental Launch Protection System [ALPS]." I do not agree with earmarking $100 million from SDI accounts to deploy ALPS. And I do not believe we can commit at this stage to a specific two-layer ALPS architecture, as is specified in the amendment.

In other words, Mr. President, while I believe this is a worthy subject—it needs attention, and I congratulate the Senator from Wyoming for bringing it to light and for pushing this concept—I do not believe we are ready to make a decision to deploy this kind of system yet. We have to have more information. We have to have more thought. We have to have more assessment of risk. We have to look at other alternatives. We have to look at the cost and we have to look at the feasibility.

So I am not ready to vote for this at this time and I would urge the amendment be tabled.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Nebraska.

Mr. EXON. How much time remains left on each side?

The PRESIDING OFFICER. There are 3 minutes and 40 seconds to the opponents and 12½ minutes to the proponents.

Mr. EXON. Twelve and a half.

Mr. WALLOP. Mr. President, I think that I asked for additional time as part of the unanimous consent agreement that was agreed to.

You are saying I have 3 minutes left?

The PRESIDING OFFICER. No. The proponents have 12½ minutes; the opponents have 3 minutes.

Mr. WALLOP. I apologize. I misunderstood the Chair and misspoke myself.

Mr. President, I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. WILSON. Mr. President, I rise in support of the amendment offered by the Senator from Wyoming. I think that for the reasons that he has already articulated it is really not premature to be thinking about this kind of system. In fact, I congratulate the chairman of the Armed Services Committee who has now left the floor, Senator NUNN. I think he did serve the purpose that he sought. He did stimulate a good deal of thinking. A number of people, obviously, had been concerned with this.

One thing I would seek to correct: I believe my friend from Nebraska, the very distinguished and able chairman of the Strategic and Nuclear Forces Subcommittee, made the comment at least so I understood him to say that the Department of Defense is opposed to the amendment. Checking that we find that they have no position. I am not sure they have had an opportunity to determine what their position would be.

But what I do think is true is that it is clearly not premature on the timing of an attack, not by the Soviet Union but by someone else.

Now, what is the likelihood of such an attack? Obviously it is impossible for anybody on this floor to say. But what we do know is that there has been nuclear proliferation, that there has been a proliferation of the kind of technology that is capable of making an attack of this kind against the United States as an act of terrorism by someone who is not responsible and we have, certainly, reason to fear terrorism from a number of quarters.

There is certainty that the deployment of such a system would in fact contribute greatly to the knowledge. It would give us experience necessary if we were to move to a more complete system. So I think that there is every reason to be discussing and actually passing an amendment of this kind at this time.

I will not take more time, Mr. President. I will simply say that it is quite true, as the Senator from Missouri emphasized in his remarks: Go into any town meeting in America and ask the American people: "Do we have, in your judgment, an adequate system of defense against ballistic missile attack?" Well, about half the arms will go up in the air. You no longer ask that question after you have asked it a few times because you do not want to embarrass your audience. The fact is they are shocked when they learn that we have absolutely no defense beyond the hoped for deterrent effect of an existing counterforce. That is not enough, Mr. President. It really is not.

The American people are entitled to better protection than that. And this is the first step toward achieving it.

So I commend my friend from Wyoming and urge the support of his amendment.

Mr. WALLOP. I thank the Senator from California.

I yield myself 6 minutes of the time remaining.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, my friend from Nebraska accused me of micromanaging. Let me make a statement here and now that there is no managing. Managing is totally absent. All that is taking place is researching. What we are seeking to do is, in fact, put ourselves into a position where there is something to manage, and that does not exist today.

With regard to the House, 167 Members of that House supported an amendment that called for the deployment of ALPS. So it is not true that there is no support in the House for this measure.

I would say to America tonight, today, anytime, that every year we research is 1 more year in which America is consciously undefended; purposefully undefended. This is a decision to break out of that pattern of studying things and get into doing things.

The perfect is the enemy of the good. We have good equipment. We have good capability. We have good men and women, in and out of uniform, who are willing to do the work to defend the Nation. We cannot do it perfectly, but we can do something. Today we do nothing, and it is shameful.

All the organizations mentioned by the Senator from Georgia are studying. Not one institution is doing. Hundreds of institutions are studying. Not one is doing. The questions for this Senate and the questions for America are: Where do we begin? When do we begin? Do we always have tomorrow before we make a commitment?

Now, the Senator from Georgia said that there is a difference between an accidental and unauthorized launch.

Of course there is. But because that difference exists, does it mean that we cannot do anything about something that is within our reach today? Heavens, that is a bad thought.

What we do by doing something is we begin training, we begin designing, we begin communicating, we begin to make warm production lines, we begin what we know how to do.

The Senator from Georgia says the U.S.S.R. will take steps to counter. Why would the Soviet Union put penaids on something designed to prevent against an accident? Now, that either speaks to the Soviet Union or it speaks to us. If they would, we better not stop here but get right quickly into phase 1, which this amendment is designed to be consistent with.

We can upgrade after we deploy. There has been no system that America has ever built that has not been upgraded after we deployed.

The Senator from Georgia in his speech said that this could be designed so that it would not be destabilizing or prompt the Soviet Union to avoid or to abrogate START. It is a stepping stone to full deployment. If this Senate wants to go beyond an ALPS, it is within its reach to do so.

But that is not the purpose of this amendment. This amendment says:

> America, we can protect you against a lot of accidents that will kill a lot of people, more than Chernobyl, more than anything we have seen.

We could do that, and the committee is telling us, "Fine, we will not."

So every time we say take no steps, take another study—as the Senator from Georgia said, we have a study now and we have to wait until we get one this summer. When I began calling for strategic defenses, I was told "Wait until the Fletcher commission study comes in. Wait until the study comes in. Wait until the study comes in."

When the one comes in this summer, it will pose a question that we will have to study again. It is important for America to do something and do it now.

To say we are always dependent on the arrival of a study is to say to America that this Congress, whose oath it is to protect, this Senate is navel-gazing, and I do not mean ships.

Mr. President, I ask unanimous consent that Senator KASTEN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. EXON. Mr. President, what is the time remaining on each side?

The PRESIDING OFFICER. For the proponents, 5 minutes; 3 minutes to the opponents.

Mr. EXON. Have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the amendment.

Mr. WALLOP. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. Mr. President, at the appropriate time, when we come to vote on this, which I understand will be after we vote on the Kennedy amendment, I will move to table.

I would at this time, though, because I think debate has about run out, unless there are some others who wish to be heard, I would be prepared to yield back the balance of the time on this side with a final appeal to the Senator from Wyoming. I renew that appeal.

I advise the Senator from Wyoming that I believe the cause that he espouses, both the chairman of the Armed Services Committee and this Senator have said is something that should be considered. We happen to fully agree that the cause being advanced by the Senator from Wyoming would be hurt and not helped if he persists to push for a vote on this amendment.

As I have stated previously, if this amendment would pass it would complicate dramatically working out anything that could encourage such a move in the upcoming conference with the House. And if the Senator pursues this for that and other reasons, I think it will be defeated on the floor of the U.S. Senate. And other than to record a vote, I have never quite understood how defeat moves forward a proposal unless you want it for other purposes.

So, I, therefore, appeal to the Senator from Wyoming, since he has made his case and since many of us have advanced the fact that he has made his point and made it well, I think discretion would be the better part of valor in this instance. I would appeal to the Senator from Wyoming to withdraw his amendment and allow us to work out what we can in conference with the House of Representatives.

Mr. WALLOP. Mr. President, I say to my friend that I have no intention of using the entire amount of my time. I will be prepared, after yielding to the Senator from Missouri, to yield back the balance of my time.

Mr. President, it is not an appropriate reason to make no judgment to say that it will complicate a conference with the House if we pass it. It is even less an appropriate argument to say that we should not express ourselves on this issue when what has happened is that we have avoided making a decision on this thing now since 1981. The first amendment the Senator from Wyoming offered, in fact, at one time committed this Senate and this body to deployment.

The PRESIDING OFFICER. The Senate is not in order. The Senator from Wyoming cannot be heard.

Mr. WALLOP. In 1981 this Senate voted, I believe, 93 to 0 to deploy a space-based system. So it is not new to us. It is time that the sides begin to be made known to the public. It is not offered with an ulterior motive. The problem is that until the American people know they have a choice, no choice will be made.

If it is not this year, it may be next year; it will be sometime. It will be made.

So I say to my friend I have no intention of pulling down the amendment. I would be loath to complicate his life but his life will be complicated with or without me. The House has passed an amendment which is similar to this but is only a study so I would say to my friend the groundwork is laid for moving a study to deployment and that would be the argument between the House and the Senate; not whether to study or not.

Mr. President, I yield 1 minute to Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Wyoming. I would say the discussion we have heard so far probably outlines better than any reason or argument that we could make why it is appropriate to move forward to examine the feasibility of the ALP system. The modest amount that has been requested to be earmarked in the SDI Program for this purpose will give us a much better idea and lead the way so that we could make the decision by the mid-1990's to have an ALP system.

I have been most impressed by the leadership of the distinguished chairman of the Armed Services Committee who initially conceived this idea and pointed out that we must resolve more questions before we deal with it.

I think that the amendment by my distinguished colleague from Wyoming gives us the necessary research tools to make those judgments.

I yield the floor.

Mr. WALLOP. Mr. President, how much time remains to the Senator from Wyoming?

The PRESIDING OFFICER. The Senator from Wyoming has 2½ minutes remaining.

Mr. WALLOP. I yield 2 minutes to the Senator from North Carolina.

Mr. THURMOND. Mr. President, I rise in support of the amendment of the distinguished Senator from Wyoming.

The Senator from Wyoming has for years been in the forefront of support for more emphasis on strategic defenses. In many respects, his longstanding vision is now the framework for the Strategic Defense Initiative Program.

This Senator has followed the SDI Program very closely, and finds that many aspects of the phase I program, which is now moving in the direction of a full scale development decision in 1992 or 1993, are consistent with what the Senator is calling for.

Indeed, the committee bill includes a provision that protects the full amount requested for the major technologies that would constitute an accidental launch protection system.

This Senator believes that an accidental launch protection system should be emphasized, and accelerated, as a treaty compliant leading edge of a phase I strategic defense system. I would be glad to join with the Senator from Wyoming and other Senators in seeking a refocussing of the SDI Program along those lines.

I believe an ALPS system could be deployed earlier than any of the projections now being discussed for a complete phase I strategic defense system, and I will vote with the Senator from Wyoming to make that point.

Mr. WALLOP. Mr. President, let me make this statement. I understand the Senator from Nebraska is going to move to table this and I appreciate the reasons why.

I do not in my mind question his loyalty to the SDI Program. It is my belief that those who vote for this amendment are voting to build. Those who vote against it are voting to continue studying when they know we already know how to build and deploy this system.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, in his remarks, my friend and colleague from Wyoming indicates he did not wish to complicate my life any further. I assure him that was not my concern for requesting his withdrawal of the motion. I simply say that pursuing this at this time hurts rather than helps the cause that the Senator from Wyoming is espousing.

But that is a judgment call. He calls it one way. I call it another.

I also think that this vote will indicate for the first time in this session of the Congress the split between the Senator from Nebraska and my very able friend and colleague, the ranking member of the Strategic Subcommittee, the Senator from South Carolina.

Needless to say, I think this is the wrong time to do this.

I move, since all time has expired, to table the amendment offered by the Senator from Wyoming and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, under the UC the understanding was we would now revert to the Kennedy amendment, conclude the Kennedy amendment, and then have two rollcalls, first on the Kennedy amendment and then on the Wallop amendment.

The PRESIDING OFFICER. Does the Senator wish to propound that request? The Chair is advised by the Parliamentarian that a unanimous-consent agreement has not yet been entered into.

Does the Senator propound that as a unanimous consent?

Mr. DIXON. I do.

The PRESIDING OFFICER. Is there an objection to the unanimous-consent request of the Senator from Illinois? The Chair hears none. Without objection, it is so ordered.

AMENDMENT NO. 2049

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Massachusetts. The question on the motion to table is temporarily withheld.

Who yields time? The Senator from Maine.

Mr. COHEN. Mr. President, I yield 2 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 2 minutes.

Mr. SYMMS. Mr. President, I thank the Senator for yielding. I rise today in strong opposition to the amendment offered by the senior Senator from Massachusetts. I can find nothing in my colleague's amendment so compelling as to convince me that we should be party to the reduction of our aircraft carrier battle groups from 15 to 14.

I have heard suggestions that the early retirements of both the *Midway* and the *Coral Sea* are not really significant militarily, that by substituting other ships to meet certain mission requirements we will not have seriously diminished our capabilities. That is simply not the case. In the event that we have a need to project force in support of our national strategy on land or on the oceans, only the carrier battle group contains sufficient force to guarantee air superiority to our forces on the ground, as well as ensuring control of the local seas.

These sophisticated weapons systems have proliferated throughout the Third World. Every nation now has the capability to acquire sophisticated weapons and become a threat to its neighbors, if it chooses to do so. The United States must face that new reality when planning its global strategy and funding its Armed Forces. We must now assume that we will face a high-technology complex and sophisticated threat whenever and wherever our Navy sails into harm's way. No longer can we assume the Soviet Union is the only serious threat to our forces. Unopposed landings and air superiority can no longer be taken for granted anywhere in the world. The presence of an aircraft carrier is now required more than ever.

The concept of using small carriers and amphibious assault ships as substitutes for large deck carriers was rejected by this body long ago. The experience of the British in the Falklands only served to reinforce that decision. They lost three ships to 1950 vintage aircraft because they did not have the superiority in the air which could have been provided by a carrier battle group.

Simply put, 15 carrier battle groups represent the minimum force needed to safely fulfill our global commitments.

Therefore, I strongly urge my colleagues to reject this amendment. We need more carrier battle groups, not less.

I want to say one thing in closing, if there is another moment here. Think about the young sailor in the fleet that is doing the work out there on the deck. Think about the young people that we are asking to go out in harms way, spend many, many months at sea with very little liberty time in oftentimes very hot or very cold, very uncomfortable weather. If the threat is no less and the carrier battle groups still have the deployment, we will be asking those young people to deploy for longer periods, not shorter periods of time.

Therefore, we will have a retention problem.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. COHEN. I yield such time as he may consume to the Senator from Virginia.

Mr. TRIBLE. I thank the Senator.

I rise in opposition to this amendment. Early deactivation of a carrier is shortsighted.

Time and time again, we find the central feature of our naval strategy under assault. Last year, the effort to authorize and appropriate funds for two new carriers came under attack. Yet for many months now, our battle groups in the Persian Gulf and Indian Ocean have been guaranteeing the freedom of the seas and maintaining the energy "life line" to the West.

Our presence in the Persian Gulf is yet another instance in which the Navy has demonstrated the wisdom of a forward deployed strategy and the utility of big deck carriers.

The issue before us today is whether we prematurely jettison militarily useful assets. I say no.

The *Coral Sea* and the *Midway* must remain in the fleet until the *Washing-*

ton and the *Lincoln* are fully deployable. Both the *Coral Sea* and the *Midway* have just completed successful deployments and the Navy is confident that they will remain able to fulfill their missions and meet any demands.

Mr. President, the amendment before us would seriously jeopardize our national strategy. It rejects established defense policy. It rejects our forward deployed strategy. It should be defeated.

And what consideration has been given to the sailors and their families who would bear the brunt of this amendment? Today our carrier based personnel are at sea for 6 months at a time. We all know the strains imposed by deployments of this length. Yet the Senator's amendment would sentence fleet sailors to even longer periods of time away from home and port 7, 8, 9 months at a time.

Mr. President, our national commitments will not change. This amendment, will mean that our fleet sailors will unnecessarily bear the hardships of lengthened deployments. Morale will suffer and we will lose trained, experienced personnel. And the Navy will be forced to recruit and retrain replacements—an unnecessary cost and an unnecessary loss of experience and expertise.

Mr. President, this amendment is unwise and imprudent. It would compromise our capability, impose intollerable demands on our men and women in uniform. I urge its rejection.

Mr. COHEN. I thank the Senator from yielding back his time.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Maine for yielding to me.

Let me make four points in opposition to the Kennedy amendment. First of all, it would be an unprecedented procedure to call upon the Congress to single out a certain kind of ship and impose, by law, a cap on the number of ships that can be deployed. The Congress is very much involved in helping make decisions about the number of ships that are funded in the appropriations cycle and that are authorized as we review from time to time the needs of the military. But never has the Congress attempted to assert its authority to participate in these decisions by mandating by law a certain number of ships of one kind that can be deployed.

We are injecting ourselves, if we adopt this amendment, into a new level of management decision that ought to be left to the Navy and not usurped by the Congress.

The second point I would like to make is that if we adopt this amendment, we are tying the hands of the managers of the military for scheduling, for deciding how many ships can be out of the fleet for overhaul, for refueling; this could be a very serious impediment to the carrying out of the mission of our Navy.

Here is why: When the *Enterprise* was built some 27 years ago, plans were made for refueling that have not yet been implemented. The *Enterprise* is due to go into a yard for a period of almost 30 months for recoring, for complete dismantling.

In a consecutive plan schedule, each of the other nuclear-powered carriers will be sent into yards for refueling for extended stays when they will be incapable of deployment in the event of an emergency or for any other purpose.

This, in effect, is going to reduce the number of aircraft carriers that our Navy managers have available to them to 13 by 1991. If we adopt this Kennedy amendment, we are going to put a legal cap on the ability of our Navy managers to keep our ships deployed to fulfill their mission. This is going to jeopardize the Navy in a very serious way, Mr. President.

I urge the Senate to look carefully at the practical effect of this amendment upon the management and scheduling of the fleet in view of the requirements for overhauls and nuclear refueling.

My third point relates to the retention of naval personnel. The Senator from Ohio, Senator GLENN, and the Senator from Virginia, Senator TRIBLE, have mentioned the adverse effect that capping the fleet at this level would have on sailors and pilots assigned to our aircraft carriers.

I can recall being in the Arabian Sea on the *Coral Sea* at the time our hostages were being held in Iran. The Embassy in Iran had been captured, in effect, by the Iranians, and we had deployed aircraft carriers to that region. The *Nimitz* was there; the *Coral Sea* was there.

I can remember talking to one of our Marine Corps captains who was a pilot on the *Coral Sea*. He was dedicated. He was glad to be there because it gave him extra flying time. He really enjoyed being out there on that aircraft carrier awaiting the signal to be launched because it gave him a greater likelihood of flying time under those circumstances. That is the kind of morale he had.

He expressed to me, however, his concern that, with the cutbacks in allowances, with the threat to military pay, with living conditions back home for his wife and child, he might not be able to reenlist, and he was really dreading having to make that decision.

My point is that if we require those young men to continue staying in those on-station positions for periods of time exceeding the 6 months now required—which will be the effect if we adopt this amendment—we do a disservice to the people who are sacrificing to protect our Nation's security. Are we going to ask them to stay longer than 6 months, to stay out on station for a year or more? That would be the effect of this amendment, Mr. President. I hope the Senate will look at such practical consequences.

My fourth and final point is simply that the 15 battle groups that we have planned for the Navy right now are the minimum number needed. If we were in a national emergency, there would be a request from the Joint Chiefs that we enlarge that commitment. If this amendment were law, we would have to stop and change the law to permit an expansion of our fleet to cope with the emergency.

We are talking, therefore, about a minimum peacetime force of 15 battle groups. If this amendment were adopted, we would cut that back even further. This would be an unwise step, Mr. President, and I hope the Senate will look carefully before it votes to approve the Kennedy amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I will be glad to yield 5 minutes to the chairman of the Armed Services Committee, Senator NUNN.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NUNN. May I inquire about the time remaining on both sides at this point?

The PRESIDING OFFICER. There is 15 minutes, 45 seconds remaining to the proponents, and 7 minutes remaining with the opponents.

Mr. NUNN. We are going to vote on the Kennedy amendment first and then the Wallop amendment at about 5 after 12.

The PRESIDING OFFICER. Unless time is yielded back.

Mr. NUNN. Mr. President, I support the amendment of the Senator from Massachusetts. There are serious problems in Navy aviation, and I think some of those problems are self-imposed by the Navy by the way they have allocated their budget.

Last year the Navy decided to accelerate by 5 years the procurement of two aircraft carriers, but they cut out 30 percent of their combat aircraft in their plan. That creates an imbalanced Navy. That is what we are talking about now. We are not talking about a debate on the philosophy of a 600-ship Navy, or the question of the philosophy about how many aircraft carriers we need in the world, or what our national military strategy is. Maybe those debates should take place, but that is not what we are talking about now.

We are talking about whether we are going to have a balanced Navy or whether we are going to have an imbalanced Navy. That is what this debate is about.

The Navy is seriously short of combat aircraft, between 150 and 200 combat aircraft. The shortages have forced the Navy already to disestablish the 14th Carrier Air Wing this spring. Now they are going to have 13 active and 2 Reserve wings. We are really talking about whether we in this body go ahead and accept and ask the Navy to accept the inevitable, and that is, they have become so wrapped up in the so-called 600-ship Navy that they are creating an imbalanced force. That is what we are here about, and that is what the debate is about. It is not a question of a 600-ship Navy.

The question is whether we are going to have 600 ships out there that can operate, that are capable of carrying out this mission, that are equipped and armed and have the spare parts and have the capability to perform their function. That is what we are talking about.

It is not going to do us much good to force through a 15-carrier concept and then not have the planes, the ammunition, the spare parts, or the trained personnel to really operate those. We are going to see a shift in the next 5 years from the concept which we had in the late 1970's when General Meyer described the Army as a hollow army. We are going to see that same thing happen again. We are going to be talking about a hollow navy within the next 3 years.

It is apparent now, and the question is whether we get out in front of it or we wait and get the situation to crisis proportions and then face reality.

Mr. President, we now have more carriers than we did in the 1970's, so the operating demand on the carriers has been lessened. Maintaining our current 14-carrier force level is what Senator **Kennedy** is talking about. We are not talking about cutting what we have out there now. We are talking about restraining the growth that is planned. We are talking about keeping what we have now rather than going to 15 carriers.

We had this debate in committee. Senator **Kennedy**'s side, which I voted with, lost that vote on a close vote, but I think it is time for the whole Senate to think about it today.

Senator **Kennedy**'s amendment does not reduce carrier force levels. It simply delays the increase from 14 to 15 carriers by 7 years.

Now, I would like to have 15 carriers fully equipped, properly manned with the modern combat aircraft that we need, but it does not appear possible within the budget that we now have agreed to by the executive branch and the Congress.

The Navy now has shortages of surface combatants, aircraft and munitions. The Navy's force is not in balance now and is going to get more imbalanced as we move along. We are in a period of severe budget constraints, and I think it is imperative that we make the tough decisions now.

Mr. President, we are really deciding whether the Senate is going to take this step at this point on the authorization bill or whether the Appropriations Committee is going to probably have to take this step before this year is over, or at least early next year, or whether the Navy itself will take this step down the road.

So we are really, I think, out in front of a problem, and I congratulate the Senator from Massachusetts. The last thing we need is an imbalanced and hollow Navy.

Back in the old days the Greeks had what they called triremes and biremes. These were ships that used underwater rams to ram the other ship, and it was rather effective in that day and time.

Later on we then moved to what we called juggernauts. These were ships that got out and rammed others.

Now, we do not want to see aircraft carriers out there that do not have the personnel, do not have the planes, do not have the modern aircraft and munitions and turn them into juggernauts and rams where all they can do is run around the oceans of the world trying to find some ship and ram it.

Now, I will admit that an aircraft carrier used as a ram would be darned effective if it found that ship, chased it down, and went over it because it would have awesome mass and power. But that is not what an aircraft carrier does. An aircraft carrier is a landing field. An aircraft carrier only has the striking power that is possessed in its aircraft. What we are now doing is building ships that will not have the striking power because we will not be able to furnish the aircraft.

So I hope that the amendment of the Senator from Massachusetts would be agreed to, and I repeat, if it is not agreed to now, what we are going to look back on in 2 years, if not sooner, is the fact that the Senator from Massachusetts told us what is happening; he has told us correctly. He has given us a chance to make a good decision now to be able to put the money in the Navy where it needs to be and to be able to prevent the kind of imbalance that is now apparent and inevitable.

Mr. President, I yield the remainder of the time I have.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. May I inquire, how much time do I have remaining?

The PRESIDING OFFICER. There is 9 minutes for the proponents, 7 minutes for the opponents.

Mr. COHEN. I yield 7 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

As the distinguished chairman of the committee leaves the floor, I would like to remind him that there is a significant difference between a juggernaut and a dreadnought. The dreadnought was a ship; the juggernaut was a cart containing idols. If the distinguished chairman knows of any time a juggernaut went to sea, I would be glad to try to revise naval history in whatever fashion we can.

Mr. President, with deep regret I note the time restraints, and I would like to inform my distinguished friend from Illinois this is the last time I am agreeing to a time agreement on an issue of this gravity. There is a lot of misinformation that has been brought forth by the proponents of this amendment. There is a great deal of information that needs to be brought out. We are talking about the future of this Nation's ability to defend its vital national security interests throughout the world. Anybody who believes that this amendment is some kind of cosmetic change in carrier force levels does not understand that the backbone of our maritime strategy is naval task forces, and the essential element of these task forces is the aircraft carrier.

It is interesting to me that the chairman, and the distinguished subcommittee chairman from Massachusetts, have such a degree of omniscience about what the Navy needs. It is also interesting that their vision is in direct contradiction to what the Chairman of the Joint Chiefs of Staff, the CNO of the Navy, the entire membership of the Joint Chiefs of Staff, the Secretary of Defense, and every knowledgeable expert that I know of feels are this Nation's vital national security requirements.

I think it is a shame that we are bringing up an amendment that is crucial to the future of this country, and our naval forces, in this fashion and without time for adequate debate.

Most of the amendments we are discussing in this year's authorization bill affect small issues, or forces whose impact will be felt far in the future.

The Kennedy-Levin amendment appears to call for small changes in our Navy, but that is not its real purpose. It has been clear ever since Senator **Kennedy** first raised these ideas that this amendment is designed as the prelude to major changes in our force posture:

It claims to seek "balance" in the Navy's force structure, in fact, it is designed to lead to an eventual cut in our naval forces equal to two carrier task groups.

It will affect our ability to meet our commitments all over the world.

It will affect our ability to deal with sudden and unexpected contingencies like the defense of the gulf.

It will affect our basic war fighting capabilities.

It will affect the men and women of the U.S. Navy and Marine Corps who are in our All-Volunteer Force. These are the men and women who are expecting to spend, as we did in 1980, as long as 240 days at sea without respite.

I wish that some of our distinguished staff members who have advocated this proposal could have the opportunity of spending a few months at sea on an aircraft carrier. I believe that they would then become profound advocates of certainly an increase of more than 15 carrier battle groups.

Let's be frank, if this bill really meant what it appears to mean, it would be just as pointless as it appears to be.

It would not result in any meaningful improvement in readiness.

It would not produce any real savings, just paper changes in the budget which substitute new costs like those for pilot retention for older costs.

It would not improve the Navy's balance.

It would be just another gratuitous interference in the planning of the Department of Defense, another exercise in micromanagement.

It would randomly interfere in the pattern of hard-fought tradeoffs the Navy has made in readiness, ship numbers, aircraft numbers, and modernization.

It would ignore the fact the committee called for the Navy to provide the kind of far more substantive and meaningful analysis of the Navy's air requirements in its reporting language on the Defense Authorization Act that is necessary to take intelligent decisions.

Mr. COHEN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER (Mr. FORD). Will the Senator from Arizona suspend while the Senate comes to order.

The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

Let me go back to the real point behind this seemingly pointless amendment. The truth is that this bill is intended as a prelude to removing two carrier task groups from service. The issue is not early retirement of the *Coral Sea* and/or the *Midway*.

The authors have attempted to disguise this with a cover letter and attachment that claim $1 to $5 billion savings that are totally unrelated to the proposal they make.

They have further disguised the reality with an attachment that totally ignores the fact that the definition of deployable carrier includes carriers that will be out of service for 2 years to 30 months because of SLEP and the refueling of nuclear carriers.

They omit the fact that the CRS, GAO, and CBO studies presented to the power projection subcommittee showed that the only way to obtain major savings was to retire two carriers, additional air wings, and their escorts and to reduce their manpower.

If we do anything else, we get only about $150 to $300 million annually.

Even these savings are paper savings that only exist if we ignore the incremental burden placed on the rest of the fleet, manpower retention costs, and the fact we may need the ships.

Early retirement of even one carrier means raising the average deployment at sea from 144 days per year to at least 154. This will place a major strain on retention and the true figure could be much higher.

When we talk days at sea, we forget it takes time to move to and from station. A carrier that spends 144 days at sea and is sent to the Indian Ocean only actually spends 90 days in the place it is sent to fight. It takes 45 days to move each way, and this kind of 6 month deployment is only planned to occur once every 18 months.

To put this differently, it takes five to six carriers in peacetime to keep one carrier constantly on duty half way around the world.

Further, these savings ignore the fact that the *Coral Sea* is due to make one more deployment before it retires in 1992, and the *Midway* is due to make five more deployments before it retires in 1997.

The only reason to spend even a moment on this bill, regardless of how it may now be phrased is to begin a process that will lead to major cuts in our Navy.

Every Senator who votes today should realize the fact that a vote is not some petty exercise in micromanagement, it is support of an amendment whose true ultimate purpose is major force cuts.

If you vote for this amendment, you go on record as supporting the elimination of two carrier battle groups from our force structure at a time every newscast reminds us just how vital our navy really is.

Any cut in our present naval strength is not a casual event.

We have used carriers nearly 200 times since the end of World War II—virtually always to prevent war or to limit its escalation.

On roughly 75 of these occasions, we reacted to situations with little or no intelligence warning.

All our war games and studies show we need far more carriers than we currently program.

We already are short one carrier in the Mediterranean because one of the two carriers we need is deployed in the Indian Ocean.

Not one word in all the testimony before the Power Projection Subcommittee or Armed Services Committee by the advocates of this bill ever challenged the need for more carriers than we already plan to deploy.

The Joint Chiefs and SACLANT strongly and actively oppose the bill.

SACLANT made a particular point of the absurdity of cutting the Navy's active carrier force in the Atlantic by 20 percent to save less than 1 percent of the Navy's budget.

We face a major problem in communicating these needs precisely because the Power Projection Committee has not had the benefit of the kind of systematic study it needs to address this issue.

We need to begin by understanding that the Navy spent months making hard choices to come to us with its budget recommendations. It knew that carriers are the longest lead item. It knew it could make savings by retiring 16 frigates, and by deferring the creation of a 14th active air wing. It knew it had to trade some aspects of its current air strength to fund the modernization of the F/A-18 and the A-12.

Responsible and well thought out tradeoffs were made long before the proposition before us.

The Navy's minimum goal, assuming we lose no bases and make no new commitments, is 15 deployable aircraft carriers.

This term "deployable," however, does not mean fully available for combat. Once we allow for the carriers that will be in SLEP and overhaul, it really means that 13 carriers will be available for immediate combat until 1991.0

Mr. SYMMS. Mr. President, may we have order in the Senate? I cannot hear.

The PRESIDING OFFICER. The Chair understands that he could not. Otherwise the Senate will come to order, and give the Senator from Arizona your attention. If not, remove yourselves from the Senate Chamber and to the Cloakrooms. And there will not be another opportunity to call on the Chair in the next half hour for order.

Mr. McCAIN. Thank you, Mr. President.

Beginning in the early 1990's, one carrier will have to spend some 30 months in partial disassembly for nuclear refueling. This means 12 carriers will be immediately available for combat. One of the additional carriers will be in SLEP, which takes 28 months. The third will be undergoing major overhaul.

This means that there will be no shortfall in air wings. We had 12 active air wings under Carter. We have 13 now. We have had to cut back on plans to create 14 active air wings, but we have 2 reserve air wings, training units, and marine forces.

Even if we ignore the fact that we can easily alter the mix of air wings to suit given missions, we can provide the air strength our carrier force needs. The Navy has sufficient aircraft for all its carriers.

These facts were ignored in the CBO study to the point that it set a requirement so high that it called for 180 more aircraft than the Navy will have deckspots to deploy.

We can provide all the escort force the Navy needs. The Navy may well need enough escorts for 15 carrier battle groups, but it does not need escorts for carriers in SLEP or nuclear refueling.

Further, even in a global conflict, there will be contingencies where the mix of escorts can be altered to provide exceptionally strong defense for the key task groups and others can be given less protection. Further, many of our allies have escorts, none have any equivalent to our carriers.

The PRESIDING OFFICER. All time in opposition to the amendment has expired.

Mr. McCAIN. Mr. President, I ask unanimous consent for 2 additional minutes to complete my statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator may proceed for 2 additional minutes.

Before the Senator proceeds, it would be the suggestion of the Chair that all staff members have a seat. If they do not have a seat, then they can leave the floor. I think that would cut down on some of the noise that we have around here.

The Senator may proceed.

Mr. McCAIN. Mr. President, this amendment is being advocated on the same kind of basis that if it were applied to our reelection campaigns, would ensure that we all "cost-effective" lost office. It is totally devoid of any concern with our overall military needs. It is product of people who report on the price of everything and the value of nothing.

The force data that have been presented in favor of it are mistaken or meaningless.

The cost savings are mythical or will be achieved by gutting a key element of the fleet.

There is no clear reason for the proposed amendment. Regardless of what is being said here today, there is precious little intent to use any of the proposed savings, if any to help improve other aspects of the Navy.

This kind of "help" is never going to undue the harm it begins with.

This amendment is being advocated with sublime indifference to our military needs, and the fact that its real impetus is to try to solve today's Federal budget problems with solutions that cannot have any real impact for years to come.

We cannot afford to play around with our force structure without plans, without net assessments, without requirements analyses, and in sheer indifference to every aspect of our military planning. Accounts may make superb accountants, but they are not superb admirals.

I agree that the day of meaningless slogans like a "600 ship Navy" is over. I agree with Senator NUNN, Senator WARNER, and Senator LEVIN that the time has come to insist that our budgets present our military needs in net assessment terms, and show why given force mixes are necessary to meet given strategic commitments and the needs of given unified and specified commands.

But, we have taken steps to insist on these reforms beginning in the fiscal year 1990 budget, we have insisted that the Navy fully report on its air modernization plans by December.

We need to wait for these studies, and we need to take intelligent forcewide decisions based on the entire FYDP. I can promise my colleagues that if the Navy fails to make its case, I will be the first to cut its forces.

But, let me say that while cutting the Navy may be a senatorial hobby, defending it is a military profession. I believe that once we are given the kind of plan and study we really need to take intelligent decisions, the last thing we will cut is the strength of our carrier forces.

In the interim, this amendment is precisely how this body should not take decisions on defense. It is worse than pointless micromanagement, it is a real threat to our security.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts has 9 minutes remaining.

Mr. KENNEDY. I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I am opposed to the Kennedy amendment.

First, the Navy's goal is "15 deployable aircraft carriers." The Navy currently has 14 carriers and 13 air wings. This will grow to 15 carriers and remain at 13 air wings in 1990, when the carrier *Lincoln* is commissioned.

Mr. President, the Navy had 13 carriers and 12 active air wings during the Carter years. This increased to 13 during the Reagan administration. Navy decided against expanding to 14 in preparation for delivery of the carrier *Lincoln* in fiscal 1990, due to fiscal constraints. The number of Naval Reserve air wings, however, will remain constant, at two.

Second, Mr. President, the number of aircraft carriers we need is driven by our international commitments. In the Pacific Fleet alone, the requirement to continuously station one carrier in the Indian Ocean/Arabian Sea requires five aircraft carriers.

The Indian Ocean commitment would occupy six Pacific Fleet carriers, except transit time is less for the *Midway,* which is home ported in Japan, and because one carrier from the Atlantic Fleet is allocated to the Indian Ocean mission.

Also, unplanned requirements for surge deployments in response to crises should be kept in mind.

Over the years, the aircraft carriers have been a very important tool providing strength in support of U.S. diplomacy, deterring aggression, and countering state-sponsored terrorism.

Carriers have also been used in response to Third World contingencies involving Libya, Lebanon, and Grenada. Both Secretary Carlucci and Admiral Crowe have stated that 15 carriers is a minimum requirement.

The Kennedy amendment would reduce the number of carriers available in the 1990's for normal deployment to 12, the lowest number ever. The last time we had only 12 was during 1977–83.

Mr. President, I urge my colleagues to oppose this amendment.

Mr. KENNEDY. Mr. President, I would be glad to yield 3 minutes to the Senator from Maine, and then I will take 5 minutes to wrap up, and we are prepared to vote if that is agreeable.

The PRESIDING OFFICER. The Senator from Massachusetts has yielded 3 minutes to the Senator from Maine. The Senator from Maine has 3 minutes.

Mr. COHEN. Mr. President, I find curious the arguments that are being made here on this floor. First, Congress cuts the budget for aircraft procurement, and then we turn around and argue we do not have enough aircraft to justify the construction of aircraft carriers. That is a curious way of formulating foreign policy and defense policy through the budgetary process. We talked about why we do not have enough aircraft to put on the ships. It takes 7 years to build an aircraft carrier. You can build a plane and train people in a lot shorter period of time. The fact is that we are an island nation, and that the one area that we have retained any margin of superiority historically has been through the projection of sea power.

I listened, as a member of the Armed Services Committee over the years, to those who say we still maintain this thin margin of superiority. The Senator from Massachusetts points with pride to the fact that we do not have any more areas today than we had in 1981 to defend. There is no greater area of responsibility to cover than in 1981. I recall that it was in 1981 when, for the first time, the CNO, Admiral Hayward, came before the Senate Armed Services Committee and said, "We no longer have a margin of superiority in a time of conflict. I would have to say the outcome is muddy." That was a shocking statement to those of us who sat on the committee in 1981. We had a hollow Navy and a hollow Army. We are now proposing perhaps a midget Navy in terms of cutting it back.

What has not been discussed here today is that in 1991 we will be pulling ships out of deployment because we have to recore them. Their nuclear energy source has to be refueled. That will take almost 30 months. We are now down not to 14 ships but to 13 and possibly 12 aircraft carriers in the 1990's. Also we are about to have an amendment at least discussed, if not accepted, here today about deploying our ships for more drug interdiction. Now we are putting more and more burdens on our Navy, and we are cutting back on the ability to carry out the missions that we have imposed on them.

In my judgment, Mr. President, we are looking at a new form of isolationism, a Fortress America by another name. There are some Presidential candidates who want to reduce our presence around the world. Some would like to pull troops out of Europe, others would like to pull troops out of South Korea. We had that several years ago with a proposal to unilaterally reduce our presence in South Korea. Some would like to pull troops out of the Persian Gulf. That is a policy debate that will be decided between now and November during the Presidential elections.

Those who advocate that may believe that we can project the moral force of our ideals at the same time they restrict our ability to defend with military power the force of those moral ideals. That is a choice that will be made in November. But I think, Mr. President, we have to overwhelmingly reject the attempt to formulate policy and to cut back on our commitments, not by addressing the President saying we want our troops out of Korea, out of Europe, out of the Atlantic, out of the Pacific, or out of the Persian Gulf. We do not do that. We back track. We rejected that approach. I think we have an obligation to our men and women, to American self-government to take such action. Let Congress tell the Navy it should not defend the Middle East.

But do not do this to our young men and women who are serving in the Navy. Do not impose upon them additional responsibilities. Do not ask them to serve longer and longer periods of time, working harder and harder, having less time at their home with their families, and then ask them to reinlist. We are doing a terrible disservice to the men and women who serve in our Navy. For less than one-half of 1 percent of the Navy's budget, we are going to reduce the Atlantic fleet's deployable carrier forces by 20 percent. That is Admiral Baggett's testimony. Do not accept this amendment.

I urge the Chamber at the appropriate time to table this amendment.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Four minutes. The clock is running.

Mr. KENNEDY. Mr. President, I think it is important that as we are coming close to the vote to consider what this amendment does and what this amendment does not do. First of all, as a result of this amendment, if it is accepted, we will be building more naval ships, more naval planes, and increasing the capacity of our Navy to have more munitions. That is the point of this amendment. The savings, which have been estimated by CBO and GAO, are between $1 billion and $5 billion. That money would be used to build the U.S. Navy. This is point No. 1.

Point No. 2, Mr. President, is that this amendment would effectively maintain the status quo in terms of aircraft carrier force levels until 1997.

When our global responsibilities increased in 1980–81 as the result of the invasion of Afghanistan and other events in the Persian Gulf, we had 12 carriers and no battleships. Now, we have 14 carriers and 4 battleships.

Mr. President, we hear about the time on station and the time off station. I have the data on that: each carrier was away from homeport an average of 163 days in 1980; 172 days in 1981; 155 in 1982; 154 in 1983; 159 in 1984; 134 in 1985; 122 in 1986; 133 in 1987. That is the time on station. When Senators talk about years and years of time on station, they are at variance with the facts. There has been reduction in time on station by 20 days, as the newer aircraft carriers have joined the fleet over the past 7 years.

We understand the hardship that goes on, but the fact is that that hardship is going to be transferred, unless we accept this amendment, to those sailors on cruisers and destroyers, because that is where the shortfalls are.

I do not know why we cry crocodile tears for the shortfalls and burden on the aircraft carriers when you have someone a mile off your starboard whose families will be disrupted as well. Mr. President, as the chairman of the committee has said so well, the shortfall in terms of naval surface ships, munitions, and planes is where the attention should be.

The argument that has been made here that we cannot challenge the Navy's judgment would remove our constitutional responsibility for raising armies and navies. We have an authorizing committee and an appropriating committee, and we have an obligation to make the difficult judgments on how to allocate the scarce resources.

Mr. President, I hope that those who believe, as the chairman has pointed out, in a balanced Navy, those who are concerned about ensuring that we are going to be able to keep our commitments, those who are concerned about allocating resources in the most effective way will support our amendment.

Finally, Mr. President, this issue has been studied and restudied. The suggestion that it has not been studied really does not hold water. We have reports from the General Accounting Office, from the Department of Defense, and from the CBO. I think a fair review of those reports would substantiate those of us who support this amendment.

I hope the motion to table will be rejected, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, as a body we have supported the modernization and expansion of our Navy. The value of what has been achieved by that Navy is well-known. Operations in the Persian Gulf, Libya, and elsewhere have shown the continuing need for and value of the mobile projection force represented by the carrier battle group and the battleship action group. The need for those forces will in my estimation continue. I think that there is a broad consensus on this. We must, therefore, insure we retain a balanced and capable carrier capability.

I share the concern of Senator KENNEDY and others about the future cost of our Navy. We have serious resource problems which we must address in the continuing modernization and support of the planes and ships and tanks and most importantly the personnel in all our Armed Forces. The gains of the past 10 years must be made sustainable. We must have a plan to keep what we have running and modern. As Secretary Carlucci has repeatedly testified we cannot return to a hollow force.

Just as real is the fact that hard tradeoffs must be made if we are to get our fiscal house in order. I think that acting now, in a budget amendment to determine how to balance the Navy's composition within the probable constrained dollars is inappropriate. I strongly agree, however, that it must be done.

The current amendment attempts to force the reconsideration by specifically removing carrier capability. We must recognize that the action will not maintain a status quo. The remaining carriers will absorb new operational responsibilities because of the planned refueling and recoring of our nuclear carriers—an additional required maintenance job that may take up to 30 months per vessel. Fewer available carriers mean we either commit the carriers less or run them and the sailors who man them harder. I don't think we can afford either course.

There is a far better mechanism to achieve a balanced affordable Navy. Secretary Carlucci has gone to the services and asked them to make the choices in DOD's planning process. We will have the opportunity to review those decisions in the new biennial budget we receive from the Department. The Navy should and I think must propose the balanced affordable force we need.

Mr. COHEN. Mr. President, I move to table the amendment offered by the Senator from Massachusetts, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this request has been cleared with the Republican leader.

I ask unanimous consent that on the Wallop amendment, which is to follow back to back, depending upon the outcome, of course, of this tabling motion, there be a 10-minute limitation for the rollcall vote. Senators will have voted. We will have an immediate vote on the Wallop amendment, unless there are other intervening votes having to do with reconsideration. That amendment will be a 10-minute rollcall vote, the call for the regular order being automatic.

I hope that staffs will inform Senators of such, when Senators come in and vote on the first motion.

The PRESIDING OFFICER. Without objection, the second vote will be a 10-minute vote.

Mr. NUNN. Mr. President, are we under a time agreement now?

The PRESIDING OFFICER. There is a motion to table, and there is no debate.

Mr. NUNN. I ask unanimous consent, on an administrative detail, to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. NUNN. Mr. President, we are making good progress this morning, and we have received splendid cooperation from all parties.

We have two important votes coming up. We have negotiations going on about the drug enforcement matter. We hope to reach some agreement on that. We are not positive that we will, but we are making progress.

We have a lot of amendments on this list that we believe, as floor managers, are not serious amendments, in the sense of people planning on calling them up. If they are, we will be here another 3 weeks. We want to find out, and for the purpose of finding out where we are going, I hope that after these two votes, somewhere around 1 o'clock or before, we would have the majority leader on the floor with the minority leader, and we could propound a unanimous-consent agreement that would set a time certain. It is up to the membership—whether it is 3, 4, 5, or 6 o'clock. We will go along with any of those times.

If we have a time certain to vote, which will allow any amendment then pending to be voted on, we will give each side 1 minute on an amendment. If we do not get a unanimous-consent agreement, there is no way we are going to get these amendments disposed of, and we may be here late this evening. We may not finish; and if we cannot, we cannot. We will continue on this matter this week, or whenever the majority leader decides.

We have a chance to finish by 4 or 5 or 6, I believe, if we get cooperation and if we get unanimous consent. If we do not, we will be here until 10, 11, or 12 o'clock this evening, and we will do the best we can.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the motion to table the amendment of the Senator from Massachusetts. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], and the Senator from Nebraska [Mr. KARNES] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—56

Adams
Armstrong
Bentsen
Bond
Boren
Boschwitz
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Garn
Glenn
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Kasten
Lautenberg
Lugar
McCain
McClure
McConnell
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pressler
Quayle
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—37

Baucus
Bingaman
Breaux
Bumpers
Burdick
Conrad
Cranston
Daschle
Dixon
Exon
Fowler
Gore
Harkin
Johnston
Kassebaum
Kennedy
Kerry
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Weicker
Wirth

NOT VOTING—7

Biden
Bradley
Hatfield
Hecht
Karnes
Simon
Stennis

So the motion to lay on the table amendment No. 2049 was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2051

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion of the Senator from Nebraska [Mr. EXON] to table the amendment of the Senator from Wyoming [Mr. WALLOP]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], and the Senator from Nebraska [Mr. KARNES] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—56

Adams
Baucus
Bentsen
Bingaman
Boren
Breaux
Bumpers
Byrd
Chafee
Chiles
Cohen
Cranston
Daschle
DeConcini
Dixon

Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Heinz
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stafford
Weicker
Wirth

NAYS—37

Armstrong
Bond
Boschwitz
Burdick
Cochran
Conrad
D'Amato
Danforth
Dole
Evans
Garn
Gramm
Grassley
Hatch
Helms
Hollings
Humphrey
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—7

Biden
Bradley
Hatfield
Hecht
Karnes
Simon
Stennis

So the motion to lay on the table amendment No. 2051 was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, we have about three or four agreed-to amendments before us at this point in time, the first by the distinguished Senator from Arizona [Mr. McCain] who is prepared to offer the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2052

(Purpose: To require a report, and express the sense of Congress regarding discussions on, Japanese contributions to the indivisible security of the leading industrialized democracies, and for other purposes)

Mr. McCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] for himself and Mr. Dole, proposes an amendment numbered 2052.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . REPORT ON, AND DISCUSSIONS REGARDING, JAPANESE CONTRIBUTIONS TO GLOBAL STABILITY AND THE INDIVISIBLE SECURITY OF THE LEADING INDUSTRIALIZED DEMOCRACIES.

(a) Findings.—The Congress makes the following findings:

(1) The alliance of the United States and Japan is the foundation for the security of Japan and peace in the Far East and is a major contributing factor to the democratic freedoms and economic prosperity enjoyed by both the United States and Japan.

(2) In keeping with the declaration made at the 1983 meeting in Williamsburg, Virginia, of the leaders of the leading industrialized democracies that "the security of the Western countries is indivisible and must be approached on a global basis", the government of Japan—

(A) continues to fulfill the pledge of Prime Minister Suzuki to defend the territory, airspace and sealanes of Japan to a distance of 1,000 miles by 1990, has increased its foreign assistance in fiscal year 1988 by 6.5%, and is, according to recent reports, actively involved in increasing its contributions to the stability of the Republic of the Philippines, actions welcomed by the United States.

(3) Japan could, because of its recent history and economic status, best fulfill a politically acceptable and significant role in maintaining the indivisible security of the Western nations by increasing its Official Development Assistance to a level consistent with the provisions of section 1012 of Public Law 100-180.

(4) However, continued unwillingness by Japan to bear its fair share of the burden of maintaining the indivisible security of the leading industrialized democracies could weaken the long-term vitality, effectiveness, and cohesion of the alliance between the United States and Japan.

(b) Study.—The Secretary of Defense shall, in coordination with the Department of State and the Agency for International Development, incorporate within the report required by section 1003 of Public Law 98-525, a report on Japan's Overseas Development Assistance.

(A) Report.—The report shall contain—

(1) a description of the amount and nature of Japanese Overseas Development Assistance by recipient, including distinguishing between grant aid, loans and credits.

(c) Policy.—It is the sense of Congress that—

(A) The President should enter into discussions with Japan for the purpose of reaching a more equitable distribution of the burden of financial support for the indivisible security of the leading industrialized democracies;

(B) the objective of such discussions with Japan should be to establish a schedule of increases in Japan's Overseas Development Assistance and its defense budget so that, by 1992, the level of spending on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization on official development assistance and defense programs (stated as a percentage of their respective gross national products);

(C) the President should report to Congress, within 180 days after the date of the enactment of this Act, on the progress of such discussions; and

(D) if, in the judgement of Congress, the President's report does not reflect substantial progress toward a more equitable distribution of the burden of maintaining the indivisible security of the leading industrialized democracies, the Congress should review the extent of the distribution of the mutual security burden between the United States and Japan and consider whether additional legislation is appropriate.

The PRESIDING OFFICER (Mr. Burdick). The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment has been agreed to by both sides. Since I know there is heavy business before the Senate, I will be brief in my description of this amendment and I am pleased that my friend and colleague from Illinois, Senator Dixon, and others have agreed to it.

Mr. President, this bill concerns the size of Japan's contributions, not only to our common defense but to development of other economies throughout the world. Last year, I proposed a sense-of-the-Senate resolution which was accepted by this body. This resolution called upon the Japanese to increase their economic contributions, not only in the Pacific rim but throughout the world. It called for Japan to stop its excuses and evasions and to share at least as much of the burden of preserving security as the average effort by our NATO allies.

Since last year, Mr. President, the Japanese Government has made very little, if any, effort to pick up its share of that burden. I think it is important to recognize, Mr. President, that Japan's total defense effort and economic assistance programs reach only one-fourth the amount, as a percent of GNP, of the average effort of our European allies. We do not need to talk about the NATO burden-sharing problem as long as we have the Japanese burden-sharing problem. Japan's efforts do not come close to those of any other major ally, much less survive in comparison to the efforts of the United States.

Mr. President, our ships that are protecting the tankers and cargo ships in the gulf are experiencing enormous strain, and require enormous expense on the part of the U.S. taxpayers. Sixty percent of that oil that now flows through the Persian Gulf now goes to Japan. When last I checked the Japanese were not paying one penny for that enormous protection and sacrifice on the part of the American people. They made a token payment toward an improved navigation system, but this compares to the sale of over $100 million in vehicles and supplies that went directly to the Iranian military. They spent less than one-tenth of the money on preserving security and ending the Iran-Iraq war than they earned from keeping the war going.

Mr. President, this amendment calls for a report to the Congress of the United States that describes the amount and nature of Japanese overseas development assistance by recipients, including distinguishing between grant aid loans and credits.

It calls on the Japanese to enter into discussions with our Government to bring up their contribution over time, by 1992, so that will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization on official development assistance and development programs as a percentage of their respective gross national products. It calls for an end to excuses and evasion, and it calls for Japan to act as a responsible nation.

Mr. President, Japanese failure to share the burden of defending the free world is a source of great dissatisfaction and even anger on the part of the American people. I want to point out very clearly, however, that it is in no one's interest, including the Japanese people's, for Japan to remilitarize. I do not suggest or support a significant remilitarization of the Japanese nation. What I do strongly suggest is that it is time that Japan took its place as a major economic power in the world, and extend the kind of economic assistance to Pacific rim countries, Africa, Latin America, and other nations that is vital to preserving our mutual security. Japan's mission should be to provide the development assistance that these nations so badly need and to further the cause of democracy and freedom throughout the world.

Mr. President, if Japan does not act, and act dramatically and decisively within the next year, I intend to introduce legislation that will for such action, and I believe that a strong majority in both Houses will support me. Japan is the proper focus of our efforts in burden sharing. It is the nation which must begin to use its wealth responsibly and for the common good. The time for words is over. The time for action is long over due.

I would like to express my appreciation to my good friend from Illinois in supporting this amendment and I have no further comments. I yield the remainder of my time.

Mr. DIXON. Mr. President, I congratulate the distinguished Senator from Arizona for his usual thoughtfulness. His amendment follows up a similar amendment he offered last year. It represents a balanced, reasonable effort to encourage Japan to expand further its growing foreign aid program and we are delighted to support this on the majority side.

Mr. DOLE. Mr. President, I am pleased to join as a cosponsor of this important amendment.

I happen to have had the opportunity over the past year to do a great deal of traveling around this country. And one concern I heard expressed many, many times was that some of our allies are just not doing enough to bear their fair share of the burdens and risks of defending the free world.

And let me say very candidly: some of the most serious concerns are expressed about Japan. Japan spends less on its own defense than any other major industrialized country, just over 1 percent. Yet it could and should do so much more. It enjoys an almost unprecedented economic growth and prosperity; it maintains an enormous trade surplus, not only with the United States but with practically everybody else. It has done far less, proportionally, than we and several of our NATO allies have in the Persian Gulf—yet it probably receives more concrete benefit from maintaining freedom of navigation in the gulf than any other allied nation.

It is time—high time, for Japan to do more—much more.

The amendment offered by the distinguished Senator from Arizona, Senator McCain, is an important step in focusing attention, and effective action, on this key problem.

We need to keep clearly in mind our basic goal: to reach the point where Japan is bearing the same degree of combined defense-foreign aid burden that we bear. The McCain amendment precisely sets that as our policy goal—in a way that Tokyo can't ignore or duck.

We need to know exactly what Japan is doing; what it is capable of and should be doing; and what we are doing to pressure Japan to close that burden-sharing gap. The report mandated by the McCain amendment will give us the hard facts we need, to act rationally and effectively to do what needs to be done to get Japan to pony up its fair share.

In recent months, I have offered some ideas for Japanese burden sharing, including those suggested in the McCain amendment in the field of economic aid. I would also like to see Japan make a major—the major—contribution to an alliance oil reserve, to reduce our dependence on gulf and Middle East oil. I would like Japan to bear a greater share of the cost of our military operations, both in Japan and in the region. Others, undoubtedly, have their own ideas.

But it is time—as I said, high time—to start turning these ideas into action.

Let's start today by agreeing to the McCain amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2052) was agreed to.

Mr. DIXON. Mr. President, we have now agreed to go to one by Senator Bumpers and one by Senator Quayle, so we have a little degree of bipartisanship here.

AMENDMENT NO. 2053

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. Bumpers] proposes an amendment numbered 2053.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

The Congress urges the President to ensure that any Military Base Closing Commission established by this or any other legislation:

1. Takes into account the total economic cost to the country as a whole, and not just to the Department of Defense or to the Federal Government, in making decisions concerning the closing or functional realignment of any military installations; and

2. Is appropriately briefed on the basing requirements and basing implications of compartmented programs, popularly known as black programs, within the executive branch before issuing any report recommending the closing or functional realignment of any military installations.

Mr. BUMPERS. Mr. President, I have cleared this with the majority side, and I think with the minority side. It is a very simple sense-of-the-Senate amendment. It simply says that the Base Closing Commission which we have agreed to set up, in filing their report and making their determinations, will take into consideration the economic impact that a recommended base closing might possibly have on the community.

For example, I have a base in my State where the unemployment rate in the surrounding community is 16 percent. If you close the air base there, the unemployment rate immediately shoots to 24 percent.

My point is this: The Commission should not make a recommendation solely on the basis of cost savings to the Defense Department. They should also have the costs to the U.S. Government and the country as a whole in unemployment compensation, food stamps, all kinds of social programs that will result from a whopping increase in the unemployment rate.

This is a sense-of-the-Senate amendment telling them to please take that into consideration.

No. 2, and this is not really critical, but there may be instances in which the Pentagon will want to brief the Base Closing Commission on the fact that there are some geographical or maybe other considerations for a base's existence, based on certain compartmented programs or so-called black programs that are ultrasecret.

I assume the Pentagon and the Defense Department will not want to, and this amendment does not even suggest that they clue the Base Commission in on every sort of code word secret that we have in the United States.

But there are some cases where highly sensitive operations are taking place at some bases. While it may look on the surface to be highly inefficient, from an economic standpoint, and not cost effective to the Defense Department, there is still the possibility that there is a justification on that based on ultrasecret black programs that are taking place at that base.

So all we are saying is those two things should be considered by the Commission.

I appreciate very much the cooperation of the distinguished Senator from Illinois in reviewing this and bringing it to clear it on our side.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I am very supportive of the sense-of-the-Senate resolution by the distinguished Senator from Arkansas. I support it with enthusiasm.

I am now advised by the distinguished Senator from Indiana that it has not been cleared on their side. I say to the Senator from Arkansas, I believe there is a good chance and likelihood that it will be, but they have not yet done so.

If he could be tolerant of us for a little while, I would like to turn to another amendment until such time as that is cleared. But I believe we can accommodate him.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the amendment be set aside until such time as the Republican side has the opportunity to review it.

Mr. DIXON. I thank my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, the Senator from Indiana has an amendment that has been cleared on both sides. It has to do with proliferation.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 2054

(Purpose: Sense of the Senate to request Department of Defense action on personnel deficiencies preventing effective performance of missile technology control responsibilities)

Mr. QUAYLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE], for himself and Mr. WILSON, proposes an amendment numbered 2054.

Mr. QUAYLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

The number of countries that have acquired ballistic missiles or have actually used them in combat has increased significantly in the past six months;

The Secretary of Defense has expressed concern about missile proliferation;

Congress directed that the Department of Defense provide a report specifying personnel requirements to implement the Missile Technology Control Regime Policy that was concluded by the United States and six other countries in April 1987 to control the proliferation of missiles capable of delivering nuclear weapons;

The Department of Defense report was due February 1, 1988 and has not yet been received: Now, therefore it is the sense of the Senate that—

(1) The Secretary of Defense should file the requested report as soon as possible but not later than July 30, 1988 and

(2) Department of Defense personnel deficiencies which prevent effective performance of missile technology control responsibilities be rectified as soon as possible; using temporary duty assignments if deemed necessary.

Mr. QUAYLE. Mr. President, this has been worked out on both sides. It deals with the report that should have been sent to the Congress dealing with the issue of ballistic missile proliferation around the world, not only to identify the sources of the problem, but, more important, what kind of personnel needs we will have to have in order to confront this problem.

This should have been delivered. We have now, once again, requested that it be delivered. It has been worked out on both sides, and I urge its adoption.

Mr. DIXON. Mr. President, we support this amendment. This report has been due since February 1. We should have had it before. I congratulate my friend from Indiana on his thoughtful amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2054) was agreed to.

AMENDMENT NO. 2055

(Purpose: To authorize the use of unobligated balances for specific defense waste activities at Hanford, Washington)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. ADAMS, for himself and Mr. EVANS, proposes an amendment numbered 2055.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 249, after line 20, insert the following new section:

(e) USE OF REMAINING UNOBLIGATED BALANCES.—Of the funds previously authorized and appropriated for fiscal year 1988 for the projects listed in subsection (1), the remaining unobligated balances are authorized to be transferred and made available, to the extent provided in an appropriation act, for the Defense Waste and Environmental Restoration activities at Richland, Washington listed in subsection (2).

(1) Project 87-D-174, 241-AQ tank farm, Richland, Washington, $22,300,000.

Project 87-D-150, Radioactive Effluent Treatment Facility, Richland, Washington, $5,000,000.

Project 87-D-149, Reduced Chemical Discharge, Richland, Washington, $1,700,000.

Project 86-D-149, Productivity Retention Program, Richland, Washington only, $10,000,000.

Project 85-D-136, Components Protection System, Richland, Washington, $4,000,000.

Project 82-D-124, Restoration of Production Capabilities, Richland, Washington only, $1,200,000.

(2)(a) For operating expenses:

(1) for environmental restoration, $30,000,000.

(2) for waste operations and projects, $1,250,000 for Grout; $2,000,000 for B-Plant; $2,000,000 for Vitrification.

(b) For construction: $2,000,000 for B-Plant and $500,000 for Grout, Project 89-D-170, general plant projects. $5,000,000 for High Waste Vitrification Plant, Project 88-D-173, Richland, Washington.

(c) For capital equipment: $1,000,000 for B-Plant and $500,000 for Grout at Richland, Washington.

(3) The amounts authorized to be transferred in subsection (2) are in addition to the amounts authorized in sections 3101 and 3102.

Mr. ADAMS. Mr. President, I believe that this amendment is acceptable to the managers of the bill so I will be brief. There are just a few points that need to be made.

I want to begin by commending the committee in general and Senator NUNN and Senator EXON in particular for focusing on the problem of the wastes generated by defense activities. For too long we have ignored this problem, not just at Hanford, but at other DOE sites around the country. And, as a result, our environment has been contaminated and our citizens have been threatened. It is, at the least, ironic that activities designed to protect our people have, in fact, placed them in danger. The committee has increased funding for programs designed to clean up the waste that has been generated by the Department of Energy's nuclear weapons facilities. And I am grateful for that. But the proposed increase, as the committee recognized, does not even begin to deal with the scope of the problem we face.

In addition to the national problems we face, as the committee knows, we have a unique problem in Washington State. The Hanford nuclear reservation, which has been operating for over 40 years as a mainstay of our defense production system, faces a series of serious environmental problems. We have accumulated more defense wastes at Hanford than any other facility in the United States. Even worse, much of that waste is stored in single shelled tanks which have leaked into the environment. Despite these problems, the general schedule for cleanup, as well as the specific schedule for individual projects, has slipped badly. The recent decision by the Department of Energy to close the N-reactor at Hanford has created fears in the minds of many that the Government would attempt to simply walk away from this problem. I want to acknowledge the very clear statement in the committee's report that this is not the case and that the N-reactor decision does not diminish the Federal Government's obligation to deal with the nuclear waste problem and express my appreciation for the committee's forthright statement on this point.

The Governors of Washington and Oregon have joined together in an effort to increase funding for defense waste cleanup at Hanford and get the program back on schedule. This amendment is a step in that process. Specifically, the amendment increases the authorized funding level for a number of specific projects and programs at Hanford. This increase in funding will serve to accelerate the cleanup and it will also serve to minimize the economic impact on the tricities of DOE's decision to close the N-reactor.

Given the tight budgetary constraints faced by the committee, the increase in funding authorized here is less than we need. And it is less than the Governors have requested. It is, however, a major step toward accelerating the waste cleanup programs at Hanford.

In addition, the increase in funding does not represent "new" money. Essentially, the amendment authorizes the use of funds which were appropriated in previous years for N-reactor related activities and which can no longer be spent because of the closure of that facility. There is, then, an increase in authorization for Hanford cleanup, but not an increase in "new" budget authority.

I greatly appreciate the assistance of Senator NUNN and Senator EXON and committee staff in helping us craft this amendment. It will help us accomplish several immediate goals toward beginning construction of the vitrification plant, operation of grout facilities, and characterization and cleanup of hazardous and radioactive wastes at the reservation. It will also help us mitigate the economic impact of the shutdown of the N-reactor.

As the Armed Services and Appropriations Committees are no doubt aware, the long-term costs of defense waste cleanup at Hanford and the other DOE sites are going to be substantial. We are going to have to commit more than rhetoric to this problem and we will have to find a way to find a way of funding these programs in the years to come. Earlier this year, my colleague in the House, Representative DON BONKER and I introduced legislation to establish a trust fund for the cleanup and long-term management of DOE facilities as one alternative to the long-term problem of funding the Government's substantial obligation in this area. I look forward to my colleagues comments and criticisms of this legislation, because a way must be found to deal with the long-term funding needs of the DOE.

Finally, Mr. President, I want to extend a special thank you, to the committee staff in the context; they have been extremely cooperative and helpful.

I now want to add a word of thanks to my senior colleague, Senator EVANS, who I know wants to speak briefly on this amendment as well. Senator EVANS and I have worked on this problem together for a long time. It is no secret that we have different views on many issues associated with the future of Hanford. And it is no secret that Hanford-related issues have been, and will be, a political issue in our State. Still, on the question of defense waste cleanup, we have worked together and our staffs have worked together. I want to publicly indicate my appreciation to Senator EVANS. He has been, in all regards, a real coauthor and not just a cosponsor of this amendment.

Mr. President, I yield the floor.

Mr. EVANS. Mr. President, I am pleased to join with my colleague from the State of Washington, Senator ADAMS, in proposing an amendment to authorize significantly increased spending for defense waste cleanup activities at Hanford, WA. The increased spending is vital to ensure that we continue to move forward aggressively to correct what can only be characterized as an unacceptable situation.

As my colleague noted, the bulk of the Nation's defense wastes are stored, inadequately, at Hanford. Highly radioactive material is stored in tanks that are proving incapable of containing it. In some cases, we are not even certain what kinds of nuclear material are in the tanks.

The people of that community deserve better treatment than they currently are receiving. For more than 40 years the citizens of the communities surrounding the Hanford reservation have made a substantial commitment to our national defense effort. All of us are safer today because of the contributions they have made. We need to pay them back with more than just empty promises, particularly when we are talking about rectifying a problem that poses significant health and environmental risks.

Senator ADAMS and I have worked closely together on this issue. We both agree on the need to keep faith with the people in the Hanford area.

Throughout the remainder of the year I will be working aggressively to make sure that the communities surrounding the Hanford reservation are developing an economic base that will provide for increasing economic opportunities in the future. That will require an expansion and continuation of activities both within the Hanford reservation and in the private sector.

Mr. DIXON. Mr. President, this is an amendment offered by the two Senators from the State of Washington. I believe this amendment to be a good amendment. This amendment would authorize the use of funds previously appropriated for projects related to the Hanford N-reactor to be used for waste and cleanup activities.

It has been cleared on both sides.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, this amendment, I think, is a good one. We have gone into this in considerable detail in subcommittee. If there is one thing we have overlooked over the years and have not faced reality on in the future, it is the cost of the cleanup that we have at Hanford and many other places.

So I think this is another small step in the right direction. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2055) was agreed to.

TECHNICAL CORRECTION TO AMENDMENT NO. 2027

Mr. DIXON. Mr. President, I ask unanimous consent for a technical correction as follows: On page 30 of amendment No. 2027, delete lines 1 through 5.

It is a technical correction only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I thank the Chair.

Mr. President, at this point in time, we have adopted all the amendments that we had agreed to where the Senators were on the floor.

I now ask unanimous consent that we go to an amendment by the distinguished Senator from Michigan to reduce the SDI funding, with 40 minutes to be evenly divided between the proponents and opponents, with the time for the proponents to be distributed or allocated by the distinguished Senator from Michigan, and the time by the opponents to be distributed by the Senator from Indiana.

Mr. EXON. Reserving the right to object, can somebody explain to me what the arrangements are? This is another amendment that is on the Strategic Subcommittee, of which I am chairman, that has not been cleared with the Senator from Nebraska.

I ask my friend from Illinois, once again, will he please advise the Senator what the arrangements are as to controlling of time?

Mr. DIXON. I am apologetic, Mr. President. The Senator from Nebraska is absolutely correct, and I am embarrassed if he has not been informed of this.

This is an attempt by the Senator from Michigan to reduce the SDI funding by $600 million and spend it on conventional weaponry, such as Apaches and other things.

I wonder whether we need further discussion in view of the fact that has not been, apparently, adequately cleared on both sides.

Mr. EXON. Can I be advised as to how much time is allotted to the proponents and the opponents?

Mr. DIXON. May I say to the Senator from Nebraska, the Senator from Michigan indicated he was satisfied to have 20 minutes on the basis that I have talked to the managers.

At that time on the floor, there was the Senator from Maine, Senator COHEN; the Senator from Arizona, Senator MCCAIN; perhaps the Senator from Virginia, Senator WARNER. We had agreed to 40 minutes.

I now understand, frankly, perhaps the jurisdictionally interested people were not on the floor at that time, for which I am humble and apologetic.

I am delighted to accommodate everybody according to their whims and, particularly, the distinguished Senator from Nebraska.

Mr. EXON. The Senator from Nebraska will not object provided I am allowed 5 minutes' time under my jurisdiction to respond, as far as my views are concerned, to the amendment offered by my friend and colleague from Michigan.

Mr. DIXON. May I say, I think the remarks of the Senator from Nebraska are appropriate. I am told, as well, that the Senator from Idaho, Senator SYMMS, has some problems. I am sure it is for the same reason as the Senator from Nebraska has problems.

Again, I humbly apologize, and I wonder whether we can begin, and, in the meantime, we will try to see what we can do about a time limit.

Mr. EXON. Reserving the right to object to that, I am only asking for 5 mintues.

Mr. DIXON. No problem about that.

Mr. EXON. It seems to me that if we start making exceptions right now to previously agreed to time agreements, then we are going to break down all the way around. How much time does the Senator from Michigan have, 20 minutes?

Mr. LEVIN. That was my understanding. I would be happy to accommodate the Senator.

Mr. EXON. In order to accommodate me, could the Senator from Michigan allow me 3 minutes of his 20 minutes in opposition to his amendment? Then we can hold to the agreement that was made.

Mr. DIXON. May I say to my friend from Nebraska, he has 20 minutes under the agreement, 20 minutes under the control of the Senator from Nebraska. It was 40 minutes evenly divided.

Mr. EXON. I thought it was divided——

Mr. DIXON. Forty minutes evenly divided, the Senator from Michigan 20, the Senator from Nebraska with his colleagues in opposition would have 20.

Mr. EXON. If the control is under either the Senator from Indiana or the Senator from Nebraska, if I could have 3 to 5 minutes, then that takes care of my concern.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. QUAYLE. Reserving the right to object, what is the unanimous-consent request?

Mr. DIXON. Mr. President, the unanimous-consent request is that we go to an SDI amendment by the Senator from Michigan, which would involve reducing the SDI authorized sum by $600 million using the funds to purchase conventional weaponry, Apache attack helicopters and other things. The request further is that there would be 40 minutes on the debate, 20 minutes in the possession of the distinguished Senator from Michigan, who would allocate his own time, 20 minutes to be allocated by those in opposition including the distinguished Senator from Nebraska, the Senator from Idaho, and others, and that they would divide their 20 minutes and that there would be no amendments to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. QUAYLE. Mr. President, reserving the right.

Mr. DIXON. But a motion to table the amendment.

Mr. QUAYLE. Unfortunately, I do not have cleared on this side to enter into a time agreement. Therefore, I would have to object. I suggest that we begin the debate on this amendment. Furthermore, we can table it at any time. We do not want to cut anybody off, but you can table it at any time. To enter into a unanimous-consent agreement at this time for a time certain, unfortunately I must be constrained to object to that request.

The PRESIDING OFFICER. Does the Senator from Illinois withdraw his request?

Mr. DIXON. Yes.

Mr. EXON. Mr. President, reserving the right of object, I appeal once again to my friend from Indiana, a distinguished and valuable member of the Armed Services Committee. He knows full well how important it is we move forward on this bill. I want to ask him why we cannot get a time agreement on this. Is there some specific reason? Is there some Member who wants to speak later? About how long does he think we will be tied up if we do not enter into the time agreement that was briefly discussed and suggested?

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. EXON. I am happy to yield.

Mr. QUAYLE. I will tell my dear friend from the Armed Services Committee that I was requested to serve as acting manager about 5 minutes ago. Actually, I was on my way back to the office. The manager on this side is momentarily detained in a very important meeting, I understand, in the majority leader's office dealing with other matters. I am here as his representative. I am informed by members of our staff that there is an objection to a time agreement on this amendment. It is not me that is objecting. I am simply on behalf of another Senator putting in that objection.

I might further add that we do not need to have a unanimous-consent agreement for a motion to table. Once debate is concluded, any Member of the Senate, once recognized, can move to table, and I think that is how we ought to proceed, just go ahead with the debate. We are spending time arguing about nothing.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Nebraska has the floor.

Mr. EXON. Mr. President, I withdraw my objection. I just hope that those who continually talk about improving the quality of life in the Senate, which is a favorite buzz word, would heed and understand when we are here probably at 11 or 12 midnight tonight why we cannot move in a more expeditious fashion. I withdraw my objection.

The PRESIDING OFFICER. The objection has been withdrawn.

Mr. EXON. And let us proceed with the long, unending debate.

AMENDMENT NO. 2056

(Purpose: To reduce the amount authorized to be appropriated for the Strategic Defense Initiative and to increase the amounts authorized to be appropriated for certain conventional defense programs)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. JOHNSTON, and Mr. DIXON, proposes an amendment numbered 2056.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 19, strike out "$2,794,900,000" and insert in lieu thereof "$2,944,500,000".

On page 2, line 20, strike out "$2,541,800,000" and insert in lieu thereof "$2,599,100,000".

On page 2, line 23, strike out "$2,035,536,000" and insert in lieu thereof "$2,110,536,000".

On page 3, line 7, strike out "$6,193,100,000" and insert in lieu thereof "$6,267,400,000".

On page 4, line 11, strike out "$4,836,200,000" and insert in lieu thereof "$4,870,000,000".

On page 12, line 16, strike out "$8,990,541,000" and insert in lieu thereof "$8,390,541,000".

On page 25, line 10, strike out "$4,271,000,000" and insert in lieu thereof "$3,671,000,000".

On page 34, line 22, strike out "$22,142,400,000" and insert in lieu thereof "$22,212,400,000".

On page 34, line 23, strike out "$24,879,700,000" and insert in lieu thereof "$24,949,700,000".

On page 34, line 25, strike out "$21,898,700,000" and insert in lieu thereof "$21,968,700,000".

Mr. LEVIN. Mr. President, the manager requested that we set aside this amendment so that the Senator from New Hampshire can offer an amendment which apparently is cleared. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The amendment is set aside.

The Senator from Illinois.

Mr. DIXON. Mr. President, I thank the Senator from Michigan. I think in a moment we are going to have a unanimous-consent agreement on his amendment. In the meantime, the distinguished Senator from New Hampshire has two amendments which have been agreed to and that will save substantial time. We are in the debt of the Senator from Michigan.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 2057

(Purpose: To amend section 1072 of title 10, United States Code, to make eligible for medical care under chapter 55 of such title the child of an unmarried legitimate child of a member of the uniformed services)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and aks for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 2057.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 79, between lines 14 and 15, insert the following new section:

SEC. 623. MODIFICATION OF DEFINITION OF DEPENDENT

(a) AMENDMENT TO SECTION 1072 (2) OF TITLE 10.— Section 1072 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (F);

(2) by striking out the period at the end of clause (G) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(H) the grandchild of a member or former member if the grandchild is in fact dependent on the member or former member for over one-half of the grandchild's support and if a parent of the grandchild qualifies as a dependent of the member or former member under clause (D).".

(b) NON-RETROACTIVE BENEFITS.—No health care benefits shall be payable to or on behalf of any person as a result of the amendment made by this Act for any health care furnished to any person for any period prior to the date of the enactment of this Act.

Mr. HUMPHREY. Mr. President, this amendment is designed to close a gap in the health care coverage offered by the uniformed services. The amendment has been discussed by the floor mangers on both sides and has been cleared by each. I do not think there is any great necessity to debate it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DIXON. Mr. President, this amendment by the distinguished Senator from New Hampshire has been cleared. It intends to clarify the definition of "military dependent" for the purpose of eligibility for military medical care, and we are in his debt for this fine amendment. We support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2057) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2058

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 2058.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Part B, Title IX, Division A of the bill, insert the following new section:

SEC. 91. REGULATIONS FOR DELIVERY OF MILITARY PERSONNEL TO CIVIL AUTHORITIES WHEN CHARGED WITH CERTAIN OFFENSES.

(a) Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall ensure that the Secretaries of the military departments have issued uniform regulations pursuant to section 814 of title 10, United States Code, to provide for the delivery of members of the armed forces to civilian authority when such members have been accused of offenses against civil authority. Such regulations shall specifically provide for the delivery of such members to civilian authority, in appropriate cases, when such members are accused of parental kidnapping and other similar offenses, including criminal contempt arising from such offenses and from child custody matters, and shall specifically address the special needs for the exercise of the authority contained in section 814 of title 10, United States Code, when members of the armed forces assigned overseas are accused of offenses by civilian authorities.

(b) Not later than 120 days after the enactment of this Act, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives a copy of all regulations promulgated under section 814 of title 10, United States Code, as a result of this section and any recommendations that the Secretary may have concerning the need for additional legislation related to the amenability of members of the armed forces to civil authority.

Mr. DIXON. Mr. President, will the distinguished Senator from New Hampshire yield for just a moment?

Mr. HUMPHREY. Yes.

Mr. DIXON. Mr. President, may I state for the record that it is the understanding of this side that the amendment which the distinguished Senator from New Hampshire is now offering is in lieu of a previously listed amendment in the unanimous-consent agreement that would have referred to the abortion conscience clause and this amendment is in lieu of it.

Mr. HUMPHREY. In lieu of that amendment, yes.

Mr. DIXON. And that we will not deal with that subject matter by virtue of the fact that it is obviated by the unanimous-consent agreement.

Mr. HUMPHREY. That is the agreement.

Mr. DIXON. I thank the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, the amendment now pending requires that the Secretary shall ensure that Secretaries of the military departments have issued uniform regulations pursuant to section 814, title 10, of the United States Code and that such regulations will be promulgated not later than 90 days after the enactment of this bill.

In plain English, this is intended to deal with what has come to be known as parental kidnaping, and is intended to remedy a situation where in a few isolated cases military personnel choose to remain overseas in concurrent tours in order to avoid civil proceedings awaiting them in the United States for unauthorized taking of children out of the country in violation of court orders.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I congratulate my friend from New Hampshire on a very excellent amendment. I think he knows I have been very much involved in the question of abducted children. As a matter of fact, I offered three amendments to the State Department authorization bill last year on that subject matter, and handled the Hague Convention question here on the floor. I cannot think of a more valuable amendment for a tremendous social problem in the country than the one that the distinguished Senator from New Hampshire has offered. I would be greatly honored if he would permit me to cosponsor the amendment. And this side supports it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HUMPHREY].

The amendment (No. 2058) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I want to thank the Senator and Senator QUAYLE likewise for their cooperation in the consideration of these two matters.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2056

Mr. DIXON. I am now privileged to announce that there is an agreement on both sides with respect to the unanimous-consent agreement that the distinguished Senator from Michigan be recognized in connection with an SDI amendment to reduce funding for SDI to be used for conventional weaponry. The time involved would be 40 minutes equally divided between the Senator from Michigan, 20 minutes as a proponent, and the Senators from Nebraska and Indiana 20 minutes as opponents, no amendments to be considered, and the motion to table of course being permitted.

Mr. QUAYLE. Mr. President, reserving the right to object, my understanding is that the 40-minute time agreement is in reference to the tabling motion. If the tabling motion would fail, then you are on debate of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? It is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

Mr. President, this amendment is being offered in behalf of myself, Senator JOHNSTON, and Senator DIXON and this amendment would reduce the funding for SDI from $4.6 to $4 billion which would leave it slightly ahead of this year's funding level. We would then take that $600 million and apply it to some very essential conventional defense programs, programs which are underfunded in this committee bill.

The one argument that we have heard on this issue is that we have to provide the $4.6 billion in the Senate in order to assure a reasonable funding level in conference, given the fact that the House is significantly below this level. I hope we will not adopt this argument. It is very different from last year when the Senate had a larger overall defense number than the House. And we were able in the Senate to absorb a higher figure for SDI than we thought might ultimately be justified or ultimately come out of conference.

This year we have a fixed overall defense level which both the Senate and the House are bound to. So this year, if we provide $4.6 billion for SDI to balance a lower figure from the House, we are going to be sacrificing an opportunity in the Senate to fund other programs that we believe are more important to the security of the United States.

That is a sacrifice to our security. It is a needless sacrifice. It is one that we should not make. We in the Senate must assess the importance of SDI relative to the importance of other programs. We cannot run away from that prioritization or that assessment.

I am convinced that if we do that, we will conclude that the $4 billion, which is what would be left after this amendment, is a generous funding level for SDI, indeed.

The President's request for SDI constituted a 28-percent increase over last year's level. The $4.6 billion recommended by our committee still grants the DOD portion of SDI a 21.7-percent increase over last year's level. That is a very high priority for SDI, given the fact that we are cutting a number of critical conventional programs, programs which this amendment would restore. And by the way, this huge increase in the SDI budget of 21 percent in the committee bill contrasts very dramatically to how other research and development programs are faring in the budget.

This R&D program of the three military services actually was reduced in the budget. There is actually an aggregate reduction for the three services for research and development at the same time that this bill provides a huge increase, a 21-percent increase in the SDI program.

We know what the return is on the research and development investment in the three military services. Even the Pentagon and its own Soviet military power publication acknowledges that we lead the Soviet Union in the level of technology in deployed weapons in 15 categories and trail in only 6.

So the more funds that we provide this year for SDI, the bigger and the faster that program is going to bite into funds of the other services in the future.

We recently learned from testimony before a House subcommittee that the SDI program between this year and 1994 is going to require $45 billion just to help us determine whether we should proceed to full-scale engineering development—over $45 billion in the next five Defense budgets for SDI just to be able to decide whether we want to enter full-scale engineering development of a phase 1 system which would in turn cost, it is estimated, $150 billion to deploy.

With all of the budgetary pressures that we are going to face in the foreseeable future, where is all of that money going to come from? It is going to come from other defense programs which address real military threats to our security, threats like the armor threat, threats like the submarine threat, threats that require us to be able to effectively project and sustain our military power in regions where we have few standing forces like the Persian Gulf.

If we continue to fund SDI as though it were a higher priority than other important programs in the Defense budget, SDI is increasingly going to displace other important military programs in the budgets of tomorrow.

Mr. President, I indicated that it would take according to the DOD estimates $45 billion over the next 5 years just to give us enough information so we can decide whether 5 years from now we want to lay out another $150 billion for a phase 1 defense. What is that defense going to do? What is the military mission of phase 1? It is not to make nuclear weapons obsolete. It is not to give us a peace shield for our people in our Nation. It is not even to provide an effective defense of our military forces against a Soviet nuclear attack.

The military mission of the $150 billion phase 1 SDI deployment is "to complicate Soviet attack planning." In other words, it is to shoot down just enough Soviet warheads to complicate a nuclear attack upon our strategic forces. Well, Mr. President, the planning of a nuclear attack is overwhelmingly complicated already.

We now have roughly 3,700 surviving warheads with which to retaliate against a surprise attack, and roughly 8,200 surviving warheads with which to respond if we were attacked after our forces were alerted.

In other words, an attack on us is clearly already totally suicidal, and you cannot get more suicidal than suicidal.

Our nuclear forces are so redundant and so diverse that an attack on us now is more than complicated. It is a totally irrational and insane act. But if one believes that we must make major new investments in further complicating Soviet attack planning, thus short shrifting our conventional forces in the process, let me sugget that there are better ways to achieve that goal at a lot less money.

I do not think Midgetman is worth the money, but at an estimated $35 million to $40 million, it is a bargain compared to phase 1 SDI deployment.

It is a lot cheaper to deploy 500 Midgetman missiles than it is to reach the decision point on full-scale engineering development of SDI phase 1. Midgetman has the benefit of further complicating Soviet attack planning without requiring us to break out of the ABM Treaty. Phase 1 SDI deployment would complicate our own planning for effective retaliation against an attack, because if we break out of the ABM Treaty the Soviets are bound to do likewise, permitting them to deploy extensive ballistic missile defenses of their own.

Enough of why SDI should not receive the 21.7 percent provided by the committee bill. Why should funds be transferred from SDI to conventional programs? Because the possibility that a conventional conflict will escalate to nuclear war is in large part a function of our conventional capability. Conventional strength enhances both nuclear and conventional deterrence, and we should start focusing our attention on our conventional forces, because insufficient conventional strength could result in either conventional or nuclear war.

There is another reason to emphasize conventional improvements over this SDI additional spending. If our conventional forces are recognized as being highly trained and well equipped, then adversaries in other parts of the world may be deterred from damaging our interests.

I happen to believe that we are not conventionally weak today. I think our forces are highly skilled, well armed, and dedicated. But we also all know that we have conventional deficiencies that could tempt fate, and those deficiencies are worsened by wasteful or excessive spending on SDI.

Where would the $600 million in savings go? Seventy-five million dollars would be added to the Army's ammunition account, partially restoring $270 million cut from ammunition funding. The President requested a 10-percent cut in ammunition for the Army at the same time he wanted to increase SDI by 28 percent. The Army ammunition funding in this committee bill is the lowest level requested or approved since 1981, in constant dollars.

Our commander in chief of Central Command, which includes the Persian Gulf, told the committee that the sustainable shortfalls in his command "are primarily in the modernized direct fire and artillery munitions in support of ground forces."

This amendment also would add $210 million to the depot maintenance accounts of the three services, thus reducing the increases in maintenance backlogs our forces will suffer. Depot maintenance funds pay for the major maintenance of our major combat equipment. General Hansen, commander of Air Force Logistics Command, told us: "The leverage we provide to Air Force readiness through depot repair actions is obvious. I classify it as an absolute must pay item." He also told us, "At the end of this year, we are going to see airplanes without engines." That is where we are heading. We are back to airplanes without engines, sitting, waiting for maintenance in the depots of this country and abroad.

This amendment would add $149 million for the purchase of 12 additional Apache attack helicopters. The committee bill cuts Apache production from last year's level. In our armor-antiarmor hearings, we were told that the Hellfire missile carried by the Apache is one of our few truly effective antitank weapons in our arsenal. Given Soviet tank strength, it makes no sense to cut the production rate of one of our most deadly antitank systems. The antitank problem should be addressed—not with rhetoric but with dollars taken from lesser priorities.

This amendment also would add $57.3 million for the purchase of 24,000 rockets for the Army's multiple launch rocket system, restoring the current production rate. This multiple launch rocket system is perhaps the best force multiplier in the Army. Its addition to the firepower of our artillery is absolutely tremendous. Given the Soviet emphasis on massive artillery firepower, MLRS is essential to our conventional capability.

AIM-7 missiles for the Navy are increased by $74.3 million, restoring the fiscal year 1988 production rate. Again, without this amendment, another production rate of an essential munition is going to be cut. In our hearings, we were repeatedly told that our sustainability situation in terms of air-to-air missiles is atrocious. The AMRAAM missile, which is the follow-on system to the AIM-7, has experienced delays, and the Navy states that they are roughly 50 percent below their required stocks of this AIM-7 system.

Finally, Mr. President, this amendment would provide an additional $33.8 million to restore the fiscal year 1988 production rate of Navy sonobuoys. Sonobuoys are dropped in the water by antisubmarine aircraft to locate and track enemy submarines. The Navy's request for sonobuoy production for fiscal year 1989 would not even provide enough to replace the sonobuoys expended in annual training and peacetime operations. Our war reserves of this system are critically low.

Let me recap this list briefly: By voting to fund SDI at about last year's level, $4 billion, slightly above last year's level—in other words, reducing the committee bill by $600 million—we can provide the funding necessary to restore the fiscal year 1988 production rate of multiple launch rocket system rockets, AIM-7 air-to-air missiles, and antisubmarine warfare sonobuoys. But that is not all they are going to do. Funding at about last year's level for SDI instead of at the $4.6 billion, would also fund a reduction in our growing maintenance backlogs, partially restore the fiscal year 1988 funding of Army ammunition, and increase production of the Apache helicopter, the finest attack helicopter in the world. That is a tremendous contribution to conventional capability.

This amendment is a beginning in terms of putting our priorities where they belong, in a strong and credible and robust conventional defense. To do it, we have to take away from something. The logical place to take it away from is where there is a huge increase proposed, 21 percent, in a program which has major problems and which is taking us on a totally unknown road.

So I hope that this amendment, which is cosponsored by Senators JOHNSTON and DIXON, will be adopted, so that we can begin to move our priorities to the conventional area, where they more and more belong.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the Levin amendment.

Mr. President, the original fiscal year 1989 request for SDI was reduced by Secretary Carlucci by $1.7 billion. The committee recommended a further reduction of $291 million, to $4.55 billion. The Senator's amendment would reduce the funding to $3.95 billion, which is about the level of funding, unadjusted for inflation, that was provided last year.

The SDI request supports a research effort balanced between technology base research and validation experiments, between ground and space based systems, and between mature and advanced technologies. The SASC recommendation of $4.55 billion preserves this balanced program, and protects the schedule.

The House authorized $3.5 billion for SDI research. Chairman ASPIN supported this level, rather than his committee recommendation, "as a negotiating maneuver prior to a conference with the Senate" which would result in $3.7 billion for DOD. The proposed amendment thus increases the likelihood that the conference outcome for SDI will be less than $3.7 billion.

Mr. President, the greatest impact of funding at the $3.95 billion level would be on planned experiments which are essential to demonstrate concept feasibility. The basis for a full-scale development decision would be seriously jeopardized.

The SDI continues to be at the forefront of the Soviet arms control agenda. A delay in the program would undermine our negotiators.

Finally, Mr. President, in proposing that SDI funds be transferrd to conventional programs, the amendment ignores the fact that $700 million from strategic programs, including $291 million from the SDI Program, has already been transferred to conventional programs in the committee recommendation. I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield myself such time as I might need.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. Mr. President, at the appropriate time after the time has expired under the unanimous-consent agreement I will move to table the amendment offered by the Senator from Michigan.

Mr. President, the Senator from Michigan and I came to the Senate together. We are extremely close friends. We sit next to each other on the Armed Services Committee and generally, by and large, we agree on everything that is done in that committee. We agree to such an extent that the Senator from Nebraska, the chairman of the Strategic Subcommittee, was good enough to give up some $600 million or $700 million, most of which went to the important subcommittee under the control and consideration of the Senator from Michigan.

And so it has been evident in the Armed Services Committee that this Senator and others have recognized the need to take some of the funding from the SDI Program and present it to other conventional systems that we thought had a higher priority.

Mr. President, I cannot disagree with any of the recommendations that the Senator from Michigan is saying we should fund by taking money away from the strategic defense initiative. I point out that the Senator from Michigan did not offer this amendment in the Armed Services Committee for the good and logical reason, I think, that had he offered it in the Armed Services Committee, it would not have prevailed, but that is my supposition. I think that most of the members of the Armed Services Committee agree with that outcome.

He is trying to offer this amendment on the floor of the Senate and from many standpoints it makes an awful lot of sense. I would head this once again under the do-gooder amendment category. Who can oppose providing money for the poor and the indigent? In this case it is not the poor and the indigent, but it is some very important programs wtih regard to conventional defense that probably are not getting as much funding as even this Senator would like.

This do-gooder amendment is not significantly different, Mr. President, from an amendment that was offered by the Senator from Louisiana a few days ago, only in that case the attack was being made on the Strategic Defense Initiative Program and the money was being transfered to the space shuttle program.

This is a similar amendment but in this case there has been another worthy cause under the do-gooder category that is valid by my friend from Michigan.

I simply say that if this amendment were adopted, which I hope it will not be, we would find ourselves in exactly the same position that this Senator went into considerable argument against 2 days ago when a similar amendment was offered by my friend and colleague from Louisiana.

For the record, Mr. President, I will not read all of it—I may read parts of it—but for the record I ask unanimous consent to have printed at the conclusion of my remarks under this part of the debate and have reprinted from the CONGRESSIONAL RECORD of May 11 under page S 5429 with the statement "The Presiding Officer. The Senator from Nebraska." It starts out with "Mr. EXON" and continue printing from that document over on page S 5430 to and through the top paragraph on the second page of that page concluding with the statement "wise at this particular juncture?"

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, if this amendment were adopted, we would be doing the same thing that I made the argument against in the referenced material. In that material the only thing that you would have to do would be to strike the words "the Senator from Louisiana and the Senator from Wisconsin," which I referenced on several occasions and insert in this case the name of the Senator from Michigan. The same basic arguments prevail.

In a nutshell those arguments are these: That if this amendment were adopted to fund these good and worthy projects, we would find ourselves down to the $3.9 billion figure for SDI funding as far as the Senate is concerned. Recognizing the fact that the House already has significantly slashed SDI spending, we would be locked in conference to somewhere between $3.9 billion if the Levin amendment were adopted and $3.4 billion in the House figure.

I would simply say that if history teaches us anything, that would mean that we would probably end up very likely with a figure somewhere in the $3.6 billion range after we compromised between the House and the Senate figure.

Aside from the worthy goal and the worthy funding, I emphasize again, by my friend from Michigan, this is another assault and an assault in the amount of in excess of what I think we should assault the SDI Budget Program. If the amendment offered by the Senator from Michigan would prevail, then one thing and one thing only would be assured, and that would be that we would fund the SDI Program at an amount less than it was funded at last year.

To be very frank and open with my colleagues in the Senate, this Senator has always felt that we should basically fund the SDI Program at about or slightly above, not very much below certainly, the figure that was in the budget for the present fiscal year in which we are operating.

So I would simply say as worthy as this amendment is, and I salute the do-gooder approach for these good programs that this money goes to, I would simply say and I would argue that this is not significantly different and we are voting once again on the measure as to whether we are not going to make the cut in the SDI Program that we voted down on a close vote the other day. This is a rehash. It just funds the money in a different area.

I hope that the tabling motion that I will make will prevail. I reserve the remainder of my time.

EXHIBIT 1

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the Senator from Nebraska has been waiting patiently for 1 hour and 20 minutes after my friend from Louisiana had offered his amendment to give a response and the position of the Armed Services Committee on his amendment.

I have no quarrel with the attitude that the Senator from Louisiana and, indeed, the Senator from Wisconsin have with regard to the SDI Program. I share many of the concerns they have since I have been intracately involved in this matter from the very beginning.

I would simply say, let us try and keep all of this in context. It is true, in my mind, that one of the grave mistakes made with the SDI Program was that from the day the President made the announcement, there has been more false information as to what this program could possibly bring about than any other defense program that I have ever had anything to do with.

The President has certainly fanned much of that himself. I have been one of those who said we are way overboard on what can be done with this program. But I have always thought, in view of the Soviet threat—and what the Soviet Union is doing in this area today experimentationwise—we have an obligation to at least proceed to see what is here.

One of the worst things that happened, Mr. President, in this whole unfortunate, or fortunate, discussion of SDI, depending upon one's point of view, was the series of television advertisings that went out a year and a half or 2 years ago which had a little girl with a crayon drawing an umbrella and then with the very clever audiovisual aids, while she was playing with this umbrella, the next thing you saw was crudely drawn bombs coming out of the air and glancing off of the umbrella in a harmless fashion. I thought that was a very simplistic way to try to describe the SDI Program, not unlike some of the statements that the President of the United States himself has made about it. But I thought that was so simplistic that I hoped it would have had the desired effect on the American people in recognizing that any concept that we can have a perfect shield is nonsense. It is hogwash. It is never going to fly.

Having said that, I think there are some benefits of a research program in the strategic defense initiative area and I have supported that. I will move at an appropriate time—and I hope it will not be too long—to table the amendment offered by the Senator from Wisconsin, and after that I intend to move to table the amendment offered by the Senator from Louisiana. I simply am going to try as briefly as I can to put this in context, Mr. President, so that the Senate will really know what we are doing.

Now, if you are against the SDI Program and think it should be abolished or cut drastically, as the Senator from Wisconsin is suggesting, then you should support that amendment, if you are basically against SDI in the amount the Armed Services Committee feels would be proper funding. Likewise, regardless of how it is presented to the Senate, the amendment of the Senator from Louisiana essentially does the same thing except the Senator from Louisiana is suggesting that we can use this money for defense better over here on the space shuttle.

Now, I think that is not sound logic, and I want to emphasize once again, Mr. President, that the funding level of SDI, if anyone thinks we should have some research and development in that area—and I would suggest that the SDI exercise has done more to bring the Soviets to the bargaining table than probably anything that we have done—is worth continuing at about the level that we funded SDI last year.

Now, a lot of figures are being thrown around, Mr. President. We should remember that last year we had a funding level for the SDI Program of $3.9 billion. The President first requested a level of over $6 billion. That was amended down to $4.8 billion in the formal request that came over from the administration. We have reduced that further. The House of Representatives in its actions of last week reduced that program to $3.4 billion, which essentially would have been more than one-half of a billion dollars below last year's figure. If we would accept the amendment offered by the Senator from Wisconsin or the amendment offered by the Senator from Louisiana, we would be down, even splitting the difference with the House of Representatives in conference, to a figure some $300 million to $400 million less than last year. I think that is far below what would be proper and wise at this particular juncture.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, will the distinguished proponent yield the remainder of his time?

Mr. LEVIN. Could I save 20 seconds beyond that?

Mr. DIXON. Sure.

Mr. LEVIN. Mr. President, I yield 3½ minutes to the Senator.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes and 20 seconds.

Mr. DIXON. Mr. President, I know my dear friend from Nebraska thinks that we pick on him and his Strategic Subcommittee. It reminds me of the story of Willie Sutton, when they asked him why he robbed banks. He said, "Because that is where the money is." And the money is in my friend from Nebraska's Strategic Subcommittee.

Here are my reasons for supporting the Senator from Michigan. First of all, the House has $3.5 billion for SDI. We have $4.6 billion. The number is going to be around $4 billion anyway. I would like to see us fight for $4 billion in the conference committee between the two Houses and use this other $600 million usefully. A useful employment of the money is to use it for conventional weaponry. Nothing would be more significant than to use it for ammunition, as my friend from Michigan does, and to use it for depot maintenance. I am chairman of that subcommittee. Depot maintenance in 1991 will look like it was 1981, so all through the Reagan years we will not have gained anything on depot maintenance.

My friend from Michigan would buy some Apache attack helicopters, the finest flying machine in the world, which would take the damage to the enemy. I think that is a significant investment of public funds.

So I say, let us adopt the amendment of the Senator from Michigan, cut it to $4 billion, but stick with $4 billion in the conference—that will be as much as we will get, anyway—and have the $600 million under the control of the Senate and buy useful conventional weaponry that we can take to the enemy.

For that reason, I support the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield myself 20 seconds. This is a different amendment from the amendment the other day on the space shuttle, because one of the arguments made against that was that it would take money out from the defense budget, in effect. This keeps the money in the defense budget but uses it for higher defense priorities.

Nobody can argue that this is in some way a modification of the summit agreement on the defense number that was reached last year. This keeps that defense number where it is. It uses the $600 million for better and more important defense items.

Mr. EXON. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Nebraska has 10 minutes and the Senator from Michigan has 1 minute and 15 seconds.

Mr. EXON. Mr. President, I listened with interest to my friend and colleague from Illinois. I would simply point out once again that if we adopt the amendment offered by the Senator from Michigan, there is no possible way that we could end at a $4 billion funding level for the SDI Program, because the Senator from Michigan would reduce this to $3.95 billion. And, as the talented Senator from Illinois knows full well, the House of Representatives is not about to allow us to go to $3.95 billion, with the funding level that the House has already voted on below that figure in the House Armed Services Committee and substantially below that to $3.43 billion for the SDI Program in the House of Representatives itself.

So if it were possible, for example, to have an understanding that we would go to the $3.95 billion level, as advanced by the Senator from Michigan, the Senator from Nebraska might not object. But I predict—in fact, I can almost promise—that we will never reach that level in conference with the House of Representatives.

Mr. President, this amendment is practically one and the same—a do-gooder type of amendment that is hard to argue with—that was offered the other day by my colleague from Louisiana.

I do not mind dealing with Willie Sutton. I think that the story that my friend from Illinois told is a pretty good one. I do not mind debating with Willie Sutton and I do not mind arguing the pros and cons of the proposition.

I do get a little weary of the number of Willie Suttons that I find myself in conflict with on the floor of the U.S. Senate—"Willie" JOHNSTON, "Willie" LEVIN, and "Willie" DIXON. They try and rob the bank each and every day, which makes this particular depositor in the bank somewhat concerned.

So I certainly hope that this amendment will not pass. I think we need not debate this any further. I am prepared to offer the tabling motion and I am prepared to yield back the balance of my 7 or 8 minutes if my friend from Michigan would yield back his time or use it up.

Mr. LEVIN. Mr. President, I will try to use up 30 seconds and yield back the rest.

The reason that we go to your bank is because we get a much better return on our investment in these conventional items than you will with that additional $600 million for SDI. That is what the priority issue is. It is the return on investment.

I think this really is a do-better amendment. It has been called a do-gooder amendment by my dear friend from Nebraska. It is a do-better amendment. We can do better with our defense dollars, and this amendment does that.

We ought to do the right thing here in the Senate. If $4 billion is the right level for SDI, then let us do that here and fight the battle in conference. Let us not put in more money than we should in terms of our national priorities in order to try to figure out and gain what might come out of conference.

If I have any time remaining, I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Michigan yields back his remaining 20 seconds.

Mr. EXON. Mr. President, I am prepared to yield back the remainder of my time at the conclusion of my statement when I will say, in just a moment, "I yield the floor."

Mr. President, I think the issue is totally drawn here. I think there is no need to continue the debate any further.

So, at this time, I move to table the amendment offered by the Senator from Michigan, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska yields the floor and yields back the balance of his time.

The question is on agreeing to the motion of the Senator from Nebraska [Mr. EXON] to table the amendment of the Senator from Michigan [Mr. LEVIN]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Massachuetts [Mr. KENNEDY] and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], and the Senator from Nebraska [Mr. KARNES], are necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—51

Armstrong
Bentsen
Bingaman
Bond
Boschwitz
Byrd
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Exon
Garn
Glenn
Gore
Graham
Gramm
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Reid
Roth
Rudman
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—43

Adams
Baucus
Boren
Bradley
Breaux
Bumpers
Burdick
Chafee
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Evans
Ford
Fowler
Grassley
Harkin
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Weicker
Wirth

NOT VOTING—6

Biden
Hatfield
Hecht
Karnes
Kennedy
Simon

So the motion to lay on the table amendment No. 2056 was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, we are making good progress. We have five amendments here that are agreed to which we will dispose of shortly. In the meantime, I would like to yield to the distinguished manager for whatever discussions he and the leader might have with respect to progress on this bill.

I would like to report, it is the opinion of the distinguished Senator from Indiana, myself, and others, that the bulk of the amendments left are amendments with which our distinguished colleagues have no desire to proceed. There are one or two out there that are contentious. The drug interdiction question is pretty well resolved. I understand there is a question of dispute between the authorizers and the appropriators that I am told the distinguished managers are even now discussing the resolution of, and I truly believe, may I say, even the abortion question and other things have been dealt with and are no longer before us.

So may I report to the distinguished managers and to the distinguished leaders on both sides that it is the view of this Senator that we are in a position for a unanimous-consent agreement, if one can be developed.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I agree with the Senator from Illinois, and I thank him again and the Senator from Indiana for working so hard to get us where we are right now. I think we can at least see the tunnel, if not the daylight. I believe we may see a little glimpse of daylight now if we can get the drug package worked out.

We have several other amendments, but there are a lot of amendments on the list that I think will fall by the wayside. We have capital punishment that is still a question, and if we have to deal with that, that will take a long time, as we all know. We have an abortion amendment, which, to my understanding, has been dropped.

We do have a chance to get a unanimous-consent agreement now that we have those two matters, at least one of those, under control. I hope the leader will propound a unanimous-consent agreement that we would basically take the drug package and make sure we have that and have some time for discussion on that. We will have to make exception for that, but the rest of the amendments, other than two or three that we can specify, I believe are ready to come off the list. It depends on the unanimous-consent request.

If we can get unanimous consent, for instance, to begin final passage at 4 or 5 o'clock, depending on the leader's choice, and have under the normal procedure all amendments that have not at that stage been dealt with that Members insist on being dealt with, we can have a 1-minute debate on each side. I think most of the amendments will drop off.

That would be my suggestion, and we can at least propound that unanimous-consent request and see what the result is.

Mr. BYRD. Mr. President, a quick point. When does the distinguished chairman anticipate the drug-related amendment would come up? I understood him to say that that would take some time.

Mr. NUNN. The parties involved in that have been waiting for Senator WARNER and myself for about an hour now. We have been in on the other meeting with the leader. So I suggest that perhaps a 30-minute discussion, if we can work out the details—there are two or three problems remaining—and then it would probably take another half-hour to get everything drafted.

Hopefully, by 3 o'clock we would be able to present that drug package on the floor. That is an optimistic case, though, I have to admit.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the following request seems to meet with the approval of the managers and the Republican leader and other Senators who are principals with respect to some of the amendments that seem to be in question. I ask unanimous consent that the final vote occur on this bill at 5 o'clock p.m., with paragraph 4, rule XII, being waived.

Mr. STENNIS. Mr. President, will the Senator yield to me. Will he talk just a little louder, please.

Mr. BYRD. Yes. Mr. President, I ask unanimous consent that the final vote occur on passage of the DOD authorization bill today at 5 o'clock p.m., with paragraph 4 of rule XII being waived, and with the understanding that any amendments which are on the list and which Senators insist upon calling up, of course, may be called up with no more than 2 minutes equally divided for debate on such amendments, and that with respect to the drug-related amendment there be 1 hour on the amendment in the first degree, one-half hour on an amendment in the second degree, and that should the 5 o'clock time arrive before that amendment has been disposed of, that 5 o'clock time would be accordingly readjusted so as to allow the drug-related amendment to be disposed of within the total time limit of 1½ hours on the first- and second-degree amendments.

Several Senators addressed the Chair.

Mr. METZENBAUM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, reserving the right to object, and I hope that I do not have to object, it is my understanding that the Senator from New Hampshire has an amendment which was described in the list as being an abortion amendment.

Mr. DIXON. No, no, that is taken care of, may I say to the Senator from Ohio.

Mr. METZENBAUM. It is taken care of but it is not covered——

Mr. DIXON. May I say to the Senator from Ohio that we specifically entered into a colloquy with the Senator from New Hampshire and said that the second amendment which he was offering and we took was in lieu of the abortion amendment and that it obviated the abortion amendment under the UC. It is no longer before us.

Mr. METZENBAUM. I thank the Senator from Illinois.

The Senator from Ohio also has concern about the capital punishment amendment on which I would like to have some assurances—two capital punishment amendments. Can the leader advise us in connection with those?

Mr. BYRD. Yes. I think we should just agree that the Senator from Ohio and I go out and shoot each other and call it a day and dispose of those amendments.

Mr. METZENBAUM. And the Senator and I also agree on a second-degree amendment, and that is I get the first shot.

Mr. BYRD. I will hold out my coat for the Senator.

Mr. President, as far as I am concerned, I do not intend to hold up this bill. I do not intend to call up that amendment.

Mr. METZENBAUM. Can I be advised as to who has the other capital punishment amendment?

Mr. DOLE. If the Senator will yield, I think there are at least two on this side, Senator HELMS maybe, and Senator D'AMATO.

Mr. METZENBAUM. I would have to object, and I do not really want to object. I think the Senator from Michigan also has an equal concern about that amendment. It would entail a considerable amount of debate. I hope that those could be brought up at some other occasion and not brought on this bill. If they were, I think I would have to object to the unanimous-consent agreement, although I am frank to say I do not want to do that.

Mr. BYRD. Mr. President, why not have the Senator and I just go out and shoot the Senator from Michigan and then we will reach an agreement between ourselves.

Mr. METZENBAUM. I am worried about the Senator——

Mr. BYRD. Why not agree that if that type of amendment is called up, then the agreement is off.

Mr. METZENBAUM. That is fair enough.

Mr. DOLE addressed the Chair.

Mr. JOHNSTON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I would like to reach some agreement. I would like to complete action on this bill today and get on to other things next week. But I am constrained to object and do object because I have a few Members on this side who have asked that I do that, so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. The Chair is having difficulty hearing.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Senators will cease audible conversation. The Senator from Illinois.

Mr. DIXON. Mr. President, will the distinguished Republican leader yield? May I advise the distinguished Republican leader and the majority leader we have five amendments that we are prepared to take right now. Then we are prepared to go to another contentious amendment. But I wonder whether the leaders could continue to carry on their dialog because I honestly feel that we are beginning to get to the point where this list has been exhausted. We ought to finish this bill today. There is not any reason to have the Members come back on this bill next week when we have the INF Treaty and everything else. I am telling Senators we are on the telephone every moment of the day talking to everybody, and I honestly believe we ought to finish this bill today.

Mr. BYRD. Mr. President, has the request been objected to?

The PRESIDING OFFICER. The request has been objected to.

Mr. BYRD. I thank the Chair.

Mr. NUNN. Mr. President, I understand there is an objection being interposed now. I do not know why but I am sure it is for good reason.

Mr. STENNIS. Mr. President, may we have quiet.

The PRESIDING OFFICER. The Chair has been seeking order.

Mr. NUNN. Mr. President, I say I know all Senators have acted in good faith. We have had no one trying to hold up this bill on either side, and we have made good progress. The Senator from Illinois and the Senator from Indiana have done a remarkable job in helping the floor managers expedite and line up amendments.

I tell all Senators though that we do intend to finish this bill today or tonight or in the early hours of the morning tomorrow.

It is not a matter of choice that we would have to go late. It is a matter of necessity. Everyone knows we are going to try to go to the INF Treaty as soon as we can have committee meetings next week, assuming that everything works out as we have been told by the people who have just come back from Geneva. We will not be able to get back to this DOD bill in that case for several weeks, so we have got to finish this bill. We have got to get to conference. The House has completed their legislation. We have got to do that to clear the roadblocks for the appropriations process and also to make sure the Senate can maintain its schedule. So we are going to have no choice but to push through as late as we can tonight. If it is hopeless, then it is hopeless and we will not finish. But that is the intention of the floor managers.

Mr. McCLURE and Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the DOD authorization bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the amendment I offered a moment ago, which was temporarily laid aside, be brought back before the Senate. It has now been cleared by both sides. We can pass it quickly.

The PRESIDING OFFICER. Is there an objection?

Mr. McCLURE. Mr. President, reserving the right to object and I shall not object, I have no objection to that at all. I just want to indicate that I have an amendment which I do not think will take long to discuss, but I think it will take more than the 2 minutes that have been suggested by the distinguished majority leader. My success in getting my amendment offered so far is such that I would be at the end of the day, I would be under the 2-minute rule and I just want the managers to know I do intend to offer that amendment. It will not take long but I do intend to offer it.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair will advise the Senator——

Mr. BYRD. The Senator only needs to call for regular order and his amendment will come up.

Mr. BUMPERS. Mr. President, regular order.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment (No. 2053) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2059

(Purpose: To limit allowable costs of contractors in certain proceedings)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself, Mr. ROTH, and Mr. HARKIN proposes an amendment numbered 2059.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 823. LIMITATION ON ALLOWABILITY OF COSTS OF CONTRACTORS INCURRED IN CERTAIN PROCEEDINGS.

(a) LIMIT ON COSTS.—Subparagraph (C) of section 2324(e)(1) of title 10, United States Code, is amended read as follows:

"(C) Proceedings costs incurred in connection with any proceeding brought by the United States or a State or local government that relates to a violation of, or failure to comply with, any Federal, State, or local law or regulation on the part of the contractor if the proceeding results in any of the following:

"(1) A conviction (including a conviction pursuant to a plea of nolo contendere), a civil judgment, containing a finding of liability, or an administrative finding of liability, by reason of such violation of failure to comply.

"(ii) A decision to debar or suspend the contractor or rescind, void, or terminate the contract.".

(b) LIMIT ON ATTORNEYS FEES.—Section 2324(e)(1) of such title is amended by adding at the end the following new subparagraph:

"(L) Cost is excess of a rate of $75 per hour for attorney or agent fees incurred by a contractor in connection with any proceeding brought by the United States or a State or local government that relates to a violation of, or failure to comply with, any Federal, State, or local law or regulation on the part of a contractor that does in result in any of the actions described in clause (i) or (ii) of subparagraph (C), except that costs of attorney or agent fees in excess of a rate of $75 per hour are allowable if the contracting officer finds that a special factor (such as the limited availability of qualified attorneys or agents) justifies an award of higher fees.".

(c) DEFINITIONS.—Section 2324(k) of such title is amended to read as follows:

"(k) In this section:

"(1) The term 'covered contract' means a contract for an amount more than $100,000 entered into by the Department of Defense other than a fixed price contract without cost incentives.

"(2) The term 'proceeding' means a civil, criminal, or administrative investigation, prosecution, or proceeding.

"(3) The term 'proceeding costs' means all costs relating to a proceeding incurred before, during, or after the commencement of the proceeding, and such term includes—

"(A) administrative and clerical expenses;

"(B) the cost of legal services (whether performed by an employee of the contractor or otherwise);

"(C) the cost of the services of accountants and consultants retained by a contractor; and

"(D) the salaries and wages of employees, including officers and directors.".

(d) APPLICABILITY.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

Mr. DOMENICI. Will the Senator yield? Could I ask the manager of the bill a question? It will only take 30 seconds.

Might I ask a question of the Senator from Illinois. I did not get to ask this when the distinguished chairman was on the floor. We are here talking about getting this bill finished and how urgent it is that we do that and try to do it tonight. I have a general question. Why do we need a defense authorization bill every year? Did we not just do one last year? We finished it when we were almost through with appropriations. Why do we have to do this every year?

Mr. DIXON. May I say to my distinguished friend from New Mexico—and his question is not a facetious one.

Mr. DOMENICI. Not at all.

Mr. DIXON. We had a 2-year authorization bill last year, but we could not get a 2-year appropriation bill to cover the authorization.

And I suppose there is a goal here ultimately of achieving a more balanced way of doing this business. But we have not yet achieved it, may I say to my friend from New Mexico.

Mr. DOMENICI. I have the greatest respect for the committee and its desire to be the policymaker on defense. But I have only been here 15 years and I can remember that we went 5 years without a defense authorization bill in my short 15. I do not know what that means other than it is a statement that maybe we did business kind of crazy then.

But I wonder if it is not equally burdensome, rather difficult, and maybe not terribly responsive to be doing this every year followed right immediately with an appropriation bill with all the same issues. And I do think raising it at this point does make a little sense in terms of trying to get some things done.

I know the committee did a marvelous job. I have the greatest respect for the chairman. I wonder why we have to do it every year.

Mr. NUNN. Will the Senator yield?

Mr. DOMENICI. I am finished.

Mr. NUNN. My good friend from New Mexico is almost always right. But when there is an exception, it is a big exception. This is a big exception. We have not failed to have a defense authorization bill since 1961.

Mr. DOMENICI. I am not going to argue with the expert. But I believe we have gone a number of years without a defense authorization bill.

Mr. NUNN. No. The Senator is just incorrect on that. I would hope he would take a look at it. I would say that the Senator, being a member of the Appropriations and Budget Committees, could greatly assist in this process by seeing if we cannot start getting a 2-year budget, and a 2-year appropriation.

We are trying to get a 2-year authorization. But by doing a 2-year authorization, and we simply turn over to the Appropriations Committee all the decisions on defense because they insist on a 1-year situation, then it is never going to happen.

So I say if the Senator really wants to do something about what I would join him in saying has become an absurd process, if you consider the Budget Committee, the authorization committee, the Appropriations Committee, and consider we do all of them year by year, it becomes a collective absurdity.

I agree with him on that. But as a member of those other two committees, I would hope he would follow our lead and start moving toward the 2-year appropriation and budget.

Mr. DOMENICI. Let me say I do not want to take the Senator's time. I wholeheartedly agree. My request for an explanation had nothing to do with singling out a process. I would be satisfied with 3-, 4-year authorization bills, 2-year appropriations, and 2-year budgets. But I am merely pointing up that here we are again 1 year at a time, a week before appropriations doing another authorization bill on defense.

I would say to my friend from Georgia if we had authorizations in all of these years we certainly had a number of them that were multiyear.

Mr. NUNN. I would say to the Senator again he is wrong. The first time we have done a 2-year is this last year. I would insert in the RECORD without taking the Senate's time a record of the last 28 years, the date that we have enacted the legislation on authorization, the number of days on the floor, the number of days in markup, the number of amendments, the number of rollcalls, the number of hours of debate, and the number of conferees, the number of days in conference. It is all right here.

I ask unanimous consent it go in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORICAL STATISTICS ON DOD AUTHORIZATION BILLS

Calendar year	Chairman	Date enacted
1. 1961	Russell	June 21.
2. 1962	do	Apr. 27.
3. 1963	do	May 23.
4. 1964	do	Mar. 20.
5. 1965	do	June 11.
6. 1966	do	July 13.
7. 1967	do	June 5.
8. 1968	do	Sept. 20.
9. 1969	Stennis	Nov. 19.
10. 1970	do	Oct. 7.
11. 1971	do	Nov. 17.
12. 1972	do	Sept. 29.
13. 1973	do	Nov. 16.
14. 1974	do	Aug. 5.
15. 1975	do	Oct. 7.
16. 1976	do	July 14.
17. 1977	do	July 30.
18. 1978	do	Oct. 24.
19. 1979	do	Nov. 9.
20. 1980	do	Sept. 8.
21. 1981	Tower	Dec. 1.
22. 1982	do	Sept. 8.
23. 1983	do	Sept. 24.
24. 1984	do	Oct. 19.
25. 1985	Goldwater	Nov. 8.
26. 1986	do	Nov. 14.
27. 1987	Nunn	Dec. 4.
28. 1988	do	

Mr. NUNN. The Senator is usually correct. But on this point he has bad information.

Mr. DOMENICI. I will look at it, Senator.

The PRESIDING OFFICER. The Senator from Iowa had offered an amendment. That is the pending business.

Mr. GRASSLEY. Mr. President, I yield to the Senator from Arkansas as long as I do not lose my right to the floor and to taking up my amendment just as soon as he is done.

The PRESIDING OFFICER. Does the Senator seek unanimous consent in that regard?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2060

(Purpose: To impose certain conditions on the expenditure of funds for the BIGEYE bomb)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Iowa is temporarily set aside.

The amendment offered by the Senator from Arkansas will be read.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 2060.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. SYMMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. May I say to my distinguished friend from Idaho that the amendment the Senator from Arkansas is offering is the Bigeye bomb amendment, thoroughly discussed last night, agreed to by everybody on both sides, everybody on the floor was here. All leaders were here, all managers were here. I would ask my friend from Idaho not to object. This is agreed to by everybody.

Mr. SYMMS. How long is the amendment?

Mr. DIXON. A page and a half on the Bigeye bomb.

Mr. SYMMS. Just let him read it. I would like to hear.

Mr. DIXON. Oh, well.

The PRESIDING OFFICER. The clerk will resume reading the amendment.

The assistant legislative clerk read as follows:

On page 25, between lines 2 and 3, insert the following new section:

SEC. 110. BIGEYE BOMB.

Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1989 or any subsequent fiscal year may not be obligated or expended for procurement of the BIGEYE binary chemical bomb, for any component of such bomb, or for the assembly of such bomb unless and until the Comptroller General of the United States determines and certifies to Congress that—

(1) the operational and developmental tests conducted in connection with such bomb after the date of enactment of this Act were realistic and adequate;

(2) the test plan and objectives established for such bomb were clear, well defined, and properly quantifiable;

(3) the design of such test supports a valid statistical analysis of data;

(4) the criteria for a no-test were adequately defined in the test plan for such bomb;

(5) such bomb met or exceeded the test standards established for the bomb; and

(6) such bomb is ready for full-scale production.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I was not going to speak on this amendment. I will not speak on it, but I would ask the attention of my colleagues, Mr. President, because once again let me read especially for the benefit of my distinguished friend, the Senator from Idaho, what the crux of this legislation in this amendment is.

It basically says this: In the additional $100 million being funded for the production of the Bigeye bomb, 1989-90, that that production, especially the full-scale production, will not take place until this happens. The critical event that must happen, I say to my distinguished friend, is one, the operational and development test conducted in connection with such bomb after the day of enactment of this act were realistic and adequate as certified by the General Accounting Office or the Comptroller General; two, the test plan, and objectives established for such bomb are clear, well defined, properly quantifiable; three, the design of such test supports a valid statistical analysis of data; four, the criteria for no-test were adequately defined in the test plan for such bomb; five, such bomb met or exceeded the test standards established for the bomb; and, sixth and final, such bomb is ready for full-scale production.

These six elements, I say to my distinguished friend from Idaho, must be agreed to and certified to by the General Accounting Office before any expenditure of this new $100 million is actually expended.

Mr. SYMMS. How long does the Senator think this will delay the deployment of the Bigeye?

Mr. PRYOR. I say to my friend from Idaho, Mr. President, the Bigeye bomb is not a new concept. It was originally conceived, the concept, 30 years ago. This is the 30th anniversary. And it really does not work much better in 1988 than when they first started testing in I would say probably somewhere in the early 1970's. But my amendment basically addresses itself to this point: Let us as a Congress not condone going into full-scale production of a bomb that in my personal opinion is flawed until the GAO certifies that the tests, the methodology of those tests, has been accurate and that the bomb is now certifiable for full-scale production.

I just hate to see us go into production of a flawed bomb, especially when the critical needs of many of our national defense areas are really actually being underfunded.

So I understand, Mr. President, the managers have agreed with this language in the amendment. I further understand that all of those on this side and both sides of the aisle are in agreement at this time and therefore I urge adoption of the amendment.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I want to say one thing.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. Senators will cease audible conversation. If they choose to converse, please retire to the Cloakroom. The Senate is not in order.

The Senator from Idaho.

Mr. SYMMS. Mr. President, it is not my intention to delay the Senate this afternoon and to interfere with an agreement that has been worked out by the leadership of both sides of the committee.

But I think this tieup of an amendment is atypical of what it is that we are doing here in our entire defense capability, by putting our young people in harm's way because we are not fulfilling our basic constitutional commitment to properly fund defense, and move forward on weapons systems that we need so that our adversaries will not use like-type weapons systems against our troops.

All one has to do is to visit the installations of our American troops in Europe and recognize that one of the biggest threats they face is the potential of chemical warfare being used against them in installations, whether it be at an airbase or troops in the field or at supply areas, in the back areas that would be supporting the frontline troops. There is a continual effort to stop us from moving forward with technology that is important. If we have this weapon, our adversaries probably will not use it, because they will not want to contend with chemical warfare. This effort does not make our troops safer. It makes it more dangerous.

I disagree with this amendment.

Mr. DIXON. Mr. President, will the Senator from Idaho yield?

Mr. SYMMS. I yield the floor.

Mr. DIXON. Mr. President, we had a long debate on this last night. The distinguished manager, the Senator from Georgia, was on the floor; the distinguished chairman of the jurisdictional committee, the Senator from Nebraska, was on the floor; the distinguished ranking member, the manager on the other side, was on the floor; and this Senator was on the floor.

I tell my friend from Idaho that it became our judgment that the Senator from Arkansas had the necessary votes to prevail, and we entered into an accommodation with him that was the best we could do under the circumstances.

We hear the Senator from Idaho. At the same time, we have entered into an accommodation of honor with the Senator from Arkansas. In view of that, it was the judgment of the managers and everyone here at the time that we should honor the request of the Senator from Arkansas and that we should take the amendment.

Mr. WARNER. Mr. President, I thank the Senator from Arkansas for his continuing interest in making sure that we deploy a Bigeye bomb that works. I am sure the Senator shares, as I do, an appreciation of the critical requirement for the Bigeye. This bomb represents the only near-term solution to the most critical deficiency in our chemical deterrent posture—the capacity for deep strike attacks with persistent agent.

The compromise that was reached last night and is now before the Senate provides all the funding requested in fiscal year 1989, and does not constrain the expenditure of funds authorized and appropriated in prior years. It thus establishes a conference issue with the House, that has limited use of prior year funds, and deleted all fiscal year 1989 funding.

The compromise includes a fencing provision that requires a GAO certification before fiscal year 1989 funding can be spent. The House has no similar provision. This Senator will work in the conference to secure a position that protects the option both to maintain continuity of the low rate initial production line, and to proceed to full-scale production of the Bigeye bomb only with the assurance that the Bigeye has proven to be reliable and producible.

Mr. QUAYLE. Mr. President, I say to my friend from Arkansas that I really miss not having the opportunity this year to be able to vote on chemical weapons and the Bigeye. It is one of the votes we always look forward to. I miss that vote, being able to be recorded for the right thing.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment (No. 2060) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2059

The PRESIDING OFFICER. The question recurs on the amendment offered by the distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, my amendment has already been read.

As one who has closely followed developments relating to the prosecution of defense fraud, I was dismayed to recently learn of certain statutory provisions which severely undermine the vigorous prosecution of contractors.

In particular, it has come to my attention that defense contractors are currently permitted to bill the Government for the full cost of their legal expenses in fraud cases, as an element of contract cost. The anomolous result: the same Government that prosecutes the fraud case pays the cost of the defense. We as taxpayers pay twice—we fund the prosecution by DOJ and DOD through the agency's budgets; then we subsidize the contractor and their high-priced lawyers.

Such an arrangement, by the way, is wholly unprecedented in more than 200 years of American jurisprudence. In no other case—whether it be a white collar, or other economic crime, or a street crime case—is a criminal defendant permitted to recover the cost of his legal defense from the Government. I might add that the guilt or innocence of the defendant is irrelevant to this general prohibition on recovery of legal fees. Criminal defendants who are acquitted have never been entitled to recover legal expenses incurred in their defense.

In civil cases, private parties that prevail over the Government can recover legal expenses only by specific statutory authorization, such as the Equal Access to Justice Act, which applies to all other business and individuals, and generally limits legal fee recovery to $75 per hour.

Rest assured Mr. President, defense contractors and their high-priced lawyers who currently bill the Government for their legal bill charge far, far more than $75 per hour.

Indeed, there were public reports that General Dynamics Corp. billed the Government some $21 million for attorneys fees, when it defended itself during a grand jury investigation in New Haven, CT. When the Government dropped other criminal fraud investigations against General Dynamics last year, the taxpayers were exposed to several million dollars in attorney fee liability.

In a recent fraud case against the Bell Helicopter Division of Textron, settled by the Government just 2 months ago, attorney costs of about $3.5 million could have been billed to the Government as an element of allowable cost.

In another case, it was reported that the Government had potentially millions of dollars of legal fees exposure after the Justice Department decided not to indict the Pratt & Whitney Group for allegedly overcharging the Government by $22 million on contracts at its West Palm Beach facility.

Mr. President, how can this be? Why do defense contractors—some of the wealthiest corporations in America—get a benefit available to no other business or indvidual in this country?

Well, tucked away in the 1986 defense authorization bill is a provision that permits a defense contractor's recovery of attorney fees and other expenses, as a matter of allowable cost, in any fraud case that does not result in a finding of civil liability or a criminal conviction.

Incredibly, prior to the addition of this provision, the Board of Contract Appeals had ruled that costs in defense of a fraud case which ended in conviction were also allowable. Thus, the Government was responsible for payment of the legal bills of convicted felons.

This amendment is a response to the 1986 defense authorization bill. It has a limited and direct purpose. That is to treat the legal bills of defense contractors the same way we do for other businesses and individuals involved in litigation with the Federal Government.

This amendment would bar the recovery of legal fees as a matter of contract cost in any fraud case brought by the Government that resulted in a conviction, civil judgment of liability, administrative finding of liability, or a decision to suspend or debar the contractor.

In no case—even where there is a finding of no civil liability or acquittal—will the contractor recover legal fees in excess of $75 per hour. With the enactment of this amendment, the taxpayers won't have to pick up the tab for the contractor's high-priced lawyers.

Just as in the Equal Access to Justice Act, the amendment provides an exception to the $75 per hour limit where there is a special factor, such as the limited availability of qualified attorneys to represent the contractor.

The amendment thus equalizes the attorney fees treatment of these civil and criminal defendants with all other defendants. The other body has already agreed to add this amendment to the bill.

Mr. President, I know it is a terrible thing to be wrongly accused of law violations by the Federal Government. That is why I have supported attorney fees provisions in the past. I sponsored the 1984 and 1985 Senate amendments to the Equal Access to Justice Act, to provide small businesses and individuals a more equal footing when they prevail in litigation over the Federal Government.

But I cannot support the current disparate treatment and special benefits afforded some of our Nation's biggest and wealthiest companies. So I urge my colleagues to join me in support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise today to support the amendment of my friend and colleague, the senior Senator from Iowa. It appears to me that the Bradley-Roth amendment poses a fundamental question of equity before the law. The question it poses is—should the Government pay the attorneys' fees of defense contractors who have been found guilty of fraud? There are few, I believe, who would support an affirmative answer. It is important to recognize in answering the question certain fundamental rules of law.

First, the "American rule" regarding the payment of attorneys' fees is that each side pays its own attorneys, win or lose.

Second, the United States as sovereign cannot be made to pay any costs, any attorneys' fees, in any action, win or lose, unless, or course, it grants its consent by statute.

Third, the United States has granted its consent by statute through the Equal Access to Justice Act passed in 1980. That statute, which establishes the general rule for individuals and small businesses, is considerably less generous than either the pending amendment or current law regarding defense contractors. Basically, the Government has agreed to pay the other side's attorneys' fees only if it is determined that the Government's case was not "substantially justified." In those cases where that determination is made, the general rule is that the Government will not pay more than $75 per hour.

In contrast, special rules apply to defense contractors. The Government pays their attorneys' fees in full no matter who wins the case. The merits of the case are deemed irrelevant. Moreover, there is no cap on what the Government pays.

In my opinion, this result cries out for correction. The Grassley-Roth amendment does exactly that. If the defense contractors lose the case, they must pay their own attorneys' fees. If they win, the Government pays but at a rate generally not to exceed $75 per hour, the same rate established in the Equal Access to Justice Act.

Please understand that this $75 cap in no way interferes with a defense contractor's right to hire any attorney at any price. The Grassley-Roth amendment only limits how much of that price the American taxpayers will pay. It will thereby end the practice where defense contractors and their attorneys don't care how high the legal fees may be, since they are borne by the taxpayers. It is not a bad result if the amendment causes defense contractors to worry about holding down costs. Everyone else does.

Defense contractors may argue that their attorneys' fees, like other costs, are simply part of the overall cost of completing their contracts with the Government. But that is not our jurisprudence. When wrongdoing is involved, the wrongdoer is made to absorb the costs, not pass them on. For example, businesses may not deduct fines imposed as a cost of doing business. A trucker may not deduct speeding tickets as a cost of delivering goods.

The Grassley-Roth amendment recognizes the fact that Government contractors stand on a different footing from Government subjects. The amendment is more generous than the Equal Access to Justice Act. Generally, contractors should be able to pass on their costs to the Government. But not costs that arise from proven wrongdoing. That's what the Grassley-Roth amendment says.

Mr. President, the need for this amendment, in my opinion, is clear and obvious. In the interests of equity, I ask that the Senate accept the Grassley-Roth amendment.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2061 TO AMENDMENT NO. 2059

(Purpose: To limit allowable costs of contractors in certain proceedings)

Mr. LEVIN. Mr. President, I send an amendment to the desk to the amendment that is pending.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2061 to Amendment No. 2059.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. 823. LIMITATION ON ALLOWABILITY OF COSTS OF CONTRACTORS INCURRED IN CERTAIN PROCEEDINGS.

(a) LIMIT ON COSTS.—Subparagraph (C) of section 2324(e)(1) of title 10, United States Code, is amended to read as follows:

"(C) Proceeding costs incurred in connection with any proceeding brought by the United States or a State government that relates to a violation of, or failure to comply with, any Federal or State law or regulation on the part of the contractor if the proceeding results in any of the following:

(i) A conviction (including a conviction pursuant to a plea of nolo contendere) by reason of such violation of failure to comply;

(ii) The assessment of a monetary penalty by reason of a civil or administrative finding of such violation or failure to comply;

(iii) A civil judgment containing a finding of liability, or an administrative finding of liability, by reason of such violation or failure to comply, where the charges which are the subject of the proceeding involve fraud or similar offenses;

(iv) A decision to debar or suspend the contractor or rescind, void, or terminate a contract for default, by reason of such violation or failure to comply; or

(v) Resolution of the proceeding by consent or compromise, where the penalty or relief sought by the government included the actions described in subparagraphs (i) through (iv).

(b) DEFINITIONS.—Section 2324(k) of such title is amended to read as follows:

"(k) In this section:

"(1) The term 'covered contract' means a contract for an amount more than $100,000 entered into by the Department of Defense other than a fixed-price contract without cost incentives.

"(2) The term 'proceeding' means a civil, criminal, or a administrative investigation, prosecution, or proceeding.

"(3) The term "proceeding costs' means all costs relating to a proceeding incurred before, during, or after the commencement of the proceeding, and such term includes—

"(A) administrative and clerical expenses;

"(B) the cost of legal services (whether performed by an employee of the contractor or otherwise);

"(C) the cost of the services of accountants and consultants retained by a contractor; and

"(D) the salaries and wages of employees, including officers and directors.".

(c) APPLICABILITY.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, the amendment which has been offered by Senator GRASSLEY addresses a very important problem, and I congratulate him for it. He has put his finger on something which we should address. I appreciate and share the concerns that Senator GRASSLEY has raised. When a contractor is found to have committed a wrongful act, we should not have to pay his attorney's fees for defending that conduct. Right now, if the Government successfully prosecutes a contractor and the contractor is convicted in a case other than a fraud case, we still end up paying the contractor's legal fees, and that really is not right.

On the other hand, I am concerned that the language that has been offered by the Senator from Iowa may be too broad. It may unduly limit contractor's attorney fees in ordinary contract litigation and even in cases where the contractor is found not to be at fault.

For this reason, I have sent an amendment to the desk, an amendment to the amendment offered by Senator GRASSLEY, to focus more narrowly on cases in which defense contractors are found to have engaged in some kind of wrongful conduct. Under my proposal, the Government would not have to pay directly or indirectly a contractor's legal fees in any case where:

First. The contractor is convicted of violating Federal or State law;

Second. The contractor is assessed a monetary penalty for a violation of Federal or State law;

Third. The contractor is found civilly liable for fraud or a similar offense under Federal or State law;

Fourth. The contractor is suspended, debarred, or terminated for default for a violation of Federal or State law; or

Fifth. A case of any of these types is settled by compromise or consent.

Mr. President, the kinds of cases covered by my amendment all involved wrongful conduct by the contractor, and there is no reason that I know of why the Government should be paying for contractors' legal fees in these kinds of cases.

But, again, because I am afraid that the amendment that was offered went beyond that and it was broader than that and could actually get to cases where a contractor was found not to have been at fault or not to be guilty of a crime, I have sent this amendment to the amendment of the Senator from Iowa to the desk. Again, I commend him. I understand that he may want to take some action relative to his underlying amendment at this point. If he does so, I would hope that we could make some progress in conference because again I believe that he has put his finger on an important problem.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, Senator GRASSLEY has offered an amendment that is parallel to a provision in the House bill. I understand that Senator GRASSLEY will withdraw his amendment. We will listen carefully to the arguments presented by the House in conference.

Senator LEVIN has offered a modified version of the amendment offered by Senator GRASSLEY. Although we have not had an opportunity to review the amendment of the Senator from Michigan in detail, it appears to offer a very positive approach to this problem. It is my understanding that the Senator from Michigan also will withdraw his amendment. It is my intention to give the amendment offered by the Senator from Michigan serious consideration as the basis for a possible compromise in conference.

Mr. GRASSLEY. Mr. President, I appreciate the cosponsorship of my amendment by my colleague from Delaware, Senator ROTH, who has had a distinguished record in ferreting out fraud in Government spending for many years before I came to this body.

I also appreciate the thoughtful and careful approach that the Senator from Michigan has taken on this issue. He has, of course, been a real leader in procurement reform. I am grateful for his insight and help. I want to thank his staff as well.

I listened with great interest to what the manager of the bill has said, I appreciate his words of cooperation and assistance and appreciate his assurance that the conferees will give careful consideration to the arguments made in support of the Grassley amendment as well as the Levin modification.

I thank also the manager's staffs for working with us on that.

I have been around this body long enough to know that there is more than one way to enact legislation. There is a time to do it on the floor and a time to do it in conference committee.

As long as I have been assured that there will be fair consideration in conference of these various options, including the one accepted in the other body then Mr. President, I am satisfied enough to withdraw my amendment.

The PRESIDING OFFICER. Without objection, both amendments will then be withdrawn.

The Senator from Ohio.

AMENDMENT NO. 2062

(Purpose: To place conditions on the sale or other transfer of F-15 aircraft to Saudi Arabia)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 2062.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. SYMMS. I object. I would like to hear the amendment. Read the amendment, please.

The PRESIDING OFFICER. Objective is heard.

The assistant legislative clerk read as follows:

At the end of title IX of division A of the bill add the following:

SEC. . CONDITIONS FOR SALE OR OTHER TRANSFER OF F-15 AIRCRAFT TO SAUDI ARABIA.

Notwithstanding any other provision of law, any sale or other transfer to Saudi Arabia by the United States of F-15 aircraft shall be subject to the following conditions:

(1) Any such F-15 aircraft sold or otherwise transferred to Saudi Arabia shall be limited to models A, B, C, and D.

(2) The United States shall not sell or otherwise transfer to Saudi Arabia the F-15-E with a ground attack capability and shall not upgrade existing Saudi aircraft to that capability.

(3) Saudi Arabia shall not possess more than 60 F-15 aircraft at any time, except that additional replacement F-15 aircraft may be held in the United States, at the expense of Saudi Arabia, for shipment to Saudi Arabia only after the President notifies the Congress that the existing inventory of F-15 aircraft held by Saudi Arabia is less than 60 and, then, only on a one-for-one replacement basis as each F-15 aircraft is totally removed from the inventory of Saudi Arabia.

Mr. DIXON. Mr. President, the amendment by the distinguished Senator from Ohio has previously been cleared on both sides. This side does support the amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, there is no objection to the amendment on this side of the aisle.

I think it should be said for the record that the amendment is very incomplete. It should also add the MX missile, the B-1 bomber, and nuclear-fired aircraft carrier, because these F-15 Strike Eagles have never been in the administration's proposal package. It has not been talked about. There is no discussion of selling the F-15 Strike Eagles to Saudi Arabia.

I guess, if the Senator insists on offering the amendment, we will accept it. But I think it should be said for the record that Saudi Arabia should not feel like they are being singled out for some kind of extra treatment here on the floor over the F-15 Strike Eagles, because the administration never suggested they sell them nor have they suggested they sell the MX missile or B-1B bomber or any of the other more sophisticated weapons.

Mr. METZENBAUM. Mr. President, I had not intended to make an oral statement but rather put the statement in the RECORD. But I am afraid there is some confusion as to what this amendment does. Under the circumstances, I think that I feel compelled to do so.

Mr. President, a broader version of this amendment was approved last December by the Senate. It was worked out with Defense Secretary Carlucci during his tenure as National Security Adviser. Concerns were raised in the House regarding the breadth of the original language, and I agreed to compromise on it. The measure now before us represents that compromise.

It is my understanding that this measure remains acceptable to the administration and to the chairman of the Armed Services Committee.

In order that we may explain this to my friend from Idaho, last December, the administration notified Congress of its intent to sell a large package of arms to Saudi Arabia. Many Members of Congress felt that certain portions of the package were inappropriate. I approached the minority leader to enlist his help in arranging a meeting with then National Security Adviser Carlucci. A number of Senators participated in that meeting.

Mr. President, the outcome of those discussions is the original amendment that the Senate approved last December 9, and for the most part, it is the measure we are discussing now.

It stipulates that the Saudi Air Force's inventory of F-15 aircraft shall not exceed the original number of 60. The 12 planes that were included in this sale are to be held at Saudi expense here in the United States, and be transferred to the Saudis only on a one-for-one replacement basis.

In addition, the 12 replacement planes and all F-15's previously delivered to the Saudis shall not receive equipment upgrades from the United States to give them a ground-attack capability.

Finally, the measure proscribes the sale to Saudi Arabia of the F-15-E series, which is a ground-attack aircraft.

Perhaps some of my colleagues do not remember the veritable laundry list of advanced armaments that the Saudis presented us with last year. Now, half a year after the fact, it is easy to forget how much work went into that sale. We hammered out an agreement which gave the Saudis their arms package—but less in line with their dreams than with their legitimate defense needs.

Mr. President, I want to reiterate that this amendment is part of an arms deal worked out with the administration, the minority leader, and several of us in the Senate. Also, it is my understanding that the Saudis indicated that they were satisfied with that result in a meeting with the President, as well as with the National Security Adviser at that time. A broader version of this amendment already passed the Senate.

Mr. SYMMS. Will the Senator yield for a question?

Mr. METZENBAUM. Yes.

Mr. SYMMS. Does the Senator understand that this Senator said the minority accepts the amendment? We do accept the amendment.

Mr. METZENBAUM. I know, but I had the feeling, I must say to my colleague from Idaho, that somehow I think you were confused as to what this amendment is all about.

Mr. SYMMS. I just want you to know that you do not have to go on with that speech if you do not feel compelled to.

Mr. METZENBAUM. Thank you very much. It certainly pleases me no end that you told me that I did not have to continue on, but I think I will finish it. It is just a few more lines.

A broader version of this amendment already passed the Senate. In fact, since that time, the Middle East has become something of an open flea market for sophisticated arms sales.

Indeed, Mr. President, I must confess that at times, with all the fancy hardware that is piling up in the Middle East, it seems to me that the Paris Air Show could just as easily be held in Riyadh. Even as we speak, a sale is pending which includes 200 Bradley fighting vehicles, TOW missiles and launchers, and support equipment for the Saudi's AWACS aircraft. I need not remind my colleagues of the recent revelation that our supposed allies in Riyadh hid from us their purchase of Chinese intermediate-range ballistic missiles.

Mr. President, we are here now debating language which was previously ageed to as part of serious negotiations undertaken in good faith and in a responsible manner. It was a process of give and take that Secretary Carlucci observed "* * * was in marked contrast to earlier public disputes over such issues."

What is the problem with limiting the number of F-15 aircraft in the Saudi inventory to 60? The monarchy certainly did not prove itself willing to use those advanced planes to assist us when an Iraqi jet pumped two deadly Exocet missiles into the *Stark*.

What is the problem with prohibiting the Saudis from buying ground-attack upgrades for their existing fleet of F-15's? Who, exactly are they planning to attack on the ground? Some will suggest that an Iraqi victory in the gulf war would pose a serious tank or other ground threat to the Saudis.

This is no justification for letting the Saudis give their F-15's ground-attack capability. They already have about 20 Tornado attack aircraft that they're buying from the British, with another 50 on order. Also, the Kuwaitis have just announced that they want to buy 40 F-18 fighter/attack aircraft.

What about the F-15"E", which my amendment bars from sale to the Saudis? This is not just a ground-attack plane, this is the most sophisticated ground-attack jet in our own inventory. The "Strike Eagle," as it is called, is meant to fulfill the U.S. Air Force's ground-attack missions until the next generation advanced tactical fighter comes on line.

Mr. President, I should also note, parenthetically, that nothing in this language would prevent the Saudis from requesting other ground-attack aircraft from the United States, such as the advanced F-16, or even the newer F-18 that Kuwait is requesting.

The negotiators last fall clearly saw no reason why the Saudis would ever need such an extraordinary plane, and felt justified in including such a prohibition in the amendment.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment (No. 2062) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I am going to offer an amendment for the two distinguished Senators from Oklahoma from both sides of the aisle in just a moment. It has been cleared on both sides.

But before I do that, let me say that the distinguished senior Senator from Idaho has an amendment here with respect to the Helsinki Final Act, which is acceptable to the managers here on the floor. Twice today I have been mildly criticized for forgetting other jurisdictional interests. I want to say that the jurisdictional interests that may pertain here are the Foreign Relations Committee and the Finance Committee.

I want to further announce that the chairmen of both committees and staff have been called and have been notified sometime ago. We are putting them again on notice that after we adopt this next amendment, I am going to wait an appreciable period of a few minutes and then I am going to accept this amendment by the Senator from Idaho unless somebody has given an objection forthwith to this Senator.

Mr. McCLURE. Will the Senator yield?

Mr. DIXON. Yes.

Mr. McCLURE. I thank the Senator for the statement. I do hope that no one will object. I really do not believe they will. I understand that the jurisdictions of other committees are involved, because it does deal with questions of international trade and does deal with questions of our relationship with the Soviet Union. So I think that the manager of the bill is entirely correct in trying to defer to the committees of jurisdiction that have those subject matters before them.

I just want to say that I appreciate the willingness of the manager to accept it. I do not believe that other committees will object, even in spite of the jurisdictional question, because this simply says that the Soviet Union shall not be granted most-favored-nations treatment until it can be certified that they are in substantial compliance with the provisions of the Helsinki Final Act. On that subject, I cannot imagine that there is a substantial disagreement on the floor of the Senate.

Mr. DIXON. I thank my distinguished friend from Idaho.

AMENDMENT NO. 2063

(Purpose: To provide funding for medical facilities for Fort Sill, OK, and Seoul, South Korea)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois, [Mr. DIXON], for Mr. NICKLES (for himself and Mr. BOREN), proposes an amendment numbered 2063.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 216, after line 4, insert the following: "Fort Sill, Oklahoma, $54,000,000".

At the appropriate place in the bill, insert the following new section:

SEC. . REYNOLDS ARMY COMMUNITY HOSPITAL, FORT SILL, OKLAHOMA AND SEOUL ARMY COMMUNITY HOSPITAL, SEOUL, KOREA.

(a) AUTHORIZATION TO CONTRACT IN ADVANCE OF APPROPRIATIONS.—(1) Subject to paragraph 2401(a), the Secretary of Defense may enter into one or more contracts, in advance of appropriations therefore, for the construction of the military construction projects authorized by section 2401(a) to be accomplished at Reynolds Army Community Hospital, Fort Sill, Oklahoma and the Seoul Army Community Hospital, Seoul, Korea, if each such contract limits the amount of payments that the Federal Government is obligated to make under such contracts to the amount of appropriations available, at the time such contract is entered into, for obligation under such contract.

On page 220, line 19, strike "$201,811,000" and insert in lieu thereof, "$228,811,000".

On page 220, line 22, strike "$289,010,000" and insert in lieu thereof, "$262,010,000".

On page 222, after line 4, insert the following:

(11) For military construction project at Reynolds Army Community Hospital, Fort Sill, Oklahoma authorized by section 2401(a) of the Military Construction Authorization Act $27,000,000.

(12) For military construction project at Seoul Army Community Hospital, Seoul, Korea authorized by section 2401(a) of the Military Construction Authorization Act $28,000,000.

Mr. NICKLES. Mr. President, I rise today with my colleague from Oklahoma, Senator BOREN, to offer an amendment to the National Defense Authorization Act for fiscal year 1989, which would allow for split year funding for two Army Community Hospitals; one in Seoul, Korea, and one at Fort Sill, OK.

The first phase of the hospital complex at Fort Sill was funded with a fiscal year 1986 military construction appropriation. Work was started on the outpatient clinic in September 1986, and the estimated occupancy date is June 1989.

The second phase of the Fort Sill Army Community Hospital which will provide an upgraded hospital facility to conform to current standards of the Joint Committee for Accreditation of Hospitals [JCAH], was originally planned to follow the first phase in fiscal year 1987, but was deferred to fiscal year 1988 and then to fiscal year 1989. With the budget summit agreement, it has now slipped to fiscal year 1990.

The project is 95 percent design complete, and according to last year's request for fiscal year 1989, the contract was scheduled to be awarded in December 1988 with construction to begin in February 1989. Every delay will create hardships in operating two separate facilities, the old hospital and the new clinic, with limited staff. When the new clinic is finished, patients may have to be transported three to four blocks down the street between the clinic and the old hospital. This will require additional personnel and could endanger the welfare of the patients. A deferment of this project to fiscal year 1990 would extend this hardship for an additional year and increase the total cost by approximately $2 million.

Phase II will include two three-story buildings, the ancillary building, and the inpatient tower totaling 301,000 square feet. The ancillary building will house central materiel, surgery, ICU/CCU, labor/delivery/postpartum/nursery, and general patient services such as ER/MCC, radiology, pathology, physical therapy, and the dental clinic. The inpatient tower will include 157 beds, the inpatient pharmacy, automation management, nutritional care, patient administration, three medical-surgical and one pediatric nursing unit.

I have spoken to Dr. William Mayer, Assistant Secretary of Defense for Health Affairs who assures me that the Department of Defense can execute both part II of the Fort Sill Hospital and the Seoul project through phased funding over a 2-year period, fiscal year 1989-90. This approach will allow construction to begin on both badly needed projects in fiscal year 1989 and will not affect the Department's funding requirements in either fiscal year. I ask unanimous consent that a letter from Dr. Mayer stating his support for this approach be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 27, 1988.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Pursuant to my conversation with you and Senator Boren, the Department of Defense can execute both Part II of the Ft. Sill, Oklahoma Hospital and the Seoul, Korea project through phase funding over a two year period FY 1989-1990, with appropriate legislative authority authorizing award of contracts in advance of full appropriation.

This approach will allow construction to begin on both projects in FY 89 and will not affect the Department's funding requirements in either fiscal year.

I appreciate the opportunity to offer my comments on your proposal. A copy of this letter is being sent to Senator Boren and Congressman McCurdy.

Sincerely,

WILLIAM MAYER, M.D.

Mr. NICKLES. Mr. President, meeting the health care needs of our military personnel, dependents, and retirees is a promise we, as a nation, make to those who serve to protect our freedoms. I understand that this amendment has been agreed to, and I thank my colleagues on the Armed Services Committee and the staff for their assistance. I believe that we will now be able to fulfill our health care promise both at Fort Sill and in Seoul in the most cost-efficient and timely manner.

Mr. BOREN. Mr. President, my colleague from Oklahoma, Mr. NICKLES, and I offer an amendment which will expeditiously allow the construction of two Army hospitals which are needed for the medical delivery to Army military personnel and their dependents at Fort Sill, OK, and Seoul, Korea.

In these times of budgetary constraints, it becomes extremely difficult to fund the backlog of military construction. I want to commend Mr. DIXON and Mr. HUMPHREY and their staff for the excellent cooperation my colleague, Mr. NICKLES, and I have received in solving this particular situation.

For the third year in a row, the Reynolds Army Hospital at Fort Sill, OK, was dropped from the President's budget request. A hospital for Seoul, Korea, was included at a cost of $55 million and is authorized in this legislation. The Department of Defense has agreed to divide this funding between Korea and Oklahoma which will allow both projects to proceed in an orderly fashion.

Mr. President, this amendment authorizes the hospital in Korea at a fiscal year funding level of $28 million and the hospital at Fort Sill at a fiscal year 1989 funding level of $27 million and keeps the military construction total at the same level as authorized by the Armed Services Committee.

It is my understanding that this amendment will be accepted. Again, I want to thank the members of the Armed Services Committee for their very able assistance in this matter.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2063) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I have given notice to the chairmen of the jurisdictional committees. Their aides have been on the floor. They have looked at the amendment. I think at least 10 minutes have expired since that time. I suggest to the Chair that unless I hear something in the next minute or so, I am prepared to take the amendment of the Senator from Idaho.

Mr. McCLURE. Mr. President, if the Senator will yield, it would be my intention to offer the amendment and speak very briefly with respect to it. During that period of time, perhaps we can determine whether or not there is any desire on the part of others to be heard.

AMENDMENT NO. 2064

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. MCCLURE] proposes an amendment numbered 2064.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the bill the following new section:

"SEC. . ENFORCEMENT OF THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (ALSO KNOWN AS "THE HELSINKI FINAL ACT").

"(a) No country signatory to the Final Act of the Conference on Security and Cooperation in Europe (also known as "the Helsinki Final Act") which as of May 1, 1988, did not enjoy Most Favored Nation (MFN) trade status with the United States shall be extended such status unless the President first certifies in writing to the Chairman of the Committee on Foreign Relations of the Senate and to the Chairman of the Committee on Foreign Affairs of the House of Representatives that such signatory country is in complete compliance or in substantially complete compliance with such Final Act, particularly the human rights and humanitarian affairs provisions.

"(b) For the purposes of the foregoing Subsection, "substantially complete compliance" is defined as—

"(1) A pattern of compliance with the requirements of the Helsinki Final Act in a manner comparable to that displayed by democratic signatory countries, with any violations clearly the rare and exceptional act of local authorities contrary to established policy and generally observed practice in such country;

"(2) The existence, in theory and in practice, of legal procedures and presumptions, statutes, administrative regulations, limitations on law enforcement authorities, and judicial means of redress that facilitate and encourage, rather than frustrate, the exercise of basic rights as specified in the Helsinki Final Act by the citizens and inhabitants of such country; and

"(3) The ability of citizens of such country and citizens of other signatory countries, in theory and in practice, freely to monitor the performance of the governmental authorities of such country with regard to the requirements of the Helsinki Final Act throughout the territory of such country, and to publicize their findings, both in such country and abroad.".

Mr. McCLURE. Mr. President, this amendment really is not any attempt to jump ahead of another process without some necessity. I say that because there have been reports that the administration is considering granting MFN status to the Soviet Union. While the Soviet Union is making progress on the human rights front, it remains in severe violation of major provisions of the Helsinki Final Act, especially regarding human rights. What this amendment would do is deny MFN status to any Helsinki signatory which is not in substantial compliance with the requirements of the Helsinki accords. It would not affect countries already receiving MFN.

In his testimony before the Helsinki Commission this week, Secretary of Commerce Verity stated that the administration would require the Soviet Union to comply with the Jackson-Vanik requirement linking MFN with "the right or opportunity to emigrate." I was reassured to hear that. But I also believe that it is important to tie the granting of MFN status, which has enormous political symbolism on top of its economic impact, to progress on a much broader range of human rights.

Secretary Verity also indicated that he would have no objection to legislation such as this amendment. But I must, in good faith, inform my colleagues that the Commerce Department has been calling my staff to suggest that the Secretary didn't really mean what he said.

I would remind my colleagues that we are not asking the Soviets to do anything they haven't already promised to do 13 years ago in Helsinki. Among other things, the Soviets promised, and I quote from principle VII of the Final Act, concerning human rights and fundamental freedoms, to:

> * * * respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion.
>
> * * * promote and encourage the effective exercise of civil, political, economic, social, cultural, and other rights and freedoms, all of which derive from the inherent dignity of the human person and are essential for his full and free development.

The declaration continues that the signatories "confirm the right of the individual to know and act upon his rights and duties in this field."

We are all aware that things are happening in the Soviet Union. There have been some changes for the better. I traveled there recently and I saw and sensed some changes. But I do not think any of my colleagues are going to tell me that the Soviets are now or will be in the immediate future in substantial compliance with the obligations I just enumerated.

This amendment is needed because the granting of MFN, which would be sold as a temporary measure designed to encourage liberalization in the Soviet Union, would not be temporary at all. We all know that once a stream of trade is established, and contracts are signed, there is no force on Earth that can turn off the tap. If the Soviets want MFN status, let them demonstrate their desire and their right to such status by complying with the Helsinki accord.

I am concerned that Secretary Verity sees it the other way round. He told the Helsinki Commission he thinks we will do better if we increase trade and then use that as a lever on Soviet behavior. In the 1970's, we tried to use trade and arms control to lever Soviet behavior, and what did we get? Angola, Ethiopia, the fall of Saigon, and the invasion of Afghanistan.

I think it is an excellent indicator of the way United States-Soviet trade levers us more than it levers them, to recall that Ronald Reagan, the most staunchly anti-Communist candidate we have ever had, felt he had to promise to revoke the grain embargo. Let me repeat that this amendment would not affect any nation currently enjoying MFN status. Nor, as I mentioned earlier, would it impose any new requirements that signatories of the Helsinki Act have not already agreed to. Nor would it interfere with the Jackson-Vanik, which was always understood to address a much broader spectrum of concerns than just emigration.

This amendment is also generous, and realistic, in that it does not require complete compliance with the Helsinki accords. The requirement is for "substantially complete compliance." That means:

A pattern of overall compliance comparable to that of democratic signatories;

A structure of law, regulations, and procedures that stacks the deck in favor of the individual, rather than using the law as a bludgeon against the ordinary citizen;

And the ability of monitors, both within a country and from other signatories, to freely collect and disseminate information on compliance.

If indeed the Sovet Union makes a quantum leap in human rights, even if it may not achieve total compliance, this amendment recognizes that such a development could be rewarded.

Mr. President, I have been told that this amendment does not belong on this defense authorization bill. But I believe that there are very good reasons to include it in the defense bill.

If the administration is indeed considering granting MFN status at this time, it is critical for the Senate to send a message immediately that we do not believe the Soviet Union is deserving of that status.

Let me also remind my colleagues that the formal title of the Helsinki Conference, the Conference on Security and Cooperation in Europe, emphasizes the security dimension of the Helsinki process in particular, and human rights in general. As the signatories observe in principle VII, "The participating states recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice, and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all states." That sounds to me like the very essence of security.

Let me ask my colleagues this: Why do we have a defense bill in the first place, why do we spend all this money on guns and tanks and missiles? We do so because we are threatened by an ideology which is based on the denial of the rights and freedoms which we enjoy and which are described so well in the Helsinki accord. The threat to the United States is not just Soviet missiles and tanks. It is the denial of those rights, and the attempt to deny those rights to others, including ourselves.

Mr. DIXON. Mr. President, this side supports the amendment.

Mr. SYMMS. The amendment is supported by this side.

The PRESIDING OFFICER. Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2064) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, if I may say to my friend from Idaho, we will have to deal with those jurisdictional items in conference. You will have an opportunity to speak to others between now and then.

Mr. McCLURE. Would the Senator yield?

Mr. DIXON. I will be happy to yield.

Mr. McCLURE. I understand that and I certainly have no objection to the fact that, certainly, those committees will be heard from. On the other hand, I do not want that statement to be taken as a kind of a tacit understanding, that, since this has jurisdictional questions attached to it, that it is going to be automatically dropped in the conference.

Mr. DIXON. No, not at all. May I say that I personally support the idea and I support the amendment.

Mr. President, if I may be heard briefly?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Here is the situation, may I say to my colleagues. It is 5 minutes to 3. We have assiduously worked this list. I want to represent to my colleagues on the floor and wherever they may be and to the two distinguished leaders and to the managers, the distinguished Senator from Georgia and the distinguished Senator from Virginia, that the Senator from Indiana and I, and now the Senator from Idaho and I, have worked this list.

There is one amendment that a Senator would still like to offer. The Senator from Texas would like to offer a coal amendment. He wanted to have a 30-minute time limit, equally divided.

This manager or deputy manager, who is from a coal State, was willing to do that, though I would oppose the Senator from Texas.

The two Senators from Pennsylvania will not agree to a 30-minute time limit. I do not know if they will agree to anything. But the point is that that is what we are down to, and I would like the two leaders and the two managers to know that there is nothing left in this store. The shelves are bare.

Unless you want to start arguing about coal, I cannot think of anythng else to do around this place until such time as my colleagues are prepared to deal with the UC.

Mr. McCLURE. Before doing that, would the Senator yield for a unanimous-consent request?

Mr. DIXON. I will be happy to.

Mr. McCLURE. Mr. President, I failed to do this before the passage of the last amendment. I ask unanimous consent that Senators HELMS and ARMSTRONG be listed as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I would like to take the floor briefly while there is a little spare time here this afternoon and speak on the bill and just say basically what I am going to say to my colleagues is that we are very dramatically underfunding defense in this, in the establishment of our priorities here in the Nation's Capital.

I rise today to remind my colleagues of their responsibilities, responsibilities outlined in that document which originally established this great body.

The Constitution provides our charter, defines our form and mandates our responsibilities. I am concerned, however, that we are not living up to its expectations. We are charged by that document to provide for the common defense, to raise and support armies and to provide and maintain a Navy. I remind my colleagues of James Madison's caution, when he wrote in the Federalist Papers, "If one nation maintains constantly a disciplined Army, ready for the service of ambition or revenge, it obliges the most pacific nations who may be within the reach of its enterprises to take corresponding precautions." How then does one explain a fourth year of declining defense budgets?

That is exactly what is happening here, Mr. President. This is the fourth year of declining defense budgets, if you adjust these budgets in real dollar outlays in real terms. When reviewing defense production lines, everywhere you go you find out that we are not buying enough of whatever it is we are buying to get an economical buy because of budget constraints. For example, Mr. President, I noted the other day that the 100th B-1B bomber was built. It came in under budget, ahead of schedule, and they closed down the line. The first 100 B-1's cost the taxpayers of the United States $270 million apiece. The defense contractor offered the Government to build another 100 for $150 million apiece.

It is a penetrating bomber that is unsurpassed in the world. The reason that we are not building the 200 instead of 100 is because of the priorities here in the Nation's Capital because it is more fun to go out here and offer to send out money and checks to people in different kinds of programs, social welfare programs, than it is to spend money on defense of the country.

I would just say to my colleagues who mandate these declining defense budgets that we would ask them one question:

Has the threat been reduced? Is the world a safer place today than it was 4 years ago? Have the Soviets renounced their intention to export communism throughout the world?

I would say, if anyone thinks so they should visit Afghanistan, they should go to Pakistan where they will find that Mr. Gorbachev's KGB killed 250 innocent civilians last year, wounded another 1,000 or so with bombs, state-supported terrorist bombs set off in Pakistan, run by Mr. Gorbachev's KGB.

It is their intention to export communism around the world and they have been pushing right along. They are pushing into Central America and Nicaragua. They are pushing on into Africa. There has been a relentless expansion in every case, and it is very interesting to note, Mr. President, that in every instance in the world where we have had the courage to stand up and give the people who are seeking freedom an opportunity to fight for that freedom, we are winning. Because people choose freedom over oppressive communism every time if they are given a choice.

What is very concerning to this Senator is, in addition to the fact that budget agreements were made here last December that have put us into this downward spiral on defense spending and an expansion of nondefense spending—if you look at the budget you will see that nondefense spending is expanding at a fairly big rate and defense spending is contracting.

But we will find that in every instance where we stand up to the Soviet expansionism, we are winning. But in cases like Central America where the Congress fails to see the difference between freedom and oppression and refuses to give the freedom fighters help, of course, the Soviets continue to pump aid and equipment, materiel, and support into Nicaragua to ensconce their tentacles into Central America.

Mr. President, most likely I will vote for this bill because I see no great value in voting against it. But I want to go on record, and I think my colleagues who are not on the committee should be aware—the defense of this country, the procurement of the needed equipment to keep the morale of the troops, the sailors, the airmen, to keep the capability, the operational or maintenance capability at a highly honed level so they will be ready in case the curtain should come down—we are now starting down the slippery slope again toward weaker defenses, toward a more hollow military, and we are not going to be able to continue in this direction without suffering dire consequences in the future.

We are not devoting, Mr. President, the funds that we should be to keep an acceptable level of defense. You cannot just have defenses at a reduced price simply by devoting some funds to weapons modernization, that the resulting level of technological sophistication will be sufficient to guarantee.

Nothing can be further from the truth. By adopting that approach, we only highlight our vulnerabilities. It is just not sufficient to have a few of the most sophisticated weapons in the world if we cannot afford to support them when they are deployed or replace them if they are destroyed.

I had an opportunity to visit McDonnell Douglas Aircraft in the early part of this week. It is quite impressive to see the shop where F-18's F-15's, AV8-B's are being manufactured in a shop-like condition. It is interesting to note that some of the old hands who have been there the last 25 years at McDonnell Douglas pointed out to me that in the same shop in 1967, they were producing 72 Phantoms a month in that shop. They are lucky to produce 5 or 6 aircraft in that shop now or maybe 10 at a maximum.

The point I am making is that we are building some very fine aircraft and other fine weapons systems, Mr. President, but we are not making a commitment to build enough of them that we could ever replace them if we get in a wartime situation. We are fooling ourselves and we have fooled ourselves, in my view, in believing that we can continue to pursue our interests in the world and guarantee our own and our allies' security without paying for it.

We are, with the passage of this bill, continuing a slide in defense spending that ultimately will result in a military force that, as the distinguished chairman mentioned, has the potential to become hollow, a mile wide and an inch deep; a force which may get there firstest with the mostest, but it will not be able to stay because it will not be able to sustain itself with the weapons systems we are buying in such few numbers. They require such highly-trained, skilled people to operate them that it will take too long to replace them if we should ever get into any kind of a sustained conflict.

I say this: I think President Reagan made significant strides in addressing the U.S. military deficiencies over the course of the first 6 years of his administration.

But the continuing congressional budget cuts and the ongoing growth of the Soviet military capabilities have combined to keep the United States behind. Simply put, the Soviets have retained the initiative in their arms buildup, and turning that around to a United States advantage will require a continuous, long-term commitment by the Congress to rebuild the United States nuclear and conventional forces in order to ensure the gains that we have made over the first 6 years of this administration.

The Congress needs to end that feast-or-famine cycle which characterizes the approach that we have had here in this country on defense. We have had a huge bow wave of spending once President Carter started pushing for it. In fact, I would say President Carter deserves some praise for that because in 1979 after the Soviets invaded Afghanistan and during 1980, he asked for tremendous increases in the budget on the defense spending of this country. President Reagan was elected in 1980 on that platform, and the Congress made a bigger commitment. So there was a big bow wave of spending that went into defense.

Now we are cutting back. It would seem to this Senator that it would make a lot more sense to have a stable, steady growth in defense spending on an annualized basis or a biannualized basis and sustain what we are doing and stay the course with a slight increase every year and purchase the needed supplies and equipment, let the pilots and the troops have the adequate training time, ammunition supplies to fire to practice to keep current. Then we will not have to have that slide back down and then we will be faced with the reality of our own security.

It is simply not enough to modernize. We must be able to sustain our forces and their weapons systems. By failing to adequately provide for the common defense, we are continuously forcing the services to choose between readiness and modernization, between forestructure and operations, choices guaranteed to increase the risk of our Nation and increase our national interest and the choices guaranteed to lead to increased casualties on the battlefield.

Mr. President, when you ask a question in the Armed Services Committee about what these cutbacks mean, say, to the infantry side of the U.S. Marine Corps, General Gray answered the question that we are cutting out three operational infantry battalions out of the U.S. Marine Corps. That is not cutting out fat.

We always hear people say they want a lean, mean, tough defense. When you start cutting out the infantry battalions, you are weakening the defenses of the country.

Mr. President, as far as I am concerned, I am not going to succumb to the allure that we can do more with less in our approach to defense spending. If we are to live up to the expectation of our charter and to meet the responsibilities of our fellow citizens, in my review, we must do better than we are doing in this recent budget cycle that has gone now since last fall through this year.

We better start thinking right now that next year when we come back in 1989, this Senate needs to address the priorities of spending and reestablish ourself in terms of our priorities, what is in our national interest, and what it is that is the most single important function of the Federal Government. That, of course, is to provide for the common defense, to preserve peace and freedom, which are inseparable, Mr. President.

I think we should certainly recognize that if this is the trend of the future, that we are going to be in a real world of hurt in about 5 years down the road from where we are right now when we wake up some morning and recognize—and it will become a common understanding—that we are way behind on defense, we have to spend more money on defense. That will cost us a great deal more than it would be to have a steady, sustained, reasonable approach to this, keep the morale of the troops in the field high, keep the retention levels up and certainly provide them with the best possible equipment so if they ever do get in harm's way that it will be the people that put them in harm's way that suffer and not our troops, our sailors, and airmen.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. Reid). The Senator from Illinois.

Mr. DIXON. Mr. President, I thank my friend, the acting manager on the other side, for his remarks. I see the majority leader on the floor, and I see the Republican leader on the floor. I would like to advise them of the situation at 10 minutes past 3 on Friday.

Senator Gramm is coming over here with a coal amendment. We have been unable to agree to a time limit, but momentarily Senator Gramm of Texas will offer a coal amendment that will be opposed by the distinguished majority leader, the two Senators from Pennsylvania, minimally, and perhaps others.

We do not yet have a time limit agreed to. I am assiduously trying to work out a time limit.

Other than that, the shelves are bare. In the Vice President's office, every major player on the question of drug interdiction by the military is involved. The Senator from Georgia is there, the Senator from Virginia, the Senator from California, the Senator from New York, the two Senators from Florida, the Senator from South Carolina—a whole roomful of people. I am told they almost have an agreement. Momentarily, any second we will have agreement on the drug question. I am told that the jurisdictional questions between the authorizing and the appropriating committees are almost resolved.

I want to again say to the majority leader and the Republican leader, the shelves are bare. There is one question remaining, and I would be delighted if the two leaders can accommodate the Senators and get a unanimous consent.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois, Mr. Dixon, for the tremendous job that he has done in connection with this bill and in advancing it to this point as rapidly as has been the case.

AMENDMENT NO. 2065

(Purpose: Analysis of alternative strategic nuclear force postures for the United States under a potential START Treaty)

Mr. BYRD. Mr. President, Senator Dole and I have an amendment which we would like to take up at this time inasmuch as no other Senator is seeking recognition.

I send to the desk an amendment on behalf of Mr. Dole, myself, and other Senators.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia, Mr. Byrd, for himself, Mr. Dole, Mr. Exon, Mr. Pell, Mr. Wilson, Mr. Boren, Mr. Thurmond, Mr. Lugar, and Mr. Sasser, proposes an amendment numbered 2065.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . ANALYSIS OF ALTERNATIVE STRATEGIC NUCLEAR FORCE POSTURES FOR THE UNITED STATES UNDER A POTENTIAL START TREATY.

(a) Findings.—Congress makes the following findings:

(1) The United States and the Union of Soviet Socialist Republics are engaged in talks regarding the reduction of strategic nuclear arms.

(2) Such talks could result in a Treaty requiring deep reductions in the strategic forces of the United States.

(3) The Senate must advise and consent to the ratification of any such Strategic Arms Reduction Treaty (START).

(4) Any START Treaty should result in a stable balance of strategic forces between the United States and the Soviet Union which enhances the security of the United States.

(5) The Congress must authorize and appropriate the funds to procure such permitted forces as are required to insure the stability of the force balance under any arms reduction agreement.

(6) The Congress faces critical resource choices for fiscal year 1989 and beyond which could substantially influence the strategic force posture of the United States in a post-START era.

(b) PRESIDENTIAL REPORT.—The President shall provide to the Congress prior to the conclusion of any Strategic Arms Reduction Treaty or agreement between the United States and the Union of Soviet Socialist Republics, but in any event not later than September 15, 1988, a comprehensive report, in classified and unclassified form, on the implications such an accord might have for future strategic force postures of the United States in the 1990s. This analysis shall include the following:

(1) Alternative force postures for the United States permitted under an arms reduction agreement, including the Administration's recommended posture.

(2) The costs associated with acquiring each alternative force posture, assessed over at least a seven-year period.

(3) The damage limitation capability, survivability and retaliatory potential of each force posture, and the implications for strategic stability, assessed with regard to the likely force postures of the Soviet Union and the first-strike potential of such Soviet force postures.

(4) The likely effect of Soviet breakout from START on the survivability and effectiveness of the U.S. force posture.

Mr. BYRD. Mr. President, this amendment requires a Presidential report to the Congress on the future configuration of our strategic forces prior to the signing of any agreement on a START Treaty with the Soviet Union. Arms control is wise but only wise and prudent if it enhances our national security and that of our allies. It is obvious that any arms control agreement should only be entered into if it fits into a plan for the modernization of the size and functions of our military forces and enhances our overall security. This is a complex task and needs to take into account the actions, probable and possible, by our adversary under the scenario of any arms control agreement.

The report which is required by this amendment would be submitted prior to the signing of a START Treaty, and in any event no later than September 15, 1988. The Congress must have the necessary level of confidence that any arms treaty that is entered into is done so only with a clear understanding of the force structure being contemplated. The architecture of our future national security posture must be developed to the satisfaction of not only the administration but also the Congress, and in particular the Senate, which has the role under the Constitution of giving its advice and consent to treaties. It would be the height of folly to rush into a START agreement without the precise development of this architecture.

The dangers and pitfalls of sloppiness in the strategic area could open the Nation to mortal danger. It would be far better to have no arms control agreement than to have one which, attractive on its face, is not cemented into a viable conception of how we are going to defend the Nation and continue to deter our adversaries and support our allies.

This amendment is a rifle shot, aimed at the possibility of agreement on a START Treaty in the near future, and is intended to make sure that all the exits are covered, remembering that a mouse that only has one hole for an exit is not a very wise mouse, all the necessary planning has been made to take care of our national security requirements. We need to be sure of that. The amendment requires that alternative force postures be outlined, that the costs of those postures be identified, that survivability and retaliatory capabilities of those force postures be assessed in light of Soviet first-strike potential, and that the dangers of a Soviet breakout on those force postures be fully considered. Mr. President, we owe this type of long-term analysis to our allies and to future generations of Americans who depend on what we do here for their continued freedom and security.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, last week Senators GRASSLEY, PRESSLER, and NICKLES joined me in visiting with our START negotiator, Ambassador Reid Hanmer, and our defense and space negotiator, Ambassador Hank Cooper, in Geneva.

Although a number of crucial differences still separate the United States and the Soviet Union, a basic potential framework for deep cuts in strategic nuclear weapons is taking shape.

The object of START is not just to cut but to enhance the stability of deterrence. But greater stability requires properly structured deterrent forces in the post-START era.

While our negotiators work carefully and precisely to resolve outstanding differences, our force planners should be developing the best possible force structure under a START agreement.

This amendment, as appropriately described by the distinguished majority leader, simply asks the President to share the administration's post-START force posture analysis with the Congress. This is vital because, after all, it is the Congress which must authorize and appropriate for any strategic forces which we may need to enhance stability under START.

We offer this amendment to encourage and help our President's efforts to achieve deep reductions in nuclear weapons. If we in the Senate understand what force structure assumptions are necessary to make START a good treaty, ratification will be that much easier when the time comes.

Furthermore, there will be no surprises on Capitol Hill when the next President asks for authorization and appropriation for whatever strategic forces are necessary.

This type of thinking can only enhance the consensus behind America's defense and arms control policies.

I would like to thank the majority leader for his insight into this matter, and his work to formulate a proposal we could all agree upon. I also thank the Senator from California [Mr. WILSON] for his expertise, his dedication to enhancing America's security, and his hard work in developing this amendment.

I thank the majority leader for his insight into this matter and his work to formulate a proposal we could agree upon. I also thank the Senator from California, Senator WILSON, for his expertise and dedication to enhancing America's security and his hard work in helping us develop this amendment.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I thank my friend, the Republican leader, for his generous comments. I thank him and the majority leader for having taken the time and the effort to put before this body what I think is a very important reminder.

We are in this effort asking of the President that he give a report to the Congress prior to the conclusion of any strategic arms reduction treaty just exactly how we intend as a Nation to make certain that the security of the United States is improved by that treaty, which is to say we are asking that we be mindful of the fact that simply reducing arms without having clearly thought about what our strategy will be is important before we ever go to that treaty.

We have to know whether or not Congress is prepared to maintain certain force structures, both offensive and defensive. We have to be concerned with our capacity not only to retaliate and to survive a first strike but to limit damage in a way which requires that we pursue a defensive as well as an offensive strategy, and the two must be coordinated.

This report which the President is required to provide to the Congress prior to the conclusion of the Strategic Arms Reduction Treaty, or an agreement of this kind is absolutely essential. In other words, what we are saying is we have to have a very clear strategy before we go, we have to have a very clear strategy certainly before the Senate is asked to ratify such a treaty, and the Senate must ask itself upon receiving that report from the President whether we are prepared to actually implement the steps necessary to assure that our security will be enhanced by such a treaty rather than in fact jeopardized.

That is what this is all about. That is why the specific requirements in the Presidential report are called for, not just alternative force postures for the United States under the agreement, not just the costs associated with acquiring each alternative force posture but also the deffensive, damage limitation potential as well as the survivability and retaliatory offensive potential of each force posture.

Mr. President, I commend the majority leader and minority leader. I think this is a brief, well-stated, and absolutely essential requirement for any intelligent planning in connection with the START Agreement in order to assure that it will produce the results for which we hope.

Mr. President, I ask unanimous consent to have printed in the RECORD an article that appeared in the Washington Post by Henry Kissinger, entitled "START: A Dangerous Rush for Agreement."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 24, 1988]

START: A DANGEROUS RUSH FOR AGREEMENT

(By Henry Kissinger)

President Reagan has stated that he hopes the START agreement to reduce U.S. and Soviet strategic forces by 50 percent will be completed in time for the summit at the end of May. There has been astonishingly little debate about the impact of such an agreement on strategy, verifiability and foreign policy. A pause in the rush to agreement is needed to permit a national debate while the treaty can still be reshaped. It is essential also to insure the Congress will fund the measures that will be necessary to ensure the survivability and strategic effectiveness of America's nuclear deterrent under START conditions. Before America makes another arms control deal with the Soviet Union, it must make a deal with itself.

For START is being negotiated in a conceptual vacuum. The United States has not yet decided—or at least has not put forward—what strategic forces it proposes to deploy under the START ceiling of 4,900 warheads in 1,600 missiles and 1,100 nuclear weapons on aircraft. Or how it plans to verify Soviet observance of these limits. Yet the relative capability of U.S. strategic forces—or the perception of it—has been the key element in Western security policy for the entire postwar period.

Still, common sense permits certain projections, The United States will almost certainly opt to retain 18 submarines out of the current 36, down from 41 in the 1970s. Since each Trident submarine has 24 missiles counted as having eight warheads each, this would place 3,456 warheads on submarines and leave 1,444 warheads to be distributed among land-based missiles.

When the number of submarines is cut so drastically while the agreement leaves Soviet antisubmarine forces free to grow and modernize, the vulnerability of the U.S. residual submarine force must inevitably increase. This would be especially true were a technological breakthrough to occur in antisubmarine warfare.

The situation with respect to land-based missiles is more precarious still. The Washington summit agreement reduces Soviet heavy missiles warheads from 3,080 to 1,540. Though this is lauded as a great achievement, any serious analysis shows that the survivability of the U.S. land-based force after the proposed reductions can be maintained at present levels only by a major—and expensive—modernization program. And the present level of vulnerability already is considered dangerous by most experts.

U.S. land-based missiles now consist of 2,000 warheads on three types of missiles: 500 highly accurate warheads on 50 MX missiles; 1,500 reasonably accurate warheads on 500 Minuteman III missiles and 500 inaccurate large warheads on Minuteman II single-warhead missiles—the oldest in the U.S. arsenal.

Retaining the most accurate and modern weapons—the MX and Minuteman III—and scrapping the Minuteman II would be most cost effective and most consistent with a strategy of sparing civilian populations and concentrating on military targets. However, it would also produce the most vulnerable U.S. deployment. Indeed, such a START scheme would actually worsen the vulnerability of American silos. Today the Soviet Union has 3,090 SS-18 warheads aimed at 1,000 U.S. silos, After START, assuming the United States retains its most effective weapons, the Soviets would have 1,540 warheads aimed at 364 silos, thereby raising the ratio of warheads to silos from 3.08:1 to 4.2:1. It is hard to argue that such a result would be a contribution to "stability."

The cheapest way to maintain the existing ratio of Soviet warheads to U.S. missiles would be to disperse U.S. targets by replacing a number of Minuteman IIIs with three warheads for a three times larger number of Minuteman IIs single warheads. The disadvantage is that Minuteman IIs have relatively poor accuracies. They are most useful for a strategy of civilian devastation and least suitable for a strategy concentrating on military targets.

The wisest course would be to develop a new single-warhead missile to combine the advantages for discriminating targeting and dispersal for survivability. It could be placed into a silo or preferably be made mobile or both. But the best course is also the most expensive.

But no agreement on the composition of the strategic forces exists either within the executive branch or between the administration and Congress. For budgetary reasons the administration has all but shelved the Midgetman, the proposed single-warhead mobile missile. The Senate Armed Services Committee has approved a mobile Minuteman III; the House Armed Services Committee has opted for the Midgetman in principle but allocated insufficient funds. There are drawing board schemes to reduce the number of missiles on Trident submarines from 24 to 16, thus increasing the number of submarines by a third and complicating the tasks of Soviet antisubmarine warfare. But nobody has advanced a concept for how to pay for the additional submarines.

The administration therefore needs to make sure that Congress will in fact fund the necessary programs. At a minimum, there should be an executive-legislative summit in which the administration outlines how it proposes to compose post-START U.S. strategic forces and congressional leaders agree to fund the programs needed to improve their survivability.

A pause in the rush to agreement also would permit closer examination of verification in the crucible of the realities that would be created by the new agreement.

A verification system would have to be able to determine whether the permitted numbers of 6,000 warheads and 1,600 missiles have been exceeded.

I know of no expert who believes that the margin of error with respect to counting the number of mobile intercontinental missiles can be smaller than 25 percent. Yet the two newest Soviet missiles are mobile: the SS-25 is land mobile and the SS-24 is rail mobile.

The problem of counting Soviet missiles produced but never deployed is even more intractable. In the negotiations for the recently concluded INF agreement, the Soviet Union revealed that it had produced 50 percent more medium-range weapons than it had deployed. In START, unlike INF, the production lines for strategic weapons would remain open.

If verification of the total number of missiles is difficult, determining the number of warheads could turn into a nightmare. Since it is impossible to establish from a satellite how many entry vehicles a missile carries, certain mechanical "counting rules" have been established over the years. Every multiple-warhead missile was assumed to have the maximum number of reentry vehicles that have been tested on that missile even if it carried fewer reentry vehicles when actually deployed.

The Washington summit jettisoned that principle. America's new submarine-launched missile, the D-5, has been tested with 10 warheads. Nevertheless, to maintain a minimum number of submarines the United States chose to equip each D-5 missile with eight reentry vehicles. In return the Soviets were permitted to count the reentry vehicles on their submarine-launched missile, the SSN-23, at four, even though it had been tested in an 8-to-10 warhead version. Similar discrepancies exist with respect to the Soviet heavy ICBM, the SS-18. The number of reentry vehicles assigned to missiles has become a subject of negotiations, not of verifiable testing data.

Complex schemes—probably too complex for day-to-day use—for the on-site inspection of deployed warheads are being discussed, but no arrangement could prevent the Soviet Union from producing warheads with the largest number of reentry vehicles already tested, stockpiling them and installing them in times of crisis or perhaps even between inspections. We must take care lest on-site inspection works more to tranquilize than to reassure.

Before an agreement is signed, the public and Congress need to understand precisely the scope and limits of verification. A number of questions must be answered, such as:

(a) What confidence do we have in the verification scheme for limitation subject to the START agreement?

(b) What is the cumulative risk if the verification system is under stress and not carried out under ideal laboratory conditions?

(c) By how much and in what ways does on-site inspection improve on national technical means, such as satellites?

(d) How will the verification system be integrated into American decision-making at the highest levels?

(e) What is the United States prepared to do in case of violations?

(f) What level of violation would threaten free-world security and why?

In the end the START process will mark another major step away from the deterrent strategy pursued for the entire postwar period. It will be another step toward stripping away the legitimacy of nuclear weapons without linking that process to the vital need to reduce the conventional arms threat either by building conventional forces or via conventional arms control. The growth of Soviet strategic forces in the mid-'70s coincided with making nuclear strategy a domestic issue in most democracies. As a result Western nuclear strategy has progressively become separated from rational objectives. Accurate warheads and missile defenses have all been vilified; mass destruction of civilian targets has been emphasized as if only the prospect of a holocaust would preserve peace. These evasions leave the democracies increasingly suspended between Armageddon and surrender. The prospective START agreement will inevitably exacerbate this incoherence, accelerating abdication from the weapons on which Western strategy is based without producing an alternative.

It is self-evident that the dismantling of American medium-range weapons in Europe, followed by a 50 percent cut in the strategic forces of the United States, must have some impact on Western strategy. What targets that once were covered will be left unattended under the new agreement? What happens to the four submarines "assigned" to the North Atlantic Treaty Organization when the total number of submarines on station in the Atlantic has shrunk to around six? How does NATO visualize the relationship between nuclear and conventional defense in both strategy and arms control? How do we propose to link these processes?

One way to improve the survivability of strategic forces would be to build a strategic defense at least for missile sites. Yet in order to achieve START the administration has agreed to a nine-year deployment ban extending into the third presidential term after the Reagan administration. It is in the process of agreeing to unspecified restrictions on testing. If history is any guide, these restrictions are likely to atrophy the program, since no deployment ban or testing restrictions have ever been abandoned by the United States. If the administration is willing to accept that outcome, it should obtain a higher price, for example, scrapping all the Soviet heavy missiles. If, however, the administration seriously intends to proceed with the Strategic Defense Initiative, it should put before an executive-legislative summit a strategic rationale and a program and budget levels for the next decade. If it fudges the issue, it will inherit the disadvantages of every course of action: de facto abandonment of SDI for no equivalent concession.

"Reductions" and "ending the nuclear threat" have become catchwords in the domestic debate of all NATO countries. But the Western alliance requires a strategy, not a slogan. START should not proceed further until the American people and our allies have been told with some precision where this process is leading.

Mr. President, I thank the Chair and yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I have just seen a copy of the proposed amendment. I would like to make one of two observations with respect to it. I commend both the Democratic leader and the Republican leader for bringing this to the floor. I think it is very important that we have an opportunity to interact with the administration before they sign an agreement rather than attempt to do so after such agreement is signed.

One thing occurs to me in connection with a proposed START agreement. I think that is the kind of thing that is causing a great many of us one or two second thoughts about the INF. It is not so much what INF does or does not do as what it sets in motion and where it will lead. One thing that the pending amendment really does not say but I think is implied by the amendment is there is linkage between different kinds of force systems, INF, MX, strategic, strategic balance, or lack thereof affects conventional forces.

I read both the finding section of this amendment, and the Presidential report requirement of subsection B, and it appears to me that the report required under subsection B of the amendment is somewhat broader than the findings statements under subsection A. I commend the authors of the amendment for so doing because subsection A refers to a balance of strategic forces, and talks only about strategic forces. But I think everyone doing any work at all in following these negotiations understands that each of these affect a subsequent force structure. And we cannot talk simply about intermediate forces without looking at what balance is left with strategic forces nor can we talk about strategic forces in a vacuum without looking at how that relates to conventional forces.

While the findings talk about stable balance of strategic forces, the report requires a broader report to the Congress about alternative force postures which I understand would include the remaining intermediate forces, the tactical forces, strategic forces, and conventional forces.

So we are not talking about strategic balance versus the Soviet strategic forces alone. We are talking about how such an agreement would affect the total force structure of the United States as compared to the total force structure of the opposing forces. And that implies also NATO and Warsaw forces I believe because I think that is what many of us are concerned about, that we might find ourselves with an elimination of intermediate nuclear forces, a drastic reduction in nuclear forces in START, and at the same time no change in the balance on conventional forces which everyone concedes are substantially in favor of the Soviet Union and the Warsaw Pact.

There is a linkage, whether we link the agreements or not. We certainly have to link in our own thinking the question of whether or not the resultant force structure, after the effects of the agreement are felt, adequately protects the defense and the security of the United States.

I commend the Democratic leader and the Republican for calling for a report that tacitly recognizes that it is the force posture of the total forces on both sides that is the critical element in judging whether or not a proposed agreement is wise or not.

There are some people who believe that we cannot link the discussions at all, but indeed we may not be able to get all of the agreements at once. But we cannot avoid the necessity of linking the results to the resultant force posture.

I hope that the movers of the amendment will join this Senator and many others in insisting that when such a report is sent to us it adequately reflects the administration's position with respect to total force postures on both sides.

I so read the amendment. I commend the offerers of the amendment for bringing this amendment to the floor at this time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD].

The amendment (No. 2065) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I wish to thank the distinguished Republican leader for his joint cosponsorship. Also, I thank the distinguished Senator from California [Mr. WILSON] and all of the other Senators who were cosponsors of the amendment. I thank Mr. McCLURE also for his observations and comments, and I agree with him, Mr. President, in view of the fact that there is another provision in the bill that I think provides the necessity for conventional force structure. And I agree with him that he certainly should have the composite analysis of the overall structure.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I am told that the distinguished Senator from Texas is on his way over here with his amendment that he wants to offer pertaining to coal. The distinguished majority leader and the Pennsylvania Senators, who are interested in the subject matter, are all here. We would like to dispose of that amendment.

We are down to the end, Mr. President, and about ready to conclude this bill. The question of drug interdiction by the military has been, I understand, completed. And everyone has signed off on it. That amendment is now being drawn.

Do I see my friend from North Carolina here with some concerns? We are awaiting the Senator from Texas. We are prepared to go with that amendment. Other than that, I think all matters pertaining to this bill have been accommodated to the knowledge of this acting manager.

Mr. HELMS. Mr. President, would the Senator yield?

Mr. DIXON. I am delighted to yield to my friend from North Carolina, of course.

Mr. HELMS. I thank my friend from Illinois. Is the Senator seeking amendments now or does he have one in the typewriter?

Mr. DIXON. The Senator does not want any trouble. We thought we were about finished. We have a coal amendment about to come up. I wonder if I could come hold the Senator's hand while we wait for the coal amendment.

Mr. HELMS. People might get suspicious. I do not think we ought to do that.

[Laughter.]

Mr. DIXON. Perhaps we could just sit and talk.

Mr. HELMS. I will just wait until they finish.

I thank the Senator from Illinois.

Mr. DIXON. I thank the Senator from North Carolina.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

AMENDMENT NO. 2066

(Purpose: To provide a substitute for certain portions of part B of title IX of divison A of the bill)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], proposes an amendment numbered 2066.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. HEINZ. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will read.

The legislative clerk resumed reading the amendment.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will read.

The legislative clerk continued with the reading of the amendment.

The amendment is as follows:

On page 153, strike out line 1 and all that follows through page 159, line 10, and insert in lieu thereof the following:

SEC. 916. REPEAL OF REQUIREMENT RELATING TO PURCHASE OF ANTHRACITE COAL IN FISCAL YEAR 1988.

Section 8113 of the Department of Defense Appropriation Act, 1988, is repealed.

SEC. 917. ADVANCE PAYMENT OF ADMINISTRATIVE CLAIMS.

(a) INCREASE IN MAXIMUM PAYMENT.—Subsection (a) of section 2736 of title 10, United States Code, is amended to read as follows:

"(a)(1) Under such regulations as the Secretary of a military department may prescribe, the Secretary or the Judge Advocate General of an armed force may make a payment of an amount not in excess of $100,000 in advance of the submission of a claim or before the final settlement of a claim to or for any person, or the legal representatives of any person, who was injured or killed, or whose property was damaged or lost, under circumstances for which allowance of a claim is authorized by law.

"(2) The Secretary of a military department may delegate to an officer or employee under the jurisdiction of the Secretary the authority to make a payment under paragraph (1) in an amount not to exceed $25,000.

"(3) Payments under this subsection are limited to payments which would otherwise be payable under section 2733 or 2734 of this title or section 715 of title 32.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any claim which would otherwise be payable under section 2733 or 2734 of title 10, United States Code, or under section 715 of title 32, United States Code, and which has not been finally settled on the date of the enactment of this Act.

SEC. 918. COURT OF MILITARY APPEALS RETIREMENT REVISIONS.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) in section 8336(1), by striking out the second sentence;

(2) in section 8338—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(3) in section 8339(d)(6)—

(A) by striking out "(6) The" and inserting in lieu thereof "(6)(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) If an employee referred to in subparagraph (A) of this paragraph has completed the term of service for which the employee was appointed as a judge of the United States Court of Military Appeals, then the annuity of such employee is the greater of—

"(i) the amount computed as provided in subparagraph (A) of this paragraph; or

"(ii) the amount equal to 80 percent of the rate of pay established for a judge in active service on such court as in effect on the date of such employee's retirement under this subchapter.

"(C) The amount of the annuity under this paragraph is the amount initially payable to the employee at the time of the retirement of the employee and is subject to adjustment under section 8340 of this title."; and

(4) in section 8339(h)—

(A) by inserting "(d)(6)," after "(d)(5)," in the first sentence; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "Notwithstanding the first sentence of this subsection, the annuity of an employee who is a judge or a former judge of the United States Court of Military Appeals and who has completed the term of service for which he was appointed as a judge of such court shall not be reduced.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Chapter 84 of title 5, United States Code, is amended—

(1) in section 8412, by adding at the end the following new subsection:

"(i) An employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, and who is separated from the service after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity,", and

(2) in section 8415, by adding at the end the following new subsection:

"(h)(1) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, who is retiring under section 8412(i) of this title is the greater of—

"(A) the amount computed under paragraph (2) of this subsection; or

"(B) the amount equal to 54 percent of the rate of pay established for a judge in active service on such court as in effect on the date of the retirement.

"(2) The annuity computed in the case of a judge of the United States Court of Military Appeals, or a former judge of such court, for purposes of paragraph (1)(A) is the annuity computed under subsection (a) of this section, except that, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding 5 years) creditable under section 8411 of this title, his annuity is computed by multiplying 1$\frac{7}{10}$ percent of his average pay by the number of years of such service that does not exceed 20 years.

"(3) The amount of the annuity under paragraph (1) is the amount initially payable to an employee referred to in paragraph (1) and is subject to adjustment under section 8462 of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to judges of the United States Court of Military Appeals whose term of service on such court ends on or after the date of the enactment of this Act.

SEC. 919. VOLUNTARY LEGAL ASSISTANCE.

(a) Acceptance of Voluntary Services.—Section 1044 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person voluntary attorney, paralegal, clerical, or related services for the provision of legal assistance under this section. Such services shall be performed under the direction and control of the judge advocate or chief legal officer of the command for which the legal assistance services are performed.".

(b) Defense of Suits.—Section 1054(a) of title 10, United States Code, is amended by striking out "title 32)" and inserting in lieu thereof "title 32 and persons furnishing voluntary services that are accepted under section 1044(b) of this title)".

SEC. 920. LEASING OF CERTAIN AIRCRAFT FOR FLEET ELECTRONIC WARFARE SUPPORT GROUP ACTIVITIES.".

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I make a point of order against the amendment, that the amendment amends language in the bill previously amended.

The PRESIDING OFFICER. A point of order has been made.

The point or order is well taken. The Chair upholds the point of order.

The amendment falls.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2067

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. Gramm] proposes an amendment No. 2067.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report.

The assistant legislative clerk read as follows:

On page 115, strike out line 3 and all that follows through page 159, line 4, and insert in lieu thereof the following:

SEC. 809. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) Purpose of Program.—Section 2412 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause (3):

"(3) to encourage eligible entities to furnish to business entities, especially small businesses, procurement technical assistance that facilitates the exporting of defense-related products and services by such business entities.".

(b) Limitation.—Section 2414 of title 10, United States Code, is amended to read as follows:

"§ 2414. Limitation

"(a) In General.—The value of the assistance furnished by the Secretary to any eligible entity to carry out a procurement technical assistance program under a cooperative agreement under this chapter during any fiscal year may not exceed—

"(1) in the case of a program operating on a State-wide basis, $300,000; or

"(2) in the case of a program operating on less than a State-wide basis, $150,000.

"(b) Determinations on Scope of Operations.—A determination of whether a procurement technical assistance program is operating on a State-wide basis or on less than a State-wide basis shall be made in accordance with regulations prescribed by the Secretary of Defense.".

(c) Procurement Technical Assistance for Indian Tribal Organizations.—Section 807(a)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1128) is amended by striking out "amount provided under paragraph (1) for fiscal year 1988, $500,000 shall be available" and inserting in lieu thereof "amounts provided under paragraph (1) for each of fiscal years 1988 and 1989, $500,000 shall be available for each such fiscal year".

SEC. 810. REGULATORY SIMPLIFICATION AND STREAMLINING OF OVERSIGHT ACTIVITIES.

(a) Report.—(1) Not later than December 1, 1988, the Under Secretary of Defense for Acquisition shall submit to Congress a report on the current programs of the Under Secretary regarding simplification of procedures governing the acquisition process of the Department of Defense and an assessment of the results of those programs.

(2) The report shall include the following:

(A) A schedule or timetable to effectuate regulation reform measures based upon the lessons learned from the conduct of such programs.

(B) In the case of any programs described in paragraph (1) which have not been completed—

(i) a methodology for evaluating such programs; and

(ii) a schedule or timetable for completing an assessment of the results of such programs.

(C) A comprehensive analysis of the effects that existing procurement laws, regulations, and guidelines have on the capability of the Department of Defense efficiently and effectively to meet the national defense needs of the United States, including any recommendations for legislation that the Under Secretary considers appropriate to improve that capability.

(D) A description of the results of the studies undertaken by the Under Secretary in conjunction with the Inspector General of the Department of Defense and the Comptroller of the Department of Defense regarding the responsibilities of the Under Secretary under section 133(d) of title 10, United States Code, to prescribe policies for the prevention of duplication by different elements of the Department of Defense.

(E) A discussion of the feasibility and desirability of—

(i) tailoring the degree of audit and oversight conducted by the Department of Defense to the degree of risk assumed by a contractor in the types of contracts entered into with the Department of Defense;

(ii) granting authority to a senior official of the Department of Defense to receive and promptly resolve complaints of acquisition officials and contractors of the Department of Defense regarding allegations of duplicative oversight activities;

(iii) establishing a formal independent means within the Department of Defense to ensure quality, integrity, and professionalism in the performance of audit and oversight activities; and

(iv) establishing and implementing a policy that no oversight organization within the Department of Defense may conduct an audit or review of an activity in the Department of Defense if any other oversight organization of the Department of Defense has conducted an audit or review of such activity within a fixed period of time preceding the proposed audit or review, if the audit or review proposed to be conducted is not substantially different in type and scope from such prior audit or review, and if there is no compelling reason not to rely on the prior audit or review.

(b) Amendment to Section 133(d) of Title 10.—Section 133(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "Such policies shall provide for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.".

SEC. 811. DEPARTMENT OF DEFENSE ADVISORY PANEL ON GOVERNMENT-INDUSTRY RELATIONS.

(a) Establishment of Advisory Panel.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish an advisory panel to study and make recommendations to the Secretary on ways to enhance cooperation between the Department of Defense and industry regarding matters of mutual interest, including—

(1) procedures governing the debarment and suspension of contractors from doing business with the Department of Defense;

(2) the role of self-governing oversight programs established by defense contractors;

(3) expanded use of alternative dispute resolution procedures; and

(4) the desirability of establishing a permanent advisory panel on government-industry relations.

(b) Membership of Advisory Panel.—The Secretary of Defense shall appoint persons to the advisory panel who are especially qualified to serve on such panel by virtue of their education, training, and experience in defense acquisition matters. The Secretary shall include on the membership of such panel an appropriate balance of persons from government, private industry, and academia.

(c) Report Deadline.—(1) The Secretary shall require the advisory panel to submit its findings and recommendations to him not later than 180 days after the date on which the panel is appointed.

(2) The Secretary shall transmit a copy of the report of the advisory panel to Congress, together with such comments and recommendations thereon as the Secretary determines appropriate, within 30 days after the date on which the report is submitted to the Secretary.

SEC. 812. EVALUATION OF CONTRACT PROPOSALS FOR PROFESSIONAL AND TECHNICAL SERVICES.

It is the sense of Congress that the evaluation by the Department of Defense of professional and technical services contract proposals should be made on the basis of a 40-hour work week standard.

SEC. 813. ACQUISITION MANAGEMENT AND GOVERNMENT CONTRACTING EDUCATION.

(a) In General.—Not later than April 1, 1989, the Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which institutions of higher education offer and conduct educational programs and courses on Government contracting and acquisition management.

(b) Content of Report.—The report shall include—

(1) a description of graduate-level programs and courses on Government acquisition that are currently offered in the fields of public administration, business, and law;

(2) an assessment of the extent to which such programs meet the needs of the Department of Defense and defense industries for highly qualified, entry-level specialists in Government contract administration, Government contract financing, and Government contract law; and

(3) a plan for determining and prescribing appropriate education and training qualifications for applicants for Government contracting and acquisition management positions.

SEC. 814. SCIENCE AND ENGINEERING WORKFORCE STUDY.

The Secretary of Defense shall complete the study that was initiated by the Department of Defense in 1985 for the purpose of determining and testing the factors that increase the supply of minority and women scientists, engineers, and technologists needed by defense industries and the Department of Defense to fulfill the national defense mission.

SEC. 815. AUTHORITY AND RESPONSIBILITIES OF DEPARTMENT OF DEFENSE ACQUISITION OFFICERS.

(a) In General.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2303 the following new section:

"§ 2303a. Authority and responsibilities of program managers and contracting officers

"The Secretary of Defense shall prescribe by regulation the authority and responsibilities of Department of Defense acquisition program managers and contracting officers. The Secretary shall ensure that such regulations provide acquisition program managers and contracting officers with decision-making authority that is commensurate with their responsibilities.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2303 the following new item:

"2303a. Authority and responsibilities of program managers and contracting officers.".

(b) Implementation.—The Secretary of Defense shall prescribe the regulations required by section 2303a of title 10, United States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

SEC. 816. PRODUCT EVALUATION.

(a) In General.—Chapter 139 of title 10, United States Code (as amended by section 233), is further amended by adding at the end the following new section:

"§ 2369. Product evaluation activity

"(a) Establishment.—There is established within the Department of Defense an office for the supervision and coordination of product evaluation activities within the Department of Defense. The Under Secretary of Defense for Acquisition shall be the head of such office.

"(b) Conduct of Product Evaluation.—(1) The Secretary of each military department and the head of each Defense Agency may, subject to supervision and coordination by the Under Secretary of Defense for Acquisition, establish and conduct a product evaluation activity.

"(2) The purpose of each product evaluation activity established under paragraph (1) is to evaluate products developed by private industry independent of any contract or other arrangement with the United States in order to determine the utility of such products to the Department of Defense.

"(c) Cost Sharing.—As a condition to conducting an evaluation of any product under this section, the producer of the product shall be required to pay one half of the cost of conducting such evaluation.".

(b) Technical Amendment.—The table of sections at the beginning of such chapter (as amended by section 233) is further amended by adding at the end the following new item:

"2369. Product evaluation activity.".

SEC. 817. CRITICAL TECHNOLOGIES PLAN.

(a) In General.—(1) Chapter 139 of title 10, United States Code (as amended by sections 233 and 816(a)), is further amended by adding at the end the following new section:

"§ 2370. Critical technologies plan

"(a) Annual Plan.—(1) Not later than March 15 of each year, the Under Secretary of Defense for Acquisition, in consultation with the Assistant Secretary of Energy for Defense Programs, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for developing the 20 technologies considered by the Secretary of Defense and the Secretary of Energy to be the technologies most essential to develop in order to ensure the long-term qualitative superiority of United States weapon systems.

"(2) In selecting the technologies to be included in the plan, the Secretary of Defense and the Secretary of Energy shall consider both product technologies and process technologies.

"(3) Such plan shall be submitted in both classified and unclassified form.

"(b) Content of Plan.—Each plan submitted under subsection (a) shall include, with respect to each technology included in the plan, the following matters:

"(1) The reasons for selecting such technology.

"(2) The milestone goals for the development of such technology.

"(3) The amounts contained in the budgets of the Department of Defense, the Department of Energy, and other departments and agencies for the support of the development of such technology for the fiscal year in which the plan is submitted.

"(4) A comparison of the relative positions of the United States and the Soviet Union in the development of such technology.

"(5) The potential contributions that the allies of the United States can make to meet the needs of the alliance for such technology.

"(6) The extent to which the United States should depend on its allies for the development of such technology.

"(7) The potential contributions that the private sector can be expected to make from its own resources in connection with development of civilian applications for such technology.".

(2) The table of sections at the beginning of such chapter (as amended by sections 233 and 816(a)) is further amended by adding at the end the following new item:

"2370. Critical technologies plan.".

(b) First Report.—The first report under section 2370 of title 10, United States Code (as added by subsection (a)), shall be submitted in 1989.

SEC. 818. UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) Inspector General Audits.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) Inspector General Audits.—The Inspector General of the Department of Defense shall—

"(1) conduct periodic audits of contractual actions by the Defense Agencies, the Department of Defense field activities, and the military departments; and

"(2) after each audit, submit to Congress a report on the management of undefinitized contractual actions by each head of an agency, including the percentage of all contractual actions of such agency that are undefinitized contractual actions.".

(b) Repeal of Redundant Report Requirement.—Section 908(a)(4) of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3919; 10 U.S.C. 2326 note) is amended by striking out subparagraphs (C), (D), and (E).

SEC. 819. COMPETITIVE PROTOTYPE STRATEGIES.

Section 2365 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "(or a subsystem of such system)";

(2) in subsection (b)—

(A) by striking out "or subsystem" in clause (1);

(B) by striking out "or subsystems" in the matter before subclause (A) in clause (2);

(C) by striking out "or subsystem" in clause (2)(B); and

(D) by striking out "or subsystem" in clause (3);

(3) in subsection (c)—

(A) by striking out "(or subsystem of such system)" in the matter before clause (1)

(B) by striking out "or subsystem" in clause (1)(A); and

(C) by striking out subclause (B) of clause (1) and inserting in lieu thereof the following:

"(B) a report that fully explains why the use of such a strategy is not practicable; and"; and

(4) in subsection (d)—

(A) by striking out "major" the second place it appears in paragraph (1); and

(B) by striking out paragraph (3).

SEC. 820. NEGOTIATION OF SUBCONTRACTING PLANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following new paragraph:

"(12) A subcontracting plan negotiated by a Federal agency and a contractor for purposes of paragraph (4) or (5) shall apply to the contractor or, if the plan so provides, only to the organizational component or components of the contractor that perform the contract.".

SEC. 821. SMALL BUSINESS ADMINISTRATION CERTIFICATE OF COMPETENCY.

Section 8(b)(7)(C) of the Small Business Act (15 U.S.C. 637(b)(7)(C)) is amended by striking the last sentence and inserting in lieu thereof the following: "In the case of a small purchase contract (within the meaning of section 2304(g)(2) of title 10, United States Code, with respect to contracts awarded pursuant to chapter 137 of such title, or within the meaning of section 303(g)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(2)) with respect to contracts awarded pursuant to title III of such Act), a contracting officer shall not be required to refer a determination of nonresponsibility to the Administration unless the small business concern applies to the Administration for a determination of its responsibility and requests the issuance of a certificate. Nothing in this paragraph requires the processing of an application for certification if the small business concern to which any referral pertains declines to have the application processed.".

SEC. 822. PROCUREMENT OF CRITICAL SPARE OR REPAIR PARTS FOR AIRCRAFT.

(a) IN GENERAL.—The Secretary of a military department procuring a spare or repair part that is critical to the operation of an aircraft shall require the contractor to supply a part that meets applicable qualification and quality requirements.

(b) APPLICABLE REQUIREMENTS.—The qualification and quality requirements applicable to a spare or repair part referred to in subsection (a) for an aircraft shall be at least as stringent as (1) those qualification and quality requirements that applied to the original part included in the aircraft at the time the aircraft was procured, or (2) if the original part has been redesigned for use in such aircraft, those qualification and quality requirements that applied to the redesigned part.

(c) CONSTRUCTION.—Nothing in this section limits the application of section 2319 of title 10, United States Code, to the procurement of spare or repair parts described in subsection (a).

(d) EFFECTIVE DATE.—This section shall apply with respect to solicitations for contracts (for the supply of parts) that are issued on or after the date of the enactment of this Act.

TITLE IX—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 901. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in title I, II, or III for any fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 902. FISCAL YEAR 1988 DEFENSE FUNDS TRANSFER AUTHORITY.

(a) ENHANCED TRANSFER AUTHORITY.—Section 1201(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153) is amended—

(1) by inserting "of this Act or any prior defense authorization Act" in paragraph (1) before "for any fiscal year"; and

(2) by striking out "$2,000,000,000" in paragraph (2) and inserting in lieu thereof "$4,000,000,000".

(b) SPECIFIED PURPOSES.—In determining the purposes for which amounts of authorizations transferred pursuant to section 1201(a) of the Act referred to in subsection (a) will be used, the Secretary of Defense—

(1) shall ensure that an appropriate portion of that authority is used to transfer to operation and maintenance accounts of the Department of Defense for fiscal year 1988 (A) funds for depot maintenance activities in amounts sufficient to reduce service backlogs which would otherwise occur, and (B) funds for pay of civilian personnel in amounts sufficient to prevent furloughs, reductions-in-force, or release of on-call employees into a nonpay status which would otherwise be required due to insufficient funding for civilian personnel of the Department of Defense for fiscal year 1988;

(2) shall give special consideration and priority to civilian employees of the Department of Defense, readiness, and more efficient acquisition processes; and

(3) shall provide funds for other high priority readiness items.

SEC. 903. SUPPLEMENTAL AUTHORIZATIONS FOR FISCAL YEAR 1988.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $8,662,330,000, may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1988 defense appropriations except as otherwise provided in subsection (c).

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1988 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1988 defense authorizations.

(c) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—(1) Amounts described in subsections (a) and (b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which the amounts described in subparagraphs (A) through (D) were provided in fiscal year 1988 defense appropriations in excess of authorizations):

(A) Maxicube Cargo System under research, development, test, and evaluation for the Army (for which $10,000,000 was appropriated in excess of authorizations).

(B) Coastal Defense Augmentation (for which $20,000,000 was appropriated in excess of authorizations).

(C) AN/SQR-17 Acoustic Processors for the Mobile In-Shore Undersea Warfare group (for which $10,000,000 was appropriated in excess of authorizations).

(D) P-3C aircraft under procurement of National Guard and Reserve Equipment (for which $193,800,000 was appropriated in excess of authorizations).

(2)(A) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(B) For purposes of this paragraph, the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking, and engagement), reaction time, and operation in the presence of electronic countermeasures.

(3) None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition report submitted to Congress for the quarter ending December 31, 1986).

(4) Funds appropriated for procurement of weapons and tracked combat vehicles for the Army for modification of M60 tanks in the amount of $90,000,000 may be used only for procurement or modification of M1 tanks.

(d) APPLICABLE LIMITATIONS AND REQUIREMENTS.—All limitations and requirements set forth in the Department of Defense Authorization Act, 1988, shall apply to the obligation of funds authorized by subsection (a) in the same manner as if the funds made available for obligation by such section had been authorized in that Act.

(e) TRANSFER AUTHORITY.—For the purposes of section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153)—

(1) authorizations in subsection (a) shall be deemed to have been made available to the Department of Defense in such Act; and

(2) $233,800,000 (the sum of the amounts described in subsection (c)(1) of this section) shall be deemed to have been authorized by such Act in equal amounts to the Army, Navy, and Air Force for operation and maintenance for the exclusive purpose of preventing the furlough and separation of civilian employees and for the purpose of funding other high priority readiness programs.

(f) REPEAL OF CERTAIN GENERAL PROVISIONS.—Sections 8098 and 8140 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), are repealed.

(g) DEFINITIONS.—In this section:

(1) The term "fiscal year 1988 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1988 in the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202).

(2) The term "fiscal year 1988 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1988 in the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180).

SEC. 904. LIMITATION ON OBLIGATION OF UNAUTHORIZED DEFENSE APPROPRIATIONS.

(a) IN GENERAL.—(1) Part I of subtitle A of title 10, United States Code, is amended by redesignating chapter 9 as chapter 10 and inserting after chapter 8 the following new chapter:

"CHAPTER 9—OBLIGATION OF APPROPRIATIONS

"Sec.

"211. Unauthorized defense appropriations: limitation on obligation; definition.

"212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities.

"213. Contingent general continuing authorization for Department of Defense operations.

"214. Exclusion of permanent appropriations and trust funds.

"215. Unauthorized defense appropriations: waiver of Impoundment Control Act.

"216. Exemption of National Security Act of 1947.

"217. Rule of construction.

"218. Definition: defense appropriation.

"§ 211. Unauthorized defense appropriations: limitation on obligation; definition

"(a) LIMITATION ON OBLIGATIONS.—An unauthorized defense appropriation may not be obligated unless (and only to the extent that) the obligation of such appropriation is specifically authorized by law after the enactment of such appropriation.

"(b) SPECIFICATION OF UNAUTHORIZED APPROPRIATIONS.—A defense appropriation is unauthorized to the extent it is made without having been authorized by law as required by section 114(a) of this title.

"§ 212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities

"(a) REDUCTION IN AMOUNTS AVAILABLE FOR OBLIGATION ATTRIBUTABLE TO UNAUTHORIZED PROGRAMS, PROJECTS, AND ACTIVITIES.—(1) Of any amount appropriated to the Department of Defense in an appropriation law, the amount that may be obligated or expended is the amount appropriated reduced by any amount determined with respect to that appropriation under paragraph (2)(B).

"(2) Upon the enactment of a law making a defense appropriation, the Secretary of Defense shall determine, with respect to each defense appropriation provided in that law—

"(A) whether any part of such appropriation provides funds for an unauthorized program, project, or activity; and

"(B) if there are funds provided as part of any such appropriation for an unauthorized program, project, or activity, the total amount of funds provided under such appropriation for all such unauthorized programs, projects, and activities.

"(3) A determination under paragraph (2) shall be made with respect to a defense appropriation for a fiscal year immediately upon enactment of the law making that appropriation. However, if as of the enactment of such law there has not been enacted a law specifically authorizing appropriations for that fiscal year for the purposes named in section 114(a) of this title, such determination shall be made immediately after enactment of such an authorization law.

"(4) Not later than 30 days after the enactment of such an appropriation or authorization law (whichever is enacted later), the Secretary shall submit to Congress a report identifying—

"(A) any unauthorized program, project, or activity; and

"(B) any amount determined under paragraph (2)(B).

"(b) COMPTROLLER GENERAL REVIEW AND REPORT.—(1) The Comptroller General shall promptly review each report of the Secretary under subsection (a). The Comptroller General shall submit a report to Congress if the Comptroller General determines—

"(A) that the law with respect to which the Secretary submitted a report provides appropriations for an unauthorized program, project, or activity in addition to those identified in the report of the Secretary; or

"(B) that a program, project, or activity identified in that report as an unauthorized program, project, or activity is not unauthorized.

"(2) A report under paragraph (1)—

"(A) shall identify those defense appropriations, and programs, projects, and activities under appropriations, with respect to which the Comptroller General made determinations under subparagraphs (A) and (B), respectively, of such paragraph; and

"(B) shall include such comments and recommendations as the Comptroller General considers appropriate.

"(3) Such a report shall be submitted not later than 30 days after the date on which the report of the Secretary under subsection (a) is received by Congress.

"(c) UNAUTHORIZED PROGRAM, PROJECT, OR ACTIVITY DEFINED.—In this section, the term 'unauthorized program, project, or activity' means a program, project, or activity of the Department of Defense for which an amount is provided under a defense appropriation in an amount greater than the amount authorized to be appropriated for such program, project, or activity in a law other than an appropriation law.

"§ 213. Contingent general continuing authorization for Department of Defense operations

"(a) GENERAL RULE.—If as of the first day of a fiscal year there has not been enacted a law specifically authorizing appropriations for that fiscal year for a purpose named in section 114(a) of this title, then funds appropriated or otherwise made available for that fiscal year for that purpose may be obligated to the extent provided in subsections (b) and (c).

"(b) RATE AT WHICH OPERATING FUNDS MAY BE OBLIGATED UNDER GENERAL CONTINUING AUTHORITY.—(1) Funds described in subsection (a) that are appropriated or otherwise made available for a purpose named in paragraph (2) may be obligated at a rate consistent with the least of the following:

"(A) The annual budget authority provided under the law appropriating those funds.

"(B) The annual budget authority provided for that purpose for the previous fiscal year.

"(C) The annual budget authority requested for that purpose in the budget submitted to Congress pursuant to section 1105 of title 31 for the fiscal year concerned.

"(2) Paragraph (1) applies only with respect to funds appropriated for any of the following purposes:

"(A) Pay for civilian personnel.

"(B) Operation and maintenance activities.

"(C) Continuing research, development, test, and evaluation activities.

"(c) RULE UPON SUBSEQUENT ENACTMENT OF AN AUTHORIZATION.—If subsection (a) is applicable to funds appropriated or otherwise made available for a fiscal year for a purpose described in section 114(a) of this title, then upon the enactment of a law specifically authorizing appropriations for that fiscal year for such purpose—

"(1) this section shall cease to apply with respect to those funds; and

"(2) such funds may be obligated subject to section 211 of this title.

"§ 214. Exclusion of permanent appropriations and trust funds

"The provisions of this chapter do not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department of Defense as authorized by law.

"§ 215. Unauthorized defense appropriations: waiver of Impoundment Control Act

"The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) do not apply to an unauthorized defense appropriation.

"§ 216. Exemption of National Security Act of 1947

"Nothing in this chapter shall be considered to affect the application of section 502 of the National Security Act of 1947 (50 U.S.C. 414).

"§ 217. Rule of construction

"A provision of law does not supersede this chapter unless it does so by specifically referring to this chapter and stating that it supersedes this chapter.

"§ 218. Definition: defense appropriation

"In this chapter, the term 'defense appropriation' means an amount appropriated or otherwise made available by Congress in an appropriation law for one of the purposes stated in section 114(a) of this title.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 9 and inserting in lieu thereof the following:

"9. Obligation of Appropriations. 211

"10. Regular Components.... [no present sections]".

(b) RESTATEMENT OF REQUIREMENT OF AUTHORIZATION OF DEFENSE APPROPRIATIONS.—(1) Subsection (a) of section 114 of title 10, United States Code, is amended to read as follows:

"(a) Funds may not be appropriated for any fiscal year for the military functions of the Department of Defense for any of the following purposes unless such funds are specifically authorized by a law other than an appropriation law:

"(1) Procurement.

"(2) Research, development, test, or evaluation (or acquisition or production related thereto).

"(3) Operation and maintenance.

"(4) A working-capital fund established under section 2208 of this title.

"(5) Military construction.".

(2) Subsection (b) of such section is amended by striking out "subsection (a)(6)" and inserting in lieu thereof "subsection (a)(5)".

(3) The second sentence of section 2208(d) of such title is amended to read as follows: "Further amounts may be provided for working-capital funds from appropriations made for that purpose.".

(c) EFFECTIVE DATE.—Chapter 9 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds appropriated for fiscal years after fiscal year 1988.

PART B—MISCELLANEOUS MATTERS

SEC. 911. SENSE OF CONGRESS ON EXPANDING CONFIDENCE-BUILDING MEASURES.

(a) FINDINGS.—Congress makes the following findings:

(1) Approximately two years have passed since the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) adjourned in Stockholm following the adoption of measures designed to increase openness and predictability of military activities in Europe.

(2) To date, there have been seven formal observations and challenge inspections which have been conducted in accordance with the Stockholm agreements.

(3) The military leaders of the North Atlantic Treaty Organization have concluded that the Stockholm observations and inspections have positively contributed to an improved understanding of Warsaw Pact forces and capabilities.

(4) The Conventional Stability Talks (CST), which may begin before the end of 1988, will likely require careful and potentially prolonged negotiation.

(5) New negotiations will also begin under the auspices of the Conference on Security and Cooperation in Europe (CSCE) as a follow-on to the Stockholm conference.

(6) The confidence-building measures established at Stockholm could, if expanded, contribute significantly to the success of the CDE follow-on conference and also to the establishment of a procedural framework for verifying a future CST agreement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should give high priority to developing, in coordination with the North Atlantic Treaty Organization allies of the United States, stabilizing and verifiable proposals for expanding the regime of confidence-building measures in conjunction with the follow-on to the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) and the new Conventional Stability Talks (CST).

SEC. 912. ANNUAL REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS.

(a) AMENDMENT TO PUBLIC LAW 99-145.—Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a), is amended by adding at the end the following: "The President shall specifically include in such report the following:

"(1) A summary of the current status of all arms control agreements in effect between the United States and the Soviet Union.

"(2) An assessment of all violations by the Soviet Union of such agreements and the risks such violations pose to the national security of the United States and its allies.

"(3) A net assessment of the aggregate military significance of all such violations.

"(4) A statement of the compliance policy of the United States with respect to Soviet violations with such agreements.

"(5) What actions, if any, the President has taken or proposes to take to bring the Soviet Union into compliance with its commitments under arms control agreements with the United States.

"(6) If the President in any second consecutive report submitted to Congress under this section reports that the Soviet Union is not in full compliance with all arms control agreements between the United States and the Soviet Union, the President shall include in such report an assessment of what actions are necessary to compensate for such violations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective beginning with the report to be submitted by the President pursuant to section 1002 of the Department of Defense Authorization Act, 1986, in 1990.

SEC. 913. ANNUAL REPORT ON ARMS CONTROL STRATEGY.

(a) IN GENERAL.—The President shall submit to Congress each year, not later than December 1, a report containing a comprehensive discussion and analysis of the arms control strategy of the United States. The President shall include in each such report the following:

(1) The nature and sequence of the future arms control efforts of the United States.

(2) A net assessment of the current effects of arms control agreements on the status of, and trends in, the military balance between the United States and the Soviet Union and between the North Atlantic Treaty Organization (NATO) and the Warsaw Pact.

(3) A comprehensive data base on the military balance of forces of the United States and the Soviet Union, and the balance of forces of NATO and the Warsaw Pact countries, that are affected by arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact, including an explanation of the methodology used to analyze the effects on such forces.

(4) A net assessment of the impact that proposed arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact would likely have on United States force plans and contingency plans, including an assessment of the impact that such proposed agreements would have on the risks and costs to the United States.

(5) An assessment of the impact that proposed treaty sub-ceilings, asymmetries, and other factors or qualifications affecting a treaty or arms control proposal would have on the military balance between the United States and the Soviet Union and between NATO and the Warsaw Pact, including an assessment of how such factors increase deterrence and reduce the risk and cost of war.

(6) A statement of the strategy the United States and NATO will use to verify and ensure compliance with proposed arms control treaties between the United States and the Soviet Union and between NATO and the Warsaw Pact.

(7) A discussion of the extent to which and the manner in which the United States intends to consult with its allies regarding proposed arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact.

(8) A discussion of how the United States proposes to tailor its defense structure in order to ensure that the national security can be preserved with or without arms control agreements.

(b) EXPLANATION OF METHODOLOGY.—In reporting on the current effect of arms control agreements on the status of, and trends in, the military balance of power between the United States and the Soviet Union and between NATO and the Warsaw Pact (required under paragraphs (2) and (3) of subsection (a)), the President shall—

(1) specify the methodology used in analyzing the military balance between the United States and the Soviet Union and express the results of such analyses in terms of (A) static comparisons, and (B) comparisons that include dynamic factors; and

(2) discuss all major scenarios, assumptions, and contingencies, including political confrontation, full-scale war, and serious confrontations not involving full-scale war.

(c) FORM OF REPORT.—The President shall submit such report in both classified and unclassified form.

SEC. 914. ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH ALLIED COUNTRIES.

Section 2347(a)(1) of title 10, United States Code, is amended by striking out "$100,000,000" and inserting in lieu thereof "$200,000,000".

SEC. 915. AUTHORITY TO WAIVE SURCHARGE ON CERTAIN SALES TO NATO.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130a. Waiver authority for certain charges in connection with certain sales to NATO

"(a) The Secretary of Defense may waive, in connection with any sale made by the Department of Defense to the Maintenance and Supply Agency of the North Atlantic Treaty Organization in support of weapon system partnership agreements and NATO/SHAPE projects, the charges that would otherwise be applicable to such sale under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)).

"(b) Funds available to the Department of Defense may be used by the Secretary of Defense to reimburse the fund established to carry out section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)) in the amount of the charges waived under subsection (a).

"(c) DEFINITIONS.—In this section:

"(1) The term 'weapon system partnership agreement' means an agreement between two or more member countries of the Maintenance and Supply Agency of the North Atlantic Treaty Organization that—

"(A) is entered into pursuant to the terms of the charter of that organization; and

"(B) is for the common logistic support of a specific weapon system common to the participating countries.

"(2) The term 'NATO/SHAPE project' means a common-funded project supported by allocated credits from North Atlantic Treaty Organization bodies or by host nations with NATO Infrastructure funds.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"130a. Waiver authority for certain charges in connection with certain sales to NATO.

"SEC. 916. REPEAL OF REQUIREMENT RELATING TO PURCHASE OF ANTHRACITE COAL IN FISCAL YEAR 1988.

"Section 8113 of the Department of Defense Appropriation Act, 1988, is repealed."

SEC. 917. ADVANCE PAYMENT OF ADMINISTRATIVE CLAIMS.

(a) INCREASE IN MAXIMUM PAYMENT.—Subsection (a) of section 2736 of title 10, United States Code, is amended to read as follows:

"(a)(1) Under such regulations as the Secretary of a military department may prescribe, the Secretary or the Judge Advocate General of an armed force may make a payment of an amount not in excess of $100,000 in advance of the submission of a claim or before the final settlement of a claim to or for any person, or the legal representatives of any person, who was injured or killed, or whose property was damaged or lost, under circumstances for which allowance of a claim is authorized by law.

"(2) The Secretary of a military department may delegate to an officer or employee under the jurisdiction of the Secretary the authority to make a payment under paragraph (1) in an amount not to exceed $25,000.

"(3) Payments under this subsection are limited to payments which would otherwise be payable under section 2733 or 2734 of this title or section 715 of title 32.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to any claim which would otherwise be payable under section 2733 or 2734 of title 10, United States Code, or under section 715 of title 32, United States Code, and which has not been finally settled on the date of the enactment of this Act.

SEC. 918. COURT OF MILITARY APPEALS RETIREMENT REVISIONS.

(a) Civil Service Retirement and Disability System.—Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) in section 8336(l), by striking out the second sentence;

(2) in section 8338—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(3) in section 8339(d)(6)—

(A) by striking out "(6) The" and inserting in lieu thereof "(6)(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) If an employee referred to in subparagraph (A) of this paragraph has completed the term of service for which the employee was appointed as a judge of the United States Court of Military Appeals, then the annuity of such employee is the greater of—

"(i) the amount computed as provided in subparagraph (A) of this paragraph; or

"(ii) the amount equal to 80 percent of the rate of pay established for a judge in active service on such court as in effect on the date of such employee's retirement under this subchapter.

"(C) The amount of the annuity under of this paragraph is the amount initially payable to the employee at the time of the retirement of the employee and is subject to adjustment under section 8340 of this title."; and

(4) in section 8339(h)—

(A) by inserting "(d)(6), " after "(d)(5)," in the first sentence; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "Notwithstanding the first sentence of this subsection, the annuity of an employee who is a judge or a former judge of the United States Court of Military Appeals and who has completed the term of service for which he was appointed as a judge of such court shall not be reduced.".

(b) Federal Employees' Retirement System.—Chapter 84 of title 5, United States Code, is amended—

(1) in section 8412, by adding at the end the following new subsection:

"(i) An employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, and who is separated from the service after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity."; and

(2) in section 8415, by adding at the end the following new subsection:

"(h)(1) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, who is retiring under section 8412(i) of this title is the greater of—

"(A) the amount computed under paragraph (2) of this subsection; or

"(B) the amount equal to 54 percent of the rate of pay established for a judge in active service on such court as in effect on the date of the retirement.

"(2) The annuity computed in the case of a judge of the United States Court of Military Appeals, or a former judge of such court, for purposes of paragraph (1)(A) is the annuity computed under subsection (a) of this section, except that, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding 5 years) creditable under section 8411 of this title, his annuity is computed by multiplying 1⅟₁₀ percent of his average pay by the number of years of such service that does not exceed 20 years.

"(3) The amount of the annuity under paragraph (1) is the amount initially payable to an employee referred to in paragraph (1) and is subject to adjustment under section 8462 of this title.".

(c) Effective Date.—The amendments made by this section shall take effect with respect to judges of the United States Court of Military Appeals whose term of service on such court ends on or after the date of the enactment of this Act.

SEC. 919. VOLUNTARY LEGAL ASSISTANCE.

(a) Acceptance of Voluntary Services.—Section 1044 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person voluntary attorney, paralegal, clerical, or related services for the provision of legal assistance under this section. Such services shall be performed under the direction and control of the judge advocate or chief legal officer of the command for which the legal assistance services are performed.".

(b) Defense of Suits.—Section 1054(a) of title 10, United States Code, is amended by striking out "title 32)" and inserting in lieu thereof "title 32 and persons furnishing voluntary services that are accepted under section 1044(b) of this title)".

SEC. 921. LEASE OF AIRCRAFT FOR FLEET ELECTRONIC WARFARE SUPPORT GROUP ACTIVITIES.

The Secretary of the Navy may lease aircraft for Fleet Electronic Warfare Support Group activities in accordance with section 2401 of title 10, United States Code, if the cost of such a lease is less by at least one dollar, than the cost of operating and maintaining the same number of existing aircraft of the Navy for that purpose.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2068 TO AMENDMENT NO. 2067

(Purpose: To propose a substitute that restricts conversion of United States military installations in the Federal Republic of Germany to district, direct natural gas, and other heating systems)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. Byrd] proposes an amendment numbered 2068.

Mr. GRAMM. Mr. President, a parliamentary inquiry. No request was made, no unanimous-consent request was made, to dispense with the reading of the amendment. Is that not the pending business of the Senate?

The PRESIDING OFFICER. The clerk is reading the amendment.

Mr. GRAMM. The clerk is reading the amendment. No unanimous-consent request was made to stop the reading.

The PRESIDING OFFICER. If the Senator is inquiring about the previous amendment, the clerk has concluded the reading.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. Byrd] proposes an amendment numbered 2068 to Amendment No. 2067:

On page 1, line four, strike all after "sec." and insert the following:

SEC. 916. RESTRICTIONS ON CONVERSION TO DISTRICT, DIRECT NATURAL GAS, AND OTHER HEATING SYSTEMS IN THE FEDERAL REPUBLIC OF GERMANY.

(a) Restriction on Conversions.—Beginning on May 13, 1988, and ending on July 1, 1989, neither the Secretary of Defense nor the Secretaries of the military departments may enter into any agreement or contract to convert a heating facility at a military installation outside the United States to district heat, direct natural gas, or other sources of fuel.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, as I understand the amendment offered by the majority leader, it is an amendment identical to the one that I suspect many of us would have offered. It is an amendment that would, for a very limited period of time, prevent the Department of Defense from changing, at our military bases in Western Europe, from their existing energy modes to the others specified in the amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. BYRD. So that the record may be clear, I offer this amendment on behalf of the distinguished Senator from Pennsylvania [Mr. HEINZ] and the equally distinguished Senator from Pennsylvania [Mr. SPECTER] and myself.

Mr. WILSON. Mr. President, will the majority leader yield?

Mr. BYRD. The Senator from Pennsylvania has the floor.

Mr. WILSON. Will the Senator from Pennsylvania yield?

Mr. HEINZ. I yield.

Mr. WILSON. Mr. President, I would like to address a question to all participants in this particular debate.

I in no way minimize the importance of the debate. I understand the strength of the feeling that each of them has. On the other hand, I do not think it is any secret that under the unanimous-consent request we had agreed to some 2 days ago, a major issue included with five others for special consideration was to be one that had to do with the deployment of military assets and manpower for the interdiction of drugs into the United States, after, I think, a very fruitful and productive negotiation. Those who have been involved in that are prepared to go forward.

My question is this: While we have been perfectly willing to lay aside that place on the unanimous-consent agenda to allow other business to go forward, I get the distinct feeling that this debate on the floor is being enjoyed so greatly by the people participating in it that there is a prospect of a lenghty debate.

A practical concern is that a number of those who are involved in fashioning the drug bill would very much like to conclude it today, and I doubt greatly that we will be able to conclude the rest of the business. What I am asking those who are interested in this matter is whether they would be willing to lay it aside so that we might take up the interdiction measure.

Mr. HEINZ. I say to the Senator from California that I understand and I share his concern. I understand his interest, which I also share, and the legislation to which he referred.

It is not this Senator's wish to prolong unnecessarily, in any sense of the word, the debate on this amendment or the one that Senator BYRD and I have just offered, in effect, in the nature of a substitute.

I would only say that, in my judgment, the Senate disposed of the issue yesterday that has been brought to the floor by the Senator from Texas, and we have it up again today. I thought the Senate had disposed of it when the amendment of the Senator from Texas was ruled out of order by the Chair, but he is back with another amendment. Indeed, it took 45 minutes for this new amendment, which I tried to obtain a copy of but was not able to obtain a copy of, for that amendment to be read.

It is not the Senator's wish to detain the Senator from California or any Member of the Senate from debating the issue of the involvement of our military with drugs and the necessary steps that I know he strongly favors to help gain an additional partner for our country in the fight against drugs.

Speaking for myself, I do not have any objection, if the Senator from Texas would be willing to lay the whole matter aside, for the Senator's amendment to proceed. There may be others who do. The Senator from Texas may object to laying the Gramm amendment aside.

Mr. WILSON. I thank my friend from Pennsylvania.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. HEINZ. I am happy to yield.

Mr. GRAMM. Mr. President, yesterday, the distinguished Senator from Pennsylvania offered an amendment that did two things. One thing it did was to strike out——

Mr. HEINZ. Mr. President, I will not yield further. I thought he wanted to respond to the Senator from California.

Mr. GRAMM. If the Senator will yield, I will respond.

Mr. HEINZ. Very well.

Mr. GRAMM. Mr. President, I would be willing to set the pending matter aside, to go to the drug amendment, but I would have to object unless this became the pending business of the Senate upon the disposition of the amendment.

The PRESIDING OFFICER. Is the Senator making a unanimous consent request to that effect?

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending matter be set aside and become the recurring business of the Senate upon the disposition of the amendment of the distinguished Senator from California.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object—and I have no objection—I want to accommodate the distinguished Senator from Texas as far as my generosity will allow me in this instance. I have no objection. I just hope his amendment goes away after the drug amendment.

Mr. GRAMM. I know what great generosity the majority leader has, and I am sure he is aware of my great generosity. But this is an issue I am very serious about, and I am sure the distinguished majority leader is, and I do not think it will go away. But I am happy to set it aside for a matter of greater moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, the majority leader is here, and I am wondering if we might get a time agreement—say, an hour, 30 minutes on a side, on this amendment.

Mr. DIXON. Mr. President, if the distinguished Republican leader will withhold for a moment, the manager is entering the Chamber, and I am sure he is willing to agree to a time limitation.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 1 hour on the drug amendment and that it be equally divided and controlled by the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, I make this observation for the purpose of asking the managers if they could give us an updated status report.

Like other Members, I am trying to decide which of the remaining reservations I hold I should try to honor and which I should release for the benefit of other passengers.

It appears to me, from the cloakroom chatter, that we are some distance away from final passage of the bill. I wonder if the managers can tell me what is going on and whether we can finish tonight or come back on Monday.

Mr. NUNN. I say to the Senator from Colorado that we are really not far from being able to go to final passage. By that I mean that we have two or three obstacles. One obstacle, the drug bill, was one of the biggest we have, and it seems to me that we will be able to handle that by no later than 6 o'clock if we get this unanimous-consent agreement.

Another was a jurisdictional kind of dialog we have had with the Appropriations Committee, and we hope we are about to work that out.

The third is this coal amendment right now, and it seems to me that the coal amendment is the most likely obstacle.

Once we get those three worked out, if we do get those worked out, I think we are ready to go to final passage.

Mr. ARMSTRONG. Is it the Senator's intention to go to final passage this evening?

Mr. NUNN. As the manager, my recommendation to the leadership would be if we can see we can finish this bill tonight, to continue. If we get to a point where it is apparent it is not, I do not care to hold our colleagues in unless it is for the purpose of finishing the bill.

Right now I believe we can finish the bill tonight.

Mr. EXON. Mr. President, reserving the right to object, could I pose a further question to follow up the question asked by the Senator from Colorado? There is no problem with this Senator. I am going to be here until. It does not make any difference to me what happens.

I do know that there are a great number of Senators on both sides of the aisle who are being inconvenienced and many of them have talked with me about it.

I am wondering if to satisfy this proposition we could not get a unanimous consent right now for final passage of this bill sometime Monday afernoon or Monday evening and would that not satisfy the problem that some of us have had with regard to running beyond Monday of next week on this bill?

Mr. NUNN. I say to my friend from Nebraska, first of all, I believe we can finish tonight. Second, I believe it would be just as easy to get a time agreement to finish tonight as it will be Monday.

I do not see that we gain anything. Anyone, for instance, who has a problem with the coal amendment, it seems to me, is going to have just as much reluctance to agree to a time agreement for Monday.

If the Senator or anyone else can secure a Monday final passage deadline, then that is something we ought to seriously consider and would seriously consider.

I just believe, based on what I know about the various amendments around, having a time agreement to finish at a certain time on Monday would be just as hard as finishing the bill tonight.

I would be satisfied if we have a time agreement for final passage on Monday or if we have final passage tonight with a time agreement or if we just plow on through.

I just do not believe we are going to be able to get a time agreement for Monday any easier than tonight.

Mr. SYMMS. Mr. President, reserving the right to object, who has the floor, Mr. President?

Mr. BYRD. The Senator may reserve the right to object.

Mr. SYMMS. Reserving the right to object, Mr. President, I did not hear the distinguished chairman of the committee. He mentioned the coal amendment and the drug amendment. There was no mention of a capital punishment amendment.

Mr. DOLE. The drug kingpin, I think.

Mr. NUNN. I have to make certain assumptions and my assumption is that if capital punishment comes up we are going to be here another week or two. My assumption is that the Members understand that amendment somehow will fade from the list. I happen to favor capital punishment but also we all know what happens on a capital punishment debate. If anybody wants to use that to hold up the bill that is fine, but we are not going to be able to finish if that comes up or abortion comes up or school prayer comes up. We all know that.

Mr. BYRD. Mr. President, I would modify my request by including 10 minutes for Mr. DeConcini on the amendment with the proviso that there be no amendment to the amendment.

Mr. GRAMM. Mr. President, reserving the right to object, I would like to say, if I may, it is unusual and if the distinguished majority leader will forgive me for not knowing the procedure, in my 3 years in the Senate I have never seen it before. An error was made a moment ago in terms of the reading of the pending amendment. The entire amendment was not read. We were in the midst of reading. The distinguished majority leader was recognized and offered an amendment before the reading of the pending amendment had been completed.

Now, I would simply like to pose a parliamentary inquiry as to where we are and how that might be corrected.

Mr. BYRD. I will tell the Senator it can be corrected. Mr. President, I did not have a copy of the Senator's amendment, so I could not follow the reading of it accurately.

The PRESIDING OFFICER. The observation of the Chair is that the clerk ran out of pages and consequently ran out of amendment.

Mr. BYRD. Mr. President, I will continue to respond as I have begun. I did not have a copy of the amendment; consequently I could not follow the reading of the amendment. I was watching the clerk. When I saw that he had finished reading what he had before him I got recognized.

Now, I think it would be only fair that the Senator have his entire amendment included. I do not want to take advantage of the fact that the yeas and nays have been ordered on his amendment and he cannot modify it now. I think it would only be fair to him because it was not his fault that a portion of the amendment was left out of the reading.

So I ask unanimous consent that the amendment in its entirety as it was at the desk be the amendment in the first degree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from California, Senator Wilson.

Mr. BYRD. Mr. President, what happened to my request on the 1 hour?

The PRESIDING OFFICER. The question on the floor right now is the unanimous-consent request of the majority leader. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2069

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. Wilson], for himself, Mr. Nunn, Mr. Warner, Mr. DeConcini, Mr. D'Amato, Mr. Graham, Mr. Thurmond, Mr. Chiles, Mr. Dole, Mr. Sasser, Mr. Boschwitz, Mr. Dixon, Mr. Bentsen, Mr. Trible, Mr. Durenberger, Mr. Gramm, Mr. Gore, and Mr. Wirth proposes an amendment numbered 2069.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new sections:

SEC. 931. DRUG ENFORCEMENT ASSISTANCE

(a) Findings.—The Congress finds that—

(1) the transport of weapons, drugs, and other contraband, as well as terrorists, across the borders of the United States constitutes a threat to the national security;

(2) a mission of the armed forces of the United States will be to assist Federal law enforcement agencies responsible for the interdiction of illicit drugs entering the United States by an aircraft or vessel;

(3) the additional resources and funds necessary to carry out this section should be made available to the Department of Defense; and

(4) activities under this section by members of the armed forces should be carried out to the maximum extent practicable in consultation and cooperation with appropriate law enforcement agencies.

(b) Guidelines to the Military Departments.—Section 113 of title 10, United States Code, is amended by adding at the end of the following new subsection:

"(k) The Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the Secretaries of the military departments and to the Commanders of the Combatant Commands written guidelines to direct the effective detection and monitoring by the Army, Navy, Air Force, and Marine Corps of all potential aerial and maritime threats to the national security of the United States. Such guidelines shall include guidance on the specific force levels and specific supporting resources to be made available for the period of time for which such guidelines are to be effective.".

(c) Lead Agency for Detection.—(1) Not later than 30 days after the date of enactment of this Act, the President shall designate a single lead agency for detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(2) It is the sense of the Congress that the Department of Defense has unique capabilities, experience, equipment, and trained personnel and has contributed to the detection and monitoring of aerial and maritime transit of illegal drugs into the United States, and the President shall give priority consid-

eration to these factors in making the designation required by paragraph (1).

(d) Command, Control, Communications, and Intelligence Network.—(1) Not later than 90 days after the date of enactment of this Act, the President shall report to Congress his plan for integration by the Department of Defense of command, control, communications, and intelligence assets of the United States dedicated to the interdiction of illegal drugs.

(2) Not later than 120 days after submission of the report required by paragraph (1), the President shall report to Congress his plan for assignment of the responsibility for operating the command, control, communications, and intelligence network described in paragraph (1).

(e) Airborne Radar Coverage.—As soon as practicable after the date of enactment of this Act, the President shall deploy radar surveillance aircraft in sufficient numbers to provide an appropriate increase in the flying hours dedicated to drug interdiction. An appropriate increase of flying hours shall be dedicated to assistance to civilian agencies responsible for drug interdiction. An appropriate increase of flying hours shall be dedicated to such assistance along the Southwest border of the United States until such time as the aerostat radar surveillance systems that, as of the date of enactment of this Act, are planned for installation along such borders, are fully operational.

(f) Loan of Pursuit Aircraft.—The Department of Defense shall make available to the Coast Guard and Customs Service rotor wing and fixed wing aircraft of the armed forces to be used by such agencies in the pursuit of aircraft or vessels involved in illegal drug operations.

(g) Drug Interdiction Assistance.—(1) Section 374(c)(2) of title 10, United States Code, is amended by inserting at the end thereof the following new subparagraph:

"(C) Equipment operated by or with the assistance of personnel of the Department of Defense for the purpose of monitoring and communicating the movement of air and sea traffic (including equipment operated by or with the assistance of personnel assigned under subsection (a)) may be used to intercept vessels and aircraft for the purpose of identifying and communicating with such vessels and aircraft and directing such vessels and aircraft to a location designated by appropriate civilian drug enforcement officials.".

(2) Section 374(c)(1) of title 10, United States Code, is amended by—

(1) striking out "In an emergency circumstance, equipment" and inserting in lieu thereof "Equipment"; and

(2) striking out "determine an emergency circumstance exists" and inserting in lieu thereof "approve such assistance".

(3) Section 379 of title 10, United States Code, is amended by inserting the following new subsections at the end thereof:

"(e) Under regulations jointly prescribed by the Secretary of Defense and the Secretary of Transportation in consultation with the Attorney General, members of the armed forces who—

"(1) are assigned to duty on vessels of the Navy to which a member of the Coast Guard has been assigned under this section.

"(2) have been provided with appropriate training in the law enforcement functions of the Coast Guard, and

"(3) have been designated by an authorized member of the Coast Guard to perform the law enforcement functions of the Coast Guard may, outside the United States, assist or perform any of the law enforcement functions of the Coast Guard under section 89 of title 14, United States Code.

"(f) Upon motion by the Attorney General or his designee, any civil action, claim, or proceeding brought against any member of the armed forces arising from such member's performance of duties under this chapter shall be deemed an action exclusively against the United States and the United States shall be substituted as a party defendant. The United States shall be entitled to all defenses otherwise available to an employee of the United States under state or Federal law as well as defenses to which the United States is independently entitled.".

(h) Enhanced Drug Interdiction and Enforcement Role for the National Guard.—

(1) Preamble.—Congress having made a finding that "the transport of weapons, drugs, and other contraband, as well as terrorists, across the borders of the United States constitutes a threat to the national security," the Secretary of Defense is directed to urge the Governors of the several states to provide plans for participation by the National Guard in performing the objectives of this law.

(2) In general.—(A) The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under paragraph (B) sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of such State used for the purpose of drug interdiction and enforcement operations and for the operation and maintenance of the equipment and facilities of the National Guard of such State used for such purposes.

(B) The Secretary may provide funds under paragraph (A) to the Governor of a State who submits a plan to the Secretary specifying how personnel of the National Guard of such State are to be used in drug enforcement and interdiction operation by a National Guard of a State unless—

(i) such operations are conducted at a time when personnel of the National Guard of the State are not in Federal service; and

(ii) participation by a National Guard personnel in such operations is service in addition to annual training required under section 502 of title 32, United States Code.

(C) Before funds are provided to the Governor of any State under this section, the Secretary of Defense shall consult with the Attorney General of the United States regarding the adequacy of the plan submitted by the Governor to the Secretary.

(3) Source of funds.—(A) Of the amounts appropriated pursuant to section 301(a), up to $30,000,000 shall be available for the purposes specified in paragraph (1).

(B) Of the amounts appropriated for National Guard Personnel, Army, and National Guard Personnel, Air Force, for fiscal year up to $30,000,000 shall be available for the purposes specified in paragraph (1).

(4) Report.—(A) Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report on the potential effectivnesss of using members of the National Guard and the Reserves for drug interdiction efforts, consistent with applicable law, along the borders and at the points of entry of the United States.

(B) The report described in paragraph (A) shall include consideration of the potential for the long-term use of National Guard units of Arizona, Texas, California, Oklahoma, New Mexico, Tennessee, South Carolina, Florida, Virginia, New York, Georgia, and other states as appropriate, to perform drug interdiction operations, consistent with applicable law, coordinated by the Chief, National Guard Bureau, the Director of Operation Alliance Joint Command Group, and the Command, Communications, Control, and Intelligence Centers at March Air Force Base, California and Richmond Heights, Florida.

(i) Rule of Construction.—Nothing in this section or in the amendments made by this section shall be construed to limit the authority of the executive branch in the use of Department of Defense personnel or equipment for law enforcement purposes otherwise authorized by law.

(j) Report by the President.—Not later than September 1, 1988, the President shall submit a report to Congress containing legislative proposals, including budgetary requests, to enhance the capability of the Department of Defense to perform the functions described in this section.

Mr. WILSON. Mr. President, I rise to urge adoption of the amendment which I offer on behalf of myself and Senators Nunn, Warner, DeConcini, D'Amato, Graham, Thurmond, Chiles, Dole, Sasser, Boschwitz, Dixon, Bentsen, Trible, Durenberger, and Gramm.

Mr. President, let me begin by giving credit where it is due to those who have participated in a strenuous and extensive negotiation not only with each other but with officials of the Department of Defense and the Department of Justice. We are offering today legislation that gives the promise not of ending the tragedy of drugs in America but one that can make a very significant improvement in our ability to combat that problem.

I fully expect that later in this session as part of a comprehensive effort by the Congress we will submit legislation dealing with the necessity of curtailing demand.

But let me just say, Mr. President, that it is simplistic and misses a significant point to simply announce that were there not the demand, not the market for drugs in America, there would be no problem.

There is necessarily a very definite and a tragic relationship between the flood of drugs that is available in this Nation and the increasing addiction, because that flood of drugs not only feeds an appetite, but it is used to create a market. Unhappily, tragically, the market for these drugs are the most vulnerable in our society—the youngest, the poorest, the most susceptible. And they are found not just in the inner city or in the suburbs, but also in rural areas. They are found in virtually every economic stratum of our society. The one distinguishing characteristic they have is that they are young.

I will tell you that I am not terribly—I am saddened—but not terribly eager to spend time on someone who is 40 years old who has decided that he is going to do something dangerous with his health. I am concerned about children—9, 10, 11 year old children.

What we are saying, Mr. President, is that local law enforcement in this Nation is overwhelmed. There is a reason that street cops and policy chiefs and sheriffs are the ones urging that we do something to curtail demand by education, by prevention, by treatment and rehabilitation. It is because they are in the business of interdicting the supply, trying to stop it from ever reaching the market—the market that exists on school grounds and play grounds.

Mr. President, in order to make their job far less dangerous, far less challenging, and far less expensive to the taxpayer, we are bound and determined to do what we can to interdict the supply of drugs beyond the borders of the United States. Why? For the very simple reason that for every dollar that we expend on interdiction of supply beyond the borders of the United States, we have better than doubled the return for that same dollar invested in local law enforcement efforts which, Mr. President, is no pejorative commentary on the local law enforcement. To the contrary, it is, rather, a commentary on the overwhelming odds that are faced by police departments and sheriff departments all across this land once they are compelled to deal with this tragedy at retail.

What we are attempting to do here is to deploy the assets of the military, very considerable assets, in particular having to do with a capability for surveillance, for detection, for tracking of maritime vessels and aircraft by which the great majority of drug smuggling into the United States is accomplished. And it is for that reason that this amendment is before us.

The amendment contains findings by the Congress, specifically that the transport of drugs and contraband is, in fact, a menace to national security. It is a serious threat, Mr. President.

The chairman of the Armed Services Committee and the cosponsor of this amendment spends a great deal of time, as do I and some of the others on this floor, worrying about other risks to national security. But to use the eloquent phrase that he employed the other day, we are dealing with nothing less than chemical warfare against the youth of this Nation, against the future leadership of America.

So it is appropriate that Congress find that the drug traffic constitutes a threat to national security and that a mission of the Armed Forces of the United States shall be to assist Federal law enforcement agencies responsible for the interdiction of those drugs entering the United States by aircraft or vessel.

This will provide guidelines to the military departments. It will require that the President submit to the Congress a plan that will best integrate and employ the military and civilian assets at our command. It expresses the sense of the Senate that the Department of Defense has unique capabilities, experience and equipment to participate in the kind of detection that is necessary if we are to stop drugs before they gain entrance to our Nation, stop them beyond our borders.

It looks to the expertise which the military holds by virtue of their experience and equipment in command, control and communications. It provides for airborne radar coverage, particularly of the southwestern border, until such time as aerostats can be employed and put in place there because of the special vulnerability of that very porous, very mountainous stretch of terrain.

It requires that the military loan adequate rotor and fixed wing aircraft to engage in the pursuit and surveillance of suspected aerial smugglers. It permits the use of military pesonnel who have been cross-sworn by the Coast Guard to have the same law enforcement abilities beyond the borders of the United States—not within, but beyond—as may be necessary in order to assist the Coast Guard and other law enforcement activities primarily employed in the interdiction of drugs from achieving their mission.

Mr. President, there was great debate as to whether or not we should involve the military. We have had that debate before. Indeed, there are some converts to the cause. At one time some time ago, I thought it inappropriate that the military be involved, that we should, rather simply, give greater assets to the civilian law enforcement agencies charged with that primary responsibility.

Mr. President, what has happened in the interval is that the drug traffic into the United States has reached floodtide. The problem has reached crisis proportions and it is necessary for us to deal with it in a timely fashion. We cannot ignore it. We cannot ignore the availability of the assets at our command.

So let me simply give to the chairman of the Armed Services Committee my sincere thanks for his cooperation, and to Senator DECONCINI, Senator D'AMATO, and Senator GRAHAM, who were central to these negotiations, who worked long and hard hours to convince the Department of Defense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILSON. I ask unanimous consent that my time be extended by 2 minutes.

Mr. DOLE. I cannot do that. We have nine Senators, trying to divide 22 minutes between them.

Mr. WILSON. Very well. I will be compelled to shorten my thanks to the distinguished Senators who participated in this. I simply ask that their hard work be rewarded, as it should be, and more importantly, America's youth be protected by an "aye" vote.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. There are 21 minutes remaining.

Mr. DOLE. The Senator from California took 9 minutes. We are going to have a real problem here.

I yield 5 minutes to the Senator from New York, hoping he will not use it all.

Mr. D'AMATO. Mr. President, first of all, I ask unanimous consent that Senator GRAMM be added as an original cosponsor.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I would like to pay a special thanks to a number of our colleagues who have worked together in a truly bipartisan spirit and put petty partisan politics aside. I am talking about Senator NUNN, Senator WARNER, Senator WILSON, Senator BOB GRAHAM, Senator DECONCINI, Senator DIXON, and our minority leader, Senator DOLE, and our staffs who worked well into the night to 2 o'clock and 3 o'clock in the morning.

Mr. President, it seems to me, for the first time we can truly say that the Congress of the United States is beginning to look to do the business of the people in involving and prioritizing our resources in this war against drugs.

Some people say, "Well, this is not going to solve the whole problem." And they are right. But we are never going to mobilize the people and let them know that we are serious if we do not do our job. And the military has a role.

I suggest that we have achieved the proper balance here. We may have to fine-tune this law, but why not use the technical resources, the radar systems, the detection devices that we have to help us track down those more than 20,000 planes carrying cargoes of death and destruction into our communities? People have a right to know why and we are answering. We are saying, "Yes, it is overdue."

Yes, the institutions are unhappy. The defense people are not doing cartwheels over this. They are going to be dragged to the altar, but they have accepted the mission.

We are well on our way to undertaking a very important first part, to say that we are going to see to it that we make a real statement as it relates to interdiction.

Second, Mr. President, I believe that in the fullness of time within this legislative session, we will be able to undertake the other parts of that equation, to see to it that we have good, tough law enforcement and give those people the kinds of resources necessary and, above all, to energize this country to understand that it is going to take a total people commitment. It is going to take us giving resources to rehabilitation so that you do not have addicts who want help being told to come back 2 months from now, 3 months from now, 4 months from now. And it is going to take an educational requirement that we say in all of our school districts, in all of our institutions, we are going to teach self-worth to our youngsters, that they are important, that they have self-esteem, and that they care about themselves and others.

Mr. President, this is a good beginning in terms of looking to the day when we can say we have truly achieved a drug-free America.

Mr. President, in summary, this amendment is offered in a bipartisan spirit. It has the support of the President. It has the support of the Defense Department. Many Senators from both sides of the aisle have worked hard and in a cooperative manner to craft this amendment—including Senators NUNN, WILSON, DECONCINI, STEVENS, DOLE, DIXON, GRAHAM, BOSCHWITZ, GRAMM, THURMOND, WARNER, AND KASSEBAUM.

We are taking several very significant steps with this amendment:

First, giving to the military the power of arrest and the power to detect, locate, pursue, search, and seize ships and planes carrying drugs into the United States—in effect, to enforce antidrug laws outside the United States;

Second, giving the military a drug fighting mission for the first time;

Third, involving the Defense Department directly in the establishment of the most sophisticated antidrug radar system possible. This includes the integration of the Nation's command, control, communications, and intelligence assets dedicated to the interdiction of illegal drugs;

Fourth, requiring the President to dedicate significantly more radar-plane flying hours to drug interdiction, make additional helicopters and pursuit planes available to the Customs Service and Coast Guard, and to use Defense Department planes and monitoring and communications equipment more fully to track drug smugglers until civilian drug enforcement agencies can apprehend them; and

Fifth, creating an enhanced drug interdiction and enforcement program for the National Guard.

This includes authorizing the Secretary of Defense to provide additional funds to State Governors for that purpose. It also requires the President to submit a report in 90 days on the potential effectiveness of using the National Guard and the Reserves for drug interdiction efforts. I expect that this report will address the particular problems my own State of New York faces with smuggling in cargo containers, at the airports, and other areas.

SPECIFICS REGARDING ARREST POWER

With this amendment, for the first time, the Senate is going to pass legislation permitting the military to arrest drug smugglers outside the United States. We are giving the power of arrest to Armed Forces personnel assigned to duty on Navy ships who have been designated for that purpose by the Coast Guard.

ADDITIONAL AIRBORNE RADAR COVERAGE

We also require the President to increase the number of radar-plane flying hours devoted to drug interdiction. We do not set a specific figure, but this is a critical requirement, and we expect it to be complied with. An increase of 2,000 additional hours would not be unreasonable.

To help the Coast Guard and Customs Service increase their ability to pursue and arrest drug smugglers, we also require the Defense Department to make additional helicopters and chase planes available to the Customs Service and the Coast Guard.

Our amendment takes into very careful account of objections that were raised when we debated this issue 2 years ago.

Mr. President, in closing, let me add: interdiction alone will not win this war. We must reduce demand dramatically through effective prevention, rehabilitation, "zero tolerance" and other programs.

But we must have much stronger interdiction as well. Despite record seizures of drugs. The price of cocaine on our streets has been dropping, because those seizures have failed to reduce the supply.

Two years ago, Senators asked how an interdiction program involving the military would work.

This year, we have provided one answer. The program we are proposing can be implemented. It will increase the pressure on the drug smugglers. It represents a meaningful commitment of our national will. It involves the military directly in the war on drugs. It says the United States of America is prepared to defend itself against the greatest threat to the health and well-being of its people that exists today.

We must take this step. The people of this Nation are fed up with the failure to wage a real war on drugs. They will no longer tolerate watching their police officers murdered, while the drug gangs grow more powerful. They are demanding that we act against the smuggling of cocaine and heroin that are killing the children of this country and destroying our domestic tranquillity.

I urge my colleagues to adopt this amendment by an overwhelming margin.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, the Senator from Arizona has 10 minutes on his own time.

Mr. DECONCINI. Mr. President, I thank the Senator from Illinois. I want to begin as other Senators have here, stating that this is an important amendment. This whole bill, authorization legislation for the Department of Defense, is extremely important for our national security.

Senator WILSON of California, Senator D'AMATO, Senator NUNN, Senator WARNER and Senator GRAMM of Texas now, and Senator GRAHAM of Florida and a host, many other Senators, Senator SASSER and Senator CHILES of Florida—many, many people have put in a lot of time on this effort.

Mr. President, we have got a huge problem. I think that this Senate and I believe the House is addressing it. We are, indeed, attempting to forge what we would call a war, an assault on the drug problem in this country. The bill introduced by the Senator from New York, Mr. D'AMATO and myself and now having 73 or maybe 74 cosponsors, attempts to move in the direction of the supply as well as the demand side of the drug problem.

Along in that bill there is $90 million directly authorized for the Defense Department to assist them in some of the assets that that bill envisions, of transferring from the military to the law enforcement agencies. This significant legislation today has been crafted and shepherded through by the distinguished chairman of the committee and the ranking member. They have been willing to understand the problem, which they have understood, particularly the Senator from Georgia, before I got here. They realized that this drug problem is not going to go away and that we must make it a national priority, both on the demand side, in education, as well as the supply side.

So, here we have carefully drafted a compromise that involves the military significantly in the area of interdiction; in the area of surveillance; and in the area of participating and assisting in the actual apprehension, under certain circumstances.

This is new, Mr. President. And it is something that some people will raise eyebrows at—some in the military—and I respect their strong feelings, that the defense of this country must be separate from the enforcement of our criminal penalties for violating the laws.

I have had no trouble with that so-called theory, posse comitatus, a precedent that we have operated under in this country for a long time, except now. We are in a dire emergency. We have reached, Mr. President, a period of time in our history that drugs are becoming an enemy equal to any foreign enemy. As President Reagan said when he signed the drug bill, he was prepared to commit all resources of this country to rid the country of drugs.

He has said many times that drug smuggling is as big an enemy to this country as any foreign enemy, foreign country, would be, meaning that we are now going to turn our attention as if we were at a war, where we had hot ammunitions flying back and forth between different armies, navies, air forces, et cetera.

So, we are, indeed, taking a monumental step here by directing and providing the procedure where the President and the Defense Department are going to get involved not just with the tips of their toes, not with just advice and counsel, which they have done, by doing inventories of equipment that might be available, but getting involved with personnel; with heavy equipment, exerting the force of our military on the high seas, for instance; using the sophisticated equipment we have to detect ICBM's and other supersonic flying aircraft to zero in the drug smugglers in this country.

That, to me, Mr. President, is the first real notice that this country is giving that we may be at war, on the verge of war, because we talk about that. The story I like to tell is that of the chiefs of police, Mr. Gates, in Los Angeles, when he testified before Senator WILSON and myself on testimony in California on the war on drugs 2 years ago. He said: We have never been in a war on drugs. We never had a war on drugs in this country. He said, "You guys, and us, too, in law enforcement, talk about it all the time, but we have never been at war. You know why? Because when you are at war you commit your military assets, you educate the population to support the country's objective and that is to conquer something or stop something from doing something detrimental to your national security."

That is true. We have overused the word. Nobody wants to see the Defense Department weakened. I believe that you can do a military number on the smugglers of this Nation and also protect our national security. That is what this amendment is all about. That is what this debate is all about. And that is what is going to curb the amount of drugs that is coming here. That is not enough. This will not be enough. We may have to allocate more resources in the future on the military side. And we may have to spend more money here than we spent, both in defense and on the drug area in general.

One thing we have to do, Mr. President, is move toward the demand side. This does not do that but we have to talk about education, we have to talk about research. Why are so many people willing to risk their lives and willing to become completely degraded by the use of drugs? We all have an option why. But I think it is necessary for us to make it a national prominent priority to find out those answers and to find education programs, rehabilitation programs, deterrent programs that will put a curb to this.

That is my hope, that this bill is going to pay attention to the interdiction and the detection and the apprehension on the high seas in particular; and that after this bill, Mr. President, we will turn toward the problem within our own society. And rightfully so.

Foreign countries or some people, not American citizens, point the finger at the United States and say: This is your problem because you people up there are the users, the consumers. And, indeed, it is our problem and we need to address it and we are.

We are not running away from it. The President finally, in the budget for 1989, has put in $250 million for education; $30 million more, I believe the figure is, than what was authorized by the 1986 omnibus drug bill. And the bill of Senator D'AMATO and myself and 73 other Members, that we have introduced and cosponsored here, has an additional $350 million.

I am not suggesting we throw money out the window for education. I am suggesting we carefully craft a massive education program about what drugs are; what they do. Not just to the young of this country; what they do to the stockbrokers, to the professional people, to housewives and house-husbands; what they do to military people who get involved; what they do to senior citizens. What it does to this Nation as to its productivity, as to its capability to operate and its structural substance as a nation.

That is the challenge that we have, Mr. President, in the future. We are meeting part of that challenge today with the Wilson, et al. amendment, by moving the military forcefully in this direction. I hope, Mr. President, by this action, the military will, as they always have in the past history of this country, come forward with the renewed vigor that we have seen them with when we have been in a hot war and come forward with the strategy of how to win this war and offer us their techniques, their expertise, to bring about a reduction and hopefully an end to this drug plague.

Mr. President, in summary, the amendment that has been offered by Senators NUNN, D'AMATO, WILSON, WARNER, DIXON, GRAHAM, and myself is a good plan for finally bringing the military into our antidrug effort in a responsible way. Like all compromises, this package does not contain all of the things that I want or that the other sponsors of the amendment might want. But it does achieve one overriding objective of all of us: It gives the Department of Defense a new mission to help the civilian law enforcement agencies fight the drug war. This amendment represents a significant step toward bringing the Pentagon into the fray without jeopardizing combat readiness; without turning them completely loose to make arrests and seizures; and without busting their budget. For all of these reasons and others, this amendment deserves the overwhelming support of the Senate.

Mr. President, there is one special provision in the amendment that is of particular importance to this Senator and my colleagues who represent States along the southwest border. We have directed in the amendment that additional surveillance flight hours be dedicated to the southwest border, and, as part of the President's plan for using the National Guard in drug interdiction, the amendment requires that options for more fully utilizing the Guard of five southwest border States be a part of this plan. This will put Congress' weight behind using the National Guard along the southwest border to help Customs and Border Patrol and the State and local law enforcement agencies combat the drug smuggler. This is something that Senator WILSON and I have been pushing for many years and I am delighted to see it in this amendment.

Finally, Mr. President, I want to pay tribute to the sponsors of this amendment, particularly Senator NUNN, Senator WILSON, Senator D'AMATO, and the others, who worked tirelessly to reach this compromise. All of these Senators have very deep and different convictions as to how we can best use our resources in the military to fight the narcotics trafficker. Senator NUNN has shown great leadership both in handling this overall bill and this amendment and for sitting down with us to craft a compromise that we all can live with. Senator WILSON and Senator D'AMATO have been bulldogs on this issue and deserve great credit, as do Senators WARNER, GRAHAM of Florida, DIXON, and STEVENS. Without this bipartisan spirit of cooperation, we would not have the agreement that we now have.

Mr. President, I urge the adoption of the amendment.

So, Mr. President, I want to compliment the Senator from California; the Senator from New York; the Senator from Georgia, Senator NUNN; and Senator WARNER of Virginia, and so many others; Senator DIXON of Illinois, who played a major part in bringing us where we are today so that we can finally see some positive steps.

The distinguished Presiding Officer has been a very important influence in this effort for realizing what the problems are in a particular area that has been just overrun, from what he tells me and in my own limited experience in the Southeast part of this country. And the senior Senator from Florida as well. I have learned a great deal about the problem here. I have learned a great deal from my colleague who is as committed as anyone is, but we need to pull together today to bring about a united effort, and I think that is what we have done here.

I yield the remainder of my time back to the Senator from Georgia.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. How much time is remaining?

The PRESIDING OFFICER. There is 30 minutes left under the control of the majority leader and 17 minutes, 21 seconds under the control of the Republican leader.

Mr. NUNN. Mr. President, the majority leader has designated me to handle his time until he returns. How much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER. As I understand, his time was in addition to the 30 minutes.

Mr. NUNN. He yielded it back though to majority leader.

The PRESIDING OFFICER. He used his full 10 minutes.

Mr. NUNN. I was about to thank him, but in that case.

Mr. President, I do thank the Senator because he has been a champion of trying to strengthen our drug enforcement since the day he arrived in the U.S. Senate. I have worked with him long and hard. We have not always agreed on the tactics or the exact legislation, but we have agreed on the approach and the goals. I thank him for his kind comments and congratulate him as part of this effort.

I also congratulate the Senator from California and the Senator from New York for their diligent efforts; the Senator from Virginia has been working closely with me as we try to put together something that really makes sense in the drug interdiction effort. Both Senators from Florida, the Senator presiding now and Senator CHILES, have been right at the forefront of this effort.

I particularly want to thank the Presiding Officer for his diligence in helping to put together this compromise.

Mr. President, we spent many long hours in the last few days trying to develop a proposal in the area of drug interdiction which is acceptable to all of us in the Senate. This amendment now before us is the result of those deliberations.

In arriving at this proposal, all sides have had to compromise to some degree. I certainly have compromised my views in order to reach some conclusion in this area. The amendment does not have all that I would have preferred, or all that Senator GRAHAM of Florida, Senator WARNER, Senator CHILES, Senator DIXON, and Senator SASSER would have preferred. I am sure it does not have everything Senators D'AMATO, WILSON, and DECONCINI would have preferred.

However, I think we all can agree it is the most reasonable compromise we can arrive at on this deliberation of this bill.

Mr. President, I always had reservations about search, seizure, and arrest authority for the military, both on philosophical and practical grounds. I suppose my philosophical grounds would weaken somewhat if I thought, practically speaking, that the military could really add appreciably to the drug interdiction effort by making arrests.

The truth of it is, Mr. President, that most of the military craft are not aircraft suitable for making arrests, but rather for identification purposes. Most of the military's capability is directed today against the high-flying aircraft rather than the single-engine or twin-engine aircraft that bring drugs into this country.

Nevertheless, we are moving toward making the military more effective, and there are a number of things that I think they can do to be much more effective.

I do not think the big payoff is going to be in the area of arrest or seizure. I do believe the big payoff, in terms of increased military effectiveness in interdiction, will be in the area of surveillance, in the area of command control and communication. This is what the military does every day. This is what the military does well, but they do not do it in respect to drug enforcement in any major way. The reason being, as I have already alluded to, they are directing most of their efforts against our potential adversaries in the world that would come in in high-flying aircraft or very high-speed aircraft to deliver large megatonnage weapons against this country.

That is the heart of the defense mission. Yet increasingly, the low-flying aircraft are violating our airspace, coming in without flight plans, and delivering drugs which are affecting adversely our society.

I said the other day that I think we have a chemical war being waged against the United States. A large part of that chemical warfare is coming from those outside the country. We must also acknowledge, however, in all candor, that an awful lot of the drugs being consumed in this country are also being produced in this country, whether it is marijuana being grown in fields around the United States or whether it is chemicals that are being produced, like PCP, in laboratories in this country.

I would like for everyone to understand that even if we closed off all the borders, if we closed every border and did not let anybody in, no human being, no ship, no plane, we isolated ourselves from the world, made sure nobody penetrated the border—which is, of course, impossible, not desirable, and will never happen, but if we did that hypothetically—this country would still have a drug problem because we grow a lot of the drugs in this country; we produce a lot of the drugs in this country. If we closed off all imported drugs, we would still have an incentive for the production of chemicals which would probably increase greatly, and we would still see a great number of fields of marijuana.

So let no one believe that we are going to pass a piece of legislation, whatever it is, and solve the drug problem, but we can improve it. We can improve our interdiction efforts, and that is what we are trying to do.

This compromise amendment includes variations of proposals that Senators WARNER, GRAHAM, CHILES, DIXON, and others had planned to introduce in our amendment to the defense bill. The first of those provisions deals with the need for a clear designation of a lead agency in air and sea drug traffic detection and surveillance. We have a piecemeal approach now with divided jurisdiction, and what we believe is that we should have a lead agency in this important area.

The big problem is not stopping a plane or a ship with drugs. The big problem in drug interdiction is knowing which ship to stop or which plane to stop. We cannot possibly stop every plane coming into this country without a flight plan or otherwise. We cannot possibly stop every ship coming into this country for search no matter what we do with the military or domestic law enforcement.

We have to do a much better job of knowing which ones to stop, and that gets into surveillance, it gets into intelligence, and it gets into knowing which plane or ship carries the drugs in question.

As lead agency, we mean that the agency has the authority to approve all activities by any other agencies in the detection and monitoring arena, thus eliminating the lack of coordination and cooperation that has existed and continues to exist among our law enforcement agencies.

The amendment requires that the President establish a single lead agency for detection and surveillance not later than 30 days after the enactment of this act.

The compromise also includes a clear statement that the Senate believes the Defense Department has unique capabilities in detection and surveillance, and it directs the President to give priority consideration to these factors in making his decision on a lead agency.

In other words, Mr. President, we do not tell the President what to do, but we do give him some strong indication of the leaning we have and the record, as far as the Department of Defense, and the potential the Department of Defense has to greatly increase our interdiction capability.

On this point, I note that it is my view that the Department of Defense, by virtue of its expertise, capability, as well as function, should clearly be the lead agency for purposes of detection and surveillance.

I do not speak for the Senate as a whole on that point. The amendment speaks for the Senate, if it passes. Nor do I speak for the other cosponsors, but that is my personal view.

Currently, the Defense Department has the equipment, the training, and the experience to effectively perform maritime and aerial surveillance. They already have in place a sophisticated and efficient command, control, and communications network for the detection of a military threat.

Designating the Defense Department as lead agency would require the same network to also detect all other national security threats to our borders including drug smuggling.

Mr. President, I believe it is important for us to recognize that as a matter not only of national security in the broad sense, but in the narrow sense of military threats, with the proliferation of nuclear knowledge in this country and abroad, all over the world, and with the proliferation of terrorism, we may find a time in the future a plane which today is carrying marijuana may carry a weapon. So the military, in my opinion, will not be wasting their efforts to begin to improve their capability against low-flying aircraft. There is nothing that says that a low-flying aircraft that can carry 2,000 pounds of marijuana would not carry a chemical weapon or even a biological weapon, God forbid, or a small nuclear weapon. There is nothing that says that terrorists or other threats will not emerge in the future, and so I do not believe this will be in any way a wasted effort on the part of the military. I think it is protection for possible future threats.

During the course of negotiations and discussions yesterday on this compromise amendment, several Senators on both sides of this issue, myself among them, met with Attorney General Meese and Secretary of Defense Carlucci. Although they certainly did not bind themselves, nor did they bind the President on this point, it was my impression that when we outlined our views as far as the Department of Defense and its proper role, particularly the surveillance role, those views met with a considerable degree of interest on the part of both the Attorney General and the Secretary of Defense. I am not suggesting they approved these views, but I am suggesting that I felt they were interested and were leaning in this direction.

Mr. President, I will not take more time. I have a long statement. But I do want to make one other point.

Just this week I was pleased to note the additional support for this general approach from the White House Conference on Drugs. The Washington Post reported that in the draft of their final report they recommended that the Department of Defense control our Nation's drug detection assets on the border. Given all the above, I am hopeful that the President will share not only my view but the view of numerous experts in this area as well as what I hope will be the emerging view of the Attorney General as well as the Secretary of Defense and designate once and for all the Defense Department as the lead agency for detection and surveillance.

This would not mean Defense would carry the whole burden. It would not mean that other agencies would not be involved. It would mean that somebody would be in control. For a long time we have tried to have a drug czar in control of the whole effort. That is not part of this bill, but I suggest that it is going to have to recur because we cannot have a lot of agencies working along the same lines with little or no coordination.

Mr. President, the compromise amendment addresses what I believe to be an acceptable role for the military in the antidrug efforts of the Federal Government. We have a very carefully prescribed authority here for the military to make arrests under certain conditions where the transgression takes place outside the borders of the United States and where the military personnel have been trained and where they have been cross-designated by appropriate law enforcement, Coast Guard officials to serve in the capacity of a Coast Guard authority under the existing law. So that is a carefully drawn proposal.

I do not pretend to suggest that this proposal or any other proposal we can devise or draw up is going to end the problem of drugs in this country. I think we all know that the drug epidemic in this country is far past the stage where interdiction alone, whether it be by the Armed Forces, the Drug Enforcement Administration, or the Customs Service, can stop it. We have to find ways to convince literally hundreds of thousands of Americans that they no longer should spend their dollars for illegal drugs. In other words, the biggest payoff that we can really get from investing our money as I view it is in the education area and in curbing demand. That is what we have to start doing much better than we are doing today. As long as we have the people of this country in large numbers willing to pay a large amount of money for drugs, somebody somehow is going to find a way to supply those drugs, whether they are people from abroad or whether they are people in this country.

So this is not a quick fix to the drug problem. I think there is no such thing as a quick fix, and I do not think anyone should be under any illusions regarding that. But I do believe this compromise is a step forward in one part of the drug effort and that is interdiction. In the final analysis, there are two sources that we have to attack. One source is where the drugs are grown. We have to do a lot more in foreign policy, in diplomacy, in foreign aid, in making this a top priority in our relationship with other nations. We also have to do a lot more here at home where the drugs are consumed. Those are the two sources that we have to deal with, one source relates to demand, one source relates to supply. So interdiction can help but it is not going to solve the problem.

I urge our colleagues to support this amendment because I think it is a step in the right direction.

Mr. President, I doubt that there is a single Member of the Senate who is not unalterably opposed to the use of illicit drugs. I am confident that there is now a strong consensus in the Congress that we can no longer tolerate an illicit drug trade that is destroying our young people and undermining our future as a nation.

As such, I commend all of those Senators who have worked with us in the last few days on the issue of the military's role in the drug war. I recognize and appreciate their longstanding commitment to the struggle against drug abuse. I share their concerns and frustrations with this country's continued failure to win the war against drugs. We differ not on our perception of the problem but rather on what we see as the best and most effective solution.

As a result, we have spent many long hours in the last few days trying to develop a proposal in the area of drug interdiction which is acceptable to all of us. The amendment now before us is the result of those deliberations. In arriving at this proposal, all sides have had to compromise to some degree. The amendment does not have all that I or Senator GRAHAM or Senator WARNER or Senator CHILES, Senator DIXON, Senator SASSER would have preferred. Nor, for that matter, does it contain everything that Senators D'AMATO, WILSON, and DECONCINI would have preferred. However, I think we all agree that, at this point, it is the most reasonable compromise that we have been able to arrive at.

I want to take a few moments to speak to some of the points of particular interest to me in the compromise package.

I have always opposed search, seizure, and arrest authority for the military, both on philosophical and practical grounds. I still believe that the idea of giving the military arrest authority over civilians runs counter to a basic tenet of our system of government, one that bars the military from arresting and searching its citizens and seizing their property in carrying out a civilian law enforcement role. I do not believe that the American people are ready to subject themselves to the authority of a military police force. I also do not believe that a military police force with power over civilians is going to solve this country's drug problem.

Moreover, in practical terms, I still have serious questions regarding the potential cost of the added training in law enforcement and criminal law that any broad grant of military law enforcement authority would require. We have no idea as to how much it would cost, who would provide it, or how long it would require our military personnel to abandon their military duties.

On this same point, I still wonder what will happen when and if a drug prosecution is brought on the basis of military seizures and arrests made under the authority of this amendment. How many of the military personnel making those arrests and seizures are going to be subpoenaed as witnesses? How many days or weeks of their military duties will be lost to their new duties in the criminal justice system? Do we really want to see our Navy commanders spend days and days as witnesses in drug cases? Do we want this kind of unplanned and unforeseeable disruption in our military operations?

I still have concern granting arrest authority to the military. In the spirit of compromise, however, I have agreed to a very specific grant of law enforcement authority to members of the Armed Forces in certain circumstances.

This law enforcement authority can be exercised only outside the borders of the United States and only by those members of the Armed Forces who:

First, are assigned to duty on vessels of the Navy to which a member of the Coast Guard has been assigned under this section,

Second, have been provided with appropriate training in the law enforcement functions of the Coast Guard, and

Third, have been designated by an authorized member of the Coast Guard to perform the law enforcement functions of the Coast Guard.

The law enforcement authority granted by the amendment is intended to be limited to that currently exercised by the Coast Guard on the high seas. This new authority is viewed as a extension of the current Coast Guard Ledet Program which involves placing Coast Guard personnel aboard Navy ships to interdict suspected drug traffickers and conduct searches, seizures, and arrests. The only change to current law proposed by this amendment is that those Coast Guard Ledet [law enforcement detachment] teams are permitted, pursuant to proper regulation of the Secretaries of Defense and Transportation and the Attorney General, to cross-designate military personnel on these naval vessels to assist them in performing their law enforcement functions and, again, only beyond the borders of the United States.

Nothing in this amendment permits any member of the Armed Forces to conduct arrests, searches, and seizures within the borders of the United States.

Nothing in this amendment permits members of the Armed Forces to conduct arrests, searches, and seizures outside the United States unless they are cross-designated to assist the Coast Guard and are assigned to duty on Navy vessels.

The compromise amendment also includes variations of proposals that Senators WARNER, GRAHAM, CHILES, and I had planned to offer in our amendment to the Defense bill.

The first of those provisions deals with the need for clear designation of a lead agency in air and sea drug traffic detection and surveillance. Our original amendment called for a substantial increase in the military's participation in drug interdiction in areas that are compatible with traditional military activities. It did so by clearly designating the Defense Department as the lead agency for air and sea drug traffic detection at our borders.

As lead agency, we mean that that agency has the authority to approve all activities by any other agencies in the detection and monitoring arena—thus eliminating the lack of coordination and cooperation that now exists among our law enforcement agencies.

The compromise amendment recognizes the need for designation of a lead agency in the area of detection and surveillance but recognizes the role of the President as head of the executive branch in making that decision. The amendment requires that the President establish a single lead agency for detection and surveillance not later than 30 days after the enactment of this act.

The compromise amendment also includes a clear statement that the Senate believes that the Department of Defense has unique capabilities in detection and surveillance and directs the President to give "priority consideration" to these factors in making his decision on a lead agency.

On this point, I note that it is my view that the Department of Defense, by virtue of expertise, capability, as well as function, should clearly be the "lead agency" for purposes of detection and surveillance. Currently, the Defense Department has the equipment, training, and experience to effectively perform maritime and aerial surveillance. They already have in place a sophisticated and efficient command, control, and communications network for the detection of a military threat. Designating the Defense Department as lead agency would merely require that same network to also detect all other national security threats to our borders—including the drug smuggler.

During the course of our negotiations and discussions yesterday on this compromise amendment, several Senators on both sides of this issue, myself among them, met with Attorney General Meese and Secretary of Defense Carlucci. During that meeting, they expressed the view that the lead agency decision should be an executive branch decision, a view which we agreed to and is included in this amendment.

During that same meeting, it was my impression that both the Attorney General and the Secretary of Defense felt that the Department of Defense should be designated the lead agency for detection and surveillance and that they fully expected that to be the decision of the executive branch, should the amendment be enacted.

Directly related to the lead agency issue is the issue of effective integration of command, control, communications, and intelligence [C-3I] assets in drug interdiction. Building on language in our original amendment, the compromise requires the President to submit a plan to Congress, 90 days after enactment, for the integration of this network by the Department of Defense. This is to be followed, within 120 days, by a plan for assignment of operating this network.

In my view, this amendment's provisions on the lead agency and the C-3I issues, if complied with in form and in spirit, will have the biggest and most significant positive impact on the drug enforcement effort of any of the other provisions in the amendment.

Hearings I chaired last year before the Permanent Subcommittee on Investigations showed that we now have three different air forces doing radar surveillance at our borders. One is run by the Department of Defense and searches for hostile military threats. As a general rule, the Department does not track or monitor low, slow flying drug aircraft or follow vessels that do not have a distinctly military profile. The other two air forces are run by the Customs Service and the Coast Guard, utilizing loaned or decommissioned defense assets, and looking for drug smugglers. If this were not bad enough, it is my understanding that recent proposals would add two more air forces—one to the DEA and the other to State.

During the same hearings, we also learned that we are creating a new, nationwide, C-31 network that will duplicate, to a large degree, the current system used by the Air Force and the FAA. This new system is expected to command and control the respective drug detection and monitoring assets of the Customs Service and the Coast Guard.

In the maritime arena, the duplication and redundancy of detection and command and control systems are similar. We have Maritime Defense Zones for the Navy, Coast Guard command centers, U.S. Customs Service Blue Lightning Command Centers and a coastal drug defense radar network that some experts believe works no better than a Boy Scout with a pair of binoculars.

Obviously, such a system is not an efficient way to run a drug skirmish, let alone a drug war. Much of the fault for such a situation rests with the fact that a clear delineation of mission and lead agency authority in the drug war has never been established. Congress has long considered such a designation to be an important step in resolving the inter-agency conflicts which have hampered Federal efforts for decades. In 1986, I sponsored an amendment to the Defense Authorization Act which required that the President submit to Congress a comprehensive program delineating a clear division of authority in interdiction and enforcement efforts among all Federal agencies involved in those efforts.

The response that we received last May came as no surprise to those of us who have monitored the President's Drug Policy Board for the last few years. The Policy Board directive told us that 14 agencies are in charge, though none have clear or exclusive authority in any specific area. The problems of multiple air forces, multiple radar networks, multiple command, communication, and control networks and multiple missions were never addressed.

I believe this amendment will finally address the expensive and inefficient duplication of efforts which now exist in the detection arena. In my view, the Defense Department has the assets, training and experience to effectively perform maritime and aerial surveillance. By adding to their current mission the requirement to detect the drug smuggler, we would minimally effect readiness, provide substantial training benefits, and free the Customs Service and Coast Guard to devote their limited resources to their more traditional law enforcement activities.

During our hearings, support for such a proposal came from almost every expert we heard from including the General Accounting Office, the Office of Technology Assessment and even the former special consultant to the Commissioner of Customs on Tactical Interdiction. Maj. Gen. Stephen Olmstead, Deputy Assistant Secretary of Defense for Drug Policy and Enforcement, saw a real advantage to a combined system both from a national defense and drug enforcement point of view. Maj. Gen. Buford Lary, Commander of the First Air Force, Tactical Air Command, who has the responsibility for the strategic defense of the lower 48 States, including Norad, also agreed with the concept of a combined system—especially if co-located at the already existing Norad facilities.

Just this week, I was pleased to note additional support for this proposal from the White House Conference on Drugs. The Washington Post reported that in that draft of their final report, they recommended that the Department of Defense control our Nation's drug detection assets on the border.

Given all of the above, I am hopeful that the President will share, not only my view, but the view of numerous experts in this area as well as his own Attorney General and Secretary of Defense, and designate, once and for all, the Defense Department as the lead agency for detection and surveillance. That decision would probably be the single most important legacy of this administration's 8-year battle in drug interdiction.

Finally, the compromise amendment responds to the urgings of many Governors and law enforcement officials for a greater role by our National Guard in the war on drugs. The amendment recognizes the Guard's former contributions to the fight against narcotics and supports their further activities with Federal assistance.

Currently, the National Guard, when not on Federal status, may perform law enforement duties at the direction of the State Governor. Many States have effectively used their Guard in this capacity for crop eradication, surveillance, and other law enforcement activities. States such as Georgia and Florida have been pacesetters under the leadership of their Governors in utilizing the Guard for interdiction purposes.

However, as a practical matter, since the States must pay for these activities with State funds, these opportunities for such Guard use have been quite limited.

This amendment provides $60 million to assist the Governors in carrying out this drug enforcement functions. This figure is based upon discussion with the Defense Department, the National Guard Bureau, and State and local officials. It appears to be a sufficient amount to cover the types of programs that can effectively utilize the Guard in drug enforcement activities.

Mr. President, the compromise amendment addresses what I believe to be an acceptable role for the military in the antidrug efforts of the Federal Government. I do not pretend to suggest that it will end the plague of drugs currently facing our country. I think we all know that the drug epidemic in this country is far past the stage where interdiction alone—whether it be by the Armed Forces, the Drug Enforcement Administration, or the Customs Service—can stop it. We have to find ways to convince literally hundreds of thousands of Americans that they are no longer willing to spend their dollars for illegal drugs. Unless we do that, I fear we are going to have the drug problem with us for a long time to come. In that context, we must beware of the quick "fixes" that extend the drug problems.

Mr. President, I yield to the Senator from Nebraska.

Mr. EXON. Mr. President, of all the problems facing America today, none is more pressing or more of a threat than the illegal drug problem.

Nothing since the conflict between the States, in my view, is a greater threat to our society and what it stands for than the conflict that permeates the very fiber of our society today, the illegal drug malaise.

The amendment being offered now is worthy of our support and I urge its adoption.

It is a long way from a cure-all. It is only a beginning of meaningful Federal action and others must follow if we are to meet and defeat the illegal drug trade and its perpetrators.

I have been hesitant about the role of the military in the war on drugs. This is not the military's "cup of tea" and there is no question that with this action we burden our military with responsibilities they had never expected or trained for. We evidently have no other choice.

I believe this measure has been drafted in such a fashion that is far better and more workable than the House proposal and in conference with that body as the Defense authorization bill that will spell out the final draft of this provision, I pledge as one conferee I will hold fast in insisting on the principle of the Senate version.

Like any war, we are all in this together and I warn against any feeling that with the passage of this amendment we have solved the problem.

Essentially, all we are doing is declaring war. The winning of that war will depend primarily upon what followup and follow-on actions we take. This is an important step in the right direction.

Mr. DIXON. Mr. President, on behalf of the manager I allocate 7 minutes to the distinguished Senator from Florida, Senator GRAHAM.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President. It has been stated the most fundamental human folly is to forget what it is you are trying to accomplish. I believe that that fundamental human folly has been repeated time after time after time in this issue—the issue of the appropriate role of the military in dealing with the enormous amount of drugs coming into the United States. The fundamental error has been that we have defined this as a drug problem and therefore a law enforcement problem.

My assessment is that the problem is not with the cargo, as lethal as that cargo is. The problem, Mr. President, is the carrier. Over 50 times a day, based on the best estimates of law enforcement officials across the land, an unidentified, illict plane or boat lands somewhere in the United States and off-loads drugs. As the distinguished Senator from Georgia has indicated, that same plane or that same boat could have been offloading any other commodity—terrorists, chemical bombs, nuclear devices. Are we going to have to wait until we see a city ravaged by a nuclear attack or a community wiped out by a chemical weapon brought in by that same clandestine boat or plane that today is bringing in the other form of chemical weapon which is destroying our society until we decide that this is a national security threat? Because it is the carrier that is the threat to our Nation.

Second, once the problem is defined as being the carrier, then I believe the appropriate role of the military becomes clear, and that is to apply the resources that the military has most at hand in order to deal with that carrier. What are those resources? They are the tremendous capabilities that we have today to identify, to surveil, to detect high speed, high altitude aircraft and to augment those to give us the same capability to identify carriers who are coming at lower levels including on the sea itself and at slower speeds.

It is ironic that we have debated hours in the last week the question of whether we should spend billions of dollars to erect in the decades into the future a space-based shield against ballistic missiles while we have left our borders wide open to the Cessna 172 that is invading us at this very hour at 500 feet and 150 miles an hour.

It is ironic that we have been so focused on the future high technology threat that we have forgotten today the low technology threat. The role of the military which can make the greatest difference in protecting America is to apply its detection and surveilllance capabilities from sea to the stratosphere to protect our Nation.

Mr. President, I would like to make a third point, that is, a cautionary note. I met earlier today with a former assistant district attorney for the southern district of Florida which is probably the most active district in America in terms of prosecuting drug-related offenses. I showed him the amendment. I said "What do you think about this amendment?" His answer was "It won't do much good." I said "Why?" He said "It won't do much good because we already are arresting more people than we are able to effectively prosecute. We already are prosecuting more people than we are able to effectively incarcerate." And if we are going to have a balanced program directed at the supply side of this problem, we have to have a balanced criminal justice system which means we have to have strength which is commensurate at every level of our Federal criminal justice effort. He also said dealing with the supply side of the problem is only dealing with the easier side. The really tough problems are in how to suppress this enormous appetite which Americans have for the use of these illicit drugs.

So the cautionary note is while I believe that all of those who have been involved for years in shaping an appropriate response for the military have made a significant contribution to America's war against drugs, let us not feel that we have just declared victory over drugs. This is just a chapter in a long book. We are going to be called upon to see that we have effective strength in each of the chains of a criminal justice system to repress the supply, we are going to be called upon to be much more creative and innovative, we as 240 million Americans, to understand what are the causes of this appetite and what are the ways in which we can divert the appetite which today is taking the form of a destructive use of illicit, controlled substances toward more socially acceptable ways in which people can deal with their personal problems.

Those, Mr. President, are the challenges that lie ahead of us. For today, I believe we can say to the people of America that we have taken a step toward dealing with an enormous social challenge to the very fabric of America.

But it is just that, a step. We still have before us the challenge of a totally comprehensive American war against an enemy, which is an enemy which in a way is more pernicious than any foreign adversary with the capacity to destroy the character of this great Nation.

It is our challenge to see that that does not happen.

Thank you, Mr. President. I wish to commend all of my colleagues who have worked so diligently in this behalf, and who will continue to work to see that the full war is won.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, on behalf of the manager, I will allocate 3 minutes to the distinguished Senator from Ohio, Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I know when I see a steamroller rolling down the road, and I know that when all of this furor is done today I will have done little by raising some questions about this important issue. But what we have needed for some time is a coordinated drug program.

We spend $1.4 billion right now. We spend $1.4 billion on interdiction right now, and with this bill we are saying, well, we are not providing enough money. We do not have guts enough to really do that, but we are saying you can use an existing $60 million if you want to in addition to that $1.4 billion and we think that is going to solve the problem. That is absolutely ludicrous.

Here we are proposing to use the military that already has our worldwide defense posture and deployment to worry about. We also have 35 percent of our drug budget currently going into interdiction.

As the distinguished Senator from Florida just said, we have no prosecution, no lockups; we have nothing to follow up on this except here we are in a great hysteria from all of us that nobody is going to out-antidrug me. I can tell you that.

So we all get up, posture, make our little funny statements here, and it is not going to make a hill of beans difference. That is the facts of the case. That does not mean that I am advocating—well, I guess I would be advocating that we do away with this amendment. DOD claims they really put out all the necessary effort, and it cost some $6.2 billion additional a year. Sixty-six new AWACS are required to give a round-the-clock service for air interdiction. That is where we stand on this.

So we are posturing. I think we do not have an estimate of the dollars. We have not had hearings on this. We do not have an integrated program. The administration, as I understand it, vetoed a drug czar bill several years ago while still talking about the need for an effective drug program.

This is not the mission for the military. There are some things the military can do well, and should be doing to help out in this. But to think we are going to suddenly authorize the military to do all the surveillance, it just is not going to happen that way.

Let me give you a couple of other figures on this. Out of 591 hours flown last year by AWACS, it resulted in six interdictions—six interdictions out of 591 hours flown. So that is the kind of thing we are up against.

We do not have a coordinated program yet. I know that this is going to go through on a steamroller basis. There are going to be all sorts of people that will be overwhelmingly voting and I realize that. But it is not going to make that much difference at all.

What we need really is the administration getting solidly behind a drug program and proposing it, coordinating it, and getting the dozen or so different agencies involved.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GLENN. I think everyone gets my message. I hope we can pull together a solid drug program, and not do all of this rhetoric here for press release purposes. That is basically what it is.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia?

Mr. WARNER. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, first of all, I want to associate myself with every remark made by the distinguished Senator from Ohio. We are all for a war on drugs. The last time we had a war on drugs was 1986. We had a war on drugs bill here that cost $600 million. If you will recall, in the last moments of that debate, Senator HATFIELD and myself stood up and said, "Where are we to get the money?" It was then revealed that alcohol abuse and mental health programs were to pay for the war on drugs. Fortunately, the U.S. Senate rejected that. Additional moneys were found.

In the Appropriations Committee as a result of the across-the-board cut imposed on Labor-HHS during the budget summit conference, substance abuse grants in States were cut below the 1987 level. Drug abuse programs were cut below the 1987 level while we are here posturing on new drug initiatives.

Has anyone thought for 1 minute how bizarre it is that we hear recommendations of sending the Coast Guard to the Persian Gulf while the military comes home to fight the war on drugs?

Now, I think it is important that we have a war on drugs. But I think it also important to understand that we should pay for a war on drugs. This is the same argument we had 2 years ago.

What worries me is that my colleagues might feel that by using the military this would be a cheap way to fight. The already exist. So why not use them. Then we do not have to add dollars, we do not have to ask for additional revenue and we can have our war.

The military has its hands full. I am glad to hear the distinguished Senator from Ohio, who has far more experience in this area than I do, comment that they have other missions to fulfill. Some believe, as I, these missions should be better fulfilled than is the present case. God knows they have difficulties enough to protect the national security in a military sense.

Has anybody stopped to remember how in the course of the war on drugs initially pronounced here on the Senate floor in 1986 we then cut the Coast Guard budget.

I am for a war on drugs. I am for using the Coast Guard and the Drug Enforcement Agency, and other law enforcement agencies of this Nation to wage that war. And we ought to pay for it. That will call for drug abuse programs, it calls for what has to be a multibillion dollar investment in teaching our kids from 5 years of age that if you use drugs you are dead or next to it. So as to dry up the market because there is not enough barbed wire or helicopters to stop drugs from coming in. You have to eliminate the market. That's our kids.

This is posing even for an election year. We think so little about the war on drugs that we wage it in terms of an amendment to a bill which has everthing to do with national security in a military sense.

It is going to be very difficult for anyone to vote against this. However, I do not want to mislead the American people into feeling that this war can be won at its present funding levels for law enforcement and education. It cannot.

We are not spending enough money on traditional law enforcement or the education of our children. What is involved here also falls far short constitutionally. You are treading dangerous ground in the mixing of civilian and military law enforcement insofar as the Constitution is concerned.

The most important point to make is the priority this problem should command in terms of money, law enforcement, education, and treatment.

On the one hand, across the way, we are cutting back on our commitment to drug abuse while we come on the floor and give the impression that we are upping the stakes.

If we would only match the intensity of the rhetoric with the funding required to do the job, we would win the war on drugs. As long as people feel it can be won on the cheap, believe me, nothing will happen, and the children of America stay at risk.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. I ask for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Do you want to know the dimensions of what we are talking about here? I suspect that the education tab alone is $2 to $3 billion in education costs. Yet there are no such funds presenting themselves before us for judgment. Only, let the military to it, with the thought that we do not have to ask for additional money.

Nobody asked to pay for the Vietnam war, it raised economic hell, and nobody won the war. This war is going to raise hell economically, and we'll not win it. This is a horrible amendment mainly because it is deceptive.

Mr. WARNER. Mr. President, I rise in support of the amendment, but I do so and forewarn my colleagues that we are altering the course of history.

For 110 years, since 1878, the men and women of the Armed Forces have not had the mission of law enforcement, and for good reason. It was decided then, and indeed in the deliberations that the Senators worked on here for the past 2 or 3 days, that the military really should not be involved in law enforcement unless the Nation is faced with most unusual circumstances.

I say to my good friend from Connecticut that I originally opposed any provision in these bills for arrest. However, after talking with the members of the President's Cabinet—and the President, himself, who addressed this decision yesterday—and after conferring with my colleagues, I was persuaded to support this legislation, providing certain criteria were carefully met.

First, we provide individual protection for the men and women of the armed services of the United States in the event they are taken into a court of law, following an arrest or some incident involving this new authority. There, the United States will be the defender, if they are charged.

Second, this legislation carefully provides that such arrest as the men and women in the Armed Forces may be involved in, take place beyond the continental limits of the United States. That would entail only activities beyond the 3-mile limit of our territorial waters.

In essence, we have preserved the doctrine of posse comitatus as it has worked, and worked well, for 110 years in our own domestic situation.

Last, and most important, I thank my colleagues for bearing with me as I fought hard for this principle. In my judgment, we have reduced to a bare minimum the participation of the men and women of the Armed Forces in actual arrests beyond the territorial limits. Several drafts were prepared as we considered this issue, but the present version of the amendment before us provides that service members may assist in or perform such arrests or powers of arrests constent with the same authority now given the Coast Guard.

It is my hope and expectation that as the Secretary of Defense draws up the rules and regulations to govern the activities of the Armed Forces, the emphasis will be placed on keeping to a bare minimum the participation of members of the Armed Forces in such arrests.

As we have found here, the Department of Defense is uniquely capable of conducting detection and monitoring activities in support of drug interdiction activities and it is our expectation that the President will select the Department of Defense as the lead agency for this function. The Department of Defense is uniquely qualified because of the highly trained status of our men and women of the Armed Forces and their equipment, particularly in the area of communications and maritime surveillance.

Much is already being done today by the Department of Defense and the men and women of the Armed Forces, in support of drug enforcement activities, so, in a sense, we are adding to what is already being done.

We do this knowing full well that we are altering the course of history, which has served this Nation for 110 years; but we do so in the face of a specific finding that the drug problem in this country is one that is tantamount to a danger to our national security interests.

Mr. President, I ask unanimous consent that the names of the following Senators be added as original cosponsors: Senator Stevens, Senator McConnell, Senator Domenici, and Senator Conrad.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to have printed in the Record documents reflecting the substantial support the Department of Defense is currently providing in support of drug interdiction activities.

There being no objection, the material was ordered to be printed in the Record, as follows:

DOD EQUIPMENT ON LOAN TO DRUG LAW ENFORCEMENT AUTHORITIES, FISCAL YEAR 1987

[In millions of dollars]

Description/ecuipment	Cost
Aircraft:	
4 P3A aircraft (CS)	52.4
4 E2C (CS&CG)	180.0
12 UH-60	55.2
6 C-12	5.7
16 OH-6A	2.2
6 UH-1H	5.5
Total, aircraft	301.0
Communication equipment:	
90 vinson secure radios	.315
25 Parkhill secure radios	.045
12 Motorola, hand MX350	.018
6 AN/PRC-25 radios	.087
Total, communication	.465
Miscellaneous:	
3 aviation test sets	.036
4 battery charger, P7382	.009
40 IR viewer, AN/PAS 7A	.671
250 mask chemical M17	.023
67 NVG, AN/PVS-5	.301
8 NV set, AN/VAS-11	.366
8 NV sight, AN/PVS-2	.015
34 pews, AN/TRS-2	282
Total, miscellaneous	1.703
Weapons:	
1,116 M-14's	.154
6 grenade launcher M79	.004
Total, weapons	.158
Engineering equipment:	
1 engine, 5 ton	.012
6 generator set, 10KW	.036
12 net cargo, aerial delivery	.009
12 slings aerial delivery	.008
1 truck, M49AC	.065
Total, engineering	.130
Grand total	303.5

DoD provides indirect support to facilitate law enforcement activities, including:

Airborne surveillance is a significant area of DoD support. In FY87 16,288 hours were flown by DoD in support of drug law enforcement agencies—a new high in DoD aerial surveillance support.

Navy E-2 and P-3 airplanes provided aerial surveillance the Caribbean, along the Mexican border, over the Gulf of Mexico, and over the offshore waters of California and Florida.

In FY87 Coast Guard law enforcement detachments (LEDETS) spent 2,512 ship days aboard Navy vessels patrolling in high trafficking areas—a 100% increase over FY86.

Air Force flew 3,983 hours of E-3A AWACS support to drug law enforcment—an increase of 32% over FY86. In addition, the Air Force operates two aerostat radars in Florida that provide look-down capability against low-flying aircraft.

U.S. Navy/Marine Corps

E-2 aircraft support scenario:

Provides aerial surveillance for Customs and Coast Guard (Caribbean, Mexican border, Gulf of Mexico, offshore waters of Florida and California).

When E-2 gains radar contact on a suspect aircraft (an aircraft not conforming to airways or demonstrating erratic movement, etc.), the E-2 will request the launch of an interceptor aircraft (e.g., OV-10) which it vectors in to trail the suspect.

OV-10's also provide tracking of drug smuggler "GO FAST" boats.

Interceptor will visually identify, evaluate, and track the suspect by day and will use its forward looking infra-red (FLIR) detection system by night.

Customs which will launch either a fixed-wing tracker or a UH-60 Blackhawk helicopter (on loan from the Army) with an enforcement team embarked to make the arrest when the suspect lands.

P-3/S-3 aircraft support:

P-3's fly long range surface surveillance tracks (Caribbean, Gulf of Mexico, coastal Atlantic Ocean areas, in the Yucatan Passage and Pacific coastal areas).

S-3's fly surveillance tracks off California and Mexico, Mexican border adjacent to California, New Mexico and Arizona.

Contacts of interest are passed to patrolling Coast Guard cutters.

Other support:

Radar services, ship services including embarking of USCG law enforcement detachments (LEDETS) (2512 ship days in FY87), and the towing of drug vessels (permits USCG cutters to remain on station).

Ship sighting program. Navy vessels are on lookout for suspects listed in the Coast Guard's Special Interest Law Enforcement Lookout Summary.

Loaned four E-2C's to Customs and Coast Guard.

Four surplus P-3A's were transferred to Customs. These aircraft are configured with Air Force APG-63 radar enhancing Customs surveillance capability.

Marine Corps mobile ground radar surveillance as well as anti-personnel intrusion detection.

Navy water survival, riverine operations, and USMC land navigation training for drug law enforcement personnel.

U.S. Air Force

E-3A (AWACS) support scenario:

Fly aerial surveillance support missions similar to Navy E-2s.

Frequently Customs radar operators and air intercept controllers are embarked on AWACS.

When a suspect aircraft is detected, OV-1 Mohawk or other USCG "interceptor" aircraft are launched to identify the suspect.

Turnover can be made to UH-60 Blackhawk helicopters with civilian law enforcement personnel on board.

Upon landing, Customs agents search, seize and apprehend as appropriate.

B-52:

Provides excellent anti-drug surface surveillance as an adjunct to normal military operations.

Search transit zones for drug-laden motherships which can later be intercepted and seized by offshore USCG cutters.

C-130—USAF and Reserve C-130's conduct maritime surveillance.

Aerostats—two aerostat radars are in operation at Cudjoe Key and Patrick AFB.

Provide effective look-down capability against low-flying aircraft, small ships and vessels.

Both digitally linked to the Customs Service Miami Command, Control, Communications (C^3) facility, the Tyndall Region Operations Control Center (ROCC), and the Navy's Fleet Air Control Surveillance facility at Jacksonville.

In FY88 two additional aerostats will be turned over to Customs Service for use in Arizona and the Bahamas.

Various electronic equipment is on loan, including over 90 Vinson encryption devices to the Customs Service.

Other support:

On occasion, U-2's provide aerial photography aiding drug enforcement intelligence.

RF-4C jet aircraft provide airborne reconnaissance of airstrips suspected of being used by drug traffickers.

U.S. Army

Operation BAT (Bahamas and Turks)

Army crews fly three to four UH-60A helicopters stationed at Georgetown, Great Exuma Island, Bahamas.

Flew 1486 hours in FY87.

Provide quick insertion of Bahamian drug enforcement teams on drug apprehension missions.

Support will be provided through FY88 when Army will be relieved by Coast Guard.

Operation Groundhog—An end-of-course comprehensive test developed by the Army Intelligence Center and School at Fort Huachuca. Two primary courses, comprise GROUNDHOG:

Ground surveillance radar:

Students are placed in a real-world, high stress training environment on the U.S.-Mexico border in the vicinity of Yuma.

Students spend one week in the field conducting the majority of their training the hours of darkness.

Ground surveillance radar is used to detect and track targets crossing the border.

As target are detected, information is passed to the border patrol for their action (at no time are Army personnel involved in apprehension or detection).

Ground sensor operation—Students deploy and monitor ground sensing devices capable of detecting the movement of personnel, vehicles, and aircraft.

Other (support to drug enforcement agencies):

Land Navigation School at Quantico, VA.

Loan of equipment, including sophisticated equipment such as night vision imaging systems;

Specialized training, including use of ground radars;

Use of rifle and pistols ranges by drug enforcement personnel;

Special Forces-type training, including rappelling;

Jungle survival school training to drug law enforcement personnel.

Additional Multi-Service Personnel Support:

38 Army, Navy, and Air Force personnel provide expert assistance to seven National Narcotics Border Interdiction System (NNBIS) Regional Centers in addition to the NNBIS headquarters in Washington, D.C.

Operation Bahamas and Turks (OPBAT)

Army crews flew 1486 hours in FY87 operating three to four UH-60A helicopters stationed at Georgetown, Great Exuma Island, Bahamas. Support will be provided through FY88 when Army will be relieved by Coast Guard.

Highlights include Operation Blast furnace, an intensive effort in Bolivia, to target and destroy coca processing laboratories. Six UH-60 helicopters and two C-130 were utilized in support of the Bolivian police during the operation, while UH-1H helicopters were used in follow on activities.

Operation Groundhog

Operation Groundhog is an end-of-course comprehensive test developed by the Army Intelligence Center and School at Fort Huachuca. Two primary courses, ground surveillance and radar and ground sensor operations, comprise Groundhog. Ground surveillance radar students are placed in a real-world, high-stress training environment on the US-Mexico border in the vicinity of Yuma. The students spend one week in the field conducting the majority of their training during the hours of darkness. The ground surveillance radar is used to detect and track targets crossing the border. As targets are detected, information is passed to the Border Patrol for their action (at no time are Army personnel involved in apprehension or detention). Ground sensor operations students deploy and monitor ground sensing devices capable of detecting the movement of personnel, vehicles, and aircraft. In FY87, Groundhog was conducted 20 times with 518 targets detected resulting in 176 apprehensions.

In addition to the enthusiastic response form the Border Patrol for these programs, responses from field commanders have indicated the quality of trained soldiers has significantly increased as a result of participation in this training.

U.S. Navy

E-2/OV-10/USCS

Navy-2's provide aerial surveillance for the U.S. Customs Service. Geographic areas of interest include the Caribbean, the Mexican border, Gulf of Mexico, the offshore waters of Florida and California. Frequency U.S. Marine Corps OV-10's are co-based with the E-2C's. When the E-2 gains radar contact on a supsect aircraft (an aircraft not conforming to airways or demonstrating erratric movement. etc.), the E-2 will request the launch of an OV-10 which it vectors in to trail the suspect. The OV-10 interceptor will visually identify, evaluate, and track the suspect by day and will use its forward looking infra-red (FLIR) detection system at night. OV-10's in coordination with the E-2 will contact the U.S. Customs Service which will launch either a fixed-wing interceptor or a UH-60 Blackhawk helicopter on loan from the Army to make the arrest when the suspect lands. Marine Corps OV-10 also locates the track suspect "Go Fast" boats is support of Customs marine operations.

P-3/S-3/USCG

Navy P-3's fly long-range surface surveillance tracks throughout the Caribbean, Gulf of Mexico, coastal Atlantic Ocean areas, in the Yucatan Passage and Pacific coastal areas. S-3's flying from San Diego, California fly surveillance tracks off California and Mexico as well as the Mexican border adjacent to California, New Mexico and Arizona. Contacts of interest are passed to U.S. Coast Guard cutters that are positioned tactically along various regional Chokepoints. Coast Guard cutters has statutory authority to board US flag ships and stateless vessels to conduct search and seizure of supsect vessels.

Surface Ships/USCG

Navy ships serve as operating platforms for Coast Guard Law Enforcement Detachments' maritime drug interdiction operations. Navy notifies Coast Guard of ships scheduled to operate in a drug threat area and identifies ships with missions compatible with drug enforcement operations. Coast Guard schedules LEDETS to embark for selected portions of ship transits or for the full duration of operations. In FY 1987 2,512 ship days were provided to the Coast Guard.

U.S. Air Force

E-3A AWACS/USCS

USAF E-3A, Airborne Warning Control System (AWACS) fly aerial surveillance missions similar to Navy E-2s. Frequently USCS radar operators and air intercept controllers are embarked on AWACS. When a suspect aircraft is detected, Cessna Citation, Pepi Cheyenne, OV-1 Mohawk or other USCS "intercepter" aircraft are launched to identify the suspect. Turnover can be made to UH-60 Black Hawk helicopters with civilian law enforcement personnel on board. Upon landing, USCS agents will search, seize and apprehend as appropriate.

B-52/US Navy/USCG

Air Force B-52 strategic bombers support U.S. Navy carrier battle groups and surface combatant task groups. B-52's conduct joint training with the Navy in offensive anti-surface warfare strike operations. This training, flown under the "Busy Observer" program, provides excellent anti-drug surface surveillance as an adjunct to normal military operations. B-52 sorties search transit zones for drug-laden motherships which can be intercepted and seized by offshore USCG cutters.

C-130/USCG

USAF and USAF Reserve C-130's conduct maritime surveillance. Some missions are targeted against known drug-laden motherships. C-130's will continue tracking such ships until USCG cutters complete their intercept. Other C-130 missions conduct surface surveillance of high-density drug trafficking lanes. Suspect vessels are reported to the USCS.

ADDITIONAL SUPPORT

Army-National Guard

The Army and National Guard provide a variety of additional support to drug enforcement agencies including: loan of night vision imaging systems; specialized training, including use of ground radars; rifle and pistol ranges by drug enforcement personnel; and special forces-type training, including rappeling. The Army's new land reconnaissance course provides personnel and equipment intelligence for use by drug enforcement agencies.

Navy-Marine Corps

The ship sighting program is one in which Navy vessels are on lookout for suspects listed in the Coast Guard's special interest Law Enforcement Lookout Summary. The Marine Corps provides mobile ground radar surveillance anti-personnel intrusion detection and RF-4C jet surveillance.

Air Force

The USAF operates two aerostat radars located at Cudjoe Key and Patrick AFB. These radars provide effective look-down capability against low-flying aircraft as well as maritime vessels. Both aerostats are digitally linked to the Customs Service Miami Command, Control, Communications (C^3) facility, the Tyndall Region Operations Control Center (ROCC), and the Navy's Fleet Air Control Surveillance Facility at Jacksonville. Two additional aerostats will be turned over to the Customs Service for use in Arizona and the Bahamas. Various electronic equipment is loaned including 90 Vinson encryption devices to the Customs Service.

In 1987, the USAF flew several additional missions supporting drug enforcement. On occasion, U-2s provide aerial photography aiding drug enforcement intelligence. RF-4 jet aircraft provide airborne reconnaissance of airstrips suspected of being used by drug traffickers.

ADDITIONAL MULTI-SERVICE SUPPORT

A total of 36 Army, Navy, and Air Force and Marine Corps personnel provide expert assistance to seven National Narcotics Border Interdiction System (NNBIS) Regional Centers in addition to the NNBIS headquarters in Washington, D.C.

NNBIS coordinates the activities of federal agencies which have responsibility for interdiction of seaborne, airborne, and crossborder drug traffickers. NNBIS monitors suspected smuggling activity originating outside national borders and destined for the United States. It also coordinates the seizure of contraband and the arrest of persons involved in illegal drug importation.

Mr. BOSCHWITZ. Mr. President, several times over the past 20 years, this Nation has declared war on drugs. It is a war we are losing.

In my own State, an article that appeared in the St. Paul Pioneer Press last week told of a gang war between Los Angeles-based on Chicago-based groups for control of the Twin Cities drug traffic. Twelve- and thirteen-year-olds run drug routes making $2,500 a day. The St. Paul chief of police said his force was losing the fight against the invasion of drug, and said he needs more help from the Federal Government.

He is right. The problem doesn't begin in the Twin Cities. It is a national problem that begins on our Nation's borders, which have become sieves. As many as 20,000 aircraft a year intrude into our territory but refuse to land at border airports. That means every hour of every day, two planeloads of drugs land in this country and go on to the market. In addition, thousands of boats each year dock uninspected at ports of entry, smuggling in tons of drugs.

Despite all the money we spend, and our best efforts to patrol our borders, we are losing ground. The drug epidemic is now more than simply a criminal problem. We are now dealing with an issue that cuts at the heart of our way of life and our national security.

That is why more than a year ago I went to see then Secretary of Defense Weinberger to discuss ways in which the military could become more directly involved. That is why a few weeks ago, I also went to see Secretary Carlucci and Navy Secretary Will Ball. That is why I put my colleagues on notice that I would be offering an amendment during consideration of this bill. And that is why I have been delighted to join with my colleagues in fashioning this amendment.

Mr. President, it is time to commit the resources we have available to us in fighting the cancer of drugs. That means we must at least turn directly to the Armed Forces. Only our military has untapped resources—both equipment and personnel—that can be brought to bear to increase our efforts and to turn the tide.

Yes, we must deal with reducing demand for illicit drugs in this country. That requires a steady effort of education. But certainly one way to reduce demand in the short term is to reduce supply. The ready availability of drugs in this country helps create the demand. They are easily obtained almost everywhere in this country, from small town to large city. And they are available to kids not yet out of elementary school. But if we could cut down on the supply, at least some of the demand would evaporate quickly. But to do that, we must engage the forces of the military now.

Mr. President, our amendment increases the involvement of the military in drug interdiction, but it also gives the President important flexibility. For the first time, the President will be authorized to deploy equipment and appropriately trained military personnel to detect, locate, pursue, search, and seize vessels and aircraft, and, yes, in appropriate cases, make arrests outside the borders of the United States.

It's important to note the phrase "appropriately trained military personnel." Our amendment would provide needed training and would wisely limit the arrest authority of the Armed Forces. A training program will be developed for those military personnel assigned to drug interdiction activities. Moreover, the amendment specifically states that searches, seizures and arrests will be conducted "in the same manner and to the same extent" as the Coast Guard.

The amendment will also increase, as soon as possible, the dedicated flight time of radar surveillance aircraft. This is absolutely essential.

We will never stop the penetration of our borders if we do not increase our monitoring capability. The amendment will also increase the number of aircraft to pursue the invaders once sighted.

Finally, Mr. President, the administration is directed to examine the possible effectiveness of using members of the National Guard and Reserves for drug interdiction. It would be my hope that they, too, will soon be brought into the fight.

Mr. President, our proposal is a reasonable response to an unreasonable situation. It will send the message that we are serious in our dedication to reduce the drug epidemic we face. It deals responsibly with complicated issues: It does not permit the military to engage in law enforcement activities within the borders of the United States. It leaves flexibility for the Defense Department to determine much of the military's involvement. But it makes that involvement direct and meaningful. If ever there was an idea whose time had come, Mr. President, this is it. If we are to stop losing the war, the steps proposed in this amendment must be adopted.

Ms. KASSEBAUM. Mr. President, I would like to join my colleagues in supporting this compromise legislation which expands the role of the military in the fight to combat illegal drugs.

The role of the military in this effort is a very controversial and difficult issue which has demanded a significant amount of time by this body over the past several years.

We have been trying to balance our longstanding tradition of separating the military from civilian law enforcement against the growing outrage around the country over the increasing influx of illegal drugs across our borders and into towns and schoolyards.

I have long argued that the fight against drugs is a fight that must take place against both supply and demand side. If the demand is strong, the supply will keep coming in. We cannot ignore either half of this war.

Our efforts to stop the inflow of drugs over the past several years have been frustrated by a lack of resources and a lack of coordination. It is for these reasons that I believe it is important for us to move toward a more deliberate involvement of the military in this effort particularly in the areas of detection and coordination. I believe this amendment takes an important step in dealing with this very important problem.

Mr. DIXON. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of this amendment: the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. EXON], and the Senator from South Carolina [Mr. HOLLINGS].

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DIXON. Mr. President, on behalf of the manager, I yield 4 minutes to the Senator from Tennessee [Mr. SASSER].

Mr. SASSER. I thank my friend from Illinois for yielding.

Mr. President, I am pleased to join as a cosponsor of this compromise amendment.

Mr. President, the time has come to bring additional resources of the U.S. Government to bear in the war against drugs. The time has come to ask our Nation's military to help us fight that war.

Mr. President, I believe we are losing the war against drugs in our society. And when you are losing the war, you have to commit more troops to the field. That is what our amendment would do.

This week, many of us have been meeting off the floor debating the proper role for the military in the drug war. I have opposed granting the military arrest authority. That is not what our military forces were created for and trained to do. For years, the law of the land has prohibited the military from becoming policemen.

That law has existed for years, and for good reasons. Our military exists to protect this Nation and the free world from external aggression. The posse comitatus provisions are in the law to assure that the Nation's military forces will be available when we need them and for the missions we need them for.

It is important that the antidrug job we assign to the military is the proper job, and is effective and contributes to the task at hand, without compromising the primary mission of our Nation's military.

Mr. President, this amendment is a compromise on the arrest authority issue. It is limited to forces on board Navy and Coast Guard vessels.

Let me say that I agree with the concerns raised over this provision by the chairman of the Armed Services Committee. I hope the conferees will carefully consider the implications of this provision.

But, Mr. President, overall, this compromise amendment is a major step in the war against drugs. That is why I am pleased to cosponsor it.

I have been pleased to work with Senator NUNN and others in providing that a larger role can be played by the National Guard in the war against drugs. It is that particular provision of our amendment I would like to discuss here today.

The amendment we are offering provides up to $60 million through the State National Guard forces for an expanded drug enforcement and interdiction role. Many of our colleagues may not be aware, but the National Guard has been making a substantial contribution to the war on drugs since 1983. Thirty-four States have been participating. A large amount of Guard equipment has been loaned to civil enforcement authorities.

The legislation we are offering builds upon that past record and significantly expands upon it.

The provision relating to the National Guard, by itself is a substantial and positive contribution to expanding the Department of Defense's role in the antidrug effort.

Our amendment does not mandate the Governors to adopt a specific course of action. But, let me explain what just $20 million of the $60 million we are earmarking for the army and Air National Guard drug efforts could buy.

For only $20 million we could provide continuous oncall availability of an Army National Guard drug surveillance team and an Air Guard ground-based radar control unit to assist civil drug enforcement entities.

Within that $20 million we could also provide a surge capacity of up to five helicopter teams and two radar control units for a sustained period of intense activity of up to 2 months.

Let me say that if the Governors choose to assist in the drug war by creating a National Guard drug surveillance team and radar control unit, guardsman participation would be voluntary. Members could be drawn from the 12 existing Army Guard attack helicopter battalions, the 28 aviation lift companies and Air Guard tactical control units in 18 States.

Army Guard drug surveillance teams, as I have described, could provide more than 10,000 flying hours in support of civil drug interdiction efforts.

Each team could consist of 2 observation helicopters, 2 attack Cobra helicopters, and 4 lift helicopters such as Huey's, and each team could be manned by 24 personnel.

Air National Guard units could consist of 1 AN/TPS-43E radar and associated equipment and could be manned by 28 personnel.

Mr. President, this is what this amendment could accomplish. The calculations I have cited are based on rotating, continuous deployments of 7 days for drug surveillance teams, and continuous 12-day deployments for radar control units. Estimates include projected fiscal year 1989 costs for transportation, per diem, fuel, pay allowances, and other associated costs.

Mr. President, a National Guard drug interdiction program, adopted by out Nation's Governors, could make a major contribution in the war on drugs.

But let me make this distinction. The amendment does not authorize the involvement of National Guard personnel in the actual apprehension, arrest or confrontation of suspects. Guard personnel would always be in support of, and not in place of, civil law enforcement personnel. The duties, missions, roles, and the concept of operations would be in accordance with a plan submitted by individual State Governors and approved by the appropriate drug enforcement agencies and the Secretary of Defense.

Assistance to civil drug enforcement authorities would be pursuant to National Guard training activities authorized by title 32 of the United States Code.

Activities by State Guard units would be scheduled in a manner that would not detract from Guard routine training missions and the Guard's support of the national defense and the total military force.

However, activities by State Guard units in an expanded drug interdiction program would be designed to maximize the training value of the activity.

So, Mr. President, I am pleased to cosponsor this amendment which would make a major contribution in the war against drugs.

The provisions in the amendment are a significant step in the direction of solving the drug epidemic that inflicts our great land.

Mr. President, in my native State of Tennessee I have had instances described to me and read the investigative reports in which drug airplanes were on the verge of landing at a small mountain airport in the dark of night. Local law enforcement had heard it would happen, but they simply could not get there fast enough with enough manpower to get the job done.

Now, if National Guard helicopters had been available on continuous call they could have been pressed into service to carry the necessary law enforcement personnel to the location to make the arrest and to apprehend the drug dealers.

I think this gives you one example of how this bill can be helpful.

Mr. President, I commend the chairman of the Armed Services Committee for his leadership in this area and I urge approval of the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I start with the reluctance to involve the military in essentially new and basically civilian duties.

I look around and see some in this Chamber who perhaps recall in the mid-1930's when what was known as the U.S. Army Air Corps was assigned the duty to carry the U.S. mails, and those who remember that also remember it was a disaster. Not only did we lose a lot of pilots and a lot of aircraft, but finally the conclusion was the the U.S. Army Air Corps were not the people to carry the U.S. mails and it should return to the original setup, which was have civilians carry the mail in the air.

However, I think we are facing a unique situation here which has previously been outlined on the floor.

The urgency of doing something about the inflow of drugs into our country has to be addressed.

Perhaps this will not succeed, but it appears to me that this amendment is carefully constricted, that it has limitations upon it, that it calls upon the military to make significant restricted contributions in airborne radar coverage, in communications in the loan of pursuit aircraft, and in the use of the National Guard.

Because it has thus been carefully constricted because the problem is so overwhelming, so demanding of attention, so dangerous to the future of our Nation, I support this amendment.

Will it solve all the problems? Of course, it will not. But I think from our experience with it we can decide whether to go further, whether to extend the use of the armed services in the future or rather to return to the essential basic structure we have now using the Drug Enforcement Administration, the Coast Guard, and the Customs Service.

So we will learn a lot from this and I think it is worthwhile proceeding, and I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DIXON. Mr. President, I ask unanimous consent to add the distinguished Senator from New Jersey, Senator LAUTENBERG, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, how much time remains under control?

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes 37 seconds and the Senator from Illinois 1 minute and 6 seconds.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Texas have 3 minutes and the distinguished Republican leader have 5 minutes.

The PRESIDING OFFICER. The Senator is controlling 3 minutes 34 seconds.

Mr. WARNER. I am asking unanimous consent that that time be expanded, such to have 3 minutes to the Senator from Texas and 5 minutes to the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent to be added as a cosponsor, if I might.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, I do not believe for a minute that the adoption of this amendment is going to win the war on drugs. I am just hoping that it starts the war. I am supporting this amendment because I think it will improve our ability to interdict drugs. Quite frankly, we are never going to convince the American people that we are serious if we do not involve the military in some way.

I think this is a reasonable amendment. If we are going to involve the military, and I feel we must, this is the way to do it.

But we are going to win this war simply by stationing people on our borders.

I looked at a Rand Corp. study today. That study, in essence, shows that if we could raise our level of interdiction to 50 percent, which is probably superior to what we could do if we put every soldier in the whole Army, every sailor, every member of the Air Force, and every marine along our border, we would not raise the price of drugs on American streets by more than 10 percent.

The only way we are going to truly win the war on drugs to attack the use of drugs in America. We are going to have to pay for education and we are going to have to end the absurd situation where the fellow selling the drugs is a criminal and the guy who is buying the drugs is the victim. The person who is buying the drugs is also a criminal.

We are going to have to build jails and we are going to have to put people in jail. We are going to have to have a sentence like 10 years in prison for selling drugs to a minor. We need the death penalty for people who kill police officers or commit murder in the course of drug trafficking. We are going to have to impose penalties on people who use drugs. We are going to have to take people driver's licenses away. We are going to have to fine them. We are going to have to deny them access to public services. We are going to have to get tough with people who are buying drugs.

We confiscate a plane when that plane is smuggling drugs. When somebody is carrying dope on that plane, we ought to take their plane. We should do the same when they use drugs in their car or their house.

In short, we are going to have to get serious about the problem, and there is no way we can do that without treating those who buy and use drugs as criminals.

This amendment does not do that, but it is an important first step. Believe me, this war will be fought, and we will win this war.

We can eliminate drug use in America by the end of the century, if we are willing to put a program in place that will eliminate the demand for drugs.

This is an important first step and I am committed to it. I strongly support this provision.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Republican leader.

Mr. DOLE. Mr. President, first of all I ask unanimous consent to add the distinguished Senator from Iowa, Mr. GRASSLEY, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, all of us in this country have been waging a rhetorical war on drugs for a long, long time. But talk is cheap. It's about time that we started waging a real war, on this very real and deadly enemy.

It is about time we started using all the national resources at our command, to deal with this national—and international—crisis.

Enacting this amendment into law will let us use our greatest war fighting resource—our Armed Forces—against the heavily armed and aggressive international drug cartel.

Enacting this amendment will let designated armed forces personnel take decisive action—arrest action—against drug smugglers who now ply their dirty trade with immunity.

Enacting this amendment into law will let us employ modern technology, including a sophisticated antidrug radar system, in this critical battle against a well- organized, lavishly financed enemy, who is outfitted with the latest and best in transportation, communications, and support.

Enacting this amendment, in short, will let us use our best against the worst threat facing America and Americans today: The scourge of drugs.

I do not think anybody is certain how much impact this amendment will have after it gets through conference. But it will have some, and it will be another step in the direction of doing what we think should be done in this case with the administration approval signed off on by the President, that we are serious about drugs. It seems to me that in itself is important.

There have been a lot of statements made. There is some opposition to the amendment. There have been some good points made against the amendment, put it that way, from the Senator from Connecticut, the Senator from Ohio, and others.

There are a lot of reservations about engaging the military in any capacity. But I believe that the principal sponsors who have worked on this amendment for the past several days have had the cooperation of the Attorney General's office and the cooperation of the Department of Defense. We notified Secretary Carlucci yesterday that we were going to do something in the Congress and the Senate and that he ought to come up and help us. He was very good about it. He was here and he was cooperative. He met with the President. The President signed off on this limited involvement by the military.

We hope it is going to be constructive. We hope it is a step in the right direction. I am very pleased to support the amendment. I hope my colleagues will endorse with their votes.

I yield back any time I may have.

Mr. DIXON. Mr. President, I rise in support of this amendment. I have long been a proponent of increasing the role of the military in the war on drugs. In 1986, I offered an amendment to give the armed services the power to make arrests, searches and seizures.

This amendment allows, for the first time, members of the Armed Forces to assist in or perform arrests, searches and seizures outside the United States. While this is a significant departure from previous policy, it is also a logical extension of the Ledet Program established in the 1986 antidrug bill. This program places Coast Guard personnel on naval vessels to perform law enforcement functions, including arresting drug traffickers. This amendment advances this concept by allowing these Coast Guard personnel to cross-designate members of the Navy to assist in, or perform arrests, searchs and seizures. I believe that the provisions of this amendment which allow military personnel the ability to perform law enforcement functions will have a significant effect on the war on drugs. Drug traffickers will now know that the U.S. Navy will not simply watch them go by. Rather, every navy vessel has the potential to interdict and arrest them.

As a member of the Armed Services Committee, I also believe this bill takes an important and necessary step in giving the Armed Forces the mission of detection and monitoring of all potential aerial and maritime national security threats. This mission not only helps prevent the penetration of the U.S. by drug traffickers, but also by other growing threats such as terrorism.

If we are going to win, I believe that we must apply all the resources available, including the military, in the war on drugs. This bill takes important steps in that direction.

I want to express my appreciation to my colleagues who worked so hard to make this amendment possible. Senators WILSON, NUNN, WARNER, GRAHAM, D'AMATO, THURMOND, DOLE, and SASSER should all be congratulated for bringing their separate ideas together into this coherent and urgently needed legislation.

The message of this amendment is clear; drugs are a threat to the national security of this country. The Armed Forces of the United States will be explicitly looking for drug traffickers, and when they find them, they will be arrested and brought to justice.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MURKOWSKI be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask the majority leader that there be a stipulated time in which other Senators might wish to add themselves as original cosponsors.

Mr. BYRD. Yes. Mr. President, I ask unanimous consent that other Senators may add their names as cosponsors during the rest of the day prior to the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Is all time expired?

The PRESIDING OFFICER. All time has not expired. It has been yielded back however.

Mr. TRIBLE. Mr. President, I commend Senator WILSON for offering this amendment, and I am pleased to be a cosponsor. This initiative is long overdue.

Year after year, the flow of narcotics across our southern border has continued. We have increased our interdiction efforts, and we have spent more money to help catch drug smugglers. But the efforts of Government have been more than matched by those who transport these deadly drugs. As a result, the drug flow has become a flood. A tidal wave of narcotics overwhelms our shores.

Clearly, more must be done. This amendment will accomplish that by enhancing the military's role in a careful but effective way. It will enhance radar surveillance at our shores, and improve our ability to interdict the drug flow.

In so doing, it will benefit our children who suffer most from these drugs. It will benefit our law enforcement officers, who too often fall prey to armed drug runners.

Perhaps most important, it recognizes the drug trade for what it is—a threat to national security, and it calls upon our national security forces to play a greater role in defending us. It is another important step in getting a handle on the narcotics trade, and I urge its adoption.

Mr. LAUTENBERG. Mr. President, I rise today to express strong support for the drug interdiction amendment to the Department of Defense authorization bill. I am pleased to cosponsor this step forward in the war against illegal drugs.

Drugs are a scourge in our society. They are ruining the lives of too many of our young people. Drugs distort people's values, sap their energies, and steal their futures. The ready availability of drugs on the streets of our cities is a shocking disgrace. The blatant selling and use of illegal drugs in the open is a slap in the face to law-abiding citizens and an open expression of contempt for the majority of our society. And drugs increase the wave of urban crime that plagues residents of all our States.

To fight this scourge, we need to make the costs of drug dealing unacceptable to those who exploit our young in a cyncial attempt to profit. Drugs cannot be tolerated.

Supply must be curtailed. Illegal drugs are big business. An enormous amount of money is to be made in this business. And the offsetting costs for the suppliers are relatively small. The chances of a supplier being intercepted are not great.

This amendment will marshal the resources of Government agencies, including the Department of Defense, to use them in a coordinated fashion. The President will be required to designate a lead agency for the detection and monitoring of drug smuggling by air and sea. The President must also provide Congress with plans for integration and control of communications and intelligence resources being used for drug interdiction.

In addition to this essential coordination, the amendment calls for DOD to share its equipment with other agencies. Radar surveillance aircraft will be used to increase the time devoted to drug interdiction, assistance to civilian agencies, and coverage of the southwest border. The Department of Defense shall lend helicopters and fixed-wing airplanes to the Coast Guard and Customs Service to be used to pursue airplanes and ships involved in illegal drug operations.

I am pleased that this amendment will also allow Coast Guard personnel to be deployed more economically as they carry out their drug interdiction functions. Navy personnel on board ship will be deputized to carry out Coast Guard law enforcement functions once they have been properly trained by the Coast Guard, so long as a member of the Coast Guard is also on board.

The National Guard will also be permitted to take a larger role in drug interdiction and enforcement. State Governors who wish to make use of this authority will have to submit plans to the Secretary of Defense and assure that the time spent on antidrug activities will not detract from annual training and other national defense requirements of the National Guard.

The battle against the tragedy of drugs must be fought on many fronts—no one program, no one proposal will win this war. Every reasonable weapon must be brought into this fight. The Department of Defense has equipment and personnel that are at the ready to defend this country against its enemies. Drugs are as serious a threat to this country as any enemy soldier. It is appropriate to use our defense forces to help protect us against the scourge of drugs.

I urge the adoption of the amendment.

Mr. CRANSTON. Mr. President, I must, with great reluctance, oppose this amendment.

I am as committed as any Member of this body to fighting—and winning—the war against drugs.

The drug problem is devastating our Nation. It is destroying the lives and futures of untold numbers of young Americans. It is infecting our communities with drug-related crime, gang violence, and a host of adverse consequences.

But the question here is not whether we are going to engage in an all-out war against drugs, but how we are going to do it.

I am an original cosponsor of the omnibus antidrug legislation introduced earlier this year by the distinguished Senator from Arizona [Mr. DECONCINI]—a bill that would strengthen enormously our national effort to combat drug abuse.

I joined in the unanimous vote last month to add $2.5 billion in budget authority to the fiscal year 1989 budget resolution because we are facing a dire emergency in this area. We need to provide the fiscal resources that will help win this battle.

I have repeatedly urged the Reagan administration to release drug asset forfeiture funds to local law enforcement agencies so that they can do the job they are trying to do in fighting the drug problem in the streets of our communities.

I have urged the Reagan administration to assist these local communities—particularly in California—in carrying out their law enforcement activities.

But that is not what is at stake here. What is at stake in this amendment is whether we are going to embark upon a new path in terms of the use of the military forces of the United States to carry out law enforcement activities.

Mr. President, let me stress here that there are many, many supportive roles that the military can fulfill in this area. I fully support these activities, such as using the military to guard our borders, sharing of surveillance information and providing necessary equipment to local law enforcement agencies.

What I cannot support is authorizing the use of the military to carry out the law enforcement functions themselves. Specifically, the power to arrest American citizens.

The power to arrest citizens, in this society, is a civilian function.

There are many nations in this world where the military provides a number of law enforcement functions.

The United States is not one of those nations, and I don't want to see it become one.

For 110 years, the law of this land has forbidden the military from taking on the law enforcement responsibilities of our civilian law enforcement agencies.

We should not start down a different path today.

Mr. President, when we give the military the authority to arrest civilians we are using a tool of the police state.

When we authorize the military to arrest civilians, we give the military a role in our governance.

That's a very, very dangerous step—one we've not taken before and should beware of taking now.

Too many nations that have taken that first step, the very step we are now contemplating, have eventually found themselves subject to military domination of their politics.

You have only to look at how military troops have been used to enforce the law under Communist and fascist dictatorships.

I am not saying that if we pass this bill we will become a military dictatorship.

That's ridiculous.

I am saying, however, that if we pass this bill we are taking a foolish, foolhardy step that could be used as a precedent—to the detriment of our democracy—years from now.

However worthy our objective, however limited the exercise of the arrest authority we give the military, however concerned we may be about the drug menace, and however anxious we are to take forceful action, we must not let the ends we are seeking pervert and undermine democratic means.

We must not forget that our freedoms depend on the subordination of military power to civilian rule.

What will it benefit us if in seeking to win the war against drugs we lose the sacred liberties of civilian Government?

This bill needlessly sets us on a perilous path.

A few hours ago, I had a group of police officers from California in my office. I asked them what they thought about the issue of using the military for making arrests in drug cases.

They said they did not support such an effort. They felt the military could perform a very useful role in surveillance, and in passing on information they gather to the police.

They pointed out, however, military personnel are not trained to carry out these functions. Even if the legislation says they must be trained we are still dealing with a force which has not been selected to carry out the delicate issues of law enforcement. In many cases, these servicemen are 18- and 19-year-olds, who have neither the experience, training, or judgment to carry out these functions.

This is not a responsibility that we should give to the military.

Let us give law enforcement agencies the tools they need to do their job adequately.

I am also deeply concerned about the provisions of the amendment which authorize the use of military planes within the United States to intercept airplanes in order to direct them to land in locations designated by civilian law enforcement officials.

I have been advised that the term "intercept" is intended to cover identification and communication with such aircraft and is not intended to include firing upon or forcibly bringing such aircraft to the ground with military planes. I am nevertheless concerned that this still opens the door to military combative activities within the United States. I do not want to see military planes firing weapons—even in self-defense—over the skies of our cities or engaging in military action within our borders.

I oppose the amendment.

Mr. BYRD. Mr. President, I ask for regular order.

Mr. WARNER. Mr. President, if I might be granted just 10 seconds to acknowledge the unusual participation by staff in formulating this particular legislation. Many staff remained up a good part of the night and tirelessly worked today to make it possible for the Senate to reach this tough compromise.

AMENDMENT NO. 2068

The PRESIDING OFFICER. The question is on the Byrd amendment to the Gramm amendment.

Mr. HEINZ. Mr. President, as I understand the parliamentary situation, now that regular order has been called for, the pending business of the Senate is the Gramm amendment, with an amendment pending to that that I have offered. I do not wish to preclude debate on either my own or the amendment of the Senator from Texas, but I know people want to vote on the drug amendment.

In order to expedite matters, I would be prepared, if the Senator from Texas wants, to enter into a brief time agreement on both sides to limit our time and then I would propose to move to table the Gramm amendment, which would carry both his amendment and my pending amendment to it. But I do not want to make that motion to table at this very second because I do not want to preclude the Senator from Texas, who has not had a chance to explain his amendment.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. HEINZ. I am happy to yield.

Mr. GRAMM. Mr. President, it seems to me that we ought to go ahead and have a unanimous-consent request that allows us to vote on the drug amendment. Then we can come back and discuss this matter.

So I ask unanimous consent that the pending Gramm amendment and the Byrd amendment to that amendment be set aside so we might vote on the drug amendment.

Mr. HEINZ. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. BYRD. Mr. President, the Senator from Pennsylvania did not yield for that purpose. He offered to get unanimous consent.

The PRESIDING OFFICER. The Senator from Pennsylvania does, in fact, have the floor.

Mr. HEINZ. Mr. President, I want to request again, as a matter of expediting the business of the Senate, that we have a brief time to debate the Gramm amendment. Otherwise, I guess I will have no alternative, if we want to move ahead in the Senate, than to make a tabling motion. I do not want to do that. But we set aside the Gramm amendment to try to accommodate the Senators interested in the drug amendment. We did not want to drag this out all night.

So I hope we can have whatever brief discussion is necessary on our amendment. It is virtually going to be the same discussions we had yesterday. The Senator is going to make his speech and read the Wall Street Journal article into the RECORD again for the third or fourth time. And he makes a terrific speech, but I do not know that we all have to hear it again.

Mr. BYRD. Will the Senator yield to me without losing his right to the floor?

Mr. HEINZ. I am happy to yield.

Mr. BYRD. Mr. President, the now pending amendment was temporarily set aside so that the Senate could proceed to the drug amendment. Now Senators are leaving and more are going to leave soon. By virtue of allowing the drug amendment to come up prior to the coal amendment, if we proceed to with the drug amendment, we are going to lose Senators. They are going to vote on that amendment, but some have to go.

So I suggest that, now that the Gramm-Heinz amendment is back before the Senate where it was prior to being temporarily set aside, that there be 5 minutes debate, to be equally divided between Mr. GRAMM and Mr. HEINZ and that the Senate then vote on the tabling motion which Mr. HEINZ will make. He will move to table the underlying amendment which will carry with it his own amendment. Then gets rid of that issue if the matterthat is tabled. Then we would vote immediately on the drug amendment and Senators can have two votes back to back.

Otherwise, if the Senator cannot get unanimous consent, as I understood him, he will move to table and there will not be any time for the debate.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. HEINZ. I am happy to yield.

Mr. GRAMM. I would be willing to agree to that if we could have 10 minutes per side.

Mr. DIXON. Make it five a side.

Mr. GRAMM. Mr. President, if it's five minutes or nothing I will accept 5 minutes.

Mr. HEINZ. Mr. President, I would then make the following unanimous-consent request: that there be 10 minutes debate on the Gramm amendment and the amendment pending thereto; that it be equally divided, to be controlled by myself and the Senator from Texas; and that at the conclusion of the debate a tabling motion on the Gramm amendment occur.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. HEINZ. Mr. President, I yield myself 1 minute.

Mr. President, very briefly, what we are doing is we are having the same debate that we had yesterday, with a difference. The Senator from Texas has offered about one-half of the Gramm amendment to strike domestic preference. The only thing, I would point out to my colleagues, is that while it may be partially different, it is the same game, and the game is this: The game is that today the Senator from Texas is going to strike just the domestic preference for energy for DOD purchases—for coal, for bituminous coal, for anthracite coal. I have no doubt the next time out he will try and strike it for steel and specialty metals, like he did yesterday. The time after that he will do it for textiles or for shoes. And the time after that he will do it for agricultural products.

What he will do—and he is a very shrewd and able legislator, and I would expect him to do no less—is to hang each of these particular——

Mr. GRAMM. Mr. President, could we have order? The Senator deserves to be heard.

The PRESIDING OFFICER. The Senator does deserve to be heard, although his time has expired.

Mr. HEINZ. I yield myself 30 additional seccnds.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. HEINZ. He will undoubtedly try and slice off part of the domestic preference, some 43 years in the law, a piece at a time. And, as the old saying goes, we will each hang separately unless we hang together. Those domestic preference were put in for a very good reason. We debated that all yesterday. I will not repeat myself, except to say that it is the same game all over again, even if it is slice by slice.

Mr. GRAMM. Mr. President, I yield myself 4 of my 5 minutes.

I would like to begin by making the point that this ruse in the reading of the amendment and jamming it up against the drug amendment has one goal and that is that the distinguished Senator from Pennsylvania desperately does not want to debate this issue because he does not want the American people to understand it.

Yesterday, he struck a provision of the armed services bill that did two things. One, it eliminated American preference. That is no longer an issue. He won on that. The other thing it did is it struck a provision in our bill that ended the buying of coal that the Defense Department does not want and does not need.

I want to read two paragraphs from an article from the April 5, Wall Street Journal. It tells the whole story.

> This year, for the first time since 1962, the Pentagon won't ship American anthracite coal to West Germany, where U.S. bases already own enough to last for more than 4 years. Instead, the Pentagon will buy 300,000 tons of anthracite that it doesn't need and will spread it 20 feet high over 45 acres of land in Eastern Pennsylvania, a monument to Congress and the coal lobby.

I could also read, if I had time, statements from the Secretary of Defense. What we are being asked to do is to continue outright theft of the money of the working men and women of America. The Pentagon does not want this coal. We have stacked it all along railroad tracks in Germany. Now we are going to stack it 20 feet deep over 45 acres of land in Pennsylvania.

Mr. President, this theft of the fruits of the labor of the working men and women of America has got to stop. Do not force the Pentagon to spend money on a product that is not needed.

If you were outraged by the overpricing of the hammers and the cathode ray tubes and the toilet seats, do not let the American people be robbed by a ripoff that exceeds the cumulative totals that we have spent on all those items, legitimately and illegitimately, in the whole life of the Republic.

That is an effort to steal from the working men and women of America by asking us to buy coal we do not need to spread it 20 feet deep over 45 acres.

In fact, we could leave the coal in the ground, pay every coal miner $138,000 a year in perpetuity, and still save the taxpayers money. Please recognize theft when you see it and do not humilitate the U.S. Senate in the eyes of the American people by failing to adopt this amendment.

I urge my colleagues, do not let special interests rob the people again. Vote no on this motion to table and let us stop buying coal we do not need to cover up God's beautiful Earth.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I want to point out two things to our colleagues. the first is the parliamentary situation, which is if this motion to table does not succeed we are going to be back on my amendment, which is in the nature of a substitute for the Gramm amendment. I will spend the necessary time explaining what that is.

That amendment, however, is very pertinent to what the Senator from Texas is trying to strike from the bill. Because what my amendment would do would be to put a temporary hold, just a little bit more than a year, not even, on the conversion of our bases in NATO from their existing sources of energy, some of which indeed are U.S. domestic source coal energy, to what is called district heat. And there is a very good policy reason for that.

Because, if we do not put a careful spotlight on why the Pentagon is doing that, it may cost the American taxpayers not some $20 million a year, but $1 billion a year in converting all these facilities.

If we do go ahead and convert all those facilities, it is going to have a couple of interesting impacts. One is it is going to make our bases in Europe directly dependent in a very major degree on Soviet, Libyan, and Middle Eastern oil and gas because that is where a substantial portion of the basic energy for those district heating plants comes from.

This Senator did not want to have the military in Western Europe pay $1 billion to have to go out and buy Soviet natural gas and Libyan oil. That is the issue here, no matter what my friend from Texas may try and tell the Senate to the contrary.

I reserve the remainder of my time. How much time do I have?

The **PRESIDING OFFICER.** The Senator from Texas.

Mr. **GRAMM.** Mr. President, the distinguished Senator from Pennsylvania has tried to cloud the issue. The issue is, are we going to buy coal we do not need and stack it 20 feet deep over 45 acres in Pennsylvania?

It is true that the Heinz amendment to my amendment not only continues to buy coal to stack it in Pennsylvania but he also wants to buy coal to stack in Germany.

Mr. President, I know everybody wants to go home. I know everybody is tired of this issue. But I want you to understand I am going to offer this amendment over and over and over, and I am going to write on it and I am going to speak on it until this wrong is righted. I want my colleagues to know that when they vote to buy this coal and stack it 20 feet deep over 45 acres as a tribute to special interests, that I am going to speak on it until the American people understand how their money is being squandered.

This is wrong. It needs to be stopped. This is a greater outrage than some little petty crook selling a hammer at 10 times its value. This is felony theft of the taxpayer's money, perpetrated by special interest groups, who have spokesmen right here on this floor and it must be stopped.

I urge my colleagues to vote no on this motion to table and I would suspect that if we do that the debate will be over.

Mr. **HEINZ.** The Senator is about to have his words taken down and stricken. The Senator is about to have his words taken down and stricken.

Mr. **BYRD.** Worse than that. He may be forced to take a seat.

Mr. **HEINZ.** If I insist on my rights, the Senator from Texas will not be allowed to speak on the Senate floor.

I urge him to retract what he said.

Mr. **GRAMM.** Mr. President, if I claimed that special interests are represented here, we all know that is not correct and I withdraw it.

Mr. President, do I have any time remaining?

The **PRESIDING OFFICER.** The Senator from Texas' time has expired.

Mr. **HEINZ.** Mr. President, we have already debated this issue. On Thursday the Senate voted by a 2-1 majority against the proposal now reoffered by the Senator from Texas. I am certainly sorry that we have to revisit this issue.

My colleague has made a nice speech about anthracite, but the proposed amendment repeals the entire DOD solid fuel program, which covers bituminous and other coals. There is, of course, no mountain of anthracite. DOD has not begun making purchases in this fiscal year, and there is no coal on the ground in Pennsylvania, or anywhere in the United States.

The Senator has talked about taxpayer dollars. We are spending $1 billion to convert our European installations from U.S. coal to local fuel. Where does that fuel come from Mr. President? According to a letter I have from General Otis, our Supreme Commander in Europe, 33 percent of West German oil comes from Libya and Algeria, and 25 percent or more of West German gas comes from the Soviet natural gas pipeline. So, the plan is to stop buying U.S. coal which costs $20 million, and instead spend $1 billion to convert U.S. facilities in Europe to Soviet and Libyan fuel. It is a direct transfer payment from the U.S. taxpayers to the Soviets and their allies.

My colleagues should be aware that the House has acted to bar the use of fuel from the Soviet pipeline at United States military bases. Thus, DOD coal purchases will be needed if we are going to have a stable and secure source of fuel for our military operations. Let me emphasize, the alternative is Soviet natural gas, or Libyan oil. I will have more to say on this in a moment.

What my amendment does is to place a temporary moratorium on these costly conversions that will make us more dependent on Soviet gas and Libyan oil, giving us the time to study the latest developments and the full implications of these conversions which the Gramm amendment would authorize to proceed. In a letter from the House National Security Caucus, Congressman Trent Lott had this to say about the amendment I have offered:

> The amendment places a moratorium on DOD's conversions of on-base heating plants at U.S. facilities in West Germany to off-base municipal heating systems which rely on natural gas from the Soviet Union. The amendment also requires the Secretaries of Defense, State, and Commerce to report to the Congress on the national security and economic policy consequences of these conversions.

Many of the German heating systems use natural gas, much of which comes from the Soviet Union. Today the Soviets supply 25 to 30 percent of the natural gas used in Germany. Most of the rest comes from the North Sea; however, North Seas gas reserves will be depleted over the next 8 to 15 years. As these reserves are depleted, there will be a dramatic increase in gas purchases from the Soviets.

Somehow the Pentagon has forgotten that our troops are in Europe to protect against Soviet aggression. Becoming a major purchase of Soviet natural gas and providing significant amounts of hard, Western currencies to the Soviets raises enormous policy questions with major foreign policy and defense implications. These issues must be thoroughly debated both within the administration and within the Congress before any further conversions are allowed to go forward.

Until a complete review is finished, the United States military should not be one of the Soviet Union's biggest gas customers, and the United States military should not be providing huge amounts of hard, Western currencies to the Soviet Union.

That, Mr. President, is Congressman Trent Lott, a respected figure on defense. Let me again state that it will cost $1 billion to convert our bases to Soviet and Libyan fuels. On the other hand, it costs $20 million to purchase anthracite and bituminous coals to fuel those bases.

This amendment requires the Secretaries of Defense, Commerce, and State to report, by early next year, on the economic benefits to the Soviet Union of these conversions, and any justification for granting them these benefits. They would also be required to report on the extent to which American military bases would rely upon Libyan, and Soviet fuels, and the consequences of an interruption in supply from those nations.

Conversions from coal to gas or oil heat would be restricted for 1 year, until the report is issued.

Now, some may argue that we should go ahead and buy Soviet fuel anyway, because its cheaper than United States coal. With the dramatic shift in exchange rates, however, that argument holds no water. GAO found that conversions from American coal to Soviet and North Sea fuel made economic sense only when the German mark is worth more than 2.8 marks to the dollar. GAO found that when the exchange rate dropped below 2.8 marks to the dollar, coal-fired central heating would have been the least costly alternative. Today the exchange rate is 1.7 marks to the dollar, Mr. President, a rate more than 40 percent beneath the point at which coal makes economic sense.

So we are going to spend a billion to buy Soviet fuels that cost more than United States fuels. Why are we sticking it to the taxpayers like this, Mr. President? We are going to do it because the Germans want it, and because the natural gas lobby doesn't want U.S. coal to have these markets.

So if the Senator from Texas wants to talk about special interests, Mr. President, he has brought one to the floor. His amendment does not benefit the gas lobby—they do not sell United States gas in Europe—but it is a gratuitous swipe at our coal producing ability that benefits only the Soviets and the Libyans, and those Europeans who buy their products.

In 1984 the Department of Defense enthusiastically agreed to increase its usage of coal by 1.6 million tons, of which 1.3 million tons are to be bituminous coal, not anthracite. The plan called for U.S. bases to increase their usage of our most reliable energy source, namely coal. Since anthracite coal is a clean-burning coal, it plays an important part in the plan, but bituminous coal is the chief product to be used, not anthracite. There are obviously those in this body who would prefer to have no coal used by DOD and that is why allegations are raised that there are thousands of tons of anthracite on the ground, and that there is some mountain of coal in Pennsylvania that DOD has built. There is no mountain, there are no tons of anthracite. According to this letter from General Otis, Supreme U.S. Commander in Europe, there are 100,000 tons of anthracite available, or little more than 1 year's supply at present usage.

So my amendment takes care of the Senator from Texas' concern that this coal might not be used. It will be used, in lieu of Soviet gas, while DOD, Commerce, and State study the implications of dependency on the Soviets.

I urge the adoption of the amendment.

Mr. BYRD. Mr. President, section 8113 of the fiscal year 1988 defense appropriations bill merely readopted language identical to section 9099 of the fiscal year 1987 defense appropriations bill. This provision earmarks existing funds to be made available to initiate the Department of Defense conversion of 37 U.S. oil-fired boilers to coal, where cost-effective, in order to achieve a targeted consumption level of 1.6 million tons per year above current consumption levels at Defense facilities in the United States by fiscal year 1994. Under this important program, which was proposed by the Defense Department in a letter dated August 30, 1985, the Department has selected eight sites which have already begun consuming more coal. This is a Defense Department sponsored initiative which needs to be continued. This provision would authorize the continued use of funds provided in fiscal year 1986 to convert Defense facilities in the United States to coal. Again, this provision is merely a restatement of the provision included in the fiscal year 1987 defense appropriation chapter of the continuing resolution.

Mr. President, for these reasons, I urge that the motion to table the amendment by the Senator from Texas be adopted.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

Mr. HEINZ. Mr. President, how much time remains for me?

The PRESIDING OFFICER. The gentleman has 1 minute and 12 seconds left.

Mr. HEINZ. I yield 45 seconds to my colleague from Pennsylvania.

Mr. SPECTER. I have scarcely heard so many characterizations and conclusions as have been made by the Senator from Texas here today. Robbery, ripoff, humiliation, and then he uses the characterization to say that Senator HEINZ is clouding the issue.

The facts are that there are very good reasons of national security for maintaining coal as a source of energy for our European installations. This is an issue which has been thought through very carefully, has been debated extensively on this floor and in the Appropriations Committee, and there are strong reasons for maintaining this purchase of coal other than the parochial interests of Pennsylvania.

I urge my colleagues to support the tabling motion.

The PRESIDING OFFICER. The Senator's time has expired.

Is there a sufficient second? There has been no motion to table as to this point.

Mr. HEINZ. Mr. President, I move to table the Gramm amendment.

Mr. DIXON. I ask for the yeas and nays.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing to the motion to table the amendment of the Senator from Texas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KERRY] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], the Senator from Nebraska [Mr. KARNES], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 37, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—53

Adams
Baucus
Bentsen
Boren
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Domenici
Exon
Ford
Fowler
Garn
Grassley
Harkin
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kennedy
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Weicker
Wilson

NAYS—37

Armstrong
Bingaman
Bond
Boschwitz
Bradley
Chafee
Cochran
Cohen
Cranston
Dodd
Dole
Durenberger
Evans
Glenn
Graham
Gramm
Humphrey
Kasten
Lautenberg
Leahy
Levin
McCain
McClure
Murkowski
Nickles
Nunn
Packwood
Pressler
Proxmire
Quayle
Reid
Roth
Simpson
Symms
Wallop
Warner
Wirth

NOT VOTING—10

Biden
Gore
Hatch
Hatfield
Hecht
Karnes
Kassebaum
Kerry
Rudman
Simon

So the motion to lay on the table amendment No. 2067 was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, if we could just take a couple minutes hopefully in an effort to get a time agreement on a final vote.

Mr. LEAHY. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate is not in order. I am looking at many Senators who are talking. The majority leader wishes to clarify the situation. I urge Senators to take their seats and cease talking. There are many Senators who are talking and our business will not proceed until the Senate is in order.

The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I take the floor at this time in the effort to inquire as to what the prospects are for winding up action on this bill today, how many amendments remain, whether or not we can get an agreed time to vote on final passage either today or Monday.

I inquire of the distinguished manager.

Mr. NUNN. Mr. President, if the majority leader will yield, we have eight amendments that we have worked out now that can be handled without a rollcall. We can handle those after the Members leave tonight if we can work the others out.

We have a drug amendment which has now been agreed on after 2 days of very intensive negotiation and that will be voted on next. We have an amendment by Senator JOHNSTON that Senator COHEN is involved in and they will agree to a 40-minute time limitation today, tonight, or Monday.

On the rest of the amendments, I do not have any way of knowing whether people are going to demand they be called up. My impression is the rest of the amendments are about ready to drop. But if we do not get a unanimous-consent agreement, we have 30—how many amendments do we have, 40? We have over 40 amendments. So if we leave this evening in that situation with most of these amendments, people probably not intending to call them up, then we will be here another week, 10 days. So we have got to either get a unanimous-consent agreement, as I see it, and finish this tonight, or go on through and try to finish tonight just by determination and taking amendments, or get a time certain to vote on final passage Monday.

I am willing to do any of those three. I know Members are being inconvenienced, and I know they want to go home, but the Senate of the United States is going to face an impossible schedule if we do not move these bills. This bill is one of the big ones, as we all know. So we are talking about something that can be concluded tonight or if we do not conclude it tonight and do not get a unanimous-consent agreement we could spend another week, 10 days on it.

So that is the dilemma. I would take any one of those three, either stay tonight without a unanimous consent—I am willing to stay as long as there are amendments offered. I know the Senator from Virginia is also. We see eye to eye—or get unanimous consent on a time to finish tonight, which I think is eminently possible, or get a time certain, any time Monday that the body will agree to, to finish the bill.

Mr. Leader, that is the way I see it.

Mr. BYRD. Mr. President, I ask unanimous consent that the final vote occur on the bill at no later than 9 o'clock this evening with paragraph 4, rule XII waived.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object.

Mr. JOHNSTON. Mr. President, reserving the right to object.

Mr. DOLE. I object.

THE PRESIDING OFFICER. Objection has been heard.

Mr. BYRD. Mr. President, I ask unanimous consent that a final vote occur on the bill at 2 o'clock Monday afternoon, a final vote occur at 2 o'clock Monday, that paragraph 4, rule XII be waived, that there be a 40-minute time limitation on the amendment by Mr. JOHNSTON to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? The Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, I do not want to object, but I am going to have to check on this side because we have a couple of standing objections. Would it be possible to make that vote 10 o'clock Tuesday morning, final passage?

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on final passage of this bill occur on next Tuesday morning at 10 o'clock, that paragraph 4 of rule XII be waived.

Mr. DIXON. 10 a.m.

Mr. BYRD. I said Tuesday morning at 10, with a 40-minute time limit on an amendment by Mr. JOHNSTON, to be equally divided and controlled in the usual form, that those agreed-upon amendments may be disposed of this evening at the manager's pleasure.

Mr. DOMENICI. Reserving the right to object.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. DOLE. Mr. President, I have just talked to one Senator who has an objection but he will withdraw that if he is certain that we will call up his amendment on Monday.

Senator HELMS has four amendments that he would like to propose.

Mr. NUNN. Can we get identification of those amendments, and time limits? That would be fine with me.

Mr. HELMS. I am not proposing, if the Senator will yield——

Mr. NUNN. I do not have the floor.

Mr. BYRD. Yes, I yield.

Mr. HELMS. I have no predisposition to hold up the Senate. I have been waiting ever since this bill came up. I waited on the floor 4 hours yesterday. I just want consideration for my amendments. If that can be locked in, and we vote on Tuesday at whatever hour, I have no objection to that.

Mr. BYRD. Will the Senator agree to time limits on the amendments?

Mr. HELMS. I will, but I say we can always yield back the time. I know that. But we will save time, I think, if we do not.

Mr. BYRD. Will the Senator mind identifying the amendments?

Mr. HELMS. I have given them to the managers.

Mr. NUNN. We have one.

Mr. HELMS. I have given both managers all four amendments hours ago.

Mr. DIXON. Will the majority leader yield?

Mr. HELMS. One is on the question of Panama which I hope we can get up tonight.

Mr. BYRD. Mr. President, I ask for 3 additional minutes.

Mr. DIXON addressed the Chair.

Mr. GARN. Mr. President, reserving the right to object, I hate to object to the majority leader's unanimous-consent request.

The PRESIDING OFFICER. Will all Senators cease talking until we have order in the Senate?

Mr. GARN. I have waited patiently to vote on the drug amendment. If it starts right now——

The PRESIDING OFFICER. Senators will cease talking. There will be order in the Senate. Senators will return, out of the well, to their seats and we will conduct ourselves in an orderly fashion.

The Senator from Utah.

Mr. GARN. Mr. President, can we vote on the drug amendment while this is being discussed? It is my experience that it takes a little while to work out agreements. And I will object to any agreement for continuation of time, and ask for regular order and vote.

Mr. BYRD. Mr. President, for the time being, I withdraw the request so that the vote can begin.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GARN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. WILSON]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] and the Senator from

Massachusetts [Mr. Kerry] would each vote "yea."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. Hatch], the Senator from Oregon [Mr. Hatfield], the Senator from Nevada [Mr. Hecht], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from New Hampshire [Mr. Rudman], and the Senator from Wyoming [Mr. Simpson] are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska [Mr. Karnes] and the Senator from Wyoming [Mr. Simpson] would each vote "yea."

The PRESIDING OFFICER (Mr. Adams). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 6, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—83

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Graham
Gramm
Grassley
Harkin
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NAYS—6

Bradley
Cranston
Dodd
Evans
Glenn
Weicker

NOT VOTING—11

Biden
Gore
Hatch
Hatfield
Hecht
Karnes
Kassebaum
Kerry
Rudman
Simon
Simpson

So the amendment (No. 2069) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I believe it would be safe to say, if the two managers agree, that if we get a unanimous-consent agreement now that locks in a final date and time for a vote——

The PRESIDING OFFICER. The majority leader will suspend. The Senate will be in order so that everyone may hear his statement.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Georgia.

Mr. NUNN. Mr. President, we have eight or nine amendments that can be agreed to tonight, and we will stay and handle those.

We have two or three complications, and I ask the majority leader to propound a unanimous-consent request with these complications in mind.

One is that there is a Johnston amendment that Mr. Cohen, Mr. Cochran, and Mr. Stennis are involved in and feel very strongly about. It is an important amendment. I believe all sides would agree to a 90-minute time limitation, equally divided between the proponents and opponents of that amendment.

This is on Monday, if we come in on Monday and do this.

The next problem is that it will take 20 minutes, equally divided, on the Domenici-Bingaman amendment.

There are four Helms amendments. One concerns Panama, I am told; one Afghanistan; one Ethiopia; and the other is an ABM report.

Senator Helms has been very cooperative. He is willing to have an agreement that he bring his amendment up on Monday and we would certainly work with him to do that. He does not believe any of them are going to last longer than an hour, equally divided. He has given us copies of the amendments. So I think we will be able to work this out if we have a final passage, and we assure the Senator we will work with him to get his amendments up.

Mr. HELMS. Fair enough.

Mr. NUNN. Without necessarily having a time limit on them, if Members are reluctant on that, but we will work with him.

In addition, we have a big complication and that is the capital punishment amendment. I am one of those who favors capital punishment in certain circumstances. I think Senator D'Amato has a number of people on that and I think the Senator from West Virginia also has a separate capital punishment amendment.

On this side there will be objections interposed to any time agreement for final passage as long as the capital punishment amendment may come up. That is not my position, but that is the position of those on this side, in good faith.

So there is one possible way, and I think the majority leader would be able to propound this, to get a final passage considering all other amendments other than capital punishment and make that the exception, and then see if we can handle that sometime on Monday one way or the other.

So if that amendment is brought up, that amendment is not subject to any time limitation, but we would really complete all other amendments and subject to that capital punishment amendment try to vote on final passage around 4 o'clock on Monday or 5 o'clock on Monday, whatever we can get. That is the way I would suggest.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. NUNN. I am glad to yield. I believe the majority leader has the floor.

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. We have now a compromise between the Armed Services Committee and the Appropriations Committee on certain items that are in this bill that pertain to the continuing resolution and particularly the Defense Appropriations Subcommittee portion of that that was enacted last fall.

The ranking member, Senator Hatfield, is not in town. I understand that this meets his approval, but I would not like to proceed with this until he returns on Monday.

I would like to have some assurance we could have time on Monday to implement this agreement. It involves amendments to the bill. Then there are two further amendments that I understand that the distinguished manager of the bill is prepared to accept if I offer them that pertain to two other sections of the bill. One is section 907 and the other fixed price development contracts.

Mr. NUNN. The Senator is essentially correct. He added something at the end of his statement I am not sure of. I would not say I agree with everything the Senator said. I agree with about 95 percent of it; that is, we do have what we think is an agreement between the two committees relating to jurisdictional matters. There are a couple provisions, sections 903 and 904, that have to be amended to reflect this agreement and we would be delighted to do it on Monday if this bill goes over to Monday, and we will work with the Senator on that.

Mr. STEVENS. The other two amendments I am concerned with are section 802 and section 807.

Mr. DIXON. Those are taken care of. We have 807 and the fixed price on the agreed list.

Mr. STEVENS. They are on the agreed list.

I prefer to take them up after the ranking member of our full committee returns.

Mr. NUNN. We will take all of those up on Monday. I have no problem with them.

Mr. BYRD. I yield to the Republican leader.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I understand the Senator from New York, [Mr. D'Amato], will offer an amendment on the death penalty for drug kingpins, a very narrow amendment carefully drawn. We would be willing to accept an hour's time agreement on that amendment.

I am not certain now what the majority leader has in mind, how we can accept that and still have final passage unless it is freestanding and then I am not certain what we get into there.

Mr. NUNN. What I suggest is not have final passage until that matter is disposed of but hopefully we will work out some way of disposing of it one way or another. In other words, at least finish all the other amendments rather than leaving all of them hanging, and then we have to figure out a way to deal with that.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on final passage on the DOD authorization bill occur on Monday at 6 o'clock p.m., paragraph 4 of rule XII to be waived, and that there be a 90-minute time limitation on the amendment by Mr. JOHNSTON to be equally divided in accordance with the usual form, 20 minutes of debate on an amendment by Mr. DOMENICI and Mr. BINGAMAN to be equally divided in accordance with the usual form, and that amendments in the second degree be—I believe the order already provides for amendments in the second degree, as long as they are relevant to amendments in the first degree.

The PRESIDING OFFICER. And germane.

Mr. BYRD. And germane to the first-degree amendment.

So, Mr. President, on the condition that any amendment pertaining to capital punishment, if such is offered, then therefore the time for the final vote is no longer valid and provided further that the Foreign Relations Committee may meet on Monday and that the Intelligence Committee may meet on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Kansas.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am sorry. Let the minority leader go ahead.

The PRESIDING OFFICER. The Senator from Kansas has reserved the right to object.

Mr. DOLE. Mr. President, I reserve the right to object just to make an inquiry of the majority leader.

It would be the majority leader's intention, as I understand the request, that we would dispose of all these amendments and time agreements and that there would be an opportunity for the Senator from New York to offer his amendment—I mean there would not be any effort to foreclose him from offering his amendment on Monday.

Mr. BYRD. No.

Mr. DOLE. And the majority leader has an amendment, too, I think.

Mr. BYRD. I have one, but I presently do not plan to offer it. I plan to vote for anybody who has a capital punishment amendment. I will vote for that almost sight unseen. I say that facetiously. I will support it.

But let me finish.

The PRESIDING OFFICER. The Senate will be in order. The majority leader has the floor. The Senator from Kansas reserved the right to object.

Mr. BYRD. Let me put it this way: Provided if the amendment, if such is offered, on capital punishment be the final amendment and, of course, if that amendment is offered then the agreement, insofar as a time for a final vote, is no longer valid.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. EXON. Mr. President, reserving the right to object, just for clarification purposes.

The PRESIDING OFFICER. The Senator from Kansas reserves the right to object.

Does the Senator from Kansas still press his reservation?

Mr. DOLE. I want to ask one additional question. Earlier I suggested the vote on final passage occur at 10 o'clock Tuesday. Is that not satisfactory?

Mr. BYRD. Yes, Mr. President. I modify my request to make that vote occur on Tuesday at 11 o'clock on a final passage vote. The remainder of the agreement as previously stated is standing as declared.

The PRESIDING OFFICER. The unanimous-consent request is modified to have the vote at 11 o'clock on Tuesday.

There was another request from the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I wish to engage the majority leader in a couple things.

No. 1, reserving the right to object—and I hope I will not have to——

The PRESIDING OFFICER. The Senator from Arkansas reserves the right to object.

Mr. BUMPERS. I did not understand when we would be coming in Monday and I was unable, as the majority leader went through his request, to compute how much time we were allocated. I have an amendment which the distinguished chairman of the Armed Services Committee and the Senator from Maine and I discussed that I want to offer in which we may be able to work out with a colloquy, but it is extremely important that I offer it and we have a colloquy.

Hopefully, we will not have to go to a vote on it. But I do want to make certain that we have an opportunity to offer the amendment. I think we can dispose of it in no more than 15 minutes. Senator COHEN is a cosponsor of the amendment, along with several others.

Mr. NUNN. We certainly are prepared to discuss that amendment with the Senator and, if necessary, vote on it. We may be able to solve it simply with a dialog.

Let me say we are willing to come in early Monday morning at whatever time the majority leader says and begin with whoever can be here and go late Monday night. So we are not going to try to freeze anyone out.

The question is just trying to nail down a time certain for final passage. Otherwise, we will never get through with this bill.

Mr. BUMPERS. Mr. President, further reserving the right to object, I concur in everything that the floor manager has said, but I know, as he has said many times that there may be a lot more amendments here Monday morning than there are right now, and we do not have an agreement to eliminate amendments. I was wondering if the majority leader would consider adding my amendment with 15 minutes, equally divided.

Mr. BYRD. Yes, Mr. President, I make that modification to my request.

Mr. DOLE. Is that an amendment that is already on our list?

Mr. BYRD. Yes.

I also modify the request by changing the vote on final passage from 11 a.m. on Tuesday to 10 a.m. on Tuesday. Either that, or 1 o'clock on Tuesday afternoon.

The PRESIDING OFFICER. The Chair is not certain what the final request of the majority leader was.

Mr. BYRD. I understand Mr. LEAHY wishes 10 minutes on the amendment by Mr. BUMPERS.

Mr. BUMPERS. I just got the word myself. Senator LEAHY apparently went ahead and left. I just got word he wanted 10 minutes on the amendment. I can handle my part of it very shortly. I know Senator COHEN and the rest of us can. So maybe we ought to make it 20 minutes, equally divided.

Mr. BYRD. Very well, I so modify the request.

The PRESIDING OFFICER. The request is modified to 20 minutes, equally divided, on the Bumpers-Cohen, and others amendment as part of the unanimous-consent request.

There is a unanimous-consent request pending by the majority leader, who has the floor.

Mr. EXON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nebraska reserves the right to object.

Mr. EXON. Reserving the right to object, and I shall not, I happen to know that the Banking Committee, or a subcommittee thereof, is having a hearing on Monday afternoon where I am scheduled to be there to introduce a nominee for a judgeship. I hope that the majority leader could include the meeting of the Banking Committee in his request.

Mr. BYRD. Certainly, I so include that.

The PRESIDING OFFICER. The majority leader has included that in the unanimous-consent request.

The Senator from Kansas further reserves the right to object.

Mr. DOLE. I wondered if the majority leader would be willing to modify the agreement for the Armed Services and Foreign Relations Committees to meet only for the purpose of hearing testimony on the INF agreement?

Mr. BYRD. Yes.

Mr. DOLE. And Intelligence.

Mr. BYRD. Yes. I include that in my request.

The PRESIDING OFFICER. All right. The unanimous-consent request has been modified to state that the Intelligence Committee and the Armed Services Committee are entitled to meet for the purpose of the INF Treaty discussion, and the Foreign Relations Committee.

Mr. BYRD. Mr. President, shall I begin all over?

Mr. DOLE. May I make one other inquiry? It might be helpful.

As I understand it, other amendments will be offered on Monday. We are not just saying just those with time agreements.

Mr. NUNN. Any of them on the list.

Mr. STEVENS. Reserving the right to object, Mr. President, that is why I am on my feet.

The PRESIDING OFFICER. The Senator from Alaska reserves the right to object.

Mr. STEVENS. I understand that there is a list that was prepared.

The PRESIDING OFFICER. The Senator from Alaska is correct. There is a list of the limitations of the amendments that can be offered. That list was entered by order, I believe it was, yesterday.

Mr. QUAYLE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska has the floor. He has reserved the right to object.

Mr. STEVENS. Is it the Chair's statement that any of the amendments that are printed on the Calendar of Business for today, on pages 2 and 3, that have not been called up or disposed of prior to this time, may be offered between now and the time that the bill would be voted upon?

Mr. BYRD. The Senator is correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. And any amendment thereto that is germane to the amendment in question?

The PRESIDING OFFICER. The Senator will please repeat that.

Mr. BYRD. The Senator is correct.

Mr. STEVENS. Is it my understanding each of these amendments is subject to an amendment, a germane amendment in the second degree?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. That is correct.

The PRESIDING OFFICER. Germane and relevant.

Mr. STEVENS. I do not know some of these amendments. Could I inquire of the distinguished manager of the bill if any of them deal with my basic problem, which is the amendments on this bill that attempt to modify provisions that are in existing law that came about by virtue of the continuing resolution?

I know I have the ones that you and I have discussed previously. There are four there that do that, that pertain to issues in the bill.

Mr. NUNN. Those are all eligible to be brought up.

Mr. STEVENS. Are any of these—just say SDI or DDG 51 or the others, do they deal with this bill or do they deal with the appropriations bill that was enacted last fall?

Mr. NUNN. I am informed that there is a DDG 51 provision that was in the appropriations bill, and there is a provision dealing with that same subject matter in this bill.

Mr. STEVENS. I know. That is why I mentioned it.

Mr. NUNN. That is right.

Mr. STEVENS. My purpose is to see whether any Member is going to offer an amendment here that attempts to deal with the existing law which came from the continuing resolution we passed last fall, the portion that dealt with the defense appropriations.

To my knowledge, there are five issues that have been raised here on the floor so far. These amendments that we are clearing now deal with that provision of law which already exists, rather than deal with this bill. Are there any others?

Mr. JOHNSTON. Will the Senator yield?

Mr. NUNN. I am informed——

The PRESIDING OFFICER. The majority leader has the floor. There is a reservation of objection by the Senator from Alaska.

The majority leader.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Georgia be allowed to respond so I can remove my reservation of objection.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I temporarily withdraw my request.

The PRESIDING OFFICER. The request is temporarily withdrawn.

The Senator from Alaska has yielded to the Senator from Georgia.

Mr. STEVENS. I merely had the floor on a reservation to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, replying to the Senator from Alaska on the question of the DDG 51 and the SDI amendment, those were two amendments which I have.

First, the SDI amendment I do not expect to be brought up and, in any event—well, I will not bring up the SDI amendment.

Second, on the DDG 51 amendment, it relates to an amendment to language put in this armed services bill relating to the conditions under which a competitive bid might be frustrated by action of the Navy. It is a very narrow question.

Mr. STEVENS. Mr. President, I am interested in that. That was a compromise that this Senator helped work out last year. If the Senator from Louisiana and the Senator from Mississippi are involved in that, then I will stand back from that.

I merely wanted to see to it that we do not have come up an amendment at the last minute that is on this list that is not subject to any debate at all that people might not understand that would not be dealing with this bill but dealing with appealing an existing law that Congress passed last fall. I am trying to protect what we have already got in being and the ability to spend that money in this fiscal year.

If there is no other provision, I will not object.

Mr. NUNN. Will the Senator yield for a brief response?

Mr. STEVENS. Yes.

Mr. NUNN. Mr. President, with the exception of the DDG 51 issue, which has been joined between several Senators——

Mr. STEVENS. I am out of that now. I understand that.

Mr. NUNN. And with the exception of those provisions the Senator has addressed through his amendments, I am not aware of any others that are in that category.

Mr. STEVENS. I thank the Senator. Mr. President, I do not object.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I temporarily yielded the floor so that there could be free debate.

The PRESIDING OFFICER. I believe that has been completed.

Does the Senator from Vermont seek recognition?

Mr. LEAHY. Very briefly, Mr. President, I do.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I realize the UC has been temporarily withdrawn. I just want to thank the majority leader for this usual courtesy of protecting my 10 minutes. If there is a new one put in on the Bumpers-Leahy-Chafee-Heinz et al. amendment, I still would want 10 minutes, especially if it does not go to a rollcall. I would want that 10 minutes to make very clear why this is something we have worked on for 5 years. I am sure the distinguished chairman and majority leader understands, but I appreciate his courtesy in protecting that 10 minutes.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I understand also, Mr. President, that instead of the Banking Committee—someone had submitted a request that the Banking Committee be permitted to meet on Monday; I understand it is the Judiciary Committee instead.

Mr. DOLE. Let us do that right now——

Mr. BYRD. That the Judiciary Committee be permitted to meet on Monday.

The PRESIDING OFFICER. For what purpose does the Senator from Indiana rise? The majority leader has the floor. Do you reserve the right to object?

Mr. BYRD. Mr. President, let me yield the floor. But first let me get consent to be sure—aside from the other requests—that the Judiciary Committee, the Committee on Foreign Relations, the Armed Services Committee, and the Intelligence Committee be permitted to meet on Monday during Senate business.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Provided, I think as we said, the hearing be limited to INF testimony in Intelligence, Foreign Relations, and Armed Services.

Mr. BYRD. Yes.

The PRESIDING OFFICER. With the reservation that this relate to the INF matter.

Is there objection? Hearing no objection, it is so ordered.

The Senator from Indiana.

Mr. QUAYLE. Mr. President, let me just say that in relationship to the Bumpers-Leahy et al. amendment, that as far as a discussion and debate on that amendment I do not have any problem with that but I would not be able to enter into a time agreement on that amendment. I think—at least I thought I understood the original propounding of unanimous-consent request would be for that amendment. I would not be able to give consent to a time agreement on the voting on that amendment. I have no problem with the discussion on the amendment but entering into a time agreement on something we have already disposed of I cannot agree to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2070

(Purpose: To provide for the imposition of the death penalty for drug-related killings)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BYRD. Will the Senator yield?

Mr. D'AMATO. For the purpose of an inquiry, yes.

Mr. BYRD. I am not going to make an inquiry.

Would the distinguished Senator yield to me to renew my request? I temporarily yielded the floor and withdrew the request. I do not think we should go on to debate—will the Senator allow me to renew my request?

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. The Senator from New York has relinquished the floor.

Mr. D'AMATO. Mr. President, is my amendment at the desk?

The PRESIDING OFFICER. The Senator's amendment is at the desk. The Senator is relinquishing for the majority leader.

Mr. BYRD. The Senator is not relinquishing the floor. He is merely yielding to me that I may renew my request.

Mr. D'AMATO. For purposes of renewing your request.

Mr. BYRD. Yes.

The PRESIDING OFFICER. The clerk will report the amendment and the Chair will recognize the majority leader under the relinquishment of the Senator from New York so that the majority leader will have the floor to renew his request.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MURKOWSKI, Mr. HELMS, Mr. WILSON, Mr. DOLE, Mr. MCCLURE, Mr. SYMMS, Mr. THURMOND, Mr. GARN, Mr. GRAMM, Mr. GRAHAM, Mr. DECONCINI, Mr. TRIBLE, Mr. DOMENICI, Mr. STEVENS, and Mr. GRASSLEY proposes an amendment numbered 2070.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. METZENBAUM. Objection.

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will read.

The legislative clerk proceeded to read the amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading the amendment.

The legislative clerk resumed the reading of the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The legislative clerk resumed reading the amendment.

Mr. BYRD addressed the Chair.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on final passage of this bill occur at 10 o'clock on Tuesday morning next; that paragraph 4, rule XII be waived, that there be a 90-minute time limit on the amendment by Mr. JOHNSTON; that the time be divided and controlled in accordance with the usual form; that there be a 20-minute time limit on the amendment by Mr. DOMENICI and Mr. BINGAMAN, time to be controlled and divided in accordance with the usual form;

That the time on final passage be extended. With respect to the time on final passage, that it not be affected by the death penalty amendment, to wit, that the time be extended to whatever date and hour, if necessary, to dispose of the amendment one way or the other.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Chair hears several reservations of the right to object.

Without objection, further reading of the amendment has been agreed to.

Mr. STEVENS. I heard no such motion, Mr. President.

Mr. BYRD. I thought the amendment had been read. I thought the clerk completed the reading.

The PRESIDING OFFICER. Is there further reading by the clerk of the amendment? Is there further reading required? If there is more reading to be required——

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. There is an objection.

Mr. LEVIN. May I make inquiry of the majority leader? As part of this reservation, I did not hear in your unanimous-consent request this time that the last amendment that would be handled under this unanimous-consent agreement would be the D'Amato amendment. Was it the majority leader's intention to change his unanimous-consent agreement, or given the way he phrased it now, would he be willing to include that in his new unanimous-consent proposal?

Mr. BYRD. The reason I did not include it in that fashion now is because the amendment is now pending and the reason I did not phrase it as earlier, as I had done, was so that if the Senate reaches the hour of 10 o'clock on Tuesday morning next and that amendment has not been disposed of, the time agreement with respect to all other amendments would not be vitiated.

I had earlier phrased the order in such a way that if that amendment, if the death penalty amendment were to be called up, essentially the rest of the agreement would be vitiated. I do not want to do that. I want to keep the rest of the agreement, but provide that when we reach that hour on Tuesday morning next and any other amendments that are called up, there be no time for debate on them and that hour for that purpose, namely, disposing of the death penalty amendment, will be extended accordingly.

Mr. STEVENS. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Michigan still has his reservation of his right to object. So the Senator from Michigan shall complete it, and the Chair will go to the next reservation.

Mr. LEVIN. Will the majority leader be willing to include in his unanimous-consent proposal that the D'Amato amendment be laid aside, that it be the last amendment called up so we can dispose of all these other amendments, given the fact that you have now modified your unanimous-consent agreement to allow us to proceed until that amendment is disposed of?

Mr. BYRD. Yes, I so modify the request.

The PRESIDING OFFICER. The unanimous-consent request is modified so that the D'Amato amendment will appear at the end after all of the other amendments.

Mr. STEVENS. On the basis of that last request, I object.

The PRESIDING OFFICER. If the Senator will suspend a moment so that the Chair may be certain, this is the unanimous-consent request which has now been proposed by the majority leader.

Now the Chair will go to the Senator from Alaska. Does he have either an objection or a reservation to an objection?

Mr. STEVENS. My objection is that the D'Amato amendment is a pending amendment, and I object to it being automatically set aside until the end. We can take it up on Monday or Tuesday since it is the pending business.

The PRESIDING OFFICER. The Senator has objected to the unanimous consent.

Mr. STEVENS. I have no objection to any other portion of that agreement. We are trying to work it out so we can debate that death penalty amendment and have it be debatable before this time agreement expires, which I think is a privilege the Senator from New York and others have now.

The PRESIDING OFFICER. That is the Senator's reservation. The Chair understands it. There has been an objection made. The pending order of business is to complete the reading of the amendment. If the Senator from Alaska——

Mr. DOLE. We waived that.

Mr. LEVIN. I object.

The PRESIDING OFFICER. An objection is heard to waiving the reading.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. The clerk will read.

Mr. BYRD. Mr. President, I object. That is the end of that. Now, Mr. President, I renew the request minus——

Mr. STEVENS. Reading is still going on.

Mr. D'AMATO. Might I ask the majority leader——

The PRESIDING OFFICER. The Chair will state the clerk stopped reading in the middle of the amendment. Everyone, including the Chair, assumed that the reading has been completed. The clerk informs the Chair that the reading had not been completed.

Mr. BYRD. The Chair confused me.

The PRESIDING OFFICER. Yes, and the Chair did not realize he had not finished. No one did and, therefore, there is still reading to be completed on the amendment.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Regular order completes the reading since he was partly through a paragraph. So the clerk will read.

The legislative clerk continued reading the amendment.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I would like to make an inquiry.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will read.

The legislative clerk continued reading the amendment.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I think we now have an understanding.

The PRESIDING OFFICER. Is there an objection to the request?

Mr. LEVIN. Reserving the right to object, will the Senator state what the agreement is?

The PRESIDING OFFICER. The Senator from Illinois reserves the right to make a unanimous-consent request.

Mr. BYRD. Mr. President, I do not believe a reservation can be made on dispensing with the reading of the amendment.

The PRESIDING OFFICER. The majority leader is correct. The clerk will read.

Mr. LEVIN. In that case I have no objection.

The PRESIDING OFFICER (Mr. BREAUX). Is there objection to the unanimous-consent request?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Illinois?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Senator from New York.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request.

Mr. D'AMATO. Mr. President, I do not know if a suggestion of the absence of a quorum is appropriate. Might I make an inquiry of the——

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to dispense with the reading of the amendment? Is there objection to that request?

Mr. D'AMATO. Mr. President, for the purpose of making clarification——

Mr. BYRD. Mr. President, I ask for regular order.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. D'AMATO. I would have to object, reluctantly.

The PRESIDING OFFICER. Objection is heard. The clerk will read.

The legislative clerk continued reading the amendment.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will read.

The legislative clerk continued with the reading of the amendment.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendent be dispensed with.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LEVIN. Reserving the right to object——

Mr. BYRD. I ask for regular order. Either object or not.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DEATH PENALTY FOR DRUG-RELATED KILLINGS.

(a) ELEMENTS OF OFFENSE.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by adding a new subsection (e) as follows:

"Death Penalty

"(e) In addition to the other penalties set forth in this section, any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.".

(b) PROCEDURE APPLICABLE WITH RESPECT TO THE DEATH PENALTY.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by adding at the end the following:

"Hearing Required With Respect to the Death Penalty

"(g) A person shall be subjected to the penalty of death for any offense under this section only if a hearing is held in accordance with this section.

"Notice by the Government in Death Penalty Cases

"(h)(1) Whenever the Government intends to seek the death penalty for an offense under this section for which one of the sentences provided is death, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

"(A) that the Government in the event of conviction will seek the sentence of death; and

"(B) setting forth the aggravating factors which the Government will seek to prove as the basis for the death penalty.

"(2) The court may permit the attorney for the Government to amend this notice for good cause shown.

"Hearing Before Court or Jury

"(i)(1) When the attorney for the Government has filed a notice as required under subsection (g) and the defendant is found guilty of or pleads guilty to an offense under subsection (e), the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury;

"(iii) the jury which determined the defendant's guilt has been discharged for good cause; or

"(iv) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the Government.

"(2) A jury impaneled pursuant to paragraph (1)(B) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than 12.

"Proof of Aggravating and Mitigating Factors

"(j) Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under subsection (e), no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (m) and (n), or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (n), information may be presented relating to any other aggravating factor. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

"Return of Findings

"(k) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (m) or (n), found to exist. If one of the aggravating factors set forth in subsection (n)(1) and another of the aggravating factors set forth in paragraphs (2) through (7) of subsection (n) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding of such a factor by a jury shall be made by unanimous vote. If an aggravating factor set forth in subsection (n)(1) is not found to exist or an aggravating factor set forth in subsection (n)(1) is found to exist but no other aggravating factor set forth in subsection (n) is found to exist, the court shall impose a sentence, other than death, authorized by law. If an aggravating factor set forth in subsection (n)(1) and one or more of the other aggravating factors set forth in subsection (n) are found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"Imposition of Sentence

"(l) Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"Mitigating Factors

"(m) In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) The defendant was less than 18 years of age at the time of the crime.

"(2) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The defendant is punishable as a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(5) The defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"Aggravating Factors for Homicide

"(n) If the defendant is found guilty of or pleads guilty to an offense under subsection (e), the following aggravating factors shall be considered but are not exclusive:

"(1) The defendant—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury which resulted in the death of the victim;

"(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.

"(D) intentionally engaged in conduct which—

"(i) the defendant knew would create a grave risk or death to a person, other than one of the participants in the offense; and

"(ii) resulted in the death of the victim.

"(2) The defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(3) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

"(4) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(5) In the commission of the offense or in escaping apprehension for a violation of subsection (e), the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offense.

"(6) The violation of this chapter in relation to which the conduct described in subsection (e) occurred was a violation of section 405.

"(7) The defendant committed the offense in an especially heinous, cruel, or depraved manner.

"Instruction to Jury on Right of the Defendant to Justice Without Discrimination

"(o) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

"Sentencing in Capital Cases in Which Death Penalty is not Sought or Imposed

"(p) If a person is convicted for an offense under subsection (e) and the court does not impose the penalty of death, the court may impose a sentence of life imprisonment without the possibility of parole.

"Appeal in Capital Cases

"(q)(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"(3) The court shall affirm the sentence if it determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of every aggravating factor upon which the sentence was based, together with or the failure to find any mitigating factors as set forth or allowed in this section.

In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.".

Mr. LEVIN addressed the Chair.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. SYMMS. Mr. President, I have the floor. I did not relinquish the floor.

The PRESIDING OFFICER. The Senator from Idaho did not have the floor. The Senator from Michigan was recognized after the unanimous consent was agreed to. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand there is an intention by the majority leader to offer a unanimous-consent request, and I would be happy to yield for that purpose but for no other. And I understand that a unanimous-consent request would include the right of Senator SYMMS to offer a second-degree amendment but that this would then be set aside and would not be the pending business immediately. That is part of the unanimous-consent request as I understand it.

Mr. DOLE. Temporarily.

Mr. LEVIN. Not temporarily laid aside. This would be laid aside and would not be the pending business. I checked that with the Senator from New York and he agreed to that.

Mr. STEVENS. It is the pending business at 10 o'clock Tuesday morning.

Mr. LEVIN. My understanding is that the amendment would be called back at 10 o'clock on Tuesday morning. I just checked with my friend from New York and that is what he said. That is what the Senator from New York said.

I would be happy to yield to the majority leader for a unanimous-consent request if that is part of the request.

Mr. DOLE. Will the Senator yield?

Mr. LEVIN. I yield for a question, of course.

Mr. DOLE. I do not think there is any disagreement but what happens if he lays it aside and there is an amendment offered and it comes back, right, and he lays it aside again?

Mr. LEVIN. That is not my understanding as to what was the agreement. I checked with my friend from Illinois. I checked with the Senator from New York. My understanding is that it would be called back at 10 o'clock Tuesday morning and would not be the pending business between now and then.

Mr. DOLE. I object.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. SYMMS addressed the Chair.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, we are going to be here for a while tonight because I want to debate the merits of the death penalty amendment which has been proposed.

Mr. BYRD. Mr. President, will the Senator yield to me with the understanding he not lose his right to the floor?

Mr. LEVIN. Of course.

Mr. BYRD. I wonder if we could settle down just a little bit to let our tempers cool and let our blood pressure lower itself a bit and see if we can work our way out of this.

Let me say in all the pandemonium that we were having here, the objection to call off the reading of an amendment cannot carry with it a reservation. A Senator has to either object or not, as in the case of calling off a quorum. One cannot reserve the right to object to calling off the quorum. He either has to object or not.

Mr. President, here is what I would like to do. On Monday after these committees have met, the Foreign Relations Committee and the Intelligence Committee, if in the judgment of the chairmen and ranking members, or at least I will make the decision but I want to hear what they have to say with respect to the INF Treaty, and I want to start on that treaty Tuesday, or at some point on Tuesday—if in the judgment of the chairmen, and they report to me on that basis, they think the matters that were in dispute have been clarified to their satisfaction and in the best interests of this country, then I want to get started on that treaty.

In am prepared to do that. I am prepared to make the decision to go forward based on their recommendations after they have had adequate hearings, but now we cannot go forward if we just are going to continue to squabble over this bill. I think we ought to just stay here this evening, and if necessary I will cancel my being in a parade in Beckley tomorrow. We will either get an agreement or we will be here tomorrow.

Those who have been kind of putting the gentle pressure on this Senator to move forward on the treaty, I need a little help out of them. So let us get an agreement on this bill. It is simple.

I would ask that there be a final vote on Tuesday morning at 10 o'clock a.m., and that the time limitations on the amendments by Mr. JOHNSTON, Mr. DOMENICI, and Mr. BINGAMAN be as heretofore stated, and that paragraph 4, rule XII be waived, and that all other amendments be disposed of, one way or another if they are called up, whereupon the hour of 10 o'clock a.m. on Tuesday having arrived as to the amendment dealing with the death penalty the Senate would then proceed on that amendment until disposed of; with one further proviso, that if all other amendments have been disposed of prior to 10 o'clock a.m. on Tuesday, the Senate in the meantime could proceed with the death penalty amendment because that would be the last one. That is the last amendment.

In other words, we might proceed with that amendment on Monday evening at 6 o'clock if all other amendments have been disposed of. But if they have not been disposed of, reaching the hour of 10 o'clock on Tuesday morning, the Senate is on that amendment, and it will be on that amendment until it is disposed of, and we would not go to the INF Treaty until that is disposed of.

I am for that amendment. But I am not for letting that amendment keep us here indefinitely.

There will come a time when I will do what I can to move this bill and dispose of it, and dispose of that amendment as well.

So I am ready to renew the request. I would like to hear from the Republican leader, if he has any problem with this. I would like to know what it is.

Mr. DOLE. Mr. President, the only problem I have—and I think we should have an agreement worked out. I do not believe the Senator from New York has ever indicated he was going to stand here until 10 o'clock Tuesday morning and debate the death penalty. I think what we would like to do frankly is to bring it up, spend a little time Monday afternoon, and in the meantime, we keep setting this aside. In fact, I can guarantee that will happen. We can have a little debate sometime on Monday, and then do precisely what the majority leader is suggesting. But I did not know there was ever any agreement that we had to finish this bill before we went to the INF Treaty. It was my understanding that we would do as much as we could. There has been remarkable progress on this bill by the managers and others. The majority leader deserves a great deal of credit. But I do not recall any agreement being made that we had to finish this bill before we took up the INF agreement.

I can see the pressure being brought to bear on anyone who has an amendment left, and say now you are holding up the INF agreement. The argument can be made that those who opposed the death penalty are holding up the INF agreement.

I think it will work out if we just let—I think I can speak for the Senator from New York. He is not going to stand here as gatekeeper. I think he is perfectly willing to let me as the Republican leader exercise judgment but I do think he would like to have a little time on Monday during late hours to speak about the amendment, and not be in the position where someone will say, I think unfairly, that if he did not get off that amendment at 10 o'clock on Tuesday then he, Senator D'AMATO, was holding up progress on the INF agreement. He does not want to do that. It is not his intention. But it is an important amendment, one that I support and one that the majority leader probably supports, one that I think the majority would support.

But there is going to be a minority here trying to squeeze that amendment out because of an effort to get a time agreement. I am not certain that we have to give anybody veto power because they happen to represent the minority view. But I do believe if we could just agree on everything except that part where the D'Amato amendment would come at the end, we are not going to have any problem.

Mr. BYRD. Mr. President, the distinguished Republican leader makes a good point. It is a reasonable and reasoned point that he makes with respect to what I have said in regard to not proceeding with the INF Treaty until this has been disposed of. I am willing to work in a reasonable fashion to try to get to the INF Treaty once the decision has been made. Senators know that I have been under pressure to go to that. I have refused to bend to pressure, and I will continue to refuse to bend to pressure on that matter because I have a very deep sense of what I think the duty of the Senate is under the Constitution. I want the Senate to be protected, and insofar as I can, I will protect the Senate in carrying out its role, regardless of the pressure.

I was hoping that some of those who have been putting the pressure on me in a very gentle way to relent and get on with the treaty would help us if they could to dispose of the bill that is before us.

The problem with having the amendment in a temporarily laid aside status is simply this: That a single objection prevents the amendment from being laid aside. So it would be within the power of any Senator on Monday to prevent action on all the other amendments by simply objecting each time a new amendment is called up, objecting to further temporarily laying aside the amendment by the distinguished Senator from New York [Mr. D'AMATO]. That is the problem with temporarily laying aside. It leaves him or me or any other Senator in full control of the Senate to prevent action on any other amendment on Monday as long as they want to object to laying aside that amendment. The consequence would be then that we would reach the hour of 10 o'clock on Tuesday morning, and no other amendments had been disposed of, no other Senator had an opportunity to debate his amendment, and we would be at a point where the final vote would be prevented by calling up other amendments, voting on them one after another and staying on the death penalty as long as we could stand on our feet.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair states to the Senator from Alaska that the Senator from Michigan has the floor, and he would have to yield for the purpose of suggesting the absence of a quorum.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2071 TO AMENDMENT NO. 2070

(Purpose: To provide additional protections for law enforcement officials)

Mr. D'AMATO. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] for himself and Mr. WILSON proposes an amendment numbered 2071.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2 of the amendment, strike out lines 1-9 and insert in lieu thereof the following:

"(e)(1) In addition to the other penalties set forth in this section—

"(A) Any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in any killing of any individual, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death; and

"(B) Any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution, or punishment for, an act that violates the Controlled

Substances Act, who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any federal, state, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

"(2) As used in paragraph (1)(B), the term 'law enforcement officer' means an individual who has authority under applicable law to engage in crime prevention, investigation, prosecution, or adjudication of alleged violations of federal, state, or local criminal laws, and includes those engaged in corrections, probation, or parole functions.".

Mr. BYRD. Mr. President, I make the following unanimous-consent request. May I have the attention of Senators?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on final passage of the DOD authorization bill occur on Tuesday morning at 10 o'clock, provided that paragraph 4, rule XII, be waived;

Provided, further, that the pending amendment in the first degree and the amendment in the second degree be set aside until 3 o'clock on Monday afternoon, at which time there be 1 hour of debate to be equally divided and controlled in accordance with the usual form;

Ordered further, that upon the expiration of the hour for debate there be a tabling motion and that if the tabling motion fails, then the amendment by Mr. D'AMATO is to be laid aside until 10 o'clock on Tuesday morning or earlier, whichever is the earlier, if all other amendments have been disposed of meanwhile;

Provided further, that there be 90 minutes on the amendment by Mr. JOHNSTON to be equally divided and controlled in accordance with the usual form; that there be 20 minutes on the Domenici-Bingaman amendment to be equally divided and controlled in accordance with the usual form; and provided further that all other amendments that are to be called up from the list will be disposed of one way or another or not called up prior to the resumption of the debate on the amendment by Mr. D'AMATO if it is not tabled at 4 o'clock p.m. on Monday next.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and I do not want to object, and shall not object, as I understand if the agreement is entered into there is no objection, then the second-degree amendment by Mr. D'AMATO would not be subject to further modification.

Mr. BYRD. It would not be because there is a 1-hour time limitation on both amendments if the order is entered.

The PRESIDING OFFICER (Mr. EXON). With that understanding, is the unanimous consent request agreed to?

Mr. DOLE. It would not be subject to modification.

The PRESIDING OFFICER. It would not be subject to modification.

Mr. DOLE. Secondly—I think I heard the majority leader clearly—let us say we complete action by, say, early Monday evening and all other amendments it would be possible then to have some additional debate on the D'Amato amendment.

Mr. BYRD. It would.

Mr. DOLE. I do not know what the manager has in mind Monday evening. If it is a reasonable hour I imagine we can stay in and debate that for some time.

Mr. BYRD. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

The text of the agreement is as follows:

Ordered, That during the consideration of S. 2355, Department of Defense Authorization, the following amendments shall be the only first degree amendments in order, and that any second degree amendments offered must be germane and relevant to the first degree amendment:

Adams—Everett homeport
Breaux—DDG-51 competition
Bumpers—Arms control
Byrd—Acid rain
Byrd—Death penalty for espionage
Chiles—Study of excess military bases
Cohen—SALT II compliance
Cohen—Destroyers
Cranston—Nuclear proliferation
D'Amato—Death penalty for drug related homicides
DeConcini/D'Amato—S. 2205 Drug Bill
Dole—START report
Dole—Relative to defense or foreign policy
Domenici—Verification, 20 minutes, equally divided and controlled
Durenberger/Boschwitz—Alert status of ANG/Northern Tier
Evans—Everett homeport
Evans—Money for cleanup of defense wastes, Hanford, Washington
Evans—Fort Lewis, Washington, elementary education center
Evans—Aid economic diversification at Hanford, Washington
Evans—Plan for disposition of nuclear weapons materials
Garn—Add $5 million for low profile antenna
Gore—Depressed trajectory SLBM's
Graham—International military educational training amendment
Gramm—Repeal Sec. 715, Standby regis system
Gramm—Draft
Heinz—Relative to defense or foreign policy
Heinz—Relative to defense or foreign policy
Helms—Relative to defense or foreign policy
Helms—Relative to defense or foreign policy
Helms—Relative to defense or foreign policy
Helms—Relative to defense or foreign policy
Hollings—ASAT contingency
Johnston—SDI
Johnston—DDG 51
Kennedy/Glenn—SIS project delay/study
Kerry/Chafee—ASAT test moratorium
Leahy—Arms control
McClure—Relative to defense or foreign policy
McClure—Relative to defense or foreign policy
Metzenbaum—Cleanup and disposition
Murkowski—Burdensharing in Persian Gulf
Nickles—Navy procurement
Nickles—Davis-Bacon
Nunn—Technical
Nunn/Warner—Drugs
Packwood—Conscience clause
Pressler—Base closures (foreign)
Quayle—Cruise missile
Quayle—Relative to defense or foreign policy
Quayle—Relative to defense or foreign policy
Roth—Army property
Specter—$22 million Pennsylvania program
Specter—Relative to defense or foreign policy
Stevens—Modify Sec. 807, export of U.S. defense products
Stevens—Delete Sec. 903, Supplemental
Stevens—Delete Sec. 904, repeals permanent solution
Stevens—Fixed price contracts
Thurmond—National Guard
Wallop—SDI mission assignment
Warner—ASAT contingency
Warner—AFAPS/LANCE follow-on
Warner—Printing and binding services
Warner—Relative to defense or foreign policy
Warner—Relative to defense or foreign policy
Wilson—ICMB
Wilson—Post-START posture report
Wilson—Drugs
Wilson—ICBM

Ordered further, That there be 90 minutes on a Johnston amendment, to be equally divided and controlled.

Ordered further, That final passage of the bill occur at 10:00 a.m. on Tuesday, May 17, 1988.

Ordered further, That the pending D'Amato first and second degree amendments be laid aside until 3:00 p.m. on Monday, May 16, 1988, at which time there shall be 1 hour debate, to be equally divided and controlled.

Ordered further, That upon the expiration of the 1 hour debate, there be a tabling motion.

Ordered further, That if the tabling motion fails, the D'Amato amendments be laid aside until 10:00 a.m., Tuesday, May 17, 1988, or earlier in the event that all other amendments have been disposed of before that time, and that there be no time limitation on the D'Amato amendments.

There will be no more rollcall votes tonight.

Mr. NUNN. Mr. President, there are eight on the list of amendments that have been approved on both sides. If any Senator would like to handle those tonight, I would be here another 15 minutes; if they indicate that, we will stay as long as necessary. If not, we will be closing out.

WILLIAM F. BUCKLEY

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from New York, Mr. MOYNIHAN, waited for about 2 hours and he was very anxious to have a very important resolution presented to the Senate relating to the memorial held today for William F. Buckley.

I would like to present this tonight, and I would like to read it to my colleagues. The resolution is on behalf of Senator MOYNIHAN and myself and as cosponsors, Mr. WARNER, Mr. COHEN, Mr. BOREN, Mr. PELL, Mr. DOLE, Mr. HELMS, Mr. BYRD, Mr. THURMOND, and Mr. CHAFEE. This will be the resolution if I do get unanimous consent to present it.

Whereas William F. Buckley served the nation with honor, courage, and distinction in combat in Korea and Vietnam, and as an agent overseas of the Central Intelligence Agency;

Whereas in the wake of the terrorist bombing of the United States Embassy in Beirut, Col. Buckley was dispatched to rebuild an intelligence capacity amidst the murderous civil war of Lebanon;

Whereas, knowing the fate of his predecessors he had no illusion that he would escape the same, nor yet that he would meet an easy death;

Whereas on March 16, 1984, he was kidnapped and for agonizing months confined and tortured and in the end tortured unto death;

Whereas the United States Senate does not consider this matter in any way closed, settled, or behind us; nor that of remaining American hostages;

Whereas on this day William F. Buckley, his earthly remains yet to be recovered, was honored at a gravesite in Arlington Cemetery: Now, therefore, be it

Resolved, That the Senate declares its abiding respect for William F. Buckley's life of unequaled service and his death of unexampled fortitude.

Mr. President, I send this resolution to the desk and ask unanimous consent for its immediate consideration on behalf of Senator MOYNIHAN and the other cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate on the resolution?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 429) was agreed to.

The preamble was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2072

(Purpose: To limit the authority of the Secretary of the Air Force to change the alert status of any National Guard unit in the strategic air defense mission in the northern portion of the United States or to change the units assigned to perform that mission)

Mr. MELCHER. Mr. President, we have an amendment that I offered on behalf of Senator DURENBERGER and myself and others. I ask for the amendment to be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] for Mr. DURENBERGER, for himself, Mr. MELCHER, Mr. BOSCHWITZ, Mr. BURDICK, Mr. D'AMATO, Mr. LEAHY, Mr. RIEGLE, Mr. LEVIN, Mr. MOYNIHAN, and Mr. CONRAD proposes an amendment numbered 2072.

Mr. MELCHER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following:

SEC. 921. STRATEGIC AIR DEFENSE ALERT MISSION.

(a) LIMITATION.—Except as provided in subsection (b)(2), the Secretary of the Air Force may not make any change in the alert status of any Air National Guard unit in the strategic air defense mission in the northern portion of the United States, or in the deployment of units assigned to that mission, from that status and deployment as in effect on April 10, 1988.

(b) REPORT.—(1) After the North Warning System and the Over-the-Horizon Backscatter Radar System are deployed and in operation as replacements for the Distant Early Warning (DEW line) system, the Secretary of the Air Force shall submit to Congress a report on those systems. The report shall—

(A) describe the implementation of those systems and their operational capability and effectiveness as demonstrated up to the time of the report;

(B) describe plans, in light of those new systems, for the forward deployment of the interceptor aircraft from United States bases during periods of heightened international tension; and

(C) clarify the alert status in the strategic air defense mission, under those new systems, of elements of the Air Force (including elements of the reserve components) at Air Force bases in the northern portions of the United States.

(2) The limitation in subsection (a) shall cease to be effective 180 days after the date on which Congress receives the report required by paragraph (a).

Mr. MELCHER. This amendment is one that affects the Air Force's plans to remove five Air National Guard fighter interceptor detachments from strategic defense alert status. This would include the 120th Fighter Interceptor Group headquartered in Great Falls, MT, as well as units in Minnesota, Michigan, New York, and North Dakota. Vermont was on the list at one time, but has subsequently been excluded.

The fighter plane units' mission is extremely vital in our defense of the northern tier of the United States. They are on a 5-minute alert, ready to go on a moment's notice to identify any unidentified objects which are detected on radar lines in Canada and, if necessary, to intercept that object. If the Soviets sent a squadron of bombers over the North Pole, the fighter plane units would be our first line of defense.

In view of such a vital mission, why would the Air Force want to deactivate these units? They claim that the fighter planes are no longer needed because the radar surveillance line is being moved further north in Canada.

Yet even though the Cadin Pinetree line was closed down on April 1, the replacement systems are not yet in place. In fact, it is our understanding that while portions of the North warning system are now functioning, other parts will not be operational for quite some time—possibly as long as 2 to 3 years. The over-the-horizon backscatter radar, which is intended primarily to monitor traffic on the east and west coasts, will not be fully operational until sometime in the 1990's.

There has been some talk about relying on the Canadians to play a larger role in our air defense, as well as other substitutes for the fighter plane units, but there has not yet been a final decision made. I believe that the need for the air defense mission is obvious, and the Air Force should not take any action to drawdown the units until Congress has the chance to review the merits of the proposal.

That is why we are offering an amendment that would prevent the Air Force from taking these units off alert status until the replacement radar systems are operational. Through means of a reporting requirement the Air Force would also be required to justify their actions to Congress before taking steps to change the alert status.

This amendment is similar to that adopted in the House of Representatives last week as part of a block of so-called noncontroversial amendments.

Without a sufficient replacement for the air defense mission, there is reason to be concerned about our capability to identify and intercept a Soviet plane or other enemy aircraft coming from the direction of the North Pole.

I also believe there is cause for concern that the deactivation of the air alert mission would harm the morale of the Air National Guard units by implying that they are not needed any more. The air defense mission is an important focus of the Air National Guard in my State.

The 120th Fighter Interceptor Group has won a number of prestigious awards in competition against units of the regular Air Force. In 1985 they bested units of the regular Air Force to win the Hughes Trophy, which is awarded for overall performance during the year. The award has only been won twice by Air National Guard units in its 35-year history—the Montana Air National Guard achieved this in 1985, and the North Dakota unit was the other Air National Guard unit to be so distinguished.

The 120th won the William Tell Award twice—in 1974 and 1976—and placed second twice—in 1978 and 1982—in the only four times they competed. The William Tell is a weapons competition for air defense units which includes United States Air Force, United States Air National Guard, and Canadian units.

Our unit, the 120th, has now gone to F-16's, and so they no longer compete in the William Tell Award. But I want to brag a little bit about the 120th interceptor group. They are a hot outfit. We are proud of them. They have an outstanding record.

They won the Air Force Outstanding Unit Award on three occasions—in 1975, 1981, and 1986. That award is based on continued excellence over a period of time.

I am not only very proud of them, I think they are very necessary. I think the same can be said of the feelings of the other Senators from Minnesota, North Dakota, Michigan, and New York, the five interests that are involved.

I consider it imperative that the air defense remains on alert status until we are assured there will be a sufficient alternative. I urge adoption of our amendment.

Mr. President, I ask unanimous consent that a list of awards won by the 120th Fighter Interceptor Group and the historical highlights of the Montana National Guard be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF AWARDS WON BY 120TH FIGHTER INTERCEPTOR GROUP IN COMPETITION WITH THE AIR FORCE

WILLIAM TELL AWARD

Won 1st place twice (in 1974 and 1976), and 2nd place twice (1978 and 1982) in the only 4 times they competed. (After 1982, they did not compete because the competition was open only to units with F4s and F15s.

The William Tell is a weapons competition for air defense units (which includes U.S. Air Force, U.S. Air National Guard, and Canadian units).

AIR FORCE OUTSTANDING UNIT AWARD

Won on 3 occasions (1975, 1981, 1986).

Was one of several units to win. Award is based on continued excellence over a period of time.

HUGHES TROPHY WINNER 1985

Was awarded the Hughes Trophy in 1985 as the best air defense fighter unit in the U.S. Air Force.

The award has only been won twice by Air National Guard units in its 35 year history. North Dakota was the unit that won the award the other time.

The award is based on overall performance during the year. The award is set up by the Hughes Aircraft Co., but the Air Force selects the final winner.

HISTORICAL HIGHLIGHTS—MONTANA AIR NATIONAL GUARD

The 186th Fighter Squadron was formed with Lt Col Willard B. Sperry as Commander, 27 June 1947, with 74 'charter members'. The unit was equipped with the P-51 'Mustang' aircraft, later designated the F-51. The first encampment was held in June 1948 at Gore Field, with the unit winning its first intra-unit competition, an air race with the Idaho Air Guard. Our P-51's attained the blazing speed of 368 MPH.

In April 1951, the 186th was mobilized for the Korean crisis with the F-51. Some members deployed to George AFB, California, and others to Valdosta, Georgia, for the duration of the conflict. The unit was reformed at Great Falls International Airport when the members came home in December of 1952.

The 186th became the first Air National Guard unit to be assigned the F-86 'Sabre' in November 1953, establishing a pattern of 'firsts' that has continued to this day. The F-86 proved to be a highly reliable aircraft, and operated in the 600 MPH range. With this aircraft, the Montana Air National Guard entered the Air Defense role it still proudly and efficiently accomplishes today.

With the transition to the F-89C 'Scorpion' in August 1955, the unit entered the age of all-weather fighter interceptors. The 120th Fighter Group came into existence on 16 April 1956, and three and one-half years later the aircraft was updated to the F-89H, providing rocket and missile capability. In March 1960 the first F-89J arrived, ushering in the age of nuclear weapons capability. The model mounted over our main gate is the only F-89J to ever fire a nuclear tipped 'Genie' air-to-air missile. This historic event occurred over the desert at Indian Springs, Nevada, in July of 1957.

September 1966 saw the appearance of the F-102A 'Delta Dart', which dominated Montana's Big Sky Country until April 1972. Again the 120th was selected to receive a new aircraft, and the F-106A 'Delta Dart' made its home here.

During its stay, the F-106 was flown over 80,000 hours, participated in four William Tell Weapons Competitions with the unit taking first in 1974 and 1976, and 2nd in 1978 and 1982, against both active Air Force and Air Guard units. Its weapons loaders competed in eight competitions, taking first place four times. The unit earned three Air Force Outstanding Unit Awards in 1974, 1981, and 1985; the honored Spaatz Trophy in 1975 and 1978; the very distinguished Winston P. Wilson Award in 1975, 1976, and 1978; the Air National Guard Distinguished Flying Unit Award for 1977, 1979, 1980, 1982, 1985, and 1986; the Air Force Supply Effectiveness Award for 1980; the Air Force Maintenance Effectiveness Award for 1984; the Air Force Association Outstanding Unit Award for 1975 and 1986; and has the distinction of being the 2nd Air National Guard unit to earn the very prestigious Hughes Trophy, which was awarded for 1985.

In 1984, the unit's mission was expanded when assigned the additional task of operating an Alert Detachment at Davis-Monthan AFB, Tucson, Arizona. 17 unit members are permanently stationed at this location, expanding our Air Defense role from protecting 650 miles of our northern border to include an additional 450 miles of our southern border.

On July 1, 1987, the F-16 "Fighting Falcon", one of the world's most premier fighter interceptors, became the official aircraft of the 120th. Montana's "Best of the Best" continue their "Commitment to Excellence" with this state-of-the-art aircraft, maintaining America's freedoms, freedoms we hold so dear.

Mr. DURENBERGER. Mr. President, I offer this amendment on behalf of myself and Senator MELCHER cosponsored by Senator BOSCHWITZ, Senator BURDICK, Senator D'AMATO, Senator LEAHY, Senator RIEGLE, Senator LEVIN, Senator CONRAD, and Senator MOYNIHAN.

This amendment simply limits the ability of the Secretary of the Air Force to change the alert status of Air National Guard units in the Northern United States until a report is made to Congress regarding the capabilities of the proposed strategic air defense radar systems.

The amendment defers any action on alert status for 180 days after the report is received, allowing Congress a chance to review the report.

This amendment is necessary because the Air Force abruptly decided to end the alert status of a series of Air National Guard bases in the northern section of the United States.

In April, Norad abruptly announced that it planned to deactivate the Canadian air defense indentification zone in May of this year in order to save funds for the construction and operation of the updated north warning system.

While my intention is not to question the logic behind the action of the Air Force, my concern is that in the haste of this decision certain implications of this budget saving measure may have been overlooked.

While we spend billions on the strategic defense initiative, it appears that the defense of the North American Continent against air-breathing systems is being slighted.

The Air Force has based their planned action on the ongoing modernization of our air defense system, including the over-the-horizon-backscatter radar system and the north warning system. The problem is that the Air Force wants to terminate existing air defense arrangements before their modernization plans are even near completion.

Until the effectiveness of the scheduled changes are confirmed, it seems unwise to downgrade the alert status at the northern tier interceptor bases.

The report required in this amendment would address the vital issues of how and when implementation of modernization would affect forward deployment of U.S. interceptors, and in particular clarify the alert status of our northern tier Air National Guard bases.

This amendment would maintain the intercept alert status for the northern tier bases until Congress has an adequate opportunity to review the Air Force plans. The House of Representatives passed a measure that limits Air Force action until the modernization is complete.

I personally support such a long-term deferment of alert status changes. My amendment addresses the concerns shared by many of my colleagues about the Air Force plans while the Secretary has a chance to fully explain his plans.

I would like to add one fact for the benefit of my colleague. The Air National Guard bases affected by this decision are in Michigan, New York, North Dakota, Montana, and Minnesota.

I am sure all the units involved are very capable but in the case of the 148th Fighter Interceptor Group based at Duluth, MN, the Air Force has a unit recognized for its accomplishments in 1987.

The 148th received the Air Force's Outstanding Unit Award for 1987, an award based first and foremost on readiness. It is terribly ironic that the Air Force wants to take away the alert status for a unit just honored for its superb mission fulfillment.

I urge my colleagues to support this amendment.

Mr. BOSCHWITZ. Mr. President, I rise in support of this amendment which will prevent a premature and ill-advised proposal by the Air Force. Air Force plans to close the northern tier air alert at Air National Guard units in Minnesota, Michigan, New York, North Dakota, Montana, and Vermont ought to be a matter of concern beyond the six States directly affected. Indeed, it concerns our national strategic defense posture. Currently approximately one unknown aircraft a week crosses the northern air defense identification zone [ADIZ] which spans the northern border of Canada. If the northern tier air alert is eliminated as the Air Force proposes, only two bases—located in Canada—will remain with the capability to intercept and indentify unknown aircraft along our northern tier.

In the ADIZ, the Air Force is phasing out the old DEW line radar and implementing two new systems, the northern warning system and the over-the-horizon backscatter radar. But these systems will not be fully deployed until 1992, leaving us with a serious weakness in our air defense until that time. No other major power tolerates such a soft spot in its strategic defenses. The Soviets place particular emphasis on such defenses—and it is the Soviet war planner we are trying to deter.

The Minnesota Air National Guard passed a resolution last April urging the Air Force to develop a plan to identify and intercept unknown aircraft crossing the ADIZ, using aircraft from the current air alert sites with support from tankers and AWACS aircraft. I believe that this is a plan worth pursuing—but to do so we must maintain the northern tier air alert units on the northern tier.

The cost savings from closing the northern tier would total $3.5 million—or one one-hundred thousandth of the defense budget. I hope that the Senate would not allow a gaping hole in our air defenses for such minimal savings. The House has passed an amendment, offered by Mr. BONIOR, which will require the Air Force to justify the reasons for its proposal before the authorizing and appropriations committees and other interested Members before they move forward. I welcome and give my full support to similar action here in the Senate.

Mr. CONRAD. Mr. President, I rise in support of the Durenberger amendment. This amendment temporarily suspends Air Force efforts to change the alert status of our northern tier Air National Guard units until Congress is notified exactly of what changes will take place and how they will be implemented.

We are currently in the process of consolidating our efforts with Canada for the monitoring of our northern airspace. I do not believe it makes sense to abandon our northern defense to Canada. Even if I were to accept this consolidation, it makes no sense to shut off our northern defenses before full operational capability has been achieved in the north warning system and over-the-horizon backscatter radar system which we will share with Canada. My concern is with our interim defense capability since these new systems will not be fully operational until 1992 and the existing radar systems along our northern border with Canada are currently being dismantled.

The Durenberger amendment requires the Air Force to report to Congress on the implementation and operational capability of these new systems; describe plans for the forward deployment of U.S. interceptor aircraft during national alerts; clarify the alert status of Air Force elements, including Reserve components, in the northern areas of the United States; and describe the radar system to be used in 1989 to monitor the airspace in the northern United States and in Canada for strategic air defense.

Mr. President, it appears to me that there will be at least a partial gap in the strategic defense of the northern United States for some period prior to the full operational capability of the north warning system in 1992. Any gap in our strategic defense simply cannot be permitted. This amendment will suspend any changes in our alert interceptor capability until the Air Force fully documents and explains to the Congress all pending changes and the impact of these changes.

Mr. EXON. Mr. President, there has been a lot of discussion on the amendment that has just been offered by the Senator from Montana. We have agreed to accept the amendment on this side. I have discussed this at some length with my counterpart, Senator THURMOND of South Carolina, the ranking member of the Strategic Subcommittee of the Armed Services Committee.

We have some concerns with this that I think is proper that I express at this time.

No. 1, this is a very classic case, Mr. President, of how difficult it is to close down anything where the military establishes any kind of a base or a facility. I think it is a forerunner for the difficulties that we might experience when and if that committee that we are appointing in this bill ever comes to grips closing down military bases around the country. They are a very viable part of the individual community.

I certainly agree with the Senator from Montana that the Air Guard in Montana is an outstanding one. The job that the Air Guard has done in playing the important role that they do play in the surveillance of the northern part of this country is critically important.

The reason that this action was taken by the Air Force was simply that they are beginning to phase down the responsibilities of the Air Guard at their particular present locations. And they are doing that because of a new surveillance system that is far superior to the one that we have now that would direct these National Guard aircraft that are standing on alert duty around the clock. They would be likely moved in the future to other locations to stand by rather than where they are now for strategic purposes.

So I simply say that there is no question that, when the new system comes into being, they are not going to be needed at the present locations. I would simply also remind the Senate that while this has reference to a long period of time, this is a 1-year authorization bill. We intend to hold hearings in the Strategic Subcommittee. I am committed to do that, as is the ranking member of the committee, my friend and colleague from South Carolina. We will be holding hearings on this matter next year to determine how much we need in the future in this particular area—all or part thereof or none. We will be making a recommendation, pro or con—after we receive the required information from the Air Force and, certainly, from the Guard, to get their important input this—with regard to the following year funding after fiscal 1989, which this measure covers.

Mr. MELCHER. Mr. President, I thank my colleague from Nebraska, the distinguished subcommittee chairman and I thank the ranking member on the Republican side, the distinguished Senator from South Carolina, on behalf of myself and also particularly Senator Durenberger, who is the lead sponsor of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 2072) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2073

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. Dole], for himself and Mr. Quayle, Mr. Warner, Mr. Nunn, Mr. McCain, Mr. Kasten, Mr. McClure, Mr. Wilson, Mr. Hollings, Mr. Gramm, Mr. Wallop, Mr. Shelby, Mr. Dixon, Mr. Domenici, Mr. Lugar, Mr. Nickles and Mr. Exon, proposes an amendment numbered 2073.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Exon). Without objection, it is so ordered.

The amendment is as follows:

SEC. . SENSE OF THE SENATE ON THE NEED TO PROTECT NON-NUCLEAR CRUISE MISSILES IN START.

(a) Findings.

(1) The Senate supports the President's efforts in the Strategic Reduction Talks (START) to make deep and verifiable cuts in strategic nuclear weapons.

(2) Conclusion of a START Treaty between the United States and the Soviet Union will increase the relative importance of each nation's non-nuclear weapons capabilities.

(3) Advanced, long-range, non-nuclear cruise missiles are among the most promising technologies for reducing the current reliance of the United States and its allies upon the threat of an early resort to nuclear weapons to deter a conventional attack by the Soviet Union.

(4) The United States has taken a position in START that we will not agree to any limitations on non-nuclear cruise missiles.

(b) Sense of the Senate.—In light of the findings in sub-section (a), it is the sense of the Senate that—

It should be the position of the United States that in START no restrictions shall be established on current or future non-nuclear cruise missiles.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr President, this amendment is cosponsored by a number of my colleagues on both sides of the aisle, including the distinguished chairman of the committee, Senator Nunn, the distinguished Republican ranking member, Senator Warner, another member of that committee, Senator Quayle, and a number of other members of that committee.

I think it has been cleared on both sides. I think everybody agrees we want to make deep cuts in existing nuclear weapons and START negotiations are aimed at achieving cuts in a way that will be effectively verifiable and stability enhancing.

Last week, in fact last Wednesday, four of us were in Geneva and we met with the Russian negotiators and met with our own negotiators. I was very interested in the Russians' effort to bring in nonnuclear cruise missiles into any START agreement.

I think we need this amendment. It is a sense-of-the-Senate amendment. It sends a signal to our negotiators that we do not want to give them up. They should not be part of START. We need to keep our goals in mind. We are trying to cut strategic nuclear weapons. We are not trying to foreclose nonnuclear options which may become all the more important under the START regime.

The need for strong deterrent forces will not go away with the signing of an arms control agreement. There are a lot of experts in this, many more expert than I, but according to our negotiators, cruise missiles offer one of the most promising avenues for nonnuclear defense technology. Yet each day they go to the sessions they face the Soviets' attempts to include cruise missiles of any type in START limitations.

I think we have correctly opposed this and I want the administration to continue to oppose this.

Mr. President, although we may differ on the path to follow, I believe there is broad consensus in this room—indeed across America—for deep cuts in existing nuclear weapons.

START negotiations are aimed at achieving such cuts in a way that is effectively verifiable and stability enhancing. I had the opportunity to meet with our START negotiators last week. I believe they are doing a great job, and I wish them luck.

But as we negotiate START, we need to keep our goals clearly in mind. We are trying to cut strategic nuclear weapons. We are not trying to foreclose nonnuclear options which may become all the more important under a START regime. The need for strong deterrent forces will not go away with the signing of an arms control agreement.

Cruise missiles offer one of the most promising avenues for nonnuclear defense technology. Yet each day our negotiators face Soviet attempts to include cruise missiles of any type in START limitations. The United States has correctly opposed this.

I believe the best thing the Senate can do to help achieve a good START agreement is to stand firmly behind American positions. Our amendment simply notes the U.S. position, and encourages the administration to maintain it.

I would like to thank the managers of this bill for their consideration of this amendment, and their helpful suggestions. And I would especially like to thank the Senator from Indiana [Mr. Quayle] for his work on this amendment, and for his constant effort to share his expertise on America's future defense options with his colleagues in this body.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, this is an important amendment. It is late at night but it is an important amendment.

We have looked it over. We worked on it and changed a few words here and there but we agree with the purpose of the amendment. I think these systems are extremely important for our future and I congratulate the Senator from Kansas for presenting this amendment. I urge its approval.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to associate myself with the remarks of the able minority leader on this subject. I think he is on the right track and I hope the Senate will pass this amendment forthwith.

Mr. DOLE. I thank the chairman of the committee and the distinguished Senator from South Carolina, Senator Thurmond.

The PRESIDING OFFICER. In my capacity as a Senator from Nebraska, the Chair would like to state that I have indicated to staff that I wish to be a cosponsor of this amendment and I would hope that the introducer will accept the Senator for Nebraska's cosponsorship.

Mr. DOLE. I am pleased to ask the Senator from Nebraska to be a cosponsor.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 2073) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I have four or five amendments and they have been cleared on both sides. I will explain them very briefly because they have been looked over very carefully and I will make sure the Republican side understands the amendment but I will not give a lengthy explanation.

The first amendment is an amendment by Mr. Specter and Mr. Heinz.

AMENDMENT NO. 2074

(Purpose: To authorize funds for the procurement of the Tactical Army Combat Computer System)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia, Mr. Nunn, for Mr. Specter (for himself and Mr. Heinz) proposes an amendment numbered 2074.

Mr. NUNN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, after line 24, insert the following: of which $23,549,000 shall be available for procurement of Tactical Army Combat Service Support Computer System (TACCS).

Mr. NUNN. Mr. President, Mr. Specter's amendment transfers funds from one line in the Army procurement account to the other. The amendment is spending neutral. It does not increase the overall spending. We need to have more funds so that the Army can continue to buy computers that they need for combat and support units. If we do not approve the amendment the Army will have to submit a lengthy reprogramming request. It is a good amendment and I urge its adoption.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If there be no further debate, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2074) was agreed to.

AMENDMENT NO. 2075

(Purpose: To require a study and report relating to the use of disposable plastic items by the Department of Defense)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. Harkin, for himself, Mr. Glenn, Mr. Durenberger, Mr. Bond, Mr. Warner, Mr. Melcher, Mr. Burdick, Mr. Dixon, Mr. Conrad, and Mr. Leahy.

Mr. President, this is a simple report, study and report amendment on the use of nonbiodegradable plastic.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. Nunn), for Mr. Harkin (for himself, Mr. Glenn, Mr. Durenberger, Mr. Bond, Mr. Warner, Mr. Melcher, Mr. Burdick, Mr. Dixon, Mr. Conrad, and Mr. Leahy) proposes an amendment numbered 2075.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following:

SEC. 921. STUDY AND REPORT ON THE USE OF NONBIODEGRADABLE PLASTIC.

(a) Study.—The Secretary of Defense shall conduct a study in order to identify the types of disposable plastic items that are used by the Department of Defense in fiscal year 1989, to determine the approximate quantity used annually, and to determine which such items are biodegradable and which such items are not biodegradable.

(b) Report.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the results of the study required by subsection (a) and the feasibility of substituting agricultural commodity based biodegradable plastic items for nonbiodegradable plastic items identified in the study that are needed by the Department of Defense. The report shall include the following matters:

(1) The availability of agricultural commodity based biodegradable plastic items that are suitable substitutes for the nonbiodegradable plastic items.

(2) Any additional cost that would result from conversion to the use of such substitutes over the cost of continued use of the nonbiodegradable plastic items.

Mr. NUNN. Mr. President, this amendment will provide a study for the alternative use of corn. This study is envisioned to possibly help strengthen the farm economy while also demonstrating Department of Defense concern for environmental issues.

Mr. President, we urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objection to the amendment.

Mr. HARKIN. Mr. President, I rise in support of an amendment I am proposing on behalf of myself and cosponsors, Senators Glenn, Bond, and Durenberger. This amendment requires the Secretary of Defense to study the Department's use of disposable plastics during fiscal year 1989 and to report the feasibility, availability, and cost variance of substituting agricultural commodity based biodegradable plastics in place of the traditional plastics.

A year ago I introduced S. 970, the Alternative Agricultural Products Research Act of 1987, which is designed to promote research into nonfood uses of agricultural crops. With such research, we can open up entirely new markets for products which are, in many cases in oversupply.

Although much research is needed to fully maximize the potential for these new uses for crops, a number of exciting new products are already being developed. One of the most intriguing of these products is a new biodegradable plastic.

Some of my colleagues may remember the sample biodegradable plastic bag I delivered to Senators last December.

Since World War II, the growth of the plastics industry has been astounding. This extremely versatile substance has become an indispensable part of our everyday lives. Last year, according to industry estimates, the United States used approximately 1 billion barrels of petroleum, enough to meet the Nation's demand for imported oil for 5 months, just for the manufacture of plastic—60 billion of them.

The plastic manufacturing industry has invested fortunes in producing and marketing products such as garbage bags, touting their strength and indestructibility. However, as may so often be the case, one man's fortune can be another man's folly. From shore to shore all over the world, not only our beaches but our streets, our yards, our fields and our rivers are suffering the burden of plastic discards—bottles, bags, cups, wrappers, sacks, you name it. Not only do they blight the beauty of our nature, but in far too many instances, entanglement in or ingestion of plastics kills birds, fish and other wildlife.

With a concerted effort, we could and should do a better job of collecting these plastic discards. But even those plastics which are handled properly pose a difficult problem for solid waste managers. These indestructible plastics can, according to scientists, last 200 years or more before they begin to decompose. What do we do in the interim? As we wait for their disintegration, piles of discarded plastics continue to grow.

We collect discarded plastics but what do we do with them? As the infamous "garbage barge" showed, our landfills are being stretched to the limit. Because of the complicated makeup of plastics, many are not recyclable. If we incinerate them, we run the risk of contaminating our air.

But, growing in our fields, right under our noses, there may be a solution to the problem. Last year, American farmers produced 7.1 billion bushels of corn. Scientists are virtually certain that many of the items that can be made from the molecular ribbons of carbon and hydrogen that form petroleum can also be manufactured from corn starch, which also consists of long chains of carbon, hydrogen and oxygen atoms.

The idea is to come up with a plastic that is programmed to degrade. It has been found that one ingredient to initiate the degradation of plastics is corn starch. Mix in enough of it and the heftiest plastic bag will disintegrate after a few years. The technology is really not that new. It can be traced back to the mid to early 1970's and an emerging industry is beginning to produce commercially viable, biodegradable plastic products.

Scientists now believe that the same 60 billion pounds of plastic that were produced last year with 1 billion barrels of oil, could potentially be made with 3 billion bushels of corn. To meet the need, we would have to expand corn acreage by at least 30 percent. Surpluses would disappear.

The reality of this happening is still off in the future, but if properly studied and researched, it could happen and it might just be timed when oil prices have begun another upswing.

At this time, the technology does not exist to make all plastics degradable, nor would it be prudent to do so. There are, however, many products which can and would best be made from biodegradable plastics—especially products such as packaging materials and plastic bags which are used temporarily and then discarded. It is precisely these products that we should be pursuing with these new technologies.

This amendment requiring a study of the use of biodegradable plastics in appropriate sectors within DOD will give us a basis to know how feasible it might be to begin use of these plastics in the limited area of disposables. Some States have laws requiring certain products be made of degradable plastics, and other nations have moved to the forefront in confronting the plague of plastic waste. Italy, for example, has already passed a law requiring that next year all bags used for packaging and containers for liquid food products must bear a mark enabling the identification of the material they are made of and warning not to dispose of them in the environment. The law further specifies that they must be degradable or recyclable.

My point in all this is that we should be doing more faster and be doing it now. We can start now with this amendment.

By requiring that information be gathered and a report made on the matter, we can begin to form a basis to boost an important new technology, improve our agricultural economy, take another step in reducing our reliance on oil imports, and attack the problem of plastic pollution. I urge adoption of this amendment.

Mr. GLENN. Mr. President, I am pleased to join with my colleague, Senator HARKIN, in proposing this amendment before the Senate today. Our amendment to direct the Department of Defense to study the use of agricultural commodity-based biodegradable plastics by the Department of Defense addresses a subject that I have long supported. That is, the development of new nonfood uses for our Nation's agricultural commodities.

Mr. President, the Department of Defense procures vast quantities of plastics for a wide variety of uses including plastic packaging, industrial containers, plastic bags, and food containers. It is therefore entirely appropriate that the department study the potential for increasing the use of agricultural commodity-based plastics which would benefit our Nation's farmers by helping to expand new markets for their products. It will also address the increasing problem of the disposal of solid waste that so many of our cities face today.

Our amendment also complements the Agricultural Commodity-based Plastics Development Act of 1988 that I recently introduced. This legislation will provide incentives for private sector market development of degradable plastics through the preferential procurement of these products by the Federal Government with special emphasis on agricultural commodity-based technologies. It directs the General Services Administration to identify, and make available to it's customers, degradable plastics products—$20 million is authorized for each of 3 years to cover the additional cost of procuring these items. It also establishes an interagency working group to develop and coordinate the implementation of the act. This bill is scheduled for hearings later this year and I know that many of my colleagues have expressed their support for it.

The expanded use of degradable plastics addresses two important issues facing our Nation today. Namely, the return to health of American agriculture, and the serious environmental problem we face regarding the disposal of plastic waste. These are complex problems that will not be solved quickly, rather they require a forward-looking strategy to help return our agricultural communities to prosperity and to address this very serious environmental concern facing our Nation's cities. I believe that our amendment and the legislation that I have recently introduced are a part of that solution.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 2075) was agreed to.

AMENDMENT NO. 2076

(Purpose: To strengthen conflict of interest regulations relating to the submission of offers in connection with Department of Defense contracts by officers and employees of the Federal Government and business concerns and other organizations owned by such officers and employees)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROTH, proposes an amendment numbered 2076.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 823. CONFLICT OF INTEREST REGULATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations that prohibit a contracting officer—

(1) from knowingly receiving any offer in connection with a contract to be awarded by the Department of Defense from an officer or employee of the Federal Government or from any business concern or other organization owned or substantially owned or controlled by one or more such officers and employees; and

(2) from knowingly awarding such a contract to—

(A) any person who, on either the date of the award of the contract or the date on which the Department of Defense received an offer from such person in connection with such contract, is an officer or employee of the Federal Government; and

(B) any business concern or other organization that, on either the date of the award of the contract or the date on which the Department of Defense received an offer from such business concern or organization in connection with such contract, is owned or substantially owned or controlled by one or more such officers and employees.

(b) EXCEPTIONS.—The Secretary of Defense may include in the regulations issued under subsection (a) such exceptions as he determines to be necessary in the interest of national security.

Mr. ROTH. Mr. President, the amendment I offer is a simple one intended to stamp out the practice of "insider bidding" for Government contracts by Government employees. While insider trading has been condemned by the courts, insider bidding has been condoned. The situation must be rectified.

On February 2, 1988, the Court of Appeals for the District of Columbia Circuit held that no Federal policy was violated when a Federal employee bid on a defense procurement contract, provided that the employee on winning the award terminated his Federal employment before receiving the award. In my opinion, the court applied Federal acquisition regulation 3.601, prohibiting awards to Government employees, in an overly technical manner, overlooking the conflict of interest the regulation seeks to protect against.

Such a construction makes a mockery of the concept of "competitive" bidding. Is it fair if a Government employee, who may have inside information, is allowed to compete with outsiders? Is it fair that a Government employee who bids on a contract may avoid the obligation, equally undertaken by all bidders, to perform the contract by simply refusing to quit his employment? In other words, the Government employee has a chance to review and reconsider the economic wisdom of his bid—to take a second look—while other bidders remain obligated to perform if their bid is accepted. Finally, is it fair for a salaried Federal employee to compete against others who do not enjoy an equally secure position?

While it may not be fair, it is the law. The Court of Appeals for the District of Columbia Circuit so decided on February 2, 1988, in the case of Speakman Co. versus Weinberger. In short, the Court of Appeals took the view that FAR 3.601's prohibition of awards to Government employees applies only to the final stage of the competitive bidding process—the grant of the award—rather than to the entire bidding process. This is surprising in view of the regulation's express purpose "to avoid the appearance of favoritism or preferential treatment by the Government toward its employees." the Court of Appeals considered the word "award" to be "unambiguous" and found support for its position in the agency's similar view.

The Speakman case I am informed, has run its course. No further appeals are planned. It is not my intention to change the outcome, as regrettable as it is. Rather, I wish to make sure that the conflict-of-interest policy is applied to the entire competitive bidding process. I wish to make sure that the Speakman case is not repeated. My amendment requires the Secretary of Defense to issue regulations to apply the conflict of interest to bids as well as awards.

I urge the adoption of my amendment.

Mr. NUNN. Mr. President, the Federal acquisition regulation prohibits a contracting officer from knowingly awarding a contract to a Government employee or a business substantially owned or controlled by Government employees. The purpose is to avoid conflicts of interest and appearances of favoritism.

The agency head can grant an exception where there is a compelling reason to do so.

Senator Roth's amendment will establish a complete prohibition. His amendment and his interest in this amendment arises from a case involving a Government employee who bid on a contract. When informed of the conflict rule, he resigned upon award of the contract. Senator Roth was concerned about the evasion of the rule.

Mr. President, our staff has gone over this in detail, as has the minority staff.

I urge the amendment be adopted.

The PRESIDING OFFICER (Mr. Hollings). The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 2076) was agreed to.

AMENDMENT NO. 2077

(Purpose: To require the Secretary of the Navy to report to Congress on the capabilities of the Navy to carry out missions requiring the use of small patrol boats)

Mr. NUNN. Mr. President, I send an amendment to the desk for Senator Kennedy. This is an amendment requiring a report on small patrol boats of the Navy.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia, [Mr. Nunn], for Mr. Kennedy, proposes an amendment numbered 2077.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . REPORT ON SMALL PATROL BOAT OF NAVY.

(a) Findings.—Congress finds that—

(1) on April 23, 1988, officials of the Department of Defense announced that consideration was being given to the deployment of United States Coast Guard vessels to the Persian Gulf for duty in conjunction with the Navy; and

(2) according to public reports based on statements from officials of the Department of Defense, the Navy has a significantly inadequate number of small patrol boats in the Navy fleet of ships.

(b) Report.—The Secretary of the Navy shall submit a report to Congress within 60 days after the date of the enactment of this Act regarding the capability of the Navy to carry out missions requiring the use of small patrol boats. The Secretary shall include in such report—

(1) an evaluation of the ability of the Navy to carry out missions requiring the use of small patrol boats that are less than 150 feet in length;

(2) a discussion of the contingencies that would necessitate the use of small patrol boats (of less than 150 feet in length) rather than larger warships;

(3) a discussion of any plans the Navy has for eliminating the Navy's shortage of such boats; and

(4) such recommendations as the Secretary considers appropriate to strengthen the capabilities of the Navy to carry out effectively missions which would require the use of such boats.

Mr. NUNN. This is another simple report by the Secretary of the Navy on the capabilities of the Navy to carry out missions requiring the use of small patrol boats. I think with the Persian Gulf operation going on, this is a timely study and report.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 2077) was agreed to.

Mr. NUNN. Mr. President, if there are further amendments to be presented this evening that have been cleared on both sides, I would urge Senators to come forward.

Mr. President, I know of no further business. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

DETECTION MISSION FOR DOD

Mr. CHILES. Mr. President, I am pleased to sponsor this amendment with Senator Nunn to S. 2355 which provides for a significant step forward in U.S. drug policy. This amendment clearly gives a defined mission for the Department of Defense to defend our borders against all threats to our national security including the threat of drugs and drug smugglers.

The role is one that is both natural and practical for the Defense Department—detecting intruders who cross our borders. Such intruders could be military threats, terrorists, cruise missiles, or drug smugglers—all of which are a direct threat to our national security. The DOD with its national detection system is the logical entity in our Government to protect our borders. The system in place has traditionally been aimed at detecting high-flying, high-speed aircraft. This amendment details the DOD's mission to detect all intruders including those on the seas and those flying low and slow.

Our amendment directs the President to designate DOD as the lead agency within the Federal Government for the detection and monitoring of all potential air and sea drug transit into the United States. This designation means that DOD shall have control and authority over the detection of all drug transit activities within the Federal Government which hopefully will eliminate much of the duplication, confusion, and gaps which currently exist. It also means that DOD will perform a major role in creating a command, communications, and control network to provide necessary tactical information to civilian authorities who are charged with the drug enforcement responsibilities.

Mr. President, this mission is not only practical for the Defense Department for reasons of logistics but also for reasons of cost. Yes, it will require some additional resources to completely and efficiently comply with the mission we are bestowing on the Department of Defense. However, there is already in place a substantial inventory of equipment and systems that are currently owned or under the control of DOD. Such resources include fixed-based radar systems, radars-carrying aerostats, long-range surveillance crafts, and control networks. The President is required to access any additional need for resources that are necessary to fulfill this mission of the DOD.

This amendment also provides for the National Guard to be utilized by the Governors of States for the purpose of drug enforcement. This amendment provides the Governors with funds for drug enforcement efforts by the National Guard. The amendment does not spell out those specific activities but recognizes the diversity among State needs by requiring the Governors to submit State plans detailing the Guard's involvement in drug activities. Such activities might include enforcement, surveillance, eradication, spot checks and searches, interdiction and training.

Mr. President, I believe this amendment will help to shape a more effective drug policy for the United States. Many here in Congress and people throughout America are frustrated and frightened by the volume of drugs and the accompanying violence that now envelope our communities. Such frustration has resulted in a cry for more military support to combat drugs. But few define such help. This amendment not only defines but enhances the military's role in the drug detection arena. This mission should significantly assist in the interdiction of drugs that cross our borders. The military is trained and equipped to carry out this mission. And just as crucial, this mission will assist the military in carrying out its charge to protect our citizens against all threats to our national security.

Mr. President, I commend Senator NUNN and his staff for their leadership in developing this amendment. I am hopeful that this defined mission for DOD will be a first and important step in our efforts to define a clear and effective drug policy. The American people deserve no less.

Mr. CRANSTON. Mr. President, I had originally intended to offer an amendment to this bill, on behalf of myself, Senator BOSCHWITZ and others. This would be a short and straightforward amendment that would establish conditions for implementation by the United States of a new nuclear-cooperation agreement with Japan that has not yet come into force. The amendment would require no further negotiations or exchange of notes between the two governments, but it would ensure that the agreement will be carried out in a manner consistent with U.S. law and vital American interests.

The amendment seeks to accomplish four basic objectives. First it requires the President to advise Japan, prior to entry into force of the new nuclear agreement, that (a) nothing in the agreement detracts from the parties' unilateral suspension rights; (b) consent for reprocessing and plutonium use is premised on the continuing adequacy of safeguards and physical security measures; and (c) United States cooperation is required for any air transport of plutonium.

Second, on an annual basis and in connection with the inclusion of any new facilities under the agreement's advance consent arrangements, the President must advise the Congress whether the criteria for "subsequent arrangements" contained in section 131 of the Atomic Energy Act are being met and, if they are not, must suspend any applicable advance consents.

Third, plutonium overflights of the United States are barred, as are any flights, regardless of routing, that do not meet the crashworthiness certification requirements for plutonium shipping casks, as spelled out in the Murkowski-Proxmire amendment that was enacted last year by Congress.

Fourth, any future sea shipments of plutonium to Japan must be approved on a shipment-by-shipment basis pursuant to requirements of section 131 of the Atomic Energy Act.

This amendment is necessary because of what the Reagan administration acknowledges is the unprecedented nature and scope of the "programmatic consent" for reprocessing of spent fuel and utilization of the recovered plutonium, which Japan is accorded under the agreement. The long-term nuclear proliferation and terrorism risks associated with this arrangement are grave. Indeed, the agreement will authorize Japan to acquire more United States-controlled plutonium than now exists in the entire United States arsenal. In order to ensure that U.S. national security, safety, and environmental interests are protected, it is essential that clear guidelines be spelled out for implementation of the agreement by the executive branch.

Mr. NUNN. I am most sympathetic to your concerns. I have long been convinced that the United States must do everything possible to protect against risks of nuclear proliferation and nuclear terrorism. While the Senate in March declined to disapprove this new nuclear cooperation agreement—and I myself voted against disapproval—I do not believe that the Senate's vote reflected a judgment that additional conditions on implementation of the agreement to reduce such risks would be inappropriate. To the contrary, I and many of my colleagues were concerned that other options were not available to the Senate at that time. It is not inappropriate before the agreement comes into force that we prepare some guidelines for implementation, as you have proposed.

I am concerned, however, that in the context of the Defense authorization bill, we do not have the time to give your amendment the full consideration it requires. A number of colleagues will want to be heard on this matter and the hour is late.

I am therefore pleased that you have agreed in our discussion to withdraw the amendment with the understanding that we will work together with other Senators to address this issue again before the new United States-Japan agreement enters into force. I am hopful that the President will work in the interim closely with Members of Congress and listen carefully to suggestions to strengthen the guidelines for implementation. Such an approach would help ensure that no misunderstanding arise between the United States and Japan concerning interpretation of how the obligations of each party will be carried out.

Mr. CRANSTON. I appreciate the chairman's suggestions and the concerns you have expressed regarding proliferation and terrorism risks. Although I believe time is of the essence in enacting this legislation, I understand the difficulties in allowing a full debate on it this evening. I am pleased to accept your proposal because I am hopeful that, working together with you and other colleagues who I believe support this measure, we might be able to secure its adoption.

I am advised that the exchange of notes necessary to bring the agreement into force remains in abeyance because of uncertainties that still exist concerning arrangements for air transport of plutonium. This is one concern that my amendment will resolve, both as to the routing of these shipments and as to the safety standards for shipping casks to be applied. This is all the more reason, therefore, for the administration to accede to our request to await congressional action on implementing legislation. An additional delay of only a few weeks to bring the agreement into force is a small price to pay when we are talking about assuring that U.S. national security, safety and environmental interests will be protected over the 30-year life of the agreement. With your pledge of assistance in seeking a timely revisitation of this issue, I am prepared to not offer my amendment at this time, and ask that the text of which I hereby submit for the RECORD.

There being no objection the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 000 TO THE DEFENSE AUTHORIZATION ACT OF 1988

SEC. 000. Notwithstanding any other provision of law, the Agreement for the Cooperation between the United States and Japan Concerning Peaceful Uses of Nuclear Energy, transmitted to the Congress by the President on November 9, 1987 (the "Agreement"), shall be implemented as follows:

(a) The United States shall advise the Government of Japan, prior to entry into force of the Agreement, that (i) nothing in the Agreement or any subsidiary arrangement entered into pursuant to Article 11 thereof detracts from either party's unilateral right to suspend for reasons of non-proliferation or national security any consents for reprocessing, plutonium use and related activities provided thereunder; (ii) any such consents are premised on the continuing adequacy of safeguards and physical protection measures and upon utilization of the best available technology therefor; and (iii) United States cooperation and assistance must be secured for any air transport of plutonium to Japan;

(b) On an annual basis, and in connection with the addition of any facility to Annexes 1, 2, or 3 of the Implementing Agreement, the President shall provide to the Congress an assessment of whether statutory criteria for United States approvals of reprocessing and related activities, including a technical timely warning determination as specified in Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), are being met, and, if the President determines that the use of nuclear materials subject to the Agreement at any facility or in connection with any activity will result in a significant increase of the risk of proliferation or be inimical to the common defense and security of the United States, the President, pursuant to Article 3 of the Implementing Agreement, shall suspend the advance consent for such facility or activity;

(c) No shipments of plutonium to Japan by air under the Agreement shall, except in emergency, be permitted to land in or overfly the United States, and, regardless of whether shipments pass through United States' air space or territorial waters, all such shipments shall be subject to the measures required by section 5062 of the Omnibus Budget Reconciliation Act of 1987;

(d) Shipments of plutonium to Japan by sea shall be treated on a shipment-by-shipment basis in accordance with Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160); and

(e) The United States shall not approve the substitution or sale of nuclear materials subject to the Agreement.

Mr. HOLLINGS. Mr. President, one of the most critical requirements of the DOD is to expedite the research, test, and deployment capability of an effective Asat capability. Contrary to the gospel preached continually by opponents of the United States gaining on Asat force, the Soviet Asat system is not crude and one-dimensional. It consists of four major components:

A low-orbital satellite interceptor; the GALOSTI ABM interceptor; directed energy weapons; and electromagnetic combat systems.

The United States should not be standing still in the face of an ever-increasing Soviet capability. I am prepared to support efforts of the DOD to initiate the relevant action to go forward with an aggressive Asat research program.

For several years, the House has acted blindly and negatively toward Asat. Fortunately, some wisdom has been imported on that body this year and no ban on Asat was enacted in the House on this year's authorization bill. I believe that the Senate could defeat any attempt to resurrect the House ban in the Senate.

The Senate Armed Services Committee's bill directs that the Secretary of Defense develop a 5-year comprehensive plan on a United States Asat Program to counter the growing sophisticated Soviet system. Space shall not be a sanctuary for Soviet satellites. The current environment for our satellites—where they are subject to considerable risk—is a very destabilizing situation. A United States Asat system would provide the deterrent capability to protect our critical assets.

The next step in the process for Asat is a strong endorsement of it by the DOD and a credible program included with the budget submitted next January. I have been working very closely with the chairman and ranking minority members of our Armed Services and Intelligence Committees and we all agree on the need for the Asat and expect it to be a key element in the fiscal year 1990 budget.

Mr. President, on April 28, I delivered a speech on the priority of a U.S. Asat Program. I ask unanimous consent that the statement be reprinted in the RECORD at this point.

I also ask unanimous consent that two letters to my distinguished colleague, Senator NUNN, the chairman of the Armed Services Committee, be printed in the RECORD. These letters clearly refute allegations made by Asat opponents that key DOD officials do not enthusiastically support Asat. The letters are authored by Vice Adm. William E. Ramsey, Deputy Commander in Chief of the U.S. Space Command and Adm. C.A.H. Trost, the Chief of Naval Operations.

There being no objection, the material was ordered to be reprinted in the RECORD, as follows:

OUR NATION'S SPACE SYSTEMS

Mr. HOLLINGS. Mr. President, today the United States is embarked on what I believe is a perilous and foolhardy course. Our Nation—to our great disadvantage—has unilaterally conceded to the Soviet Union the uncontested ability to control space, when we would most need to operate there: in crisis, in conflict, or in war.

The investment our country has made, and continues to make in our Nation's space systems—some $400 billion to date, by some estimates—is almost totally unsheltered, because of our misguided refusal to value it enough to protect it with appropriate military force.

We use space for commerce, for science, for mapping, for navigation, for communications, and for surveillance of all kinds. Yet, as a nation, we so little value space, and the critical functions that are performed by space systems, that we have accepted that our flag will not fly there in wartime no matter what the Soviets may do.

We have voluntarily given to the Soviet Union, the exclusive rights to that domain. Rights that they will most certainly exercise, when it suits their needs, and when Soviet control of space would cause the most grave harm to our own national interests.

The incongruity of the present situation is overwhelming. We do not rely on Soviet goodwill to preserve the democratic institutions of our friends, or to fulfill our obligations to our allies—we have over 450,000 well-equipped soldiers, sailors, airmen, and marines forward deployed, they checkmate Soviet aggression or adventurism. We have the finest Navy and Marine forces in the world, and another 50,000 sailors and marines afloat, to protect our global maritime interests and those of our allies.

We do not rely on Soviet philanthropy—or their declarations of good intentions—to protect the borders of Western Europe, or to keep the sea lanes open to commerce or the movement of forces. Nor do we expect that the sovereignty of our airspace or the airspace of our allies would be preserved without strong air forces.

We have also faced up to our responsibilities to counter Soviet intrusions in Afghanistan, Angola, and, while not enough, we have supported the resistance forces in Nicaragua who are fighting to restore freedom there.

In every case—on the land, at sea and in the air—we have had the wisdom to develop and deploy effective military forces, deterrent forces fully capable of warfighting, postured and ready to exact a tremendous toll against any aggressor. This is true in every case, and in every operational medium except one: except in space. In wartime, space will belong to the Soviet Union.

In plain language, the Soviets have the military systems that will allow them the uncontested control, the uncontested dominance of space, and we presently have nothing—not one thing—to oppose them there.

Today the Soviets have the world's only operational antisatellite systems. They would like us to believe that their antisatellite systems are "crude", and that the threat posed to our satellites is "one-dimensional." But, it is now clear from testimony given by our Nation's best military experts—that the Soviet antisatellite threat is neither crude, nor one-dimensional. Let me review some of the facts with you.

The Soviet coorbital satellite interceptor, launched on the SL-11 booster, has been operational since 1972. Extensive Soviet testing of this system against objects in space has assured that it will have at least a 50-percent "probability of kill", if employed against our low Earth-orbiting satellites. By 1982 the Soviets had enough confidence in this system that they no longer needed to conduct full and visible integrated testing of it against objects in space. In August 1983 they declared that they would "restrain" from further "testing" of this already proven and already operational system, if the United States exercised similar restraint. Some of our colleagues here—and many more in the House—were seduced by that specious claim. And, as a consequence, the Soviets were handed a cheap but significant victory. To the Soviets, the best situation is deterrence of our will to resist them and their designs. This victory cost them nothing, except perhaps the price of a lie.

The truth of it is, that the Soviets continue to launch the SL-11 booster with other payloads. The reliability of that launch vehicle is unsurpassed by any U.S. system. Moreover, there is nothing to prevent other portions of the coorbital antisatellite system from being exercised separately, and in ways not visible to us.

I have every confidence that—in fact—that is just what the Soviets may have done. And, the coorbital satellite interceptor is only one of four antisatellite technologies presently available to the Soviets.

The Soviets also have an inherent direct ascent antisatellite capability in their "galosh" antiballistic missiles. By "inherent," I mean that the missiles have the right combination of range, payload, and guidance to allow them to be used in either an antiballistic missile role, or an antisatellite role. Of those two tasks—the destruction of ballistic missile reentry vehicles, or the destruction of satellites—by far the easier technological task, is the destruction of satellites.

The capabilities that reside in these two "hard kill" or "kinetic kill" systems—the coorbital interceptors and the "galosh"—are complemented by Soviet directed energy and electronic warfare capabilities. At Sary Shagan, the Soviets are estimated to have two lasers that are probably capable of damaging components of our satellites in orbit. The launch points for their kinetic kill antisatellite systems and their laser systems are geographically spaced to provide multiple engagement opportunities against our critical low Earth orbiting satellites each day. Soviet ground-based lasers capable of being used in the antisatellite role, could also be complemented by more ground-based lasers, and even by space-based antisatellite lasers in the 1990's.

Soviet doctrine for war on land, at sea and in the air also postulates the need for a robust electronic warfare, or "radio-electronic combat" capability. Lately the Soviets have openly discussed electronic warfare against our spacecraft as one of their potential "asymmetric" responses to the strategic defense initiatives. We would be naive beyond belief, if we did not credit the Soviets with the wartime capability to disrupt or degrade our satellites by using electronic warfare.

Thus, the Soviets presently have at least four known antisatellite technologies to choose from: A system of coorbital satellite interceptors; numerous direct ascent missiles; ground-based lasers; and the technological capability for antisatellite electonic warfare. No one should thoughtfully call that kind of antisatellite threat "crude," and it is clearly not "one dimensional."

On the horizon are even more Soviet systems with antisatellite applications. Among these must be included radio frequency, or RF weapons, particle beam weapons, perhaps even a Soviet "space plane" and the Soviet space shuttle. The latter two could be developed and used to interfere with or to capture our satellites in wartime.

Facing present and future Soviet space control capabilities, and a growing family of Soviet antisatellite technologies, we—the United States—have nothing.

Nothing but our reliance on the goodwill and restraint of the Soviet Union to leave our spacecraft alone in wartime—when the incentive for interfering with them would be as high as the strategic advantage that would be the strategic advantage that would be gained by denying us their use.

Nothing to protect our satellites—by increasing the risk to Soviet space systems—should the Soviets contemplate or commence attacking them.

Nothing to protect our own soldiers, sailors, airmen, and marines, should the Soviets use their satellites to target and to direct attacks against our forces in conflict. Nothing.

We have created this unsatisfactory situation ourselves. That is foolhardy. But it is also perilous.

When no less authority than the Commander in Chief of our United States space command tells us that his job is "impossible," because he has no ability to control space in crisis or conflict; when he warns us that "we will pay the price of our neglect in American lives" because he will be unable to stop the Soviets from controlling space, from using that control to operate those Soviet systems designed to locate and target our forces; when no less authority than the Chief of Naval Operations counsels us that "if we are going to win at sea, we must ensure that we win in space", and; when no less authority than the Secretary of the Air Force tells us that "we have unilaterally given the advantage to the Soviets to control space in time of conflict," then we must seriously question whether we are able—in good conscience—to disregard those stern warnings, that sound advice based on scores of years of military and defense experience.

Consider, if you will, what the Soviets could do—and most assuredly will do—with undisputed control of space in a conflict. By attacking our military significant spacecraft with kinetic kill weapons and lasers, and by disrupting other space systems with electronic warfare, they could quickly degrade our ability to exercise command and control over our forces by hindering communications, they could deny our forces and our leadership critical information of all kinds, and they could force us into ill-timed or inappropriate military operations. They could, in short, completely bury us in the "fog of war."

Simultaneously, the Soviets would use their own clearly superior rapid launch capability to put even more Soviet surveillance and targeting spacecraft into orbit. They would use these in an attempt to make our operations transparent, to find our convoys and our military formations, and to methodically attack them or otherwise inhibit their effectiveness. We, for our part, would have no way to challenge Soviet mastery of space, except to escalate the conflict on Earth. Clearly, this unsatisfactory state of affairs is intolerable, and must be changed.

What needs to be done to change it? The first need, the most urgent need is for all of us to accept that space has become and will remain—whether we like it or not—a military arena of great strategic importance. We cannot hope to meet our national security objectives, in peacetime or in conflict, without the ability to use space. Soviet rhetoric that laments and eschews the alleged "militarization of space" is nothing less that pure hogwash. Not only do the Soviets have more military spacecraft than we do, they also have an almost exclusively military space program. A program designed to meet their doctrinal requirement to achieve what they call "mastery of space" in the time of conflict.

If space is "militarized" by the presence of military systems, then so is the land, the sea, and the air. We cannot allow ourselves to be deterred any longer by Soviet propaganda.

Once we accept that the use of space is critical to our national security, we need to also accept that the Soviets will most certainly contest our presence there in conflict. They have the ability to do that today, if they so desire. Thus, our space systems need to have the ability to endure there, even in the face of Soviet opposition.

We need to have more spacecraft on orbit, and those need to be more survivable. However, there are physical limits to the amount of survivability that can or should be built into our satellites. We can make satellites more survivable, but we cannot make them "immortal." No military system can be made immortal, and we should not demand of satellites a level of inherent survivability we do not demand from ships, or tanks, or aircraft.

Thus, and finally, the best way to protect our spacecraft and make them survivable, is to have a credible deterrent Asat capability of our own with the ability to hold at risk the military spacecraft of the Soviet Union. To do that we have a clear, compelling and—I believe—urgent need for a U.S. satellite negation capability. We need to be able to hold threatening Soviet military spacecraft at risk in all the orbits where they operate. We also need a range of engagement systems or technologies, that would enable us to disrupt critical Soviet satellite functions at the lower level of the spectrum of conflict, and promptly destroy a large number of Soviet satellites at the higher levels of conflict.

A United States satellite negation capability would deter Soviet attacks on our spacecraft, by giving us the significant ability to retaliate by attacking Soviet spacecraft. Should deterrence fail, a credible operational United States antisatellite capability would help defend our own spacecraft and forces, by threatening or destroying Soviet war-supporting spacecraft.

While Soviet space reconstitution capabilities make it more unlikely that we could ever exercise absolute control of space, we must nonetheless at least strive to be able to dispute Soviet control, as the alternative to the indisputable wartime inferiority in space that we presently would have.

I should also stress what should be obvious: That we cannot have a credible antisatellite capability of any kind, unless candidate U.S. antisatellite systems are subjected to realistic and comprehensive testing. We have so frustrated the Department of Defense with short-sighted legislation impeding antisatellite testing, that we have effectively prohibited them from acquiring a much-needed and long-overdue deterrent and warfighting capability.

I urge my colleagues to join me in demanding that the Department of Defense set about immediately with acquisition of an effective and credible satellite negation capability, and one that can be made operational at the earliest possible date. As an initial objective we should acquire the capability to hold at risk all those low Earth orbiting Soviet spacecraft specifically designed to locate and target our military forces.

At the same time, I urge my colleagues to exercise their considerable influence to ensure that acquisition of this validated military requirement is supported on both sides of the aisle, and both in the Senate and the House.

We simply must develop and test capabilities—whether ground-, air-, or space-based—that will provide an effective deterrent to a Soviet monopoly. We need a credible, operational, U.S. antisatellite system.

DEPARTMENT OF THE NAVY,
Washington, DC, May 11, 1988.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, U.S. Washington, DC.

DEAR MR. CHAIRMAN: I am writing to inform you that Navy fully supports limited testing of a kinetic anti-satellite (ASAT) weapon. In the next decade our country will require such a weapon to be capable of destroying Soviet space-based surveillance and targeting systems, and to deter Soviet attacks against our own space systems. ASAT testing against targets up to 800 miles is a reasonable approach, allowing the Department of Defense to develop a low earth orbit (LEO) ASAT comparable to the Soviets' demonstrated capability.

The requirement for an ASAT emerged as we saw the Soviets improving and expanding their space systems. Through the early part of this decade, Soviet satellites designed to search for and target ships had only rudimentary capabilities. Since that time, the Soviets have pursued a well-financed effort to expand and diversify their space-based maritime surveillance capabilities. Today they are testing more advanced sensors in orbit; these sensors may affect the Navy's ability to evade detection and targeting in the forward areas in the future.

A hardkill ASAT weapon is not the only way to neutralize space systems. Deception and evasion are traditional and time-tested techniques, and we intend to upgrade our capabilities in those areas to match the evolving Soviet threat. Analysis shows, however, that the capability to make a direct, unambiguous physical attack on Soviet satellites engaged in locating and targeting our ships should be available.

In summary, the Soviet commitment to space is ominous, and appropriate countervailing weapons are essential. I support the need for a United States ASAT capability.

Sincerely,

C.A.H. TROST,
Admiral, U.S. Navy.

U.S. SPACE COMMAND,
Peterson Air Force Base, CO, May 6, 1988.

Hon. SAM NUNN,
Senate Office Building, Washington, DC.

DEAR SENATOR NUNN: This letter is to advise you of my position regarding the necessity for this country to have an antisatellite (ASAT) capability. In recent House debate on an ASAT ban, I was particularly disturbed to hear that I was being quoted as not supporting the need for a U.S. ASAT capability. That could not be further from the truth. The quote used during the floor debate was taken completely out of context from a response I made in March to a question raised at a forum on space and national security. I believed then, as I do today, that the United States must have an antisatellite capability to counter the demonstrated Soviet antisatellite systems. I do not believe that a continued moratorium on ASAT testing is in the best national security interest of the United States.

The mission of the United States Space Command, in support of our national security, is space control—to assure free access to and through space for our spacecraft and those of our allies. Successful accomplishment of that mission requires, even demands, an ASAT capability.

As the Deputy Commander in Chief, United States Space Command, I am acutely aware of this need and very much involved with the critical space systems that play daily in our national security. I am concerned that the Soviets have a demonstrated antisatellite capability while our nation is completely unable to respond in kind to any antisatellite activity. That inability leaves us with undesirable alternatives in a crisis: no response, in an environment of degraded capability; or, a terrestrial response which could lead to escalation.

I am forwarding my views in the interest of accuracy in any future discussion on this subject.

Sincerely,

WILLIAM E. RAMSEY,
Vice Admiral, U.S. Navy,
Deputy Commander in Chief.

Mr. HUMPHREY. Mr. President, I would like to engage the chairman of the Armed Services Subcommittee on Defense Industry and Technology in a brief colloquy on the subject of a very important new technology being pursued by the Department of Defense and supported by our committee.

Mr. BINGAMAN. I would be happy to join in this discussion with the distinguished Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, as my colleagues on the Armed Services Committee are aware, the rapid advancement of electronic technology has been a key driver in our ability to field state of the art weapons systems to meet current and future threats. For more than 8 years, our committee has supported the Defense Department's efforts to encourage the development of very high speed integrated circuit [VHSIC] technology for utilization in a diverse range of electronic warfare and sensor applications. With the bill before us, we now have the opportunity to build on the VHSIC experience by supporting the next generation of advanced computer chips called microwave/millimeterwave monolithic integrated circuits, or MIMIC for short. These new chips use a gallium arsenide semiconductor material which functions faster than conventional silicon and can operate at the microwave frequencies used by radar, communications, and electronic defense systems. I think the Senator will agree this new generation of advanced chips shows great potential for timely and cost-effective insertion in future military systems.

Mr. BINGAMAN. The Senator is correct in the importance he attaches to MIMIC as the next development phase of integrated circuit technology. In my view, MIMIC represents a quantum leap in this critical area and is essential for meeting a range of system requirements in the 1990's. We noted during the course of our review of the President's budget submission for 1989 that a 5-year, multiphase development program with a funding profile of $500 million was initiated in 1987 by the Department of Defense as a joint-service program. Affordability, availability and generic applicability of MIMIC technology are the primary goals of this program. The preliminary effort, involving program definition and the identification of important system applications, has already been completed. The next phase, to develop MIMIC technology and provide brassboards for the major DOD systems, is planned for 3 years with expenditures of some $240 million. This year the Department requested $67.1 million for MIMIC, unfortunately, due to funding constraints, our committee was unable to fund the request and reduced it by $14.5 million.

Mr. HUMPHREY. Mr. Chairman, I realize funding is constrained in the current budget environment and understand the problems your subcommittee faced in reaching their funding targets. I understand, however, that at this stage the program appears to be well-managed by the Department of Defense and is on track with respect to cost and schedule objectives. Would the Senator agree with this assessment of the MIMIC Program status?

Mr. BINGAMAN. I do agree. The program currently seems to be on schedule and well managed. All in all, MIMIC is progressing well toward its objectives, and the reduction that was applied to this program was without prejudice.

Mr. HUMPHREY. Mr. Chairman, I understand the House has increased the funding for MIMIC by $20 million. It would be my hope that in conference we would be able to at least restore the level of funding to the MIMIC Program that was requested and, if possible, recede to the House position. What are your thoughts on this?

Mr. BINGAMAN. Senator, as I have mentioned, I am a supporter of the MIMIC technology, and will attempt to provide a higher level of funding than that provided in the Senate bill when we negotiate with the House conferees.

Mr. HUMPHREY. I thank the Senator.

Mr. ADAMS. Mr. President, as the chairman knows, my home State of Washington will be hosting the Goodwill games in 1990. This event will be the largest international sporting event held between Olympiads. Current plans indicate that 22 nations will be represented. Unlike those held in 1986, these games are under the direction of a nonprofit corporation which is controlled by business and community leaders in the Seattle-Tacoma area.

Seattle-Tacoma and the entire State of Washington are committed to making these games a successful event. There are already a number of cultural events planned to compliment the athletic competition and help the games achieve their stated purpose of increasing understanding between the nations and people involved. The community has already made a substantial contribution to defray the cost of the competition and associated events—and it is prepared to do more.

However, as the chairman knows, the security risks associated with an event like this are substantial. The city and the State just do not have the capacity to provide the sophisticated equipment and support that is necessary to provide the sort of security needed in an era of international terrorism. In the past, the Congress has directed the Department of Defense to provide assistance for nonpersonnel support drawing on DOD's expertise and equipment. The House authorization bill includes such an authorization for the Goodwill games. The chairman and I have discussed the possibility of including such an authorization in the Senate bill and I wonder if he would comment on his thinking on this issue?

Mr. NUNN. Mr. President, the Senator from Washington and I have discussed this issue. As he knows, the Armed Services Committee has indicated a strong concern about such funding requests in the past. In fact, the committee had indicated that we would not consider such requests in a era of strained budgets and tight resources. The position taken by the committee, however, did not become a part of the law. As a result, it is entirely possible that communities involved in such events might have been unaware of the constraints we wished to impose. In addition, I am aware that the House has included an authorization designed to support security needs at the Goodwill games. With other States seeking to host international competitions of this sort, I assume that there will be future requests for funding of this kind.

As I have indicated to my colleague from Washington, there was not time to consider the policy implications of this request when the committee was marking up this bill. If an amendment was offered to authorize security assistance funds for the Goodwill games, the committee would—based on its previous position—be obliged to oppose it. I honestly think that the best course of action is to allow us to take this issue to conference and discuss it with the House without the full Senate having taken a position on it. That will give the committee an opportunity to try to establish a policy for the future while protecting the Senator's immediate interests.

Mr. ADAMS. I thank the chairman. Let me indicate again that I believe the Goodwill games are an extremely valuable tool in the ongoing process of building understanding and peaceful competition between the United States, the Soviet Union and other nations throughout the world. Given the role that these games can play, I believe that support from the Department of Defense is appropriate; given the fact that the goals of the games have not yet been achieved, such support is essential. I would simply indicate that I trust the chairman's ability to resolve this issue in a way which will allow the games to have the security support they need. Again, I appreciate the comments of the chairman and I look forward to working with him as this issue moves through the conference.

Mr. CHILES. Mr. President, I would like to take a few moments to engage the distinguished manager of the bill, and chairman of the Armed Services Committee, Senator NUNN, in a colloquy regarding the transfer of authorizations provisions of this bill.

It is my understanding that the bill contains, as past DOD authorizations bill have, language that bestows upon the Secretary of Defense the authority to transfer certain authorization authority between the various titles of the bill. Of particular interest is section 902 of the bill. I understand that this section increases the authorization transfer authority given to the Secretary for fiscal year 1988 by some $2 billion.

If the purpose of this provision is to ensure that the Secretary has adequate authorization levels for anticipated further appropriation action this fiscal year then I have no problem with the language. However, as chairman of the Senate Budget Committee, I want to ensure that the effect of the proposed additional fiscal year 1988 authority given to the Secretary in no way allows the Secretary to obligate funds in excess of the amounts previously appropriated to the Department of Defense, absent further appropriations action. Is that the Senator from Georgia's understanding?

Mr. NUNN. The Senator from Florida is correct.

Mr. CHILES. I thank the Senator for his clarification.

FORT LEWIS ELEMENTARY EDUCATION CENTER, CLOVER PARK SCHOOL DISTRICT

Mr. EVANS. Mr. President, I am prepared to offer an amendment authorizing $10 million for the construction of a special needs and education center at Fort Lewis, WA. This facility would service the McChord Air Force Base/Fort Lewis community which has a disproportionately large population of special needs children compared to other military communities around the country. The Army recently designated Fort Lewis as a compassionate assignment for parents of handicapped children, and in so doing placed a tremendous burden on Clover Park School District. Officials are now required to find additional space to meet the special education needs of its student population.

Mr. NUNN. I concur with the Senator from Washington's [Mr. EVANS] remarks. At this time, unfortunately, we do not have a $10 million offset for the project. I would appreciate the Senator withdrawing his amendment so as to enable us to preserve enough flexibility to address this issue adequately in conference. Ultimately, I believe there is a good chance that we will be able to work with our House colleagues to secure funding for this most important project.

Mr. EVANS. While we can appreciate the budgetary constraints with which we all are faced in this current fiscal year, we hope the distinguished Senator from Georgia [Mr. NUNN] will urge the Senate conferees to recede to the House provision in conference. I, therefore, withdraw the amendment.

Mr. ADAMS. I, too, concur with the remarks of my colleague, Senator EVANS. Additionally, I am encouraged by the comments of the distinguished Senator from Georgia [Mr. NUNN]. The importance of, and need for this project cannot be overstated. The situation in Clover Park is a travesty. The existing facilities are inadequate and military special needs children are transported daily to multiple civilian schools of varying distances from Fort Lewis. Many of these children must be transported over 20 miles each day. It seems unreasonable and reprehensible to station a family in a particular area specifically for a child to receive attention, and then undermine that effort by transporting this child great distances so that he or she can receive proper care and attention. I know the distinguished Senator from Georgia [Mr. NUNN] will do all he can to see that funding for this most important project is authorized in the current fiscal year.

Mr. DECONCINI. Would the manager of the bill yield for a question to clarify certain language in the report?

Mr. LEVIN. I would be happy to yield to the distinguished senior Senator from Arizona.

Mr. DECONCINI. First, let me congratulate the committee on its action concerning the AH 64 "Apache" helicopter. I note that the bill before us authorizes the procurement of 72 Apaches in fiscal year 1989, but recognizes that the budget request is insufficient to procure that number of helicopters. As a result, the committee added $40 million to assure that 72 aircraft can be obtained. Further, the committee wisely indicated its support for a multiyear procurement of 72 AH 64's per year for 3 years beginning in fiscal year 1990 providing certain conditions are met. To facilitate this multiyear program, another $40 million was added to procure long leadtime items necessary to achieve anticipated savings.

On page 21 of the report the last sentence of the AH 64 portion reads as follows:

> Those funds may not be obligated, however, if the Department of the Army fails to successfully negotiate a multiyear contract that conforms to the conditions outlined above, and may not be obligated for helicopters that exceed the price of helicopters negotiated under the multiyear contract.

Would the distinguished manager of the bill clarify the intent of that language in order that there may be no question as to its meaning?

Mr. LEVIN. I would be happy to. First, let me say that the AH 64 program is a high priority item with the Armed Services Committee. It is an outstanding weapons system in its 7th year of production. Now that it has been in production for some time, the committee believes it would be appropriate for the Army to enter into multiyear contract negotiations to achieve the lowest cost at the best economic rate.

As to your specific inquiry, the last sentence establishes two conditions that must be met before certain funds may be obligated. The first restriction applies only to the additional $40 million in advance procurement funds. That restriction precludes their use if a multiyear contract cannot be negotiated which meets the conditions stated in the same section of the report.

The second restriction applies to the $40 million added for the 1989 procurement. That restriction requires that the negotiated unit price of the 1989 helicopters not exceed the price obtained under the multiyear contract, all calculated in fiscal year 1988 dollars and adjusted for quantity variations.

Mr. DECONCINI. I thank the distinguished Senator for the explanation. One final point for clarification: The unit prices under the multiyear contract reflect savings from economic purchases of materials and support equipment that would not be achievable under single year fiscal year 1989 program buy. Those savings could be as much as 40 percent of the total multiyear savings.

It is the committee's intent that the 1989 procurement in fact be a part of the multiyear contract so that the same unit costs are achieved—or—that the 1989 single year procurement be negotiated separately, but concurrently with the multiyear contract to achieve as much of the multiyear savings as possible except for the economic ordering savings? This letter interpretation would make achieving the prescribed unit price of 90 percent of the average unit cost for the 1984-87 program very difficult. Does the committee view this 90 percent as an absolute requirement or an achievable goal?

Mr. LEVIN. The Senator identified two alternatives, and either is acceptable. The Army can include the fiscal year 1989 units in a combined multiyear contract, or it can negotiate the 1989 program concurrently with a multiyear contract. In either instance, the unit cost for the aircraft procured with fiscal year 1989 dollars cannot exceed the unit cost negotiated under the multiyear contract, and in both instances the savings must be at least 10 percent compared to annual contracts.

I thank the Senator for bringing this matter up for clarification.

Mr. DECONCINI. I thank the distinguished manager of the bill for his helpful response.

Mr. ADAMS. Mr. President, my colleagues from Washington, Senator EVANS, and I have held extensive discussions with Senator DIXON, the chairman of the Subcommittee on Readiness, Sustainability, and Support, and Senator NUNN, the chairman of the full committee, about the proposal to zero out funding in fiscal year 1989 for the Everett homeport. We firmly believe that this decision represents neither sound strategy nor an appropriate response to the ongoing litigation surrounding the Everett homeport. It has become clear, however, that the committee is committed to taking this position to conference. As I understand it, while the committee prefers not to see this issue debated on the floor, they have indicated that their position is not set in concrete and that there will be a full and open-minded discussion with the House, which has partially funded the administration's request for Everett, when this bill goes to conference. I would ask the chairman if that understanding is correct?

Mr. NUNN. I fully understand the Senator's concern and he and I have discussed it several times in the past with both Senators from Washington. As we all know, there have been heated debates about the wisdom of strategic homeporting in the past. We did not revisit that debate this year. In terms of our deliberations on this bill, we accepted the Navy's original rationale for the homeporting program. However, in the case of Everett, and, to some extent, San Francisco, we found an unusual situation: the Everett homeport has received an authorization of almost $100 million in the past, but the Navy has been unable to spend most of this sum due to pending litigation. As I understand it, the only substantial work accomplished since the first increment of funding in fiscal year 1986 has been demolition of an industrial facility and some land aquisition. Given the tight budget constraints under which we are operating, we concluded that, given the existing unspent funds, the $53 million request for fiscal year 1989 was simply not justified. I want to make it clear that we denied funding without prejudice; our decision did not get to the merits of the program, just to the problems created by litigation and tight resources. However, we are mindful that the Navy has already scaled back the size of its fleet and will likely have to make further force reductions in its next 5-year plan. This data will not be available until early next year. The Navy has made it clear that it wants the Everett project to continue. By the time we go to conference, it is possible that the litigation may be resolved and that the Navy will be able to develop a coherent plan to expend prior year and fiscal year 1989 funds. We anticipate a full discussion of this issue with our colleagues in the House and we are willing to give any proposals they make a full and fair hearing.

Mr. EVANS. I would like to make it clear for the record that, because of concerted efforts by officials from State and local government agencies and the Navy, substantial progress has been made in laying a strong foundation for this project. With the exception of the final disposition of the dredge permit issue, all conditions precedent to actual construction have been met. I understand the final hurdle is expected to be cleared in the very near future, probably prior to conference with the House.

I want to stress that both Senator ADAMS and I have been working to ensure that the Everett project receives the funds necessary to move forward as soon as all necessary conditions have been met. We will continue to work closely with the committee to keep them apprised of all relevant legal developments so that the discussion in conference will be based on the best available information.

Mr. DIXON. Let me add just a brief comment: I do have doubts about the homeporting program. I have expressed those in the past. But in this case, I completely agree that our deliberations were narrowly focused on the unique combination of events operating at Everett. I also agree with the chairman: we fully expect to have a complete discussion of this issue with the House when we go to conference and, if the legal situation has changed by that time, that would clearly have an impact on those discussions. I have had a number of conversations with both Senator ADAMS and Senator

Evans on this issue and I understand how deeply they are committed to moving this project forward. I believe that the Senators from Washington also understand that I have promised to give their views every consideration when we go to conference.

Mr. ADAMS. Mr. President, I appreciate the comments of my colleagues. Senator Evans and I had considered offering an amendment to restore funding for Everett. However, based on the commitment to discuss this issue in conference, based on the firm support in the House for this program, and based on the high priority that the Navy places on Everett, we do not believe that offering an amendment would be the best course of action to take. The committee would be compelled to oppose it and the debate would produce a polarization in positions. Given the comments made by Senator Dixon and Senator Nunn, I believe that quiet conversations and meaningful negotiations in the conference are the best way to resolve this issue.

EDUCATION OF NAVY DEPENDENT CHILDREN RESIDING AT EARLE NAVAL WEAPONS STATION

Mr. LAUTENBERG. Mr. President, I would like to clarify the committee's view on a provision in the House of Representatives version of the fiscal year 1989 Department of Defense authorization bill. This provision was offered as an amendment by Congressman Smith of New Jersey. It authorizes the Secretary of the Navy to provide up to $1.5 million to assist the Tinton Falls School District in Tinton Falls, NJ, to support the education of dependents of personnel stationed at Earle Naval Weapons Station during the 1989-90 school year. This provision is not included in the Senate's bill, and I hope that the distinguished chairman can make clear the committee's position on this issue.

Mr. NUNN. I will be glad to discuss this issue with the Senator from New Jersey.

Mr. LAUTENBERG. It is my understanding that the Senate Armed Services Committee believes this provision would provide the Department of Defense with the same authority already granted under section 2016 of the recently enacted School Improvement Act. Section 2016 specifically addresses the question of financial assistance for the education of children for whom a local education agency is unable to provide an education. This section amends Public Law 81-874 to allow school districts who receive payments from the Department of Education due to the presence of children whose parents live or work on Federal property to also receive financial assistance under the Department of Defense schools program.

Mr. President, a brief background is important for my colleagues to understand the need for this discussion. Earle Naval Weapons Station is located in several municipalities in New Jersey, including the borough of Tinton Falls and the township of Colts Neck. For 2 years, Senator Bradley and I have been working with the Navy and local officials to address the Navy's urgent need for housing for approximately 1,160 additional military and civilian personnel who will be stationed at Earle as a result of the homeporting of two auxiliary oil and explosives ships [AOE's]. The Navy is currently in the process of constructing 500 additional units of housing for these families. Approximately 400 school-age children are expected to attend local schools in Monmouth County, NJ. The addition of these children will have a tremendous impact on the local school district responsible for the education of these children.

Under prior State law, all schoolchildren residing on Earle were required to attend school in the Colts Neck School District in Colts Neck Township. However, arrangements were made between the Navy and the neighboring borough of Tinton Falls, with the support of the New Jersey Department of Education for children to attend school in Tinton Falls. This arrangement was recently facilitated through the the enactment by New Jersey of Public Law 88, chapter 15. This law sets up a procedure under which a school district whose property is included within a military installation may be designated as the district to provide for the education of all the children residing on that installation. Beginning in the fall of 1989, and over the next several years, there are expected to be as many as 407 children attending school in Tinton Falls.

Mr. BRADLEY. Mr. President, I ask unanimous consent to insert in the Record a letter that Senator Lautenberg and I received from Keith E. Eastin, Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics, confirming the applicability of the new provision in the School Improvement Act to the situation in Tinton Falls. They further express their intention to provide the Tinton Falls School District necessary financial assistance. We expect to stay in close touch with the Department of Defense to ensure that they follow through on their commitment to us and to the residents of Tinton Falls.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Navy,
Washington, DC, May 9, 1988.

Hon. Bill Bradley,
U.S. Senate,
Washington, DC.

Dear Senator Bradley: I would like to confirm the Navy's understanding of the School Improvement Act of 1987, now under consideration by Congress and the President. When enacted, Section 6 of P.L. 81-874 will authorize the Department of Defense to provide supplementary funding to local school districts. This authorization could then be delegated to the Navy.

The Navy has been in close contact with Tinton Falls to ascertain the funding deficiencies which could occur if the construction of houses produces fewer students in school year 88-89 than originally anticipated. Because the school system may lack the cash reserves to prepare for the projected Navy dependents in school year 89-90 (i.e. operating expenses), the Navy will seek authority from the Secretary of Defense (subject to the availability of appropriations) to provide funds under P.L. 81-874 after concurring with the Tinton Falls and State Boards of Education that a deficit exists.

We are deeply appreciative of Tinton Falls' offer to provide schooling for our Navy children at NWS Earle and your efforts to ensure that all possible financial support is provided.

Please contact me if I may be of further assistance.

Sincerely,

Keith E. Eastin.

Mr. BRADLEY. Mr. President, I thank the distinguished chairman for his assistance with this important issue.

Mr. NUNN. The Senators are correct. The newly enacted School Improvement Act provides the mechanism for the Department of Defense to financially assist local school districts otherwise unable to provide for public education of children whose parents live or work on Federal property. This provision would apply to the situation in Tinton Falls, NJ. Therefore, the House provision to which the junior Senator from New Jersey referred is unnecessary.

Mr. LAUTENBERG. I thank the Senator.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 46 U.S.C. 1295b(h), appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: The Senator from South Carolina [Mr. Hollings], from the Committee on Commerce, Science and Transportation; the Senator from Alaska [Mr. Stevens], from the Committee on Commerce, Science and Transportation; and the Senator from New York [Mr. Moynihan], at large.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: The Senator from Louisiana [Mr. BREAUX], from the Committee on Commerce, Science and Transportation; the Senator from Oregon [Mr. PACKWOOD], from the Committee on Commerce, Science and Transportation; and the Senator from Connecticut [Mr. DODD], at large.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly spring meeting, to be held in Madeira, Portugal, May 26 to 30, 1988: The Senator from Washington [Mr. ADAMS], Chairman, the Senator from Oregon [Mr. PACKWOOD], the Senator from Idaho [Mr. MCCLURE], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. TRIBLE], and the Senator from Georgia [Mr. FOWLER].

The Chair, on behalf of the Vice President, pursuant to 46 U.S.C. 1295 b(h), appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: The Senator from South Carolina [Mr. HOLLINGS], from the Committee on Commerce, Science and Transportation; the Senator from Alaska [Mr. STEVENS], from the Committee on Commerce, Science and Transportation; and the Senator from New York [Mr. MOYNIHAN], at large.

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THE SENATE BANKING BILL AND THE HOUSE OF REPRESENTATIVES

Mr. DIXON. Mr. President, on March 1 of this year, the moratorium on further actions by the Federal banking regulators on bank asset powers issues expired. The very next day, March 2, the Senate Banking Committee voted to report S. 1886, the Proxmire Financial Modernization Act of 1988, to the Senate floor by an 18 to 2 margin. By the end of the month, March 30 to be exact, the full Senate endorsed the committee's action, passing the bill by an overwhelming 94 to 2 vote with virtually no amendments.

The Senate has therefore kept its part of the promise the Congress made last year during debate on S. 790 and H.R. 27, which ultimately became law as the Competitive Equality Banking Act of 1987. That bill did not address fundamental banking law reform issues, but section 203(a) stated that "it is the intent of the Congress, through the Committee on Banking, Housing and Urban Affairs of the U.S. Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives to conduct a comprehensive review of our banking and financial laws and to make decisions on the need for financial restructuring legislation in the light of today's changing financial environment both domestic and international before the expiration of such moratorium."

While the Senate was not able to complete action on its financial restructuring bill before March 1, it did so soon therefter. I urge my colleagues in the House of Representatives to join the Senate and to complete action on their part of the pledge made August. I hope the House Banking Committee and the House Energy and Commerce Committee can soon complete action on the kind of banking law reform package that is so badly needed.

I confess to some disappointment, Mr. President, that neither one of the two House committees have yet acted. This is an election year. Time is already beginning to run out. I know that join referral necessarily makes the committee process lengthier, but that makes it even more alarming that the committee process is not yet very far along.

I think the Senate bill is a good one. It did not pass 94 to 2 by accident. It is based on 83 days of hearings, 457 witnesses, and over 18,000 pages of transcript. It is well thought out, which is the reason it passed by such a strong margin.

There are those who assert that the Senate did not really know what it was doing, and who believe that the fact that the Senate bill was reported after two intensive days of closed door negotiations represents some sort of fatal flaws. I can only say in response that the Senate bill was hammered out over many months and that virtually every member of the Banking Committee was involved in that effort. The last 2 days of negotiations involved very important provisions of the bill, but it is important to remember that most of the bill's important provisions, were already almost completely agreed to. Even the insurance provisions, which took the majority of the last 2 days, did not involve a new, last-minute suggestion. The basis for the insurance compromise was an amendment considered by the Senate in 1984.

The simple fact is that the members of the Banking Committee and the Senate at large are convinced of the merit of the Senate approach. The Senate strongly believes that it is long past time to enact real, meaningful, structural reform.

It is Congress, not the regulators or the courts, that should control the reform process. Having said that, however, I also want to point out that the Senate recognizes that the regulators and the courts have been acting because Congress has not acted. They have stepped into the vaccum caused by our own lack of progress.

Further, it is important to remember that the regulators and the courts are not trying to change the law. Rather, they are playing a catch-up game—trying to keep our regulatory system somewhat relevant to the changed economic situation in our financial markets.

It seems to me, therefore, that we have a simple choice: Either enact reform legislation along the lines of the Senate bill that really does begin to address the underlying factors that create the demand for reform, or continue to leave the issues to the regulators and the courts to address as best they can.

I do not want to leave the issues to the regulators and courts, but I am also convinced that the Senate will not enact legislation that puts Congress in the place of King Canute—trying to hold back the tide. That cannot be done, and we should not even try.

I earnestly hope the House will pass a good, solid reform bill. Action along these lines by the House will help guarantee a relatively easy House-Senate conference, and help ensure timely enactment of legislation this year.

I hope and believe that my colleagues in the House will not send us the kind of narrow bill that does not address the real reform issues. I am sure they know that such a narrow bill would be a recipe for an impasse. I am confident that the House does not want to throw away the opportunity to enact meaningful legislation this year.

I know, Mr. President, that there are those that would like to derail the Proxmire Financial Modernization Act of 1988 in the hope of getting either a much narrower bill or a renewal of the moratorium. To them, I have a simple reply: it will not happen. Section 203(b) of the Competitive Equality Banking Act of 1987 makes that point clear. It states: "it is the intent of the Congress not to renew or extend the moratorium established under section 201 whether or not subsequent banking legislation is passed by the Congress." Let me repeat that for my colleagues. The moratorium will not be renewed even if there is no further action on banking legislation in this Congress.

This is one Senator, Mr. President, that intends to do everything he can to see that we live up to that pledge. I believe a strong majority in the Senate supports that pledge and that there is no chance that the moratorium will be extended, even if we cannot reach agreement with the House on a reform bill along the lines of the Senate-passed bill.

In conclusion, I want to urge my colleagues in the House to act quickly so that we can begin the conference process. Time is already starting to run short in this Congress, and it is important to ensure that the conferees have the time they need to arrive at a good bill that will command solid support in both the House and the Senate. A conference agreement is by no means assured at this point; the chances of achieving one get more difficult as we run out of time.

BANKING LEGISLATION IN THE HOUSE OF REPRESENTATIVES

Mr. GARN. Mr. President, today I join several of my colleagues in urging the House of Representatives to delay no further in passing legislation that would fundamentally reform the financial laws of this country.

On March 30, 1988, this body passed the sorely needed Proxmire Financial Modernization Act of 1988 by the overwhelming vote of 94-2. This followed a similarly lopsided 18-2 vote in the Banking Committee to pass virtually the same legislation. Such a consensus was the product of a very delicate compromise that was hammered out at the committee markup after months of wrangling over intensely controversial issues. My colleagues and I, after years of sometimes acrimonious debate and tens of thousands of pages of testimony, finally said enough is enough: Congress needs to reassert its control over changes in the regulatory structure of financial institutions because the market is already rapidly changing the financial system.

Unfortunately, despite the Senate's virtually unanimous reform proposal, we find ourselves in a familiar state of frustration and paralysis: The Senate has passed sweeping banking legislation, but the House of Representatives is sitting on its hands. I am sorry to say that I am only too familiar with this situation. In 1984, when I was chairman of the Banking Committee, we passed a similar piece of legislation that the House simply refused to consider. In 1986 the House made it perfectly clear that it would not accept a comprehensive banking bill, and at the end of that Congress it killed the Senate's $15 billion package to recapitalize the ailing Federal Savings and Loan Insurance Corporation by trying to attach a controversial housing bill.

Now they are at it again. First, the Senate bill was referred jointly, without any time limitations, to both House Banking and House Energy and Commerce. That will obviously slow things down, and once again, I am very familiar with the tactic. In both 1984 and 1986 I received letters from House Energy and Commerce asserting its intention to take jurisdiction over certain banking issues with the consent of House Banking in both cases that effectively killed Senate legislation because of the time it would take to move a comprehensive bill through two committees.

Furthermore, although both committees have held a series of hearings on financial restructuring legislation, that is as far as they have gotten. Six weeks have passed since the Senate passed its bill, but the House Banking Committee has not yet scheduled a markup and evidently is not planning to any time soon. House Energy and Commerce has also failed to schedule a markup.

Meanwhile, the legislative clock for this Congress is steadily ticking away. There is still time to pass meaningful banking legislation, but the longer we wait, the slimmer those prospects become. I realize there are those who believe that the closer we get to the end of this Congress, the more likely it is that a much more narrow or restrictive bill will pass. Some have even suggested that Congress is likely to reinstate the anticompetitive and irresponsible moratorium on bank activities that Congress imposed 7 months ago as part of the Competitive Equality Banking Act of 1987.

Let me respond directly to these suggestions: We will not let them happen. No bill at all is a far better result than anticompetitive, restrictive legislation that hamstrings this country's financial services providers. Most of my colleagues and I would much prefer to leave in place the present system of creative regulatory interpretations of outmoded laws than pass something regressive. Furthermore, any type of moratorium extension is as out of the question now as it was 10 months ago when a substantial majority of this body had gone on record refusing to take such an action. My colleagues and I will do everything we can to stop these efforts.

Mr. President, we have sent a very good bill to the House. No one was completely happy with it, but nearly everyone could at least live with it, and that is the sign of a good compromise. The bill is supported by the administration, the Federal Reserve and the other bank regulators, the Securities and Exchange Commission, the banks, the insurance industry and agents, and as a substantial first step in financial reform, by several of the diversified financial companies. The real estate industry was not happy that their issues were not addressed, but my understanding is that they and the bankers are close to working out a compromise of their differences.

With all of this support, and with the overwhelming vote of the Senate, now is the time for Congress to act. Final resolution of these structural issues is needed this year to enable the banking committees to focus next year on other critical issues—like the FSLIC—that also demand our attention. I refuse to believe that the House will simply derail this critically important legislation, and I urge that body to act soon.

Let me close with a sobering thought. The American financial services industry is coming under increasing pressure from overseas competitors, particularly the Japanese. Ranked by market capitalization, 13 of the 15 largest financial firms in the world, including banks and securities firms, are Japanese. None are American.

At the same time, every industrial country in the world except the United States, permits commercial banks or their affiliates to underwrite securities, as the Senate bill would do. Even the Japanese permit a far greater degree of affiliation between the securities and banking industries than is popularly perceived, and they are poised to take much greater steps in that direction. As the national journal stated earlier this year, "Japan's newly deregulated, cash-rich banks have the potential to dominate world markets much as Japanese automakers have." We in the Congress have a duty to unshackle U.S. competitors in the largest financial market in the world, our own country, as at least an effort to prevent such domination from taking place.

That is an even more important reason why we can't sit idly by and do nothing about banking reform legislation.

PROGNOSIS FOR A BANKING BILL IN 1988

Mr. GRAHAM. Mr. President, we face a tremendous challenge today in the banking industry. Our financial systems are based on old monetary realities which no longer adequately cope with a new world of rapidly expanding economies, instant communications, and overnight changes.

It is time we brought the American financial world into the eighties. It's time we reassert ourselves as world financial leaders and recapture the momentum in our domestic market.

The forces driving the industry are: Market competition to increase profits or dividends to stockholders, and Market competition to increase interest rate charges to customers.

The field has been complicated by the aggressive entrepreneurship which blurs the old lines that used to separate financial institutions.

In some States, such as my State of Florida, nonbank banks have targeted profitable markets and threatened traditional banking's dominance of some parts of the money business.

The new phenomenon of securitization has altered the way we deal with business capitalization. International competition for the U.S. market has intensified.

If we do nothing, all those driving forces may lead us to an unhealthy domestic uncertainty and a dangerous hesitance to make long-term commitments and decisions.

Meanwhile, foreign competition from European and Japanese finance institutions is a growing influence and presence in the United States domestic market.

The end result could be a replication of what has happened in other significant areas of the American economy—a declining share of our own domestic market.

The Senate has moved to manage the future of our financial system by passing a restructuring bill by a vote of 94 to 2. All eyes now turn toward the House Banking and Energy and Commerce Committees.

It is my hope these committees will take action in the near future on a restructuring bill. Consumers, homebuilders, State and local governments—all the users of the financial system—are looking to Congress for responsible, national financial leadership.

If we address these important financial regulatory issues promptly we will not hand over our mandate for future-oriented fiscal policy to the courts or to the regulators.

We need to move our financial system into the 21st century—and the best way to do that is to bring it up to date with the marketplace.

BANK DEREGULATION, A MISNOMER

Mr. BOND. Mr. President, I join with my Senate Banking Committee colleagues in urging the House to move forward with companion legislation to S. 1886, the Proxmire Financial Modernization Act.

If the House fails to act on a banking bill this year, the courts and the bank regulators will be free to act and substantial changes in our financial laws are likely without congressional approval. These are serious public policy issues which should be debated and resolved by elected public officials. The buck should not be passed to the other branches of Government.

Our banking laws were designed to protect the safety and soundness of a compartmentalized financial system with several discrete types of institutions. As these distinctions are eroded by changes in the world economy and communications technology, it has now become necessary for Congress to restructure our banking laws to reflect new realities. The New York Times has editorialized:

> The real choice in the long run, then, is between piecemeal bank deregulation by the States and uniform national reforms buttressed by increased regulatory scrutiny. Sooner or later—preferably sooner—a majority in Congress will understand that this is no choice at all and pass something like the Proxmire plan.

The Senate has taken this advice and passed S. 1886 which sets up this much needed new framework. The legislation, which was approved by a 94-to-2 vote, allows banks to get into the securities business in an orderly, step-by-step process. The bill ensures that companies offering the same services all have to play by the same rules and have to meet the same safety and soundness requirements. The safeguards in the Senate bill were the product of long and careful deliberations and those who argue that the Senate bill does not have enough "firewalls" are not looking carefully enough.

I encourage House Members to use the Senate bill as the framework for their deliberations. The Senate bill is not perfect of course, but if the House bill is dramatically different from S. 1886, there will not be enough time to resolve the issues in conference and there will be no bill. This impasse would then give the regulators the green light to deregulate as they see fit. That is a result that no one wants to see.

It is not correct to say that this debate is about giving banks new powers. It is about structure and regulation. Bank deregulation is a misnomer. The real task for Congress is to set up a sensible regulatory scheme for the financial services industry that reflects the changes in the world economy. Repealing Glass-Steagall and setting new rules for bank securities activities is a good first step. The House should get on with it.

BICENTENNIAL MINUTE

MAY 15, 1871: THE SENATE INVESTIGATES NEWSPAPER REPORTERS

Mr. DOLE. Mr. President, 117 years ago this week, on May 15, 1871, a Senate select committee began an investigation into the unauthorized publication in the New York Tribune of the treaty of Washington, which settled relations between the United States and Great Britain that had been disrupted during the Civil War.

Today the Senate conducts most treaty debates in open session, but back in the late 19th century, treaty debates were generally held in secret—or at least they were intended to be secret. Washington newspaper correspondents rather quickly learned most of what went on inside these secret sessions and published the secret debates and votes in their papers. Periodically, some outraged Senator would demand an investigation, and a select committee would be appointed to uncover the sources of the leak. But these sources invariably remained more secret than the original secret debates.

In 1871 the select committee called Tribune correspondents Zebulon White and Hiram Ramsdell to answer questions about where they had gotten the treaty. Neither journalist, however, would break his silence, and so the committee ordered them held captive in the Pacific Railroad Committee room until they relented. This tactic proved futile, The two correspondents entertained guests, dined in the Senate restaurant, and otherwise lived the lives of comfortable martyrs, showing no signs of relenting. Having discovered not a clue as to who leaked the treaty, the Senate finally released the two men. Although not the first such occasion, this marked the last time that the Senate attempted to hold newspaper reporters prisoners in the Capitol Building.

ERIC'S BIRTHDAY

Mr. GRAHAM. Mr. President, Eric Abovich turned 8 today, he got a scooter and some new sneakers and a party with his friends. But the one thing Eric wanted most he won't get this year—a birthday hug from his grandpa.

Eric's grandpa is Pyatras Pakenas, a refusenik who lives alone in Vilnius, Lithuania, because the Soviet Government will not issue him an exit visa. Eric has never seen his grandfather. Pakenas' wife, daughter, son and son-in-law all left Russia in 1979, certain he would be allowed to follow in several months. For 8 years they have hoped and prayed and worked to get him out.

For 8 years the Soviets have denied Pakenas, a lawyer by profession, permission to leave. After he applied to emigrate from the Soviet Union, Pakenas lost his law practice and now he works in a meat packing plant.

As soon as Eric learned to print he sent a letter to the White House that begins:

"Mrs. and Mr. Reagan, I am six. I never saw my grandpa. Please help me to see him * * *"

Eric talks to his grandfather on the phone about the dog they plan to pick out together some day and about how many kinds of fish they will see underwater when they go snorkeling in Florida. Eric's second grade class at North Palm Beach Elementary School knows about his grandfather and they each wrote letters to Secretary Gorbachev to ask for Pakenas' release.

The letters are touching—but what will bring Eric his grandfather is what always works with the Soviet Union—strong international pressure—in this case a high priority discussion of human rights at the May 29 Moscow Summit.

A world power whose borders are prison walls for its own people cannot claim "glasnost" or any other term for openness. If we are to meet with the Soviets on the level ground of mutual interest in nuclear deterrence and a secure peace, we must first agree on a common definition of human rights, on a common understanding of integrity and individual freedom.

Any attempt at an arms reduction dialog which disregards the predicate of basic human rights will ultimately be choked off by the anguish of the refuseniks in the Soviet Union and of the separated families in this country who wait for them. We must insist that human rights be at the top of the discussion list in Moscow.

Pyatras Pakenas' is the last publicized divided spouse case still unresolved. His wife, Dr. Galina Vileshina, a neurologist with a practice in south Florida, has worked constantly for his release since her departure from Russia. Hers has been a frustrating and bitter struggle.

The case is alternately mired in redtape or ignored. Pakenas, who suffers from heart trouble, is shuffled back and forth from the bureaucracy in Vilnius to the bureaucracy in Moscow. He gets nothing but refusals or silence.

This is a needless tragedy—result of an arrogant and arbitrary policy. Pyatras Pakenas deserves to live with the people who love him. No family should be forcibly separated. No little boy should have to ask.

"Why don't they want my grandpa to come visit me?"

Eric knows his grandfather as a photograph and a telephone call. All Pakenas knows of the grandson he has never seen are some snapshots and some crayoned drawings of houses with a car and a dog in the yard—and a small voice on the telephone saying:

"When are you coming here? I want to play with you."

Happy birthday, Eric. Our birthday wish for you is that the grownups finally realize what is important and that you get that hug from your grandfather as a not very belated birthday present.

THE LATE DR. FREDERICK DOUGLAS PATTERSON FOUNDER OF THE UNITED NEGRO COLLEGE FUND

Mr. HEFLIN. Mr. President, I rise today to pay special tribute to a towering giant and pioneer in developing quality educational opportunities for young black men and women in America—the late Dr. Frederick Douglas Patterson.

About 45 years ago, while serving as president of what was then called Tuskegee Institute, Dr. Patterson had a dream that by forming a consortium of predominantly black colleges and universities here in the United States, he could help develop greater opportunities and higher levels of education, leadership, and talent. He made that dream come true by establishing the United Negro College Fund.

Today, there are approximately 43,000 students enrolled in the 42 UNCF member colleges and universities. About 5,000 of these students are enrolled in the 5 UNCF members in my home State of Alabama.

Dr. Patterson was president of Tuskegee Institute from 1933 to 1953. He joined the Phelps-Stokes Fund as director in 1953, became president in 1958, president emeritus in 1970, and consultant on educational affairs in 1970. From 1969 to 1973, he was president of the Robert R. Motion Memorial Institute, became chairman in 1973, and was serving as chairman emeritus when he died April 26, 1988.

In 1984, I had the distinct honor and privilege of presenting to him at a UNCF dinner in Alabama the "Exemplary Leadership Award." In 1987, President Reagan bestowed to him the Medal of Freedom—the Nation's highest civilian award.

Dr. Patterson's many other awards, honors, achievements, board memberships, and publications are too numerous to mention at this time. However, I would like to acknowledge the fact that because of Dr. Patterson's dream some 45 years ago to establish the United Negro College Fund, he helped America to realize that, "A mind is a terrible thing to waste."

In closing, I would like to announce that a special memorial service will be held for Dr. Patterson June 10, 1988, at the Abyssinian Baptist Church in New York City.

Mr. President, I ask unanimous consent that a copy of Dr. Patterson's obituary, which appeared in the Washington Post on April 28, 1988, be reprinted in full in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREDERICK PATTERSON DIES; FOUNDED COLLEGE FUND

NEW ROCHELLE, N.Y.—Dr. Frederick Douglass Patterson, 86, the founder of the United Negro College Fund and president emeritus of the Tuskegee Institute in Alabama, died April 26 at his home here after a heart attack.

In 1987, President Reagan honored Dr. Patterson with a Medal of Freedom, the nation's highest civilian honor.

The fund Dr. Patterson founded became the largest independent source of funds for private, historically black colleges in the United States. It provides money for scholarships, staff salaries, library resources and laboratories.

The fund, a consortium of black colleges that seeks ways to raise money, was founded in 1943 with an endowment of $765,000. Its original 27 members served 12,000 students. Today, the fund has 42 members and aided 45,000 students from an endowment of $42 million in the fiscal year ending March 31.

Dr. Patterson was born in Washington. He received a doctorate in veterinary medicine in 1923 and a master of science degree in 1927 from Iowa State University. He earned a second doctorate at Cornell University.

In 1928 he went to work for what was then the Tuskegee Normal and Industrial Institute. He helped raise the vocational training school for blacks to national fame during his 25 years there. He served as Tuskegee's president from 1935 to 1953.

Survivors include his wife, Catherine, and one son, Frederick, both of New Rochelle.

SENATOR SIMPSON TO THE DEFENSE

Mr. KENNEDY. Mr. President, I have the great privilege—it is also a pleasure—of being able to publicize my many differences with the able Senator from Wyoming, Mr. SIMPSON, on a regular basis over the radio. So when I find myself in agreement with the distinguished assistant Republican leader, it requires more than passing comment.

In response to recent revelations appearing in Donald Regan's book, Senator SIMPSON wrote a stirring defense of the First Lady that was published this morning in the Washington Post. I associate myself with Senator SIMPSON's remarks, and I ask unanimous consent that Senator SIMPSON's article be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 13, 1988]

A BUM RAP ON NANCY REAGAN

(By Alan K. Simpson)

Nancy Reagan always seems to get a bum rap in the "tattle-tale" book business. She deserves a hell of a lot better. For when we elected her remarkable husband to this job of president, she was—surely is—"part of the deal." She took on a tough job that has no definitions but many demands. She has fulfilled her obligations and duties to her country and to her husband with great grace, class and distinction.

The bottom line of the latest catty little revelation is that she is protective of her husband, who just happens to be the president. She is accused of unquestioned devotion and loyalty to Ronald Reagan. Egad, what will people think? It reminds me of, and strengthens the sageness of, the old saw that "If you want to have a friend in Washington, buy a dog."

But the issue is not now "Don Regan's book." It is apparently Nancy Reagan's activities. How ironic to see two fine men whom I have known—Larry Speakes and Don Regan—bring themselves down to a lesser level by spewing out these rather vengeful portrayals. Their luster leaves their personalities as the bluster leaves their pens.

Can we all remember well the early days of the Reagan presidency? In just a few short months, Nancy Reagan came under heavy fire for being "uninvolved" in the vital issues of the day. "She doesn't take advantage of her unique position," the naysayers moaned and knurled their knuckles. Now she is being portrayed as some sort of flaky, all-powerful oracle. What guff.

I think one of the things that spooks people about Ron and Nancy Reagan is that they have a great thing going. It is called a love affair and it has spanned 36 years and counting. They hold hands, they smooch, they share their lives and experiences, they wholly support each other, they laugh, they giggle, and all that pretty much threatens people who don't understand it or who don't live it.

All the chatter around the water cooler about Nancy Reagan is a distraction from the person who is really at the center of the controversy, Don Regan. Let's put his departure from the White House in full perspective and get things back in focus. Nancy Reagan didn't drive Don Regan out. There were a lot of people lined up in the batter's box to do just that. Many weeks passed between the time the Iran-contra story became page-one news and Donald Regan's hurried and harried departure from the White House. During those weeks I was honored to participate in any number of meetings with the president where he was counseled—and, yes even directed—to dismiss his chief of staff. The congressional press crew and galleries worked overtime in those days to accommodate the calls for Regan's resignation and to provide the long knives to lop off his head.

In that time period, I also had several fine conversations with Nancy Reagan, who was, as always, alert, thoughtful, articulate and protective of her husband. We talked about the various views of the situation. We shared some personal observations. The person I talked to then—and always have—was an informed, loving and concerned wife. She wanted to hear "all sides." She came to her own firm conclusions about her husband's best interests.

I recall with amusement some observers being "surprised" to learn that Harry Truman had consulted his steady wife, Bess, before deciding to drop the atomic bomb. That revelation couldn't surprise anyone one whit who had ever seen a good marriage at work. Jimmy and Rosalyn Carter wrote an entire book about the way they tried to handle the rigors and demands of the presidency as husband and wife. Only a damn fool would suggest that the wife of the president of the United States has no role whatever in the governing of our country. It might not read that way in the civics texts or statute books, but that's the way it is in the book of real life.

I have a very fine staff of more than 25 thoughtful, hard-working and intelligent folks. They are there to assist me in my tasks and responsibilities. But there is really only one dazzling person in my life who keeps me "centered"—who helps me keep it all "together." That person is Ann, my wife of nearly 34 years. She is part of my inner gyroscope, adds the balance and leaven to my life—in or out of politics.

Nancy and Ronald Reagan, too, have found their own way to deal with the political world. They know where to turn when you don't know where to turn. They have deep reservoirs of faith in a higher being, in themselves and in others. Politics in itself as a singular pursuit is a rather barbaric quest. You often have to be leavened in life by a spouse and love and art and music and nature and faith and friends and loyalty and trust. The Reagans have that. They have it with each other. For them, his success is her success. Nancy's accomplishments and strengths are part of the president's triumphs and character too.

In this goldfish bowl of Washington (and it's odd how many sharks can get into a goldfish bowl!) Nancy Reagan has put her own distinctive and unique trademark on the role of First Lady. She tackled the drug and alcohol abuse issue before it was ever page-one news. In fact, her steadiness and her stature and her tireless efforts to focus on that issue helped to bring it to the forefront of the American consciousness. "Just say no." There is no need to snicker or chuckle at that. It's right. She expresses it beautifully, authentically and sincerely. She has traveled more than 170,000 miles throughout the United States and in foreign countries as part of the antidrug and anticontrolled substance campaign. I think all of us are struck by that gentle image of her listening attentively to the struggle related by a young person fighting to overcome the obsession and habit of drugs.

How sad that anyone would be titillated by what is really a vengeful portrayal of a beautiful lady. Throughout the remarkable presidency of Ronald Reagan, Nancy Reagan has been right there. She was the one at his side while they plucked a bullet from his chest or cut a section of colon from his body. We have watched her there, "steady at his side." She has always been the one to nurture and sustain him. You can bet the lunch money that he is right there now serving her in the same moving fashion.

SMALL BUSINESS WEEK

Mr. HEFLIN. Mr. President, today marks the end of the Small Business Week, as proclaimed by President Reagan, in recognition of the 17 million small businesses in this country.

It has been a busy week for those involved in the Small Business Week process. In my own home State of Alabama, the Small Business Administration and the chambers of commerce across the State have celebrated with receptions for honorees and special seminars on the small business world.

Mr. President, small businesses are the backbone of the American economy. The 17 million small business owners provide for half of the Nation's private employment, which is almost 40 percent of national production in this Nation. Small businesses also create about two of every three new jobs in this country. We can attribute 38 percent of our gross national product to small businesses.

In my home State of Alabama, there were 61,917 business establishments in Alabama in 1986. Of these, 54,199, or 87.5 percent, were small businesses with fewer than 500 employees, and they employed 47.6 percent of Alabama's work force.

Mr. President, while it is unfortunate that the rate of new business formation has been declining nationally, I am proud to say that Alabama continues to have stable new business growth. In Alabama, small business generated almost all of the 32,200 new jobs created in Alabama between 1980 and 1984.

Mr. President, I believe that women and ethnic minorities have both benefited greatly in the past few years through small businesses. The Small Business Administration has special programs geared to assist women and minorities in opening businesses.

From 1977 to 1984, the number of businesses owned by women increased by 11 percent annually in America. I can state with pride that according to data from the Department of Commerce, Alabama had the 30th largest women-owned business population (33,576) and the 24th largest minority-owned business population (8,137) in the Nation in 1982.

Not only that, Mr. President; minority business ownership in this country has also rapidly increased in recent years. Black-owned businesses increased 46.7 percent from 1977 to 1982, and Hispanic and Asian-owned businesses also increased during that time.

The Small Business Administration has played an important and vital role in the success of small businesses in this country. Without assistance from the SBA, many small businesses would not be in existence today. The SBA's Office of Advocacy is specifically mandated by Congress to be an advocate for America's 18 small businesses.

I once heard someone say that small business people are the true adventurers in this country. What a wonderfully accurate statement. For who else but the small business person starts with a dream, goes into unknown territory, struggles against all odds, takes on extra risks, all the while knowing that he or she might never see this dream come to fruition? American small business people have what I call true American pioneer spirit.

Mr. President, I want to commend and congratulate all those who have ever had a dream and felt a tug of that pioneer spirit, and then have gone ahead against the odds to achieve their dream. I am happy that President Reagan has dedicated a week to their fine achievements, and I would like to congratulate them all.

I thank you, Mr. President.

IS CONGRESS SUPPORTING ITS TACTICAL AIR FORCES THAT ARE ON THE LINE IN EUROPE?

Mr. HATCH. Mr. President, the INF Treaty is on everyone's minds as we discuss the DOD authorization bill. And well it should be, Mr. President, because INF's success, in my mind, will depend on the extent to which we can meet an unchanging military tactical and theater conventional and nuclear threat in NATO.

In a recent meeting with Senator THURMOND, Gen. Bill Kirk, Commander-in-Chief, U.S. Air Forces in Europe [USAFE] typified our senior military leadership when he said that USAFE would do all that was required to comply with the treaty. My question is this: Are we giving General Kirk the support that he needs meet his mission requirements?

Let me tell you something about USAFE, Mr. President, before I proceed to a discussion of my concerns.

USAFE's area of operations stretches from the North Sea to the Elbe River, controlling 2,000 aircraft, not to mention the vast array of ordnance on which the effectiveness of these aircraft depend, and the logistics train that supports USAFE.

USAFE's tactical aircraft flew 225,000 hours this last fiscal year, with only six, that's right Mr. President, only six major mishaps. Yet, as we all know, Europe's weather is not something that any of us generally enjoy flying around in.

USAFE's principal aircraft include the F-16C/D models, which will have replaced all of the A&B models by October 1988. F-15, F-111 and GLCM round out the major weapon systems, with the GLCM's being phased out by the INF Treaty.

Now, Mr. President, I happen to be among a few Members of this body who believe that the major U.S. form of participation in NATO should be tactical air; I would like to see the ground mission requirements absorbed much more substantially by our European partners.

But whether or not you subscribe to my position calling for expanded tactical air roles and missions for U.S. forces, you cannot retreat from the compelling need to support the force currently in place.

One such need involves the timely availability of spare parts in order to fulfill European-based maintenance activities. The Air Force has established the European Distribution System [EDS] for this purpose. It is a force multiplier in the sense that readiness and mission availability of the numbers and types of aircraft for conventional force support is heightened.

It is not unlike an experience we have all had, especially if you happen to own a foreign car. The garage may not have a part to put your vehicle back on the road, so it gets it from another source. EDS is no different. As General Kirk said:

> . . . it provides lateral repair/supply support capability between operating bases.

How effective is EDS in this role? Again, let me provide for the record the remarks of the USAFE CINC, General Kirk:

> We know EDS works . . . Since 1984, we have experienced a 14 percent increase in mission capable rates and a 40 percent reduction in aircraft down-time due to lack of spare parts.

Mr. President, over 200 aircraft are provided overseas maintenance through the availability of EDS components. What troubles me is, on one hand, the persistent emphasis in Congress, in both the House and Senate, on our superior trained pilots, and on the other hand the near-gutting of a program without which, flying hours, the essence of training superiority, would be dramatically and dangerously curtailed, adding to the prospects of battle casualties on the ground as well as in the air. What makes this matter worse, is that USAFE is a forward-deployed, warfighting command. The mission therefore suffers immediately and directly when readiness, training and aircraft availability are restricted.

Let me be more precise, Mr. President: This body needs to take a more direct, finite and firm position on this small but important program stating our support now so that EDS will not be conveniently axed in the appropriations process.

And axed it will be if the precedents of the past few years apply:

In fiscal years 1986 and 1987 the program was reduced by the appropriations conference panels in the amounts of $2.5 million and $2.1 million. This translated into a 26-percent annual loss of flying hours—imagine losing the use of your car for 3 months because the garage couldn't get the part; worse yet, put yourself in the dangerous position of a pilot whose loss of training may make him a premature wartime casualty.

Now I know my initial focus was on Europe, but I have to tell this body, Mr. President, that the situation is even worse in the Pacific Air Forces [PACAF]. Gen. Jack Gregory is no complainer, but he should be. His jurisdiction covers 35 countries with 2 billion people. His command operates 300 fighter and attack aircraft, in addition to the Military Airlift Command's C-12's, C-21's, C-130's, C-5's, C-141's, and HH-3's, as well as SAC's, B-52's, and KC-135's.

So what do you think Congress did to General Gregory? You guessed it: PDS operations and maintenance funding was totally eliminated in the House; then we in the Senate took away funding not only for the logistics command, control and communications computer-based management system, but also for the aircraft that PDS needs, and for the forward-based stockage operations. In other words, we said: "ship the aircraft carcasses back to the States, even though they can be repaired on site," and, we added, "suffer the flying hour loss in this vast theater of operations."

Mr. President, we in this body depend on Air Force aircraft for our foreign travel. The next time your en route from Hawaii to Hong Kong or Taiwan, clock the time you're in the air. I suggest that this experience will amply remind you of what our PACAF pilots, logisticians, maintenance, and other operational personnel face on a routine basis in fulfilling the dangerous and important missions that we demand of them.

THE MINIMUM WAGE BILL: A BOON TO THE DISADVANTAGED?

Mr. HATCH. Mr. President, since the House Education and Labor Committee has recently acted on legislation to increase the minimum wage, and much media attention has recently been devoted to this issue, I thought this would be an appropriate time to share with my colleagues in the Senate a letter I received from Mr. Tyco V. Swick, executive director of the Erie (Pennsylvania) Center for the Blind and Visually Handicapped. Mr. Swick is not a businessman—he has been in the field of social work for 24 years—yet he is concerned about the adverse effects of legislation to increase the minimum wage.

Mr. Swick notes that the poor are most likely to suffer higher unemployment when jobs requiring fewer skills are lost, and are hardest hit when mandated wage increases must be met through price increases. He observes that there are better ways to help the disadvantaged. I agree.

Mr. Swick understands and appreciates the sentiment and the sincere intent of those who advocate a minimum wage increase, as we all do. But, he also understands the real world and knows that this Congress will do far more harm than good if it enacts such a bill. I hope all Members of the Senate will read and consider his views.

I ask unanimous consent that his letter be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ERIE CENTER FOR THE BLIND AND
VISUALLY HANDICAPPED, ERIE, PA,
August 21, 1987.

Senator ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, 411 Russell Building, Washington, DC.

DEAR SENATOR HATCH: Strong interest in and support for increasing the minimum wage from $3.35/hour has recently arisen. As a person employed in the field of social work for 24 years, I can appreciate the motive of those who desire to increase the minimum wage—improving the quality of life for those on the lower end of our economic scale. Nevertheless, I urge you to oppose raising the minimum wage because: (1) Contrary to current assertions, the present minimum wage is high enough to insure that those working under it have a minimally acceptable standard of living; (2) increasing the minimum wage, although it may give short run benefit, will in the long run be counter-productive for those working at that wage level to their great harm; and, (3) there are better alternatives to helping low income people than increasing the minimum wage.

Those who advocate an increase in the minimum wage argue that people employed at the current minimum wage level earn incomes below the poverty level as defined by the Federal Government. They state that a wage earner with a family of four working full time at the current minimum wage earns an income below the poverty for that 4 member family. This argument is true; however, statistics can be misleading, and this is one of those instances.

In an era when two wage earners per family is the predominant economic unit, even in middle income families, why do the people who use this statistic restrict a low income family working at minimum wage to only one wage earner, when this is not the typical economic unit in our modern society. The fact is that if a husband and wife in the "typical" family of four are both wage earners employed at the minimum wage, then their "combined" income is greater than the Federally defined poverty level for a family of four. Thus, the argument that those employed at the current minimum wage have incomes below the poverty level is really not true. Granted, the income that can be earned under the current minimum wage is not great; yet it is above the "minimum" poverty level, and this is all that the "minimum" wage should accomplish.

It is true that increasing the minimum wage can in the short run, meaning several years at most, result in a relative increase in the standard of living for those whose incomes increase as a result of the increase in the minimum wage. However, increases in the minimum wage that are excessive, going beyond providing minimal economic status at the accepted poverty level, will in the long run have an opposite effect, and hurt the people who were supposed to benefit from the increase in the minimum wage.

Historically, the first thing that happens when a minimum wage increase is granted is that those people who were earning slightly above the minimum wage prior to the increase in the minimum wage, (due to increased job responsibilities, etc.) seek to maintain their same relative economic status after the minimum wage increase by demanding a corresponding increase in their hourly wage that will maintain the wage differential that previously existed between their earnings and those earning the minimum wage. This sets off a chain reaction of bumping hourly rates throughout the economy. The result is that short run gains achieved by increasing the minimum wage are soon erased, and the status quo is eventually restored.

Not only are the short runs gains lost over time, but the end result is worse than the situation previous to the minimum wage increase because of the ugly effects of inflation. Indeed, increasing the minimum wage, with the resulting bumping of wages throughout the economy, results in inflated prices for most goods and service—and the tragic fact is that inflation is always harder on the poor than the rich.

Another disastrous result from excessive increases in the minimum wage is unemployment for the poor. When a business is faced with rapidly increasing labor costs, which is the case when excessive increases are made in the minimum wage, it has several recourses. One is to raise prices, which leads to inflation, which hurts the poor especially. Another recourse is to eliminate jobs that have a high labor content through automation or some other means. The result is a shrinking number of jobs available for people with minimal job skills. Excessive increases in the minimum wage drive up prices and/or reduce employment opportunities for the poor, thus compounding their problems, not ameliorating them, which was the desired intent of increasing the minimum wage.

An economic fact of life in our current economy is the transition from manufacturing based to service based jobs. Our country has lost many manufacturing jobs to foreign competition. Increasing the minimum wage beyond the level needed to maintain minimal economic survival will only hurt our ability to compete with foreign economic powers, thus again hurting the poor.

One of the ways the poor have coped with lost manufacturing jobs is to seek employment in service occupations. It is a known economic fact however, that most service jobs pay less than manufacturing jobs; this is simply the inherent nature of service work. If the minimum wage is increased significantly, businesses and/or people will not be able to pay the higher wages necessary to hire service workers, thus creating more unemployment for the poor. The last remaining bailout for the poor, which is the service type job, will be seriously jeopardized with any significant increase in the minimum wage.

Special problems also exist for identifiable minority groups if the minimum wage is increased significantly. Unskilled youth and marginally producing handicapped workers are even more vulnerable to the problems that develop with escalating labor prices. Unemployment is already high among these people. This will only increase with an increase in the minimum wage. As the director of a sheltered workshop for the handicapped, I know how difficult it is to find labor-intensive work for sub-producing handicapped people. If we have to increase our prices because we must pay our people higher wages with no offsetting increase in their productivity, we will become uncompetitive and lose contracts—and the handicapped will lose jobs.

Those who wish to increase the minimum wage do so with good motives. It is not their goal that is wrong (improving the standard of living of the poor). It is their method. As shown above, increasing the minimum wage is counter-productive. There are better ways to increase the quality of living for the economically disadvantaged without causing the economic dislocations that backfire on the poor when the minimum wage is inflated.

One basic help for the poor is to provide job training so that low wage earners can improve their job skills, thus increasing their ability to earn higher wages. All economies have "entry" level jobs that are relatively poor paying. In our earlier years we had apprentices who indentured themselves for the opportunity to learn a trade and eventually become well-paid craftsmen. There is nothing inherently wrong in paying a person a low wage for entry level work. Entry level jobs require minimal skills and training and therefore do not demand a high wage. What is wrong is not providing people with the opportunity for training so they can increase their job skills, thus allowing them to move up from entry level positions. The fact is, overpaying workers for entry level jobs reduces the incentive to improve job skills. In the long run no economy can pay a person more than he is worth—but a person can be made worth more economically by training so he can be more productive and hence able to earn more.

In addition to job training there are other effective ways to help the poor without increasing the minimum wage. Subsidized day care can enable poor families to have two wage earners without the expensive overhead of day care. Tax relief can be provided through legislation so that lower wage earners can retain a higher percentage of their earnings. Medical care can be provided to lower income people so that they do not have to have their lower earnings consumed for this necessity. There are many things that our society can do to support and upgrade the poor besides increasing the minimum wage.

It is probably politically popular to increase the minimum wage, but it is not good policy. I urge you to reject any significant increase in the minimum wage, and instead provide programs and economic development that will provide long term solutions to a chronic problem.

Sincerely,

Tyco V. Swick,
Executive Director.

TURKEY AND THE ARMENIAN GENOCIDE

Mr. PRESSLER. Mr. President, last week I visited Turkey as part of a delegation headed by Senator Dole. This gave me the opportunity to discuss the Armenian genocide issue with Turkey's President Kenan Evren and Prime Minister Turgut Ozal.

By way of background, over the years, I have corresponded with Turkish leaders and United States officials regarding a simple request of Armenians throughout the world, that is, for the Government of Turkey and other governments, including our own, to recognize the Armenian genocide as an historical fact.

Several years ago, I wrote to Prime Minister Ozal to encourage the opening of the Ottoman Empire Archives to history scholars from around the world. Since that time, some progress has been made in making some of these records available to foreign researchers. Unfortunately, much more needs to be done to give interested scholars the opportunity to examine the Ottoman Archives. Many believe that access to these documents can further substantiate the historicity of the Armenian genocide. Thus, it is important that all records regarding that tragedy be preserved.

Last week, I spoke with President Kenan Evren and Prime Minister Ozal regarding the opening up of the archives. They assured me that the Ottoman records increasingly will be made available to foreign researchers. I made the point that it would be in the best interest of the Republic of Turkey to open the Archives of the Ottoman Turk Empire.

It is painful to admit mistakes, but denying them only aggravates the grievances associated with or resulting from them. In this instance I have noted repeatedly that the cruel treatment of Armenians earlier in this century occurred at the hands of Ottoman Empire authorities, not at the hands of authorities under the Republic of Turkey. Surely this important distinction provides ample basis for the current Government of Turkey to cooperate in efforts to recognize officially the mistakes of the predecessor imperial regime. These are not the errors of the republican government.

Again, I applaud the Turkish leaders' support for a further opening of the Ottoman Archives. I hope this process will proceed both accurately and quickly. In addition, Mr. President, I urge all of our colleagues to look once again at the merits of Senate Joint Resolution 43, the joint resolution designating a "National Day of Remembrance for the Victims of the Armenian Genocide," and urge more Senators to become cosponsors of it.

TESTIMONY ON THE INF TREATY BY MR. SVEN KRAEMER

Mr. WALLOP. Mr. President, the proposed Treaty on Intermediate-range Nuclear Forces [INF] now coming before the U.S. Senate for advice and consent has profound implications for our future. At stake are United States national security, NATO deterrence, and fundamental principles of arms control and future United States-Soviet relations.

As the Senate considers this treaty, I wish to call the special attention of my Senate colleagues and the American people to the extraordinary testimony recently presented on these vital issues by a uniquely knowledgeable former administration official. On February 19 he testified before the Foreign Relations Committee of the U.S. Senate. His prepared statement portrays the flaws and dangers evident in the proposed treaty and in the temptations of summit fever as the United States approaches the next United States-Soviet summit scheduled to be held in Moscow May 29 to June 2.

I refer to the expert witness provided by Mr. Sven Kraemer, who served as the Director of Arms Control on the staff of the National Security Council [NSC] from the first days of the Reagan administration in early 1981 until last September. For nearly 7 years he represented the National Security Council in some 10 interagency arms control groups, and provided senior level staff support to the National Security Advisor and the President.

In view of his White House role and his testimony, I am astonished that his testimony has received no media coverage whatsoever and probably remains unknown even to most of my Senate colleagues. Surely more than any other official who has testified on the proposed treaty, Mr. Kraemer brings direct professional knowledge of the objectives, policies and processes which the Reagan White House brought to U.S. arms control policy.

A personal note submitted with his prepared statement indicates that Mr. Kraemer did not find it easy to testify critically on this treaty. However, with each summit meeting, and in the end results as we find them in the treaty before the Senate today, he, like others, clearly found increasing reasons for concern. When called to testify, he did so as a matter of conscience and he offered his critiques and recommendations not to criticise President Reagan, but in the name of the President's own declared objectives.

Mr. Kraemer's testimony has unusual credibility. He is intimately familiar with the Reagan administration's senior-level decisions on arms control and how these differed from those of prior administrations. And, he brings to his testimony not only the broad perspective of some 25 years of Government service since the Kennedy administration, but also a unique White House experience of 16 years of service on the NSC staff with 10 National Security Advisors in the administrations of Presidents Johnson, Nixon, Ford, and Reagan.

Mr. Kraemer's testimony details numerous fundamental and unresolved flaws in the proposed treaty, several of these apparently resulting from last minute United States accommodations to Soviet negotiating pressure at summit meetings and in ministerial meetings involving the United States Secretary of State and the Soviet Foreign Minister. These flaws include major data discrepancies, ineffective United States verification, high-risk Soviet verification, repudiation of the President's arms control compliance policy, and grave implications for the START negotiations and for SDI.

Mr. Kraemer provides a sobering picture of the treaty's dangerous consequences for NATO deterrence. We will be removing our most effective deterrent in the absence of NATO funding of required nuclear and conventional force modernization. However, the treaty is not effectively verifiable and the Soviets can retain their missile capabilities either covertly or through their surfeit in retargetable strategic systems such as the SS-25 and SS-24 ICBM's. Furthermore, the NATO countries do not have the requisite modernization programs underway for their nuclear, conventional, and chemical deterrent forces, and Socialist and "green" parties will use the agreement to encourage less, rather than more defense investment, and to promote unsound arms control agreements involving nuclear, chemical, and conventional forces.

Numerous witnesses and diplomatic observers have focused on specific provisions and problems of the treaty. Mr. Kraemer focuses on a host of such specific problems and offers a broad range of recommended treaty changes and safeguards. But just as significantly for the Senate's deliberations, he portrays the related dangers of the current broader U.S. policy framework of which the INF Treaty is a component. He demonstrates the fateful relationship between the proposed INF Treaty and the other dangerously flawed components of the summit package for the Reagan-Gorbachev meeting to be held in Moscow later this spring.

As described by Mr. Kraemer, the realistic arms control and foreign policy principles which President Reagan brought to the White House in 1981 have of late been increasingly pushed aside by summit fever. Mr. Kraemer portrays administration policy as increasingly disregarding the bitter lessons of the 1970's period of so-called détente, when United States arms control and foreign policy were based on illusions about fundamental changes in Soviet behavior both at home and abroad. Mr. Kraemer notes how, with the proposed INF Treaty and with the other components of United States-Soviet summitry, the Reagan administration has fallen prey to dangerous new illusions that tragically endanger our security and our freedoms.

Mr. President, at this time the U.S. Senate has completed its hearings on ratification of the proposed INF Treaty. Ministerial-level meetings between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze have intensified in preparing for the Moscow summit. But the fundamental problems in the treaty and in the broader summit package presciently testified to by Mr. Kraemer several months ago have increased rather than gone away. These problems are becoming more evident every day in spite of the administration's efforts to dismiss them or to cover them up. START, SDI chemical weapons, nuclear testing, Afghanistan, trade, and other new agreements all appear to be subjects to be negotiated at the summit table.

The administration continues to push for new agreements and for early ratification of the proposed INF Treaty, without thoroughgoing consideration, debate or amendment. But, Mr. President, it is our constitutional duty to provide for the common defense. And we are obligated not simply to consent, but also to advise on proposed treaties.

We surely cannot accept the view advanced by administration spokesmen, and apparently shared even by some of my Senate colleagues, that the proposed INF Treaty is being presented to the Senate for advice and consent for our automatic approval on a "take it or leave it" basis and that it cannot be amended by the Senate or discussed further with the Soviets.

No, Mr. President, the INF Treaty and the summit scheduled later this month are far too serious for that. The stakes are far too high. The United States now stands at a major watershed and many of us are profoundly concerned about the unfolding crisis in our defense and our diplomacy.

I call special attention to Mr. Kraemer's analysis, his Churchillian warnings about the dangers of summit fever, and his recommended policy considerations for changes in the treaty and for a long-term United States strategy on meeting the Soviet challenge. His statement is an important contribution to our deliberations here and to the national debate on this treaty and its broader implications.

Mr. Kraemer's testimony has not received one syllable of media coverage. Yet his statement, I believe, should be must reading for all Senators reviewing the INF Treaty and all Americans who care seriously about their security and their freedoms.

Mr. President, I ask unanimous consent that Mr. Kraemer's prepared statement and his accompanying personal note to the Foreign Relations Committee of the U.S. Senate be entered into the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREPARED STATEMENT OF SVEN F. KRAEMER

A Personal Note:

Mr. Chairman and Members of the Committee:

I appreciate this opportunity to meet with you today to discuss the proposed treaty on Intermediate Nuclear Forces (INF). The issues we are discussing are of great consequence for our nation's future.

As a former Senate staff member, and currently assigned to a House of Representatives staff, I have a direct personal appreciation of the vital role of the United States Senate, and of the Congress as a whole. In sharing responsibility with the Executive Branch for our country's defense and foreign policy. Your responsibilities are great.

Let me begin with a personal note to put my testimony into perspective.

It is not at all easy for me to be here today to criticize the proposed INF treaty. But I believe profound concern is warranted by fundamental flaws, illusions and dangers increasingly associated with this treaty and with related US policy on arms control and US-Soviet relations. In my brief, informal opening remarks I will be drawing on a substantially more extensive analysis of these issues that I am providing for consideration by you and your Senate colleagues.

At the outset of my testimony, I would like you to understand that I truly wish I could affirm this treaty and be optimistic about our policy and about purported changes in Soviet behavior. I have worked on these issues for a long time, spending many difficult hours wrestling with the serious problems involved. I also know first hand the meaning of war and the importance of deterring it. I spent my early childhood as a British citizen held in Germany during World War II, and later as an NSC staffer I made nine official visits to wartime Vietnam, Laos and Cambodia.

It has been my chosen vocation to work on arms control, foreign policy and defense issues since I entered government service some twenty-five years ago. Much has passed since that time in 1963 when I joined the Kennedy Administration in the Office of the Secretary of Defense.

For nine years from 1967 to 1976 and for nearly seven more years from 1981 until last September, I worked on the National Security Council staff in the White House. At the NSC I served four presidents—Johnson, Nixon, Ford and Reagan. During those sixteen years on the NSC Staff, I served with 10 National Security Advisors (Rostow, Kissinger, Scowcroft, Allen, Clark, McFarlane, Poindexter, Keel, Carlucci, and Powell). I had two other National Security Advisors as professors before they took on that awesome responsibility (Bundy and Brzezinski). I also served here as a Senate staffer with Senator John Tower for two years in the late 70's. I currently serve as an Associate Staff Member of the Appropriations Committee's Foreign Operations Subcommittee of the House of Representatives and with Congressman Jack Kemp (R-NY).

During my government service I have learned that sound arms control efforts are far more difficult to achieve within and by the US Government than is generally understood outside the Government. In the academies, the churches or the media, it all seems simpler and the solutions more obvious.

I have found that our national government, and particularly our president, must address arms control problems from a perspective which has the prime constitutional obligation "to provide for the common defense." There is the daily reality of defense, deterrence and past history. There is the reality that other nations are sovereign powers, and that some powers are hostile to democracies such as ours and are provoked by our weakness rather than by our strength—our moral, economic and military strength.

I tend increasingly to observe that democracies do not use arms to launch wars against each other. It is dictatorships, particularly totalitarian dictatorships, that extend their intolerance and their wars against their own people to subversion and war abroad. Ultimately, therefore, the best basis for arms control would be to have the protections and tolerance of democracy throughout the globe. In this respect, the struggle for effective arms control must be directly linked to the struggle for the protection and expansion of freedom.

Because of the various government positions in which I have served, I know that our nation's arms control efforts involve an exceptionally difficult pilgrimage for those officials who seriously set out on this path. This pilgrimage brings important ethical imperatives that set visionary goals that provide what appear to be easy recipe solutions. Like "nuclear freeze" proposals which engendered much fervor in recent years, such recipes would soon lead us into worse situations. The arms control pilgrimage surely involves exceptional complexities and serious dilemmas. High goals, yes, but also high risks.

My long-standing support and personal admiration for President Reagan makes my witness today particularly difficult for me. I wish my words could reach him directly, so that he would know I was speaking in support of his principles, not against him. I have long consciously supported the insights of Ronald Reagan, as governor, candidate and president.

As an NSC staffer in the 1970's I shared Ronald Reagan's and Senator Henry "Scoop" Jackson's deep concerns about our nation's so-called "detente" policies. During President Reagan's 1980 presidential campaign, I served on his Platform Committee staff and had a senior staff responsibility in drafting the foreign policy and arms control sections of the platform on which he ran.

President Reagan's 1980 platform, with which he won a strong national mandate, was for a policy of realism and peace through strength in the cause of freedom. That mandate was overwhelmingly reaffirmed by the American people in the elections of 1984.

When Ronald Reagan became President, I joined his 1980 Defense Department transition team. Shortly after his inauguration, I joined his National Security Council Staff and worked closely with each of his National Security Advisors. For most of the past seven years, until the end of last August, I shared major arms control responsibilities within a small staff group that included public servants of the highest caliber and integrity. As Director of Arms Control I worked on analyses and options for the President and represented the NSC in some ten interagency groups on arms control from early 1981 until last fall.

It was an enormous privilege to serve in the NSC family with this President. I care about the NSC people who work so hard against great bureaucratic odds. I care about President Reagan, whom our countrymen love, more than any other person I have ever served.

Regretably, I have had to come to the conclusion that the INF treaty and its associated current policy framework on arms control and US-Soviet relations endanger America and our allies. We are in a deepening defense and diplomatic crisis. I firmly believe, that the proposed INF treaty and the larger U.S.-Soviet policy framework do *not* reflect President Reagan's declared objectives. The evidence is becoming clearer every day.

On the other hand I believe I and many other serious people who have expressed concern about the proposed treaty and the broader context of current policies are faithful to the President's proven insights and objectives. I regret that in the last months of his Presidency these insights and objectives are increasingly being pushed aside within the Executive Branch and the Congress. If this trend is not rapidly reversed, I truly fear for our nation's future.

Let me turn now to some of the specific major problems I see in the content and in the policy context of the proposed INF treaty.

THE INF TREATY, SUMMIT FEVER AND THE DEEPENING CRISIS IN AMERICA'S DEFENSE AND DIPLOMACY

SUMMARY

America and her Free World Allies face a deepening crisis in their defense and in their diplomacy. The crisis is leading to an unfolding tragedy caused by the pressure and illusions of summit fever. Its elements are emerging most clearly in the fundamental flaws and risks evident in the proposed INF treaty and in the framework of future negotiations at the U.S.-Soviet summit to take place in Moscow this May. The tragedy can only be avoided by realism about required changes to the treaty, about the increased threats to our security and freedom, and about the need for a new course.

Profound concerns are raised by the INF treaty and its associated summit package. These concerns include the treaty's data discrepancies and verification problems and its adverse impact on deterrence, future arms control and US-Soviet relations.

The concerns also include possible political bargains during the treaty's ratification process that would delay the early, phased deployment of our Strategic Defense Initiative (SDI)—our nation's best defense insurance policy. SDI is endangered by Congressional and diplomatic restrictions being imposed on US programs even though the Soviet Union is violating existing treaties, including the Anti-Ballistic Missile (ABM) Treaty.

In theory, the INF treaty stands on its own merits, is effectively verifiable and will result in some four Soviet weapons being dismantled for every US weapon. In theory, the proposed treaty is to bring a zero-zero result for an important class of US and Soviet weapon systems—the longer- and shorter-range land-based INF systems. In theory, Soviet military capabilities and threats to peace will be reduced and stability will be increased.

In theory, NATO will modernize its remaining nuclear and non-nuclear systems to bring them to the required levels to deter far larger Soviet nuclear, conventional and chemical forces. In theory, the treaty will be helpful to the arms control process and to fostering a more moderate Soviet Union.

In theory, the INF treaty may sound good for arms control and security, and as fulfilling the arms criteria established by President Reagan. The reality, however, is very different.

As reviewed in the following analysis, the result of the INF treaty and its related May summit package, in practice is far more likely to be *zero for our own* most credible deterrent forces in Europe and a substantial *increase in Soviet* military capability and in its political and diplomatic influence vis a vis our NATO allies.

It will be relatively easy under the treaty for the Soviet Union to increase its military capabilities against NATO, covertly or by circumvention, by retargeting extra Soviet strategic missiles which are very similar to the INF systems the Soviets are supposed to dismantle. At the same time, the removal of the US missiles, the aura of a new "Detente II" summitry and the effect of increased Soviet diplomatic and disinformation efforts will weaken NATO deterrence. Pressure will increase against NATO modernization, for unsound arms control agreements and for Europe's denuclearisation and neutralization.

This likely result in Europe of the proposed INF treaty, will be to the very significant advantage of the Soviet Union and to the great detriment of NATO deterrence and global stability. In the broader framework of US policy on arms control and US-Soviet relations, the implications and price of the INF treaty will be high, the risks to US and Allied security and freedom great.

The proposed INF treaty and its related negotiations package for the May summit relate directly to strategic arms reductions negotiations (START) and to SDI and have serious adverse consequences for both. In the current steamroller rush toward a START treaty to be readied for the May summit, serious START issues are likely to be brushed aside and the fundamental data and verification problems evident. Yet the flawed INF treaty will be greatly compounded in START.

SID faces two clear dangers. First, there appears to be a pre-ratification deal between White House and Senate Democrats commiting the United States to a "narrow" treaty interpretation which would seriously restrict the US test programs. Second, there is a likely summit package commiting the US to a seven to ten year US adherence to the ABM Treaty. In view of Soviet violations of the ABM Treaty, such US commitments would be unilateral while they would paralyse the accelerated, phased deployment of our nation's best defense insurance policy—SDI.

We would thus be severely constraining and delaying early deployment of our own strategic defenses even though the ABM treaty has been broken by Soviet violations and even though there is increasing evidence of the Soviet Union's acceleration of its strategic defense program across a broad spectrum of deployment options leading to a full breakout from the ABM Treaty.

The INF-Summit package that is currently emerging rewards Soviet violations of existing treaties with unsound arms control, and unsound political and negotiations bargains on SDI. In addition, we can anticipate the INF Summit to cause the US to downplay Soviet human rights abuses and Soviet international aggression and to increase official US encouragement of a generous flow of new commercial credits and advanced technology to the Soviet Union.

Administration and Congressional proponents of the INF treaty urge an early vote on the merits of the INF treaty alone. They not only dismiss the treaty's fundamental flaws as serious, but also insist that ratification not be linked to consideration of any of the broader policy issues above. Yet the treaty's supporters also praise the INF treaty as a *first* step in a *series* of US-Soviet agreements to be inaugurated at the next summit.

In the national debate on the proposed INF treaty it is now clearly necessary for the treaty's supporters and critics alike to consider the treaty as a component of a far broader negotiations package emerging for the Moscow summit this May.

It is essential that the proposed treaty be evaluated in direct connection with its broader summit context to include realistic assessments of militant Soviet behavior and future U.S.-Soviet relations. The treaty and all other aspects of the May summit, must be evaluated not only in terms of their own merits and flaws, but also in terms of their broader military and diplomatic impact and in terms of the national requirement for an integrated longer-term strategy for dealing with the continuing Soviet challenge.

I—SUMMIT FEVER AND RATIONALES FOR RUSHING TO PRAISE AND RATIFY THE INF TREATY

The INF treaty has been caught in the rush of summit fever. So, increasingly have virtually all other important aspects of our defense, our diplomacy, and our security. In the last months of the Reagan presidency, it is a high risk fever burning with increasing intensity as our government prepares for the U.S.-Soviet summit meeting in Moscow this May.

The rush to praise and rapidly to ratify the INF treaty is on. As serious issues are being brushed aside by treaty supporters, it is useful to look at why this is happening and to review some of the major rationales encountered among the treaty's advocates. Supporters' rationales include the following:

1. *Leap of Faith.* Some proponents praised the treaty and urged its rapid ratification without change even *before* the treaty's specific details gradually became known.

It is surely a very risky leap of faith to vouch for a major new national security contract *before* its important details are known, particulary if previous contracts with the Soviet Union have been broken by the Soviets. But then, as is spelled out below, a major leap of faith is also involved in supporting the treaty even *after* its details and implications are known.

2. *It is (Supposedly) Congruent With President Reagan's Arms Control Criteria.* Some proponents, even after discovering, or hearing others express, significant concerns about the treaty, still urge its rapid ratification as is because they believe it accurately reflects President Reagan's declared arms control objectives.

Such faith is simply not borne out by the facts on such issues as compliance, verification, deterrence and linkage with other aspects of the U.S.-Soviet relationship and Soviet behavior.

3. *Soviet Concessions and Changes?* Some believe that the treaty marks Soviet concessions reflecting a fundamental shift toward a more benign mode in Soviet arms control, military, and political objectives. For example, they view as decisive precedents the Soviet Union's agreement, in principle, to deep asymetrical force reductions and to onsite inspections.

Those who divine fundamental Soviet policy changes, hope that the Soviet Union will now, with this INF treaty, somehow change its historical pattern of negotiation deceptions and treaty violations. They place their trust in new Soviet words and overlook the proposed treaty's basic flaws and the Soviet Union's continuing military buildup and aggression. They assume the proposed asymetrical force reductions will verifiably take place on the Soviet side without circumvention. They also tend to see the treaty as a vital and indispensible step in an accelerating process toward other agreements with the Soviet Union.

Those who feel this way need first to face up fully to the flaws and adverse impact of the treaty exposed during the ratification hearings. They should help assure that these are corrected. In addition, the Congress should give a full hearing to knowledgable Soviet exiles, like Vladimir Bukovsky and Natan Sharansky, who can testify to the continuing realities and threats of Soviet power.

4. *Allied Reaction.* Some argue that treaty rejection, or conditions or safeguards attached by the Congress, would raise profound political concerns for our European Allies. But is not the opposite argument at

least equally valid? Should we not first be asking ourselves and our Allies the following relevant questions to safeguard our security?:

First, is what we are getting really zero-zero, or is it more like zero for us and increased capabilities for the Soviet Union, along with strong new pressures within NATO countries for defense disinvestment, denuclearization and neutralization?

Second, what are the dangerous consequences for NATO of ratifying and implementing the proposed treaty as is and what changes and conditions, including certain compliance and programatic safeguards are required to give the treaty a sounder basis and to give us confidence about our future security? Such conditions should include Soviet compliance and safeguards should include NATO agreement on specific modernization programs (e.g. ATBMs, LANCE follow-on), phasing of drawdowns, proportional responses to Soviet non-compliance etc.

Third, why not take a stronger lead in working energetically in the Congress and in Administration consultations with our Allies to establish the basis for required treaty changes and programatic safeguards?

4. *INF Treaty Critics are Bad for the Arms Control Process and for Peace.* Some treaty proponents brush off critiques and assert that those who criticize the treaty don't want to "give peace a chance" and will provoke war.

This assertion does not take account of the integrity of either the critics or the criticism. The assertion ignores evident flaws and dangers associated with the treaty and the broader INF-Summit package. It rejects the need to change the treaty and to provide appropriate programatic safeguards.

II—THE NEED FOR SYSTEMATIC REVIEW AND NATIONAL DEBATE—SOME FUNDAMENTAL ARMS CONTROL LESSONS AND TREATY PROBLEMS

A. A systematic review

It is high time for treaty proponents to reexamine their optimistic rationales and to take a hard-headed look at certain basic realities about the treaty before they firmly commit themselves, the United States and our NATO Allies to the treaty's ratification. They may then recognize the need for major amendments, reservations and safeguards.

If some in the Senate would now rush this necessary review process, they should remember that the text of the treaty was not forwarded to the Congress until January 25, some seven weeks after it had been signed at the December 7 summit, presumably because of ongoing problems in its data and its provisions. Furthermore, the treaty's negotiating record, requested by some in the Congress, was not forwarded until February 12. This record will apparently play an important role for those who requested it and may engender new concerns and debate.

January 25 and February 12 are relatively recent dates. The treaty's full consideration should not suffer from unrealistic deadlines. It must be recognized that the serious questions relating to the treaty—past Soviet violations, data discrepancies, ineffective verification, weakened deterrence, postponed SDI, delinkage from broader aspects of Soviet behavior, etc.—simply cannot be wished away by treaty proponents. Rejection, amendments, reservations and safeguards will all have to be carefully considered during the ratification process.

B. Detente, Perestroika and the growing Soviet threat—the Soviet Union: New styles, old threats

A review of both new and old US-Soviet "detente" policies must be part of the current national debate on the INF treaty and May summit. The debate must recognize the critical situation brought about by failed arms control approaches, diplomatic illusions about our principal adversaries, by growing threats, and by the cumulative impact of the declining US defense investment, which is now in its fourth year.

One's view of the INF treaty and its wider policy context is significantly affected by how one views the Soviet Union. It is apparent that treaty proponents hoping for fundamental Soviet change appear ready to take major risks with US and Allied security.

In contrast, most critics of the INF treaty believe that, far from moderating Soviet behavior, the INF treaty is likely to be exploited militarily and politically by the Soviet Union. They tend to view the major foreign threats to the United States and her allies as deriving principally from the Soviet Union. They see the Soviet Union as fundamentally remaining what it has been for 70 years—since its first leaders overthrew the Social Democratic government that had replaced the Russian czars.

In fact, the evidence of Soviet actions demonstrates that the Soviet Union remains a revolutionary and expansionist totalitarian regime. As in the past, it is ruled repressively by a hierarchical party holding a monopoly of power and privilege. The Communist Party and the Soviet Union remain bunkered behind their Berlin Walls and Iron Curtains determined to expand their power globally so long as any democracies remain outside their total control.

Today, new Soviet leaders are using a new vocabulary of "glasnost" and "perestroika." they claim new "openness" and "restructuring." Such Soviet words, a more adroit Soviet public diplomacy and an intensive Soviet disinformation effort have proved seductive in the democratic west even though basic Soviet realities remain fundamentally unchanged.

Reformist Soviet words notwithstanding, the leaders of the Communist Party of the Soviet Union have not yielded their party's monopoly powers. They have not permitted free speech, free elections and free worship. They have not torn down their walls of political apartheid, or closed down their gulag. They have not reviewed their military buildup, let their allies be independent, or pulled their troops and those of their militant allies out of Aghanistan, Angola, Central America and Southeast Asia. Though the Gorbachev doctrine may not sound like the Brezhnev doctrine, it is essentially the same.

The new Soviet leaders have brought new illusions and dangers as the self-deceptive temptation persists throughout the Western democracies to ignore the realities and lessons of past and present Soviet behavior. Consideration of the current INF treaty proposals must be informed by the bitter experience of the 70's "Detente I" period. This should make us extremely cautious about the risks of forgetting about the lessons of Detente I and jumping helter-skelter into a new one-way "Detente II."

III—THE BITTER LESSONS OF 1970'S "DETENTE"—LESSONS NOT LEARNED

In an earlier period of supposed Soviet reform and U.S.-Soviet detente, during the 1970's, the United States placed much faith in Soviet declarations, in unilateral U.S. restraint and in a series of U.S.-Soviet agreements on arms control, trade, exchanges and human rights.

A. Agreements made and broken

The "detente" arms control agreements included SALT I and the ABM Treaty of 1972, the Biological Weapons Convention of 1972, the Threshold Test Ban Treaty of 1974, the Peaceful Nuclear Explosions Treaty of 1976, and the SALT II Treaty of 1979. In addition, the Helsinki Final Act of 1975 included human rights and confidence building measures (CBMs) to reduce the risks of war.

Each of these international agreements was fully complied with by the United States and each was violated by the Soviet Union. The arms control treaties had serious verification problems and asymetrical adverse impacts on U.S. security. The Helsinki Accords were violated and the Helsinki Monitors arrested throughout the Soviet Block. The Accords' confidence-building-measures were violated in a large-scale Soviet military exercise directed against Poland.

The two strategic arms limitation agreements (SALT I and SALT II) incorporated a strange form of supposed "arms control." They included serious verification problems and legitimized major U.S.-Soviet inequities and large increases in the number of Soviet strategic ballistic missile warheads. The ABM treaty also involved major ambiguities, problems and risks.

The SALT I "Interim" Agreement of 1972 (an Executive Agreement, not a treaty) was scheduled to expire in 1977. It was highly unequal in its designated weapons ceilings, permitted substantial growth and gave the Soviets major advantages. The agreement was accompanied by the Jackson Amendment and by Joint Chiefs of Staff testimony requesting future arms control equalities and robust ongoing U.S. defense modernization and research programs as safeguards. However, the concerns expressed in the Amendment and by the JCS were left essentially unmet even as the Soviet Union cynically exploited the SALT I Agreement throughout the 1970's.

The proposed SALT II Treaty of 1979 was described by the Senate Armed Services Committee as "unequal in favor of the Soviet Union," and as "not in the national security interests of the United States of America." It was headed for substantial amendments or outright defeat and was finally scuttled by President Carter, without being ratified, following the Soviet invasion of Afghanistan in December 1979.

The *ABM Treaty of 1972* involved numerous ambiguities and held the United States in a deterrent posture of exclusive reliance on MAD (Mutual Assured Destruction). It led to a substantial reduction in US research and development programs on strategic defense, even as the Soviet Union increased its own efforts.

These flawed and violated agreements were permitted to stand for years. Although the SALT I Agreement had expired in 1977 and was violated by the Soviets, the United States did not put SALT I behind us until 1986. Similarly, the SALT II Treaty, though unratified and violated by the Soviets in its core provisions, was also not put behind us until 1986, some months after the December 31, 1987 date when it was scheduled to expire had it been ratified.

Surprisingly, some members of Congress still urge unilateral US adherence to the SALT I and SALT II agreements. And to this day the US continues to adhere unilaterally to the ABM Treaty and to argue about "broad" or "narrow" interpretations of the treaty as if the treaty had not long ago been broken by Soviet violations.

It is time to assure unequivocably that the failed arms control approaches of the 1970's are rejected as precedents for the INF treaty. Historically, unsound arms control agreements have assumed a life of their own in restricting US programs—notwithstanding a lack of equality, lack of ratification and the evidence of Soviet violations. Because of this reality, the proposed INF treaty must be rejected as is, or its flaws corrected and programmatic safeguards confirmed by law, *before* the treaty is ratified and the US begins to comply with any of its provisions.

B. US defense cut-backs, retrenchment and credits; Soviet military build-up and aggression

Significant experiences and lessons of the 1970's "Detente 1" period include the following:

1. *US Military Drawdowns.* During the 1970's the United States greatly cut back its defense programs. In the strategic area, the US: conceled the B-1 strategic bomber; delayed the MX ICBM, the D-5 "Trident" SLBM, and strategic cruise missile production; terminated MX ICBM production; put our strategic defense research on the back burner and closed down our ABM facilities at Grand Forks AFB, N.D. While the Soviets continued their buildup, the US unilaterally reduced the number of its nuclear weapons by about one-third and reduced its nuclear megatonage by three-fourths.

2. *US Retrenchment & US Credits.* While reducing its defenses the US also retrenched abroad. This included the withdrawal of all US combat forces from South Vietnam in 1973 and the surrender in 1975 of our allies there and in Cambodia and Laos to North Vietnam's Soviet-supplied divisions, which crudely broke the Armistice Accords the North Vietnamese had signed and the Soviets had guaranteed two years earlier.

During the "detente" period the US rejected linkage with Soviet military aggression or human rights abuses (with Administrations opposed to the Jackson-Vannick Amendment) and the US provided generous credits and advanced technology to the Soviets. We thereby underpinned the Soviet military-industrial complex and bailed out the backward Soviet economy, while undercutting fundamental economic and political reforms. Caught by the same illusory self-deception, our allies succumbed to similar policies.

3. *"Detente" Critics.* In the 1970's, as now, there were those like Senator Henry "Scoop" Jackson and Ronald Reagan who sounded Churchillian alarms about the continued totalitarian challenge and who proposed more realistic policies toward the Soviet Union. Such critics were denounced, as similar voices are today. They were said to be opposed to peace, inappropriately to link diverse aspects of Soviet behavior and US-Soviet relations, and (in President Carter's phrase) to have "an inordinate fear of Communism."

4. *Soviet Build-up and Expansionism.* The historical facts at that time clearly contradicted official optimism and backed the critics of "Detente I." In sharp contrast with US restraint during the 70's "detente" period, the Soviet Union pocketed America's misplaced trust and stepped up its arms buildup on an unprecedented scale. The Soviets deployed a vast array of new weapons systems as we reduced or postponed major US programs. At the same time, the Soviet Union violated its major international obligations on arms control, international behavior and human rights.

During the "detente" period, the Soviet leaders were far from practicing "peaceful coexistence" and "negotiation, not confrontation, as they had promised in the US-Soviet "Moscow Declaration" in 1972. Instead, they urged their Block's militant allies to go on the attack, waging war with tens of thousands of invasion troops in South Vietnam, Cambodia and Laos (1975), Angola (1975) and Ethiopia (1976). In the Middle East, the Soviets egged on their allies to attack Israel, most notably during the Yom Kippur War of 1973, and to attack US interests and diplomats in Iran in 1979. Afghanistan was invaded by Soviet divisions in 1979. Soviet-directed subversion was stepped up in Central and South America. During the "detente" decade, Soviet-supported terrorist efforts and disinformation campaigns notably increased throughout the world.

Within their own Block, the Soviets pressured their Polish allies not to undertake major reforms desired by the Polish people. Practicing no moderation in their imperial ambitions and activities abroad, the Soviet leaders violated the international human rights standards of the Helsinki Final Act and made no fundamental reforms with regard to their repressive totalitarian system at home or within their Block.

In the face of the reality that 1970's "detente" was a unilateral hope, the West's "detente" illusions persisted and its vulnerabilities increased with each passing year.

IV—REAGAN REALISM AND PEACE THROUGH STRENGTH IN THE CAUSE OF FREEDOM—A FOCUS ON THE REAGAN ARMS CONTROL CRITERIA

Today we should remember that until the presidency of Ronald Reagan, most in the Executive Branch and in the Congress, as well as most of our democratic Allies, simply refused to recognize the truth about this abysmal Soviet "detente" record even as the Soviet Union continued its aggressive behavior and as the danger to our security and our freedom increased.

Until President Reagan's leadership brought a dramatic change, most senior US officials in the Carter, Ford and Nixon administrations, with very rare exceptions, fell prey to self-deceptive illusions of the 1970's "detente." thus, they opposed sound arms control standards; neglected requisite US defense modernization, including strategic defense; rejected efforts to resist Soviet aggression and support freedom fighters abroad; and downplayed the need for stepping up broadcasts and other efforts to reach out to those in the Soviet Block and throughout the world yearning for peace with freedom.

One of the clearest changes in policy from his predecessors occured early in President Reagan's first Administration in the area of US-Soviet relations and arms control. Those who today claim that the proposed INF treaty and the overall framework of current US policy on arms control and US-Soviet relations conform with those declared Reagan policies, need to refresh their memory about his 1980 campaign and his subsequent policy declarations.

Drawing on numerous official statements, reports and directives, President Reagan's chief arms control objectives and related policy perspectives could be summarized as follows:

1. Arms control is not an end in itself, but should be related directly to US defense and linked to Soviet behavior. It should be undertaken and judged in terms of whether or not it contributes to US and Allied security and global stability. From this perspective, reaching no agreement is better than concluding a bad agreement and the best safeguard for deterring war is a policy of peace through strength.

2. Arms control should not be divorced from the broader aspects of Soviet military and political behavior, including aggression abroad and suppression of human rights at home.

3. Arms control must not legitimize arms buildups, or merely slow the rate of growth, as had the arms "escalation" agreements SALT I and II. Instead, there should be significant reductions. In November 1981 the US proposed deep reductions to zero in Soviet and US INF systems and in May 1982 proposed a 1/3, or more, out in strategic ballistic missiles and about a 1/2 out in their warheads (intended to lead to equitable, effectively verifiable and stabilizing results).

4. Arms reductions must be to equal and stabilizing levels and remaining US forces must be able to carry out their assigned missions of deterrence and defense.

5. Arms control agreements must be "effectively" verifiable in all their provisions. This policy consciously contrasted with prior administrations views (e.g. the Carter Administration) that "adequate" verfication was sufficient if violations could be detected in time to prevent (some undefined) "unacceptable" military risks.

6. To be serious about arms control is to be serious about full Soviet compliance. There was to be no coverup of Soviet violations, as candidate Reagan had charged in his 1980 platform about the Carter Administration. President Reagan's General Advisory Committee on Arms Control and disarmament, as well as a high level interagency Arms Control Verification Committee were requested by the President early in his Administration to prepare detailed reports to the President, and later to the Congress, describing the extensive pattern of Soviet arms control violations. Full Soviet compliance with all treaty provisions were declared to be a prerequisite for any future arms control agreements.

In sum, when President Reagan's declared arms control objectives and criteria above are applied to the proposed INF treaty currently before the Congress and to the broader summit package, it is demonstrably clear how substantially these have been undermined and pushed aside recently by summit fever and US concessions.

V—THE INF TREATY'S FATAL FLAWS AND DANGERS—REAGAN REALISM AND ARMS CONTROL OBJECTIVES ABANDONED

INF Treaty proponents ask that the treaty be judged and quickly ratified now on its own merits. They are insistent that its consideration not be linked to any broader issues of other arms control negotiations, Soviet behavior and U.S.-Soviet relations.

Proponents claim two chief merits in particular for the treaty: (1) asymetrical reductions and (2) on-site verification. In theory, these constitute impressive U.S. negotiation accomplishments which mark very significant improvements over the moratoria or small reductions proposed for so many years by the Soviet Union and over the moratoria (whether unilateral or bilateral) proposed by U.S. advocates of a nuclear "freeze."

As discussed below, however, these two most highly touted pillars of the proposed treaty in practice do not pass careful scrutiny and deserve a far less optimistic assessment. In fact, both the reduction and the verification pillars of the INF treaty can be circumvented fairly easily by the Soviet Union and both bring major new risks to us and our Allies. In practice, NATO will lose a unique deterrent capability and sensitive classified information, while the Soviet Union will retain the capability to get back everything it gave at the negotiation table and more.

As reviewed below, the United States would be significantly worse off militarily and politically in Europe with this INF treaty than we are now without it and than we were before NATO's "double track" decision of December 1979. Our best nuclear deterrent in NATO would have been removed, with major new pressures encouraged for rapidly removing even more of our deterrent without having assured corresponding NATO defense modernization programs to meet the Soviet threat. Meanwhile, under the treaty the Soviet Union could readily retain military capabilities equal to or substantially greater than they currently possess.

Set against President Reagan's sound and long-standing arms control criteria described above, the major flaws directly associated with the proposed INF Treaty and requiring amendment, reservation and/or programatic safeguard include the following:

A. The treaty rewards Soviet non-compliance

The proposed "INF Treaty obliges the U.S. to undertake a new arms control agreement removing its best nuclear deterrent from Europe even though the Soviet Union has failed to comply with existing agreements. Ratification of the INF Treaty would repudiate President Reagan's explicit compliance policy, reward Soviet violations, and encourage the Soviets to pick which provisions and which agreements it wishes to honor.

The President's Compliance Policy. The treaty repudiates the President's March 10, 1987 unambiguous assurance to the Congress, and signal to the Soviet leaders, that Soviet "compliance with past arms control agreements is an an essential prerequisite for future arms control agreements. . . . Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less."

Unanswered Inquiries. Explicit Congressional inquiries to the Administration on this fundamental policy matter (as in January 1988 correspondence from Congressman Jack Kemp to Secretary of State Shultz) have been left unanswered by US officials even though Members had sought explanations and a reversal of this repudiation of the President's stated compliance policy.

B. The treaty's data discrepancies

The treaty's data base as provided in the Memorandum of Understanding (MOU) on Data at the December 1987 summit appears to contain major data discrepancies. These include inadequate missile photos (e.g. for the SS-20 and SS-23) and missile and launcher numbers and sites as provided by the Soviets. Such data discrepancies have been publicly outlined in questions from Congressman Jack Kemp to the Secretary of State and in the Senate Foreign Relations Committee's Minority Staff report of January 25, 1988 on the INF Treaty: Does It Decrease—Or Increase—The Danger of Nuclear War?"

Major INF treaty data problems include the following:

1. *The INF Treaty's "Backfire Problem."* If the US does not resolve the wide range of data problems before treaty ratification, it is inviting massive problems *after* ratification. Without such a resolution, the US cannot have any assurance that we are verifying the treaty's required dismantlements. We would be repeating on a treaty-wide scale the "Backfire Problem" of SALT II in which US negotiations during the Carter Administration accepted as valid Soviet information and claims about the Soviet Backfire's range and capability which were invalid when we received them and which should have been rejected outright as a fraud.

2. *SS-20 and SS-23 Missile Photos.* The INF treaty's SS-20 photo was first inappropriately provided at the December 1987 summit as a facsimile copy, was then delivered weeks late and has left continuing major doubts about its accuracy. The Soviets' murky SS-23 photo omitted a "connecting section" and resulted in a US demarche to the Soviets at the very time the Department of State spokesman was inappropriately assuring Congressman Kemp and others who had raised questions about the Soviet's photos, that "we don't have any reason to doubt the authenticity of the SS-20 photograph or any others."

3. *Missiles and Launchers.* Among the treaty's missile and launcher number questions are the fact that while NATO has long held that there were 441 SS-20 launchers, the Soviets said there were only 405. Similarly, the number of SS-20 missiles, including "non-deployed" missiles may be off by anywhere from 50 to some 300 or 600 or more—a military very significant number. Other reported data problem include issues involving the SS-23 launchers and missiles and the SS CX 4 ground-launched cruise missile.

4. *Unanswered Congressional Inquiries and Official Confusion.* Specific data concerns raised by Senators and Congressman, including Senator Jesse Helms and Congressman Jack Kemp, have not been resolved by the Administration. However, the Department of State has publicly acknowledged data "difficulties" during the rushed December summit negotiations. Its official spokesman admitted on January 6, 1988 that: "We all do know that from day to day we were dealing with different numbers, and we never had a chance in that busy period to figure out why the US always seemed to have different figures."

5. *US Estimates: Wide Ranges and Errors.* Thus far, the Administration, at least the Department of State, has publicly taken the position that notwithstanding certain data difficulties, it can still "see no information or indication that there was any deception involved by the Soviets" and that "in the end, the overall data provided to us by the Soviets fits within our intelligence community estimates."

However, such public assertion mask the facts that serious Congressional inquiries about relevant INF data have not been resolved by the Administration and that data disputes reportedly continue within the US intelligence community. Clearly, the range in official US estimates apparently is very great, meaning that our margin of error, and our related uncertainties and verification limitations must be very great as well. The intelligence community's acknowledgements of these wide ranges of uncertainty and error will require careful consideration by the Congress.

6. *Soviet Deception.* Past Soviet negotiation deceptions in the SALT arms control negotiations during the 1970s should make us extremely cautious to rely on any INF data the Soviet Union provides us which we cannot independently verify *before* we sign on to any agreeent. Yet the treaty's data base is to be updated 30 days *after* the treaty comes into force, i.e., *after* the US Congress and the US Government have given the treaty their final approval and trust. At that time, we can surely expect a shorter data list with lower numbers from the Soviets, with correspondingly fewer sites and lower data base, for any future US inspections and validation. But by then it will be too late to remedy the situation.

7. *The Future is Now.* The treaty's data problems cannot be resolved by placing hope in future inspections, as do Administration and Congressional treaty proponents. Promised inspections may be blocked or circumvented by the Soviets and effective inspections may never take place. The evident data problems therefore require resolution and substantial further assessment and further negotiation well before ratification, if any confidence is to be placed in the treaty's data base.

C. The treaty's ineffective verification

There are at least seven severe limitations to the INF treaty's verification regime which mean that the proposed treaty cannot be effectively verified. The judgment of the proposed treaty's verifiability as being a "4 on a scale of 10," attributed to former Arms Control and Disarmament Agency (ACDA) Director Kenneth Adelman, is probably close to the mark.

Some of the INF treaty's verification problems might be reduced by improving future US intelligence assets. Such an effort should be carefully considered, but it would be an expensive and long term proposition. Such improvements will not help in the near future and, in any case, would still not be able to resolve numerous intractable problems of likely deceptive or covert Soviet practices.

The severe limitations evident in the INF treaty's verification regime include the following:

1. *US Estimates.* US officials acknowledge that the US does not know accurately through its own intelligence how many spare missiles the Soviets produced, or where and how these might be sited. The reported estimates range widely and have a high margin of error. For Soviet SS-20 missiles produced, for example, the officially acknowledged margin of error is at least 50 percent beyond the 650 reported by the Soviets in the treaty's data base. This uncertainty involves some 300 and as many as 600 or more SS-20 missiles with 900 to 1,800 or more warheads. (In terms of major military significance, the number of warheads is many times as large as that of the US Pershing II missile force we are to eliminate and far larger than NATO's total programmed INF deployment of 108 Pershing IIs and 464 GLCMs).

2. *Data Discrepancies.* The data discrepancies described above also relate directly to our inability to monitor the treaty accurately. It becomes impossible to monitor the treaty's provisions effectively if, as noted above, we cannot have certain confidence in the data base provided by the Soviet Union for all treaty-limited items. Yet the Soviet

data has differed significantly from our own estimates in important categories and has been provided by a Soviet government which has deceived the United States on data in previous arms control negotiations.

3. *No. US Support Site Challenge Inspections "Anywhere, Anytime" in the Soviet Union and Soviet "Inspectors" in the US.*—The treaty provides on-site inspection rights only for *specified* categories of treaty-limited systems and facilities for specified times and according to specified procedures. This potentially involves several hundred sites. But the US will be limited in the number and types of inspections per year and we will *not* be able to inspect "anywhere, anytime" any sites which are not already on the specific and numerically limited list of categories of facilities specified in the Protocol on Inspections and the Memorandum of Understanding on Data.

The severe limitation on where, when and what we can actually inspect under the treaty leaves virtually all of the Soviet Union permanently *closed* to US inspectors. In practice, the US will be forced to rely largely on our intelligence satellites. But the Soviets are adept at camouflage and deception and their country is extremely secretive and several times as large as ours. Futhermore, our satellites have previously missed, at least for long periods of time, much major Soviet military activities as the construction of the giant radar at Krasnoyarsk or the storage of SSCX4 cruise missiles and launchers now said by the Soviets to be at a base in Latvia.

It should be noted that while the treaty presumes to be comprehensive about former missile sites, we cannot inspect any former site not listed by the Soviets in the treaty's Memorandum of Understanding. Moreover, there is no indication in the treaty concerning possible inspection of sites in Cuba associated with SS-4 missile deployments at the time of the Kennedy-Khrushchev agreement.

The US decision not to insist on "anywhere, anytime" challenge inspections results from concerns about greatly intensified and warranted intelligence efforts on the part of Soviet "INF inspectors" in the United States who would be seeking sensitive information going well beyond any possible INF concerns. But the proposed treaty will result in at least 200 such Soviet inspections coming to the United States in any case. Furthermore, serious US concerns about unwarranted Soviet intelligence efforts, a concern compounded by major legal and fiscal limitations on US counterintelligence efforts, do not obviate the fact that by not having "anywhere, anytime" challenge inspections in the treaty, the United States foregoes a vital element in deterring and in protecting itself against Soviet cheating.

4. *SS-20/SS-25 Similarities.* The close relationship between the INF-banned SS-20 INF missile and the permitted strategic SS-25 ICBM greatly complicates the treaty's verification. The Soviet Union's new mobile strategic missile, the SS-25 ICBM, now being deployed, including at former SS-20 base, has a first stage essentially identical to and a second stage and launcher very similar to the supposedly banned SS-20 missile. The verification problems will therefore be severe. We could well face a problem with more serious military consequences than that of SALT II and the question of Soviet possible deployment of operational SS-16 ICBMs, a banned missile very similar to the SS-20's stages.

5. *Cruise Missiles.* We cannot accurately gauge cruise missile ranges, which means that the treaty's ban on cruise missiles within certain ranges can be circumvented by Soviet production and testing cruise missiles not overtly below or above, but near, the proscribed range limits. We also cannot accurately gauge the differences, if any, between proscribed land-based cruise missiles and permitted sea- or air-launched cruise missiles, thus leaving a wide path to Soviet production and possible covert deployment of land-based cruise missiles and mass production of the sea- and air-launched systems to provide new INF capabilities.

6. *Definitional and Other Problems.* Two detailed recent reports on the proposed INF treaty describe a host of specific definitional and other problems which will greatly complicate future monitoring of the treaty's provisions. The first is the aforementioned report on "The Treaty on Intermediate-range Nuclear Weapons: Does it Decrease—or Increase—the Danger of Nuclear War?" prepared by the Minority Staff of the Senate Foreign Relations Committee and circulated by Senator Jesse Helms on January 25, 1988. The second, is an "Article-by-Article Review of the INF Treaty" published by the American Enterprise Institute on February 3, 1988.

The provisions of the INF treaty contain numerous definitional ambiguities involving capabilities, launchers, cannisters, shrouding, testing, transit, dismantling, firing to destruction and inspection procedures etc. These ambiguities can be expected significantly to cloud the INF verification picture in the future, with a very serious carryover effect into the Strategic Arms Reduction Treaty (START) now being rushed to completion for the US-Soviet summit this May.

7. *The Special Verification Commission.* The poor record of the existing US-Soviet Standing Consultative Commission for the ABM Treaty and SALT I in clarifying such issues and related disputes bodes ill for placing any hopes whatsoever in a similar "Special Verification Commission" to be established under the INF Treaty.

D. The treaty underouts NATO deterrence

As noted above, the proposed INF treaty, though nominally reducing both US and Soviet INF/SRINF missiles to zero, in fact has such serious data discrepancies and verification weaknesses that Soviet deception and circumvention are entirely plausible.

Thus, as the US complies fully with the treaty and goes toward zero, we can have no assurance that the Soviets will fully comply with their part of the bargain any more than they have with the many previous treaties they have broken.

But even if the INF treaty's data base were accurate and trustworthy, verification effective, and full Soviet compliance certain, the treaty would still greatly weaken NATO's deterrence capabilities once our own INF missiles are removed. The reasons include the following:

1. *The loss of Unique Systems.* The US would be giving up its most credible deterrent forces, the only US forces deployed in European countries that can rapidly (within 15 minutes for the Pershing II), and with very high confidence, reach targets in Soviet territory from which Soviet attacks can be launched or supported. Our short-range systems would destroy chiefly allied or East European, rather than Soviet territory. Our aircraft are slower and would have to fly into heavily defended air space.

2. *Soviet Redundancy and Circumventions.* In contrast with the United States, the Soviet Union does not suffer any net loss in rapid delivery capability against European targets.

The Soviet Union can readily cover, with its great surplus of strategic missiles, the regional targets previously covered by its INF missiles. The regional role of the Soviet SS-20 missiles can fairly readily be assumed by retargeting the surplus of new Soviet strategic missiles, including the SS-25 ICBM currently being deployed, or by the forthcoming new SS-24 ICBM and the SS-18 follow-on ICBM. The potential INF role of the SS-25 is made even easier by the close similarity between the banned SS-20 and the permitted SS-25.

The United States, in contrast, because of its far smaller corresponding prompt hard-target capability against the huge number of Soviet hard targets (including some 1,400 ICBM silos and some 1,500 or more command-and-control bunkers), has no surplus or strategic missiles that might be retargeted to handle regional targets if US INF missiles are removed.

3. *Response to Across-the-Board Soviet Deployments.* NATO's nuclear forces traditionally are intended to deter a broad spectrum of forces in which the Soviets have substantial numerical advantages. NATO's 1979 decision to deploy Pershing II and GLCM systems was not based solely (as is sometimes inaccurately believed today) on the requirement to help redress the Soviet deployment of the SS-20 INF missile.

The new US INF deployments were in part to respond to the triple-warhead mobile SS-20 INF missiles the Soviets began to deploy in late 1976 at the rate of a missile per week on a base of 600 deployed Soviet SS-4 and SS-5 INF missiles (while the US had zero INF missiles). But the Pershing IIs and GLCMs were also intended to respond to a wide range of other Soviet force deployments as well. These Soviet deployments included nuclear, conventional and chemical forces and new systems such as the Backfire bomber. That new deterrence requirement remains for NATO even if the SS-20 missiles go, but the requirement cannot be equally credibly fulfilled by other NATO systems.

4. *Land-Basing, Coupling and Flexible Response.* In 1979 NATO decided to deploy its new Pershing II and GLCM INF systems on land, and their role cannot be equaled with sea-based systems, for two major reasons. First, because the Allies, headed by Germany's Socialist Chancellor Helmut Schmidt, considered them a far more visible and direct aspect of US-NATO coupling than sea-based systems. Second, since the launch of a sea-based theater deterrent such as US Polaris missiles assigned regionally to NATO cannot readily be distinguished by the Soviets from a US strategic response, the sea-based systems are not as appropriate for NATO's "flexible response" strategy and not as credible a deterrent as land-based systems.

These two factors remain true today, as testified to by former NATO Comandant, General Bernard Rogers. As for air-launched systems, these are fired from more vulnerable platforms, are far slower (at least than the Pershings) and must penetrate heavily defended Warsaw Pact air space.

5. *The Article XIV Problem and Constraints on UK or French Modernization.* The treaty requires in Article XIV that "the Parties shall comply with this Treaty and shall not assume any international obligations or undertakings which would conflict

with its provisions." Yet such "undertakings" clearly extend beyond the specific provisions of the treaty. US officials claim that the Soviets no longer claim compensation for French and British (strategic) nuclear systems and they have optimistically asserted that this broad provision will not restrict standard US cooperation with our Allies on non-treaty limited systems. However, Soviet officials are already complaining about Allied modernization efforts as being against the spirit of the proposed treaty.

The Soviets can be expected to invoke this far-reaching article with telling political effect in the future to evoke support in Western anti-defense circles for their likely interpretation of Article XIV as constraining NATO/UK/French, and even FRG, modernization even though such modernization constraints may not be directly addressed in the INF treaty.

6. *NATO Nuclear Modernization, the "Montebello" Problem and Wishful Thinking.* Treaty proponents appear to have great confidence that as US INF forces and the German Pershing I shorter-range INF missile disappear, NATO will act programatically to implement its "Montebello Decision" of 1983. They appear optimistic that NATO will finally agree on significant modernization programs for NATO's deterrent forces to include short-range nuclear missiles (e.g. the follow-on to the 88 LANCE short-range missiles deployed in Europe), dual capable aircraft, and nuclear artillery.

These and other modern systems such as air- and sea-based cruise missiles have been discussed, as by NATO's Defense Ministers in Monterey, California in November 1987, as vital "compensatory steps" needed after an INF agreement to ensure a credible defense. In addition to nuclear force modernization discussed at Montebello, Monterey and other NATO meetings, modern conventional and chemical forces are also required by NATO to deter the far larger Soviet forces and in the absence of any effective verification or stabilizing reductions scenarios for those types of forces.

Realistically speaking, there is much wishful thinking and self-deception involved in entrusting NATO's future security to what is closer to being a Montebello "Myth" than a Montebello "Decision" on deploying compensatory new NATO deterrent systems. Pressed by their Left, the European governments, and particularly the Germans have continued to balk at supporting follow-on Lances, etc.

Ironically, the most successful part of the Montebello process thus far has been the unilateral removal of some 1,400 US nuclear weapons and charges from Europe since 1983 (which followed an earlier unilateral reduction of 1,000 nuclear weapons/charges after 1979). The Montebello process has thus far certainly not assured the selection, financing or deployment of modern new NATO forces.

7. *High Extra Costs—This will be an Very Expensive Treaty.* Far from saving money, this will be a very expensive treaty. There is no NATO agreement on financing most of the Montebello modernization progress. There are not even budgeted US funds for the large extra costs of dismantling the INF systems as required by the treaty, or for the extra costs of implementing the treaty's verification provisions and inspection procedures. There will be huge costs to undertake conventional force improvements made more essential by our INF drawdown. All of these costs are high—with hundreds of millions, indeed billions, of as yet unbudgeted dollars involved. Moreover it will be impossible to recover the $6-7 billion dollar investment sunken into the INF systems which are slated to go.

It is an ungainsayable reality that there is painfully little evidence of a desire by NATO's parliaments, specifically including our own US Congress, to come up with budgeted funds for the very substantial extra costs associated with the INF treaty. Furthermore, while "budget sharing" is a cry, and sometimes a scapegoat in the US on NATO defense issues, the political and parliamentary situations in Western Europe are likely to be exacerbated rather than improved by US pressure on this matter.

Because of the growing fervor associated with the US-Soviet summits and the hopes of genuine Soviet reform and a new East-West "detente," NATO's Montebello modernization situation is likely to deteriorate further with each future NATO meeting and with each future defense budget vote within Western Europe's parliaments. In addition, several candidate programs for force modernization are encumbered by restrictions imposed by the US Congress, for either fiscal or other reasons, e.g. on the Army Tactical Missile System (ATACMS) and Tactical Air to Surface Missiles (TASM).

8. *Conventional Forces.* All of the adverse considerations about the INF treaty's impact on deterrence and defense modernization apply not only to nuclear weapons, as under "Montebello," but also, as noted above, to the required, but very expensive modernization of NATO's conventional forces. This is an area in which force asymmetries favoring the Soviet Union are likely to increase and in which it has proved impossible thus far to devise any arms reductions regime that is both stabilizing and verifiable.

One of the systems the INF treaty will not permit NATO to have, is the conventionally armed land-based GLCM (which could be a suitable precision-guided weapon and would have the advantage of being more readily dispersible than sea- or air-launched cruise missiles). However, there are fundamental verification problems associated with unarmed "drone" missiles (which are permitted under the treaty), and sea- and air-launched cruise missiles of all ranges (which are permitted under the treaty). These problems not only greatly reduce the arms control utility of the treaty's GLCM restriction, but may well enable the Soviet Union to develop and deploy GLCMs covertly on a unilateral basis if they so choose while we deny ourselves that right.

9. *Soviet Arms Control Proposals and Nuclear/CW Free Zones.* Growing domestic political pressures from Socialist and Green parties in Europe—as well as heavy diplomatic pressure from the Soviet Union, including Soviet proposals for nuclear and chemical weapons (CW) free zones (which will eliminate required US deterrents but not have assured verification and compliance on the Soviet side)—will further reduce the likelihood of gaining appropriate NATO force modernization.

In West Germany, in particular, pressures for denuclearisation and neutralism are clearly gaining major new momentum from the proposed INF agreement. So are leftist opposition to NATO force modernization and support for "free zones" which would remove US forces across the Atlantic while Soviet forces would move only several hundred miles East, within close range of Western Europe. Since mid-1987, when the Federal Republic of Germany's (FRG) government first felt strong pressures to throw its Pershing Is shorter-range INF missiles into the super-powers' INF agreement, the Germans have felt themselves to be an undesirably "singularized" NATO state with regard to the stationing of remaining nuclear shorter-range systems. This adverse situation is being very strongly exploited by the FRG's Socialist (SPD), Liberal (FDP) and Green parties to block force modernization and to endorse unsound Soviet arms control proposals.

10. *NATO Commanders on the Future.* Two former recent US commanders of NATO, generals Alexander Haig and Bernard Rogers have warned of the deleterious military consequences of removing the US INF missiles and of not providing corresponding fiscal and political resources to modernize NATO forces. The incumbent, General John Galvin, has stated that substantial additional funds must be spent in the wake of an INF agreement and that if they are not provided, we will be in an increasingly dangerous situation following US INF dismantlements. Regrettably, all three generals, as well as over one thousand other concerned former senior military officers who recently petitoned the President on this issue, are likely to be proven right in their pessimistic predictions.

VI—MORE ON THE PRESENT DANGER—THE INF TREATY IN ITS BROADER CONTEXT

In the rush of summit fever, INF treaty proponents are doing all they can to divorce consideration of the substance of the proposed INF treaty from the broader context of US policy on arms control negotiations, Soviet behavior and US-Soviet relations in which the treaty is being advanced. Such an unintegrated and shortsighted approach contributes new illusions and dangers and makes America vulnerable to repeating past mistakes—but this time with even more serious and tragic consequences than in the past.

Unless this dangerous situation is fully exposed and reversed, serious Congressional misjudgements and Executive Department concessions and risks are likely to be compounded as we near the next summit meeting in Moscow this May.

A. The INF-summit package and the treaty's linkage to broader issues

A number of major interrelated issues must be considered together on an integrated basis at US-Soviet summit meetings and in the intensive prepatory ministerial meetings which precede the summits. In recent summits, for example, the US-Soviet agenda has included four major areas: arms control, regional issues, human rights, and other bilateral issues including exchanges programs and trade.

Individually and collectively, such a wide range of issues are currently the subject of Administration analysis and policy options in the National Security Council and elsewhere as Secretary of State Shultz and Soviet Foreign Minister Shevardnadza work on their monthly rounds of ministerial meetings prior to the May summit.

It is clearly essential that during the INF ratification debate the Congress should adopt an integrated approach parallel to that of the Executive Branch. These broader US-Soviet issues must no more be divorced from integrated consideration during serious Congressional review of the INF treaty than they should be divorced during Executive Branch preparation for summit meetings. They need to be linked as well to a coherent longer-term strategy toward the Soviet Union.

Finally, not only the specific concerns and recommendations concerning the INF treaty, but also such broader issues, should be reflected in safeguarding amendments, reservations or conditions to be attached to the proposed treaty as part of the ratification process.

B. Some critical broader issues

Along with the fundamental flaws in the INF treaty's provisions and its dangers for NATO deterrence, broader issues to be considered as part of the INF treaty-summit package should include the following:

1. *The Continuing Soviet Military Buildup.* Two just-released annual reports to the Congress prepared by the Secretary of Defense and by the Joint Chiefs of Staff—like the Defense Department's detailed annual assessments of "Soviet Military Power"—vividly demonstrate that while the United States is in its fourth year of declining defense investment and is currently being forced by Congressional restrictions to undertake substantial force cuts, the Soviet military buildup continues across the board at a very high pace with force deployments far greater than ours.

As enumerated in the Pentagon's official reports, the unwarranted Soviet military buildup extends far beyond any plausible Soviet defensive needs. It follows the huge unilateral Soviet buildups of the 1970's "detente" period and includes offensive and defensive as well as central, regional and force projection systems. Unhindered by fiscal or environmentalist constraints, many of the new Soviet weapons systems are highly mobile (as the new rail/road based SS-25 and SS-24 ICBMs), a deployment mode which clearly enhances their survivability and their adaptability for camouflage and for covert deployment.

Notwithstanding Mikhail Gorbachev's words, the Soviet deployments go on and on. As summarized in a January 19, 1987 speech by CIA Deputy, Robert Gates: "Despite Soviet rhetoric, we still see no lessening their weapons production. . . . Virtually all of the principal strategic weapons will be replaced with new, more sophisticated systems by the mid-1990s, and a new bomber is being added * * *."

In addition to its continuing strategic force buildup, the Soviet Union's naval, aircraft and armor buildups are perhaps best known. But as detailed in the Defense Department's November 1987 report on "The Soviet Space Challenge," the Soviet Union is also going all out to dominate space. The Pentagon report makes clear that while the Soviet leaders are pushing U.S. negotiators and the U.S. Congress to kill the U.S. SDI program, and are claiming to be opposed to "the militarization of space," the Soviet military buildup includes a massive effort, far beyond the relatively modest U.S. SDI program, to achieve Soviet war-fighting dominance in space-based offensive and defensive systems.

As reported by the Defense Department, the Soviet effort is clearly producing a widening and dangerous gap between Soviet and U.S. efforts in this area. It should be clear that he who controls space would also control earth, as is the Soviet Union's intention.

2. *Soviet Military Doctrine and Strategic Deception.* The Soviet military buildup combines with Soviet doctrines which stress surprise, attack, deception and victory. Under Mikhail Gorbachev—as in his book *Perestroika*—Soviet leaders have continued their strong affirmation of the Brezhnev Doctrine on maintaining Soviet military/political dominance against "anti-socialist" deviations among Soviet allies while vigorously directing and bankrolling pro-Soviet forces in wars of "national liberation" directed against the Western democracies around the globe.

These factors, and others such as construction of some 1,500 or more Soviet command and control bunkers, deep tunneling activity and force projection expansion as described in the Defense Department's reports on "Soviet Military Power," give the lie to current major Soviet strategic deception efforts on supposed "new" defensive-oriented Soviet military doctrines, on a less militarily-focused Soviet economy and on global "openness" and "peaceful competition." On the contrary, current Soviet military programs indicate that the Soviet leaders in practice reject the Mutual Assured Destruction (MAD) doctrine which still governs US deterrence, and that they in fact believe that they can prevail in a nuclear war and in an intensification of the global struggle against the United States and the other democracies.

The ongoing Soviet military programs described publicly by the Defense Department and by US intelligence officials clearly demonstrate an increased, rather than decreased Soviet drive to achieve military dominance, and to use Soviet and Soviet proxy forces to subvert and blackmail other nations or to prevail in all possible military conflicts throughout the globe and including space. These Soviet programs and practices must surely be taken fully into account in considering any reduction in US deterrent forces and in placing trust in any new arms control agreements with the Soviet Union—whether involving INF, START, strategic defense, nuclear testing, conventional or chemical forces.

3. *Soviet Aggression and Arms Control Disinformation; Congressional Constraints on Freedom Fighters; and US Diplomatic Concessions* must also be fully taken into account in their dangerous cumulative impact on the INF-Summit package.

Soviet Aggression. As the proposed INF treaty is being considered by the Congress, Soviet troops and those of its militant allies such as Cuba, Vietnam and Nicaragua continue to wage war in a large number of countries including Afghanistan, Angola, Ethiopia, Mozambique, Nicaragua, El Salvador, Cambodia and Laos. Soviet-directed and bankrolled subversion, terrorism and disinformation continues apace throughout the globe.

Regrettably, US Government reports detailing these aggressive Soviet activities are little noted in the Congress and the media, although they offer essential material for the current debate on the linkage between INF treaty considerations, Soviet behavior and US-Soviet relations. The official US reports include the cited Defense Department reports and other detailed official reports on Cuban/Sandinista activities in Central America, Soviet warfare in Afghanistan, and intensified Soviet disinformation activities.

Soviet arms control disinformation activities—include a broad range of high priority Soviet arms control efforts focused on unilateralist "peace" and church groups. These Soviet activities have been described in several Congressional reports and have been detailed in a recent Department of State publication "Soviet Influence Activities: A Report on Active Measures and Propaganda, 1986-7." In this regard, the Defense Department's annual publication on "Soviet Military Power" has also outlined the special "maskirova" (deception) role of the "Directorate of Strategic Deception" established at the beginning of the SALT I negotiations in 1969 at senior levels of the Soviet General Staff under General Nikolai Ogarkov.

Congressional Constraints on Freedom Fighters. As part of a continuing pressure for further US retrenchment in the face of threatening Soviet activity, cuts imposed by the leaders of the Democrat majority in the Congress have critically undercut our government's ability to assist freedom fighters to resist Soviet-sponsored warfare and subversion.

US Diplomatic Concessions on Regional Conflicts. At the same time, no doubt under pressure both of Congressional restrictions and summit fever, US diplomacy leaning in the Soviet Union's direction on regional issues has gone into high gear as the INF treaty is before the Senate. In this situation, the Department of State, in particular, is reportedly pressing toward major concessions in US agreements with the Soviet Union or the Soviets' Communist clients in Afghanistan, Nicaragua, Angola, Mozambique, and, perhaps Cambodia.

These agreements would asymetrically cut off US military assistance to those fighting Soviet-inspired aggression and dictatorships in exchange for Soviet/Sandinista promises for future compliance on Soviet troop removal, Sandinista democratization, etc. etc. Similarly, in the Middle East, the Department of State is pressing Israel to make major territorial and political concessions preceding negotiations and is seeking to reverse four decades of US opposition to an international peace conference including the Soviet Union.

While the Congress has focused on the INF treaty aspects of current US-Soviet summit preparations, the very important and interrelated elements of aggressive Soviet behavior and weakened US diplomatic and security policy described above have been largely brushed aside by treaty supporters. However, the fact that these elements are part of the overall INF-Summit package and that they involve proposed deals with significant diplomatic, military and ethical asymetries must cause such proposed deals to be the subject of closest scrutiny and critique by the Congress as part of the INF treaty ratification review.

4. INF, START, and Restricting/Delaying SDI. SDI is directly endangered by current deals involving INF and emerging on START and Defense and Space negotiations. A pre-ratification political deal on INF between the Administration and Democratic Senators appears to involve a US commitment to a "narrow" interpretation of the ABM Treaty. The START and Defense negotiations have involved consideration of a US commitment to the ABM Treaty of 7-10 more years.

Such deals on SDI are emerging even though the ABM Treaty has long ago been broken by Soviet violations and in spite of increasing evidence of Soviet preparations for a full scale breakout. Caught by summit fever and unsound arms control pressures, the United States now risks delaying or constraining the accelerated phased deployment of our best defense insurance policy—SDI, thereby fulfilling the Soviet Union's highest arms control negotiation priority.

Commenting on the clear Soviet objective of paralyzing the US SDI program while accelerating Soviet strategic defense programs, former Secretary of Defense Casper Weinberger stated last November 21 (in a letter to Congressman Jack Kemp): "the thrust of the Soviet proposal is to impose artificial constraints on SDI that will prevent us from developing and deploying strategic defenses. . . . (and their proposal on testing paramaters) contains many loopholes and is unverifiable."

On these issues, the INF-Summit package, START and SDI are directly intertwined in their risks and must be addressed as such. A prudent START agreement may not be ready on its own terms because of inherent major problems (involving data base, verification, modernization, mobile systems, SLCMs, etc.), and would therefore be dangerous to conclude in a rush at the next summit.

But at least as important as the emerging START agreement's flaws, is the connection between START and SDI. Postponing initial SDI deployments for 7-10 years, as currently contemplated in the context of START or of a new treaty involving strategic defenses, would be an extremely high and unacceptably dangerous US price to pay for any "arms control" treaty—whether involving INF, START or strategic defense. Regretably, few Americans as yet realize that this is a price which is, in fact, becoming an integral component of the INF and START treaty packages and of our nation's emerging arms control framework being presented to the Congress as the US approaches the summit meeting in Moscow this May.

5. *Bailing Out the Soviet Economy Again.* With summit fever and the aura of a new "detente," pressure is increasing for providing further generous US credits, advanced technology and a wide range of new joint commercial ventures to the Soviet Union.

Currently, such US credits to the Soviet Union are subsidized by US taxpayers at rates (about 7%) well below commercial rates we would have to pay and at a high volume of some $24 billion a year, of which some $18 billion a year is provided as "untied" loans not linked to any specific purpose. US taxpayers' money provides a very significant proportion of the Soviet Union's annual hard currency earnings.

The Soviets are now also entering Western bond markets, thus competing for funds and raising interest rates. There has even been discussion about the US granting the Soviet Union Most Favored Nation (MFN) status, in spite of the fact that US officials have in the past recognized the linkage between consideration of such status and the Helsinki Accords human rights obligations, which the Soviets have consistently violated.

The generous monies we provide to the Soviet Union, as well as the increasing flow of advanced US technology clearly help the Soviet leaders avoid having to undertake fundamental reforms for their ailing economy and are instead likely to be used by the Soviets to fuel their continued military buildup. Our hard currency subsidization of the Soviet Union greatly helps the Soviets to bankroll its proxy forces to subvert and fight against the cause of freedom throughout the globe. (The Soviet Union, for example, supports Cuba at the rate of $5 billion a year and Nicaragua at some $2-3 million a day.)

In the rush of summitry and to "Detente II," the process of US taxpayers and businesses subsidizing the Soviet Union is picking up steam, especially in the Commerce and State Departments. The Defense Department's role in scrutinizing such deals and transfers from a security viewpoint is reportedly under increasing bureaucratic siege. As part of its review of the INF-Summit Package Congress should investigate and reverse these dangerous developments.

CONCLUSION: THE NEED FOR A NATIONAL DEBATE AND A CHANGED COURSE

As the Senate ratification debate proceeds and as preparations intensify for the US-Soviet summit meeting in Moscow this spring, the Congressional and national debate must focus on the major elements of the emerging INF-Summit package. The debate must come fully to grips with the treaty's fundamental flaws involving data, verification and deterrence as well as with the summit's broader arms control and national security framework.

The national debate on the proposed INF treaty and the related summit package should accomplish several major objectives if the US and Allied security and the cause of freedom are to be protected. The debate should:

1. Face up to the realities of the new threats we face, particularly from the Soviet Union, and to the dangers of being captured by the illusions of summit fever and a unilateral "Detente II."
2. Lead to a changed course and to public and Congressional support for realistic long-term national strategies and diplomacy vis a vis the Soviet Union.
3. Lead to prudent US and NATO defense programs especially including funding for nuclear, conventional and chemical modernization programs required to assure effective deterrence.
4. Build greater support for freedom fighters opposed to Soviet/Communist aggression and subversion and greater pressure for human rights throughout the Soviet Block.
5. Ensure restrictions on the flow of US credits and advanced technology to the Soviet Union.
6. Reject any constraints or delays on SDI deployment and lead to a national commitment for the accelerated, phased deployment of our commitment for the accelerated, phased deployment of our nation's defense insurance policy—a comprehensive SDI—to include space-based elements.

In the days ahead, the specific INF treaty flaws and the broader treaty-and-summit-related problems spelled out above need to be considered in terms of specific amendments, reservations and conditions attached to the INF treaty during the ratification process. A number of such treaty changes and safeguards are outlined in the attached Appendix.

APPENDIX: RECOMMENDED RESERVATION/ AMENDMENTS/CONDITIONS TO THE INF TREATY

In response to fundamental security concerns raised by the INF Treaty and the likely INF-Summit package being developed by the Administration at this time, a number of essential reservations, amendments, or conditions should be considered by the U.S. Congress. Their adoption would provide important safeguards to reduce fundamental concerns pointed out by critics of the proposed treaty. At the same time, they should be equally supported by those INF treaty proponents who reject unsound arms control and who believe sound arms control is important to our national security and to global stability.

1. Soviet non-compliance:

In view of the extensive record of Soviet violations of past arms control agreements as repeatedly reported to the Congress by President Reagan, and to demonstrate seriousness about effective arms control, a treaty reservation is needed which would:

Require the President to provide a comprehensive report to the Congress on the status of Soviet noncompliance along with certification that the Soviet Union is not violating any existing arms control agreements before we undertake any new ones.

Explicitly reserve for the United States the right to undertake proportional responses to any Soviet violations. Such responses, including cessation of reductions or the deployment of new systems, and to include abrogation of the treaty, should be authorized during the ratification process.

Link the continuance and/or completion of each U.S. arms reduction phase within the INF treaty, with Pershing II missiles to be reduced last, to full Soviet compliance with all provisions of the treaty, including verfication and data provisions.

2. Data base and verfication:

In view of the significant data discrepancies and verification problems evident in the treaty, the following are needed:

Extensive hearings should be held on the treaty's evident data and verification problems as enumerated by Members of Congress and others in order to establish clearly the limitations on accurate U.S. estimates and on effective verfication as well to clarify the nature and risks of possible Soviet deception and circumvention. No agreement should be ratified unless these issues have been satisfactorily resolved.

The Congress should be provided with a projected cost breakout of the treaty's verification provisions in terms of US costs of: a) dismantling treaty-limited items; b) staffing and carrying out US inspections abroad; c) appropriately assisting and monitoring Soviet inspectors in the US; and d) protecting from disclosure to Soviet inspectors sensitive US facilities, or parts of facilities or programs, not involving treaty-limited items.

Careful consideration should be given to requiring "suspect site" challenge inspections, along with appropriate safeguards for protecting facilities and items not limited by the treaty.

Near-term and longer-term US intelligence enhancement programs, including accelerated or new programs, should be considered in order to provide the safeguard of significantly improved US ability to monitor the INF treaty and any potential START treaty provisions.

3. *NATO Deterrence—nuclear, conventional and chemical:*

To safeguard NATO deterrence in the face of projected US drawdowns in critical INF deterrent capabilities (while the Soviets can readily replace and even build up their capabilities), and to move demonstrably beyond lip service to increased burdensharing by our Allies, the Congress should, through appropriate treaty amendment or reservation, require that:

The US must undertake no reductions in its own INF forces, explicitly including the category of ballistic missile warheads and total INF ballistic and cruise missile warheads, until the Soviet Union has first come down to the US levels in those categories and until the Soviet Union has agreed to come down to equal or near-equal levels in major categories of offensive conventional forces including armor and artillery.

The US should now indicate that it would halt its phased INF force reductions at any point of Soviet noncompliance with the treaty, including provisions including data and verification. At that point either the Soviets would have to take immediate and full corrective action or the United States would implement a proportionate response, including stepping out of the treaty altogether.

The US should not commit to, or be, in any, INF reductions unless and until the NATO Alliance has first agreed on the modernization programs for requisite deterrent forces in non treaty-limited categories involving conventional and chemical, as well as nuclear, forces in the face of modern and far larger comparable Warsaw Pact forces.

The NATO commitment to modernization should as a required minimum include specific high priority programs for aircraft, anti-tactical ballistic missile defenses (ATBM), conventionally-armed sea-and air-launched cruise missiles, armor, and chemical forces.

The NATO commitment to identification and funding of such requisite force modernization of nuclear, conventional and chemical forces should be formally established prior to treaty ratification at an early summit of NATO leaders at NATO's highest security priority.

4. SDI:

Rather than surrendering early deployment of our SDI defense insurance policy as a political bargain for ratification or as a bargaining chip for negotiating proposed START reductions—and rather than constraining or delaying SDI in any way in the name of the ABM Treaty broken by Soviet Union violations and increasingly threatened by a full scale Soviet treaty breakout—the Congress should by appropriate reservation require that as a condition and important incentive for any proposed arms reduction agreement:

The US should reject any "narrow", "broad" or other limits on accelerated SDI research and development, and on early phased deployment of SDI, in connection with the INF treaty ratification package or any other treaty, including a START or Strategic Defense treaty. Deployments should include Anti-tactical Ballistic Missiles.

The US should undertake a bipartisan national commitment by the President and the Congress to join in accelerating early incremental SDI deployment—including reactivation and refurbishing of the strategic missile defense facilities at Grand Forks AFB, N.D.—as part of a systematic step-by-step phased approach to include deployment of space-based elements. The President should request a report on appropriate accelerated deployment options from the Secretary of Defense and provide such a report, along with his own views to the Congress on an expedited basis by May 1, 1988.

The US should by such national commitment, and appropriately designed and funded programmatic steps, begin to deploy SDI as our people's best defense insurance policy against accidental launch and Soviet cheating and the world move out of a situation of strategic deterrence in which the United States relies exclusively on the threat of Mutual Assured Destruction.

5. Commercial credits, technology transfer and human rights:

To avoid America's bitter experience and aggressive Soviet behavior following the 1970's summits, and following other U.S.-Soviet meetings in eras of supposed "detente"—when the U.S. provided generous credits and advanced technology to the Soviet Union in the vain hope of moderating Soviet domestic and international behavior—the Congress should by appropriate amendment, reservation or condition, ensure that:

The U.S. Government or U.S. banks should underwrite no commercial credits to the Soviet Union at rates lower than current domestic rates and no loans not tied to a publicly specified and appropriate non-defense-related purpose.

The Department of Defense should have the major responsibilities within the U.S. Government's interagency system for evaluating military risks and establishing defense-related restrictions on the flow of advanced technology to the Soviet Block.

The volume and purpose of any U.S. credits and commerce should be directly related to Soviet compliance with the international obligations on human rights issues the Helsinki accords and with other agreements, including arms control agreements, as certified by the President.

The Soviet Union should not be considered for Most Favored Nation (MFN) status, as currently favored by some, until and unless it is certified by the President to be in full compliance with the Helsinki Final Act, a linkage intended when the Helsinki Final Act was initially presented to the Congress over a decade ago.

6. Regional conflicts:

In considering the INF treaty as a component of the broader INF-Summit package currently being developed by the Administration on a wide range of U.S.-Soviet issues, the Congress should by appropriate reservation make it clear that:

At the INF-summit this May and elsewhere, the U.S. will not be part of any negotiation bargain with the Soviet Union or any of its allies—bargains such as some being currently proposed by the Department of State in the rush to the May summit—that would reduce or cut off U.S. military economic aid to democratic resistance forces fighting Soviet-supported dictatorships, unless and until those dictatorships are replaced by independent governments which accept and implement democracy, and until and unless Soviet assistance and Soviet military and internal security infrastructures in support of their proxy dictatorships are ended or dissolved.

Such a policy will expressly apply in the cases of Afghanistan, Nicaragua, Angola, and Mozambique and such other countries as shall be identified by the Congress as countries where freedom is on the line.

HISTORIC NARROW GAUGE RAILROADS

Mr. WIRTH. Mr. President, on Sunday, May 8, 1988, *the New York Times* published an article about the historic narrow gauge railroads in my home State of Colorado. This article was written by a Coloradan, author Dyan Zaslowsky, and captures the rich history of the railroads and the era in which they were built.

The settlement of the Western United States was accomplished by the will of a nation and the hands of men. One of the greatest and few remaining symbols of that determination and that excruciating work are the railroad lines that were built across the Great Plains, through the Rocky Mountains and Sierra Nevadas, and on to the west coast.

The railroads of the West were essential to the mining operations that fueled the settlement of States such as Colorado. Fortunately, several of the narrow gauge lines that made passage through Colorado's steep and curvaceous mountains possible remain operational, and today provide wonderful recreation opportunities for tens of thousands of tourists to my State.

I want to share these adventures with my colleagues in the Senate, and urge them to join us in Colorado. We can all enjoy this wonderful American heritage! All aboard.

I ask unanimous consent that the article to which I referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 8, 1988]

THE ROCKIES BY NARROW GAUGE RAIL

COLORADO AND NEW MEXICO'S RAILROADS PROVIDE A SCENIC LINK TO THE MINING ERA OF THE 19TH CENTURY

(By Dyan Zaslowsky)

Between 1870 and the early 1890's optimism about Colorado, embodied in discoveries of gold but mostly of silver, crested in the Rockies and converged with the other national sensation of the era, the steam-driven narrow gauge railroad. Along with their precious ore the trains carried "the emotional treasure of a westering people," wrote Lucius Beebe, the extravagant chronicler of Colorado's railroads. A sentimental attachment persists, as every summer and fall thousands ride a smattering of old trains reorganized into excursion railroads: the Cumbres & Toltec Scenic Railroad, the Durango & Silverton Narrow Gauge, the Georgetown Loop Railroad and the Cripple Creek & Victor Narrow Gauge Railroad, to name at least four.

My husband and I prefer to explore the backcountry on foot, but last July, accompanied by one or the other of our two daughters, I decided to ride three of the lines through the mountains. Traveling at about 12 miles an hour they are one of the slowest ways to cover Colorado's high country. The trains penetrate areas not reachable by car, lurching and creeking on their crinkum-crankum way, exhaling mildly sulfurous smoke and speaking in guttural whistles. Every ride offers opportunities to appreciate nature's handwork and that of the men who built the railroads and tamed the mountains. Or, at least, who boasted that they did.

Operating on tracks placed about 20 inches closer together than standard gauge railroads, narrow gauge railroads were cheaper to build in the mountains and could negotiate steep grades and sharp curves more easily. The little trains proliferated with the mining claims. They brought people and supplies into the remotest camps and hauled ore out. Nearly every mining town had its own railroad, and sometimes two, financed on the strength of nimble assurances and the sudden flash of precious metal in a rocky seam. Visions of what was possible were so grand that management of the Denver & Rio Grande Railway (later the Denver & Rio Grande Western) announced in 1870 that its ultimate terminus would be Mexico City. In anticipation of that day the railroad borrowed the word

Toltec from the Nahuatl Indians in Mexico and used it to name its line over Cumbres pass.

Unforseen costs and the failure of mining claims to live up to expectations fractured the dream of a viable rail network through the mountains. And then it didn't matter anyway. Congress repealed the Sherman Silver Purchase Act in 1893, replacing the country's silver and gold monetary standard with a single one based on gold. The value of Colorado's silver mines plummeted.

Mr. Beebe in his book "Narrow Gauge Railroads of the Rockies" said that by that time, however, "The most opulent sarabands and lushest folkways, all the properties that made 19th-century Colorado an envy and wonderment to less fortunate parts of the world, took passage in one way or another aboard steam cars, most of them riding on rails laid just three feet apart." Before the fury subsided, more than 2,000 miles of narrow gauge track had been laid in Colorado and New Mexico.

The remaining railroads operate on fewer than 120 miles of original roadbed, with the Cumbres & Toltec consuming 64 miles of it. The C. & T.S.R., formerly a portion of the Denver & Rio Grande, is now jointly owned by Colorado and New Mexico. It crosses the border of the two states 12 times between its tiny stations at Antonito, Colo., and Chama, N.M. Antionito, a town of 1,100, lies at the southern end of the long, broad San Luis Valley. It is a bland little town that seems oblivious to the train's attraction; like the rest of the valley, its chief interests are agricultural.

We had driven through Antonito many times on our way to Santa Fe, two hours to the south. The immediate surroundings are so level and plain that it is hard to believe that wild country lies beyond several gentle hills, just out of sight of passing automobiles. But the Cumbres & Toltec reveals many surprises. I rode the 10 A.M. train out of Antonito with my 9-month-old daughter in her car seat facing me. The dark olive train—reconstructed from old freight cars—has been modernized insofar as there are toilets and a snack bar. Its mustard-colored interior is spare, but the seats are comfortable and the aisles roomier than I expected. Pulling away from Antonito, the train ascended a wide curve through stark, open country that looks New Mexican rather than Coloradan. Piñon pine trees and junipers dapple the dry hills, and the most visible geographical landmark is 10,908-foot San Antonio Peak to the southwest. The peak, an extinct volcano, is smooth and round, and looks like an overturned bowl. The Sangre de Cristo Range fades farther into the blue distance, and through the open window I could smell pungent sagebrush.

Subtly, the landscape changed. Stands of ponderosa pines and aspens replaced the piñons and junipers. The train rose above the valley floor, past the ruler-edged mesas and into the jagged canyons of the lower San Juans. At Sublette, N.M., 9,200 feet in elevation, the train stopped to take on water, and passengers got off to walk through the town's abandoned apricot-colored buildings. After leaving Sublette, the scenery flipped vertically. About 600 feet below the ledge of track ran the Los Piños River, and while a cabin here and there was visible, there were no roads and few signs of human habitation. It is an area in which some passengers get off to go backpacking, if arrangements are made in advance with the conductor.

The ride became more exciting as the train rounded Phantom Curve, named for its weirdly shaped pinnacles and the impression they create at night, when the moon and the steam engine's headlight shine on them. On the C. & T.S.R. line are two narrow gauge tunnels more than 300 feet long, one of mud and timbers, the other blasted out of rock. The railroads didn't build many tunnels, preferring to go miles around an obstacle rather than several hundred feet through it.

At Osier, the site of an old depot, the Chama train met the Antonito train and switched engines, while passengers got off to have a picnic or buy a hot lunch at the restaurant in the former eating house for railroad workers, which was built in 1885. After lunch, which we ate on the train because a cold drizzle was falling, the train reached its highest point at the 10,015-foot Cumbres Pass, before starting down a 4 percent grade that ended in Chama, 2,500 feet lower. The trip to Chama took five hours.

Many people starting from either end go as far as Osier and then return to their departure point. Those wanting to go all the way to Chama can take a van back to Antonito the same day, which adds only an hour of traveling time. Or, they can stay overnight in Chama and ride the train back to Antonito the next day.

Chama is not much more appealing than Antonito as a place to linger, but such places are a more realistic depiction of what life in the backwash of the American West was like a century ago, and, beyond the tourist centers, still is.

Better known for their charm and their narrow gauge train are Durango and Silverton. Durango, a bustling city of 11,500, has renovated the area around the railroad station. Attractive restaurants and restored Victorian hotels overlook the train, and the aroma from the McDonald's at the station mingles with the smell of coal smoke. To a lesser extent, Silverton, which lies at 9,288 feet in a valley cupped by 13,000-foot peaks, has exploited its heritage in mining. Mining still employs a fraction of the town's 800 residents.

Silverton's reputation was made by Otto Mears, a Russian Jewish immigrant who was one of Colorado's most adventurous railroad builders, sprawning three separate lines from the single town. Known as the "pathfinder of the San Juan," Mears handed out gold and silver railroad passes to preferred passengers and reputedly spoke the Ute Indian language with a Yiddish accent in treaty negotiations. The D. & R.G. eventually acquired Mears's Silverton railroad, and in 1981 the Denver & Rio Grande Western sold the Silverton branch to Charles E. Bradshaw Jr., a rail fan and Florida citrus grower. Each summer and fall steam passenger service grows, but the railroad still hauls freight. The bright amber Durango & Silverton cars have been handsomely restored with original oak and ash interiors intact. From ceilings sprout antique light fixtures, now electrified. A few cars retain their original seats, although most have been fitted with roomy seats from old buses. A parlor car, which serves liquor, can be reserved.

The ride between Durango and Silverton takes about three hours. If you start from the Silverton end, as my 5-year-old daughter and I did one bright Sunday afternoon, the scenery quickly becomes breathtaking. The ride begins in a meadow on track paralleling the Animas River, and here, on the west side of the Continental Divide, vegetation is much more lush than on the east side.

Particularly on summer weekends the train bulges with backpackers and river runners, who ride to one of three points along the way, disembark and head for the river or for the Weminuche Wilderness Area for a few days. The Weminuche hugs an 80-mile stretch of the Continental Divide and is Colorado's largest roadless area. The train does not enter the protected wilderness but continues to thread its way through jagged canyons, coming within inches of trees and rocky walls.

About half way through the trip the D. & S.N.G. climbs up a shelf of track blasted out of red granite, a sheer 400 feet about the Animas River. Squeezed through the confines of the tight canyon, the river churns white, and has officially been rated unnavigable in this section.

The train creeps over a wrought-iron truss bridge 130 feet long first built over the Animas in 1880 and rebuilt in 1981. Gradually, the scenery, while still beautiful, grows more tame. Human encroachment along the Durango & Silverton is more pronounced than on the Cumbres & Toltec line, as the train passes several private homes and resorts. Roads reappear, and in one stretch the train parallels U.S. 550. Nostalgia and adventure dissolve in the modern elixir of town houses, mobile home parks, yards with pink flamingoes and a billboard for the Cowboy Chapter of Christian Athletes.

The Georgetown Loop Railroad, 50 miles west of Denver on Interstate 70, is a satisfying snippet of narrow gauge railroading for those who cannot go as far as Antonito or Durango. The three-and-a-half miles of track run through pine and aspen woods in the Georgetown and Silver Plume National Historic District. The round trip, which must be reserved, takes about two and a half hours and includes an optional tour of the defunct Lebanon Mine, 360 feet below the interstate.

When the Colorado Central Railroad built the Georgetown narrow gauge in 1877, it encountered—and overcame—one of Colorado railroading's frequent challenges. Narrow gauge locomotives could climb no more than a 4 percent grade, but the rise from Georgetown to Silver Plume two miles away was a steady 6 percent. To solve the problem, a Union Pacific Railroad engineer designed a large iron loop, permitting the train to cross over itself on a 300-foot trestle 100 feet above Clear Creek. This loop, which cost about $250,000 to build originally, was rebuilt in 1982 for $1 million.

Brief as the Georgetown trip is, it is a concentrated dose of narrow gauge nostalgia, particularly on a late afternoon train out of Silver Plume. Old Engine 40 burns oil rather than coal because it was originally built in the United States for service in El Salvador, where there were no coal supplies. Having pulled as many as six round trips a day, the engine submits to a sanding of its flues, which forces out the uncombusted fuel that would otherwise clog its pipes. On the steepest part of the straightaway, while the engine goes full out and bellows with the rhythmic thrust of all its work, a pillar of jet black smoke bursts from its smokestack. Passengers in open cars head for covered ones to miss being blanketed by the falling grime, the dusky perfume of their trip into the past.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4262. An act to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 13, 1988, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3226. A communication from the Acting Secretary of the Department of Agriculture, transmitting, a draft of proposed legislation to improve the Commodity Credit Corporations' export programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3227. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; pursuant to the order of January 30, 1975, jointly to the Committee on Appropriations and to the Committee on the Budget.

EC-3228. A communication from the Assistant Secretary of the Army (Installations and Logistics) transmitting, pursuant to law, notification of a decision to convert to contract performance concerning a study of the Directorate of Engineering and Housing at Fort Carson, CO; to the Committee on Armed Services.

EC-3229. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the evaluation of the Neighborhood Development Demonstration; to the Committee on Banking, Housing, and Urban Affairs.

EC-3230. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Sixth Annual Report of Accomplishments Under the Airport Improvement Program; to the Committee on Commerce, Science, and Transportation.

EC-3231. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to transfer administration of bridges and causeways over navigable waters from the Secretary of Transportation to the Secretary of the Army, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3232. A communication from the Assistant Secretary (Conservation and Renewable Energy) of the Department of Energy, transmitting, pursuant to law the 12th Interagency Geothermal Coordinating Council Report for Fiscal Year 1987; to the Committee on Energy and Natural Resources.

EC-3233. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Outer Continental Shelf Lease Sales Fiscal Year 1984–Fiscal Year 1986: Evaluation of Bidding and Competition;" to the Committee on Energy and Natural Resources.

EC-3234. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Ninth Annual Report on administration of the Offshore Oil Pollution Compensation Fund; to the Committee on Energy and Natural Resources.

EC-3235. A communication from the acting general counsel, Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3236. A communication from the Task Force on the National Acid Precipitation Assessment Program, transmitting, pursuant to law, the 1987 Annual Report of the National Acid Precipitation Assessment Program; to the Committee on Environment and Public Works.

EC-3237. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report on a lease prospectus to acquire space in Chicago, IL; to the Committee on Environment and Public Works.

EC-3238. A communication from the general counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize appropriations for the United States Customs Service for fiscal year 1989; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-489. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Appropriations.

"SENATE JOINT MEMORIAL NO. 8030

"Whereas, enhancing the quality of our tourist attractions is a major endeavor for the coming celebration of the Washington Centennial in 1989, the economic revitalization efforts in rural areas of the state, and the welfare of the state as a whole; and

"Whereas, the Grand Coulee Dam and its evening color light show comprise one of the most popular tourist destinations in eastern Washington, attracting more than 500,000 visitors a year from all over the world; and

"Whereas, renovation and reconstruction of the 30-year-old incandescent lighting system at the Dam—to incorporate a modernized laser-light demonstration—is included in the long-term budget of the Bureau of Reclamation; and

"Whereas, the new lighting system will be more cost-effective as well as more attractive, because it can be displayed on the bare face of the Dam, allowing the great quantity of water now needed to be used instead for generation of electricity; and

"Whereas, the local Economic Revitalization Committee has taken the initiative on a voluntary basis in seeking to expedite funding of the lighting project as a significant contribution to the Centennial celebration, and the project is also supported by the city councils of Grand Coulee, Coulee Dam, Electric City, and Elmer City and other local governments in the areas, as well as by the regional members of the State's Congressional delegation; Now, therefore,

"Your Memorialists respectfully pray that the respective appropriations subcommittees of the Senate and the House of Representatives be encouraged to include the appropriation to the Bureau of Reclamation for the lighting system at Grand Coulee Dam at the earliest possible date, so that it can be completed in time for display by the commencement of our State's Centennial celebration: Be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the Honorable Donald P. Hodel, Secretary of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-490. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation:

"JOINT RESOLUTION

"Whereas, concern lingers over the level and quality of service provided by Guilford Transportation Industries in this State; and

"Whereas, the deterioration of rail service is a real threat to the economic vitality of many industries in this State; and

"Whereas, it is vitally necessary that steps be taken at the earliest possible time to ensure the stabilization and improvement of rail service throughout the region; and

"Whereas, these necessary steps to ensure a reliable and efficient rail system throughout this region can only be taken by the Interstate Commerce Commission; now, therefore, be it

"*Resolved*, That We, your Memorialists, do hereby respectfully urge the Members of the Interstate Commerce Commission and members of the United States Congress to do all within their respective powers to ensure the stabilization and improvement of rail service in Maine and the New England area and to consider implementation of directional service at the earliest possible time to provide the relief necessary for this essential service, and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each member of the Interstate Commerce Commission for the United States and to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-491. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"SENATE RESOLUTION NO. 121

"Whereas, the fairness doctrine was adopted by the Federal Communications Commission (F.C.C.) in 1949 to ensure that broadcasters cover issues of public importance and to present differing viewpoints on those issues fairly; and

"Whereas, in practice, the fairness doctrine provides that if a broadcaster airs only one side of a controversial issue, the broadcaster must permit, if requested, members of the public the opportunity to present an opposing viewpoint; and

"Whereas, by adopting a broadcast system in which only a select few companies and individuals are licensed to utilize the limited broadcast system, Congress has, in effect, required licensed broadcasters to act as public trustees with the responsibility to see that all sides of a controversial issue are presented; and

"Whereas, without the fairness doctrine, there are no safeguards to prevent a broadcaster from abusing the public interest by only presenting a single side of an issue; and

"Whereas, the United States Supreme Court in 1969 upheld the fairness doctrine against first amendment challenges in Red Lion Broadcasting Co. vs. F.C.C. 89 S. Ct. 1794, 395 U.S. 367, 23 L.Ed.2d 371, ruling that the rights of the viewing public to hear contrasting viewpoints on issues of public importance, not the rights of broadcasters, are paramount, and that the fairness doctrine is both a permissible and effective means of vindicating those rights; and

"Whereas, the Communications Subcommittee on Congress in 1987 gathered evidence which demonstrates that the doctrine increases debate on issues of public importance; and

"Whereas, the fairness doctrine, by serving to increase speech on issues of public importance and by advancing First Amendment values, is good journalistic practice; and

"Whereas, in 1986, the United States Court of Appeals ruled in Telecommunications Research and Action Center vs. F.C.C. 801 F.2d 501, 255 U.S. App. D.C. 287, rehearing denied 806 F.2d 1115, 257 U.S. App. D.C. 23, certiorari denied 107 S.Ct. 3196, 96 L.Ed.2d 684, that Congress had not codified the fairness doctrine, leaving the doctrine a mere regulation to be administered by the F.C.C.; and

"Whereas, because the fairness doctrine is not a part of our federal communications law, the doctrine is repealable without Congressional approval: Now, therefore, be it

"Resolved by the Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, That the United States Congress is urged to enact the fairness doctrine as law; and be it further

"Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Hawaii's congressional delegation."

POM-492. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"SENATE RESOLUTION NO. 30

"Whereas, in 1983, President Reagan proclaimed the establishment of the United States Exclusive Economic Zone; and

"Whereas, the United States thereby acquired sovereign rights to explore, exploit, conserve and manage the natural resources, whether living or non-living, of the waters superadjacent to the seabed and its subsoil, and to produce energy from water, currents, and wind; and

"Whereas, the United States in this way obtained the jurisdiction to establish and use artificial islands, installations, and structures; and

"Whereas, the artificial islands, installations, structures, and United States flag vessels engaged in economic activity in the Exclusive Economic Zone will have permanent or effectively permanent resident communities; and

"Whereas, these communities will desire and have a right to political enfranchisement as political entities of the United States; and

"Whereas, these communities will place an economic and public service burden on the several coastal states and interior states having an economic, social, and political nexus with these communities; now, therefore, be it

Resolved by the Senate of the Fourteenth Legislature of the State of Hawaii, Regular Sessions of 1988, the House of Representatives concurring, That the United States Congress is requested to enact legislation requiring the artificial islands, installations, structures, and United States flag vessels which are engaged in economic activity in the Exclusive Economic Zone to be registered with one of the states of the United States; and

"Be it further resolved, That this registration confer state sovereignty over these artificial islands, installations, structures, and United States flag vessels, except when sovereignty is reserved to the federal government by the United States Constitution or is limited by international law; and

"Be it further resolved, That registration be with the state from whose coastline the existence of the Exclusive Economic Zone in which the activity occurs is derived; and

"Be it further resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation."

POM-493. A resolution adopted by the Senate of the State of Illinois; to the Committee on Environment and Public Works:

"SENATE RESOLUTION NO. 845

"Whereas, Congress in 1986 enacted The Asbestos Hazard Emergency Response Act which, among other things, requires the states to accredit asbestos inspectors and that all public and private schools must be inspected and management plans written and submitted to the appropriate state agency by October 12, 1988; and

"Whereas, The State of Illinois has inspected approximately 1,350 of such schools, and 5,650 schools remain to be inspected, at an approximate additional cost of 15 to 40 million dollars; and

"Whereas, The Illinois Department of Public Health, which is charged with the enforcement of such federal law, believes that the State laboratory cannot handle, within the allotted time, the enormous number of bulk samples to be analyzed as a result of such inspections; and

"Whereas, No funds have been appropriated to the local educational agencies responsible for such inspections and the subsequent submission of management plans for the abatement work which may result; and

"Whereas, The implementation of such Act can be accomplished if sufficient time is allowed for the completion thereof and if funds are appropriated for such purpose; therefore, be it

"Resolved, by the Senate of the Eighty-Fifth General Assembly of the State of Illinois, That this Body urges Congress to extend the time for compliance with inspection and submission of management plans by such schools to October 1, 1990; and be it further

"Resolved, That a suitable copy of this preamble and resolution be presented to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to each member of Illinois Congressional Delegation."

POM-494. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Governmental Affairs:

"SENATE RESOLUTION NO. 82

"Whereas, Hawaii occupies a unique position among all the states in the United States in that it is populated by a multitude of different ethnic groups; and

"Whereas, the United States Census Bureau is the official agency entrusted with the responsibility of counting every person in the United States every decade; and

"Whereas, the amount of federal funds granted to the states for various public purposes such as special programs in affirmative action, and education are often dependent on the official count of certain affected ethnic groups as determined by a census conducted by the Census Bureau; and

"Whereas, a new census form developed for the 1990 survey lumps together more than thirty ethnic groups under the heading "Asian and Pacific Islanders", While the 1980 census form had Chinese, Filipino, Samoan, and other ethnic groups counted separately; and

"Whereas, county planners rely on the information provided by the Census Bureau concerning the population of ethnic groups for all types of programs and services at all levels of government; and

"Whereas, the undercounting or the failure to identify these ethnic groups results in the diminution of services and social programs available to these groups which include some of the neediest people in America; now, therefore: be it

Resolved by the Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, That the United States Congress require the Census Bureau to count ethnic groups separately; and be it further

"Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Director of the Bureau of the Census, and each of the members of Hawaii's Congressional delegation."

POM-495. A resolution adopted by the Senate of the State of Illinois; to the Committee on the Judiciary:

"SENATE RESOLUTION NO. 944

"Whereas, The Immigration Control and Reform Act of 1986, Public Law 99-603, enacted by the Congress of the United States, grants a one-year amnesty period, from May 5, 1987, to May 4, 1988, to eligible undocumented immigrants in order to legalize their immigration status by applying for legalization; and

"Whereas, Clearly, the United States Congress intended a generously administered amnesty program with maximum access to those eligible to apply; and

"Whereas, Approximately only 68,000 people from the Chicago metropolitan area have applied for temporary legal residence under the legalization program as of March, 1988, compared with the 200,000 to 400,000 anticipated applicants by the United States

Immigration and Naturalization Services (INS); and

"Whereas, Nationwide, 1,192,916 people have applied for legalization as of the same date, compared with the four million anticipated applicants; and

"Whereas, The legalization program is due to expire on May 4, 1988, thus making subject to deportation anyone who does not apply prior to this date, or those who entered the United States after January 1, 1982; and

"Whereas, Reasons for the much lower than expected number of applications include inadequate starting phase preparation of the law's implementation; the poor dissemination of public information concerning the program; fear of family separation; emphasis on the information concerning enforcement of employer sanctions rather than on the rights and responsibilities of immigrants; stringent requirements for applicants; the lack of consistent INS documentation standards; and the costly and lengthly application process for individuals applying for legalization; and

"Whereas, An extension of the application period, and the deadline for applying for temporary legal residence, is likely to enable many more persons who are eligible for temporary legal residence to find out about the program and apply for such status; and

"Whereas, Estimates indicate that unless the legalization program is expanded to include people who entered the United States between January 1, 1982, and November 6, 1986, at least two to three million people will remain undocumented and will be forced underground by the enforcement of The Immigration Reform and Control Act of 1986; and

"Whereas, The legalization eligibility cutoff date of January 1, 1982, has proven to be too restrictive and exclusionary, and works to separate families, creating in effect, a large underclass of people who entered the United States after January 1, 1982; and

"Whereas, Section 204 of The Immigration Reform and Control Act of 1986 provides for the reimbursement of states and localities for costs incurred as a result of the increased demand and use of public assistance, public health and education by eligible legalized aliens; and that the Act further provides that the management of such funding will be referred to as SLIAG (State Legalization Impact Assistance Grants); and

"Whereas, Congress intended for the states to '. . . implement SLIAG in a simple, straightforward manner providing . . . flexibility . . .' and fairness; and

"Whereas, The SLIAG funds can be used to cover the administrative costs of implementing public assistance, public health assistance and education; and

"Whereas, Although the federal regulations concerning the distribution of SLIAG funds to not provide for a cap on such administrative costs, the State of Illinois should promote efforts to minimize its administrative costs and to maximize the distribution of SLIAG funds to localities or community sites for the delivery of community services in areas of public assistance, health and education; therefore, be it

"*Resolved, by the Senate of the Eighty-Fifth General Assembly of the State of Illinois,* That the Congress of the United States is urged to extend the amnesty period for applying for temporary legal residence to May 4, 1989; and to that end, all members of the United States Congress are called upon to endorse and support current legislative efforts under consideration by the Congress, providing for such an extension; and be it further

"*Resolved,* That the Congress of the United States is encouraged to expand the amnesty program to include those individuals who entered the United States between January 1, 1982, and November 6, 1986; and be it further

"*Resolved,* That the Illinois State agency responsible for administering the Federal State Legalization Impact Assistance Grant (SLIAG) prepare and forward a report to the Illinois General Assembly by June 1, 1988, outlining the planned distribution of SLIAG grants to other State and local agencies within the State of Illinois, and that such report will also include: the rationale for the dissemination of SLIAG grants, the planned administrative cost by both localities and State agencies, and the description of direct program services to be provided to legalized aliens serviced by SLIAG funds; and be it further

"*Resolved,* That a copy of this resolution be sent to the President and the Minority Leader of the United States Senate, the Speaker and the Minority Leader of the United States House of Representatives, each member of the Illinois Congressional Delegation, and the Commissioner of the United States Immigration and Naturalization Service."

POM-496. A concurent resolution adopted by the Legislature of the State of South Carolina; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION NO. 3587

"Whereas, State regulation of insurance has been and continues to be responsive to the needs and desires of the citizens of the several states; and

"Whereas, the McCarran-Ferguson Act leaves the regulation of the insurance business to the several states under the continuing oversight of Congress; and

"Whereas, the different states, due to their size, economy, and generally dissimilar needs, require individualized regulation that cannot be met by federal regulation and such federal regulation may be inappropriate, inapplicable, or detrimental to the interests of various states individually; and

"Whereas, repeal of the McCarran-Ferguson Act in its entirety would lead to a loss of authority by the states to regulate the insurance business as well as protections afforded to their respective citizens; and

"Whereas, the regulation and taxation of the business of insurance is being effectively administered by South Carolina. Now, therefore, be it

"*Resolved by the House of Representatives, the Senate concurring,* That the members of the General Assembly of the State of South Carolina express support for the continuation of state regulation of insurance and oppose repeal or amendment of the McCarran-Ferguson Act while encouraging the Congress to investigate the effect that exemption of the insurance industry from federal antitrust and unfair competition laws and regulations has upon insurance premiums and to repeal those exemptions if appropriate: Be it further

"*Resolved,* That copies of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the South Carolina Congressional Delegation."

POM-497. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"Whereas, The Immigration and Reform and Control Act (IRCA), which brought the most sweeping change in United States immigration laws for the last 30 years, was signed into law on November 6, 1986; and

"Whereas, The act has two major provisions: sanctions against employers who knowingly hire undocumented workers; and legalization of undocumented residents who can establish continuous residency in the United States since 1982 and satisfy a number of other eligibility requirements; and

"Whereas, Under the act, people who have arrived in the United States before January 1, 1982, and have lived here continuously since then have until May 4, 1988, to apply for legal residence, except that agricultural workers have an extra six months to apply for legal residence; and

"Whereas, Even though over 900,000 persons are expected to apply for legalization, the Immigration and Naturalization Service estimates at least 1.7 million to be eligible legalized aliens residing in California; and

"Whereas, Limited public information has hampered the application of many who are qualified to apply and has provided little information for those eligible to make informed and wise decisions; and

"Whereas, With the application deadline of May 4, 1988, approaching, and with a significant majority of eligible persons having yet to apply for legalization, many persons may not get the chance to establish a place for themselves in our country of refuge and opportunity; and

"Whereas, Failure to provide an adequate legalization program may perpetuate the existence of a large underclass of undocumented immigrants and continue to exact enormous social costs associated with such a large number of second class residents in our state and nation; and

"Whereas, California will receive federal funds to pay for certain services for this population based on the number of eligible legalized aliens who apply; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to enact legislation to extend the legalization deadline to May 1989; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Senate and House Judiciary Committees."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2385. An original bill to amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care, the program of health services for the homeless, and the program for the prevention and control of sexually transmitted diseases, and for other purposes (Rept. No. 100-343).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1987. A bill to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives (Rept. No. 100-344).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2167. A bill to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts (Rept. No. 100-345).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany the bill (S. 1516) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (with additional views) (Rept. No. 100-346).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 2385. An original bill to amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care, the program of health services for the homeless, and the program for the prevention and control of sexually transmitted diseases, and for other purposes; from the Committee on Labor and Human Resources; placed on the calendar.

By Mr. SYMMS:

S. 2386. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates; to the Committee on Finance.

By Mr. HEINZ:

S. 2387. A bill to suspend temporarily the duty on 3-ethyl-8-hydroxylquinoline; to the Commitee on Finance.

S. 2388. A bill to suspend temporarily the duty on naphthalic acid anhydride; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2389. A bill to amend the Act of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York, New York; to the Commitee on Energy and Natural Resources.

By Mr. DeCONCINI:

S. 2390. A bill to amend the Export Administration Act of 1979 to limit the withholding of information subject to the Freedom of Information Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SYMMS (for himself and Mr. McClure):

S. 2391. To amend the Federal-Aid Highway Act of 1987 to establish a priority project; to the Committee on Environment and Public Works.

By Mr. CHAFEE:

S. 2392. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and deduction of contributions to, homebuyer saving accounts; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. Weicker, Mr. Kennedy, Mr. Hatch, Mr. Simon, Mr. Stafford, Mr. Adams, and Mr. Metzenbaum):

S. 2393. A bill to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to authorize such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 2394. A bill to amend title 38, United States Code, to authorize the appointment of Veterans' administration-trained graduates in certain health-care professions or occupations by the Veterans' Adminstration without regard to civil service hiring procedures; to the Committee on Veterans Affairs.

By Mr. WIRTH (for himself, Mr. Bentsen and Mr. Danforth):

S. 2395. A bill to facilitate access to space, and for other purposes; to the Committee on Commerce, Science, and Transportion.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NUNN (for Mr. Moynihan (for himself, Mr. Nunn, Mr. Warner, Mr. Cohen, Mr. Boren, Mr. Pell, Mr. Dole, Mr. Helms, Mr. Byrd, Mr. Thurmond and Mr. Chafee)):

S. Res. 429. Resolution declaring the Senate's abiding respect for William F. Buckley's life of unequaled service and his death of unexampled fortitude; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SYMMS:

S. 2386. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates; to the Committee on Finance.

MODIFICATION OF CERTAIN PASSIVE LOSS LIMITATIONS WITH RESPECT TO RENTAL REAL ESTATE ACTIVITIES

● Mr. SYMMS. Mr. President, today I am introducing a bill to correct a feature in the Tax Reform Act of 1986 that I am sure my colleagues will understand and support. This proposal will change the passive loss limitation, so that it would not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate investments.

The passive loss limitations were an integral part of the Tax Reform Act's objective of closing tax shelters and generating a horizontal equity across all kinds of investments and among persons with similar incomes. I think, however, it is now clear that in the case of real estate investments we did not actually achieve that objective because so much of rental real estate is not incorporated in such a way as to capture costs of investment and operations internally.

Real estate investments are always debt financed to a significant degree, held for very long investment purposes, heavily taxed by units of local government, and very often owned by partnerships or small family corporations that have elected to be taxed on the individual schedules. It is true that real estate used to be a great tax shelter because depreciation of the total value of the property could be carried against earned income from other sources and the most significant part of the investment, its capital appreciation, would be deferred into the distant future and then taxed at a special capital gains rate.

Mr. President, the Tax Reform Act of 1986 took care of the depreciation expense deduction and the capital gains deferral arguments of those who favored the capital loss limitations. I do not agree with their logic about capital gains—I still am working to restore a lower rate of tax for capital assets—but I believe a genuine injustice has been created by excluding real, hard cash payments and expenses of operating rental real estate properties as a deduction to those investors who nevertheless must recognize the rental income as current income for tax purposes.

Owners of real property must pay property taxes every year. They must pay interest on their mortgages every month. They must pay maintenance costs, usually under the duress of local building code and health code ordinances if they don't. This is hard, cold, out-of-pocket money. How can we in Congress say, on the one hand, that the rental receipts are income and the taxes, interest, and maintenance costs are not expenses directly related to earning that income?

It is not even a "passive income" inasmuch as a building manager, or an active partner in a real estate partnership, is going to pay those costs out of the acutal cash collected from tenants, and disburse only the residual to the limited partners or those who are not directly emptying the trash, mowing the lawns, or supervising the repairmen. A real estate investor is in the same position as a stockholder in General Motors or IBM. The managers of those entities can deduct their interest expenses, taxes, and operating costs before paying dividends from earnings. Why shouldn't the real estate investor be given horizontal equity with investors in financial assets?

Mr. President, I urge my colleagues to consider this bill, which is sponsored in the House of Representatives by Mr. Pickle of the Ways and Means Committee. I am sure the merits of this proposal far outweigh any revenue consequences and we should consider such measures on their economic merits, not on the basis of supposed revenue needs in all those other areas where the Congress has overspent and thus has driven up the deficit.●

By Mr. MOYNIHAN:

S. 2389. A bill to amend the Act of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York, New York; referred to the Committee on Energy and Natural Resources.

HAMILTON GRANGE NATIONAL MEMORIAL

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to allow the restoration of the Hamilton Grange National Memorial at its present location in Harlem. I proudly join my distinguished colleague in the House, CHARLES B. RANGEL, (H.R. 4121) in sponsoring legislation to correct the lamentable condition of the Grange—an historic landmark and a tremendous source of community pride.

The Grange, built in 1801, was the home of Alexander Hamilton, our Nation's first Secretary of the Treasury. September 1989 will mark the 200th anniversary of Hamilton's appointment to this post. What better way to pay tribute to Hamilton's innumerable contributions to this Nation than to assure that the Grange be preserved in his honor?

The Hamilton Grange National Memorial was established in 1962 under Public Law 87-438 (76 Stat. 57). The legislation stipulated that the building must be relocated before renovation could begin. No suitable site has since been acquired. Therefore, I am proposing legislation to delete the relocation requirement, and authorize the acquisition of the land on which the Grange is presently located and the immediate renovation of the building and grounds.

I share the hope of many Americans that the restoration of the only national memorial to Alexander Hamilton could be well under way by September 1989. I urge my colleagues to join me in sponsoring this legislation and to support its expeditious enactment.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2389

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 27, 1962 (76 Stat. 57), is amended—

(1) in the first section, by striking the second sentence and inserting "The Secretary is authorized for the purpose of establishing such national memorial to acquire lands, interests in lands, and improvements by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also acquire, by the same methods, personal property associated with and appropriate for interpretation of such national memorial."; and

(2) in section 3, by striking ", but not more than $960,000,".●

By Mr. DECONCINI:

S. 2390. A bill to amend the Export Administration Act of 1979 to limit the withholding of information subject to the Freedom of Information Act; referred to the Committee on Banking, Housing, and Urban Affairs.

DISCLOSURE OF EXPORTER'S LICENSE INFORMATION

● Mr. DECONCINI. Mr. President, I rise today to introduce legislation which would allow information contained in license applications for export of commodities to foreign countries to be accessed under the Freedom of Information Act.

This legislation specifically provides that the names and addresses of licensed exporters, a general description of commodities exported, and the countries of ultimate destination are not "confidential" as defined in the Export Administration Act, 50 United States Code App. section 2411(c)(1). As a result, this information would be subject to disclosure under section 552 of title 5, United States Code; the Freedom of Information Act.

Mr. President, there has long been a question as to the degree of confidentiality which should be allotted to the information contained in an exporter's license application. On one side of the issue it is argued that identification of license holders by countries of export destination could cause companies to be scrutinized or even harassed as a result of their export activities. It is further argued that release of license application information could notify competitors of trade opportunities, thereby hindering U.S. companies international competitiveness.

Conversely, those supporting expansion of available information under the Freedom of Information Act contend that any criticism or debate over export policies of a particular company is the cost of conducting business in a country, such as the United States, which prides itself on free speech and self government. In response to the argument that competitors would gain an edge if this information were made available, proponents favoring access to these facts respond that similar information has been published by the Department of Commerce for many years. They contend that competitors could easily discover trade opportunities from information which is already published, and therefore, no additional opportunities will be presented by publishing an exporter's identity.

Mr. President, I introduce this legislation today in anticipation of holding hearings on this matter. It is my intent to bring the issue to light and initiate a productive discussion. It may be that making this kind of information available is not feasible for some reason or another, yet by bringing the issue to the attention of my colleagues and beginning a public debate, it is my belief that progress toward reaching a possible solution can be made.●

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. 2391. A bill to amend the Federal-Aid Highway Act of 1987 to establish a priority project; referred to the Committee on Environment and Public Works.

U.S. 95 PRIORITY HIGHWAY PROJECT

Mr. SYMMS. Mr. President, on behalf of myself and the senior Senator from Idaho, Senator MCCLURE, I am pleased to offer this bill adding U.S. 95 from Eastport to Homedale, ID, to the list of priority highway projects included in the Federal-Aid Highway Act of 1987. As the ranking Republican on the Environment and Public Works Subcommittee on Water Resources, Transportation, and Infrastructure, I will urge my colleagues on the committee to move this bill expeditiously so it may be approved by the Senate and considered in the House prior to the adjournment of the 100th Congress.

Passage of the bill will give the State of Idaho access to all of its annual apportionment of Federal-aid highway funds, except the interstate construction and critical bridge funds, for construction and maintenance projects on U.S. 95 from Eastport to Homedale, ID. Without priority project status for U.S. 95, the Idaho Transportation Department has access only to primary highway funds and a small percentage of Interstate 4R funds for work on the only highway connecting the Idaho panhandle region with the State capital and the State's southeastern agricultural production centers.

Kermit Kiebert, the director of the Idaho Transportation Department, recently wrote to me requesting priority project status for this very important Idaho highway. Director Kiebert noted that nearly every witness testifying at a recent forum on the future of Idaho surface transportation focused on U.S. 95 as the most important transportation facility in Idaho. As noted in my own written testimony at the Idaho transportation forum, I strongly support the State's efforts to expand and improve that vital north-south highway link, and I look forward to passage of this bill as an important part of that effort.

The concept of priority projects was developed and first approved in the Senate Environment and Public Works Committee during consideration of the 1986 highway bill. I believe it is because of this innovation that the full Senate adopted the measure by the first unanimous vote on a highway authorization bill in the history of the Federal-aid program.

I remind my colleagues that giving a highway project this "priority" status merely gives a State transportation department greater flexibility with respect to the use of its regularly apportioned Federal-aid highway funds on the segment of highway so designated. A State does not receive additional Federal funds for priority projects, and priority project status does not require a State to spend any money or do any work on the highway granted that special status. The priority project designation merely gives a State more funding flexibility for whatever work it may choose to do on that highway.

Mr. President, I ask unanimous consent that Director Kiebert's letter regarding U.S. 95 and the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 149(k)(1) of the Federal-Aid Highway Act of 1987 is amended by adding paragraph (U) as follows:

"(U) EASTPORT TO HOMEDALE, IDAHO.—The Secretary is authorized to carry out work on the United States Route 95 highway in the State of Idaho from Eastport, Idaho, to Homedale, Idaho."

IDAHO TRANSPORTATION DEPARTMENT,
Boise, April 27, 1988.

Hon. STEVEN D. SYMMS,
U.S. Senate, Senate Hart Building, Washington, DC.

Attn: Taylor Bowlden.

Subject: Addition of Priority Project US-95 to the 1987 STRRA.

DEAR SENATOR SYMMS: The testimony from the Idaho public and private sectors in the recent Forum on the Future of Idaho Surface Transportation in the year 2020 focused on highway US-95 as the most important transportation facility in Idaho. The Idaho Legislature, in passage of the recent 3.5 cent fuel tax increase, also emphasized US-95 as the principal highway improvement need in Idaho.

The Idaho Transportation Board has recognized the economic importance of US-95 by designating forty eight per cent of the primary highway federal-aid funding to US-95 in the 6-year development program, 1988-1993.

In light of your interest in highways and the importance of US-95 to Idaho's economic well being, the Idaho Transportation Department respectfully asks that you consider sponsoring an amendment or bill that would add US-95, from Eastport to Homedale, as a Priority Highway Project to Section 149(k) of the 1987 Surface Transportation and Relocation Assistance Act.

If you decide to undertake this request, in advance of the 1992 Surface Transportation Act, you have the Department's assurance that it would be a far reaching action affecting future federal-aid funding for the improvement of U.S. highway 95.

Sincerely,

KERMIT V. KIEBERT,
Director.

By Mr. CHAFEE:

S. 2392. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, homebuyer savings accounts; to the Committee on Finance.

HOMEBUYER SAVINGS ACT

● Mr. CHAFEE. Mr. President, I rise today to offer a proposal which I believe will help bring homeownership back within the reach of millions of Americans. The bill I am introducing would establish a tax-preferred savings account—similar to an individual retirement account—to assist potential homebuyers in saving for the downpayment on their first home.

Owning one's own home continues to be the American dream, but it appears to be slipping away from us. After 35 years of steady increases, homeownership rates actually began to decline in 1980, and have been dropping ever since.

We can and must turn this around. Since World War II, we have prided ourselves on being a nation of homeowners, with all that that implies: stable communities, improved standards of living, and the potential for households to build equity in a solid investment. Now that status is in some doubt, and we must take action.

The consequences of declining homeownership reverberate throughout the economy. In my home State of Rhode Island, for example, home prices are increasing six times faster than incomes. With prices increasing so rapidly, families who don't get on the home purchase price escalator may be permanently left behind. They stay in the rental market, adding yet another source of pressure on affordable rent—pressure that it simply can't absorb at this point.

And, conversely, with rents being bid up so high, potential homebuyers find it nearly impossible to save enough for a downpayment. In fact, many families' monthly rent is greater than the typical carrying costs of a home. In these cases, the chief obstacle to homeownership is the lump sum required for a downpayment.

The bill I am addressing today would address this by establishing tax-preferred "Homebuyers Savings Accounts"—or HSA's—to make it easier for potential first-time homebuyers to save for a downpayment. A household saving for the purchase of a home could make tax-deductible contributions into this account of up to $5,000 per year, for a period of 5 years. In order to target assistance to lower and middle-income homebuyers, HSA's would be limited to those with annual adjusted gross incomes of $50,000 or less.

Interest on the contributions to an HSA would, as with the IRA, be tax free. Also, there would be penalties for withdrawals from the HSA for purposes other than making the downpayment on a first home, just as there are penalties for early withdrawals from an IRA.

This proposal is similar to one advanced in a recent report from a high-level task force assigned by the Senate Housing Subcommittee to recommend comprehensive housing policy reforms. In March, the National Housing Task Force released its recommendations, and among them was a proposal that individuals be allowed to use proceeds from IRA's or other self-funded pension plans for home purchase downpayments.

Rather than work through the existing IRA mechanism, however, I believe we need to set up a new mechanism specifically designed for home purchase downpayments. The IRA was not designed for this purpose, and thus is not suited to it in all respects. For example, my proposal would permit a more generous contribution, but over a limited period of time. This arrangement is better suited to home purchase savings than is the IRA's gradual, long-term accumulation of funds.

I also want to point out that this bill is a point of departure. The specifics that I have proposed are not cast in concrete, and I look forward to working with my colleagues on refining the proposal so that it serves the needs of potential first-time homebuyers in the most efficient way we can devise.

This bill complements legislation which I joined Senators SASSER and HEINZ yesterday in introducing. That bill, the Homeownership Assistance Act of 1988, expands the very successful mortgage insurance programs of the Federal Housing Administration [FHA] to make these programs more accessible to potential homebuyers and to increase their flexibility.

First, it implements the FHA program improvements that were recommended by the Rouse-Maxwell National Housing Task Force. For example, it allows FHA to make wider use of adjustable rate mortgages [ARM's]. It also replaces the current mortgage limit cap of $102,250 with a cap that takes into account the special circumstances of high cost areas.

In addition, the bill would authorize two new FHA demonstration programs designed to assist homebuyers in making downpayments. In one program, FHA would be able to insure loans for the entire purchase price and closing costs on a home. In the other, FHA would be able to insure second mortgages to finance all or part of a downpayment.

Mr. President, the evidence is irrefutable that buying a house is not what it used to be. More and more families need some kind of assistance in order to get over the hurdle of buying the first home.

A few statistics from my State will illustrate what I mean. In Rhode Island, it takes an income of $43,000 to buy the median priced home—an income which only 23 percent of all Rhode Islanders have. Two out of three Rhode Island families could not afford to buy their own homes now if they were in the market for the first time.

Buying a house these days is like trying to leap onto a fast-moving escalator. You know you'll be in good shape once you get on, but the first step is 5 feet high. In these extraordinarily difficult times, I think it appropriate that we use an instrument like homebuyers savings accounts to give first-time homebuyers a boost over this, the first and biggest hurdle to homeownership.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point, and I urge my colleagues to give it their support.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homebuyer Savings Act".

SEC. 2. HOMEBUYER SAVINGS ACCOUNTS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. HOMEBUYER SAVINGS ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual, there is allowed as a deduction the sum of—

"(1) amounts paid in cash, or

"(2) the fair market value of stocks, bonds, or other securities, readily tradeable on an established securities market, transferred,

during the taxable year by such individual to a homebuyer savings account established for the benefit of such individual.

"(b) LIMITATIONS.—

"(1) MAXIMUM DEDUCTION PER ACCOUNT.—The amount allowable as a deduction under subsection (a) to any individual for amounts paid to an account for the benefit of such individual—

"(A) for any taxable year shall not exceed $5,000, and

"(B) for all taxable years shall not exceed $25,000.

"(2) NO DEDUCTION FOR TAXPAYERS WITH ADJUSTED GROSS INCOME IN EXCESS OF $50,000.—No deduction shall be allowed under this section for any contribution made to a homebuyer savings account by a taxpayer whose adjusted gross income exceeds $50,000 for the taxable year ($25,000 for a married individual filing a separate return).

"(3) DEDUCTIONS LIMITED TO 5 YEARS.—No deduction shall be allowed for any contribution made to a homebuyer savings account after the date which is 5 years after the date on which the account was established.

"(4) INDIVIDUAL MAY NOT BE BENEFICIARY OF MORE THAN 1 ACCOUNT.—If an individual is the beneficiary of more than 1 homebuyer savings account during any taxable year, no deduction shall be allowed under subsection (a) for any amount paid for such taxable year to any homebuyer savings account established for the benefit of such individual.

"(5) MARRIED INDIVIDUALS.—For purposes of this section—

"(A) TREATED AS 1 INDIVIDUAL.—Married individuals filing either a joint return or separate returns shall be considered to be 1 individual.

"(B) ESTABLISHMENT OF ACCOUNT.—A homebuyer savings account established for the benefit of any married individual shall be deemed to be established for the exclusive benefit of the individual and such individual's spouse.

"(C) MERGER OF ACCOUNTS.—In the event that 2 individuals for each of whose benefit a homebuyer savings account has been established should marry, the 2 accounts shall be deemed to be merged into 1 account.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) HOMEBUYER SAVINGS ACCOUNT.—For purposes of this section, the term 'homebuyer savings account' means a trust created or organized in the United States for the exclusive benefit of an individual who has never owned a principal residence, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash or in stocks, bonds, or other securities readily tradable on an established exchange, and contributions will not be accepted for the taxable year in excess of $5,000. Total contributions in all taxable years shall not exceed $25,000.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which the person will administer the trust will be consistent with the requirements of this section.

"(C) No part of the trust assets will be invested in life insurance contracts.

"(D) The assets of the account shall be invested in accordance with the direction of the individual for whose benefit the account is established.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(F) The entire interest of an individual for whose benefit the trust is maintained will be distributed to such individual not later than 120 months after the date on which the first contribution is made to the trust.

"(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of a taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

"(3) STOCK, ETC., TO BE VALUED AS OF TRANSFER DATE.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any amount paid or distributed out of a homebuyer savings account shall be included in gross income by the payee or distributee for the taxable year in which the payment or distribution is received, unless such amount is used exclusively in connection with the purchase of a principal residence for the individual for whom the account was established. The basis of any individual in such an account is zero.

"(2) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) shall not apply to the distribution of any contribution paid during a taxable year to a homebuyer savings account to the extent that such contribution exceeds the amount allowable as a deduction under subsection (a) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no deduction is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which it is received.

"(3) TRANSFER OF ACCOUNT INCIDENT TO DIVORCE.—The transfer of an individual's interest in a homebuyer savings account to such individual's former spouse under a divorce decree or under a written instrument incident to a divorce shall not be considered a taxable transfer made by such individual notwithstanding any other provision of this subtitle, and such interest at the time of the transfer shall be treated as a homebuyer savings account of such spouse and not of such individual. Thereafter such account shall be treated, for purposes of this subtitle, as maintained for the benefit of such spouse. For purposes of subsection (c)(1)(F), the spouse shall take into account the period such account was held by the individual transferring the interest.

"(4) TRANSFER OF ACCOUNT INCIDENT TO DEATH.—The transfer of a decedent's interest in a homebuyer savings account to such decedent's spouse shall not be considered a taxable transfer made by such decedent notwithstanding any other provision of this subtitle, and such interest at the time of the transfer shall be treated as a homebuyer savings account of the surviving spouse. Thereafter such account shall be treated, for purposes of this subtitle, as maintained for the benefit of the surviving spouse. For purposes of subsection (c)(1)(F), the surviving spouse shall take into account the period such account was held by the decedent transferring the interest.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—A homebuyer savings account shall be exempt from taxation under this subtitle unless such account has ceased to be a homebuyer savings account by reason of paragraph (2) or (4). Notwithstanding the preceding sentence, any such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—

"(A) IN GENERAL.—If, during any taxable year of the individual for whose benefit the homebuyer savings account is established, that individual engages in any transaction prohibited by section 4975 with respect to the account, the account shall cease to be a homebuyer savings account as of the first day of that taxable year. For purposes of this subparagraph, the individual for whose benefit any account was established is treated as the creator of the account.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be a homebuyer savings account by reason of subparagraph (A) on the first day of any taxable year, subsection (d)(1) shall be applied as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, an individual for whose benefit a homebuyer savings account is established uses the account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(4) EFFECT OF ACQUISITION OF PRINCIPAL RESIDENCE.—

"(A) IN GENERAL.—In the event that the individual for whose benefit a homebuyer savings account has been established acquires a principal residence in any taxable year, such account shall cease to be a homebuyer savings account and any assets in the account not utilized in connection with the acquisition of such residence shall, for purposes of subsection (d)(1), be deemed to have been distributed on the first day of such taxable year.

"(B) SPECIAL RULES UPON MARRIAGE.—Any individual for whose benefit a homebuyer savings account has been established and who marries an individual who owns a principal residence shall, for purposes of this paragraph, be deemed to have acquired a principal residence on the date of marriage, and such account shall cease to be a homebuyer savings account.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR PURCHASE OF RESIDENCE.—If a distribution from a homebuyer savings account is made, and not used in connection with the purchase of a principal residence for the individual for whose benefit the account was established, the tax liability of such individual for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in such individual's gross income for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includible in the gross income of an individual for a taxable year under subsection (e), such individual's tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in such individual's gross income.

"(3) DISABILITY OR DEATH CASES.—Paragraphs (1) and (2) shall not apply if the payment or distribution is made after the individual for whose benefit the homebuyer savings account becomes disabled within the meaning of section 72(m)(7) or dies.

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute a homebuyer savings account described in subsection (c). For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of a homebuyer savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.

"(j) REDUCTION OF BASIS.—The basis of any residence acquired with funds withdrawn from a homebuyer savings account shall be reduced by an amount equal to the amount of expenditures made in connection with the acquisition of the residence out of such funds.

"(k) RECOGNITION OF GAIN AS ORDINARY INCOME.—Notwithstanding any other provision of this subtitle, gain (if any) on the sale or exchange of a principal residence to which subsection (j) applies shall, to the extent of the amount excluded from gross income under section 62(a)(7), be treated as ordinary income by such individual.".

(b) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Paragraph (7) of section 62(a) of such Code (relating to retirement savings) is amended—

(1) by inserting "OR HOUSING" after "RETIREMENT" in the heading of such paragraph, and

(2) by inserting before the period at the end thereof the following: "and the deduction allowed by section 220 (relating to deduction of certain payments to homebuyer savings accounts).".

(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended—

(1) by inserting "homebuyer savings accounts," after "accounts," in the heading of such section,

(2) by redesignating paragraph (2) of subsection (a) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) a homebuyer savings account (within the meaning of section 220(c)), or",

(3) by striking out "or" at the end of paragraph (1) of subsection (a), and

(4) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO HOMEBUYER SAVINGS ACCOUNTS.—For purposes of this section, in the case of a homebuyer savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable as a deduction under section 220 for such taxable year. For purposes of this subsection, any contribution which is distributed out of the homebuyer savings account in a distribution to which section 220(d)(2) applies shall be treated as an amount not contributed.".

(d) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR HOMEBUYER SAVINGS ACCOUNTS.—An individual for whose benefit a homebuyer savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a homebuyer savings account by reason of the application of section 220(e)(2)(A) or if section 220(e)(3) applies to such account.", and

(2) by inserting "or a homebuyer savings account described in section 220(c)" in subsection (e)(1) after "described in section 408(a)".

(e) FAILURE TO PROVIDE REPORTS ON HOMEBUYER SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "or on homebuyer savings accounts" after "annuities" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 220(i) to file a report regarding a homebuyer savings account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause.".

(f) ADJUSTMENT OF BASIS OF RESIDENCE PURCHASED THROUGH USE OF AMOUNTS IN ACCOUNT.—Section 1016(a) of such Code (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25) and inserting in lieu thereof ", and", and by inserting after paragraph (25) the following new paragraph:

"(26) in the case of a residence the acquisition of which was made in whole or in part with funds from a homebuyer savings account, to the extent provided in section 220(j).".

(g) REDUCTION OF ONE-TIME EXCLUSION.—Subsection (b) of section 121 of such Code (relating to limitations) is amended by adding at the end thereof the following new paragraph:

"(4) REDUCTION OF EXCLUSION FOR HOMEBUYER SAVINGS AMOUNT.—The $125,000 amount in paragraph (1) shall be reduced by any amount paid or distributed out of a homebuyer savings account of the taxpayer which was not included in gross income of the taxpayer for the year in which it was paid or distributed to the taxpayer (one-half of such amount in the case of a separate return by a married individual.".

(h) CLERICAL AMENDMENTS.—

(1) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 220 and inserting in lieu thereof the following:

"Sec. 220. Homebuyer savings accounts.

"Sec. 221. Cross reference.".

(2) The table of sections for chapter 43 of such Code is amended by striking out the

item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, homebuyer savings accounts, certain 403(b) contracts, and certain individual retirement annuities.".

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6693 and inserting in lieu thereof the following:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or on homebuyer savings accounts.".

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.●

By Mr. HARKIN (for himself, Mr. WEICKER, Mr. KENNEDY, Mr. HATCH, Mr. SIMON, Mr. STAFFORD, Mr. ADAMS, and Mr. METZENBAUM):

S. 2393. A bill to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize such act, and for other purposes; to the Committee on Labor and Human Resources.

PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS AMENDMENTS ACT

● Mr. HARKIN. Mr. President, I am pleased to introduce today, along with Mr. WEICKER, Mr. KENNEDY, Mr. HATCH, Mr. SIMON, Mr. STAFFORD, Mr. ADAMS, and Mr. METZENBAUM legislation that reauthorizes and extends for 3 years the Protection and Advocacy for Mentally Ill Individuals Act of 1986.

While the funding authorized under this act is small compared to other legislation concerning persons with disabilities, the assistance made available is of critical importance in assisting States establish and operate protection and advocacy systems for mentally ill individuals.

In 1984, Senator WEICKER, the then chairman of the Subcommittee on the Handicapped, directed his staff to investigate the care and treatment of, among others, individuals with mental illnesses who were inpatients or residents in residential facilities.

The staff report documented dangerous conditions and "a climate of fear and intimidation" in 19 States and 31 facilities. The staff report concluded that: "Abuse and neglect of society's most vulnerable citizens must stop. Care and treatment must be provided in an atmosphere of dignity and respect. And those to whom this care is entrusted must be held fully accountable." The report drew attention to the fact that mentally ill individuals who were inpatients and residents in facilities did not have access to the same type of protection and advocacy services available to individuals who are developmentally disabled.

Following the submission of the report, the subcommittee held hearings, at which the witnesses confirmed the findings of the staff report. Following the hearings, Senator WEICKER introduced S. 974, authorizing the establishment of a system of protection and advocacy for mentally ill individuals in each State. The bill passed the Senate on July 31, 1985; a companion bill passed the House on January 30, 1986; the Senate and the House worked out their differences in May 1986; and the President signed the bill into law on May 23, 1986.

Under the act, the systems' mission includes protecting and advocating for the rights of mentally ill individuals and investigating incidents of abuse and neglect of mentally ill individuals who are residents or inpatients in facilities rendering care or treatment.

In addition, the act authorizes the system to pursue allegations of abuse and neglect arising within 90 days after the client's discharge from a residential facility. The system is required to maintain the confidentiality of patient records to which it gains access.

The entity operating the system is the same entity that operates the protection and advocacy system for persons with developmental disabilities under the Developmental Disabilities Bill of Rights and Assistance Act. However, the system is encouraged to cooperate and subcontract with mental health advocacy organizations in the State.

Each system is required to establish an advisory board including attorneys, mental health professionals and providers; and at least half of the members must be consumers (individuals who have received or are receiving mental health services or who are family members of such individuals).

Although the act was authorized for 3 fiscal years—1986 through 1988, the first fiscal year saw no activity. The act was passed in May and grant awards were issued in September. As of May 1, 1988, the program has only been operational for 19 months.

The bill includes several amendments designed to clarify current law. First, "death" is specifically listed as a form of abuse and neglect. Second, the bill makes it clear that systems may investigate situations where a mentally ill person's whereabouts are unknown—the person may have disappeared because of the neglect of an employee at an institution. Third, the bill makes it clear that the system may investigate abuse and neglect of a person who is in the process of being admitted into a facility rendering care or treatment, including persons being transported to such a facility. Finally, the bill clarifies that reports of abuse and neglect prepared by a facility and discharge reports are considered "records" for purposes of the act and thus may be accessed under the applicable circumstances currently in effect.

The bill also makes several changes related to the governance of the protection and advocacy systems. First, the bill requires that in States which have multimember governing boards, such boards be broadly representative of the clients it serves. Second, in the case of a system organized as a private nonprofit entity, the chairperson of the advisory council must be included on the governing board. Third, the system's priorities must be jointly developed by the governing board and the advisory council; however, final approval of the priorities remains with the governing board. Finally, the annual report prepared by the system must include a section by the advisory council describing the activities of the council and its assessment of the operations of the system.

In addition, the bill directs the Comptroller General of the General Accounting Office to prepare and submit a study of, among other things, whether individuals with mental illness held in Federal, State, and local jails and prisons are being subjected to abuse and neglect or inappropriately confined to jails rather than being served by appropriate mental health programs.

Further, the bill includes several miscellaneous provisions. First, the bill provides that a system should consider entering into contracts with groups run by individuals who have received or are receiving mental health services, or the family members of such individuals. Second, the bill increases the percentage of funds that may be used by systems for training and technical assistance from 5 to 15 percent. Third, the bill places a 2-percent cap on the amount of the appropriation the Secretary may use for technical assistance. Fourth, the bill establishes a grievance procedure for clients of the systems. Finally, the bill provides for a 3-year application period.

The bill increases the minimum allotment for States from $125,000 to $140,000 if Congress appropriates at least $13 million. The authorization level is $14.3 million for fiscal year 1989; $18.5 million for fiscal year 1990; and $23.5 million for fiscal year 1991.●

● Mr. WEICKER. Mr. President, I rise today with Senator HARKIN, the distinguished chairman of the Subcommittee on the Handicapped, to introduce legislation to reauthorize the Protection and Advocacy for Mentally Ill Individuals Act of 1986. This legislation was originally enacted in response to the appalling conditions in residential facilities for the mentally ill which were uncovered during a 6-month Senate investigation and 3 days of hearings before the Subcommittee on the Handicapped.

During the course of those hearings, and in-site visits to 31 facilities in 19 States, two facts became abundantly clear. First, mentally ill individuals living in those facilities were subject to abuse and neglect. Second, those individuals often did not have access to adequate representation or advocacy to remedy the abuse and neglect that befell them. The systems that did exist to protect mentally ill persons were typically understaffed, overloaded with cases, and many times, were staffed by employees of the very entity that had permitted the abuse and neglect to occur.

As the hearings that exposed this shocking situation came to a close, it had become painfully evident that, instead of being treated with dignity and respect, these individuals were being deprived of their most fundamental rights. Clearly, action had to be taken to ensure the protection of the rights of these individuals, and allow them to receive treatment in an atmosphere free from abusive and neglectful conditions.

Shortly thereafter, I introduced S. 974, to create an independent, federally funded system of protection and advocacy for mentally ill persons in each State. After 13 months of negotiations with the administration, service providers, consumers and advocates, this bill became law. With its enactment, a system was established to afford mentally ill persons assistance to help them secure their rights guaranteed under Federal and State statutes and the U.S. Constitution.

It has now been 2 years since that legislation was signed into law, during which time this system has become operational in every State. Preliminary data regarding the program indicate that protection and advocacy systems around the country have had an active year, serving a total of 9,758 clients last year through both individual protective actions and systems advocacy cases.

Unfortunately, the deplorable conditions uncovered during the investigation 3 years ago have not been eradicated despite the valiant efforts of the protection and advocacy systems. Testimony presented this week to the subcommittee indicate that mentally ill persons continue to suffer injustice at the hands of a system that is supposed to help them.

Since Congress first began its consideration of the protection and advocacy legislation, approximately $30 million in Federal funds have been provided to establish and operate these programs. However, the fact remains that limited financial resources prevent protection and advocacy agencies from reaching a substantial number of individuals who require advocacy and assistance to secure their rights. Some agencies, such as the Office of Protection and Advocacy in my own State of Connecticut, have been forced to limit their activities to one part of the State. Again for lack of sufficient resources, many protection and advocacy agencies are simply unable to reach entire facilities which provide care and treatment to mentally ill individuals. Clearly, when such an individual is being abused or neglected, he or she should be able to receive assistance under this legislation.

Therefore, in order to respond to the pressing need for additional resources, the reauthorization provides for substantial increases in funding levels. Specifically, the bill provides for a 30-percent annual growth in the program for each of the next 3 years.

In addition, the bill includes refinements which will improve the ability of protection and advocacy systems to investigate abuse and neglect, and provide for enhanced involvement by consumers in establishing the priorities of the systems in their States.

These refinements include a provision that permits protection and advocacy systems to investigate incidents of abuse and neglect of individuals who have either died, whose whereabouts are unknown, or who are in the process of being admitted to a hospital. Additionally, the bill states that reports of abuse and neglect as well as discharge summaries prepared by the facility are considered records and thereby accessible to the protection and advocacy system. These clarifications will strengthen these systems' ability to carry out their legislative charge to pursue legal, administrative and other remedies to protect mentally ill individuals from abuse and neglect.

The bill further states that the advisory councils, as renamed in the bill, will jointly develop program priorities with the Governing Board of the Protection and Advocacy System, although the final decision regarding priorities will remain with the governing board. This provision will assure that the advisory council will be an active player in the priority-setting process.

In addition, the legislation authorizes a study to be conducted by the General Accounting Office on the subject of abuse and neglect of mentally ill individuals in jails and prisons. This study will provide the subcommittee with important information prior to the next reauthorization on a number of issues, such as the extent of inappropriate placement of mentally ill individuals in jails and prisons, the extent to which such individuals are at risk of abuse and neglect, and information on model programs which are designed to divert mentally ill individuals into appropriate mental health programs.

The reauthorization of this legislation reflects our continued commitment to ensuring that individuals with mental illness enjoy the full protection of their constitutional and statutory rights. I am pleased to be an original cosponsor of this legislation and look forward to working with Senator HARKIN and the other members of the Subcommittee on the Handicapped to expedite its passage.●

By Mr. CRANSTON (by request):

S. 2394. A bill to amend title 38, United States Code, to authorize the appointment of Veterans' Administration-trained graduates in certain health-care professions or occupations by the Veterans' Administration without regard to civil service hiring procedure; to the Committee on Veterans' Affairs.

HIRING PREFERENCE FOR CERTAIN VETERANS' ADMINISTRATION-TRAINED INDIVIDUALS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2394, a bill to authorize the Veterans' Administration to bypass the civil service register in hiring certain VA-trained health professionals. The Administrator of Veterans' Affairs submitted this legislation by letter dated May 6, 1988, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the May 6, 1988, transmittal letter and enclosed analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2394

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4106 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h) Without regard to subchapter I of chapter 33 of title 5, United States Code, the Administrator, upon the recommendation of the Chief Medical Director, may appoint in the competitive civil service individuals with a recognized degree or certificate from an accredited institution in a health-care profession or occupation who were appointed to and successfully participated in a Veterans' Administration-affiliated clinical education program. In using the authority of this subsection, the Administrator shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5."

VETERANS' ADMINISTRATION,
Washington, DC., May 6, 1988.
Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to authorize the appointment of Veterans' Administration-trained graduates in certain health-care professions or occupations by the Veterans' Administration without regard to civil service hiring procedures" with the request that it be introduced and considered for enactment.

The purpose of the draft bill is to permit the Veterans' Administration (VA) to appoint highly-qualified graduates in "allied health-care" professions to civil service positions without regard to the civil service register process. This appointment authority would be limited to those graduates who served under an appointment in a VA health-care facility in a clinical education program which was affiliated with an accredited college or university.

Under its statutory mission to develop and carry out a program of education and training of health-care personnel for the Nation, VA trains annually in clinical education programs in our facilities approximately 50,000 students in "allied health-care" professions, including pharmacology, occupational therapy, psychology, social work, audiology, speech pathology, dietetics, and recreational therapy. Yet current law prevents hiring these students in many of these professions upon graduation without first undergoing the complicated and often lengthy process required under the civil service competitive system.

Thus, when a highly-qualified student in a title 5 "allied health-care" profession with excellent training in an affiliated clinical education program at a VA facility receives his or her professional degree and expresses an interest in working at the VA facility, the facility is unable to offer that professional a position until the entire civil service process is completed. The result, as documented in a 1982 VA report to Congress, is that highly motivated potential employees become frustrated with the length and complexity of the procedures and accept offers elsewhere. A VA study found that fewer than six percent of students take jobs with the VA facility where they were trained. We believe that the civil service hiring procedures significantly impede Agency efforts to secure as employees candidates who, through their performance in our facilities, have more than satisfied VA of their qualifications.

Currently, VA is experiencing staff shortages in certain of these "allied health-care" positions, and the situation could get worse. There is a decreasing number of individuals entering training for many of these professions and an intense competition for these professionals, especially recent graduates. The draft bill would enable VA to meet current and future shortages by offering employment as rapidly as other health-care employers with whom we compete and take advantage of training relationships by allowing the Agency to secure career commitments even in advance of graduation.

This proposal would not only help VA anticipate and deal with the shortages but would improve on current hiring procedures for these positions, without jeopardizing the principles of merit selection. We believe the proposal would permit us to select professionals who have served under supervision at a VA facility where we were able to directly observe and evaluate whether their performance and skills meet our standards. Before offering employment, in short, VA would know their qualifications. The direct hiring authority would also remove the largely redundant "red-tape" barrier between our readiest source of supply for these professions and our staffing requirements and could prevent any disruption of care because we could give qualified students career appointments immediately upon graduation. Finally, this proposal would save resources that are now expended to recruit and screen applicants for these professions, eliminating the need for tedious, costly, and time-consuming orientation and training periods for new employees.

It should be emphasized that under this direct-hire authority, not only must the graduates meet VA's high standards for a position in our facilities, but they must have served under an appointment from the Agency in an affiliated clinical education program in a VA facility. In exercising this authority, VA would remain subject to the prohibitions in the current law against giving preferences not based on merit and against otherwise abusing merit principles. When a qualified graduate is not available, VA intends to continue to rely on the civil service register as a valuable source for qualified individuals for employment in "allied health care" professions.

Finally, the draft bill does not extend benefits or privileges not already provided to other title 5 employees and specifically preserves the current statutory preference for hiring veterans.

The draft bill would not result in any additional costs to VA.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of the draft bill to Congress.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

ANALYSIS OF DRAFT BILL

The draft bill would amend section 4106 of title 38, United States Code, which governs appointments and promotions by the Administrator of Veterans Affairs for certain health-care personnel, such as physicians, dentists, and nurses, in the Veterans Administration's Department of Medicine and Surgery.

The purpose of the draft bill is to authorize the Administrator to appoint directly to health-care positions under title 5, United States Code, without regard to the competitive civil service procedures, a qualified graduate with a degree or certificate from an accredited institution in an "allied health-care" profession or occupation who also successfully participated as a student, under an appointment, in a clinical training program affiliated with an accredited college or university at a VA health-care facility. This authority would effectively relieve VA of the burdens required by the civil service process encumbering the Agency from directly hiring qualified personnel to these positions.

The lengthy, complex civil service procedures, as noted in a VA report to Congress in 1982, have resulted in frustrating highly-motivated potential employees who have then accepted employment elsewhere. "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to Title 38, United States Code," prepared by the Veterans' Administration, printed by the Committee on Veterans' Affairs, House of Representatives, 97th Cong., 2d Sess., Committee Print No. 108. A 1986 Va study found that fewer than six percent of students take jobs with the VA facility where they were trained.

The authority under the draft bill would only apply to graduates of an "allied health-care" profession or occupation who are employed under the hiring authority in title 5, United States Code, and according to qualification standards established by the Administrator under current authority delegated by the Office of Pesonnel Management, which would remain generally the same as they are now. See attached list of those professions.

This authority would not apply to professionals hired under the authority in chapter 73 of title 38, United States Code (i.e. physicians, dentists, podiatrists, optometrists, nurses, physician assistants, expanded-function dental auxiliaries, certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses).

The draft bill does not authorize any employment benefits or privileges which are not already authorized under title 5, United States Code. It specifically requires application of the current preference under subchapter I of chapter 33 of title 5 for the hiring of veterans and other eligible persons.

2. In exercising the authority under the draft bill, VA would still remain subject to the prohibitions contained in section 2302 of title 5, United States Code, against giving preferences not based on merit and against otherwise abusing merit principles. VA would still be authorized to use the civil service register to find qualified candidates for these positions.

The draft bill would not result in any additional costs to the Agency.

- 07 Audiology & Speech Pathology
  - 0701 Audiology (Clinical Fellow)
  - 0702 Audiology (Doctoral)
  - 0703 Audiology (Masters)
  - 0704 Speech Pathology (Clinical Fellow)
  - 0705 Speech Pathology (Doctoral)
  - 0706 Speech Pathology (Masters)
  - 0707 Audiology & Speech Pathology (Bacc.)
- 08 Biomedical Instrumentation & Machine Operation
  - 0801 Biomedical Instrumentation Tech (Assoc/Bacc.)
  - 0802 Biomedical Clinical Engineer (Masters)
  - 0803 Electroencephalograph (EEG) Tech (Certificate)
  - 0805 Cardiovascular Perfusionist (Cert/Assoc/Bacc)
  - 0806 Cardiopulmonary Tech (Assoc)
  - 0808 Respiratory Therapist (Bacc.)
  - 0809 Respiratory Therapist (Assoc)
  - 0810 Respiratory Therapy Tech (Cert/Assoc)
- 09 Chaplaincy
  - 0901 Chaplain (Bacc/Masters/Doctoral)
  - 0902 Chaplain (Non-Degree) (ACPE Approved)
  - 0903 Pastoral Care/Counseling (Non-Degree)
- 10 Dental Auxiliaries
  - 1001 Dental Assistant (Cert/Assoc)
  - 1002 Dental Hygienist (Bacc.)
  - 1003 Dental Hygienist (Assoc)
  - 1004 Dental Laboratory Tech (Assoc/Cert)
  - 1005 Maxillofacial Prosthetist Tech (Non-Degree

11 Dietetics
1101 Dietetic Intern (Coordinated Masters)
1102 Dietetic Intern (Post-Bacc.)
1103 Dietetic Student (Bacc/Masters/Doctoral)
1104 Dietetic Student-Coord Undergrad Program (Bacc.)
1105 Dietetic Tech (Assoc)
1106 Dietetic Assistant (Post-Secondary Cert)
12 Health Education
1201 Patient Health Education (Masters/Doctoral)
13 Health Services Research & Development
1301 Health Services R&D (Doctoral)
1302 Health Services R&D (Masters)
14 Hospital Librarian
1401 Hospital Librarian (Masters)
1402 Hospital Librarian Tech (Bacc.)
15 Medical and Clinical Laboratory
1501 Cytotechnologist (Bacc.)
1502 Cytotechnologist (Assoc)
1503 Histologic Technician/Technologist
1504 Medical Laboratory Technician (Cert/Assoc)
1505 Medical Laboratory Technologist (Bacc.)
1506 Pathologist Assistant (Bacc.)
1507 Clinical Lab Specialist (Bacc/Masters
16 Medical Media
1601 Medical Illustrator (Bacc/Masters)
1602 Medical Photographer (Cert/Assoc/Bacc)
17 Medical Records
1701 Medical Records Administration (Bacc/Masters)
1702 Medical Records Technician (Assoc)
18 Nuclear Medicine
1801 Nuclear Medicine Technologist
22 Pharmacy
2201 Pharmacy Resident—Hospital
2202 Pharmacy Resident—Clinical
2203 Pharmacy Resident—Clinical Specialty (Post-Doc)
2204 Pharmacy (Doctoral)—Clerkship
2205 Pharmacy (Bacc/Masters)—Internship
2206 Pharmacy Tech (Cert/Assoc)
24 Rehabilitation
2402 Educational Therapist
2403 Manual AFTS/Nonagricultural Therapist
2404 Occupational Therapist
2405 Occupational Therapist Assistant
2406 Physical Therapist
2407 Physical Therapist Assistant
26 Prosthetics
2601 Orthotist/Prosthetist
27 Psychology
2701 Psychology Student (Post-Doctoral)
2702 Psychology Student (Doctoral)—Internship)
2703 Psychology Student (Doctoral—Practicum)
2704 Psychology Student (Masters)
2705 Psychology Student (Bacc.)
28 Radiology
2801 Radiation Therapy Technologist
2802 Radiographer
29 Rehabilitation Counseling
2901 Alcohol/Drug Rehabilitation Counselor
2903 Blind Rehabilitation Specialist (Masters)
2904 Vocational Rehabilitation Counselor (Masters)
2905 Mental Health Associate (Or Human Services Worker)
30 Social Work
3002 Social Worker (Doctoral)
3003 Social Worker (Masters)
3004 Social Worker (Bacc.)
31 Sonography
3101 Diagnostic Medical Sonographer
32 Surgical Auxiliaries
3201 Nurse Anesthetist
3202 Surgical Technologist
3203 Surgeon Assistant
3204 Emergency Medical Tech—Paramedic
3205 Ophthalmic Medical Assistant
33 Veterinary Auxiliaries
3301 Veterinary Science Technologist
34 Recreation
3401 Recreation Therapist
3402 Music Therapist
3403 Art Therapist
3406 Recreation Assistant

By Mr. WIRTH (for himself, Mr. BENTSEN, and Mr. DANFORTH):

S. 2395. A bill to facilitate commercial access to space, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE LAUNCH ACT AMENDMENTS

Mr. WIRTH. Mr. President, today, with Senators BENTSEN and DANFORTH, I am introducing the Commercial Space Launch Act Amendments of 1988. This bill will improve the ability of our young but growing commercial launch industry to compete in the global marketplace.

In 1984, Congress, recognizing the importance of the development of a vigorous domestic commercial space launch industry, passed the Commercial Space Launch Act, Public Law 98-575. This important statute established the regulatory framework necessary to foster the development of private sector satellite launch services. At the same time, the act preserves the national security and foreign policy priorities of the United States, and provides for the safety and protection of the public.

Following the tragic destruction of the space shuttle *Challenger* on January 28, 1986, the need for a vital, growing commercial launch industry became more pressing. Within 7 months of this event, the President announced that NASA would no longer provide launch services for commercial satellite customers. Rather, Government resources, including the space shuttle, would be reserved solely for Government-sponsored research or military payloads.

This chain of events stranded 44 satellites previously scheduled for launch aboard the space shuttle. The fragile nature of our ability to gain access to space became clear, and we now know that it was unwise to expect the shuttle program to accommodate all of our military and civilian needs. We must work to develop a mixed fleet capability—utilizing both expandable and reusable launch vehicles.

However, Mr. President, these conditions also created the fertile ground necessary for the development of a commercial space launch industry. Several American companies have responded admirably to this challenge, including two which have significant presences in my own State of Colorado—Martin Marietta and McDonnell Douglas. These corporations have made significant investments in the development, construction, and marketing of a private sector launch capacity.

This domestic fleet of expendable launch vehicles will not only remove significant pressures on NASA to launch, but, by assuring America's access to space, will contribute to our economic and national security. A healthy private sector launch infrastructure can reduce government costs of acquiring ELV's by encouraging manufacturer to produce a larger volume of rockets, will contribute $800 million annually to the U.S. balance of payments, and will directly create jobs for up to 8,000 persons in the United States.

Unfortunately, a serious threat exists to the continued welfare of this fledgling industry—and, consequently, our Nation's essential ability to gain and retain access to space. Prior to the administration's 1986 decision to ban commercial launches by NASA, the Federal Government shared in the risks of space launch ventures with private companies. Under this policy NASA sold launch services to commercial customers and foreign governments. As part of the transaction, the clients were required to buy $500 million in liability insurance to cover third party claims that might result from an accident. The Government assumed responsibility in the unlikely event that claims were awarded above this amount—an event that has never occurred, since no third party claim was ever filed.

However, as of the President's announcement banning commercial launches by NASA, the ELV manufacturers must obtain the maximum amount of liability insurance possible at a reasonable cost. Unfortunately, the maximum possible losses which could result from an unsuccessful rocket launch not only exceeds the amount of insurance available at reasonable costs, but also exceeds worldwide insurance capacity. In the unlikely event that a third party claim is successfully litigated, the ELV manufacturer would be responsible for losses exceeding the insured amount in accordance with the general principles of tort and contract law. In the worst case scenario, this financial responsbility could well exceed the total resources of any company. Consequently, the ELV firms are presently operating with an unbounded liability, a fact which is having the undesirable effect of hurting the ability of our domestic industry to compete worldwide.

The U.S. commercial launch industry operates in a global marketplace and our domestic ELV manufacturers must be able to compete successfully with the growing numbers of overseas competitors. Unlike our domestic industry, foreign launch programs receive substantial subsidies from their governments. For example, the French Government and the European Space Agency [ESA] indemnify Arianespace for third party losses in excess of the extremely low threshold of $70 million. The resulting savings are passed on to their customers. In the case of both the Soviet Proton or the Chinese Long March launch vehicles, their respective governments assume all risk for damage to third parties, in addition to offering prices below cost. Consequently, customer buying decisions are being made on the basis of the costs of insurance and the risk of third party claims, to the competitive detriment of the U.S. marketer of launch services who has no control over these factors.

The legislation we are introducing today seeks to address these problems. Modeled on the risk-sharing agreements used by NASA for commercial launches on the space shuttle, the bill would require providers of launch services to obtain the maximum insurance available at a reasonable cost, not to exceed $500 million, for the payment of claims resulting from third party injuries. In addition, the provider would also be required to purchase $100 million of insurance—under similar conditions—to cover possible damage to Government launch facilities in the event of an unsuccessful launch.

Mr. President, I believe this will help create a level playing field for the fledgling U.S. expendable launch vehicle industry in international competition. By providing indemnification for losses above this reasonable insurance limit, we can help make both the providers of launch services and the payload manufacturers more competitive, guarantee the continued growth and development of this essential industry, and strengthen our national security by insuring a continued U.S. access to space.

In writing this bill, we closely consulted with the ELV manufacturers, satellite companies and insurance industry, who are all supportive of the concepts embodied in this legislation. In addition, the House Committee on Science, Space, and Technology reported out a companion measure on April 21, 1988.

Mr. President, I would like to thank Senators BENTSEN and DANFORTH for their invaluable assistance, and would like to invite and encourage other Senators to cosponsor the Commercial Space Launch Act Amendments of 1988. I look forward to expedient consideration and action on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; DEFINITION.

(a) This Act may be cited as the "Commercial Space Launch Act Amendments of 1988".

(b) The Congress finds that—

(1) a United States commercial space launch industry is an essential component of national efforts to assure access to space for Government and commercial users;

(2) the Federal Government should encourage, facilitate, and promote the use of the United States commercial space launch industry in order to continue United States aerospace preeminence;

(3) the United States commercial space launch industry must be competitive in the international marketplace;

(4) potential third party injuries and damages to property resulting from spacecraft launching activities could exceed the amounts of insurance available at a reasonable cost;

(5) Federal Government policies should recognize the responsibility of the United States under international treaty for activities conducted by United States citizens in space; and

(6) the United States must maintain a competitive edge in international commercial space transportation by ensuring continued research in launch vehicle component technology and development.

(c) Section 4 of the Commercial Space Launch Act (49 U.S.C. 2603) is amended (1) by striking out "and" after the semicolon in paragraph (10); (2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon and "and"; and (3) by adding at the end thereof the following:

"(12) 'third party' means any person or entity other then—

"(A) the United States, its agencies, its personnel involved in launch services, or its contractors or subcontractors involved in launch services;

"(B) the licensee;

"(C) the licensee's contractors, subcontractors, or customers involved in launch services; or

"(D) any such customer's contractors or subcontractors involved in launch services.".

SEC. 2. RESPONSIBILITIES UNDER COMMERCIAL SPACE LAUNCH ACT.

Section 5(a)(1) of the Commercial Space Launch Act (49 U.S.C. App. 2604(a)(1)) is amended to read as follows:

"(1) encourage, facilitate, and promote commercial space launches by the private sector, consistent with the space policies of the United States as established in public law; and".

SEC. 3. DEFINITION OF DIRECT COSTS.

(a) Section 15(a) of the Commercial Space Launch Act (49 U.S.C. 2614(a)) is amended by adding at the end thereof the following: "In taking such action, the Secretary shall take into account the commercial availability of reasonable terms and conditions of substantially equivalent launch property or services from a domestic source.".

(b) Section 15(b)(1) of the Commercial Space Launch Act (49 U.S.C. App. 2614(b)) is amended by inserting at the end the following: "For purposes of this paragraph, the term 'direct costs' the actual costs that can be unambiguously associated with a commercial launch effort, and would not be borne by the United States Government in the absence of a commercial launch effort.".

(c) Section 15 of the Commercial Space Launch Act is amended by adding at the end the following new subsection:

"(d) For the purposes of this section, launch services shall include activities involved in the preparation or production of a launch vehicle and its payload for launch and the conduct of a launch.".

SEC. 4. INSURANCE REQUIREMENTS OF LICENSEE.

(a) Section 16 of the Commercial Space Launch Act (49 U.S.C. App. 2615) is amended by striking "SEC. 16." and all that follows through "other appropriate agencies." and inserting in lieu thereof the following:

"SEC. 16. (a)(1)(A) Each license issued or transferred under this Act shall require the licensee—

"(i) to obtain liability insurance; or

"(ii) to demonstrate financial responsibility

in an amount sufficient to compensate the maximum probable loss from claims by a third party for death, bodily injury, or loss of or damage to property resulting from activities carried out under the license. In no event shall a licensee be required to obtain liability insurance or demonstrate financial responsibility under this subparagraph in an amount which exceeds either $500,000,000, or the maximum liability insurance available on the world market at a reasonable cost, whichever is less.

"(B) Each license issued or transferred under this Act shall require the licensee—

"(i) to obtain insurance; or

"(ii) to demonstrate financial responsibility

in an amount sufficient to compensate the maximum probable loss from claims against any party by the United States for loss of or damage to property of the United States resulting from activities carried out under the license. In no event shall a licensee be required to obtain insurance or demonstrate financial responsibility under this subparagraph in an amount which exceeds either $100,000,000, or the maximum insurance available on the world market at a reasonable cost, whichever is less.

"(C) Each license issued or transferred under this Act shall require the licensee to enter into reciprocal waivers of claims with its contractors, subcontractors, and customers, and the contractors, and subcontractors of such customers, involved in launch services under which each party agrees to be responsible for any damage it sustains or for any injury to its own employees resulting from activities carried out under the license.

"(D) The Secretary, on behalf of the United States, its agencies, personnel, contractors, and subcontractors, shall enter into reciprocal waivers of claims with the licensee, its contractors, subcontractors, and with the customers, and the contractors and subcontractors of such customers involved in launch services, under which each party agrees to be responsible for any damage it sustains or for any injury to its own employees resulting from activities carried out under the license, except that any such waiver shall cover only those portions of claims that exceed the amount specified in subparagraph (B) of paragraph (1), unless any such claim involves the willful misconduct or reckless disregard of the United States, in which case the United States shall waive its right to recover any damages under subparagraph (B) of paragraph.

"(2) Any insurance policy obtained, or demonstration of financial responsibility made, pursuant to a requirement described in paragraph (1) shall name the United States, its agencies, personnel, contractors, and subcontractors, and all contractors, subcontractors, and customers of the licensee, and all contractors and subcontractors of such customers, as insured parties or beneficiaries, as the case may be, to the extent of their potential liabilities, at no cost to the United States.

"(3) The Secretary shall determine the maximum probable loss associated with activities under a license within 90 days after a licensee has requested such a determination and has submitted all information the Secretary requires to make such a determination. The Secretary shall amend such determination as warranted by new information.

"(4) The Secretary shall, within 3 years after the date of the enactment of the Commercial Space Launch Act Amendments of 1988, and once every year thereafter, review the amounts specified in the last sentence of subparagraphs (A) and (B) of paragraph (1), and shall submit a report to the Congress which contains a proposed adjustment to such amounts to conform with altered liability expectations and insurance market capacity. Such proposed adjustment shall take effect 30 days after the submission of such report.

"(b)(1) The Secretary shall provide for the payment of successful claims (including reasonable expenses of litigation or settlement) by a third party against the licensee, contractor or subcontractor of the licensee or customer of the licensee or any contractor or subcontractor of such customer resulting from activities carried out pursuant to a license issued or transferred under this Act for death, bodily injury, or loss of or damage to property resulting from activities carried out under the license, but only to the extent that such claims are not compensated by insurance, including self-insurance pursuant to subsection (a)(1)(A)(ii). This paragraph shall not apply to claims resulting from the willful misconduct of such parties.

"(2) Payment of claims under paragraph (1) shall be subject to—

"(A) notice to the United States of any claim or suit against a party described in paragraph (1) for death, bodily injury, or loss of or damage to property; and

"(B) control of or assistance in the defense by the United States, at its election, of that claim or suit.

"(3) The Secretary may withhold payment under paragraph (1) if the Secretary certifies that the amount is not just and reasonable; provides, however, that the amount of any claim determined by a final judgment of a court of competent jurisdiction shall be deemed by the Secretary to be just and reasonable.

"(4) Claims under paragraph (1) shall be deemed to be claims upon the United States, and the Secretary shall pay such claims in accordance with section 1304 of title 31, United States Code.".

(b) Section 15(c) of the Commercial Space Launch Act (49 U.S.C. App. 2614(c)) is amended to read as follows:

"(c) The Secretary may establish requirements for proof of financial responsibility and such other assurances as may be necessary to protect the United States and its agencies and personnel from liability, loss, or injury as a result of a launch or operation of a launch site involving Government facilities or personnel. The Secretary may not under this subsection relieve the United States of liability for damage or injury resulting from the reckless disregard or willful misconduct of the United States or its agents.".

SEC. 5. UNITED STATES LAUNCH INCENTIVES FOR CERTAIN SATELLITES.

(a) The requirement of section 16(a)(1)(B) of the Commercial Space Launch Act shall not apply to eligible satellites.

(b)(1) The United States shall not require payment for the provision of launch property and launch services in connection with the launch of an eligible satellite.

(2) For purposes of this Act and the Commercial Space Launch Act, the term "launch services" shall not include a launch vehicle.

(c) A satellite shall be eligible for the purposes of this section if—

(1) it was under construction on August 15, 1986;

(2) an unperformed launch services agreement or contract with the National Aeronautics and Space Administration was held with respect to it on August 15, 1986; and

(3) it is licensed for launch under the Commercial Space Launch Act.

SEC. 6. PREEMPTION OF SATELLITES.

Section 15(b) of the Commercial Space Launch Act (49 U.S.C. App. 2614(b)) is amended by adding at the end the following:

"(4)(A) The Secretary of Transportation, with the cooperation of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, shall take steps to ensure that the launches of satellites with respect to which a launch date commitment from the United States has been obtained for a launch licensed under this Act are not unreasonably preempted from access to United States launch sites or property except in cases of imperative national need. Any determination of imperative national need shall be made by the Secretary of the Air Force or the Administrator of the National Aeronautics and Space Administration, and shall not be delegated. In no case shall a licensee preempted from a launch site or property be required to pay to the United States any amount for launch services involving such preempted launch.

"(B) The Secretary of the Air Force or the Administrator of the National Aeronautics and Space Administration, as the case may be, shall report to the Congress within 7 days after any determination of imperative national need under subparagraph (A), including a full explanation of the circumstances justifying such determination and a schedule for ensuring the prompt launching of a preempted satellite.".

SEC. 7. STUDY OF PROCESS FOR SCHEDULING LAUNCHES.

The Secretary of Transportation, in cooperation with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, and in consultation with representatives of the space launch and satellite industry, shall study ways and means of scheduling Government and commercial payloads on commercial launch vehicles at government launch sites in a manner which—

(1) optimizes the use of the launch property of the United States; and

(2) assures that the launch property of the United States that is available for commercial use will be available on a commercially reasonable basis,

consistent with the objectives of the Commercial Space Launch Act. The Secretary shall submit the results of such study to the Congress within 90 days after the date of the enactment of this Act.

SEC. 8. COMMERCIAL SPACE LAUNCH SERVICE COMPETITION.

It is the sense of the Congress that the United States should explore ways and means of developing a dialogue with appropriate foreign government representatives to seek the development of guidelines for access to launch services by satellite builders and users in a manner that assures the conduct of reasonable and fair international competition in commercial space activities.

SEC. 9. LAUNCH VEHICLE RESEARCH AND DEVELOPMENT.

The Administrator of the National Aeronautics and Space Administration shall, in consultation with representatives of the space launch and satellite industry, design a program for the support of research into launch systems component technologies, for the purpose of developing higher performance and lower cost United States launch vehicle technologies and systems available for the launch of commercial and Government spacecraft into orbit. The Administrator shall submit a report outlining such program to the Congress within 60 days after the date of the enactment of this Act.

SEC. 10. APPLICABILITY TO LICENSES.

This Act, and the amendments made by this Act, shall apply to all licenses issued under the Commercial Space Launch Act prior to, on, or after the date of the enactment of this Act.

Mr. DANFORTH. Mr. President, I am pleased to join my distinguished colleague from Colorado as an original sponsor of the Commercial Space Launch Act Amendments of 1988. I want to commend Senator WIRTH for his foresight in addressing a crucial problem facing our domestic commercial expendable launch vehicle [ELV] industry. Unquestionably, an integral element of our Nation's space launch capability is a resilient ELV capability. This bill recognizes the relationship between such a capability and a competitive U.S. commercial ELV industry and seeks to enhance the competitiveness of our domestic commercial ELV capability.

One of the greatest burdens that our embryonic commercial ELV industry faces is catastrophic and virtually unlimited exposure to financial liability in the event of a space launch accident. Because there are no mechanisms to control launch liability, a launch provider must place the company on the line with each launch. This legislation would clearly delineate the financial risk that a company launching a national security or civil payload must assume.

Such risk parameters are especially crucial to a commercial industry that must compete with foreign companies that are subsidized by their governments. Our commercial ELV industry faces stiff competition not only from its traditional rival, the French Ariane vehicle, but now it must also compete against the Soviet Proton vehicle, and the Chinese Long March vehicle.

Mr. President, this expanded field of foreign competitors should not be a major concern to us; in a free-trading commercial market, competition is an inherently health dimension. However, we should be concerned when this competition is not conducted on a level playing field. In the case of the world launch market, the playing field is titled toward our foreign competition as a result of these subsidies.

One of the various forms of foreign government subsidy is the indemnification of potential third-party claims that could arise from a launch accident. For example, customers of the French Ariane ELV are insured by the French Government against any third-party claims in excess of $75 million.

Clearly, our commercial ELV industry is unable to match such terms and conditions. However, this legislation is a step in the right direction. Specifically, this legislation would clearly define a commercial launch provider's liability with respect to third-party claims, and claims that could arise from launch accidents that damage government property. Further, the legislation provides that the U.S. Government will indemnify against excess claims over the prescribed ceiling.

Specifically, this legislation would set forth that launch providers would not be required to obtain insurance or to demonstrate financial responsibility in an amount that exceeds either $500 million or the maximum liability insurance available on the world market at a reasonable cost, whichever is less. Further, the Secretary of Transportation, as agent for the U.S. Government, would satisfy any excess claims.

For potential claims that could arise from accidents to Government property as a result of a launch accident, the liability ceiling would be set at $100 million or the minimum insurance available on the world market at a reasonable cost, whichever is less. Just as with excess third-party claims, the Secretary of Transportation, as agent for the United States, would satisfy any excess claims arising from damage to Government property.

Mr. President, some may question the potential cost to the Government of this legislation. It is worth noting that there has never been a third-party claim arising from a space launch. The chances of such claims ever arising are extremely remote. Yet, as remote as third-party claims may be, the potentially limitless exposure that our domestic ELV industry must insure against is a deterrent to the growth that is critical to compete world-wide.

Clearly, this legislation makes good sense. It will help our commercial ELV industry compete on more equal terms with its competitors by improving the industry's ability to manage its risks. Furthermore, a viable commercial ELV industry will maintain for the United States a more robust industrial base, which is important to our national security and to our civil space program. Certainly, if a healthy ELV industry were in-place at the time of the *Challenger* tragedy, national security, and civil space payloads would not still be waiting for a launch.

Mr. President, even though I support this legislation in principal, I would like to reserve the opportunity to recommend changes, as warranted, once this bill is referred to the Commerce Committee. The Commerce Committee is scheduled to hold a hearing on this legislation on May 17, and this hearing will give the committee the opportunity to consider more closely the individual provisions of this bill.

This legislation addresses one of the most acute problems facing our commercial ELV industry—the ability to compete on equal terms. I urge the support of my colleague for this bill. It is a critical element in the future success of an important domestic industry and in the restoration of our civil space program.

ADDITIONAL COSPONSORS

S. 1181

At the request of Mr. PRYOR, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1181, a bill to amend the Federal Salary Act of 1967 and title 5 of the United States Code to provide that the authority to determine levels of pay for administrative law judges be transferred to the Commission on Executive, Legislative, and Judicial Salaries.

S. 1288

At the request of Mr. GARN, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 1288, a bill to designate July 20 of each year as "Space Exploration Day."

S. 1599

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1599, a bill to recognize the organization known as the American Philatelic Society.

S. 1629

At the request of Mr. MITCHELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1629, a bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

S. 1776

At the request of Mr. ARMSTRONG, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1856

At the request of Mr. SASSER, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1856, a bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2068

At the request of Mr. MITCHELL, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2068, a bill to amend the Marine Protection, Research and Sanctuaries Act to protect marine and near-shore coastal waters through establishment of regional marine research centers.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2149

At the request of Mr. MITCHELL, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2149, a bill to amend the Internal Revenue Code of 1986 to allow State secondary markets of student loan notes to continue serving the educational needs of post-secondary students and the Nation.

S. 2179

At the request of Mr. FORD, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 2179, a bill to amend the Petroleum Marketing Practices Act.

S. 2180

At the request of Mr. METZENBAUM, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 2180, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x ray systems.

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2180, supra.

S. 2380

At the request of Mr. Lautenberg, his name was added as a cosponsor of S. 2380, a bill to amend the Disaster Relief Act of 1974, and for other purposes.

SENATE JOINT RESOLUTION 259

At the request of Ms. Mikulski, the names of the Senator from Washington [Mr. Adams], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from South Dakota [Mr. Daschle], the Senator from Tennessee [Mr. Gore], the Senator from Florida [Mr. Graham], the Senator from Hawaii [Mr. Inouye], the Senator from Massachusetts [Mr. Kennedy], the Senator from Hawaii [Mr. Matsunaga], the Senator from Virginia [Mr. Warner], the Senator from California [Mr. Wilson], the Senator from South Carolina [Mr. Thurmond], the Senator from Wisconsin [Mr. Proxmire], the Senator from South Dakota [Mr. Pressler], the Senator from Connecticut [Mr. Weicker], the Senator from Indiana [Mr. Quayle], the Senator from Missouri [Mr. Danforth], the Senator from Illinois [Mr. Simon], the Senator from New Mexico [Mr. Domenici], the Senator from Washington [Mr. Evans], the Senator from Maine [Mr. Mitchell], the Senator from New York [Mr. Moynihan], the Senator from Pennsylvania [Mr. Heinz], the Senator from Idaho [Mr. Symms], the Senator from West Virginia [Mr. Rockefeller], and the Senator from Iowa [Mr. Grassley] were added as cosponsors of Senate Joint Resolution 259, a joint resolution designating the week of April 24, 1988, through April 30, 1988, as "National Eating Disorders Awareness Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. Boren, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 289

At the request of Mr. Bentsen, the names of the Senator from Ohio [Mr. Metzenbaum], the Senator from Kansas [Mr. Dole], the Senator from Florida [Mr. Chiles], the Senator from Nevada [Mr. Hecht], the Senator from Michigan [Mr. Levin], the Senator from Utah [Mr. Garn], the Senator from Ohio [Mr. Glenn], the Senator from North Carolina [Mr. Sanford], the Senator from North Carolina [Mr. Helms], the Senator from Connecticut [Mr. Dodd], and the Senator from Utah [Mr. Hatch] were added as cosponsors of Senate Joint Resolution 289, a joint resolution to designate the month of November 1988 as "National Hospice Month."

SENATE JOINT RESOLUTION 300

At the request of Mr. Nickles, his name was added as a cosponsor of Senate Joint Resolution 300, a joint resolution to designate the week of May 8, 1988, through May 14, 1988, as "Just Say No Week."

SENATE JOINT RESOLUTION 302

At the request of Mr. Lugar, the names of the Senator from Florida [Mr. Graham], the Senator from Washington [Mr. Adams], the Senator from Arkansas [Mr. Bumpers], the Senator from Connecticut [Mr. Dodd], the Senator from New York [Mr. D'Amato], the Senator from Georgia [Mr. Fowler], the Senator from Iowa [Mr. Grassley], the Senator from Hawaii [Mr. Inouye], the Senator from Massachusetts [Mr. Kerry], the Senator from Idaho [Mr. McClure], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Stennis], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Joint Resolution 302, a joint resolution to designate October 1988 as "National Down Syndrome Month."

SENATE CONCURRENT RESOLUTION 107

At the request of Mr. Lautenberg, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of Senate Current Resolution 107, a concurrent resolution calling for a consolidated investigation into the operation of Texas Air Corp. and Eastern Air Lines.

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. Chiles, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of Senate Current Resolution 117, a concurrent resolution to express the sense of the Congress regarding relief for the United States Citrus Industry under section 301 of the Trade Act of 1974 and other appropriate relief.

SENATE RESOLUTION 408

At the request of Mr. Mitchell, the names of the Senator from Hawaii [Mr. Matsunaga], the Senator from Kansas [Mrs. Kassebaum], the Senator from Missouri [Mr. Bond], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of Senate Resolution 408, a resolution to condemn the use of chemical weapons by Iraq and urge the President to continue applying diplomatic pressure to prevent their further use, and urge the Administration to step up efforts to achieve an international ban on chemical weapons.

SENATE RESOLUTION 426

At the request of Mr. Baucus, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Resolution 426, a resolution expressing the sense of the Senate that the seven major industrial nations of the world must take immediate action to protect the earth's stratospheric ozone layer.

AMENDMENT NO. 1680

At the request of Mr. DeConcini, the name of the Senator from Connecticut [Mr. Weicker] was added as a cosponsor of amendment No. 1680 intended to be proposed to Treaty No. 100-11, The treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, together with the Memorandum of Understanding and Two Protocols, signed at Washington on Decemnber 8, 1987.

SENATE RESOLUTION 429 DECLARING THE RESPECT OF THE SENATE FOR WILLIAM F. BUCKLEY

Mr. NUNN (for Mr. Moynihan, for himself, Mr. Warner, Mr. Cohen, Mr. Boren, Mr. Pell, Mr. Dole, Mr. Helms, Mr. Byrd, Mr. Thurmond, and Mr. Chafee) submitted the following resolution; which was considered and agreed to:

S. Res. 429

Whereas William F. Buckley served the Nation with honor, courage, and distinction in combat in Korea and Vietnam, and as an agent overseas of the Central Intelligence Agency;

Whereas in the wake of the terrorist bombing of the United States Embassy in Beirut, Colonel Buckley was dispatched to rebuild an intelligence capacity amidst the murderous civil war of Lebanon;

Whereas, knowing the fate of his predecessors he had no illusion that he would escape the same, nor yet that he would meet an easy death;

Whereas on March 16, 1984, he was kidnaped and for agonizing months confined and tortured and in the end tortured unto death;

Whereas the United States Senate does not consider this matter in any way closed, settled, or behind us; nor that of remaining American hostages.

Whereas on this day William F. Buckley, his earthly remains yet to be recovered, was honored at a gravesite in Arlington Cemetery: Now, therefore, be it

Resolved, That the Senate declares its abiding respect for William F. Buckley's life of unequaled service and his death of unexampled fortitude.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

SHELBY (AND HEFLIN) AMENDMENT NO. 2042

Mr. SHELBY (for himself and Mr. Heflin) proposed an amendment to the bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the

Armed Forces, and for other purposes; as follows:

On page 224, between lines 8 and 9, insert the following new section:

SEC. 2602. ARMY RESERVE CENTER, GORDO, ALABAMA.

Construction of a new Army Reserve Center building at the Army Reserve Center, Gordo, Alabama, is hereby authorized in the amount of $1,547,000. Payment for such center may be made only from amounts authorized for appropriation for the Army Reserve pursuant to section 2601.

WARNER AMENDMENT NO. 2043

Mr. **WARNER** proposed an amendment to the bill S. 2355, supra; as follows:

Insert the following at the appropriate places in the bill.

Of the funds authorized to be appropriated in this act for Missile Procurement, Air Force, not less than $75.6 million is authorized to be appropriated for the Global Positioning System, and not more than $376.2 million is authorized to be appropriated for Space Boosters.

Of the funds authorized to be appropriated in this act for RDT&E, Air Force, not more than $48.2 million is authorized to be appropriated for the Global Positioning System.

MURKOWSKI AMENDMENT NO. 2044

Mr. **MURKOWSKI** proposed an amendment, which was subsequently modified, to the bill S. 2355, supra; as follows:

At the end of the bill add the following new section:

SEC. . PHILIPPINE BASES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the United States has maintained military bases in the Philippines for more than ninety years;

(2) Clark Air Force Base, Subic Bay Naval Station, and the other United States military installations in the Philippines significantly promote the mutual interests of the United States and the Philippines;

(3) leaders of the states of the Association of South East Asian Nations have emphasized the importance of such bases to the development of democratic institutions and economic progress in South East Asia;

(4) the United States military installations in the Philippines employ a loyal and highly skilled cadre of Filipinos, and make a substantial contribution to the Philippine economy;

(5) the Base Rights Agreement between the United States and the Republic of the Philippines by which the United States maintains its military installations and stations military personnel in the Philippines expires in 1991;

(6) the United States and the Republic of Philippines are currently engaged in a review of the Base Rights Agreement;

(7) in connection with the current Base Rights Agreement, the President has undertaken a "best efforts" pledge to obtain security assistance for the Philippines;

(8) officials of the Philippine government have demanded that the United States significantly increase the consideration for the use of military bases in the Philippines; and

(9) the President of the Republic of the Philippines has stated that consideration of the Base Rights Agreement should be separate from any consideration of security assistance to the Philippines.

(b) STUDY OF COSTS AND BENEFITS.—(1) Not later than ninety days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall prepare and transmit to the Congress, in classified and unclassified versions, a study of—

(A) the costs and benefits of maintaining United States military bases in the Republic of the Philippines;

(B) the costs and benefits of relocating such bases to potential alternative host countries; and

(C) any alternative means of funding payments to the host country of such bases.

(2) The study required by paragraph (1) shall include, but not be limited to:

(A) an analysis of—

(i) the strategic value to the United States;

(ii) the operation, maintenance and other costs to the United States; and

(iii) the economic, social and other benefits to the Philippines;

of maintaining United States military bases in the Philippines;

(B) an identification of potential alternative host countries for the United States' military bases currently located in the Philippines;

(C) an analysis of—

(i) the strategic value to the United States;

(ii) the operation, maintenance and other costs to the United States; and

(iii) the economic, social and other benefits to potential alternative host countries;

of establishing and maintaining United States military bases in such potential alternative host countries;

(D) an analysis of—

(i) the cost to the United States; and

(ii) the economic, social and other costs to the Philippines;

of relocating the United States military bases from the Philippines to potential alternative host countries;

(E) an analysis of the availability of skilled indigenous personnel and the cost of training such personnel in the potential alternative host countries; and

(F) a comparative analysis of the benefits to the United States from the use of the various methods which are now employed for compensating host nations around the world for the use of bases on their soil as applied to compensating either the Philippines or the host nations of alternative locations.

METZENBAUM (AND GLENN) AMENDMENT NO. 2045

Mr. **METZENBAUM** (for himself and Mr. GLENN) proposed an amendment to the bill S. 2355, supra; as follows:

On page 232, insert between lines 14 and 15, the following new section:

SEC. 2811. AIR FORCE PLANT AT COLUMBUS, OHIO.

(a) LEASE OR SALE OF PROPERTY.—(1) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any other provision of law, the Secretary of the Air Force may sell or lease Air Force Plant No. 85 located in Columbus, Ohio.

(2) In connection with any sale or lease of Air Force Plant No. 85, the Secretary shall execute a warranty ensuring that all remedial action necessary to protect human health and the environment with respect to any known environmental contamination on the property of such plant has been or will be taken by the Secretary as soon as practicable consistent with applicable law.

(b) PREPARATION OF PROPERTY FOR LEASE OR SALE.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of the Air Force shall begin negotiating for the environmental cleanup of the property described in subsection (a) and shall initiate such other actions preparatory to the sale or lease of such property as may be appropriate, including provision for apprisals and a title search.

(c) DEDUCTION OF EXPENSE FROM PROCEEDS OF SALE OR LEASE.—The Secretary may deduct from the proceeds of any sale or lease of the property described in subsection (a) all expenses incurred by the Secretary in connection with the sale or lease, including necessary repairs, environmental cleanup operations, surveys, and apprisals. The remaining proceeds of the sale or lease shall be credited to the general fund of the Treasury.

(d) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with any sale or lease entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

MURKOWSKI AMENDMENT NO. 2046

Mr. **MURKOWSKI** proposed an amendment to the bill S. 2355, supra; as follows:

Add the following new section:

SEC. . Not later than 90 days after the date of enactment of the Act, the Secretary of Defense shall prepare and transmit to the Congress a review of current and planned Defense assets that might be utilized to reduce and prevent unlawful foreign fishing in the U.S. Exclusive Economic Zone. Such review shall include, but not be limited to, an analysis of:

(1) the feasibility of using over-the-horizon backscatter radar devices to locate and identify fishing vessels in and beyond the Exclusive Economic Zone, both as a discrete system and in conjunction with other monitoring systems and devices;

(2) the use of Defense assets routinely deployed in areas where unlawful fishing may occur to monitor and report potential violations of U.S. fisheries laws and regulations; and,

(3) the application of information gathered by intelligence collection assets which are deployed in such a way as to detect illegal fishing activities as a by-product of other data collection missions.

DIXON AMENDMENT NO. 2047

Mr. **DIXON** proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . 155 MILLIMETER AMMUNITION.

(a) FINDING—The Congress is concerned that the schedule of the Army for propellant production and load assemble pack of 155-millimeter M864 ammunition base bleed burn assemblies may not make it economic to carry out such production at two sources concurrently.

(b) LIMITATION ON CONTRACTING FOR SECOND SOURCE.—The Secretary of the Army may not select a second source for production of the program referred to in subsection (a) until the program enters full-rate production and the Secretary reports to the Committees on Armed Services of the Senate and House of Representatives the acquisition plan of the Secretary for the establishment of a second source for the program.

BINGAMAN AMENDMENT NO. 2048

Mr. DIXON (for Mr. BINGAMAN) proposed an amendment to the bill S. 2355, supra; as follows:

On page 131 after line 13, add the following new section.

"**SEC. . APPROVAL OF CONTRACTS.**

"Section 2304(f)(1)(B)(iii) of title 10, United States Code, is amended by inserting "or, in the case of an element of the Department of Defense for which the Under Secretary of Defense for Acquisition would be the sole designated senior procurement executive, the senior level official designated for that element by the Under Secretary of Defense for Acquisition," after "(41 U.S.C. 414(3))".".

KENENDY (AND LEVIN) AMENDMENT NO. 2049

Mr. KENNEDY (for himself, Mr. LEVIN and Mr. NUNN) proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . REQUIREMENT TO DECOMMISSION TWO AIRCRAFT CARRIERS.

The Secretary of the Navy shall—

(1) decommission one aircraft carrier and remove such carrier from active operations not later than 30 days after the date on which the aircraft carrier U.S.S. Abraham Lincoln (CVN72) is commissioned by the Navy; and

(2) decommission a second aircraft carrier and remove such carrier from active operations not later than 30 days after the date on which the aircraft carrier U.S.S. George Washington (CVN73) is commissioned by the Navy.

GRAMM (AND OTHERS) AMENDMENT NO. 2050

Mr. GRAMM (for himself, Mr. LEVIN, Mr. NUNN and Mr. METZENBAUM) proposed an amendment to the bill S. 2355, supra; as follows.

On page 171, betwen lines 2 and 3, insert the following new section:

SEC. . RESTRICTION ON SALE OF ARMS TO SAUDI ARABIA AND CERTAIN OTHER NATIONS.

Notwithstanding any other provision of law, no sale of arms may be made by the United States to Saudi Arabia or to any other nation in the Middle East which has procured CSS-2 Chinese-made missiles unless the President has first certified to Congress that Saudi Arabia or such other nation, as the case may be, does not have chemical, biological, or nuclear warheads for such missiles. A separate certification is required in the case of each proposed sale of arms and may not be made more than 90 days before the proposed sale is to be concluded.

WALLOP (AND OTHERS) AMENDMENT NO. 2051

Mr. WALLOP (for himself, Mr. DOLE, Mr. BOND, Mr. ARMSTRONG, Mr. HATCH, Mr. MCCLURE, Mr. QUAYLE, Mr. THURMOND, Mr. WILSON, Mr. MCCAIN Mr. DANFORTH, Mr. SYMMS, and Mr. KASTEN) proposed an amendment to the bill S. 2355, supra; as follows:

On page 25, between lines 2 and 3, insert the following new section:

SEC. 220. ACCIDENTAL LAUNCH PROTECTION SYSTEM.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Strategic Defense Initiative (SDI) has made substantial progress in developing the technologies to defend the United States from a ballistic missile attack. Advances in interceptor technology, sensors, and command, control, and communications have been achieved and six key components of the SDI program have recently been combined to form the basic architecture for a Phase I deployment of a system to defend the United States against a ballistic missile attack.

(2) As a result of additional development and analytical study of ground-based mid-course and low-atmosphere interceptors and their appropriate sensors, a decision can be made with confidence to deploy an accidental launch protection system (ALPS) as an initial step in a phased deployment of a comprehensive SDI system.

(3) Available evidence indicates that the technology for defending the United States against an accidental or unauthorized launch of ballistic missiles can be effectively deployed by 1995.

(4) The deployment of an accidental launch protection system would be a basic defense insurance policy which would be in the national interest for the following reasons:

(A) The deployment of such a system would provide the United States with an operational system that would yield substantial knowledge and actual experience in moving to a greater reliance on defense for deterrence and security.

(B) As the United States continues to negotiate major reductions in nuclear forces, a commitment to the deployment of such a system would provide the technology and production base needed to help safeguard against noncompliance by the Soviet Union in the event of an agreement for such reductions.

(C) The deployment of such a system would close the advantage currently held by the Soviet Union in deployed antiballistic missile capabilities, would reduce the threat of a total strategic defense breakout by the Soviet Union, and would provide the United States with a warm technological and production base with which to support a later decision to deploy a more comprehensive strategic defense of the United States.

(D) Such a deployment could initially be limited to 100 ground-based interceptors at Grand Forks, North Dakota, which would be consistent with the 1972 Anti-ballistic missile Treaty (even though such treaty has been violated by the Soviet Union).

(5) Options for more comprehensive deployment of an accidental launch protection system integrated into a step-by-step strategic defense initiative system (including space-based elements) should be studied by the Department of Defense and, if appropriate, discussed with the Soviet Union.

(b) ALPS PROGRAM.—(1) Of the amounts authorized pursuant to section 221, subsection (b), paragraphs 1-5, $100,000,000 shall be available only for the purpose of deploying an accidental launch protection system (ALPS).

(2) The accidental launch protection system developed pursuant to this section shall provide for at least a two-layer defense any may include the following:

(A) the Exoatmospheric Re-entry Intercept System (ERIS) interceptor and the High Endoatmospheric Defense Interceptor (HEDI).

(B) A ground-based radar.

(C) A ground-based tracking system.

(3) In developing an accidental launch protection system, the Secretary of Defense shall give special consideration to initial deployments that take advantage of existing ABM investments. The Secretary shall design such system so as to take advantage of existing ABM investments, including those at Grand Forks, North Dakota. The Secretary shall plan for a deployment site in the National Capital Area.

(4) For fiscal years after fiscal year 1989, the Secretary of Defense shall budget funds for deployment of the ALPS system as an integral component of a comprehensive, layered Strategic Defense System. The Secretary of Defense shall give such a comprehensive Strategic Defense System the highest research and development priority in order to ensure that the more advanced technologies for deployment of a comprehensive system are available in the mid- to late-1990s.

(5) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a plan for the accelerated deployment of an accidental launch protection system as an important and integral step toward a comprehensive, layered strategic defense system, including space-based elements.

McCAIN (AND DOLE) AMENDMENT NO. 2052

Mr. McCAIN (for himself and Mr. DOLE) proposed an amendment to the bill S. 2355, supra; as follows:

SEC. . REPORT ON, AND DISCUSSIONS REGARDING, JAPANESE CONTRIBUTIONS TO GLOBAL STABILITY AND THE INDIVISIBLE SECURITY OF THE LEADING INDUSTRIALIZED DEMOCRACIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The alliance of the United States and Japan is the foundation for the security of Japan and peace in the Far East and is a major contributing factor to the democratic freedoms and economic prosperity enjoyed by both the United States and Japan.

(2) In keeping with the declaration made at the 1983 meeting in Williamsburg, Virginia, of the leaders of the leading industrialized democracies that "the security of the Western countries is indivisible and must be approached on a global basis", the government of Japan—

(A) continues to fulfill the pledge of Prime Minister Suzuki to defend the territory, airspace and sealanes of Japan to a distance of 1,000 miles by 1990, has increased its foreign assistance in fiscal year 1988 by 6.5%, and is, according to recent reports, actively involved in increasing its contributions to the stability of the Republic of the Philippines, actions welcomed by the United States.

(3) Japan could, because of its recent history and economic status, best fulfill a politically acceptable and significant role in maintaining the indivisible security of the Western nations by increasing its Official Development Assistance to a level consistent with the provisions of section 1012 of PL 100-180.

(4) However, continued unwillingness by Japan to bear its fair share of the burden of maintaining the indivisible security of the leading industrialized democracies could weaken the long-term vitality, effectiveness, and cohesion of the alliance between the United States and Japan.

(b) STUDY.—The Secretary of Defense shall, in coordination with the Department of State and the Agency for International Development, incorporate within the report required by section 1003 of PL 98-525, a report on Japan's Overseas Development Assistance.

(A) REPORT.—The report shall contain—

(1) a description of the amount and nature of Japanese Overseas Development Assistance by recipient, including distinguishing between grant aid, loans and credits.

(c) POLICY.—It is the sense of Congress that—

(A) The President should enter into discussions with Japan for the purpose of reaching a more equitable distribution of the burden of financial support for the indivisible security of the leading industrialized democracies;

(B) the objective of such discussions with Japan should be to establish a schedule of increases in Japan's Overseas Development Assistance and its defense budget so that, by 1992, the level of spending on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization on official development assistance and defense programs (stated as a percentage of their respective gross national products);

(C) the President should report to Congress, within 180 days after the date of the enactment of this Act, on the progress of such discussions; and

(D) if, in the judgment of Congress, the President's report does not reflect substantial progress toward a more equitable distribution of the burden of maintaining the indivisible security of the leading industrialized democracies, the Congress should review the extent of the distribution of the mutual security burden between the United States and Japan and consider whether additional legislation is appropriate.

BUMPERS AMENDMENT NO. 2053

Mr. BUMPERS proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill insert the following:

The Congress urges the President to ensure that any military base closing commission established by this or any other legislation:

1. Takes into account the total economic cost to the country as a whole, and not just to the Department of Defense or to the Federal Government, in making decisions concerning the closing or functional realignment of any military installations; and

2. Is appropriately briefed on the basing requirements and basing implications of compartmented programs, popularly known as "black" programs, within the executive branch before issuing any report recommending the closing or functional realignment of any military installations.

QUAYLE (AND WILSON) AMENDMENT NO. 2054

Mr. QUAYLE (for himself and Mr. WILSON) proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill, insert the following:

The number of countries that have acquired ballistic missiles or have actually used them in combat has increased significantly in the past six months;

The Secretary of Defense has expressed concern about missile proliferation;

Congress directed that the Department of Defense provide a report specifying personnel requirements to implement the Missile Technology Control Regime Policy that was concluded by the United States and six other countries in April 1987 to control the proliferation of missiles capable of delivering nuclear weapons;

The Department of Defense report was due February 1, 1988 and has not yet been received: Now, therefore, it is the sense of the Senate that—

(1) The Secretary of Defense should file the requested report as soon as possible but not later than July 30, 1988; and

(2) Department of Defense personnel deficiencies which prevent effective performance of missile technology control responsibilities be rectified as soon as possible; using temporary duty assignments if deemed necessary.

ADAMS (AND EVANS) AMENDMENT NO. 2055

Mr. DIXON (for Mr. ADAMS, for himself and Mr. EVANS) proposed an amendment to the bill S. 2355, supra; as follows:

On page 249, after line 20, insert the following new section:

(e) USE OF REMAINING UNOBLIGATED BALANCES.—Of the funds previously authorized and appropriated for fiscal year 1988 for the projects listed in subsection (1), the remaining unobligated balances are authorized to be transferred and made available, to the extent provided in an appropriation act, for the Defense Waste and Environmental Restoration activities at Richland, Washington listed in subsection (2).

(1) Project 87-D-174, 241-AQ tank farm, Richland, Washington, $22,300,000.

Project 87-D-150, Radioactive Effluent Treatment Facility, Richland, Washington, $5,000,000.

Project 87-D-149, Reduced Chemical Discharge, Richland, Washington, $1,700,000.

Project 86-D-149, Productivity Retention Program, Richland, Washington only, $10,000,000.

Project 85-D-136, Components Protection System, Richland, Washington, $4,000,000.

Project 82-D-124, Restoration of Production Capabilities Richland, Washington only, $1,200,000.

(2)(a) For operating expenses:

(1) for environmental restoration, $30,000,000.

(2) for waste operations and projects,
$1,250,000 for Grout
$2,000,000 for B-Plant
$2,000,000 for Vitrification

(b) For construction:

$2,000,000 for B-Plant and $500,000 for Grout, Project 89-D-170, general plant projects.

$5,000,000 for High Waste Vitrification Plant, Project 88-D-173, Richland, Washington.

(c) For capital equipment:

$1,000,000 for B-Plant and $500,000 for Grout at Richland, Washington.

(3) The amounts authorized to be transferred in subsection (2) are in addition to the amounts authorized in sections 3101 and 3102.

LEVIN (AND OTHERS) AMENDMENT NO. 2056

Mr. LEVIN (for himself, Mr. JOHNSTON, and Mr. DIXON) proposed an amendment to the bill S. 2355, supra; as follows:

On page 2, line 19, strike out "$2,794,900,000" and insert in lieu thereof "$2,944,500,000".

On page 2, line 20, strike out "$2,541,800,000" and insert in lieu thereof "$2,599,100,000".

On page 2, line 23, strike out "$2,035,536,000" and insert in lieu thereof "$2,110,536,000".

On page 3, line 7, strike out "$6,193,100,000" and insert in lieu thereof "$6,267,400,000".

On page 4, line 11, strike out "$4,836,200,000" and insert in lieu thereof "$4,870,000,000".

On page 12, line 16, strike out "$8,990,541,000" and insert in lieu thereof "$8,390,541,000".

On page 25, line 10, strike out "$4,271,000,000" and insert in lieu thereof "$3,671,000,000".

On page 34, line 22, strike out "$22,142,400,000" and insert in lieu thereof "$22,212,400,000".

On page 34, line 23, strike out "$24,879,700,000" and insert in lieu thereof "$24,949,700,000".

On page 34, line 25, strike out "$21,898,700,000" and insert in lieu thereof "$21,968,700,000".

HUMPHREY AMENDMENT NO. 2057

Mr. HUMPHREY proposed an amendment to the bill S. 2355, supra; as follows:

On page 79, between lines 14 and 15, insert the following new section:

SEC. 623. MODIFICATION OF DEFINITION OF DEPENDENT.

(a) AMENDMENT TO SECTION 1072(2) OF TITLE 10.—Section 1072 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (F);

(2) by striking out the period at the end of clause (G) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(H) the grandchild of a member or former member if the grandchild is in fact dependent on the member or former member for over one-half of the grandchild's support and if a parent of the grandchild qualifies as a dependent of the member or former member under clause (D).".

(b) NON-RETROACTIVE BENEFITS.—No health care benefits shall be payable to or on behalf of any person as a result of the amendment made by this Act for any health care furnished to any person for any period prior to the date of the enactment of this Act.

HUMPHREY (AND DIXON) AMENDMENT NO. 2058

Mr. HUMPHREY (for himself and Mr. DIXON) proposed an amendment to the bill S. 2355, supra; as follows:

At the end of Part B, Title IX, Division A of the bill, insert the following new section:

SEC. 9 . REGULATIONS FOR DELIVERY OF MILITARY PERSONNEL TO CIVIL AUTHORITIES WHEN CHARGED WITH CERTAIN OFFENSES.

(a) Not later that 90 days after the date of enactment of this Act, the Secretary of Defense shall ensure that the Secretaries of the military departments have issued uniform regulations pursuant to section 814 of title 10, United States Code, to provide for the delivery of members of the armed forces to civilian authority when such members have been accused of offenses against civil authority. Such regulations shall specifically provide for the delivery of such members to civilian authority, in appropriate cases, when such members are accused of parental kidnapping and other similar offenses, including criminal contempt arising from such offenses and from child custody matters, and shall specifically address the special needs for the exercise of the authority contained in section 814 of title 10, United States Code, when members of the armed forces assigned overseas are accused of offenses by civilian authorities.

(b) Not later than 120 days after the enactment of this Act, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives a copy of all regulations promulgated under section 814 of title 10, United States Code, as a result of this section and any recommendations that the Secretary may have concerning the need for additional legislation related to the amenability of members of the armed forces to civil authority.

GRASSLEY (AND OTHERS) AMENDMENT NO. 2059

Mr. GRASSLEY (for himself, Mr. ROTH and Mr. HARKIN) proposed an amendment to the bill S. 2355, supra; as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 823. LIMITATION ON ALLOWABILITY OF COSTS OF CONTRACTORS INCURRED IN CERTAIN PROCEEDINGS.

(a) LIMIT ON COSTS.—Subparagraph (C) of section 2324(e)(1) of title 10, United States Code, is amended to read as follows:

"(C) Proceeding costs incurred in connection with any proceeding brought by the United States or a State or local government that relates to a violation of, or failure to comply with, any Federal, State, or local law or regulation on the part of the contractor if the proceeding results in any of the following:

"(i) A conviction (including a conviction pursuant to a plea of nolo contendere), a civil judgment, containing a finding of liability, or an administrative finding of liability, by reason of such violation or failure to comply.

"(ii) A decision to debar or suspend the contractor or rescind, void, or terminate the contract.".

(b) LIMIT ON ATTORNEYS FEES.—Section 2324(e)(1) of such title is amended by adding at the end the following new subparagraph:

"(L) Costs in excess of a rate of $75 per hour for attorney or agent fees incurred by a contractor in connection with any proceeding brought by the United States or a State or local government that relates to a violation of, or failure to comply with, any Federal, State, or local law or regulation on the part of a contractor that does not result in any of the actions described in clause (i) or (ii) of subparagraph (C), except that costs of attorney or agent fees in excess of a rate of $75 per hour are allowable if the contracting officer finds that a special factor (such as the limited availability of qualified attorneys or agents) justifies an award of higher fees.".

(c) DEFINITIONS.—Section 2324(k) of such title is amended to read as follows:

"(k) In this section:

"(1) The term 'covered contract' means a contract for an amount more than $100,000 entered into by the Department of Defense other than a fixed-price contract without cost incentives.

"(2) The term 'proceeding' means a civil, criminal, or administrative investigation, prosecution, or proceeding.

"(3) The term 'proceeding costs' means all costs relating to a proceeding incurred before, during, or after the commencement of the proceeding, and such term includes—

"(A) administrative and clerical expenses;

"(B) the cost of legal services (whether performed by an employee of the contractor or otherwise);

"(C) the cost of the services of accountants and consultants retained by a contractor; and

"(D) the salaries and wages of employees, including officers and directors.".

(d) APPLICABILITY.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

PRYOR AMENDMENT NO. 2060

Mr. PRYOR proposed an amendment to the bill S. 2355, supra; as follows:

On page 25, between lines 2 and 3, insert the following new section:

SEC. 110. BIGEYE BOMB.

Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1989 or any subsequent fiscal year may not be obligated or expended for procurement of the BIGEYE binary chemical bomb, for any component of such bomb, or for the assembly of such bomb unless and until the Comptroller General of the United States determines and certifies to Congress that—

(1) the operational and developmental tests conducted in connection with such bomb after the date of enactment of this Act were realistic and adequate;

(2) the test plan and objectives established for such bomb were clear, well defined, and properly quantifiable;

(3) the design of such test supports a valid statistical analysis of data;

(4) the criteria for a no-test were adequately defined in the test plan for such bomb;

(5) such bomb met or exceeded the test standards established for the bomb; and

(6) such bomb is ready for full-scale production.

LEVIN AMENDMENT NO. 2061

Mr. LEVIN proposed an amendment to amendment No. 2059, proposed by Mr. GRASSLEY (and others) to the bill S. 2355, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. 823. LIMITATION ON ALLOWABILITY OF COSTS OF CONTRACTORS INCURRED IN CERTAIN PROCEEDINGS.

(a) LIMIT ON COSTS.—Subparagraph (C) of section 2324(e)(1) of title 10, United States Code, is amended to read as follows:

"(C) Proceeding costs incurred in connection with any proceeding brought by the United States or a State government that relates to a violation of, or failure to comply with, any Federal or State law or regulation on the part of the contractor if the proceeding results in any of the following:

(i) A conviction (including a conviction pursuant to a plea of nolo contendere) by reason of such violation or failure to comply;

(ii) The assessment of a monetary penalty by reason of a civil or administrative finding of such violation or failure to comply;

(iii) A civil judgment containing a finding of liability, or an administrative finding of liability, by reason of such violation or failure to comply, where the charges which are the subject of the proceeding involve fraud or similar offenses;

(iv) A decision to debar or suspend the contractor or rescind, void, or terminate a contract for default, by reason of such violation or failure to comply; or

(v) Resolution of the proceeding by consent or compromise, where the penalty or relief sought by the government included the actions described in subparagraphs (i) through (iv).

(b) DEFINITIONS.—Section 2324(k) of such title is amended to read as follows:

"(k) In this section:

"(1) The term 'covered contract' means a contract for an amount more than $100,000 entered into by the Department of Defense other than a fixed-price contract without cost incentives.

"(2) The term 'proceeding' means a civil, criminal, or administrative investigation, prosecution, or proceeding.

"(3) The term 'proceeding costs' means all costs relating to a proceeding incurred before, during, or after the commencement of the proceeding, and such term includes—

"(A) administrative and clerical expenses;

"(B) the cost of legal services (whether performed by an employee of the contractor or otherwise);

"(C) the cost of the services of accountants and consultants retained by a contractor; and

"(D) the salaries and wages of employees, including officers and directors.".

(c) APPLICABILITY.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

METZENBAUM AMENDMENT NO. 2062

Mr. METZENBUAM proposed an amendment to the bill S. 2355, supra; as follows:

At the end of title IX of division A of the bill add the following:

SEC. . CONDITIONS FOR SALE OR OTHER TRANSFER OF F-15 AIRCRAFT TO SAUDI ARABIA.

Notwithstanding any other provision of law, any sale or other transfer to Saudi Arabia by the United States of F-15 aircraft shall be subject to the following conditions:

(1) Any such F-15 aircraft sold or otherwise transferred to Saudi Arabia shall be limited to models A, B, C, and D.

(2) The United States shall not sell or otherwise transfer to Saudi Arabia the F-15-E with a ground attack capability and shall not upgrade existing Saudi aircraft to that capability.

(3) Saudi Arabia shall not possess more than 60 F-15 aircraft at any time, except that additional replacement F-15 aircraft may be held in the United States, at the expense of Saudi Arabia, for shipment to Saudi Arabia only after the President notifies the Congress that the existing inventory of F-15 aircraft held by Saudi Arabia is less than 60 and, then, only on a one-for-one replacement basis as each F-15 aircraft is totally removed from the inventory of Saudi Arabia.

NICKLES (AND BOREN) AMENDMENT NO. 2063

Mr. DIXON (for Mr. Nickles, for himself and Mr. Boren) proposed an amendment to the bill S. 2355, supra; as follows:

On page 216, after line 4, insert the following:

Fort Sill, Oklahoma, $54,000,000

At the appropriate place in the bill, insert the following new section:

SEC. . REYNOLDS ARMY COMMUNITY HOSPITAL, FORT SILL, OKLAHOMA, AND SEOUL ARMY COMMUNITY HOSPITAL, SEOUL, KOREA.

(a) Authorization To Contract in Advance of Appropriations. (1) Subject to paragraph 2401(a), the Secretary of Defense may enter into one or more contracts, in advance of appropriations therefore, for the construction of the military construction projects authorized by section 2401(a) to be accomplished at Reynolds Army Community Hospital, Fort Sill, Oklahoma and the Seoul Army Community Hospital, Seoul, Korea, if each such contract limits the amount of payments that the Federal Government is obligated to make under such contracts to the amount of appropriations available, at the time such contract is entered into, for obligation under such contract.

On page 220, line 19, strike $201,811,000 and insert in lieu thereof, $228,811,000.

On page 220, line 22, strike $289,010,000 and insert in lieu thereof, $262,010,000.

On page 222, after line 4, insert the following:

(11) For military construction project at Reynolds Army Community Hospital, Fort Sill, Oklahoma authorized by section 2401(a) of the Military Construction Authorization Act $27,000,000.

(12) For military construction project at Seoul Army Community Hospital, Seoul, Korea authorized by section 2401(a) of the Military Construction Authorization Act $28,000,000.

McCLURE (AND OTHERS) AMENDMENT NO. 2064

Mr. McCLURE (for himself, Mr. Helms, Mr. Armstrong, and Mr. Boren) proposed an amendment to the bill S. 2355, supra; as follows:

Add at the end of the bill the following new section:

"SEC. . ENFORCEMENT OF THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (ALSO KNOWN AS "THE HELSINKI FINAL ACT")

"(a) No country signatory to the Final Act of the Conference on Security and Cooperation in Europe (also known as "the Helsinki Final Act") which as of May 1, 1988, did not enjoy Most Favored Nation (MFN) trade status with the United States shall be extended such status unless the President first certifies in writing to the Chairman of the Committee on Foreign Relations of the Senate and to the Chairman of the Committee on Foreign Affairs of the House of Representatives that such signatory country is in complete compliance or in substantially complete compliance with such Final Act, particularly the human rights and humanitarian affairs provisions.

"(b) For the purposes of the foregoing Subsection, "substantially complete compliance" is defined as—

"(1) A pattern of compliance with the requirements of the Helsinki Final Act in a manner comparable to that displayed by democratic signatory countries, with any violations clearly the rare and exceptional act of local authorities contrary to established policy and generally observed practice in such country;

"(2) The existence, in theory and in practice, of legal procedures and presumptions, statutes, administrative regulations, limitations on law enforcement authorities, and judicial means of redress that facilitate and encourage, rather than frustrate, the exercise of basic rights as specified in the Helsinki Final Act by the citizens and inhabitants of such country; and

"(3) The ability of citizens of such country and citizens of other signatory countries, in theory and in practice, freely to monitor the performance of the governmental authorities of such country with regard to the requirements of the Helsinki Final Act throughout the territory of such country, and to publicize their findings, both in such country and abroad.".

BYRD (AND OTHERS) AMENDMENT NO. 2065

Mr. BYRD (for himself, Mr. Dole, Mr. Exon, Mr. Pell, Mr. Wilson, Mr. Boren, Mr. Thurmond, Mr. Lugar, and Mr. Sasser) proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. 17. ANALYSIS OF ALTERNATIVE STRATEGIC NUCLEAR FORCE POSTURES FOR THE UNITED STATES UNDER A POTENTIAL START TREATY.

(a) Findings.—Congress makes the following findings:

(1) The United States and the Union of Soviet Socialist Republics are engaged in talks regarding the reduction of strategic nuclear arms.

(2) Such talks could result in a Treaty requiring deep reductions in the strategic forces of the United States.

(3) The Senate must advise and consent to the ratification of any such Strategic Arms Reduction Treaty (START).

(4) Any START Treaty should result in a stable balance of strategic forces between the United States and the Soviet Union which enhances the security of the United States.

(5) The Congress must authorize and appropriate the funds to procure such permitted forces as are required to insure the stability of the force balance under any arms reduction agreement.

(6) The Congress faces critical resource choices for fiscal year 1989 and beyond which could substantially influence the strategic force posture of the United States in post-START era.

(b) Presidential Report.—The President shall provide to the Congress prior to the conclusion of any Strategic Arms Reduction Treaty or agreement between the United States and the Soviet Socialist Republics, but in any event not later than September 15, 1988, a comprehensive report, in classified and unclassified form, on the implications such an accord might have for future strategic force postures of the United States in the 1990s. This analysis shall include the following:

(1) Alternative force postures for the United States permitted under an arms reduction agreement, including the Administration's recommended posture.

(2) The costs associated with acquiring each alternative force posture, assessed over at least a seven-year period.

(3) The damage limitation capability, survivability and retaliatory potential of each force posture, and the implications for strategic stability, assessed with regard to the likely force postures of the Soviet Union and the first-strike potential of such Soviet force postures.

(4) The likely effect of Soviet breakout from START on the survivability and effectiveness of the U.S. force posture.

GRAMM AMENDMENT NO. 2066

Mr. GRAMM proposed an amendment to the bill S. 2355, supra; as follows:

On page 153, strike out line 1 and all that follows through page 159, line 10, and insert in lieu thereof the following:

"SEC. 916. REPEAL OF REQUIREMENT RELATING TO PURCHASE OF ANTHRACITE COAL, IN FISCAL YEAR 1988.

"Section 8113 of the Department of Defense Appropriation Act, 1988, is repealed.

SEC. 917. ADVANCE PAYMENT OF ADMINISTRATIVE CLAIMS.

(a) Increase in Maximum Payment.—Subsection (a) of section 2736 of title 10, United States Code, is amended to read as follows:

"(a)(1) Under such regulations as the Secretary of a military department may prescribe, the Secretary or the Judge Advocate General of an armed force may make a payment of an amount not in excess of $100,000 in advance of the submission of a claim or before the final settlement of a claim to or for any person, or the legal representatives of any person, who was injured or killed, or whose property was damaged or lost, under circumstances for which allowance of a claim is authorized by law.

"(2) The Secretary of a military department may delegate to an officer or employee under the jurisdiction of the Secretary the authority to make a payment under paragraph (1) in an amount not to exceed $25,000.

"(3) Payments under this subsection are limited to payments which would otherwise be payable under section 2733 or 2734 of this title or section 715 of title 32.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to any claim which would otherwise be payable under section 2733 or 2734 of title 10, United States Code, or under section 715 of title 32, United States Code, and which has not been finally settled on the date of the enactment of this Act.

SEC. 918. COURT OF MILITARY APPEALS RETIREMENT REVISIONS.

(a) Civil Service Retirement and Disability System.—Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) in section 8336(l), by striking out the second sentence;

(2) in section 8338—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(3) in section 8339(d)(6)—

(A) by striking out "(6) The" and inserting in lieu thereof "(6)(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) If an employee referred to in subparagraph (A) of this paragraph has completed the term of service for which the employee was appointed as a judge of the United States Court of Military Appeals, then the annuity of such employee is the greater of—

"(i) the amount computed as provided in subparagraph (A) of this paragraph; or

"(ii) the amount equal to 80 percent of the rate of pay established for a judge in active service on such court as in effect on the date of such employee's retirement under this subchapter.

"(C) The amount of the annuity under this paragraph is the amount initially payable to the employee at the time of the retirement of the employee and is subject to adjustment under section 8340 of this title."; and

(4) in section 8339(h)—

(A) by inserting "(d)(6)," after "(d)(5)," in the first sentence; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "Notwithstanding the first sentence of this subsection, the annuity of an employee who is a judge or a former judge of the United States Court of Military Appeals and who has completed the term of service for which he was appointed as a judge of such court shall not be reduced.".

(b) Federal Employees' Retirement System.—Chapter 84 of title 5, United States Code, is amended—

(1) in section 8412, by adding at the end the following new subsection:

"(i) An employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, and who is separated from the service after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity,", and

(2) in section 8415, by adding at the end the following new subsection:

"(h)(1) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, who is retiring under section 8412(i) of this title is the greater of—

"(A) the amount computed under paragraph (2) of this subsection; or

"(B) the amount equal to 54 percent of the rate of pay established for a judge in active service on such court as in effect on the date of the retirement.

"(2) The annuity computed in the case of a judge of the United States Court of Military Appeals, or a former judge of such court, for purposes of paragraph (1)(A) is the annuity computed under subsection (a) of this section, except that, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding 5 years) creditable under section 8411 of this title, his annuity is computed by multiplying $1\frac{7}{10}$ percent of his average pay by the number of years of such service that does not exceed 20 years.

"(3) The amount of the annuity under paragraph (1) is the amount initially payable to an employee referred to in paragraph (1) and is subject to adjustment under section 8462 of this title.".

(c) Effective Date.—The amendments made by this section shall take effect with respect to judges of the United States Court of Military Appeals whose term of service on such court ends on or after the date of the enactment of this Act.

SEC. 919. VOLUNTARY LEGAL ASSISTANCE.

(a) Acceptance of Voluntary Services.—Section 1044 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person voluntary attorney, paralegal, clerical, or related services for the provision of legal assistance under this section. Such services shall be performed under the direction and control of the judge advocate or chief legal officer of the command for which the legal assistance services are performed.".

(b) Defense of Suits.—Section 1054(a) of title 10, United States Code, is amended by striking out "title 32)" and inserting in lieu thereof "title 32 and persons furnishing voluntary services that are accepted under section 1044(b) of this title).

"SEC. 920. LEASING OF CERTAIN AIRCRAFT FOR FLEET ELECTRONIC WARFARE SUPPORT GROUP ACTIVITIES.".

GRAMM AMENDMENT NO. 2067

Mr. GRAMM proposed an amendment to the bill S. 2355, supra; as follows:

On page 115, strike out line 3 and all that follows through page 159, line 4, and insert in lieu thereof the following:

SEC. 809. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) Purpose of Program.—Section 2412 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause (3):

"(3) to encourage eligible entities to furnish to business entities, especially small businesses, procurement technical assistance that facilitates the exporting of defense-related products and services by such business entities.".

(b) Limitation.—Section 2414 of title 10, United States Code, is amended to read as follows:

"§ 2414. Limitation

"(a) In General.—The value of the assistance furnished by the Secretary to any eligible entity to carry out a procurement technical assistance program under a cooperative agreement under this chapter during any fiscal year may not exceed—

"(1) in the case of a program operating on a State-wide basis, $300,000; or

"(2) in the case of a program operating on less than a State-wide basis, $150,000.

"(b) Determinations on Scope of Operations.—A determination of whether a procurement technical assistance program is operating on a State-wide basis or on less than a State-wide basis shall be made in accordance with regulations prescribed by the Secretary of Defense.".

(c) Procurement Technical Assistance for Indian Tribal Organizations.—Section 807(a)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1128) is amended by striking out "amount provided under paragraph (1) for fiscal year 1988, $500,000 shall be available" and inserting in lieu thereof "amounts provided under paragraph (1) for each of fiscal years 1988 and 1989, $500,000 shall be available for each such fiscal year".

SEC. 810. REGULATORY SIMPLIFICATION AND STREAMLINING OF OVERSIGHT ACTIVITIES.

(a) Report.—(1) Not later than December 1, 1988, the Under Secretary of Defense for Acquisition shall submit to Congress a report on the current programs of the Under Secretary regarding simplification of procedures governing the acquisition process of the Department of Defense and an assessment of the results of those programs.

(2) The report shall include the following:

(A) A schedule or timetable to effectuate regulation reform measures based upon the lessons learned from the conduct of such programs.

(B) In the case of any programs described in paragraph (1) which have not been completed—

(i) a methodology for evaluating such programs; and

(ii) a schedule or timetable for completing an assessment of the results of such programs.

(C) A comprehensive analysis of the effects that existing procurement laws, regulations, and guidelines have on the capability of the Department of Defense efficiently and effectively to meet the national defense needs of the United States, including any recommendations for legislation that the Under Secretary considers appropriate to improve that capability.

(D) A description of the results of the studies undertaken by the Under Secretary in conjunction with the Inspector General of the Department of Defense and the Comptroller of the Department of Defense regarding the responsibilities of the Under Secretary under section 133(d) of title 10, United States Code, to prescribe policies for the prevention of duplication by different elements of the Department of Defense.

(E) A discussion of the feasibility and desirability of—

(i) tailoring the degree of audit and oversight conducted by the Department of Defense to the degree of risk assumed by a contractor in the types of contracts entered into with the Department of Defense;

(ii) granting authority to a senior official of the Department of Defense to receive and promptly resolve complaints of acquisition officials and contractors of the Department of Defense regarding allegations of duplicative oversight activities;

(iii) establishing a formal independent means within the Department of Defense to ensure quality, integrity, and professionalism in the performance of audit and oversight activities; and

(iv) establishing and implementing a policy that no oversight organization within the Department of Defense may conduct an audit or review of an activity in the Department of Defense if any other oversight organization of the Department of Defense has conducted an audit or review of such activity within a fixed period of time preceding the proposed audit or review, if the audit or review proposed to be conducted is not substantially different in type and scope from such prior audit or review, and if there is no compelling reason not to rely on the prior audit or review.

(b) AMENDMENT TO SECTION 133(d) OF TITLE 10.—Section 133(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "Such policies shall provide for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.".

SEC. 811. DEPARTMENT OF DEFENSE ADVISORY PANEL ON GOVERNMENT-INDUSTRY RELATIONS.

(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish an advisory panel to study and make recommendations to the Secretary on ways to enhance cooperation between the Department of Defense and industry regarding matters of mutual interest, including—

(1) procedures governing the debarment and suspension of contractors from doing business with the Department of Defense;

(2) the role of self-governing oversight programs established by defense contractors;

(3) expanded use of alternative dispute resolution procedures; and

(4) the desirability of establishing a permanent advisory panel on government-industry relations.

(b) MEMBERSHIP OF ADVISORY PANEL.—The Secretary of Defense shall appoint persons to the advisory panel who are especially qualified to serve on such panel by virtue of their education, training, and experience in defense acquisition matters. The Secretary shall include on the membership of such panel an appropriate balance of persons from government, private industry, and academia.

(c) REPORT DEADLINE.—(1) The Secretary shall require the advisory panel to submit its findings and recommendations to him not later than 180 days after the date on which the panel is appointed.

(2) The Secretary shall transmit a copy of the report of the advisory panel to Congress, together with such comments and recommendations thereon as the Secretary determines appropriate, within 30 days after the date on which the report is submitted to the Secretary.

SEC. 812. EVALUATION OF CONTRACT PROPOSALS FOR PROFESSIONAL AND TECHNICAL SERVICES.

It is the sense of Congress that the evaluation by the Department of Defense of professional and technical services contract proposals should be made on the basis of a 40-hour work week standard.

SEC. 813. ACQUISITION MANAGEMENT AND GOVERNMENT CONTRACTING EDUCATION.

(a) IN GENERAL.—Not later than April 1, 1989, the Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which institutions of higher education offer and conduct educational programs and courses on Government contracting and acquisition management.

(b) CONTENT OF REPORT.—The report shall include—

(1) a description of graduate-level programs and courses on Government acquisition that are currently offered in the fields of public administration, business, and law;

(2) an assessment of the extent to which such programs meet the needs of the Department of Defense and defense industries for highly qualified, entry-level specialists in Government contract administration, Government contract financing, and Government contract law; and

(3) a plan for determining and prescribing appropriate education and training qualifications for applicants for Government contracting and acquisition management positions.

SEC. 814. SCIENCE AND ENGINEERING WORKFORCE STUDY.

The Secretary of Defense shall complete the study that was initiated by the Department of Defense in 1985 for the purpose of determining and testing the factors that increase the supply of minority and women scientists, engineers, and technologists needed by defense industries and the Department of Defense to fulfill the national defense mission.

SEC. 815. AUTHORITY AND RESPONSIBILITIES OF DEPARTMENT OF DEFENSE ACQUISITION OFFICERS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2303 the following new section:

"§ 2303a. Authority and responsibilities of program managers and contracting officers

"The Secretary of Defense shall prescribe by regulation the authority and responsibilities of Department of Defense acquisition program managers and contracting officers. The Secretary shall ensure that such regulations provide acquisition program managers and contracting officers with decision-making authority that is commensurate with their responsibilities.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2303 the following new item:

"2303a. Authority and responsibilities of program managers and contracting officers.".

(b) IMPLEMENTATION.—The Secretary of Defense shall prescribe the regulations required by section 2303a of title 10, United States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

SEC. 816. PRODUCT EVALUATION.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code (as amended by section 233), is further amended by adding at the end the following new section:

"§ 2369. Product evaluation activity

"(a) ESTABLISHMENT.—There is established within the Department of Defense an office for the supervision and coordination of product evaluation activities within the Department of Defense. The Under Secretary of Defense for Acquisition shall be the head of such office.

"(b) CONDUCT OF PRODUCT EVALUATION.—(1) The Secretary of each military department and the head of each Defense Agency may, subject to supervision and coordination by the Under Secretary of Defense for Acquisition, establish and conduct a product evaluation activity.

"(2) The purpose of each product evaluation activity established under paragraph (1) is to evaluate products developed by private industry independent of any contract or other arrangement with the United States in order to determine the utility of such products to the Department of Defense.

"(c) COST SHARING.—As a condition to conducting an evaluation of any product under this section, the producer of the product shall be required to pay one half of the cost of conducting such evaluation.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 233) is further amended by adding at the end the following new item:

"2369. Product evaluation activity.".

SEC. 817. CRITICAL TECHNOLOGIES PLAN.

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code (as amended by sections 233 and 816(a)), is further amended by adding at the end the following new section:

"§ 2370. Critical technologies plan

"(a) ANNUAL PLAN.—(1) Not later than March 15 of each year, the Under Secretary of Defense for Acquisition, in consultation with the Assistant Secretary of Energy for Defense Programs, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for developing the 20 technologies considered by the Secretary of Defense and the Secretary of Energy to be the technologies most essential to develop in order to ensure the long-term qualitative superiority of United States weapon systems.

"(2) In selecting the technologies to be included in the plan, the Secretary of Defense and the Secretary of Energy shall consider both product technologies and process technologies.

"(3) Such plan shall be submitted in both classified and unclassified form.

"(b) CONTENT OF PLAN.—Each plan submitted under subsection (a) shall include, with respect to each technology included in the plan, the following matters:

"(1) The reasons for selecting such technology.

"(2) The milestone goals for the development of such technology.

"(3) The amounts contained in the budgets of the Department of Defense, the Department of Energy, and other departments and agencies for the support of the development of such technology for the fiscal year in which the plan is submitted.

"(4) A comparison of the relative positions of the United States and the Soviet Union in the development of such technology.

"(5) The potential contributions that the allies of the United States can make to meet the needs of the alliance for such technology.

"(6) The extent to which the United States should depend on its allies for the development of such technology.

"(7) The potential contributions that the private sector can be expected to make from its own resources in connection with development of civilian applications for such technology.".

(2) The table of sections at the beginning of such chapter (as amended by sections 233 and 816(a)) is further amended by adding at the end the following new item:

"2370. Critical technologies plan.".

(b) FIRST REPORT.—The first report under section 2370 of title 10, United States Code (as added by subsection (a)), shall be submitted in 1989.

SEC. 818. UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) INSPECTOR GENERAL AUDITS.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) INSPECTOR GENERAL AUDITS.—The Inspector General of the Department of Defense shall—

"(1) conduct periodic audits of contractual actions by the Defense Agencies, the Department of Defense field activities, and the military departments; and

"(2) after each audit, submit to Congress a report on the management of undefinitized contractual actions by each head of an agency, including the percentage of all contractual actions of such agency that are undefinitized contractual actions.".

(b) REPEAL OF REDUNDANT REPORT REQUIREMENT.—Section 908(a)(4) of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3919; 10 U.S.C. 2326 note) is amended by striking out subparagraphs (C), (D), and (E).

SEC. 819. COMPETITIVE PROTOTYPE STRATEGIES.

Section 2365 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "(or a subsystem of such system)";

(2) in subsection (b)—

(A) by striking out "or subsystem" in clause (1);

(B) by striking out "or subsystems" in the matter before subclause (A) in clause (2);

(C) by striking out "or subsystem" in clause (2)(B); and

(D) by striking out "or subsystem" in clause (3);

(3) in subsection (c)—

(A) by striking out "(or subsystem of such system)" in the matter before clause (1)

(B) by striking out "or subsystem" in clause (1)(A); and

(C) by striking out subclause (B) of clause (1) and inserting in lieu thereof the following:

"(B) a report that fully explains why the use of such a strategy is not practicable; and"; and

(4) in subsection (d)—

(A) by striking out "major" the second place it appears in paragraph (1); and

(B) by striking out paragraph (3).

SEC. 820. NEGOTIATION OF SUBCONTRACTING PLANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following new paragraph:

"(12) A subcontracting plan negotiated by a Federal agency and a contractor for purposes of paragraph (4) or (5) shall apply to the contractor or, if the plan so provides, only to the organizational component or components of the contractor that perform the contract.".

SEC. 821. SMALL BUSINESS ADMINISTRATION CERTIFICATE OF COMPETENCY.

Section 8(b)(7)(C) of the Small Business Act (15 U.S.C. 637(b)(7)(C)) is amended by striking the last sentence and inserting in lieu thereof the following: "In the case of a small purchase contract (within the meaning of section 2304(g)(2) of title 10, United States Code, with respect to contracts awarded pursuant to chapter 137 of such title, or within the meaning of section 303(g)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(2)) with respect to contracts awarded pursuant to title III of such Act), a contracting officer shall not be required to refer a determination of nonresponsibility to the Administration unless the small business concern applies to the Administration for a determination of its responsibility and requests the issuance of a certificate. Nothing in this paragraph requires the processing of an application for certification if the small business concern to which any referral pertains declines to have the application processed.".

SEC. 822. PROCUREMENT OF CRITICAL SPARE OR REPAIR PARTS FOR AIRCRAFT.

(a) IN GENERAL.—The Secretary of a military department procuring a spare or repair part that is critical to the operation of an aircraft shall require the contractor to supply a part that meets applicable qualification and quality requirements.

(b) APPLICABLE REQUIREMENTS.—The qualification and quality requirements applicable to a spare or repair part referred to in subsection (a) for an aircraft shall be at least as stringent as (1) those qualification and quality requirements that applied to the original part included in the aircraft at the time the aircraft was procured, or (2) if the original part has been redesigned for use in such aircraft, those qualification and quality requirements that applied to the redesigned part.

(c) CONSTRUCTION.—Nothing in this section limits the application of section 2319 of title 10, United States Code, to the procurement of spare or repair parts described in subsection (a).

(d) EFFECTIVE DATE.—This section shall apply with respect to solicitations for contracts (for the supply of parts) that are issued on or after the date of the enactment of this Act.

TITLE IX—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 901. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in title I, II, or III for any fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 902. FISCAL YEAR 1988 DEFENSE FUNDS TRANSFER AUTHORITY.

(a) ENHANCED TRANSFER AUTHORITY.—Section 1201(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153) is amended—

(1) by inserting "of this Act or any prior defense authorization Act" in paragraph (1) before "for any fiscal year"; and

(2) by striking out "$2,000,000,000" in paragraph (2) and inserting in lieu thereof "$4,000,000,000".

(b) SPECIFIED PURPOSES.—In determining the purposes for which amounts of authorizations transferred pursuant to section 1201(a) of the Act referred to in subsection (a) will be used, the Secretary of Defense—

(1) shall ensure that an appropriate portion of that authority is used to transfer to operation and maintenance accounts of the Department of Defense for fiscal year 1988 (A) funds for depot maintenance activities in amounts sufficient to reduce service backlogs which would otherwise occur, and (B) funds for pay of civilian personnel in amounts sufficient to prevent furloughs, reductions-in-force, or release of on-call employees into a nonpay status which would otherwise be required due to insufficient funding for civilian personnel of the Department of Defense for fiscal year 1988;

(2) shall give special consideration and priority to civilian employees of the Department of Defense, readiness, and more efficient acquisition processes; and

(3) shall provide funds for other high priority readiness items.

SEC. 903. SUPPLEMENTAL AUTHORIZATIONS FOR FISCAL YEAR 1988.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $8,662,330,000, may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1988 defense appropriations except as otherwise provided in subsection (c).

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1988 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1988 defense authorizations.

(c) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—(1) Amounts described in subsections (a) and (b) may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which the amounts described in subparagraphs (A) through (D) were provided in fiscal year 1988 defense appropriations in excess of authorizations):

(A) Maxicube Cargo System under research, development, test, and evaluation for the Army (for which $10,000,000 was appropriated in excess of authorizations).

(B) Coastal Defense Augmentation (for which $20,000,000 was appropriated in excess of authorizations).

(C) AN/SQR-17 Acoustic Processors for the Mobile In-Shore Undersea Warfare group (for which $10,000,000 was appropriated in excess of authorizations).

(D) P-3C aircraft under procurement of National Guard and Reserve Equipment (for which $193,800,000 was appropriated in excess of authorizations).

(2)(A) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(B) For purposes of this paragraph, the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking, and engagement), reaction time, and operation in the presence of electronic countermeasures.

(3) None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition report submitted to Congress for the quarter ending December 31, 1986).

(4) Funds appropriated for procurement of weapons and tracked combat vehicles for the Army for modification of M60 tanks in the amount of $90,000,000 may be used only for procurement or modification of M1 tanks.

(d) Applicable Limitations and Requirements.—All limitations and requirements set forth in the Department of Defense Authorization Act, 1988, shall apply to the obligation of funds authorized by subsection (a) in the same manner as if the funds made available for obligation by such section had been authorized in that Act.

(e) Transfer Authority.—For the purposes of section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153)—

(1) authorizations in subsection (a) shall be deemed to have been made available to the Department of Defense in such Act; and

(2) $233,800,000 (the sum of the amounts described in subsection (c)(1) of this section) shall be deemed to have been authorized by such Act in equal amounts to the Army, Navy, and Air Force for operation and maintenance for the exclusive purpose of preventing the furlough and separation of civilian employees and for the purpose of funding other high priority readiness programs.

(f) Repeal of Certain General Provisions.—Sections 8098 and 8140 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), are repealed.

(g) Definitions.—In this section:

(1) The term "fiscal year 1988 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1988 in the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202).

(2) The term "fiscal year 1988 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1988 in the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180).

SEC. 904. LIMITATION ON OBLIGATION OF UNAUTHORIZED DEFENSE APPROPRIATIONS.

(a) In General.—(1) Part I of subtitle A of title 10, United States Code, is amended by redesignating chapter 9 as chapter 10 and inserting after chapter 8 the following new chapter:

"CHAPTER 9—OBLIGATION OF APPROPRIATIONS

"Sec.
"211. Unauthorized defense appropriations: limitation on obligation; definition.
"212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities.
"213. Contingent general continuing authorization for Department of Defense operations.
"214. Exclusion of permanent appropriations and trust funds.
"215. Unauthorized defense appropriations: waiver of Impoundment Control Act.
"216. Exemption of National Security Act of 1947.
"217. Rule of construction.
"218. Definition: defense appropriation.

"§ 211. Unauthorized defense appropriations: limitation on obligation; definition

"(a) Limitation on Obligations.—An unauthorized defense appropriation may not be obligated unless (and only to the extent that) the obligation of such appropriation is specifically authorized by law after the enactment of such appropriation.

"(b) Specification of Unauthorized Appropriations.—A defense appropriation is unauthorized to the extent it is made without having been authorized by law as required by section 114(a) of this title.

"§ 212. Appropriated amounts available for obligation: limitation with respect to unauthorized programs, projects, and activities

"(a) Reduction in Amounts Available for Obligation Attributable to Unauthorized Programs, Projects, and Activities.—(1) Of any amount appropriated to the Department of Defense in an appropriation law, the amount that may be obligated or expended is the amount appropriated reduced by any amount determined with respect to that appropriation under paragraph (2)(B).

"(2) Upon the enactment of a law making a defense appropriation, the Secretary of Defense shall determine, with respect to each defense appropriation provided in that law—

"(A) whether any part of such appropriation provides funds for an unauthorized program, project, or activity; and

"(B) if there are funds provided as part of any such appropriation for an unauthorized program, project, or activity, the total amount of funds provided under such appropriation for all such unauthorized programs, projects, and activities.

"(3) A determination under paragraph (2) shall be made with respect to a defense appropriation for a fiscal year immediately upon enactment of the law making that appropriation. However, if as of the enactment of such law there has not been enacted a law specifically authorizing appropriations for that fiscal year for the purposes named in section 114(a) of this title, such determination shall be made immediately after enactment of such an authorization law.

"(4) Not later than 30 days after the enactment of such an appropriation or authorization law (whichever is enacted later), the Secretary shall submit to Congress a report identifying—

"(A) any unauthorized program, project, or activity; and

"(B) any amount determined under paragraph (2)(B).

"(b) Comptroller General Review and Report.—(1) The Comptroller General shall promptly review each report of the Secretary under subsection (a). The Comptroller General shall submit a report to Congress if the Comptroller General determines—

"(A) that the law with respect to which the Secretary submitted a report provides appropriations for an unauthorized program, project, or activity in addition to those identified in the report of the Secretary; or

"(B) that a program, project, or activity identified in that report as an unauthorized program, project, or activity is not unauthorized.

"(2) A report under paragraph (1)—

"(A) shall identify those defense appropriations, and programs, projects, and activities under appropriations, with respect to which the Comptroller General made determinations under subparagraphs (A) and (B), respectively, of such paragraph; and

"(B) shall include such comments and recommendations as the Comptroller General considers appropriate.

"(3) Such a report shall be submitted not later than 30 days after the date on which the report of the Secretary under subsection (a) is received by Congress.

"(c) Unauthorized Program, Project, or Activity Defined.—In this section, the term 'unauthorized program, project, or activity' means a program, project, or activity of the Department of Defense for which an amount is provided under a defense appropriation in an amount greater than the amount authorized to be appropriated for such program, project, or activity in a law other than an appropriation law.

"§ 213. Contingent general continuing authorization for Department of Defense operations

"(a) General Rule.—If as of the first day of a fiscal year there has not been enacted a law specifically authorizing appropriations for that fiscal year for a purpose named in section 114(a) of this title, then funds appropriated or otherwise made available for that fiscal year for that purpose may be obligated to the extent provided in subsections (b) and (c).

"(b) Rate at Which Operating Funds May Be Obligated Under General Continuing Authority.—(1) Funds described in subsection (a) that are appropriated or otherwise made available for a purpose named in paragraph (2) may be obligated at a rate consistent with the least of the following:

"(A) The annual budget authority provided under the law appropriating those funds.

"(B) The annual budget authority provided for that purpose for the previous fiscal year.

"(C) The annual budget authority requested for that purpose in the budget submitted to Congress pursuant to section 1105 of title 31 for the fiscal year concerned.

"(2) Paragraph (1) applies only with respect to funds appropriated for any of the following purposes:

"(A) Pay for civilian personnel.

"(B) Operation and maintenance activities.

"(C) Continuing research, development, test, and evaluation activities.

"(c) Rule Upon Subsequent Enactment of an Authorization.—If subsection (a) is applicable to funds appropriated or otherwise made available for a fiscal year for a purpose described in section 114(a) of this title, then upon the enactment of a law specifically authorizing appropriations for that fiscal year for such purpose—

"(1) this section shall cease to apply with respect to those funds; and

"(2) such funds may be obligated subject to section 211 of this title.

"§ 214. Exclusion of permanent appropriations and trust funds

"The provisions of this chapter do not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department of Defense as authorized by law.

"§ 215. Unauthorized defense appropriations: waiver of Impoundment Control Act

"The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) do not apply to an unauthorized defense appropriation.

"§ 216. Exemption of National Security Act of 1947

"Nothing in this chapter shall be considered to affect the application of section 502 of the National Security Act of 1947 (50 U.S.C. 414).

"§ 217. Rule of construction

"A provision of law does not supersede this chapter unless it does so by specifically referring to this chapter and stating that it supersedes this chapter.

"§ 218. Definition: defense appropriation

"In this chapter, the term 'defense appropriation' means an amount appropriated or otherwise made available by Congress in an appropriation law for one of the purposes stated in section 114(a) of this title.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 9 and inserting in lieu thereof the following:

"9. Obligation of Appropriations. 211
"10. Regular Components.... [no present sections]".

(b) Restatement of Requirement of Authorization of Defense Appropriations.—(1) Subsection (a) of section 114 of title 10, United States Code, is amended to read as follows:

"(a) Funds may not be appropriated for any fiscal year for the military functions of the Department of Defense for any of the following purposes unless such funds are specifically authorized by a law other than an appropriation law:

"(1) Procurement.

"(2) Research, development, test, or evaluation (or acquisition or production related thereto).

"(3) Operation and maintenance.

"(4) A working-capital fund established under section 2208 of this title.

"(5) Military construction.".

(2) Subsection (b) of such section is amended by striking out "subsection (a)(6)" and inserting in lieu thereof "subsection (a)(5)".

(3) The second sentence of section 2208(d) of such title is amended to read as follows: "Further amounts may be provided for working-capital funds from appropriations made for that purpose.".

(c) Effective Date.—Chapter 9 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds appropriated for fiscal years after fiscal year 1988.

Part B—Miscellaneous Matters

SEC. 911. SENSE OF CONGRESS ON EXPANDING CONFIDENCE-BUILDING MEASURES.

(a) Findings.—Congress makes the following findings:

(1) Approximately two years have passed since the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) adjourned in Stockholm following the adoption of measures designed to increase openness and predictability of military activities in Europe.

(2) To date, there have been seven formal observations and challenge inspections which have been conducted in accordance with the Stockholm agreements.

(3) The military leaders of the North Atlantic Treaty Organization have concluded that the Stockholm observations and inspections have positively contributed to an improved understanding of Warsaw Pact forces and capabilities.

(4) The Conventional Stability Talks (CST), which may begin before the end of 1988, will likely require careful and potentially prolonged negotiation.

(5) New negotiations will also begin under the auspices of the Conference on Security and Cooperation in Europe (CSCE) as a follow-on to the Stockholm conference.

(6) The confidence-building measures established at Stockholm could, if expanded, contribute significantly to the success of the CDE follow-on conference and also to the establishment of a procedural framework for verifying a future CST agreement.

(b) Sense of Congress.—It is the sense of Congress that the President should give high priority to developing, in coordination with the North Atlantic Treaty Organization allies of the United States, stabilizing and verifiable proposals for expanding the regime of confidence-building measures in conjunction with the follow-on to the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) and the new Conventional Stability Talks (CST).

SEC. 912. ANNUAL REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS.

(a) Amendment to Public Law 99-145.—Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a), is amended by adding at the end the following: "The President shall specifically include in such report the following:

"(1) A summary of the current status of all arms control agreements in effect between the United States and the Soviet Union.

"(2) An assessment of all violations by the Soviet Union of such agreements and the risks such violations pose to the national security of the United States and its allies.

"(3) A net assessment of the aggregate military significance of all such violations.

"(4) A statement of the compliance policy of the United States with respect to Soviet violations with such agreements.

"(5) What actions, if any, the President has taken or proposes to take to bring the Soviet Union into compliance with its commitments under arms control agreements with the United States.

"(6) If the President in any second consecutive report submitted to Congress under this section reports that the Soviet Union is not in full compliance with all arms control agreements between the United States and the Soviet Union, the President shall include in such report an assessment of what actions are necessary to compensate for such violations.".

(b) Effective Date.—The amendment made by subsection (a) shall be effective beginning with the report to be submitted by the President pursuant to section 1002 of the Department of Defense Authorization Act, 1986, in 1990.

SEC. 913. ANNUAL REPORT ON ARMS CONTROL STRATEGY.

(a) In General.—The President shall submit to Congress each year, not later than December 1, a report containing a comprehensive discussion and analysis of the arms control strategy of the United States. The President shall include in each such report the following:

(1) The nature and sequence of the future arms control efforts of the United States.

(2) A net assessment of the current effects of arms control agreements on the status of, and trends in, the military balance between the United States and the Soviet Union and between the North Atlantic Treaty Organization (NATO) and the Warsaw Pact.

(3) A comprehensive data base on the military balance of forces of the United States and the Soviet Union, and the balance of forces of NATO and the Warsaw Pact countries, that are affected by arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact, including an explanation of the methodology used to analyze the effects on such forces.

(4) A net assessment of the impact that proposed arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact would likely have on United States force plans and contingency plans, including an assessment of the impact that such proposed agreements would have on the risks and costs to the United States.

(5) An assessment of the impact that proposed treaty sub-ceilings, asymmetries, and other factors or qualifications affecting a treaty or arms control proposal would have on the military balance between the United States and the Soviet Union and between NATO and the Warsaw Pact, including an assessment of how such factors increase deterrence and reduce the risk and cost of war.

(6) A statement of the strategy the United States and NATO will use to verify and ensure compliance with proposed arms control treaties between the United States and the Soviet Union and between NATO and the Warsaw Pact.

(7) A discussion of the extent to which and the manner in which the United States intends to consult with its allies regarding proposed arms control agreements between the United States and the Soviet Union and between NATO and the Warsaw Pact.

(8) A discussion of how the United States proposes to tailor its defense structure in order to ensure that the national security can be preserved with or without arms control agreements.

(b) Explanation of Methodology.—In reporting on the current effect of arms control agreements on the status of, and trends in, the military balance of power between the United States and the Soviet Union and between NATO and the Warsaw Pact (required under paragraphs (2) and (3) of subsection (a)), the President shall—

(1) specify the methodology used in analyzing the military balance between the United States and the Soviet Union and express the results of such analyses in terms of (A) static comparisons, and (B) comparisons that include dynamic factors; and

(2) discuss all major scenarios, assumptions, and contingencies, including political confrontation, full-scale war, and serious confrontations not involving full-scale war.

(c) Form of Report.—The President shall submit such report in both classified and unclassified form.

SEC. 914. ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH ALLIED COUNTRIES.

Section 2347(a)(1) of title 10, United States Code, is amended by striking out

"$100,000,000" and inserting in lieu thereof "$200,000,000".

SEC. 915. AUTHORITY TO WAIVE SURCHARGE ON CERTAIN SALES TO NATO.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130a. Waiver authority for certain charges in connection with certain sales to NATO

"(a) The Secretary of Defense may waive, in connection with any sale made by the Department of Defense to the Maintenance and Supply Agency of the North Atlantic Treaty Organization in support of weapon system partnership agreements and NATO/SHAPE projects, the charges that would otherwise be applicable to such sale under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)).

"(b) Funds available to the Department of Defense may be used by the Secretary of Defense to reimburse the fund established to carry out section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)) in the amount of the charges waived under subsection (a).

"(c) DEFINITIONS.—In this section:

"(1) The term 'weapon system partnership agreement' means an agreement between two or more member countries of the Maintenance and Supply Agency of the North Atlantic Treaty Organization that—

"(A) is entered into pursuant to the terms of the charter of that organization; and

"(B) is for the common logistic support of a specific weapon system common to the participating countries.

"(2) The term 'NATO/SHAPE project' means a common-funded project supported by allocated credits from North Atlantic Treaty Organization bodies or by host nations with NATO Infrastructure funds.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"130a. Waiver authority for certain charges in connection with certain sales to NATO.".

"SEC. 916. REPEAL OF REQUIREMENT RELATING TO PURCHASE OF ANTHRACITE COAL IN FISCAL YEAR 1988.

"Section 8113 of the Department of Defense Appropriation Act, 1988, is repealed."

SEC. 917. ADVANCE PAYMENT OF ADMINISTRATIVE CLAIMS.

(a) INCREASE IN MAXIMUM PAYMENT.—Subsection (a) of section 2736 of title 10, United States Code, is amended to read as follows:

"(a)(1) Under such regulations as the Secretary of a military department may prescribe, the Secretary or the Judge Advocate General of an armed force may make a payment of an amount not in excess of $100,000 in advance of the submission of a claim or before the final settlement of a claim to or for any person, or the legal representatives of any person, who was injured or killed, or whose property was damaged or lost, under circumstances for which allowance of a claim is authorized by law.

"(2) The Secretary of a military department may delegate to an officer or employee under the jurisdiction of the Secretary the authority to make a payment under paragraph (1) in an amount not to exceed $25,000.

"(3) Payments under this subsection are limited to payments which would otherwise be payable under section 2733 or 2734 of this title or section 715 of title 32.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any claim which would otherwise be payable under section 2733 or 2734 of title 10, United States Code, or under section 715 of title 32, United States Code, and which has not been finally settled on the date of the enactment of this Act.

SEC. 918. COURT OF MILITARY APPEALS RETIREMENT REVISIONS.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) in section 8336(l), by striking out the second sentence;

(2) in section 8338—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(3) in section 8339(d)(6)—

(A) by striking out "(6) The" and inserting in lieu thereof "(6)(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) If an employee referred to in subparagraph (A) of this paragraph has completed the term of service for which the employee was appointed as a judge of the United States Court of Military Appeals, then the annuity of such employee is the greater of—

"(i) the amount computed as provided in subparagraph (A) of this paragraph; or

"(ii) the amount equal to 80 percent of the rate of pay established for a judge in active service on such court as in effect on the date of such employee's retirement under this subchapter.

"(C) The amount of the annuity under this paragraph is the amount initially payable to the employee at the time of the retirement of the employee and is subject to adjustment under section 8340 of this title."; and

(4) in section 8339(h)—

(A) by inserting "(d)(6), " after "(d)(5)," in the first sentence; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "Notwithstanding the first sentence of this subsection, the annuity of an employee who is a judge or a former judge of the United States Court of Military Appeals and who has completed the term of service for which he was appointed as a judge of such court shall not be reduced.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Chapter 84 of title 5, United States Code, is amended—

(1) in section 8412, by adding at the end the following new subsection:

"(i) An employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, and who is separated from the service after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity."; and

(2) in section 8415, by adding at the end the following new subsection:

"(h)(1) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, who is retiring under section 8412(i) of this title is the greater of—

"(A) the amount computed under paragraph (2) of this subsection; or

"(B) the amount equal to 54 percent of the rate of pay established for a judge in active service on such court as in effect on the date of the retirement.

"(2) The annuity computed in the case of a judge of the United States Court of Military Appeals, or a former judge of such court, for purposes of paragraph (1)(A) is the annuity computed under subsection (a) of this section, except that, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding 5 years) creditable under section 8411 of this title, his annuity is computed by multiplying $1\frac{7}{10}$ percent of his average pay by the number of years of such service that does not exceed 20 years.

"(3) The amount of the annuity under paragraph (1) is the amount initially payable to an employee referred to in paragraph (1) and is subject to adjustment under section 8462 of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to judges of the United States Court of Military Appeals whose term of service on such court ends on or after the date of the enactment of this Act.

SEC. 919. VOLUNTARY LEGAL ASSISTANCE.

(a) ACCEPTANCE OF VOLUNTARY SERVICES.—Section 1044 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person voluntary attorney, paralegal, clerical, or related services for the provision of legal assistance under this section. Such services shall be performed under the direction and control of the judge advocate or chief legal officer of the command for which the legal assistance services are performed.".

(b) DEFENSE OF SUITS.—Section 1054(a) of title 10, United States Code, is amended by striking out "title 32)" and inserting in lieu thereof "title 32 and persons furnishing voluntary services that are accepted under section 1044(b) of this title)".

SEC. 921. LEASE OF AIRCRAFT FOR FLEET ELECTRONIC WARFARE SUPPORT GROUP ACTIVITIES.

The Secretary of the Navy may lease aircraft for Fleet Electronic Warfare Support Group activities in accordance with section 2401 of title 10, United States Code, if the cost of such a lease is less by at least one dollar, than the cost of operating and maintaining the same number of existing aircraft of the Navy for that purpose.

BYRD (AND OTHERS) AMENDMENT NO. 2068

Mr. BYRD (for himself, Mr. HEINZ, and Mr. SPECTER) proposed an amendment to amendment No. 2067 proposed by Mr. GRAMM to the bill S. 2355, supra; as follows:

On page 1, line 4, strike all after "sec." and insert the following:

SEC. 916. RESTRICTIONS ON CONVERSION TO DISTRICT, DIRECT NATURAL GAS, AND OTHER HEATING SYSTEMS IN THE FEDERAL REPUBLIC OF GERMANY.

(a) RESTRICTION ON CONVERSIONS.—Beginning on May 13, 1988, and ending on July 1, 1989, neither the Secretary of Defense nor the Secretaries of the military departments may enter into any agreement or contract to convert a heating facility at a military installation outside the United States to district heat, direct natural gas, or other sources of fuel.

WILSON (AND OTHERS) AMENDMENT NO. 2069

Mr. WILSON (for himself, Mr. NUNN, Mr. WARNER, Mr. DECONCINI, Mr. D'AMATO, Mr. GRAHAM, Mr. THURMOND, Mr. CHILES, Mr. DOLE, Mr. SASSER, Mr. BOSCHWITZ, Mr. DIXON, Mr. BENTSEN, Mr. TRIBLE, Mr. DURENBERGER, Mr. GRAMM, Mr. MURKOWSKI, Mr. GORE, Mr. WIRTH, Mr. STEVENS, Mr. MCCONNELL, Mr. DOMENICI, Mr. CONRAD, Mr. ROTH, Mr. WALLOP, Mr. BOREN, Mr. EXON, Mr. HOLLINGS, Mr. LAUTENBERG, and Mr. LUGAR) proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new sections:

SEC. 931. DRUG ENFORCEMENT ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) the transport of weapons, drugs, and other contraband, as well as terrorists, across the borders of the United States constitutes a threat to the national security;

(2) a mission of the armed forces of the United States will be to assist Federal law enforcement agencies responsible for the interdiction of illicit drugs entering the United States by an aircraft or vessel;

(3) the additional resources and funds necessary to carry out this section should be made available to the Department of Defense; and

(4) activities under this section by members of the armed forces should be carried out to the maximum extent practicable in consultation and cooperation with appropriate law enforcement agencies.

(b) GUIDELINES TO THE MILITARY DEPARTMENTS.—Section 113 of title 10, United States Code, is amended by adding at the end of the following new subsection:

"(k) The Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the Secretaries of the military departments and to the Commanders of the Combatant Commands written guidelines to direct the effective detection and monitoring by the Army, Navy, Air Force, and Marine Corps of all potential aerial and maritime threats to the national security of the United States. Such guidelines shall include guidance on the specific force levels and specific supporting resources to be made available for the period of time for which such guidelines are to be effective."

(c) LEAD AGENCY FOR DETECTION.—(1) Not later than 30 days after the date of enactment of this Act, the President shall designate a single lead agency for detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(2) It is the sense of the Congress that the Department of Defense has unique capabilities, experience, equipment, and trained personnel and has contributed to the detection and monitoring of aerial and maritime transit of illegal drugs into the United States, and the President shall give priority consideration to these factors in making the designation required by paragraph (1).

(d)(1) COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE NETWORK.—Not later than 90 days after the date of enactment of this Act, the President shall report to Congress his plan for integration by the Department of Defense of command, control, communications, and intelligence assets of the United States dedicated to the interdiction of illegal drugs.

(2) Not later than 120 days after submission of the report required by paragraph (1), the President shall report to Congress his plan for assignment of the responsibility for operating the command, control, communications, and intelligence network described in paragraph (1).

(e) AIRBORNE RADAR COVERAGE.—As soon as practicable after the date of enactment of this Act, the President shall deploy radar surveillance aircraft in sufficient numbers to provide an appropriate increase in the flying hours dedicated to drug interdiction. An appropriate increase of flying hours shall be dedicated to assistance to civilian agencies responsible for drug interdiction. An appropriate increase of flying hours shall be dedicated to such assistance along the Southwest border of the United States until such time as the aerostat radar surveillance systems that, as of the date of enactment of this Act, are planned for installation along such borders, are fully operational.

(f) LOAN OF PURSUIT AIRCRAFT.—The Department of Defense shall make available to the Coast Guard and Customs Service rotor wing and fixed wing aircraft of the armed forces to be used by such agencies in the pursuit of aircraft or vessels involved in illegal drug operations.

(g) DRUG INTERDICTION ASSISTANCE.—(1) Section 374(c)(2) of title 10, United States Code, is amended by inserting at the end thereof the following new subparagraph:

"(C) Equipment operated by or with the assistance of personnel of the Department of Defense for the purpose of monitoring and communicating the movement of air and sea traffic (including equipment operated by or with the assistance of personnel assigned under subsection (a)) may be used to intercept vessels and aircraft for the purpose of identifying and communicating with such vessels and aircraft and directing such vessels and aircraft to a location designated by appropriate civilian drug enforcement officials.".

(2) Section 374(c)(1) of title 10, United States Code, is amended by—

(1) striking out "In an emergency circumstance, equipment" and inserting in lieu thereof "Equipment"; and

(2) striking out "determine an emergency circumstance exists" and inserting in lieu thereof "approve such assistance".

(3) Section 379 of title 10, United States Code, is amended by inserting the following new subsections at the end thereof:

"(e) Under regulations jointly prescribed by the Secretary of Defense and the Secretary of Transportation in consultation with the Attorney General, members of the armed forces who—

"(1) are assigned to duty on vessels of the Navy to which a member of the Coast Guard has been assigned under this section.

"(2) have been provided with appropriate training in the law enforcement functions of the Coast Guard, and

"(3) have been designated by an authorized member of the Coast Guard to perform the law enforcement functions of the Coast Guard

may, outside the United States, assist or perform any of the law enforcement functions of the Coast Guard under section 89 of title 14, United States Code.

"(f) Upon motion by the Attorney General or his designee, any civil action, claim, or proceeding brought against any member of the armed forces arising from such member's performance of duties under this chapter shall be deemed an action exclusively against the United States and the United States shall be substituted as a party defendant. The United States shall be entitled to all defenses otherwise available to an employee of the United States under state or Federal law as well as defenses to which the United States is independently entitled.".

(h) ENHANCED DRUG INTERDICTION AND ENFORCEMENT ROLE FOR THE NATIONAL GUARD

(1) PREAMBLE.—Congress having made a finding that "the transport of weapons, drugs, and other contraband, as well as terrorists, across the borders of the United States constitutes a threat to the national security," the Secretary of Defense is directed to urge the Governors of the several states to provide plans for participation by the National Guard in performing the objectives of this law."

(2) IN GENERAL.—(A) The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under paragraph (B) sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of such State used for the purpose of drug interdiction and enforcement operations and for the operation and maintenance of the equipment and facilities of the National Guard of such State used for such purposes.

(B) The Secretary may provide funds under paragraph (A) to the Governor of a State who submits a plan to the Secretary specifying how personnel of the National Guard of such State are to be used in drug enforcement and interdiction operation by a National Guard of a State unless—

(i) such operations are conducted at a time when personnel of the National Guard of the State are not in Federal service; and

(ii) participation by a National Guard personnel in such operations is service in addition to annual training required under section 502 of title 32, United States Code.

(C) Before funds are provided to the Governor of any State under this section, the Secretary of Defense shall consult with the Attorney General of the United States regarding the adequacy of the plan submitted by the Governor to the Secretary.

(3) SOURCE OF FUNDS.—(A) Of the amounts appropriated pursuant to section 301(a), up to $30,000,000 shall be available for the purposes specified in paragraph (1).

(B) Of the amounts appropriated for National Guard Personnel, Army, and National Guard Personnel, Air Force, for fiscal year up to $30,000,000 shall be available for the purposes specified in paragraph (1).

(4) REPORT.—(A) Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report on the potential effectiveness of using members of the National Guard and the Reserves for drug interdiction efforts, consistent with applicable law, along the borders and at the points of entry of the United States.

(B) The report described in paragraph (A) shall include consideration of the potential for the long-term use of National Guard units of Arizona, Texas, California, Oklahoma, New Mexico, Tennessee, South Carolina, Florida, Virginia, New York, Georgia, and other states as appropriate, to perform drug interdiction operations, consistent with applicable law, coordinated by the Chief, National Guard Bureau, the Director of Operation Alliance Joint Command Group, and the Command, Communications, Control, and Intelligence Centers at March Air Force Base, California and Richmond Heights, Florida.

(i) Rule of Construction.—Nothing in this section or in the amendments made by this section shall be construed to limit the authority of the executive branch in the use of Department of Defense personnel or equipment for law enforcement purposes otherwise authorized by law.

(j) Report by the President.—Not later than September 1, 1988, the President shall submit a report to Congress containing legislative proposals, including budgetary requests, to enhance the capability of the Department of Defense to perform the functions described in this section.

D'AMATO (AND OTHERS) AMENDMENT NO. 2070

Mr. D'AMATO (for himself, Mr. Murkowski, Mr. Helms, Mr. Wilson, Mr. Dole, Mr. McClure, Mr. Symms, Mr. Thurmond, Mr. Garn, Mr. Gramm, Mr. Graham, Mr. DeConcini, Mr. Trible, Mr. Domenici, Mr. Stevens, and Mr. Grassley) proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. DEATH PENALTY FOR DRUG-RELATED KILLINGS.

(a) Elements of Offense.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by adding a new subsection (e) as follows:

"Death Penalty

"(e) In addition to the other penalties set forth in this section, any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any individual, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.".

(b) Procedure Applicable with Respect to the Death Penalty.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by adding at the end the following:

"Hearing Required with Respect to the Death Penalty

"(g) A person shall be subjected to the penalty of death for any offense under this section only if a hearing is held in accordance with this section.

"Notice by the Government in Death Penalty Cases

"(h)(1) Whenever the Government intends to seek the death penalty for an offense under this section for which one of the sentences provided is death, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

"(A) that the Government in the event of conviction will seek the sentence of death; and

"(B) setting forth the aggravating factors which the Government will seek to prove as the basis for the death penalty.

"(2) The court may permit the attorney for the Government to amend this notice for good cause shown.

"Hearing Before Court or Jury

"(i)(1) When the attorney for the Government has filed a notice as required under subsection (g) and the defendant is found guilty of or pleads guilty to an offense under subsection (e), the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury;

"(iii) the jury which determined the defendant's guilt has been discharged for good cause; or

"(iv) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the Government.

"(2) A jury impaneled pursuant to paragraph (1)(B) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than 12.

"Proof of Aggravating and Mitigating Factors

"(j) Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under subsection (e), no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (m) and (n), or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (n), information may be presented relating to any other aggravating factor. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

"Return of Findings

"(k) The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (m) or (n), found to exist. If one of the aggravating factors set forth in subsection (n)(1) and another of the aggravating factors set forth in paragraphs (2) through (7) of subsection (n) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding of such a factor by a jury shall be made by unanimous vote. If an aggravating factor set forth in subsection (n)(1) is not found to exist or an aggravating factor set forth in subsection (n)(1) is found to exist but no other aggravating factor set forth in subsection (n) is found to exist, the court shall impose a sentence, other than death, authorized by law. If an aggravating factor set forth in subsection (n)(1) and one or more of the other aggravating factors set forth in subsection (n) are found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"Imposition of Sentence

"(l) Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"Mitigating Factors

"(m) In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) The defendant was less than 18 years of age at the time of the crime.

"(2) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The defendant is punishable as a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(5) The defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"Aggravating Factors for Homicide

"(n) If the defendant is found guilty of or pleads guilty to an offense under subsection (e), the following aggravating factors shall be considered but are not exclusive:

"(1) The defendant—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury which resulted in the death of the victim;

"(C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.

"(D) intentionally engaged in conduct which—

"(i) the defendant knew would create a grave risk or death to a person, other than one of the participants in the offense; and

"(ii) resulted in the death of the victim.

"(2) The defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(3) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

"(4) The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(5) In the commission of the offense or in escaping apprehension for a violation of subsection (e), the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offense.

"(6) The violation of this chapter in relation to which the conduct described in subsection (e) occurred was a violation of section 405.

"(7) The defendant committed the offense in an especially heinous, cruel, or depraved manner.

"Instruction to Jury on Right of the Defendant to Justice Without Discrimination

"(o) In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

"Sentencing in Capital Cases in Which Death Penalty is not Sought or Imposed

"(p) If a person is convicted for an offense under subsection (e) and the court does not impose the penalty of death, the court may impose a sentence of life imprisonment without the possibility of parole.

"Appeal in Capital Cases

"(q)(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"(3) The court shall affirm the sentence if it determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of every aggravating factor upon which the sentence was based, together with or the failure to find any mitigating factors as set forth or allowed in this section.

In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.".

D'AMATO (AND WILSON) AMENDMENT NO. 2071

Mr. D'AMATO (for himself and Mr. WILSON) proposed an amendment to amendment No. 2070 proposed by Mr. D'AMATO (and others) to the bill S. 2355, supra; as follows:

On page 2 of the amendment, strike out lines 1-9 and insert in lieu thereof the following:

"(e)(1) In addition to the other penalties set forth in this section—

"(A) Any person engaging in a continuing criminal enterprise, or anyone working in furtherance of a continuing criminal enterprise who intentionally, or with reckless indifference to human life, kills or participates substantially in any killing of any individual, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death; and

"(B) Any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution, or punishment for, an act that violates the Controlled Substances Act, who intentionally, or with reckless indifference to human life, kills or participates substantially in the killing of any federal, state, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

"(2) As used in paragraph (1)(B), the term 'law enforcement officer' means an individual who has authority under applicable law to engage in crime prevention, investigation, prosecution, or adjudication of alleged violations of federal, state, or local criminal laws, and includes those engaged in corrections, probation, or parole functions.".

DURENBERGER (AND OTHERS) AMENDMENT NO. 2072

Mr. MELCHER (for Mr. DURENBERGER, for himself, Mr. MELCHER, Mr. BOSCHWITZ, Mr. BURDICK, Mr. D'AMATO, Mr. LEAHY, Mr. RIEGLE, Mr. LEVIN, Mr. MOYNIHAN, and Mr. CONRAD) proposed an amendment to the bill S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following:

SEC. 921. STRATEGIC AIR DEFENSE ALERT MISSION.

(a) LIMITATION.—Except as provided in subsection (b)(2), the Secretary of the Air Force may not make any change in the alert status of any Air National Guard unit in the strategic air defense mission in the northern portion of the United States, or in the deployment of units assigned to that mission, from the status and deployment as in effect on April 10, 1988.

(b) REPORT.—(1) After the North Warning System and the Over-the-Horizon Backscatter Radar System are deployed and in operation as replacements for the Distant Early Warning (DEW line) system, the Secretary of the Air Force shall submit to Congress a report on those systems. The report shall—

(A) describe the implementation of those systems and their operational capability and effectiveness as demonstrated up to the time of the report;

(B) describe plans, in light of those new systems, for the forward deployment of the interceptor aircraft from United States bases during periods of heightened international tension; and

(C) clarify the alert status in the strategic air defense mission, under those new systems, of elements of the Air Force (including elements of the reserve components) at Air Force bases in the northern portions of the United States.

(2) The limitation in subsection (a) shall cease to be effective 180 days after the date on which Congress receives the report required by paragraph (1).

DOLE (AND OTHERS) AMENDMENT NO. 2073

Mr. DOLE (for himself, Mr. QUAYLE, Mr. WARNER, Mr. NUNN, Mr. MCCAIN, Mr. KASTEN, Mr. MCCLURE, Mr. WILSON, Mr. HOLLINGS, Mr. GRAMM, Mr. WALLOP, Mr. SHELBY, Mr. DIXON, Mr. DOMENICI, Mr. LUGAR, Mr. NICKLES and Mr. EXON) proposed an amendment to the bill, s. 2355, supra; as follows:

SEC. . SENSE OF THE SENATE ON THE NEED TO PROTECT NON-NUCLEAR CRUISE MISSILES IN START.

(a) FINDINGS.—

(1) The Senate supports the President's efforts in the Strategic Arms Reduction Talks [START] to make deep and verifiable cuts in strategic nuclear weapons.

(2) Conclusion of a START Treaty between the United States and the Soviet Union will increase the relative importance of each nation's non-nuclear weapons capabilities.

(3) Advanced, long-range, non-nuclear cruise missiles are among the most promising technologies for reducing the current reliance of the United States and its allies upon the threat of an early resort to nuclear weapons to deter a conventional attack by the Soviet Union.

(4) The United States has taken a position in START that we will not agree to any limitations on non-nuclear cruise missiles.

(b) SENSE OF THE SENATE.—In light of the findings in sub-section (a), it is the sense of the Senate that—

It should be the position of the United States that in START no restrictions shall be established on current or future non-nuclear cruise missiles.

SPECTER (AND HEINZ) AMENDMENT NO. 2074

Mr. NUNN (for Mr. SPECTER, for himself and Mr. HEINZ) proposed an amendment to the bill, S. 2355, supra; as follows:

On page 2, after line 24, insert the following: of which $23,549,000 shall be available for procurement of Tactical Army Combat Service Support Computer System [TACCS].

HARKIN (AND OTHERS) AMENDMENT NO. 2075

Mr. NUNN (for Mr. HARKIN, for himself, Mr. GLENN, Mr. DURENBERGER, Mr. BOND, Mr. WARNER, Mr. MELCHER, Mr. BURDICK, Mr. DIXON, Mr. CONRAD, and Mr. LEAHY) proposed an amendment to the bill, S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following:

SEC. 924. STUDY AND REPORT ON THE USE OF NONBIODEGRADABLE PLASTIC.

(a) STUDY.—The Secretary of Defense shall conduct a study in order to identify the types of disposable plastic items that are used by the Department of Defense in fiscal year 1989, to determine the approximate quantity used annually and to determine which such items are biodegradable and which such items are not biodegradable.

(b) REPORT.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Forces of the Senate and of the House of Representatives a report on the results of the study required by subsection (a) and the feasibility of substituting agricultural commodity based biodegradable plastic items for nonbiodegradable plastic items identified in the study that are needed by the Department of Defense. The report shall include the following matters:

(1) The availability of agricultural commodity based biodegradable plastic items that are suitable substitutes for the nonbiodegradable plastic items.

(2) Any additional cost that would result from conversion to the use of such substitutes over the cost of continued use of the nonbiodegradable plastic items.

ROTH AMENDMENT NO. 2076

Mr. NUNN (for Mr. ROTH) proposed an amendment to the bill, S. 2355, supra; as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 823. CONFLICT OF INTEREST REGULATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations that prohibit a contracting officer—

(1) from knowingly receiving any offer in connection with a contract to be awarded by the Department of Defense from an officer or employee of the Federal Government or from any business concern or other organization owned or substantially owned or controlled by one or more such officers and employees; and

(2) from knowingly awarding such a contract to—

(A) any person who, on either the date of the award of the contract or the date on which the department of Defense received an offer from such person in connection with such contract, is an officer or employee of the Federal Government; and

(B) any business concern or other organization that, on either the date of the award of the contract or the date on which the Department of Defense received an offer from such business concern or organization in connection with such contract, is owned or substantially owned or controlled by one or more such officers and employees.

(b) EXCEPTIONS.—The Secretary of Defense may include in the regulations issued under subsection (a) such exceptions as he determines to be necessary in the interest of national security.

KENNEDY AMENDMENT NO. 2077

Mr. NUNN (for Mr. KENNEDY) proposed an amendment to the bill, S. 2355, supra; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . REPORT ON SMALL PATROL BOAT OF NAVY.

(a)FINDINGS.—Congress finds that—

(1) on April 23, 1988, officials of the Department of Defense announced that consideration was being given to the deployment of United States Coast Guard vessels to the Persian Gulf for duty in conjunction with the Navy; and

(2) according to public reports based on statements from officials of the Department of Defense, the Navy has a significantly inadequate number of small patrol boarts in the Navy fleet of ships.

(b) REPORT.—The Secretary of the Navy shall submit a report to Congress within 60 days after the date of the enactment of this Act regarding the capability of the Navy to carry out missions requiring the use of small patrol boats. The Secretary shall include in such report—

(1) an evaluation of the ability of the Navy to carry out missions requiring the use of small patrol boats that are less than 150 feet in length;

(2) a discussion of the contingencies that would necessitate the use of small patrol boats (of less than 150 feet in length) rather than larger warships;

(3) a discussion of any plans the Navy has for eliminating the Navy's shortage of such boats; and

(4) such recommendations as the Secretary considers appropriate to strengthen the capabilities of the Navy to carry out effectively missions which would require the use of such boats.

TRADEMARK PROTECTION ACT

DeCONCINI AMENDMENT NO. 2078

Mr. BYRD (for Mr. DECONCINI) proposed an amendment to the bill (S. 1883) to amend the act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes;" as follows:

On page 48, line 13, strike out "the generic name" and insert in lieu thereof "the generic name for the goods or services or a portion thereof, for which it is registered.".

NOTICE OF HEARING

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a field hearing on kickbacks in cataract surgery.

The hearing will take place on Monday, May 23, 1988, at 9 a.m., in the Ceremonial Courtroom, William F. Green Federal Building, 6th and Arch Streets, Philadelphia, PA. The hearing will be chaired by the ranking minority member, Senator JOHN HEINZ.

For further information, please contact Larry Atkins, minority staff director, at [202] 224-4167.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, May 13, 1988, in open session, to consider the nominations of Gordon A. Smith, to be Assistant Secretary of Defense for Command, Control, Communications and Intelligence; the nomination of Michael P.W. Stone, to be Under Secretary of the Army; and the nomination of Alan Marshall Elkins, to be a member of the Board of Regents of the University of the Health Sciences.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to meet during the session of the Senate on Friday, May 13, 1988, to hold a hearing on S. 1250, Federal assistance to State and local criminal justice programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, May 13, 1988, on the subject of regulatory reform: negotiated rulemaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Friday, May 13, 1988, to hold a markup on S. 555, a bill to provide for Federal regulations of gaming activities on Indian lands, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on May 13, 1988, to hold a hearing on long-term status of Social Security trust funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FETAL ALCOHOL SYNDROME AWARENESS WEEK

● Mr. CHILES. Mr. President, in studying the high incidence of infant mortality and low birthweight, I have had the opportunity to visit a number of neonatal clinics in this country. In these clinics, specially trained teams of physicians and nurses watch over helpless infants who have been born prematurely, underweight, or with multiple disabilities. The tragedy is, Mr. President, that many of these birth defects could have been prevented.

Over 3,000 babies are born yearly with birth defects associated with maternal drinking during pregnancy. Fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, but only about 50 percent of Americans have heard of fetal alcohol syndrome.

In the effort to educate the public about the consequences of drinking during pregnancy, Congress has designated this week as "Fetal Alcohol Syndrome Awareness Week." Mr. President, the National Women's Health Report has released the following report on fetal alcohol syndrome, and I would like to include it in the RECORD as part of our effort to raise awareness on this problem.

The report follows:

DRINKING AND PREGNANCY: NOT A COMPATIBLE MARRIAGE

Fact: In 1981, the Surgeon General of the US issued a health advisory recommending that women who are pregnant or are considering pregnancy should abstain from alcoholic beverages and should be aware of the alcohol content of foods, beverages, and medications.

Why such a terse warning against drinking during pregnancy? Fetal Alcohol Syndrome (FAS) is a pattern of mental, physical, and behavioral birth defects found in the infants of alcoholic mothers. Officially recognized in 1973 by physicians at the University of Washington, FAS affects an estimated 1-3 births per 1000 each year. FAS is the third leading cause of mental retardation in this country behind Down syndrome and neural tube defects such as spina bifida. The good news is that, unlike the latter two birth defects, FAS is totally preventable. Women can guard against FAS by not drinking alcohol at all during pregnancy.

It is important to realize that the effects of alcohol on the fetus are believed to lie on a dose-dependent continuum. The more a pregnant woman drinks, the more severe the congenital birth defects that may develop. The alcoholic mothers of the originally identified FAS children all drank heavily throughout pregnancy. But, even small amounts of alcohol consumed during pregnancy can have deleterious effects on the developing embryo. Clearly, there are potentially serious implications for the social-drinking pregnant woman. "Fetal Alcohol Effects" (FAE), a recently-coined term, refers to alcohol-related birth defects in infants and children which do not meet the diagnostic criteria for full-blown FAS. No threshold of "safe" drinking during pregnancy has been established.

FAS CHARACTERISTICS

FAS damage is most noticeable in three areas—growth retardation, damage to the central nervous system (including mental retardation), and facial abnormalities. Physiological characteristics of FAS infants and children include:

Short palpebral fissures (eye openings abnormally small)

Ptosis (upper eyelids drooped)

Noses short, creating a wide space above upper lip

Upper lip very thin

Philtrum, the indentation in the skin that is normally present just above upper lip, reduced or missing

Cheekbones flattened

Children small for their age, with heads abnormally small

Problems with cortical functions such as cognition, muscle control, and fine motor skills are evident. Skeletal abnormalities and hyperactivity caused by FAS can persist into childhood.

FETAL ALCOHOL DAMAGE MECHANISMS

Alcohol is a teratogen, a producer of birth defects. Exactly how alcohol damages the developing fetus is still unknown, but numerous studies show that alcohol and acetaldehyde, its first byproduct, are directly toxic to the embryo. Essentially, when the pregnant mother drinks, her baby "drinks" too. Scientists previously suspected that malnutrition, caused by chronic problem drinking, was responsible for FAS. It is now believed that ethanol, found in all liquor, beer, and wine, is the true culprit. However, the combined effect of alcohol consumption and malnutrition during pregnancy may exacerbate the effects of FAS.

Alcohol can also interfere with the physiological systems involved with pregnancy maintenance. This may explain the high rate of miscarriage and stillbirth associated with maternal alcoholism.

Fact: One in six women in the peak childbearing years of 18-34 may drink enough, either chronically or episodically, to present a hazard to an unborn infant.

Fortunately, the frequency of FAS and alcohol-related birth defects is much lower than the frequency of abusive drinking among pregnant women. It appears that alcohol's impact on the fetus and fetal development is or can be modified by other factors.

The type of alcohol a pregnant woman drinks may affect the risk of fetal damage. A 1982 study by Sokol and Kuzma found that chronic beer consumption during pregnancy was one of the most significant contributing factors to alcohol-induced growth retardation. Other risk factor associations for FAS, uncovered by the Cleveland Fetal Alcohol Study, include increased maternal age, increased frequency of black race, greater number of previous pregnancies, higher frequency of problem drinking, greater proportion of drinking days, and greater consumption of alcohol per drinking day.

PREGNANCY AFTER AGE 30 AND "SOCIAL" DRINKING

Problem drinking among women tends to develop between the ages of 35 and 49. Women who become pregnant after age 30 should be aware that the risk of FAS doubles with increased maternal age. Furthermore, the Seattle Longitudinal Study on Alcohol and Pregnancy found that alternating moderate-to-heavy drinking with periods of abstinence can produce the same average daily alcohol consumption as daily light drinking at a constant level, or even a lower daily average. Yet, episodic drinking may be more damaging to the fetus if heavier drinking coincides with the most critical stages of fetal development.

Contrary to popular belief, drinking among pregnant women is not confined to lower socioeconomic groups. In fact, a study by Dr. Rosett at Boston City Hospital revealed that 50 percent of women from lower socioeconomic groups are totally abstemious. Alcohol consumption rises with socioeconomic status and years of college education.

Fact: Well-designed studies link an average daily consumption of 1 to 2 drinks to decreased birthweight, growth abnormalities and behavioral problems in the newborn and infant. Increased risk of spontaneous abortion has been found at an even lower dose: 1 to 2 drinks twice weekly. The Ottawa Prenatal Prospective Study suggested that "social" drinking during pregnancy was associated with lower scores on tests of spoken language and verbal comprehension.

Because no threshold of "safe" drinking during pregnancy has been established, "social" drinking is not advisable during pregnancy.

PREPARATION FOR PREGNANCY AND POSTPARTUM

Researchers have identified the third week of human pregnancy as an especially vulnerable time for the embryo in terms of alcohol-induced damage. At this time, during the first trimester, many pregnant women are still unaware of their pregnancy. This illustrates the importance of abstinence from, or limitation of, alcohol even during the planning stages of pregnancy.

Preparation for pregnancy through abstinence or limitation should be a tandem effort. It is not yet known to what extent the father's drinking may affect his sperm, but alcohol may reduce his sperm count, making fertilization difficult. How or if alcohol's effect on the sperm may harm the developing fetus is undetermined. Conception may also be difficult for women who drink heavily since alcohol can cause infertility and absent or reduced menstruation.

Women should continue to avoid alcohol consumption when they are breastfeeding. Alcohol appears in the breast milk, is transmitted to the nursing infant, and slows down the process of milk ejection from the breast.

PUBLIC AWARENESS OF FAS

Fact: In the 1985 National Health Interview Survey conducted by the National Center for Health Statistics, only 57 percent of persons under 45 years of age had ever heard of fetal alcohol syndrome.

Almost 2000 articles about FAS and alcohol-related birth defects have been published worldwide since FAS was officially identified 15 years ago. But, statistics like the one above dramatically highlight the public's ignorance of the issue. Clearly, there is a need for bolstered public education about the risks of drinking during pregnancy.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

● Mr. BOND. Mr. President, I am here as a part of the ongoing effort of the Congressional Call to Conscience for Soviet Jews to speak out on behalf of Soviet Jews seeking freedom of religion and the right to emigrate.

I was gratified to learn at the beginning of this month that one refusenik whose release I had sought, Vladimir Tufeld, had been granted permission to leave the Soviet Union. His visitor's visa will enable Mr. Tufeld to be reunited with his wife, Isolda, who was allowed to leave the Soviet Union several years ago to undergo brain surgery at Johns Hopkins. She is still a patient there, in poor condition.

This is a joyous time for the Tufelds, and for all of us who have worked to gain Vladimir's release. Yet, for every Vladimir Tufeld, there are thousands of refuseniks who are not granted permission to leave. In the hopeful anticipation that surrounds President Reagan's upcoming summit meeting with General Secretary Gorbachev, we must not forget that while the Soviet Union has shown a willingness to take positive steps to peace, they still have not shown the same willingness to extend basic human freedoms to their own citizens. The freedom to emigrate is still consistently denied citizens of the Soviet Union.

Despite Soviet willingness to let some well-known refuseniks emigrate last year, thousands of lesser known people remain. Some are denied visas on the pretext that they or members of their families possess national secrets. Families are often separated by a cruel practice whereby only some members are permitted to leave.

While we should appreciate Soviet interest in and encourage their willingness to achieve meaningful arms reductions, we must not be fooled into thinking that glasnost means a thaw in the treatment of Soviet Jews and others who wish to emigrate. Emigration is an internationally recognized right. Soviet citizens should be permitted by law to apply for emigration, without special stipulations on the country of destination or the presence of family members outside the Soviet Union.

I have made my view clear to both the President and the Secretary of State that we must make human rights—and especially Soviet Jewry—an issue in all negotiations with the Soviets. President Reagan has done this, and I am hopeful that he will again raise the issue when he travels to Moscow later this month.

As one of the cochairmen of the Congressional Call to Conscience for 1988, I'd like to thank those of my Senate colleagues who have made statements and written letters on behalf of Soviet Jews, and would like to encourage the participation of those Senators who have not yet done so as we continue this effort through the summer until the October recess. I thank the Chair.●

AGENT ORANGE

● Mr. KERRY. Mr. President, yesterday I testified before the Senate Veterans' Affairs Committee on the subject of agent orange. This is a vitally important issue for Vietnam veterans. I would like to express my appreciation to Senator ALAN CRANSTON, chairman of the committee, for holding this important hearing. I would also like to thank Senator TOM DASCHLE for his leadership on this issue and for his participation in the hearing. Chris Gregory, a Massachusetts veteran and former director of the Massachusetts Agent Orange Program, also testified and made a valuable contribution to the hearing.

I was also particularly pleased to hear the testimony of Adm. Elmo Zumwalt. I have great respect for Admiral Zumwalt, and I was honored to receive a medal from him during my tour of service in Vietnam. He has a unique perspective on the agent orange issue, having been involved with its use in Vietnam and having suffered from its effects at home in his own family. He has given a great deal of thought and study to this difficult issue and has made an important contribution.

Admiral Zumwalt stated in his testimony, "As one who shares personal responsibility for the use of agent orange, I believe the time has come for this country to make some compensatory amends." I hope that this hearing will lead to action on legislation to compensate the victims of agent orange in the near future. I ask that the text of my prepared statement for the hearing and that of Admiral Zumwalt be printed in the RECORD.

The statements follow:

STATEMENT OF SENATOR JOHN KERRY, SENATE VETERANS AFFAIRS COMMITTEE—HEARING ON AGENT ORANGE

Mr. Chairman, thank you for this opportunity to testify once again before this Committee on the subject of Agent Orange. I appreciate your willingness to hold this hearing and to consider legislation providing compensation for the victims of Agent Orange.

Last year, when I testified before this committee on Agent Orange, I stressed the importance of this issue to Vietnam veterans. It is just as important today. Agent Orange is a pressing concern—literally a matter of life and death—for many Vietnam veterans. The issue will not go away. It is time for Congress to address the concerns of Agent Orange victims, and to provide compensation for those who are suffering from diseases caused by exposure to Agent Orange. I hope that you will join me in leading that fight.

Mr. Chairman, Vietnam was obviously one of our most controversial wars. You were one of those who spoke out courageously against the war at an early point. Many of us joined you in that opposition. Others just as strongly supported the war and felt it was the right thing to do. There is no need to refight those battles now.

There is a need to avoid making Vietnam veterans the last victims of the Vietnam war. But our debt to Vietnam veterans should not be repaid only in rhetoric. The Welcome Home parades are important. The Vietnam Memorial is important. The parades, the concerts, the resolutions, are all important. But there is something more important than symbolism. And that is justice and fairness towards Vietnam veterans.

We now have a proposal to elevate the Veterans Administration to Cabinet-level status. Make no mistake—I support that legislation, and I think that the symbolism and the recognition of veterans that it implies is good. But I am concerned that we are once again falling into the trap of substituting symbolism for substance.

But far more important than symbolism is the reality of how we treat our veterans who are still suffering. And I believe that it is nothing less than wrong on the facts to tell Vietnam veterans that we cannot compensate for diseases which were caused by their exposure to Agent Orange in Vietnam. It is offensive to veterans to tell them that there is not enough "scientific evidence" to justify compensation.

Mr. Chairman, as time goes on, the evidence on Agent Orange becomes stronger and stronger. That is not surprising, since we know that it takes many years for cancers and other disease to develop which are linked to Agent Orange exposure. Let me review just a few of the studies which have come out in the past few years on this subject.

In 1983, the VA Agent Orange registry found excessive cancers among Vietnam veterans of two types—non-Hodgkins lymphomas, and cancers of the oral cavity and pharynx.

A 1983 study by the Massachusetts Agent Orange Commission found excessive numbers of soft-tissue sarcomas and cancer of the kidney among Vietnam veterans exposed to Agent Orange.

The 1984 Ranch Hand baseline study found higher amounts of skin cancers and systemic cancers, twice as many cancers of the lip, oral cavity and pharynx, and three times as many cancers of the respiratory system, chest and genito-urinary system.

A 1985 study in Wisconsin found excessive incidences of soft-tissue sarcomas among Vietnam veterans who had been exposed to Agent Orange.

A 1986 study in West Virginia found higher incidences of non-Hodgkins lymphomas, and cancers of the testes, larynx, and respiratory system among Vietnam veterans.

The preliminary results of the CDC Vietnam Experience Study released in 1987 showed excessive instances of lymphosarcomas, leukemia, and brain cancer among Vietnam veterans.

The VA Mortality Study released in 1987, a survey of 50,000 veterans, showed rates of death due to non-Hodgkins lymphoma 110 percent higher than normal, and deaths due to lung cancer 58 percent higher than normal among Marines who served in areas heavily sprayed with Agent Orange.

The 1987 Ranch Hand follow-up study showed excessive incidence of skin cancers, systemic neoplasms, lymphomas, soft-tissue sarcomas, three times as many cancers of the oral cavity and pharynx, twice as many cancers of the bronchus and lung, and three times the number of testicular neoplasms.

And the report released on the Ranch Hand study in March of 1988, at the request of Senator Daschle and myself, showed higher incidences of tumors, birth defects, psychological disorders, blood toxicity, and cardiovascular problems.

In addition, the results which have just been released this week from the CDC Vietnam Experience Study show higher incidence among Vietnam veterans of fertility problems, low sperm count, depression, alcohol problems, anxiety disorders, skin disorders, and birth defects. I hope that these results will be made a part of the record, and studied carefully.

Other studies relating to dioxin have also shown similar results. A 1986 study by the National Cancer Institute of farmers in Kansas who had been exposed to herbicides similar to Agent Orange showed an incidence of non-Hodgkins lymphoma six times higher than normal. Studies in Sweden showed incidences of soft-tissue sarcoma five to seven times higher than normal with phenoxy-herbicide exposure. And other studies have shown similar results.

So to those who say "we don't have enough evidence", I would ask—How high does the body count have to go? How many more Vietnam veterans have to die before we have "enough evidence" to start admitting the truth and compensating veterans?

Our legislation would establish a presumption of service-connection for two of these diseases, non-Hodgkins lymphoma and lung cancer. In addition it would ask the National Academy of Sciences to review the evidence of the scientific studies and compile a list of other diseases which are linked to suppression of the immune system, which may be linked to dioxin or Agent Orange exposure. If appropriate, these diseases would be added and a resumption of service-connection created.

Mr. Chairman, it is important to understand how strongly Vietnam veterans feel about this subject. At Vet Centers throughout Massachusetts, and at VA clinics and hospitals, I have met with Vietnam veterans and veterans groups. And I know that Vietnam veterans feel very, very strongly about this issue. You cannot tell a Vietnam veteran that there is "not enough evidence" on Agent Orange. They know what the evidence is. For one thing, the evidence is in their own bodies, and even worse, in the bodies of their children. They have no doubt about that.

Mr. Chairman, you led the fight to gain compensation for the veterans who are victims of atomic radiation. You argued against those in the VA and elsewhere who would tell us that there is "no scientific evidence" to link radiation with cancer—exactly the same argument they use with Agent Orange. I supported you in that fight. And last month, we won in the United States Senate.

But before we won the fight for atomic veterans, some of them had to wait 40 years or more for compensation. And many of them died before they reached that day.

We should not make Vietnam veterans wait 40 years for compensation. I hope we are not going to wait until the 21st Century to tell Vietnam veterans that the evidence is now strong enough, and we are ready to compensate them.

I know that there is still controversy about the effects of Agent Orange. There may always be controversy, just as there may always be controversy about the Vietnam war itself. But the legislation that I have introduced is an attempt to end the controversy, and put the division of the Vietnam war behind us.

I am not saying that the studies should stop. Studies on Agent Orange, on dioxin and on cancer should continue. But the Ranch Hand study will not be complete until the year 2002. And we cannot ask Vietnam veterans to wait any longer.

The CDC has told us that they cannot complete their study on Agent Orange, because they cannot measure the levels of dioxin in the blood of Vietnam veterans. That is perhaps not surprising, since in many cases 15 to 20 years or more have passed since the exposure of Agent Orange in Vietnam. But that does not mean that there are no lingering health effects, no diseases or damage caused by that exposure. Let us be clear on that point.

Mr. Chairman, Vietnam veterans deserve to be told the truth. I believe that just as important as compensation itself is the simple recognition and admission of the fact that Vietnam veterans and their children are suffering—from cancers, tumors, birth defects and other conditions linked to Agent Orange. It is time that we admitted that fact as a nation. Vietnam veterans do not want any special dispensation or special treatment. They simply want the same treatment that has been accorded to every other group of veterans under the law. Where there is a medical condition caused by military service, there should be compensation.

Perhaps all of us today will not agree on whether Agent Orange caused all of the diseases I have listed. But the evidence of the Vietnam Experience Study and other studies clearly shows that those diseases are associated with service in Vietnam. And that is really the critical point. If a veteran is suffering today from a disease caused by his service in Vietnam, then he should be compensated. It is the way the system is supposed to work.

Mr. Chairman, I am deeply dismayed by the attitude of this Administration on the issue of Agent Orange. As with some issues, the rhetoric is out of touch with the reality. They tell us that Vietnam veterans are "national heroes". But they continue to turn a deaf ear to Vietnam veterans who need help.

The VA continues to tell us that only chloracne, a skin disorder, is linked to Agent Orange exposure. Only a handful of veterans have been compensated even for this disease. Meanwhile, the VA itself only reviewed seven out of more than a thousand studies relating to Agent Orange before promulgating its regulations on the subject. And at the same time, they continue to tell us that "more studies are needed".

We've heard this before, Mr. Chairman. We heard it on atomic veterans. We've heard it on acid rain. We've heard it on toxic wastes. You were a leader in California, Mr. Chairman, on the issue of toxic wastes. You took a courageous stand in 1986 in support of Proposition 65, the toxics initiative in California, which would ban herbicides and pesticides very similar in their effects to Agent Orange. You have been a leader on environmental issues. And we are dealing with the same issue here.

We know what the Administration's record has been on those issues. We know what the OMB's record has been. A study released a year ago by the Harvard School of Public Health and Mt. Sinai School of Medicine, which was commissioned by the House Energy and Commerce Committee, told us that the Office of Management and Budget "has delayed, impeded, and thwarted Governmental research efforts designed to answer public demands for information on serious public health questions"—including Agent Orange.

They concluded that "Conditions imposed by OMB during its paperwork review of a proposed NIOSH study of New Jersey and Missouri dioxin workers have substantially delayed the initiation of this study, will substantially increase contracting costs by more than $270,000, and may even totally block the completion of this important study."

We know some of the reasons for this stonewalling and foot-dragging. They are afraid of the cost. They say it will cost too much money to compensate Agent Orange victims. They are afraid of legal liability. And they don't want to admit that they were wrong.

We heard all those same arguments in the debate over atomic veterans. And we rejected them.

You put it best, Mr. Chairman, in the debate on the Senate floor last month on compensation for atomic veterans. You said, and I quote:

"I am aware of opposition to this bill from the administration and Members of this body who fear that H.R. 1811 will set a "dangerous precedent" for other groups * * * to press for presumptive compensation. They use the fiscal argument that the Federal Government will be held liable for millions of dollars in claims it is in no position to pay. Mr. President, this is entirely beside the point. The point is that American veterans may be suffering from the ill effects of radiation they incurred in the line duty to our Nation. If there is a reasonable chance that their claims of service connection have some scientific basis, it is incumbent upon Congress to give them the benefit of the doubt. Mr. President, it is not our job to find excuses to deny benefits to deserving individuals. It is not our place to reject compensation for atomic veterans solely on the basis that such action may open the door for other would-be claimants to seek compensation. If atomic veterans deserve compensation, they should be granted compensation."

Mr. Chairman, I agree with every word you said in that debate. I supported you in that debate and I voted with you I would only add that the same words apply exactly to the issue before us—If Agent Orange veterans deserve compensation, they should be granted compensation.

I am as sensitive as any member of the Senate to questions of cost. We have estimates from CBO that our bill will cost about $100 million a year for five years. That seems like a reasonable amount to me in light of the VA's budget for fiscal year 1988 of $28 billion dollars.

But if there are better ways, more cost-effective ways to structure a bill, I am open to them. I am ready and willing to work with you and this committee to craft any legislation which will provide fair compensation to the victims of Agent Orange.

But let us do it this year. Let us do it now. It has already been over 25 years since the spraying of Agent Orange in Vietnam started in 1962. It is already 13 years since the last American troops left Vietnam. And it is already too late for many Vietnam veterans.

Mr. Chairman, you have already heard today from Admiral Zumwalt. I do not need to retell the agonizing story of the suffering caused to the Zumwalt family by Agent Orange. And you will be hearing later today from other victims of Agent Orange.

All I can ask, Mr. Chairman, is that you and this committee listen to those stories, and consider this issue in human terms. People are suffering. People are dying. That is why we are here. And we cannot be indifferent to that suffering.

Mr. Chairman, many Americans questioned the war in Vietnam. Not all of them supported it. But Vietnam veterans gave their country the benefit of the doubt. In fairness to them, and in memory of those who gave their lives, I hope that we can give them the same benefit of the doubt. I hope that we can find it in our hearts to do as much for them, as they have already done for us.

Thank you.

I would now like to introduce Chris Gregory. Chris is a Vietnam veteran from Massachusetts and someone who has been involved closely with this issue. He was formerly the Director of the Massachusetts State Agent Orange Program, and is currently with the firm of Martilla and Kiley in Boston. I have great respect for Chris Geogory and it is a pleasure to introduce him before this Committee.

STATEMENT OF ADM. ELMO R. ZUMWALT, JR., BEFORE THE SENATE COMMITTEE ON VETERANS' AFFAIRS, MAY 12, 1988

I want to thank the Committee on Veterans' Affairs and its Chairman, Senator Alan Cranston, for inviting me to testify at its oversight and legislative hearing on Agent Orange.

The political history of an issue is often very different from the scientific development of the same issue. It was years after science had proven that radiation caused physical damage to the United States Army personnel from atomic testing before political consensus in this country allowed those physically damaged from the testing to receive federal benefits. It was years after science had proven that smoking caused damage to the human lung before political consensus allowed for a warning to be printed on a package of cigarettes. Both science and politics are intertwined. At times, politics can confuse the facts.

Certainly, the advocates of the issues surrounding Agent Orange should be objective. Agent Orange, a defoliant used in Vietnam, was a mixture of 2,4-D(2,4-Dichlorophenoxyacetic Acid) and 2,4,5-T(2,4,5-Trichlorophenoxyacetic Acid). During the manufacture of 2,4,5-T it was contaminated by Dioxin (2,3,7,8-Tetrachlorodibenzo-P-Dioxin) or TCDD. Dioxin is a compound with marked toxicity in some species of experimental animals. That finding has led to a number of scientific studies. These studies have led to a public debate and continuing scientific controversy over whether Agent Orange or its elements cause an increased risk of cancer in humans. Although there have been a number of studies analyzing whether Agent Orange causes an increased risk in cancer, there have been several studies recently which have been publicly debated.

People who contend that Agent Orange or its elements do not cause any increased risk in cancer point out that the Ranch Hand study, which involved the United States Air Force personnel who handled Agent Orange in the aircraft, did not show any increased incidence of lymphoma (a type of cancer). These advocates point out that the Dioxin content from blood samples of military personnel who were exposed to Agent Orange and a control group who was not exposed indicates Dioxin (TCDD) medians were virtually the same. These advocates argue that although the recent study done by Sheila Hoar (Journal of the American Medical Association, September 5, 1986, Volume 256, No. 9) suggests exposure to 2,4,D increases the risk of cancer, the Kansas farmers used in the study were also exposed to other herbicides and, therefore, those other herbicides may be the cause of the cancer not 2,4,D.

The advocates arguing Agent Orange or one of its elements causes cancer point out that some of these same studies demonstrate an increased risk of cancer from Agent Orange and the Ranch Hand study is not of significant scientific value. Although the Ranch Hand study reported no deaths due to lymphoma, there were only 1,247 personnel in the study, a statistically insignificant number since less than one such death from lymphoma would be expected. Dr. Arnold Schecter with the Department of Preventive Medicne, Clinical Campus at Binghamton of the State University of New York, urged that Dioxin (TCDD) be measured in Vietnam veterans in 1980 and 1984 noting that Dioxin levels in the veterans would decrease with time. Dr. Schecter pointed out then that eventually heavily exposed veterans will carry levels of Dioxin that are indistinguishable with the general population, and opportunities may be lost to learn about the toxicity of this material in humans and to compensate appropriately those veterans who have or will suffer Dioxin-induced injury. Dr. Schecter has analyzed the human fat tissues of the Vietnamese in Vietnam and demonstrated that the tissue samples taken in Ho Chi Minh City (formerly Saigon—whose surrounding area was heavily sprayed with Agent Orange) showed elevated levels of Dioxin (TCDD) characteristic of Agent Orange, in comparison with tissue samples taken in Hanoi (which was never sprayed with Agent Orange). Theodore Colton, ScD., of the Boston University School of Public Health, in reviewing Sheila Hoar's study (Journal of the American Medical Association, September 5, 1986, Volume 256, No. 9) found that the case control study in Kansas reported by Hoar has importance beyond its population of agricultural workers and adds to the accumulating body of evidence concerning the health effects associated with herbicide exposure in Vietnam. The Hoar study indicated that Kansas farmers exposed to herbicides more than twenty days per year had a six-fold increase of non-Hodgkins lymphoma (cancer) relative to non-farmers. Frequent users who mixed or applied the herbicides themselves had an eight-fold increase risk for non-Hodgkins lymphoma. The strongest evidence to date suggesting that 2,4-D, one of the elements of Agent Orange, causes cancer is the Hoar study funded in part by the National Cancer Institute. Sheila Hoar points out that although there has been criticism of the study questioning the specificity of the association with 2,4-D with some contending that other herbicides the Kansas farmers used were also associated with excess risk of cancer, she stands by the original interpretation of the data. Her study analyzed each herbicide and insecticide type separately and controlling for the effects of 2,4-D and with the exception of some risks associated with Triazin, the excess lymphoma (cancer) was associated with 2,4-D. The Hoar study does provide support for concluding that non-Hodgkins lymphoma (cancer) that arises in Vietnam veterans is caused by one of the elements (2,4-D) in Agent Orange, particularly if there is evidence of direct exposure to the herbicide.

It should be remembered that not very many months ago a $180,000,000 suit was settled between the Vietnam veterans and the chemical companies who produced Agent Orange. Proponents for the chemical companies argued that it was simply a nuisance suit that was settled for a small amount to generate some public relations value. It is doubtful that the chemical companies would have settled for any amount if their attorneys advised them that the companies had absolutely no legal or financial exposure. Regrettably, at the time the Vietnam veterans settled the $180,000,000 suit, the evidence of the Hoar study showing an increased risk of non-Hodgkins lymphoma when Kansas farmers were exposed to 2,4-D was not available.

Is there more evidence that there is an increased risk in cancer with exposure to Agent Orange or its elements in the future? The Center for Disease Control has been conducting epidemiologic studies of the health of Vietnam veterans that has three major components: the Vietnam Experience Study, the Agent Orange Study, and the Selected Cancers Study. The Vietnam Experience Study will evaluate the possible health effects of the general Vietnam experience. The Selected Cancers Study will evaluate the risk of contracting soft tissue sarcoma, Hodgkins and non-Hodgkins lymphomas. The Agent Orange Study will evaluate the health effects of possible exposure to Agent Orange.

There are a number of problems that have been encountered in these studies attempting to determine if Agent Orange or its elements cause an increased risk of cancer in humans. There has been difficulty with these Agent Orange studies resulting from the unexpected failure to identify large numbers of clearly exposed veterans. There has been the question of whether it is possible to identify sufficient numbers of individuals who have had sufficient exposure to Agent Orange that has the biologic plausibility of producing adverse health effects. No threshold level has yet been determined for the health effects of Dioxin (TCDD) on humans. There have been Agent Orange exposure study difficulties due to the inability to document exposure from existing military records. There has been the attempt to validate the study of military records information based on estimates of the likelihood of exposure of Agent Orange with blood evaluations of the Dioxin (TCDD). Recent results of these Dioxin evaluations show there are no differences in Dioxin levels between Vietnam veterans and a group not exposed to Agent Orange. Therefore the White House has decided that this study should not proceed since the information suggesting Agent Orange exposure in military personnel cannot be confirmed by the blood tests checking for Dioxin. (An additional problem in the analysis of the Agent

Orange and its elements in causing increased risk of cancer is that to date there are inadequate tests for the evaluation of 2, 4-D carcinogenicity in experimental animals.) the overall results will not have to rely on the Vietnam Experience Study and the Selected Cancers Study.

In the first week of September, 1987, the results of the largest mortality study of Vietnam veterans yet was released, finding that former Marine ground troops died of lung cancer and certain lymph cancers (non-Hodgkins lymphoma) at a significantly higher rate than Marines who did not serve in the war. This study, conducted by the Veterans Administration, examined deaths among 49,920 Marine and Army veterans who served as ground troops in Vietnam. The study stated exposure to Agent Orange was suspected though there were other possible causes. This Veterans Administration study suggests further what two civilian studies (Hoar study and Hardell study) have suggested before that there is a link between these cancers (lymphoma) and Agent Orange or its elements.

The scientific and the political battle as to whether or not Agent Orange or any of its elements caused an increased risk of cancer in the Vietnam veteran continues. Perhaps the ultimate political question may be, "Has there been sufficient scientific evidence of the adverse effects of Agent Orange or its elements for the Vietnam veterans who were exposed to those elements to receive some compensation?".

In my judgment, the Hoar study clearly establishes the carcinogenic effects of one of the principal elements used in the manufacture of Agent Orange. The recent Veterans Administration study clearly establishes Marines exposed to Agent Orange in Vietnam suffer a higher than normal incidence of cancer.

As one who shares personal responsibility for the use of Agent Orange, I believe the time has come for this country to make some compensatory amends. I hope that one of the two Bills—S. 1692, introduced by Senator Murkowski, and S. 1787, introduced by Senators Daschle and Kerry—will be enacted into law.●

IDAHO LEGISLATORS RECEIVE PRAISE

● Mr. SYMMS. Mr. President, all of us in this body are certainly well aware of the challenges of public service. Those are challenges which are faced by all of our colleagues who serve at any level of government.

I was particularly impressed with a column which appeared in the Idaho Statesman on April 12 crafted by Jack Peterson, who is president of the Idaho Mining Association. Jack put into very clear perspective the sacrifices and dedication of 126 Idahoans who annually serve their State as members of the Idaho State Legislature.

Most of us take in stride the criticism received for our efforts in dealing with the public's business. But Jack has quite appropriately painted in words the other side of the story. I applaud him for his efforts and join with him in congratulating the people who serve in the Idaho Legislature and dedicate their time and best efforts to serving the interests of their fellow citizens.

Mr. President, I ask that Jack Peterson's fine article be printed in the RECORD.

The article follows:

[From the Idaho Statesman, Apr. 12, 1988]

LEGISLATORS BEST IDAHO HAS TO OFFER

(By Jack Peterson)

It is a remarkable annual display of public service. Some 126 Idaho citizens from all walks of life convene annually in Boise for nearly three months to amend old laws, pass new laws, analyze revenues, set budgets and establish new directions for Idaho.

The pay is lousy, criticism abounds and thanks are few.

Yet, these 126 citizens annually leave their homes, businesses and jobs to do their part for their fellow Idahoans. They are not professional politicians. They are citizens like you and I.

Among them are 35 ranchers and farmers, 17 main street business people, 14 retired persons, nine lawyers, five teachers and a wide representation of other professions and vocations, including two veterinarians, a nurse, an architect, a doctor, a dentist and a journalist. Six legislators are contractors and six are in real estate. There is also a mayor, an accountant and a student. Three are in counseling and social work and four are homemakers. A pretty good cross-section of Idaho.

They don't come to Boise for the glory. There is no glory in sitting alone at night in a Boise motel room, eating a Twinkee, sipping on a diet Pepsi and watching a Bogart movie on a flickering TV screen while scanning a bill on some arcane subject. They come to Boise out of selfless devotion to ideals and visions in an honest attempt to make Idaho a better place to live.

And at the end of the three months in Boise, they return home—battered, bruised and fatigued, often with families and businesses to put back together again.

Idaho's citizen Legislature does a remarkable job for the state. While in Boise they often work 12 and 16 hour days.

This year legislators discussed, debated, deliberated, reconsidered, and passed or rejected some 1,200 pieces of new legislation and 1,029 amendments and changes. They actually introduced 734 bills and resolutions and passed 386. All but nine became law. They also appropriated monies for public and higher education, health, welfare, law enforcement, water resources, agriculture, the young and the elderly.

While they labored alone in Boise for 81 days, their hometown newspapers and neighbors criticized them, their children and spouses got sick and had to care for themselves, their cattle got into their neighbors' pastures, and a few of their businesses went to rack and ruin.

Why would anyone subject themselves voluntarily to this kind of annual abuse? Within the answer to that question lies the remarkable miracle of American democracy. At the roots of our democracy is a citizen volunteerism that is now hard to find except in a few sparsely populated states like Idaho.

In many other states, legislative work has become full time, professional, political work. And the legislatures in those states have become cold and inaccessible. In Idaho we still have the wonderful luxury of an accessible citizen legislature. We are able to witness our friends, neighbors and family members step forward as volunteers, survive the tests of local legislative elections and serve in Boise until they are so fatigued or frustrated, or their families are so fractured, or businesses so encumbered with debt that they finally have to resign. Some thrive on the agony and go on to run for the U.S. House, U.S. Senate, governor, treasurer or secretary of State—and do a good job because of their Statehouse experience.

They may not be perfect, nor is the world perfect. It's time that all Idahoans stand up and applaud, our citizen legislators for the selfless devotion with which they honestly attempt to formulate a framework of laws and freedoms which we all enjoy. You may criticize their legislation, but you can't criticize their dedication. They are the best Idaho has to offer and that's a lot.

(Jack Peterson, an economist, writer and lecturer, is president of the Idaho Mining Association.) ●

THE "KENTUCKY SEVEN"

● Mr. McCONNELL. Mr. President, it is widely known that the great commonwealth of Kentucky distills the world's smoothest bourbon, grows the finest tobacco, breeds the fastest horses, and produces the most coal in the United States. However, it is some of the other, less recognized, superior Kentucky products that I wish to bring to the attention of the Senate today.

An article appeared in the March 28, 1988, edition of Fortune magazine which listed the top 100 American made products. Of the 100 best, an above average 7 are manufactured in Kentucky. These seven include: Corning sunglasses, General Electric dishwashers and jet engine components, Kingsford charcoal briquettes, Marlboro cigarettes, 3M post-it note pads, and Reynolds aluminum foil.

The seven Kentucky manufacturers listed in the article exhibit the future of America as a competitive global leader while providing a rising standard of living. They also realize that our national security and the health of our national economy will depend on the ability of U.S. industry to compete both at home and abroad. The producers of the Kentucky Seven are to be commended for their drive and commitment to the preservation of America as a global economic leader.

In commending my fellow Kentuckians for their outstanding contribution to the strengthening of Kentucky's ecomony, I do not want to overlook their contribution to America's overall economic well being. Not only are the jobs they create important to their local communities, but most of these products are also exported. I am convinced that our export performance over the next several years will play a significant role in our national economic growth. The Kentucky Seven demonstrate that these unique products of Kentucky are just as successful in our national and export market place in quality and performance as some or other better known products.

The past and future success of our State and national economies will rely on the spirit of determination, commitment to quality, and efficient mangement demonstrated by these Kentucky products. It is this spirit, on behalf of these Kentucky producers, that I recognize this day.

I ask that the Fortune article to which I referred and a corresponding article from the April 11, 1988, edition of the Lexington Herald-Leader be printed in the RECORD at this point.

The articles follow:

[From Fortune, Mar. 28, 1988]

WHAT AMERICA MAKES BEST

(By Christopher Knowlton)

It's been a long time coming, but American manufacturers finally have reasons to be optimistic. Profits are rising, and so are exports. With the engines of many industries revved up to capacity, the makers of the nation's merchandise predict further dips in the trade deficit. The weak dollar is doing its bit, of course, but so is the high caliber of U.S. manufacturing output. That's right, the quality of U.S. goods—so often deplored as fit only for the throwaway society that produced them—is improving. Says Dana Cound, chairman of the American Society for Quality Control, an international organization devoted to the quality-related sciences: "On virtually every front the quality of American products is better than it has ever been on an absolute scale."

The image of American products is still that summed up by the common European attitude: "You Americans don't make anything we want to buy. Or by the Japanese repairman who, when asked what was wrong with a garbage disposal machine he was fixing, replied, "It's American." Last year a Roper poll of West Germans found that only 6% of them considered the tag line Made in America indicative of quality. The the newspaper *Frankfurter Allgemeine Zeitung* salted the wound in an April editorial that asked, "Which American products can a sensible European buy? . . . American industry really ought to get more innovative to interest our consumers."

Unfortunately, the pursuit of quality has rarely ranked high among U.S. manufacturing objectives. Tom Peters, in *Thriving on Chaos*, quotes quality consultant W. Edwards Deming: "Henry Ford made great contributions, but his Model T was not a quality car." In the years after World War II, there was so much pent-up demand for goods and services that U.S. consumers were often glad to take what they could get. Says Alexander Trowbridge, president of the National Association of Manufacturers and a former Secretary of Commerce: "We were operating to some degree on a philosophy of planned obsolescence. In that sort of world, quality takes a back seat. Ultimately we got hurt by it."

Today, with quality at the crux of global competitiveness, Fortune set out to determine which American products can be considered the finest of their kind. Products were selected after consulting with quality experts, management consultants such as Arthur D. Little Inc., security analysts, academics, industry association representatives, Consumers Union, major customers, and other knowledgeable observers of the global manufacturing scene.

To be included, an item had to be state of the art—that is, at the height of innovation and technological advancement. It also had to be the most durable of its kind and provide good to great value for the pirce. In the cases of commodity items, where quality is tougher to judge, or of ties between competing products, the final selection was based on market share. The list turned out to be as heterogeneous as the society that manufacturers the products: It is a mix of high and low tech, basic industrial and consumer goods.

Making distinctions between U.S. and foreign goods is often hard. The global marketplace is characterized by out-sourcing, joint ventures, and foreign subsidiaries (see Competition). Caterpillar and Xerox have joint ventures in Japan, and Toyota builds cars in California arm in arm with General Motors. Steinway & Sons makes pianos in Hamburg, West Germany, and in Astoria, New York. By Fortune's definition, a Made-in-America product is assembled in the U.S. by a U.S. company and fabricated from at least 50% domestic parts.

The glossiest pages in the catalogue of America's best should be devoted to agricultural equipment, aerospace products, computers, and pharmaceuticals. The U.S. is the global leader in these industries, with many goods exemplary for their technological innovation and quality, and all four are big exporters.

American know-how also knows how to manufacture excellent medical instruments. The magnetic resonance imaging (MRI) scanner looks for diseased tissue without surgery, and the laser angioplasty catheter heads upriver like an icebreaker, clearing a path through plaque-obstructed veins. In a less high-tech area, Minnesota Mining & Manufacturing conceives of an endless array of tapes, coatings, and abrasives (see box, page 45). The U.S. also gets A's for craftsmanship in luxury items as diverse as leather handbags, fly-fishing rods, and mink coats.

Among the many products that restore the definition of quality to the words Made in America:

F-16 AIRCRAFT

Wolfgang Demisch, director of research for UBS Securities and an aerospace analyst, describes General Dynamics' plane as "the standard setter for combat aircraft . . . It keeps the peace and we sell a lot of them." F-16s are powered by General Electric or Pratt & Whitney jet engines, which are standard setters in their own right. They also come packed with the most advanced gadgetry, including guidance radar from Westinghouse. Now 14 years old and selling for $18 million, in its class the plane is still top gun in a dogfight.

COMPUTER WORKSTATIONS

Sun Microsystems makes what quality consultant A. Blanton Godfrey calls "definitely the best workstations in the world. Even the Japanese use them." Engineers, scientists, and other technicians employ the machines for computer-aided design and desktop publishing, the development of artificial intelligence, securities trading, and scientific research.

BIOTECHNOLOGICAL DRUGS

At the heart of this industry is the ability to synthesize in the lab substances that are normally manufactured by the body to fight disease. Genentech's t-PA, a clone of one of the body's own enzymes, dissolves blood clots in the treatment of severe heart attacks. Last December, t-PA broke first-month sales records throughout the world for the launch of a pharmaceutical product. Says Peter Drake, director of equity research at Vector Securities International: "Here is an industry where we are long on brains, money, and implementation."

PACEMAKERS

The device made by Medtronic of Minneapolis leads in world market share. Says Dr. Mark Sherrid, a cardiologist at St. Luke's—Roosevelt Hospital Center in New York: "We use Medtronic's pacemakers because we think they're at the leading edge of the technology. The company has a wide variety of pacemakers that enable a physician to choose one suitable for each patient. The physician can program them from the outside and adjust them to the patient's needs."

SATELLITES

Of the 345 satellites in space, 148 belong to the Soviets, 136 to the U.S. The rest are distributed among 13 other countries and international organizations. American-made satellites have longer operational lives than satellites built in other countries. In 1989, Hughes Aircraft will finish building Intelsat VI, commissioned by a 114-country consortium for international usage. Intelsat VI will be the largest telecommunications satellite ever, capable of carrying 120,000 telephone calls and three television broadcast signals simultaneously. It will have greater coverage of eastern North America and wider communication with Europe.

STEREO SPEAKERS

The best-selling speakers are medium-priced products that cost $400 to $600 a pair. Of all the mid-range speakers sold in America and ranked by Consumer Report, the Advent, Allison, and Infinity brands take top honors, scoring 92% in fidelity of sound out of a perfect 100%.

TOWELS AND BED SHEETS

Take it from Stanley Marcus, former head of Neiman-Marcus: "The Italians make beautiful linen bed sheets for the luxury market, and silk bed sheets that are even fancier, but in the broad category of cotton percales, nobody does it as well as the Americans." The U.S. advantages lie in design, color coordination, and the quality of this tightly woven cotton—still grown better in California and Texas than anywhere else in the world.

The manufacturers of these products have created goods that meet or even exceed worldwide standards of excellence; more than that, these standards are maintained year after year. No one holds a monopoly on quality. It is an attainable goal for every manufacturer. Says Stephen Cohen, co-director of the Berkeley Roundtable on the International Economy and co-author of Manufacturing Matters: "I don't believe quality is any cultural secret. I think there are learnable things to do to achieve it."

The best products are designed not so much to meet specifications and fulfill customers requirements as they are to match or surpass customer expectations. Steinway & Sons likes to say it builds pianos to a standard, not to a price. The company refuses to skimp on materials, labor, and effort in the construction of a musical instrument that is as close to perfection as the hand and cunning of man can make it. Though the Hamburg factory puts mahogany and red beech in its piano rims, the New York factory uses the denser maple to give the American Steinway a brighter, more powerful tone. Says Larry Fine, author of the Piano Book: "To put it simply, either one buys a piano or one buys a Steinway."

The form of an excellent product suits its function, and its innovation is evident. Last year Cameron Iron Works of Houston, Texas, won an engineering innovation award for an economical new piece of oil field equipment. The company created a pipeline connector that allows offshore tankers to cap a well temporarily in the event of a hurricane or other severe weather conditions. Cameron is betting there will be growing demand for the connector as oil companies move farther offshore in the search for new oil fields.

Processed-food companies have always been extremely innovative about packaging, not only to attract the consumer who wants convenience but also to win the fight for shelf space. Now that two-thirds of American households have microwave ovens, both Hormel and General Foods are bringing out new microwavable meals—called, respectively, Top Shelf and Impromptu. By virtue of packaging processes that pressurize, seal, and steam the meal in a plastic container, the food requires no refrigeration and can sit on a shelf without spoilage for up to 18 months.

Innovation can occur by serendipity: In fact, it usually does. Engineers from 3M and Boeing, looking for aerospace applications for a new drag-reduction coating, tested the material for the fun of it on rowing shells in Puget Sound. The results were so impressive that last year the coating, inscribed with tiny grooves that replicate sharkskin, was used on the hull of Stars & Stripes in its successful bid for the America's Cup. Crew members credited the coating with increasing the yacht's speed two-tenths of a knot and cutting ten seconds off its finishing time. 3M now sells the coating to sailors.

Among the world's best-selling drugs are a pair of billion-dollar-a-year U.S. entries for high blood pressure: Capoten from Squibb and Vasotec from Merck. Capoten resulted from the research of Squibb scientists who noticed that the venom of the Brazilian pit viper killed its victim by lowering its blood pressure. They found a way to synthesize the venom free of its terminal side effects.

The U.S. is world renowned in medicine and the applied sciences in part because industry recruits the top international scientists, and many go onto develop new products. American companies have historically led the world in the number of drugs introduced each year, and are especially good at converting research into prescription products. They maintain their edge because they are willing to finance research and because they can raise capital for R&D from venture entrepreneurs and the public market and, like Merck, from the sales of successful drugs.

Between innovation and production comes product design. That's where the engineer is supposed to build in ease of use and aesthetics. Historically, that's also the place where American manufacturers have cut corners to save money. Companies that do design products properly consult the consumer to find out how he uses the item before contriving the design. For example, Apply Computer organizes focus groups of five to ten users to get customer comments before and during the design stage. Apple calls the procedure a "reality check." In the design process engineers also try to minimize the number of parts required to make the item. The fewer the parts the smoother the assembly process and the more reliable the final product.

Once the item is ready to move onto the assembly line, the quality effort takes on a different complexion. The hunt has already begun for the best raw materials and the most dependable suppliers. Take the example of fly-fishing rods: Walt Carpenter, and artisan in Chester, New York, spends 30 to 100 hours making superb rods that sell for up to $1,500. Carpenter uses a bamboo called Tonkin cane (Arundinaria amabilis) from Southern Asia. As Peter Passell writes in The Best, "Tonkin cane is not as light as graphite, but it is stronger . . . [It] imparts a very consisent, predicable feels that makes it the material of choice for expert flycasters." Levi Strauss continues to produce 80% of its jeans from 100% cotton denim, a lightweight durable fabric. Cone Mills, Levi's exclusive supplier of denim for the basic 501 jeans, can weave the fabric with only four or five defects per 100 square yards—a ratio Cone's foreign competitors cannot match.

Upgrading quality on the factory floor requires that manufacturers ride herd on their suppliers to improve the parts they deliver. Faced with competition from Toyota, Tennant Co. (see box, page 48), which makes industrial floor sweepers and scrubbers, enlisted the help of its suppliers to upgrade the parts. The company's purveyor of hydraulic cylinders reduced the number of defective cylinders from 6.4 % of each shipment to 0.8%, and a supplier of small motors decreased his defect rate from 8.8% to 2.3%.

Once the parts are on hand, the assembly process must be done correctly from start to finish, with little or no tolerance for the post-assembly repairs known as "rework." Boeing employs a humdrum concept called "system integration" to build 747s that should last about 20 years. Computer bar coding helps the company keep track of 500,000 types of parts, ranging in size from a 3/16-inch rivet to a 103-foot-long wing section, that arrive from some 1,600 subcontractors in 44 states and 13 countries. Then workers aided by sophisticated software make sure that all the parts fit together to form one 747 in a mammoth factory in Everett, Washington.

A.T. Cross urges production workers to toss off the assembly line any pens or mechanical pencils they suspect are flawed. The company unconditionally guarantees its products against defects and does repairs free for the life of the pen or pencil. Fewer than 2% of Cross writing instruments have ever been returned for repairs.

At other companies, like Xerox and Tennant, line employees chart their defect rates and set goals for the workers to reduce them. At Tennant, one assembly worker has been so successful eliminating problems in the floor sweeper he puts together that the company stopped regular inspections of his machines three years ago. Quality-oriented manufacturers understand that it costs less to make the product right the first time. Says Philip Crosby, an independent quality consultant: "I see few companies where the pretax profit is as big as the price of not conforming to specifications."

A tradition of craftsmanship endures in many smaller businesses. At Crane & Co. (see box, page 52) the borders on the sheets of stationery are hand-etched, and the bows that hold the writing paper and envelopes in the box are still hand-tied. The world's best-tailored mink coats have traditionally come from Manhattan's Seventh Avenue. The furriers, many of them immigrants from Southern and Eastern Europe, use a secret solution for dresssing the skins. Then in a process known as "letting out" they cut, stitch, and stretch the pelts before sewing the long strips together into a coat. Jill Vander Putten, head of fur design at the Fashion Institute of Technology, explains that it takes years of apprenticeship to learn these techniques. Says she: "In Asia and Europe they don't have the necessary experience, but they are improving."

New standards of quality keep surfacing in manufacturing. What leads today risks obsolescence tomorrow. Author and consultant Tom Peters calls this sad pattern the "champ to chump syndrome." The color television, the video recorder, the computer memory chip, textile machinery—all are regrettable examples of products the U.S. created only to let the competitive advantage slip offshore. Xerox, once the uncontested leader in photocopiers, saw its world market share drop from 82% to 41% in six years as a result of Japanese inroads into the copier business.

The acheivement of quality, the experts will tell you, must be an ongoing process. Says Blanton Godfrey: "Look how fast products are improving, both in technology and quality. There is not just maintaining the lead. You have to be on fast track, constantly improving at a good rate, or you will be overtaken." To avoid that fate in the midsize part of the copier market where it still leads, Xerox today makes a habit of competitive benchmarking. Company engineers pull apart competing products to see how they are made and then estimate the costs of production in a search for new, cheaper, and better ways to make their own copiers.

Even a product as basic as Levi's jeans has been adapted and improved to stay competitive since its invention in 1853 by a Bavarian immigrant for the miners in the California gold rush. "Over the years we have made in excess of 20 fundamental changes in our basic jeans," says Peter Thigpen, president of the Jeans Co., a division of Levi Strauss. "And I don't mean fashion change. I mean changes like increasing the overlap on the fly from 3/8 of an inch to 5/8 of an inch. There is a constant drive around here for self-renewal."

Boeing, too, renews itself. Since the 747's introduction in 1970, its flying range has increased from 5,200 miles to 8,500. In January the company introduced the 747-400: sticker price, $120 million. By slashing the number of lights, gauges, and switches on the instrument panel from 971 to 365 and by using digital electronics, Boeing was able to reduce from three to two the number of pilots needed to fly the plane. The company also made the 747-400 some 13% more fuel efficient and added a six-foot winglet at the tip of each wing to help eke out an extra thousand miles.

Factory automation is a popular response to the competitive pressures of staying ahead, but by itself it does little to solve the quality problem. You just get the same quality articles more quickly. Says quality authority Armand Feigenbaum of General Systems Co.: "The notion of trying to achieve quality leadership by managing through robots rather than through people is specious." Maintaining excellence boils down to managing—managing the technology, the labor force, and managers themselves.

The commitment of the senior people to the quality process is unquestioned at the companies that make the best products. Executives field customer complaints on hot lines, personally test the products, and meet at least weekly to address quality issues. Quality becomes, in Feigenbaum's words, "an ethic."

The last ingredient for maintaining quality—and the single most important one—is that sales-force bromide: Know your customer. There is a better-educated, more cynical buyer out there with little patience for poor quality. He wants products that work the first time and is willing to pay for them. To respond to customers' changing needs and expectations, the manufacturer must be nimble. Flexible manufacturing helps. Companies like Deere and Tennant can customize a product to a buyer's specifications. Evan a venerable producer of commodity items like Levi Strauss knows it must keep up with its customers. The story of the copper crotch rivet on the 501 jeans is a case in point.

According to company lore, copper rivets were added to the Levi jeans pockets and seams in 1873 to protect the pants from ripping under the weight of a miner's tools or, in the words of a Virginia City prospector, "nuggets bigger than your thumb." But when jeans became fashionable in the 1930s, the denim-clad smart set discovered that the rivets on the back pockets scratched chair backs, the paint on the hood of a car, and anything else the wearer sat on. The back-pocket rivets were removed, but despite occasional complaints from cowboys, the crotch rivet remained. In the last 1930s, Walter Haas Sr., the company president, went on a fly-fishing trip wearing a pair of 501s. One night he squatted close to the campfire, which heated the rivet. In the whooping war dance that followed, Hass the president met Haas the customer. A week later the board of directors abolished the copper crotch rivet by unanimous vote.

As the copper rivet anecdote suggests, the achievement and preservation of product excellence take common sense, diligence, and attention to details—as they always have. What is different today is that the pursuit of quality, whether in planes, pacemakers, percales, or pianos, is no longer voluntary. If U.S. industry expects to win still more customers and market share, it has no choice but to improve its products. For the customer, quality is irresistible. For industry, it is essential.

MAKING IT RIGHT THE FIRST TIME

In 1979, Tennant Co. received two pieces of life-threatening news. Word arrived at Minneapolis headquarters that a potentially fatal defect had appeared in the motorized factory floor sweepers that it was exporting to Japan. The sweepers were chronically dripping oil. The second piece of news was Toyota's announcement that it was bringing out a competing product. In an all-out effort to save its 40% North American market share, Tennant, the world's biggest manufacturer of floor maintenance equipment, embarked on an ambitious, by-the-book quality improvement program that over the next few years upgraded its sweepers and scrubbers from good to great. Today the company has 60% of the North American market and 40% of the world market; sales grew from $98 million in 1979 to $167 million last year.

President Roger Hale started the process of upgrading the company's goods by consulting quality expert Philip Crosby. Arguing that the product had to be made right the first time, Crosby recommended that the company eliminate its rework area, where 18 of the most experienced mechanics fixed mistakes made during the assembly process. The repercussions of Crosby's reform were enormous: Workers had to make fewer blunders and catch those they did make. In order to eliminate errors, management and workers, brainstorming in small groups, developed scores of new assembly procedures that changed the shape of assembly lines and rerouted the delivery of parts. Employees were taught statistical process control, a method of monitoring defects and setting goals to reduce them.

The group that looked into the oil leaks discovered that the company's engineers had ignored the latest hydraulics technology, and a number of the assembly workers had been improperly trained to put together the hose joints. Worse, 16 different suppliers were delivering fittings and hoses made to varying specifications. As a result, the parts didn't go together properly. Once the workers had been retrained and the number of suppliers reduced, leaks—which averaged two per machine in 1979—occurred fewer than one of every 18 machines by 1986. Says Roger Hale proudly: "The leadership on the quality program has come from the factory floor."

Tennant succeeded in protecting its leading market share and enhancing its reputation within the industry. Better yet, says Robert Maples, a security analyst with Piper Jaffray, "improved product quality is largely credited with forestalling Toyota's expansion into the U.S. market." Morale has soared. Murals of paddling loons, grouse, and jumping bass adorn what were once bare factory walls. The floors shine, and the workers gladly show off their handiwork to visitors while chatting knowledgeably about quality control. Employees award each other teddy bears—known as Koala T. Bears—for taking the initiative in problem solving and achieving quality goals.

Every 18 months, to keep things in sharp focus, the company celebrates Zero Defect Day with a magic show and other live entertainment. At the end of the all-day fete, the workers renew their pledge to do their work correctly. "It sounds corny," "says Maples, but the corniness works."

KEEPING THE FIRES LIT UNDER THE INNOVATORS

Around this time of year, the noonday temperature in St. Paul, Minnesota, is three degrees below freezing, so it seems an unlikely spot for a caldron of innovation. Nonetheless, new products bubble up at a rate of more than 200 a year from the research labs that crowd Minnesota Mining & Manufacturing's 435-acre St. Paul campus. Many of 3M's innovations are modest variations of such ordinary but ubiquitous industrial and consumer items as masking tape, coatings for highway reflectors, and sandpaper.

Some 6,000 scientists and engineers are continually stirring the pot, primarily in chemistry and applied science. In all, the company makes some 60,000 products that last year produced revenues of $9.4 billion, up 10% from the year before. Operations in 50 other countries accounted for 40% of those sales. Assisted by the ailing dollar, earnings rose 18% to $918 million. In Fortune's annual survey of America's most admired corporations, 3M most recently ranked No. 6—out of 306 entries. The company is often cited for its ability to keep innovation alive in a large, necessarily bureaucratic organization.

The man responsible for seeing that the fires don't go out is Allen F. Jacobson, 61, known as Jake, who joined 3M as a chemical engineer straight out of Iowa State University in 1947. In contrast with his popular predecessor, Lewis Lehr, Jacobson is strict and a little cold. He once rebuked the minister at his Presbyterian church for preaching that one person's profit is another loss. Collaring the young man after the service, Jacobson informed him tersely that his remarks were "not in line with our country's best econmic thinking."

While hardly the type to encourage the entrepreneurial whims of 3M's researchers, this Calvin has a dash of the Good Shepherd. To be sure that his flock of innovators share their ideas, Jacobson keeps his organization relatively decentralized. Information flows to the top from clearly defined reporting relationships and lots of shoptalk. He says, "You can't make too many of the decisions on the executive floor. You have to depend on the people who are close to the market and the technology."

Under Jacobson, 3M continues to codify many of the practices that preserve the innovative spirit of its scientists and engineers. Researchers are encouraged to spend 15% of their time pursuing pet projects that might have a payoff for the company down the road—a pastime they call "bootlegging." The stick behind that carrot is that 25% of each division's annual sales are expected to come from products developed in the prior five years.

Small groups staffed with a researcher and a marketer push inventions through the design and development stage. It takes an average of seven years from a product's invention to its successful introduction, although the trek can be made in less. Though Post-it notes took six years, some tapes takes only one. Ultimately, 60% of the ideas wind up on the lab floor, but Jacobson wryly notes, "Outsiders say we are very lenient in rewarding failure."

One superior product fresh from the labs is the first videocassette tape for the Super VHS video recorder. The tape, which 3M hopes will be the industry standard by the 1990s, improves picture resolution by capturing 400 lines of broadcast information vs. the standard 230.

Besides coming up with new products, the labs are also supposed to protect and extend the product line against the encroachments of competitors. A case in point: In 1980, 3M developed the first water-activated synthetic casting tape used to set broken bones, but by 1982 eight other companies had brought out copycat products. When 3M researchers discovered that some of these tapes were actually easier to apply than 3M's, they retreated to their labs to develop and test 140 new versions in a variety of fabrics, before introducing the next year an improved product that was stronger and easier to use.

In 1985, 3M's earnings declined 9.5% when the lofty dollar pummeled sales. Though Jacobson responded by cutting costs 35%, he spared R&D spending. Through this period, it actually rose from 4.5% of sales in 1980 to 6.6% today, a figure roughly twice the U.S. average for manufacturers. Now the company is reaping the benefits of that investment.

Every so often the caldron produces a witch instead of a winner. Recently a line of air ionizers used to remove dust from the air in factory production facilities began leaking radiation. Though 3M maintains that the ionizers pose no serious health threat, it recalled them, fearing they would taint the company's reputation. When asked about that reputation, Jacobson dismisses all the business buzzwords and phrases save innovation and the pursuit of quality. "These are the tools for staying ahead in our increasingly competitive society," he says. For a man who goes one on one with God's anointed, he practices what he preaches.

A Real Tiger in the Paper Trade

In the weathered redbrick mills of Crane & Co. in Dalton, Massachusetts, cotton pulp flows like watery scrambled eggs through tiled vats on its way to becoming fine stationery and paper so durable the currency of the U.S. is printed on it. Since 1801, Crane's 100% cotton rag paper has offered a combination of strength, durability, and surface texture that is unsurpassed by other mass-produced papers.

Crane letterhead is used in the White House, and supplied to Tiffany & Co. where it is sold as their stationery. The company makes and sells tracing paper for engineers and architects, the paper for passports, and the high-tech glass-fiber paper used in materials such as formica. Crane is also the U.S. Mint's sole supplier of currency paper. Last year the privately owned firm had revenues just over $100 million.

The company has had some advantages in its effort to preserve the competitiveness of its products over its long history. Seven generations of Crane family ownership have provided a consistent management philosophy—one that vigorously pursues quality. A strong work ethic endures in the western part of Massachusetts, and Crane reinforces it with a generous profit-sharing program that distributes 25% of pretax profits to the employees. Many of the 730 workers are third or fourth-generation employees of the company.

Excellence takes effort. Unlike most makers of rag paper, Crane controls the manufacturing process from the purchase of raw materials to the final engraving. The company buys two kinds of cotton: raw cotton from Texas and California, where the best is grown, and cutting scraps from men's underwear, also among the softest and finest weavable cotton. Why cotton? Says Wayne Cronnell, director of quality control: "It is a long, clean, stable fiber that produces an extremely durable sheet of paper."

The papermaking machinery is imported from West Germany or made by two local companies, Sandy Hill and the Jones division of Beloit. "We buy the Mercedes of the industry when we buy equipment," says Tom Sedgwick, superintendent of the stationery division. Only the finest water-soluble pigments are used for the inks and dyes.

Finishing touches are done by hand. When it comes to painting the borders of the cards and stationery, 12 women workers gently spread out a stack of papers, making sure an even width of border shows on all the sheets before sponging on the ink. Says Sedgwick: "You try and find me a machine to do this. Nothing can match the accuracy of the human hand and eye."

100 Products That America Makes Best

All-electric plastics injection-molding machine Cincinnati Milacron.

Aluminum foil Reynolds metals.

Atomic clock Frequency Electronics, Hewlett-Packard.

Ball point pens A.T. Cross.

Balloon and laser angioplasty catheters C.R. Bard, Eli Lilly, Trimedyne.

Bamboo fly-fishing rods Walter Carpenter.

Bed sheets and towels Burlington Industries, Dan River, Dundee Mills, Fieldcrest Cannon, J.P. Stevens, Springs Industries, West Point-Pepperell.

Biotech drugs: t-PA Genentech.

Bobcat skid-steer loaders Melroe.

Boats and hunting shoes Timberland, L.L. Bean.

Brain electrical activity mapping system Nicolet Instrument.

Camera film (color) Eastman Kodak.

Central office switching equipment AT&T.

Charcoal briquettes Kingsford Products

Charge couple device image sensor Eastman Kodak.

Clothes dryers Whirlpool.

Combines Case IH, Deere.

Computer operating systems software: MS-DOS, Unix, VM, VMS Microsoft, AT&T, IBM, Digital Equipment.

Copiers Eastman Kodak, Xerox.

Cotton denim Cone Mills.

Cruising sailboats, 37 feet and under Pacific Seacraft.

Crystal Steuben Glass.

Data parallel supercomputers Thinking Machines.

Digital plotters Hewlett-Packard.

Dishwashers General Electric.

Distributed database management technology Tandem Computers.

Ditch Witch trenchers Charles Machine Works.

Drugs: Capoten and Vasotec Squibb, Merck.

Dustbuster Plus hand-held cordless vacuum cleaners Black & Decker.

Electrodeposition primers PPG Industries.

Electrohydraulic servo valves Moog.

F-16 jet fighters General Dynamics.

Fast food: hamburgers McDonald's.

Financial, engineering, and scientific hand-held calculators Hewlett-Packard.

501 jeans Levi Strauss.

Flashlights Mag Instrument.

Flutes Wm. S. Haynes.

FM two-way radios Motorola.

Frequency and time interval analyzers Hewlett-Packard.

Fur coats Peter Dion, Goldin-Feldman, Ben Kahn, Maximilian, Louis Milona.

Glass fiber for communications Corning Glass Works.

Gore-Tex waterproof breathable fabric W.L. Gore.

Handbags Coach Leatherware.

Hay and forage equipment Ford New Holland.

Heating controls Honeywell.

Heavy earthmoving equipment Caterpillar.

Ice cream and sorbet New York Fruit Ice.

Industrial and commercial floor sweepers and scrubbers Tennant.

Instant camera flims Poloroid.

Integrated voice and data communications systems (T-1 multiplexers) Network Equipment Technologies.

Intelsat VI satellite Hughes Aircraft.

Ion chromatographs Dionex.

Jazz music——.

Jet aircraft: 747 family of planes Boeing.

Jet engines General Electric.

Kevlar fiber DuPont.

Loader/backhoe Case IH.

Locomotives General Electric.

Longwall mining systems Joy Technologies.

Lycra spandex fiber DuPont.

Magnetic resonance imaging scanners General Electric.

Marlboro cigarettes Phillip Morris.

Mass spectrometers Finnigan.

Men's ready-to-wear suits Oxxford Clothes.

Micro-precision machine and measuring tools Moore Special Tool.

Microprocessors: Motorola 68000 family, Intel 80X86 family Motorola, Intel.

Microwavable food in shelf-stable packaging: Impromptu, Top Shelf General Foods, Geo. A. Hormel & Continental Can.

Microwave ovens Litton Industries.

Minicomputers Digital Equipment, Hewlett-Packard, IBM.

Minisupercomputers Alliant Computer Systems, Convex Computer.

Multimeters Hewlett-Packard, John Fluke Mfg.

Offshore drilling equipment Cameron Iron Works.

Oscilloscopes Tektronix.

Pacemakers Medtronic.

Paper towels Procter & Gamble, Scott Paper.

Personal computer applications software Lotus Development, Microsoft, WordPerfect.

Personal computers Apple Computer.

Pianos Steinway & Sons.

Post-it note pads 3M.

Powerboats Cigarette Racing Team, Donzi Marine.

Pressure transmitters for industrial process plants Rosemount.

Row-crop planters Case IH.

Scotch S-VHS videotape 3M.

Scotchcal drag reduction tape 3M.

Sheet and strip stainless steel Allegheny Ludlum.

Soft drinks Coca-Cola.

Stationery Crane.

Stereo loudspeakers International Jensen, Allison Acoustics, Infinity Systems.

Sunglass lenses Corning Glass Works.

Supercomputers Cray Research.

Symblon J-7 and Thoratec artificial hearts Symbion, Thoratec Medical.

Tampax Tambrands.

Technical workstations Apollo, Silicon Graphics, Sun.

Teflon DuPont.

Telephone sets AT&T.

Thermos vacuum containers Halsey Taylor/Thermos.

Thin film hard disks Komag, Seagate Technology.

Tillage equipment Krause Plow.

Tractors, 100 hp and over Deere.

Washing machines Maytag, Whirlpool.

[From the Lexington Herald-Leader, Apr. 11, 1988]

Made in Kentucky—7 Products Hailed as Best in the World

(By Joseph S. Stroud, Jim Jordan, and Shelia M. Poole)

The Kentucky Seven.

It's not a sports team. It's a diverse group of products made in Kentucky.

Corning sunglass lenses, General Electric dishwashers, parts for jet engines, Kingsford charcoal briquettes, Marlboro cigarettes, 3M Post-it note pads and Reynolds Wrap aluminum foil—Fortune magazine says they are the best of their kind in the world.

Fortune recently listed 100 products that America makes best. The Kentucky Seven gave the state an "above average" presence on the list, said Gary Belis, a Fortune spokesman.

Fortune, said it consulted quality experts, academics, industry representatives, major users of specific products and "other knowledgeable observers of the global manufacturing scene."

"To be included, an item had to be state of the art—that is, at the height of innovation and technical advancement," the magazine said in a statement. "It also had to be the most durable of its kind and provide good to great value for the price."

For example, Post-it notes, made by 3M Co. in Cynthiana, were included because they are "extraordinarily innovative," said Christoper Knowlton, a Fortune reporter.

Two other products were rated as the best by Consumer Reports magazine, which tests products. They are the General Electric GSD-2800G dishwasher and Kingsford's charcoal briquettes.

Another member of The Kentucky Seven, the GE jet engine, has "come on pretty strong" in technology and quality in recent years. Industry analysts say it is "a better engine", than competitors', Knowlton said. GE makes engine components in Madisonville.

Corning's Serengeti Driver sunglass lenses, made in Harrodsburg, stand above the rest because they provide high contrast in bright light without using ultraviolet light to block the sun's rays, Knowlton said.

Another Kentucky product, Marlboro cigarettes, was selected from a group of equals, based on sales. Marlboro is the best selling brand of cigarettes in the world.

Herald-Leader business writers recently took a closer look at The Kentucky Seven and at the plants where the products are made.

Here's what they found:

Reynolds aluminum foil

Reynolds Metals does aluminum foil right, and it does it in Louisville.

Reynolds, which produces metals and and food containers and, of course, Reynolds Wrap. Opened in 1919, it is the oldest Reynolds Metals plant.

The Louisville plant has 546 employees and producers aluminum foil for packaging and food containers and, of course, Reynolds Wrap, Opened in 1919, it is the oldest Reynolds Metals plant.

About 73,900 tons of foil are made each year at the plant. The product is produced from a continuous sheet of aluminum made from large coils of metal that have been heated, cooled and rolled to a specified thickness.

Reynolds Wrap has long been recognized as a versatile food wrap because it can withstand heat and cold, said Margaret Lee Hall, a Reynolds spokeswoman.

It's a always been regarded as a quality foil; it's been a household word for over 40 years," she said.

Corning sunglass lenses

Corning Glass Works has 30 plants nationwide. The lenses for the Serengeti Driver sunglasses cited by Fortune are made only in Harrodsburg.

The technology—a "special application of the photochromic lens," according to plant manager Nick Nahorniak—was development by the production and engineering department at the Harrodsburg plant about five years ago.

The lenses have been produced ever since by Corning 350 employees at the Harrodsburg plant. It has been operating for 35 years.

"We take a photochromic lens blank," and we fire it in a controlled atmosphere and change the color." Nahorniak said. A reddish tone is produced that adjusts to light and sharpens images better than any other lens.

Driver sunglasses are not made entirely in Kentucky, however. The frames come from Japan, and the glasses are assembled at Corning's New York plant. But the technology that has made the Driver successful comes from Harrodsburg.

GE DISHWASHERS

As Larry Walsh sees it, General Electric Co's model GSD-2800G is the Porsche of dishwasgers.

It's the top of the line electronically controlled dishwasher," said Walsh, a GE spokesman in Louisville.

The model features electronic sensors that monitor performance. It informs users about problems and reports the amount of time remaining in the cycle as well as the status of the cycle.

"No other dishwasher can provide that kind of information to an owner," Walsh said.

The unit fits into a 24-inch space and sells for $549 to $629. It is one of 20 models of dishwashers made by GE.

In addition to dishwashers, General Electric's Appliance Park complex produces ranges, washers, dryers and refrigerators. It was opened in the 1960s and has made dishwashers since 1982.

GE JET ENGINES

Components made at General Electric's Aircraft Engines plant in Madisonville are used in the engines that power the Army's Blackhawk helicopter, the Air Force's B-10 bomber and other military aircraft.

The same parts, called blades and vanes, give lift to the DC-8, DC-10, Boeing 737 and Boeing 747 aircraft used by commercial airlines.

More than $150 million worth of the parts are produced annually at the plant, said Jeff Barnett, manager of employee and community relations. These are shipped to GE facilities in Ohio and Massachusetts where jet engines are assembled for military and civilian aircraft around the world.

The Madisonville factory was built in 1970 as a lighting plant. It was taken over by GE's Aircraft Engines division in 1960. The plant is one huge building, with 294,000 square feet under roof, where about 850 people work. Barnett said.

"We have redone the plant so it is now vintage 1980's," he said. "We have remodeled and modernized it.

"Our group is recognized as one of the high-tech, high-production organizations."

Barnett said the division's technological achievements have been cited by such national publications as Business Week and Fortune magazines and by state groups such as the Kentucky Chamber of Commerce.

KINGSFORD CHARCOAL BRIQUETTES

Imagine a cross-country rectangle, with corners in North Dakota and Michigan to the north of Kentucky and corners in Texas and Florida to the south.

Backyard cooks in that entire area are supplied with charcoal briquettes from the Kingsford Co. plant at Burnside near Somerset, in Pulaski County.

"We produce all the (Kingsford) charcoal briquettes for the Southeast and Midwest," said David Dean, the plant manager. "We produce more charcoal than any other plant Kingsford has."

Kingsford, a subsidiary of, The Clorox Co., has plants in West Virginia, California, Oregon and Canada. But the Burnside plant is the company's mainstay.

The plant, opened in 1963, has 139 employees, Dean said. Kingsford also has eight employees at Albany in Clinton County where charcoal is produced for the Burnside plant.

Sawdust from lumber mills is the main ingredient. Slabs and other byproducts of lumber production are also used. For that reason, charcoal plants were originally built near large forests and lumber mills, Dean said.

The charcoal is made in large kilns, or ovens, and is smashed into small pieces before being compressed into briquettes and bagged for retail sale.

"We have the largest share of the market in the Midwest and Southeast," Dean said, "and this is where it all begins."

MARLBORO CIGARETTES

Perhaps the most native of the Kentucky products listed by Fortune is Marlboro cigarettes.

A product of Philip Morris U.S.A., Marlboro cigarettes are made at plants in Louisville, Richmond, Va., and Charlotte, N.C.

The Louisville plant makes about one-fourth of the 134.6 billion Marlboro cigarettes produced each year, said Philip Morris spokesman Dan Ison. Marlboro has the largest share of the worldwide cigarette market.

Marlboro is made with "that rich Kentucky burley tobacco," Ison said. "We have the state-of-the-art equipment to produce one of the highest quality products on the market."

The Louisville plant has made cigarettes for four decades. Marlboro was not made there until 30 years ago. The cigarette was introduced in 1924 and originally was heavily advertised as a cigarette for women.

About 3,400 of Philip Morris U.S.A.'s 16,000 employees work at the Louisville plant, which also produces Merit, Benson and Hedges, and Virginia Slims cigarettes.

3M POST-IT NOTE PADS

The development of Post-it note pads by Minnesota Mining and Manufacturing Co. (3M) is an industry legend. It is also proof that sometimes the most innovative developments are simple ones.

Post-it pads are made at 3M's Cynthiana plant. They are among the five best-selling office supplies in the United States.

Post-it comes in various sizes. Each sheet has a strip of glue on the back that allows the paper to stick—and restick, if it is pulled off—to just about any surface.

Spencer Silver, a scientist at 3M's commercial tape laboratory in St. Paul, Minne., was trying to develop a super-strong adhesive when he came up with the glue.

Silver set the glue aside as a failure. A co-worker, Arthur Fry, put the not-so-sticky glue to use. He wiped it on strips of paper and used the strips as hymnal markers. They would not fall out of the book, and they could be moved as needed.

Fry began prodding 3M in 1974 to market the note pads for use by businesses, but Post-it note pads did not appear nationally until 1980. The rest, as they say is history.

Plant manager Rose Kobras said 3M selected the Cynthiana plant to manufacture the note pads because of its exemplary production record. Since then, "we have really been a leader in showing how to continually make improvements in the process."

The plant, one of about 90 3M has around the country, employs about 300. It was opened in 1969 and was used originally to assemble copying machines. The plant began producing the note pads about four years ago and was selected as the sole supplier for North America in early 1986.

Kobras would not disclose production numbers, but she said the note pads were "a very high-volume item."

3M also makes overhead projectors, transparency makers and printing plate-processors at the Cynthiana plant.●

SPACE LEADERSHIP

● Mr. ARMSTRONG. Mr. President, is the space program and U.S. leadership in space important to our daily lives?

Consider these developments from the space program:

Minipumps that automatically inject insulin and prolong diabetics lives.

Satellite images that forecast agricultural crops, explore for oil and minerals, assess natural disasters, and locate archeological fields providing clues to our ancestry.

Household smoke detectors.

Miniature circuitry implanted in the human body to monitor heart beats and deliver corrective electrical shocks that prevent death or brain damage for thousands of people.

Improve insulation materials for cold weather clothes, sleeping bags, and window liners.

Superglue.

Eyeglasses that filter out ultraviolet light.

The list goes on and on. In fact, there are 30,000 such results or spinoffs from the years of scientific research and technology development required to send men and machines to space.

A recent article, however, in the Wall Street Journal, entitled "Space: The Russian Frontier" by Jonathan Coopersmith, alerts us that the U.S. scientific and technological edge in space faces a challenge, since "Moscow is increasingly the place to be" for the world's space scientists, engineers, and businessmen. I recommend the article to Senators' attention and request that it be included in the CONGRESSIONAL RECORD.

The article follows:

[From the Wall Street Journal, Apr. 25, 1988]

SPACE: THE RUSSIAN FRONTIER

(By Jonathan Coopersmith)

The past six months have seen the announcement of a much-needed American civilian space policy. But they were also marked by major strides in the Soviet program, the successful return of the European Ariane rocket to commercial service, a significant expansion of Japanese plans, the Soviet commercial launch of an Indian earth-resources satellite, and a Chinese-Brazilian agreement to build such a satellite. The U.S. is back on the right road but faces a lot of traffic.

For the businessman, engineer or scientist who wants to work in space, Moscow is increasingly the place to be. This was quite clear at the Moscow space-futures forum (officially the International Forum on Cooperation in Space in the Name of Peace on Earth), held last October to commemorate the 30th anniversary of Sputnik. Nearly 500 foreigners, half of them American, attended.

The forum was the creation of Roald Sagdeev, director of the Institute for Space Research of the Soviet Academy of Sciences. Mr. Sagdeev, an energetic, charming man, brought the core of the world's space-science community to Moscow on the basis of his reputation, free travel and housing, and assurances that the forum would not be a propaganda mill.

EXPLOITATION AND COLONIZATION

Mr. Sagdeev and the evolving constellation of Soviet space organizations emerged with enhanced credibility and closer ties with the West and developing countries. While the vast bulk of the Soviet space effort remains military and public relations still plays a major role, the civilian component is growing in size and openness, and is increasingly seeking and finding Western cooperation.

Underlying Soviet activities is a perspective on space that encompasses long-term exploitation and colonization as much as the exploration Americans stress. Soviet space programs benefit from direct military interest and the general concentration of resources on physics and chemistry. Institutional momentum keeps programs and organizations alive.

Over the past few years, the Soviets have chalked up very impressive accomplishments, including a permanently manned space station; the world's largest booster; improved reliability and endurance of unmanned spacecraft; and the development of a space shuttle, which will soon be tested. Complementing these accomplishments are wide-ranging plans to explore Mars, worthy of American visions 15 years ago. In the face of an economy backward in so many ways, the Soviets nevertheless are offering services and opportunities no other country today can match financially or technically.

The Soviets can offer delivery to orbit more quickly and less expensively than Western commercial vendors. The large investment in their space infrastructure has given them a stable of reliable rockets (the Proton has had nine failures in 105 launches) that, while technologically undistinguished, perform the bottom-line task of putting satellites in orbit.

The shortage of Western capacity makes Soviet launchers attractive. A series of launch disasters, including the Challenger explosion, severely curtailed Western access to space in 1986-87. The European Ariane launcher just returned to commercial service. The U.S. space program will not eliminate its backlog of payloads until the early 1990s.

Want to launch a satellite quickly and inexpensively? Glavkosmos, the recently established civilian space agency, will charge roughly $40 million for a payload that a Western company would charge $60 million for. It offers a range of boosters with safeguards to minimize the transfer of technology from the West. The U.S. government has prohibited American use of Soviet boosters, but two major satellite makers, General Electric and General Motors, are appealing the action.

The Soviet purpose in offering launch services is two-fold: To gain both international prestige and hard currency. The Soviets can undercut their Western competitors because Soviet operating costs are significantly lower than those of American and European commercial boosters, due to economies of scale (in 1987 the Soviets launched 95 boosters, compared with 15 by the rest of the world). Furthermore, the expense of launching a Proton rocket is in unconvertible rubles; the payment is in an international currency.

Glavkosmos also offers small self-contained canisters carried on the Mir space station. Formerly a NSAS monopoly, these "Getaway Specials" offer a low-cost way to conduct research in space. Payload Systems Inc. recently became the first American customer.

Want a satellite picture so detailed it shows airplanes on the ground? Sojuzkarta sells photographs with a resolution of five meters, twice that of France's SPOT and six times better than Landsat's thematic mapper. The U.S. Geological Survey wants to use these pictures, but faces opposition from other parts of the government. Sojuzkarta rang up its first of many American sales at the October forum, and an American firm soon may become its Western marketing outlet.

Want to explore Mars, an asteroid, or Saturn? Mr. Sagdeev's Institute for Space Research and other research institutes are seeking foreign experiments for Soviet space probes. The Institute for Space Research coordinated the 1986 Halley's Comet missions of several countries. European scientists are working actively with their Soviet counterparts on Mars missions for the 1990s. U.S. scientists, utilizing their expertise from the 1976 Viking landers, are selecting possible landing sites for Soviet and, possibly, American rovers.

Scientists are revenue- (more accurately, research-) maximizing players. If the Soviet Union offers opportunities their home countries cannot match, the best and the brightest scientists world-wide will prefer to work with Soviet institutes. The long-term consequences for the American scientific and technical community would be devastating.

The U.S. has three options. It can ignore, compete with, or cooperate with the Soviet space program.

Competition has long been tacit American policy. Continuing this approach, the new space policy announced in January will put the U.S. back on solid competitive ground by emphasizing easier access to space and the development of basic technologies for working in space.

But while competition is a viable strategy, the U.S. will maximize its return with selective cooperation. Cooperation requires shared interests, knowledge of each other's activities, and political support. The U.S. government has a shaky record on the last. It unilaterally canceled a joint U.S.-European solar probe a few years ago, and now an unseemly brawl has broken out between the Defense Department and NASA over foreign participation in the space station. Nonetheless, intelligent cooperation with Europe, Asia and the Soviet Union offers definite scientific and economic benefits by avoiding redundancy and expanding prospects for research. The coordination of Japanese, European and Soviet missions to Halley's comet, aided by American Tracking facilities, is an excellent example of what can be done.

The U.S. could focus on making International Space Year in 1992 more than public-relations blitz. One worthy proposal for this 500th anniversary celebration of Columbus's discovery of America is the creation of an international satellite consortium for earth resources, Envirosat.

WOULD REVITALIZE LANDSAT

Earth-resources satellites observe and monitor our planet from space. They have proved economically valuable in making maps, estimating crop yields, predicting water runoff, charting urban growth, and discovering mineral deposits. With Third World scientists and engineers trained to use the consortium's data, Envirosat could have a global impact as great as that of weather satellites 25 years ago.

Envirosat also would revitalize NASA's pioneering Landsat program and help the U.S. regain technical parity with the earth-resources programs of France, the Soviet Union, Japan, India and, soon, China and Brazil. India's third remote sensing satellite was just launched. The next American satellite, Landsat 6, will not be launched until 1991. The Landsats in orbit will probably fail before then, leaving the U.S.—the first country to launch a remote sensing satellite—dependent on foreign satellites for data.

While unmanned satellites are commercially and scientifically valuable, they do not spark the public interest—and support—of costlier manned projects. NASA's intention to return to the moon before going to Mars is the right approach. While not as exciting as going directly to the red planet, manned lunar operations will establish the industrial foothold necessary to exploit space, not just explore it.

Given the growing space programs of other nations, the U.S. must decide not just what it wants from space, but what resources to commit over long periods of time. Does it want to compete with all the world or does it want to seek ways to cooperate? As long as America's policy makers remain indifferent, the world's space experts will continue to go to Moscow.●

TABATHA FOSTER

● Mr. McCONNELL. Mr. President, it is with great sadness that I rise today to bring the death of Tabatha Foster to the attention of my Senate colleagues. Tabatha captured the hearts of Americans everywhere when, at the age of 3, she underwent a five-organ transplant. Her fighting spirit helped her overcome numerous surgeries and infections and served as an inspiration to all of us who have closely followed her battle for a healthy life.

Even when very ill, she always had a smile on her face. She would complete difficult tests and resume her laughter. While this remarkable courage endeared her to all of us, her greatest impact was on those who took care of her for the last 3 years. As one of her nurses said, "She had been through so much, but everybody thought that if anybody could make it Tabatha could. She was a fighter. There was a lot times while she was here they would come and say 'This is it—she's not going to make it through this.' But she would pull right through. * * * One thing that pulled us to her was the fact that she just seemed to take everything in stride."

Tabatha was even responsible for uniting her hometown of Madisonville. People from throughout the community have rallied to help her cause.

President Reagan, who contributed toward her medical expenses, commented Wednesday night that he and the First Lady were saddened to hear about her death. He said, "Many Americans were drawn to her because of her courageous battle against birth defects."

However, Tabatha's enduring legacy is the benefit derived from her struggles by the medical community. The information gained from her plight will help doctors in trying to save patients with the same congenital defect in the future. It is good to know that her experimental transplant may bring comfort and hope to a family that may soon face the same crisis.

Mr. President, I know that all of my colleagues in this body will join me in sending our most heartfelt condolences to Tabatha's family.●

ARCTIC NATIONAL WILDLIFE REFUGE

● Mr. ROTH. Mr. President, I rise to bring to the attention of my colleagues an article that appeared in the New York Times of Wednesday, May 11. The article is based on an unreleased preliminary fish and wildlife report, and addresses an issue of grave importance to me and the Nation. It should be of considerable interest to my colleagues who are concerned with the possible environmental impacts of oil development in the coastal plain of the Arctic National Wildlife Refuge.

In brief the report indicates that fish and wildlife habitat losses resulting from development of the pipeline system and the Prudhoe oil fields were greatly underestimated. In my opinion, the report casts serious doubts over whether development can take place in an environmentally sound manner, and illustrates that we cannot have an oil field in a wildlife refuge. As I have said before we cannot have it both ways, coexistence in such a fragile environment is extremely difficult, and once the natural heritage is damaged, it can never be regained. I propose again that as stewards of this Earth, we protect this land for the enjoyment of generations to come and work together with the Canadians to ensure that it remains that way. I ask unanimous consent that the article that appeared on the front page of the New York Times of May 11, 1988, be printed in the RECORD in its entirety.

I also ask unanimous consent that an article which appeared in the January/February 1988 edition of the EPA Journal be printed in the RECORD in its entirety. The article discusses the importance of and the fragile interactions that occur on the beautiful and dynamic Arctic ecosystem.

The articles follow:

[From the New York Times, May 11, 1988]

ALASKA OILFIELD REPORT CITES UNEXPECTED HARM TO WILDLIFE

(By Philip Shabecoff)

WASHINGTON, May 10.—An unreleased preliminary report by officials of the Fish and Wildlife Service says oil development in northern Alaska has caused far more environmental damage than the Government predicted.

The report, whose findings are a subject of dispute within the agency, says development of the Prudhoe Bay oilfield and the Trans-Alaska Pipeline has been on a substantially greater scale than was envisaged in the Government's environmental impact statements, prepared before the projects began 16 years ago.

Partly as a result, it concludes, the projects have created substantially more air and water pollution and destroyed significantly greater amounts of wildlife habitat.

THOUSANDS OF ACRES LOST

Among the report's findings are that 11,000 acres of vegetation used by wildlife at Prudhoe Bay have been lost, almost double what was predicted, and that most bird species in the area have declined in population, as have bears, wolves and other predators.

The report cites inadequate monitoring of environmental quality and lax enforcement of environmental laws on Alaska's North Slope.

Lawmakers and environmentalists said today that the report, prepared at the request of Representative George Miller, Democrat of California, could have a significant impact on the legislative debate over whether to open the Arctic National Wildlife Refuge, just to the east of Prudhoe Bay, to oil exploration. Environmentalists and some officials favor protecting the refuge as a pristine wilderness area.

A number of legislators also said the report showed how environmental impact statements, required under the National Environmental Protection Act as a means of assuring that Government activities are environmentally sound, could seriously underestimate the potential damages of mammoth development projects.

Mr. Miller asserted in an interview today that the Interior Department, the wildlife agency's parent, had deliberately suppressed the report because it was damaging to the Reagan Administration's efforts to quickly open the Arctic refuge to oil exploration and development.

Philip Million, a spokesman for the Fish and Wildlife Service, denied that the report had been suppressed for political reasons. He said that it had not been released because of a disagreement between two of the agency's offices about the validity of its conclusions.

Mr. Miller said he asked the Fish and Wildlife Service a year ago for a comparison of the predicted and actual impact of oil development in Alaska so that Congress could use the information in evaluating whether to open the Arctic National Wildlife Refuge to oil development. Mr. Miller is chairman of the Water and Power Resources Subcommittee of the House Interior Committee, which shares jurisdiction over the Arctic refuge. While he does not oppose development of the refuge, he has argued that greater environmental safeguards are necessary.

Although the report was completed last December, Mr. Miller was given only a brief summary then by the Fish and Wildlife Service, an account that, he said today, did not even begin to describe the problems listed in the full 86-page report. But he, Senator William V. Roth Jr., Republican of Delaware, several environmental groups and The New York Times obtained copies of the document this week through unofficial channels.

Mr. Million, the wildlife agency's spokesman, said the full report had not been given to Mr. Miller because the service's regional office in Alaska did not concur with the findings and conclusions of the field staff that prepared it. The spokesman said that the report was a draft and that it would be revised. He declined to elaborate on the regional office's specific objections.

A statement by the American Petroleum Institute, a trade organization of the oil industry, said that association officials had not seen the report and could not comment on its specific findings. The statement added, however, that "research programs sponsored by the Government, private institutions and the petroleum industry concluded that petroleum operations have not harmed the Arctic environment."

"So far," the statement said, "more than six billion barrels of oil have been produced on the North Slope in an environmentally sound and safe way. It's a remarkable record. The petroleum industry cares about the special ecological and wildlife values of the Arctic and works hard and spends great sums to protect them. The record at Prudhoe Bay proves we have been good stewards of the land."

But among the findings of the report is that the quality and the quantity of North Slope freshwater was damaged more frequently and more severely than expected by sedimentation, erosion and oil spills associated with the pipeline and with Prudhoe Bay.

Meanwhile, unexpected expansion of oil production facilities into the Arctic Ocean damaged marine water quality, the report said. The long-term effects of this damage have not been evaluated, it said, but the decline in fish population has been greater than predicted.

The report found that construction and development activities had destroyed the habitat used by more than 20,000 birds and that the populations of most bird species had declined. Only a few species, such as snow buntings, have increased, the report said.

VEGETATION LOST

The original environmental impact studies predicted that over 6,000 acres of vegetation used by wildlife would be lost because of development. In fact, according to this report, 11,000 acres were actually lost. While efforts were made to mitigate the loss of plants of high value to wildlife, these efforts were largely unsuccessful, the report noted.

The impact statements did not predict any withdrawal of water from streams and lakes but, in fact, over 200 million gallons of fresh water a year are being used for oilfield operations, the report noted.

The impact statements did not predict any pollution from pesticides, but this report noted that "intensive" pesticide spraying had taken place at some of the oil company camps.

The report also said that in a number of cases the projections of the environmental impact statements had proved to be correct. It also noted that some of the environmental damage created by oil activity had been successfully corrected.

The number of caribou in the Central Arctic herd has increased since the oil projects began because wolves, bears and other predators in the area had been killed or pushed out, the report said. There has been a decline in the number of bears, Dall sheep and other large mammals because roads and air traffic have made the area more accessible to hunters, it said.

"Fish and wildlife habitat losses resulting from the construction and operation of the pipeline system and Prudhoe Bay oilfields were greatly underestimated in the environmental impact statement," the report concluded.

IMPLICATIONS FOR REFUGE

The House Merchant Marine Committee and the Senate Energy Committee have already approved legislation enabling oil development in the National Arctic Wildlife Refuge.

The Interior Department and the oil industry have repeatedly insisted that oil can be extracted from the Arctic refuge without significant damage to its fragile ecology and wildlife. The industry and the department estimate that there is a one in five chance of a major oil strike in the 1.5 million acre coastal plan of the refuge and that, if a strike is made, it could produce as much as 3.2 billion barrels.

Supporters of the development in the refuge say it is the last hope for a major onshore oil strike in the United States. Such a strike, they contend, could ease dependence on foreign sources of oil and be an economic boon to Alaska and to the nation.

The oil industry and the Interior Department have repeatedly said that the history of the Prudhoe field and the Trans-Alaska Pipeline shows that oil development and environmental protection can be compatible in the far north.

Today the environmentalists said that the Fish and Wildlife Service report disproves that contention.

"The report confirms that oil development has resulted in serious damage to wildlife and habitat on Alaska's North Slope," said Lisa Speer, senior scientist for the Natural Resources Defense Council, a national environmental group.

ENVIRONMENTAL TREASURES: THE ARCTIC

(By Richard Sumner)

The far north has always gripped our imaginations. The stories of Jack London and the explorations of Peary and Amundsen have left us with images of a bleak, inhospitable wilderness. But though the climate is harsh, the native Inuit (Eskimos) have lived there for thousands of years, relying on mammals, birds, and fish to supply their needs.

Now, exploration and development of the oil fields has brought change to the Arctic, and intense public debate focuses on the environmental effects of industrial activity along the North Slope. The issue of whether development should occur in the Arctic National Wildlife Refuge, for example, is now before Congress. EPA's position remains one of impartial analysis, based on the best available scientific evidence.

Experience with oil development in the Arctic is not very extensive. Prudhoe Bay opened in 1968 and the National Petroleum Reserve west of the Colville River was explored in the 1940s and 50s. Based on this limited experience, the environmental impacts of new oil development have been reduced. Nonetheless, considering the value of arctic life, we must be cautious. Continued inquiry into the intricacies of arctic ecology is still the only prudent course. Central to this debate is the structure of the arctic ecosystem as a whole.

The biological zones encountered as one moves north through Alaska are like those one finds while climbing a mountain: first the tall evergreens, then dwarf trees, then hardy alpine shrubs, such as heather, and finally grassy meadows and lichens. Geographers define the Arctic to include the treeless areas of the far north. This area called tundra comprises about five percent of the earth's land surface. The tundra extends in a nearly unbroken band across the northern parts of Europe, Asia, and North America. Plant and animal species are remarkably similar throughout this vast realm.

The North Slope of Alaska covers more than 200,000 square kilometers and embraces three major physiographic regions: the Brooks Range, the foothills, and the coastal plain. The Brooks Range is a rugged, glaciated extension of the Rocky Mountain chain that has a mix of arctic and alpine tundra. Slopes and high ridges are sparsely vegetated, often only with lichens, and are similar to the polar deserts of northern Canada and Greenland. Lower, more protected slopes have dry-meadow communities dominated by mountain avens, a dwarf shrub featuring white, eight-petaled flowers. Near the valley bottoms are moist sedge meadows or shrub tundra with willow and dwarf birch.

The Brooks Range slopes downward to foothills in the north. These rolling hills of glacial deposits are covered by large stands of tussock tundra—compact tufts of cotton grass. Exposed ridges have alpine-like communities similar to those of the Brooks Range. West swales and valleys feature willow thickets and sedge meadows. Further north is the coastal plain, a gently sloping expanse of marine sediments dominated by grasslike sedge communities.

The tundra is underlain by permafrost, permanently frozen soils up to 1,500 feet deep. A thick, insulating mat of moss rests on an active soil layer often less than six inches deep. This thin soil, combined with the short growing season and low summer temperatures, results in slow rates of growth and decay. Thick layers of frozen peat develop, locking up the nutrients necessary for plant growth. Arctic vegetation thus responds dramatically to fertilization, and lush growth can be found near bird mounds and animal burrows in July and August.

There are many lakes and rivers on the North Slope but most are too shallow to support overwintering fish, and this limits the size of freshwater fish populations. Species like whitefish and arctic char are found along the coast during the open-water season, but return to deep pools in freshwater streams or brackish river deltas to spend the winter. Only two major rivers in the Northern American Arctic empty into the Arctic Ocean—the MacKenzie in Canada and the Colville in Alaska. The mouth of the Colville forms a large delta system with many freshwater and saline lakes and channels. A tremendous diversity of habitats supports large populations of overwintering and breeding fish and some of the largest waterfowl and shorebird populations on the North Slope.

Though the North Slope receives less than 10 inches of precipitation per year, low temperatures keep evaporation to a minimum, and the permafrost layer prevents absorption into the soil. For this reason, flat or gently sloping surfaces are usually saturated or flooded throughout the summer. The coastal plain becomes a vast wetland.

But the tundra is a dynamic landform. Extreme cold causes the ground to contract, much in the way that cracks form in a parched river bottom. Snowmelt then freezes in the cracks. The ice wedges down and out into the soil to form the rims of polygons. Some drain and some combine eventually into lakes. From the air, the land resembles a honeycomb.

The steep slopes of the Brooks Range also suffer frequent rock slides and avalanches. In the foothills and coastal plains, frost churns the surface into scattered patches and rings called frost scars or boils. The annual flooding during ice breakup inundates the tundra for up to two weeks at a time. Thermal erosion melts ice wedges, causing river and lake banks to slump, and converting wet, low-centered polygons into dry, high-centered ones.

Animal species have evolved a number of means to adapt to this ever-changing tundra environment. Immense herds of caribou and large flocks of waterfowl and shorebirds arrive in the spring to take advantage of the rich wetlands for feeding and breeding, and then migrate south again as the season shifts. Some of the animals that remain for the winter either hibernate (ground squirrels) or become torpid (bears). The few large herbivores (such as musk oxen) and even fewer birds (such as ptarmigan) that remain active have developed large body masses, thick insulation, and the ability to feed through the snow. Lemmings, one of the most abundant herbivores in the Arctic, build large nests and graze on old grasses and sedges under the snow.

Are popular depictions of the tundra biome as a fragile environment correct or not? Tundra organisms are adapted to natural disturbances, but their recovery may take far longer than in temperate climes. Removal or disruption of the insulating mat of vegetation causes the underlying permafrost to melt and can produce trenches that continue to erode for many years before natural restoration can occur.

While the immediate effect of removing the organic mat is to destroy existing vegetation and hamper resprouting, a long-term consequence is the loss of accumulated soil nutrients. It may take up to 10,000 years to replenish these nutrients at current rates of accumulation. While the ecosystem as a whole can accommodate a certain degree of disruption, recovery of a specific site may take centuries due to both the short growing season for tundra organisms and their slow rates of growth. The total effect of many such incidents over a large area is uncertain, but could be critically destabilizing.

Much of the ability to local environmental stress derives from the large expanse of similar habitats that can be exploited and the existence of nearby populations that serve as reservoirs for recolonization. There is great uncertainty as to the effect of destroying high-use or critical habitats.

This issue, of course, is central to the debate over oil exploration in the Arctic National Wildlife Refuge, site of the main calving area for the famed Porcupine caribou herd. As development proceeds and the tundra becomes increasingly fragmented, the recovery of local populations may be hampered by the lack of neighboring populations. Moreover, what we know of tundra biological change and accommodation is mostly based on our experience with plant communities. We know less about the long-term stability of wildlife and of the biome as a whole, and even less about their synergies and interactions.

The tundra ecosystem, then, can be seen as a naturally resilient system. We know that plant and animal communities have been able to adapt to their harsh surroundings, but the slow pace of the tundra's biological clock constrains its ability to deal with the sudden intrusions of industrial development. The time periods necessary for regeneration of plant communities must be considered when making any resource management decisions.

We must move carefully, a step at a time, until we know for certain what we are doing and what our impact will be over the centuries to come. Once lost, our natural heritage can never be regained. As stewards of the earth, we must protect it for the enjoyment of generations to come.

Source: EPA Journal, Vol. 14. No. 1, January/February 1988.●

ROCKY, THE WONDER DOG

● Mr. DOMENICI. Mr. President, earlier this year I had the opportunity to observe a demonstration by Rocky, one of the Border Patrol's dogs used to detect drugs. I must tell my colleagues that I was truly amazed.

Rocky has been trained to sniff out illegal drugs and alert his handler of the presence of drugs. Once given the order by his trainer, it only took Rocky a few seconds to detect illegal drugs.

Rocky is 1 of 20 dogs trained in drug detection by the Border Patrol under Operation Alliance, the multiagency coordinated effort to halt the flow of drugs across the Southwest border. These dogs have been responsible for the seizure of hundreds of millions of dollars worth of drugs, putting a significant dent in the volume of drugs brought into the country.

Rocky and his canine compatriots are examples of how our Government can take steps to end the plague of drugs, a plague that threatens to deprive us of a generation of young minds.

Mr. President, this week there was an article in the Washington Post that featured Rocky's exploits. I ask that the article be printed in the RECORD at this point.

The article follows:

[From the Washington Post, May 11, 1988]

U.S. BORDER PATROL DOGGING SMUGGLERS—CANINE AGENTS SCORE BIG IN NOSING OUT CONTRABAND DRUGS

(By Mary Jordan)

In the last year, federal agents named Rocky, Duko and Barco have discovered $100 million worth of drugs and helped put more than 100 smugglers behind bars.

They have been so successful that Nancy Reagan will honor them today, senators want to meet with them Friday, and Fairfax County and District students will see their demonstration next week.

Mexican drug smugglers, though, haven't taken the same shine to these U.S. Border Patrol agents. They want them dead.

Barco, Duko and Rocky are dogs, but the smugglers aren't kidding. According to Border Patrol Assistant Commissioner Hugh J. Brien, smugglers have put a $30,000 contract out on the three-year-old canines.

"It came back through informants" that there was a contract on the dogs, Brien said. "They are really hurting the dopers with these million-dollar hits."

The bounty also was advertised in a Mexican newspaper, according to Duko's handler, Randy Salazar.

For protection, Barco is being outfitted with a bulletproof vest.

There is some doubt as to whether 70-pound hounds can withstand the vest and the border's 110-degree summer heat, according to his handler, Tom Slowinski. If the vest works for Barco, the other dogs will get them.

The dogs also are kept overnight in electronically secured areas and trained to refuse food from anyone but their handlers.

Belgian-born and U.S.-trained, the dogs are super sniffers of cocaine, heroin and marijuana. They also are becoming symbols for the Border Patrol, much like Smokey the Bear is for the U.S. Forest Service.

Rocky's most stellar day was Dec. 19, according to agent Kent Banks. In just eight hours, Rocky found $20 million in heroin hidden in a car, 168 pounds of marijuana stuffed into a false compartment of a pickup truck, and 1,550 pounds of marijuana in the roof of an 18-wheel truck.

Last year, while all three dogs were still in training, they turned their doubters into believers when they alerted agents to 1,600 pounds of marijuana in a refrigerated truck.

The dogs were able to smell the marijuana, even though it was packed with frozen cabbage to thwart its detection.

The dogs also have found drugs in bags of onions and a welded steel pipe.

"Along with detecting drugs, they also detect people," said Paul M. Berg, an assistant regional commissioner with the Border Patrol. "They can tell us if there are aliens inside the railroad cars."

The dogs also are a primary education tool for drug prevention. "Instead of naming them Killer and Max," said Berg, "we called them Duko and Rocky, so kids could relate to them." When the dogs visit schools, agents ask the children to sign the "Drug House Pledge" that rejects drugs.

Duko, Barco and Rocky are featured on posters, coloring books and a video. They wear green jackets with their names written in gold-colored thread. They are no strangers to television and have performed before 135,000 students from McLean to Laredo.

They get room service in hotels and have stayed at the Ritz-Carlton in Washington. And they regularly get mail.

After all, these are no ordinary dogs, said Chief Patrol Agent Jose E. Garza. They are trilingual, he said, heeding commands in English, Spanish and Dutch.

The Border Patrol began using dogs only in 1987, after more than two decades of doing their job without them.

"We had some bad experiences with the military attack dogs" used in the 1950s, said Deputy Chief Patrol Agent Ken Morris. "They were not only biting aliens but officers."

In 1986, under Operation Alliance, a task force coordinating federal agencies' efforts to stop the flow of drugs across the Mexican border, they acquired 20 Belgian Malinois dogs.

"When these dogs smell drugs, they simply sit beside or on top of them. They're great with people," Morris said. "The kids love them."

They also have been effective. In the first quarter of 1988, the 20 patrol dogs discovered $115 million worth of drugs. During fiscal 1987, the entire 3,200-agent Border Patrol seized $600 million of drugs.●

BRING ABE STOLAR HOME

● Mr. LEVIN. Mr. President, in 1979, on a trip to Moscow, I met an American citizen who was trying to leave the

Soviet Union with his wife and son. Abe Stolar, a gentleman you have heard me speak of many times in this Chamber, was determined to emigrate with his family.

Since then, I have written many letters on behalf of the Stolar family and have raised his case in meeting with Soviet officials. I have maintained contact with Abe Stolar and continue to be inspired by his determination and his spirit.

Nine years later, Mr. President, in March of this year, I visited Moscow again. Abe Stolar is still there.

The facts of his case are all too familiar, but they merit review. There have been numerous occasions when it seemed that the Soviets would allow the Stolars to leave, only to have their hopes cruelly dashed.

Abe, his wife, Gita, and their son, Michael, received permission to emigrate in 1975. After shipping all their belongings to Israel and selling their apartment, they went to Moscow International Airport to catch their flight to freedom. But, at the last minute the family was turned back on the pretext that Gita Stolar had access to state secrets in her job as an analytical chemist.

In November 1985, the New York Times published the names of 10 families that had been granted permission to leave the Soviet Union. All of those families have long since departed. All of them, that is, except the Stolars.

Again in April, 1987, the Soviets announced that the Stolars would be among a group of refusenik families permitted to leave. Again, they were disappointed.

In the 9 years I have know the Stolars, the family has grown. Michael has married Julia Shukhrat, and they have two children, Sarah and a new baby born April 29.

The latest obstacle preventing the Stolars from leaving is that Julia does not have permission from her mother. Julia has been refused twice on this basis, most recently in March, and there is little chance that her mother will change her mind. Julia and her mother have not been in contact for 8 years.

The Soviets have at times waived the procedure for parental permission, in particular in a number of higher level cases, and I have asked them to do so again. They have yet to respond to that request.

I am encouraged that the number of Soviet Jews allowed to emigrate has increased in recent months, but I must ask: What possible reason can there be for the authorities to break up this close-knit family?

Mr. President, I draw your attention to a Dear Colleague which I and Senator SIMON have circulated on behalf of this family, and I ask my colleagues to add their signatures to the attached letters to President Reagan and General Secretary Gorbachev. The letters express the hope that when President Reagan returns from his 4-day meeting with Gorbachev, he will not only return with a better understanding of the Soviet Union. We hope that the President will return with Abe Stolar and his family. It is time to bring Abe Stolar home.●

ABE STOLAR—PART V

● Mr. SIMON. Mr. President, I would like to continue the story of Chicagoan Abe Stolar and his long quest to leave the Soviet Union and see the city of his birth again. Yesterday, I recounted the difficulty his son, Michael, and daughter-in-law, Julia, had in trying to get married and to have their marriage be recognized by the Soviet authorities. Today, I wish to discuss what happened the last time there was a summit.

For 10 long years, the Stolars fought to get out. Finally, in 1985, the long campaign proved successful. Rumors began circulating the Stolars were finally going to receive permission to leave. However, the unofficial word came through that they would have to leave Julia behind. As I mentioned yesterday, the Stolars refused to consider leaving the Soviet Union without the entire family. They stuck to their refusal to leave and it finally seemed that their tactic was going to succeed.

In November 1985, the Soviets officially informed the United States Government the day before the first Reagan-Gorbachev summit that the entire family of four was being allowed out. The Stolars were included on a list of 10 difficult cases being resolved as a summit gesture. As time passed, it became obvious that the Stolars were not leaving. Unfortunately, the Soviets had no intention of letting the Stolars go. The Stolars remain in the Soviet Union, waiting and hoping for the freedom that is rightfully theirs.●

STAFF MEMBER BECOMES NEW GENERAL MANAGER OF BLAIR HOUSE

● Mr. DOMENICI. Mr. President, I rise today to formally announce the departure of my office manager and director of communications, Benedicte Valentiner. Benedicte has been named general manager of Blair House, the President's guest house. I know that she will perform admirably in her new position, as she has over the past 8 years on my personal staff.

Benedicte is a woman of remarkable talents and formidable qualifications. A native of Denmark, she received hotel management training in the United Kingdom, Switzerland, and Cyprus. She has held housekeeping positions in 10 countries, including 2 years in Mexico. She speaks Danish, German, French, Spanish, Swedish, and English.

In all, her background includes 14 years of experience in hotel management, 13 years in government-related service, along with her international experience. She had numerous responsibilities during her tenure on my personal staff. Never at a loss for ideas and solutions, Benedicte not only assured the smooth operation of the office and its vast correspondence, she also could be counted on to keep up the morale and confidence of what she fondly referred to as her "troops."

Prior to joining my personal staff, Benedicte worked 5 years in Santa Fe as assistant to the minority whip in the new Mexico House of Representatives. I know that her many friends and former colleagues in New Mexico share in my pride for her in this promotion.

The history laden Blair House has been closed for 6 years for extensive renovations, and its upcoming reopening has been long awaited. I know Benedicte will do a fabulous job as general manager of Blair House. She is superbly qualified and efficient, with an eye for the smallest detail.

My fondest wishes and those of my entire staff go with Benedicte. We have all been lucky to have the benefit of her talents, and we hope she will keep in close touch as she embarks upon the latest leg of her career.●

PETE CENARRUSA

Mr. SYMMS. Mr. President, 38 years ago my good friend, Pete Cenarrusa, was elected to the Idaho House of Representatives and has been serving the people of Idaho ever since. In fact, Pete was the speaker of the Idaho House for three terms and for the last 20 years has served with distinction as Idaho's secretary of state.

Probably no one in Idaho public office epitomizes Idaho's pioneer spirit and the opportunity for growth and success than Pete Cenarrusa. He was born in Idaho of Basque immigrant parents from Spain and the first language he learned was the Basque language.

Pete entered the public schools and honed his English language skills and went on the graduate from the University of Idaho with a degree in agriculture. He taught school, went on to become a naval aviator in World War II and is a retired Marine Corps Reserve officer.

Pete enjoys the distinction of being one of Idaho's must famous "sheepherders." He has combined his skill as a woolgrower with a distinguished record of public service. Those of us who know him well also are quick to recognize that his success has been complimented by the talents of his lovely wife Freda.

Pete's successful career was recently highlighted in an article which appeared in the Idaho Statesmen which I take pleasure in sharing with my colleagues.

Mr. President, I ask unanimous consent that the Statesman article entitled "Cenarrusa: Basque Heritage Shaped Life, Political Views" be printed in the RECORD.

The article follows:

CENARRUSA: BASQUE HERITAGE SHAPED LIFE, POLITICAL VIEWS

CALDWELL.—When Pete Cenarrusa was a boy herding sheep on his father's ranch near Carey, he never dreamed that one day he would serve in the Legislature and eventually become secretary of State.

Now, posing in a red beret for a photographer in his office at the Statehouse in Boise, Cenarrusa, who turned 70 last month, talks about the office he's held for 20 years and a heritage rooted in the Pyrenees of northern Spain.

Quick to laugh, a man who gaves the impression that he knows where he's been and where he's going Cenarrusa remembers.

His father was 17 years old when he arrived in the Carey area in 1907. His mother was 23 when she arrived in 1914. Both had left the Basque province of Vizcaya for a start in America.

The elder Cenarrusas reared five children, and all learned the Basque language. "It was the first language I learned at home." he said.

And Cenarrusa attributes his conservative Republican political philosophy to his father and mother. "I grew up that way, being conservative," he said. "My parents were very frugal. My mother wouldn't waste a thing."

"They found great opportunities in this country, and they took advantage of those opportunities.

"The Basques have a great competitive spirit," he said. "They'll compete at anything and try to excel, no matter what it is—herding sheep, lifting weights, jumping, working."

In the political realm, Cenarrusa began competing in 1950. He was elected to the House of Representatives and served for 17 years, including three terms as speaker. He was appointed secretary of State by Gov. Don Samuelson in May 1967, after Edson Deal died of a heart attack.

Cenarrusa won his first re-election bid in 1970. He has hardly had a serious challenge since then.

Before politics, there was the Navy and World War II, and before that teaching high school. Cenarrusa was a Navy pilot from 1942 to 1946 and is a retired major in the Marine Corps Reserve. He holds a bachelor of science degree in agriculture from the University of Idaho, where he was a member of the school's first national intercollegiate championship boxing team.

From 1940 to 1941, he taught chemistry and algebra in Cambridge, Glenns Ferry and Carey, and was a boxing and football coach.

"After Pearl Harbor, I enlisted to beat the draft," he said, laughing. "I remained stateside during the war."

But if his days of piloting Navy-Marine Corsair fighter planes are over, his passion for flying remains. When Cenarrusa talks about flying, it's clear he does so with a certain passion.

"I've been flying for 45 years," he said. "I have flown 2 million miles without an accident. I have over 16,000 hours of flying time."

Cenarrusa didn't even have an accident with an airplane until May, when wind blew a truck into his plane's tail.

He said he indulges his passion for flying whenever possible, including weekends that often see him flying to the family ranch at Carey to talk with the ranch's manager, or simply to be on the rangeland and mountains of his home. The ranch can be reached from Boise by plane in 42 minutes, he said.

"I haven't gotten the rancher out of me," Cenarrusa said. The ranching operation includes 6,000 deeded acres and about 18,000 acres of Bureau of Land Management, U.S. Forest Service and other land.

Cenarrusa, whose annual salary is $45,000, said his office has seen many changes since the '50s, as has the rest of state government. In 1951, the state's general fund budget for government, including education, was $40 million for two years. This year's general fund appropriation is $657 million.

He has a staff of 25. Duties of the office include filing articles of incorporation and bills passed by the Legislature, and the administration of election laws.

Cenarrusa as secretary of State, is also a member of the Land Board and the Board of Examiners and is the state's chief election officer.

Asked what he has learned about himself as a 37-year veteran of public office, Cenarrusa said, "I've sometimes learned from my mistakes." Pressed for details, he said, "I can't think of any (mistakes) right now," and laughed.

Later he said he had thought of at least one mistake: "Smoking in the military, that's one of the mistakes I made, but I quit in time." He laughed again.

Will he seek another four-year term in 1990?

"I guess I should say, 'Never say never,' " he said. "I think I'll look at running again."●

JACK LAVIN

● Mr. SYMMS. Mr. President, recently I had the wonderful opportunity to join with several hundred of Jack Lavin's friends and colleagues when they honored him upon his retirement as forest supervisor of the Boise National Forest.

Jack compiled a distinguished record during 32 years of service with the U.S. Forest Service. In Idaho we were fortunate to have Jack close out his career in Boise as the leader of the Boise Forest. His bright, wide smile is his trademark and has always had a positive influence on all those who came in contact with Jack.

The Idaho Statesman recently published an article which outlines Jack's distinguished career, and I want to share that with my colleagues.

Mr. President, I ask unanimous consent that the Idaho Statesman article on Jack Lavin's career be printed in the RECORD.

The article follows:

FORESTER LAVIN—SPUNKY ADVENTURER

(By Stephen Stuebner)

Jack Lavin has his Nike hiking shoes on, as he does almost every day. He's always game for adventure.

"Wanna go for a walk in the Foothills?" he asks in his gentle, unassuming voice, his eyes sparkling, his mouth forming into a wide grin revealing a full set of shiny white teeth.

Still an avid hiker and skier at age 58, Lavin has hoofed many a mile in those shoes—and many others—in the course of his 32-year career with the U.S. Forest Service.

Lavin, who retired in January, has overseen management of some of the most spectacular mountainous terrain in the United States, serving as supervisor of the Shoshone and Bridger national forests in northwestern Wyoming, the Toiyabe near Reno, Nev., and, most recently, the Boise.

Short and spunky, he always has enjoyed a work-play relationship with public lands. He's spent many a day hiking, horse-packing, rock climbing and skiing in the mountains with his wife, Souci, and their five children.

"If I was 16 and I had to do it all over again, I wouldn't change a thing," he says during a chat in the kitchen of his Boise Foothills home.

"I think my career has been good for me . . . and my family, too."

It's a good thing that the Lavin family likes to travel, because Jack's career has bounced him to numerous cities in the United States. At one point, he leaped from one Forest Service outpost to another three years in a row.

"Some of the moves were pretty traumatic for my children," Lavin recalls, smiling again. "My second son, Matt, went to three different high schools in three years."

Indeed, Lavin's travels might rival those of an Air Force career man, but he was always doing what he wanted, fulfilling his lifelong dream to be a forest ranger.

"I was born in Philadelphia, and I remember that my family moved from a wooded area to a developed area when I was 8. I really didn't like that—being away from the woods—but my mother said, 'You can be a forest ranger when you grow up and be in the woods all the time.'

"And from that time on, that's what I wanted to do."

Lavin, who earned a forestry degree from Penn State University in 1950, launched his career as manager of a 10,000-acre rubber plantation for Firestone Tire & Rubber in Liberia, on the northwestern coast of Africa.

"I didn't have much social life—we worked seven days a week—but I did a lot of hunting and fishing," he recalls.

Lavin hunted deer, gazelles, crocodiles and leopards. He did most of his hunting after work, at night.

"You know what was really strange?" he asks. "When you put a spotlight on a crocodile, only one eye reflects back. I've always wondered about that."

Two years in Liberia was enough for Lavin. He wanted to return to the United States and fulfill his dream of being a forest ranger. But he had a military obligation to fulfill first.

Welcome back, Jack. Time for boot camp. Lavin spent two years in the Army during the latter stages of the Korean War. Trained as an electrician, he was put to work repairing anti-aircraft missiles.

In 1955, Lavin started to chip away at his dream, launching his Forest Service career with the Targhee National Forest as an assistant ranger of the Island Park District.

It was the beginning of an extended love affair with the high country surrounding the Greater Yellowstone ecosystem.

"That's some of the greatest country in the world," Lavin says, smiling at the thought of standing atop a 13,000-foot-plus peak, such as the Grand Teton.

Two years later, Lavin leaped over the Lemhi and Lost River ranges and settled in the Sawfooth Valley. He served as a district ranger, based at the foot of Fourth of July Creek on the west flank of the White Clouds.

"We used to wake up every morning and look across the valley at the Sawtooths," he said. "Never got tired of that view. * * * What a great place to raise kids."

The Lavin's two girls, the Lavins' third and fourth children, were born in the Hailey Medical Clinic, upstairs from the drugstore. The two older children were still younger than 5.

The Forest Service plucked Lavin out of the Sawtooth Valley and placed him in Twin Falls from 1962 to 1965. He next spent two years in Washington, D.C.

In 1967, he was named supervisor of the Shoshone National Forest, based in Cody, Wyo. He was the ultimate forest ranger then, in command of an entire national forest. And he was only 37.

"I don't think I was the youngest (supervisor) ever, but it was unusual," he says. "When I went to my first supervisor's meeting in Denver, it was pretty obvious that I was the youngest guy there."

Lavin blushed at the thought. But he had paid his dues. He was rewarded with three more supervisory posts, at the Targhee, Toiyabe and Boise national forests.

Most Forest Service career employees can be broken down into disciplines. They say, "Oh, he's a timber man." Or, "He's a range man." Or, "He's a recreation nut."

Lavin is an exception.

"My expertise is in total multiple use," he says. "I prefer that, rather than being strictly confined to one area."

Being a forest supervisor was not all fun and games. Lavin had to make many tough decisions, particularly in the latter part of his career, as the environmental and sportsmen's groups got more organized and outspoken. The timber and grazing lobbies always have been there knocking on his door.

Critics usually see national forest issues in black and white. Lavin says the best decisions are made in the gray area in between.

"Environmentalists say they want everything in wilderness because we're going to pave the forest wall to wall," he says, getting serious now. "If that's true, why, almost 100 years later, do we have 1.2 million acres of roadless land on the Boise?"●

RACHEL GILBERT

● Mr. SYMMS. Mr. President, serving as a citizen legislator presents many challenges. And when a person is outspoken and devoted to principle it can cause a great deal of controversy.

Nevertheless, Idaho State Senator Rachel Gilbert, of Boise, ID, has served in the Idaho State Legislature for four terms. The taxpayers of her district know they can rely on Rachel to fight and fight hard for their interests.

I noticed a recent article in the Idaho Statesman which highlighted Senator Gilbert's accomplishments and detailed the admiration her colleagues have for her strong stands on the critical issues facing the State of Idaho.

Mr. President, I ask unanimous consent that this article about my friend Senator Rachel Gilbert be printed in the RECORD.

[The article follows:]

[From the Idaho Statesman]

SENATOR GILBERT—A SCRAPPY FIGHTER FOR TAXPAYERS

(By Dan Popkey)

When state Sen. Rachel Gilbert sits down to lunch at a Boise deli, she does something unexpected.

The feisty Gilbert, nicknamed Atilla the Hen for her aggressive style, bows her head and says grace.

Gilbert explains that she's a minister's daughter. "Rachel means weak like a lamb," **she says, before exploding with a laugh.** Opinionated and dogged, Gilbert is more lion than lamb.

Gilbert is a controversial Boise Republican who has served two terms in the House and two in the Senate. She was re-elected in 1986 by 43 votes, and likely faces another tough challenges in November.

She is known for speaking her mind, usually in defense of the taxpayer, who she believes is overburdened by an intrusive government.

"I stand on my hind legs and say, 'Hey folks, this is the way I see it,' " Gilbert said.

That cuts both ways.

"She gets into a lot of difficulty because she doesn't equivocate," said Sen. Phil Batt of Wilder, the Republican nominee for governor in 1982.

"I admire her for that trait, and I'm somewhat jealous because I can't put all caution aside," said Batt, a friend for 25 years. "If more people would express their opinions like she does, we'd probably have better government."

But Gilbert's opponent in 1986, Democrat Linda Clark, said, "It's not enough to say, as she has done, we need to lower taxes. Period. I've yet to see her offer any productive solutions for our state."

Clark, principal of Joplin Elementary School, nearly defeated Gilbert in 1986, and is expected to run again this year.

Ada County Democratic Chairwoman Betty Richardson said Gilbert offers Democrats their best shot to pick up a Senate seat in Ada County.

Gilbert says she "was asleep at the switch" in 1986 and will be ready for Clark this year. "We're going to start early. We're going to raise more money."

The owner of a real estate firm, Gilbert is no stranger to money. A careful dresser, she wears three diamond rings, a diamond watch and lots of gold. Bill Graeber, of the popular salon with the same name, cuts her stylish hair.

She won't reveal her age, but has daughters 29 and 30. "I'm a grandmother—that tells you enough."

Gilbert thrives on raucous debate and delights in upsetting the sometimes pompous atmosphere of the Senate. "You know," she says frequently, "the clash of ideas is the wonderful sound of freedom."

In a committee meeting in 1986, she suggested charging large families a users fee for schools to former Sen. Dane Watkins, a Mormon father of seven.

"I can't help it," Gilbert explains. "I get up in that air with that marble dust, and I just can't help saying naughty things to these stuffy, righteous legislators."

Gilbert was divorced from Boise orthodontist Keith Gilbert in 1969.

She was born in Ottawa, Kan. Her father, Herbert Shaw, a Church of God Holiness preacher, moved the family to California, and later to a 3,600-acre ranch near Jamieson, Ore. Rachel attended high school at Northwest Nazarene Academy in Nampa.

She spent a year at Northwest Nazarene College before going to the University of Nebraska, where her husband was in dental school. Gilbert has a bachelor's degree in education from Nebraska and a master's degree in guidance and counseling from the College of Idaho.

While her husband studied, Gilbert taught public school for 6½ years in Lincoln, Neb., before the family returned to Idaho.

In 1969, Gilbert went to work in real estate, spending her first two years with Walker & Co. in Boise.

"I worked like a Trojan," she recalls, saving enough in two years to buy a rental house. But when she went to Idaho First National Bank, they wouldn't lend her any money unless her father or one of her five brothers would co-sign the loan.

" 'Well,' they said, 'we just don't make loans to women.' I was so angry."

Four years later, after federal law prohibited discrimination in lending, "Old Rachel went down and got her first loan," she remembers. "That was a landmark for me."

"She has been a very successful businesswoman when that was not a woman's role," said Representative Kitty Gurnsey, R-Boise, who served with Gilbert in the House and on "society lady" blood drives in the 1960s.

"She may come on to some people as having a very tough exterior," Gurnsey said, "but I find her to be a very competent woman, and I have a lot of respect for her."

Gilbert says she has been criticized by friends for "not being flaming feminist. I've tried to be a good example."

Now Gilbert devotes much of her attention to limiting government spending. She opposed the tax-increment financing law passed in 1987 for the Boise Redevelopment Agency, despite bipartisan support in the Ada County delegation. She is working this year to limit growth of the unemployment compensation fund.

"The greed of government is without limit," Gilbert says. "I don't care what you give us, we're going to spend it and cry for more."

Raising her teaching experience, she calls for education reform, including competency testing for teachers.

"Why is education such a sacred cow?" she asks. "I've come to this conclusion very slowly and very painfully, that something is wrong with the way we do it."

Although she's "an old school marm," Gilbert knows she's no favorite of the Idaho Education Association, which gave Clark $5,631 in 1986.

"They're powerful, they're organized and they're after anyone who is a fiscal conservative," Gilbert said. "It kind of hurts my feelings, because I was a member of the Nebraska Education Association. I wore it proudly."

Gilbert rejects the view of Gov. Cecil Andrus that Idaho's teachers ought to be paid at the national average.

She points out that median per capita income in Idaho is 25 percent below the national average, while Idaho teachers earn 17 percent below their profession's national average.

Gilbert expects a tough campaign—"The IEA will knock me about the head and shoulders"—but expects to win.

"If I get turned out, people have spoken. I believe in the system."●

THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 614 and 650 seriatim.

SOUTH PACIFIC TUNA ACT

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1989) entitled "The South Pacific Tuna Act of 1987," reported with amendment in the nature of a substitute.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise today to urge support for S. 1989, the South Pacific Tuna Act of 1988. The purpose of the bill is to provide domestic implementation for the Fisheries Treaty between the governments of Certain Pacific Island States and the Government of the United States, commonly referred to as the Tuna Treaty. This treaty is critically important to our distant-water tuna fleet and to our relations with the South Pacific island states. It was approved unanimously by the Senate last November. Enactment of legislation to implement the treaty will clear the way for completing ratification and enable the treaty to enter into force. I recommend immediate consideration and adoption of S. 1989, and at this time would like to provide more detailed background on the bill and its provisions.

This legislation addresses a serious problem for U.S. tuna fishermen—access to tuna fishing grounds. Tuna are highly migratory fish, moving through broad expanses of the ocean and in and out of the coastal waters of many nations. Because of their peripatetic behavior, the United States does not claim nor recognize jurisdiction over tuna beyond 12 miles from shore. By contrast, most other nations, including the Pacific island nations, claim jurisdiction over all fish found within 200 miles of their coasts. As a result of conflicting juridical positions, tuna disputes have erupted between the United States and several Pacific island nations. Vessels have been seized and retaliatory trade embargoes have been invoked, eroding our traditionally cordial relations with these countries. To further complicate matters, the Soviet Union has exploited this situation to secure unprecedented fisheries agreements with some of the island nations.

Responding to strategic and economic concerns, the United States initiated negotiations with the 16 Pacific island nations in September, 1984. Talks were directed toward developing a regional tuna licensing agreement. On April 2, 1987, the United States signed a fisheries treaty with the Pacific island nations. The treaty subsequently was approved by the Senate and ratified by President Reagan on December 21. I understand that the Department of State is now waiting to deposit the instrument of ratification, pending enactment of implementing legislation. Thus, passage of S. 1989 will permit completion of the ratification process and allow the treaty to enter into force.

The Tuna Treaty and related agreements contain three major initiatives. First, the treaty establishes a regional licensing system providing U.S. fisherman access to over 10 million square miles of productive waters in the South Pacific Ocean. Second, cooperative procedures are specified for regulating fishing activities and enforcing treaty provisions. Finally, the United States agrees to provide an annual economic assistance package of $10 million to the Pacific island nations for the 5-year period covered by the agreement. I understand that these funds were appropriated and are available for the current fiscal year.

I would now like to turn to the provisions of S. 1989. The language before us is an amendment in the nature of a substitute to the legislation introduced by my good friend from Louisiana, Senator BREAUX. Representatives from the Department of Commerce, the Department of State, and the tuna industry worked closely with the committee to resolve several minor concerns with the provisions of the bill as it was introduced. I would like to express the appreciation of the committee for the cooperation and assistance of these parties.

A key element of this legislation provides for implementation of the licensing agreement contained in the treaty. The bill stipulates that licenses to fish in the treaty area will be issued by an administrator named by the Pacific island nations. U.S. domestic authority is given to the Secretary of Commerce to issue regulations and develop licensing procedures. License fees are set at levels specified by the treaty.

S. 1989 also implements the domestic regulatory requirements set forth by the treaty. Vessel operators are required to carry observers and report catch information to the Secretary of Commerce. Violations of the treaty are made violations of U.S. law. Domestic procedures for receiving complaints, conducting investigations and hearings, and producing findings concerning violations are outlined. In addition, the bill defines and distinguishes between violations for which civil and criminal penalties may be assessed.

To carry out the provisions of the treaty and the bill, S. 1989 authorizes such sums as may be necessary, including appropriations of $350,000 for the Department of Commerce and $50,000 for the Department of State. In addition, the U.S. tuna industry has agreed to fund a $250,000 program of technical assistance to the Pacific island nations each year.

Tuna has become a staple of the American diet. In 1986, Americans ate over 600 million pounds of canned tuna worth almost $900 million. In addition, the U.S. tuna industry is one of our largest and most important fishery-based industries. Tuna fishing and canning operations employ an estimated 18,000 people in the United States. In 1986, the U.S. fleet landed 555 million pounds of tuna valued at over $200 million. About 90 percent of the catch comes from foreign or international waters. Thus, reliable access to tuna resources located in these waters is essential to the fleet's continued existence. Foreign competition, rising costs, environmental regulations, and vessel seizures have threatened this industry in recent years. Enactment of this bill will help assure the continued viability of the tuna fleet. It will also permit tuna fishermen to pursue a livelihood without constant fear of foreign nation reprisals.

The importance of S. 1989 goes well beyond the preservation of our distant-water tuna fishery. The Tuna Treaty represents a significant foreign policy achievement which should improve our relations with the island nations of the South Pacific. Treaty implementation offers an opportunity to transform the presence of the U.S. fleet in the South Pacific from a source of contention into a resource for aiding development of the region. Completion of the ratification process will restore a positive American presence to an area which historically has been closely allied with the United States.

Finally, Soviet efforts to exploit our strained relations with the island states and expand their influence in the region illustrate the area's strategic importance. The island nations have a democratic tradition and, until the recent fisheries disputes with the United States, had strongly resisted Soviet overtures in the region. By restoring a positive U.S. presence, treaty implementation will remove an opportunity for Soviet penetration in the South Pacific.

Prompt action is needed to implement the treaty and complete U.S.

ratification. I urge the speedy consideration and passage of S. 1989.

Mr. KERRY. Mr. President, I rise today in support of S. 1989, the South Pacific Tuna Act of 1988. This bill provides a reasonable proactive approach to a problem associated with the U.S. tuna fleet. It takes an active role toward supporting our valuable tuna history and at the same time noticeabley strengthens our relations with many Pacific island states. I applaud and encourage passage of S. 1989 the implementing legislation for the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America which the Senate unanimously approved last fall.

The U.S. State Department has worked long and hard to secure a solution which grew out of problems encountered in 1982 and again in 1984 when two U.S.-flag tuna vessels were seized in the South Pacific. The dispute, over the right to harvest tuna within the national economic, or resource zone of the Pacific island states has led to a rational and workable treaty and a development assistance program for Pacific island nations. The treaty establishes a mechanism for regional fishing licenses, providing excellent fishing opportunities for the U.S. distant water tuna fleet.

This pleases me for many reasons. First, it benefits a very important segment of the U.S. fishing industry. Second, it opens up 10 million square miles of the South Pacific for tuna fishing in an area where porpoise schools are not used as a means to locate and harvest the tuna. In addition to license fees, the tuna industry will provide technical assistance to the Pacific island nations valued at $250,000 a year for 5 years. The United States will provide a 5-year economic assistance package of $10 million annual over a 5-year period. This positive action strengthens an already historic interest by the United States in peaceful development of the South Pacific region. This comes at a very appropriate time to an area where other countries had been actively seeking bilateral fisheries agreements in the wake of U.S. fisheries conflicts. I recommend immediate adoption of S. 1989 which will allow our fishing industry access to rich tuna fishing grounds in the South Pacific and provide a development program which will strengthen our good diplomatic relations with our friends in the South Pacific.

Mr. CRANSTON. Mr. President, I am in full support of S. 1989, a bill to implement the Tuna Fisheries Treaty with certain Pacific island states. The South Pacific Tuna Act is vital to the continued fishing operations of our U.S. tuna fleet.

On November 6, 1987, the Senate ratified a historic multilateral fishery agreement between the United States and 15 Pacific island nations: Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kirbati, the Marshall Islands, Nauru, New Zealand, Nine, Palau, Papua New Guinea, the Solomon Islands, Tonga, Tuvalu, Vanuatu, and Western Samoa. As a member of the Foreign Relations Committee, I strongly supported ratification of this treaty, which strengthens our ties and improves our relations with these important allies. A unique partnership between the Department of State and the tuna industry brought about this agreement. I wish particularly to compliment Under Secretary Edward Derwinski for his efforts in concluding this treaty.

Tuna is a wandering species of fish. The practical inability of any single nation to manage fishing on the tuna resources of the world has led to regional cooperative organizations that seek to understand and conserve these important food resources. Unfortunately, however, disagreements have continued over which nations should benefit from the economic value of these tuna resources—those countries in whose waters the fish may, during a portion of the tuna's migrations, be found or those nations whose vessels are adept at catching these fish. The treaty settles this disagreement between our fleet and the Pacific island parties in a fair and reasonable manner.

S. 1989 implements the U.S. regulatory obligations under the treaty. The bill is fully consistent with our obligations and is noncontroversial. Because the Department of State will not deposit our U.S. instrument of ratification until implementing legislation is signed by the President, passage of this bill is the only remaining action before the treaty goes into force. Eleven of the other parties have already ratified the treaty. The U.S. ratification is all that is needed to bring the treaty into operation.

Mr. BREAUX. Mr. President, I am certainly proud to have been the sponsor of this important legislation in the Senate which represents the product of a highly cooperative effort between our committee and the State Department. While I will not belabor the details of the legislation at this time because the bill has been the subject of much discussion on record in our committee thus far, I would just point out the time sensitivity and the magnitude of the economic and geopolitical significance of this legislation.

With the enactment of this legislation, the "Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States" will be ready to be put into force. All that will be left is for the United States to deposit its interest instrument of ratification. Virtually all other procedures that are necessary for the treaty to enter into force have already been completed. I think it is important to point out that this demonstrates the high degree of cooperation by the various island nations in this effort, and the profound level of importance these nations place on this treaty. It is now incumbent on the United States to clearly demonstrate its unwaivering commitment to this treaty by putting this legislation swiftly into place. I also expect our State Department to immediately confirm this commitment upon the enactment of this legislation by committing the necessary funds to implement the agreement.

Few agreements bring such a breadth of economic and political benefits to U.S. interests over such a large geographic area. With this agreement, the U.S. tuna industry will gain access to literally 10 million square miles of some of the most productive fishing grounds in the world. And with this agreement, the United States will unequivocably establish itself as a friend and partner in this strategically important area of the world.

As you know, Mr. President, the Soviet Union has made certain successful advances into the south and central Pacific region with the establishment of several bilateral fishing agreements with certain island nations. Fortunately—and thanks to the good work of our State Department and industry negotiators—I think most island nations now view this treaty as a desirable alternative to further association with the Soviet Union. That is why it is so critical that the United States not delay any further its commitment to putting this treaty into force and to honoring its financial commitments made to the island nations under this agreement. We must now send a clear message to our island nation friends of our solid commitment to a long and mutually beneficial relationship.

Mr. President, I ask my colleagues for their unanimous support for this critical legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1989) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1989

That this Act may be cited as the "South Pacific Tuna Act of 1988".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) The term "Administrator" means the individual or organization designated by the Pacific Island Parties to act on their behalf under the Treaty and notified to the United States Government.

(2) The term "Authorized Officer" means any officer who is authorized by the Secretary, or the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an enforcement agreement with the Secretary under section 10(a) of this Act.

(3) The term "Authorized Party Officer" means any officer authorized by a Pacific Island Party to enforce the provisions of the Treaty.

(4) The term "applicable national law" means any provision of law of a Pacific Island Party which is described in paragraph 1(a) of Annex I of the Treaty.

(5) The term "Closed Area" means any of the closed areas identified in Schedule 2 of Annex I of the Treaty.

(6) The term "fishing" means—

(A) searching for, catching, taking, or harvesting fish;

(B) attempting to search for, catch, take, or harvest fish;

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish;

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(E) any operations at sea directly in support of, or in preparation for, any activity described in this paragraph; or

(F) aircraft use, relating to the activities described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel.

(7) The term "fishing vessel" or "vessel" means any boat, ship, or other craft which is used for, equipped to be used for, or of a type normally used for commercial fishing, and which is documented under the laws of the United States.

(8) The term "Licensing Area" means all waters in the Treaty Area except for—

(A) those waters subject to the jurisdiction of the United States in accordance with international law;

(B) those waters within Closed Areas; and

(C) those waters within Limited Areas closed to fishing.

(9) The term "licensing period" means the period of validity of licenses issued in accordance with the Treaty.

(10) The term "Limited Area" means any area so identified in Schedule 3 of Annex I of the Treaty.

(11) The term "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer, and master.

(12) The term "Pacific Island Party" means a Pacific Island nation which is a party to the Treaty.

(13) The term "Party" means a nation which is a party to the Treaty.

(14) The term "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(15) The term "Secretary" means the Secretary of Commerce, or the designee of the Secretary of Commerce.

(16) The term "State" means each of the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.

(17) The term "Treaty" means the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, signed in Port Moresby, Papua New Guinea, April 2, 1987, and its Annexes, Schedules, and implementing agreements.

(18) The term "Treaty Area" means the area so described in paragraph 1(k) of Article 1 of the Treaty.

SEC. 3. APPLICATION TO OTHER LAWS.

The seizure by a Pacific Island Party of a vessel of the United States shall not be determined to be a seizure described in section 205(a)(4)(C) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1825(a)(4)(C)) or section 2 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1972) if the seizure is found by the Secretary of State to be in accordance with the provisions of the Treaty.

SEC. 4. REGULATIONS.

The Secretary of Commerce, with the concurrence of the Secretary of State and after consultation with the Secretary of the department in which the Coast Guard is operating, shall issue regulations as may be necessary to carry out the purposes and objectives of the Treaty and this Act. These regulations shall be made applicable as necessary to all persons and vessels subject to the jurisdiction of the United States, wherever located.

SEC. 5. PROHIBITED ACTS.

(a) Except as provided in section 6 of this Act, it is unlawful for any person subject to the jurisdiction of the United States—

(1) to violate any provision of this Act or any regulation or order issued pursuant to this Act;

(2) to use a vessel for fishing in violation of an applicable national law;

(3) who has entered into a fishing arrangement under paragraph 3 of Article 3 of the Treaty, to violate the terms and conditions of such fishing arrangement if the Secretary of State has decided under section 18 of this Act that Article 4 and paragraph 6 of Article 5 of the Treaty shall apply to the arrangement;

(4) to use a vessel for fishing in any Limited Area in violation of any requirement in Schedule 3 of Annex I of the Treaty;

(5) to use a vessel for fishing in any Closed Area;

(6) to falsify any information required to be reported, notified, communicated, or recorded pursuant to a requirement of this Act, or to fail to submit any required information, or to fail to report to the Secretary immediately any change in circumstances which has the effect of rendering any such information false, incomplete, or misleading;

(7) to intentionally destroy evidence which could be used to determine if a violation of this Act or the Treaty has occurred;

(8) to refuse to permit any Authorized Officer or Authorized Party Officer to board a fishing vessel for purposes of conducting a search or inspection in connection with the enforcement of this Act or the Treaty;

(9) to refuse to comply with the instructions of an Authorized Officer or Authorized Party Officer relating to fishing activities under the Treaty;

(10) to forcibly assault, resist, oppose, impede, intimidate, or interfere with—

(A) any Authorized Officer or Authorized Party Officer in the conduct of a search or inspection in connection with the enforcement of this Act or the Treaty; or

(B) an observer in the conduct of observer duties under the Treaty;

(11) to resist a lawful arrest for any act prohibited by this section;

(12) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section; or

(13) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or the Treaty, with the knowledge that the fish were so taken or retained.

(b) Except as provided in section 6 of this Act, it is unlawful for any person subject to the jurisdiction of the United States when in the Licensing Area—

(1) to use a vessel to fish unless validly licensed as required by the Administrator;

(2) to use a vessel for directed fishing for southern bluefin tuna or for fishing for any kinds of fish other than tunas, except that fish may be caught as an incidental bycatch;

(3) to use a vessel for fishing by any method other than the purse-seine method;

(4) to use any vessel to engage in fishing after the revocation of its license, or during the period of suspension of an applicable license;

(5) to operate a vessel in such a way as to disrupt or in any other way adversely affect the activities of traditional and locally based fishermen and fishing vessels;

(6) to use a vessel to fish in a manner inconsistent with an order issued by the Secretary under section 11 of this Act; or

(7) except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, to use an aircraft in association with the fishing activities of a vessel unless it is identified in the license application for the vessel, or any amendment thereto.

SEC. 6. EXCEPTIONS.

(a) The prohibitions of section 5 of this Act and the licensing requirements of section 9 of this Act shall not apply to fishing for albacore tuna by vessels using the trolling method outside of the 200 nautical mile fisheries zones of the Pacific Island Parties.

(b) The prohibitions of section 5(a)(4), (a)(5), and (b)(3) of this Act shall not apply to fishing under the terms and conditions of an arrangement which has been reached under paragraph 3 of Article 3 of the Treaty and which, pursuant to a decision by the Secretary of State under section 18 of this Act, is covered by Article 4 and paragraph 6 of Article 5 of the Treaty.

SEC. 7. CRIMINAL OFFENSES.

(a) A person is guilty of a criminal offense if he or she commits any act prohibited by section 5(a)(8), (10), (11), or (12) of this Act.

(b) Any offense described in subsection (a) of this section is punishable by a fine of not more than $50,000, or imprisonment for not more than 6 months, or both; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any Authorized Officer, Authorized Party Officer, or observer under the Treaty in the conduct of their duties, or places any such Authorized Officer, Authorized Party Officer, or ob-

server in fear of imminent bodily injury, the offense is punishable by a fine of not more than $100,000 or imprisonment for not more than 10 years, or both.

(c) The district courts of the United States shall have jurisdiction over any offense described in this section.

SEC. 8. CIVIL PENALTIES.

(a) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 5 of this Act, shall be liable to the United States Code for a civil penalty. Before issuing a notice of violation, the Secretary shall consult with the Secretary of State. The amount of the civil penalty shall be determined in accordance with considerations set forth in the Treaty and shall take into account the nature, circumstances, extent, any gravity of the prohibited acts committed, and with respect to the violator, the degree of culpability, any history or prior offenses, ability to pay, and such other matters as justice may require. Except for those acts prohibited by section 5(a)(4), (5), (7), (8), (10), (11), and (12), and section 5(b)(1), (2), (3), and (7) of this Act, the amount of the civil penalty shall not exceed $250,000 for each violation. Upon written notice, the Secretary of State shall have the right to participate in any proceeding initiated to assess a civil penalty for violation of this Act.

(b) Any person against whom a civil penalty is assessed under subsection (a) of this section may obtain review thereof in the United States district court for the appropriate district by filing a complaint in such court within 30 days from the date of the order and by simultaneously serving a copy of the compliant by certified mail on the Secretary, the Attorney General of the United States, and the appropriate United States Attorney. The Secretary shall promptly file in the court a certified copy of the record upon which the violation was found or the penalty imposed. The findings and order of the Secretary shall be set aside or modified by the court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(c) Except as provided in subsection (g) of this section, if any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States.

(d) Except as provided in subsection (g) of this section, a fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 5 of this Act shall be liable in rem for any civil penalty assessed for the violation under section 8 of this Act and may be proceeded against in any district court of the United States having jurisdiction thereof. The penalty shall constitute a maritime lien on the vessel which may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(e) The Secretary, after consultation with the Secretary of State, may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(f) For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon a person pursuant to this subsection, the district court of the United States for any district in which the person is found, resides, or transacts business, upon application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring the person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(g) If a vessel used in a violation of section 5(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (13) or section 5(b) of this Act for which a civil penalty has been assessed—

(1) had a valid license under the Treasury at the time of the violation, and

(2) within 60 days after the penalty assessment has become final, leaves and remains outside of the Licensing Area, all Limited Areas closed to fishing, and all Closed Areas until the final penalty has been paid,

there shall be no referral to the Attorney General under subsection (c) of this section or in rem action under subsection (d) of this section in connection with such civil penalty.

SEC. 9. LICENSES.

(a) Licenses to fish in the Licensing Area, to be issued by the Administrator in accordance with the Treaty, may be requested from the Secretary by operators of vessels, under procedures established by the Secretary. The license application shall designate an agent for the service of legal process to be located in Port Moresby, Papua New Guinea. The applicant shall ensure that the designated agent for service of process, acting on behalf of the license holder, will receive and respond to any legal process issued in accordance with the Treaty and will, within 21 days after notification, travel if necessary for this purpose to any Pacific Island Party at no expense to that Party.

(b) Except as provided in subsections (e), (f), and (g) of this section, the Secretary shall forward a vessel license application to the Secretary of State for transmittal to the Administrator whenever such application is in accordance with application procedures established by the Secretary, includes a complete application form as required by Annex II of the Treaty, and is accompanied by the required license fee.

(c)(1) In the initial year of implementation, fees for the first 40 vessel licenses shall be at least $50,000 each, for any 10 vessel licenses in addition to the first 40 shall be $60,000 each, and for vessel licenses in addition to the first 50 shall be in accordance with Annex II of the Treaty.

(2) After such initial year, fees for vessel licenses shall be paid in accordance with fee schedules established under Annex II of the Treaty and published by the Secretary.

(d) Licenses shall be valid for the licensing period specified by the Administrator.

(e) The Secretary may establish a system of allocating licenses in the event more applications are received than there are licenses available.

(f) For the initial year of implementation, license fees totaling at least $1,750,000 must be received by the Secretary before any license applications will be forwarded to the Secretary of State for transmittal to the Administrator.

(g) The Secretary, in consultation with the Secretary of State, may determine that a license application should not be forwarded to the Administrator for one of the following reasons:

(1) where the application is not in accordance with the Treaty or the procedures established by the Secretary;

(2) where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Secretary;

(3) where the owner or charterer has not established to the satisfaction of the Secretary that the fishing vessel is fully insured against all risks and liabilities normally provided in maritime liability insurance;

(4) where the owner or charterer has not paid any penalty which has become final, assessed by the Secretary in accordance with this Act.

SEC. 10. ENFORCEMENT.

(a) The provisions of this Act shall be enforced by the Secretary in cooperation with the Secretary of State. The Secretary, after consultation with the Secretary of State, may by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency and of any State agency in the peformance of these duties.

(b)(1) The Secretary shall, at the request of a Pacific Island Party made to the Secretary of State, fully investigate any alleged infringement of the Treaty involving a vessel of the United States, and report as soon as practicable, and in any case within 2 months, to that Party through the Secretary of State on any action taken or proposed by the Secretary in regard to the alleged infringement.

(2) Upon commencement of an investigation under paragraph (1) of this subsection, the Secretary shall notify the operator of any vessel concerned regarding—

(A) the nature of the investigation;

(B) the right of the operator to submit comments, information, or evidence bearing on the investigation and to receive, upon the operator's timely written request to the Secretary, an opportunity to present such comments, information, or evidence orally to the Secretary or the Secretary's representative within 30 days after receipt of such notification.

(c)(1) Prior to instituting any legal proceedings under this Act for any action which involves an alleged infringement of the Treaty in waters within the jurisdiction of a Pacific Island Party, the Secretary, through the Secretary of State, shall notify the Pacific Island Party in accordance with paragraph 8 of Article 4 of the Treaty that the proceedings will be instituted. Such notice shall include a statement of the facts believed to show an infringement of the Treaty and the nature of the proposed proceedings, including any proposed charges and any proposed penalties. The Secretary shall not institute such proceedings if the Pacific Island Party objects within 30 days after the effective date of the notice under Article 10 of the Treaty.

(2) The Pacific Island Party exercising jurisdiction over the waters involved in such a legal proceeding shall be promptly notified by the Secretary, through the Secretary of State, concerning the outcome of the proceeding.

(d)(1) Any Authorized Officer may—

(A) with or without a warrant or other process—

(i) arrest any person, if he has reasonable cause to believe that the person has committed any act subject to prosecution under section 7 of this Act;

(ii) board, and search or inspect, any fishing vessel which is subject to the provisions of this Act; or

(iii) seize samples of fish or items for evidence (other than the vessel or its fishing gear or equipment) related to any violation of any provision of this Act;

(iv) order a vessel into the most convenient port of the United States for investigation when an investigation has been requested by a Pacific Island Party in accordance with the Treaty and when such an order is necessary to gather information for such an investigation;

(B) execute any warrant or other process issued by any court of competent jurisdiction;

(C) exercise any other lawful authority; and

(D) investigate alleged violations of the Treaty to the same extent authorized to investigate alleged violations of this Act.

(2) To the extent possible, Authorized Officers shall exercise their powers under paragraph (1)(A) (ii), (iii), and (iv) of this subsection so as not to interfere unduly with the lawful operation of the vessel.

(3) Nothing in this Act shall be construed to limit the enforcement of this or other applicable Federal laws under section 89 of title 14, United States Code.

(e) The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act.

SEC. 11. FINDINGS BY THE SECRETARY.

(a) Following any investigation conducted in accordance with section 10(b) of this Act, the Secretary, with the concurrence of the Secretary of State, and upon the request of the Pacific Island Party concerned, may order a fishing vessel which has not submitted to the jurisdiction of that Pacific Island Party to leave immediately the Licensing Area, all Limited Areas, and all Closed Areas upon making a finding—

(1) that the fishing vessel—

(A) while fishing in the Licensing Area did not have a license under the Treaty to fish in the Licensing Area, and that under paragraph 2 of Article 3 of the Treaty, such fishing is not authorized to be conducted in the Licensing Area without a license;

(B) was involved in any incident in which an Authorized Officer, Authorized Party Officer, or observer was allegedly assaulted with resultant bodily harm, physically threatened, forcefully resisted, refused boarding, or subjected to physical intimidation or physical interference in the performance of duties as authorized by this Act or the Treaty;

(C) has not made full payment within 60 days of any amount due as a result of a final judgment or other final determination deriving from a violation in waters within the Treaty Area of a Pacific Island Party; or

(D) was not represented by an agent for service of process in accordance with the Treaty; or

(2) that there is probable cause to believe that the fishing vessel—

(A) was used in violation of section 5 (a)(4), (a)(5), (b)(2), or (b)(3) of this Act;

(B) used an aircraft in violation of section 5(b)(7); or

(C) was involved in an incident in which section 5(b)(7) was violated.

(b) Upon being advised by the Secretary of State that proper notification to Parties has been made under paragraph 7 of Article 5 of the Treaty that a Pacific Island Party is investigating an alleged infringement of the Treaty by a vessel in waters under the jurisdiction of such Pacific Island Party, the Secretary shall order the vessel to leave such waters until the Secretary of State notifies the Secretary that such order is no longer necessary.

(c) The Secretary shall rescind any order issued on the basis of a finding under subsection (a)(1)(C) or (D) of this section as soon as the Secretary determines that the facts underlying the finding do not apply.

(d) No order issued in accordance with this section is subject to judicial review.

(e) Upon a request by the Secretary, the Attorney General shall commence a civil action for appropriate relief, including permanent or temporary injunction, to enforce any order issued by the Secretary under this section.

SEC. 12. REPORTING.

(a) Holders of licenses shall comply with the reporting requirements of part 4 of Annex I to the Treaty.

(b) Information provided by license holders in Schedules 5 and 6 of Annex I of the Treaty shall be provided to the Secretary for transmittal to the Administrator and to an entity designated by the license holder. Such information thereafter shall not be released and shall be maintained as confidential by the Secretary, including information requested under the Freedom of Information Act, unless disclosure is required under court order or unless the information is essential for an enforcement action under section 5, 10(b), 10(c), or 11 of this Act, or any other proper law enforcement action.

SEC. 13. CLOSED AREA STOWAGE REQUIREMENTS.

At all times while a vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in such a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing, but so that the skiff is accessible for use in emergency situations; the helicopter, if any, shall be tied down; and launches shall be secured.

SEC. 14. OBSERVERS.

(a) The operator and each member of the crew of a vessel shall allow and assist any individual identified as an observer under the Treaty by the Pacific Island Parties—

(1) to board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island Parties to the Secretary;

(2) without interfering unduly with the lawful operation of the vessel, to have full access to and use of facilities and equipment on board the vessel which the observer may determine are necessary to carry out observer duties; have full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and copying; and gather any other information relating to fisheries in the Licensing Area;

(3) to disembark at the point and time notified by the Pacific Island Parties to the Secretary; and

(4) to carry out observer duties safely.

(b) The operator shall provide any such observer, while on board the vessel, at no expense to the Pacific Island Parties, with food, accommodation, and medical facilities of such reasonable standard as may be acceptable to the Pacific Island Party whose representative is serving as the observer.

(c) The operator of any vessel from which any fish taken in the Licensing Area is unloaded shall allow, or arrange for, and assist any individual so authorized by the Pacific Island Parties to have full access to any place where such fish is unloaded, to remove samples, and to gather any other information relating to fisheries in the Licensing Area.

SEC. 15. TECHNICAL ASSISTANCE.

The United States tuna industry shall provide $250,000 annually in technical assistance, including provision of assistance by technicians, in response to requests coordinated through the Administrator. The Secretary of State shall designate an entity to coordinate the provision of such technical assistance as provided by the United States tuna industry and to provide an annual report to the Secretary of State regarding the provision of such technical assistance.

SEC. 16. ARBITRATION.

In the event of a dispute requiring the establishment of an arbitral tribunal under Article 6 of the Treaty, the Secretary of State, in consultation with the Secretary, shall appoint the arbitrator to be appointed by the United States under paragraph 3 of that Article, and shall represent the United States in reaching agreement under such paragraph with each Pacific Island Party involved concerning the appointment of the presiding arbitrator of the tribunal.

SEC. 17. DISPOSITION OF FEES, PENALTIES, FORFEITURES, AND OTHER MONEYS.

To the extent required by Article 4 of the Treaty, an amount equivalent to the total value of any fine, penalty, or other amount collected as a result of any action, judicial or otherwise, taken pursuant to sections 7 and 8 of this Act shall be paid by the United States through the Secretary of State to the Administrator as soon as reasonably possible following the date that such amount is collected.

SEC. 18. ADDITIONAL AGREEMENTS.

Within 30 days after the Secretary of State's receipt of notice from a Pacific Island Party that it has concluded an arrangement pursuant to paragraph 3 of Article 3 of the Treaty, the Secretary of State shall consult with the Secretary concerning whether the procedures of Article 4 and paragraph 6 of Article 5 of the Treaty should be made applicable to such arrangement. At the conclusion of the consultations the Pacific Island Party and all other persons agreeing to the arrangement shall be notified by the Secretary of State of the resulting decision.

SEC. 19. SECRETARY OF STATE TO ACT FOR THE UNITED STATES.

The Secretary of State is authorized to receive on behalf of the United States reports, requests, and other communications from the Administrator and to act thereon directly or by reference to the appropriate authorities. The Secretary of State, after consultations with the Secretary, may accept or reject, on behalf of the United States, changes or amendments to Annex I of the Treaty and its Schedules and Annex II to the Treaty and its Schedules.

SEC. 20. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal years 1988, 1989, 1990, 1991, and 1992 such sums as may be necessary for carrying out the purposes and provisions of the Treaty and this Act including—

(1) for fiscal years 1988, 1989, 1990, 1991, and 1992, an amount not to exceed $350,000 annually to the Department of Commerce for administrative expenses; and

(2) for fiscal years 1988, 1989, 1990, 1991, and 1992, an amount not to exceed $50,000 annually to the Department of State for administrative expenses.

(b) Funds appropriated for the purposes of the Treaty may be used notwithstanding any of the provisions of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or of any appropriations Act that imposes restrictions on the maintenance or use of cash transfer assistance, which are inconsistent with the provisions of the Treaty.

SEC. 21. EFFECTIVE DATE.

(a) Except as provided in subsection (b) of this section, this Act shall be effective on the date on which the Treaty enters into force for the United States.

(d)(1) The authority to promulgate regulations pursuant to this Act shall be effective on the date of enactment of this Act.

(2) Any regulation promulgated pursuant to this Act shall not be effective before the date on which the Treaty enters into force for the United States.

The title was amended so as to read: "A bill to implement the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America."

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MERCHANT MARINE DECORATIONS AND MEDALS ACT

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1430) to authorize decorations, medals, and other recognition for service in the U.S. Merchant Marine, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1430) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRADEMARK PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1883.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill, S. 1883, to amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

S. 1883

That this Act may be cited as the "Trademark Law Revision Act of 1988".

SEC. 2. For purposes of this Act, the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes" shall be referred to as the "Trademark Act of 1946".

SEC. 3. Section 1 of the Trademark Act of 1946 (15 U.S.C. 1051) is amended by—

(1) inserting a section heading before section 1 to read as follows:

"REQUIREMENTS FOR APPLYING TO REGISTER TRADEMARKS ON THE PRINCIPAL REGISTER";

(2) striking out "may register his" in the matter before subsection (a) and inserting in lieu thereof "may apply to register his";

(3) redesignating paragraphs (1), (2), and (3) of subsection (a) as subparagraphs (A), (B), and (C), respectively;

(4) redesignating subsections (a), (b), and (c) as paragraphs (1), (2), and (3), respectively;

(5) inserting "(a)" after "SECTION 1.";

(6) striking out "applied to" in subsection (a)(1)(A), as redesignated herein, and inserting in lieu thereof "used on or in connection with";

(7) striking out "actually" in subsection (a)(1)(C), as redesignated herein;

(8) striking out "filing" in subsection (a)(2), as redesignated herein, and inserting in lieu thereof "prescribed"; and

(9) adding at the end thereof the following:

"(b) A person who has a bona fide intention to use a trademark in commerce, such intention to reflect the good faith circumstances relating to the intended use, may apply to register the trademark under this Act on the principal register hereby established:

"(1) By filing in the Patent and Trademark Office—

"(A) a written application, in such form as may be prescribed by the Commissioner, verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, specifying applicant's domicile and citizenship, applicant's bona fide intention to use the mark in commerce, the goods in connection with which the applicant has a bona fide intention to use the mark and the mode or manner in which the mark is intended to be used in connection with such goods, and including a statement to the effect that the person making the verification believes himself, or the firm, corporation, or association in whose behalf he makes the verification, is entitled to use the mark in commerce, and that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive. However, with the exception of applications filed pursuant to section 44 of this Act, no mark shall be registered until the applicant has met the requirements of section 13(b)(2) hereof; and

"(B) a drawing of the mark.

"(2) By paying in the Patent and Trademark Office the prescribed fee.

"(3) By complying with such rules or regulations, not inconsistent with law, as may be prescribed by the Commissioner.

"(c) At any time during examination of an application filed under subsection (b), an applicant who has made use of the mark in commerce may claim the benefits thereof for purposes of this Act, by amending his application to bring it into conformity with the requirements of subsection (a).".

SEC. 4. Section 2 of the Trademark Act of 1946 (U.S.C. 1052) is amended—

(1) by amending subsection (d) to read as follows:

"(d) Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake, or to deceive: Provided, That when the Commissioner determines that confusion, mistake, or deception is not likely to result from the continued use by more than one person of the same or similar marks under conditions and limitations as to the mode or place of use of the marks or the goods in connection with which such marks are used, concurrent registrations may be issued to such persons when they have become entitled to use such marks as a result of their concurrent lawful use in commerce prior to (1) the earliest of the filing dates of the applications pending or of any registration issued under this Act; or (2) July 5, 1947, in the case of registrations previously issued under the Act of March 3, 1881, or February 20, 1905, and continuing in full force and effect on that date; or (3) July 5, 1947, in the case of applications filed under the Act of February 20, 1905, and registered after July 5, 1947. Use prior to the filing date of any pending application or a registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant. Concurrent registrations may also be issued by the Commissioner when a court of competent jurisdiction has finally determined that more than one person is entitled to use the same or similar marks in commerce. In issuing concurrent registrations, the Commissioner shall prescribe conditions and limitations as to the mode or place of use of the mark or the goods on or in connection with which such mark is registered to the respective persons;";

(2) in subsection (e) by striking out "applied to" each place it appears and inserting in lieu thereof "used on or in connection with"; and

(3) in subsection (f) by—

(A) striking out "applied to" and inserting in lieu thereof "used on or in connection with"; and

(B) striking out "five years" through the end of the subsection and inserting in lieu thereof "five years next preceding an offer of proof by the applicant.".

SEC. 5. Section 3 of the Trademark Act of 1946 (15 U.S.C. 1053) is amended by—

(1) striking out "used in commerce" in the first sentence;

(2) striking out ", except when" through "mark is used" in the first sentence; and

(3) striking out the second sentence.

SEC. 6. Section 4 of the Trademark Act of 1946 (15 U.S.C. 1054) is amended by—

(1) striking out "origin used in commerce," and inserting in lieu thereof "origin,";

(2) striking out "except when" in the first sentence and inserting in lieu thereof "except in the case of certification marks when"; and

(3) striking out the second sentence.

SEC. 7. Section 5 of the Trademark Act of 1946 (15 U.S.C. 1055) is amended by adding at the end thereof the following: "First use of a mark by a person, which use is controlled by the registrant or applicant for registration of the mark in respect to the nature and quality of the goods or services, shall inure to the benefit of the registrant or applicant.".

SEC. 8. Section 6(b) of the Trademark Act of 1946 (15 U.S.C. 1056(b)) is amended by striking out "(d)" and inserting in lieu thereof "(e)".

SEC. 9. Section 7 of the Trademark Act of 1946 (15 U.S.C. 1057) is amended by—

(1) amending subsection (b) to read as follows:

"(b) A certificate of registration of a mark upon the principal register provided by this Act shall be prima facie evidence of the validity of the registered mark and of the registration thereof, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the certificate, subject to any conditions or limitations stated therein.";

(2) redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(3) inserting between subsection (b) and subsection (d), as redesignated herein, the following:

"(c) Contingent on the registration of a mark on the principal register established herein, the filing of the application to register such mark shall constitute constructive use of the mark, conferring a right of priority, nationwide in effect, on or in connection with the goods or services specified in the registration against any other person except for a person whose mark has not been abandoned and, who prior to such filing—

"(1) has used the mark;

"(2) has filed an application to register the mark on the principal register and that application is pending or has resulted in registration of the mark on the principal register; or

"(3) has filed a foreign application to register the mark on the basis of which he has acquired a right of priority by the timely filing under section 44(d) of an application to register the mark on the principal register and that application is pending or has resulted in registration of the mark on the principal register.";

(4) amending subsection (d), as redesignated herein, by striking out "fee herein provided" and inserting in lieu thereof "prescribed fee";

(5) amending subsection (f), as redesignated herein, by striking out "fee required by law" and inserting in lieu thereof "prescribed fee"; and

(6) amending subsection (h), as redesignated herein, by striking out "required fee" and inserting in lieu thereof "prescribed fee".

SEC. 10. Section 8(a) of the Trademark Act of 1946 (15 U.S.C. 1058a) is amended by—

(1) striking out "twenty" and inserting in lieu thereof "ten"; and

(2) striking out "showing that said mark is in use in commerce or showing that its" and inserting in lieu thereof "setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce and having attached thereto a specimen or facsimile showing current use of the mark, or showing that any".

SEC. 11. Section 9(a) of the Trademark Act of 1946 (15 U.S.C. 1059(a)) is amended by striking out "twenty" and inserting in lieu thereof "ten".

SEC. 12. Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended to read as follows:

"ASSIGNMENT AND GRANT OF SECURITY INTEREST

"SEC. 10. (a) A registered mark or a mark for which application to register has been filed shall be assignable with the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark. However, no application to register a mark under section 1(b) shall be assignable prior to the filing of the verified statement of use under section 13(b)(2), except to a successor to the business of the applicant, or portion thereof, to which the mark pertains.

"(b)(1) A security interest in a registered mark, or a mark for which an application for registration has been filed under section 1(b) or subsection (d) or (e) of section 44, may be obtained and will be superior to any interest subsequently granted to a third party, provided—

"(A) the party granted the security interest obtains a security interest in the goodwill of the business in which the mark is used or with that part of the goodwill of the business connected with the use of and symbolized by the mark; and

"(B) notice of such interest is filed in the Patent and Trademark Office—

"(i) within ten days after the interest is granted if the interest pertains to a registered mark or if it pertains to a mark which is the subject of an application for registration under section 1(b) or subsection (d) or (e) of section 44, or

"(ii) within four months after the mark is registered if the interest pertains to a mark which is the subject of an application under section 1(a) or 23 and the person holding the interest has a valid, perfected interest pursuant to State law at the time the mark is registered.

"(2) A party granted a security interest in a registered mark, or a mark for which an application for registration has been filed under section 1(b) or subsection (d) or (e) of section 44, may, after default by the party granting the security interest, require the debtor to assign the mark to—

"(A) a transferee who is also being assigned that part of the goodwill of the business connected with the use of and symbolized by the mark; or

"(B) the party holding the security interest, even though such party does not presently engage in the business to which the mark relates, provided that the secured party either subsequently engages in the business to which the mark relates or holds the mark only for the purpose of subsequently transferring the mark along with the goodwill associated with the mark and that such subsequent transfer occurs prior to dissipation of the goodwill.

"(3) A security interest in a mark obtained pursuant to this section will extend to the consideration received upon the sale, exchange, collection or other disposition of the mark for ten days after receipt of the consideration by the transferor and will then lapse unless a financing statement or other document is filed as required by appropriate State law.

"(c) In any assignment of or grant of a security interest in a mark it shall not be necessary to include the goodwill of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

"(d) Assignments and grants of security interest shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment or a grant of a security interest and when recorded in the Patent and Trademark Office the record shall be prima facie evidence of execution. An assignment of or grant of a security interest in a mark shall be void as against any subsequent purchaser or other entity being granted an interest for a valuable consideration without notice, unless recorded in the Patent and Trademark Office—

"(1) within three months after the date thereof or prior to such subsequent purchase in the case of an assignment; or

"(2) pursuant to the provisions of subsection (b)(1)(B) or prior to the subsequent filing of a conflicting interest, whichever is later, in the case of the grant of any security interest.

"(e) A separate record of documents submitted for recording under this section shall be maintained in the Patent and Trademark Office. Such record shall include any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument affecting title to or any interest in a registered mark or a mark for which application to register has been filed.

"(f) An assignee or holder of a security interest not domiciled in the United States shall be subject to and comply with the provisions of section 1(d) of this Act.".

SEC. 13. Section 12(a) of the Trademark Act of 1946 (15 U.S.C. 1062a) is amended by—

(1) striking out "fee herein provided" and inserting in lieu thereof "prescribed fee"; and

(2) striking out "to registration, the" and inserting in lieu thereof "to registration, or would be entitled to registration upon the acceptance of the statement of use prescribed in section 13(b)(2) of this Act, the".

SEC. 14. Section 13 of the Trademark Act of 1946 (15 U.S.C. 1063) is amended by—

(1) inserting "(a)" before "Any person";

(2) striking out "required fee" and inserting in lieu thereof "prescribed fee"; and

(3) adding at the end thereof the following:

"(b) Unless registration is successfully opposed—

"(1) a mark entitled to registration on the principal register based on an application filed under section 1(a) or pursuant to section 44, shall be registered in the Patent and Trademark Office, and a certificate of registration issued, and notice of the registration shall be published in the Official Gazette of the Patent and Trademark Office; or

"(2) a notice of allowance shall be issued to the applicant if he applied for registration under section 1(b). Within six months following the date of the notice of allowance, the applicant must file in the Patent and Trademark Office, together with such number of specimens or facsimiles of the mark as used in commerce as may be required by the Commissioner and payment of the prescribed fee, a verified statement that the mark is in use in commerce and specifying the date of applicant's first use of the mark and the date of applicant's first use of the mark in commerce, those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce and the mode or manner in which the mark is used in connection with such goods or services. Subject to examination and acceptance of the statement of use, the mark shall be registered in the Patent and Trademark Office, and a certificate of registration issued, for those goods or services recited in the statement of use for which the mark is entitled to registration and notice of registration shall be published in the Official Gazette of the Patent and Trademark Office. The notice shall specify the goods or services for which the mark is registered.

"(A) The time for filing the statement of use shall be extended for an additional six-month period upon written request of the applicant prior to expiration of the six-month period. Such request shall be accompanied by a verified statement that the applicant has a continued bona fide intention to use the mark in commerce and specifying those goods or services identified in the notice of allowance on or in connection with which the applicant has a continued bona fide intention to use the mark in commerce. Up to six further extensions of six months each shall be obtained when requested prior to the expiration of the extended period and accompanied by a verified statement that the applicant has a continued bona fide intention to use the mark in commerce and specifying those goods or services identified in the most recent extension for which the applicant has a continued bona fide intention to use the mark in commerce. Each request for an extension shall be accompanied by payment of the prescribed fee.

"(B) The Commissioner shall notify any applicant who files a statement of use of the acceptance or refusal thereof and, if a refusal, the reasons therefor. An applicant may amend his statement of use.

"(C) The failure to timely file a verified statement of use shall result in abandonment of the application.".

SEC. 15. Section 14(c) of the Trademark Act of 1946 (15 U.S.C. 1064(c)) is amended to read as follows:

"(c) at any time if the registered mark becomes the generic name for the goods or services, or a portion thereof, for which it is registered, or has been abandoned, or its registration was obtained fraudulently or contrary to the provisions of section 4 or of subsection (a), (b), or (c) of section 2 for a registration hereunder, or contrary to similar prohibitory provisions of such prior Acts for a registration thereunder, or if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used. If the registered mark becomes the generic name for less than all of the goods or services for which it is registered, a petition to cancel the registration for only those goods or services may be filed. A registered mark shall not be deemed to be the generic name of goods or services solely because such mark is also used as a name of or to identify a unique product or service. The primary significance of the registered mark to the relevant public rather than purchaser motivation shall be the test for determining whether the registered mark has become the generic name of goods or services on or in connection with which it has been used; or".

SEC. 16. Section 15(4) of the Trademark Act of 1946 (15 U.S.C. 1065(4)) is amended by striking out the common descriptive name of any article or substance, patented or otherwise and inserting in lieu thereof "the generic name".

SEC. 17. Section 16 of the Trademark Act of 1946 (15 U.S.C. 1066) is amended by striking out "applied to the goods or when used in connection with the services" and inserting in lieu thereof "used on or in connection with the goods or services".

SEC. 18. Section 18 of the Trademark Act of 1946 (15 U.S.C. 1068) is amended by—

(1) striking out "or restrict" and inserting in lieu thereof "the registration, in whole or in part, may modify the application or registration by limiting the goods or services specified therein, may otherwise restrict or rectify with respect to the register";

(2) striking out "or" before "may refuse"; and

(3) adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).".

SEC. 19. Section 19 of the Trademark Act of 1946 (15 U.S.C. 1069) is amended by striking out the second sentence.

SEC. 20. Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071) is amended—

(1) in subsection (a), by striking out "section 21(b)" each place it appears and inserting in lieu thereof "subsection (b)";

(2) in subsection (a), by striking out "section 21(a)(2) hereof" and inserting in lieu thereof "paragraph (2) of this subsection";

(3) in subsection (a)(4), by adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).";

(4) in subsection (b), by striking out "section 21(a)" each place it appears and inserting in lieu thereof "subsection (a)";

(5) in subsection (b)(1), by adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).".

(6) in subsection (b)(3), by amending the first sentence of such paragraph to read as follows:

"(3) In any case where there is no adverse party, a copy of the complaint shall be served on the Commissioner, and, unless the court finds the expenses to be unreasonable, all the expenses of the proceeding shall be paid by the party bringing the case, whether the final decision is in favor of such party or not.".

SEC. 21. Section 23 of the Trademark Act of 1946 (15 U.S.C. 1091) is amended by—

(1) inserting "(a)" before "In addition" in the first paragraph;

(2) inserting "(b)" before "Upon the" in the second paragraph;

(3) inserting "(c)" before "For the purposes" in the third paragraph;

(4) striking out "paragraphs (a)," in subsection (a), as designated herein, and inserting in lieu thereof "subsections (a),";

(5) striking out "have been in lawful use in commerce by the proprietor thereof, upon" in subsection (a), as designated herein, and inserting in lieu thereof "are in use in commerce by the owner thereof, on";

(6) striking out "for the year preceding the filing of the application" in subsection (a), as designated herein;

(7) inserting before "section 1" in subsection (a), as designated herein, the following: "subsections (a) and (d) of";

(8) striking out "fee herein provided" in subsection (b), as designated herein, and inserting in lieu thereof "prescribed fee"; and

(9) striking out the last paragraph.

SEC. 22. Section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended by—

(1) striking out "verified" in the second sentence;

(2) striking out "was not entitled to register the mark at the time of his application for registration thereof," and inserting in lieu thereof "is not entitled to registration,";

(3) striking out "is not used by the registrant or"; and

(4) adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).".

SEC. 23. Section 26 of the Trademark Act of 1946 (15 U.S.C. 1094) is amended by—

(1) inserting "1(b)," after "sections"; and

(2) inserting "7(c)," after "7(b)".

SEC. 24. Section 27 of the Trademark Act of 1946 (15 U.S.C. 1095) is amended by adding at the end thereof the following: "The filing of an application to register a mark on the supplemental register, or registration of a mark thereon, shall not constitute an admission that the mark is not eligible for registration on the principal register established herein.".

SEC. 25. Section 29 of the Trademark Act of 1946 (15 U.S.C. 1111) is amended by striking out "as used".

SEC. 26. Section 30 of the Trademark Act of 1946 (15 U.S.C. 1112) is amended by—

(1) inserting "or registrant's" after "applicant's";

(2) striking out "may file an application" and inserting in lieu thereof "may apply";

(3) striking out "goods and services upon or in connection with which he is actually using the mark:" and inserting in lieu thereof "goods or services on or in connection with which he is using or he has a bona fide intention to use the mark in commerce:"; and

(4) by amending the proviso to read: "Provided, That when the Commissioner by regulation permits the filing of an application for the registration of a mark for goods or services which fall within a plurality of classes, a fee equaling the sum of the fees for filing an application in each class shall be paid, and the Commissioner may issue a single certificate of registration for such mark.".

SEC. 27. Section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) is amended by—

(1) striking out "SECTION 31. FEES"; and

(2) inserting "SEC. 31." before "(a)".

SEC. 28. Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114(2)) is amended by striking out "injunction" and inserting in lieu thereof "injunctive".

SEC. 29. Section 33(a) of the Trademark Act of 1946 (15 U.S.C. 1115(a)) is amended by—

(1) inserting "the validity of the registered mark and of the registration thereof, of the registrant's ownership of the mark, and of the" after "prima facie evidence of";

(2) inserting "or in connection with" after "in commerce on";

(3) striking out "an opposing party" and inserting in lieu thereof "another person"; and

(4) inserting ", including those set forth in subsection (b)," after "or defect".

SEC. 30. Section 33(b) of the Trademark Act of 1946 (15 U.S.C. 1115(b)) is amended by—

(1) amending the matter in subsection (b) before paragraph (1) to read as follows:

"(b) To the extent that the right to use the registered mark has become incontestable under section 15, the registration shall be conclusive evidence of the validity of the registered mark and of the registration thereof, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce. Such conclusive evidence shall relate to the exclusive right to use the mark on or in connection with the goods or services specified in the affidavit filed under the provisions of section 15 or, if fewer in number, the renewal application filed under the provisions of section 9 hereof, subject to any conditions or limitations in the registration or in such affidavit or renewal application. Such conclusive evidence of the right to use the registered mark shall be subject to proof of infringement as defined in section 32, and shall be subject to the following defenses or defects:";

(2) striking out "services in" in paragraph (3) and inserting in lieu thereof "services on or in";

(3) striking out "trade or service" in paragraph (4);

(4) striking out "to users" in paragraph (4);

(5) striking out "registration of the mark under this Act or" in paragraph (5) and inserting in lieu thereof "(A) the date of constructive use of the mark established pursuant to section 7(c), or (B) the registration of the mark under this Act if the application for registration is filed prior to the effective date of the Trademark Law Revision Act of 1988, or (C)"; and

(6) adding at the end of the subsection, the following:

"In addition, equitable principles, including laches, estoppel, and acquiescence, where applicable, may be considered and applied.".

SEC. 31. Section 34 of the Trademark Act of 1946 (15 U.S.C. 1116) is amended—

(1) in subsection (a) by—

(A) striking out "of the registrant of a mark registered in the Patent and Trademark Office" and inserting in lieu thereof "protected under this Act"; and

(B) adding at the end thereof the following:

"However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c)."; and

(2) in subsection (c) by—

(A) striking out "proceeding arising" and inserting in lieu thereof "proceeding involving a mark registered"; and

(B) striking out "decision is rendered, appeal taken or a decree issued" and inserting in lieu thereof "judgment is entered or an appeal is taken".

SEC. 32. Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended by striking out "of the registrant of a mark registered in the Patent and Trademark Office" and inserting in lieu thereof "protected under this Act".

SEC. 33. Section 36 of the Trademark Act of 1946 (15 U.S.C. 1118) is amended by—

(1) striking out "of the registrant of a mark registered in the Patent and Trademark Office" and inserting in lieu thereof "protected under this Act"; and

(2) striking out "registered mark" and inserting in lieu thereof "mark".

SEC. 34. (a) Section 39 of the Trademark Act of 1946 (15 U.S.C. 1121) is redesignated as subsection (a) of section 39 by inserting "(a)" after "SEC. 39.".

(b) Section 39a of the Trademark Act of 1946 (15 U.S.C. 1121a) is redesignated as subsection (b) of section 39 by striking out "SEC. 39a." and inserting in lieu thereof "(b)".

(c) Subsection (b) of section 39, as redesignated herein, is amended by striking out "servicemarks" each place it appears and inserting in lieu thereof "service marks".

SEC. 35. Section 43(a) of the Trademark Act of 1946 (15 U.S.C. 1125(a)) is amended to read as follows:

"(a)(1) Any person who uses in commerce on or in connection with any goods or services, or any container for goods, any word, term, name, symbol, or device or any combination thereof, or who shall engage in any act, trade practice, or course of conduct in commerce, which—

"(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another, or to the origin, sponsorship, or approval of his goods, services, or commercial activities by another; or

"(B) by use of a false designation of origin or of a false or misleading description or representation, misrepresents the nature, characteristics, or qualities of his or another person's goods, services, commercial activities or their geographic origin;

shall be liable in a civil action by any person who believes that he is or is likely to be damaged by such action.

"(2) The relief provided in this subsection shall be in addition to and shall not affect those remedies otherwise available under this Act, under common law, or pursuant to any statute of the United States: Provided, That nothing in this subsection shall be construed so as to preempt the jurisdiction of any State to grant relief in cases of unfair competition.".

SEC. 36. Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by adding at the end thereof the following new subsection:

"(c)(1) The owner of a famous mark registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register established herein shall be entitled, subject to the principles of equity, taking into account, among other things, the good faith use of an individual's name or an indication of geographic origin, to an injunction against another person's use in commerce of a mark, commencing after the registrant's mark becomes famous, which causes dilution of the distinctive quality of the registrant's mark, and to obtain such other relief as is provided in this subsection. In determining whether a mark is famous and has distinctive quality, a court shall weigh the following and other relevant factors:

"(A) whether the mark is inherently distinctive or has become distinctive through substantially exclusive and continuous use;

"(B) whether the duration and extent of use of the mark are substantial;

"(C) whether the duration and extent of advertising and publicity of the mark are substantial;

"(D) whether the geographical extent of the trading area in which the mark is used is substantial;

"(E) whether the mark has substantial renown in its and the other person's trading area and channels of trade; and

"(F) whether the same or similar marks are being used substantially by third parties.

"(2) The registrant shall be entitled only to injunctive relief in an action brought under this subsection, unless the subsequent user willfully intended to trade on the registrant's reputation or to cause dilution of the registrant's mark. If such willful intent is proven, the registrant shall also be entitled to the remedies set forth in sections 35(a) and 36 hereof, subject to the discretion of the court and the principles of equity.

"(3) Ownership of a valid registration under the Act of 1881 or the Act of 1905 or on the principal register established herein shall be a complete bar to an action brought by another person, under the common law or statute of a State, seeking to prevent dilution of the distinctiveness of a mark, label, or form of advertisement.".

SEC. 37. Section 44 of the Trademark Act of 1946 (15 U.S.C. 1126) is amended—

(1) by striking out "fees herein prescribed" in subsection (a) and inserting in lieu thereof "fees required herein";

(2) by striking out "paragraph (b)" each place it appears and inserting in lieu thereof "subsection (b)";

(3) in subsection (d) by striking out "sections 1, 2, 3, 4, or 23" and inserting in lieu thereof "section 1, 3, 4, 23, or 44(e)";

(4) in subsection (d)(2) by striking out "but use in commerce need not be alleged" and inserting in lieu thereof "including a statement that the applicant has a bona fide intention to use the mark in commerce";

(5) in subsection (d)(3), by striking out "foreing" and inserting in lieu thereof "foreign";

(6) in subsection (e) by adding at the end thereof the following: "The application must state the applicant's bona fide intention to use the mark in commerce, but use in commerce shall not be required prior to registration."; and

(7) in subsection (f), by striking out "paragraphs (c), (d)," and inserting in lieu thereof "subsections (c), (d),".

SEC. 38. Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by—

(1) amending the paragraph defining "related company" to read as follows:

"The term 'related company' means any person whose use of a mark is controlled by the owner of the mark in respect to the nature and quality of the goods or services on or in connection with which the mark is used.";

(2) amending the paragraph defining "trade name" and "commercial name" to read as follows:

"The terms 'trade name' and 'commercial name' mean any name used by a person to identify his business or vocation.";

(3) amending the paragraph defining "trademark" to read as follows:

"The term 'trademark' means any word, name, symbol, or device or any combination thereof used by a person, or which a person has a bona fide intention to use in com-

merce and for which he applies for registration on the principal register established by this Act, to identify and distinguish his goods, including a unique product, from those of others and to indicate the source of the goods, even if that source is unknown.";

(4) amending the paragraph defining "service mark" to read as follows:

"The term 'service mark' means any word, name, symbol, or device or any combination thereof used by a person, or which a person has a bona fide intention to use in commerce and for which he applies for registration on the principal register established by this Act, to identify and distinguish the services of one person, including a unique service, from those of others and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.";

(5) amending the paragraph defining "certification mark" to read as follows:

"The term 'certification mark' means any word, name, symbol, or device or any combination thereof used by a person other than its owner, or for which there is a bona fide intention for such use in commerce through the filing of an application for registration on the principal register established by this Act, to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of such person's goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.";

(6) amending the paragraph defining "collective mark" to read as follows:

"The term 'collective mark' means a trademark or service mark used by the members of a cooperative, an association, or other collective group or organization, or which such entity has a bona fide intention to use in commerce and for which it applies for registration on the principal register established by this Act, and includes marks indicating membership in a union, an association, or other organization.";

(7) amending the paragraph defining "mark" to read as follows:

"The term 'mark' includes any trademark, service mark, collective mark, or certification mark.";

(8) amending the matter which appears between the paragraph defining "mark", and the paragraph defining "colorable imitation" to read as follows:

"The term 'use in commerce' means use of a mark in the ordinary course of trade, commensurate with the circumstances, and not made merely to reserve a right in a mark. For purposes of this Act, a mark shall be deemed to be in use in commerce (1) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes such placement impracticable then on documents associated with the goods or their sale, and the goods are sold or transported in commerce, and (2) on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in this and a foreign country and the person rendering the services is engaged in commerce in connection therewith.

"A mark shall be deemed to be 'abandoned'—

"(1) when its use has been discontinued with intent not to resume. Intent not to resume may be inferred from circumstances. Nonuse for two consecutive years shall be prima facie evidence of abandonment. 'Use' means use made in the ordinary course of trade, commensurate with the circumstances, and not made merely to reserve a right in a mark; or

"(2) when any course of conduct of the owner, including acts of omission as well as commission, causes the mark to become the generic name for the goods or services or otherwise to lose its significance as a mark. Purchaser motivation shall not be a test for determining abandonment under this subparagraph.

"The term 'dilution' means the material reduction of the distinctive quality of a famous mark through use of the mark by another person, regardless of the presence or absence of (1) competition between the users of the mark, or (2) likelihood of confusion, mistake, or deception arising from that use.".

SEC. 39. The Trademark Act of 1946 is amended by adding at the end thereof the following:

"SEC. 51. All certificates of registration based upon applications for registration pending in the Patent and Trademark Office on the effective date of the Trademark Law Revision Act of 1988 shall remain in force for a period of 10 years.".

SEC. 40. This Act and the amendments made by this Act shall become effective on the date one year after the date of enactment of this Act.

AMENDMENT NO. 2078

Mr. BYRD. Mr. President, on behalf of Mr. DECONCINI, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mr. DECONCINI, proposes an amendment numbered 2078:

On page 48, line 13, strike out "the generic name" and insert in lieu thereof "the generic name for the goods or services or a portion thereof, for which it is registered.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2078) was agreed to.

Mr. DECONCINI. Mr. President, I am pleased that the Senate has waived the 2-day rule in order to expeditiously consider this important bipartisan bill S. 1883, the Trademark Law Revision Act of 1988. I ask unanimous consent that the Senate adopt S. 1883 as reported by the Senate Judiciary Committee.

The purpose of S. 1883, Trademark Law Revision Act of 1988, is to amend the Trademark Act of 1946 to bring it up to date with present day business practices and realities. The legislation improves the act's protection of the public from counterfeit, confusion and deception, increases the value of the Federal trademark registration system for U.S. companies, and removes the current preference for foreign companies applying to register.

Mr. President, S. 1883 represents the first overall revision of the Federal trademark statute, the Lanham Act, since the act was adopted in 1946. Many of the revisions are substantive and will have a significant impact on U.S. trademark law. Others are of a technical nature, serving only to correct deficiencies and inconsistencies in the Lanham Act's language. Importantly, none of the amendments contained in S. 1883 alter the stated purposes of the Lanham Act or conflict with Congress' intent when it passed the act more than 40 years ago. In sum, S. 1883 modernizes the Federal trademark statute while preserving its balanced protection of business [trademark owners] and the public [consumers].

Mr. President, S. 1883, the Trademark Law Revision Act of 1988, represents the culmination of thousands of hours of work over the past 2½ years. The bill is based on the results of a study conducted by the U.S. Trademark Association's Review Commission. The Commission's comprehensive review of the policies and components of the trademark system included an exhaustive questionnaire to the trademark community, extensive study of specific topics by committees, and open debate at annual meetings. Hundreds of trademark owners and practitioners, more than 50 organizations, government officials in the United States and abroad, and eminent scholars in the fields of constitutional, commercial, trademark, and unfair competition law contributed their views. When the study was completed the Commission produced a lengthy report of its findings and recommended legislative changes in the trademark system.

S. 1883, as I introduced it on November 19, 1987, encompassed those recommendations. The Subcommittee on Patents, Copyrights, and Trademarks held a hearing on the bill on March 15, 1988, and heard testimony from trademark associations, individual trademark experts, and trademark owners such as Mrs. Fields Inc. and Frito-Lay, Inc. Following the hearing several improvements were made to the bill. My colleagues, particularly my good friend from Utah, Senator HATCH, worked closely with me in an effort to perfect the bill. I commend my colleagues, particularly the cosponsors Senators GRASSLEY, HEFLIN and HATCH for recognizing the importance of this legislation and working with me to move it in an expeditious manner. A substitute amendment was unanimously approved by the subcommittee on April 13, 1988 and by the full Judiciary Committee on May 12, 1988.

The following outlines in more detail some of the specific provisions of S. 1883:

A. Applications Based on Intent-to-Use

S. 1883 creates a system whereby companies and individuals may apply to register marks in the U.S. Patent and Trademark Office on the basis of a bona fide intent-to-use the mark in commerce. Presently, an American company may apply to register a mark only after it has actually used the mark in commerce. Conversely, a foreign applicant is not required to use a mark before applying for a U.S. registration if it files based on a foreign registration or application.

U.S. adoption of an intent-to-use application system has several advantages. First, it eliminates the extreme uncertainty American companies face as they invest in introducing new products and services. Second, it reduces the advantage that foreign trademark owners now enjoy. Third, it makes unnecessary the contrived practice of "token use" as a means of meeting pre-application use requirements. Last, it brings United States law into greater conformity with worldwide practice.

The proposed intent-to-use application system will supplement the present use-based system; applicant will be able to choose between filing on the basis of intent-to-use or on the basis of actual use. While the existing use-based system would not change procedurally, all applicants who allege use of a mark in commerce will be subject to a more stringent definition of use. This definition, which will eliminate the commercially-transparent practice of token use as a means of creating trademark rights, will also help to reduce the amount of "deadwood" on the register.

The intent-to-use system provided for by S. 1883 includes several safeguards against abuse. Among them:

1. All business must state their bona fide intent-to-use a mark in commerce on or in connection with all of the goods or services stated in an application for registration.

2. With the exception of marks for which application for registration is filed on the basis of a foreign registration or foreign priority date, no mark will be registered until it is used in commerce on a commercial scale and then it will be registered only for those goods or services for which evidence of this use is submitted.

3. After a mark is approved for registration, it will have to be used within six months or the application will be abandoned. This six-month period may be extended in six-month increments up to a maximum of four years. To obtain each extension, the applicant must file a statement of its continued bona fide intention to use the mark and pay a fee.

4. To reduce substantially the risks of introducing a new product and the potential for conflict between trademark users, the date an application to register is filed (whether it is filed on the basis of use or intent-to-use) will constitute nationwide "constructive use" of the mark. This will give the applicant priority rights over later users or applicants. This right of priority cannot be enforced, however, until the applicant makes use of its mark and obtains a registration.

B. Accuracy of the Federal Register

The goal of the federal trademark registration system is the creation of a record which accurately reflects all marks that are actually being used in the U.S. marketplace. S. 1883 includes several provisions devoted to this objective.

"Deadwood". As a means of eliminating from the register those marks which are no longer in use and thereby do not qualify for registration (i.e., "deadwood"), the bill first reduces the term of a trademark registration from twenty to ten years (a commensurate decrease in the renewal fee would accompany this change).

Second, it imposes stricter requirements for maintaining a registration. During the sixth year of the term of a registration, the owner of a trademark registration will have to file an affidavit with the Patent and Trademark Office stating that the mark is in use on or in connection with all the goods or services recited in the registration and will have to provide specimens or facsimiles evidencing that use. (These new "section 8" requirements parallel those that are now required at the time a mark is renewed.) These changes, along with the new definition of use for which S. 1883 provides, will enlarge the pool of available marks for business to adopt, use and register.

C. Protection of Famous Marks From Dilution

S. 1883 creates a federal cause of action permitting the owner of a registered mark, which is truly famous and has distinctive quality, to protect the mark from use by others which unfairly capitalizes on the exceptional recognition and renown of the mark or which reduces or destroys the distinctive quality of the mark even if likelihood of confusion in the marketplace, the standard test of trademark infringement, cannot be proved. This new cause of action is highly selective; it protects only those federally registered marks that are most likely to be diluted through non-competing use. It will augment, not preempt, the twenty-three state dilution laws.

D. Unregistered Marks

S. 1883 amends the language of section 43(a) of the Lanham Act to conform it to the expanded scope of protection it has been given by the courts. In addition, the revised section makes misrepresentations (e.g., false advertising claims) about another's products or services actionable (under present law, actions are limited to misrepresentations about one's own products or services), and extends the remedies available in cases involving registered marks to cases brought under the section where no registration is involved.

Mr. METZENBAUM. Mr. President, when the subcommittee considered S. 1883 an amendment was adopted to delete from section 35(a)(1)(B) the phrase "or by omission of material information". What was the subcommittee's intent in making that deletion?

Mr. DeCONCINI. Mr. President, this deletion was made to respond to concerns that it could be misread to require that all facts material to a consumer's decision to purchase a product or service be contained in each advertisement. Currently the question of when section 43(a) reaches failure to disclose information material to a consumer's purchasing decision is an open question in the courts. Recent court decisions and commentators have suggested that omissions may give rise to a cause of action regardless of whether any affirmative misrepresentations have been made. The committee does not condone deceptive advertising whether by affirmative misreprentation on material omission, and leaves to the courts the task of further developing and applying this principle under section 43(a).

Mr. RUDMAN. Mr. President, I would like to take this opportunity to engage my colleague from Arizona, Mr. DeConcini, the distinguished chairman of the Judiciary Subcommittee on Patents, Copyrights and Trademarks, in a brief discussion of the bill currently being considered by the Senate, S. 1883. It is my understanding that this bill does nothing to change current law or practice regarding parallel imports, sometimes known as gray market goods.

Mr. DeCONCINI. That is correct. This bill, which revises trademark law, is not intended to address the issue of gray market goods or parallel importation.

Mr. RUDMAN. One section of the bill adds a Federal dilution section to current law. This provision provides protection for famous registered trademarks from unauthorized uses which materially reduce the distinctiveness of the mark. The Senator's introductory floor statement cites the example of a situation where a mark such as Kodak is used for pianos, or Buick is used for aspirin. I presume that this is still the type of situation intended to be covered in this bill, that is, dilution through the noncompeting use of a trademark.

Mr. DeCONCINI. That is correct. This provision is specifically intended to address a narrow category of famous registered trademarks where the unauthorized use by others, on dissimilar products for which the trademark is not registered, dilutes the distinctiveness of the famous work.

Mr. RUDMAN. I thank the Senator for clarifying this matter.

Mr. GRASSLEY. Mr. President, I am pleased to speak on behalf of the Trademark Reform Act, S. 1883. This important piece of legislation will amend the Lanham Act, the law that has governed the trademark area for more than 40 years.

The bill improves, in a number of ways, trademark law for large and small businesses, as well as consumers. First, it will make a major change in the way we establish trademark use. Under current law, someone who wants to use a particular trademark must put the mark "in commerce" so as to demonstrate the mark is truly in use. This is an outdated method, for our economy, which is in such an advanced technological state. Instead, this bill would allow registration of a trademark based upon a bona fide intent to use. Thus, a company or an individual can reserve a trademark before the final product is ready to go to market. It will allow more certainty in this field.

Second, the bill creates a Federal remedy to protect famous trademarks against dilution of the mark. At the present time, such claims are resolved under 23 different State laws and the decisions of the State courts. Instead of being subject to inconsistent decisions, truly famous marks will be entitled to national protection.

And third, section 43 of the Lanham Act, which is essentially used to protect against unfair competition, will be modified. The changes, however, will only codify the law laid down by our Federal courts. The modified section 43 will entitle a suit to be brought for "use of a false designation of origin or of a false or misleading description or representation, misrepresents the nature, characteristics, or qualities of his or another person's goods, services, commercial activities or their geographic origin." Under this language, the public will be protected against false advertising and unfair competition.

This bill is a good example of how Congress can, in fact, improve a statute. Senator DECONCINI, chairman of the Subcommittee on Patents, Copyrights and Trademarks of the Judiciary Committee, is to be commended for his hard work and thorough analysis of the trademark law and modification. The bill was introduced last fall, hearings were held this Spring, and a consensus, including industry groups and the U.S. Patent and Trademark Office, developed around the importance of passing this bill. I thank Senator DECONCINI for the opportunity to have a part in the passage of this important legislation. I urge my colleagues to approve it speedily.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 1883) is amended, was passed, as follows:

S. 1883

That this Act may be cited as the "Trademark Law Revision Act of 1988".

SEC. 2. For purposes of this Act, the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes" shall be referred to as the "Trademark Act of 1946".

SEC. 3. Section 1 of the Trademark Act of 1946 (15 U.S.C. 1051) is amended by—

(1) inserting a section heading before section 1 to read as follows:

"REQUIREMENTS FOR APPLYING TO REGISTER TRADEMARKS ON THE PRINCIPAL REGISTER";

(2) striking out "may register his" in the matter before subsection (a) and inserting in lieu thereof "may apply to register his";

(3) redesignating paragraphs (1), (2), and (3) of subsection (a) as subparagraphs (A), (B), and (C), respectively;

(4) redesignating subsections (a), (b), and (c) as paragraphs (1), (2), and (3), respectively;

(5) inserting "(a)" after "SECTION 1.";

(6) striking out "applied to" in subsection (a)(1)(A), as redesignated herein, and inserting in lieu thereof "used on or in connection with";

(7) striking out "actually" in subsection (a)(1)(C), as redesignated herein;

(8) striking out "filing" in subsection (a)(2), as redesignated herein, and inserting in lieu thereof "prescribed"; and

(9) adding at the end thereof the following:

"(b) A person who has a bona fide intention to use a trademark in commerce, such intention to reflect the good faith circumstances relating to the intended use, may apply to register the trademark under this Act on the principal register hereby established:

"(1) By filing in the Patent and Trademark Office—

"(A) a written application, in such form as may be prescribed by the Commissioner, verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, specifying applicant's domicile and citizenship, applicant's bona fide intention to use the mark in commerce, the goods in connection with which the applicant has a bona fide intention to use the mark and the mode or manner in which the mark is intended to be used in connection with such goods, and including a statement to the effect that the person making the verification believes himself, or the firm, corporation, or association in whose behalf he makes the verification, is entitled to use the mark in commerce, and that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive. However, with the exception of applications filed pursuant to section 44 of this Act, no mark shall be registered until the applicant has met the requirements of section 13(b)(2) hereof; and

"(B) a drawing of the mark.

"(2) By paying in the Patent and Trademark Office the prescribed fee.

"(3) By complying with such rules or regulations, not inconsistent with law, as may be prescribed by the Commissioner.

"(c) At any time during examination of an application filed under subsection (b), an applicant who has made use of the mark in commerce may claim the benefits thereof for purposes of this Act, by amending his application to bring it into conformity with the requirements of subsection (a).".

SEC. 4. Section 2 of the Trademark Act of 1946 (U.S.C. 1052) is amended—

(1) by amending subsection (d) to read as follows:

"(d) Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake, or to deceive: *Provided*, That when the Commissioner determines that confusion, mistake, or deception is not likely to result from the continued use by more than one person of the same or similar marks under conditions and limitations as to the mode or place of use of the marks or the goods in connection with which such marks are used, concurrent registrations may be issued to such persons when they have become entitled to use such marks as a result of their concurrent lawful use in commerce prior to (1) the earliest of the filing dates of the applications pending or of any registration issued under this Act; or (2) July 5, 1947, in the case of registrations previously issued under the Act of March 3, 1881, or February 20, 1905, and continuing in full force and effect on that date; or (3) July 5, 1947, in the case of applications filed under the Act of February 20, 1905, and registered after July 5, 1947. Use prior to the filing date of any pending application or a registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant. Concurrent registrations may also be issued by the Commissioner when a court of competent jurisdiction has finally determined that more than one person is entitled to use the same or similar marks in commerce. In issuing concurrent registrations, the Commissioner shall prescribe conditions and limitations as to the mode or place of use of the mark or the goods on or in connection with which such mark is registered to the respective persons;";

(2) in subsection (e) by striking out "applied to" each place it appears and inserting in lieu thereof "used on or in connection with"; and

(3) in subsection (f) by—

(A) striking out "applied to" and inserting in lieu thereof "used on or in connection with"; and

(B) striking out "five years" through the end of the subsection and inserting in lieu thereof "five years next preceding an offer of proof by the applicant.".

SEC. 5. Section 3 of the Trademark Act of 1946 (15 U.S.C. 1053) is amended by—

(1) striking out "used in commerce" in the first sentence;

(2) striking out ", except when" through "mark is used" in the first sentence; and

(3) striking out the second sentence.

SEC. 6. Section 4 of the Trademark Act of 1946 (15 U.S.C. 1054) is amended by—

(1) striking out "origin used in commerce," and inserting in lieu thereof "origin,";

(2) striking out "except when" in the first sentence and inserting in lieu thereof "except in the case of certification marks when"; and

(3) striking out the second sentence.

SEC. 7. Section 5 of the Trademark Act of 1946 (15 U.S.C. 1055) is amended by adding at the end thereof the following: "First use of a mark by a person, which use is controlled by the registrant or applicant for registration of the mark in respect to the nature and quality of the goods or services, shall inure to the benefit of the registrant or applicant.".

SEC. 8. Section 6(b) of the Trademark Act of 1946 (15 U.S.C. 1056(b)) is amended by striking out "(d)" and inserting in lieu thereof "(e)".

SEC. 9. Section 7 of the Trademark Act of 1946 (15 U.S.C. 1057) is amended by—

(1) amending subsection (b) to read as follows:

"(b) A certificate of registration of a mark upon the principal register provided by this Act shall be prima facie evidence of the validity of the registered mark and of the registration thereof, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the certificate, subject to any conditions or limitations stated therein.";

(2) redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(3) inserting between subsection (b) and subsection (d), as redesignated herein, the following:

"(c) Contingent on the registration of a mark on the principal register established herein, the filing of the application to register such mark shall constitute constructive use of the mark, conferring a right of priority, nationwide in effect, on or in connection with the goods or services specified in the registration against any other person except for a person whose mark has not been abandoned and, who prior to such filing—

"(1) has used the mark;

"(2) has filed an application to register the mark on the principal register and that application is pending or has resulted in registration of the mark on the principal register; or

"(3) has filed a foreign application to register the mark on the basis of which he has acquired a right of priority by the timely filing under section 44(d) of an application to register the mark on the principal register and that application is pending or has resulted in registration of the mark on the principal register.";

(4) amending subsection (d), as redesignated herein, by striking out "fee herein provided" and inserting in lieu thereof "prescribed fee";

(5) amending subsection (f), as redesignated herein, by striking out "fee required by law" and inserting in lieu thereof "prescribed fee"; and

(6) amending subsection (h), as redesignated herein, by striking out "required fee" and inserting in lieu thereof "prescribed fee".

SEC. 10. Section 8(a) of the Trademark Act of 1946 (15 U.S.C. 1058a) is amended by—

(1) striking out "twenty" and inserting in lieu thereof "ten"; and

(2) striking out "showing that said mark is in use in commerce or showing that its" and inserting in lieu thereof "setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce and having attached thereto a specimen or facsimile showing current use of the mark, or showing that any".

SEC. 11. Section 9(a) of the Trademark Act of 1946 (15 U.S.C. 1059(a)) is amended by striking out "twenty" and inserting in lieu thereof "ten".

SEC. 12. Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended to read as follows:

"ASSIGNMENT AND GRANT OF SECURITY INTEREST

"SEC. 10. (a) A registered mark or a mark for which application to register has been filed shall be assignable with the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark. However, no application to register a mark under section 1(b) shall be assignable prior to the filing of the verified statement of use under section 13(b)(2), except to a successor to the business of the applicant, or portion thereof, to which the mark pertains.

"(b)(1) A security interest in a registered mark, or a mark for which an application for registration has been filed under section 1(b) or subsection (d) or (e) of section 44, may be obtained and will be superior to any interest subsequently granted to a third party, provided—

"(A) the party granted the security interest obtains a security interest in the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark; and

"(B) notice of such interest is filed in the Patent and Trademark Office—

"(i) within ten days after the interest is granted if the interest pertains to a registered mark or if it pertains to a mark which is the subject of an application for registration under section 1(b) or subsection (d) or (e) of section 44, or

"(ii) within four months after the mark is registered if the interest pertains to a mark which is the subject of an application under section 1(a) or 23 and the person holding the interest has a valid, perfected interest pursuant to State law at the time the mark is registered.

"(2) A party granted a security interest in a registered mark, or a mark for which an application for registration has been filed under section 1(b) or subsection (d) or (e) of section 44, may, after default by the party granting the security interest, require the debtor to assign the mark to—

"(A) a transferee who is also being assigned that part of the goodwill of the business connected with the use of and symbolized by the mark; or

"(B) the party holding the security interest, even though such party does not presently engage in the business to which the mark relates, provided that the secured party either subsequently engages in the business to which the mark relates or holds the mark only for the purpose of subsequently transferring the mark along with the goodwill associated with the mark and that such subsequent transfer occurs prior to dissipation of the goodwill.

"(3) A security interest in a mark obtained pursuant to this section will extend to the consideration received upon the sale, exchange, collection or other disposition of the mark for ten days after receipt of the consideration by the transferor and will then lapse unless a financing statement or other document is filed as required by appropriate State law.

"(c) In any assignment of or grant of a security interest in a mark it shall not be necessary to include the goodwill of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

"(d) Assignments and grants of security interest shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment or a grant of a security interest and when recorded in the Patent and Trademark Office the record shall be prima facie evidence of execution. An assignment of or grant of a security interest in a mark shall be void as against any subsequent purchaser or other entity being granted an interest for a valuable consideration without notice, unless recorded in the Patent and Trademark Office—

"(1) within three months after the date thereof or prior to such subsequent purchase in the case of an assignment; or

"(2) pursuant to the provisions of subsection (b)(1)(B) or prior to the subsequent filing of a conflicting interest, whichever is later, in the case of the grant of any security interest.

"(e) A separate record of documents submitted for recording under this section shall be maintained in the Patent and Trademark Office. Such record shall include any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument affecting title to or any interest in a registered mark or a mark for which application to register has been filed.

"(f) An assignee or holder of a security interest not domiciled in the United States shall be subject to and comply with the provisions of section 1(d) of this Act.".

SEC. 13. Section 12(a) of the Trademark Act of 1946 (15 U.S.C. 1062a) is amended by—

(1) striking out "fee herein provided" and inserting in lieu thereof "prescribed fee"; and

(2) striking out "to registration, the" and inserting in lieu thereof "to registration, or would be entitled to registration upon the acceptance of the statement of use prescribed in section 13(b)(2) of this Act, the".

SEC. 14. Section 13 of the Trademark Act of 1946 (15 U.S.C. 1063) is amended by—

(1) inserting "(a)" before "Any person";

(2) striking out "required fee" and inserting in lieu thereof "prescribed fee"; and

(3) adding at the end thereof the following:

"(b) Unless registration is successfully opposed—

"(1) a mark entitled to registration on the principal register based on an application filed under section 1(a) or pursuant to section 44, shall be registered in the Patent and Trademark Office, and a certificate of registration issued, and notice of the registration shall be published in the Official Gazette of the Patent and Trademark Office; or

"(2) a notice of allowance shall be issued to the applicant if he applied for registration under section 1(b). Within six months following the date of the notice of allowance, the applicant must file in the Patent and Trademark Office, together with such number of specimens or facsimiles of the mark as used in commerce as may be required by the Commissioner and payment of the prescribed fee, a verified statement that the mark is in use in commerce and specifying the date of applicant's first use of the mark and the date of applicant's first use of the mark in commerce, those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce and the mode or manner in which the mark is used in connection with such goods or services. Subject to examination and acceptance of the statement of use, the mark shall be registered in the Patent and Trademark Office, and a certificate of registration issued, for those goods or services recited in the statement of use for which the mark is entitled to registration and notice of registration shall be published in the Official Gazette of the Patent and Trademark Office. The notice shall specify the goods or services for which the mark is registered.

"(A) The time for filing the statement of use shall be extended for an additional six-month period upon written request of the applicant prior to expiration of the six-month period. Such request shall be accompanied by a verified statement that the applicant has a continued bona fide intention to use the mark in commerce and specifying those goods or services identified in the notice of allowance on or in connection with which the applicant has a continued bona fide intention to use the mark in commerce. Up to six further extensions of six months each shall be obtained when requested prior to the expiration of the extended period and accompanied by a verified statement that the applicant has a continued bona fide intention to use the mark in commerce and specifying those goods or services identified in the most recent extension for which the applicant has a continued bona fide intention to use the mark in commerce. Each request for an extension shall be accompanied by payment of the prescribed fee.

"(B) The Commissioner shall notify any applicant who files a statement of use of the acceptance or refusal thereof and, if a refusal, the reasons therefor. An applicant may amend his statement of use.

"(C) The failure to timely file a verified statement of use shall result in abandonment of the application.".

SEC. 15. Section 14(c) of the Trademark Act of 1946 (15 U.S.C. 1064(c)) is amended to read as follows:

"(c) at any time if the registered mark becomes the generic name for the goods or services, or a portion thereof, for which it is registered, or has been abandoned, or its registration was obtained fraudulently or contrary to the provisions of section 4 or of subsection (a), (b), or (c) of section 2 for a registration hereunder, or contrary to similar prohibitory provisions of such prior Acts for a registration thereunder, or if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used. If the registered mark becomes the generic name for less than all of the goods or services for which it is registered, a petition to cancel the registration for only those goods or services may be filed. A registered mark shall not be deemed to be the generic name of goods or services solely because such mark is also used as a name of or to identify a unique product or service. The primary significance of the registered mark to the relevant public rather than purchaser motivation shall be the test for determining whether the registered mark has become the generic name of goods or services on or in connection with which it has been used; or"

SEC. 16. Section 15(4) of the Trademark Act of 1946 (15 U.S.C. 1065(4)) is amended by striking out the "common descriptive name of any article or substance, patented or otherwise" and inserting in lieu thereof "the generic name for the goods or services or a portion thereof, for which it is registered".

SEC. 17. Section 16 of the Trademark Act of 1946 (15 U.S.C. 1066) is amended by striking out "applied to the goods or when used in connection with the services" and inserting in lieu thereof "used on or in connection with the goods or services".

SEC. 18. Section 18 of the Trademark Act of 1946 (15 U.S.C. 1068) is amended by—

(1) striking out "or restrict" and inserting in lieu thereof "the registration, in whole or in part, may modify the application or registration by limiting the goods or services specified therein, may otherwise restrict or rectify with respect to the register";

(2) striking out "or" before "may refuse"; and

(3) adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).".

SEC. 19. Section 19 of the Trademark Act of 1946 (15 U.S.C. 1069) is amended by striking out the second sentence.

SEC. 20. Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071) is amended—

(1) in subsection (a), by striking out "section 21(b)" each place it appears and inserting in lieu thereof "subsection (b)";

(2) in subsection (a), by striking out "section 21(a)(2) hereof" and inserting in lieu thereof "paragraph (2) of this subsection";

(3) in subsection (a)(4), by adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).".

(4) in subsection (b), by striking out "section 21(a)" each place it appears and inserting in lieu thereof "subsection (a)";

(5) in subsection (b)(1), by adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).".

(6) in subsection (b)(3), by amending the first sentence of such paragraph to read as follows:

"(3) In any case where there is no adverse party, a copy of the complaint shall be served on the Commissioner, and, unless the court finds the expenses to be unreasonable, all the expenses of the proceeding shall be paid by the party bringing the case, whether the final decision is in favor of such party or not.".

SEC. 21. Section 23 of the Trademark Act of 1946 (15 U.S.C. 1091) is amended by—

(1) inserting "(a)" before "In addition" in the first paragraph;

(2) inserting "(b)" before "Upon the" in the second paragraph;

(3) inserting "(c)" before "For the purposes" in the third paragraph;

(4) striking out "paragraphs (a)," in subsection (a), as designated herein, and inserting in lieu thereof "subsections (a),";

(5) striking out "have been in lawful use in commerce by the proprietor thereof, upon" in subsection (a), as designated herein, and inserting in lieu thereof "are in use in commerce by the owner thereof, on";

(6) striking out "for the year preceding the filing of the application" in subsection (a), as designated herein;

(7) inserting before "section 1" in subsection (a), as designated herein, the following: "subsections (a) and (d) of";

(8) striking out "fee herein provided" in subsection (b), as designated herein, and inserting in lieu thereof "prescribed fee"; and

(9) striking out the last paragraph.

SEC. 22. Section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended by—

(1) striking out "verified" in the second sentence;

(2) striking out "was not entitled to register the mark at the time of his application for registration thereof," and inserting in lieu thereof "is not entitled to registration,";

(3) striking out "is not used by the registrant or"; and

(4) adding at the end thereof the following: "However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c).".

SEC. 23. Section 26 of the Trademark Act of 1946 (15 U.S.C. 1094) is amended by—

(1) inserting "1(b)," after "sections"; and

(2) inserting "7(c)," after "7(b)".

SEC. 24. Section 27 of the Trademark Act of 1946 (15 U.S.C. 1095) is amended by adding at the end thereof the following: "The filing of an application to register a mark on the supplemental register, or registration of a mark thereon, shall not constitute an admission that the mark is not eligible for registration on the principal register established herein.".

SEC. 25. Section 29 of the Trademark Act of 1946 (15 U.S.C. 1111) is amended by striking out "as used".

SEC. 26. Section 30 of the Trademark Act of 1946 (15 U.S.C. 1112) is amended by—

(1) inserting "or registrant's" after "applicant's";

(2) striking out "may file an application" and inserting in lieu thereof "may apply";

(3) striking out "goods and services upon or in connection with which he is actually using the mark:" and inserting in lieu thereof "goods or services on or in connection with which he is using or he has a bona fide intention to use the mark in commerce:"; and

(4) by amending the proviso to read: "*Provided*, That when the Commissioner by regulation permits the filing of an application for the registration of a mark for goods or services which fall within a plurality of classes, a fee equaling the sum of the fees for filing an application in each class shall be paid, and the Commissioner may issue a single certificate of registration for such mark.".

SEC. 27. Section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) is amended by—

(1) striking out "SECTION 31. FEES"; and

(2) inserting "SEC. 31." before "(a)".

SEC. 28. Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114(2)) is amended by striking out "injunction" and inserting in lieu thereof "injunctive".

SEC. 29. Section 33(a) of the Trademark Act of 1946 (15 U.S.C. 1115(a)) is amended by—

(1) inserting "the validity of the registered mark and of the registration thereof, of the registrant's ownership of the mark, and of the" after "prima facie evidence of";

(2) inserting "or in connection with" after "in commerce on";

(3) striking out "an opposing party" and inserting in lieu thereof "another person"; and

(4) inserting ", including those set forth in subsection (b)," after "or defect".

SEC. 30. Section 33(b) of the Trademark Act of 1946 (15 U.S.C. 1115(b)) is amended by—

(1) amending the matter in subsection (b) before paragraph (1) to read as follows:

"(b) To the extent that the right to use the registered mark has become incontestable under section 15, the registration shall be conclusive evidence of the validity of the registered mark and of the registration thereof, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce. Such conclusive evidence shall relate to the exclusive right to use the mark on or in connection with the goods or services specified in the affidavit filed under the provisions of section 15 or, if fewer in number, the renewal application filed under the provisions of section 9 hereof, subject to any conditions or limitations in the registration or in such affidavit or renewal application. Such conclusive evidence of the right to use the registered mark shall be subject to proof of infringement as defined in section 32, and shall be subject to the following defenses or defects:";

(2) striking out "services in" in paragraph (3) and inserting in lieu thereof "services on or in";

(3) striking out "trade or service" in paragraph (4);

(4) striking out "to users" in paragraph (4);

(5) striking out "registration of the mark under this Act or" in paragraph (5) and inserting in lieu thereof "(A) the date of constructive use of the mark established pursuant to section 7(c), or (B) the registration of the mark under this Act if the application for registration is filed prior to the effective date of the Trademark Law Revision Act of 1988, or (C)"; and

(6) adding at the end of the subsection, the following:

"In addition, equitable principles, including laches, estoppel, and acquiescence, where applicable, may be considered and applied.".

Sec. 31. Section 34 of the Trademark Act of 1946 (15 U.S.C. 1116) is amended—

(1) in subsection (a) by—

(A) striking out "of the registrant of a mark registered in the Patent and Trademark Office" and inserting in lieu thereof "protected under this Act"; and

(B) adding at the end thereof the following:

"However, no final judgment shall be entered in favor of an applicant under section 1(b) prior to the mark being registered, if such applicant cannot prevail without establishing constructive use pursuant to section 7(c)."; and

(2) in subsection (c) by—

(A) striking out "proceeding arising" and inserting in lieu thereof "proceeding involving a mark registered"; and

(B) striking out "decision is rendered, appeal taken or a decree issued" and inserting in lieu thereof "judgment is entered or an appeal is taken".

Sec. 32. Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended by striking out "of the registrant of a mark registered in the Patent and Trademark Office" and inserting in lieu thereof "protected under this Act".

Sec. 33. Section 36 of the Trademark Act of 1946 (15 U.S.C. 1118) is amended by—

(1) striking out "of the registrant of a mark registered in the Patent and Trademark Office" and inserting in lieu thereof "protected under this Act"; and

(2) striking out "registered mark" and inserting in lieu thereof "mark".

Sec. 34. (a) Section 39 of the Trademark Act of 1946 (15 U.S.C. 1121) is redesignated as subsection (a) of section 39 by inserting "(a)" after "Sec. 39.".

(b) Section 39a of the Trademark Act of 1946 (15 U.S.C. 1121a) is redesignated as subsection (b) of section 39 by striking out "Sec. 39a." and inserting in lieu thereof "(b)".

(c) Subsection (b) of section 39, as redesignated herein, is amended by striking out "servicemarks" each place it appears and inserting in lieu thereof "service marks".

Sec. 35. Section 43(a) of the Trademark Act of 1946 (15 U.S.C. 1125(a)) is amended to read as follows:

"(a)(1) Any person who uses in commerce on or in connection with any goods or services, or any container for goods, any word, term, name, symbol, or device or any combination thereof, or who shall engage in any act, trade practice, or course of conduct in commerce, which—

"(A) is likely to cause confusion, or to cause mistakes, or to deceive as to the affiliation, connection, or association of such person with another, or to the origin, sponsorship, or approval of his goods, services, or commercial activities by another; or

"(B) by use of a false designation of origin or of a false or misleading description or representation, misrepresents the nature, characteristics, or qualities of his or another person's goods, services, commercial activities or their geographic origin;

shall be liable in a civil action by any person who believes that he is or is likely to be damaged by such action.

"(2) The relief provided in this subsection shall be in addition to and shall not affect those remedies otherwise available under this Act, under common law, or pursuant to any statute of the United States: *Provided*, That nothing in this subsection shall be construed so as to preempt the jurisdiction of any State to grant relief in cases of unfair competition.".

Sec. 36. Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by adding at the end thereof the following new subsection:

"(c)(1) The owner of a famous mark registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register established herein shall be entitled, subject to the principles of equity, taking into account, among other things, the good faith use of an individual's name or an indication of geographic origin, to an injunction against another person's use in commerce of a mark, commencing after the registrant's mark becomes famous, which causes dilution of the distinctive quality of the registrant's mark, and to obtain such other relief as is provided in this subsection. In determining whether a mark is famous and has distinctive quality, a court shall weigh the following and other relevant factors:

"(A) whether the mark is inherently distinctive or has become distinctive through substantially exclusive and continuous use;

"(B) whether the duration and extent of use of the mark are substantial;

"(C) whether the duration and extent of advertising and publicity of the mark are substantial;

"(D) whether the geographical extent of the trading area in which the mark is used is substantial;

"(E) whether the mark has substantial renown in its and the other person's trading area and channels of trade; and

"(F) whether the same or similar marks are being used substantially by third parties.

"(2) The registrant shall be entitled only to injunctive relief in an action brought under this subsection, unless the subsequent user willfully intended to trade on the registrant's reputation or to cause dilution of the registrant's mark. If such willful intent is proven, the registrant shall also be entitled to the remedies set forth in sections 35(a) and 36 hereof, subject to the discretion of the court and the principles of equity.

"(3) Ownership of a valid registration under the Act of 1881 or the Act of 1905 or on the principal register established herein shall be a complete bar to an action brought by another person, under the common law or statute of a State, seeking to prevent dilution of the distinctiveness of a mark, label, or form of advertisement.".

Sec. 37. Section 44 of the Trademark Act of 1946 (15 U.S.C. 1126) is amended—

(1) by striking out "fees herein prescribed" in subsection (a) and inserting in lieu thereof "fees required herein";

(2) by striking out "paragraph (b)" each place it appears and inserting in lieu thereof "subsection (b)";

(3) in subsection (d) by striking out "sections 1, 2, 3, 4, or 23" and inserting in lieu thereof "section 1, 3, 4, 23, or 44(e)";

(4) in subsection (d)(2) by striking out "but use in commerce need not be alleged" and inserting in lieu thereof "including a statement that the applicant has a bona fide intention to use the mark in commerce";

(5) in subsection (d)(3), by striking out "foreing" and inserting in lieu thereof "foreign";

(6) in subsection (e) by adding at the end thereof the following: "The application must state the applicant's bona fide intention to use the mark in commerce, but use in commerce shall not be required prior to registration."; and

(7) in subsection (f), by striking out "paragraphs (c), (d)," and inserting in lieu thereof "subsections (c), (d),".

Sec. 38. Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by—

(1) amending the paragraph defining "related company" to read as follows:

"The term 'related company' means any person whose use of a mark is controlled by the owner of the mark in respect to the nature and quality of the goods or services on or in connection with which the mark is used.";

(2) amending the paragraph defining "trade name" and "commercial name" to read as follows:

"The terms 'trade name' and 'commercial name' mean any name used by a person to identify his business or vocation.";

(3) amending the paragraph defining "trademark" to read as follows:

"The term 'trademark' means any word, name, symbol, or device or any combination thereof used by a person, or which a person has a bona fide intention to use in commerce and for which he applies for registration on the principal register established by this Act, to identify and distinguish his goods, including a unique product, from those of others and to indicate the source of the goods, even if that source is unknown.";

(4) amending the paragraph defining "service mark" to read as follows:

"The term 'service mark' means any word, name, symbol, or device or any combination thereof used by a person, or which a person has a bona fide intention to use in commerce and for which he applies for registration on the principal register established by this Act, to identify and distinguish the services of one person, including a unique service, from those of others and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.";

(5) amending the paragraph defining "certification mark" to read as follows:

"The term 'certification mark' means any word, name, symbol, or device or any combination thereof used by a person other than its owner, or for which there is a bona fide intention for such use in commerce through the filing of an application for registration on the principal register established by this Act, to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of such person's goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.";

(6) amending the paragraph defining "collective mark" to read as follows:

"The term 'collective mark' means a trademark or service mark used by the members of a cooperative, an association, or other collective group or organization, or which such entity has a bona fide intention to use in commerce and for which it applies for registration on the principal register established by this Act, and includes marks indicating membership in a union, an association, or other organization.";

(7) amending the paragraph defining "mark" to read as follows:

"The term 'mark' includes any trademark, service mark, collective mark, or certification mark.";

(8) amending the matter which appears between the paragraph defining "mark", and the paragraph defining "colorable imitation" to read as follows:

"The term 'use in commerce' means use of a mark in the ordinary course of trade, commensurate with the circumstances, and not made merely to reserve a right in a mark. For purposes of this Act, a mark shall be deemed to be in use in commerce (1) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes such placement impracticable then on documents associated with the goods or their sale, and the goods are sold or transported in commerce, and (2) on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in this and a foreign country and the person rendering the services is engaged in commerce in connection therewith.

"A mark shall be deemed to be 'abandoned'—

"(1) when its use has been discontinued with intent not to resume. Intent not to resume may be inferred from circumstances. Nonuse for two consecutive years shall be prima facie evidence of abandonment. 'Use' means use made in the ordinary course of trade, commensurate with the circumstances, and not made merely to reserve a right in a mark; or

"(2) when any course of conduct of the owner, including acts of omission as well as commission, causes the mark to become the generic name for the goods or services or otherwise to lose its significance as a mark. Purchaser motivation shall not be a test for determining abandonment under this subparagraph.

"The term 'dilution' means the material reduction of the distinctive quality of a famous mark through use of the mark by another person, regardless of the presence or absence of (1) competition between the users of the mark, or (2) likelihood of confusion, mistake, or deception arising from that use.".

SEC. 39. The Trademark Act of 1946 is amended by adding at the end thereof the following:

"SEC. 51. All certificates of registration based upon applications for registration pending in the Patent and Trademark Office on the effective date of the Trademark Law Revision Act of 1988 shall remain in force for a period of 10 years.".

SEC. 40. This Act and the amendments made by this Act shall become effective on the date one year after the date of enactment of this Act.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF MARSHA D. CHRISTOPHER

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 1386 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1386) for the relief of Marsha D. Christopher.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1386) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate companion bill, S. 881, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PLASTIC POLLUTION CONTROL ACT OF 1987

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 513.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1986) to study, control, and reduce the pollution of aquatic environments from plastic materials, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1976

Mr. THURMOND. Mr. President, I ask that amendment No. 1976 be reported by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. CHAFEE, proposes an amendment numbered 1976:

Mr. THURMOND. Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

FINDINGS

SECTION 1. The Congress finds that—

(1) plastic ring carrier devices have been found in large quantities in the marine environment;

(2) fish and wildlife have been known to have become entangled in plastic ring carriers;

(3) non-degradable plastic ring carrier devices can remain intact in the marine environment for decades, posing a threat to fish and wildlife; and

(4) eleven States have enacted laws requiring that plastic ring carrier devices be made from degradable material in order to reduce litter and to protect fish and wildlife.

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "regulated item" means any plastic ring carrier device which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles, and which is of a size, shape, design, or type capable, when discarded, of becoming entangled with fish or wildlife; and

(2) "naturally degradable material" means a material which, when discarded, will be reduced to environmentally benign subunits under the action of normal environmental forces, such as, among others, biological decomposition, photo-degradation, or hydrolysis.

REGULATION

SEC. 3. Not later than 24 months after the enactment of this Act (unless the Administrator of the Environmental Protection Agency determines that it is not feasible), the Administrator of the Environmental Protection Agency shall require, by regulation, that any regulated item shall be made of naturally degradable material, which, when discarded, decomposes within a period established by such regulation. The period within which decomposition must occur after being discarded shall be the shortest period of time consistent with the intended use of the item and the physical integrity required for such use. Such regulation shall allow a reasonable time for affected parties to come into compliance, including the use of existing inventories.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1976) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress finds that—

(1) plastic ring carrier devices have been found in large quantities in the marine environment;

(2) fish and wildlife have been known to have become entangled in plastic ring carriers;

(3) non-degradable plastic ring carrier devices can remain intact in the marine environment for decades, posing a threat to fish and wildlife; and

(4) eleven States have enacted laws requiring that plastic ring carrier devices be made from degradable material in order to reduce litter and to protect fish and wildlife.

DEFINITIONS

SEC. 2. As used in this Act, the term—

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REGULATION

SEC. 3. Not later than 24 months after the enactment of this Act (unless the Administrator of the Environmental Protection Agency determines that it is not feasible), the Administrator of the Environmental Protection Agency shall require, by regulation, that any regulated item shall be made of naturally degradable material which, when discarded, decomposes within a period established by such regulation. The period within which decomposition must occur after being discarded shall be the shortest period of time consistent with the intended use of the item and the physical integrity required for such use. Such regulation shall allow a reasonable time for affected parties to come into compliance, including use of existing inventories.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I am very pleased the Senate has approved S. 1986, as amended, a bill reported by the Committee on Environment and Public Works. This legislation will require that plastic six-pack yokes be made from degradable materials, a requirement which 11 States have already adopted.

I would like to note, Mr. President, that this bill, as amended, has been fully cleared with the chairman of the Committee on Environment and Public Works, Senator BURDICK, and the ranking member of this committee, Senator STAFFORD.

Also, the Society of the Plastics Industry, the major group representing the industry, has reviewed this legislation and has indicated that it has no objections to its passage.

Last December the Committee on Environment and Public Works reported the Plastic Pollution Control Act of 1987, Senate bill 1986. The purpose of this bill was to implement the provisions of an international convention for the prevention of pollution from ships, commonly known as Marpol annex V, and to study, control, and reduce the pollution of aquatic environments from plastic materials.

I was very pleased when the majority of provisions in S. 1986, including provisions relating to Marpol annex V, elements of a New York Bight restoration plan authored by Senator LAUTENBERG, and a major study of plastic recyclability and degradability, were included in a bill sent to the Senate from the House of Representatives. This bill, H.R. 3674, was passed by the Senate and signed into law by the President, becoming Public Law 100-220.

Over the past decade there has been a growing concern among conservationists and scientists over discarded plastic in our Nation's waters and on land. Entrapment in plastic debris such as six-pack holders, packing bands, lost or discarded fishing nets, and ingestion of plastic materials is known to kill thousands of birds, sea lions, turtles, seals, and fish each year.

The plastic pollution problem has grown to such a point that we cannot walk to our Nation's beaches and parks without encountering plastic litter. Beach cleanup efforts in some States, including Rhode Island, have resulted in the collection of many thousands of discarded plastic products.

Public Law 100-220 takes a giant step toward eliminating plastic waste in the environment: Marpol annex V will make it illegal for ships operating in United States waters to discard plastic overboard, and the Environmental Protection Agency will take a serious look at ways to reduce plastic pollution in the environment. In particular, EPA will consider recycling and degradability as methods for reducing plastic in the solid waste stream and reducing plastic litter, especially in the marine environment.

However, Mr. President, one provision in S. 1986 as reported by the Environment Committee was not included in the House bill due to jurisdictional concerns between committees in the House of Representatives. This provision relates to a requirement that plastic six-pack holders be made from degradable materials.

This legislation will require the Administrator of EPA to require that six-pack holders be made from naturally degradable materials. The Administrator would be given 24 months to issue a regulation, and would allow a reasonable time for affected parties to come into compliance, including the use of existing inventories.

Mr. President, as I stated earlier, 11 States, including my own State of Rhode Island, have banned the sale of non degradable six-pack holders. Other States include Connecticut, Delaware, Maine, Massachusetts, New York, New Jersey, Oregon, Vermont, California, and Alaska. Degradable six-pack holders are actually made from photo-degradable materials which, when exposed to sunlight, become brittle and break down into microscopic pieces. Industry has indicated that it can meet the demand nationwide for degradable six-pack holders. Since the technology exists, and is already in use in several States, it is no longer necessary to see six-pack holders littering our beaches and parks and entangling birds and sea lions.

I am under no illusion that approving this legislation will solve the problem of plastic debris in the environment. Six-pack holders constitute only a small portion of the total amount of plastic in the solid-waste stream. However, passage of this bill will send a strong and important message: That degradability is a viable option, and is one part of the solution to the plastic waste problem.

I thank my colleagues for supporting this much-needed and overdue legislation.

The remainder of my statement will further clarify the intent of this legislation. The legislation will require EPA to issue a regulation requiring that any plastic ring carrier device which is made, used, or designed for the purpose of packaging, transporting, or carrying multipackaged cans or bottles, and which is of a size, shape, design or type capable, when discarded, of becoming entangled with fish or wildlife be made of naturally degradable material which, when discarded, decomposed within a period established by such regulation. Only plastic ring carriers should be covered by this legislation. Not included for regulation are plastic devices which do not contain an enclosed hole or circle of more than 1¾ inches in diameter or which do not contain a hole.

For the purposes of this legislation "naturally degradable material" means a material which when discarded will be reduced to environmentally benign subunits under the action of normal environmental forces, such as, among others, biological decomposition, photo-degradation, and hydrolysis.

The EPA shall issue this regulation no later than 24 months after the date of the enactment of this act, unless EPA determines that it is not feasible, or that by requiring this regulation significant harm may result to human health and/or the environment, including harm to fish and wildlife.

Regulated items should decompose in the shortest period of time consistent with the intended use of the item and the physical integrity required for such use. The regulation should allow a reasonable time for affected parties to comply with the regulation and will allow sufficient time for affected parties to use existing inventories.

ESTABLISHMENT OF FBI DRUG ENFORCEMENT ADMINSITRATION SENIOR EXECUTIVE SERVICE

Mr. BYRD. Mr. PRESIDENT, I ask unanimous consent to proceed to the immediate consideration of H.R. 4083.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4083) to amend title V, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4083) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL PLACED ON CALENDAR—H.R. 4262

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 4262, a bill to implement the Berne Convention for the Protection of Literary and Artistic Works, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT REGARDING THE DOD AUTHORIZATION BILL

Mr. BYRD. Mr. President, anent the agreement that was entered into earlier this afternoon on the DOD authorization bill, it was the intention and the understanding of Senators that if the hour of 10 a.m. is reach on Tuesday, and the amendment by Mr. D'Amato was not prior thereto tabled, and of course is then pending, that there is no time limitation on that amendment. And I ask unanimous consent that that be the order.

Mr. THURMOND. Mr. President, we are in accord.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

ORDERS FOR MONDAY, MAY 16, 1988

RECESS UNTIL 10 O'CLOCK ON MONDAY, MAY 16, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders under the standing order be limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF THE DOD AUTHORIZATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of the leaders' time, or upon the yielding back or the reservation of that time, the Senate resume consideration of the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MAY 16, 1988, AT 10 A.M.

Mr. BYRD. Mr. President, does the distinguished acting Republican leader have anything further to say, or any business to be transacted?

Mr. THURMOND. Mr. President, we have nothing further. We are all ready to go home.

Mr. BYRD. Mr. President, let it be noted that the Senators from South Carolina outnumber the Senators from all other individual States at the moment on the floor.

Mr. President, there being no further business, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 10 o'clock Monday morning next.

The motion was agreed to; and, at 9:03 p.m., the Senate recessed until Monday, May 16, at 10 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO ROBERT F. SMITH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 13, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, on February 11 of this year the Long Island community lost one of its most loved individuals—Robert Smith, 57, of Brightwaters, newspapers publisher, political activist, and lifelong contributer of time and money to a variety of philanthropic causes, died after a long battle with lung cancer.

Bob Smith grew up in Pittsburgh and moved to Bay Shore, Long Island at the age of 6. He was a graduate of St. Patrick's Grammar School and Bay Shore High School, class of 1949-50. Bob served in the U.S. Marines from 1951 to 1953 as a meteorologist, observer, and apprentice forecaster. After his honorable discharge in 1953, he became interested in politics. It was an interest he would pursue for the rest of his life.

Bob Smith's newspaper career spanned 30 years—the first 12 selling advertising and then as owner and publisher of Pennysaver News of Brookhaven, Inc.

To those who worked closely with Bob Smith for the past 14 years, Bob Smith brought a quality to the political process on Long Island which remains to this day. That was his natural enthusiam for whatever he was doing, and his absolute conviction that by the sheer force of his will he could turn events in the direction he wanted them to go. Sometimes he prevailed, sometimes he didn't. Yet he never stopped believing that one man, one newpaper, could make a difference.

Bob Smith began his political involvement in 1958 working on Otis Pike's first race to represent eastern Long Island and Congress. Since that time, he has demonstrated his leadership—being an early backer of Mario Cuomo, and as a dedicated supporter of Patrick Halpin. Many elected officials owe a debt of thanks to Bob Smith, including my colleague Tom Downey and myself, Assemblyman I.W. Bianchi, Jr., and Paul Harenberg, Surrogate Court Judge Ernest Signorelli, and Suffolk County Sheriff John Finnerty.

Bob Smith was active in various efforts over the years to raise money for the homeless and the hungry. One of these was the old Pinter Tournament of Stars which has now evolved into Long Island Charities, the biggest Long Island supporter of organizations that help the hungry and the homeless. He also served as chairman of the Suffolk County Chapter of the March of Dimes.

Bob Smith is deeply missed. His family and the people whose lives he touched miss him. I miss him. The people of Suffolk County miss the optimism and the fervor he displayed for the strong belief he held.

On February 20, 1988, the Pennysaver editorial eulogized Bob Smith best in this way:

> Bob Smith was by nature an optimist and a doer. Often the world lived up to his expectations and when it didn't he'd set about making the necessary changes so it would in the future. He did a lot, accomplished a lot, and would have accomplished a lot more had he lived longer. But he didn't. So now it's up to the rest of us to roll up our sleeves and work a little harder because the world as good as it is, can use a little tending to.

Thank you Bob Smith for everything.

JOHN STUART GEISLER—32 YEARS OF DISTINGUISHED SERVICE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 13, 1988

Mr. PORTER. Mr. Speaker, I rise today to congratulate John Stuart Geisler on the occasion of his retirement after 32 years of distinguished commitment to educational progress in Illinois. Mr. Geisler is one of America's unsung heroes—a man who has devoted his entire life to providing and assuring quality education.

Born in Chicago and raised in Illinois, John Geisler earned both a bachelor's and master's degree in education from Northern Illinois University, pausing in between to serve his country in the military.

He taught sixth grade in Downers Grove for 2 years before moving to Webster Junior High in Waukegan. He taught there for 4 years and served an additional 4 years as assistant prinicipal. In 1967, John Geisler became the principal of Neal Junior High in North Chicago. After 9 years of distinguished service in that capacity, he became the director of academic affairs for the District 64 Board of Education where he has provided consistent leadership for over a decade.

Mr. Speaker, John Stuart Geisler is also a community leader. He is founding president of the Friends of the Waukegan Public Library, and he is also a warden at Waukegan's Christ Episcopal Church where he keeps his classroom skills honed by teaching Sunday School.

Mr. Speaker, we in this Congress are all aware that our role in advancing educational progress is somewhat limited. Real educational advancement requires local leadership and personal excellence. I want all Members of the House to know that John Stuart Geisler possesses these qualities and that he has selflessly devoted his life to the cause of education. I know that all Members join me in wishing Mr. Geisler a happy retirement which is certainly well deserved.

SPEAKER WRIGHT TO RECEIVE HONORARY DOCTOR OF LAWS DEGREE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 13, 1988

Mr. HALL of Texas. Mr. Speaker, the Honorable Speaker of the U.S. House of Representatives Jim Wright will receive an honorary doctor of laws degree from Austin College when he addresses the 138th graduating class in Sherman on May 15.

Speaker Wright will join the illustrious company of U.S. Senator Lloyd Bentsen and Vice President George Bush who received honorary degrees from Austin College in 1971 and 1981, respectively.

Austin College is the only 4-year liberal arts college still operating in Texas under its original charter where Texas hero Sam Houston was an original trustee.

As a Member who represents the Fourth Congressional District, which includes Sherman, I pay tribute to the prestigous reputation of Austin College and will be at the Sunday, May 15 graduation. The late Speaker Sam Rayburn represented the Fourth District until his death.

Austin College is recognized as a top educational institution in the Nation and the Sherman area is considered a prime area for industrial development as well as expanding industry. The Sherman Area Chamber of Commerce will provide a special luncheon for all members of the Texas delegation who will be in Sherman for the graduation exercises.

GEORGIA INDUSTRIES FOR THE BLIND WEEK

HON. CHARLES HATCHER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 13, 1988

Mr. HATCHER. Mr. Speaker, I would like to take this opportunity to acknowledge Georgia Industries for the Blind Week in the State of Georgia the week of May 1 to 7. This week was designated to urge all Georgia citizens to join in commending the diligence of the visually impaired members of our work force.

This year marks the 50th anniversary of the Javits-Wagner-O'Day Act which gives Federal Government contracts to workshops for blind persons. One of these workshops, Georgia Industries for the Blind, is a division of the Georgia Department of Human Resources and operates facilities in Atlanta, Bainbridge, Griffin, and Savannah for visually impaired members of the Georgia work force. Georgia Industries for the Blind employed over 250 visually im-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

paired persons last year and had sales of over $10 million, offered meaningful work and competitive salaries and enabled blind men and women in Georgia to lead productive lives and live more independently.

I commend Gov. Joe Frank Harris for proclaiming May 1 to 7 Georgia Industries for the Blind Week and wish to join in recognizing the achievement of these members of our work force.

A PROCLAMATION—GEORGIA INDUSTRIES FOR THE BLIND WEEK

Whereas this year marks the 50th anniversary of the Javits-Wagner-O'Day Act giving federal government contracts to workshops for blind persons; and

Whereas one of these workshops, Georgia Industries for the Blind, operates facilities for visually impaired workers in Atlanta, Bainbridge, Griffin and Savannah; and

Whereas Georgia Industries for the Blind employed over 250 visually impaired persons last year and had sales of over $10 million; and

Whereas Georgia Industries for the Blind offers meaningful work and competitive salaries, enabling blind men and women to lead productive lives and live more independently: Now, therefore

I, Joe Frank Harris, Governor of the State of Georgia, do hereby proclaim the week of May 1-7, 1988, as "Georgia Industries for the Blind Week" throughout our state, and urge all our citizens to join in commending these diligent members of our workforce.

IN HONOR OF ISRAEL'S 40TH ANNIVERSARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 13, 1988

Mr. KILDEE. Mr. Speaker, this Saturday, May 14, the State of Israel celebrates her 40th year of survival, a triumph of human spirit against overwhelming odds. Forty years ago, David Ben-Gurion signed the Declaration of Independence and proclaimed to the world that the Jewish people, robbed of sanctuary for thousands of years, had regained their beloved homeland.

Over the last 40 years, Israel has been beset by constant hostility from her neighbors, punctuated by bloody wars that threatened her very survival. But Israel has risen from each crisis stronger economically, socially, and militarily. Despite constant oppression, the people of Israel have managed to solve the countless domestic problems of absorbing immigrants from every corner and culture of the world, nurture an expanding industrial economy, and plant a flourishing agricultural wonder in an arid part of our world. Israel's culture, too, is a rich fabric of beauty, art, and education, with world-class symphonic orchestras, theaters, universities, and publishing houses.

In recent weeks, some have questioned whether the current uprising in the West Bank and Gaza is an indication that Israel has somehow "lost its way" from the path of democracy. On the contrary, the sometimes heated debate in Israel over this and many other life-and-death issues is surely evidence that the spirit of democracy is alive and well in the State of Israel. Questions like the fate of the occupied territories, how to secure the northern border with Lebanon, and how to achieve a lasting peace with Israel's neighbors can have an impact on the lives and safety of every Israeli citizen. It is easy for nations that are at peace to live under a democratic government, with all its vulnerabilities and strengths. But for a small country like Israel, besieged from its birth by hostile neighbors who, with the exception of Egypt, continue to deny Israel's very right to exist, to cling so firmly to its democratic roots is truly an inspiration to the world.

The future will present Israel and her people with great trials and great opportunities. Peace cannot and will not come to this strife-torn region of the world until Israel's neighbors recognize her right not only to exist, but to flourish behind safe and secure borders. The United States can continue to play a constructive role in finding a peaceful settlement to this decades-long conflict by urging Jordan, Syria, and the Palestinians to recognize Israel and to accept face-to-face discussions with Israel and, most importantly, by giving the people of Israel the diplomatic and financial support they need to live safely and prosperously in their hard-won, much beloved homeland. Only a strong and secure Israel can be confident enough to achieve a lasting peace in the Middle East.

As a young man 40 years ago, I was thrilled by the establishment of the State of Israel, and I was never more proud of my country than when President Harry Truman made America the first nation in the world to grant Israel full diplomatic recognition. I celebrate with the people of Israel their 40th year of statehood. Their history is a remarkable example of fierce determination and triumph of the human spirit, and I wish them enduring peace and prosperity.

A BILL TO AMEND THE CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 13, 1988

Mrs. MORELLA. Mr. Speaker, I am introducing a bill today to provide assistance to a group of people—the former spouses of civil service employees—who have been forgotten by the Federal Government. These are individuals who were married to Federal employees for 10 years or more during their spouse's period of service in the Federal Government and were then divorced prior to September 14, 1978. Many of these former spouses, most of them women, are now over 60 years of age and are left with very scarce resources. They do not qualify for a spousal annuity because of the date which was set as the effective date of Public Law 95-366, which authorized courts to divide civil service retirement benefits in divorce courts.

This bill would amend the Civil Service Retirement Spouse Equity Act of 1984. It would repeal portions of title 5, section 8341 which now permits former spouses who were divorced before September 15, 1978, to receive survivor benefits only if the retired spouse has not remarried. The elimination of this obstacle for pre-1978 divorces, which precludes a former spouse from receiving an annuity, will then also permit the individual to participate in the Federal Employee Health Benefits Program.

At this time, the number of persons affected by the existing provision is uncertain, but those who have been jeopardized by the September 1978 date have indicated the problems they have had to face. Many of them were married and raised their family when it was not the norm for women to pursue an education or a professional career. Now, as they have become older, they are often left without job skills as they try to enter the job market; they are entitled to very little, if any, Social Security. As displaced homemakers, their situation is often very difficult. This bill will enable them to obtain a part of the benefit for which they had worked as a partner to their former spouse.

Also provided for in this legislation is an extension of the deadline for written applications filed with the Office of Personnel Management in order to receive benefits. This will enable provisions of the bill to be better publicized.

Additionally, this bill provides for elimination of retroactive contributions as a requirement when electing survivor annuity benefits for a spouse by a postretirement marriage. An inequitable situation exists presently, in which a Federal employee who remarries after the death of a spouse has to "pay back" the amount of annuity that should have been deducted during the period from the death of the first spouse until a survivor's annuity is approved for the current spouse. In some cases, the amount is $20,000 in pay back amount, with over $3,000 in interest. I do not believe that this inequitable situation was envisioned by Congress when the legislation was first passed in 1985. This bill will make the effective date May 7, 1985, so that this unfairness can be remedied. The act also instructs the Office of Personnel Management to notify each annuitant in writing, for purpose of information and refund, within a specified period of time.

I hope that my colleagues will join me in cosponsoring this measure. These are issues of equity for our older Federal employees, retirees and their spouses.

Thank you, Mr. Speaker.

SENATE—*Monday May 16, 1988*

(Legislative day of Monday, May 9, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, on this beginning day of the work week, in this moment of reflection, when we lift our minds and hearts of reflection, when we lift our minds and hearts Godward, we worship Thee in the words of King David's song: "* * * The Lord is my rock, and my fortress, and my deliverer; the God of my rock; in him will I trust: he is my shield, and the horn of my salvation, my high tower, and my refuge, my saviour * * *. God is my strength, and power: And he maketh my way perfect."—II Samuel: 22:2-3, 33. Turn our minds and hearts to Thee, O Lord, extricate us from total immersion in the mundane—the pragmatic, the carnal. Let the light of truth and justice illuminate our way, individually and corporately, this week. Make Thy presence felt in our midst and work Your will to Your glory and the benefit of all people. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 16, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his reading of the beautiful Scripture lines. It is an excellent way to start the day and the week.

I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SORZANO RESIGNATION

Mr. DOLE. Mr. President, the Morning Press reports—and I have confirmed—that Ambassador Jose Sorzano, a senior staff member of the National Security Council, intends to offer his resignation shortly, as a result of differences over American policy in Central America.

I happen to be sympathetic to the policy concerns that I know trouble Ambassador Sorzano. But—policy aside—it is deeply regrettable that the administration may soon lose the talents and dedication of this outstanding man. And I might note that I had the opportunity to see those talents operating up close, when Jose accompanied my Senate delegation to Central America last year.

Jose Sorzano has served this administration with distinction, both at the NSC and, prior to that, at the United Nations, as a deputy to Jeane Kirkpatrick. He is an articulate advocate for the viewpoint that America is really, and not just rhetorically, the best hope for freedom in the world today. He is a strong supporter of the proposition that we ought to be out there in the world, not just defending our own freedom, but seeking to expend the frontiers of freedom around the globe.

His is a voice all of us need to hear and heed; his a talent this administration sorely needs to retain.

I hope that senior administration officials will encourage Ambassador Sorzano to stay on. Whatever his final decision, though, Jose has my deep respect, and my best wishes.

BICENTENNIAL MINUTE

Mr. DOLE. Mr. President, from time to time I have been reporting to my colleagues a bicentennial minute, since this is the bicentennial year, of things that happened in the past in the Senate that I think may be of interest to my colleagues.

MAY 16, 1868: DRAMATIC SENATE FIRST VOTE TO REMOVE A PRESIDENT

Mr. President, 120 years ago today, on May 16, 1868, for the first time in history, the Senate voted on an article of impeachment lodged against a President of the United States. By a tally of 35 to 19, the Senate fell 1 vote short of the two-thirds margin necessary to remove President Andrew Johnson from Office.

During the Constitution Convention of 1787, the delegates gave close attention to the Senate's role in impeachment trials. Several argued that the President should not be impeachable, for this would make him too dependent on the legislature. In opposition, Benjamin Franklin asserted that there must be some ultimate limitation on Presidential power and that impeachment was a method of removal greatly to be preferred to the alternative—assassination.

The Convention struggled over the definition of an impeachable offense. Early draft language identified these offenses as "neglect of duty, bribery, maladministration, or corruption." Finally, the delegates settled on "high crimes and misdemeanors" as encompassing the above terms.

Early in their deliberations, the framers wrestled with the apparent conflict of giving the Senate the power to elect the President, as was then contemplated, and also the power to remove him. At first they tried to solve this by having the Supreme Court and the Senate jointly conduct impeachment trials. Late in the Convention, after the framers devised a special electoral college to select Presidents, the way was cleared for the Senate alone to try impeachments of all Federal officers, including Presidents. In trials involving a President, the Chief Justice of the United States would preside, keeping the Vice President, who would normally preside from the impropriety of conducting a trial that might result in his own elevation to the Presidency.

Although the Senate has conducted only one impeachment trial against a President, its power of removal remains a vital safeguard of our liberties.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE TRADE BILL

Mr. DOLE. Mr. President, I know that the trade bill has been sent to the President. I think it arrived on Friday the 13th.

I assume the President, in keeping with public statements he has made and statements he has made to many of us, will veto that bill.

I know that one provision the President is strongly opposed to is the so-called plant closing. But there are other provisions in the bill that I would hope that the President would detail in his veto message because, in my view, there are numerous provisions that should be modified or dropped from the trade bill before the President sends up his veto message that should be addressed in that veto message.

If that is done, it is my hope that before the year is out the House and the Senate can get together on another trade bill, pass it promptly in the House, hopefully quite quickly in the Senate, and send it back to the President for his signature, because overall the trade bill is not bad.

There has been a lot of work. Senators BENTSEN and PACKWOOD, in particular, in the Senate have spent weeks and weeks and weeks and months and months trying to devise a trade bill.

There are some provisions that I believe the Senate will hopefully delineate in his veto message that should be altered, modified, or deleted.

If that is done, I would hope that we will have a trade bill.

Plant closing has been the one issue discussed publicly. In my view, there are other matters just as important. It is not a matter of notice to the employees. It is a matter of whether the Government should become involved in the private sector and start telling a business what they can and cannot do.

But in any event, the bill is now at the White House. I assume at some time in the next couple of weeks the President will make his decision and send us a message.

Mr. President, I reserve the remainder of my time.

AMERICAN PUBLIC OPINION SAYS ECONOMY NOT MILITARY NO. 1 PRIORITY

Mr. PROXMIRE. Mr. President, the Council for a Livable World has recently published a number of public opinion poll results that show a strong consensus toward economic over military priorities. The polls were conducted during two periods. The first polling period was between October 15 and 20 of last year. The second polls occurred between February 17 and 24 of this year. Based on these polls, how do our constituents evaluate the strength of our country? A nationwide sample of 1,505 persons were asked: "Do you agree or disagree? In today's world a country's economic power is more important than military power in determining its international influence." 67 percent agreed, 20 percent disagreed, 13 percent responded "don't know."

Responses to a second question indicated a similar view. Asked: "When people talk about the strength of the United States they sometimes mean different things. Which of the following come closest to the way you think about the strength of the United States?" Of the 93 percent of the respondents who had an opinion only 14 percent said "military strength." Another 3 percent said, "Getting our way with other countries." The other 76 percent responded as follows: Unity of the American people, 26 percent; economic strength, 21 percent; setting a moral example to the world, 16 percent; a strong education system, 13 percent.

Asked: "Which do you think is more important—investing in a strong economy or a strong military, or don't you have an opinion?" 59 percent responded "economy," 14 percent "military," 23 percent replied "both," 4 percent replied "don't know."

A reason for this emphasis on economic instead of military strength was disclosed by respondees to a fourth question. Asked: "Which of the following do you think is the greatest threat to the future of the United States?" Respondents declared: "Economic troubles within the United States, 48 percent; terrorism from third world countries and extremist groups, 31 percent; the military strength of the Soviet Union, 17 percent, don't know, 4 percent."

Taken together, these responses show an American public that understands that the security of our country fundamentally rests on its economic strength. Behind that widespread American conviction is the knowledge that economic capability is quintessential for military strength. There is also the fact that as President Eisenhower told us, excessive military spending drains the economy. Such spending diverts our economic resources from improving education and health and from building a more efficient and productive industry. The resources instead flow into amassing a vast military arsenal that will cost billions to maintain. Many American are also struck with the irony that the superpowers are building their huge military establishments during a period in which infinitely destructive nuclear power makes a superpower war a certain loser for both sides and therefore an event that will almost certainly never take place. When the President of the United States and the Secretary General of the Communist Party of the Soviet Union agree that a nuclear war can never be won and must never be fought, and when virtually every informed scientific expert fully agrees, the arms race between the two superpowers is the ultimate waste.

The Council for a Livable World cites this question, asked of a scientifically selected sample of 1,505 Americans nationwide, "Over the last 6 years the United States has increased its military spending. Has this military buildup made you feel more secure, about the same, or less secure than you felt 6 years ago—or haven't you thought much about this?" The response: 42 percent said that the big military buildup had made no difference. Another 20 percent replied that they felt less secure. Only 31 percent responded that the buildup had made them feel more secure. Seven percent had no opinion.

Asked, "How much waste, fraud and inefficiency do you think there is in defense spending—a lot, some, not very much or none at all?" sixty-eight percent responded "A lot," 28 percent said, "Some"; only 2 percent said, "Not very much"; 2 percent said, "Not sure."

Asked whether the United States should try harder to reduce tensions with the Russians or get tougher in this dealing with the Russians, 64 percent said reduce tensions; 26 percent said get tougher; 7 percent said follow present policy; 2 percent said, "Don't know."

Asked what are the most important problems the next President should work on, only 14 percent mentioned "Strengthening our national defense." And in response to a question on what should be the most important goals of American foreign policy, only 22 percent said "containing Soviet expansion." This contrasts with 62 percent who specified "strengthening our economy to be more competitive with other countries."

Mr. President, these responses show strong support for negotiating agreements with the Soviet Union to terminate the arms race on all fronts—nuclear and conventional, and concentrating our energies on building an economically stronger, better educated, healthier country.

NATIONAL DEFENSE AUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2355, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

D'Amato Amendment No. 2070, to provide for the imposition of the death penalty for drug-related killings.

D'Amato Amendment No. 2071 (to Amendment No. 2070), to provide additional protections for law enforcement officials.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2079

(Purpose: To propose a substitute for section 802)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **ACTING PRESIDENT** pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2079.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 93, strike out line 15 and all that follows through page 94, line 23, and insert in lieu thereof the following:

SEC. 802. GUIDANCE ON USE OF FIXED PRICE DEVELOPMENT CONTRACTS.

(a) IN GENERAL.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe guidelines that provide that a fixed-price contract should be awarded in the case of a development program conducted by the Department of Defense only when—

(A) the level of program risk permits realistic pricing; and

(B) the use of a fixed-price contract permits an equitable and sensible allocation of program risk between the United States and the contractor.

(2)(A) The Secretary of a military department and the head of a Defense Agency may not award a firm fixed-price contract in excess of $10,000,000 for the development of a major system or a subsystem of a major system unless the Under Secretary of Defense for Acquisition determines and states in writing that the award of such contract is consistent with the criteria specified in clauses (A) and (B) of paragraph (1) and the guidelines prescribed under such paragraph.

(B) The Under Secretary of Defense for Acquisition may delegate his authority under subparagraph (A) only to a person who holds a position in the Office of the Secretary of Defense at or above the level of Assistant Secretary of Defense.

(b) DEFINITIONS.—In this section:

(1) The term "Defense Agency" has the same meaning as is provided in section 101(44) of title 10, United States Code.

(2) The term "major system" has the same meaning as is provided in section 2302(5) of title 10, United States Code.

(c) EXPIRATION.—Paragraph (2) of subsection (a) shall cease to be effective two years after the date of the enactment of this Act.

Mr. STEVENS. Mr. President, the bill presented by the Armed Services Committee contains a new provision, which is section 802. It concerns the use of fixed price contracts in research and development programs. This is an issue we had faced in the Department of Defense appropriations bill for this current year. It was originally proposed by the House Appropriations Committee.

The present provision in this bill before the Senate, introduced by my good friend, the distinguished Senator from New Mexico, Senator BINGAMAN, places a limit on the use of firm fixed-price contracts in full-scale engineering development programs. My concern is not so much with the issue of the use of this contracting mechanism. I am worried by the precedent of the Congress restricting specific contracting practices of the Department of Defense.

I agree with the Senator from New Mexico that most research and development programs are too immature and not sufficiently defined to permit a rigid contracting structure. I agree that we must be wary in attempts to save money in the R&D phase by forcing contract terms. We probably could save a dollar in R&D costs, however, only to spend $5 in procurement change orders if we are not careful.

Last year we faced an even more stringent proposal from the House Appropriations Committee. I opposed that initiative, also. Ultimately, in conference, we settled on report language that is contained in the report that accompanied the continued resolution.

I believe the proposal in the bill that is before the Senate now takes a more reasoned approach to the issue. My amendment limits the force of that provision to 2 years, through September 30, 1990. This limitation will provide both the Department of Defense and Congress an opportunity to study the issue and evaluate the use of fixed-price contracts in R&D programs.

We should be careful not to tie the hands of the program managers and contract officials at the Pentagon with too many legislative restrictions as we continue to tighten defense budgets and demand even more bang for the buck. We must not forestall contracting and management options that can prevent gold plating of some of the weapon systems.

I do express my appreciation, Mr. President, to the Senator from New Mexico for his consideration of my concerns, and the managers on both side of the aisle who are managing this bill on the floor for their assistance and cooperation and that of their staffs in reaching an accommodation on this amendment. As a member of the Defense Appropriations Subcommittee, I look forward to working with them in monitoring this issue now.

This compromise, I think, will avoid more restrictive legislation in the appropriations process this year. This is a provision that I think both the authorizing committee and the Appropriations Committee can live with for at least a 2-year period to study the impact of such a restriction.

I ask my good friend from Georgia and my friend from Virginia if this amendment is acceptable.

Mr. WARNER. Mr. President, we have had the opportunity to examine the amendment of the Senator from Alaska. It is acceptable to this side.

Mr. NUNN. Mr. President, it is my understanding the Senator's major change here is to convert a permanent provision on a fixed-price contracting provision into a 2-year provision to determine whether it is working and give us a chance to assess it without making it permanent. Is that correct?

Mr. STEVENS. The Senator is correct. That is the major change. It makes a fixed time period during which we can analyze the impact of this.

Mr. NUNN. I think this is a good amendment. This is a complicated area. While we want fixed-price contracting anytime we can get it where it makes sense, there were some instances here in the last several years that the Department of Defense has insisted on fixed-price contracting when the elements of risk and when the research was at a very primitive stage and made it impossible to have a sensible fixed-price contract.

We are trying to strike a proper balance under the rules of fixed-price contracting in that area, the R&D area, as opposed to the procurement area. I believe the 2-year limitation will give us a chance to further assess that. So I would urge our colleagues to support the amendment.

Mr. STEVENS. Mr. President, I thank the Senators from Virginia and Georgia for their comments. I might say that it is my goal to avoid this issue in the appropriations conference which, by its very nature, is going to take place much later in the session. If the authorizing committee from the Senate can obtain approval of the authorizing committee from the House on this measure, I think it will eliminate a substantial controversy between the House and the Senate in the appropriations conference.

Mr. President, I ask that the amendment be adopted.

The **ACTING PRESIDENT** pro tempore. If there is no further debate, the question is on agreeing to the amendment of the Senator from Alaska [Mr. STEVENS].

The amendment (No. 2079) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2080

(Purpose: To require the Secretary of Defense to determine whether the allowability of foreign selling costs under Department of Defense contracts will result in cost advantages for the United States)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro termpore. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2080.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro termpore. Without objection, it is so ordered.

The amendment is as follows:

On page 114, strike out lines 15 through 17 and insert in lieu thereof the following:

agreements that—

(i) are negotiated between the Secretary of Defense and the contractor or subcontractor before or during the fiscal year covered by such agreements; and

(ii) are entered into after the Secretary determines that cost advantages for the United States will result from allowing such foreign selling costs under such agreements. Each of the budget requests submitted to Congress by the Secretary after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1989 shall reflect such cost advantages.".

Mr. STEVENS. Mr. President, this amendment applies to section 807 of the bill which pertains to foreign selling costs.

Mr. President, if enacted, section 807 of this bill would have the effect of reversing a government policy which has been in effect for nearly 10 years which prohibits the allowability of contractor costs associated with foreign marketing endeavors. Over the past year, the administration has sent mixed signals as to its position on this matter. Clearly, the defense industry feels that such a policy reversal would be beneficial.

Given the uncertainty as to the Government's position on this issue as well as misgivings over the fiscal prudence if such costs were allowable, the annual appropriations bill has incorporated a prohibition against regulation changes to make such costs allowable. Section 8062 of the fiscal year 1988 Appropriations Act contains this prohibition.

Last month, the deputy inspector general, Derek Vander Schaaf, testified before the Senate Armed Services Committee on this issue. He stated:

It is our position that there should be a direct and beneficial relationship to the Department prior to our assuming costs from foreign marketing activities.

I ask unanimous consent that Mr. Vander Schaaf's statement be printed in the RECORD immediately following my prepared remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. The IG's position argues against the allowability of foreign marketing expenses absent a clear indication of financial benefit to the U.S. Government. The Appropriations Committee sponsored prohibitions on allowability of such costs has been based on the same concerns expressed by the Defense Inspector General's Office.

While section 807 would permit foreign selling costs as an allowable expense, this section does represent the first serious attempt to define the parameters under which allowability of such costs may accrue some benefits to the United States.

The provision recommended by the Armed Services Committee requires the negotiation of advance agreements between contractors and the Secretary of Defense to determine the nature and scope of foreign marketing costs to be allowable. This is a step in the right direction, but the inspector general also points out that the criteria for determining such advance agreements under the terms of the committee-sponsored provision is somewhat vague.

In an effort to alleviate this concern and clarify the requirements, I propose an amendment to section 807. This comes from our prior work on the Appropriations Subcommittee on the same subject. The amendment would require that the Secretary determine that cost advantages will accrue from allowing such foreign selling costs and that these savings be reflected in the annual budget requests submitted to Congress.

Having sponsored the provision to prohibit these costs in the annual appropriations bills, I am still not entirely convinced that permitting foreign marketing expenses within allowable contract overhead is beneficial to the United States and I continue to share the reservations expressed by the Defense Inspector General's Office. However, there is also a volume of evidence which motivated Deputy Secretary of Defense Will Taft to find benefit in this cost accounting approach. At a minimum, my amendment to section 807 establishes a "means test" on the prudence of incurring such expenses if they are in fact considered to be allowable.

Thus, as amended, section 807 goes a long way toward addressing the concerns which led to the enactment of prohibitions in the appropriations bills. Assuming section 807 is part of the enacted bill as amended by this amendment that I submitted, the need to consider this matter in future appropriations bills will be substantially alleviated, I think, if not eliminated.

EXHIBIT 1

STATEMENT BY DEREK J. VANDER SCHAAF, DEPUTY INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, BEFORE THE SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY, SENATE ARMED SERVICES COMMITTEE, ON PROPOSED DEFENSE INDUSTRY AND TECHNOLOGY AMENDMENTS OF 1988

FOREIGN SELLING COSTS

The Bill would make foreign selling expenses allowable costs to defense contracts provided they are allocable, reasonable and not otherwise unallowable. Further, the Bill requires that the Department set annual dollar ceilings, by contractor, on the amount of foreign selling expenses allocable to defense contracts.

We have in the past and continue to oppose any changes in legislation or regulations that would make foreign selling expenses an allowable cost on defense contracts. Our opposition to the proposed legislation on foreign selling costs is based on several factors. These include:

1. Lack of a direct and beneficial relationship to the Defense Department from the financing of such costs;

2. Funds allocated to foreign selling costs could be better used in other ways to more improve the competitiveness (productivity and reliability) and cost-effectiveness of contractors; and

3. A large portion of defense equipment and service purchases made by foreign governments are paid for through United States foreign assistance appropriations that are required to be spent in the United States.

In 1985, the Congressional Budget Office looked into the potential costs and benefits that could be anticipated from allocating foreign selling costs to defense contracts. In a July 1985 letter on this subject to Senator Stevens, the Director of the Congressional Budget Office stated:

"It is unlikely, however, that there would be any increase in foreign sales to offset additional budget costs . . . foreign sales are such an integral part of the business that marketing is unconstrained by cost allocability. Also, DoD and industry representatives agree that other political and economic constraints probably limit any increase in sales. If this is so, repealing the prohibition could cost the Federal Government as much as $80 million to $300 million or more per year."

It is our position that there should be a direct and beneficial relationship to the Department prior to our assuming costs from foreign marketing activities. Obviously, there may be some indirect benefit to the Department if, as a result of foreign marketing activities, the overall Defense business base is enlarged. Our initial reaction is one of visualizing increased costs to the DoD with only a nebulous benefit from potentially increased sales. Thus, from an accounting point of view, there is a serious question on the allocability of such spending.

As I mentioned earlier, a major portion of foreign sales are financed by U.S. foreign assistance appropriations. The foreign governments are required under these appropriations to purchase equipment and material from U.S. contractors. Accordingly, I fail to see commensurate benefits to the Defense Department or the U.S. Government by paying contractors for selling expenses on items that have to be purchased from them by law. I would compare this to Department of Defense paying selling expenses to a contractor that is the current sole source supplier of a weapons system. In both cases whether we paid such selling costs or not, the Defense Department and the foreign government would still purchase the items from the contractor.

Further, rather than paying for the entertaining of foreign officials, I believe that alternative uses of such funds would provide a greater benefit to the Defense Department. These funds should be used to support existing contractor productivity enhancement and improvement programs such as the Industrial Modernization Incentives Program. Such an action would directly contribute to improve competitiveness of U.S. producers and lower costs to the Defense Department.

Currently corporate decisions to incur foreign marketing expenses are based on good business judgment. In effect the proposed legislation would move the basis of such decisions from good business sense to a question of "Will the government underwrite this expense?" In other words, if the federal government is willing to foot the bill for overseas selling expenses, nearly everyone would opt to incur the reimburseable cost.

Finally, I have concerns about the feasibility and potential problems associated with the establishment and administration of annual dollar ceilings on foreign selling costs. What criteria would be used to establish such ceilings in view of the problems associated with determining the actual or potential benefits of such costs? To what extent will we approve the expenditure of DoD funds to finance the competition of two or more U.S. companies vying to sell the "same" item. Moreover, defense contracting officers would be subjected to extreme external pressures in setting such ceilings which would increase the opportunities for abuses and fraudulent activities.

I believe this amendment now has been agreed to on both sides and again I thank the managers of the bill and their staffs for their cooperation and patience in attempting to work this out. I think it will work it out, so this will be one other area that we will bury the hatchet between the authorizing committee and Appropriations Committee.

Again, I inquire of my good friends if this is the case?

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. The Senator from Alaska correctly represents the sentiments of this manager and I urge the adoption of the amendment.

Mr. NUNN. Mr. President, this is another area where we have had a difference in policy with the Appropriations Committee. I do not think the difference is a major difference because both of us want to prevent abuses and both of us want to allow the appropriate costs.

The Senator from Alaska has made some good points relating to the cost-overhead factor in the foreign sales cost factor and how it ought to relate to overhead. I believe this amendment is an appropriate balance between the various considerations here; between the consideration on the one hand to make sure that the Government costs do go down and on the other hand to make sure that the appropriate costs are passed on in appropriate manner, after having been approved in concept by the Department of Defense.

So, this is a good amendment. We urge its adoption.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, I just add that one member of the industry came to me and commented upon the appropriations provision, that they had originally opposed, saying that as a result of the provision they have analyzed some of their overseas marketing costs and found that they should not be incurring them anyway.

So it has brought about, I think, an understanding of concerns of the Congress and, in view of the statement of the Department's Inspector General, I think this is a proper solution and it should eliminate the difficulties between the two committees. I ask adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2080) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. There is another matter I will not get into. I understand there is a negotiation between the Senator from Louisiana representing the chairman of our Appropriations Committee, Senator STENNIS, and the manager of the bill, concerning section 903.

I can only state that I am not going to ask for a rollcall vote on that. This is a decision that has been made in the negotiations between the members of the staff.

Senator HATFIELD, the ranking member on our side, will be back in the Senate, I am informed, in just a few minutes.

I do want to say on the record, however, that although I will not oppose the conclusion that, I believe, has been reached by the staffs of the full committees, it does seem to me that the inclusion of the P-3 aircraft that we authorized to be procured for the Navy Reserve being deauthorized and the specific requirement that that money not be obligated and expended, is not a good conclusion.

The other three items, I think, in the restriction on appropriated funds from the appropriations account are, under the circumstances, a matter of negotiation and I can see some differences of opinion with regard to those three items. They were not substantial. But in all probability they can be covered—I hope they will be covered—by authorizations soon. I specifically mention the coastal defense augmentation account of $20 million.

I also believe that was something that should move and, in view of the fact that we had other items that we could not agree to, we allocated money to the coastal defense augmentation account in the appropriations process connected with continuing resolution last year.

But the Navy Reserve needs these P-3's, in my judgment. It is not a question of just allocating money that we found we had no appropriate emergency use for compared to the other. In this instance, the P-3 aircraft to be procured for the Navy Reserve would put them in the position of having a vital piece of equipment to assist in activities related to our coastal defense. I really think that money should be made available.

As I said, I have talked to the Senator from Louisiana, Mr. JOHNSTON, and those moneys are to be made available for other programs under this agreement. Those programs include operation and maintenance to prevent the furlough and separation of civilian employees in other high-priority readiness programs. I appreciate the fact we have a great need for money there, but I am concerned that the moneys that would otherwise have been available for the Navy Reserve for the procurement of P-3 aircraft will be eliminated by this compromise that has been negotiated.

I hope that the authorizing committee will keep in mind, as it goes to conference, our real concern over those moneys. And if there is a disagreement in conference on the part of the House with regard to that section—I might add, the House did have a similar section in its authorizing bill and deleted it, it is my understanding.

I hope, since this will be going to conference, that perhaps the distinguished managers of this bill could reconsider and make some money available for the P-3C aircraft that both the Guard and the Reserve need.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

AMENDMENT NO. 2081

(Purpose: To make a contract goal for minorities applicable to printing, binding, and related services required by the Department of Defense)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2081.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 823. APPLICABILITY OF CONTRACT GOAL FOR MINORITIES TO PRINTING-RELATED SERVICES.

Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Notwithstanding sections 501 and 502 of title 44, United States Code, and section 309 of the Legislative Branch Appropriations Act, 1988 (as contained in section 101(i) of Public Law 100-202 (101 Stat. 1329-310)), printing, binding, and related services needed by the Department of Defense may be procured from entities referred to in subsection (a) in order to meet the objectives set out in such subsection. The procurement of printing, binding, and related services from such entities shall be conducted for the Department of Defense by the Public Printer as directed by the Secretary of Defense. Printing, binding, and related services needed by the Department of Defense and not procured from such entities shall be procured from the Government Printing Office.".

Mr. WARNER. Through the years, I and a number of us in this Chamber have worked carefully on the DOD authorization bill to try and make some slow progression providing for more opportunities for the small disadvantaged businesses of America to participate in the enormous amount of contracting done with the Department of Defense.

At the present time, the Department of Defense exclusively does its printing through Government channels. The Department accepts this amendment, and it is my understanding the other side, likewise, accepts this.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. Mr. President, we have consulted with the Senator from Virginia on this amendment. It has been worked over carefully with the staff, and I urge its adoption.

Mr. WARNER. Mr. President, I thank the distinguished Senator. I urge its adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2081) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, under the unanimous-consent agreement, 90 minutes are reserved on an amendment which Senator BREAUX and I will shortly put in with respect to the DDG-51, otherwise known as the Aegis Destroyer Program.

We will bring that up in just a few minutes, and I want to take this opportunity to alert those Senators who are interested in that program to come to the floor and participate in that discussion.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DIXON pertaining to the introduction of legislation appear later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. DIXON. Mr. President, I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2082

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself and Mr. BREAUX, proposes an amendment numbered 2082.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 8 at lines 10 through 12 delete subparagraph (ii) and insert in lieu thereof the following:

"(ii) is necessary to meet the cost, schedule, or performance requirements of the Navy determined by the Secretary.

"Such certification may not be issues until after the bids for such competition are received."

Mr. JOHNSTON. Mr. President, this amendment presents a very narrow question but a very vital and important question. That question is, Shall the $20 billion Aegis Destroyer Program be determined by free and open competition or should that be restricted to two shipyards?

The amount of money involved, Mr. President, could be an incredible amount for the Government.

The question presents itself, Mr. President, in the following way: The present law requires that for the current fiscal year any ships bid under this program be under free and open competition and not restricted to any shipyard.

The House Armed Service Committee overruled that requirement of present law and determined that it should be restricted. The Senate Armed Services Committee inserted a provision which purports to give free and open competition but which in effect does not.

What the present provision of the Senate Armed Services Committee bill provides is that in effect competition cannot be limited "unless the Secretary certifies to Congress that the limitation of such competition to such contractors (i) will result in a lower total cost to the United States * * * or, (ii) is necessary to meet the cost, schedule, performance, or other requirements of the Navy determined by the Secretary."

Now, what our amendment does, Mr. President, is to take out that phrase "or other requirements of the Navy" and, second, it says that certification by the Secretary must be made after the bids are received.

In effect, Mr. President, to say you are going to have a free and open competition and not know what the ground rules are, to have some language like the Secretary of the Navy can present a certification that says "or other requirements of the Navy" is to simply do away with free and open competition. Here is the offending phrase, Mr. President; "or other requirements."

Now, in the 90 minutes reserved for this amendment, I am going to be asking repeatedly, what in the name of all that is good and holy does this mean. What does "or other requirements" as determined by the Secretary of the Navy mean?

Why, it does not mean anything. It means whatever the Secretary of the Navy wants to say "or other requirements" means.

It sort of reminds me, Mr. President, of when my daughter, Sally, was a sophomore in high school. And one morning she came by, one Saturday morning, and she said, "Dad, can I borrow your credit card." She said, "I want to go buy a sweater and stuff." Unfortunately, all I heard was "sweater," and I did not focus on the "and stuff." So she came back that evening and I said, "Well, Sally, what did the sweater cost?" She said, "Well, Dad, you know, I got a few other things. I got some shoes, and I got a dress, and I got a blouse." And the sweater did not cost but $25, but the "and stuff' cost about $150.

Mr. WIRTH assumed the Chair.

Mr. JOHNSTON. Mr. President, I do not know why they did not use that phrase "and stuff" because it is more colorful than the phrase "or other requirements." It is no more specific. It is no more meaningful. It is no more substantive than the phrase "or other requirements."

The problem here is if you are going to have free and open competition you have to know what the groundrules are.

Our shipyard down there, Avondale, tells us that it costs $1.5 million to submit a bid. You are not going to spend $1.5 million and take all the time of your top executives submitting a bid if, after the bid is in and you are the low bidder, they came up and then say, "Aha, catch 22, we have some other requirements." The other requirements are that you cannot buy in-house and/or you must be in Maine or you must be in a State that has a lobster population right offshore because our workers like to eat lobster. I do not know what it means, Mr. President. It does not mean anything.

What is all this about, Mr. President? How did all of this come about that the Senate Armed Services Committee could have such a vague provision?

What is at stake here, Mr. President, in addition to a $20 billion program is our shipyard, Avondale in New Orleans, tells us that they have 5,800 employees now, and that without the ability to bid and without gettting on this program they might go down to 2,000 employees. So it may be 4,000 employees. Competition for those employees is very keen, indeed. The Bath Iron Works in Maine would like to keep all those employees. There is a shipyard in Mississippi; there is one in Seattle; there is another one in California. The fact of the matter is that the number of ships to be built is decreasing, and the number of shipyards is still very great.

So all shipyards want the opportunity to build these ships. And the question is whether you decide that based on what? Personality, whether you are on the Senate Armed Services Committee, or whether you are on a committee or not, or other requirements, or whether you decide on the basis of free and open competition.

What happened in this competition in the past, Mr. President, is in 1985, the first competition took place for one ship. Bath won that. By the way, that first ship has not been completed yet. But they won the first competition.

The second competition was for three ships. That was in fiscal year 1987. The RFP, that is the request for proposals, specifically stated it was for fiscal year 1987. It was for three ships or for two ships and one option. And it provided that the Navy would give at least one of those ships to Bath. That is the shipyard in Maine. If they were not the low bidder, then they would negotiate. What happened? The Ingalls shipyard, the first shipyard, came in at the low bid of $160 million. So they got the first ship. Avondale came in second at $148 million. But they did not get the second ship, according to the provisions of that RFP. Bath, which had a $263 million or about $89 million over Avondale, entered into negotiations with the Navy. And they negotiated them down to $190 million, still above Avondale. But they negotiated them down to $190 million.

So that at present Bath has two ships, one which they won on the first bid, the one which they won on the second bid by negotiating down, and the third ship is at Ingalls in Mississippi.

Mr. President, after this bidding was over in August 1987, the Navy sends a letter to Avondale, and says, well, notwithstanding the fact—well, they did not say notwithstanding the fact. This is editorial comment on my part. They said in effect notwithstanding the fact that these RFP's were limited to the fiscal year involved, fiscal year 1987, they said from now on we are going to limit this binding program to Bath and to Ingalls.

In the first place, Mr. President, that is illegal under the Competition in Contracting Act. The Competition in Contracting Act says that the full and open competition shall be used by the Department of Defense subject only to certain exemptions and those exemptions are limited only to the fiscal years for which procurement is to be made.

So to say that you are going to have competition and pick two shipyards for a $20 billion program from here on out is not possible under the Competition in Contracting Act.

So I ask my colleagues to remember, Mr. President, the position of the Senator from Maine in the Senate Armed Services Committee that there has been an open competition for this program. There has not. And the Competition in Contracting Act would prevent that. It is not legal. It is not proper under the Competition in Contracting Act to make exemptions from free and open competition for anything more than the one procurement for which the RFP is submitted.

Mr. President, is the Navy asking for this change in the law which is submitted in the Senate Armed Services Committee bill? The answer is no, Mr. President. Under Secretary Costello for Acquisition was asked about that at the Defense Appropriations Subcommittee.

I asked him as follows. Dr. Costello said it would be perhaps better to ensure that we have adequate competition in the qualified bidders.

Senator JOHNSTON. All right, and that is proceeding now with proper competition?

Dr. COSTELLO. To my knowledge, it is, yes.

Senator JOHNSTON. In other words, there is no need to change the law now with respect to that DDG-51?

Dr. COSTELLO. I would say I do not see any need to change the law. No, sir.

The Under Secretary for acquisition for the Navy says there is no need to change the law, that the competition is going adequately.

Assistant Secretary Everett Pyatt for Shipbuilding, I have talked to him informally. I do not have him on the record. But he has said the present law is going fine. The Navy is seeking to gather up competitive bids for the three DDG-51's now provided in the RFP.

Mr. President, if the competition is going along fine under the present law, what are we worried about? Why are we worried about the phrase "or other requirements of the Navy?" We are worried about this for one reason: If we spend $1.5 million and several months submitting a bid and turn out to be the low bidder, we do not know who the new administration is going to be. It may be a Bush administration, it may be a Dukakis administration, or it may even be a Jesse Jackson administration. But whoever is in there as the next President, we do not know who the Secretary of the Navy will be, who the Under Secretary for Acquisition will be, or who the Assistant Secretary will be, and what idea they have about "other requirements."

They may well provide or decide that "other requirements" means geographic, or it may mean anything in the world. Consequently, we may have spent, in an area that has 12 percent unemployment—that is, the State of Louisiana may have spent—$1.5 million and many months trying to acquire something for which they had no chance to begin with.

Mr. President, our position is very clear. First, it is in the national interest to have free and open competition. It will get you the lowest price among qualified bidders.

Understand, Mr. President, that under the present rules—in other words, you have to be qualified to submit a bid—48 code Federal regulations, part I, defines the phrase "responsible contractor." It means having the necessary technical skills, the necessary production, construction, and technical equipment and facilities to perform the contract.

So, even without this language, bidding is limited, as the Navy wishes to qualify people, to qualified contractors, then, who have the technical ability to bid the contract. We are willing to accept that test, and that ought to be a proper test. But if we are a qualified bidder and we submit the lowest price, we submit that we or Bath or any other contractor ought to have the right to get that bid. That is what the law presently says. There is no reason at all to change the present law.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be deducted from each side equally.

Mr. COHEN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COHEN. Mr. President, I should like to respond briefly to my friend from Louisiana when he asks how this provision got in the law, in the Armed Services Committee authorization bill. We put it in there to try to accommodate the Senator from Louisiana.

In an unprecedented opportunity, he was allowed to come, at the graciousness of Senator NUNN, the chairman of the committee, to make a presentation during the course of our markup. I do not recall, in the history of my service on the committee, when that was done before. We did it to accommodate the Senator's request. I have no objection to that, but I do not recall it ever taking place before, while I served on the committee.

Mr. JOHNSTON. Mr. President, if the Senator will yield, that is part of our written procedure between our two committees.

Mr. COHEN. But it was the first time——

Mr. JOHNSTON. The first time I have come. The first time I have needed to come.

Mr. COHEN. The first time anyone from the Appropriations Committee testified before the Armed Services Committee. It was done in order to reconcile the differences that sometimes occur between the authorization committee and the Appropriations Committee.

Let me talk for a moment about free and open competition. I helped to coauthor the Competition and Contracting Act, so I think I can speak with some familiarity as to the terms of that act.

What occurred is that last year, in the dark of the night, during the continuing resolution process, the Senator from Louisiana and others slipped in a little provision that changed the existing law.

Avondale, the Senator's shipyard in Louisiana, had an opportunity to bid for the lead yard. They competed and lost. They had an opportunity to bid a second time and they lost.

Now, after the Navy, following through its established procedure of having a lead yard and a follow-on yard in almost every major system we have—let me read them.

We have the same procedure of leader-follower procurement strategies for the FFG-7, the AEGIS cruiser system. We have saved billions of dollars by having two competitive yards compete for the AEGIS cruiser system—over $3 billion. The system and competition contracting is working on that.

We have the SSN-688, SSN-21, MCM.

In torpedoes, we have the MK-46, MK-48, MK-50.

With missiles, we have the same system: Sparrow, Sidewinder, Phoenix, AMRAAM.

With aircraft, we have the V-22, the ATA.

We have had a leader-follower procurement strategy system for 40 years.

Now the Senator from Louisiana wants to take a third shot at the competition—after the Navy and after Bath Ironworks spent millions of dollars to build up their forces to do the work necessary to complete this complex Aegis destroyer system. Now he wants another shot at that ship. What he is doing is upsetting the delicate balance the Navy has tried to construct in having a competitive system and at the same time maintaining a stable industrial base.

I should like to address the notion that what the Navy has been doing is anticompetitive.

Under the Competition in Contracting Act, the Navy could certify that only one yard is going to be used. Under the provisions of the Competition in Contracting Act, section 3 of one of those exceptions to competition that I helped to write, with Senator LEVIN, says: "It is necessary to award the contract to a particular source in order to maintain an essential industrial capability in the United States or to achieve national industrial mobilization."

The exemption was: "The head of the agency determines that it is in the public interest to waive the requirements for competition and notifies the Congress of this determination 30 days before the award of the contract."

The Navy, under the Competition in Contracting Act, could simply waive the provisions of the Competition in Contracting Act and certify that it is in the public interest for one year, not two. The Navy has said, "We need two yards in a declining defense budget, with a shrinking shipbuilding budget, and to maintain them on a competitive basis."

Those two yards have been picked, and the Senator from Louisiana wants to undercut that and say there is no competition in contracting.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. COHEN. When I finish.

So a vague provision of "other requirements" that the Senator from Louisiana is citing is certainly consistent within the public interest. The Secretary of the Navy can certify one yard if it is in the public interest.

What we said in the Senate Armed Services Committee to accommodate the Senator from Louisiana was to say that the Navy cannot confine it to these two yards unless he certifies it is in the national interest or other requirement that it meets cost procurement needs, that it meets industrial mobilization needs, or whatever the factor may be, or other requirement.

That is entirely consistent within the public interest, that provision, that is contained in the Competition in Contracting Act.

The Senator from Louisiana has made representations the Navy does not favor the provision that was authored during the course of the Senate Armed Services Committee markup. That is completely wrong.

What they do not favor is the provision the Senator slipped into the CR last year. That is the provision they do not favor.

I have a letter here not from any Under Secretary. I have a letter from the Secretary of the Navy, and it is addressed to Senator WARNER, and also one addressed to Representative BENNETT on the House Armed Services Committee.

> DEAR SENATOR WARNER: This responds to your request regarding the Department of the Navy's position on the FY 89 DDG-51 competition. The original acquisition strategy calling for competition between the lead and follow yards remains the most prudent course. In executing this plan we have already had separate competitions for the lead yard and the follow yard.

It goes on. I will conclude the final paragraph.

> The Navy's experience on other dual source shipbuilding programs, for example, the SSN-688 and CG-47 programs, shows we are able to have meaningful competitions between the lead and follow builders. These have yielded the taxpayers significant savings over the past seven years.

That is the Secretary of the Navy's letter to Senator WARNER.

I tell you I talked to Ev Pyatt and he represents to me he favors maintaining the competition between the two yards in which we only have three ships authorized now.

Eventually if we ever come back to the point where we can expand our defense budgets, increase the shipbuilding portions of those budgets, when we can have six, or seven, or eight surface ships being built every year, then three yards makes sense. But to have three yards now in competition now for competition for three ships will succeed in undermining the industrial base capacity of this country and destroy the principles of competition in contracting.

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. COHEN. I yield to my friend from Alaska.

Mr. STEVENS. What is wrong with the provisions we worked out in the appropriations bill in view of the statement the Senator just made? It says it can only be two yards, unless the Secretary certifies that the 5-year plan has room for more than two yards. So you can look 5 years ahead.

We thought we settled this last year. Why should there be anything in this bill at all? Why can we not rely on existing law?

Mr. COHEN. Why was there anything in the appropriations bill last year without a hearing having been held? It was brought up without debate and this provision was slipped in after the Navy committed on two separate occasions. I would be happy to tell my friend from Alaska.

Mr. STEVENS. Let me answer that.

Mr. COHEN. I retain my time. I have my time back.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. STEVENS. Would the Senator from Maine allow me to tell how it came up last year?

Mr. COHEN. I would like to finish my statement and then the Senator will have his own time.

Mr. STEVENS. The Senator will not seek his own time. The Senator will not seek it from the Senator from Maine unless he is fair in debate with another Senator.

I want to say, Mr. President, the statement the Senator made was wrong.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maine is recognized.

Mr. COHEN. The Navy was proceeding with the competition between all yards that wanted to compete. Every yard that wanted to compete for the destroyer had that opportunity, every yard: Ingalls Todd, Avondale, Bath Ironworks. They competed for the design of that ship. They competed for the lead ship and they competed for the follow-on. And the Navy decided they would pick the two yards that were going to compete.

Now if the Senator from Alaska wants to amend the law to say that the Navy shall comply with the Competition in Contracting Act I have no problem with that. But I do have a problem with the third yard coming in at this point when we have three ships authorized in this budget and saying we simply want to come in the competition at this point.

I think it flies in the face of what we tried to achieve in the Competition in Contracting Act.

I hope our colleagues will resist the temptation to undermine the shipbuilding capacity of this country.

Mr. President, I reserve the remainder of my time.

Mr. BREAUX. Mr. President, will the Senator from Louisiana yield to me?

Mr. JOHNSTON. Mr. President, I yield to my colleague such time as he may require.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I thank my senior colleague and congratulate him on offering this amendment which I strongly support and recommend to other Members of this body.

Mr. President, this amendment is about competition. It is about whether we are going to have it or whether we are not going to have it. It is just that simple.

How many of us have heard time after time from our constituents about the cost overruns in the military, about toilet seats that cost hundreds of dollars, about hammers that we buy in the Navy that cost hundreds of dollars. People are outraged about it, and as they should be.

But, Mr. President, in comparison to this particular program the toilet seat overruns and the $100 hammers are indeed peanuts. We are talking about 26 Navy destroyer vessels that are hopefully going to be built in the future and we are going to have all of the qualified competent American shipyards in this country be able to bid for those destroyers or not. It is just that simple.

The Navy would like to say we are not going to let but two shipyards build because it is easier for us to manage two shipyards.

Mr. President, this country is built on competition, whether it is the World Series or the Superbowl or the Kentucky Derby. We have determined the best through competition, and in the business world we determine who can do the best job not by bureaucrats, not by legislation, because we cannot legislate excellence. We determine who can do the best job by competition, by throwing out a proposal and saying whoever can build it the best and for the cheapest price is going to get the job.

That is what we are trying to put back into the Navy destroyer program.

The amendment of Senator JOHNSTON, in which I join him, simply says that we are going to ask for bids and let the Navy decide based on who can come up with the best price, who can come up with the best schedule, and who can come up with the best performance.

I ask my fellow colleagues what is wrong with that? What is wrong with saying that the Navy can limit competition only if they can show they are going to have a better cost, better price, and better performance, or a better schedule as a result of limiting competition?

If they cannot show that, then qualified American shipyards should be able to bid. That is the only thing this amendment is about. It is to say that the qualified shipyards, whether they are in California or whether they are in Washington State or whether they are in Maine or in Virginia, or whether they are in any other State that has a shipyard, that they ought to be able to participate, they ought to be able to come in and say, "We think we can do it better than anybody else."

The Navy says we do not want that kind of competition, it is too different, we want to say there are only two shipyards that can possibly bid.

The amendment of Senator JOHNSTON says that is wrong, that we ought to get back to allowing for open competition and let the free market determine which shipyard can build and if a Louisiana shipyard cannot compete on the price, on performance, or on schedule, they should not be considered for the job. But do not slam the door in the face of the shipyards of America before the competition even begins. Do not tell them that they cannot even participate because some bureaucrat has determined that they would like it a different way.

Mr. President, the shipyards in America are folding right and left. The statistics are frightening. We have lost 76 shipbuilding and repair firms since 1982. We have lost over 52,000 American workers in American shipyards because people are building ships in foreign yards.

But we have said do not worry, shipyards, we are going to preserve the Navy work for you to make sure we keep an industrial base in the American shipyard industry.

What does the Navy do? They say, well, we are only going to let two shipyards bid.

The argument on behalf of the Navy is that we have already had competition, and indeed they did run a competitive competition for the first three ships. And let me tell you what happened. The first ship went to Bath. They had the best proposal. The second ship went to Ingalls. And then the Navy writes in the contract if Baths does not get the second one, do not worry, Bath, we are going to give you the third one; do not worry, Bath, we are going to give it to you for whatever price you submit.

Let me show you the numbers as to what happened. For the third ship Bath submitted an initial bid of $282 million. On the second ship, Ingalls submitted a bid of about $162 million. Avondale from Louisiana had submitted a second bid of about $180 million. But guess who got it? The high bidder.

Eventually the Navy had to bring them down to a price of about $189.9 million which was still almost $28 million more than the other bids.

Is that the kind of competition we can stand up and be proud of? Is that the kind of competition that produces the best cost and the best price—$28 million more than the low bid?

The only thing that the Johnston amendment is saying is let competition decide who is going to get the work. And what is wrong with competition? It is as American as apple pie, and that is one way we can prevent the $100 hammers and $100 toilet seats, by saying anybody who can do the work has as a right to try and get the job and let the one who can do it the best with the best price for the best performance get the work.

That is what this authorization bill is all about. That is what Senator JOHNSTON's amendment does, and I cannot understand how anybody can say we are so much against competition that we are going to have to reserve work for a company without freely competing and let the low company get the job.

So I join with the senior Senator from Louisiana and congratulate him for his perseverance in this area.

Every chance he has had he brought this issue up as it should be, whether on a continuing resolution or on the authorization bill.

Let us bring competition back to the Navy and his amendment does that.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself just 1 minute to make one point which is crucial to this.

It has been said that there has been a competition or that there have been two competitions. That is correct, Mr. President, there have been two competitions. But under the Competition in Contracting Act, the only competition that can be had under the law is the competition for the ships under consideration for that particular procurement.

The two competitions that were held, the first one was in 1985 for one ship. The second one for fiscal year 1987 was for two ships. There has not been a competition for the whole program. There cannot be a competition for ships as yet unsubmitted for bid because the competition in contracting law, Mr. President, provides that there shall be an RFP with free and open competition for each new procurement.

The Navy could have submitted the whole program of 30 destroyers all in one program and had one bid for it. They did not do so. They submitted first one ship and then a separate procurement in fiscal year 1987 for two ships.

So, Mr. President, there has not been a competition to limit this to 2 shipyards for 30 ships. There has been a competition to limit it to two shipyards only with respect to the two ships in fiscal year 1987.

Moreover, Mr. President, it would be a grave mistake to change the law to say that after bids are in you can come in and restrict competition. I mean, you can see, Mr. President, just by the numbers we are lookig at here. Avondale was almost $100 million, well, $89 million less than Bath on the second ship. Can you imagine, if you have 30 ships, how much this might cost the U.S. Government?

Bath, Mr. President, is a shipyard that is thought to be in some trouble. Just in the Defense News of Monday, April 18, 1988, it stated:

> The Navy had hoped to build about five ships per year, but cost and design problems at Bath have led to a nearly 10-month delay in the construction schedule and the lead ship is not expected to be delivered to the Navy until mid-1990.

My colleagues will recall that Bath had a leveraged buy-out and may be in some difficulty. We also know that these are the OSHA violations at Bath for which they had to pay over $1 million in fines.

Mr. President, I hope Bath has its problems straightened out, and it may well have those problems straightened out. But the fact of the matter is to come in and try to get a shipyard which might be in trouble, limiting competition, as we are, to two shipyards, one of which might be in trouble, could cost this Federal Government billions and billions of dollars.

If they could compete, let them compete openly and fairly and not, Mr. President, to come in with the competition which has some vague language like "or other requirements."

And I will repeat during this argument today that I hope somebody will tell us what this means: "or other requirements." Because under this amendment, as put forth in the Senate Armed Services Committee bill, you get a chance to bid all right, but the Secretary of the Navy can come in with "other requirements" as determined by the Secretary of the Navy after the bidding is over with. So it is the classic catch-22.

As I said earlier, it is like my daughter said, when she wanted to borrow the credit card: "I want to buy a sweater and stuff" and the and "stuff" turned out to cost more than the sweater. The other requirements here are likely to turn out to mean, "Yeah, you had a right to bid but you really cannot bid unless you are from the State of Maine." That is what is involved here.

The PRESIDING OFFICER (Mr. SHELBY). Who yields time?

Mr. JOHNSTON. Mr. President, I yield 2 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I think the issue we are talking about here is a thoroughly narrow one. It really boils down, as I see it, to these three words: "or other requirements."

In committee, we looked at the concern that if we open competition, did that commit the Government to any binding contracts, or tooling and other expenditures, to the shipyards. Knowing, that if we had to build up tools, that unless the savings from the additional yard coming on line were greater than the cost of tooling or supervising it, that we could lose money even though it might look like we were gaining money. So we have a provision in here that protects us against that.

It seems to me, therefore, that we have already dealt with the really legitimate concern about the third shipyard. I think, in these questions, where we have doubt about how we ought to operate, that our natural inclination ought to always be toward competition. I think with the protection we have that we are not going to be entering into a contract that is going to cost us more than we gain. I think we ought to open it up for more competition. This is why I support the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Will the Senator yield me 6 minutes.

Mr. COHEN. I yield 6 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ask unanimous consent that Mr. Creswell, my administrative assistant, may sit here with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the amendment offered by the Senator from Louisiana is just the latest chapter in a series of efforts made by one shipyard to use the Congress to micromanage the procurement action by the Navy in its contracts for the DDG-51 Destroyer Program.

Now, I make no reference to individual Members of this body, of course, who are acting in good faith.

Competition is really not the issue, Mr. President. I am not an expert in this field, but I have been here these years and have exercised an active interest in it to more than just a minor degree during each of those years. There are a lot of companies that are the very finest and best shipbuilders in the world. I am very proud of what share of that is in my State, and other States the same way. I am proud of the attitude on the part of this body and the House of Representatives to see that right is done, that competition is allowed, and that all have an opportunity.

So let us not fool each other and criticize each other. Competition is not really the issue here, Mr. President. There has already been competition, more than once. In fact, the Navy on two separate occasions conducted a competition and it was generally understood by all shipyards participating that the results of that competition would be used by the Navy in awarding future contracts for the construction of the destroyers. It was further understood that once two shipyards were selected for participation in the DDG-51 Program, future competition on the construction of this class of destroyers would be between those two yards.

There are just not enough of these destroyers in the Navy program to justify the participation of more than two shipyards.

As a result of the competition previously held in 1985 and 1987, two shipyards were selected by the Navy to participate in the Destroyer Construction Program—Bath in the State of Maine and Litton in Mississippi.

The shipyard in Louisiana participated in the bidding process but was not selected.

In spite of this prior competition, last year during consideration of the Defense appropriations bill in the House of Representatives, an amendment was adopted which had been offered by Congressman LIVINGSTON of Louisiana, requiring additional competition for the 1989 Destroyer Construction Program with even an additional mandate that a third shipyard be given a contract in the program. This was done in spite of the fact that all interested shipyards had the opportunity to bid in the two competitions already held.

There was no similar provision in the Senate appropriations bill last year, and in conference with the House, a provision was agreed upon which did require additional competition for the 1989 Destroyer Construction Program, but did not require that an award be made to a third yard.

The provision inserted in the Defense appropriations bill which became a part of the continuing resolution last December was really not a proper subject for the Appropriations Committee, but its inclusion in the bill resulted because of the action of the House of Representatives in approving that particular provision. As Senators will recall, we worked many days and often late into the night reaching final agreement on the Defense appropriations bill and ultimately the continuing resolution. While I did not feel that the matter offered by the Congressman from Louisiana had any place in the appropriations bill, it was already there when the bill reached the Senate and had to be dealt with in the House-Senate conference. A compromise which was reached was agreed to which now needs to be corrected.

Therefore, we are faced again with this issue. The Navy has steadfastly taken the position that the competition has already been held, and it should be permitted to utilize the results of the competition in awarding the contracts for the entire Construction Program for destroyers of this class, as was anticipated by the Navy and all the interested shipyards when the competition was held. Of course, the two successful bidders already selected will compete for the contracts for the destroyers in each year's Construction Program. I certainly agree with the soundness of this position.

May I have the remaining time, please?

The **PRESIDING OFFICER**. The Senator from Mississippi's time has expired.

Mr. **STENNIS**. Will the Senator allow me 2 more minutes?

Mr. **COHEN**. Mr. President, I yield an additional 2 minutes to the distinguished Senator from Mississippi.

The **PRESIDING OFFICER**. The Senator from Mississippi is recognized for an additional 2 minutes.

Mr. **STENNIS**. The House, in the military authorization bill for fiscal year 1989, repealed the provision requiring additional competition for these ships among all yards.

Let me say this again. I have not rendered any big service here but I have been through hundreds and hundreds of these committee meetings over the years. There is a sense of fairness. There is a sense of competition. There is a sense of a pattern of operations that is fair and splendid, and it has reared a fine group of high production workers that almost take the prize throughout the Nation in many ways.

In the military authorization bill for fiscal year 1989, the Senate Armed Services Committee adopted a provision recognizing the importance of continued competition, but adopted compromise language giving the Secretary of the Navy some discretion in considering overall costs, schedule, performance, and other requirements of the Navy in deciding whether there would be additional competition with a report to Congress and review by the General Accounting Office.

Mr. President, I am saying I have been impressed with the consideration of these matters, emphasizing, again, the fairness of it and chance to have competition, the chance to get a job and get the work done; the chance to get a splendid ship built. Let us not overlook our own national interest, our own national viewpoint of need.

We must, we just absolutely must, proceed here with a competent, able group of men and women in those fields. That must continue.

In my time in the Senate, I have conducted many hearings, and been involved in a great number of procurement programs by the Department of Defense. Certainly competition is a healthy thing, and every qualified person or company should have the opportunity to participate in providing military equipment to our Defense Department. There comes a time, however, when we must leave the management of a program involving millions and millions of dollars to competent, qualified officials of the Department of Defense.

I submit this is such a case, and we should defeat the amendment offered by the Senator from Louisiana.

The **PRESIDING OFFICER**. Who yields time?

If no one yields time, the time will be equally charged.

Mr. **COHEN**. I yield 5 minutes to the Senator from Maine.

The **PRESIDING OFFICER**. The Senator from Maine is recognized for 5 minutes.

Mr. **MITCHELL**. Mr. President, when a fellow says to you it is not the money, it is the principle, you can be pretty sure it is the money. And that is what is involved here.

This is whether or not there is going to be ordered competition in the construction of Navy ships or not. This amendment is offered as the competition amendment. It is more accurately the sore loser amendment.

The Navy conducted an open, competitive process on the destroyer program as the distinguished Senator from Mississippi, Senator STENNIS, has just described. It is the same competitive process it followed in the frigate program; the same competitive process it followed in the cruiser program; the same competitive process it followed in the 688 class submarine program.

Not once but twice there was a competitive process in the destroyer program and, as a result of that process one shipyard lost; the shipyard in Louisiana. Having lost it in an open, competitive process, they now come to Congress to change the rules. Not during the game, but after the game is over; to win, through the political process, what they cannot win through the competitive process.

If this process is so bad, why did the Senator from Louisiana not object to its use in the frigate program? Why did he not object to its use in the cruiser program? Why did he not object to its use in the 688 class program?

There was no such objection because there is nothing wrong with the process. It is a good one.

Mr. **JOHNSTON**. Will the Senator yield?

Mr. MITCHELL. The Senator was able to speak uninterrupted and since there is a time limit, may I have the same courtesy, and then the Senator can use whatever time appropriate later.

Mr. JOHNSTON. Certainly.

Mr. MITCHELL. It is a good process. It has served our Nation and our national security well. It has saved billions of dollars for our taxpayers.

Now, for the first time, the Navy's competitive process is objected to and if this Navy process is so bad, why was there not objection in 1985 when it began on this destroyer program? Why wait until now, 3 years later, after the process is over, to object?

Well, the answer is obvious. There was no earlier objection, there were no earlier amendments, until the yard from Louisiana lost. Then and only then a process which has been used successfully on three other major shipbuilding programs, a process which proceeded without protests during this destroyer program, then and only then was that process deemed to be unacceptable or anticompetitive.

So, what we have here is a noncompetition amendment being called a competition amendment.

What we have here is an effort by a shipyard that lost under the rules as it understood them, now coming here and saying—not during the game, but after the game is over, after the teams have left the field, after the crowd has left the stands—now coming back, trying to win through the political process what it cannot win in the competitive process.

I think every Senator should consider seriously the effect of adopting this amendment, of saying that we do not trust the Navy to execute these programs. We are going to throw onto the floor of the Senate and the House contractual decisions. We are going to override the Navy wherever our yard loses in a competitive process.

I think that is a very serious thing, which every Senator should ponder, because it could come back to haunt everybody who is involved.

Mr. President, the Senator from Louisiana said that the yard in Maine has had OSHA violations, for which they have paid over $1 million in fines. I am sure the Senator would appreciate my correction. That is not correct. No fines have been paid. The matter is a subject of negotiation. OSHA has made some allegations. The Navy is implicated in the matter.

Mr. JOHNSTON. Will the Senator permit me to reply on that on my time?

Mr. MITCHELL. Go ahead.

Mr. JOHNSTON. My source is the U.S. Department of Labor News. This is dated November 4, 1987.

> The U.S. Labor Department today proposed nearly $4.2 million in penalties against Bath Ironworks for numerous alleged job safety and health violations at the company's Bath, Maine, shipyard.

I suppose that $4.2 million is still in negotiations. So I think the Senator may be correct that that has not actually been paid.

Mr. MITCHELL. No fine has been assessed. The company has vigorously contested them. The Navy itself is implicated.

As the Senator well knows from his own experience, a proposed fine by OSHA is not evidence that the violations occurred or that the fine is the appropriate level to be assessed.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. MITCHELL. If I may simply conclude by saying there is one other factor—may I have 2 more minutes?

Mr. COHEN. I yield the Senator 2 additional minutes.

Mr. MITCHELL. One of the other things that should be considered here is really the lives and deaths of American servicemen.

I ask unanimous consent there be placed in the Record a letter from Congressman Murtha, who recently visited the Persian Gulf.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> House of Representatives,
> *Washington, DC, April 28, 1988.*
>
> Mr. William Haggett,
> *Chairman and Chief Executive Officer, Bath Iron Works Corporation, Bath, ME.*
>
> Dear Mr. Haggett: I returned last Sunday from an inspection trip to Dubai where I went aboard the USS Samuel B. Roberts which was recently seriously damaged by a mine in the Persian Gulf.
>
> The Captain and the crew praised the quality of the construction of the ship. I especially recall the Captain pointing out to me that despite the tremendous force of the explosion, the welds in close proximity to the explosion held fast.
>
> The two factors that saved the ship were the heroic action of the crew and the professionalism of your many dedicated employees who constructed this fine ship.
>
> With best wishes,
> Sincerely,
> John P. Murtha,
> *Member of Congress.*

Mr. MITCHELL. That letter referred to the comments made by the captain of that vessel, a Bath-built ship, which praised the quality of construction of that ship which saved the ship and its dedicated employees and the dedicated servicemen.

What we have here is the most experienced, most honored shipyard in this Nation. I think it is simply incorrect for any aspersion to be left as a result of this debate about the quality, the ability of the people of that yard to construct ships. They have been doing it for many decades and doing it well, as the Navy can indicate.

I think that is really what this gets down to. Do we trust the U.S. Navy to conduct a shipbuilding program in accordance with law? Or are we going to say that when a decision is made by the Navy that some Senator does not like because his yard does not win we are going to overturn it through the political process? That is really the issue here. Competition has not been the issue.

There has been competition—a fair, open competition—which everybody understood before it occurred. And if that process was unfair or wrong, protests should have been made at the outset, not after the process is over, not after one yard lost, not after the decision has been made.

Mr. President, I urge the Members of the Senate to reject this amendment and to observe it for what it is. It is not an effort to promote competition.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. On this question of the prior competition, will the Senator not agree with me that the RFP's, which were submitted, were not for a 30-ship program, but were for a 2-ship program in the case of the RFP submitted for fiscal year 1987 and for a 1-ship program in the case of the RFP submitted in 1985. Am I correct on that?

Mr. MITCHELL. It is very clear that the program was intended to establish a lead and a follow-on yard. And that while the Senator is correct that it was limited as he stated, there is no doubt, considering the manner in which the shipbuilding programs have been conducted, which everybody understood, that once those yards were established, we are going to proceed to construct the remainder of the ships in those two yards, depending upon the number of ships that might in the future be available.

Mr. JOHNSTON. Point No. 2: The Senator said it is an established procedure to have a lead and follow-on yard. But does the Senator know that at least, with other kinds of programs where you have a lead and follow-on yard, for example, the TAO Program, which is an oiler program which Avondale—I think they are the follow-on yard, they are the follow-on yard, but it does not limit competition with respect to that. Will the Senator agree with me that a lead and follow-on yard does not mean you limit competition to those two shipyards?

Mr. MITCHELL. TAO oilers can be built in every American shipyard limited only by space. The surface combatants, like the destroyer program, are highly specialized, only built in three yards. Indeed, it is my understanding that the Avondale yard has never built a missile-firing surface combatant of the type being described here.

Mr. JOHNSTON. But the Senator does agree that the TAO is not limited?

Mr. MITCHELL. I agree it is not limited because there is no need to limit it. It can be built in every yard in the country limited only by space.

Mr. JOHNSTON. Exactly.

Mr. MITCHELL. And it is unlike this program. There is no analogy whatsoever.

Mr. JOHNSTON. The final question: Can the Senator enlighten us on what this means: "Our other requirements"?

Mr. MITCHELL. That is not my amendment.

Mr. JOHNSTON. Mr. Presisent, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I am glad my distinguished friend from Maine has narrowed this issue. As he pointed out, Mr. President, there was a competition, but the competition was limited to two ships in 1987. There is this leap, Mr. President, You have one competition in 1985 for one ship. You have another competition in 1987 for two ships, and then after that comes in, then after that competition is over, on August 31 of 1987, my shipyard received a letter and says, "Aha, we were not talking about three ships, we were talking about the whole program."

Now, how are we supposed to know that it was the whole program? It was not in the request for proposals. It would be illegal under the competition in contracting act to do it that way. It is a catch-22. After the bids are in, then they say we are talking about the whole program.

So, Mr. President, it is not allowed under the act. There is no need at all to change the present law. The present law, which was incorporated in the Appropriations Act last year, was worked out with Ingalls Shipyard, which agreed that that was OK with the Mississippi delegation. We all agreed. We thought we had this thing settled. Free and open competition was going to be the rule of the game for the next year. There is no case at all made, Mr. President, that that should be changed.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Will the Senator from Louisiana yield me 2 minutes?

The PRESIDING OFFICER. The junior Senator from Louisiana is recognized for 2 minutes.

Mr. BREAUX. I just wanted to follow up on what the Senator from Louisiana pointed out. That is, why was nobody objecting earlier? The simple reason is earlier there was open competition. In 1985 when they had competition for one ship, Avondale lost. Avondale did not try and change that decison because they had a right to compete.

Only in 1987, after the third ship was granted automatically to one shipyard and the Navy came in and said that all future ships that we are going to build are going to be closed competition, that we decided it was improper and inappropriate to follow that type of a program.

So when the competition was open, nobody was complaining, despite the fact our shipyard in Louisiana lost. But when the Navy came in in 1987 and said that is it, no more competition for the rest of the program, those of us who looked at what was happening to the bids said that is not right.

The open competition the Navy said they had resulted in the third ship costing almost $28 million more than the low bids on the first and second ship. Is that the kind of program we want to run in this country when budget numbers are tight, when we have a limited amount of dollars left in the defense appropriations?

We should be getting the biggest bang for the buck. The only way to ensure that is to provide for open competition and let the shipyard who does the best job at the best price, the best delivery schedule get the contracts. Tht is all the Johnston amendment does.

It says, let us have a little competition around for a change; let us stop the $10 hammers and $200 toilet seats. Let the best competitor get the business. When we lose fairly, no problem. Do not say we cannot even come to the field and compete. Do not say only a selected few can participate in the game.

The Johnston amendment says competition is good for the Navy, as it is for every other segment of the United States.

So I think a vote for the Johnston amendment is a vote to save this Defense Department some money, to ensure that they get a bigger bang for the buck. If you want the ships to cost more, vote against Johnston. If you want the ships to cost less and get more for our dollar, support the Johnston amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, I yield myself such time that I may consume.

The PRESIDING OFFICER. The senior Senator from Maine.

Mr. COHEN. Mr. President, there has been a good deal of confusion injected into this debate. I think my colleague from Maine, Senator MITCHELL, phrased it quite appropriately. He said this is not the competition in contracting amendment or a vote for good competition in our shipbuilding program. It is a sore loser amendment.

As I listen to the debate, I am tempted, and I may do it, as a matter of fact, Mr. President, I may at the conclusion of this debate give what the authors and sponsors of this amendment really want. If they want a chance to compete under the law, then I would offer to strike all the provisions that we put in to accommodate them, the provisions that the Navy has to certify that it will result in lower total costs to the United States, that it is necessary to meet the cost schedule, performance, or other requirements, that there be a GAO certification, Navy certification, I will offer to strike all of that and simply say that the Secretary of the Navy shall provide for the construction of the shipbuilding portion of the DDG-51 destroyer program in fiscal year 1989 through full and open competition as provided in chapter 137 of title 10, United States Code, section 18 of the Office of Federal Procurement Policy Act. That is the Competition in Contracting Act.

Now, if anyone is in favor of competition, we can go on record and just strike everything that we tried to do to accommodate the Senator from Louisiana and simply allow the Navy to compete under the Competition in Contracting Act, and I may very well offer my amendment at the end of the debate.

I yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The junior Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Maine for yielding to me. When the distinguished Senator from Alaska was on the floor, he observed that language was included in the continuing resolution for appropriations last year dealing with this subject.

I will take a few minutes to try to explain to the Senate the legislative history of this controversy to try to put in perspective what is going on right now on the floor of the Senate.

Since Senators have already discussed the contents of the request for proposal which the Navy issued when this program was begun and when bids were first made by competing shipyards in 1985, I will not describe details of the program bidding. I think what happened when the bidding was over, however, should be of particular interest to the Senate.

Avondale in Louisiana, Ingalls Shipbuilding in Mississippi, Bath Ironworks in Maine, and others submitted bids to construct the first *Arleigh Burke* guided missile destroyer, DDG-51. Everyone in the industry knew this was one of the largest programs ever bidded upon in the history of the Navy and in the history of shipbuilding in the United States. Over 20 ships were comtemplated for this program, and winning that competition was considered extremely important. There were two winners, and there were some losers. The two winners were Bath Ironworks and Ingalls Shipbuilding.

After the competition was over, there was an effort in the legislative process to reopen the bidding by means of an amendment to the appropriations bill in the House of Representatives, offered by a Congressman from Louisiana, which directed the Navy to reopen the bidding and to select a third shipyard to participate in this program.

That was the legislative effect of the adoption of that amendment in the House of Representatives in the Appropriations Committee, and that provision survived the House. In the Senate no similar provision was included, and so in conference last year on the continuing resolution, we had to deal with this provision mandating by law the selection of a third shipyard for this program.

In the negotiations, which involved this Senator, Senator STEVENS, Senator STENNIS, Senator JOHNSTON, and others, along with conferees on the part of the House, we wrestled long into the night on whether we were going to permit the Congress by law to direct the Navy to select a third yard.

A compromise was reached, and a sentence was included in the provision attached to the House language stating that, although the Navy really did not have to select a third yard, it did have to open up the bidding in 1989.

The practical effect of that compromise continues today. Senators and lawyers can disagree on the meaning of the words and other considerations, but as I understand it the Navy feels constrained by that language, and Senators think that the Competition in Contracting Act has been amended in an appropriations bill at the instance of the House but modified in conference with the participation of some of the Senators here.

Now, what has happened this year? In the authorization process, the bill from the House Armed Services Committee included a committee amendment that repealed the conference language from the appropriations bill last year and in effect rendered operative the Competition in Contracting Act of 1984 without any amendment from the appropriations process. It just put the law where it was after the adoption of the 1984 Competition in Contracting Act.

When the bill got to the floor, a Congressman from Louisiana was going to offer an amendment to strike the House language. The House Rules Committee ruled that such an amendment would be out of order, however, and it was not offered.

We come now to the Senate. Although the bill from the Senate Armed Services Committee retained language similar to last year's appropriations compromise, the distinguished senior Senator from Louisiana proposes an amendment to modify that provision again. I think Senators have a right to know what the practical effect of that modification would be. My interpretation, and it may differ from others, is that it would strengthen the mandate of last year's appropriations bill and could be interpreted as requiring by law the selection of a third yard by the Navy. That is the issue. Are we going to permit the Navy to continue to enjoy some flexibility under the law or are we going to permit the Congress, each time there is a competition and there are dissatisfied bidders, to direct the Navy or the Air Force or the Army in the details of compliance with the Competition in Contracting Act?

I think this is dangerous territory, Mr. President, for us to try to choose sides between well-liked, well-respected Senators, who have the best of motivations, to try to manage the competition program of the Armed Services on the floor of the Senate, as we are being called upon to do today.

We have a law on the subject, the Competition in Contracting Act of 1984. Let us stick with that law. It was carefully drafted. Let us not try to inject new provisions and wrinkles that might have the effect of preferring one shipyard over another or second-guessing the decisions made by the managers of these programs. Let us use our regular oversight authority. If we think there has been a violation of the 1984 law, let us have a hearing. Let the Armed Services Committee bring in the Navy and ask them about the way this program has been submitted to the industry.

If there have been violations, let us discuss them. If there is an aggrieved yard, I am sure the courts will take into account any proof that the Navy has violated the law or has not dealt fairly with a bidder. We see that happen from time to time.

This is not the place, Mr. President, for us to try to resolve this dispute. It could probably be handled much better for all concerned in another forum. I hope the arguments made by the distinguished Senators from Maine, Mr. COHEN and Mr. MITCHELL, will be reviewed carefully by the Senate. If the Senator from Maine offers an amendment, I hope we will vote for his amendment. If he does not, we can vote to reject the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 8 minutes 18 seconds. The Senator from Maine controls 7 minutes and 40 seconds.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I ask unamimous consent to proceed for 30 seconds without it being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. NUNN. When we get through voting on this amendment we have four Helms amendments. I assume and understand Senator HELMS has been on the floor and he will probably be ready to bring those up which appears to me to be somewhere in the neighborhood of 12:40 or 12:45. Those amendments are going to take a good bit of debate and time.

We have an order for 3 o'clock I believe on the D'Amato amendment relating to drug offenses and capital punishment. That will take about an hour as previously agreed on, at least to get to a tabling motion.

Then we have about seven or eight other amendments that we understand will be called up. So we need people to understand that they should be alert at least after 4 o'clock and about 7 if we are going to get through here at a reasonable hour this evenying, to get their amendments to the floor, and to make sure we have no lapse time here.

I do assume that we will go with the Helms amendments right after this one; also, the Domenici verification amendment, 28 minutes equally divided. That one may cause a rollcall vote. So I would ask if Senator HELMS and his staff could get in touch with us and let us know their intention, and also Senator DOMENICI on his as to when he would prefer to bring that up.

I thank the Chair.

Mr. JOHNSTON. Mr. President, I yield myself 2 minutes.

Mr. President, we have had so much talk here about what sounds like something complicated which really is not. The real issue here is two things: first of all, whether this phrase "or other requirements" should be part of this amendment; second, whether or not you are going to put on other requirements whether they ought to be put on after the bids are received or before the bids are received.

Let me be more specific. The change in the law as presently contained in the Senate Armed Services Committee bill says in effect there shall be competition unless the Secretary certifies that limiting competition would result in a lower total cost to the United States or is necessary to meet the cost schedule performance or other requirements of the Navy.

Mr. President, in the Armed Services Committee meeting—and I was there—the argument was that you should not have this free and open competition because to get another shipyard in the process would cost the Navy additional money. They also said that second shipyard might not be qualified or it might delay the program.

So this amendment takes care of that. I think it is provided for under the Federal rules anyway. In fact, I know it is. I just read that into the RECORD. This amendment clearly provides for any question of cost or qualifications or time. It clearly states that. That is not at issue here.

What is at issue is the second requirements, which says "is necessary to meet other requirements of the Navy determined by the Secretary."

Mr. President, we have gone on here for over an hour. I have asked repeatedly from the start what does this mean. It obviously has no meaning. It is obvious that this phrase in the Senate Armed Services Committee bill is meant really to exclude competition. It is meant to seek to give you competition with one hand but to take it away with the other hand.

The second part of this amendment says that these bids which should be received—actually, the RFP's are set to go out next month. The bids would be received shortly thereafter. Our amendment simply says that you do not exclude the bids until they are received. You do not come up with requirements until you know what the bids are. In other words, if you are going to say there is no way that someone could commit to a lower bid, there is no way you can make that determination until you actually receive the bids.

Mr. President, we did in fact work this matter out as the distinguished Senator from Mississippi said. He was part of the negotiation. I was. It was difficult. It was a negotiation among friends and neighbors, allies. And we worked it out. I thought it was worked out to everyone's satisfaction, including the shipyard in Mississippi, Ingalls, and including the shipyard in Louisiana. No one liked it too much. But it provided for a narrow competition for 1 year.

This amendment, while talking in terms of saving the Navy money, really cloaks through with this clever use of language "or other requirements," and just does away with that competition altogether.

It is a $20 billion program. There has been no competition for the $20 billion program prior to this—competition for the two ships in 1987, of course, and competition for the one ship in 1985, of course. Everyone concedes that. But there is no competition for the total program. There should not have been a competition for the total program because we did not know how many ships and when they were going to be asked for, and what the condition was going to be at that time.

I ask my colleagues, Mr. President. Let us have fair competition. If we have to limit the amount of ships we build, let us build them at the yards that can do the best job at the best price for the U.S. Government and for the people of this country.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maine has 7 minutes and 40 seconds. The Senators from Louisiana has 2 minutes and 59 seconds.

Mr. STEVENS. Mr. President, I seek about 2 or 3 minutes to explain the problem of this from the point of view of the Appropriations Committee.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. I yield the Senator 2 minutes of time from the opponents.

The PRESIDING OFFICER. The Senator from Alaska is yielded 2 minutes.

Mr. STEVENS. Mr. President, the 1988 appropriations bill contains language which was placed there in conference. That came about because the House of Representatives sent to the Senate a bill that contained a section that required competition among all domestic shipyards and specifically stated that at least one ship, under this program, for fiscal year 1989, must be competitively awarded to a third source shipyard.

I ask unanimous consent that that provision from the House-passed appropriations bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DDG-51 destroyer program, $5,500,000: *Provided*, That procurements for construction of vessels for the DDG-51 guided missile destroyer program for fiscal year 1989 and thereafter must be competed among all interest domestic shipyards, contract selections thereunder must be made to the contractor on the basis of full open competition, and at least one ship under this program for fiscal year 1989 must be competitively awarded to a third source shipyard;

Mr. STEVENS. Mr. President, the appropriations bill passed by the Senate in 1987 contained no language dealing with the issue of the DDG-51 Destroyer Program in terms of such limitation.

My problem with what is before the Senate now—and I must say to the Senator from Louisiana that I spoke to him earlier, and I thought what he was going to do was to delete the provisions in the bill which is now before the Senate. Having conferred with the Parliamentarian, I understand that it is not possible to offer an amendment to delete all reference to the DDG-51 program. I still believe that the compromise we reached in the 1988 appropriations bill is correct.

I say to my friends, without regard to where they stand, that no matter what we do on this bill, it is coming back again to us under the appropriations bill. The House put the provision in the appropriations bill that mandated a third contract to build destroyers. We will face that again in the appropriations bill. We settled it in the conference on the continuing resolution, and I ask unanimous consent to have that provision printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHIPBUILDING AND CONVERSION, NAVY

DDG-51 destroyer program, $5,500,000: *Provided*, That contracts awarded for any DDG-51 class destroyers in fiscal year 1989 shall be made on the basis of a full and open competition among all technically qualified bidders regardless of prior contractual experience for construction of DDG-51 destroyers. More than two shipyards may not be utilized for this purpose unless the Secretary of the Navy certifies that the Five Year Defense plan is sufficient to support cost effective construction at more than two shipyards;

Mr. STEVENS. It specifically says: "More than two shipyards may not be utilized for this purpose unless the Secretary of the Navy certifies that the Five-Year Defense Plan is sufficient to support cost effective construction at more than two shipyards."

I know that does amend the Contracting Act, but I still believe that is a workable and livable solution, and what is in the armed services bill is not, and what is in the House version of the bill is not.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. I yield myself 30 seconds.

Mr. President, I tell the distinguished Senator from Alaska that I very much agree with him. I thought we should go with the compromise we struck in the appropriations bill last year. The amendment to the Senate Armed Services Committee bill is a desire to compromise and reach a middle ground, and I hoped it would be agreeable with them. Obviously, it is not.

Mr. BREAUX. Mr. President, will the Senator yield?

Mr. JOHNSTON. We have 2 minutes remaining.

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes and 26 seconds.

Who yields time?

Mr. COHEN. Mr. President, as the Senator from Louisiana has characterized it, it is a simple issue.

What has happened, however, is that it has been clouded by the arguments offered by the Senators from Louisiana on the words "other requirements."

As I tried to point out earlier, under the Competition in Contracting Act, which Senator LEVIN and I helped to write, to become part of the law, the Secretary of the Navy, the head of an agency, could limit competition to one sole source for construction of that destroyer if he determined that it was in the public interest to do so. That is what the Competition in Contracting Act allows for—an exemption specifically directed to allow the head of an agency to certify to Congress that, with the interests of the public to be served, there be only one source for that contract.

Here we have the Secretary of the Navy competing—open, full, fair competition.

So, for those who argue that it is not open to competition, it is misleading.

Second, I indicated that I would be happy to strike all the language I constructed in an effort to satisfy the Senator from Louisiana.

As to the provisions that would require the Secretary of the Navy to have more competition unless he certifies that it would result in lower cost, meet the other requirements of the Navy—I offered in the committee to have the GAO make a certification to Congress. But nothing seems enough to satisfy the Senator from Louisiana.

His colleague has indicated that the Navy will save. The Navy has estimated that it will incur additional costs of about $22 million.

The Secretary of the Navy says:

> The current shipbuilding plan provides for three DDG-51's in FY-89, increasing to a level of five per year in subsequent years. Clearly, such a program does not contain sufficient quantities to make it economical to introduce new shipbuilders. Constructing these complex ships requires significant investment on the part of the contractor and the Navy. If future DDG-51 construction levels should rise to seven ships a year, the Navy could then add a third yard.

The Secretary of the Navy acted in behalf of the interests of this country on all the programs the Senator from Louisiana has cited; the Aegis cruiser, the FFG program, the SSN-688, the SSN-21. That has been the policy and practice which has yielded billions of dollars of savings to the American people.

So I urge my colleagues to defeat the amendment of the Senator from Louisiana.

I reserve the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

The Senator from Louisiana has 2 minutes and 16 seconds. The Senator from Maine has 2 minutes and 21 seconds remaining.

Time will be deducted equally against both.

Mr. **JOHNSTON**. Mr. President, I yield to Senator BREAUX.

Mr. **BREAUX**. I thank my senior colleague for yielding me time.

Mr. President, the Johnston amendment is about competition. The Navy is getting ready to consider building 26 additional destroyers. That is what we are talking about. Should we limit the competition to only two shipyards, or should say that any qualified American shipyard that is technically qualified has the right to submit a bid and that the low bidder who can do the job will get the job? That is what the Johnston amendment assures.

The other side says that the Navy has already had competition on the first three. That is the problem this amendment addresses. The way they were handled, particularly the third ship, will cost the American taxpayer almost $28 million for the destroyers' commission.

The third ship bid that was submitted by Bath is almost $28 million more than the previous low bid on the second ship.

The Navy said, "We already had competition." That competition is killing us. That is the kind of competition that causes us to pay hundreds of dollars for hammers and toilet seats. That is what is wrong with the process. That is why the Johnston amendment—if we are concerned about getting the biggest bang for the buck in the Defense Department—is so important. It says that on the next 26 ships, we will have open and full competition.

The Johnston amendment says that if the Navy feels that it is necessary in the future to limit competition, they can do so if it is necessary to meet the costs, the schedule, or the performance requirements of the Navy. Is that not enough for the other shipyards who want to limit competition?

In other words, the Johnston amendment clearly says that if they want to limit competition and it is going to be cost effective or important for the schedule of delivery or for the performance, they can do it. But if it does not give us a better cost bid, if it does not give us a better schedule or does not give us better performance, they cannot do it.

That is all the Johnston amendment does. The Johnston amendment says this nebulous term "or other requirements," whatever they may be, should not be part of the law of the United States.

Vote for the Johnston amendment for competition in this country.

The **PRESIDING OFFICER**. The Senator's time has expired.

Who yields time?

The Senator from Maine has 2 minutes and 15 seconds.

Mr. **COHEN**. Mr. President, I would simply respond, as I indicated before, that if the Senators from Louisiana were only interested in free and open competition, they would have accepted my proposal to strike all the language and just subject the entire bidding process to the Competition in Contracting Act.

They obviously were not interested in doing that and, therefore, are not interested in free and open competition according to that particular law.

I yield the remainder of my time to the Senator from Maine.

The **PRESIDING OFFICER**. The junior Senator from Maine.

Mr. **MITCHELL**. Mr. President, there is a very simple issue here. It is whether naval shipbuilding contracts are to be decided by the Navy under law or to be decided through the political process here on the Senate floor.

The Navy has conducted an open competitive process on this shipbuilding program that is the same as its process followed on the frigate program, the cruiser program, and the 688 class submarine program which saved the taxpayers of this country billions of dollars.

Not once did the Senator from Louisiana protest the use of that competitive process in those programs.

The Navy then initiated in 1985 the same competitive process on the destroyer program. Not once did the Senator from Louisiana protest that process.

Only now, after the yard in Louisiana has lost in that open competition, not once, but twice, only now do they come in and say we want to change the process, we want to change the rules, we want to write into law a process that will get our yard a contract, that they cannot win in the open competitive process. And that is the only issue here.

Are our Navy contracts, our military contracts, going to be decided as a result of the raw political process or are they going to be decided pursuant to law as the Navy has done it?

There has not been a single allegation here that the Competition in Contracting Act has been violated in any way. And it has not. The Navy has adhered to the law. It has saved the taxpayers billions of dollars and now a process which has been used successfully in three other major programs is under challenge here because one yard lost.

This is not a competition amendment. This is a sore loser amendment and if we approve this process then we can expect every losing competitor in a military contract from now on to come into here and ask that the rules be changed so that they can get a contract, and that is the issue before us.

Mr. **HEFLIN**. Mr. President, I rise in strong opposition to the amendment offered by the Senator from Louisiana, Senator JOHNSTON, which, I believe, would place an undue burden on the Navy and unnecessarily micromanage the Navy in procurement of their new destroyer program.

Mr. President, I have, and will remain, an advocate of greater competition within the Defense Department. However, we should not go so far as to unnecessarily micromanage their activities. This amendment would do just that.

The Navy stated and followed through on their acquisition process and already held extensive competition on this program. The Senator from Louisiana is interested in allowing a shipyard from his State to compete in this program. However, the fact is that this shipyard, Avondale, has already competed twice and was not selected by the Navy on both occasions. Mr. President, there is simply no sense in forcing the Navy to go back and allow competition all over again.

The acquisition plan of the Navy for this destroyer program is such that only two shipyards would be included in the building process. In carrying out this process, the Navy held a full free and open competition for a lead shipyard in the program. As a result, a shipyard located in the State of Maine, Bath Iron Works, was selected as the lead shipyard, while the shipyard located in Louisiana was not selected.

Then, Mr. President, the Navy held a second full free and open competition for a follow-on shipyard for the destroyer program. During this second open competition, a shipyard in the State of Mississippi, Ingalls Shipyard, was selected. Again, Mr. President, the Avondale Shipyard was not selected by the Navy.

Now, Mr. President, the Senator from Louisiana wants the Avondale Shipyard to compete again on the program after they have lost twice. As I have said, I am not opposed to free and open competition. However, this amendment, at this point in the program, simply goes too far. Mr. President, we should not bring DOD contractual decisions to the floor of the U.S. Senate.

The Senate Armed Services Committee has already addressed this matter and taken care of it. They have included a provision in the bill which would require the Secretary of the Navy to certify that this is the best and most cost effective way to proceed with this acquisition plan. If the Secretary of the Navy cannot make this certification, the program will go the full and open competition again, and the Avondale Shipyard will get to bid a third time. The committee has also required a GAO report on the matter in order to ensure the cost effectiveness of the plan even further.

The Navy has successfully used this process of lead and follow-on shipyards on three other major surface vessel programs in the past. There is simply no sense in changing this process at this point in the program.

Mr. President, we should not do this here on the floor of the Senate. The Navy has already held two open and fair competitions on this program, and the winners and losers have been selected. The Senate has no business micromanaging this proven and successful competitive process at this stage in the game of this program. At the request of the Senator from Louisiana, the Armed Services Committee has addressed this matter, and we should let that language stand. I urge my colleague to reject this amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. All time has expired.

The Senator from Mississippi.

Mr. STENNIS. Mr. President, on behalf of Senators COCHRAN, COHEN, MITCHELL, and myself, I move to table the amendment of the Senator from Louisiana.

Mr. COCHRAN. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Louisiana.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Massachusetts [Mr. KERRY] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], the Senator from Nebraska [Mr. KARNES], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Vermont [Mr. STAFFORD], the Senator from Wyoming [Mr. WALLOP], and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 24, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—63

Adams
Armstrong
Baucus
Bond
Boschwitz
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Evans
Exon
Ford
Glenn
Graham
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Humphrey
Inouye
Kasten
Kennedy
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Rockefeller
Rudman
Sanford
Sarbanes
Shelby
Simon
Simpson
Specter
Stennis
Stevens
Thurmond
Trible
Warner
Weicker

NAYS—24

Bentsen
Bingaman
Bradley
Breaux
Bumpers
Burdick
Conrad
Dixon
Fowler
Gore
Harkin
Helms
Hollings
Johnston
Lautenberg
McClure
Melcher
Murkowski
Nickles
Riegle
Roth
Sasser
Symms
Wirth

NOT VOTING—13

Biden
Boren
Domenici
Durenberger
Garn
Gramm
Karnes
Kassebaum
Kerry
Metzenbaum
Stafford
Wallop
Wilson

So the motion to lay on the table amendment No. 2082 was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2083

(Purpose: To encourage the United States to conduct the overdue 5 year review of the ABM Treaty)

Mr. HELMS. Mr. President, I thank the Chair. I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2083.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the pending amendment the following new section:

SEC. . (a) FINDINGS. Sense of the Congress on the Five-Year ABM Treaty Review:

(1) The Senate finds that the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, with Associated Protocol, (hereinafter the "ABM Treaty" or the "Treaty") in its Article XIV, Paragraph 2, reads as follows: "Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty."

(2) The Senate further finds that such Treaty entered into force on October 3, 1972, and that the third five-year anniversary date specified by Article XIV, Paragraph 2, for the conduct of the review contemplated therein was October 3, 1987.

(3) The Senate further finds that, as a principle of the canons of legal construction, a specified number of years after a specific and determinable date means the specified anniversary of such date and therefore that the third five-year review of the ABM

Treaty should have begun on or about October 3, 1987.

(4) The Senate finally finds that the Parties to the Treaty have not met as required by Article XIV, Paragraph 2, because the United States of America refused to meet on the date required to wit October 3, 1987, and that the United States, seven months later, still refuses to propose a date for this meeting.

(b) SENSE OF CONGRESS. Taking account of the findings of this Section, it is the sense of the Congress that the President should without any further delay propose an early date to conduct the overdue five-year review of the ABM Treaty and immediately thereafter inform the Congress of the results of that review.

Mr. HELMS. Mr. President, this amendment has been examined by both sides and approved by both sides, as I understand it, so we will make haste.

It is an important amendment. I will not require a rollcall vote on it because I think most Senators, if not all, would vote for it in any event. But let me explain the amendment briefly and then we shall see.

Mr. President, a number of months ago our distinguished colleague, the Senator from Arkansas, Senator BUMPERS, alluded during Senate debate a possible American violation of the ABM Treaty.

At that time, I asked the distinguished Senator to specify the violation he had in mind. He did not identify any such violation, and we did not pursue the matter.

Now, however, I find myself concurring with the view of the distinguished Senator that the United States has engaged in a violation of the ABM Treaty. Let me say quickly I think it is not what the Senator had in mind as a violation, if it is a violation, but we would have to speak to that.

In any event, article XIV, paragraph 2 of the ABM Treaty reads as follows—and the actual text is important because without understanding what it actually says some Senators may be misled by the glib arguments and obfuscations of the State Department lawyers—the provision precisely reads, "Five years after entry into force of this treaty, and at five-year intervals thereafter, the parties shall together conduct a review of this treaty."

Mr. President, the term "entry into force of this treaty" is a legal specification of a date certain. The Joint Commitee print entitled "Legislation on Foreign Relations" on page 69 states categorically that the ABM Treaty—and I quote—"Entered into force on October 3, 1972."

It follows, at least—as Sam Ervin used to say—at least to those who are able to read and understand the English language, that "five years after" October 3, 1972, is October 3, 1977, and that the date of two 5-year intervals after that date is October 3, 1987. Any other interpretation is contray to the plain meaning of the English words used.

In English, a year is the length of time it takes the Earth to orbit the Sun. In practical usage, it is either 365 days or 366 days in a leap year. Either way, it is precise and definite.

Perhaps the Russian version of a year is different, but I doubt it, and regardless we are, according to the rules and procedures of the Senate, bound by the English version. And the English version is unambiguous.

So, Mr. President, the point is this: On October 3, 1987, the parties did not conduct a review of the ABM Treaty, nor did they begin such review, nor did they even set a date for beginning such a review. So Senator BUMPERS was right. The United States violated the ABM Treaty, in my view.

They did none of those things, Mr. President, because the United States—the United States, not Russia—did not wished to do so. Some may believe that the United States wished to avoid this meeting because the administration would have been required to protest at least one material breach of the ABM Treaty by Russia. Some may believe that the administration may have not wished to discuss a material breach of one treaty amid the then ongoing public relations hype of the proposed INF Treaty.

In any case, Mr. President, the treaty said what it said. It said it in plain English. The United Staes of America is in violation of the treaty for not having conducted this review and I think it is high time that we corrected this defect and that is the purpose of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I find myself agreeing virtually completely with the Senator from North Carolina on this one. I think he has said it very well. I believe it was originally back on March 2 of this year, and he expressed these sentiments again this morning, that "Treaties are to be interpreted in an interpretation that is in accord with the plain meaning of the English language." And I agree with him. He is exactly right.

The Senator also said that: "Sometimes Senators understandably might be misled by the glib arguments and obfuscation of the State Department lawyers." I agree with that completely. I have had a few differences with them myself on what I felt was the plain English language of a treaty.

I think the Senator also says, and I agree with him completely, that "I refuse to be a yes-man to the U.S. State Department when they start playing fun and games with what a treaty says and what it means."

So in all of those statements the Senator and I are in complete accord. And I do agree with the Senator that "5-year intervals" means 5-year intervals. According to my calculations that would be October 3, 1987.

I guess the Senator might agree, it is as if you got home one day, it was your anniversary, and you forgot it. A day or two goes by and your wife says: "Well, I am wondering how long it is going to take you to remember our anniversary. It was on Sunday."

You say: "But, dear, anniversaries mean you can acknowledge it any time within the year following that date. Why should you be angry?" That is about where we are on this. October 3, 1987, means October 3, 1987. At least the parties should have started reviewing it then.

Mr. HELMS. Exactly.

Mr. NUNN. I agree with the Senator, and I think he is absolutely right. The problem is, this may be a little thing to some of the people in the State Department, or it may be a big thing. I am not sure. They think ignoring certain provisions for convenience sake may be a little thing.

I think when you start down that path, whether it is on a violation by the Soviet Union or whether it be obfuscation by the United States of a legal point, when you start down that path, there is no place to draw a line.

So I think the Senator is totally correct, and I urge our colleagues to adopt the amendment as written.

The Senator worked with our staff in working out certain language that would have related to the INF Treaty. That has been deleted, as I understand it. So we now have it clearly directed to the ABM Treaty and the anniversary date; is that correct?

Mr. HELMS. Correct.

Mr. NUNN. I urge the Senate adopt the amendment of the Senator from North Carolina as it has been submitted, which takes out all reference to the INF Treaty.

Mr. HELMS. Will the Senator yield for one observation?

Mr. NUNN. Yes.

Mr. HELMS. I cannot speak for the lovely Colleen Nunn, but I know that Dot Helms would not permit such interpretation of an anniversary as the State Department has apparently interpreted this one.

Mr. NUNN. I think Dot and Colleen would understand obfuscation when they ran into it. Occasionally I tried, but I very seldom succeeded.

Mr. HELMS. I thank the Senator.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I opposed the Helms amendment as offered but support the amendment.

I believe the administration should begin the ABM Treaty review conference in the near future. If the conference were to occur in late summer or early fall, that would seem to be acceptable.

In that connection, I would point out that the Director of the Arms Control and Disarmament Agency, General Burns, has told the Foreign Relations Committee that he anticipates that the review will be held in late summer or early fall.

I do not believe that the parties were obligated to conduct the ABM Treaty review conference on October 3, 1987. As General Burns told the Committee, "the United States and the Soviet Union have until October 2, 1988 to accomplish the ABM Treaty Review." General Burns also pointed out, "The United States has consistently taken the position that 5-year review conferences must be initiated, but need not be completed, within the year following the date of the 5-year anniversary."

Mr. President, I ask unanimous consent that the responses of General Burns to the Foreign Relations Committee be inserted in the Record.

There being no objection, the responses were ordered to be printed in the Record, as follows:

5.Q. Why has there been no ABM Treaty Review this five year anniversary when past practice was to do it close to the anniversary?

A. Under the Treaty, the United States and the Soviet Union have until October 2, 1988 to accomplish the ABM Treaty Review. The Treaty Review, however, is but one of a number of fora for discussing ABM Treaty related issues. Besides the two sessions each year of the SCC, one of which is going on at this time in Geneva, issues related to the ABM Treaty, including Soviet compliance, are being extensively discussed in the NST negotiations as well as other diplomatic channels. In view of this related activity, I anticipate the Review will be held in late summer or early fall so as to take advantage of the outcome of these discussions. The forum and the agenda for the Review will be decided on that basis, as well.

6.Q. What is ACDA's view of the Helms ABM Treaty Review Amendment proposed and subsequently withdrawn from the Intelligence Oversight Bill?

A. The United States is in full compliance with the ABM Treaty. Paragraph 2 of Article XIV says that "Five years after the entry into force of this Treaty, and at five year intervals thereafter, the Parties shall together conduct a review of this Treaty." This provision is similar, but not identical, to provisions in other arms control treaties that have five-year review conferences, including Article VIII of the Non-Proliferation Treaty, Article VII of the Seabed Arms Control Treaty (which requires only a single five-year review), Article XII of the Biological Weapons Convention (which requires only a single five-year review), and Article VIII of the Environmental Modification Convention. Since the Parties cannot be expected to conduct their reviews exactly upon the five-year anniversaries, the question has risen in the past as to when a conference must be initiated if the Parties are to be in compliance with a review conference provision. The United States has consistently taken the position that five-year review conferences must be initiated, but need not be completed, within the year following the date of the five-year anniversary. This is because, where the provisions do not set a more precise date, the Parties will be in compliance as long as the period does not extend to becoming a six-year period. For example, the second NPT five-year review conference was initiated in August 1980, and the third NPT five-year review conference was initiated in September 1985, which were five months and six months, respectively, after the March 5 anniversary date.

NEW AND CONCLUSIVE EVIDENCE OF SOVIET NATIONWIDE ABM BREAKOUT

Mr. SYMMS. Mr. President, there is now conclusive, clearcut evidence that the Soviet Union has broken out of the ABM Treaty by deploying the prohibited base for an illegal nationwide ABM defense.

In late 1981, our distinguished colleague Senator David Boren, who is now the chairman of the Senate Select Committee on Intelligence, stated that the Soviets were:

> Testing . . . air defense radars and missiles in an ABM mode, providing the breakout potential for a nationwide ABM defense . . . [and] building new large ABM battle-management radars and a rapidly deployable new ABM system, adding further to a nationwide ABM breakout potential.

Senator Boren was absolutely right in 1981 to predict Soviet ABM breakout, and he is absolutely right to be even more worried about Soviet nationwide ABM breakout today.

President Reagan himself stated on October 13, 1985, that: "For some years now we have been aware that the Soviets have been developing a nationwide defense" in violation of the ABM Treaty. President Reagan was correct.

As recently as March 14, 1988, President Reagan stated: "The Soviets may be preparing a nationwide ABM defense of their territory. In other words, they may be preparing to break out of the ABM Treaty." Again, President Reagan was correct.

The CIA made the same correct prediction in a declassified national intelligence estimate on June 26, 1985:

> The Soviets will significantly improve the capabilities of their strategic defenses [by the early 1990s.] We are particularly concerned that the Soviets' continuing development efforts give them the potential for widespread ABM deployments. The Soviets have the major components for an ABM system that could be used for widespread ABM deployments well in excess of ABM Treaty limits. The components include radars, and aboveground launcher, and the high acceleration missile that will be deployed around Moscow. The potential exists for the production lines associated with the upgrade of the Moscow ABM system to be used to support a widespread deployment.

Mr. Frank Gaffney, until last November the Assistant Secretary of Defense Designate for International Security Policy, stated recently that the evidence "is conclusive that the Soviets are now breaking out of the ABM Treaty." He added that "the evidence is mounting daily." Mr. Gaffney is also correct.

SUMMARY

Here is a summary of why Senator Boren's, President Reagan's, Mr. Gaffney's, and CIA's estimates are all coming true. The Soviet ABM breakout is in addition to the confirmed Krasnoyarsk and Gomel radar clearcut violations of the ABM Treaty.

The Administration has made a new assessment that each of the now 10 Large Phased Array Radars (LPARs) in the Krasnoyarsk-Pechora-Sevastopol Class should be considered to be violations of the Treaty, because each is an ABM Battle Management radar. As such, these radars can only be legally located at Moscow or Sary Shagan. This is evidence that 9 of the 10 LPARs, all but the Sary Shagan LPAR, are each illegal ABM Battle Management radars.

Secondly and even more significantly, the Sary Shagan LPAR is an ABM Battle Management radar. While the Sary Shagan ABM LPAR is itself legally sited, the implication of this new conclusion is that 5 other LPARs which are identical to it clearly must also be categorized as ABM Battle Management radars.

Thus two bodies of evidence—the inherent ABM Battle Management capabilities of the 10 LPARs themselves, and the configuration of 5 as identical to the confirmed Sary Shagan ABM Battle Management radar—point to the conclusion that 9 of the 10 LPARs are illegal ABM Battle Management radars. Morever, all 10 are internetted and form the prohibited integrated base for an illegal nationwide ABM defense. Thus even the Sary Shagan ABM LPAR is illegal because it is part of an illegal integrated network forming the prohibited base for a prohibited nationwide ABM defense. This is conclusive evidence of Soviet nationwide ABM defense breakout.

In sum, the 10 LPARs now nearing completion form a prohibited base for an illegal nationwide ABM defense, in clear violation of the fundamental provision of the Treaty. There are already 31 large ABM radars, 4,500 Soviet ABM-capable interceptors deployed, together with 7,000 small engagement radars, and the Soviets are already reportedly mass producing 3,000 mobile ABM interceptors.

Finally, the required third five year review of the ABM Treaty is now over seven months overdue, and must be conducted as soon as possible. The main reason that the State Department has delayed conducting this legally required third five year review is that it would finally force the U.S. directly and formally to confront the Soviets on their breakout violations. The multiple Soviet ABM breakout violations are "material breaches" of the Treaty under international law. The U.S. has only two main options in this third required five year review—either to withdraw from the Treaty and take proportionate responses, or cover-up and condone the conclusive Soviet break out violations.

SHOULD THE U.S. WITHDRAW FROM THE ABM TREATY?

On September 12, 1987, President Reagan himself argued publicly that because of confirmed, conclusive Soviet "breakout" violations of the ABM Treaty:

"We should look realistically" at whether the U.S. should withdraw from the ABM Treaty.

President Reagan added, however, that additional Soviet ABM violations make the Soviets "much more prepared to take advantage" of withdrawal than we are.

It is true that the Soviets are more prepared to take advantage of abrogation of the ABM Treaty, but this is merely because they have already abrogated it by breaking out of the treaty. The problem is not Soviet withdrawal from the ABM Treaty—it is Soviet breakout into a prohibited nationwide ABM defense, while the United States remains in full compliance even with its own even more restrictive "narrow" interpretation of the ABM Treaty. The United States is totally unprepared for a Soviet ABM breakout. This United States unpreparedness for Soviet ABM breakout does not reflect well upon the realism and effectiveness of American defense planning.

The Joint Chiefs of Staff reportedly believe that as bad as the clearcut Soviet breakout violations of the ABM Treaty are for American national security, the United States must not only remain within the treaty, but the United States must also remain within its own unilateral "narrow" interpretation of the ABM Treaty. This JCS judgment is based on the thin hope that somehow the ABM Treaty restrains, albeit even only slightly, Soviet nationwide ABM defenses. But if the ABM Treaty restrains only American defense and not Soviet, then the ABM Treaty may be contrary to fundamental United States national security interests. United States reluctance to withdraw from the ABM Treaty in response to Soviet breakout violations can only be described as appeasement.

KENNEDY-KHRUSHCHEV AGREEMENT ALSO DOES NOT CONSTRAIN THE SOVIETS

Agreements that the Soviets are not complying with simply do not contribute to American national security.

The Secretary of State similarly reassured the Senate in 1983 regarding the Kennedy-Khrushchev agreement. Secretary Shultz stated that while the Kennedy-Khrushchev agreement was difficult to enforce, depending as it does on demonstrating American political will to enforce the Monroe Doctrine, the agreement was better than nothing because the Soviets would be prevented from increasing the number of their Mig-23 nuclear-delivery-capable fighter-bombers in Cuba.

But since the Secretary made this statement, the number of Soviet Mig-23's in Cuba has doubled, from 36 Mig-23's to over 55, in further violation of the Kennedy-Khrushchev agreement.

Likewise, given proof of the Soviet exploitation of the American lack of political will to enforce the Kennedy-Khrushchev agreement, we should not be deluded into believing that the ABM Treaty will restrain Soviet nationwide ABM defenses.

SOVIET NUCLEAR BLACKMAIL AND AMERICAN APPEASEMENT

Most ominously, President Reagan stated on March 18, 1985, that:

> They [the Soviets] already outnumber us greatly in offensive weapons, and if they alone developed a defensive weapon before us, then they wouldn't have to worry about our deterrent—a retaliatory strike. Then they could issue an ultimatum to the world.

But the Soviets alone are now close to having a nationwide ABM defense operational. Must we wait for their ultimatum, or are we already seeing the diplomatic effects of Soviet nuclear blackmail in unequal arms control and other international security agreements in Afghanistan and Nicaragua?

In addition, it is shameful that top American leaders are saying privately that America is not in the political mood to penalize the Soviets for their arms control treaty violations. Some top American leaders are actually disgracefully conceding that America lacks the political will to deter the Soviets from their ongoing military buildup in violation of all SALT treaties or from their aggressive foreign policy. These leaders are saying that we do not have the political will to do what we need to do in our own defense; they are in effect saying that American appeasement is our only alternative for dealing with relentlessly increasing Soviet power.

SIGNIFICANCE OF NEW ASSESSMENTS OF SOVIET ABM RADARS

The Senate should be informed of some new administration assessments pointing to new Soviet nationwide ABM breakout violations of the ABM Treaty. These assessments are all unclassified, and they are new—they have just been received from the administration.

The new assessments demonstrate clearly that the administration has concluded that each of the 10 Pechora-Krasnoyarsk-Sevastopol class radars is itself an ABM battle management radar, and thus each of the 10 radars itself is a separate violation of the ABM Treaty. Moreover, the new assessments mean that the Soviets have established an illegal base for a prohibited nationwide ABM defense. These new assessments in turn provide conclusive evidence that the Soviets have broken out of the ABM Treaty by deploying the base for a nationwide ABM defense, as well as the nationwide defense itself.

The question of Soviet ABM breakout is not whether, but when. And the when is—now. According to a carefully researched book, published in 1986 by the authoritative Mr. Bill Lee, of the Defense Intelligence Agency:

> [The Soviet air, space, and ABM defense organization] PVO also developed the flat twin transportable missile-engagement radar designed for use in conjunction with the Pechora-class radars and with the SH-8 high acceleration interceptor. . . . The new Moscow ABM defenses and the second generation of large phased array radars will probably be completed during the period 1986-1988. The Soviets would then appear to be in an excellent position to break out of the ABM Treaty by deploying their ABM-X-3 system. Completion of the Moscow defenses will require that most, or perhaps all, of the major components already be in series production. . . . Past testing of SAMs in an ABM environment, and the ABM potential of the new SA-X-12, heighten concerns of a Soviet breakout . . . these [Pechora class] battle-management radars make possible some degree of national ABM defenses as the SA-10 and SA-X-12 systems are deployed, because both of them "have capabilities to intercept some types of U.S. ballistic strategic missile RVs" . . . by about the time PVO deploys large numbers of its new SAMs in the mid-1980s, the USSR will probably have the capability to install the kind of ABM defenses the U.S. started to deploy in the late 1960s. . . . There are many indications that the Soviets will break out before the end of the 1980's. . . . The USSR already has high-acceleration, low-altitude interceptor technology, small phased array radar and computer technology that is comparable to or better than similar U.S. technology of a decade ago. . . . The Soviets will soon have sufficiently large ABM battle-management radars in operation to make nationwide deployments a reality. . . . Recent intelligence assessments of ABM capabilities for the SA-10 and the SA-X-12 also could mean that nationwide deployment of at least limited ABM defenses may be underway . . . [everything indicates that the Soviets] are following a breakout scenario.

Moreover, according to press reports, the CIA has stated:

> The Soviets have developed all the required components for an ABM system that would be deployed not only to augment the defenses around Moscow, but also for widespread deployments beyond Moscow in excess of ABM Treaty limits. These components include the Flat Twin engagement radar, the Pawn Shop guidance radar, and an aboveground launcher for the Gazelle SH-08 interceptor. As compared with a silo-based version, a site for the mobile SH-08 could be deployed relatively rapidly, in months rather than years. These components have not been tested together since 1984, but the 1984 full system test of the Gazelle with the Flat Twin represents the culmination of the final phase of testing, and the Soviets are still emphasizing a deployment option for the Gazelle and Flat Twin. Nationwide breakout technically could begin at any time if the Soviets had made the decision and started preparations 1 year or 2 ago. The major components of a rapidly deployable ABM system continue to be operated at the test facility at Sary Shagan and major successful testing integrating Gazelle and its Flat Twin radar was conducted in 1984. The full-system has completed testing, including full system testing against live targets, and this indicates that the system is available for deployment. The Soviets would almost certainly take steps to deploy their own ABM system in the 1990s if the U.S. was proceeding with SDI, using SH-08/Flat Twin or new and modified components.

The ABM-capable SAM-12B system is reportedly about to be deployed. The Soviets reportedly now have several ABM breakout options for deployment of mobile SH-04 and SH-08 interceptors that can be taken "off the shelf," which means these interceptors may already have been produced. SH-08's may have already been covertly deployed. According to recent press reports, the floor space of the plant manufacturing the SH-08 has doubled in size, despite the completion of the required interceptors for the legal Moscow ABM system. This doubling of floor space suggests series production of large numbers of SH-08 interceptors for nationwide deployment—reportedly 3,000.

There are already 2,500 SAM-5 ABM-capable interceptors deployed nationwide, together with 2,000 SAM-10 ABM-capable interceptors. There are about 7,000 small ABM-capable engagement radars associated with these two systems. There are 31 Soviet large ABM radars. Given the near completion of the long-leadtime LPAR network, lack of evidence of SH-08 ABM interceptor deployment to go with the network could itself be evidence of covert interceptor deployment.

The SH-04, SH-08, SH-11, SAM-5, SAM-10, and SAM-12B interceptors are reportedly all believed to be equipped with the low yield nuclear warheads required for ABM usage.

There are also press reports that ABM point defenses are being constructed at deep underground command and control bunkers and other widely scattered strategic sites around the U.S.S.R.

Indeed, we should be deeply worried that because the long-leadtime component of a nationwide ABM defense—the LPAR network—is almost completed, other already produced but covertly deployed ABM interceptors that go with these LPAR's probably already exist, but they are not detected. Given also the high degree of Soviet efforts at data denial, indeed, we should assume that other undetected interceptors are already produced and are deployed covertly nationwide.

But as shall be seen, there is also much other additional new unclassified evidence of a Soviet nationwide ABM defense breakout. There are now two Soviet "material breach" violations of the ABM Treaty confirmed by conclusive intelligence evidence, Soviet admission, and by the President and the Congress. Both of these confirmed Soviet "material breaches" of the ABM Treaty help provide an illegal base for a Soviet nationwide ABM defense, which is prohibited by the ABM Treaty. Together, these two violations themselves constitute Soviet nationwide ABM breakout, especially when combined with many other bodies of evidence of Soviet ABM breakout with covert interceptor missile deployments.

In sum, the Soviets have not been prevented by the ABM Treaty from constructing the illegal base for an illegal nationwide ABM defense. They are constructing a nationwide ABM defense itself, in full-scale breakout.

Beyond many other bodies of evidence of Soviet nationwide ABM breakout, we will review first all the unclassified evidence of Soviet nationwide ABM breakout.

NEW ADMINISTRATION NATIONWIDE ABM BREAKOUT ASSESSMENTS

The administration has recently provided to the Senate the following new unclassified judgments:

> 1. All LPARs (Large Phased Array Radars), such as the Pechora-Krasnoyarsk class radars, . . . also have the inherent capability . . . of contributing to ABM battle management. Taken together, the Pechora-Krasnoyarsk class radars and other Soviet ABM-related activities give us concern that the Soviet Union may be preparing an ABM defense of its national territory.

This administration assessment means that each of the 10 LPAR's must be considered an ABM battle management radar, just as the Joint Chiefs of Staff stated in 1980, and thus each radar is a separate, distinct violation of the AMB Treaty. CIA also has stated publicly that:

> These radars will be technically capable of providing battle management support to a widespread ABM system.

> 2. LPARs have always been considered to be the long lead-time elements of a possible territorial defense. A standard role for the Pechora class LPARs is acquisition of attack characterization data that could aid in planning the battle for Soviet defensive forces and deciding timely offensive responses . . . Thus, LPARs also have the inherent capability of contributing to ABM battle management.

Here again, each of the 10 LPAR's must be considered to be an ABM battle management radar, and therefore separate violations of the ABM Treaty.

> 3. The Pechora-Krasnoyarsk class radars are the world's most powerful radars.

These 10 radars are each reportedly many times more powerful than each of the 12 U.S. ABM radars planned in 1972. Clearly, this high power gives them ABM battle management capabilities.

> 4. The Pechora-Krasnoyarsk class radars can track large numbers of objects very accurately, and the data from these radars can be used for any number of purposes to include early warning, attack assessments, battle management, and other kinds of ABM-related functions.

This, too, is further evidence that each of the 10 LPAR's are ABM battle management radars.

> 5. The redundant, overlapping, internetted coverage that the Pechora-Krasnoyarsk class radars provide by virtue of the size and the phased array nature of the radars is much better than you need for early warning.

This finally is further evidence that each of the 10 LPAR's are intended for ABM battle management.

> 6. Even radars in the Moscow area that are acknowledged by the Soviets to be ABM radars are not hardened.

This statement is evidence, therefore, that LPAR's need not be hardened in order to be for ABM battle management. And finally:

> 7. "The introduction of Soviet mobile ICBMs certainly complicates the dividing line between the allowed Soviet National Command Authority defense, and a prohibited ICBM defense.

This means that all Soviet SS-14 and SS-15 mobile ICBM's deployed near Moscow can be defended by the Moscow ABM system. In addition, a large proportion of Soviet fixed, MIRV'd ICBM silos are located near Moscow, also within range of the Moscow ABM defenses. Indeed, probably about 30 percent of the Soviet ICBM force can be defended by the Moscow ABM.

In sum, the following conclusions can be drawn, based upon the new administration assessments:

First, the internetted, integrated network of 10 Pechora-Krasnoyarsk-Sevastopol class LPAR's indeed does contribute key capabilities useful for a base for a nationwide ABM defense. In fact, the entire 10 LPAR network clearly constitutes a prohibited integrated base for an illegal nationwide ABM defense.

Second, the Krasnoyarsk radar's siting is ideal for enabling it to provide accurate RV impact predictions for nearly ICBM fields. This siting is thus ideal for battle management.

Third, given this ideal siting for ABM battle management for the Krasnoyarsk radar, this siting is therefore further evidence that the Krasnoyarsk radar is an ABM battle management radar. The nine other LPAR's are all very similar to Krasnoyarsk, and Krasnoyarsk is a battle management radar.

Fourth, the similarity of each of the other 9 LPAR's to the Krasnoyarsk ABM battle management radar means that in fact all 10 LPAR's are ABM battle management radars.

Fifth, in addition to the entire LPAR network being violation of the ABM Treaty by being the prohibited base for a nationwide ABM defense, each individual LPAR is a violation because it is internetted with the others and therefore is an ABM battle management radar.

Sixth, U.S. intelligence should therefore expect to detect other ABM interceptors near Krasnoyarsk, which would be positioned to receive handoff data from Krasnoyarsk for their engagement radars. We should also expect to detect interceptors near all the others, and nationwide. Indeed, there are already many ABM-capable SAM-5's and SAM-10's deployed near

Krasnoyarsk. And Krasnoyarsk is located optimally for defense of another 30 percent of the Soviet ICBM forces. Thus the Moscow and Krasnoyarsk ABM systems themselves can probably defend over 60 percent of the Soviet ICBM force.

Seventh, given the evidence that the network of 10 LPAR's is a base for a nationwide ABM defense, and given the further evidence that each of the 10 LPAR's is an ABM battle management radar, it would be prudent for U.S. intelligence to predict covert deployment of other ABM interceptors nationwide. The evidence of an LPAR network base for nationwide ABM defense, the long-leadtime component, together with 10 individual ABM battle management radars, indicates clearly that the Soviets are breaking out of the ABM Treaty. Indeed, there are already about 4,500 ABM-capable SAM-5's and SAM-10's deployed nationwide. Moreover, thousands of ABM-capable SAM-12B's are reportedly now being mass produced, and over 3,000 SH-08 ABM interceptors are reportedly planned and already in series production at a plant that has recently doubled in size.

CORRECT CATEGORIZATION OF SARY SHAGAN LPAR—EITHER CONFIRMATION OF NATIONWIDE ABM DEFENSE BREAK OUT OR ANOTHER KRASNOYARSK SMOKING GUN

The correct categorization of the Pechora-Krasnoyarsk-Sevastopol class LPAR at Sary Shagan is the final key piece of evidence of the Soviet break out into a nationwide defense.

The President has reported that the Krasnoyarsk LPAR was identical to the Sary Shagan LPAR, but the President added incorrectly that the Sary Shagan LPAR was exempted from the requirements of article VI constraining early warning radar location because it was located at a test range. Article VI states that each party undertakes "not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward."

But article IV is the provision on test range exemptions, and article IV states:

> The limitations provided for in article III [i.e. on allowed ABM deployments] shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges . . .

This means that test ranges are exempted from constraints only on ABM radar deployments, but test ranges are clearly not exempted from the restrictions on early warning radars embodied in article VI. Therefore, if an LPAR is at a test range, it can legally be only one thing—it can only be an ABM battle management radar. If it is an ABM battle management radar, it is exempted by article IV's test range exemption, but only from the restrictions on ABM deployments in article III.

As noted, the President reported to Congress on January 23, 1984, that the Sary Shagan LPAR was an early warning radar. The President incorrectly reported further that an early warning radar could be located at a test range, thus exempting it from the requirements of article VI on early warning radars. But the only exemption for radars at test ranges, however, pertain to article III limitations.

In sum, the LPAR at Sary Shagan is either an ABM battle management radar, in which case it is legal if located at Sary Shagan under the article IV test range exemption, or it is an early warning radar. Five of the other LPAR's are identical to the Sary Shagan LPAR, so if it is an ABM battle management radar, so are all five of the others. If, on the other hand, it is an early warning radar, it can not be located at a test range, and further, it must be on the periphery and oriented outward. But the Sary Shagan LPAR is several hundred kilometers into the interior of the U.S.S.R., and further, it is oriented obliquely across the further interior of the U.S.S.R. in the direction of the Indian Ocean.

Thus there are only two choices on how to categorize the Sary Shagan LPAR correctly—either it is itself a legally located ABM battle management radar at a test range, but it is identical to 5 of the other 10 LPAR's, each of which also must be considered to be ABM battle management radars, and they therefore constitute an illegal base for an illegal nationwide ABM defense. And since the Sary Shagan ABM radar is an integral part of the prohibited base for the illegal nationwide ABM defense, it too would be illegal. Or alternatively, the Sary Shagan LPAR is an early warning radar, and as such it must be on the periphery and oriented outward, according to article VI. But it is not, so it must be regarded as another Krasnoyarsk, clear-out violation.

In either case, the Sary Shagan LPAR's correct categorization increases the evidence that the Soviet's are breaking out of the ABM Treaty.

The strongest evidence supports the conclusion that the Sary Shagan LPAR is an ABM battle management radar, and that it and the other five LPAR's identical to it form the illegal base for a prohibited nationwide AMB defense.

OTHER EVIDENCE OF SOVIET NATIONWIDE ABM DEFENSE BREAKOUT

It is important to emphasize a very important judgment made in President Reagan's December 1, 1987, seventh report to Congress on Soviet SALT violations:

> "In no case where we determined that the Soviet Union was in violation of SALT I and SALT II did the Soviets take corrective action."

This means that the Soviets have not corrected any of their ABM Treaty violations. Indeed, there is an expanding pattern of Soviet ABM Treaty violations.

The Soviet Krasnoyarsk radar is a clear violation of the ABM Treaty, which the President has reported is "based on conclusive evidence." Moreover, in diplomatic channels, the Soviets have conceded that the Pechora radar is an early warning radar, and this radar is identical to the Krasnoyarsk radar. The Soviet claim that Krasnoyarsk is a space-tracking radar is contradicted by these facts.

Thus the Soviets have in effect admitted in diplomatic channels that Krasnoyarsk is a violation.

The CIA has also recently provided the following declassified additional judgment:

> The United States is aware that, over the last several years, Soviet officials have indicated that the Krasnoyarsk radar is a violation of the ABM Treaty.

This means that the Soviets have admitted privately to themselves that Krasnoyarsk is a violation. Soviet scientists are also privately admitting that Krasnoyarsk is a violation, according to open testimony from expert witnesses before the Senate Committee on Foreign Relations. There are press reports of Soviet admissions that Soviet Defense Minister Dimitri Ustinov deliberately planned the Krasnoyarsk radar violation in 1972, precisely when the SALT I ABM Treaty was signed, and when Ustinov was Party Secretary and Politburo member in charge of the defense industries. This further evidence confirms that the Soviet leaders knew from the early 1970's, when they first planned its construction, that Krasnoyarsk was a clear violation. Thus there is now clear-cut evidence that the Soviet leadership signed the ABM Treaty full intending at the outset to violate it—the Soviets have publicly admitted this themselves.

During 1987, both the Senate and the House of Representatives voted overwhelmingly in agreement with the President that the Krasnoyarsk radar was a clear violation of the ABM Treaty. On May 7, 1987, the House voted unanimously, 418 to 0. The Senate voted overwhelmingly, 93 to 5, in September 1987, and on February 23, 1987, the Senate also voted 93 to 2 that the Krasnoyarsk radar was an important obstacle to the advice and consent of two thirds of the Senate to the ratification of the proposed INF Treaty. Krasnoyarsk thus constitutes a material breach of the ABM Treaty.

Moreover, in his December report President Reagan referred for the first time to "the new violation in the deployment of the Flat Twin and Pawn

Shop observed at Gomel." The President added that:

> The U.S. Government finds that the USSR's activities with respect to moving a Flat Twin ABM radar and a Pawn Shop van, a component of an ABM system, from a test range and initiating deployment at a location [i.e. Gomel] outside of an ABM deployment area or ABM test range constitutes a violation of the ABM Treaty . . . This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

The Soviets have admitted in diplomatic channels that precisely the very same Flat Twin/Pawn Shop radars now deployed at Gomel are ABM radars. They have admitted further that if such ABM radars were ever located outside a test range or the allowed Moscow deployment area, this deployment would constitute a prohibited base for a prohibited nationwide ABM defense, thereby violating the most important provision of the ABM Treaty, article I. But more recently, the Soviets have even lied to the United States about their Gomel ABM violations, now claiming falsely that this activity is not a violation. Moreover, the Soviets have recently falsely claimed that the Flat Twin/Pawn Shop ABM radars were sent to Gomel to be dismantled, when the United States knows that this was not accurate. Gomel thus also constitutes a material breach.

There is other strong evidence that the Soviets are deploying a nationwide ABM defense, which violates the ABM Treaty's ban on developing even a base for a nationwide ABM defense.

President Reagan also stated that over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 surface-to-air missiles and radars are "highly probable" violations of the ABM Treaty. In fact, he added that: "In recent years, we have gathered an increased amount of evidence" on Soviet ABM-mode tests of SAM systems.

Indeed, two top Soviet officials have actually admitted that the Soviet SAM-5/10/12 were originally designed to have ABM capabilities.

The Soviets have already deployed over 2,500 SAM-5 ABM-capable engagement radars nationwide, and over 2,500 SAM-5 ABM-capable interceptors, 2,000 to 4,000 SAM-10 ABM-capable interceptors, and about 1,000 SAM-12A interceptors, plus reportedly about 500 SH-08 mobile ABM interceptors—with 3,000 planned, and already in series production.

The President has reported further that the mobility of the Soviet ABM-3 system is a violation of the ABM Treaty's prohibition on mobile ABM's. The Soviets reportedly are now mass producing the mobile ABM-3 system—SH-04 and SH-08 interceptors and Flat Twin radars—for rapid nationwide deployment.

The Soviet rapid reload capability for ABM launchers is a serious cause for concern. The State and Defense Departments state that the Soviets "may" have a prohibited rapidly reloadable ABM system.

President Reagan said in December:

> The U.S. Government reaffirms the judgment of the March 1987 Report that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., LPAR radar construction, concurrent SAM-ABM mode testing, SAM upgrade, ABM rapid reload, ABM mobility, and deployment of ABM components to Gomel) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues . . . The redundancy in coverage provided by these new radars [the 10 Pechora-Krasnoyarsk-Sevastopol Class radars] and the disposition of these radars closely resembles the design of the U.S. Safeguard ABM program.

The U.S. Safeguard Program was designed to be a 12-site, nationwide ABM system.

Reportedly, radar internetting, calibration, and "hand-off" exercises have already been detected between some of the LPAR's, the Moscow Pill Box, and the smaller ABM-capable engagement radars. The internetting of ABM-capable SAM radars with LPAR's obviates the search for incoming RV's by smaller engagement radars. Indeed, Soviet writings have discussed the integration and internetting of ABM and ABM-capable SAM radar systems, including hand-off operations.

The Secretary of Defense testified to the Senate in 1985 that the "Soviets have some nationwide ABM capability" already. In his December 1985 report to Congress on Soviet SALT violations, President Reagan has also stated that a unilateral Soviet ABM defense:

> Would have profound implications for the vital East-West balance. A unilaterial Soviet territorial ABM capability acquired in violation of the ABM Treaty could erode our deterrent and leave doubts about its credibility.

Finally, the CIA has recently declassified the following important statement:

> In totality, these Soviet ABM activities provide a strong basis for concern that the USSR might have an integrated plan for an ABM defense of its national territory, and might be working toward it.

Thus even the CIA seems to believe that the Soviets are achieving a nationwide ABM defense breakout.

Further, as the administration stated in October 1985:

> The aggregate of current Soviet ABM and ABM/related activities suggested that the USSR may be preparing an ABM defense of its national territory—precisely what the ABM Treaty was designed to prevent.

As the Secretary of Defense has warned:

> The deployment of such a large number of radars, and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide ABM defense in violation of the ABM Treaty. Such a development would have the gravest implications on the United States-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities.

There is also unclassified evidence that the SH-11 exoatmospheric ABM interceptor, reportedly now operational in 16 silos around Moscow, uses an infrared optical target acquisition, tracking, and homing system. At the time that the ABM Treaty was signed in 1972, however, only ABM radars and inertial guidance were used for target acquisition, tracking, and guidance. Therefore, the SH-11's infrared system used for target aquisition, tracking, and guidance is a substitute for ABM components in existence in 1972—radars and inertial quidance. The SH-11 is therefore based on "other physical principles," not in use with ABM systems in 1972. Thus the SH-11's deployment violates even the "broad" interpretation of the ABM Treaty.

On February 7, 1988, the Soviet publication Moscow News openly admitted that their SH-11 used an infrared tracking and homing system, while trying to deny that this was a violation of the ABM Treaty. But this Soviet admission confirms that the SH-11 is a violation.

The CIA reportedly suppressed this evidence for several years, and did not report this evidence until just before the December 7, 1987 Pearl Harbor summit. The CIA's report only came after the administration had already lost the congressional debate over the narrow, restrictive interpretation of the ABM Treaty, versus the legally correct interpretation.

ABM TREATY NEGOTIATING RECORD INDICATES SOVIET INTENTION TO DEPLOY NATIONWIDE DEFENSE

Finally, several other important new facts emerge from an unclassified review of the ABM Treaty negotiating record provided in the Ph.D. dissertation of a leading defense expert. The Soviet ABM network allowed under the terms of the ABM Treaty indicates a deliberate Soviet plan to use this network as a base for a nationwide ABM defense in direct contravention of article I of the ABM Treaty. The Soviets have gained a huge advantage over the United States by constructing a large and extensive network of long-lead time radars.

First, during the 1969-72 negotiations on the ABM Treaty, the United States argued that Soviet construction of a large network of LPAR's would be the crucial part of a Soviet nationwide ABM defense. The United States negotiated unsuccessfully to try to ban this possibility. But Soviet deployment of the base for a nationwide ABM defense is exactly what has been deployed. With this LPAR network now in place, the Soviets could clandestinely assemble short-lead time and transportation items such as interceptors, launchers, and smaller engagement radars necessary to complete a nationwide network.

The allowable Soviet LPAR's agreed to under the terms of the ABM Treaty are far more numerous than the low number in the original American position. "Agreed Statement F" ostensibly on radar limits does not apply to the LPAR's that the United States was most interested in controlling in SALT from the outset of the SALT negotiations.

When the Krasnoyarsk radar violation is seen in the context of the original concerns and intentions of U.S. SALT negotiators in limiting LPAR's, the Krasnoyarsk radar is extremely significant militarily, and it reveals Soviet preparations that could support a nationwide ABM defense.

It is undeniable that the location, power level, size, type, orientation, and signal characteristics of Soviet LPAR's give them the capability to identify, track, discriminate, and predict the impact points of reentry vehicles.

In sum, the Soviets have not been forbidden by the ABM Treaty from constructing what must be considered the base for a nationwide ABM defense. The United States negotiating position on LPAR's shifted from a complete prohibition, to the acceptance of existing Soviet LPAR's such as hen house radars but with a ban on future complexes, and finally to no restrictions on LPAR deployment except for location and orientation. And even that constraint was subsequently ignored with the Krasnoyarsk radar. Agreed Interpretation F together with articles II, III, and VI, supposedly regulated LPAR's, but in actuality these provisions allowed an expansion rather than a constraint on the peripheral Soviet network of LPAR's. The Soviets chose to exploit a right to deploy, without numerical limits, LPAR's on the periphery of their territory, even when those LPAR deployments defeated the key purpose of the ABM Treaty.

The decision by Soviet leaders to build Pechora class radars on the periphery of the Soviet Union occurred in the mid-1960's, and the decision to build the Krasnoyarsk LPAR away from the periphery occurred in the early 1970's. The process of building these radars began before SALT began, and continued during and after negotiations on the ABM Treaty. It was widely acknowledged by experts that without restrictions on LPAR's, the integrity of the ABM Treaty would be in doubt.

U.S. FEAR OF CONFRONTING THE SOVIETS OVER THEIR ABM TREATY VIOLATIONS?

Article XIV(2) of the SALT I ABM Treaty, states:

> Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

The ABM Treaty entered into force on October 3, 1972, and thus the third 5-year review was required to be conducted by the SALT I Standing Consultative Commission [SCC] beginning on October 3, 1987.

The previous two 5-year reviews, in 1977 and 1982, both started only a month after the 5-year anniversary date of entry into force of the ABM Treaty.

In 1977, the first 5-year review began on November 4, 1977, and resulted in a public communique on November 21, 1977. In 1982, the second 5-year review began on November 9, 1982, and resulted in a public communique on December 15, 1982.

The U.S. State Department, however, has decided to delay indefinitely this third 5-year SCC review. The delay would appear to violate the treaty. There is no good reason for the United States to delay the third 5-year review.

But this third required SCC review of the treaty would be the first 5-year review to occur since President Reagan initially reported the Soviet Krasnoyarsk radar ABM Treaty violation and other Soviet SALT violations to Congress on January 23, 1984. There have now been seven Presidential reports to Congress on Soviet SALT violations, and the Krasnoyarsk radar has gone from an "almost certain" violation to be "confirmed and conclusive violation." Moreover, the entire Congress has voted overwhelmingly several times to confirm the President's judgment that the Krasnoyarsk radar is a clearcut violation of the ABM Treaty.

A violation that is serious, "defeats the object and purpose" of the treaty, and is militarily significant and dangerous enough to allow one side to abrogate the treaty, must be regarded a "material breach." The Krasnoyarsk radar must therefore be regarded as a "material breach" of the ABM Treaty.

The administration should use this review to inform the Russians that both the Senate and the House of Representatives, the whole Congress, has now voted overwhelmingly to confirm the original 1984 Presidential finding that Krasnoyarsk is a clear, conclusive violation of the Treaty. The House vote on May 7, 1987 was unanimous, 418 to 0. The Senate votes were both over 90 in favor of the finding confirming that Krasnoyarsk was a clear violation, and an obstacle to new arms treaties.

A new finding has just been made within the administration strongly confirming several new and serious Soviet violations of the ABM Treaty. These new Soviet ABM violations include the Gomel Flat Twin/Pawn Shop radars, and they are as conclusive and as clearcut a violation as Krasnoyarsk. The other new development is that the SH-11 is an ABM interceptor using "Other Physical Principles," and therefore it violates the ABM Treaty. As noted, the Soviets have even admitted that the SH-11 ABM interceptor uses "OPP," and that it is deployed. The third new ABM Treaty violation is several more bodies of evidence that the Soviets have probably finally begun their long expected nationwide ABM breakout deployment.

The Soviet Flat Twin/Pawn Shop ABM radars at Gomel are also clear violations. Thus both the Krasnoyarsk radar and the Gomel ABM radars have to be regarded as "material breaches" of the ABM Treaty.

In addition, there are two bodies of unclassified evidence, which is discussed above, that the 10 Soviet LPAR's are each ABM battle management radars, and as such they comprise the prohibited base for an illegal nationwide ABM defense.

In fact, as noted, on September 12, 1987, President Reagan himself argued publicly that because of these new Soviet violations of the ABM Treaty, "we should look realistically" at whether the United States should withdraw from the treaty. President Reagan added that the new Soviet ABM violations make the Soviets "much more prepared to take advantage" of withdrawal than we are.

But the State Department has postponed indefinitely the third required SCC review of the ABM Treaty. The third 5-year review should have begun no later than early November 1987, but now in mid-1988, over 7 months have gone by with no review even initiated. Why has no third 5-year review been initiated?

The State Department knows full well that a public American communique has been released after both the past two ABM Treaty 5-year reviews begun on November 4, 1977 and on November 9, 1982. The public communiques were issued on November 21, 1977, and December 15, 1982, respectively, for the first and second 5-year reviews. Such a public American communique would clearly also be required after the third 5 year review.

But such a third communique would be required to directly and publicly mention the ten Presidentially confirmed Soviet ABM Treaty violations, including the Krasnoyarsk and Gomel radars, and also the other five additional new probable ABM Treaty break out violations.

There are three American options regarding the troublesome Krasnoyarsk and Gomel radars. The United States must confront the Soviets with the conclusive Krasnoyarsk and Gomel radar violations, and the

United States must declare the Krasnoyarsk and Gomel radars to be "material breaches" of the ABM Treaty. But the United States can only give notice to abrogate the ABM Treaty, decide to take a "proportionate response" to the Soviet Krasnoyarsk-Gomel violations, or do nothing, thereby condoning the Soviet violations. None of these three options are attractive to the administration, and each has certain perceived disadvantages for the United States. Thus the United States is doing nothing about the illegal Soviet Krasnoyarsk-Gomel radars.

But the United States will eventually have to confront the Soviets on these ABM Treaty violation issues directly and in public, even though this could severely complicate the ongoing INF Treaty ratification process and the START negotiations.

The unprecedented State Department decision to delay indefinitely the third 5-year review of the ABM Treaty thus suggests that the detentists of the State Department are reluctant to confront the Soviets on Krasnoyarsk, Gomel, and all the other new Soviet ABM violations. But the treaty is still the law of the land. The review is required by the terms of the treaty itself, and the review is required to begin on the 15th anniversary of the treaty's entry into force. Further, the results of the review must be reported to Congress and made public.

Therefore, this U.S.-initiated failure to review the ABM Treaty may be regarded as a U.S.-initiated violation of the ABM Treaty.

The State Department is thus facing the dilemma of being required to confirm new Soviet ABM Treaty violations as clearcut as Krasnoyarsk and Gomel and discuss them publicly with the Soviets, just after the President has signed the INF Treaty at the December 7, 1987, Pearl Harbor summit. Moreover, the State Department is reluctant to do anything to disrupt the ongoing START negotiations. The State Department would apparently rather appease the Soviet Union than defend American national security.

Clearly, this is why the State Department believes that, as one diplomat stated privately, "this is not the time to discuss ABM compliance with the Soviets." But while this delay of the required review may complicate the ongoing INF ratification process and the negotiations for a START Treaty, it is imperative that the law be respected and obeyed—and that every precaution be taken to protect the American people and their liberties.

Why should the United States itself initiate a violation of the ABM Treaty, in order to cover-up and appease 10 Presidentially confirmed Soviet violations and five brand new Soviet breakout violations of this treaty?

Three things need to be done. First, the third required ABM Treaty review with the Soviets is already over 7 months late. This required review must be initiated immediately. Second, the Soviets should be required to dismantle their Krasnoyarsk radar violation before the United States will ratify the proposed INF Treaty. Third, the President should report to the Congress the results of the third 5 year review before his late-May 1988 Moscow summit. If the President were to participate in a second summit without conducting the required third 5 year review, it would again appear that he was condoning and appeasing Soviet ABM Treaty violations. It would also appear that the State Department, by promoting further summit meetings to sign a START Treaty, is defying the expressed will of the Senate, which voted overwhelmingly that the Krasnoyarsk radar is "an important obstacle" to Senate advice and consent to any new arms control treaty such as the proposed INF Treaty.

Presidential warnings that the expanding pattern of Soviet violations of all existing arms control treaties is dangerous to American national security must be heeded. President Reagan did discuss the Soviet SALT violations with Mr. Gorbachev at both of his previous summits. And on March 10, 1987, President Reagan reported to Congress that Soviet correction of all their existing SALT violations was an "essential prerequisite" for him to sign any new arms control treaty.

But the pattern of Soviet violations continued to expand, according to President Reagan's report to Congress on Soviet SALT violations of December 1, 1987. None of the Soviet violations were corrected, according to the President. The President thus seemed to condone the expanding pattern of Soviet SALT violations when he signed the INF Treaty. The President's INF Treaty signing in the context of an expanding pattern of ever more serious Soviet SALT violations could be interpreted as an act of appeasement.

Some Senators wonder if it therefore was unwise for the President to sign an INF Treaty and ask the Senate to give its advice and consent to its ratification before each of the confirmed and new Soviet violations of arms control treaties are fully reversed and corrected. In signing any new arms control treaty with the Soviets before full compliance with existing arms treaties is restored, the President of the United States could appear to condone, forget about, and appease past violations. The Senate should consider very carefully the implications of voting its advice and consent for the President to ratify any proposed new arms treaty, such as INF or START, before the Soviets have corrected all their violations of existing treaties. Such a Senate vote could likewise appear to be appeasement.

The Chief of the Soviet General Staff Main Operations Directorate reportedly told a high ranking American official visiting Moscow recently that the Soviet Union intended to continue to ignore United States concerns and feeble protests over the ever expanding pattern of Soviet SALT violations. The general's statement can be seen as another example of Soviet nuclear blackmail.

For this reason, the Senate voted on February 17, 1987 overwhelmingly—93 to 2—that "the Soviet violations of existing" treaties was "an important obstacle to the achievement of acceptable" new arms treaties with the Soviets. The required October 3, 1987 ABM Treaty review already 7 months late may be the last opportunity for the Soviets to come into compliance with existing arms control treaties. The review may also be the Senate's last chance to avoid voting for appeasement.

AMERICAN WITHDRAWAL FROM THE ABM TREATY?

Last Fall the Senate unanimously passed a Helms' amendment to the State Department authorization bill, H.R. 1777, requiring a report on United States withdrawal from the ABM Treaty. It was simple and straight forward. It merely requires the president to report on whether United States supreme national security interests have been jeopardized by the failure to achieve permanent constraints on offensive weapons, the ongoing Soviet strategic offensive and defensive buildups, and whether the United States should therefore, withdraw from the ABM Treaty. Such a report would be only logical and reasonable. The President has already done most of what is required.

Here is what the Helms' amendment said:

> SEC. 568. Report on Soviet Violations of ABM Treaty. Within thirty days of the enactment of this section, the President shall report to Congress (1) whether Soviet violations of the ABM Treaty and the complete failure after the ratification of such treaty to reduce or limit the increase of Soviet offensive intercontinental nuclear weapons systems jeopardize the supreme interest of the United States and (2) whether the United States should accordingly withdraw from such treaty.

The disposition of this amendment in the conference report on the Foreign Relations Authorization Act—House report No. 100-475—provided as follows:

> Statement of Managers—The conference substitute deletes the Senate provision on the failure to achieve permanent constraints on Soviet strategic offensive forces which could threaten the survivability of U.S. strategic offensive forces, and U.S. intentions regarding possible withdrawal from the ABM Treaty. The Senate conferees expect that the President will address the

> issues raised by the Senate provision in the context of the annual report required under Section 52 of the Arms Control and Disarmament Act, as amended.

The Helms' amendment was thus incorporated into the section 52 Pell amendment report, which was due on January 31, 1988. The Pell amendment report should have addressed the question of whether United States supreme interests are jeopardized by Soviet nationwide ABM defense breakout. Not only was it late, having been delivered in March 1988, but totally ignored the statement of managers on the required Helms amendment report. There was no discussion whatsoever of the issues raised by the Helms amendment.

In order to understand the full significance of Soviet nationwide ABM defense breakout, the Senate needs to be reminded of certain basic facts about arms control and its history.

First, on May 9, 1972, the United States in an official statement to Congress announced its intentions on withdrawing from the SALT I ABM Treaty as follows:

> The United States (SALT I) Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces . . . If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, United States supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty.

Second, 15 years after the United States made the policy declaration of May 9, 1972, the United States has still not yet achieved the objective of "an agreement providing for more complete strategic offensive arms limitations."

Third, President Reagan reported to Congress on June 3, 1986, that there was a "growing strategic imbalance between the United States and the U.S.S.R." President Reagan added that the Soviet Union now has a "first strike capability" which was "seriously eroding the stability of the balance," and which has resulted in a "loss in the survivability of United States strategic forces."

Fourth, I would point out that article XV of the SALT I ABM Treaty, which was ratified on October 3, 1972, states:

> Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests.

Fifth, President Reagan reported further to Congress that the siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM battle management radar "directly violates" three provisions of the SALT I ABM Treaty. Both the Senate and the House of Representatives have now each voted unanimously that the Krasnoyarsk radar is a violation of the SALT I ABM Treaty.

Sixth, President Reagan has also reported further to Congress that it is highly probable that the Soviet Union has conducted multiple tests of surface-to-air missile interceptors and radars in a prohibited ABM mode, and has developed a prohibited mobile ABM system. The President has also reported to Congress that "all Soviet large phased array radars—have the inherent capability—of contributing to ABM battle management, and LPAR's have always been considered the long lead time elements of a possible territorial defense." President Reagan himself added that the Soviet Union "may be developing a nationwide ABM defense" in direct contravention of article I of the ABM Treaty, the most important provision of the treaty.

The failure to achieve permanent constraints on offensive weapons and the Soviet strategic offensive and defensive buildups have placed the supreme interests of the United States in jeopardy. The President is required to report to the Senate on an urgent basis whether the United States should withdraw from the SALT I ABM Treaty.

The Helms amendment, as incorporated into the Pell amendment, merely provides that the President of the United States should make such a report. The required report is long overdue.

There was also another Helms' amendment recently introduced and withdrawn condemning the United States violation of the ABM Treaty, by failing to conduct the third 5-year review. Continued failure by the State Department to conduct the required third 5-year review of the ABM Treaty may make it necessary to offer this amendment again.

THE INF TREATY REQUIRES CONVENTIONAL PARITY TO PRESERVE DETERRENCE

The United States and NATO must maintain a strong nuclear deterrent, in order to preserve deterrence against Soviet-Warsaw Pact conventional force advantages. We need our nuclear deterrent, unless we can achieve negotiated parity in NATO-Warsaw Pact conventional forces. Because the proposed INF Treaty removes the main United States nuclear deterrent, it can only be acceptable if accompanied by negotiated Soviet/Warsaw Pact reductions to parity in conventional forces. That is why I would support an amendment to the INF Treaty calling for negotiated reductions to conventional parity.

DETERRING SOVIET AND WARSAW PACT CONVENTIONAL SUPERIORITY

In conventional forces, the Soviets and the Warsaw Pact have an overall conventional advantage over NATO of at least 3 to 1. The specific comparisons, as computed from unclassified Defense Department estimates, are as follows:

1. Soviet/Warsaw Pact 2 to 1 advantage in Main Battle Tanks;
2. Soviet/Warsaw Pact 2.3 to 1 advantage in Heavy Artillery;
3. Soviet/Warsaw Pact 1.3 to 1 advantage in Armored Personnel Carriers;
4. Soviet/Warsaw Pact 1.2 to 1 advantage in Tactical Aircraft;
5. Soviet/Warsaw Pact 2.4 to 1 advantage in Interceptor Aircraft;
6. Soviet/Warsaw Pact 6 to 1 advantage in Intermediate Range Bombers;
7. Soviet/Warsaw Pact 25 to 1 advantage in Chemical Decontamination Equipment; and
8. Soviet/Warsaw Pact advantage of 700,000 tons to 0 in Modern Deliverable Chemical Munitions.

The Pershing II nuclear deterrence was the shield that prevented these conventional force imbalances from becoming decisive. Instead of massive spending for more conventional arms to try to counterbalance these huge Soviet/Warsaw Pact advantages, the United States and NATO deployed the Pershing II and GLCM INF in late 1983.

Soviet Military Power 1987 states:

> In the Soview view, their preponderance of power in conventional forces means the West must rely to a significant extent on nuclear weapons to deter a major conventional attack.

This means that if the INF Treaty deprives us of our nuclear deterrent, we can only deter aggression if NATO and Warsaw Pact conventional forces are equal.

THE U.S. NUCLEAR UMBRELLA IS NOT CREDIBLE

As noted, Dr. Henry Kissinger correctly told a NATO audience in 1979 that:

> The United States throughout the postwar period has been more dependent on its strategic forces than the Soviet Union has been on its own.

This U.S. strategic force dependence is called the U.S. "nuclear umbrella." But in the overall strategic nuclear intercontinental comparison, the Soviets have about 3,000 more nuclear warheads than the United States, counting the military effects of their many SALT violations. More significantly, the Soviets have about a 6- or even 10-to-1 advantage over the United States in ICBM capability, giving them an offensive first strike capability. The Soviets also have an emerging nationwide ABM capability prohibited by the ABM Treaty. Thus in the overall strategic nuclear intercontinental comparison, the balance has shifted strongly against the United States, making the so-called United States "nuclear umbrella" strategy to deter Soviet/Warsaw Pact aggression against NATO a noncredible strategy.

The Pershing II is the principal United States deterrent weapon, because only this weapon has the speed, accuracy, and yield to attack targets of great value to the Soviet leadership—themselves—in the Kremlin and the leadership underground command bunkers near Moscow. By eliminating the Pershing II, the INF Treaty makes impossible United States reliance on nuclear weapons as a deterrent to Soviet conventional force supremacy. Hence we need negotiated conventional force parity if the INF Treaty is going to be acceptable.

PERSHING ALSO DETERS SOVIET CBW THREAT

President Reagan stated to Congress in March, 1987, that:

> "Neither NATO retaliatory nor defensive programs can begin to match the Soviet effort . . . in the production, transfer, and use of chemical and toxic substances for hostile purposes . . . and in maintaining an offensive biological warfare program and capability.

The Soviets will develop genetic engineering weapons as an asymmetrical response to the United States strategic defense initiative, a Soviet official stated recently.

The principal NATO deterrent to Soviet chemical-biological-warfare capabilities is also the U.S. nuclear capability in NATO—especially the Pershing II. As noted, the Pershing II is the principal U.S. deterrent weapon in NATO, but this weapon will be eliminated by the INF Treaty. The Pershing II is the only system that will meet the NATO deterrent guidelines, by being able to strike key targets quickly and accurately deep inside the Soviet Union. What is the effect on the credibility of deterrence of the required removal under the INF Treaty of the Pershing II's if no remaining systems can replace their capability? By eliminating the Pershing II, the INF Treaty also cripples the NATO ability to deter Soviet CBW capabilities.

SOVIET/WARSAW PACT CONVENTIONAL SUPERIORITY CAN NOT BE DETERRED WITHOUT PERSHING II

In NATO exercises and wargames, SACEUR has to seek nuclear release authority within 2 weeks after a Soviet/Warsaw Pact attack on NATO. What nuclear forces would SACEUR have to deter Soviet/Warsaw Pact conventional aggression after the INF Treaty wipes out our Pershing II's and GLCM INF forces?

Here is an unclassified listing of NATO nuclear warheads remaining after the Montebello decision to reduce NATO nuclear warheads from 7,000 to 4,600, and after the INF Treaty requiring the further reduction to 4,000 warheads:

> 1. Nuclear artillery rounds (source—IISS) about 2,100; 2. Lance missiles—about 80;3. Land and sea mines—probably about 1,000; 4. Dual-capable aircraft about 620; 5. F-111 fighter-bombers about 200; Total, about 4,000.

But none of the above systems have the range, swiftness, accuracy, and megatonnage of the key NATO nuclear deterrent system, the Pershing II. Only the F-111 could possibly substitute for the Pershing II to strike key command, control, and leadership targets deep inside the Soviet Union, but it has a radius of only 300 miles unrefueled, and 1,000 miles refueled. Moreover, Soviet-Warsaw Pact air defense capability has increased greatly since the NATO "dual track" decision of 1979, when the decision was made to supplement the F-111's with the Pershing II's. Under the INF Treaty, what does NATO have that can go past the 300-miles range, unless we can refuel F-111's in conflict, and it can penetrate?

Are these 4,000 NATO warheads left, most of which have either no range, or very short range, a credible deterrent to the Soviets? Was the Montebello reduction of about 2,400 warheads reciprocated by the Soviets? Did it represent unilateral reduction, and already contribute to denuclearization of NATO?

It is clear that the Pershing II is the only system that will meet the NATO deterrent guidelines, by being able to strike key targets quickly and accurately deep inside the Soviet Union. What is the effect on the credibility of deterence of the removal of the Pershing II's, when no remaining system can replace their capability?

There are grave dangers in relying on 400 SLBM's dedicated to SACEUR for NATO deterrence of the Warsaw Pact. The use of strategic intercontinental weapons for theater deterrence purposes is extremely dangerous for the United States, and not credible to the Soviets. Such reliance also dangerously increases the already severe United States strategic intercontinental inferiority to the Soviets.

INF TREATY MUST BE ACCOMPANIED BY CONVENTIONAL PARITY

In sum, Germany, both East and West, could become a conventional and nuclear "free fire zone" under the INF Treaty.

If the Pershing II is the main NATO deterrent weapon, the INF Treaty by removing this weapon takes away the very basis of deterrence. The INF Treaty puts NATO on a slippery slope leading toward the denuclearization of Western Europe, which has been a fundamental objective of Soviet foreign policy since 1945. The denuclearization of Western Europe would make the region safe for Soviet conventional aggression, and result in the neutralization of Western Europe due to the threat of Warsaw Pact conventional might. Under the INF Treaty, NATO sacrifices the credibility of its deterrent.

The only way that the INF Treaty can be made acceptable and deterrence maintained is for it to be accompanied by negotiations requiring NATO-Warsaw Pact conventional force parity.

The PRESIDING OFFICER (Mr. ADAMS). The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 2083) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, is the distinguished Senator from Georgia in position to proceed with the Ethiopian amendment at this time?

Mr. NUNN. Yes.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2084

(Purpose: To urge economic sanctions against the Communist Regime in power in Ethiopia)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

Mr. HELMS. Mr. President, in this case, I am going to ask the clerk to proceed to read the amendment even though it is fairly long.

The legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2084.

The legislative clerk proceeded to read the amendment.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Add at the end of the bill the following new section:
>
> "Sec. . (a) Congress:
>
> (1) condemns the Government of Ethiopia for its blatant disregard for human life as demonstrated by its use of food as a weapon, its forced resettlement program, and its human rights record;
>
> (2) in the strongest terms possible, urges the Government of Ethiopia to allow foreign relief personnel to return to the north and to allow the international relief campaign to resume operations at its own risk, while retaining full control over its assets and having access to adequate aircraft and fuel;
>
> (3) in the strongest terms possible, urges rebel groups to cease attacks upon relief ve-

hicles and relief distribution points and to respect the impartiality of the international relief campaign;

(4) urges the President and the Secretary of State (via direct representations to the Government of Ethiopia, certain rebel groups, and via sustained multilateral initiatives involving other Western donors, the United Nations, and the Organization of African Unity) to focus world pressure and opinion upon the combatants in the north, to press for an "open roads/own risk" policy that will facilitate the resumption of international relief efforts in the north, to press the Government of Ethiopia and the rebel groups to reach a pragmatic, enduring political settlement, and to press the Government of Ethiopia to implement genuine and effective reform of its failed agricultural policies; and

(5) urges the President and the Secretary of State to engage in direct discussion with the Union of Soviet Socialist Republics in order that the peaceful resolution of the crisis in northern Ehtiopia becomes a high Soviet priority and that the approach of the Union of Soviet Socialist Republics is consistent with that of the West.

(b) Sanctions.

(1) *Sanctions urged under certain conditions.* The President is strongly urged, and is hereby authorized (notwithstanding any other provision of law), to impose such economic sanctions upon Ethiopia as the President determines to be appropriate (subject to subparagraphs (2) and (3) of this subsection) if, at any time after the date of enactment of this section, the Government of Ethiopia engages in any of the following outrages:

(i) Forced resettlement.

(ii) Forced confinement in any resettlement camp.

(iii) Diversion of international relief to the military.

(iv) Denial of international relief to any persons at risk because of famine.

(v) Seizure of international relief assets provided by the United States.

(vi) Prohibition of end-use monitoring of food distribution by international relief personnel.

(2) *Sanctions to be included.* Sanctions imposed pursuant to subparagraph (1) shall include sanctions which substantially affect the major exports of Ethiopia.

(3) *Export sanctions.* If a sanction imposed pursuant to subparagraph (1) involves the prohibition or curtailment of exports to Ethiopia, that sanction may only be imposed under the authority and subject to the requirements of section 6 of the Export Administration Act of 1979.

(4) *Reports to Congress.* Not later than the end of the 15-day period beginning on the date of the enactment of this section and at the end of each 60-day period thereafter, the President shall submit to the Congress a report on whether, during that period, the Government of Ethiopia engaged in any conduct described in subparagraph (1 of this subsection). Each such report shall describe the response of the United States to such conduct.

(5) *Regulation authority.* The President shall issue such regulations, licenses, and orders as are necessary to implement any sanctions imposed under this subsection.

Mr. HELMS. Mr. President, I wanted the clerk to read a portion of the amendment to indicate the strong feeling of the Senate in adopting this amendment because dismay and alarm over deplorable and deteriorating conditions in Ethiopia have been expressed repeatedly by Senators on both sides of the aisle. But these words thus far have produced no result.

Let me give you some examples of what is going on.

In the past 2 or 3 weeks, the Ethiopian Government warplanes were bombing deliberately a food relief station in northern Ethiopia. According to the report by the Associated Press, warplanes struck the camp about 30 minutes after monthly food allotments had been distributed to 5,000 to 8,000 peope in rebel-held territory.

One of the eye witnesses of the bombing attack said the attack on the civilians was intentional. He said: "They flew over and looked at them and came back and hit them."

The bombs killed about 50 people, according to the AP report, and most of them were children who were playing in a kindergarten.

This amendment, Mr. President, would make absolutely clear where the United States stands by condemning the brutal regime of Colonel Mengistu and by supporting the imposition of sanctions on that regime.

This proposal would be a strong message from Congress not only to the Ethiopian Government, but to our own administration. For far too long, the 40 million people of Ethiopia have taken a back seat to other priorities of foreign policy. There have only been a handful of people within the administration who have really fought to get policy attention focused on Ethiopia.

We continue to react and react and talk and talk and talk and write letters, but to no avail; the children are still being killed, countless thousands of people are starving to death because of this brutal regime. I think it is time that we tighten the screws. That is exactly the purpose of this amendment.

Just a few weeks ago, as a matter of fact, we finally heard the President of the United States place Ethiopia in the same list of priorities as arms control and peace in Nicaragua. In a major foreign policy speech before the World Affairs Council, President Reagan demanded that the Soviets deal strongly with their puppet regime in Ethiopia. Here is what Ronald Reagan said: "They"—meaning the Soviets—"can stop this disaster before it happens." I will say to the President, so can we in the United States.

There is a brutal dictator in Ethiopia who has chosen to obliterate his opposition by starving them to death. He takes no prisoners. His latest tactic is to kill countless thousands of innocent men and women and children and do it within a matter of weeks.

I feel strongly about this, and I think other Senators do as well.

When he took power through a barrel of a gun over a decade ago, Mengistu took the most basic of freedoms from his people. Right to free speech, right of free press, right to associate * * * you name the freedom and it does not exist in Ethiopia. And now, he is deliberately threatening the lives of 2-3 million people * * * by taking away food.

Ethiopia is a country whose people have suffered enough at the hands of an illegitimate brutal dictator. The plight of these people today and tomorrow has to take center court. We must persevere in keeping the spotlight on that country until its peoples are free from the murderous hands of the Dictator Mengistu.

Some have asked for pressure from the United Nations. But frankly, that option is bearing—who can be surprised—no fruit. The most that the United Nations has been able to accomplish is to allow a handful of UN personnel back into the area. Further discussions with the government have been put on hold until the end of May. The United Nations is once again demonstrating its ineffectiveness.

We have asked for the intervention of the much lionized Mikhail Gorbachev in stopping the actions of this, his client state. With Mengistu's objectives programmed by the 1,700 Soviet advisers in Ethiopia, this effort to get Gorbachev to intervene is a waste of breath. And certainly, the Soviets have some well-documented experience in using famine as a means to wipe out opposition * * * as the Ukranians know it was the invention of the much-lionized Nikita Khrushchev.

This is the time for Congress to speak out. There are helpless children in Ethiopia that are going to die within weeks * * * indeed, are dying now. Our food is there, yet the Communist government refuses to permit the food to be given to the hungry.

The amendment I am offering is identical to a provision reported, unanimously by voice vote from the House Committee on Foreign Affairs on May 3.

First, it outlines some of the more criminal actions that the Ethiopian Government has undertaken, especially in recent weeks.

We could fill volumes detailing the inhumane activities that the Mengistu government has undertaken * * * Such as its villagization scheme which has already displaced over 5 million people * * * or its holding of many thousands of political prisoners, or its use of torture, or forced conscription into the army of 12 or 13 year old boys.

The amendment speaks to the current emergency situation which resulted when the Ethiopian Government forcibly expelled all foreign relief workers from the north putting at immediate risk of starvation some 2 to 3 million people.

In the amendment, Congress condemns the Government of Ethiopia for these actions and urges the government to reverse that decision. We want the government to allow our relief workers back into the area even at their own risk.

We also urge the President to keep this issue at the highest level of priority in his discussion with the Russians, because it is Gorbachev's advisers who sit in Addis Ababa and direct Mengistu.

In the amendment, Congress urges also the President to impose sanctions if the Government of Ethiopia undertakes any of the following actions:

First, forced resettlement;

Second, forced confinement of anyone already moved to a resettlement camp;

Third, diversion of food relief to the military;

Fourth, denial of food relief to any person at risk of famine;

Fifth, seizure of U.S. food or relief equipment; or

Sixth, prohibiting the monitoring of food relief.

If the government engages in any one of these actions, the amendment authorizes the use of sanctions.

It does not mandate sanctions. I feel that it should. It does not mandate sanctions so that it will conform with the actions being taken in the House.

Mr. President, I ask unanimous consent to insert into the Record a New York Times article, dated April 29, 1988, titled, "Ethiopia's Curbs on Aid to Hungry Imperial 2 Million," the New York Times editorial on May 7, 1988 "Live Aid in Ethiopia, 1988 Style," a Washington Post story titled "U.S. Say Ethiopia Relief Shutdown Causing 'Catastrophe'" dated April 14, 1988, an article from the Christian Science Monitor, dated Friday, April 15, 1988, titled "Relief groups say their ouster may spur Ethiopia rights abuses," and an article from the Washington Times of today, titled simply "Famine."

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 29, 1988]

Ethiopia's Curbs on Aid to Hungry Imperil 2 Million

(By Sheila Rule)

Addis Ababa, Ethiopia, April 28.—The Government of Ethiopia has so severely restricted emergency relief operations in the country's north, a region ravaged by both drought and war, that as many as two million people are out of reach of any known system of food distribution, aid officials and Western diplomats say.

Because of the restrictions, these officials say, hundreds of thousands of tons of donated food are piling up at ports and may never reach those in need. Agricultural seeds, too, are not being distributed. This means that farmers who must soon plant crops cannot do so, which could lead to even greater problems next year.

Nationwide, more than 7 million of Ethiopia's 47 million people remain in need of emergency relief, according to workers for humanitarian aid groups, who say the worst affected provinces are Eritrea and Tigre, in the north.

CROP FAILURES REPORTED

They say the number could rise because of varying degrees of crop failure in the current harvest in several other provinces, including Wallo, Sidamo, Harar, Arsi and northern Shoa.

The good news is that it has been raining this month in much of the country, as farmers prepare to plant sorghum and corn for the next harvest, and that relief operations outside the north are continuing.

International relief workers here express fears that huge waves of hungry Ethiopians from the north, where crop failures last year were severe, may soon move to urban centers or to the neighboring Sudan in search of food. Contingency plans are being drawn up to establish the types of feeding camps in which hundreds of thousands of people died of disease in the country's last such calamity three years ago.

"THEY COULD BE MOVING NOW"

"In 1985, starving people just showed up all of a sudden," one Western diplomat said. "They could be moving now, and we just don't know it because we are not there."

Relief workers say the Government of President Mengistu Haile Mariam has given priority to military aims over the need to feed the hungry in the northern provinces of Eritrea and Tigre. The Government ordered most foreign relief workers to leave the north two weeks ago, saying it was acting for their safety, although the aid workers have said they did not feel themselves in danger.

The authorities are allowing food distribution only in the ever-smaller areas of Eritrea and Tigre that they control—some estimates are that the Government controls as little as 10 percent of the territory—as separatist rebels in the provinces claim major victories in their long-running conflicts. Meanwhile, as much as 240,000 tons of emergency food aid at the port of Assab alone, in addition to other relief supplies, is going undistributed.

The entire relief operation has been left to the Government's Relief and Rehabilitation Commission and a Christian consortium closely involved with Ethiopian organizations. But Western relief officials say these groups cannot adequately handle the situation, partly because the Government commission cannot travel in the areas of conflict.

The authorities have allowed four United Nations workers to return to the north, but their presence is expected to have no real effect on increasing food distribution; the relief workers ordered out of the provinces numbered 40 to 60.

REGIME TIES AID TO VICTORY

The Government has said full relief operations in the region cannot resume until the rebel forces are defeated. This has led humanitarian agencies to conclude that the Government does not want witnesses as its troops try to wipe out the rebels by wiping out the civilians who support them.

"We now have a war disaster imposed on a drought disaster, said James R. Cheek, chargé d'affaires of the United States Embassy here. "There can't be anything worse. We planned that there would be 25,000 tons of food required in Eritrea and 25,000 in Tigre each month. In Tigre, there is now 5,000 tons a month, and we're not sure who that food is going to."

By the aid officials' most optimistic estimates, only about 300,000 people in Tigre and one million in Eritrea, out of a total population of 3.5 million in the two provinces, can be fed by the Government and the Christian groups.

Patrick C. Johns, country representive of Catholic Relief Services, which is part of the Christian consortium said the true number of people outside the distribution system could be between one million and 1.5 million.

More than 250 Ethiopians involved in his organization have been allowed to stay in the north and have been assisting as many as 900,000 people in the two provinces, he said. But because government trucks have been diverted to the war effort and roads are not kept open long enough, transportation of food remains a serious problem.

"We have confidence in the church structure," Mr. Johns said. "Our staff in Eritrea is made up of Eritreans, and they are up there trying to help their people. If the military tried to steal our food, they would scream murder."

The New York-basked Eritrean Relief Committee—its partner Eritrean Relief Association is the only relief agency working in rebel-held territory and channels food aid from the Sudan to Eritrea—issued an appeal this month to the United States and humanitarian agencies to take part in the cross-border activities by donating food and trucks. But the Ethiopian Government has warned that such operations would "be met with an appropriate response."

Relief officials here say increased cross-border operations are unfeasible because of bad or nonexistent roads and bridges, among other logistical problems.

The United States has raised the possibility that its food supplies to Ethiopia might be suspended if shipments could not be guaranteed to reach those in need. President Reagan has denounced the Government for using food as a weapon to defeat the rebellion.

U.S. REQUIRES ACCOUNTING

Like other donors, the United States requires that any food it gives must be accounted for on an independent and detailed basis to make sure it is not going to the army or being sold but is distributed to those in need. The Relief and Rehabilitation Commission's definition of need would not necessarily exclude hungry soldiers, some aid workers said.

The authorities have told the International Committee of the Red Cross to turn over its operations, including warehouses, trucks and food, to the Ethiopian Red Cross Society, which is viewed as a Government organization. But relief officials at various international agencies suggest that the local body will be dictated to by the Government and thus will be unable to respect the independence and neutrality professed by the international group.

The International Committee requires that a mimimal presence of its delegates be in the north to monitor distribution. It is still negotiating with the local Red Cross to find a solution, but for now, its supplies in the north are under lock and key.

"Every day that is lost means the number of people who need food is probably increasing," a relief worker said. "This is at a time when nutritional surveys show that 60 percent of the children in the northern regions are suffering from moderate malnutrition, while 20 percent are afflicted with severe malnutrition. This is a tragedy that could have been avoided. Is it the fault of the rebels or the Government? We believe it is the fault of both."

[From the New York Times, May 7, 1988]

Live Aid in Ethiopia, 1988 Style

Two million lives are now at imminent risk from famine in Ethiopia, twice the number who died in the 1984-85 calamity. Then, the world couldn't send emergency help fast enough. This time the problem is different. It's not the lack of food, but the regime's refusal to let it reach the famished.

Food, 240,000 tons of it, has piled up undistributed just at the one port of Assab. But foreign relief teams have been barred from stricken areas, because of the gains made in battle by two rebel movements. To spite his foes, President Mengistu seems prepared to starve his own people, out of the world's sight. Pressure, both from his African neighbors and his Soviet patron, is not the famine victims' best remaining hope.

As it happens, a meeting of the Organization of African Unity convenes in Ethiopia's capital, Addis Ababa, this month. That gives African leaders a shot at trying to turn their host from his cruel course. And the Soviet Union, Ethiopia's chief weapons supplier, could also use its influence, preferably in conjunction with Western donor countries. Moscow has now for the first time pledged a substantial 250,000 tons of food, and has begun talks with Washington that could result in sending the right message to General Mengistu.

The world has learned a good deal about Ethiopia since the days of the "Live Aid" and "We Are the World" concerts. The Ethiopian who then directed humanitarian relief has since defected and exposed failed agricultural policies. Defensively, the regime answers that it has abandoned or modified its forced resettlement of peasants, and talks about using market incentives to increase output.

Mr. Mengistu, a warlord who calls himself a Marxist, asserts that his own relief commission has enough trucks to distribute food. But the Ethiopian agency does not operate in war zones, and in any case the U.S. and other donors require an accounting for food aid. Rebels have fired on food convoys, but relief workers say they will accept the risks.

What humanitarian agencies can't accept is turning their food over to General Mengistu for use as a political weapon. The Ethiopian regime understands this. Its ban on foreign relief organizations is, in effect, a death sentence on peoples trapped in the rebellious provinces of Eritrea and Tigre.

Opening blocked roads would be the most meaningful live aid for Ethiopia's hungry.

[From the Washington Post, Apr. 14, 1988]

U.S. Says Ethiopia Relief Shutdown Causing "Catastrophe"

(By John M. Goshko)

The United States called the Ethiopian government-ordered shutdown of international relief operations in northern Ethiopia "a human catastrophe" that threatens more than 2 million people with starvation, and yesterday it urged Ethiopia's Marxist leaders to rescind their "callous decision."

The Ethiopian government last week ordered all foreign relief workers to leave the war-torn provinces of Tigre and Eritrea and told the United Nations and private western groups, such as the International Red Cross and Catholic Relief Services, to hand over their famine relief operations to Ethiopian agencies.

Both provinces have been sites of intense battles recently as rebel armies fighting Ethiopian leader Lt. Col. Mengistu Haile Mariam's rule have severely shaken his army's control of the northern regions.

"Over 2 million people are facing starvation," State Department spokesman Charles E. Redman said yesterday. "We deplore the decisions made by the government in Addis Ababa to neglect or sacrifice millions of its citizens in pursuit of military objectives.

"Assurances that the decision was made for the security of those involved, that the expulsion is 'temporary,' and that indigenous organizations can take up the slack ring hollow against the sheer magnitude of the disaster," he said.

"The world cannot stand idly by and allow innocent people to die. To avert this tragedy, the government's callous decision must be reconsidered. . . . Relief workers are willing to take the risk so that millions of Ethiopians might live. . . . It is incumbent upon both government and rebels to honor the sanctity of lives and to permit relief operations to go forward unimpeded," Redman said.

Saying that the United States "fully supports" U.N. Secretary General Javier Perez de Cuellar's efforts to resume these operations, Redman noted, "The food is available. The private voluntary organizations, the Red Cross, the U.N. staff are all there. . . . So there is transport there. There is food there. The problem is, at this stage, the government has blocked the pipeline."

Although it is among the chief suppliers of relief material to Ethiopia's victims of drought and civil war, the United States frequently has been at odds with the Mengistu government over its efforts to get the upper hand over the rebels by manipulating food distribution.

Redman said that U.S. aid this year amounts to about 250,000 metric tons of food. In dollar terms, he added, the aid amounts to $112 million, of which $95 million is for food. He said the other major donors are the Soviet Union, which has pledged 250,000 metric tons of food, and the European Community, whose total contribution is 116,000 metric tons.

[From the Christian Science Monitor, Apr. 15, 1988]

Relief Groups Say Their Ouster May Spur Ethiopia Rights Abuses

(By Robert M. Press)

The possibility of widespread starvation and human rights violations in Ethiopia are twin concerns voiced by international relief agencies following Ethiopia's order for all foreign relief workers to leave the northern war zones.

Officials of the International Committee of the Red Cross (ICRC) and UNICEF are raising both issues and calling for a reversal of the expulsion order given last week.

Without the foreign presence in Eritrea and Tigre Provinces, these officials say, there is a greater chance of atrocities being committed during fighting.

"No one will be a witness to the way the war is conducted," says Leon de Riedmatten, the ICRC's deputy delegate general for Africa, based in Geneva.

"When governments refuse access to the outside world, I think something terribly, terribly wrong is going on," says M. Baquer Namazi, UNICEF's representative in Kenya.

Article 3 of the 1949 Geneva Conventions on armed conflict, which Ethiopia has signed, specifically names the ICRC as an "impartial humanitarian body," that may offer its services in observing the conduct of the war.

The last ICRC officials left northern Ethiopia, under government orders, yesterday. The government is now accusing the ICRC of aiding the rebels.

International pressure to get the government of Lt. Col. Mengistu Haile Mariam to reverse the order is mounting. A top envoy from the UN arrived Thursday in Addis Ababa, Ethiopia's capital, with the hope of getting the order reversed.

United States officials have been in touch with Soviet officials to try to assure food relief reaches an estimated 3 million needy people in Eritrea and Tigre, the two regions hardest hit by both drought and war.

In Addis Ababa, ICRC spokesman Vincent Bernard said his agency is needed in those areas to protect people.

Of the 3 million people at risk, more than 2 million are now in rebel-held areas. There is special concern for these people because all along the Ethiopian government has allowed relief food to be distributed only in government-held areas. Those areas have shrunk dramatically in recent weeks as a result of military advances by the Eritrean Peoples Liberation Front and the Tigrean Peoples Liberation Front.

Some relief food gets to rebel areas via Sudan, but rebel spokesman said, even before recent military gains, the amounts were far from sufficient.

So far, Eritreans and Tigreans have not migrated in mass to main towns for food like they did in 1984-85 during the last famine. And some crop surpluses are reported in parts of Tigre. But the ICRC's Bernard said the situation is serious now and could become "critical" within a month.

[From the Washington Times, May 16, 1988]

Famine—A Hungry Nation at War With Its Own People

(By Stephen Chapman)

Less than four years ago, the world watched in horror as a million Ethiopians starved to death. Brace yourself. Famine is once again stalking Ethiopia, and millions may die.

Americans will be surprised to learn that the villain is not a lack of food. Vast supplies, including a quarter of a million tons sent by the U.S. government, now sit in Ethiopian ports, waiting to be delivered to those in need. Blocking the way is the Ethiopian government, which uses starvation as a weapon in a monstrous war against its own people. An estimated 7 million are in mortal danger.

The head of the Soviet-backed regime in Addis Ababa, Gen. Mengistu Haile Mariam, faithfully models himself on Josef Stalin.

Like Stalin, he has carried out a merciless program of agricultural collectivism, killing untold numbers of uncooperative peasants in the process.

Like Stalin, he has also created mass famine by destroying the nation's ability to feed itself.

If you're looking for the worst government on earth, look no further. Gen. Mengistu has combined a murderous assault on human rights with an economic program that has made Ethiopia the world's poorest nation. He has also prosecuted an endless war against secessionist rebels in two provinces, Eritrea and Tigre. Well, not quite endless: The rebellion in Eritrea began when John F. Kennedy was president.

In this conflict, hunger is just another means of war. The Ethiopian army, which has taken a beating lately, is getting ready for a major offensive—not just against the rebel forces but against the civilian population.

It recently expelled the foreign relief workers who had been distributing food and medicine in the contested areas. That way, it can commit its crimes without witnesses.

It also wants the foreign relief agencies to give their supplies and vehicles to the government. They have stoutly refused. The government, you see, isn't interested in taking over their humanitarian mission. What it wants is food and trucks to fuel and transport its army.

Food has other uses too, like coercing civilians into doing what the regime wants. What the regime wants is to uproot people from rebellious regions and move them across the country, depriving guerrilla forces of support. It is also forcing peasants into government-run villages, where they can be watched and controlled more easily.

Harvard anthropologist Jason Clay, who interviewed hundreds of victims for a book on the 1984-85 famine, found that Ethiopia's government systematically denied food to those who resisted being moved. Their choice was submit or perish.

Many did both. According to some witnesses, the hardships of resettlement killed more people than the famine. The disturbing truth is that the West's donations of food often harmed the very people they were supposed to help.

The forced transfer of large numbers of peasants is a key part of the regime's nationalization of agriculture.

Here and elsewhere, that has been an infallible recipe for disaster. Regions that once fed Ethiopia's cities can no longer feed themselves. Food production per capita has dropped by 7 percent since Gen. Mengistu gained power, just the opposite of what has happened in most of the world's poorest nations.

The nation's health has suffered as a result. Ethiopia's infant mortality has risen sharply. Life expectancy at birth is just 45 years. For comparison's sake, that's 12 years less than in India. To an Ethiopian peasant, the slums of Calcutta look like the land of plenty.

The government is a terrorist state, using its own citizens as hostages. It wants the West to avert the famine, permitting it to continue the policies that produced it. But the United States and other Western donors have refused to allow their food to be distributed except through private relief organizations, which can assure that it gets to the people who need it.

That's the only reasonable option: To turn the relief supplies over to the government would strengthen it, inviting future catasrophes. The United States should also be trying to get supplies from neighboring countries into rebel areas.

The Reagan administration has also backed the Soviets to intervene with their ally. Soviet General Secretary Mikhail Gorbachev claims to have abandoned Stalin's policies in his own country. It will be interesting to see if he rejects them elsewhere as well.

If Gen. Mengistu is determined to starve millions of his own peopole, there isn't much the West can do to stop him. But by refusing to be an accomplice to the crime, it may weaken his grip on power. If the regime survives, this famine won't be Ethiopia's last.

Mr. HELMS. I thank the Chair and I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I believe this amendment has the same operative clause as the joint resolution recently passed by the House Foreign Affairs Committee. I think we all support the thrust of this amendment. There is absolutely no argument about it. But speaking to the ranking member of the Foreign Relations Committee, I wonder if as a matter of committee procedure he would not prefer to see this work its normal way and come to the committee after it has passed the House and come to the Senate and been referred to it.

Mr. HELMS. If the Senator will yield, I intend to go both routes because I want something done on it. I know I will have the full cooperation of the distinguished chairman of the Foreign Relations Committee, but I want at every possible opportunity to raise this question, which is why I have offered it on this piece of legislation.

Mr. PELL. But the Senator would prefer not to pull this down and wait until we get it in the normal course of events?

Mr. HELMS. I say, most respectfully, no, thank you.

Mr. PELL. In that case, I think it is a good amendment with a good objective and I will be bound to support it.

Mr. HELMS. I thank the distinguished chairman.

Mr. NUNN. Mr. President, this amendment, as I understand it, condemns the Government of Ethiopia for its refusal to permit relief food to reach the rebels in northern Ethiopia, and also urges rebel groups to stop attacks on relief vehicles; it urges the President to "focus world pressure" on both the government and rebels "to reach a pragmatic, enduring political settlement," and urges the President to engage in direct discussions with the Soviet Union on Ethiopia.

The President is "strongly urged and is hereby authorized" to impose economic sanctions on the Government of Ethiopia if they continue policies such as forced resettlement and interference with international relief effort. Finally, the President is required to make reports to Congress every 60 days on Ethiopia's conduct on "the response of the United States."

It is my understanding, as the chairman of the Foreign Relations Committee has already stated, that this language is identical to language recently reported out by the House Foreign Affairs Committee as far as its operative language. We all known there is a terrible tragedy going on in Ethiopia right now and literally tens of thousands of innocent people are facing terrible conditions including starvation. We think that the Government of Ethiopia should be the subject of tremendous world opinion against their position in causing this kind of terrible hunger and terrible cruelty to their own people. So I urge that the Senate adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 2084) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2085

(Purpose: To prohibit the expenditure of taxpayer funds for the U.S.-Panama Combined Canal Defense Board or for assistance to the Panamanian Defense Force unless the President certifies that Soviet, Cuban, or Nicaraguan armed forces are not present in Panama or, if present, that such forces are not being assisted by the Panamanian Defense Force or that General Noriega has been removed as Commander of the Panamanian Defense Force, barred from all offices, and prohibited from designating his successor)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read a follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2085.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the bill the following new section:

"SEC. . Notwithstanding any other provision of law or of this Act, none of the funds authorized or appropriated by this or any other Act shall be obligated or expended for any activities of the Combined Board established by Article IV of the Panama Canal Treaty of 1978 for mutual cooperation in the defense of the Panama Canal or, directly or indirectly, for assistance to, or support of, the Panamanian Defense Force unless and until the President has certified to Congress 1) that no armed forces of the Union of Soviet Socialist Republics, Cuba, or Nicaragua are present in the Republic of Panama; 2) that, if the armed forces of any such country are present in the Republic of Panama, the Panamanian Defense Force is neither providing assisance to, nor coordinating its activities with, such armed forces; or 3) that General Manuel Noriega has been removed as Commander of the Panamanian Defense Force, barred from all offices and authority, and prohibited from designating or appointing his successor.".

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, the increasing Cubanization of Panama is a growing reality that I think this Senate must face if the administration, particularly the Pentagon, will not. I do not speak for any other Senator, but I just cannot see how we could condone allowing the dictator Noriega in his desperation to stay in power to jeopardize United States interests in the Panama Canal.

To this date, I must sadly say the administration has not been willing to take a firm public stand against Noriega and the Cubanization of Panama, nor in my judgment to face up to the hard facts. Now, the Senate did adopt the D'Amato amendment requesting a public report on the extent of Soviet-Cuban military involvement in Panama. But the administration has ignored that Senate action, and Mr. Noriega, as anybody knows who has checked the news in the last 30 minutes, continues to be treated with kid gloves, if not as some kind of favorite son, rather than the thug that he is.

Mr. President, let us go back a little more than 10 years, and as Al Smith used to say, "Let's look at the record."

On March 3, 1978, the distinguished majority leader of the Senate, Mr. BYRD, on behalf of himself and Senator Howard Baker, the then minority leader, and 76 other Senators offered an amendment to the Panama Canal Neutrality Treaty in conjunction with the debate on the relinquishment of the Panama Canal and the territory of United States in the Panama Canal Zone.

Mr. President, the Byrd-Baker amendment, as it is known, provided the following:

Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional process, defend the canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal.

Mr. President, that amendment was adopted by the Senate with only three dissenting votes—85 Senators voted for it, 3 Senators voted against it—and it was subsequently accepted by the Republic of Panama and is now a part of the text of article IV of the Panama Canal Treaty.

Now, what makes the Byrd-Baker amendment of 10 years ago particularly relevant today is the continued reports that I am receiving both from reliable independent sources as well as the news media that for all intents and purposes the Soviets, the Cubans, and the Nicaraguans have moved into Panama. Worse still, the armed forces of one or more of these countries, notably Soviet-controlled Cubans, may have penetrated canal defense areas manned by United States troops and may have actually engaged United States troops in combat.

Now, I am choosing my words carefully because I do not want to violate any intelligence rules in the process.

A principal purpose of the pending amendment that I just offered is to determine, so that the public can know as well as the Congress, if these reports are correct. I happen to know of my own knowledge, but I think it ought to be made official. I think the American people ought to know. I think certainly that the Congress ought to know, and I certainly think that the Congress ought to pay attention to the information when it is received.

The amendment does not say that the reports are correct or incorrect. The amendment simply ensures that the President of the United States who has access to all of the relevant facts will inform the American people about these reports, reports which I will not reiterate that I have been receiving on a regular basis from various sources. I think the American people have a right to know. That is the purpose of this amendment.

I hope somehow that these reports will be proved incorrect. But they are there, reports of Soviet-instigated Cuban military activities in Panama. They are there. I think we need to bear in mind that it would be naive to the extreme to even think that the dictator Noriega is incapable of selling his soul, his country, and the Panama Canal to the Communists to receive the totalitarian political technology, chiefly armed might, that he needs to stay in power.

Mr. President, I am sure that most Senators are familiar with reports that 100,000 Soviet-made AK-47's and Soviet-made rocket-propelled grenade launchers along with grenades and mortars and other weaponry made to order have been shipped to Panama and hidden in inaccessible sites around the country. If that is not a threat to the Panama Canal, I do not know what would be one.

Even more disturbing is a recent report that a Marxist-Lenist "internationalist brigade" so-called consisting of about 1,200 troops has infiltrated into Panama from where? From Cuba. If this report is true—and I think it is—then it would be logical to assume that the influx of Soviet weapons is a directly related incident because do not forget that the fondest goal in this hemisphere of the Soviet Union is not merely to get Nicaragua, Cuba, and other countries under the Communist umbrella but to get that Panama Canal. That is what a lot of us warned about 10 years ago.

In any case, Mr. President, the implications for the security of the 50,000 American citizens in Panama today, and the even greater strategic implications of these apparent developments are staggering. And we should not be asleep at the switch which is why that amendment is at the desk right now. That is why I have offered it.

The Senate and the American people are entitled to know the truth and they are entitled to learn it from the man they elected twice to be the President of the United States, Ronald Reagan. They are entitled to have from the President a formal statement of the facts.

If the President confirms that the facts are as reported, then the United States should take seriously its treaty responsibilities and act to fulfill its obligations under the Byrd-Baker amendment of a little more than 10 years ago. The bottom line, Mr. President, at least in the judgment of this Senator is that those obligations include the obligations to insist that the dictator, General Noriega, is brought to justice for drug trafficking aimed at the young people of this country, and our present and future security as a nation.

I will yield the floor in just 1 second. But before I do so, I ask unanimous consent there be printed in the RECORD an article entitled "Marxist brigade infiltrates Panama to defend Noriega" from the Washington Times of April 5, 1988, and the Washington Times article titled "Shadow of Cuba grows in Panama," of April 29, 1988.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 5, 1988]

MARXIST BRIGADE INFILTRATES PANAMA TO DEFEND NORIEGA

(By Lou Marano)

An international Marxist brigade of 800 to 1,200 Latin Americans, mostly Cubans but including some Colombians and Nicaraguans, has landed by air in Panama to support Gen. Manuel Antonio Noreiga.

U.S. and Panamanian sources said yesterday the brigade arrived on the night of March 24 at a remote airstrip in Panama.

News of the incursion was confirmed as 1,300 more U.S. troops prepared to leave today, for Panama, taking with them attack, observation and transport helicopters.

The guerrilla force landed in aircraft resembling American-built DC-6 transports at the remote Petro Terminales airstrip in Rambala, about 25 miles southeast of Almirante, in Bocas del Toro Province on the northwest Caribbean coast, The Washington Times was told.

The airstrip, which services an oil company, is usually deserted at night, a Panamanian source said.

The landings were witnessed by a Panamanian Defense Forces officer, said the source, even though PDF troops "were removed from the area to avoid problems."

The members of the unit were taken that night to a pier at Rambala, loaded onto LCMs (landing craft, mechanized) and sailed east along the coast to a point west of Miguel de la Borda. They disembarked there early on the morning of March 25 and walked through the jungle to Coclecito, where the late Panamanian strongman Omar Torrijos had a mountain retreat, the Panamanian source said. Coclecito is about 60 miles west of Panama City.

The force now is dispersed across the country, with many of the newcomers in Panama City guarding Gen. Noriega, sources said.

First reports of the Marxist landings came last week from Panamanian sources. The news was confirmed yesterday by a U.S. intelligence source with close knowledge of the situation in Panama.

The foreign arrivals have taken the place of an Israeli team that had provided Gen. Noriega with his personal security and communications, sources said.

The team was headed by Mike Harare, a former agent of Mossad, Israel's secret service, well-informed sources said. Mr. Harare, said to be very close to Gen. Noriega, was Panama's honorary counsul in Tel Aviv. The sources said the United States pressured Israel to withdraw the team earlier this year.

"Apparently Noriega can't trust his own people," the U.S. source said. Because of division within the 15,000-member Defense Forces, Gen. Noriega trusts only his key staffers, he said.

The U.S. source who put the number of those in the landing force at between 800 and 1,200 attributed his information to "multiple-source reporting throughout the country. People are calling in and saying, 'I just talked to a Cuban in a PDF uniform.' They appear to be dispersed throughout the country for different functions."

The Washington Times reported last week that Cubans were among those who raided the Panama City Marriott Hotel on March 28.

"We identified them on the basis of accent, haircuts and skin tone," a source said at the time. "They were not Panamanians."

Journalists and opposition leaders were roughed up on the raid, and TV news videotape was confiscated. Nearly 20 opposition leaders and eight U.S. journalists were detained. Five opposition leaders were arrested, and one of those is still in custody.

On Friday, when President Reagan ordered 1,300 new U.S. troops to Panama, U.S. officials said it was a response to the arrests and beatings of the American reporters.

Three dissident Panamanian military officers told The Times last month that Gen. Noriega was laying the groundwork for a future Cuban-supported guerrilla war against the United States in Central America.

The officers were quoted as saying arms recently flown into Panama from Cuba included 100,000 Soviet-make AK-47 automatic rifles, rocket-propelled grenades, hand grenades and ammunition. Gen. Noriega's private Boeing 727 jet was used for some of the flights, they said.

Air Force Maj. Augusto Villaz said he had flown three of the 16 scheduled flights that ferried some 250 tons of arms and ammunition from Cuba to Panama in preparation for a possible left-wing, anti-American insurgency.

The American troops departing today will double the present U.S. security force of 1,270 men in Panama, which Mr. Reagan doubled just last month from 600.

In addition, there are 10,000 U.S. troops stationed in Panama, the headquarters of the U.S. Southern Command, which covers Central and South America.

Some 200 members of a combat aviation brigade departed by helicopter from Fort Ord, Calif, yesterday for Travis Air Force Base, 150 miles to the northeast, the first step on their trip to Panama.

Lt. Col. Rick Dodge, commander of the unit dubbed "Task Force Hawk," said his pilots, ground crews and air crewmen are prepared for any of the missions they have trained for, including transporting troops, evacuating civilians and other military operations.

The troops, members of the 7th Infanatry Division (Light) Aviation Brigade, will leave Travis today on Air Force transport planes.

Accompanying them will be 26 helicopters, including 15 UH-60 Blackhawk utility helicopters, seven AH-1S Cobra attack helicopters and four OH-58 Kiowa observation helicopters.

The unit will join about 1,100 other Army soldiers and Marines, who will arrive in Panama from tomorrow through Friday.

Army spokesman Paul Boyce said the troops are taking all the types of helicopters they normally fly and train with. He called the action "a normal troop movemement," not an emergency deployment like the recent Honduran mission.

(James M. Dorsey contributed to this article, which is based in part on wire service reports.)

[From the Washington Times, Apr. 29, 1988]

SHADOW OF CUBA GROWS IN PANAMA

(By Peter Almond and Bill Gertz)

Military and intelligence officials say evidence of Cuban involvement in intrusions on U.S. base areas in Panama is growing.

Several officials with access to top level intelligence reports each told The Washington Times independently that those reports describe continuing probes by Cuban commando units against U.S. military installations in Panama, increased political agitation by Cuban political advisers, and casualties suffered by the Cubans in some of their probes.

But senior Reagan administration representatives continue to insist there is not enough definitive evidence to allow them to announce publicly who is responsible.

The Marine Corps—humilated and angry after an April 11 incident in which one Marine was accidentally shot and killed by fellow Marines—has been pressing for the administration to demonstrate there is indeed a significant, professional military effort to probe U.S. defenses in Panama.

Military and intelligence sources have described in detail some of the intrusions that are frustrating the Marines.

For example, three U.S. military officials with access to intelligence reports told The Washington Times that Cuban special military forces and intelligence agents launched a covert operation this week aimed at provoking a military incident with U.S. forces at Howard Air Force Base in Panama as part of a larger effort to foment anti-American feelings in the country.

Other officials have cited conflicting reports that the Marines killed at least two Cuban commandoes during an April 12 incident near Howard AFB and wounded six others.

The commandos were said to be part of a contingent of Cuban military and intelligence operatives recently dispatched to Panama to carry out operations against U.S. military and civilian facilities in support of Panamanian strongman Gen. Manuel Antonio Noreiga.

But Pentagon officials and a senior White House offical—at least publicly—are telling a different story.

Marine Commandant Gen. Alfred Gray discussed the incidents in Panama recently with Pentagon spokesman Daniel Howard, and the latter said later: "We just do not have the evidence to come out with anything substantial:

"I think there is no doubt our defenses are being probed" said Lt. Cmdr. Greg Hartung, spokesman for U.S. Southern Command in Panama. "We are dealing with professionals, using professional military tactics, well-trained, disciplined. But I do not know who is behind it."

The senior White House official acknowledged yesterday that "there has been some information of Cuban personnel there [in Panama] but in insignificant numbers."

Adding to the confusion, however, is the official's further statement that he had "forgotten whether there were any casualties from the Marines' fire.

"At first we thought the boys were nervous and firing at shadows, but that now appears not to be the case," the senior official said. "It appears now that there were intruders of some sort and there have been exchanges, but I don't know about casualties.

"I don't know if Cubans were involved in the firefights," he said.

"It is not unheard of for this same sort of operation to be directed toward Guantanamo Bay [a U.S. naval base in Cuba.] Shadowy figures," the official said. "It doesn't appear to be a well-executed military maneuver but more in the nature of harassment."

Intelligence officials said there were reports that about 20 armed intruders believed to be part of a Cuban special forces unit were fired upon by U.S. Marines defending Howard AFB on Tuesday, although a Pentagon spokeswoman said she knew of no such incident.

But the officials insisted that the intruders set off 15 flares around the defense perimeter of the air base, drawing gunfire from marine patrols.

They also said the Tuesday incident was the latest in a series of maneuvers by armed commandos clad in black pajama-like camouflage suits and wearing black berets.

"This was a probe by Cuban 'Spetsnaz' [the Soviet term for special forces] that is occurring nightly near Howard," one intelligence official said.

The intelligence operatives are under the control of senior officials of the Cuban DGI intelligence service, which has maintained close ties to Gen. Noriega, and are active in an increasing number of propaganda and disinformation operations in support of the Noriega government, the intelligence officials said.

According to military sources, in the April 11 incident at the 800-acre Arraijan fuel storage facility near Howard Air Force Base, a Marine search party has split up and almost surrounded seven or eight intruders. Cpl. Ricardo Villahermoso, 25, of Puerto Rico, tripped a flare and was shot and killed by his colleagues who thought they were hearing gunfire.

The next night, about 100 Marines engaged some 50 intruders at the Arraijan facility in thick, triple-canopy jungle. Marines reported making several hits, but a detailed 48-hour sweep of the area found only a flare, an unused battledressing, two bottles of insect repellent and a black bandana. None of these, Pentagon and Southcom spokesmen said, are used by U.S. service personnel, but they could not identify the items further.

Nevertheless, reports persisted that the Marines had made hits, including the two men reportedly killed and the six wounded.

An individual interviewed by the military is said to have reported that one man was pronounced dead at a Panamanian hospital and that he heard Spanish spoken with a Cuban accent there. The source said other casualties were hastily spirited away from the hospital, apparently by Cuban diplomatic personnel.

Military officials got one report that the intruders could have escaped on a Cuban ship which developed "engine trouble" in the Panama Canal locks.

A spokeswoman at the Panama Canal Commission, a U.S. government agency, confirmed that, on April 14, the general purpose ship Moncada reported "steering failure" northbound in the Pedro Miguel locks. The ship docked at the tie-up station about one mile north, which is within eight miles of the Arraijan facility.

A Panama Commission launch helped the Cuban ship's local agent take the defective steering apparatus to Panama City for repairs and returned it the next day. The Moncada got under way on the 16th and cleared the locks, headed for Cuba, the following day.

The spokeswoman said she did not know if any extra passengers had boarded the ship while it was docked. "I would doubt it. The tie-up dock is brightly lit and observed by video cameras," she said.

Reports of Cubans in Panama abound in the streets of Panama City. Cmdr. Hartung said Panamanian friends had told him of being stopped at Panamanian Defense Force roadblocks in the area where the words "Coche," Spanish for car, and "baul" for trunk were used.

"These are words used in Mexico and Cuba, but not in Panama," he said.

Last week, it was the U.S. Army's turn to encounter intruders, and yet fail to find any incriminating evidence.

About midnight on April 19 at the Rodman ammunition storage site next to the U.S. naval station and the U.S. Marine barracks, an Army guard reported seeing three men inside the perimeter. They were wearing the tiger-striped camouflage and berets common to the Panamanian Defense Forces (PDF) and carried pistols and satchels.

Ordered to stop, and under perimeter lights, one of the intruders fired his revolver at the guard, who returned fire and called for help. The intruder fired again and the three men ran before a 12-man Marine quick reaction force arrived. They found nothing, but military sources say intelligence officials are working with a video tape to try to identify the intruders.

The next night at 8, a three-member Army observation team one-and-a-half miles west of Howard Air Force Base on a secretive mission to try to intercept intruders was approached by about 30 individuals, according to officials.

The soldiers detonated Claymore mines as the men approached less than 30 yards away. No shots were fired, but the mines scared the intruders into retreating.

(Jeremiah O'Leary contributed to this report.)

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. HELMS. I thank the Chair. I yield to my friend.

Mr. SYMMS. Mr. President, I do not know what the time situation is on this amendment. But I want to inquire of the Senator. I read the report somewhere. It slips my mind where I read it. That was about the fact that they were in the process of a firefight that took place between American Marines and unidentified troops, that some of the people killed were actually Communist Cuban troops, and some were taken to the hospital. Some were wounded and then they were picked up by the Cuban Embassy or a Cuban interest group in Panama. Does the Senator know anything about that?

Mr. HELMS. I have heard the same reports. We have checked them out. We found to the best of our knowledge that they are correct.

Mr. SYMMS. Is this the article the Senator referred to?

Mr. HELMS. That is correct.

Mr. SYMMS. This may be the article that I happen to have read. "Other officials have cited conflicting reports that Marines killed at least two Cuban commandos during the April 12 incident near Howard Air Force Base and wounded six others." I think that is something that should be of alarm to all Senators.

But the question I would like to ask the Senator, which is very frustrating to him and to this Senator is, as the superpower, the leader of the free world, the United States of America seems to be so intimidated that it is afraid to use judicial force when necessary in the preservation of liberty and the preservation of commerce in the Canal Zone, which was up until 10 years ago the United States Canal Zone in Panama. It was handed over to these two-bit drug dealers by the thinking here in Congress that somehow if we gave the Panama Canal to them, then they would start being nice people; the same thinking in my view that keeps us from giving aid to the freedom fighters in Nicaragua. But I guess the question is: Does the Senator not think it is about time that the Congress of the United States admits the failures of the War Powers Act and repeal it, or else the administration test it in court and use judicial use of military power for the good of the order in a case like Panama? If the United States is so weak, I guess I am asking the Senator, that we cannot get rid of a dictator like Noriega, yet we did try to do things here that impose hurt and pain on the people, which then makes Noriega stronger and makes the United States weaker in the eyes of the people of Panama, that we should wake up, are there not times that the judicious use of force, military if necessary, would be more sensible and better for the good of the order than the process that is taking place?

There are two questions. I apologize.

Mr. HELMS. I am one of the very few Senators who voted against enactment of the War Power Act. I recall having read the English language of it prior to its being considered on the floor of the Senate. Not being a lawyer, I decided to call on my then colleague from North Carolina, the very able, very distinguished, beloved Sam Ervin, who was a constitutional authority, par excellence. I said: "Senator, can I come by and see you for a moment? I want to ask you a question."

He said, "Sure."

I went to his office, and I took a copy of the proposed War Powers Act and I read it to him, and he smiled at me.

He said, "What is your problem?

I said: "I'm not a lawyer, but as a nonlawyer, this seems to be, ipso facto, unconstitutional."

He grinned and he said: "You got it. You don't need to be a lawyer to read the English language."

In response to the other part of the Senator's question, I think it is almost past time for the United States—to use the Senator's words—judiciously to defend freedom.

I do not think that the President of the United States ought to be hobbled in the conduct of foreign policy, and a key element of foreign policy ought to be the prevention of a takeover of this world by the Soviet Union and communism.

It is said: "Helms sees a Communist under every bed," but they are just about right. They are everywhere.

I appreciate the Senator's concern, and on the presumption that he is going to support my amendment, I thank him.

Mr. SYMMS. I am going to vote for the Senator's amendment.

When I was in Idaho on the past break, quite a stir was raised by some of the more liberal members of the media, which is a lot of them, about the fact that I made some comment that I believed in the George Washington Revolutionary War theory of military, and that is that you never do anything that hurts the people of whatever country you are trying to engage with, whether it is the United States in the case of General Washington's Continental Army, or if it is U.S. Army as an invading force in Europe. You try to be good to the civilian people you are trying to defend, so that you have the support of the people.

In Panama, it seems to me that we have taken a position that is hard on the people but lets General Noriega go scot free.

Of course, the headlines were that SYMMS calls for using military force in Panama. I said that we do not need to send military force to Panama; we already have military force in Panama.

What we need is the political will to back up a clear-cut position, and all we get is a vacillation of our foreign policy that seems to come out of Foggy Bottom. It is never a clear position. The State Department is on one side and the DOD is on the other. In this case, the DOD is against the use of any military force. But there is always a confused signal that seems to come out.

I hope that at some time I am long enough in this town to see someone in the White House who will make a clear decision and give some orders and direct that we preserve peace and freedom and not be intimidated by it.

If the United States of America will not defend peace and freedom in the Isthmus of Panama, then who will, if the United States of America will not do it? Nobody else is going to do it.

I venture to say that if the roles were reversed and it was the Soviet Union that was overseeing a canal zone that they had given to some tinhorn, two-bit dictators who are thieves and trying to undercut the youths of their country by sending drugs in, they simply would not have any hesitation to use force if it was necessary to restore a semblance of what they considered a government that was in comity with them.

In my view, this whole Panama situation has been badly bungled by everyone concerned since the day that the treaty was signed, through the ratification process in the Senate in the late 1970's, through this time period today.

Sooner or later, the United States of America is still going to have to accept the responsibility that we are the leader of the free world. Central America, Panama—that region is part of the world where we are going to be the ultimate referee, to decide what the outcome will be; and the sooner we get on with it, the less bloodshed and tyranny and problems will happen.

This situation has been grossly mishandled by the United States. There is plenty of blame to go to the Democrats, plenty of blame to go to the Republicans, plenty of blame to go to people who are not interested in politics, plenty of blame for the State Department and DOD. Everybody can share in this blame. But I believe we should get on with it now.

I support the Senator's amendment. At least it will make people focus on the fact that Noriega's best friends in the Western Hemisphere are Fidel Castro and the Ortega brothers.

"The Ortega brothers," in this Congress, does not mean much. I often say at home that it appears, when I look at Congress, that Congress has not realized that there is a difference between the Ortega brothers and the Osmond brothers. I hope that sometime Congress becomes more enlightened and can recognize that.

Mr. HELMS. I thank the Senator.

The difference between the Soviet Union and the United States was dramatically and horribly pinpointed for both the Senator from Idaho and the Senator from North Carolina in 1983, when, by the grace of God, Senator SYMMS and Senator HELMS were not on that plane that was shot down deliberately and premeditatedly by the Soviet Union because it was in violation of the air space.

Mr. Noriega is another Keystone Cop exercise by the State Department.

It reminds me of the inept husband who did not know anything about babies or anything else, who was asked by his wife to change the diaper on the baby, and he took the pins off and left the diaper in place.

That is what they are proposing to do in Panama by letting Noriega get, as somebody said, time off for bad behavior, and designate his own successor.

You do not deal with tyrants that way. At least, I was raised to believe that you did not. But maybe I have lived too long.

In any case, I thank the Senator for his comments, and I yield the floor.

Mr. NUNN. Mr. President, I have conversed on this amendment with the chairman of the Foreign Relations Committee and have talked briefly to the ranking member, who is proposing this amendment.

I agree with much of what the Senator from North Carolina is saying about the situation in Panama and much of what Senator SYMMS has just said. But one of the problems with this amendment, as drafted, is that it would deny funds for the combined board which is set up by the Panama Canal Treaty, and that board has a large bearing on the protection of the canal. The operation of the board really, basically, works with both the Panamanian forces and the United States military forces jointly to protect the canal.

So, in order to make a very strong point about our disapproval of General Noriega and the current government in Panama, it does not serve our interests to disrupt the military protection of the canal, and I am afraid that that is what this would do.

I am also afraid that Noriega, in fanning the flames of his own population, will use this amendment, unless it is changed somewhat, as an effort by the United States to break the Panama Canal Treaty. I think that at this juncture, that kind of fanning of the flames, when we have economic sanctions in place, could find very receptive public opinion. So we have to be very careful about how we word our efforts to deal with the situation.

And I would ask the Senator from North Carolina if he would consider accepting a possible substitute that would take out any reference to the combined board established by the Panama Canal Treaty. This substitute would read as follows:

> It is the sense of the Congress that the United States should limit its military cooperation with Panama to those activities essential to the defense of the Panama Canal or the presence of U.S. Armed Forces in Panama and should provide no further military assistance to the Panamanian defense forces if there are any armed forces of the Union of Soviet Socialist Republics, or Cuba, or Nicaragua present in the Republic of Panama, or as long as Gen. Manual Noriega remains the commander of the Panamanian defense force.

I wonder if the Senator from North Carolina could respond to the question whether he would be receptive to that kind of substitute.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. NUNN. I am glad to yield.

Mr. HELMS. I will look at that. If the Senator will, let me suggest that we have a brief quorum call and let me look at the actual text. I also have a suggestion. Maybe we can meld them. I suggest the absence of a quorum.

Mr. NUNN. I wonder if the Senator would withhold that for a moment.

Mr. HELMS. Yes.

Mr. NUNN. I would be delighted to put in that quorum for the purpose of discussing this amendment.

Let me ask if on the next amendment, which is the one related to Afghanistan, the Senator would be prepared to enter into a time agreement that would let us have the vote on or before 2:15, the chairman says, and the reason being we have a very important Foreign Relations Committee meeting. I know the Senator wants to be there. We could perhaps conclude the debate on that amendment and begin a vote in time to reach the 2:30 meeting.

Mr. HELMS. The Senator contemplates voting on the Panama amendment, subject to that, either voice or rollcall?

Mr. NUNN. If we do not work it out. I would not propound that unanimous-consent request now. I ask the Senator to think about it. That depends on whether we work this out. If we do not work this out and have a rollcall, obviously we do not have time to complete the other amendment.

Mr. HELMS. Correct.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent—and I believe the distinguished managers of the bill are agreeable—that we lay aside the pending amendment temporarily while we examine some possibilities as to adjusting the text of the amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

AMENDMENT NO. 2086

(Purpose: To prohibit the expenditure of funds for implementation of the U.S.-U.S.S.R. Afghan agreement until the President has submitted such agreement to the Senate for its advise and consent)

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2086.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. SYMMS. Mr. President, I would like to hear the amendment read. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The assistant legislative clerk read as follows:

Add at the end of the bill the following new section:

"SEC. . Notwithstanding any other provision of law or of this Act, no funds authorized or appropriated by this or any other Act shall be obligated or expended, directly or indirectly, for implementation of any provision of the document of April 13, 1988, purporting to be an agreement made between the United States of America and the Union of Soviet Socialist Republics concerning the 1988 Treaty made by Afghanistan and Pakistan in connection with the Soviet occupation of Afghanistan unless and until the President has submitted such document as a treaty to the Senate for advice and consent to ratification.".

Mr. HELMS. Mr. President, the purpose of this amendment, I believe, is about as straightforward as it could be. The amendment would block funds to implement the Afghan agreement of April 13 until this Senate receives from the President of the United States those so-called Afghanistan accords for advice and consent as a treaty. We have no business dealing in this fashion, in the judgment of this Senator, on some sort of agreement that I very much doubt any Senator has read.

If we are going to get involved in this, this treatymaking, let us make a treaty, not some agreement that has been entered into by the State Department.

There are many reasons why I say this: There are many reasons why the Senate should review the accords in the form of a treaty. The first and main purpose for this review is to prevent any further degradation or diminition of the constitutional duty of the Senate to gives its advice and consent to any treaty that the United States signs with another sovereign nation.

The second reason, Mr. President, is that the nature of the Afghanistan agreement is so ill-conceived that the Senate should have the opportunity to debate these issues before it gives its advice and consent. Possibly we could improve the document. All wisdom does not reside in Foggy Bottom.

Mr. President, let me summarize, as quickly as I may.

The U.S. Department of State, in order to get an agreement with the Soviets, agreed to let the Soviets supply the Soviet installed puppet "Afghan Army" with weapons and supplies.

However, Mr. President, in order to satisfy the U.S. Senate, domestic political opinion, and the President, the State Department dreamed up the so-called "symmetry argument"—that is to say, each superpower would have equal ability to supply their respective side.

So, Mr. President, the State Department in order to satisfy the "symmetry agrument" and get an agreement, apparently applied pressure to Pakistan to get Pakistans signature on an agreement that makes it illegal for the Pakistanis to ship any arms to the freedom fighters.

If that is not a buzzard stew, I never heard of one. What kind of foreign policy is that? The Soviets, no doubt, plan to abandon the southern part of Afghanistan for now, but only for now.

Mr. SYMMS. Will the Senator yield? I do not want to interrupt the Senator's speech, but I thought you asked a question and deserved an answer. The answer to the Senator's question is it is a typical policy designed to snatch defeat from the jaws of victory.

This Senator visited Pakistan in January 1988 and visited what has happened over there on the border and talked with the leader of the Mujahidin and other leaders that are involved in the effort. Freedom is clearly winning over the Communist Russian, Soviet troops. Clearly, Soviet troops are getting their tails handed to them on a tray over there. All we had to do was keep what we were doing and we were winning anyway. Those Soviet troops will be leaving or else they will have the same fate that befell the British some 100-plus years ago in this same country. There will not be anybody left when it is over.

But, no, the United States comes up with some scheme to let them off the hook, which is what Yunis Khalis said to me in January 1988. He said:

> You people in the United States are getting ready to sell us out. We fought, we died, we bled, and now you are getting ready to sell us out. We have a million and a half refugees in Iran, 3 million in Pakistan, a million of our own citizens have been killed here and we are not going to stop until we throw the Soviet Army out, no matter who helps or who does not.

So, for us to sign an agreement that ties the hands of the forces of freedom behind their backs and allows the forces of oppression to have a free reign to fight and kill innocent people is absolutely pathologically irrational.

Mr. HELMS. I totally agree with the Senator, and I thank him.

Mr. President, the result is that while the Soviets can supply all the material and weapons that they want, we will not be able to use our Pakistani pipeline to resupply the freedom fighters. This in effect means that the United States and Pakistan must breach international law to supply the Afghan freedom fighters with arms.

Meanwhile, Mr. President, the State Department can say with an apparent clean conscience that, in principle, the concept of symmetry exists.

The Soviets, Mr. President, have been running between 200 and 400 trucks a day laden with war material into the northern part of Afghanistan where they have set up a "super province."

Mr. President, in northern Afghanistan the Soviets have made treaties with the local puppet officials and constructed a massive series of forts and fire bases to protect their political, economic, and military control over this territory.

This northern territory, Mr. President, is the richest in Afghanistan. The north not only provides the nation with more than half its total wheat, barley, and vegetable harvest, but also produces 2 billion cubic meters of gas annually for export by pipeline to the Soviet Union.

The Soviets no doubt plan to abandon the southern part of Afghanistan, and for now, wait for the rebels to become less organized and, low on weapons, and then hit back.

Perhaps, Mr. President, the Soviets are planning a creeping extension of political and military control based from this northern super province.

Mr. President, as the freedom fighters' military supplies run low, and there may be less international political support for their cause when the Soviet troops appear to have left. The Soviets could creepingly take back the rest of Afghanistan from their set of puppet provinces and fire bases in the north.

Thus it could well be that Soviet hedgemony over Afghanistan is assured by this agreement.

In a post-Afghan agreement era, the political cover will be there for the Soviet apologists to say—a la Nicaragua—"we cannot wreck the peace process and supply arms to the rebels."

The freedom fighters thus would be left to face the Soviet weapons without United States political and military support.

Mr. President, as the Senate is already aware, Soviet orchestrated sabotage has destroyed the majority of the Afghan's stockpile of arms in Pakistan.

That sabotage destroyed the last stockpile of American military aid to the freedom fighters in Afghanistan and will, according to some reports, take 6 months to replace, even if the United States and Pakistan decide to break the existing laws that were consummated in the recent Afghan agreement.

Mr. President, I ask unanimous consent that the two articles, one from the Washington Post, dated April 24, 1988, titled, "North Afghanistan Seen as a Pro Soviet Buffer," and an op-ed piece from the Hartford Courant, dated Sunday, April 24, 1988, titled "Even Though Defeated, Soviets Emerge as Victor of Afghanistan War," be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 24 1988]

North Afghanistan Seen as Pro-Soviet Buffer—It Could Become Najibullah's Last Redoubt

(By David B. Ottaway)

Mazar-e Sharif, Afghanistan.—This peaceful capital of the strategic northern province of Balkh has become a showcase for the Kabul government as it seeks to demonstrate to foreigners the success of its national reconciliation policy. Provincial and national assembly elections were just held here, and "opposition" candidates won nearly a third of the vote.

Because of its strategic location and economic importance, the fate of north Afghanistan in the continuing political turmoil wracking this country has been the subject of much speculation in Washington and other western capitals.

Some U.S. experts believe that Balkh and the eight other northern provinces along the Soviet border are being prepared as a last redoubt of President's Najibullah's People's Democratic Party of Afghanistan if the U.S.-supported Afghan rebels take over in Kabul and party rulers are forced to flee.

The Soviet Union, according to this theory, would extend its protection to a kind of northern "republic" ruled by Najibullah's regime and thereby create a buffer zone between itself and unfriendly new rulers in Kabul akin to that established by Israel in southern Lebanon.

In the past two months, the Kabul government has taken a number of steps that strongly suggest the regime has a special design for the north—the country's breadbasket and the center of its oil and gas wealth.

These step have included the reorganization of the provinces along the Soviet border under one regional authority, the establishment of a new province called Sari Pol in the area and the appointment of a special deputy prime minister for the north, Najibullah Masir. At the same time, the Soviet Union has been establishing ties directly with cities and districts in the northern provinces by signing economic accords with them.

But authorities here and in Kabul appear taken aback by western interpretations of recent events here and by supposedly secret intentions of Najibullah's party to establish a northern redoubt. They explain the events as part of a national plan to reorganize the whole country and provide better coordination of development.

They do not dispute the special importance of the north to the central government. "We call it our *kandoo,* which is what the peasants store their flour in," said Samad Salim, deputy chairman of the Afghanistan Academy of Science and a former minister of mines.

Not only does the north provide the nation with more than half its total wheat, barley and vegetable harvest, but it also produces 2 billion cubic meters of gas annually for export by pipeline to the Soviet Union. This provides the central government with hard currency for a quarter of its annual budget, Salim said.

In addition, the gas feeds Afghanistan's only chemical production plant and a major electrical power installation just outside this city. The chemical plant produces 110,000 tons of urea annually.

The latest foreigners to visit this prosperous industrial and religious center near the Soviet border included a dozen Americans from the Washington-based International Center for Development Policy and 15 Soviet scholars. Together they were flown Friday from Kabul aboard two government-chartered planes for a day-long tour.

The private American delegation is the first to visit Afghanistan since the Soviet invasion in December 1979 and, in a bid to win U.S. recognition and aid, Afghan authorities have been eager to demonstrate that the government does control strategic centers of the country in addition to Kabul.

Asked by reporters accompanying the group why the northern provinces were being reorganized into a special region, Mohammed Sharif, secretary of the ruling party, noted the economic importance of the area and said it was being done "in order to coordinate development projects." Other local and Kabul officials said the reorganization was an outgrowth of too much squabbling among competing provincial governors for money and projects. They also said the entire country is being realigned into four regional authorities—North, South, East and West—and that the government had begun here because of the north's special economic importance.

As for why the government created the new province of Sari Pol out of southern Balkh and neighboring Jowzjan province, local officials said it had mostly to do with tribal politics. The Shiite Hazara people, who make up the majority in that region, are now consolidated into one province, they said.

Although Shiites account for only 10 to 15 percent of Afghanistan's otherwise Sunni Moslem population, the government has been courting their support as it has other minorities in an effort to broaden its popularity.

But apparently the main reason the U.S. and Soviet delegations were brought here was so they might view the achievements of the government's national reconciliation policy at ground level.

Sharif, the chief of the ruling party, said 110,000 of Balkh's population of 600,000 had voted in provincial and national assembly elections held April 6 to April 15 and that many "coalition administrations" including opposition members had been set up at the village and town level as a result.

He conceded, however, that most of the "opposition" votes—about 30,000 all told—had come from several small parties allowed to operate under the government "national front" dominated by the People's Democratic Party. But he also cited the example of Mohammed Zaher, a former member of the fundamentalist rebel group Harakat Islami, who won a seat in the assembly of Pari Pol province with 15,000 votes.

Zaher, interviewed later, said another former Harakat member had also been elected to the provincial assembly and that two others had won seats in the new national assembly.

Asked if he regarded himself an "opposition" representative, Zaher seemed startled. "I'm not in the opposition now," he said. "Why should I be against the government which gave us elections for our people?"

Zaher also said he felt the government had taken steps to protect "the status of Islam," which the constitution adopted last year made the official religion of the country, although not of the state.

[From the Hartford (CN), Courant, Apr. 24, 1988]

Even Though Defeated, Soviets Emerged Victor of Afghanistan War

(Michael Reisman)

Politics, Soviet leader Mikhail S. Gorbachev is teaching the West, is the continuation of war by other means. His most recent lesson is the April 14 agreements between Pakistan and the Najib government in Afghanistan, which have been "guaranteed" by the United States and the Soviet Union.

The Soviet Union invaded Afghanistan in December 1979, murdered President Hafizullah Amin, and replaced him with Babrak Karmal. Pravda explained that it wasn't an intervention, because the Afghan president had invited the Soviets to aid the Afghan government. The invitation, however, came from Karmal, who was in the Soviet Union at the time and held no office in the Afghan government.

Afghanistan put the Soviets within a few minutes airtime of the Persian Gulf, allowing them to pressure Pakistan and China.

The only rub was the Afghans themselves. Since 1979, Afghanistan has been embroiled in a vicious war between Soviet and Afghan

Communist forces and the mujahedeen, the Afghan resistance. The United States, Saudi Arabia and China have been the major sources of aid for the mujahedeen. The aid has been channeled through Pakistan, the only possible route in.

As long as the Afghans resisted the Soviets with primitive weapons, the Soviets prevailed. But when the United States began to ship technically advanced weapons to the mujahedeen through Pakistan, the technical disparity equalized and Afghan determination tipped the balance.

Despite eight years of effort, the introduction of more than 100,000 troops and intense use of air power, the Soviets were losing. They controlled only the major cities; the rest of the country was held by the mujahedeen.

The war has been internally demoralizing and diplomatically costly. The U.N. General Assembly, each year and by enormous majorities, has condemned the Soviet presence and instructed the secretary-general to work for a withdrawal.

If Gorbachev was really willing to accept the loss of Afghanistan, he could simply have withdrawn Soviet forces. A withdrawal is actually less complex to plan and execute than an invasion.

But if Gorbachev still hoped to turn a losing situation around, simple withdrawal wasn't the answer. He needed to break the U.S.-Pakistan connection, to get the United States to stop the supplies and Pakistan to close its border. Then the Soviet puppet forces would have a chance to contain the mujahedeen, and possibly prevail over them. Even if the gambit failed, at least the Soviets weren't leaving in disgrace.

The papers signed in Geneva give Gorbachev everything he wants. The agreements are between Pakistan and the Soviet puppet government in Kabul. They agree to "normalize" relations and not to interfere or intervene in each other's affairs.

Each party agrees "to prevent within its territory the presence, harbouring, in camps and bases or otherwise, organizing, training, financing, equipping and arming of individuals and political, ethnic and other groups for the purpose of creating subversion, disorder or unrest in the territory of the other . . ."

There's no reference anywhere to the mujahedeen, but in Article 2(8) of the bilateral accord, Pakistan and Afghanistan each agree "to prevent within its territory the training, equipping, financing and recruitment of mercenaries from whatever origin for the purpose of hostile activities against the other High Contracting Party."

In other words, there's to be no pipeline, indeed no more help of any kind, for the mujahedeen against the Majib government.

The United States and the Soviet Union agree, in the Declaration on International Guarantees, that they signed, "to invariably refrain from any form of interference and intervention in the internal affairs" of Afghanistan and Pakistan.

To the layman, that may sound symmetrical but those are terms of art in international law. It's not interference or intervention when a foreign state enters at the invitation of the local government. Because Najib, the Soviet puppet who replaced Karmal, is the government of Afghanistan and can ask Moscow for support, anything Moscow gives won't be intervention. Anything the United States gives in the future to the mujahedeen will be an illegal interference and an intervention.

That's about as symmetrical as Honore de Balzac's description of the law that in its majestic impartiality prohibits rich and poor from sleeping under bridges at night.

When the press and Congress discovered the sellout, Washington covered its embarrassment by adding a unilateral "statement" in which it insisted that if the Soviets supply "parties" in Afghanistan, the United States reserves the right to do the same, and that "by acting as guarantor of the settlement, the United States does not intend to imply" that it recognizes the Najib regime as the lawful Afghan government.

How this fits with our guarantee of the agreement and how this permits Pakistan to continue that indispensable supply line is, to say the least, obscure.

If the Soviet gambit works, Pakistan will have a Soviet dependent state permanently on its doorstep and 3.5 million Afghan refugees as permanent residents.

The mujahedeen have denounced the agreements. They view them as an attempt to steal their hard-won victory by a combination of Soviet duplicity and U.S. complicity.

The agreements aren't bad for everyone. Gorbachev has turned certain defeat into a fair and economical shot at victory. President Reagan looks good and can go to Moscow in May like a winner. The United Nations looks like it works; it brokered the deal and can claim that it performs an important peace-making role. Najib has a better chance of staying in power than at any time since he seized it.

Perhaps this is what peace has come to mean in the waning years of the 20th century. Considering that Henry A. Kissinger got his Nobel Prize for bringing peace to Vietnam, and Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin shared one for bringing peace to the Middle East, there may yet be a few laureates here.

Mr. HELMS. Mr. President, as the ranking Republican member of the Committee on Foreign Relations, I am deeply concerned that the Soviet withdrawal from Afghanistan, which under the recent Geneva Agreements is to begin on May 15, could well be another case of Soviet strategic deception. This region—including Pakistan, free and occupied Kashmir, and India—is and has been for centuries a pivotal area in world politics. The United States has global interests; we ignore the developments in this region at our own peril.

I do not believe that the Soviet Union intends to fully withdraw from Afghanistan at all. Afghanistan, as a pivotal in the regional as well as in the global balance of power, is not going to be simply abandoned by Moscow.

To this Senator, it is naive to assume that the Soviets will not—one way or another—attempt to set up a sphere of influence over all or part of Afghan territory using whatever means the Kremlin calculates to be necessary.

In the view of many experts, it is likely that the Soviets will fall back to a position which will include the nine northern provinces of Afghanistan. The Soviets can thereby take advantage of the massive Hindu Kush mountain ranges and associated ranges which essentially divide the country into a northern third and a southern two-thirds.

These northern provinces are: Badghisat, Faryab, Jowzjan, Balkh, Samanagan, Baghlan, Kunduz, Takhar, and Badakhshan. Included in the Soviet occupation zone would also be the recently created artificial province of "Sari Pul" which is composed of the southern portions of Jowsjan and Balkh province and about half of Bamiyan province.

For centuries extending back before even Alexander the Great's march through the area, the territory that is Afghanistan has been a strategic crossroad between West and East. During the last century, the British Empire and the Russian Empire struggle for supremacy in the area in what became known as the "Great Game" over the control of the transportation routes through the Near East to India. It is not surprising that the Soviet Empire today seeks hegemony in this region.

Given the significance of this critical geographic area of the world, there are a number of questions which we should be asking ourselves on the eve of this supposed Soviet withdrawal. We should ask these questions in the context of overall Soviet global strategy which includes, of course, the INF and START negotiations on intermediate and strategic nuclear arms.

In light of Soviet strategy, what is the real purpose of and nature of the withdrawal that Gorbachev has promised?

Are the Soviets really going to take every last Soviet soldier in their occupation force out of Afghanistan?

Are the Soviets going to establish a bastion in the northern Afghan provinces and dig in for a further extended occupation?

There are further questions which must be raised which relate to the overall regional balance of power. Just last week, the Soviet puppet dictator of Afghanistan Najibullah spent 3 days in India on an official visit. The Indians have offered to introduce "peace keeping" forces into Afghanistan in coordination with the Soviet withdrawal.

In light of the military relationship between the Soviet Union and India, will the Indian forces act as a surrogate for the Soviets in achieving their strategic purpose?

Are the Indian troops going to be under the direction of the Najibullah regime or the United Nations or both in order to serve as a buffer between the Afghan freedom fighters and the Soviet puppet Najibullah regime?

Are the Indian troops which are to be stationed in Afghanistan to have a secret purpose in threatening Pakistan with a potential two-front war should India choose to unleash a war against Pakistan this winter after the snows close the Karakorum passes which could bring Chinese assistance to Pakistan?

Are the Indians going to send troops to Afghanistan which are primarily drawn from the Sikh religious community in India in order to undermine the Sikh's own freedom struggle by creating ill-will among Muslims in Afghanistan and Pakistan and the Sikh troops?

Mr. President, the situation in this part of the world is highly complex and dynamic today. We may hope for the best but I am deeply troubled by the incapacity of the Department of State to protect our interests in the region. Certainly time will tell. But we must not, even for 1 day, lose sight or the lose track of the situation in Afghanistan and the nature of the balance of power in the region and in this most ancient strategic crossroad between West and East.

THE PESHAWAR POLITICAL PARTIES

Mr. President, while the struggle for freedom from Soviet occupation and oppression has been joined for some 8 years, there is confusion about the nature and composition of the freedom fighters.

The first significant distinction to make is between the exiled political parties which operate mainly from Peshawar, Pakistan and the guerilla fighters inside Afghanistan who are led by a number of distinguished and valiant commanders. The relationship between the political parties in Peshawar and the actual guerillas fighting in the field is indirect.

The guerilla commanders fighting in the field have their bases in local, family, ethnic, and tribal loyalties. They are independent of the direction, command, and control of the Peshawar political parties. They receive assistance in varying degrees, mostly quite limited, from the Peshawar political parties.

In 1981, the political parties today were divided into three "Moderate" and seven "Islamic fundamentalist" groupings. The first moderate grouping which was established in June 1981 is usually referred to as the Unity of Three. It is composed of the political parties of Ahmad Gailani, Mohammad Nabi Mohammadi, and Sibghatullah Mojadeddi.

The "Mahaz-i-Milli Islami" (National Islamic Front) is led by Sayed Ahmad Gailani. Gailani is from a well respected traditional Islamic religious family. His organization has a Pushtun cast with support in six southern border provinces. Gailani's views are democratic and nationalist.

The "Harakat-i-Enqilab-i-Islami" (Islamic Revolutionary Movement) led by Mohammad Nabi Mohammadi is loosely organized and pragmatic politically and ideologically.

The "Jabha-i-Milli Nijat" (National Liberation Front) led by Sibghatullah Al-Mojadeddi, a highly regarded Islamic scholar, is traditional and Pushtun in orientation.

The Islamic fundamentalist grouping was formed of six parties in August 1981 and expanded to seven parties in March 1982. The group was referred to as the Unity of Six and later as the Unity of Seven. The groups are as follows.

The "Jamiat-i-Islami" (Islamic Society) is led by Professor Burhanuddin Rabbani and is mainly Tajik in ethnic composition. This organization has guerilla affiliates active in the northern provinces from Herat in the northwest to Badakhstan in the northeast. Guerilla commanders affiliated with this organization include: Ahmed Shah Massoud (Panjshir Valley), Zabiullah (Balkh province), and Ismael Khan (Herat province).

The "Hezb-i-Islami" (Islamic Party) led by Gulbuddin Hekmatyar a Moslem extremist whose views have been anti-Western. Hekmatyar is disliked by other leaders, including moderates, for his ruthless and self-serving behavior.

The "Hezb-i-Islami" (Islamic Party) led by Yunis Khalis is a breakaway faction from Gulbuddin's party. As a military group it conducts guerillas activities principally in Kabul and Nangarhar provinces.

The "Itihad-i Islami Baraye Azadi Afghanistan" (Islamic Union for the Liberation of Afghanistan) led by Abd-i-Rab Rasoul Sayaf also has an extremist Islamic ideology which looks for an Iranian style government with an anti-Western orientation. The group, however, has few if any guerillas forces.

The "Harakat-i-Enqilab Islami" (Islamic Revolutionary Movement) is led by Nassrallah Mansour who broke away from Nabi Mohammadi's "Harakat" organization in 1981. The party is without significant influence and has no effective guerilla forces inside Afghanistan.

The "Harakat-i-Enqilab Islami" (Islamic Revolutionary Movement) led by Rafioullagh al-Mousin who, like Mansour, broke away from the original "Harakat" in 1981. The organization has a negligible following.

The "Islamic Front' led by Mohammad Mir is a breakaway from Mojadeddi's party with few followers and no affiliated guerrilla bands.

In 1985, a combined resistance alliance composed of 7 of the 10 parties was formed and has come to be known as the Peshawar resistance alliance. The current leader of the alliance, Mohammad Yunis Khalis, was elected as leader for an 18 month term on November 8, 1987. The seven leaders comprising the alliance are: Khalis, Sebghatullah Mojadeddi, Pir Sayyid Ahmad Gailani, Gulbuddin Hekmatyar, Prof. Burhanuddin Rabbani, Mohammad Nabi Mohammadi, and Adb al-Rab Abd ul-Rassul Sayyaf.

Deeply disturbing are numerous reports that the United States as well as Pakistan have given the bulk of assistance and support to Hekmatyar and his extremist Islamic organization. Hekmatyar is reported to have influence over no more than 10 percent of the guerillas fighting inside Afghanistan.

These reports indicate that moderate resistance organizations have not received the level of assistance that they deserve. Persistent reports from sources familiar with the main guerilla commanders inside Afghanistan indicate that very little assistance from Western sources has reached them. They rely on what they can capture from the Soviets and their Afghan surrogates.

Further disturbing reports have circulated which indicate that significant amounts of Western assistance, including U.S. assistance, which was intended for the Afghan freedom fighters have been diverted to Khomeini's regime in Iran. It would certainly be an appalling and morally repugnant situation for our government to have used the Afghan freedom struggle as a cover in order to funnel weapons to Khomenini in his mad war against Iraq.

THE GUERILLA COMMANDERS INSIDE AFGHANISTAN

Mr. President, the real freedom fighting takes place on the ground inside Afghanistan irrespective of the activities of the exile political parties based in Peshawar, Pakistan, As I have indicated, the commanders of the guerilla organizations fighting inside Afghanistan are the real heart of the struggle.

While some of these commanders do have relations of varying degrees with the external exile political parties, these relations are secondary to the military conflict inside. The future of Afghanistan will in large measure be determined by the battlefield successes of the military commanders and their guerilla fighters rather than by the negotiations political parties in exile.

Mr. President, it is a fact that the guerilla commanders and their brave troops fighting inside Afghanistan have not been conquered in 8 years of bloody struggle. In fact, the guerillas who are fighting inside Afghanistan have been gaining in strength and have been consistently defeating the Soviet enemy in spite of every conceivable challenge posed by the Soviet military machine.

Among the most well known guerilla commanders are Ahmed Shah Massoud, Amin Wardak, Abdul Haq, and Ismail Khan. There are many fine commanders with distinguished records. Today, I shall just mention four owing to constraints of time.

Ahmed Shah Massoud is of Tajik background and is known for his valiant and steadfast fighting in his native Panjshir Valley in Kapisa province. He is the son of a retired army brigadier general and attended the prestigious French run Istiqlal School in Kabul. His organization is reported to encompass guerilla groups in the neighboring Baghlan, Takhar, and Badakhshan provinces.

Amin Wardak leads the main guerilla group in Wardak province and has close ties with resistance groups in Logar, Bamyan, Paktia, and Ghazni provinces. He is a graduate of the French run Istiqlal School in Kabul.

Abdul Haq is of Pushtun background and operates in the Kabul region. His influence spreads to guerilla groups in the Ghazni, Zabul, Kandahar, and Paktia provinces which border Pakistan.

Ismail Khan is regional commander in Herat and the west of Afghanistan. His region includes Herat, Badghisat, and Fariab provinces. Over the past year he has continued to significantly broaden his areas of influence in the west.

In July 1987, Ismail Khan chaired the most broadly based meeting of commanders ever held within Afghanistan. The meeting took place at a secret location in a remote part of southern Ghor province. The meeting released a communique which called for practical measures to improve military coordination including improved communication. The communique demanded military and political unity and chastised the political leaders for not being able to work together. It also called for the establishment of a national commanders' council and a role in the determining of the future of Afghanistan.

Mr. President, I would emphasize that the Afghan resistance has been growing ever more powerful and the cumulative military successes in 1987 boosted morale to the highest level since the Soviet invasion in December 1979.

THE PARTITION OF AFGHANISTAN

Mr. President, there is no question in the mind of this Senator that the Soviets intend to remain entrenched in the northern third of the country protected by the Hindu Kush.

It is in the north where the Soviets have built several hundred manufacturing and industrial factories. It is in the north where the natural gas production takes place and where it is diverted to the Soviet Union.

Even before the advent of Islam, the Hindu Kush separated the Hindu from the world of Zoroaster in Persia. This formidable barrier marks the dividing line between Central and Southern Asia. It forms one of the greatest and least known mountain ranges in the world which have been, are, and will always be strategic.

The Hindu Kush dominate Afghanistan. They run westward from its highest point—24,891 feet—in the Pamir mountains in adjacent Soviet territory almost to the Iranian frontier.

The Hindu Kush actually refers only to the eastern and central parts of the mountain chain. Where this joins the center of the Pamirs, the system becomes continuous with the Karakorum range, itself a western arm of the Himalayas. The Hindu Kush originates on the "bam-e-dunya" ("roof of the world") in the steep northeastern corner of the country, where the narrow Wakhan corridor inserts a panhandle which separates the Soviet Union, China, and Pakistan. The Soviets have effectively annexed the Wakhan corridor.

Along a southwesterly route, the Hindu Kush divides the vast valleys of the Amu Darya—the ancients' Oxus River—and the Indus River basin, forming a succession of ridges of high peaks containing snow and glaciers. At the Pakistan border, the altitude begins to drop near the source of the Bashgul River and continues to drop all the way to Kabul—7,820 feet. About 125 miles from Kabul, it connects with the Koh-i-Baba ("Ancestral Mountains"), thus extending the watershed to the vicinity of Bamyan in central Afghanistan.

At this point, the Hindu Kush divides into two parallel ranges called the Siah Koh ("Black Mountains") and the Safed Koh ("White Mountains") and, while still losing elevation, becomes the Firozkoh ("Turquoise Mountains"). These latter are the so-called Paropamisus a word which Aristotle used in his "Meteorologica" in 330 B.C. to describe the Hindu Kush. The Paropamisus acts as a barrier between Herat and the Soviet Union.

Mr. President, this strategic geography which was well known to the ancients has not been lost on the Soviets. They know precisely what the significance of all this real estate is. The massive and feverish Soviet activity which was detected this spring in the last several months in this region leaves no room for doubt about Soviet intentions.

The Soviets have during the months of February, March, and April of this year conducted massive logistical operations bringing supplies to the northern nine provinces. These operations have included truck caravans which have contained in excess of 500 and even 1,000 trucks at a time. Air operations involving Antononov-12 and Antonov-26 transport aircraft bringing tons of supplies to this northern region have been detected. The Soviets have reportedly built a system of fortresses in a line extending across the northern provinces which can be covered by aircraft from over a dozen airbases on the Soviet side of the border with Afghanistan.

With these operations completed, the Soviets have prepositioned all the supplies that they need for the near and medium term occupation of the northern third of Afghanistan.

The State Department has tried to promote the notion that it achieved some sort of success at the Geneva meetings which resulted in the so-called arrangements for Soviet withdrawal.

Far from successful, these arrangements allow the Soviets to retain their massive stockpiles in northern Afghanistan to be used to reinforce the Kabul puppet regime of Najibullah. On the other hand, the United States must halt assistance to the freedom fighters. This is far from the "symmetrical" arrangement described by Foggy Bottom. In fact, it is reported that the massive explosions at weapons arsenals in Pakistan in recent weeks destroyed Western stockpiles for the freedom fighters.

Mr. President, in conclusion let me state that in the weeks to come we in the Senate have a responsibility to keep our attention focused on Afghanistan and, indeed, Pakistan, Kashmir, and India. We cannot look aside thinking that all has been solved by the diplomatic negotiations at Geneva. Far from it.

Mr. President, I do not doubt that the world is now going to witness a new phase of Soviet activity in the region as the Kremlin seeks to increase its hegemonic strategic position in the region through new and complex maneuvers. It is not outside the bounds of possibility that a war will erupt owing to Indian aggression against Pakistan. Should this take place, the further Balkanization of the region will result. The Soviet partition of Afghanistan marks the new phase of the battle in this ancient crossroad of civilization.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Rhode Island.

Mr. PELL. Mr. President, the Geneva accords require that half of the Soviet troops in Afghanistan be withdrawn by August 15, 1988. The remaining half are to be removed by February 15, 1989.

Most observers believe that the Soviets will meet these deadlines. Many expect the Soviets to completely withdraw before the end of this year, if not before.

This amendment is gratuitous and mischievous. If enacted, it would severely embarrass the President on the eve of the summit with Secretary Gorbachev.

It could also be counterproductive. If the role of the United States as guarantor of the Geneva accords is put into abeyance until the Senate approves by a two-thirds majority vote, we run the risk of delaying the entire process.

By all accounts, both public and private, the Soviets are indeed implementing their withdrawal. I believe the adoption of this amendment, at this time, would be very unwise. One of its results would be that more Afghans would die. I urge my colleagues to support the floor manager's tabling motion.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, every one of us can take pleasure in marking the beginning of the Soviet withdrawal from Afghanistan. It is important to note that this is only a beginning, that the Soviets under the timetable agreed to have 9 months.

There was considerable concern that the Soviets might not withdraw fully; that, in fact, they might leave their troops in the northern provinces, above the Hindu Kush Mountains, where they can more safely occupy the territory of Afghanistan. I have no idea whether they are going to do that or not.

I think the best way to ensure against that, the best way to ensure the Soviets comply completely and on schedule is to keep the Afghan resistance well armed. That is the best insurance policy we can take out.

For, let us remember that the Soviets, notwithstanding all of the PR pictures of the last few days, are not withdrawing out of any noble sentiment. They have not gotten soft, after 9 years of slaughtering a million and a quarter Afghans, most of whom were civilians. They have not gone soft. They are leaving because they are no longer willing to pay the price of occupation exacted by the Afghan resistance.

The resistance has been able to exact that increasingly high cost, because they have been supplied with the wherewithal by various friendly parties.

So I simply reiterate, the best way to ensure the completion of this process, whose beginning was marked yesterday, this process of Soviet withdrawal from Afghanistan is to keep the resistance well armed.

On that point, Mr. President, there is considerable danger to the pipeline through which these weapons flow to the resistance. And those dangers arise out of the very Geneva agreements which the Senator from North Carolina is seeking to bring before the Senate that the Senate might pass its judgment on that agreement.

A month ago in Geneva, Secretary Shultz obligated the United States to act as a guarantor of several written agreements relative to the war in Afghanistan. These agreements arose out of, I guess, 6 or 7 years of negotiations sponsored by the United Nations. That sounds very legitimate, does it not?

When you say the United Nations sponsored negotiations which led to documents, which led to a signing ceremony, it sounds very legitimate. But the important point to remember is that there was not one single legitimate representative of the Afghan people present during even 1 day of those negotiations over many years.

The people who we have called legitimate represenatives of the Afghan people; namely, the Afghan resistance, were excluded from these talks which have such a vital bearing on the future of their country. Who was there representing Afghanistan but the very puppet government set up by the Soviet invaders and against whom we have been encouraging the resistance to fight, even at the cost of their own lives.

So there was our Secretary of State blessing an agreement reached, in the absence of the people whose cause we have embraced, and reached, instead, by a puppet government with absolutely no legitimacy at all except 120,000 Soviet troops armed with the latest aircraft, helicopters, tanks, and antipersonnel weapons which have been used without compunction, not only against combatants, but especially against the noncombatants—men and women, elderly and children, refugees, innocents wiped out, not by the tens of thousands, not by the hundreds of thousands, but, according to a study financed by the French Government 6 months ago, to the extent of 1.25 million, most of whom were civilians.

A million and a quarter dead people. Think of it, Mr. President. That has been the sacrifice of the Afghan people in their effort to throw out the foreign invader. A million and a quarter. It is almost incomprehensible It is even more incomprehensible when you measure it against a standard. When you apply the ratio of the combat deaths—I should not call them combat deaths. I should call them deaths because I do not want to imply these are the deaths of soldiers. These are mostly the deaths of persons not involved in combat.

When you apply that ratio, a million and a quarter of the Afghans, against the population of the United States, it works out to 16 or 17 million dead Americans. That is the price the Afghans have paid thus far—it is not over yet—in seeking to restore the independence of their country.

And who was representing the Afghan people who suffered so terribly at these United Nations-sponsored talks in Geneva? The resistance? No, the puppet government set up by 120,000 Soviet soldiers, that is who was representing Afghanistan.

Can anybody wonder why the resistance repudiated these agreements, repudiated the negotiations? Hardly any wonder at all. Who would not? We certainly would in their place.

The Senator visited and meet 5 weeks ago with six of the seven leaders of the parties and the deputy leader of the seventh. During a meeting, which ultimately lasted 3 hours, these leaders repeatedly pleaded with this Senator to try to stop the signing of these agreements—this was just a few days before the agreements were signed—saying, "Look, we weren't involved in the negotiations. These are illegitimate documents. But more than that, they put us, they put the resistance at a distinct disadvantage," and they do so for these two reasons: First, one of the agreements between the parties states that Pakistan will not interfere in the internal affairs of Afghanistan.

Sterile sounding enough, but what it means in this situation is that under the agreements, Pakistan is bound to stop arming the Afghan resistance. Take Pakistan out of the picture and it is impossible to provide assistance to the Afghan resistance because of geography.

The only way to get the stuff into the resistance is through Pakistan. If Pakistan were to comply with these agreements, as she is bound effective yesterday, the pipeline would be cut off immediately, the resistance would be progressively disarmed as they use up their ammunition in the next few months.

And what is the outcome? The Soviets win at the bargaining table with the help of the State Department what they could not succeed in winning through 9 years of merciless warfare against the elderly, the children, the men and the women of Afghanistan.

That is what happens under these agreements if Pakistan complies.

The State Department claims that they made everything all right by reading a unilateral statement at the conclusion of this signing. Remember, a unilateral statement is not part of the agreements. It is merely words on a piece of paper that was read by our representatives which say that as long as the Soviets continue to supply this Soviet-puppet government in Kabul that we are going to continue to supply the Afghan resistance.

Well, that is fine, except how do you do it if the pipeline is breached? How do you do it if Pakistan complies with this same very agreement? It is poppycock. It is nothing but hot air and hypocrisy. It is a lie.

We now have to depend on Pakistan violating this very agreement if we are to make good on the words of this unilateral statement and, more, if we are to make good on the statement of reassurance issued by President Reagan to the resistance on several occasions this year when he said that we would stand by them.

The Geneva agreements contain a lie, a contradiction, an hypocrisy, cynicism. There are many within the administration and within the Senate who, in private at least, have been highly critical of the State Department and of this administration for associating itself with this arrangement which has come out of Geneva.

So we put the resistance at a disadvantage in the sense that the pipeline to them remains open only if Pakistan violates the agreement. Believe, me, Pakistan, as the Senators will see in the weeks and months ahead, is going to come under enormous pressure to cease its violations form the Soviet Union, obviously, from India, probably, and from every other country that wants to make trouble.

If that is not bad enough, Pakistan, under its political system, is bound to have parliamentary elections sometime in the next 2 years or so. Sometime in the next 2 years, Pakistan has to have nationwide parliamentary elections. So in that context, with Pakistan coming under increasing pressure and criticism, not to mention KGB-supported terrorism within Pakistan, one has to worry about the integrity of that pipeline, that lifeline, the only lifeline on which the resistance depend and must depend for success.

Mr. SYMMS. Will the Senator yield for a question on that point?

Mr. HUMPHREY. Yes.

Mr. SYMMS. I thank the Senator for yielding. I want to say, Mr. President, I thank the Senator for the points he is making, which I totally concur with.

When I was in Pakistan, in January, I got the distinct impression from our people in the field, State Department employees, some of them military advisers, and others involved with the U.S. Government, that they shared the viewpoint the Senator and I are speaking of today, and that is that we should stay the course, we should not deviate from our current program, because it is working, and continue to sustain it.

Without mentioning the names of any people out there, did the Senator get the impression 5 weeks ago that they were fearful of the agreement that was about to be signed, that it was going to leave them with the rug jerked out from under them in what they had told people?

Mr. HUMPHREY. Mr. President, before I respond, let me ask for the yeas and nays on this amendment. For my part, I do not have a great deal more to say but I do want to have an opportunity to say it.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. HUMPHREY. Mr. President, the Senator from New Hampshire has the floor.

Mr. DIXON. I was going to ask if my friend from New Hampshire would yield for a moment for a question.

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. HUMPHREY. Can the Senator forbear for just a moment?

Mr. DIXON. Of course.

Mr. HUMPHREY. I would be happy to hear the Senator from Illinois.

Mr. DIXON. I just wanted to ask my good friend from New Hampshire whether it will require much more time to discuss this since a number of my distinguished colleagues want to repair to the Foreign Relations Committee Room and at the appropriate time I was to offer a motion to table.

Mr. HUMPHREY. Our foreign relations are badly in need of repair so I certainly will not hold up the Senate. Indeed, we might invite the Secretary of State to come in because he needs to hear this. He does not hear it from his sycophants down the road. But in any event, in answer to the Senator's question, this is not my amendment but speaking only for myself perhaps I can wind up in 5 minutes or so, not counting whatever my friend, Mr. SYMMS, uses.

The PRESIDING OFFICER. If the Senator from New Hampshire will withhold, the Senator from New Hampshire had requested the yeas and nays. The Chair was about to ask if there is a sufficient second when the Senator from Illinois requested permission to make an inquiry. Does the Senator from New Hampshire pursue the request for the yeas and nays?

Mr. HUMPHREY. I make that request.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. I thank the Chair for its assistance.

To answer the question from the Senator from Idaho, yes, indeed, the resistance leaders were alarmed to a man, angry, resentful, for which I cannot blame them a bit.

Mr. SYMMS. These are American employees or leaders of the Mujahidin?

Mr. HUMPHREY. I am speaking of the Afghan resistance leaders, the political leadership with whom I met. Did I misunderstand the question?

Mr. SYMMS. I was at a meeting with Mohammad Khalis, Mr. President, if the Senator will yield, and in the course of this conversation the young man who represents the U.S. State Department, who lives in Peshawar, made the point to Khalis that I was speaking as a U.S. Senator who had a strong opinion, he was speaking as a member of the U.S. Government, but that his Government was not going to undercut, "sell-out," the Mujahidin. And Khalis, the leader of the Mujahidin was convinced in January that the superpowers would get together and cut a cozy little deal and leave these poor brave freedom fighters stranded in the field short of equipment and strung out with the powerful Soviet Union and a massive army there.

Now, what I am trying to get at, the Senator was there 5 weeks ago so that was in March or April. I want to know if the State Department people who are out there in the field shared the opinion that was being made back here at Foggy Bottom. That is the question I am trying to get at. Because I came out of Pakistan really proud of the Americans I met there who were representing the United States of America.

I wondered if they had compromised to where they are supporting what I think has the potential to be a disastrous agreement to snatch defeat from the jaws of victory in Afghanistan.

Mr. HUMPHREY. The answer is that I just do not recall, and if I did, I do not believe I would want to state in this Chamber if any subordinate in the State Department was opposing the party line, but certainly some have and still do express dismay and regret and horror at what the State Department has done.

Mr. President, the resistants are concerned on many counts. They were not involved in the negotiations. Indeed, the very puppet regime against which we have encouraged them to fight represented illegitimately the Afghan people at those talks.

The second point is that only if Pakistan flagrantly violates this agreement will the pipeline, on which they depend exclusively, remain open to the resistance.

The third point is that the State Department has permitted the Soviets to transform their public relations problem into our public relations problem, because now the Soviets under these agreements are perfectly free to resupply militarily and in every way, and as lavishly as they wish, this puppet regime in Kabul. There is not one word of restriction on the Soviets with respect to their propping up this puppet regime contained in these Geneva agreements.

On the other hand, as I pointed out on the side of the resistance, Pakistan is required to cease arming the resistance and only if Pakistan is willing to violate these agreements and withstand the pressure and the criticism can we keep the resistance armed.

Fourth, we put the Soviets in charge of our program. We have put Moscow in the driver's seat, because in this unilateral statement which was read at Geneva we pledged to cut off assistance to the Afghan freedom fighters if the Soviets cut off assistance to this puppet regime.

And so here we have this 8-year program which friendly countries have provided the Afghan resistance with the wherewithal to throw the Soviet occupier out of Afghanistan, here we have it coming to a successful conclusion, and all the Soviets have to do to cut off the flow of arms to the Afghan resistance under this Geneva agreement is to claim that they have cut off aid to their puppet government, and then we are required to cut off aid to the Afghan resistance. It is a mess. It is disgraceful. It is a very dangerous development. In the long run, 6 months or more, time is now on the side of the Soviets, so we had better keep the resistance well armed that they can finish the job as quickly as possible.

Mr. President, at the very least this matter bears serious detailed examination by the Senate. I believe the State Department has pulled a fast one, and I hope the Senate will adopt the pending amendment so that these agreements will be carefully examined by the Senate.

Mr. DIXON and Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I did not want to foreclose my distinguished friend from Idaho if he has further remarks, because I was going to make very brief remarks and then move to table. Did my friend from Idaho have more he wanted to say?

Mr. SYMMS. I say to my friend I just wanted to make a couple or three more minutes of remarks.

Mr. DIXON. Then if it is all right with my friend from Idaho, I will withhold my brief closing remarks and motion to table until my friend has concluded.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I think the chairman of the Free Afghanistan Caucus, Senator HUMPHREY, has really framed the issue before the Senate. But I do think there are three of four points that need to be reemphasized today in this very important vote to send the right signal to the world.

No. 1, the reason the Soviet Army is withdrawing from Afghanistan is because they are being defeated on the field of battle by the mujaheddin who have been armed and supported by the United States and other countries in the world.

The Stinger missile completely changed the context and the strategy and tactics of the war. I think it should be noted, however, that Mr. Gorbachev, the great grandfather and friendly image to the Western media—and I note some people in this country somehow think he is a new person, and he may be new and we hope he is new, but I might say to my friends that the Soviet Union is supporting terrorism being aimed against the civilian population of Pakistan. There were 250 innocent Pakistanis killed in 1987, another 750-plus were wounded with bombs going off, and so forth.

Recently, these terrorists blew up a huge munitions yard where a great many of the supplies that we have spent a great deal of time, money, and effort to get to that position were exploded and detonated. Many valuable weapons that are needed by the Mujahedin, the freedom fighters, resistance fighters, to carry on the war have been lost because of State-supported terrorism backed by the Soviet Union.

I think it is interesting to note for the RECORD that we, the United States of America responded, correctly so, in this Senator's opinion not strongly enough, but at least we made a good-faith effort in the bombing of Tripoli and Benghazi, because the Libyans had been involved, caught red-handed and involved in State-supported terrorist acts.

Mr. President, the Soviet Union is now conducting state-supported terrorist acts against innocent people in Pakistan. They are trying to intimidate the Government of Pakistan. People like to say this is a Soviet Vietnam. This is not a Soviet Vietnam. In the Vietnam conflict the United States won the battle on the battlefield and lost the war here in Washington. What we are allowing the Soviet Union to do—if we do not stand firm and keep sending the supplies to the Mujahedin and give them plenty of supplies, adequate Stinger missiles so they can protect their troops from air threats—is to lose the battle on the battlefield but win the battle politically. Then we will be snatching defeat from the jaws of victory. I think it is a most important vote.

So I urge colleagues to support the Senator from New Hampsire and the Senator from North Carolina, vote with them on this issue, and vote against the tabling motion.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I believe this is another example of the attempt to fix something that is not broken. This agreement is a historic achievement. For the first time, Soviet forces are leaving a country they have occupied. The Mujahedin have achieved a military victory over the Soviet occupation forces. The Soviets have now begun their withdrawal.

One-half of the Soviets will be withdrawn by August 15, and the remainder within 9 months. Thus, the agreement is working.

Presidents frequently enter into executive agreements, as we all know, which are not referred to the Senate for advice and consent. There is no established legal principles setting forth a difference between an executive agreement and a treaty. Presidents have entered into thousands of executive agreements, some of them similar to this one.

So, Mr. President, there is nothing unusual about the arrangement here. There is no reason to require that this be submitted for advice and consent. More importantly, if it were submitted, it would destroy a very effective document that would otherwise achieve a historic result. In my opinion, Mr. President, if you want to stop those Soviet tanks in their tracks as they are leaving Afghanistan, you ought to support this amendment. If you want to bring peace to Afghanistan, you ought to support the motion to table which I am about to offer after concluding remarks by the distinguished manager.

In view of the fact that there is another committee meeting shortly, I move to table the amendment by the distinguished Senator from North Carolina and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, if the clerk will withhold, let me just inquire. I saw the Senator from North Carolina as I was leaving. He indicated he preferred this vote be delayed. Did he leave any such instructions on that on the floor?

I want to accommodate him. If he would prefer the vote occur after the capital punishment vote which would be after 4 o'clock, I would want to accommodate him.

Mr. SYMMS. If the Senator will yield, I have not received any specific instructions from what Senator HELMS wished. I am informed by his staff that they thought that would be more suitable to him. But he did not say anything to this Senator about it. So maybe that would be acceptable if there is no objection to it.

Mr. DIXON. May I say, if the Senator has no objection, there are a lot of amendments that could occur yet today. If we could dispose of this rollcall now, I had no request from the Senator from North Carolina.

Mr. SYMMS. I had no request. So let us vote.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, we have not been able to reach the Senator from North Carolina. Since a number of Senators are coming back for this rollcall vote and understand that it would occur now, I think the Senator from North Carolina will understand. We will hold the Panama amendment and set it aside temporarily until this vote occurs. We will vote on this one.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. METZENBAUM] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. STAFFORD], the Senator from Wyoming [Mr. WALLOP] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—63

Adams
Baucus
Bentsen
Bingaman
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Domenici
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stennis
Weicker
Wirth

NAYS—30

Armstrong
Bond
Boren
Cochran
D'Amato
DeConcini
Dole
Garn
Gramm
Grassley
Hatch
Hecht
Heinz
Helms
Humphrey
Karnes
Kasten
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Shelby
Stevens
Symms
Thurmond
Trible
Warner

NOT VOTING—7

Biden
Durenberger
Metzenbaum
Rockefeller
Stafford
Wallop
Wilson

So the motion to table the amendment (No. 2086) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, what will be the pending business at 3 o'clock?

The PRESIDING OFFICER. The pending business at 3 o'clock will be Senator D'AMATO's amendment relative to the death penalty.

Mr. NUNN. Mr. President, what will be the pending business and what will be the status of the amendment relating to Panama by Senator HELMS following the conclusion of the D'Amato tabling motion.

The PRESIDING OFFICER. The amendment by the Senator from North Carolina is the pending business before the Senate at this time and will be until 3 o'clock and will be at the conclusion of the consideration of the D'Amato amendment unless previously disposed of.

Mr. NUNN. Mr. President, I ask unanimous consent that we have 2 minutes that will not be charged against the D'Amato amendment on either side to handle an amendment of the Senator from Florida notwithstanding the previous unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. HUMPHREY. Mr. President, reserving the right to object, I conferred with Senator WARNER a few moments ago about the amendment, and I had the impression he had some concerns.

Mr. NUNN. Mr. President, I withdraw the unanimous-consent request. I understood it was cleared on both sides. I withdraw the request.

The PRESIDING OFFICER. The request for unanimous consent having been withdrawn, the pending business before the Senate is the Helms amendment on Panama.

Is there further debate on the amendment?

Mr. DIXON. What is the pending business?

The PRESIDING OFFICER. The pending business until 3 o'clock is the Helms amendment on Panama.

Mr. DIXON. Mr. President, may I say that this side will have an amendment to that amendment, a second-degree amendment, unless we can work this out. I ask unanimous consent that it be set aside.

AMENDMENT NO. 2071

The PRESIDING OFFICER. The hour of 3 o'clock having now arrived, the pending business before the Senate is the amendment by the Senator from New York [Mr. D'AMATO].

Who yields time?

There is 1 hour, equally divided.

Mr. McCAIN. Mr. President, how much time does the Senator from New York want?

Mr. D'AMATO. Mr. President, I ask unanimous consent, with the consent of the acting manager on our side of the bill, that I be permitted to allocate the half-hour, there being 1 hour divided equally between those who support the amendment and those who oppose it.

The PRESIDING OFFICER. Under the agreement, the Senator from New York has the authority to allocate 30 minutes of the 1 hour debate time on this issue. The time in opposition belongs to the manager on the majority side if he opposes the amendment.

Mr. NUNN. Mr. President, I would suggest that the managers of the bill in this case would not be the best ones to control the opposition to the amendment. So I would ask the majority leader to consider designating the Senator from Michigan, or someone who is in opposition. I would think the Senator from Michigan would be the appropriate one to control the time in opposition.

Mr. BYRD. I thank the Senator from Georgia.

Mr. President, I designate the distinguished Senator from Michigan, Mr. LEVIN, to control the 30 minutes on this side.

The PRESIDING OFFICER. Is there objection to the designation of the Senator from Michigan to control time for the opposition? Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the first- and second-degree amendment presently pending: Mr. SIMPSON, Mr. McCAIN, Mr. KASTEN, Mr. McCONNELL, Mr. SHELBY, and Mr. HATCH.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, one of the areas of the drug epidemic that we have overlooked is the area of punishment. This Senator is not going to suggest, as some might editorialize, that any one punishment, no matter how strict it is, is going to end the drug epidemic. That would be naive.

As a matter of fact, Mr. President, let me say that I took some offense, some umbrage, at the suggestion that this body had the naivete to suggest that, by involving the military in attempting to interdict and in certain cases make arrests of the drug planes that are coming in and the boats that are bringing these cargoes of death and destruction, that would end the epidemic. That is nonsense.

Mr. President, as important as education is—and it is important and the cornerstone—and rehabilitation, which is necessary, it is equally important that people understand that if they are going to savage our people by supporting drugs, if they are going to take the lives of others with reckless abandon, as they have, if they are going to strike down our police officers, be they Federal, State, or local, as they have with increasing impunity, that there is another side to this, and that is called punishment.

Mr. President, I think we have to find a clearer message for those who deal in drugs, that if you kill someone while dealing with drugs, if you order a death, then you can and you will face the death penalty under certain prescribed standards, which this amendment adheres to. And that is the toughest penalty that society can mete out. This epidemic calls for nothing less than the toughest.

Mr. President, the death-dealing drug lords fear no one today—no one. They take on our police officers. They literally machinegun our neighborhoods, killing innocent people, because they have total disdain for human life.

Right now, the only thing that the death-dealing drug lords will ever fear is death itself. That is why, Mr. President, unfortunately we have to move with swiftness to see to it that we do have a death penalty as it relates to the drug kingpins who order the assassination of police officers or who order a hit and who supervise a criminal conspiracy, a continuing criminal enterprise, which is defined in section 21 United States Code 848.

Because the penalties are so severe, the continuing criminal drug enterprise statute requires five stringent elements of proof for conviction:

First, the defendant's conduct must constitute a felony violation of narcotics laws.

Second, that conduct must take place as a continuing series of violations of the Federal narcotics laws.

Third, the defendant must undertake this activity in concert with five or more people.

Fourth, the defendant must act as the organizer, supervisor, or manager, known as the kingpin, of this criminal enterprise.

Fifth, the defendant must obtain substantial income or resources from this enterprise.

The amendment also provides that:

> Any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or punishment for, an act that violates the Controlled Substances Act, who intentionally, or with reckless indifference to human life—

Just last week we read the case in New York where tragically a 20-year-old woman was killed because the drug gangs did not care who in their neighborhood was exposed to their shooting—

> with reckless indifference to human life, kills or participates substantially in the killing of any Federal, State, of local law enforcement officer engaged in, or on account of, the performance of such officer's official duties, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

This amendment has been carefully crafted to withstand constitutional scrutiny under recent Supreme Court rulings. For the death penalty to be applied, the Supreme Court held that the killer must have had specific intent to kill or have had acted with reckless indifference to human life and must have actually killed or must have been a substantial participant in the activity leading to the killing.

Mr. President, there are a number of reasons to support capital punishment. Let me simply suggest to you that it does deter murder.

Let me quote one case. After the shooting of Rosa Velez to her death, in my State, in her home in Brooklyn, NY, when the perpetrator was caught in the act of burglary, this is what he said:

> Yeah, I shot her. She knew me and I knew I wouldn't go to the chair.

A law that actually encourages criminals like Louis Vera to kill their victims, I suggest, must be changed, and particularly as it relates to the dealers of death and destruction in a continuing criminal drug enterprise, the drug lords and those who work for them and those who demonstrate this ruthlessness of taking over neighborhoods, of threatening people with death, of assassinating even police officers as we have recently seen too often, too tragically.

Mr. President, to satisfy the constitutional requirements for the imposition of capital punishment, the amendment requires that there be advanced notice of the Government's intention to seek the death penalty. The amendment provides for consideration of specific mitigating and aggravating factors. The burden of proof regarding such aggravating factors rests upon the Government, while the defendant bears the burden of proof regarding mitigating factors. The death penalty may be imposed only by the unanimous vote of the jury.

I would suggest that that is as it should be. I do not think that any one of us would want to have that burden of saying that he or she alone would make that decision, but by the unanimous vote of the jury.

Let us discuss how this legislation would work and what type of cases this legislation could potentially cover.

We have heard much, recently, about the "posses" and the gangs involved in drug dealing and the violence that accompanies that involvement. Under the first part of our amendment if a member of a drug gang is involved in a continuing criminal enterprise and kills an individual or participates substantially in the killing of an individual, he can be subjected to the death penalty.

It must also be proven that he had intent to kill or that he had reckless disregard for human life. These same rules would apply to gang members, major narcotic dealers or anyone else engaged in or working in furtherance of a continuing drug enterprise.

Part 2 of our amendment provides additional protection for law enforcement officers, including Federal, State, FBI, Customs agents, police and sheriffs as well as prosecutors, judges, and correctional officers.

This provision is introduced in response to killings that we have seen take place, whether they be in California or New York or, all too often, throughout many parts of our country. Our officers are needlessly, senselessly, with reckless abandonment shot down.

The critical need for this legislation is highlighted by the recent assassination of Edward Byrne, a 22-year old New York City police officer who was gunned down while guarding the home of a witness in a drug-related prosecution.

As Edward Byrne sat in that patrol car at 3:40 in the morning, Mr. President, the killers approached the car, drew their guns, Officer Byrne absolutely unaware that anyone was there, and shot him in the head. This is what it was reported that one of those assassins said. He said: "I could see his blue eyes."

Mr. President, is anyone here prepared to say that someone who commits that kind of a cold-blooded murder as a result of a continuing drug enterprise to demonstrate to the law authorities that they were immune, that they were fearless, that that person should not be subjected to the death penalty? That a jury of his peers should not look into that case to examine how it is that someone would take the life of a 22-year-old police officer in his car?

I would suggest to you it is not the place of this body to act as judge and jury, but to allow the process of justice to go forward and to allow the jury of 12 of our peers, to make that decision.

If there are any mitigating circumstances, then let the defendant offer what those proofs must be.

Mr. President, I hope we adopt this amendment. It is long overdue. The American people are entitled to this protection and they are sick and tired of the protections that are afforded to those who are killing, maiming, and destroying our neighborhoods, our children, our police officers. Yes, tearing up the very fabric of our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Who yields time? If no party yields time, the Chair will charge time equally to both sides.

The Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, first, I would make a parliamentary inquiry of the Chair as to whether or not the underlying amendment is germane to the bill.

The PRESIDING OFFICER. The Chair will consult.

In response to the Senator's inquiry the Chair will state, as the Senator from Michigan knows, there is no germaneness requirement extant at this time under the rules. The Chair should also state, although he has not had an opportunity to review the amendment in detail, he is not aware of any germaneness question that occurs at this point in discussions.

Mr. LEVIN. I am aware that there is no germaneness requirement extant at this time. My parliamentary inquiry is whether or not this underlying amendment is germane to the bill. I am making simply a parliamentary inquiry.

The PRESIDING OFFICER. Again, the Chair must advise the Senator from Michigan that the Chair is not aware of any germaneness issue arising at this time under the amendment. If such question arises, it would be, in the opinion of the Chair, up to the proponent of the amendment to make the case for germaneness.

Mr. LEVIN. Mr. President, as I checked with the Parliamentarian, it is my understanding that there is no language in this bill which he is aware of, to which the underlying amendment is germane. That is my understanding.

I understand there is no requirement of germaneness at this time. I am aware of that. I am simply making inquiry of the Chair as to whether or not the Chair is aware of any underlying language.

The PRESIDING OFFICER. I think the Senator is correct with his statement at this time.

Mr. LEVIN. I thank the Chair.

Mr. President, it is no secret in this body that I oppose capital punishment for a number of reasons, not the least of which is you cannot correct your mistakes. With the kind of hideous and obscene crimes which occur that all of us are aware of, whether they are drug related or not, each and every one of us wishes to deter those crimes. Some of us believe capital punishment deters. Others do not. I am one who has checked the statistics on deterrence and would state again, as I have before, that the States, in general, which have capital punishment have, on the average, higher murder rates than those States without capital punishment.

So, assuming or presuming that capital punishment deterred, one would think that the homicide rate in those States that have capital punishment would be lower than that in the States without it, but as a matter of fact, that is not so.

As a matter of fact, it is also the case that other countries in the Western World, in particular, that do not have capital punishment, have lower homicide rates than those States that do have capital punishment in this country. Many States do have capital punishment. Their homicide rates almost invariably are higher than that in those countries of the Western World that do not have capital punishment.

But the main reason that I have stated my opposition to capital punishment is that you cannot correct your mistakes. Over and over again we have convicted wrong people of crimes. We have executed wrong people for crimes.

Not too long ago, there is a story that came out of Florida about Joseph Green Brown, somebody who had been on death row for a long period of time. About 15 hours before he was to die one time, as he sat in a death watch cell 30 feet from the electric chair, a Federal judge issues an order staying the execution. He actually was fit for his burial suit and that tended to have an effect, obviously, on him.

Then it turned out a few years later that he was released because there was inadequate evidence against him. The court released him on the ground that he never should have been convicted to begin with. And his lawyers said that this case really ought to make people take pause.

It is possible that a person who is innocent can be sentenced to death and very likely could be executed. Referring to a survey by two people at Tufts University and the University of Florida, they said that 343 people have been wrongfully convicted of offenses punishable by death in this country this century alone, and, according to that study, 25 were executed.

Mistakes are made in this system, and when a mistake is made in a capital case, when capital punishment has been inflicted, you cannot correct that mistake. So that is the reason why other people have opposed capital punishment.

I am not going to spend the few minutes we have this afternoon that is allocated to this issue to try to persuade anybody relative to the merits or demerits of capital punishment. Most of us have made up our minds.

What I would like to do is spend a few minutes on this amendment that is pending before us.

My friend from New York has talked about drug dealers and how they deal out death. Let me tell you, they do. I live in a town where too many deaths are caused by drugs and related to drugs. But I asked our police commissioner as to who are the victims of these drug-related homicides, whether or not, for the most part, the victims of the drug-related homicides are drug dealers or whether or not they are innocent people, including police officers.

Here is what he wrote:

> A survey of drug-related homicides in the city of Detroit indicates that the overwhelming majority of these victims are drug traffickers.

And so when we face the amendment of our friend from New York, what we have to ask is who are we trying to protect in this kind of amendment?

If, in fact, it is true, as it is in my home town, and I think in most places, that the majority of victims of drug-related homicides are drug dealers, not innocents, not police officers, but drug dealers, then we have an amendment which ends up protecting drug dealers to the same extent it protects police officers and to the same extent it protects innocent people.

If you believe that capital punishment deters, despite all the statistics to the contrary, but if you really believe that, then what are we trying to deter here, because this amendment is not limited to cases where victims are police officers or victims are innocent people? This amendment treats drug dealers who are victims exactly as it treats police officers who are victims and exactly as it treats innocent people who are victims.

It makes no difference who the victim of a drug-related homicide is under this amendment. Capital punishment is an option in both cases equally. And what kind of society do we have if we have on our books a law where the punishment that is available in a crime will apply equally when the victim of that crime is a drug dealer than when the victim of that crime is an innocent person or a police officer?

This amendment makes no difference, and the statistics, again, at least in my hometown, are that most of the victims of these crimes are drug dealers.

So when the sponsors of this amendment talk about drug dealers dealing out death, they could not be more right. I live with too much of that where I come from. But it is those drug dealers themselves who are, for the most part, the victims of the drug-related homicides. Most people where I come from do not want to treat a crime whose victim is a drug dealer in the same way as a crime whose victim is a police officer. This amendment treats those crimes in the same way.

And so then it raises the question just who exactly are we seeking to protect? This amendment is improperly drafted for many reasons. I am not going to go into them now because I want to save most of our time for other speakers as well. This is an amendment that should be debated at length because, again, it would, for I believe the first or perhaps second time, place on the books a Federal law, capital punishment. It does so in an area, where it seems to me, we have a very serious problem, and that is drugs. We ought to try to deter it. That is clear.

But the question is whether this amendment is either properly drawn or properly targeted to the class of people that we are trying to deter.

As a matter of fact, these people who deal out death every day are more likely to suffer death in the course of their activity than they are by the addition of a new penalty to the Federal books. The likelihood is far, far greater that death will come to a drug dealer because of his activity than because of the presence of capital punishment as an option on the Federal lawbooks.

Yet they persist in that activity anyway despite the present likelihood or possibility that death will result to them because of their current activity.

If a deterrent of greater certainty, which is they will be killed during a drug-related activity, is not sufficient to deter them now, of course the question then arises, how will a deterrent of lesser certainty which is the death penalty on a Federal statute book, possibly add anything to what exists?

So I happen to agree with my friend from New York in terms of the feelings about drug dealers and trying to deter drugs. We both come from communities where there is too much of it, and all of us know the terror which has been visited upon our communities and neighborhoods.

The question, though, is how do we deter it and how do we punish it? When it comes to deterrence, the statistics do not bear out the argument of the proponents of capital punishment. But if you believe they do, then that is a good reason for using your deterrent in the case that you most want to deter, and that is the case where an innocent person or a police officer or a law enforcement officer is the victim. That is a different situation from where a drug dealer is the victim of another drug dealer.

Let us not throw those situations in the same boat. We should treat those differently. This society should treat the killing of a drug dealer by another drug dealer differently than it treats the killing of a police officer by a drug dealer. This amendment does not. For that and many other reasons, it is flawed.

I again think that we should have significant debate on this amendment before this amendment is adopted.

Mr. President, I yield the floor.

Mr. D'AMATO. Mr. President, I yield 4 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM] is recognized.

Mr. GRAMM. Mr. President, I rise in strong support of this amendment. As you will recall, the other night we put our armed services into the war against drugs. I think we ought to begin by noting that if, in fact, we are going to have a war against drugs, that there is no quicker way to show we are serious about it than by instituting the death penalty. A death penalty for kingpins in the drug industry, who order the killing of people or drug dealers, who kill our police officers. It seems to me that parents of America and the kinfolks of our soldiers, sailors, airmen, and marines, who are going to be put in the position of danger, have every right to ask if we are going to put our citizens' soldiers in the position of having to apprehend drug dealers, should we not have a death penalty if one of them is killed by a drug dealer?

So I think the question here is how serious are we about this problem? I think we should be very serious. If we are not willing to impose the death penalty on kingpin drug dealers, who order the murder of our police officers or our citizens' soldiers, then I submit we are not very serious about this war, and we are unlikely to win this war.

I think the truth is that we are going to have to get a lot more serious before we start a war on drugs. It is very easy to spend money. It is very easy to commit the military to something, but it is just like throwing the first blow in a fight. The first blow is always the easiest one, especially if you are throwing it. It usually gets a lot tougher after that.

I think this is the first time we have had a real test of whether we are serious about this war on drugs. If we are not serious enough to use our strongest penalty for people who commit murder in the carrying out of drug transactions, then really I doubt that we are serious at all. I think we are going to have to get a lot more serious, Mr. President, if we are going to win that war. I think we need to adopt this amendment today. I think we are going to have to eliminate this absurd situation where the person selling the drugs is viewed as a criminal, which clearly he is, but the person buying the drugs, an equal partner in the transaction, is viewed as a victim. Clearly the buyers may be victims, but they too are victimizing society by creating a market for drugs which creates the smuggling industry, that is preying on the health and safety and happiness and lives of our children.

I do not think this amendment means we are going to win the war, but I do think it means we are declaring war on the drug industry. I think it is imperative that if we are going to put our military personnel in danger, we have the strongest possible deterrent to protect them. Quite frankly, I think a drug pusher or drug dealer, who murders a police officer ought to be put to death, and I believe the majority of the American people share that conclusion. I am confident, if they had an opportunity, they would vote for this amendment. They do not, but we do. I hope that the vast majority of Senators will vote for this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank my distinguished friend from New York for offering this amendment and his continued leadership.

I say to the Senator from Michigan, we have debated this issue before and there is nobody who has been a stronger law enforcement Senator. He has put forth some tough penalties and worked hard in the drug area, but there just happens to be a dispute as to the necessity and effectiveness of this particular legislation.

In order to further strengthen our law enforcement efforts against those who deal in illegal drugs, I rise to support the amendment offered by the Senator from New York. He has worked tirelessly in the area of strong legislation not only in this bill but many other bills. In fact, Senator D'AMATO is a cosponsor with some 73 others of the Antidrug Abuse Act of 1988. Because of apprehensions and concerns raised by several of our colleagues, we decided it would be best if we did not include the death penalty in the Antidrug Abuse Act of 1988, not because there was any softness on the part of those of us who share the same view but because we wanted to move forward with law enforcement, with apprehension, at the source countries and with education and rehabilitation and prison expansion. But I believe the D'Amato death penalty amendment will provide the kind of deterrent that will truly send a message to the drug traffickers throughout the world that the United States takes this problem very seriously, as the Senator from Texas just pointed out, and we are ready to deal in a serious manner with this problem. Those who deal in illicit drugs have demonstrated total disregard for human life. The Jamaican gangs, who call themselves posses, taken from the old Wild West movies, have taken control of the crack trade in the United States today. They are better armed than our police, and it is not unusual to see them with sophisticated weapons, Ak-47's and Uzi machineguns. We have seen time and time again through the Alcohol, Tobacco, and Firearms Agency, the horrendous problem and the amount of death that they have brought, cold-blooded murders in the streets of our cities. Fortunately, my State has not witnessed it yet, but it is not immune, by any means. They are responsible for over 600 murders as a result of drugs, and yet we have no death penalty for these ourtrageous bandits.

Let me provide an example from Arizona of the brutality and ruthlessness of the drug dealers. Witnesses recently testified in Tucson that a 17-year-old Tucson high school student, a very good student, by the way, was murdered because he owed the alleged killer $2 million and four kilos of cocaine. The 18-year-old suspect in the case told detectives that he put a wire around the victim's neck and strangled him while two of his cohorts beat him. To that man, do we want to say, "Well, we will just send you through the regular system so you can be paroled. At 18, you will be back out on the street in 4 or 5 years."

Two years ago, when the Senate was working on the antidrug bill of 1986, the Senate refused to vote directly on the death penalty amendment for drug traffickers and instead we did a procedural sidestep. I voted against tabling then and if we should have a motion to table today, I urge my colleagues not to support it.

Let us pass this amendment. Let us institute a death penalty. This bill has a lot of carefully drawn procedures. It is not just going to be handed out like tissue paper at celebration. This is a serious matter. Procedures are set out which require separate hearings, notice of those hearings or amendments to the notice of hearing, and, if a person pleads guilty, there be a jury empaneled and the jury must consider certain mitigating circumstances before they can conclude that a death penalty is warranted. This is after a full jury trial or a plea of guilty in a case.

The American people have consistently demonstrated in opinion polls time and time again, more than 80 percent of my constituents, they are in favor of the death penalty. Some argue that the death penalty would not be good because there would be mistakes. Unfortunately, there are mistakes and nobody can deny those mistakes, but there is nothing more that can humanly be done than this bill provides in the procedures to minimize and hopefully eliminate any mistakes.

How far are we going to go? Are we going to permit this kind of death to continue and not have a price that is equal to the kind of killings that are being committed?

I thank the Chair and I thank my good friend from New York.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I will be happy to yield 5 minutes to my friend.

Mr. HATFIELD. Mr. President, I rise in opposition to the amendment and am struck by the irony of debating a death penalty amendment to a military spending bill. No one doubts that drug trafficking and drug abuse have become this decade's most severe domestic and international social problem. Every aspect to our world is affected by drugs, from the conduct of foreign relations to the safety of our streets.

We all support efforts to combat this crisis, as evidenced by passage of the 1986 drug bill and the recent introduction of the Omnibus Anti-Drug Abuse Act of 1988. Our budget resolution was amended, by a unanimous vote, to provide an additional $2.4 billion in budget authority and $1.4 billion in outlays for fiscal year 1989 to address this problem.

Mr. President, in spite of these efforts, the drug problem continues to get worse. Our frustration is evident, as is the concern of our citizens. But we must not let our heightened sense of alarm blind us to the realities of the issue before us: First, sentence of death has not been proven a successful deterrent to violent criminals. We only have to go back in our history to Elizabethan England to find that the greatest source for pickpockets was at the public hanging for pickpocketing, second, the sentence of death has been handed out in such an arbitrary manner that it perverts even the most rudimentary notion of justice, and third, the sentence of death is an inappropriate response to the drug problem or our Nation's malfunctioning criminal justice system.

In the short time I have today, I will not address those points. They have been touched upon by Senator LEVIN, and others. Needless to say, if the tabling motion fails, I will be prepared to discuss those arguments in some detail and at some length.

Those technical arguments in opposition are secondary to my belief that the death penalty is fundamentally inequitable and that it brutalizes the honored values we hold dear in this society—foremost of which is the value of human life.

Mr. President, we live in a world of constant danger. All of us long to live our lives in peace. As Americans, we have a rich history as peace seekers and peacemakers. We long to rid the world and our society of the threat of war and violence, and to find some way to reduce the tension between the superpowers that keeps this world an impulse away from nuclear holocaust. Certainly it is this desire for peace that led to the signing of the INF Treaty, soon to come before this body for debate.

But those proclamations for peace are hypocritical. Peace is not possible abroad when there is violence at home. We will never be at peace with any country until we are at peace with ourselves; and we will never be at peace with ourselves until we cease destroying life and cease enhancing our capabilities to exterminate all life.

The resurgence of the use of capital punishment is a troubling sign, and a symptom of a deeper problem. This get tough on drugs frenzy is a reflection of a mean spiritedness growing throughout America. Sparked by the frustration over the growth in drug trafficking and drug-related crime and killings, this new mean spirit renounces reconciliation and, instead, embraces confrontation; it responds to violence by engaging in violence; it condones the taking of life as a means of protecting life.

During my 21 year tenure of service in this body, I have repeatedly confronted this issue. Legislation to establish a Federal death penalty has been pending in the Senate since the 93d Congress. Each time the issue has been debated, I have carefully listened to the arguments of the proponents, and remained unconvinced.

To me, the death penalty is no different from abortion or war or any other governmentally sanctioned form of killing. Whether these acts claim justification in shifting conceptions of morality, political ideology, or criminal justice, these acts are wrong.

We sit in this Chamber and debate issues involving the sanctity of life, and we do so far removed from the battlefields, abortion tables, and execution chambers. We lose ourselves in a maze of carefully crafted arguments; and in the process, we distance ourselves from life entirely, deluding ourselves into believing we can understand life and human behavior through an elaborate process of intellectualization and abstract debate. Well, Mr. President, we cannot.

In the case of the death penalty, this tendency to insulate ourselves from the implications of our decisions is readily apparent. The antiseptic term "capital punishment" is substituted from the term "public execution" or "State-sanctioned killing." The executions themselves are conducted in cloak-and-dagger secrecy, with elaborate phone hookups to the Governor and last-second court appeals providing the impression that the Government is about to do something that it would prefer not to do. I was Governor of Oregon two decades ago and participated in the process—

the horrible memory of that experience remains fresh to this very day.

The inescapable conclusion from that experience is that killing a criminal who killed an innocent person serves only to perpetuate a circle of violence and hate and performs no function worthy of civilized government. Instead of embarking upon the high road which sustains life, the death penalty drags along the low road of vengeance, of eye for an eye retribution, or cold bloodletting and it cheapens the sanctity of life.

Then, as now, Mr. President, I believe the death penalty to be immoral, unconstitutional, and outside the legitimate authority of government and I urge my colleagues to support the motion to table the amendment.

I thank the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I yield 3 minutes to the distinguished Senator from South Carolina, Senator THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina Mr. THURMOND is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise in support of the first and second degree amendments offered by Senators D'AMATO and WILSON which authorize the death penalty for drug-related murder and establishes constitutional procedures for the imposition of the death penalty for this offense. I commend them for offering this bill.

As we have witnessed over the past few years, drugs have become a big business. Drug trafficking and violent crime—especially murder—are often intertwined. These amendments would provide for the imposition of the death penalty against the drug kingpin as well as any other individual in the drug organization who commits murder. As well, these amendments would provide for the death penalty for a person who violates the controlled substances laws and kills a Federal, State or local law enforcement officer. People involved in the drug business often have no regard for human life and kill to further their interest. It is intolerable that in our own country, law enforcement officers and other innocent people have become victims of these violent killers. The death penalty for these offenses is both an appropriate and necessary penalty.

Someone said that it is not a deterrent. From the experience I have had in practicing law and as a judge, trial judge, it is a deterrent, a strong deterrent.

These amendments comport with the constitutional requirements that have been outlined by the Supreme Court. These amendments set up a bifurcated process which the factfinder must follow when determining whether a sentence of death is justified. This process consists of a hearing to determine the guilt or innocence of the defendant, and a second hearing to determine whether to impose the death penalty on a guilty defendant.

As my colleagues are aware, I have strongly supported the death penalty for many years. On the first day of this Congress, I introduced S. 277 which establishes constitutional procedures for the imposition of the death penalty for those Federal crimes for which this penalty is currently authorized such as murder, treason, and espionage. Further my bill authorizes the death penalty for an attempted assassination of the President as well as murder committed by a Federal prisoner while serving a life sentence. Last Congress, the Judiciary Committee reported a bill similar to S. 277. In the 98th Congress, a similar bill passed the Senate by a vote of 63 to 32. Unfortunately in the year and a half since I introduced S. 277, there has been no action on this bill or the seven other death penalty bills currently pending in the Judiciary Committee.

These amendments that are before us today are similar to a provision that was approved by the House and included in the omnibus drug bill of 1986. However, as my colleagues will remember, the Senate did not approve that provision. I believe that it is appropriate to act on this issue now. Although these amendments are not as broad as the bill that I introduced, it is a step toward the full implementation of our death penalty laws. I strongly urge my colleagues to support these death penalty amendments and oppose the motion to table.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, I yield 3 minutes to the distinguished Senator from Utah.

Mr. HATCH. I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah, Mr. HATCH, is recognized for 3 minutes.

Mr. HATCH. I want to thank my distinguished colleague from New York and of course Senator DECONCINI, the senior Senator from Arizona, Senator WILSON, and others who are responsible for this amendment because all this amendment does is says purely and simply that the Federal death penalty is going to be provided for drug kingpins who order the killing of someone; any person who commits that killing because that has to be premeditated; anyone who demonstrates a "reckless indifference for human life" who kills or participates substantially in the killing of someone in connection with the continuing criminal drug enterprise; anyone who demonstrates a "reckless indifference for human life" who kills or participates substantially in the killing of a law enforcement officer in connection with a drug transaction—that is an officer who is shot during a shootout; and anyone involved in a drug transaction who kills a law enforcement officer.

Mr. President, we are talking about human lives here. We are talking about human life and decent living in our society. There is a constant undertaking by these people who have such an indifference to human life, and to human suffering. We are talking about scumbags who exploit the weakness of the weak in our society, who are after our children and destroying them. We are talking about deterrence of people like that.

I know one thing: if the death penalty becomes the law in these particular areas, it is going to be a terrific deterrence to those who would go about exploiting the weakness of our youth and of others in our society who are weak, who are likely to partake of the illegal influences that they bring to them.

We are talking about heinous crime. We are talking about heinous criminal conduct. In all honesty, capital punishment is society's ultimate recognition of the sanctity of human life.

Mr. President, capital punishment is our society's ultimate recognition of the sanctity of human life. The Declaration of Independence clarified that governments are instituted to protect inalienable rights to life and liberty. Capital punishment is our Government's ultimate sanction and may be the only way to make some heinous crimes unthinkable. As Walter Berns, a leading student on this matter, has observed, criminal law makes a moral statement when it punishes. Ironically, it is only through application of the sanction of capital punishment that civilized society is able to express the deep reverence that it places upon human life.

DETERRENCE

It is important, and I believe essential, to keep in mind that the Anglo-American legal system is based upon the belief in the sanctity, the worth, and the value of one human life. Thus, if the death penalty deters merely one would-be murderer—let alone more than one—and saves but one innocent potential victim, then it is morally and legally justified.

While there is much debate as to whether the death penalty deters murder, I am in agreement with those studies which conclude that the death penalty does operate as an effective deterrent for some crimes involving premeditation and calculation, such as murder for hire.

In addition, great weight must be placed on the experience of the law enforcement officials—particularly those who deal frequently with murderers and potential murderers. The vast majority of these officials, based on their professional experience, continue to favor the retention of the death penalty as a deterrent to violent crime. Moreover, we should keep in mind that those who are, in fact, deterred by the threat of the death penalty and do not commit murder are never included in statistical data. In the words of the prominent author and criminologist, Charles E. Sliberman, "Murder is so heinous a crime that only the most extreme punishment we possess can uphold the moral code."

In 1985, a Gallup poll revealed that 72 percent of the general public approved of the death penalty. The newspaper USA Today, in a later report, carried the results of a national poll which showed that 75 percent of all adult Americans, three-fourths of the general population over 21 years of age, agreed with the death penalty. In 1984, 36 States had capital punishment statutes. Today in 1987, 38 States have capital punishment statutes. Clearly, the majority of Americans and their elected representative are behind the application of capital punishment for those who are convicted of grievous capital offenses.

CONSTITUTIONALITY

The need to establish a constitutional procedure for the imposition of the death penalty is required by a series of Supreme Court cases starting with Furman versus. Georgia in 1972. It is important to note that these cases never held that the death penalty itself is unconsitutional; they merely found that the penalty was not accompanied by sufficient constitutional safeguards. These decisions require legislative guidance before the penalty can be imposed. These amendments meet the challenge of Furman of guided discretion based on rational criteria.

The key cases relating to the constitutionality of the death penalty are *Gregg* v. *Georgia*, 428 U.S. 153 (1976), and *Coker* v. *Georgia*, 433 U.S. 584 (1978). Under both cases, a punishment will be deemed excessive and thus unconstitutional if it "first, makes no measurable contribution to acceptable goals of punishment and hence is nothing more than the purposeless and needless imposition of pain and suffering; or second, is grossly out of proportion to the severity of the crime." *Coker* v. *Georgia*, 433 U.S. 584, 592. Attention must be paid, according to the decision, to "history, precedent, legislative attitudes, and the response of juries reflected in their sentencing decisions . . ." It is worth noting that Justice Powell, in his Coker dissent, offers a test for constitutionality which centers on society's "evolving standards of decency, particularly legislative enactments and the responses of the juries in capital cases." *Coker* v. *Georgia*, at 603. What this means is that the nature of the act itself should be taken into account and measured against the prevailing norms of society. The key seems to be proportionality. The Greg court did not specifically hold that the death penalty for armed robbery was unconstitutional, but it did assert that excessive or disproportionate penalties violated basic constitutional standards. Thus, capital punishment imposed for a drug-related murder under amendment Nos. 2070 and 2071 are within the bounds of constitutional permissibility, if it meets the societal norm standard and does not offend the proportionality principle.

POSSIBILITY OF ERROR

These amendments establish every conceivable procedure to minimize the chance of error. Admittedly, any human institution carries with it the possibility of error. Yet the danger of miscarriage of justice must be weighed against the far greater evils for which the death penalty aims to provide protective remedies. In this case, the procedures outlined in these amendments employs a system that reduces to the minimum the possibility of error; now we need the self-confidence to rely on that system. The protection to society afforded by the death penalty warrants our efforts to proceed.

FELONY MURDER AND CAPITAL PUNISHMENT

Critics of the death penalty have erroneously asserted that the felony murder rule is a narrow and highly restrictive rule which eliminates, among other things, any proximate causation from actions which directly results in the murder of someone who dies from an act which is linked to the death by a causal chain. *Edmund* v. *Florida*, 458 U.S. 782 (1981), sustained the felony murder rule. The Edmund court focused on the element that the defendant intended that lethal force be used in the commission of the capital offense. The test laid down by opinion for felony murder is that the defendant intended "that a killing take place or that lethal force" would be employed. In other words, for a felony murder conviction, it must be proved beyond a reasonable doubt that the defendant intended to kill the victim, that the defendant intended that the victim be killed, or that the defendant intended the lethal force used in the commission of the offense would result in a homicide. Scienter, or knowledge, is an essential element in applying these tests. Moreover, according to prevailing criminal law in most state jurisdictions, if the defendant action was so reckless, wanton, and willful, being completely indifferent to value of human life, that also would be enough to trigger a first degree murder conviction.

AGGRAVATING OFFENSES

Those representing the other side of this issue often misinterpret the post-conviction, resentencing procedure in capital offense cases popularly called aggravation and mitigation. The Supreme Court has required, as a result of the decision in *Lockett* v. *Ohio*, 438 U.S. 586 (1977), a balancing of aggravating and mitigating factors to determine whether or not a convicted defendant should be sentenced to death. This means only relevant aggravating and mitigating factors relating to the defendant's character, past history, prior bad acts, and the nature of the crime in question. The Lockett court focused on "any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant offers as a basis for a sentence less than death." (*Lockett* v. *Ohio*, at 604). The opponents of the death penalty misconstrue the latter and oppose the former. What they are doing is to emphasize mitigation at the expense of aggravation. But the Supreme Court has declared that the entire nature of the crime and the criminal be taken into account.

Aggravating circumstances, Mr. President, are meant to be exactly that. The Court has listed in prior cases appropriate factors of aggravation and mitigation. *McGautha* v. *California*, 402 U.S. 183 (1971). If a statute provides for specified mitigating factors, and others are not relevant, then they do not apply. On first degree murder convictions, defendants have the burden of demonstrating why they should not be subject to the ultimate sanction. And justly so, if civilized society is going to continue to be civilized. Manufacturing and distributing narcotics, particularly in large amounts, is an activity that can be lethal and it is foreseeable.

CONCLUSION

In conclusion, Mr. President, the death penalty without a doubt reflects the majority view of the American people. It is designed, of course, to be applied by the courts within the parameters of due process and fundamental fairness.

Capital punishment shows that our society is committed to upholding its values. The death penalty indicates the moral tone of the system for which it is designed. It reflects, most of all, a sense of justice in righting the terrible wrongs inflicted upon victims and their survivors, and the wrongs inflicted upon society itself.

Capital punishment is a regrettable necessity. It is morally and philosophically defensible. The legendary ancient Greek philosopher, Socrates, himself subject to capital punishment, nonetheless defended it in one of the great Platonic dialogs on the eve of his execution—the Crito. The interests of the state and the interests of society, Socrates argued, must take precedence—in cases where the individual has offended the fundamental norms of society.

Heinous crimes, Mr. President, deserve the ultimate sanction. These crimes must be subject to the only kind of punishment which fits the severity of the offenses.

Mr. President, I yield back the remainder of my time to the distinguished Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. I yield 1 minute to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska [Mr. STEVENS] is recognized.

Mr. STEVENS. Mr. President, an article appearing in the February 19 edition of the Los Angeles Times recounted the slaying of a San Diego policeman by a drug-crazed maniac who shot the officer in a drug-induced moment of panic. Prior to the shooting, the killer had told an acquaintance, "I wouldn't hesitate to shoot a cop."

Mr. President, it is time for the Congress of the United States to take action to change the attitude. Perhaps if drug dealers and their henchmen knew that the consequences of killing a law enforcement officer would be death, they would think twice before squeezing the trigger. The amendment offered today by the Senator from New York will go a long way toward changing this arrogant attitude about the men and women who put their lives on the line every day to uphold the laws against drugs that the Congress and our State legislatures enact.

A February 29 New York Times article discussed the assassination-style shooting of 22-year-old rookie officer Edward Byrne. He was gunned down while sitting in his radio car guarding the home of a witness in a narcotics trial who had complained to the police about crack sales in his neighborhood. Ten thousand peace officers attended Eddie Byrne's funeral to show their resolve to fight back against the drug dealers and pushers who threaten their lives on a daily basis.

In yet another incident, two special agents of the U.S. Drug Enforcement Administration—George Montoya and Paul Seema—were shot to death by drug traffickers. These were not accidential slayings nor did they occur in the heat of passion. They were cold blooded, pre-meditated murders by members of a heroin crime cartel in the Far East. These murders were not just attacks on these two men—they were attacks on the Federal justice system—indeed an attack on society itself. It is time to send a clear message to the drug trade that these attacks will no longer be tolerated.

The amendment we consider today would impose the death penalty on drug kingpins and their hitmen when they intentionally, or with reckless disregard for human life, kill or participate in the killing of any person. This provision applies to those engaged in a continuing criminal enterprise in violation of the "Drug Kingpin" statute involving five or more persons and a series of three or more crimes.

The amendment also provides for the death penalty for anyone who, in the course of engaging in an ongoing organized drug crime, intentionally kills a Federal, State, or local law enforcement officer while he is acting in the line of duty.

The measure has been carefully crafted to withstand constitutional scrutiny under recent Supreme Court rulings on capital punishment, specifically Enmund versus Florida, 1982 and Tison versus Arizona, 1987. In those cases, the high Court held that for the death penalty to be applied, the killer must have had specific intent to kill, or else must have acted with reckless indifference to human life, and he must have been a substantial participant in the activity leading to the killing.

Procedural safeguards are also built into the amendment. Specific mitigating and aggravating factors would be considered and the defendant would receive advance notice of the Government's intention to seek the death penalty. The death penalty could only be imposed upon a unanimous vote of the jury.

Yesterday, the Nation joined together to remember the 155 peace officers who were killed in the line of duty last year. The best way to honor these fallen heros is to enact legislation that would severely punish those who kill those charged with upholding and enforcing our laws. I intend to vote for this amendment to honor the memory of those who have fallen in the war against drugs, and I urge my colleagues to do the same.

Mr. President, I commend, as did the Senator from Utah, Senator D'AMATO, Senator DECONCINI, and Senator WILSON.

When I discovered how strong the sentiment on this issue is, I joined them, to try to make certain this bill would contain this kind of provision.

Yesterday, the Nation joined to remember 155 peace officers who were killed in the line of duty last year. In my opinion, the best way to honor the memory of those people who have given their lives for this Nation would be to severely punish those who kill anyone in violation of our laws.

This is a very narrow amendment before us now, but I hope that the Senate will vote to reject a motion to table and will put this issue before us, so that we can deal with it appropriately.

Mr. D'AMATO. Mr. President, before we conclude this debate, let me say that it is obvious that the drug dealers and drug czars are absolutely fearless, when they can shoot down a police officer and have him executed for no other reason than that they want to demonstrate what they can do. I suggest that the time for the death penalty is long overdue.

Last Thursday, there was a headline in one of the local newspapers in New York: "Sleeping Woman Shot in Drug Turf Gun Battle." She is now on a respirator. At 1 o'clock in the morning, 10 men came and shot up the building she was sleeping in and killed her. There is a reckless indifference to human life. I suggest that the death penalty is appropriate.

I also suggest, as it relates to those who would kill someone in a drug conspiracy, that the only way you will get them to be able to talk is when you can hang that threat of the death penalty over their head. Then we will get the kind of cooperation we need.

Mr. President, the safeguards as they relate to constitutionality and as they relate to enforcement are provided for in this bill. If we are serious about fighting the drug epidemic and those posses and those gangs that are marauding, let us put a little fear in them instead of having the citizens and the police officers the ones who are fearful.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Michigan yield?

Mr. LEVIN. I yield whatever time the Senator needs, or whatever time I have remaining.

How much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. LEVIN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I oppose this death penalty amendment. This is the wrong amendment at the wrong time on the wrong bill. Capital punishment is wrong as a matter of principle, it is wrong as a matter of public policy, and it is wrong to attempt to tie this highly contentious and controversial issue to the Defense authorization bill—especially when it is delaying final action on the bill and on the Senate's consideration of the INF Treaty.

I oppose the death penalty. The U.S. Government ought not to be in the business of taking lives. In my view, the death penalty is cruel and unusual punishment, and I hope that some day the Supreme Court will reach the same conclusion and declare it unconstitutional.

The death penalty is not justified as a matter of public policy, because there is no convincing evidence that capital punishment has any deterrent effect on crime. No criminal justice system—no matter how extensive its procedural protections—can eliminate the possibility that an innocent person will be put to death. No criminal justice system can eliminate the substantial risk that racial discrimination and other arbitrary and unconscionable factors will play a role in determining who shall live and who shall die. Any marginal deterrent effect that the death penalty may have is clearly outweighed by the risk of mistake and the danger of prejudice.

Every Member of the Senate wants to do something about violent crime and drugs. But the death penalty is not the answer. It is not going to reduce violent crime or stem the tidal wave of illegal drugs washing up on our shores.

There will be other opportunities and more appropriate legislation for the Senate to consider the death penalty. We ought not to tie up the Senate debating this amendment now. It does not belong on the Defense authorization bill, and the President and the American people are waiting for us to begin consideration of the INF Treaty.

I urge my colleagues—whether they support or oppose capital punishment—to vote to table the pending amendment, so that we can move on expeditiously to final passage of the defense bill, and complete action on the INF Treaty before the Moscow summit.

If the motion to table fails, I will be prepared to discuss the amendment at greater length. But I hope that the outcome of this vote will make that course unnecessary.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized for 3 minutes.

Mr. SIMON. Mr. President, I hope, for two reasons, that this amendment will be rejected.

First is a procedural reason. The reality is that if we are talking about imposing the death penalty, we ought to be looking at this very, very carefully.

I do not think there is any question that if the death penalty goes on here, there is going to be extensive debate on that, as there should be. We should not be taking the lives of people just all of a sudden because someone comes up with an amendment.

The second reason goes to the substance of this issue. I recognize the political popularity of the death penalty, but I also know one simple truth, and that simple truth is this: The only people who get the death penalty are the children of the poor. If you have enough money to hire the best attorneys, you do not get the death penalty in this country. It is just poor people who get the death penalty. I do not think we ought to have this kind of penalty, a penalty of that severity, simply for the children of the poor, and I would hope that we would approach this with great caution.

Finally, I would add that this is one penalty where, if someone is innocent, there is no possible way to compensate for what has been done.

I recall some years ago when the death penalty was under consideration before the Illinois General Assembly. A man was about to be executed, I believe in the State of the Presiding Officer—I am not absolutely certain of that—but about that time, someone in Carroll County volunteered that he had been guilty of the crime. We came very near to executing an innocent person.

Unfortunately, our history has a number of instances where innocent persons have been executed.

I think this is not the way to go, and I hope with all due respect to my friend from New York that this amendment will be rejected.

I yield back the remainder of the time allotted to me to the Senator from Michigan.

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mr. D'AMATO. Mr. President, to reiterate, I do not believe that this amendment is a panacea. I am not suggesting it is going to stop drug trafficking.

I am going to say I think it will have a measured impact in terms of the drug dealers who fear no one. The only thing they fear is death itself, and let them be on the end of that fear for a change. There are proper constitutional safeguards, I believe, in this bill built in to meet all of those requirements under the Supreme Court decision.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TRIBLE. Mr. President, I strongly support this amendment. It will add another weapon to our antidrug arsenal by imposing the death penalty for killings that occur during drug-related crimes.

Last week, we made a decision to involve the Armed Forces more heavily in drug interdiction. That was a necessary step, and it will enhance our efforts. But improving our interdiction efforts is only one step. We must also have penalties that adequately punish and deter.

This amendment will provide a Federal death penalty for:

Drug kingpins who order the killing of someone;

The person who actually commits the killing;

Anyone who demonstrates a "reckless indifference for human life" who kills or participates substantially in the killing of someone in connection with a continuing criminal drug enterprise;

Anyone who demonstrates a "reckless indifference for human life" who kills or participates substantially in the killing of a law enforcement officer in connection with a drug transaction such as a policeman is shot during a shootout; and

Anyone involved in a drug transaction who kills a law enforcement officer.

Drug crimes are dangerous and deadly. Those who traffic in illicit drugs prey on our young people. They pose a clear and present danger to our Nation's law enforcement officers and, indeed, to the fabric of our society.

Yesterday in the Nation's Capital, the Fraternal Order of Police held its annual memorial service for law enforcement officers killed in the line of duty. In 1987 alone, 155 police men and women were killed. Our police are under assault, and they are especially vulnerable to violent, well-armed drug runners.

These drug kingpins contribute most to the widespread availability of narcotics. They threaten our policemen and our citizens. They are willing to kill anyone who gets in the way of their drug-pedaling and profits. They impose unacceptable risks on this country. It's time our society imposed a comparable penalty on them.

Quite simply, they deserve the toughest punishment that the Government can impose.

This amendment will provide a valuable tool for the Nation's prosecutors. It will afford our police and our children and all of our citizens a measure of protection. Moreover, it will send a powerful signal that America will no longer tolerate the damage that drugs inflict upon our children, our families, our homes, and our schools.

I urge that the Senate pass this measure decisively and vote against the motion to table.

Mr. HELMS. Mr. President, there is supposedly a war against drugs ongoing in this country. The drug czars stop at nothing to futher their enterprise of death and destruction. They poison our society; they enslave our children; they kill judges, prosecutors, and law enforcement officers. They kill anybody who stands in their way.

Mr. President, we cannot win this war on drugs by merely throwing money at the problem. Nor can drug czars be dissuaded by fines or light sentences. They laugh at such measures. What's a million dollars to a billionaire drug dealer? We need to place the fear of capital punishment in front of the drug czar.

The present law does provide the weapon of life sentences in the fight against drug czars. But how many life sentences are acutally served? Not many, because the criminal gets out on parole. We need the ultimate weapon in this war on drugs: the threat of the death penalty.

Mr. President, this amendment gives the jury the option of imposing the death penalty in two specific cases. First, it applies when one who is engaged in a continuing criminal enterprise intentionally or recklessly causes the death of another. Second, it applies when a law enforcement officer is killed by one who is engaged in a continuing criminal enterprise.

We have countless instances where judges, law enforcement officers, and others have been killed at the hands of drug czars.

These murders are utterly despicable acts—they are deliberate and calculated. This amendment sends a strong signal to the drug czars that we will not sit by and allow them to murder in cold blood.

Mr. President, although the infliction of the dealth penalty is a personal tragedy for the convicted criminal, it is necessary in a civilized society in the interest of just punishment, deterrence of others, and protection to society from the offender himself. Without capital punishment for such heinous murders, the Government fails in its primary duty to administer justice, and in the process, it endangers all law-abiding citizens.

Perpetrators of these and other traditionally capital crimes wilfully risk the forfeiture of their lives. They have shown themselves unfit—through their own deliberate and voluntary conduct—to participate in civilized society becaused they have, in effect, declared war on that society. Under such circumstances, the death penalty is proportionate to the crime, it fits the crime, and no other punishment would really do justice.

Mr. President, in considering the justice of the death penalty, we must not overlook the fact that the guilty act is always a voluntary act. Under traditional Anglo-American law on this subject, an essential element in every capital crime is that it be a free act of will. The offender was free to choose not to commit the crime.

Opponents of the death penalty, however, would have us believe that capital crimes are mostly a product of one's background, upbringing, environment, childhood, and so forth. In their opinion, people who commit capital crimes are not properly educated or conditioned—or "socialized" as they say. As a result, it is really a neglectful society, not the offender himself, who is responsible for capital crimes. Naturally, given such a view, to inflict the death penalty becomes "cruel and unusual punishment" in every case.

This view represents a profound misunderstanding of human nature. It assumes that we do not act, in the most serious matters, with free will and freedom of action. It implies that we are not responsible for what we do. Indeed, it reduces the meaning of human action to a level little better than that of animals. Like them, we supposedly chew our cuds, do what comes naturally, and die—and that is all there is.

Fortunately, Mr. President, this view of human nature, while it may be held by some psychologists, penologists, and academics, is rejected out of hand by the overwhelming majority of Americans. They know, from ordinary experience that they can control whether or not they murder someone else, and they know that virtually everyone can do so as well. That is why they strongly support the death penalty and why they expect Government to use it without delay for heinous crimes such as those covered by this amendment.

Mr. President, in addition to serving justice, capital punishment is a strong deterrent. It simply stands to reason that in societies where there is a swift and sure application of the death penalty for heinous crimes, there will be less heinous crimes. The whole theory of deterrence is based upon the certainty, and the severity of punishment.

Deterrence has two main objectives—general and specific. General deterrence is community centered. Its underlying rationale is to protect the well-being of society. All potential wrongdoers are put on notice by the infliction of punishment through the instrumentality of the courts that serious offenses will earn a serious penalty. General deterrence constitutes both a present warning and a future threat to all would-be offenders that criminal activity will definitely incur some definite penalty.

Specific deterrence is aimed at a specific wrongdoer. It simply means that the convicted murderer who receives the death penalty, will by the very act of execution be prevented from murdering again. It is important to keep in mind that the Anglo-American legal system is based upon the belief in the sanctity, the worth, and the value of one human life. Thus, if the death penalty deters merely one would-be murderer, and saves but one innocent potential victim, then it is morally and legally justified.

Mr. President, on the overall issue of the morality and wisdom of capital punishment in our time, there has been much debate by various religious groups. Some religious spokesmen have recently even condemned capital punishment as the same kind of violation of the human person as abortion.

Nothing, Mr. President, could be further from the truth. As I have said on many occasions—to show the fundamental distinction between capital punishment and abortion—I favor capital punishment for all unborn babies who have committed capital crimes.

The crucial point here is that unborn children are perfectly innocent of any crime, having committed no voluntary act whatsoever—much less a culpable one. On the other hand, capital punishment is only imposed when an offender has committed the most egregious crimes against innocent human life.

Reserved in this way as the ultimate punishment for ultimate crimes, the death penalty does not violate our religious and cultural value of protecting innocent human life. Indeed, it actually vindicates this value by applying the ultimate sanction for unconscionable attacks on innocent citizens.

Traditionally, both Judaism and Christianity have affirmed the authority of the state to use capital punishment for heinous crimes. Without belaboring this point, I will simply add three short items. First, the Mosaic code mentions murder, kidnaping, witchcraft, idolatry, sodomy, adultery, incest, blasphemy, and several other offenses as punishable by death. Second, St. Paul said the ruler "beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil." (Romans 13:4). And third, St. Thomas Aquinas made this classic defense of the death penalty:

> If a man is a danger to the community and corrupts it through some sin or other, it is right and just that he should be put to death in order to safeguard the common good. * * * As God himself does, so should human justice put to death those who are a danger to others and reserve punishment for those who do not seriously endanger others. (Summa Theologica, II-II, 64. art. 2.)

Mr. President, there are numerous Federal statutes currently on the books that provide for a sentence of death. However, the fact is that the death penalty cannot be imposed for Federal crimes because we have failed to enact constitutional procedures for imposing such a sentence.

In 1972, the Supreme Court, in the case of Furman versus Georgia, ruled that the existing death penalty statutes were unconstitutional because the jury was allowed to use its unfettered discretion in determining whether a sentence of death should be imposed. That ruling rendered the Federal death penalty inoperative.

Subsequently, in a series of landmark decisions handed down in 1976, the Supreme Court determined that the death penalty was constitutional when imposed under certain procedures specifically designed to guard against the jury using its unfettered discretion.

Other decisions have clarified the circumstances under which the death penalty may be imposed. Since these decisions, efforts have also been underway in the Senate to set up the necessary procedures for the imposition of the death penalty in accordance with the Supreme Court's rulings.

This amendment complies with the constitutional requirements outlined by the Supreme Court.

This amendment establishes the appropriate procedures for the imposition of the death penalty in the specific cases addressed by this amendment.

Mr. President, I urge my colleagues to adopt this amendment in order that our society may once again have a measured response and justified deterrence for these heinous crimes.

The Senator from Michigan controls 2 minutes and 49 seconds.

Who yields time?

Mr. LEVIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The remainder of the time is yielded back by the Senator from Michigan.

All time for the debate has expired.

The Republican leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wonder if any of those Senator who are opposed to the death penalty wish to move to table the amendment.

The silence is deafening.

Do they not wish to table the amendment? If the amendment is not tabled, under the agreement, it comes back before the Senate tomorrow at 10 a.m. or prior thereto if all other amendments on the list have been called up and disposed of. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I support the death penalty. I am going to move to table the amendment because that is what we agreed, that we would have a tabling motion. All Senators may wish to vote for or against the amendment, but that was the agreement. Senators have come to the floor expecting to vote on the tabling of the amendment, as was announced. And if the amendment is not tabled, then it will go away until 10 o'clock tomorrow, provided there are other amendments that keep the Senate busy until that time.

Let me give those who were so adamantly opposed to the death penalty the opportunity to move to table the amendment. I do not want to take the floor away from anyone. I do not want to be in anyone's way. Because I am supportive of the death penalty, there would be no reason for me to move to table this amendment, other than to have the Senate do what it said it would do, and that is vote on the motion to table the amendment today at 4 p.m. And it is 13 minutes after 4.

Mr. DOLE. Will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. DOLE. I do not know what the parliamentarian may have decided or the Chair may have decided. It was my understanding, if there was no motion to table made, then we have a question. Maybe that has been resolved.

But I agree with the majority leader. I wish some of those who were opposed to this death penalty amendment would stand up and move to table this amendment. Great speeches have been made on the Senator floor.

But, if that does not happen, then I think we do owe it to our colleagues who are here—and some have been here since even before 4 o'clock—waiting to vote.

It is my understanding that if the motion to table carries, then that is the end of this amendment. If not, and we finish at some reasonable time, say 6, 6:30, we would come back for further debate on the amendment for awhile this evening, in any event, and then we would have to figure out something to do between now and 10 o'clock.

Mr. BYRD. If the hour of 10 o'clock arrives and the amendment has not been tabled in the meantime, then it comes back before the Senate. I do think the Senate, having agreed to the order that the amendment would be called up at 3 o'clock and that there would be 1 hour of debate on it and then there would be a tabling motion and vote at 4 o'clock, I believe the Senate has an obligation to proceed and uphold the order.

So if no Senator who is opposed to the death penalty wishes to move to table the death penalty amendment, then I think some of us, some one among us who supports the death penalty, should move to table it and vote against tabling the amendment. I will do that if no one who is opposed to the death penalty does it. I will give those Senators another opportunity to make the motion.

Mr. FOWLER. May I address the majority leader for a procedural question.

Mr. President, I have not been involved in this issue, so I am reluctant to rise, but I think it might be helpful to those of us who are here to vote, given the present quandary. If there is no motion offered, is it our understanding that we would not, under any circumstance, revisit this amendment until 10 o'clock tomorrow morning; is that correct, if no motion were offered at this time?

Mr. BYRD. If no motion were offered, then the matter would come back before the Senate tomorrow morning no later than tomorrow morning at 10 o'clock.

Mr. FOWLER. But not before?

Mr. BYRD. It could be before. In the event that no other Senators wished to call up any remaining amendments on this list before the Senate, then, under the order, the death penalty amendment would be back before the Senate.

Mr. FOWLER. And if a motion to table was offered but that motion failed, when would the Senate then revisit the D'Amato amendment?

Mr. BYRD. At no later than tomorrow morning at 10 a.m.

Mr. FOWLER. So, in all likelihood, regardless of whether or not a motion to table was offered, the Senate would not revisit this issue until 10 o'clock tomorrow morning under the existing order. If that is the case, may I ask the majority leader to consider vitiating the order and proceeding with business, since we would not, in all likelihood, get to the D'Amato amendment again until 10 o'clock tomorrow morning.

Mr. BYRD. Mr. President, any Senator who wishes to ask unanimous consent that the order be vitiated may do so and it would be within his rights. If the Senate wished to vitiate the order, then there would be no vote on the motion to table today. But unless that is done, I think if we are going to enter into agreements around here, we ought to keep them.

The Senator from New York called up his amendment on Friday and there was a desperate effort here on the part of all of us to get on with action on that bill. One way of moving the bill forward at that time was to agree to set the amendment aside by the Senator from New York, Mr. D'AMATO, until 3 p.m. today and there would be 1 hour of debate on the tabling motion and that vote would occur at 4 o'clock today. If the tabling motion failed, then the amendment would be again set aside until the hour of 10 o'clock tomorrow morning, at which time the final vote is to occur, unless prior to that time all other amendments have been disposed of or Senators who wanted to call up their amendments had called them up, whichever one was the earlier of the two times, then that was the time which would govern the resumption of debate on the D'Amato amendment.

I do not think we should have entered into the order on Friday, putting the Senator's amendment aside. That was one way of getting it aside. We were all for that until 3 o'clock Monday so we could go ahead with other amendments. It was agreed that we would have a tabling motion at 4 o'clock today.

Now comes 4 o'clock and those who are within their rights and for good reasons in their own minds oppose the death penalty amendment, now they do not want to come forward to move to table the death penalty amendment.

So, in order that the order be carried out in good faith, if no opponent of the amendment wishes to move to table, this proponent of the amendment will move to table, because I think we ought to be serious about these orders when the Senate enters into them. We ought to mean what we say and we ought not to wait until the moment arrives and then back away, hoping that the issue will go away until tomorrow at 10 o'clock when those who oppose the amendment say they will filibuster the bill to death, rather than see the amendment voted on.

Mr. DOLE. If the majority leader would yield just for one observation?

Mr. BYRD. Yes.

Mr. DOLE. It is not part of the record but I did indicate to the Senator from Michigan, Senator LEVIN, that there would not be a cloture motion filed prior to 10 o'clock tomorrow and that was the agreement we made. It is not part of this agreement. That is another way to get a vote. That may be resorted to.

I have not made a final determination but maybe others on the other side of the issue may be circulating a cloture petition. We are in the process of doing that but it will not be filed, if at all, before 10 o'clock tomorrow.

Mr. BYRD. I yield to the distinguished Senator from Georgia.

Mr. NUNN. I have just one question to ask the majority leader as manager of this bill. Is this really necessary to go through this kind of maneuvering now? Here we are. Everybody knows how they are going to vote on this. Everybody knows we are not going to get a death penalty on this bill.

Mr. DOLE. We do not know that.

Mr. NUNN. We are not going to get an armed services bill, if the death penalty is on it, any time in the month of May. Let me put it that way. We all know we have to finish this bill.

We just are not. We know it will be delayed. We know the INF Treaty is coming up so anyone opposing the death penalty, all they have to do is delay this bill until we get to the INF Treaty and then we delay it for 3 or 4 weeks, then we come back and we are right here again.

This is why we all complain about the quality of life. The reason we do not have a good quality of life around here is because we make ourselves miserable with useless procedures and then we complain about the leadership not letting us go home at 6 o'clock or 7 o'clock. What are we trying to prove here? Has anybody got a point that they can say we are really trying to prove because if not, I do not know why we do not go ahead and have a legitimate tabling motion, let the people vote their convictions on that, whether they are for or against the amendment.

That is the way we ought to proceed. That is the way we anticipated. If we try to play games on this we are simply going to spin our wheels. We are not going to finish this bill any time soon. We are going to have to come back in June.

We have 50 more amendments on there most of which are going to fade away by 10 o'clock tomorrow morning but will still be on there when we come back in June. We may not finish this bill until July and we will not have any difference. Even if we put the matter in conference, you know who we are going to be conferring with if the D'Amato amendment goes on? And I favor the amendment.

We are going to be conferring with the House Judiciary Committee. Does anyone believe we are going to come out with a defense bill with this on there? Does anybody believe that?

What are we doing around here? Have we really got to go through this kind of useless procedure, and I would say this on both sides, when it has no effect, no purpose?

Mr. STEVENS. Mr. President, would the Senator yield?

Mr. NUNN. That was a question, but——

The PRESIDING OFFICER. The majority leader——

Mr. NUNN. The majority leader can answer yes or no. Whatever he prefers.

Mr. BYRD. I think I already stated where I stand on this. I support the death penalty. But I think in view of the fact that we all were eager, last Friday, to move the bill forward the rest of the day and have some more votes on other amendments, all quite willing to put off this amendment until 3 o'clock today; if we had not entered into the order, that amendment would have stayed before the Senate on Friday and we probably would not have gotten any other amendments agreed to.

So that was a part of the order. Are we going to take the position now that, in the future, we will seek whatever advantage we can at a given moment and that once we have had the advantage, once we have secured the advantage and achieved whatever purposes we may have in mind, then when the time comes to carry out the rest of the bargain, we will keep our seats and we will not move forward and make the motion?

So, Mr. President, as one who supports the death penalty but as one who believes that the Senate ought to carry out its orders that are entered into, and which in this case made it possible for the Senate to make progress on other amendments on the bill, I think the Senate ought to now carry out the order and vote on the tabling motion.

I am not sure that a vote will render any decision on the tabling motion, but that is what we said we would do. There are a good many Senators here ready to vote.

I will be glad to yield to the distinguished Senator.

Mr. STEVENS. I thank the majority leader, Mr. President. I just want to respond if I could slightly to the Senator from Georgia for whom I have great respect. Having been one of those who has tried to help change the scope of the military involvement in the war on drugs, one of the constant criticisms that I ran into as we were having the negotiations with the administration and with Members of the House and even here in this body was the fact that we really have not demonstrated yet that we are really committed to this war on drugs to the extent that we ought to involve the military.

One person in particular mentioned to me personally the fact that we had not even made it a death penalty to be involved as a kingpin in the drug movement or to be involved in a death as part of a movement of drugs per se. I reported that to the Senator from New York, who had a visitor, the assistant U.S. attorney, and he proceeded to draw up this amendment.

I want to say that part of the overall attack on the war on drugs is to make certain that the world knows that we not only are going to commit our military offshore beyond the 3-mile limit, but we are going to restore the death penalty in those very limited circumstances where a person is involved in the killing of a human being as part of the movement of drugs into this country.

I think that that is the reason we want this vote now, and I would urge my good friend, the distinguished majority leader, to make the motion to table. I think there will be an overwhelming support. There ought to be an overwhelming support of the proposition that a person who moves drugs or is part of the movement of drugs, who is responsible or partially responsible, substantially responsible for the death of another human being, ought to be subject to the death penalty. We ought to restore the death penalty in this area, and that is the reason.

It is part and parcel of the overall attack on the war on drugs and, to me, it is as important as the issue of involving the military in the war on drugs beyond our 3-mile limit.

I would urge those who are taking the position opposed to the death penalty to look at the limited nature of this amendment, and it is very limited. I would say to my good friend, if he makes the motion to table, I would be happy to join with him in making the motion to table, as an ardent supporter of the amendment, just to fulfill the time agreement that we belabored ourselves so much on on Friday evening.

But I say to my good friend from Georgia, Mr. President, that to me this is just as important as the involvement of our military people beyond the 3-mile limit in the war against drugs.

How in the world can we involve our military people and expose them to being killed as they really perform an act of war against the people who are violating our borders with this contraband and not at the same time indicate to the world that anyone that is involved in a death in those types of situations is going to be held to answer and given the death penalty, if the jury so finds it is necessary.

Mr. NUNN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. BYRD. I yield. Yes.

Mr. NUNN. If I could just respond briefly. Frankly, I would say to my friend from Alaska I will vote on an up or down vote when it comes time to vote on it on the proper bill, for this approach.

I think there are some technical flaws in the way the amendment is drawn but they could be worked out over a period of time. So I am not arguing with the Senator on the merits. In fact the Senator makes such a persuasive argument I will let him come and confer with the House Judiciary Committee for the summer, September, October, and November, because that is how long we will be on this if it is put on this bill.

We will not be able to get a defense bill out if this amendment is put on it. Let us face that. We know that. Maybe that does not matter to anybody except the floor managers but it matters to us because we have to have a defense bill. Eventually it will matter to the whole body.

I am not disagreeing with the Senator from Alaska on his substantive argument. What I am saying is frankly, procedurally what I hoped would work out is the Senator from New York would be given a true test vote, where people voted the way they saw their views on this issue on the motion to table. Then I was hoping we would get around, at 10 o'clock tomorrow morning, if the motion to table fails, the Senator from New York realizing how important it is to get this bill passed, realizing how important it is to go forward with the provisions that have already been inserted on the bill relating to the military and drugs, would agree to remain for his amendment but would pull it down until we had another bill, perhaps a Judiciary bill.

But, if the Senator does not get a vote on this bill we are going to be here from now until June, July—and I will say this to both sides of the argument. He is going to get a vote at some point on this issue this year.

So I do not see why we do not just go ahead and face it. Let everybody vote their conscience and let us finish the bill. That is all I am asking.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I fully agree with the Senator from Georgia. He is trying to get a bill. I do not think there is a likelihood we will get one if this amendment goes on it, but that was not the way we were talking on Friday.

The Senator from Michigan entered into the crafting of the unanimous-consent request that enabled the Senator from New York [Mr. D'AMATO] to set aside his amendment, which is what we all wanted to do on Friday. We wanted to set that amendment aside, and we were eager to enter into an agreement with Mr. D'AMATO that would allow us to put that aside the rest of the day on Friday and call it up today at 3 o'clock.

Then when we reached 3 o'clock today, those who are opposed to the death penalty and who are opposed to the amendment do not want to take the floor and make a motion to table it.

The Senator from Georgia is right, we are just going to play games, and if everybody votes against the amendment, the Senator from New York really does not get a reading of the sentiment in the Senate. And if he has gotten a reading on the sentiment in the Senate, I would then join with the others on tomorrow in urging him to take the amendment down. He has an opportunity to get a reading on it, and the Senate now has the opportunity to express its view, its will on tabling the amendment, but apparently that is not going to be the case.

Apparently, the Senate is not going to reflect its true sentiment.

Mr. D'AMATO. Can I respond to the majority leader?

Mr. BYRD. Yes.

Mr. D'AMATO. Mr. President, I think the majority leader has expressed the prevailing sentiment of this Senator and others of my colleagues who are interested in seeing to it that the death penalty is available in proper cases, as we intend, as drafted in this amendment. We are going to push forward and get some legitimate expression on that. I just as soon do it here tonight as opposed to be wrangling again at 10 o'clock.

There will come an opportunity for us, and we are going to continue to press on this. I am committed to that. But I think the majority leader has very eloquently and adequately expressed the sense of the frustration I think that the overwhelming majority of the Senate who feels that there is a proper place for the death penalty as crafted in this legislation to be the law of the land.

I am not going to, nor do I intend to, impede the business of this body. I think that is why we came to the agreement as we did this past Friday. I am not going to contend that we will, but certainly I would hope we can have a legitimate vote on this issue so we could demonstrate whether or not there is a true feeling within this body that the death penalty is appropriate, particularly in the case that relates to the organized crime enterprise that the drug people are running where they have these executions that are ordered or in wreckless disregard for human life.

Mr. LEVIN. Will the majority leader yield so I can move to table?

Mr. BYRD. Yes, I will momentarily, I told the distinguished Republican leader I would yield to him.

Mr. DOLE. I thank the leader. I want to say this is a very serious issue. It is one I think we can have strong differences of opinion on. We have had them. We had them in 1986. We had the death penalty in the drug bill in 1986. "Oh, we can't do that. It is going to kill the drug bill." We gave up again.

The House has passed the death penalty twice. They are not going to hold it up. The American people do not give one whit who is on the House Judiciary Committee. They could care less who is on the Senate floor.

Fifty percent of the American people list drugs as the No. 1 problem. They do not know about all these jurisdictional disputes we are all concerned about, properly concerned about.

But I share the view of the majority leader.

The Senator from New York made an accommodation to the Senate on Friday in good faith, and he would like to get a true vote. Maybe if we have a true vote reflecting the division in this body, he might decide not to pursue the amendment. But if not, we have to get a closure vote.

That is one way to get a true vote. If we get cloture on this amendment, then we might be able to keep it on the bill. He has not made that determination yet and will not make it before, as I promised the Senator from Michigan, 10 o'clock tomorrow.

But if everybody votes no on the motion to table, that is no reflection of our position, and, it would seem to me, the chairman and the ranking member have done a remarkable job on this bill, to finish it in 5 legislative days when you had 2 days of debate on base closing. Two days on base closing. One hour on the death penalty for those who inflict death and misery on children in America does not seem to me to be an overreaction by the Senator from New York or anybody else who favors a death penalty when strictly limited.

So I hope if there is a motion to table that it will be a true reflection of the Senate's will, and that will help the Senator from New York make a final decision on what course of action he will pursue.

Mr. BYRD. Mr. President, the distinguished Senator from Michigan has asked me to yield to him so he may make a motion to table. I do that.

Mr. LEVIN. I thank my friend. I do not know whether my making a motion to table will lead to a truer vote than anyone else making the motion to table, but I am happy to do that.

Let me say two things, first, if I may, given the debate which has taken place.

First of all, I think the majority leader will agree when in conversation last week there was a discussion as to who might make a motion to table, it was explicitly left unclear as to who might make a motion to table. So that is not a change in any understanding.

Mr. BYRD. Will the Senator yield?

Mr. LEVIN. I will be happy to.

Mr. BYRD. When I put the request, I left it open because I did not know who would want to make it. I thought that someone among the Senators who had been speaking out against the amendment would move to table it.

Mr. LEVIN. I thank the leader.

Second, if I can thank my friend, the Republican leader, I greatly appreciate what he indicated here about the cloture motion. It was customary that you be so honorable, and it was indeed an honorable thing to do. I very much appreciate it.

Again, just one word since there has been a word of debate on this, before I move to table. Most of the victims of drug-related killings are drug kingpins. Not police officers, but drug kingpins. This amendment treats the killing of a drug kingpin the same way as it treats the killing of a police officer. They are both subject to capital punishment.

This is not targeted at protecting us against the killing of police officers. Maybe it is aimed to do that, but it is much broader than that since most of the victims are the kingpins. They are the ones who are killed in drug-related killings much more than are police officers.

Mr. President, I move to table.

Mr. NUNN. Will the Senator defer for 30 seconds?

Mr. LEVIN. I will be happy to.

Mr. NUNN. Mr. President, after this vote, we have several more amendments. We have 30, 40 left. I do not know how many amendments people want to call up now. I believe Senator Domenici has an amendment. We can have that one right after this. I think it will help.

If we are able to move four or five more amendments, we will reach a point, I hope, tonight about 7 o'clock, assuming people really vote their convictions on this amendment, where we can tell people there are no more rollcalls. We have to wait and see as far as this bill is concerned.

Senator Warner and I talked, and we will stay around here as late tonight as anyone wants to offer amendments because we will have a time crunch tomorrow, if everything works out on capital punishment and if we get that kind of time crunch. I do not want anyone denied the right to bring up their amendment.

I want to thank the Senator from Michigan. I was here the other day on the floor when he made it clear that he was not binding himself to make the motion to table. I remember hearing that. So he acted, not only as he always does, honorably, but he put the Senate on notice implicitly that he might not move to table.

I believe if we get a true vote on this amendment, it will be in the interest of the Senate, in the interest of this amendment and will be in the interest of passing this bill.

I want to thank the Senator from New York for working out this amendment. I hope after this vote, if it is a true test vote, we can find a way to secure final passage tomorrow morning.

Mr. LEVIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I join the Senator from Georgia in thanking the Senator from Michigan for making the motion. One way or the other, the Senate will keep its word when it enters into an order and have a vote. I thank him for making the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2070. The yeas and nays have been ordered and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. Rockefeller] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. Stafford], the Senator from Wyoming [Mr. Wallop], and the Senator from California [Mr. Wilson] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] and the Senator from California [Mr. Wilson] would vote nay.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 27, nays 68, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—27

Chafee
Cohen
Cranston
Danforth
Durenberger
Evans
Glenn
Gore
Harkin
Hatfield
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Mikulski
Mitchell
Pell
Proxmire
Sanford
Sarbanes
Simon
Weicker
Wirth

NAYS—68

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Fowler
Garn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Quayle
Reid
Riegle
Roth
Rudman
Sasser
Shelby
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Warner

NOT VOTING—5

Biden
Rockefeller
Stafford
Wallop
Wilson

So the motion to lay on the table amendment No. 2070 was rejected.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

Mr. NUNN. Mr. President, may we have order? May we have order in the Senate?

The PRESIDING OFFICER. Senators will take their conversations, out of the well. Please cease audible conversations, so that we can hear the Senators seeking recognition.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas sought recognition. The Chair informs the Senator that under the previous order, the business before the Chamber is the amendment of the Senator from North Carolina.

Mr. NUNN. Mr. President, will the Senator from Arkansas yield?

Mr. BUMPERS. I yield.

Mr. NUNN. Mr. President, we are working with the Senator from North Carolina and believe we will be able to get an amendment that will reflect a consensus, at least between the floor managers and the Senator from North Carolina, and I believe some members of the Foreign Relations Committee have been involved in that. I know that Senator Dodd has. We are still working on that, so I suggest that we temporarily lay that aside, without losing its right in the turn, and take up either the Domenici amendment or the Bumpers amendment. I do not think either will take a lot of time, although I may be wrong.

Perhaps the Domenici amendment could be handled in about 4 or 5 minutes. If the Senator from Arkansas will agree with that, his amendment can be taken up right after that, and then we can go to the Helms amendment.

The PRESIDING OFFICER. The Senator from Arkansas retains the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to lay my amendment aside temporarily, in order to let the Senator from New Mexico offer his amendment, with the understanding that my amendment will be in order immediately after the disposition of that amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate will be in order, so that we can hear Senators seeking recognition.

Mr. DOLE. Mr. President, I will take 1 minute to comment on the vote. It was 68 to 27, which shows that an overwhelming number of Senators would like to vote on this issue, this particular amendment by Senator D'AMATO.

I hope that between now and tomorrow morning at 10 o'clock, with a 68-to-27 vote—which I do not believe is a totally accurate reflection of the division in this body, but is fairly close—we would have a chance to vote up or down on the D'Amato amendment.

Mr. BUMPERS. Mr. President, was the unanimous-consent agreement accepted?

The PRESIDING OFFICER. The unanimous-consent agreement was accepted. No objection was heard.

Mr. PRYOR. Mr. President, would it be possible to ascertain from the Senator from Arkansas or the Senator from New Mexico whether either or neither of these amendments will require a rollcall vote?

Mr. BUMPERS. Mr. President, in answer to my colleague from Arkansas, I do not anticipate that at this time. I suppose something could go awry and it would require a rollcall.

Frankly, for the Members who are here, it is my present intention, based on the result of a colloquy between myself and the distinguished managers of the bill, to pull the amendment down after we debate it for a few moments.

Mr. PRYOR. I thank my colleague.

Mr. DOMENICI. Mr. President, I do not think mine will require a rollcall.

Mr. MURKOWSKI. Mr. President, I direct my question to the Senator from Georgia.

I have had a pending amendment on the Persian Gulf ready for a portion of Friday and all day today, requiring about 1 hour, equally divided. I have had assurances that that would be the next order of business at some point. But it is my understanding that the Senator from North Carolina is going to follow the Senator from Arkansas. Is that correct?

Mr. NUNN. I am sorry. I have been trying to carry on another conversation, and I apologize. Will the Senate restate the question?

The PRESIDING OFFICER. If the Senator will suspend, let us try to achieve order, so that the Senator can be heard when he asks his question.

Mr. MURKOWSKI. I direct my question to the floor manager. I have had a Persian Gulf resolution pending and notified him that it was going to be the order of business at some point during the day. It was agreed that 1 hour would be divided equally. In order to expedite the calender, I want to be sure that the floor leader is aware of that and that it is somewhere in the offing, prior to 10 o'clock tomorrow morning.

Mr. NUNN. I say to the Senator from Alaska that I am familiar with the amendment, but the amendment has not been agreed to. It will require debate, and I imagine that it will require a rollcall vote.

I suggest that the Senator not move very far from the Chamber, because we have three or four matters that may not take very long; and perhaps within 20 or 25 minutes—say, around 5:30—we will be able to take up the Senator's amendment. I do not believe it is under a formal time agreement, although the Senator has offered 1 hour, and I hope we can stay within that.

I do not manage the order, and the Senator will have to get recognized. I suggest that he come back in the next 20 or 25 minutes and see if we can get the amendment up later the afternoon.

Mr. MURKOWSKI. I thank the Senator.

AMENDMENT NO. 2087

Mr. DOMENICI. Mr. President, I send an amendment to the desk, on behalf of myself and Senator BINGAMAN, my colleague, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 2087.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . COORDINATION OF VERIFICATION POLICY AND RESEARCH AND DEVELOPMENT ACTIVITIES.

Not later than June 30, 1989, the President shall submit a report to the Congress which includes a review of the relationship of the arms control objectives of the United States with the responsiveness of research and development of monitoring systems for weapons verification. Such review shall include but not be limited to the participation of the Departments of Defense, State and Energy, the Director of Central Intelligence, and the Arms Control and Disarmament Agency.

At a minimum, the report shall include the findings of the President, and such recommendations for improvement as the President shall deem appropriate, with respect to the following:

(a) the status of coordination in the formulation of U.S. arms control treaty verification policy;

(b) the status of efforts to ensure that arms control treaty verification policy is formulated in a manner which takes into account available technology for monitoring systems; and

(c) the status of efforts to insure that research and development on monitoring systems technology evolves in step with arms control treaty verification policy.

COORDINATION OF VERIFICATION POLICY AND RESEARCH AND DEVELOPMENT ACTIVITIES

Mr. DOMENICI. Mr. President, the most important principle of any arms control agreement is improving national security. But arms control agreements cannot contribute to national security unless they can be effectively verified.

If we cannot be sure that arms control treaties are being adhered to, we are, in fact, jeopardizing that security.

The ciritical role played by verification explains why the intrusive verification measures written into the INF Treaty have attracted so much attention.

That is also why the Senate has been unwilling to take up that treaty until all of the important verification provisions in the treaty have been agreed upon by both parties to the agreement.

The confusion surrounding the verification provisions of the INF Treaty makes it clear that we must not repeat the mistakes involved in the INF negotiation process.

The new interest in verification resulting from the signing of the INF Treaty has produced a new form of nuclear proliferation, a proliferation of Government offices with the word verification in their title.

I agree that verification research and development is more important now than it has ever been, and I'm sure all Members of the Senate agree that we need to do a better job in this critical area.

I am privileged to have within the borders of my State two organizations which have been at the forefront of verification research and technology for many years. I am speaking of the two national laboratories in New Mexico, at Sandia and Los Alamos.

I would recommend to my fellow Senators that they visit the DOE lab at Sandia and take a look at the perimeter portal monitoring system which was developed and set up there. This is the design which will be deployed in the Soviet Union to assist in monitoring the INF Treaty.

Some of the scientists at Sandia believe that the Soviets may even be interested in purchasing or borrowing this same state of the art verification technology.

I am in favor of verification research and development at the national laboratories and in other parts of the Government. But I am concerned that the effort is not well coordinated, especially as more resources are put into this area and more bureaucratic players get into the game.

I think that we are in danger of overdriving our headlights by letting the State Department's interest in arms control agreements outrun our abilities to verify those agreements.

Let me give an example of what we are up against here. Last January the Defense Science Board in the Pentagon established a task force to study the verification procedures for the START Treaty.

This task force, staffed by well qualified people, completed its report this month. I expect that it will make a valuable contribution to our ability to verify a START Treaty.

But I remind my colleagues that the State Department began negotiating a START agreement 6 years ago.

Yet, here we are, 6 years after we began negotiating a START agreement, undertaking a study to determine how we can best verify it. This is putting the arms control cart before the verification horse.

We must take steps now to insure that our arms control objectives are in line with our verification capabilities. And we must insure that we begin the verification research today for the arms control agreements which may be important to us in the future.

The amendment which I offer addresses this lack of coordination between our arms control intentions and our verification capabilities. It also seeks to minimize the confusion which may result from a mushrooming of new agencies all intent upon playing a role in the verification area.

This amendment requires the next President to carefully review our arms control objectives and to then determine what will be needed in order to verify the agreements which we will seek.

The President will also examine the coordination of our verification policy among the agencies involved in arms control and verification.

At a minimum, this review would require the participation of the Departments of State, Defense, and Energy, the Central Intelligence Agency, the Arms Control and Disarmament Agency and the National Security Council.

The President would be asked to offer recommendations for improving policy coordination among these organizations and linking our treaty objectives to our verification capabilities.

The findings of the President's review would be reported to the Congress not later than June 30, 1989.

Mr. President, I think that the floor manager and the ranking member have seen this amendment and that they have no objection.

The Intelligence Committee might have some jurisdiction in this matter, and both the chairman and the ranking member have been advised of this amendment. I do not believe they have any objection.

Mr. President, the new interest in verification resulting from the signing of the INF Treaty has produced a new form of nuclear proliferation, a proliferation of Government offices with the word "verification" in their title.

Essentially, what the Senator from New Mexico is asking is that the President of the United States, by June 30 of next year, report and recommend to the Congress of the United States a method of centralizing the activities of verification and the science of verification and relate that to policymaking that will involve the need for verification and verification science and technology.

Some of us are beginning to worry that our arms control negotiations get ahead of our verification technology, or vice versa, or that there is such a proliferation of verification research and technology that there is not a coordination as we move to enforcing our activities, as a nation, in the field of verification.

Some of us are even concerned that policy is being made without knowing the extent to which verification technology has evolved, or the extent to which we will be unable to verify the agreements under negotiation.

This amendment is asking the President to look at it all and tell us how we ought to make more sense out of it and where it should be focused and where in the Government some body should be in charge of pulling it all together. That is essentially what it does.

Mr. NUNN. Mr. President, I think this is a good amendment.

The Senator is right, in the sense that we have to pull this verification together. We have to have more coordination.

It is not only part of the INF Treaty; but most of us concerned with the INF Treaty recognize that the reason it is important is that it is a precedent for other treaties that will be much more militarily significant that the INF Treaty—for example, START and the conventional arms discussions which are underway.

Although I have resisted reports and think we have too many of them, I think this is a very important report and will focus not only on Congress, when we receive it, but also the administration, as they prepare in this area.

I recommend that the amendment be accepted.

Mr. WARNER. Mr. President, I join the chairman in his remarks and commend our distinguished colleague from New Mexico.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. Mr. President, I thank the managers for their support.

I believe that this serves as a strong reminder to the executive branch that we should not find ourselves again in a situation where we have a treaty as important as the INF Treaty yet we find ourselves scurrying around to put together a team to do the verifying. We should not be in that position in the future.

For those who negotiate treaties, there should be one place where they can find out about the science of verification and where we are headed. We do not have that now.

I urge adoption of the amendment, and I yield back the remainder of my time.

Mr. NUNN. I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2087) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2088

(Purpose: to limit the operational deployment of certain strategic offensive nuclear weapons systems and launchers)

Mr. BUMPERS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself and Mr. LEAHY, Mr. COHEN, Mr. CHAFEE, and Mr. HEINZ proposes an amendment numbered 2088.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . LIMITATION ON DEPLOYMENT OF CERTAIN STRATEGIC NUCLEAR WEAPONS.

(a) Short Title.—This section may be cited as the "Strategic Nuclear Weapons Interim Restraint Act."

(b) Limitation on Obligation of Funds.—Notwithstanding any other provision of law and subject to subsection (c), none of the funds appropriated pursuant to this or any other Act to or for the use of any department or agency of the Federal Government may be obligated or expended before September 30, 1989, to overhaul, maintain, operate or deploy more than—

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(c) Exceptions.—(1) The limitation on the obligation and expenditure of funds in subsection (b) shall not apply if at any time more than 29 days after the date of enactment of this act the President determines and certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a). If the President makes such a determination, he shall submit to Congress a report that includes the information on which such determination was based. Such report shall be submitted in both classified and unclassified form.

(2) If at any time more than 29 days after the date of the enactment of this Act the President notifies Congress in writing that, based on the best agreed intelligence Community assessments, he is unable to make a certification under paragraph (1) or to make a certification that the Soviet Union deploys strategic forces in numbers at or below those specified in subsection (a), the limitation on the obligation and expenditure of funds in subsection (a) shall not apply for a period of 29 days after the date on which the notification is received by Congress.

(d) Notification of Plans for Compliance.—Not more than 29 days after the date on which the President determines that funds are prohibited from being obligated or expended for the overhaul, maintenance, operation, or deployment of strategic offensive nuclear weapons in excess of the numbers specified in subsection (b), the President shall notify Congress of his plans for actions to comply with the limitations specified in subsection (b).

(e) New Agreement.—If a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1989, the restriction on the obligation and expenditure of funds in subsection (b) shall cease to apply.

(f) Definitions.—For purposes of this section.

(1) The terms "launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles" and "submarine launched ballistic missiles equipped with multiple independently targetable reentry vehicles" mean launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles.

(2) The term "air launched cruise missiles" means unmanned, self propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

(g) SALT II Compliance Amendment.—Notwithstanding any other provision of law, the United States shall not be obligated to abide by the provisions of the SALT II Treaty, in whole or part, unless and until the following have occurred:

(1) The Senate has amended the Treaty so as to give it legal force if it were ratified;

(2) The Senate has given its advice and consent to the Treaty;

(3) The Union of Soviet Socialist Republics has agreed to all amendments, reservations and understandings upon which the Senate's advice and consent is conditioned.

(4) Each party has ratified the Treaty in accordance with its own constitutional processes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the other day we voted on an amendment that Senators LEAHY, HEINZ, CHAFEE, and I offered on interim restraint to try to keep the arms race under control pending the adoption of a START Treaty and the consideration of such a treaty by the Senate.

The amendment was crafted differently from the way we approached it last year, and unhappily the amendment was defeated, 51 to 45.

So, the amendment at the desk is precisely word for word the amendment we adopted last year, including the so-called Dole-Warner language which said that this amendment would in no way affect the SALT II Treaty or, better said, that this was not in any way a ratification or approval of the SALT II Treaty.

I am perfectly happy to add the Dole-Warner language to my amendment—it was added last year—because that is not my intent. My intent is simply to point out to the Members of this body that as strongly as I favor the INF Treaty, we should bear in mind that the INF Treaty only will remove about 350 warheads from Western Europe on behalf of the United States, yet we have already added 500 warheads to our long range nuclear arsenal since the INF Treaty was signed last December.

It is nuclear madness for both sides to just continue adding unneeded nuclear warhead on top of unneeded nuclear warhead. It is a form of nuclear idolatry, which is insane.

So all I want is to say let us try to keep some kind of cap on the arms race pending the happy day that we can get a START agreement and possibly reduce the number of warheads by 50 percent.

I have discussed this amendment with the floor managers and, incidentally, I offer this amendment on behalf of Senators LEAHY, COHEN, CHAFEE, and HEINZ.

I hope that it will not be necessary to force a rollcall vote on this. It is not my intention. But I discussed this with the distinguished Senator from Georgia and the floor manager of this bill pursuant to his statement on the floor the other day that he approved of the goals of what we were trying to accomplish. I hope that he and I might engage in a colloquy as to what he might expect to happen when we go into the conference with the House on this item, and the House has already approved rather strongly, by a 240-to-174 vote, language almost identical to this amendment.

So, I would hope that even though the Senate does not make a rollcall vote on this, that the distinguished chairman of the Armed Services Committee would agree with me that interim restraint makes a lot of sense.

Mr. NUNN. Mr. President, I would completely agree with the Senator from Arkansas.

I would hope we get a START agreement. I hope we get a START agreement during the Reagan administration, but I am not at all certain that we are going to be able to accomplish that goal, particularly those of us who feel so strongly as I think most Members of this body do, that we have to iron out the details. We have just gone through an INF debate where they spent a long period of years debating it and discussing it, and they still did not reach an agreement that did not have to have great scrutiny and did not have some problems, which we have just gone through.

My point is this: We have no certainty whatsoever that we are going to get a START agreement in this administration any time soon. We hope we do but we are not certain of that.

I believe interim restraint is very important. I think the administration—this is speaking only for myself; I do not speak for the committee on this; there are differing views—I think that the administration made a mistake in not continuing the interim restraint regime.

Last year in the conference we debated this with the House. We had a three-way negotiation with the administration. We finally concluded that we should not address this issue in a formal way, but we would take steps and did take steps in last year's conference to informally stay within the general range of the overall ceilings that would have been the ceilings had SALT II been ratified and put into effect.

I have never favored, as the Senator knows, voting by majority vote in the Senate to formally require following an agreement which has never become a treaty because it has never been ratified.

So, I have been reluctant to impose by law provisions of a treaty which has never been ratified which I believe obscures the overall scheme of the Senate ratification of a treaty.

We had a unique set of circumstances last year when the Senator from Kansas made it clear that we are not writing into law any SALT II provisions, and that enabled me to vote for the Senator's amendment. We did not have that set of circumstances this year, and I voted against the Senator's amendment. That may be technical to some people. But it is important to me, and that was the rationale.

To make a long statement shorter, I will say to the Senator that as the chairman of the committee and as one of the conferees, I will certainly be working with our own conferees on the Senate side and on the House side to find a way, a practical pragmatic way, to see that we stay within the general range of the subceilings that would have been in effect had SALT II become a treaty and therefore the law of the land.

There are not easy ways to do that. We do have ups and downs, as the Senator well knows. When the Trident is deployed, you go over the ceilings. When some older submarines are taken out, that helps bring the ceiling back down.

We have some very complicated plans for retirement in the sense of how they impact with the fiscal year. Some of the plans for retiring submarines that I have heard about, not formal now, but some of those become effective in 1990.

I can say to the Senator that I will work to further the goal that he has articulated here, and that is seeing that while both superpowers are negotiating hopefully on the START agreement we should not have a lifting of all restraints which would then simply perpetuate the arms race and cause both sides to have less and less confidence and also increase the instability of the world.

I share the Senator's goal in that respect. I will be consulting with him and with others as this conference takes place. I will be working with Chairman ASPIN on the House side; Senator WARNER, my colleague here in the Senate; and others to basically accomplish something similar to what we accomplished last year coming out of conference.

(Mr. DASCHLE assumed the chair.)

Mr. BUMPERS. I thank the Senator very much for his remarks that I think are right on target. Obviously, he and I agree on the necessity for restraint and the one point he made which should not be lost on anybody is that we do indeed have a tendency to go up and come down. We have been up since the President elected to break out of the SALT II treaty constraints. We have been up as high as 1,348. I think right now we are probably at least 10 below that, maybe a little bit lower than that.

But as the Senator knows this fall we have a Trident submarine in September going to sea. Next May we have still another one. Each one of those submarines have 24 MIRV'd missile and bomber systems. And meanwhile we will only be dismantling one Poseidon submarine, with just 16 MIRV'd missiles.

But having said all of that, I do not object because I know that it is necessary in strategic weaponry to occasionally go up to a fairly high level as long as we know we are coming back down.

I might say at this point, the Soviet Union has shown a remarkable amount of constraint in this whole thing. They are in a much better position, as the Senator knows, to break out of the SALT Treaty than we are. They have hot production lines on a lot more strategic systems than we have. They have three ICBM systems in production to our one: the SS-18 mod 5, the SS-24, and the SS-25, versus MX for us. They have two SLBM systems—the SS-N-20 and SS-N-23—in production to our one, the Trident II and they have two bombers in production—the Bear H and the Blackjack—to our none. For example, let us assume that Gorbachev's position is not as solid as we might like to think it is. Obviously, if Gorbachev falls, that means the hard liners are back in control. That would also mean that, in all probability, they would not show the kind of restraint they have been showing in face of the fact that we are flagrantly exceeding the SALT II limits. For example, they did not continue their nuclear testing moratorium when we kept on testing. After about 18 months they resumed testing. And it's been 18 months since the United States started exceeding the SALT limits.

As of this moment, we have about 1,336 MIRV'd missile systems and the Soviets have about 1,270 or, 66 less. For bean counters, maybe that is important. I do not think it is terribly relevant one way or the other.

But I just do believe strongly that if we go up and back down and back up a little bit higher and back down not quite so far, if we do not have a START agreement, and one of these years we get one and say we cut warheads in half, but we wind up back about where we are right now.

So I thank the Senator from Georgia for his very statesmanlike statement on this issue. It is one that we deal with constantly. We have a tendency to treat it almost ritualistically and by rote and not for the fact that we are really talking about the fate of the planet Earth.

So I thank the Senator for his cooperation on this. I do not want to take the Senate's time any further on this.

I see my colleague from Vermont is here, who had asked to be allowed to speak on this. I will be happy to yield the floor in his favor.

Mr. NUNN. I thank the Senator from Arkansas.

Mr. BUMPERS. I yield the floor.

Mr. LEAHY. Mr. President, I believe it was Yogi Berra who once said that it was deja vu all over again. That is almost the way it is here. We seem to be keep going back on the Bumpers-Leahy-Chafee-Heinz amendment. In some ways you would almost think we would not have to. You would think that everybody would accept the fact that if we are going to be out negotiating for greater arms control that we might stop just building, on both sides, a continued escalation of the nuclear arms race.

But the need for some controls on strategic weapons is too great and the time too pressing to leave this issue unsettled. Therefore, my friends and I reintroduced the same amendment the Senate adopted by a 57-to-41 vote last October 2. The only change, as the Senator from Arkansas and others know, is to make the effective dates of the funding prohibition run through fiscal year 1989 instead of 1988. Otherwise, the amendment is the one 57 Senators voted for last October. It is substantively the same as the interim restraint provision in the defense authorization bill which the House just recently passed.

Now, this amendment would prohibit the United States from deploying any MIRV'd missiles and heavy bombers armed with the cruise missiles in excess of the 820, 1,200, and 1,320 level.

It empowers the President, of course, to waive this restriction if at certain times the Soviets are extending any of those levels. In other words, there is a requirement in here. And the way it is set up, it gives no incentive to the Soviets to go forward when we stand still because the President simply has to certify they have done that and we can move forward. But it is about the only thing that sits out there in the way for us to say that enough is enough.

My good friend, the distinguished chairman of the Armed Services Committee, has stated that he shares the goal of our amendment to keep in place an interim cap on United States and Soviet strategic systems pending a START Treaty. In fact, as I recall, the Senator from Georgia voted for that last year.

Now I recognize the distinguished chairman wants the flexibility to work out in conference with the House some kind of steps which will keep the restraints on the arms race but does not want the Senate to vote on our amendment. I have brought enough bills to conference to know how any chairman would want that kind of flexibility.

The distinguished chairman has also stated that he intends to work through the coming fiscal year to maintain an interim restraint regime. In our discussions, he made clear he would advocate and work for additional requirements of older United States multiple warhead systems so long, of course, as the Soviets continue to show restraint in their own comparable systems. In other words, it is the position of the distinguished chairman to keep this interim restraint framework in place.

I much prefer a legally binding funding prohibition on United States actions which would take us above some clearly stated numerical cap, such as those in our amendment, so long as it is on a reciprocal basis with the Soviet Union.

But I understand, from our battles on this floor, that the cards are stacked against the Bumpers-Leahy, et al, amendment becoming law, even though 57 Senators voted for it last year. So I am not going to seek a vote on this amendment, because I rely on the statements of the chairman of the Armed Services Committee.

But, Mr. President, I have come back with this issue every year now for a half a dozen years. I feel very, very strongly that it is in the best security interest of the United States to have a real nuclear arms control. Also, I believe very strongly that we could continue to seek such arms control and really wreck anything that we might gain if, while we are seeking arms control, we engage in a continuously escalating nuclear arms race.

The Bumpers-Leahy amendment says: "Let's everybody pause and think about where we are. Enough is enough. Let us stop here. As far as the Soviet Union stops here, let us do the same and then support the President of the United States in seeking realistic reductions."

It does us no good to say that we will support efforts maybe this year or next year or 4 years from now on the part of the President of the United States to seek reductions if what he is going to be reducing is something that have added to every year. It makes no difference if all we do is to escalate the nuclear arms race and then somebody, someday when sanity finally peeks through, say, "My gosh, it's about time to reduce what we built on." Let us start from a smaller base. That is all the Bumpers-Leahy says; that with the thousands of warheads on both sides, that should be enough for any country, that should be enough for any kind of deterrent. Now let us go on to the real difficult task of seeking reductions.

So I compliment my good friend from Arkansas, both my good friends from Arkansas, and my friend from Georgia. And, with his assurances, assurances stated here earlier, I will not press the Bumpers-Leahy-Chaffe-Heinz amendment to a vote.

But I would note, Mr. President, that if the Department of Defense is not willing to go forward with this kind of restraint and if the administration is not, then I will take this amendment which has gotten 57 votes in the past in the U.S. Senate, and seek to add it to the next appropriations bill.

Mr. President, I yield the floor.

Mr. BUMPERS. Mr. President, with the assurances and the statements made by the distinguished manager—and I want to say at this point, also, that I know that he cannot make a single promise, he cannot make any promises because, while he is chairman of the committee, he cannot assure this body that the conference members from the Senate will always adhere to his wishes. But he is a strong leader. He understands this issue and has certainly stated his agreement with the goals that we are trying to achieve.

With that, and the belief that the conference will come out with an interim restraint as good or better than the one we had last year, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment was withdrawn.

Mr. DIXON. Mr. President, at this time, we have an agreed upon amendment by the distinguished Senator from Florida that we are prepared to accept.

AMENDMENT NO. 2089

(Purpose: To create a Commission on Alternative Utilization Of Military Facilities to identify space on active and non-active military facilities to be used as Federal correctional facilities and residential drug treatment facilities)

Mr. CHILES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] propose an amendment numbered 2089.

Mr. CHILES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . COMMISSION ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES.—

(a) Within 30 days after the enactment of this legislation, the President shall establish a Commission on Alternative Utilization of Military Facilities. The Commission shall be made up of representatives from the Department of Defense, the Bureau of Prisons of the Department of Justice, the National Institute on Drug Abuse of the Department of Health and Human Services and the General Accounting Administration.

(b) On a biannual basis, the Commission shall—

(1) prepare a report listing active and non-active military facilities that the Department of Defense has identified as fit for closure, underutilized in whole or part, or on the surplus property list;

(2) identify those facilities, or parts thereof, that could be utilized or renovated as minimum security facilities to hold non-violent prisoners;

(3) identify those facilities or parts thereof, that could be utilized or renovated to house non-violent persons for drug treatment purposes; and

(4) present this list to the President and to the Congress.

(c) The first reporting required by subsection (b) shall be submitted to the President and to the Congress no later than September 1, 1988. Further reports shall be issued not later than September 1 every 2 years thereafter through fiscal year 1996.

Mr. CHILES. Mr. President, it is well known, that the United States has invested billions of dollars in military real estate in the United States and abroad. It is also known that some of this investment is no longer used, is underutilized or has long ago outlived its original purpose.

This property can be sold and contribute substantial revenues to the U.S. Treasury.

However, this property should also be evaluated for alternative uses to address critical problems of this country.

The U.S. prison system is 60 percent overcapacity today. It is projected to get even more crowded during the next decade due to mandatory sentences imposed in the Anti-Drug Abuse Act of 1986 and the Sentencing Guidelines.

In another area, the problem is similar but even more severe in some respects. Persons seeking drug abuse treatment simply cannot find help. Drug abuse treatment facilities are lacking in every State and existing programs cannot come close to meeting the demand. There are long waiting lists in every county of every State of persons desperately seeking help.

Mr. President, we have to provide prison space and we should provide drug treatment.

But construction costs are scaring us off.

Therefore, the amendment I offer is intended to offer an alternative to construction of all new facilities. My amendment creates a Commission on Alternative Utilization of Military Facilities which shall be responsible for evaluating and identifying military facilities which could be used as correctional facilities or drug treatment facilities. The Commission would be made up of representatives of the Department of Defense, Bureau of Prisons, National Institute on Drug Abuse, and General Services Administration who will be appointed by the President.

Mr. President, the use of military facilities by the Bureau of Prisons for correctional facilities is being practiced today. In fact, the effective example always used exists at Eglin Air Force Base in Florida. This program has proven successful. Both the military and the prison system benefits. The base commander is pleased because work programs by the inmates provide jobs and saves money for his purposes. Bureau of Prison officials are pleased because placing nonviolent inmates in such facilities allows more space for other prisons in the overcrowded prison system.

I am told that base commanders at military bases across the country have indicated that programs like the Federal Prison Camp at Eglin would be welcome. My amendment would provide for a formal structure for more future cooperative efforts.

And, my amendment would also allow space at active or nonactive military facilities to be used for drug treatment by the National Institute on Drug Abuse. Such facilities could often be ideal for residential treatment facilities which are so lacking in this country. I intend to offer legislation at a later date which will authorize the Bureau of Prisons, National Institute on Drug Abuse, and State drug abuse agencies to establish appropriate programs at these identified facilities to address the tremendous demand for space for incarceration, incarceration with drug abuse treatment and drug abuse treatment. Such programs costs will be borne by Bureau of Prisons and the National Institute on Drug Abuse and will be required to be operated in cooperation with base commanders, where appropriate, so that activities like work programs will benefit inmate and patient, base operations and the overall efficiency and cost-effectiveness of the military facility as well as the specific correctional or treatment programs.

Mr. President, I want to stress that my amendment does not dictate what facilities could be used or what programs should be where. What my amendment does is create a Commission of experts from the Defense Department, Bureau of Prisons, National Institute on Drug absue, and GSA who will determine what space is available and for what purposes it could best be used. It will be up to the Commission and the appropriate agencies to determine the correctional and treatment programs that would be appropriate for specific space on active and nonactive military facilities.

I am convinced that our vast investment in military property can go far to help us with the critical problems we face with our prisons and drug treatment. I hope my colleagues agree.

Mr. President, we have been talking both to the ranking member and the chairman about this amendment. I think it makes ultimate sense to do this, and I hope the amendment would be adopted.

I have other debates, but I would be happy to reserve that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will momentarily yield the floor to my colleague from New Hampshire so the Senator can speak to this, but I wonder if I might ask the Senator from Florida a question or two about this first.

The trauma connected with the closure of a military base is very severe. As a matter of fact, communities through the years have grown very attached to them. In most instances the communities provide a great deal of the amenities for military bases personnel that are there. Therefore, it is going to be a severe hardship on the community and severe hardship on the Members of the Congress that represent that community.

My understanding of the current law is that if a base is closed, then the first priority goes to the Bureau of Prisons. Is that correct?

Mr. CHILES. I think that is correct. Immediately when a base is declared surplus property, there is a list of priorities. The No. 1 agency on that list is the Bureau of Prisons.

Mr. WARNER. So the Bureau of Prisons could take it over for any category of prisoners.

Mr. CHILES. That would be true under present conditions.

Mr. WARNER. That is my point. Under present conditions, any category of prisoners or the like could go under this priority of existing law.

So the Senator's amendment, in effect, sort of steps back to limit this future use to nonviolent and rehabilitation cases, is my understanding, in the drug area. Is that correct?

Mr. CHILES. Well, I think you could argue that. While the amendment does not influence the "fit for closure policy," we are not trying to impact that policy at all. I think that it does provide an alternative method. It does set up a commission and that commission will be reporting to the President and to the Congress.

So I think the Senator could well make that point.

Mr. WARNER. I think it may well be of help to communities because under existing law——

Mr. CHILES. The only thing of course, the amendment is providing for nonviolent prisoners.

Mr. WARNER. That is my point. Nonviolent. It gives, indeed, more notice to the community. The community would be on notice from this bipartisan group—and the Congress.

Mr. CHILES. And the Congress.

Mr. WARNER. So it could well be that this amendment could be helpful to those communities that have apprehension about it being automatically shifted, the closure situation, to the Bureau of Prisons.

I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, if the provisions on base closing survive conference, that will be a remarkable, almost unbelievable achievement for this body and for the House. And I certainly hope that is the case.

My first reaction to the amendment offered by the Senator from Florida was that it would make a very difficult situation even more difficult for communities and especially Members of Congress representing those communities in the case of base closings. But, in discussing the amendment, it turns out that existing law is even worse in that respect; that the Chiles amendment will ameliorate the situation a little.

But it seems to me that what I have discovered is the need to amend existing law—and I am not proposing we do it at this moment—but it seems to me there is a real need to amend existing law because it is hard enough for a Senator or a Congressman to go to a community where a base is slated for closing and say: "Look, we are going to cut off this large source of the community's revenues and, not only that, but you have to host a prison. That is a double whammy. That makes things very difficult for Members and communities. But that apparently is existing law, as the Senator from Florida has just pointed out in the discussion with the Senator from Virginia. The existing law is even worse than what he recommends.

So, I think we have discovered a situation that needs to be rectified at some fairly early date through amendment of existing law. So that in the difficult circumstances of base closings, we do not have to compound the problem by telling a community, not only are we going to take away this base and all the revenue you are used to, but you have to host a prison as well. That is a double nightmare. I think we need to address that, but that is not the matter at hand right now.

I thank the Chair.

Mr. WARNER. Mr. President, I thank all Senators. As far as I know, there are no other speakers on this side, and we can proceed with the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I think it is a good amendment. I think we have to be very careful where we put any facilities involving prisoners. We all know that is sensitive, but there is nothing in this amendment at all that would impose on any community arbitrary decisions in this respect, and I think the Senator has identified a real need, and the commission, and I think it is a timely amendment. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 2089) was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. May I say to my distinguished colleague from Florida, I appreciate his patience on this matter and ask for forgiveness if there was any delay.

Mr. CHILES. I thank the Senator from Virginia.

Mr. NUNN. Mr. President, I do thank the Senator from Florida. He has been over here quite a few times over the last couple of days and I appreciate him working with us and getting this amendment up.

Mr. CHILES. I thank the distinguished Senator.

Mr. NUNN. Let me make an administrative announcement. Senator WARNER and I are both due in the Intelligence Committee and we have to leave. I know Senator DIXON will be managing this on this side for the next hour or so.

As far as the managers are concerned, and perhaps Senator WARNER could add to my knowledge on this subject, I am not completely up to date here, but we have taken care of the Chiles amendment; we have at least had a vote on the D'Amato amendment; we have talked about and dealt with and passed the Domenici amendment on verification.

We have four amendments that I know can or will come up this evening. One amendment is the amendment on the Persian Gulf by Senator MURKOWSKI. At this point, that amendment is not agreed to.

Another amendment is by Senator KENNEDY on SIS. At the moment, that amendment is not agreed to.

I understand we may have—I am not sure about this—a Gramm amendment on registration related to health care personnel. I am not aware that one has been worked out, so that is three.

We have a Nunn-Warner amendment that we will need to get the Senator from Alaska, Senator STEVENS, on the floor for. And also the Senator from Mississippi will be on the floor and we will be talking about the authorization/appropriation differences that we have had that we have, hopefully, worked out. That is going to require an amendment.

With the exception of those amendments, I do not know of any other amendments that people have requested be brought up this evening. All Members should be put on notice if the D'Amato amendment on capital punishment is withdrawn or disposed of or passed before 10 o'clock tomorrow morning, then we will be going to final passage at 10 o'clock tomorrow morning.

Senator WARNER and I will be here this evening for as long as necessary to handle these amendments. I had hoped and still hope, as a matter of fact, that we can notify Members at 7, 7:30 tonight there will be no more rollcall votes.

I still think that is entirely possible, but we are going to have to get some disposition of the Kennedy amendment on SIS, the Gramm amendment on registration related to healthcare personnel, and the Murkowski amendment on the Persian Gulf.

I notice the Senator from Alaska is now here. He has been patient, and I hope we can now bring that amendment up and perhaps deal with it in the next few minutes.

Mr. WARNER. The chairman stated quite accurately, as he always does, the status of the amendments. On the amendment of the Senator from Alaska, I would say my first inclination is that we should have a vote on this amendment. While it is the sense of the Senate or the sense of the Congress proposal, it, in my judgment, comes down with a sharply drawn policy decision with respect to this Nation's attitude toward Kuwait. I want to have the benefit of colloquy of Members on this before I make my final decision.

Is the Senator from Alaska desiring a vote? I think it is necessary, in my judgment. I would not want to speak for all my colleagues as manager in accepting this amendment, recognizing the import of the purpose here.

Mr. NUNN. Will the Senator from Virginia yield?

Mr. President, I agree with the assessment of the Senator from Virginia of this amendment. It may be something that I can vote for. I believe we do need the Foreign Relations Committee people here to take a look at this because clearly this crosses both Armed Forces and Foreign Relations jurisdiction.

The main concern, I will say to the Senator from Alaska, I have, and perhaps he will address this, I am not certain we ought to be urging another that more Americans be put in the Persian Gulf at this point in time with the danger going on there. I know there are American there. I know we have American service people there. We will continue to have Americans there.

But for the Senate to basically say that we want more Americans there, although I would say in useful employment and very important employment, is something I think needs to be debated and discussed.

I hope the Senator will address that point, particularly the question of safety and whether we are urging Americans, basically more Americans, to move in harm's way. But I will be listening to the Senator's explanation on that. I thank the Senator for yielding.

Mr. WARNER. Mr. President, it seems to me we might as well advise our colleagues now, either the author of the amendment or I or others will ask for a vote on this.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleagues from Virginia and the floor manager for the brief colloquy on the amendment which the Senator from Alaska intends to offer.

AMENDMENT NO. 2090

(Purpose: to express the sense of the Congress that Kuwait should make greater efforts to bear its proportionate share of the costs of protecting commercial shipping in the Persian Gulf)

Mr. MURKOWSKI. The specific purpose that the Senator from Alaska hopes to achieve by a free-flowing discussion concerns the merits of the tenure of our position in the Persian Gulf.

I think it is appropriate at this time, Mr. President, to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2090.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill add the following new section:

SEC. . KUWAITI BURDEN SHARING.

(a) The Congress finds that—

(1) United States naval forces are protecting the shipment of Kuwaiti produced crude oil through the Persian Gulf;

(2) eleven Kuwaiti tankers have been reflagged by the United States for the purpose of ensuring that such tankers are entitled to United States naval protection;

(3) Kuwait derives significant economic benefit from U.S. naval protection and from the reflagging of its tankers;

(4) Kuwait has invested a portion of the proceeds from the sale of its crude oil in United States domestic crude oil reserves and refining capabilities;

(b) It is the sense of the Congress that—

(1) Kuwait should make a greater effort to bear its proportionate share of the costs of protecting commercial shipping in the Persian Gulf;

(2) Kuwait should, to the maximum extent possible, employ United States mer-

chant marine personnel to man its tankers reflagged with United States flags of convenience;

(3) Kuwait should, to the maximum extent possible, charter idle United States crude oil tankers to transport a portion of its domestically produced crude oil.

Mr. **MURKOWSKI**. Mr. President, what the Senator from Alaska is attempting to bring to light at this time is the role of Kuwait with regard to the realization that the United States is certainly carrying more than its share of the Persian Gulf. The amendment specifically expresses the sense of the Congress that the Kuwaitis should make a greater effort to bear a larger proportionate share of the costs of protecting commercial shipping in the Persian Gulf.

Mr. President, this does not seem to be a one-sided issue in the sense of the benefits because we all know that the Kuwaitis have the best of both worlds.

Currently, they have 11 of their tankers flagged under the flag of the United States. Still, those tankers are carrying Kuwaiti oil to market. But they are carrying that oil to market, Mr. President, under the protection of the U.S. Navy.

Is it irresponsible that this Congress should question the contribution that the Kuwaitis are making? Should they not make a contribution to the maximum extent possible? And how can that contribution best be addressed?

Mr. President, I ask for order at this time.

The **PRESIDING OFFICER**. The Senate will be in order. The Senator from Alaska.

Mr. **MURKOWSKI**. I thank the Chair. The question is: To what extent should the Kuwaitis contribute and how can that contribution be best effected?

The sense-of-the-Congress resolution suggests that the Kuwaitis could employ United States merchant marine personnel to man their tankers. Now, we already know that we have made exceptions on 11 tankers, but it is important to note that we have two American crew members on each tanker: We have a licensed U.S. captain and a radio operator. And these are requirements in compliance with the law.

The question of why we do not man those tankers with U.S. personnel has been raised by the floor manager, and the issue has been the suggestion perhaps this puts the U.S. sailors in harm's way.

That is certainly a legitimate concern, but when one considers the realization that we have currently in the Persian Gulf 14,000 military personnel and 29 naval warships protecting an expanded number of vessels, I think it is important at this time to point out that we have expanded our assistance in the Persian Gulf not only to cover our own 11 vessels that have been reflagged—and sources from the Department of Defense indicate that our new policy will be to provide assistance to any nonbelligerent ship not carrying contraband, not trading with the belligerent in international waters if it is attacked, if it requests assistance, if our vessel is in a position to help and is not involved in another task—in other words, Mr. President, we have expanded our position in the Persian Gulf substantially. We basically offer assistance to all friendly nations in the Persian Gulf.

So one wonders why, indeed, are we not involved in having American seamen on our U.S. ships.

Well, I think as we reflect on the merits of the issues before us, we should consult with the people who are responsible for providing merchant seamen on U.S.-flagged tankers, and I ask unanimous consent to have printed in the RECORD a letter of February 9 addressed to President Reagan from the National Marine Engineers Beneficial Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL MARINE ENGINEERS' BENEFICIAL ASSOCIATION,
Washington, DC, February 9, 1988.

Hon. RONALD REAGAN,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of more than 50,000 American merchant mariners, both officers and unlicensed, we urge that your Administration not proceed with reported efforts to waive the manning portion of the recently-enacted Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987.

This Act, now P.L. 100-239, was passed by the Congress in order to close a loophole created by a 1985 Coast Guard interpretation of 46 U.S.C. Sec. 8103 that permitted the use of non-U.S. crews, with the exception of the Master, instead of U.S. citizens, on board the Kuwaiti vessels reflagged last year. Had this loophole not been closed, it would have undermined much of the U.S.-flag merchant fleet by setting a precedent that could have been used by others to obtain the benefits of the U.S. flag without assuming many of its responsibilities. It also could have resulted in cargo diversions to Canadian ports that would have severely impacted U.S. ports on both coasts.

We now, however, understand that your Administration is seriously considering waiving, on national defense grounds, the provisions of P.L. 100-239 in the case of the eleven reflagged Kuwaiti tankers. We believe that such a waiver is unjustified for reasons of national defense and not supportable in law unless there is a Presidential declaration of a national emergency.

As regards national defense, there simply is no military basis for these reflagged Kuwaiti vessels not to have all American crews. All American crewing would enable these vessels to be under real, not imaginary, American operational control if these vessels were needed for the U.S. flag. The presence of nearly all non-American crews certainly does not enhance the military or operational effectiveness of the individual vessels. And, American merchant mariners are available and ready to fill every position on these vessels. Indeed, we have made the point over and over again that, as we have demonstrated throughout our history, our mariners are second to none in answering the call to our nation's defense.

Some will claim that a national defense waiver is justified because the Kuwaitis want it that way. This appears to us to be a clear case of the tail wagging the dog. On a mission where thousands of brave young Americans are putting their lives on the line, it simply does not seem right that Kuwait should also be able to dictate that we change our long-established laws simply to make a better bottom line for the ledger of the Kuwaiti national shipping company. Perhaps last year, when the vessels were reflagged, there may have been some nervousness as to whether insistence on U.S. crewing would drive the Kuwaitis into the arms of the Soviet Union. But today, after many months in which U.S. protection is functioning well, we find such worries to be unsupportable. It is inconceivable that the Kuwaitis would tilt toward the Russians because we, in response to the clear will of the Congress, replaced all, or on a phased basis, foreign crews with U.S. crews.

Indeed, we make the case instead that a waiver now for these Kuwaiti vessels undermines rather than strengthens our defense. It results in the loss of employment for more than 500 American merchant seamen. It sets a precedent for further waivers that, once granted, can be twisted to cover every commercial or diplomatic occasion. And it sends a message to all concerned that the American merchant marine is expendable, a message that runs counter to numerous U.S. Navy studies as well as the reports of your Commission on Merchant Marine and Defense, all of which emphasize that the shortage of U.S. crews is now and will be in the future a major national defense liability.

As regards the legal case for such a national defense waiver, we find that it does not exist. Nowhere in Title 46 U.S.C. is there authority for a waiver, in view of the fact that U.S. crews are ready and available, except in the case of a "proclaimed national emergency." So far, none has been declared in the current Persian Gulf shipping crisis.

We urge, therefore, that your Administration not proceed with a national defense waiver for the reflagged Kuwaiti vessels. We accept and support the need to be able to waive provisions of law when national defense is truly at stake and when it is done in accordance with the provisions of that law for such a waiver. We believe, however, that such a waiver at this point would merely be for diplomatic convenience at best and, indeed, could harm our nation's defense in the future.

We thank you for your consideration of this matter.

Sincerely yours,
C.E. DEFRIES,
President, National Marine Engineers' Beneficial Association.
SHANNON J. WALL,
President, National Maritime Union.

Mr. **MURKOWSKI**. I ask the attention of my colleague, the Senator from Georgia, because he has raised the question specifically as to whether or not it is appropriate we consider putting at this time American sailors and American ships in the Persian Gulf.

It reads as follows, and I will just quote the pertinent part:

On a mission where thousands of brave, young Americans are putting their lives on

> the line, it simply does not seem right that Kuwait should also be able to dictate that we change our longstanding laws simply to make a better bottom line for the ledger of the Kuwait national shipping company.

And I read the previous paragraph:

> As regards to national defense, there simply is no military bases for these reflagged Kuwaiti vessels not to have all American crews. All American crews would enable these vessels to be under real, and not imaginary, American occupational control if these vessels were needed for the U.S. flag.
>
> The presence of nearly all non-American crews certainly does not achieve the military or operational effectiveness of the individual vessels.

And this is the important part, Mr. President:

> And American merchant mariners are available and are ready to fill every position on these vessels. Indeed, we have made the point over and over again that as we have demonstrated throughout our history our mariners are second to none in answering the call to our Nation's defense.

I think that in itself cites the case for the American maritime people who would man these ships if they were given the opportunity to do so.

Now, I recognize, Mr. President, that we have already made a deal with the Kuwaitis. We have agreed to go so far as to license for captains and radio operators and no further, but I think we ought to reflect a little bit more on the inequity in existence when we recognize again the question of contribution from the standpoint of the Kuwaitis and our own Nation.

The beneficiary of the oil clearly is not the United States. Approximately 56 percent of the oil in the Persian Gulf ultimately finds its way to our friends in Japan, about 35 percent to Eastern Europe, and about 6 to 9 percent to the United States. We are paying a price in the Persian Gulf, Mr. President. That price is about $130 million a year. We have 29 naval warships in the area at this time and, as I have indicated, 14,000 military personnel.

When we get down to the question of Kuwait and what their attitude has been so far, we have to recognize that they have refused to employ American tankers and American seamen in their trade despite the fact that our seamen are not employed and that we have many tankers that are lying idle. To suggest that we do not have American tankers ready, Mr. President, is incorrect. We have a number of them, including the *Atlantic* at 404,000 deadweight tons, the *Pacific* at 404,000 deadweight tons, the *New York* at 258,000 deadweight tons, the *Maryland* at 264,000, the *Massachusetts* at 264,000, and the *Williamsburg* at 225,000. Most of these tankers, Mr. President, were built with U.S. construction subsidies.

Now, we were almost successful in leasing one tanker, and I will get into that in a few minutes because I think this body deserves to know the extent to which our Government went to try to lease this tanker and the results. I think it justifies consideration of the pending amendment of the Senator from Alaska.

In October 1987, Chesapeake Shipping Co., which is wholly owned by a Kuwaiti oil tanker company, won bidding for charter of the American vessel, the *Maryland*. And this came about as a consequence of a great deal of effort of the Senator from Alaska and others to try to encourage some U.S. participation in the Persian Gulf in the commercial carriage of crude oil. As we know, the *Maryland* was built with U.S. construction subsidies and MarAd had to foreclose on the *Maryland*. The terms of the charter that were undertaken would be that the Chesapeake Shipping Co. would pay a total of $5 million for a 2-year bareboat charter. That was broken down as follows: $2.5 million for drydocking and repairs and $2.5 million for the use of the vessel. The proposal required—and it was agreed upon by all parties—that the vessel, which was a U.S.-flag vessel, would carry a 100 percent U.S. crew. Now, MarAd went ahead and began the repairs in December. Most of the repairs had been completed. MarAd determined an additional $1 million in repairs would be needed, but the Kuwaitis would not agree to an additional $1 million in costs, nor would they agree to extend the charter to amortize the cost for 1 more year and as a consequence, Mr. President, the deal collapsed.

Now, MarAd had to pay $3.5 million for the repairs that were done and then had to put up the *Maryland* for rebid.

So, Mr. President, there has been more than just discussions on putting U.S. crews on vessels to be chartered by the Kuwaiti Government. Indeed, an agreement was reached, and the reason that the agreement was not finally put through was simply a matter of the Kuwaitis' figuring that it was cheaper to continue using their own ships. It was an economic reason, Mr. President. The plan with regard to the *Maryland* was for the U.S. taxpayer to pick up the costs and hope that we could recover somehow in a pending sale of the tanker *Maryland*.

There are two other MarAd vessels, the *Massachusetts* and the *New York*. These could be available if indeed repairs would or could be made.

But the point we have to reflect on is that we have already initiated discussions. We simply let our guard down and did not follow through.

Further, Mr. President, when we consider the changing role of Kuwaiti investments in the United States, I think it causes us some justification for reflection. Using funds derived from trade and commerce, namely oil, protected by American lives, ships, resources, and money, the Kuwaiti Government is quietly buying up assets in this country. That is what free trade is all about, Mr. President. The Senator from Alaska is supportive of that. But I think we must recognize the change from what previously was a situation where the United States had a strong and healthy domestic producing capability as well as a refining capability.

The Kuwaiti Government is coming to the United States and buying up refineries. There is nothing wrong with that, but it does reflect on our energy security.

We are seeing the Kuwaiti Government come in and purchase 100 percent of Sante Fe, International, an energy company with $1.4 billion in 1986 revenues. Again, there is nothing wrong with that. We find that the Kuwaiti Government now owns one-fifth of BP of America, which owns 100 percent of the Standard Oil Co., which owns 50 percent of the oil produced from Prudhoe Bay.

The point is we are now seeing foreign ownership taking a very significant position in our refining crude oil capacity, and as we look at the tradition of the OPEC nations where they have attempted to strangle the production of oil in order to create scarcity to get the price up, we are seeing that ownership transfer to the United States. I think it is something that should cause us a good deal of reflection as we consider our energy policy.

The Senator from Alaska raises this point simply to share a point of view that, indeed, oil moves very rapidly and as a consequence of that movement foreign ownership of our own domestic oil industry and refining capacity can come about in a very rapid manner.

Some have suggested that, well, we do not have adequate individuals in our maritime industry available to take some 500 jobs that could be created if we took the 11 tankers that have already been reflagged and put U.S. crews on them. Well, in 1986, it is estimated that somewhere between 15,000 and 20,000 unemployed maritime union members were available to go to sea in all capacities on these vessels.

One wonders as well why some of these personnel would not find jobs on the available U.S.-flag ships such as the *Maryland* or the *Williamsburg* that would like to be utilized in the trade.

I think we have been able to cite some of the specifics with regard to the availability of adequate personnel to man the ships. I think we have made a point with regard to the fact that we have already negotiated to utilize merchant vessels but we have simply failed to maintain the leverage. And that leverage is based on the fact that we have our Navy over there protecting friendly nations, and, there is the question of why not have some of our own ships.

We noticed the British are over there hauling oil in British tankers. We have noticed that the Soviets have had vessels in the area but not the United States. We do not have a merchant ship in there because of a fear. And that fear seems to be based on the fact that we are putting some of our seamen in dangerous positions yet our seamen have countered that their interest is in jobs. When we look at the record over there, Mr. President, we find that the Iraqis and the Iranians have been constantly going back and forth on each others ships and the platforms and shore base facilities. Yet of all the ships fired on over the last several years, there is only one record of a small ship being sunk. I do not mean to say that we should put our seamen in harm's way by any means but by the same token where is our obligation? Do we have an obligation to participate to some extent to the carriage of that oil? The Senator from Alaska happens to think that is the case.

Mr. WARNER. Could I ask a question?

Mr. MURKOWSKI. I would be happy to respond.

Mr. WARNER. The merchant seamen in the history of this country have never feared going in harm's way, and there is a long record of courageous activity by these men over the years.

Mr. MURKOWSKI. The Senator is correct.

Mr. WARNER. But I am not sure as I listened carefully to the argument. Is it that they applied for jobs aboard these reflagged ships and were denied the jobs for some reason?

Mr. MURKOWSKI. No.

Mr. WARNER. Or is it the Senator is anxious to have some American-owned, American-flagged vessels incorporated in the original concept of 11?

Mr. MURKOWSKI. First, there are two considerations. Under the reflagging agreement that we went into where we took the 11 Kuwaiti ships, there had to be a waiver that was requested by the Secretary of Defense. That waiver was granted, and the unions appealed the authority of that waiver. And the court determined that indeed that waiver was justified. That waiver was allowing a limitation of a captain and a radio officer on those ships. That was all. The law requires that if those ships ever touch a U.S. port, they will have to be full of U.S. crude.

But the Senator from Virginia and the Senator from Alaska know that indeed those ships will never touch a U.S. port. The point is the Kuwaitis would much rather use their own people or crews from other nations on those ships than take United States sailors and put them on those ships because the cost is much less to use foreign sailors.

The point that the Senator from Alaska is trying to communicate to his colleagues is why the Kuwaitis when pushed a little bit partially negotiated for the *Maryland*, and then decided that it was uneconomic to proceed with an American-flagged ship other than the 11. And as a consequence the Senator from Alaska recalls the Kuwaiti Ambassador coming to his office and explaining to the Senator from Alaska why they were not going ahead with the charter of the *Maryland*. And the *Williamsburg* was also proposed at that time.

The Kuwaiti Ambassador simply said it is an economic issue only, in other words, advising the Senator from Alaska it is much cheaper to use his own ships.

But we have American sailors on the beach.

Mr. WARNER. Mr. President, I certainly understand that. My State is a maritime State. Indeed, I know full well the extraordinary unemployment among our merchant sailors at this time.

I wonder, Mr. President, if the Senator would yield the floor at this time so I could make a few comments.

Mr. MURKOWSKI. I would be happy to yield.

Mr. WARNER. First, a procedural one. Does the Senator wish to have a call for a vote? If not, this Senator will because I think Senators should examine this amendment with great care, and I believe it is not the proper authority for the manager to accept this because it is a very important amendment. I have not had the opportunity to discuss it with a number of my colleagues. So my first question is does the Senator intend to ask for a vote?

Mr. MURKOWSKI. I would like to have a bit of a colloquy.

Mr. WARNER. I am not suggesting a tabling. I would just simply ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. EXON. Mr. President, objection. At the appropriate time, the Senator from Nebraska intends to move to table.

Mr. WARNER. I once again just ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, Kuwait now provides fuel for the United States operations over there up to around $5 million a month. These are just some of the things Kuwait is now doing to facilitate the operations over there. Once our convoys enter Kuwaiti territorial waters, Kuwait provides escort, and then when we require security protection of United States ships in Kuwaiti ports, the Kuwaitis provide that protection.

So I wish to have the record reflect that there are, I think, some contributions by Kuwait to the overall operation in the gulf at this time.

As yet I am still undecided as to how this Senator will cast his vote because I am concerned like the Senator from Alaska with respect to the unemployed members of our merchant fleet, and recall very well how the Senator has fought for over a year now for the very principles that are embraced in the amendment.

Mr. MURKOWSKI. I wonder if my friend from Virginia would respond to the sense of the resolution. The resolution does not mandate that the 11 Kuwaiti vessels that have been United States flagged be United States crewed.

It simply urges the Kuwaitis and the Kuwaiti Government to be sensitive and try to do more to the maximum extent possible to employ United States merchant marine personnel to man its tankers or reflagged tankers with United States flags. In other words, it would seem to me that it would be in our best interests—and I appeal to the Senator from Virginia because he is very knowledgeable in these matters, having been in the Navy, and a former Secretary of the Navy. And the situation that we have in our Nation where it is important that we maintain a stronger merchant fleet. That includes a merchant fleet of tankers. Is it not appropriate that we ask our friends to cooperate a little more fully in helping us maintain that capability?

Mr. WARNER. Mr. President, I share that with the Senator from Alaska. Indeed, that is one of the reasons I have attempted at this time to vote for his amendment. But I just do not want this amendment interpreted as being sort of a critical attack on Kuwaitis' participation thus far in our overall gulf operations.

Indeed, I think they should have in the past facilitated some of our merchant marine interests and hopefully will do so in the future. But the record should reflect that they are participating like the other Gulf States in quiet ways, and in some way overt ways to the facilitation of our military activities in that area.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will be making a tabling motion although I do not wish to cut off debate prematurely on the Senator from Alaska.

I am wondering if we might facilitate the movement ahead of the bill, and begin to clear the deck on the other very important matters that have been discussed by entering into a time agreement with the Senator from

Alaska that we would agree not to table if he would agree to say 5 minutes additional time equally divided, 5 minutes controlled by the Senator here in opposition, and 5 minutes additional for any rebuttal or further statements that the Senator from Alaska could make. At that time I would move to table, and ask for the yeas and nays.

Would some arrangement like that be satisfactory? I am not proposing it now. I am asking the Senator from Alaska if some accommodation along those lines would be acceptable to him.

(Mr. REID assumed the chair.)

Mr. MURKOWSKI. I thank my friend from Nebraska.

I remind the Chair that when initially we were discussing the proposed plan for the amendments, I had asked for an hour, equally divided, and that seemed to have been agreeable.

I understand that we are not under any firm commitment, but I had hoped that the floor manager, the Senator from Georgia, and I could have a bit of a colloquy.

I think what we are doing here is not an effort to criticize the Kuwaitis, by any means, with regard to what they have done. They have done many things. They are doing more. By the same token, when they come into a Senator's office and suggest that the reason they did not use American vessels with American crews is simply the economics; when we recognize the commitment of our Navy, the fact that we have lost already a number of men on the *Stark* and we have lost two men in the helicopter that went down; and they communicate to us that their concern is that, "Our economics are not favorable enough"; when we have 25,000 union personnel ready to go to work and they are excluded from participating in the carriage of oil—I do not want to sound mercenary in the sense that this is a commercial enterprise in the Persian Gulf, but let us recognize that without the U.S. Navy escorting all friendly nations, there would not be any commercial activity in the Persian Gulf.

I can understand the merits of the British and the Soviets using their vessels and their crews, but I cannot understand the lack of commitment by this administration and, very frankly, by my colleagues on the merits of not urging the Kuwaitis to go out and charter some American vessels that were built with taxpayers' money, where we have already done the repairs, and they backed out because they said it was not economical. I think we would be sending a devastating signal.

Mr. EXON. Mr. President, I am not trying to cut off the Senator from Alaska. I asked him a question, and I have not received an answer to the question. I received more of the same that I have been listening to with great interest for about a half hour.

The question of the Senator from Nebraska—as long as I have the floor—is that I would very much appreciate a response from my dear friend and colleague from Alaska: Is he interested in a time agreement now, before I move to table the amendment, before I lost my right to the floor?

Mr. MURKOWSKI. I had hoped to enter into a colloquy.

Mr. EXON. The Senator has a colloquy with the Senator from Virginia.

Mr. MURKOWSKI. I had hoped to have a colloquy with the Senator from Georgia, or I will be happy to have a colloquy with the Senator from Nebraska on the merits.

Mr. EXON. I think it is important that we move ahead. I want to give the Senator from Alaska an opportunity to make any points he can. I think he has made some pretty good points.

I simply propose, in connection with the previous arrangement that was suggested, that there be 5 minutes of further debate, 10 minutes in total, equally divided, between the Senator from Nebraska and the Senator from Alaska, and that at the end of that time, which would be approximately 6:25, the time would expire, and at that time I would be recognized for the purpose of making a tabling motion and asking for the yeas and nays.

I propose that unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Reserving the right to object—and I may object—the Senator is proposing a tabling motion unless he has the time agreement.

Mr. EXON. I am giving my friend and colleague from Alaska every opportunity to come to some kind of agreement. I am simply telegraphing, sending a clear message, call it what you will, that if I cannot get some kind of agreement, since I have the floor, I will make about 5 minutes of remarks and I will proceed to move to table the amendment, under the rule.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. MURKOWSKI. Reserving the right to object——

Mr. EXON. Mr. President, I think that the Senator from Alaska has made a good point, but I think it is very wrong for the U.S. Senate to micromanage the serious affairs in the gulf. Certainly, the President of the United States and the administration have full authority to do what they want right now, if that is what the administration thinks is in the best interests of carrying on our policy in the gulf.

I would simply say that the bottom line of this amendment, as well meaning as it is—and I certainly understand the frustration and appeciate the frustration of the Senator from Alaska, when the Kuwaitis tell him what they obviously did in his office, and I believe him. We have had less than total cooperation from the beginning from some of our allies in the gulf on a whole series of matters, not only who is going to sail their tankers, to carry their oil out of their country, under our protection.

I simply say that I think what we would be doing if we were to accept the sense-of-the-Senate resolution offered by the Senator from Alaska would be to put even more Americans in harm's way. If a Kuwaiti tanker is sunk now, even if that tanker is under the protection of the United States Navy, I cannot see how it would improve the situation to have 5, 10, 15, or 20 more Americans on that particular ship, even though they are God-fearing and unafraid American seamen.

I think one of the real problems with the gulf today, if we want to attack it, and I have not, is that there is too much money and economics involved in that war, as there always is in war, without enough consideration for the human sacrifices being made, especially by the men and women of the U.S. Navy who are there today, under great risk to themselves.

The amendment clearly would get us more involved in the gulf, with a higher risk of more American lives. I suggest that with all the other complications we have, this is not a step that is wise for us to take at this time.

I again emphasize that I can appreciate the concerns of the Senator from Alaska. He has been a very able and determined supporter of the rights of American seamen, which we all endorse. I think we all join in this concern.

I just feel that on the Defense authorization bill, we should not be telling the administration that they should see to it that the Kuwaitis put more American seamen on Kuwaiti vessels that are already at risk. It makes no sense to me, despite the fact that I wish we had more jobs for our seamen and our merchant marine.

Mr. President, I emphasize that the administration has the authority to do what the Senator from Alaska is proposing in this sense-of-the-Senate resolution. Therefore, it would have no effect in law. It would have the effect, I suggest, of the U.S. Senate further micromanaging the already-troubled situation in the gulf.

I would simply say that I do not believe that the interests of the United States overall would be served with the adoption of this amendment.

Mr. President, I move to table the amendment offered by the Senator from Alaska.

Mr. MURKOWSKI. I wonder if my colleague will withhold the tabling motion until I propose an alternative.

Mr. EXON. I will withhold my motion so long as I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. Mr. President, I will withhold temporarily my tabling motion without losing my right to the floor.

The PRESIDING OFFICER. Is the Senator asking unanimous consent that he be able to maintain the floor pending the motion?

Mr. EXON. I ask unanimous consent that the Senator from Nebraska be allowed to retain the floor during the ensuing discussion with the clear understanding that I am yielding only for the purpose of questions and discussions that I think might be in order preceding the tabling motion which I intend to make and am withholding that now which I could legitimately make under the rules only because I want to give every consideration possible to my friends and colleagues.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Nebraska maintaining the right to the floor?

Mr. MURKOWSKI. Mr. President, I reserve the right to object, and I ask if it is possible at this point to suggest the absence of a quorum.

The PRESIDING OFFICER. Yes, only if the Senator from Nebraska would yield for that purpose.

Mr. McCAIN. Will my friend from Nebraska yield?

Mr. EXON. I would simply say that it is very clear that there are some individuals who do not want the tabling motion. I telegraphed my punch. I was honest with my colleagues. I am about to make a tabling motion and I do not want anything to get in the way of that.

Now, if there is a request to withdraw the amendment and if we could save the tabling motion I would be fully reasonable and wait for that particular purpose.

Is there a request for me from either one of my colleagues, without losing my right to the floor? I ask the question of my colleagues without losing my right to the floor. Is there a request at this time that I would be glad to yield for the purpose of withdrawing the amendment? I am glad to yield for an answer to my question from the Senator from Alaska without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Nebraska yields to the Senator from Alaska for a question.

Mr. MURKOWSKI. I thank the Chair.

I ask a question: In view of the point that our colleague from Nebraska brought up on the idea of micromanaging, nobody wants to micromanage the responsibilities of the administration, but I am sure my friend would agree that the matter of having a strong domestic maritime industry and a strong merchant marine is important. When we have an opportunity to participate in some area of the world, why, I am sure my colleague would agree that it is appropriate that we also have tankers and well-experienced merchant mariners to carry that oil. And while I appreciate his consideration for putting them in harm's way, none of us want to see that, but we also have our Navy over there.

So, my purpose was to send a message to Kuwait. I think the message has been sent with the dialog that has taken place.

It would be the intention of the Senator from Alaska to recognize a parliamentary procedure to withdraw the current pending sense-of-the-Senate resolution with the intention of perhaps seeing what the Kuwaitis' response was to utilizing American vessels that might be available for hire and American merchant sailors.

So, I would ask my colleague from Nebraska if he would agree to a unanimous consent withdrawing the amendment by the Senator from Alaska at this time, with the clear intent that the Senator from Alaska would look to see what would take place during the next few weeks to see if this colloquy has had any impression whatsoever on the Government of Kuwait to become more involved in utilizing American vessels and American seamen?

Mr. EXON. I would certainly agree with my colleague from Alaska, as I said earlier. There is a problem here. If he wishes to explore other ways to solve this problem, I would encourage him to do so.

The PRESIDING OFFICER. There is a unanimous-consent request before the Senate. Is there objection?

Mr. EXON. I would be happy, without losing my right to the floor, to yield back once again, if it is the wish of the Senator from Alaska to withdraw his request, with the caveat that he outlined that he would pursue other matters in the future to bring the legitimate concern he has in this area to a head with the Government of the United States, and if need be, the Government of Kuwait.

Mr. MURKOWSKI. I, therefore, ask unanimous consent to withdraw my amendment, and I thank my colleagues from both Nebraska and Arizona.

I would put my colleagues on notice of the intention of the Senator from Alaska to communicate with the administration and the Kuwaitis and see what the intention is. We always have an opportunity for anothhr vehicle, perhaps the Department of Defense appropriation.

I thank the Chair.

Mr. EXON. I thank my friend from Alaska, and I hope the Chair will allow the withdrawing of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The request of the Senator from Alaska is agreed to.

The amendment was withdrawn.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2091

(Purpose: To authorize additional funds for the product evaluation activity for fiscal year 1989)

Mr. GARN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN] proposes an amendment numbered 2091.

Mr. GARN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, between lines 2 and 3, insert the following new section:

SEC. . PRODUCT EVALUATION ACTIVITY.

Of the funds appropriated pursuant to section 201 for research, development, test, and evaluation for fiscal year 1989, $17,500,000 shall be available only for the product evaluation activity provided for under section 2369 of title 10, United States Code, as added by section 816 of this Act.

Mr. GARN. Mr. President, this is a very simple amendment that has been agreed to by both the majority and the minority to increase the product evaluation function from $15 million to $17.5 million.

There are no other aspects of the amendment. The law stays exactly the same as it is with the authorization. It is just an increase of $2.5 million.

Mr. EXON. Mr. President, the amendment that has just been sent to the desk by the Senator from Utah has been cleared on this side. We think it is a good amendment, and we are prepared to accept it forthwith.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Arizona.

Mr. McCAIN. Mr. President, on this side we think this is an excellent amendment by our esteemed colleague from Utah and we support it.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I rise to support the amendment offered by Senator GARN. What my colleague from Utah proposes is totally consistent with the policies set forth by the Congress; seeking procurement of defense hardware that is superior technologically while costing less to produce. The antenna system that is the focus of the Senator's amendment more than meets that criteria.

The Eyring Antenna System represents a quantum technological advancement in military communications and is so new and unique that many well informed experts in this field are still unaware of its existence or availability. It was fully verified and proofed through a variety of exhaustive tests by different miliary users, the antenna, though an off-the-shelf item, remains unavailable to the field commander because it has not been fully integrated into the DOD procurement program.

With adoption of this amendment, we can make it possible for DOD to realize substantial dollar savings without incurring any development costs, while at the same time providing the military with a vastly superior and more robust communications capability.

I urge my colleagues to join Senator GARN and I in voting aye on this very important issue.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 2091) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I would like to engage my friend from Nebraska in a discussion over an issue that has been discussed in the committee. I had intended also to discuss this with the distinguished chairman, Senator NUNN. Since he is not available at this time and my friend, Senator EXON, is very well versed on this issue, I would like to engage him in a short colloquy in expressing my concerns about the issue of title IV of the DOD Reorganization Act which is that requiring certain tours of duty in joint staff by officers of the military in order to be eligible for promotion.

I would like to start out by saying that Senator NUNN and his staff, the distinguished majority staff, have worked long and hard on this issue, and I am very appreciative of their efforts.

Mr. Punaro and Mr. Locher are very aware of the gravity of this situation and have worked in conjunction with DOD and our House colleagues in trying to make some changes which in this Senator's view are much needed.

Mr. President, this issue deserves special attention. I think that the reforms that were made in the Defense Authorization Act, the so-called Goldwater-Nickles Act are very, very important, but I did not think they change the basic structure of the original act.

I believe, in my view, that the act is far too complex and micromanages the promotion of our officers in a way that interferes with combat assignments, forces early selection for flag rank, and is producing real hostility to joint duty tours, which is exactly the opposite from what we intended. We do not want the military officers to view joint duty as a punishment tour. We want it to be a tour of learning and experience which would qualify them for higher command.

This act still requires tours of duty that are far too long. A 2-year minimum assignment does not mean that tours are only 2 years long, but it gets rid of major personnel perturbation. The current tours not only create major problems in terms of their length but require special training.

They do not recognize service in many forms of joint combat action such as Libya or Persian Gulf.

They force the officers who are not selected into longer tours. This can present serious problems in many areas, such as extended overseas duty or sea duty. The net result does not lead to an improved officer corps, but a force ticket-punching for many officers that has just the opposite result of what the act intends.

I understand the strong feeling of some Members of the House on this issue but, in moving toward, conference, I think we need to do everything possible to ensure that all of the reforms suggested in this year's Defense Authorization Act are agreed to by the House. I think we also need to move toward a much simpler bill based on 2-year tours of duty. I think this would accomplish all the intentions of the original act and make any joint duty meaningful and popular.

My point, I say to my colleague from Nebraska, is joint duty is necessary to prepare people for positions of major command and in the decisionmaking process. What I am afraid we did in a very zealous and well-intentioned effort in the Goldwater-Nickles Act was basically micromanage to such a degree that throughout the officer corps now some of this duty is being viewed as punishment rather than an opportunity to learn and advance.

I am pleased at some of the changes that have been made in the authorization bill. I hope my friend from Nebraska, who will play an important role in the conference, will agree, along with the chairman, to try to bring about the changes that are in our bill and convince our House colleagues of the importance of it.

I appreciate the indulgence and understanding of my colleague, Senator EXON.

Mr. EXON. Mr. President, the direct answer to my friend and colleague from Arizona is, yes, we do understand. I have discussed it with the chairman of the committee, Senator NUNN. We had, as he has properly alluded to, extensive discussions in the Armed Services Committee on this very point.

It has been the Senator from Arizona, I wish to say, who has been the point man, so to speak. We have listened to him extremely carefully on this because there is no one in the Armed Services Committee who has had the duty in the Navy under some of the most extreme conditions ever, both in command and in control, and a man who did work his way through, through his own efforts, the Navy and served with great distinction. We are all very proud of what he did. Therefore, we listened very carefully to the legitimate discussions and points that were made by my friend and colleague from Arizona.

I would point out, as I know he will agree, that we in our bill came forth with every request that the Department of Defense had made with regard to further improvement or fine tuning, as I think we might call them, on the historic Goldwater-Nickles Department of Defense reauthorization bill. We believe that further discussions and thought processes should go forward in this area.

There has not been total unanimity in the Armed Services Committee about shortening some tours of duty. But I, as one member of the committee, thoroughly endorse the concept that is the driving force, I believe, behind the actions taken by my colleague from Arizona, and that is to not have our tours of duty and rules for promotion so strict and so arcane that they do harm to the service and the people that serve in that service with great distinction.

So I simply thank my friend from Arizona for bringing this up. I assure him that it will receive further details and careful consideration when we go into conference with the House of Representatives on the bill before us.

Mr. McCAIN. Mr. President, I thank my friend for his kind remarks and understanding of what is a very important issue to all of us, especially to the officer corps in all branches of our military.

I also think it is well to point out that if we as a committee and if we as a body are going to act in a correct and mature fashion, we need better signals and a more coherent position from the Joint Chiefs. I think some of the confusion that the staff will attest to was generated by the fact that we were receiving mixed signals from the Joint Chiefs and from the Department of Defense itself which, in my view, created some needless differences of opinion. I hope, in the intervening time, we can get a clear signal as to an agreed upon position from the Department of Defense which includes the chairman of the Joint Chiefs and the members of the Joint Chiefs of Staff.

So I thank my colleague again for his support and understanding of this very important issue, along with the staff and the distinguished chairman of the committee.

Mr. EXON. Mr. President, I could not agree more that a classic case has been evidenced in this particular episode by the fact that the Joint Chiefs and the Department of Defense have not gotten their act together. That, more than anything else, I think, complicated final disposition of this matter in the Armed Services Committee.

I repeat again, we will take a further look at this. I think it will be a very interesting discussion. Hopefully, we can come out of the conference with something more along the line that the Senator from Arizona has in mind.

Mr. President, I yield the floor.

Mr. President, what is present parliamentary situation? Does the Panama amendment recur, Mr. President?

The PRESIDING OFFICER. The Senator is correct. The amendment offered by the Senator from North Carolina is in order.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I might say, speaking for my friend from Nebraska, we are waiting for further amendments that might be brought to the floor at this time. I would be glad to yield to the Senator.

Mr. EXON. Mr. President, would the Senator be good enough to put out a call so that all within the range of his voice will hear that we want to move this along? The Panama amendment is back up. If we cannot consider that, we could set it aside. If there are other amendments, which there are, please come and help us out.

Mr. McCAIN. Mr. President, we are agreeable to considering further amendments at this time, recognizing, it is my understanding under the unanimous consent, that we will have a vote on final passage of this bill at 10 o'clock tomorrow morning, and time is growing short.

NICARAGUA

Mr. McCAIN. In the meantime, Mr. President, I would like to discuss an issue that has not been ventilated too often lately on the floor of this Senate, but events move on and I think maybe it might be nice to give a little update as to what is happening down there in Nicaragua.

I might add that 9 months have elapsed since the so-called Arias peace plan was signed. According to that peace treaty, by the 1st of November last year, and then later the 1st of January, there was going to be implementation of the Arias peace plan completed which, among other things, meant full democratization, which meant the orderly proposal for free elections to be held and, basically, cessation of the activities that have led to so much tragedy there in Nicaragua and so much discord here in this country.

I am not sure if the Speaker of the House is following events in Nicaragua. I would like to just bring to light a few events that have taken place recently.

April 25—Permanent Congress of Workers (CPT) launch a hunger strike at the CGT-I (Independent General Confederation of Labor) headquarters to protest Sandinista non-compliance with promises to address construction and auto mechanics' grievances.

April 25—Construction workers who attempt to take a strike banner on to the field prior to a baseball game at the national stadium reportedly beaten and arrested.

April 26—Fourteen parties walk out of national dialogue talks with the government in sympathy with striking unions.

April 27—Special police unit ("Black Berets") attempt to occupy CTG-I union hall, prevent cars driving along road in front of building from stopping to make donations to strike fund collectors.

April 27—Approximately 100 Sandinista police gather outside the CGT-I building. At 10:00 am four workers (from the communist Labor Action and Unity Central—"CAUS") carrying signs supporting the hunger strike arrested and reportedly beaten. Police attempt to enter the building, but are blocked by crowd of trade unionists in front of building.

April 29—Interior Minister Tomas Borge assaults Radio Corporacion Director Jose Castillo for station's coverage of police actions against CPT hunger strikers.

April 29—Special police unit (the "Black Berets") forcibly clear protesting workers from the CGT-I parking lot. Several people were arrested, including (briefly) union leader Antonio Jarquin and others including Horacio Sandhez, top leader of the construction trades union.

April 29—Police disperse group of social democratic and conservative youth who arrive at CTY-I headquarters to support hunger strikers. Some reportedly were arrested.

April 30—Police line blocking entrance to CGT-I remains in place.

May 1—Five thousand march in CPT-sponsored rally, CTN (Nicaraguan Workers Central) May Day rally with 1,500 marchers disrupted by what appears to be turba harassment. Five minutes into a speech by CTN head and Coordinadora president Carlos Huembes he is surrounded by stick-wielding young men who, although wearing PSC and CTN sun visors, appear to be turbas. They threaten the crowd and break placards and banners with their sticks.

May 3—Antonio Jarquin and Roberto Moreno arrested along with a dozen other people for attempting to hold a press conference at the CGT-I hunger strike headquarters.

All entry and exists from the CGT-I building now blocked by police. Water, electricity and telephones shut off. Interior Ministry informs Radio Mundial its morning and noon news broadcasts suspended for one week.

Vandals break into Radio Mundial night of May 3, destroying control console and fm transmitter, breaking tubes and ripping wires. No signs of forced entry, nothing stolen.

May 3—Government suspends the following newscasts for eight days: Radio Catolica's "Iglesia," Radio Noticia's "El Pueblo," Radio Mundial's "El Nicaraguense."

Radio Corporacion shut down completely for 24 hours.

May 4—Police arrest opposition political leaders and release them in mid-afternoon. Sandinista police head Doris Tijerino declares regime will give no concessions to workers as long as the hunger strike continues.

May 5—Interior Minister Tomas Borge authorizes resumption of Radio Noticia's "El Pueblo" news broadcast. Managua's government Domestic News Service notes that the broadcast was "suspended for having aired false reports slandering the Sandinist police", then states that resumption of Radio Noticia's news broadcast "is evidence that freedom of expression is not repressed in this country".

May 7—President Oscar Arias responds to attacks against him by Nicaraguan government newspapers. The newspapers criticized Arias for having asked the USSR to stop sending arms to Central America. In responding to the attacks, Arias notes that "in the past few months, Nicaragua has received large arms shipments from the USSR, and this violates the Esquipulas II agreement". Arias describes the attacks against him as "typical of dictatorial regimes", adding that "we must remember that Nicaragua is a dictatorship".

Mr. President, there is an unmistakable crackdown. Repressive steps taken by the Sandinista government clearly indicate that they are not interested in pursuing in a realistic fashion negotiations toward a cease-fire and reintegration of the Contras into their society. They feel, and I am sure correctly, that the Contras are dramatically weakened and they will be able to prevail.

Let me just give you a quote carried in the New York Times today by President Daniel Ortega Saavedra:

> The general's older brother said in a recent speech that talks with the Contras would have a limited agenda.
>
> They think we are willing to discuss if there is going to be a revolutionary process or a counterrevolutionary process here, President Ortega said. This is not up for discussion.
>
> What we are discussing is how the mercenary forces who are already defeated can lay down their weapons. They should be grateful that we are not offering them the guillotine or the firing squad, which is what they deserve.

That is a quote from the President of Nicaragua and I think it gives a clear indication of the kind of commitment that they have to helping the Contras integrate into a free and open society.

Mr. President, I know the hour grows late. I think we may have a further amendment. So I will not take a lot of time. The fact is that in the eyes of the Contras and the rest of Central America this body—the other body, actually—has abandoned the Contras to the unseemly fate of the unwanted. We now see that the Nicaraguan Government has reneged on its agreements with the Miskito Indians. We now see that they intend to continue the course of the Marxist revolution. And the tragedy of all of this is that someday, Mr. President, we may be required to intervene militarily and use North American troops for what the Contra troops were doing pretty well; that is, fighting for freedom against an expansionist, Marxist, odious regime which has taken its nation into the depths of poverty and the depths of repression and oppression by a ruthless people who have betrayed the revolution.

With that I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I was here on the floor and heard my distinguished colleague from Arizona make what I thought were some very accurate and succinct points with respect to the so-called peace initiative in Central America. I think it is well to remember that we heard these same, same cries back in the seventies. That was "Give peace a chance." It has a nice ring to it.

We gave peace a chance in Cambodia and South Vietnam, and the Senator from Arizona is absolutely correct. If that is the kind of peace we are going to give to our fellow Americans in Central America, Nicaraguans, then I think that the greatest bastion of freedom on Earth is losing some of its luster, if we are not willing to stand up and help our fellow Americans achieve their own freedom.

I do not know what it will take for this Congress or a new Congress to recognize that Daniel Ortega and Tomas Borge and the other commandantes are no different from any of the rest of the Marxist-Leninist bandits that roam this Earth. They are no different, Mr. President.

The quote of Mr. Ortega should be a message that is strong enough for us Americans to recognize. When he says, "They are lucky they did not get the guillotine or the firing squad, that is what they deserved," what he is saying is the only reason we did not give them the guillotine or firing squad is because we are trying to stall off the support that Congress was giving to the contras.

In other words, it is manipulating U.S. foreign policy. I guess what saddens this Senator so much is that many of us were here on this floor predicting that this would be the outcome, predicting that would happen. Eventually, sooner or later, if the Marxist-Leninist commandantes are allowed to stay in power, they will consolidate that power; they will surround the Contras; they will ultimately kill the Contras, the freedom fighters that were friends of the United States and were fighting for not only their freedom, but for our freedom and for freedom, you might say, for all Americans in the North and South American Continent.

That is really what the issue is all about. I think the Senator from Arizona is probably correct. It saddens this Senator to think about it. We will probably be asking—we will be forced to do it, maybe not this President but the next President—to use American, U.S. American, boys to fight a battle that the Nicaraguan boys were fighting with our help. And they were doing well at it.

They had established command and control of their operations. They had established the ability to do large scale operations in the country. They were gaining control of the countryside. Many of those leaders that I talked to said that within a year they would have had Managua surrounded and had complete control of the countryside in Nicaragua.

They had support of 85 percent of the population of the Nicaraguan people. When the Senator from Arizona and I visited with Cardinal Obando y Bravo we asked him the question: How many people in Nicaragua do you believe support the Contras? He said at least 85 percent; without batting an eye.

Yet we come here to this Congress and we could never get the support for those people that had the support of the people from the countryside in Nicaragua.

So, now, Mr. President, we have made the situation worse, not better. Our options are less, not more.

We have tied the hands of the administration; we have tied the hands of the freedom fighters. We weakened the position that we were in. We made it more difficult to deal in the future.

I say, once again, as is all too often the case, the United States of America is preparing to snatch defeat from the jaws of victory. People may say it is not important, but it is important. If, in fact, the Soviets and the Cubans are able to ensconce another Soviet satellite nation in the mainland of the Americas—and they have done it, so to speak, in defiance of the United States of America, they have made us weaker, made them stronger, and they also give an outlet for the people in neighboring Panama to start strengthening their hand.

The people say: "Well, it doesn't matter if Nicaragua is a Communist country." I wonder if it will matter to those same people if Panama becomes a Communist country some day as that revolution is exported, or up to Mexico if we get a revolution going there? At what point will we be forced to commit troops, American troops, U.S. troops? That is really what the issue and question is.

It is unfortunate, I think, that this continues to go on. Every day there is another report of the situation deteriorating either economically or politically, and also from the standpoint of human rights in Nicaragua. The situation is deteriorating on a daily basis.

Mr. McCAIN. Will my friend yield?

Mr. SYMMS. I will be happy to.

Mr. McCAIN. First I would like to say my friend's remarks are extremely accurate and very important. I think it is important that he and I, and perhaps our distinguished friend from North Carolina and others, even though our cause may be lost in Nicaragua, in Central America, I think it is important that we make a record and remind this body frequently as to what is happening as we watch the situation degenerate into one of continued oppression, repression, and eventually the increased subversion of the neighbors of the country of Nicaragua, which goes on as we speak. Once the Contras are neutralized, in my view, it cannot help but be dramatically increased.

Let me also make a comment about a mutual friend of ours who has worked at the White House and before who worked for our distinguished former Ambassador to the United Nations, Jose Sorzano. According to press reports I read this morning, Mr. Sorzano is going to resign his position which he has held as an assistant to General Powell in the White House in working on Latin American affairs.

According to press reports, Mr. Sorzano is resigning because of his frustration with our inability to address this very difficult issue.

First of all, I would like to say I owe the highest respect and regard for Mr. Sorzano and the outstanding and dedicated work he has done for many years. I think not only I, but many Americans, are very appreciative of what he has done.

I would also like to remind my friend, Jose Sorzano, that it is very difficult for the administration to act if it is clear that there is no way that the House of Representatives will approve military aid. And that, I believe, was the originator of the beginning of the deterioration of the Sandinistas as a fighting force. Unfortunately, we see that continue to this day.

I yield back to my friend from Idaho.

Mr. SYMMS. I want to say I concur with the comments the Senator from Arizona made about Mr. Sorzano at the White House.

I might say the unfortunate part of it is that most of the people who have been in and out of the White House over these past many years who have had a clearcut position on this issue have been frustrated, either frustrated by the inability early on of the administration to declare itself clearly to the American people on the issue or the Congress to fail to declare itself clearly. Many of them have moved on to other endeavors.

Of course, the Senator from Arizona makes the comment that it may be a lost cause. I would say most likely freedom is never a lost cause, whether it be in Nicaragua or the Soviet Union. As long as the pulse of liberty can beat in some people's veins, somewhere, sometime people will wake up and support those who are endeavoring to be free because it is only natural that people should live freely on this Earth.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT

(The Senator continued with consolidation of the bill)

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum cal be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2085

VOTE TO OCCUR AT 9:30 A.M. TOMORROW

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment by the Senator from North Carolina.

Mr. NUNN. Have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. They have not.

Mr. NUNN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. May I inquire of the Senator from North Carolina—I had to be in the Intelligence Committee—has that amendment been debated and presented?

Mr. HELMS. Yes, sir. I have said all I need to say about it.

Mr. NUNN. The modification has been agreed to?

Mr. HELMS. It has been agreed to on all sides. It has been modified.

The PRESIDING OFFICER. There is nothing at the desk indicating it has been modified.

Mr. NUNN. I believe the Senator should have asked his amendment be modified.

The PRESIDING OFFICER. Is that a unanimous-consent request?

Mr. NUNN. I ask unanimous consent that the amendment be modified as indicated by the amendment that is at the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

Add at the end of the bill the following new section:

"Sec. . a. None of the funds authorized or appropriated by this or any other Act shall be obligated or expended for assistance to the Panamanian Defense Force unless and until the President has certified to Congress that no armed forces of the Union of Soviet Socialist Republics, Cuba, or Nicaragua are present in the Republic of Panama and that General Manuel Noriega has been removed as Commander of the Panamanian Defense Force, barred from all offices and authority, and prohibited from designating or appointing his successor.

b. Provided further that nothing in this Section shall prohibit the President from obligating or expending any funds necessary for the defense of the Panama Canal or for the maintenance of United States armed forces or interests in Panama.

c. Ten days after the enactment of this Section, the President shall provide a detailed report to Congress, in both classified and unclassified form, regarding 1) whether Soviet, Cuban, or Nicaraguan military, paramilitary, or intelligence personnel are present in Panama and 2) whether the Panamanian Defense Force has coordinated with, cooperated with, supported, or receive support from, such personnel."

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from North Carolina.

Mr. NUNN. Mr. President, can we suspend for one moment?

Mr. President, I think it ought to be stated what the modification is briefly.

This is still an amendment that expresses strongly the Senate's concern about a possibility of armed forces of the Union of Soviet Socialist Republics, Cuba, or Nicaragua. It does terminate funds for any expenditure to the Panamanian defense forces unless the President has certified that those forces are no longer in the country of Nicaragua or in the country of Panama and that General Manuel Noriega has been removed as commander of the Panamanian defense forces, barred from all offices of authority, and prohibited from designating or appointing his successor.

We worked with the Senator from North Carolina, and I think he shares this objective. We added in paragraph b here in the modifications:

Provided further that nothing in this section shall prohibit the President from obligating or expending any funds necessary for the defense of the Panamal Canal or for the maintenance of United States armed forces or interests in Panama.

Then we also go foward and ask for a report 10 days after enactment from the President on these subjects. We deleted language in the original amendment which referred to the Panama combined canal Defense Board because we felt that that language was not appropriate here since that group does have some bearing and some relationship to the defense of the Panama Canal.

So we did take that out.

Mr. HELMS. That is correct.

Mr. NUNN. Does the Senator agree with that general explanation?

Mr. HELMS. That is correct.

Mr. NUNN. Mr. President, I believe that history is very clear and I ask the Senate agree to the amendment as modified.

I could say to Senators—the majority leader is on the floor—that we have had several inquiries as we do this time of night by Senators who need to get away, and we do believe this is the last rollcall vote we will require on this bill tonight. We have three or four other amendments we want to handle tonight. The Senator from Massachusetts has an amendment, Senator WARNER and I have an amendment, and Senator COHEN has a probable amendment, so we need to get as far along as we can tonight since we have a 10 o'clock hopeful passage tomorrow depending on the D'Amato amendment.

Mr. SYMMS. Will the Senator yield for a question?

Mr. NUNN. I will be glad to yield.

Mr. SYMMS. It was my understanding Senator DOLE had an amendment on which he wanted a rollcall vote.

Mr. NUNN. I am informed he is willing to make that one tomorrow morning.

Mr. SYMMS. I see.

Mr. NUNN. I am not excluding anyone. I am talking about the ones we can handle tonight. As far as the floor manager is concerned, I know of no other rollcall votes tonight. I am informed the minority leader has one tomorrow morning.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote occur on the amendment by Mr. HELMS, No. 2085, as modified, tomorrow morning at 9:30 a.m.

The PRESIDING OFFICER (Mr. BREAUX). Is there objection? Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, from what I understand in listening to the distinguished manager of the bill, this will mean there will be no more rollcall votes this evening but the managers would be here to deal with other amendments if Senators wish to call them up and possibly adopt them on a voice vote or if rollcall votes should be ordered, we would put those rollcall votes over until tomorrow.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. I think he responded to my question. I have an amendment. I am willing to accept a voice vote. I know there are a number of Senators away and we have bad weather outside, but if somebody should demand a rollcall, that would come in the morning?

Mr. BYRD. Yes.

Mr. DOLE. I thank the majority leader.

Mr. BYRD. I thank the chairman and I thank Mr. Helms and I thank the Republican leader and all other Senators.

Mr. NUNN. Mr. President, I thank the majority and minority leaders for helping to work this out, and I thank the Senator from North Carolina for being very flexible in working out this amendment. I think we have a good compromise and I will favor its passage tomorrow morning. We will have an up-or-down vote on the amendment pursuant to the unanimous-consent request.

Mr. President, it is very important Senators understand that tomorrow morning we are voting at 9:30 on the Helms amendment. I do not know what time the majority leader will have us begin. I will be here whatever time he suggests. We will not have a lot of time. We have a lot of amendments that have not been formally dropped. They are on the calendar. They are eligible to be called up. I hope they will be dropped. But Members need to understand we are going to be here tonight and we will be glad to take up any of those amendments and talk about them and see if we can work them out and, if not, put them over to tomorrow.

We have a Kennedy amendment we hope can be worked out and we hope he can present that this evening. We have a Dole amendment we indicated we think we can work out. We have an amendment that relates to the Appropriations and Armed Services Committees. If we can get Senator Stevens and Senator Johnston and Senator Warner on the floor, we can get that one passed tonight. Senator Cohen has an amendment that we hope we can work out tonight.

And so we are going to be here and in business for the next 30 or 40 minutes. If we do not have Members show up and nobody comes, then we will be leaving here sometime in the next hour. But we will be in business and trying to get amendments Senators would like to bring up.

Mr. President, I yield the floor.

AMENDMENT NO. 2092

(Purpose: To prohibit expenditures for site preparation for the Special Isotope Separation project before March 1, 1989)

Mr. EXON. Mr. President, I send an amendment to the desk in behalf of Senator Kennedy for himself and Mr. Glenn and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebaska (Mr. Exon), for Senators Kennedy and Glenn, proposes an amendment numbered 2092:

On page 249, between lines 20 and 21, insert the following new subsection:

(e) Special Isotope Separation Project.—(1) Funds appropriated or otherwise made available to the Department of Energy for the special isotope separation project, Idaho Falls, Idaho, may not be obligated or expended for site preparation for such project before March 1, 1989.

Mr. EXON. Mr. President, in the Armed Services Committee we had a lengthy discussion on the matter at hand.

We have had considerable discussion yesterday and again today. I am pleased to report that all sides involved in this have come to the agreement that we will satisfy the present problems we have in this area by the simple introduction of the one amendment that has just been sent to the desk. It has been agreed to I believe on both sides.

In addition thereto, a colloquy will follow. We will correct some of the report language in the bill in this regard. Essentially, all we are doing is moving up a requested report that the Armed Services Committee has made of the Department. That required report was originally in the report language in the bill not to be accomplished before November 1, 1989. We will, by colloquy, move that up to March 1, 1989.

Mr. GLENN. Mr. President, I rise in support of the Kennedy amendment to delay construction funding for the special isotope separation [SIS] project.

Mr. President, the amendment before the Senate would withhold funding for the construction of an SIS facility until March 1, 1989, and would require the Secretary of Energy to submit before then a report to Congress on the status of the SIS technology. My reasons for supporting this amendment are threefold:

First, I am not convinced that there is or will be sufficient demand for plutonium to justify the SIS project.

Second, even if such a demand does exist, it is premature to determine whether the SIS technology is best suited to meeting that demand in a safe and economical manner.

Third, I am concerned that funding of the SIS construction project would divert resources from safety improvements and environmental cleanup at the defense production complex, a task of the utmost priority that will cost many tens of billions of dollars.

DOE has repeatedly acknowledged that the United States now has a substantial surplus of plutonium. Energy Secretary Herrington recently remarked that "we have more plutonium than we need," and Under Secretary Salgado has seconded this assessment, commenting that a 2-year moratorium in plutonium production "would not have a negative impact" on national security. With an INF agreement on the horizon and a START agreement under negotiation, the United States plutonium stockpile is likely to grow. Even in the unlikely event that the United States should require expanded plutonium capacity before a new production reactor becomes operational, contingencies already exist. For example, DOE has stated that the Hanford N reactor is "in a cold standby status, with the capability to restart if a national security need develops."

Mr. President, without an urgent mission for the SIS plant, it would be unwise to begin construction while laser isotope separation technology is still in the research and development stage. Further groundwork is necessary to determine whether SIS technology can be applied safely and efficiently on a production scale. For example, DOE has yet to complete a safety analysis review document for this project. Accordingly, this amendment would not affect funding for R&D and design activities. Instead, it would require the Secretary of Energy to report on the status of technology development before appropriated funds could be spent on construction.

This makes sense in terms of health and safety not only at the proposed SIS plant, but throughout the defense production complex. Rather than requesting a first installment on a multibillion dollar construction project that may prove unnecessary or unworkable, DOE should be getting a start on its staggering environmental cleanup task. Under Secretary Salgado recently estimated that cleanup costs at DOE facilities could run as high as $100 billion. A report giving a more careful estimate, with timetables, is scheduled to be delivered to me by DOE no later than July 1, 1988. This is the legacy of an agency that for decades ignored environmental and safety problems in the name of production. We can no longer allow Americans to be placed increasingly at risk of being poisoned or irradiated by the very industry that is supposed to be protecting them from nuclear devastation.

Mr. President, I urge my colleagues to support the amendment offered by my colleague from Massachusetts, and to defer funding of the SIS plant until both the value and the safety of this proposed facility have been convincingly demonstrated.

Mr. **KENNEDY**. Mr. President, the amendment that the senior Senator from Ohio and I offer today would defer until March 1, 1989, only those expenditures that would be used for actual site preparations for a new weapons plutonium production facility in Idaho called the special isotope separation plant [SIS] for short.

This amendment would not affect any other aspect of the SIS development program, and the Secretary of Energy has stated that the provisions of this amendment "will not adversely impact the schedule of the SIS project."

I have discussed this amendment with the chairman and ranking minority member of the Senate Armed Services Committee, and with the chairman of the Strategic Subcommittee and the Senators from Idaho. We have also agreed that the due date for the Secretary of Energy's report on the SIS plant should be changed from November 1, 1989 to March 1, 1989.

A similar amendment has already been adopted with broad bipartisan agreement by our colleagues in the House, because it represents a very modest and prudent limitation on the pace of this program, which to date has not received the kind of congressional oversight it deserves. The agreement was worked out with the consent of the Department of Energy, interested parties in Idaho, and the substantial number of legislators who were seeking even stronger action to halt the construction of this potentially high-risk facility.

The basic rationable for this amendment is that this body is not yet in possession of sufficient information to evaluate the true costs and technical risks posed by the proposed SIS plant. SIS technology involves the use of lasers to separate isotopes of hot vaporized plutonium in proximity to highly flammable hydrogen gas and ethanol. At present, the technology is unproven at a production scale.

There is simply a lot we do not know today about how to operate such an SIS facility safely and economically.

SIS technology is not ready for deployment in fiscal year 1989.

Successful construction of a safe SIS production plant depends on the success of the production-scale technology demonstration program at the Livermore National Laboratory. This program is not even scheduled for completion until September 1989. Technical problems could delay that date even further.

There is a disturbing and increasing degree of concurrency between the Livermore Development Program and construction of the SIS production plant at the Idaho National Engineering Laboratory [INEL]. Essential research and development to demonstrate the feasibility of the production process is slipping into the outyears but construction is moving forward. High levels of development funding overlap construction funding at least through 1990 and possibly beyond that date, depending on the results of the Livermore production demonstration program.

This pattern of expenditure is just the opposite of that expected for a successful development program entering the deployment stage.

As most legislators are aware, concurrency invites cost escalation and potentially disastrous technical problems. What the senior Senator from Ohio and I are suggesting, in effect, is that we fly this complicated technology before we buy it.

A closely related and important issue is whether this body is in possession of sufficient information to conclude that SIS technology can make the transition to a production-scale plant capable of safe routine operations. The fundamental, indispensable document on this subject is the safety analysis review [SAR] document.

The Department of Energy has stated that a draft of this document will not be completed until September 1988. This body should not allow construction work on this plant to proceed without first examining the safety analysis review [SAR] document.

Another concern is the disposal of radioactive wastes from the plant. The SIS plant is expected to generate 220 tons of long lived radioactive waste annually, but the anticipated disposal site for this waste is experiencing technical difficulties, and may not be able to accept it.

Some measure of concurrency and increased technical risk might be justified in the SIS plant were being constructed to satisfy some urgent national security requirement for weapons-grade plutonium. But as Energy Department officials readily admit, the SIS plant is not designed to meet a well identified near term need.

There is presently a surplus of weapons-grade plutonium. Moreover, the windfall of plutonium from INF weapon reductions will make available the equivalent of about 2 years production from the SIS plant, postponing the date at which the Nation might conceivably need to draw upon the output from this proposed facility.

Further, in the event of strategic reductions, the United States will have a plutonium surplus for an indefinite period, obviating the need for the billion dollar investment in the proposed SIS plant.

Given the adequacy of existing sources of weapons-grade plutonium through the late 1990's, there is no compelling need to preempt the arms reduction process by rushing to build this additonal plutonium production capacity now.

We have the time, Mr. President, and most important of all, we have the responsibility to carefully evaluate both the need for an additional source of weapons plutonium and the risks of the untried SIS technology, before we embark on construction of an SIS production facility in Idaho or any other location.

I ask that a number of DOE statements on the SIS plant be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOE STATEMENTS ON SIS PLUTONIUM

"[T]he language of the amendments adopted in the House Armed Services Authorization Bill . . . will not adversely impact the schedule of the SID project." (The Kennedy Amendment is identical to the House provision.) John Herrington, Secretary of Energy, Letter to Rep. Richard Stallings (D-ID), May 6, 1988.

"Plutonium. We're awash in plutonium. We have more plutonium than we need."—John Herrington, Secretary of Energy, House Appropriations Subcommittee on Interior and Related Agencies, February 23, 1988.

"Our opponents argue that we do not need SIS to provide nuclear material in the near term. That is a fact and we do not dispute it."—Troy Wade, Assistant Secretary of Energy for Defense Programs, Hearings on the Draft Environmental Impact Statement for the SIS, Idaho Falls, ID, March 25, 1988.

"The SIS is not designed to meet a well-identified need."—Don Ofte, Manager, Department of Energy, Idaho Operations Office, Idaho Falls Post-Register, p. A-1, February 17, 1988.

"It (SIS) is an economic development project."—Carl Gertz, Former SIS Project Manager, SIS Project, Idaho Falls Post-Register, p. A-1, April 10, 1987.

"DOE Undersecretary Joseph F. Salgado concented that a two year moratorium on plutonium production 'would not have a negative impact' on national defense."—The Washington Post p. A-4 February 28, 1988.

"As in the past, most of the nuclear materials needed for new weapons systems are obtained from retired weapons."—Department of Energy Budget Request, volume 1, FY 1989, February 1988.

Mr. **EXON**. I thank the Senator from Massachusetts. As part of the amendment you are offering to the special isotope separation project, the report required in the Senate Armed Services Committee report will not be due no later than March 1, 1989. This date replaces the November 1, 1989, due date currently in the Armed Services Committee report, 100-326. The earlier receipt of the report will enable the next Congress and the new administration to use its conclusions during deliberations on the defense budget for fiscal year 1990. This change in report date has been endorsed on all sides, am I correct?

Mr. SYMMS. Yes, the Senator is correct. The due date for the report on the special isotope separation project has been changed to conform with the limitation on the obligation or expenditure of site preparation funds until March 1, 1989.

Mr. McCLURE. The statement of my distinguished colleague from Idaho reflects my understanding of the due date for the report.

Mr. NUNN. I commend all the Senators on both sides of the aisle who have worked so hard on this matter. Both the amendment by the Senator from Massachusetts and the change in report date have been accepted on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCAIN. Mr. President, I think this is a good amendment. It has been cleared on this side. We are pleased to support it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Massachusetts [Mr. KENNEDY].

The amendment (No. 2092) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, am I correct that there will be a vote at 9:30 tomorrow morning on my amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. May I ask what the number of that amendment is?

The PRESIDING OFFICER. The number is 2085.

Mr. HELMS. I thank the Chair.

Mr. President, I will emphasize that the only reason there will be a rollcall vote on this amendment is to nail down the sentiments of the Senate in this regard. This amendment has been agreed to by the distinguished Senator from Georgia, Mr. NUNN, and the distinguished Senator from Virginia, Mr. WARNER.

By the way, I ask unanimous consent that Senator DOLE and Senator THURMOND be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2093

Mr. COHEN. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Main [Mr. COHEN] proposes an amendment numbered 2093.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. DDG-51 Destroyer. Up to $730,000,000 of funds appropriated in prior years that remain available for obligation may be transferred from any such appropriation to and merged with Shipbuilding and Conversion, Navy for the procurement of one DDG-51 class destroyer: provided that the authority to transfer funds under this section shall be in addition to any other transfer authority contained in this or any other Act.

Mr. COHEN. Mr. President, this amendment is quite similar to what we passed last year. It has to do with a destroyer. We had a very vigorous debate this morning on the issue. But basically we are not producing enough destroyers. The military, the Navy, requires at least five a year. We are now down to three for authorization. This is simply an amendment that, if funds from prior years can be found, would allow the Appropriations Committee to actually fund an additional one if they could come up with any funding.

So it simply gives them the authority to act in the event that any prior savings can be identified with additional destroyers. My understanding is it has the support of the chairman and the ranking member.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from Maine is correct. The authorization bill provided for three destroyers as requested by the Navy. We have been buying, I understand, about five a year. This is what I was talking about the other day when I mentioned that we are going to have to retire some aircraft carriers at some point I think not because of the ship fixation or because of any dogmatic rule about that, but simply to pay for the modern vessels that have to accompany the existing carriers.

My understanding is that the fleet obsolescence on the destroyers is really occurring more rapidly than other ships. Whether we are going to be able to actually afford this one or not, we do not know. We had to make the choice in the committee between an attack submarine and this destroyer. We felt that based on the existing funding that we know about we were not able to afford it. But the way this amendment is drawn, it would have to come if it is going to be financed out of prior years' appropriations that remain for obligation which may be transferred; in other words, if funds are elapsed, and so forth.

We know we need the ship. The Senator from Maine and the Senator from Mississippi I know have conferred on this. I know they are very much in favor of moving this. So I urge its adoption and hope that the funds can be found at some point.

This does not increase the funding under the bill. So I urge adoption of the amendment.

Mr. COHEN. Mr. President, I ask unanimous consent that the name of the senior Senator from Mississippi [Mr. STENNIS] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the amendment has been cleared on this side. These two men are fighters for what they believe in, and they believe in that separate ship Navy. My hat is off to them. I hope it works out.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2093) was agreed to.

Mr. WARNER. Mr. President, seeing no Senator seeking recognition at this time, it is the hope of the manager, the chairman of the committee, and myself that we can finish up here in a short time.

For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2094

(Purpose: To express the sense of the Congress that the United States should not make any arrangements with Panamanian strongman Noriega which involve dropping of any Federal drug related indictments against Noriega)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will report the amendment by the Senator from Kansas.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 2094.

At the appropriate place in the bill, add the following new sections:

"SEC. . Findings. The Congress finds:

"(1) Panamanian strongman Manuel Noriega has been accused of serious violations of American law involving trafficking in illegal drugs, providing protection and support to drug traffickers, and laundering drug related money;

"(2) Federal indictments have been handed down against Noriega in the State of Florida on a number of these drug-related charges;

"(3) There are media and other reports that negotiations with Noriega may have occurred, on arrangements under which he would give up political power and leave Panama, in exchange for the dropping of the Federal drug-related indictments against him.

"SEC. . It is the sense of the Congress of the United States that:

"(1) No negotiations should be conducted, nor arrangements made by the United States Government, with Noriega, which would involve the dropping of the drug-related indictments against him.

"(2) Any such negotiations, or arrangements, would send the wrong signal about the priority which the United States attaches to the war on drugs; would not further the prospects of restoring non-corrupt, democratic government to Panama; and would not serve the overall national security interests of the United States."

Mr. DOLE. Mr. President, we have had a lot of debate over the issue of drugs and General Noriega.

I do not think this amendment requires much debate. There are media reports as late as of this evening saying the deal has already been cut. Maybe we are too late.

But it seems to me that everybody wants Noriega to go. There cannot be any settlement in Panama or no real security for the Panama Canal or for American personnel, no halt to the flow of drugs, no democracy for the people of Panama as long as Noriega remains in power.

We all want him to go. We all agree that that ought to be a high priority as far as American policy in Panama is concerned.

But it is not the only priority for American policy. And nothing—nothing—should enjoy a higher priority today than a concerted effort to wipe out the scourge of drugs, which is undermining the fabric of our society and destroying our children.

The evidence appears to be overwhelming—Noriega deals drugs, protects drug traffickers, launders drugs money. Pick your title, Noriega fits them all—drug kingpin, drug overlord, drug godfather.

If we let Noriega off the hook on the drug indictments that have been brought against him—no matter what the motive—we have sent a very regrettable message to the world. We have said that we've got higher priorities than our war on drugs; that our antidrug efforts are expendable for goals that are more important. We have said that under certain circumstances, we'll negotiate leniency for those who are responsible, directly or indirectly, for the addiction and death of our children.

But we can send the right message. We can say: no deals with drug dealers. No deals with Noriega, that let him off the hook on the drug-related crimes he is charged with.

Mr. President, we all want Noriega to go. Everyone in this Chamber, as far as I know, and the President of the United States. Everyone that I know of is concerned about democracy in Panama, the Panama Canal, the people, drugs, whatever it is. There have been a lot of efforts to find some quick solution to get him to go, but they have not worked.

Now there are reports that he has, in effect, been given a golden parachute, 90-days' notice, and a lot of other things that this administration is being criticized for. But I think the important thing is that if we send this signal, it is going to undermine the so-called war on drugs.

It was only on Friday of last week we decided to bring the military in, we are so concerned about it. So in a very limited basis, particularly in surveillance and in some cases in arrest, we are going to extend more power to the military because we are concerned about the war on drugs.

So, I say, let Noriega go, but let us not send him off with a legal golden parachute.

I would hope that reports that are emanating from different news sources as recently as the 7 o'clock news are incorrect. Is that correct?

Mr. D'AMATO. That is correct.

Mr. DOLE. Maybe the deal has been cut. Maybe it is too late. But I would hope that as someone who has been a supporter of the administration—and I think my record is pretty good—they would understand the American people are never going to understand if we dismiss indictments on Noriega.

Maybe there is a good reason for it. Maybe it can be explained in a secret session. But I am not certain if it is ever going to be explained to the satisfaction of someone in my State, or someone in the State of the Presiding Officer, or someone in any other State whose children have become addicted to drugs that might have come from the efforts of General Noriega. We will never be able to explain the profits he has made, the millions and millions of dollars. Let us make no mistake about it. Ten years ago we discussed the Panama Canal on this floor, the Panama Canal Treaty.

I remember saying at least once, at least once mentioning Noriega's name 10 years ago, along with General Torrijos and his brother, and we were concerned about drug traffic. The Senator from North Carolina, the record will show, indicated 10 years ago that Noriega was mixed up with drugs. So there is no big secret and I think the record will reflect that.

So, I am joined in this amendment by Senator D'AMATO and Senator HELMS and Senator THURMOND and maybe others who have not been contacted. Not in an effort to derail a settlement or arrangement between the administration and Noriega to get him out of power. We all want him to go. And maybe the administration has tried everything. Maybe this is the last resort. And some will say, probably accurately, that the indictments are worthless anyway. He is never going to be tried in this country.

But they are a strong symbol to a lot of law-abiding citizens and millions of people who are concerned about drugs, that we are not going to tolerate it.

I am just fearful that by dismissing the indictments that strong symbol evaporates. I am not certain that is what we really want. There has got to be some other way.

Yet I do not quarrel with those who have been dealing with this on a daily basis, trying to find a solution. We have tried economic sanctions, they did not work. We tightened up the sanctions, they still did not work. Noriega seems to have gotten stronger.

But I would hope and I know the Senator from New York has been active in this area on a day-to-day basis for the past several weeks and as a cosponsor of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from New York, Senator D'AMATO.

Mr. D'AMATO. Mr. President, I want to applaud and thank the Senator from Kansas for taking a courageous stand; for not doing what is fashionable or easy. The easiest thing is for him to say nothing or certainly, nothing publicly. It is not easy for the former majority leader, the leader on the Republican side, to differ with the administration in a public way.

But sometimes you have got to stand up and make a stand for what you know is right, what is important for this country. That is what Senator DOLE has done now.

Mr. President, a case could be made, I believe, that if Noriega were legitimately going to give up power, if the Panama defense forces would come under the control of someone who would not use them to continue a criminal drug enterprise, if true democracy in the fullness of time could be guaranteed, then an argument could be made that this indeed is analogous to plea bargaining.

Mr. President, that is not the case. Noriega is not called upon to give up any power. This is a ruse, a facade, a sham. And it is scandalous.

What we are doing is rewarding him. We are giving him a pardon. And for that he says, "Well, come August, I will leave the country on a little trip."

There is nothing in this agreement that would preclude him from coming back the day after the pardon is issued, the day after the indictments are dismissed with prejudice.

Mr. President, let me suggest to you what that means. Once the indictment is dismissed, it can never be brought again. That is a pretty good deal. That is, indeed, a "golden parachute." I never heard of that kind of deal in any court in this land, let alone for a fellow who has killed, who has murdered, who has robbed, who subverted his people, the constitution, who presents a very real danger to this Nation and our national security as it relates to the Panama Canal and the Cubanization that is taking place in Panama; a man who has trafficked and money laundered for the cartel and made hundreds of millions of dollars on the misery and death that is taking place in our Nation. And we talk about a war on drugs.

What kind of message are we sending?

I want to tell you, there are some people downtown who had better wake up. They have got Potomac fever. They do not really understand what is taking place throughout the length and breadth of this Nation. They do not even understand what is taking place in the city of Washington, where we see death and mayhem.

I want to ask you, how do you get tough with the drug dealer after you allow this for this killer, an indicted felon? There are U.S. attorneys who dedicated their lives to law enforcement who have said "we will resign rather than go along with this kind of thing."

We have to put our hope in the fact that maybe a judge will do an unprecedented thing. A Federal judge, who will be called upon to agree with the dismissal, may say no.

Those great political pundits who are making these assumptions had better take a look at that because I think this Federal judge has the courage to look at all these things and to say, "what kind of an example is this? Demonstrate to me how it is in the national security interest that you are going to allow this." Because that is what the Federal Government will be in the national interest. How?

When Noriega can handpick his own successor as the head of the army? Where, mythically, we are going to say, "Oh, no, President Delvalle is the fellow who we respect. He is the President."

But when Delvalle has called upon us to ask for extradition, we have not even had the courage and the sense to ask for that extradition.

Well, Mr. President, how will any nation take us seriously? How will they respect us? What will they understand when the United States makes a commitment?

If you were looking for freedom, and to break the chains of tyranny, could you count on the United States? When we encourage President Delvalle to take the action he did, to fire this dictator, this murderer, this drug dealer, and then we abandon him and, more importantly, the millions of Panamanians who looked to us?

How will any nation ever think that the word of the United States is one that you can put your faith and your trust in?

How will this rightfully be interpreted by the political process, by the journalists, by everyone else? I suggest that this administration is doing itself in.

Personally, I would rather see a "poison pill" than the "golden parachute" in this case. That would be more appropriate.

Let me suggest that we are making a mockery of our own laws. It is a sad day in this country if we continue to pursue this.

I do have a hope because, Mr. President, I still have a deep and abiding faith in a wonderful man. He is a wonderful man, a decent man and a good man. He has been courageous and led this Nation over unprecedented economic and worldwide difficulties; and he has been successful. That is Ronald Reagan, our President. He is a man who listens to the American people.

I do not think the American people want us to drop these charges and to give testimony, indeed, to the effectiveness of the drug cartel and Manuel Noriega. I think they would rather see that we do what is right: to say to Manuel Noriega, we are going to pursue these charges, we are going to do that which we must to keep faith both with the Panamanian people who seek freedom and democracy, and with our own national security interests.

I hope the American public lets our President know that they oppose a sellout, and any dropping of these charges; that they call the White House, that they write to the White House, and let our President know, because I think there are some people around him who are just not letting him know what the real facts are.

I have great faith in our President. I think once he knows and once he hears the way the American people feel and once he gets all of the facts, he is not going to permit this to take place: The dropping of the charges against a drug-dealing dictator, giving him, in essence, a free hand to pick his successors; continuing the subservience of the Panamanian people to the drug cartel; and saying to the whole world that the United States does not have the will, the ability, the wherewithal, or the moral stamina to meet its commitments.

Thank you, Mr. President.

The **PRESIDING OFFICER.** The Senator from New York yields the floor. Is there further debate on the amendment?

Mr. **DOLE.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **NUNN.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

BASE CLOSURE IMPLEMENTATION PROVISIONS

Mr. **BURDICK.** Mr. President, there are two provisions concerning closure and realignment of military installations that are troubling from an environmental viewpoint. Specifically, provisions of the National Environmental Policy Act of 1969 are explicitly waived with respect to base closures and a further provision appears to make environmental restoration at closed military installations a discretionary activity. I seek clarification from the distinguished chairman of the Armed Service Committee on the intent of these provisions.

Mr. **NUNN.** I am happy to respond to the concerns of the chairman and members of the Environment and Public Works Committee.

Mr. **BURDICK.** While I generally support the objectives of the base-closing provisions, I have strong reservations about the NEPA waiver. NEPA serves as the national policy and conscience on actions that affect the environment. To simply exempt base closures from NEPA procedures in this case may be unwarranted and sets a bad precedent. NEPA procedures explicitly provide for categorical exemptions of actions which do not individually or cumulatively have a significant effect on the environment.

Further, as drafted, this provision could be interpreted to exempt property conveyance and future uses of this sites from NEPA in addition to base closure actions. If NEPA is waived, in cases were an environmental impact statement on a base-closing decision otherwise would have been required, potentially serious environmental consequences could escape review by the military, relevant Federal and State agencies and the public, only to be uncovered when the property is conveyed to an unsuspecting community.

The second issue of concern is the provision addressing environmental restoration issues. Is the intent of this provision to in any way relieve the Department of Defense of responsibilities under current environmental statutes including Superfund and the Solid Waste Disposal Act?

Mr. **NUNN.** No. I assure my colleague that this provision in no way interferes with military compliance with applicable environmental statutes except for NEPA. Section 923 as amended waives four statutes: the Federal Property and Administrative Services Act of 1949 which relates to property disposal; the National Environmental Policy Act of 1969 which relates to the need to file an environmental impact statement; and two reporting requirements; 10 U.S.C. 2662 and 10 U.S.C. 2687; and any provision of law restricting the use of funds for closing or aligning military installations included in appropriations or authorization acts other than this act. Those statutes related to other environmental concerns would remain fully in effect.

The chairman of the Environment and Public Works Committee has raised some legitimate issues with respect to the NEPA waiver. The House has expressed similar reservations on this point as well. I stand willing to work with my colleagues on the Environment and Public Works Committee to address this matter in the conference on the bill.

Mr. MITCHELL. As the Senator knows, military installations may harbor some of the most serious hazardous waste problems in this Nation. Accordingly, the Superfund Amendments and Reauthorization Act of 1986, commonly referred to as SARA, contains extensive Federal facility hazardous waste management requirements. Section 120 spells out Federal Government responsibilities for identifying hazardous waste problems, responding to those problems and documenting compliance. Can the chairman of the Armed Services Committee assure me that the proposed base closure provisions will not affect military compliance with section 120 of SARA and applicable provisions of the Solid Waste Disposal Act?

Mr. NUNN. The intent of the provision in the bill is not to relieve the responsibility of DOD to comply with the requirements of section 120 of Superfund or the Solid Waste Disposal Act.

Mr. MITCHELL. I remain concerned about the implications of this provision for future uses of closed military facilities. It seems to suggest that restoration of the property is purely discretionary. I want to make sure that when and if closure of military facilities occurs it is handled responsibly and that the rights of potential owners of closed sites are protected.

Mr NUNN. I give my assurances to the Senator that this provision will not change or alter existing liability and cleanup responsibilities under current law.

Mr. MITCHELL. Further, I share the concerns of my colleagues about exemption from NEPA. NEPA has proven to be a useful tool in protecting the environment. Application of NEPA is an essential part of our system of environmental protection and should be applied in the case of base closures.

Mr. STAFFORD. I want to associate myself with the concerns of my colleagues regarding responsibilities of DOD under Superfund and RCRA, and I also want to register my strong objection to the blanket waiver from the National Environmental Policy Act that section 923 grants to any activities enumerated in that section.

The activities that would be exempt from NEPA extend not only to the decision to close a base, but to "all actions necessary to implement such closure or realignment, including acquiring land, constructing replacement facilities, relocating activities, and conducting advance planning and design." This is a sweeping exemption applicable to activities that, by their own terms, could have very significant effects on the environment.

I understand that, in the past, litigation under NEPA may have been used to delay base closures without any real regard to environmental concerns. Perhaps I am overly optimistic, but I believe that a provision might be fashioned to limit abuses of the NEPA process with regard to base closures without sacrificing NEPA's safeguards for actions that have potentially significant effects on the environment.

Since the Environment and Public Works Committee has jurisdiction over NEPA, I would hope there will be an opportunity for us to work with members of the Armed Services Committee on crafting such a provision before the bill is finally enacted by the Congress.

Mr. BAUCUS. The Subcommittee on Hazardous Wastes and Toxic Substances which I chair has been looking closely at NEPA issues in consideration of a measure to reauthorize appropriations for the Office of Environmental Quality. I would say to the chairman of the Armed Services Committee that I see no need for the NEPA waiver proposed in this bill and see the potential for real problems if it is enacted. I personally do not have the information showing that NEPA has been a major hindrance with respect to base closures.

I have requested additional information on this matter and am willing to consider options to correct problems if they exist. NEPA does not automatically require an environmental impact statement for every Federal action. There are procedures for categorical exclusions and less detailed environmental assessments. I believe that a complete and unqualified waiver is unwarranted and therefore unwise. I welcome the opportunity to work with the conferees on the bill to modify this provision in response to my reservations and those expressed by my colleagues.

Mr. NUNN. I appreciate the comments of my colleagues on the Environment and Public Works Committee. Valid points have been raised concerning the NEPA waiver. I reiterate my commitment to explore this matter further in the conference. I believe that we have clarified the applicability of other environmental statutes. The Department of Defense is not relieved of any responsibility to meet existing statutory or procedural requirements under this bill.

Mr. BURDICK. I thank the chairman of the Armed Services Committee for his clarification and willingness to consider modifications to the NEPA waiver as the conference proceeds. I look forward to working with him on this matter.

MORAL OR RELIGIOUS OBJECTIONS

Mr. HUMPHREY. Mr. President, during consideration of S. 2355, the Department of Defense authorization bill, I had intended to offer an amendment that would have provided full protection to individuals who refused, on religious or moral grounds, to perform or facilitate in any way the performance of, abortions provided in Department of Defense facilities.

I have been informed by the Department that Army regulations provide proection to such conscientious objection. I ask unanimous consent that a copy of these regulations be printed in the RECORD following this statement.

I withheld offering my amendment pending possible Department action to ensure that each of the services' conscience policies provide substantially similar protection.

I urge the Department to work expeditiously to guarantee the protection of religious and moral objections to fundamentally unjust and immoral procedures like abortion. I intend to review carefully the Department's progress in this matter. In the absence of adequate regulation, future legislation may be necessary.

There being no objection, the regulations were ordered to be printed in the RECORD, as follows:

e. Moral or religious objections. AMEDD personnel do not have to perform or take part in surgical procedures authorized by this paragraph that violate their moral or religious principles. Moral or religious objections will be considered as lack of capability to provide this care.

f. Patient transfer. When space and facilities are not available, or the capability does not exist to perform authorized sterilizations or abortions at Army MTFs, arrangements may be made to provide these procedures as follows:

(1) Dependents and retired members may be transferred to another military MTF where these procedures can be provided. They may also obtain these procedures under CHAMPUS. The cost-sharing provisions of CHAMPUS will be explained to the patient and a nonavailability statement provided if required. (See para 2-27.)

(2) Active duty members may be transferred to another military MTF where these procedures can be provided. They may also obtain these procedures from civilian

sources under chapter 15 only when competent medical authority has determined that the procedure is required for stringent, urgent medical reasons. Elective care for active duty members from civilian sources at Army expenses is prohibited by paragraph 15-6.

TECHNICAL ERROR IN REPORT LANGUAGE

Mr. GLENN. Mr. President, I want to note for the record a technical error in the Armed Services Committee report on the National Defense Authorization Act for fiscal year 1989. On page 91 of the report, under the heading of Technical Corrections, the reference to civilian clothing allowances for duty in certain places should indicate that the authority is limited to officer personnel rather than enlisted personnel. This correctly reports bill language which limits the authority to officer personnel and removes any uncertainty regarding the intent of the bill language.

DEPRESSED TRAJECTORY SLBMS

Mr. GORE. Mr. President, on May 11, the House of Representatives passed an amendment to their version of the Defense authorization bill, establishing a 1-year ban on flight testing of depressed trajectory ballistic missiles, if the Soviets do not test any missiles in this mode during the same period. The House amendment was notable for the bipartisan character and the quality of its sponsorship, as well as for the strength and bipartisan character of the ultimate vote.

I had initially considered offering a parallel amendment, but upon reflection, it seems to me that this is not the best way to proceed. We have not yet had time to develop a record in committee on the question of depressed trajectory ballistic missiles, and the subject is both too esoteric and too important to be dealt with summarily, here on the floor.

Therefore, instead of offering an amendment, I will instead—with permission—submit a copy of the House version for the RECORD, and also advise colleagues interested in the details to see the CONGRESSIONAL RECORD for May 11, starting on page H3151. I am also submitting a recent op-ed from the Washington Post, on the subject. I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERIFIABILITY

In addition to closing loopholes, our definition greatly simplifies and facilitates verification. While the precise technologies are classified, the U.S. Air Force has no doubt it can, with high reliability, monitor the duration and flight path of Soviet ballistic missile tests.

Text of amendment: page 19, after line 11, the following new section:

SEC. 206. MORATORIUM ON FLIGHT TESTING OF DEPRESSED TRAJECTORY BALLISTIC MISSILES.

(a) LIMITATION.—Except as provided under subsection (c), the Secretary of Defense may not during fiscal year 1989 carry out a flight test of a depressed trajectory ballistic missile.

(b) DCI REPORTS ON SOVIET TESTS.—The Direct of Central Intelligence shall submit to Congress reports not later than October 1, 1988, not later than April 1, 1989, and not later than September 30, 1989, stating whether the Soviet Union has carried out, after the date of the passage by the House of Representatives of H.R. 4254 of the 100th Congress, a flight test of a depressed trajectory ballistic missile.

(c) REMOVAL OF LIMITATION.—If either of the first two reports under subsection (b) states the Soviet Union has carried out a flight test as described in that subsection, the limitation under subsection (a) shall cease to apply upon the receipt of the report by Congress.

(d) DEFINITON.—For purposes of subsection (a), a flight test of a depressed trajectory ballistic missile is a flight test of a ballistic missile on a trajectory which would result in a launch-to-impact time-for-distance of

(1) for trajectories between 300 and 500 nautical miles: four minutes or less; or

(2) for trajectories between 500 and 1500 nautical miles: twelve minutes or less; or

(3) for trajectories longer than 1500 nautical miles: less than the number of minutes calculated by

$$.015(.323R+316)$$

where R is range in nautical miles.

DANGER: LOW-FLYING MISSILES

(By Walter Slocombe)

The House, in considering the $300 billion defense authorization bill this week, has been pretty much divided along lines of party and ideology as it has worked its way through various amendments dealing with arms conrol issues. That made it all the more remarkable that one such amendment not only passed by more than a hundred votes but was cosponsored by a liberal freshman (Democrat Dave Nagle of Iowa) and a veteran conservative (Republican Bob Dornan of California).

The idea that drew such surprisingly broad support is, I believe, a good one: to ban flight tests of ballistic missiles that follow "depressed trajectories."

In this connection, "depressed" refers not to a state of mind but to a pattern of flight. Ballistic missiles follow a path that is essentially determined by their direction and speed at the end of a very short initial burst of power. As anyone will understand who can remember freshman calculus—or who has tried to water the back of a garden with a hose that's too short—you get the maximum range from a relatively high initial angle of fire.

For ballistic missiles, that is an angle of about 40 degrees to the Earth. The result is that they fly far above the atmosphere, following a long, lofted course to their target. The time to takes to reach that target is about 13 minutes, even from a submarine close to our shores.

Those 13 minutes, desperately short as they may be, are critical to the effectiveness of our deterrent. Continual flying is too expensive for American nuclear bombers to stay in the air constantly. (The Soviets don't use airborne alert either.) The 13-minute submarine-missile flight time, moreover, makes airborne alert unnecessary. Intelligence sensors—based in satellites that watch the oceans constantly—can detect the intense heat of the submarine missile rockets and warn the bombers to take off.

There is, however, a way to beat this system. Missiles don't *have* to fly the most efficient trajectory, especially when the submarine can be brought close enough to the target to have range to spare in the missiles. By firing at a lower elevation, so that the missile will fly at a "depressed trajectory,' a close-in submarine could hit U.S. bomber bases in five minutes, too short a time for the bombers to get clear.

The potential for using depressed-trajectory missiles in a surprise attack explains why people concerned about strategic stability liked the Nagle-Dornan idea. Moreover, the threat would apply specifically to bombers, which gave B-1 backers such as Dornan a special reason to support a ban.

But conservatives also had another reason to worry about depressed trajectories. The depressed-trajectory missile would fly longer in the atmosphere and come in at a lower angle—which is bad news for the kind of defenses of airfields, communication centers and other key military targets on which the SDI program, sobered by costs and technical problems of an astrodome defense of cities, is now chiefly focused. Since the attacking missile is in the atmosphere longer and may be coming from a wider range of angles, the defense can't use several "layers" of interceptors, and its sensors will have a harder time picking up the attack.

For these reasons, depressed-trajectory attacks would threaten both the bomber element of the deterrent and the prospects for useful defenses to strengthen, not replace, deterrence.

Fortunately, firing on depressed trajectories requires more than just "elevating them missiles a little lower." Depressed trajectories entail greater stresses and added heat from prolonged flight in the atmosphere, as well as special demands on the guidance systems. As a result, they would require major changes in the middle—which would take extensive tests and several years. So far neither side has done any such tests, or even shown any signs of preliminary work toward them.

But so long as the potential advantages of the capability exist—and they do for both sides if, as is too often the case at the early stages of a program, you ignore stability—there is a risk someone will try. The Nagle-Dornan amendment would simply require that the United States stay out of the depressed-trajectory business unless the Soviets start such tests. We could readily detect any Soviet effort, so the ban is not unilateral but rather is contingent on Soviet restraint.

Such a measure puts the depressed-trajectory issue back on the arm control agenda and, meanwhile, protects deterrence, B-1s, SDI and the Navy budget priorities. Such a combination of advantages is rare, and should commend the measure to the Senate, which now takes up the bill.

Mr. GORE. Now, again with permission, I would like to take a few minutes of the Senate's time to explain this matter, and to make the case that the House has broached an extremely important subject which is ripe for action, preferably in negotiations with the Soviets, but also quite possibly, in legislation as well.

To this time, Mr. President, both we and the Soviets launch ballistic missiles on what are called minimum energy trajectories. That is, we launch them along a path which gets them out of the atmosphere and into space as rapidly as possible. The reason we do this is that flight through the atmosphere consumes energy, and so the shorter the time spent powering through the atmosphere, the better, from the point of view of payload and range.

But if, for any reason, we or the Soviets were to place a very high premium on reducing the time it takes for a missile to cover a given distance, we would think about changing the trajectory. What we would do is flatten the arc along which the missile flies, cutting off the time it spends in space, in favor of a much more direct route to its destination. This is what the term depressed trajectory means.

As applied to ICBM's, depressed trajectories are not practical, because the distance between launch points and targets is too great, and too much energy would be used up in flight through the atmosphere. But in the case of submarine launched ballistic missiles, it would be feasible to bring submarines in closer to their targets, and then fire missiles at these targets along depressed trajectories.

The effect would be a dramatic shortening of flight time. In fact, flight time could be reduced to such an extent that the entire detection and launch control system of the United States might be circumvented. If the standard time to target of a Soviet SLBM is between 12 and 13 minutes, the time to target of a depressed trajectory SLBM could be about 5 minutes.

Depressed trajectory SLBM's are not part of our development plans. So far as I know the Soviets have not tested one. But a decision on the part of either country to go down this path would be extremely destabilizing. Depressed trajectory SLBM's would threaten our missiles in silos and their command and control centers. It would threaten our bombers on their bases. It would threaten the ground-based elements of an SDI system. It would threaten rail mobile MX severely. It would require a more costly deployment mode for Midgetman.

What we have therefore is a rare situation in arms control. It is possible for us to close off an avenue of development which would be very menacing, but which neither side has yet begun to traverse.

I am inclined to think our colleagues have a good idea and are on the right track. The issue will now be further explored in conference. I hope that this brief preview will help to inspire Senate interest in this initiative from the other body.

RESPONSE ON SUBJECT OF DEPRESSED TRAJECTORY MISSILES

Mr. NUNN. Mr. President, I thank the Senator from Tennessee. In principle, it seems to me that he may well be right in observing that we have here a subject which has not attracted attention commensurate to its importance. Although the concept of a depressed trajectory ballistic missile is still only a matter of theory, that could change if either side decides to explore this option. Were that to happen, we might well regret it deeply.

We shall have a chance to deal with the depressed trajectory question in conference. Even if we do not agree there on a legislative outcome, I believe that the House has alerted us to an important issue in time to address it while all options are still open. Too often, we only become alert to possibilities in arms control after the opportunity for dealing with them has been seriously prejudiced by developments on either side of the arms competition.

ORDER OF PROCEDURE

Mr. NUNN. Mr. President, I understand the amendment of the Senator from Kansas has been presented. The amendment states it is the sense of the Congress that indictments of Noriega should not be dropped, and I also understand that there are certain news reports that a deal has been reached in which the indictments will be dropped in return for a promise from Noriega to leave office sometime later this year.

I do not know whether that report is accurate or not. It may be that we will find out tomorrow. My own personal view is that you do not indict a foreign leader of a country, even a small country, unless you know before you indict them how you are going to follow through with that indictment. It is a judicial matter but it is a highly volatile political matter.

I think the testimony before our Subcommittee on Investigations was pretty clear that we are dealing with an individual here who certainly has been involved in either passive involvement in drugs or perhaps even active.

So we are talking about something that is rather clear so far as the testimony is concerned that has been received in the committee that I deal with, although he certainly has not had his day in court, and that is what the judicial process is all about.

My own view is that unless you know what you are doing and are going to follow through and are going to pursue the extradition, you never should indict, to begin with.

The question is, now that indictments have come, and apparently we did not know where we are going, we did not have plans for extradition and ways to go about it, and we did not have any alternative plans, so certainly we have dug ourselves into a hole here.

So far as my own position on this amendment is concerned, I will have to wait to hear from the Foreign Relations Committee.

I share the Senator's sentiments. I think once you do it, to withdraw it, to me, is sending a very bad signal.

So, I would be inclined to vote for the amendment, but I do not think it can be accepted tonight, since we have not heard from the Foreign Relations Committee. It is primarily their jurisdiction. I think we probably ought to carry it over until tomorrow morning and hear from them.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Kansas.

Mr. DOLE. I do not have any problem with carrying it over until tomorrow morning. As I have indicated to the majority leader, I would be happy to dispose of it this evening on a voice vote. That may bring about a rollcall in the morning. I guess we will have time in the morning. Maybe it will follow the Helms amendment.

It may be that it is not going to have any impact, anyway. There may have been something already done. It would be a little after the fact. That is the reason I hoped to do it this evening, because the cake may not be totally baked, and by morning it may be frosted. So we wdill see what happens between now and then.

I know it is very difficult, and we can stand here in the Senate and say, "Get rid of Noriega; somebody else has to do it." A lot of things have been tried that have not worked. Maybe this is the best deal that can be arranged, if there is a deal. But I am afraid it is never going to be fully understood by the American people.

This is not just somebody we picked up on the street. This, as the Senator from Georgia indicates, is a foreign leader, and I am certain they did not go into this lightly.

In fact, the U.S. attorneys who worked on it at one time indicated they would resign if the indictments were dismissed. But beyond that, beyond the attorneys, beyond the administration, and beyond the Senate, there probably are millions of Americans out there who are not going to fully understand how we are saying we are going to have a war on drugs and we will bring in the military, as we did on Friday—we will do all these things we say on one hand, but, by the way, we are going to dismiss indictments against General Noriega. Maybe it will be long lasting, but I believe it will have an impact. Maybe this is only the best deal. Maybe everything else has failed. Sanctions have failed. Noreiga seems to be more popular than ever.

I am not certain what the terms are, but as reported on some of the news programs this evening, he would not leave the country; he would still have some say on what happens so far as his successor is concerned. There are a lot of rumors around; nobody knows the facts.

I certainly had no objection to waiting until the morning. Everyody has made commitments, and the majority leader has announced that there will be no more votes this evening. I will abide by whatever the Senator from Georgia wants to do.

Mr. NUNN. I do not mind staying here and seeing if we can round some people up and get the Foreign Relations Committee people here. As the floor manager, I do not want to get into another committee's jurisdiction, which we do frequently, but it is during the time they are here and we can check with them, and at least they have a chance to voice their opinion. At this stage, I would not feel that I have the general authority to make an agreement, with three or four people here, and vote on this tonight, without having heard from them.

Reluctant as I am to postpone anything on this bill, I am in a position where I have to recommend that course, unless the Senator would like to stay and try to bring some people back in.

Mr. President, I say to both leaders, as they already know, that we have the Helms Panama vote at 9:30, and we could proceed with the Dole amendment after that, or we could proceed before that.

Mr. DOLE. If it is going to be a voice vote, we could do it after that.

Mr. NUNN. We could determine at 9:30 whether it will be a rollcall vote and proceed quickly on it.

That leaves an amendment relating to unauthorized appropriations, and that has been worked out with myself, Senator JOHNSTON, Senator STENNIS, and Senator STEVENS. But we will have to take 5, 10, or 15 minutes to have a dialog, and it requires an amendment to the bill which will be agreed on.

Beyond that, we have the D'Amato amendment, and we do not know at this stage how that is going to be handled.

I would hope that we could vote on final passage in the neighborhood of 10 o'clock or 10:30.

So I know of no other amenmdents this evening.

Mr. DOLE. I ask the majority leader: I guess those are all the amendments, so far as the chairman knows.

Mr. NUNN. I would be reluctant, I say to the Senator from Kansas, to express certainly about it, because we have a lot of other amendments eligible to be called up. We have a lot of indications that they will not be, but we do not know that for sure.

Mr. DOLE. I also understand that the majority leader has indicated that he may be in a position to start on the INF Treaty tomorrow, which is good news. I commned the distinguished majority leader, not just for calling it up but for making certain we ironed out a lot of these problems before we called it up. We have not lost any time. We would have been on the Senate floor debating the nine points that have been clarified in the past several days. We probably saved time.

Mr. NUNN. I agree.

Mr. DOLE. I commend those who have been involved on both sides of the aisle, particularly the majority leader, who has made certain that he protects the rights of the U.S. Senate in its constitutional role, and with the cooperation of the administration. So there has not been any acrimony or any differences.

I do not know what time the majority leader thinks that may happen tomorrow, but I assume it would be after the policy luncheon.

Mr. BYRD. Mr. President, first, let me thank the minority leader and the chairman of the committee for putting the vote over on the amendment by Mr. DOLE until tomorrow, in view of the fact that Mr. HELMS has not given his assent. I think it would not be wise for us to go forward this evening. He is a very responsible and dedicated and conscientious chairman, and I think we owe it to him to clear that matter before we go forward. Any Senator has a right to ask for the yeas and nays. So it may be that the yeas and nays would occur on that amendment tomorrow.

I respond to the distinguished Republican leader: The Senate will come in tomorrow at 9. If the minority leader is agreeable, we could cut our time to 5 minutes each, and then we will go on the DOD authorization bill. Senator NUNN and Senator WARNER will be here to deal with any amendments and to perhaps discuss the amendment by Mr. DOLE and determine whether or not that amendment can be voice voted or whether or not it should have a division or a rollcall vote.

Then the vote on the bill is supposed to occur at 10 o'clock, but any Senator who wishes to call up an amendment as long as it is on the list that Senator will be entitled to call it up and get a vote on it. There will not be any time for debate, but he can still get a vote.

At this time, as I understand what Mr. NUNN has said, we are in no position to know whether or not there will be any other amendments that Senators want to call up and have a vote on.

Then when we reach 10 o'clock, it would depend at that point on what happens in relation to the D'Amato amendment. We were going to attempt to table it today. There could be another tabling motion, of course, occur at that time tomorrow. There could be a motion to postpone it or there could be other ways the Senate could go.

But hopefully the DOD authorization bill will be disposed of at 10 o'clock a.m. or shortly thereafter.

I would hope then to go to the treaty following the conferences of the two parties, and proceed to a reasonable hour tomorrow afternoon or evening and then be on the treaty daily until the Senate completes action on it. Circumstances from time to time might dictate the action that we will have to take. If there should be a Presidential veto message that comes into the Senate while the Senate is on the treaty, that could alter circumstances here. Also, if a cloture motion should be introduced and were to be favorably voted on by the required supermajority, that very definitely would impinge upon further action on the treaty until the matter clotured could be disposed of. By unanimous consent, of course, the Senate could move on to the treaty or other matters regardless of either one of the two.

So it would seem to me that by beginning our work on the treaty tomorrow we ought to be able to make good headway on it. The study of the treaty will be thorough and will be careful, and that is about the way I see it as of this time.

Mr. DOLE. I thank the majority leader.

Mr. BYRD. I thank the distinguished Senator. I want to say in that regard, too, that our chairmen of the Foreign Relations and Armed Services and Intelligence Committees and our ranking members of the Intelligence and Armed Services Committees have written to us both in a letter—the chairman of the Committee on Foreign Relations wrote to me a separate letter—indicating that the matters that were in question have been gone into thoroughly and have been resolved to the satisfaction of the signatories of those letters, and on that basis I have full confidence now that the Senate is prepared to move ahead with debate and action on the treaty. I think that the actions by the committees in thoroughly hearing the questions and the issues that have been raised are a service to the Senate and to the country.

I personally am very indebted to Mr. NUNN, Mr. BOREN, Mr. WARNER, Mr. COHEN, and Mr. PELL for the dutiful approach that we have seen demonstrated to attend to these problems that arose in connection with the treaty. I also want to congratulate the administration for moving expeditiously, sending the negotiators back to Moscow and for tying up these loose ends and for apparently having resolved the questions that were at issue. I think it was important that those matters be resolved. I think it has enhanced the security interests of this country. Not only that but I think it has enhanced the movement and the desire for all of us, or most of us certainly to move ahead with reasonable, workable, effective arms control.

Mr. President, I ask unanimous consent that a letter dated May 16, 1988, addressed to myself and Mr. Dole from Messrs Nunn, Boren, Warner, and Cohen, and a letter dated May 16, 1988, addressed to me from Mr. Pell be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Select Committee on Intelligence,
Washington, DC, May 16, 1988.

Hon. Robert C. Byrd,
Majority Leader.
Hon. Bob Dole,
Minority Leader,
U.S. Senate, Washington, DC.

Dear Senator Byrd and Senator Dole: The Senate Select Committee on Intelligence (SSCI) today concluded its work on the INF Treaty. In particular, three issues were addressed at today's session: the onsite inspection protocol; the definition of a "weapon" under the Treaty; and the public reports of Soviet weapons testing banned by the Treaty.

Our findings are as follows: First, we believe that our previous concerns regarding fundamental Soviet obligations under the terms of the INF Treaty's Inspection Protocol have been satisfactorily resolved.

Second, we believe that the United States and the Soviet Union have reached a common definition of the term "weapon delivery vehicle."

Finally, the Committee also investigated recent allegations made in the press regarding the Soviet testing of Ground Launched Cruise Missiles to ranges proscribed by the INF Treaty. We found no evidence of a Soviet violation in this regard.

On the basis of our deliberations, from the standpoint of monitoring and verification, we believe that the Senate may proceed to the INF Treaty at a time you deem appropriate.

Sincerely,

David L. Boren,
Chairman.
William S. Cohen,
Vice Chairman.
Sam Nunn,
Chairman, Armed Services Committee.
John Warner,
Ranking Member, Armed Services Committee.

U.S. Senate,
Committee on Foreign Relations,
Washington, DC, May 16, 1988.

Hon. Robert C. Byrd,
Majority Leader, U.S. Senate, Washington, DC.

Dear Mr. Leader: This afternoon, the Foreign Relations Committee met in open session with Secretary Shultz to discuss the agreements reached with the Soviet Union on the nine technical issues and the matter of futuristic weapons. We questioned the Secretary closely on the main aspects of these agreements, and I sensed general agreement on the part of the Committee with Secretary Shultz's judgment that the Administration got everything it needed and wanted from the Soviets. Accordingly, my advice is that the treaty be brought up as quickly as possible on the floor—hopefully tomorrow. I also recommend that every effort be made to conclude Senate action prior to the summit. I agree that the Senate should not get boxed in by an arbitrary deadline, but at the same time if we can do what we need to do to fulfill our responsibility and still make it possible for the President to exchange instruments of ratification at the summit, we should do it in order to ensure that the momentum for arms control is maintained.

With every good wish.

Ever sincerely,

Claiborne Pell,
Chairman.

Mr. BYRD. I yield the floor.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. In addition to the names mentioned, I know on our side, on Foreign Relations there is somewhat of a division there, but both Senator Helms, from his point of view, has been very diligent, and Senator Lugar, who comes down on the administration's side, has done an excellent job. So I think we have had a bipartisan effort and I certainly hope that once we get on the treaty, we will be able to determine in 2 or 3 days how we are proceeding. I am certain the majority leader then will maybe be able to advise us whether or not we can continue to make progress this week and next and maybe complete it in time.

Mr. BYRD. We will certainly counsel together.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, just one other word. I hope we can find a way to handle the D'Amato amendment that will not preclude final passage tomorrow morning of the DOD bill. For all sorts of reasons, we need to get that bill to conference. I favor the D'Amato amendment. I favor that approach. For someone involved in drug trafficking who participates in the killing of victims based on the drug trafficking, I favor capital punishment.

I know, and everyone knows here, we are not going to pass the DOD bill if this matter is not resolved. It is going to go on for some time. As the majority leader just observed, if there is a cloture motion filed on the D'Amato amendment, then cloture will come up on Thursday.

If that cloture vote is affirmative, that means for the next 30 hours, to the exclusion of other business under the Senate rules, we will be on that D'Amato amendment. That means we will have no way of getting to the INF Treaty, which I think everyone knows is the top priority at this stage. The other course of action will be not to deal with the D'Amato amendment and postpone the whole Department of Defense bill indefinitely.

I do not think that should be an attractive option to the Senators pushing the D'Amato amendment because they worked very hard, as all of us did, to get some meaningful, significant and sensible roles for the military in fighting this drug situation.

This bill has that information and material in it relating to the mandate and mission of the military in surveillance and in setting up command control and communications.

I think it would be a parodox if we held up the defense bill in order to debate an amendment which would go to conference and the likelihood of being able to get it out of conference all of us know on this bill is very small. If it does come out of conference, it will be after a long and protracted summer and probably into the fall, in which case our defense bill and all the provisions in it will become somewhat irrelevant to the consideration of the debate.

I hope we will all use good common judgment here. As I view it, the Senator from New York has gotten a test of sentiment. I do not know how many votes there were on the motion to table. My recollection is there were at least 25 or 30 people who voted to table the amendment. I was not one of them. I voted not to table the amendment.

Nevertheless, I think there has been a reasonable test here, and I hope the minority leader and the Senator from New York and others would understand the situation we are in tomorrow and hopefully get the D'Amato amendment handled in a way that will not preclude final passage of this bill in the neighborhood of 10 a.m.

I thank the majority leader for his splendid assistance during the consideration of this bill. It is something we have all come to rely on here and maybe even take for granted, but I do not. Having managed a bill, I know what the majority leader and also the Republican leader go through every day in trying to arrange the Senate's schedule, trying to keep the people, if not happy, at least under reasonable control during the floor debate. So I thank the majority leader for all of his assistance, and I also thank the Republican leader for his splendid cooperation in moving this bill to the point we are right now.

Mr. BYRD. Mr. President, I thank the distinguished chairman.

I had the occasion to say upon more than one occasion and in more than one instance the fact he is one of the best chairmen in the Senate, one of the best Senators in managing a bill, and I have seen them all. He is a reasonable man, and he has a head full of common sense and a steady hand at the controls.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 4448. An act to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland, OH, as the "John O. Holly Building of the United States Postal Service."

H.R. 3987. An act to designate the U.S. Post Office Building located at 500 West Chestnut Expressway in Springfield, MO, as the "Gene Taylor Post Office Building."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3239. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to provide for the recovery by the U.S. Customs Service of the cost of Customs processing of imported articles, and for other purposes; to the Committee on Finance.

EC-3240. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's annual report regarding the Government in Sunshine Act; to the Committee on Governmental Affairs.

EC-3241. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new computer matching program; to the Committee on Governmental Affairs.

EC-3242. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on an altered record system; to the Committee on Governmental Affairs.

EC-3243. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report on a proposal by the Immigration and Naturalization Service to alter and establish a separate system of records; to the Committee on Governmental Affairs.

EC-3244. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report regarding the Justice Management Division modifying a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3245. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 7-177, adopted by the Council on April 19, 1988; to the Committee on Governmental Affairs.

EC-3246. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-178, adopted by the Council on October 7, 1988; to the Committee on Governmental Affairs.

EC-3247. A communication from the President of the United States, transmitting, pursuant to law, the District of Columbia government's fiscal year 1989 budget and fiscal year 1988 budget supplemental; to the Committee on Governmental Affairs.

EC-3248. A communication from the Director of the Office of Management and Budget, transmitting, a draft of proposed legislation that would implement the proposal in the fiscal year 1989 budget that the District of Columbia government bill Federal agencies directly for the water and sewer services they actually receive; the the Committee on Governmental Affairs.

EC-3249. A communication from the Acting Director of the Department of Housing and Community Development, government of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of the Home Purchase Assistance Fund for the Fiscal Year Ended September 30, 1987"; to the Committee on Governmental Affairs.

EC-3250. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Federal agency drug-free workplace programs; to the Committee on Governmental Affairs.

EC-3251. A communication from the Acting Assistant Attorney General (Legislative Affairs), Department of Justice, transmitting, pursuant to law, the Bureau of Justice Statistics Annual Report, Fiscal 1987; to the Committee on the Judiciary.

EC-3252. A communication from the Acting Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to certification to the Honorable Judges of the Court of Appeals for the Ninth Circuit; to the Committee on the Judiciary.

EC-3253. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, the authority's annual Freedom of Information Act report; to the Committee on the Judiciary.

EC-3254. A communication from the Acting Assistant Attorney General (Legislation Affairs), transmitting, a draft of proposed legislation to amend title 11 of the United States Code to provide for the repeal of section 1231 and to make conforming amendments to sections 346(b)(1) and 728(a); to the Committee on the Judiciary.

EC-3255. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the United States, held in Washington, DC on March 15, 1988; to the Committee on the Judiciary.

EC-3256. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Annual Report of the Attorney General for Fiscal Year 1986; to the Committee on the Judiciary.

EC-3257. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report of the National Endowment for the Arts on arts education, toward civilization; to the Committee on Labor and Human Resources.

EC-3258. A communication from the Chairman of the Advisory Committee on Student Financial Assistance, transmitting, pursuant to law, the first report of the Committee on Student Financial Assistance; to the Committee on Labor and Human Resources.

EC-3259. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Report of the National Technical Institute for the Deaf, October 1, 1986–September 30, 1987; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs:

The following-named persons to be Members of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term of years prescribed by Public Law 99-498 of October 17, 1986 (new positions):

Gail Bird, of New Mexico;
Edith Colvard Crutcher, of Kansas;
Roy M. Huhndorf, of Alaska;
James Courtney Jennings, of Virginia;
William Stewart Johnson, of the District of Columbia;
Duane H. King, of Oklahoma;
Alfred H. Qoyawayma, of Arizona;
Beatrice Rivas Sanchez, of Michigan;
James D. Santini, of Nevada; and
Irving James Toddy, of Arizona.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself and Mr. CRANSTON):

S. 2396. A bill to amend title 38, United States Code, to expand the period considered as the Vietnam era in the case of veterans who served in the Republic of Vietnam; to the Committee on Veterans Affairs.

By Mr. DIXON:

S. 2397. A bill to amend the United States Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ARMSTRONG:

S. 2398. A bill to amend the Appendix to the Tariff Schedules of the United States to suspend the duties on certain infant nursery monitors and intercoms; to the Committee on Finance.

By Mr. ARMSTRONG (for himself and Mr. MCCAIN):

S. 2399. A bill to extend until December 31, 1993, the existing suspension of duty on certain yttrium ores, materials, and compounds; to the Committee on Finance.

By Mr. HECHT:

S. 2400. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail as a component of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. MELCHER):

S. 2401. A bill to amend the Internal Revenue Code of 1986, the Employment Retirement Income Security Act of 1974, and the Public Health Service Act with respect to continuation of health care coverage; to the Committee on Finance.

By Mr. BRADLEY:

S. 2402. A bill to amend the Federal Cigarette Labeling and Advertising Act to require manufacturers and importers of cigarettes to place warnings concerning the addictive nature of cigarettes on packages and in advertisements; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 2403. A bill to encourage the development of improved technologies for coal separation using superconductivity; to the Committee on Environment and Public Works.

By Mr. LEAHY:

S.J. Res. 319. Joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself and Mr. CRANSTON):

S. 2396. A bill to amend title 38, United States Code, to expand the period considered as the Vietnam era in the case of veterans who served in the Republic of Vietnam; to the Committee on Veterans' Affairs.

MODIFICATION OF DEFINITION OF "VIETNAM ERA"

● Mr. MITCHELL. Mr. President, today I am pleased to introduce legislation to modify the present starting point for the defintion of "Vietnam era." I am honored to be joined in this effort by the chairman of the Veterans' Affairs Committee, Senator CRANSTON.

Enactment of this legislation will enable those veterans who honorably served this country in the Republic of Vietnam prior to the present starting date to qualify for certain benefits for which they are now eligible.

The definition of Vietnam era is now set by statute, section 101 (29), title 38, United States Code, as August 5, 1964, to May 7, 1975.

Service in the Armed Forces during that period entitles veterans, who qualify under specific eligibility requirements, to VA benefits such as pension, readjustment counseling, burial, and on-the-job training, education, or apprenticeship benefits.

The present starting date, August 5, 1964, coincides with President Johnson's message to the Congress of an attack by North Vietnamese gunboats on two United States Navy destroyers in the Gulf of Tonkin the preceeding day. The end date was originally set by President Ford in a Presidential proclamation and later enacted by Congress.

In concept, the Gulf of Tonkin incident is an acceptable date to delineate the beginning of the Vietnam era. Clearly, it is the watershed event in the history of the United States involvement in Vietnam.

But, while conceptually defensible, the present definition services to exclude the United States troops who served in the Republic of Vietnam, sometimes in combat conditions, well before August 5, 1964.

I would note, for example, that the names on the Vietnam Veterans War Memorial includes casualties prior to that date. In fact, the date of the earliest casualty listed on the memorial is October 21, 1957.

Mr. President, establishing a starting date for a period of war, such as Vietnam, where there was no one, single action beginning the involvement of United States service personnel is at best an uncertain science.

Nonetheless, I think that a better option for designating the starting point of the Vietnam era for those veterans who served in the Republic of Vietnam prior to the Gulf of Tonkin incident is available to the Senate. That is February 28, 1961.

This is the date, set forth in Public Law 89-257, after which United States service personnel could accept awards from the Government of the Republic of Vietnam in connection with service in Vietnam.

February 28, 1961, also begins the Vietnam era for the purposes of the Internal Revenue Service—relating to the treatment of income for tax purposes for members of the Armed Forces serving in Vietnam in certain circumstances—and the Immigration and Naturalization Service—relating to expedited naturalization based on wartime service.

Efforts to move back the starting point of the definition of "Vietnam era" for veterans who served in Vietnam prior to August 5, 1964, are not new. In fact, over the years, Senator CRANSTON has introduced three bills to do so.

S. 11, introduced in 1983, and S. 2269, introduced in 1984, would have extended the definition of Vietnam era to July 8, 1959, the date of the first United States military casualty in Vietnam listed on the Vietnam Veterans Memorial at the time of its dedication.

The previous date of the first casualty I mentioned earlier was added to the memorial subsequent to its dedication.

S. 6, introduced in 1985, would have extended the period to February 28, 1961, the date contained in the legislation I am introducing today.

The Senate has twice passed legislation to extend the starting point back February 28, 1961, most recently as part of H.R. 505 on July 30, 1985. Unfortunately, the House has not agreed with the wisdom of making such a change.

Mr. President, I believe there is more than enough supporting evidence to warrant extending the present definition of Vietnam era as proposed in this legislation.

Making the change would bring better uniformity among Federal agencies in terms of defining this period.

Probably most importantly, it would discontinue the present situation in which the Federal Government tells veterans who actually serve in combat situations in Vietnam prior to August 5, 1964, that they are not Vietnam-era veterans.

I hope that other Members of the Senate will join Senator CRANSTON and me in supporting this change.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2396

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF VIETNAM ERA.

Section 101(29) of title 38, United States Code, is amended to read as follows:

"(29) The term 'Vietnam era' means—

"(A) the period beginning February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period; and

"(B) the period beginning August 5, 1964, and ending on May 7, 1975, in all other cases.

SEC. 2. APPLICABILITY.

No person shall be entitled to receive benefits for any period before the date of the enactment of this Act by reason of the amendment made by section 1.●

By Mr. DIXON:

S. 2397. A bill to amend the United States Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate on State grain indemnity funds or to require collateral security; to the Committee on Agriculture, Nutrition, and Forestry.

STATE GRAIN FUND PROTECTION ACT

Mr. DIXON. Mr. President, I rise today to introduce legislation which addresses a serious problem facing farmers and our rural communities. This legislation, the State Grain Fund Protection Act of 1988, is identical to H.R. 4329, already introduced in the House by my good friend, TERRY BRUCE.

The intent of this legislation is to ensure that all farmers are protected from severe financial losses resulting from the failure of a grain warehouse facility.

In a recent U.S. District Court decision, it was ruled that elevators that are federally licenses, are not required to participate in a State's indemnity program. There are federally licensed elevators which have opted to participate in State grain funds. At the same time, however, there are many federally licensed elevators which have not.

Mr. President, farmers are not concerned with the type of license an elevator possesses. Rather, they are concerned, and rightly so, with the protections they are accorded by storing their grain with an elevator. It is my firm belief that every farmer is entitled to have his or her investment protected, to the fullest extent, when it is stored with an elevator, regardless of whether the elevator holds a State or a Federal license.

Mr. President, history has demonstrated that federally licensed warehouses are not immune from the financial difficulties which can plague State licensed facilities. It is an unfortunate fact, but the Federal requirements provide only limited and inadequate protection to our farmers. Those elevators not participating in State programs do not provide the same degree of protection that farmers receive from elevators which do participate in the State programs.

In my State of Illinois, there are 77 elevator facilities licensed by the Federal Government which do not participate in the State insurance program. The current protection system, established under the U.S. Warehouse Act, provides that grain storage companies licensed by the Federal Government must post a storage bond to cover losses. These bonds, however, would not be adequate to cover the losses incurred by all farmers with grain stored in federally licensed elevators.

The farmers of Illinois are adversely affected by this recent court ruling, but they are not alone. Other States which currently have some form of State indemnity funds on the books include Iowa, Ohio, South Carolina, Oklahoma, Kentucky, and New York. Moreover, the States of Idaho, Michigan, South Dakota, and Washington are presently considering the establishment of State indemnity programs to protect their farmers.

The legislation that I am introducing will amend the U.S. Warehouse Act to allow States to require that all elevators participate in State grain funds, whether they are licensed by the Federal Government or the State government. In essence, this will allow States the right to decide how they want to handle elevator liability in the event of a failure.

The State Grain Fund Protection Act of 1988 restores protection to farmers while their grain is being warehoused. It is an approach which represents both common sense and fairness. I urge my colleagues to join me in this important and worthy effort.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Grain Fund Protection Act of 1988".

SEC. 2. WAREHOUSE ACT.

Section 6 of the United States Warehouse Act (7 U.S.C. 247) is amended by striking out "That each" and by inserting in lieu thereof "(a) Each" and by inserting at the end thereof the following new subsection:

"(B) The provisions of this Act shall not prevent or preempt any State from requiring a licensee under this Act to participate in any form of grain indemnity fund or from requiring any bond or other form of collateral security designated to secure the faithful performance of grain obligations.".

By Mr. ARMSTRONG:

S. 2398. A bill to amend the Appendix to the Tariff Schedules of the United States to suspend the duties on certain infant nursery monitors and intercoms; to the Committee on Finance.

DUTY SUSPENSION OF CERTAIN NURSERY MONITORS AND INTERCOMS

● Mr. ARMSTRONG. Mr. President, today I am introducing legislation to suspend import tariffs through the end of 1992 on infant nursery monitors and intercoms. These products allow parents to monitor and communicate with a child from another location in the home.

Right now, there are no U.S. companies in the business of manufacturing nursery monitors, and all U.S. companies that sell the monitors import them from abroad. For this reason there is little sense in having an import duty on them because there is no U.S. industry to protect.

But because of the existing tariff, retail prices for this product are higher than necessary. Suspension of the tariff will be a boon to consumers who could obtain the product at lower cost, and will boost competition among retail companies in the United States.

Mr. President, I ask that the legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN INFANT NURSERY MONITORS AND INTERCOMS.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new items:

"912.50	Infant nursery monitors, each unit consisting of a radio transmitter, and electrical adapter, and a radio receiver (provided for in items 685.30, 662.60, and 685.16, part 5, schedule 6).	Free	No change	On or before 12/31/92.
912.51	Infant nursery intercommunication devices, each unit consisting of a pair of transceivers operating on frequencies from 49.82 to 49.90 mHz and an electrical adapter (provided for in items 685.22 and 682.60, part 5, schedule 6).	Free	No change	On or before 12/31/92.

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. ARMSTRONG:

S. 2399. A bill to extend until December 31, 1993, the existing suspension of duty on certain yttrium ores, materials, and compounds; to the Committee on Finance.

DUTY SUSPENSION ON YTTRIUM CONCENTRATE

● Mr. ARMSTRONG. Mr. President, today, along with the Senator from Arizona [Mr. MCCAIN], I am introducing legislation to renew the duty suspension on high-purity yttrium products for a period of 5 years. The current suspension of duty will expire on December 31, 1988 if not renewed.

Currently, there are two remaining U.S. refiners of high-purity yttrium oxide located in Louviers, CO and in Phoenix, AZ. Both the Colorado and Arizona operations are dependent on imported yttrium concentrates for feedstocks since there are no significant domestic sources of yttrium feedstocks. Both refiners face the added disadvantage of competing against foreign refiners who have access to duty-free feedstocks.

While the duty on yttrium is relatively small—roughly between $100,000 and $150,000—it is undermining the viability of the two remaining U.S. refiners. In order that these refiners can remain competitive, it is appropriate that Congress renew the duty suspension on high-purity yttrium.

Mr. President, I ask that the legislation be printed at this point in the RECORD.

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That item 907.51 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "12/31/88" and inserting "12/31/93".

SEC. 2. The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1988.●

By Mr. HECHT:

S. 2400. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail as a component of the National Trails System; to the Committee on Energy and Natural Resources.

PONY EXPRESS NATIONAL HISTORIC TRAIL

● Mr. HECHT. Mr. President, today it gives me great pleasure to introduce legislation to officially designate the Pony Express Trail as a National Historic Trail under the National Trails System.

I suspect that it would be hard to find an American who has not heard of the Pony Express, or who does not relish its legendary story. With only 80 men and 500 ponies, and lasting only 79 weeks, the Pony Express provided a vital communication link between the East and the West, and was instrumental in keeping California in the Union. Its backers, Russell, Majors, and Waddell, lost hundreds of thousands of dollars, and were never paid the money the Federal Government promised them. They kept the Pony Express operating at a loss as a matter of patriotism. I hope that the legislation I am introducing today will, in a sense, help to repay our debt to those intrepid men and their quixotic sponsors, and will duly recognize the historical significance of this brief but colorful episode of our country's Western expansion.

Mr. President, I wonder how the Members of this most august body might have responded to this advertisement which appeared in newspapers in March 1860:

> Wanted: Young, skinny wiry fellows not over 18. Must be expert riders willing to risk death daily. Orphans preferred.

Only 80 of the hundreds of men who came from all points of the compass met the stiff requirements. They swore on a Bible to behave honestly, not to "cuss" or drink, and not to fight with their fellow riders or abuse their steeds. They rode 75 to 100 miles per day, changing horses every 10 or 15 miles at relay stations. And no time was wasted: in one leap, both the expressman and his "mochila," a leather saddle blanket containing four "cantinas," or boxes, for carrying the mail, were transferred to the new mount. These courageous couriers suffered hardship, deprivation, the threat of ambush by hostile Indians, and a terrific daily physical pounding—all for about $40 to $100 per month, plus room and board.

From its inception, the Pony Express was a model of efficiency, demonstrating what the private sector can accomplish when unbridled by Government redtape. For years, the Government had balked at the possibility of establishing reliable, consistent overland mail service, believing that the "great American desert" was impenetrable. Impatient with the Washington politicos, Russell decided in December 1859 to launch the Pony Express, which would follow the Central Overland route, without Government contract. With little fanfare, it was announced on March 23, 1860, that on April 3 the Pony Express would begin running.

Approximately 1,900 miles long, the Pony Express ran from St. Joseph, MO, the westernmost point reached by the railroad and telegraph, through parts of Kansas, Nebraska, Colorado, Wyoming, Utah, my home State of Nevada, and California, where it ended in Sacramento. Then as now, the need for an adequate and ample water supply played an important role, determining where relay stations would be located, and opening up new parts of the country.

In just 10½ days, the mail sped from terminus to terminus, a tremendous improvement over mail service by steamer which could take up to 6 weeks. In a record of slightly over 7 days, the Pony Express delivered the news of President Lincoln's inauguration. When the service was started, family members back home in the East could keep in touch with a loved one in a remote mining camp for $5 a half ounce, although it cost the company $38 to carry that half ounce. In July 1861, when a Government contract finally came through, the rate dropped to $1 a half ounce.

The Pony Express ended as quickly as it began: on October 26, 1861, 10 days after the completion of the transcontinental telegraph. As an expedient solution to sustaining communication between the far-flung East and West during a time of mounting internal conflict, the Pony Express served the Nation well. It was a romantic and adventurous interlude in our history that exceeds anything a fiction writer could concoct, and an enterprise that showcased American "can-do." I urge my colleagues to support swift passage of this legislation, which will finally acknowledge the national historical importance of the Pony Express Trail.●

By Mr. HARKIN (for himself and Mr. MELCHER):

S. 2401. A bill to amend the Internal Revenue Code of 1986, the Employment Retirement Security Act of 1974, and the Public Health Service Act with respect to the continuation of health care coverage; to the Committee on Finance.

HEALTH CARE COVERAGE

Mr. HARKIN. Mr. President, I rise today to introduce a bill to amend a provision of the Consolidated Omnibus Budget Reconciliation Act [COBRA] commonly referred to as "health care continuation coverage." The need for amendment was recently brought to my attention by a constituent of mine from Des Moines, Mr. Don Hauser, vice president of the Iowa Association of Business & Industry. I ask unanimous consent at this point that Mr. Hauser's letter to me be inserted in the RECORD, as I believe it lays out well an inequity which has been imposed on many businesses across the country as a result of passage of this COBRA provision.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IOWA ASSOCIATION OF
BUSINESS & INDUSTRY,
March 14, 1988.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: Iowa companies are having severe problems with the 1986 Comprehensive Omnibus Budget Reconciliation Act provisions dealing with health insurance continuation.

Following is an example of one such problem:

On May 22, 1987, our employee was officially divorced from her spouse.

Her spouse applied for coverage under the COBRA provision due to the fact that he is the divorced spouse of our employee. As such, he is eligible for thirty-six months' coverage under our group insurance.

Since our compny is self-insured, we pay directly for claims turned in by our employee's ex-spouse, who is gainfully employed and could have insurance through his company. However, it is our belief that he can get our coverage at a much cheaper rate than he can get from his own company.

We realize the intent of this "divorced spouse" portion of the federal law was meant to protect an unemployed spouse who becomes divorced. However, the divorced spouse now has rights that exceed those of the employee. Also, in a case like we have here, the divorced spouse is not only employed, but also makes a substantial income (perhaps in the $100,000 range) and is eligible for his own company's group insurance coverage. Surely, the federal law did not anticipate extending coverage in such cases.

Surely, the federal law could be amended to exclude from the continuation provisions persons in situations as described above who have access to insurance from their own employer.

While I'm on the subject of the Comprehensive Omnibus Budget Reform Act, would you explain to me why the Congress continually uses these acts each year to enact substantial legislation—sometimes with what appears to be little or no consequence for the impact on business and industry and employees. The insurance continuation provisions are just one example—another one is the Superfund Amendments and Reauthorization Act of a couple years ago that gave us the comprehensive emergency response and right to know provisions. Both the insurance and response legislation may be necessary—but why is it necessary they be crowded into budget reconciliation acts where it appears little or no consideration is given to their impact. Surely, if this is worthy legislation, it could stand on its own feet.

I would appreciate knowing if you think something could be done to correct the insurance continuation act to address the above issue and also would appreciate your comments concerning what can be done to control Congress' (what I think is) ill-advised use of the budget reconciliation acts to enact substantive legislation with little public input.

Thank you for your consideration.

Sincerely,

D.G. HAUSER,
Vice President.

Mr. HARKIN. Mr. President, in general, COBRA requires employers to notify terminated employees, separated and divorced spouses and dependents of employees, and spouses and dependents of deceased employees of their eligibility to continue to participate in the group health benefits provided by the employer. The employer may charge the individual who "buys into" the group coverage under these provisions a maximum of 102 percent of the applicable premium for that coverage.

While not seeking to change the purpose of this law, my bill addresses what I believe was an oversight in its drafting: as written, a terminated employee may continue to participate in the former employer's group policy even if he or she becomes employed by a second employer who maintains a health benefits plan. The same is true for separated and divorced spouses, and spouses of deceased employees.

The example set out in Mr. Hauser's letter, drawn from an actual case, may help to clarify. In Mr. Hauser's example, after an employee of one of the Iowa Association of Business & Industry's members, Jenesis Ltd.-Exodus Ltd., divorced her husband, her ex-husband applied, and was accepted, for continued coverage by Jenesis Ltd/Exocus Ltd. under the COBRA provision. Even though he is gainfully employed and eligible for coverge under his own company's plan, he has opted to stay on the insurance roll of Jenesis Ltd.-Exodus Ltd. and is eligible to remain there for 36 months. Adding insult to injury, Jenesis Ltd.-Exodus Ltd. is self-insured, so that all claims filed against it by the ex-husband of its employee come directly from its earnings.

The purpose of the COBRA provision is to allow a greater number of people to participate in affordable group health coverage, and not, I think it is fair to say, to allow workers to pick and choose among insurance plans. My bill simply provides that if a person is eligible to participate under another group health plan, their eligibility for continuation coverage ceases. This is already the situation for persons who become eligible for Medicare—they are not covered by the health care continuation provision.

I hope that my colleagues will join me in cosponsoring this legislation, and that we can correct this oversight quickly so that additional businesses are not affected.

By Mr. BRADLEY:

S. 2402. A bill to amend the Federal Cigarette Labeling and Advertising Act to require manufacturers and importers of cigarettes to place warnings concerning the addictive nature of cigarettes on packages and in advertisements; referred to the Committee on Commerce, Science, and Transportation.

TOBACCO WARNING LABELS

● Mr. BRADLEY. Mr. President, today I am introducing legislation to add an additional warning label to tobacco advertisements and tobacco products sold in the United States. This new warning label reads as follows:

WARNING: Smoking is addictive. Once you start, you may not be able to stop.

The evidence is now overwhelming. Nicotine is a powerful habit-forming drug which may lead to compulsive use and a great diminished capacity to exercise free will over tobacco use. Leading national and international organizations, including the American Psychiatric Association, World Health Organization, National Institute on Drug Abuse, and now the Surgeon General, have declared that chronic tobacco use constitutes addiction.

Mr. President, today, the Surgeon General is releasing his report on tobacco. This report provides conclusive evidence that nicotine is an addictive drug. Many people consider tobacco a habit or a custom. It is more. To be addictive, a drug must cause compulsive use and have altering mood effects as well as rewarding effects that reinforce drug-taking behavior. Nicotine meets these criteria.

I am pleased that the Surgeon General is focusing attention on the addictive powers of nicotine. It is terribly important that young people realize that once they begin to use tobacco, they may not be able to stop. We need to do everything we can to stop tobacco use. If more people realize that nicotine is a harmful addictive drug, the fewer people will use tobacco.

Mr. President, tobacco is the single biggest health hazard facing this country. Virtually all scientific evidence recognizes the dangers of tobacco. More than 300,000 people die from smoking each year. Smoking contributes to 30 percent of deaths due to cancer and to 25 percent of coronary heart disease in this country.

Today, everyone agrees—everyone, that is, except the tobacco manufacturers—that tobacco is a killer. The debate has turned to defining the proper Federal role in discouraging the use of tobacco.

The Federal Government currently has conflicting policies on tobacco. We spend millions on health research in an effort to help the millions afflicted by tobacco-related diseases, and at the same time we provide subsidies to farmers to grow tobacco. We place labels on tobacco products warning people of the direct link between use and illness, and at the same time we allow the excise tax on cigarettes to drop in real terms by 50 percent over the decades. And we spend millions on public health campaigns to warn people of the dangers of tobacco, and at the same time allow manufacturers to write off billions of dollars in advertising expenses that are aimed at encouraging people to smoke or use smokeless tobacco.

The Government should speak with one voice on this problem. I believe that voice should unequivocally say, "smoking will harm you." We need tough Federal laws that send the message loud and clear. The bill I am introducing today will help to send this message.

Before concluding, Mr. President, I would like to quote from a 1972 Philip Morris document that has been brought to my attention. It describes in no uncertain terms the fact that cigarettes are simply packaging for nicotine.

> The cigarette should be conceived not as a product but as a package. The product is nicotine. The cigarette is but one of many package layers. There is the carton, which contains the pack, which contains the cigarette, which contains the smoke. The smoke is the final package. The smoker must strip off all these package layers to get to that which he seeks. * * * Think of the cigarette pack as a storage container for a day's support of nicotine. * * * Think of the cigarette as a dispenser for a dose unit of nicotine. * * * Think of a puff of smoke as the vehicle of nicotine. * * * Smoke is beyond question the most optimized vehicle of nicotine and the cigarette the most optimized dispenser of smoke.

Mr. President, tobacco is the vehicle for delivering nicotine to the public. We know that nicotine kills. Now we know that nicotine is addictive. It is government's job to see that fewer and fewer people spend their time trying to receive their "dose unit" of nicotine.●

By Mr. MOYNIHAN:

S. 2403. A bill to encourage the development of improved technologies for coal separation using superconductivity; referred to the Committee on Environment and Public Works.

THE MAGNETIC COAL SEPARATION IMPROVEMENT ACT

● Mr. MOYNIHAN. Mr. President, today I am introducing the Magnetic Coal Separation Act of 1988. This is a bill to promote a new and promising technology in the field of coal combustion, and it is an acid rain control bill. I hope it will lead to reducing the levels of acid rain that are plaguing our country's lakes, rivers and forests, and those of our neighbor to the north.

The recent visit to the United States by Canadian Prime Minister Mulroney to Washington focused our attention once again on the obstacles to acid rain legislation. We discussed possible solutions to the acid rain problem affecting both of our countries. The solution may be in new, emerging technologies such as superconductivity.

NATIONAL ACID PRECIPITATION ASSESSMENT PROGRAM

In 1979, I introduced the first, and to date the only Federal legislation on acid rain. This bill, the Acid Precipitation Act of 1980, set in motion a comprehensive, 10-year research program that has now firmly established these emissions from coal-fired power plants are a major contributor to acid rain. Last fall the Environment and Public Works Committee—of which I am ranking majority member—approved legislation to reduce acid rain as part of comprehensive amendments to the Clean Air Act. Control of acid rain needs to be a top priority. We simply must do it. But we should not lay all our hopes on one piece of legislation. Acid rain is a complex and only partially understood phenomenon, and is open to many solutions. Among these, any approach that does not unduly threaten both the coal and electric generation industries should be most seriously considered.

Technology may come to our rescue. To reduce acid rain, we must reduce emission of sulfur into the atmosphere—sulfur dioxide and nitrous oxide are all too quickly converted to acid rain in our atmosphere. Most coal contains significant amounts of sulfur (mostly in the form of magnetically reactive iron pyrite). The idea behind coal separation is to remove this sulfur before the coal enters the furnace. In addition, magnetic separation technology offers potential for gas emissions control using molecular gas separation techniques. In this application, gases are differentiated by molecular spins of individual molecules. Powerful superconducting magnets would be used to remove gases such as nitrous oxides from the emissions plume within the stack. By reducing sulfur and eliminating these emissions, we begin to reduce acid rain.

SUPERCONDUCTING COAL SEPARATION

And so the question arises: why should we pursue development of new, precombustion clean coal technology when conventional coal cleaning techniques are available? The reasons are several.

First and foremost, our most commonly used pollution control technology for sulfur emissions, the flue gas scrubber, is extremely expensive. On a cost-per-ton-removed basis, scrubbers run between $350 to $500—at least twice the price of switching to low-sulfur fuels. If we clean coal before we burn it, then we are effectively switching to low sulfur fuels. If we rely on the scrubber as our sole means of controlling sulfur emissions, then coal—our most abundant domestic energy resource—could simply be discontinued in favor of cheaper alternatives, such as natural gas. Scrubbers are that expensive. It is clearly something to be avoided.

This brings us to coal separation. Conventional coal separation utilizes a wet process that requires supplemental energy for drying before this coal can be fed to a boiler. The excess moisture that results from this process results in energy penalties during combustion.

But magnetic separation of impurities avoids these drawbacks—coal is ground into a fine, dry powder that is run through very powerful magnets made affordable by the new, high temperature superconductors just now being discovered. Impurities—sulfur—are pulled to one side, and the final product is a cleaner, dry coal powder, ready for immediate combustion. A dry process saves valuable time during preparation, separation, and handling. Greater purity also means lower plant cleaning and maintenance costs. Further, it allows for quick repetitive cleaning cycles through the magnetic field to ensure cleaning efficiency. Time required for a single cleaning cycle for a prototype unit has been a matter of minutes; as a consequence, multiple cleaning cycles can be run in much less time than necessary for a one-step conventional separation process. Estimates for operational costs are 25 percent of those associated with conventional coal cleaning operations.

NEW SUPERCONDUCTING MATERIALS

This idea has been around for some time, but has not been aggressively pursued. This is due in large part to the large amounts of electricity required for generating such powerful magnetic fields. The new ceramic superconductors have changed all this. Magnets made with the new, high-temperature superconductors will be stronger than conventional magnets of comparable size, and require only a fraction of the power. Current estimates of energy savings are around 75 percent.

Conventional superconductors require liquid helium to adequately cool the superconducting material. This extremely low temperature requirement has restricted these materials to a few specialized fields. The new high temperature materials can be adequately cooled using liquid nitrogen, at a fraction of the cost of liquid helium. In short, this new process holds the promise of being more efficient that conventional coal separation, and cheaper than flue gas scrubbers. Quite a bargain.

The bill I am proposing today will allow us to bring this idea to fruition. So far the only existing prototype, at Argonne National Laboratory in Illinois, uses preexisting low temperature superconducting magnets. I would expect that some of the funds this bill authorizes would go toward creating a prototype using the new, high-temperature superconducting magnets. Such a prototype will be needed to produce data on both operating costs and cleaning efficiencies—information vitally necessary for the commercialization of any new technology of this sort.

Only sustained research and development will allow us to take advantage of this technology and ensure its timely availability. The bill I am introducing today would authorize $50 million for research, development and commercialization of magnetic coal separation and magnetic emissions controls, with the ultimate aim of seeing it used at coal fired power plants across the country, particularly in areas of predominantly high-sulfur coal.

It is my firm belief that the Congress will enact acid rain legislation. It may happen this year, or even next, but it will almost surely happen, and we must strive to see that the legislation we do enact deals with all facets of the problem. I hope my colleagues will see the wisdom of using this promising technology to eliminate acid rain at its source, and will support this bill.●

By Mr. LEAHY:

S.J. Res. 319. Joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week"; to the Committee on the Judiciary.

NATIONAL DISABLED AMERICANS WEEK

Mr. LEAHY. Mr. President, I rise today to introduce a joint resolution marking November 6 through November 12, 1988 as "National Disabled Americans Week." Over 36 million Americans suffer from disabilities and over 25 percent of these disabled Americans have more than one disability. And this number is expected to rise as medical technology continues to improve upon its ability to prolong human life.

All Americans share the risk of becoming disabled. Some are born with disabilities. Others may develop disabilities due to accident, illness or environmental factors. Others age into disabilities. These disabilities are varied. They range from visual impairment, hearing difficulties, activity limitations to learning, emotional and behavioral problems.

Disabled Americans are more likely to live in poverty. And they are less educated. Simply put, disabled Americans are discriminated against and do not have the same advantages as do nondisabled Americans.

Establishing National Disabled Americans Week will create an opportunity for all Americans to learn what it means to have a disability. More importantly though, this week will help us look at how society deals with the disabled and what efforts we must take to integrate the growing number of disabled Americans into the mainstream of society. Furthermore, this week will make more Americans aware of how independent and self-sufficient disabled Americans can be.

Disabled Americans have the same basic needs as do nondisabled Americans. They need affordable housing, adequate health care, essential education, and access to transportation. It is imperative that all Americans work together to make sure disabled Americans are not discriminated against in these areas.

Mr. President, Mr. Garrison, chief executive officer of the National Easter Seals Society has written to me expressing his strong support of this resolution. I ask unanimous consent that his letter be inserted in the RECORD following my remarks.

The greatest tragedy in the world is not allowing an individual to reach his or her full potential. For this reason, I introduce this joint resolution to ensure that the commitment being made to the public awareness of the needs and abilities of disabled Americans is continued.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL EASTER SEAL SOCIETY,
Chicago, IL, February 1, 1988.

Senator PATRICK LEAHY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the more than one million persons who are clients of Easter Seal Society programs nationwide, I heartily encourage you in your efforts to establish a National Disabled Americans Week. A ceremonial week such as the one proposed could provide persons with disabilities the opportunity to speak for themselves and break down the attitudinal barriers that most often stand in their way.

As you well know, and as San Antonio (Texas) Mayor Henry Cisneros said to those assembled at our National Convention in Boston last November, persons with disabilities are a people resource that remains largely untapped. Easter Seals has had the privilege of working with this group—both children and adults—for almost seventy years. Many of our corporate sponsors, including our recent Business and Industry Award winner Friendly Ice Cream Corp., have had wonderful experiences and set responsible examples in hiring persons with disabilities. What they have learned in setting an example is that persons with disabilities are dedicated and loyal employees, when given a chance.

Establishing a National Disabled Persons Week would create an opportunity for all Americans to learn about what it means to have a disability and, more than this, to become aware of how independent and self-sufficient so many people with disabiities have become.

At Easter Seals, we commend your efforts to establish this national week and offer our continuing enthusiasm and support for your work in this area.

Sincerely,

JOHN R. GARRISON,
Chief Executive Officer.

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. THURMOND, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 675

At the request of Mr. MITCHELL, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal year 1988, 1989, 1990, 1991, and 1992.

S. 1511

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

S. 1522

At the request of Mr. RIEGLE, the names of the Senator from Virginia [Mr. WARNER], the Senator from Indiana [Mr. LUGAR], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1595

At the request of Mr. DOMENICI, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1595, a bill to amend title V, United States Code, to provide for the establishment of a voluntary leave transfer program for Federal employees, and for other purposes.

S. 2098

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2159

At the request of Mr. NICKLES, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2159, a bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm vehicles.

S. 2199

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2205

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2205, a bill to enact the Omnibus Antidrug Abuse Act of 1988, and for other purposes.

S. 2206

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2206, a bill to amend the Controlled Substances Act to provide for the imposition of the death penalty for the intentional killing of a law enforcement officer and for certain continuing criminal enterprise drug offenses.

S. 2285

At the request of Mr. SYMMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2285, a bill to authorize the Secretary of Agriculture to exchange certain national forest lands in the Targhee National Forest.

SENATE JOINT RESOLUTION 230

At the request of Mr. HELMS, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Georgia [Mr. NUNN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], the Senator from Alabama [Mr. HEFLIN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Carolina [Mr. SANFORD], the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Mr. SIMON], the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Colorado [Mr. WIRTH], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Kentucky [Mr. FORD], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. KARNES], the Senator from Alaska [Mr. STEVENS], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. GARN], the

Senator from California [Mr. Wilson], the Senator from Vermont [Mr. Stafford], the Senator from Utah [Mr. Hatch], the Senator from South Carolina [Mr. Thurmond], the Senator from Missouri [Mr. Bond], the Senator from Idaho [Mr. McClure], the Senator from Wyoming [Mr. Wallop] were added as cosponsors of Senate Joint Resolution 230, a joint resolution to designate the third week of June 1988 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 266

At the request of Mr. Symms, the names of the Senator from Oklahoma [Mr. Nickles], the Senator from Massachusetts [Mr. Kerry], the Senator from Colorado [Mr. Wirth], and the Senator from Michigan [Mr. Riegle] were added as cosponsors of Senate Joint Resolution 266, a joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. Riegle, the names of the Senator from Arkansas [Mr. Bumpers], the Senator from Kansas [Mr. Dole], the Senator from Wyoming [Mr. Simpson], the Senator from Idaho [Mr. McClure], the Senator from Connecticut [Mr. Weicker], the Senator from Connecticut [Mr. Dodd], the Senator from Iowa [Mr. Grassley], and the Senator from Washington [Mr. Evans] were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating June 26 through July 2, 1988, as "National Safety Belt Use Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. Durenberger, the name of the Senator from New Hampshire [Mr. Humphrey] was added as a cosponsor of Senate Joint Resolution 272, a joint resolution to designate November 1988, as "National Diabetes Month."

SENATE JOINT RESOLUTION 288

At the request of Mr. Boren, the name of the Senator from Kansas [Mr. Dole] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 294

At the request of Mr. Trible, the names of the Senator from Indiana [Mr. Lugar], the Senator from Montana [Mr. Baucus], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of Senate Joint Resolution 294, a joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 295

At the request of Mr. DeConcini, the names of the Senator from Utah [Mr. Hatch], the Senator from Wyoming [Mr. Simpson], and the Senator from Minnesota [Mr. Durenberger] were added as cosponsors of Senate Joint Resolution 295, a joint resolution to provide for the designation of September 15, 1988, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 298

At the request of Mr. D'Amato, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of Senate Joint Resolution 298, a joint resolution designating September 1988 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 307

At the request of Mr. Riegle, the names of the Senator from Ohio [Mr. Glenn], and the Senator from Ohio [Mr. Metzenbaum] were added as cosponsors of Senate Joint Resolution 307, a joint resolution to designate the decade beginning January 1, 1988, as the "Decade of the Brain."

SENATE JOINT RESOLUTION 315

At the request of Mr. DeConcini, the names of the Senator from Oklahoma [Mr. Boren], the Senator from Minnesota [Mr. Boschwitz], the Senator from New York [Mr. D'Amato], the Senator from Idaho [Mr. McClure], the Senator from Maryland [Ms. Mikulski], the Senator from Vermont [Mr. Stafford], the Senator from Illinois [Mr. Dixon], the Senator from Kansas [Mr. Dole], the Senator from South Dakota [Mr. Pressler], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 315, a joint resolution designating 1989 as "Year of the Young Reader."

AMENDMENT NO. 2032

At the request of Mr. Dixon, the names of the Senator from New Jersey [Mr. Lautenberg] and the Senator from Ohio [Mr. Metzenbaum] were added as cosponsors of amendment No. 2032 proposed to S. 2355, an original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2070

At the request of Mr. D'Amato, the names of the Senator from Wyoming [Mr. Simpson], the Senator from Arizona [Mr. McCain], the Senator from Wisconsin [Mr. Kasten], the Senator from Kentucky [Mr. McConnell], the Senator from Alabama [Mr. Shelby], and the Senator from Utah [Mr. Hatch] were added as cosponsors of amendment No. 2070 proposed to S. 2355, an original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2071

At the request of Mr. D'Amato, the names of the Senator from Wyoming [Mr. Simpson], the Senator from Arizona [Mr. McCain], the Senator from Wisconsin [Mr. Kasten], the Senator from Kentucky [Mr. McConnell], the Senator from Alabama [Mr. Shelby], and the Senator from Utah [Mr. Hatch] were added as cosponsors of amendment No. 2071 proposed to S. 2355, an original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

STEVENS AMENDMENTS NOS. 2079 AND 2080

Mr. STEVENS proposed two amendments to the bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Amendment No. 2079

On page 93, strike out line 15 and all that follows through page 94, line 23, and insert in lieu thereof the following:

SEC. 802. GUIDANCE ON USE OF FIXED PRICE DEVELOPMENT CONTRACTS.

(a) In General.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe guidelines that provide that a fixed-price contract should be awarded in the case of a development program conducted by the Department of Defense only when—

(A) the level of program risk permits realistic pricing; and

(B) the use of a fixed-price contract permits an equitable and sensible allocation of program risk between the United States and the contractor.

(2)(A) The Secretary of a military department and the head of a Defense Agency may not award a firm fixed-price contract in excess of $10,000,000 for the development of a major system or a subsystem of a major system unless the Under Secretary of Defense for Acquisition determines and states in writing that the award of such contract is consistent with the criteria specified in clauses (A) and (B) of paragraph (1) and the guidelines prescribed under such paragraph.

(B) The Under Secretary of Defense for Acquisition may delegate his authority under subparagraph (A) only to a person who holds a position in the Office of the

Secretary of Defense at or above the level of Assistant Secretary of Defense.

(b) Definitions.—In this section:

(1) The term "Defense Agency" has the same meaning as is provided in section 101(44) of title 10, United States Code.

(2) The term "major system" has the same meaning as is provided in section 2302(5) of title 10, United States Code.

(c) Expiration.—Paragraph (2) of subsection (a) shall cease to be effective two years after the date of the enactment of this Act.

Amendment No. 2080

On page 114, strike out lines 15 through 17 and insert in lieu thereof the following: agreements that—

(i) are negotiated between the Secretary of Defense and the contractor or subcontractor before or during the fiscal year covered by such agreements; and

(ii) are entered into after the Secretary determines that cost advantages for the United States will result from allowing such foreign selling costs under such agreements.

Each of the budget requests submitted to Congress by the Secretary after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1989 shall reflect such cost advantages.".

WARNER AMENDMENT NO. 2081

Mr. WARNER proposed an amendment to the bill S. 2355, supra; as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 823. APPLICABILITY OF CONTRACT GOAL FOR MINORITIES TO PRINTING-RELATED SERVICES.

Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973) is amended—

(1) by redesignating subsection (h) subsection (1); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Notwithstanding sections 501 and 502 of title 44, United States Code, and section 309 of the Legislative Branch Appropriations Act, 1988 (as contained in section 101(i) of Public Law 100-202 (101 Stat. 1329-310)), printing, binding, and related services needed by the Department of Defense may be procured from entities referred to in subsection (a) in order to meet the objectives set out in such subsection. The procurement of printing, binding, and related services from such entities shall be conducted for the Department of Defense by the Public Printer as directed by the Secretary of Defense. Printing, binding, and related services needed by the Department of Defense and not procured from such entities shall be procured from the Government Printing Office.".

JOHNSTON (AND BREAUX) AMENDMENT NO. 2082

Mr. JOHNSTON (for himself and Mr. Breaux) proposed an amendment to the bill S. 2355, supra; as follows:

On page 8 at lines 10 through 12 delete subparagraph (ii) and insert in lieu thereof the following:

"(ii) is necessary to meet the cost, schedule, or preformance requirements of the Navy determined by the Secretary.

"Such certification may not be issued until after the bids for such competition are received."

HELMS AMENDMENTS NOS. 2083 THROUGH 2086

Mr. HELMS proposed four amendments to the bill S. 2355, supra; as follows:

Amendment No. 2083

Add at the end of the pending amendment the following new section:

SENSE OF THE CONGRESS ON THE FIVE-YEAR ABM TREATY REVIEW

"Sec. . (a) Findings.—(1) The Senate finds that the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, With Associated Protocol, (hereinafter the "ABM Treaty" or the "Treaty") in its Article XIV, Paragraph 2, reads as follows: "Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty."

(2) The Senate further finds that such Treaty entered into force on October 3, 1972, and that the third five-year anniversary date specified by Article XIV, Paragraph 2, for the conduct of the review contemplated therein was October 3, 1987.

(3) The Senate further finds that, as a fundamental principle of the canons of legal construction, a specified number of years after a specific and determinable date means the specified anniversary of such date and therefore that the third five-year review of the ABM Treaty should have begun on or about October 3, 1987.

(4) The Senate finally finds that the Parties to the Treaty have not met as required by Article XIV, Paragraph 2, because the United States of America refused to meet on the date required, to wit October 3, 1987, and that the United States, seven months later, still refuses to propose a date for this meeting.

Sense of Congress.

(b) Taking account of the findings of this Section, it is the sense of the Congress that the President should without any further delay propose an early date to conduct the overdue five-year review of the ABM Treaty and immediately thereafter inform the Congress of the results of that review.

Amendment No. 2084

Add at the end of the bill the following new section:

"Sec. . (a) Congress:—(1) condemns the Government of Ethiopia for its blatant disregard for human life as demonstrated by its use of food as a weapon, its forced resettlement program, and its human rights record;

(2) in the strongest term possible, urges the Government of Ethiopia to allow foreign relief personnel to return to the north and to allow the international relief campaign to resume operations at its own risk, while retaining full control over its assets and having access to adequate aircraft and fuel;

(3) in the strongest terms possible, urges rebel groups to cease attacks upon relief vehicles and relief distribution points and to respect the impartiality of the international relief campaign;

(4) urges the President and the Secretary of State (via direct representations to the Government of Ethiopia, certain rebel groups, and via sustained multilateral initiatives involving other Western donors, the United Nations, and the Organization of African Unity) to focus world pressure and opinion upon the combatants in the north, to press for an "open roads/own risk" policy that will facilitate the resumption of international relief efforts in the north, to press the Government of Ethiopia and the rebel groups to reach a pragmatic, enduring political settlement, and to press the Government of Ethiopia to implement genuine and effective reform of its failed agricultural policies; and

(5) urges the President and the Secretary of State to engage in direct discussion with the Union of Soviet Socialist Republics in order that the peaceful resolution of the crisis in northern Ethiopia becomes a high Soviet priority and that the approach of the Union of Soviet Socialist Republics is consistent with that of the West.

(b) Sanctions.—

(1) Sanctions urged under certain conditions.—The President's is strongly urged, and is hereby authorized (notwithstanding any other provision of law), to impose such economic sanctions upon Ethiopia as the President determines to be appropriate (subject to subparagraphs (2) and (3) of this subsection) if, at any time after the date of enactment of this section, the Government of Ethiopia engages in any of the following outrages:

(i) Forced resettlement.

(ii) Forced confinement in any resettlement camp.

(iii) Diversion of international relief to the military.

(iv) Denial of international relief to any persons at risk because of famine.

(v) Seizure of international relief assets provided by the United States.

(vi) Prohibition of end-use monitoring of food distribution by international relief personnel.

(2) Sanctions to be included.—Sanctions imposed pursuant to subparagraph (1) shall include sanctions which substantially affect the major exports of Ethiopia.

(3) Export sanctions.—If a sanction imposed pursuant to subparagraph (1) involves the prohibition or curtailment of exports to Ethiopia, that sanction may only be imposed under the authority and subject to the requirements of section 6 of the Export Administration Act of 1979.

(4) Reports to Congress.—Not later than the end of the 15-day period beginning on the date of the enactment of this section and at the end of each 60-day period thereafter, the President shall submit to the Congress a report on whether, during that period, the Government of Ethiopia engaged in any conduct described in subparagraph (1 of this subsection). Each such report shall describe the response of the United States to such conduct.

(5) Regulation authority.—The President shall issue such regulations, licenses, and orders as are necessary to implement any sanctions imposed under this subsection.

Amendment No. 2085

Viz: Add at the end of the bill the following new section:

"Sec. . (a) None of the funds authorized or appropriated by this or any other Act shall be obligated or expended for assistance to the Panamanian Defense Force unless and until the President has certified to Congress that no armed forces of the Union of Soviet Socialist Republics, Cuba, or Nicaragua are present in the Republic of Panama and that General Manuel Noriega has been removed as Commander of the Panamanian Defense Force, barred from all offices and authority, and prohibited from designating or appointing his successor.

(b) Provided further that nothing in this Section shall prohibit the President from obligation or expending any funds necessary for the defense of the Panama Canal or for the maintenance of United States armed forces or interests in Panama.

(c) Ten days after the enactment of this Section, the President shall provide a detailed report to Congress, in both classified and unclassified form, regarding 1) whether Soviet, Cuban, or Nicaraguan military, paramilitary, or intelligence personnel are present in Panama and 2) whether the Panamanian Defense Force has coordinated with, cooperated with, supported, or receive support from, such personnel.".

AMENDMENT No. 2086

Add at the end of the bill the following new section:

"SEC. . Notwithstanding any other provision of law or of this Act, no funds authorized or appropiated by this or any other Act shall be obligated or expended, directly or indirectly, for implementation of any provision of the document of April 13, 1988, purporting to be an agreement made between the United States of America and the Union of Soviet Socialist Republics concerning the 1988 Treaty made by Afghanistan and Pakistan in connection with the Soviet occupation of Afghanistan unless and until the President has submitted such document as a treaty to the Senate for advice and consent to ratification.".

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2087

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill, insert the following new section:

COORDINATION OF VERIFICATION POLICY AND RESEARCH AND DEVELOPMENT ACTIVITIES

SEC. . Not later than June 30, 1989, the President shall submit a report to the Congress which includes a review of the relationship of the arms control objectives of the United States with the responsiveness of research and development of monitoring systems for weapons verification. Such review shall include but not be limited to the participation of the Departments of Defense, State and Energy, the Director of Central Intelligence, and the Arms Control and Disarmament Agency.

At a minimum, the report shall include the findings of the President, and such recommendations for improvement as the President shall deem appropriate, with respect to the following:

(a) the status of coordination in the formulation of U.S. arms control treaty verification policy;

(b) the status of efforts to ensure that arms control treaty verification policy is formulated in a manner which takes into account available technology for monitoring systems; and

(c) the status of efforts to insure that research and development on monitoring systems technology evolves in step with arms control treaty verification policy.

BUMPERS (AND OTHERS) AMENDMENT NO. 2088

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. COHEN, Mr. CHAFEE, and Mr. HEINZ proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . LIMITATION ON DEPLOYMENT OF CERTAIN STRATEGIC NUCLEAR WEAPONS.

(a) SHORT TITLE.—This section may be cited as the "Strategic Nuclear Weapons Interim Restraint Act."

(b) LIMITATION ON OBLIGATION OF FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), none of the funds appropriated pursuant to this or any other Act to or for the use of any department or agency of the Federal Government may be obligated or expended before September 30, 1989 to overhaul, maintain, operate or deploy more than—

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(c) EXCEPTIONS.—(1) The limitation on the obligation and expenditure of funds in subsection (b) shall not apply if at any time more than 29 days after the date of enactment of this act the President determines and certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a). If the President makes such a determination, he shall submit to Congress a report that includes the information on which such determination was based. Such report shall be submitted in both classified and unclassified form.

(2) If at any time more than 29 days after the date of the enactment of this Act the President notifies Congress in writing that, based on the best agreed intelligence Community assessments, he is unable to make a certification under paragraph (1) or to make a certification that the Soviet Union deploys strategic forces in numbers at or below those specified in subsection (a), the limitation on the obligation and expenditure of funds in subsection (a) shall not apply for a period of 29 days after the date on which the notification is received by Congress.

(d) NOTIFICATION OF PLANS FOR COMPLIANCE.—Not more than 29 days after the date on which the President determines that funds are prohibited from being obligated or expended for the overhaul, maintenance, operation or deployment of strategic offensive nuclear weapons in excess of the numbers specified in subsection (b), the President shall notify Congress of his plans for actions to comply with the limitations specified in subsection (b).

(e) NEW AGREEMENT.—If a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1989, the restriction on the obligation and expenditure of funds in subsection (b) shall cease to apply.

(f) DEFINITIONS.—For purposes of this section.

(1) The terms "launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles" and "submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles" mean launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles.

(2) The term "air launched cruise missiles" means unmanned, self propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

(g) SALT II COMPLIANCE AMENDMENT.—Notwithstanding any other provision of law, the United States shall not be obligated to abide by the provisions of the Salt II Treaty, in whole or in part, unless and until the following have occurred:

(1) The Senate has amended the Treaty so as to give it legal force if it were ratified;

(2) The Senate has given its advice and consent to the Treaty;

(3) The Union of Soviet Socialist Republics has agreed to all amendments, reservations and understandings upon which the Senate's advice and consent is conditioned.

(4) Each party has ratified the Treaty in accordance with its own constitutional processes.

CHILES AMENDMENT NO. 2089

Mr. CHILES proposed an amendment to bill S. 2355, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . COMMISSION ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES.—(a) Within 30 days after the enactment of this legislation, the President shall establish a Commission on Alternative Utilization of Military Facilities. The Commission shall be made up of representatives from the Department of Defense, the Bureau of Prisons of the Department of Justice, the National Institute on Drug Abuse of the Department of Health and Human Services and the General Services Administration.

(b) On a biannual basis, the Commission shall—

(1) prepare a report listing active and nonactive military facilities that the Department of Defense has identified as fit for closure, underutilized in whole or in part, or on the surplus property list;

(2) identify those facilities, or parts thereof, that could be utilized or renovated as minimum security facilities to hold non-violent prisoners;

(3) identify those facilities or parts thereof, that could be utilized or renovated to house non-violent persons for drug treatment purposes; and

(4) present this list to the President and to the Congress.

(c) The first report required by subsection (b) shall be submitted to the President and to the Congress no later than September 1, 1988. Further reports shall be issued not later than September 1 every 2 years thereafter through fiscal year 1996.

MURKOWSKI AMENDMENT NO. 2090

Mr. MURKOWSKI proposed an amendment to the bill S. 2355, supra; as follows:

At an appropriate place in the bill add the following new section:

SEC. . KUWAITI BURDEN SHARING.

(a) The Congress finds that—

(1) United States naval forces are protecting the shipment of Kuwaiti produced crude oil through the Persian Gulf;

(2) eleven Kuwaiti tankers have been reflagged by the United States for the purpose of ensuring that such tankers are entitled to United States naval protection;

(3) Kuwait derives significant economic benefit from U.S. naval protection and from the reflagging of its tankers;

(4) Kuwait has invested a portion of the proceeds from the sale of its crude oil in United States domestic crude oil reserves and refining capabilities;

(b) It is the sense of the Congress that—

(1) Kuwait should make a greater effort to bear its proportionate share of the costs of protecting commercial shipping in the Persian Gulf;

(2) Kuwait should, to the maximum extent possible, employ United States merchant marine personnel to man its tankers reflagged with United States flags of convenience;

(3) Kuwait should, to the maximum extent possible, charter idle United States crude oil tankers to transport a portion of its domestically produced crude oil.

GARN AMENDMENT NO. 2091

Mr. GARN. proposed an amendment to the bill, S. 2355, supra; as follows:

On page 25, between lines 2 and 3, insert the following new section:

SEC. . PRODUCT EVALUATION ACTIVITY.

Of the funds appropriated pursuant to section 201 for research, development, test, and evaluation for fiscal year 1989, $17,500,000 shall be available only for the product evaluation activity provided for under section 2369 of title 10, United States Code, as added by section 816 of this Act.

KENNEDY (AND GLENN) AMENDMENT NO. 2092

Mr. EXON (for Mr. KENNEDY, for himself and Mr. GLENN) proposed an amendment to the bill, S. 2355, supra; as follows:

On page 249, between lines 20 and 21, insert the following new subsection:

(e) SPECIAL ISOTOPE SEPARATION PROJECT.—(1) Funds appropriated or otherwise made available to the Department of Energy for the special isotope separation project, Idaho Falls, Idaho, may not be obligated or expended for site preparation for such project before March 1, 1989.

COHEN (AND STENNIS) AMENDMENT NO. 2093

Mr. COHEN (for himself and Mr. STENNIS) proposed an amendment to the bill, S. 2355, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . DDG-51 Destroyer. Up to $730,000,000 of funds appropriated in prior years that remain available for obligation may be transferred from any such appropriation to and merged with Shipbuilding and Conversion, Navy for the procurement of one DDG-51 class destroyer: provided that the authority to transfer funds under this section shall be in addition to any other transfer authority contained in this or any other Act.

DOLE (AND OTHERS) AMENDMENT NO. 2094

Mr. DOLE (for himself, Mr. THURMOND, Mr. HELMS, Mr. D'AMATO, and Mr. MCCLURE) proposed an amendment to the bill, S. 2355, supra; as follows:

At the appropriate place in the bill, add the following new sections:

"SEC. . Findings. The Congress finds:

"(1) Panamanian strongman Manuel Noriega has been accused of serious violations of American law involving trafficking in illegal drugs, providing protection and support to drug traffickers, and laundering drug related money;

"(2) Federal indictments have been handed down against Noriega in the State of Florida on a number of these drug-related charges;

"(3) There are media and other reports that negotiations with Noriega may have occurred, on arrangements under which he would give up political power and leave Panama, in exchange for the dropping of the Federal drug-related indictments against him.

"SEC. . It is the sense of the Congress of the United States that:

"(1) No negotiations should be conducted, nor arrangements made by the United States Government, with Noriega, which would involve the dropping of the drug-related indictments against him.

"(2) Any such negotiations, or arrangements, would send the wrong signal about the priority which the United States attaches to the war on drugs; would not further the prospects of restoring non-corrupt, democratic government to Panama; and would not serve the overall national security interests of the United States."

BOB SIKES VISITOR CENTER

METZENBAUM (AND GLENN) AMENDMENT NO. 2095

Mr. BYRD (for Mr. METZENBAUM and Mr. GLENN) proposed an amendment to the bill (S. 1736) to designate the Federal Building located at 1801 Gulf Breeze Parkway, Gulf Breeze, Florida, as the "Bob Sikes Visitor Center"; as follows:

Section 129 of Title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"VOIDING OF CERTAIN AGREEMENT.—Upon the request of the Ohio Turnpike Commission of the Ohio Turnpike (I-80, I-90 and I-76 in the State of Ohio) and the State of Ohio, the Secretary shall:

"(1) enter into an agreement providing that toll revenues from operation of the tolled Ohio Turnpike facility will be used only on such facility for construction and reconstruction costs and for the costs necessary for the proper operation and debt service of such facility (including resurfacing, reconstruction, rehabilitation, and restoration); and

"(2) void Agreement No. 1264, dated July 14, 1964, entered into with said Commisison and the State of Ohio with respect to such facility as authorized under Section 129(d) of Title 23, United States Code."

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 10 p.m., on Tuesday, June 7, in SR-301, Russell Senate Office Building to hold a hearing on S. 1786. This bill, introduced by Senator DIXON, would establish a series of six Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of the President of the United States.

Members of Congress and other individuals and organizations interested in testifying or submitting a statement for the hearing record are requested to contact Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

SUBCOMMITTEE ON AGRICULTURE CREDIT

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agriculture, Nutrition, and Forestry has scheduled a series of oversight hearings on the implementation of the Agricultural Credit Act of 1987.

The first hearing, scheduled for May 23, 1988, at 1:30 p.m. in SR-332, will focus on the implementation of certain provisions of the act in the Jackson Farm Credit District. Senator JOHN BREAUX will preside.

The second hearing, scheduled for June 16, 1988, at 10 a.m. in SR-332 will be a general oversight hearing with respect to the Farm Credit System. Senator DAVID BOREN will preside.

The last hearing, an oversight hearing of the Farmer's Home Administration will take place on Thursday, July 14, 1988, at 10 a.m. in SR-332. Senator DAVID BOREN will preside.

For further information, please contact Kellye Eversole at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 16, 1988, at 2 p.m. to consider recommendations to the administration for the implementation of the United States-Canada Free Trade Agreement.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE AND CIVIL SERVICE

Mr. BREAUX. Mr. President, I ask unanimous consent that the subcommittee on Federal Services, Post

Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, May 16, 1988, to hold an oversight hearing on the U.S. Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BREAUX. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, May 16, 1988, at 5:15 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SURGEON GENERAL DIRECTS "FRIENDLY FIRE" AT AMERICAN FARMERS

● Mr. SANFORD. Mr. President, hysteria is running rampant. In the middle of a supposed war on drugs, the Surgeon General has mistaken the enemy. In comparing tobacco—a legitimate and legal substance—to insidious narcotics such as heroin and cocaine, he has directed "friendly fire" at American farmers and businessmen.

To say that tobacco is an addictive as heroin and cocaine is to trivialize the effect these mind-altering substances have on those who violate laws to obtain, sell and use them. Are cigarette smokers—and tobacco farmers—no better than those who traffic in illegal substances?

I'm told that cigarette smoking is on the decline among our young people. I'm also told that drug use is on the increase among those very same young people. Which of these practices deserve our strongest efforts?

I'm told that some 40 million Americans are former smokers, and that 95 percent of them quite smoking without help. If that is so, perhaps the Surgeon General can tell me how he considers tobacco addictive. Perhaps he can also tell me why the millions of Americans who are overweight are not addicted to food.

Perhaps I shouldn't be surprised. This is the administration that declares war on drugs, and then counsels people to "just say no."

This is the administration that, when tons of drugs are flowing into the country in airplanes and ships, confiscates a luxury yacht with a pinch of marijuana aboard.

This is the administration that wants to give an indicted Central American drug lord more advance notice that it is willing to give American factory workers.

I think the Surgeon General's priorities are skewed. He should get off the backs of legitimate, law-abiding American farmers, and concentrate on those who are breaking our laws to addict and corrupt our citizens. There are straightforward reasons for warning about smoking. There is no need to dream up hysterical inventions to make the point.●

MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE STATE OF ISRAEL

● Mr. WILSON. Mr. President, I rise today to herald a historic event that occurred on April 21, 1988, during the celebration of Israel's 40th anniversary—the signing of a memorandum of agreement regarding political, security and economic cooperation between the United States and Israel.

This historic agreement recognizes the development of close and increasingly productive bilateral relations that have grown to new proportions in the eighties. It institutionalizes a history of growing and depending strategic cooperation with Israel, which reflects a shared interest in building peace and stability in the region. Israel is a fellow democratic nation and major non-NATO ally with which the United States has mutual security and economic interests. Strategic cooperation is not a one-way street. The relationship with Israel has greatly enhanced America's strategic position in the Middle East and the Mediterranean and has served as a deterrent to conflict in the region.

In all these important areas—military, economic, and strategic—the two nations are erecting a comprehensive framework for building on the achievement of the past and growing into the future while shielding them from the political turmoil of the region.

Central to this relationship are a series of bilateral groups established in recent years that have been of great value to both countries. The Joint Political Military Group [JPMG] has assisted in the initiation of joint military planning, prepositioning of United States defense material in Israel and combined exercises with Israeli forces. The Joint Security Assistance Planning Group [JSAP] coordinates the effective implementation of U.S. security assistance and reviews cooperative defense industrial issues. The Joint Economic Development Group [JEDG] concerns itself with developing policies which promote a strong and self-sufficient economy in Israel. With the signing of this MOA, these groups will now continue to exist and to strengthen their efforts toward the building of strategic ties between our two nations.

Mr. President, Israel is our close friend and ally, and we both have benefited greatly from our close ties. I know that my colleagues join me in applauding this MOA and the mutual benefits of the United States-Israel relationship that it reflects.

Mr. President, I ask that the full text of this critical agreement be inserted in the RECORD at this point.

The memorandum of agreement follows:

MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE STATE OF ISRAEL REGARDING JOINT POLITICAL, SECURITY, AND ECONOMIC COOPERATION

PREAMBLE

The parties to this Memorandum of Agreement reaffirm the close relationship between the United States of America and Israel, based upon common goals, interests, and values; welcome the achievements made in strategic, economic, industrial, and technological cooperation; recognize the mutual benefits of the United States-Israel Free Trade Agreement; take note of United States economic and security assistance to Israel; and note that Israel is currently designated, for the purposes of Section 1105 of the 1987 National Defense Authorization Act, as a major non-NATO ally of the United States. The parties wish to enhance their relationship through the establishment of a comprehensive framework for continued consultation and cooperation and have reached the following agreements in order to achieve this aim.

ARTICLE I

The United States and Israel recognize the value of their unique dialogue and agree to continue frequent consultations and periodic meetings between the President and the Prime Minister, between the Secretary of State and the Minister of Foreign Affairs, between the Secretary of Defense and the Minister of Defense, and between other Cabinet-level officials. In these meetings, international and bilateral issues of immediate and significant concern to both countries will be discussed as appropriate.

ARTICLE II

A. The Director General of the Ministry of Foreign Affairs and the Under Secretary of State for Political Affairs will meet regularly, for a Joint Political Consultation (JPC) to discuss a wide range of international issues of mutual interest with a view toward increasing their mutual understanding and appreciation of these issues.

B. The United States Agency for International Development and Israel's Ministry of Foreign Affairs, Division of International Cooperation (Mashav) meet periodically to coordinate and facilitate, as appropriate, programs of cooperative assistance to developing countries.

ARTICLE III

The United States and Israel reaffirm the importance of the following U.S.-Israeli Joint Groups:

A. The Joint Political Military Group (JPMG) is the forum in which the two states discuss and implement, pursuant to existing arrangements, joint cooperative efforts such a combined planning, joint exercises, and logistics. The JPMG also discusses current political-military issues of mutual strategic concern.

1. The JPMG is a binational, interagency group co-chaired by the Director General of the Israeli Ministry of Defense and the U.S. Assistant Secretary of State for Politico-Military Affairs.

2. The JPMG normally meets biannually, alternating between Israel and the United States.

B. The Joint Security Assistance Planning Group (JSAP) is the forum in which the two states review Israel's requests for security assistance in light of current threat assessments and U.S. budgetary capabilities and agree upon proposed levels of security assistance. The JSAP also discusses issues related to security assistance, such as industrial and technological cooperation, as well as issues related to Israel's inclusion among those countries currently designated as major non-NATO allies of the United States for the purpose of cooperative research and development under Section 1105 of the 1987 National Defense Authorization Act.

1. The JSAP is a binational, interagency group co-chaired by the Director General of the Ministry of Defense and the Under Secretary of State for Security Assistance, Science, and Technology.

2. The JSAP currently meets annually, in Washington, D.C.

C. The Joint Economic Development Group (JEDG) is the forum which discusses developments in Israel's economy. With a view to stimulating economic growth and self-reliance, the JEDG exchanges views on Israeli economic policy planning, stabilization efforts, and structural reform. The JEDG also evaluates Israel's requests for U.S. economic assistance.

1. The JEDG is a binational, interagency group co-chaired by the Director General of the Ministry of Finance and the Under Secretary of State for Economic Affairs. The group includes private U.S. and Israeli economists invited by their respective countries.

2. The JEDG currently meets biannually, alternating between the United States and Israel.

ARTICLE IV

This Memorandum of Agreement does not derogate from any existing agreements or undertakings between the two states nor in any way prejudices the rights and obligations of either state under the Charter of the United Nations or under international law. In accordance with the above, the parties reaffirm their aspirations to live in peace with all countries. This agreement shall come into effect upon signature, shall be valid for an initial period of five years, and shall thereafter be renewed for additional periods of five years unless either party notifies the other prior to the expiration of a five year period that it wishes to terminate the agreement.●

CHARLES H. MARCIANTE RE-ELECTED PRESIDENT OF THE NEW JERSEY STATE AFL-CIO

● Mr. LAUTENBERG. Mr. President, I rise to congratulate Charles H. Marciante on his election to a sixth term as president of the New Jersey State AFL-CIO and also to honor his many contributions to the trade union movement.

Mr. Maricante, a native New Jerseyan, has always been an active participant in the State's labor activities. Before he was elected president in 1970, Mr. Marciante served as secretary-treasurer of the New Jersey State AFL-CIO and secretary-treasurer of the old State federation of labor. Through his service in these offices, Mr. Marciante has become a spokesman for organized labor in New Jersey. He has also gained recognition for his work on the councils of the national labor movement.

Mr. Marciante has served New Jersey labor interests through a variety of positions and organizations. His work has focused on discovering new ways to develop and expand the State's economic capabilities. By serving as a member of the State's economic development authority, the economic development council, and the Governor's economic recovery commission, Mr. Marciante has been able to accomplish much in this area. He helped found the Alliance for Action which has been a moving force behind infrastructure development in New Jersey.

Mr. Marciante has directed many of his efforts toward educating and training workers. He played a critical part in the reform of New Jersey's worker compensation and unemployment insurance systems. From 1983-84, he served as a member of the unemployment insurance system task force. Mr. Marciante has also served on the department of education's vocational education State board, and recently he participated on the New Jersey Business Retention and Job Retraining Commission.

Mr. Marciante's work has not been limited to civic duties. Through his role as vice chairman of the President's and Governor's Committee to Employ the Handicapped, and as labor coordinator for annual March of Dimes drives in New Jersey, he also has served as a labor representative to charitable organizations.

Charles Marciante's accomplishments are many. Through his dedication to labor concerns and economic development, he has achieved a great deal for New Jersey. I congratulate him on his achievements, and wish him continued success in his sixth term as president of the New Jersey State AFL-CIO.●

INFORMED CONSENT: MICHIGAN

● Mr. HUMPHREY. Mr. President, the decision to abort an unborn child is irrevocable once the operation is underway, and there is no guarantee that side effects won't follow. Therefore, it is imperative that women be told all the facts before consenting to this potentially dangerous surgical procedure. Unfortunately, less that full disclosure happens all too often. As the hundreds of letters received by my office reveal, someone, purposely or carelessly neglected to tell these women risks and alternatives to this procedure. Many have paid a high price for physician negligence. Perhaps, with full disclosure, they would have changed their mind about the abortion, perhaps not. The point is that they deserved the opportunity to choose. Someone took that away from them. By supporting S. 272 and S. 273, we can make sure that Federal dollars aren't used in this way. I ask that three letters from Michigan be inserted into the CONGRESSIONAL RECORD.

The letters follow:

FEBRUARY 13, 1987.

DEAR SENATOR HUMPHREY: In April 1973 at age 15, I became pregnant. The father was my 17 year old boyfriend, We turned to a close friend who found out about an OBGYN who was doing abortions in his office. I told them I has 18, we paid cash in advance and sat down to wait in a room full of pregnant women.

After an hour, I was shown into the treatment room where a suction abortion was performed. No one questioned why I was discarding a life, told me the risks or even hinted that a life was being taken.

To me it was the only solution—my only regret was that I had become pregnant in the first place, my only fear was that my parents would find out. Afterwards, I felt only relief and occasionally wondered what might have happened had I gone through with the pregnancy.

It was not until the birth of my first child in 1983 that I realized the awful thing I had done and became informed about the prolife movement.

Praise God. He does forgive and heal. I know that God loves me and I thank Him for two precious, beautiful sons—more than I could every hope or ask for!

Thank you for your concern and work.

Prayerfully,

ANONYMOUS.

Empire, MI, June 25, 1987.

To the Honorable Gordon J. Humphrey:

I had two abortions before I became a Christian. I first began to think about the feasibility of having an abortion when I visited a Planned Parenthood clinic in Pontiac during my freshman year at college in order to receive the pill at a minimal cost. It was there that I received information about the nearest abortion clinic and was told how "safe" it was. Yes, physically it was safe but they never mentioned the emotional trauma.

The first abortion was not as tramatic as the second one. The first abortion was performed one month before my marriage. I didn't want to get married and have my in-laws think he had to marry me. It was hard enough "fitting in" with his family without that hanging over my head.

The second one was performed one year after marriage. I was using an IUD and got pregnant. My gynecologist told me that one in five pregnancies under these circumstances results in a retarded child. He didn't think abortion was the answer. He didn't want to give me the abortion clinic address, but because of the law, he did.

I struggled with what to do. I dreaded the thought of having an abnormal child, so I had an abortion. I credit most of the night after the abortion and suffered from deep depression. I felt guilty and confused. A year later, I had a normal child using natural childbirth. Life seemed fine on the surface, but I struggled with depression and low self-esteem. I can't blame abortion for all my emotional problems but it did contribute.

I had not realized how much those abortions bothered me until I became a born-again Christian. It felt good to have the burden of guilt released but I still regret having had those abortions—it hurts knowing I killed 2 of my children.

In Christ,

JOANNE MORTON.

MARCH 9, 1987.

DEAR SENATOR HUMPHREY: About two years after my husband and I were married, I continued to spot after a monthly period. When I called a doctor to make an appointment, he made an odd comment. He hesitated after I explained the situation, and then said, "I guess I'm blaming you for not coming in sooner." My symptoms had been going on for about a week after my period when I called. Not being well-informed about pregnancy symptoms, I didn't ask any questions or what he meant by that remark. When I went in for an exam, he simply recommended a D&C. I had the D&C, never suspecting that I was probably pregnant at the time.

Just this month, I read the testimony of a woman who had had the exact symptoms I did, and whose doctor made the same recommendation. Fortunately, she had been through two pregnancies and knew what was happening in her body. Even though the doctor thought she should have a D&C supposedly because those symptoms indicated she probably wouldn't carry the baby to term, she refused, and today she has a 12 year old son.

Thank you for working for passage of an informed consent bill. I pray that you have good success. I have two daughters now, for whom I am very thankful, but when I think that through my ignorance a child may have been murdered, I grieve.

Sincerely,

SALLY BERK.●

WENONAH FIRE CO.: 100 YEARS OF SERVICE 1888 TO 1988

● Mr. LAUNTENBERG. Mr. President, I rise to congratulate the Wenonah Fire Co. for its 100 years of service to the community of Wenonah, NJ. The fire company has enjoyed a long heritage of serving others and I would like to take an opportunity to highlight some of its rich history.

The first mention of the fire company was a report to the Fire and Lighting Committee to the Borough Council in April 1883 that 22 galvanized fire buckets were in good condition. A motion was passed for the fire company to purchase a ladder for $9.25 and later that year, a school cellar became the first firehouse where this equipment was stored.

On April 6, 1888, the Wenonah Fire Co. was officially formed. During the early years, alarms were sounded by striking a suspended cut automotive wheel rim with a sledge hammer. This was eventually replaced by a rope pulled bell on a high pole, and eventually by a modern alarm system.

In 1906, the fire company was incorporated with 10 charter members. The fire company building was completed in 1909. In the next few years, the company purchased a motorized truck and a new alarm system siren.

Beginning in the early 1920's until 1942, a carnival was held in August of each year as the prime source of operating funds. In 1937, the fire company began inviting neighboring fire companies to participate in the Fourth of July parade. In December 1937, a ladies auxiliary was formed which planned to build an addition to the firehouse, a social hall and kitchen.

In May 1943, a first aid station application was made to the American Red Cross and approval was received in August 1943. Thus establishing the WFC as one of the first official rescue squads in New Jersey.

In 1958, advancements in technology opened up communication with other fire companies, increasing the efficiency of all companies at an alarm. In the 1970's WFC became the first fire company in the county to add a second frequency to their system. In 1963, an addition to the firehouse was completed to house more modern equipment.

In 1976, the first female member joined the Wenonah Fire Co. Today, men and women are welcome, active and important members who make the company very effective. The community of Wenonah has been active in supporting its fire company. Its contributions have helped to purchase the best fire equipment available for today's needs.

From bucket brigade to hose cart, from horsedrawn fire truck to diesel powered pumpers, the tireless efforts of the company's dedicated individuals have saved life and property for 100 years. Wenonah Fire Co. will be celebrating its centennial year with many celebrations throughout 1988; with a company banquet, a Fourth of July parade for the entire community, and in October, an open house for the townspeople and neighboring fire companies.

Mr. President, I congratulate the Wenonah Fire Co. for its 100 years service, and extend my best wishes for continued success in the future.●

ISRAEL'S 40TH ANNIVERSARY OF INDEPENDENCE

● Mr. SIMON. Mr. President, I rise today to congratulate the State of Israel and her people on the occasion of Israel's 40th anniversary of independence. Born in fire on May 14, 1948, and in the aftermath of the most horrifying criminal act perpetrated by one people against another, Israel stands today as a shining example of democracy and social achievement.

Israel holds a special place in the hearts of all Americans—as a nation which bravely fought for its very existence in four major wars against overwhelming odds, as a people who made the desert bloom, and as a living reminder of the power of ideas and dreams to reshape the world we live in. I am proud that we have had the opportunity to contribute to these achievements.

In celebrating Israel's 40th anniversary, we are also celebrating 40 years of Israel-American friendship. Today we have the opportunity to reaffirm our deep friendship and rededication ourselves to broadening our ties with the people of Israel.

In the past we have been reminded once again that Israel was forged in the midst of strife and conflict. Think of what Israel's present accomplishments might have been, and what its future accomplishments might be, were it not burdened by the human and material costs of a seemingly endless cycle of war and preparation for war. We have glimpsed the beginning of just such a promising future in the Camp David peace fashioned between Israel and Egypt.

Let us pray and hope that we can honor Israel's 40 years by helping bring peace to Israel and her neighbors in all parts of the Arab world.

Shalom, Israel.●

ABE STOLAR—PART VI

● Mr. SIMON. Mr. President, since last Monday I have been examining the reasons why Abe Stolar and his family remain in the Soviet Union. Abe is a native Chicagoan who has been trying to leave the Soviet Union since 1974. The Soviets say Abe is free to leave but they refuse to allow his daughter-in-law, Julia, to leave with the rest of the family.

I mentioned previously that Julia's mother refuses to sign a waiver of financial claims. This lack of a waiver has been the basis for the Soviet authorities' refusal to let Julia go and the Stolars refuse to leave without Julia.

Let's examine the need for this affidavit. Article 77 of the Soviet family and marriage laws states that "Adult children must support disabled parents who need help, and see to their needs." It is my understanding that the purpose of this law is to ensure that any person in need has the right to his or her child's financial support.

Now, this seems perfectly reasonable that family members have a responsibility to one another. Families should stick together. Unfortunately, it seems the Soviets apply this law arbitrarily: In this instance against an individual the Soviet government wishes to keep at home despite her wishes to emigrate.

The law, therefore, is used unfairly and to discriminate. For many reasons, which I will go into in subsequent days, this law should not be the reason for which Julia can't leave the Soviet Union.

There is no legitimate reason the Stolars should not be able to leave the Soviet Union as a family.●

NATIONAL HOSPICE MONTH

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 289, a joint resolution designating November 1988 as "National Hospice Month." This resolution will recognize our Nation's hospices and hospice volunteers for the quality care they provide to terminally ill individuals and their families.

Hospice was initiated in 1974 as an alternative to traditional methods of terminal care. Based on similar successful programs in England, the first hospice programs in America focused on providing palliative and supportive services in home and in-patient settings. Today's hospices typically employ a "team approach," involving families, religious and community groups, and medical professionals in meeting the human and medical needs of terminally ill persons.

Since 1974, more than 1,700 hospice programs have been developed, with more programs formed every week. This, and the fact that one in four hospice programs are currently eligible for medicare reimbursement, demonstrates the increasing public acceptance of the hospice concept.

The need for hospice programs is certain to grow in the future. Increased access to hospice care will be especially important in view of the aging of our population and the need to fully address the health care needs of persons with AIDS. More and more, as the demand for hospice grows, volunteers will be called upon to administer this care. I hope that this resolution will assist hospice programs in recruiting the additional volunteers needed to carry on with this important work.

Mr. President, it is important to emphasize that hospice is a life-affirming endeavor. It exists to help the terminally ill to live as fully and comfortably as possible, while providing vital support to families. I support the goals of hospice, and I am pleased to cosponsor Senate Joint Resolution 289. I encourage my colleagues to join me in supporting this legislation, and I urge its immediate passage.●

FIREARMS DETECTION ACT OF 1988

● Mr. D'AMATO. Mr. President, I rise in support of S. 2180, the Firearms Detection Act of 1988.

First of all, let me state that I have always been, and remain, a vigorous supporter of our constitutionally guaranteed right to keep and bear arms. I do not take lightly efforts to restrict, in any manner, rights vital to the protection of liberty. There are times, however, when the need to preserve law, order and the public security compels us to strike the best balance we can. This is such a time.

S. 2180, Mr. President, is a responsible bill. It addresses a phenomenon that is not uncommon in this day and age: rapid advancements in technology. We are faced today with the spectre of firearms not detectable by existing means. While such firearms are not presently on the market, the technology to build them exists. I need not remind my colleagues that we live in a world where terrorism is commonplace, and the hijacking of aircraft the tactic of choice among terrorists. These weapons, if available, would present an unacceptable security risk. It is important to consider that their availability likely would force airports to resort to even more intrusive measures to assure the safety of passengers.

Mr. President, too often we are confined in what we do here to limiting, repairing, or compensating for damage already done. It is not often this body has an opportunity to exercise foresight and address a problem before it becomes acute. Let us not forgo this opportunity. I urge adoption of this measure.●

PENNY JONES

● Mr. McCONNELL. Mr. President, I rise today to enter into the Record an article about a dear friend of mine, Ms. Penny Jones. Penny is now the head of the Center for Historic Houses of the National Trust for Historic Preservation. She first came to Washington as my legislative assistant for health and education issues after serving as a special assistant to me when I was the county judge-executive of Kentucky's Jefferson County.

As the article details, Penny has been interested in the preservation of historic houses her entire life. She fought to save her first home from demolition while she was writing a thesis on Louisville architect Henry Whitestone. Therefore, it is fitting that she returned to her native Louisville last week to speak on the theme: "Preservation is the People's Choice."

I insert this article, Mr. President, so that my colleagues can learn of Penny's special devotion to this worthy campaign.

The article follows:

[From the Courier-Journal, May 8, 1988]

Penny Jones Devotes Her Energies to Keeping "This Old House Around"

(By Martha Elson)

After spending her earliest years in Louisville, Elizabeth Fitzpatrick "Penny" Jones recalled growing up in a 19th-century house in Cincinnati with high ceilings, fireplaces and elegant staircases.

Ever since, her life has been largely devoted to preserving such attractions for future generations to enjoy.

"It just grows on you, a love for older houses and buildings, said Jones, 45, who was appointed that fall to head the Center for Historic Houses of the National Trust for Historic Preservation in Washington, D.C. "I've always appreciated the post."

Jones said ner new work involves informing and educating owners of old houses throughout the country about preservation topics.

As part of National Preservation Week this week, the former Louisville preservation administrator will speak at a noon luncheon Tuesday at the Seelbach Hotel.

Her talk is the first of a series of local Preservation Week events sponsored by Preservation Alliance of Louisville and Jefferson County. She will give a "Washington update" of this year's national theme: "Preservation is the People's Choice."

The theme was chosen by the National Trust, which sponsors the annual weekly celebration of nationwide preservation efforts. The trust is a private, non-profit membership organization chartered by the U.S. Congress in 1949 to encourage the public to participate in the preservation of America's history and culture and to own historic properties.

The trust owns 17 historic-house museums throughout the country, including the Frank Lloyd Wright Home and Studio in Oak Park, Ill., and the Woodrow Wilson House in Washington, D.C.

Jones' professional career has been divided between preservation and government work. Before joining the Center for Historic Houses, she worked from 1985-87 as a legislative assistant for U.S. Sen. Mitch McConnell in Washington. She was also press secretary and special assistant to McConnell from 1983-85 during his term as Jefferson County judge-executive.

Before that, Jones was administrator of the Jefferson County Office of Historic Preservation and Archives from 1978-1983 and a member of the board of trustees and board of directors of Preservation Alliance of Louisville and Jefferson County. She was also director of research for the Historic Landmarks and and Preservation Districts Commission for the City of Louisville from 1974-78.

Jones said she enjoyed her work with McConnell. "But I really wanted to get into preservation on a daily basis. I was doing arts and preservation legislation, which was great, but it just really utilized a small portion of my time. Once it gets in your blood, you want to be involved in it all the time."

Jones was already familiar with the National Trust after serving on the board of advisors from 1981 to 1986 and as vice-chairman for the Southern region from 1983 to 1985 while living in Louisville. She's now on the boards of trustees of the Historic Alexandria Foundation and the D.C. Preservation League.

Her interest in preservation was developed while working on a master's degree in art and architectural history she received in 1974 from the University of Louisville.

She was writing a thesis on 19th century Louisville architect Henry Whitestone when she learned of plans to tear down the old Bushford Manor house, a Whitestone project on the corner of Bardstown Road and Bashford Manor Lane. She and others worked to save the house, but it was eventually demolished to build a bank branch.

Jones said that was before tax credits were established for owners of old homes as incentives to restore and use them. "That was the house that got me interested in preservation," she said.

Jones now travels around the country planning and assisting workshops and seminars put on by the Center for Historic

Houses. She recently attended the Tennessee Heritage Alliance conference in Jackson, Tenn., and will be travelling to Farmington, Conn. Last week, she was in Lexington, Ky.

She also supervises and contributes to a new column called "Homefront" for the National Trust's publication "Preservation News," The column is devoted to preservation and renovation topics for private homeowners.

She is divorced, and has a son, Ian, at Ballard High School and a daughter, Megan, at the University of Cincinnati.

Jones was born in Louisville but moved to Cincinnati as a child. She moved back here in 1988.

"I always love to come back to Louisville," she said.

"It's home. My Kentucky roots go very deep."●

INNOVATIVE TRAIN TECHNOLOGY TESTING IN THE NORTHEAST CORRIDOR

● Mr. PELL. Mr. President, both yesterday and today saw the testing of important new technology that may someday increase the speed and comfort of passenger rail travel within the Northeast corridor.

On May 12 and 13 the National Railroad Passenger Corporation [Amtrak] tested tilt and turbo rail technology in an effort to prove the feasibility of using these innovative designs to improve passenger rail service along the Northeast corridor. Additional testing is scheduled for September. Mr. President the Northeast corridor accounted for over 50 percent of all passenger rail traffic in the United States last year. The introduction of new technology along this corridor will effect the quality of life for many Americans.

A little over 10 years ago, Congress initiated a $2.5 billion Federal investment to substantially upgrade rail service along the Northeast corridor. In 1987, Congress continued to demonstrate its commitment to this vital transportation artery by directing Amtrak to carry-out tests of tilt and turbo technology. I consider it a privilege to have helped lead the way in this congressional commitment to passenger rail travel. Twenty-six years ago I stood on this floor and spoke of the need to develop the full potential of rail service within the Northeast corridor. Since that time I have worked to nurture the Northeast corridor as a vital transportation resource.

Mr. President, I am proud of my commitment and the commitment of Congress in promoting the progress of passenger rail service in the Northeast corridor. I am equally proud of the role the State of Rhode Island is playing as one of the testing sites for this innovative rail technology.

This existence of a testing program for tilt and turbo rail technology is also the result of efforts by the Coalition of Northeastern Governors High Speed Rail Task Force. The task force is headed by Massachusetts Gov. Michael Dukakis and Connecticut Gov. William O'Neill. They and the staff of the High Speed Rail Task Force should be commended for their efforts. Joining with the task force in conducting this testing program is the Federal Railroad Administration and Amtrak, who also deserve our thanks for working to improve passenger rail service within the increasingly utilized Northeast corridor.●

AMERICANS WITH DISABILITIES ACT

● Mr. RIEGLE. Mr. President, I am pleased to join today as a cosponsor of S. 2345, the Americans With Disabilities Act of 1988. Enactment of this legislation is needed to guarantee civil rights and nondiscrimination to all Americans, including those with disabilities.

S. 2345 establishes a comprehensive national mandate to eliminate discrimination against persons with disabilities. currently, people with disabilities are not covered by the Civil Rights Act of 1964, or by the Fair Housing Act of 1968. I believe we must correct this inequity by enacting the Americans With Disabilities Act, which would grant people with disabilities the same protection as that enjoyed other persons on the basis of race, sex, national origin and religion.

Mr. President, such protection is long overdue. Disabled Americans sometimes suffer intolerable discrimination in the workplace, in public accommodations, in education and in other critical areas. Housing and transportation services are often inaccessible. And it doesn't have to be that way.

Some 36,000,000 Americans have physical or mental disabilities. I think it is important to remember that any one of us can become disabled at any time, without warning. Our society has tended to isolate persons with disabilities, and though we have made great strides in recent years, discrimination continues to be a problem. The Americans With Disabilities Act seeks to bring all of these people into the mainstream, where they can contribute according to their full potential.

Mr. President, this Nation has long stood for equal opportunity, independence and self-sufficiency. Yet the continuing existence of discrimination, both intentional and unintentional, has left many disabled Americans without the ability to compete according to their abilities, which are too often wasted.

I have worked in this Congress to develop legislation which would improve the quality and availability of rehabilitation services for disabled Americans. In addition, I am currently developing legislation which would protect certain benefits for beneficiaries of the Social Security Disability Insurance Program to facilitate their ability to enter the work force. Yet rehabilitation and work efforts will not allow individuals to achieve their maximum potential unless we eradicate barriers to employment and transportation, and other forms of discrimination.

S. 2345 was developed by the National Council on the Handicapped, which is an independent agency comprised of 15 members appointed by the President and confirmed by the Senate. They have developed an excellent bill, which Senator WEICKER, a longstanding advocate of the rights of disabled Americans, has introduced in the Senate.

S. 2345 comprehensively defines discrimination, and sets limits on actions that do not constitute discrimination. The guidelines set by the bill should be viewed as the starting point of a national discussion on what constitutes appropriate actions to accommodate people with disabilities. We need to consider carefully whether we should eliminate the undue hardship criteria for reasonable accommodation, as this bill proposes.

We also need to consider the considerable expenses that businesses, and state and local governments would be required to incur under this bill. These entities may need federal assistance to facilitate compliance, and I believe the Federal Government may have to share the responsibility in this regard.

Mr. President, this bill points in the direction we must take if we are to meet our national goals of equal opportunity and civil rights for all Americans. I urge all of my colleagues to join me as cosponsors of this bill, and to work for its speedy enactment.●

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL FINANCIAL INFORMATION

Mr. WEICKER. Mr. President, I ask unanimous consent that a summary of the joint tax return for 1987 of my wife and myself be printed in the RECORD. This information is submitted in addition to my Public Financial Disclosure Statement for 1987 which was filed with the Secretary of the Senate today. The information provided here exceeds any requirement of law and is submitted in the spirit of complete financial disclosure.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

1987 Federal 1040 Recap of Lowell P. and Claudia T. Weicker, Jr.

[[redacted]; filing status, married filing joint; exemptions, 4]

Form 1040 page 1

7. Wages, salaries, tips, etc	123,591
8. Taxable interest income	2,205
9. Tax-exempt interest income (Includes $39,370 interest on Connecticut State and municipal bonds)	42,571
10. Dividend income	10,177
11. Taxable refunds of State/local income tax	848
14. Capital gain (loss)	10,498
17. Rents royalties, K-1'S	−912
21. Other income	42,261
22. Total income	188,668
23. Reimbursed employee business expense	5,234
26. Keogh and SEP deduction	4,549
28. Alimony paid	73,500
29. Total adjustments	83,283
30. Adjusted gross income	105,385
31. Adjusted gross income	$105,385
33a. Itemized deductions	70,571
34. LN 31 less LN 33A	34,814
35. Exemption amount	7,600
36. Taxable income	27,214
37. Tax (table, rate, D, 8615)	3,964
38. Additional taxes (4970, 4972)	None
39. Tax before credits	3,964
42. LNS 40, 41 and REC, MIC	None
43. LN 39 less LN 42	3,964
44. Foreign tax credit (1116)	20
45. General business credit	0
46. LNS 44, 45 and other	20
47. Tax after credits	3,944
49. Alternative minimum tax (6251)	7,237
53. Total tax	11,181
54. Federal income tax withheld	20,235
62. Amount overpaid	9,054
63. Amount of refund	9,054
65. Amount you owe, Underpayment penalty (2210)	None
Carryovers to 1988	
General business credit	$3
Foreign tax credit (U.S. Virgin Islands)	2,568
Suspended passive losses	586
1987 Miscellaneous Information	
Marginal tax bracket: 15%.	
Total alt. min. tax preferences	34
Total alt. min adjustments	66,945
Schedule A medical, 4,680	
Less 7.5% AGI, 7,904	None
Schedule A taxes (see note below)	19,388
Schedule A interest	47,086
Schedule A contributions	1,353
Schedule A casualty/theft	None
Schedule A moving exp.	None
Schedule A misc. deduct. 2% AGI	2,744
Schedule A other misc deductions	None
Total itemized deductions	70,571

Taxes, other than U.S. Income Taxes, paid in 1987

State and local taxes	$8,794
Real estate tax	10,131
Personal Property Tax	463
Total	19,388

JAPANESE-UNITED STATES RELATIONSHIPS

Mr. STEVENS. Mr. President, over the course of the last few weeks, I have come to the Senate floor to make remarks concerning the current status of the Japanese-United States relationship. In remarks on April 29, 1988, I spoke to my colleagues about recent developments in Japanese domestic politics and made the point that the recent ascendancy of Noboru Takeshita to the position of Prime Minister did not represent a major change in the course of the Japanese Government. I also pointed out to the Senate that domestic Japanese political considerations are in the forefront of all governmental decision-making and that the United States must begin to pay more attention to internal Japanese developments if we are ever to hope that the foreign and trade policies of Japan are to be reshaped.

This morning, in the Wall Street Journal, there appeared a fascinating article written by Mr. Koichi Kato, a member of the Japanese Diet. In this article, which I will ask unanimous consent to insert in the RECORD, in full upon the completion of my remarks, Mr. Kato confirms my understanding of the current situation with respect to domestic politics in Japan and points out the role of the executive council of the ruling Liberal Democratic Party [LDP].

Mr. President, we, in America, must become more aware of the function of the LDP's executive committee. No change in Japanese foreign or domestic policy will ever occur without the consent of the Executive Committee. In fact, Mr. Kato points out that in the last 30 years, only two major policy decisions have been made by a majority vote of the LDP's members in the Diet.

The time has arrived for us to begin to learn about the executive committee and I suggest that we start by beginning a series of discussions with Members of the Diet and the committees of the LDP in which we in the Congress can examine the role and operation of the executive committee and the PARC subcommittees. Without such knowledge, Mr. President, we are destined to continue to be unable to understand the development of domestic and international policies by the Japanese Government.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 16, 1988]

MAKING INTERNATIONALISTS OUT OF DOMESTIC POLITICIANS

(By Koichi Kato)

"The fact that I campaigned for Kiichi Miyazawa, one of last year's contenders for what is now Prime Minister Noboru Takeshita's position, is no secret. But should you ask if I thought Japanese politics would be much different had Mr. Miyazawa won, I would have to objectively and somewhat regretfully say "no." The reason lies in the gap between our desire to improve Japan's cooperative relationships abroad and the constraints of our domestic politics. The gap between the best policies, internationally, and the necessary policies, when domestic and international pressures are considered, is a common problem of democracies.

For some years, Japan has been urging the U.S. to put its fiscal house in order, because, of course, this is also in our best interest. Since Japan has had its own fiscal austerity program, we have a hard time understanding why it is so difficult for the U.S. to do the same. Americans, on the other hand, are frustrated with the slowness of Japanese changes in trade and macroeconomic policies that many Japanese agree are needed. American statements that do not take into account the realities of Japanese domestic politics hit a stone wall. That is why "Japan-bashing" basically does not work. Sometimes it seems to create progress, but in fact a more sophisticated approach would yield better results with much less cost to our relationship.

Although Japan's political problems are basically the same as those in any democracy, there are important differences in style. For example, policies in Japan are rarely decided by a public process of majority voting.

In my Liberal Democratic Party, for instance, the rule against the use of a simple vote in decision-making is absolute. The party's Executive Council, its highest decision-making body, reviews not only the personnel and policy matters of the party, but also all bills destined to be submitted by the government to the Diet. Compromises are made, just as when a bill goes through the U.S. Congress. But in the Japanese case, these changes are not decided by voting. In the 30-year history of LDP, only two policy questions have been decided by majority vote. Both involved China—one was the normalization of realtions and the other was an aviation agreement. In these cases, the consensus was for a pro-China posture.

How is compromise achieved? It begins with informal negotiations behind the scenes, a process we call nemawashi. As it proceeds it allows for "letting off steam," which we call gasu nuki, to permit the venting of views for constituency purposes. Again I think there are close parallels in the U.S. with "sense of the Congress" resolutions or amendments that are allowed in the bills on the floor but are intended to be dropped in conference committees. In Japan, the interested members gradually are persuaded to entrust the final decisions to a leadership group including appropriate committee chairmen. The process ends when the remaining opponents are encouraged to absent themselves from the vote.

A key part of this process is to make sure that opponents "take a walk." Because the opposition is thus silenced, it often appears from the outside that ultimate decisions are unanimous. But in Japan, a consensus does not imply unanimity. Another rule of party policy making is that once the decision has been made, it is binding. It is a cardinal rule of the party that no LDP member, no matter how unhappy, may vote against it. Those who are unhappy absent themselves from the vote and tell their constituents that they fought the best they could, but it was the fault of bureaucrats. In the U.S.

too, the executive branch often serves as a scapegoat for congressmen.

Setting the producer's price for rice is a good example. When this price is negotiated annually, we have daily meetings lasting from early morning until late at night for a week or more. These meetings are attended by close to half of our 440 LDP Diet members. It is not surprising, therefore, that agricultural trade issues are so controversial in U.S.-Japan relations.

You are probably wondering how foreign interests can get a hearing in this process. Japan, of course, is often criticized for focusing exclusively on its own interests while failing to contribute to international interests. Japanese politicians, however, increasingly recognize that actions in accord with international interests are often in the best interest of Japan. For example, although it is not well-known, the Japanese government, unlike any European ally, has been paying a portion of the salaries of Japanese employees on U.S. bases in Japan since 1978. Japan also is seeking to support the U.S. military presence in the Persian Gulf indirectly by contributing more to the support of U.S. troops in Japan. Another area which Japan is rapidly increasing its international efforts is in the field of foreign assistance. Our foreign assistance will double over a five-year period that began in 1986, and we plan to recycle $20 billion in untied loans to developing countries.

How then can we move forward incrementally to promote better U.S.-Japan relations in the delicate trade and monetary areas? One way to improve this situation is to scale down unrealistic rhetoric and approach the Japanese political process in a more sophisticated manner. Americans should understand that Diet members who have construction companies in their districts are not going to state that they support hiring foreign firms to do Japanese government public-works projects. They would no sooner do this than a congressman from Detroit would stand up and say that in the interest of free trade he wants to end restraints on auto imports.

Admittedly, it is difficult to instruct domestic interest groups and domestically oriented politicians on how to operate most effectively to influence a foreign political process. One constructive possibility might be to encourage direct discussions among those who are strongly associated with domestic interests. If this kind of exchange among politicians becomes possible, I believe the frictions between the U.S. and Japan can be reduced and a stronger bilateral relationship of trust and cooperation can be built. Of course, we on the Japanese side would have to understand that U.S. politicians would continue to introduce bills we don't like, but we would know that those bills are often for public consumption or to present an initial position.

Ultimately, of course, the act of reconciling domestic pressures and international responsibilities is the individual responsibility of each of us in the political world. That is why it's important that more politicians, especially domestically oriented politicians, participate in the Trilateral Commission and similar international organizations. Politicians need to think in broad terms. World peace and international prosperity depend on politicians with a vision that rises above the narrow confines of domestic constituencies.

BRING ABE STOLAR HOME

Mr. LEVIN. Mr. President, in 1979, on a trip to Moscow, I met an American citizen who was trying to leave the Soviet Union with his wife and son. Abe Stolar, a gentleman you have heard me speak of many times in this Chamber, was determined to emigrate with his family.

Since then, I have written many letters on behalf of the Stolar family and have raised his case in meetings with Soviet officials. I have maintained contact with Abe and continue to be inspired by his determination and his spirit.

Nine years later, Mr. President, in March of this year, I visited Moscow again. Abe Stolar is still there.

The facts of his case are all too familiar, but they merit review. There have been numerous occasions when it seemed that the Soviets would allow the Stolars to leave, only to have their hopes cruelly dashed.

Abe, his wife, Gita, and their son, Michael, received permission to emigrate in 1975. After shipping all their belongings to Israel and selling their apartment, they went to Moscow International Airport to catch their flight to freedom. But, at the last minute the family was turned back on the pretext that Gita Stolar had access to state secrets in her job as an analytical chemist.

In November 1985, the New York Times published the names of 10 families that had been granted permission to leave the Soviet Union. All of those families have long since departed. All of them, that is, except the Stolars.

Again in April 1987, the Soviets announced that the Stolars would be among a group of refuseniks families permitted to leave. Again, they were disappointed.

In the 9 years I have known the Stolars, the family has grown. Michael has married Julia Shukhrat, and they have two children, Sarah and a new baby born April 29.

The latest obstacle preventing the Stolars from leaving is that Julia does not have permission from her mother. Julia has been refused twice on this basis, most recently in March, and there is little chance that her mother will change her mind. Julia and her mother have not been in contact for 8 years.

The Soviets have at times waived the procedure for parental permission, in particular in a number of high level cases, and I have asked them to do so again. They have yet to respond to that request.

I am encouraged that the number of Soviet Jews allowed to emigrate has increased in recent months, but I must ask: What possible reason can there be for the authorities to break up this close-knit family?

Mr. President, I draw your attention to a "Dear Colleague" which Senator SIMON and I have circulated on behalf of this family, and I ask my colleagues to add their signatures to the attached letters to President Reagan and General Secretary Gorbachev. The letters express the hope that when President Reagan returns from his 4-day meeting with Gorbachev, he will not only return with a better understanding of the Soviet Union: We hope that the President will return with Abe Stolar and his family. It is time to bring Abe Stolar home.

CALENDAR

Mr. BYRD. Mr. President, I inquire of the able Republican leader as to whether or not, on the calendar of regular business, Calendar Order 635 has been approved on his side?

Mr. DOLE. It has been approved on this side.

Mr. BYRD. I thank the Republican leader.

SSG CHARLES F. PREVEDEL BUILDING

Mr. BYRD. Mr. President, I ask unanimous consent the Senate proceed to consideration of Calendar Order No. 635.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1476) to designate the Federal Record Center at 9700 Page Boulevard, Overland, Missouri, as the "SSG Charles F. Prevedel Building."

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Record Center at 9700 Page Boulevard Overland, Missouri, shall be known and designated as the "SSG Charles F. Prevedel Building".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the Federal Record Center referred to in section 1 shall be deemed to be a reference to the "SSG Charles F. Prevedel Building".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BOB SIKES VISITOR CENTER

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 636, S. 1736.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1736) to designate the Federal building located at 1801 Gulf Breeze Parkway, Gulf Breeze, Florida, as the "Bob Sikes Visitor Center".

The Senate proceed to consider the bill.

AMENDMENT NO. 2095

(Purpose: To improve the transportation system in the State of Ohio)

Mr. BYRD. Mr. President, on behalf of Senators METZENBAUM and GLENN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], on behalf of Mr. METZENBAUM and Mr. GLENN, proposes an amendment numbered 2095.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 129 of Title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"SEC. . VOIDING OF CERTAIN AGREEMENT.—Upon the request of the Ohio Turnpike Commission of the Ohio Turnpike (I-80, I-90 and I-76 in the State of Ohio) and the State of Ohio, the Secretary shall:

"(1) enter into an agreement providing that toll revenues from operation of the tolled Ohio Turnpike facility will be used only on such facility for construction and reconstruction costs and for the costs necessary for the proper operation and debt service of such facility (including resurfacing, reconstruction, rehabilitation, and restoration); and

"(2) void Agreement No. 1264, dated July 14, 1964, entered into with said Commission and the State of Ohio with respect to such facility as authorized under Section 129(d) of Title 23, United States Code."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2095) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BUILDING.

The Federal Building located at 1801 Gulf Breeze Parkway, Gulf Breeze, Florida, shall hereafter be known and designated as the "Bob Sikes Visitor Center".

SEC. 2. LEGAL REFERENCES TO BUILDING.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Bob Sikes Visitor Center".

SEC. 3. OHIO TRANSPORTATION SYSTEM.

VOIDING OF CERTAIN AGREEMENT.—Upon the request of the Ohio Turnpike Commission of the Ohio Turnpike (I-80, I-90 and I-76 in the State of Ohio) and the State of Ohio, the Secretary shall:

(1) enter into an agreement providing that toll revenues from operation of the tolled Ohio Turnpike facility will be used only on such facility for construction and reconstruction costs and for the costs necessary for the proper operation and debt service of such facility (including resurfacing, reconstruction, rehabilitation, and restoration); and

(2) void Agreement No. 1264, dated July 14, 1964, entered into with said Commission and the State of Ohio with respect to such facility as authorized under Section 129(d) of Title 23, United States Code.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILLS PLACED ON CALENDAR—H.R. 4448 AND H.R. 3987

Mr. BYRD. Mr. President, I ask unanimous consent that the following bills be deemed to have had their second reading and then be placed on the calendar:

H.R. 4448, a bill to designate the general mail facility in Cleveland, Ohio, as the "John O. Holly Building."

H.R. 3987, a bill to designate a post office in Springfield, Missouri, as the "Gene Taylor Post Office Building."

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CHARLES FRANKLIN DUNBAR

Mr. BYRD. Mr. President, does the distinguished Republican leader have any further statement he would like to make?

Mr. DOLE. Only to indicate that I would hope—and I might say it is somewhat on my side of the aisle—that we might be able to free up the nomination of Charles Franklin Dunbar to be Ambassador to the Yemen Arab Republic.

It was reported on February 17, 1988. It has been on the calendar for some time.

I have been asked by the Secretary of State on two or three occasions to see if I could move this nomination. I know there is no problem on the majority side. I hope anyone on the minority, the Republican side, who has a problem with this nomination will discuss it with me. I would be happy to discuss any problem they might have.

Mr. BYRD. Mr. President, the statement by the distinguished Republican leader is very persuasive, and I am sure will be observed carefully. I will be happy to cooperate in any way I can for this side of the aisle.

ORDERS FOR TUESDAY

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE LEADERS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders, or their designees, are recognized under the standing order on tomorrow, that they be recognized each for 5 minutes only.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF THE DOD AUTHORIZATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the two leaders, or their designees, on tomorrow morning the Senate resume consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the rollcall vote begin precisely at 9:30 a.m. tomorrow, without any quorum prior thereto and that the calls for the regular order be automatic at the close of 20 minutes, that being an early vote and the first vote tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12:45 PM UNTIL 2 PM

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate, on tomorrow, stand in recess from the hour of 12:45 p.m. until the hour of 2 p.m., to accommodate the regular party conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 8:44 p.m., the Senate recessed until tomorrow, Tuesday, May 17, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 1988:

DEPARTMENT OF STATE

JOHN THOMAS MCCARTHY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERCA TO THE REPUBLIC OF LEBANON.

EDWARD PETER DJEREJIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

INTERNATIONAL BANKS

W. ALLEN WALLIS, OF NEW YORK, TO BE U.S. ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; AND U.S. ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS REAPPOINTMENTS.

DEPARTMENT OF DEFENSE

DAVID S.C. CHU, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, NEW POSITION—PUBLIC LAW 100-180.

KENNETH P. BERGQUIST, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE CHARLES G. UNTERMEYER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

VIANMAR G. PASCUAL, xxx-xx-xxxx
FRANK H. WAGNER, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTIONS 8374, TITLE 10 OF THE UNITED STATES CODE. EFFECTIVE DATE FOLLOWS SERIAL NUMBER:

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOHN C. BARBRR, xxx-xx-xxxx 12/12/87
MAJ. UNES J. BOOTH, xxx-xx-xxxx 2/20/88
MAJ. V. SANDY CAIN, xxx-xx-xxxx, 2/20/88
MAJ. MICHAEL G. CULLEN, xxx-xx-xxxx 12/15/87
MAJ. JAMES C. FOREMAN, xxx-xx-xxxx 2/6/88
MAJ. MELVIN S. GUILFORD, xxx-xx-xxxx 12/14/87
MAJ. GARY L. HASELOH, xxx-xx-xxxx 2/18/88
MAJ. KENNETH U. JORDAN, xxx-xx-xxxx 1/4/88
MAJ. ROBERT E. MARTIN, xxx-xx-xxxx 2/5/88
MAJ. JOHN E. MELSSEN, xxx-xx-xxxx 2/6/88
MAJ. RONALD A. MOORE, xxx-xx-xxxx 2/5/88
MAJ. MILES B. ORTON, JR., xxx-xx-xxxx 2/5/88
MAJ. JERRY W. RAGSDALE, xxx-xx-xxxx 2/6/88
MAJ. MARK J. RENCHER, xxx-xx-xxxx 9/21/88
MAJ. DANIEL R. ROTA, xxx-xx-xxxx 1/28/88
MAJ. WILLSON M. SAKAI, xxx-xx-xxxx 1/10/88
MAJ. WILLIAM G. SHEEHAN, xxx-xx-xxxx 2/19/88
MAJ. ALLEN L. STARR, xxx-xx-xxxx 1/31/88
MAJ. VERNON D. THOMPSON, JR., xxx-xx-xxxx 2/5/88
MAJ. CHARLES D. YOUNGQUIST, xxx-xx-xxxx 2/18/88

LEGAL CORPS

MAJ. JAMES R. BROWN, xxx-xx-xxxx 2/12/88

MEDICAL CORPS

MAJ. JAMES E. JONES, JR., xxx-xx-xxxx 2/7/88

DENTAL CORPS

MAJ. CHARLES J. BUONASERA, xxx-xx-xxxx 12/6/87
MAJ. KENNETH D. TRICINELLA, xxx-xx-xxxx 1/10/88

IN THE NAVY

THE FOLLOWING-NAMED FORMER U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

ANDREW B. CARLSEN
MARION C. HARPER
THOMAS J. O'NEIL III
JOSEPH A. PELLECCHIA
WILLIAM F. SCHRANTZ
JAMES STOVER

THE FOLLOWING MEDICAL COLLEGE GRADUATE TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JAMES I. ABBENHAUS

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ROBERT R. INGRAM
WILLIAM H. JOHNSON
NEIL A. KARNES
JACKSON T. KING
GREGORY J. KOLB
JEFFERY A. LACKOVIC
DOYNE M. MONTY
DALLAS B. NOE
DAVID J. PAGE
JEFFREY M. PLUMMER
GREGORY A. REHARD
TIMOTHY M. SCHRATWIESER
DONALD H. STAFFORD
DAVID P. STEWART
KARLA L. STRAUCH
TERRY L. TAULBEE
ANDREW J. TIMMER
JOHN R. WHEELER, JR.

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

WALTER E. BECK
WILLIAM A. BOGGS
DANIEL E. FUHRMAN
MICHAEL V. HARBER
KURT P. HARDY
PAUL R. LUMSDEN
ROBERT G. WELLS
BRIAN D. WHITTEN

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BRIAN J. BILL
JAMES R. MULDOON
CAROLYN C. SLOWIKOWSKI
MARK L. WHITAKER

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

EUGENE M. DER MANUEL, JR.

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

MICHAEL A. CLARK
JOHN C. MANGRUM
R. NICOLL PRATT, JR.
JAMES W. WILSON

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

WILLIAM R. BANAS, xxx-xx-xxxx
DAVID H. GREMILLIION, xxx-xx-xxxx
DAVID R. HAFERMAN, xxx-xx-xxxx
RALPH H. JOHNS, xxx-xx-xxxx
JOHN P. MCCARTHY, xxx-xx-xxxx

To be lieutenant colonel

TEE S. CAMPION, xxx-xx-xxxx
RICHARD F. JONES, xxx-xx-xxxx
DAN L. LOCKER, xxx-xx-xxxx
JOHN R. MARSH, xxx-xx-xxxx
JON K. PLUMMER, xxx-xx-xxxx
JAMES A. RUFFER, xxx-xx-xxxx

To be major

JERROLD N. FLYER, xxx-xx-xxxx
URIL C. GREENE, xxx-xx-xxxx
SCOTT W. MONORE, xxx-xx-xxxx
MONIQUE A. RYSER, xxx-xx-xxxx
NELSON H. STURGIS, xxx-xx-xxxx
MARIO A. TANCHEZ, II, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

LARRY J. CASEY, xxx-xx-xxxx
DAVID F. CLAPP, xxx-xx-xxxx
JAMES H. FOSTER, xxx-xx-xxxx
EDWARD D. I. GALL, II, xxx-xx-xxxx
CARL M. GRIFFITH, xxx-xx-xxxx
MARK S. HAGGE, xxx-xx-xxxx
SHELDON R. MANN, xxx-xx-xxxx
ARMEN S. ROUBIAN, xxx-xx-xxxx
MICHAEL G. WILEY, xxx-xx-xxxx

To be major

ALICE T. BRITTAIN, xxx-xx-xxxx
RAYMOND J. BYRON, xxx-xx-xxxx
GERALD A. CARON, xxx-xx-xxxx
KEVIN A. CONNOR, xxx-xx-xxxx
WILLIAM R. ENGLISH, xxx-xx-xxxx
JAMES P. FANCHER, xxx-xx-xxxx
JAMES A. GLAESS, xxx-xx-xxxx
JOSEPH HARVEY, xxx-xx-xxxx
DOUGLAS L. HIMMELBERG, xxx-xx-xxxx
LYNN M. JOHNSON, xxx-xx-xxxx
NATHAN W. SCHWANDT, xxx-xx-xxxx
JERRY R. SHAEFER, xxx-xx-xxxx
GARY V. VIGIL, xxx-xx-xxxx

To be captain

THOMAS W. BECKMAN, xxx-xx-xxxx
EARL ELLIS, xxx-xx-xxxx
ROBERT K. FROME, xxx-xx-xxxx
RANDALL G. GRIFFIN, xxx-xx-xxxx
VON J. KUNZ, xxx-xx-xxxx
JOHN B. MCCROSKEY, xxx-xx-xxxx
MARY E. MCLEAN, xxx-xx-xxxx
DAVID MIKITKA, xxx-xx-xxxx
MARK S. RASCH, xxx-xx-xxxx
RICHARD L. ROBINETTE, xxx-xx-xxxx
ARJEN L. VAN DE VOORDE, xxx-xx-xxxx

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

MICHAEL W. BERG, xxx-xx-xxxx
TIMOTHY G. CLOONAN, xxx-xx-xxxx
STEPHEN H. KNUDSON, xxx-xx-xxxx
PAUL A. LIPPMAN, xxx-xx-xxxx
ALBERTO MADRID, xxx-xx-xxxx
GENE A. MANZER, xxx-xx-xxxx
JOHN S. WATSON, xxx-xx-xxxx

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

RICHARD E. LINCK, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

DONALD D. COATES, xxx-xx-xxxx

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE ACTIVE DUTY LIST OF THE REGULAR AIR FORCE IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 1210 AND 1211, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be captain

DWAYNE L. MOORE, xxx-xx-xxxx

THE FOLLOWING CADETS, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTIONS 9353(B) AND 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

BIOMEDICAL SCIENCES CORPS

MARYBETH KEFFER, xxx-xx-xxxx
HEIDI M. STEFFAN, xxx-xx-xxxx

MEDICAL SERVICES CORPS

NANCY J. BALKUS, xxx-xx-xxxx
CORI A. MOSIER, xxx-xx-xxxx
BILLIANA OWENS, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING CADETS, UNITED STATES AIR FORCE RESERVE OFFICERS TRAINING CORPS, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

KEVIN T. ABRAHAM, xxx-xx-xxxx
ROBERT L. ACKER, xxx-xx-xxxx
AARON J. ALACHEFF, xxx-xx-xxxx
CALVIN N. ANDERSON, xxx-xx-xxxx
JOHN R. ANDERSON, xxx-xx-xxxx
RICHARD N. ANDERSON, xxx-xx-xxxx
GEOFFREY J. AYER, xxx-xx-xxxx
WILLIAM D. BAILEY, xxx-xx-xxxx
JAMES H. BAKER, xxx-xx-xxxx

MERRILL D. BALLENGER, [redacted]
STEPHEN F. BANIECKI, [redacted]
SALVADOR E. BARBOSA, [redacted]
BRIAN E. BATT, [redacted]
KIRK H. BAUR, [redacted]
RICHARD G. BEAM, [redacted]
TERESA M. BEARDSLEE, [redacted]
GREGORY J. BELOYNE, [redacted]
RODNEY K. BERK, [redacted]
KENNETH B. BERRY, [redacted]
PATRICIA D. BIELAK, [redacted]
CAROL A. BIERNESSER, [redacted]
PETER D. BIRD, [redacted]
BENJAMIN W. BOBO, [redacted]
MICHAEL D. BOLLWITT, [redacted]
RICHARD W. BOLTZ, [redacted]
STEWART B. BOOHER, [redacted]
JOEL H. BOOTH, [redacted]
SCOTT C. BOWEN, [redacted]
JAMIE S. BRADY, [redacted]
ROBERT M. BRAWLEY, [redacted]
JAMES R. BRAY, [redacted]
MICHAEL W. BREITLING, [redacted]
CHRISTINE M. BRINKMAN, [redacted]
STEPHEN R. BROUGH, [redacted]
GREGORY S. BROWN, [redacted]
STEVEN E. BRUKWICKI, [redacted]
MICHAEL P. BUONAUGURIO, [redacted]
JAMES B. BURRIS, [redacted]
JAMES B. BURTON, [redacted]
DERRICK D. BUTLER, [redacted]
THOMAS K. CAHILL, [redacted]
CATHERINE M. CANAVAN, [redacted]
CHRISTOPHER G. CANTU, [redacted]
LAWRENCE D. CAREY, [redacted]
EDWARD V. CASSIDY, [redacted]
CHARLES R. CHAMBERS, [redacted]
KEVIN CHAMBERS, [redacted]
SANDRA M. CHANDLER, [redacted]
DOROTHY L. CHARLESTON, [redacted]
CHARLES A. CHEATHAM, [redacted]
WALTER C. CHRISTIE, JR, [redacted]
JEFFREY E. CLIFTON, [redacted]
KEVIN CLOTFELTER, [redacted]
JONATHAN C. CLOUGH, [redacted]
ANTHONY G. COIA, [redacted]
STEVEN D. COLBY, [redacted]
CHARLES R. CONARD, [redacted]
KIMBERLY J. COOPER, [redacted]
BRIAN C. COPELLO, [redacted]
ERIC V. COULTER, [redacted]
RANDALL L. CREWS, [redacted]
LARRY J. DANNALLEY, JR, [redacted]
PATRICIA A. DANOWSKI, [redacted]
WILLIAM B. DANSKINE, [redacted]
KATHERINE A. DARBY, [redacted]
JEFFREY M. DAVIS, [redacted]
MARK P. DILIBERTO, [redacted]
STEVEN I. DOUB, [redacted]
RONALD J. DOUGHERTY, [redacted]
KEVIN N. EARNEST, [redacted]
ROBERT M. EATMAN, [redacted]
MARLIN D. EDWARDS, JR, [redacted]
DONALD R. ELLER, [redacted]
RALPH L. ELLIS, [redacted]
TIMOTHY W. ESTEP, [redacted]
REX R. EWERT, [redacted]
STEPHANIE A. FINLEY, [redacted]
JAY R. FISHER, [redacted]
TERESA L. FITZPATRICK, [redacted]
ROBERT D. FLYNN, [redacted]
GREGORY J. FOURATT, [redacted]
RUSSELL E. FOX, [redacted]
BRIAN E. FREDRIKSSON, [redacted]
KENNETH D. FROLLINI, [redacted]
JERRY L. GAUDET, [redacted]
THOMAS W. GEARY, [redacted]
DAVID L. GILL, [redacted]
RUSSELL D. GILL, [redacted]
JAMES T. GLENN, [redacted]
KEVIN B. GLENN, [redacted]
PETER E. GOLDFEIN, [redacted]
JONATHAN A. GRAMMER, [redacted]
DAVID R. GREEN, [redacted]
JONATHAN J. GREENE, [redacted]
PAUL H. GUEMMER, [redacted]
CATHERINE E. HAGREEN, [redacted]
ERIC S. HALL, [redacted]
DAVID W. HAMMACK, [redacted]
WILLIAM M. HARNLY, [redacted]
MICHAEL A. HARPER, [redacted]
RICKEY O. HARRINGTON, [redacted]
DAVID C. HATHAWAY, [redacted]
JEROME S. HAYES, [redacted]
BARBARA D. HEJLIK, [redacted]
LORETTA A. HEMBREE, [redacted]
DALE W. HILGENDORF, [redacted]
BARBARA G. HILL, [redacted]
CAREY L. HOBSON, [redacted]
LISA D. HOCHMUTH, [redacted]
KEITH A. HOCTER, [redacted]
SCHEID F. HODGES, [redacted]
JEFFREY W. HODGSON, JR, [redacted]
ERIC L. HOLSTROM, [redacted]
DOUGLAS M. HOOKS, [redacted]
SHAUN D. HOUSE, [redacted]
SHARON J. HURRY, [redacted]
CHRISTOPHER J. JACKSON, [redacted]
CAROL A. JANNI, [redacted]
PAUL D. JOHNSON, [redacted]
STEVEN B. JOHNSON, [redacted]
THOMAS A. JOHNSON, [redacted]
GREGORY C. JONES, [redacted]
KAROL A. KAMA, [redacted]
STEPHEN J. KARIS, [redacted]
MICHAEL B. KATKA, [redacted]
RANDY A. KAUFFMAN, [redacted]
REBECCA A. KELLER, [redacted]
FADI P. KHURI, [redacted]
STEVEN P. KIRIK, [redacted]
KIMBERLIN D. KLUMP, [redacted]
TODD J. KOREY, [redacted]
KAREN R. KOSSEL, [redacted]
WESLEY D. KREMER, [redacted]
KYLE B. KRISTEL, [redacted]
GREGORY A. KROCHTA, [redacted]
CLAYTON G. LAGRONE, [redacted]
BRIAN W. LANDRY, [redacted]
SCOTT C. LATTIMER, [redacted]
KELLY A. LAWSON, [redacted]
DEAN W. LEE, [redacted]
JAMES H. LEE, [redacted]
MELANIE M. LESHER, [redacted]
DAVID M. LEVINE, [redacted]
CATHERINE J. LIN, [redacted]
HOWARD S. LOLLER, [redacted]
GARRETT L. LONDON, [redacted]
JAMES R. LOWRY, [redacted]
DAVID J. LUCIA, [redacted]
STEPHANIE A. LUM, [redacted]
BRUCE G. LUNDIE, [redacted]
KATHLEEN C. MADDEN, [redacted]
MICHAEL E. MADISON, [redacted]
BRADLEY D. MALLARE, [redacted]
PAUL R. MANCINI, [redacted]
PETER A. MARKLE, [redacted]
ROBERT G. MARLAR, [redacted]
GREGORY S. MARZOLF, [redacted]
SCOTT G. MCCAULEY, [redacted]
ROBERT M. MCCOLLUM, [redacted]
CAROL A. MCCORMICK, [redacted]
THOMAS D. MCCORMICK, [redacted]
CAROLYN P. MCCOWAN, [redacted]
TINA E. MCCUNE, [redacted]
JENNY A. MCGEE, [redacted]
CAREY M. MCKINNEY, [redacted]
SHARON E. MCLAUGHLIN, [redacted]
DAVID C. MCPHETRES, [redacted]
PATRICE A. MELANCON, [redacted]
TAL W. METZGAR, [redacted]
JOHN M. MIGYANKO, [redacted]
SHARI T. MILES, [redacted]
DANIEL A. MILLER, II, [redacted]
MICHELLE C. MILLER, [redacted]
CHRISTOPHER A. MOFFETT, [redacted]
PHILIP J. MOHLER, [redacted]
JEWEL J. MOORE, [redacted]
THOMAS C. MOORE, [redacted]
JAMES M. MORGAN, [redacted]
KARI A. MOSTERT, [redacted]
CORNELIUS T. MULLANEY, [redacted]
JANET E. MURPHY, [redacted]
RICHARD C. NAVE, [redacted]
SHEILA M. NEELY, [redacted]
STEPHEN J. NESBITT, [redacted]
TIMOTHY J. NOLAN, [redacted]
THOMAS W. NORRIS, [redacted]
KIPPER L. ODUM, [redacted]
KIRK G. OTTERSON, [redacted]
CAREN V. OUELLETTE, [redacted]
TERESA M. PACIFICO, [redacted]
JOHN W. PALMIERI, [redacted]
BRIAN A. PARKER, [redacted]
JEFFREY H. PARKER, [redacted]
DALE A. PARSONS, [redacted]
KIMBERLY J. PATTERSON, [redacted]
KYLE E. PELKEY, [redacted]
WILLIAM T. PELSTER, [redacted]
DONALD R. PENDERGRAFT, [redacted]
KIMBERLY D. PERKINS, [redacted]
DONALD L. PETROS, [redacted]
TODD R. PHINNEY, [redacted]
DAVID J. POHLEN, [redacted]
CATHERINE A. POSTON, [redacted]
RAYMOND A. POWELL, [redacted]
JOHANNA S. QUIRANTE, [redacted]
DOUGLAS M. RAUSCH, [redacted]
RANDER RICE, [redacted]
MELISSA M. RICHARDS, [redacted]
JOSE A. RIVERGAUD, [redacted]
BARENT M. ROGERS, [redacted]
JENNIFER L. ROHRER, [redacted]
DAVID L. ROMUALD, [redacted]
JAMES P. ROSS, [redacted]
LISA J. ROTHWELL, [redacted]
MICHAEL J. ROWE, [redacted]
WILLIAM C. RUOTOLA, [redacted]
JAMES P. RYAN, [redacted]
CHRISTINE C. SANDERS, [redacted]
EMMANUEL SARIDAKIS, [redacted]
PETER E. SARTINO, [redacted]
SCOTT A. SAUTER, [redacted]
BARRE R. SEGUIN, [redacted]
RANDY L. SEXTON, [redacted]
BRETT D. SHARP, [redacted]
LOREN H. I. SHELLABARGER, II, [redacted]
JOSEPH SIMILE, JR, [redacted]
ANNE B. SIMPSON, [redacted]
JOHN H. SITTON, [redacted]
RICHARD H. SOBOTTKA, [redacted]
EDWARD D. SOMMERS, [redacted]
MERRICE SPENCER, [redacted]
CHRISTINE S. SPURGEON, [redacted]
DEBORA B. ST PIERRE, [redacted]
RAYMOND W. STAATS, [redacted]
STANLEY STAFIRA, [redacted]
KATHRYN A. STEVENS, [redacted]
ALAN C. STEWART, [redacted]
DOUGLAS C. STORR, [redacted]
WEATHERLY A. STRADLEY, [redacted]
MARK D. TERRY, [redacted]
MARK W. TESMER, [redacted]
WILLIAM S. TEWKSBURY, [redacted]
LISA M. THIEDE, [redacted]
NATHAN D. THOMAS, [redacted]
SCOTT A. THOMAS, [redacted]
WILLIAM C. THOMAS, [redacted]
BRADLEY P. THOMPSON, [redacted]
ROBERT L. THORPE, [redacted]
TIFFANY A. TOCHTERMAN, [redacted]
KRISTEN L. TOOL, [redacted]
JAMES H. TWEET, [redacted]
SCOTT S. TYLER, [redacted]
KEVIN H. VAN HALL, [redacted]
CHARLES T. VANDENBOSSCHE, [redacted]
PAUL L. VIOLETTE, [redacted]
KARL W. VONLUHRTE, [redacted]
JOHN A. WAGNER, [redacted]
SAMUEL E. WALLACE, [redacted]
ELIZABETH K. WARDEN, [redacted]
MICHAEL D. WATSON, [redacted]
MICHAEL K. WEBB, [redacted]
ERNEST P. WEBER, [redacted]
MARK F. WENGER, [redacted]
LEE R. WHITTINGTON, [redacted]
LISA J. WIEDE, [redacted]
KARI L. WILD, [redacted]
THOMAS M. WILLIAMS, [redacted]
TRAVIS A. WILLIS, JR, [redacted]
TERRANCE C. WINKLER, [redacted]
DUDLEY C. WIREMAN, [redacted]
MICHAEL A. WORMLEY, [redacted]
JEFFREY K. YOUNG, [redacted]
LING YUNG, [redacted]
TIMOTHY C. ZIMMER, [redacted]
RHONDA M. ZOZ, [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS AND MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF MAJOR UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

DAVID J. ABBOTT, [redacted]
CHARLIE H. ADAMS, JR, [redacted]
PAUL D. ADAMS, [redacted]
DANIEL AGUILAR, [redacted]
BYRON A. ALEXANDER, [redacted]
ANDREW M. ALLEN, [redacted]
BRUCE C. ANDERSON, [redacted]
CHARLES E. ANGERSBACH, JR, [redacted]
RUSSELL J. ARMENTROUT, [redacted]
RICHARD P. ARP, [redacted]
RALPH B. ARQUIETTE, [redacted]
JOHN L. BACON, [redacted]
GERARD B. BAIGIS, [redacted]
MICHAEL J. BARKER, [redacted]
RANDY C. BARKER, [redacted]
BRUCE M. BARNES, [redacted]
WILLIAM W. BARTLETT, [redacted]
RALPH S. BATTLES, JR, [redacted]
LUTHER M. BEATY, [redacted]
GARY L. BEAVER, [redacted]
LARRY G. BEAVERS, [redacted]
LINDA L. BELANGER, [redacted]
ROBERT F. BENNING, JR, [redacted]
DEBORA K. BENTON, [redacted]
JOHN L. BERGSTROM, IV, [redacted]
DAVID W. BICK, [redacted]
PAUL E. BILLIPS, [redacted]
GLENN C. BIXLER, [redacted]
ARTHUR L. BLODGETT, [redacted]
DENNIS E. BOSCO, [redacted]
JOHN F. BOWER, [redacted]
JOHN J. BRADUNAS, [redacted]
JERRY D. BRISTOW, [redacted]
RICHARD W. BRITTON, [redacted]
THOMAS G. BRUNNER, [redacted]
JOHN A. BUKAUSKAS, [redacted]
MARTIN T. BURNETT, [redacted]
FELIX M. BUSH, [redacted]
WILLIAM G. BUTLER, III, [redacted]
REX A. CAPRO, [redacted]
CHARLES A. CHAMBLISS, [redacted]
JOHNNY F. CHARLES, [redacted]
DOUGLAS L. CLUBINE, [redacted]
JAMES W. CLUCK, JR, [redacted]
ROBERT J. COATES, [redacted]
CARL G. COBB, [redacted]
ALLEN A. COCKS, [redacted]
HAROLD L. COMPTON, [redacted]
EUGENE K. CONTI, [redacted]
TERRENCE P. COOK, [redacted]
ALLEN COULTER, [redacted]
CONSTANT P. CRAIG, [redacted]
ROBERT L. CREAMER, JR, [redacted]
JOHN T. CUNNINGS, [redacted]
JOHN P. CURRY, [redacted]
JAMES M. DAVIS, [redacted]
MILTON DEARMAN, [redacted]
WILLIAM T. DECAMP, III, [redacted]
ARMANDO G. DEGUZMAN, [redacted]
CHARLES E. DELAIR, [redacted]
JOHN D. DEWITT, JR, [redacted]
GILBERT B. DIAZ, [redacted]

MICHAEL E. DICK, [redacted]
ROGER K. DIEHL, [redacted]
FRANK J. DIFALCO, [redacted]
JUNE M. DIGNAN, [redacted]
BRIAN D. DINGESS, [redacted]
MICHAEL F. DOLAN, [redacted]
EMIL J. DOMBROWSKI, JR, [redacted]
LEO M. DONNELLY, [redacted]
RICK O. DONOVAN, [redacted]
JEFFREY J. DORAN, [redacted]
HARRY M. DOWNEY, III, [redacted]
ROBERT D. DOZIER, [redacted]
MICHAEL L. DRENNAN, [redacted]
MILAN E. DUBOIS, JR, [redacted]
RUSSELL E. DUENOW, [redacted]
JOSEPH F. DUNFORD, JR, [redacted]
JOHN M. DUNN, [redacted]
TIMOTHY D. EASON, [redacted]
GEORGE H. ECKHOFF, [redacted]
STEVEN M. EDDY, [redacted]
LLOYD P. EDWARDS, [redacted]
THOMAS D. EDWARDS, [redacted]
ROGER S. ELDRIDGE, [redacted]
STEVEN T. ELKINS, [redacted]
JOHN T. ENOCH, JR, [redacted]
DOUGLAS L. ERLEY, [redacted]
FRANK W. ESPOSITO, [redacted]
JAY C. FARRAR, [redacted]
STEPHEN M. FENSTERMACHER, [redacted]
SAMUEL E. FERGUSON, [redacted]
EDWIN FIELDER, JR, [redacted]
THOMAS W. FITZGERALD, [redacted]
ROBERT E. FOULK, [redacted]
RAYMOND C. FOX, [redacted]
TIMOTHY J. FOX, [redacted]
DAVID W. FURTNETT, [redacted]
JAY E. GALLAGHER, [redacted]
VICTOR M. GARDNER, III, [redacted]
DAVID L. GARRARD, [redacted]
LESLIE C. GARRISON, [redacted]
CHARLES C. GENTRY, [redacted]
VINCENT C. GIANI, [redacted]
ROYCE GIBSON, [redacted]
DAVID E. GLASS, [redacted]
BRUCE L. GODFREY, III, [redacted]
HENRY C. GOLD, JR, [redacted]
JOSEPH W. GOODROW, [redacted]
ERIC J. GREEN, [redacted]
THOMAS C. GREENWOOD, [redacted]
MARK A. GRUBB, [redacted]
WILLIAM F. GUILFOYLE, [redacted]
JAMES A. HAIG, [redacted]
GARY L. HALL, [redacted]
TERRY HAMILTON, [redacted]
PAUL A. HAND, [redacted]
ROY D. HANNIGAN, [redacted]
WILLIAM D. HARDY, [redacted]
RODGER C. HARRIS, [redacted]
JOSEPH A. HAUSER, [redacted]
CHARLES T. HAYES, [redacted]
JIMMY R. HAYES, [redacted]
THOMAS R. HAZARD, [redacted]
RICHARD W. HESS, [redacted]
WILLIAM G. HESSLER, [redacted]
HERBERT L. HEYL, JR, [redacted]
JAMES B. HILL, [redacted]
WALLACE W. HILLS, JR, [redacted]
EDDIE L. HOLCOMB, [redacted]
DONALD R. HOLMES, [redacted]
FLOYD D. HOUSTON, [redacted]
GLENN S. HUELSKAMP, [redacted]
LARRY D. HUFFMAN, [redacted]
STEVEN A. HUMMER, [redacted]
ROGER B. HUMPHREYS, [redacted]
ERNEST D. IBARRA, [redacted]
HOWARD E. IMHOF, JR, [redacted]
KENNETH A. INMAN, JR, [redacted]
JOSEPH P. INNERST, [redacted]
GEORGE W. IRLBACHER, JR, [redacted]
JAMES A. JACKSON, [redacted]
JOHN J. JACKSON, [redacted]
OTIS J. JACKSON, JR, [redacted]
JOHN W. JAMES, [redacted]
JAMES F. JANECEK, [redacted]
GAIL E. JENNINGS, [redacted]
JAMES M. JENNINGS, [redacted]
CHARLES B. JOHNSON, [redacted]
ERIK L. JORDE, [redacted]
STEPHEN E. JOSEPH, [redacted]
STEVEN P. JUNKERSFELD, [redacted]
MICHAEL A. KACHILLA, [redacted]
MICHAEL E. KAMPSEN, [redacted]
ROBERT M. KEANE, [redacted]
GEORGE M. KELLEY, [redacted]
WILLIAM G. KELLOGG, [redacted]
KIT M. KERKESNER, [redacted]
TERENCE K. KERRIGAN, [redacted]
JAMES H. KESSLER, IV, [redacted]
THOMAS M. KINNEAR, [redacted]
MICHAEL P. KNOBEL, [redacted]
WILLIAM C. KOEHLER, JR, [redacted]
JONATHAN A. KOLP, [redacted]
BRANDON J. KOSTELNY, [redacted]
LAWRENCE J. KOVALCHIK, [redacted]
JOHN M. KREITZBURG, JR, [redacted]
STEPHEN J. KUBIK, JR, [redacted]
DEMETRIOS G. KYRES, [redacted]
RICHARD M. LAKE, [redacted]
KIRK S. LAMBERT, [redacted]
JEFFREY M. LANCASTER, [redacted]
LOREN K. LANGDON, [redacted]
DONALD B. LANGLEY, [redacted]
JOHN L. LEDOUX, [redacted]
JOHN S. LEE, [redacted]
PAUL E. LEFEBVRE, [redacted]
RANDOLPH S. LENAC, [redacted]
DANIEL D. LESHCHYSHYN, [redacted]
THOMAS P. LHUILLIER, [redacted]
WILLIAM R. LISTON, [redacted]
THOMAS E. LLOYD, [redacted]
ALFREDO LONGORIA, JR, [redacted]
DOUGLAS C. LYNN, [redacted]
PETER C. MACKINNON, [redacted]
ROBERT A. MAGUIRE, [redacted]
DOUGLAS J. MARKOSKY, [redacted]
JOHN MARLEY, [redacted]
HEINZ M. MCARTHUR, [redacted]
KEVIN J. MCCARTHY, [redacted]
ROBERT A. MCCLAIN, [redacted]
HARRY E. MCCLAREN, [redacted]
TOMMY B. MCCLELLAND, JR, [redacted]
JAMES F. MCGOWAN, III, [redacted]
DAVID E. MCLEISH, [redacted]
SAMUEL D. MCVEY, [redacted]
RICHARD C. MECKEL, JR, [redacted]
PATRICK J. MEEHAN, [redacted]
WILLIAM L. MEEKS, [redacted]
TERENCE J. MEYER, [redacted]
DEAN R. MEYERAAN, [redacted]
DANIEL R. MILLER, [redacted]
DAVID S. MILLER, JR, [redacted]
JOHN E. MILLS, [redacted]
RICHARD MINGO, [redacted]
JOHN G. MOLTER, [redacted]
GREGORY A. MORRISON, [redacted]
SAMUEL A. MUMLEY, JR, [redacted]
GARY W. MUNN, [redacted]
BRIAN A. MURRAY, [redacted]
BRYAN K. MURRAY, [redacted]
DILLARD O. MYERS, [redacted]
STEVEN W. MYHRE, [redacted]
DONALD A. NICHOLAS, [redacted]
JAMES D. NICHOLS, [redacted]
PATRICK M. ODONOGUE, [redacted]
BONITA J. OLIVETT, [redacted]
FREDRIC M. OLSON, [redacted]
JEFFREY L. OLSON, [redacted]
GORDON C. ONEILL, [redacted]
GEORGE A. OSMER, [redacted]
JAMES A. PACE, [redacted]
JEFFREY J. PATTERSON, [redacted]
DENNIS C. PEDERSON, [redacted]
DAVID H. PEELER, [redacted]
GEORGE D. PENNY, [redacted]
PHILIP C. PETERSON, [redacted]
GARY R. PHEASANT, [redacted]
DANIEL J. POLLOCK, [redacted]
JOHN J. POMFRET, [redacted]
SWAIN C. POTTER, JR, [redacted]
JEFFREY H. POTTS, [redacted]
WALTER C. POWER, [redacted]
JEFFREY A. POWERS, [redacted]
LAWRENCE B. PRIOR, III, [redacted]
ROGER M. PRYOR, [redacted]
NEAL A. PUCKETT, [redacted]
RICHARD M. RASMUSSEN, [redacted]
ROBERT S. RAYFIELD, JR, [redacted]
JAMES M. REDMAN, [redacted]
LOYD W. REED, [redacted]
MICHAEL P. RENDON, [redacted]
GREGORY C. REUSS, [redacted]
ROGER R. RICKERT, [redacted]
JOSEPH R. ROBINSON, [redacted]
RONALD L. RODGERS, [redacted]
GILBERT A. RODRIGUEZ, JR, [redacted]
JAMES A. ROGERS, [redacted]
JEROME F. ROLINGER, [redacted]
CHARLES A. ROMANS, JR, [redacted]
SCOTT D. RYAN, [redacted]
ANGELA SALINAS, [redacted]
DAVID A. SALZMAN, [redacted]
JOHN A. SCARBOROUGH, [redacted]
JOHN M. SCEPUREK, [redacted]
MICHAEL H. SCHOELWER, [redacted]
MARK G. SCHULTZ, [redacted]
DAVID H. SEXTON, [redacted]
SCOTT F. SHOGREN, [redacted]
STEVEN C. SHULTIS, [redacted]
MARK D. SIFFORD, [redacted]
GARY F. SKINNER, [redacted]
HAROLD G. SMITH, JR, [redacted]
NEAL R. SMITH, [redacted]
RANDY R. SMITH, [redacted]
RICHARD J. SMITH, [redacted]
MARSHALL K. SNYDER, [redacted]
RICHARD F. SNYDER, [redacted]
MICHAEL A. SOVACOOL, [redacted]
JEFFREY L. SPEER, [redacted]
LEROY D. STEARNS, JR, [redacted]
GENE A. STEFFANETTA, [redacted]
KURT C. STINEMETZ, [redacted]
HARMON A. STOCKWELL, [redacted]
MARK D. STOTZER, [redacted]
PATRICK M. STRAIN, [redacted]
WILLIAM A. STUVER, [redacted]
DANIEL D. SULLIVAN, [redacted]
JEFFREY M. SUMMERS, [redacted]
GARY S. SUPNICK, [redacted]
JOHN R. SUTER, [redacted]
THOMAS B. SWARD, [redacted]
KENNETH W. SWELTZ, [redacted]
NERI G. TERRY, JR, [redacted]
JAMES M. THOMAS, [redacted]
WILLIAM G. TREADWAY, [redacted]
ROY E. TRUBA, [redacted]
JOHN A. TURNER, JR, [redacted]
PAUL F. TURNER, [redacted]
PAUL W. UNDERWOOD, [redacted]
ANTHONY W. VALENTINO, [redacted]
WILLIAM S. VANDERMEER, JR, [redacted]
HARVEY D. VAUGHT, [redacted]
DENISE M. VILLARTA, [redacted]
LEE J. VIVERETTE, III, [redacted]
DERRELL E. WADE, [redacted]
LAWRENCE G. WALKER, [redacted]
GREGORY T. WALLICK, [redacted]
KENNETH C. WATSON, [redacted]
ROBERT J. WATSON, [redacted]
JOHN R. WEBB, [redacted]
EARL S. WEDERBROOK, [redacted]
OTTO W. WEIGL, JR, [redacted]
FRANCIS J. WELSH, [redacted]
SCOTT WESTERVELT, [redacted]
DAVID E. WESTMEYER, [redacted]
JEFFREY A. WHITE, [redacted]
REGINALD F. WHITE, [redacted]
JOHN M. WHITELEY, [redacted]
STEPHEN P. WHITLOCK, [redacted]
KENNETH D. WICKWIRE, [redacted]
LANSDALE B. WILLIAMS, JR, [redacted]
LOXIE A. WILLIAMS, III, [redacted]
ROBERT L. WILLS, [redacted]
CHARLES L. WILSON, [redacted]
MICHAEL A. WOODCOCK, [redacted]
RICHARD N. WOODMAN, [redacted]
BILLY F. WOODS, [redacted]
JOHN L. WOZNIAK, JR, [redacted]
JOHN P. WURTZ, JR, [redacted]
WARREN M. YARBROUGH, II, [redacted]
THOMAS A. YOUNG, [redacted]

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 17, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 18

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. 2250, to ensure that Federal lands are managed in a manner that does not impair the exercise of traditional American Indian religion.

SR-485

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Superfund and Environmental Oversight Subcommittee

To hold oversight hearings to review the General Accounting Office report on indoor radon and the Federal Government response to reduce contamination in housing.

SD-406

Finance

Business meeting, to resume consideration of the United States-Canada Free Trade Agreement signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the United States and Canada.

SD-215

10:00 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To hold hearings to review the issue of cashing government checks by banks for noncustomers, and S. 2110, to provide access to check cashing services.

SD-538

Governmental Affairs

Government Efficiency, Federalism, and the District of Columbia Subcommittee

To resume hearings on S. 1992, to promote intergovernmental and interagency cooperation in the development of groundwater policy.

SD-608

Judiciary

Courts and Administrative Practice Subcommittee

Business meeting, to mark up S. 1515, to prohibit injunctive relief, or an award of damages, against a judicial office for action taken in an official capacity.

SD-226

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on renewable energy and energy conservation programs.

SD-366

MAY 19

9:00 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings on the role of U.S. and South African churches in ending apartheid.

SD-419

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the Marine Mammal Protection Act.

SR-253

Energy and Natural Resources

To hold hearings on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure" theory of recovery in restitution, as adopted in *Citronelle-Mobile Gathering, Inc. et al, v. Herrington,* 826 F. 2d 16 (TECA 1987).

SD-366

Labor and Human Resources

Handicapped Subcommittee

To hold hearings on assistive technology programs for the handicapped, including S. 1586, to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers.

SD-430

Joint Economic

Education and Health Subcommittee

To resume hearings to review the future of health care in America.

2325 Rayburn Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the condition of the Federal Savings and Loan Insurance Corporation and the thrift industry.

SD-538

Governmental Affairs

Business meeting, to mark up H.R. 3400, to provide for participation of Federal employees in political activities, and other pending calendar business.

SD-342

Judiciary

Technology and the Law Subcommittee

To hold hearings on high-tech terrorism.

SD-226

2:00 p.m.

Judiciary

To resume hearings on S. 1523, to make revisions to the Racketeer Influenced and Corrupt Organizations (RICO) statute regarding civil actions for violations.

SD-226

MAY 20

9:00 a.m.

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold oversight hearings on the implementation of Public Law 100-276, to provide assistance and support for peace, democracy and reconciliation in Central America.

SD-419

Judiciary

To resume hearings on proposed legislation authorizing funds for the Department of Justice, focusing on activities of the civil division.

SD-226

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for technology programs of the Department of Commerce.

SR-253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Labor and Human Resources

Handicapped Subcommittee

To continue hearings on assistive technology programs for the handicapped, including S. 1586, to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers.

SD-430

10:00 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1461, to convey certain lands to the YMCA of Las Vegas, NV, S. 1687, to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson, and S. 2264, to exchange certain Federal mining rights for certain lands in New Mexico.

SD-366

Finance

Social Security and Family Policy Subcommittee

To resumes hearings on the long-term status of Social Security trust funds.

SD-215

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 929, Volunteer Protection Act.

SD-226

11:00 a.m.

Judiciary

To hold hearings on the U.S.-Canada Free Trade Agreement, signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada.

SD-226

MAY 23

8:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Departments of the Interior and Energy.

S-128, Capitol

10:00 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on the Department of the Interior's royalty management program.

SD-366

MAY 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor and space nuclear power research and development programs.

SD-366

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the conclusions and recommendations of the President's "Working Group on Financial Markets."

SD-538

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Finance

To resume hearings on children's health care issues.

SD-215

2:30 p.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on tourism as an export.

SR-253

3:00 p.m.

Banking, Housing, and Urban Affairs

Business meeting, to consider S. 1776, to require U.S. coins to be redesigned, to require that one coin be redesigned to commemorate the Bicentennial of the U.S. Constitution, and to require profits from the sale of proof sets of U.S. coins to be used to reduce the national debt, H.R. 3251, to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress, certain provisions of S. 1987, to establish a separate program to provide housing assistance for Indians and Alaska Natives, proposed legislation to extend the McKinney Homeless Assistance Act, and pending nominations.

SD-538

MAY 25

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Commerce, Science, and Transportation

To hold hearings on insurance antitrust matters.

SR-253

10:00 a.m.

Agriculture, Nuturition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on current and expected world wheat demand and the status of the United States marketing tools.

SR-332

Banking, Housing, and Urban Affairs

To hold oversight hearings on the condition of the banking industry.

SD-538

Governmental Affairs

To hold hearings on issues relative to alcoholism.

SD-342

Veterans' Affairs

To hold hearings on S. 1997, to reduce the monthly reduction of an individual's basic pay for the provision of basic educational assistance and provide for the payment to survivors of basic educational assistance paid for, but unused, by the participant, provisions of H.R. 4213, Montgomery GI Bill Amendments of 1988, and S. 2307, to make certain improvements in the educational assistance programs for veterans and eligible persons.

SR-418

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings to review the local rail service assistance program and related measures, including S. 2174 and S. 2195.

SR-253

MAY 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-138

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1967, to provide for the establishment of the Tallgrass Prairie National Preserve in the State of Oklahoma.

SD-366

Governmental Affairs

To continue hearings on issues relative to alcoholism.

SD-342

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on the Pacific nationals.

SD-192

Banking, Housing, and Urban Affairs

To hold oversight hearings on the condition of the thrift industry.

SD-538

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation, and the Federal Maritime Commission.

SR-232A

Finance

To resume hearings on children's health care issues.

SD-215

2:00 p.m.

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to review the annual report of the U.S. Postal Service.

SD-562

Select on Indian Affairs

To hold oversight hearings on the Federal Acknowledgment Petition (FAP) process for Federal recognition of Indian tribes.

SR-485

JUNE 6

2:00 p.m.

Governmental Affairs

To hold hearings on issues concerning acquired immunodeficiency syndrome (AIDS).

SD-342

JUNE 7

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Governmental Affairs

To hold hearings on budget reform.

SD-342

10:00 a.m.

Appropriations

To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.

S-126, Capitol

Rules and Administration

To hold hearings on S. 1786, to establish a series of six Presidential primaries at which the public may express its preference for the nomination of the individual for election to the office of President of the United States.

SR-301

JUNE 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Governmental Affairs

To resume hearings on issues concerning acquired immunodeficiency syndrome (AIDS).

SD-342

2:00 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold hearings to review youth employment issues and related provisions of Title II of the Job Training Partnership Act.

SD-430

JUNE 9

9:00 a.m.

Veterans' Affairs

To hold hearings on S. 2011, to increase the rate of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805, to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", and to hold oversight hearings on activities of the Board of Veterans' Appeals, and related matters.

SR-418

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

JUNE 10

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.

S-126, Capitol

JUNE 13

9:30 a.m.

Special on Aging

To hold hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

SD-628

JUNE 14

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

S-126, Capitol

JUNE 16

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.

SD-192

9:30 a.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

Veterans' Affairs

To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel.

SR-418

JUNE 21

9:00 a.m.

Office of Technology Assessment

The Board, to meet to consider pending business.

Room to be announced

JUNE 24

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese patent policy.

SR-253

JUNE 27

2:00 p.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JUNE 29

10:00 a.m.

Governmental Affairs

To resume hearings on issues relative to alcoholism.

SD-342

JULY 11

9:30 a.m.

Special on Aging

To resume hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.

SD-628

CANCELLATIONS

MAY 19

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.

S-126, Capitol

SENATE—*Tuesday, May 17, 1988*

(Legislative day of Monday, May 9, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable J. JAMES EXON, a Senator from the State of Nebraska.

The PRESIDING OFFICER. I am pleased to introduce this morning, for the opening prayer, Rabbi Richard Marcovitz, Congregation B'nai Israel, Pittsburgh, PA.

PRAYER

Rabbi Marcovitz offered the following prayer:

May we pause in prayer:

In but a few days, the Jewish community will observe the festival of Pentecost—the anniversary of the giving of the Law on Mount Sinai. That sublime law as exemplified by the Ten Commandments has endured through the ages, lifting the hearts and minds of humanity. We pray, O Lord, that Your presence will inspire these creators of law in their tasks; that they may aspire to the extraordinary, making the law of the land to guide and protect, to free and instruct. May Your Kingship of peace be established with great speed so that all who are fettered or oppressed will know blessing.

May the work of the minds, hearts, and hands of those who make up this singular body be established working in partnership with You, O Lord, to bring about a world filled with blessing.

And we respond, "Amen."

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. JAMES EXON, a Senator from the State of Nebraska, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. EXON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized for not to exceed 5 minutes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority leader and the time of the minority leader be reserved for their use later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESS OVERDUE FOR ACTION ON SECURITIES MARKETS

Mr. PROXMIRE. Mr. President, it is time Congress became serious about the loud and clear message delivered by the stock market crash way back in October last year. In the long months that have followed, Congress has failed to act. Shortly after Black Monday, President Reagan commissioned former Senator Nicholas Brady to report within 60 days on the crash and recommend what, if anything, the Government should do about it. Senator Brady quickly organized a top flight group of experts. The Brady commission made a report including a series of recommendations for action. That report has been highly praised by security market experts.

Senator Brady strongly emphasized the urgency of the situation. He called for prompt action. In fact, he told our committee, "There's a pistol pointed at our head and it's loaded." The Senate Banking Committee began hearings on the Brady report a few days after the report became available last January. The report was preceded by a similar report commissioned by the New York Stock Exchange and directed by former Attorney General Nicholas Katzenbach. The Katzenbach report strongly recommended action very similar to the Brady report proposals. The SEC also weighed in with an extraordinarily detailed and thoughtful report. Again, the recommended action was similar to the Brady recommendations.

A few days after receiving these reports, this Senator, as chairman of the Banking Committee, requested the Chairmen of SEC, the Federal Reserve Board, and the Commodity Futures Trading Commission to give the committee specific and detailed recommendations for legislative enactment by March 4. Since these are independent agencies, I specifically requested the chairmen of the agencies to report directly to the committee without clearing with the administration. The chairmen assured me that their independent status would not require that they report to the administration, and they would report to the committee. In late February, these regulators asked for more time. In mid-March, the administration requested that the regulators report first to the President. When the regulators did testify before our committee in late March, they made no significant legislative recommendations.

By that time, the committee had the benefit of the Brady Report, the Katzenbach Report, the SEC Report, and 8 days of testimony on action with respect to the securities market from the Federal Reserve Board, the SEC, the CFT, and a series of witnesses representing the country's investors, municipalities, counties, corporations, and others who issue securities. We also heard from spokesmen for the securities industry and other interested parties. On the basis of this testimony, the staff of our committee drafted the Intermarket Coordination Act of 1988. It has been introduced by 10 Senators, 5 Democrats and 5 Republicans. We designed this bill to generally reflect the recommendations of the Brady commission and the other expert commissions that had studied the problem.

This bill recognizes that there is one American security market. It is regulated by three separate and distinct regulatory agencies. The three agencies have applied different and conflicting regulations, sharply different margin requirements, different settlement, and different information systems. At present, there is no mechanism for coordinating or harmonizing these clashing differences. Trading on the New York Stock Exchange and the Security Futures Exchanges in Chicago are profoundly and constantly interrelated.

Mr. President, because of the far lower margin requirements on the security futures market in Chicago and because the security indices available for trading on that market permit traders, especially very big traders, to cheaply buy effective "insurance" by taking offsetting positions in options and futures, and, finally, because a relatively small transaction can move the entire market, our securities markets have become far more volatile than

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ever before. That volatility has had two extremely unfortunate effects. First, the overwhelming majority of investors, the so-called small or "outside" investors, feel that the game is rigged against them because of the advantage of a few enormous institutional investors. As a consequence, studies have documented the fact that many investors have left the country's securities markets since the October crash.

An even more serious consequence of this volatility has been the spectacular reduction in equity issues by American corporations. First-time issues in the first 4 months after the October crash fell a sickening 80 percent compared with the 4 months before Black Monday. Reissues fell even more sharply, in fact, by more than 90 percent.

Mr. President, at a time when excessive business debt and increasingly thinner equity is a serious national economic problem, this retreat from equity financing by American business is potentially a very serious development. Our corporations are becoming increasingly more fragile. The next recession is likely to have severe consequences on heavily leveraged businesses that can become insolvent in a few months after revenues fall, because their interest burden is so heavy. The stability and market confidence this legislation would restore is especially critical in view of the skyrocketing business debt in this country.

Here's what the bill does: It creates a commission to be chaired by the Chairman of the Federal Reserve Board. The Commission would also include the Chairman of SEC and the Chairman of the Commodity Futures Trading Corporation. The bill directs this coordinating committee to harmonize margin requirements across marketplaces, improve and coordinate clearing and settlement systems. It also calls on the coordinating committee to provide information systems adequate for market surveillance and enforcement, including the time of each trade and the name of the ultimate customer. The bill directs the committee to coordinate planning for market emergencies. It also prohibits intermarket frontrunning. The bill also calls on the committee to initiate discussions with regulators of financial institutions and markets in major financial centers throughout the world.

On May 11, the committee heard testimony from six of the country's outstanding experts on this country's securities markets. The witnesses included Donald Regan, former Secretary of the Treasury and former CEO of Merrill Lynch; George Ball, chairman of the board of Prudential Bache; Charles Schwab, chairman and CEO of Charles Schwab; Brean Murray, CEO of Murray, Foster Securities; Michael Reilly, vice president for investor relations of Reuters; and James Needham, former SEC commissioner. In general, the testimony enthusiastically favored the proposed intermarket coordination act and called for prompt congressional action.

PLANT CLOSINGS

Mr. SANFORD. Mr. President, the President on Saturday declared that advance notice to working men and women of the closing of their plant, their workplace, their means of livelihood is something that unions, not Government, should arrange. This will not go down well in North Carolina. We have a right to work law, a requirement that a worker does not have to join a union. Now the President declares—don't rely on your Government to require fair play; call on your union. That is not the way we have been doing it in North Carolina.

Plant closings without notice have been most abused by the hostile takeover sharks, who generally also declare union contracts abrogated.

We know that there are certain protections that the worker needs. Minimum wages and maximum hours, hazardous substances in the workplace, unemployment compensation, the prevention of exploitation of child labor, and other similar matters must be handled by public legislation. We do not rely on unions alone to provide fair play for the worker.

The plain fact is that all working men and women are entitled to adequate notice that their place of livelihood is to be abolished. It serves the public interest also, because advance planning reduces unemployment and permits time for our retraining and relocation programs to work.

The trade bill, which the President will veto because of the plant closing notice provision, is a modest proposal. No one with less than 100 employees is covered. A business emergency excuses compliance. The provision, as an amendment to the retraining section of the trade bill, cleared the Senate 60 to 40, so it is not one-sided or partisan.

We need a trade bill. Our unrestrained world competition is eating us up. It is a lame excuse to veto this bill because the President wants to leave to the unions the welfare of North Carolina, and all other, workers.

NATIONAL DEFENSE AUTHORIZATION ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2355, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Helms modified Amendment No. 2085, to provide that no funds shall be obligated or expended for assistance to the Panamanian Defense Force unless and until the President has certified to Congress that no armed forces of the Soviet Union, Cuba, or Nicaragua are present in the Republic of Panama and that Gen. Manuel Noriega has been removed as Commander of the Panamanian Defense Force, barred from all offices and authority, and prohibited from designating or appointing his successor; that nothing shall prohibit the President from obligating or expending any funds necessary for the defense of the Panama Canal or for the maintenance of United States armed forces or interests in Panama; and requiring that the President shall provide a detailed report to Congress regarding the situation.

(2) D'Amato Amendment No. 2070, to provide for the imposition of the death penalty for drug-related killings. (By 27 yeas to 68 nays (Vote No. 142), Senate failed to table the amendment.)

(3) D'Amato Amendment No. 2071 (to Amendment No. 2070), of a perfecting nature, to provide additional protections for law enforcement officials.

(4) Dole Amendment No. 2094, to express the sense of the Congress that the United States should not make any arrangements with Panamanian strongman Noriega which involve dropping of any Federal drug-related indictments against Noriega.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, am I not correct that there is a standing order to have a vote on this bill no later than 10 o'clock? Would the Chair restate that situation in relationship with the D'Amato amendment so all Senators understand?

The PRESIDING OFFICER. The D'Amato amendment will recur at 10 o'clock. If it is disposed of at that time, then immediately thereafter there will be a vote on final passage of the bill. If it is not disposed of at that time, then there will be further debate on the D'Amato amendment at the conclusion of which disposition there will be a final vote on the bill.

Mr. WARNER. I thank the Chair.

As I understand, there is a standing order for a vote to occur at 9:30.

The PRESIDING OFFICER. There is an order for a vote at 9:30 on the Helms amendment.

AMENDMENT NO. 2094

Mr. WARNER. I further inquire of the Chair, what is the status of the pending amendment by the Republican leader?

The PRESIDING OFFICER. The amendment which has been offered by Senator DOLE is the pending question.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, if there is no Senator seeking recognition, I would suggest the absence of a quorum, but I would withhold that if there is anyone seeking recognition for any other purpose.

The PRESIDING OFFICER. Is there any further debate on the Dole amendment?

Mr. WARNER. Mr. President, I would like to advise all Senators that as soon as the distinguished chairman, Mr. NUNN, arrives it is the intention of the managers of the bill to take up an amendment which deals with the relationship between the Armed Services Committee and the Appropriations Committee, and if the Chair will indulge me a minute.

Mr. President, further addressing the proposed amendment that the chairman and I will soon send to the desk, this deals on restriction on obligation of funds appropriated in the Department of Defense Appropriations Act of 1988. It is a matter that the Senator from Louisiana, Mr. JOHNSTON, and the Senator from Alaska, Mr. STEVENS, are thoroughly familiar with.

I just mention this to alert those Senators and others who may be interested.

Mr. President, I ask unanimous consent at this time to set aside the pending amendment by the distinguished Senator, Mr. DOLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2096

(Purpose: To make technical amendments to titles 10 and 37, United States Code, and to the National Defense Authorization Act for Fiscal Years 1988 and 1989)

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 2096.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 10.—Section 2343(b) of title 10, United States Code, is amended by striking out "section" before "2306a".

(b) AMENDMENT TO TITLE 37.—Section 101(5) of title 37, United States Code, is amended by striking out "secretary" and inserting in lieu thereof "Secretary".

(c) AMENDMENTS TO PUBLIC LAW 100-180.—(1) Paragraph (1) of section 802(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1123) is amended by inserting end quotation marks and a period after "section." at the end of such paragraph.

(2) Section 803(a) of such Act (101 Stat. 1125) is amended by inserting "the first time it appears" after "paragraph (1),".

In the Warner amendment 2043, previously agreed to, strike out "$376,200,000" and insert in lieu thereof "$366,200,000".

On page 265, line 7, strike out "title" and insert in lieu thereof "part".

Mr. WARNER. Mr. President, this is a simple technical amendment to adjust a figure. The chairman and I are sending it in on behalf of the committee.

Mr. NUNN. Mr. President, I urge the approval of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 2096) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending business now recurs to the Dole amendment.

Mr. NUNN. Mr. President, I ask unanimous consent that the Dole amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, we had tried to get all of the parties on the floor last evening relating to the armed services appropriations matter. We are trying to get everyone on the floor now this morning, including the Senator from Mississippi, Senator STENNIS; the Senator from Alaska, Senator STEVENS; and the Senator from Louisiana, Senator JOHNSTON. Understandably they have other meetings going on.

We find ourselves needing to discuss an amendment which we believe we have worked out with them. We would like to have them on the floor. But I am not sure when they are going to arrive.

We are really running out of time on this bill.

Because of that, I am going to go ahead and explain this amendment and ask its approval. Senator WARNER and I, of course, have worked with them. I assure the Senate that my understanding is that we have reached an agreement with the appropriations leadership; that is, the former chairman of the committee, Senator HATFIELD; the present chairman, Senator STENNIS; and the Republican and Democrat in charge of the subcommittee on military matters, Senator STEVENS and Senator JOHNSTON.

If we have any misunderstanding, we will take time to clear it up. I believe we are speaking on behalf of all of us.

Mr. President, I ask unanimous consent that an amendment to the amendment 2027 adopted earlier be in order. That is a technical change to the Heinz amendment which was earlier adopted. So I ask unanimous consent that an amendment to the amendment No. 2027 adopted earlier be in order.

The PRESIDING OFFICER. Is the Senator offering that amendment to the amendment?

Mr. NUNN. I first ask that it be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2097 TO AMENDMENT NO. 2027

Mr. NUNN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for himself, Mr. WARNER, Mr. STENNIS, Mr. HATFIELD, Mr. JOHNSTON and Mr. STEVENS proposes an amendment numbered 2097.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on line 9 of page 20 of Amendment Number 2027, delete all through line 2 on page 32 and insert in lieu thereof the following new section:

SEC. 903. RESTRICTION ON OBLIGATION OF FUNDS APPROPRIATED IN THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1988.

(a) The following programs and amounts provided in the Department of Defense Appropriations Act, 1988, may not be obligated or expended:

(1) Maxicube Cargo System under research, development, test, and evaluation for the Army, $10,000,000;

(2) Coastal Defense Augmentation, $20,000,000;

(3) AN/SQR-17 Acoustic Processors for the Mobile In-Shore Undersea Warfare group under procurement of National Guard and Reserve Equipment, $10,000,000;

(4) P-3C aircraft under procurement of National Guard and Reserve Equipment, $193,800,000.

(b)(1) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(2) For purposes of this paragraph, the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking, and engagement), reaction time, and operation in the presence of electronic countermeasures.

(c) None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition Report submitted to Congress for the quarter ending December 31, 1986).

(d) Funds appropriated for procurement of weapons and tracked combat vehicles for the Army for modification of M60 tanks in the amount of $90,000,000 may be used only for procurement or modification of M1 tanks.

(e) TRANSFER AUTHORITY.—For purposes of section 1201 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153), $233,800,000 (the sum of the amounts described in section (a) of this section) shall be deemed to have been authorized by such Act in equal amounts to the Army, Navy, and Air Force for operation and maintenance for the exclusive purpose of preventing the furlough and separation of civilian employees and for the purpose of funding other high priority readiness programs.

Mr. NUNN. Mr. President, the problem of unauthorized appropriations has been growing over the years.

In 1982, there were only $730 million of unauthorized appropriations. Last year there was $7.25 billion. That is a tenfold increase in unauthorized appropriations.

Last year, in addition, the appropriations conference explicitly reversed several key policy decisions adopted by the authorization conference. I will not go into the examples of that this morning.

We have had a very close relationship with our Appropriations Committee under Senator STENNIS. We have worked very closely together. Our staffs have worked very closely together. We have worked with Senator JOHNSTON. We have worked with Senator STEVENS. We have worked with Senator HATFIELD.

But the problem usually occurs in conference. In conference we have two different committees on authorizations, one from the House and one from the Senate. When we get to the appropriations conference there are two other committees. And we end up having some serious conflicts that have eroded the authorization process.

So, we have a couple of amendments in this bill that deal with the problem, that is, section 903 and section 904.

The Armed Services Committee undertook these modifications as part of our effort to get the overall coordination between authorizations and appropriations in better order. That is to say that we do have a section in this bill that says that appropriations which are not authorized will require subsequent authorization before the moneys can be expended.

We have worked carefully with the Appropriations Committee in trying to avoid a fight on this on the floor because we believe a lot of this problem is beyond our control and their control. They find themselves in conference with the House. The House has many different provisions and sometimes in an effort to compromise toward the end of the session the whole question of what is authorized gets lost in the shuffle.

Because of that we have taken the position, and the Secretary of Defense has adhered to this position, that funds which have not been authorized should not be expended by the Department of Defense, even appropriated, until such time as the authorizing committees agree to those.

We have now agreed to about 98 percent of those that were appropriated last year. We have rejected in this bill about 2 percent of those.

So we have agreed on the substance with the appropriators on most of these items.

But like most authorizing committees, we find ourselves in a position—we have never been in a position as an authorizing committee that we were a floor; that is to say, the appropriators have always been able to cut the authorization. And that is as it should be. They should be able to cut the authorization because they have to make the final money judgment.

But now, if we are not a ceiling either—in other words, if they cannot only go under our authorization, if they can also go over it, you are not a ceiling and you are not a floor. If you are not either one, you have to ask yourselves as an authorizing committee what are you, and that is the question we are asking when we put in sections 903 and 904 that made explicit what has been a practice, and that is that unauthorized appropriations should not be expended until authorized.

Now, the appropriators have objected to these two sections, and we have worked very carefully with them to change those sections. We are deleting one section by this amendment, but we have a written agreement worked out between the authorizers and the appropriators that basically continues the accommodation we have had for the last 2 years; that is to say, the chairman of the committee and the ranking subcommittee chairman and ranking member of the Subcommittee on Defense will be able to attend our meetings, will be able to suggest, on behalf of a majority of their committee, any amendments. And we will have a reciprocal right before the appropriating committee.

In addition to that, we have an agreement which says that the Appropriations Committee agrees not to appropriate more than is authorized unless the amount so appropriated is explicitly made subject to authorization. In other words, rather than doing this by law, the appropriators are agreeing to put that kind of provision in their bill. We are not rigid about this. We know that there are differences between line items and accounts. We know there are a lot of adjustments that have to be made toward the end of the year on financing matters.

We for our part, are going to try to give more flexibility in our bill to the appropriators and we hope for their part they will respect the authorization except where absolutely necessary to make changes due to financing changes in matters that we could not have anticipated. In other words, we feel the authorizing committees make the policy decision, by and large, and the appropriators make an awful lot of the financial decisions and financial adjustments as far as the military is concerned.

Mr. STENNIS. Will the Senator yield?

Mr. NUNN. I am glad to yield to the Senator.

Mr. STENNIS. Mr. President, I have been present here and heard the Senator's statement. On the whole, I agree with the purposes of his statement as well as the content, even though there may be a few points we may disagree on. I reserve, as chairman, whatever power or right it takes to take that position, if necessary.

But, the general purpose, we are together on it and it is something that must be done. Something along this line must be done. It is already serving a very good purpose indeed.

I endorse the position of the Senator and his coworkers wholeheartedly, reserving only the right to argue things out on the merits.

I thank the Senator.

Mr. NUNN. I thank the chairman and my good friend from Mississippi. I believe he stated it exactly correct. We have worked this out in good faith. The only other element of this agreement that I think we ought to make clear is that so many times if we have a staff representative in the conference toward the end of the session, it would be of great help. We hope that we will be able to, and we believe we have an agreement now to, have a staff representative of our committee aware of what is going in the appropriations conference. And we will certainly reciprocate by having a staff member or whatever number members you would like in our conference.

Mr. President, I can say that maybe we are making real progress here for one reason. First, the substance, and second because I understand the House Appropriations Committee and the House Armed Services Committee have agreed on almost identical language now, and that is the key. Because it does not do a lot of good, in the final analysis, for the two Senate committees to be in agreement, which we largely have been, and the House committees to be out of sync and then that affects both of the conference outcomes.

Mr. President, I know the Senator from Virginia would like to be heard on this point.

I ask unanimous consent, before I yield the floor, that the agreement between the Armed Services Committee and the Appropriations Committee, represented by the letter and a signed agreement, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPROMISE BETWEEN ARMED SERVICES COMMITTEE AND APPROPRIATIONS SUBCOMMITTEE

1. The Armed Services Committee agrees to modify Section 903.

2. The Armed Services Committee agrees to drop Section 904.

3. The Appropriations Committee agrees not to appropriate more than is authorized unless the amount so appropriated is explicitly made subject to authorization.

4. Both Committees pledge to try to avoid reversing the policy directions of the other committee.

5. The attached Memorandum of Agreement between the Armed Services Committee and the Appropriations Committee shall be extended through the 101st Congress. (The leadership of each committee shall be considered *ex officio* members on the respective committee, etc.)

6. The staffs of the Armed Services Committee and the Defense Appropriations Committee shall jointly develop alternatives for removing duplication in the existing authorization-appropriation process and limiting areas of controversy.

May 13, 1988.

Armed Services Committee:

SAM NUNN,
Chairman.
JOHN WARNER,
Ranking Member.

Appropriations Committee:

JOHN STENNIS,
Chairman.
MARK HATFIELD,
Ranking Member.
TED STEVENS,
Subcommittee Ranking Member.

BASIS OF AGREEMENT

To improve the working relationship between the Appropriations Committee and the Armed Services Committee:

The Armed Services Committee and the Defense Appropriations Subcommittee shall meet jointly prior to markup of an annual or supplemental authorization bill or appropriations bill for defense. Staff shall make all markup materials available to the members of both committees prior to such joint meetings.

The Chairman and Ranking Member of each full Committee shall be considered ex officio members of the other full Committee. The Chairman and Ranking member of the Senate Armed Services Committee shall also be considered ex officio members of the Defense Subcommittee and the Chairman and Ranking Member of the Defense Subcommittee may be designated on behalf of the Appropriations Committee to be ex officio members of the Armed Services Committee.

Ex officio members may participate in all meetings, hearings and markups of the respective committees and subcommittees throughout the legislative process, but may not vote.

Amendments on behalf of the respective committees may be offered by ex officio members if such amendments have been authorized by a majority vote of the members of the respective committee.

The Appropriations Committee will resist proposals which have the effect of reversing or materially modifying policy matters already agreed to or rejected during the defense authorization process.

The Committee on Appropriations agrees to avoid the incorporation of legislative provisions in annual Defense Appropriations Bills whether such initiatives are offered during the Committee markups, the Senate floor or during the House-Senate Conference of such bills, and the Armed Services Committee shall join in such resistance.

The Armed Services Committee recognizes the authority of the Appropriations Committee to make program financing adjustments as necessary to ensure authorized programs are properly funded. (For example, if 840 M-1 tanks are authorized, but funding for only 720 tanks was provided in an Authorization Act, the Appropriations Committee may propose such appropriations as are necessary to procure the authorized quantity of tanks). Such financing adjustments shall not require the approval of the Armed Services Committee.

The Armed Services Committee will resist statutory proposals that restrict the flexibility of the Appropriations Committee in making financing adjustments using prior year funds. However, nothing contained herein shall restrict the Armed Services Committee or any member thereof from opposing the appropriation of funding at a level above account levels or for unauthorized programs, projects or activities.

Prior to March 1, 1987, the Committees agree to meet jointly for the purpose of considering and deciding whether a single Department of Defense Authorization and Appropriations Act for Fiscal Year 1988 and/or whether a two-year authorization and appropriation should be reported by the Committees to the Senate. Nothing contained herein shall require that the Committees agree to either of the proposals.

That all of the aforementioned agreements in the Appropriations Committee and the Armed Services Committee shall remain in effect for purposes of completing the defense authorization and appropriations of the fiscal year 1987 or 1988.

With regard to the FY 1986 supplemental authorization and appropriations issue:

The Urgent Supplemental Appropriations bill shall incorporate a provision to transfer funds made available in fiscal year 1986 for the Mariner Fund and Navy land based tankers and make such funds available for the Complementary Expendable Launch Vehicle (CELV) program and readiness initiatives. In all, $953 million shall be transferred from these two programs.

The date established for completion of the air defense competition shall be changed from July 1 to November 1, 1986, and statutory language requiring expenditure of $200 million for such competition in FY 1986 shall be repealed.

The Armed Services Committee shall amend S. 2459 to incorporate these adjustments and make all other funds appropriated in FY 1986 available for obligation.

This does not foreclose the right of either Committee to consider additional proposals other than those described, such as a provision providing for the repeal of section 8099 of the Department of Defense Appropriations Act, 1986, pertaining to alcoholic beverage sales and the amendment of section 8089 of such Act, pertaining to studies of functions considered for contracting out. However, nothing contained herein restricts the rights of members of the Committee on Appropriations to oppose such provisions.

The objective is to minimize the differences between the two Committees. However, nothing contained herein shall be construed to restrict the rights and prerogatives of any member of either Committee.

MARK HATFIELD.
TED STEVENS.
JOHN STENNIS.
BARRY GOLDWATER.
SAM NUNN.

Mr. WARNER. Mr. President, first, I ask unanimous consent on amendment 2096, which the Senate just acted upon, that it be stated that it was in order and proper for the Senate to act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished chairman has adequately stated the case. For the past several years, this Senator, the Senator from Alaska, and, indeed, Senator Tower and Senator Goldwater and others, have made this process work primarily because of the good faith and trust amongst us. I think it is time now that we try and reduce it more and more to writing the essential nature and the relevance of the two committees, the Armed Services Committee in its authorization capacity and the Appropriations Committee in its capacity. I do hope in the years to come we will see less problem in this area and I think this agreement is a step forward.

Mr. NUNN. Mr. President, I see the Senator from Louisiana on the floor. We do not have but about 2 minutes before the rollcall vote that has been ordered, but the Senator from Louisiana would be, I am sure, interested in knowing that we have an amendment at the desk—it has not been approved yet—to change section 903 and to delete section 904 pursuant to our agreement.

I just put into the RECORD the written agreement that we have entered between the appropriations and authorizing committees and expressed the hope that we can continue to make progress to coordinate our activities, particularly in light of the fact that the House committees have now gotten the same kind of agreement, and that may put us much more in sync with the House side.

The PRESIDING OFFICER. Is there further debate?

Mr. WARNER. Mr. President, I have just received from the Senator from Alaska that he is in agreement with this.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON. Mr. President, I am very pleased that this agreement has been filed, even though, in written form, it does not dot every "i" and cross every "t." And, indeed, it cannot do so, because, in the final analysis, the proper relationship between the

Appropriations Committee and the Armed Services Committee—indeed, between the Appropriations Committee and any authorizing committee—rests upon the good faith and trust between the numbers. Because there will always be situations in which, for example, the Armed Services Committee bill is not in final form, although its policy is expressed, if that situation might not be covered by the exact words of the written agreement.

But I think what they have agreed to here is not only the text, the written word, but the spirit of cooperation. I think the problem has never really been as much between the Senate Armed Services Committee and the Appropriations Committee as perhaps between the Senate Armed Services Committee and the House Appropriations Committee.

We will certainly also try to play a role to avoid conflicts, not only within the Senate, but to seek to clear the way so that they will not arise with the House, either.

I really do not anticipate any major differences. The Armed Services Committee, I do not think, is going to try to hold the Senate to individual line items with micromanagement. And, indeed, the written agreement does not appear, at least to me, to cover those line items, but certainly it does on the broad policy implication. And, with respect to those categories, I think we will have no difficulty at all in marching together on a common policy direction as set by the Armed Services Committee.

(Mr. SHELBY assumed the chair.)

Mr. NUNN. Mr. President, I thank my friend from Louisiana. He has stated, I think, the agreement very well, I would say, with one slight caveat. It is true that we do not try to control the line items unless the line item is something we really focused on with a great deal of policy deliberation and, in that case, we put it in the bill.

Now that, I think, is easy to read. It is not a matter of controlling all of them, but there are some of them that become very important as policy matters. But normally what we would have in terms of relationship is the account level is what we would normally be dealing with. And when we do focus on a policy matter at a line item level—for instance, the cancellation of an aircraft. If the committee spends 3 months looking at aircraft and we finally decide to cancel one, and we put it in the line item, then that becomes a very serious policy matter. And I would hope the Appropriations Committee understands that.

So we do have to work in general agreement here. We cannot cross every "t" and dot every "i." The Senator is right about that.

Mr. JOHNSTON. Mr. President, I appreciate that comment. We could not go so far, for example, as to have this whole bill a line item, because then you would have the anomalous situation of the Appropriations Committee not being able to reduce appropriations because of the budget summit, not being able to increase them because of the ceiling set on every line item, and then having only the option of saying yes. We could not even say no.

Mr. NUNN. The Senator is correct. We certainly do not intend to deal with every line item, nor would we advocate that as the policy. It would only be those that we felt are enormously important policy decisions.

Mr. President, I hope we can now adopt the amendment.

Mr. WARNER. I at some point reserve the right to propose one more amendment. It is on the list.

Mr. NUNN. You have the right. Let us see if we can get this one adopted here.

Mr. WILSON. Mr. President, we have adopted an amendment that sought to reconcile appropriated but unauthorized items having to do with our military spending. The amendment we adopted omitted to include an item for continued P-3C production.

In my judgment, that omission is in error, I think a serious error, but I am not going to take the time now either to offer an amendment, because it is clear that it would not be successful, nor am I going to rehash the arguments.

However, I will ask unanimous consent to have printed in the Record a letter addressed to Senator Nunn, with copies to all of us, from the International Association of Machinists and Aerospace Workers, which I think makes compelling arguments for the inclusion of P-3C procurement in this authorization bill. I wish we had taken that action. I think that at some time in the future, we will find ourselves compelled to do so.

The so-called LRAACA, the advanced aircraft the Navy is seeking, is a luxury I do not think we can afford, but the arguments are well stated in this letter.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

International Association of Machinists and Aerospace Workers,
Washington, DC, May 16, 1988.

Hon. Sam Nunn,
U.S. Senate,
Washington, DC.

Dear Senator: I and my delegates from the International Association of Machinists have urgently sought to meet with you since last Thursday to voice our concern over the termination of the P-3C production line. We have been advised by everybody that your Committee, the Committee on Armed Services, has recommended to deny obligation authority for the six P-3C aircraft that were approved by both the House and Senate in the FY 1988 Appropriations Continuing Resolution.

Staff people have talked to us and told us that this action was taken because the Navy had not requested P-3C aircraft in FY 1988 and FY 1989 due to the pending start of the future Long Range Air ASW Capable Aircraft (LRAACA), and that potential foreign sales will keep the line open.

Senator Nunn, all those people told us and I now feel that the Committee may not have considered some very new and very recent information concerning the P-3C program and the new LRAACA program which you should now consider.

(1) The Navy did not request P-3C procurement in FY 1988 because when the FY 1988/FY 1989 budget was being developed by the Navy they had a plan to have industry compete for a P-3D program which would result in the initial production of 125 aircraft in FY 1989 and therefore no aircraft were requested in FY 1988.

(2) The P-3D (P-3G) competition was dropped by the Navy when no other Aerospace company indicated that they would compete against Lockheed. The Navy expanded the competition to include commercial transports and delayed the start of initial production for LRAACA to FY 1990.

(3) The Navy, as a result of current budget pressures, has had to slip initial LRAACA production now to FY 1992 and if all goes well, the first production place could not be delivered before 1994.

So you see Senator, we have a very serious problem right now as a result of the slip of the LRAACA program. The six FY 1988 aircraft were to be the production base for a joint effort between Lockheed, Navy and the office of the Secretary of Defense to secure foreign sales to bridge the "production gap" between P-3C and LRAACA production, if Lockheed is selected as the winner of the competition. The prospects for foreign sales are good, but they are not likely to materialize quickly enough or in sufficient quantities, to avoid stoppage of the production line if the FY 1988 aircraft are not authorized.

If we close the line, hundreds of skilled ASW aerospace workers will lose their jobs immediately, with the number growing into the thousands across the U.S.

We are not asking for more P-3 aircraft in FY 1989; we just have to have those that have been funded for FY 1988 to keep from having the "free world's" only (excluding the JAPANESE P-3C program) FIXED WING ASW line close costing ultimately thousands of skilled aerospace workers their jobs. I do not even wish to think that in an emergency, the only place our Navy might get ASW aircraft or parts would be from JAPAN.

Senator Nunn, I urge you to recommend the authorization of these six P-3C aircraft, in fact I feel this action is supported by the Secretary of Defense and in his amended FY 1988/FY 1989 Biennial Budget Report, when he argued that the P-3C production should be continued as a hedge against the delays in the LRAACA. The report stated:

"(2) MARITIME PATROL AIRCRAFT

We have made some changes in the P-3 program due to a lack of competition for the "G" model of the aircraft described in last year's report. The Long Range Air ASW Capability Aircraft (LRAACA) is now planned to succeed the P-3C as the Navy's airborne land-based ASW system. In developing this new aircraft, the Navy will consider derivatives of commercial airframes, as well as modified versions of the P-3. The LRAACA will be designed to carry larger payloads than those of the existing P-3C and the competition calls for a desired increase in the plane's radius of action to 1,600 nautical miles. In evaluating the alternative designs, we will stress overall cost-effectiveness in performing future maritime patrol missions.

The additional P-3 procurement funds voted by the Congress in FY 1988 will enable P-3 production to be sustained as a hedge against any delays in LRAACA's development."

These delays have now happened, and their is no hope of getting the first LRAACA aircraft delivered until 1994 at the earliest.

Senator Nunn, as President and Directing Business Representative for District Lodge 727 of the International Association of Machinists and Aerospace Workers and President of the California Conference of Machinists, representing all 80,000 IAM members in the state of California, I solicit your support and endorsement for the authorization of the FY 1988 P-3C aircraft and thereby avoiding the pain and suffering that accompanies the loss of employment on our union brothers and sisters and their families and the economic impact on the community.

Bryan E. Carver,
President, District Lodge 727.

Burbank, CA.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2097) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2085

The PRESIDING OFFICER. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now vote on the Helms amendment No. 2085. The question is on agreeing to the amendment of the Senator from North Carolina, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The Republican leader.

Mr. DOLE. Mr. President, I wonder if I might address a question to the majority leader. I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have an amendment pending. There has now been a request for the yeas and nays on that amendment. I do not know what has been the disposition, but if we could have back-to-back votes, maybe that would accommodate some Senators. But if they want to debate it, then we will debate it.

Mr. NUNN. I do not know if the Senator wants a rollcall. We had to wait last night to hear from the Foreign Relations Committee. Senator Pell is here. Perhaps we do not need a rollcall.

Mr. DOLE. We have had a request for a rollcall now.

Mr. NUNN. On your amendment? Whatever.

Mr. DOLE. I am just trying to accommodate other Senators, if we could have back-to-back votes.

Mr. BYRD. Mr. President, I do not believe we can have back-to-back votes. I know of two Senators, one on each side, who are going to the White House and they are going to make this vote. They would not be able to make the next one if they were back-to-back, and one Senator is right behind the Republican leader. The other one is Senator Boren.

Mr. DOLE. So we would delay the other vote then?

Mr. BYRD. I think we have to.

Mr. NUNN. Would the majority leader consider 10-minute rollcalls followed by final passage, which would stretch longer than that?

Mr. BYRD. I think that is all right a little later, but there will not be any back-to-back votes at this point. If we could wait.

Mr. NUNN. Could the majority leader tell us approximately what time we would have final passage? Because we were hoping to get this.

Mr. BYRD. Final passage? I think we will have to wait until Senators who have an appointment with the President get back.

Mr. NUNN. We are going to have a time gap of probably an hour or so, then.

Mr. DOLE. Plus we have the D'Amato amendment.

Mr. BYRD. The D'Amato amendment. I do not know what will be the outcome on that one. That amendment is debatable at 10 o'clock.

Mr. WARNER. Mr. President, I also have an amendment that could easily require a little debate, if the time is available.

Mr. PELL. Mr. President, the amendment as now offered underlines our resolve to keep pressure on General Noriega and to support those in Panama working for a peaceful transition to democracy.

It also underlines the strong feeling in the Senate, that the political situation in Panama will not be permitted to affect our commitments to the Panama Canal treaties.

The amendment as now offered removes any references to the Panama Canal treaties which might be interpreted as a weakening of U.S. resolve to abide by our treaty commitments.

Mr. DODD. Regarding the Helms amendment, let me ask the distinguished chairman of the Armed Services Committee—nothing in this amendment is in derrogation of our commitments under the Panama Canal Treaty? Is my interpretation correct in this regard?

Mr. NUNN. The Senator is correct.

Mr. BYRD. Mr. President, I think we had better get on with the regular order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. Rockefeller] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. Stafford], the Senator from Wyoming [Mr. Wallop], and the Senator from New Mexico [Mr. Domenici] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—95

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—5

Biden
Domenici
Rockefeller
Stafford
Wallop

So the amendment (No. 2085), as modified, was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. What is the pending business?

The PRESIDING OFFICER. There is no pending business.

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

AMENDMENT NO. 2094

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, if the Senator will suspend a minute, I was under the impression the Dole amendment was the pending business.

The PRESIDING OFFICER. The Senator from Georgia is correct.

Mr. WARNER. Then it is my understanding the Chair was mistaken.

The PRESIDING OFFICER. The Chair was mistaken.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. The hour of 10 o'clock is only about 4 or 5 minutes away, and under the agreement the Senate was to vote on final passage at 10 a.m. today with the proviso that Senators who have amendments on the list, who wished to call up such amendments, of course, may do so even at the hour of 10 o'clock or after as long as the operation keeps going.

It was also a part of the agreement that the amendment by Mr. D'Amato would come back before the Senate at 10 o'clock if it had not been tabled prior thereto. So when we come to the hour of 10 o'clock, we have a number of options, one being that other amendments may be called up without debate, two being that the amendment by Mr. D'Amato comes up at the hour of 10 o'clock or at the close of action on other amendments, and the other being that we vote on final passage at 10 o'clock, but all of these other matters have to be somehow disposed of.

And so, first of all, I suppose we ought to begin by asking if there are any Senators who have amendments on this list that appears on the inside of the Calendar of Business, page 2 and page 3, if any Senators named thereon wish to call up their amendments, if they would let the joint leadership know so that we will know that we are going to have a vote on that amendment. Otherwise, when we get to the hour of 10 o'clock, I am going to ask unanimous consent that if no Senator who has an amendment listed indicates to the joint leadership that he wishes to call up that amendment, the list be closed and that no other amendments then be in order than the amendment by Mr. Dole, the amendment by Mr. Warner, the amendment by Mr. D'Amato, and technical amendments by the managers.

I will wait a couple of minutes to ask, and I will yield in the meantime to the distinguished Republican leaders.

Mr. DOLE. I know of no other amendments on this side except the amendment by the manager on our side, Senator Warner, and my amendment, which is pending, and then the D'Amato amendment, which we hope to be able to deal with when the other amendments have been disposed of. As far as I know, there are no other amendments on this side. I just say, as the majority leader has indicated, if anybody else intends to offer an amendment, they should let me know in the next 2 minutes.

Mr. BYRD. I would ask our cloakroom to contact Senators and find out whether or not any Senator wishes to call up an amendment on the list. Otherwise, they will be closed out.

Mr. NUNN. Mr. President, if the cloakrooms could ask without urging, it would be appreciated by the managers.

Mr. DOLE. We are not going to ask.

Mr. NUNN. If the Senator will yield briefly, let me suggest this procedure because I know we do not want another rollcall right now because we have some Members at the White House on both sides of the aisle. We have the Dole amendment. I see the Senator from Rhode Island, Senator Pell, is here. If we could go ahead—I do not think it would take long—and have a brief debate on that amendment, I know the Senator from Rhode Island has another meeting he needs to attend. Then if we could debate the Warner amendment, which we are not able to agree with, then at least if there is going to be a rollcall on that, we will have concluded the debate. We could do that while we are waiting and conclude those two. If there are no other amendments, we will be prepared to vote on the Dole amendment and, if necessary, the Warner amendment. Then that would leave us in a situation to deal only with the D'Amato amendment after those rollcalls.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the debate on the Dole amendment, and then the debate on the amendment by Mr. Warner; that the votes on those two amendments be delayed until debate has been completed on both amendments; that any further debate on the D'Amato amendment be delayed until action on those two amendments has occurred; and that no other amendments that are on the list that appears on the Calendar of Business be in order after the disposal of the Dole amendment and the Warner amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Other than the technical amendments by the managers.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BYRD. That, of course, excluded the D'Amato amendment. His amendment would be still in order.

AMENDMENT NO. 2094

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, we took time last night. So I want to give time to the distinguished Senator from Rhode Island, the chairman of the Foreign Relations Committee.

I would just say very briefly there is nothing very sensational about this amendment. It is a sense-of-the-Senate amendment. It simply puts us on record one way or the other as far as dismissing the indictments that are now pending in the State of Florida against General Noriega.

My view is that we should not dismiss the indictments. I am not certain what the administration's view is. I know it is a very difficult negotiation they are involved in. But it seems to me with all we have been talking about the last few days, the last few months, the polls reveal concern about drugs, international drug trafficking; that we now have brought the Army into it, the Air Force, the Navy; that symbolically we are making a mistake if in fact the indictments against Noriega are dismissed.

Those who brought the indictments did so after careful study, and a lot of work. Maybe he will never be brought to trial. But it seems to me that the indictments should stand. I would hope that by passing this amendment we would send a clear signal, a positive signal, to the administration that as far as the Senate is concerned we do not believe that is appropriate action to take in view of the drug problem we face in America today. That is all it does. It does not bind anybody. It is a sense of the Senate. Some may agree, and some may disagree.

I know that. Negotiations are difficult. I know other things have, such as economic sanctions, been tried. I know other things have been tried that have not worked. Noriega is still there.

But I would hope that we can at least let the American people know, the real people, that this body does not believe we ought to dismiss criminal proceedings against a man who has been trafficking in drugs, making millions and millions of dollars, spreading misery across America to our children and our grandchildren. That is the only purpose of the amendment. I must say the White House is opposed to it.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, as I indicated last evening, I strongly support and am pleased to be a cosponsor of Senator Dole's resolution.

Mr. President, one thing I am sure of is that Ronald Reagan has and always does listen to the voice of the people of America. I hope they take this opportunity to call the White House. Let the President know what they think about this deal that is being concocted that has not been accepted yet by Noriega, which has been called by some, plea-bargaining. I choose and have characterized it as our pleading and Noriega's bargaining.

Senator DOLE rightfully characterized it as a legal golden parachute for Noriega, and to anyone who suggests that it is good that we drop these indictments because Noriega is leaving power, I would suggest to you that is totally inaccurate. It is wrong. It is a misstatement of the facts. He may be leaving, and only temporarily, but the power that he has will continue as it relates to the PDF, the Panama Defense Forces. He picks his successor. He will continue to rule. He is allowed to continue the President of his choice in office until new elections.

If anyone really thinks that those elections are going to be any fairer than any of the other elections that they have had in Panama, they are mistaken.

Mr. President, this concoction that comes because there are those in the administration, particularly in the Defense Department, who are coming to set policy as opposed to carrying out policy, and who have opposed strong measures that have been urged in the past by the State Department. This sends a terrible message, the wrong message at a time when we are attempting to say we are serious as it relates to dealing with the international drug traffickers. What do we say as it relates to the defendants who are charged with drug crimes here in this country? There would not be one of them who would not be eager to have such an incredible deal.

No, Mr. President, it is important that we send a message clearly to the administration. Let the American people call the White House, and let them know because what they would be saying is we are opposed to a deal that does everything but give Manuel Noriega a testimonial. That is the only thing we have not suggested yet, a testimonial dinner as drug dealer of the decade. That is all we have dropped out because that is exactly what this proposal which has been bandied about would be conferring on him.

The Latin American dictators and drug dealers can sit back and bask in glory and laugh at the United States at our ineptitude, and at our incompetence. It is inconceivable that we would want to loan even the indicia of support to this agreement. I hope we will support this resolution overwhelmingly.

Mr. WILSON and Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I realize the appeal of this amendment. My concern is that it narrows the options available to the administration by intervening in the negotiations at this time. That is always a questionable point. By saying we cannot use one of the inducements, the dropping of the indictments only strengthens the hand of those in the administration who are advocating other methods of persuasion, including conceivably the use of force. So there is a very good reason to be concerned about the amendment and narrowing the options.

However, recognizing the fact the Senate is not enthusiastic about the way the administration is conducting negotiations with Noriega, and that there is no assurance that Noriega will be giving up power in exchange for the dropping of the indictment; recognizing that it is a sense-of-the-Senate resolution; and recognizing that some sort of message should be sent along these lines, I know that speaking from my viewpoint from the Foreign Relations Committee I will support the amendment.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Thank you, Mr. President.

Mr. President, that is an example of, I think, being a little too clever by half. Our British friends use that phrase often when they are commenting on someone who has made an effort to do something in a fashion so sophisticated that in fact he loses sight of the basic fundamental.

In this case, there is a principle. The principle is that indictments seek to bring people to justice after not a careless or casual, but after a concerted and fair effort to determine whether or not they should stand trail. All the evidence in this instance indicates that the man that we are speaking of not only deserves to stand trail, but that he is perhaps escaping the kind of scrutiny for past misdeeds for which he is a legend throughout this hemisphere.

For us to now publicly engage in a deal whereby he is relieved of any apprehension that he might come to justice for what he has done sends a very clear and a very wrong message to all the world who are watching. It says that we will be selective in our outrage, that when we take to task drug producing nations and in fact vote to disapprove their certification as being in full cooperation under the Anti-Drug Abuse Act of 1986, that they still have hope if they are big enough, well-placed enough, if they are clever enough, to hold out for a very good bargin that in fact they may escape justice.

Mr. President, that is a very dangerous signal to send. The American people will not be mystified by it. To the contrary, they will be disgusted by it, and they have every right to be.

In a time when we are seeking to change the attitudes of our own people, young people in particular, in this Nation, and to make it clear that we, as a society, cannot be ambivalent in our view of drug use, for whatever reasons, relating to national strategy, to the maintenance of international facilities like the canal—and I do not demean the fullness in consideration of those factors—but a deal that would allow this man to escape justice is a deal that stinks and one that the United States should not pursue.

There comes a time when you simply have to say certain things cannot be winked at, certain things cannot be swept under the rug.

If our interests require it, we will find other means to protect our interests, but we will not make a deal with the Devil. We will not simply ignore the abundance of evidence that cries out for legal process of the kind that has resulted here in criminal indictments against this dictator. This is not simply another tinhorn dictator. Yes, we have seen several go scurrying off to asylum, and no one has cared very much. This is more than an tinhorn dictator. If the indictments against him prove true, he will have been guilty of massive harm against the people of the United States.

Mr. President, I commend the Senator from Kansas. I think we are indebted to the Senator from New York for the eloquent and impassioned comment he has made. They are both right. The Senator from Kansas is right in bringing this to our attention. The Senate will be right in voting with him to send a clear and a right message to the American people and to all others who are watching.

Mr. WARNER. Mr. President, will the Chair kindly advise Senators as to the manner in which Senators address the two amendments—namely, the amendment of the Republican leader, Mr. DOLE, and the amendment of the Senator from Virginia, which are both subject now to the unanimous-consent request?

The PRESIDING OFFICER. The Dole amendment is pending at the present time. The amendment of the Senator from Virginia has not been offered as yet.

AMENDMENT NO. 2098

Mr. WARNER. I ask unanimous consent that, without prejudicing the rights of the distinguished Republican leader, the Dole amendment be temporarily set aside and that the Warner amendment, which has been sent to the desk, be the subject of reading by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2098.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . (a) FINDINGS.—(1) Notwithstanding the critical need for conventional force improvements, the security of the NATO Alliance will rely on modern and credible nuclear weapons, with a goal of raising the nuclear threshold.

(2) The modernization of NATO's theater nuclear capabilities is a continuing process, stemming from NATO's 1983 Montebello decision to reduce the European nuclear stockpile while taking steps to insure that the remaining nuclear weapons are responsive, survivable and effective.

(3) Theater nuclear modernization programs, which enjoyed a high priority for NATO before the INF Treaty, are no less important for the post-INF period.

(4) NATO Ministers, meeting most recently at the Nuclear Planning Group (NPG), reaffirmed their endorsement of U.S. development of a Follow-on to Lance (FOTL) with a view toward an eventual decision on deployment.

(b) Therefore it is the Sense of the Senate that:

(1) Modernization of NATO's theater nuclear capabilities following ratification of the INF Treaty is essential to the deterrence strategy of the Alliance

(2) Continued U.S. modernization of its theater nuclear capabilities should be undertaken in close consultation with our NATO Allies.

(3) The United States should proceed with ongoing activities for satisfying the identified Alliance requirement for a Follow-on to Lance. Existing legislation pertaining to the use of the Army Tactical Missile System (ATACMS) for the Follow-on to LANCE should not be interpreted so as to exclude the ATACMS from the missile selection process should the Multiple Launch Rocket System (MLRS) be among the delivery systems selected in the Army Cost and Operational Effectiveness Analysis (COEA).

Mr. WARNER. Mr. President, I should like to state this Senator's understanding of the procedure leading up to this moment and the content of the amendment.

As to procedure: Last night, it was this Senator's understanding that the amendment had been cleared at the staff level. At some point—and that was perfectly within the rights of all Senators—there was an objection lodged. Consequently, it was incumbent upon the Senator from Virginia to bring up the amendment and ask for appropriate debate this morning, and then the resolution of the amendment by rollcall vote, which I now seek Mr. President. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. WARNER. I beg the Chair's pardon?

The PRESIDING OFFICER. Is there as sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, as to the amendment itself: The first three paragraphs of the amendment, which I will shortly read, are drawn verbatim from the Senate Armed Services Committee INF report. The first paragraph:

> (1) Notwithstanding the critical need for conventional force improvements, the security of the NATO Alliance will rely on modern and credible nuclear weapons, with a goal of raising the nuclear threshold.
>
> (2) The modernization of NATO's theater nuclear capabilities is a continuing process, stemming from NATO's 1983 Montebello decision to reduce the European nuclear stockpile while taking steps to insure that the remaining nuclear weapons are responsive, survivable and effective.
>
> (3) Theater nuclear modernization programs, which enjoyed a high priority for NATO before the INF Treaty, are no less important for the post-INF period.

All those statements were made by the Senate Armed Services Committee in conjunction with its report on the INF. As a matter of fact, throughout the hearing held by the Armed Services Committee on the INF, time and time again these three points were made, almost without exception, by all the witnesses.

The fourth statement is a statement of fact, and I read it:

> (4) NATO Ministers, meeting most recently at the Nuclear Planning Group (NPG), reaffirmed their endorsement of U.S. development of a follow-on to Lance (FOTL) with a view toward an eventual decision on deployment.

The purpose of this amendment is to send a clear message that we should not give allies the impression that Congress is not supporting this theater nuclear force modernization.

The next sentence says, "Therefore, it is the sense of the Senate that," and then the following paragraph, again, is taken directly from the Armed Services Committee INF report:

> Therefore it is the sense of the Senate that:
>
> (1) Modernization of NATO's theater nuclear capabilities following ratification of the INF Treaty is essential to the deterrence strategy of the Alliance.
>
> (2) Continued U.S. modernization of its threater nuclear capabilities should be undertaken in close consultation with our NATO Allies.

Again, two proposals testified to by almost every witness who came before our committee, and then incorporated in our report.

Now the third and last paragraph of the amendment reads as follows:

> The United States should proceed with ongoing activities for satisfying the identified Alliance requirement for a follow-on to Lance. Existing legislation pertaining to the use of the Army Tactical Missile System (ATACMS) for the follow-on to Lance should not be interpreted so as to exclude the ATACMS from the missile selection process should the Multiple Launch Rocket System (MLRS) be among the delivery systems selected in the Army Cost and Operational Effectiveness Analysis (COEA).

The amendment has been carefully drawn so that it does not, and I repeat, not in any way undermine the existing legislation that limits the development, testing, and production of ATACMS as a follow-on to Lance.

I will now refer to the existing legislation.

In the authorization bill last year:

> SEC. 258. STUDIES OF NUCLEAR WARHEAD FOR ARMY TACTICAL MISSILE SYSTEM.
>
> (a) Funds available to the Department of Defense or to the Department of Energy may be obligated or expended for studies and analyses of the military utility and cost of a nuclear warhead option for the Army Tactical System (ATACMS).
>
> (b) No funds may be obligated or expended for the purpose of developing, testing, producing, or integrating nuclear warheads for the Army Tactical Missile System (ATACMS) unless—
>
> (1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Army Tactical Missile System has achieved an initial operational capability with United States Army units permanently stationed in the Federal Republic of Germany;
>
> (2) such development, testing, production, or integration has been specifically authorized by legislation enacted after the date of the enactment of this Act; and
>
> (3) the Secretary of Defense has submitted to the Committees on Armed Services and Appropriations of the Senate and House of Representatives the comprehensive analysis required by section 1001 of the options available to the United States to preserve an adequate theater nuclear capability in Europe if a treaty with respect to intermediate-range nuclear forces (INF) is concluded between the United States and the Soviet Union.

I repeat the amendment as drawn does not undermine in any way, in the judgment of this Senator, that piece of legislation. The amendment does put the Senate on record as we should be on record as supporting necessary modification of theater nuclear systems in close consultation with our allies.

The amendment makes it clear it is not the intent of the legislation to exclude consideration of the ATACMS as a candidate missile for a follow-on to Lance.

Now, Mr. President, that is as succinct and as clear as I can state the purpose of this amendment. I urge its adoption. I anticipate that others will be addressing this issue momentarily.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Warner amendment.

Mr. NUNN. Mr. President, I have been advised by the Defense Department that the Army has determined that the existing legislation prohibiting a nuclear ATACMS would preclude including the ATACMS as a candidate for consideration during the missile selection process for the multiple launch rocket system known as the MLRS should the MLRS be among the delivery systems selected for evaluation as a candidate for the nuclear follow-on to the Lance Program.

The distinguished ranking member of the committee, Senator WARNER, had hoped to clear an amendment that would have stated or would state—and that is what we have here before us now—the sense of the Senate that the ATACMS could be considered notwithstanding the existing legislative prohibition.

This amendment would not, however, repeal the legislative restriction on ATACMS nor will it constitute an authority to enter into any development, testing or production of a nuclear ATACMS, as I understand it.

I must advise my colleague that I have not been able to clear this amendment on our side, and I hope, therefore, that perhaps the Senator would consider not insisting on a vote but, of course, that is his right.

We are now in a late stage of the debate. This is a very important issue. I am sure that Senator KENNEDY for one and probably others will want to be heard on this.

In addition, there are still questions in my mind both as to the validity of the Army's reading of the law—I am not sure they are reading it correctly, although it is probably a close call—and the larger policy question of whether we would want to encourage the ATACMS to be considered during the missile selection process if we have no intent of lifting the restrictions later on. In other words, what does it do to the process if we say in the sense of the Senate go ahead, fellows, and they go ahead and put it in competition? We still have the prohibition on the record. It then is selected. What does it do to the other candidates in terms of obscuring the process? That is one question.

What I would like to suggest to my colleagues is that we have the committee look into these questions and have a hearing on the question, and we could do that at an early date. I do not mind scheduling that hearing soon. We have a number of other small bills that will be going through. I would like very much, if we do decide to make a change in this, to probably do it in the law rather than in the sense of the Senate, and I will explain that in a moment. We also would have a chance for the committee to be heard. I think we would have a much better chance of taking corrective action.

Let me make one other point. So, really, question No. 1 is, What is the status of the competition? If they go forward with this system, we still keep the preclusion in law relating to its nuclear use but encourage them to go forward and make it a candidate. And if then it wins, what does it do to the other candidates for competition? That is one question.

The other question I would have on the Senator's amendment would declare existing legislation pertaining to the use of the Army tactical missiles system for the follow-on Lance should not be interpreted so as to exclude the ATACMS from the missile selection process should the MLRS be among the delivery systems selected in the Army's cost and operational effectiveness analysis?

Mr. President, the other point I would make is that I have not studied this in great detail. I have a hard time seeing how a sense-of-the-Senate resolution could change the legislative history of a piece of legislation that has already passed. In other words, we are here on the floor, the two of us. We are talking about a sense of the Senate and even if the Senate passes this sense of the Senate does that really affect the legislative history of a provision that has been in law for 3 years? This has been in the law for 3 or 4 years. We made an adjustment last year.

So, I am afraid we are going to have a vote on this. The Senator may prevail. I do not know how the vote will come out. I just do not see how a sense-of-the-Senate resolution can affect the legislative intent of a law on the books where the House of Representatives is not a part of this and with the law already on the books.

Maybe the Senator could explain that to me. In other words, I am afraid we are going to end up getting a vote here that is going to show a very divided question on this question of the nuclear role for ATACMS, and then we will not have solved anything even if it prevails.

Those are my two essential questions.

Finally, I would say that I would assure the Senator that whether this amendment is agreed to or not I will cooperate with him in every way in seeing that we have an early hearing on this question. This is a substantive issue. It is not a question of being against or for the ATACMS. I am very much in favor of ATACMS but the ATACMS was a program that was sold to the Congress on the basis of developing the accuracy with our short-range missile systems that would begin to substitute those systems for the short-range nuclear systems that we all know in too many cases would hit on the soil we are sworn to defend.

So the idea was to develop a conventional program to focus the attention on the conventional program to make it very accurate and to begin to give us the capability of moving away from this early use of weapons that have extremely short range and largely would have to hit the NATO theater. It is very hard to convince the Europeans that you are defending them if your basing systems cannot kill beyond their border.

It would be like stationing, basically, several missiles in Virginia designed to protect against an invasion from the north, but none of the weapons can get outside of Virginia. I imagine the Senator from Virginia would have a hard time explaining how you can defend Virginia by exploding nuclear weapons on Virginia's soil. That is what we are facing in NATO and that is what we are going to be debating some in the INF Treaty.

That is why we wanted an ATACMS system that would be conventional, not nuclear. That is why, at the very best, I think this question is premature now. I am just not sure that the Senator's motive, which is a good motive in solving this, is something to be fulfilled even if it passes.

So I raise those objections.

Mr. WARNER. Mr. President, in replying to my distinguished friend—and I am wondering if he might remain wired up so we can have a little colloquy.

Mr. NUNN. Yes.

Mr. WARNER. We had the privilege, and indeed the pleasure of accompanying the majority leader—indeed, the chairman of the Foreign Relations Committee, the chairman of the Intelligence Committee, yourself, and I—through a trip to Europe in which we visited with the heads of state of the governments of five nations. At those meetings, it was my impression that the Senator from Georgia was a supporter of theater nuclear modernization, which is the basic thrust of this particular amendment; in favor of it in such a manner that it would be coordinated, recognizing certain politically fragile situations in Europe without mentioning a country specifically.

So I wonder if the Senator might address his views on the need to go forward with the theater nuclear modernization in the post-INF period.

Mr. NUNN. I would agree with the Senator on that. I do think we have to have a follow-on to Lance. I do not want to leave any misimpression on that. I think we have to have a follow-on to Lance, and the ATACMS is a good candidate for that.

But before I voted for this, I would want to know what is going to happen to the conventional program. Because ATACMS was not designed to replace a nuclear system. ATACMS was sold, and we funded it and everything about it has been designed to replace some of the short-range systems, not the long-range systems that we are now so heavily dependent on, by having a conventional munition and a conventional role.

Now, if we are going to convert it into a dual use, what I want to know before we go forward—and only a hearing could tell us this—is what is the continuing commitment of the Department of Defense to the conventional role. Are we going to end up, if we convert ATACMS, are we going to end up not having a priority with the conventional role, and are we going to be right back in this sort of spinning situation where we do not have the conventional forces to really provide an effective deterrent? We then go to nuclear systems, we become more dependent on those, then we go to early use of nuclear systems, short-range nuclear systems, and in the process we weaken our conventional defense, because it always assumes a second priority.

So that is the question. It may very well be I can be persuaded that we ought to have a dual role for ATACMS. And I certainly agree we need to have a nuclear follow-on for the Lance. But this system has been designed for a conventional role and I would have to be assured, and I have not yet been assured, that that priority would remain a very high priority if we are going to make this a candidate for a nuclear role.

Mr. SYMMS. Mr. President, who has the floor.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. I yield the floor.

Mr. SYMMS. Mr. President, I rise to compliment the Senator from Virginia for this amendment. If I could have the Senator's attention to ask him some questions and maybe the distinguished chairman might also help me out.

I recall that every single witness that we had before the committee, in reference to the INF, what it does directly affects this, every administration witness—I think there might have been one German politician who countered this—but every other witness said that we should improve our flexible response if, in fact, the INF is going to be ratified and put into compliance.

I note in this amendment that you talk about the Atacms, but there is no mention of artillery, AFAP's. Is that the Senator's intention? I believe we should have that included, also. Every witness said that also.

Mr. WARNER. Mr. President, it was not the intention of the Senator from Virginia to put in a full range of the specifics. The purport of the amendment is to basically take certain sections from the Senate Armed Services Committee INF report, which is paragraphs 1, 2, and 3, and then in the findings of the Senate, the sense of the Senate, paragraphs 1 and 2. So it is a restatement of the committee report.

Essentially, the purpose is to get reaffimation of the Congress to going forward with the theater nuclear modernization, which, I understand, the distinguished chairman basically has just done. So, in a major way, he satisfied the purposes of the amendment.

Mr. SYMMS. Mr. President, I thank the Senator very much.

I would just say, Mr. President, that I think the point I would like to make here is I think the Senator from Virginia is right on target with this amendment. But, in context with the next debate that is going to take place in the Senate with respect to the INF, I think Senators that are planning to vote for the INF should also be planning, first, to be prepared to spend a lot of money for verification and, second, to spend a lot of money to remodernize NATO to replace what will be lost from our flexible response.

That is why I think the modernization of the artillery weapons is so critical. It is not mentioned here and it is not in the amendment. But I would like to see this amendment go one step further is what I was saying to the Senator from Virginia. I think he is on target with the amendment and it is an important amendment.

I hope we will have a vote on it so that Senators can start becoming aware of what it is that is going to happen and what we are going to lose in Europe and what we have to do to replace that capability and that deterrence.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2099

Mr. WARNER. Mr. President, I send an amendment to the desk and on behalf of myself and the distinguished Senator from Georgia, Mr. NUNN. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for himself and Mr. NUNN, proposes an amendment numbered 2099 to amendment No. 2098.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new Section:

"SEC. . (a) FINDINGS. (1) Notwithstanding the critical need for conventional force improvements, the security of the NATO Alliance will rely on modern and credible nuclear weapons, with a goal of raising the nuclear threshold.

"(2) The modernization of NATO's theater nuclear capabilities is a continuing process, stemming from NATO's 1983 Montebello decision to reduce the European nuclear stockpile while taking steps to insure that the remaining nuclear weapons are responsive, survivable and effective.

"(3) Theater nuclear modernization programs, which enjoyed a high priority for NATO before the INF Treaty, are no less important for the post-INF period.

"(4) NATO Ministers, meeting most recently at the Nuclear Planning Group (NPG), reaffirmed their endorsement of U.S. development of a Follow-on to Lance (FOTL) with a view toward an eventual decision on deployment.

"(b) Therefore it is the Sense of the Senate that:

"(1) Modernization of NATO's theater nuclear capabilities following ratification of the INF Treaty is essential to the deterrence strategy of the Alliance.

"(2) Continued U.S. modernization of its theater nuclear capabilities should be undertaken in close consultation with our NATO Allies.

"(3) The United States should proceed with ongoing activities for satisfying the identified Alliance requirement for a Follow-on to Lance."

Mr. WARNER. Mr. President, the amendment now pending at the desk on behalf of myself and the distinguished Senator from Georgia is identical in every respect to the amendment sent up by the Senator from Virginia with the exception that the last sentence in the last paragraph of the sense of the Senate has now been deleted. So, therefore, the purpose of my amendment will have been met in every respect, with the exception of a possible clarification of the existing law with respect to what the Army may or may not do as it continues its test and evaluation research. I understand the chairman's position on this and I think he gives me the assurances we will have hearings on that point.

Therefore, the amended amendment would meet the goals of the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Virginia and I assure him that I will schedule hearings with his cooperation and his coordination on this subject. I have talked to the Senator from Massachusetts and he will be pleased to participate in those hearings. We will hear from the Department of Defense and they can make their case about why this system should compete. And, in doing so, the most important factor to me is they have to make a case as to what is going to happen to the Atacms as far as their original role, the original purpose, which was why we spent the money and which will keep NATO going down a hopeful path, long term, on being less dependent on the early use of short-range nuclear systems.

Mr. President, I would urge the adoption of the amendment.

Mr. WARNER. Mr. President, there is no need to have the yeas and nays on this.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a moment. I appreciate the adjustment, the change that the Senator from Virginia has made in this proposal. The issue here is a provision that Senator NUNN and I sponsored in last year's defense authorization bill, which bars development of a nuclear warhead for the Army tactical missile system [Atacms] until after a conventional version is deployed with U.S. forces in Europe. I am in favor of modernization of nuclear systems in the NATO forces. But, the issue of whether that modernization should include a nuclear Atacms is not clear. Given Atacms crucial role as a conventional system, developing a nuclear version of Atacms may potentially lower the nuclear threshold. Accordingly, I believe that the procedure which has been outlined by the chairman of the committee involving a hearing on Atacms would help the Armed Services Committee, and hopefully the Senate, to make a prudent and reasoned judgment.

There is $15 million in the current budget for a study of a nuclear version of the Atacms. I understand the DOD does have some questions about the particular language. I would welcome the opportunity to cooperate with the chairman and the ranking minority member to ensure that we get a clarification.

What has been worked out here, I think, is entirely satisfactory and I would hope that the Senate would accept the amendment as it has been modified.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I first ask unanimous consent that the yeas and nays on the underlying amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Second, I wish to ask a question of the Chair. The amendment sent forward on behalf of myself and the Senator from Georgia should read in every respect like the underlying amendment with the exception of the last sentence in paragraph 3 having been deleted, which means the first sentence in paragraph 3 remains.

I ask the Chair, is that the present amendment that is before the Senate?

The PRESIDING OFFICER. That is correct.

Mr. THURMOND addressed the Chair.

Mr. WARNER. Mr. President, forgive the Senator from Virginia. I knew the Senator from North Carolina was prepared to speak.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the first week in May I had the opportunity to go to Germany and confer with the top military commanders in that country representing our Nation. I conferred with General Kirk, the top Air Force commander in Europe; with General Otis, the top Army commander in Europe; and with General Richards, the deputy European commander.

I also conferred with General Crosley, the chief of staff of the 5th Corps, and with General Reynard, the commander of the artillery of the 5th Corps.

Mr. President, in conferring with all of these military commanders, without exception they strongly recommended modernization of theater forces. The Soviets have doubled their short-range ballistic missiles since 1981 and they quadrupled artillery-launched atomic projectiles. It is absolutely essential that we take steps, upon entering into this INF Treaty, to modernize nuclear forces, theater nuclear forces.

As I understand it, in talking with the commanders, they feel this should be done without question. It should be done promptly in order to protect our interests and that of the free world.

All of this modernization would include nuclear weapons. It would be a follow-on to the Lance, the tactical air-to-surface missile, and to modernizing nuclear artillery.

Mr. President, if we are going to do away with Pershing nuclear weapons, intermediate range, over there, if we are going to do away with the cruise intermediate-range nuclear weapons, we must take steps to substitute power in their place.

We have no evidence yet that the Soviets have changed their goal of world domination, of spreading their aggression throughout the world. Therefore, we must be ready to protect ourselves and the free world.

I would urge the adoption of this amendment. I further urge that we hold hearings and take steps to accomplish what these generals, the top commanders of our Nation, recommend.

I feel this important. It should not be delayed. I do hope the chairman and ranking member of the Armed Services Committee will hold these hearings without delay.

Mr. WARNER. Mr. President, I thank the distinguished senior Senator from South Carolina. Indeed, he made a trip which was directly related to the subject matter of this amendment and his report, which has been made available to all Senators, is a very valuable contribution. I think that the comments made by our colleague are directly on point.

If there are no further Senators who desire to address this issue——

Mr. THURMOND. Will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. THURMOND. Mr. President, I wish to thank the Senator for his kind words. I ask him to add me as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, seeing no Senators wishing to address this amendment and the yeas and nays having been vitiated on the pending amendment, I suggest the Chair now put the question to the Senate.

The PRESIDING OFFICER. Is there any further debate on this amendment? If not, the question is on agreeing to the second-degree amendment offered by the Senator from Virginia.

The amendment (No. 2099) was agreed to.

The PRESIDING OFFICER. The question now occurs on the amendment by the Senator from Virginia as amended.

The amendment (No. 2098) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2094

Mrs. KASSEBAUM. Mr. President, the question pending now is the Dole resolution; is that correct?

The PRESIDING OFFICER. The Senator from Kansas is correct.

Mrs. KASSEBAUM. Mr. President, I rise in strong support of the Republican leader's resolution. I think Senator DOLE has addressed this in a timely and important manner. I do not believe that we should be dropping the drug indictments against General Noriega at this point.

I also argue that the issue is larger than just whether these drug indictments should be dropped against Noriega at this time. The issue is how we have handled the crisis in Panama over the past several months.

Our present efforts are not merely ineffectual. Rather, I think they work against the return of democracy in Panama, against respect for our own judicial system, and against hemispheric harmony.

The publicity with which our efforts have been attended has made it difficult for Panama's neighboring governments to bring their own leverage to bear. I firmly believe those governments share our outrage over Noriega, but their popular sense of sovereignty has historically put priority on resisting the appearance of U.S. intervention. Our visibility has come to inhibit the potentially more effective pressures of Noriega's neighbors.

Ironically, our awkward recent attempts at negotiating have leached the moral strength of our position. They have done nothing to relieve the appearance of heavyhanded intervention. The result not only weakens our international image, but inhibits the efforts of others with an interest in a democratic Panama.

More important than even this, perhaps, is the damage done domestically to our own sense of justice. When negotiations include tampering with the integrity of our own criminal justice system, we are wounding ourselves in ways we may never fully appreciate.

Mr. President, our efforts, well-intentioned as they are, have been ineffectual. Now they threaten to become self-defeating and worse.

I urge we consider a policy that offers Noriega's opposition every rhetorical, diplomatic, and economic support they may request. We should consider a policy without negotiations, without concessions.

I suggest several things: Stop intervention in our judicial process, leave the indictments in place, and look forward to a day when they can be enforced. We should reassure Central Americans that the United States seeks no improper intervention in their determinations. Offer any assistance neighboring governments might ask in implementing a regionally conceived policy toward the crisis in Panama.

It is of paramount interest not only to our Latin American allies, particularly our Central American neighbors, but to ourselves.

However, I think a point has been reached when we simply must not continue to appear to be ineffectual and weak in these efforts.

I urge, Mr. President, the strong support in a bipartisan fashion by the U.S. Senate for the resolution put forward by Senator Dole.

I yield the floor.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I believe we are about to vote on the Dole amendment. I plan to vote for the amendment. I must say, though, we still are going to have a difficult situation in dealing with the Noriega problem.

As I view it, the administration has painted themselves and, indeed, our Nation on this matter into a corner. So we have painted ourselves into a corner on the Noriega matter.

I believe that there is a strong suspicion by the Senator from Kansas, Senator Dole, and many others, that the administration is about to hand the paintbrush to Noriega. As I view this amendment, it basically says the Senate should not permit that to happen, and the Senate should take away the paintbrush.

When we get through passing this amendment, as I see it, we will have expressed the Senate's sentiment that the paintbrush be taken away, but we are still going to be in the corner.

So I do not see that we are proposing or solving the problem that we have painted ourselves into. But, nevertheless, I plan to vote for the amendment.

Mr. DURENBERGER. Mr. President, H.L. Mencken once said that for every problem there is a solution that is simple, understandable and wrong. That's clearly the case with the Senate vote today. It seems simple, understandable—and politically correct—to declare that we will not stand for dropping drug charges against a corrupt political leader.

And so it is—short term. And politically correct short-term solutions are often easy—but wrong long term. Of course I'm horrified by the open drug-trafficking of this despot. Of course I want to send a message world-wide that we as a nation will not tolerate such action.

Mr. President, last year I authored Senate Resolution 239, approved by this body 84 to 2, which called for the ouster of General Noriega. My vote today is not pro dropping of the Noriega indictments, but rather it is anti throwing away our only bargaining chip in the high-stakes negotiation to remove Noriega from power and from Panama.

To further the goal of democracy in Panama, the first thing we must do is to get rid of Noriega. Every other goal is, of necessity, secondary to that objective. And the central issue is what we would get in return for dropping the charges. That must include an end to his despotic rule and conditions that allow Panamanians the freedom to choose their own government.

If the alleged deal to drop the indictment covers the political future of Panama, it is wrong, because the political future of the country must be determined by the Panamanians. But if we can help rid the country of this tyrant, we will have enabled them to make that determination.

Therefore, I will vote with what I assume will be a small minority against this amendment. The Republican leader's proposal may be good politics in a political year, but it's not good policy. I would encourage my colleagues to take a minute to think about the consequences of this action here today, and consider the costs of this kind of instant gratification amendment.

Foreign policy, by its very nature, presents many of the kind of solutions to which Mencken referred. I hope this body will pay attention to our well-established long term interests, rather than the temporary passions of the moment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I have sought recognition only to remind all Senators this will be a 15-minute rollcall vote, and the call for the regular order will be automatic at the conclusion of the vote, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Dole amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. Rockefeller] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. Stafford] and the Senator from Wyoming [Mr. Wallop] are necessarily absent.

The PRESIDING OFFICER (Mr. Daschle). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 10, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—86

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby

Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—10

Armstrong
Boschwitz
Dodd
Durenberger
Evans
Hollings
Humphrey
Lugar
Quayle
Simon

NOT VOTING—4

Biden
Rockefeller
Stafford
Wallop

So the amendment (No. 2094) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senate is not yet in order.

Mr. BYRD. I thank the Chair.

ORDER OF PROCEDURE

Mr. President, no amendments are in order now other than the amendment by Mr. D'AMATO, and the technical amendments that will be offered by the managers. If we might have some understanding as to whether or not we are going to debate the D'Amato amendment further and, if so, how long, I have indicated publicly and in response to inquiries by Senators, and the press that I intend to go to the INF Treaty today. I have not set a particular hour. But that is my commitment. And I will do everything I can to carry out that commitment.

But there should be resolution of the amendment by Mr. D'AMATO, one way or another, and I would be interested in hearing what Senators have to say.

For that purpose I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I have been discussing what might follow on with a number of Senators, some very briefly. Obviously, we want to get on to the INF Treaty, No. 1; No. 2, it is not our desire nor Senator D'AMATO's desire to hold up the defense authorization bill. It has been done remarkably well by the chairman and by the ranking member. It has been an outstanding job, and in a very short period of time. We do not want to be the fly in the ointment.

So what we would like to do while Senator D'AMATO is maybe debating this, maybe just discuss with the majority leader or others an idea or two that we might have in an effort to end it on this side. I am certain there are many on the other side who share the same view as Senator D'AMATO.

If somehow we could put together an agreement whereby when the INF Treaty has been disposed of that we could return to the D'Amato amendment as a freestanding bill as the first order of business, then I think we would be in the position, at least I could recommend to the Senator from New York, that he maybe withdraw his amendment from this bill.

I would be happy to discuss that privately with the majority leader, or with others. The majority leader and I are on the same side of this issue. Maybe I should discuss it with others first.

Mr. BYRD. I am sorry. I was engaged in a conversation.

Will the distinguished leader repeat what he said with respect to a freestanding measure?

Mr. DOLE. In my view, it would be satisfactory to the Senator from New York, the prime mover of this amendment, if we could reach some agreement that after disposition of the INF agreement, some time after disposition, that we could take up the D'Amato amendment as a separate, freestanding measure, and try to dispose of it. We would like to have a time agreement. If not, at least we would like it not be subject to a motion to proceed because we are not subject to that now. Then maybe we could file a cloture petition, have a vote on cloture, and see what happens.

I know, knowing the schedule and knowing what the leader has in front of him, the leader does not want to eat up a lot of time. But if I could, I would be very pleased to discuss it with some of the Members on the other side, and then maybe come to the majority leader and indicate what we have been able to work out if that would be helpful.

Mr. BYRD. Mr. President, following the vote on the treaty, whenever that comes, or perhaps even at some point during the debate on the treaty, we may have to deal with the matter of a Presidential veto of the trade bill which is exceedingly important in the eyes of a good many Americans, if not most Americans. And it is important, as is the INF Treaty. So if we are able to avoid in some way discussion of the override during the debate on the treaty, then certainly immediately after the treaty is approved, we would be back to the override.

I will do everything I can in working with the Republican leader and working with the Senator from Georgia and the Senator from Virginia, Mr. WARNER, in completing action on the DOD authorization bill today.

Perhaps something can be worked out. We must recognize the fact that the Senator from New York is within his rights to debate this amendment as long as he can stand on his feet, and not give up the floor.

I hope we can work something out whereby we could, because I intend to go to this treaty today.

I have never made a commitment yet that I have broken, I do not think, in the Senate.

So I intend to go to the treaty today. But it would seem to me that we should work out an arrangement whereby there would be a time agreement on a freestanding resolution, because just saying that, yes, we will call up a freestanding resolution, I do not know how difficult that is going to be, in light of the mountain of work that we face in this Senate.

There are only 74 days, including today, and including Saturdays, with the exception of one Saturday, October 8, until hopefully, we can adjourn sine die no later than October 8, and I would like to see us be able to adjourn sooner. But if we are going to adjourn October 8 and not have to come back after the election, I think we will have done very well.

In the meantime, we have 13 appropriations bills, and let us not forget that we have the United States-Canadian free trade area agreement, and we ought to know where we are going on the trade bill before we get to that agreement.

I would like to see welfare reform, and there are other numerous measures, most of which probably are not as important as those I have mentioned.

What I have said is that we have a very busy 74 days ahead, considering the fact that we have two conventions.

So, just to set this aside on the promise that we will have a freestanding measure, I think we should face up to this measure and quit running from it.

I happen to be on the same side on this matter as the Senator from New York [Mr. D'AMATO]; but if we are going to beg off on this bill and not have a vote, there are good reasons why we need to make some other arrangements at this point. We cannot just continue to put off and beg off on this question.

It is obvious that there are a great number of Senators here who want to have a decision on it.

So if the distinguished minority leader and others, myself included, can help work out an agreement whereby we can proceed to that freestanding amendment, without debate, and have a time limit on it, with a vote up or down, it would seem to me that it would be a good way to get on with our business.

Mr. DOLE. I thank the majority leader. We are going to work on that right now. Perhaps I could visit with those who have a primary interest and get back to the majority leader within the next 20 or 30 minutes.

Mr. D'AMATO. Mr. President, let me say again, for the benefit of my colleagues and for the benefit of the RECORD, that this Senator has no intention of needlessly—I say needlessly—delaying the important work of this body, and it is important work.

By the same token, I think it is fair for us to underscore—and I say "for us," because there are a substantial number of my colleagues who have joined me in this effort to bring up the matter of whether or not there should be a death penalty bill broader than that which exists already, as it relates to covering certain kinds of activities, premeditated killing as it relates to the criminal enterprise of the drug organization, the kind of reckless indifference to human life as characterized by this headline of last Thursday: "Drug War's Terror Toll; Sleeping Woman Shot In Fusillade."

The fact is that in both cases and in the case where there was premediated, intentional killing, law enforcement officers and others, I think it is the overwhelming belief of this body, not just this Senator, that the appropriate deterrent should be the death penalty.

The fact remains that for a long time now, going back to at least 1984, we have been unable to get a vote on this because there has been the threat of filibuster. By the way, that is reasonable. That is part of the process of this body: that the minority, if they feel strongly upon a subject, can do all they wish as it relates to deterring the majority from moving forward. I do not condemn anybody for that. By the same token, I think we have to recognize that at some point in time, the majority has a right, particularly when it is more than 60 Senators, to have their voice heard.

So, while I respect the rights of the minority, or those who feel strongly in opposition to the death penalty—and they have a right to employ their rights, the procedures necessary to protect their interests and their points of view—I also think it is important that we now set forth here that that right should not be taken away from the majority. You can criticize that in any way, shape, or form.

If we can come to a suitable agreement, lay aside this amendment, to bring it up as a freestanding bill, with a time certain, so that we can have a legitimate debate and vote and resolve, that is something this Senator believes would accommodate not just the Senator alone but the majority, and get a determination from this body, not one person, and recognize that this is a matter that has been debated, and debated, and debated. The will of the majority, I believe, has been thwarted quite effectively until now.

This Senator does not intend to yield to the kind of pressure that would continue the will of the majority or the majority's point of view being thwarted. I say that quite candidly. There are others who may want to express their opinion here. I certainly have no objection to that. But, again, I will say that when it comes to this kind of terror killing—"Drug War's Terror Toll; Sleeping Woman Shot"—they just scraped the building, shot into the building indiscriminately. If that is not reckless indifference to human life, and it is proven, it seems to me that the person who killed this person should be subject to the death penalty.

When it comes to the case of Eddie Byrne, a police officer who was deliberately, premeditatedly assassinated, if you get the person who pulled that gun, who gave that order, it is this Senator's viewpoint that that person should pay with their life, with no mitigating circumstances, and if there are, let the jury decide. We should not decide here. I think certainly a jury should decide whether or not the death penalty would be applicable in those cases.

Mr. President, I want to serve notice that this Senator is determined that we will get a vote on our bill, the death penalty bill, as it relates to those who are dealing in drugs. If we do not get it today, if we do not get it tomorrow, I hope we can agree to a time certain, so that we can get on to other important business.

Let there be no mistake that this Senator is determined not to yield until we resolve this issue.

AMENDMENT NO. 2071 TO AMENDMENT NO. 2070

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair assumed that the Senator has received a sufficient second for the yeas and nay on the second-degree amendment.

Mr. DOLE. The yeas and nays have been ordered?

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. The yeas and nays have been ordered?

The PRESIDING OFFICER. On the second degree amendment, the yeas and nays have been ordered.

AMENDMENT NO. 2070

Mr. DOLE. Mr. President, I ask for the yeas and nays on the first-degree amendment.

The PRESIDING OFFICER. Is there objection that the yeas and nays be ordered on the first-degree amendment?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I realize we are not through with this bill. I am, I guess, on the optimistic side that perhaps we are going to be able to finish it today. I would just like to give the Members some idea of what we have done thus far, since we are down to one amendment. If we can work out that amendment in some fashion, schedule it later or have it withdrawn in some some fashion, then we will be able to vote on final passage on this bill today.

Mr. President, as the Senate concludes the debate on the fiscal year 1989 defense authorization bill, I particularly want to thank Senator WARNER and all of our colleagues on the Armed Services Committee for an extraordinary amount of hard work this year, both in the committee, subcommittee, and on the floor.

Since January the Armed Services Committee has held 32 hearings on NATO defense and the INF Treaty. Many of those hearings lasted 4, 5, 6, some of them 7 or 8 hours.

We conducted seven markups on the report that the committee made to the Senate on the treaty. So we have had a tremendous load on the INF Treaty and, of course, the Foreign Relations Committee has also had a tremendous load, as has the Intelligence Committee.

In addition to that, we held a total of 45 full committee and subcommittee hearings on the amended fiscal year 1989 defense budget. We spent a week and a half in April marking up the bill in subcommittee, as well as the full committee, and we reported the bill to the Senate on May 4.

The Senate began debating this bill on Monday, May 9. We have debated this bill for 7 days and, of course, into the evening on several occasions. We have handled more amendments in less time than ever before.

Senators might be interested to know that we have disposed of 93 amendments on this bill. There have been an additional 53 amendments that have been listed that we have had to deal with and prepare for that have not been taken up. So we have dealt with, in one fashion or another, 146 amendments. Ninety-three of the amendments have either been acted on or withdrawn or disposed of. Sixty-two amendments passed by voice vote, 5 passed by rollcall vote, 14 have been tabled by rollcall vote, 2 have been ruled out of order, 6 were withdrawn, 2 failed to be tabled by rollcall vote, and 2 second-degree amendments fell when the first-degree amendments were tabled.

We have had, I would say, about as equitable a sharing here as we could in terms of who sponsored the amendments. We have had 48 amendments offered by Democrats and 45 offered by Republicans.

I would say the Republicans won that one. I think the side that offers the least amendments, as far as the floor manager is concerned, wins. So I praise the Senator from Virginia for exercising more restraint on his side than we were able to muster on this side.

I think Senators will also be interested to know that May 17 is the third earliest date the annual defense authorization bill will have passed, if we pass it today, in the last 20 years. In my view, one of the main reasons the Senate has been able to act promptly on the bill this year is the fact that last year Congress approved, for the first time, a 2-year Defense Authorization Act for fiscal years 1988-89.

The budget request by the Defense Department submitted this year was a revision or an amendment to the second year of last year's 2-year budget request. Our committee's review of the amended fiscal year 1989 budget request was carried out more promptly and efficiently because of our work last year.

I would also say a major reason that we were able to move this quickly this year was the 2-year budget agreement that was entered into between the White House and the congressional leadership on both sides. Had that agreement not been entered into, we would not have had a budget resolution, we would not have had an overall defense number, we would not have had an outlay number, and our bill, even if we had it before the Senate, would not contain an outlay total that would comply with the budget resolution.

I do not know how many people really know—the staff on both sides understands this—how difficult it is to figure outlays—that is, how much is going to be spent in this fiscal year—and actual dollars spent on a defense authorization bill, which authorizes budget authority for the Department of Defense to go out and contract expenditures for programs and procurements that may last anywhere from 3 years to 7 years. In other words, not only is this bill, which I hope will pass today, within the budget authority totals by the budget summit last year, it is also within the outlay targets, which means the actual dollars we will spend on defense this year from the Department of Defense.

Last fall's deficit reduction agreement provides further proof of benefits of a 2-year budget cycle. If we were able to have an executive-congressional kind of overall framework agreement on a 2-year budget at the beginning of a cycle with the domestic and defense totals at least being laid out, it would make an enormous difference in how effectively and efficiently we are able to handle that on the floor of the Senate and the House for the next 2 years and, in turn, that will make an enormous difference in the way the Defense Department is able to plan and program.

So if anyone wants to say that procedures are not important, let them look at the procedures here. Procedures turn into hard, cold dollars saved for the taxpayers. Procedures that are effective and efficient turn into more military capability for our men and women defending this Nation. And when procedures are inefficient, we have just the opposite. We have money wasted and we have an awful lot of military effectiveness that is dissipated because we are not able to act in front of a problem rather than have the problem run over us.

Last fall's deficit reduction agreement was very important in that respect. Because of that agreement, we started this year with a consensus on the overall level of national defense spending for fiscal year 1989. This consensus is allowing the authorization and appropriations processes for defense programs to proceed in a much more orderly and timely manner this year—so far. I have been here long enough to know that you can always get a hitch. We may have a hitch yet on this bill. But I hope we will continue on the path we are on.

As I indicated in my opening remarks on this bill, Secretary Carlucci has stated that he intends to submit another 2-year budget for the Defense Department next year.

I also wish to pay tribute, in this respect, to former Secretary of Defense Weinberger, who started this 2-year budget process in the Department of Defense in response to congressional initiatives but, nevertheless, did it very enthusiastically. He started the process at a time when it did not appear that there was a great deal of support for it. I believe former Secretary of Defense Weinberger is due a vote of thanks in this respect by all of us.

Our committee remains committed to making further progress in implementing a 2-year budget for the Defense Department. We will continue to work to convince others in the Congress, both in the authorization committee on the House side—and they have been very cooperative thus far—and in the Appropriations Committee, that that is the way we ought to be going for as much of our expenditures as we can; not all of it, perhaps, but as much as possible.

I also think there is a lesson here for other committees. I believe the whole Federal budget process would work much better if we approached it 2 years at a time.

I wish to thank the ranking member of the committee, Senator WARNER, my good friend, who has been my partner in managing this bill on the floor. Without Senator WARNER's leadership and assistance, we truly would not have been able to get the bill out of committee in the fashion it came out, let alone handle it as effectively as we have on the floor. So I thank the Senator and his very capable staff for their splendid cooperation.

I also want to thank the chairman and ranking members of the subcommittees for their work in the committee and on the floor in moving this bill along. I particularly want to thank Senator EXON, Senator DIXON, Senator SHELBY, and Senator QUAYLE for the many hours they spent in the floor manager's seat over the past 7 days.

Senator DIXON and Senator QUAYLE undertook the mission of helping us arrange the timeframe for these amendments, and it has greatly expedited the process.

When you are a floor manager here, you are dealing with the substance of not just one amendment but usually about 10 or 15 amendments at one time. You are trying to hold a conference with various people. You are trying to get the essence of their arguments for their amendments. You are trying to make a judgment about whether to recommend its passage.

While you are doing that, it is virtually impossible to be very effective in lining up the next amendment. So the result of that, usually, is the floor managers have a difficult time keeping the business moving. Senator DIXON on our side, I think, did a remarkable job. He spent many hours on the telephone, telling Senators what the status was and giving them an opportunity to come to the floor, urging them to come to the floor. And Senator QUAYLE did a lot of that very important work on the Republican side.

Mr. WARNER. Mr. President, would the distinguished chairman add Senator McCAIN? He spent many hours, too.

Mr. NUNN. I certainly will. I think Senator McCAIN did a wonderful job here and I am delighted the Senator from Virginia called my attention to that because he was very, very helpful.

In particular I want to thank the majority leader, Senator BYRD, for his help and assistance getting this bill completed. When we brought this bill up a week ago Monday we did not expect to be at this stage on the following Tuesday morning. As I mentioned, we are not through yet. We have another possible hitch but I think we have at least an opportunity to finish today and none of us would have thought we would have been able to have completed this before the INF Treaty, understanding the INF Treaty was and still is the priority, when it has become ripe. And it now has become ripe for Senate consideration.

I am very grateful to the majority leader not only for scheduling it but for his tremendous leadership in helping us move this bill. Without his help there would simply be no way to do it.

I think too many people do not understand the tough job that being majority leader is. When they are out here on this floor and have to manage a bill, as I know the Senator from Mississippi has done for years and years and years, he has managed bills on this floor, they then begin to understand the tough job, sometimes the thankless job of being majority leader.

It is very difficult to perform that job. I think we are all, in the future, no matter who the next majority leader may be, whether it is a Democrat or Republican—that will depend on the makeup of the Senate of course—but no matter who it is we are going to look back and we are going to say: This majority leader did a marvelous job for the U.S. Senate and for the Nation.

I realize that. I realized it for some time but I realize it more having managed this bill for several years, than I ever realized it before.

Mr. Leader, I say thank you for the splendid job you do for this institution and, indeed, for the Nation. No one is more attentive to our national security than the Senator from West Virginia. He not only helps us procedurally but he helps us substantively and we are very grateful for that.

We face a difficult conference with the House.

Mr. STENNIS. Would the Senator yield me 1 minute's time?

Mr. NUNN. I would be delighted to yield.

Mr. STENNIS. Mr. President, I want to use that time in warmly thanking these gentlemen here who have done this fine job with this bill, thanking them for the other 98, the rest of the membership.

I have some vague idea of the enormous amount of work and responsibility they carried, day and night, and looked to the future with courage and met some conditions that needed that modification. The country will profit from those conditions being remedied and changed, for many years to come.

I feel happy for the body. This is appreciated by the membership. It is realized and appreciated by the entire membership. It is really a great body, and I am delighted to have a chance to see what was accomplished. In years to come, we will all see the good that it did, the truth that it brought. I congratulate them and their staffs for what they have done.

Thank you very much.

Mr. NUNN. I thank the Senator from Mississippi. No one knows better than the Senator from Mississippi the importance of this bill and the deficulty of moving it all the way through the legislative process.

The Senator from Mississippi has handled this legislation and been in this spot more hours and days and nights than anybody in the history of the Armed Services Committee. So he has done a remarkable job over the years and has been dedicated to our national security. He still is. He still occupies that very, very important role of being chairman of the Appropriations Committee. And we are delighted and honored to work with him on a daily basis so I thank him for his comments.

Mr. STENNIS. If the Senator from Georgia would yield to me for just a half-minute I want to warmly thank him for the remarks that he has made. One of the marvels that I have seen in the years that I have been here is his development, here, and achievements. He is still in motion going the right way. I want to name for identification, here, the Senator from Georgia, and also the Senator from Virginia, as being the ones that I referred to a few minutes ago, the head of the staff seniors, that put over this marvelous job over a year, legislative year, So they were the ones that I have been referring to, by name, and I repeat those sentiments.

Thank you very much.

Mr. WARNER. Mr. President, if the Senator from Georgia would yield, it is a very special privilege for us both to be here on the floor with the mentor that taught us what we know and taught us how to guide the Senate in the consideration of the importance of the Armed Services Committee bill. We learned at his elbow.

Mr. NUNN. One correction I would make. He taught us the good things we know. I would not want to attribute anything other than the good things to him because he set a very fine example.

While we have Senator STENNIS and Senator THURMOND on the floor, both of them having been champions of our national security for many, many years, I think the Members might be interested to know what happened back in 1969. This year Senator WARNER and I have spent 7 days on the floor; last year we were 15 days on the floor. When we get through we are worn out, we feel like we deserve a little break.

Senator STENNIS managed this bill on the floor in 1969 and Senator THURMOND was right there, at that time, for 37 days. Thirty-seven days this bill was on the floor.

The next year, in 1970, there was debate on this bill for 28 days on the floor. Of course that was during the Vietnam war period with an awful lot of emotions. But I have some appreciation, having spent 7 days on the floor this year and more time in previous years, but nothing like that, what a terrific job and responsibility that was during that very difficult period.

So, I thank, personally, the Senator from Mississippi as well as the Senator from South Carolina, while they are on the floor, for that tremendous leadership they have given our Nation on behalf of the men and women in our military services, and those who have served in the past.

Mr. THURMOND. Mr. President, would the Senator yield?

Mr. NUNN. I would be glad to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I have been on the Armed Services Committee now for over 30 years, and I have never seen a bill handled more expeditiously than it was handled this time.

I want to commend the able Senator, the chairman of the committee, Senator NUNN, of Georgia, and the ranking member, Senator WARNER, from Virginia, for their good work.

I also want to say that no man in the Senate has served more faithfully and capably in armed services matters than the distinguished Senator from Mississippi. I worked with him all these years. He was a member of the Armed Services Committee when I went on there and, as I say, I have been on the Armed Services about 32 years. It has been a pleasure to work with him and assist him in every way I could.

Again, I want to compliment the distinguished chairman and ranking member here, and I also would like to express my appreciation to the able majority leader. He has always been courteous, he has been helpful; and that is a thankless job.

Just as you said, it is a tough job. It is the toughest job in the Senate. The able Senator from West Virginia, the majority leader, has done this and done it in a very fine, respectful, and able manner.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank very much our distinguished colleague, the senior Senator from South Carolina. Indeed, we learned at his elbow through the years and will continue for many more to have the privilege and the benefits of his wisdom, he having served in World War II with distinction and having risen to the rank of major general in the Reserve Forces of the U.S. Army.

So he is a man who brings to the Senate not only the wisdom of the people of his State but the benefit of his experience, having worn the uniform of the United States for many years.

We thank our distinguished colleague from Mississippi. Things seemed to be a little simpler when I came to the Senate and he presided over the Armed Services Committee. I suppose we are the ones at fault for making it more complicated now.

Many times have the chairman and I gone back into the offices of the majority leader at points during the course of the consideration of this bill and other bills when it seemed almost impossible to move but somehow he and the distinguished Republican leader always find the means by which to keep major pieces of legislation such as this one on track and moving forward. We owe him a great debt.

And to my dear friend and distinguished chairman, he is too modest to praise himself so on behalf of all members of the committee, staff, and indeed the Senate as a whole, we pay our respects to him.

Mr. NUNN. I thank the distinguished Senator.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator for his kind remarks.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. BYRD. Will the Senator yield?

Mr. NUNN. I will be glad to yield.

Mr. BYRD. Mr. President, I will not take much time, but having been around this great institution for 30 years, I have had the opportunity to see some great chairmen of this Armed Services Committee. I sat on the Armed Services Committee when Richard Russell was chairman of that committee. I took the seat of Lyndon B. Johnson when he left that committee and became Vice President of the United States. I think most every Senator in this body knows of my reverence for the late Senator Richard Brevard Russell from Georgia.

I also possess a great reverence for the Senator from Mississippi, Senator STENNIS. He made an impression on me the first day I walked into this Senate. It was a good impression, and it was well placed. He has always epitomized integrity at its best.

When I first came to the Senate, Senator THURMOND was on this side of the aisle. I once heard Senator RUSSELL say of Senator THURMOND, "He is absolutely fearless." Fearless. I have found him to be such. I have also found him to be fair to all, and a great patriot. We hear the word "patriot" a good bit these days. Senator THURMOND fulfills the definition of the word very well.

I have seen good ranking members of committees. Senator WARNER is a ranking member who is never arbitrary, who is always patient, willing to listen to the other person. He is reasonable. He is a good man with whom to work. He helps a chairman in his important capacity as ranking member. He is the top man on the other side of the aisle on the Armed Services Committee, and these two make a good team. Without his cooperation and teamwork, we would not make progress on this bill.

I do not suppose anybody watches this Senate and watches Senators like I do and like I have for 30 years, at least 22 out of those 30 years when I have been in the leadership one way or the other. I have to say, in all modesty, that I have been the majority leader, so far as floor battles are concerned, for 22 years. The distinguished predecessor of mine, Mr. Mansfield, was in fact the majority leader, but he had no love for the rigorous floor work dealing with rules and precedents, so I have been on the floor for 22 years, 10 years sitting at his elbow, and I have seen Senators come and go. I have seen Senators who did not know how to manage a bill. I have seen Senators whom I had to prop up. They were the managers of bills. I had to prop them up to keep them going, pushing them.

A few Senators are not like that. I could name more than one, but I am only going to name one today. That one is the Senator from Georgia, Mr. NUNN. In my judgment, he is a Senator who, from the day he walked into this Senate, marked himself in the eyes of the rest of us as a man to watch, a man to listen to. It was not very long until we knew that, indeed, he was a man to watch, and it was not long until I decided that he was a man to whom I should listen on matters concerning national defense.

The Apostle Paul said, "Walk in wisdom toward them that are without. * * * Let your speech be always with grace, seasoned with salt."

This chairman follows the creed that is laid down in that great scriptural passage—walk in wisdom toward them that are without.

He is wise because he does his homework. On any matter concerning our national defense, I am going to go to Senator SAM NUNN and see what his opinion is. When he speaks on this floor, I am going to turn my chair around and listen to what he says. If there is only one other Senator found around here—and there will be others—when SAM speaks on national defense, it will be ROBERT BYRD, unless there is a constituent from West Virginia calling me to come off the floor.

But Senator NUNN demonstrates that he knows his subject, he knows what he is talking about, and it is not by a process of ossification that one is able to demonstrate that kind of knowledge. He speaks always with grace. He is reasonable. He is fair. He may not agree with me or another Senator, but he always has the courtliness to listen and to accord the other individual the right of his viewpoint. He displays that kind of intellectual integrity that excites admiration. And then he speaks always with salt. One knows that underneath that courtly approach there is a firm hand on the controls; there is a steady hand there; there is a strength there; and there are convictions.

I take great pleasure in commending him and the ranking member because they are entitled to commendations and thanks from all of us. To have so skillfully managed a bill of this kind for 7 days, to have disposed of 93 amendments and to have handled 53 other amendments, a total of 146 amendments, one way or another, and to be at the point now of voting for final passage with the exception of one pending problem which will, I am hopeful, go away for another day during this day, they have demonstrated again the necessity for and the value of teamwork.

There is no more important bill than this bill.

I have often said I did not want to give SAM NUNN up to be Vice President of the United States, but I think everybody can readily see that I could make a fairly good nominating speech, certainly one within my limitations.

But I again compliment Mr. NUNN and Mr. WARNER, and I think the Senate and the nation are fortunate to have men like Senators Russell, STENNIS, THURMOND, WARNER, and NUNN to help guide us in these momentous days and the eventful days ahead. But I have always believed that as long as God is the Lord of a nation, that such nation would be blessed. We are told that. I hope and believe that this Nation will continue to be blessed in the days and years ahead, if we but place our faith first, last, foremost, and solidly in the rock of the Great Mathematician, the Great Physician, the Great Ruler of all the universes that have been, still exist, and are to come. If we trust in Him, He will raise up leaders who will guide this Nation and it will continue to be blessed in the years ahead.

I yield the floor.

Mr. NUNN. I thank the Senator from West Virginia for those remarks which I will always treasure.

Mr. WARNER. Mr. President, I likewise thank the distinguished majority leader for his remarks, and I shall likewise treasure them.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from Virginia and I would like to rest a little bit but we cannot do that because if and when we pass this bill today, and I hope we will pass it today, I am told that we have 300 to 400 languages differences with the House bill.

We have 400 to 500 funding differences with the House bill. Everyone knows that when we make laws, we have to have a conference report, a conference report has to be agreed on by the House and Senate, and it has to be identical. So we have about 700 matters to take up in conference.

The sooner we get this bill passed, the sooner we can start that conference. We will probably take several weeks in the conference. I have talked only briefly with Congressman ASPIN. I know they have been working very diligently on the House side, Congressman ASPIN, Congressman DICKINSON, and others, and we will be hopefully meeting them in conference some time next week.

So, Mr. President, I would just close by saying that I am very grateful to the staff. We have, I think, the finest staff in the Armed Services Committee that I have ever served with. In some instances, the staff has come from previous chairmen. We have operated the staff for a long number of years to the maximum extent possible on a bipartisan basis. We now have Arnold Punaro, our staff director on the majority side, and Arnold and his whole team have done a tremendous job this year. They were able, as I mentioned a few minutes ago, to devise a software computer program which I will not explain because I cannot. That program was developed by Mike McCord of the committee staff. It basically allowed the staff to immediately tell us the outlay implications for every budget authority item. So if we were voting on an amendment that would add two aircraft carriers, or a destroyer, immediately they could tell us not only the budget authority over the years but the implications to the dollar for the outlays for this year.

We have never had that challenge before, as I mentioned, because we have not had the budget resolution out front before. This bill is in tune with outlays. We have been able to get the outlay implications immediately for every amendment introduced on the floor. That enabled us to stay within the ceilings and to make sure that the Senators understood the fiscal and budgetary implications of what they were doing with the amendments.

So the staff has done a tremendous job. I thank Arnold Punaro, David Lyles, Jeff Smith, John Hamre, Andy Affron, and others who have been here on the floor and behind the scenes helping us in every way possible.

I also want to pay tribute to Carl Smith, Pat Tucker, and the minority staff.

Mr. WARNER. Bob Bott and others.

Mr. NUNN. Bob Bott. I agree with the Senator. They worked together——

Mr. WARNER. As a team.

Mr. NUNN. As a team.

Mr. President, with that, having made this speech, I think it is essential that we pass the bill now. If we do not pass the bill, all of these words have been wasted, and I do not want to put any pressure on anyone but I would hope just as soon as possible we can resolve the D'Amato amendment, and delay argument on that for another day, and move on to pass this legislation which, hopefully, will go along with the speeches to the House of Representatives so we will be prepared for conference.

Mr. WARNER. Mr. President, the only mild disagreement I have with the distinguished chairman is I do not think the words would be wasted. They just have to be repeated. So we are about to, I think, learn from our colleagues about the current situation with respect to the amendment of the Senator from New York, Mr. D'AMATO.

Mr. BYRD and Mr. FOWLER addressed the Chair.

Mr. BYRD. I would ask when Senators have completed on this bill, and there is a gap, that we have just a little morning business. And I would like to make another speech on another subject.

I yield to the Senator.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Georgia.

Mr. FOWLER. I did not understand the majority leader. I was going to speak as if in morning business. But I yield to my leader if he wanted to make a statement.

Mr. BYRD. Mr. President, I thank my good friend, Senator FOWLER.

I will be brief.

Mr. BYRD. Mr. President, has the Pastore rule run its course?

The PRESIDING OFFICER. The chair is advised that the Pastore rule expired at 10 minutes after 12.

Mr. BYRD. I thank the Chair.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN LIKE A LAMB

Mr. BYRD. Mr. President, this morning the Commerce Department released the figures on the March trade deficit. The March deficit joins a river of red ink that flows through the whole of this administration. The glimmer of silver in this cloud, Mr. President, is that the deficit dropped just over $4 billion from February's $13.8 billion to March's $9.75 billion. Fifteen years ago that would have roughly matched our trade deficit for an entire year—$9.75 billion for the entire year.

Turning that into good news is like making a mountain out of a molehill, or a silk purse out of a sow's ear.

A close look at the details of trade is no cause for comfort. The broad increase in exports is genuinely good news. But about 20 percent of the increase stemmed from gold sales. That is the kind of rose that does not make for a financial summer. What is most disturbing is the actual rise in overall imports despite a drop in the price of oil and a $600 million fall in oil imports. Manufactured imports also rose by more than a billion and a half dollars. In one category of machinery after another the United States continues to experience large deficits. Machine tooled imports now command a substantial share of the American market. When we talk about machine tool imports commanding a substantial share of the American market, we are talking about the national security of this country because without machine tools, we do not have ships, submarines, tanks, guns, planes, and missiles. When we are put at the mercy of other countries for our machine tools, we are putting our national security interests in other hands.

Where there once was strength, there is a growing dependence, and it is about time we woke up as we say because we are not going to be waking up to good morning in America if this trend continues. It is already late.

The $9.75 billion deficit adds another hill to our mountain of external debt. At the end of last year, Mr. President, our net external debt had passed the $400 billion mark—$400 billion mark. That is $400 for every minute since Jesus Christ was born—$400 billion. $400 for evey minute.

It was not long ago that this country was the world's largest creditor, and today this country is the world's largest debtor. We are in hock to the other countries of the world, and it is about time we began associating our trade deficits with our national security.

The debate is no longer protectionism versus free trade. That is not the debate any more. The debate should be on our national security, because we must learn that national security is infinitely tied with economic security and that trade policy is the foundation stone of that economic security. We are failing the American people when we fail to see that and when we fail to act to do something about it.

This trade deficit means more than just dollars in terms of exports versus imports. It adds up to economic security and to national security, and the American people are going to catch on to the fact one day that economic security is the backbone of military security and that we are in hock to the other countries of the world. The great United States of America, Uncle Sam, in hock to foreign investors, foreign countries buying up assets of this country. How much longer will we be in control of our own house? That is what this is about. When are we going to get control of our own house? When are we going to put our own house in order?

We are on a defense authorization bill. We have been talking about the national defense. But who is talking about trade? Who is talking about foreign countries, foreign governments, foreign investors gaining the upper hand? They are buying up American assets. They are buying up American real estate. They are buying our bonds. They are buying our financial paper, and they are getting the upper hand.

The machine tools industry may not employ very many people. But if we ever get into a war and have to depend upon Japan for our machine tools, then what we are doing is putting our lifeline in the hands of somebody else, putting it into the hands of another country—machine tools that are so vitally needed to build the precision instruments, to build the instruments that are necessary for this Nation's defense.

Month by month, year by year, we are forging a chain of debt that we will have to drag into the future. Our financial markets keep a nervous eye on the intentions of foreign investors. When the Germans or the British or the Japanese are not buying our bonds, interest rates turn up and the financial markets are poised for a fall.

In a very real sense, Mr. President, we are forcing our Treasury to do the tincup two-step in one financial capital after another, running from one capital to another with a tincup in our hands.

It is time we got off this financial roller coaster where trade figures go from bad to worse and back to bad again. The President can take a long step in the right direction by signing the Omnibus Trade and Competitiveness Act. The trade bill will help open new markets for American exports. It builds long-term competitiveness with investments in individuals and innovation.

It would help to educate the young people of this country so that they can compete in tomorrow's markets. It enhances and emphasizes the education of our people. It emphasizes engineering and math and science and foreign languages. It faces the fact of economic change. Instead of clinging to the forms of the past, the trade bill promises workers new opportunities through education, training, and decent notice of a plant closing or mass layoff before the wolf is at the door.

Not only does it promise the employee who is about to receive the pink slip, but also, it promises and gives notice, fair notice, decent notice, to the communities—to the communities that are about to be injured by a plant closedown.

Times have changed, Mr. President. We are in a time when fighting foreign protectionism is the best way of fighting protectionism at home. It is an era when our ability to lead the free world is linked to our ability to compete in free markets.

Congress has worked for years to craft the Omnibus Trade and Competitiveness Act. Time and again, we have walked an extra mile to strike a compromise with the administration. The administration has not wanted a trade bill. The administration had 6 years in which they were in full control of the Senate. They did not want a trade bill. They could have had one. But we, who were in the minority then, wanted trade legislation. We could not get it. We could not get it to the floor. Who is to believe that the administration really wants a workable, effective trade bill now?

Now, at the 11th hour, our President wants to turn back the clock by denying workers a little warning that they are about to lose their jobs. I would hope that the President, who has been known to change his position at the 11th hour, will change it again. I hope that he will see that the long-term national interests require that he sign this bill, that he sign the bill that has been sent down to him. If he wants a trade bill, he can have it.

There are those who are talking about another trade bill already. Mr. President, this bill is alive and it is well, and the President can either be the undertaker or he can be the physician who gives it the stamp of approval. Its pulse is normal and its breathing is normal. Its blood pressure is normal. Its temperature is good. It is alive and very, very well and kicking.

It is like the boys who thought they would tantalize the old philosopher. They approached him and said, "Let's fool him. Let's take this bird in our hands, and we will ask the old man if the bird is dead or alive. If he says it is alive, we will crush it. If he says it is dead, we will open our hands, and it will fly away."

The President has it in his hands. It is alive. He can crush it or he can let it live.

Today, the Senate will turn its attention to the INF Treaty. As I said yesterday, I feel it is a good treaty. It is much better than it was when it was first sent to the Hill, and that is a tribute to both the Senate and the administration, the administration negotiators who went back, put their hands back on the plow, and the Senate insisted through its committees that there were loose ends that needed to be tightened.

I hope that the treaty will be approved for ratification. And it is not beyond the limitations of reason to feel that it is possible to approve the ratification before the President leaves for the summit. I have always said from the beginning that should not be our main goal. But that is still possible, consistent with thoroughness and with adequate debate on substantive matters. I think the Senate ought to take whatever time is needed. But beyond that, any delay for the sake of delay is certainly not one of the approaches I would embrace.

By the Senate's approval of ratifying of the treaty and the President's signing of the trade bill, the President could depart for Moscow with two triumphs in his hands, two packages in his pockets, both sides bulging, one with the treaty with a blue ribbon on it, the other the trade bill.

It would show the Congress and the executive working together for peace and prosperity. What would make a better impression upon Mr. Gorbachev and the Soviets than that, a Nation in which the Congress and the executive work together in the interest of peace and arms control, prosperity and jobs, and national security for this country. That is what the arms control treaty is all about, as a matter of fact. We are trying to advance the cause of peace.

So, Mr. President, I say to Mr. Reagan most respectfully—sign the bill. Sign the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. FOWLER. Mr. President, I commend the majority leader on his eloquent testimony to the national interest. We sometimes forget, as he pointed out, that in our deliberations over the Department of Defense authorization bill, as important as the military security of our country is, that the national strength of our country is made up not only of our military might, as important as that is, but it is the ability of our Nation to feed itself, our agriculture policy, to clothe itself, our textile and apparel, trade policy, and the ability of our country in world markets to compete, not as a debtor nation, but harnessing all of the resources of this great Nation on behalf of the American people. That is what leads to security.

We are thankful for the majority leader's eloquence, which comes after his leadership, in making the case for why the President of the United States, to enhance all of our security in all of its dimensions and increase the national strength of our country for the least of these, our brethren, should sign that bill and have those two accomplishments in hand, the ratification of this treaty, if it is the Senate's will under our constitutional obligation, and the trade bill in hand.

And I would like very much to associate myself with the majority leader's complete remarks.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator from Georgia for his generous and very charitable remarks.

Mr. FOWLER. I thank the leader.

SOVIET ADM. SERGEI GORSHKOV

Mr. WARNER. Mr. President, I rise to include in the RECORD of proceedings today a copy of an obituary of Soviet Adm. Sergei Gorshkov. I do so not in any way to praise him or to eulogize him but I think it is important to record for history the record of this most unusual individual.

In 1970, at the time I was Under Secretary of the Navy, I was designated by the President and the Secretary of Defense, the chief negotiator of the Incidents at Sea Agreement which was to be at that time an executive agreement between the United States and the Soviet Union governing the operations of our naval surface and air units on the high seas throughout the world in the proximity with elements of the Soviet naval surface and air.

Those negotiations took place over a period of some several years. My principal counterparts in the negotiations were Admiral Gorshkov and his deputy Admiral Kuznetsov.

During the course of several trips to the Soviet Union, indeed the last trip being in May 1972, when I accompanied President Richard Nixon to Moscow for the purpose of the signing of SALT I and the ABM Treaty accords, I had extensive visits with Admiral Gorshkov.

This obituary, I think, captures his contribution to history. I quote part of it:

> One Western expert characterized him as the father of the modern Soviet navy, and another as having done more for the navy than anyone since it was founded by Peter the Great. His vision and energetic lobbying were the driving force behind the Kremlin's decision to build up its fleet.
>
> When Adm. Gorshkov took command of the navy it was little more than a collection of small coastal craft and river vessels that rarely strayed far from base. Its responsibilities were to protect the homeland from amphibious invasion and to aid the Soviet Army in its operations.

Today as we all know full well the Soviet Navy sails the world's oceans from Baltic, Barents and Black Sea and Pacific Ocean bases and from installations in allied states such as Cuba and Vietnam, and maintains a powerful surface presence in the Mediterranean. Its nuclear missile submarines form the second most important strategic arm of the Soviet armed forces.

This is the man that is credited for creating the modern Soviet Navy. He was their chief for over a quarter of a century and even after his retirement it is reported in here that he came to his office in naval headquarters almost on a daily basis.

> In a 1975 interview with the Washington Post, retired Elmo R. Zumwalt, former chief of naval operations——

Who was chief when I later became Secretary of the Navy——

> was asked who he believed was the most effective naval leader of modern times, Zumwalt replied "Sergei G. Gorshkov."
>
> Zumwalt said Adm. Gorshkov transformed the Soviet navy from a bunch of pitiful coastal boats under the army's control to a first-class fighting force, challenging American Navy supremacy throughout the world.

During the course of the 2 years that I worked with Admiral Gorshkov on the Incidents at Sea Agreement, he did display at that time, in those days, a remarkable talent, and he was a visionary in terms of naval history.

And this biography in more detail than I recited reflects those achievements.

In May 1972, when the President was there, the day before SALT I was signed, Admiral Gorshkov and I signed on behalf of our respective nations the Incidents at Sea Agreement which agreement has worked and worked extremely well to protect our navies from accidental intrusion on the high seas and in the air spaces above the oceans of the world.

I think it is important that the RECORD reflect the passing of this naval person and that scholars have the opportunity to read about his accomplishments.

Mr. President, I ask unanimous consent to have Adm. Sergei Gorshkov's obituary printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Washington Post, May 15, 1988]

SOVIET ADM. SERGEI GORSHKOV, BUILDER OF MODERN FLEET, DIES

(By Richard Pearson)

Sergei Gorshkov, 78, admiral of the fleet of the Soviet Union who as navy commander-in-chief from 1956 to 1985 directed its growth from a small coastal force to one of the two most powerful naval forces in the world, has died.

Tass, the official Soviet news agency, announced yesterday that the admiral had died Friday. Tass did not report the cause or place of his death.

Kremlin authorities saluted him in an official obituary as a talented organizer who displayed "courage, will and fortitude" in combat. His obituary was signed by the Central Committee of the Communist Party, the Presidium of the Supreme Soviet and the Soviet Council of Ministers.

Adm. Gorshkov continued to work in a post of responsibility at the ministry until his death, Tass said.

One Western expert characterized him as the father of the modern Soviet navy, and another as having done more for the navy than anyone since it was founded by Peter the Great. His vision and energetic lobbying were the driving force behind the Kremlin's decision to build up its fleet.

When Adm. Gorshkov took command of the navy it was little more than a collection of small coastal craft and river vessels that rarely strayed far from base. Its responsibilities were to protect the homeland from amphibious invasion and to aid the Soviet Army in its operations.

Today the Soviet navy sails the world's oceans from Baltic, Barents and Black Sea and Pacific Ocean bases and from installations in allied states such as Cuba and Vietnam, and maintains a powerful surface presence in the Mediterranean. Its nuclear missile submarines form the second most important strategic arm of the Soviet armed forces.

While Adm. Gorshkov is believed to have had broad support for upgrading coastal crafts, landing crafts and submarines, the Kremlin leadership was not easily persuaded that the Soviet Union needed a large surface fleet. Soviet leader Nikita Khrushchev was quoted as saying the only thing cruisers were good for was carrying admirals. Soviet thinking changed radically in 1962 when large U.S. surface forces prevented Soviet supply ships from reaching Cuba during the missile crisis.

In a 1975 interview with the Washington Post, retired Adm. Elmo R. Zumwalt, former chief of naval operations, was asked who he believed was the most effective naval leader of modern times. Zumwalt replied "Sergei G. Gorshkov."

Zumwalt said Adm. Gorshkov transformed the Soviet navy from a bunch of pitiful coastal boats under the army's control to a first-class fighting force, challenging American Navy supremacy throughout the world.

The Soviet navy had progressed so far, Zumwalt said, that if the U.S. Navy he deployed during the Yom Kippur war of 1973 had battled the Soviet navy in the Mediterranean, "the odds are very high that they would have won and we would have lost."

Adm. Gorshkov was the author of numerous journals and books, including "Sea Power of the State." He seemed as widely read by navy officers of this country as his own. In one article he wrote, "Every time the ruling circles of Russia failed to emphasize properly the development of the navy and its maintenance at a level made necessary by contemporary demands, the country either lost battles or wars, or its peacetime policy failed to achieve the intended objectives."

Sergei Georgievich Gorshkov was born to Russian parents in the Ukraine. He entgered the Frunze Naval Academy in Leningrad in 1927, graduating four years later. After that, he served aboard destroyers in the Black Sea and the Pacific Ocean. When war broke out with Germany in 1941, he was finishing the high command advanced training course at the Voroshilov Higher Military Academy.

He joined the Black Sea Fleet as a cruiser brigade commander, and in September 1941 was promoted to rear admiral. He took part in heavy engagements off the Crimea, as well as transporting Army troops and naval infantry (marines). He participated in the defense of Odessa and the Caucasus, and commanded the Azov flotilla until the Azov Sea was taken by the Germans, then continued his war on land, a temporary commander of the 47th Army.

In 1943 he again became a flotilla commander. The year 1944 found him a vice admiral and commander of the Danube Squadron. He held that post until 1948, when he was promoted to staff chief of the Black Sea Fleet. He was named commander of that fleet in 1951, and promoted to full admiral in 1953. Two years later, he was named first deputy commander-in-chief of the navy.

In 1956, he became a deputy defense minister, and also succeeded Fleet Adm. N.G. Kuznetsov as navy commander in chief. In 1962, he became an admiral of the fleet, and was promoted to admiral of the fleet of the Soviet Union in 1967.

His decorations included Hero of the Soviet Union, five awards of the Order of Lenin, and four awards of the Order of the Red Banner. He became a candidate member of the Party Central Committee in 1956 and a full member in 1961.

SOVIET HUMAN RIGHTS RECORD

Mr. FOWLER. Mr. President, as a member of the Congressional Commission on Security and Cooperation in Europe, I, like the distinguished occupant of the chair, the Senator from Massachusetts [Mr. Kerry], and many others, am daily concerned with the implementation of the human rights aspects of the Helsinki accords. I became even more concerned in the last few days when newspaper headlines on President Reagan's speech in Chicago read:

"President Softens Harsh Tone, Lauds Soviets on Rights" in the Miami Herald;

"Reagan Credits Gorbachev on Human Rights; Cites U.S. Failings" in the New York Times;

"Reagan Applauds Gorbachev Gains on Human Rights" in the Baltimore Sun; and

"Reagan Applauds Soviet Headway on Human Rights" in my hometown paper, the Atlanta Journal.

I could go on and on and on.

To say the least, this is a departure from the normal Presidential rhetoric on human rights as it pertains to the Soviet Union. While I think that some of President Reagan's past remarks—references to the "evil empire" and the like have been extreme and even counterproductive—I cannot help thinking Wednesday's speech in Chicago was both unwise and more importantly inaccurate.

I was particularly struck by newspaper reports that Mr. Reagan had praised the Soviets for "significantly higher" emigration last year, and that it was "fine" with him for the Soviets to recognize human rights for reasons of their own in order to gain economic benefits or better relations with the United States of America.

For the President to praise the Soviets for last year's emigration increases simply misrepresents the total picture. For instance, in 1979, approximately 51,000 Jewish emigrants were allowed to leave the Soviet Union and reunify with their families. Last year the figure was approximately 8,000. This is not progress, unless you give the Soviets credit for moving up from the 900 figure of 1986.

The facts are that the Soviet Union cut off Jewish emigration after the Afghanistan invasion at the end of 1979, and they kept it cut off for 7 years. During those sad and difficult years, it was my privilege to serve as the cochairman of the Congressional Coalition for Soviet Jewry, and I remember the suffering of those who were separated from their parents, their children, their husbands and wives, and their brothers and sisters, and not allowed to emigrate.

In effect, Moscow was holding almost 300,000 Soviet Jews as virtual hostages to the improvement in relations with the West, and the restoration of the economic benefits from the United States and the West in the form of trade, technology, and credits that we have been discussing today. To hold human lives as bargaining chips in East-West relations is an appalling practice that ought to be condemned, never applauded.

We know, of course, that the Soviet Union is not going to turn into a Western-style democracy in the foreseeable future.

When I served in the House of Representatives, I served on the Foreign Affairs Committee and 8 years on the Intelligence Committee of the House. I know from personal experience that we have to be realistic and practical. The Helsinki Final Act and its follow-up process, a meeting which has been ongoing in Vienna since 1986, is an appropriate forum for the United States to press other signatory countries, including the Soviets, to live up to their human rights promises.

Last year, as the Vienna meeting moved into the negotiating stage, the Congressional Commission on Security and Cooperation in Europe, was informed that the United States would remain resolute in our determination to insist on performance rather than promises. Our firmness and patience on this point throughout the Helsinki process has paid off in our success at holding all signatories accountable for their records.

Specifically, with regard to the Soviet Union, the United States took the position that we seek the release of all political prisoners; that we want an end to the jamming of our radio transmissions; that we seek a significant increase in immigration figures; and that all bilateral family reunification and binational marriage cases should be resolved.

These positions, I hope and trust, still are the positions of the American delegation in Vienna. I sincerely hope that the President's speech last week does not represent a retreat from the principles Americans have stood for with their prayers and their blood for more than two centuries.

I was disturbed even more when I received an account this morning from the leading independent daily in Switzerland, Neve Zurcher Zeitung, which is the name of the newspaper.

It is a long article that I ask unanimous consent, Mr. President, to have printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

(On May 6, the independent Swiss daily "Neue Zürcher Zeitung" published the following, fully translated page three article on Vienna's CSCE:)

Danger of Imbalance at CSCE Negligence of "Human Dimension"?

The delegations of the neutral and nonaligned states at Vienna's CSCE follow-up meeting are preparing a draft final document for an N+N Foreign Minister conference to be held late next week. They are under pressure as mediators, because the Conference on Security and Cooperation in Europe has been blocked for months. There is some danger that the CSCE results will be dominated by security aspects at the expense of human rights.

RIGID SOVIET POSITION

Overshadowed by negotiations on a disarmament mandate at Vienna's CSCE follow-up meeting, the working groups on basket two—economic cooperation—and basket three—humanitarian contacts, cultural and information exchange—have made only sluggish progress. "Conventional disarmament" and "confidence-building measures" are the dominant topics that have pushed all other issues into the background; as is known, the first of these two topics has become an independent negotiating issue between the member states of NATO and the Warsaw Pact.

This poses a threat to the CSCE principle of inner balance of the baskets, and Brezhnev's attempts of the 1970s to make CSCE one-sided could become reality. According to the motto of "No peace without liberty and human rights," the West had been able to push through CSCE documents for the strengthening of the "human dimension" of the Helsinki Final Act up to the end of the Madrid follow-up meeting in September 1983. On the other hand, however, there was the lack of compliance with CSCE decisions on the part of the Eastern states, which caused unrelenting criticism of the West and the neutral states.

CHANGE REFLECTING WORLD POLITICS

A slow change, somewhat like a reflection of world politics, made its appearance after the successful end of the Stockholm conference on confidence-building and disarmament in September 1986, after the sobering experiences of the meetings on human rights in Ottawa in 1985, and on cross-border human contacts in Berne in 1986. Parallel to superpower talks, general interest started to focus on security issues. On the other hand, the Soviet Union hardened its position regarding human rights at Vienna's follow-up meeting. This position is glossed over by the release of individual dissidents and an increase in the number of travel permits. But there have been no fundamental changes of the Soviet human rights policies despite new legal provisions. The willingness for detente in the arms area has found no parallel regarding the "human dimension."

The superpowers' proven willingness for disarmament led to an increasingly lukewarm attitude toward human rights concerns also on the part of Western and neutral delegations. A change of CSCE strategy became particularly apparent in the case of the American position. At the Berne meeting in late May 1986, the Americans still harshly vetoed a final document that would

> have provided marginally small progress for family reunions and other human contacts; and at the opening of the follow-up meeting in Vienna in November of the same year, Secretary of State Shultz emphatically said that more security and cooperation between nations could only be reached through the consolidation of fundamental human rights and liberties of the individual.
>
> ### TOO MUCH AMERICAN "GOODWILL"
>
> The American delegation has, of course, never departed from this commitment; but since last summer, its leader has hardly tried to conceal a favorable attitude toward a human rights conference in Moscow—to the surprise of some Europeans—if only certain conditions are fulfilled. Under pressure from Congressional groups who want to add conventional arms control to the INF accord as soon as possible (but also because of the lobbying of the German Foreign Minister), Washington seems prepared to make concessions to the Soviet Union in the human rights area, while Moscow has for several months followed an obstructionist policy in the Vienna working groups dealing with this matter.
>
> There was general surprise—and protests from some Western European governments—when the American delegation immediately accepted a compromise proposal for basket three which the working group submitted in February, although this proposal was only intended as a starting point for further negotiations. The reason given for this gesture by the Americans was that they wanted to demonstrate "goodwill" and take the role of "icebreaker" in the negotiations which had reached an impasse. The Soviet delegation, which had already come back from Christmas recess with hardened positions, took its time and waited several weeks before saying that some points of the mediation paper were "worth discussing"; it was obvious that Moscow exploited the American conciliatory move. They probably did so on the assumption—also held among Western delegations—that basket three was not a top priority of Washington at the moment. There was remarkable frustration among many Western delegations, because America seemed to give up its role as spearhead in the human rights struggle.
>
> ### A MEAGER "PROVISIONAL CONSENSUS PAPER"
>
> This development led to the drafting of an extremely meager text containing a few passages of a "preliminary consensus for a final document" on human contacts, information, education and culture in the so-called notebook of the competent working group at the Vienna meeting in late March. After one and a half years duration of the conference, demands of a quasi Stone Age level were laid down in a text of embarrassing simplicity: citizens wanting to emigrate should have "easy access to the necessary application forms" and the legal provisions pertaining to the matter should be made public no later than one year after the end of Vienna's follow-up meeting. Besides, the paper mentions youth and sports contacts, which the Eastern states have already preferred to maintain until now. Further elementary formulations that are unfitting for the text of a CSCE final document, concern, for example, technical improvements in train and telephone services. Conference participants on all sides are untiringly calling the lamentable paper a provisional starting point, which, "of course," needs elaboration.
>
> If one compares the scope and content of this text to the Austrian-Swiss proposal on cooperation in the humanitarian and cultural areas dating from July 30, 1987, and to the "Non Paper" of the Swedish coordinator of December 18, 1987, which dealt with the same issues, one realizes that there is a wide gulf between these two drafts and the "consensus paper" of March 22, 1988. Particularly the Austrian-Swiss proposal was boldly phrased and included new substance; it spoke of the "continuing grave shortcomings in the implementation of the CSCE provisions." And the paper goes on to say that this situation has to be overcome through intensified efforts to "promote confidence and humanitarian cooperation among the participating states." The text calls for a right to emigrate, swift proceedings in all pending cases, measures for a significant facilitation of family reunions, and unbureaucratic dealing with the applications of sons and daughters to reunite with their parents, as well as for visits of relatives in cases of death and family celebrations.
>
> The "Non Paper" of the Swedish coordinator took over the substance of all these requests and thus provided a good starting point for the final negotiations. But the development since late winter described above destroyed the strategy of the neutral delegations. Nevertheless, it is to be hoped that their ideas and proposals will again be included in the draft final document being prepared.
>
> ### OBLIGATION OF THE SMALL STATES
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> What is required are the untiring efforts, particularly of the small states, to work for freedom and justice in all of Europe. It is in their own interest to defend these precious goods internationally. The instrument and the forum for it has been provided by the Conference on Security and Cooperation in Europe since 1975.
>
> After the N+N "club" had reached agreement on a draft final document following long debates about basket one (see "Neue Zürcher Zeitung number 71), the old ambition seemed to have come alive to produce balanced papers in situations where CSCE has reached an impasse so as to "give the conference something to chew on in the other baskets as well," as one leading diplomat phrases it.
>
> This is why expectations run high with respect to the efforts of the N+N states. There are, however, also attempts to exert pressure on them. Since the individual members of the N+N "club" often have their own, diverging interests, and act on the basis of different political situations, there is some danger that the substance of their draft final document expected next week will not be quite satisfying. Whether in this case Switzerland and Austria ought not to fight for real improvements in the "human dimension" right to the end of Vienna's follow-up meeting, is at least a question that has to be asked; the competent ministers will have to clarify it on the "home front." In the international context, however, it should be taken into account that, under the pressure for consensus, individual small states cannot get through with proposals in excess of what the other participating states are willing to agree to.

Mr. FOWLER. Mr. President, I quote from the article:

> The Soviet Union hardened its position regarding human rights at Vienna's follow-up meeting. This position is glossed over by the release of individual dissidents and an increase in the number of travel permits. But there have been no fundamental changes of the Soviet human rights policies despite new legal provisions. The willingness for detente in the arms area has found no parallel regarding the "human dimension"

It goes on to say—and the entire article is now in the RECORD—what is even more startling:

> There was remarkable frustration among many Western delegations, because America seemed to give up its role as spearhead in the human rights struggle.

The President's speech raises more questions than it answers. It concerns those of us, both in Congress and among the American public, who have fought in the long and necessary struggle for human rights.

Like the rest of my colleagues, I welcome the preliminary signs of glasnost, and Gorbachev's embattled efforts to bring a new openness to Soviet society—along with a limited tolerance for dissent. But we also have to recognize that the Soviets still have a long way to go before they can be commended for their human rights record.

For our part, we cannot allow words spoken from the highest office in our land to lose their meaning. That is why I think it is important to put these developments in the Soviet Union in their proper perspective. I yield the floor.

IN RECOGNITION OF THE DRUG FREE SCHOOL AWARD TO THE TIOGUE SCHOOL

Mr. PELL. Mr. President, today I would like to honor the tremendous efforts of the Tiogue School, which is one of 30 elementary, and secondary high schools across the country to be recognized as a "Drug Free School." This elementary school has been honored by the Department of Education as a national leader in the field of drug prevention and education. But the real tribute goes to its principal, John Ruzanski, and the program's founder, Jane Viti, for their drive both to establish this program and to make it a success. Both have given generously of their time and talent to maintain a drug free attitude and environment in their school.

This school was the first in Rhode Island to create a "Just Say No" club. The club is comprised of sixth graders who meet twice a month to learn about the hazards of drugs and learn that there are many healthy and responsible ways to have fun. These sixth graders serve as role models for the younger children in the school. The Tiogue School rightly provides antidrug instruction to its sixth graders. It is extremely important that this instruction begins in the very early years. Such instruction in the sixth grade helps to ensure that these students will enter junior and senior high school with the commitment and strength to avoid drugs.

This year, the "Just Say No Club" at the Tiogue School wrote and performed a 1-hour play for the whole school filled with skits and cheers to convey the antidrug message. This show was so successful that they were invited by another school to perform the play for their student body.

The antidrug message is a central focus of the school. For example, every day the "Just Say No" flag is raised. The club has marched for the past 2 years in the Pawtucket Valley St. Patrick's Day Parade, carrying banners and posters which the student wrote and designed. And, the club was subsequently invited to lead the statewide, "Just Say No" march in Providence.

This impressive program is the product of the involvement of the PTA, business and other community organizations. The innovative projects and community involvement show clearly why Tiogue Elementary was awarded this national recognition.

As we escalate our efforts to control the pernicious threat of drug abuse and addiction by cracking down on supply routes, we need to emphasize the central importance of eliminating the demand as well. One of the best ways to my mind of achieving this goal is through educational efforts such as the program at the Tiogue School. Their program demonstrates what a committed staff and an involved community can do to help shape the attitudes and actions of our young people. It is these efforts which will ultimately reduce the serious drug abuse problem facing our country.

We in Rhode Island are very proud of the Tiogue School for being recognized as 1 of 30 schools nationwide. I would again like to congratulate John Ruzanski, principal of the Tiogue Elementary School, and Jane Viti, the founder of the school's "Just Say No" program, for their fine work in this regard.

ABE STOLAR—PART VII

Mr. SIMON. Mr. President, yesterday, I said that I would be examining the basis for Julia Stolar's visa denial by the Soviet authorities. Today, I will focus on why it is inappropriate that the Soviets are denying her on the basis of need for financial support for her mother.

As stated previously, article 77 of the family and marriage laws states that adult children must support disabled parents who have been decreed in need by the courts. Julia's mother is a language professor at the university, so her current financial situation is sound. Upon retirement, her pension will guarantee her a good living. Quite frankly, Julia's mother will receive more on her pension than Julia would be able to provide for her. Furthermore, Soviet law further states that no more than a maximum of 25 percent of one's earnings go for financial support of parents in need.

It seems clear to me that application of this law in Julia's case is both groundless and disingenuous. Her mother does not need Julia's support now, nor will she need her support in the future. I also believe it is important to mention that the two have not spoken for the past 8 years.

Tomorrow I will further examine the baseless grounds for denial.

PRINEVILLE, OR

Mr. HATFIELD. Mr. President, few people outside of Oregon have probably heard of the small town of Prineville, located in Crook County in the central part of my State. A small city of 13,500 citizens, Prineville serves as the county seat and as the only incorporated city in the county. Crook County has an economy based primarily on livestock, agriculture and wood products.

Few people may be able to find Crook County, but you can bet that political pollsters have it marked on their maps. Since the founding of Crook County in 1882, its citizens have selected the winner of every Presidential race. Every one, Mr. President. Today, the county has the unique distinction of being the last remaining bellwether county in the United States.

Mr. President, today voters throughout Oregon will go to the polls to vote in the State's primary election. Anyone who wants a little insight into the results next November will want to take a look at the results from Crook County, the place the Washington Post called "a barometer of the national mood".

I ask unanimous consent that an article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 3, 1988]

LITTLE OREGON COUNTY LONG A BAROMETER OF THE NATIONAL MOOD

(By Jay Mathews)

PRINEVILLE, ORE.—Here among the junipers and sagebrush lies the political soul of a nation.

Nobody thought this dry, rocky area southwest of the Ochoco Mountains of central Oregon would ever amount to much, even when settlers began trickling over from the Willamette Valley during the 1860s gold rush and named it Crook County, after Indian-fighting Gen. George Crook. Over the years, timber, cattle and farming provided a good living for some, but this county seat remains strictly rural, with only a few cars rumbling slowly down Third Street.

Perhaps 13,500 people are scattered over Crook County's 2,991 square miles of high desert and Ponderosa pine. Politics are so remote that the state Democratic Party headquarters still has County Commissioner Frances Burgess on its list of prominent Democrats, even though she switched to the GOP a year ago. The county is so secluded that it hasn't seen a bona fide presidential candidate since 1960, when John F. Kennedy visited the Lord's Acre Auction in Powell Butte.

But the 6,941 registered voters of this county—an assortment of Republican ranchers and businessmen and Democratic mill workers, loggers and descendants of Oklahoma and Arkansas settlers—have set what is now an unequaled record in American politics.

Since Crook County was established in 1882, its citizens have selected the winner of the national popular vote in every presidential election, often in defiance of their Oregon neighbors and their majority-Democratic registration.

How a community so removed from modern, urban, multiethnic America could so consistently reflect the national mood remains a mystery to many here.

"People tend to vote for whom they think is the best person for the job, and they don't pay much attention to party," said Judge Dick Hoppes, a nonlawyer who serves as both elected head of the county's governing board and juvenile court judge.

James O. Smith, publisher of the area's twice-weekly newspaper, The Central Oregonian, has pondered the county's bellwether status for 20 years. He thinks the key is Crook's large proportion of conservative Democrats and independents—often the swing vote in national elections—and its lack of splinter groups.

"This is basically a homogeneous blue-collar county," he said. "There are no single-issue groups that might take us off on a tangent, like gay rights or abortion rights."

Twelve years ago, at least three other U.S. counties shared bell-wether status with Crook. But in 1976, Strafford County, N.H., picked the loser, President Gerald R. Ford, by a heart-breaking three votes, and Laramie County, Wyo., committed the same sin by 2,021 votes. Crook's last competitor, Palo Alto County, Iowa, proved too fond of Minnesota neighbor Walter F. Mondale in 1984 and took itself off the list by rejecting President Reagan, 4,041 to 2,471.

In 1976, Crook gave Jimmy Carter 53.3 percent of its vote, then four years later handed an almost identical percentage, 53.2, to Ronald Reagan.

In 1984, according to the records meticulously maintained by County Clerk Della M. Harrison, Reagan's vote jumped to 62.3 percent, 3,773 votes. Mondale received only 37.4 percent, 2,268 votes, despite the county's 50.2 percent Democratic registration. There were eight write-in votes for Gary Hart, two for Jesse L. Jackson and one each for George Washington, Jimmy Stewart and Bugs Bunny.

The only small blemish on Crook's otherwise perfect record came in 1888, when President Grover Cleveland (D) edged out Benjamin Harrison (R), 522 to 436. Although Harrison won a 233-to-168 victory in the electoral college and moved into the White House, Crook still could claim to have mirrored the popular will, for Cleveland won the national popular balloting by 100,000 votes, the last time a presidential election loser did that.

The county's current registration figures—51.4 percent, Democratic; 38.7 percent, Republican, and 9.9 percent, other—nearly match the national party breakdown measured in a 1987 Gallup Poll. Democratic registration has increased slightly here since 1984, but voters seem happy with Reagan, the revival of the timber industry and an unemployment rate that has dropped from 25 percent to 6 percent in five years.

Moreover, Democrats here are often not what they seem. The party has a lock on local politics, and most of the action is in the Democratic primary. "I'm really a Republican at heart," said County Assessor Tom Green, "but I had to register as a Democrat to get appointed to this job."

"This is really a red-neck, white-sock county," said Geri Elich, a school librarian who is Republican county leader. Many voters come from families that migrated from Oklahoma and Arkansas and share the ticket-splitting habits of Democrats there. The new county chairman for Vice President Bush's presidential campaign, Elich noted, is a well-known Democrat.

Hoppes senses little enthusiasm here for the remaining presidential candidates. "If a Jack Kennedy type would jump up," he said, "it might be different." But he thinks the basically conservative community is leaning toward Bush.

That was not the impression left by a highly unscientific Washington Post telephone and hang-around-the-post-office survey of 100 registered voters here. Fifty-two said they were leaning toward Massachusetts Gov. Michael S. Dukakis, 31 said Bush, five said Jackson, and 12 said they were undecided.

Dukakis may have had an advantage in a week in which he won headlines for his Pennsylvania primary victory and made the cover of Time, but many Crook County residents appeared impressed with his background. "Dukakis seems to know what he's doing, and a lot of these other guys don't," said Jason Parrow, a student at Central Oregon Community College.

County Commissioner Ted Comini, a former forest fire control officer, said he leaned toward Bush because "Dukakis would get us back into trouble with his spending." Mill worker Patti Ashcraft said she liked Jackson's antidrug campaign.

Kathleen Bush, a rancher and mill worker, said she was for Jackson. John Jackson, a forester, said he was for Bush. Some voters, who were not counted in the survey, politely told the self-appointed pollster to mind his own business, an understandable reaction after decades of being so closely watched at election time.

Smith's newspaper does not endorse presidential candidates. "It would be pretty arrogant for me," he said, "to tell the people of this particular county how to vote."

BICENTENNIAL MINUTE

MAY 16, 1881: DRAMATIC SENATE RESIGNATIONS

Mr. DOLE. Mr. President, 107 years ago this week, on May 16, 1881, the Nation witnessed the dramatic resignations of both U.S. Senators from New York in a showdown with the President of the United States.

Two months earlier, James Garfield had been inaugurated President. Immediately afterward relations between the Republican President and perhaps the most prominent Republican Senator, Roscoe Conkling, began deteriorating. Conkling represented the stalwart wing of the party that staunchly defended the patronage system. Garfield tended more toward civil service reform. When Garfield appointed an antistalwart man as collector of the Port of New York—a patronage-rich position—Conkling took the action as a personal offense.

As the Senate prepared for a major confirmation battle, Conkling made a bold decision and a risky gamble. He and his Senate colleague, Thomas C. Platt, both submitted their resignations from the Senate. They would return to Albany to be reelected by the State legislature, as was the practice before the 17th amendment to the Constitution. Their reelection would signal New York's support for its Senators in their confrontation with the President.

However, fate intervened. In July, while Conkling and Platt were campaigning in Albany, a deranged office seeker who identified with Conkling, shot President Garfield at a Washington train station. The President lingered for another 2 months before his death, becoming a national martyr for civil service reform. In that atmosphere, the New York Legislature declined to reelect either Conkling or Platt, and the Senate confirmed Garfield's candidate for collector of the Port of New York. In tribute to Garfield, President Chester Arthur supported enactment of the first civil service act.

Although years later Platt returned to the Senate, Roscoe Conkling's political career ended when his dramatic gamble failed.

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate resumed consideration of the bill.

Mr. D'AMATO. Mr. President, I just had the opportunity to consult with a number of my colleagues. Those consultations have been going on at the suggestion of the majority leader and minority leader in relationship to attempting to work out a manner by which we can dispose of the D'Amato amendment which would impose the death penalty under a number of circumstances.

Mr. President, let me recall that just yesterday this body voted overwhelmingly against tabling that amendment. There were 68 votes against the tabling. This has been an issue that has been before this body for a long period of time.

There are some who say we have to study the issue. Well, I think that is nothing more than a rather hollow excuse. Let it be clearly understood that this Senator is ready and willing to go to a vote on this issue right now. As a matter of fact, I would be willing to propound the unanimous-consent request that would permit a vote on this in 5 or 10 minutes.

Why do I raise this? Because I think it is extremely unfair and it is wrong for those who would say, "You, Senator D'AMATO, or those who support your amendment, would be holding up the INF Treaty." Let the record show now that I am ready to go to a vote on this at this moment.

I am not going to propose that request, because the majority leader has stepped off the floor for a moment. But certainly it is something that I will be doing when I see him or one of my colleagues on the other side of the aisle here so that their rights can be protected.

I am mindful again of the minority and its rights to see to it that it is not steamrolled. I have no objection to the provisions that guarantee them all of those protections—extended debate, delaying tactics.

But let us not have the finger of blame as it relates to who may or may not occasion this treaty being held up placed here at this desk or laid to this Senator or to those who say: "Give us a vote on this amendment."

The PRESIDING OFFICER. The distinguished Senator from New York will please suspend. The Chair informs the Senator that, under the previous order, the Senate is scheduled to recess at the hour of 12:45 unless there is a unanimous-consent request.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I be permitted to proceed for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. D'AMATO. Mr. President, I do not intend to take that 5 minutes, but I do intend to later, when we come back at 2 o'clock, ask unanimous consent that we may proceed to a vote on the amendment. I would do it now, as I indicated, but there is not the representation on the other side of the aisle. That would be unfair. But I do intend to ask unanimous consent that we be permitted to proceed to a vote.

Mr. President, I do not believe that this matter does have to or should delay consideration of the INF Treaty. As a matter of fact, I believe that we could lay this matter aside and proceed to INF and then have a vote. As a matter of fact, Mr. President, I hope that we could dispose of this this afternoon between the hours of 2 and 3. We have heard all of the arguments on both sides. We do not need any more arguments.

So, Mr. President, when we resume at 2 o'clock, it is the intention of this Senator to ask unanimous consent that we proceed to a vote on this amendment. Thus, the necessity for attempting to point the finger of delaying would be obviated. And let me suggest those who would like to claim delay will have to bear the burden.

Those who want to protract this debate, they will have to have the burden.

You cannot have it two ways, Mr. President. You cannot say, "Well, by your pressing forward for that which you have a right, you occasioned the delay because I attempt to prolong the debate." That simply does not wash.

I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished Senator from New York and I thank the distinguished Republican leader, the majority leader, and many others who are working to try to effect a resolution of this particular procedural and substantive dilemma.

I wish to again stress to all involved the importance of this bill, the work that has been done on it by the Senate Armed Services Committee and now the Senate as a whole, and the necessity to try and get it passed this week, such that we can proceed to an orderly conference with the House. This is in our national defense interest. I know that the individuals working on this problem are bearing that in mind and I thank them for that.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

NATIONAL DEFENSE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from North Carolina suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the principals are still working on an agreement, hopefully whereby the D'Amato amendment can be taken up at a different date and time, and either taken up as a freestanding measure or in connection with some other bill. Both sides on the question on both sides of the aisle are working diligently to try to resolve this situation so that the Senate can pass the DOD authorization bill and go on with the treaty.

But I understand from Senator LEVIN and others that a little more time is required. They are making progress.

ORDER OF PROCEDURE

It is my suggestion, after talking with the manager of the bill and after talking with the Republican leader, that the Senate proceed to take up the INF Treaty and that there be a reading of the treaty only down to the point where the signatories of the treaty appear on the treaty. That would provide for the first 17 sections, I believe, of the treaty.

That would require about an hour, I am told.

After that, the Senate would dispense with the reading of the protocols and the treaty would be ready, then, for action, for debate and action by the Senate.

I would like to do that by unanimous consent. There is no problem in going to the treaty without unanimous consent. We can do that by voice vote or we can do it by rollcall vote; the motion to proceed into executive session is not debatable. The motion to come back out of executive session into legislative session is not debatable. So, that is only a matter, at worst, of 15 minutes on a rollcall vote going each way.

The entire treaty is subject to a reading by the Senate. I hope we will not go through the entire reading of the protocols and everything because that might require a day or two. But I think that we ought to have the first 17 sections read. That will not take more than an hour and that will give the Senators time to work on the other problem which is before the Senate, the D'Amato amendment before the Senate. There is no way to take that down without taking the DOD authorization bill with it at this point and we do not want to do that.

So, if there is no objection, I would like to proceed to the treaty on that basis, that we would have a reading of those 17 sections, down to the signatories, President Reagan and Mr. Gorbachev; and then, by then, at the end of that time, the Senate would then be brought back into legislative session by unanimous consent. Otherwise we will just have to go a step at a time.

I yield to the Republican leader.

Mr. DOLE. Mr. President, I think we have made some progress on the D'Amato amendment. There have been a number of suggestions. As you might understand, as many Senators as you have, you have about that many suggestions.

But I think there has to be some understanding. If it could be brought up at a time convenient to the majority leader on some day certain we could work out, and then have a reduced postcloture time, identify the amendments, shorten the precloture time, we could probably work it out as a freestanding amendment. That is one option.

The other option is one that the majority leader is now entertaining just moving to a treaty. Some may suggest finishing the treaty, and then come back to the DOD bill. It seems to me we might be able to do better than that. This bill is important not only to the managers but many other Members, and to the country. So we will during this reading time have a chance to meet again and hopefully hammer out some agreement. I would hope, too, that we are not going to demand that the entire treaty be read, the whole protocol. That would take, I am told, 6 or 7 hours. To me that would indicate an effort to stall this treaty right up front. I hope that does not happen. But one Member can change that.

Mr. BYRD. Does the Senator from North Carolina wish me to yield?

Mr. HELMS. I thank the majority leader.

Does the majority leader contemplate the waiver of points of order?

Mr. BYRD. No.

Mr. HELMS. Let us leave open, if the majority leader will, the reading of the protocol. I do not think I want to do that. But if we will leave that out for the time being and just make a judgment further down the line, I have no desire to delay the treaty. But I do want enough time to think about things. So I would like to have that option.

Mr. BYRD. Would the Senator allow us to proceed up to and through the 17 sections, at which point we then pause and take another look at the situation, because once we start reading, and the reading can be had of everything upon the demand of a single Senator, if we start that reading and any Senator objects to calling if off, we are in probably the rest of the day just reading it. And we will not get back to the DOD authorization bill at all today, at least until the reading of the protocol and any amendments or whatever else may be attached.

So my thought was if we could read the first 17 sections down to the signatures, that lays into the RECORD the material that the American people can read in the RECORD. It gives the various Members on both sides of the aisle, on both sides of the question, a little more time to work out the D'Amato amendment and, where we go from there. It saves the DOD authorization bill from being relegated to the delay heap for a while. And it allows us to accomplish two objectives, it seems to me at once.

Mr. McCLURE. Mr. President, reserving the right to object, and I take this time only to indicate for the part of this Senator, I have no desire to delay the consideration of the INF Treaty. There has been a great deal said about the importance of completing the Senate action if indeed we can do so prior to the President's departure for the summit. I think there is a widespread feeling across the country that the President ought to be armed with that signed treaty, rather than go without that opportunity in dealing with the Soviet Union.

It is unfortunate that we are where we are on the DOD bill, that it is pressing up against the time for the consideration of the INF Treaty. But I would not want to be understood as indicating that I think under all circumstances the DOD bill must be completed in order to consider the INF Treaty, and I read into this some of the feeling that the D'Amato amendment is the only thing that is holding up the DOD bill, and therefore we have to dispose of the D'Amato amendment and somehow that all takes priority over the consideration of the INF Treaty.

I do not want any implication of what we are doing here that somehow we are going to do whatever we have to to complete the DOD authorization bill even if it means delaying the treaty further.

Mr. BYRD. That inference should not be drawn. The chairman of the committee has explicitly stated on more than one occasion that while it is his desire, and he will speak for himself, to finish the DOD authorization bill and get it to conference, it is not his desire to hold up the treaty. He is willing to set the bill aside. He said that 7 days ago when we first went on the DOD authorization bill. He made it perfectly clear that at any time before the final action on the DOD authorization bill that the negotiators tied up the loose end and we were ready to go forward in the interest of this country and its security, he would be willing to set the DOD bill aside. So there can be no inferences drawn. There have been no implications to that extent. It has just been to the contrary.

I yield to the Senator.

Mr. NUNN. Will the Senator yield for a further clarification?

Mr. BYRD. Yes.

Mr. NUNN. The Senator from West Virginia is entirely correct. Senator WARNER and I have said from the very beginning of the debate on the DOD bill when the treaty matters that were under investigation by the Intelligence Committee, Foreign Relations Committee and Armed Services Committee were completed, at any time the majority leader wanted to move to the INF Treaty we would be willing to set the DOD bill aside.

We were very fortunate in the fact that the DOD was able to continue for 6 days. We did not get through with the hearings until late yesterday afternoon on the INF Treaty, and the ranking members and the chairman of the Intelligence Committee and Armed Forces Committee did not report to the majority leader until last night about 8 o'clock or 8:30. So the DOD bill has not held up the INF Treaty even 1 minute, even 1 second. We do not intend for it to.

Now, it is true that we cannot handle the DOD bill until such time as we dispose of in one way or the other the D'Amato amendment, but we are not leaguing the INF Treaty to the D'Amato amendment; we are not leaguing the INF Treaty to the DOD bill.

The majority leader is on the floor asking for the INF Treaty to come up. DOD is not completed. We understand that. We hope we can work out the D'Amato amendment. We hope we can pass the DOD bill today. But if we do pass it, if we work out the D'Amato amendment, it will take a grand total of maybe 5 or 6 minutes. We have already even made our final speeches and patted ourselves on the back as if we had passed it, which we have not done. So we have had a premature back-patting session here. We may regret that. Nevertheless, it will not hold up the INF Treaty.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. McCLURE. I thank the majority leader, and the distinguished Senator from Georgia, the manager of the bill. Yes, I know that is exactly what the position has been. But I did not want anything that was said here today to indicate any change in that position. I would assume from that if something break down the negotiations over the D'Amato amendment that means we move to the INF Treaty without having completed action on the DOD authorization bill.

I see the Senator from Georgia nodding his head. And I mention that because I really am concerned about the death penalty provision as any Member in here. I know the Senator from Georgia supports that provision, too. I do not want to see that struck by a deadline and disadvantage, final action by this Senate with respect to it.

I commended the Senator from Kansas, and the Senator from New York earlier for having brought to the floor last night and completed action this morning on the resolution with respect to dealing with Noriega and the policy we have there. They are linked together in the fight against drugs. I would hate to see us vote by a vote, I think, of 86 to 10, in favor of that action dealing with Mr. Noriega and at the same time somehow backing water with respect to the death penalty which I know both the Democratic leader and the distinguished manager of the bill have supported. I would not want us to be sending ambiguous signals here today on that subject.

Mr. NUNN. Will the Senator yield for a brief moment? I would say that the Senator is correct. We are not going to hold up the INF Treaty for the DOD bill. We hope to work out the D'Amato amendment. I personally will vote for the D'Amato amendment. I hope it is on another piece of legislation.

I hope the Senator from New York and all who are in favor of that will remember the important provisions that already have gone into this bill relating to the surveillance by the military, relating to setting up the command control and communication by the military, related to a very carefully prescribed power of arrest by the military, and will understand that as far as the drug traffickers are concerned, the first thing you have to do is catch them before you execute them. If you do not catch them, you cannot execute them. So that has already passed. The Senator from New York played a vital role, the Senator from California, the Senator from Virginia, the Senator from Georgia, all of us, in getting that passed. That is going to help us catch them. So if we have to choose between the two, let us go ahead and pass the DOD bill, start catching them, and then we will worry about executing them later.

Mr. BYRD. Do not try them unless they are guilty.

Mr. NUNN. Do not try them unless they are guilty. [Laughter.]

Mr. McCLURE. Unless their name is Noriega, and you turn them loose.

I agree that we should not turn Noriega loose just because he happens to be in a position of some importance in another country. I agree with the Senator from Georgia that we ought to catch him.

I agree that it was an unusual event when many of us voted to have the military forces of this country involved in what is essentially a police action. That is a step that I supported rather hesitantly, because I think it is a dangerous precedent, but I believe it was necessary and it was justified.

If it was necessary and justified to do that, to take that unprecedented action in our Nation's history, if it is necessary and justified and supportable to do what the Senate did in support of the Dole resolution, which I commend and heartily support, I also think it is important for us to keep focus on what we do to the fellows we do catch who are in the narrowly proscribed conditions with respect to the death penalty. I do not see us walking away from that part of this package too casually.

I will not object, since I do understand that the managers of the bill want the opportunity to work out the D'Amato amendment, if they can. If they fail to do so—and I am not going to obstruct that process—we would expect to move to the INF Treaty and dispose of it.

I thank the Senator for yielding.

Mr. BYRD. I have made my commitment publicly, and there is only one individual—I will put it in that vein—in the universe who can keep me from doing that, and he is not on the floor. That is the Good Lord.

We are going to go to the treaty today, one way or another. I do not want to sacrifice the bill which is so near completion here, the DOD authorization bill.

JOINT OFFICER MANAGEMENT POLICIES OF THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986

Mr. NUNN. Mr. President, yesterday, Senator Exon and Senator McCain engaged in a colloguy concerning the joint officer management policies prescribed in title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986. Unfortunately, I was not available on the Senate floor when that colloquy occurred. Because title IV is an important and controversial subject, Mr. President, I would like to present my views.

Title IV of the Goldwater-Nichols act made a determined effort to correct serious problems in the performance of joint duty by military officers. Joint duty, Mr. President, is an assignment outside a military officer's own Service. Joint duty includes assignments on the Joint Staff, in the Office of the Secretary of Defense, and on the headquarters staffs of the unified combatant commands.

When the Congress was working on defense reorganization, Mr. President, we found that, for the most part, military officers did not want to be assigned to joint duty; were pressured or monitored for loyalty by their services while serving on joint assignments; were not prepared by either education or experience to perform their joint duties; and served for only a relatively short period once they had learned their jobs. Given that these joint staffs are our most important military staffs, this was an intolerable situation. The operational failures and deficiencies that we have experienced—such as the Iranian rescue mission and the Grenada incursion—were caused by our inadequate jointness, or in other terms, the inability to effectively plan, prepare, and execute the employment of forces from more than one service. Title IV set goals for overcoming joint duty problems.

At the time that title IV was enacted, Mr. President, we knew that modification would probably be necessary as implementation experience identified unanticipated problems and better approaches. Since enactment of the Goldwater-Nichols act, the Senate Armed Services Committee has worked closely with the Department of Defense to improve the statutory policies for joint office management. Last year, the committee offered a package of modifications. Only a limited number of these changes, however, were approved by the Senate-House conference committee.

The defense authorization bill now being considered by the Senate would make 19 additional modifications to title IV. This bill includes each of the seven joint officer policy changes requested in DOD's legislative proposal. The committee also took the initiative to include 12 additional modifications. I believe that these changes would permit more equitable, flexible, and simplified implementation of title IV. I intend to make my best effort to obtain conference approval of these modifications.

However, it should be clearly understood, Mr. President, that these modifications do not represent any lessening of the committee's commitment to the underlying principles of title IV. In this regard, some service officials have recently proposed changes to title IV that would fundamentally weaken efforts to improve the performance of joint duty service. These proposals, which call for short joint duty tours and elimination of joint education requirements, would return us to the intolerable situation that existed prior to the Goldwater-Nichols act. It is my clear intention, Mr. President, to oppose such changes. Hopefully, as the Congress proceeds to improve joint officer management policies, we will continue to adhere to the fundamental principles of title IV of the Goldwater-Nichols act which seek to better prepare and reward military officers serving in joint duty assignments.

WHY THE SOVIETS CAN'T WIN QUICKLY IN CENTRAL EUROPE

Mr. WIRTH. Mr. President, John Mearsheimer, author of the highly regarded book "Conventional Deterrence" provides a seminal analysis of the conventional balance on Europe's Central Front in terms of the Warsaw Pact's ability to win quickly in a conventional conflict.

Mearsheimer contends that the conventional balance is not nearly as out of balance as is widely perceived. His aim here is to assess the Warsaw pact's capacity to affect a blitzkrieg against NATO. To measure this capability, Mearsheimer evaluates whether the Soviet Union has the "force structure, the doctrine, and the raw ability" to implement this strategy. He further analyzes NATO's defense capabilities and the theater's terrain in an effort to determine NATO's ability to thwart such a blitzkrieg. His essential conclusion is, that while NATO certainly could not win a conventional war with the Soviet Union, it could deny it a quick victory and then hold out in a war of attrition.

As noted, Mearsheimer evaluates pact force structure, doctrine, and raw ability in his assessment of the pact's capacity for a blitzkrieg attack. Regarding force structure, he contends, first, that the pact does not have overwhelming manpower advantages vis-a-vis NATO, and does not have sufficient manpower for a blitzkrieg attack; second, that the pact has irrefutable numerical advantages in weapons, but that NATO's edge in quality and training largely neutralize the pact's strength in numbers; and, third, that, while NATO's mobilization and reinforcement capabilities may not equal the pact's, NATO has the potential to maintain overall ratio of forces very close to premobilization ratios.

Regarding doctrine, Mearsheimer assumes that in a conventional war, the Soviet Union will employ a blitzkrieg attack, that is, they will amass armored forces along one or several points on the defender's front, pierce that front, and rapidly advance to the enemy's rear. What are the prospects for the Soviet Union to achieve this strategy? According to Mearsheimer, one must evaluate two important criteria: First, can the pact achieve the necessary force ratios along the main axes of attack in order to puncture NATO's lines of defense, and second, if the pact can pierce NATO's lines, can the pact then successfully advance to NATO's rear areas. Based on well-known NATO deployment patterns as well as geographic and topographical constraints, and likely Soviet deployment patterns, Mearsheimer concludes that NATO could most likely stop a Soviet blitzkrieg attack and convert the conflict into a war of attrition.

Regarding Soviet and Warsaw pact raw ability to execute such an attack, Mearsheimer expresses considerable doubt as the to the pact's prospects for success. While noting that pact forces are configured for blitzkrieg, Mearsheimer details weaknesses in Soviet training, in the ability of lower level officers to take initiative, in overcentralized command structures, and in the uncertain reliability of non-Soviet pact forces. He remains skeptical that the Soviet Union would have the requisite ability to execute the complex and difficult blitzkrieg attacks with the necessary precison.

While Mearsheimer believes NATO could successfully meet a pact blitzkrieg attack, he specifies two important caveats for continuing these prospects for success: First, NATO must proceed with on-going improvements in its force structure, including strengthening the sustainability of forces; and, second, NATO must mobilize, and it must attempt to do so in ways that do not provoke Soviet attack. Mearsheimer, like other analysts, assigns extreme importance to warning time and mobilization. A prerequisite for NATO success in thwarting a pact blitzkrieg is receiving ample warning time and then mobilizing immediately to meet the threat. Even a few days delay could be disastrous for NATO.

Following is Mr. Mearsheimer's thoughtful piece from National Security, which will supplement our understanding of conventional arms control issues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE SOVIETS CAN'T WIN QUICKLY IN CENTRAL EUROPE

(John J. Mearsheimer)

In light of the emergence of strategic parity and NATO's manifest lack of enthusiasm for tactical nuclear weapons, the importance of the balance of conventional forces in Central Europe has increased significally in the past decade. Regarding that balance, the conventional wisdom is clearly that the Warsaw Pact enjoys an overwhelming advantage. In the event of a conventional war, the Soviets are expected to launch a blitzkrieg that will lead to a quick and decisive victory.

The implications of this specter of a hopelessly outgunned NATO are significant. Certainly, NATO's behavior in a major crisis would be influenced by its view of the conventional balance. Furthermore, one's perception of the conventional balance directly affects his or her view of the importance of both strategic and tactical nuclear weapons for deterrence in Europe.

The fact of the matter is that the balance of conventional forces is nowhere near as unfavorable as it is so often portrayed to be. In fact, NATO's prospects for thwarting a Soviet offensive are actually quite good. Certainly, NATO does not have the capability to win a conventional war on the continent against the Soviets. NATO does have, however, the wherewithal to deny the Soviets a quick victory and then to turn the conflict into a lengthy war of attrition, where NATO's advantage in population and GNP would not bode well for the Soviets.

The aim of this article is to examine closely the Soviets' prospects for effecting a blitzkrieg against NATO. In analyzing this matter, two closely related issues must be addressed. First, one must determine whether the Soviets have the force structure, the doctrine, and the raw ability to implement this strategy. In other words, do the Soviets, when viewed in isolation, have the capacity to effect a blitzkrieg? Secondly, when NATO's defense capabilities and the theater's terrain are considered, what then are the prospects for Soviet success? It may very well be that the Soviet military is well-primed to launch a blitzkrieg, but that NATO in turn has the capability to thwart it.

Any assessment of the NATO-Pact balance is dependent on certain assumptions made about the preparatory moves both sides take before the war starts. Among the many that might be considered, three scenarios are most often posited. The first of these is the "standing start" attack, in which the Soviets launch an attack after hardly any mobilization and deliver a knockout blow against an unsuspecting NATO. This is not, however, a likely eventuality.

Secondly, for a war in Europe to become a realistic possibility, there would have to be a significant deterioration in East-West relations. Given such a development, it is very likely that both sides will take some steps, however limited, to increase the readiness of their forces. It is difficult to image a scenario where an alert Pact catches NATO completely unprepared.

The second scenario is a more realistic and more dangerous one. Here, in the midst of a crisis, NATO detects a Pact mobilization, but does not mobilize its forces for a fear of triggering a Soviet attack. Surely, if NATO fails to respond quickly to a Pact mobilization as posited in this second scenario, the Pact would soon be in a position to inflict a decisive defeat on NATO.

In the third scenario, NATO's mobilization begins immediately after the Pact starts to mobilize. Here, the Pact does not gain an overwhelming force advantage as a result of NATO's failure to mobilize. It is with this third scenario that I shall concern myself in the present essay.

The assumption on which I base the following analysis is that strategic warning and mobilization are acted upon by NATO; the raw capabilities of the opposing forces will thus be examined under those clearly defined conditions.

THE BALANCE OF FORCES ON THE CENTRAL FRONT

There are generally two alternative ways of assessing the balance. One is to focus on the manpower on each side, while the other is to compare weaponry.

MANPOWER

Robert Lucas Fischer, in his 1976 study of the conventional balance in Europe (which is, unfortunately, one of the few comprehensive studies done on that subject), notes that NATO has 414,000 men in its divisions, while the Pact has 564,000. With this measure of divisional manpower, the Soviet advantage shrinks to 1.36:1. Fischer calculates that when overall manpower levels on the Central Front are considered, the Pact's advantage shrinks even further to 1.09:1. This is because NATO has traditionally had more men assigned to combat units which are not organic to divisions. Since the study was issued, the Pact has added approximately 50,000 men, raising the overall advantage in manpower to 1.15:1—hardly an alarming figure.

These figures are clear evidence that NATO is not hopelessly outnumbered.

WEAPONS

It is not difficult to compare numbers of specific weapons on each side.

Such comparisons, however, do not take into account qualitative differences within the same category of weapons nor do they deal with the problems of comparing different categories of weapons (i.e., tanks vs. artillery).

ENFORCEMENT AND MOBILIZATION

Now, consider the critical matter of comparative reinforcement capabilities. Although NATO's reinforcement capability is not as great as the Soviets' in an absolute sense, NATO has the potential to keep the overall ratio of forces very close to the pre-mobilization ratio. The notion that the Soviets can rely on some massive second echelon that NATO cannot match is a false one. However, the ratio of forces in any future mobilization will be heavily influenced by the timeliness with which each side starts to mobilize. If NATO begins mobilizing its forces before the Pact does, or simultaneously with the Pact, then the force ratios will remain close to the 1.2:1 (in armored division equivalents) and 1.36:1 (in divisional manpower), the ratios which obtained before mobilization. If NATO starts mobilizing a few days after the Pact, then the balance of forces should approach but not exceed a 2:1 ratio in the very early days of mobilization and then fall to a level close to the pre-mobilization ratios. But once the gap in mobilization starting times reaches seven days (in the Pact's favor), NATO begins to face serious problems, problems which become even more pronounced as the mobilization gap widens further.

It should be emphasized that there are definite limits to the utility of measuring force levels.

Nevertheless, it is clear if one side has an overwhelming advantage in forces, that glaring asymmetry is very likely to lead to a decisive victory.

The previous analysis of the balance of forces in Europe indicates that the Soviets do not enjoy such an overwhelming advantage. They do not have the numerical superiority to simply crush NATO. In a conventional war in Europe, whether or not the Soviets prevail will depend on how they employ their forces against NATO's defenses. In other words, success will be a function of strategy, not overwhelming numbers.

DOCTRINE

NATO's forces are arrayed to support a strategy of forward defense. In other words, to meet a Pact offensive, the forces in each of NATO's corps sectors are deployed very close to the border between the two Germanies. How do the Soviets plan to fight a non-nuclear war in Europe?

The assumption here is that they will employ a blitzkrieg. This strategy calls for the attacker to concentrate his armored forces at one of more points along the defender's front, pierce that front, and race deep into the defender's rear. The aim is to avoid a broad frontal attack and, instead, to drive a small number of powerful armored columns into the depths of the defense.

To determine whether the Soviets can successfully launch a blitzkrieg against NATO's forward defense, two key questions must be answered. First, can the Soviets achieve the necessary force ratios on their main axes of advance so that they can then open gateways into NATO's rear? In other words, given the deployment of NATO's forces as well as the terrain, how likely is it that the Soviets will be able to repeat the German achievement opposite the Ardennes Forest in 1940? Is it true, as advocates of a maneuver-oriented defense claim, that the Pact can choose any point on the NATO front and achieve the superiority of forces necessary to effect a breakthrough?

Second, if the Soviets are able to tear open a hole or two in NATO's defensive front, will the Soviets be able to exploit those openings and penetrate into the depths of the NATO defense before NATO has a chance to shift forces and slow the penetrating spearheads? Effecting a deep strategic penetration in the "fog of war," when the defender is doing everything possible to seal off the gaps in his defense, is difficult and requires a first-rate army. How capable is the Soviet Army of accomplishing this difficult task? Although it is not possible to provide definitive answers to these questions, there is good reason to believe that NATO is capable of thwarting a Soviet blitzkrieg and turning the conflict into a war of attrition.

THE INITIAL DEPLOYMENT PATTERNS

When considering Soviet deployment patterns for a conventional European war, the most basic question is: how will the Soviets apportion their forces across the front? More specifically, will the Soviets disperse their forces rather evenly across the front, mounting attacks along numerous areas, or will they concentrate their forces at one, two, or three points along the inter-German border? In many of the accounts by Western analysts, it is assumed that a Soviet offensive will be a multi-pronged one.

It is possible that the Soviets might choose to launch an offensive along multiple axes of advance. This would be consistent with their doctrine for fighting a nuclear war in Europe, where the emphasis is on keeping the attacking forces widely dispersed so that they are not vulnerable to nuclear attacks. However, such a deployment pattern would hardly facilitate employment of a blitzkrieg, simply because it would be virtually impossible for the Soviets, given the present overall balance of forces, to achieve overwhelming force ratios on any of the axes.

If the Soviets hope to defeat NATO with a blitzkrieg, they will have to concentrate massive amounts of armor on one, two or, at most, three major axes of advance. This raises the obvious questions: where are those axes likely to be? and how well-positioned is NATO to deal with the most likely Pact deployment patterns?

It is most unlikely that the Pact would place a major axis of advance in either the far north or the far south of the NATO front. In the south, this would preclude a major attack against II German Corps, simply because it would not result in a decisive victory. The Allies could afford to lose almost the entire corps sector, reaching back to the French border, and they would still be able to continue the war. Moreover, the mountainous terrain in this part of Germany is not conducive to the movement of large armored forces. In the north, a major offensive against Schleswig-Holstein is unlikely. Although the terrain is not mountainous in this sector there are still enough obstacles (bogs, rivers, urban sprawl around Hamburg) to hinder the movement of a large armored force. Furthermore, a Pact success in this region would not constitute a mortal blow to NATO. The main body of NATO's forces would still be intact and capable of conducting a vigorous defense.

CHANNELING FORCES: THE PACT'S AXES OF ATTACK IN CENTAG

The Soviets are most likely to locate their main attacks along the front stretching from the I Dutch Corps Sector in the north to the VII American Corps Sector in the south. Let us first consider the three key corps sectors in CENTAG (III German, V U.S., and VII U.S.). Generally, the terrain in the CENTAG area is very obstacle-ridden. Besides being a mountainous region, it has numerous rivers and forests. Consequently, there are a small number of natural avenues of attack in CENTAG. Actually, there are three potential axes on which the Soviets are likely to attack.

The most threatening of the three possibilities would be an attack from the Thuringian Bulge through the Fulda Gap, aimed at Frankfurt (see Figure 7). Except for the Fulda River, the terrain on this axis should not greatly hinder the movement of large armored forces. Importantly, this axis cuts across the "wasp-waist" or the narrowest section of Germany. The distance from the inter-German border to Frankfurt is a mere 100 km. Frankfurt, because of its central location in Germany's communications network, would be a most attractive target. Capturing Frankfurt would effectively cut Germany in half, and given the importance of north-south lines of communication, would leave NATO's forces in southern Germany isolated.

The second potential axis of advance is located in the sector covered by the III German Corps. The attacking forces would move through the Göttingen Corridor, just south of the Harz Mountains. The industrialized Ruhr is located due west of Göttingen.

There is a third potential axis of advance in CENTAG, although it is less attractive than the axes which run through the Fulda Gap and the Göttingen Corridor. This axis runs from Bohemia through the area around the city of Hof toward Stuttgart: The Hof Corridor. The terrain that an attacking force would have to traverse there is considerably more obstacle-ridden than the terrain along the other axes. Moreover, Stuttgart is a far less attractive target than either Frankfurt or the Ruhr. Aside from these three axes, there are no attractive alternatives.

NATO's forces in CENTAG should be able to contain a major Soviet attack in this region. There are only a limited number of potential axes of advance, each of which is quite narrow and well defined and each of which NATO is well prepared to defend. Moreover, NATO has contingency plans to shift forces to combat Soviet efforts designed to achieve overwhelming force ratios at the points of main attack. NATO's prospect of successfully halting a Soviet attack are further strengthened by the terrain, which not only limits the number of potential axes, but also channels the attacking forces across the width of Germany. In other words, the potential axes of advance are rather narrow and do not allow the attacker to spread his forces after the initial breakthrough.

THE NORTH GERMAN PLAIN: OPEN ROAD FOR PACT ADVANCE?

Now, consider NATO's prospects for containing a Soviet attack directed against NORTHAG. It is widely held that NATO is more vulnerable in this region than in CENTAG. The terrain in NORTHAG, because it is not mountainous and covered with forests, is generally held to be more favorable to the movement of large armored formations.

Secondly, there are doubts about whether the Dutch and the Belgians, and even the British, have the capability to withstand a Soviet attack.

Notwithstanding that NATO is more vulnerable in this region than in CENTAG, the prospects for thwarting a major Soviet attack in NORTHAG are quite good. The terrain is not obstacle-free by any means and, as will become clear, the Belgian and Dutch Corps Sectors are not the weak links that they are often said to be.

Approximately one-third of the front is covered by the Harz Mountains, while the terrain throughout the depth of the corps sector is laden with obstacles.

The North German Plain, above the Belgian Corps Sector, is covered by the I British and I German Corps. There is widespread agreement that the Pact will place a single main axis against NORTHAG and that the axis will be located on the North German Plain. Although there are no mountains and few forests in this region, there are obstacles in both the German and British Corps Sectors. In the British Corps Sector, there is significant urban sprawl centered on Hannover, which is located in the heart of this corps sector. Armored forces simply will not be able to move rapidly through those urban areas that NATO chooses to defend.

"Finally, even if the attacking forces were able to penetrate through this sector rapidly, it is unlikely that NATO would be mortally wounded. Certainly, NATO would feel the loss of the ports in northern Germany. However, since the attacking forces would exit Germany into the northern part of the Netherlands, NATO would still have access to the most important Belgian and Dutch ports.

In sum, given the initial deployment patterns of both NATO and the Pact, it appears that NATO is reasonably well deployed to meet a Soviet blitzkrieg. Although both Pact and NATO deployment patterns have been examined, attention has been focused, for the most part, on examining NATO's capability to thwart a blitzkrieg. Now let us shift the focus and examine, in detail, Soviet capabilities.

SOVIET CAPABILITIES FOR BLITZKRIEG WARFARE

To ascertain whether the Soviet Army has the capacity to effect a blitzkrieg, it is necessary to examine that Army on three levels. First, one must consider how the Soviet Army is organized. In other words, are the forces structured to facilitate a blitzkrieg? Second, it is necessary to consider doctrine, a subject that has already received some attention. Finally, there is the matter of raw skill. Assuming that the problems with force structure and doctrine are minimal, is the Soviet Army capable of performing the assigned task?

Since almost all the Pact divisions that would be used in a European war are either armored or mechanized infantry, it seems reasonable to assume that the Pact is appropriately organized to launch a blitzkrieg. On close inspection, however, there are potential trouble spots in the Pact's force structure. Over the past decade, Soviet divisions have become extremely heavy units. Western analysts pay a great deal of attention to the large and growing number of tanks, infantry fighting vehicles, artillery pieces, rocket launchers, surface-to-air missiles, air defense guns, anti-tank guided missiles (ATGMs), and assorted other weapons that are found in Soviet as well as other Pact divisions. Past a certain point, however, there is an inverse relationship between the mass and the velocity of an attacking force. As the size of the attacking force increases, the logistical problems as well as the command and control problems increase proportionately. Then, it becomes very difficult to move that force rapidly—an essential requirement for a blitzkrieg, where the attacker is seeking to strike deep into the defender's rear before the defender can shift forces to deal with the penetrating forces.

Consider now the matter of doctrine. As noted earlier, it is not possible to determine exactly how the Soviets plan to fight a conventional war in Europe. This is because the Soviets themselves are not sure; there is presently doctrinal uncertainty in their military circles. Certainly, they continue to emphasize the necessity of rapidly defeating NATO, should a war in Europe break out. The Soviets reconcile, however, that it is becoming increasingly difficult to do this, especially because of the proliferation of ATGMs. Moreover, they are well aware of how these organizational problems compound their task. They realize that it will be difficult to effect deep strategic penetrations against prepared defenses. Although there has been a considerable effort to find a solution to this problem, if anything, the Soviets appear to be moving closer to a strategy of attrition. This is reflected in their growing reliance on artillery and dismounted infantry. There is no evidence that the Soviets have made a conscious decision to fight a war of attrition. Instead, it appears that they are being inexorably drawn in this direction by their efforts to neutralize the growing firepower, both ground-based and air-delivered, available to NATO.

SOVIET TRAINING AND INITIATIVE

Finally, there is the question of whether the Soviet army has the necessary raw skills. Any army that intends to implement a blitzkrieg must have a highly flexible command structure as well as officers and NCOs at every level of the chain of command who are capable of exercising initiative. A blitzkrieg is not a steamroller: success is ultimately a consequence of able commanders making rapid-fire decisions in the "fog of battle" which enable the attacking forces to make the crucial deep strategic penetrations. Should the Soviets attack NATO, there is a chance that the Soviets will open a hole or holes in the NATO front. Naturally, NATO will try to close those holes and seal off any penetrations as quicky as possible. The key question is: can the Soviets exploit such opportunities before NATO, which is well prepared for such an eventuality, shuts the door? In this battle, the crucial determinant will not be how much firepower the Soviets have amassed for the breakthrough; success will be largely the result of highly skilled officers and NCOs making the decisions that will enable the armored spearheads to outrun NATO's defenses. A blitzkrieg depends on split-second timing since opportunity on the battlefield is so fleeting.

There is substantial evidence that Soviet officers and NCOs are sadly lacking in individual initiative, and furthermore, that the Soviet command structure is rigid.

Their absence is largely the result of powerful historical forces. Fundamental structural change in Soviet society and the Soviet military would be necessary before there would be any significant increase in flexibility and initiative.

Other deficiencies in the Soviet Army cast doubt on the Soviets' capacity to launch a successful blitzkrieg. For example, the Soviets have significant problems with training. Overreliance on training aids and simulators is a factor often cited, and there is widespread feeling that the training process does not satisfactorily approximate actual combat conditions. Training is of special importance for the Soviets since their army is comprised largely of conscripts who serve a mere two years. Moreover, since new conscripts are trained in actual combat units, more than half of the troops in the 19 Soviet divisions in East Germany are soldiers with less than two years of experience. At any one time, a significant number of those troops is either untrained or partially trained. It should also be noted that Soviet soldiers are deficient in map reading, a skill which is of much importance for an army attempting to launch a blitzkrieg.

Finally, one must consider the capabilities of the non-Soviet divisions, which comprise approximately half of the Pact's 57½ standing divisions. Although the Soviet divisions will certainly perform the critical tasks in any offensive, the non-Soviet divisions will have to play a role in the operation. Otherwise, the size of the offensive would have to be scaled down significantly. One cannot say with any degree of certainty that the East Europeans would be militarily incapable of performing their assigned task or that they would not commit themselves politically to supporting a Soviet-led offensive. The Soviets, however, would have to give serious consideration to the reliability of the East Europeans.

CONCLUSION

Even if one were to discount these weaknesses of the Soviet Army, the task of quickly overrunning NATO's defenses would be very formidable one. A Pact offensive would have to traverse the obstacle-ridden terrain which covers almost all of Germany and restricts the movement of large armored units. Moreover, there is good reason to believe that NATO has the wherewithal to thwart such an offensive. In short, NATO is in relatively good shape at the conventional level.

Two very important caveats, however, are in order. First, NATO must provide for the continuation of ongoing improvements in its force structure. There is no evidence that the Soviet effort to modernize her forces in Central Europe is slowing down. Therefore, NATO must continue to make improvements if it is to maintain the present balance. It is absolutely essential, for example, that deployment of the American Corps in NORTHAG be completed. It is also imperative that the Belgians, the British, and the Dutch continue to modernize and upgrade their conventional forces. More specifically, these forces, especially the British, must increase the firepower of their individual brigades. And, the Allies need to place more emphasis on improving the sustainability of their forces.

Fortunately, the conventional wisdom is wrong; NATO presently has the capability to thwart a Soviet attack. Unfortunately, too few people recognize this. The second caveat concerns warning time and mobilization. Given NATO's present intelligence capabilities and the Pact's force structure, there is little doubt that NATO would detect a full-scale Pact mobilization almost immediately. Obviously, NATO must ensure that it maintains this capability. Problems arise, however, in circumstances where the Pact pursues a limited mobilization which is somewhat difficult to gauge. Although there are real limits as to how much mobilization the Soviets can achieve before tipping their hand, NATO needs to be especially sensitive to such an eventuality. Moreover, NATO must be prepared to respond to a limited mobilization, even if the evidence of such a mobilization is somewhat ambiguous. This leads to the critical problem of mobilization.

This article highlights how important it is that NATO mobilize its forces immediately after the Pact begins its mobilization. A favorable balance of forces in a crisis will be a function of political as well as military factors.

The real danger is that NATO's leaders will not agree to mobilize in a crisis for fear that such a move might provoke a Soviet attack. The risk of pushing the Soviets to preempt can be reduced, however, by avoiding certain provocative moves and by clearly communicating one's intentions to the other side. Nevertheless, the risk of provoking a Soviet attack by initiating NATO mobilization can never be completely erased. That risk, however, must be weighed against the far greater danger that if NATO does not mobilize, the capability to defend against a Pact attack will be lost. Moreover, once the Pact achieves a decisive superiority because of NATO's failure to mobilize, it would be not only difficult, but very dangerous for NATO to attempt to redress the balance with a tardy mobilization. Seeing that process set into motion, the Pact would have a very strong incentive to attack before NATO erased its advantage. In short, it is essential that NATO plan for ways to mobilize that do not provoke a Soviet attack, but, at the same time, ensure that NATO does not lose its present capability to defend itself effectively against a Soviet offensive.

DEATH TO DRUG KING PINS

Ms. MIKULSKI. Mr. President, I want to get the drug dealers and the drugs out of our homes, our schools, and our communities. I voted to table the amendment that would have imposed a Federal death penalty for certain drug related murders because I do not think it would do the job that must be done.

I want to get the people who carry out the vile and vicious sale of drugs off our streets. I want them caught, convicted, and incarcerated. I'm tired of the havoc that drugs and the drug trade are causing.

However, Maryland law enforcement officials have advised me that with a death penalty in effect they would have additional problems obtaining convictions. I do not want to do anything that makes convictions harder to obtain, so I supported tabling the amendment that added a Federal death penalty for drug related murders.

Mr. President, I support the death penalty in cases of extraordinary or heinous crimes such as treason, terrorism or the murder of a law enforcement officer. If I thought it would help the drug fight, I would consider supporting this amendment. But the people in Maryland who are on the front lines of this fight have told me this sort of proposal will hurt their efforts.

I would support life without parole for drug related murders. We must do everything we can to make sure the curse of the drug trade is lifted.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 9, Treaty Document No. 100-11, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (the INF Treaty), on the understanding that the reading of the treaty proceed through section 17, down to the signatures of the President and the leader of the Soviet Union, at which time there be a temporary dispensation of the reading of the treaty.

That will allow the Senate to get back to a discussion concerning the D'Amato amendment on the DOD authorization bill, and we will see where we go from there. That will not waive any Senator's right to insist on the full reading of the treaty, which every Senator has a right at this moment to insist upon. I shall not insist upon going beyond the 17th section. Every Senator has that right. Any Senator who wishes to object to calling off the reading of the treaty can do it. That goes, however, beyond the 17 sections. This, it seems to me, would allow the Senate to utilize the time to good advantage in both respects.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object—and I am not going to object—I just want to nail down that there is no waiver of the point of order implied in this unanimous consent request.

Mr. BYRD. No, there is not.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will go into executive session.

The clerk will report the treaty.

The assistant legislative clerk read as follows:

Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Conscious that nuclear war would have devastating consequences for all mankind,

Guided by the objective of strengthening strategic stability,

Convinced that the measures set forth in this Treaty will help to reduce the risk of outbreak of war nd strengthen international peace and security, and

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Have agreed as follows:

ARTICLE I

In accordance with the provisions of this Treaty which includes the Memorandum of Understanding and Protocols which form an integral part thereof, each Party shall eliminate its intermediate-range and shorter-range missiles, not have such systems thereafter, and carry out the other obligations set forth in this Treaty.

ARTICLE II

For the purposes of this Treaty:

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

3. The term "GLBM launcher" means a fixed launcher or a mobile land-based transporter-erector-launcher mechanism for launching a GLBM.

4. The term "GLCM launcher" means a fixed launcher or a mobile land-based transporter-erector-launcher mechanism for launching a GLCM.

5. The term "intermediate-range missile" means a GLBM or a GLCM having a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers.

6. The term "shorter-range missile" means a GLBM or a GLCM having a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers.

7. The term "deployment area" means a designated area within which intermediate-range missiles and launchers of such missiles may operate and within which one or more missile operating bases are located.

8. The term "missile operating base" means:

(a) in the case of intermediate-range missiles, a complex of facilities, located within a deployment area, at which intermediate-range missiles and launchers of such missiles normally operate, in which support structures associates with such missiles and launchers are also located and in which support equipment associated with such missiles and launchers is normally located; and

(b) in the case of shorter-range missiles, a complex of facilities, located any place, at which shorter-range missiles and launchers of such missiles normally operate and in which support equipment associated with such missiles and launchers is normally located.

9. The term "missile support facility," as regards intermediate-range or shorter-range missiles and launchers of such missiles, means a missile production facility or a launcher production facility, a missile repair facility or a launcher repair facility, a training facility, a missile storage facility or a launcher storage facility, a test range, or an elimination facility as those terms are defined in the Memorandum of Understanding.

10. The term "transit" means movement, notified in accordance with paragraph 5(f) of Article IX of this Treaty, of an intermediate-range missile or a launcher of such a missile between missile support facilities, between such a facility and a deployment area or between deployment areas, or of a shorter-range missile or a launcher of such a missile from a missile support facility or a missile operating base to an elimination facility.

11. The term "deployed missile" means an intermediate-range missile located within a deployment area or a shorter-range missile located at a missile operating base.

12. The term "non-deployed missile" means an intermediate-range missile located outside a deployment area or a shorter-range missile located outside a missile operating base.

13. The term "deployed launcher" means a launcher of an intermediate-range missile located within a deployment area or a launcher of a shorter-range missile located at a missile operating base.

14. The term "non-deployed launcher" means a launcher of an intermediate-range missile located outside a deployment area or a launcher of a shorter-range missile located outside a missile operating base.

15. The term "basing country" means a country other than the United States of America or the Union of Soviet Socialist Republics on whose territory intermediate-range or shorter-range missiles of the Parties, launchers of such missiles or support structures associated with such missiles and launchers were located at any time after November 1, 1987. Missiles or launchers in transit are not considered to be "located."

ARTICLE III

1. For the purposes of this Treaty, existing types of intermediate-range missiles are:

(a) for the United States of America, missiles of the types designated by the United States of America as the Pershing II and the BGM-109G, which are known to the Union of Soviet Socialist Republics by the same designations; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the RSD-10, the R-12 and the R-14, which are known to the United States of America as the SS-20, the SS-4 and the SS-5, respectively.

2. For the purposes of this Treaty, existing types of shorter-range missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IA, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the OTR-22 and the OTR-23, which are known to the United States of America as the SS-12 and the SS-23, respectively.

ARTICLE IV

1. Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

2. To implement paragraph 1 of this Article, upon entry into force of this Treaty, both Parties shall begin and continue throughout the duration of each phase, the reduction of all types of their deployed and non-deployed intermediate-range missiles and deployed and non-deployed launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the provisions of this Treaty. These reductions shall be implemented into two phases so that:

(a) by the end of the first phase, that is, no later than 20 months after entry into force of this Treaty:

(i) the number of deployed launchers of intermediate-range missiles for each Party shall not exceed the number of launchers that are capable of carrying or containing at one time missiles considered by the Parties to carry 171 warheads;

(ii) the number of deployed intermediate-range missiles for each Party shall not exceed the number of such missiles considered by the Parties to carry 180 warheads;

(iii) the aggregate number of deployed and non-deployed launchers of intermediate-range missiles for each Party shall not exceed the number of launchers that are capable of carrying or containing at one time missiles considered by the Parties to carry 200 warheads;

(iv) the aggregate number of deployed and non-deployed intermediate-range missiles for each Party shall not exceed the number of such missiles considered by the Parties to carry 200 warheads; and

(v) the ratio of the aggregate number of deployed and non-deployed intermediate-range GLBMs of existing types for each Party to the aggregate number of deployed and non-deployed intermediate-range missiles of existing types possessed by that Party shall not exceed the ratio of such intermediate-range GLBMs to such intermediate-range missiles for that Party as of November 1, 1987, as set forth in the Memorandum of Understanding; and

(b) by the end of the second phase, that is, no later than three years after entry into force of this Treaty, all intermediate-range missiles of each Party, launchers of such missiles and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, shall be eliminated.

ARTICLE V

1. Each Party shall eliminate all its shorter-range missiles and launchers of such missiles, and all support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than 18 months after entry into force of this Treaty and thereafter no such missiles, launchers or support equipment shall be possessed by either Party.

2. No later than 90 days after entry into force of this Treaty, each Party shall complete the removal of all its deployed shorter-range missiles and deployed and non-deployed launchers of such missiles to elimination facilities and shall retain them at those locations until they are eliminated in accordance with the procedures set forth in the Protocol on Elimination. No later than 12 months after entry into force of this Treaty, each Party shall complete the removal of all its non-deployed shorter-range missiles to elimination facilities and shall retain them at those locations until they are eliminated in accordance with the procedures set forth in the Protocol on Elimination.

3. Shorter-range missiles and launchers of such missiles shall not be located at the same elimination facility. Such facilities shall be separated by no less than 1,000 kilometers.

ARTICLE VI

1. Upon entry into force of this Treaty and thereafter, neither Party shall:

(a) produce or flight-test any intermediate-range missiles or produce any stages of such missiles or any launchers of such missiles; or

(b) produce, flight-test or launch any shorter-range missiles or produce any stages of such missiles or any launchers of such missiles.

2. Notwithstanding paragraph 1 of this Article, each Party shall have the right to produce a type of GLBM not limited by this Treaty which uses a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, providing that that Party does not produce any other stage which is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM.

ARTICLE VII

For the purposes of this Treaty:

1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

2. If a GLBM or GLCM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

3. If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.

4. The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMs or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1,000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 1,000 kilometers but not in excess of 5,500 kilometers shall be considered to be intermediate-range missiles.

5. The maximum number of warheads an existing type of intermediate-range missile or shorter-range missile carries shall be considered to be the number listed for missiles of that type in the Memorandum of Understanding.

6. Each GLBM or GLCM shall be considered to carry the maximum number of warheads listed for a GLBM or GLCM of that type in the Memorandum of Understanding.

7. If a launcher has been tested for launching a GLBM or a GLCM, all launchers of that type shall be considered to have been tested for launching GLBMs or GLCMs.

8. If a launcher has contained or launched a particular type of GLBM or GLCM, all launchers of that type shall be considered to be launchers of that type of GLBM or GLCM.

9. The number of missiles each launcher of an existing type of intermediate-range missile or shorter-range missile shall be considered to be capable of carrying or containing at one time is the number listed for launchers of missiles of that type in the Memorandum of Understanding.

10. Except in the case of elimination in accordance with the procedures set forth in the Protocol on Elimination, the following shall apply:

(a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall be counted as a complete missile;

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLBM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile; and

(c) for GLCMs, the airframe of an intermediate-range or shorter-range GLCM shall be counted as a complete missile.

11. A ballistic missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLBM if it is test-launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguished from GLBM launchers. A cruise missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLCM if it is test-launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLCM launchers.

12. Each Party shall have the right to produce and use for booster systems, which might otherwise be considered to be intermediate-range or shorter-range missiles, only existing types of booster stages for such booster systems. Launchers of such booster systems shall not be considered to be flight-testing of intermediate-range or shorter-range missiles provided that:

(a) stages used in such booster systems are different from stages used in those missiles listed as existing types of intermediate-range or shorter-range missiles in Article III of this Treaty;

(b) such booster systems are used only for research and development purposes to test objects other than the booster systems themselves;

(c) the aggregate number of launchers for such booster systems shall not exceed 35 for each Party at any one time; and

(d) the launchers for such booster systems are fixed, emplaced above ground and located only at research and development launch sites which are specified in the Memorandum of Understanding.

Research and development launch sites shall not be subject to inspection pursuant to Article XI of this Treaty.

ARTICLE VIII

1. All intermediate-range missiles and launchers of such missiles shall be located in deployment areas, at missile support facilities or shall be in transit. Intermediate-range missiles or launchers of such missiles shall not be located elsewhere.

2. Stages of intermediate-range missiles shall be located in deployment areas, at missile support facilities or moving between deployment areas, between missile support facilities or between missile support facilities and deployment areas.

3. Until their removal to elimination facilities as required by paragraph 2 of Article V of this Treaty, all shorter-range missiles and launchers of such missiles shall be located at missile operating bases, at missile support facilities or shall be in transit. Shorter-range missiles or launchers, of such missiles shall not be located elsewhere.

4. Transit of a missile or launcher subject to the provisions of this Treaty shall be completed within 25 days.

5. All deployment areas, missile operating bases and missile support facilities are specified in the Memorandum of Understanding or in subsequent updates of data pursuant to paragraphs 3, 5(a) or 5(b) of Article IX of this Treaty. Neither Party shall increase the number of, or change the location or boundaries of, deployment areas, missile operating bases or missile support facilities, except for elimination facilities, from those set forth in the Memorandum of Understanding. A missile support facility shall not be considered to be part of a deployment area even though it may be located within the geographic boundaries of the deployment area.

6. Beginning 30 days after entry into force of this Treaty, neither Party shall locate in-

termediate-range or shorter-range missiles, including stages of such missiles, or launchers of such missiles at missile production facilities, launcher production facilities or test ranges listed in the Memorandum of Understanding.

7. Neither Party shall locate any intermediate-range or shorter-range missiles at training facilities.

8. A non-deployed intermediate-range or shorter-range missile shall not be carried on or contained within a launcher of such a type of missile, except as required for maintenance conducted at repair facilities or for elimination by means of launching conducted at elimination facilities.

9. Training missiles and training launchers for intermediate-range or shorter-range missiles shall be subject to the same locational restrictions as are set forth for intermediate-range and shorter-range missiles and launchers of such missiles in paragraphs 1 and 3 of this Article.

ARTICLE IX

1. The Memorandum of Understanding contains categories of data relevant to obligations undertaken with regard to this Treaty and lists all intermediate-range and shorter-range missiles, launchers of such missiles, and support structures and support equipment associated with such missiles and launchers, possessed by the Parties as of November 1, 1987. Updates of that data and notification required by this Article shall be provided according to the categories of data contained in the Memorandum of Understanding.

2. The Parties shall update that data and provide the notifications required by this Treaty through the Nuclear Risk Reduction Centers, established pursuant to the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Establishment of Nuclear Risk Reduction Centers of September 15, 1987.

3. No later than 30 days after entry into force of this Treaty, each Party shall provide the other Party with updated data, as of the date of entry into force of this Treaty, for all categories of data contained in the Memorandum of Understanding.

4. No later than 30 days after the end of each six-month interval following the entry into force of this Treaty, each Party shall provide updated data for all categories of data contained in the Memorandum of Understanding by informing the other Party of all changes, completed and in process, in that data, which have occurred during the six-month interval since the preceding data exchange, and the net effect of those changes.

5. Upon entry into force of this Treaty and thereafter, each Party shall provide the following notifications to the other Party:

(a) notification, no less than 30 days in advance, of the schedule date of the elimination of a specific deployment area, missile operating base or missile support facility;

(b) notification, no less than 30 days in advance, of changes in the number or location of elimination facilities, including the location and scheduled date of each change;

(c) notification, except with respect to launchers of intermediate-range missiles for the purpose of their elimination, no less than 30 days in advance, of the scheduled date of the initiation of the elimination of intermediate-range and shorter-range missiles, and stages of such missiles, and launchers of such missiles and support structures and support equipment associated with such missiles and launchers, including:

(i) the number and type of items of missile systems to be eliminated;

(ii) the elimination site;

(iii) for intermediate-range missiles, the location from which such missiles, launchers of such missiles and support equipment associated with such missiles and launchers are moved to the elimination facility; and

(iv) except in the case of support structures, the point of entry to be used by an inspection team conducting an inspection pursuant to paragraph 7 of Article XI of this treaty and the estimated time of departure of an inspection team from the point of entry to the elimination facility;

(d) notification, no less than ten days in advance, of the scheduled date of the launch, or the scheduled date of the initiation of a series of launches, of intermediate-range missiles for the purpose of their elimination, including:

(i) the type of missiles to be eliminated;

(ii) the location of the launch, or, if elimination is by a series of launches, the location of such launches and the number of launches in the series;

(iii) the point of entry to be used by an inspection team conducting an inspection pursuant to paragraph 7 of Article XI of this treaty; and

(iv) the estimated time of departure of an inspection team from the point of entry to the elimination facility;

(e) notification, no later than 48 hours after they occur, of changes in the number of intermediate-range and shorter-range missiles, launchers of such missiles and support structures and support equipment associated with such missiles and launchers resulting from elimination as described in the Protocol on Elimination, including:

(i) the number and type of items of a missile system which were eliminated; and

(ii) the date and location of such elimination; and

(f) notification of transit of intermediate-range or shorter-range missiles or launchers of such missiles, or the movement of training missiles or training launchers for such intermediate-range and shorter-range missiles, no later than 48 hours after it has been completed, including:

(i) the number of missiles or launchers;

(ii) the points, dates and times of departure and arrival;

(iii) the mode of transport; and

(iv) the location and time at that location at least once every four days during the period of transit.

6. Upon entry into force of this Treaty and thereafter, each Party shall notify the other Party, no less than ten days in advance, of the scheduled date and location of the launch of a research and development booster system as described in paragraph 12 of Article VII of this Treaty.

ARTICLE X

1. Each Party shall eliminate its intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the procedures set forth in the Protocol on Elimination.

2. Verification by on-site inspection of the elimination of items of missiles systems specified in the Protocol on Elimination shall be carried out in accordance with Article XI of this Treaty, the Protocol on Elimination and the Protocol on Inspection.

3. When a Party removes its intermediate-range missiles, launchers of such missiles and support equipment associated with such missiles and launchers from deployment areas to elimination facilities for the purpose of their elimination, it shall do so in complete deployed organizational units. For the United States of America, these units shall be Pershing II batteries and BGM-109G flights. For the Union of Soviet Socialist Republics, these units shall be SS-20 regiments composed of two or three battalions.

4. Elimination of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers shall be carried out at the facilities that are specified in the Memorandum of Understanding or notified in accordance with paragraph 5(b) of Article IX of this Treaty, unless eliminated in accordance with Section IV or V of the Protocol on Elimination. Support structures, associated with the missiles and launchers subject to this Treaty, that are subject to elimination shall be eliminated in situ.

5. Each Party shall have the right, during the first six months after entry into force of this Treaty, to eliminate by means of launching no more than 100 of its intermediate-range missiles.

6. Intermediate-range and shorter-range missiles which have been tested prior to entry into force of this Treaty, but never deployed, and which are not existing types of intermediate-range or shorter-range missiles listed in Article III of this Treaty, and launchers of such missiles, shall be eliminated within six months after entry into force of this Treaty in accordance with the procedures set forth in the Protocol on Elimination. Such missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IB, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the type designated by the Union of Soviet Socialist Republics as the RK-55, which is known to the United States of America as the SSC-X-4.

7. Intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers shall be considered to be eliminated after completion of the procedures set forth in the Protocol on Elimination and upon the notification provided for in paragraph 5(e) of Article IX of this Treaty.

8. Each Party shall eliminate its deployment areas, missiles operating bases and missile support facilities. A Party shall notify the other Party pursuant to paragraph 5(a) of Article IX of this Treaty once the conditions set forth below are fulfilled:

(a) all intermediate-range and shorter-range missiles, launchers of such missiles and support equipment associated with such missiles and launchers located there have been removed;

(b) all support structures associated with such missiles and launchers located there have been eliminated; and

(c) all activity related to production, flight-testing, training, repair, storage or deployment of such missiles and launchers has ceased there.

Such deployment areas, missile operating bases and missile support facilities shall be considered to be eliminated either when they have been inspected pursuant to paragraph 4 of Article XI of this Treaty or when 60 days have elapsed since the date of the scheduled elimination which was notified pursuant to paragraph 5(a) of Article IX of this Treaty. A deployment area, missile operating base or missile support facility listed in the Memorandum of Understanding that met the above conditions prior to entry into force of this Treaty, and is not included in the initial data exchange pursuant to paragraph 3 of Article IX of this Treaty, shall be considered to be eliminated.

9. If a Party intends to convert a missile operating base listed in the Memorandum of Understanding for use as a base associated with GLBM or GLCM systems not subject to this Treaty, then that Party shall notify the other Party, no less than 30 days in advance of the scheduled date of the initiation of conversion, of the scheduled date and the purpose for which the base will be converted.

ARTICLE XI

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall have the right to conduct on-site inspections. The Parties shall implement on-site inspections in accordance with this Article, the Protocol on Inspection and the Protocol on Elimination.

2. Each Party shall have the right to conduct inspections provided for by this Article both within the territory of the other Party and within the territories of basing countries.

3. Beginning 30 days after entry into force of this Treaty, each Party shall have the right to conduct inspections at all missile operating bases and missile support facilities specified in the Memorandum of Understanding other than missile production facilities, and at all elimination facilities included in the initial data update required by paragraph 3 of Article IX of this Treaty. These inspections shall be completed no later than 90 days after entry into force of this Treaty. The purpose of these inspections shall be to verify the number of missiles, launchers, support stuctures and support equipment and other data, as of the date of entry into force of this Treaty, provided pursuant to paragraph 3 of Article IX of this Treaty.

4. Each Party shall have the right to conduct inspections to verify the elimination, notified pursuant to paragraph 5(a) of Article IX of this Treaty, of missile operating bases and missile support facilities other than missile production facilities, which are thus no longer subject to inspections pursuant to paragraph 5(a) of this Article. Such an inspection shall be carried out within 60 days after the scheduled date of the elimination of that facility. If a Party conducts an inspection at a particular facility pursuant to paragraph 3 of this Article after the scheduled date of the elimination of that facility, then no additional inspection of that facility pursuant to this paragraph shall be permitted.

5. Each Party shall have the right to conduct inspections pursuant to this paragraph for 13 years after entry into force of this Treaty. Each Party shall have the right to conduct 20 such inspections per calendar year during the first three years after entry into force of this Treaty, 15 such inspections per calendar year during the subsequent five years, and ten such inspections per calendar year during the last five years. Neither Party shall use more than half of its total number of these inspections per calendar year within the territory of any one basing country. Each Party shall have the right to conduct:

(a) inspections, beginning 90 days after entry into force of this Treaty, of missile operating bases and missile support facilities other than elimination facilities and missile production facilities, to ascertain, according to the categories of data specified in the Memorandum of Understanding, the numbers of missiles, launchers, support structures and support equipment located at each missile operating base or missile support facility at the time of the inspection; and

(b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of Article X of this Treaty other than former missile production facilities.

6. Beginning 30 days after entry into force of this Treaty, each Party shall have the right, for 13 years after entry into force of this Treaty, to inspect by means of continuous monitoring:

(a) the portals of any facility of the other Party at which the final assembly of a GLBM using stages, any of which is outwardly similar to a stage of a solid-propellant GLBM listed in Article III of this Treaty, is accomplished; or

(b) if a Party has no such facility, the portals of an agreed former missile production facility at which existing types of intermediate-range or shorter-range GLBMs were produced.

The Party whose facility is to be inspected pursuant to this paragraph shall ensure that the other Party is able to extablish a permanent continuous monitoring system at that facility within six months after entry into force of this Treaty or within six months of initiation of the process of final assembly described in subparagraph (a). If, after the end of the second year after entry into force of this Treaty, neither Party conducts the process of final assembly described in subparagraph (a) for a period of 12 consecutive months, then neither Party shall have the right to inspect by means of continuous monitoring any missile production facility for the other Party unless the process of final assembly as described in subparagraph (a) is initiated again. Upon entry into force of this Treaty, the facilities to be inspected by continuous monitoring shall be: in accordance with subparagraph (b), for the United States of America, Hercules Plant Number 1, at Magna, Utah: in accordance with subparagraph (a), for the Union of Soviet Socialist Republics, the Votkinsk Machine Building Plant, Udmurt Autonomous Soviet Socialist Republic, Russian Soviet Federative Socialist Republic.

7. Each Party shall conduct inspections of the process of elimination, including elimination of intermediate-range missiles by means of launching, of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers carried out at elimination facilities in accordance with Article X of this Treaty and the Protocol on Elimination. Inspectors conducting inspections provided for the elimination of the missiles, launchers and support equipment has been completed.

8. Each Party shall have the right to conduct inspections to confirm the completion of the process of elimination of intermediate-range and shorter-range missiles and launchers of such missiles and support equipment associated with such missiles and launchers eliminated pursuant to Section V of the Protocol on Elimination, and of training missiles, training missile stages, training launch canisters and training launchers eliminated pursuant to Sections II, IV and V of the Protocol on Elimination.

ARTICLE XII

1. For the purpose of ensuring verification compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Neither Party shall:

(a) interfere with national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article; or

(b) use concealment measures which impede verification of compliance with the provisions of this Treaty by national technical means of verification carried out in accordance with paragraph 1 of this Article. This obligation does not apply to cover or concealment practices, within a deployment area, associated with normal training, maintenance and operations, including the use of environmental shelters to protect missiles and launchers.

3. To enhance observation by national technical means of verification, each Party shall have the right until a treaty between the Parties reducing and limiting strategic offensive arms enters into force, but in any event for no more than three years after entry into force of this Treaty, to request the implementation of cooperative measures at deployment bases for road-mobile GLBMs with a range capability in excess of 5500 kilometers, which are not former missile operating bases eliminated pursuant to paragraph 8 of Article X of this Treaty. The Party making such a request shall inform the other Party of the deployment base at which cooperative measures shall be implemented. The Party whose base is to be observed shall carry out the following cooperative measures:

(a) no later than six hours after such a request, the Party shall have opened the roofs of all fixed structures for launchers located at the base, removed completely all missiles on launchers from such fixed structures for launchers and displayed such missiles on launchers in the open without using concealment measures; and

(b) the Party shall leave the roofs open and the missiles on launchers in place until twelve hours have elapsed from the time of the receipt of a request for such an observation.

Each Party shall have the right to make six such requests per calendar year. Only one deployment base shall be subject to these cooperative measures at any one time.

ARTICLE XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Special Verification Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Special Verification Commission to:

(a) resolve questions relating to compliance with the obligations assumed; and

(b) agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty.

2. The Parties shall use the Nuclear Risk Reduction Centers, which provide for continuous communication between the Parties, to:

(a) exchange data and provide notifications as required by paragraphs 3, 4, 5 and 6 of Article IX of this Treaty and the Protocol on Elimination;

(b) provide and receive the information required by paragraph 9 of Article X of this Treaty;

(c) provide and receive notifications of inspections as required by Article XI of this Treaty and the Protocol on Inspection; and

(d) provide and receive requests for cooperative measures as provided for in paragraph 3 of Article XII of this Treaty.

ARTICLE XIV

The Parties shall comply with the Treaty and shall not assume any international obligations or undertakings which would conflict with its provisions.

ARTICLE XV

1. This Treaty shall be unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to withdraw to the other Party six months prior to withdrawal from this Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardizing its supreme interests.

ARTICLE XVI

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures set forth in Article XVII governing the entry into force of this Treaty.

ARTICLE XVII

1. This Treaty, including the Memorandum of Understanding and Protocols, which form an integral part thereof, shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Washington on December 8, 1987, in two copies, each in the English and Russian languages, both texts being equally authentic.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, under the agreement that was entered, there will be a momentary temporary dispensation of the further reading of the treaty with no rights of Senators waived, and I take the floor at this time to suggest the absence of a quorum, with the approval of the distinguished chairman of the Foreign Relations Committee, in the hope that we can get some understanding as to where the negotiations are at this point on the D'Amato amendment to the DOD authorization bill. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

Mr. BYRD. Mr. President, the agreement was that the first 17 articles of the treaty would be read down to the signatories, at which time the reading of the treaty would be temporarily held in abeyance with all rights reserved to Senators in the hopes that during that time of reading the first 17 articles, Senators who were working on an agreement anent the D'Amato amendment might be able to reach such an agreement so that the Senate then could dispose of the Department of Defense authorization bill.

Senators are still working on such an agreement and will not be able to conclude that agreement until tomorrow morning at a time when Senator KENNEDY will be here. He is very much involved in that amendment and he cannot come to the Chamber this afternoon.

So we are at the point now where we either have to continue with the reading of the protocols, which will take several hours, or we dispense with further reading of the protocols and perhaps get on with our opening statements.

The Senator from North Carolina is on the floor. He did not raise an objection, but he was in a position to raise an objection, to the calling off of the reading of the treaty at the end of the 1 hour, or such time as was required to read the 17 sections. So I would like to proceed now, if we could, to dispense with the further reading of the protocols.

I will inquire of the distinguished Senator if he has any objection. As a matter of fact, I will ask unanimous consent for the record, that further reading of the treaty be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, and I shall not object, because I am confident the majority leader and the distinguished chairman of the Foreign Relations Committee and I have an understanding. I have no desire to keep the Senate here tonight to read the protocols. On top of that, I talked to the clerk. He is getting a little raspy in his delivery and his Russian is not all that good, and a lot of this is in Russian.

But I would inquire of the majority leader if he would include in his unanimous-consent request that all rights are protected. I may have a couple points of order which I will want to raise at the appropriate time. The unanimous-consent request suits me fine, if I may be protected on that score.

Mr. BYRD. All right. As I understand it, the distinguished Senator would not object to calling off the further reading of the—we will use the word "treaty"—further reading of the treaty and its attending protocols, provided no rights are waived thereby.

Mr. HELMS. Correct.

Mr. BYRD. Which leaves with every Senator any points of order that he otherwise might wish to raise at this particular point.

Mr. HELMS. Well, it is a little bit ticklish about the timing of this, according to my understanding of the rules. But the distinguished majority leader would know more about that.

In any case, just so my rights are protected in that regard, that is fine.

Mr. BYRD. Let me word the request like this and see if it meets with the approval of the Senator.

Mr. President, I ask unanimous consent that further reading of the treaty be dispensed with, provided that the rights of all Senators are preserved; that no points of order are waived for the remainder of today and up to the point of tomorrow's beginning on the treaty by virtue of this consent request.

This would mean that whatever rights the Senator has or any Senator has at this point would still be preserved to that Senator or any Senator up to and including the moment that the Senate resumes consideration of the treaty tomorrow. So he is in the same position tomorrow morning as he is right now. But this would allow us to dispense with the further reading of the treaty and get on with it. Some of us want to make opening statements today.

And if the Senator wanted in the morning to insist upon further reading of the protocols, he could do that. He could do it right now. This preserves his right for the next several hours until the Senate resumes consideration of the treaty on tomorrow.

Mr. HELMS. Mr. President, if the Senator will yield, it seems to me that the majority leader has made it abundantly clear and I have no objection whatsoever.

The PRESIDING OFFICER. Hearing no objection, the unanimous-consent request is agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Carolina.

Now, I will make this proposal to the distinguished Republican leader that for the remainder of the day—and we will not be able to settle the situation concerning the D'Amato amendment until tomorrow morning. The only thing we can accomplish the rest of the day is to get some opening statements out of the way on the treaty. I would suggest that we equally divide the time for the remainder of this day and that we let the distinguished Republican leader and the majority leader control the time, or their designees. I will yield most of the time to Mr. PELL for the remainder of the day. This would preclude any amendment from being called up today. We might proceed on that basis for the rest of the day.

Mr. EXON. Would the majority leader yield for a question?

Mr. BYRD. Yes, I would be happy to.

Mr. EXON. Does the majority leader anticipate rollcall votes this afternoon? Or have you mentioned that? For the rest of the day?

Mr. BYRD. That is a very good question. I know of no reason why there should be any rollcall votes during the remainder of this day.

Mr. EXON. I thank the majority leader.

Mr. BYRD. I know no reason why there should be and I do not foresee any.

The PRESIDING OFFICER. (Ms. MIKULSKI). The Senator from Rhode Island.

Mr. PELL. Madam President, I yield myself such time as I need.

Madam President, I am very pleased that the Senate is now in position to begin consideration of the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter range missiles.

This treaty, known as the INF Treaty, was signed by President Reagan and the Soviet leader, Mikhail Gorbachev, on December 8, 1987, here in Washington. The treaty, together with two protocols and a memorandum of understanding was transmitted to the Senate on January 25, 1988. The Committee on Foreign Relations held a comprehensive series of 29 hearings in January, February, and early March, and heard testimony from more than 50 witnesses. On March 30, 1988, the committee ordered the resolution of ratification, as amended by a condition, reported favorably by a 17-to-2 vote.

Prior to its markup, the Committee on Foreign Relations received a report from the Committee on Armed Services concerning the treaty's effect on NATO defense and from the Select Committee on Intelligence on the U.S. ability to monitor and verify treaty compliance. The reports were helpful to the Committee on Foreign Relations in reaching its overall judgment that the treaty would serve the national interests of the United States and should be ratified.

After the treaty was reported, certain issues related to paricular rights and obligations of the parties arose during U.S.-Soviet talks on treaty implementation. Administration officials worked with the Senate in determining how best to resolve these issues and consulted on numerous occasions with the Soviet side. Secretary of State Shultz met with Soviet Foreign Minister Shevardnadze on May 11 and 12 in Geneva to gain final clarifications before the full Senate took up the treaty. The Secretary reported to the Committee on Foreign Relations on May 16, and I am happy to report that the issues appear to have been resolved in a manner satisfactory to the United States. Thus, it is appropriate that the Senate now proceed.

Madam President, the INF Treaty requires that the United States and the Soviet Union:

Eliminate all ground-launched intermediate-range (1,000-5,000 kilometers) missiles and launchers in phases over three years;

Eliminate all shorter-range (500-1,000 kilometers) ground-launched missiles and launchers within 18 months; and

Not produce, flight-test, or possess such systems for the indefinite duration of the treaty.

Under the terms of the treaty, the United States will eliminate 120 deployed and 127 non-deployed Pershing II ballistic missiles, for a total of 247. The United States will eliminate 309 deployed ground-launched cruise missiles and 133 non-deployed GLCM's, for a total of 442. Taking both types together, the United States will eliminate 689 intermediate-range missiles.

Meanwhile, the Soviet Union will eliminate a somewhat greater number of intermediate-range missiles, as follows: 405 deployed SS-20's, 245 non-deployed SS-20's, 65 deployed SS-4's, 105 non-deployed SS-4's and six SS-5 missiles, for a total of 826.

In the shorter-range category, the United States will eliminate 170 Pershing 1A missiles now in storage. The Soviet Union will eliminate 220 deployed and 506 non-deployed SS-12's and 22's, and 167 deployed and 33 non-deployed SS-23's, for a total of 926.

In terms of deployed warheads, the asymmetry is even greater. The United States will take out a warhead for each deployed missile for a total of 429, and the Soviet Union will take out three warheads for each deployed SS-20 and one warhead for each of its other deployed intermediate-range and shorter-range missiles for a total of 1,667. This constitutes a four-to-one disparity in favor of the United States in terms of deployed nuclear warheads.

Under the terms of the treaty and the protocol on eliminations, the elimination process will be tightly controlled. Allowable locations of missiles and launchers to be eliminated are carefully specified, and systems must be eliminated in complete units, support structures must be eliminated where they stand, and destruction must occur only to agreed facilities. During the first 6 months a maximum of 100 intermediate-range missiles may be eliminated by launching. The two sides made an extensive and unprecedented data exchange as of November 1, 1987, and updated information is to be provided within 30 days of entry into force and at 6-month intervals thereafter.

In monitoring compliance, national technical means, which includes satellite and other collection assets, will be crucial. The parties have not only agreed not to interfere with each other's NTM but also to take specific steps to enhance each side's ability to monitor compliance by NTM. In addition, there is provision for on-site inspections, including base-line, close-out, elimination, and short-notice inspections, as well as portal monitoring of a missile assembly plant on each side.

I find the strong verification provisions are reassuring. Clearly, we would be able to detect and react in time to any militarily significant violations, and there is reason for confidence that any such violations would be detected through our national technical means. At the same time, the committee was alert to the danger that excessive verification requirements might have led to a treaty which fell short of its potential. We concluded that a good balance was struck and that the treaty is a solid accord with effective verification.

Having reached these judgments, the committee concluded that the treaty warranted approval without change. At the same time, the committee judged it crucially important that one formal condition be adopted. This condition affirms certain constitutional principles related to the treaty power and requires that these principles govern U.S. interpretation of the INF Treaty. The purpose of the condition is to reaffirm the long-standing practice and long-standing principle that the current "shared understanding" of the Executive and the Senate, as reflected in the Executive's formal representations, is defining in terms of the President's future latitude in interpreting and implementing the treaty. Given recent administration assertions to the contrary, the committee judged that, in the absence of such a condition, the Senate would face the alternative of considering countless other conditions designed to formalize the Senate's understanding of various INF Treaty provisions.

Madam President, the Committee on Foreign Relations questioned administration and other witnesses closely on this treaty. We weighed the merits carefully, and we looked for flaws as well. We would not have supported this treaty if it jeopardized U.S. security in any way.

Madam President, the INF Treaty comes to the Senate after more than 7 years in which there have been no formal accomplishments in the arms control arena. Of course, that alone is not sufficient justification for approval of the treaty. But the treaty's substantive merits do provide such justification. With the Foreign Relations Committee having studied the treaty carefully, I welcome the opportunity to state that the committee has given its imprimatur to this arms control achievement.

I hope that the Senate will move to approve the INF Treaty promptly and that we will not become bogged down in the consideration of unnecessary conditions and amendments. If we understand that the INF Treaty is a modest achievement in military terms and a more important success in political terms, I believe we will be able to put the treaty in the right perspective. The treaty, in my view, is most important as the beginning of a new continuum in arms control that could lead us to further and quite significant achievements. The treaty could be followed by verification agreements which opened the way to ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty. It could help open the way to success in Geneva in negotiating a solid, comprehensive START treaty, which would be of great military significance by requiring deep cuts in the strategic weapons possessed by the United States and the Soviet Union. With regard to Europe, the treaty could set the stage for success in reaching agreement to sharply reduce the threat posed by the Warsaw Pact's conventional forces. Such successes could be enhanced by an early agreement on a chemical weapons ban.

We should bear in mind that the INF Treaty is of little military significance. Only 5 percent or 1/20th of the total number of deployed nuclear weapons is being removed. And every targeted military or civilian site that is no longer targeted as a result of the removal of the nuclear weapons covered by the treaty may, if the opposing side wishes, be retargeted by sea or air-based missiles, as well as land-based intercontinental ballistic missiles not covered by the treaty.

The importance of this treaty is political and psychological—to signal a stop to the nuclear arms race, a halt to the present continuous upward escalation of Soviet and American nuclear weapons. It would start a momentum downward, not upward.

When that is accomplished, it would be time to consider the next stage of negotiations, which should be participated in by all nuclear weapons nations. To reach that stage, we must be serious and dedicated now.

The INF Treaty represents a small, but vitally important step toward successes which could get us back on track in the search for far more substantial arms reductions. I urge that the Senate proceed expeditiously to approve the INF Treaty.

I invite to the attention of my colleagues that this treaty is of immense psychological and political importance, a good forward step; as Bob Kennedy once put it, "The journey of a thousand miles starts with a simple step." And this step could hopefully reverse the present flow of escalation and increasing numbers of nuclear weapons.

I yield the floor.

Mr. BYRD. Madam President, will the Senator yield me some time?

Mr. PELL. Certainly. I yield such time as he may need to the majority leader.

Mr. BYRD. I thank my distinguished friend.

Madam President, I ask unanimous consent that the time for debate today on the treaty be limited to 2 hours to be equally divided between the minority leader and myself. The distinguished Republican leader and I have discussed just a few moments ago the amount of time we would proceed for the rest of the day with the understanding that the time can be extended but for now that we might have a backdrop on the amount of time that we expect to take we begin with 2 hours. Is that agreeable? I make that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, the treaty between the United States of America and the Union of Soviet Socialist Republics is before the Senate, and it has to do with the elimination of the intermediate-range and shorter-range missiles, together with the memorandum of understanding and two protocols thereto, collectively referred to as the INF Treaty.

This is the subject matter before the Senate as of now. It is a treaty of great importance to our Nation and to this body for a number of reasons. It is the result of a long, difficult confrontation with our primary adversary since the end of World War II—the Soviet Union—which took the form of a military challenge to the NATO alliance in the 1970's, in a provocative deployment of Soviet medium-range ballistic missiles targeted at European capitals. The deployment was a form of intimidation designed to break the will of the Atlantic alliance, to divide and conquer European countries. This treaty, first and foremost, is proof positive that the Soviet strategy has not worked. It is proof positive that American leadership of a strong united alliance has worked over the span of two administrations, one Democratic and one Republican.

This treaty is, to a large extent, a European treaty, since none of the weapons which will be eliminated by the treaty are capable of reaching the continental United States, with the exception of those Asian-based SS-20's capable of reaching portions of Alaska. Therefore, it was important that it be satisfactory to the Europeans, and that they be consulted as it was being negotiated. I commend the administration for a successful effort in this regard. I led a bipartisan delegation of Senators to five NATO capitals in February—a delegation composed of the three committee chairmen who thoroughly investigated and explored the provisions of this treaty, and who are to be commended, along with Mr. WARNER, who is not only ranking on the Armed Services Committee but also sits on the Intelligence Committee and has had a very important and responsible role in this process.

I refer, of course, to those chairmen—Senator PELL, Senator NUNN, and Senator BOREN—of the Committees on Foreign Relations, Armed Services, and Intelligence, respectively.

I then testified before the Foreign Relations Committee on the results of our trip on February 24, 1988, and have submitted, on behalf of the delegation a comprehensive report on our trip to the Senate on March 12, 1988.

I include a copy of that report in the RECORD at the conclusion of my remarks.

We found that there was widespread support for the treaty among our NATO partners, and as the report concludes, "On the narrow question of ratification on the INF Treaty, opinion was virtually unanimous that it should be approved by the Senate for ratification, and that failure to ratify could create a grave crisis in Western Europe and NATO."

Nevertheless, there was also a consensus that only sound agreements should be concluded by the United States with the Soviets. There was a consensus that we have to be careful that the momentum of good publicity surrounding signing ceremonies, portrayed in the sophisticated publicity campaigns of the new Soviet leadership does not create a false momentum toward agreements that are not carefully negotiated and concluded with our security interests uppermost in our consideration. The report concluded that, in NATO, there was a "clear consensus that arms control agreements, including a START agreement, should be concluded when issues in dispute have been satisfactorily negotiated, and should not be negotiated under the pressure of artificial deadlines.

"Likewise, when and if a sound agreement is in sight, there should be no delay in concluding it, since to do so is in our common interest. But the important thing is that it be a good agreement—not dictated by calendar deadlines or election year politics."

We have seen in connection with this treaty, which is rather minor in comparison with the START agreement, that there have been problems, there have been loose ends, there have been matters that have not been thoroughly gone into, some of which were not even discussed or brought up by our negotiators. And because of the insistence of this Senate on a thorough understanding of what we were doing and where we were going before we jumped, the insistence of this Senate on the part of its committees, it led the way that our negotiators go back and resolve these differences and disputes and disagreements with the Soviets before the Senate began debating on the floor the full treaty.

As a result of the position that the Senate has taken in that regard, of course, General Powell has indicated that in his opinion the process greatly enhanced and advanced the security interests of the United States.

So with that lesson in mind before them, I hope that our negotiators, when they sit down with the Soviets to discuss the START agreement, will clearly remember that this is no pushover, this Senate, and that it is an institution that under the Constitution has a role, an important role, one that is not a symbolic role, one that is not a rubberstamp role to any President, but one which is a role that protects the interests of the American people. And this Senate has demonstrated in this case that it will not be an institution that will just roll over and play dead, but it means to have its say and it means to take a good look at any agreement. And we also keep in mind that we are dealing with the Soviet Union.

So it might also be a good lesson to the Soviets that under this system, under the American system, there is no single individual in this society or in this Government who has all power, and that this is a system of tripartite powers and equal and separate branches.

So it may be a good civics lesson for our friends in Moscow as well as they look toward possibly discussions that might at some point ultimately lead to another agreement, START agreement.

It might also be a matter of considerable solace and comfort to our allies to know that there is a Senate, that there really is a Senate, and that it is just not an institution in name. It is an institution that takes very seriously those words that were written into the Constitution by our forefathers and believes that those words were just not put in to fill out sentences or pages in the Constitution.

So our allies can depend on this Senate as well in protecting their interests, the allies' interests, as long as treaties are entered into that involve the security of the allies.

The important thing is, as we see it, that this be a good agreement, not dictated by calendar deadlines or election year politics.

Mr. President, this conclusion applies to the way in which this Senate conducts its review of treaties. I would point out that recent history is very mixed, and rather disappointing on the question of arms control treaties. We have not considered a major arms control treaty on this floor since the ABM Treaty was approved in 1972. Less than 20 percent of the Senators now sitting in this body have participated in such an important exercise. In fact, the distinguished minority leader and I were so concerned about the history of arms control and the Senate's role in arms control that we created a special Senate body, the arms control observer group, as the major item of Senate business on the first day of the last Congress, the 99th Congress, on January 3, 1985.

As we said in our report to the Senate at that time, "We seek to avoid a recurrence of the problems of the 1970's, when three successive arms control treaties, signed by three Presidents, were never approved for ratification by the Senate—including two nuclear testing treaties and the SALT II Treaty." I believe the functioning and existence of that group has been of value to this Senate, and to the three committees, and I commend the work of the leadership of that group, Senators PELL, NUNN, LUGAR, and STEVENS.

Overall, we must be thorough. We have already learned that lesson in spades on this INF Treaty. Both the Armed Services and Intelligence Committees found gaps, loopholes, and ambiguities in this treaty which had to be cleared up—which had to be clarified with the Soviet Union. This was the case most notably on the issue of future weapons systems and whether they are clearly banned by the treaty. It was also the case on the matter of some problems which arose on the novel, unique, on-site verification system which is being created by this treaty.

The Foreign Relations Committee reported this treaty favorably on April 14, 1988. In the days since that report, substantial improvements have been made, including negotiations with the Soviet Union on the verification procedures of the treaty. The thoroughness of the Senate regarding this treaty has already paid dividends to the Nation. It is my hope and my expectation that the careful consideration of the full Senate on this floor will enhance the value of this treaty further for our Nation.

Madam President, the result of these efforts throughout the Senate is that we are now prepared to move to the important and critical final step of Senate action: debate on the treaty and the resolution of ratification on the floor of the Senate.

I expect the debate here on the floor will be thorough, and there will undoubtedly be amendments, offered, debated, and voted upon. These are important matters and they deserve the careful attention of the Senate. I hope that all Senators will devote time and energy to be here to participate in this important debate. I hope that the quality of the debate will serve to inform the American people and to reassure them about the thoroughness of the procedure by which this Senate approaches this extremely important, and why not say critical matter. I intend to, and at the moment it is my intention to support consent to the ratification of the INF Treaty. I believe it passes the critical test which is that it enhances the security of the United States, and it is a list, and that it is in the interest of NATO to ratify the treaty. Several issues are likely to attract considerable attention in coming days. The Foreign Relations Committee has reported a resolution of ratification with a suggested condition on treaty interpretation.

Such a condition is necessary, in my view, in light of our experience over the past 2 years with the issue of treaty interpretation. In light of the insistence by parts of the administration that testimony by administration officials is not authoritative in the interpretation of provisions of a treaty, and that only the classified negotiating record is authoritative, we had to arrange for the administration to provide us with the entire negotiating record. We established a separate office, the Arms Control Treaty Review Support Office, which has exhaustively evaluated that record, developed a sophisticated computer program to evaluate that record, so that comparisons could be made by the committees of that record with the testimony being provided by administration officials. The system has worked well, and sets an important precedent for consideration of future treaties.

I also believe it will be necessary to attach a binding condition concerning the issue of future technologies. As a result of the exchange of notes in Geneva last week, the two sides have now clearly stated their common understanding that the INF Treaty bans all intermediate-range and shorter-range missiles, regardless of the type of weapons they carry. This understanding should have equal status with the other elements of the treaty, in my opinion, and I will support a condition on the resolution of ratification which binds the two sides to this statement.

I believe this is an important treaty, dealing with important issues which critically affect the security of ourselves and our allies. It is not, in my opinion, militarily insignificant or a minor matter. The treaty breaks new ground by requiring the complete elimination of classes of weapons, by requiring an intrusive inspection and verification system, and in the degree of cooperation required from basing countries and allies in implementing the treaty.

Madam President, I hope the treaty can be approved without attaching additional conditions on policy and on United States-Soviet relations which are not directly related to the treaty itself and the matters it covers.

Like other Senators, I have a number of concerns about Soviet behavior in various parts of the world. We all know that their invasion of Afghanistan and the bloody 8-year war in that country was devastating to the last arms control treaty between the United States and the Soviet Union and, as a matter of fact, was a deciding factor that prevented that treaty from being called up by the then majority leader, myself, for debate and action on this floor.

When the Soviets went into Afghanistan in the summer of 1979, that, of course, was the straw that broke the treaty's back, and I never called up that treaty.

As I indicated to Mr. Gorbachev when he was in this city a few weeks back, in the presence of other Senators, it would be very helpful when we consider this treaty if we could have a timetable on the withdrawal of Soviet forces from Afghanistan.

It was my intention at that time to have several days of debate on Afghanistan during consideration of this treaty and to attach some reservation or declaration or understanding or statement of some kind that would put the Senate in a strong position with respect to advocating the withdrawal of the Soviets from Afghanistan. The Soviets have now established and publicized a timetable for their removal, and I commend the administration, and in particular I commend Secretary of State Shultz. Because of the fact that that timetable has now been publicly established, the debate on this treaty will be much shorter than it otherwise would have been.

I do not have in mind anything by way of any reservation that I will seek to attach to the treaty, and I do not have in mind any long debate, so far as I am concerned, in that regard. But that was certainly a very forward step taken by Mr. Gorbachev, and it saved a lot of the Senate's time in the deliberations on this treaty.

So it is a hopeful sign that as we take up this INF Treaty, the Soviets have decided to acknowledge their failure to subjugate that brave country and those brave people who believe in freedom, who put freedom above their lives, and the Soviets are beginning to withdraw.

I encourage the Senate to thoroughly examine and debate the treaty itself, and not go too far afield into other policy areas that can be debated on other vehicles, because we must remember that, after all, we are debating an arms control treaty. I hope we will try to stay as close as we can to that subject matter.

I want to commend the Republican leader for the support he has given to the imperative that the Senate fulfill its proper role in connection with the approval and ratification of treaties.

I also commend, once again, the chairmen of the Committees on Foreign Relations, Armed Services, and Intelligence, and the ranking members thereof.

I know that perhaps one ranking member of those three committees is not wholly supportive of the treaty. Nevertheless, he is fulfilling his responsibility as he sees it. That is his right and that is his duty—to fulfill his responsibility as he sees it.

Having said that, Madam President, I close by asking unanimous consent to have printed in the RECORD certain excerpts from the report to which I alluded and certain excerpts from the report creating the Soviet arms control observer group delegation.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE INF TREATY AND THE FUTURE OF THE ALLIANCE

(Report by Majority Leader ROBERT C. BYRD)

FOREWORD

MAY 11, 1988.

From February 6-14, 1988, I led a bipartisan Senate delegation to five NATO capitals to investigate and discuss matters related to the INF Treaty. Accompanying me on the delegation were the leaders of the three committees with responsibilities for aspects of the Intermediate-Range Nuclear Forces (INF) Treaty: Senator Claiborne Pell, Chairman, Committee on Foreign Relations, the committee with jurisdiction over the Treaty; Senator Sam Nunn, Chairman, Committee on Armed Services; Senator John W. Warner, Ranking Member, Committee on Armed Services; and Senator David L. Boren, Chairman, Select Committee on Intelligence.

The purpose of the trip was to hold consultations and discussions with government leaders, opposition politicians, and leading figures from academia and the media in key NATO countries, focusing on the INF Treaty and its significance for the future of the NATO Alliance. At the time of the trip, all three committees were in the process of holding hearings on aspects and implications of the Treaty. President Reagan signed the Treaty with the Soviet leader, Mikhail Gorbachev, on December 8, 1987, in Washington, D.C., and submitted it to the Senate for its advice and consent to ratification on January 25, 1988. Since the United States, in essence, negotiated this Treaty with the Soviet Union on behalf of the NATO Alliance, the Senate leadership deemed it important to seek directly European leaders' views and advice as an integral part of the process of reviewing the Treaty.

At the outset of the trip, the delegation attended the 25th annual International Wehrkunde Meeting in Munich, Federal Republic of Germany, the theme of which was "The American-Russian Disarmament Negotiations and their Consequences." At this conference, a sizable representation of officials from all NATO countries, as well as opinion-makers and outside experts, were gathered. Both Senator Nunn and I delivered addresses to that gathering, which are included in this report as Appendices A and B. The delegation had an opportunity to hear a variety of informed opinions as to the future security needs of and challenges for the Alliance. Following that conference, the delegation traveled to London, Bonn, Paris, Ankara, and Rome. In each capital, it met the head of state or of government. Additionally, it met with the defense and foreign ministers at each stop, opposition leaders, and opinion-makers, as well as with both foreign and American press representatives. A full listing of those individuals follows:

OFFICIAL DELEGATION MEETINGS

Munich

Senators Byrd and Nunn addressed Wehrkunde Conference
Luncheon meeting with Dr. Willem Van Eekelen, Minister of Defense of the Netherlands and Chairman of the Eurogroup Defense Ministers

London

Prime Minister Margaret Thatcher
Defense Minister George Younger
Deputy Secretary of State for Foreign Affairs David Mellor
Former leader of the Social Democratic Party David Owen
Luncheon hosted by Ambassador Price, guests included Labour Party Leader, Mr. Neil Kinnock

Bonn

Chancellor Helmut Kohl
Foreign Minister Hans-Dietrich Genscher
Defense Minister Manfred Woerner
Minister of State Helmut Schaefer, Foreign Office
Mr. Karsten D. Voight, SPD, Bundestag Deputy; SPD Spokesman, Foreign Affairs Committee
Mr. Wolfgang Boetsch, CSU, Bundestag Deputy
Dr. Gerhart Baum, FDP, Bundestag Deputy

Paris

President Francois Mitterrand
President of the National Assembly Jacques Chaban-Delmas
Foreign Minister Jean-Bernard Raimond
Defense Minster Andre Giraud
Chairman of Military Committee of French National Assembly, M. Francois Fillon

Turkey

President Kenan Evren
Prime Minister Turgut Ozal
Foreign Minister Mesut Yilmaz
Defense Minister Evran Vuralhan
Armed Forces Chief of Staff Necip Torumtay
President of Turkish Grand National Assembly Yildirim Akbulut

Italy

Prime Minister Giovanni Goria
President of National Assembly Giovanni Spadolini
Foreign Minister Giulio Andreotti
Defense Minister Valerio Zanone

Transcripts of various round table discussions and meetings the delegation had with the press are reproduced in the appendices.

The Alliance is currently enjoying the fruits of its steadfastness in pursuing a negotiated agreement on land-based intermediate-range nuclear forces. By following through on the 1979 dual track decision to deploy ground-launched cruise missiles and Pershing II ballistic missiles while, at the same time, pursuing discussions of limits on those missiles, the Alliance has achieved a great victory. This victory was not achieved without considerable courage and the expenditure of political capital by leaders in each of the NATO countries. Through courage and farsightedness, NATO was able to reaffirm the principles that the Alliance will take whatever steps are necessary for its own security, and that its members will stand together in pursuit of these common objectives.

Inevitably, the attainment of the Alliance objective of total elimination of these systems through asymmetrical reductions opens the agenda for the next set of decisions which must be addressed. Therefore, this delegation focused on the challenges and decisions facing NATO in the post-INF era, rather than solely on the question of treaty ratification. The Alliance as a whole is to be commended for the victory in attaining the treaty, but this is not a time for excessive self-satisfaction or relaxation. Instead, a healthy period of reexamination, assessment, and planning for the Alliance future is in order. The leaders with whom the delegation met shared this view.

This Congressional delegation visited NATO capitals at a time of renewed debate and discussion regarding the Alliance's purposes and future directions. Although the treaty on Intermediate-range nuclear forces (INF) represents a victory for Alliance cohesion and steadfastness in pursuing a common policy, it also represents the end of a ten-year phase during which INF was at the core of Alliance efforts in arms control and force modernization.

At this time, the full Senate is considering the INF Treaty and it is hoped that this report will provide useful perspectives on the issues which form the larger international context for the accord. Finally, the delegation notes with appreciation the preparation of this report by Richard D'Amato, Scott Harris, and Wendy Deker.

ROBERT C. BYRD, *Majority Leader,*
Delegation Chairman.

INTRODUCTION

The delegation embarked on the visit with three objectives. The first of these was to receive firsthand the unfiltered views of the leaders of the alliance regarding the INF Treaty. Given the significance of this treaty for European security and for the continued unity of NATO, views of the European Allies constitute an important factor to be taken into account during the Senate's consideration of this treaty.

A second objective was to discuss, not only with government officials but with opposition leaders and private citizens as well, the impact of the treaty on the future of NATO. The Alliance will face crucial, and potentially controversial, decisions in the post-INF political and military environments. In the opinion of the delegation, it is important to begin now to consider these issues and to begin to formulate a common course. In particular, it is important that NATO identify a common set of objectives for the next round of arms control, particularly in the area of conventional arms reductions. Many useful suggestions in this regard were identified during the course of the delegation's discussions with European leaders.

The third objective of the delegation's visit was to explore with European counterparts their perceptions of the objectives and style of Soviet policy toward the West, particularly the impact of Soviet diplomacy on Western public opinion. Is there a generalized perception that the threat to Western security has diminished, or that NATO's strategy of deterrence based on the capability for flexible response is no longer widely supported?

In addition to the mission of listening to European views and learning about the trends of European public opinion, the delegation also conveyed to interested European audiences, in public as well as private sessions, a message concerning the U.S. commitment to NATO and the inherent stability of the American political system. Particularly in an election year, when the level of political rhetoric and debate could convey confused and conflicting images of the United States to Europeans, the fact that the Senate of the United States is a continuing body is worth recalling and emphasizing. Moreover, the members of the delegation focused on the essential facts that the INF Treaty is a victory for NATO unity and cohesion, and that, regardless of the debate over ratification which will ensue in the coming weeks, it is highly likely that the Senate will consent to the Treaty's ratification. For that reason, it is important for NATO to begin now to look beyond the specifics of the INF Treaty and to focus on future challenges.

A. CONTEXT: BACKGROUND THEMES OF THE VISIT

Several developments related either to the INF Treaty or to political trends in Europe occurred during the time of the delegation's visit. They provided important background themes, the essential context in which the discussions in Europe took place.

a. INF TREATY INTERPRETATION

Most visible of these background developments was the ongoing controversy over future interpretation by the executive branch of the INF Treaty, a controversy which stems from the efforts of the Reagan Administration to reinterpret the ABM Treaty in a manner different from its traditional interpretation. The possibility of delays in Senate consideration of the INF Treaty as a result of the dispute between the Senate and the Administration over whether Administration testimony as to the meaning of the Treaty would be authoritative and binding in the future received considerable attention during the trip.

Senators Byrd, Pell, Nunn and Boren engaged Secretary Shultz and Ambassadors Kampelman and Nitze in an extensive discussion of this issue in the weeks leading up to the delegation's departure, without reaching a final agreement. Nevertheless, the records of the negotiations on the Treaty were delivered to the Senate on February 5, 1988, and terms for access to the records had been arranged. Senators Byrd and Nunn alerted the Secretary in a letter on February 5, 1988; that due to the Administration's failure to provide any assurances with regard to future interpretation of the INF Treaty, consideration of the Treaty in the Senate could be delayed pending the outcome of the interpretation dispute. This letter was widely reported in the press, and the issue was frequently raised during the delegation's first few days in Europe.

Senator Byrd and Senator Nunn took the opportunity of the dispute to educate the European audiences on the role of the Senate in the treaty-making process in the United States. As part of this effort, they assured the European publics that this dispute would be resolved, that it was a procedural and Constitutional dispute which probably would have little bearing on the actual outcome (i.e., likely consent to ratification) regarding the INF Treaty, but that it was necessary to resolve the issue, especially as it relates to the instant treaty.

When, on February 10, 1988, the Secretary of State responded with another letter clarifying his position, Senators Byrd and Nunn indicated at a news conference in Paris that the response was generally satisfactory and that the possibility of a delay in consideration of the Treaty as a result of this dispute appeared to have been eliminated. The dispute makes it highly likely, however, that the Senate will address the issue during consideration of the Treaty, and Europeans should expect such an outcome. (For texts of the letters and the Senators' statement, see Appendix N.)

Despite the favorable progress toward resolving this dispute, the debate over treaty interpretation raises questions in the minds of many Europeans about the stability of the American system and the ability of the United States to conclude treaties in good faith. The delegation emphasized that this issue was not the result of any actions initiated by the Congress and that, moreover, it was the Congress which had resisted attempts by the Administration to reinterpret the meaning of the ABM treaty. The delegation also stressed that actions currently being pursued in the Senate should lead to a satisfactory resolution of this issue.

b. AMERICAN COMMITMENT TO EUROPE AND THE DANGER OF "DECOUPLING"

The prospect of the withdrawal of a class of nuclear weapons from Europe has again raised anxieties about "decoupling" and the credibility of the American commitment to European security. While the Pershings and Cruise Missiles are often portrayed simply as a response to the SS-20 deployments by the Soviet Union, it is important to remember that they were also justified as part of the continuum of NATO's deterrent capabilities, a necessary rung on the ladder of escalatory options. Removal of this rung understandably creates uncertainties. This natural reaction is given increased impetus by the fact that, within the NATO countries themselves, significant political constituencies remain opposed to nuclear weapons and fearful of their continued deployment in large quantities in Europe. The Soviets, of course, seek to exploit these fears through a skillful propaganda campaign and a diplomatic offensive aimed at highlighting these fears. Soviet leaders seek to engage the Alliance in discussions on the remaining short-range nuclear weapons prior to addressing issues such as the imbalances in conventional and chemical forces. Added to this volatile mix of nuclear anxieties have been the confusing signals sent by Washington during the past few years concerning the nuclear guarantee and the United States' commitments to nuclear deterrence.

This concern has become more pronounced since the U.S.-Soviet summit at Reykjavik in 1986. The impression conveyed from that summit was that the United States was uncertain about the value of nuclear deterrence in the European theater, raising old fears of a "decoupling" of America and Europe, and fueling the arguments of those who believe that Europe should become a "nuclear-free zone." The denuclearization of Europe appears to be a high priority for the Soviet Union, which will miss no opportunity to exploit either division in the West or confusion on the question of nuclear deterrence.

The delegation took the opportunity to reaffirm the commitment to the NATO strategy of flexible response and to indicate that there is broad support in the United States and in the Senate for NATO and for the current NATO strategy. As Chancellor Kohl and others remarked during the visit, it has been the credibility of the nuclear deterrent which has been of central importance in breaking the cycle of wars on the European continent for the last 43 years.

Related to the question of American staying power was the perception that the United States may be considering the withdrawal of troops from Europe. Secretary of Defense Frank C. Carlucci delivered an address at the Wehrkunde Conference which could have been interpreted as making just such a threat, resulting in newspaper headlines with an alarmist tone, such as "U.S. Warns of Troop Pullout if Bonn Bars Nuclear Arms," which appeared in the *International Herald Tribune* (see Appendix C). While this characterization of the Secretary of Defense's remarks may be stronger than he intended, the theme of threatened U.S. withdrawal of troops from Europe in the absence of continued commitments to nuclear modernization continually reappeared throughout the next several days. It contributed more to European anxieties about American presence and commitment than it did to the rallying of opinion behind common security objectives. Such statements contain the danger of undoing much of the good that was done by Alliance solidarity throughout the INF negotiations. Moreover, since the remarks could be seen to be directed at particular factions within the Federal Republic, German sensitivities were somewhat aroused by this public browbeating of an ally. Such apparent or misconstrued threats should be avoided as they are counterproductive, and the apparent use of them by United States officials can do our Allies a disservice.

Additional concerns in Europe could be found regarding the shifting priorities of the United States, particularly in light of the report *Discriminate Deterrence* recently issued by a Blue-Ribbon Department of Defense task force. The delegation pointed out that although this report has received considerable attention in Europe, it is not authoritative or representative of a consensus in the U.S. Senate.

C. MEETING THE SECURITY CHALLENGE IN AN ERA OF CONSTRAINED BUDGETS

Most of the major NATO countries, including the United States, will not be able to meet the goal of real increases in defense spending of 3% in the coming year. The United States has not met this goal for the past two years. Only Italy will come close to this goal. Turkey is making a positive effort but the Turks face the greatest requirements for modernization and must rely on security assistance from the United States and West Germany to meet their minimum security needs.

This fact is well understood in NATO, but the regularity with which the goal of 3% increases are missed suggests that this is no longer a useful yardstick for measuring Allied contributions to the common defense. It is unrealistic to expect Allied governments to increase dramatically the shares of government spending devoted to defense. This does not mean, however, that improvements cannot be made in the ways in which the money is spent or in the efficiency of expenditure. The delegation, and Senator Nunn in particular, urged the Allies to cooperate more effectively in an effort to "think smarter, not richer," in order to provide the types of conventional forces which the Alliance will require.

The importance of devoting sufficient resources to defense lies in the critical relationship between credible conventional defense forces and the nuclear option which backs up the conventional forces. NATO does not have as a goal matching the Warsaw Pact gun for gun or tank for tank. There is no need for that on the part of a defensive alliance. On the other hand, reliance on nuclear weapons as the exclusive deterrent to aggression raises deep concerns among publics in Allied countries and could be seen as lacking credibility by potential aggressors. NATO has established an official goal of having sufficient stocks to achieve the ability to defend NATO territory conventionally for thirty days, but only the United States comes close to meeting this objective among the NATO allies.

These issues of burden sharing, reduced funds available for conventional forces, declining or inadequate levels of assistance to the Southern Region countries, and inefficient expenditure of resources among NATO partners will confront the Alliance with major challenges in the coming years. They constitute an important backdrop to the need for progress toward conventional arms control and conventional force reductions in the coming months.

d. PUBLIC OPINION IN EUROPE

Considerable press attention was focused on the delegation's visit. Press events and public discussions with journalists and commentators were held at each stop. This afforded the delegation the opportunity not only to hear the views of knowledgeable observers of the European scene, but also to convey to European publics, through the media, messages concerning the role of the Senate in the American Constitutional system and the fact that the Senate is a source of stability and continuity in American policy.

The following sections describe the principal themes discussed in each country visited by the delegation, with a final section summarizing the findings and observations of the delegation.

B. FEDERAL REPUBLIC OF GERMANY

The delegation spent a fruitful day in Bonn on February 9, 1988, in discussions with leading figures in the Federal Republic, including Chancellor Helmut Kohl, Foreign Minister Hans-Dietrich Genscher, Defense Minister Manfred Woerner, and other officials.

There is widespread agreement in the Federal Republic that the INF Treaty should be ratified without amendment. Despite initial doubts about the "second zero" of short-range INF missiles and reluctance to scrap the German Pershing I's, the Treaty has widespread support in the German government, in the opposition, and among the general public.

The issues foremost on the agenda in the Federal Republic concern the nature and scope of future arms control negotiations, the timetable for decisions concerning modernization, and bilateral relations between the Federal Republic and other NATO allies, particularly France. These issues are, of course, overlaid by the dynamics of German domestic politics, where the opposition Social Democratic Party is showing increased strength at the *Land* level and where tensions on these issues within the ruling coalition can be discerned.

FURTHER DISCUSSIONS ON SHORT-RANGE NUCLEAR FORCES

The themes which were examined during the meetings in Bonn were previewed in the speeches by Chancellor Kohl and opposition Social Democratic Party (SPD) leader Hans-Jochen Vogel at the Wehrkunde Conference. Vogel, although carefully couching his words in terms of overall support for the Alliance, nevertheless raised a number of issues which clearly run counter to the consensus among NATO governments today and could presage future controversies in NATO. He indicated, for example, the SPD's support for *Simultaneous* pursuit of negotiations to reduce the conventional force imbalance and further efforts to negotiate limits on short-range nuclear forces. This view is also shared by many in the ruling coalition.

In contrast to the apparent position of Dr. Vogel, officials in the Federal Republic expressed their opposition to the "Third Zero" of short-range land-based ballistic missile reductions. But a significant cleavage, not only within German opinion but also between Germany and the rest of the NATO Alliance, may be developing concerning the timing of discussions concerning the short-range systems. Both Chancellor Kohl and Foreign Minister Genscher appear to favor beginning discussions on reducing the short-range nuclear systems deployed in Europe (most of which, of course, are deployed by NATO in West Germany and by the Warsaw Pact in East Germany) at the same time discussions on limiting conventional forces are undertaken, a position which appears to be in line with that outlined by Dr. Vogel at Wehrkunde. West German officials argue that the communique of the NATO ministerial meeting at Reykjavik endorses this concept. This view is not shared by the other NATO Allies. Even within Germany, the fear was expressed that undertaking such discussions could result in NATO facing a Soviet proposal for a third zero which would be hard to resist. It is likely that disagreements over the timing of discussions on further efforts to reduce short-range nuclear arms in Europe will characterize Alliance discussions in coming months. This issue could become one of significant dispute within the NATO alliance unless handled skillfully and carefully.

OVERALL SECURITY CONCEPT

The German officials with whom the Congressional delegation met placed a great deal of emphasis on the need for an overall concept of security to guide the Alliance in its force modernization decisions and in its arms control approach to the Warsaw Pact. While it would be possible to see this as an effort to delay tough decisions or to revisit decisions which the Alliance has already made, it can also be seen as a legitimate concern and one which the Alliance should take seriously. The Federal Republic can be expected to press this view in coming months.

As the Alliance struggles to define a common position for new talks on conventional stability in Europe, talks which may start later this year, it will be important for the Alliance to be guided by a common set of objectives and a shared vision as to the desired outcomes of the negotiations. It goes without saying that asymmetrical reductions in Warsaw Pact troops will be required, but in the absence of a common set of goals and a vision of the final outcome of the talks, the Alliance runs the risk that Soviet proposals which appear good on the surface could be used to great public relations effects in the West without an effective counter by NATO governments. This must be avoided, and, to that extent, the German emphasis on a strategic concept should be welcomed. Focus on the concept could have the additional benefit of providing the means by which the French can be truly brought on board an Alliance-wide position in the talks.

Officials in Germany, and Chancellor Kohl in particular, emphasized that NATO is about to enter into a contest of "religion" and psychology with the Soviet Union over the question of conventional force reductions, and that it is very important for NATO to seize the psychological initiative on these issues in the coming year. NATO should take advantage of the momentum generated by the INF agreement to formulate a proposal on conventional arms control which unites the West and challenges the Soviets.

NUCLEAR MODERNIZATION

The question of modernization of short-range nuclear weapons was one which arose at every session with German officials. Chancellor Kohl carefully skirted the issue of modernization in his address at the Wehrkunde gathering, artfully avoiding the use of the term. While the Congressional delegation strongly supports the Montebello approach to these issues and believes that all NATO Allies should fulfill their responsibilities within the NATO context, the delegation shared the view in Germany that modernization of short-range forces and the INF Treaty are *separate* issues which are not and *should not be directly linked.* The delegation shares the view of Defense Minister Woerner and others that the issues of nuclear modernization and the nature of the specific systems to be modernized are decisions which should be handled in due course as part of the Alliance's routine nuclear planning process. There is no need for a bruising public debate on these issues at the present time.

BILATERAL INITIATIVES

Concerning the initiatives with France and the formation of the Franco-German Defense Council and the jointly-manned brigade, the German government argues forcefully that bilateral initiatives with France are designed to bring France more fully into cooperation with NATO, and are not part of the creation of a rival force to NATO. German officials also express strong support for the efforts of the Action Committee for Europe and the strengthening of the European Pillar—and contend that France must be brought into these efforts. It is unlikely that the scope and extent of the bilateral cooperation will extend beyond the recently established single brigade in the near future, but it could be expanded in principle. The Germans, of course, wish to use the brigade as a device to draw the French more firmly into the forward defense concept of NATO as well. The delegation expressed, in general, its support for improved bilateral initiatives, emphasizing the importance of avoiding the creation of organizations competitive with NATO. German officials carefully noted that the forces committed to the joint brigade in no way would reduce the numbers of German forces committed to NATO.

SOVIET POLICY

The diplomatic efforts of the Soviet Union and the dynamic public relations offensive which Mr. Gorbachev is capable of mounting will doubtless be directed at the Federal Republic with special force in the coming months. Chancellor Kohl, in recalling the extensive efforts to block developments of the INF, which the Soviets encouraged in direct and indirect ways, noted that he has seen no deviation in the Soviet objective of isolating Germany and splitting it from the rest of NATO under the Gorbachev regime. While we are unlikely to see in the near future the spectacle of 300,000 demonstrators gathered on the lawn outside the Chancellor's office, as was the case prior to INF deployments, it is worth recalling that great political obstacles were overcome in successfully implementing the INF decision, and that future decisions may require commensurate efforts.

C. BRITAIN

The delegation met with British Prime Minister Margaret Thatcher, Defense Minister George Younger, Minister of State for Foreign and Commonwealth Affairs David Mellor, and with the former leader of the Social Democratic Party (and former Shadow Labour Defense Spokesman) David Owen. In addition, a luncheon with Neil Kinnock and other leaders of the opposition, Labour Party was hosted by the Ambassador.

The discussions in Britain centered on the security issues facing the Alliance in the post-INF environment, with attention to the themes which characterized discussions in all countries: maintaining the unity and cohesion of NATO; responding to the challenges of Soviet initiatives in all spheres, but especially in conventional arms control; pursuit of cooperative ventures with France without, at the same time, undermining the unity and cohesiveness of NATO; and modernization of remaining nuclear systems in NATO.

Strong support exists among officials in the British government for the ratification of the INF treaty without substantial amendments or reservations which would alter its fundamental character. Officials expressed satisfication with the manner in which consultations on INF had been conducted by the United States before the summit. The British, not unlike other NATO allies, had been concerned following the Reykjavik summit about comments made by President Reagan questioning the utility of nuclear deterrence and favoring a nuclear-free world, but, on the whole, these concerns appear to have been mollified. At bottom, the view was expressed that it would be a disaster if the INF Treaty were not ratified, if the word of the U.S. President in these matters could not be taken seriously.

Mrs. Thatcher, in particular, went to considerable lengths to express her own view that the nuclear genie could not be put back into the bottle, and that efforts to try to do so would be in vain. She stated that her preference is for a world free from war, not a world free from nuclear weapons. Indeed, it is nuclear weapons and NATO's doctrine of deterrence through flexible response that has preserved the peace in Europe.

Getting the French to act in support of the NATO Alliance, even if they refuse to rejoin the integrated military command, is an objective of British policy. The skepticism regarding the French-German brigade, which had been voiced earlier by Mrs. Thatcher, seemed to have been toned down during the visit of the delegation. Instead, Mrs. Thatcher and others emphasized that they welcomed French activities which could be seen as supportive of NATO's objectives. The British are opposed to the creation of multilateral organizations which could be seen to compete with NATO. For these reasons they did not support the inclusion of forces from other countries in the French-German brigade, and they also believed that the institutions of the Western European Union should be co-located in Brussels. Finally, the British expressed support for cooperative development of a stand-off missile by the United States, United Kingdom, and France rather than solely a bilateral British-French project. Again, the objective is to bring the French more closely into cooperation with NATO.

Mr. Gorbachev is viewed by the British government with skepticism and caution. While he can be seen as a reformer in the Soviet domestic sense, his foreign policy remains based on the military power of the Soviet Union and on efforts to drive a wedge between members of NATO, particularly between the United States and Europe and between the West Germans and the rest of NATO. Soviet arms control proposals will be couched in terms designed to have the maximum psychological impact on Western publics. It will be important to prepare appropriate responses, and to develop our own proposals which seize the initiative.

The British government is emphatic in stating its belief that discussions on limiting NATO's short-range nuclear forces should not begin until progress has been made on more pressing issues of chemical weapons and the conventional forces imbalance. The British also argue that modernization of short-range forces should proceed with no delays. It is possible to proceed in two separate boxes, one focusing on the agreements made at Montebello, and the other focusing on the current work of NATO's Nuclear Planning Group, which is considering specific proposals which might be seen as implementing the Montebello and Reykjavik agreements by NATO. The British are unabashed in their willingness to press the Germans on the point of nuclear modernization, rejecting the German argument that negotiations on short-range nuclear forces can occur simultaneously with negotiations on conventional forces. The British government is also skeptical about the position of FRG officials that, once begun, the discussions on shorter-range systems can be limited to proposals for equal ceilings on each side rather than the Third Zero. In the British view, the entire Soviet approach is aimed at reducing the nuclear deterrent in Europe, and discussions on short-range systems are subject to manipulation for public impact. Therefore, they should be avoided.

While supportive of a START agreement at the earliest time feasible, the British are adamantly opposed to the inclusion of any third country systems under START ceilings until well after superpower arsenals have been reduced by fifty percent. They are also concerned that START counting rules for Trident missiles not have an adverse impact on the British Trident system.

D. FRANCE

During a two-day stop in Paris, the delegation met for an hour and a half with French President Francois Mitterrand, and had extensive discussions with Foreign Minister Jean-Bernard Raimond, Defense Minister Andre Giraud, President of the National Assembly Jacques Chaban-Delmas, and Chairman of the National Defense and Armed Forces Committee of the National Assembly Francois Fillon. In addition, the delegation met for two hours in a round table discussion with French intellectuals and journalists on the range of issues confronting the

Alliance. The transcript of that round table discussion is included in Appendix J. It provides important insights into the range of French views on the security issue.

The visit to Paris came at a time of important reassessment by the French of the state of the Atlantic relationship, and the delegation was given an articulate exposition of the various risks which the Alliance currently faces. The visit also occurred at a time when the French have undertaken historic initiatives with the Germans in cooperative arrangements in the military field. On January 22, 1988, President Mitterrand and Chancellor Kohl strengthened their ties by forming a high-level military commission to coordinate Franco-German policies on defense and arms control matters. Second, the French responded enthusiastically to Chancellor Kohl's offer to form a Franco-German military brigade, composed of 3,000–4,000 troops. At the time of the delegation's visit, the planning for the brigade was proceeding smoothly. Despite initial reservations by other European NATO partners (primarily Italy and Great Britain), a growing consensus on the acceptability of the arrangement can now be discerned. The delegation repeated its view, expressed in Germany as well, that this is a generally positive development.

ARMS CONTROL DISCUSSIONS SUPPORTED

President Mitterrand was emphatic in his support for the INF Treaty, and noted that he wasn't merely paying "lip service." He outlined his opposition in principle to the development of intermediate-range nuclear weapons, based on his belief that they weaken deterrence because they could lead an adversary to question one's resolve to use strategic weapons in response to aggression. He gave a spirited exposition on the need for a high level of deterrence—that is, unquestioned certainty in the mind of the adversary that any attack would meet with immediate and overwhelming response—and of the need for the adversary to fear such a response. Thus, his approval of the INF agreement, which he indicated he believed to be stronger than that of most European leaders, was based in part on his lack of enthusiasm for the doctrine of flexible response.

A corollary to the President's view in this regard in his relative lack of enthusiasm for modernization of short-range nuclear missiles and artillery. Mitterrand is thus more supportive of what appears to be the German government's position on this issue than are most other European officials.

Mitterrand favored a START agreement, but did not feel it made much of a difference, given the overwhelming size of the superpower's arsenals. On the other hand, he emphasized his conviction that the "most urgent priority" in arms control was to move forward on negotiations on *conventional arms reductions,* both to reassure Western publics and to indicate to the Soviets that we are watching them and will not let them go any further to tilt the balance in this area. Mitterrand said that, while "reductions of 50 percent (START) is a good thing, it doesn't diminish the risk, especially for Europe. It would be more important, more significant to see an agreement reached in the fields of conventional and chemical weapons." He emphasized that the Senate should be aware that the conventional arms reductions negotiations are the most important negotiations that can reassure America's European partners. And, like other French officials, he contended that short-range nuclear weapons should be separated from the conventional talks.

Foreign Minister Raimond observed that the major risk that must be understood is that of "precipitous" negotiations with the Soviets which further advance the Soviet goal of denuclearizing Europe. A specific manifestation of this problem could include being swept into negotiations which put irresistable pressure on the West to eliminate all ground-launched short-range nuclear missiles, i.e., the "third zero."

In Raimond's view, the very fact of having negotiated the zero agreement in the INF Treaty fits into the Soviet goal of denuclearizing Europe, a goal which is clearly a central objective of Soviet policies toward Europe. Thus, it is clear that Gorbachev's next focus will be to push for a third zero on the remaining nuclear missiles as the further expression of this policy.

Pressure for negotiations toward a third zero fits into the fundamental objective of dividing NATO, because the Soviets recognize the potential of the third zero to cause strains between Germany and the United States. (Indeed, the French noted that the "second zero" on shorter-range missiles embodied in the INF Treaty has already begun to produce tensions between Germany and the rest of NATO over modernization issues.) This does not mean, of course, that the INF Treaty is not valuable. Achievements such as asymmetrical reductions and verification breakthroughs are duly noted. The real question concerns the priorities of the United States subsequent to the INF accord. Minister Raimond listed conventional and chemical arms reduction talks, along with START, as the proper focus of the U.S. and the West for the present time.

Raimond identified a second risk which the West faces in the post-INF environment, and that is to confuse nuclear and conventional negotiations. The Soviets need a large conventional force to maintain their hold over Eastern Europe, and will try to mix conventional talks with those involving Western short range nuclear systems. The West must not permit such mixing.

A third risk is to negotiate with the Soviets against the pressure of deadlines. For instance, a good agreement on START, including subceilings, verification and other matters would be acceptable if reached this year, but it appears unlikely that such an agreement could be achieved. In no event should time deadlines force the West to agree to something which is not consistent with security requirements.

FRENCH-GERMAN RELATIONS

On the subject of French-German relations, President Mitterrand made several important observations. First, he stated that he has revised the De Gaulle Doctrine whereby French forces should not be east of the Hamburg-Munich line to avoid getting mixed up with NATO forces. Now, instead, French forces will be anywhere that there is a threat of war or a war. President Mitterrand stated, "I . . . don't like French forces integrated into the allied command but, if we see soldiers of a neighboring country threatened, France could not face dishonor and pull its forces out—the only possible course of action is to intervene." Thus, while France will not reevaluate its decision to avoid military reintegration into NATO, primarily because it does not want to be a prisoner of the decisions of the collective Alliance, these statements on French willingness to consider French security as linked inextricably to that of its neighbors represent a significant step in France's strategic thinking.

Mitterrand recalled that, as a young deputy only three years after the end of World War II, he had participated in symposia oriented at the integration of Europe and the importance of bringing Germany back into the European community. He felt that that challenge had been won. Frenchmen today, in opinion polls, rank Germany most popular, only behind a few French-speaking countries. He praised the Franco-German brigade and its importance in historic terms, and reassured the delegation that there was no intent on the part of France to use it to weaken Germany's place in NATO.

ASSESSMENTS OF SOVIET POLICY

President Mitterrand praised Gorbachev's broad-mindedness and frankness, which had been demonstrated during his extensive personal dialogues with the Soviet leader. Mitterrand observed that it is irrelevant whether Gorbachev is "sincere." That is not the question. The question is whether a politician is behaving as if he were sincere. We have to create the conditions such that what is stated by a leader actually happens, to make it to his advantage to do as he says. Mitterrand evaluated Gorbachev as the manager of a revolution, not a revolutionary; a Leninist, not a Stalinist; and of the Andropov type, not a Brezhnev or Chernenko type. He is a realist. The challenge to the West is not to do those things which are in Gorbachev's interest only, but to work on areas where his interests and the West's converge.

While confident that adroit diplomacy and careful management of the public debate could easily counter the challenges presented by Gorbachev, French officials nevertheless counseled caution in dealing with the Soviets and expressed respect for Gorbachev's public relations skills. The key is not to pursue either extreme in interpreting Gorbachev: (1) assuming that he is simply a Machiavellian manipulator, and that nothing has changed, or (2) assuming that he is a genuine reformer and that everything has changed. The West must encourage the changes being undertaken in the Soviet Union, but keep a clear eye focused on Western security interests in negotiating with the Soviet leadership.

Finally, the underlying French concern is the effect that Gorbachev's seductive style is having on the West. Western leaders must be prepared to "go against public opinion, and convince the people" of where their real interests lie.

Foreign Minister Raimond observed that Gorbachev is an astute and dangerous manipulator of Western public opinion. He reiterated the French view that the period immediately ahead would be difficult and would present a number of risks and challenges to the West, in part due to the nonconfrontational style employed by Gorbachev in pursuit of traditional Soviet foreign policy objectives.

FRENCH CONSENSUS

French Defense Minister Giraud reiterated many of the same themes expressed by other officials. Indeed, there is broad agreement in France on many questions related to security and to nuclear weapons. Of specific interest were Minister Giraud's comments that, with the march of technology, there was enhanced need for greater cooperation on a wider range of technical military matters among members of the Alliance. He specifically cited both French-British and French-American cooperation, in addition to the initiatives that the French were engaged in with the Germans. In Giraud's view, all of this must be pursued under the condition that such European cooperation not weaken, or appear to weaken, NATO. The effect of the INF Treaty on European security must be coldly analyzed, from a military perspective, and Minister Giraud reiterated the priorities outlined by Foreign Minister Raimond, i.e., support the efforts on START while avoiding the trap of discussions leading to a third nuclear zero prior to settling the serious imbalances which exist with the Warsaw Pact on conventional and chemical weapons.

The delegation was impressed with the creativity and seriousness of French thinking on security issues, and feels that the observations made in discussions in France added greatly to the delegation's overall understanding. Efforts to strengthen the European Pillar of western security, in which the French role will be critical, should be encouraged. The Recommendations and Declaration of the Action Committee for Europe (See Appendix O), the significance of which was emphasized by President of the National Assembly Jacques Chaban-Delmas and by Francois Fillon, merit careful attention in regard to these issues.

E. TURKEY

As a NATO ally which could be subjected to missile attacks from SS-20s based in the Asian part of the Soviet Union, Turkey has a special interest in the global elimination of long-range INF missiles and, like other NATO Allies, is supportive of the INF agreement as negotiated. Turkey has not had intermediate-range surface-to-surface missiles capable of reaching the Soviet Union based in Turkey since the Jupiters were withdrawn in the early 1960s. Removal of the INF missiles places all of NATO once again in this category.

Turkey shares an extensive border with the Soviet Union and Soviet ships must pass through the Bosphorus as they enter and exit the Black Sea. The geographical location of Turkey affords it a key role in the defense of NATO's Southern Region, and its contribution to the conventional defense of NATO is especially important. Therefore, while Turkey generally welcomes the INF agreement, the treaty will have relatively little impact on the Turkish strategic situation. From that standpoint, the need to modernize the Turkish conventional forces and to present the Soviet Union with a credible conventional deterrent remain high priorities, virtually unaffected by the INF agreement.

The high priority accorded conventional force modernization is understandable in view of the overwhelming Soviet advantage in the force balance opposite Turkey and in view of the extreme needs faced by the Turkish forces. In this context, the fact that security assistance to Turkey has, in the past two years, amounted to approximately half of what would be required to implement fully the conventional force modernization program identified by NATO as meeting Turkey's requirements has been a disappointment to the Turks.

The Codel met with a broad range of Turkish officials during its brief visit to Ankara. Despite the short duration of the visit, a full exchange of views was held on a variety of security issues, including but not limited to the INF Treaty and its impact on NATO.

As noted above, Turkish officials were unanimous in their support for the treaty, hailing it as a big step forward for the Alliance. At the same time, as was noted in other countries visited by the Codel, the treaty also removes one component of the Alliance's flexible response strategy. This means that it will be necessary to pay continued attention to the issues of modernization of the remaining conventional and nuclear forces. In Turkey, there is strong support for modernization initiatives in NATO, and the Turkish government can be expected to participate to the limits of its ability in these common efforts.

The Codel emphasized in its discussions with Turkish officials, including Chief of the Turkish General Staff General Necip Torumtay, an appreciation of the unique geographic situation of Turkey and of the efforts of the Turkish military to maintain its capability in the face of severe resource constraints. The military and intelligence-gathering functions which Turkey performs are important contributions to overall Alliance security.

Two issues which have been the sources of some problems were discussed in this regard: the continued deadlock on Cyprus and the continued presence of Turkish troops on the island, and the fact that the Side Letters to the Defense and Economic Cooperation Agreement (DECA) which had been signed in March of 1987 had not yet been fully implemented by Turkey.

With regard to Cyprus, Turkish officials were hopeful that progress could be made in the further reduction of Turkish presence on the island and in achieving a diplomatic solution to the conflict. Citing the recent meeting in Davos, Switzerland, between Prime Minister Ozal and Greek Prime Minister Papandreou, the Codel expressed its hope that the "spirit of Davos" could be extended in dealing with the situation on Cyprus. While reiterating the Turkish government's position that the proposals of the United Nations Secretary General should be accepted by the Greek Cypriot side, Turkish officials also expressed a willingness to pursue new avenues towards an accord, especially in light of the recent elections on Cyprus and the fact that the Greek Cypriots have elected a new leader. The Codel strongly encouraged further steps in the direction of a negotiated solution to the Cyprus problem.

The Codel also urged Turkey to end the delay in ratifying the DECA side letters, noting that nearly one year had passed since their signing. The Codel argued that ratification of the side letters would be in Turkey's interest and would send a positive signal to the United States about the continued close cooperation between the two countries. Prime Minister Ozal stated that he would, in fact, ratify the two side letters in the near future, as a symbol of his desire to continue to build upon and improve the extensive military and security cooperation between the United States and Turkey. [Note: Subsequently, on February 26, 1988, the Turkish government ratified the side letters.]

Immediately following the departure of the Codel, the incident in the Black Sea involving two U.S. warships and a Soviet vessel occurred. This incident points up the strategic importance of the Turkish Straits and the continued potential for conflict in this area. It reinforces the points made by the Turkish General Staff in briefing the Codel immediately prior to its departure.

F. ITALY

The Delegation arrived in Italy in the midst of a governmental "crisis" over the budget. Prime Minister Goria had resigned, and it was not clear that he would be asked to form a new government. Of course, these "crises" occur in Italian politics with some frequency, and they do not often result in major changes of direction in the basic course of Italian policy. (During the Delegation's stay in Rome, Goria was asked to form a new government by Italian President Cossiga, but that government was also short-lived.) In addition to its own governmental dilemmas, Italy also attended the European Community Economic Summit on February 12, 1988, which, after thirty hours of extremely difficult bargaining, produced an important agreement on the future economic structure of the Community. Despite these distractions, Italian officials were generous with their time and with their insights on the issues of concern to the Delegation.

The Delegation was able to draw some preliminary observations based on its visits to four NATO capitals prior to Rome and to share those observations with Italian journalists and academic experts at a meeting on February 12, 1988. The transcript of that session is printed in Appendix L.

The Delegation emphasized to Italian officials with whom it met that Italy's contributions to the NATO Alliance were not only recognized but deeply appreciated. Italy was the first country on the continent of Europe to accept the deployments of the INF missiles, thus relieving the Federal Republic of Germany of its fears of "singularity" in deployments and paving the way for the Netherlands and Belgium to accept deployments as well. At the same time, Italy has been strongly supportive of the efforts to negotiate the zero option, and is unreserved in its support of ratification of the Treaty.

At the same time, Italian officials recognized that NATO is at a moment when new challenges must be confronted and when NATO's cohesion will be tested. Foreign Minister Andreotti, who has served in the Italian government virtually throughout the entire history of NATO, argued strongly that NATO must formulate new approaches for the new contingencies which lie ahead, emphasizing at all times the unity and cohesion of NATO.

The theme of the need to focus on NATO unity and the security of the West as a whole was a constant theme in the remarks of Italian officials. For example, while not unduly concerned about the French-German brigade and efforts at improved bilateral relations, the Italians warned that such approaches could divert NATO members from the central task, which is common security. The Western European Union or NATO should be the focus of most efforts. Creating zones of "differentiated security" in NATO must definitely be avoided.

The Delegation members shared this view, and assured Italian officials that the United States was committed to a strong NATO and a unified Alliance. Senators Byrd and Boren, in particular, praised Italy for its willingness to step up to important Alliance decisions, citing not only the INF deployments but also areas not strictly related to NATO, such as the deployments to Lebanon, the Persian Gulf, and intelligence cooperation.

Widespread consensus was noted among Italian officials regarding the priorities for arms control negotiations and the next steps which NATO should take in this regard. The START talks were accorded a high priority, to be followed by talks on chemical and conventional weapons. There was little support for beginning talks on short-range nuclear forces before the other talks had achieved results.

Italian officials were optimistic about the implications of the INF Treaty for future arms control negotiations, an attitude which in some ways paralleled the German views. They were pleased at the opinion expressed by members of the Delegation that the INF Treaty was likely to receive a favorable vote in the Senate. They regard the principles of asymmetrical reductions and *reductions* rather than *ceilings* as important milestones in the history of arms control, achievements which, in the words of Foreign Minister Andreotti, constitute a great landmark. The hope was widely shared that these principles could be applied in conventional forces talks as well.

The Italian officials also took a pragmatic approach to the question of nuclear modernization. Rather than press for any public or immediate decision at the present time, they counseled that modernization decisions should be taken when required and pursued in a businesslike fashion. There is no need, according to this line of thinking, for there to be a public crisis in the Alliance over these issues.

Conclusions and Recommendations

The delegation encountered a widespread consensus in the capitals visited on the essential course of Alliance policy. The need for continued unity and close cooperation was recognized and was evident in virtually every meeting with key officials. The delegation found general agreement on: (1) the need to explain effectively and persuasively to Western publics the goals and purposes of the Alliance, in order to maintain a unified front in the face of new and aggressive propaganda challenges from the Soviet Union; (2) the need to develop an agreed set of priorities and to take the initiative in dealing with Gorbachev and the new style of Soviet leadership; and (3) the need to increase cooperation and consultation, using the model of the INF Treaty as a good example for future efforts. At the same time, there was general recognition that the Alliance will confront new challenges in the coming years, and that difficult choices lie ahead.

a. FORMATION OF PUBLIC OPINION IN THE WEST

The delegation was impressed with the sensitivity of NATO leaders to the need to inform and educate our respective constituencies in a comprehensive and persuasive fashion on the Alliance's priorities and strategies. It was felt that the efforts of the delegation in this regard would have a beneficial effect on public opinion in Europe.

Although it is too early to ascertain fully the impact of the new style of Gorbachev's diplomacy on public opinion in Europe, NATO leaders agree that this new style presents the West with a vigorous challenge. In the words of a French official:

"We are entering a difficult period. Western public opinion is susceptible to Gorbachev's charm and cleverness. We should not be afraid of going against public opinion. We must explain to the generally uninformed public where its interests lie."

A German official echoed this thought:

"The present East-West discussions are narrowed down to the issues of disarmament which, though important, are only part of the spectrum. We will deviate from the right course if we don't have a cool head about it. We should make good use of the time available, so we should make a common conception for the West; we should stabilize and strengthen NATO whenever possible."

Regarding Mr. Gorbachev, another German official commented:

"We should talk to him and base our readiness on the principles of concessions and counter-concessions, and not act like maniacs. Our policies must be right and we have to explain them to our people. We should make good use of the present year to launch a psychological offensive vis-a-vis the Gorbachev regime on the conventional side."

The delegation strongly believes that NATO's efforts in the field of public explanation and persuasion must be coordinated fully and pursued in conjunction with new initiatives in the fields of arms control and weapons modernization. The effort at public education and explanation particularly as it relates to the continued importance of nuclear deterrence should be afforded a high priority, and should be fully and carefully discussed at NATO's regular meetings.

b. RATIFICATION OF THE INF TREATY

On the narrow question of ratification of the INF Treaty, opinion was virtually unanimous that it should be approved by the Senate for ratification, and that failure of the United States to ratify could create a grave crisis in Western Europe and NATO. This view, shared broadly across the political spectrum and in virtually every country, prevailed despite a recognition that the Treaty creates new uncertainties and does not resolve many fundamental issues facing NATO.

Opinions varied on the handling of the negotiations by the United States and the adequacy of consultations with the Allies, but the overall assessment was that consultations between the United States and European leaders has been excellent. Potential criticisms of details of the treaty or of aspects of the inspection system were outweighed by the generally favorable view of the Treaty.

The final assessment was that, having persuaded public opinion to accept the deployment of nuclear systems in part as a response to the Soviet deployment of SS-20's, and having pursued the objective of elimination of those missiles in negotiations for over six years, it would be virtually impossible to convince the public that, at this point, those systems should remain in place and that the Treaty should be rejected.

Leaders also expressed some concern over the political momentum generated by the INF Treaty. In line with the concerns that the Alliance's objectives and policies be clearly communicated to the public, leaders felt that the underlying security interests of the Alliance must be clearly articulated, and not lost sight of in the enthusiasm for negotiated arms reductions. In this regard, there was a clear consensus that arms control agreements, including a START agreement, should be concluded when issues in dispute have been satisfactorily negotiated, and should not be negotiated under the pressure of artificial deadlines. Likewise, when and if a *sound* agreement is in sight, there should be no delay in concluding it, since to do so is in our common interest. But the important thing is that it be a *good* agreement—not dictated by calendar deadlines or election year politics.

c. MODERNIZATION OF SHORT-RANGE NUCLEAR SYSTEMS

The modernization issues which the Alliance faces have been under examination since the 1979 INF decision and have been intensively investigated since the Montebello meeting. The Montebello framework of reductions in total numbers of deployed weapons accompanied by modernization of those weapons remaining, continues to be operative. Specific choices concerning which systems to modernize and their precise numbers are not required at the present time. The military authorities of NATO are examining the required modernizations and will make their recommendations at the appropriate time.

There is no need to link modernization of short-range nuclear systems with the INF Treaty. The delegation believes that it will be necessary to modernize certain systems not prohibited by the Treaty, but these decisions are some months in the future and should not be at the center of our discussions of the Treaty at this time.

The delegation believes, based on its discussions throughout Europe, that those systems not covered by the INF Treaty which have longer ranges should receive priority consideration for modernization, rather than battlefield systems (such as artillery).

d. ARMS CONTROL PRIORITIES AND INITIATIVES WITHIN NATO

NATO leaders must proceed carefully and resolutely in setting priorities for arms control initiatives in the Alliance. It cannot be overemphasized how important it will be for NATO to coordinate its positions in such a way that fears of "singularization" (in, for example, the Federal Republic), or zones of "differentiated security" (in countries not in the Central Region) do not become serious problems for the Alliance.

The top priority for NATO at the present time should be to formulate a comprehensive and detailed proposal on conventional arms reductions for presentation to the Warsaw Pact later this year. A consensus must be built in the Alliance, and the task will be formidable. But the attempt must be made. The delegation believes that Europe would welcome thoughtful, vigorous American leadership on these issues.

The delegation also believes that negotiations on a chemical weapons ban must be pursued with renewed energy. The delegation was impressed by the seriousness with which the European Allies view the threats posed by the existing imbalances in chemical weapons favoring the Warsaw Pact, and agrees that this problem demands careful and thorough attention by the Alliance.

The delegation also believes that negotiations on further tactical nuclear weapons arms control should not be entered into until negotiations on conventional and chemical arms have shown results.

Progress toward a START agreement is broadly supported but, as was pointed out on several occasions, the issue of START is less immediately relevant to European security than are other arms control issues. European leaders would welcome a solid START agreement, but there is no urgent pressure emanating from Europe to reach one. Appropriate subceilings (an issue which could affect the British strategic forces) and verification procedures which are satisfactory are, of course, strongly supported.

e. BILATERAL ARRANGEMENTS

The general assessment in the Alliance is that bilateral arrangements such as those between France and Germany concerning the joint brigade are positive developments. This arrangement could help to place longstanding historical frictions in Europe further behind us. Such arrangements can complement rather than compete with NATO if pursued properly. A widespread consensus exists that military organizations competing with NATO are not helpful.

At the same time, efforts to strengthen the European Pillar of Western defense are being reinvigorated at the present time, and this must be viewed as a positive development. The delegation feels that mechanisms which could strengthen and enhance the Allied contributions to European defense must be encouraged wherever possible.

f. UNITED STATES POLICIES IN THE PRESENT PERIOD

In the months ahead, the United States must act with purpose and strength in facing the next round of challenges. The INF Treaty is a victory for Alliance solidarity, but it represents the beginning rather than the end of the effort to achieve lasting stability in Europe through negotiated arms reduction agreements.

In addition to the recommendations outlined above, the delegation feels that it would not be prudent at the present time to reassess the size of the American troop commitment in Europe.

The advent of talks on conventional forces and the post-INF political environment are likely to draw increased attention to the importance of the Southern Region in NATO's collective defense. Italy and Turkey, along with the other NATO members in the Southern Region, play a vital role in Alliance defense. Too often, their contributions have been underappreciated. The delegation welcomes the far-sighted action of the government of Turkey in ratifying the side letters to the Defense and Economic Cooperation Agreement and the actions of Spain in renewing the basing arrangements in that country (while noting the regrettable decision to require removal of the F-16s from Torrejon.) It urges the administration to pursue vigorously the current negotiations with Greece on renewing the basing agreement with that country. Similarly, the delegation believes that the 401st Tactical Fighter Wing should remain deployed in Europe, and welcomes the Italian government's willingness to consider basing options. NATO should strive to achieve a cooperative solution to this matter as soon as possible.

ORIGIN AND SUMMARY OF ACTIVITIES

THE SENATE ARMS CONTROL OBSERVER GROUP

Background

On March 12, 1985, arms control negotiations between the United States and the Soviet Union resumed after a hiatus of some 15 months, a hiatus which had resulted from the breaking off of negotiations on Intermediate Nuclear Forces (INF) and START by the Soviet Union in, respectively, November and December 1983. Because of the importance of these new negotiations, at the initiative of the Majority and Minority leaders, the Senate created a new Senate body, the Senate Arms Control Observer Group, to monitor them. This was the major item of Senate business on the first day of the 99th Congress, January 3, 1985, (S. Res. 19).[3]

The Observer Group is a bipartisan body of five Senators from each party, as well as the Majority and Minority leaders as ex officio members. In addition to the ex officio members, the group consists of Senators Ted Stevens (R-Alaska), Sam Nunn (D-Georgia), Richard Lugar (R-Indiana), and Claiborne Pell (D-Rhode Island) as co-chairmen, and Senators Al Gore (D-Tennessee), Ted Kennedy (D-Massachusetts), Pat Moynihan (D-New York), Don Nickles (R-Oklahoma), John Warner (R-Virginia), and Malcolm Wallop (R-Wyoming). A delegation consisting of eight of the ten Senators in the Arms Control Observer Group, and headed by the two leaders, attended the opening sessions of these negotiations from March 9-12 in Geneva.[4]

The United States Senate has the constitutional responsibility of providing advice and consent in the making of treaties. This responsibility imposes upon Senators the obligation to become as knowledgeable as possible concerning the salient issues which are being addressed in the context of the negotiating process. Any accord with the Soviet Union to control or reduce our strategic weapons carries considerable weight for our nation. It will vitally affect our national security, the security of all our constituents, and the security of our allies. Such an agreement, or agreements, must be supported by a substantial national consensus to stand the test of time. Such a consensus is best achieved through the traditional treaty-making process which has been followed in the field of strategic arms control agreements entered into by the United States.

The Senate Committee on Foreign Relations has jurisdictional and oversight responsibility with regard to arms control negotiations and agreements. It is the purpose of the Senate Arms Control Observer Group to supplement the activities of the Foreign Relations Committee by providing a more regular and systematic involvement of the full Senate in the negotiations, without in any sense assuming the role of participants or negotiators in these talks. While the Foreign Relations Committee oversees arms control negotiations on a continuing basis, the full Senate has focused its attention in the past only sporadically on the vital aspects of arms control negotiations, usually developing a knowledge and understanding of the issues being negotiated after the fact—that is, after a draft treaty has been signed by the Executive branch. The result of this fitful process has been generally unsatisfactory in recent years. We seek to avoid a recurrence of the problems of the 1970's, when three successive arms control treaties, signed by three Presidents, were never approved for ratification by the Senate. These include the SALT II Treaty of 1979, the Threshhold Test Ban Treaty of 1974, and the Peaceful Nuclear Explosions Treaty of 1976.

In fulfillment of our constitutional responsibility in providing advice and consent in the making of treaties, we believe it is necessary to become completely conversant concerning the particular issues under negotiation. We believe that such knowledge is critical to the understanding by the Senate of the issues involved, and that an intimate knowledge of the evolving issues will permit our negotiators to have the benefit of our advice and counsel, when appropriate, on a continuing basis during the course of the negotiations. We believe that the Senate will be in a far better position to evaluate any agreement which may be reached and that such agreement might benefit from the reactions of the Senate as it is being formulated. We also firmly believe that the interplay of ideas that has occurred and will continue to occur with the members of our observer team will be of assistance to our negotiators.

In the event that the negotiations fail, the Senate will be in a better position to understand and to make comprehensible to the American people just why that failure occurred. This is particularly important in light of the staggering complexity of the issues now being negotiated in Geneva.

Chronology and Functioning of the Observer Group

The philosophy underlying the creation of the Observer Group, and the mechanisms of coordination with the Executive branch necessary for its effective operation, were the subject of a series of resolutions, letters, and meetings from December 1984 to April 1985. In December 1984, Senate Majority Leader-elect Dole decided to introduce a resolution in the 99th Congress aimed at underscoring the strong support in the Senate for the President's arms control efforts. To emphasize the importance of this issue, Senator Dole planned to make this resolution the first substantive act of his leadership and to seek affirmative action on it the first day of the new Congress, January 3, 1985. Further, to demonstrate the bipartisan nature of the support which he believed existed in the Senate, Senator Dole early on sought the participation and cooperation in the effort of Senate Minority Leader Robert C. Byrd.

Simultaneously, Senator Byrd was already pursuing the possibility of creating a Senate arms control observer group. His initial proposal in this regard was made by telephone to President Reagan on December 9, 1984. Senator Byrd suggested that a small, bipartisan group of Senators, recommended by the Senate leadership, be appointed as official observers on our delegation to any arms control negotiations which might result from the meetings to be held in Geneva between Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko in Geneva on January 7-8, 1985. The reaction by the President was enthusiastic and positive, and Senator Byrd followed up this initial discussion with a letter to the President outlining his proposal on December 13, 1984.

In follow-up discussions, Senators Dole and Byrd agreed to meld their approaches in a single resolution, including the concept of an observer group. Senator Dole broached this idea with the Administration and, on January 2, 1985, Acting Secretary of State Kenneth Dam wrote to Senator Dole providing a positive Administration reaction to the proposal. He indicated that an Observer Group would be welcomed by the Administration and that the Group would be provided full briefings by our negotiators to any arms control talks which might emerge. Further, he indicated that the Administration would seek to have the Senators meet on an informal basis with the Soviet delegates as well.

On the basis of this dialogue, the Senate passed S. Res. 19, sponsored jointly by Senators Dole and Byrd, on January 3, 1985, the first day of the 99th Congress.

Mr. HELMS. Madam President, as we all know by now, the official line—more delicately put, the official U.S. claim—is that this INF Treaty removes from Europe an entire class of nuclear weapons; that is to say, those with a range between 500 and 5,500 kilometers.

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[3] The resolution and supporting statements are included at the conclusion of this report at Appendix C.

[4] Senators Moynihan and Wallop were unable to attend due to other pressing Senate business.

There used to be a song a long time ago intitled "But It Ain't Necessarily So," that song fits, because the preponderance of the evidence, for those who will take the time to analyze and assess this treaty, demonstrates clearly that this claim by the State Department and others is far from accurate.

A more nearly accurate assessment is that nuclear weapons will not—and I repeat, for the purpose of emphasis, will not—be reduced under the terms of this treaty. Indeed, this treaty permits the Soviets to remove aging delivery vehicles from their stockpile, to take the delivery vehicles out and bolt new and updated delivery systems onto existing warheads. That is not arms reduction.

The nuclear devices, of course, are the most expensive and difficult components to produce; and I emphasize that by the time this treaty is fully implemented, all of the U.S.-NATO strategic weapons in Europe will have been removed, and the Soviet Union nuclear forces targeted on Europe will have been fully modernize. Regardless of all the snake-oil claims made, that is a fact. The Soviet Union will be at least as powerful and, in fact, more formidable than ever.

The Soviet Union can defeat the purpose of the INF Treaty in two ways:

One, the Soviets can defeat the treaty by following its terms to the letter. The Soviets knew what they were doing when they negotiated this treaty. Will Rogers said a long time ago that the United States has never lost a war nor won a treaty.

Second, the Soviets can defeat this treaty by cheating, and they have developed that to a fine art, as all of us should know. But in this case, the Soviets probably will do both, at virtually no risk of being caught at it. Let me elaborate.

The Soviets can defeat the treaty's purpose simply by following its terms carefully. That is why the Soviets have been so eager to have this treaty ratified. The missiles to be eliminated are defined so restrictively that the old missile, the SS-20, is prohibited. But a new, enhanced version of vertually the same Soviet missile, known as the SS-25, is not prohibited. The point is that the SS-25 can do everything that the prohibited SS-20 can do, and then some. Because the treaty exempts missiles tested, even ones at a longer range than 5,500 kilometers, the SS-25 is left untouched by this treaty. That is an acknowledged fact. It was brought up repeatedly during the consideration of the treaty by the Foreign Relations Committee and by the Armed Services Committee, and the proponents of the committee said, "So what?"

My response was, "So, a lot," because as already pointed out, the Soviets can even use the same nuclear weapons, and I am now talking about the warheads, removed from the SS-20's that are to be destroyed under the terms of this treaty.

The Soviets can also defeat the treaty's purposes by cheating. And who in this Senate will deny the long record of the Soviet Union at duplicity and cheating?

The Soviets have cheated massively on every previous arms control agreement, and no less than Ronald Reagan himself has said this repeatedly. I have a hunch that if Ronald Reagan were running for President this year, instead of finishing up his 8 years in the White House, he would be out on the hustings demanding that this treaty be rejected by the Senate.

In fact, the SS-25—and that is the missile that is not covered by this treaty—the SS-25 itself is a violation of the constraints of SALT II. It was established clearly in the committee hearings that we do not know how many SS-20's the Soviets have produced. We never will.

The astonishingly wide variation of estimates by our nine intelligence agencies on this question about the number of SS-20's produced by the Soviet Union makes it certain that we will never know when, or if, all of the SS-20 delivery vehicles have been destroyed. And bear in mind that no matter how many tubes are destroyed, if you want to describe them that way, the warheads will be removed, and they can be bolted on the SS-25's. Now the warhead is the weapon.

The variation in our intelligence estimates, reportedly ranging from as low as 550 to at least 1,250, is far too wide to be accepted by a reasonable mind.

Under the treaty, the Soviets promise to destroy 650 SS-20 delivery vehicles. Yet if they do so, they could still have another 300 to 600 hidden as a covert force, according to evaluations reportedly emanating from the majority of our nine intelligence agencies.

I do not think many Americans understand that yet. Maybe not many Senators do.

But the notion that a covert missile force of that size would not be militarily significant represents, I think, the triumphant of hope over common sense.

Although some administration witnesses attempted to maintain that such a covert force would be militarily useless without the chance to test fire the missiles regularly to test reliability—tests supposedly, but only supposedly, detectable—no one has refuted President Reagan's own report that the Soviets had kept a similar covert force of more than 100 SS-16's for 8 years without the United States detecting either a test or the missiles themselves.

If the majority of our intelligence agencies are right about the numbers, I think we can be sure that the Soviets would not keep a covert missile force unless they had figured out not only how to keep it, but also how to keep it in readiness.

For this reason, the verification process in the treaty is virtually useless. The treaty contains only quantitative criteria for the missiles to be destroyed, with no qualitative criteria at all. Thus the Soviet missiles to be destroyed could be factory rejects or even dummies, as well as those old aging delivery vehicles that we expect them to destroy, delivery vehicles, not the weapons, because, remember, the warhead that will be removed from each of them can be bolted onto the SS-25 which is not covered by this treaty.

Furthermore, all of us talk about the onsite inspection that takes place under this treaty only at specific places chosen by the Soviet Union and which they have identified beforehand.

Now, I hardly think that any reasonable person would expect the Soviets to keep its covert missiles at a place they were going to tell us we could look.

Now, it is highly significant that the Senate Select Committee on Intelligence, in its report to the Foreign Relations Committee, was extremely guarded in its assessment of the verifiability of this INF Treaty. The Intelligence Committee stated that the treaty was verifiable only with regard to those declared sites, but bear in mind that the Soviets are the ones doing the declaring.

This means that we can verify the treaty only at sites where there is scant possibility of a Soviet violation. It is the old shell game and the Soviets are good at it.

Other testimony showed that our chances of detecting a violation outside of those declared sites were about 1 to 10. We would have to be astonishingly lucky, or the Soviets would have to be incredibly careless, for us to detect a violation under those circumstances.

Finally, even if a violation were detected, the Soviets would suffer no consequences. No major arms control violation of the Soviets in the past has ever been corrected, not one time.

For example, the Soviets have deployed a prohibited nationwide ABM system including the capability to hand over incoming information to battle-management radars and interceptors. Yet our own State Department has declined for more than 7 months to implement the 5-year compliance review mandated by the ABM Treaty because we would have to declare, do you not know, that the Soviet Union is engaged in a material breach of the ABM Treaty. And it is a credit to this Senate and to the distinguished chairman and ranking member of the Armed Services Committee that my amendment yesterday was readily accepted and agreed to by them and approved by the Senate to require our Government to live up to the ABM Treaty in that regard.

So, that is what we run into with the State Department, the doubletalk, the reluctance.

Arms control without compliance is nothing more than an illusion. Yet this treaty contains no compliance regime whatsoever, except perhaps another useless commission where we could go and express a strong protest, and the Soviets say "ha, ha ha," and they have been saying "ha, ha, ha" every time we have gotten around to protesting their previous violations on previous treaties.

The Soviets' only obligation is that they come to the Commission meeting and they sit there and listen and we protest, and they go home and smile at each other and say, "We did it to them again."

The point is this: The Soviets have cheated and we have known it. They are cheating now and we know it. And they will continue to cheat. This treaty can have no other result. Yet the lack of a true compliance regime signals to the Soviets that we do not intend to take their violations seriously. Even if we did, there is nothing we could do about it.

The net effect then of the INF Treaty is to make both conventional and nuclear war more likely, not less likely. Even the threat of a conventional attack on Europe will have a profound effect on the social, political, and religious freedoms of Europe. The documented lack of freedom in Eastern Europe points to what could well happen in a Western Europe that is neutralized and intimidated by the elimination of the major NATO deterrents called for in the INF Treaty.

In the end, the treaty invites either global nuclear war or acquiescence to a future not worth looking forward to.

So that is why I have contended all along, having sat down right at the beginning when the treaty text was delivered to me in December, I concluded then that it is fatally flawed and I have not changed my opinion. And those flaws fall into two categories.

The first category consists of flaws which, on their face, defeat the principal object and purpose of the treaty. The second category consists of those which raise the potential for action which could defeat the object and purpose of the treaty. And, finally, there are issues of constitutional and international law which the Senate must consider, including something that has been absolutely obscured, and that is the cost—the cost—to the American taxpayers of implementing this treaty.

Madam President, the fatal flaws which defeat the principal object and purpose of the treaty include the following:

First, the treaty permits the Soviets to modernize the delivery vehicles for the SS-20 warheads—thereby retaining the same nuclear capability against Europe—while eliminating the only assured nuclear deterrent possessed by NATO.

Second, the verification procedures of the treaty provide no certainty of discovering Soviet cheating, while—based on past Soviet performance and present evidence—the Soviets may indeed have up to twice as many SS-20's as they declare in the treaty. I have filed a top secret code word level annex to the Senate Foreign Relations report which is available to Senators and appropriately cleared staff in S-407 of the Capitol.

Third, the treaty is overbroad in that it blocks not only future developments in nuclear weapons technology but in conventional technology as well, a circumstance scarcely, if at all, considered by the negotiators, despite the fact that inventive technology is a major advantage of the United States. And that is what the Soviet Union was concerned about. Moreover, the treaty needlessly surrenders nonnuclear weapons technology based on ground-launched cruise missiles, in an illusory pursuit of verifiability—thereby giving up a relatively cheap and highly effective conventional deterrent weapon for the defense of Europe.

Fourth, the final data upon which the treaty is based will not be made available until 30 days after the treaty is ratified, thereby making it possible for the Soviets to make radical changes in the numbers of missiles to be destroyed, and defeating the already weak verification scheme.

Faith, the very concept of the INF Treaty alone is untenable so long as the Soviets maintain large inventories of ICBM delivery vehicles and warheads that can substitute for the missiles to be eliminated. And bear in mind that the Soviets and the United States will destroy only the delivery system and not the warhead.

Until the START negotiations are completed and implemented, Western Europe will still be targeted by Soviet nuclear weapons, but will have nonnuclear deterrent for its own security. To maintain balanced reductions, I think that we should consider that the INF Treaty should not be ratified until START likewise is ratified.

Madam President, the cost of this treaty has not even been discussed in the debate thus far and scarcely touched upon, if at all, by the major news media of this country.

Now, I am going to offer an amendment to this treaty at some point, if it is ratified, that we begin to remove American servicemen and women and their dependents from Europe. The European leaders profess to be enthusiastically in favor of this INF Treaty. And I might add at the very time their subordinates and their defense people were coming to us and saying, "Boy, it's a terrible treaty." But they endorsed it because they are fearful of the protest movements in Europe. So they have endorsed it. Fine.

But I think it is about time for Europe to defend itself and to pay for it. Let us start bringing our men and women home and their dependents.

Now, I wonder how many Americans know how much the taxpayers of this country are paying to defend Europe. The figure is $477 million a day; 60 percent, 60 percent of the Defense budget. So, we must consider that this treaty creates U.S. hostages in Europe at a cost of $477 million per day.

There are only two good reasons to sign any arms control treaty. First, to reduce the risk of war and, second, to enhance the security of our country. Tragically, this treaty accomplishes neither purpose.

The Soviets enjoy a decisive 5-to-1 margin of superiority over our forces in Europe, on the basis of their strength in chemical and conventional warfare forces—five to one.

Winston Churchill once said, "Strength helps prevent war. Weakness invites aggression."

So I think it is self-evident that the danger of war is enhanced if the totalitarians in the Kremlin see an opportunity to dominate Western Europe at minimal military risk for themselves. With the removal and destruction of our Pershing II missiles, we will surrender our ability to retaliate effectively against Soviet aggression. We will no longer be able to hold at risk 2.5 million Communist troops, 40,000 Communist tanks, and 6,000 Communist fighter aircraft.

So with the elimination of our nonnuclear ground-launch cruise missiles, or GLCM's, as we call them, we will no longer be able to disrupt Soviet supply lines as a way of neutralizing the enemy's "blitzkrieg" strategy.

The Washington Times has pointed out that:

> Warsaw Pact supply routes in Eastern Europe contain thousands of choke points, most or all of which could be disrupted with non-nuclear cruise missiles. Without those supply routes, Communist-bloc forces simply would be stranded in the field.
>
> Soviet and Warsaw Pact armies already have created the basic structure—bridges, roads, storage depots, airfields and fuel supplies—necessary to mount a European invasion.

Mr. President, ratification of this treaty will not promote peace nor will it enhance our security, or that of our allies. Quite the contrary, it will require West Germany to deal with the new reality of Soviet dominance in Western Europe, 3 years from now, in 1991, when our deterrent force has been dismantled.

Today in 1988, 325,000 American military personnel and 300,000 of their dependents are on the frontiers of freedom in West Germany. Today these men and women have a clearly defined mission—to deter and, if necessary, to defeat a Soviet-initiated attack on Western Europe. In 3 years, however, if the INF Treaty is ratified and implemented, those 625,000 Americans will have replaced our missiles as the main barrier to Soviet intimidation and aggression.

Instead of using Pershings and GLCM's, we will be required to ward off the Soviets with human hostages.

Mr. President, twice in this century our troops have been sent to fight "no win" wars, in Korea and in Vietnam. In both places, our Government's goal was not victory, but stalemate. Tens of thousands of our sons were sacrificed for the sake of State Department theories and diplomatic negotiations. Now in Western Europe we are once again about to sacrifice our children on the altar of arms control, détente, and so-called "limited war" to test those theories.

Instead of trusting in Almighty God and in our own strength, like Samson we will be shorn of that strength in order that we may embrace the new Delilah in the Kremlin.

Despite an unbroken record of Soviet cheating on every treaty we have ever signed with our Communist enemy, the United States Senate may be about to entrust the lives of our children and the security of our country to yet another worthless piece of paper signed by an adversary who uses arms control to disarm us, and to strengthen his own position.

Throughout my Senate career, which began 15 years ago in 1973, I have consistently voted for every proposal put before me to strengthen America's defenses and to protect our vital interests throughout the world. Yet NATO has not responded in kind.

While the countries of Western Europe were spending only 5.1 percent and less of their gross national product on their own defense compared to our 6.6 percent, the Senate was voting to assure that American would do more—not for their sakes, but for ours.

In 1986, every American was taxed on the average $1,155 to pay for defense while West Germans were paying $453 apiece, citizens of Spain $113, the British $488, the Portuguese $90 apiece. We should pay to defend America, but we should not have to pay more to defend their countries than they are willing to pay to defend themselves.

President Eisenhower wrote in 1963, "I believe the time has come when we should start withdrawing some of the U.S. troops. One American division in Europe can show the flag as definitively as can several." In 1951, Eisenhower said if, in 10 years "all American troops stationed in Europe have not been returned to the United States, then this whole project (i.e., NATO) will have failed."

So long as Europe could not afford to defend itself, U.S. troops in Europe made sense, and NATO played a positive role in securing the West. But the troops were not intended to be permanently stationed in Europe. They were viewed as an emergency measure that would remain in force only until Europe recovered from World War II.

Twenty-five years later, we have not one division in Europe, but four.

I have always been willing to do what was necessary for NATO as long as it made sense for America. But it will no longer make sense for America to keep our troops and their dependents in Europe 40 years after the end of World War II at a cost of $477,000,000 per day, if we are unprepared to defend those troops, and if they are not in a position to carry out successfully the mission to which they were originally assigned.

It would be unconscionable to leave our young people as hostages in Europe, knowing full well that if war breaks out, there is nothing America will or can do—and knowing full well that the Europeans will do nothing more than they have done in the past to provide for their own defense.

There is no question that the Europeans are economically equipped to provide for their own defense. They have more than ample people, money, and technology. But they have preferred to rely on the pocketbooks of American workers and the good will of the Soviet Union.

What is most amazing is the European political leaders have permitted themselves to be led like lambs to the slaughter, publicly supporting the INF Treaty while privately condemning it. But the lack of forthrightness on another continent is no excuse for the sacrifice of our children in another battle of Dunkirk in which the world watches as the surviving troops of the free world are hauled away in fishing boats.

There is no question, Madam President, that the Europeans are economically equipped to provide for their own defense. So I say let them do it. And remove from the backs of the American taxpayers the $477 million a day that it costs us to provide them with their defense. The Europeans have more than ample people. They have more than ample money and technology. But they have preferred to rely on the pocketbooks of the American workers and the good will of the Soviet Union.

The decision by the United States Senate to ratify the INF Treaty will be a decision to abandon Western Europe to the strategic hegemony of our Soviet enemy and I am going to vote against ratification, even if I am the only Senator to do so.

I thank the Chair and I yield the floor.

The **PRESIDING OFFICER.** Who yields time? The Senator from Rhode Island.

Mr. **PELL.** Madam President, I yield 10 minutes to the Senator from California.

Mr. **CRANSTON.** I thank the distinguished chairman of the committee very much.

Madam President, today we embark on the Senate's first serious consideration of an arms control treaty in a good many years.

Efforts in the past decade to make progress in this area have been derailed or derided by arms control critics. But I see real signs of progress. A bipartisan spirit and approach to arms control and an improved climate in United States-Soviet relations give me cause for hope—hope for a world more free of tension, hope for a world free from the threat of nuclear war.

I believe we will, at long last, take a step in the right direction and ratify the INF Treaty—I trust before the forthcoming United States-Soviet summit.

The Senate—thanks in large part to the determination of the majority leader—has performed a service of historic dimension by withholding Senate consideration of the treaty until now.

He and Senators NUNN, BOREN, and others demanded that a number of problems had to be cleared up first. They have been cleared up.

I agree with the majority leader that the Senate must not be held to an arbitrary deadline for ratification. But we must face reality. The reality is that on May 29, President Reagan will meet with Soviet leader Gorbachev in Moscow.

The President should not go to that meeting empty handed. There is no longer any justification for even considering that he go empty handed. Now is the time for action. We should approve this treaty. And we should approve it without delay.

This treaty is a historic agreement. Not in its direct effort, which is a modest reduction of the superpowers' bloated nuclear arsenals, but in the hopeful signal and valuable experience it provides us for future arms control agreements.

The INF Treaty is precedent-setting in several respects. The inspection and verification provisions of this treaty are the most intrusive, detailed, and thorough that we have ever negotiated. This is a genuine breakthrough. And the most concete example of glasnost I have seen. Opening the Soviet Union to on-site inspection eliminates a major obstacle to arms limitations and paves the way for dealing with the more difficult problems of monitoring deep reductions in strategic arms.

That is why it is so important to approve this treaty before the President goes to Moscow so that he will be able there to build on this foundation and move on to far more significant matters relating to arms and relating to the American-Soviet relationship. The possibility of greatly improving this relationship and turning it to peaceful and constructive channels is now within reach.

The treaty is historic in other ways, too. It affects an entire class of nuclear weapons, eliminating a threat that has been in existence for decades.

And most importantly, this is the first agreement that does more than just slow the increase of weapons. It will require that the Soviet Union and the United States destroy a part of their arsenals.

Three Senate committees, comprising nearly half the Members of the Senate, have heard thousands of pages of testimony from dozens of expert witnesses on the ramifications of the INF Treaty.

I want to pay tribute to the chairman of the Foreign Relations Committee, the Senator now managing this measure, this treaty on the floor, for his patience and diligence and hard and diplomatic work in guiding this treaty through not only the Foreign Relations Committee, but through the other difficulties and pitfalls that stood in its way before we finally arrived here on the floor. I welcome the opportunity to work with them.

The members of the Foreign Relations Intelligence, and Armed Services Committees have worked together to clarify ambiguities, to pin down definitions, and to urge the executive branch to remedy any potential discrepancies. We have poked and pried and dissected and questioned this treaty like no other. It is perhaps the most closely scrutinized treaty ever submitted for Senate consideration.

Given the complexity of this treaty and the accompanying protocols, it is remarkable there has been so little dispute over its specific substantive provisions. Those issues that have been raised, like recent clarifications on implementing the inspection procedures, have been resolved quickly and to our satisfaction. We have had a very capable negotiating team in Geneva, and a very capable Secretary of State at the helm.

I believe the language of this treaty is as clear as human language will allow. There can be no dispute about the essential facts: The Soviets will disable four times as many warheads as the United States. The treaty will establish the precedent of aysemmetrical reductions. And our confidence in our ability to verify Soviet compliance is very high.

Even after this treaty is fully implemented, there will continue to be many, many areas for superpower competition. We have a long road to walk if we are to bring any semblance of control to the nuclear weapons competition.

But, if we are fortunate, the implementation of this agreement will mark the beginning of the end of this mindless race to build better, more efficient and more numerous methods of destruction. Perhaps we can soon begin to think of increasing our national security in terms of decreasing our arsenals, rather than adding ever more to the stockpile.

Some have said that the INF Treaty will help the Soviet Union. Of course it will. I've never heard of any nation that knowingly and without duress signs a treaty that is contrary to its own self-interest. I think we must pull ourselves out of the mindset that holds that anything good for the Soviet Union is necessarily bad for the United States. Increasing international security, even increasing the Soviets' sense of security, can indeed make America more secure as well.

It so happens that the treaty will help the United States as well as the Soviet Union. The fact is that the implementation of the treaty is overwhelmingly in our national interest. It is strongly supported by the citizens of this country.

It is also in the interest of our allies—not just in Europe but in Asia and the Pacific as well. It received the unanimous endorsement of NATO leaders and high praise from NATO defense ministers.

This treaty is a significant bipartisan achievement. I urge the Senate to ratify it without delay.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, first I would urge all Senators who would like to make opening statements: This is a good time to do it. We would like to get into the meat of the process on tomorrow. I am certain the manager, the chairman of the Foreign Relations Committee, and others, would like to move ahead.

We have been calling people on our side because today we enter the home stretch. We are finally on this treaty. There have been good reasons why we have not started before, and I think everybody has a right to be proud of a job well done. As I have said before, the Senate has played a constructive role.

We had a constitutional role to play. We played that role, as most recently demonstrated in testimony just yesterday before the Foreign Relations Committee, Senator PELL's committee, by Secretary Shultz. He had been back to Geneva negotiating with the Soviets, clarifying some areas that had been raised by who? By Members of the Senate. And now we have a better treaty than we had a week ago.

I would guess others will find mistakes. And I guess over the next 10 or 15 years there are going to be technical corrections and adjustments and understandings and resolutions of differences between Soviets and Americans.

I do not quarrel with anyone who wants to vote against consenting to ratification. They have a perfect right to do that. I know some will do that. Obviously, some will want to offer amendments to the text of the treaty, or others will want to offer reservations or amendments or statements or declarations to the Resolution of Ratification. As far as I know, no one quarrels with that. But the point is we ought to do it, and do it as quickly as we can.

I know of no one in this body who wants to deny the President a hard-earned right to take the Instruments of Ratification to Moscow with him. I do not know of anybody on the Democratic side or anyone on the Republican side who has not had enough time to understand the treaty. There have been thousands of detailed questions, hundreds of witnesses, scores of hearings in three different committees. Senators and staff from both sides of the aisle have worked long and hard.

I would guess there has never been a treaty that has been more closely scrutinized than the one before the Senate right now.

So I am going to stand here in a very positive way and predict that we are going to do this for the President—but not just for the President, for the country, for Democrats, Republicans, and Independents and all those people out there who may not be interested in politics, but who are concerned about their future, their children's future, and their grandchildren's future.

We are not doing this because it is in the Soviets' interests. We are doing it because it is in our national interests. I assume they have made the same judgment. They would not do it if it was not in their national interest.

We don't have to trust the Soviets, or trust Gorbachev, or trust anyone else. We have made a judgment. We have a lot of experts in this field who say that this is a good treaty, and it is in our interests. That is the bottom line.

NEGOTIATING RECORD VALUABLE

Senators and staff on both sides have spent countless hours studying the negotiating record. I recall that when Senator NUNN first proposed Senate access to the negotiating record many were skeptical. In retrospect I believe this was a positive development which should be repeated for all major treaties because with the benefit of the record the Senate has been able to develop its own clear idea of what obligations the two parties proposed to undertake in the INF Treaty.

CONCRETE RESULTS

All the work was worth it. When I told President Reagan I would support the treaty and make an effort to lead the effort for ratification, I also told him that I believed the Senate could improve upon an already good product. As I have said a few moments ago, we did that just this past week, and we have done it in hearings, we have done it with statements, and we will continue to work in this constructive way.

Senators NUNN and WARNER, and QUAYLE, and their Armed Services Committee colleagues led the way to defend and resolve the so-called futures issue. The result is a diplomatic note signed by the United States and Soviet representatives which is going to be part of the treaty.

With Intelligence Committee insistence as backing, the administration was able to press the Soviets for quick resolution on the nine onsite inspection issues. Perhaps these were just some predictable glitches; perhaps not. But one way or the other the Soviets have been reminded that verification is of paramount importance to us. We want to be able to verify the terms and conditions of this treaty.

Again, we have a signed paper in hand. Chairman BOREN and Vice Chairman COHEN, and their colleagues are to be thanked for this.

Certainly the Senate Foreign Relations Committee, under the leadership of Senator PELL, Senator HELMS, Senator LUGAR, and others, has contributed to making a record.

THE BIG PICTURE

So the Senate has made a difference but we have not reached the bottom line. I think the bottom line is to get this treaty behind us. It deserves our advice and consent. It ought to be backed by a big bipartisan majority.

I know there are already some saying, "Well, now, this is 1988; this is a political year; we don't want to do this or that because some party might benefit." The beneficiaries will be the American people. I think that is how it is going to be perceived.

This is a historic treaty, the first ever to reduce existing nuclear weapons. In fact, it eliminates two entire classes of them. Its verification provisions are unprecedented, with onsite inspection, and they are also effective. The Soviets have finally agreed to asymmetrical reductions. And finally, the treaty is a triumph for NATO cohesion.

I must say, when I was trying to make a judgment on the treaty, I called Margaret Thatcher. I did not know if she would take my call, but at that time I was ahead in Iowa and she took my call. We talked about the treaty because I wanted to hear it from her firsthand that she supported it, and she did.

I also talked to Chancellor Helmut Kohl, who had the same response—enthusiastic support for the treaty. And I later talked to Prime Minister Goria of Italy, who was visiting the United States—and he was in support of the treaty.

SUMMIT RATIFICATION DESIRABLE

So we have to work carefully and we have to work independently. We cannot be caught up by any artificial deadlines. We have worked carefully for nearly 4 months.

So as I have said, we have had Senators on three committees look at this carefully. Now there are other Members. They want to be here; they want to ask questions; they want to make statements; they want to offer whatever they are going to offer; they want to make their points. In fact, I have a few points of my own I hope to make, and we will have the opportunity starting right now.

On the other hand, we do not live in a vacuum. This is not just some academic exercise. This is a real world issue of huge importance and the world is watching what we do. One of INF's biggest pluses is the boost it gives to the U.S. leaderhsip and the NATO alliance, and that plus will be doubled with ratification at the upcoming summit.

Now, if this were incompatible with Senate responsibility, I would be the first to say, "slow down," but this is not the case. Next Wednesday will make 4 months since the treaty was transmitted to the Senate, and I cannot think of a better target date for advice and consent. That gives us 7 or 8 solid working days. We should work quickly but thoroughly through the amendments to the treaty text because I am certain most of my colleagues agree that such amendments, in most cases, are going to be unwarranted.

DROP TREATY INTERPRETATION CONDITION

Then, in accordance with Senate procedure, we will turn to the treaty interpretation condition proposed by the Foreign Relations Committee as the first order of business on the Resolution of Ratification. I hope the authors of this provision agree that all the recent Senate good work on this point makes this exercise unnecessary.

Indeed, Senate action on the "futures" and onsite inspection issues involved looking behind administration testimony, studying the negotiating record, and insisting upon written clarifications agreed with the Soviets.

We cannot now credibly assert that the treaty's meaning is based only on its text and executive testimony. This notion derives neither from the Constitution, nor from practical experience. In reality, it is rooted only in our disagreement over another treaty, another treaty not even before us, but insistence upon it will certainly delay this treaty.

I do not believe that such delay is fitting to end the solid work we have done. So I think we have to put the other differences aside and spend our time on the INF issues.

LET'S GET TO WORK

It is time to roll up our sleeves and finish our work, and, as other speakers have said, there is absolutely no reason, unless something pops up that nobody has thought of—and there have been a lot of pretty good minds, men and women, people in this country and outside this country that have looked at this treaty, looked at it with an eagle eye—there is no good reason why the President should not have this treaty to ratify in Moscow.

When Ronald Reagan steps off Air Force One and onto Russian soil, I want Mr. Gorbachev to know that he is facing a man with a solid backing of Congress and the American people. That is what this is all about.

So I am going to be working closely with the majority leader, who I think has done an outstanding job, in making certain that we resolved some of these issues before coming to the floor. We have saved time this past week.

And I know that some of my colleagues, as I have said, have differences. That is fine. Some will raise valid points, just as valid points were raised on futures and on inspection and on other things. Maybe someone will find a real area that should be corrected. But I hope what we can do is to do what we have a reputation of doing around here, and that is being very constructive and not delaying. This is a Senate responsibility, but it is an issue that transcends this Chamber.

Oh, it is important to the President. But it is important to the American people. It is important to free people around the world. It is important to those who look to us for leadership all around the world. I think we will have ample time.

So in the next few days when we get into the nitty-gritty of this, we are going to have to stand up and be counted and move this treaty along. I pledge the President of the United States my support, and I am going to do what I can in the next several days to make certain that when he leaves the United States, he has what he needs in his pocket.

I will be happy to yield whatever time he may consume to the Senator from Idaho, but before I do, I also want to say, there is an excellent work on the Republican desks, which I am certain we can make available to the other side. It is a very objective, nonpartisan analysis of the reports from the Foreign Relations, Armed Services, and Intelligence Committees on the treaty. It is a good summary, and I want to congratulate Rob Soofer who is a staffer of the Republican Policy Committee. I am certain we will be happy to make copies available to either side. It is a good summary that puts it all in perspective.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the distinguished Republican leader for not only his remarks but his long service in this body and the other body and his prior service to his country that is a record matched by very few people who have served in this Senate.

I must say that it has been a privilege for me to be one of his supporters in his recent political endeavors and still one of his supporters. I hope to be on his team here in the Senate, even though on this particular issue when I take the floor, I am not coming down on the same side of the issue as our distinguished Republican leader.

Mr. President, in getting into my remarks, it is not the intention of this Senator to in any way delay the deliberations that the Senate must do in its responsibilities to advise and consent and to eventually ratify this treaty.

My point is I wish to make my case to my colleagues in the best fashion I know how. Ultimately, we will have a vote, and I think there is much to do about the fact that the President should have this treaty with him, if it is going to be ratified, prior to the time he makes his journey to the Soviet Union.

I suppose that one might take the rather philosophical approach to it, whether you are for or against this treaty, that probably there will not be many votes changed by what is said here in this Chamber in the next 2 weeks.

I do think, historically looking at this, that in the course of history, it is rather irrelevant President Reagan has the treaty in his pocket to take to Moscow with him to meet the dictator of the Soviet Union, Mr. Gorbachev, or whether he does not. But I think also that it is probably not too significant in the course of history whether we vote on the treaty prior to his going or after he goes, unless there is something else that may come out, although I said all along I thought the time eventually was on the side of those people who are in opposition to this treaty.

But I think in many ways, it might be said that this was a fait accompli when the treaty was originally signed last December.

I might say one thing about President Reagan and his administration, who successfully negotiated this treaty: President Reagan demonstrated that it takes more than just rhetoric to have the confidence and credibility not only of our allies, but the respect of our adversaries; that it takes a strong political will.

That is probably the most important factor in negotiating with authoritarian governments for those of us who come from free societies, from the democratic process, from countries which aspire to democratic capitalism, personal freedom, human rights and human dignities. What we must remember is that the one single thing that is key and most important in negotiating with the dictatorships and the authoritarians and those people who stay in power by using oppression and tyranny and fear, such as the Soviet Union, that the best way to negotiate with them is from a position of strength.

So I think this President deserves the praise and admiration of all Americans because he negotiated from a position of strength.

I have to say that it was not the leftwing politicians in Europe from more liberal parties who made it possible for the Pershing II's and the cruise missiles to be deployed. It was not the more liberal politicians here in this body and in the other body who made it possible. It was the conservatives in America and people who knew that we had to deal from a position of strength who gave the President the political will to use the political chips in Western Europe, to make those early deployments in his administration of the Pershing II and the cruise missile, that made it possible to get to the point where the Soviets would come to the table to sign an agreement to get weapons systems out of Europe that they felt were a deterrent to Soviet hegemony and to the ultimate Soviet goal of breaking up the NATO alliance and pealing West Germany off from the alliance if they could do it.

Strength is the key. It takes political will, it takes economic strength, and it also takes a commitment to military strength to back it up. It is common sense.

My basic political philosophy with respect to foreign policy is that you should support your friends and oppose your enemies. Pretty easy to understand, pretty simple to understand, and I think that the problem I have found with this entire process since this big rush toward arms control in this administration is that probably the most significant thing that has happened in the signing of the INF Treaty is the fact that we got away from that policy of supporting our friends and opposing our enemies.

We have strengthened the political parties that are more socialistic, more sympathetic to the Communist bloc nations, less sympathetic to personal freedom, less sympathetic to economic freedom, less sympathetic to democratic capitalism and have weakened the position of the political leaders in Europe who have been in support of President Reagan's general philosophy that has been growing around the world.

I think when one looks at the economic growth that we have enjoyed in this country in the past 6 years of uninterrupted recovery, that that also has had a sustaining effect as part of the political will, the military strength, and the economic strength that we have been able to enjoy in the West under the leadership of the President.

So I say to President Reagan that I have the highest respect for his ability to get to the point that we signed the INF Treaty and that the Soviets were willing to deal with them, Mr. President. But I do think that the future now is more uncertain because I think that the United States of America has, by taking this action, emboldened the political parties who were viewed as our adversaries and have weakened those people who we viewed as our friends in the long haul in politics in Europe.

But having said that, I said last December that I would lay aside my preconceptions and doubts that I had about the treaty, and approach the treaty's ratification with an open mind. Even though I had great skepticism, as my colleagues know, I had great skepticism of all of the love in that took place here in Washington. And I might just say with respect to that that I hope after this summit when President Reagan goes to Moscow that we in the United States, no matter who our President is, whether it is GEORGE BUSH, Michael Dukakis, or whoever, will encourage the administrations of the future to not have home and home series summits where great expectations are billed to the American people, that somehow, something must be accomplished every year.

I would much prefer to see the leader of the United States, the President of the United States of America, the leader of the free world, an elected official, meet with the leader of the Soviet Union, an oppressive society, in a neutral court so we do not have this opportunity for the Soviets—who are masters of using the free press that they could not give to their people in their country—but that we do not give them just a free ride to paint themselves in the picture that somehow everything has changed in the Soviet Union, and now that Gorbachev is in power they now have stopped state-supported terrorism, which they have not; that they have withdrawn from Afghanistan, which we pray that they will, but they have not; that they stopped funding Communist revolutionary governments in Central America, all across Africa, and creating hegemony and terrorism against innocent civilians in places like Pakistan and many other places in the world, which they are still doing.

I think in many ways we allow ourselves, because Americans in general love to think that everything is going to be all right because we are optimistic, we are goal oriented. So what happens is that election time is rolling around, the administration therefore decides that it is time to get a treaty because after all the President is going to be leaving town, and we will push for this. It happens with every administration no matter whether they are Republicans, Democrats or what. There is always a time constraint built into our constitutional system because we know under the Constitution how long a President will be in office, or how long at least he has to go back and face reelection.

There is a pressure on those of us from the West to make a deal just like there is a pressure on the Senate. Let no one make a mistake. There is a pressure on this Senate to allow the President the privilege to go to Moscow with that treaty, ratified or not ratified. But there is a pressure on the Senate to get out of the way, let the thing happen because otherwise there would be all kinds of stories written in the newspapers and in the television, in the radios and so forth, that somehow everything was going to pot at River City because the Senate could not ratify the treaty on time.

So we do have this pressure. The Soviets do not have the same problem because if people start objecting too much in that country, they ship them off to Siberia. I would say to my colleagues the ultimate test, of course, of a free country, or a country that is really opening up, is that they stop killing people at the border if they choose to leave. And the ultimate test of a free society is you can liquidate your assets, get your money, get your passport and leave. As long as you live in a country that will allow that privilege, you are very, very lucky human beings. I think we should all count our blessings that we are blessed to live in this great land.

But anyway, Mr. President, I tried my best to be true to the promise that I would face this with an open mind. I listened carefully to a multitude of witnesses who testified before the Armed Services Committee, both pro and con. And I read and considered innumerable articles and reports concerning the treaty and the effects that it will have. But first and foremost I wanted to be convinced that the INF Treaty enhanced our national security, and was in the best interests of this Nation. I wanted to be convinced that we had reached a point in our relationship with the Soviet Union where we had achieved a mutual understanding based on openness, candor, and a point where the balance of terror was no longer considered a meaningful phrase.

I wanted to be convinced that the loss of more than 6½ billion dollars worth of American taxpayers' dollars had been spent on intermediate nuclear forces was equal to the gain and security represented by the treaty.

Finally, I wanted to be convinced that as a result of the treaty our future, the future of our alliances and our allies' future, indeed the future of the world as a whole, would be brighter and more secure.

Unfortunately, Mr. President, I am not convinced that is what has happened. All I have seen and heard from the proponents of the treaty can probably be summed up in the following manner. First, it will support our overall strategy by reducing risks. Second, it will strengthen our alliances. Third, it will decrease the Soviet military advantage. Finally, it will do all of this in a manner which provides assurances of verification.

All of us I think agree that the reduction of risk is a very, very important goal, a goal worthy of our best efforts. However, I have a difficult time with the treaty that purports to reduce the risks but lowers the point where a nuclear exchange is likely to take place, and also fails to address the overwhelming Soviet conventional superiority in Europe.

Mr. President, I filed minority views in the Armed Services Committee report. They are probably too lengthy. There is so much to say. I apologize to my colleagues because they are so lengthy. But at this point I just want to read one brief little page 82 from that report about the conventional forces that the Soviets and the Warsaw Pact have over NATO.

The Soviet Warsaw Pact has a 2-to-1 advantage in main battle tanks; 2.3-to-1 advantage in heavy artillery; 1.3-to-1 advantage in armored personnel carriers; 1.2-to-1 advantage in tactical aircraft; 2.4-to-1 advantage in interceptor aircraft; 6-to-1 advantage in the intermediate range bombers; and a 25-to-1 advantage in chemical decontamination equipment. And get this, Mr. President, the Soviet Warsaw Pact has 700,000 tons to zero in modern deliverable chemical munitions.

I think we have some 10 or 11 air bases with the flexible reponse aircraft deployed in Europe that will have to take up part of the slack, for the lack of the Pershing II's and the Cruise missiles.

That is a tremendous burden that it puts on our tactical and our non-nuclear deterrrence in Western Europe.

In my opinion, that means it in itself will increase the potential for a disastrous strategic exchange with the Soviet Union. It is not a reduction of the risk. It is a grievous miscalculation.

Why are we willing to accept a situation which permits our adversaries to retain their capability to engage the intermediate targets with their SS-24 and SS-25 mobile missile forces while we surrender only our own ground-based nuclear capability?

Many of my colleagues would cite our strategic missile force and our dual capable aircraft or even our sea-launched Cruise missiles as a way to offset our INF losses. But they do not acknowledge the inherent vulnerabilities of each of those systems which in my mind creates a serious question regarding the usefulness in the INF role.

Are we not being really less than candid when we suggest the use of strategic weapons to counter a Warsaw Pact attack against NATO without also admitting the tremendous risk of a follow-on strategic nuclear exchange?

Let us be honest about it. Do you believe we will fire an MX missile from the continental United States to retarget targets that now Pershing II missiles are capable of hitting? If you flip this on the other side of the coin, the Soviets can replace the SS-20's with SS-24's and SS-25's which they are going to retarget the same targets in Europe. So we do not have any targets in Europe that still are not under the same threat. But they still are firing those from the homeland of the Soviet Union into European targets, but not into United States targets. So we should think about that.

I want to point out another question. I visited Europe in January, visited with many of our military leaders, and asked them many questions about it. Of course, the party line there is that they can live with the INF if we modernize all our tactical and other weapons and keep our position strong enough to have a flexible response.

It is interesting to note, however, that Spain is trying to throw out 72 of our dual capable F-16 aircraft from there, and we will have to look for another home for them.

It is also interesting to note that when we state the case that we can use dual capable aircraft, I say to my colleagues, and particularly those who may not have thought through what a dual capable aircraft is, it is one that is used in a tactical battle but which still has the capability of the nuclear delivery system to use if all else fails.

If we have to withhold those aircraft from an ensuing land battle because we are fearful that we will lose them and we might have to have them, we only weaken the hands of our commanders who will need everything they can to stop the armored columns. So if aircraft are withheld from the initial land battle in order to be able to be held in reserve to conduct a nuclear strike, in my view we have complicated our ability to deal with that land battle as well as our need to achieve and maintain air superiority, and consequently increased the possibility of an early tactical nuclear exchange.

The PRESIDING OFFICER. If the Senator will suspend, the Chair points out that the time available to the Republican leader has expired.

Mr. SYMMS. Mr. President, I make an inquiry: Are we not on the debate of the INF Treaty?

The PRESIDING OFFICER. That is correct.

Mr. SYMMS. Are we under controlled time?

The PRESIDING OFFICER. We are under controlled time.

Mr. SYMMS. Is there more time available for the Republican leader?

The PRESIDING OFFICER. The Republican leader's time has expired.

Mr. SYMMS. Mr. President, a parliamentary inquiry: Are we starting on the same debate in the morning?

The PRESIDING OFFICER. The Senate will return to this matter in the morning, without controlled time.

The Chair points out to the Senator from Idaho that there is time available on the majority side. The Chair does not know whether the majority will yield time. There is none remaining on the republican side.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, are we not really overstating the case to suggest the use of dual capable aircraft to redress the INF problem. Afterall, if those aircraft are withheld from the initial land battle in order to conduct a nuclear strike, haven't we just complicated both our ability to deal with that land battle, as well as our need to achieve and maintain air superiority and consequently, increased the possibility of an early tactical nuclear exchange? Where then is the reduction in risk. I, for one, can't find it.

With regard to the premise that the treaty will serve to strengthen our alliances, I think it is very disturbing to note that many Europeans view the treaty as an unwelcome return to the insecurity of the seventies, when the only response available to NATO, in the event of a massive Soviet invasion of Europe, was a United States strategic nuclear attack on the Soviet homeland; an all or nothing response which most Europeans felt was a sham. Except, in the current case, the situation is even worse due to the tremendous increases in the quality and quantity of Soviet forces targeted against Western Europe.

In fact, the treaty not only dislocates the strategy of flexible response which has served NATO well for so many years, but it fails to address the massive Soviet land force advantage in cental Europe. In my view, the only thing the treaty accomplishes in this area is the magnification of the Soviet Union's threat to Europe, while simultaneously diminishing NATO's ability to deter that threat.

Already voices in Western Europe can be heard hailing the treaty as the first step in the drive toward a European nuclear free zone. Political pressure has started to build in Germany to slow down, reevaluate, and possibly do away with the Montebello modernization program. Have not Gennescher, Shevarnahdze, Hornecker, and others already met and begun discussion of eliminating all remaining nuclear weapons in both East and West Germany. Where then is the strengthening, the solidifying, the reinforcing nature of the treaty. I, for one, cannot find it. On the contrary, I believe the treaty calls into question the credibility of both our political and military commitments to Western Europe. As Mr. Benoist and many other prominent Europeans have recently concluded:

> Far from enhancing Western security, we believe the INF Agreement would shift the military balance in favor of the Warsaw Pact and assist the Soviet Union in seeking to include political changes in the West favorable to its interests. At the same time, the proposed accord would diminish any incentive for the Soviet Union to make fundamental changes in its domestic and foreign policies. We are also fearful that it would weaken the credibility of the United States nuclear gurantee to Europe, sow discord within the alliance, and seriously erode the reputation and influence of the United States, upon which free societies remain critically dependent.

Now let us turn our attention to the proposition that the treaty decreases the Soviet's military advantage. Over the course of the last 40 years, we have successfully deterred the Soviets from attempting a military conquest of Western Europe. That deterrence was the direct result of the Soviet's perception of our strength and our willingness to use that strength on behalf of our NATO allies. Our willingness to develop an INF force and deploy it forward in Europe and our allies' willingness to base those weapons on their soil only served to further strengthen NATO, while reinforcing the credibility of our deterrent. With the adoption of the INF Treaty our "equalizer" is gone. Remember that General Rogers, in his testimony before the Armed Services Committee, cautioned "keep in mind that for NATO's deterrent to be credible it must conjure up in the Soviet mind a perception of greater pain than gain from pact aggression" * * * and then we went on to state that "what the Soviets are eliminating comprises only about 3 percent of their stockpile of nuclear warheads. Nearly all of the remaining 97 percent can be targeted against installations in NATO's rear areas, thereby keeping the risk high and on the backs of the West European people. And what does NATO give up? The very weapon system the Soviets fear most—the Pershing II—which puts the Soviet homeland and people in a similar posture of vulnerability and keeps high the credibility of NATO's deterrent." Where then is the decrease in the Soviet's military advantage? I, for one, cannot find it.

Any overlaying all of these issues is the real centerpiece of the INF Treaty; the verification clause. Please excuse me Mr. President, I misspoke, I did not mean to say verification. What I meant to say was trust, the trust clause, for that is what it means. Like many of my colleagues, I too was concerned with the meaning of verification so I went to what I considered to be the most authoritative source available—Webster's third new international dictionary. Webster's defines the word "verification" as—and I quote—"The act or process of verifying or the state of being verified: the authentication of truth or accuracy by such means as facts, statements, citations, measurements, or attendant circumstances."

Using that definition as a basis, I reviewed the report of the Select Committee on Intelligence entitled "Monitoring and Verification Capabilities" where I found the following admission "with respect to assessing the accuracy of the numbers and locations of forces and systems declared by the Soviets in the treaty's memorandum of understanding, the intelligence community has not resolved significant differences of view over the possibility that the Soviets may not have disclosed their entire inventory of nondeployed SS-20 missiles * * * their potential military significance would, however, be short-lived. This is because the operational reliability and military utility of any covertly maintained missiles would begin to deteriorate immediately; would seriously degrade during the first 3 years, when all missiles are being eliminated; and would vanish entirely within a decade, unless the Soviets can begin flight testing them.

This would be both illegal and readily detectable." I think that statement is amazing. Not only does it admit that we don't know how many SS-20 missiles the Soviets have, and implies the Soviets are deliberately misleading us, but it goes on to understate the seriousness of that threat while justifying a decade of our own vulnerability. That, Mr. President, is why this clause should be entitled the trust clause not the verification clause. We are being asked to trust the Soviet Union because we can't verify the treaty. Trust the same nation that has violated every arms control treaty it has ever signed. Trust the nation that invaded Afghanistan. Trust the nation that still subjugates Eastern Europe and trust the nation that was responsible for shooting and killing Maj. Arthur Nichols. If that is verification Mr. President, I, for one, cannot find it and if its a basis for trust, I most certainly cannot find that either.

Given the fallacies and serious shortcomings of this treaty, why is there such a burning desire to place this Nation at risk. Why is there such a willingness to look past the realities of Soviet behavior and actions in the world and instead focus on the mythology of "perestroika" and the persona of Gorbachev. I do not have those answers Mr. President, only a hope. A hope that my colleagues will not succumb to "it's a rotten treaty but its the only one we got" mentality—to that reverse logic which decrees that despite all risk and in the face of solid evidence to the contrary, too much political capital has been invested for NATO to stand together if the Senate voted no.

My hope is that my colleagues will vote to address the realities and not their wishes. Treaty ratification should not be based on public relations skill, naive expectations or unrealistic assumptions. It is never to late to walk away from a bad deal. Therefore, Mr. President, I will cast my vote against ratification of the INF Treaty and urge my colleagues to do likewise, for if this treaty represents more security, a new relationship with the Soviet Union based on candor, a meaningful reduction in the "balance of terror" and a brighter future for our world, I, for one, cannot find it.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4471. An act to amend the Foreign Assistance Act of 1961 with respect to the activities on the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4471. An act to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, to make supplemental authorizations of appropriations for the Board for International Broadcasting, and for other purposes; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3260. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from October 1, 1987 through March 31, 1988; ordered to lie on the table.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself and Mr. HATFIELD):

S. 2404. A bill to amend title XX of the Social Security Act to provide for additional funds under such title and to reserve such funds for child day care services, to create a National Advisory Commission on Child Care, and for other purposes; to the Committee on Finance.

By Mr. BENTSEN:

S. 2405. A bill to establish the U.S. Mexico Border Regional Commission and to assist in the development of the economic and human resources of the United States-Mexico border region of the United States; to the Committee on Environment and Public Works.

S. 2406. A bill to authorize the Secretary of State to conclude agreements with the appropriate representative of the Government of Mexico to correct pollution of the Rio Grande; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself and Mr. HATFIELD):

S. 2404. A bill to amend title XX of the Social Security Act to provide for additional funds under such title and to reserve such funds for child day care services, to create a National Advisory Commission on Child Care, and for other purposes; to the Committee on Finance.

CHILD CARE ACT OF 1988

Mr. HOLLINGS. Mr. President, thus far in the 100th Congress, a plethora of child care bills have been introduced—more than 50 bills in all. Most are constructive; many are innovative. Indeed, I am proud to cosponsor several of these bills, including S. 1885, the Act for Better Child Care Services, along with Senators DODD, CRANSTON, and CHAFEE. The flaw in all of these bills, however, is that none offers an immediate response to the rapidly expanding crisis in American child care services. what's more, amidst the cacophony and confusion of so many alternative proposals, there is a very real danger that the legislative overload will paralyze Congress, preventing any action this year. That would be the ultimate irony and tragedy of so many well-intentioned proposals.

Mr. President, to cut through this legislative gridlock, Senator HATFIELD and I are introducing the Child Care Act of 1988. The principal thrust of our bill is to provide a direct and immediate shot in the arm for child care services in all 50 States. To that end, we propose boosting authorization for title XX of the Social Security Act by $1.5 billion over 3 years, earmarking that increase exclusively for child care services.

By all means, let the Congress continue to debate the optimum approaches to child care services. No doubt, too, child care will be a major issue in the congressional and presidential campaigns. But we cannot allow the children's needs to go unmet for another year while the adults quibble and kibitz. Let's get the money to grass-roots community organizations that need it and know how to make best use of it. And let's do it now.

Mr. President, our bill also includes two other components. First, to businesses that establish child care facilities, it provides a tax credit of 25 percent of the cost, not to exceed $50,000; this tax credit will leverage Federal resources by enlisting the private sector in the rapid expansion of our Nation's day-care infrastructure. Second, to facilitate the inquiry into a long-term legislative solution to the child care crisis, our bill establishes a bipartisan commission to conduct a 1-year study of our Nation's day-care needs.

Mr. President, the States already have in place a remarkable variety of title XX-funded child care programs and services. These programs are attuned to local needs and preferences. They have a wealth of practical experience. They have the know-how to expand rapidly. All they lack is funding commensurate with the vast unmet needs of the American public.

Total title XX grants to States currently stand at $2.7 billion, of which approximately $1 billion is allocated to providing child care. My bill would increase title XX funding by $1.5 billion over 3 years—$300 million in 1989, $500 million in 1990, and $700 million in 1991—and would expressly earmark that entire sum for child care services.

I say, let's stop beating around the bush on child care. The hour is too late. The crisis is too destructive to be addressed with half-measures and nickle-and-dime initiatives. The time has come to start putting our money where our mouth is.

And that, Mr. President, is the chief virtue of the Child Care Act of 1988. We make no bones about its cost. We acknowledge up front that this bill entails a significant new commitment of Federal resources. We say simply: it is time for Congress to explicitly identify quality child care as a vital and urgent national priority.

Mr. President, as I said, our bill also provides for creation of a National Advisory Commission on Child Care, which would be tasked with undertaking the most extensive study of this problem since 1970. We have a vast range of proposals on the table: From the Secretary of Education, from the Secretary of Labor, from various committees in Congress, from think-tanks and child advocacy groups. The Commission will have 1 year to sift through these many proposals, hold hearings, and hammer out a consensus package of public and privaste-sector solutions. The Commission will be bipartisan, as will its recommendations. Much on the model of the Social Security study chaired by Alan Greenspan in the early 1980s, the Child Care Commission's task will be to crystalize a consensus and mobilize public support behind a bipartisan legislative solution.

Mr. President, the American people are way out in front of Congress in their support for child care legislation—and in their willingness to foot the bill for solutions. An ABC-Washington Post poll last year determined that 57 percent of Americans believe that child care programs should be increased; this compares to 44 percent the year before. A recent Harris poll found that 73 percent of Americans would be willing to increase their taxes to pay for improved child care.

There are many reasons for this groundswell of public support. All have their roots in the rapidly changing demographics of the last 15 to 20 years. Today, half of all married mothers with infants younger than 1 year old also hold down jobs; this is a 108 percent increase since 1970. By 1995, two-thirds of all preschool children will have working mothers; four out of five school-age chidren will have working mothers.

Of course, all things being equal, it would be wonderful if all mothers had the option of staying at home with their young children. The facts of life, however, are that some 70 percent of employed mothers work not as a matter of choice but as a matter of pressing economic need. Even so, the average income of two-parent families with children actually declined 3.1 percent between 1973 and 1984.

The response to these demographics has been woefully inadequate—to the point where, today, child care in America is not just a national crisis, it is a national disgrace. In many communities, the demand for infant care exceeds the available supply by three to one, or worse. For lack of alternatives, millions of parents leave their children in child care situations they realize are less than satisfactory, if not dangerous. Millions of low-income parents—especially single parents—face the terrible choice of placing their children in potentially harmful situations or forgoing employment and training opportunities because they cannot afford child care. Employers pay a price, too, in the coin of absenteeism and reduced productivity of workers who are distracted by child care problems.

Meanwhile, the typical cost of full-time child care in our major metropolitan areas is $3,000 per year for each child. That equals one-third the annual poverty-level income for a family of three. No wonder studies show that lack of affordable child care is a key reason why many parents don't work or can work only part time. Likewise, too many young couples face the cruel choice of either foregoing the blessings of parenthood or suffering the pain and indignity of providing only inadequately for their preschoolers' needs.

Mr. President, the statistics are impressive. Likewise, there are countless excellent economic arguments in favor of national child care legislation. They all pale, however, in light of the one all-important consideration: The needs of our children. Our first questions must be: What is best for the children? What is the minimum that we as a society owe to our children?

Surely the minimum standard must begin with child care services in which the children of working parents are safe, healthy, and well-nourished. In addition, child care facilities can and should provide kids with the foundation they need to build toward success in school. Indeed, in many instances, child care facilities are equipped to give children the kind of enriched developmental atmosphere that not all mothers and fathers are able to provide.

These educational opportunities are inherently worthwhile. They contribute to richer, more productive, more satisfying lives. But—for the more literal minded—we can also quantify the payoffs; we can attach dollar figures. According to a staff report of the House Select Committee on Children, Youth, and Families, $1 invested in preschool education returns $4.75 in savings because of lower special education and welfare costs, and higher worker productivity.

Late last year, the results of a landmark 10-year study by Syracuse University were published. Echoing earlier studies, the Syracuse team found that low-income children who received intensive day care and family services during their first 5 years had sharply lower delinquency rates, higher levels of self-esteem, and better school performance in adolescence than a similar group of children who received no services. Mr. President, these impressive results point to the payoffs and potential of quality care in America.

And there is more, Mr. President. Low-income children who participated in the Syracuse study had a 6-percent rate of juvenile delinquency compared to a 22-percent rate for children in a control group. Over time, court and detention costs were $12,000 for the program group compared with $107,000 for the control group. These findings point up the true cost of our continued tolerance of the destructive status quo.

Even so, despite the overwhelming and urgent need for child care legislation, it is inevitable that there will be concern about the $1.5 billion price tag of this bill. Certainly, this is a legitimate concern.

This Senator yields to no one in his concern about the Federal deficits. I have always said: Decide what Government services you must provide, then pay the bills. And I have advocated specific taxes and fees to bring Federal accounts back into balance.

But by the same token, it is a gutless abdication of responsibility to point to the deficits and say, "Our hands are tied. We cannot respond to the most basic needs of our citizens." That is a cop-out. It is the opposite of leadership. It is the opposite of all that is good about public service.

By all means, we must be rigorous and tough-minded in setting national priorities. But, once identified, those fundamental national priorities must be met. And surely, by any sane and reasonable calculation, our children must come first. We must not cheat the children.

Mr. President, I look forward to championing this authorizing legislation on the Senate floor. And I intend to lead the campaign to win full funding for this expanded title XX bill in the fiscal year 1989 budget.

Mr. HATFIELD. Mr. President, much attention has been given to the child care crisis faced by a great many American families. Alliances formed by child care professionals, child welfare advocacy groups and working parents have initiated broad-ranging discussions of the problems associated with child care and have suggested legislative options.

Of course, the child care problems facing working parents are not new but they are growing as more and more American mothers enter the workforce. Nationwide, fewer than 10 percent of all families have a mother who stays at home with the children while the father works. Not only are more mothers going to work, they also are going to work when their children are younger. For example, more than half of the mothers of children under the age of 6 in Oregon are now in the labor force. This is the fastest-growing segment of the work force, and the subgroup of mothers with children under the age of 1 is expanding fastest of all. Many of these families have experienced first hand one or more of three problems most often mentioned by advocates: the lack of accessibility, the lack of affordable and the lack of quality child care.

Lack of affordable child care appears to be the preeminent concern. Child care for one pre-schooler averages $2,400 per year—almost one-half of the gross annual income of a full-time minimum wage worker. In Oregon, where one-fourth of all families with a child under age 6 live below the poverty level, such an expense could force more families to slip onto the welfare rolls. Without reasonably-priced child care, many families may never make the move to self-sufficiency. A study conducted in 1986 by the Oregon Adult and Family Services Division showed that 20.1 percent of the Aid to Dependent Children clients identified day care problems as a major barrier to finding or keeping employment.

We know that problems exist within our Nation's child care system but we do not know how to deal with them. We are faced with differences of opinion with discussions about current child care reform and assistance proposals ranging from philosophical debates regarding the Federal role to grappling with the basic problem posed by the Federal debt; namely, how do we pay for a new program? We will have to address the child care crisis issue on a broad scale but until we do we cannot allow lower-income families to suffer our indecisiveness.

As a response to the urgent need for action, today Senator HOLLINGS and I are introducing the Child Care Act of 1988. I am greatly appreciative for the opportunity to work with my friend from North Carolina, who is best described as a realist possessing great compassion and vision. As a fellow former Governor, Senator HOLLINGS understands how a partnership of State and Federal governments can most effectively and efficently deliver vitally-needed services. The Child Care Act uses that partnership to provide interim services to low-income families. With this legislation we seek to provide a down payment on the effort to end the child care crisis. In so doing, we also seek to renew our commitment to finding a solution.

In addition to providing a desperately-needed injection of funds, the bill creates an advisory commission to assist in the development of a blueprint for a Federal child care initiative and also provides tax incentives for businesses who provide child care. I want to emphasize that this legislation is limited by design and intended only to give temporary relief to some of our neediest working families. This bill is not a cure but it will give us the opportunity to roll up our sleeves and dig into the issues as. I urge all my colleagues to join Senator HOLLINGS and me in calling for swift passage of the Child Care Act of 1986.

By Mr. BENTSEN:

S. 2405. A bill to establish the United States-Mexico Border Regional Commission and to assist in the development of the economic and human resources of the United States-Mexico border region of the United States; referred to the Committee on Environment and Public Works.

UNITED STATES-MEXICO BORDER REGIONAL COMMISSION

● Mr. BENTSEN. Mr. President, I am pleased to join today with my distinguished colleague from El Paso, Congressman RON COLEMAN, Speaker of the House JIM WRIGHT, and others in introducing the United States-Mexico Border Regional Development Act of 1988.

When we talk about enclaves of poverty and despair in America, most people tend to think of the mountains of Appalachia or burned-out areas of the Bronx. But if you really want to find poverty in this land of plenty, look along the United States-Mexico border—the only place on this planet where a major industrialized country shares a boundary with a developing nation.

On our side of the Rio Grande, the five-county area from Brownsville to Laredo is home to 650,000 Texans. According to data released earlier this month by the Commerce Department, those five counties contain the three poorest cities in the United States of America. Incomes average less than $7,000. Unemployment in those counties ranges from 17 percent in Laredo—about three times the national average—to a high of 46 percent in Starr County.

Another Texas border county—El Paso—has more tuberculosis cases than 19 States; more hepatitis-A cases than 20 States, and more shigella dysentery cases than 30 States.

All along the border, tens of thousands of people live in unincorporated "colonias" that lack running water and even the most primitive sanitary facilities. The historic river for which the valley is named has become a fetid sewer that poses a serious health hazard to Mexicans and Americans living along its banks.

Unacceptable numbers of women and children are at nutritional risk. There is only 1 doctor for every 1,150 patients—compared to 600 patients per physician in the rest of Texas. Educational standards are lower than the norm, dropout rates are higher, and opportunity is in short supply.

I don't care what indicators you use—income, employment, housing, education, or health, the tragic, inescapable conclusion is that the United States-Mexico border area is the deepest pocket of poverty in America.

To make matters even worse, the border is also the third fastest growing region in America. The population is projected to double by the year 2000, compounding the difficulty and magnitude of the problem.

What Congressman COLEMAN and I are proposing today is a major, dramatic initiative to include the people of south Texas in the American Dream. No one is suggesting that the United States-Mexico Border Regional Commission will have the power or resources to bring prosperity to the border, but I am convinced it can help set the stage for economic development. It can help us overcome inertia, solve problems, and realize the potential of the region.

Here is a classic example of how our public and private sectors can work together to solve problems in America. The way I see it, the Regional Commission would help direct resources toward infrastructure, education, and public health. It can be the catalyst that sparks private sector interest and investment in an area rich in opportunity.

Remember, the United States-Mexico border unites as well as divides two great nations. It is a logical, attractive place to site manufacturing facilities and startup joint ventures to meet the growing needs of American and Mexican markets. The Regional Commission can get the ball rolling by building up the infrastructure and developing the human capital along the border. Then it will be up to the private sector to move in, broaden the tax base, create jobs, help train people to fill them, and seek markets on both sides of the border.

We still have a long way to go before those who live along the border enjoy the same standard of living and access to opportunity as other Americans. That's why picking up the pace of development must be an urgent national priority.

I want to compliment Ron Coleman and the Speaker for their leadership on this issue in the House. I will be working with them, taking the point in the Senate. I was born in the valley; my father is still there. The valley is home. It's important to me personally and politically.

I'm going to work just as hard as I can to make this Regional Commission a reality—an engine of prosperity and opportunity for millions of people living along the border.

Mr. President, I urge my colleagues to join me in supporting passage of this needed legislation.●

By Mr. BENTSEN:

S. 2406. A bill to authorize the Secretary of State to conclude agreements with the appropriate representative of the Government of Mexico to correct pollution of the Rio Grande; to the Committee on Foreign Relations.

RIO GRANDE POLLUTION CORRECTION ACT

● Mr. BENTSEN. Mr. President, I am introducing today legislation that will address a problem along the United States-Mexican border, and it will solve some significant problems in my State. This bill will help to solve the problem of pollution in the Rio Grande River, that body of water which in some places serves as a border between the United States and Mexico. For Texas, the Rio Grande, meaning literally the "Big River," has helped to provide nourishment and given life for generations. That is beginning to change. It is now the source of some serious health and environmental problems in the border area. That is caused principally by the continuous dumping of raw sewage into the river.

Mr. President, cleaning up our Nation's rivers and streams has been a national interest of the highest order for some years now. The Rio Grande has been neglected in that effort. The large volume of raw sewage, garbage, and industrial wastes routinely dumped into the river has so polluted the Rio Grande that it will take unusual and substantial efforts to sanitize it.

The International Boundary and Water Commission provides me with a monthly report on the status of border sanitation problems. I have been looking at those reports for a good while now. There is rarely any change. The most distressing problem is that every day at several points along the border tens of millions of gallons of raw, untreated sewage is dumped into the river. In one spot, Nuevo Laredo, just across the border from Laredo, TX where hundreds of thousands of U.S. citizens live, some 25 million gallons of raw sewage is discharged directly into the river every single day. Now, this has got to stop.

This legislation, which has been passed by the House, is a way to take some control of the situation. Briefly, this legislation authorizes the Secretary of State, through the U.S. Commissioner, International Boundary Water Commission, to enter into talks with the appropriate Mexican officials to arrive at solutions for correcting the pollution problems in the river. The solutions should be embodied in agreements between the two countries, and steps to implement those agreements should be undertaken with dispatch.

Mr. President, I only recently returned from the border area talking with officials and just ordinary citizens there. Listening to their problems, hearing their recommendations for ways to solve the problems convince me that the time is passed for us to act. While, there, I was told by some of my constituents that whatever is done up here, "don't authorize another study. No time is needed to study the problem to see if there is a problem. We already know that there is. What we need to do is to get on with the cooperative business of solving the problem, which we already know how to do." My constituents, as they often are, are right again. Fortunately, the technology already exists to address the problem, for example, wastewater treatment facilities and we need to build more of them along the border so that the health and welfare of our citizens will be protected better.

I hope that this bill will be reported from committee quickly. I have already asked for hearings, and this bill is identical to the House-passed bill in every important respect. The State Department has already provided favorable executive comment on it. It is workable legislation; and it is necessary legislation. I will do all I can to see to it that it becomes law.●

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. Thurmond, the name of the Senator from Ohio [Mr. Glenn] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 801

At the request of Mr. Johnston, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 810, a bill to facilitate the national distribution and utilization of coal.

S. 1766

At the request of Mr. Sarbanes, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 1766, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1851

At the request of Mr. Boschwitz, his name was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1911

At the request of Mr. Hatfield, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 1911, a bill to amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies.

S. 2000

At the request of Mr. Cranston, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 2000, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity.

S. 2180

At the request of Mr. Metzenbaum, the name of the Senator from Delaware [Mr. Roth] was added as a cosponsor of S. 2180, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale, or possession of firearms, not detectable by metal detection and x ray systems.

S. 2351

At the request of Mr. Domenici, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers.

S. 2364

At the request of Mr. Proxmire, the name of the Senator from Indiana [Mr. Quayle] was added as a cosponsor of S. 2364, a bill to enable certain U.S.-flag vessels to engage temporarily in trade within the Great Lakes, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. Quayle, the names of the Senator from Idaho [Mr. Symms], the Senator from New Hampshire [Mr. Humphrey], and the Senator from New Mexico [Mr. Bingaman] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 271

At the request of Mr. Quayle, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 271, a joint resolution to designate August

20, 1988, as "Drum and Bugle Corps Recognition Day."

SENATE JOINT RESOLUTION 275

At the request of Mr. Weicker, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of Senate Joint Resolution 275, a joint resolution to designate August 1-8, 1988, as "National Harness Horse Week."

SENATE JOINT RESOLUTION 307

At the request of Mr. Riegle, the names of the Senator from Washington [Mr. Adams], the Senator from Tennessee [Mr. Gore], the Senator from Maryland [Ms. Mikulski], the Senator from North Carolina [Mr. Sanford], the Senator from West Virginia [Mr. Rockefeller], and the Senator from Utah [Mr. Hatch] were added as cosponsors of Senate Joint Resolution 307, a joint resolution to designate the decade beginning January 1, 1988, as the "Decade of the Brain."

SENATE JOINT RESOLUTION 313

At the request of Mr. Wallop, the names of the Senator from Colorado [Mr. Wirth], the Senator from Idaho [Mr. McClure], the Senator from New Mexico [Mr. Domenici], the Senator from Idaho [Mr. Symms], the Senator from Arizona [Mr. McCain], the Senator from Virginia [Mr. Warner], the Senator from South Dakota [Mr. Pressler], the Senator from Kansas [Mr. Dole], the Senator from Louisiana [Mr. Johnston], the Senator from Georgia [Mr. Fowler], the Senator from Washington [Mr. Evans], the Senator from Arkansas [Mr. Pryor], the Senator from South Carolina [Mr. Thurmond], the Senator from Alabama [Mr. Heflin], the Senator from Ohio [Mr. Glenn], the Senator from North Dakota [Mr. Burdick], the Senator from Oregon [Mr. Packwood], the Senator from Minnesota [Mr. Boschwitz], the Senator from Nebraska [Mr. Karnes], the Senator from Texas [Mr. Bentsen], the Senator from West Virginia [Mr. Rockefeller], the Senator from Michigan [Mr. Riegle], the Senator from Pennsylvania [Mr. Specter], the Senator from Hawaii [Mr. Matsunaga], the Senator from Nevada [Mr. Reid], the Senator from Arkansas [Mr. Bumpers], the Senator from Alabama [Mr. Shelby], the Senator from Missouri [Mr. Bond], the Senator from Connecticut [Mr. Weicker], the Senator from Michigan [Mr. Levin], the Senator from Tennessee [Mr. Sasser], the Senator from North Carolina [Mr. Helms], the Senator from New Jersey [Mr. Lautenberg], the Senator from Washington [Mr. Adams], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Humphrey], the Senator from Nebraska [Mr. Exon], the Senator from Colorado [Mr. Armstrong], the Senator from Nevada [Mr. Hecht], the Senator from Mississippi [Mr. Cochran], the Senator from Alaska [Mr. Stevens], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 313, a joint resolution designating May 1988 as "Take Pride in America Month".

SENATE RESOLUTION 394

At the request of Mr. Heinz, the names of the Senator from Alaska [Mr. Murkowski], and the Senator from North Dakota [Mr. Burdick] were added as cosponsors of Senate Resolution 394, a bill expressing the sense of the Senate that funding in fiscal year 1989 for the Federal-aid highway and mass transit programs should be at the levels enacted in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

AMENDMENT NO. 2094

At the request of Mr. Dole, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of amendment No. 2094 proposed to S. 2355, an original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. Kerry, his name was added as a cosponsor of amendment No. 2094 proposed to S. 2355, supra.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

WARNER AMENDMENT NO. 2096

Mr. WARNER proposed an amendment to the bill (S. 2355) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 171, between lines 2 and 3, insert the following new section:

SEC. . TECHNICAL AMENDMENTS.

(a) Amendment to Title 10.—Section 2343(b) of title 10, United States Code, is amended by striking out "section" before "2306a".

(b) Amendment to Title 37.—Section 101(5) of title 37, United States Code, is amended by striking out "secretary" and inserting in lieu thereof "Secretary".

(c) Amendments to Public Law 100-180.—(1) Paragraph (1) of section 802(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1123) is amended by inserting end quotation marks and a period after "section." at the end of such paragraph.

(2) Section 803(a) of such Act (101 Stat. 1125) is amended by inserting "the first time it appears" after "paragraph (1),".

In the Warner amendment 2043, previously agreed to, strike out "$376,200,000" and insert in lieu thereof "$366,200,000".

On page 265, line 7, strike out "title" and insert in lieu thereof "part".

NUNN (AND OTHERS) AMENDMENT NO. 2097

Mr. NUNN (for himself, Mr. Warner, Mr. Stennis, Mr. Hatfield, Mr. Johnston, and Mr. Stevens) proposed an amendment to the bill S. 2355, supra; as follows:

Beginning on line 9 of page 20 of Amendment Number 2027, delete all through line 2 on page 32 and insert in lieu thereof the following new section:

SEC. 903. RESTRICTION ON OBLIGATION OF FUNDS APPROPRIATED IN THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1988.

(a) The follwing programs and amounts provided in the Department of Defense Appropriations Act, 1988, may not be obligated or expended:

(1) Maxicube Cargo System under research, development, test, and evaluation for the Army, $10,000,000;

(2) Coastal Defense Augmentation, $20,000,000;

(3) AN/SQR-17 Acoustic Processors for the Mobile In-Shore Undersea Warfare group under procurement of National Guard and Reserve Equipment, $10,000,000;

(4) P-3C aircraft under procurement of National Guard and Reserve Equipment, $193,800,000.

(b)(1) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(2) For purposes of this paragraph, the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking, and engagement), reaction time, and operation in the presence of electronic countermeasures.

(c) None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition Report submitted to Congress for the quarter ending December 31, 1986).

(d) Funds appropriated for procurement of weapons and tracked combat vehicles for the Army for modification of M60 tanks in the amount of $90,000,000 may be used only for procurement or modification of M1 tanks.

(e) Transfer Authority.—For purposes of section 1201 of the National Defense Authorization act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1153), $233,800,000 (the sum of the amounts decribed in section (a) of this section) shall be deemed to have been authorized by such Act in equal amounts to the Army, Navy, and Air Force for operation and maintenance for the exclusive purpose of preventing the furlough and separation of civilian employees and for the purpose of funding other high priority readiness programs.

WARNER AMENDMENT NO. 2098

Mr. WARNER proposed an amendment to the bill S. 2355, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . (a) FINDINGS.

(1) Notwithstanding the critical need for conventional force improvements, the security of the NATO Alliance will rely on modern and credible nuclear weapons, with a goal of raising the nuclear threshold.

(2) The modernization of NATO's theater nuclear capabilities is a continuing process, stemming from NATO's 1983 Montebello decision to reduce the European nuclear stockpile while taking steps to insure that the remaining nuclear weapons are responsive, survivable and effective.

(3) Theater nuclear modernization programs, which enjoyed a high priority for NATO before the INF Treaty, are no less important for the post-INF period.

(4) NATO Ministers, meeting most recently at the Nuclear Planning Group (NPG), reaffirmed their endorsement of U.S. development of a Follow-on to Lance (FOTL) with a view toward an eventual decision on deployment.

(b) Therefore it is the Sense of the Senate that:

(1) Modernization of NATO's theater nuclear capabilities following ratification of the INF Treaty is essential to the deterrence strategy of the Alliance

(2) Continued U.S. modernization of its theater nuclear capabilities should be undertaken in close consultation with our NATO Allies.

(3) The United States should proceed with ongoing activities for satisfying the identified Alliance requirement for a Follow-on to Lance. Existing legislation pertaining to the use of the Army Tactical Missile System (ATACMS) for the Follow-on to lance should not be interpreted so as to exclude the ATACMS from the missile selection process should the Multiple Launch Rocket System (MLRS) be among the delivery systems selected in the Army Cost and Operational Effectiveness Analysis (COEA).

WARNER AND THURMOND AMENDMENT NO. 2099

Mr. WARNER (for himself and Mr. THURMOND) proposed an amendment to amendment No. 2098 proposed by him to the bill S. 2355, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . (a) FINDINGS.

(1) Notwithstanding the critical need for conventional force improvements, the security of the NATO Alliance will rely on modern and credible nuclear weapons, with a goal of raising the nuclear threshold.

(2) The modernization of NATO's theater nuclear capabilities is a continuing process, stemming from NATO's 1983 Montebello decision to reduce the European nuclear stockpile while taking steps to insure that the remaining nuclear weapons are responsive, survivable and effective.

(3) Theater nuclear modernization programs, which enjoyed a high priority for NATO before the INF Treaty, are no less important for the post-INF period.

(4) NATO Ministers, meeting most recently at the Nuclear Planning Group (NPG), reaffirmed their endorsement of U.S. development of a Follow-on to Lance (FOTL) with a view toward an eventual decision on deployment.

(b) Therefore it is the Sense of the Senate that:

(1) Modernization of NATO's theater nuclear capabilities following ratification of the INF Treaty is essential to the deterrence strategy of the Alliance

(2) Continued U.S. modernization of its theater nuclear capabilities should be undertaken in close consultation with our NATO Allies.

(3) The United States should proceed with ongoing activities for satisfying the identified Alliance requirement for a Follow-on to Lance. Existing legislation pertaining to the use of the Army Tactical Missile System (ATACMS) for the Follow-on to LANCE should not be interpreted so as to exclude the ATACMS from the missile selection process should the Multiple Launch Rocket System (MLRS) be among the delivery systems selected in the Army Cost and Operational Effectiveness Analysis (COEA).

INF TREATY

NUNN (AND OTHERS) EXECUTIVE AMENDMENT NO. 2100

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. WARNER, Mr. BOREN, and Mr. COHEN) submitted an amendment intended to be proposed by them to Treaty Doc. 100-11, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and shorter Range Missiles; as follows:

EXECUTIVE AMENDMENT No. 2100

At an appropriate place in the Resolution of Ratification insert the following:

The advice and consent of the Senate to the ratification of the INF Treaty is further subject to the condition that in connection with the exchange of the instruments of ratification pursuant to Article XVII of the Treaty, the President shall obtain the agreement of the Union of Soviet Socialist Republics that the agreement concluded by exchange of notes in Geneva on May 12, 1988, between the United States and the Union of Soviet Socialist Republics as to the application of the Treaty to intermediate-range and shorter-range missiles flight-tested or deployed to carry or be used as weapons based on either current or future technologies and as to the related question of the definition of the term "weapon-delivery vehicle" as used in the Treaty is of the same force and effect as the provisions of the Treaty.

PRESSLER EXECUTIVE AMENDMENTS NOS. 2101-2103

Mr. PRESSLER submitted an amendment intended to be proposed by him to Treaty Doc. 100-11, supra; as follows:

EXECUTIVE AMENDMENT No. 2101

At the appropriate place in the resolution, insert the following condition: "subject, however, to the condition that neither the President nor any other agent of the Executive Department is authorized to sign or exchange instruments of ratification unless and until the President, without delegation, shall have certified to the United States Senate whether the Union of Soviet Socialist Republics is faithfully meeting its obligations under and is in full compliance with all provisions of the Final Act of the Conference on Security and Cooperation in Europe".

EXECUTIVE AMENDMENT No. 2102

At the appropriate place in the resolution, insert the following condition: "subject, however, to the condition that the President is not authorized to sign or exchange instruments of ratification unless and until he has, without delegation, certified to the United States Senate that after the eliminations contemplated by this Treaty, any additional conventional force imbalance between the deployed and reserve conventional forces of the United States and the North Atlantic Treaty Organization (hereinafter "NATO") and the reserve and deployed conventional forces of the Union of Soviet Socialist Republics and the Warsaw Pact will not jeopardize the security of NATO or of the United States' military personnel stationed in Europe or the dependents of such personnel".

EXECUTIVE AMENDMENT No. 2103

At the appropriate place in the resolution, insert the following condition: "subject, however, to the condition that the President is not authorized to sign or exchange instruments of ratification until the President, without delegation, shall have certified to the United States Senate that, in his judgment as Commander-in-Chief, there is parity between the deployed and reserve conventional forces of the United States and the North Atlantic Treaty Organization and the reserve and deployed conventional forces of the Union of Soviet Socialist Republics and the Warsaw Pact".

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry has scheduled a series of oversight hearings on the implementation of the Agricultural Credit Act of 1987.

The first hearing, scheduled for May 23, 1988, at 1:30 p.m. in SR 332, will focus on the implementation of certain provisions of the act in the Jackson farm credit district. Senator JOHN BREAUX will preside.

The second hearing, scheduled for June 16, 1988, at 10 a.m. in SR 332 will be a general oversight hearing with respect to the farm credit system. Senator DAVID BOREN will preside.

The last hearing, an oversight hearing of the Farmers Home Administration will take place on Thursday, July 14, 1988, at 10 a.m. in SR 332. Senator DAVID BOREN will preside.

For further information, please contact Kellye Eversole at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 16, 1988, to hold a Department of Justice authorization hearing on the FBI division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, May 17, 1988. The Committee will hold a mark up on S. 1993, the "Minority Business Development Program Reform Act of 1987" and on a 1-year authorization bill for the Small Business Administration which will be an original committee bill.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 17, 1988, to hold a hearing on liability issues in the domestic commercial expendable launch vehicle [ELV] industry.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, May 17, 1988, to hold a hearing on the wheat supply situation.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, and the Subcommittee on Hazardous Wastes and Toxic Substances, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, May 17, to conduct a joint hearing on State ground water programs and ground water research.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, May 17, 1988, to markup S. 2337—to amend the U.S. Grain Standards Act.

The PRESIDING OFFICER. Without objection it is so ordered.

ADDITIONAL STATEMENTS

DR. ERNEST MITLER OF WESTMINSTER COLLEGE

● Mr. BOND. Mr. President, Dr. Ernest Mitler joined the faculty of Westminster College at Fulton, MO, in 1968 and served there with distinction until his retirement in 1982. During his 14 years on the faculty at Westminster, Dr. Mitler won the respect and admiration of his students and peers. He established a criminal justice program at Westminster that helped students gain a better understanding of our criminal justice system and led several academic expeditions to Europe to study governmental structures and administrative procedure.

Dr. Mitler recently received his doctor of philosophy degree from the Linacre College at Oxford University. He studied as an undergraduate at Swarthmore College in New Jersey and graduated from the Pierson College of Yale University in 1939. He received a doctor of laws degree from Columbia University in 1944.

After serving in the district attorney's office in New York City, Dr. Mitler came to the U.S. Senate as assistant chief counsel for the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee. While at the subcommittee, Dr. Mitler worked in the areas of juvenile law and custody. He gained expertise in the prosecution of baby-selling cases and used that expertise to advise the Senate on changes needed in Federal law.

Dr. Mitler is beloved by his many former students for his contribution to the academic program at Westminster and his appreciation of humanity.

Mr. President, this weekend, several Westminster alumni will honor Dr. Mitler upon the receipt of his doctoral degree from Oxford. I believe it is appropriate that we join in the recognition and offer our congratulations as well to Dr. Mitler.●

ORDER OF BUSINESS

Mr. SANFORD. Mr. President, I do not observe any other Senators on the floor. It is approaching the time when I think a great many people anticipated that we might recess until tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SANFORD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDERS FOR WEDNESDAY, MAY 18, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment. This will make the Department of Defense authorization bill the unfinished business in legislative session for tomorrow; whereas, for the first 7 days, it has been in a pending business status. This will strengthen its status.

I ask unamimous consent that the Senate, at the conclusion of business today, stand in adjournment until the hour of 9:45 a.m. tomorrow; that following the recognition of the two leaders under the standing order, there be a period for morning business not to extend beyond the hour of 10:15; and that, at the hour of 10:15 a.m. on tomorrow, the Senate return to executive session to resume its consideration of the treaty; provided further that—well, I will not add anything beyond that. We can take care of that.

I ask unanimous consent, further, that Senators may speak during the period of morning business on tomorrow for not to exceed 5 minutes each.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, has there been any morning business today?

The PRESIDING OFFICER. There has been morning business today.

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, the Senate will come in at 9:45. After the two leaders have been recognized under the standing order, there will be a period for morning business not to extend beyond the hour of 10:15. At 10:15, then, the Senate will return to the consideration of the treaty.

Now, it would be my intention, after consulting with the minority leader on tomorrow, that at some point during

the morning, circa 11 o'clock, the majority leader will, at the appropriate moment, put the Senate back into legislative session. That can be done by a nondebatable motion.

I ask unanimous consent that I may gain recognition at any point tomorrow morning, after consultation with the Republican leader, to put the Senate back into legislative session for the purpose of entering an agreement on the D'Amato amendment and for the purpose of having the final vote on the DOD authorization bill.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DOLE. Reserving the right to object. I have no objection, but I hope we have an agreement by 10:30. I guess that is the only point I would make. It is not a certainty.

I found, even since this morning, a number of new ideas that never occurred to me, brought to me by colleagues on my side. So we are going to meet in the morning. We did meet this afternoon.

Hopefully by 10:30 or thereabouts we will have an agreement.

Mr. BYRD. Very well. This would mean that if any other Senator has the floor at the time we think the iron is hot and we might be able to strike an agreement on the D'Amato amendment, that the Chair will recognize me, not to the detriment of any Senator who may have the floor, but for the moment I would be given the floor after having consulted with the minority leader to move that the Senate return to legislative session and to attempt to execute the time agreement on—whatever it is—on the D'Amato amendment, have a final vote on the DOD authorization bill, return to executive session, at which time the Senator who at that point had the floor would have his rights restored in the floor.

The PRESIDING OFFICER. Hearing no objection, the unanimous-consent request is agreed to.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. SANFORD. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow, Wednesday, May 18.

The motion was agreed to; and, at 5:47 p.m., the Senate adjourned until tomorrow, Wednesday, May 18, 1988, at 9:45 a.m.

NOMINATIONS

Executive nomination received by the Senate May 17, 1988:

THE JUDICIARY

HERBERT J. HUTTON, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE CLARENCE C. NEWCOMER, RETIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, May 17, 1988*

The House met at 12 noon.

The Reverend Carl F.H. Henry, founding editor of Christianity Today, Arlington, VA, offered the following prayer:

"Thus says the Lord," You admonish us: "Let not the wise man glory in his wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches, but let him that glories glory in this, that he understands and knows Me, that I am the Lord, who exercises loving kindness, justice, and righteousness, in the Earth; for in these things I delight, says the Lord."

Great God, King of the nations, we pray for the cleansing of the whole human race. May our motive be the love, justice, and righteousness in which You delight. May wisdom beyond our own guide us in our legal decisions and moral choices. Cleanse us from secret faults. May we desire private holiness as we seek the public good. In the Redeemer's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REVEREND CARL F.H. HENRY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, it is a great honor for me today and I am very pleased to welcome to the House of Representatives Dr. Carl F. Henry who offered our prayer today.

Dr. Henry lives in the 10th Congressional District of Virginia and I am honored that he lives in my district and pleased that he can share his thoughts with us today in the opening prayer.

Dr. Henry has been an influential voice defining the bounds of ethics and morality in the public debate. The stature he possesses is twofold, both from his position as one of the foremost scholars in main line evangelical theology in the world, and as the father of our colleague, Congressman PAUL HENRY from the great State of Michigan.

Dr. Henry has authored 35 books and has edited a dozen others. He was one of the founding editors of one of the finest magazines published in the country today, Christianity Today.

He has served on the founding facility of Fuller Theological Seminary and was past president of the American Theological Society.

His accomplishments and scholarly activities have been impressive as he has shaped the thought and spurred the actions of the evangelical Christian community, not only in the United States, but throughout the world.

Dr. Henry's words today are offered in this Chamber in a governmental system that has institutionalized religious tolerance as a fundamental human right. It is in this bastion of freedom and democracy where the thoughts and ideas of Dr. Henry have flourished and expanded the limits of the debate in evangelical and public policy circles.

The significance of his offering today is not lost in the ceremony or in the business of this Chamber.

Mr. Speaker, I welcome Dr. Henry to the House of Representatives as a theologian, author, editor, lecturer, constituent, and father.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1386. An act for the relief of Marsha D. Christopher;

H.R. 1430. An act to authorize decorations, medals, and other recognition for service in the U.S. merchant marine, and for other purposes; and

H.R. 4083. An act to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1476. An act to designate the Federal Record Center at 9700 Page Boulevard, Overland, MO, as the "SSG Charles F. Prevedel Building";

S. 1883. An act to amend the act entitled "An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes";

S. 1986. An act to study, control, and reduce the pollution of aquatic environments from plastic materials, and for other purposes; and

S. 1989. An act to implement the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America.

The message also announced that pursuant to sections 1928a-1928d, of title 22, United States Code, the Chair on behalf of the Vice President, appoints Mr. ADAMS, Chairman; Mr. PACKWOOD; Mr. MCCLURE; Mr. HEFLIN; Mr. SPECTER; Mr. MURKOWSKI; Mr. TRIBLE; and Mr. FOWLER; as members of the Senate delegation to the North Atlantic Assembly Spring Meeting to be held in Madeira, Portugal, May 26 to May 30, 1988.

The message also announced that pursuant to section 1295b(h) of title 46, United States Code, the Chair on behalf of the Vice President appoints Mr. HOLLINGS from the Committee on Commerce, Science, and Transportation, Mr. STEVENS from the Committee on Commerce, Science, and Transportation, and Mr. MOYNIHAN, at large, to the Board of Visitors of the Merchant Marine Academy.

The message also announced that pursuant to section 194(a) of title 14, United States Code, the Chair on behalf of the Vice President, appoints Mr. BREAUX, from the Committee on Commerce, Science, and Transportation; Mr. PACKWOOD, from the Committee on Commerce, Science and Transportation; and Mr. DODD, at large; to the Board of Visitors of the Coast Guard Academy.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader a schedule of the House, particularly with respect to days on site and off site, not necessarily with a program, but I think my earlier conversation with the majority leader is so important, particularly in this year when Members are trying to get back and forth to their districts, that we have the kind of schedule laid out as the majority leader has planned it, and I certainly concur with it.

Mr. Speaker, I am happy to yield to the gentleman to make that announcement.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican leader for yielding.

Mr. Speaker, the leadership on this side in consultation with the distinguished Republican leader announce that we have a tentative and reason-

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☐ **This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.**

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

ably firm schedule for the remainder of this month and next month which will be given to each Member by mail promptly, but for the purposes of the announcement, the week of the 16th of May, the 16th will be a district day, no votes in the House. The 17th, 18th, and 19th, there will be votes in the House. On the 20th, Friday, there will be a district day, without votes.

On the 23d of May, Monday, there would be no votes in the House, a district day. On the 24th, 25th, and 26th, there will be votes in the House. On the 27th, Friday, there will be no votes in the House. It will be a district day and the beginning of the Memorial Day recess.

On the 30th, Memorial Day, and the 31st, Tuesday, there will be no votes in the House.

On the 1st of June, the 2d of June and Friday, the 3d of June, there will be votes in the House.

I will repeat that. On Friday, the 3d of June, there will be votes in the House.

On Monday and Tuesday, the 6th and 7th, there will be suspension bills, but no votes until Wednesday, the 8th of June; that is, Monday and Tuesday, there will be legislative debate, but no votes in the House. On the 8th, 9th, and Friday, the 10th of June, there will be votes in the House. The 8th, 9th, and 10th of June, including Friday, the 10th of June, there will be votes in the House.

On the 13th, Monday, the 13th, there will be legislative debate, but no votes in the House. On the 14th, 15th, and 16th, Tuesday, Wednesday, and Thursday, there will be votes in the House. On Friday, the 17th, there will not be votes.

On Monday, the 20th, no votes in the House, again a district day. On the 21st, 22d, and 23d, there will be votes in the House. There will be no votes on the 24th.

On the 27th, Monday, there will be no votes in the House. On the 28th, 29th, and 30th, there will be votes in the House.

On Friday, the 1st of July, through July 5th, we will be in the Fourth of July recess.

This information, as I repeat, will be submitted by the respective leadership, the Republicans by their leadership and to the Democratic membership by ours, in writing so that Members will have confirmation of this schedule. We hope it will assist Members in making plans for the remainder of this month and next month.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his very illuminating information.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MORRISON of Connecticut. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Wisconsin the cause for his request for this passing over of the Private Calendar.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman from Connecticut yield?

Mr. MORRISON of Connecticut. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, it is the intention of the gentleman from Wisconsin to pass over all bills without prejudice that are currently on the Private Calendar. In the past when that has happened, we have simply dispensed with the call of the Private Calendar and that was why I made the unanimous-consent request today.

Mr. MORRISON of Connecticut. I would like to further inquire of the gentleman, Mr. Speaker, in particular with respect to H.R. 4363, a private bill from the Judiciary Committee for the relief of Ivan Lendl. This is a matter having to do with the eligibility of Mr. Lendl for citizenship to be accorded at an accelerated timeframe. He is a permanent resident alien of the United States for the purposes of his being permitted to participate in the summer Olympic games.

This is a matter that has been under consideration in the Judiciary Committee and has been favorably reported by the Judiciary Committee and for which there is a significant time pressure, so that the gentleman's expressed concerns about making sure that if this kind of procedure is followed that the individual will, in fact, compete in the games would be accomplished.

I am curious if the gentleman could inform me what his current understanding with respect to this particular legislation is.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman from Connecticut yield further?

Mr. MORRISON of Connecticut. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman's colleague, the gentleman from Conneticut [Mr. SHAYS], met with me in my office this morning. There were a number of unanswered questions that came about as the result of this meeting on whether the appropriate waivers would be obtained to allow Mr. Lendl to compete in the Olympics for the United States. Those questions were not answered as of the time that I left my office to come over to the floor, so that was why it was my intention to pass over the Lendl bill without prejudice until those answers came in.

The next call of the Private Calendar will be the 7th of June. Since the Olympics are not until the middle of September, that ought to be plenty of time.

Mr. MORRISON of Connecticut. Mr. Speaker, as the gentleman is aware, the meetings at which these waivers have to be granted are coming upon us rather expeditiously. I certainly would defer to the gentleman, but I would like to understand, the gentleman is not trying to impose a condition where the waivers would have to be granted before the House acts because, of course, as the gentleman knows, the application for the waiver cannot be made unless citizenship has already been granted.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield further?

Mr. MORRISON of Connecticut. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman from Connecticut knows full well that it is my position that in order for the House to consider a bill which has been introduced for the sole purpose of allowing an individual to compete in the Olympic games, all of the appropriate waivers should be obtained, so that when the House passes the bill we will know that the individual will be eligible to compete. That is only fair to the House of Representatives which is being asked to take the extraordinary step of accelerating someone's citizenship eligibility date.

Mr. MORRISON of Connecticut. So the gentleman's statement is that despite the fact that waivers cannot be applied for until citizenship is granted, his position is that the waivers must be granted?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. MORRISON of Connecticut. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, that is correct. The House of Representatives has passed private legislation, both in 1980 and in 1984, under the representation that the individual would be eligible to compete in the Olympics. None of them did compete in the Olympics. That is why the official objectors on this side of the aisle have taken the position that for Olympic citizenship bills to be passed, the waivers have to be obtained so that when we pass the bill we will know that the person will be eligible to compete for this country.

□ 1215

Mr. MORRISON of Connecticut. Mr. Speaker, reclaiming my time, I think the gentleman is absolutely correct in his concern that these bills not be granted if the individuals in fact are not likely to compete, but we are, unfortunately, in a catch-22 on the stated standard of the gentleman from Wisconsin [Mr. Sensenbrenner] because in fact we have been reliably informed that an application for a waiver has to meet other eligibility standards, and citizenship is imposed internationally as a condition. When the Committee on the Judiciary considered these bills, it was quite clear to us that it would be preferable if the rules under which consideration were given to participation in the Olympics were more flexible, because in fact our citizenship requirements are quite a bit different from that of other nations. The conditions that we find ourselves faced with are somewhat more difficult than in other nations. We have tried to be completely flexible on this and we have tried very hard to accommodate the legitimate concerns of the gentleman from Wisconsin.

Mr. Speaker, I would urge the gentleman from Wisconsin to understand the fact that a position that the citizenship must await the waiver is in fact a statement that these people cannot be qualified and if that is the position of the gentleman from Wisconsin, he is entitled to it, but I think that is the practical effect of what the gentleman from Wisconsin has said.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield further?

Mr. MORRISON of Connecticut. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman from Connecticut is fully aware that the Committee on the Judiciary Subcommittee on Immigration, Refugees, and International Law 2 years ago adopted a specific rule that said that the subcommittee would not consider legislation to in effect bestow citizenship on an individual solely on the basis of athletic ability. This was in response to the fiasco that had occurred in 1984 relative to the package of private legislation.

There is not anything in the committee report either on the Lendl bill or on the other two Olympic bills that shows that this rule has been complied with.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. MORRISON of Connecticut. Mr. Speaker, I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

As the Members know, I have a private bill in this group also which is H.R. 3925 for the relief of Gagik Barseghian. He is a world-class wrestler who has defeated most of the top wrestlers of the world, and in fact he won the European championships this last year and has not been defeated for a long, long time. The people from the Olympic Committee and especially the section of our Olympic Committee dealing with wrestling believes that he can win a gold medal if he has his citizenship. I have corresponded with the general counsel for the U.S. Olympic Committee and he informs me that he has informally reviewed the issue with the IOC and while they cannot give a formal answer until citizenship is granted, he had been advised that the bill advancing his citizenship referred to the fact that he is married to an American citizen, and there would be a high likelihood that the IOC would consider Mr. Barseghian to be eligible to compete immediately for the United States in the Olympic games. I know there are many millions of Americans who would like to break the total hold of the Soviet Union on gold medals in wrestling in the Olympic games. We watch the Olympic games each year, and this is a chance for an Olympic medal. This man is the cousin of Ara Parseghian. He is a topnotch man in the community in which I live, Glendale, CA. The entire Armenian community composed of nearly 50,000 people in that area are watching on a daily basis for the outcome of this legislation. It would mean a great deal to the people in the Armenian community in California as well as to Mr. Barseghian and the American people if this legislation could pass.

Mr. Speaker, we do have a deadline, unfortunately, and it is June 14. If we do not have the citizenship granted by that time, it will be too late. I know the gentleman from Wisconsin [Mr. Sensenbrenner] has the right to object, but I certainly wish to take this opportunity to urge him to be considerate in this particular instance.

Mr. MORRISON of Connecticut. Mr. Speaker, further reserving the right to object, I want to associate myself with the remarks of the gentleman from California [Mr. Moorhead] who I agree, as we have with respect to the Lendl bill, has tried very hard to accommodate the legitimate interests of the gentleman from Wisconsin [Mr. Sensenbrenner] and others to see to it that this is in no way a charade by which people are granted citizenship. The fact is with respect to Mr. Lendl we have received communications from the U.S. Tennis Association which are quite clear that they would like Mr. Lendl, who is the No. 1 tennis player in the world and who has lived in the United States since 1981, to have the opportunity to represent his adopted country in the summer Olympics.

Frankly, I would think that we would want to overcome any objection by the Government of Czechoslovakia or their representatives who might be seeking to prevent this newly adopted American from being able to compete. So it would be disappointing to me indeed if the interests of the U.S. Tennis Association and of the United States were to be given a second rank to the interests of the Government of Czechoslovakia and its tennis federation in trying to prevent Mr. Lendl from playing for the United States.

We do not have any reason to believe they will do that, but I find the position of the gentleman from Wisconsin [Mr. Sensenbrenner] on this somewhat incongruous.

Mr. GEKAS. Mr. Speaker, will the gentleman from Connecticut yield?

Mr. MORRISON of Connecticut. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, we have a "which comes first, the chicken or the egg" situation here. The gentleman from Connecticut [Mr. Morrison] asserts that the citizenship must be granted before the question of the waiver can even be approached.

We have a different version, or at least an unclear version that the waiver at least should be granted so that we do not give the citizenship gratuitously and uselessly, and that is the position that I would like to maintain.

From where did the gentleman from Connecticut [Mr. Morrison] get the assertion, I would like to ask, that the citizenship has to be granted before a waiver can be considered?

Mr. MORRISON of Connecticut. Mr. Speaker, reclaiming my time, we have investigated it with respect to the tennis federation. Each sport has a different international federation and the procedures may be slightly different. Speaking with respect to the tennis federation, we have inquired of both the U.S. Olympic Committee and the U.S. Tennis Association. The information they have provided to us is that in order for someone to compete who has previously competed for another country, there must be a waiver procedure and in order to go into that waiver procedure, there must be an application for a waiver and the application for a waiver must show that the athlete is otherwise eligible to compete, but for this impediment of having competed for another country in the past. In that context, one of the eligibility requirements is citizenship. We have been told by the U.S. Tennis Association, which is our representative in these matters, that in order for them to request a waiver for Mr. Lendl they must assert or apply and demonstrate that Mr. Lendl is otherwise eligible. That includes his citizenship. They are not in a position to make the application for a waiver on that.

Mr. Speaker, I do not like being in this chicken-and-egg situation any more than any other Member does, but that is the practical circumstance in which we find ourselves.

Mr. GEKAS. If the gentleman will yield further, do we have any assertions from Czechoslovakia that would guarantee us, as it were, that they would grant the waiver in the case of Lendl?

Mr. MORRISON of Connecticut. Mr. Speaker, it is not clear at this point, in fact this is a matter that the other gentleman from Connecticut [Mr. SHAYS] discussed with the gentleman from Wisconsin [Mr. SENSENBRENNER] to clarify for certain that Czechoslovakia participates at all. The initial information we have is that it is the International Tennis Federation that makes the judgment on the waiver rather than the country in question. However, that procedure varies from sport to sport and in response to a question from the gentleman from Wisconsin [Mr. SENSENBRENNER] we are seeking to give him further assurances that it is within the hands of the tennis federation.

Mr. Speaker, further under my reservation of objection, I yield to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, in response to the gentleman from Pennsylvania [Mr. GEKAS] we have consulted with the U.S. Olympic Committee and they have in turn gone to the International Olympic Committee and put forth the facts in this individual case. While the International Olympic Committee will not make a judgment prior to the time that there is citizenship, they have said that there would be a high likelihood that that would be granted. Without saying absolutely that it will be, they have said there is a high likelihood that that would be granted. That is as far as they can go with the rules of the International Olympic Committee. I do not know how much more we could get from them.

Mr. Speaker, having made that statement that there is a high likelihood, there is virtually no chance that it would be rejected.

Mr. MORRISON of Connecticut. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. The bottom line on all three of these bills is that the objectors seek assurances that the gentlemen who are proposed to have their citizenship advanced will be sure to be eligible to compete in the Olympics in Seoul, Korea, otherwise I think this Congress is subjecting its decisions to the whims of the various sports federations both national and international.

The Congress has passed Olympic naturalization bills in the past which simply have not worked out. That is why the objectors are insistent that we receive a guarantee that the individuals that are porposed for advancement for their citizenship will be eligible to compete.

As far as this gentleman is concerned, once that guarantee is obtained I will have no objection to passing the bills, but I do think that the Olympic Committees and the tennis federation and the wrestling federation are going to have to give the Congress the assurance that the gentlemen will be able to compete in the Olympics rather than just saying that we ought to grant citizenship gratuitously.

Mr. MORRISON of Connecticut. Mr. Speaker, we will seek to get the best possible assurances that are available, and I hope the gentleman from Wisconsin [Mr. SENSENBRENNER] will take our good-faith efforts as intended.

Mr. Speaker, further reserving the rights to object, I yield to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I think we have the closest thing to absolute guarantee that we can get where the International Olympic Committee has been consulted on this issue, and has stated unequivocally as they have to the high likelihood that they would grant it. I do not think we are going to find them backing out.

Mr. MORRISON of Connecticut. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The call of the Private Calendar will be dispensed with.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE DURING WEEK OF MAY 17 THROUGH MAY 20, 1988

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to sit during this week while the House is reading for amendment under the 5-minute rule.

Mr. Speaker, the minority has been consulted on this and has no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FIFTH OBSERVANCE OF NATIONAL TOURISM WEEK

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, this week marks our fifth observance of "National Tourism Week." There are activities planned across the country to emphasize the importance of the travel and tourism industry to the economic, social, and cultural well-being of the United States.

The figures are amazing—some 240 million Americans, as well as 29 million international visitors, traveling in the United States and territories each year. In just 1 year, transporting, lodging, feeding, and entertaining travelers results in $300 billion nationally.

In terms of employment, tourism provided about 7 million jobs for Americans. And preliminary estimates for 1987 indicate that the travel and tourism industry generated more than $36 billion in taxes.

In my own native South Carolina, Mr. Speaker, tourism is the second largest industry behind textiles. The travel and tourism industry employs approximately 95,000 workers in my State and generates approximately 4.2 billion in revenues for South Carolina's economy.

That's good news in anybody's book. Each of us must serve as an ambassador. I want to encourage you all to support efforts to promote and increase tourism locally and nationally. I hope that you will spread the word, back home and wherever you go—"Tourism is America's Blue Chip Industry" and it "works for America."

□ 1230

NORIEGA MUST GO

(Mr. BROOMFIELD. asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, all of us are aware that our policy with regard to Panama is not working.

In my view, President Reagan ought to take a page from Nancy's book and just say no to drugs.

Drugs are the overriding concern of the American people. As important as Panama is, our policy there must not undercut the war on drugs in the United States.

If our commitment to that war means anything. The administration cannot be seen as an accomplice in pulling the rug out from under our own judicial system in order to free one of the world's major drug ringleaders.

We can't afford to compromise on this issue. Noriega must go. But we must not sacrifice our own war on drugs to protect the hide of a drug-dealing, dictator.

DRUG SMUGGLERS LAUGHING AT CONGRESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today the Honduran Ambassador was caught smuggling cocaine. I do not know if that is such a big surprise. What can we expect when the rewards far outweigh the punishment and massive amounts of narcotics keep coming in to our shores? Meanwhile, President Reagan is about ready to strike a deal with Noriega.

Mr. Speaker, how can we make a deal with a creep like Noriega? Drug smugglers are actually laughing at us here in Congress. If this deal is made, here is exactly what we will get: we will get a Noriega clone, a puppet, and some more phony rigged elections, if we are lucky, because this is about all we have now. The world is looking at us like a bunch of wimps.

I say, No. 1, Mr. Speaker, we should go in and arrest Noriega and, No. 2, move quickly for the death penalty for major drug smugglers, that is, if Congress is not just going to say no, if we are going to do something for a change. I think we are content to have kids say no while drug smugglers keep saying "yes."

A BILL TO SUPPORT PRODEMOCRATIC GROUPS IN NICARAGUA

(Mr. EDWARDS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Speaker, today I am pleased to join my colleague, the gentleman from Pennsylvania [Mr. KOSTMAYER], in introducing a bill to help support a variety of prodemocratic groups in Nicaragua. Our bill would assist Nicaraguans who are working peacefully to bring democracy to their country, including the independent media, free labor unions, private business groups, and independent human rights organizations.

The Government of Nicaragua has repeatedly made commitments to allow for greater freedom of the press, and for opposition groups to conduct political activities. But a number of disturbing actions suggest that the Sandinistas are instead increasing their suppression of civil dissent. An article by Stephen Kinzer in yesterday's New York Times, vividly describes this new repression of opposition groups.

Mr. Speaker, the broad forces of nonviolent opposition inside Nicaragua deserve our strong, bipartisan support. As a House, we have considered it our moral obligation to support nonviolent political forces in Poland, Chile, South Africa, and elsewhere. We should offer the same help to Nicaraguans who are working for democracy in their country.

BILL TO BAN CIGARETTE VENDING MACHINES

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, the Surgeon General's declaration that tobacco is an addictive drug will, I hope, be incentive for passage of a bill that I and 29 of my colleagues have sponsored to ban cigarette vending machines in locations which are easily accessible to children.

No one would suggest that beer be sold in vending machines, but cigarettes, which are far more dangerous in the long run, are far more available to youngsters for the price of a couple of video games. Yes, the vending machines carry stickers that say that purchase of cigarettes by minors is against the law, but that warning has even less of an effect than the "Do Not Remove Under Penalty of Law" tags on mattresses.

My bill would help enforce the 43 State laws against selling cigarettes to minors by requiring that tobacco be sold over the counter.

In 1986, 50 billion cigarettes were dispensed from vending machines, accounting for sales of over $3 billion. Thousands of kids start smoking every day, and thousands will eventually die because of it. For their sake, I hope the Surgeon General's report will provide the impetus for swift action to ban cigarette vending machines.

MAKING NORTH-SOUTH ROADS A PRIORITY

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, the highway bill that passed Congress last year provides the necessary funding to complete the Interstate Highway System by 1991.

Finishing this system is a great accomplishment. But unfortunately, Mr. Speaker, as road construction dollars have been channeled into east-west interstate links, many north-south roads have been neglected.

A good example of the neglect is Idaho's U.S. 95. This road is a vital link between the Intermountain West, the Trans Canada Highway and the port of Lewiston. Yet its narrow, winding lanes present both a deterrent to traffic and a safety hazard.

Today I am introducing a bill that will address some of the short-term needs for development of U.S. 95 in Idaho. But, Mr. Speaker, more must be done for this road, and similar north-south links across the country. Congress needs to begin addressing the north-south transportation problem.

NATIONAL TRANSIT APPRECIATION DAY

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, I am pleased today to recognize a special group of people—the men and women who each day provide the 50,000 transit buses and trains that are essential to the mobility of millions of Americans.

Over 9 billion times this year an American will step on to a transit vehicle to ride to work, to school, or to a wide variety of places essential to their well-being.

It is fitting that a special day, May 18, has been set aside during National Transportation Week to honor the quarter of a million people who work at the Nation's transit systems both in the large metropolitan areas and the smaller towns and rural areas throughout the land.

Our Nation is indebted to the bus and rail car drivers, mechanics, and others that keep America on the move.

I am pleased to join the American Public Transit Association, the U.S. Conference of Mayors, the National Association of Counties and National League of Cities in saluting America's Transit Team tomorrow, May 18, National Transit Appreciation Day.

And so, let me just add my thanks and say—Hats Off to America's transit team.

MINIMUM WAGE EDITORIALS

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, in the near future the House is going to be called upon to decide a new, higher minimum wage rate. In determining that rate, we must keep in mind both the low-skilled and unskilled workers, and the young person seeking their first job. These potential workers will be closed out of the job market if the rate we decide upon is too high.

The Congressional Budget Office, in their first report to the Education and Labor Committee dated March 25 said:

> H.R. 1834 would cause the loss of approximately 250,000 to 500,000 jobs, or about 0.2 to 0.4 percent of total employment. In general, the negative impact on employment would be larger in the sectors of the economy and the groups in the labor force with low wage rates.

The CBO was not the first to identify the job loss which inevitably results from a minimum wage increase. Newspaper editors and economists across the country have written extensively about the problems local communities face when the Congress sets a minimum value for new and unskilled labor and then expects consumers to pay that established price.

Editorials have appeared everywhere—from the Cullman, Alabama Times editorial titled "Job Killer" to the Panama City, Florida News Herald's "Wage Proposal Should Elicit Maximum Rage" to the Chicago Commerce's "Raising Minimum Wage Reduces Employment," to the Random Lake, Wisconsin Sounder's article declaring "Raising Minimum Wage Hurts More Than it Helps."

Articles from around the country have been assembled in a 531-page, 2-volume set published by the Minimum Wage Coalition To Save Jobs. This compilation includes editorials from 488 different publications from 48 States and the District of Columbia. They were delivered to Members' offices on March 25, and if Members have not yet had an opportunity to revise them, I urge them to look at the kind of commentary this issue is getting in their districts.

An issue that generates this kind of concern certainly deserves our attention.

SUPPORTING AN OVERRIDE OF THE VETO OF H.R. 3

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the trade statistics which we read every month translate into unemployment, poverty, and homelessness throughout the Nation. It is time we enacted legislation which will establish a fair economic environment in which American workers can again compete internationally.

Our domestic steel industry has been especially impacted by our wayward trade policy. In the last 5 years financial losses in the industry have exceeded $12 billion, capacity has been cut by 40 million tons and 56 percent of the steel labor force has been lost. My constituents frequently feel confused, betrayed and forgotten. These steel interests are not merely parochial. The future of steel and metals production is essential to the future of all American manufacturing.

The conference agreement of the omnibus trade bill contains important measures to allow the American steel industry a chance to compete. Several provisions would close loopholes in current trade policy which allow foreign nations to circumvent guidelines established under the voluntary restraint agreement program. The bill is filled with similarly modest provisions which will establish a fairer trading system for hundreds of American industries.

Through an arduous process of negotiation, the omnibus trade bill addresses the concerns of most. After many controversial elements of the legislation were either eliminated or modified, I fail to understand why the President has taken a stance against the American worker and has pledged to veto this bill.

Perhaps most hurtful to workers is the President's apparent belief that workers do not deserve to be given notice of a plant closing. The Office of Technology Assessment has estimated that the notice requirement will save $300 million each year in unemployment compensation costs and will save further money through the expedited use of job training funds.

The President apparently believes that the hardworking men and women of America are equivalent to faceless machines which are easily expended according to the whims of management. In contrast, the administration seems to have no problem with top corporate executives who use their knowledge of a plant closing to negotiate "golden parachute" agreements of $20 million or more. I am angered by the appalling insensitivity of the administration.

I urge my colleagues to take a step toward improved American competitiveness. Support an override of President Reagan's anticipated veto of the trade bill.

□ 1240

CASINO ADVERTISING IN LOTTERY ADVERTISING CLARIFICATION ACT OF 1987

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the gentleman from Virginia is recognized for 1 minute.

There was no objection.

Mr. WOLF. Mr. Speaker, this week we are going to bring up legislation, H.R. 3146, which will, believe it or not, allow the gambling casinos in Atlantic City and Las Vegas to advertise the fastest roulette machine and blackjack game table or slot machine in the East or the West, to advertise by mail and by radio and on television and in newspapers in your congressional district.

I know it is not being advertised that way. Some people say it is to allow bingo to be advertised.

The gentleman from Florida [Mr. SHAW] and myself, are going to offer an amendment to strike the provision with regard to profit casinos, the Golden Nugget and Trump's Casino. We are not opposed to churches or fire departments advertising bingo. What we are going to knock out, hopefully with the support of my colleagues, is the provision which allows the gambling casinos to advertise.

When the time comes on Thursday I hope my colleagues will support this amendment so that their constituents are not flooded with advertising about blackjack and slot machines.

THE SURGEON GENERAL'S REPORT ON TOBACCO ADDICTION

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the Surgeon General's report on the addictiveness of tobacco is a fundamental challenge to Congress to make our laws consistent with medical and scientific fact.

Congress declares war on additive drugs, yet we virtually ignore one of the greatest causes of addiction in America: Tobacco. We regulate food and drugs to protect the health of our citizens, but we specifically exempt the cause of 350,000 American deaths each year: Tobacco. We enact the Delaney clause to protect the sale of cancer causing products, but specifically exempt a proven carcinogen: Tobacco.

Mr. Speaker, these exemptions for tobacco are inconsistent at best and hypocritical at worst. The Congress should change the Food, Drug and Cosmetic Act to define nicotine as a drug. That would make all tobacco products subject to regulation by the FDA, allowing us to restrict sales to children and stop the distribution of free samples of cigarettes and tobacco products.

We should require tobacco products be labeled as physically addictive, have the FDA test all tobacco additives that might be dangerous or addictive, and further restrict tobacco advertising.

Mr. Speaker, a drug addiction is a drug addiction, and one of the basic functions of Government is to protect the public health. It is time Congress said no to nicotine and yes to sensible regulation of tobacco products.

SUPPORT SUPERCONDUCTING SUPER COLLIDER IN ENERGY AND WATER APPROPRIATIONS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, today, in considering energy and water appropriations we will consider funding for the superconducting super collider. The committee has expressed support for this project by including $100 million in their recommendation for SSC funding for fiscal year 1989—not as much as many in this body would prefer—but needed funding to keep this important project moving forward.

Why is funding the SSC so important—because failure to build this research facility will likely place the United States at a severe competitive disadvantage in international high energy physics research. Already, foreign research laboratories are beginning to outpace the United States in many respects. And if anyone thinks we as a nation save money by shortchanging long-term development in this field, I should point out that fully one-third of our GNP since World War II can be traced to research in this area.

I feel very fortunate to have had the opportunity to live in northern Illinois and witness first hand the tremendous scientific advances made at Fermilab and the Argonne National Laboratory. The knowledge gained through this research does not sit on shelves and collect dust, it finds applications in everything from home computers to nuclear medicine. I would encourage every Member of Congress to find time to visit one of our Federal research installations and to find out for yourselves the importance of this research in our daily lives.

Last, I would like to commend the Appropriations Committee for recognizing the importance of the SSC in their overall funding proposal at a time of limited resources and competing demands, and hope that additional funding for this project will be made available in the future. The SSC is a very wise investment for all Americans.

A BILL TO PROVIDE FUNDING FOR NICARAGUAN DEMOCRATS

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, today the distinguished gentleman from Oklahoma [Mr. EDWARDS] and I are joining together to introduce a bill to provide assistance to the democratic opposition in Nicaragua.

It is not often that Mr. EDWARDS and I join forces on the subject of Nicaragua, but I believe the measure we are introducing today merits the support of Members on both sides of the aisle.

Under our bill, $1 million would be provided to the National Endowment for Democracy [NED] to support democracy and the democratic opposition in Nicaragua. These funds may be provided by the NED to independent labor unions, independent media, independent human rights organizations, and internal Nicaraguan democratic groups.

No funds may be expended for the Contras or groups affiliated with the Contras. All recipients of this aid must renounce the use of violence as a means of democratic change. And all aid must be granted in a manner consistent with the Guatemala accords signed last August.

Mr. Speaker, this bill provides multiyear authority. In other words, all the money will not be spent in 1 calendar year. One million dollars is a great deal of money in Nicaragua, and it is not our intention that this money be used to dramatically alter the relationships among the democratic groups in Nicaragua. We must be careful how this money is spent, and we do not intend it to be used to "buy victory" for any particular group or organization. On the contrary, the funds are intended to support and encourage a democratic process which only the Nicaraguans themselves can guide and nurture.

Mr. Speaker, we have had heated debates in this Chamber over how best to achieve democracy in Nicaragua, but we do share the same objective. I believe this bill represents a common ground upon which we can all stand in support of democratic change in Nicaragua.

I urge my colleagues to support the bill.

TRADE DEFICIT—GOOD NEWS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 1 minute.

There was no objection.

Mr. MICHEL. Mr. Speaker, this morning there was good news for all Americans and especially for American workers.

The U.S. trade deficit fell dramatically by more than $4 billion in March.

The Commerce Department reports that American exports were up 23 percent to a record, alltime high of $28.97 billion.

The Associated Press reports:

> The March deficit was the lowest monthly imbalance since March 1985 and represented a 29.5 percent improvement from the February deficit.

Mr. Speaker, this is great news:

American working men and women are proving that they can compete, that they don't need and don't want anything more than a fair chance to compete.

The rise in exports is a sign to the Nation and the world that wherever and whenever American workers get a fair chance, they will succeed.

But these trade figures show that American workers don't need protecting as much as they need the chance to show their stuff by competing and producing.

We now need a trade bill that enhances their ability to compete.

I call on our colleagues to emphasize our faith in American workers by sustaining the President's veto of the trade bill and then creating a bill that will really help American workers continue their great achievements.

IMPROVING LIVING CONDITIONS ON UNITED STATES-MEXICAN BORDER

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, incredible as it may seem, tens of thousands of human beings live without access to water or sewage treatment in many communities along the United States-Mexico border. Recent national media coverage has shown the rest of America that while this great country of ours has done much, there are still areas in this Nation where the opportunity to build a decent life, which requires safe drinking water, health care, and education just plain do not exist.

As chairman of the bipartisan congressional border caucus, I have today introduced legislation that seeks to right these wrongs that have gone on for so many years. A companion bill was offered today also in the Senate by the senior Senator from Texas.

Who are these people? Most of them are Hispanic-American citizens. Many actually own their own land. Many of these people are unfortunately those who are most susceptible and vulnerable, the very old, the very young, and the very poor.

I ask my colleagues to join me in authorizing legislation to correct this wrong much as we did in Appalachia decades ago. The United States-Mexico Border Commission authorized by this legislation is much needed, and through the work of many citizens, such as APISO and Valley Interfaith and the very people who have to live without safe drinking water in this Nation, we can make this bill become a reality.

MR. MEESE SHOULD RESIGN

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today the Justice Department has one more staff opening. This time the vacancy is in the Office of Apologies, Allegations, and Accusations.

Apparently even Mr. Meese's spokesman could no longer function in the sinking ship called the Justice Department.

The ancient Greeks called it shooting the messenger.

But the messenger wasn't the problem the message is. And the message is Meese.

After all it was certainly not idology that forced Mr. Eastland to go.

The bottom line is: Regardless of Mr. Meese's innocence or guilt, the Justice Department is no longer a place where the finest legal minds go to work for their country.

It is a sinking ship.

Mr. Meese, if you are truly a friend of the President you will step down.

And Mr. President about loyalty; there is loyalty to a friend and there is loyalty to the good of your country.

Which is more important?

NO LEGALIZATION OF DRUGS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I have seen it in the newspapers, heard it on the radio, and I still find it hard to believe.

Let's get it straight right now. I see no benefit whatsoever in the legalization of cocaine, heroin, or other illegal narcotics.

What are the positive factors that the proponents of legalization expect to see?

Will legalization lessen the ruthless fighting and killing that goes on at the hands of drug traffickers? No. Americans spend $130 billion each year to buy illegal drugs. There will be plenty of blood shed before the rich and powerful drug cartels give up that kind of income.

Will legalization lessen the crime that goes hand in hand with drug use? No. Legal availability will not prevent an addict from stealing or killing for another $50 to get through the next day.

Will legalization lead to moderation? No. The ability to legally purchase drugs will not put an end to the stories of established Americans who sell their belongings and destroy their families to support a cocaine habit. Is there such a thing as casual use of heroin? No.

The facts are this: The supply of illegal drugs in the United States is increasing. The numbers of Americans who use and abuse illegal drugs is increasing. The despair, tragedies, and deaths, relating to drug abuse are increasing. Clearly, legalization will only accelerate these increases.

Both the House and Senate are making positive commitments to battle the drug crisis on all fronts, with all of the resources at our disposal. Let's not give up the fight before we begin.

OLDER AMERICAN CHILD CARE EMPLOYMENT AMENDMENTS OF 1988

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUARINI. Mr. Speaker, today I join with the gentlewoman from Colorado [Mrs. SCHROEDER] and 58 of my distinguished colleagues, in introducing the Older American Child Care Employment Amendments of 1988. This legislation addresses two pressing issues we face in our country today: The need for quality day care and the need for many senior citizens to find gainful employment.

Changes in the economy, family structure, and career goals of women have resulted in a sharp increase in the number of mothers of small children entering the work force. In 1971 the employment of women with children under 6 years old equaled 27 percent. By 1980, the number had increased to 40 percent and by 1990 it is expected that approximately 75 percent of women with preschool age children will have entered the work force. The need for affordable, quality day care far exceeds the availability of services. This problem will only worsen. We must take steps now to meet these growing demands.

We have an untapped labor pool with the ability to alleviate the chronic shortage of child care providers. Current projections suggest that those over the age of 65 will increase from 11.7 percent to 22 percent by the year 2030. People are living longer healthier lives today than in the past. They are also better educated. The abilities of, and the contributions to, society that the elderly population can provide must be recognized and utilized.

Unfortunately, the elderly are often relegated to having no role at all in our society. This problem is heightened by the income reductions people face after retirement. Meaningful employment opportunities are often limited for the elderly. As living costs rise, retirement jobs are becoming increasingly attractive and we are witnessing a growing number of elderly people who are seeking to reenter the labor force. This bill will help create additional jobs and outside income for seniors.

Children, too, will greatly benefit from this program. Both gerontologists and child development specialists believe that linking the old and the young offers benefits for both, at a time when mobility has isolated millions of children from grandparents and other older relatives. Families with grandparents living at home declined in the 20th century from 30 percent in 1900 to 4 percent in 1980. There is little contact today between children and the eldest members of society. In addition, elderly people seldom come in contact with children in their housing projects, senior centers, or nutrition sites. This only perpetuates the negative stereotype children have of seniors, because children have few opportunities to interact with active senior citizens.

My bill does not attempt to replace the many excellent day care bills which have been introduced. It does, however, propose an original concept in the search for a workable solution to our day care dilemma. By linking these two generations in a child care setting we will advance communication between the generations, help to supplement the incomes of the elderly, and provide working families with a much needed service.

I am sure we are all aware of the difficulties families face today. I am also cognizant of the budget constraints with which we are confronted. However, through these demonstration projects, we will be able to develop a system which will assist the young, the old, and the family simultaneously. I hope you will join me in this endeavor.

SURGEON GENERAL'S STATEMENT WITH RESPECT TO NICOTINE

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, yesterday the Surgeon General of the United States made a significant statement with reference to cigarette smoking and nicotine, and I agree with the gentleman that in fact nicotine is a terribly addictive substance and the consumption of cigarettes should be lessened.

The problem is that his statement compared nicotine to heroin. While I commend the gentleman for decrying the effects of nicotine, I also would suggest to the Surgeon General that lumping nicotine and heroin is a terrible injustice to both and an injustice to the American people.

□ 1255

Heroin is a far more dangerous drug from the standpoint of single dose usage. Heroin is a killer and it kills now. It kills the first time you use it. It has the capability of killing you immediately. Nicotine does not. That does not mean nicotine should be consumed, but comparing nicotine and heroin trivializes the problem with hard drugs and trivializes the terrible effects of heroin and I would hope the Surgeon General would issue a clarifying statement to make sure that the American people understand the difference between nicotine and heroin.

GERIATRIC AIRCRAFT LEGISLATION

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, one of the most serious problems in aviation today is the rapid aging of our commercial aviation fleet. While we have all marveled over the Aloha Airlines incident, the fact remains that in 1986 nearly half of the planes in our commercial aviation fleet were 15 years or older and indications are that the numbers are rising.

Unless we aggressively and continuously test and inspect older aircraft, we are faced with not knowing when the next tragedy will occur but knowing the potential is there. Today, along with my colleagues Mr. McCURDY and Mr. LEWIS of Florida, I have introduced legislation calling on the FAA to initiate a research and development program to study structural fatigue, wear, corrosion, and damage to aircraft resulting from age and intensive utilization. Included in that program would be routine testing of several models of older aircraft through "tear down inspection" procedures.

The fundamental and threshold question that we face is this: How long can airplanes last? Only by doing this research can we answer this question and, in the process, perhaps save thousands of lives.

I urge my colleagues' support of this important and timely legislation.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3146, LOTTERY ADVERTISING CLARIFICATION ACT OF 1987

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 100-625) on the resolution (H. Res. 448) providing for the consideration of the bill (H.R. 3146) to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4586, MILITARY CONSTRUCTION APPROPRIATION, 1989

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 100-626) on the resolution (H. Res. 449), waiving certain points of order against consideration of the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989 and for the other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4567, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1989

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

Resolved, That during the consideration of the bill (H.R. 4567) making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 10 through page 6, line 15; beginning on page 8, line 9 through page 14, line 7; beginning on page 15, line 22 through page 16, line 7; beginning on page 20, line 6 through page 31, line 5; beginning on page 32, line 3 through page 33, line 19; beginning on page 34, line 6 through page 35, line 6; and beginning on page 36, line 8 through page 38, line 12; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6 of rule XXI are hereby waived; beginning on page 9, line 7 through page 14, line 7; beginning on page 15, line 22 through page 16, line 7, beginning on page 26, line 8 through page 27, line 5; beginning on page 29, lines 4 through 19; and beginning on page 30, line 14 through page 31, line 5.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 447 is a rule waiving points of order against consideration of H.R. 4567, the energy and water development appropriations bill for fiscal year 1989. The rule waives clauses 2 and 6 of rule XXI against provisions of the bill specified by page and line numbers in the rule. Clause 2 of rule XXI prohibits consideration of unauthorized appropriations or legislative provisions in a general appropriation bill. The waivers are necessary because legislation authorizing certain programs funded in this bill have not yet been enacted into law and because some provisions in the bill are legislative in nature. Clause 6 of rule XXI prohibits consideration of reappropriations of unexpended balances in a general appropriation bill. The waivers of this clause are necessary to allow the transfer of unexpended balances from one account to another and the extension of the authority to obligate those funds into the new fiscal year.

Under the rules of the House, a general appropriation bill such as H.R. 4567 is privileged and does not require a rule to permit consideration. The waivers are provided to allow the House to work its will on all of the important provisions contained in the bill. The debate time on the bill will be governed by House rules and any unanimous-consent request made by the manager of the bill. House rules and precedents provide that the bill will be read for amendment by paragraph under the 5-minute rule. This resolution does not preclude any amendment in order under House rules.

Mr. Speaker, H.R. 4567 is a very important bill, one which appropriates $17.8 billion in fiscal year 1989 for civil construction and flood control work by the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy—including defense nuclear activities—and such independent agencies as the Tennessee Valley Authority, the Nuclear Regulatory Commission, and the Appalachian Regional Commission.

I want to congratulate Chairman TOM BEVILL and the Subcommittee on Energy and Water Appropriations for once again producing a responsible bill in a timely manner. By bringing this bill to the House floor on May 17 they give us hope that this year we will be able to enact individual appropriation bills prior to the start of the fiscal year so that we do not have to rely on an omnibus continuing resolution to fund the Government again this year.

I urge my colleagues to help move the appropriations process forward by voting for this rule and H.R. 4567.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 447 provides for the consideration of the bill H.R. 4567, the energy and water development appropriation bill. The rule waives all points of order against specific portions of the measure for failure to comply with clauses 2 and 6 of rule XXI.

Clause 2 of rule XXI prohibits unauthorized appropriations and legislative provisions in general appropriation bills. This bill does contain numerous legislative provisions and unauthorized matters which necessitate this rule.

The bill also waives clause 6 of rule XXI which prohibits reappropriations in a general appropriation bill. H.R. 4567 appropriates new budget authority to the Army Corps of Engineers; the Bureau of Reclamation and the Department of Energy including defense nuclear programs. It also gives budget authority to several independent agencies such as the Nuclear Regulatory Commission and the Appalachian Regional Commission.

Mr. Speaker, H.R. 4567 appropriates $17.8 billion for fiscal year 1989. The total is $873 million more than the amount appropriated for the current fiscal year. However, it is $357 million less than requested by the administration for fiscal year 1989. I think it should be emphasized that this is well within last year's budget summit agreement and the committee should be commended on this.

Mr. Speaker, I support this rule. H.R. 4567 is a most significant piece of legislation. It will give aid to areas where flood control, shore protection and basic energy and water development projects are so desperately needed for enhancement of safety and economic conditions.

For instance, in my own State of Mississippi, this bill provides vital funding for such projects as general investigations for the Pearl River basin; Pascagoula Harbor and the Tombigee River and tributaries. It will provide funding for operation and maintenance of the Claiborne County port; Rosedale Harbor; Okatibbee Lake and the Yazoo River. It is going to provide funding for flood control at the Vicksburg Harbor, which suffers greatly during heavy rain and tornado seasons. This bill will fund construction in the Mississippi delta region, which will open major economic doors for the area.

Mr. Speaker, in view of the beneficial impact this measure on our national energy and water needs will have, I feel confident that all of my colleagues will join me in supporting the rule and the bill. Our country can only profit from well funded energy and water development projects.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill, H.R. 4567, making appropriations for energy and water development for 1989, and that I be permitted to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1989

Mr. BEVILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4567) making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

The **SPEAKER** pro tempore. The Chair designates the gentleman from Ohio [Mr. PEASE] as Chairman of the Committee of the Whole and requests the gentleman from South Carolina [Mr. DERRICK] to assume the chair temporarily.

☐ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4567, with Mr. DERRICK (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The **CHAIRMAN** pro tempore. Under the unanimous-consent agreement, the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Mr. George A. Urian, staff assistant assigned to the Energy and Water Development Subcommittee of the Committee on Appropriations is retiring after 27 years with the committee and nearly 33 years of Federal service. This will be the last bill that he will help my subcommittee bring to the floor.

George joined Federal service on September 29, 1955, with the U.S. attorney for the District of Columbia. On April 1, 1961, he joined the staff of the Committee on Appropriations. He was assigned to the executive office of the full committee until February 1, 1966. At that time, he was assigned to the Public Works Subcommittee, the predecessor of the Energy and Water Development Subcommittee. George has served with distinction on that subcommittee working on water resource projects since his assignment in 1966.

During his career, George has served under the three full committee chairman: Clarence Cannon, George Mahon, and JAMIE WHITTEN; and three subcommittee chairman: Michael Kirwan, Joe Evins, and TOM BEVILL. He is currently third in seniority of the entire committee staff.

George's wife, Annette, has been a loyal companion during the trying times of committee activities. They have three children: Carl, Julie, and Richard.

During his tenure many important water resource development projects have been undertaken.

George has worked on hundreds of projects that have served the Nation well. His long and dedicated efforts have helped to make these projects possible.

He will miss George very much.

Mr. Chairman, we bring to you today for your favorable consideration the energy and water development appropriation bill for 1989. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana [Mr. MYERS]. As in years past, he and I have worked together with the subcommittee without any trace of partisanship to fashion a bill that meets the present and future needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentlelady from Louisiana [Mrs. BOGGS], the gentleman from Florida [Mr. CHAPPELL], the gentleman from California [Mr. FAZIO], the gentleman from Oklahoma [Mr. WATKINS], the gentleman from Georgia [Mr. THOMAS], the gentlelady from Nebraska [Mrs. SMITH], and the gentleman from Michigan [Mr. PURSELL]. This is Mr. THOMAS' first year on the subcommittee, and he has proven to be a valuable addition to the subcommittee. I want to also thank Chairman WHITTEN and Mr. CONTE for their assistance.

Mr. Chairman, the bill before the committee today would provide $17,787,500,000 in new budget authority to the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and six independent agencies and commissions. The bill includes $8,100,000,000 for defense activities and $9,687,500,000 for domestic programs. The amount for defense is equal to the budget request, and the amount for domestic programs is $357,047,000 less than the administraton's request. The bill is consistent with the budget summit agreement and the subcommittee's assumed 302(b) allocation.

This year the committee was faced with extremely difficult decisions in determining funding levels for various domestic programs. This occurred because of budget outlay constraints on the committee's allocation. Because of these contraints, the committee's recommendation is approximately $350 million in budget authority below the administration's request. The decision on how to best achieve this year's financing levels was reached because the committee did not want to unduly impact ongoing domestic projects and programs to obtain financing for new work, when many of the existing facilities are underutilized or are not being adequately maintained currently.

Due to the severe budget situation, the committee has not included funds for any new construction starts for the Corps of Engineers or the Bureau of Reclamation. No major new construction funding is included for the Department of Energy's domestic programs.

TITLES I AND II—WATER RESOURCE DEVELOPMENT

Mr. Chairman, the committee is committed to a policy of development of the vital water supply, navigation, flood control, irrigation, and hydroelectric projects that are necessary to the well-being and economic growth of the entire Nation. No part of this country is immune from the problems of water—too little or too much—and all States of the Union must join together to cooperatively foster a truly national water policy which responds to the unique needs of each State and region.

Title I includes $3,258,332,000 for the Corps of Engineers which provides for 323 water resource projects in the planning or construction phases.

Title II includes $993,759,000 for the Bureau of Reclamation which provides for 113 water resources projects in the planning or construction phases.

Titles I and II also provide for studies and projects in the operation and maintenance category. Within the available funds, the subcommittee has attempted to accommodate the most critical needs, within budget constraints, identified through the extensive hearings conducted with administration witnesses, the public, State, and local officials and Members of Congress.

Because of budget outlay constraints, the committee is unable to provide for new construction starts, including six requested by the administration for the Corps of Engineers.

TITLE III—DEPARTMENT OF ENERGY

In title III, for the Department of Energy, the recommendation provides a total of $13,093,408,000. We are recommending $8,100,000,000 for the national security programs, the requested amount, and $4,993,408,000 for all other energy programs, $491,658,000 below the budget request. The amount recommended for energy research programs maintains a balanced energy research program and a healthy scientific research effort. No new major domestic energy research facility construction starts were included due to budget constraints. The recommendations include numerous changes in the request which are summarized in the report. I will mention a few.

In the energy programs of the Department of Energy, several changes are worth mentioning:

For solar and renewable energy programs, we are recommending $137,469,000 compared to the budget request of $123,090,000.

For magnetic fusion, the recommendation provides $343,000,000, a decrease of $17,000,000 below the requested level of $360,000,000. The decrease reflects the lack of construction funding for the Compact Ignition Tokamak due to budget constraints.

The committee continues to strongly support the program activities included in the nuclear waste disposal fund. The bill includes $369,832,000, a reduction of $79,000,000. This reduction does not withdraw support but is a response to severe funding restraints.

For general science and research, the committee recommendation provides a total of $929,116,000. The recommendation does not include funds to initiate construction of the superconducting super collider. While the committee is generally very supportive of the SSC project, we felt that construction funding should not be provided until a financial plan that the new administration can agree to is developed. The committee recommendation does include $100,000,000 for continued R&D. This will enable continued research at a level that will keep the scientific team and the site selection effort progressing through 1989. This approach will give the new administration and Congress a better opportunity to take a look at how this $5.3 to $9 billion project can be financed during a period of deficit reduction.

The recommendation for defense programs of $8,100,000,000 is $350,636,000 above the current appropriations and is equal to the budget request. The recommended level complies with the budget summit agreement and the individual program levels are all consistent with the House-passed fiscal year 1989 Defense authorization, including SDI, defense waste management and inertial confinement fusion.

TITLE IV—INDEPENDENT AGENCIES

Title IV of the bill includes $442,001,000 for six independent agencies. This is $34,310,000 above last year's level.

We have provided $107,000,000 for the Appalachian Regional Commission; $103,000,000 for the Tennessee Valley Authority; and $1,001,000 for three river basin commissions.

The committee recommendation provides $420,000 for the Nuclear Regulatory Commission, a reduction of $30,000,000 from the President's request. In addition, the bill includes langauge which would permit NRC to use up to $189,000,000 in revenues from licensing and other activities to offset part of the appropriations. Statutory authority to permit NRC to collect these additional revenues has been enacted into law in last year's Budget Reconciliation Act.

GENERAL PROVISIONS

The bill contains the customary general provisions carried in prior years to permit the agencies funded in this bill certain flexibility and to limit other activities.

COMMITTEE REPORT

The report accompanying the bill provides a good explanation of the recommendations reflected in the bill. I would encourage the Members to look through it.

This is a good bill and report. It is under the President's budget. I recommend its adoption.

□ 1310

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to the members of the committee, as we come once again to the Members with the first appropriation bill to face the Congress this year, that we are bringing to the Members the energy and water development bill. The chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL] has already explained this to us.

Each year, during the years he and I have served on this committee it seems to become a little more difficult. Back a number of years ago, when we first came on the committee, we thought it would be easy by this time. That we would have it down pat, and that we would know just how to go about it. But there have been some things happen since then, and it has become more difficult each year to write this bill.

□ 1320

So there is a lot of credit that should go to the Members of the House here who work on this subcommittee and particularly the staff who have put in so many hours. Those of us who are now presenting the bill do owe a debt of gratitude and thanks to the staff, particularly one that has served his country in several capacities for 33 years and the last 27 here in the House of Representatives for the Appropriations Committee, Mr. George Urian. He has served not only this subcommittee, but the full Appropriations Committee and served his country very well. We will miss him very much. George plays a very, very vital role in crafting this bill. He has decided he will retire from Congress. We still hope he will have second thoughts. We will miss George very much and we thank him for his service.

I might add that the full committee, both the Democrat and Republican side, as well as the staff, are nonpartisan. I know that is said once in awhile by other committees around here, but this really is a committee that has been completely nonpartisan. It has been very difficult for a lot of people to understand that the committee does its work on a nonpartisan basis. There just is not enough money to be partisan. We have to really select the top priorities and the best projects throughout the country when we start funding them. So we do thank very much the full committee, the staff members, and particularly our departing friends, George Urian. We wish him well.

Mr. Chairman, a few years ago we often referred to this bill as the all-American bill. I can remember back a few years ago inquiring when it was called public works, "Why do they call the public works bill the all-American bill?"

It was explained to me because just about every congressional district in the country had something in the all-American bill.

Well, I still call it the all-American bill. This bill touches every area of the country; first in energy, not only energy supply and the enrichment of uranium, but also as far as developing new sources of energy. We all know that energy is so vital.

We do the research for nuclear energy. We do the research in fusion, which hopefully will be a new source of energy by the year 2000 or shortly thereafter.

We do a lot of research in solar. We do a lot of research in geothermal. We also do research in wind.

So the research that has been providing the energy that turns the wheels of our factories and lights our homes, turns on our television sets, all of these come from the work that this committee has seen fit to appropriate. The research is very important.

We have more than 25,000 miles of inland waterways that again this committee is responsible for appropriating. We fund the construction, operation and maintenance of these more than 25,000 miles of inland waterways that help move products throughout the United States. They also move the products to port so that we can be competitive with the rest of the world in exports. This is very vital to American industry and American jobs that we maintain these inland waterways, the dams, the locks and the ports. We are deepening a great many ports so we can be more competitive with the rest of the world.

Water supply is partly the responsibility of this committee, as well as flood control which touches a great many of our districts. So the bill is still an all-American bill.

Now, there are some parts of this bill that the Office of Management and Budget have objected to. Chairman BEVILL has already cited some of those.

The bottom line is that we are under the President's request. We are right up against the tentative 302(b) allocation. For those of you who are not familiar with 302(b), that is the allocation made to the various Subcommittees on Appropriations. We are right up against that.

So if anyone today has thoughts about adding money to this bill, it just is not true. We have not got the money. We will have to reject any requests for amendments that would add dollars.

Mr. Chairman, it is a good bill. It is a bill I think that deserves the support of all of us. I am proud today to add my thanks to all of those who have contributed to this bill. It is a pleasure to have an opportunity to serve the country in this way. It is a great bill.

I might add, as Chairman BEVILL has said, there have been a great many of you who have made requests to this committee that we were unable to accommodate. We just did not have the money. Maybe I would not have my arm in a sling if we had more money. This is an occupational hazard, I guess.

So in any event, Mr. Chairman, it is a good bill and I do hope you will all support it.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to our good friend and colleague, the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, before I make my remarks, I want to have a brief colloquy with the subcommittee chairman, the gentleman from Alabama [Mr. BEVILL] and ask him a question.

Mr. Chairman, I just want to make clear the title of a specific project in my district which is included in the committee's report. In the Army Corps of Engineer's operation and maintenance section for California projects, $1.5 million is appropriated for the Los Angeles-Long Beach Harbors. I just want to make sure that the $1.5 million is intended for maintenance dredging of the Los Angeles River which is under the jurisdiction of the Long Beach Harbor District.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. ANDERSON. Mr. Chairman, let me commend Chairman BEVILL on his work to get this Energy and Water Appropriations bill onto the floor today. As you know, included in this bill are various water projects under the jurisdiction of the Army Corps of Engineers which are of interest to me as the chairman of the Public Works and Transportation Committee and are of interest to my district.

Included in the bill is funding for the San Pedro Bay Hydrolic Model as well as money to complete the feasibility study for the expansion of the Los Angeles and Long Beach Ports. The port expansion project is a response to the tremendous growth in Pacific Rim trade, much of which passes in and out of the Los Angeles and Long Beach Ports. These ports are not only considered the busiest ports in the Nation, but they also provide the U.S. Treasury with billions of dollars in customs duties, taxes, and fees. The appropriations for the ports included in this bill are indispensible for the long-term viability of our Nation's busiest port complex.

I also want to mention how important this bill is to many other projects in the southern California area. Redondo Beach's King Harbor, which was badly damaged by storms last January, is earmarked for assistance to begin to build the breakwaters high enough to protect the $6.8 million in annual commercial activity in the harbor. Also funded in this bill are harbor projects in Oceanside, Ventura, and Santa Monica, all viable commercial areas which affect many lives and much of the economy of southern California.

This bill goes a long way to support the vital water and energy projects throughout this country. It is even consistent with the House-passed budget resolution and the budget summit agreement. I would like to state for the record my full support of H.R. 4567 and urge my colleagues to do the same.

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. PURSELL], a very valued Member. The gentleman is just completing his first term on this committee, but he has made a great contribution in the 2 years he has already served on this committee.

Mr. PURSELL. Mr. Chairman, I want to congratulate the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for their outstanding leadership in bringing to the floor the energy and water development appropriations bill. As a member of this subcommittee, I witnessed a truly bipartisan effort in developing a good bill.

Mr. Chairman, the programs funded by this legislation represent a major component of this country's science and technology effort. The United States is the world leader in science and in the application of that science to commercial use. To maintain that preeminence, however, the Federal

Government must continue to nurture and stimulate knowledge in biomedical research, biotechnology, superconductivity, and other emerging technologies. That is what this legislation and other appropriations bills supporting basic and applied science aim to do.

Lewis Branscomb of Harvard University said it best: Technology is not a zero sum game; everyone can be a winner, all will be winners, all shall have a prize. But Americans must take the game seriously, for there are other nations that do not consider it a game at all.

I commend the committee for the continuing support of the University Research Program in Robotics for Advanced Reactors and other University engineering programs. In fiscal year 1987 the Department of Energy initiated an innovative, long range program to develop advanced robotic systems capable of performing tasks that are hazardous to humans or more appropriately performed by automated systems. I feel that continued support is justified based upon the significant long-term economic, technical, and human safety benefits.

I would like to thank the committee for including funding for the superconducting super collider in the amount of $100 million. The House-passed budget resolution provides $100 million for the SSC. Funding at this level will show a strong commitment to the project and should allow us to seek cost sharing arrangements with the private sector and other nations interested in high energy physics.

The proposed superconducting super collider provides America with the opportunity to build a premier research facility and retain preeminence in the world's scientific community.

The SSC represents an extraordinary breakthrough in the area of high energy physics. This ongoing quest will unlock the secrets of nature and will inspire young people to pursue careers in advanced science and technology. The SSC would serve as a rallying point for today's, as well as tomorrow's, scientists involved in the quest.

Also, I want to commend the subcommittee for their work with the Corps of Engineers. Of special interest to 22 States is the St. Lawrence Seaway, the fourth seacoast. There are now serious constraints to efficient use of the St. Lawrence Seaway System. The international fleet has undergone profound changes in total capacity, size, character, organization, and cost of transport. This seaway is an old system with physical constraints that preclude efficient use by a modern international fleet.

Accordingly, the committee has requested the Secretary of the Army to prepare a study to determine the physical improvements necessary to keep the waterway efficient, competitive and productive. Hopefully, this will lead to a full modernization of the St. Lawrence Seaway.

Again, I commend our subcommittee and staff for the expert job done in writing this bill. I strongly support it, and urge my colleagues to vote for it.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 4567, the Energy and Water Appropriations Act for fiscal year 1989, and to commend the chairman and the committee for the fine work they have done on this bill. As has been noted, the bill is $357 million below the President's request, a remarkable accomplishment considering the programmatic requirements. Because of budget constraints, the bill includes no new funding for Army Corps of Engineers or Bureau of Reclamation new construction starts, and no major new construction funding for Department of Energy domestic programs. The committee has done its usual excellent job of matching program needs with budget constraints, and I applaud the chairman, the ranking member, the committee members, and staff for their skill and consideration.

We all know, Mr. Chairman, the benefits which Corps of Engineers and Bureau of Reclamation projects have brought to the Nation. Our essential infrastructure of harbors, dams, navigation works, and water projects have returned many times their cost through increased national product, trade, flood damage prevention, agricultural production—which helps our balance of payments—and clean dependable water supplies for our towns and cities.

In that vein, I want to thank the committee for including in the bill funding for essential projects in the 19th District of California, including dredging for the Santa Barbara and Ventura Harbors; essential studies at both harbors to help reduce the need for annual maintenance dredging; beach erosion control studies along the Santa Barbara coast; and funding for a vital water reclamation project in Ventura County.

The bill includes a $5 million loan from the Bureau of Reclamation loan fund to United Water Conservation District in Ventura County for the Freeman diversion structure. This structure is the key feature in a unique and ingenious project to save natural fresh-water reservoirs in acquifers underlying the Oxnard Plain—one of the most productive agricultural areas in the Nation. The structure would divert surplus winter floodwaters from the Santa Clara River, which now waste into the ocean, into a system of canals and spreading grounds to recharge the underground acquifers and prevent sea water intrusion now threatening those water supplies. The district has already invested $15 million in local funds to build the distribution network.

Mr. Chairman, in view of the current water shortage now facing the West, projects such as those in the bill become more important than ever, and I urge all my colleagues to vote "aye" on this measure.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, Bureau of Reclamation construction projects and Federal money to complete them, are vitally important to my district and to people throughout the Western United States.

The projects are important for the municipal and industrial development they represent, the commitment to ensure that neighboring States get the water and power they need, and as an anchor for Western agriculture. Without water, no one would be living or thinking of building a life in the West.

The Appropriations Subcommittee on Water and Power Development has been generous in providing the funds to continue the work on the Animas-La Plata project for southwestern Colorado and northern New Mexico.

The building of the Animas-La Plata and the passage of legislation I have introduced will codify an historic settlement agreement among the Federal Government, the States of Colorado and New Mexico and the Indian and non-Indian water users respecting the division of water rights. Today's appropriation bill and the funding it includes for the project firmly establish the desire of Congress to complete the project, which it authorized 20 years ago.

Another of the many projects in my district which received the necessary funding from the subcommittee is the closed basin project in the San Luis Valley, CO. The subcommittee was again generous in providing $10.321 million for the continued construction of this valuable water salvage project. The subcommittee's support for the full funding level will demonstrate to many the value and continuing benefits of the project.

The construction of the project is nearly complete, and water is being delivered to the national wildlife refuges near Alamosa, CO. But without legislation authorizing a ceiling increase, which I have introduced, the project cannot be completed, the recreational features important to the San Luis Valley will not be finished, and the wells in the last stages will not be hooked up and available for project production.

The project will meet the future water needs of the valley and also allows Colorado to meet its obligations to the States of New Mexico and Texas without significantly diverting water from Colorado water users. The project also fulfills a United States treaty commitment with Mexico which shares the water from the Rio Grande River.

The subcommittee also provided the full level of funding for the Dolores project, the Dallas Creek project, the Frying Pan/Arkansas project and the Uncompagre project.

The funds provided for Dallas Creek will help finish the project, the funds for Frying Pan/Arkansas will help complete fish and wildlife mitigation features, and the funds for the Uncompagre project will help the work continue on the canal and to replace a needle valve.

Finally, in terms of funding for Bureau water storage projects, let me emphasize the Stagecoach project. This project received no monay from the administration under its construction loan program, although work has begun. The subcommittee realizes its importance to northwest Colorado and has provided $2 million of the $5 million necessary to complete it.

With respect to Colorado's obligation to provide salinity control, one detail that needs to be highlighted is the appropriation for the Lower Gunnison Basin Unit. The Lower Gunnison Winter Water Program is strongly supported by local water users. It provides the most cost-effective salinity control opportunity now being considered by the basin States and the Bureau.

The subcommittee has also done a fine job of maintaining the funding to continue work on several Army Corps of Engineers' projects in my congressional district. I would like to especially thank the subcommittee for its help with the Fountain Creek project in Pueblo, CO. The community believes in this project and is paying 25 percent of its cost.

Mr. Chairman, this concludes my statement. I understand the strain on this year's budget and do not envy the subcommittee's situation. They have done an excellent job of putting together an appropriations package that is $357 million below what the administration requested, but that meets the needs of Western States.

Keep in mind that money spent on water development is money that eventually is returned—either through outright repayment or more importantly, by the subsequent growth of communities and towns that are dependent on a scarce resource. The past funding of this subcommittee has helped enhance the quality of life throughout the West, and I appreciate it.

□ 1335

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, at the appropriate time, I will raise a point of order against section 502 of this bill, because it violates rules XXI of the House rules which prohibits legislation in an appropriations bill.

Section 502 of the energy and water development appropriations bill would prohibit all departments and agencies funded by this bill from complying with the provisions of the Equal Access to Justice Act. That is the law which authorizes the payment of legal expenses of citizens and small businesses who successfully challenge unjustified actions by Federal agencies. A large number of agencies would be affected by this provision, including the Corps of Engineers, the Bureau of Reclamation, the Department of Energy, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, the Power Marketing Authorities, and the River Basin Commissions.

In other words, section 502 of the bill will substantially alter the scope of the Equal Access to Justice Act, and will virtually eliminate the ability of citizens and small businesses to defend themselves against capricious and unjustified actions by the Federal agencies funded through this appropriations bill.

It is this substantive change in the law which makes section 502 of this bill subject to a point of order under the rules of the House, and is the reason why the distinguished chairman of the Committee on the Judiciary and the distinguished chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice support the point of order and the elimination of this section from the bill. The letter from those gentlemen to the distinguished chairman of the Rules Committee which outlines their concerns is attached to my statement.

My personal interest in maintaining the integrity of the Equal Access to Justice Act is the protection of the little guy—the small businessman or the private citizen who is being harmed by an unjustified action of a Federal agency and would not have the financial means to fight back without the assistance which can be provided through this law.

Contrary to the claims of opponents of this law, it does not open the floodgates to numerous administrative and legal challenges, nor does it represent a large financial liability to the Government.

The guidelines for the payment of awards are very limited. Awards are issued only at the discretion of the agency or the court. The fees can only be paid when it is determined that the challenge overturns as agency decision which cannot be "substantially justified." In other words, fees will only be paid when private parties are challenging agency actions which are clearly outside the scope of the law.

During the entire 8 years the law has been in place, payments for challenges at the agency level have only cost between $50,000 and $200,000 per year for the entire Government. With respect to court challenges, only $560,064 was awarded for challenges to the actions of DOE, Interior, FERC, and the Army Corps over the last 4 years. This is not a high price to pay to ensure our citizens can protect their rights.

Over the years, the Equal Access to Justice Act has worked effectively and efficiently to protect citizens and businesses from unjustified regulatory actions.

That is why today the National Federation of Independent Business representing 500,000 small businesses, National Small Businessmen United representing 50,000 small businesses, and a host of other public interest and citizens groups strongly support the effort to strike section 502 from the appropriations bill.

I urge my colleagues who are concerned about protecting civil liberties, and stopping unwarranted Government regulation, to join me in protecting the integrity of the Equal Access to Justice Act and support the effort to strike section 502 from the energy and water development appropriations bill.

COMMITTEE ON THE JUDICIARY,
Washington, DC, May 12, 1988.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that your Committee is scheduled to act on the FY 1989 Energy and Water Development Appropriations bill this afternoon. It has come to our attention that one of the provisions included in that bill addresses a matter within the jurisdiction of this Committee. Specifically, section 502 of the bill states:

"None of the funds in this Act should be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act. *This prohibition bars payment to a party intervening in an administrative proceeding for expenses incurred in appealing an administrative decision to the court.*" (Emphasis added.)

This section has a direct impact on the provisions of the Equal Access to Justice Act (28 U.S.C. section 2412), which provides for the award of attorney's fees and other expenses in certain administrative proceedings and civil actions. As you are aware, this Committee has jurisdiction, and has exercised substantial oversight and legislative initiative, over this matter. Accordingly, we do not believe that it would be prudent for the Appropriations Committee and the full House to legislate in this area without the expertise of this Committee and the consistency of legislative philosophy it possesses in this matter being brought to bear.

We therefore request that your Committee not grant a waiver of Rule XXI of the House Rules, which prohibits legislation in an appropriation bill.

Thank you for your assistance in this matter.

With best regards,

Sincerely,

PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary.
ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts, Civil Liberties and the Administration of Justice.

NATIONAL SMALL BUSINESS UNITED,
Washington, DC., May 17, 1988.

Hon. MIKE SYNAR,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SYNAR: It our understanding that the U.S. House of Representatives will shortly be considering H.R. 4567, the Energy and Water Development Appropriations legislation for Fiscal Year 1989. We further understand that this legislation contains, in Section 502 of the bill, a provision that would waive the ability of administrative agencies or the courts to make awards under the Equal Access to Justice Act to intervenors in proceedings involving agencies or departments funded in the bill. We believe this waiver provision represents both bad precedent and weakens the important balance established by the Equal Access to Justice Act to help assure that federal agencies will not unfairly utilize their greater resources in adversary proceeding with small businesses or other small organizations or parties to deny fair hearing and review of decisions where an agency's position is not "substantially justified".

We want to indicate our strong support for your efforts and the efforts of the leadership of the House Judiciary Committee to make the point of order when H.R. 4567 comes to the Floor that the appropriate forum for policy making in this regard is through the House Judiciary Committee and not through a rider on an Appropriations bill which has not had the benefit of specific hearings nor the benefit of the authorizing committee's expertise.

While the Equal Access to Justice Act is one of the federal government's less expensive programs, it serves a key function in encouraging fair and equitable government decision-making. We applaud your efforts in support of maintaining this important program.

Sincerely,

ALLEN NEECE,
Legislative Counsel

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, May 17, 1988.

Hon. MIKE SYNAR,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SYNAR: On behalf of the more than 500,000 small business owner members of the National Federation of Independent Business (NFIB), I want to express our support for your efforts to strike language in H.R. 4567, the Energy and Water Appropriations Act, which exempts covered agencies from the provisions of the Equal Access to Justice Act (EAJA). This exemption is utterly unacceptable to the small business community.

The Equal Access to Justice Act allows small businesses, individuals, and interest groups meeting certain size criteria to recover attorneys' fees and court cost when they prevail in civil litigation and administrative adjudications with the federal government. Attorneys' fees may be awarded if the court determines the government's position was not substantially justified. This statute, originally enacted in 1980 with a sunset date of October 1, 1984, was permanently reauthorized in the 99th Congress, with overwhelming support in both the House and Senate.

The Equal Access to Justice Act is of paramount importance to the small business community. Without this Act, it is often economically infeasible for small business owners to defend themselves against overbearing and zealous Federal agencies even when it is clear the agency action was unwarranted and irresponsible. Enactment of EAJA stands as one of the landmark accomplishments for small businesses in their fight against overwhelming federal regulation.

Despite the strong support for this statute, the concept of EAJA has come under attack in the appropriations process. H.R. 4567, the Energy and Water Appropriations Act, was reported from the Appropriations Committee containing language which bars the use of funds appropriated in the bill to pay the expenses of parties intervening in regulatory or adjudicatory proceedings. The language also bars payment for expenses incurred in appealing an administrative decision to the courts.

Small business owners are among those who could be hurt by this exemption from EAJA. Small firms are often involved in projects with the Department of Energy, the Corp of Engineers, and other agencies covered under this bill. While the language may have been intended primarily to preclude the recovery of attorney's fees and legal costs by public interest groups fighting actions of the Federal Energy Regulatory Commission and other agencies, it could also impinge upon the rights of small businesses under the Equal Access to Justice Act. Moreover, it is irrelevant which beneficiary of EAJA would be most affected by this language. EAJA was crafted to provide a more level playing field for a variety of small entities, including small businesses and public interest groups, in their dealings with the Federal government. This language sets a dangerous precedent which could tear down the foundation of the Equal Access to Justice Act.

Once again, on behalf of the small business community, we thank you for moving to strike this language from the bill and for working to leave EAJA intact.

Sincerely,

JOHN J. MOTLEY III,
Director of Federal Governmental Relations.

NATIONAL SMALL BUSINESS UNITED,
Washington, DC, May 17, 1988.

Hon. MIKE SYNAR,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SYNAR: It is our understanding that the U.S. House of Representatives will shortly be considering H.R. 4567, the Energy and Water Development Appropriations legislation for Fiscal Year 1989. We further understand that this legislation contains, in Section 502 of the bill, a provision that would waive the ability of administrative agencies or the courts to make awards under the Equal Access to Justice Act to intervenors in proceedings involving agencies or departments funded in the bill. We believe this waiver provision represents both bad precedent and weakens the important balance established by the Equal Access to Justice Act to help assure that federal agencies will not unfairly utilize their greater resources in adversary proceedings with small businesses or other small organizations or parties to deny fair hearing and review of decisions where an agency's position is not "substantially justified".

We want to indicate our strong support of your efforts and the efforts of the leadership of the House Judiciary Committee to make the point of order when H.R. 4567 comes to the Floor that the appropriate forum for policy making in this regard is through the House Judiciary Committee and not through a rider on an Appropriations bill which has not had the benefit of specific hearings nor the benefit of the authorizing committee's expertise.

While the Equal Access to Justice Act is one of the federal government's less expensive programs, it serves a key function in encouraging fair and equitable government decision-making. We applaud your efforts in support of maintaining this important program.

Sincerely,

ALLEN NEECE,
Legislative Counsel.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE], the ranking Republican member of the Committee on Appropriations.

Mr. CONTE. Mr. Chairman, I rise in strong support of H.R. 4567, the energy and water development appropriations bill for fiscal year 1989. I want to commend Chairman TOM BEVILL and ranking Republican member JOHN MYERS. They have done an exceptional job in putting the fiscal year 1989 bill together under very difficult circumstances.

Due to very tight budget outlay constraints, the subcommittee took the position that there would be no new construction starts for the Corps of Engineers, the Bureau of Reclamation, or the Department of Energy's domestic program. As you can imagine, the committee has been under a lot of pressure because of that decision.

The bill before you provides $17.787 million in new budget authority. This is in accord with the economic summit and is approximately $451 million below the administration's request.

Further, it should be below the subcommittee's expected 302(b) allocation. Obviously, this bill is an appropriate response to the Federal budget situation.

I would like to point out to my colleagues and to commend the committee for the speed with which this appropriations bill is moving. While there have been six bills reported by the various appropriations subcommittees and three reported by the full committee, this is the first bill to be brought to the House floor.

In sum, I urge my colleagues' support for this bill.

Mr. Chairman, I would like to have a short colloquy with the gentlewoman from Nebraska [Mrs. SMITH].

The fiscal year 1987 energy and water development appropriations bill required that four environmental studies be done prior to issuance of the draft environmental impact statement on the Prairie Bend project on the Platte River. Are these studies completed?

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Mr. Chairman, I am happy to yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. No, although progress has been made. Additional data are needed in three areas. These are the forage fish model, the daily instream flow model, and the sediment loading model.

Mr. CONTE. In light of this need for more information, is it correct that the $800,000 for advanced planning contained in this bill will not be used for construction of the Prairie Bend project?

Mrs. SMITH of Nebraska. Yes. In fact, prior to any construction on the Prairie Bend project, Congress would have to specifically authorize the project. Thus, the $800,000 for advanced planning cannot be used to fund actions that result in an irreversible commitment to project construction prior to resolution of the Prairie Bend environmental issues.

Mr. CONTE. Mr. Chairman, on another issue I wish to point out that the committee added a special provision to the fiscal year 1989 energy and water development appropriations bill as a reminder to the Bureau of Reclamation, the Fish and Wildlife Service, and supporters of the Garrison Diversion project that the funds provided by the bill can only be spent in accordance with the Garrison Diversion Reformulation Act.

Normally, the committee does not add this kind of language, but has found it necessary to do so with the Garrison diversion project.

Last year, the committee disagreed with the administration's request of $2.5 million and added a substantial sum to that amount. In so doing, we expressly criticized the Bureau's actions in implementing the Reformulation Act to date. Immediately after markup of our bill last year, Bureau staff stated publicly that the priorities established by the Appropriations Committee could be avoided by reprogramming the funds.

The Bureau, it would appear, fundamentally disagreed with the Reformulation Act. It did not agree that municipal drinking water was North Dakota's most important contemporary water development need. It wanted to provide irrigation water—to the virtual exclusion of other contemporary water development needs in North Dakota.

The new law is the law of the land. The new priorities are established. The Bureau and project supporters have a fundamental choice.

If they implement the Reformulation Act, as set forth in law, then Congress will likely fund it. If they spend their time rejustifying the old Garrison, they are just as likely to find their funding suspended and Garrison stopped in its tracks.

The committee wanted to send a reminder to supporters of Garrison diversion, in and out of government. That is the reason for this language. Garrison will continue to receive vigorous oversight by the Congress and the Appropriations Committee.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to our good friend and colleague, the gentleman from California [Mr. FAZIO], who is a member of the Subcommittee on Energy and Water Development.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the energy and water development appropriations bill for fiscal year 1989.

Mr. Chairman, I would particularly like to thank my chairman, the gentleman from Alabama [Mr. BEVILL], and my ranking minority member, the gentleman from Indiana [Mr. MYERS], for the first-rate job they have done with this bill. They have worked as a team and I want to thank them particularly for all they have done for my State of California.

This bill helps our competitiveness in the most tangible sense; it funds our Nation's infrastructure. Infrastructure that moves cargo in our ports, that transfers water to our cities and farms and sends electricity to communities. As our economy becomes even more integrated in the global community, this bill helps to ensure that we stay ahead, or at least even with, our competitors around the world. It protects, and sometimes creates jobs.

And, this bill funds basic scientific research that will help shape the infrastructure of tomorrow, so our children are competitive, too.

However, while we continue to maintain, improve and develop our public works, we have an equally immediate obligation to balance the budget. This bill, the first appropriations bill we are considering for the next fiscal year, comes to grips with that obligation forthrightly. The committee was even more discerning and critical of funding requests this year than we have been in the past. Perhaps the clearest example of this is the "no new starts" position adopted by the committee.

I am the only member of the subcommittee from California, so I should underscore to my California colleagues that this bill does a lot for our State. Although some important new start construction projects were not funded—one in my district, in fact—there are Corps of Engineers and Bureau of Reclamation items included in this bill which can positively impact every Californian in some way. All told, there are well over 100 California projects in the bill, from harbor dredging up in Crescent City to canal lining down in the Imperial Valley.

There is continued funding for flood protection projects throughout the State. I am particularly pleased with those studies included in the Corps of Engineers and Bureau of Reclamation budgets which will help us to address the flood control problems in northern California, where the devastating flood of February 1986 is a recent memory. Many communities in the region, including Sacramento, are discussing the need for greater flood protection. The Federal investigations will provide information and impetus for decision in those communities.

There is also substantial funding in this bill which will benefit California's maritime commerce industry. Ports and harbors from Oceanside in the south to, again, Crescent City in the north would receive help from the Corps of Engineers to deepen channels, dredge harbors, and build Breakwaters. An item of particular importance to my district is funding to continue deepening the 47-mile Sacramento Deepwater Ship Channel.

There is a provision in the bill which would require that no new, long term contracts for water from the Central Valley project are executed prior to May 1, 1989. The provision will not effect the renewal of existing water contracts, nor will it impair the Bureau's ability to execute temporary contracts. It applies only to the new 1-million acre-feet of water made available by the coordinating operating agreement between the State water project and the Federal Central Valley project. The provision merely seeks to ensure this huge allocation is not made too hastily, and that a number of outstanding concern in California are taken into account. These concerns include water quality standards, agricultural drainage, ongoing litigation, ratesetting policies and water wheeling. Additionally, the delay will ensure that new water allocations are made by the next administration, which may be more accountable for fair allocation water.

The subcommittee has generously added funding to continue U.S. leadership in research and development of renewable and alternative energy sources, as well as conservation research. The President's budget proposed drastic reductions in Federal support for photovoltaic, solar, wind, biomass, and geothermal technologies. This energy and water bill increases funding for those programs by a third.

This bill also includes $100 million for the superconducting super collider, or SSC, which will bring this country to the forefront of international research on the forces which govern our universe.

Another critical research program is the human genome project. This project was begun by the Department of Energy in fiscal year 1987. In its consideration of the fiscal year 1988 budget, our committee examined the merits of the project and found it to be deserving of continued support. Since that time, there have been independent studies of this project by the National Academy of Sciences and the Office of Technology Assessment. Each of these studies has strongly supported this project and have indicated that this project could greatly speed, and reduce the cost of, mapping and eventually sequencing the human genome. The studies also stressed the project's beneficial impact on our country's basic research capabilities and the future of our biotechnology industries.

What the studies also underline, and what I have firsthand knowledge of, is the important role that the Department of Energy national laboratories can play in the human genome project. These multiprogram, multidisciplinary laboratories are ideally suited to ensure the success of this project. Their historic role is well-known in bringing together different kinds of scientists and engineers to develop and implement cooperative scientific projects. The success of the human genome project will require the talents of computer scientists, instrumentation engineers, biochemists, structural biologists, molecular biologists, cellular biologists, and physical organic chemists working together in a well-structured, collaborative effort. Secretary Herrington also recognized these capabilities last September when he named two of the DOE laboratories, the Lawrence Berkeley Laboratory in California and the Los Alamos National Laboratory in New Mexico, as human genome centers. These centers, working with existing expertise in other laboratories such as the Lawrence Livermore National Laboratory, will lead the way for the Department's efforts in this project.

The reports that I previously mentioned do disagree in one area; the overall management of this project. It is estimated that a well-managed, focused project could reduce the overall cost of the effort from its current high estimate of $3 billion down to a few hundred million dollars. While the National Academy report recommends that the project be centrally managed and located in one agency, the OTA study suggests that the current structure of multiagency research with an overall coordination effort would be the best course. Our committee believes, to quote the report, that "Federal research associated with this project should be centrally coordinated by the Department of Energy." DOE's success in the management of large multidisciplinary scientific projects makes it a natural home for leadership and coordination of the human genome project.

Mr. Chairman, in conclusion, I applaud the scientific community for their initiative in bringing forth the human genome project, the Department of Energy for having the wisdom to support this major new project in the face of continuing budget problems, and the committee for endorsing both the project and the requested increase in its funding this year.

Mr. Chairman, this bill is a fiscally sound measure that continues a long and vital federal investment in the Nation's economy, public safety and national security. I urge my colleagues to join me in supporting it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], a very valued Member of the House and a Member that I work with very closely as ranking Republican member on the Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise today in support of the energy and water appropriations bill for fiscal year 1989. In rising, I want to commend the chairman and ranking Republican member, Mr. WHITTEN and Mr. CONTE, for their hard work on this important bill. Also, the chairman of the subcommittee, Mr. BEVILL, and the ranking member, Mr. MYERS, are deserving of our thanks for once again fashioning a comprehensive but responsible bill.

As the ranking member on the Committee on Public Works and Transportation; I am quite aware of the importance of water resources development projects to the health of the Nation's economy. In 1985, Corps of Engineers water projects produced nearly $11 billion in flood damage prevention benefits alone. In addition, they provide important navigation, hydropower, water supply, recreation and fish and wildlife benefits. These projects help to develop the infrastructure that is essential to our economic well being.

The Committee on Appropriations deserves our thanks for the commitment they have shown over the years to the continued development of our water resources.

Certainly, there are numerous projects in the bill that deserve special mention. One that I have been particularly interested in is the Beaver Lake cleanup project. The project was authorized pursuant to section 843 of Water Resources Development Act of 1986. It was envisioned as a multiagency, Federal-State cooperative effort to address serious water quality problems which affect the lake. Last year, the committee provided $400,000 which is being used by the corps, the Soil Conservation Service and the Tennessee Valley Authority to determine the causes of the problem and to develop an overall plan of action.

This year's bill includes $1 million to continue this important work. The funding would be used by the corps and the Soil Conservation Service to begin inventory and monitoring, provide technical assistance to farmers, develop best management practices and undertake further planning and design.

Again, let me thank the Appropriations Committee for their assistance on this project and for their attention to the water resources needs of my region and the Nation as a whole.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WHITTEN], our distinguished chairman of the Committee on Appropriations.

Mr. WHITTEN. Mr. Chairman, I have served on the Committee on Appropriations and the Subcommittee on Energy and Water Development for many years, and I believe without exception that the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS], together with all the members of the Committee on Appropriations have shown the greatest of wisdom in looking after their own country. One of the great mistakes we make in this country is if we confuse long-term investments that may help us for a hundred years with current annual expenses for what I call wheel spinning. In the bill before us we had several requests that would have cost far more than the entire bill. Note pages 5 to 26 of volume 5 of the hearings where the OMB attempts once again to get rid of Elk Hills National Petroleum Reserve at bargain rates.

I repeat what I have said many, many times, we can leave our children and our children's children all the money in the world and a wornout land, and they will never make it. If we take care of our land, our children can come up with their own monetary system.

Mr. Chairman, the committee does the best it can in looking after the needs of the country—all parts of the country. In doing that, we have the help of a very fine, able staff—a staff which is recognized by others not only as being competent, but more importantly, totally nonpartisan. When one of the staff retires after 27 years with the committee we wish him well but we mourn the loss of 27 years of memory and institutional support. Mr. Chairman, that has happened with the retirement of George Urian, one of the finest people we have on the staff. George was appointed to the committee by Chairman Cannon in 1961. He was assigned to this subcommittee in 1966 and has served all chairmen and members well and ably. George knew the details of the Hill year in and year out. I will miss him. We will all miss him. But, he leaves us with good memories. I want to take this opportunity for myself and the committee to thank George for 27 years of good work done well.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. Stangeland].

Mr. STANGELAND. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time. Mr. Chairman, let me commend first of all the chairman of the Subcommittee on Energy and Water Development, the gentleman from Alabama [Mr. Bevill] and the ranking Republican member, the gentleman from Indiana [Mr. Myers] for bringing to the floor what I consider to be an excellent bill. I think the subcommittee has done yeoman work. I know there are those who are disappointed in the fact that there are no new starts for unauthorized projects, but I will just say the chairman of the subcommittee and the ranking member of the subcommittee had to deal with budget constraints. I know that had those constraints not been present, knowing these two gentlemen, there would have been money for new starts because I know there are no Members in this body more dedicated to the improvement of our water infrastructure throughout the United States.

Mr. Chairman, I would ask the chairman, the gentleman from Alabama [Mr. Bevill] if he would be kind enough to yield and share with me in a brief colloquy.

I rise to engage in a colloquy with the gentleman from Alabama regarding a streambank erosion control project along Red Lake River in Gentilly, MN.

Section 603 of the Water Resources Development Act of 1986 authorized the Gentilly project as part of a new, national Streambank Erosion Control Program. Last year's continuing resolution, House Joint Resolution 395, appropriated $360,000 from the construction, general account. The committee report for this year's bill, H.R. 4567, provides $350,000 for the project from the section 14 Emergency Streambank and Shoreline Protection Program.

As I understand it, the corps has considered both section 14 and section 603 authorities. They are currently considering section 603 as the most appropriate authority for the project.

Is it the committee's view that funds provided for the Red Lake River at Gentilly project in H.R. 4567 could be used under section 603 as well as section 14?

Mr. BEVILL. Yes, the gentleman is correct.

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Mr. Chairman, I yield 1 minute to our good friend and colleague, the gentleman from West Virginia [Mr. Wise].

Mr. WISE. Mr. Chairman, I have asked the gentleman from Alabama for this time for the purpose of engaging in a colloquy.

Mr. Chairman, as you know, Public Law 99-662 authorized two projects within my congressional district dealing with riverbank erosion. The committee was very helpful in providing appropriations for the major river projects in West Virginia that need to move forward, but I seek the gentleman's help in confirming a further point of subcommittee intent.

I would like to clarify the subcommittee's intent that two relatively minor riverbank erosion problems that moneys were appropriated for last year need to be acted upon by the Army Corps of Engineers quicker than they are presently.

The first concerns the Kanawha City, Charleston, WV, streambank protection project on the Kanawha River. As you know, $440,000 was the total authorized for the effort, with $60,000 appropriated last year. The Army Corps of Engineers has not moved as quickly as possible on this project. Is it the intent of the subcommittee that the Army Corps of Engineers bring this project to completion in the near future?

Mr. BEVILL of the gentleman will yield, the gentleman is correct.

Mr. WISE. Mr. Chairman, is it the subcommittee's further intent that a second riverbank erosion project, that in St. Albans, WV: which was authorized at the $25 million level, and which was the subject of appropriation last year proceed to completion in the near future?

Mr. BEVILL. The gentleman is correct.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Ritter].

Mr. RITTER. Mr. Chairman, it is with some hesitation that I speak on this issue, because I think the chairman and the ranking member of the subcommittee have done an excellent job considering the rather vast political momentum of the issue that I will address.

Mr. Chairman, part of this bill appropriates $100 million for the superconducting super collider. A growing number of Members of Congress do not believe that the United States needs a superconducting super collider, not now, not at this time. We do not have an extra $5 billion lying around. If we do, we should take that $5 billion that the SSC will cost and spend it on science projects with far greater bearing on America's long-run competitiveness.

That is essentially what Dr. Frank Press, president of the National Academy of Sciences, said last month as he urged us to begin to set rational priorities for science funding. That is what the Congressional Budget Office [CBO] just said in a report concluding that the SSC will probably not yield technological and economic payoffs anywhere commensurate with its dollar drain.

I want to commend the Committee on Appropriations for its decision to defer construction funding for the SSC.

Mr. Chairman, that was a wise decision which will allow the next administration to evaluate the project. Unfortunately, we are still appropriating $100 million this year for research and development on the SSC, which is $20 million more than the administration's request and $20 million more than the Committee on Science, Space and Technology authorized, although the Committee on Science, Space and Technology also authorized construction and out-year funding up to $1.6 billion.

That $100 million is $100 million we could better spend to meet the challenges in fields such as superconductivity, photonics, robotics, material sciences, ceramics, biotechnology and advanced manufacturing sciences, to name a few areas. In those fields, Mr. Chairman, American scientists and engineers are making breakthroughs, and they are making them now.

As the CBO report said, the superconducting super collider has scientific merit, but it is being undertaken "purely for knowledge." Given the tremendous competitive challenge our Nation faces, that is not enough to justify the expenditure of $100 million this year, no less $5 billion over the next 10 years.

In the immortal words of Leonardo da Vinci, and I quote again, "It is easier to resist at the beginning than at the end." Prudence dictates that we resist the SSC now.

I urge the Members to consider an article that I wrote recently for Policy Review magazine, and I would like to include that article at this point in the Record.

QUARK BARREL POLITICS: SHOULD WE BE SPENDING $5 BILLION FOR THE HIGGS BOSON?

(By Representative Don Ritter) [1]

Deciphering high-energy physics resembles learning a new language. According to the current theory, the "Standard Model," particles with names like "quark," "lepton," and "neutrino" are held together by "strong" and "weak" forces, and interact to produce the building blocks of matter. The existence of some of the more exotic particles—such as the "Higgs boson"—is still highly speculative.

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[1] Don Ritter, who has a doctorate in physical metallurgy from the Massachusetts Institute of Technology, represents the 15th District of Penn-

Existing accelerators produce enough speed for particle physicists to test and verify their new theories. So the particle physics establishment has been lobbying the federal government to finance the Superconducting Super Collider (SSC), a $5 billion, 52-mile racetrack for proton bashing. The SSC would be five times more costly and vastly larger (52 miles vs. 4 miles) than any existing particle accelerator; it would provide more speed and instrumentation in the worthly cause of better understanding how the world works.

A growing number of scientists, however, are arguing that this is a $5 billion we can ill afford to spend.

Princeton Physics Nobel Laureate Philip Anderson has testified to Congress: "I do not accept that doing so [building the SSC] is as urgent nationally as many other scientific needs of the country."

James Krumhansl, professor of physics at Cornell, wrote to Department of Energy Secretary John Herrington in February 1987, that "proceeding with the SSC project for the next few years would be folly," adding that "this investment [in the SSC] will do nothing to improve our scientific, technological, or industrial competitiveness."

Rustum Roy, director of the Science, Technology, and Society Program at Pennsylvania State University, wrote in a December, 1987, essay entitled "Against the SSC: Unnecessary Engineering In The Wrong Cause," that "the SSC is a poor choice as good science [and] a total disaster as U.S. national science policy."

There are at least three major scientific objections to the SSC:

(1) Most scientific breakthroughs originate from "small science."

Enterprising scientists are making advances almost daily in cutting-edge fields such as superconductivity, photonics, robotics, supercomputers, semiconductors, biotechnology, and advanced manufacturing sciences. The major challenge to America today is to capitalize upon these remarkable discoveries and beat the global competition to the marketplace with quality products and services.

The SSC won't do that; it will only promote more of the most basic research in delving into the nature of matter. One leading particle physicist told Congress in 1987 that "the SSC represents a convergence of many temporal roads, some stretching back in time to the very beginnings of scientific thought with the question, still fresh after 2,500 years, 'How does the world work?'" Put another way, the claim is that the SSC will prove the Standard Model. The SSC is mostly pure knowledge for its own sake.

There is real merit in such a quest, but is now the time? Solid state physicists, such as Professor Anderson and Professor Krumhansl, argue that the SSC is remotely related to real world challenges. New advances in areas such as superconductivity, they claim, spring from individuals and small groups operating in their laboratories, not from super-sized, super-politicized projects.

Professor Anderson wrote recently in the *New York Times:*

"What is being systematically squeezed out to fund these 'super' projects is what we practitioners call 'small science,' in which an individual or small group of academics operates independently in a field that does not require a lot of expensive equipment and an enormous team of researchers. We work on our own ideas and follow the direction that science takes us. This is almost the only direction that produces things that are really new under the sun."

Some scientific tasks require large efforts and massive teams of researchers. Many of the advances in the space program for example, could not have been made through "small science." But the revolutionary advances in fields that will shape our standard of living in the 21st century—such as superconductivity—will originate from the "small science" setting described by Professor Anderson.

(2) The SSC would siphon off our best scientific minds from more urgent fields of endeavor.

The SSC's supporters have said that it will excite our youth and motivate them to become the next generation of high energy physicists. That, however, may be a good reason to *oppose* the SSC: American science and technology already draw from a limited talent pool, due in part to the dismal state of science and math education in our public schools. We need more electrical and electronics engineers, solid state, molecular, and chemical physicists, and material scientists who can make discoveries and applications. The SSC would siphon the best minds away from more urgent fields of endeavor.

Bell Laboratories Nobel Physics Laureate Arno Penzias has said, "In building the super collider our nation will be constructing yet another temple to the one-dimensional hierarchy of prestige that equates the most atomistic science with the most blessed." High energy physics is valuable, but not at the expense of all other science. The SSC would send a signal to the next generation of American scientists that there is lesser prestige in applications-oriented scientific fields, which would greatly harm our ability to develop the products that will enable us to compete in the global economy.

(3) Scientists in all basic research fields would suffer funding losses.

The SSC has been included in the Fiscal Year 1989 Reagan administration budget along with the Super Shuttle, the Space Station, a $500 million clean coal initiative, and a 19 percent increase in National Science Foundation funding. Spending for these programs and other physical sciences, technology, and space programs falls into the same budgetary category, budget function 250, whose proposed $3.2 billion increase in spending this year is greater than the entire increase in domestic discretionary spending allowed by the budget summit agreement. Something has to go!

The warning signs are clear about where the ax will fall. Scientists involved in basic, less than "super," research are already losing vital research dollars. The Scientist reported November 16, 1987, that scientists feared cuts in their programs from the twin blows of federal deficit uncertainty and the then stock market woes. Professor Anderson reports that he and other leading physicists received phone calls from National Science Foundation contract officers, informing them that their funding for Fiscal Year 1988 was being cut between 12 and 20 percent.

And scientists fear further cutbacks after the SSC is funded. At last year's hearing on the SSC authorization request, Sheila Widnall, then president of the American Association for the Advancement of Science (AAAS), said, "If proceeding with the SSC means anything less than vigorous growth in support for basic research on a broad front, we would be forced to recommend reluctantly that it be deferred." New appropriations—a funding stream of $400 or $600 million for each of the next 10 years, plus an estimated $270 million per year in operating costs—are simply not available without severe cutbacks in existing projects or delays in promising new ones.

NO HELP FROM ABROAD

Knowledgeable physicists have advised Congress not to expect significant help from abroad. German scientists testified to that effect in 1987 before the House Science, Space, and Technology Committee. Administration officials and the DOE have talked to our allies, but have failed to secure formal commitments; they say that Japan and Western Europe will contribute only after we make our investment. We can expect that Japan and Western Europe will continue to spend the great bulk of their R&D dollars on projects that enhance their global competitiveness in science and technology. If we allow it, they'll take the free ride on America's SSC.

Research directors at industrial laboratories are also speaking out against the SSC. J.N. Dempsey, vice president of science and technology at the Bemis Company in Minneapolis, writes that the "SSC should be delayed until we sort out the priority programs that bear on the very survival of the country." J.J. Wise, vice president for research of the Mobil Research and Development Corporation in New Jersey, writes that "the construction of the SSC [cannot] be justified at this time."

C.K.N. Patel, executive director of research for AT&T Bell Laboratories, rejects as "patently unjustified" the argument that SSC will contribute technological spin-offs; "high energy experimental physics has not and will not contribute much to the science and technology of manufacturing." "Our nation's international status in manufacturing sciences is slipping," writes Mr. Patel. He recommends investment in scientific disciplines that have some more direct relation to products, processes, and applications that will revitalize our technological competitiveness.

STEEL, CONCRETE, AND PORK

Let's be honest: The SSC has survived all rational scrutiny because it is great pork barrel for politicians seeking federal funds for their districts and states. It will require 10,000 magnets, $217 million of steel and concrete, 4,500 construction workers, 11,000 acres of land, and 3,000 employees to run it. Some observers have labeled it "quark barrel." With its estimated price tag of $5 billion in today's dollars (before any projected cost overruns), it would be one of the largest public works projects ever undertaken by the federal government. From the inception of planning for the SSC, over 30 states lined up at the trough, anxiously anticipating the billions of dollars in federal funds that the SSC would provide. It was, to put it mildly, raw pork politics on a level heretofore unseen.

It was also a genius political move—to encourage all those states and their congressional delegations to back the project even though most didn't have much chance of

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sylvania. He is the only scientist in the U.S. Congress.

getting it. Only a handful of states possess the resources, scientific infrastructure, and high energy physics community that one would need as a prerequisite to locate the SSC. Still, the DOE continually crowed throughout the initial weeding-out process that all proposing states stood on equal footing. It had to do this: the loose confederation supporting the SSC would have fallen apart at any suggestion to the contrary.

Some 25 senators, representatives, and governors marched into two days of House Science Committee hearings to extol the virtues of the SSC. In five terms in the Congress, I haven't seen anything like it. State after state claimed that it was the only logical site for the SSC, and some even went so far as to spend millions of dollars on their proposals and offer extensive incentives to attract the SSC. Only a few had any idea what an SSC would do.

I attended those hearings, and the record will bear me out when I say that those who promoted the SSC didn't even attempt to make the substantive, technical case for the project. Most of the arguments I heard were devoted to why a particular state was best suited to be the SSC's home. In the rush to secure the project, few seemed to notice—or lament—the abandonment of concern for America's science priorities. A new definition of "political science" was born.

WHY THE REAGAN ADMINISTRATION?

Ironically, this budget-cutting administration, which opposed the Highway Bill and Clean Water Bill on "pork barrel" grounds, has fallen head over heels for the biggest porker yet. The Department of Energy shrewdly timed the SSC site selection process to take maximum advantage of the fervor over getting the SSC. It scheduled its press conference in which it announced that it had whittled the number of sites left in the competition to eight until after the congressional vote on FY 1988 appropriation of some $35 million. It delayed its final site selection until after the next election, after the pending vote on the FY 1989 appropriation covering one year out of 10 for SSC construction funds, and will announce the winner of the SSC shortly before the inauguration of our next president. The funding headache in the "out years," practically the entire effort, will be someone else's.

Naturally, the new president won't be too popular with the citizens of the winning state if he rejects the SSC. The next president will have the burden of coming up with funding for 10 years at approximately $500 million per year to complete the SSC. If the deficit miraculously disppears, it will be easier, but if not, it looks like we're in store for a showdown over appropriations year after year. The Clinch River breeder reactor project, for example, was finally scrapped after several billion dollars had been invested. So much for long-range thinking.

The SSC's proponents have so far been unable to point to the kind of potential spin-offs, technological or otherwise, that would justify the $5 billion price tag. Until they do, we must conclude that other research projects yielding economic, medical, and technological payoffs should receive higher priority.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to my good friend and colleague, the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise today in support of the legislation appropriating funds for energy and water development for fiscal year 1989. I have a particular interest in this legislation as it funds an important project in my district.

The portion of Alabama which I represent has been blessed with both abundant mineral resources, particularly coal, and extensive navigable waterways, including the Tombigbee, Warrior, and Alabama river systems.

On these river systems are shipped the agricultural products, including soybeans and timber, as well as millions of tons of coal. These products move down river and are exported to world markets through the port of Mobile. Industries within my district use the river systems to import raw materials which they need. The ease of water transport has been particularly important in the recent expansion of a petroleum refinery located in Tuscaloosa.

Nearly a century ago, the Corps of Engineers began its work on these river systems, engaging in an engineering project the magnitude of which few outside our area realize. Initially, ships could navigate the Warrior no further north than Tuscaloosa, and were unable to reach the coal fields located in the Warrior basin. Through the effors of the corps, navigation was extended many miles north to Port Birmingham, using an intricate series of locks and dams. In their postwar modernization program, many of the small locks were eliminated, and the remaining locks were replaced with standardized locks which permit a towboat and its barges to transit the locks without disassembly. Only one facility on the entire river system remains to be modernized, the William Bacon Oliver Lock and Dam. Construction on this project is already underway, and the coffer dam has been completed. The legislation before the House today will fund continued construction on the next phases of this project.

Mr. Chairman, while some criticize certain public works projects as uneconomical, none can reasonably contest the utility or necessity of this project. Few waterways in the country are more heavily used or are more essential for the economical movement of bulk cargoes. It should also be noted that few Federal projects enjoy such a high degree of State support, as witnessed by Alabama's construction, at its own cost, of an extensive series of inland docks, storage facilities, and industrial parks. Our State and our people are willing to meet the Federal Government's financial commitment, because both the State and the Federal Treasury ultimately profit from the economic activity which takes place.

In closing, I thank the committee for its diligent work on this massive and complex legislation. I particularly thank the chairman of the subcommittee for his attentiveness to the needs of my district, and I thank you, Mr. Chairman, for allowing me to speak in the House in support of this measure. I urge my colleagues to vote "aye."

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I want to thank the gentleman from Alabama [Mr. BEVILL], and it certainly has been a pleasure to work with the gentleman and his excellent staff, and I appreciate the work of the gentleman from Indiana [Mr. MYERS], and their willingness to include $200,000 for a flood control project on the west side of Columbus to initiate preconstruction engineering design for flood protection. It is a very important project in our district. It addresses an urgent problem that needs attention. The Corps of Engineers says it is an important project which will have a cost effective ratio of 3½ to 1. It involves flood control for a highly developed urban area containing approximately 4,200 residents and approximately 470 commercial and industrial developments along the Scioto River. A recurrence of the March 1913 flood would cause an estimated $288 million in damages. The annual damage right now is about $10.3 million. Because of the large population residing and working in the area and the severity of the flooding, I fear there is great potential for loss of life if a flood were to occur.

It will allow for significant economic development in this area. I do thank very much the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for their help in including funds for flood control for the west side of Columbus.0Z¡019060-A17MY7-055-7*****-******-Payroll No.: 16810 -Name: paco -Folios: 211B–213 -Date: 5/17/88 -Subformat:

Mr. BEVILL. Mr. Chairman, I yield 1 minute to our good friend and colleague, the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in strong support of this bill today and in appreciation of the gentleman from Alabama and the gentleman from Indiana and other members of the committee that have done such a fine job in bringing this bill to the floor today. I appreciate very much their addressing the priorities of the First Congressional District of Arkansas.

For over 50 years progress has been made in the lower Mississippi Valley to attend to the needs of flood control.

☐ 1400

This bill includes $500,000 for the West Memphis and vicinity flood control project, which is badly needed to end the tragic pattern of recurrent flooding that has beset that area as long as anyone can remember. Just last December and January, floods devastated West Memphis, causing massive damage to the city's business district, to hundreds of homes, and to public facilities. The funding in the bill is needed for fiscal 1989 work on the preconstruction design and engineering phase of the project. Early this year, the city of West Memphis advised the Corps of Engineers of its intent to become local sponsor for the project. Since I first began working on efforts for flood control in West Memphis in the early 1970's, the Energy and Water Development Subcommittee of the Appropriations Committee has been very cooperative in recommending funding for the necessary general planning associated with the project. The planning is now complete, and we should move forward into the construction phase of this vital project.

Another water resource project that is vital to the development of the Lower Mississippi Valley is the Helena slackwater harbor project. Last year, representatives of the Lower Mississippi Valley Flood Control Association, local leaders from Helena and nearby areas, and I worked together in supporting funding for initiating the construction phase of the slackwater harbor project. The people of Helena and Phillips County made a commitment that if Congress would approve the Federal funding for this project they would produce the non-Federal share of the funding. I am proud to say that they are keeping their promise, despite the delta's chronic economic distress, which makes cost sharing that much more difficult.

The $5.3 million for continuing the construction phase of the Helena Harbor project in fiscal 1989 is an investment in the future for the people of Phillips, St. Francis, Lee, and Monroe Counties, AR, and Tunica and Caohoma, MS. Economic studies have estimated that the Helena Harbor project will eventually bring 40,000 jobs to the region, which has some of the highest unemployment rates in our country. The harbor will help this part of the delta join the mainstream of prosperity in America.

We have already made good progress on another water project—the Eight-Mile Creek flood control project in Paragould, AR. This project is urgently needed, because the periodic flooding of industrial and commercial areas in Paragould threatens the livelihoods of many in that community. We need to move to completion of the construction as rapidly as possible.

Mr. Chairman, the President's budget proposes $546,000 for continuing work on this ongoing project. Passage of this bill will insure the continuation of flood control progress for Paragould.

Finally, among the bill's many other meritorious water projects is included $125,000 for the continuation of the Whiteman's Creek, AR, portion of the St. Francis River basin below Wappapello Lake, Arkansas and Missouri project. This project addresses a severe and growing flood control problem in the city of Jonesboro and east Craighead County, AR.

Officials of Jonesboro, Craighead County, and the involved drainage districts are committed to cooperating with each other and with the Crops of Engineers to move this project to completion at the earliest possible date.

The projects I have discussed are among many worthwhile provisions of the legislation we consider here today. Infrastructure development must go hand in hand with industrial recruitment and the search for new markets in regions that have been left behind. The legislation the committee has brought forth today will help those regions climb the pyramid of prosperity.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. Kolbe], a member of the full Appropriations Committee.

Mr. KOLBE. Mr. Chairman, I rise in support of H.R. 4567. As a member of the Appropriations Committee, I have an acute understanding of the constraints our colleagues on this subcommittee were under. Given that scenario, the chairman has done an excellent job of spreading out the pain fairly and democratically.

As the chairman has pointed out, this bill respects the budget summit, and the budget resolution as passed by the House. The bill funds no new construction starts—a bold position which causes some headaches for many of us, but one which each Member of this body must respect. In addition, the bill falls $357 million below the President's request.

I certainly didn't get everything I wanted out of this legislation. Requests for $3 million for continued atmospheric research to look at the potential offered by weather modification to ease the damage caused by the periodic droughts we experience, and indeed we are in the midst of now.

I thank the chairman of the Subcommittee on Energy and Water Development, Mr. Bevill, for his leadership and foresight to include $100 million to fund the beginning phases of the superconducting super collider.

While I had hoped the funding level for the SSC would be higher, I commend Chairman Bevill and Mr. Myers for their leadership in assessing national needs and their concern with establishing priorities in the midst of a difficult fiscal climate.

And while my State did not get everything we wanted, we certainly were treated very fairly in this bill. The committee provided full funding for work on the central Arizona project, the system to deliver water from the Colorado River to the dry and thristy cities of central Arizona. This level keeps us going on schedule so we can meet our commitments to the cities, the agricultural sector and the Indians.

This bill also includes vital funding for a variety of studies, investigations and construction for the Corps of Engineers to provide essential flood control solutions for Arizona. In my State, when it rains, it pours, and then it runs off—frequently causing extensive damage to property, and occasionally, human life.

That is why passage of this bill is so important, and that's why I urge the House of Representatives to support the bill as presented. I support this bill and urge my colleagues to recognize the admirable work done by the committee and the difficult choices made, by voting for this measure.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to my good friend and colleague, the gentleman from Connecticut [Mr. Gejdenson].

Mr. GEJDENSON. Mr. Chairman, I commend the gentleman from Alabama [Mr. Bevill], chairman of the subcommittee, and the gentleman from Indiana [Mr. Myers], the ranking Republican, for the fine work they have done in this bill.

Mr. Chairman, today I am offering an amendment, with my colleagues, Mr. Petri and Mr. Sharp, to strike $10 million in funding for the Davis Creek Dam in Nebraska. The Davis Creek Dam is bad for both taxpayers and farmers. Construction has not begun on the $102 million Davis Creek Dam and canals. Now is the time to stop this irrational project.

I am not offering this amendment because I am opposed to the development of our Nation's water resources. I am offering this amendment because the primary purpose of the Davis Creek Dam is to increase corn production. It simply makes no sense to spend over $100 million on a water project that will increase corn production at a time when we have a corn surplus of close to 7.6 billion bushels is storage and are spending over $10 billion a year on programs to reduce the surplus of corn.

According to the Bureau of Reclamation, the Davis Creek Dam would triple the yield of corn per acre on lands served by the project. The Bureau of Reclamation expects that 90 percent of the land irrigated by the project will be planted with corn. Davis Creek would add even more corn to the huge surpluses that are driving down the prices farmers receive for commodities.

Bureau of Reclamation documents indicate that about 117 farmers will receive water from the Davis Creek Dam and canals. Let me repeat that—this project will serve about 117 farmers at a cost of almost $1 million per farm. These farmers will repay only a few pennies for every Federal dollar spent on construction.

Except for the select few who receive water from Davis Creek, every other farmer in America who grows corn will be hurt by this project. The Davis Creek farmers will receive a double subsidy of commodity program benefits and heavily subsidized irrigation water. This will give these farmers an unfair competitive advantage over all farmers in the United States who grow corn.

This amendment does not unfairly single out Nebraska. In fact, if the amendment is adopted, there still will be $14 million in funding in the bill for the Grand Loup project in Nebraska, of which Davis Creek Dam is a small portion.

Mr. Chairman, the Gejdenson-Petri-Sharp amendment will prevent the Federal Government from going further down the senseless path of paying some farmers not to grow surplus crops and encouraging other farmers to grow more surplus crops by giving them subsidized irrigation water. Construction of the Davis Creek Dam is not in the national interest in this era of huge Federal deficits and farm surpluses. It is time to stop this madness. I strongly urge my colleagues to support the amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I rise to commend Chairman BEVILL, Vice Chairman MYERS and the members of the committee for bringing forth an energy and water appropriations bill that is well below the funding levels agreed to in the bipartisan budget agreement. Given the fact that many Members of this House are constantly pressing the committee for projects of vital importance to their respective districts, as I have done for the last 5 years, I can fully appreciate the difficult nature of your task.

This year's bill includes second year construction funding for a project which is of considerable interest to the 4 million plus annual users of Presque Isle Peninsula which is located on Pennsylvania's Lake Erie shoreline. The 4 million requested by the President and approved by your committee will enable the Army Corps of Engineers to proceed expeditiously on an urgently needed erosion control project.

The project, authorized by the Water Resources Development Act of 1986—Public Law 99-662—calls for the construction of 58 rubblemound breakwaters. The breakwaters are designed not only to save the peninsula, but also to provide substantial savings to the Federal taxpayer in future years. It has been necessary for the Federal Government to provide funding for approximately 2½ million tons of sand during the last decade on a 70-30 cost-sharing basis with the Commonwealth of Pennsylvania. In contrast, the permanent project will proceed on a 50-50 cost-sharing ratio and will substantially reduce the need for beach nourishment in future years.

Federal involvement at Presque Isle has a history dating back to 1823 when Congress authorized $150 to survey the entrance to Erie's only natural harbor. Since 1954, the Army Corps of Engineers has been undertaking piecemeal erosion control efforts and the current sand replenishment program now costs well over a million dollars each year. I would be remiss if I did not add the fact that while the Corps of Engineers has been undertaking the annual sand replenishment effort in a concerted effort to protect the shoreline, the condition of the beaches for the millions of taxpayers who visit Presque Isle has all too often been less than acceptable. Our support for the protection of the Peninsula makes as much sense today as it did then. We must, however, use our scarce Federal resources as efficiently as possible. A permanent erosion control project at Presque Isle is the only answer.

I would, therefore, urge my colleagues to support this year's energy and water appropriations bill which comes in under budget and provides critically needed support for one water project which has been the recipient of congressional attention for 166 years now. It is time that we undertake the most permanent solution possible to protect Presque Isle Peninsula and the Erie harbor.

Once again, I would like to thank Chairman BEVILL, Vice Chairman MYERS, and the many dedicated members of the administration who have helped to make the Presque Isle project a priority in this year's appropriations bill.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to our good friend and colleague, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I would like to take this opportunity to also express my thanks to the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS], his ranking minority member, as well as the gentleman from Mississippi [Mr. WHITTEN], the chairman of the full committee, and the gentleman from Massachusetts [Mr. CONTE], the ranking member.

This is the first of many appropriation bills now to come to the floor. As a participant in the economic summit with the White House, I am pleased that this bill meets the goals contained in the summit agreement and also in the budget resolution, and hopefully will set the standard for the other appropriation bills that follow so that this year we can avoid a large continuing resolution.

I think this is the beginning, and I want to commend the members of the committee for sticking to the outlines contained in the summit. It is not easy to do when we do not provide any new starts and have to stay within the construction of the budget.

In particular I also want to thank the committee for the support that it has continued to provide for the San Felipe Division. This is a project which is nearing completion. The support that is provided in this bill will help us complete that final project, and I want to thank the gentleman for doing that.

Mr. Chairman, I would like to take this opportunity to thank the gentleman from Alabama [Mr. BEVILL], the gentleman from Mississippi [Mr. WHITTEN], and the gentleman from California [Mr. FAZIO] for their hard work on this bill. There is no question that this has been an extremely difficult year for the Appropriation Committee and, in particular, for the Energy and Water Subcommittee. They are to be commended for their efforts to produce a fair and balanced bill.

I would particularly like to thank the gentleman for addressing several critical projects in my district. First, I appreciate the approval of the President's request for funding to continue feasibility studies on the San Lorenzo River, in Santa Cruz, CA, and on the Morro Bay Harbor, in Morro Bay, CA. These studies will allow the local communities and the Corps of Engineers to move forward on badly needed work. The San Lorenzo River study will help to find a solution to a very serious flood threat facing the city of Santa Cruz, while the Morro Bay Harbor study will help find a solution to a life-threatening shoaling problem at the harbor entrance which has already caused many tragic deaths.

I am also extremely grateful for the committee's approval of $1,440,000 for the San Felipe Division, of the Central Valley project. This is an increase of $940,000 over the President's request for the San Felipe Division. This increase was needed, because the Bureau of Reclamation did not request sufficient funding to allow it to fulfill its obligations for the division. In particular, the request did not include funding for completion of several critical items in the San Benito portion of the project, including necessary safety features, cathodic treatment needed to keep pipelines from corroding, replacement of flow-control valves and other items. In addition, the request did not include funding for the Federal share of a feasibility study for the Watsonville subarea; this study is already underway and the local agency is already contributing funding. These are all items which the Bureau is obligated to fund, but for which funding was not included in the President's request.

The additional funds provided by the subcommittee and committee will help to remedy the shortfall in the President's request. It is my hope that the $840,000 in additional funding for the San Benito portion will allow all the needed work—including the safety features, the catholic protection and the repair of latent defects—to be completed. In addition, the earmarking of $100,000 of the San Felipe funds for the feasibility study for the Watsonville subarea—provided for in report langage—will help to ensure that work on this important study continues. Officials at the Bureau have provided assurances that completion of this study is a very high priority and it is my expectation that the Bureau will find the additional funds necessary to complete the study by transfers of funds or other arrangements.

As the committee also knows, an additional issue is the water reservation for the Watsonville subarea. The deadline for the water reservation, established by the Bureau, had been 1990. The lack of funding in the fiscal year 1989 request, however, raises concerns about the date on which the feasibility study will be completed and, therefore, about the date on which a final contract for the water can be completed. Because of these concerns, I have had extensive discussions with the Commissioner and his staff. I am pleased to report that the Commissioner has agreed to extend the reservation date to allow the feasibility study to be completed and to allow a final contract to be approved by the Bureau and the local agency. For the benefit of the chairman and members of the committee, I am including the Commissioner's letter to me in the text of my remarks today.

Finally, I would like to mention two other projects for which I expect funding to be requested in fiscal year 1990. First, it is my understanding that the Corps of Engineers will seek about $300,000 for an updated study of the feasibility of extending the Monterey Harbor breakwater, in Monterey, CA. This is an important project, which will provide protection against breaking waves and also allow additional facilities for berthing and offloading commercial fishing vessels. This will permit expansion of the vital fishing and fish-processing industries which are critical to the economic health of the city of Monterey and neighboring communities. I would hope that the committee will look favorably on the request. In addition, it is my expectation that the corps will request funding in fiscal year 1990 for a comprehensive study of the Santa Cruz harbor jetty system. Again, this is a worthwhile project and I hope that the committee will be able to support it.

Again, in closing, Mr. Chairman, I would like to extend my sincerest thanks to the committee and subcommittee for their help in addressing the very critical need of my district. You have a very tough job, and, once again, you have done it well.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, May 13, 1988.

Hon. LEON E. PANETTA,
House of Representatives, Washington, DC.

DEAR MR. PANETTA: This is a follow-up to our April 4, 1988, meeting and subsequent discussions between members of our staff, regarding the Bureau of Reclamation's position on the reservation of water for the San Felipe Division and for the Watsonville Subarea. In December of 1975 B.E. Martin, Regional Director for the Bureau of Reclamation in Sacramento, reserved Central Valley Project water for the San Felipe Division with suballocations to the various sub-areas. This water was reserved for the Division until the year 1990.

In 1975 it was felt that a 15-year period was a reasonable time span to reserve Central Valley Project water without a firm contractual commitment. As we know for reasons beyond all of our control, 15 years has not been enough time to complete the contractual process, particularly, for the Watsonville sub-area. The requirement to complete a feasibility analysis of providing service to the Watsonville sub-area may not allow the Pajaro Valley Water Management Agency time to make a decision regarding water before the 1990 deadline. Thus, we will administratively extend the reservation for the Watsonville sub-area portion of the reserved water to allow the feasibility analysis to be completed, and for a reasonable period of time following the completion of the study for the Agency to make a decision relative to entering into contractual obligations with the United States for the Central Valley Project water. It would appear that an extension of not more than 2 years following the completion of the feasibility report should be sufficient to complete all the contractual arrangements.

Hopefully, this letter resolves any question as to Reclamation's position on this subject.

Sincerely,

C. DALE DUVALL,
Commissioner.

Mr. MYERS of Indiana. Mr. Chairman, I yield 30 seconds to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I would like to express my appreciation to the gentleman from Alabama [Mr. BEVILL], the chairman, and the gentleman from Indiana [Mr. MYERS], and my colleague from Nebraska [Mrs. SMITH] for their major effort in trying to find the proper appropriation actions within the very scarce resources available.

Section 22, planning assistance funds for the Missouri and Platte Rivers, operation and maintenance funds for the Missouri River national recreation river project, a demonstration project for bank stabilization on the Platte River, and funds to the Corps of Engineers was included for Nebraska as well as advanced planning money for the Prairie Bend project to the Bureau of Reclamation. These decisions are very good investments of this Nation's water resource funds, and I thank the committee for its particular attention to these water development projects that stretch across the entire State of Nebraska.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I rise in support of this bill. It is a good bill. It is one of the tightest bills in the years I have been on the Subcommittee for Energy and Water Development. But every program is very sound. There is absolutely no room for any additional money.

I know there is some criticism of the fact that we did not have any construction money in it for the SSC and the 7 GeV, which is not mentioned but which is a light source which is needed in the research area. We just simply did not have the money. So this is a very conservative bill, but it is a good and sound bill, and I urge my colleagues to support it and reject all amendments.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to our good friend and colleague, the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I would very much like to thank my friend, the gentleman from Alabama [Mr. BEVILL], who has very limited time today for his deference to me. I want to thank him as well as the gentleman from Indiana [Mr. MYERS], the ranking member, for putting forth an outstanding bill and a bill that has been commented on by earlier speakers as falling within the budgetary guideline, representing a lot of hard work done by the gentleman from Alabama and the gentleman from Indiana and their staffs.

I am particularly gratified, as are my friends and colleagues back home in Louisville, KY, for the outstanding work that the gentleman did in allowing us to have study and engineering money concerning our Louisville waterfront project. We believe that will be a great addition to our great city on the Ohio River, and we do want to thank the gentlemen very much for the opportunity of making this a part of the bill.

I commend the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for their help for the city of Louisville and for our waterfront park.

Mr. GUNDERSON. Mr. Chairman, today I rise in support of H.R. 4567, the energy and water appropriations bill for fiscal year 1989. In particular, I would like to commend the chairman of the Energy and Water Subcommittee, Mr. BEVILL, and the vice chairman of the Subcommittee, Mr. MYERS, for their cooperation with projects of great interest to my congressional district and, overall, for their responsible and timely action on this bill.

There are three major projects in H.R. 4567 which deserve special mention: First, the Upper Mississippi River System Environmental Management Program; second, State Road/Ebner Coulees flood control project; and third, La Crosse flood control project.

First, as the author of the Upper Mississippi River System Environmental Management Program [EMP], I would like to discuss in some depth the bill's impact on this program. Mr. Speaker, it is important to remember that the EMP is designed to provide balanced management between navigation and environmental uses of the Upper Mississippi River.

For the first year of the project, which ends on October 1, 1988, Congress approved $5.168 million for the EMP. But this funding level was less than one-third of the total authorized ceiling for the EMP. In the meantime, the major navigation aspect of the plan, the second lock and lock and dam 26 near Alton, IL, received $4 million or 100 percent of its construction estimate for fiscal year 1988.

This year in an effort to make the Energy and Water Appropriations Subcommittee more sensitive to the issue of balance between navigation and environmental uses of the Upper Mississippi River, I testified before the subcommittee on April 12 and wrote to the members of the subcommittee on two separate occasions. While H.R. 4567 does not go as far in the direction of balanced funding as I had suggested, it does make improvements over the administration's budget proposal.

The administration had proposed fiscal year 1989 funding of $7 million or 38 percent of its authorized level for the EMP and $13 million or 100 percent of its construction estimate for the second lock. The Subcommittee on Energy and Water and, subsequently, the full Appropriations Committee modified these fundings levels. Instead, H.R. 4567 would approve $7.5 million or 40 percent of its authorized level for the EMP and $8 million or 62 percent of its construction level for the second lock. I appreciate the committee's movement toward greater program balance, and look forward to working with them in the future on the EMP Program.

The second project of particular concern to the Third Congressional District is the State Road/Ebner Coulees flood control project. Commonly known as the Pammel Creek project, this flood control project is designed to deepen and enlarge the State Road/Pammel Creek streambed and provide standard flood control protection in this area of La Crosse. In fiscal year 1988, Pammel Creek received $1.1 million. H.R. 4567 increases this level in fiscal year 1989 to $6.4 million.

Finally, this appropriations bill includes $280,000 for the Mississippi River/Black River/La Crosse River flood damage prevention project. Also in the La Crosse area, this project received $100,000 in fiscal year 1988.

Mr. Chairman, H.R. 4567, the energy and water appropriations bill for fiscal year 1989, is a responsible piece of legislation which deserve our support. I urge my colleagues to support its adoption today.

Mr. FAWELL. Mr. Chairman, I rise in support of funding for the Superconducting Super Collider. Some of our colleagues have risen to assert that we should not build the SSC because it costs too much. I would seek to remind my colleagues of the costs if we do not build the SSC.

Basic, long-term research is the underpinning of technological advance. What we call the high technologies of today had their origins in basic research that was conducted a decade or more ago. For example, building integrated circuits on semiconductor chips started as an idea in someone's head almost 40 years ago. Today that "idea" is a billion-dollar industry. That "idea" has led to the technological revolution that continues to sweep and transform our society. If we look even further back, we see that modern technology would have been impossible without knowledge of the atom, knowledge that scientists began to reveal at the turn of this century. Without this commitment to basic research, we risk losing out on the next great technological revolution, whatever it may eventually be.

The long-term, high-risk nature of basic research is not a disadvantage, as our colleague claims. Instead, it is the justification for Government action. Only the Government has the resources to invest in very basic research. Only the Government can provide the facilities that may be too large for industry to construct on its own. Our Government has a long and proud history of funding successful, innovative, high-risk research programs. This SSC will continue our Nation's commitment to scientific excellence.

I would also remind my colleagues that we do not always need to wait years for the practical benefits of basic research to become evident. In a recent speech before the National Academy of Sciences, Academy President Frank Press said, "Boundaries between basic and applied research are eroding and in many fields the time between a discovery and its commercialization is now measured in years, rather than decades."

Just as important is the realization that how we conduct research is just as important as the research itself. Facilities like the SSC employ a broad range of high technologies. Major advances in superconducting systems, vacuum systems, large-scale refrigeration systems, and complex computer control and detection systems have all been achieved as a result of building sophisticated particle accelerators. The superconducting cable developed for the Tevatron Accelerator at Fermilab is now being used in medical diagnostic devices, now a $100 million industry. Accelerators themselves have found new applications in cancer therapy, ion implantation, and other areas. It is clear, then, that when we learn how to construct a high-technology device like the SSC, our knowledge of technology, like our knowledge of basic science, is immeasurably advanced.

I understand only too well the budget constraints we are facing. But I do not believe that the solution to our dilemma lies in shortchanging our scientific and technological future. Therein lies the promise for tomorrow. I urge my colleagues to suppprt the Superconducting Super Collider.

Mr. RAHALL. Mr. Chairman, I rise in strong support of H.R. 4567, the energy and water development appropriations for fiscal year 1989. Of great importance to my home State of West Virginia is funding contained in the bill for the Appalachian Regional Commission and for the Army Corps of Engineers water development projects.

H.R. 4567 appropriates $107 million for fiscal year 1989 for the Appalachian Regional Commission, a program that has been of critical importance not only to West Virginia but to the other areas which make up the unique section of this Nation known as Appalachia.

Since 1965, the ARC has continuously promoted much-needed economic progress in Appalachia, decreasing the poverty level, boosting the level of income, cutting infant mortality rates, and increasing the number of doctors. The level of education in the area is approaching the national average. Progress has been made. However, the inescapable fact remains that there is much left to be done before the region is on par with other areas of the Nation.

While dramatic improvements have been made, Appalachia still suffers disproportionate socioeconomic hardships. My home State of West Virginia continues to struggle with the highest level of unemployment in our Nation. The State's industrial base has dangerously eroded. The people of Appalachia struggle not only for jobs but for daily necessities most take for granted. Many in Appalachia live in extreme proverty and they continue to need the valuable assistance—ranging from new roads to health education and literacy programs—made possible by the ARC. Without the funding contained in this legislation, not only will the much-needed improvements cease, but the positive effects of past progress may be lost to inevitable regression. I cannot emphasize enough the continued need for the vital programs made possible by the ARC in this Nation's heartland, Appalachia.

Also of critical importance to West Virginia is the water development funding contained in H.R. 4567 which, among other things, will help to modernize the antiquated waterways which are so vital to the shipment of West Virginia's coal. The bill provides $60 million for construction of new locks at Gallipolis, on the Ohio River about 30 miles upstream from Huntington, WV. This facility has long been in dire need of replacement as shown by the lengthy and expensive delays routinely experienced at this critical link in our inland waterways.

Other important construction funding in the bill includes $6.5 million for Winfield lock and dam on the Kanawha River. I sponsored this much-needed project in the public works and transportation authorizing legislation to provide for more efficient movement of steam and metallurgical coal from southern West Virginia to markets throughout the Nation. Also provided in the bill is $14.2 million for lock and dam 7 at Grays Landing on the Monongahela and $2.8 million for lock and dam 8 at Point Marion, also on the Monongahela. The modernization of these facilities is also long past due and much needed.

Also of significance to southern West Virginia is the $47.4 million included in H.R. 4567 for flood control projects on the Levisa and Tug Forks and the upper Cumberland River. These projects, such as the flood walls under construction at Williamson and the floodproofing of homes in that area, are crucial to the future well-being of the Tug Valley communities that have been ravaged time and again by severe flooding.

Another area of funding in the bill covers the operation and maintenance of existing corps projects throughout West Virginia. Included is funding for operation and maintenance at the following areas:

Beech Fork Lake	$573,000
Bluestone Lake	767,000
Burnsville Lake	919,000
East Lynn Lake	742,000
Elk River Harbor	285,000
Elkins	12,000
Kanawha River locks and dams	6,107,000
R. D. Bailey Lake	1,082,000
Stonewall Jackson Lake	596,000
Summersville Lake	1,007,000
Sutton Lake	1,387,000
Tygart Lake	1,096,000

Again, I strongly support H.R. 4567 and urge my colleagues to support its adoption.

Mr. AuCOIN. Mr. Chairman, despite extraordinarily difficult budget constraints, the Energy and Water Development Appropriations Subcommittee has brought the House a very good bill, and I urge my colleagues to support it.

The bill actually reduces the budget request for the Army Corps of Engineers, and makes similar cuts in a variety of Energy Department programs. At the same time, it addresses many critical local and national needs.

The continuing threat posed by 40 years of radioactive and toxic waste at the Hanford, WA, reservation is the No. 1 environmental problem in the Pacific Northwest. This bill takes a big step in implementing a program for long-term disposal of waste at Hanford by increasing three Energy Department waste appropriations by a total of $35,000,000.

Included in this increase are $18,000,000 for general environmental restoration activities; $12,000,000 for waste operations, including acceleration of the B-plant modifications and grout facilities; and $5,000,000 to speed up construction of the Hanford Waste Vitrification Plant.

In addition, the bill makes small but important additions in the Corps of Engineers' Operations and Maintenance account for Oregon. Those include $2,100,000 for construction of wing walls at the Astoria East End Boat Basin; $672,000 for dredging on the Rogue River at Gold Beach; and $256,000 for dredging at Port Orford.

Finally, the bill continues important research in biomass bioprocessing and advanced membrane technology research at the Oregon Graduate Center, at $700,000 and $500,000, respectively.

I appreciate the work of Chairman TOM BEVILL, JOHN MYERS, and the other subcommittee members to address Oregon's most urgent priorities, and I ask my colleagues to support this vital bill.

Mrs. MARTIN of Illinois. Mr. Chairman, in its budget request for fiscal year 1989 the administration asked for $363 million for research, planning, and initial construction for the Superconducting Super Collider. The appropriation before us today provides for less than a third of that amount—$100 million.

This is a substantial sum of money, especially in light of present fiscal realities. It suggests, however, a waivering in our commitment to the project.

While it may have been inevitable, it is unfortunate that the SSC project is increasingly cast as a State economic development issue. I am aware of the economic benefits the SSC will bring—my State, Illinois, is among those vying for the privilege of housing the facility. It is critical, however, that Congress resist the temptation to look upon this as a State or regional issue.

It is much more than that—it is a test of our national commitment to basic scientific research. This is an area vital to the technology base of our Nation and to our national economy. It is one of a dwindling number of critical areas where we can say with a measure of confidence that the United States is a world leader.

It is well worth remembering, as we proceed ahead with debate and discussion on this issue, that past investments in basic research have been repaid hundreds of times over. While these investments have always been costly, we are healthier, more secure, and financially richer as a nation because of them.

Mr. PICKLE. Mr. Chairman, if we want to remain a leader in the scientific world, we must move forward with the superconducting super collider project. Our international counterparts have moved forward aggressively in basic research, while we are beginning to lag behind. Many nations today spend two or three times the amount we spend on basic research.

The bill before us here today, provides $100 million for this important project. This is not as much as the administration had hoped for, or as much as many of us hoped for, but it is a start in our efforts to construct the largest, most advanced scientific instrument ever built.

The benefits the Superconducting Super Collider will provide the United States are numerous. Beside the fact that this instrument will be the largest particle accelerator in the world and will provide us with the basic knowledge of the nature of matter, the super collider will spur an increased emphasis on math and science in our educational systems. I believe we have a responsibility to future generations to provide them with the knowledge and technology they will need to be competitive.

I urge my colleagues to oppose any efforts to reduce the funding provided in this bill for the Superconducting Super Collider. It is important basic research which will ultimately provide us with new technologies, new industries, and new jobs.

Mr. ARMEY. Mr. Chairman, today we're considering the energy and water appropriations bill for fiscal year 1989. In accordance with the recommendations contained in the budget resolution which passed the House earlier this year, H.R. 4567 appropriates $100 million for the continued study of the Superconducting Super Collider. [SSC].

This dynamic facility will readily surpass the capabilities of existing particle accelerators, and launch us into the next generation of high energy particle physics. More importantly, the SSC will enable scientists to better understand the most fundamental properties of matter, and how they determine the world in which we live.

The House has a unique opportunity to bring this dream closer to reality by approving the level of funding set forth in H.R. 4567. As is true with other Government-sponsored high-technology initiatives, the SSC promises to yield numerous benefits. Much like our Nation's space program, an investment of this magnitude is an investment in America's future.

If the United States is to continue as the world's technological leader, we have to be prepared to pay the price. While we should demonstrate our commitment to this worthy project by approving the funding contained in H.R. 4567, we must not forget that the SSC will yield global benefits. Therefore, we must continue to solicit the support of friendly nations as we continue to pursue this bold and promising initiative.

Mr. FAWELL. Mr. Chairman, I rise today to recognize the hard work that the Appropriations Committee has put into the energy and water development bill, which we will be considering late today. Tough choices had to be made, and I compliment the committee members for their fiscal restraint.

I do believe that we need to ask whether the priorities we are setting best match our needs today. Make no mistake about it—we are in a technological race for our lives. Even our strongest, most innovative firms are facing unrelenting pressure from foreign competition. We need to ensure that we are providing our industrial and academic scientists with the resources they need to stay at the cutting edge of research.

That is why I believe we need to give higher priority to the Department of Energy's 7-GeV advanced photon source. Using the intense x-ray beams from the APS, researchers from industry, academia, and Federal laboratories will be able to study the atomic and molecular structure of materials in much greater detail than ever before possible. Moving pictures of fast chemical and biological reactions—even movies of the living, beating heart—will become possible. Greater understanding of materials and biological systems will directly lead to major practical advances in many fields, including medicine, pharmaceuticals, petroleum, steel, autos, semiconductors, superconductors, coal and chemicals.

There is no question of industry's strong support for the advanced photon source. Design and planning of the facility has attracted more industrial interest and participation than any other basic research facility in the United States. User conferences have been attended by representatives from over 300 industries and universities. The APS steering committee, which will help plan the use of the facility, includes many industrial researchers. Most significant in my mind is the fact that industry has been willing "to put its money where its mouth is." Many firms and universities will be putting up their own funds to construct "beam lines" and hire technical personnel to conduct their experiments.

The advanced photon source has also earned high priority in the Department of Energy as well. The APS has been more thoroughly reviewed, validated and endorsed than any previous DOE energy research project. Since the preliminary conceptual and design work began in 1984, the APS has been endorsed by the Department of Energy's Energy Research Advisory Board, two panels of the National Research Council, and other scientific bodies. In a report entitled "Major Facilities for Materials Research and Related Disciplines" (1984), the NRC called the APS the "first priority for new facilities" and the "centerpiece for synchrotron radiation studies." The recommendations in this report were accepted by the DOE's Energy Research Board, which reported that the NRC's "scientific priorities . . . are consistent with the goals of the Department of Energy and are in the best interest of the nation . . ." A later NRC report entitled "Physics Through the 1990's" (1986) recommended that the APS "should be completed in the early 1990s, since projected user demand will saturate then-existing facilities by that time."

I would also note that last year the Appropriations Committees of the House and the Senate reported that "(t)his advanced facility (the APS) will be crucial for maintaining U.S.

international competitiveness in industrial research, basic research, defense-related research and in a wide variety of applications including medical diagnosis." The potential benefits of a machine like the APS have not been lost on our competitors. Japan, Korea, and Europe are already aggressively pursuing construction of similar machines, which will likely be completed before the APS comes on line. The Japanese machine, I might add, is a virtual copy of our own APS. Once again we run the risk of falling behind in an important area of technology that we originally developed.

I understood too well the budget constraints we are facing and the reasons behind the committee's decision not to fund construction this year. But I believe that we need to look further down the road to what our needs are going to be. Our future demands that we remain at the forefront of science and technology if we want to remain competitive in global markets. Should funds become available in this bill, it is my hope that the advanced photon source will become a high priority with this Congress.

Mr. INHOFE. Mr. Chairman, I rise in support of H.R. 4567, the energy and water appropriations bill for 1989.

This important legislation appropriates $17.8 billion for energy and water activities. A little known fact is that Oklahoma has the distinction of having more miles of fresh water shoreline than any other State, this appropriation bill is very important to the people back home. Of the $3.3 billion designated to the Army Corps of Engineers programs—$40 million will be funneled to Oklahoma for on-going water projects. Approximately $36 million will go toward operation and maintenance of 26 of Oklahoma's lakes. The rest will go for planning and study on seven other water projects, including two that are in the first district: Fry Creeks and the Keystone Dam to Tulsa.

In this time of budgetary constraints, I commend the Appropriations Committee in their job of approving a clean bill—one that includes no new starts in 1989. While no new water projects are requested, the committee did adopt a measure to proceed with research on the super collider project. According to the administration, $4 billion will be needed to complete work on the super collider. I am disappointed that the committee did not provide any money for construction of the super collider. Instead, H.R. 4567 includes only a $100 million for the super collider—barely enough to keep the project alive. It is critical that the United States continue to push forward on the atom smasher which may lead to enormous gains in the area of energy and medical science.

I urge my colleagues to support this important legislation.

Mr. BRUCE. Mr. Chairman, I am proud to have supported H.R. 4567 which includes $1 million for the superconducting super collider. I commend the chairman and the Committee for their recognition of the merits of this project despite the fact that these are times of fiscal restraint. Because this was the first appropriation bill of the year I believe it set a standard on the need to make responsible choices.

We have all been hearing a lot about the superconducting super collider and the important advances it will lead to. Though most of us are not high energy physicists, we share a fundamental understanding that America's future is inextricably linked to our ability to think long term.

To some, the SSC is one of those esoteric projects that has a big price tag. Well, it wasn't too long ago that many had the same reservations and doubts about why we needed to go to the Moon, or to bottom of the sea to explore. I think it has become abundantly clear that dramatic initiative creates new sciences, new industries and a higher quality of life. When scientists have been free to pursue their investigative passions they have literally changed the world.

Today scientific and technological innovations take place faster than ever before. Accordingly, the United States must act decisively and affirmatively. It is a question of preserving our country's role as a technological leader and subsequently our national security.

The administration has been very supportive of this project. In fact, the original administration request was for $363 million. When the Science, Space and Technology Committee examined the SSC, some delicate prioritizing had to take place. Many noteworthy scientific and technological projects were reviewed. Mr. Chairman, consistently, it was evident that the SSC was a project of great import and merit. It attracted the bipartisan support of the leadership of the subcommittee and the full committee. In fact $147 million was authorized. I might also add that although only seven States are presently in contention for the project, it has been viewed enthusiastically by members whose States are not among those under consideration for the site selection.

Mr. Chairman, the appropriation of $100 million for the SSC reflects a balance between national scientific priorities and fiscal responsibility. It echoes the undeniable sentiment of the Science Committee that we must proceed with this project.

Mr. BEVILL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 4567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1989, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $142,405,000, to remain available until expended: *Provided,* That $300,000 of funds appropriated in this bill for section 22 planning assistance to the States shall be used to assist the State of Nebraska in seeking solutions to water problems, including investigating and resolving problems of streambank erosion and environmental concerns along the Platte and Missouri Rivers: *Provided further,* That $100,000 of funds appropriated in this bill shall be used by the Army Corps of Engineers to prepare plans and specifications to complete preconstruction activities of the Platte River bank stabilization demonstration project for a 46-mile reach of the Platte River between Hershey, Nebraska, and the boundary between Lincoln and Dawson Counties, Nebraska.

The Secretary of the Army is directed to proceed expeditiously with the study of the project authorized as a demonstration project at Sunset Harbor, California, and submit his report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

The Secretary of the Army is directed to complete the Arkansas River and Tributaries, South Central and Southeast Areas of Oklahoma, Comprehensive Study and the Red River Basin, Oklahoma, Arkansas, Louisiana, and Texas, Comprehensive Study by March 31, 1989, and to include in the final report data on the economic factors that affect the feasibility of each project, indicating on a sliding scale what levels of each economic factor could make each project feasible at a future date. The economic impact plans associated with the above studies shall be conducted without the requirement of meeting the completion date specified above.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,193,687,000, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided,* That no fully allocated funding policy shall apply and that all structural portions shall conform to the Standard Project Flood level with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky): *Provided further,* That $500,000 of the total sum herein appropriated for the Big South Fork National River and Recreation Area, Kentucky and Tennessee, shall be allocated to the construction of infrastructure, including, but not limited to, road and sewer development, associated with the Bear Creek, Kentucky, portion of the project, such funds to remain available until expended.

AMENDMENT OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BERMAN: Page 4, line 20, strike the period and insert the following: ": *Provided further*, That $200,000 of the funds appropriated in this bill shall be to carry out the provision of section 847(b) of P.L. 99-662."

Mr. BERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Chairman, this amendment has the support of both the minority and majority sides and will simply correct a misunderstanding regarding the timeliness of funding a project previously authorized in 1986 by Public Law 99-662.

I would like to express my deep appreciation for the work done by the chairman, Mr. BEVILL, and the ranking minority member, Mr. MYERS, and their staffs, to accommodate this important project.

As authorized in Public Law 99-662, section 847(b), funds shall be made available to the Army Corps of Engineers to construct, operate, and maintain recreational facilities at Hansen Dam, in Pacoima, CA. That authorizing legislation also provides a self-funding mechanism based on the removal and sale of dredged material from Hansen Dam. Today's appropriation is the first step in actually spending the money that Congress has seen fit to authorize to restore the lake at Hansen Dam to its former recreational potential.

I have been hard at work convincing the Army Corps to agree to cooperate on getting the work done at Hansen, and now I am pleased that the Army Corps is not only supporting this appropriation, but is willing to keep on working with us to develop the lake at Hansen Dam into a well-designed, popular recreation area.

The appropriation we designate today is to accomplish the following goals, in accordance with an agreement between the Army Corps, the city of Los Angeles and my office: First, to increase the size of the lake, to the north and west; second, to build a boat ramp, picnic tables, restrooms, and other necessary facilities; and third, to develop a master plan for future development at and around the lake at Hansen Dam.

Devastating floods in 1969 and 1980 destroyed what was a beautiful lake at Hansen Dam—where boaters, waterskiers, picnickers and fishers all benefited from the proximity of this lake to urban areas. The revitalization of the lake has been one of my top priorities since I've been in Congress. The community which has the best access to Hansen Dam, is that which most requires such a park. The neighborhoods surrounding Hansen are economically disadvantaged and without a real community center. Hansen Dam would provide such a focal point.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, we are familiar with this amendment and have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BERMAN].

The amendment was agreed to.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word.

I would like to engage the distinguished chairman of the Subcommittee on Energy and Water Appropriations in a brief colloquy on the Sheyenne River-West Fargo-Riverside flood control project of the Army Corps of Engineers.

Mr. BEVILL. If the gentleman will yield, I would be glad to do so.

Mr. DORGAN of North Dakota. I first want to reiterate to the chairman and my colleagues how important the Sheyenne River flood control project is to me and the people of North Dakota. Building the diversion channel and related project features will provide flood protection to the city of West Fargo, the western suburbs of Fargo, and the town of Riverside. Such protection will safeguard these communities against the annual worry of yet another flood and actually prevent the flooding which has been a real threat dozens of times in the last three decades.

It will also bring a measure of protection to the Bonanzaville Historic Museum, which houses hundreds of valuable artifacts about frontier life and early agriculture in North Dakota. It will further permit construction of new residential tracts—long held back by the threat of periodic flooding—to move forward and to contribute to the economic vitality of the area.

For these reasons, I want to obtain the chairman's assurance that the Sheyenne River-West Fargo project is still scheduled for construction.

Mr. BEVILL. The gentleman from North Dakota is correct. I would like to emphasize that this important flood control project in North Dakota will be built. All the committee did was delay its start, as we did for all other new construction projects of the Army Corps of Engineers. Given the constraints of the Gramm-Rudman budget law and the budget summit agreement, the committee was simply unable to fund new projects this year. That is why we had to delay construction on the Sheyenne River project. Let me again say that this project was not singled out. Every other new project was also delayed by the committee action.

Mr. DORGAN of North Dakota. Do I understand, then, that the committee wishes to proceed with construction as a priority item at the earliest possible date.

Mr. BEVILL. My colleague has accurately stated our intention. May I reinforce that by noting that our bill does include $880,000 in planning funds for the Sheyenne River project in fiscal year 1989. This means that the Corps of Engineers can do all necessary preparatory work so the actual construction can proceed immediately thereafter.

My colleague has my full support for this vitally needed project and my pledge to provide construction funds as soon as possible. May I say, too, that no one in this House has worked harder on behalf of worthy projects affecting his district than the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the chairman for his assurances on this project, for his gracious remarks, and for his continued cooperation.

If I might take 1 additional minute, Mr. Chairman, to respond to the comments of our distinguished colleague, the gentleman from Massachusetts [Mr. CONTE], on the Garrison diversion issue.

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I want Mr. CONTE and my colleagues to understand that on North Dakota's water project, the Garrison diversion project, we went through a very wrenching process to create a Reformulation Act passed by this House which dissipated the controversy surrounding that Garrison diversion project. That occurred a couple of years ago.

The Reformulation Act created a project in North Dakota that is environmentally safe, economically sound and a good bargain for this country and for our State. We would hope for support for level funding for that project in the years ahead because we believe in North Dakota that we struck a bargain with the people of this country and now it is up to the administration and the Congress to meet their end of the bargain by providing a decent level of funding, to move forward and to get that project completed.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman in the well for his leadership in water policies and to say that I fully support the statement made by our fine chairman in support of the project that has been just recently discussed.

Mr. DORGAN of North Dakota. I thank the gentlewoman for her support.

Mr. Chairman, when we speak of the Garrison diversion project in North Dakota, the only real issue is fairness and commitment. When North Dakota and Indian tribes sacrificed 500,000 acres of prime farm land and ancestral homelands, they accepted the need for downstream flood protection afforded by the Garrison Dam. They also expected the Federal Government to keep its part of the contract by building a major water project in the State.

GARRISON AND BUDGET REALITIES

I understand the subcommittee's dilemma: how to allocate limited funds to many deserving projects. Permit me to explain why Garrison diversion should be at the top of the list in this appropriations bill.

Garrison has already made its contribution to fiscal restraint. The revised project will save the taxpayers $2.6 billion compared to the original design and $800 million compared to prior law. In 1 year alone, the Bureau transferred $26 million for Garrison to other projects while we in Congress implemented in law the recommendations of the Secretary of Interior's Garrison Study Commission to downsize the project.

It's simply asking too much to shortchange Garrison—and the people and tribes of North Dakota—to delay timely and full-scale development of the reformulated Garrison project.

Garrison is a project whose main trunk is substantially complete. The basic water delivery system is about 70 percent complete. Had not the project undergone the scrutiny of reformulation, the whole delivery system might now be ready. So we must press ahead with completing that system in order to develop both irrigation and municipal supplies.

GARRISON IN A TIME OF SEVERE DROUGHT

I would also remind my colleagues that the Garrison diversion project does much more than execute the Federal commitment for compensation to the State of North Dakota. It provides the very lifeline for development in a State plagued both by inadequate and substandard water supplies for agriculture, minicipal use, and industrial activity.

The lifeline of water is drawn into sharp focus by one of the most severe droughts to desiccate North Dakota in modern times. Most people around the country think of North Dakota as a cold, snow-swept landscape with record-breaking, low temperatures. Well, North Dakota is much more than that; it's a land of four seasons with all of the beauty that each brings. It's also a State that can best be described as semi-arid. Frequently, those cold winters leave only scanty snow cover—especially in the western reaches of the State. And, spring too often brings dismally little rainfall to the most farm-dependent State in the United States.

That's now the case in North Dakota. In fact, the State director of disaster relief has indicated that we have been experiencing a drought condition since 1978. Imagine, if you will, the severe impact to your State or district of 10 years of inadequate rainfall. Picture if you will the devastating consequences to a farm economy when almost three-fourths of the State suffers from a shortage of topsoil and subsoil moisture. Right now, over 74 percent of my State lacks sufficient moisture to carry on productive farming. Throughout the State, municipal, rural, and industrial water supplies are threatened.

That is why Garrison Diversion means so much to North Dakotans. It offers the promise of more certain and dependable water supplies to cities, towns, and farm communities. It provides a buffer for farmers in the form of irrigation during those frequent seasons when Mother nature jealously holds back needed rainfall and snowfall.

However, this promise and this safeguard will bring scarce hope to North Dakota if the administration and Congress do not provide resources to implement the Garrison Diversion Reformulation Act, a compromise hammered out between project proponents and opponents alike. The acid test of that compromise is not only fulfilling its policy mandates, but also undergirding its budget requirements.

I regret that this bill falls short in that latter regard. The arbitrary constraint of the Gramm-Rudman law and recent budget summit have simply dried up the resources we need for water development. Against that backdrop, Garrison has suffered the same fate as other Bureau of Reclamation construction projects: it has not received its due.

I appeal to my colleagues on the Appropriations Committee to consider additional funding as this bill moves along. Among the priority improvements needed, I would cite three in particular.

FUNDING CHANGES NEEDED

First, increase the Federal share of M,R&I from $7.3 million to $15 million.

This will allow for almost $8 million for the Southwest Pipeline while still permitting construction for priority conservancy district projects: The Grand Forks Dam, Langdon Rural Water System, McLean Sheridan Rural and Community System, and several minor projects at a total cost of about $7 million.

Second, increase the Federal share for recreation from $.8 million to $1.2 million to permit adequate progress on Devils Lake State Park. Without timely land acquisition, the State may lose the chance to acquire key private holdings.

Third, make Indian M,R&I a priority for funding this at $4.5 million, to be divided among three eligible tribes with $2 million each for Standing Rock Sioux and the Three Affiliated Tribes, and $.5 million for Devils Lake Sioux.

Taken together, these changes would increase project funding for the budget request level of $26.8 million to a full-funding level of $39.5 million. This would allow level funding, plus a modest increase for Indian projects.

KEEPING THE FEDERAL COMMITMENT

I understand that we may not realize these changes in the present budget environment. However, I also realize that we will never make good on the Federal commitment for water development in North Dakota unless we stretch to bring the entire project on line as quickly as possible. I urge my colleagues to move with dispatch to that end and to approve at least level funding for Garrison.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this time, I would ask the distinguished chairman of the subcommittee on Energy and Water to engage in a colloquy on the decision of the committee to delay funding for new construction projects.

As the gentleman knows, my concern is with the Ramapo and Mahwah Rivers project in Mahwah, NJ, a flood prone community in my district. I am aware that the committee chose to appropriate further preconstruction funds for this project for fiscal year 1989, but decided to delay actual construction to a later time. As the gentleman knows, once completed, this vital project would protect against an estimated 100 years of flooding. Unfortunately, since 1968, eight destructive floods have caused millions of dollars in damage to this environmentally sensitive area of the Nation.

I would appreciate a commitment from the chairman that he continues to believe that this project is a priority and that the committee intends to fund it to completion.

Mr. BEVILL. Mr. Chairman, will the gentlewoman yield to me.

Mrs. ROUKEMA. I yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. I thank the gentlewoman for yielding.

Mr. Chairman, this is a project that we support very much and we will fund it just as soon as we can fund any of these construction projects, that is starting with construction. We do support the project and hope to be able to fund it so that you can go on and build it very soon.

Mrs. ROUKEMA. I understand the extraordinary difficulties and restrictions the gentleman had to work under in consideration of the summit agreement and the fiscal austerity. I would have hoped that perhaps flooding projects might have been distinguished from the other construction projects but I do appreciate the commitment of the chairman at this time and I would hope that perhaps next year we would be able to see our way through to this funding.

Mr. BEVILL. I hope that we will do so. I agree with the gentlewoman. Certainly I think flood projects are the most critical. I might add most of our Corps of Engineers projects are flood control projects. I like to use the word "invest" because we are protecting property as well as lives. Just putting a value on the property which we cannot do on the lives, of course, that in itself has proven to be a very good investment.

I might point out, as the gentlewoman knows, her project is just one of the many and none have any new construction starts in them because it really just came down to where in the committee we had to decide to continue what was already under construction and we even had to cut some of those projects whereas in the past we have been able to not only have new construction but to carry out the construction of those that were already under construction. So this was a difficult decision but the gentlewoman's project is very important and I hope we can be in a position to start the construction in the 1990 appropriations bill.

Mrs. ROUKEMA. Mr. Chairman, I thank the chairman for his statement.

Mr. Chairman, in 1986, Congress approved and the President signed the Water Resources Policy Act, which authorized the expenditure of $4.3 million for flood control efforts along the Ramapo and Mahwah Rivers in Mahwah, NJ, a flood prone community located within my congressional district. Enactment of this legislation was an important milestone in the Federal Government's efforts to control flooding in northern New Jersey.

Between 1968 and 1984 alone, the Mahwah area experienced eight damaging floods. The worst flood, in November 1977, caused an estimated $4.4 million in damage. Now, the U.S. Army Corps of Engineers estimates that damage from a new flood could cause just as much destruction.

Last year, the final continuing resolution for fiscal year 1988 included $230,000 in preconstruction funds for this important flood control project. Realizing that the Ramapo/Mahwah project is now primed for construction, the administration requested $300,000 to initiate channels, canals, and floodwalls.

Regrettably, the House Appropriations Committee has decided to implement a pioneering policy of "no new construction starts." The committee states that this unprecedented step is necessary so that the committee might fulfill its obligation to meet the budget ceilings imposed by last year's budget summit agreement.

As a result, this "no new construction starts" policy affects a total of eight projects across the Nation which have been approved and were scheduled to receive their first construction funds this year, of which the Ramapo/Mahwah project is one.

Now, as the Speaker knows, I take some measure of pride in my voting record on budget and spending matters. By just about any measure, I am a fiscal conservative. But, there are several reasons this is not the time, nor the place to break new ground with such a "no new starts" policy. I must object to the decision that gave priority to other projects over this flood control project which has a far more compelling and pressing justification.

First, this project has been in the planning for 20 years. Today, the estimated cost of the project is $7.9 million. Anyone who knows anything about such projects knows that any delay in construction will only serve to increase the cost of the project. Of course, the added cost will be borne by the taxpayers. Clearly, this is a penny-wise and pound-foolish response.

Second, we are gambling with Mother Nature here. Should another flood ravage the Mahwah area prior to completion of this project, the estimated damage to local businesses and the accompanying loss of revenue will undoubtedly put an added strain on the Federal treasury.

Third, and most important, we are gambling with the lives and livelihood of thousands of northern New Jersey residents. The longer we stretch out this crucial project, the greater the threat to Bergen and Passaic County businesses and jobs and the greater the threat to Bergen and Passaic County families.

I will continue to urge my colleagues and the Senate to restore construction funding for this vital project. I believe there is overwhelming justification for this project to be funded now.

Mr. RICHARDSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the distinguished chairman of the Committee on Appropriations Subcommittee on Energy and Water. This concerns an amendment that I was going to offer that dealt with earmarking $2.4 million for Army Corps of Engineers construction funds for the repair of New Mexico's Acequias' irrigation systems.

These are irrigation ditches dating back to the 18th century which have significant cultural and historical values to many localities in the State. These are projects which have already been authorized, $40 million in the Water Resources Act, and the renovation of the canals and small diversion dams is one of the key ingredients in the economic development of northern New Mexico. It is my understanding from the chairman that because it is a new start, even though the projects have been funded before for design funds, that because of budget considerations this worthy project was not able to make it into this legislation. I would like to just get the confirmation from the chairman on this.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, we consider the project of the gentleman a good project, of course, but as stated before here today, this is a new start and we will not be able to fund new starts in any place in the United States in this 1989 appropriations bill.

Mr. RICHARDSON. It is conceivable that the committee, faced with potential budget restrictions in the next fiscal year, would find it necessary also not to fund projects like these that have been funded previously before, in the 1990 budget?

Mr. BEVILLL. Mr. Chairman, we hope that we will be in a position, certainly even next year, we hope we will be in a position to fund some new construction starts; but we have no way of knowing at this point.

I will say certainly we will give the gentleman every consideration as we have done on several projects even this year. We will do what we can to be of assistance to our good friend and colleague from New Mexico.

Mr. RICHARDSON. I thank the chairman. I think there is no question but that his subcommittee has been very responsive. I just want to stress once again the importance of these projects that have authorized.

Mr. Chairman, I will not be offering any amendment but I would hope that in the budget of 1990, should there be an occasion in conference with the Sente that consideration be given to continue these projects which the subcommittee has funded in the past.

Mr. Chairman, the Acequias community irrigation ditches, dating back to the 18th century, have significant cultural and historical value to many localities in the State. More importantly, the renovation of the canals and small diversion dams making up the Acequias system is essential to continue the delivery of water that many small communities depend on for their economic livelihood.

It does not add any money to the bill but uses funds from other New Mexico Army Corps of Engineers' projects.

This is not a new project.

The Acequias Rehabilitation Program was authorized by the 1986 Water Resources Development Act, and has been funded for the last 2 fiscal years. With funding from fiscal year 1988, the Corps of Engineers will soon begin construction on the first phases of the project with great support by local communities in New Mexico.

The Army Corps of Engineers advises us that they have the capability of using $4 million for additional construction under the Acequias Program in fiscal year 1989. The State of New Mexico fully supports the program and has already appropriated its share.

I strongly urge my colleagues to support this amendment, which is fully consistent with the budget agreement, to continue a program that demonstrates how effective a cooperative effort can be in the development and conservation of scarce water resources.

AMENDMENTS TO H.R. 4567 OFFERED BY MR. RICHARDSON OF NEW MEXICO

Page 4, line 5, strike "$1,193,687,000," and insert in lieu thereof "$1,194,680,700.".

Page 4, line 20, strike the period and insert the following: "*Provided further,* That $2,423,700 of the funds appropriated shall be available for the Acequias Irrigation System in New Mexico: *Provided further,* That not more than $6,660,000 of the funds appropriated may be made available for the Alamogordo, New Mexico, construction project: *Provided further,* That not more than $2,790,000 of the funds appropriated may be made available for the Puerco River project at Gallup, New Mexico: *Provided further,* That not more than $3,420,000 of the funds appropriated may be made available for the Rio Grande Floodway project, Truth or Consequences Unit, New Mexico.".

Page 5, line 22, strike "$1,378,833,000," and insert "$1,377,839,300,".

Page 6, line 15, strike the period and insert the following: *Provided further,* That not more than $4,474,800 of the funds appropriated may be made available for the Abiquiu Dam project, New Mexico: *Provided further,* That not more than $1,104,300 of the funds appropriated may be made available for the Cochiti Lake project, New Mexico: *Provided further,* That not more than $2,089,800 of the funds appropriated may be made available for the Conchas Lake, project, New Mexico: *Provided further,* That not more than $203,400 of the funds appropriated may be made available for the Galisteo Dam project, New Mexico: *Provided further,* That not more than $264,600 of the funds appropriated may be made available for the Jemez Canyon project, New Mexico: *Provided further,* That not more than $483,300 of the funds appropriated may be made available for the Santa Rosa Dam and Lake project, New Mexico: *Provided further,* That not more than $323,100 of the funds appropriated may be available for the Two Rivers Dam project, New Mexico.".

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the honorable chairman from Alabama to express my concern over a problem which has occurred in my district relative to a Army Corps of Engineers repair project.

In Holland, MI, the corps recently completed a rehabilitation project on the Holland pier. Unfortunately, the corps did not adequately consider the impact of its repairs on established recreational fishing. As a result, the repairs destroyed most of the commercial fishing off the pier. According to local merchants, sportsmen, and even the Michigan Department of Natural Resources, it resulted in decreased revenues of $300,000 annually to the area.

In the State of Michigan there are numerous other projects planned by the Army Corps of Engineers which could seriously damage recreation in the area.

I would have liked to offer an amendment to H.R. 4567 that would prohibit the Army Corps of Engineers from using funds for projects which impair recreational uses, however, I realize that such an amendment would not be in order on an appropriations bill.

My amendment would simply insure that existing recreation of any water resource project could not be destroyed by the corps' rehabilitation projects.

I will have good bipartisan support as my amendment will be offered on an authorization bill in my Committee on Public Works and Transportation.

I would welcome the support of the chairman.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the comments of the gentleman from Michigan and agree that this is an issue which needs to be addressed in the authorization bill.

Mr. UPTON. I thank the gentleman for his comments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $337,980,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,378,833,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $15,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided,* That $200,000 of funds appropriated in this bill shall be used by the Army Corps of Engineers for operation and maintenance of existing structures and facilities of the Missouri National Recreation River, Nebraska and South Dakota: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall allow an entity of the State of Oklahoma that is responsible for the development of the water and natural resources of the Arkansas River and Red River basins in southeast Oklahoma to operate and occupy, at no expense to such entity of the State, the Visitors Center at Crowder Point on Lake Eufaula, Oklahoma.

General Regulatory Functions

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $60,427,000, to remain available until expended.

Flood Control and Coastal Emergencies

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $25,000,000, to remain available until expended.

General Expenses

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $120,000,000, to remain available until expended.

Administrative Provisions

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 200 for replacement only) and hire of passenger motor vehicles.

TITLE II

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

General Investigations

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $13,761,000: *Provided,* That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended: *Provided further,* That $800,000 of funds herein appropriated shall be used for advanced planning for the Prairie Bend Project, Nebraska: *Provided further,* That $175,000 of funds herein appropriated shall be for the South Platte Frenchman Valley Project study.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended $709,332,000, of which $174,005,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $180,389,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further,* That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further,* That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further,* That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development proposals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989: *Provided further,* That of the amount appropriated herein, $10,000,000 shall be available for right of way acquisition and construction of the Davis Creek Dam, North Loup Division, Nebraska (authorized by Public Law 92-514), and for preconstruction work on related facilities such as the Fullerton and Elbe canals and laterals and the Kent Diversion Dam, together with $1,000,000 appropriated in Public Law 100-202 but not allocated for the Davis Creek Dam, which shall be in addition to the amount requested by the Secretary of the Interior for continuing work on the North Loup Division, which funds shall remain available until expended, together with funds heretofore or hereafter appropriated, and with which the Secretary of the Interior is directed to award contracts for construction and completion of the Davis Creek Dam and related facilities: *Provided further,* That $3,500,000 of funds appropriated in this bill shall be available for reconstruction and rehabilitation of failing dikes of the Glendo Reservoir, North Platte Project, Nebraska and Wyoming, to restore area flood protection.

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON: Page 9, line 13, strike "$709,332,000" and insert in lieu thereof "$699,332,000".

Page 12, lines 5 through 20, strike "*Provided further,* That of the amount appropriated herein, $10,000,000" and all that follows through "Davis Creek Dam and related facilities:".

Mr. GEJDENSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, we have some difficult issues to address. All of us head for an election and we all want to bring something home and it often costs the taxpayers money. But those of us in this Congress have to make some policy decisions and the policy decisions are a question of where we are going to draw the line.

This country now sits with 7.6 billion bushels of corn surplus, 7.6 billion bushels of corn surplus. How much more surplus do we need? If we do not pass this amendment, we will authorize $100 million in the final analysis, we will spend $100 million in the final analysis, $10 million in this bill to complete a project for irrigation whose primary purpose is to grow more grain.

We are spending $10 billion a year on surplus grain now.

How much more do we need to spend on surplus grain?

This does not just hurt the taxpayers; it hurts the people who grow corn. Now when you take a look at this amendment, its primary purpose is to stop this water project. The water project's primary purpose is to increase corn production.

As I said before, currently there are 7.6 billion bushels of corn in storage, public and private storage. The Government is spending $10 billion a year on the program to reduce surplus corn. The Bureau of Reclamation experts say the Bureau is providing 830 million dollars' worth of subsidized water per year for farmers to grow surplus corn.

In Nebraska where this project is located, farmers are required or are being paid to take 2 million acres of corn out of production under the 1985 farm bill.

Now let me ask you a question: We are going to spend $10 million a year to start a project to grow more corn. We have 7.6 billion bushels of corn in storage. We are already paying Nebraska farmers to keep 2 million acres of corn out of production. Does that make any sense to anybody in this Congress? The people back home think we are serious about dealing with a budget deficit helping American farmers by increasing the corn production when we are sitting on 7.6 billion bushels of corn? I do not think so.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. No, not at this time. I will be happy to yield when I am finished. I look forward to engaging my two friends from Nebraska in a debate and colloquy.

□ 1430

Ninety percent of the land irrigated by this project will grow corn. These are huge water subsidies. The farmers will get pennies in a real sense, the taxpayers are going to get millions of dollars in bills, and what we will end up with is a double subsidy. First, we provide the water, we subsidize the water, and then we buy the corn because there is no market for it, we already have too much of it, and we hurt the farmers.

This double subsidy is unfair. It is unfair to the taxpayers, and it is unfair to the farmers who grow their corn without water subsidies. Construction of the Davis Creek Dam has not begun. Beginning construction will commit us to another $100 million. There are lots of things we can do with $100 million. There are water projects that this country needs to deal with flood control problems and other problems that really affect this country, but we do not need $100 million to grow more corn.

Even if the Gejdenson-Petri-Sharp amendment passes, even if we strike this particular dam, the people of that State are still going to get $258 million worth of water projects to be able to help them grow more corn. I cannot solve all the problems with one bill or one amendment, but let me say this: The people back home are going to assault the entire agriculture program if we are not careful. I grew up on a dairy farm. I really care about farmers, and I know how hard they have to work to make a living, but it seems ludicrous to me for us to tell our farmers we are going to get 30 billion dollars worth of taxpayer money to keep the farmers of America alive because prices are depressed, and then we are going to tell them that on top of the 7.6 billion bushels of corn, we want to add some more surplus to it.

We asked the Interior Department what these water projects for surplus crops have cost us. They tried to fudge the numbers. At first they said $9.8 billion, but when we looked a little closer, we found it was closer to $24 billion.

We have to make some decisions here. I understand the people who represent the State and many of the people on the committee find that it is hard to tell a friend of theirs that the program makes no sense. It is almost impossible for a Congressman or a Congresswoman to talk to his constituents or to her constituents and say, "No, I'm sorry, I can't spend $100 million of American taxpayer money to bring you additional water to grow more surplus corn."

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me say that this project has been under construction since 1976. It will not be completed until the mid-1900's. It does not add to the present temporary corn surplus.

We have a long record of disappearance of surpluses almost overnight. During World War II we were short of grain, during the Korean war we were short of grain, and in the early 1970's prices were soaring because we were short of corn and other commodities. That was when this project was reauthorized.

This is a long-range strategy of investment in the food-producing capacity of this country. It will stabilize supplies, it will stabilize prices for many decades—even for 100 years. It should not be aborted just because we have a temporary surplus of two or three commodities.

Let me point out that every year over a million acres of good farmland is going to nonagricultural use.

This project has a long history of national support for the completion of the project. In fact, last year the Department of the Interior said it should be expedited for efficient use of water supplies. The project is already 60 percent completed.

Mr. Chairman, let me point out that this is one of 150 structures in the huge 10-State Pick Sloan-Missouri Basin plan. It provides money for flood control, for navigation, for irrigation, for municipal water supplies, for industrial water supplies, for recreation, and for hydroelectric power. This completion of the North Loop Division is a part of that project.

Let me point out that, contrary to what the gentleman said, this project is supported by money from the water users and by money that is revenue-generated from Federal power that comes back under the Pick Sloan Program. That will take care of more than 91 percent of the cost. Only the cost for recreation and for fish and wildlife habitat will come out of the taxpayers. That is about $29 million.

In fact, it is the Bureau of Reclamation that started the idea of cost sharing. Pick-Sloan was based on cost sharing—self-financed.

Let me point out that this project is supported by every responsible leader in my State in both political parties. It is not controversial. It is supported by the Reagan administration, and it has been supported by every President since Eisenhower. It is supported on both sides of this aisle. We have had unwavering support for many years.

Let me also point out that any environmental concerns that we might have had, have been addressed and mitigated long ago. There is no environmental controversy in Nebraska. No testimony against this project has been made before my committee in recent years. I am sure that anyone who is opposing the project does not have full information. I just wish that someone had come to our committee and given us a chance to explain about the project, but no one did.

We will have more than 2,500 acres of wildlife habitat that will be developed and preserved. This will include a fish hatchery. Tourism is a major industry in my State. This will increase recreation and increase tourism.

This $10 million is for the last major feature of this project. It was requested last year by the Bureau of Reclamation. I have a letter here from the White House dated May 5 of this year in support of this project.

Let me point out that this project will have an economic life of more than a century. It will generate food, it will generate tax revenues, it will generate recreation and wildlife benefits, and it will generate jobs that will keep our young people from migrating to the big cities.

Mr. BEREUTER. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I am delighted to yield to my good colleague, the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, my distinguished colleague, the gentlewoman from Nebraska [Mrs. SMITH] has pointed out several important features about the Davis Creek Dam and related canals part of the North Loup project, which is being subjected to amendment at this moment. It is not a new start. Construction began in 1976.

The CHAIRMAN. The time of the gentlewoman from Nebraska has expired.

(On request of Mr. BEREUTER, and by unanimous consent, Mrs. SMITH of Nebraska was allowed to proceed for 5 additional minutes.)

Mr. BEREUTER. Mr. Chairman, will the gentlewoman continue to yield?

Mrs. SMITH of Nebraska. I continue to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentlewoman for yielding.

So construction is now proceeding. It is not reasonable to lop off one element, the major remaining element of this water project, and suggest that this remaining element independently be subjected to deletion simply because the proceeding elements of the project have a higher cost benefit ratio. But it needs to be emphasized that the total project has one of the higher cost benefit ratios among reclamation projects across the country, 1.4 to 1.

I think it also needs to be pointed out that there is widespread bipartisan support in Nebraska for this water development project—at every level of the government in the State. It is one of those projects that is roundly supported. The environmental features of it are very significant and recognized. I need to further point out to my colleague, the gentleman from Connecticut, that contrary to the nickname of our State, the Cornhusker State, we are not an agricultural monoculture—that is to say we do grow other crops than corn. In fact, to single out corn as the one commodity to be subjected to scrutiny as a surplus commodity is not a reasonable argument. It may well be that nonfarm program crops are grown on these acres. We indeed have other important commodities grown in this part of the State that are not commodities included in the farm program.

I think it is also important that the gentleman from Connecticut remember that there are many areas in government where money can be saved. This happens to be the first amendment to a bill in a series of appropriation bills to come before the House this year, but I am sure in 1 week's time it would, for example, be possible to find a way to save $10 million on the construction of one of the Trident submarines that are constructed in the district of the gentleman from Connecticut.

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I think that we have to look at this program in the context of the entire water-producing, energy-producing areas of our Nation. This project is one component of 150 different projects, and they all meld together into irrigation projects, flood control projects, navigation projects, and environmentally sound projects, along with wildlife projects and water supply projects, not only for industrial water supplies but actual drinking water supplies of many of the committee within a large area of our country.

□ 1440

We have to have a concerted, overall policy, and our committee has to address that kind of a policy, and we have to take each of the elements that we have in the bill within the context of the overall policy.

We heard over 2,000 witnesses in our hearings on this bill, and this problem was not presented to us while we were in those hearings. Instead we heard only the very splendid context of the arguments in favor of this project.

I think that we have to understand that we cannot simply in 1972 say we have to do something about the inflationary pressures and the shortages and then we go into a program where now we say there is such a surplus that we have to do something about it. This project would stabilize those situations and make certain that we had a concerted policy that deals with inflationary pressures and deals with the production of our farm programs and our commodities and makes certain that we do not lop off one thing here and add another thing there, but we take these policies within the overall context of good planning for the infrastructure of our country to make certain that we are able to have the water supplies, able to have the flood control, able to have the farm irrigation, able to have the wildlife habitat control and to be able to have the navigation that is necessary to bring all these together.

I hope, Mr. Chairman, that this amendment will be defeated.

Mr. GEJDENSON. Mr. Chairman, will the gentlewoman from Louisiana yield?

Mrs. BOGGS. Mr. Chairman, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I say that it pains me to no great end to find the gentlewoman from Louisiana on the opposite side of an issue with me. I have the greatest respect and admiration for her, and I would just like to use a moment of her time to maybe focus on just a couple of things.

Mr. Chairman, this is a project that has been under consideration for a long time. This is the last little piece that we are taking a look at. Most of the North Loup Project is going forward, and this amendment does not affect the sum $248 million that will be spent on that. What we are doing is we are proposing that $100 million for this last portion of it that has not yet begun ought not be spent, that of all the choices we have to make here today and other days in this Congress dealing with feeding poor people, and education and the defense of this Nation, that this is $100 million of expenditures that will hurt farmers by increasing the surplus grain and that we ought to take this time to reassess.

I always say when I read history that General Custer held his ground. Maybe he would have been better off if he repositioned himself, and what I am hoping is that the gentlelady from Louisiana would reconsider, and others, that we reposition ourselves on this one small aspect of the North Loup Program.

Mrs. BOGGS. Mr. Chairman, I would like to reclaim my time, and I thank the gentleman from Connecticut [Mr. GEJDENSON] for his comments.

I would like to say that this is under construction. It has been under construction since 1976. It was first authorized in 1954, was reauthorized in 1972, and responds to a problem that it was there to try to mitigate. I do believe very sincerely that you cannot cut off the last of the major portions of the project that includes 150 other related projects in a very large development area of our country.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it occurs to me that this project was first authorized back in the 83d Congress, in 1954. I was a page in the 83d Congress, and I remember that John Tabor was the chairman of the Committee on Appropriations back then, and Clarence Cannon from Missouri was the ranking minority member, and I can tell you that Mr. Tabor and Mr. Cannon never let anything be authorized and appropriated that was not the most frugal, authorization and appropriation that can possibly be imagined, and I am sure that our current chairman, Mr. WHITTEN, remembers those days and would bear that out.

Mr. Chairman, I think it is important that this project was authorized 34 years ago. It has been under construction since 1976. That is 12 years ago, and it is not going to be completed until 1994. It is 60 percent completed.

What can be done if this amendment carries? Blow the project up? Is that what we do with projects 60 percent completed? I do not know. But we have got a tremendous investment here so far, and it seems that we should see this project through to fruition.

Mr. Chairman, I think it is also interesting to note that the administration is for this project. This bill is well under the budget. In fact, it is my understanding that because funding for the Davis Dam was inadvertently left out of the fiscal year 1988 administration budget request, the President himself has ordered the funds restored, and the administration supports the committee's decision to include funding in this bill.

I would say to my colleagues that administration support is critical on matters of this sort. I know the entire eastern boundary of my district is the Mississippi River, and even for one whose district borders on a river of that magnitude these projects do not come lightly.

So, for those of my colleagues who may be unfamiliar with the Office of Management and Budget's criterion for supporting water projects, I can assure those colleagues that they do not come without considerable and extensive scrutiny. This project has passed OMB's litmus test, and it deserves to proceed on schedule. It has received no special favors and is financed exactly as are all other similar water projects.

Regardless of my colleague's opinion about water projects, or their merits or their impact on farm surpluses, I think it is blatantly unfair to single out this project because of an administration oversight in failing to request funds through its budget process. I urge my colleagues to vote "no" on this ill-conceived amendment.

Mr. Chairman, I am delighted to yield to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I thank my colleague for yielding this time to me, and I fully support his statement here and associate myself with his remarks.

Mr. Chairman, I think it is very telling when we have a project that is well over 50 percent completed that we are going to interject our own personal expressions here and our lack, frankly, of expertise in many cases as to what has already transpired in other Congresses and the OMB and the whole Pick-Sloan Missouri River Basin program.

These are not just items that my colleagues can pull off the map, a dam here and a dam there, to save money. They are an integral part of a whole ecosystem that has got to be proposed and finalized for any of these projects to really have its impact, and I think that it really is rather penny-wise and pound-foolish at this point to start pulling these dams off the map like so many building blocks that children might use.

I note that the gentleman and I are both interested in rural development, and how are we going to have any rural development if we do not make at least our land as productive as possible? And many of these activities that are associated with this dam are recreational, and there are other opportunities for rural Nebraskans in this case, but the same type of opportunities exist for rural Missourians, Kansans, and others to play a very dominant role in the future of our area of the country, and I stand with the gentleman in opposing this amendment.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for his contribution, and I yield back the balance of my time.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I might have the attention of the author of the amendment for a few questions.

Mr. GEJDENSON. Mr. Chairman, I would be happy to respond.

Mr. PETRI. Could the gentleman tell us what the specific intent or effect of the gentleman's amendment would be?

Mr. GEJDENSON. This amendment does not affect the entire project. It only affects the Davis Creek dam, which is a separate entity unto itself, and for those who recently spoke about cutting things off in the middle. I propose that they look at the free market system.

If a developer came in to build 10,000 homes in a project and found that after 5,000 homes he was not selling any, he might just slow down a little, not just keep building homes, and let them sit empty and pay interest on them.

What we have here is a project that may well have been well intended, but we are now sitting with a 7.6-billion-bushel surplus of corn, and we ought not create more corn to depress the farm economies around this Nation and to cost the taxpayers a considerable amount of money.

Mr. PETRI. Mr. Chairman, I understand the gentleman has made that argument, but I wonder if it is fair to block construction of a project that is said to be 60 percent complete?

Mr. GEJDENSON. The amendment will not block construction of the North Loup project. The administration has requested $14.8 million to continue construction primarily on the Scotia canal and the lateral system. This area will be served by the already complete Calamus Dam and is scheduled to receive irrigation service for 10,240 acreas in 1989.

□ 1450

The amendment will not reduce the administration's request and will not prevent this ongoing work from being completed.

Mr. PETRI. Does the gentleman believe that it is fair to change the rules for evaluating projects in the middle of construction?

Mr. GEJDENSON. The amendment does not change any administrative or statutory rules governing water project evaluation. It merely reflects a judgment that we in Congress have the right and responsibility to make—does the expenditure of funds to begin construction on this particular free-standing part of the North Loup irrigation project make sense in fiscal year 1989? If we believe that it does, we ought to vote for it, but if we think there is enough of a corn surplus in this country, that $10 billion in corn surplus programs is enough, that we ought not to spend another $100 million to create more corn surplus.

Mr. PETRI. The gentleman has asserted that the beneficiaries will pay only a small part of the costs of the project. Is the gentleman aware that farmers in the project area have recently agreed to increase their level of repayment, and that the Pick-Sloan Missouri River power system will pay for all the rest of the costs?

Mr. GEJDENSON. Yes. I am aware of both of those facts. Nevertheless, the subsidy to the irrigators themselves is still enormous. Irrigators will repay barely 11 percent of the project's costs that are attributable to irrigation, and this repayment will be over 50 years without interest. Costs repaid by power users are also without interest, and those payments are not even scheduled to be made until the end of the 50-year repayment period. The net effect is that the Federal Government will be repaid only a few cents on the dollar for the funds we are appropriating today.

Mr. PETRI. Does the gentleman know that the administration no longer objects to the project?

Mr. GEJDENSON. Yes. I am aware that the administration has agreed to release $1 million in fiscal year 1988 appropriated funds that it had been reluctant to spend for preconstruction work on the Davis Creek Dam. It should be made clear, however, that the administration did not request the additional $10 million that is the subject of this amendment. Furthermore, for the reasons outlined by OMB in February of this year, the administration does not support the construction of Davis Creek Dam and its two associated canals.

Mr. PETRI. Mr. Chairman, I thank the gentleman for his responses.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. PETRI] has expired.

(By unanimous consent, Mr. PETRI was allowed to proceed for 3 additional minutes.)

Mr. PETRI. Mr. Chairman, I include the following letter from the Director of OMB, James C. Miller:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, February 25, 1988.

Hon. VIRGINIA SMITH,
House of Representatives,
Washington, DC.

DEAR VIRGINIA: Thank you for your letter of January 20th explaining your objections to OMB's decision not to start construction of the North Loup Project's Davis Creek Dam with funds allocated to this project in the Conference Report to the FY 1988 long-term Continuing Resolution. I also appreciated the opportunity to meet with you to discuss this matter which is obviously of great importance to you.

Following our meeting on February 3rd, I again reviewed the data and analysis on Davis Creek Dam. I regret that, on the basis of this additional review, I still conclude that the record does not support starting construction of this segment of the project.

As you have pointed out, the *report language* does, in fact, mention Davis Creek Dam specifically. The advisory nature of this language unfortunately does not overcome the strong obligation we have to Congress and to the taxpayers to prioritize water resources development projects, since we never have sufficient funds to carry out all proposals.

Set forth below are the reasons why the Davis Creek Dam project does not compete well in this prioritization of water projects:

(1) This project to increase production of corn that is already in massive surplus in the United States is proposed at the same time Nebraska farmers are required or being paid to take in excess of two million acres of corn out of production under the 1985 Farm Bill to reduce this surplus. Nationwide, Federal taxpayers are spending about $20 billion annually for Department of Agriculture subsidy programs due to crop over-production.

(2) The project is not economically justified, having an estimated benefit-cost ratio of 0.6 to 1.0, according to Bureau of Reclamation analysis.

(3) The project would constitute a "double subsidy," providing federally subsidized water to increase production of surplus corn—which is in direct contradiction to Administration policy to preclude such double subsidies whenever possible.

(4) The project is inconsistent with the change in direction of the Bureau of Reclamation's water program—away from big water projects—a policy set out in Interior's recent Assessment '87 report defining a contemporary role for the Bureau in western water resources.

(5) There is no enhanced non-Federal cost sharing for this project—the Federal Gov-

ernment would be paid back the equivalent of a few pennies for every Federal dollar spent under the current repayment arrangements. Enhanced non-Federal cost sharing of water projects is a cornerstone of the Administration's water policy, and is required for all new water projects.

Your letter also questions why OMB supported legislation in 1985 to increase the appropriation ceiling for the North Loup Project, and why the Bureau of Reclamation required a renegotiation of the project repayment contract, when both actions were related to the construction of Davis Creek Dam.

Several factors have changed since our 1985 position on this legislation: the budget constraints required to meet Gramm-Rudman-Hollings deficit targets; issuance of governmentwide guidance to eliminate double subsidies whenever possible; and the Assessment '87 report redefining the role of the Bureau of Reclamation. Under current conditions, OMB would not support including the Davis Creek Dam segment in such legislation.

Also, although the new repayment contract for the North Loup Project increased the amount of capital costs to be repaid by project beneficiaries, the increase reflects a reestimate of their repayment ability under present-day conditions. The new contract includes no enhanced cost sharing over that already required by law. Under current repayment arrangements, project beneficiaries will repay only about $37 million of the $350 million Federal investment in this project, without interest, over 47 years. Most of this Federal investment will be repaid by Pick-Sloan Missouri Basin Project hydropower users, also without interest, sometime around the year 2050. The present value of this repayment to the Federal Government is near zero.

I am sorry that I cannot give you a favorable response. However, I promise you that we will consider any additional analysis that you or the Department of the Interior may develop as a result of new information on Davis Creek Dam.

Please let me know if I can be of further assistance on this matter.

Sincerely yours,

JAMES C. MILLER III,
Director.

Mr. Chairman, I rise in support of the gentleman's amendment. I have long been concerned about the contradiction in Federal policy that, on the one hand, has us paying farmers to take crop land out of production to reduce the huge grain surplus, and on the other has us starting huge new irrigation projects to provide subsidized water to boost production. I have no problem with the way the proposed spending is spelled out in the bill, but I have a real problem with the David Creek project itself.

The Davis Creek dam and its associated canals are expected to triple production on more than 20,000 acres of land, 90 percent of which is expected to be planted in corn. We do not need this extra corn because we already have 7.6 billion bushels of surplus corn. In addition, we are spending $10 billion a year to reduce that surplus.

Furthermore, the small group of farmers who will benefit from this project will reap a double subsidy—heavily subsidized irrigation water and commodity program benefits. I realize that it's hard to grown corn on this land without spending a million dollars per farmer. But you could grow corn on the moon if you were willing to spend enough money. It just wouldn't make any economic sense. And the project doesn't make any economic sense either. Actually, it would be cheaper just to hand each of these 117 farmers a check for a million bucks. At least we wouldn't then have to subsidize the corn they'll produce when the project comes on line.

In addition to wasting taxpayer dollars, this double subsidy gives these farmers an unfair advantage over farmers in other parts of the United States. Wisconsin corn producers pay all of their costs of production, why should they help pay those of corn farmers in Nebraska as well.

Now I know that the supporters of Davis Creek dam will argue that this is not really new construction—it's just finishing off a big project that's already two-thirds done. Well, that's pretty misleading. The Davis Creek portion of the project is a separable element, and as such has been recommended for deferral—we should finish the portion of the project that is nearly complete, but I do not believe we should start construction on Davis Creek dam and the Elba and Fullerton canals.

Because it provides for starting construction, the $10 million in this legislation will commit us to $102 million of spending to complete the Davis Creek dam and associated canals. Farmers in the area will repay $19 million over 50 years, at no interest. OMB says that because of the lack of interest paid, and the length of time, the real value to the taxpayers of this repayment is zero.

Mr. Chairman, if we had any kind of reasonable cost-sharing plan on this project, it would never see the light of day. It can only exist as a gift from the taxpayers to these farmers. Now I can well understand why the distinguished gentlelady from Nebraska is fighting so hard for this project. She is truly representing a very strong interest of the residents of Elba and Fullerton and some of her other constitutents. This amendment is in no way directed against the gentlelady personally, far from it, I have greatest respect for her. But the country simply cannot afford this kind of policy any longer.

Construction of the Davis Creek dam is bad agriculture policy, bad water projects policy, and bad budget policy. Construction has not yet begun on the dam, so we have the opportunity here today to do the right thing—I urge my colleagues to support the gentleman's amendment.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Gejdenson amendment.

I would be hard-pressed to find a more fiscally irresponsible and counterproductive policy than the one we use to dispense irrigation subsidies under the Bureau of Reclamation Projects Act of 1939. Under current law, each year we give some Western farmers millions of dollars of subsidized water to grow crops that are already in surplus, and then, at the same time, we spend billions of dollars to encourage farmers not to grow the same surplus crops.

Mr. Chairman, this is crazy farm policy. It is crazy fiscal policy.

This year, taxpayers will be paying some $830 million for subsidized irrigation water used by Western farmers to grow surplus crops. This is the wrong policy to pursue and it must not be expanded upon. House passage of the Gejdenson-Petri-Sharp amendment today will be a giant step in correcting what has been a terribly flawed policy. It would be a giant step in the right direction.

This amendment, which enjoys the support of the nonpartisan National Taxpayers Union, would strike some $10 million earmarked to construct the Davis Creek Dam in Nebraska from the energy and water appropriations bill. Although construction has yet to begin, the dam is expected to cost some $100 million to complete. Support of the Gejdenson amendment will derail this ill-conceived project, reduce the Federal deficit, and save the American taxpayer from footing that bill.

Starting construction on this water project would also be bad farm policy. The basic purpose of the dam would be to provide for the irrigation of some 20,000 additional acres of land to increase corn production, a commodity with a 7.6 billion bushel surplus. It makes no sense for American farmers, at least farmers outside of Nebraska, given that thousands of family farms have been forced out of business because of price-depressing surpluses that have prevented many from getting a fair return on their labor and investments. Why do we now want to add by way of Federal subsidy to those very same price suppressing surpluses? It makes no sense.

Moreover, this irrigation project will give a small number of Nebraska farmers an unfair competitive advantage over other farmers, including those in my State of Michigan, and other States that have farmers that could be in competition with those receiving this very special subsidy.

According to the Bureau of Reclamation Planning Documents, the Davis Creek Dam will benefit only about 116 farms, at a cost of nearly $1 million per farm. Nebraska farmers will take advantage of the taxpayer-subsidized irrigation water by tripling their corn yields per acre on the lands that would be served by this dam.

With our Federal deficit hovering above $150 billion and a $2 trillion national debt, this country simply cannot afford to waste millions of dollars on this kind of counterproductive project. The Davis Creek Dam would be bad for American taxpayers. It would be bad for American farmers.

I commend my colleagues, the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from Indiana [Mr. SHARP] for offering this commonsense amendment. I urge its adoption.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. STALLINGS. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Idaho.

Mr. STALLINGS. Mr. Chairman, I want to go on record in support of the North Loup irrigation project. To argue that this irrigation project will be a double subsidy to corn producers is not accurate.

Even though corn may be in surplus at the moment, we are on the verge of many alternative uses of corn and other agriculture products, including ethanol, road deicers, manufacture plastics, and other products. Let's look down the road.

Agriculture is a long-term investiment which supports the general public with low food prices and approximately 20 percent of all employment from production through processing and sales.

I urge my colleagues to support this project which will more than repay its initial costs to the Federal Government.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the amendment although I applaud the intent, I disagree about the effect of this amendment. As I understand it, we are being urged to approve this amendment on the assumption that the project would add to the farm surplus in corn.

But the project, which incidently has been under construction since 1976, will not be finished until 1994. Given past history, I think it's by no means a safe assumption to say that we will have a corn surplus in 1994, 6 years from now. What we do have, right now, is a water shortage in the West, and this project will help with that problem—not just in 1994 but for decades afterward. We never know when we are going to have a drought. No one knew about this one 6 years ago.

Therefore I think it is only prudent to go ahead with a project which has a demonstrated 1.4-to-1 benefit ratio, and finish the Davis Creek Dam. The project has fully mitigated all environmental concerns and, in fact, will create more than 2,500 acres of wildlife habitat. OMB and the White House support the project. I urge my colleagues to do the same.

Mr. MARLENEE. Mr. Chairman, I recall working very diligently with those who supported the dairy programs that we had in the 1985 farm bill. My recollection is that we worked with my colleague, the gentleman from Wisconsin [Mr. PETRI], who is one of the coauthors, along with the gentleman from Connecticut [Mr. GEJDENSON] of the amendment to delete funds for the project.

Of course, my colleague, the gentleman from Wisconsin, was in favor of spending a lot of money on dairy programs, but then to add insult to injury, we get to this point and the State of Wisconsin grabbed $7½ million out of this very bill for the mitigation of fish and wildlife. No problem there, we will just take the $7½ million.

Then, of course, we come to my friend, the Congressman from the great State of Connecticut, the great state of military contracts, the great state of Federal dollar underpinnings. May I say to the gentleman from Connecticut that he is almost in danger of becoming a conservative and I expect that the gentleman is about to request the expulsion of the military hardware business from his state.

Am I to understand, in addressing my colleague from Nebraska, am I to understand that most of the cost of this project is borne by the water users and the dollars are returned to the Federal Treasury.

Those who use the water and those who generate the power?

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. More than 91 percent, Mr. Chairman, is borne by the water users and by money generated through the Pick-Sloan plan.

Mr. MARLENEE. And then, if the gentlewoman will continue to respond to another question, the balance of that cost the 9 percent, the gentlewoman is saying that much of this is made up of cost of water for wildlife, water for fisheries, regulated stream flows, water for recreation; is that correct?

Mrs. SMITH of Nebraska. That is exactly correct. The 9 percent, which will be about $29 million, is totally for recreation and for fish and wildlife security.

Mr. MARLENEE. Mr. Chairman, I thank the gentlewoman from Nebraska for her responses.

I cannot understand those in this body who are against an investment in the United States of America, a long-term investment in a water project that has water for wildlife, water for fisheries. Can we be against those sort of things, for example regulated stream flows, water for recreation?

We have a multitude of dams in this country and they have served us well. We would not be the great Nation that we are in the United States of America without projects just as this; but every time we turn around in a proposal for another project, we have those who would jump up, and they are the few obstructionists, they would have said in the past and we will continue to hear them say, "Hey, we don't need this project of spending Federal dollars needlessly," even though those Federal dollars are returned to the Treasury.

□ 1505

If my colleagues are for wildlife and for fisheries and for stream flows, reject the Gejdenson amendment.

The CHAIRMAN. The time of the gentleman from Montana [Mr. MARLENEE] has expired.

(On request of Mr. GEJDENSON and by unanimous consent, Mr. MARLENEE was allowed to proceed for 1 additional minute.)

Mr. MARLENEE. Mr. Chairman, I yield to my colleague the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I will just say a couple of things. First of all, the users pay for the operational costs but not for very much of the construction costs.

The gentlewoman from Nebraska [Mrs. SMITH] is correct that they pay for some of the operational costs. They only pay, however, for 11 percent of the construction costs.

The gentleman from Montana [Mr. MARLENEE] was concerned about me becoming a conservative. I do not want the gentleman from Montana to be accused of being a wild-eyed spender. There has to be a point where we say that we just have to slow down a little bit.

This article in the Washington Post says that we have spent $24 billion in water subsidies.

Mr. MARLENEE. Mr. Chairman, let me ask the gentleman from Connecticut inasmuch as he has done all of this research, over what period of time and what is the useful lifetime and over what period of years is this construction cost amortized?

Mr. GEJDENSON. Mr. Chairman, we have built these projects since the turn of the century. We are now about to engage in $100 million for additional projects that are not needed by the farmers or by the State.

Mr. SHARP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I do not think the issues are quite as difficult as we would be led to believe about this amendment. The fact is that this project is not under construction. It is not 50 or 60 percent started. The dirt has not been turned on this dam or the two canals associated with it. This is an additional part of a larger project about which most of the kinds of information we are hearing has been brought to bear in this debate. Now is the time for us to make a decision. We can do it, and we can save $10 million now and $100 million over the next several years.

Second, the central issue is we are about to spend money unless we adopt this amendment to put more land into production for crops that are in surplus today, and frankly expected to be in surplus for years to come. We are spending millions, actually it is billions of dollars to get land out of production right now. That is what the American taxpayers are paying for. We have taken out of production 22 million acres to try to reduce the surpluses. That land is out of production because of setasides that Indiana, Illinois, and every other production State can go right back into production on if we see this surplus evaporate.

We do not need to irrigate new land to have an edge for this country if we get into war or any other kind of crisis.

Third, my colleagues do not need to take my word, or to take the word of the gentleman from Connecticut [Mr. GEJDENSON]. We have a system in this Government to try to assess the value of these projects. It is one of the better developments that has occurred in American Government. That development is called the cost-benefit ratio analysis. It is not perfect but it gives guidance to the executive branch and to the legislature.

The Bureau of Reclamation says it does not add up. It is not economically justified. That is what President Reagan's director of OMB said in February of 1988.

When the gentlewoman from Nebraska [Mrs. SMITH], who is a very effective Representative for her area, went back to the President's folks and said, "Why did you not put the money in for our projects," they pledged they would do a good-faith effort to review it and they did that on February 3 and in the letter dated February 25 they said, "After reviewing this, I regret that on the basis of the additional review I still conclude the record does not support starting construction of this segment of the project."

That is Mr. Miller, Director of the OMB.

Why? He goes on, "Because it would increase production of corn that is in surplus."

Why? Because the project is not economically justified according to the Bureau of Reclamation.

Why? Because the project constitutes a double subsidy.

Why? Because it is inconsistent with a change in the direction of water program policy that was set in 1987.

Why? Because it does not have proper cost sharing under the new policy of the Federal Government.

I say to my colleagues this is important to stop not just because of the $10 million. It is important to stop because we have to demonstrate some discipline that we both know will have an effect on the appropriations process next year and the year after that. This project is not necessary because it is linked to any other projects, not economically. The reason this project gets defended is because politically here in the House it gets linked to other projects. Let us do the right thing. Let us say no. The administration said to say no to this. We can save immediate money. We can save long-term money, and we must not foolishly do with one hand what we are trying to stop with the other.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SHARP. Mr. Chairman, I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I would like to make three points in regard to what the gentleman from Indiana [Mr. SHARP] has said.

First, let me say that the food shortages in this country in recent years occurred when there was no setaside program.

Mr. SHARP. Mr. Chairman, reclaiming my time, let me say that many farmers in my district and all across this country every year in order to participate in this program are having to set aside 10, and 20 percent of their land that they could produce corn and other crops on. They do that as a part of the national program. The minute we get into any situation where we think there is not a surplus, that land will come into production instantly. We do not have to irrigate these lands to do that.

Mrs. SMITH of Nebraska. Mr. Chairman, if the gentleman will yield further, I am talking about those years not long ago when we had a real shortage.

Mr. SHARP. I am telling my colleagues that we have 22 million acres that can go back into production next year if we need it. We do not need to take 10 years to build this project or whatever the time is, to have acres for production of crops. They are there in reserve for our use.

Mrs. SMITH of Nebraska. Mr. Chairman, if the gentleman will yield further, he commented that OMB had objected. Let me say that OMB objects to many things. However, OMB is not the President of the United States. OMB is not Secretary Hodel and the President and the Secretary support this.

Mr. SHARP. Mr. Chairman, reclaiming my time, OMB is trying to reduce the deficit. They object.

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this map that I have brought up here should have been in front of the Chamber from the beginning of this debate. I am not sure I want to call this an ambush, or whether I want to call it a sneak attack, or whether I want to say, now that I am free at last, that there is just a little hypocrisy in this place.

Let us take a look at the project that we are talking about and understand the connection between what has been invested in by this Chamber and by the Congress and by the taxpayers of this country, approximately $216 million out of a $350 million project, understand that the color code here tells us that the blue areas are acres now served by this reclamation project and the red areas are acres to be served by the rest of the project.

In case my colleagues are unfamiliar with the issue of water development in the Western States, I cannot underscore how important water is to Nebraska and our agricultural producers in two aspects: First, water is the lifeblood of economic opportunity for my State. We are an Upper Plains-Central Plains semiarid State. We have corn, beans, wheat, cattle, and hogs and not much more to offer our landowner who is a taxpayer and who also wants a quality public school system to educate his kids. We are no different in our State as landowners and people who live in Indiana or Connecticut or Michigan or any other State of the Union. I do not know whether the proponents of this amendment have corn in their district or not. I do not know whether the proponents of this amendment have ever been to central Nebraska and seen the land that will be served by this water project. It is important for my colleagues to know this. It is easy to be against a project in somebody else's district, but the fact of the matter is this project is not even in my district. This project is in my State, yes, but the fact of the matter is that water development is a Federal-local partnership. That is the second point I want to make.

It is a real stretch of logic to read the National Taxpayers Union letter and not have them comment more carefully about the economic cost-benefit ratio that attaches to this project.

That ratio is 1.4 to 1, and that is not bad if we stop to think about it. Let me tell my colleagues what happens to that logic when we take away 30,000 acres.

The fact of the matter is if we take away 30,000 acres from what was originally to be a 53,000-acre project, then we have to go back and refigure the cost-benefit ratio because there are a whole lot of other things that go into that calculation besides some sneak attack that was not even summoned in front of the committee to let the light of day shine in on the logic that is being offered by the proponents of this amendment.

If we take operations and maintenance, and depreciation costs that are calculated into that cost-benefit ratio, then we will find out that all of those things have already been expensed in the current project expenditures. If we look at the cost of operation and maintenance of the Meridan Canal in the blue area here, and the Geranium Canal systems, that would be in excess of an additional $2 per acre already now subject to the irrigation results of the project as constructed to date. If we take away the opportunity for that dam and reservoir to be built on the creek then we also do something environmentally very damaging to this project. I am very surprised. I hope the Sierra Club and others so interested in irrigation subsidies are not really up to this one because as my colleagues can see, all the wastewater from all of the acres of irrigable land in this project is supposed to flow into that dam and reservoir. If that dam and reservoir is not built, we will subject the rest of the project to a very serious environmental hazard and I am surprised that the proponents of this motion to strike have not taken that into consideration.

More particularly, on the cost-benefit ratio if we stop this project at the 60-percent-complete point, we take out 30,000 acres of land that if they were to be irrigable for corn, my goodness, corn and water, corn and water, they go together like a horse and collar. The fact of the matter is we have got a property tax base for corn and/or for other nonprogrammable crop use that is added back into the cost-benefit ratio to come up with the 1.4.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. DAUB] has expired.

(On request of Mr. SHARP, and by unanimous consent, Mr. DAUB was allowed to proceed for 5 additional minutes.)

Mr. DAUB. Mr. Chairman, if that 30,000 acres were calculated by the National Taxpayers Union absent to the finish of this project, they would find that we would have committed even a greater sin. We would have invested $216 million in a project that does not have a cost-benefit ratio that would have justified its construction in the beginning.

I say to my colleagues, if you had a taxpayer citizen, a constituent in your district and he or she had owned land and had been expecting the benefit of their bargain, would it not be fair to give them the benefit of their bargain? That is all the folks from Nebraska and those who have joined us in this debate are asking.

Mr. Chairman, let me first yield to the gentleman from Indiana [Mr. SHARP] who is one of the authors of this amendment before us.

Mr. SHARP. Mr. Chairman, I appreciate the gentleman from Nebraska yielding, and I respect his vigorous defense for his State and the project, and I appreciate the efforts of the gentlewoman from Nebraska [Mrs. SMITH] but on the cost-benefit ratio analysis I would like to point out that the gentleman from Nebraska is using the figures for the broader, the entire project.

The amendment before us deals with the new element that is to be built. That is what the Bureau of Reclamation says is not economically justified. Their ratio is that we get 0.6 benefit per 1.0 cost, meaning that the costs well outweigh the benefits. That is why they opposed it. That is why the OMB opposed it, and that is why we ought to oppose it rather than accept these broader arguments which I realize are very comforting, but the fact is it costs us money that we do not have to be doing something we should not be doing.

Mr. DAUB. Mr. Chairman, reclaiming my time, let me say one thing about the point of the gentleman from Indiana [Mr. SHARP].

□ 1520

In the March dialog over this that I had with Mr. Dawson at the OMB, he recognized that if you take out the 30,000 acres, the logic does not attach. The logic being used is February logic, when OMB in a vacuum was analyzing the potential for cost savings. I understand that. But, in fact, I convinced them in March that if one takes away the 30,000, you have to go back and recalculate everything else that was done. We are looking at the total project as it was authorized, not at only part of it.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. DAUB. Mr. Chairman, I am happy to yield to the gentleman from North Dakota [Mr. DORGAN], my colleague.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in opposition to the amendment. I want to make the point that I think the gentleman has made and that the gentlewoman from Nebraska [Mrs. SMITH] has made, that we have been very patient out in the middle part of this country.

This project was authorized in 1954, as I understand it. We have had similar experience in North Dakota with authorization years and years and years ago, and a promise which was part of a compact between the Federal Government and the State government and the people who live in our region saying, "If you will entertain certain costs, we will provide you with certain benefits." That promise was made, and the fact is we have never gotten delivery on the promise.

Those who stand up and oppose most water projects in this country do so, I think, in a way that suggests it is all a wasteful pork-barrel spending. The fact is we have done some very good things in this country with some of the public works projects that we have built.

If Members know anything about Nebraska, South Dakota, North Dakota, our area of the country, they know that water is the lifeblood of development. Without water, nothing is possible. They make synthetic everything these days; we have got synthetic fuel, synthetic gases that they make in North Dakota, but synthetic water cannot be made, can it, and we live in a semiarid part of this country, Nebraska and North Dakota, similar patterns, and if one does not have water, nothing else is possible.

This project deals not just with irrigation. It has irrigation possibilities in the out years, but it also deals with the rural water programs, with industrial water programs, with recreational water programs.

I think this is a good project and, frankly, I do not like seeing everytime one of these projects come up somebody thinks it is a soft call so they can stand up at home plate and knock it out of the park.

This is a bargain, and that bargain was struck with the people from our part of the country. I think the Federal Government has the responsibility to meet its end of the bargain.

Mr. DAUB. Mr. Chairman, I say to the gentleman whose logic is most appreciated and whose contributions to this debate is most appreciated that but for the fact that this is not a new start, but for the fact that this is not a new project, this project is under construction, and I want the gentleman to carefully look. There is a little white space right here on the map. This is a seven-county reclamation project. This dam is right where my finger is on the map. It connects what has been done with what is going to be done.

If that connection is not put in place, the cost-benefit ratio does not calculate, and one must accept, if one supports the amendment before us, one must accept the fact that up until now Congress has been supporting a project that is going to waste, $216 million. But for another $100 million, we are going to deliver the promise of 91 percent repayment. We will not get that repayment from Pick-Sloane power revenues, and I am sure even the proponents of this amendment favor the Pick-Sloane project, but I am sure they do not favor selling off our power marketing system of Hoover Dam and all those things.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. DAUB] has expired.

(By unanimous consent, Mr. DAUB was allowed to proceed for 5 additional minutes.)

Mr. DAUB. If Members support Pick-Sloane, if they support power marketing, then they have to accept the logic of the repayment base that has been put in place just for this kind of reclamation project. There is a recreation benefit, and certainly there is an irrigation benefit. Clearly we know from previous speakers that there is a wildlife-habitat benefit and, of course, revenues back to the Federal Government.

I want to make it very clear that the part of the project we are talking about is the dam. Maybe that is why there is opposition to it. Maybe it is just because there is a dam and sometimes there is a reaction around here to that kind of interruption of the normal and natural flow of water, but I say to the Members, my colleagues, that dam has an environmental benefit for wastewater movement, and it will help us with our ground water recharge in the area so that we can have safe and clean drinking water for the people who live in this seven-county area.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. DAUB. Mr. Chairman, I am happy to yield to the gentleman.

Mr. GEJDENSON. Mr. Chairman, I thank the gentleman for yielding.

I would just like to say a couple of things, one, in the almost 8 years that I have been in Congress I have voted, I believe, for every single bill that the gentleman from Alabama [Mr. BEVILL], my good friend, the chairman, has brought forth on this floor. I do believe that we are not regions of the country in some kind of battle with one another, that we ought to help each other, because this is one country, and as a northerner when I saw those bumper stickers in Texas during the oil embargo saying, you know, "Drive 75, freeze a Yankee," I felt that.

Today, I want to help my Southern friends and my Western friends, but what I am saying here with this amendment is that to be for a strong America you do not buy every system that the Defense Department offers.

The gentleman from Nebraska, my good friend, earlier made reference to a system built in my district, and I think we ought to make decisions in this country based on national need, and some of the mistakes we have made in buying defense programs as we have bought everything the generals wanted, instead of everything that we have needed, and each of us end up being an advocate for our district.

It is hard to say no to a fellow member from the Committee on Agriculture or the Committee on Appropriations, but we have to make some choices, and our choice here is that the gentleman has the blue, and we are going to take the red part and take that out, save the taxpayers, help the farmers. There is 2 million acres in reserve presently in the gentleman's fine State.

Mr. DAUB. Mr. Chairman, relcaiming my time, the gentleman can close, and I think he has that right as the maker of the motion and amendment.

I really, again, appreciate the real effort that the gentleman is making, and I wish I was going to be around here to continue with this.

Mr. GEJDENSON. I think you and I will be here.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. DAUB. Mr. Chairman, I am happy to yield to the gentleman.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

I want to commend him for his excellent presentation and astute logic. The gentleman has pointed out the missing link between the two elements of the North Loup project is the Davis Creek Dam, the white spot in the center of the presentation board used by the gentleman from Nebraska [Mr. DAUB]. That is absolutely right. That dam is important, in fact crucial for environmental reasons.

In reality that particular structure and the downstream portion shown on the right side of the board, the area to be irrigated by water from the Davis Creek Dam are part of a total North Loup project for which the cost-benefit ratio is 1.4 to 1. One cannot rationally or reasonably separate out only the last element and simply look at the cost-benefit ratio for that portion. The bargain that was struck, as the gentleman from North Dakota indicated before, the commitment made, was the bargain struck much earlier in 1954 with the authorization, construction beginning in 1976, for a total project for which the cost-benefit ratio was 1.4 to 1. Again, I commend my colleague from Nebraska [Mr. DAUB] for his excellent presentation.

Mr. DAUB. Mr. Chairman, reclaiming my time, in 1954 and again in 1972, this was argued that the Federal Government represented by the Bureau of Reclamation entered into a contract to construct the North Loup project, not part of it, all of it, to deliver irrigation systems and ground water recharge capability to 53,000 acres of cropland in central Nebraska. This cost-benefit ratio that we have been talking about has to be considered in terms of the total project as authorized, and a vote for this amendment would only serve to reduce the benefits and add to the costs of the total project, because it will unnecessarily delay the eventual completion of the project.

I have worked on this reclamation project for the 8 years that I have been in Congress as have others, and over my 8 years, I have carefully considered the benefits of this project.

I would appreciate it very much if the Members, my colleagues, will consider voting no, voting down the well-intended amendment by the Members, my friends, who oppose the completion of this project, because I believe it is the right thing to do.

Mr. JONTZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Gejdenson amendment. As a member of the Committee on Agriculture of the House of Representatives, I am very concerned about what impact the Davis Creek provision of this bill would have on our Nation's farmers as well as our taxpayers.

I have listened very carefully to the debate this afternoon, and it seems to me the one question which has not yet been answered is: Why should the Federal Government spend millions of dollars to irrigate 18,000 or 20,000 acres of land which will be planted to a surplus crop such as corn?

The Committee on Agriculture hears witness after witness telling us that the reason our Nation's farmers are suffering is because we have huge surpluses of corn, and that the way to get farmers back on their feet is to reduce these surpluses.

Funding a project which will allow farmers to irrigate an additional 20,000 acres, 90 percent of which is planted in corn, increasing the yield on these acres three time does nothing to reduce the surplus. In fact, it contributes to the surplus.

The 1985 farm bill passed by this body contains a number of provisions that are directed toward reducing the surplus of corn in this country. The farm bill prevents farmers who participate in Federal commodity programs from adding to the surplus by not allowing additional acreage to be brought into production. This is called the sodbuster provision of the farm bill. The farm bill also prevents farmers from draining wetlands to put more land into production. This, of course, is called the swampbuster provision.

The Gejdenson amendment that we have before us today is in line with the intent of the 1985 farm bill by denying funds for a project which will simply increase the production of a surplus crop.

☐ 1530

Perhaps we need the addition of a budget buster amendment to the farm bill next time we consider it.

We have heard from the gentlewoman from Nebraska [Mrs. SMITH] and others that in fact the surpluses that we have now in corn are temporary, that somehow we will need the corn that would be produced by the 18,000 acres that would be benefited by this dam at some future date. I would point out to my colleagues in the House that in fact at the present time we have some 25.3 million acres in this country of corn that is out of production. We have 14.6 million acres in the ARP, the Acreage Production Program; we have 7 million acres of corn in the paid land diversion out of production; we have 1.4 million acres of corn in the 50/92 provision out of production; we have 2.3 million acres of corn in the CRP, the conservation reserve, which is out of production, and of these 25.3 million acres of corn nationwide which are out of production, 2 million acres of them are from Nebraska.

I ask my colleagues, what would the increased corn production from these 18,000 acres contribute if we are in a time of deficit of corn if we cannot get it from the 25.3 million acres?

Mrs. SMITH of Nebraska. Mr. Chairman, if the gentleman will yield, those acres are marginal acres, they are not highly productive acres. They have been set aside because they are marginal.

My second point is we do not have to grow corn on that land. We have choices of crops.

Mr. JONTZ. In fact, we are growing corn on the land at the present time. In fact, many of those acres are excellent acres. In fact, we paid many corn producers a bonus to get corn out of production in the conservation reserve.

So if one is worried that at some point in the future there may be a need for additional corn production in this Nation, I would suggest that it will cost the taxpayers a great deal less to use some of the 25.3 million acres of corn land that we now have out of production, and that we are now paying for instead of paying some additional $10 million and eventually some $100 million to increase production.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I am glad to yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Chairman, I really think there is a point here that is being belabored, and that is that we can somehow get rid of a double subsidy or a double dip because we are subsidizing water and now we are subsidizing corn, and in this case the projects are both going to meet on the same square inch of soil. I think that is wrong. I think we should worry about the water reclamation aspect of the project as it relates to this land in Nebraska and worrry about corn subsidy in this farm bill. The gentleman is a Member of that committee and he can do something about that. If he wants to lower the corn subsidies and make it less attractive to raise corn, then he ought to do that.

Mr. JONTZ. Reclaiming my time, in fact what we are doing in this bill by funding additional corn production is at counterpurposes to the purposes of the farm bill. And if we are going to pass a farm bill, and if we are going to produce corn, and then subsidize not producing corn, what sense does it make to turn around 2 or 3 years later and fund a project?

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, let me commend the gentleman for pointing out, and I think the number is $240 million already to the Nebraska farmers to take corn out of production, and still we have surplus corn, $240 million.

Mr. JONTZ. I believe that number is correct.

Mr. GEJDENSON. If I can only add to that, of the 4 percent of the land that is presently irrigated by these kinds of programs, almost half of it is growing surplus crops.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment and in support of the overall bill. I think the committee chairman and all of the Members of the committee we have worked with, including the gentlewoman from Nebraska [Mrs. SMITH], have done a tremendous job in trying to put together a bill that is workable.

Let me say to the chairman and to many of my colleagues on the floor or those who may be viewing this and wondering what decision to make on this particular amendment, I would like to express my reasoning as to why I oppose this. This particular project was authorized, yes, in 1954. It was reauthorized in 1972.

One of my colleagues said a while ago that it does not meet the criteria of 1986. Let me say to all of my colleagues who have projects prior to 1986, if they are going to start putting the same criteria on as for 1986, many of the projects that many of my colleagues might have will not be able to meet those criteria and will go down the drain also.

I would like to state, though, a greater reason why I oppose this amendment. What is fair is fair. We have a statement down in Oklahoma, and let me say Oklahoma and Nebraska have their differences, especially in football, but we do not have our differences on this amendment, we have a statement in Oklahoma that fair is fair. Back when this was authorized, this particular project had several elements, several different pieces to it for that particular total program, and 60 percent of those have been met. This additional one is necessary to complete the total project that was promised to those people in 1954 and in 1972 and was needed. I know how it feels when we do not go forth and complete a project when the Government has given their word and said they would. I have had one in my own district that was a part of a six different part project to make a whole, and they said it was needed, just like these people were told it was needed for this total project. Now our Government goes about building 60 percent of it and then they say we do not need it any more, we are going to drop it by the wayside. We asked you to come forth, yes, we hoodwinked you, we did not tell you the truth. That is why some of our people across this land, many people are losing faith in the Federal Government. They are losing faith in the Congress because we are not staying with and fulfilling what we committed to them many years ago.

So I say it is more than just a project. It is more than just an element of a total project. It is the word of the Congress and the word of our Federal Government that we need to stay with the people out there and fulfill what we said to them in 1954 and again in 1972.

The gentlewoman from Nebraska is right on this amendment, and I ask my colleagues on both sides of the aisle to give her the support in opposition to this amendment.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will tell my colleagues that I am well acquainted with the author of this amendment. We serve together on the House Administration Committee. We are good friends. As a matter of fact, when we have the new Member orientation, why Sam and I go up to Harvard and we try to brief them on all of the issues of the day. And I know in his heart that he is conservative and wants us to restore fiscal integrity to this great Nation. As a matter of fact, as I look over this proposal, it sort of looks like to me it came out of Harvard.

But, at any rate, I went out of the Long Branch down in Dodge City, my home town, just the other day, Sam, and Miss Kitty came out and said, "Now Pat, when you go back there and talk to your good friend, he is going to try to cut spending, and I want you to support him." And I said, "Well, would it be a Trident submarine, Miss Kitty?"

She said, "No, that isn't it."

"What about the dairy program?"

And she said, "No, that isn't it."

"Maybe it's the amount of money that Indiana had to pay Bobby Knight to stay as the basketball coach?"

I do not know. But she said, "You know what that Sam is going to do, he is going to aim a shotgun at a project that has been authorized since 1953 up at the Davis Creek boys, which is up there in Nebraska."

I said, "Well, Sam is not from Nebraska, he is from Connecticut. What is he going to be trying to do?"

We have two points, and the gentleman has been trying to make them here in this debate. No. 1 is cost. Cost. This thing has been authorized since the days of Dwight David Eisenhower, a Kansas native son. I wish we could go back to those days. Let us go back to a balanced budget and a Republican Congress. Let us get a spending freeze across the board and get back to those days.

It has been appropriated. It has been appropriated since what, 1976?

Mr. GEJDENSON. Authorized.

Mr. ROBERTS. All right, authorized since 1976, and construction started in 1976 at the very time on the High Plains when we were having shortfalls in production, and we heard the cry to feed a troubled and hungry world from all of our consumer friends in Connecticut. And then it would not be completed until 1994.

If it is new spending the gentleman wants to control in his heart, I stand behind him, beside him, I will ride shotgun with him, whatever he wants. But this is a project that was started way, way long time ago.

Cost benefit? 1.4 to 1, one of the best cost benefit ratios in any Bureau project. I do not know if those ratios stand up in Michigan or Wisconsin or Connecticut, but they do, they certainly do in Nebraska.

And 91 percent of this funding is paid back, I say to my colleagues, 91 percent. That leaves $29 million. What does that go for? It goes for recreation and wildlife.

Let us look at the benefits. I know my colleague is also concerned about the benefits.

We have had a depressed area in the High Plains, I would tell the gentleman, since 1977, 1978 to 1988. The problems in price, cash flow and the credit crunch have come to the High Plains for longer than a decade.

This was the time when we were going to go forward with this project and help those producers.

The gentleman talked about the corn surplus, a 7 billion bushel surplus. I think the gentleman from Indiana [Mr. JONTZ] from a State where they grow corn without irrigation, has pointed that out, and he is also a member of the Agriculture Committee, I might add, and this is the first time I have heard him even talk about this particular problem as a member of the Agriculture Committee, but at any rate he stressed a 7 billion bushel surplus, and what is going to be the surplus in 1994 when the project will be completed?

Let me tell my colleagues what has happened with wheat. Last year, a 1.6 billion bushel surplus in wheat, this year an estimated 750 million bushel surplus and already we hear the cry to reduce the set-aside. That dramatic change has happened in one crop year. We have no idea what is going to be the case in 1994. If the gentleman from Connecticut does, do tell us, because we could make some real solid adjustments.

A total of 2,500 acres will be confirmed for a wildlife habitat. We have a water shortage in the area, we have a drought going on there right now. I have just returned from my district. We have wheat mosaic, we have the Russian wheat aphid, we have a crop that is going to burn up out there.

Paying farmers to take the crops out of production is a double dip in regards to this project? Apples and oranges. If we want to control the corn surplus, we can do that with a set-aside with the acreage reduction, we can do it with the deficiency payment, we can do it with a whole host of ways, but not with a total water policy project that was started in 1953, and that is owed the good people of Nebraska.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

(By unanimous consent, Mr. ROBERTS was allowed to proceed for 1 additional minute.)

Mr. ROBERTS. Mr. Chairman, I have great respect for the gentleman from Connecticut, and I know in his heart the gentleman wants to be a what, a Jiminy Cricket, a Jiminy Cricket of this debate, our conscience, if you will, to control spending and to make sure these benefits are right? I would suggest to the gentleman using that allegory that he is more like Pinnochio in terms of putting his nose in somebody else's pasture and not really understanding the cost-benefit and what we are about. Take the advice of wise old Gepetto, Sam, let me go back to Miss Kitty and tell her that the gentleman has controlled spending on new spending, but let us not, you know, tell the people of Nebraska that they are not worth this project.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield for 1 second?

Mr. ROBERTS. I yield for whatever time I may have left.

Mr. GEJDENSON. Mr. Chairman, my good friend reads a lot of children's books and watches a lot of television. I would just say that Marshall Dillon just ought to say one thing to this project, and that is just say no. We have 2 million acres.

Mr. ROBERTS. If I can reclaim my time, I would say to the gentleman certainly he would agree that the fine people of Nebraska are worth a dam.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, probably more than anyone really wanted to know about the Davis Creek project has been talked about already today. It has been suggested that this is a waste of money.

I will tell my colleagues that the subcommittee this year was looking for every opportunity to cut projects that were not of a very high priority. We even cut some that were of a pretty high priority. So if it were just a matter of saving dollars, we would have done it, and my colleagues would not have to be debating this today on the floor.

But as has been suggested, if my colleagues will look at the Davis project today and ignore the responsibility we have had in the past it would not be in here either. I speak today as a corn farmer. I am one of the few bona-fide corn farmers in this body, and I would like to see corn prices higher too.

But an obligation and a responsibility by the Federal Government was made a number of years ago that this would be a completed project, part of the whole North Dakota-South Dakota-Nebraska Pick-Sloan. this is the North Loup part of that project. There were many tradeoffs made to prepare this work. Certain farmers gave up land for irrigation purposes, and they also gave up land for flood control, municipal and industrial water supply in those three-State areas with the understanding that when they gave their good land up a few years ago, that in return in the future they would have irrigation land. Whether it is right or wrong today, a commitment was made then. As Members of the Appropriations Committee and as Members of the House of Representatives I feel that we have an obligation to the good people of Nebraska in this instance to keep our word even though we might think differently if we looked at it independently. But we cannot, we cannot go back and rewrite history. And it is true that if it was $100 million we would be the first out in front saving it, but we do have a responsibility to live up to our obligation today by voting down this amendment, as good as it looks today, and it is going to look good, I know, at the end of the year in our conservative ratings where we saved $100 million.

□ 1545

But you have reneged on a commitment that was made a number of years ago. So please vote "no" on this amendment.

Mr. BEVILL. Mr. Chairman, I rise in opposition to this amendment.

This Congress has supported this project for many years. My subcommittee has supported it continuously. I have been funding it for 12 years. I have been listening to testimony on this project for 12 years in the Subcommittee on Appropriations. This project has a benefit/cost ratio of 1.4 to 1. Not only the subcommittee, but the entire Committee on Appropriations of this House has unanimously supported it for years.

The Secretary of the Interior supports this project, and he did so recently in his testimony. We have had weeks and weeks of testimony just this year regarding this project.

I think it would be ridiculous for us to destroy a part of a project that is viable, a project that is needed, and a project that pays for itself. We have had over 100 Members of Congress testify before our committee this year. Not one of my friends and colleagues here who is pushing this amendment, not a one of them took the time to come in and let us know about all these things that they claim is wrong with it.

Certainly we would like to have the benefit of their testimony. But I think it is certainly unfair and, it is not reasonable to just come in here and offer an amendment to a project which has been underway for years and say, "We had to take a little piece of it."

Suppose we had done that on our 25,000 miles of inland waterways, where would we be? We have got the greatest inland waterway system in the world. Sombody could have come in and said, "Well, if we just take that one dam or lock we can save $100 million." Well, you know what that would have done to the system.

And that is what we are talking about here. They propose to take one little piece out. We do not handle projects by the little pieces. We handle the project as a whole, we look at it as a whole, we consider it as a whole. The Secretary of the Interior supports it as a whole and this is a Department of the Interior project.

So I think that we ought to vote no on this amendment and move on with this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEJDENSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 243, not voting 27, as follows:

[Roll No. 131]

AYES—161

Ackerman
Andrews
Archer
Armey
Aspin
AuCoin
Ballenger
Bartlett
Bates
Beilenson
Bentley
Bilbray
Bilirakis
Boehlert
Bonior
Bonker
Borski
Boxer
Brennan
Bruce
Cardin
Carper
Clarke
Clay
Coats
Coble
Collins
Conyers
Cooper
Crockett
Dannemeyer
Dellums
Derrick
DeWine
Dixon
Downey
Dreier
Dymally
Early
Eckart
Evans
Feighan
Fields
Fish
Flake
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Gradison
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hayes (IL)
Henry
Hertel
Hiler
Hochbrueckner
Houghton
Huckaby
Hughes
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Konnyu
Kostmayer
Lancaster
Lantos
Leach (IA)
Leland
Levin (MI)
Lewis (GA)
Lowry (WA)
Markey
McGrath
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Molinari
Morella
Morrison (CT)
Neal
Nelson
Oakar
Oberstar
Owens (NY)
Patterson
Penny
Petri
Price
Rangel
Richardson
Ritter
Robinson
Roukema
Rowland (CT)
Russo
Sabo
Savage
Sawyer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Stark
Stokes
Studds
Swift
Swindall
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Upton
Vento
Walker
Waxman
Weldon
Wheat
Wolpe
Wyden

NOES—243

Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Atkins
Badham
Baker
Barnard
Barton
Bateman
Bennett
Bereuter
Berman
Bevill
Bliley
Boggs
Boland
Bosco
Boucher
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Carr
Chandler
Chapman
Chappell
Cheney
Clement
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Coyne
Craig
Crane
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Durbin
Dwyer
Dyson
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Flippo
Foley
Frost
Gallegly
Gallo
Gaydos
Gephardt
Gingrich
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Herger
Holloway
Hopkins
Horton
Hoyer
Hunter
Hutto
Hyde
Johnson (SD)
Jones (NC)
Kasich
Kennelly
Kolbe
Kyl
LaFalce
Lagomarsino
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
Michel
Mineta
Mollohan
Montgomery
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nichols
Nielson
Nowak
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Porter
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Roberts
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (GA)
Roybal
Saiki
Saxton
Schaefer
Scheuer
Schuette
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Staggers
Stallings
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traficant
Traxler
Udall
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Weber
Whitten
Williams
Wilson
Wise
Wolf
Wortley
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—27

Biaggi
Boulter
Conte
Courter
DeFazio
Dingell
Duncan
Hubbard
Ireland
Jones (TN)
Kemp
Kolter
Levine (CA)
Lewis (CA)
Lipinski
Lukens, Donald
Lungren
Mack
MacKay
Moody
Pashayan
Smith (FL)
Smith (IA)
Spence
Stratton
Weiss
Whittaker

□ 1609

The Clerk announced the following pair:

On this vote:

Mr. Moody for, with Mr. Boulter against.

Messrs. BATEMAN, GAYDOS, HEFNER, MATSUI, HEFLEY, COYNE, McCRERY, SCHEUER, and MARTINEZ changed their votes from "aye" to "no."

Messrs. MFUME, MICA, and HALL of Texas changed their votes from "no" to "aye."

So the amendment was rejected.

The results of the vote was announced as above recorded.

Mr. ECKART. Mr. Chairman, I move to strike the last word.

(Mr. ECKART asked and was given permission to revise and extend his remarks.)

Mr. ECKART. Mr. Chairman, I rise in support of H.R. 4567 and the aluminum-air battery system, which is an important part of our Nation's energy technology development and job creation for northeastern Ohio.

Mr. Chairman, I rise today in support of H.R. 4567, the fiscal year 1989 energy and water appropriations bill. This legislation contains funding for an aluminum-air battery system which is an important part of our Nation's energy technology development.

Of all the systems being studied, only the aluminum-air battery has a theoretical energy density better than gasoline, and it is the only system presently under development that would be capable of powering an electric vehicle for more than 300 miles between charges. Even then, only water need be added. This mechanically rechargeable aluminum-air battery has the potential to provide the range, acceleration, and refuelability to meet the demands of today's automobile.

Research on the aluminum-air battery began in 1979 at Lawrence Livermore National Laboratory. Since then Livermore, Eltech Systems, which is located in my congressional district, Case Western Reserve, Akron and Oklahoma State Universities as well as other companies have contributed to the testing and development of critical components and processes of the battery to determine its economic and technical feasibility.

The aluminum-air battery project has been a source of revenue and jobs for my district. The battery project is also state-of-the-art technology that will help our country maintain its leadership role in the race to develop efficient, clean power sources for the future.

I stand in support of H.R. 4567 and I urge all of my colleagues to support this legislation.

□ 1610

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $192,331,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable: *Provided further*, That none of the funds appropriated in this Act shall be used to execute new long-term contracts for water supply from the Central Valley project, California, prior to May 1, 1989.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a–422l), including expenses necessary for carrying out the program, $29,022,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1989 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $27,766,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $48,313,000, of which $1,639,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391). Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 26 passenger motor vehicles for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation and advance planning investigations under the head "General Investigations", and amounts provided for applied engineering under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 23 for replacement only), $2,072,622,000, to remain available until expended: *Provided,* That within 180 days after the date of enactment of this Act, the Secretary of Energy shall provide the Committee on Appropriations of the Senate and House of Representatives and the Energy and Natural Resources Committee of the Senate and the Science, Space, and Technology Committee of the House of Representatives a report which contains a program for the long-term utilization of the Fast Flux Test Facility at the Hanford, Washington site.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 20, line 20, strike out "$2,072,622,000" and insert in liue thereof "$2,092,622,000".

Page 20, line 21 after "That" insert "such amount is hereby reduced by $20,000,000: *Provided further,* That".

Mr. HYDE. Mr. Chairman, will the gentleman yield briefly?

Mr. BROWN of California. Mr. Chairman, I am pleased to yield to my distinguished friend, the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman from California [Mr. BROWN] for yielding.

Mr. Chairman, I would like to speak very briefly in support of the superconducting super collider.

Our country is entering one of its most fascinating eras—that of high technology.

The changes brought in our daily lives because of the advances of high technology have come so fast that we have begun to take them for granted. For example, a few years ago who would have imagined that Members of Congress could monitor debate on the House floor by closed circuit television. Even our method of voting by electronic device is a remarkable advance that the Senate has yet to acquire.

I am not a scientist, but no one can live in our time without a profound respect for the possibilities of research and the promise of a better life for all of us.

Some of the spinoffs of the superconducting super collider [SSC] project in industrial application and advancement in the state of the art equipment will place this Nation in an advanced competitive position. The administration is convinced of the worth of this project, and now Congress has the opportunity to demonstrate its faith in the SSC as we decide on an appropriate level of funding.

We must look now at this project in the longer term rather than allowing our decision to be influenced by merely short-term considerations. The SSC project is a sound investment in America that will retain for her a world leadership role, a role she rightfully deserves. I urge my colleagues to support the full level of funding for the SSC that the committee has recommended.

Mr. BROWN of California. Mr. Chairman, I am offering this very simple amendment on behalf of myself, on behalf of the distinguished dean of the Delaware delegation, Mr. CARPER, and about a couple dozen other Members on both sides of the aisle who feel that the issue represented in this amendment is extremely important.

I would like to be very brief in describing what this amendment does. It has been described already in material sent to all the Members, but what it does is this:

It cuts $20 million from the space nuclear research and development line item, which is not in the bill, but is in the report, which basically goes for research and development on space-based nuclear programs and then adds $20 million for research. It adds $20 million for research on renewable energy systems, basically solar energy and all of its various different forms including photovoltaics, biofuels, wind, solar, thermal, et cetera.

Now why are we doing this? Frankly I am very reluctant to upset a bill as good as this one is, and I do not really think what we are doing is upsetting it. It is a no net cost amendment of course, but what bothered me when I saw the final report from the committee is that here for I think the sixth year in a row we are cutting the Research and Development Program on renewable energy. It the same fashion we are increasing the amount of research on space-based nuclear energy used essentially; in fact, exclusively, for the potential use of the space defense initiative, the SDI program. The purpose of the research that I am hoping to cut is basically to provide a power source for nuclear-operated lasers in space and other things of that sort.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. Mr. Chairman, I am happy to yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, we are familiar with the gentleman's amendment and, as far as I know, both increases and decreases, and so we have no objection to it.

Mr. BROWN of California. May I say to the gentleman that he has confirmed the opinion that I have other than that he is a great statesman, and I am happy to accept his endorsement of the amendment? I might say that Mr. BEVILL and Mr. MYERS of Indiana are the only two people that I know of who can bring a bill to the floor which has over $100 million in cuts in programs in Members' districts that the President has asked for and be complimented for doing that. I think that is a tribute to these gentlemen.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. Mr. Chairman, I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. After those words of compliments, what choice do I have to accept the amendment also?

Mr. BROWN of California. If the gentleman will indulge me, I will take just another minute or two, and maybe I can yield some time to some of my friends here.

What I started to say was that for the first time in the history of our energy research and development program, which I have been intimately connected with since we began this program back in the mid 1970's, the replenishable energy, we have a situation where we are proposing to spend more on nuclear research and development for power sources in space than we are for all renewable energy resources on Earth. And that triggered something in my mind. I think that represents something that is very undesirable.

I am not going to belabor this point. I urge all of my colleagues to be brief on this because I know the Chairman is anxious to get going.

I am happy to yield to the gentleman from Delaware [Mr. CARPER] the cosponsor of the amendment, if he would like some time.

Mr. CARPER. Mr. Chairman, I thank the gentleman. I want to thank Mr. BEVILL and Mr. MYERS of Indiana for accepting this particular amendment.

Mr. Chairman, I rise in support of this amendment and ask unanimous consent to revise and extend my remarks.

Sometimes it seems as if we have short memories in this country. One decade ago, long lines of cars at gas stations here served as daily reminders that the fossil fuel supply is finite and much of it is in foreign lands. One decade ago, we learned that if the United States is to remain competitive, our reliance on renewable forms of energy must grow. And one decade ago, we didn't just talk about the need for R&D, we put our money where our mouths were, investing over $150 million in photovoltaic energy research just 7 years ago.

We didn't do so because we were altruistic. We did so because we were smart. We did so because we were serious about energy independence. We did so because we wanted to be a leader in an industry that was sure to be competitive—renewable energy systems.

One decade later, where do we stand? Our trade deficit soars above $150 billion, and a major portion of that deficit is imported oil. Today, 40 percent of the oil we use is imported, and that percentage is growing.

Yet, what do we plan to spend for photovoltaic research in 1989?

The present value of $150 million in 1980 dollars is over $225 million today. The administration did not request, and this committee has not recommended, that we invest $225 million next year. They have not recommended that we invest $125 million. They haven't even recommended that we invest the same $36 million in 1989 that we did this year. They have recommended a further cut of ⅓ to $25 million, despite remarkable breakthroughs which keep us on the cutting edge of this very promising technology.

This amendment is a fair and reasonable approach to establish a more rational policy toward renewable forms of energy in the 1990's. It deserves the support of each of us. I urge its adoption.

Mr. BROWN of California. Mr. Chairman, I am pleased to yield to the gentleman from California [Mr. FAZIO] another great statesman.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman for offering this amendment and obviously thank Mr. BEVILL and Mr. MYERS of Indiana for accepting it, and I also will be brief.

Mr. Chairman, I urge strong support of the amendment offered by the gentleman from California [Mr. BROWN].

This is not an effort to repudiate the great bulk of the work of Energy and Water Appropriations Subcommittee, of which I am a member, nor of its illustrious chairman, the gentleman from Alabama [Mr. BEVILL], and its dedicated staff.

As I said earlier, Chairman BEVILL has said that his is the most difficult bill he has ever put together as chairman of the subcommittee. I share his view and, again, have great respect for him and his outstanding subcommittee staff for the fairness and prudence with which they have approached this bill.

This amendment is offered, however, in an effort to revisit one small program area in the only forum now available to the House. The House was originally intended to be a forum for collective decisionmaking. And on the issue, at this point in time, it is critical that we exert that authority.

I have no confidence in the other body's ability to take the lead and forge a new path in support of fairness and balance in the renewable energy budget.

Therefore, we must take this step today in support of renewable energy or forever relinquish our Nation's leadership position in renewable energy technologies such as photovoltaics, solar thermal and wind energy. The United States is now the world leader in these solar technologies, but tomorrow, without this modest increase in solar energy over the committee bill, the United States will be relegated to a distant also ran in the growing competition for the rapidly expanding world market for renewable energy systems.

The Japanese and the West Germans see the benefit in investing in these renewable technologies. In the current fiscal year, West Germany and Japan outspent the United States by 50 percent and 20 percent on research into photovoltaics. Even the Netherlands and India currently outspend the United States in these critical technologies. They are clearly investing in anticipation that the United States will back away from the potential multibillion markets for renewable energy industries. They are certainly convinced, as we once were, of the significant return in future economic productivity and growth that investments in these technologies will yield.

This House and this Congress must look and think and plan ahead so that we can capitalize on the enormous investment this country has already made in these technologies. They are close to the point of paying off both in energy produced and as an important, emerging growth sector of our economy. These technologies can see the light at the end of the tunnel, but they are still in the tunnel and need this last increment of funding in order for our Nation, and our industries and our workers to begin to reap the benefits of hundreds of mllions of dollars in past Federal investments to develop the domestic research base for renewable energy.

As important as increasing funding for these critical renewable energy technologies is the second part of this amendment which seeks to stabilize funding for the SDI-Driven Space and Defense Power Systems Program.

The Amendment complements the action by the House 2 weeks ago in adopting an amendment to stabilize funding for other components of the President's strategic defense initiative [SDI]. In that amendment to the Department of Defense authorization bill, the House set the funding levels for Department of Defense SDI research and development as well as military construction, and for Department of Energy's SDI research into nuclear directed energy weapons.

The Brown amendment seeks to stabilize the only portion of the SDI program which is funded on the civilian side of the Federal budget. It will cut $20 million from the amount in the bill for space and defense power systems—which the Department of Energy and the Department of Defense acknowledge is an SDI-driven program—and transfers that amount to the renewable energy programs.

The amendment will not affect the SDI program in the long-term. Since the administration submitted its budget, SDIO has pushed back its decision date for moving to full-scale engineering development to the mid-1990's, and, according to an April 18, 1988, article which appeared in Aviation Week and Space Technology, General Abrahamson has rejected DIPS, the dynamic isotope power system—one of the SDI nuclear systems funded under the program—in lieu of hardened solar panels as a candidate energy source for powering BSTS, a key communications, command, and control satellite for SDI.

As a member of the subcommittee, I would like to point out that just 2 years ago, in the report to accompany the energy and water bill for fiscal year 1987, the committee stated:

> While these [space and military projects] may be interesting in novel applications and provide some incidental benefits to nuclear power, they still represent very limited applications at a very high cost to the civilian research program. They are also a large commitment of talent and resources of the national laboratories.

In conclusion, Mr. Chairman, this is a hold-harmless amendment that does not unfairly target SDI. Both the SDI Space Power Program and DOE's Renewable Energy Programs are held to essentially their respective fiscal year 1988 funding levels. By adopting the amendment the House not only continues to support essential research into renewable energy technologies, but maintains consistency in its dealings with all portions of the SDI Program. Again, I strongly urge adoption of this fair and balanced amendment.

□ 1620

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment to restore additional funds to the Solar and Renewable Energy programs. In particular, the fiscal year 1989 appropriations levels contained in this bill for the Photovoltaic Energy Systems, Solar Thermal Energy Systems, and Biofuels Energy Systems programs are "going out of business" levels. If Congress approves these funding levels, the result will mean the closeout of the strong solar energy work at Sandia National Laboratories in my home town of Albuquerque. It also threatens the continuing existence of the Solar Energy Research Institute in Golden, CO, and the existence of the struggling solar and renewable industries in the United States

However, as much as I am in favor of additional moneys for the solar and renewable energy programs, I cannot support the redirection of $20 million in funds from the Space and Defense Systems Program. The appropriations level of $96 million contained in the bill is already a decrease of $17 million from the administration's request of $113 million, the same level authorized by the Science, Space, and Technology Committee on May 5. A further reduction of $20 million would be $37 million below the administration's request, and nearly $10.0 million below the current funding level. Cuts of this magnitude would mean the end of the DIPS Program and result in a long and perhaps fatal stretchout of the SP-100 Program.

Mr. Chairman, the Nation's ability to conduct future programs of both space exploration and space exploitation will be enabled—or limited—by our ability to provide adequate energy supplies. The fact is that we cannot fully explore space without sustained, sufficient and reliable long-term, sources of power; we simply cannot fully exploit space for scientific, commercial, or defense purposes without energy sources considerably more capable than those in our inventory today. All studies conclude that nuclear power is a key component of our future space infrastructure, and SP-100 is the foundation upon which our Space Nuclear Power Program rests. It is for this reason that I cannot support the redirection of funds from this important effort.

There are, however, $26.766 million in Energy Supply, Research and Development Program lines where the Appropriations Committee appropriated more money than the Space, Science, and Technology [SST] Committee authorized. These are as follows:0

[Dollars in millions]

Program	SST Mark	HAC Mark	HAC–SST
Solar buildings energy systems	$3.665	$5.365	+$1.7
Electric energy systems	19.0	23.556	+4.556
Light water reactors	24.3	26.8	+2.5
Liquified gaseous fuel spill test facility	.766	.866	+.1
Biomedical and environmental research—operating expenses	225.19	226.5	+1.31
Center for Automation Technology, Drexel	0	5.5	+5.5
Loma Linda Medical Center	0	11.1	+11.1

Any or all of these funds are obvious candidates for funding shifts to the solar and renewable energy programs which I could support.

I might point out that it would take only a total of $16.578 million in fiscal year 1989 to restore the Photovoltaic, Solar Thermal, and Biofuels Programs to their current funding levels of $25 million, $15 million, and $17.055 million, respectively. While I am a supporter of the Wind Energy Program, I might note that the appropriations level of $8.839 million for the Wind Energy Program is an increase of $299,000 above the current level of funding, and it is, therefore, harder to justify additional funds in fiscal year 1989 for this program.

With the understanding that the additional funds would come from the unauthorized funding levels contained in the bill, rather than from the Space and Defense Power Systems Program, I am pleased to support the amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I respect very much the gentleman's views and the expertise he has in this field.

I would say to the gentleman that this amendment has been drafted to give the Department the maximum amount of leeway in deciding how their energy dollars for research and development will be spent. We do not specify the specific program, and there are several in this general category that I think could take part of the hit if in the opinion of the Department of Energy they would want to do it that way.

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Washington.

Mr. MORRISON of Washington. Mr. Chairman, I thank the gentleman for yielding, and I want to agree with the exchange that is going on here and point out that the appropriations bill in front of us already cuts $21 million from the executive request in the area of space and defense program energy. These dollars really are not necessarily strategic defense initiative dollars.

There is an increasing area of interest as far as NASA is concerned on providing space nuclear power for the manned space station, for manufacture in space, and that sort of thing. So while we certainly endorse the increase in solar research that the gentleman from California seeks, I think we need to be extremely cautious where that money is found.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I, too, have some concern about what we are doing here, because it seems to me that the program that stands the most chance of being impacted by this amendment is the SP-100 program. When you impact the SP-100 program, you are not only impacting our ability to provide sufficient power for space defense systems, which I know the gentleman from California opposes, and I happen to support, but you are also impacting on the ability to provide sufficient power needs for the future in manufacturing and in commercialization, because we already know that the Space Station, once built, will not have sufficient power aboard it to do the manufacturing processes that will be necessary.

NASA is already looking toward upgraded power, a significant upgrade of power. One of the few places you can get a significant upgrade of power is with something like the nuclear plant that is provided by the SP-100.

I think it would be a grave mistake for us to reduce the commitment to that program at this point, and I am disappointed that this amendment basically does say that we are lowering our commitment to that very vital program for the future.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

(By unanimous consent, Mr. LUJAN was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for yielding.

Let me say, Mr. Chairman, that the changes that my amendment would make still provide for an increase in the nuclear program from the current year to the next year, and because the Department may be guided by our debate here, I want to say that the SP-100 program should not be affected. I would not want the funds to impact adversely, or the reduction to impact adversely. That is an important project.

The multi-megawatt nuclear reactor, however, which is an item of $20 million itself is only useful in the event that we deploy a major SDI Program, and it could take a little reduction, I think.

Mr. LUJAN. Well, there is some concern, as the gentleman can see, on this side, and I direct myself to the chairman of the committee, there is some concern with where we are going to redirect those programs; so as we consider that, the ranking member and the other members of the committee, take into consideration that we do not want the nuclear space power program affected.

Mr. BROWN of California. And if the gentleman will yield further, Mr. Chairman, I would urge also that they be extremely careful when it comes to making those allocations.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the SSC and its construction program.

Mr. CONTE. Mr. Chairman, I rise in strong support of the Brown/Carper amendment that would restore $20 million to the Department of Energy's renewable energy R&D program, by shifting these funds from DOE's space and defense power systems program. This amendment reaffirms the importance of renewable energy to our national energy policy. Renewable energy has important environmental benefits over most conventional technologies. Renewable energy diversifies our energy options and thus improves our national security. Renewable energy displaces imported oil. And renewable energy technologies are increasingly sold abroad in a growing international market.

Renewable energy deserves your support. I urge a "yes" vote.

Miss SCHNEIDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as cochair of the congressional competitiveness caucus, I rise in strong support of the amendment of the gentleman from California [Mr. BROWN], and I would like to point out why the gentleman's amendment makes sound economic sense.

According to the Department of Energy's Energy Research Advisory Board, who has advised our Science and Technology Committee now over the last several years, renewable resources constitute America's largest energy resource, which is six times larger than our own mighty coal deposits.

DOE studies have also shown that out of this 80,000 quads of energy potential, a modestly maintained R&D program could enable the Nation to economically extract 80 quads of energy by the year 2010. That would amount to about 80 percent of total energy needs projected for the United States at that time.

This would reduce foreign oil imports, which currently cost this country about $40 billion insofar as our trade deficit is concerned, and unfortunately, the DOE has slashed the renewable budget by 80 percent since 1981.

I commend my colleague for this amendment, because I believe it is essential if we are to prevent the further crippling of our fledgling renewable industry.

If we remember that three-fourths of the world relies on renewable resources, mainly developing countries which have traditionally been one of our largest export markets, these countries offer an enormous long-term market that will be forfeited if we fail to continue our modest support for the renewable R&D program.

Finally, even after this amendment restores $20 million to the renewal budget, renewables will still only comprise a few percent of DOE's civilian energy R&D budget. It is noteworthy that although renewables provide this Nation with twice as much energy as nuclear power, nuclear power receives three times more funding.

Mr. Chairman, this amendment, I believe, is a very modest effort to level the playing field.

Mr. ATKINS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. The amendment is consistent with the action we took last week to freeze spending for SDI. It also puts a stop to the growth of the Space Reactor Program, which is funded in the civilian energy budget even though its sole purpose is to support SDI. Instead, the amendment restores funding for alternative energy research in areas with distinct and immediate benefits for our economy.

There should be no doubt that the Space and Defense Power Systems Program exists to support SDI. In 1985, DOE's Assistant Secretary for Nuclear Energy told Congress that "Frankly speaking," SDI was the driving factor behind the program, without which "we would be hard pressed to have enough defined missions to sustain it." Last December GAO released a report on the program which verified that its timetable and priorities were set by the SDI organization. The report also raised serious concerns about space based nuclear reactors, including the consequences of an accident at launching as well as the fact that the low orbiting requirements of SDI might cause the reactor to crash with its radioactive cargo. That possibility is not mere speculation; you may recall the Soviet nuclear reactor that crashed several years ago. In fact, another Soviet reactor is expected to spin from its low orbit and crash later this year.

Yet in spite of the danger posed by nuclear reactors in space, the administration continues to press forward with this program. Because the Space Nuclear Reactor Program supports SDI, the administration had proposed an increase of 55 percent for 1989. Worse yet, the administration also continues to fund the program in the civilian rather than in the defense portion of the DOE's budget. At a time when the budget summit forces us to make difficult funding decisions regarding domestic programs, and when civilian energy programs in particular have been drastically reduced, I see no reason to support an increase for space and defense power systems. If this program is as essential as the administration claims, it should be funded in the defense budget or in the defense portion of DOE's budget.

Therefore, although I was pleased that the Appropriations Committee cut the administration's 55-percent increase by half, I believe the amendment before us represents a further step that must be taken. Not only will the amendment halt the growth of this questionable program; it will stop the decline in solar energy research that has caused us to lose the initiative in that area to foreign competitors. It's time we spent domestic research dollars on domestic needs. Let's put our money into finding new ways to heat our homes instead of heating up the arms race.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was agreed to.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any points of order against any part of title III?

The text of the remainder of title III is as follows:

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $1,133,080,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,276,000,000 in fiscal year 1989, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1989 so as to result in a final fiscal year 1989 appropriation estimated at not more than $0.

General Science and Research Activities

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 10, of which 5 are for replacement only and one is a police-type vehicle), and one replacement fixedwing aircraft to be acquired pursuant to the Federal Property and Administrative Services Act of 1949, as amended, $929,116,000, to remain available until expended.

Nuclear Waste Disposal Fund

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $369,832,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided,* That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund.

Atomic Energy Defense Activities

For expenses of the Department of Energy activities, $8,100,000,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 248, of which 247 are for replacement only including 6 police-type vehicles).

Departmental Administration

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $403,665,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $240,725,000 in fiscal year 1989 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1989 so as to result in a final fiscal year 1989 appropriation estimated at not more than $162,940,000.

POWER MARKETING ADMINISTRATIONS

Operation and Maintenance, Alaska Power Administration

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,159,000, to remain available until expended.

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1989, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $36,267,000, to remain available until expended.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $15,389,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,411,000 in collections from the Department of Defense from power purchases, not to exceed $2,430,000 in collections from various Oklahoma companies from power purchases, and not to exceed $1,000,000 in collections from non-Federal entities for construction projects in fiscal year 1989, to remain available until expended.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

(including transfer of funds)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 5 for replacement only), $270,928,000, to remain available until expended, of which $250,142,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $2,485,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended: *Provided,* That, concurrent with the enactment of Public Law 99-360, purchase, operation, and maintenance of 1 replacement helicopter is authorized from the Colorado River Basins Power Marketing Fund.

Federal Energy Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $108,760,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $108,760,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1989, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1989, so as to result in a final fiscal year 1989 appropriation estimated at not more than $0.

Geothermal Resources Development Fund

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $75,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

Sec. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

Sec. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 304. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part, the facilities, assets, and functions of the uranium supply and enrichment program, including inventories, until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: *Provided,* That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.

Mr. FAWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Alabama [Mr. Bevill] and the gentleman from Indiana [Mr. Myers], the ranking member of the committee.

Mr. Chairman, I note that due to budget constraints the Subcommittee on Energy and Water Development has not provided any funds in this bill to initiate construction of the Department of Energy's advanced photon source.

As you know, the APS will significantly improve our understanding of materials and chemical and biological reactions. This research will directly lead to major practical advances in many areas of science and technology. I would also note that the APS has attracted more industrial interest and participation than any other basic research facility in the United States.

Last year the appropriations committee reported that "this advanced facility will be crucial for maintaining U.S. international competitiveness in industrial research, basic research, defense-related research and in a wide variety of applications including medical diagnosis." This year we read in the report that "the committee strongly supports the potential scientific benefits from this project."

Mr. Chairman, my question is, does the committee still support the construction of this facility, should funds become available.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, the answer is "Yes."

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is exactly right. The 7-GEv is an advanced photon source that we certainly do consider a very viable part of our research for the future. But as explained earlier, we just did not have the money this year.

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Washington.

Mr. MORRISON of Washington. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman and ranking member.

Mr. Chairman, I see that the Energy and Water Development Appropriations for fiscal year 1989 includes funding at the budget request level for activities that are needed to put the N-reactor at Hanford, WA, in cold standby.

The Department of Energy has a plan to complete the safety enhancement work and place the N-reactor in cold standby in an orderly manner so that the reactor will be in the best possible condition in the event it is to be restarted in response to a national emergency.

It is my understanding that the chairman and ranking member support these activities by allocating sufficient funding in this bill to maintain the schedule as planned by the Department of Energy.

Am I correct?

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, the gentleman from Washington is correct. The committee believes the DOE plan assures that the N/reactor can restart in the event of a national emergency and has provided the necessary level of funding to finance that plan.

Mr. MORRISON of Washington. Mr. Chairman, I thank the gentleman, and I yield to the gentleman from Indiana [Mr. Myers].

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for yielding.

The N-reactor is in cold storage, as the gentleman says. If plutonium would be needed, it could be restarted and produce plutonium for a limited time. Of course, we all know the life of the N-reactor is limited but nevertheless, it could be used and is being placed in cold storage just for that purpose.

Mr. MORRISON of Washington. The goal is to have it in the safest possible condition in case that need arises.

Mr. MYERS of Indiana. The gentlemen is right. The maintenance is being performed and it is being kept in readiness in what we call cold stand by. It could be operated, if necessary, in the future.

Mr. MORRISON of Washington. Mr. Chairman, I thank both gentlemen for their leadership and continued support and foresight on the N-reactor issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $107,000,000. Amounts previously made available for Appalachian Regional Development programs shall be transferred to and made part of this appropriation.

Delaware River Basin Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $205,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

Interstate Commission on the Potomac River Basin

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $79,000.

NUCLEAR REGULATORY COMMISSION

Salaries and Expenses

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $420,000,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $189,000,000 in fiscal year 1989 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1989 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1989 appropriation estimated at not more than $231,000,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $192,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $262,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $103,000,000, to remain available until expended: *Provided*, That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further*, That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1989, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further*, That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any points of order against any item in title IV?

Are there any amendments to title IV? If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act. This prohibition bars payment to a party intervening in an administrative proceeding for expenses incurred in appealing an administrative decision to the courts.

POINT OF ORDER

Mr. SYNAR. Mr. Chairman, I make a point of order against section 502. The section violates rule XXI of the rules of the House in that it provides legislation in an appropriations bill.

The CHAIRMAN. The gentleman makes a point of order against section 502. Does any Member wish to be heard on the point of order?

Mr. SYNAR. Mr. Chairman, I would correct that by striking just the last sentence in section 502.

The CHAIRMAN. The gentleman from Oklahoma [Mr. SYNAR] makes a point of order against the last sentence of section 502.

Does the gentleman wish to be heard on his point of order?

Mr. SYNAR. Mr. Chairman, section 502 would prohibit all departments and agencies funded by this bill from complying with the provisions of the Equal Access to Justice Act.

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In other words, it would directly impact provisions and substantially alter the scope of that act. It is this substantive change which makes section 502 of this bill subject to a point of order under rule XXI of the rules of the House and is the reason why the distinguished chairman of the Committee on the Judiciary and the distinguished chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice support this point of order.

The CHAIRMAN. Does any other Member wish to be heard on this point of order?

Mr. BEVILL. Mr. Chairman, we agree with the gentleman from Oklahoma [Mr. SYNAR]. We have no objection to this point of order.

The CHAIRMAN (Mr. PEASE). The gentleman from Alabama [Mr. BEVILL] concedes the point of order.

The Chair rules in favor of the gentleman from Oklahoma [Mr. SYNAR], sustaining the point or order against the second sentence of section 502, which sentence is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided*, That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further*, That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

IMPLEMENTATION OF BUY AMERICAN ACT WITH RESPECT TO CERTAIN WATER RESOURCE PROJECTS

SEC. 508. (a) GENERAL RULE.—For purposes of title III of the Act of March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10a-10c), commonly known as the Buy American Act, a cofferdam or any other temporary structure to be constructed by the Secretary of the Army, acting through the Chief of Engineers, shall be treated in the same manner as a permanent dam constructed by the Secretary of the Army.

(b) APPLICABILITY.—Subsection (a) shall only apply to contracts entered into after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 38, after line 12, insert the following new section:

SEC. 509. No funds appropriated under this Act shall be expended in any workplace that is not free of any illegal possession or use of Controlled Substances which is made known to the Departments and Agencies covered under this Act.

Mr. WALKER. Mr. Chairman, I think the country has made clear to this Congress, and to the executive branch that they want to get tough on drugs. They want us to take actions as a Nation that stop the drug trafficking into this country. In recent days this Congress has decided that we will begin to get tough. We have gone and said that we will revise the posse comitatus laws and we have indicated we would move with other stringent measures.

One of the things we have not done yet, however, is speak to the question of usage of drugs in our society and what we need to begin to understand is that trafficking in drugs cannot be done in this country if there is no one to buy them, and that usage is in fact a real problem across the land. That usage takes place in many different avenues, but one of the places where it is most noticeable is in the workplace.

Mr. Chairman, the reports are absolutely astounding about the amount of controlled substances that are used in the workplaces across this country. It is estimated that 20 to 25 percent of all drug use in the country takes place in the workplace.

In a recent hot line survey, a cocaine hot line survey in California indicated that 85 percent of cocaine users said that they used the drug at some point in the workplace.

What this amendment says is that we are going to begin to speak to that problem.

In a recent poll, 77 percent of all Americans said that they think that Federal funds should be used to lever drug compliance. What they said was they believe that Federal funds should be cut off to those places that do not have drug-free workplaces. That is what this amendment would do. This amendment says that they must have a drug-free workplace or we are going to cut off the Federal money flowing to them. It is a tough approach. I will be the first to tell anybody in this House this is one very tough amendment because what this amendment says is that if you are a contractor or subcontractor, and an employee of yours is found to be using drugs, that contractor or subcontractor can have their Federal money cut off. It is an approach that we take in many other avenues. In fact in this particular bill we have several places where we have the same standard. We cut off funds in this bill if people use the money to pay expenses or otherwise compensate parties intervening in regulatory or adjudicatory proceedings funded under this act.

We will cut off money under this act if the money is used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

We say under this act that we will cut off the money if they are expended to pay the costs of procuring high voltage electric power equipment.

There are all kinds of other things in this bill that we are willing to cut off money for. It seems to me we ought to be willing to cut off money for people who have engaged in the illegal use of drugs in the workplace. That is what this amendment would do.

Mr. Chairman, this amendment would flatly say that one of the priorities that we have as a Nation is to stop illegal use of drugs in the workplace. If they are getting Federal money, or have a contract with the Federal Government, or they are a subcontractor with a subcontract with the Federal Government, that they will not permit drug use in their workplace or they are in big trouble with the Federal Government.

This amendment is fairly simple, but it is also very, very tough. I think it is time to get very, very tough. I think the American people expect us to get very tough and I urge adoption of my amendment.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question or two about his amendment.

Is the gentleman from Pennsylvania [Mr. WALKER] suggesting that if a Federal contractor had an employee walk on the job carrying for instance a marijuana cigarette in his pocket and that was discovered, that then that Federal contractor would be disqualified from Federal work?

Mr. WALKER. Mr. Chairman, will the gentleman from Illinois yield?

Mr. DURBIN. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I will say to the gentleman from Illinois, under this amendment if that is made known to the department or agency, exactly. That employer had better have a very tough antidrug policy that makes certain that no one is coming into his workplace with illegal substances in their possession because that could result in the loss of a contract. The gentleman is correct.

Mr. DURBIN. So that a conscientious contractor in order to keep his work with the Federal Government would frankly have to search his employees?

Mr. WALKER. If the gentleman will yield, a conscientious contractor would have to have some kind of policy that would assure his people were in fact drug free. I do not think it necessarily takes searching. I do not think it necessarily takes testing. One can have a standard set and people are required to meet the standard. There are many things not permitted in the workplace, and conscientious employers in the past have figured out ways to implement and enforce policies to attain that result. Some of them have been imposed by the Federal Government.

I assume that they would also have the ability to do so in this particular case of illegal drugs.

Mr. DURBIN. Mr. Chairman, the interesting element missing in this amendment is, is there any requirements that the contractors or his employees have knowledge that the employee is in possession of a controlled substance? I say to the gentleman that is not part of the amendment. The mere fact of the possession by the employee is enough.

Mr. WALKER. Yes, the gentleman is correct.

Mr. DURBIN. So that would require the employer, in order to remain under contract with the Federal Government, to initiate on his own a search policy for example of employees coming into the workplace each day in order to make certain that there is compliance. Absent that search, the contractor could lose all work with the Federal Government if one employee carried one marijuana cigarette into the workplace in a coat pocket and was discovered.

I would suggest to the gentleman from Pennsylvania that we all want to stop the drug crisis, but this shows the extreme and the extent that some people will go to, and I would think that it would be in the best interests of us to try to find out what is reasonable and then ask that of employers.

It is unreasonable to suggest that an employer with no knowledge of this fact is going to be disqualified from Federal work.

It is as unreasonable as suggesting to the gentleman from Pennsylvania [Mr. WALKER] that if one visitor from his district came into his office carrying a marijuana cigarette in his pocket, that the gentleman from Pennsylvania should have to forfeit his seat in Congress. I think that goes entirely too far. If the gentleman from Pennsylvania would have had knowledge of the fact, that is one thing, but to make the contractor responsible if some irresponsible employee comes on the job with the marijuana cigarette, that just makes a mockery of what we are trying to do to control drugs in this culture.

Mr. WALKER. Mr. Chairman, will the gentleman from Illinois yield?

Mr. DURBIN. I yield to the gentleman from Illinois.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Illinois for yielding. I would not say this standard applies to visitors in the workplace. It does in fact relate to the employer and the employee. I would tell the gentleman from Illinois that in my workplace, in my office, I do in fact have a policy that if any of my employees is found with a marijuana cigarette or something in their pocket, they are gone. It seems to me that is exactly the standard that we ought to have for employers receiving Federal taxpayers money.

Mr. DURBIN. Mr. Chairman, reclaiming my time, the gentleman from Pennsylvania [Mr. WALKER] makes the point. One can establish whatever rules might seem desirable, and expect employees to live by them, but if the employee does not and violates the rule and comes into your office even though that policy is in place, I think it is patently unreasonable to hold the gentleman from Pennsylvania or any other employer responsible.

Mr. Chairman, I will vote against this amendment. I hope people who take the time to read it realize it goes entirely too far.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this afternoon how can anyone oppose a drug-free society? How could anyone oppose legislation that would guarantee that people working in very sensitive and critical jobs are not using drugs. Particularly when Federal taxpayers' money is going into the work. However, I am not at all sure just what we are doing here. It is not only a tough amendment, but it is very complicated in what it means. I am concerned, as the gentleman from Illinois [Mr. DURBIN] said, there is a concern about what this could do to the employer. I know if I were a contractor fulfilling a Federal contract which required a large number of laborers, as many Corps of Engineers and Department of Energy construction projects call for, I would hate to be held responsible for one individual who might violate the spirit of this law. I am concerned about what this does.

Let me give my colleagues another example. If this were applied to the legislative branch, and the funding of the operation of the Congress, and we happened to have somebody working around here or who was out in the yard during lunch hour smoking a marijuana cigarette, then none of us could get paid under this amendment.

Mr. WALKER. No, the gentleman is incorrect.

Mr. MYERS of Indiana. We could not fund anything because we are part of the entire agency. I do not think the gentleman from Pennsylvania [Mr. WALKER] intends that to happen.

Let me give another example. The National Collegiate Athletic Association tests athletes and I believe the Olympic Committee also tests athletes who are going into the Olympics. The NCAA tests athletes going into bowl games, as well as testing basketball players going into the various tournaments. What this amendment says, and we find individuals using drugs even in athletics, is that if one person is found doing something like this the whole team is excluded from participation. That is not what the NCAA does.

Bobby Knight, the Indiana University basketball coach, called me last year and he was very adamant concerning the use of drugs. I said, "Bob, if you had a ball player using drugs, would you not know about it?"

I do not think Bobby Knight is exactly noted for being lax and easy, but he said, "I am not sure I would know about it."

Yet what this amendment says is that even though the coach has an absolute policy that says no drugs the team could not participate in any tournament because of one violation.

I agree with the gentleman from Pennsylvania [Mr. WALKER] that we ought to get tougher on the use of drugs, but I am afraid that the gentleman from Pennsylvania is catching the wrong person, and making the wrong person pay the penalty.

Mr. WALKER. Mr. Chairman, will the gentleman from Indiana [Mr. MYERS] yield?

Mr. MYERS of Indiana. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the gentleman from Indiana has fund limitations in his own bill. I assume the same standard applies to those. There is a fund limitation about people using the money to pay expenses of or otherwise compensating parties intervening in regulatory or adjudicatory proceedings funded under this act. We will cut off money under this act if it is used in that way. I assume that also affects the contractors under this act.

Mr. MYERS of Indiana. Mr. Chairman, we do not prohibit the person intervening, they just have to pay their own way.

We would not let them work on the job, but let us not penalize the good people working there that perform the job.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, what I am saying to the gentleman from Indiana [Mr. MYERS] is that here is a contractor who may have somebody, a subcontractor for example, who does this, and he is going to face the funds cutoff as a result of the language in your bill. It may not be his fault, but in fact he has to police the acts of the people in his company because of your fund cutoff in your bill.

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I am suggesting to you that drugs are an important enough issue that maybe we ought to set the same standards for drugs that we are setting for compensating parties intervening in regulatory or adjudicatory proceedings. The fact is if we are not going to take some steps that really get tough with it, then we are not willing to do much at all. The fact is that what we want to do around this body is to spend tons of money to prop up law enforcement agents who cannot do their jobs because there are so many people out there using.

We have got a chance here to leverage with Federal funds real enforcement in the workplace. We get real peer pressure in the workplace under this, because every employee is going to know that if drugs are used in the workplace that they could lose their job as a result of the loss of the contract. We put into action some things we have not had before, and I think that that is the standard we want to begin to deal with.

Mr. MYERS of Indiana. Mr. Chairman, I will go back and use my analogy of Bob Knight. Here is a guy who absolutely would stop the use of drugs, yet he said he is not sure he would know if a kid on his team was using drugs. He would kick him off if he knew it. But what the gentleman is saying that to kick him off he would make the whole team ineligible.

I quite agree with the gentleman that we have got to get tough. I am, however, afraid that you are going to get some innocent people here. I am not sure that your amendment is properly drafted to get the guilty people. The conscientious people who are working are not going to get paid. You have the conscientious people who are working hard and not using drugs, taking their money home to feed their kids and to send them to school. But they will not get paid either because of one individual, one rotten apple out there who spoiled it for the whole barrel.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I am happy to yield to the gentleman.

Mr. WALKER. A lot of us the other week did not vote for the Grove City Act, the bill called the Grove City Act, but people who are likely to get caught under the massive provisions of the Grove City Act——

The CHAIRMAN. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(At the request of Mr. WALKER and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 2 additional minutes.)

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. If the gentleman will continue to yield, we passed that bill, and there are a lot of innocent people who may get caught under that as well because of the standard that we applied, and all I am saying is that I think that the same sort of standard ought to be applied to the drug fight, and that is all that this bill does.

Mr. MYERS of Indiana. I must disagree, and I do not want anyone to walk out of here and say that JOHN MYERS is for the use of drugs. I am not sure this amendment, which was drafted here this afternoon with a number of revisions, is properly drafted. If we could carry it out without hurting the innocent people, I would be the first one here saying let us vote for it.

I am a little bit concerned we are not getting the best approach here or that this is properly drafted. I question whether not paying the people who do work and do not use drugs, the great multitude, that is what you are saying that no funds appropriated under this act shall be expended, and that is what concerns me.

Mr. WALKER. If the gentleman will yield, the use of drugs that we are talking about is illegal. We are talking about the fact that we have people conducting illegal activities.

Mr. MYERS of Indiana. I will ask just one last question. Are you going to offer the same amendment on the legislative appropriations bill?

Mr. WALKER. Yes, I am.

Mr. MYERS of Indiana. That means that the gentleman from Pennsylvania will not be paid, and all the other people here will not be paid if some person out here someplace working for the legislative branch is caught with a marijuana cigarette.

Mr. WALKER. I think the gentleman misunderstands the word "workplace." The word "workplace" would indicate that if somebody uses drugs within my workplace, in my office, we have got a problem in my office. It does not cut off the money to the gentleman's office.

Mr. MYERS of Indiana. You mean that on the job someplace, if it is an office where they use it, the contractor gets paid?

Mr. WALKER. The word here is "workplace."

Mr. MYERS of Indiana. I do not know. I think you may have something, but I am afraid it is not properly drafted today, and I am worried about it.

Mr. WALKER. If the gentleman will yield again, part of the problem, as the gentleman well knows, is that you cannot draft amendments here that then pass muster. You all, and the committee, were willing to have a point of order against this amendment unless it was drafted in a particular way to get by.

Mr. MYERS of Indiana. Now, don't say "you all."

Mr. WALKER. And then you use the fact that it is drafted in a certain way to say that it does not contain enough information. I suggest that the gentleman——

Mr. MYERS of Indiana. Are you saying that this gentleman said he would raise a point of order?

Mr. WALKER. The gentleman did not. The committee did.

The CHAIRMAN. Does any other Member wish to seek time?

Mr. BEVILL. Mr. Chairman, I raise no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 127, not voting 31, as follows:

[Roll No. 132]

AYES—273

Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonker
Boxer
Brennan
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Cardin
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clement
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
Dicks
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Florio
Foglietta
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grant
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Jeffords
Jenkins
Kaptur
Kasich
Kemp
Kleczka
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
N[illegible]er
Neal
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Panetta
Parris
Patterson
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Solomon
Spratt
St Germain
Staggers
Stallings
Stump
Sundquist
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Wolf
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOES—127

Ackerman
Akaka
Aspin
Atkins
Beilenson
Berman
Boland
Borski
Bosco
Boucher
Brooks
Brown (CA)
Bustamante
Campbell
Carper
Clay
Clinger
Collins
Conyers
Coyne
Crockett
de la Garza
Dellums
Dickinson
Dixon
Donnelly
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gonzalez
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Hawkins
Hayes (IL)
Hoyer
Hughes
Jacobs
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kostmayer
Lantos
Lehman (FL)

Leland
Levin (MI)
Lewis (GA)
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McHugh
Miller (WA)
Mineta
Moakley
Morrison (CT)
Myers
Nagle
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Pease
Pelosi
Rangel
Ray
Ridge
Rodino
Rogers
Roybal
Sabo
Savage
Sawyer
Scheuer
Schumer
Shumway
Sisisky
Smith (FL)
Smith, Robert (OR)
Stark
Stenholm
Stokes
Studds
Sweeney
Swift
Synar
Torres
Towns
Traxler
Udall
Vento
Visclosky
Waxman
Wheat
Whitten
Williams
Wilson
Wolpe
Yates

NOT VOTING—31

Biaggi
Bonior
Boulter
Courter
DeFazio
Dingell
Duncan
Hubbard
Ireland
Jones (TN)
Kolter
LaFalce
Levine (CA)
Lewis (CA)
Lipinski
Luken, Thomas
Lukens, Donald
Mack
MacKay
Mica
Moody
Pashayan
Smith (IA)
Solarz
Spence
Stangeland
Stratton
Vander Jagt
Weiss
Whittaker
Wise

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The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Dingell against.

Messrs. STENHOLM, FLAKE, AKAKA, and TRAXLER changed their votes from "aye" to "no".

Mrs. SMITH of Nebraska, and Messrs. PORTER, TRAFICANT, CHAPPELL, ANNUNZIO, AuCOIN, ROSTENKOWSKI, FOGLIETTA, HANSEN, PANETTA, KLECZKA, MARTIN of New York, RAVENEL, BEREUTER, JEFFORDS, ORTIZ, SIKORSKI, HASTERT, HORTON, and HERTEL changed their votes from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PURSELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman of the Energy and Water Development subcommittee, Mr. Bevill, in a brief discussion on several specific aspects of our markup concerning the superconducting super collider.

Action we took in appropriating $100 million and in developing supporting report language to prohibit physical site construction at this time is not intended to restrict the Department of Energy in conducting research and development which could support eventual detailed design and engineering of long-lead time non-site-specific products and processes. Am I correct in my understanding of this provision of the report language?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from Alabama [Mr. Bevill].

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. PURSELL. I thank the chairman of the subcommittee.

Mr. Chairman, this week, your vote will determine whether the United States will begin building the newest, biggest, and most important scientific research center in the world: the superconducting super collider [SSC].

Included in the Department of Energy Appropriations bill before the House this week is the first major funding for this huge step forward in penetrating the most profound secrets of our universe.

The superconducting super collider is an atom smasher built on a grand scale. Two rings of metal pipe 53 miles around running through a concrete tunnel. Ten thousand superconducting magnets will line the tunnel. Inside the two pipes narrow beams of protons—tiny nucleus of the hydrogen atom—whirl around the tunnel in opposite directions at nearly the speed of light. When peak speeds are reached, the two beams of protons are forced into each other. A hundred million protons collide every second. Their fierce energy generates enormous heat in a tiny fireball. From each tiny cataclysm a shower of subnuclear particles speeds away to be caught and recorded by sophisticated electronic detectors for scientific analysis.

This is indeed a super collider.

Ok, you say, it's spectacular. But is it worth the big cost? What does Uncle Sam get for his hundreds of millions?

Here are just a few of the benefits from this major scientific research project:

First. World leadership: It will be the biggest collider in the world, attracting scientists from around the globe.

Second. New technologies: The technology needed to build super collider should quickly lead to new developments in such vitally important areas as superconducting magnets, advanced computers and electronics, and super cooling techniques. In addition, the basic research involved is almost certain to produce totally unexpected discoveries of future benefit. The computer chip which makes possible our complex communications and business world of today, came from yesterday's basic super collider. We can only guess at what new marvels the super collider may bring.

Third. Inspiration for America's youth: Like the Apollo Moon landing project, the super collider will inspire and encourage many young people to point their lives toward careers in science and engineering. And those who do meet the challenges of this unprecedented search for scientific knowledge will be the future leaders in universities, industry, and government.

Fourth. Opening a new window on our universe: Possibly the biggest benefit will come from the answers the super collider will give us to some of the most basic questions about our universe—the fundamental forces operating it, the structure of the matter in it, how it all began, and whether it will ever end.

From any point of view, the United States can not afford to let this tremendous opportunity slip away. We in Congress must help to get this vital project started, and make certain that it is completed. The basic research done by the super collider will give us the knowledge which can be a cornerstone of our nation's economic, industrial, and defensive strength. Your vote for the super collider is a vote to assure a brighter future for our children and our country.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 1989".

Mr. BEVILL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Pease, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4567) making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 384, noes 20, not voting 27, as follows:

[Roll No. 133]

AYES—384

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior

Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Craig
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—20

Archer
Broomfield
Burton
Crane
Dannemeyer
Dreier
Frenzel
Gregg
Jacobs
Kennedy
Oxley
Ritter
Sensenbrenner
Sharp
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Swindall
Upton
Walker

NOT VOTING—27

Biaggi
Boulter
Courter
DeFazio
Dingell
Duncan
Hubbard
Ireland
Jones (TN)
Kolter
Levine (CA)
Lewis (CA)
Lipinski
Lukens, Donald
Mack
MacKay
Mica
Moody
Pashayan
Smith (IA)
Solarz
Spence
Stratton
Vander Jagt
Weiss
Whittaker
Wise

□ 1738

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF CONGRESSIONAL AWARD BOARD

The SPEAKER laid before the House the following resignation as a member of the Congressional Award Board:

Chicago, IL, *March 1, 1988.*

Hon. JAMES WRIGHT,
Speaker of the House of Representatives, Washington, DC

DEAR MR. SPEAKER: Having had the opportunity to work with the Congressional Award Program during the past eight years has been a source of great personal satisfaction. My one regret has been our inability to generate national recognition and adequate funding for this much needed program.

I am delighted that Mr. Dewey has agreed to accept, temporarily, the Chairmanship of the Program and do feel with re-organization and his inspired and knowledgeable leadership that the program will eventually attain public corporate acceptance.

Knowing all of this, it is difficult for me to write this letter. Perhaps it has been happening gradually, but I suddenly find myself with so many civic and charitable commitments that it is difficult to do them all well. At the same time, my business obligations are requiring additional time and attention. Since I realize that membership in the Congressional Award Board carries with it both privileges and responsibilities, I do not feel justified in enjoying the former without being in a position to fulfill the latter especially when I know I cannot devote to it my full share of attention.

Therefore, I submit with regrets effective immediately, my resignation as a member of the Congressional Award Board of Directors.

Kindest personal regards,
Sincerely,
PATRICK L. O'MALLEY.

The SPEAKER. Pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the Chair appoints Mr. Stuart C. MacIntire of Shaumberg, IL, to the Congressional Award Board, on the part of the House to fill the existing vacancy thereon.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF MONITORED RETRIEVABLE STORAGE REVIEW COMMISSION

The SPEAKER laid before the House the following resignation as a member of the Monitored Retrievable Storage Commission:

VICTOR GILINSKY,
Glen Echo, MD, April 7, 1988.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC

DEAR MR. SPEAKER: I am writing to inform you that I am regretfully unable to accept appointment to the Monitored Retrievable Storage Commission. I want to thank you for the honor of the appointment.

The highly important work of the Commission is in good hands. I have been very much impressed with my fellow appointees in our initial meeting and I look forward to an excellent report. I would of course be ready to help in any way I can in a private capacity.

Sincerely,
VICTOR GILINSKY.

The SPEAKER. Pursuant to section 143 of the Nuclear Waste Policy Act, as amended by section 5021 of Public Law 100-203, the Chair appoints, with the concurrence of the President pro tempore of the Senate, the following individual to the Monitored Retrievable Storage Review Commission to fill the existing vacancy thereon:

Mr. Frank Parker of Sommerville, MA.

□ 1740

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on tomorrow, Wednesday, May 18, 1988.

COMMENDING THE PRIME MINISTERS OF TURKEY AND GREECE FOR THEIR STATESMANSHIP IN INITIATING THEIR CURRENT DIALOG

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 274) commending Prime Minister Ozal of Turkey and Prime Minister Papandreou of Greece for their statesmanship in initiating their current dialog.

The Clerk read as follows:

H. Con. Res. 274

Whereas Greece and Turkey play a key role in the defense of the southern flank of the North Atlantic Treaty Organization;

Whereas an improvement in the bilateral relationship between these countries could facilitate the strengthening of the defensive capabilities of the North Atlantic Treaty Organization, both in the Aegean and throughout the southern flank of NATO;

Whereas Prime Minister Papandreou of Greece and Prime Minister Ozal of Turkey held a face-to-face meeting in Davos, Switzerland in February 1988, and they met for a second time in Brussels, Belgium in March 1988;

Whereas this extraordinarily important dialogue is to be continued in June of this year, when Prime Minister Ozal makes a visit to Greece;

Whereas the United States, as a member of the North Atlantic Treaty Organization, has a major interest in maintaining good relations with both Greece and Turkey;

Whereas the continuation of the dialogue between Prime Minister Ozal and Prime Minister Papandreou holds out the hope for better relations between Greece and Turkey, which in turn could facilitate an improvement in United States relations with each country; and

Whereas this series of summit meetings may result in the creation of an atmosphere that is conducive to a resolution of the differences between Greece and Turkey over the Aegean and other issues, as well as a resolution of the Cyprus problem: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends Prime Minister Papandreou of Greece and Prime Minister Ozal of Turkey for their statesmanship in initiating their current dialogue; and

(2) expresses the hope that their talks will lead to progress in reducing regional tensions, strengthening the southern flank of the North Atlantic Treaty Organization, facilitating a solution to the bilateral dispute over the Aegean, and encouraging a resolution of the Cyprus conflict, consistent with the good offices mission of the Secretary General of the United Nations.

The **SPEAKER.** Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. Fascell] will be recognized for 20 minutes and the gentleman form Michigan [Mr. Broomfield] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. Fascell].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 274, commending the Prime Ministers of Greece and Turkey for their statesmanship in initiating their current dialog. At the outset I want to commend the gentleman from New York [Mr. Solarz] and the gentleman from Pennsylvania [Mr. Yatron] for their leadership in bringing forth this important resolution.

Mr. Speaker, the Congress and successive administrations have been grappling with the complex and extraordinarily difficult problems of the Eastern Mediterranean for many years. Trying to reach an equitable and lasting settlement of the Cyprus dispute and other disputes between Greece and Turkey has been a nettlesome task. At the same time, United States policy has tried to maintain good relations with both Greece and Turkey, who occupy important strategic positions on NATO's southern flank.

One of the major obstacles to a Cyprus settlement has been the unwillingness, for a variety of reasons, of both Greece and Turkey to actively participate in direct diplomacy to resolve the contentious problems of the Greek and Turkish Cypriot communities on Cyprus. Nonetheless, some new hopeful signs have developed in recent months which may help bring important progress on the Cyprus dispute. Prime Ministers Papandreou and Ozal have now held face-to-face meetings in February and March of this year and Prime Minister Ozal will make an unprecedented visit to Greece in June.

House Concurrent Resolution 274 is an important policy statement expressing the support of the Congress for this Greek-Turkish summitry. The resolution rightly states that strengthened bilateral relations between Greece and Turkey could facilitate NATO defense capabilities on the southern flank and improve United States relations with both countries as well. It also expresses support for long sought United States foreign policy objectives, including solutions to both border disputes between Greece and Turkey and the Cyprus conflict.

Mr. Speaker, we have had many long and contentious debates on the floor of this House over the proper U.S. policy direction and implementation in the Eastern Mediterranean. The summitry between Prime Ministers Papandreou and Ozal offer us the chance to move beyond this often divisive debate and toward a consensus, bipartisan, and thus more effective U.S. foreign policy in the Eastern Mediterranean that enables us to move forward where stalemate has plagued us for far too long.

I urge my colleagues to support House Concurrent Resolution 274.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. Hamilton] who is the chairman of the Subcommittee on Europe and the Middle East.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

I also rise in strong support of House Concurrent Resolution 274. It is a resolution commending Prime Minister Ozal of Turkey and Prime Minister Papandreou of Greece for their statesmanship in initiating a bilateral dialog on the issues that have divided their two countries for so long.

This resolution is the product of the leadership of our two colleagues, Mr. Solarz and Mr. Yatron. I commend my two colleagues for their initiative on this matter.

House Concurrent Resolution 274 has the support of the administration and it passed the House Foreign Affairs Committee unanimously on April 27, 1988.

Greece and Turkey are two important NATO allies. Their continued strong participation in and support for the alliance is crucial to the protection and promotion of U.S. interests in the Eastern Mediterranean. Over the years, disputes between these two countries have hindered NATO cooperation and complicated planning for the defense of the southern flank.

The ability of Greece and Turkey to resolve their differences is a major interest of the United States. It is in our interest that the process begun in Davos, Switzerland, this February be extended and strengthened in the months ahead. We hope that Prime Minister Ozal's upcoming visit to Athens is a success and that this current dialog will lead to a reduction of tensions in the region, including on Cyprus where the United States continues to have a strong interest in achieving substantial progress toward a just and lasting settlement of the Cyprus dispute.

I urge my colleagues to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also support this resolution before us commending the Prime Ministers of Turkey and Greece for their efforts to improve relations between their two countries.

While I am pleased by this new peace effort, I want to add a note of realism. The problems of Cyprus are very complex. Actions, not mere words, are needed. Now is the time to show good faith. Now is the time to withdraw the 30,000 Turkish troops from that island. Now is the time for Ankara to do something about the 65,000 illegal settlers brought to Cyprus from Turkey. Now is the time for the Turkish Prime Minister to stop his government's efforts to annex northern Cyprus. These are key decisions if Cyprus is to have peace.

We all know of the difficulties which have plagued the Greek-Turkish relationship over the years. Both countries are key NATO members who occupy strategic positions along the southern flank of NATO. Both nations have close ties with the United States. It is in our national interest that a solution to the Cyprus dilemma is found.

While I am supportive of a negotiated approach to the Cyprus problem, I have seen peace initiatives in the past fail because the two parties were not ready for peace. A real commitment to solving the Cyprus dilemma is essential if this effort is to produce the results that we all want.

I commend Congressmen SOLARZ and YATRON for this timely legislative initiative. I urge my colleagues to support this resolution.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I thank the chairman for yielding this time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 274, which commends the Prime Ministers of Greece and Turkey for their statesmanship in initiating their current dialog. I commend Chairman FASCELL, Mr. BROOMFIELD, Mr. HAMILTON, and Mr. GILMAN for expeditiously considering this resolution.

Mr. Speaker, I think that this resolution is the first initiative considered by Congress in recent years which has the support of Greece, Turkey, and the administration.

The recent dialog between Prime Ministers Papandreou and Ozal has created a summit-like atmosphere between Greece and Turkey which could result in several concrete steps to improve relations between these two NATO allies. The issues which have divided them in the past must be resolved through conciliation not confrontation. The first two Ozal-Papandreou meetings were conducted in a positive manner and there is great hope that Prime Minister Ozal's visit to Athens in June will continue along the same lines.

However, our optimism must be tempered by the fact that these nations have been at odds for years and that it will take time to resolve their differences.

Mr. Speaker, this resolution is carefully crafted so as to strongly support the procedures to improve relations between Greece and Turkey without taking sides on substantive differences.

The key matters which divide Greece and Turkey, specifically the Aegean and Cyprus, must be handled with great care. There is an ongoing effort to determine how these matters will be considered in future Greek-Turkish dialogs, and it is important for the United States not to attempt to define their agenda.

Aegean-related issues including the use of airspace, the Continental Shelf and other territorial matters have direct implications for NATO and United States interests. Both NATO and the World Court could play constructive roles in tackling the Aegean problem. But ultimately it is up to Athens and Ankara to facilitate a common understanding and approach on the Aegean.

As far as Cyprus is concerned, while both nations have a role to play, a settlement of this dispute must be determined by the Republic of Cyprus and the Turkish-Cypriot community. This resolution expresses the hope that a Greek-Turkish dialog might contribute to a settlement of the Cyprus problem.

Finally, Mr. Speaker, I want to pay special tribute to the gentleman from New York [Mr. SOLARZ] for his leadership in sponsoring and crafting this resolution. While we have differed over the years with respect to United States policy toward these two key allies, we completely agree that we have vital interests in the Aegean and the Eastern Mediterranean, and those interests would best be served through a rapprochement between Athens and Ankara.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, my colleague from Pennsylvania has stated well the proposition that lies before us, as did the gentlemen of the committee who are in charge of this particular piece of legislation. This is a remarkable development given the history of the Aegean and the nations involved in this resolution and what has occurred for literally hundreds of years in bad blood, literally and figuratively bad blood that has existed between these two nations, and, if an opportunity presents itself through the summit meetings, to which allusion has been made, then we ought to foster them as strongly as possible, and that is exactly what this resolution does.

The outstanding problems, again well reiterated here on the floor, include one other that I wish to place into the consciousness of those who are interested in this new development, and that is the integrity of the patriarchy of the Eastern Orthodox Church within Turkish territory and which has caused so much agony within the Eastern Orthodox community of the world. After all, that is where resides the head of the entire Orthodox community, and the Turkish Government, which is in control of that area, must take that into consideration in establishing this new rapport. It should give a kind of an indication that the integrity and sanctity of that St. Sophia, the cathedral that means so much to so many millions of Orthodox Christians, remains intact, and safe and able to progress in its mission. And so we add the patriarchy to the Aegean, to the air space problems and to Cyprus, and who knows? Perhaps before many of us end our service in the Congress we will have even more remarkable developments than the one we are taking into account this evening.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 274, to commend the Prime Ministers of Turkey and Greece for initiating their current dialog.

The recent meetings between the leaders of Greece and Turkey, and subsequent warming of relations between those two countries, is a development that we all can applaud. Tension in the Aegean between two NATO allies does no one any good; all it does is give comfort to our common adversaries.

We all hope that this improvement in the relations between our two friends will continue with the strong support of the American people and their Government.

We should give credit for this initiative not only to the leaders of Greece and Turkey but to their constituents as well, for the people of both countries have warmly supported this initiative, and it could not continue without that support.

The expression "the spirit of Davos" will join "the spirit of Camp David" in the annals of diplomacy as a symbol of close, sincere, and we hope, successful cooperation between governments and leaders formerly sharply at odds.

I want to commend the gentlemen from Pennsylvania [Mr. YATRON] and New York [Mr. SOLARZ] for having introduced this resolution and brining it forward to this point. It was my pleasure to support it in our Subcommittee on Europe and the Middle East; we all appreciate the support and assistance of the gentleman from Indiana [Mr. HAMILTON] for arranging for its early consideration in committee and on the floor.

Mr. FEIGHAN. Mr. Speaker, I rise in support of the resolution and I would like to commend Mr. YATRON and Mr. SOLARZ for recognizing the efforts of Prime Minister Papandreou of Greece and Prime Minister Ozal of Turkey. These statesmen deserve our support. Together, they are making a courageous break with the past and charting a new path toward true peace in the Aegean.

This resolution recognizes how important that process is to United States interests. Greece and Turkey anchor the southern flank of NATO. If they are strong, free, and at peace, we are more secure. If they are divided, we are at risk. By expressing our hope for an atmosphere of constructive cooperation in the Aegean, this resolution underscores our shared goal of strengthening the NATO alliance and stabilizing its southern flank.

Finally, let me say that this dialog comes at an important time for all parties in the region. In Greece, we are in the midst of important base negotiations. In Turkey, we have just concluded a high level defense group meeting designed to begin implementing the recently Deca side letter. And in Cyprus, we recently witnessed the inauguration of a new President who has indicated his strong commitment to working with the Secretary General for a resolution to the Cyprus dispute.

Given the wide range of issues that concern us, our strong commitment to maintaining friendly and strong relations with both Greece and Turkey, and the Congress' long-time commitment to encouraging a just resolution of the Cyprus conflict, I strongly support the passage of this resolution.

Mr. BILIRAKIS. Mr. Speaker, I and many of my colleagues have, for years, worked to encourage a fair and appropriate solution to the serious situation which currently exists on the island Republic of Cyprus. Unfortunately, years of well-intentioned attempts, by the Members of the U.S. Congress, by the Secretary General of the United Nations et cetera, have, to date, failed to resolve the problems that the citizens of this partitioned nation are experiencing.

Not only have we not seen any success, Mr. Speaker, but, worse still, the past 14 years have borne witness to a doubling of Turkish troops on Cyprus, an alarming influx of settlers from mainland Turkey, as well as a number of other violations against international law and pertinent U.N. resolutions.

Hard as it may be to believe, however, there may be another chance at a breakthrough in this most unfortunate stalemate. Last February, Mr. Speaker, the citizens of Cyprus elected a new President—George Vassiliou who has already demonstrated his sincere commitment to promoting a just and equitable settlement of the 14-year-old stalemate. Specifically, President Vassiliou has focused his efforts on a proposal for total demilitarization of the Republic—implying the withdrawal of not only Turkey's 35,000 strong occupational army but also of the more than 60,000 settlers from mainland Turkey.

In exchange, despite the security risks involved, Cyprus is willing to dismantle its own defenses and dissolve its national guard, Mr. Speaker, as part of the comprehensive program. President Vassiliou's proposal envisions, instead, the creation of an international peace force in Cyprus under the auspices of the United Nations to strengthen the sense of security of Cyprus and the establishment of effective international guarantees to protect Cyprus from future threats to its sovereignty.

I, for one, Mr. Speaker, would like to commend President Vassiliou for his initiative. The positive results of such a demilitarization programs cannot be underestimated. Demilitarization would not only enable the two Cypriot communities to overcome artificial barriers imposed by outside forces and work together to eliminate their outstanding differences, but the withdrawal of Turkish and Greek troops from Cyprus will eliminate the most likely scenario for conflict between these two NATO allies.

Mr. Speaker, we, in Congress, have a responsibility to use our influence to encourage the adoption of this unprecedented, far-reaching, and constructive initiative. After all, there is good reason for hope and optimism in light of the unprecedented current dialogue between the Prime Ministers of Turkey and Greece. Let's do all we can, Mr. Speaker, to encourage the spirit of reconciliation currently between Greece and Turkey in Cyprus, too.

□ 1750

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 274).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT THE SOVIET UNION SHOULD PROCLAIM A GENERAL AMNESTY FOR IMPRISONED CHRISTIANS

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 223) expressing the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes, as amended.

The Clerk read as follows:

H. CON. RES. 223

Whereas throughout 1988, celebrations will be held throughout the Soviet Union to commemorate the Christianization of Kievan Rus' in 988 A.D.;

Whereas Christian churches have been instrumental in sustaining the faith of the believers and in developing the religious culture of the region;

Whereas the Christianization of Kievan-Rus' has made outstanding contributions to world literature, music, folk art, customs, and places of worship;

Whereas, although the Constitution of the Soviet Union guarantees religious freedom, Soviet leaders, over the past 70 years, have sought to dissolve many forms of religious witness in the Soviet Union and replace them with Marxist atheism;

Whereas the Soviet Union is signatory to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Madrid Concluding Document and has an obligation to comply with the United Nations Universal Declaration of Human Rights;

Whereas the Soviet Union is committed under Principal VII of the Helsinki Final Act to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.";

Whereas in the Soviet Union it is illegal to formally teach religion to persons under 18 years of age;

Whereas openly distributing Bibles or other religious materials has been restricted in the Soviet Union and in some cases has been the basis for imprisonment and harassment;

Whereas thousands of churches have been closed and confiscated in the Soviet Union during the last seven decades, and the Soviets have severely restricted the number of theological seminaries; and

Whereas there are at present nearly 150 Christians who are known to be serving prison sentences, are in exile, or are confined in psychiatric institutions in the Soviet Union because of their religious beliefs, including Balys Gajauska, Viktoras Petkus, Pastor Ivan Antonov, Pastor Nikolai Boiko, Semyon Skalich, Lev Lukyanenko, Father Vladimir Rusak, and Victor Walter: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Soviet Union should comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Madrid Concluding Document, and the United Nations Universal Declaration of Human Rights and allow Christians to practice their faith without interference, persecution, or harassment;

(2) the Soviet Union should grant a general amnesty for all Christians who have been imprisoned because of their religious beliefs;

(3) the Soviet Union should allow religious believers of all ages to worship and practice their faith without restrictions in their homes and churches;

(4) the Soviet Union should permit unlimited publication, distribution, and importation of Bibles and other religious materials in all languages; and

(5) the Soviet Union should allow churches that are closed or used for secular purposes to reopen, allow new churches to be built when needed, and allow theological seminaries to open or expand in order to insure an adequate supply of priests and pastors for the parish churches.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

Mr. BROOMFIELD. Mr. Chairman, I ask unanimous consent that the time may be controlled on this side by the gentleman from New York [Mr. SOLOMON], who is the ranking member of the Subcommittee on Human Rights and International Organizations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 223, expressing the sense of the Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to freely practice their faith.

This measure was considered by the Committee on Foreign Affairs where it received unanimous bipartisan support. I commend its sponsor, the distinguished Representative from New Jersey, Mr. Smith, for his tireless efforts to bring this important issue to our attention and the distinguished chairmen of the Subcommittee on Europe and the Middle East and the Subcommittee on Human Rights and International Organizations, Mr. Hamilton and Mr. Yatron, for their expeditious consideration of the resolution and for their unyielding commitment to the cause of human rights and religious liberty.

It is a particularly appropriate time for the Congress to urge the Soviet leadership to free imprisoned Christians. This year marks the millennium of Christianity in the Soviet Union. Later this month, the issue of religious freedom in the U.S.S.R. will be raised by President Reagan during his historic Moscow summit with General Secretary Gorbachev. By acting on this resolution now, we will signal our strong and unequivocal support for the President's efforts to press the Soviet Union to abide by its international human rights commitments and allow the free exercise of religious rights for all believers.

We welcome the modest improvements that have been made in this area in the Soviet Union, such as the decision to allow the printing of some Bibles and to allow greater autonomy for the Russian Orthodox Church. We hope that the visit to the Soviet Union early next month of a high-level Vatican delegation and a delegation of American Catholics, led by New York's John Cardinal O'Connor, is indicative of future improvements in the situation of the churches and will lead to an alleviation of the plight of all Christians, including members of the banned Ukrainian Catholic Church and unregistered Pentecostal and Baptist congregations. We are hopeful that conditions of Catholics and other Christians throughout the Soviet Union and in Soviet-occupied Lithuania would improve to the point that a Papal visit to Ukraine, Lithuania, and the Soviet Union would be possible.

A thoughtful piece on the prospects and potential of a visit by Pope John Paul II to the Soviet Union was written last year by Leo Wollemborg and appeared in the May 21, 1987, Wall Street Journal. I ask unanimous consent that the article accompany my statement on this resolution.

Mr. Speaker, one important condition that could make a Papal visit to the Soviet Union feasible is the immediate release of those Christians imprisoned for attempting to freely profess or practice their religious beliefs. I hope that the Soviet leaders will seize the opportunity presented to them by the commemoration of the 1,000th anniversary of Christianity and grant a general amnesty for all imprisoned Christians, as called for in House Concurrent Resolution 223. Such a bold action would certainly enhance the Soviet Union's reputation for religious tolerance and its fidelity to its international human rights commitments.

I urge immediate adoption of House Concurrent Resolution 223.

Mr. Speaker, I include the following article:

[From the Wall Street Journal, May 21, 1987]

MIXED BLESSINGS OF A SOVIET VISIT BY THE POPE

(By Leo Wollemborg)

ROME.—The first visit by a pope to the Soviet Union may take place as early as next year. A decision will be made within a few months, and if the trip occurs it will have far-reaching consequences well beyond the scope of relations between the Roman Catholic Church and the Kremlin.

The Vatican's Ostpolitik, its approach to the U.S.S.R. and Eastern Europe in general, has been characterized by two main guidelines pointing in different directions and far from easy to reconcile. Agostino Cardinal Casaroli, secretary of state, that is, the Vatican's prime minister, described the guidelines to me back in 1972, when he was secretary of the church's public affairs counsel, popularly known as the pope's foreign minister. "Our main concern," he said, "is to relieve the plight of Catholics of the U.S.S.R. and of the other Communist-ruled countries of Eastern Europe. But the Holy See is so deeply interested in helping promote a world of peace that it does not hesitate to collaborate to that effect even with countries where conditions of Catholics are far from satisfactory."

A year earlier Cardinal Casaroli had been the first ranking Vatican representative to visit officially the Soviet Union when he traveled to Moscow to sign, on behalf of the Holy See, the nuclear nonproliferation treaty. He was also a main proponent of the Vatican's participation in the Helsinki Conference on European Security and Cooperation and the top negotiator of religious and diplomatic accords with Yugoslavia and Hungary. Because of his untiring efforts in these connections, Cardinal Casaroli has been criticized, within and outside the Vatican, as too inclined to favor "openings" and make "concessions" to Communist regimes even though he is fully convinced, as he told me time and again, that Vatican diplomacy must keep "its eyes wide open" when dealing with such regimes.

What about Pope John Paul II?

The pope is acutely aware of the difficulties and pitfalls of dealing with Communist regimes. Observers say, moreover, that Pope John Paul II is by temperament and training "less diplomatically minded" than his secretary of state. "Both of them realize full well that reasonable modus vivendi is the best that can be expected to emerge from drawn out negotiations with the Soviets," a highly-placed Vatican official said recently, "but Casaroli might be more likely than the pope to compromise."

On the other hand, Pope John Paul II loves to travel, and a trip to the U.S.S.R. would mark not only a "first" for a pope but a remarkable personal achievement. A tailor-made opportunity for this arises with next year's millennium celebrations of the introduction of Christianity into the Eastern Slav world through the baptism of Ukrainian leader Prince Vladimir of Kiev and his people. Throughout the subsequent vicissitudes which buffeted the region between a still-powerful Polish kingdom and a rising expansionism of Czarist and Orthodox Russia, many Ukrainians who were following Eastern Catholic rites maintained their links with the Roman church.

But in 1945, Stalin compelled Ukrainian Catholics (numbering over 4.5 million) to declare themselves atheist or join the Russian Orthodox Church. Those who refused were persecuted. Their leader, Archbishop Joseph Slipyi of Lvov, was jailed. He was released and expelled from the U.S.S.R. in 1963 when Nikita Khrushchev wanted to make a friendly gesture to Pope John XXIII. Several million Ukrainian Catholics who settled down mostly in North and South America have preserved their Catholic heritage and loyalty to Rome. Archbishop Slipyi died in 1984 in Rome, which is the residence ov Miroslav Cardinal Luvachivsky, Archbishop Slipyi's successor as religious head of all Catholic Ukrainians.

"The pope should not and will not go to Moscow until and unless there is some concrete improvement in the conditions of Catholics in the Ukraine and elsewhere in the Soviet Union, at least some initial steps toward recognizing their religious liberty," Cardinal Luvachivsky told me in a recent interview, reflecting the hopes and worries of his people. "Both the pope and his secretary of state," the cardinal recalled, "have told me recently: 'we cannot abandon an Eastern Catholic church.'" Adds the cardinal: "Of course, our people would be happy if the pope could visit them over there. But under the circumstances such a visit would be ill-timed and counterproductive because it would be exploited by Soviet rulers for purely propaganda purposes."

Much the same appraisal comes from Stasys Lokoraitis, who is in charge of the Lithuanian legation to the Holy See (the legation's continued operation is evidence of the Vatican's refusal to recognize the Soviet annexation of Lithuanian—as well as of Latvia and Estonia—following the Hitler-Stalin pact of 1939). Lithuania has the greatest concentration of practicing Catholics in the U.S.S.R.—about 3.5 million, or some 90% of the population of the region. In Lithuania, Mr. Lokoraitis observes, "loyalty to Catholicism and national feeling combine and reinforce each other." A trip to Moscow by Pope John Paul II, specialists in Eastern European affairs here agree, would "give new respectability to the Soviet image in the world and to Soviet political projects." It would be a feather in Premier Gorbachev's hat, moreover, if he "could point to improved relations with the Catholic church, the only institution which has resisted 'assimilation' by the Communist regime and has indeed managed to retain an influence of its own and a measure of independence within the Soviet empire."

But are those prospects alluring enough for the Kremlin to let the pope visit the Ukraine and Lithuania? Pope John Paul II has traveled twice to his native Poland and will go there again next month, but as recently as 1984 the Soviets turned down his request to visit Lithuania. And so far Mr.

Gorbachev's much touted "reforms" do not appear to include religious tolerance. The pope has made clear that his could not and would not be a "political trip" to Moscow but should be "a pastoral mission" and this obviously means going to Soviet controlled areas where most Catholics live.

The Italian press has been expecting for the past year and a half a visit by Mr. Gorbachev to Rome. Italian government leaders and the Soviet ambassador to Rome, Nikolai Nunkov (who is also a member of the Soviet Communist Party's Central Committee), have both said time and again that the visit would take place soon, but nothing definite has emerged so far. In an interview published yesterday in the Communist daily L'Unita, Mr. Gorbachev answered a question on the visit by saying, "I'm thinking about it all the time." He did not specify a date, Mr. Gorbachev would clearly like very much to visit a North Atlantic Treaty Organization country at a time of promising opportunities for the long-standing Soviet efforts to loosen ties between the U.S. and its European allies.

Rome, of course, is not only Italy's capital but the headquarters of the Roman Catholic Church. Foreign leaders coming to this city expect to meet both with their Italian counterparts and with the people in the Vatican. Andrei Gromyko, Nikolai Podgorny and Alexei Kosygin did so when they were respectively foreign minister, president and prime minister of the U.S.S.R. But this time around the prospects of a visit by the pope to the Soviet Union have generated much interest, adding relevance and urgency to the related issue of the conditions of Catholics in the Soviet Union, portending an early end of the current period of suspended animation in the relations between the Vatican and the Kremlin.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 223, a resolution expressing the sense of Congress that in 1988 the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes.

This resolution was introduced by our colleague on the Foreign Affairs Committee, the gentleman from New Jersey, Mr. CHRIS SMITH. The resolution has the support of the administration and is cosponsored by more than one-half of the House of Representatives.

It was approved by the Europe and Middle East subcommittee unanimously on February 25, 1988, and was approved by the Foreign Affairs Committee by voice vote on April 27, 1988.

Mr. Speaker, on April 19, 1988, the House passed Senate Joint Resolution 235 regarding the millennium of Christianity in the Ukraine. Since House Concurrent Resolution 223 basically deals with another issue, the treatment of Christians in the Soviet Union, the gentleman from New Jersey has amended his resolution to remove references to the millennium of Christianity, which was the focus of the previously passed resolution.

I commend the gentleman from New Jersey [Mr. SMITH], for his leadership on this issue and I hope that this resolution can help improve conditions for millions of Christians in the Soviet Union.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the ranking member of the full committee, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I want to join the chairman of the full committee, the gentleman from Indiana [Mr. HAMILTON] in support of this resolution. It is extremely important.

I want to thank the leadership for programming this resolution at this particular time.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 223, urging the Soviet Union to allow its Christians to freely practice their faith within their churches and homes, and to urge that country to proclaim, a general amnesty for its imprisoned Christians, I am pleased that the House is taking up this resolution at this important time when President Reagan and General Secretary Gorbachev prepare for the Moscow meeting.

This year will see the Soviet Union celebrate the millennium of the introduction of Christianity in Kievan-Rus. Yet this celebration is just another facade attempting to hide the plight of Christians in the Soviet Union.

There are nearly 150 well-documented cases of Christians incarcerated in gulags, and psychiatric hospitals in the Soviet Union because of their religious beliefs. Responsible human rights activists suggest there is the possibility of many, many more. Unregistered and unofficial churches are closed and their members are harassed and intimidated. Something as minor as the production and distribution of the bible and other religious materials is also hindered by official policies.

For the past several years, I worked on behalf of Mr. Igor Ogurtsov, a Russian Christian who was sentenced in 1967 to 20 years of incarceration, strict regime camp, and internal exile. He was found guilty of organizing the "all-Russian social Christian alliance for the liberation of the people," which sought to encourage the Soviet Government to follow Christian values.

Mr. Ogurtsov was finally released in February of last year, after serving the full 20 years of his sentence. He had opportunities to be released earlier if he had been willing to sign statements renouncing his views. During those 20 years of incarceration and exile, Mr. Ogurtsov's health seriously failed, and his case aroused the concern of those interested in human rights around the world. The Senate passed two resolutions urging the Soviet Government to release Mr. Ogurtsov, and the House approved my resolution urging his release in 1986. Yet even with demonstrated worldwide support for his release, the Soviet Government continued to punish this man, Igor Ogurtsov, for his religious beliefs, and it continues to punish others who are in similar situations.

Mr. Speaker, it is difficult for those of us in the United States who enjoy the right to freely practice our religious beliefs to understand the true plight of Christians in the Soviet Union. It is hard to imagine losing a job, being harassed by government officials, or going to prison and psychiatric hospitals for years because a person tries to teach his religious beliefs to his children, or because he seeks to practice his religious belief in his daily life. Yet that is the situation of many Soviet Christians today.

It does not seem to matter that the Soviet Union is a party to the Helsinki accords, the International Covenants on Human Rights, and the United Nations Universal Declaration of Human Rights. It does not matter that the Soviet Constitution guarantees freedom of religion. The disparity between the promises of religious freedom in the Soviet Union and the reality for religious groups in that country becomes glaring as we consider the message of hope that was brought to the Soviet Union a millennium ago.

Mr. Speaker, I wish to congratulate our colleague, Mr. CHRIS SMITH, for taking the leadership on this important issue, and I urge my colleagues to support House Concurrent Resolution 223. I would certainly hope General Secretary Gorbachev and his colleagues in the Soviet Union fully appreciate the seriousness with which we view the Soviet Union's poor religious and rights record. During this year of the millennium, it is time for General Secretary Gorbachev to finally open Soviet society to religious freedom also.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the conventional wisdom in many quarters today would have us believe that the confrontation between the United States and the Soviet Union is merely one of politics and economics. A resolution like the one now before us serves as a reminder that there are larger issues at stake than political and economic competition. And I congratulate our friend and colleague from New Jersey and Chairman YATRON for bringing this matter to our attention.

Mr. Speaker, I have pointed out before in this House that the ongoing Soviet persecution of religion does not happen by accident. Soviet communism is the first political ideology of modern times to be based exclusively on an atheistic interpretation of the nature and meaning of human life. Atheism is not derived from communism—it is the other way around. Marx was an atheist first, then he formulated his Communist theories. Communism itself is predicated on Karl Marx's hatred of Christianity, Judaism, and all religions.

But after 70 years of ruthless repression and mind-boggling social engineering, the self-professed followers of Marx in the Kremlin have totally failed to achieve their goal of eradicating religion. And, indeed, religious activity is today the most potent form of dissident activity within the Soviet Union.

And so this resolution rightly calls upon the leaders of the Soviet Union to recognize the truth and let the oppressed go free. Mr. Gorbachev and his cronies can act awfully brave sitting atop all of their armaments and munitions. But they seem strangely afraid of 200 Christians whose sole crime, in Soviet eyes, is their allegiance to a cause that leads them to worship God, instead of man; a belief whose final reference point is the Kingdom of God, not the political imperatives of the Soviet state.

It is important that we hold Mr. Gorbachev's feet to the fire through resolutions of this kind. Glasnost needs to be more than a slogan; it needs to be a concrete reality. And there is no better place for the Kremlin to start demonstrating its newfound intentions than in the area of religious freedom. For all of its overblown rhetoric about progress and historical inevitability, communism gets awfully squeamish in the face of a religious challenge.

And so I strongly urge the unanimous passage of this resolution. We must keep faith with all people in the Soviet Union who have been imprisoned on account of their religious beliefs.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 223, concerning the practice of Christianity in the Soviet Union. I commend the gentleman from New Jersey [Mr. SMITH] for his continuing and outstanding leadership on the issue of religious persecution in the Soviet Union and for his commitment to human rights throughout the world. I also want to commend the chairman of the House Foreign Affairs Committee, DANTE FASCELL; the Committee's ranking member, Congressman BROOMFIELD; the chairman of the Europe and Middle East Subcommittee, LEE HAMILTON; and the ranking member of the Subcommittee on Human Rights and International Organizations, Congressman JERRY SOLOMON, for all their hard work on this issue and resolution.

Mr. Speaker, while there have been some important and positive developments in human rights under General Secretary Gorbachev, the Soviet Union remains far from meeting its commitments under the Helsinki Final Act, the Universal Declaration of Human Rights, and other International Human Rights Covenants.

Mr. Speaker, the Subcommittee on Human Rights and International Organizations, which I chair, has conducted hearings on human rights abuses in the Soviet Union. Religious activity is still tightly controlled. Many religious believers continue to languish in prison or psychiatric institutions. Religions must register with authorities. The distribution of Bibles, theological studies, and the construction or renovation of churches are severely restricted. Religious activists are harassed and subject to various forms of persecution in the workplace and throughout society.

Mr. Speaker, clearly, House Concurrent Resolution 223 is most relevant and warranted. The celebration of 1,000 years of Christianity in the Soviet Union makes this resolution even more timely and important. The measure calls on the Soviet Government to proclaim a general amnesty for imprisoned Christians and to allow Christians to practice their faith in their homes and churches. It also calls on the Soviets to comply with their international obligations on religious freedom, and to permit wider dissemination of religious publications, including Bibles, and the building and operation of theological seminaries.

Mr. SOLOMON. Mr. Speaker, I yield such time as he might consume to the sponsor of the resolution, the gentleman from New Jersey [Mr. SMITH], and I also ask unanimous consent that the gentleman from New Jersey be allowed to manage the remainder of the time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, first of all, I want to thank the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from Indiana [Mr. HAMILTON], the gentleman from New York [Mr. SOLOMON], the gentleman from Pennsylvania [Mr. YATRON], and the gentleman from New York [Mr. GILMAN], for their support for this resolution and for their leadership in bringing this timely resolution before the floor today.

Mr. Speaker, according to Tass, on April 29, Secretary General Mikhail Gorbachev told several Orthodox Church leaders including Patriarch Pimen of Moscow that "errors that occurred regarding the church and believers in the thirties and subsequent years are being corrected."

Mr. Gorbachev said:

> A new law on freedom of worship is currently being drafted, which will also reflect the interests of religious organizations. * * * Believers are Soviet people, working people, patriots and they have the full right to express their convictions worthily. Restructuring, democratization and glasnost affect them, too, and completely, without any restrictions. * * *"

Several questions come to mind when we hear these unusual yet highly encouraging words.

First, does Mr. Gorbachev mean it? Will he match his words with deeds? Does he have the clout to succeed if, indeed, he has the will to try? Or is this, perhaps, another cynical attempt to mislead the Soviet people—and the world—especially when all eyes will be riveted on Moscow during the millennium celebration next month? It's worth noting on this particular matter that during the same speech to the Orthodox Church leaders on April 29 Mr. Gorbachev said:

> On the eve of this event [the millennium], I would like to express the wish that this event will proceed as a sign of uniting the believers in our country and all working people for the sake of the common great cause of restructuring, renewal of socialism, and full revelation of socialism's humane and moral potential . . . *Let the guests invited to the anniversary festivities and all believers on the planet see the peace-loving aspirations of the Soviet people.* [Emphasis added.]

It seems to me that a fair question to ask is, Are real reforms imminent or is this just a charade designed to coincide with the millennium observance?

Of course, Mr. Speaker, it's too soon to know the answer to this and other questions.

But I strongly believe that we ought to seize this apparent opportunity to prod, to press, and to encourage the Soviets to embrace some new and tolerant thinking about religion.

House Concurrent Resolution 223, which I introduced on December 8 of last year, calls on the Soviet Union to proclaim a general amnesty for imprisoned Christians and allow all religious believers to practice their faith without persecution, torture, harassment or interference by the authorities.

This resolution enjoys a strong bipartisan support as evidenced by the 274 Members who have tangibly expressed support for it by becoming cosponsors. I thank all who have supported this effort, especially Mr. YATRON, chairman of the Subcommittee on Human Rights, and ranking member, Mr. SOLOMON, and Mr. HAMILTON, chairman of the Subcommittee on Europe and Middle East, and ranking member, Mr. GILMAN.

House Concurrent Resolution 223 is a part of a sustained and rapidly growing worldwide effort to press the Soviets to live up to their obligations—and their word—to respect religious freedom as guaranteed by the Helsinki accords and the U.N. Declaration of Human Rights.

While much has been said and written about Secretary General Gorbachev's new openness or policy of glasnost, it seems to me that the time has come for a special kind of glasnost—a "religious" glasnost that includes a general amnesty and pardon for imprisoned believers and systemic reforms in the myriad of public and secret regulations and statutes that comprise the Soviet code on religion.

This resolution is a serious attempt to express to the Soviet leadership how highly Congress and the American people cherish religious freedom everywhere and how we would deeply respect—and applaud—the implementation of authentic reforms in this area.

Mr. Speaker, with the stroke of a pen Mr. Gorbachev can proclaim an amnesty for religious believers. According to Keston College, currently there are 219 known religious prisoners—over 130 of them are Christians.

Helsinki Watch testified before the Foreign Affairs Human Rights Subcommittee 2 weeks ago and said that of the 386 known political prisoners, more than half are incarcerated for religious reasons. Most are Pentecostals, Baptists, or other Evangelicals who were imprisoned under the antireligious criminal code articles such as article 142 and article 227. Helsinki Watch noted that although these two articles came under the amnesty of November 7, 1987, "only a handful of religious activists have been amnestied."

I believe an amnesty should include all persecuted believers—those about whom the West has specific data and those who are similarly mistreated but are unknown outside of the Soviet Union. In testimony before our committee a few days ago, Ludmilla Thorne of Freedom House cautioned that "our knowledge about religious believers who are still incarcerated in Soviet labor camps or prisons is only superficial * * * how many others are there whose names we don't know?"

Mr. Speaker, House Concurrent Resolution 223 highlights a number of the longstanding prisoners of conscience such as Balys Gaujaskas, a Lithuanian Roman Catholic who has spent 35 of his 61 years as a political prisoner. Viktoras Petkus has served more than 23 years because of his participation in the Lithuanian Helsinki monitoring group and in distributing religious books. In response to his religious activities, Ivan Antonov, a pastor of an unregistered Baptist church in the Ukraine, has served 21 years in prison and internal exile. Pastor Nikolai Boiko, another unregistered Baptist church minister, has spent 28 years in corrective labor colony and internal exile because of his religious activities. Ukrainian Catholic Semyon Skalich has been in corrective labor colonies and internal exile for writing "anti-Soviet" poetry. Lev Lukyanenko is a Ukrainian Orthodox lawyer who has been active in the Ukrainian Helsinki Monitoring Group and consequently served a total of 25 years as a political prisoner. Father Vladimir Rusak, a Russian Orthodox deacon, has been sentenced to 12 years in a corrective labor colony and internal exile for "anti-Soviet agitation and propaganda." Victor Walter, a Pentecostal pastor, was sentenced to 5 years in prison for refusing to send his children to school where they suffered persecution for their religious beliefs.

Finally, Mr. Speaker, it is hoped that a true amnesty will avoid features of previous releases whereby incriminating oaths and statements were required of religious prisoners as a precondition for amnesty. Moreover, it has come to my attention that of the 63 religious prisoners released between August 1987 and March 29, 1988, 25 were "conditionally released to build the national economy." This means, according to Keston College, that these religious prisoners are required to live in hostel-like living conditions while performing heavy manual, forced labor.

Mr. Speaker, I believe it is extremely important that fundamental changes in Soviet treatment of religion coincide with or follow soon after an amnesty.

Dr. Kent Hill, executive director of the Institute on Religion and Democracy, who recently returned from a trip to the Soviet Union noted that while there are some modest improvements in the status of believers, the situation is at best tenuous and that, historically, the absence of structural changes has resulted in renewed crackdowns.

Dr. Hill has written in an article soon to be published that:

> There were earlier thaws in religion in the 1920's, mid-1940;s and mid-1950's. In each case, an apparent improvement was followed by renewed crackdowns. What was missing in each earlier shift were the structural and legal changes which would have guaranteed more meaningful and permanent religious freedom. To date, Gorbachev's own policies have flirted with such changes, but they have not given them the force of law.

Mr. Speaker, the time has come for the Soviets to reappraise, as they have said they will—and reform—the laws and regulations that prohibit the free exercise of religion.

The time has come to scrap rules that prohibit religious education, especially for minors, and repeal laws that ban those few remaining churches and synagogues from charitable undertakings.

The time has come to permit the fundamental freedom to engage in religious observance in all of its forms including Bible studies.

The time has come to permit the importation and free dissemination of religious literature and objects, and to reopen the closed churches and synagogues, and seminaries and rabbinical schools.

The time has come to legalize religious denominations and groups whose membership is proscribed from practicing their faith openly, such as the Ukrainian Catholic and Orthodox Churches.

I believe we are pressing this sacred cause of religious freedom at an extremely propitious time. Mr. Gorbachev must know that while words and promises get much attention and engenders much hope, it's only action—deeds—that earns respect, and an honorable legacy. The time has come, Mr. Speaker, the time has come.

Mr. Speaker, I would like to submit for the RECORD a copy of the letter my friend, FRANK WOLF, and I sent to Feodor Burlatskij, Chairman of the Soviet Public Commission for Human Rights:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 19, 1988.

Feodor M. Burlatskij,
Chairman, Public Commission for Human Rights, Soviet CSCE, Kropotkinskaya 3, Moscow, USSR.

DEAR MR. BURLATSKIJ: As a follow-up to our discussions at the recent Conference on Human Rights and International Cooperation in Zeland, Holland, we have outlined below a number of reforms which we hope you will consider and champion within the inner echelons of power in the Soviet Union. It is our sincere hope that you will personally take these matters up with Secretary General Mikhail Gorbachev.

As we noted at the Conference, we believe that the freedom to worship according to one's conscience and belief is a fundamental human right enshrined in such international agreements as the United Nations Charter, the Universal Declaration of Human Rights, the Helsinki Final Act, and the U.N. Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. These international covenants, which the Soviet Union has signed and pledged to uphold, inextricably tie international peace and security to the protection of basic human rights.

We believe that significant progress in the area of religious freedom in the Soviet Union would help to improve relations between our governments in many other areas as well. Thus the steps we propose are intended to suggest specific reforms that we believe would bring Soviet state policy and practice toward religious communities and believers in line with international agreements on human rights and religious liberty to which your government has vowed adherence.

We have not failed to notice the release of some prisoners who had been confined as a result of their religious activities, an increase in the amount of religious literature allowed into the U.S.S.R. and a recent move to permit religious groups to engage in private charitable activities.

In order to conform to both the spirit and letter of the Helsinki Accords, we urge you to press for the following reforms:

1. Release all prisoners of conscience who have been convicted because of their religious activities and beliefs. In other words, declare an amnesty. We are distressed that many individuals, such as Lithuanian Catholic priests Reverend Alfonsas Svarinskas and Sigitas Tamkevicius, Ukrainian Baptist Nikolai Boiko, and Russian Orthodox Deacon Vladimir Rusak are currently serving long terms in labor camps for the expression of their religious beliefs. Ironically, the activities for which they were sentenced would no longer be considered crimes under "perestroika" and "glasnost." We are particularly concerned about the individuals who have been confined to psychiatric hospitals because of their religious activities, such as Ukrainian Catholic Hanna Mikhailenko, Lutheran Gederts Melngailis and Russian Orthodox Vasily Shipilov.

2. End harassment of religious activists who have been released from confinement. While we were pleased to note that some religious prisoners have been freed within the last year, we have become aware of the existence of harassment on the part of government authorities of persons who continue to express their faith. This harassment has ranged from difficulties in finding employment and housing in a city of their choice to beating and forced relocation, as in the case of the Baptist Barats family.

3. Institute legal and constitutional changes that guarantee religious liberty. We are disturbed by the fact that the Criminal Code of the U.S.S.R. contains articles that specifically restrict religious activity, the existence of which directly contradicts sections of various international human rights agreements. In particular, we refer to Articles 142 and 227 of the Criminal Code of the RSFSR and the equivalents in the Criminal Codes of the other republics of the Soviet Union.

We urge you to repeal these articles, as well as the March 18, 1966, Decrees of the RSFSR Supreme Soviet Presidium "on the Application of Article 142 of the RSFSR Criminal Code" and "On the Administrative Liability for the Violation of the Legislation on Religious Cults" and the equivalent decrees adopted by the Supreme Soviet Presidia of the other Union Republics; the Decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of April 8, 1929 and its equivalents in other Soviet republics as amended by a decree of the RSFSR Supreme Soviet Presidium of June 12, 1975; and the equivalent laws "On Religious Associations" adopted in other Union republics.

Finally, we understand that there exists hitherto secret or only partially-published decrees and directives that delineate structure and policy for the Council of Religious Affairs of the U.S.S.R. Council of Ministers. It is our belief that such orders should be made public and subject to discussion with the participation of representatives of all religious groups.

4. Legalize religious groups that currently are forbidden to practice their faith openly, such as the Ukrainian Catholic and Orthodox Churches. The Ukrainian Orthodox and Catholic Churches, which, with the help of government authorities, were forcibly liquidated and incorporated into the Russian Orthodox Church, in the 1930s and 1940s respectively, should be given the opportunity to exist as legal entities within the Soviet system. True religious freedom requires that each individual be allowed to worship according to his or her own conscience and belief. Arguments that these groups are historically members of the Russian Orthodox Church are not only inaccurate, but also irrelevant if individuals consider themselves adherents of the Ukrainian Catholic or Ukrainian Orthodox faiths. Legalization should include the restoration of churches and all other confiscated property.

5. Abolish the requirement that all religious groups must officially register with the state and have all their activities approved by government authorities. We believe that compulsory state registration constitutes government interference in the activities of religious communities that is prohibited by the U.N. Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

6. Allow religious instruction for both adults and children. Fundamental to the idea of religious liberty is the ability of religious communities to educate their members. With parental permission, clergy should be allowed to provide religious instruction outside the public school system, and organize private Bible study groups. We are concerned about harassment of or discrimination against religious believers in schools or places of work, and the fact that students are often pressured to join organizations espousing atheism or punished for declining to do so.

7. Lift restrictions on the importation and the free dissemination of religious literature and objects. While a relatively large quantity of Bibles and religious instructional materials have now been permitted to enter the Soviet Union, these do not come close to filling the needs of many believers who speak many different languages in many different areas of the Soviet Union. Neither should there exist restrictions on the publication and dissemination of religious publications.

8. End government restrictions on the education of clergy. Seminaries that have been closed should be reopened and allowed to function without government interference in admissions, faculty appointments or curriculum. Clergy should be allowed to maintain free and open contacts with their co-religionists around the world.

9. Allow religious groups to engage in private charitable activities. The ability to provide spiritual and material assistance to other human beings is a fundamental aspect of many religions. Though we have seen some progress in this area, it is important that government officials do not place limitations on the types of private charitable activities in which religious groups may engage.

Thank you for your attention to these proposals. We look forward to hearing from you regarding the prospects for these vital reforms in the Soviet Union.

Sincerely,

CHRISTOPHER H. SMITH,
Member of Congress.
FRANK R. WOLF,
Member of Congress.

□ 1805

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, so much has been said so well by the Members who have preceded me that I will not repeat it except to say how profoundly grateful I am to the gentleman from New Jersey [Mr. SMITH] for his initiative in bringing this matter before us.

Mr. Speaker, I would like to read to my colleagues the names of 137 known prisoners, and there are others, of course, but I have the names of 137 and I want to present them to my colleagues so that there is a record made that their identities are known and that we are concerned about their freedom and we hope that these and others will be released in acknowledgment of the millennium of Christianity in the Soviet Union.

KNOWN CHRISTIAN PRISONERS IN THE SOVIET UNION

(List prepared by the Institute on Religion and Democracy; based on information provided by Keston College, England)

Samvel Aleksanyan, Alexander Ivanovich Andriyets, Anatoli Ivanovich Andriyets, Ivan Yakovlevich Antonov, Valeri Yuryevich Antsipalovsky, Grigori Ivanovich Balush, Olga Barinova, Gennadi Stepanovich Bedarev, Valentin Vasilevich Bei, Stepan Belsky, Alexander Valerevich Bogodimov, Nikolai Yerofeyevich Boiko, Andrei Vasilyevich Borinsky, Nikolai Ivanovich Borodin, Arvydas Cekanavicius, Stanislav Romanovich Chudakov, Vasyl Dobra.

Sergei Adamovich Dubitsky, Yevgeny Dulsky, Konshaubi Bekirovich Dzhangetov, Andrei Vladimirovich Filippov, Balys Gajauskas, Nikolai Gershkanu, Mikhail Alexandrovich Goryanin, Petras Granzulis, Vasili Ivanovich Gritsenko, Yevgeni Gula, Fr. Stefani Hyrhorovych, Katrusya Stepanovna Hryhorovych, Gintautas Iesmantas, Yakov Yefremovich Ivashchenko, Pavlo Federovych Kampov, Voldemaras Karaliunas, Ivan Vladimirovich Kirilyuk.

Henrikas Klimasauskas, Mykhailo Klishch, Hieromonk Savva Kolchucin, Faina Nikiforovna Komarova, Nikolai Mikhailovich Kosachevich, Aleksei Nikifirovich Kotov, Ivan Fyodorovich Kovalenko, Yuri Sergeyevich Kravets, Yakov Abramovich Kreker, Mikhail Sergeyevich Krivko, Timofei Ivanovich Krivoberets, Mikhail Ignatiev Kukobaka, Teovils Ernestovich Kuma, I.G. Kuz, Vytautas Lazinskas, Cheslav Lisovsky, Viktor Ivanovich Litovchenko, Boleslovas Liziunas.

Vladimir Loboda, Gerhard Gerhardovich Lolwen, Petras Lukosevicius, Lev Grigorievich Lukyanenko, Stepan Mefodyevich Makhovik, Mykola Stepanovych Mamus, Pyotr Mashnitsky, Gederts Melngailis, Albertas Meskinas, Hanna Vasilevna Mikhailenko, Oleg Vasilievich Milyutin, Pavel Dmitrievich Minyakov, Sergei Mironenko, Anatoli Mokhinya, Ivan Motrya, Stanislovas Murauskas, Alexei Ivanovich Murkin, Mikhail Ivanovich Murkin, and Petro Nechayuk.

Ivan Andreyevich Neufeld, Valeri Alexandrovich Origov, Alexander Mikhailovich Oros, Igor Panachov, Victor Pavlovets, Pavel Stepanovich Pavlyuk, Viktoras Petkus, Vasyl Pidgorodetsky, Vasili Andreyevich Pirich, Fyodor Plasksun, Ivan Petrovich Plett, Nikolai Petrovich Polishchuk, Walter Pretskau, Mikhail Alexandrovich Pshenitsyn, Yevgeni Nikiforovich Pushkov, Pavel Raksha, and Fr. Iosif Rinkevich.

Vsevelod Stepanovich Rozhko, Deacon Vladimir Stepanovich Rusak, Vasili Fedoseyevich Ryzhuk, Ivan Selyuk, V. Serdyuk, Mikhail Nikolayevich Serin, Nikolai Artemovich Shabubov, Leonid Fyodorovich Shatunov, V. Shcherberts, Fr. Anatoli Shchur, Vladimir Vladimirovich Shelkov, Gennadi Ivanovich Sheludko, Anatoli Leonidovich Sheludkov, Shilo, Vasili Grigorevich Shipilov, Sergei Shish, Nikolai Shust, Vasili Shust, and Pyotr Yakovlevich Siemens.

Alexander Ivanovich Simendyayev, Hryhori Slavsky, Ivan Fyodorovich Smetana, Fr. Vladimir Solovev, Fr. Ihnati Soltys, Rikhard Albertovich Spalin, Alexander Sergeyevich Spiridonov, Bishop Julijonas Steponavicius, Fr. Alfonsas Svarinskas, Lev Leonidovich Tabelev, Sigitas Tamevicius, Valeri Safinovich Timokhin, Vladimir Fyodorovich Vasilchenko, Andrei Vasiliev, Tatyana Mikhailovna Velikanova, P. Verian, Zinaida Yakovlevna Vilchinskaya.

Nikolai Genrikhovich Vins, Mr. Voveris, Fedir Vyrsta, Stepan Vyrsta, Vladimir Andreyevich Vyushkov, Peter Samuilovich Vyushkov, Peter Samuilovich Walter, Viktor Samuilovich Walter, Alexander Ivanovich Yankovich, Ya Yasinsky, Vasili Ivanovich Yudintsev, Mykhailo Maksymovych Yurkiv, Adam Mikhailovich Zarivny, Vyacheslav Vasilyevich Zayats.

Mr. HYDE. Mr. Speaker, today I join my colleagues in support of House Concurrent Resolution 223, legislation which expresses the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their homes and churches.

This year marks the millennium of the Christianization of the Ukraine. The celebration is marred by the restrictions the Soviet authorities have placed upon worship and the availability of the Bible and religious literature. At least 200 known Christians are imprisoned in jail or psychiatric institutions.

That last sentence bears repeating—at least 200 known Christians are imprisoned. There may be more. But for all of the imprisoned, known or unknown, and for all of the victims of less brutal discrimination, there is consolation. They have not been forgotten. Balys Gajauskas, Pastor Ivan Antonov, Lev Lukyanenko—they are remembered. These men and the others who suffer for their beliefs are in our prayers.

I am heartened by General Secretary Gorbachev's call for a more tolerant attitude toward religion. I am hopeful that in the upcoming summit President Reagan will encourage the General Secretary to enact legislation reflecting this policy change.

Freedom of worship is a fundamental human right. I urge the Soviet Union to grant this universal right which it has officially recognized in the Helsinki Final Act and other international covenants.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO], a member of the Committee on Foreign Affairs.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of this resolution, of which I was an early cosponsor, that urges the Soviet Union in accord with its own Constitution and international obligations to cease its persecution of innocent Christians. I would like to take this opportunity to commend the gentleman from New Jersey, Congressman CHRIS SMITH, for introducing this resolution and keeping the issue of human rights in the Soviet Union on the front burner.

Although the Soviet Constitution guarantees religious freedom, the atheist, Communist Soviet Government since its creation in 1917 has tried to dissolve all forms of religious practice. For example, thousands of churches have been closed, theological seminaries have been severly restricted, and Soviet law forbids formal religious instruction for persons under 18 years of age—in other words, Sunday school is illegal.

Despite Mr. Gorbachev's proclaimed policy of glasnost, this "openness" has yet to allow Soviet citizens the basic human right of practicing their faith freely and openly. Today, over 150 Christians are imprisoned, in exile, or in psychiatric prisons solely because of their faith. We must continue to pressure the Soviet Government to halt its repression of religious believers. This resolution sends an important message to Mr. Gorbachev that Congress and the American people do care about Christianity and religious freedom in the Soviet Union. The Soviet Union, in signing the Helsinki Final Act pledged to "respect * * * freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." I intend to hold the Soviets up to this agreement. I watch their actions and compliance with signed human rights agreements very closely—they provide important insight on just how far to trust the Soviets on arms control and national security agreements. If the Soviets want to convince the West they will live up to arms control or any other agreement, they must comply with signed human rights agreements, too.

Mr. Speaker, as you know, this legislation was expeditiously and unanimously passed by the Foreign Affairs Committee. I am encourged that it is being considered on the floor today. This resolution is especially timely since this year marks the millenium of the Christianization of Kievan Rus'. In 988, Prince Volodymyr, the ruler of Greater Kiev, adopted Christianity as the state religion. This resolution, calling on the present-day rulers of this greatly expanded region to proclaim a general amnesty for imprisoned Christians and for freedom to practice their faith freely and openly within their churches and homes, repeats our support for Christianity in the Soviet Union.

Mr. Speaker, I urge my colleagues to join me in fully supporting this important resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, the year 1988 marks the 1,000th anniversary of the official adoption of Christianity in Kievan Russia by Prince Vladimir. House Concurrent Resolution 223 calls upon the Soviet Union to honor this event with an amnesty for prisoners of religious conscience in the Soviet Union, and to desist from those practices of repression of free exercise of religious conscience in the life of the ordinary Soviet citizen.

When we reflect on the recent events in the Soviet Union, we tend to regard Secretary Gorbachev as a "reformer" with sensitivity to the issue of human rights and religious rights. But let us not be beguiled simply by words and proclamations—let us be guided in our judgments as to what is happening in the Soviet Union by matters of actual practice. For example, most of us tend to look back on the years of Secretary Khrushchev as also having been years of "liberalizing reform." Yet the record shows that in terms of religious rights and religious liberties, the Khrushchev period was among the most repressive in the history of the Soviet Union. During that period, over half of the functioning Orthodox churches in the Soviet Union were closed.

Without doubt, the Soviet Government will seek to use the millennial celebration as a progaganda event. For almost a year, the Government has been operating an "information center" where foreign journalists can be briefed on the millennium, and propagandized on "religious freedom" in the Soviet Union.

But it is, as I have said, practices of the Government of the Soviet Union which must be held to examination—not the proclamations and promises issued for public consumption. When will religious communities be allowed to form and conduct worship without "registration" with the state—registration which is often held up or denied by the Government, thereby making such much of the religious activity in the Soviet Union technically unlawful? And when will those churches and religious communities who have registered be allowed to offer religious instruction to their own children? And when will religious organizations be granted juridical standing so they can have recourse to Soviet courts when their properties are nationalized or to protest state interference in ecclesiastical matters? For how long will churches be required to register baptisms with the state so that the state, in turn, may deny these believers equal rights for education, employment, and housing?

Mr. Speaker, last winter over one-half of the entire Congress, including the leadership of both of our parties, joined in signing a letter addressed to General Secretary Gorbachev pertaining to religious rights problems in the Soviet Union. We outlined some 17 specific types of religious abuses and repressions which are in conflict with the Helsinki accords of 1975, to which the Soviet Union is a signatory. To this date, almost half a year later, we have not even had the courtesy of a reply to the questions we raised.

As I said, Mr. Speaker, actions speak louder than words. As the Soviet Government officially celebrates the millennium of the Orthodox Church in Kievan Rus', let us also insist that the ordinary Soviet citizen be allowed to celebrate his or her faith free of the oppression, repression, and persecution which have characterized that government's attitude to all forms of religious expression.

Mr. FASCELL. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER], chairman of the Commission on Cooperation and Security in Europe, the Helsinki Commission.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida [Mr. FASCELL] for yielding me this time.

First of all I want to congratulate the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs, who in this body has been the most steadfast and most outspoken and effective Representative on behalf of the Helsinki Final Act promises which were made some 13 years ago, and which the President will commemorate before he goes to the Moscow summit. It is my understanding that President Reagan will be visiting Helsinki and making a speech there on the Friday before he goes to the summit.

I also want to congratulate the gentleman from New Jersey [Mr. SMITH], a member of the Commission on Security and Cooperation in Europe, the Helsinki Commission, which is charged under law to oversee the implementation of the promises that were made in Helsinki by the 35 signatory nations.

The gentleman from Florida [Mr. FASCELL] for 8 years chaired that oversight Commission. This resolution sponsored by the gentleman from New Jersey [Mr. SMITH], who I might add is one of the Commission's most active and effective members, at some political risk has taken out time to go to nations around the world and speak to leaders there about the importance that this Nation places upon the exercise of religious freedom. Religious freedom is clearly a fundamental human right that is recognized by the Helsinki Final Act, recognized by the basic charter of the United Nations, recognized by documents promulgated through the United Nations, in covenants which effectively say that human beings have certain basic rights and that those rights do not come from the state. The documents state that these rights are not due to governmental largesse, but are in fact inherent in the individual because of his or her own humanity.

The ability to worship one's God, to hold one's faith, to transfer that faith to one's children and indeed to one's neighbors is perceived to be by all of us in this Nation, and indeed by most of the nations of the world, in word if not in deed, a fundamental human right. That is what this resolution speaks to. It is timely in that the advent of Christianity in Kievan Rus' will be celebrated this year. In that context it is important for us now, 13 years after Helsinki, and 1,000 years after Christianity was brought to that vast land of diverse peoples to state our hope that the small steps that have been taken by General Secretary Gorbachev, the Politburo, and the Soviet Government in recognizing that religious freedom has not been what it ought to be in the past will continue. We hope that those steps will become larger, and that those freedoms will expand.

Mr. Speaker, I rise in support of House Concurrent Resolution 223; and as Chairman of the Helsinki Commission, I commend my colleague and fellow Commissioner, CHRIS SMITH, for his steadfast efforts to secure those rights for Soviet Christians to which they have been guaranteed under the Helsinki accords, and which are still being denied 13 years after signing that document.

The other day, I received in my office a Pravda article reporting on General Secretary Gorbachev's meeting in late April with Patriarch Pimen and other high-ranking representatives of the Russian Orthodox Church. In his statement to the church leaders, Mr. Gorbachev stated that "believers are Soviet people, working people, patriots, and they have the full right to express their convictions worthily." He also said that "errors that occurred regarding the church and believers in the thirties and subsequent years are being corrected."

Certainly there have been improvements in the Soviet Government's attitude toward believers during Mr. Gorbachev's tenure in office, and we are pleased that the "errors" he mentioned are being corrected. However, I have also received a news release from the International Representation for the Council of Evangelical Baptist Churches in the Soviet Union. The chairman of the International Representation is Pastor Georgi Vins, who was himself imprisoned and then exiled in 1979 for his active leadership of the independent Baptist Church in the Soviet Union.

According to Pastor Vins, there are still 33 Evangelical Baptists still in labor camp or exile in the Soviet Union because of their Christian activities. I would like to bring to my colleagues' attention the names of some of those individuals:

The oldest Baptist prisoner is Ivan Antonov, 68 years old, currently in exile in Siberia. Pastor Antonov is serving his fifth sentence for his Christian ministry.

The youngest prisoner is Andrei Fillipov, 23 years old, serving a 3-year sentence in labor camp. I should mention that Andrei's father, Vladimir, was released last year from labor camp, and has been adopted as a prisoner of faith by the Broadview Baptist Church and the Shaare Tikvah Synagogue in Temple Hills, MD, during his imprisonment.

The Baptist prisoner with the most time to serve is Stepan Makhovik. He was sentenced in May 1986 to 5 years strict regime labor camp and 3 years exile. If he serves his full term. He will not be back home with his nine children until May 1994.

One woman is on the list of Baptist prisoners of faith. She is Lydia Tsiorba, who was sentenced in September 1986 to 3 years labor camp.

I would like also to mention one more prisoner. About whom Pastor Vins has just published a moving account of their imprisonment together. That prisoner is Konshaubi Dzhangetov, who has not only suffered persecution from the atheist authorities, but was also rejected by his own Muslim family when he became a Christian.

Baptist political prisoners presently represent the major portion of Christian prisoners of faith. However, other faiths are unfortunately well represented. There are two brave Lithunian Roman Catholic priests. Fathers Sigitas Tamkevicius and Alfonsas Svarinskas, currently at Perm Camp No. 35 in the Urals.

The leader of the Pentecostal community of Chuguyevka, Pastor Viktor Walter, was sentenced to 5 years labor camp in 1984. Father Vladimir Rusak, a Russian Orthodox priest, is also at Perm Camp No. 35. Two other Russian Orthodox priests, Fathers Vladimir Shipilov and Josef Rinkevich, are under compulsory psychiatric care. Except for 1 year of freedom, Father Vasily has been in Soviet prisons and psychiatric hospitals since he was 17 years old. He was ordained in prison by fellow prisoners who were Orthodox priests. Richard Spalin, a Seventh Day Adventist, was supposed to have completed a 7-year sentence in 1985. But he was rearrested in camp and apparently sentenced to 3 more years.

These are just a few examples of the most prominent Christian prisoners of faith, out of approximately 130 to 140 that we, at the Helsinki Commission, are presently aware of.

Mr. Speaker, I believe that General Secretary Gorbachev does wish to employ the moral and spiritual authority of the Soviet religious organization to bring about a more civil society. But promises of action, televised church services, and even a reduction of overt persecution is not enough.

House Concurrent Resolution 223 calls upon the Soviet Union to grant a general amnesty for all Christians who have been imprisoned because of their religious beliefs. For every day that Soviet prisoners of faith remain in labor camp or exile, every day that they are torn from their loved ones and their fellow Christians, casts doubt on the sincerity of Mr. Gorbachev's words about correcting the errors of the past.

In addition, House Concurrent Resolution 223 calls upon the Soviet Union to permit more freedom of worship activities, and more access to religious publications, church facilities, and theological institutions. All of these things are vitally necessary if the Soviet Union truly intends to live up to the freedom of conscience provisions of the Soviet Constitution and the Helsinki accords. Indeed, adoption by Soviet Government of the measures contained in House Concurrent Resolution 223, would reflect "the real fruits of the new approaches to church-state relations" to which Mr. Gorbachev referred in his statement to the Russian Orthodox leaderships.

In this year of the millenium of Christianity in Kievan-Rus'. I call uppon the Soviet Government to implement the measures contained in House Concurrent Resolution 223. And I hope that my colleagues will give this measure the overwhelming support that it deserves.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from Maryland [Mr. HOYER] for his very kind comments and for his outstanding leadership on the Helsinki Commission. One thing the East bloc counties and all those concerned about human rights must know is that human rights and the concern for human rights in this body is bipartisan, it cuts across the spectrum, and we speak with one voice on this, unlike on some other issues.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the cochairman along with the gentleman from California [Mr. LANTOS], of the Congressional Caucus on Human Rights and a leader in this area.

Mr. PORTER. Mr. Speaker, there has been no one in either House of the Congress who has shown more courage, more tenacity, and more leadership in fighting for the cause of Soviet Christians than the gentleman from New Jersey [Mr. SMITH], and I commend him for his strong leadership and for bringing this resolution before the House of Representatives.

While we have to recognize that there have been some improvements in Soviet human rights practices during the past year, I think we have to remind ourselves that there are thousands of political prisoners, psychiatric patients, religious believers, dissidents, hundreds of thousands of refuseniks who anxiously await the feeling that supposedly is going to come through from glasnost and be of benefit to them in their desire for human freedoms. The Soviet Union's blatant and ongoing violations of human rights and their continued denial of religious freedoms must never be allowed to be swallowed up in Soviet rhetoric.

There are hundreds of religious prisoners today in the Soviet Union. Last year there were some released of religious prisoners but in many cases the releases were not unconditional. Mr. Speaker, many prisoners received substantial pressure to sign statements confirming their involvement in supposed illegal activities.

Some prisoners, including Alec Zelichonok, encountered extreme difficulty in regaining residence permits, jobs, and permission to travel or emigrate.

Mr. Speaker, a member of my staff and director of the Human Rights Caucus, which I cochair, returned last week from visiting the Soviet Union. As a result of personal observations and discussions with Government officials and Soviet citizens, she returned reemphasizing the necessity for our message of hope to those still held there.

Mr. Speaker, I commend our colleague the gentleman from New Jersey [Mr. SMITH] for his leadership, for his fighting for fundamental freedoms for Soviet Christians, and I urge adoption of this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF], with whom, I might add, I spent 3 days meeting with leaders of the Soviet Human Rights Commission, including Mr. Belotski, on this and other religious freedom issues, amnesty, and the like, and he has been an outstanding leader in the area of human rights in East bloc countries, especially Romania and East Germany.

Mr. WOLF. Mr. Speaker, I rise in support of Congressman SMITH's bill, House Concurrent Resolution 223, which calls for an amnesty of known Christian prisoners in the Soviet Union and marks the celebration of the millennium of Christianity in Kievan-Rus'.

The Moscow summit is scheduled for the end of May. World media attention will be on President Reagan and General Secretary Gorbachev as they meet under the pretext of the reduction of nuclear weapons. The summit is a paramount opportunity to discuss the differences on such issues as the right of free speech, religious liberty and the right to emigrate. We know that President Reagan will speak strongly and loudly about human rights and we hope that he can address these issues to the world media and the Russian people while in Moscow.

I have been involved with several cases that have shaped my view of religious liberty in the Soviet Union and makes the amnesty of Christians in the Soviet Union, called for by this legislation, all the more urgent. Vladimir Khailo was a Baptist evangelist in the Ukraine. His faith and outspoken defense of his religion caused the Soviet authorities to incarcerate him in a psychiatric institution. Mr. Khailo tells stories of how for 7 years he was abused and pumped full of drugs that did horrific things to his mind and body. Mr. Khailo's only crime was that he would not renounce his faith and give up his preaching.

The Khailo family, 20 of them to this date, have finally emigrated after a long struggle. They are living in a suburb of Chicago but the effects of the treatments and the persecution of the Khailo family are still evident.

Some of my House colleagues on the human rights caucus started a program called the Christian Adoption Program in which members "adopt" an individual prisoner of faith. The prisoner that I have adopted is Viktoras Petkus, a Lithuanian Helsinki human rights monitor who has spent almost half his adult life in Soviet gulags and labor camps because of his human and religious rights activities. Viktoras is today in exile in Yakutia and remains without liberty to visit his wife or return to his native Lithuania.

The crux of the importance of this legislation is summed up by Natan Shcharansky who spent the first 16 months of his imprisonment as a cellmate of Petkus. Mr. Shcharansky in an interview with the Washington Times talked about the plight of prisoners of conscience in the Soviet Union and contrasted his experience with that of Viktoras Petkus and other religious prisoners. Shcharansky said:

> I was one of the Helsinki group (of human rights monitors) arrested, and I became a famous name in the West. But one Lithuanian Helsinki monitor (Petkus) is still in jail, and he is almost unknown in the West.

The story that Shcharansky tells is often the fate of religious prisoners. They are arrested and many times forgotten by religious groups and believers in the United States and Europe. In this sense the gentleman from New Jersey's efforts are timely and needed as it brings together the many organizations that are involved in religious liberty issues and focuses attention on the amnesty of all religious prisoners from Soviet prisons. According to Keston College, a research group following religious persecution in the Soviet Union, there are 162 known Christian prisoners of faith. There are also petitions on file in the American Embassy in Moscow from unregistered religious denominations, such as the Pentecostals, in which up to 50,000 religious believers have asked to emigrate to the United States because of continued harassment and persecution. House Concurrent Resolution 223 calls the attention of President Reagan, General Secretary Gorbachev, and the world to the plight of religious believers in the Soviet Union and puts the Congress on record in favor of these fundamental human rights.

I congratulate Mr. SMITH on this piece of legislation. It is my hope, along with many of my colleagues, that an amnesty can be declared and that when President Reagan and General Secretary Gorbachev get together in Moscow later this month, human rights and specifically religious rights will be a major point on the agenda.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey [Mr. SAXTON], a good friend of mine.

Mr. SAXTON. Mr. Speaker, I am enthusiastically joining my colleagues today in paying tribute to those practicing Christians living in the Soviet Union and in support of House Concurrent Resolution 223. I would like to take this opportunity to pledge my support for the universal right of freedom of religion and to encourage the Soviet leadership to relax its iron hand and grant general amnesty to all prisoners of conscience.

Religious life in the Soviet Union has gone through many cycles of oppression. The world does not forget the notorious political purges and other episodes of misrule during the regimes of Josef Stalin and his successors. Throughout the reign of communism in Russia, many Christian believers have been sent to prison and labor camps; and places of worship have been systematically shut down or harassed.

Mr. Gorbachev has given his people hope with glasnost and perestroika. The General Secretary attempts to show the democratic world and his people that the Soviet Union, like our country, can respect individual freedom. As a first step to glasnost, I urge Mr. Gorbachev to honor the personal right to freedom of worship as enshrined in such international agreements as the U.N. Charter, the Helsinki Final Act, and the Universal Declaration of Human Rights.

This year, Christians in the Soviet Union are celebrating the millenium of the Christianization of Kievan-Rus'. I ask Mr. Gorbachev to seize this celebrative occasion to release all prisoners of conscience who have been convicted because of their religious activities and beliefs. I urge Mr. Gorbachev to declare an amnesty.

The religious faith of the men and women of the Soviet Union has demonstrated its unshaken determination to survive. It has lived through generations of misrule. The marking of the Russian millenium anniversary should energize all of us in encouraging President Reagan to address the freedom of worship and amnesty issues with Mr. Gorbachev on his Moscow summit.

Mr. Speaker, I join my colleagues and countrymen calling upon the Soviet leadership to end religious persecution and to ease restrictions on the practice of religion. If the Soviet Union is indeed genuine in its efforts of glasnost, then I believe that the personal right to freedom of religion must undeniably be observed.

I congratulate my friend and colleague from New Jersey, Mr. SMITH, for introducing this important legislation, and I urge my colleagues to give it unanimous support.

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Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Speaker, as we approach the upcoming summit, it is time to address the crucial issue of religious repression in the Soviet Union.

If we are to have lasting peace and mutually beneficial relations between our countries, the Soviet Union must change. Secretary Gorbachev has repeatedly held out the promise of change at the most fundamental levels. He recently told Orthodox Church leaders that past acts of repression were being "rectified." Passage of this legislation will communicate to Mr. Gorbachev that now is the time to put actions behind those words.

Mr. Gorbachev, start by fulfilling the promises made by Soviet leaders in the Helsinki accords to respect the fundamental freedoms of religion and conscience. If the current negotiations are to have any meaning, we must have evidence that past agreements will be carried out.

In the Soviet Union, numerous individuals are imprisoned—or worse—simply because of their religious beliefs. These individuals must be freed. The Soviet leaders should immediately grant a general amnesty for all Christians who have been imprisoned because of their religious beliefs.

In the Soviet Union, religious groups are required to register with the state so that they can be completely controlled by the authorities. This should be stopped. The Soviet leaders should allow Christians to meet together for mutual edification, and should not interfere in the instruction of either adults or children. The Bible and other religious literature—which are essential to the well-being of the church—should be allowed unrestricted distribution.

In addition, these matters should be at the top of the summit agenda. I call upon President Reagan to use that event to press for change at the highest level. Mr. President, when you speak to Secretary Gorbachev face to face, press for an amnesty for all imprisoned Christians in the Soviet Union. We in the Congress should do our part by passing this resolution by acclamation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in strong support of House Concurrent Resolution 223 and wish to commend CHRIS SMITH for taking the leadership in introducing this resolution. This resolution expresses the sense of Congress that during 1988 in celebration of the millennium of the Christianization of Kievan-Rus' the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow them to practice their faith in their homes and churches.

The Gorbachev policies of glasnost and perestroika have brought hope to the hearts of many that the Soviet Union may be entering a new era of social and religious tolerance. While we can point to specific instances where the Soviet Government has appeard to relax some of its repressive rules, we must not become beguiled that a few positive steps, which we welcome dearly, are indicative of a commitment to end Soviet repression.

The Soviet Government, by legislation and regulation, severely restricts religious worship. Soviet citizens who have the courage and determination to practice their faith are punished in a variety of ways. They are excluded from desirable, educational, and career opportunities; they are intimidated, and are often subjected to physical harassment and imprisonment in camps or psychiatric hospitals.

In the words of a Soviet specialist from Freedom House, Inc., a New York-based human rights organization, "It is nearly impossible to determine how many Soviet citizens are still interned for their beliefs. * * * The statistics that are known to us represent only the tip of the iceberg."

Our own State Department recently concluded in its February 1988 report on human rights practices that "On balance, religious believers have benefited less from policies of glasnost and perestroika than other social groups."

The freedom to worship is a fundamental human right which we cherish deeply. Committed individuals around the world have worked tirelessly and sometimes clandestinely to help persecuted Christians and champion their rights. Clearly the work of one person can make a difference in this regard. One such individual is my constituent, Kenneth R. Zuetel, Jr., from Glendale, CA. Mr. Zuetel organized a massive project to collect signatures for a petition to Soviet authorities requesting the immediate release of all remaining imprisoned or institutionalized Christians. His petition further requests that the Soviet Government recognize and protect the rights of its citizens to freely exercise their religious beliefs without fear or retribution. With the help of international organizations, friends and volunteers, Mr. Zuetel expects to receive about 50,000 signatures from persons around the world. He hopes that the sheer weight of 50,000 names will influence Soviet responsiveness to the rights of believers. Mr. Zuetel should be commended for his determination and dedication.

The Soviet Union has a miserable record in upholding the various human rights accords to which it has agreed. Nevertheless, Mr. Gorbachev has gone to great lengths to persuade the West that he is serious about reforming the Soviet system. Given that 1988 is the year for celebration of the millennium of Christianity in Kievan-Rus', it is appropriate that we pass this resolution and request our President to make the issue of religious freedom a top priority in his upcoming meetings with Soviet leaders.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Speaker, as our relations with the Soviet Union grow economically, culturally, and now, with the good outlook for the INF Treaty in the other body, politically, we must remember that the Soviet Government maintains a disturbing view of its role in Russian and other domestic societies.

If our relations are to continue to improve, there must be further changes by the Soviet Government. Otherwise, Soviet policies will continue to poison any chance for more stable, warmer ties between the Soviet and United States Governments.

That is one reason I support House Concurrent Resolution 223, to express the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith.

But even more important than better relations between our governments is respect for basic human rights. As our Declaration of Independence says so eloqently, it is "self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights." If the Soviet Government is to enjoy better relations with the United States Government, the Soviet people must be treated more like people and less like subjects of an oppressive regime.

To the credit of the Soviet Government, we have seen some positive steps. Secretary Gorbachev's call for more religious tolerance is certainly good news. But we must remember that he is in charge of a system that can quickly change its ways. Furthermore, he inherits a history of repression. The fact that open believers are in effect prohibited from playing an effective role in Soviet Government dooms the Soviet Union to being an oppressive nation until that policy is changed.

To the great credit of the Russian people, many retain a deep sense of spirituality, despite the past 60 years of repression. It is entirely correct that the Government of the United States should recognize, pay tribute to, and support these people with House Concurrent Resolution 223.

Mr. GILMAN. Mr. Speaker, I rise in support of this excellent and important resolution, House Concurrent Resolution 223, urging the Soviet Union proclaim a general amnesty for imprisoned Christians.

Mr. Speaker, I am proud to be a cosponsor of this resolution. What more important task can we have than speaking out for those imprisoned simply because of their religious belief? It is incredible that such a practice could persist in the last fifth of the 20th century.

But is does persist. Hundreds, and perhaps thousands, of Soviet citizens are imprisoned for having and acting on their religious beliefs. They are often imprisoned in terribly harsh conditions, on starvation diets while working full days at hard labor.

Along with my colleagues who are involved in the pursuit of human rights, I have taken an interest in dozens of Soviet prisoners of conscience, but I would like to highlight today, Mr. Rikhard Albertovich Spalin. Mr. Spalin, a Seventh-Day Adventist, was originally arrested in 1978 for organizing an underground print shop and circulating religious literature. He was scheduled to be released in 1985. Just as he was being released, he was rearrested and sentenced to another term. He suffers from epilepsy, heart disease, hypertension, and chronic headaches. He is confined in a camp with ordinary criminals. He and other religious activists, imprisoned for acts of conscience, should be amnestied immediately.

Mr. Speaker, our call for amnesty for imprisoned believers should be heeded for several reasons. First, religious belief is a natural right that should be respected by all governments. Second, the Soviet Government has willingly taken on an obligation to respect religious belief by signing the Universal Declaration on Human Rights and the Helsinki agreement. Third, Christians around the world are celebratring the millennium of Christianity in the territory of what is now the Soviet Union and an amnesty would be a fitting act in the context of such an observance. Fourth, the President's forthcoming trip to Moscow and his concentration, while there, on human rights including the right to religious belief, underlines the role that increasing respect for human rights can play in improving the international atmosphere, including superpower relations.

As we try to bring the current Helsinki process review conference to a successful conclusion, we must continue to remind the Soviet Union of the nature of its obligations under the Helsinki accords. It is a terrible scandal that there are prisoners in the Gulag solely because of their religious activities; the Soviet Union should certainly take the actions requested in this resolution as a matter of upholding basic human rights.

Mr. Speaker, our colleague from New Jersey, Mr. SMITH, has worked tirelessly on behalf of oppressed people around the world; he has a special interest in the plight of those behind the Iron Curtain. He has taken a strong interest in the problems of believers, Jews and Christians, there. I applaud him for his continuing efforts including, especially, his work on this resolution which has culminated in its consideration on the floor today. This resolution is considered in the Subcommittee on Europe and the Middle East, on which I sit as ranking minority member, and where I was glad to support the resolution; I also appreciate very much the cooperation of our chairman, the manager of the resolution today, Mr. HAMILTON.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of House Concurrent Resolution 223, the resolution marking the celebration of the millennium of Christianity in the Soviet Union. The resolution further expresses the sense of Congress that the Soviet Government should proclaim a general amnesty for imprisoned Christian believers and allow them to practice their faith within their churches and homes.

I commend the House Committee on Foreign Affairs and the Subcommittee on Human Rights and International Organizations for bringing this resolution to the House floor. It is appropriate that we call attention to the harassment and persecution of Soviet citizens for their Christian beliefs on this, the 1,000th year anniversary of Christianity in the Soviet Union.

At the present time there are almost 200 people who are known to be imprisoned in labor camps, prisons, and psychiatric hospitals, simply due to their Christian beliefs. This is in direct violation of the fundamental human right of freedom to worship according to one's own conscience, as set forth in such international agreements as the United Nations Charter, the Universal Declaration of Human Rights, the Helsinki act, and the U.N. Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. These international accords, which the Soviet Union has signed and pledged to uphold, are the cornerstone for international protection of human rights, and they are currently being ignored and abused by the Soviet Union.

In keeping with Secretary Gorbachev's spirit of glasnost, and the belief that specific religious changes would improve relations between our two countries, I urge the Soviet Government to increase religious activities, institute a significant constitutional reform to guarantee religious freedom, and allow religious instruction for its citizens. I also request that President Reagan include a call for the release of all imprisoned religious believers, during his summit meeting with Secretary Gorbachev.

Freedom of religion is a fundamental right, for all people, regardless of nationality, race, or personal beliefs. To deny even one individual this right is an inexcusable and deplorable violation of our existence. We cannot achieve a worldwide peace until all nations recognize and protect these basic human rights. I urge my colleagues to join with me in a strong vote for this resolution, and another step toward world peace.

Mr. GALLO. Mr. Speaker, I would like to commend my colleague from New Jersey, Representative CHRISTOPHER SMITH, for introducing House Concurrent Resolution 223. The resolution requests the Soviet Union to "proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes."

House Concurrent Resolution 223 calls for religious freedom for Ukrainians and the other ethnic groups which make up the Soviet Union. This basic right is not acknowledged by the Soviet Government. In order to fulfill their commitment to human rights, the Soviet Government must allow the people to practice their faith without the fear of imprisonment.

Consideration of House Concurrent Resolution 223 on the House floor today and the recent passage of House Joint Resolution 429, which condemns the Soviet Government in its persecution of Ukrainian Catholic and Ukrainian Orthodox churches, focus on the unfortunate reality that the Soviet people are not able to practice their religion in their churches or in their homes.

By overwhelmingly supporting both House Joint Resolution 429 and House Concurrent Resolution 223, we will recognize the fact that valuable freedoms have been taken away from the Soviet people. We, as Americans, committed to human rights and freedom for all, must assist the people who are restrained from their religious and cultural practices.

We must continue to believe that our awareness and recognition of the human rights abuses in the Soviet Union will be taken into consideration by the Soviet Government. In light of international insistence for improvement in the Soviet Union, we urge the Soviet Government to take action and allow the people to practice their religious faith peacefully and freely. I urge unanimous approval of House Concurrent Resolution 223.

Mr. CHENEY. Mr. Speaker, today I wish to encourage my colleagues to support House Concurrent Resolution 223, a resolution expressing the sense of Congress that, in 1988, in celebration of the millenium of Christianity in Russia, the Soviet Union proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith in their churches and homes.

Freedom of worship is a fundamental human right acknowledged in many international agreements, among them the United Nations Charter, the Helsinki Final Act, the Madrid Concluding Document, and the United Nations Universal Declaration of Human Rights. The Soviet Union has signed and pledged to uphold these international covenants, which link international peace with the protection of basic human rights.

On April 29, 1988, in a rare public meeting with leaders of the Russian Orthodox Church, Mikhail Gorbachev said, "Believers are Soviet people, workers, patriots, and they have the full right to express their conviction with dignity. Perestroika and democratization concern them, too—in full measure and without any restrictions."

His statement carried on Soviet news called for an official policy toward religion that assures the right of the church to "carry on its activity without any outside interference." Mr. Gorbachev said, "A new law on the freedom of conscience, now being drafted, will reflect the interests of religious organizations as well. These are all tangible results of new approaches to state-church relations under conditions of perestroika and democratization of Soviet society."

While a fair number of religious prisoners have been released in the last year, an estimated 200 believers remain in prison and labor camps. A new Soviet policy toward religion should include: amnesty for all religious prisoners, legal and constitutional changes that guarantee religious liberty, ending of harassment of religious activists who have been released, legalization of religious groups that are currently forbidden open practice of their faith, no requirement that religious groups register with the state and have their activities monitored by the Government, permission for religious instruction for children and adults, a lifting of restriction of importation and distribution of religious literature, an end to restriction on education of clergy, and allowing religous groups to engage in private charitable activities.

These reforms would bring Soviet policy toward religious believers in line with the international agreements on human rights which the Russian Government has pledged to uphold. Real progress in the area of religious freedom in the Soviet Union would go a long way toward improving relations between our two Governments in other areas as well. Passage of House Concurrent Resolution 223 would send a message to Mr. Gorbachev that we in Congress have listened carefully to his talk of social and economic change and challenge him, in this year of celebration of 1,000 years of Christianity in Russia, to restore full religious freedom to the people of the Soviet Union.

Mr. DWYER of New Jersey. Mr. Speaker, I rise in strong support of House Concurrent Resolution 223 which calls upon the Soviets to declare an amnesty for the imprisoned Christian believers in conjunction with the celebration of the millennium of the Christianization of Kievan-Rus'.

Christianity was adopted as the state religion in Kiev in 988 by Prince Volodymyr the Great. Since that time, Christianity has played a central role in the cultural and historical development of the Ukrainian people. The missionaries carried the message of the Christian faith to Moscow and beyond, impacting on the Eastern Slavs, and particularly on the Ukrainians, Russians, and Byelorussians.

The Marxist-Leninist doctrine of atheism does not allow for the recognition of the Ukrainian Church and believers have been persecuted for years in the Soviet Union. They are prevented from practicing their faith, subjected to job discrimination, denied access to religious literature, and often imprisoned for their efforts to practice their religion.

The millennium celebration offers a unique opportunity to focus international attention on the Soviets and to publicly press, in the spirit of glasnost, for Soviet recognition of the right to religious freedom.

The resolution being considered here today calls attention to the religious persecution ongoing in the Soviet Union and urges the Soviets to mark the millennium with a general amnesty for the Christians held in prisons, labor camps, or psychiatric hospitals.

As a cosponsor of the resolution, I would urge my colleagues to adopt the measure overwhelmingly so that we, in the House, can send a unified message of concern over its policies to the Soviet Union and a message of support to those fighting for religious freedom in Russia.

Mr. LIPINSKI. Mr. Speaker, I rise in strong support of House Concurrent Resolution 223, legislation which expresses the sense of the Congress that the Soviet Union, in this time of the millennium of Christianity in Ukraine, should declare a general amnesty for imprisoned Christians.

It is ironic that a government as profoundly anti-Christian as the Soviet Government should choose to celebrate this milestone in Christian and Ukrainian history. One of the most important ways the Soviet Union can commemorate this special time is to release the nearly 200 Christians who have been imprisoned, exiled, or confined to mental institutions for their religious beliefs—and I commend the gentleman from New Jersey [Mr. SMITH] for his leadership and foresight on this vital matter.

As President Reagan has recently pointed out, the Soviet Union has made some progress in its effort to improve its record on religious freedom—such as the distribution of 100,000 bibles in Ukraine and 400,000 in the rest of the Soviet Union. Yet, in a country of nearly 300 million, this step is small and modest to say the least. We want to see the unlimited publication, distribution, and importation of the Bible and other religious material, the legalization of the Ukrainian Catholic and Ukrainian Orthodox Churches, and the right to practice and teach one's own faith openly and freely.

I sincerely hope and pray the President will keep the issue of religious freedom high on his agenda when he visits the Soviet Union at the end of this month. The legislation before us represents an effort to make certain that this will be the case and I urge its quick adoption.

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the Christian citizens of the U.S.S.R. I would especially like to do this in conjunction with the celebration of the millennium of the Christianization of Kievan-Rus.'

In the year 988 A.D., the Grand Prince of Kiev established Christianity as the official religion of Kievan-Rus' and invited priests of the Byzantine Church to instruct his people in the teachings of Christianity. Since that time, the Christian churches have been instrumental in developing the religious culture of the region and have made outstanding contributions to world literature, music, folk art, customs, and places of worship for the past 1,000 years. However, since the rise of communism in 1917, these great contributions have drown in waves of human rights violations.

Mr. Speaker, although the Constitution of the Soviet Union guarantees religious freedom, Soviet leaders, over the past 70 years, have sought to dissolve many forms of religious witness in the Soviet Union and replace them with Marxist atheism. While seeking to dissolve Christianity, the Government of the Soviet Union has created many grave human rights violations. There are at present nearly 200 Christians who are known to be serving prison sentences, are in exile, or are confined in psychiatric institutions in the Soviet Union because of their religious beliefs.

Under the Helsinki Final Act, the Soviet Union is committed to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." In light of this and in celebration of the millennium of the Christianization of Kievan-Rus', the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes.

Mrs. PATTERSON. Mr. Speaker, I am pleased to be a cosponsor of House Concurrent Resolution 223. This concurrent resolution states the sense of the United States Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes in celebration of the 1,000 year anniversary of Christianity in the Soviet Union.

In addition, this legislation expresses the sense of the Congress that the Soviet Union permit unlimited publication and distribution of religious materials and allow closed churches to reopen, new churches to be built, and theological seminaries to open or expand.

I believe that the freedom to worship according to one's conscience and beliefs is a fundamental human right, one which is clearly recognized by countries throughout the world. The Soviet Union is a signatory to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Madrid Concluding Document and, as this resolution points out, should comply with its obligations under these documents as well as the United Nations Universal Declaration of Human Rights.

Furthermore, I feel that progress in the area of religious freedom in the Soviet Union would help to improve relations between the United States and the Soviet Union in other areas. As we approach the next summit between our nations, this would be a tangible indication of good faith on the part of the Soviets.

According to official Soviet estimates, 40 million of the country's 280 million people consider themselves believers. On this historic occasion commemorating the 1,000 year anniversary of Christianity in Russia, I would like to commend my colleague for introducing this resolution and urge General Secretary Gorbachev to lift the official limits on religious practices and allow Soviet citizens full rights to express their religious convictions with dignity and freedom.

Mr. TORRICELLI. Mr. Speaker, I rise in support of House Concurrent Resolution 223, which calls upon the Soviets to declare amnesty for imprisoned Christian believers. As you know, 1988 marks the millennium of Christianity in Kievan-Rus'. This is indeed a landmark anniversary that deserves our heartfelt congratulations. This occasion also prompts us to examine the state of religious freedom in the Soviet Union.

The last 70 years of Soviet history form a disturbing tale of discrimination against—and, at times, incarceration of—religious practitioners. In fact, we presently know of approximately 170 Christians who continue to suffer in Soviet gulags for merely practicing their faith. In a more subtle way, the Soviet Government uses religious belief against Christians interested in party membership and top positions within the work force. In short, Soviet Government policies have allowed churches to remain nominally open, while practitioners are discouraged from participating in a range of church activities.

Recently, it should be noted, there has been some cause for optimism with regard to freedom of religion in the Soviet Union. After more than 70 years of an unbending atheistic ideology and antireligious rhetoric and policies, the Soviet leadership seems to be softening its stand a bit. On April 29, Soviet leader Gorbachev met with church leaders and called for a more tolerant attitude toward religion in the Soviet Union and condemned past antireligious activities. Mr. Gorbachev claimed that a new law was being drafted that would guarantee freedom of conscience. Although Mr. Gorbachev's words are encouraging, the real proof of religious freedom will come when: Religious prisoners are actually freed, churches are not forced to register with the Government, and practitioners are not penalized at the workplace.

In view of the Soviets' lackluster record on religious freedoms, I am proud to be a cosponsor of House Concurrent Resolution 223. On the appropriate occasion of the 1,000th anniversary of Christianity in Kievan-Rus', this measure expresses the sense of Congress that Soviet human rights abuses have not ceased with the new openness of the Soviet Government. It urges the Soviets to adhere to human rights agreements they have signed in the past by granting amnesty for those Christians imprisoned and by allowing Christians to practice their faith unhindered within their churches and homes.

Mr. Speaker, it is imperative that we continue to monitor and push the Soviets on human rights, particularly with regard to freedom of religion. Even though there seems to be a shift in thinking in the Soviet leadership about religion, it will take many years and much pressure from the world community and from within the Soviet Union to truly change the attitudes of Soviet Society.

Mr. LENT. Mr. Speaker, it has been said that, "Religion cannot be kept within the bounds of sermons and scriptures. It is a force in itself and it calls for the integration of lands and peoples in harmonious unity". Although Soviet leaders for the past 70 years have sought to repress religious liberties, the depth of religious faith runs deep throughout the Soviet Union.

Like many other religious groups in the Soviet Union, Christians are persecuted for their beliefs and forced to restrict their religious practice or risk imprisonment. Soviet officials may talk of religious liberties but have yet to demonstrate their commitment through action.

The year 1988 marks the millennium of the Christianization of Kievan-Rus' and the perseverance of the Church despite the Soviet Government's concerted efforts to quell religious freedom. We celebrate the courage and persistence of the Christian believers in that country and urge the Soviet Government to adhere to the principles of the Helsinki Final Act promoting human rights and religious liberties.

We, in this country, recognize the importance of religion as a basic foundation upon which to build a responsible, compassionate society. There can be no doubt as to the power of religion and, ultimately, it will be the Soviet leadership that will be forced to accept the will of the people and religious freedoms. However, I am hopeful that in the new spirit of glasnost the Government will incorporate religious liberty as an inherent part of Soviet doctrine.

I urge my colleagues to support House Concurrent Resolution 223 commemorating this historical milestone and expressing the sense of Congress that the Soviet Government should assure religious liberties for all its citizens.

Thank you.

Mr. HUNTER. Mr. Speaker, I rise today to address the fundamental principal of human rights—the freedom to worship according to one's conscience and belief. To date, many agreements, such as the United Nations Charter, the Universal Declaration of Human Rights, the Helsinki Final Act, and the United Nations Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, have been signed by the Soviet Union to uphold and protect the rights of individuals. Yet freedom to worship still eludes Soviet citizens. For those who practice and conduct religious worship the result is imprisonment and hard labor for their "illegal activites."

Although in the recent spirit of glasnost many dissidents have been relased, their freedom has not been unconditional. In addition, pressure has been exerted by the government requiring that individuals ask for pardons or sign statements admitting quilt for engaging in so-called crimes against the state. Former political prisoners have had difficulty in regaining residence permits in large cities, in obtaining jobs in their fields, and in obtaining permission to travel or emigrate. Further, they are kept under constant surveillance with little hope for more than the bleakest of futures and existence.

I believe we must take a strong stand against such abuses of basic human rights. My distinguished colleague, Mr. CHRIS SMITH of New Jersey, has introduced legislation, House Concurrent Resolution 223, to address this issue. His bill expresses the sense of Congress that in 1988 in celebration of the millennium of the Christianization of Kievan-Rus', the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes.

As a cosponsor of this important legislation, I urge my fellow Members in Congress to recongize the need for such reform, and to support this effort which would help establish freedom of religion and improve United States-Soviet relations. I would also urge my colleagues to express their support for amnesty during the upcoming summit between President Reagan and Soviet Secretary Gorbachev. As free men, we must ask Mr. Gorbachev to uphold his promise to rectify mistakes made with regard to the church and believers, and that new Soviet policies reflect the rights of individuals and religious organizations to express their beliefs free of fear and with dignity.

Mr. MILLER of Washington. Mr. Speaker, I commend my colleague, Representative CHRISTOPHER SMITH, for his timely and hard work on this resolution. This very morning, I joined six of my colleagues at the Soviet Embassy to discuss the fundamental issue of human rights. As the summit in Moscow approaches, human rights must be a part of the agenda. We cannot let human rights be lost in the shuffle. We cannot separate this issue from the issue of peace. Because it is a fundamental truth that the better a government treats its own people, the less likely it is to threaten its neighbors.

At the Embassy this morning, once again the Soviets talked a good game about human rights, but the time for talk is over. It is now time for action by the Soviet Government on human rights. As this bill so clearly spells out, Christians in the Soviet Union are still denied their basic rights. In the Soviet Union, it is still illegal to formally teach religion to persons under 18 years of age. In the Soviet Union, openly distributing Bibles or other religious materials has been restricted and in some cases has been the basis for imprisonment and harassment. In the Soviet Union, thousands of churches have been closed in the last 70 years. In the Soviet Union, there are nearly 200 Christians known to be serving prison sentences, in exile or are confined in psychiatric institutions because of their religious beliefs.

But beyond statistics and talk about the faceless millions who's rights are abused in the Soviet Union, the horror and tragedy of the situation is brought home when one comes face to face with a refusnik or a dissident or a Christian believer. I had such an opportunity in January of this year when I was in Moscow. At that time I met with Alex Zavrajnov, a Christian believer, I have spoken out before regarding Alex—I have talked about his having been beaten after meeting with me, about his being arrested because he was involved in distributing Christian literature and in organizing Christian study groups. I have talked about his having been placed in a psychiatric hospital after being charged of being a "religious fanatic." Now, just last week, I have learned he has lost his job, and is fearful of being arrested again.

I also met with Pastor Serge Lamekin when I was in Moscow. Pastor Lamekin had been a priest in the Russian Orthodox Church. But he had been defrocked because he was not content to just come to the weekly services and perform a priest's duties at the weekly services. He insisted on going out and trying to spread the faith outside the church, organizing study groups, distributing Christian literature.

These two men live in Moscow, but the abuse of human rights is systematic and spread throughout the Soviet empire. In Lithuania, two priests, as I speak, are languishing in prison for their religious beliefs. Father Alfonsas Svarinskas was arrested for alleged anticonstitutional and antistate activities. He was arrested in 1983 and sentenced to 7 years strict regime labor camp and 3 years exile in Vilnius. In 1978, he established, with Father Sigitas Tamkevicius, the Catholic Committee for the Defense of Believer's Rights in Lithuania. Father Tamkevicius is also in prison for alleged malicious and premeditated antistate and anti-Soviet activity. Both these men are symbols of their strong faith. This resolution is evidence that we will not forget them, that their struggle is our struggle. We will continue to speak out for them and the countless others whose basic rights are being trampled in the Soviet Union and in other places throughout the world.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to express my fullest support for House Concurrent Resolution 223. As you well know this year marks the millennium of Christianity in Ukraine. This is a year of celebration and joy for the thousands of Ukrainian-Americans in my home district and for all of us who care about the Ukrainian people. It is also a time when Ukrainians can be rightfully proud of their heritage and can look back and commemorate the courage and perseverance of their ancestors.

Courage and perseverance are still needed in Ukraine today, especially for religious believers. The Soviet Government continues to persecute those who practice their religious beliefs. The Ukrainian Orthodox and Ukrainian Catholic Churches, the oldest faiths in Ukraine, have still not been accorded official status by the Kremlin. Those who attempt to follow their consciences are brutally suppressed. Believers of every faith continue to receive jail sentences or are forced to do long terms of hard labor for practicing their religions.

House Concurrent Resolution 223 calls upon the Soviet regime to end its policy of religious repression and to declare a general amnesty for imprisoned Christians. The Soviets have signed numerous international agreements guaranteeing free religious expression but have failed to live up to the letter or spirit of these declarations. I urge the Soviet leadership, in this era of glasnost or openness, to apply this new openness to religious policy and to allow the citizens of the Soviet Union to practice their religions free of state oppression.

Mrs. MORELLA. Mr. Speaker, I rise to join my colleagues in strong support of House Concurrent Resolution 223.

This year's marking of the millennium of the founding of Christianity in the area now comprising the Soviet Union serves as a strong reminder of the near total absence of religious freedom that exists in the Soviet Union today. In little more than 70 years, the Communist government has nearly obliterated religious institutions and practice. Thousands of churches and seminaries have been closed or destroyed and distribution of religious materials forbidden. Today, some 200 religious believers are imprisoned, exiled internally, or interned in psychiatric hospitals.

For years the Soviet Union has harassed and persecuted religious believers, in violation of international accords and agreements to which they are signatories. They remain in violation of the United Nations Declaration of Human Rights, as well as the Helsinki Final Act, in which they agreed to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all * * *"

Mr. Speaker, we have heard much of Mr. Gorbachev's glasnost and "perestroika," and while we are encouraged by the small steps which have been taken in this direction, much more must be done to guarantee Soviet citizens their basic freedoms if the United States and the Soviet Union are to have more cordial relations. In the area of religion, Soviet society has experienced little glasnost. General Secretary Gorbachev needs to apply some perestroika to Soviet law, repealing restrictions on the practice of religion and the distribution of religious materials, and granting a general amnesty to those incarcerated because of their religious beliefs. The Soviets should allow their people religious freedom not only because they have agreed to do so, but because it is a fundamental right of all peoples.

Mr. GARCIA. Mr. Speaker, last week, the House was scheduled to consider House Concurrent Resolution 223, calling for General Secretary Gorbachev to declare an amnesty for imprisoned Christian believers currently held in the Soviet Union. Consideration of this bill has been rescheduled for today, May 17.

I would like to take this opportunity to reiterate my support for this important legislation. The United States must continue to encourage the recognition of fundamental human rights in the Soviet Union. The persecution of those who wish to exercise their religious beliefs, regardless of creed, must be stopped. This bill represents a significant reaffirmation of the rights and freedoms we as Americans enjoy, but which religious believers in the Soviet Union do not share.

President Reagan's upcoming summit with Secretary Gorbachev provides an excellent opportunity to voice the concerns expressed in House Concurrent Resolution 223. I urge my colleagues to support this worthwhile legislation.

Mr. BONIOR. Mr. Speaker, religious expression and worship continue to be sharply curtailed in the Soviet Union despite the many reforms that we in the West hear have been made under the new policies of glasnost and perestroika. Mr. Speaker, I do not believe that reforms made up to this time can be truly meaningful to the people of the Soviet Union unless Mr. Gorbachev's government responds to their most basic wishes and human rights. At this point, those basic rights in the area of religious freedom are not recognized. Repression of religious practices is highlighted this year because of the celebration of the millennium of Christianity in Russia which began in Kievan-Rus'.

The Soviet Government continues to require religious groups to register with the government. If the government denies legal status to a group, members must either not practice their faith, or do so secretly. This conjures up images of the Roman catacombs, Mr. Speaker, but unfortunately this has not been far from the true situation faced by many religious denominations in the Soviet Union.

The Soviet Union has liquidated or made illegal whole religions with in some cases tens of thousands of adherents by refusing to grant legal status to the denomination. The Ukrainian Orthodox Church and the Ukrainian Catholic Church, for example, have been prohibited from religious activity since the 1930's and 1946, respectively. This is especially tragic this year, Mr. Speaker, because these two religions trace back to the Christianization of Kievan-Rus' 1,000 years ago—1,000 years, Mr. Speaker of religious observance. Christianity existed in the Soviet Union 973 years before communism but the government deems it acceptable to repress the religious and spiritual life of its people who are Christian.

Currently, Mr. Speaker, there ae over 200 persons in Soviet prison camps, jails, or mental hosptials who have dared to defy the government's restrictive laws in order that they may practice their faith. Today, Mr. Speaker, in passing House Concurrent Resolution 223 the House of Representatives has the opportunity to protest the Soviet Government's policies toward religious groups and send a message of support and solidarity to those brave individuals who practice their religion at great cost and great risk. But, we also can demonstrate our solidarity with the millions of Soviet citizens who wish to practice their religion openly and free from harassment.

House Concurrent Resolution 223 says to Mr. Gorbachev that religious repression is never acceptable and that at this special time in the history of Christianity, all efforts should be made to end Soviet policies which curtail religious practice. Policies toward religion in the Soviet Union violate every major international human rights covenant to which the Soviet Union is a signatory.

These agreements include the Helsinki Final Act, the Madrid Concluding Document, the United Nations Universal Declaration of Human Rights, the United Nations Charter, and the United Nations Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. We must hold the Soviet Union's feet to the fire in the area of religious freedom and call on them to end their unconscionable repression of those who cannot and will not accept atheism—the religion of the Communist Party—as their own.

I am pleased to support House Concurrent Resolution 223 and would hope that this critical issue be at the top of the agenda of the upcoming Moscow Summit between President Reagan and General Secretary Gorbachev.

Mr. CHAPPELL. Mr. Speaker, I rise in support of House Concurrent Resolution 223. By passing this resolution, we are recognizing the Ukraine of the 10th century, when Christianity was officially introduced into Kievan-Rus; and state law protected the basic human rights of every Ukrainian citizen under the "Rus'ka Pravda."

Certainly, many things will change in a millennium, but rarely do those changes signify a step back in the progress of humankind. How ironic that, despite these ancient reforms, Ukrainians no longer enjoy the most basic of human rights—religious freedom.

Under the control of the Soviet Union, the Ukraine of the 20th century has witnessed a serious deterioration of its religious freedoms. The Ukranian Orthodox Church has been forced underground through imprisonments and executions, and the Ukrainian Catholic Church has been officially abolished. Today, the Soviet Council on Religious Affairs regulates church activity, forbidding, among other church activities, religious instruction to a minor. In support of such action, 10 deputies of the Supreme Soviet labeled several Ukrainian churches as "collaborationists of foreign oppressors."

Under his new policy of "perestroika," Mikhail Gorbachev has claimed new advancements in religious freedom for the people of the Soviet Union. While I sincerely welcome such an effort, I am discouraged by the little evidence the West has seen as to the realization of such policy. Christians and Jews throughout the Soviet Union continue to face hardship and persecution from governmental authorities as a result of their religious beliefs.

Mr. Speaker, simple rhetoric from Soviet leaders will not turn out faces away from the oppression that exists, not only in the Ukraine but throughout Russia. As we celebrate the millennium of Christianity in the Soviet Union, let us pause to remember the plight of those who choose to enliven their religious heritage and theological principle. Further, let us demand that Mr. Gorbachev's perestroika ensures the most basic of human freedoms for the Soviet people—religious freedom.

Mr. BOULTER, Mr. Speaker, I rise today to share my strong support for this resolution commemorating the arrival of Christianity to Kievan-Rus' in 988. I have worked closely with Congressman CHRIS SMITH on this important legislation from its inception and applaud the Foreign Affairs Committee and the full House for swiftly considering and passing such a valuable resolution. What better time than the dawn of an historic summit in Moscow between our President and the Soviet leader to call upon the Soviets to grant a general amnesty to all imprisoned Christians and to allow Christian believers in the Soviet Union to freely practice their faith in their homes and churches.

I would also like to take this opportunity to make my colleagues and the American people aware of my concern about a specific Soviet Christian, Vasili Shipilov, who has spent 47 of his last 48 years in incarceration.

In 1939, Vasili was arrested during the Stalinist purges of the 1930's for his religious convictions while studying as a committed Russian Orthodox believer at the Clerical Seminary. After his release in 1949, he was again arrested on charges of ant-Soviet propoganda, but was declared mentally incompetent, diagnosed as schizophrenic, and placed in the special psychiatric hospital in Kazan. As a result of beatings and insulin injections, he began to suffer from convulsions. The diagnosis was changed to epilepsy and they began to treat him for convulsions. For over 29 years Shipilov was constantly beaten for crossing himself and for fasting. He was pressured to renounce his religious convictions. In 1960, Shipilov was confined to the Sychevka SPH where the head of section 9, Yelena Masimova, repeatedly told him, "You will be here until you renounce your faith, unless you're killed first." Serbsky Institute Prof. Yelizaveta Kholodkovskaya, who headed the Commission for Discharges, constantly told Shipilov that no one knew about him and no one would ever know, and therefore "anything might happen"; to him.

In August 1977, Shipilov was released from the Sychevaka SOA and sent for compulsory treatment to a general psychiatric hospital in the settlement of Poimo-Tiny.

Vasil has no family; most of his relatives were shot or died in labor camps between 1937 and 1947.

In conjunction with the celebration of the millenium of Christianity's arrival to Kievan-Rus' in 988, I have sent a letter to General Secretary Gorbachev signed by a number of my colleagues requesting that the Soviets release Vasili and truly grant him the right to live and worship as he chooses. The Soviet Constitution and various international human rights accords, to which the Soviet Union is a signatory, guarantee the exercise of religious freedoms. This is an ideal year for the Soviets to prove to the world that their policy of glasnost truly extends to allow Christians in the Soviet Union like Vasili to freely worship and practice their faith.

Further, the general characteristics of Soviet repressive psychiatry represented in Vasili's case are alive and well amidst the present clamor over glasnost and perestroika. The Soviets are talking about cleaning up their widespread psychiatric abuses. I, for one, look forward to seeing some real action behind this talk to stop one of the most egregious Soviet violations of international human rights—for Christians, Jews, and all prisoners of conscience within the Soviet Union.

Mr. ECKART. Mr. Speaker, I rise in support of House Concurrent Resolution 223. Today we call attention to the religious persecution in the Soviet Union and ask that that nation proclaim a general amnesty for imprisoned Christians and allow them to practice their faith in a place of worship as well as in their homes.

As Americans, we believe that freedom to worship according to one's conscience and belief is a fundamental human right. Therefore, we urge the Soviets, in this, the 1000th year anniversary of Christianity in Russia, to lift some of the official limits on religious practices.

General Secretary Gorbachev recently noted that, despite our differences in world outlook, a new attitude toward the church is important for strengthening national unity during a period of change. Given the current trends in "perestroika," now is the time for the Soviet Union to focus on changing its attitude toward religious believers.

We acknowledge that the first steps have been taken in the Soviet Union and that 140 political prisoners have been released since February 1987, but this is not enough. More must be accomplished to facilitate the release of the hundreds of other prisoners who remain confined in Soviet prisons and mental institutions.

In addition to the release of these prisoners, we must urge changes in the treatment of those who choose to practice religion, as is their fundamental human right.

According to the U.S. State Department:

In Moscow, authorities permit only about 50 churches to function. At Easter, the Russian Orthodox Church's most important religious holiday, police often blocked or denied access to the crowds trying to attend services.

Believers active in other than officially sanctioned church rituals are often punished, although 1987 saw an improvement in this area.

Registration with the Soviet Council on Religious Affairs is required for religious groups of 20 adults or more.

Once registered, religious congregations must accept strict regulations which prohibit religious discussion and Bible study groups, charitable activity, and formal religious training for children.

Authorities exert wide-ranging pressure, including the use of the official media, to discourage religious belief in general among its citizens.

Dissidents are sometimes fired from their jobs, then threatened with arrest or even, in some cases, arrested for "parasitism" because they are unemployed. The authorities also reportedly fabricate charges for criminal offenses, such as the possession of drugs or weapons, or even more extreme crimes, such as rape.

The Constitution of the Soviet Union provides for the "right to profess or not to profess any religion and to conduct religious worship." We call upon the Soviet Union to hold true to its constitution and to provide its people with religious freedom.

Mr. COURTER. Mr. Speaker, when the U.S.S.R. celebrated its 70th birthday last year, it opened certain of its prison doors and let go a few of those incarcerated for political, religious, and other reasons. Many of us became original cosponsors of Mr. SMITH'S House Concurrent Resolution 223 in the hope that the Soviets would do something similar on the 1000th anniversary of the establishment of Christianity in the Ukraine.

One recognizes immediately how little similarity the Soviets will see in the two anniversaries. If they chose to release any of the approximately 200 prisoners of religious conscience, it will only be to manifest apparent liberality and quiet the many critics of the regime. But we have seen how troubled the authorities do feel when their public expressions of liberalism are contrasted with their continued hostility toward religion. Now, for example, as the summit and all its accompanying scrutiny of Soviet behavior approaches, General Secretary Gorbachev is suddenly saying warm things about religious convictions and the right to express such convictions with dignity. One might ask why such words, if they were meant sincerely and as an indicator of policy, would come fully 3 years after he took power. Mr. SMITH'S initiative and others like it are appropriate challenges to the Soviets to live by their words.

Mr. Speaker, I was in Moscow in May 1986. Gorbachev had been in control of the country for over a year, but I met a number of individuals of different faiths who were unimpressed with the new order. On July 30 of that year, a Helsinki Watch spokeswoman testified before the House Subcommittee on Human Rights that commensurate with a surge of interest in religion among the Soviet people there seemed to be an increase in the Soviets' interest "in suppressing and ultimately eradicating religious belief and practice." The witness said that religious leaders are often singled out for the harshest persecution, including severe beatings and repeated sentencing.

I very much wish that I could tell the House that things have improved since that time. Instead the Soviets appear to be as frightened as ever by miniscule gatherings which their bureaucrats did not plan and cannot easily control. I just received the May 1, 1988, issue of Soviet/East European Report by Radio Free Europe/Radio Liberty, which makes it more clear that unregistered religious groups are doing as poorly as always. Several quotations follows:

> The policy of harassment adopted by the Soviet state several decades ago continues to applied with full force. * * *
>
> Last year the unregistered congregations of Evangelical Christian Baptists were subjected to a smear campaign in the press whose tone was indistinguishable from that used during the Brezhnev era. The Baptists also were harassed. Their homes often were searched, and religious books, cassettes, and tape recorders were confiscated. Many were fined heavily for attending prayer meetings; and prayer meetings were often broken up, particularly at Eastertime.
>
> Early in 1987, a number of Baptists were put on trial for anti-Soviet activities. * * *
>
> Unregistered congregations of Pentacostals constitute another group of believers against whom the authorities continued to wage a bitter struggle. * * *
>
> Jehovah's Witnesses, another unregistered group, is also harassed continually. * * *

Mr. Speaker, it is worth contemplating why, during this time when "restructuring" and "glasnost" are the hallmarks of the Kremlin's rhetoric, and economic difficulties are said to be the Government's obsession, the regime would still be directing teams of secret policemen in repression such as this. Quite apart from the human damage it does, the campaigns represent a remarkable investment of governmental resources.

Clearly Mr. Gorbachev has not and does not intend to repudiate the view of Marx, that religion is "the sigh of the oppressed creature," nor that of Lenin, who declared it "one of the forms of spiritual oppression." Soviet ideology, being totalitarian, recognizes that faith invested in the Supreme Being is faith not invested in the mad logic of materialism espoused by Karl Marx. The Government believes it must "oppress the oppressors."

But if we continue to keep the spotlight on the Government's arrests and detentions of the religious, we may perhaps win release for those who are now incarcerated. Mr. SMITH and my other colleagues here today are to be lauded for all their efforts in this respect.

Mr. ROWLAND of Georgia. Mr. Speaker, I rise in support of this religious freedom resolution and call the attention of the House to the abuse of psychiatric treatment to punish Soviet religious prisoners.

I am interested in this matter because I have been working to gain the release of Soviet Baptist Nikolai Borodin who has been imprisoned in Soviet psychiatric hospitals for nearly 8 years. His detention and treatment is an example of the limits of glasnost as it applies to Soviet Christians.

I am told he was arrested in August 1980, after he protested the withholding of half his wages by the Soviet Government. During his detention, Nikolai confessed his Christian faith and was thrown into a maximum security psychiatric prison run by the same organization which operates the Soviet police system. Like other Soviet prisoners, neither he nor his family had legal recourse to this decision.

Treatment in these "special" hospitals includes physical punishment and mind altering drugs. Although we are not sure of Mr. Borodin's exact condition, our information indicates he has received doses of these drugs high enough to induce mental illness and permanent physical damage.

According to a fellow prisoner who recently emigrated to the United States, Nikolai's condition is deteriorating. He has lost a great deal of weight and is going blind. Mr. Speaker, I call on Secretary General Gorbachev to honor the Soviet Union's commitment to the Helsinki accords and release Mr. Borodin immediately.

I would like to be able to tell the House that Nikolai's case is unique. The unfortunate truth is that we do not know how many people suffer similar fates. Amnesty International recently published a list of 95 known psychiatric prisoners. Other estimates range as high as 1,000.

If the Soviet Government would enforce its regulations against psychiatric abuse, remove physicians who perpetrate these crimes and reform a legal system which commits Christians and others to mental hospitals without appeal, we could declare a victory for glasnost and human rights. Until that time, Christians in this country and around the world will watch, wait, and pray for an end to Soviet psychiatric abuses against Nikolai Borodin and others like him.

Mr. DONALD E. LUKENS. Mr. Speaker, I firmly oppose religious persecution of Christians in the Soviet Union and would like to speak out in favor of House Current Resolution 223. This resolution is especially timely since 1988 marks the millennium of Christianization of Kievan-Rus'.

House Current Resolution 223 urges the Soviet Union to proclaim a general amnesty for imprisoned Christians and to allow Christians to practice their faith within their churches and homes.

Despite Mr. Gorbachev's policy of glasnost and the constitutional guarantee of religious freedom, Christians in the Soviet Union still suffer from severe repression.

It is still illegal to formally teach religion to persons under 18. Openly distributing Bibles could cause imprisonment and harassment. Thousands of churches have been closed and confiscated. And at present nearly 200 Christians are known to be serving prison sentences, are in exile, or are confined in pyschiatric institutions.

The Soviet Union has unjustly repressed Christians for decades. House Concurrent Resolution 223 applies the external pressure necessary to force the Soviet Union to change.

Mr. CRAIG. Mr. Speaker, I am proud to be a cosponsor House Concurrent Resolution 223. This resolution is to express the sense of Congress that in 1988, in celebration of the millennium of the christianization of Kievan-Rus', the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes.

The Soviet Government maintains severe restrictions on religious activities. Religious groups of more than 20 people are required to register with the Soviet Council on Religious Affairs. Once registered, the congregations must accept strict regulations which prohibit proselytizing, religious discussion and bible study groups, charitable activity and formal religious training for children.

Those who are considered "religious activists" are forced to serve long terms in either labor camps or psychiatric hospitals. While I am pleased to note that some religious prisoners have been freed, I also recognize the continued harassment on the part of Government authorities of persons who continue to express their faith.

Although there exists a great burden on those who continue to worship, Christians in the Soviet Union remain steadfast in their beliefs. I have cosponsored this resolution along with 256 of my colleagues in order to show our support for the freedom of worship, to praise the Soviet Christians' courage against religious repression and to let them know that our prayers are with them.

"If ye continue in my word, then are ye my disciples indeed: And ye shall know the truth, and the truth shall make you free." St. John 8:31–2.

Mr. HORTON. Mr. Speaker, my colleagues, today we remember the millennium of Christianity in Russia. One thousand years of anything is an amazing achievement. But today's celebration is not a happy one due to the oppression of believers in the Soviet Union. This is the occasion for Mr. Gorbachev to change past policies. House Concurrent Resolution 223 asks him to do just that.

Today there are over 150 Soviet citizens who are known to be imprisoned for their religious beliefs. This is in a country whose constitution guarantees religious freedom. The 1,000-year anniversary of Christianity in Russia is an excellent time to permit the free choice of religion, just as Prince Vladimir of Kiev freely chose to adopt Byzantine Christianity in 988 AD.

As legend has it, Prince Vladimir made his choice after listening to emissaries from the Jewish, Islamic, Roman Catholic, and Eastern Orthodox faiths. He then sent his own ambassadors to learn more about each religion. Upon hearing their counsel, he made his decision freely. This simple choice cannot be made openly in 1988. This is wrong.

During his 3-year tenure, General Secretary Gorbachev has hinted that he was going to ease the restrictions on the practice of organized religion. Indeed, some changes have been seen, but some is not enough. No man or woman should be imprisoned or harassed for the practice of their religion.

Mr. Gorbachev, what better way to show the world that glasnost is for real than to let these prisoners of conscience speak with an open voice? Seventy years of Communist rule has not stopped religion. So why not encourage the use of churches, mosques, and synagogues in the way they were supposed to be, not as museums.

Mr. Speaker, House Concurrent Resolution 223 invites Mr. Gorbachev to share in the first amendment freedoms which Americans enjoy. It does not threaten him or his nation. It simply asks him to deliver what his nation's constitution guarantees. So, join me today in passing this resolution.

Mr. KEMP. Mr. Speaker, I rise in support of House Concurrent Resolution 223, the resolution expressing the sense of Congress that the Soviet Union should proclaim general amnesty for imprisoned Christians. I am proud to have been one of the original sponsors of this resolution, and I thank my good friend, the gentleman from New Jersey, for bringing this issue to the forefront.

There are now 137 Christians serving prison sentences in the Soviet Union, victims of religious persecution. The number is down by about 30, who were released, not because of amnesty or glasnost, but because they had finished serving their prison terms. We in Congress would like to see all prisoners of conscience released, all victims of religious persecution freed, and the millennium of Christianity in Kievan-Rus' celebrated by the release of Christians.

I would like to share with my colleagues the words of George Wiegel, president of the James Madison Foundation, on the millennium.

AN APPEAL FOR RELIGIOUS FREEDOM IN THE SOVIET UNION ON THE OCCASION OF THE MILLENNIUM OF CHRISTIANITY IN KIEVAN RUS', SIGNED BY 250 POLITICAL, ACADEMIC, LEGAL AND RELIGIOUS LEADERS, AND ELECTED OFFICIALS

To Mikhail Sergeyevich Gorbachev, General Secretary of the Communist Party of the Soviet Union.

I. 1988 marks the millennium of Christianity in Kievan Rus'. While this anniversary has special meaning for the Christian community throughout the world, it also provides an occasion for all men and women of goodwill to celebrate the great and varied spiritual heritages carried by the peoples of the Soviet Union—Orthodox, Catholic, Protestant, Jewish, Muslim, Buddhist.

Religious freedom has been acknowledged as a fundamental human right in such landmark steps towards the growth of international law as the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic, and Cultural Rights, the Convention Against Discrimination in Education, the Helsinki Final Act, and the U.N. Declaration Against All Forms of Religious Intolerance—agreements to which the Soviet Union has solemnly pledged its adherence. The international community recognizes that respect for such fundamental human rights as religious freedom is an essential building block of peace, within and among nations.

Unhappily, present state policy in the U.S.S.R. puts pressure on religious believers of all faiths, and circumscribes the activities of religious communities. We join with believers in the Soviet Union who hope that this remarkable anniversary, the Millennium of Christianity in Kievan Rus', can become the occasion for fundamental change in Soviet state policy and practice toward religious communities.

We the undersigned Americans of many different creeds and political persuasions, joined by a common concern for human rights and peace, appeal to you, General Secretary Gorbachev, to honor your nation's commitments to inter-national agreements on the fundamental human right of religious freedom.

We are heartened by the progress our two countries have made in the area of arms reduction, and by your call for a new era of openness in the Soviet Union.

We note the resolution of a number of individual emigration and prisoner cases.

But we urge deeper, more permanent change, commensurate with your commitment to glasnost, perestroika, and democratization. Thus we urge you to redress the continuing pattern of discrimination and harassment against religious believers in your country.

We believe that significant progress in the matter of human rights, and especially on the fundamental right of religious freedom, will contribute to a new pattern of relationships between our countries, and thereby enhance the prospects of peace.

II. We join in solidarity with believers of all faiths in the Soviet Union, urging you to undertake immediately the actions necessary to effect these specific constitutional and legal steps toward full religious freedom in the U.S.S.R.:

We urge that Article 52 of the Soviet Constitution be amended so that citizens of the U.S.S.R. are guaranteed the right, not only to "religious worship", "but also to "form religious associations and disseminate religious beliefs" on terms of full constitutional equality with atheistic organizations and atheistic propaganda. We urge you to restore to all religious associations the full status of "juridical person" under Soviet law.

We urge that the Decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the R.S.F.S.R. of April 8, 1929 (and its equivalents in other Soviet republics, as amended by a decree of the R.S.F.S.R. Supreme Soviet Presidium of June 23, 1975), and the equivalent laws "On Religious Associations" adopted subsequently in other Union republics, be repealed.

In particular, we urge you:

To return to individual religious groups the houses of worship, religious artifacts and religious books which have been expropriated by the authorities;

To restore the right to construct and own new houses of worship;

To allow religious instruction of children, young people and adults outside the public school system;

To lift the ban against charitable activities by religious groups;

And to end the requirements of preliminary state "registration" of religious associations and the clergy.

We urge that Articles 142 and 227 of the R.S.F.S.R. Criminal Code (and their equivalents in other republican criminal codes), as well as the March 18, 1966 Decrees of the R.S.F.S.R. Supreme Soviet Presidium "On the Application of Article 142 of the R.S.F.S.R. Criminal Code" and "On the Administrative Liability for the Violation of the Legislation on Religious Cults" (and the equivalent decrees adopted by the Supreme Soviet Presidia of the other Union republics), be repealed as contrary to the constitutional separation of church and state.

We urge you to publish and submit for public reconsideration, with the participation of religious believers, all hitherto secret or only partially-published decrees and instructions setting the structure, powers, and procedures of the Council for Religious Affairs [C.R.A.] attached to the U.S.S.R. Council of Ministers, its republican and oblast branches and commissioners. We urge that you assure representation on the C.R.A., at all government levels, of representatives of religious believers, and that the activities of the Council for Religious Affairs be guaranteed full legality and publicity (glasnost).

We urge you to legalize the Greek Catholic (Uniate or Ukrainian Catholic) Church and other religious groups (such as, for example, the Ukrainian Autocephalous Orthodox Church) that were banned by the Stalin government, and to restore to these religious groups the churches, houses of prayer, religious artifacts, monastic and seminary buildings, and other confiscated property necessary for their religious activities.

III. The fundamental right of religious freedom, as codified in the U.N. Declaration Against All Forms of Religious Intolerance, has many concrete expressions in daily life. Therefore we urge the following:

A general amnesty should be declared for all religious prisoners of conscience.

Religious believers should be able to practice their faith without interference, harassment, or persecution. The requirements for compulsory state "registration" of religious congregations and the clergy, prior to their starting their activities, should be abolished, along with the prerogative of state authorities to veto any members of congregations' executive and auditing committees. Membership on these committees (including chairmanship) should be open to the clergy.

Religious communities should enjoy the freedom to preach, to publish, and to disseminate their teachings through the mass media. Independent religious publishing institutions should not be hindered in their work.

Parents should be able to transmit their faith to their children without being harassed or discriminated against on this account. Religious organizations should be able to conduct institutions of religious education without state interference. Clergy should be allowed, with parental permission, to provide religious instruction to children. School children and students at secondary or university levels should not be pressured to join organizations espousing atheism; punished for declining to do so; or otherwise be denied equality of educational opportunity and advancement on account of their religious beliefs and practices.

The state should not interfere in the appointment of seminary faculties, and should relinquish its control over the appointment of candidates to seminaries.

Religious believers, including children, should be able to absent themselves from work or from school on religious holidays.

Believers who wish to emigrate from the Soviet Union on religious grounds should be allowed to do so.

Believers, clergy, and religious groups in the Soviet Union who wish to maintain contacts with fellow-believers and religious institutions throughout the world should be free to do so.

Religious communities should enjoy the full rights of social organizations in the Soviet Union. Religious communities should be able to solicit funds for charitable activities, to engage in works of charity, to own property, and to participate in organizations such as temperance societies.

Religious services should be permitted in hospitals, prisons, and homes for the aged. Religious believers should be able to wear religious symbols, and to have access to religious literature, while they are in hospitals, prisons, and homes for the aged.

IV. Establishment of these basic guarantees of the fundamental right of religious freedom is an important measure of the status of human rights in the Soviet Union. We call on you, Mr. General Secretary, to demonstrate your commitment to peace by assuring all the peoples of the Soviet Union the right of religious freedom, which is an essential guarantor of peace. We appeal to you, on this occasion of the Millennium of Christianity in Kievan Rus', to join with us in working for an international community committed to defending the dignity of human beings as a fundamental requisite of peace.

Mrs. JOHNSON of Connecticut. Mr. Speaker, perhaps no freedom played a greater part in the founding of our Nation than the quest for the freedom to worship freely. Early European settlers of North America were willing to leave behind family and community and brave unimaginable hardships to establish themselves in the new world where, despite the many difficulties of their new lives, they could be at peace to worship freely.

Three hundred fifty years later, one of the things that sets our society apart from Soviet society is our relative tolerance of religion. The nationalities now under Soviet domination have rich religious histories which predate the founding of our own young country by hundreds of years. Significantly, this year marks the 1,000th anniversary of the dawn of Christianity in what is now the Ukraine. Celebration of this joyous event has been muted, however, by the silent hand of official Soviet condemnation of religion. The Soviet state has closed 15,000 churches of all faiths in its 70 years in power in its effort to destroy allegience to anything but the state itself. However, while the state can destroy church buildings, it cannot destroy the spirit of committed believers whose courage and persistence in maintaining their faith in the face of widespread government harassment makes them true heroes.

I met one such man when I visited the Soviet Union this past February. Our colleague from Washington JOHN MILLER had told me of a courageous young Christian, Alexi Ivanovich Zavrazhnev, whom he had met on his own trip to Moscow earlier this year. Alexi is a committed Christian who has suffered physical mishandling and is now not allowed to work because he has sought, through many means including peaceful demonstration, the right to worship freely. I have appealed personally to Georgi Arbatov, director of the Soviet Institute for United States Studies, to ensure this young man's safety and to help him find his place as a productive member of Soviet society.

The Soviet Union has captivated world attention in the past year for its purported reforms aimed at opening its society to freer thought and greater individual liberty. Many of its leaders are to be commended for their courage in speaking for change, including restoring the right to freedom of worship. Our two nations have made great strides in the past year toward better understanding and have made great progress toward new arms agreements.

But, as Secretary of State Shultz has often said, the United States continues to view human rights as being as important to the United States-Soviet agenda as arms control and regional issues. Until people of faith like Alexi Zavrazhnev are free to worship as they choose, sustained progress between our nations will be difficult.

I strongly support House Concurrent Resolution 223, and call on the Soviet Union to release those imprisoned for religious activities and to allow greater freedom to worship.

Mr. BONKER. Mr. Speaker, I wish to express my deep concern for the Prisoners of Conscience in the Soviet Union. We must take advantage of the opportunity afforded by the glasnost policy to use what influence we can on behalf of those denied basic human rights in the Soviet Union.

We must press the Soviet Union, during this new period of openness, to fulfill its obligations to uphold human rights, including freedom of thought and worship. Religious beliefs must not be cause for imprisonment. Banning of religious publications, harassment of worshippers, and closing of churches should be discontinued. The persecution of citizens of the Soviet Union—solely on the basis of their personal religious faith—must be stopped.

In signing the Helsinki accords, the Soviet Government pledged itself to uphold the United Nations Universal Declaration of Human Rights to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion."

The broad and passionate support in the United States for the international recognition and defense of human rights constitutes a formidable adversary in the ongoing struggle to advance the cause of freedom in the Soviet Union.

House Concurrent Resolution 223, which calls upon the Soviet Union to release all prisoners of faith, allow the distribution of Bibles and religious literature, and permit the reopening and construction of churches, continues this mandate from the American people on behalf of the people of the Soviet Union.

I urge my colleagues to support this bill.

Mr. ACKERMAN. Mr. Speaker, I rise with my colleagues to support House Concurrent Resolution 223, which calls on the Soviet Union to declare general amnesty for imprisoned Christian believers. There are an estimated 200 Christians currently serving prison sentences, living in exile or confined to psychiatric hospitals for merely expressing and practicing their religious beliefs. I have often spoken out against Soviet religious persecution. Whether the victims are Jews, Christians, Moslems or other believers, all religious groups suffer greatly in the U.S.S.R.

The Reagan administration's "Country Reports on Human Rights Practices for 1987" contains a lengthy section on freedom of religion in the Soviet Union. It states that while there has been some improvement in the treatment of religious believers, including a slight increase in the level of Jewish emigration, many other promised changes have not been carried through. For example, in 1987 the Soviet Council on Religious Affairs announced that all religious prisoners would be released by the end of November 1987, but this promise has not been kept. Soviet officials have also refused to grant registration and legal status to entire religious denominations, most notably the Ukranian Catholic Church, which has sought recognition since 1946.

There is reason for optimism that real change may soon come to the Soviet Union. A freer, more liberal Soviet Union is certainly in the interests of the United States. But we must not be so taken by the promises of glasnost that we forget the atrocities the Soviet

Government continues to commit. In 1987, the 600th anniversary of Christianity in Lithuania, religious crimes continued despite glasnost—a prominent Catholic activist was arrested in Vilinius; despite the plea of 100 Members of Congress, Bishop Steponavicius is still in internal exile after 26 years; Western visitors were prevented from attending the anniversary celebration, and religious publications continue to be suppressed. Religious groups are also subject to arbitrary regulations. They are required by law to register with the Religious Affairs Commission, but once registered, they are subject to a large body of restrictive rules imposed by the Government.

The legislation we are considering today calls attention to all of these problems, while highlighting the issue of general amnesty for imprisoned Christians. It calls on Soviet officials to comply with its obligations under several international human rights accords and to allow people of all religions to practice without interference, persecution or harassment. It also seeks to address restrictions on where people can worship and how bibles can be published and distributed. At this crucial point in United States-Soviet relations, this far reaching legislation will send a concrete message about Americans' strong commitment to religious freedom. I am pleased to add my voice to the chorus of others who support this sensible and timely resolution.

Mr. COATS. Mr. Speaker, far too often, we Americans take our freedoms for granted. Not only do we fail to appreciate the freedoms we have, but we also fail to recognize the basic freedoms which many of our brothers in foreign countries do not enjoy.

For over 200 years, we Americans have been able to practice the religion of our choice without the fear of governmental intervention. Our Founding Fathers thought this principle so fundamentally important that it is the first guarantee of our Bill of Rights. But written words mean nothing unless they are supported by corresponding actions. The Constitution of the Soviet Union has a similar guarantee of religious freedom, but rather than being able to practice their religion without fear of retribution, Soviet Christians and Jews have been forced to endure many years of persecution. Thousands of churches have been closed, believers have been imprisoned, and laws have been enacted which have provided further barriers to the free practice of religion.

If General Secretary Gorbachev is serious about making Soviet society more open, he can begin by releasing imprisoned Christians and Jews and allowing Soviet citizens to freely practice the religion of their choice. Until this very basic human right is observed in the Soviet Union, many of us will be skeptical as to the sincerity of Mr. Gorbachev's talk of reform.

Mr. Speaker, it is for these reasons that I am proud to be a cosponsor of House Concurrent Resolution 223, a bill to express the sense of Congress that the Soviet Union should proclaim general amnesty for imprisoned Christians, and I applaud the House for today passing this very important piece of legislation.

Mr. DELAY. Mr. Speaker, I stand with my colleagues to express strong unanimous support for Soviet Christians forbidden from exercising their basic human rights to freedom of expression and freedom of worship. Similarly, I stand to express my outrage and strong condemnation of the Soviet Government. The situation of Christians in the Soviet Union clearly displays the tyranical Soviet Government's utter contempt for fundamental human rights. The Soviet Government simply ignores the basic human rights of its citizens because acknowledging them could threaten the selfish rule which the elitist government imposes on its subjects.

Certain liberties are inherent functions of human life. As every human being can think, speak, and move, freedom of belief, expression, and movement are innate human rights. They are activities which cannot be removed from a human being. Governments do not grant these rights; good governments protect them, abhorrent governments attempt to repress them by punishing those who exercise them. In the absence of a repressive government a human being can believe as he or she chooses. But Mr. Gorbachev and his accomplices have no problems with imprisoning Soviet citizens who simply express their faith in Christianity.

An example of the cruelty of paranoid and selfish Soviet tyranny can be found in the destroyed life of Vytautas Lazinskas. Like me. Vytautas is a Christian. Unlike me, Vytautas is suffering extreme dehumanization in a Soviet labor camp because he erected a cross in public. For this crime Vytautas was arrested in 1972 and has not been free since. He is reported to suffer severe emotional illness because of the forcible psychiatric treatment he has received. What value does humanity have in a totalitarian society anyway?

I've been to the workers paradise of Soviet Russia. I've seen dehumanized subjects of Soviet rule. And, I've become close friends with people who want nothing more than the basic freedoms that they are born with.

I don't know what harm can come from allowing people to practice their religion. I don't know what benefit can be gained by punishing those who try to do so. I do understand, however, that the Soviet regime must feel threatened by those who place their faith in God, those who refuse to pledge blind obedience to their totalitarian government.

I pray for Vytautas Lazinskas and all other Soviet citizens who are imprisoned for their beliefs. And, I accept my responsibility as a representative of a free nation to help others gain their innate freedom. It is imperative that we express our outrage concerning Soviet contempt for personal liberties at every meeting that we have with the Soviet Government, including meetings with Soviet citizens hand picked to travel to America.

I stand as a cosponsor in strong support of House Concurrent Resolution 223 and I want to commend TOM LANTOS and CHRISTOPHER SMITH for introducing it. I urge General Secretary Gorbachev that if he ever wants the free world to trust or respect him, he must begin to respect the rights of Vytautas Lazinskas and all the other Soviet citizens who simply want to believe as they choose, not as they are told.

Mr. CRANE. Mr. Speaker, Russia had a long and proud religious tradition. Russians have made invaluable contributions to the world of Christian literature, music, folk art, customs, and places of worship. When the Communists brutually overthrew Czar Nicholas II, in 1917, they moved quickly to destroy religious freedom in their new State, the Soviet Union. The Bolsheviks recognized that a strong religious movement would undermine the authority of their party which demanded total obedience. Unlike a democracy or even an authoritarian regime, a Communist government demands total control of the economic and social lives of its citizens because it does not respect the authority of God.

For propaganda purposes, the Communists told the world that their new "Constitution" guaranteed religious freedom. Later the Soviet Union signed numerous international agreements which obligated it to respect human rights and fundamental freedoms, including a pledge under the Helsinki accords to "respect * * * freedom of thought, conscience, religion or belief * * *". Over the years, the atheist leaders of the Soviet Union have carried out their war against religion by closing thousands of churches, persecuting an untold number of believers, restricting theological seminaries, and forbidding formal religious instruction for persons under 18 years of age. Today some 150 Christians are imprisoned, in exile, or in psychiatric prisons in the Soviet Union because of their religious belief.

Mr. Speaker, General Secretary Gorbachev must be commended for his recent remarks that he intends to allow greater religious freedom as part of his effort to liberalize his State. I believe that this bill, House Concurrent Resolution 223, which expresses the "sense of Congress" that the Soviet Union should cease persecution of Christians in the U.S.S.R. will help urge the General Secretary to keep his word and allow religious freedom. This bill urges the Soviet Union to comply with its Constitution and its obligations under the Helsinki accords; it requires a general amnesty to all Christians imprisoned because of their religious beliefs, and it requests that religious believers of all ages to practice their faith without any restrictions. Hopefully, President Reagan will present Mr. Gorbachev with a copy of this resolution when they both meet, in Moscow, to discuss arms control and world affairs later this month.

I am sure that all of my colleagues will see the wisdom in voting for this measure. By supporting this bill, we will honor Congressman CHRISTOPHER SMITH who has worked so hard to make this bill a reality while also paying tribute to our own cultural and political heritage. The Pilgrams came to our country in search of religious freedom and they founded our country on the principle that man is subservient to God and that the state is subservient to the people. Hence, our country has been blessed over the years with religious and political freedom. We have a moral obligation to urge other states to provide its citizens with the same freedoms which have made our own lives so rich and wonderful.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 223, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT APPLICABLE TO THE ORGANIZATION OF EASTERN CARIBBEAN STATES

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4162) to make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States.

The Clerk read as follows:

H.R. 4162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the International Organizations Immunities Act (22 U.S.C. 288f-1) is amended by inserting "and to the Organization of Eastern Caribbean States (including any office established in the United States by that organization)" after "European Space Agency."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4162, making the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States.

The International Organizations Immunities Act extends to public international organizations certain privileges and immunities, including the capacity to contract, acquire and dispose of real property, and institute legal proceedings, immunity from suit and judicial process equivalent to that enjoyed by foreign embassies, immunity from search of property and confiscation, and other privileges relating to customs regulations accorded to the embassies of foreign governments. The legislation before the House today does not, however, grant full diplomatic immunity to the Organization of Eastern Caribbean States.

The OECS has received a grant from the Agency for International Development to establish an office in the United States for the purpose of encouraging and facilitating trade between the United States and the Eastern Caribbean. They have, in fact, already established such an office. The Committee on Foreign Affairs believes that the granting of limited diplomatic immunity to the OECS equal to that which has been granted to such organizations as the Organization of American States, the Pan American Health Organization, the Inter-American Development Bank, and the Caribbean Organization, is appropriate and will greatly enhance the ability of the OECS to effectively carry out this function.

Mr. Speaker, I would like to commend the distinguished gentleman from Michigan [Mr. CROCKETT], the chairman of the Subcommittee on Western Hemisphere Affairs and the original sponsor of the legislation, for his efforts in bringing this measure before the House. I urge the adoption of H.R. 4162.

□ 1830

Mr. CROCKETT. Mr. Speaker, H.R. 4162 would make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States. The International Organizations Immunities Act provides the legal framework within which international organizations operate in the United States. Passage of the bill will provide the OECS with the same immunities and status that have been given to over 60 other international organizations, including such regional bodies as the Organization of American States and the Organization of African Unity.

The OECS is a Caribbean regional organization whose objectives are to help these small island nations adopt common positions on international issues; to establish and maintain arrangements for joint overseas representation and common services; to promote unity and solidarity among the member states; and to promote economic integration and development. The OECS member states are Antigua, Dominica, Grenada, Monserrat, St. Kitts-Nevis, St. Lucia, and St. Vincent.

Last July, the OECS, working in cooperation with the U.S. Agency for International Development, established a regional investment promotion entity, the Eastern Caribbean Investment Promotion Service, here in Washington. In the interest of our relations with the Eastern Caribbean, this office, its personnel, and its property should have the appropriate international organization status. This bill would authorize the President to grant such status.

Mr. Speaker, I know of no opposition to this bill. It was adopted by voice vote in the Foreign Affairs Committee on April 27. It is responsive to the request from the Prime Minister of St. Lucia, the Honorable John Compton, who is also Chairman of the OECS. In a letter dated April 19, 1988, the State Department advised the committee that it had no objection to passage of the bill.

I urge my colleagues to vote in favor of this bill.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend Mr. FASCELL and the other sponsors for this legislation to grant diplomatic immunity to the Organization of Eastern Caribbean States [OECS].

The OECS is an important organization in promoting trade and development for the small islands of the Eastern Caribbean. During the Grenada crisis, it also proved a good friend of the United States in cooperating closely with our country in taking action to resolve a crisis to human life and democratic government.

I support this legislation, which will help us maintain the best possible relationship with the OECS and its members. I would note, however, the reservation of the Department of State that this action should not be seen as creating a precedent.

The State Department has advised that it is not customary for the United States to grant immunity to organizations of which the United States is not a member. It is my understanding that, despite this concern, the administration does not oppose the bill.

I urge my colleagues to give it their support.

Mr. DE LUGO. Mr. Speaker, I want to use this occasion, the consideration of H.R. 4162, to congratulate the Organization of Eastern Caribbean States for the tremendous progress it has made in its brief history.

The Organization of Eastern Caribbean States is made up of seven island countries in the Caribbean that share a great deal with the people of my district in the U.S. Virgin Islands. The people of the Virgin Islands have taken a deep interest in their neighbors' efforts to establish a political framework for regional cooperation, security, and economic progress.

These nations of the Eastern Caribbean have succeeded in establishing a common currency, a common judicial system, their own trading organization, and a framework for further development. They deserve the help and respect of the United States, which also has a strong interest in the economic and political conditions in this region that lies so close off our southern shores.

I hope the United States will offer its assistance as these nations strive for greater progress, and I offer my full support for this legislation to give the Organization of Eastern Caribbean States limited international organization status. I want to commend the gentleman from Michigan for offering this bill that both recognizes and enhances the standing of our neighbors from the Eastern Caribbean.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 4162.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the three pieces of legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON CRIME OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Crime of the Committee on the Judiciary:

Committee on the Judiciary,
Washington, DC, May 10, 1988.

Hon. Jim Wright,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that an investigator of the Subcommittee on Crime of the Committee on the Judiciary has been served with a deposition subpoena *duces tecum* issued by the United States District Court for the Southern District of Florida. After consultation with the General Counsel to the Clerk, I will notify you of my determinations as required by the House Rule.

With warm personal regards,

Sincerely,

William J. Hughes,
Chairman, Subcommittee on Crime.

ARIAS SHOULD EARN NOBEL BY CALLING ORTEGA TO ACCOUNT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEREUTER. Mr. Speaker, I take the well of the House to call the attention of my colleagues to an article in yesterday's edition of the Wall Street Journal written by our colleague, the gentleman from Oklahoma [Mr. Edwards]. This article is entitled: "Arias Should Earn Nobel by Calling Ortega to Account."

As the Member who first explained the composition of the original Arias peace plan which preceded the Guatemala City Accord, to the Congress in this Chamber, I regret to say that what some have feared is indeed happening in Nicaragua today, and that is that human rights abuses continue, the severe limitations on the news media in that country continues, but democratization is not proceeding.

The gentleman from Oklahoma [Mr. Edwards] in that article suggests that Costa Rican President Oscar Arias talks a good game on freedom and democracy and peace, but there is more to it than talk. He has to show some courage as well.

I think most of the world applauded when President Arias went to Stockholm to receive his Nobel Peace Prize. But I believe all of us also thought there was a commitment that went with it, and that was to follow-through on its implementation.

President Arias, if you will look on your mantle, you will find that your Nobel Prize is tarnishing. You need to act to clean it up and to exercise some courage and leadership in this hemisphere; from your position as a neighbor you need to bring international scrutiny and pressure on the Sandinistas to live up to their promises.

Mr. Speaker, I include the article by Representative Edwards with my statement:

[From the Wall Street Journal, May 16, 1988]

Arias Should Earn Nobel by Calling Ortega To Account

(By Mickey Edwards)

Let me be blunt.

Oscar Arias has already won his Nobel Prize. He has taken the money, taken the medal and taken the bows.

Now he should earn it. The Nobel Prize is a prize for men and women of courage. Gandhi opposed the oppression of the British, took great risks and eventually was murdered. Mother Teresa exposes herself daily to terrible disease. Bishop Tutu speaks out forcefully in a land often filled with hate.

Oscar Arias, safe behind the borders of Costa Rica, wearing expensive clothes and living well, holds his tongue as the Nicaraguan government taunts him, and us.

Mr. Arias is capable of sounding impassioned in the cause of freedom. As the commencement speaker at the National University in San Jose two years ago, I took the platform following a passionate address by Mr. Arias, who had just denounced to his countrymen the evils of the Nicaraguan government. It was a theme he repeated to me as we sat side by side later in the program, and one that he has echoed on several other occassions when I have met with him.

Relatively safe in San Jose, discussing theory and hopes, Mr. Arias has been a staunch defender of democracy and freedom. And he has insisted all along that the so-called Arias Peace Plan, for which he won his Nobel Prize, is actually a peace and democracy plan, one that calls simultaneously for moves toward peace and the institution of democracy inside Nicaragua. By democracy, he has said, he means the whole ball of wax: a free press, justice, free elections—the essential accoutrements of a free people.

What has happened? Just in the past 60 days:

La Prensa, Nicaragua's opposition newspaper, has been censored, threatened, and has twice been closed.

Mobs of government-sponsored hooligans have taunted, harassed and beaten citizens, including repeated assaults on the elderly and desperate women whose sons are held captive in Sandinista prisons.

The Ministry of Justice has been closed and its functions turned over to the head of the state police.

Peaceful demonstrations have been forcibly disrupted by the government.

Independent radio stations have been closed down for opposition to the government line.

Journalists have been beaten.

Labor leaders and leaders of the internal democratic opposition have been arrested and tossed in jail.

Mr. Arias has said nothing.

There are plenty of things to be upset about here in Congress, including the fact that the food supplies voted to send to the Contras have not been delivered, and members of House Speaker Jim Wright's staff have intervened with the delivery agent—the Agency for International Development—in an attempt to stop the food shipments.

But that is a matter between ourselves and the speaker of our House. Mr. Arias is another.

To a large extent, it was Mr. Arias and his well-promoted peace plan that persuaded many in Congress to vote to cut off further assistance to the Contras. That forced the Contras to sit down at the bargaining table with no cards to play and have given Sandinista President Daniel Ortega the courage to do such things as threatening the Contras with a massive military offensive if they do not sign the agreement he proposes.

The kicker is, of course, that the Contras—with no food and ammunition—are weaker than ever before, and the Sandinistas—enjoying a rest from battle and supported by new shipments of Soviet aid—are now stronger than ever. Yet even this—Mr. Ortega's belligerent military threat—prompted no response from Mr. Arias.

It is time to call the Sandinistas to account. It is time to speak out in opposition to continued human-rights abuses in Nicaragua.

Mr. Arias talks a good game. He speaks of democracy and freedom and peace and wonderful things like that. But if he aspires truly to join the ranks of Gandhi, Mother Teresa and Desmond Tutu, then he must do more than talk. He must show some courage as well.

INTRODUCTION OF SANTA RITA EXCHANGE LEGISLATION

The SPEAKER pro tempore (Mr. Hayes of Illinois). Under a previous order of the House, the gentleman from Arizona [Mr. Kolbe] is recognized for 5 minutes.

Mr. KOLBE. Mr. Speaker, on behalf of myself and three other Members of the Arizona congressional delegation, Mr. Stump, Mr. Kyl, and Mr. Rhodes, I am today introducing legislation which will resolve a number of outstanding and difficult land management problems in the State of Arizona. This legislation is identical to legislation already introduced in the Senate by Senators DeConcini and McCain, and very similar to a bill offered by Mr. Udall.

The entire delegation can agree that the package represents a creative and effective solution to a variety of land issues. Where we part company is on the resolution of one issue: The management of an existing energy corridor through the Kofa National Wildlife Refuge. But even in that area, our dialog continues, and a responsible and thoughtful resolution of that dispute is clearly attainable.

A general summary of the various elements of this legislation is necessary since this bill is the most comprehensive, and therefore, complicated in recent Arizona history. Federal and State agencies involved in this exchange include the U.S. Bureau of Reclamation, the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Arizona State Parks Board, and the Arizona State Land Department.

This bill, like H.R. 4565, and S. 2352, transfers the Catalina State Park, which is threatened by development pressure and urban encroachment, to the Coronado National Forest to enhance its viability as a refuge from the pressures of city life. The State will continue to manage this area, through a cooperative arrangement, so visitors to the park will notice no change in the quality of the supervision currently provided.

This bill also transfers the 51,000-acre Santa Rita Experimental Range south of Tucson to the Arizona State Land Department. Initially, this was the most contentious provision of the bill, until a compromise was achieved that met everyone's concerns. The transfer of this land would be accompanied by State legislation declaring that the mission of this range should be maintained in perpetuity. We firmly believe the educational mission of this range is of paramount importance. In addition, were this land to be developed, its proximity to the critical astronomical observations on Mount Hopkins could further degrade the education and research activities conducted by scientists from all over the world. That's why the Arizona delegation stands united in the position that the mission of the range should be protected from development pressure.

This legislation, like the others introduced, resolves the land debt of the Federal Government to the State of Arizona for 12,000 acres of State land used for the central Arizona project. It transfers 91,000 acres of State land within the Buenos Aires National Wildlife Refuge to the Fish and Wildlife Service to resolve management confusion, and it transfers 16,000 acres of State land near Lake Pleasant to BLM for management in association with the regional park surrounding the lake. Further, it adds over 80,000 acres to the Cabeza Prieta Wildlife Refuge to include the Tinajas Altas Mountains.

The one isssue of contention involves the Kofa National Wildlife Refuge. Currently, a utility corridor runs through this refuge. This corridor contains one above-ground 500-kilovolt powerline, and eight subsurface oil, gas and fiber-optic lines. An additional powerline is proposed to carry power from Arizona to meet the energy needs of southern California. An environmental impact statement is currently being prepared, and while the proposal to put in the line may not be imminent, it is certainly not "inactive."

The proposal we offer is to move the northern boundary of the Kofa Refuge to a point south of the energy corridor. The lands north of this boundary, consisting of 47,000 acres, will be managed by the BLM for its wilderness, wildlife and energy corridor values. This proposal is strongly endorsed by the U.S. Fish and Wildlife Service, which recognizes that the management of the energy corridor poses conflicts to their management mission. The entire energy corridor, from Phoenix to the Los Angeles area, is managed by BLM with the single exception of this transit through the Kofa Wildlife Refuge. Common sense and good management practices argue storngly for consolidating this utility corridor under single management.

The BLM will manage the land in the same manner as the Fish and Wildlife Service, including the continuation of a prohibition on grazing and mineral withdrawal. Concurrent with this proposal is the addition of 16,500 acres of BLM land adjoining the Kofa Refuge to the refuge as wilderness to be managed by the Fish and Wildlife Service for the critical wildlife habitat.

While this particular provision is opposed by some national environmental groups, other groups, including the Arizona Game and Fish Commission—which is responsible for managing the bighorn sheep population—the Cochise Conservation Council, the Arizona State Parks Board, the Southern Arizona Environmental Council, and the Huachuca Audubon Society have stated strongly that the controversy over the Kofa section should not scuttle this legislation which provides so many public land protections and benefits for the people of Arizona.

It's the opinion of the sponsors that the Kofa provision is a necessary element of this legislation to solve yet another longstanding problem in a balanced and reasonable way. This is our only disagreement with the distinguished chairman of the Interior Committee. This is not a contentious disagreement, but introduction of this bill is a first step before we continue to meet and discuss our differences and eventually resolve them to everyone's satisfaction.

Dean Bibles, the Arizona State BLM director, and a key player in the development of this legislation, has said: "There have been negotiations and compromises on everyone's part. And everyone has shown a willingness to step in and protect those vital resources that are so important to us all, while at the same time, providing the means for Arizona to continue to grow and develop and prosper economically." It is in that spirit that this legislation is offered, and in that spirit I will work closely with Mr. UDALL in support of our mutual purposes and toward agreement on those matters that divide us.

In addition to Mr. Bibles, special mention must also go to other leaders in the State who deserve credit for putting this package together; Michael Spear, southwest regional Director of the U.S. Fish and Wildlife Service, and Jean Hassell, Arizona State land commissioner and formerly the chief of the Southwest region of the U.S. Forest Service. They are dedicated stewards of the land under their responsibility, and Arizonans owe them a debt of gratitude for their service and skill.

MAYOR RICHARD S. CALIGUIRI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, On May 6, 1988, the city of Pittsburgh lost its leader, the Honorable Richard S. Caliguiri. Mayor Caliguiri died of a heart attack brought on by the effects of a rare disease, amyloidosis. During his 11 years as mayor of Pittsburgh, Dick Caliguiri led Pittsburgh to its second renaissance, a rebirth that saw a strengthened economy, a revitalized downtown area, improved neighborhoods, and a renewal of spirit for the residents of our city.

Mayor Caliguiri began his public service career in 1956 as an assistant in the city's park system. In his 13 years there, he became thoroughly familiar with the city's various neighborhoods and the workings of city government. In 1968, then Mayor Joseph Barr brought Dick into the mayor's office as an assistant secretary. From there, Dick rose to the position of director of parks and recreation.

Mayor Caliguiri began his political career when he was appointed to a city council vacancy in 1970. He then ran on his own in the 1971 election and led the ticket with nearly 104,000 votes. I had the honor of serving with Dick on city council from 1973 until 1977. As a councilman, Dick showed those qualities that would serve him so well as mayor; he was a serious, hard-working councilman who loved his city and devoted his energies to issues and activities that would improve the quality of life for Pittsburghers. He understood that a life in politics is a life of service to the community.

In 1973, Dick Caliguiri ran for mayor and lost a close race to Pete Flaherty. He resumed his work on city council and became president pro tempore, and subsequently, council president. In 1977, Mayor Pete Flaherty left the city to join the Carter administration in Washington, and Councilman Caliguiri became Mayor Caliguiri for the first time, rising from his position of council president. He immediately reached out to the business community to begin what would be called "Renaissance II," a long-term project that would restore pride in the city. This became the theme of Mayor Caliguiri's election campaign, and it proved to be successful. In November 1977, Dick Caliguiri was elected to his first full term as mayor of Pittsburgh.

Those of us who live in the city of Pittsburgh take pride in the diverse makeup of our town. We are a city of corporations and neighborhoods, ethnic groups and universities, laborers and health care professionals. Dick Caliguiri was at home with any and all of these groups and he was able to bring them together for the common good of Pittsburgh. The Pittsburgh Pirates were among the first organizations to commemorate Mayor Caliguiri. The mayor's initials, R.S.C. have been sewn onto the sleeve of their uniforms, and I thought that Dick would have been delighted at this honor. It was through his efforts that the Pirates are still in Pittsburgh, and their recent resurgence is symbolic of Pittsburgh's restored pride.

We mourn the passing of Mayor Richard S. Caliguiri, but he left us with a legacy of pride in our community and hope for continued growth and prosperity.

THE BUREAUCRATS PROTECT THEIR FADA BUREAUCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. St Germain] is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, Washington boondoggles have a life of their own and unless they are nipped in the bud they become part of the landscape forevermore.

The Federal Asset Disposition Association [FADA] is at just such a crossroads.

After 9 months of intense scrutiny which clearly identified FADA as a prime candidate for the boondoggle Hall of Fame, I wrote the Federal Home Loan Bank Board Chairman M. Danny Wall on May 3 asking that the Board take steps to voluntarily dissolve FADA. The letter, Mr. Speaker, reflected a growing consensus of Members of the Banking Committee who have followed the operations of FADA closely over the months.

Now, we have the answer. Wrapped between layers of bureaucratic niceties the FHLBB says "no." It is not headline news that the FHLBB wants to keep—or at least defend to its final hour—the creature it created nearly 3 years ago. Any other reaction would have shaken the bureaucratic world of Washington.

With the FHLBB's answer in hand we in the Congress must get on with the job of straightening out the mess and establishing a rational cost-efficient approach to disposing of the $7.5 billion of assets acquired from failed and failing savings and loans.

As long as the jerry-built structure of FADA is in place we won't have a rational approach to this critical task. We'll continue to have inefficiency and waste. The structure, the mindset and the history of the agency renders makeshift repairs a very poor idea.

In my letter of May 3 I told Federal Home Loan Bank Board Chairman Danny Wall: "The committee hopes that the Bank Board will voluntarily dissolve FADA. Please be advised, however, that the committee is fully prepared to enact legislation that would dissolve FADA with or without the acquiescence of the Bank Board. Legislation to accomplish that end is about to be introduced."

Mr. Speaker, we will proceed on that course.

In its defense of the indefensible, the FHLBB attempts to establish these points:

The claim: That dissolving FADA would result in confusion, delays, and management disruption.

The facts: The Federal Savings and Loan Insurance Corporation [FSLIC] already reviews all FADA business decisions, including sales, through a system of business plans and regional and national review committees. FSLIC staff have always remained knowledgeable of and have made the final decisions on the assets managed by FADA and are fully acquainted with the items moving through the pipeline. There would not be disruption; only the removal of a duplicate layer of bureaucracy.

The claim: That dissolving FADA would cost millions of dollars because FADA is now profitable.

The facts: Any apparent profits generated by FADA are the direct result of creative bookkeeping. First, FSLIC was directed to pay $6 million to FADA for contested expenses which the FSLIC receiverships had refused to pay. Second, the Bank Board orchestrated a new, more generous, contract which pays FADA a larger management fee and adds a disposition fee. Taking just one institution's portfolio—that of Vernon Savings and Loan—the new contract would pay FADA $16.9 million more than the old contract and $17.4 million more than if the assets were managed "in house," including all FADA staff now responsible for Vernon's assets compensated at their current salary and benefits level.

The claim: That additional costs would be incurred to manage the assets "in house" or directly through other private contractors.

The facts: I cannot imagine a scenario where removing FADA and handling assets "in house" or directly through private contractors could be more expensive than the current operations. FADA has managed few assets by itself, relying extensively on the use of subcontractors. While FADA accumulated an operating deficit of $15 million, it passed on more than $50 million in subcontractor costs to FSLIC receiverships.

Since FSLIC already pays for all of the subcontractor bills, in addition to all of FADA's expenses, removing FADA could only result in savings.

The claim: That a study commissioned by FSLIC supports the Bank Board's contention that FADA provides better value than the private sector.

The facts: This telephone survey received just 29 responses from 135 companies questioned, and many of the responses were qualified. This study is in direct conflict with data collected by committee staff which compares in great detail the cost structure of two large private contractors with FADA. The data used in this analysis was produced by the General Accounting Office.

The claim: That FADA's fee is 72 basis points, including disposition fees, after factoring in the profits returned to FSLIC.

The facts: FADA's new contract guarantees 90 basis points for asset management and related services and 150 basis points for disposition. In addition, FADA can still pass on certain subcontractor costs directly to FSLIC.

The claim: That FADA has had significant staff reductions thus far in 1988 resulting in an annualized savings of $2 million.

The facts: Unfortunately many of the individuals that have resigned from FADA are the very individuals who had real estate and workout expertise, which will be critically needed in the months ahead.

The claim: With competition from FADA, the private sector will be forced to scale down its charges to the FSLIC.

The facts: The committee's data demonstrates that FSLIC is able to lower contractor costs through competitive bidding and obtain private sector services at a lower cost than FADA.

Mr. Speaker, the response from the Bank Board does not lessen our resolve to assure the maximum recovery for the FSLIC insurance fund. The committee will move forward on legislation which will abolish FADA and put FSLIC back on track in managing problem assets in a sensible and cost-efficient manner.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Akaka (at the request of Mr. Foley), for May 18 and 19, on account of official business.

Mr. Stratton (at the request of Mr. Foley), for May 17, 18, and 19, on account of illness.

Mr. Lewis of California (at the request of Mr. Michel), for today and May 18, on account of death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kolbe) to revise and extend their remarks and include extraneous material:)

Mr. Dreier of California, for 60 minutes, today.

Mr. Dreier of California, for 60 minutes, on May 18.

Mr. Bereuter, for 60 minutes, on May 18.

Mr. KOLBE, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on May 17, May 18, May 24, and May 25.

(The following Members (at the request of Mr. HAYES of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, on May 18.

Mr. LIPINSKI, for 60 minutes, on May 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Miss SCHNEIDER, just before vote on Brown of California amendment, in Committee of the Whole, today.

Mr. GILMAN during general debate on House Concurrent Resolution 274 and House Concurrent Resolution 223.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. BILIRAKIS.

Mr. BOULTER.

Mr. CLINGER.

Mr. BUECHNER.

Mr. DAVIS of Michigan in two instances.

Mr. LAGOMARSINO in two instances.

Mr. MICHEL in two instances.

Mr. BUNNING.

Mr. DORNAN of California.

Mr. KOLBE.

Mr. YOUNG of Florida.

Mr. GUNDERSON in two instances.

Mr. FIELDS.

Mr. SHAW in two instances.

Mr. COURTER.

Mr. MCEWEN.

Mr. CONTE in two instances.

Mr. ROTH.

(The following Members (at the request of Mr. HAYES of Illinois) and to include extraneous matter:)

Mr. LIPINSKI.

Mr. DE LUGO.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. LANTOS.

Mrs. BOXER.

Mr. TRAFICANT.

Mr. MAZZOLI in two instances.

Mr. FLORIO in six instances.

Mr. DYMALLY.

Mr. TORRES.

Mr. MATSUI in three instances.

Mr. KASTENMEIER.

Mr. MONTGOMERY.

Mr. LOWRY of Washington.

Mr. VENTO.

Mr. LAFALCE.

Mr. THOMAS A. LUKEN.

Mr. BOSCO.

Mr. SOLARZ.

Mr. BONIOR.

Mr. ROE in two instances.

Mr. CLEMENT.

Mr. LEVINE of California in two instances.

Mr. DARDEN.

Mr. FEIGHAN.

Mr. WOLPE.

Ms. PELOSI.

Mr. LEHMAN of Florida.

Mr. ERDREICH.

Mr. HOYER.

Mr. DELLUMS.

Mr. KLECZKA.

Mr. GUARINI.

Mr. MARKEY in two instances.

Mr. SIKORSKI.

Mr. KENNEDY in two instances.

Mr. LEVIN of Michigan in two instances.

Mr. OWENS of Utah.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1476. An act to designate the Federal Record Center at 9700 Page Boulevard, Overland, MO, as the "SSG Charles F. Prevedel Building"; to the Committee on Public Works and Transportation.

S. 1883. An act to amend the act entitled "An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes"; to the Committee on the Judiciary.

S. 1986. An act to study, control, and reduce the pollution of aquatic environments from plastic materials, and for other purposes; to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

S. 1989. An act to implement the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1386. An act for the relief of Marsha D. Christopher; and

H.R. 1430. An act to authorize decorations, medals, and other recognition for service in the U.S. merchant marine, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 13, 1988:

H.R. 3. An act to enhance the competitiveness of American industry, and for other purposes.

ADJOURNMENT

Mr. TORRES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 18, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3618. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1988, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-195); to the Committee on Appropriations and ordered to be printed.

3619. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition reports [SAR's] for the quarter ending December 31, 1987, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3620. A letter from the Department of the Air Force, transmitting a planned Air Force Strategic Air Command [SAC] Air Division realignment, pursuant to 10 U.S.C. 2687(b); to the Committee on Armed Services.

3621. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act to authorize the imposition of civil money penalties in certain circumstances; to the Committee on Banking, Finance and Urban Affairs.

3622. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract for $14,000,000 or more to the United Kingdom (Transmittal No. MC-20-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3623. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting determination that it is in the national interest to grant assistance to the Country of Cote d'Ivoire which is more than 6 months in default on loans made under the FAA, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

3624. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availabilty report for the quarter ending 31 March 1988, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

3625. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions for Philip D. Winn, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States to Switzerland; for Christopher W.S. Ross, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Democratic and Popular Republic of Algeria; and for Richard L. Williams, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Mongolian People's Republic, and for their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3626. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3627. A letter from the Director, Defense Security Assistance Agency, transmitting a report of those Foreign Military Sales customers with approved cash flow financing in excess of $100 million as of October 1, 1987, pursuant to Arms Export Control Act, section 25(a), paragraph (5)(B); to the Committee on Foreign Affairs.

3628. A letter from the Director, Office of Management and Budget, transmitting the annual report of activities under the Freedom of Information Act during calender year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3629. A letter from the Assistant Administrator for Administration and Resources Management, United States Environmental Protection Agency, transmitting notification of a proposed new federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3630. A letter from the Acting Assistant Secretary (Fish and Wildlife and Parks), Department of the Interior, transmitting an interim report for the inclusion of Wildcat Brook in New Hampshire as a component of the National Wild and Scenic Rivers System, pursuant to 16 U.S.C. 1276(a)(89); to the Committee on Interior and Insular Affairs.

3631. A letter from the Attorney General, Department of Justice, transmitting a copy of the annual report of the Attorney General for fiscal year 1986, pursuant to 28 U.S.C. 522; to the Committee on the Judiciary.

3632. A letter from the Deputy Administrator, Federal Highway Administration, transmitting a study entitled, "S.E. 17th Street Causeway Final Feasibility Study Report," as well as a Federal Highway Administration "Technical Summary and Recommendations," pursuant to Public Law 100-17, section 169(d) (101 Stat. 216); to the Committee on Public Works and Transportation.

3633. A letter from the Secretary of Transportation, transmitting the 1986 annual report on fatal and injury accident rates on public roads in the United States, pursuant to 23 U.S.C. 401 nt.; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 4387. A bill to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. 100-591, Pt. 2). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 448. Resolution providing for the consideration of H.R. 3146, a bill to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities (Rept. 100-625). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 449. Resolution waiving certain points of order against consideration of H.R. 4586, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-626). Referred to the House Calendar.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 4379. A bill to amend the Immigration and Nationality Act to provide to aliens who are nationals of certain foreign states in crises authorization to remain temporarily in the United States; with an amendment (Rept. 100-627). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

[The following action occurred on May 16, 1988]

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 4387. The Committees on Foreign Affairs and Post Office and Civil Service discharged from further consideration of H.R. 4387; H.R. 4387 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEREUTER:

H.R. 4605. A bill to amend the Housing and Community Development Act of 1987 to ensure the implementation of the rural housing guaranteed loan demonstration; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COLEMAN of Texas (for himself, Mr. Frost, Mr. Brown of California, Mr. Richardson, Mrs. Schroeder, Mr. Gonzalez, Mr. Ortiz, Mr. Bustamante, Mr. Leland, Mr. Bryant, Mr. Brooks, Mr. Pickle, Mr. Andrews, Mr. Skeen, Mr. Lowery of California, Mr. Garcia, Mr. Chapman, Mr. Leath of Texas, Mr. Coelho, and Mr. Roybal):

H.R. 4606. A bill to establish the United States-Mexico Border Regional Commission and to assist in the development of the economic and human resources of the United States-Mexico border region of the United States; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, Education and Labor, and Public Works and Transportation.

By Mr. CRAIG:

H.R. 4607. A bill to amend the Federal-Aid Highway Act of 1987 to establish a priority project; to the Committee on Public Works and Transportation.

By Mr. DAVIS of Michigan:

H.R. 4608. A bill entitled: "The Maritime Drug Law Enforcement and Enhancement Act of 1988"; jointly, to the Committees on Government Operations, Rules, Merchant Marine and Fisheries, Ways and Means, and Foreign Affairs.

By Mr. DAVIS of Michigan (for himself, Mr. Stangeland, and Mr. Upton):

H.R. 4609. A bill to provide protection for established recreational uses of water resources projects constructed by the Secretary of the Army; to the Committee on Public Works and Transportation.

By Mr. DORGAN of North Dakota:

H.R. 4610. A bill to provide financial assistance for the restoration and reconstruction of Fort Abraham Lincoln in the State of North Dakota; to the Committee on Interior and Insular Affairs.

By Mr. DOWDY of Mississippi (for himself and Mr. Smith of New Jersey) (both by request):

H.R. 4611. A bill to amend title 10 and title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; jointly, to the Committee on Armed Services and Veterans' Affairs.

By Mr. FRANK (for himself, Mr. Fish, Mr. Shaw, Mr. Glickman, Mr. Morrison, of Connecticut, Mr. Cardin, Mr. Swindall, Mr. Coble, Mr. Smith of Texas, Mr. Hoyer, Mr. Fauntroy, Mr. Parris, Mrs. Morella, andMr. Sisisky):

H.R. 4612. A bill to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of U.S. employees committed within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAY of Illinois (for himself and Mr. Hubbard):

H.R. 4613. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GUARINI (for himself, Mrs. Schroeder, Mr. Pepper, Mr. Hawkins, Mr. Rodino, Mr. Udall, Mr. Ford of Michigan, Mr. Conte, Mr. Coelho, Mr. Bonior, Mr. Jeffords, Mr. Murphy, Mr. Miller of California, Mr. Rangel, Mr. Moakley, Mr. Clay, Mr. Florio, Mr. Gilman, Mr. Murtha, Mr. Williams, Mr. Dwyer of New Jersey, Mr. Rinaldo, Mrs. Roukema, Mr. Gallo, Mr. Gibbons, Mrs. Boggs, Mr. Matsui, Mr. Donnelly, Mr. Frost, Mr. Weiss, Mr. Richardson, Mrs. Lloyd, Mr. Fish, Mr. Lowry of Washington, Mr. Synar, Ms. Oakar, Mr. Walgren, Mr. Vento, Mr. Skelton, Mr. Watkins, Mr. Dixon, Mr. Gunderson, Mrs. Boxer, Mr. Wise, Mr. Ortiz, Mr. Torres, Mr. Goodling, Ms. Kaptur, Mr. Levin of Michigan, Mr. Crockett, Mr. Ford of Tennessee, Mr. Oberstar, Mr. McHugh, Mr. Manton, Mr. Houghton, Mr. Kennedy, Mrs. Saiki, Ms. Pelosi, and Mr. Blaz):

H.R. 4614. A bill to amend the Older Americans Community Service Employment

Act to authorize grants for the employment of older Americans in providing child care for families with low income; to the Committee on Education and Labor.

By Mr. Huckaby (for himself, Mr. Stenholm, and Mr. Combest):

H.R. 4615. A bill to establish for the 1988 through 1990 crops of upland cotton an optional acreage diversion program; to the Committee on Agriculture.

By Mr. KOLBE (for himself, Mr. Kyl, Mr. Rhodes, and Mr. Stump):

H.R. 4616. A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. KOSTMAYER (for himself and Mr. Edwards of Oklahoma):

H.R. 4617. A bill to provide assistance through the National Endowment for Democracy to promote democracy in Nicaragua; to the Committee on Foreign Affairs.

By Mr. McEWEN:

H.R. 4618. A bill to provide for the protection of the Vietnam Veterans Memorial; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY:

H.R. 4619. A bill to provide for Federal-State energy joint boards at the Federal Energy Regulatory Commission for energy policy issues of joint Federal-State interest; to the Committee on Energy and Commerce.

By Mrs. SAIKI:

H.R. 4620. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain on certain sales of lands subject to ground leases; to the Committee on Ways and Means.

By Mr. STUDDS (for himself and Mr. Young of Alaska):

H.R. 4621. A bill to provide Congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic; to the Committee on Merchant Marine and Fisheries.

By Mr. COELHO:

H.J. Res. 570. Joint resolution designating November 6 through 12, 1988, as "National Disabled Americans Week"; to the Committee on Post Office and Civil Service.

By Mr. NEAL:

H.J. Res. 571. Joint resolution designating March 25, 1989 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

By Mr. SHAW (for himself, Mr. Nielson of Utah, Mr. Wolf, Mrs. Saiki, Mr. Moorhead, Mr. Gilman, Mr. Gekas, Mr. Broomfield, Mr. Rose, Mr. McDade, Mr. Clinger, Mr. Smith of New Hampshire, Mr. Kemp, and Mr. Rowland of Connecticut):

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress regarding the apprehension and prosecution of General Manuel Noriega of the Republic of Panama; to the Committee on the Judiciary.

By Mr. WOLF (for himself and Mr. Dornan of California):

H. Con. Res. 303. Concurrent resolution commending humanitarian treatment of Southeast Asian refugees and urging further measures to ensure humanitarian treatment of the refugees; to the Committee on Foreign Affairs.

By Mr. GLICKMAN (for himself, Mr. McCurdy and Mr. Lewis of Florida):

H. Res. 450. Resolution to express the sense of the House of Representatives that the Federal Aviation Administration should immediately establish a research and development program to study structural fatigue, wear, corrosion and damage to aircraft resulting from age and intensive utilization and to conduct nondestructive and destructive testing of older aircraft on a regular basis; to the Committee on Science, Space and Technology.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

373. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to the forced movement of farmer-owned reserve grains to commercial warehouses; to the Committee on Agriculture.

374. Also, memorial of the Legislature of the State of Minnesota, relative to national health insurance; to the Committee on Energy and Commerce.

375. Also, memorial of the Legislature of the State of Maine, relative to rail service for Maine and New England; to the Committee on Energy and Commerce.

376. Also, memorial of the Legislature of the State of Oklahoma, relative to the murdering of Charles Thornton, Lee Shapiro, and Jim Lindelof; to the Committee on Foreign Affairs.

377. Also, memorial of the Legislature of the State of California, relative to immigration; to the Committee on the Judiciary.

378. Also, memorial of the Legislature of the State of Minnesota, relative to the modernization of commercial aircraft fleets; to the Committee on Public Works and Transportation.

379. Also, memorial of the Legislature of the State of Maine, relative to the Federal highway trust fund; to the Committee on Public Works and Transportation.

380. Also, memorial of the Legislature of the State of Minnesota, relative to diesel fuel tax exemption for farmers and other off-road users; to the Committee on Ways and Means.

381. Also, memorial of the Legislature of the State of Minnesota, relative to the Employee Retirement Income Security Act of 1974; jointly, to the Committee on Ways and Means and Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIXON:

H.R. 4622. A bill for the relief of Olious W. Mitchell; to the Committee on the Judiciary.

H.R. 4623. A bill for the relief of Emma M. McCollum; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 4624. A bill to clear certain impediments to the issuance of a certificate of documentation for a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWRY of Washington:

H.R. 4625. A bill to issue a fisheries license for the operation of the vessel MV *Ocean Cyclone;* to the Committee on Merchant Marine and Fisheries.

By Mr. OWENS of Utah:

H.R. 4626. A bill for the relief of Catherine Anne Bardole aka Kathleen Bardole and her minor children, Lisa Anne Farley, and Elaine Mary Farley; to the Committee on the Judiciary.

By Mr. PACKARD:

H.R. 4627. A bill for the relief of the vessel *Pilgrim;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Pepper.

H.R. 124: Mr. Bilbray.

H.R. 570: Mr. Whittaker, Mr. DioGuardi, Mr. Ballenger, and Mr. Nielson of Utah.

H.R. 592: Mr. McDade, Mr. Richardson, Mr. Walgren, Mr. Pashayan, Mr. Lewis of Florida, Mr. Kleczka, and Mr. Anderson.

H.R. 612: Mr. Ford of Tennessee and Mr. Gregg.

H.R. 640: Mr. Fazio, Mr. Roe, Mr. Frank, Mr. Bosco, Mr. Brown of California, Mr. Bevill, Mr. Wilson, Mr. Miller of Washington, Mrs. Boxer, Mr. Courter, Mr. Cardin, Mr. Lungren, Mr. Lancaster, Mr. Hatcher, and Mr. Rangel.

H.R. 903: Mr. Dyson and Mr. Coelho.

H.R. 955: Mr. Boulter.

H.R. 1270: Mr. Solomon, Mr. Boland, Mr. Bonker, Mr. Broomfield, Mr. Ackerman, Mr. Slattery, Mr. Kasich, Mr. Yates, Mr. Owens of Utah, Mrs. Byron, Mr. DeWine, Mr. Young of Alaska, Mr. Foley, Mr. Gilman, Mr. Kastenmeier, Mr. Wolf, Mr. Bates, Mr. Emerson, Mr. Hochbrueckner, Mr. Skelton, Mr. Neal, Mr. Foglietta, Mr. Rowland of Connecticut, Mr. Jacobs, and Mr. Lehman of California.

H.R. 1503: Mr. Dornan of California, Mr. Lagomarsino, Mr. Swindall, and Mrs. Vucanovich.

H.R. 1635: Mr. Scheuer.

H.R. 1692: Mr. Coughlin, Mr. Robinson, Mr. Sensenbrenner, Mr. Ray, Mr. Gordon, Mr. Studds, and Mr. Miller of Washington.

H.R. 1721: Mr. Emerson.

H.R. 1961: Mr. Penny.

H.R. 2489: Mr. Emerson and Mr. Richardson.

H.R. 2674: Mr. Fauntroy, Mr. Leath of Texas, Mr. Biaggi, Mr. Owens of New York, Mr. DeFazio, Mrs. Collins, Mr. McEwen, Mr. Hochbrueckner, Mr. Smith of Florida, Mr. Ackerman, Mr. Roe, Mr. Frost, Mr. Lancaster, Mr. Atkins, and Mr. Gilman.

H.R. 2911: Mr. Barnard.

H.R. 2999: Mr. Dellums, Mr. Pease, Mr. Rinaldo, Mr. Bennett, Mr. Horton, Mr. Burton of Indiana, Mr. Jontz, Mr. Frank, and Mr. Miller of California.

H.R. 3071: Mr. Dwyer of New Jersey.

H.R. 3221: Mr. Downey of New York, Mr. Atkins, Mrs. Boxer, Mrs. Collins, Mr. Dellums, Mr. Fauntroy, Mr. Garcia, Mr. Hochbrueckner, Mr. Jacobs, Mr. Lancaster, Mr. Lantos, Mr. Lipinski, Mr. McMillen of Maryland, Mr. Mrazek, Mr. Oberstar, Mr. Owens of New York, Ms. Pelosi, Mr. Stokes, Mr. Studds, Mr. Weiss, and Mr. Wilson.

H.R. 3233: Mr. Pepper, Mr. Shays, and Mr. Weiss.

H.R. 3250: Mr. Grandy.

H.R. 3332: Mr. Kostmayer, Mrs. Byron, Mr. Olin, and Mr. Mazzoli.

H.R. 3397: Mr. Grandy, Mr. Evans, Mr. Atkins, Mr. Foglietta, Ms. Pelosi, and Mr. de Lugo.

H.R. 3490: Mr. Smith of New Hampshire.

H.R. 3506: Mr. Hiler, Mr. Erdreich, Mr. Baker, Mrs. Martin of Illinois, Mrs. Bentley, Mr. Shaw, Mr. Dornan of California, and Mr. Goodling.

H.R. 3507: Mr. Hiler, Mr. Baker, Mr. Solomon, Mr. Dyson, and Mr. Goodling.

H.R. 3508: Mr. Smith of New Hampshire, Mr. Baker, Mr. Solomon, Mr. Dyson, Mr. Shaw, Mr. Buechner, and Mr. Dornan of California.

H.R. 3509: Mr. Stokes.

H.R. 3510: Mr. Stokes.

H.R. 3574: Mr. Rinaldo.

H.R. 3654: Mr. Wylie.

H.R. 3699: Mr. Nowak.

H.R. 3703: Mrs. Vucanovich, Mrs. Meyers of Kansas, Mr. Blaz, Mr. Hansen, Mr. Fawell, and Mr. Lungren.

H.R. 3723: Mr. Combest, Mr. Chapman, Mr. Roberts, Mr. Clinger, Mr. Olin, Mr. Evans, Mr. Jontz, Mr. Tallon, Mr. Spratt, and Mr. AuCoin.

H.R. 3742: Mr. Conte and Mr. Johnson of South Dakota.

H.R. 3840: Mr. Henry.

H.R. 3845: Mr. Smith of Florida, Mr. Fazio, Mr. Foglietta, Mrs. Collins, and Mr. Frank.

H.R. 3900: Mr. McEwen.

H.R. 3906: Mr. Boehlert and Mr. Borski.

H.R. 3907: Mr. Martinez, Mr. Bilirakis, Mr. Jacobs, and Mr. Gingrich.

H.R. 3944: Mr. Slaughter of Virginia, Mrs. Vucanovich, Mr. Wortley, and Mr. Bliley.

H.R. 3969: Mrs. Collins.

H.R. 4036: Mr. Ackerman.

H.R. 4039: Mr. Miller of California.

H.R. 4065: Mr. Slattery.

H.R. 4101: Mr. Swindall.

H.R. 4127: Mr. Owens of Utah, Mr. Wolf, Mr. Brooks, Mr. Martinez, Mr. Sunia, Mr. Annunzio, Mr. Porter, Mr. Miller of Washington, Mr. Rowland of Connecticut, Mr. Rose, Mr. Studds, Mr. Edwards of California, Mr. Gordon, Mr. Andrews, Mr. Ortiz, Mr. Jacobs, and Mr. Davis of Illinois.

H.R. 4149: Mr. Kolbe, Mr. Buechner, and Mr. Gingrich.

H.R. 4150: Mr. Hutto, Mr. Visclosky, Mr. Edwards of California, Mr. Levine of California, Mr. Gunderson, Mr. Boland, Mr. Hawkins, Mr. Myers of Indiana, Mr. Donald E. Lukens, Mr. Denny Smith, Mr. Harris, Mr. Skeen, Mr. Kolbe, Mr. Houghton, Mr. Slattery, Mr. Hamilton, Mr. de la Garza, Mr. Rhodes, Mr. Hall of Texas, Mr. Mack, Mr. Bryant, Mr. Ballenger, Mr. Chapman, Mr. Ravenel, and Mr. Carr.

H.R. 4158: Mr. Carper, Mr. Barnard, Mr. Clarke, and Ms. Kaptur.

H.R. 4170: Mr. Ballenger, Mr. Dannemeyer, Mr. Emerson, Mr. Gingrich, Mr. Goodling, Ms. Kaptur, Mr. McEwen, Mr. Owens of New York, Mr. Packard, Mr. Shaw, Mr. Shumway, Mr. Valentine, and Mrs. Vucanovich.

H.R. 4178: Mr. Martin of New York, Mr. Foglietta, Mr. Feighan, Mr. Garcia, Mr. Edwards of California, and Mr. Pease.

H.R. 4198: Mr. Valentine, Mr. Gonzalez, Mr. Mavroules, Mr. Fascell, Mr. Matsui, Mr. Nagle, Mr. Fawell, Mr. Hyde, and Mr. Bilirakis.

H.R. 4221: Mr. Swift, Mr. Lent, Mr. Lowry of Washington, Mr. Horton, and Mr. Hoyer.

H.R. 4226: Mr. St Germain, Mr. Eckart, Mr. Kostmayer, Mr. Frank, Mrs. Collins, and Mr. Foglietta.

H.R. 4257: Mr. Davis of Michigan, Mr. Davis of Illinois, Mr. Miller of Washington, Mr. Hefner, Mr. Stallings, Mr. Parris, Mr. Gordon, Mr. Pashayan, Mr. Wilson, Mr. Hammerschmidt, Mr. Smith of Florida, Mr. Lent, Mr. Pickett, Mr. Saxton, Mr. Walker, Mr. Hall of Texas, Mr. Volkmer, Mr. Whittaker, Mr. Torres, Mr. Gunderson, Mr. Frank, Mr. Lancaster, Mr. Hall of Ohio, Mrs. Byron, and Mr. Edwards of Oklahoma.

H.R. 4266: Mr. Gradison.

H.R. 4277: Mr. Rose.

H.R. 4278: Mr. Molinari.

H.R. 4336: Mr. Anderson, Mr. Bates, Mr. Swindall, Mr. Houghton, Mr. Armey, Mr. Donald E. Lukens, Mr. Wolf, and Mr. Fawell.

H.R. 4379: Mr. Wolf and Mr. Neal.

H.R. 4396: Mr. Borski and Mr. Denny Smith.

H.R. 4400: Mr. Buechner, Mr. Shaw, Mr. Donald E. Lukens, Mr. Gingrich, Mr. Bates, Mr. Rhodes, Mr. Boulter, Mr. Davis of Illinois, Mr. Cardin, Mr. Barton of Texas, Mr. Brown of Colorado, Mr. Murphy, Mr. Upton, Mr. McMillen of Maryland, Mr. Hunter, Mr. Holloway, Mr. Andrews, Mrs. Patterson, Mrs. Vucanovich, Mr. Nielson of Utah, Mr. Armey, Mrs. Bentley, and Mr. Bilbray.

H.R. 4403: Mr. Frank, Mr. Dellums, Mr. Mfume, and Mrs. Boxer.

H.R. 4409: Mr. Emerson.

H.R. 4424: Mr. Skeen and Mr. Gilman.

H.R. 4432: Mr. Berman, Mr. Lipinski, and Mr. Waxman.

H.R. 4434: Mr. LaFalce.

H.R. 4444: Mr. Guarini, Mr. Synar, Mr. Gejdenson, Mr. Moakley, Mr. Ortiz, Mr. Lewis of Florida, Mr. Nichols, Mr. Tallon, Mr. Smith of Florida, Mr. Hatcher, Mr. Tauzin, Mrs. Martin of Illinois, Mr. Swift, Mr. English, and Mr. Rangel.

H.R. 4454: Mr. Dwyer of New Jersey.

H.R. 4463: Mr. de Lugo.

H.R. 4467: Mr. Schulze, Mr. Oxley, Mr. Boulter, and Mrs. Bentley.

H.R. 4473: Mr. Guarini, Mr. Studds, Mr. Conte, Mr. Daub, Mr. Frenzel, Mrs. Bentley, Mr. LaFalce, Mr. Brown of California, Mr. Madigan, Mr. Jontz, Mr. Wolpe, Mr. Johnson of South Dakota, Mr. Berman, Mr. Boehlert, Mr. Yates, Mr. Tauzin, Mr. Henry, Mr. Courter, Mr. Spratt, Mr. Frank, Mr. Grandy, Mr. Dwyer of New Jersey, Mr. Rangel, Mr. Solarz, Mr. Buechner, Mr. Fazio, Mr. Miller of Washington, Mr. Gordon, Mr. Lancaster, Mr. Gephardt, Mr. Shumway, and Mr. Wolf.

H.R. 4498: Mr. Wheat, Mr. Yates, Mr. Roe, Mr. Beilenson, Mr. Borski, Mr. Fuster, Mr. Lantos, and Mr. Dyson.

H.R. 4516: Mr. Kildee, Mrs. Roukema, and Mr. Martinez.

H.R. 4526: Mr. Fawell, Mr. Coble, Mr. Gregg, Mr. Hiler, Mr. McGrath, and Mr. DioGuardi.

H.R. 4543: Mr. Foglietta.

H.R. 4576: Mr. Lagomarsino, Mr. Wolpe, Mr. Bryant, Mr. Hamilton, Mr. Gilman, Mr. Sharp, Mrs. Kennelly, Mr. Fawell, Mr. Sikorski, and Mr. Ireland.

H.R. 4598: Mr. de Lugo and Mr. Dannemeyer.

H.J. Res. 370: Mr. Ackerman, Mr. de Lugo, Mr. Garcia, Mr. Eckart, Mr. Stark, Mr. Foglietta, and Mr. Edwards of Oklahoma.

H.J. Res. 438: Mr. Coelho.

H.J. Res. 461: Mr. Gordon.

H.J. Res. 485: Mr. Barnard, Mr. Bennett, Mr. Bonker, Mr. Broomfield, Mr. Burton of Indiana, Mr. Carr, Mr. Derrick, Mr. Dicks, Mr. Donnelly, Mr. Grant, Mr. Gregg, Mr. Huckaby, Mr. Johnson of South Dakota, Mr. Kanjorski, Mr. Kastenmeier, Mrs. Lloyd, Mr. McMillen of Maryland, Mr. Markey, Mr. Martin of New York, Mr. Mavroules, Mr. Miller of Washington, Mr. Price of North Carolina, Mr. Quillen, Mr. Rahall, Mr. Roberts, Mr. Rowland of Connecticut, Mr. Saxton, Mr. Schaefer, Mr. Schuette, Mr. Denny Smith, Mr. Solarz, Mr. Stallings, Mr. Synar, Mr. Vander Jagt, Mr. Wise, and Mr. Wylie.

H.J. Res. 518: Mr. Inhofe, Mr. Espy, Mrs. Vucanovich, Mr. Gallegly, Ms. Pelosi, Ms. Kaptur, Mr. Smith of New Hampshire, Mr. Stokes, Mr. Jeffords, Mr. Skaggs, Mr. Panetta, Mr. Cardin, Mr. Skeen, Mr. Gregg, Mr. Coats, Mr. de la Garza, Mr. Frost, Mr. Pursell, Mr. Lantos, Mr. Evans, Mr. Goodling, Mr. Ford of Tennessee, Mr. Smith of New Jersey, Mr. Yatron, Mrs. Boxer, Mr. Crane, Mr. Kleczka, Mr. Rowland of Connecticut, Mr. Bilirakis, Mr. de Lugo, and Mr. Edwards of Oklahoma.

H.J. Res. 540: Mr. Daub, Mr. Savage, and Mr. Dornan of California.

H.J. Res. 542: Mr. Lancaster and Mr. Levin of Michigan.

H.J. Res. 564: Mr. Berman, Mr. Smith of Florida, Mr. Young of Alaska, Mr. Lowry of Washington, Mr. Miller of Washington, Mr. Owens of New York, Mr. Savage, Mr. Horton, Mr. Levine of California, Mr. Martinez, Mrs. Collins, and Mr. Bonior of Michigan.

H. Con. Res. 162: Mr. Hastert.

H. Con. Res. 223: Mr. Boehlert, Mr. Hatcher, Mr. McCollum, Mr. Miller of Ohio, Mr. Russo, and Mr. DioGuardi.

H. Con. Res. 237: Mr. Cheney, Mr. Wyden, Mr. Porter, Mr. Miller of California, and Mr. Martinez.

H. Con. Res. 253: Mr. Rangel, Mr. Owens of New York, Mr. Crockett, Mr. Richardson, Mr. Udall, Mr. Dixon, Mr. Dwyer of New Jersey, Mr. Hatcher, Mr. Barnard, Mr. Fuster, Mr. Chapman, and Mr. Hughes.

H. Con. Res. 265: Mr. Dorgan of North Dakota, Mr. Durbin, Mr. Udall, Mr. Mfume, Mr. Wortley, Mr. Badham, Mr. Roberts, Mr. Hayes of Louisiana, Mr. Gordon, Mr. Weiss, Mr. Stokes, Mr. Conte, Mr. Dyson, Mr. Coyne, Mr. Hastert, Mr. Lancaster, Mr. Shaw, Mr. Murphy, Mr. Clay, Mr. Roe, Mr. Mazzoli, Mr. Coelho, Mr. Chapman, Mr. Vander Jagt, Mr. Kostmayer, Mr. Hopkins, Mr. Dicks, Mrs. Byron, Mr. Sundquist, Mr. Towns, Mr. Hayes of Illinois, Mr. Schumer, Mr. Gallo, Mr. Garcia, Mr. Chappell, Mr. Rowland of Connecticut, Mr. Applegate, Mr. Guarini, Mr. Traxler, Mr. Ford of Tennessee, Mr. Flake, Mr. Early, and Mr. Mrazek.

H. Res. 437: Mr. Bateman, Mr. Berman, Mr. Smith of New Jersey, Mrs. Boxer, Mr. Garcia, Mr. Broomfield, Mr. Weiss, Mr. Miller of Washington, Mr. Gilman, Mrs. Meyers of Kansas, and Mr. Gallo.

PETITIONS, ETC.

Under clause 1 of rule XXII,

171. The Speaker presented a petition of Robert A. Rich, Melrose, MA, relative to a redress of grievances; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1834

By Mrs. MARTIN of Illinois:

—Page 8, add after line 12 the following:

SEC. 8. NONDISCRIMINATION IN LEGISLATIVE AND JUDICIAL BRANCH EMPLOYMENT.

Sections 18 and 19 (29 U.S.C. 218, 219) are redesignated as sections 19 and 20, respectively, and the following new section is inserted after section 17:

NONDISCRIMINATION IN OTHER LEGISLATIVE AND JUDICIAL BRANCH EMPLOYMENT

"SEC. 18. (a)(1) Notwithstanding section 3(e), and except as provided in paragraph (2), all personnel actions affecting—

"(A) employees in, and

"(B) applicants for employment (except with regard to aliens employed outside the limits of the United States) in,

units of the legislative and judicial branches of the Federal Government, other than units having positions in the competitive service, shall be made free from any discrimination based on race, color, national origin, religion, sex (including marital or parental status), handicap, or age. The preceding sentence shall be construed to prohibit all such personnel actions of the types prohibited in section 703 of the Civil Rights Act of 1964.

"(2) Paragraph (1) shall not be construed to require—

"(A) any Member of Congress to employ in the legislative branch of the Federal Government any individual who is not a domiciliary of the district or State which such Member represents; or

"(B) any Member of Congress or committee of Congress not to take the political affiliation of an individual into consideration when determining whether to employ such individual in the legislative branch of the Federal Government.

"(b)(1) Except as provided in paragraph (2), any individual who claims to be aggrieved by a violation of subsection (a)(1) may file a written complaint with the Employment Review Board (hereinafter in this section referred to as the 'Board') alleging such violation and stating a claim for relief authorized by this section.

"(2) Paragraph (1) shall not apply with respect to any Member of Congress or any judge appointed by the President.

"(3)(A) If such complaint is filed by an individual with respect to employment in the legislative branch of the Federal Government, then the defendant shall be named as follows:

"(i) If such complaint alleges that a Member of Congress, or an individual employed on the personal staff of a Member of Congress, violated subsection (a)(1) in connection with employment on the personal staff of such Member, then the Clerk of the House of Representatives or the Secretary of the Senate, as appropriate, shall be named as the defendant.

"(ii) If such complaint alleges any violation of subsection (a)(1), other than a violation described in clause (i), then the committee of Congress or the head of the agency or unit, as appropriate, shall be named as the defendant.

"(B) If such complaint is filed by an individual with respect to employment in the judicial branch of the Federal Government, then the defendant shall be named as follows:

"(i) If such complaint alleges that a Federal judge or United States magistrate violated subsection (a)(1) in connection with employment on the personal staff of such judge or magistrate, then such judge or magistrate shall be named as the defendent.

(ii) if such complaint alleges any violation of subsection (a)(1), other than a violation described in clause (i), then the court or the head of the agency or unit, as appropriate, shall be named as the defendant.

"(4) Not later then 10 days after the Board receives such complaint, the board shall notify each defendant named in such complaint of the filing of such complaint.

"(5) If such complaint named as a defendant a Federal judge or a United States magistrate, then not later than 10 days after receiving such complaint the Board shall notify the Chief Justice of the United States of the filing of such complaint.

"(c)(1) There is established in the judicial branch of the Federal Government a board to be known as the Employment Review Board. Each member of the Board shall have the jurisdiction to hear and determine claims certified under subsection (e)(4)(B) to the Board and referred to such member, in accordance with rules issued under subsection (i), for hearing and determination.

"(2)(A) Members of the board shall be appointed from among judges of the Supreme Court and the courts of appeals who are retired under section 371(b) of title 28, United States Code, from regular active service as follows:

"(i) any number of members may be appointed by the Chief Justice of the United States,

"(ii) 3 members may be appointed by the Speaker of the House of Representatives,

"(iii) 3 members may be appointed by the minority leader of the House of Representatives,

"(iv) 3 members may be appointed by the majority leader of the Senate, and

"(v) 3 members may be appointed by the minority leader of the Senate.

"(B) Any judge so appointed shall serve on the Board for a term of 2 years and may be reappointed to the Board. Any member of the board who is hearing and determining any claim under this section at the time the term of such member expires may continue to serve as a member of the Board until such judge concludes the determination of such claim.

"(3) If a claim in a complaint filed under subsection (b) alleges that the Chief Justice of the United States participated in a violation of subsection (a)(1), then the Senior Associate Justice of the United States Supreme Court shall appoint from among judges who are—

"(A) retired under section 371(b) of title 28, United States Code, from regular active service, and

"(B) who are not members of the Board, a Special Hearing Member of the Board who shall hear and determine the claims alleged in such complaint which are certified under subsection (e)(4)(B). The term of office of such Special Hearing Member shall expire when such Member concludes the determination of such claims.

"(4)(A) If a claim in a complaint filed under subsection (b) alleges that a Member of Congress or any individual on the personal staff of a Member of Congress participated in a violation of subsection (a)(1), then one of the members of the Board (other than a member appointed under paragraph (2)(A)(i)) shall be selected as follows to hear and determine the claims alleged in such complaint which are certified under subsection (e)(4)(B):

"(i) If such Member of Congress belongs to the majority party of the House of Congress to which such Member belongs, then the minority leader of such House of Congress shall select the member of the Board (other than a member appointed under paragraph (2)(A)(i)) to hear and determine such claim.

"(ii) If such Member of Congress belongs to the minority party of the House of Congress to which such Member belongs, then the Speaker of the House of Representatives (if such Member belongs to the House of Representatives) or the majority leader of the Senate (if such Member belongs to the Senate) shall select the member of the Board (other than a member appointed under paragraph (2)(A)(i)) to hear and determine such claim.

"(B) If a claim in a complaint filed under subsection (b) alleges that a committee of Congress (other than a joint committee), an agency established in a House of Congress, or any individual on the staff of such committee or agency participated in a violation of subsection (a)(1), then one of the members of the Board (other than a member appointed under paragraph (2)(A)(i)) shall be selected as follows to hear and determine the claims alleged in such complaint which are certified under subsection (e)(4)(B):

"(i) If such committee or agency is established in the House of Representatives, then the Speaker of the House of Representatives shall select the member of the Board (other than a member appointed under paragraph (2)(A)(i)) to hear and determine such claim.

"(ii) If such committee or agency is established in the Senate, then the majority leader of the Senate shall select a member of the Board (other than a member appointed under paragraph (2(A)(i)) to hear and determine such claim.

"(C) If a claim in a complaint filed under subsection (b) alleges that a joint committee of Congress, an agency established in the legislative branch of the Federal Government (other than an agency established in a House of Congress), or any individual on the staff of such committee or agency participated in a violation of subsection (a)(1), then the Speaker of the House of Representatives shall select a member of the Board (other than a member appointed under paragraph (2)(A)(i)) to hear and determine such claim.

"(d) No judge of a court of appeals of the United States may hear and determine, as a member of the Board, any claim alleging that a judge to the same court of appeals participated in a violation of subsection (a)(1).

"(5) For purposes of determining the salary, benefits, and allowances of any judge appointed to the Board under this subsection, services performed as a member of the Board shall be considered to be judicial duties performed under subsection (c) or (d) of section 294 of title 28, United States Code.

"(6) The offices of the Board shall be in the District of Columbia. There shall be detailed to the Board such employees of the Administrative Office of the United States Courts as the Board may require to carry out its duties under this section.

"(d)(1) The Board shall designate one of its members (other than any Special Hearing Member) to serve for a term of 1 year as the Complaint Referral Officer. The Complaint Referral Officer may not hear or determine any claim in a complaint referred under paragraph (2) to such Officer.

"(2)(A) Except as provided in subparagraph (B), each complaint filed with the Board in accordance with subsection (b) shall be referred immediately to the Complaint Referral Officer.

"(B) If any such complaint alleges that the Chief Justice of the United States participated in a violation of subsection (a)(1), then the Senior Associate Justice of the United States Supreme Court shall act as the Complaint Referral Officer with respect to such complaint.

"(3) Not later than 15 days after a complaint filed in accordance with subsection (b) is received by the Board, the Complaint Referral Officer shall appoint an individual (other than a member of the Board) to serve as the Investigating Counsel with respect to such complaint and shall refer such complaint to such Investigating Counsel.

"(e)(1) Each individual appointed under subsection (d)(3) as Investigating Counsel shall meet the qualifications for appointment as a United States magistrate specified in subsections (b), (c), and (d) of section 631 of title 28, United States Code.

"(2)(A) Such Investigating Counsel shall comply with the requirements for service applicable to part-time United States magistrates specified in section 632(b) of title 28, United States Code.

"(B) If the appointment of an Investigating Counsel is terminated by reason of resignation, death, or removal from office, the Complaint Referral Officer shall appoint another individual as Investigating Counsel to complete the work of the Investigating Counsel who so resigned, died, or was removed.

"(C) An Investigating Counsel may be removed from office only by the Complaint Referral Officer and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such Investigating Counsel's duties.

"(3) Not earlier than 45 days, and not later than 90 days, after receiving a complaint referred under paragraph (2), the Investigating Counsel involved shall conduct a thorough investigation of each unresolved claim therein alleging a violation of subsection (a)(1) and shall determine whether there is reasonable cause to believe any such claim is true. For purposes of conducting such investigation, such Investigating Counsel shall have investigative powers of the types vested in the Equal Employment Opportunity Commission by section 709(a) of the Civil Rights Act of 1964.

"(4)(A) If such Investigating Counsel determines that there is reasonable cause to believe any such claim is true, then such Investigating Counsel shall attempt to secure from the defendant and the aggrieved individual, during the 30-day period beginning on the date of such determination, an agreement in settlement of all claims in the complaint.

"(B) If such Investigating Counsel is unable to secure such agreement with respect to any such claim, then such Investigating Counsel shall certify to the Board for hearing and determination each claim with respect to which such reasonable cause is found.

"(5)(A) Each Investigating Counsel appointed under this subsection shall be paid, from funds available to the Administrative Office of the United States Courts, at the daily equivalent of the annual rate of basic pay payable from time to time for level IV of the executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such Investigating Counsel is engaged in the actual performance of duties under this subsection.

"(B)(i) If the complaint with respect to which an Investigating Counsel is appointed is based on employment, or application for employment, in the Congress, then the Administrative Office of the United States Courts shall be reimbursed, from the contingent fund of the appropriate House of Congress (upon vouchers approved by the Clerk of the House of Representatives or the Secretary of the Senate), for the amount of compensation paid to such Investigating Counsel in connection with such complaint.

"(ii) If the complaint with respect to which an Investigating Counsel is appointed is based on employment, or application for employment, in an agency or unit of the legislative branch of the Federal Government (other than the Congress), then the Administrative Office of the United States Courts shall be reimbursed by such agency or unit from funds available to such agency or unit, for the amount of compensation paid to such Investigating Counsel in connection with such complaint.

"(f)(1) The member of the Board, to whom a claim is referred under subsection (c) for hearing and determination shall make such determination as promptly as possible and, insofar as practicable, not later than 180 days after the date the Board received the complaint involved.

"(2)(A) Each determination made by the Board or a member of the Board shall be in writing. In the case of a determination made by a member of the Board to dispose of any claim in such complaint, such member shall file with the Board a written report containing such member's findings of fact and conclusions of law with respect to such claim.

"(B) If such member finds that the defendant has violated subsection (a)(1), then such members shall submit to the Board, and the Board shall issue, an order for relief which compels the defendant to do one or more of the following, as appropriate, for the benefit of the individual aggrieved by such violation.

"(i) except as provided in subparagraph (C), employ or reinstate to employment (with or without backpay) such individual on such terms and conditions as determined to be appropriate,

"(ii) pay compensatory damages, and

"(iii) pay the fees and allowances of witnesses in the same manner as is provided in section 1821 of title 28, United States Code, and pay a reasonable attorney's fee.

"(C)(i) The Board may not compel any committee of Congress or Member of Congress (including any individual on the staff of such committee or such Member) to employ, to reinstate to employment, or to modify the terms and conditions of employment of, any individual in any position on the staff of such committee or such Member.

(ii) Backpay may not be awarded for any period preceding the 2-year period ending on the date such complaint is received by the Board.

"(iii) Any payment ordered under subparagraph (B) with respect to a violation of subsection (a)(1) by a Member of Congress, a committee of Congress, or an officer or employee of Congress shall be paid from the contingent fund of the appropriate House of Congress, upon vouchers approved by the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

"(3)(A) Any member of the Board may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to a complaint pending before the Board. Such attendance of witnesses and production of evidence may be required from any place within the United States. Any member of the Board may administer oaths and affirmations.

"(B) If a person issued a subpoena under subparagraph (A) refuses to obey such subpoena or is guilty of contumacy, the district court of the United States for the District of Columbia or the district court of the United States for the judicial district within such person is found or resides, or transacts business may, upon application by the Board, order such person to appear before the appropriate member of the Board to produce evidence or to give testimony relating to such complaint. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(C) Subpoenas issued by members of the Board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

"(D) All process of any court to which application may be made under this subsection may be served in the judicial district in which the person required to be served resides, is found, or transacts business.

"(E) For purposes of sections 6002 and 6004 of title 18, United States Code, the Board shall be considered to be an agency of the United States.

"(4)(A) Except as otherwise provided in this section, rules 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 30, 31, 32, 34, 35, 36, 37, 43, and 50 of the Federal Rules of Civil Procedure shall apply with respect to complaints filed under subsection (b)(1).

"(B) The Federal Rules of Evidence shall apply with respect to the hearing and determination of claims by the Board.

"(5)(A) Notwithstanding section 552b of title 5, United States Code, proceedings conducted under this section shall be closed to the public.

"(B) Notwithstanding any other provision of law, none of the records of the Board relating to a complaint filed under subsection (b)(1) may be disclosed to the public by the Board or by any court or agency of the United States until the conclusion of any judicial review of the order issued by the Board disposing of such complaint or the expiration of any period allowed by law to seek such review, whichever occurs later.

"(C) No determination made by the Supreme Court of the United States, the Court of Appeals for the District of Columbia Circuit, the Board (or any member of the Board), or the Investigating Counsel with respect to any claim alleging a violation of subsection (a)(1) is admissible in evidence in any administrative or judicial proceeding other than a proceeding authorized by law to review a determination made under this section by the Board (or any member of the Board) or the Court of Appeals for the District of Columbia Circuit.

"(6)(A) Any person who files a complaint under subsection (b)(1) may attend, and may be represented by an attorney at, any hearing conducted under this subsection with respect to such complaint.

"(B)(i) Except as provided in clause (ii), if such individual resides more than 100 miles from the place where such hearing is held, then such individual shall be reimbursed by the defendant for any actual and reasonable costs incurred by such individual to attend such hearing.

"(ii) If such complaint is filed with respect to employment in the Congress, then such reimbursement shall be paid from the contingent fund of the appropriate House of

Congress, upon vouchers approved by the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

"(g)(1) Chapter 7 of title 5, United States Code, shall apply with respect to judicial review of orders of the Board.

"(2) The United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction to review and to enjoin, set aside, suspend, modify, and enforce the orders of the Board.

"(3) Any person who is a party to a proceeding in which the Board issues an order may seek review of such order by filling in the United States Court of Appeals for the District of Columbia Circuit (hereinafter in this section referred to as the 'court'), not later than 60 days after the date such order is entered by the Board, a written petition for review. A copy of the petition shall be transmitted by the clerk of such court to the Board, and, upon receipt of such copy the Board shall file with the court the record in the proceeding, in the manner provided in section 2112 of title 28, United States Code.

"(4)(A) In any judicial proceeding to review an order of the Board, if any party—

"(i) applies to the court for leave to adduce additional evidence, and

"(ii) shows to the satisfaction of the court that—

"(I) such additional evidence is material, and

"(II) reasonable grounds exist for the failure to adduce such evidence in the proceeding before the Board,

the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Board, in such manner and upon such terms as the court considers to be appropriate.

"(B) The Board may modify its findings of fact, or make new findings of fact by reason of the additional evidence so taken, and shall file any such modified or new findings, together with any recommendations for the modification or setting aside of the original order of the Board.

"(C) The findings of fact of the Board may be set aside only if not supported by substantial evidence.

"(5) In any judicial proceeding to review an order of the Board, the court may remand, on its own motion, the case to the Board for such further action as the court may require.

"(6) In any action or proceeding under this section the court, in its discretion, may allow the prevailing party, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

"(h) Each member of the Board appointed under this section shall submit written reports at least annually to the Committee on Standards of Official Conduct of the House of Representatives and to the Senate Select Committee on Ethics describing the pending complaints referred to such member for determination and any determinations made by such member disposing of complaints during the reporting period involved.

"(i) The Supreme Court may issue rules of practice and procedure to carry out this section.

"(j)(1) Any right to relief under this section shall be in addition to, and not in lieu of, any right to relief under any other law.

"(2) No claim arising with respect to conduct which if true would constitute a violation of subsection (a)(1) may proceed in any court of the United States if with respect to such conduct a claim by the same claimant then is pending before the Board.".

Page 8, line 5, after "Act" insert "(other than the requirements of section 18)".

EXTENSIONS OF REMARKS

SECRECY AGREEMENTS MAY KEEP PUBLIC IN DARK ABOUT UNSAFE PRODUCTS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FLORIO. Mr. Speaker, consumers are often denied information about potentially unsafe products because of secrecy agreements entered into as part of product liability settlements. And, what's more, Federal health and safety agencies, such as the Consumer Product Safety Commission, are often unaware of this information because product manufacturers are not even required to report their lawsuits and settlements to these agencies.

The following article from the April 24 issue of Newsday discusses this problem of legal secrecy:

[From the New York Newsday, Apr. 24, 1988]

DEADLY SECRETS—SYSTEM THWARTS SHARING DATA ON UNSAFE PRODUCTS

(By Barry Meier)

A New York city nurse is disfigured when a cigarette lighter explodes in her face. Three Pittsburgh children die in a fire: its suspected cause, a defective television set. A Kansas girl receives a common vaccine and suffers crippling brain damage.

These tragedies. Three products. One theme: Such suffering might have been avoided but for a legal system that often puts secrecy before the public's right to know.

This is the story of the secret sharers. They are company officials, lawyers and judges who agree to confidential deals that allow potentially lifesaving information about product defects to be sealed away in courthouse vaults and corporate headquarters.

The deals, often cut in exchange for lucrative out-of-court settlements in product safety suits, aren't for the most part, unethical or illegal. Indeed, they are commonplace. Asbestos manufacturers, for example, used cash and secrecy agreements to cover up for decades the product's cancer threat. By one published estimate, more than 500 people died after Ford Pintos caught fire before it was revealed that the company was quietly settling death claims under secrecy agreements rather than draw attention to the car's problems.

Even when cases go to trial, secrecy can still play a role. This February, a Federal judge in Wichita, Kan., took the unusual step of voiding a 3-year-old confidentiality agreement between Wyeth Laboratories and lawyers for Michelle Graham, the girl who was left brain damaged after being inoculated with an allegedly defective batch of DPT, a childhood vaccine. In a recent interview, U.S. District Court Judge Patrick F. Kelly said that company documents uncovered during preparation for Michelle's trial were so disturbing that he felt compelled to make them public—even though both parties in the case initially had agreed to keep them under wraps.

His intent to make such records available to scientists, doctors, and lawyers bringing claims on behalf of other suspected DPT-damaged children. "This very record ought to go forward to the Food and Drug Administration and those at national agencies studying this problem," Kelly said. "The information shown in this case ought to convince them that this product will indeed cause brain damage."

Some measure of secrecy, most judges and lawyers agree, is vital to protect valuable company data such as unique formulas. And many product liability lawyers say that confidentiality agreements are an expedient way of cutting through what may be years of legal wrangling about whether certain company documents—safety studies, reports of customer complaints and internal memorandums—should be kept secret.

"The assumption behind those agreements is that all this secret information is going to become public at trial," says Con Hitchcock, a lawyer with Public Citizen, a consumer activist group in Washington, D.C.

But the vast majority of product liability cases are settled or dropped before trial, with lawyers usually agreeing to return documents they obtained from the company and never to reveal what their research has found. In some cases, secrecy can reach such extremes that a lawyer is forbidden even to disclose that a settlement has occurred, let alone discuss its terms.

"I've settled a case that involves what I believe may be a dangerous vehicle," says James Gilbert, an attorney in Arvada, Colo. But because of the settlement's secrecy terms, Gilbert adds, "I can't say whether the vehicle is a car or truck I can't say who makes it. I can't even say which part of the vehicle is involved. And it bothers me because that vehicle is still on the road."

Some lawyers refuse to accept confidentiality agreements on the grounds that they tie their hands and may jeopardize the interests of their clients. "As a policy, we don't sign secrecy agreements," says Bruce Finzen, a Minneapolis lawyer representing several individuals who have a type of artificial heart valve that has, in more than 150 cases, exploded inside people's chests.

But the American Bar Association doesn't consider most secret deals unethical. And federal safety agencies typically don't require companies to report the filing of lawsuits or settlements in cases alleging their product's role in deaths or serious injuries.

To be sure, neither secrecy agreements nor out-of-court settlements of death or injury claims prove a product or drug is dangerous. A company with a safe product may decide it is cheaper to settle a claim than contest it in court. But, in some cases, a company may successfully use secrecy agreements to hide information about a dangerous product for years.

Consumer advocates contend that such secrecy practices cost the public untold millions each year in lawyers' fees and higher insurance costs—not to mention the injuries and deaths that might have been prevented.

"There are people with justified claims who are losing their right to proper compensation because of secrecy," says Linda Lipson, a lawyer with the Consumers Union. The cost of mounting a successful case is so high, she says, because documents that have been ferreted out by one attorney often have to be sought again and again by other victims' attorneys.

"The cost of these kinds of cases is enormous," says Ted Warshafsky, a Milwaukee products liability lawyer who represented Michelle Graham in her successful suit against Wyeth. Warshafsky says that he and his colleagues spent more than $200,000 preparing the case, crisscrossing the country to interview experts, take depositions and compile about 140,000 company documents.

But if Wyeth gets its way much of the information might remain under lock and key forever. The company is appealing Michelle's $15 million award, claiming her brain damage wasn't caused by DPT. It also has obtained a restraining order blocking Kelly. A decision to open up a public reading room so other attorneys, government officials and scientists can have access to documents compiled in the case, even those never entered into evidence. "Simply said," the judge argued, "one need not be required to reinvent the wheel."

Wyeth won't discuss the number of DPT related claims it faces, although one published estimate places the number at more than 200. Scores of other lawsuits are pending against two other drug companies that have manufactured DPT, which is given annually to millions of pre-school children. In court papers, Wyeth says Kelly's decision to make company documents public would jeopardize "trade secrets,"

"There weren't any trade secrets," Kelly says, noting that Wyeth has stopped making DPT. "There were a lot of secrets that Wyeth would like to hold, and that's the difference."

Kelly's action in the DPT case is the exception, not the rule. In some cases, lawyers interested in reaching a settlement might not bring damaging information to a judge's attention, some attorneys say. In others, overworked or uncaring judges or lawyers may simply let case records be sealed. And when product safety lawsuits are settled outside the courtroom, the consequences can be deadly.

During the last eight years, the Bic Corporation has been quietly settling injury and death claims resulting from allegedly defective cigarette lighters at a clip of one every two weeks—a total of more than 200.

Bic's low-profile approach to its legal problems ended last year when several newspapers reported that, according to court records, 10 deaths had been linked to Bic butane lighters that suddenly exploded. Those disclosures stirred a congressional probe that concluded that Bic and other popular brand lighters failed, at times, to even meet their industry's own safety standards.

That all came too late for Bernadette Burwell, a New York City nurse whose face and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

neck are a welter of ugly scars. In 1982, Burwell got off a bus and stopped to light a cigarette, her lawyer, Robert Kelner, said. Burwell's Bic lighter exploded, setting her ablaze.

Burwell's case is pending, and her lawyer wouldn't allow her to be interviewed. As for Bic, it defends its lighters' safety. "Consumers who purchase more than 300 million lighters each year know Bic lighters are safe," a company spokesman says. But Bic has paid out millions in settlement claims over the years and it routinely demands the return of all company documents provided during the discovery stage of lawsuits.

Bic isn't the only company that uses such secrecy agreements. The Zenith Electronics Corp. may go even further. In the case of Sandra Jones, the Pittsburgh woman who lost three children in a 1983 fire she believes was started by a defective Zenith television set, the company has insisted that her lawyer not even confirm whether a settlement has been made.

"I'm under a broad confidential order, so I have to really think about what I say," says John Gismondi, a Pittsburgh lawywer who represents Jones.

This much Gismondi can say: Jones and her husband awoke Christmas night to discover their living room ablaze. Flames and blinding smoke soon engulfed the house. In the chaos, the Joneses were separated from their three young children and could only listen to their desperate screams for help. All three children died that night.

The Joneses soon discovered they weren't the only ones who had made claims against Zenith alleging that the company's color television sets started fires. One Texas official estimates more than 100 such claims have been filed over the past decade.

One of those cases was brought by the state of Texas on behalf of a 23-year-old man who was killed several months before Sandra Jones' tragedy when a Zenith television set allegedly started a fire that nearly destroyed the capitol in Austin. "The eye-opener to me was the number of suits against Zenith and other television set manufacturers," says Lou McCreary, the assistant state attorney general in Texas who handled the 1983 case. "It's a shame that we have to rely on private lawsuits to achieve public health goals."

The Texas case, which was settled in 1984 for $3.2 million was reported in the local press. Zenith requested that McCreary return company documents obtained during the course of litigation, but it didn't ask the state official to keep the terms of the settlement secret. In the case of Sandra Jones, however, Zenith apparently demanded extensive secrecy before it gave her the money to rebuild a shattered life.

A spokesman for Zenith in Glenvilla, Ill., said the company's television sets are safe and don't "cause or sustain" fires. He refused to say how many death and injury claims the company has settled or has pending. And he wouldn't say anything about what secrecy provisions Zenith demands.

[According to National Public Radio, which recently reported on the suspected Zenith television problems, the allegedly defective sets were produced in the late 1970s and early 1980s.]

Many lawyers agree that a principal aim of secrecy agreements is to suppress publicity—sometimes with good reason. For companies with safe products and reputations to protect, they can be a helpful device to keep ambulance-chasing attorneys at bay.

But often such suppression delays or prevents information about a public safety problem from emerging.

"Unseemly business practices are carried on outside the spotlight of public attention," says retired federal Judge Miles Lord, who presided over a landmark Dalkon Shield case several years ago during which he blasted executives of the A.H. Robins Co. for destroying critical safety information about the birth control device.

Adds Jim Carrigan, a federal judge in Denver who has presided over asbestos and Ford Pinto cases: "Secrecy breeds unethical conduct by lawyers."

Indeed, the secrecy issue raises a central ethical conflict for attorneys in product safety cases: Is a lawyer's responsibility to his client or to the public that pays for the court system?

The American Bar Association, which sets the profession's standards, limits its hand-wringing on the matter. "A lawyer's responsibility flows to his client," says George Kuhlman, ethics counsel for the lawyers' group. From the ABA's vantage point, Kuhlman adds, even refusing to confirm that a settlement took place doesn't pose a problem.

Others aren't so sure. "When a case is settled without publicity," Carrigan says, "the First Amendment is shut out, the word doesn't get through and people keep buying those settlements."

As the result of prodding by lawyers concerned about excessive secrecy, the ABA modified its ethics code to bar a once-common settlement practice. The practice—in which attorneys agreed never to sue a company again in similar cases—got lawyers their fees, but removed them as future threats.

Still, the ABA's ruling which has no legal teeth, apparently hasn't stamped out the practice. "It's an ethical prohibition, and it's universally disregarded," says Lord.

Lord believes the problem goes deeper. "The entire legal system is at fault," he says.

But efforts to change that system appear to be lagging. Last year, for example, U.S. Rep. James Scheuer (D-Queens) called for new rules requiring companies to disclose to federal agenices product-related lawsuits or settlements involving deaths or serious injuries. Currently, neither the federal Consumer Product Safety Commission nor the Food and Drug Administration requires such reporting but they do call on companies to voluntarily disclose suspected safety hazards. Spokesmen for both agencies say current requirements are sufficient.

Scheuer's measure died in subcommittee, although an aid to the congressman says it may soon be reintroduced. In any event, corporate lobbyists are likely to fight against any stringent reporting rules.

Some attorneys say privately they are looking to the ABA to reform its ethical canons regarding secrecy. And some judges are beginning to speak out forcefully on the issue.

"I really think it should be unethical to keep secret any information that would be of assistance to any public safety agency," says Carrigan. "The courts are public institutions, and the public has a legitimate right to know what goes on there."

EMERGENCY HUNGER RELIEF ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MAZZOLI. Mr. Speaker, as a proud sponsor of H.R. 4060, the Emergency Hunger Relief Act introduced by the distinguished gentleman from California, Representative LEON PANETTA, I rise to express my sincere concerns over the growing hunger problem in America today.

Thus far, the 100th Congress has done a great deal to try to alleviate poverty and hunger throughout the United States from measures such as the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), which expands current food programs for the homeless to, most recently, the National School Lunch Act amendments, which establish a 3-year national demonstration project to provide the supplemental nutrition program for Women, Infants, and Children [WIC] with additional coupons for the purchase of fresh fruits and vegetables.

However, much more needs to be done. Recent developments, including the depletion of inventories of surplus commodities available under the Temporary Emergency Food Assistance Program [TEFAP]—which feeds nearly 15 million people per year—and the growing evidence of the inadequacy of food stamp benefits, underscore the need for quick action. Further, hard evidence suggests that the administration's current and proposed levels of funding for these programs are simply not adequate to keep up with inflation.

The House Select Committee on Hunger, which has proven its worth over the years in focusing attention to hunger-related issues and pointing toward solutions, has done a commendable job in gathering data on this most recent crisis, and H.R. 4060 is the result of their diligent efforts. H.R. 4060 is a significant bill that would make sweeping changes in Federal food aid policy affecting school lunch programs, food stamps, and commodity distribution.

Mr. Speaker, it is obvious that this problem requires immediate attention and action by Congress and the administration. In this regard, I urge my colleagues to join me as a sponsor of H.R. 4060 and other similar measures designed to alleviate hunger in America so that we can help those in need just as soon as possible.

IN HONOR OF SHERRY AND ERNEST GOLDENFELD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to salute Sherry and Ernest Goldenfeld, as they are honored as the first recipients of University Synagogue's Avodah Award for Community Service. The Goldenfelds will be honored in Los Angeles during an evening event on Saturday, June 4, 1988, when members of the congregation and friends from the community will gather for dining, dancing and a fundraising auction.

I am honored to call the Goldenfelds my friends. Sherry and Ernest Goldenfeld are not only long-time synagogue members who have generously given of their time, energy and resources to help assure the continued growth and development of the congregation, but they are constantly serving both the Jewish and general community in a number of extraordinary ways.

The Goldenfelds interests include, the Jewish Federation Council where they have both served on the board of directors and on a number of major committees and commissions, and the Jewish home for the aging where Ernie currently serves as president. Their hearts and their home are always open to causes which better the human condition. The recognition they are to receive on June 4 is a natural consequence of the special place they occupy in Los Angeles and throughout southern California.

Ernie's strong feelings about charity were ingrained in him since childhood by his father and mother, Joseph and Ida Goldenfeld. Two generous and thoughtful people, Joseph and Ida, made sure that none of the 40 Jewish families in their town of Alliance, OH, went without their daily needs.

Sherry is a native of Pittsburg, where her parents, Joseph and Gertrude Friedlander, both of blessed memory, taught her to take care of the elderly who were not as fortunate as they had been. She learned her lessons well and today is part of a most generous and dedicated couple.

The Goldenfelds are the proud parents of three wonderful people; Marcia, Gary, and Eugene.

Mr. Goldenfeld is the president of Goldenfeld Enterprises, a company that owns and develops mobile home parks in Texas and California. Mrs. Goldenfeld has applied her B.A. in Home Economics from Ohio State to become a registered dietician. [ADA].

The Goldenfelds are involved in numerous community endeavors, including members of University Synagogue, where Mr. Goldenfeld was a former vice president. He is also past president of the Western Region of the Jewish Federation Council and Mrs. Goldenfeld is current president of the Western Region Women's Conference of the Federation. They are also members of Brentwood Country Club and President's Circle of the Los Angeles County Museum of Art. Mr. Goldenfeld is on the Fraternity of Friends of the Los Angeles Music Center and a member of the Westwood Shrine Club and Westgate Masonic Order.

The Goldenfelds are avid travelers and have visited 81 countries—over half the nations on the globe. Mr. Goldenfeld has been associated with the Jewish homes for the aging for over 15 years and now serves as vice president and chairman of the Capital Campaign drive. Since assuming the post, he has led one of the most successful fundraising drives in the history of the Los Angeles Jewish community.

It is with great pleasure that I ask my colleagues in the U.S. House of Representatives to join me in recognizing a fine American couple for their outstanding contributions to the welfare of others.

TRIBUTE TO PATRICIA LYNN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. SHAW. Mr. Speaker, this afternoon the National Association of Letter Carriers [NALC] is paying tribute to a generous constituent of mine who makes the Christmas season brighter for many needy families in the Fort Lauderdale area.

Patricia Lynn, a letter carrier who lives in Fort Lauderdale, has been named the NALC's National Humanitarian this year for her work in gathering, wrapping, and delivering Christmas gifts to needy children and retarded adults. She has devoted many hours of her spare time to these activities, and to writing letters on behalf of Santa Claus.

Patti Lynn began her work for Santa Claus in 1982, when a couple who lived on her route, Bill and Joanne Jaycox, were receiving all the mail in the area addressed to Santa. She offered to help them write responses and deliver presents.

When she goes on her rounds delivering presents from Santa, she tells the children she is temporarily working at the post office until Santa decides to bring her back to the North Pole. Mr. and Mrs. Claus have named her "Speedy the Elf." Children know when they see her pull up in a borrowed van that Speedy the Elf has come with gifts from Santa.

Patti has spoken to postal employees in Pompano Beach, Margate, Lighthouse Point, and Coral Springs, and has collected from them the names of needy people. Employees in each office also volunteered to collect toys, money, and groceries.

I would like to join the NALC in expressing appreciation for the fine work Patti does for so many people in the Fort Lauderdale area. Volunteers like Patti Lynn are what the Christmas spirit is all about.

PLANTING A LIVING LEGACY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. HYDE. Mr. Speaker, I want to offer my congratulations to Elmhurst Garden Club members who recently inaugurated a 5-year planting project in celebration of the bicentennial of the U.S. Constitution.

"Planting a Living Legacy," is an ambitious project undertaken by the club to plant trees, shrubs and wildflowers in eight preselected sites in the city of Elmhurst, a garden spot in the Illinois plains also known by another equally appropriate name: "Tree City U.S.A."

According to Mrs. Violet Dawson, chairman of the living legacy project, more than $25,000 will be invested in the plantings—a substantial investment in Elmhurst's civic life.

A note of gratitude is in order for the many people who have made this project possible, among them: Mrs. Dawson, Mrs. Sigmund Sulinski, president of the garden club; Elmhurst Mayor Robert J. Quinn; Harold Hoover, superintendent of the Elmhurst Forestry Division; Thomas Borchert, city manager of Elmhurst; Michael Pope, superintendent of the Elmhurst Park District; and members of the Elmhurst Garden Club, Garden Clubs of Illinois, Inc., and National Council of State Garden Clubs, Inc.

HONORING EMPLOYEES OF THE EL RANCHO UNIFIED SCHOOL DISTRICT ON TEACHERS APPRECIATION DAY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. TORRES. Mr. Speaker, I am pleased to recognize the outstanding employees of the El Rancho Unified School District on Teachers Appreciation Day.

The Pico Rivera Chamber of Commerce will be holding their third annual Educator's Appreciation Day on Friday, May 20, 1988. This event is held in cooperation with the El Rancho Unified School District. The board of education will be making special presentations to employees of the school district completing their 15th—silver pin recipients—and 25th year—gold pin recipients—of service and to employees who are retiring.

The State of California sets aside the second Wednesday in May as the "Day of the Teacher." By adopting this special day of recognition, California is keeping alive a tradition brought across the border from Mexico, the custom of setting aside a special day as Dia Del Maestro.

Education is a very important subject to me. The people who educate and tend to the needs of our young are very special. It is only right that we take time to acknowledge their dedication and contribution to our public education system. I want to point out that these people work for one of the finest school districts in the country. The El Rancho Unified School District has an outstanding reputation for quality education.

Mr. Speaker, I ask my fellow colleagues in the House to extend best wishes and heartiest congratulations to the following honored persons. They have added so much to enhance this fine school district and the youth of our country.

PRESENTATIONS

GOLD PIN RECIPIENTS

Joseph S. Albert.
Connie B. Barajas.
Phyllis H. (Sophi) Ellis.
Thomas E. Heidenberg.
Joseph J. Macias, Jr.
Beverly Mayerski.
Marlene G. Maynard.
Katherine Ostoich.
Hal S. Ramsaur, Sr.
Margaret Roco.
John R. Rogers.
Anthony J. Sandoval.
James Stephenson.

Richard Villa.
Jean Williamson.
Danny E. Yoshimoto.

SILVER PIN RECIPIENTS

Larry Abeyta.
Ann L. Allison.
Sid Apley.
Janet W. Archey.
William R. Bertrand.
Claudia S. Boyle.
Beverly Bardshaw.
Reginald P. Fielder.
G. Michael Forge.
Doris Garcia.
Anita M. Harper.
Susan Josephson.
Deborah S. Krelle.
Rosa Emma Lopez.
Robert C. Martinez.
Barbara McKee.
Esther Molina.
Kenneth C. Newell.
Lillian A. O'Leary.
Alfonso Osuna.
Francine Pace.
Judi Peterson.
Sally Randolph.
Barbara A. Rogers.
Kathe G. Robbs.
Joyce Rush.
Deborah Samarin.
Evelyn L. Seminoff.
Dona P. Sewell.
Tere E. Smith.
William T. "Duke" Steinker.
Carol F. Stella.
Damaso H. Sutis.
Rubey E. Troupe.
Ana Maria Vargas.
Roy Villanueva.
David J. Verdugo.

RETIREES

Patricia Petterson, 37 years.
Howard Starnes, 35 years.
Frances Drake, 31 years.
Robert Ribakoff, 31 years.
Jeannette G. Goodman, 30 years.
Jane Meler, 29 years.
Mervin Kennedy, 28 years.
Walter Moll, 26 years.
Kaye Davis, 25 years.
Beverly Mayerski, 25 years.
John J. Pomazal, 25 years.
Sohan Basra, 24 years.
Gordon Klein, 24 years.
Dorothy Schifando, 23 years.
Victor Gonzales, 22 years.
Ray Martinez, 21 years.
Anna Wilshire, 21 years.
Samuel Eide, 20 years.
Ethel Lake, 20 years.
Doris Garcia, 15 years.
Lucy Lopez, 15 years.
Edward Fazio, 14 years.
Margaret Lowery, 14 years.
Hilda Medina, 11 years.
John G. Lopez, 9 years.

CONTINUED CONCERN ABOUT THE PLIGHT OF SIKHS INDIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to bring attention to the continued violence in India directed at the country's Sikh minority. In particular, I am very concerned about recent press reports from both American and international newspapers reporting Indian Government support for anti-Sikh agents provocateurs in the Punjab. Posing as Sikh terrorists these squads have attacked both Hindus and Sikhs. Rather than trying to inflame the tense situation in this region, the Indian Government should be taking greater steps to find a peaceful, negotiated solution to the problems in the Punjab. It should work closely with all the residents of the region, including the Sikhs, to determine what is best for the future.

As I noted the previous time I brought this crisis to the attention of my colleagues, India has invoked extraordinary terrorism laws that give the Indian Government powers formerly reserved for only the most repressive of police states. These new laws allow the Government to suspend many basic human rights—rights we cherish and have defended since our own independence. I find it hypocritical for the world's largest democracy to act more like the Communist Soviet Union and Cuba than India's Western democratic friends. Violence, subversion, and an iron fist are not the ways to resolve the difficulties in the Punjab. I am disturbed by reports of violence in the Golden Temple at Amritsar. Religous Holy places, whether they be in Amritsar, Jerusalem, Rome or other sites, are sanctuaries for peace and reflection, not battlegrounds. I cannot condone violent, often fatal, actions at the Golden Temple and in other parts of the Punjab whether they are committeed by Sikh extremists, the Indian Government, its agents or anyone else.

I am also very concerned about recent Indian Government statements expressing support for the puppet Najibullah regime in Afghanistan. For over 8 years the brave Afghan people have fought to evict the Red Army and its brutal reign of terror from their land. A fight, incidentally, in which India seems to side with the Soviets, not the forces of freedom. This most recent Indian Government statement, coupled with their actions in the United Nations, their actions in the Punjab, their enormous military buildup using—much of it with Soviet weapons—and their increasingly close cooperation with the Soviets lead me to question what the future of real democracy in freedom in the subcontinent will be. All people, regardless of religion, race, ethnicity, and sex, deserve equal treatment under laws, and equal respect for their shared human rights. A peaceful, satisfactory settlement in the Punjab with India's minority would be an important signal supporting human rights and could help to dispell concerns many of us have about India's future agenda for the region.

Mr. Speaker, as a member of the Subcommittee on Asian and Pacific Affairs, my colleagues can be assured that I will continue to closely monitor this situation and keep them apprised of the latest developments.

THOUGHTFUL ESSAYS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to praise three St. Louis area high school students on the occasion of their selection as the winners of annual essay contest sponsored by the Creve Coeur Area Chamber of Commerce and Lions Club.

This year's essay contest asked one of our most pressing national questions: "Can Free Trade Work to the Best Interest of the United States?" Marla Radinsky of Parkway North Senior High School, David Reif of St. Louis Country Day School, and Richard Recht of Horton Watkins High School are to be commended for submitting serious essays that considered the complex range of issues involving international trade and the American economy.

The contributions Marla, David, and Richard have offered to the ongoing debate symbolize the strength of public discourse in determining our future. Much like the competition in our free economy, the competition of ideas gives us the best opportunity to separate good ideas from bad ideas, and good legislation from bad legislation.

I would also like to praise the Creve Coeur Area Chamber of Commerce and Lions Club for offering the essay contest. Not only do they reward student achievement with scholarships, they reward all of us by encouraging students to develop an awareness of the civic issues that will involve them all their lives. If the hallmark of a democracy is indeed an educated citizenry, then the efforts of these groups represent the finest tradition of training our young for the responsibilities of citizenship.

Mr. Speaker, through their thoughtful essays, Marla, David, and Richard have proven that by their study and concern, they have much to contribute in the years to come to the debates which will decide our future course, and knowing their effort, I am confident that course will continue to serve the cause of liberty and justice that is our American heritage.

ASIAN PACIFIC ISLANDER HERITAGE WEEK

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MATSUI. Mr. Speaker, I would like to call the attention of my colleagues in the U.S. House of Representatives to a very special celebration—Asian Pacific Islander Heritage Week—which is being held in my home State of California during the week of May 14-21, 1988. Gov. George Deukmejian has set aside this time to recognize the valuable and diverse contributions that Asian Pacific cultures have made to the great State of California.

As you know, Asian Pacific Islander Heritage Week is celebrated annually on the National, State, and local community levels. Through efforts to organize and commemorate this event in a meaningful way, an ad hoc committee composed of members of the community was formed to plan and coordinate events which will be significant to Americans of all ethnic backgrounds. This years Heritage Week will include a wide variety of events which have been designed to enhance our understanding and appreciation of Asian Pacific Islander culture.

Not only will we be celebrating the history and contributions of the Asian Pacific communities in our State, Heritage Week will also lead to a more thorough understanding of today's needs and concerns of Asian Pacific peoples across the country.

I am confident that Asian Pacific Islander Week will be both enjoyable and entertaining for all those fortunate enough to take part. In addition, and more importantly, Heritage Week will foster a better understanding and a greater appreciation among diverse American cultures.

Mr. Speaker, I highly commend all those whose time and efforts have made the Asian Pacific Islander Heritage Week not only possible, but also have made this the entertaining and educational event that it is. On behalf of the people of Sacramento, I offer my sincere thanks to all those who have contributed to this event, and wish Asian Pacific Islander Heritage Week every success.

BIRMINGHAM MAYOR ARRINGTON CITED AS DISTINGUISHED URBAN MAYOR

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. ERDREICH. Mr. Speaker, the National Urban Coalition is an urban action, advocacy and information agency, based in Washington, DC, that has served since 1967 as an advocate for partnerships among private sector, government, and citizens of our cities to revitalize and stabilize America's cities. The coalition operates programs in the fields of urban education, urban health, and housing and economic development.

Each year, at its Annual Convocation in Washington, DC, the coalition presents distinguished service awards in areas of special concern to the constituencies it serves. I am proud to tell my colleagues in the House that this year the coalition will present its Distinguished Urban Mayor Award to the mayor of Birmingham, AL, Richard Arrington.

The Distinguished Urban Mayor Award honors a mayor who, in the judgment of his peers, has provided the kind of leadership that has benefited not only his city, but the larger cause of urban America.

In announcing the award, National Urban Coalition President M. Carl Holman said of Richard Arrington:

> Mayor Arrington's progressive leadership and careful crafting of public-private partnerships have helped foster a tremendous period of economic growth and diversification in Birmingham. We are especially impressed that the Arrington administrations have successsfully encouraged both a revitalized downtown and revitalized neighborhoods. The National Urban Coalition is pleased to recognize Mayor Arrington—and the citizens of Birmingham—for their remarkable accomplishments.

Richard Arrington has made many remarkable accomplishments in his life. Born in 1934 in Livingston, AL, to parents who were sharecroppers, Arrington excelled academically. He graduated from Miles College in Alabama with honors in 1955, received a masters degree in biology from the University of Detroit, and a Ph.D. in zoology and chemistry from the University of Oklahoma.

He returned to Miles College and taught biology, went on to become Miles' academic dean, then went on to study administration in higher education at Harvard University.

Arrington once again returned to his home State, this time as executive director of the Alabama Center for Higher Education, and as part-time faculty member at the University of Alabama at Birmingham.

In 1971, he was elected to the Birmingham City Council, and reelected to the council in 1975. In November 1979, he was elected mayor of Birmingham, the first black to hold that position, and was reelected in 1983 and 1987, winning the second and third terms by record margins.

He has been recognized nationally for his leadership abilities, having been named 1 of the top 20 city officials in the Nation by U.S. News & World Report, top local political leader by Business First magazine, one of the outstanding new faces in the Democratic Party of the 1980's by Newsweek magazine, and listed each year since 1981 as 1 of the Nation's 100 most influential black Americans in Ebony magazine.

I have known Richard Arrington for many years, and I know full well that he is most deserving of this distinguished honor. Under his guidance, the city of Birmingham has set an example of growth and renewal, undergoing an inner-city rebirth and experiencing tremendous economic and jobs growth. Neighborhoods have been revitalized, and major commercial centers have been expanded.

With the help of strong government and business leadership, and a concerned citizenry, much has been accomplished in Birmingham. I congratulate Richard Arrington on this outstanding recognition of his accomplishments by the National Urban Coalition.

TRIBUTE TO THE CHOPIN SINGING SOCIETY OF PASSAIC, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. ROE. Mr. Speaker, the Polish people have been a great inspiration to us in many ways, from their continual struggle for freedom against relentless oppression to the immeasurable contribution and rich history they have provided the world in so many different fields, from the arts to the sciences.

Not the least of the fields, Mr. Speaker, is music, where the Polish legacy is among the most illustrious in the world. These proud people have given us world renown artists such as Chopin, Stokowski, Paderewski, and one of the greatest tenors of his time, Jean DeReszke.

Mr. Speaker, this weekend, May 20 to 22, the great legacy of Poland's many gifts to music will be celebrated, I am proud to say, in my Eighth Congressional District of New Jersey, where the Chopin Singing Society, Inc., of Passaic, will host the 46th Convention of the Polish Singers Alliance of America, District 7, at the Polish American Cultural Center in Passaic.

This will be a grand event, featuring choruses comprised of more than 300 singers from New Jersey, New York, Connecticut, and Pennsylvania. Mr. Speaker, this is a truly outstanding group known throughout the world for its virtuoso performances, and it is indeed an honor for me to be able to serve on the honorary committee for this event.

In addition, I want to recognize John A. Buczinski, the general chairman for this convention, and the rest of those working vigorously on the convention committee to make this gathering a great success—Vincent Rendenna, Edward Blyskal, Richard Daszczyszak, Christopher C. Rendenna, Stephen G. Stys, Brent J. Iskra, Hon. Louis J. Gill, Zbigniew Niejadlik, John Wolosz, Sr., John Zaunczkowski, Stanley A. Kobylarz, Anthony Stelmach, Anthony Szal, Joseph Chrzastek, Anthony Nieradka, and Jerry F. Wlodarczyk.

Mr. Speaker, as a means of providing national recognition and high honor to this outstanding cultural group dedicated to such a worthwhile cause, I am inserting the following resolution denoting the high significance of this most important cultural occasion:

> Whereas the Polish Singers Alliance of America was founded on May 3, 1889 to maintain and spread Polish song, to acquaint not only Polonia but also the American public with the works of Polish composers and to uphold throughout America, with the help of Polish song, a sincere love for the land of our forefathers; and
>
> Whereas the members of the Polish Singers Alliance of America have sought to perpetuate their native culture and traditions in America through songs which are deeply rooted in Polish heritage; and
>
> Whereas all of us are proud of our local Polish singing societies, who have joined with singers throughout our nation, to promote Polish culture through music and song; and
>
> Whereas "Jeszcze Polska Nie Zginela" (Poland is not yet lost) could be the theme song for everyone on these special convention days: Now, therefore be it
>
> *Resolved,* That the City of Passaic in the State of New Jersey is proud and honored to host the 41st Convention of the Polish Singers Alliance of America, Seventh District."

Mr. Speaker, I invite you and our colleagues to join me in saluting the Chopin Singing Society of Passaic, NJ, and the Polish Singers Alliance, District 7, for the outstanding work they have done to celebrate their rich Polish musical heritage, and to enrich the lives of music lovers everywhere throughout the world.

FINANCIAL DISCLOSURE STATEMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. KASTENMEIER. Mr. Speaker, 25 years ago, I first began reporting on my financial condition in the Congressional Record.

Today, I am continuing that policy with the release of the 25th annual public financial disclosure statement.

Although the 1978 Ethics in Government Act and the House rules require public financial disclosure, the statement I am releasing today is more precise in certain respects in its reporting than that required by law and by the House rules.

Mr. Speaker, this report covers the calendar year 1987 and also includes the amount of Federal, State of Wisconsin, and local real estate taxes paid in 1987.

Financial disclosure statement—statement of financial condition, December 31, 1987

Checking account, with the Sergeant at Arms, House of Representatives	$2,720.03
Cash	108.25
Securities (stocks, bonds, etc.):	
700 shares Air Wisconsin at 9¾	6,825.00
IMMA account at First Virginia Bank	65,564.32
Residential real estate:	
Arlington house and lot (1987 assessment)	246,100.00
Equity	246,100.00
Sun Prairie house and lot (1986 assessment)	57,800.00
Backlot (1986 assessment)	1,700.00
Improvements (dep'd)	627.00
Watermain and sewer (dep'd)	3,201.00
New roof (dep'd)	6,912.00
Total	70,240.00
Less mortgage	8,082.00
Equity	62,158.00
Household goods and miscellaneous personally	10,500.00
Miscellaneous assets, deposits with U.S. Civil service retirement fund through Dec. 31, 1987, available only in accordance with applicable laws and regulations	85,785.00
Additional retirement fund deposit	1,130.00
Cash value	None
Life insurance—GI policy $10,000 on RWK	None
Life insurance congressional policy on RWK	None
Life insurance policy on Dorothy C. Kastenmeier	544.00
Donaldson Run deposit	600.00
Auto: Mercury 1978	900.00
Auto: Cutlass 1987	12,000.00
IRA acct. Congressional Federal Credit Union	2,122.81
Total net worth	410,142.41
Taxes paid in 1986-87:	
Federal income tax	32,734.78
Wisconsin income tax	7,693.68
Federal employers tax	180.17
Sun Prairie real estate taxes	1,654.50
Arlington County real estate taxes	2,264.12
State sales tax	900.00
Wisconsin sales tax, auto purchase	720.00
Personal property tax	38.00
Total	46,185.25
1987 income congressional salary	85,164.54
Honoraria (8)	11,000.00
Rent Sun Prairie House—Gross $4,800	(977.00)
Interest IMMA bank account	3,466.37
Interest Civil Service Retirement	42.52
Total	98,676.43
1987 separate income of my wife, Dorothy C. Kastenmeier:	
Interest Fredonia State Bank	563.95
Interest First Virginia	4,742.61
Proceeds, sale of shares Fredonia State Bank	8,680.00
Net rents, Texas properties	(−317.00)
Total	13,669.56

Note.—Separate property of spouse not listed.

AID FOR AIDS RESEARCH HONORS HENRY FORD HOSPITAL, WELLNESS HOUSE OF MICHIGAN AMERICAN FOUNDATION FOR AIDS RESEARCH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LEVIN of Michigan. Mr. Speaker, on June 4, 1988, an outstanding group of individuals, known as the Aid for AIDS Research Committee, will host a gala celebration to benefit the work of Henry Ford Hospital, Wellness House of Michigan, and the American Foundation for AIDS Research. As an honorary member of this committee, I am proud to recognize the work of these fine institutions and their service to Michigan and the Nation.

The AIDS epidemic in Michigan is still small, relative to some areas, but it is growing rapidly. The number of AIDS cases in our State doubled last year to 527. Today, the medical, public health, and education communities are organizing and mobilizing their efforts against this killer. Even so, we are just getting started.

Last year, out of concern that our Federal AIDS public education efforts were dangerously inadequate, I mailed copies of the Surgeon General's Report on AIDS to every household in the 17th district. This mailing was followed by a series of town meetings, and then a community leadership conference on AIDS. Although people were initially somewhat hesitant to get involved in these activities, my constituents appreciated having factual, useful information about AIDS. In addition, they wanted very much for our Government to ensure that persons with AIDS receive the humane care and treatment they need.

Therefore, it is especially appropriate to recognize those in our community who have been leading the charge against AIDS, against fear, and against discrimination. I want to commend three organizations, in particular, who have been instrumental in providing and promoting treatment, public education, social services, and AIDS reserach.

Henry Ford Hospital has been a leader in the State of Michigan in treatment, research, and education of the public and health professionals relating to AIDS. To date, the hospital has treated over half of the AIDS patients in Michigan. Because of its major treatment role, the hospital also has been centrally involved in AIDS research and with testing of AIDS drugs such as AZT. In addition, through its epidemilogical research, the hospital has provided the State with important information about the development and spread of the disease.

We owe a great debt to the medical staff of Henry Ford Hospital, including Doctors Evelyn Fisher and Norman Markowitz. I have had the pleasure of meeting Dr. Fisher, who has worked tirelessly to educate the public about AIDS. She was a key participant in the AIDS town meetings which I held in the 17th Congressional District, explaining about the disease, its transmission and prevention, and sharing her insights with the public about how to appropriately respond to the AIDS epidemic. I have rarely found so much dedication, expertise, and human caring in one individual, and am honored to join in expressing our tremendous appreciation to Dr. Fisher, her staff, and the hospital in which the serves.

Mr. Speaker, I also want to recognize the valuable contribution of Dr. Ted Duncan and the staff of the Wellness House of Michigan. Wellness House is a nonprofit residential program providing housing, transportation, and other services for people with AIDS or ARC. This unique program offers, literally, a lifeline for people with AIDS who have lost their homes or had other serious housing difficulties arising from discrimination, prejudice, and fear. Wellness House now houses six residents, and will soon have facilities and services for six more. I first learned of Wellness House at our AIDS town meetings, and was stunned to learn that it was the only organization of its type in the Detroit area. With the large and growing AIDS caseload in southeastern Michigan. Wellness House deserves our special commendation for its pioneering work and determination to meet human needs in the face of overwhelming odds.

Our Nation has weathered many trials in 200 years. The test of this AIDS crisis will be our ability to respond compassionately and humanely to the victims of the epidemic. Wellness House serves as a reminder to us all that we do have that capacity for humane response, but that it must blossom and grow stronger if we are to succeed.

Finally, Mr. Speaker, I want to commend the work of the American Foundation for AIDS Research. AmFAR is the primary source of private funding of grants for AIDS research in the United States. Its national chairman, Elizabeth Taylor, has helped awaken our Nation's conscience and mobilize financial resources in the fight against AIDS. Ultimately, research will provide the key to understanding and defeating the AIDS virus. Every additional resources brought to bear in this respect benefits us all. We are fortunate to have AmFAR leading the private sector's repsonse in this endeavor.

Mr. Speaker, the progress our Nation and our communities in Michigan have made so far in the war on AIDS is due in no small part to these three organizations. May they continue, in their great wisdom, service, and philanthropy, to lead the way. And, may we all resolve to support them in every way possible.

TRIBUTE TO A VIRGIN ISLANDS GIANT, RUBY MARGARET ROUSS

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. DE LUGO. Mr. Speaker, it is my sad duty today to offer a tribute to the late Virgin Islands Senator Ruby Margaret Rouss, whose recent death is a deep loss for the U.S. Virgin Islands.

Senator Rouss was a true giant in the Virgin Islands. Her talent, dedication, and integrity commanded the respect of everyone who met her. She led a remarkable life in her 66 years—rising from her position as 1 of 16 children born to a poor but proud family on St. Croix to the point that she could adopt children of her own, rising in her military career to be the first black woman on the staff of Gen. Dwight D. Eisenhower's headquarters during World War II, and rising during her political career to be president of the Virgin Islands Legislature, the first black woman in the United States to preside over a legislative body.

Ruby has been beautifully remembered in this editorial from the St. Croix Avis, the Virgin Islands' oldest newspaper, which I am submitting for the RECORD. As the Avis says, Ruby was able to touch a chord in our community like no other public leader could. She was both a proud Crucian and a proud American, who cherished the opportunities that came to her people through U.S. citizenship.

The Avis also notes that Ruby's death signifies the passing of an era. She had her roots in the sugarcane fields of rural St. Croix, when the people were unrelievedly poor, but they were proud and they shared the dignity that comes from strong community values. During her political life, Ruby always did her best to preserve these values as the Virgin Islands moved into a new era of commerce and prosperity. Now we can only try to pick up where she left off.

I know all Virgin Islanders share my sense of sadness and loss at this time, for we cannot expect to ever see another political leader quite like Senator Ruby Margaret Rouss.

RUBY MARGARET ROUSS: AN ERA COMES TO A CLOSE

Senator Ruby Margatet Rouss was a political institution herself. But much more than that, she represented an era in Virgin Islands history that, with her passing on Sunday, is drawing to a close. Perhaps only one, or at the most two, senators still remaining in the legislature can be said to have bore witness to that era.

As Rouss would tell those privy to her quiet side, it was an era when many, many more Virgin Islanders lived in extreme poverty than do now. It was an era when families were particularly close and the islands—particularly St. Croix—had the feel of the West Indian countryside and not of American suburbia as it does today.

Like others born and reared during these decades, Rouss was quick to reveal her pride in being American and her belief in the increasing opportunities available to Virgin Islanders with each passing decade.

Like others of the generation which she embodied, she could measure the progression of the territory through the 20th century by the progress of her own life: her modest beginnings, her rise through the armed services, her appointment as a probation officer and her career through the legislature—all progressions which marked newly trod territory for a Black American woman as well as a Virgin Islander.

As we pay highest tribute to Senator Rouss, we gratefully acknowledge her service to us and our land. And at the same time, we mourn the passing of one who was part of an increasingly diminishing pool of Crucians who remember well the cane fields, the hard life and the limited opportunities they provided; the struggles for political rights, self determination and education. We also acknowledge the ethnic influxes that changed the face of the land of their birth and the beauty and wonder of totally subjugated people finding themselves, after individual and collective struggles, legislators, commissioners, managers and administrators who can now begin to call the shots aimed at their own destiny.

As the Rouss era closes, those like her are replaced by the attorneys, the accountants and businessmen and women, the technocrats and career professionals who will run the new era of Virgin Islands politics and business.

These individuals, too, are part of the dreams of that passing generation, that disappearing era. They, too, represent the hope of every Virgin Islands parent and grandparent that times will continue to improve and the next generation will progress beyond the one before.

For embodying and symbolizing our collective dreams, and for never betraying our hope for a progressive future, we love you Ruby Margaret Rouss and wish you Godspeed on your journey.

CALLING ARIAS TO ACCOUNT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. COURTER. Mr. Speaker, anyone can call for peace, but achieving it is something altogether different and more difficult. Oscar Arias, the Nobel Prize-winning President of Costa Rica, has always recognized that the Sandinistas are determined opponents of political pluralism. Yet he initiated a plan which many thought would persuade the comandantes that a political opening was in the interests of Nicaragua.

The plan has failed. The powers and the popular support of the democratic resistance forces, evident to all and frightening to the Sandinista dictators in 1987, are dissipating during the long stalemate in negotiations during 1988. The Contras have almost no supplies left, while the Sandinistas are using the time to accept new Soviet arms deliveries—more armaments arrived from the Soviet bloc during the first quarter of this year than last. They are also using the time to crack down all over again on the civic opposition.

Too few are objecting. Eminent Americans who have always claimed that the democratic world can work with the Sandinistas have the newest reproofs to their illusions before them, and they are silent. They will not admit the obvious or say the truthful thing, that once again the Sandinistas have been duplicitous. And Oscar Arias, to whom so many look for guiding the two Nicaraguan sides toward a negotiated solution, has been equally silent in the face of the newest Sandinista assaults upon the human rights of their subjects.

Mr. Speaker, the gentleman from Oklahoma, MICKEY EDWARDS, has become one of the clearest and steadiest voices in the Congress on the Nicaraguan problem. He has worked hard at assembling a working coalition of Members from both sides of the aisle which can build some steadiness into this body's ever-shifting policy of support for the thousands who make up the Nicaraguan resistance, armed and unarmed. Now Mr. EDWARDS has issued a powerful challenge to President Arias, calling upon him to realize the promise of his many speeches about peace. I recommend the essay, written for the Wall Street Journal, to all Members concerned about a true and just settlement of the Nicaraguan civil war.

[From the Wall Street Journal, May 16, 1988]

ARIAS SHOULD EARN NOBEL BY CALLING ORTEGA TO ACCOUNT

(By Mickey Edwards)

Let me be blunt.

Oscar Arias has already won his Nobel Prize. He has taken the money, taken the medal and taken the bows.

Now he should earn it. The Nobel Prize is a prize for men and women of courage. Gandhi opposed the oppression of the British, took great risks and eventually was murdered. Mother Teresa exposes herself daily to terrible disease. Bishop Tutu speaks out forcefully in a land often filled with hate.

Oscar Arias, safe behind the borders of Costa Rica, wearing expensive clothers and living well, holds his tongue as the Nicaraguan government taunts him, and us.

Mr. Arias is capable of sounding impassioned in the cause of freedom. As the commencement speaker at the National University in San Jose two years ago, I took the platform following a passionate address by Mr. Arias, who had just denounced to his countrymen the evils of the Nicaraguan government. It was a theme he repeated to me as we sat side by side later in the program, and one that he has echoed on several other occasions when I have met with him.

Relatively safe in San Jose, discussing theory and hopes, Mr. Arias has been a staunch defender of democracy and freedom. And he has insisted all along that the so-called Arias Peace Plan, for which he won his Nobel Prize, is actually a peace and democracy plan, one that calls simultaneously for moves toward peace and the institution of democracy inside Nicaragua. By democracy, he has said, he means the whole ball of wax: a free press, justice, free elections—the essential accoutrements of a free people.

What has happened? Just in the past 60 days:

La Prensa, Nicaragua's opposition newspaper, has been censored, threatened, and has twice been closed.

Mobs of government-sponsored hooligans have taunted, harassed and beaten citizens, including repeated assaults on the elderly and desperate women whose sons are held captive in Sandinista prisons.

The Ministry of Justice has been closed and its functions turned over to the head of state police.

Peaceful demonstrations have been forcibly disrupted by the government.

Independent radio stations have been closed down for opposition to the government line.

Journalists have been beaten.

Labor leaders and leaders of the internal democratic opposition have been arrested and tossed in jail.

Mr. Arias has said nothing.

There are plenty of things to be upset about here in Congress, including the fact that the food supplies voted to send to the Contras have not been delivered, and members of House Speaker Jim Wright's staff have intervened with the delivery agent—the Agency for International Development—in an attempt to stop the food shipments.

But that is a matter between ourselves and the speaker of our House. Mr. Arias is another.

To a large extent, it was Mr. Arias and his well-promoted peace plan that persuaded many in Congress to vote to cut off further assistance to the Contras. That forced the Contras to sit down at the bargaining table with no cards to play and has given Sandinista President Daniel Ortega the courage to do such things as threatening the Contras with a massive military offensive if they do not sign the agreement he proposes.

The kicker is, of course, that the Contras—with no food and ammunition—are weaker than ever before, and the Sandinistas—enjoying a rest from battle and supported by new shipments of Soviet aid—are now stronger than ever. Yet even this—Mr. Ortega's belligerent military threat prompted no response from Mr. Arias.

It is time to call the Sandinistas to account. It is time to speak out in opposition to continued human-rights abuses in Nicaragua.

Mr. Arias talks a good game. He speaks of democracy and freedom and peace and wonderful things like that. But if he aspires truly to join the ranks of Gandhi, Mother Teresa and Desmond Tutu, then he must do more than talk. He must show some courage as well.

REV. S. HOWARD WOODSON, JR., HONORED BY THE YOUNG BLACK DEMOCRATIC ORGANIZATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues one of New Jersey's distinguished public officials, Rev. S. Howard Woodson, Jr., who will be honored by the Young Black Democratic Organization on May 22, 1988, for his dedication and contribution to the residents of New Jersey.

Reverend Woodson's career in public service has been long and well decorated and truly exemplifies leadership of the highest order. After graduation from Cheyney State College with a bachelor of arts in education and from Morehouse College with a bachelor of divinity degree in religion, Howard began his career in elective office as a councilman-at-large in the city of Trenton and then in 1963 was elected as a New Jersey State Assemblyman in the 13th district.

Reverend Woodson resigned his council post in 1965, and was subsequently reelected to the assembly for eight successive terms. I am proud to have served with him for 5 years during his years in the general assembly. In 1968, Howard was elected by his colleagues in the general assembly to the post of minority leader and was elected assistant Democratic leader in 1972. Two years later, he was unanimously elected to the position of speaker of the assembly. As minority leader and assistant Democratic leader, Reverend Woodson was the first black in the State of New Jersey to hold such positions, but he was the first black legislator in the entire Nation since Reconstruction Days to hold the powerful position of speaker.

Howard resigned from the legislature in 1976 to assume his new responsibilities as a member of the Governor's cabinet and president of the civil service commission. As president of the commission, he was responsible for establishing a training program with Rutgers University, which enable hundreds of black workers to qualify for title upgrading in health care services. Reverend Woodson was also appointed the first black director of affirmative action in the New Jersey Department of Civil Service and was responsible for legislation that mandated affirmative action policies in each department of the State government.

While Howard's legacy in large measure stems from his involvement in State government, he has also contributed a great deal to his Trenton community and the residents of New Jersey in other ways. Reverend Woodson is currently the pastor of the Shiloh Baptist Church of Greater Trenton and is a former president of the Council of Churches of Greater Tenton. He is also a former president of the board of directors of Trenton Carver YMCA and the New Jersey Conference of the NAACP.

Dr. Woodson's commitment and position to serving his community and the residents of New Jersey are very commendable. We all owe Howard a tremendous debt of gratitude for his unswerving dedication.

SANE, AN OUTSTANDING PROGRAM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to commend SANE, the Substance Abuse Narcotics Education Program, a service of the Los Angeles County Sheriff Department. SANE is a new and effective law enforcement approach to halting drug abuse, and one of the premier narcotics education and prevention programs in the Nation. I highly recommend this outstanding program to my colleagues.

Traditionally, law enforcement has sought to curtail substance abuse by attacking the supply of drugs. But as long as the demand for drugs exists, the drug trade will continue to flourish. Recognizing this fact, the SANE Program was developed to reach young people before they become involved with substance abuse. By preventing drug use and reducing the demand, SANE works as a vital pincer movement in the war on drugs.

Recognizing the need for substance abuse education, Los Angeles County Sheriff Sherman Block initiated research into the development of a narcotics prevention unit. Careful research of sources from across the country and from the Rand Corp. of Santa Monica identified specific problems in halting drug abuse as well as the attributes a drug education and prevention program should have. Key among these findings was the widely acknowledged conclusion that while drug rehabilitation efforts are necessary, they have only limited success. Prevention is the most effective method for reducing demand. The SANE Program draws directly from these findings to involve law enforcement, educators, and parents in preventing young people from ever initiating drug use.

The SANE Program incorporates other key concepts from this research. First, the SANE Program targets children in the fourth and sixth grades, at the ideal age to begin drug education. Second, the SANE Program addresses not only the factual aspects of drug usage, but also the value and emotional issues such as decisionmaking skills and coping with peer pressure. Finally, the SANE curricula is expandable, and complimentary programs can be provided for students from kindergarten through high school.

The SANE Program is taught by teachers and deputies in 54 Los Angeles County school districts, and 14 contract cities in California. To meet the needs of the individual school districts, the SANE curriculum employs a "systems approach" which is flexible and can be adapted to each specific educational situation. The deputies, working with the classroom teacher, present lesson plans selected for the specific curriculum each district uses.

Parents are critical to the success of substance abuse education and prevention programs. Without parental support, drug abuse prevention programs are doomed to fail. Consequently, in addition to classroom instruction, deputies provide education programs for parents so that they know and understand what their children are being taught and can continue the education in the home. Additionally, the deputies work with the community to provide information and organize effective local resistance to drug abuse.

The active involvement of the deputies insures the success of the SANE Program. In addition to their firsthand expertise with the tragedy of narcotics abuse, the deputies complete approximately 160 hours of classroom instruction before teaching the SANE Program. The instruction includes training in teaching methods and activities, public speaking, interpersonal communication, and problems unique to elementary school students. Deputies are also provided with current information on drugs and an overview of the entire drug abuse spectrum. Additionally, training includes a discussion of current prevention strategies and how they are more successful than scare tactics. Strategies for various grade levels and parents are also addressed. Finally, parent education programs are outlined, including lessons teaching drug and paraphernalia recognition.

Mr. Speaker, currently over 60,000 students have benefited from this excellent program. I am very proud of the work of Sheriff Block, the Los Angeles County sheriff's deputies, and the SANE Program in preventing our children from experimenting with drugs. I highly recommend SANE to my colleagues and others who are interested in developing substance abuse programs in their school districts.

FORT LAUDERDALE CHOSEN AS NORTH AMERICAN STOPOVER FOR PRESTIGIOUS WHITBREAD ROUND THE WORLD RACE

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. SHAW. Mr. Speaker, for the first time since the world-famous Whitbread Round the World Yacht Race began 15 years ago, the race will include a North American port of call, in the 1989–90 series. I am proud to say that the city of Fort Lauderdale, FL, has been chosen for this honor.

The Whitbread Race is organized by the Royal Naval Sailing Association, which is composed of some 7,000 members, all of whom have served in Great Britain's Royal Navy. Boats from all over the globe will participate in this ultimate challenge of ocean racing. Crews from England, Finland, France, Holland, Ireland, New Zealand, Spain, Sweden, Switzerland, Japan, and the United States will compete. The Whitbread Co., a major British Brewery Group founded in 1742, is the overall sponsor of the race.

There is added interest in the 1989–90 event, due to the advent of sophisticated satellite tracking devices. For the first time, racing enthusiasts will be able to pinpoint the location of each boat and follow its progress throughout this exciting competition.

The race will begin on September 2, 1989, in Southampton, England. The intermediate ports of call will be Punta del Este, Uruguay; Fremantle, Australia; Auckland, New Zealand; and Punta del Este a second time. The finish of the fifth leg and the beginning of the last leg will be right in the harbor entrance to Fort Lauderdale in May 1990.

The Whitbread Race is one of the world's great sailing events. I am pleased that Fort Lauderdale has been selected to participate in one of the greatest sporting challenges today.

MEMORIAL HONORING THE LATE DR. FAZLUR R. KHAN

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. HYDE. Mr. Speaker, later this week admirers of the late Dr. Fazlur R. Khan will gather to unveil a memorial honoring this legendary engineer who left behind a legacy of concrete, steel, and glass that will for generations grace the downtown skyline of Chicago, and that of many cities around the globe.

A structural engineer by education, Dr. Khan was a self-styled architect who designed the superstructures for the John Hancock Center in Chicago, Baxter Laboratories in Deerfield, IL, the U.S. Air Force Academy in Colorado, the Humphrey Metrodome in Minneapolis, and numerous buildings in Europe and the Middle East.

"The social and visual impact of buildings is really my motivation for searching for new structures," he once said in an interview. As a partner in the world-renowned architectural and engineering firm of Skidmore, Owings & Merrill, Dr. Khan permanently transformed highrise construction with refinement of his concept for tubular framing, which permitted construction of buildings at heights unimagined just a few years ago. Indeed, his Sears Tower remains the world's tallest building.

A native of Bangladesh, Dr. Khan matured in his native land before venturing to the United States for postgraduate degree work at the University of Illinois. A man who shunned politics, he settled permanently in the United States after returning briefly to his homeland because in America he found a more congenial environment in which to express himself.

For his enduring contribution to engineering and architecture we are all culturally enriched.

ALBERT L. AND MAY B. SHARP, 1988 RESIDENTIAL CITIZENS OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. TORRES. Mr. Speaker, I rise today to commend the recipients of the "1988 Residential Citizens of the Year," Mr. Albert L. and May B. Sharp. This distinction is awarded each year by the Santa Fe Springs, CA, Chamber of Commerce.

Albert and May Sharp exemplify the type of outstanding citizens that have helped to develop the city into a great community to live and work. Both have lived in the city for 30 years and have raised their two sons in the community.

Active in numerous school activities and the PTA for 26 years, May Sharp was elected to the Board of Education of the Little Lake City School District in 1985. In addition to her board duties, May is also a member of the Santa Fe Springs Women's Club, the city's beautification committee, and the Rio Hondo Symphony Association. May also finds time to help with the library, Christmas floats, and home decoration committees, and the board of directors for the Santa Fe Springs Community Playhouse.

Albert Sharp has been equally active in school and civic affairs. In 1982 he was elected to the Santa Fe Springs City Council and has served as mayor during 1985–86. Like May, he also served on the Little Lake City School District Board of Education from 1974 until 1982. In addition to his council duties, Albert (Al) serves as commissioner on the city's redevelopment agency and housing authority.

A vice president for Jensen Industries, Al is also active with various trade organizations, such as the Recreational Vehicle Industry Association, Trailer Coach Association, and the Recreational Vehicle Association. Al is a member of the U.S. Reserve Officers Association and served as a captain in the U.S. Air Force (1952–57).

Al and May have received numerous awards for their unselfish volunteerism and service to the community. They are role models for our young people and I have personally observed their dedication to helping the youth of Sante Fe Springs.

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating my good friends and outstanding Americans, Albert and May Sharp on receiving the distinction of "Santa Fe Springs 1988 Residential Citizens of the Year."

TRIBUTE TO ED ROBINGS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise to bring to the attention of my colleagues, the retirement of the president of Oxnard College, Ed Robings.

Edward Warren Robings is a product of California schools, having completed graded K through 12 in Hollywood, then receiving an AA degree from Los Angeles City College in 1950, a BS in 1951, and a master's from UCLA in 1953. He also took additional graduate work at California State Universities at Los Angeles and Long Beach and in the Junior College Leadership Program at UCLA, where he taught as a teaching assistant from 1951–53.

Ed then taught business subjects at Franklin High School in Los Angeles and at L.A. Harbor College. He served in administrative positions at Los Angeles Community Colleges; Harbor, City, East, Pierce, and Trade Tech, as well as in the District Administrative Center. This work included positions in student personnel, community services, resource development and acting presidencies at Harbor and Pierce Colleges. He has been president of Oxnard College since February 1981 and was named Outstanding Educator by the Buenaventura Chapter of Phi Delta Kappa for 1987–88.

Mr. Robing's professional affiliations include: Member of the board, American Association of Community Colleges Councils on

Community Services and National Council on Resource Development; president, Oxnard College Foundation; chair, Superintendents of Oxnard Area School Districts Committee; county representative, community colleges, Californians for Quality Government Committee; vice president, chief executive officer, California Community Colleges; member, State Chancellor Hayward's Presidential Advisory Committee; president, Administrators Association, Los Angeles Community College District; president, Delta Pi Epsilon, Business Education Honorary Fraternity.

Community and civic involvements include: Member, Board of Directors Bilingual Foundation of the Arts; Los Angeles President of Oxnard Chamber of Commerce, Consul General and Oxnard Ambassadors; chairman, Economic Development Commission, Oxnard; secretary and charter member, Board of Directors World Trade Center, Oxnard; chair, Superintendents of the Oxnard Union High School Area; board member, Oxnard Rotary; board member, Oxnard Boys and Girls Club; board member, Sponsoring Committee for Urban League, Ventura County; account executive, United Way of Ventura County; board member, Samoan Association, Ventura County; and board of directors, American National Red Cross, Los Angeles Chapter.

Ed will continue in many of his civic involvements since he and his wife plan to remain in the Oxnard area after his retirement.

Please join me in wishing the Robings a very happy and active retirement.

TRIBUTE TO DR. HERBERT SALINGER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to a truly special individual who has contributed significantly to education in California and across this Nation. Dr. Herbert Salinger has served for 10 years as the executive director of the California School Boards Association. During his tenure, Dr. Salinger has brought innovative ideas and thoughtful debate to the education community. His stature as a distinguished authority in education has become unquestioned through his demonstrated leadership in the formulation of national education policy.

Dr. Salinger has demonstrated a lifelong commitment to youth. This was of particular interest to him during his tenure as the Special Assistant to the Secretary of Labor in our Nation's Capital. He also served as the Executive Director of the President's Committee on Youth Employment and as a member of the President's Committee on Juvenile Delinquency and Youth Crime.

Over the past 10 years, Dr. Salinger has maintained an active role in national education issues and has substantially increased the visibility of the California School Boards Association. Dr. Salinger has been directly responsible for the tremendous professional growth of the association in the areas of governmental relations, communications, research, board development, policy development, and field services. In addition, Dr. Salinger has significantly expanded the association's role to assist local districts in executing creative business and fiscal services. His personal efforts to focus attention on specific education issues, including distance learning and early intervention, have always established the groundwork for exceptional new programs and trends in education.

Mr. Speaker, on behalf of all my colleagues in this House and all Americans who value a high quality education for our Nation's children, I pay honor to the tireless efforts of Dr. Herbert Salinger as he leaves the California School Board Association. It is with great pride and enthusiasm that we thank him for the lasting contributions he has already provided us and those accomplishments which we can expect from him in the future.

BILL OF RIGHTS FOR U.S. TAXPAYERS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. ERDREICH. Mr. Speaker, few encounters strike greater fear in the hearts of American taxpayers than those with the Internal Revenue Service. Unfortunately, such apprehension is often warranted.

I have received hundreds of comments, from individuals and businesses alike in Jefferson County, concerning our tax collection system. Many report unfair and heavy-handed treatment by the Internal Revenue Service. Often, those in disagreement with the Government over taxes owed are overwhelmed by a Federal agency whose tactics would be illegal under any other circumstance.

We all know that the IRS must assess and collect the full amount of taxes due from each individual and business; but this collection should be conducted in a fair and courteous manner that causes taxpayers the least amount of frustration and hardship. Our voluntary tax compliance system has been one of the strengths of our country. Yet the complexity of the tax laws and the increasing arbitrariness of the IRS in their collection process have placed this strength in serious jeopardy.

Assessment errors and mishandled audit cases by the IRS have destroyed businesses, ruined reputations, and caused untold grief and despair. In a number of instances the IRS has seriously harmed taxpayers by being unwilling or unable to reverse agency actions that even IRS officials acknowledged were in error. Overzealous and unfair collection activities and bureaucratic unresponsiveness have had a particularly burdensome effect on small businesses, forcing many to expend resources in tax disputes with the Government rather than using them productively to turn out goods and services.

For this reason, I have cosponsored legislation, known as the taxpayers' bill of rights, to put the taxpayer on a more equal footing with the Internal Revenue Service. This legislation would strike a better balance between Government action and individual freedom in collecting revenue.

Among other improvements, the bill would: Give taxpayers some voice in where and when a meeting takes place between the IRS and themselves; give taxpayers the right to recover costs and damages sustained because of unreasonable collection actions; require the IRS to fully explain letters that propose additional tax due, impose penalties, or interest charges; allow taxpayers to recover professional fees and costs for the receipt of the 30-day preliminary letter, unless the IRS proves that their claim is substantially justified; allow taxpayers to make installment payments; require the IRS to provide more information to taxpayers about their rights and obligations; expand the jurisdiction of the Tax Court to make it easier for taxpayers to correct IRS errors; and require banks to hold in escrow for 21 days fines levied by the IRS, rather than allow an immediate levy.

The bill would also give the Office of the Ombudsman, a branch within the IRS, the authority to issue taxpayer assistance orders. These orders would be issued for the relief of taxpayers who face unusual, unnecessary, or irreparable loss due to the administration of the tax laws or some violation thereof.

It is high time that Congress takes action to restore the trust of American taxpayers in our tax collection system. April 15 should not be the most dreaded day on the calendar, and no law-abiding citizen should ever fear its own government. Passage of the taxpayers' bill of rights allows the IRS to collect taxes that are rightfully due, while guaranteeing that the process will be just and equitable.

SALUTE TO STEVEN J. LEONARDO PASSAIC UNICO "MAN OF THE YEAR"

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to salute a resident of my Eighth Congressional District in New Jersey who, as a highly regarded accountant, has not only been an extremely successful businessman, but someone who has also given a great deal to his community by devoting himself to the specific needs of the blind.

I speak of Mr. Steven J. Leonardo, who is an active longtime member of the Passaic Chapter of Unico National, and who will be honored by Unico on Friday, May 20, as the Passaic Chapter's "Man of the Year" at a dinner dance at the Princess in Lodi, NJ. I know this is an especially proud moment for Steve, and for his lovely family—his devoted wife Lorraine and his children, Roseanna, Robert, and Steven. Certainly, I know of no person more deserving of this great honor.

Mr. Speaker, few men have such a glowing history of community service as does Steve Leonardo. The son of Lucy and Bartolo Leonardo, Steve attended St. Anthony's Church where he served as an altar boy, and eventually graduated from the Passaic school system. He attended Seton Hall University where he earned his bachelor of science degree in accounting and was soon after certified as a public accountant. Today Steve is a highly esteemed member of his profession, holding the position of full partner in the accounting firm of Mintz Rosenfeld & Co.

As an accountant, Steven J. Leonardo has been a great credit to his profession, serving as the leader of the United Way Committee to raise funds from the professional community, as vice president of the Passaic County Chapter of the New Jersey Society of Certified Public Accountants, and has also been an active member of the Colombians, an organization whose efforts are directed toward people of Italian heritage.

Along with his professional pursuits, Steve has been vigorously involved in a number of important civic pursuits. He is a director of the General Hospital Center at Passaic, a past director of the Passaic Boys' Club and Girls' Club of Clifton, and he has just begun his first term as president of the Clifton Passaic Regional Chamber of Commerce.

But beyond all of these vital community activities, Steve has made some of his greatest contributions to fulfilling the needs of the visually impaired. A past president of the Passaic Lions Club, he is presently a member of the Clifton Lions where he has selflessly endeavored to assist the blind. Steve has not only made himself available to members of the blind community for transportation in times of emergency, but has made regular trips transporting the visually impaired to a summer camp for the blind in New York State. He is also responsible for the organization of a bridge club for the blind, many of whom had not previously been able to enjoy the game. Beyond these efforts, Steven J. Leonardo has donated his expertise as an accountant to blind and indigent people who have needed his professional advice but were unable to pay for his services.

Among Mr. Leonardo's most oustanding attributes is his ability to accomplish meaningful things without any fanfare. He never speaks of the help he has provided to others, he merely gives assistance as his position permits. He has spent many years quietly joining organizations whose goal it is to give service to the community, including his dynamic 20 year membership in Passaic Unico. In this way he has spent his life improving the lives of others.

I am certain, Mr. Speaker, that you and our colleagues will join me in recogniizing the profound effects of the generosity and devotion of Mr. Steven J. Leonardo in matters of good will and brotherhood which truly set an example for all of us. I am proud to extend my heartiest congratulations to Mr. Leonardo on his well-deserved title of "Man of the Year."

CELEBRATING THE 100TH BIRTHDAY OF IRVING BERLIN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. CONTE. Mr. Speaker, in every elementary school across America, young children are learning how to carry a tune. And as these children become more and more proficient, it is inevitable that among the first tunes they learn will be the work of one composer—a composer as important to American culture as singing itself.

Mr. Speaker, last Wednesday marked the 100th birthday of that composer, Irving Berlin. Irving Berlin's centennial is an event of tremendous importance for this Nation. While he didn't build a corporate empire or author any constitutional reforms, Irving Berlin did more to enrich the quality of life for Americans than perhaps any other man. Americans will "Always" "Remember" his tunes. Through his music, Irving Berlin kept us all humming.

Perhaps more than any other Member of Congress, I am indebted to Mr. Berlin. Not only have I always enjoyed his tunes, but on occasion I have been known to adapt a melody of his to make a point in this Chamber. Well, on the occasion of his 100th birthday I would like to use another of his tunes to express my appreciation to the man who has come to define American music.

JUST LAST WEEK

By Silvio O. Conte; With Apologies to Irving Berlin

(To the tune of "Cheek to Cheek")

One Hundred,
He's one hundred.
And bright lights and fame and fortune he won't seek
But his lyrics are the ones that we all speak.
And his hundredth birthday happened just last week.

One Hundred,
He's one hundred.
And for once we have a chance to give him praise.
For his tunes have swept this nation like a blaze,
And we know that there is nothing like his phrase.

They're the first tunes that our kids learn,
And they sing them with a squeak,
And now it's time to sing his praise 'cause
His birthday was last week.

All his lyrics are quite catchy,
And there are some who'd say they're chic,
And now it's time to sing his praise 'cause
His birthday was last week.

He's Berlin.
He writes the songs we all know,
Our nation's hero
Has put on a show for

One Hundred,
He's one hundred.
And bright lights and fame and fortune he won't seek,
But his lyrics are the ones that we all speak,
And his hundredth birthday happened just last week.

Mr. Speaker, "They Say It's Wonderful" when I sing Berlin's songs "All By Myself". But tomorrow I will be joining with many of my colleagues on the steps of the Capitol to pay tribute to Irving Berlin. I just hope, Mr. Speaker, that "It's a Lovely Day Tomorrow."

STATEMENT ON NORTHERN IRELAND

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. KENNEDY. Mr. Speaker, last Sunday three innocent people were slain in a pub in Belfast by two Protestant paramilitary gunmen. The two walked into the pub at the end ot the lunch hour and opened fire on the predominantly Roman Catholic crowd, injuring six and killing the three. Ten survivors were taken to a hospital, six with gunshot wounds and four suffering from shock. An anonymous phone caller claimed the attack was carried out by a group called the Protestant action force.

This depraved act repeats what many have been saying for years about Northern Ireland: The British occupation isn't working. The claim is repeatedly made that British troops are in Nothern Ireland to protect the citizenry, but one needless act of violence after another reveals that any "protection" is false. On Sunday, members of the Protestant security force, Ulster Defense Regiment, were in the area, but no attempts were made to prevent the attack.

The British Army should withdraw in favor of a U.N. peacekeeping force. The IRA and UDF must cease their senseless use of violence to achieve their political aims; 60 years of anguish should be enough to show that violence isn't working.

All sides must renounce violence and all sides, together, must set a course that protects the rights of all in Northern Ireland. I know the toll that violence can take. Violence only begets violence, and what Ireland needs is lasting peace.

NOTICE WHERE NOTICE IS DUE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MARKEY. Mr. Speaker, I would like to recommend to my colleagues' attention an article in today's Washington Post, "Notice Where Notice Is Due," in which Jerry Knight writes about plant closings in a nearby community.

The list of lost jobs is a potent tale of hardship, but through the cooperation of the community and the companies, Washington County, MD, was able to reduce the hardship and create new jobs to replace the old ones. This story is one of a mature, intelligent approach to the graceful aging of a community and the changing nature of the economic base. There are tough times and pain involved, but through cooperation, the business of living continues.

The President's threatened veto of H.R. 3, the trade bill, because of a 60-day plant closing notification provision rejects the lessons which the Washington County experience should teach us. It asks us to spurn the need for cooperation between cities and companies in order to prevent abandonment of our towns. It is a simplistic, immature approach to a difficult problem.

The article by Mr. Knight is an exceptional story on the real ramifications of plant closings and the possible solutions available when sufficient notice is provided, I would hope that Washington, DC will take as intelligent a view of the issue as Washington County has in solving it.

Again, I hope that my colleagues will review "Notice Where Notice Is Due" carefully and then vote to override the President's expected veto.

The article follows.

[From the Washington Post, May 17, 1988]

NOTICE WHERE NOTICE IS DUE

(By Jerry Knight)

President Reagan's excuse for vetoing the trade bill doesn't wash in Washington County, Md., where the chances of losing your job because a plant closed are a whole lot greater than they are in Washington, D.C.

"Plant closing" is the shorthand for what the president says is a fatal flaw in the massive trade bill that may be the most important measure passed by Congress this year.

The plant-closing provision of the bill would require companies to give workers two months's notice before plants are closed and workers are thrown out of their jobs.

Giving workers two months' notice is an outlandish burden on business, says the president in Washington.

Giving workers two months' notice is the least a business can do, say the people in Washington County.

Folks in this part of Maryland have more experience than they'd like with plant closings and layoffs. Mack Truck has cut 1,200 people in Hagerstown; just as many lost their jobs when the Fairchild Industries plant closed. Another thousand went when the Kelly-Springfield tire plant in Cumberland closed down last year, a couple of hundred more when the Doubleday book printing plant in Smithsburg shut its doors last month.

None of those closings came as any surprise. No one slammed any plant gates and told the workers to take a walk. None of the big plant closings would have been affected by the trade bill provisions, because Washington County firms treated their workers right.

"The employers here are part of the community," said real estate man Richard Hopkins, chairman of the county Economic Development Commission. "They play golf with people in the community, they go to church, they don't want to snub their community."

Hopkins views plant closings as a normal part of the evolution of the local economy. Old jobs die, new ones are born. In the last five years, he says, Washington County has added twice as many jobs as it has lost.

When a plant does close, "Notice is very helpful," said Hopkins. "Two months probably isn't enough. Six months would be better, but I don't know if that's feasible."

Doubleday announced plans to shut its local plant a full year in advance, he pointed out. By the time the plant closed a couple of weeks ago, the local development commission had found two out-of-town printing firms that are looking to expand and are considering Hagerstown because experienced workers are available.

The Doubleday example shows what happens when an enlightened employer confronts the necessity of cutting back. When the company decided to cease operations at Smithsburg, some of the workers were offered the chance to transfer to facilities in Orange and Berryville, Va. An industrial psychologist was brought in for a series of meetings and counseling sessions, and an outplacement firm was hired to give every worker a daylong lesson in job hunting, said Scott Landis, the plant's personnel officer.

As the closing day approached, Doubleday took out ads in local papers, telling other employers that workers would be available and inviting them to contact the company's personnel office. "The response was overwhelming," Landis said.

Giving workers a year's warning produced none of the terrible results that some opponents of the idea warn of. The workers did not become "short timers," calling in sick, showing up late or playing hookey. Productivity remained high until the final week, said Landis, praising the plant's workers: "They wanted to walk out with their heads held high, and they did."

Even with plenty of warning, the death of a factory is a traumatic experience. But it's worse when it comes as a complete surprise, noted Peter Thomas, head of the Western Maryland Consortium, which provides job training services in the western part of the state.

The two month's advance notice required by the trade bill translates into four fewer weeks of unemployment for the average worker, says a study released recently by the Economic Policy Institute, a labor-backed think tank. Nationally, the notice requirement would save $400 million in unemployment compensation costs and put $1.5 billion in workers' pockets.

Advance notice, Thomas said, "gives you time to adjust your life style." Laid-off workers can collect six months of benefits, but it can take weeks to find an appropriate training program, let alone complete the course and find a new job.

"Our experience has been that we do best when we get that advance notice," said Thomas. "I don't know why the president is opposed to that."

Even the White House cannot argue that there is anything inherently wrong with telling workers their job is going to go away, but the Reagan ideologues maintain that forcing factories to give notice is wrong. And besides, they say, the law isn't needed because most companies already give advance notice.

That's like saying that speed limits are unnecessary because most people drive 55 miles an hour. We don't pass laws for the law-abiding; we pass them for the law-breakers, the corner-cutters.

The workers of Washington County know that advance notice of plant closing has made it easier for their community to adjust to the inevitable evolution of the local economy. Their experience tells them that if there's anything wrong with the plant-closing provision of the trade bill, it's that it doesn't go far enough.

ARMED FORCES EDUCATION VITAL TO DEMOCRACY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MONTGOMERY. Mr. Speaker, on May 1, it was my privilege to serve as commencement speaker for the education services graduation ceremony at Kirtland Air Force Base, NM. Approximately 150 graduates representing five postsecondary institutions and the Community College of the Air Force used the tuition assistance program offered by the Air Force to further their education.

It was a great day for the men and women who received their diplomas. A special commendation is due Ms. Jane Shipp, Chief of Education Services at Kirtland and Ms. Phyllida Porter, assistant education officer, for their diligent efforts in planning even the minutest details of the ceremony. Also instrumental to the success of the event was Mr. George Karasik, education and training officer for the Air Force Weapons Laboratory at Kirtland, who has long played a major role in military education and who helped develop the Montgomery GI bill. Thanks to these individuals, as well as all the men and women at Kirtland who volunteered their time and services, the program was quite impressive.

Mr. Speaker, what was particularly heartwarming about this graduation ceremony was the hearty and spirited participation of the family members—parents and children alike—of those who received degrees. They were there to lend support and to share in a memorable moment of achievement, recognition and pride. It was an inspiring afternoon for both the witnesses and the participants.

President Johnson said that "education is the key that unlocks progress in the struggle against hunger and want and injustice * * *. Above all else, it is the wellspring of freedom and peace."

He was right. Education and freedom go hand in hand. And because these and other military personnel across the country are choosing higher education, we are building one of the strongest military forces, personnelwise, that the country has ever seen.

Relative to this graduation exercise was a proclamation issued by New Mexico Gov. Garrey Carruthers which designated May 1, 1988, as Armed Forces Education Day in New Mexico. I am pleased to share the text of this proclamation with my colleagues.

PROCLAMATION

Whereas, education is a vital element in any democracy and enhances the ability of the military to protect freedom for all the nations; and

Whereas, the governor of the state of New Mexico acknowledges that a well-educated military force in New Mexico increases the contribution of the military to their family and their community. It also builds the morale of the servicemen and women of the armed forces of the United States of America; and

Whereas, almost 1,000 members of the active duty, guard and reserve have attained degrees at every level from high school through doctorate levels; and

Whereas, nearly 50 colleges and universities provide members of the armed forces with one of the highest quality, most diverse educations available;

Whereas, the entire state joins in saluting the members of the military who work to attain their highest potential in the service of their country;

Now, Therefore, I, Garrey Carruthers, Governor of the State of New Mexico, do hereby proclaim May 1, 1988, as: "Armed Forces Education Day in New Mexico."

MANUFACTURERS SUPPORT GLASS-STEAGALL REFORM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LAFALCE. Mr. Speaker, it is increasingly clear in congressional debates that the primary goal of Glass-Steagall reform must be a "better deal" for American business. Those of us in Congress would be wise not to lose sight of the fact that this is not just a banking or Wall Street issue. The implications of any action we may take will have broad ramifications across the full spectrum of American industry.

We have the unique opportunity in the current banking legislation to improve the growth of U.S. business without exacting any price from the Federal Treasury or fiscal budget. Greater competition will achieve in the financial arena what it has accomplished in other areas of business. It will result in lower prices and expanded options to manufacturers and other users.

This spring, the Board of the National Association of Manufacturers overwhelmingly urged such banking reform. The members of the NAM are over 13,000 strong and employ 85 percent of all workers in manufacturing and produce more than 80 percent of our Nation's manufactured goods. You might ask, "Why is a National Manufacturing Association supporting banking reform?" Because in the words of NAM vice president, James Carty, "U.S. manufacturers need the financial services and benefits which greater competition will bring to the financial markets." Mr. Carty and NAM members also believe better financial deals for manufacturers will ultimately mean better deals for American consumers.

Glass-Steagall reform must be put in its proper perspective. Properly addressed, it is not just a banking issue. It is not just a securities issue. It is revitalization of financial services which will enhance our economic future.

Mr. Speaker, I ask unanimous consent that the policy language endorsed by the National Association of Manufacturers Board of Directors be included in the RECORD at this point.

The material follows:

BOARD OF DIRECTORS MEETING, MARCO ISLAND, FLORIDA, FEBRUARY 4-6, 1988

Committee: Corporate Finance and Management.

Chairman: John T. Hartley, Chairman, President and Chief Executive Officer, Harris Corporation.

Subject: Financial Marketplace Restructuring.

Committee Recommendation: Adoption of Policy Language.

NEW POLICY LANGUAGE

Under Glass-Steagall and similar legislative and regulatory restrictions, the financial industry and markets have been closely regulated and such constraints have served a purpose. However, economic developments in both domestic and international markets have changed the appropriateness of such constraints.

There is a need for more competition. This will stimulate new and innovative services and produce lower costs in the financial markets. As users of financial services, manufacturers have borne additional cost because of artificial constraints.

We resolve it is no longer necessary to have artificial and anticompetitive barriers between sectors in the financial markets. It is time for a review and reform of the laws that have constructed such barriers. Such reforms should promote competition that would be beneficial to manufacturers, regardless of size.

As approved by the NAM Board of Directors, February 5, 1988.

HUMAN RIGHTS AND CASTRO'S GULAGS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. KEMP. Mr. Speaker, there are very few people in the world who qualify as heroes. We are lucky to have one such man representing our Government as U.S. Ambassador to the U.N. Human Rights Commission, Armando Valladares.

Unfortunately, Mr. Valladares has been attacked by those whose freedom has come too easily and thus they respect it too little. This morning, the Wall Street Journal published a letter from Ambassador Valladares setting his detractors straight.

Mr. Speaker, I commend this letter to all my colleagues and insert it in the RECORD.

The letter follows:

HUMAN RIGHTS AND CASTRO'S GULAGS

(By Ambassador Armando Valladares)

Alexander Cockburn has written many articles against the Cuban exile community and myself. I had never felt compelled to answer his false allegations. However, when a newspaper of the statute of The Wall Street Journal publishes his April 14 op-ed article "Human Rights on Cuba Twisted into Victory for U.S.," it becomes necessary to reply.

It is interesting to note that Mr. Cockburn's articles have been widely distributed in Geneva by the Cuban delegation there and that his statements on the "manipulative" relationship between the government and the mainstream corporate press (i.e., the Washington Post and the New York Times) are identical to those used by the Cuban government.

Mr. Cockburn's observations on the recent United Nations Human Rights Commission (UNHRC) meeting are nonsensical and riddled with falsehoods. Just to cite a few: It is not true that the decision to investigate Cuba was taken after the U.S. withdrew its resolution; neither is it true that Chile is under Item 12 of the agenda, which deals with human-rights situations in the world, nor that the U.S. resolution "accused Cuba of a wide range of abuses." It is not true either, as Mr. Cockburn asserts, that the Latin American groups supported Cuba. Neither Brazil, Costa Rica nor Venezuela supported Cuba at any time. It is also ludicrous on his part to state that we tried to "strong-arm" Western European countries. We always counted on the support and collaboration of the Western European countries.

If Mr. Cockburn would have listened to any of our statements on Chile, South Africa or Israel he would not have made such biased or inaccurate statements on our position on these countries. But perhaps the Cuban government needed to have an article published in a newspaper of the caliber of the Journal to attempt to defend its position and overshadow many objective articles that have appeared in similarly reputable newspapers.

Initially, the U.S. only aspired to place Cuba on the agenda and have the government of Cuba respond to the allegations of human-rights violations. For 29 years, the Castro government had been avoiding an investigation of any sort. Days before the end of the commission, Castro said that he would never allow an investigation and then proceeded to make a desperate attempt to block our text by extending a social invitation to the chairman of the UNHRC and five members of the commission.

This was triggered by the certainty that the U.S. text would indeed be adopted by the commission. The U.S. did not withdraw its resolution until placing conditions on Cuba's invitation. The final result was a decision in conformity with U.N. procedures, i.e., the same as followed with countries such as El Salvador, Chile, Iran and Afghanistan. Cuba is now subject to an international investigation under a mandate of the UNHRC and under Item 12. Cuba has no control over this visit. The success of the U.S. delegation, which I had the honor to head, was to transform Cuba's futile attempt to avoid an international investigation into what it is today.

Mr. Cockburn says that Cuba, as well as many European countries, reported the outcome in Geneva as "not particularly favorable to the U.S." That is true. However, he fails to point out that these countries are Eastern European countries: East Germany, Czechoslovakia, Hungary, etc. Izvestia and Pravda also published articles against me similar to Mr. Cockburn's.

I would like to remind Mr. Cockburn that I did not go to prison because of being part of a plot to set off bombs around Havana, nor was I accused of such an act. Not even Castro himself has accused me of this crime in the dossier he sent to the French newspaper L'Humanite. In addition, Raul Roa Kouri, Cuban ambassador to the UNHRC, said in Geneva on Feb. 24 that I went to prison for "planning an armed uprising against the government." That is also false—I spent 22 years in prison for expressing my political beliefs while employed as a civil servant in the revolutionary government.

The disinformation campaign that the Cuban government and people like Mr. Cockburn participate in has begun to crumble apart. I have taken to court several journalists in Portugal, France, Italy and Greece for having published slanderous stories against me. I have proven over and over that the Cuban documents that Mr. Cockburn cites are forged. Last month, I won two cases against L'Humanite for having made statements similar to the ones that Mr. Cockburn made.

If I were not currently a U.S. ambassador, I would say Mr. Cockburn is a liar. However, I must be a diplomat and, as such, I will rectify my statement and say that Mr. Cockburn's interesting observations do not in fact reflect reality.

ST. SAVA SERBIAN ORTHODOX CATHEDRAL CELEBRATES ITS DIAMOND JUBILEE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. KLECZKA. Mr. Speaker, I am honored to commemorate the St. Sava Serbian Orthodox Cathedral's 75th anniversary of spiritual service to the large Serbian Orthodox community in Milwaukee.

This diamond jubilee not only celebrates the founding of a major religious community but also serves to remind us of the many sacrifices the Serbs made in their extraordinary devotion to their Orthodox faith. These Serbian-Americans, with their generous donations of money and labor, truly demonstrated the spiritual wealth and vitality of St. Sava's congregation.

Impressive as this effort was, it is nothing new for the Serbs as they have suffered throughout their history in order to openly practice their religion. Indeed, in Yugoslavia today, this struggle continues. Thus, it is truly heartening to know that this same noble people could come to the United States and establish such an enduring American religious institution as St. Sava's.

Milwaukee's Serbian Orthodox faithful are particularly inspired by the architecturally spectacular St. Sava's Cathedral in which they have worshipped for the last 30 years. Consecrated on August 31, 1958, this officially designated Milwaukee landmark remains the largest Serbian Orthodox Church on the American continent.

In closing, let me offer my congratulations to the entire congregation at St. Sava's Serbian Orthodox Cathedral on their 75th anniversary which will be celebrated on Sunday, June 12, 1988. Zivili!

WILLIAM A. WATSON HONORED BY THE YOUNG BLACK DEMOCRATIC ORGANIZATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues one of New Jersey's distinguished State government officials, Mr. William A. Watson, who will be honored by the Young Black Democratic Organization on May 22, 1988, for his dedication and contribution to public service.

Mr. Watson's service and commitment to the public welfare of New Jersey residents, as deputy director of the Division of Citizen Complaints and Dispute Settlement, under the New Jersey Department of the Public Advocate, has been long and admirable. Mr. Watson has been employed by the Department of the Public Advocate for the past 12 years, during which he has provided an invaluable service to many New Jerseyites in dealing with other departments and agencies of government throughout the State of New Jersey.

Involvement in the political process, particularly in Mercer County, NJ, has been a part of Bill's life since he was a young adult. Mr. Watson has served as the campaign director for his father, John Watson, as coordinator of constituent groups for Governor Byrne's 1978 reelection and as campaign manager in Mercer County for the 1984 Jesse Jackson Presidential campaign. Bill was also a founding member of the Mercer County Black Democratic Caucus. His involvement certainly speaks well for the Democratic Party in Mercer County, as well as throughout the State.

Like many of his colleagues being honored by the Young Black Democratic Organization, Mr. Watson has also lent his time and energy to several community-oriented groups. Bill's civic involvements include membership in the NAACP, on the Trenton Renaissance board of directors, as former president, and the Trenton Roebling Community Development Corp. board of trustees. Additionally, Bill is a former member of the Anchor House board of directors.

As I applaud Mr. Watson's time and commitment to serving the public good, I also applaud the support that his family, including his wife, Donna, and children, Lisa, Heather, and Bree, has given him.

Once again, I extend my congratulations and appreciation to Bill for his exemplary service. My best wishes are with him as he continues throughout his career in public service.

HONORING WEST COVINA CITY COUNCILMAN FOREST TENNANT, JR.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. TORRES. Mr. Speaker, I rise today with pleasure to honor Councilman Forest Tennant, Jr. Dr. Tennant is retiring after serving two terms on the West Covina City Council. He will be recognized for his outstanding service to the city of West Covina at a special retirement dinner on May 20, 1988.

Dr. Tennant was born and raised in Dodge City, KS. He holds degrees in the following areas: Bachelor of arts in chemistry from the University of Missouri, 1962; doctor of medicine from the University of Kansas Medical School, 1966; masters of public health, health administration, University of California, Los Angeles, 1973; doctor of public health and epidemiology, University of California, Los Angeles, 1974. In addition, Dr. Tennant served in various military capacities, such as captain in the U.S. Army Medical Corps, major, U.S. Army Medical Corps, and chief physician, U.S. Army, Heidelberg, West Germany.

Dr. Tennant has been a resident of West Covina since 1974. He is an active citizen with varied interests. Currently, he is a member of the West Covina Rotary; a member of the San Gabriel Valley Chamber of Commerce, Legislative Committee; serves on the Advisory Board on Health Care at La Verne College, is a member of the Executive Board of the Independent Cities Association. He has also served as a board member for the American Cancer Society, American Red Cross and has served as president of the West Covina Chamber of Commerce as well as past chairman of the West Covina Rental Mediation Board.

Councilman Tennant is married to Miriam Tennant. Mrs. Tennant is also quite active in the West Covina community. She is involved in women's organizations, participates in many civic activities and operates her own book binding business.

Dr. Tennant is the executive director of Community Health Projects, Inc., a nonprofit corporation headquartered in West Covina which operates 23 medical clinics in 14 California cities. Included in this system of clinics is the largest drug abuse treatment program in the Western United States. Dr. Tennant is an associate professor at the UCLA School of Public Health and has published over 150 scientific articles and books on drug dependence and pharmacology. In addition. Dr. Tennant serves as drug abuse consultant for the Los Angeles Dodgers, California Department of Justice and the California Highway Patrol.

Mr. Speaker, I ask my colleagues to join me in saluting Forest Tennant, Jr., for his outstanding service fo the city of West Covina and for his tremendous contributions in the area of drug abuse treatment.

COMMENDATIONS TO EMMANUEL BAPTIST CHURCH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MATSUI. Mr. Speaker, it is a distinct honor to rise to announce the completion and dedication of a very special building. On Sunday, May 15, 1988, Emmanuel Baptist Church will dedicate its new, two story, 8,600 square foot educational building, located in Sacramento.

What is particularly interesting about this new building is that it has been constructed almost entirely by laypeople. The members of Emmanuel Baptist Church have not only supported the building financially, through a great increase in their pledges and through their purchases of bonds, but also through their sacrifice of much personal time. This type of devotion to worthwhile causes is very representative of the fine people of Sacramento.

In addition to this, I would like to mention the services of the more than 50 volunteers from the State of Mississippi who traveled to Sacramento, at great personal expense, to donate their time in helping to construct this building. This was truly an act of unquestionable kindness.

Mr. Speaker, it gives me great pleasure to offer my commendations to all those who have participated in the construction of the Emmanuel Baptist Church and to extend my best wishes for the future.

HONORING JUDGE LUKE F. RYAN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. CONTE. Mr. Speaker, it is with great respect and admiration that I rise today to honor the long and distinguished career of a dear friend and resident of my district, Luke F. Ryan, on the occasion of his 80th birthday. Judge Ryan has served the people of western Massachusetts with a 20-year tenure on the bench of the Hampshire County Superior Court, where he established a reputation for integrity and concern. As a private citizen, Judge Ryan has dedicated himself for over half a century to the youth of my district. In addition, his efforts to generate industrial development in his community of Northampton and to return salmon to the Connecticut River reflect a deep commitment to the improvement and revitalization of western Massachusetts.

Judge Ryan established himself as both a leader and public servant at an early age. In 1923, at the age of 14, he received the St. George's Cross, the highest Scout decoration awarded by the Boy Scouts of America. With this decoration, Judge Ryan became the first Eagle Scout in western Massachusetts. As a student at Northampton High School, he served as captain of the football team and editor of the student newspaper and yearbook.

Judge Ryan furthered his education at Columbia University, where he continued to pursue athletic achievement as captain of the diving squad and a member of the football team. He received his bachelor's degree in 1931 and a doctor of laws degree in 1937. He returned to Northampton and established himself in private practice in 1945.

Judge Ryan's record as a public servant is a clear testimony to his years of service to the city of Northampton and Hampshire County. In 1950 he was elected mayor of Northampton. He remained in city government as city solicitor from 1954 to 1959. In 1960 Judge Ryan began his juridical career when he was appointed an associate judge for western Massachusetts. He advanced to the position of presiding justice for the Hampshire County Superior Court in 1971 and held this post until his retirement in 1978. In honor of his lengthy term of public service, he was honored as Hampshire County's Democrat of the Year in 1979.

Beyond the scope of his legal and political service, Judge Ryan has invested great personal energy in the service of the youth of his area. From 1952 to 1971 he was a member of the Bishop's Committee on the Boy Scouts for the Archdiocese of Springfield. In addition, he served as a trustee for St. Michael's High School in Northampton.

Judge Ryan is also a devoted member of St. Mary's Roman Catholic Church in Northampton, where he has been a parishioner and a communicant for over 30 years. As a long-term member of the local chapter of the Knights of Columbus, Judge Ryan served as Grand Knight in 1954.

Judge Ryan has also invested great personal energy in developing business and industry in Northampton and the surrounding area. He has been a member of the Northampton Chamber of Commerce and founded the Florence Business Association. Furthermore, he was founder and president of the Northampton Industrial Development Corporation, an organization that has been instrumental in establishing an industrial park for Northampton.

As Judge Ryan begins his tenure as an octogenarian, I join his family and friends in wishing him a happy birthday.

STATEMENT ON NORTHERN IRELAND

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. KENNEDY. Mr. Speaker, on May 1, three off-duty British RAF members were killed and three more were injured in separate attacks in the Netherlands. The IRA has claimed responsibility for these acts.

I condemn the IRA's use of violence. Yet we must recognize that the attacks were in response to the equally violent state-sponsored killings of three IRA members in Gibraltar in March. Reports in the British press have emphasized that the soldiers were unarmed—a bitterly ironic point. The victims of the Gibraltar slaying were unarmed as well.

Both sides must take steps to break the cycle of violence. And Margaret Thatcher, who has the power to call a halt to the bloodshed, must make an effort to end Ireland's continuing tragedy.

The British Army should be withdrawn from Northern Ireland and replaced by an international peacekeeping force. The bitterness, frustration, and hatred that is engendered by the presence of British forces blinds the eyes of the young and the old alike to the path of peaceful reconciliation. Unless Margaret Thatcher takes assertive action soon, unnecessary violence will continue.

INTRODUCTION OF THE FEDERAL-STATE ENERGY JOINT BOARD ACT OF 1988

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MARKEY. Mr. Speaker, today I am introducing legislation which I believe would greatly improve the quality of energy regulation in this country.

The "Federal-State Energy Joint Board Act of 1988," seeks to enhance the ability of States to consult with the Federal Energy Regulatory Commission [FERC] on policy issues of joint concern. This bill, already long overdue, is becoming increasingly necessary because of the major changes occurring in the domestic energy marketplace. Those changes have the potential to create an unprecedented level of tension between Federal and State regulatory policies. For our regulatory structure to continue to be effective and efficient, a greater degree of Federal-State cooperation and dialog is necessary.

The legislation does not change the jurisdiction of the Commission or of State regulatory agencies. I continue to believe in the need to vest local ratemaking and regulatory authorities in State and local commissions, both because those commissions are better able to weigh local impacts and because they are more accessible to ratepayers. Under my legislation, what is State jurisdiction remains State jurisdiction. But it is critical to realize that in those areas where the FERC does have authority to act, its actions can have major impacts on the ability of State commissions to carry out their own regulatory responsibilities.

At both the Federal and State levels, regulators are required to deal with an increasingly complex mix of energy needs and options. Energy decisionmakers must now consider sophisticated economic principles, appraise a realm of new technologies, understand a dynamic range of supply and marketing options, and make decisions in the context of social and environmental factors. This is not an easy task, and the stakes are high. Now, more than ever, it is imperative that Federal regulators fully appreciate the effects that their decisions will have on the energy picture in the States.

The legislation I am proposing today represents an important tool in meeting this challenge. It would provide for an alliance between Federal and State regulatory interests and afford a level of informed decisionmaking and Federal-State cooperation which has long been lacking in our regulatory structure.

In recent years, the States have served as important laboratories for experimentation on innovative approaches to electric and natural gas regulation. Federal policies have and will continue to have major impacts on the ability to continue or build on those approaches. Yet, State calls for a mechanism to foster cooperation have gone unheeded. Without such a mechanism, there is a danger that the Commission will act without adequate knowledge of the situation in specific States or the nexus between Federal and State concerns and policies. That is a process which can result in unintended, unanticipated, and unwanted consequences.

My legislation would create an opportunity for State consultation with the FERC so that State concerns can be fully considered and unintentional consequences of Federal policies can be avoided. It would provide that, upon its own motion or at the request of at least two-thirds of all affected States, the Commission would refer issues of national concern to a joint board comprised of four State and three Federal regulators. A FERC Commissioner would chair the joint board. The FERC would retain control over the timetable and scope of the joint board consideration, and a recommended decision would be placed before the full Commission, which could then affirm, amend or reject it. The joint board would not usurp any existing Commission authority, it would simply allow for earlier and more complete consideration of State concerns.

This would bring a perspective to the FERC policymaking process which would benefit the interests of all parties. It is difficult for any Federal agency to stay in touch with the interests of local consumers. A joint board is an ideal venue in which well-balanced recommendations can be made.

Congress has already endorsed the joint board concept in both communications and energy law. Section 17 of the Natural Gas Act and section 209 of the Federal Power Act authorize joint boards. However, because those provisions entitle each affected State to separate representation, they are more appropriate to individual proceedings than to issues of national consequence. Yet, it is precisely on those broad and far-reaching issues that Federal-State cooperation and deliberation is most necessary.

My legislation, modeled on the time-tested and highly respected joint board proceedings at the Federal Communications Commission, would create a formal, but workable, environment for discussion between Federal and State energy regulators. It will provide a forum in which both Federal and State regulators can bring high levels of expertise, experience and cooperation together, without preempting the jurisdiction of either sector. I urge my colleagues to examine and support this important legislation.

THE 25TH ANNIVERSARY OF JOEL DORHAM'S LATIN JAZZ BAND

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. DELLUMS. Mr. Speaker, on June 9, 1988, another historic occasion will be observed in Oakland, CA, the heart of the Eighth California Congressional District. On that date at the Doodles Club & Restaurant, the legendary Joel Dorham will celebrate the 25th anniversary of his Latin jazz band. Mr. Dorham's band plays music which reflects the ethnic richness and variety of American culture through its fusion of Afro-American and Latin sounds, figures, and rhythms. Joel Dorham, a friend of this Member for some 40 years, has carved a historic place for himself in American cultural history not only as a musicologist, but as one who has been an outspoken advocate of jazz, and one who has campaigned indefatigably and successfully for the inclusion of this significant cultural form in the media of America.

Joel is the brother of the late Kenny Dorham, the legendary jazz trumpeter who was himself a pioneering artist in the genre of this country's generic art form. Upon the occasion of Kenny's death a few years ago, Joel orchestrated a historic celebration of his life and work on the first full-time jazz radio station, KJAZ, then of Berkeley, now located in Alameda, CA. Incidentally, there will be a tribute to Kenny Dorham at this event. Joel's advocacy of jazz in the media was noted by California Secretary of State March Fong Eu, who nominated him for a Pulitzer prize in 1974.

Locally, Joel has performed with such outstanding musicians as John Handy, Jackie McLean, Cal Tjader, Sheila, Pete and Coke Escovedo, and Freddy Hubbard. When he was not playing at notable clubs such as Ticki Jacks, Jonell's, Ivey's and Gallaghers, he was attracting worldwide attention for his advocacy of jazz as an art form. That effort within and ad hoc committee included Nancy Wilson, Freddy Hubbard, Jackie McLean, and John Handy. His efforts in this regard were memorialized in these pages in 1977 by my colleague, the Honorable BILL CLAY of Missouri, and were the subject of notice and accolades by President Jimmy Carter.

I am very pleased to acknowledge Joel's 25th anniversary by this public notice of his outstanding record and his prodigious efforts on behalf of jazz, an effort that has redounded the benefit of every American who professes the love of music.

A SALUTE TO FRANK A. VERGA AND JOSEPH S.E. VERGA BROTHERS IN LAW

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. GUARINI. Mr. Speaker, on Saturday, May 21, 1988, the Jersey City community is paying a just tribute to two outstanding men who have given a lifetime of service as members of the law profession.

The individuals we speak of are the Hon. Frank A. Verga and his brother Hon. Joseph S.E. Verga, both retired members of the judicial system in the Garden State of New Jersey. Their many years of service on the bench indeed echoes the teaching of English Jurist Sir William Blackstone, who has been influential on lawmakers both in Britain and America since his writings in 1768.

Both these men have been practicing attorneys with a combined total of service of more than 115 years. Since the beginning of their law practice these men have operated their law firm, known as Verga & Verga, at the Five Corners' section of Jersey City, in the Spingarn Building. Indeed they have become legends in their own time.

They have given thousands of hours throughout the years to parish work at Our Lady of Mount Carmel Church, Jersey City, and provided many hours of community service during war and peace.

The history of Jersey City reflects that it was back in 1929 when a young man from the Marion section of Jersey City graduated from Fordham Law School and because an attorney. It was shortly thereafter, in 1931, that his brother, Joseph S.E. Verga, graduated from New Jersey Law School.

Frank, in addition to his private practice, served many years as assistant corporation counsel for the city of Jersey City and also as a deputy attorney general of the State of New Jersey.

During World War II he was on active duty in the European theater of operations where he served 4½ years with the Judge Advocate General's Division retiring as a colonel. For his military service he was awarded the Bronze Star Medal for Meritorious Service, Army Commendation Ribbon and received an acknowledgement from the Military Intelligence Division for loyalty and devotion to duty.

In 1960, for the State of New Jersey, by direction of the attorney general, he began the Consumer Fraud Division. Later he was appointed judge of the district court of New Jersey, and appointed judge of the county court and later appointed judge of the superior court of New Jersey.

Presently, he is affiliated with the following organizations: Hudson County Bar Association; New Jersey State Bar Association; Veterans of Foreign Wars, Wheeler Post; Judge Advocate General's Association; Officers' Reserve Corps Association; honorary trustee, Dante Alighieri Society of Jersey City; Eucharistic Minister, Our Lady of Mount Carmel Church, and member of its Holy Name Society.

Frank is married to the former Anna Rienzo and they have two children, Frank, and Rita, wife of Antonio Favetta, practicing attorney. Frank and Anna have three grandsons, Tonio and Mario Favetta and Frank J. Verga, Jr.

The other half of this remarkable team is the Honorable Joseph S.E. Verga, who has served as chief judge of the Jersey City Municipal Court with 10 years' service.

Joseph, who made it the hard way, like his brother, also worked his way through law school and joined his brother in the practice of law. Judge Verga has been active in many social, cultural and religious activities serving his community on many occasions. He is the past president of the Hudson County Bar Association and a member of the New Jersey State Bar Association, American Bar Association, New Jersey Trial Lawyers Association, and Saint Aloysius Holy Name Society.

Joseph has strong ties to Our Lady of Mount Carmel Church in the Marion section of Jersey City. It was in 1942 when he organized the first Boy Scout Troop No. 45 at that parish and was its first scoutmaster.

He has been president of the International Institute, Our Lady of Mount Carmel Holy Name Society, University Club of Hudson County, and the Dante Alighieri Society of Jersey City, and presently is honorary trustee of the group.

Joseph is married to the former Clara Pranzo and they have two daughters, Mary Ann Marek and Rosanne Viscardi, and one granddaughter Annmarie Marek.

The parents of the honorees, John and Vincenza Verga, were one of Jersey City's earliest Italian-American families.

Geographically, the Five Corners section of Jersey City has been an integral part of their lives for the greater part of their careers. Therefore, it is deemed appropriate that Jersey City Mayor Anthony R. Cucci will temporarily rename the Five Corners "Verga Place," with a street sign affixed during this week of celebration.

Anthony Fiola and Rosalie Ribaudo, who coordinated this tribute, have stated their pleasure in working with committee members Dr. Sam Di Feo, Attorneys Leo Knobloch, Joseph M. Lepis, Michael Russoniello, John Sheehy, Herman Silverstein, and Leo Vartan, plus businessmen Randolph Riotto and

Joseph Rutigliano. The accomplishments of Frank and Joe Verga made this task easy and an honor.

The Verga brothers have given a lifetime of service with community involvement, with patriotism, and to the noble calling of public service. Keen advocates of the rule of law handed down by Blackstone, by Chief Justice Marshall, and Justice Felix Frankfurter and Justice Carl Vinson, and others, they made the dignity of the individual their top priority.

The most important part of their careers is that they did it the hard way, working their way through law school in difficult days of the Great Depression, performing manual labor, working on the railroad, in order to reach their goal.

Several hundred individuals are joining in this testimonial dinner at Jersey City's Casino in the Park.

According to Anthony Fiola, chairman of the event, the Verga brothers have continued their philosophy of giving. They are asking that all proceeds from this salute in their honor be given to the Dante Alighieri Society in a trust fund established in their names for use by the society, one of New Jersey's outstanding cultural and educational facilities in operation since 1909.

I am sure my colleagues here in the House of Representatives will wish to join me in this grand salute to two of Jersey City's finest gentlemen.

HUMAN RIGHTS VIOLATIONS IN THE PHILIPPINES

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. SIKORSKI. Mr. Speaker, today I would like to insert into the RECORD an article which appeared in the Minneapolis Star and Tribune earlier this month. The article, written by Amnesty International activist Dr. Gary King, reports disturbing human rights violations in the Philippines.

A recently issued report by Amnesty International, "Philippines: Unlawful Killings by Military and Paramilitary Forces," documents a number of unlawful killings. "Most of the victims were targeted either for membership of legal leftwing organizations or their suspected political beliefs," Amnesty said. "Their killers have belonged to the regular military and police forces, paramilitary civil defense forces and community based vigilante groups acting with government support."

Immediately following the Aquino government takeover, there were pronouncements on improvements in the human rights situation. Political prisoners were released from jail and torture was officially stopped. However, according to the Amnesty report, throughout 1987 extrajudicial executions by the new Armed Forces of the Philippines became a severe human rights problem:

Seventeen villagers, including 6 children were rounded up and shot dead by the regular military in Lupoa, Neuva Ecija Province.

A 29-year-old peasant activist, his wife and two small chldren were hacked to death after members of a civil defense unit were seen at their home.

A 28-year-old farm worker was shot, extensively mutilated and beheaded by a vigilante group in Kabankalan.

There are at least 44 such cases documented in the Amnesty report. Yet there have been no known convictions for serious human rights offenses since the new government came to power in early 1986.

The abuses which Amnesty and Dr. King report may only be deterred—and halted—if there are prompt, impartial and effective investigations into human rights violations and punishment of offenders. It is time to adopt a stronger posture on human rights—to break this "cycle of killings and reprisals" in the Philippines. I commend this article to your attention.

[From the Minneapolis Star and Tribune, May 2, 1988]

TO RESTORE RESPECT FOR HUMAN RIGHTS AND LIFE IN THE PHILIPPINES

(By Gary King)

At 2:15 a.m. last June 13, I received a phone call from the Philippine island of Cebu about a farmer, Elpidio Sabas, 28, who had "disappeared" the day before. When his wife and two children last saw him, he was being led off by some 50 Philippine Constabulary and paramilitary officers. It was alarming for several reasons.

For the previous four months, killings of unarmed people by the military and "civilian volunteer self-defense organizations," also known as vigilantes, had dramatically increased in several regions of the Philippines. Six farmers, all affiliated with the United Farmers' Organization of Cebu, and already been killed in four incidents. Sabas was chairman of that organization.

In addition, joint operations with military and vigilantes were doubly dangerous because either group may kill suspects. The military on occasion sought revenge for ambushes by the Communist New People's Army (NPA). The vigilantes were notorious for extreme cruelty. This particular group, a religious cult nicknamed "Tadtac" to mimic the sound of bolo knives hitting flesh, was present at each of the six previous murders. Five of the victims had been slashed, one had her head and leg cut off, another the ears.

I started calling amnesty International; the Urgent Action office in Colorado and the International Secretariat in London, where all information gets reviewed. By 6 a.m. I had contacted both groups, and they were working to verify the data.

But on June 14 Sabas' body was located not far from his house. He had been hacked to death.

This type of summary execution has become commonplace in the Philippines. It is one of scores detailed in Amnesty International's recent report "Philippines: Unlawful Killings by Military and Paramilitary Forces." A harsh reality has emerged during the past year. Political killings have mushroomed.

An initial lull in violence followed the ouster of Ferdinand Marcos, accompanied by euphoria over the early actions and pronouncements about human rights by the Aquino government.

At least 563 political prisoners were released from jail, including some of the leaders of the rebellion against Marcos. Torture was officially stopped. The writ of habeas corpus and due process were to be the rule.

Throughout 1987, while the rhetoric and war against the NPA rebels heated up, "extrajudicial executions" by the New Armed Forces of the Philippines became a severe human-rights problem. These are unlawful and deliberate killings done by government officials or with their acquiescence. The report details 44 examples, but many more occurred.

Most victims were suspected members or supporters of the NPA, but many were members of legal left-wing organizations that formed during and after the Marcos years. They included rural people whose homes were near areas of armed conflict. Union organizers, members of progressive farmer organizations and campaign workers. Five Muslim missionaries and an ecumenical educational coordinator in Mindanao also were killed.

Extrajudicial killings largely have gone unpunished. Official investigations rarely lead to prosecutions because of intimidation and outright murder of witnesses. There is a lack of cooperation from military authorities, and an apparent lack of impartiality by military courts, which have jurisdiction over all cases involving soldiers or police. Amnesty International says not a single military or police officer has been convicted and sentenced for political killings or other human-rights offenses since the present government took power.

In fairness, by no means does the Philippine government have a monopoly on political killings. The NPA has claimed responsibility for many "executions" of soldiers, officials and police. In addition, there is a well-armed rebellion in most provinces, with active participants and bystanders killed almost every day.

It is the Philippine government security forces that are entrusted with responsibility for protecting citizens and upholding and defending the legal system. Killings or other crimes by opposition groups can never be used to justify unlawful retaliatory killings or agents of the government. If members of the security forces themselves commit unlawful political killings, then others may feel that they too can act with impunity.

The growth of "civilian volunteer self-defense organizations," numbering more than 200 throughout the islands, represents another serious human-rights dilemma. Nominally, they consist of volunteer citizens who protect themselves and their communities and work to protect the state—both duties and rights guaranteed in the new Constitution. Under guidelines issued last April and October by Gen. Fidel Ramos, volunteers must be identified and listed, have no criminal background, operate under the supervision of local government, and, if armed, be trained by the military in due process and human rights, and be under supervision of the military and police.

In practice, the groups have many undesirable traits. Members of Alsa Masa (Masses Arise) in one area may be unarmed. In other areas, they may have guns—or, worse, bolos, meaning they are subject to less regulation than "armed" groups. The Amnesty International report documents dozens of cases of murders and mutilations, some with military or police officers nearby. In several instances, vigilantes marched to the nearby military garrison to proudly present the head of the victim.

Tadtad, Power Spirit and VACANO are religious cults, complete with amulets, potions, initiation rites, prayers before the killings, and a sign of the cross afterward.

Some members believe their faith helps them to spot a Communist, and they are entitled to kill anyone who does not volunteer to join their group.

Killings by vigilante groups are similar to those of the military, with a few differences. Many groups are active in the larger cities and suburbs, with a dramatic effect on local political and human-rights activities (as with death threats to specific persons on Davao radio talk shows). Some groups appear to be armed and supported by powerful landowners and political figures. Because vigilantes tend to be local people, they can be identified more readily than the military—if witnesses can be protected.

Amnesty International believes the Philippine government should reiterate its commitments to protect human rights. It needs to enforce existing safeguards—for example, the guidelines for civilian self-defense organizations. Criminal elements should be weeded out of these groups. Illegal actions should be publicly condemned and halted. The principle of chain-of-command should be shrined in law and enforced.

Adequate investigations into human-rights violations should be conducted by impartial, independent agencies. Trials should be conducted in civilian courts, which could be done now by waiving the jurisdiction of military courts in cases of grave human-rights abuse.

Uncompromising respect for human rights on the part of the military, police and civilian groups operating under their supervision might break the cycle of killings and reprisal killings in the Philippines.

A BILL FOR THE RELIEF OF CATHERINE ANN BARDOLE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. OWENS of Utah. Mr. Speaker, today I introduce a bill for the private relief of Catherine Ann Bardole, also known as Kathleen Bardole. Mrs. Bardole is a natural citizen of Ireland. She legally separated from her husband in Ireland in 1976 and obtained custody of her two daughters. Several years later, she came to the United States to visit with Dr. Frank Bardole, whom she had met previously in Ireland. During her visit, the couple decided to marry, and Kathleen obtained a Mexican divorce. Dr. Bardole paid the fees and did the paperwork necessary to change her status to permanent resident as his wife.

Her former husband in Ireland then decided to fight for custody of the children and retained a Utah attorney, who obtained a protective service pickup order from the court. This order is available in cases where one parent fears the other will flee when he or she hears of a custody attempt. There was no evidence of this in Mrs. Bardole's case, but the children were picked up during the day. When Mrs. Bardole returned home, she found only a note telling her where to call about her children. She rushed to her husband's medical office to tell him, whereupon, he collapsed and died immediately.

Mrs. Bardole's children should never have been removed from her home. When her husband died, Mrs. Bardole discovered the immigration agency where her husband had filed and paid fees had, as a result of gross negligence, failed to file the required papers until 10 days after Dr. Bardole's death. As a result, Mrs. Bardole and her children now face immediate deportation.

Mrs. Bardole is an excellent teacher and has made a new life in the United States, where she planned to live and work with her husband. The injustice of this situation has made her case the focus of a great deal of concern in Utah. She has been the subject of numerous newspaper articles and television reports. My office has received letters and petitions on her behalf. Mrs. Bardole and her children are productive members of our society who ask nothing more than to remain in their home. Her deportation would result in a grave injustice and would deprive our community of a fine productive family.

I urge my colleagues to join me in an effort to provide special relief to Kathleen Bardole. The bill I introduce today will allow her to attain permanent resident status and to continue her life without further disruption.

JERLENE H. WORTHY HONORED BY THE YOUNG BLACK DEMOCRATIC ORGANIZATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues one of Mercer County's distinguished public officials, Ms. Jerlene H. Worthy, affectionately known as "Cookie," who will be honored by the Young Black Democratic Organization on May 22, 1988, for her dedication and commitment to the Democratic Party and good government in Mercer County.

Much to her credit, Cookie became the first black woman in the history of the State of New Jersey and Mercer County to serve as clerk to the Board of Chosen Freeholders on May 13, 1986. Because of her attentiveness to the residents of Mercer County, whom she has served so well, and her dedication to the public office, Ms. Worthy received the honor of being elected State president of the New Jersey Association of Freeholder Clerks, after a brief tenure as clerk to the board in Mercer County.

Cookie, a mother of two children, Shilda and Walter, Jr., has also been very active in a number of political, community interest, and charitable groups. Ms. Worthy has been very involved in the Trenton Chapter of Twigs, Bronzettes, the Ewing Township Welfare Board, the Mercer County Black Democratic Caucus, the executive board of the NAACP, the Urban Women's Club, and the Ewing Township Democratic Club.

Before coming to the Mercer County Board of Chosen Freeholders as clerk, Cookie was employed by the New Jersey Department of Transportation for 18 years. So, clearly, her career in public service is a long and committed one. We all owe Cookie a debt of gratitude for all her efforts and for serving her community so well.

My best wishes are with Ms. Worthy as she continues throughout her career in public service.

OLDER AMERICAN CHILD CARE EMPLOYMENT AMENDMENTS OF 1988

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. CONTE. Mr. Speaker, I join with my good friend FRANK GUARINI from New Jersey today in introducing a bill that will bring the experience and compassion of our senior citizens to bear in the Nation's crisis of child care. Our bill, the Older American Child Care Employment Amendments of 1988, will do just that.

I voted, 23 years ago, for the original Older Americans Act, which has proven to be one of the most successful pieces of legislation passed by the Congress. This legislation created a network of area agencies for the aged that work to improve the quality of life for our senior citizens. The bill we are introducing today presents a way to increase the success of this program and to assist three generations of American citizens.

Growing numbers of mothers now work, many out of economic necessity. In my State of Massachusetts, 42 percent of mothers with children under 6 are working. In Massachusetts, we have also found that access to child care enables mothers to get off the welfare rolls and into the work force.

Unfortunately, good, affordable child care services and qualified child care providers are in short supply. With the average cost of child care running $3,000 per year, many families find it hard to place their children with qualified child care providers without breaking the bank.

At the same time, more and more Americans are approaching the age of retirement, when they will depend on their savings, retirement benefits and Government programs in order to support themselves. As the cost of living rises, and program funding shrinks, many of these older Americans are looking to reenter the work force, both to support themselves, and to continue their productive participation in the American economy.

The Older American Child Care Employment Amendments of 1988 would amend title V of the Older Americans Act to authorize $30 million in grants to employ older Americans for the provision of child care. Under this proposal, the Secretary of the Department of Health and Human Services would be authorized to conduct 100 experimental projects where older Americans who meet the necessary State child care regulations would work for child care services. Services receiving funds would be required to come up with a one-third match, to serve children from lower income families, to charge fees on a sliding fee scale and meet all applicable State regulations.

Mr. Speaker, this bill will meet three needs at once. It will provide work for older Americans, care for our children, and will relieve our working parents of the tremendous burden of worrying about who will care for their children. What better combination could you ask for? American grandparents caring for America's children.

VIETNAM VETERANS PROTECTION ACT

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. McEWEN. Mr. Speaker, as my colleagues know, the Vietnam Veterans Memorial was attacked by vandals in April when a swastika like symbol was scratched into the black granite monument.

Consequently, today I am introducing the Vietnam Veterans Memorial Protection Act.

Under the provisions of this bill, the National Park Service, under the Department of the Interior, would be required to provide for the constant security protection at the memorial. The bill also authorizes the Secretary of the Interior to accept contributions from the public for that purpose.

Mr. Speaker, during the 1920's, vandals defaced the Tomb of the Unknowns at Arlington National Cemetery. The U.S. Government took action to ensure that vandalism would never desecrate that venerable site again.

Since its dedication in 1982, the Vietnam Veterans Memorial has become the most visited memorial in our Nation's Capital. Last year, 3,800,000 people traveled to the Capitol Mall to see this monument.

We simply cannot allow vandals to defame this tribute to those courageous veterans who gave their lives in service to their country. It's an insult to their family and friends and to our Nation. I urge my colleagues to cosponsor this legislation.

SSC SHOULD BE A TOP RESEARCH AND DEVELOPMENT PRIORITY

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. CHAPMAN. Mr. Speaker, I would like to express my strong support for the superconducting super collider as one of our Nation's top national research and development priorities. We must look to the future in preserving the United States' traditional preeminent position in the area of high energy physics. Construction of the SSC will keep our Nation on the cutting edge of discovery, attracting leading scientists to participate in the project, encouraging the entry of new graduate and undergraduate students into this area of study, and sending a message to the entire world that the United States is committed to exercising leadership in this field.

Mr. Speaker, our society now enjoys numerous benefits as a result of discoveries in high energy physics. New cancer treatments, nuclear medicine, and incredible advancements in computer chip manufacture are only a few of the results of study in this field that have revolutionized our way of life. While we cannot know all the benefits that will result from the SSC project, we have seen in the past that funding for basic research in high energy physics yields knowledge which in its practical application can further improve our way of life.

While I realize the magnitude of the SSC project and the requisite heavy investment necessary to make it viable, I feel that the United States can find a way to fund the SSC without draining smaller but equally important scientific research projects. Far from being a drain to other scientific endeavors, the SSC will provide a wellspring of knowledge which will complement other projects. Now is the time for Congress to make a strong commitment to our Nation's future, by moving forward with the superconducting super collider.

DEDICATION OF MONUMENT FOR MICHIGAN SERVICEMEN AND SERVICEWOMEN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to the residents of Roxand Township and the village of Mulliken, MI, who, on Sunday, May 29, 1988, will dedicate a monument in honor of Michigan servicemen and servicewomen.

The monument, to be placed in Meadowbrook Cemetery, will set atop the grave of a time capsule that was buried last Veterans Day, November 11, 1987. Inside the capsule—to be opened in the year 2137—are the names of those who served; a list of those who have donated to the fund that financed the monument and time capsule; clothing representative of all four branches of the Armed Forces; memorabilia from the Civil War, World Wars I and II, the Korean war, and the Vietnam war; and pictures, papers and other articles depicting life in Roxand Township and the village of Mulliken. The black granite monument and the time capsule, which will be opened during Michigan's tricentennial year, is designed to honor all servicemen and servicewomen from Michigan and is the community's contribution to the State of Michigan's sesquicentennial celebration which ended just a few weeks ago.

The origins of this project are noteworthy. While researching the history of Roxand Township for a book, Ms. Letha Bentley discovered the absence of a list of local Armed Forces service personnel. This omission sparked Ms. Bentley's interest. She sought to find the names of the local individuals and a way to honor all of those from Michigan who had served their country and, in many cases, given their lives to protect and preserve our many freedoms. Ms. Bentley worked with many elected officials and other area residents to accomplish this goal. Together, they raised money through bake sales, flea markets, memorial donations, a potato bake, and many other activities. Truly, this is a monument of the people, for the people, and by the people.

Mr. Speaker, on Sunday, May 29, and Monday, May 30, at events throughout the country and the world, we will all pause to remember the many individuals who sacrificed their lives and take time to reflect upon the importance of their sacrifices to our own lives and our Nation's freedoms. I am certain that my colleagues will want to join with me in paying tribute to Ms. Letha Bentley and others whose commitment and dedication have made the Meadowbrook Cemetery time capsule and monument possible. Their success is testimony to the fact that "working together, we can make a difference."

PROJECT HOPE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. YOUNG of Florida. Mr. Speaker, earlier this month, in Pinellas County, FL, 18 women and 1 man became the first Florida graduates of Project Hope, a program run for economically disadvantaged youths and adults. This program is operated by Professional Employment and Training Services, and funding is provided by the Business and Industry Employment Council of Pinellas County and the State of Florida's Department of Health and Human Services.

Project Hope is an 8-week training, counseling, and placement program. Its aim is to help men and women move off the welfare rolls and into the local work force. While the graduation exercise, which was held at St. Petersburg's Bethel Metropolitan Baptist Church, was the first of its kind in Florida, Project Hope classes have been successfully operating in Georgia since 1982.

Participants in the graduation ceremony for the first Project Hope class in St. Petersburg included Dr. Leslie Ellis, president of National Educational Training Systems, Inc.; St. Petersburg Mayor Robert Ulrich; Michael Becker, district administrator of the Department of Health and Human Services; and Watson Haynes, president of Haynes Development Corp. As the keynote speaker, Mr. Haynes challenged the graduates to commit themselves to use what they were taught to become successful in the new jobs. Mayor Ulrich reiterated the importance of being the best you can be, and Mr. Becker expressed his pride in the graduates' work and the goals of the Project Hope Program.

Before each of the students was called to receive the Project Hope diploma and the project independence certificate of recognition, special presentations were made to the Project Hope staff and to those students who had perfect attendance. Volunteers and special friends who have contributed to the success of the program were also recognized. In addition, student poems, which expressed the graduates' appreciation for the program and staff, were read, and musical selections were sung by the students and staff.

Mr. Speaker, while I was unable to be present at this graduation program because of our congressional duties here in Washington, I want to share with my colleagues my pride in the Project Hope graduates—Dorothy Byrd, Brenda Dawsen, Yvonne Edwards, Tamalyn

Fuller, Fredricka Johnson, Jan Leaks, Paul Lecain, Loletta Leonard, Yolanda Macon, Margie Murphy, Beverly Oliver, JoAnn Randolph, Shara Small, Maggie Smith, Rosemary Smith, Karin Tauscher, Cynthia Wells, Subrenia Weston, and Beverly Woods. Graduate Loletta Leonard summed up the spirit and dedication of these men and women with the reading of her poem "Never Quit." Indeed, these students of Project Hope never quit and they are to be commended for a job well done.

SHIRLEY K. TURNER HONORED BY THE YOUNG BLACK DEMOCRATIC ORGANIZATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues one of Mercer County's distinguished public officials, Ms. Shirley K. Turner, who will be honored by the Young Black Democratic Organization on May 22, 1988, for her dedication and contribution to public service and education in Mercer County.

Ms. Turner's service and commitment to the residents of Mercer County, as well as the residents of the entire State, has been long and admirable. Ms. Turner was first elected to the Mercer County Board of Chosen Freeholders in 1984 and was chosen by her colleagues to become Freeholder vice president in 1986. Her career in public service extends far beyond elective office, however.

Ms. Turner has been very active in a number of charitable and community-oriented groups. Among her many memberships, Shirley has been very involved as founder and former chairperson in the Mercer County Coalition on School Age Children, as former chairperson with the Human Services Commission, in the War Memorial Commission, in the New Jersey Council on the Arts, in the Trenton Urban League, and in the executive committee of the Trenton branch of the NAACP.

Just as importantly, Ms. Turner has contributed a great deal to the educational field. With a master of arts in education from Rider College and several doctoral courses from Rutgers University, Ms. Turner is presently director of career development at Rider College. Before assuming this position, she was assistant director and counselor of equal opportunity at Rider College and was also a teacher for the Trenton Board of Education.

Ms. Turner's involvement in government, civic affairs and education certainly bodes well for the people she serves. I applaud Ms. Turner's commitment and dedication to her community. My best wishes are with her as she continues throughout her career in public service.

TRIBUTE TO WORLD ACADEMY OF ARTS AND CULTURE FOR THEIR EFFORTS IN PROMOTING WORLD PEACE THROUGH POETRY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LANTOS. Mr. Speaker, I would like to take this opportunity to pay tribute to the World Academy of Arts and Culture, an extraordinary international organization which works solely for the achievement of world peace and brotherhood through the medium of poetry.

By organizing and celebrating a World Congress of Poets every 2 years in various countries, the World Academy of Arts and Culture provides a rich interchange of cultures which serves to unite nations. Through several prominent international literary magazines, the honorable efforts of the World Academy of Arts and Culture reach even to worldwide international schools, thereby enriching the lives of youth from every quarter.

The first World Congress of Poets was held in the Philippines in 1969, and it has since traveled throughout the world. In November 1988, the 10th World Congress of Poets will be hosted under high patronage of the King of Thailand in Bangkok. Although the World Congress of Poets was formed in 1969, it was established under the auspices of the World Academy of Arts and Culture, Inc., which was registered and incorporated as a nonprofit corporation in the State of California in 1986. The World Academy of Arts and Culture's use of poetry and literature for the benefit of all mankind truly merits commendation.

CONGRESSIONAL WAIVER FOR THE OPERATION OF THE VESSEL MV "OCEAN CYCLONE"

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LOWRY of Washington. Mr. Speaker, I rise today to speak about legislation that I introduced along with Mr. MILLER, also of Washington State. This legislation would grant a waiver for the operation of the vessel, MV *Ocean Cyclone*, and would not only be beneficial to the fishing industry, but could help to reduce the foreign trade deficit as well.

Charles E. Yates, of Crystal Fisheries, Inc., has requested that a legislative waiver be obtained so that a vessel, the MV *Ocean Cyclone*, may function as a mothership processor within the U.S. fisheries. Should this waiver be acquired, the ship would employ approximately 150 people and reduce the foreign trade deficit.

Crystal Fisheries, Inc., would like to create a U.S. mothership to obtain, purchase, process, and transport fish products in a joint venture operation in conjunciton with four to eight U.S. trawlers. Presently, Crystal Fisheries, Inc. operates U.S. trawlers that work in conjunction with foreign motherships. The creation of a U.S. mothership would be beneficial in that it would displace at least one of these foreign vessels.

The MV *Ocean Cyclone* would serve as a functional vessel for this purpose as it is large enough to hold the necessary processing equipment and house the necessary employees. It also fulfills the requirements of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 in that it was built in the United States.

However, the MV *Ocean Cyclone* has since been sold from the United States surplus fleet to a foreign company. Thus, it has come under two basic restrictions. The first of these is one imposed by the Department of Transportation that prohibits the use of foreign vessels to transport passengers, cargo for hire, or proprietary cargo. The previous owners of this ship failed to apply for permission to operate foreign vessels in U.S. fisheries as was possible for 2 years under an act adopted by Congress in 1980. Mr. Yates is now seeking a correction of this oversight.

The second restriction in that from coastwise trade under the Jones Act. This coastwise trade becomes a necessary element for Crystal Fisheries, Inc., as Mr. Yates plans to transport fish received from the joint venture catcher vessels to U.S. ports. For this purpose, a legislation that waives the application of the Jones Act is being proposed.

If this waiver is obtained, Crystal Products, Inc., will execute its option to purchase the MV *Ocean Cyclone* and employ an estimated 150 U.S. personnel. In addition, through either the sale of fish products on the foreign market or the displacement of foreign fish to the United States the passage of this legislation could assist in reducing the trade deficit by $25 to $35 million annually.

Finally, I would like to point out that enactment of this legislation would result in a significant expansion of domestic processing capacity. This additional capacity would provide markets for domestic catcher vessels, which are designed primarily for catching rather than processing fish, and which are currently delivering their fish to foreign processing vessels which will be gradually phased out under the Magnuson Act.

Mr. Speaker, this is important legislation which will enhance the economy and competitiveness of the Pacific Northwest and the Nation and I would urge my colleagues to support it.

AMERICA NEEDS THE SUPER COLLIDER

HON. BEAU BOULTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. BOULTER. Mr. Speaker, the 100th Congress has the rare opportunity to invest in a project that can maintain America's dominance in high-energy science, continue our advancements in vital research, and help us remain technologically competitive with Europe and Japan.

The project I am referring to is the superconducting super collider [SSC], the world's most powerful proton accelerator. The SSC will allow scientists to look even deeper into inner space to learn more about the world in which we live.

Now I know some of my colleagues question if we can afford to build the SSC. Well, the question we must ask ourselves is: Can we afford not to build it? Can we afford to give away a project that has the potential to spur another revolution in science, technology, and commerce? At a time when we are facing record trade deficits, losing ground in the world marketplace, and watching countries like Japan and Germany take over the field of high technology, we must look at ways to remain competitive and enhance our science and technology fields.

We have already seen incredible advancements in medical and scientific research and high technology due to our past commitments to projects like the SSC. Medical research devices, like the PET and CAT scans and magnetic resonance imaging, came from linear accelerator research. (Loma Linda Medical University in California will soon use a proton accelerator for cancer therapy. The accelerator is being designed and built by the Department of Energy's Fermi National Lab, in Illinois.) Semiconducter manufacturers are utilizing technology gained from light accelerators to make smaller computer chips and remain competitive in the international computer market.

None of these benefits were expected when Fermi lab or the light source accelerator at Brookhaven, NY, were being built. Now we have the chance to expand our research in this exciting area of science that offers unlimited potential.

Mr. Speaker, there will be a super collider. That is a fact. It's just a matter of where it will be built—America, Europe or the Soviet Union. If Europe builds it, we will participate; exporting millions of dollars to help build it, then exporting our best scientists to staff it. All economic and technological spinoffs will be given to the host country, so America has no chance of gaining the competitive edge.

America has everything to lose if we don't build the SSC here. We will lose jobs and scientists; we will give up a premier educational and technological research center; we will lose our lead in high-energy physics, a field America has dominated for half a century; and we will give countries like Germany and Japan the chance to move ahead in computer technology, electronics, superconducting magnets, and other competitive areas.

We cannot afford to pass up this opportunity.

This Congress must send a message to the international community that we are committed to the SSC, and thus, committed to maintaining America's leadership in science and technology. That message can only be transmitted by providing sufficient funding to move forward with the project. I urge my colleagues to support this scientific initiative that promises to keep America scientifically and technologically dominant well into the 21st century.

A TRIBUTE TO RALPH A. WRIGHT, SR.

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. DYMALLY. Mr. Speaker, today it is my great pleasure to rise in order to pay special tribute to Mr. Ralph A. Wright, Sr.—on the occasion of his retirement after more than 30 years of service to the Los Angeles community and public education system.

Mr. Wright's career focused on the most important aspect of our society today. He dedicated his professional life to the education of our youth.

For 18 years, Wright was a devoted teacher, employed by the Los Angeles Unified School District. He then moved on to become the district's administrator and exhibited the same commitment and devotion to the job of administrator as he did as a teacher.

The Los Angeles area is fortunate to have had the benefit of Mr. Wright as one of its citizenry, for his service to the community was not limited to the academic arena.

From 1967 to 1985, Mr. Wright was owner of the Ross Plaza Pharmacy. Through his efforts, he provided consistent and efficient pharmaceutical service to the community. As further evidence of his commitment and competence, from 1956 to 1973, he was the business manager for J.W. Ross Medical Center, Inc.

Mr. Wright holds a bachelor of science degree in accounting from the University of Southern California, a master's degree in Public Administration and is a licensed public accountant. He attained the rank of 2d lieutenant in the U.S. Army, where he served on active duty from 1943 to 1946.

We are most fortunate in Los Angeles to have been the beneficiary of Mr. Wright's dedication and commitment to public service.

I call on my colleagues to join me in applauding Mr. Ralph A. Wright for his years of public service—on this the occasion of his retirement.

RICHARD RICHARDSON HONORED BY THE YOUNG BLACK DEMOCRATIC ORGANIZATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues one of Mercer County's distinguished Democratic Party officials, Mr. Richard Richardson, who will be honored by the Young Black Democractic Organization on May 22, 1988 for his dedication and commitment to the residents of Mercer County.

Mr. Richardson, a graduate of Trenton Central High School, has been active in the Democratic Party for over 25 years. He has served as sergeant-at-arms for the Trenton West Ward Democractic Club, for a 25 year period, and as a committeeman in the West Ward for 25 years. Richard's activities also include serving as Sergeant-at-Arms for the Mercer County Black Democratic Caucus and as sergeant-at-arms for Mayor Authur J. Holland's Booster Club.

In Mr. Richardson's own words, he describes that he "would like to help the youth of today and the youth of tomorrow." His foresight and dedication are welcomed. We should all take a lesson in the wisdom and commitment that Mr. Richardson has put forth concerning our young people.

Once again, I applaud Mr. Richardson's long and tireless service to the residents of Mercer County. My best wishes are with him as he continues his invaluable service to the community.

MAJORITY OF PALAU'S CONGRESS SUPPORTS UDALL, DE LUGO EFFORTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MILLER of California. Mr. Speaker, the President has asked Congress to give him the authority to put a compact with the Pacific Islands of Palau into effect.

Normally, I would support such a measure. But in this case, at this time, I cannot. I urge my colleagues in the Congress also to withhold their approval of the President's request.

I support a freely associated state of Palau if that is what the people of Palau want. To become a freely associated state, according to the Constitution of Palau, the compact must receive a 75-percent favorable vote in a free and open election. This has not happened.

Instead, what has happened has been a campaign of harassment and intimidation of those people of Palau who are opposed to the compact. Opponents have faced threats, violence, and even death.

When the President of Palau and others attempted to certify that Palau had approved the compact, when in fact it had not, opponents of the compact filed a legal challenge. They were forced to withdraw the challenge under threat of violence.

However, thanks to the timely intervention of our colleagues, Congressman UDALL and Congressman DE LUGO, the opponents were able to resume the legal challenge.

And just a few weeks later, the Supreme Court of Palau ruled in their favor. The supreme court found that Palau has not approved the compact. Until Palau approves the compact—in a free and open manner and consistent with its Constitution—we, in Congress, should not act.

Furthermore, in the course of investigating the charges of violence and intimidation directed against compact opponents, Mr. UDALL and Mr. DE LUGO uncovered other serious wrongdoing in the territory ranging from heroin trafficking to possible kickbacks. These charges should be thoroughly investigated, and the United States should assist Palau in dealing with these problems.

A majority of the Congress of Palau supports and applauds the actions taken by Mr.

UDALL and Mr. DE LUGO to make sure that all of the people of Palau are fairly and fully represented. And they want and support active U.S. help in dealing with wrongdoing in the territory.

Many Palauan legislators recently sent President Reagan a letter complimenting Mr. UDALL and Mr. DE LUGO on their efforts and urging the President to support them.

I urge my colleagues to take a few moments to review their letter.

SECOND OLBIIL ERA KELULAU,
Koror, Palau, April 26, 1988.

Hon. RONALD REAGAN,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: On April 22, 1988, the Supreme court of the Republic of Palau declared the August 4, 1987 Constitutional Amendment referendum null and void. The impact of this decision is that the Compact of Free Association has been found *not* to have been Constitutionally approved by the people of Palau. The Court noted that "an analysis of the result arrived at demonstrates the very strength of the government [of Palau]." Our judicial branch of government performed admirably. The integrity and stability of our Constitution has been protected. This could not have been accomplished without the assistance of the United States Government, in particular, the Department of the Interior, and the United States Congress, in particular the Committee on Interior and Insular Affairs and its Subcommittee on Insular and International Affairs, of the United States House of Representatives. The purpose of this letter is to express our sincere appreciation.

The early years of Palau's Constitutional Government have been fraught with difficulty. The IPSECO scandal, the murder of our first President, repeated exposes of the bribery and corruption of our highest officials, and the violence and intimidation of last summer, have threatened the very foundation of our democracy. The Court decision of April 22, 1988, resolves a lawsuit that was first filed last August, but was dismissed in the wake of violence, including murder, directed at the plaintiffs and their legal representatives. Only the assistance of the Department of the Interior and the House Committee on Interior and Insular Affairs and its Subcommittee on Insular and International Affairs made it possible for this lawsuit to be refiled and litigated to conclusion.

The Department of the Interior, while not providing the financial assistance or the permanent representative in Palau that was requested, did establish a periodic presence here. The regular visits of Interior representatives deterred a repetition of the violence of last summer. The perpetrators of last year's violence could see that the United States was watching this time. It is unfortunate that the Department of the Interior was not present last summer. Its presence then may have prevented intimidation, violence, and murder. It is also unfortunate that despite the repeated requests of the Honorable Morris K. Udall, Chairman, Committee on Interior and Insular Affairs and the Honorable Ron de Lugo, Chairman, Subcommittee on Insular and International Affairs, of the United States House of Representatives, United States law enforcement assistance was not made available to Palau during this turbulent time. Now that the importance of a United States Interior Department presence and United States law enforcement assistance has been made clear, we take this opportunity to formally request that a permanent United States Interior Department presence be established in Palau and that United States law enforcement assistance be provided to Palau on an on-going basis.

The United States Congress, through the House Committee on Interior and Insular Affairs and its Subcommittee on Insular and International Affairs, refused to rubber stamp the Compact of Free Association even though the President of the Republic certified that the amendment process complied with the Constitution and you, yourself, officially recognized the certification. Our Supreme Court had this to say about that certification:

"Apparently, some members of the United States government recognize the certification simply because it is by the duly elected president of the country. Presumably this view is based more or less on the Act of State Doctrine which accepts without question the acts of the government done within its own territory. *Underhill* v. *Hernandez*, 167 U.S. 250, 18 S.Ct. 83 (1897). However, since Palau is still under the trusteeship umbrella of the United States, the Constitution was formulated under the auspices of the United States Trust Territory Administration and, of course, the Compact provides a unique ongoing relationship between Palau and the United States, the doctrine has doubtful application here.

"Under all circumstances surrounding this case (presumably within the knowledge of the United States Government) and the political background and intimate connection of the United States with Palau (certainly within the knowledge of the United States), the unquestioned reliance upon the certification of the President of Palau does not comport with the reputation of the United States for fostering and supporting democracies for emerging countries under its political wing."

The House Committee on Interior and Insular Affairs and its Subcommittee on Insular and International Affairs did fulfill the intent of the Trusteeship Agreement. They believe that the IPSECO scandal and the exposure of bribery and corruption in our government merit the concern of the United States. They recognized the importance of the Compact lawsuit being litigated to conclusion. They sent General Accounting office investigators to Palau, and those investigators verified that it was intimidation and violence that caused the plaintiffs to withdraw their lawsuit last year. They sent their own representative to Palau to be here when the lawsuit was refiled and to personally observe subsequent events in Palau. And they stood firm in their insistence that Palau receive the United States law enforcement assistance that we so desperately, and so obviously, need. Future generations of Palauans will honor Committee Chairman Morris K. Udall and Subcommittee Chairman Ron de Lugo for their courageous stand taken in our time of trouble. They truly have fostered our democracy.

Sincerely yours,

Santos Olikong, Speaker, HOD; Shiro Kyota, Vice Speaker, HOD; Hideo Tell, Delegate; Ignacio Anastacio, Delegate; Peter E. Sadang, Senator; Kuniwo Nakamura, Senator; Thomas Patris, Delegate; Florencio Yamada; George Ngirarsaol, Senator; Minami Ueki, Delegate; Tommy Remengesau, Jr.; Surangel Whipps, Delegate; Mariano W. Carlos; Sam Y. Masang, Senator; Isidoro Rudimch, Senator; Joseph T. Kintol; Laurentino Ulechong, Floor Leader, HOD.

NORWEGIAN CONSTITUTION DAY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. GUNDERSON. Mr. Speaker, it is a pleasure to address the House today in honor of "Syttende Mai," or Norwegian Constitution Day. As the Representative in Congress of the largest concentration of Norwegian Americans in the United States, and as one who takes great pride in my own Norwegian heritage, I think it is very appropriate for the House to recognize this important occasion and to commend our friends in Norway for their achievements as a free and prosperous nation these past 174 years.

The defeat of Napoleon at Leipzig in 1813 forced one of his allies, Denmark, to cede Norway to Sweden as payment for war reparations. The Norwegian people would have none of it, and instead formed an assembly to write their own Constitution for their nation. This Constitution was a remarkably progressive and timeless document, much like our own. It provided for a parliamentary form of government, with a limited monarchy, and separation of powers among the judicial, executive, and legislative branches of government. Basic human and civil rights were guaranteed.

In spite of a later invasion by Sweden, Norway retained its sovereignty over its internal affairs and the guarantees of its Constitution. After a peaceful separation from Sweden in 1905, Norway truly entered into its own as an independent nation. The Constitution of 1814 remains Norway's basic frame of government and is revered as such by her people. Today throughout Norway, as in our own Independence Day, there are children's parades, decorated buildings, memorials for fallen soldiers, and fireworks displays.

The modern Norway is free, prosperous, and a trustworthy ally of the United States. We share a dedication to encouraging democracy, protecting human rights throughout the world, and maintaining a strong collective security structure. A founding member of the North Atlantic Treaty Organization, it is one of the few countries in NATO that has delivered on the commitment to increase annual defense expenditures by 3 percent in real terms. Norway's defense expenditures per capita are second only to the United States among NATO members. Her 124-mile shared border with the Soviet Union is indicative of her great strategic importance to us and other NATO members. Also, we enjoy vigorous trade, totaling roughly $3.5 billion in 1987.

We benefit in these and many other ways from our close ties with the Norwegian people. As we look to the future, we can be assured of a productive working relationship with Norway as we confront new problems of security and international economic stability. I urge all my colleagues to join with me in paying tribute to the people of Norway at this time, and submit President Reagan's cable message to King Olav V for this occasion:

> Your Majesty, it is my distinct pleasure to extend to you and all Norwegians, on behalf of the people of the United States, warm congratulations and the best wishes on the occasion of Norway's Constitution Day. We Americans are proud of the historic as well as modern ties that bind our two nations together. As they celebrate this important occasion, all Norwegians may be confident of America's continued commitment to the excellent relationship that our two nations have for so long enjoyed.
>
> Sincerely,
>
> RONALD REAGAN.

FLOWING WELLS HIGH SCHOOL, A DRUG-FREE ENVIRONMENT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. KOLBE. Mr. Speaker, yesterday the President and Secretary of Education awarded Flowing Wells High School, and 29 other schools from across the Nation, with the recognition of being a school with a drug-free environment.

Four years ago a partnership was formed at Flowing Wells High School in my home town of Tucson, AZ. The partnership included the administration, faculty, and students directed toward the goal of ridding the campus of drugs, changing the lives of each student by giving them a clean and drug-free environment to learn in. Today, this school is rightfully being recognized for all of the work that has been done in this effort.

The Department of Education's evaluation of the schools addressed five specific areas: the school's assessment of the extent of drug usage; the immediate and standard policy regarding drugs; the enforcement of that policy; the teaching of prevention to students and teachers; and the involvement of the students, their parents and the community.

Flowing Wells has a number of different programs that have successfully fought the spread of drugs on our Nation's campuses. This partnership of administration, faculty, and students is a herculean team effort. While the administration supports and facilitates the implementation of each program, the faculty actually implements them. The teachers now undergo extensive training to assist in identifying the students who may have drug problems and tackling the problem. They also meet on a regular basis to discuss the students who have special needs and need extra attention. Open communication, and direct involvement are keys in this area and the efforts of teachers like James Butler and the other dedicated individuals on Flowing Wells faculty have changed the lives of students who may have been at serious risk.

The students are the heroes themselves. Organizations such as Students Against Drunk Driving, the Student Assistance Team and many other campus organizations are influencing their friends through positive peer pressure. The key to this school's task, according to the administration, is an organization for every different type of individual attending Flowing Wells High School. It is the range of diversity and the numerous organizations that facilitates the goal of reaching a drug-free environment.

This partnership encompasses all of Tucson, AZ, and the communities that surround it. As Bob Hendricks, the Flowing Wells School Superintendent said, "Without community awareness, without community involvement, we can't even begin to address the problem at school."

This sentiment has been evident in the efforts of Flowing Wells to involve the community in their antidrug efforts. Local town halls are held to include parents and individuals who are not normally involved with Flowing Wells School. The extent of community involvement is not limited to one section of town either. Last summer, in cooperation with the drug-free crusade one of these town halls was aired live on a local network affiliated television station during prime time and generated considerable feedback from all sections of the community. Thanks to many groups in Tucson, and to Flowing Wells in particular, soon all of Tucson will be a drug-free environment.

And, of course, as Tucson, AZ, works together to become a drug free city, so will other cities and we can say that we have said "no" to drugs in this country.

Mr. Speaker, I commend Flowing Wells High School, of Tucson, AZ, for having achieved a drug-free environment.

LINDA LENTIN OF NORTH MIAMI ELEMENTARY SCHOOL TOP TEACHER IN FLORIDA

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LEHMAN of Florida. Mr. Speaker, as a former teacher in the Dade County Public Schools and as a former member and chairman of the Dade County School Board, I do know that good teachers are very special people.

Florida has thousands of talented, dedicated teachers. Of all these, one teacher, Linda Lentin of North Miami Elementary School in our 17th Congressional District, was chosen as Teacher of the Year in a competition with the best teachers from all over the State.

Mr. Speaker, I want to join with parents and students all across north Dade in extending to Linda Lentin our warmest congratulations on her achievement. She is truly an asset to our community.

I would like to share with my colleagues an article that appeared in the Miami Herald that provides further information about Florida's new Teacher of the Year.

[From the Miami Herald, May 10, 1988]

NORTH MIAMI TEACHER TOPS IN STATE

(By Jeffrey Kleinman)

Linda Lentin, a first-grade teacher at North Miami Elementary School, was named the Florida Teacher of the Year on Monday at Walt Disney World.

"The first person to hug me was Mickey Mouse,"said Lentin, who was named Dade's top teacher in March. "I can't wait to get back to my girls and boys and celebrate with them."

Lentin, 53, a Dade teacher since 1956, will represent Florida in the national Teacher of the Year competition in the fall.

A state nominating committee judged 65 county winners through interviews, written reports and class visits. The five finalists gathered Monday.

Mickey Mouse opened a giant envelope with Lentin's name inside. Lentin won $2,500 and an engraved plaque and bowl. The other finalists were from Alachua, Escambia, Lake and Polk counties. They each won $1,250.

Lentin says she makes learning fun. On her classroom walls hang homemade games her students play to improve their basic skills.

"Play is young children's work," Lentin said. "I approach most of my teaching through games and fun activities. That's my hallmark. The kids don't even realize they're learning."

"These teachers may say they're nothing special," said Mary Anne Havriluk, assistant director of communications for the State Department of Education. "We say they are."

The honor might have surprised Lentin, but her colleagues at North Miami Elementary expected her to win.

"I don't think they could have made a better choice," said Principal Pat Parham. "When you walk into her classroom, you know you're in a special place, a place that's right for children."

TRIBUTE TO FIVE COURAGEOUS FIREFIGHTERS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Ms. PELOSI. Mr. Speaker, too often when disaster strikes we focus on the outcome—the loss and destruction of the tragedy—rather than on the courageous actions of those individuals who came forward during a time of need.

This has been the case with the tragic explosion and fire aboard the oil tanker SS *Puerto Rican* which occurred at sea near San Francisco in October 1984.

At the time, we were so interested in the environmental devastation from the fire that the actions of the firefighters who fought the blaze were not appropriately recognized. I believe the time has come to acknowledge these brave firefighters and offer the overdue appreciation they deserve; giving these civilians a measure of tribute unfortunately not available through the Navy's own recognition programs.

In the early morning hours of October 31, 1984, a call went out to the naval station at Treasure Island in San Francisco asking for assistance in battling a fire which was burning out of control after the explosion had disabled the *Puerto Rican*.

The five firefighters who responded; Mike Brown, Larry Rose, Paul Wallace, Mike Chavez, and Walter Leverett, were dispatched by Coast Guard cutters to the drifting vessel. They worked throughout a cold, windy night hosing down the smoldering hull to prevent further explosions. They worked as a trained team of dedicated firefighters, oblivious to the exhaustion from the 18 hours of intense effort.

By 8:30 on the morning of November 1, it was still not clear if the fire had been extinguished, so the Coast Guard requested that a firefighting team board the smoking and listing ship to determine if the fire was out. Paul Wallace, Mike Chavez, and Walter Leverett did not hesitate to volunteer again, this time to make the necessary dangerous transfer in rough seas to review the situation on the *Puerto Rican*.

Once aboard, they ventured into the dark passageways below deck, protected only by the tanks of oxygen they carried on their backs. They discovered that there was still smoke and flames billowing from the control room, and were able to direct further efforts to extinguish the fire. Their one goal was to keep the hull of the tanker intact and greatly reduce the amount of oil spilled onto the Pacific coast.

All five of the firefighters who responded to the *Puerto Rican's* call for help demonstrated courage and fortitude far beyond what is expected in a profession which takes routine bravery for granted. They acted without regard for their own health, safety or comfort in order to meet the difficult challenge presented to them.

I would like to take this opportunity to express appreciation to these men: Mike Brown, Larry Rose, Mike Chavez, Paul Wallace, and Walter Leverett. You are a tribute to the Navy, to your profession, to your families, and to San Francisco. Thank you.

TWELFTH ANNIVERSARY OF THE MOSCOW HELSINKI GROUP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. HOYER. Mr. Speaker, May 12, 1988, marked the 12th anniversary of the founding of the Moscow Helsinki Monitoring Group, established by 11 Soviet citizens to monitor their Government's implementation of the Helsinki Accords. Eight months earlier, on August 1, 1975, General Secretary Brezhnev had, on behalf of the Soviet Government, signed the Accords, an agreement between 33 nations of Europe and the United States and Canada to advance European cooperation in the field of human rights and humanitarian contacts, military security, and economic and environmental issues.

In their first public document, the members of the Moscow Helsinki Group explained the purposes of their initiative:

> The members of the Group proceed from the conviction that humanitarian problems and the problems of free flow of information have a direct relationship to the problems of international security. We intended to inform the governments that signed the final act in Helsinki, as well as the publics of those countries, of cases of direct violation of the humanitarian articles of the Final Act in the Soviet Union.

Members of the Moscow Helsinki Group themselves investigated alleged human rights violations, and also collected written information from Soviet citizens who felt that their rights under Helsinki had been violated. Having examined the evidence, they would send their findings in the form of public documents to the signatory states of the Helsinki Final Act.

This was an entirely logical and legitimate step, according to the wording of the Accords, which affirmed, in principle 7, the rights of citizens to "know and act upon [their] his rights and duties".

As word got around through dissident circles and Western radio broadcasts, the workload of the Moscow Helsinki Group became even greater, as more and more Soviet citizens and representatives of various groups appealed to the group to help them find the justice that had been denied them by official channels. Following the example of the Moscow Group, human rights activists founded Helsinki Monitoring Groups in Ukraine, Lithunia, Georgia, and Armenia. The Moscow group gained more members eventually reaching a total of 22. Other activists established an affiliated group to investigate the political abuse of psychiatry in the Soviet Union.

But despite the pledges of Helsinki, the Soviet Government had no intention of permitting genuine citizen participation in human rights monitoring, and it was not long before the authorities stepped in. Some members were pressured to leave the group, and others forced to leave the country. In February 1977, Yuri Orlov, the chairman of the Moscow Helsinki Group, and another member, Alexander Ginzburg, were arrested on charges of anti-Soviet agitation and propaganda. A month later, Anatoly Shcharansky was arrested and accused of spying for the United States. These three, and nine others, were tried and sentenced to long periods of labor camp and/or internal exile. Anatoly Marchenko, a leading human rights activist, died at Christopol Prison in December 1986, after being sentenced in 1981 to 10 years labor camp and 5 years internal exile. Three members of the group who remained at liberty struggled to keep going until, finally, under relentless persecution by the KGB, they announced the cessation of the group's activities in September 1982. It seemed that Moscow had managed to turn the Helsinki Accords into a meaningless scrap of paper.

Yet the labors of the Moscow Helsinki Group were not in vain. The fate of the Helsinki Monitors and the Accords themselves became a constant issue in East-West relations. Soviet efforts to promote foreign policy objectives were hindered by its flagrant violations of human rights and specifically the Helsinki Accords. When Mr. Gorbachev made his first foreign visit as General Secretary in October 1985, he traveled to Paris to press for French acception of Soviet disarmament proposals. In response, Prime Minister Fabius declared that France attached importance "to all of the provisions of the Helsinki Accords". Gradually, Soviet spokesmen began to admit that there had been violations of human rights in the Soviet Union and that these violations were having a negative effect on Soviet prestige and Western acceptance of Soviet foreign policy initiatives.

But the value of the Moscow Helsinki Group and affiliated groups was not only in gaining support in the West for the cause of human rights in the Soviet Union. Moscow had tried to paint the Helsinki groups as a small group of renegades who represented no one but themselves. This was clearly not the case. The Helsinki monitors were raising issues, particularly the violation of Soviet law itself, in the 1970's that in many respects has led to the pre-crisis situation—in the words of General Secretary Gorbachev—facing Soviet society. The indifference of the ruling nomenklatura to the basic rights of Soviet citizens and the antagonism toward those who demanded these rights, has produced a sense of helplessness, apathy, and corruption that threatens the country with an economic and social disruption that verges on the irreparable. "Comrades," said Mr. Gorbachev in Leningrad, "we can't go on like this any longer".

Indeed, former political prisoner and economist Lev Timofeev has written that if Gorbachev said in the 1970's what he is now saying about Soviet society, he would soon find himself sentenced to a labor camp for subversive activity.

Thus, the seeds planted by the Helsinki Monitors 14 years ago are beginning to tentatively sprout. Hopefully, they will truly take root. More and more Soviet citizens are beginning to demand the rights pledged to them in the Helsinki Accords. A Latvian Helsinki group was founded in 1986; and the Ukrainian, Lithuanian, and Georgian groups have been reestablished. The debt of the Soviet human rights community, and of all those who cherish liberty, to the brave men and women of the Moscow Helsinki Group is great. As Chairman of the Helsinki Commission, the U.S. Government agency mandated by law to monitor and encourage compliance with the Helsinki Accords, I salute the noble endeavor upon which they embarked 12 years ago.

Incidentally, Mr. Speaker, while none of the Moscow Helsinki group monitors are currently imprisoned in the Soviet Union, I would note that there still remain in labor camp and exile 12 members of the other Soviet Helsinki monitoring groups. On behalf of the Helsinki Commission, I once again call upon the Soviet Government to release these Helsinki monitors, provide them with complete legal rehabilitation, and grant them and all Soviet citizens the rights pledged to them almost 13 years ago in Helsinki.

PERSONAL EXPLANATION FOR H.R. 4471, MISCELLANEOUS INTERNATIONAL AFFAIRS AUTHORIZATIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FIELDS. Mr. Speaker, I was unavoidably absent last Thursday afternoon and was unable to vote on final pasage of H.R. 4471, a bill to reauthorize the Overseas Private Investment Corporation [OPIC]. Had I been here, I would have voted against the bill.

While I strongly support OPIC's principal mandate—stimulating U.S. investment in friendly developing countries, I must oppose H.R. 4471 because of the incorporation of the foreign assistance bill into this legislation. This tactic will enable the foreign aid bill to go to conference without consideration by the other legislative body. This signifies yet another attempt by Congress to mock the legislative process. For this reason, I cannot support final passage of H.R. 4471.

PROTECTING ESTABLISHED RECREATION AT CORPS OF ENGINEERS PROJECTS

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. DAVIS of Michigan. Mr. Speaker, today the Honorable ARLAN STANGELAND, the Honorable FRED UPTON, and I have introduced a bill to provide protection for established recreational uses of water resource projects constructed by the Secretary of the Army.

This legislation is intended to ensure that whenever the Corps of Engineers undertakes maintenance or reconstruction on one of their projects which results in change of a structure, that activity to the maximum extent practicable will be carried out in a manner that will not adversely affect any established recreational use. Furthermore, any actions necessary to be taken by the Corps of Engineers under this legislation shall be at full Federal expense.

The need for this type of legislation became apparent recently when the Corps of Engineers began to undertake necessary reconstruction of pier projects on the Great Lakes which have been in place for many years. The proposed replacement structures would in fact be of a different type of construction, rubble mounds, as opposed to traditional bulkheads. I have no question about the engineering considerations which lead to such a decision, however, as an unintended by-product, the use of these structures for pier fishing, which has built up over the years and which now supplies substantial recreational and economical benefits to the local area, will be destroyed. Modifications necessary to maintain the established recreational uses are relatively minor in scope but the Corps of Engineers maintains that they have no authority to carry out such modifications without local funding.

Existing legislation dealing with recreational uses at Corps of Engineers projects is, to the best of my knowledge, entirely prospective. That is, it deals with new recreational uses and the modification of new structures to provide for recreational uses. I have no problem with the established practice of requiring local share funding for new opportunities. However, the problem which our legislation seeks to address is not new recreational uses, but rather the maintenance of established recreational uses—which we believe should be the responsibility of the Federal Government.

This bill, therefore, requires that the Corps of Engineers shall carry out maintenance, repair, rehabilitation, or reconstruction, of an existing water resource project structure in a manner which will not adversely affect established recreational uses, and further, if such work does result in an adverse affect on recreational uses, the agency shall take such actions as may be necessary to restore those uses or provide alternative opportunities for comparable recreation. This work would be carried out at full Federal expense. This bill applies to any such activity for which physical construction is initiated after May 1, 1988, but would not apply to any action which is necessary to discontinue the operation of a water resources project. Nor would it change in any way the cost sharing provisions of existing legislation as they relate to the provision of new recreational uses at existing or planned water resource projects.

Mr. Speaker, I believe that this legislation addresses an extremely important oversight in existing law. I hope that my colleagues will join with me in cosponsoring this bill.

IN REMEMBRANCE OF CHARLOTTE EVE TROPP

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. BOSCO. Mr. Speaker, I rise today in sorrow to note the passing of Charlotte Eve Tropp, the director of the Retired Senior Volunteer Program in Humboldt County, CA. Mrs. Tropp's commitment to the senior citizens of the north coast will be greatly missed, and I extend my heartfelt sympathies to her family.

Charlotte Tropp had directed the RSVP since 1974, and under her leadership it retained its position of prominence in California. Under her leadership the program grew significantly in size, volunteers, and services, and was a source of hope and inspiration for thousands of senior citizens.

Mrs. Tropp received accolades and appointments from many public officials in her lifetime, including two appointments by Gov. Jerry Brown. She served the people of Humboldt County not only as a volunteer and a community leader but also as an educator and a committed family woman.

Mrs. Tropp is survived by her husband Henry, her son Stephen, her daughters Paula and Robin, and by her granddaughter Frannie. Once again I offer them my condolences, for her presence will be deeply missed on the north coast.

HONORING CARL DOPPLER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. VISCLOSKY. Mr. Speaker, I want to bring to the attention of the Congress the efforts of a young man in my congressional district. Carl Doppler is a Boy Scout seeking to achieve the rank of Eagle Scout. Under the direction of Richard Polatewicz, Carl has worked to beautify the decaying Pleasant View Cemetery in Schererville, IN. In the course of this project, Carl discovered the grave of Mr. Stephen Wilcox, who is only one of four Revolutionary War veterans buried in the State of Indiana.

While clearing away the underbrush, trimming unwieldy shrubs and resetting grave markers, Carl, with the assistance of other members of Troop 264, not only restored the grave of Mr. Wilcox, but also reclaimed the graves of three other soldiers from the Mexican and Civil Wars. Through efforts initiated by Carl and the troop, not only has an adequate gravestone been provided for the Wilcox grave, but a flag pole has been donated to stand at the entrance of the cemetery, flowers have been planted, and a sign has been ordered to inform passers-by of the cemetery.

What was once a forgotten plot of land has been transformed into a historic remembrance of those who have fallen in defense of their ideals. In this year of celebration of the Bicentennial of the U.S. Constitution, it is particularly appropriate that Carl's Eagle Scout project should result in the recovery of these historic grave sites. The community should be grateful for the efforts of Carl. Due to his efforts to enrich himself, we have all been enriched.

A TRIBUTE TO THE SOCIETY OF ST. MARY OF THE SNOW

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. SOLARZ. Mr. Speaker, it is rare that we who serve the American people are given a chance to pay them tribute. I have the honor today of paying tribute to an organization that is celebrating its 100th anniversary. I am proud to say that is the Society of St. Mary of the Snow.

Since the founding of this fine organization in 1888, the Society has devoted its time and energy to building a better America in its community. The Society of St. Mary of the Snow has shown its love and devotion to America by giving aid and assistance to immigrants from their ancestral hometown, Sanza, Italy, as well as other cities and towns in Italy. They have instilled a sense of pride in those that they have helped resettle and make a new home. They show these new immigrants that being an American is a valuable experience. The Society then continues its aid to the entire community.

The Society of St. Mary of the Snow has shown its gratitude for America by defending the United States in all conflicts and in their substantial contributions to the American Red Cross and U.S. bond drives. They have been a private force in the Greenpoint/Williamsburg sections of Brooklyn through their support of the various activities for the well-being and preservation of their community. They have not forsaken or forgotten their heritage, but remembered it and helped integrate it into American culture, making them better Americans and better citizens.

This group is what makes and will continue to make America great through its diversity of culture and commitment to helping people live in a free society.

On August 5, 1988, a celebration and parade will take place in Greenpoint/Williamsburg to honor 100 people of contributions from the Society of St. Mary of the Snow.

NATIONAL POLICE WEEK

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. CLEMENT. Mr. Speaker, I would like to join in celebrating with my colleagues "National Police Week," which begins on May 15 with "Peace Officer Memorial Day" and ends on May 21. This week has been dedicated to the approximately 500,000 law enforcement officers who, through their daily vigilance and sacrifice, ensure our safety and protection.

Sunday marks "Peace Officer Memorial Day." This day is especially reserved for those officers who have died in the line of duty. In the past 10 years 1,500 law enforcement officers have been killed while on duty. In 1987, 157 officers died, and this day is meant to recognize and to honor the contribution these officers have made to our safety. These officers have paid the ultimate sacrifice in order to safeguard the benefits of our society.

In particular I would like to express my thanks for the peace officers of my district. From sheriff's deputies, to officers on foot patrol, to the Federal law enforcement officers of the Fifth Congressional District of Tennessee, these peace officers have endured hardship and toil to provide for a safe place for their fellow citizens. I know many of these dedicated officers, and I would like to personally express my sincere gratitude for their service and zeal.

Through the untiring efforts and sacrifices of all peace officers, our domestic tranquillity is protected. This week is our chance to thank the law enforcement officers who perform such a valuable service to us all. They deserve our respect, support, and gratitude for a job well done.

H.R. 4306, THE NATIONAL SCHOOL LUNCH ACT AMENDMENTS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. VENTO. Mr. Speaker, I would like to express my support of H.R. 4306, the National School Lunch Act Amendments which passed the House last week. I appreciate the good work of the Committee on Education and Labor and the Select Committee on Hunger in bringing this measure before the House.

A small but relatively important part of this bill reaffirms the practice of using July 1 of each year as the inflation adjustment date for income guidelines. Although the food stamp eligibility standards adjustment date was changed to October 1 by the McKinney Act, the change negatively affected schools by forcing them to adjust eligibility during the school year. As many administrators in my district indicated to me, changing the adjustment date back to July 1 is essential to maintaining the program's level of efficiency and to assure that children are not going hungry while eligibility standards are met. It is matter of common sense and a matter of logic that this change is implemented.

I would also like to share my support for the addition of the farmer's market nutrition enhancement provisions to this bill. This legislation, which I cosponsored, encourages innovation in supplying delicious and fresh foods to those who are nutritionally at risk. It additionally highlights the role of farmers' markets across our Nation in supplying fresh foods directly to the consumer. In Minnesota alone, there are over 230 directory listed markets, orchards, roadside stands and others that supply edibles from asparagus to zucchini.

This legislation will allow each of seven States to experiment with demonstration projects to expand and improve the WIC Program. With these demonstration projects, eligible women, infants and children will be able to use farmers' market coupons for fresh produce and other available foods. The successful implementation of these demonstration projects witll speak out for the importance of innovation in eradicating hunger in our country.

WHERE IS THE SPEAKER WHEN DEMOCRACY NEEDS HIM MOST?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. DORNAN of California. Mr. Speaker, I rise today to submit to the RECORD a disturbing article written in yesterday's New York Times which outlines recent events in Nicaragua. The article written by Stephen Kinzer is titled, "Nicaragua Taking a Tougher Stand On the Opposition."

As the Communists in Managua crush the internal opposition and do their best to extinguish all vestiges of real democracy, I can only imagine that the congressional liberals who have worked so hard to make this outcome possible, must be jumping for joy—unless you consider the judgment of history.

The article follows:

[From the Washington Post, May 16, 1988]

NICARAGUA TAKING A TOUGHER STAND ON THE OPPOSITION

(By Stephen Kinzer)

MANAGUA, NICARAGUA, May 15.—Apparently convinced that the contra guerrilla army is collapsing, the Sandinista Government is taking a new and harder line against opposition groups in the country.

On Saturday, the government imposed new restrictions on the opposition press. At the same time, officials rejected what they called absurd proposals from the Miskito Indian leader, Brooklyn Rivera, ending five days of talks.

While those steps were being taken in Managua, the Defense Minister, Gen. Humberto Ortega Saaverda, told an audience near the northern village of Pueblo Nuevo that if the contras did not agree to peace terms soon, Sandinista forces would carry out "actions on a scale never before seen in this war."

RESISTANCE TO STRIKERS

Government officials have also refused to meet demands of striking construction workers and auto mechanics, and they have taken no steps to renew the "national dialogue" among political parties that broke down last month.

[The White House had no official comment today on the Sandinista actions, but a senior Administration official said they were part of a continuing pattern of activities aimed at testing the reaction of Congress.

["They want to see how far they can go before the U.S. Congress says stop," the official said. He added that if the Sandinistas attacked the contra forces, "it will raise the question of the additional military aid."]

NO REASON TO COMPROMISE

"The infighting among the contras is happening at the worst possible moment," said Luis Sánchez Sancho, a leader of the Socialist Party. "The Sandinistas see the contras falling apart, and they see the United States not disposed to help them. They feel that they now control the situation which means there's no reason to compromise on anything."

The Miskito rebels, who say they seek recognition of "historic rights" and not the overthrow of the Government, arrived in Managua this week optimistic that they would come away with a peace agreement.

"We had made progress in the first two rounds, but this time we found the Government tougher than ever before," Mr. Rivera said. "They even withdrew some points that we thought were already agreed."

One of the Government negotiators, José González, who is the senior Sandinista military officer in the Indian region, accused the Miskito delegates of "ethnocentrism and ethno-populism." He said they were seeking to exaggerate ethnic differences among Nicaraguans.

A few hours after talks with Indian leaders collapsed, major new restrictions on press freedom were imposed by the Interior Ministry. They marked the end of a three-month period during which opposition press outlets were permitted to attack the Government as strongly as they pleased.

The director of the Interior Ministry press office, Lieut. Lisette Torres, summoned directors of the leading non-Sandinista radio news programs, and told them they would no longer be permitted to insult Government leaders or freely report on military recruitment campaigns. The draft has been stepped up in recent weeks, with recruiters dressed in civilian clothes fanning through the countryside to capture young people avoiding military service.

The pro-Sandinista newspaper Nuevo Diario charged the opposition press with "lacking respect for constituted authorities and even calling for social disobedience."

A PUNCHING INCIDENT

Vigorous criticism of the Government has been the rule on many radio news programs in recent weeks, and Interior Minister Tomás Borge has apparently decided it cannot be tolerated. In a bizarre episode, two weeks, ago he called the country's best-known radio news director, José Castillo Osejo, to his home and began punching him, shouting that his programs were inciting violence and insurrection.

Nuevo Diario reported that the new restrictions "will apply to both radio and the written press."

In the cease-fire agreement signed with the contras on March 23 in the village of Sapoá, the Sandinistas agreed to permit "unrestricted freedom of expression."

"We are going backward," Ignacio Briones Torres, news director of the Roman Catholic radio station, said in an interview today. "The Interior Ministry has told us we can't use the words 'recruiter' 'recruitment' to talk about the draft, and we can't use the term 'economic crisis.' We were practically given a dictionary of terms not to use."

UPSET BY STRIKE REPORTING

Government officials have been particularly upset by news coverage of growing labor unrest. More than 30 people were arrested this month for trying to demonstrate support for construction workers engaged in hunger strike protesting low wages. The hunger strike ended after 10 days, but several other labor protests are being planned.

Inflation has reduced workers' purchasing power by more than two-thirds since a new currency was introduced in February. Even the official Sandinista newspaper Barricada, in a front-page report Friday, said workers in Managua were insisting that "salaries be adjusted in accordance with the upward trend of prices." But the Government has shown no willingness to permit wage increases, and Sandinista officials have denounced labor protesters as traitors.

Leaders of opposition parties are pressing the Government to ease its stance against dissident trade unions and to support changes in the Constitution that would establish an independent judiciary and a nonpartisan electoral commission. In a statement issued Friday, they said the Sandinistas "have not been serious about dialogue."

"On the contrary, tensions are rising because of increased Government repression," the statement said.

CONDITIONS FOR NEW TALKS

The Government has said it is willing to hold another round of talks with contra leaders, but only under conditions the contras have said they will not accept. Deputy Foreign Minister Victor Hugo Tinoco is to travel to Miami Monday carrying a proposal for three days of talks beginning May 25.

The contras have said they will come to Managua only if they are permitted freedom of movement here, but today General Ortega said that would be impossible. He also ruled out the possibility of holding the talks in another country.

President Daniel Ortega Saavedra, the general's older brother, said in a recent speech that talks with the contras would have a limited agenda.

"They think we are willing to discuss if there is going to be a revolutionary process or a counterrevolutionary process here," President Ortega said. "That is not up for discussion. What we are discussing is how the mercenary forces, who are already defeated can lay down their weapons."

"They should be grateful that we are not offering them the guillotine or the firing squad which is what they deserve," he said.

TRIBUTE TO CLEVELAND'S JEWISH RESIDENTS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. FEIGHAN. Mr. Speaker, when it comes to charitable giving, Greater Cleveland's Jewish residents may never be outdone. This caring community has been recognized again as No. 1 in per capita giving among major Jewish population centers in the United States.

What I find most impressive about the fundraising is the enormous volunteer spirit. Out of a Jewish population of 65,000 in our area, hundreds pitched in with phone calls, letter-writing and collection of pledges. The results: more than $24 million to support 20 local agencies, several national Jewish coordinating agencies and a number of human service programs in Israel and in 33 other countries.

The Jewish people have always shown greater concern for our less fortunate citizens. Their contributions will help ensure a better future for broken families, children and the aged.

I fully expect to be paying tribute to these generous people for years to come and am honored to represent them in Washington.

TRIBUTE TO 192D PROVISIONAL TANK BATTALION

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. BUNNING. Mr. Speaker, I rise to advise my colleagues to an event which took place on Friday, May 6, 1988. The 192d Provisional Tank Battalion was reunited in order to receive a special honor from Northern Kentucky University. A special bronze plaque, which will be displayed in the military science department at Northern Kentucky University, was dedicated to commemorate the unit's service during World War II.

Kentucky's 192d Tank Battalion was part of the Provisional Tank Group that stood its ground in determined defense of the Philippines during April and May 1942. The Japanese timetable was broken, saving Australia, New Zealand, and Midway and allowing our Navy to recuperate and defeat the Japanese Navy at Midway. Through the heroic efforts of 650 troops, of which 250 survived, America experienced a major turning point in the war in the Pacific.

I believe it is fitting that the members of the 192d Tank Battalion be recognized in this House for their heroic actions, at great cost, in defense of freedom.

TRIBUTE TO MR. TERRY D. GARRETT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. HALL of Texas. Mr. Speaker, I rise today and ask my colleagues to join me in recognition of and to pay tribute to Mr. Terry D. Garrett, crime prevention specialist for the Police Department in Rockwall of the Fourth Congressional District of Texas. A lifelong third-generation resident of Rockwall, Terry is highly qualified to meet law enforcement needs of the community and do so with a consistent and unswerving dedication, a dedication he inherited from his grandfather, the late C.R. Terry, who was, for many years, the dean of the Rockwall County Commissioners Court.

Terry began his service to our community as an emergency medical technician for the Rockwall County Emergency Medical Service from 1977 to 1979. In 1978, he was named assistant chief to the Rockwall Fire Department and serves in this capacity today. Terry joined the Rockwall Police Department in 1979. In 1985 he was appointed juvenile crime prevention officer, and through a grant from the Governor's office was appointed investigator by the Criminal Justice Division.

In addition to all this, and especially on my mind today, Terry has been instrumental in implementing a life-saving, child safety program in the elementary schools of the Rockwall Independent School District. This program called "On My Own" is a safety/self-care seminar to instruct children K—fifth grade in four areas of safety; stranger/non-stranger safety, door safety, fire safety and telephone safety. The program also includes a seminar for parents including information on what the children are being taught, how to better protect their children and how to effectively follow up on the information that the children receive. The fire safety class utilizes Sparky the fire dog, a special member of the Rockwall Fire Department that was obtained through Terry's efforts to raise donations.

Along, with all this, as further proof of his willingness to serve, Terry is associated with many fine organizations including the International Society of Crime Prevention Practitioners, the Texas Crime Prevention Association, the North Texas Crime Prevention Association, the North Texas Media Advisory Group, the Rockwall County Emergency Preparedness Committee, and the Rockwall County Drug Task Force.

So, Mr. Speaker, I consider it a privilege and an honor to speak of Terry D. Garrett today and am proud that he not only serves the law enforcement needs of the Fourth District, but those of the entire State of Texas.

TRIBUTE TO ALAN CAMPBELL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. DARDEN. Mr. Speaker, Antarctica is the world's most remote and mysterious continent. As someone who has visited Antarctica, I can readily attest to the unique beauty of this pristine frontier.

Recently, Alan Campbell, a native Georgian and respected artist, spent time in Antarctica as the guest of the National Science Foundation. The National Science Foundation, which oversees all U.S. scientific studies in Antarctica, sponsors a program in which various artists, photographers, and writers are chosen to spend time on the continent and interpret their experiences in their particular medium.

It is well known that Antarctica is the site of much valuable scientific research. However, there is very little known about the other, more aesthetic aspects of this wondrous region. The visits and resulting works of artists such as Alan Campbell will do much to heighten international awareness about the immense beauty and vast resources of Antarctica.

Mr. Campbell, a graduate of the University of Georgia, is only the second painter invited by the National Science Foundation to Antarctica. He spent more than 2 months there traveling throughout the region and capturing his impressions in his painting. An exhibition of Mr. Campbell's Antarctica works is scheduled to appear in several cities this year.

There is no way to adequately describe the experiences, sights, and sounds one encounters in Antarctica. However, the art of Alan Campbell is offering many people a unique opportunity to experience the wonders of the world's frozen continent.

ON THE 80TH BIRTHDAY OF STANLEY LATHEN, SR.

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mrs. BOXER. Mr. Speaker, my fellow colleagues. Today I want to tell you about Stanley Lathen, Sr., a long-time resident and activist in my district, who just celebrated his 80th birthday. Stanley Lathen has long astonished his friends and family with his ongoing dedication to public and civic service in his community.

A plasterer by trade for nearly 16 years, Stanley Lathen was uniquely qualified to serve in an executive position with the United Food and Commercial Workers Local Union No. 373 of Solano and Napa Counties. His great concern for workers, the work environment, and quality construction, led Stanley Lathen to accept a position as chairman of the Solano County Building Code Commission and to assist in the establishment of the Solano County Planning Commission. He also devoted 30 years of service at the executive level to the Central Labor Council of Solano County. Upon his retirement Stanley Lathen organized the Retiree Club of Local No. 373.

Over the years, Stanley Lathen has demonstrated equal zest for participation in local and national politics. Stanley Lathen spent two terms on the Solano County Grand Jury and was a three-time delegate to the Democratic National Convention. Today, Stanley Lathen is still an active and valued member of the local Democratic Party.

Needless to say, Stanley Lathen is not a man who subscribes to the dictum of "all work and no play". Family and friends will tell you that Stanley Lathen was an ardent participant in team sports in his younger days and now that he is a bit older, he has grown more fond of traveling in his motor home. Indeed, Stanley Lathen is a leader in the organization of the Westerner Recreational Vehicle Club. He has served as its director for 12 years. On May 17 Stanley Lathen embarks on yet another journey, this time to visit the east coast. I, for one, will be delighted to meet him in Washington, DC.

I hope you will join me in congratulating Stanley Lathen on the occasion of his 80th birthday. Stanley Lathen has been an inspiration to all who have known him and his years of distinguished service to the community will long be remembered.

A TRIBUTE TO LOUIS DeSANTIS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. CLINGER. Mr. Speaker, it is with pleasure that I rise today to pay tribute to Louis DeSantis, an outstanding citizen of Bradford, PA, and my constituent. I wish to take this opportunity to salute him for his remarkable achievements and contributions to his community.

In 1981, Mr. DeSantis began a nonprofit organization designed to promote Italian awareness and to celebrate the Italian culture. Since that time, he has been the sole president and chairman of the organization. During his tenure, he has been instrumental in the rebirth of the festival of the Italian Saint, Rocco, and has made the festival into an event that attracts people to Bradford from many miles away.

At Gino's Restaurant, on May 25, Mr. DeSantis will be feted by the Bradford Exchange Club. This is where he will be awarded the Golden Deeds Award in recognition of his extraordinary service to his community. Mr. DeSantis has displayed his selflessness and dedication through his behind-the-scenes work and his disdain for the spotlight. He has been the unsung hero of the festival

Mr. DeSantis has been involved in other community service as well. He is a member of the St. Bernard Church, the La Stella Lodge, where he was named Man of the Year in 1982, and on August 15, 1987, he received the Top Community and Service to Mankind Award.

Mr. Speaker, on behalf of the people of the city of Bradford and the State of Pennsylvania, I want to congratulate Mr. DeSantis on his impressive array of accomplishments. His dedication to the community is most impressive and I want to thank him for it.

EAGLE SCOUT JOSEPH KUNNENGODE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man from my district, Joseph Kunnengode. Joseph is being honored for achieving the highest rank in scouting, that of Eagle Scout.

The path to Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone to assist his growth and maturity as a person. The central challenge is, however, to set and strive for goals through initiative and diligence.

Young men like Joseph are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments, for this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and Scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Joseph, your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Joseph Kunnengode, before my fellow Members of Congress.

LORRAINE MASTON, AUXILIARY COMMANDER OF THE ILLINOIS DISABLED AMERICAN VETERANS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. MICHEL. Mr. Speaker, as a former combat infantryman and as a member of the Disabled American Veterans [DAV], I welcome this opportunity to pay tribute to Lorraine Maston, of my hometown, Peoria, IL, who will retire, June 12, 1988, from her position as auxiliary commander of the Disabled American Veterans Auxiliary Department of Illinois.

On April 16, Lorraine was honored at a testimonial dinner and I welcome this chance to join all of her friends and admirers in paying tribute to such a dedicated and hard-working friend of disabled American veterans.

Lorraine has held positions of trust in the DAV Auxiliary ranging from adjutant to three-time unit commander of Boyd O. Biehl Unit No. 1, of which she is a life member.

After serving the 2,800 member Disabled American Veterans Auxiliary Department of Illinois as chaplain, in 1983-84, Lorraine Matson advanced to 2d Jr. vice commander, in 1984-85; 1st Jr. vice commander, in 1985-86; and Sr. vice commander, in 1986-87; and was unanimously elected in 1987-88 as auxiliary department commander, the highest office in the Disabled American Veterans Auxiliary Department of Illinois.

I'm glad to have this opportunity to let our colleagues know what a fine job Lorraine Matson has done and how much we will all miss her.

TRIBUTE TO MRS. WILLA (BILLIE) BLACK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mrs. Willa "Billie" Black, a special resident of my 17th Congressional District of Ohio.

Mrs. Black has been a resident of Youngstown, OH, for 52 years and has been a member of several community-based organizations through which she has made numerous contributions. She has been recognized for her outstanding achievements and leadership in the National Negro Business and Professional Club and the Towne Club, and has been an honorary member of the Sigma Gamma Rho Sorority. Willa devotes much of her time to being an adviser to a local 4-H Club and is an organizer of the Governor's and Vice Governor's of the North Central District of the National Association of the Business and Professional Women's Club. Mrs. Black has also served on the boards of the Youngstown Urban League and has been chairperson for the Ebony Fashion Show.

The list of the awards Willa Black has won over the years is quite impressive. In 1967, she was named Iota Phi Lamda Business Woman of the Year; in 1973 she won the North Central District Governor's Award; in 1974 the Youngstown Chapter of Business and Professional Women's Club honored her with the Appreciation Award; in 1976 she was the recipient of the Youngstown Black Business Woman Award; in 1980 she received the National Association of Negro Business and Professional Women—Ohio Valley Club—Business Award; and in 1984 she received the Theta Nu Sigma Sorority Meritorious Service Award for Outstanding Business Woman.

Willa Black was recently honored by the Youngstown Chapter of Original Beauticians for her dedication to the needs of those around her and her community. Mr. Speaker, it is with great pride that I pay tribute to Willa Black. I am honored to represent such a fine individual.

ETHIOPIA BARS RELIEF MOVES IN REBEL AREA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. ROTH. Mr. Speaker, a catastrophe of biblical proportions is unfolding in Ethiopia. Mass murderer Colonel Mengistu has sentenced 2 million innocent people to death by starvation. The Ethiopian Government has forcibly expelled all Western famine relief workers from the northern areas of the country, has closed off all roads into the region, grounded all famine relief planes, and is threatening to confiscate Western relief vehicles and equipment. As a result, 2 million people have been deprived of any help and will soon die.

Over the week-end, Washington Post journalist Blaine Harden gave a gripping depiction of the tragic and horrifying situation. He writes:

> Western relief officials in Addis Ababa, the Ethiopian capital, said they do not believe that famine has struck yet with the severity that shocked television viewers around the world in 1984. But they agree that starvation is imminent for some of the estimated 21 million people in the north.

My colleagues, Congress and the whole world must speak out and condemn the Mengistu regime. This is a tragedy that must be averted. Let's not wait for 2 million more lives to perish in Ethiopia. They have suffered enough.

[From the Washington Post, May 14, 1988]

ETHIOPIA BARS RELIEF MOVES IN REBEL AREA; HARSH MILITARY MOVES MAY PROMPT AID CUTS

(By Blaine Harden)

NAIROBI, Kenya—A working relationship that had emerged in recent years between the Marxist Ethiopian government and western food donors, including the United States, has unraveled and been replaced by a widespread fear that they can do little to prevent mass starvation in that East African country.

Unlike the famine of 1984-85, when an estimated 1 million people died of starvation and famine-related disease, the goverment and the donors had said that this time around they had the organization, the equipment and the know-how to prevent mass suffering and death.

In the past six months, however, an explosion of civil war in the north has prompted public statements of concern by Ethiopia's Marxist regime. Rebels have fought to within eight miles of the government's key northern stronghold, the provincial capital of Asmara. Travelers from the city said this week that the noise from the fighting is audible every day. Rebel shelling of Asmara's airport began on Wednesday, according to an unconfirmed rebel report.

Embarrassing defeats at the hands of the rebels have forced Ethiopia's leader, Mengistu Haile Mariam, to order a massive military mobilization for what he terms a "life-and-death struggle."

Under the slogan, "Everything to the war front," tens of thousands of raw recruits have been bused, trucked and flown north to prepare for a counteroffensive. Every government department has been asked to divert resources to the war. The size of the Ethiopian Army in the north has doubled, according to a western diplomat, from 80,000 to about 160,000 soldiers.

Mengistu, whose autocratic regime can ill afford to look vulnerable, has vowed "not only to wipe [the rebels] out, but also to teach an unforgettable lesson to future destructive forces."

As a result, waging war has overtaken famine relief as a priority of Mengistu's regime. Strict government restrictions on relief operations have cut off an estimated 2 million famine victims from any known food supply. Journalists who recently traveled with rebels reported this week that there has been heavy government bombing of several rebel-controlled towns that before March had been held by the government and used as major centers for distribution of relief food.

"We had learned all the lessons from 1985. We knew how to handle the ports, how to handle the transport, how to keep people at acceptable, decent nutritional status. More then 45 relief agencies had learned how to work together," said Bernard Vincent, a spokesman in Ethiopia for the International Committee of the Red Cross. It had been feeding more than half a million people in the north but last month was forced to suspend all operations there.

"What is tragic is that everything is here. Everything is ready," said Vincent. "This could have been a case study in how to do it right."

Just how many people are at risk in the northern provinces of Eritrea and Tigray is unknown because last month the Ethiopian government ordered all foreign relief workers out of the area. With the exception of four United Nations monitors, who have been allowed back, western donors are not permitted to gauge how or if their food is being distributed. Reporters are refused access.

Western relief officials in Addis Ababa, the Ethiopian capital, said they do not believe that famine has struck yet with the severity that shocked television viewers around the world in 1984. But they agree that starvation is imminent for some of the estimated 2 million people in the north.

"If we can't get to them, then they are going to try to come to us. They will walk toward areas where they think there might be food. A lot of them are not going to make it. We know that from the last famine," said James Cheek, charge d'affaires at the U.S. Embassy in Addis Ababa, in a telephone interview.

Stung by charges in 1984 that they supplied food too late to save many lives, western donors in the past six months delivered or pledged delivery of all 1.2 million tons of food that the United Nations said was needed.

But if war continues to hinder transport in the north, as seems likely, relief officials estimate that only half of that food can be delivered this year. More than 200,000 tons of food have piled up already at Ethiopia's two main ports.

Following Mengistu's vow in March to teach the rebels a lesson, there have been unconfirmed reports by rebel forces that government soldiers have begun burning food stocks and destroying water systems. The government has warned it will block all food aid from moving to famine victims through Sudan. In the past, the government largely has ignored a western-funded, rebel-run relief effort that has trucked food from Sudan into the north.

Rebels this week made an appeal for donors, including the United States, to more than double their commitments of food for the Sudan operation. Saying "residents in newly liberated areas are in a very desperate situation," the appeal asked donors to raise pledges to 228,000 tons of food.

President Reagan last month accused the Ethiopian government of embarking on a war strategy of "starvation and scorched earth . . . as weapons to defeat the rebellion."

When it became known last September that a severe drought would create a potentially disastrous food shortage, the government and donors said that, unlike the famine of 1984-85, this crisis would not get out of hand.

The plan, they said, was to hand out food at regional distribution centers so peasants could collect it easily by donkey, return to their farms, and sow seeds for the 1988 rains. This was to avoid the creation of the huge feeding camps that three years ago became centers for infectious disease and death.

For a couple of months, the plan worked fairly well. The U.S. government, the European Community and other donors came up with the necessary food and equipment. For the first time, the Soviet Union made a large pledge of relief food.

Then the rebels began an offensive. In Eritrea, the northernmost region of Ethiopia, rebels have been fighting a secessionist war for 27 years. Rebels in bordering Tigray have been fighting for 12 years.

The offensive began with attacks on Ethiopian garrisons and moved to attacks on food convoys. In late March, rebels of the Eritrean People's Liberation Front routed the government's largest northern garrision.

The moral of Ethiopian troops and officers in the north, already poor, collapsed, sources in Addis Ababa said Mengistu soon started the mobilization and ordered western relief officials out of the north.

Western donors in Addis Ababa continue to press the government to reconsider its restrictions on humanitarian operations. But chances of a reversal appear slim.

A last-ditch hope of western governments is that the Soviet Union, Ethiopia's ideological mentor, its principal source of arms and now a large food donor, will bring pressure on Addis Ababa to accommodate relief operations.

Reagan has appealed publicly to Soviet leader Mikhail Gorbachev to use his influence. The White House has said Reagan will bring up the issue in his upcoming Moscow meeting with Gorbachev. And according to U.S. diplomatic sources, a request for moderation in Ethiopia's famine policies was passed to the Soviet Union last month in London.

Thus far in Ethiopia, however, diplomats said they see no sign that Moscow is pushing for moderation. A senior western diplomat said Moscow has expedited delivery of arms and supplies for the counter-offensive, expected to start soon.

U.S. charge Cheek said recently that, a "certain hostility is creeping back into" U.S.-Ethiopian relations.

"We are trying to leave the door open and not say no to requests for food," Cheek said. "But we must have some independent observers watching where this food goes."

CIGARETTE TESTING AND LIABILITY ACT OF 1988

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1988

Mr. THOMAS A. LUKEN. Mr. Speaker, it is time to hit the cigarette companies where it hurts, in the pocketbook. All the rhetoric and advertising restrictions in the world will not prevent those addicted to nicotine from lighting up.

We are introducing legislation to make the tobacco companies liable for misrepresentation, false advertising, and other breach of warranties. Passage of such a bill would be the only language these "merchants of addiction" understand.

Now that the Surgeon General has found and certified that nicotine is addictive, it's time for the rest of us to take the sternest measures to fight against the continuing epidemic of cigarette dependency which kills more than 300,000 Americans a year.

Cigarette companies are unique in the annals of American history. They comprise the only industry in the United States successfully holding itself to be immune from legal responsibility for their misdeeds. They claim a congressional cloak of protection and have gotten away with it.

The Surgeon General says that more than 300,000 Americans die each year from smoking. This figure dwarfs the 4,138 deaths in 1986 from drug abuse, as reported by the National Institute on Drug Abuse.

The 1966 Federal Cigarette Labeling and Advertising Act has been effectively used by the merchants of these deadly objects as a legal shield. The ultimate irony is: the cigarette companies can now escape liability for their deceptive ads because the Federal courts have misinterpreted a law which was intended to impede the use of this death-dealing product by giving consumers more, not less, information. Tragically, three courts of appeals have held that government required Surgeon General warnings on ciagrette packages protect the companies from legal claims.

The Cigarette Testing and Liability Act of 1988, H.R. 4543, would overturn these decisions.

Congress never intended that the warning labels should be used to protect the cigarette industry from product liability responsibilities. This legislation simply puts the industry in the same position as other American manufacturers in regard to responding to the public for false statements, deceptive advertising, or other torts.

This legislation is especially timely because of recent revelations that the tobacco companies have deliberately deceived the Congress and the public over their knowledge of the deadly effects of smoking.

Tobacco companies spent vast amounts to get people to smoke their cigarettes. According to the Federal Trade Commission's recent report to Congress, in 1985 the cigarette companies spent about $2.5 billion advertising and promoting cigarettes. About $1.5 billion was spent advertising and promoting cigarettes with a tar level of not more than 15 mg. per cigarette.

Much of this advertising is deceptive. At a recent hearing of the Subcommittee on Transportation, Tourism, and Hazardous Materials, witnesses from the American Medical Association, the Coalition on Smoking or Health—which represents the American Lung Association, the American Cancer Society, and the American Heart Association—and Action on Smoking and Health each testified that the advertisements for "low tar" cigarettes are deceptive because they imply that smoking such cigarettes is safer when in fact there is no medical evidence to support such a claim.

The Cigarette Testing and Liability Act of 1988 would permit States to require more stringent warnings than the Federal law requires, thereby allowing the States to neutralize this deceptive advertising.

The hearing also demonstrated that the Federal Trade Commission [FTC] is doing almost nothing to stop such deceptive ads. The FTC's last challenge to an advertisement for a particular cigarette was in 1983. Since January 1, 1981, the FTC has not asked any cigarette company for any information to support any express or implied health claim in any advertisement for a particular cigarette. In 1987 the FTC closed its laboratory for testing the constituents of cigarette smoke, and so now the only laboratories doing such tests belong to the cigarette industry.

The bill would require the FTC to contract with either a government laboratory—such as Oak Ridge National Laboratory—or a private lab not connected with the cigarette industry to conduct various studies on smoking in order to report to Congress on an annual basis. The laboratory would make random checks of cigarettes to determine the level of such things in the smoke as tar, nicotine, carbon monoxide, ammonia, cyanide, formaldehyde, and radioactive compounds. The lab would also study how the levels of such constituents in the smoke change as people change their smoking behavior—by taking more or deeper puffs or partially blocking the filter—when using low tar cigarettes.

In addition, the lab facilities would be available for private, nonprofit groups to use for studies if they are willing to pay the lab's costs.

The bill has been endorsed by the Coalition on Smoking or Health—which represents the American Lung Association, the American Cancer Society, and the American Heart Association—the American Medical Association, and Action on Smoking or Health.

I believe that cigarette smoking is addictive and that the cigarette companies know, or should know, about this addiction. I also believe that cigarette smoking is dangerous for both smokers and nonsmokers and that the cigarette companies know, or should know, about this danger. But, so far, cigarettes are legal. Thus, I believe it is very important for the consumer—and especially young people—to get complete and truthful information about cigarettes.

This bill will put pressure on the cigarette companies to tell the truth in their advertisements, thereby helping to reduce the terrible number of people who die each year from smoking.

[From the New York Times, May 5, 1988]

BILL ON SMOKERS' SUITS PRAISED

WASHINGTON.—Major health organizations today endorsed a bill that would enable smokers and their families to sue tobacco companies for damages on the ground that deceptive advertising for cigarettes resulted in serious injury or death.

The measure, sponsored by Representatives Thomas A. Luken, Democrat of Ohio, and Bob Whittaker, Republican of Kansas, seeks to nullify the companies' successful argument in recent court cases that government-required health warnings on cigarette packages protect the companies from legal claims.

Mr. Luken told a House subcommittee hearing that cigarette companies, alone among American industries, "hold themselves to be immune from legal responsibility for their misdeeds and claim a Congressional cloak of protection, and have gotten away with it."

He said the cigarette labeling laws enacted since 1965 have been "effectively used" as a shield of immunity from liability because the courts have misinterpreted the law.

The Luken-Whittaker bill was applauded by Scott D. Ballin, chairman of the Coalition on Smoking or Health, which represents the American Lung Association, the American Cancer Society and the American Heart Association.

NO RESPONSE FROM INDUSTRY

The bill also seeks to overturn recent appeals court rulings that the Federal labeling law pre-empts state requirements for health warnings on cigarette packages and advertising. The bill would allow the states to require tougher warnings.

Charles O. Whitley, senior consultant to the Tobacco Institute, said the industry trade association had not taken a position on the bill.

Mr. Luken said the bill would retain current health warnings on cigarette packs and advertising but would allow plaintiffs to file damage suits against cigarette companies even if the latter comply with warning requirements.

Mr. Ballin said the F.T.C. or the Food and Drug Administration should take action against certain cigarette advertisements he called misleading.

"Consumers who purchase low-tar cigarettes believing that they are significantly safer are paying for this fraud with their lives," said Dr. Alfred Munzer, a lung disease specialist who accompanied Mr. Ballin.

H.R. 4543

A bill to amend the Federal Trade Commission Act to authorize a continuing study of tobacco smoke and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cigarette Testing and Liability Act of 1988".

SEC. 2. STUDY.

The Federal Trade Commission Act is amended by redesignating sections 24 and 25 as sections 25 and 26, respectively, and by adding after section 23 the following:

"SEC. 24. The Commission shall arrange for a continuing study of the constituents of tobacco smoke. The study shall include—

"(1) random testing of cigarettes produced or sold in the United States to determine the amount of tar, nicotine, carbon monoxide, ammonia, cyanide, formaldehyde, radioactive compounds, and other constituents of the smoke of the cigarettes, and

"(2) the levels of tar, nicotine, carbon monoxide, ammonia, cyanide, formaldehyde, radioactive compounds, and other constituents of the smoke of cigarettes when people change their smoking behavior to compensate for lower levels of nicotine.

The Commission shall arrange for a laboratory of the Federal Government or a private, nonprofit laboratory with no connection to a tobacco company to conduct the study. In making such arrangement the Commission shall require, as a condition to the arrangement, that the laboratory shall conduct similar studies for private nonprofit groups. The Commission shall report annually to the Congress on the results of the study.".

SEC. 3. PREEMPTION AND LIABILITY.

The Federal Cigarette Labeling and Advertising Act is amended by amending section 5 (15 U.S.C. 1334) to read as follows:

"liability

"SEC. 5. Compliance with the requirements of sections 4 and 7 shall not relieve any person from any liability at common law or under State statutory law to any person.".

HOUSE OF REPRESENTATIVES—*Wednesday, May 18, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we pray for the blessings that Your hand does give, so we pray for the gift of courage—courage to be the people You would have us be, courage to walk the way of truth, to act with deeds of mercy, courage to speak for justice and to turn away from the expediency of the moment. Lead us, O gracious God, through this day with the full knowledge that our responsibility to all people is to do justice, love, mercy, and walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HASTERT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HASTERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 100, not voting 53, as follows:

[Roll No. 134]

YEAS—278

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Derrick
Dicks
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flippo
Florio
Ford (TN)
Frank
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Patterson
Pease
Pelosi
Perkins
Petri
Pickett
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weldon
Whitten
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—100

Armey
Badham
Baker
Ballenger
Barton
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clay
Coble
Coleman (MO)
Coughlin
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
DioGuardi
Dornan (CA)
Dreier
Emerson
Fields
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gregg
Hastert
Hefley
Herger
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McDade
McGrath
Miller (OH)
Molinari
Moorhead
Murphy
Parris
Penny
Porter
Pursell
Rhodes
Roberts
Rogers
Roukema
Saxton
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Wheat
Wolf
Young (AK)
Young (FL)

NOT VOTING—53

Akaka
Aspin
Biaggi
Boggs
Boland
Boulter
Boxer
Brooks
Collins
Courter
Dellums
Dickinson
Dingell
Dixon
Duncan
Dyson
Edwards (OK)
Fawell
Feighan
Flake
Foglietta
Foley
Ford (MI)
Frenzel
Frost
Gephardt
Gray (IL)
Gray (PA)
Hansen
Jones (TN)
Kemp
Lehman (CA)
Lewis (CA)
Lipinski
Lukens, Donald
Mack
Martin (NY)
Meyers
Mica
Moody
Oxley
Pashayan
Pepper
Ridge
Smith (IA)
Spence
St Germain
Stratton
Vento
Weiss
Whittaker
Williams
Wilson

☐ 1022

Mr. ROE changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

EXPRESSING SENSE OF CONGRESS THAT THE SOVIET UNION SHOULD PROCLAIM A GENERAL AMNESTY FOR IMPRISONED CHRISTIANS

The SPEAKER pro tempore (Mr. SHARP). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 223, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 223, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 37, as follows:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[Roll No. 135]

YEAS—394

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Coughlin
Coyne
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—37

Akaka
Biaggi
Boggs
Boulter
Brooks
Collins
Cooper
Courter
Crockett
Dixon
Duncan
Feighan
Flake
Gaydos
Gephardt
Gray (IL)
Gray (PA)
Hansen
Johnson (CT)
Jones (TN)
Kemp
Lehman (CA)
Lewis (CA)
Lipinski
Lukens, Donald
Mack
Martin (IL)
Mica
Moody
Pepper
Ridge
Smith (IA)
Smith (TX)
Spence
Stratton
Weiss
Whittaker

☐ 1041

Mr. SHARP changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes."

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON BUDGET

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 451) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

Resolved, That Representative McCrery of Louisiana be and is hereby elected to the Committee on Budget.

The resolution was agreed to.

A motion to reconsider was laid on the table.

URGING MEMBERS TO PASS THE MINIMUM WAGE RESTORATION ACT

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, the President has said he will veto the trade bill, not because of considerations of international trade, but because of the plant closing notification provision. He has also threatened to veto H.R. 1834, the Minimum Wage Restoration Act, soon to be considered in the House. Working people of America deserve plant closing notification and a decent working wage.

Minimum wage opponents argue that unemployment will increase if this legislation is enacted. They are ignoring history. The minimum wage has been raised 13 times since 1950. Employment has gone up after 12 of the increases.

Despite over 5 years of economic growth, there still exists a large number of working poor. There has not been an increase in the minimum wage since 1975. Per capita gross national product has increased from $7,400 in 1975 to $17,536 in 1986. But the minimum wage has remained at $3.35. A great income disparity exists between the working poor and the rest of America, $3.35 per hour is simply not enough for an individual, much less a family, to live decently. Basic justice dictates that it is time to raise the minimum wage.

Mr. Speaker, I urge the Members of this body to pass the Minimum Wage Restoration Act.

THE BEST PRESIDENT THE JAPANESE EVER HAD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President is ecstatic. The trade deficit for March is under $10 billion. That is only $120 billion annually.

He said that our plan is working. Meanwhile, our trading partners are laughing and they keep laughing all the way to the bank. They like his program, too. They like it a lot. In fact, they want him also to veto the trade bill. They agree with him 100 percent.

I say we should start a new plan of action in the House. We should export the Commerce Department to Hong Kong, ship Clayton Yeutter to Korea, send the Environmental Agency to Taiwan and export Ronald Reagan to Japan, because they really love him. He is the best President they ever had.

SUPPORT URGED FOR JOB ENHANCEMENT FOR FAMILIES ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, today I'm releasing information on the minimum wage which has been forwarded to me by Beryl Sprinkel, Chairman of the Council of Economic Advisers.

Mr. Sprinkel tells me that increasing the minimum wage to $5.05 would wipe out 850,000 jobs by 1992.

Mr. Sprinkel also informs me that by 1992, such an increase—

Would cost consumers over $21 billion per year;

Would increase the Federal debt by as much as $9 billion per year; and

Would cause a loss in gross national product of as much as $31.6 billion per year.

The Chairman of the Council of Economic Advisers also addresses my proposal to help the working poor by reforming the earned income tax credit.

He says that reforming the EITC would not destroy jobs and would target money more efficiently to those who need it.

And he says it would do this at comparable or less cost to the Government than would raising the minimum wage.

Mr. Speaker, our best option is clear: Support for my Job Enhancement For Families Act to reform the EITC is the best way to help the working poor.

I will be placing the complete CEA report in the Extensions of Remarks today.

NO CASH FOR THE CONTRAS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. PELOSI. Mr. Speaker, AID announced last week that they would pay cash directly to the Contras in Honduras, Miami, and Nicaragua, rather than providing food and other basic assistance to be delivered by neutral organizations to Contras in ceasefire zones. This action violates the guidelines of the Central American peace accord and the humanitarian assistance package passed by the Congress.

In further violation of the law, the administration also refuses to release funds to the OAS for the verification commission established by the Sapoa agreement and U.S. law. This refusal is based on claims that the Commission has not satisfied demands for accountability of funds.

Administration officials acknowledge that it will be difficult to account for cash for the Contras. They are, however, so anxious to disburse this cash, that they will rely on a self-monitoring, self-policing mechanism. I remind my colleagues that the Contras are responsibile for the previous disappearance of at least $27 million in United States humanitarian assistance, as well as countless additional dollars from the Iran-Contra affair.

While the administration will not release funds to a reputable organization like the OAS, for legally mandated activities, it will give cash willingly to the Contras through mechanisms which violate the spirit of the law, and may also violate the letter of the law.

Mr. Speaker, is it the will of this body that the administration give cash to the Contras, an action not included in law, and at the same time, ignore legislation passed by this body to establish and fund a verification commission?

We must insist that AID obey the law.

IN SUPPORT OF CANADIAN FREE TRADE AGREEMENT

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, today I rise in support of the Canadian Free Trade Agreement which was yesterday passed on by the Ways and Means Committee.

This is a very positive piece of legislation for the American and Canadian Governments and represents a major step forward for international trade generally, as it levels the playing fields between our two nations. It means that rather than confronting a whole barrier of custom duties and trade embargoes, we will be able to trade evenly and fairly with this, our major trading partner.

For New Hampshire, it is especially appropriate because of our unique relationship with Canada and the fact that we have the capacity to export more goods made in New Hampshire to Canada.

SUPPORT HOUSE CONCURRENT RESOLUTION 276 DIRECTING SURGEON GENERAL TO DECLARE DRUNK DRIVING A NATIONAL CRISIS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, unfortunately it often takes a tragedy to focus national attention on a burning problem, and such a tragedy occurred in Kentucky this past weekend when 27 young children and their chaperons were killed in a terrible accident in which their schoolbus was struck by a drunken driver driving a pickup truck the wrong way on I-71 near Carrollton, KY.

Many of us in this Chamber are cosponsors of House Concurrent Resolution 276, which is a sense of Congress that the Surgeon General should declare drunk driving as a national crisis.

Those of us who are not on that resolution I hope will join it and perhaps the terrible carnage which took place in Kentucky last weekend might expedite the consideration of that piece of legislation.

Yesterday the Kentucky delegation joined together in a letter to President Reagan asking the President to take full advantage of his bully pulpit to make sure that the Nation focuses on the problems of drunk driving and also to marshal all its resources against that terrible situation.

Mr. Speaker, let me wrap up by extending condolences to the families of the children and the adults who were killed in that terrible accident.

PROHIBIT ADVERTISING BY GAMBLING CASINOS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, later this week we will be taking up H.R. 3146, which if not amended will allow the gambling casinos, the Golden Nugget and Trump's gambling casinos and others, to advertise in all the States of the Union. They will be able to say and talk about their blackjack tables and how their slot machines operate and different things like this.

Now, we would hope that we could go back to existing law which prohibits that. The gentleman from Florida [Mr. SHAW] and I will be offering an amendment on Thursday which would prohibit the gambling casinos, for-profit gambling casinos, to advertise using the mails and radio and television in your States.

We would urge that when that amendment comes up you support it so that we can keep the existing law whereby gambling casinos cannot advertise on radio and television and in the U.S. mails urging people to come to Las Vegas or Atlantic City to gamble.

A TEMPORARY BLIP ON THE TRADE DEFICIT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the Reagan administration's answer to the trade problem has been to allow a flood of imports into this country and to try to solve the problem by devaluing the dollar. Meanwhile, the President is sitting on a trade bill passed here and is poised to veto it at a time when our trade deficit this year will go over $100 billion with other nations, in spite of the fact that we have had a temporary blip this past month.

It is interesting to look at that blip and see what happened. Certain countries, like Canada and Western Europe and even South Korea, have opened their markets a little bit to the United States, but some markets, like Japan, remain entirely closed. Last month's trade deficit with Japan totaled $4.5 billion. Annualizing that, it is about $50 billion of trade deficit that we will face with them.

A trade bill with people who do not play by the same rules is not only necessary, it is an absolute necessity.

Mr. President, sign the trade bill.

FIRE ATTORNEY GENERAL ED MEESE

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, over 2 months ago I wrote to the President and encouraged him to fire Attorney General Ed Meese. Unfortunately, that action has not taken place. Day after day it becomes crystal clear that Mr. Meese cannot do his job. He cannot be effective and he cannot serve this administration nor this Nation.

Mr. President, as a good loyal Republican, I encourage you to let Mr. Meese go. The American people have had enough. The chief law enforcement agent of this Nation must be above reproach, and unfortunately he is not.

The issue has turned into a circus. It continues to paralyze the Justice Department, the war on drugs and this administration.

Mr. Speaker, I would hope that Mr. Meese would go on his own.

Mr. President, I am all for loyalty, but that loyalty must be to the American people first and foremost.

□ 1055

MEESE JUSTICE DEPARTMENT OPENS NEW ACCUSED RIGHTS AREA

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the firing this week of his press secretary by Attorney General Meese for not being aggressive enough in defending him from wrong-doing charges opens up a whole new area of criminal rights. Think of it. This administration which has sometimes viewed an accused person's constitutional rights with the same disdain as carrying week-old garbage to the curb opens up a whole new area today.

According to the Meese doctrine, the Miranda warnings to the accused should now be expanded. Questions arise. Should an arresting officer now advise the accused, "You have the right to be represented by the press secretary of your choice. If you cannot afford a press secretary, the court will appoint one for you."

Assume there is a later conviction. Can the Meese doctrine on appeal result in turning convicted criminals loose on the grounds that their press secretary did not represent them "aggressively enough"? What about the one telephone call that is permitted? Does a miscreant now have to choose between calling his lawyer or his press secretary?

Mr. Speaker, as a result of this latest liberalization by the Meese Justice Department, I can see the jail house lawyers now filing writs of appeal, do not worry about the statute of limitations or writ of habeas corpus, adequate representation now depends on the timely filing of the press release.

GO FORWARD WITH THE SUPERCONDUCTING SUPER COLLIDER NOW

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, yesterday the House passed, and I supported, the appropriation for energy and water projects. The bill contained only $100 million of the $363 million the President had requested for the superconducting super collider, and, no funds for construction. In addition, the report contained language suggesting no commitment should be made to building the SSC until a new administration was in office and could make its own review of the project next year.

Normally, I might agree that in the face of huge deficits a decision like this should be withheld until the fiscal picture brightens. But, Mr. Speaker, the entire scientific world awaits the U.S. commitment to go forward and substantial foreign resources will be lost—not to say America's lead in high energy physics—if we delay much longer.

I met last week with Dr. Carlo Rubbia, Nobel Prize winner and Director General of the European Nuclear Research Center. Dr. Rubbia was clear that if the United States would proceed, European scientists and equipment would be available to us. The Japanese have apparently made a similar offer.

If, however, we delay, the Europeans will proceed with their own, smaller SSC and their resources—which could amount to as much as one-third of the total amount we need—and their scientific talents will be lost to us.

Our country, Mr. Speaker, simply cannot afford to procrastinate and, in the process, lose world leadership in high energy physics to our foreign competitors. I hope the Senate has greater vision than we and can make the commitment to go forward with the SSC.

DRUNK DRIVING—A NATIONAL CRISIS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I would like to reiterate and reemphasize, as did my colleague and friend from Kentucky [Mr. MAZZOLI], the fact that it does take a horrible tragedy to focus national attention on a problem such as we have relating to drunk driving.

Late last Saturday night in Carrollton County, KY, 27 Kentuckians, mostly young people, all returning from an enjoyable afternoon at a recreational park, going back home late, members of a church in Radcliff, KY, were killed.

The driver of the vehicle that killed these young people was driving on the wrong side of Interstate 71. He was headed north in the south-bound lane of Interstate 71, and these 27 people were killed and many others are in critical and serious condition in Louisville and Carrollton Hospitals. What a tragedy. The person who was drunk driving has now been charged with the murder of 27 people.

Mr. Speaker, hopefully many of us will cosponsor House Resolution 276, a sense-of-Congress resolution that the Surgeon General declare drunk driving a national crisis. Indeed it is.

EQUATING CIGARETTES WITH ILLEGAL DRUGS IS WRONG

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, lumping cigarettes in the same category as illegal, mind-altering drugs such as heroin, cocaine, PCP, and crack is wrong and, frankly, dangerous.

I am not here to argue over the relative physical health effects of any of these substances. But I will say this—nicotine is not tearing at the very fabric of our society as are these drugs. Nicotine is not consigning millions of our children to a mindless, hopeless existence as are these illegal drugs. Nicotine is not behind the crime wave that has made a normal existence in every inner city in our country impossible.

Try walking a mere 10 blocks from the very Chamber we are standing in right now. It is not the cigarette smokers who will hold you up. I know of no law enforcement personnel killed in pitched gun battles fought by gangs of rival cigarette dealers.

To equate cigarette smoking with the virtually instant addiction to crack, and what it takes to support that habit, is misdirection. The greatest imminent danger to every American's way of life is drugs. We are spending billions of dollars to stop the drug trade, with only marginal success. To put cigarettes on the same level as this scourge is ridiculous.

LEGISLATION TO ADDRESS THE DRUNK DRIVER PROBLEM

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, our thoughts and prayers go out to those families in Kentucky who suffered this needless tragedy when 27 young people died on a bus as a result of a drunk driving accident. Many of us in this Chamber and many people around this country have had loved ones killed in auto accidents because of drunk drivers. Drunk driving is a scourge in this country and somebody has to do something about it.

Mr. Speaker, I have introduced legislation, H.R. 637, that attempts to address this problem. Let me tell my colleagues what I am trying to do through H.R. 637.

First of all, incredible as it may seem, 15 States in this country allow drivers to get behind the wheel of a car, put their left elbow out the window and drink Old Crow or beer while driving. It is not illegal to do that in those States. Any driver can jump into the car, turn on the ignition, start the vehicle, and drive away while drinking all along the way. That does not make sense at all. It ought not be legal to drink while driving anyplace in this country.

Mr. Speaker, 33 States allow drivers to have an open container of alcohol in the vehicle and have others drinking in the car while driving. It does not make sense.

In this country we ought to be sure that alcohol is not involved in the operation of automobiles. Alcohol should not be allowed in moving automobiles. It ought to be against the law.

Mr. Speaker, my legislation would impose penalties on States who do not now take action to prohibit drinking and driving and prohibit open containers in automobiles. I hope other Members will join me in cosponsoring H.R. 637.

CONTRAS STARVING AT THE HAND OF MODERATES

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, you went on and on over the last few months, particularly August through February, about "giving peace a chance in Central America."

Instead of giving peace a chance, it looks like the U.S. Congress has made this hemisphere safe for communism.

I have here a letter written by the people that Ollie North described as vacillating, unpredictable, on-again-off-again Congressmen, the so-called moderates in both parties. Responding to a vicious crackdown by the Sandinistas the House Democrats are warning the Sandinistas that if they continue to make threats of the guillotine, starve to death the Contras, and jeopardize the Sapoa peace process, that they will do something in the Congress. They might pass another resolution telling them that we think Communists are naughty and that they do not negotiate in good faith. They might even tell the Communists that we want them to do something other than what they did at Yalta, Panmunjom, Paris in January 1973, and now in Managua. How long are liberals going to believe all the lying that goes on down there?

Mr. Speaker, I hope these Members realize as the Democratic resistance shrivels up and starves in Nicaragua that when they finally decide to refund them militarily, there will not be anybody there to fight for freedom. The people who in short order, will have killed them off from this Chamber call themselves moderates. And I believe it is a fair question to ask: How much is Jim Wright of Texas willing to tolerate?

MILITARY CONSTRUCTION APPROPRIATION, 1989

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 449

Resolved, That during the consideration of the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, all points of order against the following provisions of the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 1 through page 8, line 13. It shall be in order to consider the amendment printed in section 2 of this resolution, by, and if offered by, Representative Richardson of New Mexico and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

Sec. 2. On page 5, lines 8 and 9, strike "$163,400,000, to remain available until September 30, 1993" and insert in lieu thereof "$163,500,000, to remain available until September 30, 1993, of which $100,000 shall be for the design of an armory in Clovis, New Mexico".

The SPEAKER pro tempore (Mr. Gejdenson). The gentleman from Ohio [Mr. Hall] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume.

Mr. Speaker, because appropriations bills are privileged under the rules of the House, this rule merely provides waivers of points of order against H.R. 4586, the military construction appropriations bill for fiscal year 1989, and against an amendment to that bill. As is customary with appropriations bills, the debate time will be determined by a unanimous consent request made by the manager of the bill before the bill is considered.

The rule waives clause 2 of rule XXI against specified provisions of H.R. 4586. Clause 2 of rule XXI prohibits unauthorized appropriations and legislative provisions in a general appropriation bill. However, as my colleagues know, the House on May 11 passed H.R. 4264, the Department of Defense authorization for fiscal 1989, which contained the authorizations for military construction projects in the coming fiscal year. Since this legislation has not yet become law, it is necessary to waive this point of order against the provisions beginning on page 2, line 1 through page 8, line 13.

In addition, the rule waives clause 2 of rule XXI against an amendment printed in section 2 of this resolution, by, and if offered by, Representative Richardson of New Mexico. The chairman of the Subcommittee on Military Construction supports this waiver for this amendment, which would appropriate $100,000 in design money for an armory in Clovis, NM.

Mr. Speaker, H.R. 4586 appropriates about $8.8 billion for military construction in fiscal 1989. The funding in this legislation is consistent both with the budget summit agreement and with the House-passed budget resolution. The appropriations also track the levels established by the House-passed Defense authorization bill.

The bill appropriates funding for three military construction projects totaling $11.5 million at Wright-Patterson Air Force Base, part of which I represent. The largest project is a renovation of a building for the Foreign Technology Division, which studies the aerospace science and technology of other nations and evaluates their potential threat to our national security. The other two construction projects include an addition to the Aircraft Modification Center of the Aeronautical Systems Division and a renovation of the Air Force Logistics Headquarters Command Post. I wish to commend the Subcommittee on Military Construction for their attention to enhancing the contributions of Wright-Patterson Air Force Base to our national security.

Mr. Speaker, I am not aware of any opposition to this straightforward rule, and I would urge my colleagues to adopt it.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I extend my congratulations to the Committee on Appropriations for moving this second general appropriation bill to the floor of the House this early in the session. We have already considered one general appropriation bill and have passed it. This is a giant step forward from the delays we experienced during the last year and in sessions prior to that. I hope that we can get the other appropriation bills on target and move them forward so that we can complete the business of the House without a last-minute rush and a last-minute continuing resolution.

Mr. Speaker, again congratulations to the Committee on Appropriations for the fine job they are doing.

Mr. Speaker, this particular bill funds support projects for our Armed Forces in this country and around the world. We all know that is necessary. There is no opposition to the rule. The administration is satisfied with the total amount in the bill although they do not agree with the amounts allocated for certain projects. The waivers in the rule are necessary. Part of the authorization was included in the defense bill that we just got through passing but the waivers are absolutely necessary to move this bill forward at this time, because that authorization bill has not yet been signed into law.

Mr. Speaker, I urge adoption of the rule so that the House can get down to the business of considering the appropriation bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Walker].

□ 1110

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

When we passed the appropriations bill yesterday it became fairly apparent that the House was willing to accept language that mandates drug-free workplaces across the country wherever there is Federal money involved. I take this time to explain that there is a long version of that amendment which is available which sets out a whole standard of procedures as to how this would work. It allows for appeals. It allows for the kinds of definitions that probably should be a part of that kind of effort. The problem, of course, is under the rules of the House such legislation becomes legislation in an appropriations bill, and that could not be offered.

I am really taking the time to ask the Committee on Rules whether it would be possible on future kinds of rules on appropriation bills to perhaps get a waiver to allow the long version of the amendment to be offered so that we are using a real standard on the floor.

It is apparent the House is going to accept this language. It seems to me it would be better to accept the detailed language rather than the short form, and I guess I direct it to the gentleman from Ohio. Is there any chance we might be able to get it considered as a way of resolving a dilemma for some Members who are concerned about the fact that all of these things are not spelled out?

Mr. HALL of Ohio. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman.

Mr. HALL of Ohio. Mr. Speaker, I think the gentleman is aware of the procedures of the Committee on Rules. He has been before the Committee on Rules many times. I think that he has as much chance to have his amendment included in the rule as anybody else, and I think he needs to come and take his chances and let us hear it. We will deliberate on it.

Mr. WALKER. Mr. Speaker, I appreciate that. I will tell the gentleman that I was not aware that the Committee on Rules met on these appropriations bills, and I have asked the staff on our side to let me know of future kinds of considerations so that I can come up. I just think that it would be useful perhaps if we are going to accept the language to accept language which in fact has been worked out by the attorneys. I will be glad to bring it before the committee.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HEFNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. Lowery] and myself.

The SPEAKER pro tempore (Mr. Gejdenson). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. Hefner].

The motion was agreed to.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4586, with Mr. Leath of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from North Carolina [Mr. Hefner] will be recognized for 30 minutes, and the gentleman from California [Mr. Lowery] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. Hefner].

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to you today the fiscal year 1989 military construction and family housing appropriation bill. The bill we are recommending amounts to $8.8 billion. Not included in this bill is a prior year appropriation of $214 million for fiscal year 1989, which, when added to the bill amounts to approximately $9 billion. The combined total, which is used for scorekeeping purposes, is $2 million under the President's request and consistent with the spending limits set in the November 1987 budget summit for both budget authority and outlays.

Some may argue that the bill is over last year's level and may want to make reductions for that reason. For the Members, I would like to put several things in perspective regarding this increase. First of all, if you were to compare the 1989 level with the 1985 funding level you will find that military construction has experienced real negative growth of over 8 percent. Second, during fiscal years 1986, 1987, and 1988 significant reductions to the President's request for military construction in the amount of $5.4 billion were made, which is an 18-percent reduction. This has obviously caused a deferral of many projects which has impacted heavily on the Department's ability to upgrade an aging military plant.

I would like to briefly speak to the Department's Revitalization and Replacement Program. The military physical plant as it exists today is valued at about $600 billion and averages about 50 years in age. The budget as presented is programmed for a 100-year replacement schedule as opposed to the acceptable replacement rate of 50 years. When you delay replacement of aging structures, you create a maintenance and repair problem that costs more money in the end.

With regard to revitalization of an aging plant, I would like to briefly outline for you how this bill should be considered as a wise investment. There are many projects and programs in this bill that have "pay offs" in terms of direct and indirect savings that are not realized in this bill but in other parts of defense for programs which are under jurisdiction of the Defense Subcommittee. For example:

Every new housing unit funded in this bill reduces the housing allowance funded under the military personnel accounts.

Every dilapidated facility replaced in this bill means a reduction in utility consumption, and in maintenance and repair funded under the O&M account.

Every new maintenance or supply facility means a reduction in manpower costs funded under O&M and military personnel appropriations.

Every building that allows the Department to move out of leased space means a reduction in annual lease payments funded under the O&M account.

Every new energy conservation project means a reduction in operating costs.

With over 60 percent of this bill being for revitalization projects, you can see that this bill is a wise investment that not only provides for readiness, but also generates offsetting savings. The balance of the bill can be characterized as programs supporting quality of life in the military, and projects necessary to house or support new equipment and expensive weapons systems.

At this point, I would like to outline some of the main features of the bill.

One of the major problems affecting the Military Construction Program in Europe is the foreign currency situation. As a result of the decline of the dollar, there is a military construction shortfall of $300 to $400 million this year. The administration refuses to request funds to take care of this problem, but instead requests an increase for more overseas projects. The committee recommends we appropriate $99 million for the dollar devaluation, but offset the increase with reductions of $113 million on overseas projects.

Since I have been chairman of this subcommittee, we have been united in demanding that our allies share more of the burden of defense costs for programs in Europe and in Asia, especially when our allies reap many economic benefits from our defense investments and commitments. Through the years, this has been a difficult fight, but we have had some success. I am glad to finally see the President and Secretary Carlucci taking the initiative to negotiate for increased burdensharing with our allies. Likewise, I'm glad to hear the Presidental candidates talking about this important issue. This bill, once again, addresses the burdensharing issue in real terms by cutting $25 million in programs that should be funded by our allies.

As a part of the burdensharing initiative, this bill also prohibits the use of any military construction and family housing funds to effect the relocation of the 401st Tactical Wing from Torrejon, Spain, to another country. We feel that this should be paid for by NATO and/or Spain.

On the domestic side, this is the third year of funding for strategic homeporting. The committee is recommending funds in the amount of $173 million for funding at eight of the nine proposed homeporting sites.

About $78 million is provided for the initial beddown of the advanced technology bomber at Whiteman Air Force Base, MO.

No funds are provided for the requested $31 million for the MX rail garrison facilities at F.E. Warren Air Force Base, WY. These funds were deferred without prejudice pending a decision of system deployment by the Congress and by the next administration.

After several years of challenging the Navy's plan for relocation of a naval complex at Naples, Italy, the committee has agreed to initial funding for a relocation plan which will save over $100 million from the Navy's original plan for relocation.

As long as the national policy is to maintain an All-Volunteer Force, quality of life projects such as new barracks, housing, and child care centers must be provided to keep the top performers in the service. In this bill the committee is recommending $284 million for new housing construction of 3,200 new units, plus funds for whole house renovation of existing units that are more than 30 years old.

This year the committee is taking the initiative to have the Department formulate an installment purchase proposal for family housing as an alternative to the Government committing itself to expensive leasing for the next 20 to 30 years.

The committee is also recommending $351 million for barracks to replace World War II barracks. Even with this level of funding, 245,000 men and women still remain in substandard World War II structures.

OTHER FEATURES OF H.R. 4586—MILITARY CONSTRUCTION AND FAMILY HOUSING BILL

CHEMICAL DEMILITARIZATION

Funding of the requested $49.6 million for a demilitarization facility at Tooele Army Depot, UT, has been deferred without prejudice. The committee recognizes that there are contractural advantages to combining all costs for construction, equipment, and operations into a single procurement effort. Therefore, funding was deferred pending resolution of funding for the equipment portion of the program by the Defense Appropriations Subcommittee.

LIGHT INFANTRY DIVISION

Funding in the amount of $36 million has been approved for projects at Fort Richardson and Fort Wainwright consistent with the House recommended authorization levels. However, funding of $27 million for new family housing has been denied.

HONDURAS

Funding of $3.05 million has been provided for replacement of "CAT" huts, construction of new dining and latrine facilities at Palmerola Air Base, Honduras. The committee considers this project to be a quality of life project and not a statement of Central American policy.

OVERSEAS PROGRAMS—ARMY

Funds in the amount of $57 million have been denied for Army projects in Germany. Reductions were made to the lowest priority projects to help pay for on-going projects that are affected by currency shortfall.

STRATEGIC HOMEPORTING

Funding in the amount of $172,720,000 is provided for 8 of the 9 strategic homeporting sites which amounts to a net reduction of $18,150,000 from the President's request. Reductions were made at the sites of Staten Island, NY, Everett, WA, and San Francisco, CA. No funds, to date, have been provided for the San Francisco site.

NAVAL SUBMARINE BASE—KINGS BAY

Funding in the amount of $56.3 million is provided for the Naval Submarine Base at Kings Bay, GA. The funding level is consistent with the President's request and the House recommended authorization amount.

RELOCATION OF NAPLES COMPLEX, ITALY

Funding of $21.6 million is provided for relocation of a portion of the Navy Complex at Agnano, Italy to Capodichino Airport, Italy. The relocation plan represents a savings of more than $100 million from the Navy's original plan to move to Capua, Italy.

TITAN IV LAUNCH PAD

Funding of $25 million is provided for the first phase of construction of a Titan IV launch pad at Vandenburg Air Force Base, CA. Total construction cost of the project is estimated at $107 million.

LARGE ROCKET TEST FACILITY

Funding of $50 million is provided for the first phase of construction of a facility to test rocket engines at simulated high altitudes. The project will be located at Arnold Air Force Base, TN, and is expected to cost about $183 million.

BURDENSHARING INITIATIVES

Consistent with the committee's commitment to increased burdensharing, the committee has denied funds in the amount of $24.7 million for the following requested projects:

Wartime host nation support, Germany	−$5,000,000
Defense Language Institute, Lackland AFB, TX	−2,000,000
Alter munitions storage facilities, Korea	−1,300,000
Alter munitions storage facilities, Europe	−16,400,000

EXERCISE RELATED CONSTRUCTION

The committee has continued to earmark funds for exercise related construction for programmatic purposes. Since the administration has failed to submit a line item request for exercise related construction, funds in the amount of $7 million: $4 million—Army; $1 million—Navy; $2 million—Air Force are made available from the unspecified minor construction account.

PERSIAN GULF

Funds in the amount of $19.3 million are provided for projects in the Persian Gulf region. Over the last 8 years a total of $1.2 billion has been appropriated for facility construction in this region.

CHILD CARE CENTERS

Funds in the amount of $26.1 million for 16 child care centers are provided in the bill, consistent with the President's request and the House recommended authorization.

NATO INFRASTRUCTURE FUND

Funds in the amount $502.1 million are provided for the NATO infrastructure fund, consistent with the President's request. The amount is $121.1 million over last year's level, most of which is due to currency shortfall.

INSTALLMENT PURCHASE

The committee continues to stress the importance of installment purchase as a more viable option over section 801 leasing. It is estimated that installment purchase is more economical than leasing by 10 to 15 percent because of the cost of ownership, the elimination of profit, and elimination of taxes paid through leasing payments. However, the administration has refused to initiate such a program because of a technicality in scorekeeping. Therefore, the committee has taken the initiative by directing the administration to submit a pilot program as a part of the fiscal year 1990 program.

In conclusion, the bill we are recommending is bipartisan; it is balanced; it provides for the highest priority military construction requirements; and it is consistent with the spending limits of the economic summit. In all my years with this subcommittee, we have always produced a bill that is bi-partisan and this year is no exception.

I would just like to express my appreciation to all the members of the Military Construction Subcommittee. I would like to particularly thank our ranking Republican, **Bill Lowery**, for his diligence and help in pulling together this bill. I reserve the balance of my time.

□ 1120

Mr. LOWERY of California. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of the military construction appropriation bill for fiscal year 1989.

To begin with, I would like to commend the chairman of the Military Construction Appropriations Subcommittee, the gentleman from North Carolina, for his diligence in bringing this bill to the floor. The committee staff, majority, minority, deserve our thanks for their professionalism in assisting with drafting this bill. As always, Chairman **Hefner** has made every effort to ensure that this bill has been crafted in a bipartisan manner. He has made sure that each member of the subcommittee, without regard to what side of the aisle they are on, was able to participate in crafting this bill. The outcome of his efforts represent a balanced bill.

Mr. Chairman, H.R. 4586 provides an 8.8 billion appropriation for military construction and family housing during fiscal year 1989. Not included in this bill, but scored against it, is a $214 million advance appropriation mandated in fiscal year 1987, bringing the total to $9.01 billion. This represents approximately a 2.5-percent real increase over last year and is in line with the spending limits of the economic summit.

The chairman of our subcommittee has done an excellent job in outlining the contents of H.R. 4586. In his statement he spoke of savings realized in this bill. I would like to elaborate on a few specific projects which provide savings:

The B-1B Avionics Facility at Tinker Air Force Base, OK, costing $11.4 million, will result in a contract savings of $50 million per year.

Reconfiguration of the Airframes Support Facility at Corpus Christi Army Depot, TX, at a cost of $4.9 million is estimated to produce an annual offset of $4.4 million each year over the 25-year economic life of the project. The net present value of these savings, discounted at 10 percent, is $39.4 million.

Construction of the Target Maintenance Facility at Naval Air Station, North Island, CA, at a cost of $2.8 million will result in avoiding an investment of $19.5 million to purchase new targets and an annual transportation cost of $216,000.

The sum of $1.6 million to purchase the Walter Reed Inn, eliminating an annual $700,000 lease cost.

Construction of 1,000 units of family housing is estimated to result in the reduction of between $5.5 and $6 million in annual housing allowances. This bill includes $284 million for construction of 3,200 units, resulting in an annual savings of approximately $19.2 million.

Mr. Chairman, several intangible benefits of this bill are obvious but cannot be quantified.

The commitment demonstrated by the construction of new barracks or a facility that enhances the appearance and the efficiency of the workplace may convince a soldier to reenlist, avoiding the expense of training his replacement.

And improvements to health, safety, and environmental aspects of our installations help to prevent the loss of life, lost time injuries, and long-term health problems of our service members and civilian employees.

Mr. Chairman, I would also take to outline some of the major components of H.R. 4586.

The sum of $173 million of the $191 million requested for strategic homeporting at 9 of the 10 proposed sites. Although, personally I oppose the homeporting concept—my role is not to be obstructionist when the committee and the Congress have supported this initiative.

The sum of $214 million in advance appropriations for the Light Infantry Division at Fort Drum, NY, and $35.9 million for Fort Wainwright, AK.

The sum of $77.5 million for the continuation of the beddown of the B-2 Stealth bomber at Whiteman Air Force Base, MO.

The sum of $3.05 million for Troop Support Facilities at Palmerola, Honduras.

The sum of $26 million for 16 child care centers to meet the increased demand due to today's All-Volunteer Force.

The sum of $99 million for the foreign currency fluctuation account—offset by a $113 million reduction in overseas projects—to help ease the construction backlog experienced by the services due to the instability of exchange rates.

For chemical demilitarization, the committee has deferred the requested

49.6 million for an ammunition demilitarization facility at Tooele Army Depot, UT. In addition to this construction request, the facility requires $107 million in process equipment, were funding is under the jurisdiction of the Defense Appropriations Subcommittee. The committee recognizes that there are contractual advantages to combining all costs for construction, equipment, and operations into a single procurement and has deferred this project without prejudice, pending a decision by the Defense Subcommittee on the equipment portion of this project. The committee has provided $8.4 million for a training facility at Aberdeen Proving Ground, MD, however, we have fenced this money until the Congress approves initial construction and procurement for the first ammunition demilitarization facility.

The sum of $502 million for the U.S. contribution to the NATO infrastructure fund, while this represents an increase of $129 million above last year's appropriation, the increase is attributed mainly to the foreign currency shortfall.

The committee supports the U.S. commitment to NATO and is pleased that the administration and DOD are giving burdensharing the attention it deserves. We have required the Department to submit a progress report by February 15, 1989, on further actions taken by NATO allies and Japan to assume a greater share of the common defense burden. To promote further burdensharing, the committee denied $25 million for programs we believe should be pursued either by NATO-infrastructure or host-nation support.

The bill carries a provision initiated last year, prohibiting the use of any military construction and family housing funds for the relocation of the 401st Tactical Wing from Torrejon, Spain.

The sum of $3.3 billion or 37 percent of the total bill, for construction and operation and maintenance of family housing.

The committee strongly believes that ownership of family housing units is preferable to leasing for economic as well as managerial reasons. Leasing expenses included in this bill for 1 year amount to $378 million. Therefore, a general provision has been included in the bill which directs the Department to submit a legislative proposal for an installment purchase program for family housing and to implement a pilot program for 3,000 units in its 1990 budget request.

Mr. Chairman, these major components are necessary, but I would like to remind my colleagues what this bill really provides. While there are many projects important to our national defense—the majority are important to the men and women of our Armed Forces. While we invest billions of dollars for weapons systems—many of which are more glamourous than a hardstand—a concrete slab to relieve our soldiers from working in the mud, snow, and ice—we tend to forget the most important factor to our defense—those men and women who put our systems to use. That is what the military construction appropriation bill is about. We don't have the constituency of support those glamourous weapons systems have—the men and women of our Armed Forces and their families are our constituency—we provide for their working environment; their housing; their hospitals and clinics; their chapels and their childcare centers.

In conclusion, H.R. 4586 represents a balanced, well-crafted bill—it provides the necessary military construction and family housing projects to protect and enhance our investment. It is a bipartisan bill and within the budget. I urge my colleagues to join us in supporting this measure today.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. Thomas], a member of the subcommittee.

Mr. THOMAS of Georgia. Mr. Chairman, it is a pleasure for me to rise in strong support of H.R. 4586, the military construction appropriations bill for fiscal year 1989.

As the newest member of the subcommittee, I want to thank our distinguished chairman, Bill Hefner, and the ranking minority member, Bill Lowery, for all their hard work in getting this bill to the floor in such a timely fashion.

Mr. Chairman, this bill appropriates $9.1 billion for important military construction and family housing projects in the United States and abroad. It is under the President's budget request, and it is in full compliance with the budget summit agreement reached last November.

The bill provides essential funds to fulfill the new mission construction requirements of the Army's light infantry division, the Navy's Kings Bay Nuclear Submarine Base and strategic home porting plan, and the Air Force's beddown of the B-2, Stealth bomber.

It encourages continued progress on the part of our NATO allies to assume a greater share of the financial burden of providing for the defense of Europe, the Pacific Basin, and the Persian Gulf region.

It makes progress toward our goal of improving the facilities and working conditions of our soldiers, airmen, marines, and sailors. In testimony presented before our subcommittee, the improvement of these facilities has proven to be one of the most important factors in terms of both retention and military readiness.

It appropriates essential funds for new construction and revitalization of family housing units, barracks, child care projects, and needed medical facilities.

This is an important bill, Mr. Chairman, because it addresses quality of life issues that have proven to be essential in recruiting and retaining the quality personnel we must have in our All-Volunteer Force.

Let me again thank my chairman, Mr. Hefner, for the outstanding job he has done in guiding the subcommittee to prompt and responsible action on this legislation.

This is a lean and effective bill that makes us live within our means, but also responds to our top priority needs. I am proud to urge my colleagues to support it.

Mr. LOWERY of California. Mr. Chairman, I yield 6 minutes to the gentleman from Arizona [Mr. Kolbe], a member of the committee.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the distinguished gentleman from Oklahoma, a member of the subcommittee.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment our distinguished chairman, Bill Hefner, as well as my successor as vice chairman, Bill Lowery, for the fine job they have done in crafting this important measure.

This is a bill that has been developed in a bipartisan manner and it is a bill that I believe should command bipartisan support. There is no individual in this body who is more of a pleasure to work with than our chairman, the gentleman from North Carolina. He is held in high esteem by his colleagues on both sides of the aisle and for good reason.

As former vice chairman of the Subcommittee on Military Construction, I know how difficult it is to meet the numerous competing demands among many worthy projects for the limited funds available.

I would just like to emphasize to my colleagues that this bill may be relatively small compared to other appropriations bills. But it is of far greater importance than the dollars might indicate.

This is the bill in which we provide funds for military construction and family housing at bases in the United States and abroad to support our major weapons systems and military personnel.

It is also a bill through which we make a substantial investment toward improving the quality of living and working conditions for our service men and women. We know that the improvements we make in the quality of life for our military personnel generate an enormous return in terms of retention and readiness.

My colleagues already have discussed some of the features of the bill. I would just like to comment about several key provisions.

At a time when we are engaged in an ongoing assessment of American military capabilities and the capabilities of our allies in the highly volatile Persian Gulf area, the bill provides a total of $37 million to support our strategic interests in the gulf region—$10 million for facilities in Oman, $5 million for the Azores, and $22 million for classified locations.

I particularly want to emphasize the large investments made by the United States—as a result of funds voted by the Military Construction Subcommittee and by this House—for airfields, for ports, and for other facilities that have improved our airlift and operational capabilities in the Persian Gulf and the Indian Ocean.

For example, over the past 8 years, we have invested a total of $1.2 billion for access to military facilities in Diego Garcia, Kenya, Somalia, Oman, Portugal, and Morocco.

For construction in the Pacific, the bill provides $135 million for United States military facilities in Korea, $81 million for the Philippines, and $27 million for Japan.

As an expression of our concern about the extent of the contributions made by our allies to defense needs in Europe and Asia, the committee has cut $25 million from projects in Europe, Korea and elsewhere, and directed the Department of Defense to report to the Appropriations Committee by next February on what progress has been achieved in increasing burdensharing by our allies.

I believe we must send a strong signal to our NATO allies and our allies in Asia that we expect them to increase their financial commitment to the defense of democracy.

The bill also continues a provision of last year's measure that prohibits the use of any military construction or family housing funds for the relocation of the 401st Tactical Fighter Wing from Spain to another country. I believe, and it is the committee's view as well, that the expense of relocation should be borne by NATO and/or Spain and the host nation.

I would just observe that recent news reports from Europe appear to cast some doubt on whether Italy will agree to host the F-16's because of a split in the new Italian Government. I hope these reports prove to be unfounded because the stationing of the F-16's in Europe is vital to NATO's southern flank. I was somewhat reassured on this score, however, by Secretary Taft's comment last week from Rome following meetings with Italian Government officials. He was quoted in defense news as saying that the F-16 basing question "will be solved" by the end of this month.

In anticipation of Senate ratification of the INF Treaty, the bill directs the Department of Defense to report to Congress on plans for utilization of the ground launch cruise missile and Pershing II missile facilities that have been built in Europe with military construction dollars.

This bill reflects a delicate balance between what we would like to do and what we can afford. It also reflects a balance between the need to maintain and modernize our existing facilities, on the one hand, and to support new missions on the other.

Let me conclude by observing that this is a good bill. It is a fair bill. And it is a bill that was put together in a bipartisan manner to address the national security needs of our country. I urge you to vote for it.

□ 1135

Mr. KOLBE. Mr. Chairman, I too would like to thank the distinguished chairman of the subcommittee and the ranking Republican member, the gentleman from California [Mr. LOWERY], for their excellent work on this bill, the very careful hearings that we had, and the very careful way in which this bill was crafted.

Mr. Chairman, as a member of the Military Construction Subcommittee, I rise in support of H.R. 4586.

Mr. Chairman, I will be the first to admit this is not a perfect piece of legislation—the subcommittee was not able to address all the issues and problems we wanted to—but, on balance, this is a good bill.

One of our continuing problems is that the subcommittee is not allocated the funds necessary to modernize our facilities at an efficient rate. Out of a total defense budget of $299 billion, only $8.7 billion is going into military construction this year. This is only 3 percent of the entire defense budget. It is impossible to replace and renovate our military facilities at the recommended rate of 2 percent per year with such a small portion of the budget dedicated to military construction. The outcome of this policy is obvious when you visit our military facilities and see so-called temporary buildings constructed during World War II still in use.

Among the difficult issues addressed by the subcommittee in this bill is the decline of the dollar overseas. Overseas construction projects become more costly as the dollar drops in relation to the currency of the host country. This problem hurts the Army in particular because of their extensive construction projects in Germany. The Pentagon did not request funds to meet this shortfall; instead, they chose to take funds from domestic projects. This was not acceptable to the subcommittee and we provided $99 million to help meet the shortfall. We specifically earmarked money for the individual services with the Army receiving a larger portion to meet their greater need.

The military construction subcommittee also grapples with the high-visibility issue of burdensharing—encouraging our allies to pay a larger portion of the cost of NATO. In this bill, the subcommittee has reduced funding by almost $25 million for several projects to show our belief that there should be greater burdensharing by our allies and to encourage their greater participation.

This bill gives a high priority to the Pentagon's revitalization program for the services. These are costly initiatives involving the so-called bedding down of new weapons systems for the Navy and the Air Force and the light infantry division for the Army. All of these projects are being accommodated while we continue to attempt to modernize the basic infrastructure of the military—the roads, sewer systems and housing tracts.

I am concerned, Mr. Chairman, as I look at the future of our military construction program. I am concerned because this body has not reached a consensus on how we will handle the most important issues facing us.

We must decide how we will handle the politically sensitive issue of base closing. We build new bases with new missions to meet new threats—and yet, we haven't closed a single base since 1977. Surely some of these bases have outlived their purpose.

We must settle the issue of Davis-Bacon Act regulations governing the wages paid on Federal construction projects. When resources are so limited and the needs so acute, it is nothing short of tragic that we continue to impose outmoded, expensive and wasteful construction practices on our own projects. We could build at least 500 additional, desperately needed, housing units if we would relax the Davis-Bacon requirement for residential housing construction only.

Last, we must come to grips with the results of the All-Volunteer Force. More and more of the young people coming into the service are married and have a child, sometimes more. We must deal with the current housing crisis on our military bases. We must protect young enlisted people, with very little money, from being forced on the local economy for housing. We have bases in some of the most expensive housing markets in the country—San Diego, Virginia Beach, San Francisco, New York City, and, of course, Washington, DC. We must find a way to build adequate numbers of comfortable housing to deal with the increase of married people in the enlisted ranks.

We must also deal with other quality of life issues—decent day care, reduced time away from home for the service member, less frequent moves to new bases, greater support for the spouse of the service member—this is just a short list of the things we must attend to.

In conclusion Mr. Chairman, I hope this body can reach a consensus in the near future on these vital issues. Our service people deserve our best effort. In the meantime, I urge my colleagues to vote for passage of this bill.

Mr. LOWERY of California. Mr. Chairman, we have no other requests for time.

Mr. HEFNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN], a very distinguished member of this subcommittee.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the chairman and ranking Member for their assistance in the projects that were located in my district as well as the rest of Texas.

As you know, it is very difficult to find the funds in the military construction budget, often times, but I think with the effort not just this year but in past years of the subcommittee chairman and the ranking member of our subcommittee, we have been able to provide the kinds of funds made available to the various installations in the State of Texas, particularly at Fort Bliss, those projects which all of us on the House side have struggled very hard to accomplish over the years. They certainly include barracks modernization efforts that we agreed a number of years ago to stretch out so that we would not do them all in 1 year, but so that we would have an ongoing program to better the quality of life of those soldiers who are necessarily stationed at various installations throughout the United States and around the world.

When we try to do the barracks modernization efforts at every military fort, at every base throughout the entire world, we understand that what we are doing is providing in the long-term great savings to this Nation. Many of us understand and appreciate the fact that Chairman HEFNER of this subcommittee, and the chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN], what they have said over the years, that is that in the long-term, each of us is able to, as taxpayers, save a good deal of money because we are able to retain those soldiers in the service that we have trained. We will be able to do a better job in recruiting when in fact we do the kinds of things this subcommittee has set as its goal. I want to, if I may, in closing only say that a good deal of the retention and recruitment of the future of the military in no small part owes its success to the efforts of our distinguished chairman and ranking member.

Mr. Chairman, I thank the gentleman for yielding.

Mr. CONTE. Mr. Chairman, I want to compliment the subcommittee chairman, the golden-throated gentleman from North Carolina, Mr. HEFNER, and the ranking member from the Golden State, Mr. LOWERY, for their diligence in bringing this bill to the floor today.

As everyone here knows, the underpinning of our national defense effort is in the bricks and mortar this bill considers. There are a lot of worthy projects which did not get funded because of the hard choices the members of this subcommittee had to make.

Nonetheless, this bill funds much needed family housing, medical facilities, and buildings for the operations and training of our active and reserve forces. The bill fosters the concept of buying U.S. products and using U.S. designs as well as encouraging burdensharing amoung our allies.

I applaud the fact that this bill is below the President's request and in keeping with the summit. All of us are going to have to continue to honor the summit or we will have a tough time getting our business done this year.

The administration has few objections to this bill, but these objections mostly revolve around the lack of authorization. They will be resolved after the Armed Services complete their action or we conference with our Senate counterparts.

So, I support this bill as long as it continues to stay within our targets and again, congratulate the subcommittee chairman, the ranking members, the other subcommittee members and their staff personnel on some very fine and diligent work.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 4586, the military construction appropriations bill for fiscal year 1989, and to commend the chairman and the committee for their excellent work in developing this bill. There are few things as important to our national security as our military infrastructure, at home and abroad. The projects in this bill are an investment in future capability which will yield dividends over the next decade and more, as well as providing vital support to our servicemen and women in our All-Volunteer Force.

I find it noteworthy as well that in this time of budget constraints, this bill is $2,105,000 below the Pentagon's request, a clear indication that the committee is willing to bear its share of the burden of meeting the budget goals.

Good examples of the type of essential projects included in this bill are the appropriations provided for Vandenberg Air Force Base in Santa Barbara County and Port Hueneme and Point Mugu Naval Bases in Ventura County, CA. The committee has approved an appropriation of $6,250,000 for ICBM missile crew training facilities at Vandenberg. This was a project which was deferred from last year's appropriation bill and which will allow consolidation and upgrading of the facilities used to train our ICBM defense force. Few people in the service carry a heavier responsibility than these men and women whose job it is to provide our strategic nuclear deterrence. Yet the current facilities, some of them World War II vintage, are inadequate and inefficient. We cannot afford to cut corners in an area of this importance.

Likewise, the $25 million appropriated to begin development of a new Titan IV launch pad at Vandenberg is an important element in our space recovery plan.

The destruction of both pads at space launch complex 4 in a missile explosion 2 years ago, provided dramatic proof of the need for backup facilities for one of our most important launch vehicles—especially in view of the still-unknown availability and capability of the space shuttle for military missions. The *Challenger* disaster showed us the folly of placing all our eggs in a single basket. This complex will provide the needed flexibility and capability which we currently lack.

Other projects in this bill, including $2.3 million for a hypergolic maintenance checkout facility at Vandenberg; $20,470,000 for the missile systems evaluation laboratory at Pacific Missile Test Center Point Mugu; and the $28,400,000 for new facilities at Port Hueneme in support of the Naval Construction Battalion Center and the Naval School Civil Engineer Corps, are all important to the mission of those services; as is the $17,750,000 for the Air National Guard Base at Point Mugu.

Mr. Chairman, this is a lean bill, representing the minimum needed to maintain our Armed Forces in a time of high tension in the Middle East, Persian Gulf, the Pacific, the Atlantic and other theaters of vital interest to the United States, and I urge an aye vote.

Mr. FAZIO. Mr. Chairman, I rise in support of the military construction appropriations bill for fiscal year 1989. I would first like to commend my chairman, Mr. HEFNER and the ranking minority member, Mr. BILL LOWERY for crafting a bipartisan and fiscally responsible bill. The committee has managed to draft a bill which meets the budget summit agreement of last fall and is less than the President's request. I would also like to thank the professional staff for their invaluable assistance.

As a member of the Subcommittee on Military Construction, I would like to take this opportunity to express my support on several issues which the committee addressed during the course of this fiscal year. First, this committee is committed to a more equitable distribution of our defense burden among our allies. Defense spending as a percentage of the gross national product in the United States is almost 7 percent which the NATO allies average about 3.3 percent. I understand that this figure does not recognize other non-numerical contributions by our allies, yet this is an indicator of the need for more fairness in providing mutual defense in these austere times.

Second, I share the committee's concern about the lack of a strong physical plant revitalization program. The average age of our buildings is 50 years. There is a clear need to replace our existing facilities. However, the budget as proposed would equate to a facility replacement rate of more than 100 years. I believe that without adequate funding our buildings will deteriorate beyond all repair thus impacting productivity and quality of life.

The final issue I would like to bring to the attention of my colleagues is the need to replace the dilapidated World War II vintage barracks. Almost 245,000 service members reside in these insufficient housing units. At a time when recruitment and retention is a priority, it is imperative that our service men and women live in quality housing thus encouraging reenlistment.

The Appropriations Committee has recommended $8.79 billion for fiscal year 1989 military construction and family housing. The recommendations in this bill are consistent with the overall program level of the House authorization bill for military construction.

This bill is extremely important for the military installations in and around the Fourth Congressional District of California, and the surrounding region. H.R. 4586 will provide $33.37 million for projects at McClellan AFB, Travis AFB, Mather AFB, and Mare Island Naval Shipyard.

MCCLELLAN AFB

Fire sprinkler systems ($2.2 million): The proposed project is to install an automatic sprinker, aqueous film forming foam [AFFF] system, and alarm systems in one hangar and upgrade and extend existing sprinkler systems in two additional buildings.

A continuing Air Force program is needed to correct fire, safety, and health deficiencies/hazards to ensure a safe working environment and protect valuable resources. Air Force facilities were built to comply with standards in effect at the time of construction. As standards became more stringent, existing provisions became inadequate. Installation or modification of fire suppression and alarm systems is required to comply with National Fire Protection [NFPA] codes.

Currently, the fire suppression system in a warehouse and an office complex need modification. Fire occurring in these facilities could develop faster than the present fire protection systems are capable of controlling. The warehouse contains over 700 million dollars' worth of defense items. It has inadequate, undersized piping for workable flow through the sprinkler heads. The office complex, containing 1,200 workers, is only protected with sprinklers above an insulated suspended ceiling. The third building, an aircraft repair hangar, has no fire protection for its 60 workers and includes 80 million dollars worth of aircraft under repair. If this facility is not improved, there is a high risk of losing or damaging F-111 and A-10 aircraft and large numbers of items in the logistics pipeline. Approximately 2,000 people working in the building would be at risk. The fire sprinkler systems are 100 percent designed.

Vehicle refueling station, $.880 million: The moneys for this project will be used to construct a vehicle refueling station to include: A building, six fuel pumps on concrete islands, four fuel tanks with vapor recovery systems to meet California environmental regulations, and a fuel spill drain system.

A vehicle refueling station is required to service nearly 800 assigned vehicles with leaded and unleaded gas, diesel fuel, and propane gas, as well as air for tires and water for radiators. The existing stations are inadequate to service oversized vehicles because of low canopies and insufficient outlets to provide a full range of fuels. In addition, they are located in high density traffic areas with minimum space for waiting lines creating congestion when the lines extend into the streets. This project will relieve congestion and will permit the disposal of the two substandard stations. In fact, the two current stations are World War II vintage. One of them was built in 1939 and because the underground gas tank is so small, it needs to be refilled 6 to 10 times a day in order to service the vehicles. Also, since the station is almost 60 years old, there is a real danger that the tanks could leak into the ground. The second refueling station was built in the early 1950's and is also inadequate. The new vehicle refueling station will accommodate the increased demands at McClellan.

Conforming storage facility, $4.5 million: The Defense Logistics Agency is requesting $9.3 million for two conforming storage facilities. One of these facilities is slated for McClellan AFB. The moneys are to be used to construct a state-of-the-art building—43,200 square feet—designed to hold hazardous substances. The current facility is inadequate.

According to a recent Federal law now being phased in, all hazardous substances held for 90 days or more must be housed and stored in a permanent facility until physically disposed. The types of waste to be housed range from seemingly harmless paints and mixed oils to highly toxic solvents such as TCE and PCB's. Solvents, liquid cleaners and lubricants will also be held. Given McClellan's existing program to cleanup old hazardous wastes, spills and dumps, this facility is imperative to ensure that new problems are not created by future toxic waste spills or releases.

TRAVIS AFB

Dormitories. ($10.4 million): The moneys for this project will alter four existing dormitories presently classified as "substandard." The dorms will house 552 E1's-E4's. Presently, the majority of assigned unaccompanied enlisted personnel live in dormitories not meeting current Air Force standards or live in off-base quarters costing more than they can afford. Existing dormitories have central latrines, inadequate control of heating, insufficient noise attenuation and lack the necessary amenities to adequately house enlisted personnel. Local rentals and utilities are so expensive, enlisted personnel cannot afford to live off base.

The project will provide an upgrade facility with a room-bath-room arrangement and elimination of central hallways which are conducive to noise and disruption. In addition, central air-conditioning systems will be installed and all doors and windows will be insulated to enhance energy conservation. Currently, only 5 of 40 enlisted personnel housing units meet Department of Defense criteria.

As I mentioned earlier, I would now like to focus on three military installations near the Fourth Congressional District.

MATHER AFB

Security improvements ($.440 million): This project will provide a legally enforceable, physical barrier as a line of demarcation between the SAC base area and the flightline, maintenance and runway complex. The construction will include a 7-foot chain link security fence with a barbed wire outriggers and gates.

The flightline complex and other critical support resources must be fenced to provide minimum essential protection to deter or limit efforts to damage resources or disrupt mission operations. Security measures around the flightline complex and other critical support areas are limited due to equipment and manpower constraints. Currently, there is no substantial physical barrier or line of demarcation to deter walk-on intruders or thieves. If this project is not provided, aircraft, classified components, high value equipment, and key support facilities will remain vulnerable to easy access which could result in lost operational capability through damage, disruption, or theft and could adversely impact the unit's ability to perform its mission.

Composite medical training facility ($.850 million): This project is designed to provide the 940th USAF Clinic and Det. 1, 12 USAF Contingency Hospital with a Reserve Forces medical training facility. It is intended that the two Reserve units would coutilize this facility to meet respective operational needs. The scope of the project is to construct a 6,000-square-foot facility with space for classroom training, medical records, administrative and training support area, storage, restrooms, and mechanical equipment room. Construction also includes required parking and walks necessary to support the facility. The present space is operationally ineffective and does not provide sufficient space to accomplish either training or records storage. These Reserve units must be located in the same general area as the hospital because they must train in the hospital and utilize the host's equipment. This project meets the 35-percent design level requirement.

Base flight operations facility ($2.3 million): This project is self-explanatory. A facility is required at Mather to house the functions of base operations, transient alert and weather station. The base weather station needs to be collocated with base operations to allow flight crews immediate access to the latest weather forecasts. The functions which are to be accommodated include flight operations, in-flight kitchen, waiting room, briefing rooms, weather services, and administrative support space.

Presently, these activities are now being conducted in two substandard World War II wood frame buildings that have deteriorated beyond economical repair. They lack adequate insulation and have obsolete electrical and mechanical systems. In addition, the space is too small and improperly configured to provide pilot briefings and base operations services. There is no other facility which could be used or converted to an adequate base operations facility. The two World War II buildings will be disposed of upon completion of this project.

Without this project, base operations services will be forced to continue in inadequate facilities resulting in an adverse impact on the flying mission. The project meets the 35-percent level requirement.

BEALE AFB

Add to and upgrade powerplant—PAVE PAWS ($8.9 million): The moneys are needed to upgrade the existing prime powerplant. This project is needed to proivde power to meet reliability/availability for critical command, control and communications facilities. PAVE PAWS provides early warning and attack assessment of submarine launched ballistic missiles [SLBM[against the continental United States.

Currently, the PAVE PAWS site has experienced 15 missions outages related to plant and electrical system failures since 1983. Existing substandard generators are 30 years old, unreliable and require excessive maintenance. Failing engine parts cause loss of compression and incomplete fuel combustion resulting in low, varying power. Mission increases require additional generating capacity and switchgear and substation upgrade. If this project is not funded, the plant will operate at low reliability with insufficient capacity to support the SLBM detection mission. This project meets the 35-percent design level.

Dormitory ($4.2 million): The moneys are needed to construct a new dormitory for 250 E1s–4s. Existing unaccompanied housing facilities were built in the 1950's. These buildings are substandard wood frame structures which cannot be economically upgraded and must be replaced. They have central latrines, inadequate heating and air conditioning and insufficient noise attenuation and lack general aesthetic amenities. In addition, the cost of commuting and local rental facilities make living off base too expensive for enlisted personnel to afford on their quarters allowance. This project will provide a new facility which meets current Air Force living standards. If the dormitories are not improved, the morale of the enlisted personnel will continue to deteriorate.

MARE ISLAND NAVAL SHIPYARD

Drydock refueling complex ($3.9 million): This project provides an additional facility to refuel submarines. Presently, there are two areas to refuel submarines; drydock 1 and drydock 2. Construction includes a 12-pile support equipment and enclosure pads, ship tie plates, and three preengineered metal enclosures. The project also upgrades the substation, adds transformers, and includes an emergency generator, rail tracks, security fencing, and lighting. In addition, the moneys will relocate the sewage pump and provide for a fire protection system. This project is needed in order to support the SSN class submarine repair and overhaul mission. Fleet refueling schedules require three drydocks available with refueling complex support facilities by the early 1990's. Without the project, refuelings will not be accomplished within designated schedules.

Fire station ($2.5 million): A new fire station is needed to replace a facility that is unsafe and suitable for repair. The current fire station on Mare Island was built in 1900, and it was moved to its present location before 1920. It is not earthquake safe, and repairs are needed to the building, which will cost more than half of the current value of the building.

Dredging improvements ($2.4 million): The moneys for this project would be for installing a pipeline to transfer dredge spoils from one pond to another to accomplish close-in dredging for the berthing of ships at the shipyard. Continuous dredging is required to maintain project depths at all berths. At present, the lines leading to the dredge spoils ponds run across the front parts of the finger piers. When a ship comes into one of the piers, the lines must be moved and delays in the dredging results. One of the improvements is to run lines along two piers. A cross-island pipeline that will distribute the spoils to any one of the eight spoils ponds currently in use, will result in savings. At present, the ponds are fed by four different lines. As a result, some of the ponds fill up more quickly and must be dug out annually. Three that will be dug out this spring will cost approximately $1 million. As storage space for the spoils on the island runs out, the shipyard will have to store dug out spoils at an offyard site, which will cost roughly four times as much. With the cross-island pipeline, the shipyard will be able to control which pond the spoils enter from any area of the waterfront. With that flexibility, the shipyard can manage the level of the ponds, allowing them to dry sequentially so compaction can take place, which will reduce the overall volume of the spoils collected. It is estimated that they will only have to be dug out every 25 years.

The committee has developed a bill which enhances both readiness and quality of life programs. I urge support of the bill.

Mr. LOWERY of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1989, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction, Army

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander in Chief, $877,630,000, to remain available until September 30, 1993: *Provided,* That of this amount, not to exceed $98,328,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Military Construction, Navy

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,591,850,000, to remain available until September 30, 1993: *Provided,* That of this amount, not to exceed $138,276,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Military Construction, Air Force

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,293,406,000, to remain available until September 30, 1993: *Provided,* That of this amount, not to exceed $115,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Military Construction, Defense Agencies

(including transfer of funds)

(including rescission)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $777,500,000, to remain available until September 30, 1993: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $62,229,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 100-202, $29,548,000 is hereby rescinded.

North Atlantic Treaty Organization Infrastructure

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $502,100,000, to remain available until expended.

Military Construction, Army National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $163,400,000, to remain available until September 30, 1993.

Military Construction, Air National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction Acts, $152,170,000, to remain available until September 30, 1993.

Military Construction, Army Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $81,702,000, to remain available until September 30, 1993.

Military Construction, Naval Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $54,400,000, to remain available until September 30, 1993.

Military Construction, Air Force Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $65,800,000, to remain available until September 30, 1993.

Family Housing, Army

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $170,278,000; for Operation and maintenance, and for debt payment, $1,340,093,000; in all $1,510,371,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1993.

Family Housing, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $240,440,000; for Operation and maintenance, and for debt payment, $554,988,000; in all $795,428,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1993.

Family Housing, Air Force

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $195,685,000; for Operation and maintenance, and for debt payment, $741,766,000; in all $937,451,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1993.

Family Housing, Defense Agencies

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $513,000; for Operation and maintenance, $20,187,000; in all $20,700,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1993.

Homeowners Assistance Fund, Defense

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $2,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive and responsible bid of a United States contractor does not exceed the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 110. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 111. No part of the funds appropriated in this Act may be used to pay the compensation of an officer of the Government of the United States or to reimburse a contractor for the employment of a person for work in the continental United States by any such person if such person is an alien who has not been lawfully admitted to the United States.

SEC. 112. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 113. None of the funds in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 114. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 115. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 116. The Secretary of Defense is to inform the Committees on Appropriations and Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 117. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1989, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 118. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 119. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the second session of the One Hundredth Congress.

SEC. 120. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1989, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1989 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

SEC. 121. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 122. Notwithstanding any other provision of law, the Secretary of the Air Force is required to maintain legislative liaison to the House and Senate Appropriations Subcommittees on Military Construction and budgetary and fiscal management of the Military Construction and Military Family Housing appropriations in a manner identical to the method employed as of September 30, 1986.

SEC. 123. None of the funds appropriated in this Act, except for North Atlantic Treaty Organization Infrastructure funds, may be used for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing from Spain to another country.

SEC. 124. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 125. Notwithstanding any other provision of law, the Secretary of Defense shall include in the fiscal year 1990 program a legislative proposal to authorize the installment purchase of family housing units, and the budget request for fiscal year 1990 shall include such sums as necessary to implement a pilot program for not to exceed 3,000 units.

Mr. HEFNER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman form North Carolina?

There was no objection.

The CHAIRMAN. Are there any points of order against the bill?

If not, are there any amendments?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walker: On page 14, after line 23, add the following new section:

SEC. 126. DRUG-FREE WORKPLACE.

No part of the funds appropriated in this Act shall be expended in any workplace that is not free of illegal possession or use of controlled substances, subject to the following provisions:

(a) CONTRACTS.—No person or organization shall be considered a responsible source, under the meaning of such a term as defined in section 4(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(8)), for the purposes of being awarded a contract for the procurement of any property or services authorized under this Act unless such person or organization has certified to the contracting agency that it will provide a drug free workplace by—

(1) publishing a statement of policy prohibiting the unlawful manufacture, distribution, dispensation, or possession of a controlled substance while in the workplace; and

(2) requiring that each employee, as a condition of employment, certify that he or she has received a copy of such statement of policy and understands its contents, and that he or she will abide by such a policy. Such employee shall further agree as a condition of employment to notify the employer of any conviction no later than the employee's next working day after such conviction. The employer shall notify the contracting agency within 72 hours of notification to it by the employee.

(b) DEFINITIONS.—For the purpose of this section—

(1) the term "drug free workplace" is defined as a workplace for the performance of work done in connection with a specific contract described in subsection (a) of an entity at which no employee of such entity unlawfully manufactures, distributes, dispenses, or possesses a controlled substance.

(2) the term "employee" is defined as the employee of a contractor engaged in the performance of work pursuant to the provisions of the contract described in subsection (a);

(3) the term "controlled substance" is defined as a controlled substance in schedule I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812); and

(4) the term "conviction" is defined as a finding of guilt and/or imposition of sentence by any judicial body charged with the responsibility to determine violations of the Federal, state (or governmental subdivisions thereof) criminal statutes described in subsection (c).

(c) WITHOLDING OF PAYMENTS.—

(1) Each contract authorized pursuant to this Act shall contain a provision through which the contracting agency shall withhold subsequent payments due under the terms and conditions of the contract under applicable law upon the occurrence of conviction of an employee for violation of a Federal, state (or governmental subdivision thereof) criminal statute involving manufacture, distribution, dispensation, or possession of any controlled substance, for violation occurring in the workplace.

(2) Notice of the contracting agency's intent to withhold payments shall be given to the contract by certified U.S. mail, return receipt requested, at the contractor's address as shown in the contract, or as amended thereafter.

(3) Upon receipt of said proof of notification by the contracting agency from the contractor, evidenced by the return receipt referenced in paragraph (2), the contracting agency upon the passage of 14 days from the date of return receipt to the agency shall withhold such payment unless, within such 14 day period, the contracting agency receives notice from the contractor of a grantee of a request for an agency hearing to determine whether such contractor was at the time of said conviction or is at the time of hearing in compliance with the requirement of this section. Upon such request for hearing, the contracting agency shall conduct the requested hearing within 14 days from the date of receipt by the contracting agency of the request for hearing but in no event less than 72 hours prior to the contractor's receipt of notice of the hearing. Failure of the contracting agency to timely notify the contractor shall suspend the withholding of payment until such time as the contracting agency has afforded the contractor actual notice of no less than 72 hours prior to such hearing.

(4) Within five (5) days from the date of the hearing described in paragraph (3), the determination as to whether withholding of payment should occur, continue or terminate shall be made by the contracting agency. Failure of the contracting agency to make such determination within the above stated five (5) day period shall be deemed a decision to resume or continue all payments thereafter due.

(5) The determination required of the contracting agency as provided in paragaraph (4) shall be made favorable to the contractor, upon showing by the contractor, by a preponderance of the evidence, that it is in compliance with subsection (a) and it is making good faith efforts to maintain a drug free workplace. If a conviction reflects good faith efforts made by a contractor to enforce a drug free workplace by compliance with this section or through other workplace policy, such conviction for unlawful manufacture, distribution, dispensation, or possession of a controlled substance in the workplace shall be considered substantial evidence that the employer is taking sufficient action to maintain a drug free workplace and shall require a favorable determination for the contractor.

(6) In the event of a determination by the granting or contracting agency that the contractor has failed to comply with the requirements of paragraphs (3) and (4) the contractor may request a reconsideration of such determination based upon the contractor's previous or subsequent efforts to comply within the 14 day and 5 day time periods contained within paragraphs 3(b) and (4) respectively.

(d) EXCEPTION.—This section shall not apply to an entity if the head of the contracting agency involved determines, in his or her discretion, that withholding payments due under a contract, or not awarding such contract funds appropriated under this Act, as the case may be, would severely disrupt the operation of such entity to the detriment of the Federal Government or the general public.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HEFNER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. HEFNER] reserves a point of order on the amendment, and the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes in support of his amendment.

Mr. WALKER. Mr. Chairman, this amendment is an amendment which is the same in terms of intent and it is the same in terms of effect as the amendment that was offered yesterday on the floor for providing drug-free workplaces across the country.

I will say that this particular amendment does differ in substance because it goes into reasonably elaborate detail about what we mean by a provision of drug-free workplaces.

For example, it does do the job of defining what we mean by contracts. It does state that the contractor would have to publish a statement of policy prohibiting the unlawful manufacture, distribution or dispensing or possession of a controlled substance while in the workplace.

It does require employees to be informed of that policy and to have them signed off on it. It would, in fact, define what we mean by a drug-free workplace. It would define the terms of employees and convictions.

The main thing is, what it does is it withholds money from people who do not comply with drug-free workplaces based upon the notification to the agency that there has been a conviction of someone of illegally using drugs, a conviction that was done in a court of competent jurisdiction. It then provides, however, for an elaborate procedure of giving the contractor a way of coming back to the Government and showing that they were attempting to act in good faith. It sets up notification procedures for doing that.

Finally, it also includes, for example, that if the employer has obviously acted in good faith by having a policy or by aiding law enforcment officials in obtaining a conviction, he would therefore be regarded as having taken sufficient action to maintain a drug-free workplace and he would get a favorable determination.

Also I will say it includes an exception to say that if the contracting agency finds that withholding the payments would in fact result in severe disruption of the Government or it would be something which would accrue to the detriment of the general public, that then the head of the agency could also decide not to go ahead with the withholding of funds.

In other words, this is a fairly elaborate procedure.

I mention all of that because there were a number of Members concerned yesterday that the short version of the amendment that came before the House, because of the rules of the House it did in fact get in the way of trying to resolve the issue.

What I wanted to make absolutely certain that the Members understand that this Member is not attempting to sandbag anyone. I really believe that we have got a serious problem in this country of drugs in the workplace. I want to find ways of dealing with that. I want to use the pressure of Federal moneys to deal with that problem.

So I am trying to act within the rules in order to get amendments up that allow us to do that.

I would prefer to take this approach which is a detailed approach to dealing with the problem. The rules here are very specific on that and I assume that the gentleman's point of order that this is legislation in an appropriations bill will be upheld. And if the gentleman makes that point of order, I will concede it.

But I do want to make legislative history here that this is the way in which this program could work. I wanted the amendment in the RECORD so that we do have an understanding of how you could go about making a policy that works, that in fact withholds money from contractors who are acting in bad faith or who do not have policies to stop the use of illegal controlled substances in their workplace.

So I would prefer, of course, that we could adopt this amendment. If we cannot adopt this one I will offer the shorter version and discuss that.

I thank the gentleman for considering this particular version.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina [Mr. HEFNER] insist on his point of order?

Mr. HEFNER. Yes, Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HEFNER. Mr. Chairman, I make a point of order against the amendment of the gentleman from Pennsylvania [Mr. WALKER].

Mr. Chairman, the amendment is a violation of rule XXI, clause 2, of the rules of the House. The amendment would require that a determination be made by the executive branch that a workplace was indeed drug free. Clearly, this would impose additional duties on the executive and as such constitutes legislation on an appropriations bill.

Indeed, the gentleman from Pennsylvania and several authorizing committees are now hard at work drafting extensive legislation that would create a program with appropriate standards and safeguards that would help insure drug free workplaces—a program that does not now exist.

Mr. Chairman, the goal of the amendment is certainly worthwhile, but it should be accomplished through the legislative process. For that reason, I insist on my point of order.

□ 1150

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] wish to speak on the point of order?

Mr. WALKER. Mr. Chairman, I concede the point of order, and I withdraw the amendment.

The CHAIRMAN. The point of order is conceded and sustained.

AMENDMENT OFFERED BY MR. WALKER.

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 14 after line 23 insert the following new section:

SEC. 126. No funds apropriated under this Act shall be expended in any workplace that is not free of illegal possession or use of controlled sustances which is made known to the departments and agencies covered under this Act.

Mr. WALKER. Mr. Chairman, this is the language that was offered to the appropriation bill yesterday. I would hope that we can accept it here today. It speaks to a very real problem.

I appreciated the words of the chairman of the subcommittee just a few minutes ago. He is absolutely right. We are dealing with a devastating problem in this country. We need to attack it on a number of fronts. I applaud him and his committee for seeking to find ways where the Coast Guard can be more involved in it. There are a number of attempts around here to find ways where the military can be involved in it.

I think the Federal Govenment is going to have to make a commitment of financial resources in order to fight the drug problem, but it seems to me that it is also important to understand that there are places where the Federal Government can have an impact without spending a lot of money. This is one of them.

We in fact spend money for all kinds of activities across the country. If we insist that that money only be used in drug-free workplaces, we will have an impact in an area where there are very, very serious concerns. It is estimated that anywhere from 10 to 25 percent of drug usage in this country takes place in the workplace.

Rockwell International's medical director was quoted in Time magazine in

1986 as indicating that 20 to 25 percent of the Rockwell workers at a California plant were high on the job from drugs, alcohol, or both. He said that between 1981 and 1983 he treated employees who were hallucinating on the job, collapsing from cocaine overdoses, and using marijuana, PCP, heroin, and other drugs.

When we regard those as being defense contractors that have a very, very substantial impact on the defense of this country, and in this case on the space shuttle program, I think we have a serious problem that has to be addressed. In fact, defense industry officials on several occasions have indicated that they fear that drug-using employees will not only do substandard work but they fear that drug abusers, because of their need for money to keep their habit going, will be willing to sell secrets in order to sustain their habit.

Chemical abuse in the workplace in this country is costing American business as much as $100 billion a year, doubling accident rates, health care costs, and absenteeism.

In fact, the Research Triangle Institute in North Carolina estimates that drug abuse costs $33 billion in productivity losses.

So we have a serious problem that we have a chance of solving without taking a lot of Federal money but just by saying that we will withhold Federal money from those who do not have a drug-free workplace. That is what this amendment does. This amendment says very clearly that we are not going to accept any longer a standard where funds appropriated by the Federal Government are used in places where there is the illegal use of drugs. So I would hope that we could have acceptance of this particular amendment.

Mr. Chairman, let me say to some of those who yesterday indicated that they thought this amendment in its short form would somehow violate constitutional rights or violate the rights of people across the country. I think it needs to be pointed out there is nothing in this bill that abrogates all other law. There is underlying Federal law that applies to this amendment, as it would apply to any other action we take on the floor. For example, in underlying Federal law we have constitutional obligations with regard to property. Contracts are regarded as property. We cannot take property away from someone without due process. There is nothing in this amendment which suggests that anybody could have money taken away from them without due process.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, we have no objection to the amendment. Perhaps the gentleman would like to finish his presentation, but I want to point out that we have no objection to the amendment.

Mr. WALKER. Mr. Chairman, I thank the gentleman. I will just make one final point.

Under due process, good faith efforts to do what is required under the law are regarded as evidence that the employer is acting within the concept of the law. So in fact under this particular bill, due process would still be necessary, and good faith efforts would show up in favor of the employer. So there is no reason to believe that we would end up with a standard here which would not be enforced.

Mr. Chairman, I thank the gentleman from North Carolina for his support of the amendment, and I look forward to its adoption.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his efforts in this area. There is no doubt that we do have a real problem with drugs in this country, and I hope the House continues to follow the gentleman's lead in this area. Let us win this war against drugs.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Wisconsin very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: On page 5, lines 8 and 9, strike "$163,400,000, to remain available until September 30, 1993" and insert in lieu thereof "$163,500,000, to remain available until September 30, 1993, of which $100,000 shall be for the design of an armory in Clovis, New Mexico".

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, I believe this is a noncontroversial amendment. It is one that has been cleared with both the majority and the minority. It deals with the reorganization of the New Mexico National Guard project that has been authorized.

Mr. Chairman, the New Mexico Army National Guard has entered a period of extensive statewide armory construction. Armories and other facilities were largely neglected from the late 1960's through 1982. Only three armories were built in 15 years. Since 1983 a massive statewide reorganization of National Guard units has occurred. Under the reorganization there will be an increase from four to six battalions.

I have been working with the New Mexico State Guard on this reorganization, and am therefore introducing this amendment which appropriates $100,000 in design money for an armory in Clovis, NM. The Army National Guard recently let me know of their need for this design money in order to start the renovation of the Clovis Armory on schedule. Design money for this armory has already been authorized, and I urge support for the amendment.

STATE OF NEW MEXICO, DEPARTMENT OF MILITARY AFFAIRS, THE ARMY NATIONAL GUARD DIVISION,
Santa Fe, NM, April 8, 1988.

Congressman BILL RICHARDSON,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: Reference our letters dated March 8, 1988 and March 11, 1988 in which we defined projected military construction programs for the New Mexico Army National Guard.

As stated in the referenced letters, the New Mexico Army National Guard has entered a period of extensive statewide armory construction. The pressing requirement for new and accelerated construction stems from two basic causes. First, armory and facilities construction from the late 60's through 1982 was almost nonexistent. Second, beginning in 1983 and continuing to the present, a massive statewide reorganization of National Guard Units has occurred. The reorganization is expanding and modernizing the state from four Battalions of 40 MM Antiaircraft Guns (DUSTER) which are mid 50's antiquated Air Defense Weapons to six Battalions of modern CHAPARRAL Missile Systems, one Battalion of ROLAND Missile Systems and one Battalion of HAWK Missile Systems.

Since our last communications with our office we have re-evaluated our program and have developed a revised, proposed State Capital Program. This program and the individual projects which make up the program will be presented for state legislative approval during the next legislative session in January 1989.

Attached is a breakdwon of each project which requires either partial or total federal funding. As shown on the breakdown the flow and timing of receipt of the funds are based on the assumption that state funds will be available as anticipated. If state funding is approved and the funding source is from General Obligation Bonds (opposed to General Funds or Severance Tax Bonds), the funds will not be available until after the following November public vote. This would cause slippage of six months.

Your attention and assistance is appreciated, as always.

Sincerely yours,

EDWARD D. BACA,
Major General, The Adjutant General.

NEW MEXICO ARMY NATIONAL GUARD PROPOSED SHORT RANGE MILITARY CONSTRUCTION PROJECT—APR. 7, 1988

Project location	Federal share construction	Federal share design	State design	Federal design	Status and anticipated actions
Armory:					
Santa Rosa, NM	800,000	48,000	Yes	No	State construction funds approved. Anticipated availability July 1988. Estimate design completion August 1988 and construction contract September 1988.
Grants, NM	800,000	48,000	Yes	No	Anticipated Federal design funds April 1988. Design completion October 1988. Requesting State share construction funding from fiscal year 1989 State legislature which should provide funding in July 1989. Federal share construction funds availability in the April–May 1989 timeframe will allow construction contract signing in the August–September 1989 timeframe.
Central, NM	1,070,000	62,000	Yes	No	
Tucumcari, NM	807,000	48,420	Yes	Yes	Anticipate design completion September 1988. State share construction funding from fiscal year 1989 State legislature which should provide funding in July 1989. Federal share construction availability in the May–June 1989 timeframe will allow construction contract signing in the August–September 1989 timeframe.
Warehouse: Santa Fe, NM	905,000	53,395	(¹)	No	These are 100 percent Federal projects. Anticipate design funds April–May 1989. Estimate design completion November 1989. Estimate construction contracts can be signed January–February 1990 providing Federal funds can be made available.
Maintenance shop: Santa Fe, NM	2,043,000	132,165	(¹)	No	
HAWK Missile Bn: Albuquerque, NM	(*)	(*)	No	No	Resolve archeological problems (site) mid August 1988. August–November 1988 working with NGB–ARI, resolve design concepts-scope/cost. (* Costs are not shown for this reason). January 1989: Request State share design and construction funding. July 1989: Obtain State construction/design funding. February 1990: Complete design. April 1990: Enter construction contract.
HAWK maintenance support facility: Albuquerque, NM	(*)	(*)			
Armory:					
Belen, NM	1,273,000	72,561	No	No	Requesting State share design and construction funding from fiscal year 1989 State legislature which should provide funding in July 1989. Federal share design funds availability in the June–July 1989 timeframe will allow design completion in the November–December 1989 timeframe. Receipt of Federal share construction funding in the November-December 1989 timeframe will allow construction contract in the February–March 1990 timeframe.
Farmington, NM	1,206,000	68,742	No	No	
Las Vegas, NM	1,313,000	74,841	No	No	
Espanola, NM	1,104,000	64,032	No	No	
Portales, NM	1,104,000	64,032	No	No	
Clovis, NM	1,468,000	83,676	No	No	

[1] Not available.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, we have reviewed this amendment, and we have discussed the amendment with the minority. I have no objection to the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] to add $100,000 for design of an armory at Clovis, NM.

Mr. LOWERY of California. Mr. Chairman, if the gentleman will yield, let me state that the minority has no objection to the amendment.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment was agreed to.

Mr. HEFNER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. ANNUNZIO] having assumed the chair, Mr. LEATH of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September, 30, 1989, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 26, not voting 23, as follows:

[Roll No. 136]

YEAS—382

Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Coyne
Craig
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge

Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
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Wheat
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Wilson
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Wolf
Wolpe
Wortley
Wylie
Yates
Yatron
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Ackerman
AuCoin
Bates
Bunning
Conyers
Crane
DeFazio
Dellums
Dreier
Dymally
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Fawell
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Hayes (IL)
Lightfoot
Owens (NY)
Penny
Savage
Scheuer
Sensenbrenner
Smith, Denny (OR)
Studds
Tauke
Towns
Upton
Wyden

NOT VOTING—23

Akaka
Atkins
Barnard
Biaggi
Boulter
Collins
Courter
Duncan
Flake
Gephardt
Hansen
Jones (TN)
Lewis (CA)
Lukens, Donald
Mack
Moody
Smith (IA)
Spence
Stark
Stratton
Weiss
Whittaker
Whitten

□ 1219

The Clerk announced the following pair:

On this vote:

Mr. Akaka for, with Mr. Weiss against.

Messrs. **CONYERS**, **OWENS** of New York, **SAVAGE**, **HAYES** of Illinois, and **DREIER** of California changed their votes from "yea" to "nay."

Mr. **SWINDALL** changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **HEFNER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 4586, the bill just passed.

The **SPEAKER** pro tempore (Mr. LEVIN of Michigan). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE ON TOMORROW

Mr. **ST GERMAIN**. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs may sit tomorrow during the 5-minute rule for the purpose of marking up the bill, H.R. 3011, the Home Equity Loan Consumers Protection Act of 1988.

This has been cleared with the minority.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 911, H.R. 1115, AND H.R. 2238

Mr. **MARTINEZ**. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of the three bills, H.R. 911, H.R. 1115, and H.R. 2238.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HATE CRIME STATISTICS ACT

Mr. **FROST**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 443 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 443

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER** pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. **FROST**. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 443 is a simple open rule providing for the consideration of H.R. 3193, the Hate Crimes Statistics Act. The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Because this is an open rule, the resolution allows the offering of any germane amendment to the bill when it is considered for amendment under the 5-minute rule. The rule also provides that at the conclusion of the consideration of the bill for amendment, the Committee of the Whole shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, H.R. 3193 would require the Department of Justice to annually collect and publish statistics on crimes which manifest prejustice based on race, religion, sexual orientation, or ethnicity. While the Department of Justice already collects data on a wide variety of crimes through the Uniform Crime Report Program, there is currently no systematic collection of data on the commission of hate crimes. H.R. 3193 seeks to establish a comprehensive system for collecting such statistics which will aid State, local, and Federal law enforcement efforts in combating hate crimes.

Mr. Speaker, because the rule providing for the consideration of H.R. 3193 is an open rule, any Member may offer any germane amendment to the bill during its consideration for amendment under the 5-minute rule. While the bill in its reported form is relatively noncontroversial, there is one provision of the bill which will likely be the subject of an amendment. The bill provides that statistics on hate crimes based on race, religion, ethnicity, and sexual orientation shall be gathered and published by the Department of Justice. The last category, that of sexual orientation, is a matter of some controversy, and it is anticipated that an amendment deleting that category will be offered. The rule before Members will permit the offering of that amendment and I urge my colleagues to support the rule so that the House may proceed to the important consideration of H.R. 3193.

Mr. Speaker, I urge adoption of the rule.

Mr. **QUILLEN**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the last Congress, the House considered and passed by a voice vote a bill with several provisions similar to the provisions of this bill. That bill provided for keeping accurate statistics on crimes targeted at individuals because of their race, religion, or ethnic origin. While that bill passed the House by a voice vote in the last Congress, it was still pending in the Senate when the 99th Congress adjourned sine die.

In this Congress, similar legislation was reported again, except in this Congress a new category of hate crime was added, that is crime based on the sexual orientation of the victim.

In the Rules Committee meeting on this bill, the able gentleman from Pennsylvania [Mr. GEKAS] informed the Rules Committee that he wanted to offer an amendment to strike the sexual orientation provisions from this bill.

The Rules Committee met that request by providing this open rule, which will permit the gentleman from Pennsylvania or any other Member to offer an amendment to the bill.

Mr. Speaker, since this is an open rule which will permit the House to make necessary improvements in the bill, I will not oppose it.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 443 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3193.

The Chair designates the gentleman from Michigan [Mr. LEVIN] as Chairman of the Committee of the Whole and requests the gentleman from Delaware [Mr. CARPER] to assume the chair temporarily.

□ 1222

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity, with Mr. CARPER [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

□ 1225

Mr. CONYERS. Mr. Chairman, during the past few years, there have been increasing reports of physical and psychological attacks on persons who were targeted simply because of their race, religion, sexual orientation, or ethnic origin. These hate crimes appear to be the result of actions carried out by organized groups, as well as the spontaneous acts of nonaffiliated individuals. They are intended to intimidate their victims and spread fear throughout entire communities. The fact that these offenses still continue to happen at all in America is an indication that the democratic values that we take great pride in, and which distinguish our society among the community of nations, are not yet shared by all of our citizens.

H.R. 3193, the Hate Crime Statistics Act, is a modest measure. It's effect is solely to provide us with accurate and up-to-date information about this problem. The bill requires the Department of Justice to annually collect and publish statistics on crimes which manifest prejudice based on race, religion, sexual orientation, and ethnic origin. The Department, through the Federal Bureau of Investigation, already collects data on a wide variety of criminal offenses in order to produce the uniform crime report. The data in the report, however, does not presently indicate whether or not an offense is a hate crime. While H.R. 3193 does not specify the method by which the data is to be collected by the Justice Department, it is my view that utilizing the uniform crime reporting system makes the most sense as the hundreds of State and local police agencies already transmitting crime data to the FBI are certainly capable of indicating whether an offense was motivated by prejudice.

H.R. 3193 derives from work begun by the Subcommittee on Criminal Justice on hate crimes statistics legislation in the 99th Congress. The subcommittee reported a bill, H.R. 2455, which passed the House by voice vote on July 22, 1985. The Senate, however, failed to act on the bill before the 99th Congress adjourned.

The availability of systematic nationwide data about the incidence of hate crimes can be very useful to law enforcement agencies seeking to combat these offenses. It can provide the basis for the creation of specialized investigating units, such as those now operating in New York City, Boston, and San Francisco. It can also lead to increased intra-agency sharing of intelligence on hate groups.

Public policymakers will find the data useful as it can provide them the basis for the development of educational programs designed to promote the understanding and tolerance of different races, cultures, and beliefs. The data can also provide the basis for enactment of new criminal sanctions.

Hate crimes, which can range from threats and vandalism to arson, assault, and murder, are intended to not just harm their victim, but to send a message of intimidation to an entire community of people. Hate crimes are extraordinary in nature and require a special governmental response. By devoting Federal resources to the collection of information about this problem, the Congress will be taking a major step toward its solution.

To date, six States—Maryland, Pennsylvania, Illinois, Connecticut, Oklahoma, and Minnesota—and a few local governments monitor the incidence of hate crimes. As the result, there is still much about the nature and scope of this problem that we do not know. Are some parts of the country experiencing more hate crimes than others? Are there patterns evident in the background of the perpetrators and victims? With the enactment of H.R. 3193, the answers to these questions can be easily obtained.

Organized hate violence had its genesis during reconstruction. In 1865, the Ku Klux Klan formed and began intimidating and attacking blacks. Its members used terrorism in an effort to reestablish the old plantation social order. Their efforts were designed to prevent blacks from seeking to exercise their constitutional right to vote and hold office. Today the Klan and other organized hate groups such as the White Aryan Resistance and the Skinheads are more sophisticated. They are not only targeting blacks but other minorities and religious groups. These groups are highly organized and are attempting to perpetuate themselves through the active recruitment of our youth. Their goal is to tear up the Constitution and return us to the separate society of the past. They have declared war on the U.S. Government and the principles of equality and democracy that it represents.

We need to educate Americans about the threat racism and bigotry pose to the peace and harmony of our communities. Major educational efforts are needed among our youth. Each of us should endeavor to teach them about race relations and religious and cultural tolerance. The starting point, however, is to have an understanding of the problem that exists, and that is what the Hate Crime Statistics Act will enable us to do.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Michigan [Mr. CONYERS] has quite correctly set the tone for what is about to occur on this particular debate, and he mentioned at the outset that this House of Representatives in the 99th Congress passed a similar bill. I want to reinforce the substantial differences, however, that appear between what was passed then and what is before us now, and it is a substantial difference.

First of all, let me start off by outlining the similarities. In the 99th Congress, in the subcommittee, in the full committee, and on the floor of the House we reached a consensus to gather statistics on what might be termed a rising tide of incidents involving desecration of cemeteries and burning of churches and application of swastikas on synagogues, those types of phenomena in the consciousness of the public in the last 10 years even at a greater pace than perhaps ever before. We reached that consensus in all three stages of consideration of this bill. I might add, and this is important for us to recognize, that in the 99th Congress when we considered this legislation it was my language, and I say this for a purpose not to promote my own ego, but so my colleagues will know as the colloquialism goes, where I am coming from on this issue. It was my language that was finally adopted by the subcommittee and the full Committee on the Judiciary generally in the final debate that we held on this issue. I was in the forefront along with the gentleman from Michigan [Mr. CONYERS] as were others in establishing a mandate to the Attorney General to begin to gather statistics on the incidents of so-called hate crimes having to do with religion, with ethnicity, and with race. There is no one for or against the final enactment of this bill who can quarrel with the intent of the authors and the promulgators and supporters of this legislation in the 99th Congress.

When the gentleman from Michigan [Mr. COYERS] on the floor today indicated that this bill is substantially the same as that one, he was eminently correct and he pointed out that sexual orientation was added to this bill here and now today even after we as a subcommitee and as a full committee decided that we would reinstate the bill of the 99th Congress. That is a monumental difference which must be noted by the Members of the House as they proceed to engage in the debate and to cast their final vote on the amendment yet to come, because of the following sets of rationale.

First of all, to add sexual orientation into this bill is to segregate, I repeat, to segregate those who would come within that definition of sexual orientation away from and apart from, and separate them and elevate them to a position higher than other people who are in perhaps worse circumstances objectively speaking than victims who are victims because of sexual orientation; namely, women themselves, women who are not lesbians, women who do not come within the purview of heterosexuality or of sexual orientation, or homosexuality or sexual orientation, women who are the subject and victims of rape. It has been proved beyond a shadow of a doubt that women who are the victims of rape are victims of a hate crime, yet we choose, if we keep sexual orientation as one of the criteria in the main bill, to say that those who are victims of sexual orientation are in a more recognizable position than are women who are victims of rape.

How about the handicapped?

How about those who are octogenarians who are victims of crimes of hate?

How about victims of child abuse, infants who are the target of hate and who are victims beyond description sometimes of the hate of their parents or elders in the household? They are not included in here. They are all protectable groups of people.

Here is a good point, and this is a good time for me to emphasize and reemphasize this point that this Member from Pennsylvania who is the author of the controversial amendment that is going to be presented later will stop at nothing, will stop at nothing to fully enforce the law when a gay or lesbian is attacked or is the victim of any crime. As a prosecutor I never once shrank from the prospect of prosecuting a perpetrator of a crime against a gay or lesbian as I did in any other situation with any crime committed.

□ 1240

This is not about the enforcement of the law and to prosecute those who would bash gays. Those who are trying to elevate the debate into that are misleading the Congress and misleading the public, misleading American society. This is a statistic-gathering bill. It has nothing to do with law enforcement as such, and those who are able to put that aside, the law enforcement factors aside and just dwell on what we are doing when we add sexual orientation, I think, will support my effort to remove sexual orientation from this bill altogether.

I repeat, give me an instance where a gay is bashed, and you will find me in the forefront of trying to utilize every resource possible to bring the culprit to justice and to apply the full weight and force of law enforcement on that individual. Just as vociferously as I say that, I say to the Members that sexual orientation has no place in this bill, to be elevated to the status of religion and of race and of ethnicity as a criterion for mandating the Attorney General to look into the motivation of people committing crime. Why not the motivation of people committing child abuse? Why not ask them to check into what goes on in the mind of a person who would attack a 90-year-old man or woman on the street, knock them senseless and steal their purse? Why not look into the motivation of an individual who hates policemen, who mug a cop or kill a policeman? Why not include that kind of victim, the police victim who is the object of hate and ridicule many times in places in our society? Why not include police officers? Why not include passengers on a bus or other kinds of categories where we know statistically that there are reasons of motivation which we do not care about really but, nevertheless, we are faced with those crimes committed? Why not gather statistics, as difficult as they are, on motivation in those crimes? That is what we are about here. We are engaged in the general debate on the bill, and I, to the extent that I am delving into the amendment yet to come, I still do that with a realistic endeavor to try to point out that the bill we passed in the 99th Congress stood alone in the synagogue and white cross burnings and the cemetery-desecration type of context which was intended by its authors, by its supporters and by all the groups who urged us to support the original bill. To go into sexual orientation is to so veer from the steady path of this narrow decision that the Congress made in the 99th Congress, at least the House did, as to make the whole exercise useless.

As a matter of fact, I must say this to Members: I think it is going to be a very difficult task for the Attorney General, even for the three categories of which I approve, to gain information about the motivation that causes an individual to commit a crime against a synagogue or cemetery or a black church with a white cross flaming in front of it, that kind of incident. To add to the burden of the Attorney General, and I might add with an additional cost; the cost went up as the subcommittee and the committee added sexual orientation to its base, the cost, proposed cost, also rose, not to mention the elevation of sexual orientation to a status higher than victims of child abuse, higher than women who are victims of rape, higher than octogenarians who might be the victims of bashing on the street, higher than police officers who are the objects of hatred and ridicule of some people and which feeling leads them to pummel police and to throw rocks at police and to injure and kill policemen; higher than any of those groups of our fellow citizens. As we proceed with the debate, I simply ask now and will elucidate at the time of offering of the amendment, of course, that the Members of the House ought to keep in mind the original purpose of the bill, the bill that passed the Congress in the 99th session and which is the focal point of our debate now.

More about the amendment and what it does to the bill later.

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, I want to agree with the gentleman from Pennsylvania [Mr. GEKAS], my colleague, that he was not assuaging his ego when he claims to be one of those who brought together the coalition that worked out the original bill. The gentleman from Pennsylvania, ranking member of the subcommittee, did an excellent job in helping us formulate the legislation that was before us in the 99th Congress, and that is before us today with the added provision, but let us try to think about whether we want to have a narrow-gauge bill or a wide-gauge bill.

The reason we did not include octogenarians who are assaulted is because there was no testimony that suggested that they ought to be, as awful as the crimes visited upon them are, and the reason we did not account for policemen killed in the line of duty, although police organizations do, is that there was no request that they be separated out from the uniform crime statistics. The crimes of rape are already counted in the uniform crime reports and also crimes are divided by sex.

What we are saying here is that we really want a narrow-gauge bill, and it is only because of the incredible testimony about the rising antigay and lesbian violence, where witnesses pointed to an 8-city study in which 1 in 5 gay men and nearly 1 in 10 lesbians were found to have been physically assaulted. What we are saying is that we could not, in good conscience, come back to this Congress without including such a provision in the bill, because it is very, very important.

There is not going to be any difficulty in determining how these statistics will be computed. Already the Baltimore County Police Department has devised a test based on reasonableness. If a synagogue is attacked, we can assume that there is a religious involvement. If there is a burning of a cross at a home or a KKK hood or mask displayed, we can assume that racially motivated activity is at play. The swastika would give us a sign, and whether racial slogans or epithets were uttered would also be a clue. We are not looking for a letter-perfect way to determine the perpetrator's motivation. Only where there is obvious indicia of this involvement would we classify these crimes accordingly.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

I congratulate the gentleman for his leadership and also congratulate the gentleman from Pennsylvania [Mr. GEKAS] for his leadership on this issue.

I would, however, want to say that I am a strong supporter of this legislation, because I think it speaks to a disease that can grip a community or a State or a nation. It is a disease that is virulent and can be caught and can spread, and it can undermine the basic principles of our democracy which clearly are that all individuals, irrespective of their race or religion, national origin, skin color and, indeed, any other bias or nonbias that they may have, shall not be the objects of discrimination solely on that basis.

The gentleman mentioned the swastika. All of us on this floor are knowledgeable enough about history to know that one of the groups that Hitler singled out to fan the fires of prejudice and hate in Germany were those who were homosexual. One need not make a judgment on that activity to strongly hold to the view that that predilection in and of itself should not, must not, in this country subject one to hate or prejudice and actions which emanate from that hate and prejudice.

□ 1250

As most of my colleagues know, I have the opportunity as chairman of the Helsinki Commission to travel to other nations and to point out what the Helsinki Final Act demands in terms of human rights. It is so appropriate that we in this Congress adopt this legislation as expansively as possible to make sure that we make a very strong statement that we will not allow, we will not countenance and we are going to keep track of these statistics so that we can act against and preclude acts of prejudice and hate.

We cannot stop people thinking and indeed we do not want to in this country. But what we need to do is stop them from acting against individuals based upon their prejudice.

I support strongly the legislation as currently written.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. EDWARDS], chairman of the Subcommittee on Civil and Constitutional Rights and ranking member on the Criminal Justice Subcommittee.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of this legislation and urge my colleagues to vote for it. The hearings of the Subcommittee on Criminal Justice have amply demonstrated a need to do what this bill provides for—the nationwide collection of data about the incidence of crimes motivated by the race, religion, ethnic origin, or sexual orientation of the victim.

That kind of data will help government at all levels to combat prejudice and bigotry that manifests itself in criminal acts. While a number of groups collect some statistics, their resources are limited, and a national effort by the Justice Department is necessary if we are to get the kind of data that is needed.

This legislation has widespread support. It is endorsed by police organizations, such as the Police Foundation, the Police Executives Research Forum, and the National Black Police Officers Association. The legislation is endorsed by religious organizations, such as the National Council of Churches, the National Coalition of American Nuns, the American Baptist Church, the Lutheran Office for Governmental Affairs, and the General Board of Church and Society of the United Methodist Church. The legislation is also endorsed by a wide range of other organizations, such as the American Arab Anti-Discrimination Committee, the Anti-Defamation League of B'nai B'rith, the American Jewish Congress, the American Jewish Committee, the American Psychiatric Association, the American Psychological Association, the Sunny von Bulow National Victim Advocacy Center, the Center for Democratic Renewal, and the American Bar Association.

The bill has been carefully crafted by the Subcommittee on Criminal Justice and deserves the support of all of us.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the 2 minutes to me.

Mr. Chairman, I rise today in full support of H.R. 3193, the Hate Crimes Statistics Act.

Only 2 months ago, I spoke on the House floor against the hate violence expressed through the desecration of the Magen David Bet Eliahu Sephardic Synagogue in Rockville, MD. Worshipers arriving to celebrate the Jewish Sabbath that Saturday morning were rudely greeted by two swastikas, the letters "SS" denoting Hitler's infamous secret police, and the words "Die Jew."

Mr. Chairman, I am alarmed at the recent increase in the incidents of violence and harassment based on an individual's race, religion, sexual orientation, or ethnicity, not just in Montgomery County, MD, but throughout this country. I am pleased to be a cosponsor of this bill, and I thank the gentleman from Michigan for his leadership on this issue.

As one of the original Members of Congress who requested the National Institute of Justice to undertake an exploratory review of hate crimes in the United States, I submit for the

RECORD a copy of the introduction to the National Institute of Justice report completed in October 1987 entitled "The Response of the Criminal Justice System to Bias Crime: An Exploratory Review."

According to the report, "* * * the most frequent victims of hate violence today are Blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians." While noting increases in organized hate activities against all of these groups, the report goes further to state that "homosexuals are probably the most frequent victims" of hate violence. the report calls for strategies to "encourage legislatures to include lesbians and gays in their statutes." On the basis of these findings, I urge my colleagues to oppose efforts to reduce the scope of the bill.

The NIJ report acknowledges what we have suspected for some time: Hate crimes exist in our communities and the lack of knowledge about their frequency and geography poses a serious obstacle to preventing these incidents in our community.

Mr. Chairman, Maryland was the first state in the Nation to enact a similar hate violence data collection bill. Since 1981, local police jurisdictions have been reporting hate violence incidents to the State police who then, in turn, provide monthly statistical reports to the Maryland Human Relations Commission. Maryland has benefited by the knowledge of the geographical extent that the numerical frequency of these henious acts as we have sought solutions to reduced prejudice in our communities as a result of this information.

I urge my colleagues to support H.R. 3193, and to oppose efforts to reduce its scope or to weaken it with amendments.

THE RESPONSE OF THE CRIMINAL JUSTICE SYSTEM TO BIAS CRIME: AN EXPLORATORY REVIEW

(By Peter Finn and Taylor McNeil)

STATEMENT OF THE PROBLEM

Bias crimes, or hate violence, are words or actions designed to intimidate an individual because of his or her race, religion, national origin, or sexual preference. Bias crimes range from threatening phone calls to murder. These types of offenses are far more serious than comparable crimes that do not involve prejudice because they are intended to intimidate an entire group. The fear they generate can therefore victimize a whole class of people. Furthermore, our country is founded on principles of equality, freedom of association, and individual liberty; as such, bias crime tears at the very fabric of our society.

For a variety or reasons there are no accurate data regarding the number of bias crimes committed each year. However, there is plenty of documentation to suggest that the problem is widespread, and considerable evidence that it is increasing. Bias crimes may also be turning more violent: compared with the past, a larger proportion of incidents appear to involve personal injury as opposed to vandalism. Explanations for these changes include increased economic competition from minorities, visibility of gay men, ethnic neighborhood transition, and a perceived decrease in government efforts to prevent discrimination in education, housing, and employment.

Most observers believe that fewer incidents are being committed by members of organized hate groups, like the Ku Klux Klan, but many more are being perpetrated by individuals or small groups of people acting on their own. However, many of these offenders may be encouraged by the rhetoric of white supremacist organizations, and by the failure of most community and national leaders to speak our forcefully against these groups.

At least half the people arrested for bias crimes are teenagers and young adults between the ages of 16 and 25. For example, arrest records document that 70 percent of bias crimes in New York City in the past seven years were committed by youths under 20 years of age.

The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims. Verbal intimidation, assault, and vandalism are the most commonly reported forms of hate violence.

For the most part, the criminal justice system—like the rest of society—has not recognized the seriousness of the hate violence problem. Police officers, prosecutors, and judges tend to regard most incidents as juvenile pranks, harmless vandalism, private matters between the involved parties, or acceptable behavior against disliked groups. Many criminal justice system personnel do not believe that hate violence exists in their community. Others are aware it exists but are reluctant to publicize the fact for fear their communities will be branded as racist or hotbeds of violence. Lack of police and prosecutor attention to bias crime often reflects the attitudes of local residents who do not want minorities in their community.

Because of the widespread and serious nature of hate violence and the inability of most criminal justice agencies to address the problem adequately, the National Institute of Justice solicited an exploratory review to (1) identify effective or promising steps that some criminal justice agencies have already taken to combat the problem, (2) identify the principle issues involved in assisting other police agencies and prosecutor offices to take effective action, and (3) review previous research and other resources in the field. The following chapters address each of these objectives. The introduction concludes with a list of the respondents who, in addition to program documentation and available previous research, provided the information on which this report is based.

RESEARCH METHODS

We interviewed forty respondents. Twenty-one were representatives of the criminal justice system, including eleven associated with law enforcement, five with prosecutor offices, and five with the National Criminal Justice Association. Fifteen respondents represented constituency organizations, including groups representing minorities that are often victims of hate violence (e.g., the National Association of Colored People, the National Gay and Lesbian Task Force, and the Anti-Defamation League), and generic organizations devoted to preventing hate violence (e.g., the National Institute Against Prejudice and Violence, Klanwatch). Four respondents were researchers who have conducted studies related to hate violence.

Respondents were identified initially through recommendations from the National Institute of Justice, literature obtained from a library search of pertinent articles and reports and our own knowledge of agencies and organizations active in the field. Out initial respondent list was supplemented with additional names provided by our interviewees. We selected respondents who administer law enforcement or prosecutor programs that currently target bias crime, or who were the most knowledgeable official within each constituency organization we contacted.

We also collected available written materials from each respondent. These documents were supplemented by a library search of pertinent articles and reports.

Although we conducted no formal statutory review, we obtained relevant legislation from several respondents and benefitted from statutory reviews conducted by the National Institute Against Prejudice and Violence, the Washington Lawyers' Committee for Civil Rights Under Law, and the Anti-Defamation League.

Mr. GEKAS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FISH]. He is, of course, the ranking member of the Judiciary Committee in the House of Representatives as well as a member of the subcommittee that has jurisdiction over this issue.

Mr. FISH. Mr. Chairman, I thank my friend from Pennsylvania for yielding time to me.

Mr. Chairman, I rise in support of H.R. 3193.

There is perhaps no more odious a crime in our society than one motivated by hatred of the victim as the member of a minority group. The crime goes beyond the victim and becomes one aimed at all members of his class—and as such is felt by them all. The crime not only prompts anxiety throughout the class, but it also arouses counteremotions within the victim class which foster hatred across society at-large.

Crimes against persons based upon their race, religion, ethnic origin or even sexual orientation deny the American dream not only to the victim but to us all. Our Nation was built upon racial, religious, and ethnic diversity to protect that diversity we must prevent the rending influence of hate crime. Protection of racial, religious, and ethnic classes has long been within the scope of Federal responsibility.

Today we are affirming the vision of the founders who gave us the first amendment freedom of religion; the experience of those who, after a long and bloody civil war, gave us the 13th and 14th amendments; and the promise of the Statue of Liberty.

Mr. Chairman, H.R. 3193 requires the Attorney General to collect and publish data on hate crimes. The purpose of this data collection is not only to learn the extent of hate crime, but also to discern developing trends that would enable law enforcement to respond. At present no comprehensive, accurate, and current statistics are kept on the national incidence of crimes which manifest prejudice against the groups included in H.R. 3193. Thus, there is nothing to guide us in tailoring our laws or directing our law enforcement resources at the problem of hate crime.

Our consciousness of hate crime today is basically incidental. It reacts only to highly publicized individual cases. Despite the rather fitful way in which news of hate crimes reaches society, it does appear evident that the total incidence of this crime is rising at an alarming rate. The case of Michael Griffith in Howard Beach, who died because of his race, reinforces the impression left on society by the deaths of Alex Odeh in California and Vincent Chin in Michigan who died because of their ethnic background. But we are not generally aware of the cross burnings and the Swastika paintings—acts that communicate hatred to an entire class more silently but no less emphatically.

Mr. Chairman, I urge my colleagues to support passage of H.R. 3193.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN], a member of the Judiciary Committee.

Mr. BERMAN. Mr. Chairman, I thank my friend, the chairman of the subcommittee, for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 3193, the Hate Crime Statistics Act.

Unfortunately in recent years we have seen a spate of crimes motivated by prejudice based on race, religion, sexual orientation, and ethnicity. Hearings chaired by the distinguished chairman of the Criminal Justice Subcommittee as well as journalistic accounts have recorded numerous examples of these incidents.

But our communities around the country need accurate data on which to base an effective law enforcement response to these crimes. The bill before us today requires the Attorney General to acquire data on the incidence of these crimes, and to publish an annual summary of the data. I think this is an appropriate, and in fact, essential function which the Department of Justice should perform.

I reach this conclusion as a result of the troubling experience of the past year in the San Fernando Valley communities I represent.

Synagogues in the valley have been the target of rock-throwing vandals. Some people thought these acts were just juvenile pranks, but the arrest and prosecution of neo-Nazi gangs revealed them to be part of a disturbing trend of serious anti-Semitic, anti-Hispanic, and antiblack incidents which must be stopped.

There is compelling evidence of widespread violence motivated by bigotry against homosexuals and those perceived to be homosexual. In a report sponsored by the the National Institute of Justice, entitled "The Response of the Criminal Justice System to Bias Crime: An Exploratory Review," it was noted that—

> The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. *Homosexuals are probably the most frequent victims.*" (Emphasis added.)

There are compelling statistics to support inclusion of sexual orientation. The National Gay and Lesbian Task Force reported 4,946 incidents of hate crimes motivated by sexual orientation in 1986 and 2,042 in 1985.

Sexual orientation should not be separated from other forms of hate violence because the perpetrators of racial, religious, and antigay crimes are frequently the same. For example, a neo-Nazi leader convicted in the 1983 arson of a Jewish community center in Indiana was also found guilty of torching a gay Metropolitan Community Church in Missouri. In Mobile, AL, Klansmen who took part in the 1981 lynching of a heterosexual black man had earlier beaten a man because he was gay.

I was delighted last fall when this body passed H.R. 3258, criminalizing certain acts of religiously motivated violence, and I look forward to enactment of that legislation.

In my view, passage of the bill before us today would provide further indication of our intention to support law enforcement efforts to put a stop to hate crimes, whether perpetrated by groups or by individuals motivated by prejudice based on race, religion, sexual orientation, or ethnicity.

I urge support for this important legislation.

Mr. GEKAS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank the distinguished chairman of the subcommittee for allotting me time.

I rise today to support H.R. 3193 and to urge my colleagues, in the strongest possible terms, to vote "no" to any amendment which would strike sexual orientation from the bill.

As many of you know, antigay violence is a pervasive problem, and one that has been sadly exacerbated by the AIDS crisis. Irrespective of one's views on gay rights, it is important for Congress to take a stand against any hate violence. The removal of sexual orientation from H.R. 3193 would reinforce the widespread perception that victimization of homosexuals is acceptable.

There are compelling statistics to support inclusion of sexual orientation in this bill. The National Gay and Lesbian Task Force reported 4,946 incidents of hate crimes motivated by sexual orientation in 1986, up from 2,042 in 1985. Gays, lesbians, or those suffering from AIDS should not be the objects of violence. Antigay violence has been acknowledged to be a serious problem by leaders of a wide range of law enforcement, criminal justice, professional, civil rights, and religious organizations.

Sexual orientation should not be separated from other forms of hate violence because the perpetrators of racial, religious, and antigay crimes are frequently the same. For the gentleman from California [Mr. BERMAN] has pointed out, a neo-Nazi leader convicted in the 1983 arson of a Jewish center in Indiana was also found guilty of torching a gay church in Missouri, and in Alabama, a Klansman who had participated in a 1981 lynching of a heterosexual black man had earlier beaten a man because he was gay. Hate crimes share essentially the same character: All are motivated by hatred and ignorance and by the perception that the targeted groups are vulnerable.

As you know, H.R. 3193 does not endorse or provide special rights to any group of citizens. This is not a backdoor gay rights bill nor a repeal of statutes regulating sexual conduct. The bill simply seeks to collect anonymous statistics on acts that are clearly illegal, so that adequate and informed responses can be formulated.

Thus, I urge my colleagues to support H.R. 3193 and to vote no to any amendments which seek to strike sexual orientation from H.R. 3193.

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Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 3193.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield temporarily?

Mrs. KENNELLY. I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentlewoman for yielding.

Mr. Chairman, I would just like to have the RECORD show that it was the gentlewoman's initial legislation in another Congress that got the Subcommittee on Criminal Justice moving on hate crimes statistics and her support has never waivered. We are very delighted that she could be on the floor to receive the applause from this committee.

I thank the gentlewoman for yielding.

Mrs. KENNELLY. I thank the gentleman for his statement.

Mr. Chairman, I rise in strong support of H.R. 3193. I introduced a similar bill in 1985 which passed the House but later died in the Senate. I commend the Judiciary Committee for its wisdom in bringing this important issue up again.

Each year, many acts of violence and intimidation are motivated by race, religion, ethnicity, or sexual orientation. Unfortunately, we just don't know the extent of these acts because no comprehensive statistics are maintained. But as a society that prides itself on its diversity and tolerance, we need to find out.

This bill does just that. It requires the Justice Department to collect data on the incidence of crimes motivated by prejudice based on race, religion, ethnicity, or sexual orientation. Hate crimes are of a particularly dangerous nature, because while they may be aimed at a single victim, their effects can permeate a whole community.

Solid information on when, where, and how often such crimes occur is a first step toward preventing them.

Hate crimes, movitated by political, religious, and social intolerance, need to be distinguished from crimes motivated by other factors. It is important to document that cross burnings are more than "arson" and that swastikas painted on synagogues are more than "vandalism." An understanding of the incidence and nature of bias-motivated crime is essential for effective law enforcement efforts and policy formulation.

My State of Connecticut historically has collected data on hate crimes. The Commission on Human Rights later used the data to enact a law which increased the penalty for a crime by someone wearing a hood or mask in connection with an act of violence.

This bill is supported by a broad coalition of law enforcement, religious, and public interest organizations. I urge my colleagues to do the same.

The chairman of the subcommittee said that I had introduced this bill in 1985. I did so because there had been synagogue burnings in my district and also a rabbi's home was burned. We did not know if this was a crime of prejudice because we had no statistics.

Last week in a town near New Haven another synagogue burned, a swastika painted on its wall.

It is time this legislation was passed so this Nation can remain strong. We are strong enough to admit and to know what has happened.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the gentleman for bringing this bill to the House at this time.

Mr. Chairman, we can moralize about how detestable it is for someone to spray paint a swastika on a temple. How despicable for a family to be terrorized by a cross burning on their lawn. What an outrage it is that in 1988 organized terrorist groups such as the Ku Klux Klan are on the rise instead of being a shameful footnote in history.

Maryland was the first State to pass a data collection law on hate crimes back in 1981, and is now the home of the National Institute Against Prejudice and Violence. They report that 1 out of 5 minority persons experiences some form of victimization based on prejudice every year—and that's a conservative estimate. In 1981 there were 193 hate crimes reported to the State police. In 1987, that number rose to 445. And remember, that's just reported crimes. Who knows how many go unreported? I was alarmed to learn that in Maryland—where we keep track of hate crimes—the activity of hate groups has increased on junior and senior high school campuses. These groups are trying to pollute the minds of our young people while they are most impressionable.

It seems to be a characteristic of our modern society that we can't believe we have a problem until we have hard data—numbers to look at and chart from year to year. If it wasn't on the evening news then it didn't happen. But if we collected data on crimes committed against people because someone else resented their race, their religion, their sexual orientation, or their ethnicity—we would be armed with information—information that could be used as an alarm to give our communities the opportunity to start working to head off a problem before it became confrontational.

We can't sit by and watch our social fabric disintegrate. Crimes motivated by hate require the attention and response of all the moral and ethical people in our society.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a cosponsor of the Hate Crimes Statistic Act I rise in support of H.R. 3193. This legislation will direct the Department of Justice to collect and publish data through 1992 on crimes that are a result of prejudice based on race, religion, sexual orientation, and ethnicity. Collecting this data will provide previously undocumented information that should assist law enforcement officers and administrators in fighting such crimes. It is especially important to reiterate, that this bill does not expand the rights of any group of citizens. Instead it calls for the collection of statistics—data—in order that they may be protected equally under the law.

Mr. Chairman, I urge my colleagues to oppose the amendment to remove sexual orientation from this legislation. My home State of Minnesota has recently enacted law requiring such hate crimes data collection legislation which includes the category of sexual orientation. This measure passed both the Minnesota chambers by overwhelming margins. Like the measure before us today, it had the support of the State's leading law enforcement agents and all major religious groups. When the Governor signed the Minnesota crime statistics law, he did not sign legislation which extended new rights to any group. He signed legislation which simply requires the collection of data on crimes of bias, hate really that must be understood to be combated.

These laws and proposals such as the Hate Crimes Statistic Act, address the need for documentation of crimes of bias and surely should maintain the category of sexual orientation who are the victims of such crime. Legislation that ignores anti-lesbian/gay violence sends a message that attacks against lesbian and gay people are less reprehensible than crimes based on race, religion and ethnicity. Removing sexual orientation would reinforce the perception that violence against lesbian and gay people is not important or less important. That clearly is not the case in today or tomorrow.

Mr. Chairman, this proposal provides us with the information on which to base actions as necessary—we need to understand the problem and the crimes if we are to achieve solutions—how can we deny by amendment the information when significant fear and misunderstanding prevade our society, to remain blind to such incidents is really inappropriate.

Mr. Chairman, I again urge my colleagues to oppose this amendment and support H.R. 3193 in its present form.

Mr. RODINO. Mr. Chairman, I rise in support of H.R. 3193, the Hate Crime Statistics Act. Violence and harassment targeted at individuals solely because of their race, religion, sexual orientation, or ethnic origin threaten to tear apart the fabric of our society. This type of conduct demands a strong governmental response, one designed to discourage the perpetrators, provide support to the victims, and educate members of the affected communities. I believe that this legislation represents an important first step. It will lead us to a better understanding of the nature and scope of hate crimes and provide the basis for enactment of additional remedial legislation.

At present, little informaltion about hate motivated crime is being systematically compiled and made available to our Nation's law enforcement community. Police departments seeking to combat these offenses must speculate about the frequency and patterns of such crimes, and about the effectiveness of methods to solve or prevent them. The Hate Crime Statistics Act requires the Attorney General to collect and publish statistics, for a period of 5 years, on crimes which manifest prejudice based on race, religion, sexual orientation, or ethnicity. I believe that the Department, which, through the Federal Bureau of Investigation, already produces the Uniform Crimes Report, has the experience and resources needed to produce this data in an efficient and reliable manner.

The experience of States like Connecticut and Maryland, which already monitor hate crimes, demonstrates that data on these offenses can be helpful to law enforcement agencies. The Connecticut Commission on Human Rights used hate crime data to help enact a law which banned the wearing of a hood or mask in connection with an act of violence. The Maryland State Police collects data on incidents from each local and county police department and prepares reports on hate crimes which are submitted to the State Human Relations Commission. The data is also incorporated into the State uniform crime reporting system where it provides the basis for coordinated law enforcement strategies.

In my own State of New Jersey, our attorney general, W. Carey Edwards, recently issued a directive providing for the monitoring and recording of information on hate crimes as part of our States uniform crime reporting system. This action was taken as the result of growing public concern about an increase in the number of such incidents of violence and vandalism we have experienced. The data will be used to evaluate the progress of police and prosecutors in preventing hate crimes and assist with planning for the future.

A hate crime injures more than just the immediate victim; it threatens the free exercise of civil and constitutional rights by each of us. By devoting Federal resources to the collection of information about hate crimes, we will be demonstrating a strong national commitment to their ultimate elimination.

Mr. MATSUI. Mr. Chairman, I would like to thank my distinguished colleagues Mr. CONYERS, Mr. FISH, and Mr. RODINO for their dedication and hard work on this sensitive and truly tragic issue.

This Nation is facing an emerging pattern of violence motivated by racial hatred. A rising number of our constituents are being brutally victimized for no other reason than their race, religious heritage, or sexual preference.

To cite one example: the Los Angeles County Human Relations Commission recently reported that Asian-Americans were the victims of 14 percent of the hate crimes committed in 1985. That number almost doubled to 24 percent only 1 year later.

In the New York Times, the Los Angeles Times, and the Wall Street Journal, indepth stories have recently appeared documenting the growth of hate crimes. but despite the abundance of news accounts, only a fraction of the number of hate crimes are actually being documented.

Mr. Chairman, clearly this bill will not stop any crimes based on prejudice. But it will provide the statistical data needed by our law enforcement organizations to combat these types of activities. Hate crimes motivated by political and social intolerance must be distinguished from crimes motivated by other factors.

In looking for an appropriate response to this problem, we can begin by enacting H.R. 3193. As a nation, we must have comprehensive, accurate, and up-to-date statistics on the number of hate crimes committed in this country. We must know more about this despicable form of violence if we are to deal effectively with this tragedy. This bill is an excellent first step.

Mr. Chairman, no longer can we turn our heads to the growing number of hate crimes occuring on our streets by calling them "isolated incidents."

I urge you to support this legislation and encourage you to oppose any amendments that may weaken its scope.

Mr. LOWRY of Washington. Mr. Chairman, today the House of Representatives has an opportunity to take an important step in the battle against crimes of hate which are motivated by prejucide based on race, religion, ethnicity, or sexual orientation. This important legislation would direct the Justice Department to collect data on crimes of homicide, assault, robbery, burglary, theft, arson, vandalism, trespassing, and threats that are motivated by prejudice. The availability of this data will be a valuable tool for assessing the nature and extent of the problem.

It is extremely important that the House opposed efforts to delete data collection on hate crimes based on sexual orientation from the bill. A 1987 study by the National Institute of Justice noted that "the most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims."

Unfortunately, one of the sad byproducts of the current AIDS crisis, has been a rampant increase in the crimes directed against homosexuals or those perceived to be gay. In my own city of Seattle, I have been told of a dramatic increase in recent years in the incidence of both verbal and physical attacks against individuals who are perceived to be gay.

It would appear that some individuals with feelings of hostility toward homosexuals have somehow found justification in the AIDS crisis to express those feelings both verbally and physically. The AIDS crisis has arrived at a time when the gay and lesbian communities have become increasingly visible within our society. We can expect this visibility to continue to grow in the years ahead and, unfortunately, with it we can expect to see a continuing growth in verbal and physical attacks against gays and lesbians.

The Dorian Group, a Seattle gay and lesbian civil rights organization, recently participated in a nationwide study of some 2,100 gay and lesbian individuals. That study found that some 1 in 4 gay men and nearly 1 in 10 lesbians had been either punched, hit, kicked, or beaten simply because of their sexual orientation. More than 40 percent of those surveyed had been subjected to threats of physical violence.

The National Gay and Lesbian Task Force, in a soon to be released report, will document some 7,000 incidents ranging from harassment to homicide directed against individuals on the basis of their sexual orientation or the perception of their sexual orientation by assailants. This included 835 physical assaults.

If we are to combat cirmes based on hate, it is essential that we have access to data about such crimes and that the data not exclude persons whose sexual orientation has resulted in their being victimized by hate crime. The unamended passage of this bill is a small, but very important step in protecting the right of all of our citizens to live their lives free from crime.

I want to especially commend Chairman JOHN CONYERS for his continued leadership on this issue.

Mr. BRENNAN. Mr. Chairman, according to recent studies, a hate crime movement of increasing proportion is afoot in this country. Reports of the Anti-Defamation League of B'nai B'rith and the Center for Democratic Renewal both have found that hate violence is on the upswing, dramatically in some instances.

While such violence is directed at the individual victim, it also is intended as a statement against the community of which the victim belongs. Black, Jewish, and gay communities are frequent targets. I find the existence of this small-mindedness in our great Nation—the land of the free—to be shameful.

For this reason, I am pleased to see the House today vote on H.R. 3193, the Hate Crime Statistics Act. This bill provides for the collection of information on crimes motivated by prejudice on the basis of race, religion, sexual orientation, and ethnicity.

Despite the maturation of our society, our best efforts to eliminate this type of prejudice and the violence it spawns have been unsuccessful. I believe this is in part due to a lack of information about these crimes. As such, I am encouraged to see attention focused on the collection of this data.

Statistics such as these will help us reduce the incidence of hate crimes by alerting us to the frequency and location of this violence. Only then will we be able to target our law enforcement resources in those areas. These statistics also will allow us to reevaluate penalties to ensure that the sanctions imposed are an effective deterrent to the commission of these crimes.

The widespread support for this legislation makes clear one simple truth: Our civilization is far too advanced to tolerate continued violence based on hate and prejudice. Not only have numerous professional, religious, and political organizations endorsed H.R. 3193, but Atty. Gen. James E. Tierney of my home State of Maine and the attorneys general of 29 other States have expressed similar support. Below is their letter of endorsement:

DEPARTMENT OF THE ATTORNEY GENERAL,
Augusta, ME, May 17, 1988.

Congressman JOHN CONYERS, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CONYERS: As the chief legal officers of thirty States, we are writing to support H.R. 3193, "An Act to Provide for the Acquisition and Publication of Data about Crimes that Manifest Prejudice Based on Race, Religion, Sexual Orientation, or Ethnicity." This straightforward legislation would assist us in our efforts to stop violence against innocent victims in our society.

The need to compile statistical evidence about "hate violence" is undisputed. Every national indicator holds that violence against individuals based on their race, religion, sexual orientation and ethnicity is increasing. Statistical evidence is needed to mobilize our forces to attack the problem.

We believe the bill now before Congress does not preempt our traditional roles as chief legal officers. To the contrary, evidence obtained as a result of this bill's passage would help us fulfill our responsibilities. We urge full support for H.R. 3193.

Sincerely,

James E. Tierney, Attorney General of Maine; Hon. Robert M. Spire, Attorney General of Nebraska; Hon. Thomas J. Miller, Attorney General of Iowa; Hon. Jeffrey Amestoy, Attorney General of Vermont; Hon. Jim Mattox, Attorney General of Texas; Hon. Hubert H. Humphrey III, Attorney General of Minnesota; Hon. Frederic J. Cowan, Attorney General of Kentucky; Hon. John Steven Clark, Attorney General of Arkansas; Hon. Warren Price III, Attorney General of Hawaii; Hon. Charles M. Oberly, Attorney General of Delaware; Hon. Robert Abrams, Attorney General of New York; Hon. John Van de Kamp, Attorney General of California.

Hon. Joseph Lieberman, Attorney General of Connecticut; Hon. J. Joseph Curran, Jr., Attorney General of Maryland; Hon. Mike Greely, Attorney General of Montana; Hon. Stephen E. Merrill, Attorney General of New Hampshire; Hon. Don Hanaway, Attorney General of Wisconsin; Hon. James M. Shannon, Attorney General of Massachusetts; Hon. Robert Henry, Attorney General of Oklahoma; Hon. Robert Butterworth, Attorney General of Florida; Hon. Kenneth O. Eikenberry, Attorney General of Washington; Hon. Robert K. Corbin, Attorney General of Arizona.

Hon. Roger A. Tellinghuisen, Attorney General of South Dakota; Hon. W.J. Michael Cody, Attorney General of Tennessee; Hon. Frank J. Kelley, Attorney General of Michigan; Hon. Charlie Brown, Attorney General of West Virginia; Hon. Linley E. Pearson, Attorney General of Indiana; Hon. Neil F. Hartigan, Attorney General of Illinois; Hon. Anthony J. Celebrezze, Jr., Attorney General of Ohio; Hon. James E. O'Neil, Attorney General of Rhode Island.

Mr. BONKER. Mr Chairman, I rise to express my support for H.R. 3193, the Hate Crimes Statistics Act. It is a tragic commentary on our society that such legislation is necessary. But I strongly believe that we need more information about this type of crime, and that is why I am a cosponsor of this bill.

The legislation confronts the sad fact many people in this country are targeted for hatred and violence merely because of the color of their skin, ethnic background, sexual preference, or religious beliefs. People in the Pacific Northwest were shocked into this realization by the terrorist activities of a group of neo-Nazis several years ago, and by several incidents since then.

Currently the Federal Bureau of Investigation publishes annual statistics on violent and property crime in this country. However, we do not have comprehensive data on the type and number of crimes motivated by hate or bigotry. This legislation would require the Justice Department to collect statistics on the incidence of certain crimes that manifest prejudice based on ethnicity, race, religion, and sexual preference.

Data gathered under this measure could be used only for research and statistical purposes. We also insure that the reports would not contain information that might reveal the identity of victims.

The gentleman from Pennsylvania is asking that we eliminate the requirement that data be collected on crimes that demonstrate prejudice based on sexual orientation. I urge the Members of the House to vote against the Gekas amendment. We cannot tolerate violence against any segment of society. To approve this amendment would send a signal that violence against homosexuals is somehow of less significance than that which is perpetuated against other people.

It is just as callous to argue that harassment and acts of violence against gays and lesbians are not a sufficient magnitude to warrant study. Granted, we do not have a good sense of the number of men and women who are mugged or beaten every year in this country because of their sexual preference. That is exactly why sexual orientation must be included in this bill.

It would be naive to say that gays and lesbians are not routinely subjected to verbal and physical assualts. One 1984 study involving eight major U.S. cities found that more than 95 percent of the gay men and more than 90 percent of the lesbians responding said they had been beaten, harassed, or threatened because of their sexual preference. A pluralistic society cannot tolerate this type intimidation. Passage of the Hate Crimes Statistics Act is an important first step toward understanding hate crimes in America. We can then more effectively act to prevent them.

This bill will not put an end to prejudice. It would not have prevented the recent death of a young black man at Howard Beach. It will not insure that a synagogue will never again be defaced by swastikas. However, passage of this legislation will allow us to monitor the incidence of hate crimes, to illuminate patterns, and better equip policymakers and law enforcement officials to respond to bigotry in our society. Mr. Chairman, I urge passage of the Hate Crimes Statistics Act with no weakening amendments.

Mr. DYMALLY. Mr. Chairman, I rise in support of H.R. 3193, a bill introduced by Mr. CONYERS, of which I am a cosponsor, and in opposition to the amendment offered by the gentleman from Pennsylvania.

H.R. 3193 requires the Justice Department to compile and publish annual data on crimes of bias or hate, including homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threats, and such other crimes as the Attorney General considers appropriate.

The bill was introduced in response to a growing wave of bias-motivated crimes against certain groups of Americans. Members of these groups, including blacks, Jews, and homosexuals, increasingly have become the victims of hate groups such as the Ku Klux Klan and neo-Nazi organizations.

This is in a climate of retrogression and under an administration with an abysmal record on civil rights. Their record in so bad that Justice Thurgood Marshall recently felt compelled to break the traditional silence and speak on this issue.

Mr. Chairman, Mr. GEKAS has offered an amendment which would delete "sexual orientation" from the crimes covered in this bill. I wonder what he is saying to us by doing this. Is he saying that bias-motivated crimes must be condemned when the victims are black or Jewish, but condoned when the victim is gay or lesbian? Or is he saying that the category of crimes does not occur?

I urge him to read reports of the National Gay and Lesbian Task Force which show 100-percent increase in crimes against lesbians and gays from 1985 to 1986.

Also, I would like to call Mr. GEKAS' attention to an important fact. This bill does not endorse or provide special rights to any group of citizens. It merely aims to collect anonymous statistics on hate crimes.

Mr. Chairman, the very nature of these crimes calls for the gathering of reliable statistics. By so doing, the authorities will be able to know the geographical extent and numerical frequency of hate crimes.

Official data are needed to develop an appropriate official response. This is an important bill which deserves our consideration and deserves speedy passage.

Therefore, I urge my colleagues to oppose the amendment offered by Mr. GEKAS.

Mr. DEFAZIO. Mr. Chairman, violent acts and harassment against racial and ethnic minorities, members of certain religious organizations, and those within the gay and lesbian community have increased dramatically. Yet, the Federal Government refuses to recognize the severity of these attacks by maintaining national statistics.

Law enforcement agencies need to know the geographical extent and frequency of hate crimes in order to promote an appropriate response.

In a report sponsored by the National Institute of Justice it was noted that "the most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homesexuals are probably the most frequent victims." In 1986 there were 4,946 incidents of hate crimes motivated by sexual orientation.

It is time for Congress to take a stand against any hate violence. We must also send a message that antigay violence is no less reprehensible than crimes against racial, ethnic, or religious groups.

All Americans should be free from violence, especially violence motivated because of bias. I urge my colleagues to vote for this bill without any weakening amendments.

Mr. MOODY. Mr. Chairman, today the Congress is considering H.R. 3193, the Hate Crimes Statistics Act. I am a cosponsor of this important bill which would require the Department of Justice to collect and publish annually statistics on crimes motivated by the victim's race, religion, ethnicity, or sexual orientation.

It's unfortunate that these "hate crimes" are still a part of the lives of so many Americans. For a country founded on the principle of equality and formed by immigrants who fled persecution in their homelands, we have too many crimes motivated by prejudice. Just one of these crimes is simply too many.

Despite advances in civil rights, we still witness attacks on blacks and other minorities such as the case in Howard Beach, NY. The growing Klan and neo-Nazi groups spew racial and religious hatred and organize for the sole purpose of violating their victims' civil rights. According to the bill's sponsor, Representative JOHN CONYERS, of Michigan, the Anti-Defamation League of B'nai B'rith has found that rightwing extremists committed more hate crimes during the past 3 years than in the previous 20 years combined.

Unfortunately, no one bill can stop these crimes. However, the Hate Crimes Statistics Act will document the prevalence of these crimes and enable us to analyze where and why these crimes are being committed. This anonymous database will be an invaluable tool in understanding these crimes and, I believe, in finding a way to take decisive action to stop them.

We live in a nation which holds self-evident the simple truth that all people are created equal. Unfortunately, some dangerous people do not abide by this truth and they are using violence and criminal means to understand it. It is time that we document where these hate crimes are occurring, who is the target, who is committing them, and why they are happening. We will then be better able to stop them.

I urge my colleagues to join me in supporting this important bill.

Mr. BIAGGI. Mr. Chairman, I wish to express my absolute support of the bill H.R. 3193, the Hate Crime Statistics Act of 1988. I consider it essential that we begin to address the disturbing increase in so-called hate crimes by having the Department of Justice to collect and publish relevant statistics which detail against which groups and where these acts are being committed.

My association with this issue dates back to 1981, when I introduced the first piece of legislation designed to combat hate crimes. At that time I offered a two part approach to the problem. First, a process for a national study of the incidence of hate crimes, as is proposed in H.R. 3193, was outlined. Next, penalities for those persons convicted of these heinous crimes were established. Although H.R. 3193 completes the important first step, we must go further to require swift and certain penalities, to punish those who commit these crimes.

Hate crimes, as I have mentioned, have been occurring with alarming frequency against racial and ethnic groups and religious persons and property. One organization that has compiled statistics for hate crimes involving antisemitism is the antidefamation League of B'Nai Brith. Their report for 1987, which I referred to in the January 27 CONGRESSIONAL RECORD, indicated that there were 1,018 incidents of antisemitism in this country. This number reflects a rate of more than two incidents a day for the entire year. These incidents include threats, assaults and harassment of Jews and vandalism committed against Jewish property and institutions. Acts of vandalism occurred at a ratio of 2 to 1 to other types of hate crimes. New York State led the Nation with 207 incidents of antisemitic violence.

This is only one example of the violence directed at racial and ethnic groups and religious personnel in communities throughout the Nation. We must address this issue as a Federal crime issue. We cannot and should not expect State and local governments to shoulder the burden of fighting hate crimes. The resources of the Department of Justice must be employed to compile statistics to target where and how often these crimes occur. Once this information is gathered, further resources should be provided to aid in the fight against hate crimes.

I wish to commend the author of this legislation, my good friend JOHN CONYERS for his extraordinary leadership on this issue. I also commend my colleague Mr. GLICKMAN who has been stalwart in this fight. I am especially pleased with the active support this legislation has received from the law enforcement community at all levels. At this point in the RECORD, I wish to insert a letter of support of this bill prepared by my friend, the distinguished police commissioner for the city of New York, Mr. Benjamin Ward.

THE POLICE COMMISSIONER,
City of New York, March 17, 1988.

Hon. PETER RODINO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE RODINO: As Police Commissioner of New York City, and as a board member of the National Institute Against Prejudice and Violence, I am writing to urge your support of H.R. 3193/S. 2000, the Hate Crimes Statistics Act. This bill would require the Justice Department to compile and publish annual data on crimes motivated by prejudice against a person because of race, ethnicity, sexual orientation, or religion. Bias crimes pose a serious problem in New York City and throughout the country. If we are to understand the nature of these crimes, and if we are to deal effectively with them, we need a national census of reported hate crimes.

As Police Commissioner of such a large and diverse city as New York, I am committed to protecting the rights of all persons to be free from bias crime. Bias crime is of a particularly grotesque nature, because while it may be aimed at an individual victim, the effects can permeate a whole community. Such crimes, whether harassment, terrorism, or assault, tear the links between New York's diverse communities, and may lead to a city-wide atmosphere of tension and fear. Yet our ability to deal with this heinous variety of criminal activity is seriously impaired by the lack of official, comprehensive, uniform, timely (and confidential) data. An understanding of the incidence and nature of bias-motivated crime is essential for effective law enforcement efforts and policy formulation.

The compilation of hate crime statistics is both necessary and feasible. I urge you to support H.R. 3193/S. 2000.

Sincerely,

BENJAMIN WARD,
Police Commissioner.

Mr. MINETA. Mr. Chairman, I rise in strong support of this vital piece of legislation.

Few incidents are as appalling, or as antithetical to the rights and freedoms on which our Nation rests, as are acts of violence and harassment fueled by hatred.

I am concerned over what appears to be a growing trend of hate crimes. With frightening regularity, I hear of terrifying anecdotes of people who are assaulted or harassed simply because of their race, religion, sexual preference, or ethnic group.

The May 9 issue of the Los Angeles Times included a story headlined, "A New Bigotry Ripples Across U.S. Campuses." This troubling article detailed ugly racial incidents at even so-called progressive campuses.

In March, a Chinese-American man in Portland was beaten by three youths as they shouted racial epithets at him.

Jersey City, NJ, is suffering from a rash of violent incidents and vandalism against Americans of Indian ancestry. One person has been killed. These attacks may be related to a group called the "Dotbusters." Their name is apparently in reference to the red dot worn on the forehead by Hindu men and women.

Right now, in Bucks County, PA, a murder trial is underway. According to police, two men slit the throat of man they had met because they decided that he was homosexual.

I can list many, many more incidents. For Americans of Asian ancestry, these attacks are especially frightening. In addition to the terror and intimidation such assaults create, they also personify the barriers to full acceptance into American society still facing Americans of Asian ancestry. I have heard of Cambodian-Americans being assaulted in Massachusetts; of Vietnamese-Americans being harassed in the gulf coast States. This problem truly stretches from sea to sea.

We don't know if these incidents are indeed proof of a burgeoning trend of hate crimes, because the Justice Department does not currently collect data on these crimes.

The first step in stopping these vicious attacks is to know the scope of the problem. That is why the Hate Crimes Statistics Act is necessary.

In addition, the general public and, especially, the law enforcement community, must be more aware of such attacks and their heinous nature.

Passage of this legislation will also make a statement that this body does not condone these despicable acts and will not tolerate an environment where such crimes are ignored or shrugged off.

Mr. Chairman, let us help our law enforcement agencies to better tackle the terror of hate crimes by giving them some basic tools. Let us go on record stating, unequivocably, that this body will not tolerate or condone crimes fueled by racism and bigotry. We must say clearly that hate violence will not be tolerated.

I urge you to support H.R. 3193.

Mr. OWENS of New York. Mr. Chairman, I rise in strong support of the Hate Crimes Statistics Act (H.R. 3193).

The Systematic collection of detailed, nationwide data concerning the extent and nature of hate crimes in this country is of great significance to the ongoing struggle against racism and other forms of bigotry in the United States. The sporadic, fleeting spotlight this problem generally now receives would be replaced with consistent, sustained attention to the issue, fostering both more long-term and more meaningful efforts to confront and combat bigoted violence in our communities. Patterns can be identified; priorities for action can be established. The pressing need to enhance and add to the arsenal of legal weapons available to prosecute the perpetrators of hate crimes will be given a vital, new sense of urgency.

Perhaps most importantly, the collection of detailed statistics about hate crimes would serve as a crude barometer of racism and bigotry pulsing through our society, forcing all of us to begin facing and responding to some unpleasant truths about life in America today. It is convenient, but less than accurate, to regard hate crimes as aberrant and unusual behavior. Certainly, we have progressed beyond the neanderthal age of festive lynching parties and most Americans now respond to acts of racial violence with sincere shock and outrage. But hate crimes are not committed in a vacuum. No baby is born with "nigger" or "kike" on his lips; no baby is born with hate in his heart. Bigotry is learned, not innate.

About 100 years ago in his essay "Disgraceful Persecution of a Boy," Mark Twain made this point by mounting a tongue-in-cheek defense of a child whose arrest for hurling stones at Chinese immigrants was widely hailed in San Francisco newspapers at the time. The stone throwing was terrible and should be punished, Twain agreed, but the hypocrisy of the media and San Francisco society was just as, if not more, offensive as anything the child had done. After surveying all of the official and unofficial forms of bigotry and abuse which San Francisco society routinely directed against the Chinese at the time, Twain noted that:

> The boy found out that a Chinaman had no rights that any man was bound to respect; that he had no sorrows that any man was bound to pity, that neither his life nor his liberty was worth the purchase of a penny when a white man needed a scapegoat; that nobody loved Chinamen, that nobody befriended them, nobody spared them suffering when it was convenient to inflict it; everybody, individuals, communities, and the majesty of the State itself, joined in hating, abusing, and persecuting these humble strangers * * * Everything conspired to teach him that it was a high and holy thing to stone a Chinaman, and yet he no sooner attempts to do his duty than he is punished for it.

Twisted, venal thugs like Jon Lester of Howard Beach and others who engage in bigoted violence must be held responsible for their actions and must be prosecuted and punished to the full extent of the law. But vigorously acting against the Jon Lesters of our communities must never, as it did with Twain's "persecuted" boy, be allowed to become a convenient substitute for the more painful task of identifying and acting against the bigotry, the hate, the mistrust among peoples, that exist in society as a whole. Not only when it is violent, not only when it is obvious, but always and in all its myriad forms, bigotry must command the attention and concerted action of all Americans.

The Hate Crimes Statistics Act will give new focus and new impetus to that necessary task and should receive our unanimous support.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 4 minutes.

Mr. CONYERS. I thank the Chair.

Mr. Chairman, I would close by bringing to the membership's attention the letter that I just received yesterday from the chief legal officers, that is the attorneys general of 30 States who write in strong support for H.R. 3193. They say that this straightforward legislation will assist them in efforts to stop hate violence against innocent victims in our society and that every national indicator from their point of view holds that violence against individuals based on race, religion, sexual orientation, and ethnicity is increasing.

This bill will help them fulfill their responsibilities.

At the appropriate time I will offer this letter in the RECORD:

DEPARTMENT OF ATTORNEY GENERAL,
Augusta, ME, May 17, 1988.

Congressman JOHN CONYERS, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CONYERS: As the chief legal officers of thirty States, we are writing to support H.R. 3193, "An Act to Provide for the Acquisition and Publication of Data about Crimes that Manifest Prejudice Based on Race, Religion, Sexual Orientation, or Ethnicity." This straightforward legislation would assist us in our efforts to stop violence against innocent victims in our society.

The need to compile statistical evidence about "hate violence" is undisputed. Every national indicator holds that violence against individuals based on their race, religion, sexual orientation and ethnicity is increasing. Statistical evidence is needed to mobilize our forces to attack the problem.

We believe the bill now before Congress does not preempt our traditional roles as chief legal officers. To the contrary, evidence obtained as a result of this bill's passage would help us fulfill our responsibilities. We urge full support for H.R. 3193.

Sincerely,

James E. Tierney, Attorney General of Maine; Hon. Robert M. Spire, Attorney General of Nebraska; Hon. Thomas J. Miller, Attorney General of Iowa; Hon. Jeffrey Amestoy, Attorney General of Vermont; Hon. Jim Mattox, Attorney General of Texas; Hon. Hubert H. Humphrey III, Attorney General of Minnesota; Hon. Frederic J. Cowan, Attorney General of Kentucky; Hon. John Steven Clark; Attorney General of Arkansas; Hon. Warren Price III, Attorney General of Hawaii; Hon. Charles M. Oberly, Attorney General of Delaware; Hon. Robert Abrams, Attorney General of New York; Hon. John Van de Kamp, Attorney General of California.

Hon. Joseph Lieberman, Attorney General of Connecticut; Hon. J. Joseph Curran, Jr., Attorney General of Maryland; Hon. Mike Greely, Attorney General of Montana; Hon. Stephen E. Merrill, Attorney General of New Hampshire; Hon. Don Hanaway, Attorney General of Wisconsin; Hon. James M. Shannon, Attorney General of Massachusetts; Hon. Robert Henry, Attorney General of Oklahoma; Hon. Robert Butterworth, Attorney General of Florida; Hon. Kenneth O. Eikenberry, Attorney General of Washington; Hon. Robert K. Corbin, Attorney General of Arizona.

Hon. Roger A. Tellinghuisen, Attorney General of South Dakota; Hon. W.J. Michael Cody, Attorney General of Tennessee; Hon. Frank J. Kelley, Attorney General of Michigan; Hon. Charlie Brown, Attorney General of West Virginia; Hon. Linley E. Pearson, Attorney General of Indiana; Hon. Neil F. Hartigan, Attorney General of Illinois; Hon. Anthony J. Celebrezze, Jr., Attorney General of Ohio; Hon. James E. O'Neil, Attorney General of Rhode Island.

Only this morning in today's Post we learned that the life of one of the presidential candidates, Rev. Jesse Jackson, was threatened by persons connected with an extremist group known as The Order.

He was targeted apparently reportedly because he, as a black man, was getting too close to becoming the President.

The Secret Service made arrests in that case.

These threats, unfortunately, will continue. But we need to be able to document for the first time in an accurate and organized way this very disturbing character of crimes.

This bill does not create an additional criminal law. All it does is mandate the Department of Justice to add in their compilation of statistics a hate crime statistics category which would cover racial victims, religious victims, ethnicity victims and sexual orientation victims.

Mr. Chairman, I deeply appreciate the widespread testimony and support from Members of this body and urge the very speedy passage of this measure, first introduced in the 99th Congress, without amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) IN GENERAL.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1988 through calendar year 1992, data on the incidence of criminal acts that manifest prejudice based on race, religion, sexual orientation, or ethnicity. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

(b) LIMITATION ON USE AND CONTENT OF DATA.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(c) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this Act.

The CHAIRMAN. Are there amendments to section 2?

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS:

On page 2, line 11, delete ", sexual orientation,".

Mr. GEKAS. Mr. Chairman, the amendment is, in legislative terms, a very simple one. It simply strikes sexual orientation from the covered classes of the original legislation, one which I repeat was added at the instance of groups who requested it be added in the 100th Congress after a similar bill had been passed in the 99th Congress.

I want to speak to that point for just a moment. The chairman of the subcommittee very pointedly explained why such orientation was added to this present bill where it did not appear in the first bill that we passed in the 99th Congress. He took pains to explain that it was requested, it was the subject of a request made presumably by the gay rights and lesbian rights groups to have it included.

If the gentleman from Michigan would acknowledge it, I would submit to you that groups of the elderly, our elderly citizens, groups who are interested in the victimization of children under the vicious child abuse cases that come to our attention daily in the newspaper, daily on the screen, in law enforcement groups like the police, who are banded together to ask for continued protection of their rights would request the same, I am sure, that the gentleman would feel the same kind of compassion for these groups as he did for the gay rights or lesbian rights groups that implored the inclusion of their particular interest in this bill.

□ 1320

I, who am, 58 years old, would join in that request, because if I have not already reached the senior citizen status, I soon will have, and I would request the subcommittee chairman to have a hearing specifically on the inclusion in this bill of statistics as to crimes against the elderly which are often based on passion and hate.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I will yield, if the gentleman will grant a unanimous consent request to extend my time later.

Mr. CONYERS. Mr. Chairman, let me just say that I strongly object to the gentleman classifying himself as a octogenarian or as a member of one of the elderly groups. I know of his vigor, his energy, and his activity, so I think that would be erroneous, even coming from the distinguished ranking member of the subcommittee.

Mr. GEKAS. Mr. Chairman, the standard of energy I have is exceeded only by that of my mother, who is an octogenarian.

So if the only criterion is to have the gay rights organization have its request acceded to by inclusion in that, I say to the Members that the gentleman should join with me now in a motion to recommit, to put this bill back into committee and allow the inclusion in this bill of statistics to be gathered on the incidence of child abuse, of attacks on the elderly, attacks on policemen, and attacks on other groups which might for one reason or the other be the victims of such types of crimes.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Mr. Chairman, will the gentleman join in a unanimous-consent request later to have my time extended?

Mr. FRANK. I will refrain from objecting.

Mr. GEKAS. That is the most conditioned response the gentleman has ever made to parliamentary procedure. I thank the gentleman for that.

Mr. FRANK. Mr. Chairman, I thank the gentleman from yielding. It is funny that he should mention parliamentary procedure, because I was going to point out that there is no need to recommit this bill to do what the gentleman from Pennsylvania suggest. He could simply offer amendments. It is an open rule. The bill is open to any germane amendment. If the gentleman wishes to do that, he could offer an amendment. There is no reason to recommit the bill.

Mr. GEKAS. Will the gentleman join me in that?

Mr. FRANK. In some of them, I will, although I wish the gentleman would give me advance notice, if the gentleman wants to add a couple of groups.

Mr. GEKAS. I am giving the gentleman more notice now, I say to the gentleman from Massachusetts, than we have had in many different instances.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I would say that we are aptly prepared to cooperate with a simple amendment such as that.

Mr. FRANK. Mr. Chairman, if the gentleman is prepared to withdraw this one and offer a couple of add-ons, I would be glad to join with him.

Mr. GEKAS. The amendment now has to be debated on its own. When the time comes, I am willing to join in adding on others.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK. If the gentleman is defeated now, then he would want to do that, and he would be willing to do that, but if the gentleman would withdraw this one, it does not have to be voted on. This could be withdrawn by unanimous consent. We have already been in the unanimous-consent spirit. We would give the gentleman unanimous consent to withdraw it, and then we could offer some add-ons instead.

Mr. GEKAS. At this moment, I am the manager of the ballgame, and the gentleman can offer his extra inning later. At this moment, though, the point is my amendment, and the point is that child abuse, attacks on the elderly, and attacks on policemen are kinds of victimization that run rampant in our society and deserve as much recognition as sexual orientation, and none of them, including sexual orientation, deserve the status of attacks made on the basis of religion, ethnicity, or race, which was the original concept of this legislation and which is the thrust of this bill with the add-on of sexual orientation.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

(By unanimous consent, Mr. GEKAS was allowed to proceed for 5 additional minutes.)

Mr. GEKAS. Mr. Chairman, on the other thing, we have to repeat, because I can never make it clear enough, I know from experience now, what this bill is not, what this bill or what my amendment is not. It is not a signal to law enforcement not to do anything about gay bashing. On the contrary, I repeat, as I did in my opening remarks in general debate, that I, as every right-thinking citizen in the United States, grope for and hope for and aspire to that day when the victim of any crime is accorded the fullest protection of law enforcement in his favor from the arrest of and the prosecution of and the sentencing and incarceration of the perpetrator of any crime against any of our citizens. And the victim who happens to be gay is not going to receive any less attention under my theory and my comprehension of the law than any other person.

That has to be made abundantly clear, and I will resent in advance any kind of connotation that is made or any that has already been made that this Member is proceeding because he wants to relegate gays to a less protected segment of our society. That is not the case.

This is a narrow, nonlaw enforcement bill having to do with the gathering of statistics, and what we are about is to elevate the status of a gay rights group that has requested it, so that it may be placed in this category, along with religion and race and ethnicity. So why not accord the elderly and the child abuse victims and others the same privilege?

Mr. Chairman, I ask for unanimous approval of my amendment.

PERFECTING AMENDMENT OFFERED BY MR. MILLER OF WASHINGTON

Mr. **MILLER** of Washington. Mr. Chairman, I offer a perfecting amendment to H.R. 3193.

The Clerk read as follows:

Perfecting amendment offered by Mr. MILLER of Washington: On page 2, line 11, strike "sexual orientation" and insert in lieu thereof "homosexuality or heterosexuality".

On page 2, after line 15, insert the following new subsection: Nothing in this Act creates a right for an indiviudal to bring action complaining of discrimination based on homosexuality.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry, and this will not delay it unduly.

I would ask this parliamentarily: As I understand it, a perfecting amendment such as the one being offered now would, if adopted, end the portion of this proceeding that is encompassed by my amendment; is that correct?

The CHAIRMAN. The gentleman is correct. If the perfecting amendment is adopted, there will not be a vote on the motion to strike.

Mr. GEKAS. Mr. Chairman, I understand that. That is what gives me pause, and that is why I say to the gentleman that I have to reserve now the decision as to whether or not I can support, even though it is well intentioned, that particular so-called perfecting amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] may be recognized at a later time. The gentleman from Washington [Mr. MILLER] is now recognized for 5 minutes in support of his perfecting amendment.

Mr. **MILLER** of Washington. Mr. Chairman, I offer this amendment because I think the gentleman from Pennsylvania and others have expressed a concern about the elevation or the creation of rights for gay groups that do not exist for other groups.

My amendment would make clear that whether we agree or disagree, whether we support or do not support such antidiscrimination rights, no such rights are created in this hate crime statistics bill.

I believe with this perfecting amendment, Mr. Chairman, that we have a chance to put this issue to rest and pass what is basically a good bill, legislation that will require the Justice Department to collect data on the incidence of a variety of crimes. We need this information. It will help local jurisdictions solve these crimes and hopefully prevent their recurrence. What is true for all criminal acts is also true for hate crimes; the more light we shed, the harder we make it for criminals to hide in the darkness. That is just good police work. I think that is why the letter was cited by the gentleman from Michigan stating that this legislation has the support of over half the attorneys general of the United States, including the attorney general of my own State of Washington.

In the Puget Sound area we have had a number of experiences with these groups. One of them is the Aryan Nations, which was involved in some violent acts and was the subject of a long criminal trial. When groups such as this commit hate crimes against individual Americans, they strike out against America and they tear at the cultural fabric that binds us together, at the constitutional shield that protects us all.

□ 1330

Unfortunately, far from being isolated, rare occurrences, according to the Anti-Defamation League of B'nai B'rith there have been more hate crimes committed during the last 3 years than there were in the past 20 years. I am sorry to say that. Credible, but scattered, reports put the number at 3,000 such incidents between 1980 and 1986.

Mr. Chairman, this is a dangerous trend. It is dangerous to gay people who have suffered more particularly because of the AIDS threat. It is dangerous to Jews, Hispanics, Arabs, Asians and African Americans who are often the target of hateful acts, and it is dangerous to the American community.

We can reverse this trend. The first step is to lift the rock, to shine the light in the corner, to gather as much information as we can about this threat to our Nation.

Mr. Chairman, I urge the passage of this perfecting amendment to make clear that we are not conveying special rights or privileges on any one group, but that we do want to collect hate crime statistics, and we want to get on with the job.

Mr. **CONYERS**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I might compliment the gentleman from Washington [Mr. MILLER] on his perfecting amendment, and I hope that it will gain the attention of the gentleman from Pennsylvania. I just want to add a couple of points.

First of all, the attorney general from Washington was one of the signatories of the letter. He, too, is a Republican and is typical of the bipartisan support that the law enforcement officers are giving to this proposition, and I think that the gentleman advances our description in 3193 immeasurably by removing sexual orientation and replacing it with homsexuality or heterosexuality and also a provision that carefully explains that H.R. 3193 does not create an additional cause of action.

Mr. Chairman, I urge the ranking minority member of the Subcommittee on Criminal Justice to consider this, withdraw his objection, and I think we will have accomplished a diplomatic victory for parties on all sides.

Mr. Chairman, I yield to the gentleman from Washington [Mr. MILLER] if he has a comment.

Mr. **MILLER** of Washington. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] and we are discussing the subject he raised over here. Maybe we can resolve this.

Mr. **CONYERS**. Mr. Chairman, I might say further that putting in this phrase I think will increase our understanding of the scope and nature of hate crimes. I really think that we are going to find out that there are perpetrators of these antigay crimes that also commit racial and religious crimes, and so this category is going to be very helpful, and the gentleman's approach to it is a distinct improvement. Again I congratulate him and urge that we accept the perfecting amendment of the gentleman from Washington [Mr. MILLER].

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEKAS. Am I given to understand that an amendment to the perfecting amendment, which would add another class of protected individuals or segments of society, would not be germane? We have a preliminary indication that that is the way the Parliamentarian felt.

The CHAIRMAN. The Chair would have to see the amendment, if proposed. At this point there is before the Committee of the Whole only the perfecting amendment relating to sexual orientation.

Mr. GEKAS. Until we prepare such an amendment, Mr. Chairman, then I move to strike the requisite number of words.

Mr. **GEKAS**. Mr. Chairman, as the amendment now stands, it is simply an artful substitute that is to add the word "homosexuality" instead of "sexual orientation." It is six of one and a half a dozen of the other. That in itself does not compel me, or unconvince me or deconvince me that my amendment is in order. What it does is very artfully say my amendment prevails and then loses all in the same breath.

Substituting homosexuality does not cure the situation. It still raises the homosexual to a level with religion and with race and with ethnicity while it does not do the same for being elderly or being a victim of child abuse or being a police officer as the victim of crimes, et cetera.

What I am contemplating right now as I am speaking, whereof I am speaking, even as I speak, is to add an amendment later, if this one should pass which I oppose, to add victims of child abuse, police officers, the elderly, et cetera.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I would just like to observe that in the committee hearings that preceded the presentation of this bill to the House there was an adequate amount or an abundant amount of testimony that there exists in the land prejudice and hate-motivated crimes which were motivated by prejudice toward individuals for being what they innately are.

Now the gentleman from Pennsylvania [Mr. GEKAS] is suggesting that we ought to include in this provision an amendment which would include people who are old, people who fall into other categories, and my question for each of the categories which the gentleman is raising a category about is: If there was testimony before the committee that indicated that there were crimes being carried out against people simply because they were old people, that is because they fall into a particular category. I do not remember any testimony like that.

Mr. GEKAS. Mr. Chairman, if I can recapture my time, perhaps the gentleman from Texas [Mr. BRYANT] was not present when the gentleman from Michigan [Mr. CONYERS] outlined that part of the reason that we have this in the bill today is because the gay rights organizations and others testified or requested that it be included. I submit to the gentleman from Texas that, he back in his jurisdiction and I in mine can, if we ask, find that there is a ready willingness on the part of the elderly groupings to come before our group to testify as to crimes against the elderly, to hate crimes against the octogenerians and people who are interested in the vicious crime of child abuse, to have them testify, et cetera. And that is when I said to the gentleman from Michigan, as I say to the gentleman from Texas now, if he believes that the only reason that they are not included is because they did not request it, we did not give them the opportunity to do so, and we ought to be recommitting this bill, if that would parliamentarily possible, or apparently I am parliamentarily wrong every step of the way here, and the gentleman from Texas can join with me in bringing to our attention, and for hearings and for testimony the groups of elderly, victims of child abuse, police officers who suffer the indignities of those who would call them pigs and attack them out of pure hate for the uniform. And then the gentleman from Texas would realize that not having requested it does not mean that they would not. We never gave them the opportunity to do so.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Mr. Chairman, I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I certainly want to make the point that it would be quite, I think, acceptable to do a study on the extent to which there are criminal acts that are carried out against old people, and I would be quite happy to go along with an amendment that did only that, but the point is this:

We are dealing here with a category of crimes which are carried out against people because they are who they are, not because they happen to be just anyone who is in a particular profession or a person who is advanced in age. These are crimes carried out against people because of their religion, because of their race, and because of who they are, and that is quite a different category than the universally inclusive category which the gentleman from Pennsylvania [Mr. GEKAS] proposes to offer.

Mr. GEKAS. Mr. Chairman, reclaiming my time, a police officer is attacked because of the nature of his uniform and because of what they are, police officers. They do not even inquire as to the race, religion, or background, or even the sexual orientation of the policemen. They attack the officer out of hate and ridicule, and so that argument is one which simply prompts me and underscores my argument that sexual orientation is a new phenomenon for the purposes of this bill that came forward because a group requested it.

Mr. Chairman, what I am saying is that we should take all these other groups, including sexual orientation, and treat them separately if the original intent of this was to get at the swastika symbols or synagogues and the white cross burnings in front of a church, et cetera.

Mr. SWINDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset let me state that I opposed this bill at both the subcommittee and full committee level because of my concern about differentiating between two potential purposes of this legislation. One purpose is the ostensible purpose, which is to state that this Congress wants to go on record opposing any crime that is directed at a targeted group of individuals simply because of who they are.

□ 1340

I would say that the gentleman from Texas and I have a disagreement when he states that because they are innately who they are, I think that gets into an argument that we need not argue here.

My point is that that needs to be separated from another area of legislation that has now been put into the hopper, and I think we will debate on other dates with respect to exactly what type of legal status individuals who are homosexuals ought to be recognized in the context of our laws. Specifically, I am talking about elevating homosexuals to a level that they may not be discriminated against by private employers. That would be title VII type legislation.

I opposed the bill in the full committee because: First, I thought the term "sexual orientation" is on its face an ambiguity. It could very easily, I believe, be construed to include negrophilia. It could be construed to include child molestation. It could be inclusive of many things far beyond the scope of what I believe the evidence in the committee and full committee focused on.

For that reason, I for one support the change of the wording "sexual orientation" to the more specific language of homosexuality or heterosexuality.

I further support the language that states that in no way is this to be construed so as to give rights that do not currently exist; specifically, the right to complain of discrimination based on homosexuality. I believe that is an argument that could be reserved for another date.

I would, however, like to engage the gentleman from Massachusetts, the chairman of the Administrative Law Subcommittee, with whom I have had the pleasure of serving, just to state on the record some of my concerns to make certain that this bill does not in any way encroach on a debate that I think is more appropriate when we get into the issue of expansion, perhaps, of rights.

Specifically, let me ask the gentleman from Massachusetts, is it the intent of this legislation in any way to create any new causes of action with respect to homosexual activities or homosexuals, if you will; and further, does it in any way suggest that this Congress is promoting or condoning homosexuality?

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SWINDALL. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman from Georgia, Mr. Chairman, as an excellent attorney whose advice we benefit from often on the Judiciary Committee. He has correctly divided these issues.

I think he correctly points out that there is a way for the Congress to deal with them separately.

I think the amendment of the gentleman from Washington, which really grows out of conversations with the gentleman from Georgia participated in, allows us to do the proper division.

To answer the gentleman's question, even without the amendment of the gentleman from Washington, but certainly with it, inarguably—I had to use a lawyer's word once in the debate—inarguably, with the amendment of the gentleman from Washington, this cannot be the basis for any civil rights discrimination suit.

I would point out that meets the suggestion that this bill somehow puts homosexuality on the same basis as religion, ethnicity, et cetera. As a factual matter, it never did, and it does not, because under our law you may bring an antidiscrimination suit in housing or in employment or in other areas with a Federal contractor if you are discriminated against based on religion, ethnicity or race. You may not under existing law do that on the basis of homosexuality. I believe you should be able to, but as the gentleman from Georgia points out, there is an entirely separate piece of legislation that is in the jurisdiction of another subcommittee. It is not before us. It would not be germane even if we tried to add it. So I agree with the gentleman.

Second, as to promoting and condoning, let me say to the gentleman that I have my job and I have my private life, as all of us do. My view is that the Federal Government should not get into the private life condoning business. I think the American people, the last thing they need is to have us be in charge of condoning what they do and do not do in their purely private time. So I would never suggest that this is a body that is empowered to make judgments about our leisure time. The Federal Government makes enough judgments about our work time, as we agree or may disagree about how many.

I would say to the gentleman from Georgia, I agree with what he has articulated.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. SWINDALL was allowed to proceed for an additional 5 minutes.)

Mr. SWINDALL. Mr. Chairman, I would just like to state, so long as we have gone into that area, that I am glad that we have a similar understanding in terms of the intent and purpose of this bill. I do think that we can have a lively debate at another time on another piece of legislation with respect to our basic differences, because I do think that this Congress does have a legitimate role in terms of defining the organic law of this country.

I would refer, of course, as I did in the subcommittee to the Declaration of Independence itself, which states the laws of nature and nature's god, natural law.

So I do think we have to focus at some point on that, but this is not the time nor the place, because I think that we can all agree that whether you agree with homosexuality or disagree, none of us would like to go on record as stating that we want to see individuals because the choice they have made is to be homosexuals to be even remotely subject to condoned activities that are targeted because of hate for those individual groups.

Mr. CONYERS. Mr. Chairman, will the gentleman yield to me?

Mr. SWINDALL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to commend the gentleman for the distinction that he has drawn here. It advances, I think, considerably the arguments that took place in the subcommittee of which the gentleman is a member.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. SWINDALL. I am happy to yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Chairman, I would also like to thank the gentleman from Georgia. I believe that my amendment embodies much of the work that he and the gentleman from Massachusetts and others have done to try to alleviate problems that have been raised about this bill.

I thank the gentleman.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend almost everybody who has spoken here, for a variety of different reasons.

I was just saying to the distinguished chairman of the subcommittee, the gentleman from Michigan, that I think some of us here may feel a bit like he would have felt 20 years ago, given the amendment offered by the gentleman from Washington, which I support for obvious reasons, reasons enunciated by my colleague, the gentleman from Massachusetts; but had we during the course of debate on the Voting Rights Act in this House gone to great lengths to assure ourselves that it did not apply to citizens of color, some of you might understand how a significant percentage of the American people would feel about this debate at this time.

Let me if I may in speaking against the amendment offered by the gentleman from Pennsylvania remind Members, as some of our colleagues have tried to do, what the purpose of the bill is. There are five key words in the operative section of the bill which have not been read in the debate, other than by the Clerk.

We are talking about the incidence of the following kinds of acts, and I quote from the bill: "Criminal acts that manifest prejudice."

Let me repeat that: "Criminal acts that manifest prejudice."

The bill then goes on to say. "based on race, religion, sexual orientation or ethnicity."

The key phrase there seems to me to be self-evident—prejudice. We are talking about, the word of the day is hate crimes, crimes that are committed against a person solely because or at least primarily because he or she happens to be a member of a particular class of people, whether it is a racial class, an ethnic class, a religious class, or a class defined by one's sexual orientation.

We are not talking about, as suggested at one point by the gentleman from Pennsylvania, crimes committed against passengers on a bus. To the best of my knowledge, there is no centuries old tradition of hatred and prejudice in this country against bus passengers, or for that matter against policemen or against the young or against the handicapped, et cetera, et cetera.

The reason that race, religion, ethnicity and sexual orientation are in this bill is that so far as we know, and that is the key phrase, so far as we know, these are the principal categories of such acts based on hate. That is what all the testimony before the committee revealed.

Not only that, but I would remind Members of the House that according to the testimony received by the committee, the single greatest category of such crimes of hate happens to be precisely that category that would be struck by the amendment offered by the gentleman from Pennsylvania. Blacks, Hispanics, Jews, Asian Americans, and gay and lesbian Americans are those against whom crimes in this category so far as we know occur most frequently.

It is not a single group against the rest of the world, as the gentleman from Pennsylvania would suggest. This bill as written is supported by almost all the major religious organizations of the country, all of the major civil rights organizations, by a majority of the attorneys general of the States.

Finally, let me remind the Members that the reason such a crime is a particularly heinous thing is that its effects are not felt solely by the individual against whom the crime is perpetrated. When a Jew in Nazi Germany was singled out, all Jews in Germany and, as a matter of fact, Jews in a lot of other places around the world were intimidated by that act.

The same thing is true when a synagogue is burned in this country. The same thing was true in the miserable history of race relations in this country whan a black man was lynched. All black people hurt and were intimidated. That is true for all the categories of people that are covered by this bill.

Mr. Chairman, I would ask Members to remember that beyond all else.

Mrs. BOXER. Mr. Chairman will the gentleman yield?

Mr. STUDDS. I am happy to yield to the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, I just would like to thank the gentleman for yielding, and associate myself with his very eloquent remarks. I think they just speak very well to the point at hand.

Mr. HOPKINS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, ever since the gentleman from Washington introduced his amendatory language, I have been thinking about what is best to do. After hearing the debate and reinforcing myself on some of the precepts upon which I came to the floor here today, I am convinced that I must oppose the amendment.

Why? Because it is a very artful attempt, in my judgment, for better or for worse, to substitute the word homosexuality for the phrase sexual orientation.

In my judgment, if those who want to vote against sexual orientation being included, that is, to support my original amendment, must be consistent, oppose the present amendment, which is just a substitute for it.

Therefore, I think that is the most logical and proper position for me to take, so I oppose the amendment.

In other words, sexual orientation by any other name does not smell as sweet, and homosexuality is just a substitute for sexual orientation.

Mr. MINETA. Mr. Chairman, I rise in support of the perfecting amendment offered by our colleague, the gentleman from Washington.

Today we are debating a bill which will attack hatred; pernicious and blind hatred. We are discussing crimes where the goal is not to get a wallet, or a television, or a car, but to express the worst kind of prejudice.

To fight this trend, we have to fight all crimes of prejudice. We cannot pick and choose among brands of hate. Hatred for one is not different from hate for another. Yet this amendment makes such a distinction.

All around the country, crimes against gay men and lesbians, fueled by hatred, are on the increase. Homosexuals are singled out as victims of violence and harassment because of their sexual orientation.

In New York City in 1986, there were twice as many violent attacks based on sexual orientation as there were based on race.

Let me read from a study done recently for the Department of Justice:

The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims.

We are not talking about special rights for people who are homosexual. We are acknowledging the sad reality that gay men and lesbians are often targets of hatred, just as Americans of Asian ancestry are often targets of hatred. These hateful acts are illegal.

In H.R. 3193, the House is sending a signal that we want to crack down on crimes motivated by hate. If we purposefully remove the sexual orientation category from this bill, as advocated by the underlying Gekas amendment, we will send a strong message that this category of hate crimes is acceptable. We will be condoning these crimes. That's why the language in the perfecting amendment is far better than the original amendment.

I urge you to support the Miller perfecting amendment.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Washington [Mr. MILLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 384, noes 30, not voting 17, as follows:

[Roll No. 137]

AYES—384

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Badham
Baker
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—30

Archer
Armey
Ballenger
Barton
Bilirakis
Brown (CO)
Burton
Coats
Coble
Combest
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
Emerson
Fields
Gekas
Hastert
Holloway
Hunter
Kyl
Livingston
Nielson
Shumway
Skelton
Smith, Denny (OR)
Solomon
Stump
Volkmer

NOT VOTING—17

Akaka
Biaggi
Boulter
Collins
Dornan (CA)
Duncan

Hansen
Jones (TN)
Kemp
Lewis (CA)
Lukens, Donald
Mack
Moody
Smith (IA)
Spence
Stratton
Weiss

□ 1412

The Clerk announced the following pairs:

On this vote:

Mr. Weiss for, with Mr. Boulter against.
Mr. Akaka for, with Mr. Hansen against.

Messrs. CRAIG, SKELTON, DENNY SMITH, BURTON of Indiana, and NIELSON of Utah changed their votes from "aye" to "no."

Mr. GREGG and Mr. VALENTINE changed their votes from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the precedents, the perfecting amendment having been adopted, the motion to strike falls and is not voted on.

Mr. AuCOIN. Mr. Chairman, I move to strike the last word, and I rise in support of the bill, as amended.

Mr. Chairman, I rise today in strong support of H.R. 3193, the Hate Crime Statistics Act. This piece of legislation is crucial to understanding the growing trend of crimes motivated by prejudice and bigotry.

In today's newspapers, we see frightening evidence of a racially motivated violence. This particular threat, a threat of murder, was against Rev. Jesse Jackson. Fortunately, this plan was foiled, but it serves as an example of the violence that many Americans have to live with because of their race, sexual orientation, ethnicity, and religion.

In Reverend Jackson's words, "It's been very difficult to run a normal campaign with the continuous race attacks and constant death threats." This is totally unacceptable and I think it is time for the U.S. Government, sworn to protect the civil liberties of all Americans, address this problem now.

As for the amendment that is being offered by Mr. GEKAS, for a number of reasons I feel that the section that Mr. GEKAS seeks to eliminate is perhaps the most important part of this bill.

Last year, the House Criminal Justice Subcommittee, chaired by my friend, Mr. CONYERS, heard testimony from a wide range of experts indicating that antigay violence was on the rise and becoming more pervasive. This increase in volatility is fueled, sadly enough, by AIDS paranoia and hatred of the gay community.

Statistics support this belief. In New York City alone, the victims of antigay violence increased 83 percent last year. Studies have shown that nearly 1 in 4 gay men and nearly 1 in 10 lesbians had been physically abused because of their sexual orientation.

In fact, hate and violence motivated by sexual orientation more than doubled between 1985 and 1986. To me, it is a grave injustice to tell thousands and thousands of victims that their pain, their suffering, and their fear are unworthy of the attention of a government that is supposed to safeguard the rights and freedoms of all Americans.

To me, it is a grave injustice to tell aggressors that the Government will turn its face from their crimes, if only they carefully select their victims. But those are exactly the messages which the Gekas amendment would send.

Mr. GEKAS maintains that this provision does not belong in this bill. I could not disagree more strongly. Whether it is crime motivated by prejudice against a person because of race, ethnicity, religion, or sexual orientation, hate and violence do not discriminate and we shouldn't either.

It is crucial that Congress send a message to the aggressors and the community of potential victims, that violence motivated by prejudice and bigotry is not acceptable. These victims deserve this fundamental justice. Basic human decency demands it. And, aggressors must be made to understand that we will not stand by and tolerate any violence or compromise of civil liberties.

This bill and information that is collected will make our country a safer and saner place for all Americans to live.

Please join me in voting against the Gekas amendment and for the final passage of this bill as it reads now.

Ms. PELOSI. Mr. Chairman, I move to strike the last word, and I rise in support of the bill.

Mr. Chairman, I rise in strong support of H.R. 3193, the Hate Crimes Statistics Act. This bill would require the Justice Department to collect and publish annually statistics on crimes which are based on race, religion, sexual orientation, or ethnicity. The need for such statistics has already been well documented when similar legislation was passed by the House in the 99th Congress.

Hate crimes are widespread and very serious in nature, they threaten all of society. Recently we have witnessed racial incidents in Howard Beach and Forsyth County, increased violence toward Asians and their businesses and a sharp rise in antigay and AIDS-related violence. Along with these more publicized assaults we have experienced an increase in the frequency of antisemitic incidents, and cross burnings. We are encountering a tremendous rise in criminal activity directed toward minorities.

According to a special report by the Antidefamation League of B'nai B'rith last summer, more hate crimes have been committed in the past 2 years than in the previous two decades. These statistics are even more disturbing when we consider that most of these incidents are never reported for fear of retribution. Increased activity by hate-motivated extremist groups has made the need for legislative action all the more vital.

Today, law enforcement and human rights organizations are forced to rely on inadequate data regarding the frequency of hate crimes. Law enforcement statistics are based on newspaper reports, victim statements, and reports made by local police departments. A national process for compiling hate crime statistics is currently possible through the technology already in place at the Department of Justice.

Passage of this bill would enable Federal, State, and local law enforcement officials to devise programs to educate society about hate crimes in an effort to reduce and prevent this type of violent crime. With greater public knowledge and understanding of the present situation, those who commit these hate crimes would find it more dificult to avoid punishment.

Any effort to remove the sexual orientation clause of this bill would undermine the overall purpose of this legislation. It is estimated that 25 percent of all gay men and 10 percent of lesbians have been physically assaulted solely because of their sexual orientation. The AIDS epidemic has led to heightened levels of harassment directed at our gay and lesbian population. In 1986 alone, local organizations across the country documented 4,946 acts of antigay violence. Of those incidents 732 were serious physical assaults; 80 more were homicides. In studies reported from across the country more than 80 percent of all gay men have reported some type of harassment based on sexual orientation. How can we deny these facts in any attempt to stem the increase in hate crimes?

If the proponents of any amendment to strike the reference to sexual orientation believe that these crimes are not being committed against gays and lesbians, then I advise them to check their statistics again. If we are to achieve the intent of this legislation, to document hate crimes, then these crimes based on sexual orientation must be included.

Hate crimes are a national problem. There are few existing resources for communities confronted with this violence. In order to establish effective law enforcement strategy, reliable data on hate crimes must be available. The Hate Crimes Statistics Act would provide for this much needed resource.

H.R. 3193 would provide information on hate crimes nationally, and provide for a comprehensive and cooperative State and Federal law enforcement effort to correct the current situation. Congress has a responsibility to ensure that all citizens are equally protected from violence and intimidation, irrespective of their race, religion, sexual orientation, or ethnic origin. I urge my colleagues to support H.R. 3193, the Hate Crimes Statistics Act.

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Chairman, I am happy to yield to the distinguished majority leader so that he might enlighten the membership on the balance of the program that was originally scheduled, and maybe an alteration of that, and what we do tomorrow.

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican leader for yielding.

Mr. Chairman, because of the unusual and expeditious action, particularly expeditious action, of the Committee on Appropriations and the Committee on the Judiciary on the two bills scheduled today, we find ourselves in a situation where we have completed the business scheduled for today. I think as every Member knows, the Committee has not formally risen, nor has a possible vote occurred, but at the conclusion of the action on the hate statistics bill, we will not have scheduled further legislative action. There was some consideration given to proceeding immediately with the legislative appropriations bill, but because of a death in the family of one of the sponsors of the bill, we take that up as scheduled, so we will meet at 10 o'clock tomorrow, and we will waive the 1-minute speeches until the end of the day tomorrow in order to permit prompt undertaking of the legislative appropriations bill.

At the conclusion of this action on the hate statistics bill, Mr. Chairman, the House will not take up further legislation today.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

I just want to call to the attention of the Members, my colleagues, that the Senate yesterday, the other body yesterday, passed a bill that we passed in the House several months ago which creates a Federal crime to cross State lines to deface or destroy a synagogue or a church. That bill was worked on diligently by the gentleman from Pennsylvania [Mr. Gekas], the gentleman from Michigan [Mr. Conyers], and others, and that bill, which hopefully will become law and has the support of the administration, together with this bill, will do a lot to resolve the problems of racial and religious bigotry in this country.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I commend the gentleman for his work on this, because he was the original author of the bill.

The CHAIRMAN. Are there further amendments to section 2?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1988 through fiscal year 1993.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1420

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Foley] having assumed the chair, Mr. Levin of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity, pursuant to House Resolution 443, he reported the bill back to the House with an amendment adopted by the Committee of the Whole

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 29, not voting 19, as follows:

[Roll No. 138]

AYES—383

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—29

Archer
Armey
Badham
Barton
Bunning
Burton
Cheney
Combest
Crane
Dannemeyer
Davis (IL)
DeLay
Fields
Gekas
Hammerschmidt
Herger
Holloway
Hopkins
Hunter
Kyl
Leath (TX)
Lungren
Marlenee
McCollum
McEwen
Nielson
Shumway
Smith, Robert (OR)
Stump

NOT VOTING—19

Akaka
Biaggi
Boulter
Collins
Dornan (CA)
Duncan
Hansen
Jones (TN)
Kemp
Lewis (CA)
Lukens, Donald
Mack
Moody
Pursell
Rangel
Smith (IA)
Spence
Stratton
Weiss

☐ 1438

The Clerk announced the following pairs:

On this vote:

Mr. Stratton for, with Mr. Boulter against.

Mr. Akaka for, with Mr. Hansen against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3193, HATE CRIME STATISTICS ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3193, as amended, the Clerk be authorized to make such clerical and technical corrections, including title, section number, cross reference, punctuation, and other changes, as may be necessary.

The SPEAKER pro tempore. (Mr. DONNELLY) Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on H.R. 3193, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON ARMED SERVICES AND COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. GEPHARDT. Mr. Speaker, by direction of the Democratic caucus, I call up a privileged resolution (H. Res. 452) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 452

Resolved, That the following Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Armed Services, Lane Evans, Illinois; and

Committee on Banking, Finance and Urban Affairs, Gary L. Ackerman, New York.

Mr. GEPHARDT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF CONGRESSIONAL AWARD BOARD

The SPEAKER laid before the House the following resignation as a member of the Board of the Congressional Award:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 10, 1988.

Hon. JIM WRIGHT,
Speaker of the House, House of Representatives, Washington, DC

DEAR MR. SPEAKER: Because of the press of Congressional work during this past year, I have not been able to be as supportive and as directly involved in the activities of the Congressional Award as I would like to be and as I should be as a Member of the Board. For this reason, I resign my membership on the Board effective immediately so that you may appoint another Member to represent the House.

It has been an honor for me to serve as a Member of the Board of the Congressional Award. I wholeheartedly support this outstanding program to encourage young people to undertake voluntary community service and personal achievement.

Most cordially,

TOM LANTOS,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the Chair appoints the following Member to the Congressional Award Board on the part of the House to fill the existing vacancies thereon:

Representative SAWYER of Ohio.

PARTNERSHIP FOR LONG-TERM CARE BILL

The SPEAKER pro tempore (Mr. KLECZKA). Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, today I am introducing the partnership for long-term-care bill. Congress and the President have made a promise to address the catastrophic expenses of health care in this country. President Reagan in his State of the Union speech 2 years ago spoke of how illness can destroy the financial security of the family. He pledged to find ways for the public and private sectors to work together to address the problem. My colleagues and I applauded his commitment. The Medicare Catastrophic Health Insurance Act, which is now in conference, deals with part of the problem—the cost of care in hospitals. Although important, it is a small part. We have not yet addressed the much greater burden of financing long-term care. We cannot truthfully say we have dealt with the issue of catastrophic health care costs until we have faced this particular dilemma.

Long-term care accounts for 80 percent of all health care costs for the elderly. Yet, no Government program helps with the long-term-care needs of elderly Americans who are not poor. Medicare offers virtually no assistance with long-term care, despite the glaring need for such assistance. Dr. Robert N. Butler, former head of the National Institute on Aging, noted: "With Medicare we set up a system for old people that assumed they were all 40 years old. It [Medicare] often has little to do with the disorders old people really suffer."

The long-term care dilemma is largely a question of financing. Can we develop a more rational system for spreading the risk over a larger proportion of the population? One in five elderly people spends significant time in a nursing home. None of us knows if we will need long-term care. If we do, we shoulder the responsibility of paying for the care ourselves. If the responsibility is spread over a wider part of the population, the cost per person is much more manageable. One of the best ways to spread the risk is to encourage young people to prepare for their long-term-care needs earlier in life when the cost of protection is relatively small. We must also encourage the elderly to prepare for their own long-term care needs.

We may be tempted to think of the problems of long-term care as concerns only for the elderly. We should resist that temptation. It is just as much a family issue. Children are often forced to contribute to the heavy financial burden of long-term care for their parents. Or they watch as their parents' life savings are rapidly depleted to pay for the care. We are all aware of the need to encourage savings among American households. I can't think of a more dramatic disincentive to saving than for a family to watch as the bank account of a frugal parent quickly dwindles—not to send a grandchild to college but to pay a nursing home bill. They may ask themselves: "Is the sacrifice worthwhile?"

Long-term care is also a woman's issue. Most long-term care is provided free by family members. And the vast majority of care givers are women: wives, daughters, and daughters-in-law. Two of our most important demographic trends are conspiring to weaken this arrangement. The first trend is the increasing number of women of all ages who are entering the work force. Unless we reform the system, work and family will conflict even more than they do today.

Recent polls show widespread support for a new governmental approach to the problem of long-term care.

Long-Term Care 1988, sponsored by the American Association of Retired Persons and the Villers Foundation, found that more than six out of seven people polled believe it is time to consider some Government program for long-term care. Other polls—as well as the number of letters my office has received—reinforce the perception that the public wants leadership in this area. The attention focused on the lack of long-term care coverage in the Medicare Catastrophic Health Care Act has stirred wide interest in the topic.

Financing long-term care is a serious problem in this country, and the public will support efforts to tackle the problem. But what is the best approach? Some would argue for a comprehensive public program for both home care and nursing home care. There are, however, serious problems with a comprehensive public program. In the past, expansions in the Medicare Program have not been coupled with adequate sources of funding. We have made a serious attempt to address this failure in the catastrophic bill. But that legislation, unfortunately, is the exception, not the rule. With the deficit looming large, a comprehensive approach may simply not be responsible. Unless the program had significant copays and deductibles, accelerating costs could not be controlled.

Others argue that we should let the private sector tackle the problem. However, if we look back 23 years, we find that one of the major justifications for the creation of Medicare was the inability or unwillingness of private insurance companies to cover low- and moderate-income elderly people. More recently, the impetus behind the Catastrophic Health Insurance Act was the fact that many low income elderly people did not have access to MediGap policies. As we ponder the dilemma of long-term care, we must remember that this is a problem mostly for just those low- and middle-income people who, in the past, have had trouble paying for comprehensive private insurance. If we leave the problem to private insurance alone, we will again find that those who most need protection, who are most at risk of impoverishment, will be no more secure than they are today.

Neither a comprehensive public program, not a completely private sector response will solve the long-term-care riddle. I believe that both the public and private sectors must work together to create a more rational long-term-care system. The bill I am introducing today envisions a public/private partnership.

Let me describe how that partnership would work. A significant part of the legislation is a Medicaid asset-waiver program. Under the asset-waiver approach, Medicaid and private insurance would work together to encourage people to plan for their long-term-care needs. People would decide how much of their assets they wish to protect. They would then purchase protection for their assets. Any long-term care payments made by their policy on their behalf would be subtracted from their assets, should they need to apply for Medicaid protection.

Let us look at an example. Suppose a person had $50,000 in assets. She might purchase $50,000 worth of protection—enough to cover approximately 2 years in a nursing home. If she stayed 6 years, Medicaid would allow her to qualify after benefits expired—assuming she had no additional unprotected assets—with no spenddown. Under current law, she would have spent through her $50,000 despite her insurance coverage. Under the asset-waiver plan, if she had additional unprotected assets, she would spend those funds until they reached $50,000, then she would waive onto Medicaid.

The Connecticut Office of Policy and Management developed the asset-waiver model. Six States, including Connecticut, Indiana, Massachusetts, New Jersey, New York, and Wisconsin, are working on grants from the Robert Wood Johnson Foundation to develop public/private partnerships on long-term care. All these States are looking at Medicaid eligibility waivers to ensure that people who have planned for their long-term-care needs have true protection for their assets.

The asset-waiver approach will encourage the development of a wider range of long-term care products, particularly for low- and middle-income families. This range means that people will be much better able to design a long-term-care plan that meets their individual needs. For example, they may want to provide for care in the community as well as in skilled facilities. Asset-waiver encourages the flexibility and diversity not often available in purely public programs.

Brookings-ICF analyzed the budgetary impact of the asset-waiver program and found that, over time, Medicaid expenditures will increase more slowly under this plan than under current rules. The Brookings-ICF study also found that the asset-waiver option would reduce the percentage of expenditures paid by Medicaid in all income groups. But even more importantly, the biggest impact would be for people with income between $7,500 and $20,000. These are the low- and middle-income people most at risk for impoverishment under the current system. They usually enter the long-term-care system with some savings and must watch as those savings are quickly depleted. To protect this group must be a central goal of any long-term care legislation. Finally, Brookings-ICF concluded that the proposal would "greatly reduce" the use of assets to finance long-term care. However, there will remain many people who still cannot afford insurance. The public sector needs to focus its resources in helping these people.

My legislation would fulfill this public responsibility in two ways. First, I suggest that we implement a premium subsidy program to make up the difference between the cost of insurance and 5 percent of a person's income—the Brookings Institute has calculated that a person who must spend more than 5 percent of her income on insurance cannot afford it. The subsidy would be available for people above the Federal poverty line but below 200 percent of poverty. For the first time, Medicaid would help people protect themselves against the devastating costs of long-term care. Medicaid's role in this program can be justified by citing a recent report by the Department of Health and Human Services [HHS]. The report examined public incentives for people to protect themselves against long-term-care expenses. HHS concluded that, in certain cases, every Federal dollar invested saved the Government $2 in lower long-term care expenditures.

Second, this legislation mandates that Medicaid cover all people below the Federal poverty line in all States. Some States have set Medicaid eligibility levels as low as 25 percent of poverty. In 1977, approximately 65 percent of all poor people were covered by Medicaid. Today, the figure is down to 35 percent. People who are already subsisting in poverty are driven further into destitution—a final humiliation—before qualifying for Medicaid. It's time we stopped this degradation.

While public resources should be targeted to those who need assistance, people who can afford insurance should be expected to protect themselves. The private insurance market has grown dramatically in the past few years. A few clarifications of Federal tax laws would encourage the further healthy development of private policies. My bill includes several provisions suggested by the Department of Health and Human Services' Task Force on Long-Term Care, such as clarifying the tax deductibility of long-term care insurance reserves.

I have requested a cost estimate on this bill from CBO. Although we do not have final numbers, we do know that the most expensive portion of the bill—bringing Medicaid up to the Federal poverty line—would cost $5 billion per year. The other provisions would cost much less. I have included financing suggestions which would raise approximately $7 billion per year. That amount is most likely more than enough to make the legislation revenue neutral. The proposal would be paid for by eliminating the cap on income subjected to the Medicare tax.

As a society, we will spend more on long-term care whether we reform the system or not. The demographic future of the Nation demands its. The elderly are the fastest growing part of the population. In little over 20 years, the number of people over 85 will double. These are the people most in need of long-term care. Even if we maintain the current system, the Federal Government will pay considerably more than it does now. This legislation suggests some says that we can improve that system without spending much more than we will if we make no changes.

My colleagues, most of us recognize that our long-term-care system is badly in need of repair. We also realize that our options are limited by the Federal deficit. I offer this legislation with these twin truths in mind. It is intended to contribute to our national debate on this difficult and pressing issue. I hope it will bring us closer to the day when this country has a comprehensive, yet cost-conscious system of health care.

AMERICANS SPEAK OUT AGAINST COIN DESIGN CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I would like to clarify a misconception with regard to the proposal to change designs on our circulating coinage. After the Senate Banking Committee held hearings on this issue last month, Commission of Fine Arts member Diane Wolf was quoted in the Washington Post as saying that the hearings were "a love feast * * * all systems go." While the witnesses chosen for the hearings were in favor of the proposal, the general assumption has been made that all numismatists are also proponents of design changes.

This is clearly not the case. Many coin collectors do realize that changes will benefit their hobby, and therefore naturally support the legislation. On the other hand, I have heard from many collectors and other individuals who recognize that "all that glitters is not gold." They see that having shiny new coins to add to their collections will likely force this country deeper into debt by wasting taxpayers dollars on this unneeded change.

As I have said in previous statements, I am concerned that this proposal, which is being extolled as a deficit cure, will actually cost the taxpayers money. I am not alone in this stand. The following are excerpts from letters which I have received concerning the proposals to change coin designs. I hope that my colleagues will consider the points made in these letters, and will recognize that this proposal does not have the support of all numismatists.

From Maine, David W. Small writes:

> It's not often that I write a letter like this, so I hope you have an opportunity to read it yourself. I am a coin collector and I most likely would profit from coinage redesign. I admire, however, your straightforward, business-like approach in analyzing the merits of this issue.
>
> I support your convictions that the Secretary of the Treasury should not be bypassed, designers should not be paid for the honor of submitting designs, and furthermore, we should not endeavor to change designs for the sake of change. Our coinage is representative of our pride and heritage and carries that message across the nation and world. Coin changes should be timely, wanted and of historic significance.
>
> If the financial responsibility demonstrated by you on this issue could be reflected by your colleagues on other special interest issues, perhaps an impact could be made on the deficit. * * * Stand firm on these issues and, sir, I believe that the majority will support you.

Mrs. Donna Stocker of California emphatically states her opposition to the proposal to change coins:

> Diane Wolf is quoted as saying that there is no real opposition to the changing of our Nation's coins. That I believe is only because she has not seen a responsibility to tell "we the people." I am proud that our Nation's coins reflect its past and not its present. I believe America was founded and grounded on a solid foundation—a foundation that needs to be remembered but much too often is neglected or forgotten. How much of the present would she feel would be enough to complete before it too becomes the past and another coin change is needed?
>
> There are so many more important and vital issues that need changing and could cause improvement rather than what I see as a possible 6 year turmoil. I am not in the business of redesigning coins, however, I cannot believe that it wouldn't take a significant amount of time, materials and labor which at best means there would be a substantial cost. The thought seems to be that our coins need to be redesigned because they are not beautiful—is this really reason enough for all this recall? I would rather have my money durable and unalterable than beautiful. * * * Please, Congress, don't act fast—you may not have all the facts.

Ms. Penny B. Monroe of Indiana writes:

> As a coin collector for the past 30 years I want to commend you for your stand on changing the coins presently being used. Leave it up to the Secretary to make any changes, and with our debt we do not need additional cost to the taxpayer. And as far as Diane Wolf and her Commission are concerned, let them go back to their business and leave the Mint alone. * * * Keep up your stand on the changing of coins.

These individuals from around the country represent a large number of people who are concerned about the deficit. It is our responsibility as Members of the House of Representatives to reveal to our constituents a balanced view of what proposals being considered may cost. We should not depend upon the cost projections of special interests who are influenced by personal gain, as they speak of profits which will likely never be realized. We should also recognize that while numismatists will benefit from the coin design change, many other Americans will grow angry that their Government would waste tax dollars on a frivolous proposal such as changing coinage designs.

RETIREMENT OF LOIS ROBERTS MUHLY—A GREAT TEACHER AND ACTIVIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I want to bring to the attention of my colleagues the impending retirement of a great teacher, public servant, and citizen activist from Santa Cruz, CA—Lois Roberts Muhly.

Lois has served as an elementary school teacher in the Soquel Elementary School District in Santa Cruz County for 29 years. During that time, she has not only set a high standard as a teacher but also raised a family with her husband, Bert, and now is the proud grandmother of 13 grandchildren.

Lois was also a leader of her fellow teachers, serving as president of the Soquel Educators' Association for 2 years; chairing the negotiating team for the teachers of her district for 2 years; serving as State legislative representative for the Soquel Educators' Association and chairing the association's professional relations committee; and serving as the California Teachers Association's central coast district legislative representative. It is no wonder that in 1983, she received the California Teachers Association's We Honor Our Own [WHO] Award.

In addition to her family and professional life, Lois has made community and political involvement a high priority. She is a member of the Santa Cruz County People's Democratic Club and the Democratic Women's Club of Santa Cruz County. She has served nearly 4 years as chairperson of the Santa Cruz County Democratic Central Committee and 2 years as a member of the executive board of the California Democratic Central Committee. She has helped to lead numerous political campaigns in Santa Cruz County.

Lois has worked particularly hard as a cofounder of the Santa Cruz County Coalition for Nicaragua. She has traveled to Nicaragua many times and worked to provide relief to that war-torn country.

Mr. Speaker, Lois is a good friend to both myself and my wife Sylvia. I know my colleagues join us in congratulating Lois on a great career and wishing her the best of luck in the future.

□ 1450

PERSONAL EXPLANATION

The SPEAKER pro tempore (Mr. KLECZKA). Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, as a result of inclement weather on May 17, my flight bound for Washington, DC, was canceled and I was unable to return to the Capitol to vote on amendments to and final passage of the fiscal year 1989 energy and water development appropriations bill, H.R. 4567. Had I been present, I would have voted "aye" on the Gejdenson amendment (rollcall 131); "no" on the Walker amendment (rollcall 132); and "aye" on final passage of the bill (rollcall 133). The legislation contained appropriations for many important projects, including $400,000 for preconstruction engineering and design work for the Monroe Harbor project in my congressional district.

IN CELEBRATION OF NATIONAL MARITIME DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, next week, May 22 is "National Maritime Day," and we are recognizing that day at a time when the U.S. maritime industries are facing probably their most critical period of their existence.

We have watched this dwindling industry as it has gone down, down, down, and I must say that these years have been very frustrating for all of us. No one who has sat idly by while our maritime industry has slowly deteriorated can help but be concerned. The efforts to halt these incessant declines have been stymied, quite frankly, by administration indifference and in many cases congressional indifference. Basically, too few persons share our grave concerns.

It seems that we are seeing history repeat itself, for the third time in this century. The U.S. merchant marine and shipbuilding industries have historically been allowed to shrink to dangerous levels only to be rejuvenated by the urgent need to gear up for military conflicts. This happened of course, in World War I, it happened in World War II, and we were fortunate enough to have enough of the 6,000 vessels that we built in World War II left over for both the Korean and Vietnam conflicts.

I sincerely hope that that portion of history never repeats itself, ever. But recently the President's Commission on Merchant Marine and Defense issued a report, and they performed a yeoman's job in identifying the problems concerning the maritime industries and detailing how the various segments have been affected by this national neglect.

Former Senator Jeremiah Denton, the Commission Chairman, and all of the Commission members are to be commended for their hard work and their continuing efforts to bring this sorrowful situation to light.

I particularly want to commend Chairman CHARLES BENNETT of the Seapowers Subcommittee for his wisdom and leadership in having that Commission established.

The thing that is disturbing is that our merchant marine problems have not been filtered down to the general public. Except for the trade publications, few, if any—and I have not seen any—of the Nation's newspapers have carried the story of the Commissions report, nor has a single word been uttered about it on any of the network evening news broadcasts.

A few of us in Congress who are genuinely concerned about the future viability of the shipbuilding industry, its manufacturing support industries, and the merchant marine have little support because of the total silence from constituents of other Members—total silence because they are not aware. There is more debate on the House and Senate floors about the need—oh, yes, the urgent need—to protect sea turtles than there is about the absolute requirement for a strong merchant fleet and a strong shipbuilding infrastructure, not only to support and protect this country's commercial interests but to support our military readiness.

This is a very sad commentary, but it is nevertheless true.

Allow me to relate just a little bit of what we have experienced here in 1 week last November. At that time Congressman TORRICELLI of New Jersey offered an amendment to the International Security and Development Cooperation Act of 1987. That act provided 2.1 billion U.S. taxpayer dollars, of course, in direct aid to 26 foreign nations, with no strings attached to any of that money. Those U.S. taxpayer dollars could be spent anywhere in the world that those nations so desired. Basically, the Torricelli amendment attempted to accomplish two things: First, the amendment required that these recipient nations would spend those foreign aid dollars here in the United States with American companies, and it called for an accounting mechanism to ensure compliance.

Second, the amendment properly called for the carriage of 50 percent of those water-transported goods to be on U.S.-flag ships.

I happened to be in the House Chamber when that amendment came up, and I must say I was indeed shocked to see how the Farm Belt members came from all directions poised to attack the cargo preference provision of that bill. The thing that really disturbs me about the attacks from the Farm Belt—and I hope that we can get these two groups together—is that the Farm Belt interests are receiving $52 billion a year in taxpayer support while the merchant marine receives only $267 million in Government assistance. And once again, I want to point out that the merchant marine is really the fourth arm of defense.

That was an opportunity that we lost, and we must not let it happen again.

But let us go back to the President's Commission on Merchant Marine and Defense for a minute. The most alarming aspect of the Commission's report is the rapid loss of U.S. manufacturing capabilities which support the shipbuilding industry. Some of the most vital components and machinery used in commercial and naval shipbuilding must come from foreign sources, sources that may not be readily available, if at all, in the event of a war or national emergency.

Our industrial infrastructure today is only marginally adequate. Tomorrow, without some sort of national recognition of the problems and commitment to resolve them, our industrial base will be totally inadequate.

I might point out that only yesterday, the Investigations and Oversight Subcommittee of the Public Works and Transportation Committee heard a panel of industrial experts from the gear industry, the bearings industry, and a couple of other very important basic industries testify about how their plants and their industries have dwindled away to almost nothing, to the point where there is only one or two of them left, and what this could mean in a time of emergency.

When I asked the direct question, whether we could rev up for a world war—and God forbid that we would ever have a World War III—but if we had an emergency of any kind, would this country be able to rev up its industrial base as it did in World War I and World War II, without exception every one of them said, no, because we no longer have the machine tool industry and the basic industries that are so necessary for such revving up.

Let me go back and point out that tomorrow, without some sort of national recognition of the problems and commitment to resolve them, our industrial base will be totally inadequate, and when that day comes—and it will come—the United States and its freedom-loving peace-loving citizens will be vulnerable to outside forces.

Why? Because we will not be self-sufficient. We will have to rely on our so-called allies. I, for one, really do not want to have to rely on anyone else when it comes to forestalling the possible overthrow of our democracy. We, the United States, must be strong, and to be strong and independent as a nation, a healthy merchant marine, shipbuilding, and support industries are essential.

As I said a few minutes ago, our maritime industries are only marginally adequate. This is my assessment, and it is the assessment of the President's Commission. The fact that the Navy last fall had to bring electricians and other technicians from Japan and from the Philippines to work in the Navy Yard at Philadelphia and Long Beach, California tells us something about the availability of trained shipyard workers in the United States, and, of course, one of the reasons we do not have them is because we have allowed our shipbuilding industry to get down to bare bones.

Less than 2 months ago, the Bethlehem Steel Corp.'s Sparrows Point shipyard in my own district advertised for 50 outside machinists. They received practically no response, and my office has had to try to help them try to locate machinists so they would not have to go to foreign sources for skilled workers.

□ 1500

I am sure that other U.S. shipyards have faced similar problems in finding trained workers as well. Should there be a need to rapidly rebuild our merchant marine to support a military conflict, we simply will not have a sufficient number of trained workers, and we would not have the luxury of time, as we did prior to World War I and World War II, to train them. There is no question that our shipbuilding and repair industry, as well as the merchant marine, needs help. But let me not say unfortunately; let me say, let us hope that 1988 will be the year to turn around American maritime programs.

As I started to say, Mr. Speaker, I am hoping that 1988 will be the year for American maritime programs to take off. I am hoping that the merchant marine and the shipbuilding interests will be able to come together to reach a general consensus on how to remedy the problems.

One of the reasons that we have had trouble in the Congress with developing legislation that would be satisfactory is that there have been two divisions, these two divisions. They have not been able to get a united front. The reason, of course, is that the shipbuilders, and that is the shipbuilding industry, are opposed to a provision that would allow the liner operators; these are the operators of the container ships and the regularly scheduled ships, to build foreign and then to operate their vessels with limited operating differential subsidy because, quite naturally, that absolutely does nothing to help create a U.S. building program.

The yards cannot survive on Navy work alone, whether it be new shipbuilding or repair work. I mean the Navy, which owns less than 600 ships, can only keep so many yards going, and the ship operators want to be able to change the system of operating differential subsidy, and some of the smaller ones feel they are being closed out.

So we are trying to bring this group of groups together so that we can develop a program that will help both the merchant marine and the shipbuilding program.

Mr. DORNAN of California. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. Mr. Speaker, I am happy to yield to the gentleman from California [Mr. Dornan].

Mr. DORNAN. Mr. Speaker, I want our colleagues to understand that in Japan at every single business meeting during the last few months they are discussing the gentlewoman from Maryland [Mrs. Bentley] and these valuable special orders that she is doing. She has become the most famous Congressman or Congresswoman from either Chamber in Japan, and it is because she has called their attention to that simple little word "fairness" that everybody feels should be the cornerstone of all trade.

Mr. Speaker, I just want people who are following with fascination the gentlewoman's valuable words here to know that.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from California [Mr. Dornan] for those words.

I am a little surprised, but I hope to keep emphasizing to the American people what the needs are industrially and why we cannot let it be taken over by all foreign sources.

In the President's Commission report in its list of seven recommendations as to maritime industries, they call for a 12-vessel build and charter program, but the Congress, which is justifiably concerned about skyrocketing annual budget deficits and a national debt of $2.4 trillion, probably will reject this because it comes with an estimated $1.2 billion price tag. We are going to have to do something about that. We are going to have to bite the bullet. We are going to have to realize that you cannot have certain things without a cost factor to them.

Mr. Speaker, I know that at this time, as we are facing National Maritime Day, that we are not painting a very pretty picture. I am not certain that there is a light at the end of the tunnel, but as we once again approach National Maritime Day of 1988, on May 22, I am urging all of those who have the U.S. maritime interests at heart to say, "Let's get on with it. Let's do something positive. Let's all work together to save the industry from total decline."

Mr. Speaker, we can do it. We do not want to reach the point of no return. We can stop right now where we are, and we can say that the country has to have these industries and we are going to help because we know, many of us, that this country does have the ability to support itself if only its people will work at it.

We must take the steps now, Mr. Speaker, today, to begin rebuilding the shipbuilding industry and its component supported industries because they are all part of a very important part of that rebuilding program.

ETHIOPIA SHOULD BE A PARAMOUNT ISSUE FOR THE UPCOMING SUMMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. Roth] is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, we are going to have an historic summit in a very short time, and I have taken this special order because I think an historic summit is more than just TV cameras, pictures in the newspapers, various articles, and the sound system and the like. But a summit lives on long after the summit has been concluded, if the right issues are addressed.

Mr. Speaker, there is one issue that is paramount that must be addressed, addressed by President Reagan and by Mr. Gorbachev, and that is the issue of Ethiopia because in Ethiopia today, of the 42 million people who live in Ethiopia, 7 million are in mortal danger of starvation. The relief organizations tell us that between 2 and 3 million are certainly going to die.

Mr. Speaker, this is an issue that the world must be concerned about, and this is an issue that the 2 leading spokesmen for the various areas of the world must be concerned about.

The situation is getting worse, and, therefore, it is preeminent that now is the time for us to call on these two leaders to put Ethiopia on the agenda.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. ROTH. Mr. Speaker, I am happy to yield to the gentleman from California [Mr. Dornan].

Mr. DORNAN of California. Mr. Speaker, there are people at the White House, I say to the gentleman from Wisconsin [Mr. Roth] paid to monitor everything we do on this House floor, and I signed the gentleman's letter today to the President, but we did not ask specifically in this letter, because of this impending horror in Ethiopia, for a personal meeting. We are conveying that by telephone.

Everybody wants to get something on the President's agenda for his trip to the Soviet Union, but the death of millions of people, nothing should be more important than that.

I did not know I was going to participate in the gentleman's special order. He was kind enough to ask me to, and I have to go back to my office; people are waiting, but I just want to say two or three things. One is an unsolicited compliment that the gentleman from Wisconsin did not know I was going to make.

Mr. Chairman, there's so much horror in the world and so many fiscal problems domestically, some of which involve death, drugs, to escalating crimes, that there is enough action around this Congress, in both the

Senate and this body, for people to take the lead on almost anything. I do not know why the gentleman from Wisconsin [Mr. Roth] chose this issue to be the leading Congressman riding point on this, but he did, and I happen to think in sheer terms of human suffering and loss of life that he is taking the lead on the most desperate issue on the world's agenda today.

The horrible genocide in Cambodia, which was 2 million people, one-third of Hitler's genocide of European Jews; that happened in just recent times, 1975 through 1979. It took 3 or 4 years of unrelenting, wholesale murder for the Khmer Rouge Communist Unkar to kill 2 million people. Famine combined with communism, it appears to do the job in a few months.

Now, ask the average American to sing a few bars of "We Are the World." They will sing, "We are the world, we are the people," but they would not know what country it applied to.

□ 1510

They will remember the song. They will tell you who Bob Geldorf is, but they will not tell you about the killing.

The gentleman from Virginia [Mr. Wolf] who is going to contribute significantly to this special order, preceded me by a few months to Ethiopia a couple years ago. We visited Ansokia. We visited Ibnet, these massive camps, the people we walked along and nodded and looked at, tens of thousands of them died. Now millions are going to die.

I hope that the White House is listening to the gentleman's words and the gentleman's plea for a quick 15-minute meeting with the gentleman from Wisconsin, the gentleman from Virginia [Mr. Wolf], and the gentleman from Pennsylvania [Mr. Walker], just four or five Members, to beg him to lean on Mr. Gorbachev, the General Secretary, to talk to the leadership, the Communist thugs who run Addis Ababa in Ethiopia to let the world volunteer organizations stop this combination death toll of famine, exacerbated by Communist so-called leaders.

I honor the gentleman truly for taking the lead on this issue.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his contribution. The gentleman knows the President personally and I hope that he will convey those thoughts to Mr. Reagan. I am sure the gentleman is going to. I appreciate that.

I just want to mention to this House why it is so important that this issue be placed on the agenda. Mr. Shultz and Mr. Shevardnadze have talked about this particular issue, but they have gotten nowhere. It is absolutely crucial and paramount that President Reagan and Mr. Gorbachev discuss this issue at the summit, for this reason: The United States, the people of America, have donated more food to both Ethiopia than any other nation in the world. Mr. Gorbachev, on the other hand, has given more arms, billions of dollars' worth of arms, to the Mengistu regime in Ethiopia.

Ethiopia is a client state of the U.S.S.R. They vote always with the U.S.S.R. at the U.N.

Mr. Gorbachev has real clout and can determine what happens in Ethiopia as far as the government is concerned. We, on the other hand, have contributed the food. The food is there. It is just not being distributed to the people in Tigre and Eritrea. That is why this is so crucial, that this issue of Ethiopia be placed on the agenda.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to my friend, the gentleman from Virginia [Mr. Wolf], who has been there.

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Wisconsin for taking out this special order, and as he has on other occasions.

If the gentleman from Wisconsin [Mr. Roth] is successful, the end result will be that we will be saving hundreds and then thousands and hundreds of thousands of lives.

I had the opportunity to visit Ethiopia. In fact, I was the first Member of Congress not only to visit it, but to visit Ethiopia and live in the refugee camps. I went up to El Amata and a year or two later it is a camp that was overrun and a number of the World Vision people were killed. Right next to the camp was Mother Theresa's camp, and boy, are they really godly people to be in that godforsaken area, risking their lives.

You look at the relocation program, for those who are watching, the relocation program is similar to what the Nazis did. They would pick people up and put them on airplanes or on trucks. We could see them coming through the village during the day and they were taken to a far-off part of Ethiopia. They would open up the truck or the airplane and allow them to get out and roam without any health care, without any shelter, without any clothing, without any shoes. It was like taking somebody from Denver, CO, or Wisconsin, and sending them to Guatemala without giving them malaria pills and things like that.

I hope, and Mr. Speaker, I know we will not reference the White House, but I hope somebody down there is listening to this and pays attention and gives the gentleman from Wisconsin [Mr. Roth] and the gentleman from California [Mr. Dornan] and the gentleman from Pennsylvania [Mr. Walker] 15 minutes to sit down with President Reagan.

I know the President cares deeply about this. Sometimes the problem is breaking through the staff to get in to see the President. The reason I know the President cares deeply is when I got back from Ethiopia in December of 1985, I asked for the opportunity to meet with the President. I met with the President and also with the head of the AID and Vice President Bush. The President was very interested, and as a result of his interest, and I do not think it was because of my trip or because of seeing all these things, the President did a lot of things and sent food and offered to do even more in Ethiopia and the Ethiopian Government would not allow him.

This ought to be on the agenda, because when we were there flying up in this little aircraft owned by World Vision, we stopped at one airfield. We saw Soviet gunships, Soviet helicopter gunships with Soviet troops, and in the place I stayed the Cuban troops were across the road. The Soviets are throughout that place. They had military advisers. They tell Mengistu what to do. There are Soviet generals in Ethiopia commanding and moving their forces and telling them how to operate, particularly with the war in Eritrea and Tigre.

So if President Reagan talks to Gorbachev and puts this on as a priority item and says, "Boy, I care deeply about it. General Secretary Gorbachev, we want you to do this or do that," I think the end result will be the saving of thousands or hundreds of thousands of lives.

So I just hope somebody is listening who will just say, "Mr. President, Congressman Roth, Congressman Dornan, and Congressman Walker want to come down and talk to you about this problem." Let them come on down for 15 minutes, just 15 minutes versus 150,000 lives I think is a pretty good trade.

So I just commend the gentleman from Wisconsin. He has spent more time on this issue than any other Member of the Congress. I just want to commend the gentleman and thank him and hope and pray that the gentleman will be given that audience to convince the President to put this on the agenda.

Mr. ROTH. Well, Mr. Speaker, I thank the gentleman from Virginia for his contribution. I know that he has spent time in Ethiopia and his stories have always been very moving and revealing. He is one of the people who has encouraged me in this work, and I appreciate that very much.

I hope that we can get this on the agenda so that maybe this issue can be resolved and we will not have to talk about this issue anymore. I hope that the people in Ethiopia can be saved and that the government and the economy is run in such a fashion that we do not have to worry about starvation.

Mr. WOLF. I believe the gentleman will be successful, because I cannot believe that the White House, particularly with as good a supporter as the gentleman has been and the work the gentleman has done on the different issues, I cannot believe that they would not permit the gentleman to do this. So I wish the gentleman well when he has that visit, because I know he is going to get it.

Mr. ROTH. Well, Mr. Speaker, I thank the gentleman for his contribution.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to my friend, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I want to join with my friend, the gentleman from Virginia, in saluting him for the work he has done on this issue.

We have come a long way in recent months in letting the world know what is happening in Ethiopia. The gentleman can be very proud of the role he has played on this.

What I would like to do is ask the gentleman a few questions so that we might put this whole issue in perspective.

I think the gentleman said a few moments ago that in his opinion Ethiopia is a Soviet client state. Is that what I understood the gentleman to say?

Mr. ROTH. Yes, I did. I mentioned that Ethiopia is a Soviet client state. Of course, that is a matter of record.

We know, as the gentleman from Virginia just explained it, there are many Soviets in Ethiopia and Cubans in Ethiopia.

The point is that is why this is so important to bring the summit, because we have contributed thousands of metric tons of food to Ethiopia. The food is there, but it is not being allowed into the northern region of Ethiopia. What I am trying to do is get the President to put this on the agenda so when he talks with Mr. Gorbachev he can say, "Look, we have the food there. Let us aid these people, and Mr. Gorbachev, we do not have leverage over the government," but Gorbachev has the leverage over the government. His orders can penetrate and make sure the food is being distributed.

Mr. WALKER. Well, one thing we know about these Soviet client states is that the Soviet Government knows what goes on inside their client states. Throughout Eastern Europe if there is any hint of rebellion, for example, it is obvious that the Soviet Government immediately becomes involved and knows exactly what is going on.

So I think the gentleman will probably agree with me that we have to assume that the Soviets know precisely what is going on internally in Ethiopia and are aware that there are thousands of people dying in Ethiopia through a policy of mass genocide. Is that the gentleman's assumption?

Mr. ROTH. Yes, that is taking place. Of course, the Soviets contribute billions of dollars' worth of arms to Ethiopia.

Mr. WALKER. But the point is that they have to know that this is going on in Ethiopia at the present time.

Mr. ROTH. Yes.

Mr. WALKER. It seems apparent to me that Mr. Gorbachev would certainly be aware of the situation within Ethiopia and that the policy of genocide is being carried out in order to assure that the government he is supporting stays in power. Is that a reasonable assumption?

Mr. ROTH. Yes, I think that is a reasonable assumption.

What we want to do, of course, is by putting this on the agenda, on the list of issues to be discussed at the summit, hopefully we can sensitize Mr. Gorbachev to this issue.

Also, we have been told by Mr. Gorbachev that a new day is coming in the Soviet Union and if the Soviet Union wants to present a new face to the West, one of more magnanimity, this would be the time to do it.

Mr. WALKER. Well, let me try to understand here. Is there some chance that this would not be an issue that would be discussed between President Reagan and General Secretary Gorbachev?

Mr. ROTH. Well, to answer the gentleman's question, yes, there is a possibility it would not be discussed.

Mr. WALKER. We would have a Soviet client state where there is a mass genocide going on, where thousands of people are dying every month, where up to a million people have died already from genocide, and that is something that when the two leaders of the world sit down they might not even bring up; is that what the gentleman is telling us?

Mr. ROTH. Yes; that is what I am saying. That is principally the reason I have this letter going to the President, signed by many Members of Congress, to ask the President to put this on his agenda. That is the purpose of our special order. That is the purpose of the letter, to sensitize and to draw attention to this issue, because I am sure the President will say that there are many issues that are deserving of discussion between himself and Chairman Gorbachev.

Mr. WALKER. Does the gentleman have any insight as to why this would not be something that would almost assuredly be put on the schedule to be talked about in Moscow?

Mr. ROTH. Well, to answer the gentleman's question, I would have to say that possibly there are many issues that could be put on the list and it is up to us to make sure this particular issue is put on the list. I am sure that the President would not be in favor of some, and many others I am sure.

Mr. WALKER. Is it at all possible that what we are trying to put together in Moscow is kind of a feel-good summit, where we do not discuss anything that might have nasty ramifications to it and where we are specifically rejecting subjects that might not contribute to the feel-good atmosphere?

Mr. ROTH. Well, let me answer that question and then I will yield some additional time, if the gentleman seeks some additional time.

I think it is important to recognize that this may be the last summit that the President is going to be engaging in with Mr. Gorbachev and I am sure that human nature being as it is that there is a good deal of comity and agreement sought.

On this particular issue, I would hope that Mr. Gorbachev and Mr. Reagan would agree that this is a tragedy of Biblical proportions and that they are going to address this issue. They would not have to spend a great deal of time on it, because hopefully they will both agree it is a situation that they want to change and both of them, maybe one by himself cannot change it, but certainly both men working in unison together can easily change it, because we are in control of the food. We have the food that we have donated to Ethiopia and Gorbachev has the leverage over the government. So we have in that equation all the elements needed for success. That is why I think it is too important.

Let me just finish by saying this. I think we want to ask the President to put this on the agenda because I am sure there are many interests that are competing for this agenda. We want to point out to him and to Mr. Gorbachev that this should not be an issue looked at as a contentious issue, but an issue where all parties can be in unison and try to agree.

I just want to say this. It could be looked at as a divisive issue, and if it is, then it might not be addressed. That is why we are going through this particular procedure of a letter and trying to draw attention to this issue again before the President goes to the summit.

Mr. WALKER. In other words, the way to bring about this unity, what we are seeking to achieve out of it, is a unified position where what President Reagan would bring to the table is massive food supplied that can be used to feed the people, and what Mr. Gorbachev would bring to the table would be pressure on the Ethiopian Government to use that food to actually feed starving people, rather than letting them die in a policy of mass genocide; so Mr. Gorbachev would have to convince the Mengistu government that they have to end their policy of genocide. In the meantime, the United States would say yes, we can supply the food, so that the policy of genocide no longer has to be practiced.

□ 1525

Is that the kind of scenario that the gentleman sees being worked out?

Mr. ROTH. Yes, I think that is the scenario. The point is that the food is already in Ethiopia. We have already donated, as I mentioned, thousands of metric tons of food to Ethiopia. The question is whether the Government will allow the food into the two northern regions, Eritrea and Tigre in the northern part of Ethiopia. There are 70,000 people in very tough straits. They are in mortal danger of starvation. So what we are trying to do is to realize that time is of the essence and that we have to cut through this Gordian knot to ask the President again to put this on his agenda at the Moscow summit so that he can raise it with Mr. Gorbachev.

Mr. WALKER. If the gentleman will yield further, I think the gentleman sketches a rational scenario. I cannot imagine the Department of State and the White House not seeing this as something which meets the humanitarian needs of a nation that is suffering mightily, and it seems to me that the two world leaders gathered together would certainly want to reach out in a place where mutual cooperation could end untold human suffering. I would hope the gentleman from Wisconsin [Mr. ROTH] is permitted to bring that message to the White House and that the White House will respond by seeing to it that the issue itself gets on the agenda for the summit because I think the world will applaud an effort that actually stops the dying and begins the process of feeding the Ethiopian people.

Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

Mr. ROTH. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his contribution.

Mr. Speaker, I extend to any Member who is interested the invitation to contact my office and sign this letter that we will be delivering to the White House.

I happen to be of a different political party, but in 1961 John Kennedy in his inaugural address said that "Here on Earth God's work must truly be our own."

I do feel that by drawing attention to an issue like this where millions of people are close to starvation, that by speaking out I feel we are doing God's work.

Mr. Speaker, in conclusion, I ask any Member who is interested to contact my office so that we may have their name added to the list that will be going to the White House.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTERT) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 60 minutes, today.

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. PEPPER, for 60 minutes, on May 19.

(The following Member (at the request of Mr. ROTH) to revise and extend his remarks and include extraneous material:)

Mr. LIPINSKI, for 60 minutes, on May 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COUGHLIN, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,178.

Mr. LOWRY of Washington, today prior to vote on H.R. 3193 in the House.

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. ARCHER.
Mr. COATS.
Mr. MICAEL in two instances.
Mrs. ROUKEMA
Mr. LAGOMARSINO.
Mr. CRANE.
Mr. HASTERT.
Mr. RINALDO.
Mr. KEMP.
Mr. GINGRICH.
Mr. LEWIS of California.
Mr. PETRI.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous matter:)

Mr. MONTGOMERY.
Mr. MAZZOLI.
Mr. GARCIA in two instances.
Mr. GUARINI.
Mr. MINETA.
Mr. BROWN of California.
Mr. ROE.
Mr. PEASE.
Mr. COELHO.
Mr. HAMILTON.
Mr. FAZIO.

ADJOURNMENT

Mr. ROTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, May 19, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3634. A letter from the Inspector General, Department of Agriculture, transmitting notification of two computer matching programs, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3635. A letter from the Assistant Secretary for Administration, Department of Housing and Urban Development, transmitting notification of a new system or records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3636. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report of the Chief of Engineers, Department of the Army, on Scioto River, West Columbus, OH, together with other pertinent reports (H. Doc. No. 100-196); to the Committee on Public Works and Transportation and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. A report on Coast Guard drug interdiction air operations: The case of the faltering Falcon jet (Rept. 100-628). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COELHO (for himself and Mr. LEHMAN of California):

H.R. 4628. A bill to provide temporary authorities to the Secretary of the Interior to facilitate emergency action to mitigate the impacts of drought; to the Committee on Interior and Insular Affairs.

By Mr. FIELDS (for himself and Mr. DAVIS of Michigan):

H.R. 4629. A bill providing for the establishment of a National Offshore Vessel Operators Safety Advisory Committee; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY of Illinois (for himself and Mr. HUBBARD):

H.R. 4630. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 4631. A bill to amend title XIX of the Social Security Act to improve coverage of nursing facility services under the Medicaid Program and to amend the Internal Revenue Code of 1986 to clarify the tax treatment of long-term insurance; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROWLAND of Connecticut (for himself, Mr. Davis of Illinois, and Mr. Murphy):

H.R. 4632. A bill to amend title 10, United States Code, to establish procedures for determining whether members of the uniformed services in a missing status or certain civilian officers and employees of the uniformed services are deceased, to require certain information to be kept in the personnel files of such persons, and for other purposes; to the Committee on Armed Services.

By Mr. TAYLOR:

H.R. 4633. A bill to amend title 5, United States Code, with respect to fixing initial rates of pay for individuals who are appointed to positions within the Department of Agriculture after a certain employment on the county level; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H.J. Res. 572. Joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 451. Resolution electing Representative McCrery of Louisiana to the Committee on the Budget; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 452. Resolution designating membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. TOWNS introduced a bill (H.R. 4634) for the relief of Merrill L. Johnson-Lannen; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. DeLay.

H.R. 186: Mr. Lott.

H.R. 481: Mr. Sharp.

H.R. 696: Mr. McEwen.

H.R. 958: Mr. Owens of Utah, Mr. DeWine, Mr. Jones of North Carolina, Mr. Stallings, Mr. Torres, Mr. Applegate, and Mr. Kastenmeier.

H.R. 1036: Mr. Clarke.

H.R. 1213: Mr. Flake, Mr. Martin of New York, Mr. MacKay, Mr. Hochbrueckner, Mr. Mrazek, Mr. Chapman, Mr. Packard, Mr. McGrath, Mrs. Patterson, and Mr. Pepper.

H.R. 1572: Mr. Miller of Washington.

H.R. 1602: Mr. Smith of Florida.

H.R. 2580: Mr. Kolbe.

H.R. 2828: Mr. Brown of California, Mr. Coelho, Mrs. Collins, Mr. Crockett, Mr. Edwards of California, Mr. Fazio, Mr. Hall of Ohio, Mr. Hertel, Ms. Kaptur, Mr. Lehman of California, Mr. Mineta, Mr. Matsui, Mr. Neal, Ms. Oakar, Mr. Perkins, Mr. Rangel, Mr. Stokes, Mr. Traxler, Mr. Udall, Mr. Lantos, Mr. Jontz, Mr. Schumer, Mr. Weiss, Mr. Feighan, and Mr. Dicks.

H.R. 2925: Mr. Goodling.

H.R. 3250: Mr. Gejdenson, Mr. Marlenee, Mr. Bennett, and Mr. Guarini.

H.R. 3312: Mr. Miller of Washington.

H.R. 3553: Mr. Ortiz.

H.R. 3620: Mr. de la Garza, Mr. Packard, and Mr. Coleman of Texas.

H.R. 3628: Mr. Craig, Mr. Bliley, Mr. Lancaster, Mr. Hefner, Mr. Packard, and Mr. Anderson.

H.R. 3673: Ms. Snowe, Mr. Bilirakis, Mr. Jontz, Mr. Hughes, Mr. Bonker, Mr. Feighan, Mr. Hefner, Mr. Valentine, Mr. Rahall, and Mr. Swift.

H.R. 3791: Mr. Barnard and Mrs. Morella.

H.R. 3892: Mr. Schuette.

H.R. 4002: Mr. Packard.

H.R. 4015: Mr. Emerson, Mr. Thomas A. Luken, and Mr. Roberts.

H.R. 4032: Mr. Neal.

H.R. 4037: Mr. Lipinski, Ms. Pelosi, and Mr. Flake.

H.R. 4049: Mr. Stark, Mr. Feighan, Mr. Natcher, Mr. Wheat, Mr. Kolter, Mr. Conte, Mr. Bustamante, Mr. Kostmayer, Mr. Rahall, Mr. Bonior of Michigan, Mr. Buechner, Mr. Traxler, Mr. Borski, Mr. Hochbrueckner, Mr. Penny, Mr. Wolpe, Mr. Swift, Mr. Stokes, Mr. Lantos, Mr. Crockett, Mr. Cooper, Mr. Oberstar, Mr. Boucher, and Mr. Bonker.

H.R. 4060: Mr. Udall, Mr. Rangel, Mr. Dicks, Mr. Kolter, Mr. Mazzoli, Mr. Aspin, Mr. Lipinski, Mr. Mavroules, and Mr. Coyne.

H.R. 4071: Mr. Evans and Mr. Towns.

H.R. 4124: Mr. Shays and Miss Schneider.

H.R. 4168: Mr. Levin of Michigan, Mr. Brown of California, Mr. Stokes, Mrs. Roukema, Mr. Kennedy, Mr. Lantos, Mrs. Johnson of Connecticut, and Mrs. Saiki.

H.R. 4189: Mr. Markey, Mr. de Lugo, and Mr. Mineta.

H.R. 4198: Mrs. Lloyd, Mr. Kasich, and Mr. Boucher.

H.R. 4199: Mr. Robinson.

H.R. 4213: Mr. Bruce.

H.R. 4221: Mr. Gilman, Mr. Dorgan of North Dakota, Mr. Mrazek, Mr. Barnard, Mr. Neal, and Mr. Mazzoli.

H.R. 4297: Mr. Horton and Mr. Skeen.

H.R. 4432: Mr. Kleczka.

H.R. 4464: Mr. LaFalce, Mr. Mfume, Mr. Neal, and Mr. de Lugo.

H.R. 4468: Mr. Kennedy.

H.R. 4486: Mr. Sawyer, Mrs. Boxer, Mr. Fazio, Mr. Chandler, Mr. Evans, Mr. LaFalce, Ms. Pelosi, Mr. Horton, Mr. Foglietta, Mr. Martinez, and Mr. Garcia.

H.R. 4519: Mr. Lewis of Florida.

H.R. 4526: Mr. Neal, Mr. Wortley, Mr. Wheat, Mr. Dyson, Mr. Hall of Texas, Mr. de la Garza, Mr. Bryant, Mr. Carper, Mr. Gonzalez, Mr. Flake, Mr. Mfume, Mr. Mineta, and Mr. Swift.

H.R. 4543: Mr. Hansen.

H.R. 4562: Mr. Latta, Mr. Fawell, Mr. Porter, and Mr. Petri.

H.J. Res. 171: Mr. Hatcher.

H.J. Res. 452: Mr. McMillen of Maryland.

H.J. Res. 458: Mr. Edwards of Oklahoma, Mr. Stump, Mr. Gekas, Mr. Frenzel, Mr. Upton, Mr. Ballenger, Mr. Stratton, Mr. Visclosky, Mr. Bennett, Mr. Russo, Mr. Volkmer, Mr. DioGuardi, Mr. Feighan, Mr. Emerson, Mr. Rhodes, Mr. Leach of Iowa, Mr. Wyden, and Mr. Cardin.

H.J. Res. 524: Mr. Chapman, Mr. Hughes, Mr. Schuette, and Mr. Stenholm.

H.J. Res. 528: Mr. Fields and Mr. Wilson.

H.J. Res. 537: Mr. Schuette, Mr. Livingston, Ms. Kaptur, Mr. Spence, and Mr. Atkins.

H.J. Res. 551: Mr. Cardin, Mr. Chapman, Mrs. Collins, Mr. Clement, Mr. de Lugo, Mr. Dixon, Mr. Dornan of California, Mr. Erdreich, Mr. Fazio, Mr. Foglietta, Mr. Frost, Mr. Fuster, Mr. Gray of Illinois, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hefner, Mr. Henry, Mr. Horton, Mr. Hoyer, Mr. Hyde, Mrs. Johnson of Connecticut, Mr. Kildee, Mr. Levin of Michigan, Mr. Lewis of Georgia, Mr. Lott, Mr. Lungren, Mr. McGrath, Mr. McMillen of Maryland, Mr. Mfume, Mr. Nichols, Mr. Quillen, Mr. Ray, Mr. Roe, Mr. Smith of Florida, Mr. Spratt, Mr. Stokes, Mr. Tallon, Mr. Tauzin, Mr. Thomas of Georgia, Mr. Wolf, and Mr. Yates.

H.J. Res. 553: Mr. Latta.

H. Con. Res. 223: Mr. Oberstar.

H. Con. Res. 232: Mr. Morrison of Washington and Mr. Bereuter.

H. Con. Res. 298: Mr. Skeen, Mr. Gunderson, Mr. Harris, and Mr. Lipinski.

H. Res. 379: Mr. Buechner, Mr. DeWine, Mr. Porter, and Mr. McEwen.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 911: Mr. Martinez.

H.R. 1115: Mr. Martinez.

H.R. 2238: Mr. Martinez.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4587

By Mr. BROWN of Colorado:

—On page 19, line 2, strike $152,647,000" and insert in lieu thereof "$148,031,980".

SENATE—*Wednesday, May 18, 1988*

The Senate met at 9:45 and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thou wilt keep him in perfect peace, whose mind is stayed on Thee: because he trusteth in Thee. Trust ye in the Lord for ever: for in the Lord Jehovah is everlasting strength.—Isaiah 26:3-4

Gracious God of peace and righteousness, much of the time the Senate is a place of stress, breeding frustration at the best of times as well as the worst of times. Tension is normal—tension between personal agendas—constituent agendas—and special interests. Tension between national and international issues—between State and Nation—between regions—between urban and suburban. Rarely does an issue yield to simplistic right or wrong—good or bad analysis. There is tension between floor debate and committee work, not to mention the pressure of lobbyists, press and media, constituents, the curious—and in and through it all, Father, the relentless tension between home and Hill, between family and Senate schedule. Loving Lord, help the Senators to understand that Thou art not a God far off—that Thou art nearer than hands and feet—nearer than breathing. If we reach for Thee, we have already gone too far. Teach the wisdom of brief intervals of looking to Thee, waiting on Thee—the God who is always present—for the "peace that passeth understanding." In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 18, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HARKIN). Under the standing order, the majority leader is recognized.

ORDER OF PROCEDURE

CALENDAR, RESOLUTIONS, AND MOTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived and that no resolutions and motions over, under the rule, come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPIRATION OF MORNING HOUR

Mr. BYRD. Mr. President, I ask unanimous consent that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I listened to the Chaplain's prayer and thought it was a great prayer.

The Chaplain in his prayer recognized the tensions that beset all of us and the pressing demands upon all of us. He recognized the demands upon our families, the sacrifices that our families and we make by virtue of the necessities, the demands, the pressures, and the mad rush of life which we all experience.

He called attention to the great God of the universe to Whom we can always turn, for Whom we can always reach out, and on Whom we can always call.

Mr. President, it is not my desire to deliver preachments, but in my judgment this is the most important part of the day.

It goes to the root of all the problems that beset us. It is the root of the drug problem. The American family is no longer what it used to be. Family values need to be restored.

But there is always within our reach that communications line with the God of the universe, He who created life, and eternal life.

I hope that we will all draw strength and comfort as we participate with the Chaplain in his daily prayers.

God hath not promised skies always blue,
Flower strewn pathways all our lives through.
God hath not promised sun without rain,
Joy without sorrow,
Peace without pain.
But God hath promised strength for the day,
Rest for the laborer and light on the way;
Grace for the trials,
Help from above,
Unfailing sympathy,
And undying love.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the standing order, the Republican leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders be extended to the usual order of 10 minutes rather than 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield 2 minutes of that time to the Senator from Iowa and 2 minutes to the Senator from South Dakota.

THE INF TREATY

Mr. DOLE. Mr. President, first of all, I say to all of my colleagues on both sides that I would hope today we can make a lot of progress on the INF Treaty. I know there are a number of Senators who wish to make opening statements.

I would say to my Republican colleagues, I hope that, when the treaty is the pending business, there will be a number of Senators willing to come forward, because I do hope that the President, as I said yesterday, will have this treaty or the proper instruments with him when he arrives in Moscow to sit down with Mr. Gorbachev to talk about a number of problems, including additional arms reduction.

So we will be doing everything we can on both sides to make that happen. It may not happen. There are important matters that need to be addressed and important amendments. Maybe they cannot be resolved as quickly as the leadership would like.

But, in any event, I urge my Republican colleagues, and all others, of course, to help us and cooperate; certainly make a good record, but hopefully we can move thoroughly but expeditiously on the treaty.

Mr. BYRD. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I believe that, while I have said all along that the calendar dateline is not the most important matter, the important thing is that we have a good treaty. Having said that, I believe that this Senate can approve ratification of this treaty if we can focus only on those legitimate amendments, the serious amendments that will be called up and are entitled to consideration and are justifiable in the effort to strengthen the treaty. If we could deal with only those amendments, I do not have any doubt but that this Senate can complete its work on the treaty prior to the President's going on his trip. But if we get into other matters that are obviously for the purpose of delay and impediment, then that can impair the chances.

I hope we can avoid that, but it is up to individual Senators to restrain themselves and govern themselves and guide themselves in that respect.

I thank the distinguished Republican leader for yielding. I join with him in the belief that this can be done if we approach it in a serious way, with the intention only of improving this treaty if it can be improved, not with the intention of just simply delaying it for the sake of delay.

Mr. DOLE. Mr. President, I must say to the majority leader, as far as I know, I have heard no Senator indicate that he is going to try to delay the treaty. I know some who are opposed to it and some will offer amendments that might derail it. But, as far as any effort to delay, as far as I know, there is not a single Senator on either side of the aisle who indicated that. So far there has been no demonstration of that, and I hope that continues.

BICENTENNIAL MINUTE

MAY 18, 1789: THE SENATE REPLIES TO WASHINGTON'S INAUGURAL ADDRESS

Mr. DOLE. Mr. President, 199 years ago today, on May 18, 1789, the Senate began the relatively short-lived tradition of responding formally to the President's inaugural addresses and annual messages. At a quarter to 11 that Monday morning, the full Senate arrived by carriage at President George Washington's house. With Vice President John Adams leading, the Senate Members bowed to the President as they entered an elegant, long dining hall that had all its tables and chairs removed. Washington, clad in a black velvet suit with black silk stockings and silver buckles, carried a sword with a shining steel hilt and a white leather sheath. Standing before the fireplace while greeting the procession, he held a hat with cockade and plume in hands covered by yellow gloves. His hair was powdered white and drawn back by a silk bag.

On behalf of the Senate, Adams proceeded to deliver the address that did little more than pledge the Senate's full cooperation with the President. According to the journal kept by anti-Federalist Senator William Maclay, Adams was trembling and confused, reading the beginning of the reply awkwardly, but assuming a smoother delivery for the remainder. Washington then tucked his hat under his arm, put his spectacles on, and read his reply of gratitude. Upon concluding his speech, the President handed his reply to Adams, bowed to the Senate, and asked all to be seated. Refusing to sit, Adams made a low bow and retired from the room. The Senate then rose, bowed, and walked to the door to await their carriages back to Federal Hall.

This formal ceremony of reply was discontinued in 1801, when President Thomas Jefferson began the practice of sending his annual messages in writing. He believed the President's address and the formal congressional reply resembled too closely the ceremonies of the British monarchy.

Mr. President, I reserve the remainder of my time, except for the time allocated to the Senator from Iowa and the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from Iowa.

THE INF TREATY

Mr. GRASSLEY. Mr. President, one of the famous quotes from George Santayana is, as we all remember: "Those who cannot remember the past are condemned to repeat it."

In preparing myself for the upcoming debate on the INF treaty, Mr. President, one of the issues that concerned me was the past record of arms control pacts. How well had previous attempts at limiting arms succeeded. Was there a past record of successes, and if so, what could we transfer to our present situation? Conversely, if these treaties were doomed to failure, what steps might we take to avoid a similar fate now that we are in constant negotiations with the Soviets?

One of the most prominent arms control agreements negotiated in this century was the Washington Naval Treaty of 1922. The original treaty was a three-country agreement between the United States, Great Britain, and Japan to freeze their strategic naval forces to existing sizes, which fixed capital ship numbers to a ratio of 5:5:3.

To make the treaty more comprehensive, France and Italy were reluctantly persuaded to join the agreement. All powers agreed to cancel their large naval building programs initiated at the end of World War I. Limits on size and armaments were imposed on capital ships. As an arms control treaty, the Naval Treaty of 1922 was quite extensive. It set limits on the quantity and quality of ships, limited modernization, and banned increased defenses in the central Pacific. It was hailed as a positive step toward arms control and a force for peace and stability in the post World War I era.

However, the treaty quickly ran into problems: problems that seen from today's perspective appear remarkably familiar. For the United States and Britain, the effect of the treaty was to lull them into a false sense of security. In the United States, the public and Congress felt that the treaty established strict limits that the major powers would adhere to and that tensions with Japan in the Pacific would be eliminated. Consequently, defense budgets and forces were reduced and naval construction was severely restricted. The number of ships were allowed to fall below the treaty's ceilings, with armaments likewise not keeping pace with allowable limits. United States naval strength fell to a precarious level from which we were unable to completely recover by the beginning of World War II.

Japan, on the other hand, took a different view of the treaty and increased its number of capital ships to the treaty's limits. Many of these ships also violated the size limits of the treaty, exceeding allowable limits by 10 to 20 percent or more. In addition, Japan pushed development of the aircraft carrier, which was not limited by the treaty, as a new weapon of the future, one that was used with devastating effect, and gave them an advantage in the early stages of World War II.

The net effect of this aggressive policy, coupled with the United States overadherence to the treaty, resulted in not a ratio of 5:3 in favor of the United States, which was the treaty's intent, but rather parity between the United States and Japan, if not outright Japanese superiority in naval forces. The impact of this imbalance was manifested in two critical actions, the inability of the United States to effectively counter the Japanese invasion of China in 1931 and, of course, to embolden Japan to attack the United States fleet at Pearl Harbor in 1941.

It was not until the middle of the 1930's, under President Roosevelt, that the United States took some positive action. As a former Assistant Secretary of the Navy, Roosevelt recognized the severity of the threat to United States naval power. To deal with the aggressive Japanese building program, suspected violations, and Japan's obvious intention to break out from the treaty at its expiration in 1936, Roosevelt together with Congress and the Navy Department developed a "proportional response" policy to deal with the Japanese threat. This was accomplished through enabling legislation and treaty escalator clauses. The legislation provided Roosevelt the authority to initiate building programs to increase the size and quality of the Navy. The escalator clauses were designed to come into effect unless Japan accepted new treaty terms to return to the designated limits. The clauses, which were to be triggered by Japan's actions, were automatic and specific. There was no ambiguity about United States intentions if Japan continued on its aggressive course. And when Japan refused to comply, the clauses were invoked. These escalator clauses, plus the administration's willingness to use them, was important in starting the United States on a naval buildup that provided an adequate battleship force at the beginning of World War II. In fact, it was under the second escalator clause that the four *Iowa*-class battleships were built, four ships that have been modernized and returned to service as part of our current naval forces.

What lessons can we learn from this experience that might be applicable to our current INF situation? First, the United States was lulled into a false sense of security by an arms control pact. There was an overcompliance with the treaty limits due to a sense of security and good will which severely impacted our overall naval strength. By signing an INF treaty we need to be viligant and allow ourselves to maintain a viable deterrence within treaty limits and in areas outside the treaty. Second, Japan viewed the treaty as an opportunity to increase their naval strength as much as permissible. Whenever possible they pushed the treaty to its limits and often violated those limits. It is not unrealistic, given the Soviets past propensity toward violating arms control pacts, to see them taking the same approach. Finally, the actions taken by President Roosevelt, were accomplished in a definite and proportional manner. Roosevelt had the will to act, the means to act, and spelled out specifically how he would act in response to Japanese actions. In dealing with the Soviets, the Reagan administration needs to demonstrate the same will to act, and to spell out the specific proportional responses that we will take if the Soviets violate the treaty. As in the 1930's, this body is willing to support the President in demonstrating a national will to act in the face of an arms control pact violation.

By looking at the past, Mr. President, we can learn valuable lessons for the present. The failure of arms control in the 1920's and 1930's should not discourage us from trying to achieve this worthy goal but should alert us to the potential pitfalls in such a treaty and possible actions that might give us a better chance for success.

Mr. President, I am going to speak further on the history of past arms control pacts.

I yield the floor.

MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin is recognized.

WHAT IS THE REAL CONTRIBUTION OF THE INF TREATY TO ARMS CONTROL?

Mr. PROXMIRE. Mr. President, how important is the Senate ratification of the Intermediate Nuclear Forces Treaty [INF]? Does this treaty really advance arms control and nuclear peace significantly? How does it compare in significance with the first Strategic Arms Limitation Treaty [SALT I]. That was the ABM Treaty. How does it rank with the second Strategic Limitation Treaty [SALT II] that placed a cap on the intercontinental ballistic missiles of both superpowers?

In a sense the INF Treaty is of far less significance than its predecessors. The INF Treaty only affects about 4 percent of the superpower nuclear missiles. Both the United States and the Soviet Union retain more than 10,000 strategic nuclear warheads, many times more than they need to utterly destroy the other superpower. Both sides also have huge arsenals of short-range and tactical nuclear missiles with ranges of up to 300 miles and the capability to devastate large sections of adversary cities as well as many military targets. By the time the terms of the treaty have been fully carried out both the Soviet Union and the United States will have "strengthened" their respective nuclear capabilities further by advancing the accuracy, reliability, and invulnerability of their enormous nuclear arsenals. So let us not kid ourselves. This INF Treaty does not in any sense reduce the nuclear power we face.

Is it not true that the INF Treaty eliminates an entire class of nuclear weapons? That is true. And does it not end the nightmare for European cities so that now, at least, they will no longer live under the threat of Soviet nuclear weapons that could destroy their country in minutes? No. That is not the case. The Soviets still have an immense arsenal of many thousands of nuclear weapons that can still target every city in Western Europe, as well as every city in the United States and everywhere else in the world.

So what will Senate ratification of the INF Treaty do to advance peace and reduce the terrible prospect of a nuclear holocaust? Answer: Superpower arms control treaties cannot and should not strive to eliminate nuclear weapons. The INF Treaty does not begin the elimination of nuclear weapons. It is precisely the possession of huge arsenals of nuclear weapons by both the United States and the Soviet Union that keeps the peace in Europe, that has kept it for the past 43 years and that will maintain a superpower peace for hundreds of years to come as long as both sides can preserve the credibility of their respective nuclear deterrent. Credibility means the power to preserve and deliver nuclear missiles on target. Unfortunately, it is not love, or kindness, or reverence for the sanctity of human life that has kept the superpower peace and will continue to keep it in the future. It is the understanding on both sides that a nuclear war will leave only utterly defeated, dead and dying losers. Here is why nuclear weapons deter war and keep the peace.

So again what contribution does the INF Treaty make to peace? It makes a critically important advance by providing a new and sharply improved system of verification of compliance with the terms of the treaty. The precedent established by these thorough and comprehensive requirements of the treaty can be applied to the reduction of arms, particularly conventional arms on both sides. In doing so arms control agreements can greatly ease the economic burden of the arms race. They can also develop a confidence that neither the United States nor the Soviet Union are violating the treaty.

The INF Treaty requires that intermediate missiles be destroyed in the presence of experts from the other side. It also places inspectors at the exists of all missile plants in the Soviet Union. But this is just the beginning. One of the most important provisions of the treaty is the requirement for the destruction of the storage warehouses where the missiles have been housed, the maintenance facilities where the missiles are repaired, tested and kept in working order. The treaty also requires that U.S. inspectors witness the destruction of all transportation equipment designed to transport the missiles. Another critical provision in the treaty is the requirement that hundreds of missile sites be opened up to U.S. cameras in the sky. Our space surveillance technology has advanced amazingly in the past few years. It is now possible to detect objects the size of golf balls from hundreds of miles in the sky.

This kind of intrustive vertification is specially crucial for the United States in verifying the compliance with the agreement of a closed society like the Soviet Union. Of course, the inspection is reciprocal. But our country is relatively wide open to the prying press and public. The benefits of this new compliance procedure are certainly heavily in our favor.

Most important the same verification provision that we have now established in the INF Treaty can be applied to treaties we negotiate with the Soviet Union to limit conventional weapons and personnel. After all what has been the prime criticism from United States opponents of arms control agreements with the Soviet Union? They have charged that any agreement with the Soviet Union to reduce military forces would be an exercise in unilateral disarmament. Why? Because, they argue, the Soviets would cheat. Now the INF Treaty provides an excellent basis for negotiating agreements that will be virtually certain to prevent significant cheating by the Soviet Union in more far reaching future agreements.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

THE CARROLLTON BUS TRAGEDY

Mr. McCONNELL. Mr. President, I rise today to do one of the most painful things I have had to do as a Member of this body. I am certain that everyone in this Chamber has heard of the tragedy that my State is facing at the moment.

Late Saturday night, a group of young people from the First Assembly of God Church in Radcliff, KY, were returning from a fun-filled day at Kings Island Amusement Park, when the schoolbus they were traveling in was struck head on by a vehicle going the wrong way on Interstate 71 near Carrollton, KY. In a few short moments, the lives of 27 young people came to a tragic and violent end. Most of the victims were between the ages of 10 and 17; there were adults from the church who had volunteered their time.

The senseless loss of so many lives has left many in my State, and in this Nation, shaken: the loss of a wife and two young daughters by a soldier at Fort Knox; the loss of a son by a family in Vine Grove; a young cheerleader; a young girl who recently had her braces removed; and a minister who had been ordained only a month ago, and who fought the ensuing blaze with a fire extinguisher while getting the others out to safety.

The loss of these bright young lives is one which their families must bear heavily, and one which affects all of us in some way. I offer my heartfelt condolences to these families, and I am certain my colleagues join me in expressing sympathy, as well.

What makes this tragedy even worse, however, is that the loss of life was the result of drunk driving: the person who hit the bus head on had a blood alcohol level 2½ times the legal limit in Kentucky. Somehow, he survived. But prosecutors in the case yesterday filed 27 counts of capital murder against him. The case should be prosecuted to the full extent of the law; however, this will not bring those 27 lives back. Therefore, this incident ought to show us how far we still need to go in preventing drunk driving before it results in tragedy.

Just a few days ago, 99 Senators signed a letter instructing Surgeon General Koop to declare drunk driving a national crisis and urging him to take "all appropriate action" to meet this crisis. In the wake of the Carrollton tragedy, each member of the Kentucky congressional delegation has signed a separate letter to President Reagan requesting him to take similar action. I am proud to have signed both letters.

To thousands of people in America, and to so many grief-stricken Kentuckians, there is no more time to waste in preventing drunk driving. It is time to get serious about this problem and keep tragedies like this one from ever happening again. The signatures of 99 Senators pale in comparision to 27 young lives lost in Kentucky. It is their memory which cries out to each of us to make sure they did not die in vain.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois. Mr. DIXON.

WORKING GROUP RECOMMENDATIONS

Mr. DIXON. Mr. President, Monday, the President's Working Group on Financial Markets submitted its interim report. I think that the working group's recommendations are, in the main, good ones. While I do not agree with everything in the report, I do think the working group's members have done a commendable job and deserve our support. I am particularly pleased that the working group's recommendations can be implemented without the need for congressional action.

The report demonstrates a sophisticated understanding of our financial markets. It does not make exaggerated claims for its recommendations. Instead, the report makes very clear that while its recommendations will improve our financial markets' ability to respond to future large price movements, improvements in market operation cannot reduce market volatility.

This is a hard conclusion for some to accept. Some of my colleagues in both the House and the Senate believe that simple mechanical changes, such as increasing futures margins, will somehow magically restore market confidence and dramatically diminish market volatility. Unfortunately for them, that belief is simply not supported by the evidence and as the interim report points out:

> It is unrealistic (and perhaps counterproductive) to try to undo the changes in financial markets or market strategies brought about by improvements in telecommunications and computer technology.

The members of the working group unanimously agreed that:

> The role of fundamental economic forces should be emphasized when evaluating the October decline. Stock prices prior to the collapse had reached levels that seemed to be in excess of those justified by real earnings potential and reasonable discount factors. The inevitable reassessment of economic fundamentals by market investors was an important part of the selling pressure and price decline in October.

The Washington Post, in an editorial in yesterday's edition entitled "Further Crashology" agreed with the report's major conclusions. In particular, the Post accepted the analysis of the majority of the working group on the volatility issue, stating that the working group "is dead right—that it really can't do much about volatility and ought not to try." The Post editorial goes on to note that "extremely volatile markets are inevitable in the kind of economy Americans have built for themselves in the 1980's. In a country with huge budget deficits and a dramatically instable currency exchange rate, it is idle to hope that financial markets can be stable."

The Post concludes by pointing out that "there are remedies for the continual heart-stopping lurches through which the markets have been moving recently, but those remedies lie far beyond the reach of regulators and Presidential working groups."

The New York Times, in an editorial appearing last Sunday, made the same basic point. The Times, agreed with the Post, the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the Chairman of the Commodity Futures Trading Commission that fiddling with financial market mechanics "won't do much good * * * in reducing week-to-week volatility."

The Times also joined the Post in noting that we should be looking at market fundamentals, stating that the fundamental issues raised by the October debacle remain unexamined."

I share the views expressed by the New York Times and the Washington Post, Mr. President. I think it is time to look at the fundamentals. Congress should abandon its fixation on quick-

fix, mechanical solutions and instead focus on the real, long-term issues.

Implementation of the working group's seven major recommendations will help improve the operation of our financial markets, create greater safety and soundness in the system, and better enable it to cope with future episodes of volatility. These recommendations give Congress the time it needs to look at the underlying issues that need our attention. I hope we will use that time wisely, instead of continuing to try to go the working group one better by second-guessing its recommendations on market operational issues.

Mr. President, I ask unanimous consent that the summary section of the working group's report, and copies of the Washington Post and New York Times editorials be included at this point in the RECORD and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERIM REPORT OF THE WORKING GROUP ON FINANCIAL MARKETS

I. INTRODUCTION AND SUMMARY

On March 18, 1988, the Working Group on Financial Markets was established by Executive Order to provide a coordinating framework for consideration, resolution, recommendation, and action on the complex issues raised by the market break in October of 1987. The Working Group was charged with developing effective mechanisms to enhance investor confidence, to protect the quality and fairness of markets for all participants, and to preserve the continued orderliness, integrity, competitiveness, and efficiency of our nation's financial markets. This is an interim report on our progress, actions, and recommendations.

From the beginning, the Working Group has had the benefit of a number of useful studies, notably the Report of the Presidential Task Force on Market Mechanisms (Brady Report) and separate studies by the Securities and Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), General Accounting Office (GAO), and others.

The Working Group reached early agreement on a number of important premises for our deliberations.

The existence of large debt and equity portfolios held by institutions and the increased level of principal activities by investment firms have led to increased demand for portfolio hedging strategies and market liquidity.

It is unrealistic (and perhaps counterproductive) to try to undo the changes in financial markets or market strategies brought about by improvements in telecommunications and computer technology.

The role of fundamental economic forces should be emphasized when evaluating the October decline. Stock prices prior to the collapse had reached levels that seemed to be in excess of those justified by real earnings potential and reasonable discount factors. The inevitable reassessment of economic fundamentals by market investors was an important part of the selling pressure and price decline in October.

The size and speed of the decline initiated by fundamental reevaluation of equity values was exacerbated on October 19 by a number of factors:

Volume overwhelmed trade processing capacity;

Many participants pulled back from the markets because of fear and shock—and because of uncertainties and concerns over (i) the accuracy and timeliness of information, (ii) counter-party solvency, (iii) credit availability, and (iv) de facto, ad hoc market closures or other market disruptions.

The financial system came under great stress in the credit, clearing, and settlement area.

The Working Group agrees with the Brady Report conclusion that the stock, options, and futures markets are closely linked.

The priority goals of the Working Group, therefore, have been to address the major uncertainties and to focus on reductions in possible systemic risk. In this respect, the Working Group followed the agenda established by the Brady Report, which also assigned first priority to the systemic risks identified during the market break.

As a result, the Working Group was able to concentrate its initial efforts on developing the most important system protections, in close consultation with self-regulatory organizations and market participants. The Working Group's conclusions and recommendations, more fully described in the body of the Report and its appendices, are as follows:

1. A "circuit-breaker" mechanism should be put in place that operates in a coordinated fashion across all markets, using pre-established limits broad enough to be tripped only on rare occasions, but which are sufficient to support the ability of payment and credit systems to keep pace with extraordinarily large market declines.

2. A significant number of important initiatives should be implemented in a timely fashion to improve further the operation of the credit, clearing, and settlement system—beyond the notable and valuable changes the markets have made already. Although these initiatives are complex and technical, they would result in highly significant improvements in the vital linkages within the credit markets.

3. Current minimum margins for stocks, stock index futures, and options provide an adequate level of protection to the financial system. Prudential maintenance margin percentages required for carrying an individual stock should be significantly higher than the percentage margin required for a futures contract on a stock index.

4. Contingency planning, including the continuation of the Working Group, is an important, ongoing responsibility that the Working Group members are implementing.

5. Capital adequacy is being addressed in material ways by the markets and should continue to be reviewed and improved whenever necessary.

6. Markets already are making—and should continue to make—significant efforts to enhance the operational capacity of trade-processing systems and to improve the fairness and quality of order executions for all investors, large or small.

7. The Working Group should continue to function as a coordinating and consulting mechanism for intermarket issues.

The Working Group can continue to be effective by monitoring the progress of its recommendations, by serving as a consultative and coordinating forum, and by expediting resolution of the remaining issues. The Working Group also believes that the structural weaknesses exposed by the October break can be overcome through cooperative efforts of the relevant government agencies, self-regulatory bodies, market participants, and the Congress.

[From the New York Times, May 15, 1988]

THE WRONG VILLAINS ON WALL STREET—QUICK FIXES DISTRACT FROM REAL REFORMS

Pressed by corporate clients, Salomon Brothers and Morgan Stanley & Company finally caved last week. They announced that they, along with three other large firms, would give up program trading for their own accounts. This delighted Wall Streeters, desperate for ways to prove that the demon had been slain and that it's safe for investors to test the market waters again.

But this "voluntary" ban on program trading won't tame price volatility on the market. Neither will the New York Stock Exchange's proposed "circuit-breaker" limiting daily price movements. Not only are such devices and slogans unlikely to be effective; worse, they distract attention from two fundamental reforms:

Little attention has been paid to the question of how best to protect the banking system from another securities panic.

Even less attention is devoted to the deeper malady—the failure of markets driven by speculation to funnel capital to its most efficient uses.

A half-trillion dollars in stock value accumulated over a year vanished in a few days last October. How could productive companies lose so much of their worth in a matter of hours? The best guess is that they were overvalued before the crash.

It now appears that big institutions, mostly mutual and pension funds, kept on buying stocks long after prices had reached levels that could not be justified by earnings projections. Their miscalculation: assuming that automated hedging techniques would enable them to lock in profits when every potential buyer was ducking for cover.

It is not likely that computerized trading deepened the fall. But traders' reliance on "derivative" stock-index securities probably did accelerate the process, forcing regulators to make minute-to-minute decisions without adequate information.

Luckily, the crash proved self-limiting, and the loss of hundreds of billions in paper wealth had little real economic effect. There's even reason to believe that this panic reduced the probability of another one. After Oct. 19, few institutions are likely to rely on hedging strategies to protect them when a speculative bubble bursts.

But the crash did leave big brokers wounded and defensive. Customers have lost their taste for the trading game. Volume, and profits, are way down. It's no wonder that Wall Street is looking for fixes, ways to restore faith that the dice aren't loaded. Everybody's favorite fixes, daily trading limits and a ban on "index arbitrage," probably wouldn't do any harm. But they won't do much good, either, in reducing week-to-week volatility.

Some insiders understand this, but still press for the rules because they wish to avoid more costly changes—higher margin requirements, for example—that might be imposed by Congress. Meanwhile, the fundamental issues raised by the October debacle remain unexamined. Securities trading is tied to the banking system by lines of credit. Major brokerages routinely borrow billions of dollars, backing their debts with securities. But during the panic, plunging stock prices badly frightened the banks. Some were said to be about to call their loans. That would have forced brokers to liquidate huge portfolios, inflaming the panic and, conceivably, triggering a run on the banks and the dollar.

Swift intervention by the Federal Reserve saved the day and probably would again. That's a relief, but it's no guarantee against the spread of infection. Congress and the regulators ought to be scrutinizing how to insulate the financial payments system from a sudden knockout punch.

Perhaps most disheartening, the crash has generated virtually no debate on the economic value of highly liquid securities markets. Technology and deregulation have dramatically cut the cost of buying and selling securities in two decades.

The resulting explosion in trading by big institutions created jobs and profits for Wall Street. But the "easy-in easy-out" spirit fostered a gamblers' culture, perhaps widened speculative swings in stock prices and surely distanced owners of stock from the management of corporations.

Is all that liquidity worth the consequences? Or would the economy be better off with artificial barriers against rapid turnover—like a tax on securities held less than a year? Brokers and investment bankers are understandably eager to regain credibility by hanging the villains responsible for the crash. But so far, they're hanging the wrong ones.

[From the Washington Post, May 17, 1988]

FURTHER CRASHOLOGY

In the seven months since the stock market crash, no consensus has emerged in the country or in the government about the reforms—if any—that the market requires. The president's Working Group on Financial Markets, in its report yesterday, chose to limit itself to a few basic recommendations on which the administration and the regulators could agree quickly and easily. Recognizing that legislation this year is unlikely at best, the working group is relying chiefly on changes in rules by the regulators and by the exchanges themselves to make the improvements that it thinks most immediately necessary. They won't greatly alter the way the markets work, but some of them will be useful.

In his first shocked response to the crash, President Reagan set up a commission under former senator Nicholas Brady to carry out a post-mortem. Mr. Brady and his colleagues, all major figures in the world of business and finance, proposed last January a series of changes that amounted to a tightening of regulation. The administration backed away uneasily and a couple of months later set up the working group headed by Undersecretary of the Treasury George D. Gould, and including the heads of three regulatory agencies, to decide what it was actually going to do. Its verdict is that while a lot of things went wrong in that chaotic week, it's hard to demonstrate convincingly that the markets' structure or practices aggravated the crash. The debate now is chiefly over the hypothetical question of what might happen in a future crash.

Probably the most important of the working group's recommendations involves tightening the intricate process of clearance, by which brokers and banks settle accounts with each other. A failure there could quickly turn into the kind of catastrophe that is the regulators' nightmare, in which a falling market causes failures and bankruptcies that begin to destroy businesses and jobs far removed from the financial industry.

Since October there has been vast and continuing complaint from brokers and investors that the markets have become intolerably and dangerously volatile. But the working group replied—and here it is dead right—that it really can't do much about volatility and ought not to try. Extremely volatile markets are inevitable in the kind of economy Americans have built for themselves in the 1980s. In a country with huge budget deficits and a dramatically instable currency exchange rate, it is idle to hope that financial markets can be stable. There are remedies for the continual heart-stopping lurches through which the markets have been moving recently, but those remedies lie far beyond the reach of regulators and presidential working groups.

EXTENSION OF MORNING BUSINESS

Mr. SIMON. Mr. President, I ask unanimous consent that morning business be extended an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

ABE STOLAR—PART VIII

Mr. SIMON. Mr. President, I rise again in behalf of the citizen whose picture is right in back of me, Abe Stolar, an American citizen, 75 years old, who is in Moscow today. He wants to leave. He was born in Chicago in the State that Senator DIXON and I represent.

When he was a young man, 19 years old, his father, and this was in the depths of the Depression, thought communism in the Soviet Union was going to be paradise and this was the answer for them.

They went over to the Soviet Union. His father, a few years later, was killed by Stalin. His mother and sister were taken off to Siberia. He never saw them again. He is over there today and talks like a Chicago citizen. You do not expect to see that walking into an apartment in Moscow.

Abe Stolar, an American citizen who, incidentally, voted by absentee ballot in the last election for President of the United States—voted for Ronald Reagan for President of the United States—wants to come back and leave the Soviet Union with his family. It is not asking too much that this be done. The summit meeting is coming up, and right now is the time when it ought to take place.

I see the Presiding Officer asking me why can he not leave? Well, that really is the question: Why can he not leave?

We have been working on this case for some time. In theory, the Soviets say you can leave, but you cannot take your family with you. Well, he cannot do that, and so there is, for example, a technicality. The mother of his daughter-in-law asked to be assured that if something happened, she would have financial support. We have guarantors in the Soviet Union and in the United States who are willing to provide that. Let Abe Stolar and his family leave the Soviet Union.

I also sent a cablegram to our Ambassador to the Soviet Union, Jack Matlock, asking that the President meet with Abe Stolar while he is over there. It so happens the President and Abe Stolar grew up in Illinois about the same time. They are both Cubs fans by background. I think they would find a great deal in common. But here is an American citizen who wants to leave with his family. Let him leave.

I want to improve relations between our countries. That is where we are going on this INF Treaty, but good relations between the Soviet Union and the United States involve not only arms control agreements, they involve people. I hope that the Soviets will do the sensible thing and let Abe Stolar and his family come to the United States.

Mr. President, Abe Stolar longs for the day he will see the city of his birth, Chicago, once again. But Abe remains in the Soviet Union because the Soviets will not allow his daughter-in-law, Julia, to accompany the rest of the family. On previous days, I have told Abe's story and about his strong desire to leave. Today, I want to focus on why the Soviets are using Julia Shurukht Stolar as the reason to keep the entire family in Moscow.

Julia's mother has refused to sign a financial waiver. Soviet law requires that a parent be adequately provided for in times of financial need. The Stolars believes Julia's mother's pension would adequately cover her retirement needs. However, I can understand the concern over being left without any support in the face of a crisis. The Stolars understood this concern as well and offered an alternative plan. They did not want Julia's mother to waive her right to her daughter's support. They proposed instead that her daughter's support be insured by a secondary source. This person or entity would assume a formal, official commitment to supporting Julia's mother in case a court declares her in need of such support and establishes the sum to be paid.

The response from the United States was immediate. Several financially sound individuals offered themselves as guarantors. Still, the need for financial waiver exists as a reason for not allowing Julia to leave.

The Soviets can settle this case if they want. The time to allow the Stolars to leave as a family is long overdue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of executive Calendar Order No. 9, which the clerk will report.

The assistant legislative clerk read as follows:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES

The Senate resumed consideration of the treaty.

Mr. BYRD. Mr. President, I believe the state of play at the moment is that excepting unanimous consent the Senate would have to continue the reading of the memoranda of understanding and protocols?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I am hopeful that there will ultimately be no objection to dispensing with the further reading, but I have discussed with Senator DOLE the situation as of now. He will be in a position to state what that situation is. My request would be otherwise, that the further reading of the memoranda and protocols be dispensed with.

Let me propound that request and then Senator DOLE can reserve.

Mr. President, I ask unanimous consent that further reading of the memoranda of understanding and protocols be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, reserving the right to object, we have one Senator, Senator HELMS, who I do not think would have any objection to our getting unanimous consent to proceed if we reserved all of his rights including points of order, which would permit us to go ahead and continue to make opening statements. I would be constrained to object to that request. If the majority leader would request that we proceed reserving points of order and all rights of each Senator, I would have no objection to that. That would protect Senator HELMS.

Mr. BYRD. Very well.

Mr. DOLE. He will be back in about 45 minutes.

Mr. BYRD. Very well. I modify the request as follows: That there be dispensation of the reading of the memoranda of understanding and the protocols for 1 hour, and that in the meantime all Senators' rights are reserved, no points of order are waived, and that the Senate may proceed with debate on the treaty.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I should state that the Senators have been in discussions with respect to reaching an agreement on the D'Amato amendment.

What I have to say here has to do with business in legislative session.

I am told that progress is being made but that it will require probably another 2 hours at the conclusion of which time hopefully there can be an agreement which would allow the D'Amato amendment to be taken off, put aside from the DOD authorization bill, and allow final vote on that bill at some point later today.

So I hope those discussions will continue to go forward and will be fruitful. In the meantime, if Senators who have opening statements on the treaty would proceed, that would accommodate the interests and the time of the Senate.

I thank the Republican leader.

Mr. DOLE. I thank the majority leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, let me also indicate that I have been meeting this morning, as the leader has, with key Senators on our side who are going to be responsible for moving the treaty forward. In our case, the ranking member of the Foreign Relations Committee, Senator HELMS, is opposed to the treaty. I have asked therefore that Senator LUGAR, the second ranking member on our side on Foreign Relations, assume control of the debate along with this Senator, and that also the ranking Republican on Armed Services, Senator WARNER, and the ranking member on Intelligence, Senator COHEN, will be active in areas that affect their committees, just as the chairman on the other side will be active.

Then Senator SIMPSON, who has been sort of the coordinator on this side of the aisle over the past several months and during a brief absence when I was away from the Senate, will be participating and will be helping us on this side. Obviously, those opposed have all the rights they would have had. We want this treaty to receive consent ratification, and we want to make certain that we can accommodate the President, unless there is some startling development that nobody is aware of.

So I want to thank my colleagues for their willingness to participate and cooperate as they always have.

I also urge Republicans to come to the floor. We have an hour now for opening statements. This is a good time to make opening statements. For those who have not done so, I think this is a propitious time.

Mr. BYRD. Mr. President, will the distinguished Republican leader agree on 2 hours? I think we ought to have an equal division of time on debate, and at least for the opening statements. So that can indeed be equal. Would he agree to having 2 hours of debate equally divided between the two leaders or their designees on the treaty?

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, I yield my time to Senator PELL.

Mr. DOLE. Would that extend the other matter for an hour?

Mr. BYRD. No. It has nothing to do with that.

Mr. DOLE. I see.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. DOLE. I designate Senator LUGAR to control the time on this side.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I would like to take this opportunity to thank the distinguished Republican leader for convening the meeting, and I would like to thank my colleagues, the distinguished ranking Republican member of the Armed Services Committee, Senator WARNER, and the distinguished ranking member of the Intelligence Committee, Senator COHEN, and obviously, the Republican whip, Senator SIMPSON, for pledging to work together to coordinate staff work in behalf of our side of the aisle in support of the INF Treaty.

We look forward to working with our leader. We look forward to participating in the constructive debate and expediting the procedures. I simply want to take this opportunity to thank Senator DOLE for making this designation clearly so we are all organized for debate.

I thank the Chair.

Mr. WARNER. Mr. President, before the Senator steps down, I think it might be helpful to other Senators to be aware of the fact that as designee of the Republican leader now, we are going to set up sort of an informal staff arrangement. From my staff will be Brian Dailey, who has been on the Armed Services Committee and Gary Sojka, who served for me on the Intelligence Committee.

The reason we mentioned it, these two particular men, indeed Mr. Dailey, has spent incalculable number of hours on the record, which is housed in security in the Hart Building. I think other Senators and members of their staff could expedite their independent examination of this record and such other parts of the treaty background as they deem necessary by simply talking to one or two of these staff individuals who spent the last month on this subject.

Mr. LUGAR. I thank the distinguished Senator.

I appreciate, likewise, the expertise that he and his staff bring, and their participation in the oversight group. The Senator has been going to Geneva long with others of us for the past 3 years, and it shall be incalculable in its value as we proceed.

I thank the Senator.

Mr. WARNER. The Senator might mention the staff individual that he suggests.

Mr. LUGAR. I will indeed.

I would like to designate Ken Myers who has been another staff person on this group, and Charles Andreae and Andy Semmel of my staff who also will be devoted to this joint group.

I would like to ask the distinguished Senator from Maine if he would care to mention staff members that will be involved?

Mr. COHEN. I thank the Senator from Indiana.

At this point, I would designate Jim Bodner of my staff to coordinate with the group.

I may have an additional one or two who have been active during the course of the deliberations in the Intelligence Committee. But Mr. Bodner would be the one I select at this time.

Mr. LUGAR. I thank the Senator. Dave Smith, obviously, of the leader's office, has been most helpful in bringing this together and will contribute to the staff.

Mr. WARNER. If we might make it clear, these designations certainly are for the purpose of not preempting others but to indicate that here are persons who have spent very considerable amount of time and therefore to avoid duplicative effort on behalf of other Senator staffs, they are available to assist other Senators.

Mr. LUGAR. That is correct. I thank the Senators.

I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield as much time to the distinguished Senator from Wyoming as he may require for an opening statement.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I rise in support of the Intermediate Nuclear Forces [INF] Treaty. The signing of the INF Treaty by President Reagan and General Secretary Gorbachev in Washington on December 8 of last year was a historic occasion. The INF Treaty is really very much a success story for the Reagan administration. This treaty eliminates the entire class of United States and Soviet intermediate range missiles and is a direct consequence of the President's steadfast commitment to achieving meaningful arms reduction. Under past arms control treaties both parties have usually only merely limited the increases in nuclear weapons. This treaty is very different in that regard because it does call for significant reductions in both nuclear forces.

The INF Treaty is also a success story for NATO because it demonstrates solidarity among the members of this important treaty organization. The NATO members have "hung together" through thick and thin in responding to the threat created by the deployment of the Soviet SS-20 intermediate missiles. In times past, members of the press, the public, and Congress have criticized the Reagan administration for deploying Pershing missiles in Europe. It was said that this deployment would only escalate the arms race and it would never induce the Soviet Union to negotiate reductions in nuclear arms. However, this conventional logic proved to be incorrect and the deployment of Pershing missiles can now be viewed as one of the most important inducements for the Soviet Union to engage in meaningful arms control.

The treaty provides for the elimination of all United States and Soviet intermediate range missile systems with the range between 500 and 5,500 kilometers. In addition, the treaty calls for elimination or conversion of any related defense facilities within 3 years after the treaty is in force. The treaty bans all production and flight testing of these missiles immediately upon entry into force, and after elimination is completed, the treaty will ban all facilities for deployment, storage, repair and production of these lethal missile systems.

President Reagan has always argued that we must have arms control treaties that can be effectively verified or we ought not to have any treaties at all. In this view, the INF Treaty contains the most stringent verification provisions in the history of arms control. They are not perfect provisions—but they are provisions which will enable the United States to determine the quantitative and qualitative nature of any Soviet cheating should it occur.

The INF Treaty provides for an unprecedented exchange of data on systems limited by the treaty, including numbers, locations, and technical characteristics of all INF missiles and launchers. Uniquely, it requires short-notice onsite inspection at INF-related sites during the 3-year reduction period and for 10 years afterward. The treaty will require resident inspectors at key missile final assembly facilities and includes a prohibition on interference with verification by national technical means, including satellite monitoring. These provisions will help to ensure confidence in the agreement by deterring violations of the treaty, and will permit timely detection of violations in order that the United States can take appropriate steps to protect U.S. and NATO security.

When all is said and done, it will be seen that the INF Treaty actually strengthens U.S. and NATO security. That is why I am in favor of Senate ratification. The treaty will result in the Soviet Union eliminating deployed systems capable of carrying more than 1,500 nuclear warheads. This establishes the precedent of the Soviets undertaking greater reductions to reach equal arms levels with the United States. In addition, the treaty also plans any future deployment of INF missiles, including the newly developed Soviet ground-launched cruise missiles. Deployment of these cruise missiles would have seriously complicated the air defense of NATO countries. Elimination of the Soviet intermediate range missiles should enhance the survivability of NATO forces by eliminating one of the most effective weapons against key NATO targets. While these systems have been eliminated, NATO will retain a substantial nuclear capacity sufficient to ensure that the strategy of flexibile response is continued.

As I have stated often before—the treaty is not perfect—but it is in the best interest of NATO and the United States. We will now need to reexamine the composition of our conventional and short-range nuclear forces in order to ensure that we have the responses necessary to deter a Soviet attack in Europe and this will take some readjusting of our conventional and nuclear postures. The Congress stands ready to provide funding for whatever modernization measures are needed to adjust to the post-INF environment.

Having signed the INF Treaty, President Reagan continues his determined efforts to achieve a safer world, including more negotiations for deep reductions in strategic intercontinental nuclear weapons and a greater balance in conventional forces in Europe. The signing and ratification of the INF Treaty is only the first step in this commendable and commonsense effort.

Mr. President, I think this is a most singular thing to proceed here today on the INF Treaty. I want to thank Senator BYRD for his persistent review of this situation. I have observed that, as he readied himself for this opportunity, and listened carefully to his leaders within the ambit of the issue as he does, carefully considering their rights, responsibilities, and their wishes. Senator DOLE has been superb—and most patient and providing real leadership. Senator NUNN, Senator PELL, who has done a superb job, I commend them; Senator NUNN, who is the observation tower as he has watched this so carefully; my fine friend Senator BOREN, too, and their ranking members. For the first time in my tenure in the U.S. Senate I have a very fine sense of bipartisanship on one of the most critical foreign policy issues we have, because I see Senator LUGAR working so well with Senator PELL. I see Senator WARNER working so closely with Senator NUNN. I see Senator BILL COHEN working so well with Senator BOREN.

Those are such critical things, and that is, of course, what makes the Senate operate at its optimum.

So I as a member of the coordinating group from our side of the aisle—as the coordinator of that group want to also thank very much Senator HELMS who we know has a very serious opposition to this treaty; and his is a very authentic and honest expression of that. He has expressed that very clearly. He feels very strongly. I have another person whom I am very close to, my fine colleague from Wyoming, Senator WALLOP, who feels equally as strongly about this treaty and the necessity for knowing what we are headed into with the nation we are headed into it with.

Their thoughts and their observations will be carefully considered by this Senate. That is important for us all.

But I have great admiration for those who have served as the coordinating group on this side of the aisle. That has consisted of representatives of the Foreign Relations Committee, Senators LUGAR, HELMS, PRESSLER; from the Armed Services Committee, Senators WARNER, QUAYLE, and WILSON; and from the Intelligence Committee, Senators COHEN and SPECTER; and then the representatives of the observer group who, all of them, have spent several occasions in Geneva; Senator STEVENS, with probably the finest institutional memory on this entire issue of perhaps any of us; Senator WALLOP, again here is my friend on the observer group; Senator DOLE, who of course has done yeoman's work in this area and is ready now to cap that great effort; and my friend Senator NICKLES. I commend them all on their efforts.

Hopefully, we will arrive at something. I do not like to set a timetable. That is not my nature. I have learned that long ago around here. Someone will put a microphone under your snoot and say, "When do you think this will pass?" I have never been able to answer that, and I would not attempt to do so now.

We all know there is a certain timetable, and that is the summit. Yet, we should not feel pressured. I agree with Senator BYRD that we should not move in a way which would not be appropriate.

To me, the most significant development in recent days and weeks and months was a report from Gen. Colin Powell, the National Security Adviser, which was rendered to Senator BYRD in his office last Friday. He reported to us the resolution—at least, I think the hoped for resolution—of issues such as futuristic weapons, weapons delivery systems, the nine points of verification, what we intended to try to prove with regard to SS-20 production and SS-25 production. It was a very important meeting. I think General Powell is doing his work in a very remarkable way, and he inspires trust and confidence on both sides of the aisle in his work.

I think there is not a person here, whether involved on one side or the other of this issue, who is not deeply impressed with the way our Secretary of State, George Shultz, and Foreign Minister Eduard Shevardnadze seem to do their business. They have an excellent rapport and friendship, if you will, that does not have anything to do with giving up things or selling out or getting into uncomfortable agreements or alliances. They deal directly and honestly and up front with each other. Once they met, about the things we considered and reviewed and found rather disturbing things in these last days, those things were then resolved.

I certainly strongly support the ratification of the Intermediate Nuclear Forces Treaty. The signing of that treaty was done on December 8, 1987. The people of America watched that. They know we did that. I think they wonder just a bit why we cannot get at the issue of ratification—and now we are doing that.

In my mind, it is only a very small first step but a very necessary one, as we reduce a number of systems from actual production and remove them from actual existence, where we fire them downrange and rid ourselves of those—about 1,800 of theirs and 900 of ours, and much more to come. It is a small, minor step. It may not seem to be to some. Some think it is no step. Some think it is dramatic. I think it is just the first step.

I want to congratulate our NATO members, who have hung together through thick and thin in responding to the threats over the past years about deployment.

Mr. President, I conclude by saying that this, to me, is a most commonsense approach. It seems to me that the two superpowers who concluded a war in which they were on the same side in 1945 should do this—for we had never had the Soviet Union as an enemy in war. They are surrounded by countries that have been their enemy in war. We have not been one of those. It seems to me that in 44 years of talk since that war, finally there is a little dual point of convergence which is very important to capture at this time. There never has been a better opportunity to capture it.

After 44 years of doing nothing but talking and drafting treaties which were never signed, and trying to implement treaties which were never ratified, and going through all the things of détenté and nondétenté and iron curtains and freezes and the whole panoply of activity, that finally, instead of talking the talk, we are walking the walk; and the walk is that the United States of America and the Senate will ratify this intermediate nuclear forces agreement and that the Soviet Union will remove itself from Afghanistan. It is happening. That is actually before our eyes.

It seems to me that that is more progress than I have observed in my time in politics or out of politics. By the end of this year, we will have ratified this treaty, they will have removed themselves, or be in the final stages of removing themselves, from Afghanistan, and then we can get toward the most critical thing that confronts both our countries, and that is peace. That should be done by the reduction of strategic nuclear arms, and it will be done with the START Treaty, and it will be done by the reducing long-range weapons that we know are there and this must be done.

Then we can watch our fellow superpower go through the stages of perestroika and glasnost, which the General Secretary, himself, refers to as an irreversible course.

I have had the remarkable opportunity to have visited personally with the General Secretary for nearly 8½ hours in the past 6 months. He deals in his pungent way, a very earthy man, and he is remarkable to deal with. He is a pretty tough cookie. But it is better to be dealing with someone like that, who is direct and throws it right on the table and tells it the way it is, rather than some of the things we have gone through in diplomatic dancing in years past.

He said: "You better hope it works, too, because perestroika, if it doesn't work, throws us back into the eternal enemy image with each other."

I am not naive. I am not at all one who believes we should accept anything—but we should keep talking. It matters not what the agenda. We have a President who is doing that with the General Secretary, and we have a Secretary of State who is doing that with Eduard Shevardnadze, their Foreign Minister. Now we have our Secretary of Defense talking with their top defense person, and we have our military talking with their military.

Finally, for the first time, this is not just physicists talking to physicists or politicians talking to politicians or leaders talking to leaders. There is one group in every society that locks the secrets deep in their bosom, and that is the military. Finally, even they are laying it on the table, as to what is the mission of the NATO Pact and the Warsaw Pact, what is the doctrine of defense, what is the defensive system, what is flexible defense. Once those things are all displayed and discussed across the broad spectrum, we will make progress.

This then is a first step toward what I think will be an exciting time for both countries, and it will never come at a more appropriate time because of the present lay of the land. Lets move on.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield such time to the Senator from Kansas as she may require.

Mrs. KASSEBAUM. Mr. President, I should like to join my colleagues in supporting the ratification of the treaty.

We have already heard this morning and yesterday afternoon comments from the leaders on both sides of the aisle who have been very thoughtful and dedicated in their efforts to help us arrive at this particular point, as has President Reagan in the executive branch. I think he has provided the leadership and dedication to see this achievement finalized in this ratification debate. Since President Reagan signed the treaty in early December, it has undergone an extensive and thorough review by the Senate Foreign Relations Committee, as well as the Committees on Armed Services and Intelligence. There have been over 70 appearances by administration witnesses and over 1,300 answers for the record supplied by the administration during this time.

One of the clearest messages from these hearings has been that the INF Treaty is certainly an important achievement and in our national security interests. It is the successful outcome of a two-track policy adopted by NATO in 1979 to meet the threat of the Soviet deployment of the SS-20 missile. That policy included a commitment to deploy intermediate-range systems and a commitment to negotiate an arms control agreement.

The deployment decision was not an easy one for us or our NATO allies. Faced with large protests throughout Europe, our allies, under very difficult political circumstances, stuck to their commitment. The INF negotiations were also laden with frustrations which peaked with a Soviet walkout in 1983 as the United States deployment went forward.

The result has been that NATO determination on both tracks has led to an arms control agreement that not only removes the threat of the Soviet SS-20's, as well as shorter range systems, but acheives this goal through asymmetric reductions at a ratio of 4 to 1 in favor of the NATO alliance. All of our major objectives in the negotiations were attained, including the goal that the limitations on INF systems be a global one.

The INF Treaty also goes far beyond previous arms control agreements with its extensive verification provisions which enhance our ability to make sure the Soviets are not cheating. It is impossible to cross every "t" and dot every "i" but the treaty has been overwhelmingly endorsed by our NATO allies, and I will join with many of my colleagues who have already done so in urging that the Senate complete its ratification responsibilities in time for President Reagan's trip to Moscow.

I would also caution that the treaty should be kept in perspective. We should welcome the INF agreement as an achievement which signals the ability of the United States and the Soviet Union to work together when we have a common interest. It does not signal, however, a dramatic change in our competitive relationship, nor a diminishing of the challenges the Soviet regime poses to our national security concerns around the world.

Although the reductions of nuclear systems under the INF accord are the first major reductions to take place under an arms control framework, it is important to underscore that they will not change the basic nuclear relationship between the United States and the Soviet Union. The INF accord only affects 4 percent of the nuclear weapons worldwide. The fact remains that we have many important issues still outstanding with the Soviet Union which can only be handled by a careful mix of determination to maintain our defenses and flexibility to negotiate.

Implementing the INF Treaty will also take hard work and a willingness on both sides to resolve compliance and verification problems effectively and constructively over the life of the treaty. Our experience since the early 1970's has demonstrated that arms control does not necessarily play a positive role in the overall superpower relationship. If compliance questions are allowed to simmer and remain unresolved, arms control can serve to undermine this relationship.

As I mentioned earlier, the INF accord has more detailed verification provisions than any previous arms control agreement negotiated. While these provisions will, on balance, positively strengthen the verification regime, they also open up many more areas for differences between the two sides.

Over the past several weeks, we have seen key verification problems and the problem of the limitations on futuristic weapons successfully resolved. I believe these problems were resolved mainly because the executive branch worked very closely with Congress on a common approach and the United States and the Soviet Union addressed the issues with a willingness to resolve them constuctively. The Soviet Union must be put on notice that the ratification of the INF Treaty is the beginning, not the end, of the need to have constructive arms control policies.

These are not the last interpretation or verification issues that are going to be raised under the INF accord. In dealing with future compliance questions, I believe we must be willing to draw lessons not only from the past couple of weeks but also from our experience with arms control over the past 15 years.

During the hearings, many of us raised questions about what the framework would be for the two sides to address compliance issues as they arise. One of the most important lessons that can be drawn from our experience with the Standing Consultative Commission under the SALT regime, in my view, is that the forum worked when the United States and the Soviet Union demonstrated the political will to resolve problems. It failed when either side was only interested in gaining political advantage.

In the months and years ahead, it will also be important for Congress to play, not an inflammatory role on the compliance issues, but a serious oversight role in monitoring these accords. Executive-legislative cooperation is going to be critical if the arms control regime under INF is going to remain viable and avoid the pitfalls that have occurred in the past 15 years.

One of the debates that will take place on the floor, the debate on treaty reinterpretation, is also going to strike at the heart of the issue of executive-legislative cooperation. I believe this is a very important issue because there can be no confidence between the executive and the Senate, if the executive acts on the basis that it has the authority to reinterpret treaties after ratification is completed.

Last year, I supported Senators NUNN, LEVIN, and BIDEN in their efforts to address this issue. I recognize that the current formulation of the Biden resolution causes concern among many of my colleagues. I would urge that we try to reach a bipartisan resolution of this issue and certainly I will work and I know others are working to try to find such a solution, one being the Senator from Indiana, Mr. LUGAR, who is heading the efforts on this side of the aisle.

Mr. President, the INF accord is not a panacea, but an important first step. As we look beyond INF, we must continue to be willing to reach agreements and resolve differences with the Soviet Union where we can. At the same time, we must be willing to recognize that there will be disagreements. As President Reagan has said—it is a period of realistic engagement.

I yield back the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Indiana yield time for the purpose of a quorum call?

Mr. LUGAR. Mr. President, I ask unanimous consent that the time of the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished chairman yield 3 minutes to me?

Mr. PELL. Mr. President, I yield 3 minutes to the majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEALTH BOMBER PROGRAM

Mr. BYRD. Mr. President, I am a longtime supporter of the Stealth bomber, or as it is becoming known, the B-2 Bomber Program. This program has been kept shrouded, successfully, in secrecy for many years, and is on the verge of becoming a reality. The Air Force has announced that its maiden test flight will occur this fall. There have also been indications that the costs of the program have escalated somewhat, and that is a matter which needs very thorough review—costs need to be kept from escalating.

I will continue to be a strong supporter of the program because it sharpens our technological edge and keeps the Soviets on the defensive, keeps them off balance, requiring them to expend precious resources to defend against it. The program helps maintain our technological superiority and keeps the superpower balance from getting out of hand.

Mr. President, although the details of this program have been well protected for many years, there was a piece in the New York Times of Monday, which was very extensive. The article is long and contains a great deal of specific information on the capabilities and characteristics of the aircraft. I cannot vouch for its veracity. However, I have sent a letter to Secretary Carlucci asking him to investigate whether there have been any leaks of classified information.

The information may be completely inaccurate. But, I think an investigation is needed, and that is the purpose of my letter.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, May 17, 1988.

Hon. FRANK CARLUCCI,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: On yesterday, May 16, 1988, a long article, which I enclose, appeared in the New York Times, entitled "Stealth Bomber Takes Shape: A Flying Wing and a Crew of Two." A great deal of very specific information was included in this piece concerning the characteristics and capabilities of the new bomber which I believe has not previously been publicly available.

I have been a very strong, longtime supporter of the Stealth system, and of the need to protect the specific information about that system. While I cannot vouch for the veracity of the information in the news article, I am very disturbed over the length and specificity of that article.

I ask that you initiate an immediate review of the piece with a view toward any damage which may have been done to our national security as a result of its publication. I would also like to know if you can determine how any leakage of classified information may have occurred, and what steps you recommend be taken to limit any future possibilities of security breaches regarding this vital military program.

I appreciate your attention to this matter.

Sincerely,

ROBERT C. BYRD.

[From the New York Times, May 16, 1988]

STEALTH BOMBER TAKES SHAPE: A FLYING WING AND CREW OF 2

(By Richard Halloran)

WASHINGTON, May 15.—After eight years of secrecy, a public portrait of the Stealth bomber is taking shape: an airplane with the range and sophistication to roam elusively over enemy territory for repeated attacks with only two fliers aboard.

The new bomber, a flying wing built of epoxy composite to elude detection by radar and other sensors, has been designed for both nuclear and conventional missions. It is to cruise at subsonic speeds, allowing a 7,500-mile range without refueling, and at altitudes from 50,000 feet down to a few hundrd feet above ground.

The first flight is scheduled for this fall, and two years of strenuous testing will find out what it really can do. If all goes well, this, the first operational plane, officially called the B-2, will go on alert in 1992.

Since 1980, when plans to build the Stealth bomber were first disclosed, the Defense Department has guarded all operational and technical details about the airplane. Even round figures about its cost have been hidden in annual military budgets. But an accurate, if general, description of the new bomber has been pieced together from information that Congressional aides, aviation specialists and experts on nuclear warfare have managed to gather. That description has now been confirmed for the first time by authoritative Government officials.

Perhaps most surprising, the Stealth will be flown by only a pilot and a weapons officer, using advanced electronic and computerized controls and instruments. A crew of four, like that in the new B-1 bomber, had been expected.

The crew of two underscores the advanced technology of the plane. Training that crew will also be less expensive. To bring an Air Force pilot to a level of training where he is considered fully combat-ready costs about $6 million. The crew of two further cuts costs by holding down weight in the plane, plus investment in ejection seats, protective armor, instruments and controls.

STEALTH BOMBER PORTRAIT TAKES SHAPE

The Stealth bomber has been designed to fly more than 7,500 miles without refueling. This is not unusual for a long-range bomber—one version of the B-52 can go 8,000 miles, for instance—but it is a longer range than has been speculated for the Stealth. To achieve the range, speed has been held to subsonic levels; at supersonic speeds engines gulp fuel. With aerial refueling, the plane will be able to cruise over enemy territory for repeated strikes rather than dashing in and out like the B-1, whose range is less than 7,500 miles. The Air Force's Strategic Air Command has 99 B-1's and 263 B-52's.

The flying wing has been designed to carry a full range of bombs and missiles to attack targets ranging from strongly fortified underground command bunkers to moveable targets like missiles and radar on rail cars.

While intended primarily for nuclear strikes, the bomber could be loaded with conventional, high-explosive bombs for surprise attacks. One Stealth bomber, for example, could have carried the same bomb load as the 13 FB-111 fighter-bombers in their raid on Libya in April 1986.

"NOTHING IS TOTALLY INVISIBLE"

Five more bombers are being built, with 132 planes to be finished before the end of the century. The first operational planes will be based at Whiteman Air Force Base in Missouri, where 34 hangars, one for each plane, are to be built to screen them from Soviet satellites and prying eyes. Two other bases are to be picked later; they, too, will be inland to allow maximum warning for any Soviet missiles launched from submarines off the coasts.

The total cost of the 132 Stealth planes has gone up to about $50 billion from the original estimate of $36.6 billion, in 1981 dollars. That has brought the cost per plane to $378 million, as against $200 million for a B-1, in the same dollars. The Air Force has said it is recalculating the cost and will announce new figures this summer. Northrop is the prime contractor. General Electric builds the engines, while Boeing and LTV provide components.

In recent days the Air Force has released a tad of information about the bomber, making public an artist's concept. Air Force officials have denied criticism from within the aerospace industry that the rendering was inaccurate and meant to deceive the Soviet Union and others who might want to counter or copy the technology.

Gen. Larry D. Welch, the Chief of Staff of the Air Force, said, "Everything you see in that representation, if it's there, is right." Many details were omitted from the portrait.

Air Force officers are already planning for the bomber's operations. Tactics and intelligence must be good because, as one official said, "nothing is totally invisible."

Radar screens have become increasing dense, and not only in the Soviet Union. Many developing nations have respectable radar networks with which trained operators could detect a Stealth plane flown carelessly.

To enable a crew of two to fly and attack in the Stealth bomber, the cockpit has been simplified. Many instruments, navigational devices and gauges that monitor electronic and hydraulic systems have been eliminated in favor of displays by cathode ray tube, like a computer screen.

LESS NEED FOR JAMMING

Instead of being confronted with an array of instruments, many seldom used, the fliers can display information as required. "You call it up when you need it," said one knowledgeable official.

Electronic devices to jam enemy radar or deceive it with false images need not be as elaborate as they are in the B-1 because the Stealth's shape and material have been designed to do the same thing. Such devices have also been among the most troublesome problems in developing the B-1. The B-1 takes four aviators—pilot, co-pilot, offensive officer and defensive officer—and the older B-52's six fliers: two pilots, two offensive officers and two defensive operators.

Although there had been speculation that the bomber would be supersonic, the Air Force has kept it just below the speed of sound, which is 750 miles an hour at sea level and more at higher altitudes. Not only does this extend its range, it also reduces heat emissions detectable by infrared sensors.

The four-engine plane would be able to fly from New York to San Francisco and back without refueling. But like other long-range bombers, it would depend on aerial tankers to get to distant targets, perform its mission and fly home. One sortie to the Soviet Union would take two or three refuelings, two on the way and one on the way back when the plane is lighter.

AVOIDING BETRAYAL BY TANKERS

The tankers, however, could be spotted on Soviet radar, which would betray the presence of the Stealth bombers. The first refueling would therefore be a high altitude, out of Soviet radar range, the second at low altitude under the Soviet radar screen.

The Stealth bomber would be able to carry 75,000 pounds of bombs or missiles, compared with the larger B-1's payload of 125,000 pounds. The weapons include B-83 nuclear bombs dropped by parachute to allow the bomber to escape befor detonation above or on the ground, and cruise missiles with stealth technology and a range of 2,300 miles.

Another weapon, a new short-range attack missile under development, or SRAM II, would be used to destroy targets, chiefly radar sites and fighter air bases, ahead of or to the side of the bomber. The missile has been designed for pinpoint accuracy at a range of more than 150 miles.

The bomber would be able to carry nuclear bombs being developed by the Air Force to penetrate the earth before exploding. Current missile warheads cannot do that because they have been designed to explode in the air or on contact with the ground. The Pentagon, in its recent annual assessment of Soviet military power, emphasized Soviet construction of deep underground bunkers to protect political and military leaders.

ABILITY TO FIND THE OVERLOOKED

The Stealth bomber could also be used against underground targets in the Soviet Union, like communications centers, built into the south side of a mountain where they could not be hit by American missiles coming over the North Pole. The bomber would go around to shoot a nuclear missile into the mouth of the bunker.

The bomber, whose range lets it loiter over a target area, could search for things missed by American satellites and missiles: intercontinental ballistic missiles and radars on rail cars or trucks. To do this, the bomber is equipped with a powerful radar to look down and pick them out. Since such radar, emitted steadily, could betray the bomber's presence, the radar will be emitted in short bursts.

In planning, Air Force officers are seeking to take advantage of the Stealth, the B-1 and even older B-52 bombers. In one scenario, Stealth bombers would be armed with nuclear bombs and SRAM II attack missiles, B-1's with nuclear bombs and B-52's with cruise missiles, which are essentially flying torpedoes.

The B-52's would go first; about 1,500 miles from the Soviet border, they would launch cruise missiles toward radar sites and figher bases, then turn back. Next would come Stealth bombers, which would destroy the remaining radar and airfields with SRAM II's then hit underground comand posts with bombs. Last, B-1's with heavy bomb loads would strike military concentrations and arms factories.

"SECURITY HAS BEEN GOOD"

So far, the Soviet Union has shown little interest in building new radar or other sensors to detect Stealth bombers, and American officials said this was puzzling. Perhaps it reflects a Soviet belief that a nuclear war would be fought with intercontinental missiles, not bombers.

The officials also said the Soviet Union had shown only moderate interest in developing its own stealth technology, although the Russians have sought to find out what the Americans have been doing. One official said, however, "The security has been good because you have to know what to look for."

Knowledgeable officials also said they doubted that Stealth bombers would come up in arms control netogiations. "What are they going to give up in a bargain?" an official asked.

Designing the Stealth has been a fitful but long-term process. General Welch said the testing of new components at every step led to "fairly extensive redesigns." That "took several months longer than we expected and it cost considerably more," he said. But he said, "We really haven't had any significant design changes in the past 18 months to 2 years."

STRONG AND ABSORBING

Stealth bombers are made of an epoxy composite that absorbs rather than reflects radar and that is lighter and, when laminated, stronger than many metals. The smooth shape of the flying wing, with no discernible fuselage or protrusions, further deflects radar. Antennae and probes, like wind speed monitors, are embedded within the wing.

The engines are not radically new designs but improvements of existing turbo-fan jet engines, for greater fuel efficiency, reliability and life. The engines are mounted in tunnels atop the wing to hide the revolving blades that would otherwise show up on radar.

The exhausts are also hidden, at the other end of the tunnels, where cold air is piped in to mix with the hot exhaust gas, thus cooling it before it is released into the air. This makes detection by heat sensors difficult.

PADDING ON THE INSIDE

Inside the aircraft, most equipment has been padded to absorb radar rather than reflect it. The weapon bays, all internal, are also padded. Bomb and missile casings are being made of composite rather than metal.

Flight stability has long been a worry for Stealth aircraft; at least two F-19 Stealth fighters are known to have crashed. Flying wings, sometimes called deltas, which have been tried since World War II, because they present little resistance to the air, have been notoriously unstable in flight and not produced because of that.

The new elements here are advanced flight sensors that record every move of the plane and transmit that information to a computer. It, in turn, orders controls—turning on small gas jets, for instance—to right the plane. The pilot, who might not feel tiny moves that could become dangerous, just watches.

Mr. BYRD. Mr. President, I yield the floor.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The Senate continued with the consideration of the treaty.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Illinois [Mr. Dixon].

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank my friend, the distinguished manager, the senior Senator from Rhode Island, for his accommodation.

Mr. President, at the outset, I want to say that, as a member of the Senate Armed Services Committee, I share the committee's assessment of this treaty. The Armed Services Committee, along with the Foreign Relations Committee and the Intelligence Committee, conducted a long, arduous, and deliberative series of hearings into every aspect of the proposed treaty. The Armed Services Committee alone conducted 32 hearings, in order to ensure that the Senate had the information it absolutely had to have in order to consider this treaty in an informed way.

The Armed Services Committee report and the assessment of the treaty it contains is based on this extensive hearing record and reflects the hard work of the entire committee. To quote the report:

> In broad terms, the committee believes the INF Treaty can make a modest but useful contribution to NATO security.

The report goes on to conclude that:

> On balance, the committee believes that the positive features of the treaty outweigh its weakness.

That may sound like a very modest endorsement, but it is important to remember that in many ways this is a rather modest treaty. The Intermediate Nuclear Forces Treaty, when ratified, will resut in a relatively minor reduction in nuclear weapons held by the United States and the Soviet Union. Further, the treaty presents some real risks, some of which I would like to discuss at some length. Before I do that, however, I want to make it clear that while the treaty is a modest one in many ways, it is, at the same time, a real landmark achievement for a number of reasons.

This is the first treaty that actually results in the destruction of nuclear weapons systems. The two previous major nuclear arms control treaties, SALT I and SALT II, which was never ratified, basically accommodated the nuclear forces then possessed by the U.S.S.R. and the United States. They were designed around ceilings, allowing both us and the Soviets to build weapons up to the ceiling levels. Under this treaty, on the other hand, the United States will actually destroy 850 missiles and the Soviet Union 1,900.

Second, this is the first treaty that results in the elimination of a whole class of nuclear weapon systems. The Soviets accepted the American so-called "zero option" proposal to eliminate all intermediate-range missiles.

Third, this treaty creates a very valuable precedent that I am convinced will greatly aid our future arms control efforts. For the first time, the Soviets have agreed to disproportionate weapons systems reductions. When the treaty is ratified, they will be destroying more that twice as many missiles as the United States destroys, which is only fair because the Soviet Union had deployed more than twice as many intermediate range missiles as we did. This precedent is of great value, not only in future nuclear arms agreements, but also in the areas of conventional and chemical arms talks.

Fourth, this treaty creates a number of very valuable precedents in the verification area. The verification procedures in this treaty are not perfect. However, for the first time, we have established the principle of onsite verification, so that the United States will actually be able to be onsite watching the Soviet missiles being destroyed. Americans will actually be able to be stationed at missile plants in the Soviet Union to help further ensure that the treaty is not violated.

Fifth, as the Foreign Relations Committee report on the treaty points out, the treaty "should strengthen Western European confidence in the United States commitment to the defense of Europe. By eliminating the—Soviets very dangerous—SS-20's, the treaty will remove an instrument of intimidation exploited by the Soviet Union to drive a wedge between the United States and its European allies." Similar benefits will occur in the Pacific rim since Soviet intermediate range missiles targeted in that part of the world will also be eliminated.

Sixth, the treaty represents a triumph for the bipartisan arms control policy conducted by this administration and the Carter administration that preceded it. I'm sure many people may have forgotten that the decision to deploy United States intermediate range missiles in Europe in order to respond to the increasing threat posed by the new Russian missiles was made in 1979 by the Carter administration. President Carter did not make this decision lightly or easily. He made it, however, because he believed that the only way to achieve a real arms control agreement with the Soviets in this area was to respond to the new Soviet missiles by sending United States missiles to Europe. For the United States and its European and Pacific allies, this principle of bargaining from strength has been vindicated.

The Soviet Union, which was not at all interested in any agreement involving its SS-20's when there were no United States missiles in Europe, agreed to totally eliminate this weapon system as a result of the deployment of offsetting United States weapons. They saw the increased danger their own weapons posed only when they recognized their own vulnerability to nuclear attack with virtually no warning time from United States missiles based in Europe. This is an important fact to keep in mind as we continue our arms control efforts.

There are other sound arguments for this treaty, Mr. President, but we must keep in mind that this treaty has real risks, particularly if we are not able to follow it up with agreements in other areas. This treaty is really only a starting point. The United States must continue to seek agreements on strategic nuclear weapons, on conventional forces, and on chemical weapons if the tantalizing opportunity for peace that this treaty presents is ever to become a reality.

Until those follow-on agreements are reached, this treaty presents real risks that must be guarded against. We need to be realistically concerned, for example, regarding the risks that the Soviets will not live up to the treaty. While I am, in general, satisfied that the United States will be able to detect any military significant violation of the treaty by the U.S.S.R., I do not believe we can afford to tolerate any level of violations, and I think it is important that the Senate make it crystal clear to the Soviets that we will be watching their behavior closely. Soviet behavior in prior treaties, as well as Soviet behavior regarding issues related to the interpretation of this treaty, demonstrates ample reason for concern. The Soviets, in some respects, have already attempted to backslide on the agreement, and I am pleased that the Senate delayed beginning the debate on this treaty until the Soviets abandoned those efforts.

Some of the risks relate to the text of the treaty itself. Many involve very technical and complex issues. The chief area of concern, however, relates to the consequences that ratification and implementation of this treaty will have on the NATO alliance and our own capability to maintain a credible level of deterrence in Europe.

That issue was the principal focus of our hearings in the Armed Services Committee. It is widely acknowledged that the conventional superiority of Soviet and Warsaw Pact armies represents a destabilizing force in Europe. We must be sure, as we move to implement this treaty, that we are not acting in ways that increase the threat of a devastating conventional war in Europe even as the nuclear threat is being reduced.

We must not forget, Mr. President, that there is a considerable risk that NATO forces could be defeated quickly by the Soviets and their Warsaw Pact allies in a nonnuclear war in Europe. That means that we and our NATO partners could be faced with the very difficult choice of escalating the conflict by using battlefield or other nuclear weapons, or having our forces in Europe, including over 323,000 Americans, overrun.

I am pleased that NATO has undertaken major efforts to improve its capabilities. The Montebello accords agreed to by all NATO members several years ago were a major step in directing the improvement of European conventional forces and upgrading the alliance's nuclear capabilities.

This is not a problem that is easily solved, however, because Soviet forces are also being modernized and are growing larger. General Galvin, our NATO commander, told the Armed Services Committee that:

> Since 1973, the Soviet military machine facing NATO has grown almost 50 percent while NATO forces grew little more than 10 percent.

I am chairman of the Armed Services Subcommittee on Readiness, Sustainability, and Support. My work there has convinced me that we have many problems that still need to be resolved if we are to ensure that NATO's forces are adequate to deter any potential Soviet aggression.

The questions are not new ones. Do we have the capability to supply our forces in NATO? Are a sufficient number of merchant ships available for transportation? What consequences would we face if we have to fight in Europe while also having to fight on a second front? Is the U.S. defense industrial base prepared to support not only our military requirements, but those of our allies? Can we realistically depend on the industrial base of our NATO allies in a European conflict?

As I have stated before, our own defense industrial base has been deteriorating before our very eyes. The ability of our Armed Forces to fight anywhere in the world for the time that might be needed is only a dream. Our ability to maintain an adequate conventional deterrent is being undermined just at a time that might be needed is only a dream. Our ability to maintain an adequate conventional deterrent is being undermined just at a time when, because of this treaty, the burden on our conventional forces is being significantly increased.

I have been working hard to correct these problems. I have offered defense industrial base legislation, and I am pleased that many of its provisions are included in the fiscal year 1989 defense authorization bill. That bill puts us on the right track toward improving our conventional forces and the industrial base that support them. We must continue to work to see that our allies take similar steps.

We must be very mindful of these conventional force issues. We and our NATO allies must continue to be aggressive and persistent in the area of conventional force improvements, and we must be just as aggressive and persistent in the pursuit of our quest for a conventional arms control agreement between NATO and the Warsaw Pact.

At the same time, it is important to keep this risk in context. While it does present a problem that we must continue to address, it does not undermine this treaty. The U.S. commitment to the defense of Europe remains unchanged, and we and our NATO allies continue to have a wide range of options, both conventional and nuclear, that provide deterrence against aggression.

The administration testified before the Armed Services Committe that the INF Treaty will not increase the threat to our security. They made it clear that we have as much, or more, to gain than the Soviets from the elimination of intermediate range nuclear missiles. The treaty is also strongly supported by our NATO allies.

Mr. President, I will conclude by restating what I said at the outset. I believe this treaty makes a modest but useful contribution to NATO security. It is only a first step, but it is an important first step. I support this treaty; I will vote to ratify it. I believe that, on balance, this is a good treaty and that it furthers our efforts to obtain world peace.

I thank the managers and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 20 minutes to the Senator from Washington [Mr. ADAMS].

The PRESIDING OFFICER. The Senator from Washington is recognized for 20 minutes.

Mr. ADAMS. I want to thank the chairman of the Foreign Relations Committee very much for the time.

Mr. President, I rise to urge the Senate to approve and ratify this treaty. As a member of the Foreign Relations Committee, Mr. President, I have spent endless hours and days, over months, listening to experts and to the negotiators; negotiators explain the treaty, the experts their point of view. This is a very difficult treaty, Mr. President, and very different from many that come before the Senate in that it involves a combination of arms and treaty obligations between the two major superpowers. This is the reason why we have had extensive involvement by the Intelligence Committee and the Armed Services Committee as my friend, the Senator from Illinois, has just commented.

What I have been concerned about, Mr. President, as this has proceeded, is that we not drop from policy considerations, which are treaty considerations, into technical detailed arguments on specific weapons systems.

I hope that will not happen during the course of this treaty because treaties are like constitutions. They state general but specific principles. But they are not like legislation, where you go into every detail.

There will be discussions on this floor during the course of this debate about very detailed weapons systems. It was well stated by the Secretary of State in the hearing that we held this Monday, that they have, really, faced a new series of problems which the Senator from Indiana I am sure is well aware of, because they put the teams together to discuss how they would implement the treaty before the treaty was ratified.

Many of us were surprised that we were all of a sudden debating length of missiles, power of x rays and so on; and it was occasioned by the, I think, excellent and detailed work that has been done by the officials involved in this to attempt to set up the operating teams that will implement this treaty. By "implement it" I mean conduct the inspections and go through a very new regime, a very new regime which is onsite inspection, and have it done within the time periods of the treaty.

But I want to stress that these are not treaty matters. These are matters of whether or not the treaty is being carried out and how well it is being carried out.

So, Mr. President, I have risen today to state that this treaty has been dissected and examined in minute detail by the Foreign Relations Committee over months.

The weapons systems themselves have been examined in detail by the Intelligence Committee and the Armed Services Committee over months, to be certain that what the negotiators said they mean and what the treaty says it means.

I would urge my colleagues during the course of this debate to treat it as a constitutional provision and treat it as a whole so that we use what is being established as the authorized estimates of the negotiators. There will be reference on the floor to certain technical things that came up out of the discussions between the teams. And there will be an "agreed minute" discussed. And there will be a diplomatic note discussed.

All of these are matters and means of establishing the meaning of this document, just as we establish through Supreme Court decisions the meaning of provisions of the Constitution.

I simply state to the President that this can be very difficult when you go to basic meanings. I remember very well the debate over specific provisions of what was a high crime and a high misdemeanor. Nobody really knew what it was. You do not have a lot of cases on that. It just occurs, and then the Senate will have to make decisions.

I hope we will ratify this treaty. It is a sound treaty. It deserves our confidence and support. It has been worked on for many years on a bipartisan basis by administrations and by people in the U.S. Senate.

I now turn for a moment to a second point, which is: I am very hopeful, Mr. President, that this treaty is ratified prior to the summit meeting at the end of this month. I have stated that previously on the floor. I want to state it again. I think that this treaty represents an important symbol. It is more than a symbol. It is a very operative treaty, and it establishes some important new principles.

I mentioned onsite inspection. It also, for the first time, removes a whole set of nuclear weapons. These are very important principles that I hope will be built on. But to build on them, it is absolutely necessary that we also try to indicate to the parties throughout the world, particularly to our NATO allies, who have stood very firm in this matter, that we believe in this treaty, we want it to happen, that we are all standing together and that discussions at the summit not be any kind of recriminations about whether or not this treaty is in effect, but begin to be a discussion about what are the next steps that we can make toward a more important, in the sense of numbers, and more permanent arms control regime.

I think the potential for this President and the present General Secretary of the Soviet Union to make statements and to move toward the START Treaty which, again, is a principle of a 50-percent reduction in nuclear warheads, is possible if they can discuss this at the summit.

I am hopeful that there will be a treaty ratified so that that discussion can go forward because while this is a small military step forward, and there will be arguments and statements on the floor, and they are correct, that this only involves 3 percent of the warheads on each side; that there can be retargeting of other warhead. And it does not really change in many ways the nuclear balance. It does change in very important foreign policy ways the manner in which we relate to our allies in Europe and the principle that the two superpowers are prepared to step back from an endless arms race and begin to rebuild their economic strength of the two economies.

This is a window in time which may not repeat itself for several decades where this might occur.

None of us would vote for this treaty, Mr. President, if we felt that it jeopardized the security of the United States. I think I can state from recent experience in visiting the Soviet Union that they would not either. There are significant groups within the United States, but they are a minority, in my opinion, and there are significant groups in the Soviet Union, but they are also a minority, that do not trust one another and would not sign any kind of treaty.

This point of view will also be presented, but the great hunger and desire of the majority of the people in both the United States and Soviet Union and, most important, throughout Europe, to which this most directly applies, it that we should step back from the arms race and begin to pursue peace in a better and more significant manner.

The reason that I state that the military aspects of this should not be the overriding concern is that the United States and the Soviet Union still have pointed at one another over 25,000 nuclear warheads. That means even after the implementation of this treaty, there is an overwhelming nuclear danger in this world.

All of the targets can be covered by all kinds of weapons. We will hear acronyms of GLCM's and SLCM's, but there are all kinds of acronyms for weapons that will be stated.

I do not mind the discussion going on on this, but I hope that it does not divert us from the primary mission of this, which is to take a foreign policy issue that has been agreed upon by our allies and has been implemented since the Montebello decision, to both deploy Pershing missiles and to pursue this treaty started on a double track and has been carried out by our allies.

I think it is an important time for all of us to be learning of nuclear arms control. Children must learn to crawl before they can walk, and we must resolve some important principles of arms control before we can implement a reduction in the intensity of the nuclear arms race.

This treaty represents for the first time the superpowers in agreement to eliminate an entire class of nuclear weapons. This may well be the way that we should approach the reduction of nuclear arms.

Second, a verification system has been established in this treaty which, for the first time, builds on the principle of onsite inspection. Mr. President, I hope that all of us will remember as we are discussing this and stating that we do not wish to have the Soviets limit our examination of certain sites, that there are a significant number of people in the armed services and the military of the United States who do not want to have the Soviets do certain things in the United States.

This is a carefully balanced treaty which I hope will not be tampered with in this verification system because the Joint Chiefs have all testified in support of this.

The PRESIDING OFFICER. Will the Senator from Washington suspend?

Mr. ADAMS. The Senator will be happy to suspend.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the time for debate and for further dispensing with the reading of the memoranda and the protocols, under the same conditions as heretofore were agreed to, be extended until 2 p.m. today.

Mr. LUGAR. Reserving the right to object, I thank the majority leader for offering that unanimous-consent request. I am advised on our side that that would be fully acceptable.

Mr. BYRD. I thank the distinguished Senator. I ask unaminous consent that the intervening time then be equally divided and controlled as heretofore, between the two leaders or their designees, and my designee will be Mr. PELL.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Chair.

Mr. President, a third feature of this treaty, which is very important and can be used as a policy precedent for the future, is that the Soviet Union has agreed for the first time to reduce a greater number of their warheads than has the United States. This was done because they had deployed four times as many of the SS-20's as we had of the Pershings. This is a very important principle for the future, Mr. President, because as we discuss in arms control debate on this floor not only the reduction of the total number of nuclear weapons but the reduction of the total number of conventional forces in Europe, it will involve the reduction by the Soviet Union of more tanks than on the NATO side but may involve the United States having to agree to a reduction of more tactical aircraft than the Soviets.

Asymmetrical reductions, therefore, are an important principle which this treaty also contains. All of these are important to the future of a START agreement on nuclear weapons or a mutual reduction of force agreement in Europe.

This also can be important in terms ultimately of chemical weapons or a comprehensive nuclear test ban treaty. I would hope also that we do not—and I think it would be a mistake to try—reject this treaty or kill it with killer amendments. While I pointed out that the military significance may be small in the sense that there are so many more nuclear weapons and so many conventional arms, it has enormous political significance. This treaty has strengthened, Mr. President, the NATO alliance because we have carried out in the United States, and we will by ratifying this treaty, a solemn agreement we made with our NATO allies to both negotiate for the removal of the SS-20 intermediate range and other intermediate-range missiles and at the same time to deploy them, and this agreement now is carried out in its final step by this treaty. Secretary of State Shultz has affirmed this point.

Mr. President, as we move forward into the future, it is important that we have a strong NATO alliance and that we have cooperation among the member states, and that there is a sharing of the burden of the defense of the Western alliance. This INF Treaty represents a real pulling together of that alliance, and it should not be discouraged. The governments of our NATO allies have all stated it is very important for the survival and the strengthening of their defense forces.

Now we have the opportunity, if we ratify this treaty, to discuss with them the whole new system that I hope will be proposed for the relationship between the United States and NATO allies and the reduction of the confrontation to a manageable level between the NATO allies and the United States and the Soviet Union and the Warsaw pact. This political achievement is very important. If we were to reject it, we would be stating to the Soviet Union and to the Warsaw Pact as well as to our allies that we are not interested in stability.

Mr. President, stability and crisis management is the job of this generation in America. We hope to be able to hand over to the next generation a stable environment in that we have managed through this crisis, so that they can move toward the improvement of quality of life in the United States and throughout the world, rather than the arming of the world.

Maybe, just maybe, we can build a small beginning of sufficient trust between these two conflicting societies that we can move forward toward some other things, and stability is very important because my hope is that the next generation will not spend billions and billions of dollars to match billions and billions of rubles on the Russian side which will continue indefinitely if we do not stop this arms race.

It seems to me we now have the opportunity to really achieve what we have been saying we want to achieve for a long time. I am hopeful that the General Secretary will be successful in these next decades in controlling the hard-line people in the Soviet Union, and that we will do the same. Stability and security, both militarily and economically, on both sides of a confrontation line is the road to peace in the future. I believe that this treaty does it.

Mr. President, I would be remiss if I failed to acknowledge the tenacity of the Senator from North Carolina, Senator HELMS, in opposing this treaty. Whether we are talking about the process of destroying the missiles covered by the treaty, the accuracy of intelligence estimates on Soviet SS-20's, or the soundness of the verification regime called for in this treaty, in my opinion he has not made a compelling case against this treaty.

I have appreciated and found very helpful the contribution to the treaty debate that has been made by the Armed Services Committee and the Intelligence Committee. Their reports to the Foreign Relations Committee represented thorough and very detailed and insightful commentary on the specifics of this treaty. The five key issues that were raised in their reports to the Foreign Relations Committee have been resolved. We had a lengthy hearing called by the chairman of the committee to discuss this.

The Ambassadors who negotiated the treaty and the Secretary of State were there for extensive hearings, and it was made clear at that time in testimony concerning the meaning of article 14 of this treaty there is in no way a noncircumvention provision in this treaty and that it will not interfere with cooperation with our allies. In fact, it is really a boilerplate provision.

Second, the ban on conventional ground launched cruise missiles was included in the treaty for very specific and important verification reasons. Any effort to amend this treaty to allow conventionally armed-ground-launched cruise missiles should be soundly rejected because it has the potential to exacerbate the existing conventional imbalance in Europe. The fact of the matter is that the Soviet Union is in a far better position than the United States to exploit such a capability.

Mr. President, we discussed as English students the so-called double negative in article 6 and we resolved that problem. It seems to me that the language in article 6 cannot possibly be construed, and there was long argument on this to prevent the production of a second stage of the SS-25 which is interchangeable with the second stage of the SS-20.

Fourth, the issue of possible circumvention of the treaty on the testing of missiles was straightforwardly addressed. The remaining issues raised during the course of the interaction of the committees, the so-called futures issues and the technical issues have all been resolved, Mr. President. These have been pursued by specific negotiations, by the creation as I mentioned earlier in my statement of a diplomatic note and an agreed minute. And the United States and the Soviet Union have officially stated their position, and it has been clearly done.

I have mentioned before that many of these problems came up because of the establishment of the technical implication teams. I think those have been resolved. The only condition which the Foreign Relations Committee adopted to this treaty just reaffirms a fundamental constitutional principle relating to the treaty power. It just simply reaffirms and requires that those principles govern the U.S. Government's interpretation of the treaty. I frankly wish we had not had to attach this condition to the treaty, but after a long and detailed consideration, it was the majority choice, and I have supported it, that we have to address this issue so we do not have any cloud of uncertainty.

I would have hoped, and I still hope, that the so-called Sofaer doctrine will not interfere with the ratification of this treaty.

In summary, Mr. President, there is no reason now we cannot move forward with this treaty in a timely way to ratify it prior to the summit. If we do not do so, Mr. President, we will have missed a historic opportunity to urge the superpower relationship along a constructive course. This is not an easy relationship, Mr. President. And it is not going to be for the rest of my generation's time or for the next one. But to fail to ratify this treaty would mean that we, as a generation, have missed a historic opportunity and would leave us open to criticism in the eyes of the world.

Ultimately the importance of this treaty, Mr. President, reaches beyond the superpower relationship which will change as the decades pass. It reaches into United States and Soviet relations with Europe. It will have an effect on our ability to slow down international weapons proliferation because it is no secret, Mr. President, and this concerns this Senator deeply, that countries like China and India have repeatedly said the condition for abandoning their nuclear option was a willingness on the part of the superpowers to curb their nuclear weapons appetites.

Mr. President, we need to send a clear message to these nations. We do not want them to develop nuclear weapons—and to the other nations who may be developing them. That, to me, is one of the great problems that we as a nation and, yes, the Soviet Union, face as well as those who have nuclear weapons is—to prevent their proliferation.

This is a historic agreement. The Senate committees have worked well. The treaty is not perfect. No document created by human hands ever will be. There could have been things maybe drawn a little differently. But this treaty is the best thing to come along in arms control for a long time, Mr. President. It deserves our timely and earnest support. I urge my colleagues to vote for Senate ratification.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield as much time as the distinguished

Senator from Pennsylvania may require.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Indiana.

Mr. President, I support the INF Treaty because I believe that it is an excellent treaty from the point of view of the United States. At the same time, Mr. President, as this debate moves forward I am very much concerned that the condition relating to ABM reinterpretation, also encompassing the so-called Sofaer doctrine, may prove to be a detrimental factor and could even destroy the ratification of the INF Treaty if that issue is pushed in this debate.

Mr. President, the ABM reinterpretation condition, referred to in the committee report as the Biden condition—the ABM reinterpretation condition I believe to be a more accurate name—revises international law on treaty interpretation. It confuses U.S. constitutional law on treaty ratification. And, I submit, Mr. President, that it inserts a Trojan horse or perhaps a booby trap, not to mix metaphors, into these deliberations on the INF Treaty.

In effect, this ABM reinterpretation condition establishes realistically viewed a two-treaty doctrine. It establishes an approach that there is a treaty between the executive branch and the Soviet Union, and at the same time a second treaty between the executive branch and the United States Senate. And the amplification of this postulate, which is set forth at length in chapter IX of the Senate Foreign Relations Committee report on the INF Treaty entitled "Treaty Interpretation, Condition Approved by the Committee," in effect gives primacy to the agreements between the executive branch and the Senate. It creates confusion and contradiction. And it really represents a turf battle extraordinaire where the Senate seeks to establish its primacy.

Mr. President, on treaties today, the President of the United States appears to be having more trouble with the United States Senate than with the U.S.S.R. During the course of my comments this morning, Mr. President, I shall outline the legal considerations as to what this ABM reinterpretation condition realistically does, how it changes the international law on treaty interpretation, how it changes and confuses U.S. constitutional law on treaty ratifications and how, if pursued by the Senate Foreign Relations Committee and the advocates of the ABM reinterpretation condition, it may really sink the INF ratification process.

Mr. President, as to the treaty itself, I support the treaty. It moves forward on a significant reduction in warheads. It has great potential in and of itself, and as a signal for the future as to arms control and arms reduction. It establishes a principle of onsite inspection which is new, Mr. President. It has been carefully considered by the Foreign Relations Committee, by the Armed Services Committee, and by the Intelligence Committee on which I serve.

There are some issues of great concern to me in terms of Soviet compliance, and we have learned from experience, perhaps even bitter experience, that it is necessary to have verification, that trust is really not a realistic alternative in international affairs of this sort; that is, addressed by itself. But there must be adequate verification and adequate assurances of Soviet compliance.

Mr. President, there are good reasons to believe that with the accession to power of General Secretary Gorbachev, the Soviet Union has moved into a new era; and to the extent that we can negotiate with General Secretary Gorbachev in the interests of the United States, carefully and deliberately, I believe we should do so.

The Soviets have injected into their approach recently certain elements of a free society; and if they promote this kind of attitude, it may well be that the Soviet Union will be a much tougher adversary in the years ahead, because we have seen by the experience in our country and in other democracies that when people are free to utilize their energies in a constructive way, they have much more creativity, much more productivity. So if this line is pursued by the Soviet Union, they could be a much tougher adversary in the future. Of course, we can only observe that. But to the extent that their new attitude comports with United States self-interests, we ought to utilize this opportunity.

As I say, they may become a tougher adversary, or it is possible that in the future, if they really move to a free society, they may not be an adversary at all. If they could come to share democratic values, which is a long, long way off, they could be a nation with which we could have peaceful, harmonious relations, as we do with Great Britain, France, Italy, Israel, and other democratic societies.

For the time being, it seems to me that we have to be very careful in these dealings with the Soviet Union. There have been concerns expressed by the Intelligence Committee on the adequacy of technical inspection. It is our hope that we may be moving to a solution of those concerns. It is our judgment that verification is adequate as to INF, but it is important to enhance and improve the technical inspection facilities in the United States as we move ahead on the discussions on the Strategic Arms Reduction Talks.

Mr. President, I join my fellow Senators who have taken the floor, who have urged that we move forward with deliberation to conclude the discussions on the INF Treaty, if we can, before the President goes to Moscow for the summit later this month. But I do believe that we ought not be bound by the clock. We could work long hours, we could work weekends, and I think we could conclude our debate here in order to have a united front between the United States Senate and the President when President Reagan goes to the Soviet Union.

Mr. President, I believe that the INF Treaty is a victory for the U.S. policy of strength and a vindication for the emphasis which this body, the House, and the executive branch have put on defense in the course of the past 7½ years.

I believe, further, that the INF Treaty is a victory, a vindication, for President Reagan, who set forth the zero-zero option in 1981. There were many problems with our NATO allies on the Pershing II's and the cruise missiles, but that policy has resulted in the total elimination of the theater weapons as defined in the INF Treaty.

The Senate encouraged President Reagan to move ahead with the summit talks by resolution which I offered and were passed in 1982, 1983, 1984, and 1985, but the President moved on his own timetable.

I had personal experience with the timetable which President Reagan saw, on occasions, when I was asked to meet with the President in those famous one-on-one sessions on issues such as the MX. The President urged my support for the MX, and I asked about negotiations with the Soviet Union. This goes back to 1983. The President said he was not ready. The President has moved at his own speed. For those who say that he may be disinterested or languid on some subjects, he is certainly not disinterested or detached on the issue of negotiations with the Soviet Union.

President Reagan's timetable has come to be the dominant timetable. It is my view that the Senate ought to cooperate with the President to the extent we can—not rushing to judgment, taking time in deliberation; but, if it is possible, and this Senator believes it is, to enable the President to take with him to Moscow an INF Treaty which has been ratified by this body.

However, Mr. President, if the U.S. Senate is to ratify the INF Treaty, it seems to me that we cannot do so if we include within the ratification process the so-called ABM reinterpretation condition. That condition, denominated in the committee report as the Biden condition but, again I say, more accurately categorized as the ABM reinterpretation condition, opens what is really worse than a can of worms in revisiting the ABM controversy, in revising international law on treaty interpretation, in confusing U.S. constitutional law on treaty ratification, and opening a very complex subject, which I believe may well have the practical effect of killing the ABM Treaty.

Now, to the legal analysis and the legal considerations:

In the Senate Foreign Relations Committee report, there is a reference on page 92 which establishes the committee's priorities, as follows:

> The Legal Adviser's statement implies that the meaning of a U.S.-Soviet treaty is to be gleaned not by examination of what the President and the Senate jointly understood, but by examination of what the President and the Soviets agreed upon—regardless of what the President may or may not have told the Senate.

That statement and other similar statements in the course of chapter IX established the committee point of view and the underlying doctrine of the ABM reinterpretation condition, that the paramount consideration is what was agreed upon between the President of the United States and the U.S. Senate. I submit that that turns international law on treaty interpretation on its head, because the dominant consideration on an international treaty is what was agreed upon between the two nations.

It is true that the Senate has a critical role on what the United States of America agrees to, but it is not the dominant factor.

The statement of international law on this issue has recently been restated by the Supreme Court of the United States less than a year ago on June 15, 1987, in a case captioned "Societe Nationale versus U.S. District Court for the Southern District of Iowa." The Supreme Court of the United States stated on page 10 of the slip opinion:

> In interpreting an international treaty, we are mindful that it is in the nature of a contract between nations.

Mr. President, that is a critical factor to be outlined at the outset.

A treaty is valid and binding only if it establishes mutual obligations on the two contracting parties, in this case the United States of America and the Soviet Union.

However, when the Senate Foreign Relations Committee comes to grips with the condition on ABM reinterpretation, the Foreign Relations Committee elevates the provisions of the understanding between the executive branch and the Senate. This is set forth on page 97 of the committee report as the prime qualification—subsection (a):

> The United States shall interpret this treaty in accordance with the understanding of the treaty shared by the executive and the Senate at the time of Senate consent to ratification.

The condition then refers to the text of the treaty and to the common understanding between the Senate and the executive branch, but the critical factor is the elevation of this principle as to what the executive agreed to with the U.S. Senate.

The realistic fact is that such an understanding may be at variance with what the United States agreed to with the Soviet Union, and it is not the understanding that the Senate has that is the first determinative factor as to what the treaty is. It is important but it is not the first determinative factor.

In determining what is the agreement between the United States and the Soviet Union in cases of ambiguities, the law is clear that the negotiating record and the subsequent practices of the parties are critical factors in that evaluation.

This matter has been addressed by many, many legal scholars, many Senators on the floor of this body, and there is agreement that relevant considerations involve the negotiating record and the subsequent practices of the parties.

That is specified again in the opinion of the Supreme Court of the United States on the Societe Nationale case again at page 10 of the slip opinion when the Supreme Court says:

> History, the negotiations, and the practical construction adopted by the parties may be relevant.

Mr. President, when the Supreme Court of the United States refers to the word "may" it is done in a context that the relevancy depends upon the facts of a specific case. But the Supreme Court makes it plain that the negotiations, the terms of the treaty history, the negotiating record and the practical construction adopted by the parties, sometimes referred to as the subsequent practices of the parties, are vital factors in treaty interpretation.

What does the Foreign Relations Committee report do with that fundamentally established law? It turns it upside down.

At page 101 of the committee report, the committee starts to take up the INF Treaty negotiating record and starts to discuss the considerations as to what the negotiating record means, and it comes to this conclusion.

I am beginning in the middle of a paragraph, because I believe that is a fair reading of what the committee says. "Such documents"—referring to the negotiating record—"need not have been examined for consistency and should not be deemed material to U.S. interpretation to the INF Treaty insofar as they are inconsistent with the executive branch's formal presentation of the INF Treaty."

Focus, Mr. President, on that conclusion such documents are not material.

Now that is a revolutionary statement, contradicting years, decades, centuries of interpretation of treaties.

And the committee seeks to exclude the negotiating record and the subsequent practices of the parties in the committee's effort to place sole reliance on what they say is the Senate's understanding.

This is an effort to elevate the Senate's understanding to a new height in interpretation, and that simply rewrites the international law on treaty interpretation, which is that a treaty reflects the intent of the parties. The parties are the United States of America and the Soviet Union, and the Senate is not an independent party.

What this committee report does is to decimate the treaty if it is not in accordance with what the committee thinks may be the Senate's understanding.

Mr. President, the committee report then moves on to a discussion—I might say a tortured discussion—of how the Senate comes to its understanding, and it refers to "explicit understanding" and "implicit understanding." Explicit understandings are easy. They are reservations and they are understandings. Implicit understandings are much more complicated. Had there been an explicit understanding of narrow versus broad, this issue would never have arisen in the context of the ABM Treaty and would not have arisen in the context of the INF Treaty. The fact is that on the ABM record, there was no explicit understanding not reflected in the reservation, not reflected in an understanding, not reflected in the debate on the Senate floor, and not really or clearly reflected in any of the proceedings before any of the Senate committees.

The committee report then goes on to try to delineate what is meant by "implicit understandings," and the committee report refers at page 93 to this definition:

> Where several [Executive] statements are made and there is general acceptance of their tenor, that is the Senate understanding.

Page 94 of the committee report then reviews few or inconsistent statements and says:

> * * * where the indicia of intent (again, including unchallenged Executive communications or explanations) are several and largely consistent, an implicit intent can reasonably be concluded to exist.

Mr. President, there is repetitious ambiguity in this committee report. What the committee essentially comes to on the conclusion is that these implicit understandings have no realistic meaning where there is a factual claim of pervasive ambiguity. That is the reference at page 106 of the committee report in reference to "a factual claim of pervasive ambiguity."

The law is plain that where the treaty is ambiguous, it is a matter for interpretation for the executive branch. As the committee report notes, the law on treaty interpretation is the same law which follows on the interpretation of congressional intent on the statute, and that standard is specified in the opinion by the Supreme Court of the United States in Japan Whaling Association versus American Cetacean Society with the following language at page 11:

> [I]f a statute is silent or ambiguous with respect to the question at issue, our longstanding practice is to defer to the "executive department's construction of the statutory scheme it is entrusted to administer."

And then the Court goes on to say:

> [U]nless the legislative intent of the enactment shows with sufficient clarity that the agency construction is contrary to the will of Congress.

Mr. President, in the history of the ABM Treaty it is plain—and this can be documented at length if we get into that extensive discussion. The comments that I am making today are really only an introduction to the legal issues on this point and only an introduction to a few of the factual considerations. But if we get involved in the ABM issue, it is plain that there were, at most, a few comments on the statement and those comments were inconsistent.

The Supreme Court deals with that situation again in the Japanese Whaling case at page 18 saying: "It may be that in the legislative history of these amendments"—referring to the issue in the Japanese Whaling case—

> There are scattered statements hinting at the per se rule advocated by respondents, but read as a whole, we are quite unconvinced that this history clearly indicates, contrary to what we and the Secretary have concluded is a permissible reading of the statute. * * *

The Court makes it plain in that circumstance it is the executive branch which must make the interpretation, just as the law is plain that the executive branch must make the interpretation in a treaty.

This same doctrine had been articulated in the case of Chevron U.S.A. versus Natural Resources Defense Council, Inc. in 1984, when the Court pointed out at page 843 of 467 United States that if a court, employing traditional tools of statutory construction, ascertains the Congress had an intention on the precise question at issue, that intention is the law and must be given effect.

And then, on the same page, the Supreme Court of the United States says: "[I]f the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute."

Mr. President, if we get into the details of ABM, I submit that we will find that there is that kind of ambiguity which leaves it up to the executive branch to make that determination in accordance with clear-cut international law and in accordance with clear-cut U.S. constitutional law.

Mr. ADAMS. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. GRAHAM). Will the Senator yield for a question?

Mr. SPECTER. Well, I am right in the middle of a rather complex sequence, but it is too late now, so I do yield.

Mr. ADAMS. I appreciate the Senator's courtesy.

I did not quite understand the thrust of the Senator's argument on these last three issues, because on page 107 there is a summary which states clearly the committee's conclusion that the President has a responsibility to interpret and implement, which the Senator has stated. There is a clear conclusion by the committee not to have the ABM dispute in this treaty but that the sole issue that was raised was the Sofaer doctrine of reinterpreting.

The cases that have been cited by the Senator involve an interpretation, not a question where there has been a practice followed and a series of precedents followed under the treaty.

I just wanted to ask the Senator why he had raised this when I believe that the sole issue that is involved in the so-called condition here is not power to interpret, it is not every statement raised, it is not the Supreme Court decision in that case, but it is a question of the President or the executive branch reinterpreting a treaty as opposed to the President saying that the treaty should be abrogated, which the President has the right to do, and start over.

I would like the Senator to address the reinterpretation and answer my question of have we not answered those questions on page 107.

Mr. SPECTER. Well, I thank the distinguished Senator form Washington for raising the question, because it illustrates my point. This chapter, chapter IX, is a detailed effort to discredit the Sofaer doctrine. It is a detailed effort to weigh in on the argument on the narrow versus broad interpretation of the ABM Treaty.

Perhaps it is no better illustrated than the committee report itself at page 97 where the committee says that the whole issue was unnecessary for consideration.

The second full paragraph on page 97 reads:

> The committee notes that, in one respect, its action in including this Condition in the INF Treaty's resolution of ratification was unnecessary insofar as principles which inherently apply to the INF Treaty would apply even in the absence of any Senate action affirming them.

Then the committee goes on to say:

> Given the circumstances, however, the committee judged that to fail to affirm such principles could suggest some degree of acquiescence in the Sofaer Doctrine, which the committee views as an Executive attempt to assert an unconstitutional arrogation of the Treay Power. In this sense, the committee views the Biden Condition, paradoxically, as both unnecessary and highly significant.

It is amazing to this Senator that the Foreign Relations Committee would include this lengthy chapter and inject this issue into the INF debate when the committee concedes that it is unnecessary except as it relates to the committee's effort in this proceeding to discredit the so-called Sofaer Doctrine and the committee's effort to prejudice the ABM controversy on narrow versus broad.

When the Senator from Washington points to page 107 as to the committee's summary, the committee then starts to recite what the interpretation issue is and what it is not. But in the course of that extended discussion, it repeatedly says what the interpretation is not opposed to what it is.

It is plain on the face of this record that the committee seeks to deal with the Sofaer Doctrine and the ABM narrow versus broad issue because the committee so often says that is is not dealing with those issues.

Again and again and again the committee says, "We do not deal with the Sofaer Doctrine. We do not deal with ABM. It is unnecessary to take these issues up at this time." And then, elaborately, for more than 20 pages, running from the start of the chapter at page 86 until the conclusion of 108, the committee deals with these doctrines.

It is plain, I say to my friend from Washington, that the law is the law. It is not necessary to raise an issue and knock it down if it is an irrelevancy. The elaborate pains that the committee went to on the Sofaer Doctrine relates to its concern to bring the ABM issue into this debate.

That is why this Senator says this issue should have been left out by the committee and, when the committee did not leave it out, the Senate ought to overrule the committee and exclude it from consideration, because when we begin a serious debate on this issue—not to suggest the Senator from Washington and I are not serious, the Senator from Washington is not serious—when we begin an intense debate on this subject, we will make the issues raised by Senator HELMS look abbreviated.

Mr. ADAMS. Will the Senator yield?

Mr. SPECTER. I do.

Mr. ADAMS. The issue in this case is very different from the ABM Treaty, in that the ABM Treaty, which has been carefully excluded by the committee from this INF debate, is a factual debate.

Mr. SPECTER. Will the Senator yield? How can you say the committee has omitted the ABM Treaty?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I will assert my right to the floor, but only if my colleague agrees.

Mr. ADAMS. I am most happy to.

Mr. SPECTER. How can you say the ABM Treaty was omitted by the committee when the committee spent so much time talking about the ABM Treaty?

Mr. SARBANES. Will the Senator yield on that point?

Mr. SPECTER. No. I would like an answer from Senator ADAMS first. But then I will be glad to yield.

Mr. ADAMS. Because, and I want the Senator from Maryland to have an opportunity to discuss it with the Senator from Pennsylvania also, because in the ABM debate we have a factual dispute which is not being addressed in the INF Treaty. Careful precautions were made in this treaty to state that the executive branch statements of fact were authorized and, therefore, could be depended upon because the treaty is not only an agreement between parties, but as the Senator from Pennsylvania, who is a fine constitutional scholar, knows, the treaty becomes the supreme law of the land, of the United States. Therefore, it is in the treatymaking power of the Senate as it is exercising a legislative as well as a ratification regime. And, therefore, we have tried very carefully to separate the fact that this is not the ABM debate but to be very careful that we are not, by refusing to set forth the position of the Senate on the Sofaer Doctrine, acquiescing in the legal effect of the Sofaer Doctrine.

If we did not mention it and we did not go into it, then there could be an interpretation that we were acquiescing in the legal interpretation of the Sofaer Doctrine.

We will, another day, debate and struggle with the ABM reinterpretation issue on the facts. But this treaty has a definite statement by parties on both sides and that is why the committee had not wanted it. That is the reason for the statement, the paradox that is involved.

If we had not gotten into this reinterpretation thing by the executive branch asserting it, we would not have had to go through this exercise in detail to say the Sofaer Doctrine, its legal implications, are incorrect.

We are not trying to reinterpret the ABM or debate it.

Mr. SPECTER. How could the Senate agree with the Sofaer Doctrine, which the committee says is inaccurate, by saying nothing? How could the Senate agree? How could the Senate acquiesce in an erroneous statement of law by not dealing with it?

Mr. ADAMS. Very simply, I would state to the Senator. If you have presented a treaty and this doctrine has been asserted in letters of exchange with Members of the Senate and on the Senate floor, that by not addressing the issue and not stating the position, then have you acquiesced in the statements of the executive branch on the point of law. And that would be argued as the Senator well knows before the Supreme Court. We have both been there and the argument would be exclusio, and so on.

And that is what we are trying to prevent here.

Mr. SPECTER. Exclusio unius?

Mr. ADAMS. Yes, exclusio unius. I will not bore people with our exchange of Latin phrases. But that is the problem. And this treaty is very careful and all of the statements that have been made, and this includes the diplomatic note, the agreed minute and so on, you will see this in the RECORD, and I will supply it to the Senator when he wishes it. I specifically asked the negotiators, for example, on the agreed minute and the diplomatic note, if these were official, these were authoritative statements, not only of the executive branch, but of the Soviet authorities so that at all points we have tried to avoid a factual dispute over the meaning of the treaty.

We do not want to have the Sofaer Doctrine applied. We may some day have to argue that in the Supreme Court as to the legal misinterpretation. We do not want a factual misinterpretation. That is what this condition is all about.

I hope the Senator will support this, in placing the Senate, as an institution, correctly in the ratification process and in establishing the supreme law of the land.

That is why things are involved.

Mr. SPECTER. I would say to the Senator, the Sofaer Doctrine, ABM, should not be part of this debate.

Mr. ADAMS. I hope that——

Mr. SPECTER. Wait a minute. My floor. I am responding to you.

Mr. ADAMS. Yes. I apologize to the Senator.

Mr. SPECTER. I would say the Sofaer Doctrine, ABM, should not be a part of the INF debate. I would say further that the Sofaer Doctrine and ABM were not a part of the INF issue until the Senate Foreign Relations Committee made it a part of it by inserting this extensive chapter and by raising the Sofaer Doctrine and by raising the ABM Treaty. It is squarely in the middle of these proceedings. The way to decide the issue is not to delete chapter IX, the 23 pages it contains of extensive legal argument, but to drop the so-called ABM reinterpretation condition, which is what I would hope the Senator from Washington would agree to.

Mr. SARBANES. Will the Senator yield?

Mr. SPECTER. I yield.

The PRESIDING OFFICER. The Senator yields. The Senator from Maryland.

Mr. SARBANES. I think the difficulty here is that there is not "a" Sofaer doctrine. But there are Sofaer doctrines, in the plural. And the committee has set that out very carefully on page 88 of its report.

Judge Sofaer has advanced two claims. One was factual: That, in effect, there were ambiguities in the treaty, and therefore, I would take it, in the understanding of the Senate when it gave its consent to the treaty.

As the Senator from Pennsylvania has pointed out, in seeking to resolve such ambiguities, one looks to other sources—to the negotiating record, to subsequent practice—in deciding international law.

We can discuss further how to resolve an ambiguous situation but I doubt we are far apart on that issue.

The other problem is the constitutional claim asserted by Judge Sofaer. That is what attracted the attention of our colleague, Senator BIDEN: That is what the Senate is told in the process of consenting to a treaty is not in itself of binding significance in determining the subsequent obligations of the executive in carrying out the treaty.

In fact, in testimony during joint hearings of the Judiciary and Foreign Relations Committees, Judge Sofaer stated:

> When the Senate gives its advice and consent to a treaty, it is to the treaty that was made, irrespective of the explanation the Senate was provided.

In light of that assertion, as a number of us on the committee have noted, it is not we who first raised the issue. It was, in effect, thrust upon us. Senator DODD stated, during consideration of the condition:

> One can vote for the Biden Condition and still support the "broad" interpretation of the ABM Treaty because that debate is mostly over facts. You ought to vote against the Condition only if you believe that under the Constitution the Executive branch can bring a treaty here, give you an authoritative explanation directed to the meaning of its text, and then after the treaty is ratified return and state that that was not really what the next mean—it meant something else.

All that the condition which the committee has attracted to the resolution of ratification does is to make it clear that, in interpreting the treaty, you look to the text of the treaty, and the authoritative representations provided by the executive branch to the Senate and its committees in seeking Senate comment to ratification insofar as such representations are directed to the meaning and legal effect of the text of the treaty. It is designed to rebut the assertion that the executive can come before the Senate, make authoritative representations as to the meaning of a provision of a treaty, clearly stated and put on the record, and then say that all that can simply be ignored.

Now, if the Senate is going to permit that, then the Senate's role in treatymaking has been essentially obliterated. The Senate, in fact, here, is not trying to assert primacy. It is simply asserting that when the executive makes an authoritative representation as to the meaning of a treaty and the Senate subsequently goes ahead and gives it advice and consent to that treaty, an executive cannot later come along and contend to the contrary as to the meaning of the treaty.

That seems to me to be elementary and, in fact, that has been the traditional view of the treatymaking power.

The departure, if any, that has taken place here is in the far-reaching doctrine of Judge Sofaer making this constitutional assertion. I am not referring here to the factual assertion, in which the question is simply whether or not a provision is ambiguous.

And if it is ambiguous, how do we resolve the ambiguity?

But the factual assertion of an ambiguity was carried a step further, which is what provoked our very able and distinguished colleague, Senator BIDEN, to address the issue. It was asserted that it does not matter what explanation is provided to the Senate when it is considering the treaty.

Now as I listen to the cases that the Senator from Pennsylvania cited, it sounded to me in each instance that he is talking about a case where it is alleged there is ambiguity and the question is how do you resolve that ambiguity. That is not what we are dealing with here.

We are simply trying to deal here with the very specific assertion that the executive can make clear representations as to the meaning of the treaty text, and that those representations can subsequently be ignored.

We are not trying to supplant the executive. We are simply trying to say that the Senate role in giving its consent means something, and that if the executive makes the representations to us as to the meaning of a treaty, they cannot later simply reinterpret it as they choose.

A treaty is not made solely, as the Senator has asserted, between the executive and a foreign country. There is no treaty until the Senate consents to it.

What is the Senate's consent based upon? At a minimum, it seems to me, that the Senate has to be able to rely upon authoritative representations from the executive branch, and that is what this condition seeks to assure.

This seems to me an elementary statement of what has been practiced for 200 years, throughout the history of the Republic, and to deny it is to wipe out the role of the Senate in treaty making.

Mr. SPECTER. Has the Senator concluded?

Mr. SARBANES. For the moment.

Mr. SPECTER. I did not hear the question.

Mr. SARBANES. I said for the moment.

Mr. SPECTER. I thought you asked me to yield for a question. I did not hear the question.

Mr. SARBANES. The question is: Does the Senator disagree with that position?

Mr. SPECTER. The answer to that is yes.

Mr. SARBANES. Does the Senator assert that there is a single Sofaer doctrine?

Mr. SPECTER. There is a single legal Sofaer doctrine. There are factual disputes.

Mr. SARBANES. Does the Senator assert that the executive can make a representation to the Senate in seeking the Senate's consent to a treaty, and that subsequently an executive can ignore those representations as to the meaning of a treaty?

Mr. SPECTER. I answer that question in the affirmative by referring to the committee report, page 94, where the committee expostulates where the executive's representations are few or inconsistent that the executive is not bound. If I may continue.

Mr. SARBANES. Suppose the representation——

Mr. SPECTER. Wait a minute. I have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I want to continue here because I have not finished my response. I will be glad to yield to the Senator from Maryland if he has further questions when I finish my response on this issue.

First, I would like to take mild issue with the statement by the Senator from Maryland where he says, and I will try to quote him here: "No treaty, as the Senator has asserted"—referring to me—"exists until the Senate consents."

I have never taken the position that there is no treaty until the Senate passes the treaty. I understand the Constitution requires the advice and consent of the Senate—rather fundamental—and I have not said we have a treaty without Senate advice and without Senate consent.

What I have said is that the thrust of this expansive committee chapter establishes a doctrine of two treaties.

The distinguished Senator from Maryland has quoted a sentence from Judge Sofaer's testimony, and I do not want to get involved in replaying all of Judge Sofaer's testimony because that would take a very long time, but the thrust of the Sofaer doctrine, I believe, is accurately stated by the committee report at page 90 where the committee says:

> The Executive is only bound, according to the doctrine, by a particular interpretation of a treaty's meaning if that interpretation meets three criteria: the particular interpretation must have been (1) "generally understood" by the Senate, (2) "clearly intended" by the Senate, and (3) "relied upon" by the Senate.

The committee then refers to its own definition as articulated by Professor Henkin—page 93—to this effect:

> Where several [Executive] statements are made and there is general acceptance of their tenor, that is the Senate understanding.

It is my submission, and I will invite the comments by the Senator from Maryland on this issue, that those definitions are very close to being the same, and that there may be a slight expansion in the statements attributed to Judge Sofaer on the language if relied upon, but that is plainly an aspect of an understanding.

Aside from that, and I think that is implicit in Professor Henkin's statement, the definitions are virtually the same. I say that it is really nit-picking to distinguish them. This issue has been raised and debated in some detail, and before asking the distinguished Senator from Maryland for a comment on the analysis of what difference, if any, there exists there, I point out that the issue has been the subject of interpretation by Mr. Culvahouse, legal counsel to the President, and that this issue was addressed by Senator NUNN in hearings before the Foreign Relations Committee. At volume 5, page 144, Senator NUNN says:

> If you look at the Culvahouse letter No. 1, at the bottom of page 2, the last sentence, to the top of page 3, "As a matter of domestic law, however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the Executive and clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification"—that sentence there I agree with completely. So, it is really a matter of the Senate deciding, I think, what that sentence means.
>
> We have to decide—I don't think the executive branch can decide this—are our committees included in that process? Or, do committee activities have to be repeated on the floor?
>
> Or what is a communication to the Senate?

I ask the Senator from Maryland, if he cares to answer, whether he agrees with Senator NUNN's statement that the understanding between the executive and the President "is bound by shared interpretations which were both authoritatively communicated to the Senate by the executive and clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification"? Does the Senator from Maryland care to comment on that?

Mr. SARBANES. I think that those tests introduce a new element into the Senate's treatymaking authority that has not heretofore been present.

Mr. SPECTER. What element is that?

Mr. SARBANES. The various elements which the Senator just set out.

Mr. SPECTER. What element?

Mr. SARBANES. The first question is whether the Senator agrees with the Sofaer assertion that when the Senate gives its advice and consent to a treaty, it is to the treaty that was made, irrespective of the explanation the Senate was provided.

Does the Senator agree with that?

Mr. SPECTER. Where is the Senator reading from?

Mr. SARBANES. The bottom of page 88.

Mr. SPECTER. Does the Senator have the full text of the committee hearings at that juncture?

Mr. SARBANES. I do not have them here with me.

Mr. SPECTER. I am very reluctant to comment on one sentence which is taken as one sentence and may be taken out of context.

Mr. SARBANES. That is a reasonable response, but I would take it that that sentence as stated would not command the agreement of the Senator, would it?

Mr. SPECTER. Well, I would repeat that I would want to see the context because what precedes and what follows may give meaning to that sentence.

Mr. SARBANES. Let me just ask a freestanding question then. The Senator does not feel that the explanation given to the Senate with respect to a treaty can be ignored, that its meaning is established irrespective of that explanation, does he?

Mr. SPECTER. Well, it depends on, as the committee report notes, whether it is an isolated sentence that may be inconsistent with other sentences. I believe in all fairness that the real issue is not whether you have a statement which is an isolated statement, which is inconsistent with other statements, which the committee explanation itself disregards saying at page 94 where there are few executive statements or inconsistent executive statements, they do not contribute to a common understanding.

So when the Senator from Maryland asks, Can an executive statement be ignored, well, I do not think any statement can be ignored, but it cannot necessarily be relied upon, or it cannot be the basis for a common understanding if a statement is one of a few and if the statement is inconsistent with other statements.

But I would return to the question which I had posed on the interjection of the distinguished Senator from Maryland. Where you have the committee's own articulation of the Sofaer doctrine on three principles: generally understood by the Senate, clearly intended by the Senate, and relied upon by the Senate, a definition which Senator NUNN has agreed with, I ask the Senator from Maryland if he disagrees with that.

Mr. SARBANES. First of all, I was at the hearing. I do not recall Senator NUNN agreeing with that, but I will go back and read the testimony.

Mr. SPECTER. Let me make available to the Senator a copy of the hearings.

Mr. SARBANES. I think if the administration makes an authoritative representation as to the meaning of the text of the treaty, that this then takes on binding significance as to the meaning of the treaty, and that this administration or subsequent ones cannot later say that the treaty means something else.

Mr. SPECTER. Suppose they are inconsistent.

Mr. SARBANES. If they are inconsistent, then one can assert an ambiguity. No one is denying the possibility of an ambiguity. As I said earlier, there were actually two doctrines. One asserts an ambiguity. We faced that before, and I dare say that the cases the Senator was citing from the Supreme Court, when one has a chance to review them, would deal with that sort of case.

Mr. SPECTER. Of course, like the ABM Treaty.

Mr. SARBANES. If there was an ambiguity. Where there is an ambiguity, you try to resolve it.

Mr. SPECTER. Is there an ambiguity in the ABM Treaty?

Mr. SARBANES. We were trying to deal with a very far-reaching assertion. The committee allowed for the possibility of an ambiguity in terms of a factual dispute. That is why I quoted what Senator DODD had to say.

Mr. SPECTER. Does the Senator believe there is an ambiguity in the ABM Treaty?

Mr. SARBANES. My own view on the ABM Treaty is that there is not an ambiguity, but this can be argued as a factual matter.

What I want to get at is an assertion that was made that went beyond the factual argument, saying that the executive can make representations to the Senate which can subsequently be ignored. If one allows for that, there is no treaty-making power in the Senate. And surely the Senator is not asserting that, I hope.

Mr. SPECTER. Of course, I am not asserting that. But yet we do not have the Senator from Maryland coming to grips with the committee's definition of the Sofaer Doctrine on those three principles: generally understood by the Senate, clearly intended by the Senate, relied upon by the Senate.

That is the legal proposition. It does not deal with ambiguity or factual context. What is wrong with it? The Senator has Senator NUNN's testimony there agreeing with it. What is wrong with that doctine, even if it may be the Sofaer doctrine?

Mr. SARBANES. Did the Senator go on and read the rest of Senator NUNN's comments?

Mr. SPECTER. Well, I sure did.

Mr. SARBANES. Senator NUNN went on to ask what exactly that sentence meant, and said, "We have always thought that it was through the committee process."

Mr. SPECTER. I read that.

Mr. SARBANES. That is not Sofaer's assertion.

Mr. SPECTER. I read many sentences beyond to be sure it was not taken out of context.

Mr. SARBANES. That is not Sofaer's assertion. I think these tests which Sofaer is trying to establish for the Senate significantly dilute the Senate's treaty-making authority. I think that is very clear.

Now, the committee was very careful to make this condition INF-specific and not, in the course of attaching a condition to the INF Resolution of Ratification to seek to resolve the ABM issue. There is not an effort here to do that. Let that be clearly on the record; one of the reasons that the ABM issue is being discussed here is in order to make that clear. But what the committee did have to address was the claim, which we could not simply allow to pass, that the executive could make these authoritative representations and then subsequently disallow them or act differently.

If that proposition is accepted, as Senator NUNN asserted in the hearing, then we will be forced to attach a whole range of conditions on matters of substance in order to lock into place the authoritative representations as to the meaning of the treaty which were given to us by the executive branch.

Surely, that is not the way the treaty-making power is supposed to work. It is not the way it has worked in the past. And if one thinks about it for a moment, one can see how it would represent a breaking down of the treaty-making power.

There is a necessity for the executive and the Senate to work in partnership on this matter. There is no effort to assert primacy here, which the Senator had earlier contended.

Mr. SPECTER. Mr. President, I believe that the exchange that the Senator from Maryland and the Senator from Washington and I have had—it has been a very brief exchange, perhaps about 30 minutes—illustrates the quagmire that the Foreign Relations report has injected the Senate into on this paragraph, this Chapter IX, which is the ABM interpretation condition.

It involved very factual analysis. It involved the consideration of what are understandings by a general acceptance of few or inconsistent representations. But when you come right down to the legal articulation itself, and I cite this from the Foreign Relations Committee report as it quotes the Sofaer doctrine, that it is generally understood by the Senate, clearly intended by the Senate, relied upon by the Senate, and you take a look at Senator NUNN's testimony before the Foreign Relations Committee which I read totally, even went beyond the relevant part to be sure that there would not be any possibility of having excluded any substantive testimony by Senator NUNN which bore on these three factors, and Senator NUNN does agree with them, you really have the essence of the doctrine which has been established as a matter of law.

The Foreign Relations Committee report seeks to change that or tries to change that. And the Senate committee report certainly confuses it with its very extensive discussions.

Mr. President, I would submit that this chapter is really a red herring on the Sofaer doctrine, that if the ABM Treaty is debated at length I submit we will find that the Soviet Union did not agree to the narrow interpretation. The negotiating record will show and the substantive practices of the parties will show that the record has few references to the issue of narrow versus broad, and those references are inconsistent references. So even under the committee's standard, there would not be a common understanding.

We would find further that adherence to the narrow interpretation unfairly prejudices the United States as contrasted to the Soviet Union.

Mr. President, I think it is worthwhile to take a moment or two to describe my own involvement here. My study of this issue did not begin with the so-called Sofaer doctrine. It began with conversations with Ambassador Kampelman and Ambassador Cooper in Geneva last year where there was a concern on the part of the U.S. negotiators that if the United States was bound by the so-called narrow interpretation of the ABM Treaty that it would substantially prejudice our negotiations. I then took upon an analysis of the negotiating record, the ratification record, and the subsequent practices of the parties. I came to the conclusion that it was filled with ambiguity, that it was entirely appropriate for the United States to take the position that the broad interpretation prevailed.

Mr. President, if we are bound by the narrow interpretation as a matter of treaty doctrine, I say we ought to observe it. If we are not bound by it, I say we ought not to observe it in a context where it costs substantial extra money on our tests, perhaps billions, where it substantially delays our tests. This Senator has not been an outspoken advocate of the strategic defense initiative. It seems to me it is worth experimenting with. But when votes have occurred in this Chamber in the past on the level of funding, I have voted for a moderate level of funding.

So I do not come to the narrow versus broad interpretation with the previous position to give unbridled latitude to the strategic defense initiative. I come to the interpretation that there is ambiguity, and that there is a legitimate case to be made for the broad interpretation as a matter of constitutional law as a matter of treaty interpretation.

Mr. President, I think it is not inappropriate to comment here today that Judge Sofaer has in the opinion of this Senator been personally pilloried and unfairly pilloried. Judge Sofaer left a lifetime appointment as a judge on the U.S. District Court to become the legal advisor to the Department of State. And Judge Sofaer has stood up on some very tough occasions, and has disagreed with some in the executive branch on matters of credibility and on matters of integrity.

I believe that Judge Abraham Sofaer deserves better than what has evolved in this debate—not the debate on the floor today but the discussion of the so-called Sofaer doctrine—where he has been sharply criticized beyond, I think, the point of fairness—pilloried.

I have known Judge Sofaer for more than 20 years. I knew him when he came to staff meetings, and I was district attorney of Philadelphia and his brother-in-law was one of the assistant district attorneys in my office. I have watched Judge Sofaer's career over the course of the years. And he came to this town with his integrity. That is about what most of us come to this town with. I think he is entitled to leave this town, if he is to leave this town, with his integrity intact.

Mr. SARBANES. Will the Senator yield on that point?

Mr. SPECTER. No. I will not yield.

The PRESIDING OFFICER. The Senator does not yield.

Mr. SARBANES. I want to make a point about this question of integrity, in all fairness to Judge Sofaer.

Mr. SPECTER. I change my position and yield.

Mr. SARBANES. I do not think disagreeing with Judge Sofaer on a matter of an assertion as to the treaty-making power or upon any other issue of substance represents questioning Judge Sofaer's integrity. I certainly have not done that here on the floor of the Senate. I have not heard anyone else do it here today in this debate. I differ with the Senator on occasion on issues of consequence, and hope that these differences are not perceived in any way as questioning the Senator's integrity.

Mr. SPECTER. I agree with what the Senator just said.

Mr. SARBANES. I thank the Senator.

Mr. SPECTER. I said earlier it was not as a result of the debate on the floor today. But there have been issues raised as to Judge Sofaer's integrity, and as to his veracity. I can tell the Senator, and I can tell this body, that my response to those issues and those questions have troubled me very, very considerably. This Senator has criticized some members of the State Department on grounds of integrity and veracity. I think that such comments are warranted in some cases on the facts.

But I believe that Judge Sofaer has approached this issue as a legal matter. I think it is subject to analysis and debate and criticism. And every comment that was made by the distinguished Senator from Maryland was entirely appropriate today. It may not have been entirely accurate as I view it. It may have been entirely accurate—certainly it was entirely accurate as the Senator from Maryland viewed it. But there have been comments which have been made about Judge Sofaer which I think are unwarranted.

Mr. President, to try to complete this issue as to Judge Sofaer, it is my view that Judge Sofaer's legal analysis in the so-called Sofaer doctrine does not suffer by comparison with Senators' utterances on this floor, nor does Judge Sofaer's legal analysis or the Sofaer doctrine suffer by comparison to the committee report by the Foreign Relations Committee. I think it is fair to say, Mr. President, that my own record shows a certain independence from the administration on constitutional issues. And I dare say, I think, if this matter were to be submitted to an appellate court on a doctrine that you might call Sofaer, or Kampelman or Cooper or Specter versus a doctrine that you might denominate as PELL, NUNN, CRANSTON, or BIDEN, that the so-called broad interpretation would have an excellent chance to prevail. I think it in effect would prevail.

Mr. President, I am about to conclude. I want to conclude with the consequences which are described and commented upon in the report of the Foreign Relations Committee. The committee takes up some of the issues which were raised by Mr. Culvahouse. The committee says that there is no unilateral risk to the United States. On page 103 the committee says:

Under this heading, the White House letter seeks to raise the specter of the United States being bound by constitutional processes to one interpretation of a treaty while the Soviet Union is free to apply a less restrictive interpretation.

Then the committee report goes on to say that is highly theoretical. Well, that flies in the face of the known facts on the ABM controversy. The so-called narrow interpretation seeks to bind the United States to a much more expensive testing process, involving perhaps billions. It seeks to bind the United States to a testing process which is much slower, and it gives the Soviet Union latitude to follow a broad interpretation because the Soviet presidium is hardly likely to challenge the General Secretary on what kind of tests the U.S.S.R. seeks to conduct. It is not highly theoretical at all.

The other consequence which the committee report makes light of appears at page 103. The committee report refers to the alternative, that the United States has the "option of withdrawing from the treaty."

I hardly consider that to be a palatable option, to withdraw from the ABM Treaty.

The first to complain about any such suggestion would be not only this Senator but also every Senator on the floor who has argued against the broad interpretation of the ABM Treaty.

Mr. President, we have before us a treaty which is a good treaty, for reasons that I specified earlier, but where we have injected into it the ABM reinterpretation condition——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPECTER. Mr. President, I do not believe I have a time limit. I had as much time as I needed, but I am only going to use about another 2 or 3 minutes.

The PRESIDING OFFICER. The minority leader had yielded to the Senator from Pennsylvania his time, and the time of the minority leader has expired.

Mr. SPECTER. Mr. President, I respectfully suggest that the Chair is in error, that there is no time agreement, and that I sought the floor and achieved the floor. But there was a preceding statement by the Senator from Indiana that I had as much time as I might require.

Mr. SARBANES. Mr. President, I think the Senator used all the time he had been yielded. Perhaps we can yield him some time from this side, in order for him to finish his statement.

The PRESIDING OFFICER. The Senator from Rhode Island controls the time.

Mr. PELL. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifty-nine minutes and 10 seconds under the control of the Senator from Rhode Island.

Mr. PELL. How much time on the minority side?

The PRESIDING OFFICER. No time.

Mr. PELL. As a matter of comity, I yield 5 minutes to the Senator from Pennsylvania; then the Senator from Illinois.

Mr. CRANSTON. Mr. President, if the Senator will yield, I would like an opportunity to respond very briefly. I know Senators have been waiting to make opening statements. I would like an opportunity to ask a question and respond briefly to the Senator from Pennsylvania.

Mr. LUGAR. Mr. President, to clarify the time situation, how much time has been consumed by the minority?

The PRESIDING OFFICER. The entire hour.

As the Chair understands, there was 1 hour allocated to the minority leader and 1 hour allocated to the majority leader. The majority leader designated the Senator from Rhode Island to control that 1 hour. From the 1 hour allocated to the minority leader, he gave such time as was necessary to the Senator from Pennsylvania, and the 1 hour has now expired.

Mr. SPECTER. Was I charged with time when Senator SARBANES spoke?

The PRESIDING OFFICER. Since the Senator from Pennsylvania had the floor and controlled the floor, the time that he yielded for questions was charged against the Senator from Pennsylvania.

Mr. SPECTER. I am glad to have the time charged to me when I yield for questions, but I wonder how much time was consumed by the speech.

Mr. SARBANES. If the Senator will yield, I say to the Senator that he yielded, and one of the reasons I suggested that we yield him some time from this side in order to enable him to complete his speech, is because there was an exchange. That is why I made the suggestion, on which the chairman of the committee has now acted, that additional time be given to the Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator. I would appreciate not more than the additional 5 minutes which the distinguished chairman of the Foreign Relations Committee has yielded.

The PRESIDING OFFICER. The Senator from Rhode Island has yielded 5 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in conclusion, I submit that the INF Treaty is a very good treaty, for reasons which I specified earlier.

It is the hope of this Senator that we could proceed with a thoughtful consideration of the treaty, not rushing to judgment, but considering it in the detail that this deliberative body ought to accord it, perhaps working evenings, perhaps working weekends, but finishing it before the President's trip to Moscow.

It is a concern of this Senator that if we become involved in the ABM reinterpretation condition, the debate which just occurred will be amplified many times over and that it may realistically be impossible to conclude the debate before the President goes to the summit in Moscow; that there are massive factual questions which are raised, on which we just scratched the surface, if we are going to get involved in the ABM Treaty on factual issues; that the ABM reinterpretation condition, which is in the Foreign Relations Committee report, will involve elaborate, extensive debate on the law; because it revises international law on treaty interpretation, because it confuses U.S. constitutional law on treaty interpretation, and because it injects a Trojan horse by being a boobytrap into these INF proceedings.

For these reasons, it is my hope that it will be excluded from consideration, that the condition will not be applied to the treaty, so that the treaty may be appropriately considered and promptly ratified.

I yield the floor.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from California.

The PRESIDING OFFICER (Mr. REID). The Senator from California.

Mr. CRANSTON. Mr. President, I do not propose to engage in any significant, prolonged debate with the Senator from Pennsylvania. I know that other Senators are waiting to make their opening statements about this treaty. However, I think it is important to amplify a little upon what has been said.

It is not our purpose—those of us who have supported the interpretation provisions in the Foreign Relations Committee, now on the Senate floor—to rehash ABM. We did our best to separate ABM from our provision. We put into the committee report that this was not to be regarded as dispositive of decisions about ABM in any way, that that will be worked out elsewhere, and we very specifically stated in this interpretation provision that it refers to this treaty.

Original drafts and other drafts refer generally to the treaty power. The record will show that we restricted it to this treaty.

I do not think that we are really as far apart as the debate that we have had this morning might indicate on this issue. There is no objection on the part of Senators who support the present interpretation language that was reported by the committee to arguing for a broad interpretation of any treaty on the basis of ambiguity. It was ambiguity in regard to the ABM

Treaty that led, I believe, to that situation. I do not believe there is any ambiguity, at least none has been brought forth thus far, that we have to be concerned about in this treaty.

What we are objecting to is not interpretation, but reinterpretation on the basis of a claim that prior administrations' representations to the Senate are not binding and are meaningless.

I call the attention of the Senator from Pennsylvania and the Senator from Indiana, who I know is very concerned about this matter, to an exchange that occurred between Senator NUNN, who has been one of the most concerned about this issue from a counterpoint of view, and Secretary Shultz in the Foreign Relations Committee just 2 days ago, on the 16th.

They came to a meeting of the minds in the course of the following exchange. Senator NUNN stated to the Secretary, who was appearing before the committee:

> You state here, relating to the Biden amendment, that is "the wish by some in the Senate to attach a condition to the resolution of advice and consent to ratification which would restrict the President's authority to interpret treaties."
>
> I would like to just get you to react to my view of that. We are not restricting in the Biden amendment, if and when it comes part of this, the President's right to interpret treaties. What we are saying is when we get authoritative testimony, if the President later, after ratification, decides to change that testimony, that is not an interpretation; that is a re-interpretation.
>
> On matters that have not been testified to, that have not been given an authoritative testimony, that would be an interpretation. To me, there is a fundamental difference.
>
> Would you agree or disagree with that?

Then Senator NUNN went on to say:

> I guess I am saying that your testimony is not authoritative, and if it is authoritative it does not mean anything, if on that same testimony when a point has been raised, it has been testified to, the testimony is authoritative, if this President or another President then goes back and changes that. Then that is not an interpretation; that is a re-interpretation. That is my only point.

I think that is the only point, may I interpolate, of those who are concerned about this matter from the point of view of those who supported the interpretation language which should be called reinterpretation language in the report.

Secretary Shultz then said:

> As you put it, the answer is clearly yes. As I would understand it, when there is something that is clear in the treaty and in the testimony and debate and so forth, as in this case, then when that treaty is ratified it and that understanding of the record becomes U.S. law.
>
> If there is something that has not been covered or in the judgment of some has not been covered, that is what leads you back to look at the treaty record and things of that kind. We have tried to deal with these issues in the case of the INF treaty in several respects that are, I believe, at least somewhat unprecedented.
>
> First of all, the full record of the negotiations has been available to you. So there is not something that is lying in the weeds over there that you have not got access to.
>
> Second, we have stated that the testimony is authoritative.
>
> And third, we have said that the President will stand by that authoritative testimony.
>
> So we think we have laid down all the things that are needed to pin this treaty down very carefully, in precisely the way you just said.
>
> Senator NUNN. Well, I think following that format we ought to be able to resolve between the executive and the Senate this continuing disagreement over the Biden amendment.
>
> I think that is the key to it. An interpretation is in the first instance. The re-interpretation would be a reversal of previous understanding with the Senate, and that to me is the fundamental difference in what we are talking about. And I hope we can resolve the Biden amendment.

It seems to me that that creates the foundation for an agreement among those who have had differing views as this matter has unfolded. I hope that can be the case.

If some revision of the language in the committee amendment is needed, we are here to explore that.

Various proposals were made at the time that we got to the point of offering that in the committee. I met with the Senator from Indiana and showed him several different drafts. We did not reach an agreement there. So, I went with the draft and the committee then went with the draft that seemed to be the clearer statement of the viewpoint that those of us who felt something had to be done would be represented by.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. Certainly.

Mr. SPECTER. When the distinguished Senator from California says that there is no objection to the current intrepretation of the INF Treaty, only as to issues of reinterpretation, the sole issue in the Senate today is the interpretation of the INF Treaty, why bring up the question of reinterpretation of treaties?

Mr. CRANSTON. It has been brought up by the Sofarer doctrine as it seemingly was applied to the ABM Treaty. We do want to separate this out. That is why this language in the committee report refers to this treaty.

The Senator and I cannot resolve this matter now on the Senate floor, but the foundation has been laid for an opportunity to resolve it.

One thing that might make the committee report more acceptable would be the reference to the Constitution in the opening phrase was eliminated. I know that has been found offensive to some people on the Senator's side. We are not adamant about that language.

I am concerned, as the Senator is, about resolving this matter in time to complete this treaty and have it approved for ratification before the President goes over to Moscow. I think it is very important that we work that out.

Therefore, I hope we cannot spend too much time debating it on the floor but, while others are debating other amendments, try to work a solution to this problem acceptable to both sides.

At the outset of this business, I think there was a danger. Either way it went, votes were going to be lost. I do not think we are in that shape. I think our hope is not to lose votes but also not to lose time. So let us try to work this out.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. SIMON. Mr. President, and my colleagues in the Senate, first, if I may comment briefly on the Biden amendment that has been under discussion here, I would point out that the Biden amendment does not mention the ABM Treaty. It talks about the broad principles which I find essentially sound.

I will ask unanimous consent to print in the RECORD a letter from the chair of the Committee on International Arms Control and Security Affairs of the New York City Bar Association. It is a letter from Donald H. Rivpin, in which he says among other things:

> Specifically, the committee supports the principles contained in the condition to the Treaty that the Committee on Foreign Relations has adopted: that a treaty is to be interpreted according to the shared understanding of the Senate and the executive, based on the authoritative representations made by the executive to the Senate.
>
> These principles are fundamental to our constitutional scheme and cannot reasonably be questioned.

Mr. President, I ask unanimous consent to print that entire letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
New York, NY, April 15, 1988.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: On behalf of the Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York, I am pleased to convey to you the Committee's views on the proposed Resolution of Ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.

The Committee supports the proposed Resolution of Ratification as reported to the Senate by the Committee on Foreign Relations. Specifically, the Committee supports the principles contained in the condition to the Treaty that the Committee on Foreign Relations has adopted: that a treaty is to be interpreted according to the shared understanding of the Senate and the Executive, based on the authoritative representations made by the Executive to the Senate.

These principles are fundamental to our Constitutional scheme and cannot reasonably be questioned. Indeed, for this reason, these principles are implicit in and integral to every resolution of ratification that the Senate adopts.

You may place these views in the official record if you wish.

Sincerely yours,
DONALD H. RIVKIN,
Chair.

Mr. SIMON. Mr. President, my concern here is that, if the United States can unilaterally reinterpret a treaty, what is to prevent the Soviet Union or any other country that we have a treaty with from reinterpreting, in effect negating, a treaty that we have agreed upon?

If it is urgent that the United States break a treaty, there are steps provided in that treaty, in the ABM Treaty, for doing that. We ought to follow those steps, not come along with a reinterpretation.

In line with what my colleague, Senator CRANSTON, said quoting from Senator NUNN, I would point out on page 95 of the report there is printed a portion of the letter from the White House counsel, Arthur Culvahouse, in which Senator NUNN saw the sentence from the Culvahouse letter as, and I am quoting here, "casting doubts on the authoritativeness of all executive branch communications concerning the INF Treaty."

The reality is if I would enter into an agreement with the Senator from Nevada, who is presiding right now, to any kind of a contractual agreement and we agree on the stipulations, after that neither of us should be able to change that agreement.

And that is fundamentally what is being talked about here.

It is important for both nations to comply and it is important for Congress in the future, the U.S. Senate specifically, because we have the treaty responsibilities, to understand that once there is that general understanding as in the Biden amendment that talks about that common understanding, that that is binding until there is change according to the law.

Our colleague from Maryland, Senator SARBANES, is correct. This just underscores that this has to be a partnership between the executive branch and the U.S. Senate. We ought to be working together. But the Biden amendment, if you simply read the Biden amendment, it seems to me it is sound, it is solid and I am pleased it is there.

Now on the INF Treaty itself, just a few points:

First, I read some criticism that it is much too small a step in the direction of arms control. It is, in a sense, a small step, but it is a step in the right direction.

I once served in the Illinois General Assembly. When I was first elected to the Illinois General Assembly, I proposed amendments and introduced bills that would have revolutionized the State of Illinois and improved it dramatically. My bills were overwhelmingly defeated. Then I started moving on our problems step by step and my bills were adopted.

That is what we are doing here. Frankly, had the Reykjavik summit agreed upon the total elimination of nuclear warheads, as they were once talking about, I doubt that that ever would have seen fruition. I doubt that it would have been approved by the U.S. Senate.

Here we are taking a step—not a huge step, but a significant step—and that significant step includes two things that I think really are important in addition to that reduction of warheads. One is onsite inspection for the first time—onsite inspection in the Soviet Union and in the United States. It includes a monitoring that can take place at the Soviet Votkinsk Machine Building Plant and it includes monitoring that can take place at the U.S. Hercules Plant No. 1 at Maguna, UT. For the first time, we have onsite inspection in the Soviet Union. That seems to me to be a very important point.

Second, we have a partial flight testing ban. This is verifiable. There is no problem with it. It is a flight testing ban on this class of missiles going from 500 to 5,500 kilometers ground-based ballistic missiles and cruise missiles. That is a step in the right direction.

Then, for those who say there are risks—and I glanced through the very considerable dissenting views of my friend and colleague, Senator JESSE HELMS, and there are some risks. But I would point out that on the ground-launched cruise missiles, we get rid of a total of 689; the Soviets 826. The shorter range missiles, we get rid of 170; they get rid of 926. Those are pretty good numbers. That clearly is not a great risk from the viewpoint of the United States.

Second, there are still stragetic missiles and submarines. We still have a massive number of missiles all over the face of the Earth that can respond to any potential threat.

But in terms of risks, we have to also ask ourselves: What is the risk in not doing it? And there the risks are much, much greater, the risks in terms of weapons systems. And here, somehow, if we are going to have a world where our children and generations to come are going to have a chance, we are going to have to move away from a constant escalating arms race. So from the viewpoint of security, it seems to me we are much better off.

We are spending tens of billions of dollars more on arms than we were 20 years ago, 30 years ago. Are we creating a more secure and brighter future for our children in the process? My strong conviction is that we are not.

Then the second risk that is diminished is, frankly, the economic risk. One of the reasons, if we are to believe Mr. Gorbachev's statements—and in this one I do believe what he has to say—he has looked at the Soviet economy and he says that the Soviet economy is in bad shape. He recognizes that if the Soviet economy is to be improved, they are going to have to move away from excessive expenditures on arms.

What is true in the Soviet Union, what he talks about, is the Soviet system that is a first-rate power militarily but a second-rate power economically.

The United States today is a first-rate power militarily. It is a first-rate power economically, but if we continue to spend money on arms without limit, the reality is we are going to become a second-rate power economically. The risks are much greater in not going ahead, and I hope we will go ahead promptly.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CRANSTON. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. SARBANES. Mr. President, I thank the distinguished Senator for yielding time.

Mr. President, after 29 separate hearings with a total of 85 expert witnesses, the Senate Foreign Relations Committee on the 30th of March voted overwhelmingly—by a vote of 17 to 2—to report favorably the resolution of ratification of the INF Treaty as amended by the conditions adopted by the committee.

I wish to take this opportunity to commend the chairman of our committee, the distinguished Senator from Rhode Island, for his effective leadership throughout the hearing process and for his very hard work and dedication in moving the matter forward and in bringing the treaty to the floor of the U.S. Senate for consideration.

I also want to recognize the contributions which were made by the Senate Armed Services Committee and the Senate Select Committee on Intelligence. There was an unprecedented cooperative effort on the part of these committees, and the Senate Foreign Relations Committee, each with an interest in the treaty. Both the Armed

Services Committee and the Senate Select Committee on Intelligence made reports on their deliberations to the Foreign Relations Committee before the committee concluded its own deliberations.

I support this treaty. I supported the committee in reporting it favorably to the floor of the Senate. I believe it serves the national interests of our country, and I hope it will be ratified in prompt due course.

The treaty between the United States and the U.S.S.R. on the elimination of the intermediate range and shorter-range missiles, together with a memorandum of understanding and the two protocols thereto, all collectively referred to as the INF Treaty, was signed by President Reagan and General Secretary Gorbachev in Washington on December 8, 1987.

If ratified, it will become the first United States-Soviet arms treaty to be formally enacted since 1972. It represents a significant achievement in arms control and an important first step toward reducing the danger of nuclear war. It provides not for slowing down or capping the increase in nuclear weapons, but, in fact, for the elimination of an entire class of nuclear missiles, those with ranges between 500 and 5,500 kilometers; namely, between 300 and 3,300 miles.

The treaty establishes a very important principle in the reduction of nuclear weaponry; and that is it provides for asymmetrical reductions, whereby the Soviet Union will be eliminating many more weapons with far greater destructive capacity, than will the United States. This simply reflects the fact that in this category of weapons, the Soviet Union now has a significant numerical advantage over the United States.

Hopefully, this precedent of asymmetrical reductions will serve us to good purpose in subsequent arms negotiations and agreements.

The INF Treaty also breaks new ground by granting rights to extensive onsite inspections of facilities where INF missiles are produced, deployed, tested, stored, and repaired. These onsite provisions represent a major breakthrough in the verification field. It is something upon which the two superpowers have, in the past, never been able to reach agreement. Of course, the United States will continue to rely significantly on its national technical means and its intelligence sources for monitoring compliance with the treaty, but the onsite inspections and the formal data exchanges will be very helpful in verifying the destruction of missiles as well as building confidence in the treaty regime.

Also of significance is the fact that the treaty will serve to strengthen and reinvigorate the NATO alliance. By eliminating the triple warhead Soviet SS-20 missile, the treaty will not only remove the current Soviet advantage in intermediate-range nuclear weapons, but also the political threat which those weapons were designed to pose.

There was considerable concern at the time that the Soviets first put these weapons in place that it was an effort to decouple our allies in Western Europe from the United States, since these missiles could reach into the territory of our NATO allies in Europe but not reach the territory of the Continental United States.

It is true, of course, that the Soviet Union can retarget Western Europe with their longer range missiles, the same missiles that are capable of reaching the United States. But the political dichotomy which the SS-20 sought to put into place will be removed as a consequence of the elimination of those weapons under this treaty.

The treaty also serves in a broader way to recouple the United States and Western Europe by demonstrating the cohesion of the NATO alliance in working toward a specific long-term goal. In 1979 NATO agreed to a dual-track response to Soviet deployment of the SS-20 missile; on the one hand, we would move to deploy our own intermediate-range weapons in Europe, while on the other, we would seek to negotiate for the removal of all of those weapons. After initial attempts to negotiate an INF Treaty did not succeed, our European allies proceeded with deployment of the Pershing II and cruise missiles on their territory, despite considerable domestic opposition.

The persistence in following this dual-track approach has brought results. We now have a treaty before us for the complete elimination of all land-based INF missiles.

There is another area in which I think this treaty is very significant but which has received less attention, and that is its impact upon our allies in Asia and in the Pacific.

Most of the discussion of this treaty has dealt with it in a European context but since it now applies globally, its implications for the U.S. position in Asia and the Pacific, as it involves our relationship with important allies in that region of the world, needs to be touched upon.

For a good part of the negotiating process with respect to the INF, it was envisioned that a certain number of SS-20's would be allowed to remain in place——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. Will the Senator yield me an additional 4 minutes?

Mr. CRANSTON. Of course.

Mr. SARBANES. I thank the Senator. That the Soviets would move some of their SS-20's into Soviet Asia where they would be able to keep a limited number.

Such an agreement would have posed a number of problems. First, the possibility that the missiles, since they were mobile, could be reintroduced into the European theater in fairly short time; second, the greater difficulty in verifying the treaty, since it is much easier to verify a situation where the presence of any missile of the type is a violation than one where there are a certain number of such missiles; and, finally, the continuing threat that such missiles in the Asian part of the Soviet Union would have posed to our allies in Asia and the Pacific. The global application, the total removal of these INF missiles addresses all those concerns. And this treaty is very strongly supported by our friends and allies in the Asian and Pacific region.

Mr. President, since the Foreign Relations Committee reported the treaty favorably to the Senate, a couple of issues have been raised as to its scope and application. The most important of these was the issue of future technologies, and whether the term "weapon-delivery vehicle" would apply to missiles that contained neither nuclear nor conventional explosives.

That question has now been clarified through the exchange of diplomatic notes, sworn and sealed in Geneva on the 12th of May, which makes it clear that the treaty applies to all intermediate-range and shorter range missiles, flight tested or deployed to carry weapons based on either current or future technologies.

The other questions which arose in recent weeks involved the rights and procedures for inspections under the treaty. They arose during discussions which were being held between the two countries to establish procedures for the immediate implementation of the treaty upon ratification. I think it is a tribute to the skill of our negotiators, as well as an indication of the importance of this treaty to the interests of both parties, that those matters were resolved expeditiously and satisfactorily.

Mr. President, I addressed earlier, in an exchange with the distinguished Senator from Pennsylvania, the question of the condition attached to the resolution of ratification by the Foreign Relations Committee concerning the interpretation of the treaty. I assume that we will revisit that issue in the course of the debate.

Let me underscore a point made by the very able Senator from California in this regard, and that is that the language of the condition is clear in providing that it applies to this treaty, the INF Treaty. The committee was very careful to limit it in that regard in order to avoid becoming enmeshed in the extensive debate which has taken place with respect to the ABM Treaty.

Mr. President, the INF Treaty is a good treaty. It represents the culmination of years of hard work. I urge my colleagues to consider carefully the significant step forward which it represents.

It by no means addresses all of the issues that are in dispute between ourselves and the Soviet Union. It is not and cannot be expected to define the full scope of that relationship. There are still a great many serious and fundamental issues which divide our two nations; issues of human rights and religious freedoms; critical questions of regional conflicts; a broad range of issues affecting every aspect of our relationship.

However the INF Treaty does represent an important step forward in the security relationship between our two countries. It should help to set a better environment for addressing those other issues which still remain in sharp dispute between us and which will require clear, tough minded thinking on our part as we seek to obtain improvements in those important areas as well. I urge approval of this treaty.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I yield 20 minutes to the Senator from Alabama.

The PRESIDING OFFICER. From whose time?

Mr. CRANSTON. From our time on this side of the aisle.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 20 minutes.

Mr. SHELBY. Mr. President, The Senate Armed Services Committee report on "NATO Defense and the INF Treaty" recommends that the INF Treaty be ratified, subject to certain recommendations and possible understandings. As a member of the committee, I voted to approve the report.

However, I take issue with the committee's assessment that the positive features outweigh its weaknesses.

In many ways, I must confess that I feel like "we're damned if we do, and damned if we don't" support ratification of this treaty. Let me explain.

Administration witnesses have been quick to identify the major advantages of the treaty:

The Soviets will dismantle four times as many weapons systems as will the United States.

We will have achieved a breakthrough in onsite inspections.

We have validated NATO's dual-track decision to deploy INF systems, thus helping to disarm modernization critics within NATO.

We have increased dialog at the highest levels between the United States and Soviet Union.

Now let me review some of the disadvantages of the accord:

As the Armed Services Committee report points out, "Every target currently targeted by Soviet shorter-range and intermediate-range systems can be assigned to other Soviet nuclear systems." Thus, the nuclear threat to NATO and the United States will not be diminished by this treaty.

The Supreme Allied Commander in Europe will have less flexibility in potential courses of action available to implement the NATO strategy of flexible response.

Further, we have lost from our furture inventory any conventionlly armed ground launched cruise missile capability. Covered by the definition of conventionally armed GLCM's are lasers, microwaves and other futuristic weapons, as well as existing explosive warheads, an issue that was never discussed during negotiations, but apparently cleared up after the treaty was signed.

The treaty spotlights the glaring conventional force imbalance which exists between NATO and the Warsaw Pact. One more incentive for the Soviets to address this imbalance in a meaningful fashion has been lost to us.

Worse, we may have left our allies naked to the threat of Soviet nuclear or conventional force blackmail, or perhaps even made Europe safe for conventional war.

The political capital expended in the initial deployment of INF systems within NATO makes the likelihood of further nuclear weapon modernization doubtful, certainly in the near term.

Finally, the administration has yet to define methods by which it would respond to Soviet noncompliance.

Had this treaty been negotiated after the conventional arms imbalance between NATO and the Warsaw Pact been addressed, it would be a better treaty. Mr. President, had this treaty been negotiated after our strategic vulnerability had been addressed, it would be a better treaty. Had this treaty been negotiated after the ambiguities surrounding the ABM Treaty had been clarified, I believe it would be a better treaty.

But these things did not happen. The treaty has been negotiated. And because it has addressed issues and systems out of sequence in the arms control process, the resultant effect—should we examine only the treaty as the administration desires—may be negative to us.

Yet, we cannot ignore consistent testimony by highly regarded witnesses that nonratification of the treaty at this point would be far more harmful than any real or perceived negatives associated with ratification.

The unfortunate reality is that in spite of all its warts, nonratification of the treaty could shatter NATO unity, fuel the fires of European denuclearization, and further force West Germany toward a more neutral stance.

Incredible as it seems, the Senate has been presented with a treaty whereby nonratification would be even more advantageous to the Soviets than would ratification.

How have we gotten ourselves into this box? I would say, we must look to our Nation's arms control negotiating strategy.

Further, I would even go so far as to state that once we have completed this examination, we can only conclude that this administration's approach to the process is flawed.

Consider for a moment that we in the Senate have not even completed our debate on the INF Treaty. Yet the President will travel to Moscow on May 29 with the intention of moving even closer to signing a START treaty which will cut strategic arsenals in half.

Moreover, 4 months after signing the treaty, Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze were still negotiating differences on inspection rights. The verification regime is supposed to be the outstanding feature of this pact. It still may be, but this conflict came about because we were operating under a self-imposed deadline. The State Department was under orders to finish the treaty by December 8. Now, we appear to be operating under another deadline, to finish Senate consideration of this treaty by May 29.

I believe this is incredibly dangerous to our national security. The negotiating pace seems so fast that our efforts to decrease arms may now perversely increase instability and risk of war.

The costs are likely to be high because the Soviets have a poor track record when it comes to honoring treaties.

Mr. President, some of the glaring examples I would like to share with you.

Treaty violations by the Soviet Union: ABM, the violation of illegal radar; SALT I and SALT II, encoded missile test signals, new SS-25 ICBM.

1972 Biological Weapons Convention Treaty: What were the violations? Transfer, use of lethal chemical weapons in Laos, Cambodia and Afghanistan.

1974 threshold test ban: Violation, the 150 kiloton limit was exceeded.

Mr. President, the Soviets have violated a lot of their treaties in the past. We know that.

In spite of these violations, the administration is set on pursuing a policy to reduce ballistic missiles and bombers by half.

Critics note that for the past two decades, there seems to be a correlation between Presidential vulnerability and arms control agreements. American Presidents, weakened politically at home, have sought their place in world history through arms control and nuclear disarmament. Although this goal of world peace is certainly worthy, our Presidents have too often negotiated with the Soviets from positions of weakness.

The path chosen by the administration is high risk. One can figure that, without painful attention to the calculus involved, proportional reductions in our forces may well increase the probability that the Soviets could, in a first strike, eliminate not only our ground based strategic weapons, but also our command and control systems.

Consider that the giant Soviet SS-18 ICBM force alone has more megatonnage than the entire U.S. strategic missile force. The SS-18 carries 10 warheads, yet there are estimates it can carry from as many as 14 to more than 20. This scenario gives the Soviets the capability to blanket each hardened target in the United States with three or more SS-18 warheads, thus leaving the entire remainder of their force in reserve.

A U.S. News & World Report article, December 21, 1987, pointed out the risks involved in achieving balanced reductions in strategic weapons. A case was cited such that if the United States decided to reduce land-based missiles by two-thirds, the current Soviet advantage in warhead-to-aimpoint ratio would leap from 3:1 to 5:1.

Consider that since the Cuban missile crisis, the Soviets have moved from a position of strategic nuclear inferiority to one of at least parity, and arguably, one of superiority. Throughout the 1970's and 1980's, despite SALT I and SALT II, the Soviets continued to expand their nuclear arsenal.

Today, in comparison to the United States, the Heritage Foundation's Arms Control Handbook reports that the Soviets now maintain the following advantages in strategic forces. Strategic vulnerability. Let us review this chart. Warhead-to-aimpoint advantage, U.S.S.R. 3 to 1; ICBM throwweight, 4.7 to 1 advantage U.S.S.R.; ICBM sea-launched ballistic missile gross yield, 3.4 to 1 in favor of the Soviet Union; ICBM SLBM megatonnage, 1.8 to 1 in favor of the U.S.S.R.; ICBM hardtarget kill capability, 2 to 1 in favor of the U.S.S.R.; strategic nuclear delivery vehicles, 1.3 to 1 in favor of the U.S.S.R.; independently targetable warheads, 1.2 to 1 U.S.S.R., strategic bombers, 1 to 1.8 for the United States; SLBM independently targetable warheads, 1 to 1.8 favorability toward the United States.

For any START Treaty to be effective, it must reduce the odds that U.S. land-based systems could be destroyed in a first strike. Any strategic arms treaty that does not eliminate the Soviet advantage in heavy ICBM's, such as the SS-18, should not be signed.

As is, the protocol apparently agreed to by Reagan and Gorbachev sets limits of 1,600 strategic nuclear delivery systems for both sides. No more than 6,000 warheads will be allowed. But the Soviets are authorized to retain up to 1,540 warheads on the SS-18's. Therefore, they will retain their throwweight and megatonnage advantage.

Other problems exist. For example, the United States ICBM force is, on average, almost three times older than the Soviet force. Also, while the Soviets already have both rail and transport mobile ICBM's, our plans are still on the drawing board.

It may be that expectations involving arms reductions are too high. Before venturing further, should we not address other, more important, matters first? To illustrate:

Should we not place more emphasis on operational arms control, such as confidence-building measures to reduce the risk of war?

Or negotiate a verifiable chemical weapons treaty?

What about eliminating the Soviet missile throw-weight advantage?

Or pursuing the all-important goal of conventional parity between NATO and the Warsaw Pact?

The White House, in its recently published National Security Strategy of the United States, has listed principles guiding the U.S. approach to arms control:

These include seeking agreements that will "enhance security while reducing the risks of war."

The United States also seeks to reduce nuclear forces drastically, so as to achieve equal levels of forces on both sides.

Another aim is to "include provisions to ensure effective verification and encourage compliance."

There is nothing wrong with our guiding principles. However, arms control is not supposed to be an end in itself. It is only one means of our national policy to achieve a secure peace and international stability.

Today, arms control seems to have taken on a life of its own. Instead of being a tool, arms control now appears to be the engine driving the foreign policy train.

We face grave risks to our national security. Yet we have a President in the waning months of his Presidency. We have a President rushing to reach another arms accord with the Soviets, before we have sorted out all the implications of his first such agreement.

Such haste can lead to careless omissions and imprecise treaty language. Such haste allows the Soviets to pick and choose when an agreeement will be reached, its subject matter and its priority.

National security is too important to be held hostage to unrealistic time schedules, established in the pursuit of a legacy.

When all is said and done, this much is clear.

START negotiations should not be so far along without first addressing other critical issues. But they are.

The INF Treaty should probably not have been negotiated, at least not so far out of sequence in arms control priorities. But it has been.

The INF Treaty is supposed to stand alone on its own merits. But it does not.

We have before us what seems to be a golden opportunity. The goals of increased stability and reduced risk of war are just and honorable—yet the azimuth we seem to be taking frankly concerns me. I would be much more comfortable if I knew that whoever is steering the ship understood the relationships among the various pieces of the arms control puzzle.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes remaining.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, at this point the reading of the memorandum of understanding and the protocols will have to be continued if there is a single objection to dispensing with the further reading.

So I am prepared to ask that the further reading of the treaty—by the treaty I speak generically of the protocols and the memorandum of understanding—be dispensed with. I am prepared to ask that question. Mr. HELMS is on the floor, and up to this point the Senate has been able to go forward with statements, opening statements by his sufferance, if I may use that word, because one Senator can object to dispensing with the reading. And he has not seen fit to apply that rule in a hard and fast way up to this point. So I am prepared to ask that. But I want to yield to Mr. HELMS to see if he will object to that request.

Mr. HELMS. Mr. President, has the majority leader yielded the floor?

Mr. BYRD. I have not.

Mr. HELMS. Will the Senator yield?

Mr. BYRD. I would like to propound the request because I think we have to resolve this one way or another at some point—obviously, the sooner the better.

Why do I not just ask unanimous consent and the Senator may reserve?

I ask unanimous consent that further reading of the treaty and all of its parts be dispensed with.

The PRESIDING OFFICER (Mr. ADAMS). Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina reserves his right to object.

Mr. HELMS. Let me say to the distinguished majority leader that I personally do not intend nor desire to have the protocols and memorandum of understanding read. I think we ought to proceed. However, after discussing this matter with one or more Senators, let me suggest an alternative unanimous consent request.

I ask unanimous consent that further reading of the protocols and the memorandum of understanding be suspended, subject to the demand of any Senator under the rules that such reading be resumed. I do not think it will be. I shall do my best to make sure that it will not be. As some point, as we have discussed, I did understand that the majority leader would want to cut off the reading permanently. But at this time, I would be constrained to object to the UC proposed by the majority leader. I suggest my alternative.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I am willing to modify my request at this point to allow any Senator to ask for the continued reading of the treaty at any point during this day. But I cannot enter into this as a loose-ended and open-ended kind of request. To do so would allow us to get into tomorrow, into Friday, into Monday or Tuesday of next week and then subject to any Senator at a very critical moment objecting to further dispensing of the reading of the treaty, and there it falls.

So I will not agree to that. But I know that the Senator from North Carolina is ready to proceed with the point of order or some points of order or some strategy that he and others may have in mind. I am going to modify my request to dispense with the further reading of the treaty until 6 o'clock p.m. today, with all Senators rights reserved, with no waiving of any point of order. That gives the Senator and any other Senator the full rights as they stand right at this moment, and it also requires us to return to this at no later than 6 o'clock today; that at 6 o'clock today, unless in the midst of a rollcall, a quorum call, I be recognized again for the purpose of asking unanimous consent that the further reading be resumed.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Again, reserving the right to object, Mr. President, the distinguished majority leader has me at somewhat of a disadvantage because I do not want to object to his unanimous consent personally. But I feel obliged to do so temporarily until there can be some consultation. Would the majority leader mind propounding that a little later with the understanding that I am not going to have the protocol read? I see no Senator on the floor who I believe will.

Mr. BYRD. I have not only the understanding but the assurance, based on what the distinguished Senator has said, that he will not insist on further reading but there are 98 other Senators, Senators other than our two selves.

This leaves the Senate under the gun, and I am unwilling to leave it under the gun beyond a certain point. I want us to work as best we can to accommodate all Senators, but there will come a point where we will read it and be here until midnight or 2 o'clock in the morning and get it out of the way.

I want to be cooperative with the Senator. He has been cooperative with me and with all of us. We have to dispense with it for a while, or the Senate and the Senator from North Carolina cannot proceed.

So I ask unanimous consent that the further reading of the treaty be dispensed with until—7 o'clock, 6 o'clock, 5 o'clock?

Mr. HELMS. Mr. President, reserving the right to object—if that is a request by the majority leader—I am in the same fix at 7 o'clock as I am at 6 o'clock.

I again assure the Senator that I think I can work it out. I am just asking for a little while to consult, with other Senators.

Mr. BYRD. Mr. President, the Senator has almost 4 hours in which to consult with other Senators.

I renew my request. I ask unanimous consent that further reading of the treaty be dispensed with, until the hour of 6 o'clock today, and no later than 6 o'clock today, and that at 6 o'clock today, if this matter has not been further resolved, I be recognized to make the request again.

At that point, I think we had better dispense with the reading of this treaty because it cannot be continued to hang over the Senate like Damocles' sword. I say this with all respect to the Senator from North Carolina, because he has been most cooperative with us all and allowed us to go ahead, without the burden of reading the treaty in its entirety.

So I make the request, and Senators will understand that if there is an objection, we will have to proceed with the reading of the treaty.

Mr. HELMS. Once again reserving the right to object, is the Senator saying he is just delaying this until 6 o'clock tonight?

Mr. BYRD. Yes.

Mr. HELMS. That is fine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

Mr. HELMS. I thank the distinguished majority leader.

Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, yesterday, not more than a few minutes after the INF Treaty was brought before the Senate, I heard the term used "dilatory tactics." I do not know exactly how you could be dilatory 3 minutes after a treaty has been called up. These are sort of code words, buzz words. But I want to address myself to what is a dilatory tactic and what is not a dilatory tactic.

Some remarks were made on the very first day—let me emphasize, the very first day—of the markup of this proposed treaty in the Committee on Foreign Relations. In the opening statements by Senators, there were references to dilatory tactics. Let us examine this situation historically.

I point out to the Senate that the Panama Canal Treaties were before the Senate during a 70-day period, running from February 8, 1978, through April 18, 1978.

The issues presented by this proposed agreement that we have before us now are no less significant to the security and the interests of future generations of Americans than were the issues presented by the Panama Canal debate. So let us not get too carried away with our own positions.

The distinguished Senator from Alaska [Mr. STEVENS] remarked just a few days ago that a good one-half of the Senate had not yet had an opportunity to study this treaty and that study had been confined principally to the members of the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Intelligence.

I happen to believe that the Senate should recognize that a degree of formality in proceedings on treaties serves the practical purpose of insuring that the treaties, because of their peculiar nature as supreme law of the land under the Constitution, receive the careful scrutiny they require.

So I do hope, Mr. President, that we will not hear the term "dilatory tactics" bandied around this Chamber when in effect what is occurring is not dilatory but, instead and in fact, is deliberative.

In that regard, the rules of the Senate provide for the reading of treaties, and in time past, the rules required double consideration, as in the Committee of the Whole and in the Senate, in order to guarantee that Senators accord to the proceedings the careful attention that the framers of the Constitution intended.

So I do not believe it would hurt the Senate to listen for just a little while to the protocols of this treaty, because I dare say that no more than a handful have read this treaty, much less its protocols. But, for the moment, I am simply going to ask, as respectfully as I know how, that we refrain from making any further remarks about dilatory tactics and focus more on the deliberative actions.

Mr. President, I have a series of general parliamentary inquiries which I am going to ask the Chair to entertain. These inquiries, in several cases, are thoroughly similar to inquiries that the distinguished majority leader and the late Senator Jim Allen of Alabama propounded 10 years ago, at the beginning of the debate on the Panama Canal treaties; and that, of course, was in the early months of 1978. The inquiries will not be as numerous as those of 10 years ago, as since then, the Senate rules have been amended to eliminate the requirement for treaty consideration in the Senate sitting in the Committee of the Whole. Moreover, the requirement of article-by-article consideration, both in proceedings in Committee of the Whole and in the Senate itself, has been dispensed with. Nevertheless, I believe it would be helpful to the Senate to obtain, at the outset of this debate, the statements of the Chair with respect to certain procedural matters. I sat down last night and made a list of them.

First of all, Mr. President, when Senator Jim Allen, on February 8, 1978, asked if it was not in order, without unanimous consent, for a resolution of ratification to be proposed to a treaty until the procedure has taken place with respect to a treaty, the Chair—which was occupied at that time by the Vice President of the United States—responded that the matter would have to lie over 1 day before the resolution of ratification could be presented, unless otherwise ordered by unanimous consent.

Now I ask the Chair, is that still a correct statement of the rule?

The PRESIDING OFFICER. That is still a correct statement of the rule.

Mr. HELMS. I thank the Chair.

I recall that Senator Allen, 10 years ago, also inquired as to whether the preambles to the treaties as such are subject to amendment and the Chair responded that they were not. Is that still the case?

The PRESIDING OFFICER. That would still be the case.

Mr. HELMS. I thank the Chair.

In responding to another inquiry of Senator Allen, the Chair—and I looked this up—the Chair stated and I quote, "The treaty, including all of its articles, annexes thereto, protocols to it, et cetera, is before the Senate for consideration and therefore amendable." And the Chair continued to state "That even the minutes of a treaty would be before the Senate and would be amendable."

I assume that statement is still correct today, is it not?

The PRESIDING OFFICER. As to the documents submitted to the Senate, the inquiry of the Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. Certainly.

Mr. BYRD. What does the Chair mean by "documents submitted to the Senate"? Are you saying they are amendable? What do you mean by "documents submitted to the Senate"? Are we confining our remarks, and the opinion of the Chair in response to the parliamentary inquiry, are we confining those to the word "documents" to the treaty, its memorandum of understanding, protocols, and annexes, et cetera? And what do we mean by "minutes" in this context?

Mr. HELMS. There are no minutes to this treaty.

Mr. BYRD. I beg the Senator's pardon.

Mr. HELMS. There are no minutes to this treaty.

Mr. BYRD. I was wondering, I knew the Senator from North Carolina used the word "minute."

Mr. HELMS. My Southern accent.

Mr. BYRD. No.

Mr. HELMS. It is singular. You are correct.

Mr. BYRD. That word is familiar to me in connection with other treaties. I was wondering in the context of this treaty what was meant by it.

Mr. HELMS. Let the record show I intended it to be singular, "minute."

Mr. BYRD. It can be singular or plural depending on what is it.

May I say to the distinguished Senator I am not attempting to spar or debate with him. I just want to be sure I understood what the Chair meant when the Chair said "all documents."

The PRESIDING OFFICER. The Chair is trying to be certain because he also heard the reference to "minutes" and wanted to be certain of the reference to documents submitted. There is an agreed minute submitted. The Chair is not aware that "minutes" were submitted and therefore was simply trying to be very certain they were documents submitted to the Senate and that was the reason for the statement. That was the reply to the Senator from North Carolina.

Mr. BYRD. I think at this point it needs clarifying. When we say "submitted to the Senate," I understood the Chair to say that. I am not quarreling with the Chair. I am speaking most respectfully to the Chair. In talking about documents being submitted to the Senate, there will be many documents submitted to the Senate by the administration. But are we talking about the documents that have been submitted to the Senate in the context of the treaty that is on the calendar, only in that context, and the attendant protocols, memoranda of understanding, annexes, et cetera, et cetera, of that nature and not documents that have been sent up to a certain room here in the Hart Building which constitute all of the negotiations and the notes attendant thereto?

The PRESIDING OFFICER. The Chair's statement is limited to the documents stated by the majority leader in his inquiry, not to all documents, but the ones that were stated. If the two Senators wish to define that more precisely, the Chair is prepared to rule on that.

But the question was the minutes as opposed to the Chair's understanding that there is the treaty, the memorandum of understanding, the two protocols, an agreed minute, and a diplomatic note.

Mr. HELMS. Et cetera, et cetera, et cetera.

The PRESIDING OFFICER. If there are other documents, the Chair is not aware of them and is waiting for the Senators to correct the Chair's statement. I am prepared to rule if those are the only documents I know of.

Mr. BYRD. I ask the Chair if there are diplomatic notes along with those documents that may be amended?

I think we have to clarify this as to what can and what cannot be amended. The word "documents" as used by the Chair I think has to be clearly defined.

The PRESIDING OFFICER. The Chair has inquired of the Parliamentarian and will read the list of documents that is in the letter of transmittal.

Mr. BYRD. The document that may be amended I think is what the Senator from North Carolina is interested in and what I am interested in.

The PRESIDING OFFICER. The Chair will endeavor to reply precisely to that.

Mr. BYRD. All right.

The Chair is referring to the documents submitted January 25, 1988, the following documents which are integral parts thereof. The treaty includes the following documents, which are integral parts thereof, in addition to the treaty itself: the memorandum of understanding regarding the establishment of the data base, the protocol on elimination governing the elimination of missile systems, and the protocol on inspection regarding the conduct of inspections, with annex to that protocol on the privileges and immunities to be accorded inspectors and aircrew members.

Those are the documents that have been submitted in the documents referred to by the Chair.

These are the documents and the sole documents other than the Resolution of Ratification itself which may be subject to amendment by the Senate.

The PRESIDING OFFICER. That was the Chair's ruling.

Mr. BYRD. I thank the Chair, and I thank the Senator from North Carolina.

Mr. HELMS. I thank the distinguished majority leader.

I was just about to say before the majority leader quite appropriately asked me to yield, that it was he, Senator ROBERT C. BYRD, of West Virginia, who was born in North Carolina, who went on further at that point, according to my research, to nail down that even a single minute would be before the Senate for debate and amendment. So there should be no issue on that point. But nevertheless, I made the inquiry and I ask again just for the record if the Chair will state whether I have stated the situation correctly.

The PRESIDING OFFICER. The Chair has stated in response to the inquiry just now the documents before the Senate.

Mr. HELMS. Very well.

Now let me, Mr. President, list certain documents related to the treaty, in fact, described in "authoritative"—put that in quotes because that is a very important word—"authoritative" testimony by the State Department to the Committee on Foreign Relations as being integral parts of a treaty now before us. I ask the Chair to respond at the end of the identification of each such document whether the same is before this Senate for consideration and in each case whether the document is amendable.

First of all, a January 15, 1988, corrigendum.

The PRESIDING OFFICER. Will the Senator repeat that?

Mr. HELMS. The corrigendum of January 15, 1988.

The PRESIDING OFFICER. No.

Mr. HELMS. The Kampelman-"VK"—and I am reading from the document itself—the Kampelman "VK" and/or Kampelman-Karpov note on futuristics, dated May 12, 1988. The answer to that is "no," too, is it not?

The PRESIDING OFFICER. That is not a document submitted with the treaty and that is not before the Senate.

Mr. HELMS. All right.

The Glitman-Chervov note on verification, dated May 12, 1988.

The PRESIDING OFFICER. The same would apply.

Mr. HELMS. Number 4 is the SS-4 photograph of front section, which is obviously not amendable but should be before the Senate and is not. I do not think you can amend a photograph, but I believe the photograph ought to be before the Senate in some fashion for consideration. That is the point I am making.

The PRESIDING OFFICER. That is not a document which is itself amendable.

Mr. HELMS. Let me ask en bloc about three other items. I will ask en bloc on these three because I believe these photographs should be before the Senate as similar items which were transmitted with the President's message.

The SS-12 photograph with front section, the SS-23 photograph with front section, and the SS-20 photograph with front section.

The PRESIDING OFFICER. Would the Senator expand his parliamentary inquiry as to the meaning of "before the Senate"? We have been responding and did respond to a parliamentary inquiry on documents that were before the Senate for amendment. The Senator is now inquiring about a series of documents or photographs that may be in Senate records. I want to be very certain that we know exactly what the Senator is inquiring about.

The photograph, the Chair has already responded, would not be amendable as a photograph.

Mr. HELMS. Obviously, it would not.

The PRESIDING OFFICER. Yes.

Now, the Senator has inquired about three further photographs; is that correct?

Mr. HELMS. Well, I presume the answer on the SS-12, SS-23, and SS-20 would be the same as the SS-4; is that correct?

The PRESIDING OFFICER. If they are all in a similar posture, which the Chair understands, the response to your inquiry would be the same.

Mr. HELMS. I believe I am going to ask the Chair to repeat that. I am not sure I understand what he said.

The PRESIDING OFFICER. The Senator inquired about a photograph and the Chair responded. He is now inquiring about three additional ones and the Chair is responding that if those are the same type of item, the response of the Chair would be the same.

Mr. HELMS. Very well. I thank the Chair, and I thank the Chair for his patience.

Then there is the Dobrynin note of May 8, 1988, which is secret. There is no constitutional nor Senate prohibition on secret treaties or secret codicils. In fact, it is my understanding—and the majority leader might correct me if I am wrong—but I do think the Founding Fathers contemplated that most treaties would be under the injunction of secrecy.

But I will inquire as to whether that note of May 8, 1988 is amendable.

The PRESIDING OFFICER. The note of May 8 has not been submitted in the fashion the Chair previously replied to the inquiry and, therefore, would not be amendable.

Mr. HELMS. Mr. President, There was a Glitman letter to Mr. Chervov on FRG Pershing IA's dated May 12, 1988, identified as secret. Am I to understand that that is not before the Senate, either?

The PRESIDING OFFICER. The Chair has no notice that that is part of the record. It is not among the documents submitted as previously referred to by the Chair.

Mr. HELMS. We will revisit that in a little bit.

Mr. President, let me now list certain documents related to the treaty, in fact, described in "authoritative"—and I do that precisely because "authoritative" has a great meaning in connection with treaties these days.

This was "authoritative" testimony by the State Department before the Committee on Foreign Relations as being integral parts of the treaty. I am going to ask the Chair to respond at the end of the identification of each such document whether the same is in fact before the Senate for consideration and in each case whether the document is amendable. There are six of them.

One, the treaty before the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and that is amendable.

Mr. HELMS. The second is a memorandum of understanding regarding the establishment of the data base for the treaty between the Union of Soviet Socialist Republics and the United States of America on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. I thank the Chair.

Third, a protocol on procedures governing the elimination of the missiles systems subject to the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. Fourth, is the protocol regarding inspections relating to the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. I thank the Chair.

The fifth is the annex provisions on privileges and immunities of inspectors and air crew members. That is before the Senate?

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. And the sixth and final one, agreement among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland regarding inspections relating to the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That has been submitted for information only. It is not before the Senate for amendment.

Mr. HELMS. Very well, Mr. President. Let me put the question to the Chair.

The message of the President transmitted a series of documents signed on behalf of the United States and signed purportedly on behalf of the Soviet Union. He also transmitted a document signed on behalf of the United States and also signed on behalf of Italy, Belgium, Great Britain and the Federal Republic of Germany and the Netherlands.

Would it be possible under the Constitution and the Senate procedure for one resolution of ratification to consent simultaneously to a bilateral agreement and a multilateral agreement where the multilateral agreement is not an agreement with the party to the bilateral agreement?

Would not two resolutions of ratification be required since they are two distinct agreements involving different contracting States and since two instruments of ratification would be required?

The PRESIDING OFFICER. The agreement referred to between the United States, United Kingdom, Belgium, and the other countries referred to by the Senator is not before the Senate for ratification at this point. Therefore, the ratification is on the agreement signed between the United States and the U.S.S.R.

Mr. HELMS. Very well. I thank the Chair.

By the way, Mr. President, I do not know what the pollen count is today but some of us have gotten a heavy volume of it so if I am ever more indistinct than usual, let me know.

The PRESIDING OFFICER. The Chair will inquire.

Mr. HELMS. I understand, Mr. President, that the President transmitted the multilateral document for information only. But it is fair to say, is it not, that the Senate has possession of this authenticated document; is that correct?

The PRESIDING OFFICER. The Chair will endeavor to determine whether that document is in the possession of the Senate. The Chair cannot answer the inquiry at this moment.

Mr. HELMS. Fair enough.

The PRESIDING OFFICER. It will, as soon as possible.

Mr. HELMS. In other words, Mr. President, and while the Chair and Parliamentarian are thinking about that, let me ask if this is not analogous to the Senate transmitting an enrolled act of Congress to the President but telling him that he could neither sign nor veto it because the act is being provided for information only?

I know of course that is a hypothetical question. I will withdraw it.

The PRESIDING OFFICER. The Chair will not respond.

Mr. HELMS. The point is, Mr. President, that the Senate has possession of this authenticated document and has the constitutional power to take action with respect to it, regardless of what the cover letter says.

Now, that is correct, is it not? Assuming it does have possession, and I think you will find it does.

The PRESIDING OFFICER. The Chair will not rule on whether or not—on the Senator's assumption. The Chair will endeavor to determine whether such possession exists and then will try to respond but the Chair cannot respond to a hypothetical question at this point.

Mr. HELMS. Well, we could revisit this later.

The PRESIDING OFFICER. The Chair has responded that the treaty between the United States and the U.S.S.R. is before the Senate and has endeavored to respond to parliamentary inquiries with regard to that.

The second treaty—or the second document referred to by the Senator, we will endeavor to determine its possession and then answer all questions to the best of the Chair's ability.

Mr. HELMS. Fair enough. We can revisit it. Perhaps later we can ask the Chair to entertain debate on the issue. Or I could raise a point of order or whatever.

As I mentioned earlier, the Department of State has authoritatively—and I put the emphasis on the word "authoritatively" because it has a special meaning around this place—the Department of State has authoritatively testified that the documents I previously listed with the Chair and which the Chair ruled were not before the Senate are still, according to the Department of State, integral parts of the treaty. So it was not a frivolous exercise that I pursued. Because the Department of State is saying these documents are integral parts of the treaty and I am obliged to ask, with that background in mind. The Chair may want to defer responding to this.

If an amendment were adopted to one of the documents that is before the Senate, a document that is amendable; and if that amendment were to be inconsistent with a provision of one of the documents, such as I stipulated, not before the Senate but which is, according to the U.S. State Department a part of the treaty, what would govern the subsequent obligations of the United States, the inconsistent amendment or the extraneous document?

I think it is an important question.

The PRESIDING OFFICER. The Senator is addressing a legal inquiry to the Chair and the Chair does not have authority to rule on legal implications of the Senator's inquiry.

Mr. HELMS. I understand.

But I wanted to make it a part of the RECORD because this is one of the questions that has been raised and should be raised.

I think that perhaps, Mr. President, with all due respect, somewhere, as quickly as possible, the Senate ought to resolve this little bit of impasse. It is more important than just a little bit of rhetoric and there is no point in offering amendments to the treaty documents before the Senate if those amendments are going to be overruled by the documents which the State Department contends are a parts of the treaty, but which have not been submitted to the Senate. And the Chair has just ruled that they are not before the Senate.

So, it is a very real question that we ought to consider. It seems to this Senator that at the very least the Senate, by amendment—and it can be done simply—should incorporate all extraneous documents selected, perhaps as original text, for the purpose of further amendments. This will assure that the whole treaty is before us and not just the incomplete material sent over by the President, material I might add, which has subsequently been changed.

At the appropriate time perhaps the Senate leadership or one of the rest of us ought to consider offering these documents and materials as amendments. Otherwise the Senate will be working from an incorrect, incomplete text; known to be incomplete.

Well, Mr. President, is it not true that amendments offered in these proceedings will, themselves, be amendable in like manner as amendments to bills in a legislative session?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

The materials before the Senate are amendable in two degrees?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Thank you.

In the absence of cloture, must amendments to articles be germane to the article to which offered?

The PRESIDING OFFICER. In the absence of cloture, there is no germaneness requirement.

Mr. HELMS. How about amendments to protocols or annexes or memoranda, notes? I want to be careful about that word "minutes." Must those amendments, in the absence of cloture, be germane?

The PRESIDING OFFICER. No.

Mr. HELMS. Most of the documents before the Senate are declared equally authentic in both the English and the Russian languages. Is it true that only the English text is before the Senate for consideration? And, if so, is it true that the only procedural way for the Senate to reach discrepancies in the Russian language text is to reference, expressly, the substance of the discrepancy, if any, and to eliminate it by specific amendment in the English language text? And this is a problem which may come up.

The PRESIDING OFFICER. The Chair will state that only the English text is before the Senate. The Chair cannot state a response to the inquiry as to the appropriate method the Senator wishes to proceed with to reconcile any supposed differences between the English and the Russian text.

Mr. HELMS. We can revisit that depending on what we find.

I think we better ensure, as best we can, that any ambiguous or imprecise Russian terms or clauses or phrases as may be brought to our attention by competent translation are completely resolved by a distinct English language amendment. Otherwise—and I hope the Chair will agree with this observation—we can expect to have loopholes of the type the Russians have so often driven tanks through.

I know the Chair is hoping I will be through with this shortly, and I will.

I have, at present, just one final inquiry along this line.

Is it correct that, if ratified, the Russian language text will be the supreme law of the United States?

The PRESIDING OFFICER. The English text is the text that is used in the United States. The Chair will not attempt to resolve the legal issue of the effect of the Russian text on the English text in the event there is litigation.

Mr. HELMS. May I say that I do not blame the Chair. That is a legal issue, and I hope it never comes up in court.

Mr. President, I have a series of parliamentary inquiries along another line that I would like to propound at this time. And understand, please, that I am just making the record.

The first is, Mr. President: Is Calendar No. 9, Document No. 100-11, present before the Senate?

The PRESIDING OFFICER. Yes, it is.

Mr. HELMS. I thank the Chair.

Does the document contain material signed in ink at four points by the President of the United States?

The PRESIDING OFFICER. The Chair will have to send for the document and have it examined at the desk.

Mr. HELMS. I would appreciate the Chair doing so, but it need not do it right now. Let us leave that open, if we may.

The PRESIDING OFFICER. It will be left open until the document is here.

Mr. HELMS. I thank the Chair.

While we are checking the original document, I ask the Chair if the materials are also signed in ink at four points by a person identified in the document as the General Secretary of the Central Committee of the Communist Party of the Soviet Union?

The PRESIDING OFFICER. The documents will be sent for and will be subject to examination by the Senate.

Mr. HELMS. While we are checking the documents, does there appear anywhere in Document No. 100-11 any form of authorization or accreditation from the Soviet state granting plenipotentiary powers to bind the Soviet Union to the person who signed as General Secretary of the Central Committee of the Communist Party of the Soviet Union?

The PRESIDING OFFICER. The document will be examined.

Mr. HELMS. Mr. President, may I inquire how long it will take to get the document for the Chair to examine it.

The PRESIDING OFFICER. It should be en route to the Chamber at this time.

Mr. HELMS. Fine. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. SYMMS. Mr. President, might I inquire, what is the parliamentary situation? Is the time controlled?

The PRESIDING OFFICER. There is no control.

Mr. SYMMS. I thank the distinguished Chair.

Mr. President, I ask unanimous consent that my remarks do not interfere with the remarks of Senator HELMS, who is involved in a parliamentary inquiry.

I ask the distinguished chairman and distinguished Senator from Indiana, is this an appropriate time to address the Senate on the treaty itself? I started last night, and we were under time constraints, and I was not able to complete my remarks. I ask the Senator if this is the appropriate time?

The PRESIDING OFFICER. Does the Senator from Indiana wish to reply?

Mr. LUGAR. From our standpoint, it will be perfectly appropriate for the distinguished Senator to proceed. The Senator may know the parliamentary situation is one in which the distinguished Senator from North Carolina has raised a question to the Chair and the Chair has sent for documents.

Perhaps the Senator from North Carolina will wish to pursue his line of inquiry once the documents have come back, but the distinguished Senator from Idaho, as far as we are concerned, ought to proceed until that happens and then cooperate, if possible, with the distinguished Senator from North Carolina.

Mr. SYMMS. I thank the distinguished Senator from Indiana.

Mr. President, what I wish to do is proceed from where I was yesterday. I ask unanimous consent to correct my remarks in the RECORD as though stated, and I will try to summarize what my remarks were on yesterday, insofar as not to be redundant with my colleagues and say it all.

I wanted to preface my remarks—and I say this with the distinguished chairman here, my distinguished friend from Indiana—by saying it is not my intention to delay in any way the deliberations of the Senate on this important issue. However, I do not really believe that history will be any less served if the President does not take the treaty with him when he meets the Communist Party general secretary in Moscow. I do firmly believe that my colleagues should, as Paul Harvey often says, hear the rest of the story before we move too rapidly to the ratification of this treaty.

I think it is important also—and I said this yesterday, but just to summarize my comments—that we remember the point that Ronald Reagan and the conservatives in this Nation and in Europe kept the faith with the old adage that negotiations must be conducted from a position of strength. That is how they got the Soviets to the bargaining table in the first place.

Mr. President, the way I arrive at my conclusions on foreign policy matters is based on a very simple premise. No. 1 is you support your friends and you oppose your enemies; you do not do things to make it easier for your adversaries when dealing in foreign policy. I think rule No. 2 is you should remember rule No. 1. President Reagan was the master, in fact, of supporting his friends and opposing his adversaries in politics, and during the time of his Presidency, when he stayed that course and talked about the evil empire, which it is, talked about the problems of a free society in dealing with an authoritarian dictatorship that has no respect for human rights and believes it is OK to lie, to cheat, to steal, to camouflage, conceal, do whatever is necessary in order to see the furtherance of the Marxist-Leninist revolution toward their aim of world domination, as long as he stayed on that track the United States was increasing its credibility. We were increasing our strength worldwide. We were gaining more and more respect.

I think, Mr. President, that we were certainly, in this Senator's view, making some headway toward a more safe, peaceful world.

Now that the treaty has been signed, in a very short period of time last December, in a period of a week or so we saw the evil empire be transformed into "the U.S. partner in peace." We saw the dictator, the Secretary General of the Soviet Union, become the man of the year for Time magazine. We saw this euphoric condition in this country, with people wishing everything will be OK and all our problems will go away.

The distinguished occupant of the chair, a very valued member of the Armed Services Committee, is very well aware of what we are up againist in this world, and he recognizes, as does this Senator, the threat still is there. Of course, Senators can come down with different opinions on how they view this treaty, but I want to go back to that basic belief I have that when you are dealing with a country such as the Soviet Union, which has a record of not staying with their treaty alliances, with breaking all their treaty alliances when it is convenient for them, there is reason for us to fully ventilate these issues and discuss what some of the shortfalls of this treaty are.

One of the things President Reagan always talked about in his days prior to being President and after he became President was that we were never ever going to negotiate treaties under some kind of a time constraint because of political reasons. Now, I venture to say that there is great pressure on Senators in this Chamber and in the Senate in general to get this treaty ratified prior to the President taking the trip to Moscow so that he will have it with him. I must just add to that that on the eve of him going on this trip, I am certain if it is not voted either up or down by that time there will be a great furor raised in the news media in this country partly because the President and the administration have made the issue that somehow we have not done our duty if we do not have it completed prior to the time he takes the trip.

I am sure others will say it is most unfortunate that we have had a flurry of kiss-and-tell books published on the eve of the President's trip to the Soviet Union, and it is somewhat embarrassing to a President when going to deal with the head of the strongest Communist country in the world militarily, the strongest authoritarian nation militarily, that provides the biggest threat to the United States militarily that we have ever faced in our history.

I wonder what "Gorby," as people refer to him, would do if one of his close aides wrote a book that had rather uncomplimentary things in it about the Secretary General. Would they get the gulag, would they get the firing squad, or would they get none of the above and get lucky and be sent to Siberia to the salt mines in their remaining years?

I think we should remember that we have in this country what many people in the world are envious of, and history tells us that the way to protect and preserve peace and freedom is to be strong militarily, to be strong economically and, above all, to have a strong political will to stand up for peace and freedom so that we do not ever run the risk of being blackmailed by those who would like to have what we have.

Now, Mr. President, as I said yesterday, I started this effort, when the President signed the treaty, with an open mind, that I would try my best to go to those hearings in the Armed Services Committee, listen to what people had to say, both pro and con, to try to come up with a fair judgment. I have read and considered enumerable articles and reports concerning the treaty and what the effects will be. First and foremost, I wanted to be convinced that the INF Treaty enhanced our national security and was in the best interests of this Nation. I wanted to be convinced that we had reached a point in our relationship with the Soviet Union where we had achieved a mutual understanding based on our openness and candor, a point where the balance of terror was no longer considered a meaningful phrase.

I wanted to be convinced that the loss of more than $6.5 billion which the American taxpayers spent on the intermediate nuclear forces was equal to the gain in security represented by the treaty.

Finally I wanted to be convinced that as a result of the treaty our allies' future, our future, and indeed the future of the world as a whole, would be brighter and more secure. Unfortunately, Mr. President, I have not been convinced.

All that I have seen and heard from the proponents of the treaty can best perhaps be summed up in the following manner.

First of all, it will support our overall strategy by reducing risks. That is what the advocates say. Second, it will strengthen our alliances. Third, it will decrease the Soviet military advantage. Finally, it will do all of this in a manner which provides the assurances of verification.

All of us I think would agree that the reduction of risk is an important goal, a goal worthy of our best efforts. However, I have a very difficult time with the treaty that purports to reduce the risk but lowers the point where nuclear exchange is likely to take place. And it also fails to address the overwhelming Soviet conventional superiority in Europe.

I will not go back through those numbers. I did yesterday.

Mr. SYMMS. But we all know the overwhelming tactical nonnuclear superiority in tanks, field artillery, fighters, et cetera.

That combination in that context will itself increase the potential for a disastrous strategic nuclear exchange with the U.S.S.R. in my opinion.

To say that is a reduction of the risk in my opinion is a grievous miscalculation. Why are we willing to accept a situation which allows our adversaries to retain their capability to engage theater nuclear targets with their SS-24's and SS-25's mobile missile forces, while we surrender our only ground-based nuclear capability?

Many of my colleagues would cite our strategic missile force or dual capable aircraft or even our sea-launched cruise missiles as a way to offset our INF losses. But they do not acknowledge the inherent vulnerabilities of each of those systems which in my mind creates serious questions regarding usefulness in the INF role.

What I am saying is are we not really being less candid when we suggest the use of strategic weapons to counter a Warsaw Pact attack against NATO without admitting the tremendous risk of a follow-on strategic nuclear exchange?

I do not believe that the quality of the deterrent is near as much as attacking an armada of tanks through the plains of Central Europe coming from a continental United States launching site as it would be coming from West German soil itself, if it is Germany that is being attacked, and it would be a response from Germany itself to put on the vanguard of a tank column or in the midst of a column. That provides a massive deterrent to avoid ever having that event happen. That is what our goals are for military spending and a defense strategy in the first place, to keep the peace.

Are we not actually overstating the case to suggest the use of dual capable aircraft to redress the INF problem? And I say that because after all if you are going to have the dual capable aircraft which is an F-16 as everyone knows is capable of, if you are going to use it in a tactical sense, you are going to have to be prepared to sustain losses. If you sustain too many losses, you will have to start withholding aircraft so that you will be able to have some for the dual capable response.

So if you start withholding the tactical assets of your commander in the field and he is forced to withhold some of his tactical assets that are dual capable, it will hasten the time when he will be calling and saying, "I need to use nuclear weapons to stop this assault on the Warsaw Pact."

So I just believe that those aircraft—if they are withholding from an initial land battle in order to conduct a nuclear strike, we have complicated both our ability to deal with that land battle as well as our need to achieve and maintain air superiority and consequently increase the possibility of an early tactical nuclear exchange.

So where then is the reduction in risk? I for one cannot find it. I had the same experience as some of my colleagues during the break at the first of the year. I visited Western Europe, and talked with our military leaders. I did not get the same answers as some of my colleagues did. One of the generals I talked to said we are going to—I said, "What are the pluses? What do you get out of it? What is the thinking?" He said, "Well, we will have more room to maneuver by removing the SS-20's."

I said, "Do you think for a minute that those military targets that are targeted by SS-20's are not going to be targeted by SS-24's and SS-25's?" He said, "Yes. Most likely they will."

I said, " Then what is the increase of your maneuverability?" Then they come back and say, "Well, this will work. We can live with INF, but in order to live with INF, Senator, what we have to have is additional money to replace what the Pershing missile can do today, and what the cruise missile can do today."

So, in other words, we are going to take $7 billion worth of expenditures for money plus a lot of political capital that was used up to put those in Europe and then remove them. How does that apply to the adage of foreign policy to support your friends and oppose your enemies?

The way I see it is we are making it easier for our adversaries, the Soviets. We have emboldened the left-wing political parties in Western Europe, and we have undercut the conservatives in Western Europe who use their political capital along with conservatives in this country to get the cruise and Pershing missiles put into Europe in the first place to keep the peace in Europe, and to preserve the freedom in Europe.

I will have to say it was conservatives both in Europe and in the United States that used political capital to get it done. It was not the liberals in this country that were in favor of that in the first place. They are all for the treaty because they worked in favor of putting them over there in the first place. But in my judgment, I just simply cannot find how it is reducing the risk. The risk is still there.

We are in a weakened position. We will be called upon to use other assets. We will be called upon to build more Strike Eagles, a wonderful airplane built in the United States, an F-15 Strike Eagle. It has tremendous capabilities. It probably can deliver weapons on target where a cruise missile or a Pershing II would have before. But it is a very costly piece of equipment. And it is also a dual capable airplane.

Are you going to risk it, if you think you will need it for a nuclear role, on the battlefield where we might lose one at $40 million a crack?

So I think it simply is not the case. With regard to the premise that the treaty will serve to strengthen our alliances, I think it is very disturbing to note that many Europeans view the treaty as an unwelcome return to the insecurity of the seventies when the only response available to NATO in the event of a massive Soviet invasion of Western Europe was the United States strategic nuclear attack on the Soviet homeland; an all or nothing response which most Europeans felt was a sham. That is why we have the flexible response in NATO on the ground in Europe. That is why it is there. In the current case, the situation is even worse due to the tremendous increases in the quality and quantity of Soviet forces targeted against Western Europe.

I would ask my colleagues who intend to vote for this treaty: How many of them are willing to vote to spend more money to replace the 7 billion dollars' worth of equipment that we have already paid for? We may have had to borrow the money. As my distinguished friend knows, and is award of what is going on with our budgets, we probably had to borrow the money, we are paying interest on the equipment that is over there now that we are going to dismantle so we can replace it with something else to still preserve the flexible response for NATO.

In my view, this treaty not only dislocates the strategy of flexible response which has served NATO very well, but it fails to address the massive Soviet land force advantage in Central Europe. And in my view the only thing the treaty accomplishes in this area is the magnification of the Soviet Union's threat to Western Europe while simultaneously diminishing NATO's ability to deter that threat.

Already the voices in Western Europe can be heard hailing the treaty as the first step in the drive toward a European nuclear free zone.

Political pressure has started to build in Germany to slow down, to reevaluate, and possibly do away with the Montebello modernization program.

There again, Mr. President, Genescher, Shevardnadze, Hornecker, and others have already met and begun discussing eliminating all remaining nuclear weapons in both East and West Germany.

Whom did we strengthen? Did we strengthen the political forces of the Prime Minister of West Germany? No, we strengthened the left wing parties, the Green Peace activitists and the others. We strengthened the political capital of Mr. Gorbachev and his Communist cronies, who are going to start on this bandwagon.

I think this does not come as a shock to the distinguished Senator from North Carolina or the distinguished occupant of the Chair, but most of the Western media will go along with this sham that we are going to be able to keep the peace in Europe, that these nuclear weapons are dangerous and should not be there.

We have not had a war in Europe for over 40 years. Twice in the lifetime of many Members of this body, American troops have been sent to Europe to free people from enslavement, to help keep Europe a free partner of the United States in the free nations.

We have a commitment of troops there now. Are we going to remove the umbrella that protects those 300,000 troops?

It may be that what we should start considering, if this treaty is going to be ratified, is that instead of closing bases in this country, we should start bringing the troops home, to get them out of a nuclear fire zone.

What we have done with respect to the intermediate range missiles is to give us a choice to respond with something from the Continental United States, something from offshore, or use closein artillery ranges. How long will the Germans like the idea of having short-range artillery weapons used if the weapons go off on German soil? I do not think they will like that proposal.

As Mr. Benoist and other prominent Europeans have recently concluded:

> Far from enhancing Western security, we believe the INF Agreement would shift the military balance in favor of the Warsaw Pact and assist the Soviet Union in seeking to induce political changes in the West favorable to its interests. At the same time, the proposed accord would diminish any incentive for the Soviet Union to make fundamental changes in its domestic and foreign policies. We are also fearful that it would weaken the credibility of the U.S. nuclear guarantee to Europe, sow discord within the alliance, and seriously erode the reputation and influence of the United States upon

which free societies remain critically dependent.

An alliance, a standing together—that is what has made NATO what it is; standing together firmly, so that the Soviet Union and the Warsaw Pact know that if they ever make the mistake to attack, it is all for one and one for all; that we are not going to be divided; that we are not going to hang separately, that we are going to go together. That is what has kept the peace.

In my opinion, this treaty does nothing to keep that alliance strong. The NATO alliance has probably been stronger in the last 5 years than at any time since its inception.

In my view, we are starting down the slippery slope, and this is the first step.

Let us turn to the proposition that the treaty decreases the Soviets' military advantage. Over the course of the last 40 years, we have successfully deterred the Soviets from attempting a military conquest of Western Europe. That deterrence was the direct result of the Soviet's perception of our strength and our willingness to use that strength on behalf of our NATO allies. Our willingness to develop an INF force and deploy it forward in Europe and our allies willingness to base those weapons on their soil only served to further strengthen NATO, while reinforcing the credibility of our deterrent. With the adoption of the INF Treaty our "equalizer" is gone.

Remember that General Rogers, one of this Nation's most distinguished soldiers, cautioned in his testimony before the Armed Services Committee:

> Keep in mind that for NATO's deterrent to be credible, it must conjure up in the Soviet mind a perception of greater pain than gain from Pact aggression.

Then General Rogers went on to state:

> What the Soviets are eliminating comprises only about 3 percent of their stockpile of nuclear warheads. Nearly all of the remaining 97 percent can be targeted against installations in NATO's rear areas, thereby keeping the risk high and on the backs of the West European people. And what does NATO give up? The very weapon system the Soviets fear most—the Pershing II—which puts the Soviet homeland and people in a similar posture of vulnerability and keeps high the credibility of NATO's deterrent.

Where, then, is the decrease in the Soviets' military advantage, Mr. President? Where is the decrease? I cannot find where it is, where the advantage is for us and disadvantage for them.

Overlaying all these issues is the real centerpiece—the verification clause.

Excuse me, Mr. President. I think I misspoke. I did not mean to say "verification." What I meant to say was the trust clause, for that is what it means. It is the trust clause. Do you, in fact, trust the Soviet Union to not cheat on this treaty, as they have on every other treaty they have engaged in?

I was concerned with what verification meant, so I went to what I considered to be the most authoritative source available, Webster's Third New International Dictionary. Webster's Dictionary defines the word "verification" as follows: "The act or process of verifying or the state of being verified; the authentication of truth or accuracy by such means as facts, statements, citations, measurements, or attendant circumstances."

Using that definition as a basis, I reviewed the report of the Select Committee on Intelligence entitled "Monitoring and Verification Capabilities," where I found the following admission:

> With respect to assessing the accuracy of the numbers and locations of forces and systems declared by the Soviets in the treaty's memorandum of understanding, the intelligence community has not resolved significant differences of view over the possibility that the Soviets may not have disclosed their entire inventory of nondeployed SS-20 missiles * * * their potential military significance would (however) be short-lived. This is because the operational reliability and military utility of any covertly maintained missiles would begin to deteriorate immediately; would seriously degrade during the first three years, when all missiles are being eliminated; and would vanish entirely within a decade, unless the Soviets can begin flight testing them. This would be both illegal and readily detectable.

Mr. President, I find that statement absolutely amazing. I find that statement incredible. Not only does it admit that we do not know how many SS-20 missiles the Soviets have, and it implies that the Soviets may be deliberately misleading us, but it goes on to understate the seriousness of that threat while justifying a decade of our own vulnerability.

That is why this clause should be entitled the trust clause, not the verification clause. We are being asked to trust the Soviet Union because we cannot verify the treaty, in my opinion—trust the same nation that has violated every arms control agreement and treaty that it has ever signed, trust a nation that invaded Afghanistan, trust a nation that still subjugates Eastern Europe, trust the nation that was responsible for the shooting and killing of Maj. Arthur Nicholson, trust a nation that was responsible for the shoot-down of an innocent airliner full of innocent people, including a distinguished Member of the U.S. Congress, shot them down and murdered them in cold blood. This is the same nation we are being asked to trust.

If that is verification I for one simply cannot find it and if it is a basis for trust I have a hard time finding that either, if we can estimate what the Soviet Union will do in the future from what they have done in the past.

Given the fallacies and the serious shortcomings of this treaty, why is there such a burning desire to place this Nation at risk? Why is it that there is such a willingness to look past all the reality of the Soviet behavior and actions in the world and instead focus on the methodology of perestroika and the personna of Mr. Gorbachev. I do not have those answers. I only have a hope, and my hope is that my colleagues will not succumb to the theory that it is a rotten treaty but it is the only one we have and if you do not ratify it, somehow things will be worse than better.

The mentality to that reverse logic which decries that despite all the risks in the face of solid evidence to the contrary, too much political capital has been invested for NATO to stand together if the Senate voted no.

I would like to ask my colleagues who are in the body now where they were when a lot of political capital had been used in Western Europe to deploy the high-radiation warhead in the seventies and the then President of the United States, President Carter, canceled the program? There was a great hullabaloo in Europe that we are going to ruin NATO; they will not stand together.

NATO will stand together because they have a like cause, that is, the NATO countries like being free and they do not want to live in a country like Mr. Gorbachev, who is the Secretary General, where if you try to leave the country and you do not have a passport, which is hard to get, and the permission to leave, which is hard to get, they shoot you at the border. When you leave, that is what they do.

The definition of a free country is you can sell all your assets, convert it all into a fungible, money, U.S. dollars, French francs, Swiss francs, gold, silver, whatever you want and take it with you and leave. That is the way it is in the United States of America. That is the definition of a free country.

The Communist country is what do you do if you try to leave and they do not want you to leave. They have barbed wire fences, claymore mines, all the nice things. While you are trying to get out, they shoot you, and they check the border all the time.

So, I just think that is why NATO exists. It is because they do not want to be put in the gulag. They do not want to have to live in that condition.

They could get through this, the shake-up of having this treaty, in my judgment, turned down much better than they are going to get through being in a weaker military posture where we embolden all the left-wing politicians in Europe, embolden all those people who would rather not stand up to be free, would rather succumb to it, and that is so in my judgment. That logic that we have to ratify this treaty because the repercussions will be worse if we do not ratify it just does not hold any water.

My hope is that my colleagues will vote to address the realities and not what it is that they wish. The treaty ratification should not be based on public relations skill, naive expectations or unrealistic assumptions. It is never too late, it is never too late, Mr. President, to walk away from a bad deal. Never is it too late. And we have not done it yet and, therefore, I would hope that many of my colleagues would join with the distinguished Senator from North Carolina and this Senator and others in voting against this treaty.

I see the Senator from North Carolina. I was in the other body when the Panama Canal treaties were debated. It is very interesting with all the problems we have in Panama today how many people if you go back home to your hometown—I do not care whether it is in North Carolina or Rhode Island or New York or Washington State or wherever it is you bring up the subject of the Panama Canal you will find out that the guy who is working for wages and paying the bill and pulling the wagon in America, paying those taxes out there to support a strong, free country, is very frustrated by why did the Senate give away and go along with the Panama Canal Treaty. The same argument was made. The argument was made then, if I remember correctly from watching and listening and reading the debates, if you do not ratify this treaty now that we put all our prestige on the line we will have all these problems in Central America and going to get the Communists coming in and have everything. That is what the liberals said—we have to ratify the treaty because the end result will be worse.

You would have thought from the arguments that they made against the treaty that they did not ratify the treaty because everything seems to be going to hell in a hand basket. We have a two-bit drug-dealing dictator in charge of Panama. The strongest superpower in the world, the most free nation on Earth, the most powerful nation on Earth does not seem to have the guts and gumption to remove him from office. We have the problems there. We have known evidence of Communists moving into Panama.

It is my understanding that the Ortega brothers are avowed Marxist-Leninists in Nicaragua. This Congress does not seem to recognize the difference, and I say that in a generality—I know there are many of my colleagues who recognize the difference—but I said it many times at home that this gutless, no-good 100th Congress does not know the difference between the Ortega brothers and the Osmond brothers. And here we go again.

Now we are going to say we have to ratify this treaty; if we do not ratify this treaty everything is going to hell in a hand basket in Western Europe, the NATO alliance will break up. Hogwash.

This treaty will lead to the dissolution of the NATO alliance. This treaty emboldens, this treaty helps our adversaries and hurts our friends. That is what this treaty does.

I think there is a lot more that needs to be said about this treaty before we go on and ratify it.

I note the presence of the distinguished Senator from North Carolina. I wish to praise him in front of my colleagues for the valiant job that he has done along with Senator PRESSLER on that Foreign Relations Committee.

I want to say this, that Americans all over this country know what Senator HELMS is doing and they knew what he was doing when he was opposing the Panama Canal giveaway, the United States canal giveaway in Panama.

It is interesting to look around this Chamber and see how many people are not here that were here before.

I caution my colleagues that about the time that we remove the Pershing II's and remove the cruise missiles from Western Europe, the Soviet Union will break out of the ABM Treaty, which they have been violating. It is very obvious to the most naive layman that they are working toward breaking out of the ABM Treaty. They will announce to the world that they have deployed a ballistic missile system and all of a sudden we will discover there are hundreds of SS-20 missiles that have been covertly hidden in Western Europe and the crews have been training on SS-25's, which is the same procedure to fire them, and they will roll them back out into Western Europe and start threatening Western Europe. We will not have our deterrent forces in place. People are going to say, "What is the matter with you people in Congress? You give away 7 billion dollars' worth of equipment. What is it Senator HELMS says, $470 million a day cost to keep our troops in Europe. You removed the safety umbrella for American GI's in Western Europe. You left our troops vulnerable." This Congress will not pass fast enough to have in the hands of our troops, to get deterrent chemical warfare weapons. They have 700 pounds or tons of chemical weapons to zero we have there. All we have is the hope somebody can get on a gas mask if they start firing chemical weapons.

What are we doing, Mr. President? What is it that makes people think this is going to save money.

This treaty will cost the taxpayers money and the risk for peace and freedom increases. It brings us closer to being forced to use strategic nuclear deterrent weapons which could trigger a war that none of us would want to even consider or think about.

I just for the life of me cannot understand it. But it is some kind of mad rush that somehow things are going to be different.

Oh, yes, the Soviets are nice people now, that is why Gorbachev's KGB are such nice people, that last year in Pakistan 250 innocent civilians, many of them women and children, were murdered by Soviet-inspired, backed, state-supported terrorists in Pakistan.

So they can intimidate the Pakistan Government to stop helping the Mujaheddin. That is what it is all about. They killed a million civilians in Afghanistan—a million of them. These are these wonderful people that we are trying to show our good faith with.

So what we are going to do is we are going to give up the best deterrence, the Pershing II, a lightning-strike, decapitating system, decapitating the general that is going to head up the army that makes him decide maybe he better not give the order to attack—it has a real deterrent factor for people—in order to sign the treaty so somehow it looks good here on politics at home.

I, for one, am going to go right back to my basic premise. The best way to keep the peace and freedom in the world is to follow some very simple rules: to be strong militarily, strong economically, and, most importantly, to have strong political will that you are willing to risk everything to be free. And the next rule is to support your friends and oppose your enemies.

As long as we do that, we will have the credibility of our allies and our friends and we will have the respect of our adversaries. As long as we have the respect of our adversaries, no matter how much we disagree with them, we can avoid ever having to engage them on the field of battle, which would be so much more costly, so much more costly than maintaining the deterrence.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, I believe that since the time I suggested the absence of a quorum some time back, the documents have been brought to the desk and have been examined by the Parliamentarian and the distinguished Presiding Officer.

Mr. President, I believe it is necessary to clear up the matter about the four photographs that I identified earlier. Obviously, photographs are not amendable. The question I was raising is whether the photographs are before the Senate. There were numerous other photographs transmitted by the message of the President which are important to the memoranda of understanding and are before the Senate, as I understand it.

So my question to the Chair is whether the particular photographs I listed are now also before the Senate.

If the Chair would like, I will identify the photographs again.

The PRESIDING OFFICER. The Chair will state to the distinguished Senator from North Carolina that, to the extent that the photographs are part of the treaty and memoranda of understanding, they are before the Senate as part of the documents that the Senator from North Carolina has advised are here at the desk.

Mr. HELMS. Very well. I think this will be of particular interest not only to a very few Senators on the Foreign Relations Committee but perhaps several on the Armed Services Committee and the Intelligence Committee as well.

Let me go back to the question I raised about the English text only, being before the Senate. That was previously ruled to be the case by the Chair.

Let me propound, again, the inquiry to which the Chair was unable to respond until he examined the original documents. Is the Russian text now before the Senate?

The PRESIDING OFFICER. The Senator from North Carolina is advised that it is the English text that is before the Senate, but the Russian text is included in the documents at the desk that are present in the Senate.

Mr. HELMS. The English text, if I could review quickly, is a document containing the signatures of the President of the United States at four points, is that correct?

The PRESIDING OFFICER. The Senator from North Carolina is advised that that does appear to be the case.

Mr. HELMS. The same is true of the signature of the General Secretary of the Central Committee of the Communist Party of the Soviet Union who signed; is that correct?

The PRESIDING OFFICER. The distinguished Senator from North Carolina is correct. That appears to be the case. There is a signature of the General Secretary that appears alongside the signature of the President of the United States of America at the appointed places in the text.

Mr. HELMS. Perhaps his handwriting is as bad as mine.

The PRESIDING OFFICER. I will leave that for the Senator from North Carolina to determine.

Mr. HELMS. But the point is that the signature, which we presume to be that of Mr. Gorbachev, is the signature not of anyone connected with the Soviet Government but of the General Secretary of the Central Committee of the Communist Party of the Soviet Union. It would be the same as if Paul Kirk or Frank Fahrenkopf, who are the chairmen of the Democratic and Republican Parties in this country, signed the treaty on behalf of the United States.

Mr. President, I make the point of order that Senate consideration of Document No. 100-11 is not in order and that the document cannot be properly before the Senate because it is not signed by a person authorized to bind the Soviet state, but is, instead, signed by a leader of a political party in a foreign state. Additionally, article 121 of the Soviet Constitution of 1977, and the law of the U.S.S.R. on the procedure governing the conclusion, execution, and abrogation of international treaties of the U.S.S.R. of July 6, 1978 precludes the binding of the Soviet state by a person whose signature the Chair has just acknowledged appears at four points on Document No. 100-11.

The PRESIDING OFFICER. The Chair does not have the authority to make a ruling such as the ruling requested by the distinguished Senator from North Carolina on a point of law and is required to submit such a question to the Senate.

Mr. HELMS. That is correct. But the point of order is debatable; is it not?

The PRESIDING OFFICER. Consequently, the Chair submits the question to the Senate. Is the point of order of the distinguished Senator from South Carolina well taken? And the point of order submitted to the Senate by the Chair, at the urging of the Senator from North Carolina, is debatable.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. HELMS. Yes.

Mr. BYRD. Mr. President, would the Chair state what the point of order is so we will know what the question is before the Senate? Precisely what is the point of order that is debatable on the floor of the Senate?

The PRESIDING OFFICER. May the Chair state to the majority leader exactly what that point is. This might not be precisely the wording of the Senator from North Carolina but I think it is a correct statement.

Mr. BYRD. Mr. President, I ask the Senator from North Carolina to submit his point in writing.

The PRESIDING OFFICER. That would be agreeable to the Chair and preferable to the Chair.

Mr. BYRD. Well, I demand it. I do not want to use the word "demand" the way it sounds, but I use it in a parliamentary sense so that the Senate knows precisely what the point of order is and what we are debating.

The PRESIDING OFFICER. I thank the majority leader. Would the distinguished Senator from North Carolina send the Chair in writing the point involving the legality of signature on the treaty so that it can be read to the Senate?

Mr. HELMS. I agree with the majority leader. Certainly.

Mr. President, let me say that I agree absolutely with the majority leader, that it ought to be in writing and it will be in writing at the desk in less than 5 seconds, unless this young man has slowed down considerably.

The PRESIDING OFFICER. The clerk will report the point of order made by the distinguished Senator from North Carolina.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] makes a point of order that Senate consideration of Document No. 100-11 is not in order in that the document cannot be properly before the Senate because it is not signed by a person authorized to bind the Soviet state but is signed instead by the leader of a political party in a foreign state and that, additionally, Article 121 of the Soviet Constitution of 1977 and the Law of the U.S.S.R. on the Procedure Governing the Conclusion, Execution, and Abrogation of International Treaties of the U.S.S.R. of July 6, 1978, precludes the binding of the Soviet state by the person whose signature appears at four points in Document No. 100-11.

The PRESIDING OFFICER. The Chair has ruled that question will be submitted to the Senate and that the question is debatable. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I trust that the Senate and the Senators will understand the significance of the decision that we will reach on this point of order. The Chair ruled absolutely correctly that the Chair cannot rule on a question of this sort, or on point of order of this sort. Rather, the question must be referred to the Senate itself.

Stated bluntly, the question is whether the Senate is going to submit meekly to permitting our own country to make supreme law through agreement with foreign political parties.

This treaty as it now rests at the desk is between the United States Government and a political party, to wit, the Communist Party of the Soviet Union. Not with the Soviet Government but with the Communist Party of the Soviet Union.

I was greatly concerned, Mr. President, at the recent disclosure that Mr. Gorbachev was not authorized to sign the document now before us. He was not authorized to sign it on behalf of the Soviet Union.

When Mr. Brezhnev signed treaties with us, there was the authorization and certification. But not in the case of Mr. Gorbachev.

Mr. Gorbachev sat down, identifying himself formally only as the head of the Communist Party in the Soviet Union.

Mr. President, it is a undisputed principle of international law that treaties are made between states, governments, countries. Therefore, only a head of state or a foreign minister, a duly appointed and authorized ambassador, or a person specifically authorized by a state—that is to say a government—can sign a treaty on behalf of the state.

Mr. Gorbachev holds no plenipotentiary state office; none. He is not Chairman of the Presidium of the Supreme Soviet. He is not the head of state. He is not a foreign minister. He is not even Chairman of the Council of Ministers. He is the boss of the Communist Party in the Soviet Union. Nothing more, nothing less.

I do not know why the Soviets failed to secure for Mr. Gorbachev the credentials necessary for him to represent and bind the Soviet Government to this treaty as proposed. Indeed, few Americans understand the inner workings of the Kremlin. And that is part of the problem.

But the fact remains that this document now at the desk is not binding on the Soviet Union. I think any international lawyer will tell you that. It is only an agreement between the President of the United States on the one hand and the head of a foreign political party on the other; the foreign political party being the Communist Party of the Soviet Union.

Mr. Gorbachev is General Secretary of the Communist Party of the U.S.S.R., but that is all.

I submit, Mr. President, that it is not in order for the Senate to consider these documents until some further corrections and adjustments are made. Therefore, I have raised a point of order to the consideration of the document and the point of order is based on the plain meaning of the English language.

Webster's dictionary, the very large one back in the Cloakroom and back in the reporters office, defines a treaty as being "An agreement * * * between two or more states"—states, Mr. President, not political parties—"signed by representatives duly authorized."

You cannot get around that.

Then the definition in the big Webster's dictionary concludes by saying: "usually ratified by the lawmaking authority of the state." But first—but first—a duly designated and authorized representative of the state, must sign the treaty. And nobody has done that as yet on behalf of the Soviet Union with respect to this treaty.

That is what the English word means. And that explains why formal signing by authorized representatives is no minor point but, indeed, is a crucial point. It is a point recognized as crucial even by the Soviet Constitution of 1977 which reads at Article 121, and I quote:

> The Presidium of the Supreme Soviet of the U.S.S.R. shall ratify and denounce—

"and denounce," Mr. President—international treaties of the U.S.S.R.

That is what the Soviet Constitution says.

To fully understand the import of this provision, it is essential to understand the Soviet law of July 6, 1978, regarding precisely who may execute a proposed treaty on behalf of the Soviet Union. And that law is very, very specific. Article 9 provides:

> Powers for the holding of negotiations and for signing of international treaties of the U.S.S.R. shall be issued by the Presidium of the Supreme Soviet of the U.S.S.R.

Mr. President, that was not done, and it is no mere oversight.

Article 10 of the Soviet Constitution provides that without specific accreditation only "the Chairman of the Presidium, the Chairman of the Council of Ministers and the Minister of Foreign Affairs shall have the right to sign international treaties without special authorization."

I must commend the drafters of the Soviet Constitution because they made it very clear. It is not the Senator from North Carolina talking. That is the Soviet law, that is the Soviet Constitution.

So when Senators vote on this question, I hope they will bear in mind that it is not a trivial question. It is very serious because if the Senate chooses to bury its head in the sand on this fundamental defect and consent to ratification without having seen it resolved, then we will lose control of the papers and we will have no way whatsoever of ensuring that the lax and unprofessional work by the State Department and others does not continue, and that the defect will remain uncured.

Mr. President, who can guarantee that the presidium of the Soviet Union, when and if it suits its purpose, will not denounce this treaty as provided in the Soviet constitution on precisely the ground being raised now by the Senator?

I would make this inquiry of the Chair, knowing the answer to be "no one" can guarantee this.

The yeas and nays are automatic; is that correct?

The PRESIDING OFFICER. The Chair will advise the distinguished Senator from North Carolina, the yeas and nays must be ordered.

Mr. HELMS. Must be ordered.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays?

Mr. HELMS. I so do.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, this is a point of order that we all knew was coming. Mr. President, I think we ought to bear in mind what the current law is. Under the Vienna Convention and the law of the treaties, you have this sentence appearing:

> 1. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if:
>
> (a) he produces appropriate full powers; or
>
> (b) it appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers.

This is one of the requirements; one of the other requirements is that it produce appropriate powers. As long as one or the other condition is fulfilled and in this case, it would seem to me when Mr. Gorbachev appeared here, he appeared as if possessed of those powers and should be accorded that courtesy and that right.

It is not the practice of the United States to demand each time full powers from a foreign representative where it is clear from the circumstances that he does represent his nation.

This was certainly the case with respect to Gorbachev's signature of the INF Treaty. It was clear that Mr. Gorbachev, and nobody else who was along from the Soviet delegation, represented the Soviet Union at that meeting. Gorbachev is known to be the authoritative maker of Soviet foreign policy and had represented the Soviet Union on previous occasions. The Soviet foreign minister was present at the signature of the treaty and, obviously, agreed with Mr. Gorbachev's acting on behalf of his government.

Under such circumstances, a demand for a full power would have been an arid formality, one not required by American practice or by international law.

In any event, the INF Treaty was signed subject to ratification. Before that occurs, the Supreme Soviet will have formally approved the treaty. This will remove any doubts, if there could be any, about the authoritative character of Soviet adherence to the treaty.

I believe that the Senator from Indiana will have a statement to make and then, unless there are others wishing to speak, it will be my intention to move to table.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Indiana.

Mr. LUGAR. Madam President, under international law, a person has authority to sign a treaty if it appears from the circumstances that it was the intention of the State involved that he represent it for that purpose. This is true even if he has not been issued full powers, or does not occupy a formal governmental position.

No rule of international law requires any particular form of evidence of a foreign leader's power to sign a treaty. Treatymaking involves common sense and wise judgment. It is for each country to decide what it will require, in light of its experience and the circumstances it judges important.

My colleague, the distinguished chairman of the Foreign Relations Committee, has cited article 7, paragraph 1 of the Vienna convention. I shall not repeat that.

I point out that an attempt was made, in the UN conference which negotiated the Vienna Convention, to amend this article to delete paragraph (1)(b), but this proposal was rejected on the grounds that it would deprive states of flexibility to dispense with full powers if they desired.

It is not the practice of the United States to demand full powers where the circumstances indicate that the person signing a treaty does in fact represent his government.

It was clear from the circumstances that the Soviet Union considered Gorbachev to be its representative for the purpose of signing the INF Treaty. He needed no full powers, and the United States had no reason to demand them.

No one can responsibly doubt the authority of General Secretary Gorbachev, a man who dealt regularly and authoritatively with the President of the United States, to sign the treaty. Gorbachev clearly determines the foreign policy of the Soviet Union, and regularly deals on behalf of the Soviet Union with foreign heads of state and foreign ministers. The U.S. Government has no doubt about Gorbachev's authority.

The many high-ranking Soviet governmental officials present at the Washington summit, including the Foreign Minister, clearly accepted Mr. Gorbachev's authority to represent the Soviet Union and to sign the treaty. These high-ranking officials of the Soviet Government had no doubt about Gorbachev's authority.

Since the treaty was signed, the governmental authorities in Moscow have made clear by their conduct that they accept the validity of Gorbachev's signature on their behalf. The supreme Soviet has carried on its deliberations on the treaty, with no suggestion whatsoever that Mr. Gorbachev acted without authority. The supreme Soviet has not doubted the authority of Mr. Gorbachev.

Last week, Secretary Shultz negotiated about the implementation of the treaty with the Soviet Foreign Minister, who undeniably has authority to commit the Soviet Union for these purposes. This was clearly done on the assumption that the treaty had been validly signed. The Foreign Minister and his subordinate signed two agreements that were expressly based on the validity of the treaty. The Soviet Foreign Minister has not doubted Mr. Gorbachev's authority.

Our NATO allies have acted on the premise that Gorbachev's signature was valid. Soon after the treaty's signature, the Western basing countries all signed the basing country agreement, the only purpose of which is to implement the treaty. Thus, our allies did not doubt Mr. Gorbachev's authority.

It is true that in 1972 General Secretary Brezhnev provided a document which authorized him to sign treaties with the United States. However, the fact that this happened then in no way prevents the Soviets from dispensing with such documents later, so long as we are satisfied from the circumstances that the person signing a treaty is indeed representative of the Soviet Union.

In effect, the point of order asks the Senate to pass on the credentials of a foreign government representative. This is the executive branch's responsibility, not the Senate's.

Under the Constitution, it is the President's function to deal with and accept the credentials of representatives of foreign governments. It is also the President's constitutional function to negotiate and sign treaties.

The Senate's responsibility is to give advice and consent to treaties negotiated by the President. The Senate does not have the responsibility of passing on the credentials of those foreign representatives who negotiate or sign treaties.

The President and the Secretary of State have decided that Mr. Gorbachev is an appropriate representative of the Soviet Union for the purpose of signing the INF Treaty. The Senate should not put itself in the position of second-guessing them in the exercise of their constitutional functions in this regard.

Therefore, in these circumstances, there is no substance whatsoever to the claim that the treaty was not validly signed or that the treaty would be invalid if the Senate proceeded to give its advice and consent. It is not the Senate's function under the Constitution to re-examine the executive's decisions on the credentials of foreign government representatives. It would not enhance the credibility of the United States if it were now to question General Secretary Gorbachev's signature of the treaty.

Mr. PELL addressed the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island sought recognition first.

Mr. PELL. I thank the Chair. I was going to move to table.

Mr. HELMS. I suggest the absence of a quorum. If I am precluded from responding to these arguments, we are going to sit here in quorum calls the rest of the night.

Mr. PELL. Madam President, as a matter of courtesy, if the Senator from North Carolina wants to make some more points about this——

Mr. HELMS. Yes. I want to review points——

Mr. SYMMS. Will the distinguished chairman yield?

Mr. PELL. I will yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Rhode Island has the floor. I believe the Senator from North Carolina was raising a point with the Senator from Rhode Island.

Mr. SYMMS. Will the Senator from Rhode Island yield? Will the Senator yield?

Mr. PELL. I was yielding to the Senator from North Carolina.

Mr. SYMMS. Will the Senator yield for a question?

Mr. PELL. Certainly.

Mr. SYMMS. I want to ask a question of the distinguished chairman. Will I be able to speak on this? It is my understanding it is a debatable motion and I prepared remarks on this issue. I wish to speak on it. Will I be able to do that?

Mr. PELL. As a matter of comity, I hope we would agree after the two Senators have spoken we could get on with a vote.

Mr. HELMS. Madam President, I seek the floor in my own right. In the first place, the Senator cannot yield to me, as he knows. So I seek it in my own right.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor? Does the Senator from Rhode Island yield the floor?

Mr. PELL. I really feel that the points have been made and that we really should vote. I was hoping we could do it as a matter of comity and that the Senator would limit his remarks.

Mr. SYMMS. Madam President, I note the absence of a quorum.

Mr. BYRD. Madam President, the Senator cannot do that unless this Senator yields to him for that purpose.

Mr. PELL. I have the floor and I was going to call for a vote, but out of a sense of comity with the Senator from North Carolina, if he has a few more points to make, and the Senator from Idaho, fine. But let us get on with the vote. Would he limit himself?

Mr. HELMS. No. I am not going to take long, but I am not going to engage in any time agreement. I have 1½ pages of inquiries with reference to the Senator's reference to the Vienna Convention. But no, I will not agree to a time limitation.

Mr. PELL. I really think that I must move to table. I so move. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS addressed the Chair.

Mr. SYMMS. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I ask unanimous consent that the call for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Observing none, it is so ordered.

Mr. PELL. Madam President, in a spirit of comity and hopefully brevity, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair must apprise the Senate that there is a nondebatable motion pending before the Senate.

Mr. PELL. The Chair is absolutely correct. We should not have forgotten. A motion to table is before the body. I would ask permission to withdraw that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair. I assure the distinguished chairman and able majority leader that I shall not be long. I anticipated that my chairman, for whom I have great affection, would bring up the Vienna Convention, and I anticipated precisely the remarks by the distinguished Senator from Indiana. I will say to both of those gentlemen they are leaning on weak reeds indeed. So I have a series of parliamentary inquiries regarding the status in the Senate of the Vienna Convention on the Law of Treaties, and I would ask the Chair to entertain those inquiries at this time.

First, Madam President, has the Vienna Convention on the Law of Treaties been submitted to the Senate by the President for advise and consent?

The PRESIDING OFFICER. Will the Senator from North Carolina please repeat that?

Mr. HELMS. Yes, gladly. Has the Vienna Convention, to which Senator PELL eloquently alluded, has the Vienna Convention on the Law of Treaties been submitted to the Senate by the President of the United States for advice and consent?

The PRESIDING OFFICER. The Chair informs the Senator that the Vienna Convention has been submitted according to all appropriate rules.

Mr. HELMS. I thank the Chair.

So the answer is yes. Has the Senate advised and given consent to the ratification of the convention?

The PRESIDING OFFICER. It has not.

Mr. HELMS. Then it is correct that the convention, pursuant to article VI, clause 2 of the Constitution of the United States, is not the supreme law of the land; is that correct?

The PRESIDING OFFICER. The Chair can only respond that no consent has been given to the treaty.

Mr. HELMS. I am sorry.

The PRESIDING OFFICER. The Chair can only respond that no consent has been given to the treaty.

Mr. HELMS. Well, if it has not been ratified it has no——

Mr. PELL. Will the Senator yield for a question?

Mr. HELMS. Yes, I will be glad to.

Mr. PELL. Would it not be a matter of customary law that this should be followed?

Mr. HELMS. Not at all. Not at all. If you do not ratify a treaty, it is like a dead cat lying on somebody's doorstep.

Is it correct, Madam President, that the Standing Rules of the Senate are adopted under power granted to the Senate in article I, section 5, clause 2 of the Constitution and that the precedents of the Senate in fact flow from those rules?

The PRESIDING OFFICER. The Senator is absolutely correct.

Mr. HELMS. I thank the Chair. Now, is it also correct that the proposed convention cannot vary or change the rules or the procedures or the precedents of the Senate or alter or amend the Constitution of the United States, including the procedures specified therein for making treaties?

The PRESIDING OFFICER. I advise the distinguished Senator from North Carolina the Chair cannot comment on matters of law. However, in terms of the rules and procedures, and precedents of the Senate, the convention would have no effect.

Mr. HELMS. That is exactly the point at issue, Madam President.

So in view of the learned responses of the Chair for which I thank her most sincerely, I respectfully suggest to my friend from Rhode Island and my friend from Indiana that unless and until the proposed convention is brought before the Senate for consideration in executive session, the various interpretations of its provisions have no relevance whatsoever to Senate proceedings and ought to be ignored.

Furthermore, I might add that even if the Senate should at some later date—which it has not done as of this date—approve the convention, meaning the Vienna Convention, then its provisions would still have absolutely no bearing on the Constitution of the United States regarding the making of treaties. No treaty, even a treaty on making treaties, has supremacy over the Constitution of the United States. I fervently hope that it never will.

I thank the Chair.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the distinguished Presiding Officer.

Madam President, I wish to briefly address the Senate on why I believe Senator HELMS is correct in his assertion and gives some of the background for that, and why I supported the position the Senator from North Carolina presented here with respect to whether or not the Soviet Union has signed this treaty, in a situation where it will be a valid signature.

Madam President, the proposed treaty now before the Senate in my opinion is invalid as a treaty, and in many ways I think Senators could take umbrage with the State Department to have submitted this agreement with a Communist political party leader to the Senate for advice and consent. There are two major reasons for this. I will go into them.

Customarily, international law, although it has no true meaning, pertains to the capacity of states to conclude treaties. It describes how states can go about accrediting their signatures to treaties. Only the head of a state, the head of a government, a Foreign Minister, or a properly represented accredited representative of the state can legally sign the treaty that binds a state. That is point one. Binding; is this going to be binding by both sides? We know that the treaty was signed by someone who had been duly elected to be the head of the Government of the United States.

Mr. Gorbachev signed the treaty officially listed as "General Secretary of the Central Committee of the Communist Party of the Soviet Union." Therefore, he had no authority to sign the proposed treaty and did not present evidence of such authority.

I think a question a Senator should ask of the State Department and should be fully ventilated here—and I thank the distinguished manager of the bill for allowing us to speak to this issue—why did the State Department not confront the Soviets and get this done? Were they afraid of the Soviet Union? Were they afraid that they might do something that would derail the treaty? Did they want a treaty so bad that they did not want to bring up an uncomfortable issue? Did they just overlook it? What was to happen? But nevertheless, because of that particular point, this proposed treaty is invalid in international law and does not conform to the Soviet law either but more importantly it does not conform with American law.

If the Senate gives its advice and consent for the President to ratify this invalid agreement with the Communist Party leader, the Soviet Union could disavow it at any time with no penalty. Let us say they decide to dispatch next year Mr. Gorbachev to the salt mines in Siberia and say we are going to have someone else take over the government now? He is no longer the leader. So they dispatch him. Someone else takes over. Then they cannot come back with the INF on the day they unveil their covert force, if they should choose to do so, of SS-20's, if they are in fact there. They will say that treaty was not valid in the first place. We fooled you suckers in the United States again.

Madam President, the noted expert on Soviet affairs, Columbia University professor and former State Department counselor, Dr. Marshall Shulman, described how Leonid Brezhnev, the General Secretary of the Communist Party of the Soviet Union was properly authorized in 1972 to sign the SALT II agreement, treaty, and interim agreement. Brezhnev was authorized by special action of the Supreme Soviet to sign the SALT documents of May 1972 and the Washington agreements of June 1973 in behalf of the Soviet Government.

Other treaties, international conventions, and protocols to which the Soviet Union is party contain explicit language on the authority and accreditation of the signatories. For example, the Additional Protocol II, signed by the Soviet Union on May 18, 1978, to the Treaty for the Prohibition of Nuclear Weapons in Latin America, states:

> In witness whereof the undersigned Plenipoteniaries, having deposited their full powers, found in good and due form, sign this Additional Protocol on behalf of their respective governments.

Another example is the Treaty on the Non-Proliferation of Nuclear Weapons, which the Soviet Union signed on July 1, 1968, and which states:

> In witness whereof the undersigned, duly authorized, have signed this Treaty.

In the definitive book entitled "The Theory, Law, and Policy of Soviet Treaties" published by the Stanford University Press in 1962, Profs. Jan F. Triska and Robert M. Slusser cite Soviet legal experts themselves as stating:

> For a [Soviet] treaty to be valid, it must be concluded by persons properly authorized to do so.

This practice of properly authorizing Soviet treaty signatories was codified in article 1, paragraph (a) of the 1923 Soviet Constitution, as amended in 1925. According to Professors Triska and Slusser, it was replaced under the 1936 Constitution as follows:

> The plenary powers for conclusion of international treaties requiring ratification were to be signed by the Chairman of the Presidium of the Supreme Soviet in the name of the Soviet state, while the plenary powers for signing all other international agreements were to be signed by the Chairman of the Council of People's Commissars in the name of the Soviet government. In both cases the plenary powers were to be countersigned by the People's Commissar of Foreign Affairs.

This authorization requirement was also contained in article 121 of the 1977 Soviet Constitution, and in a 1978 Soviet law, which are even more explicit and stringent.

Professors Triska and Slusser go on to cite a Soviet legal authority as stating:

> A treaty is juridically invalid if, when concluded, it is in excess of this authority . . .

Finally, Professors Triska and Slusser conclude:

> To avoid such a situation, usually before an international treaty is signed all the plenipoteniaries go through the procedure of checking each other's credentials . . . Normally, only authorized Soviet (and Union Republic) representatives may conclude international treaties on behalf of the competent Soviet (and Union Republic) constitutional organs; they must have properly issued plenary powers which empower them to conclude a given international treaty. (Exceptions to this rule are negotiations between heads of states, exchanges of notes among foreign ministries, and so forth.)

On May 26, 1972, General Secretary Brezhnev was specifically authorized to sign the SALT I ABM Treaty and the SALT I Interim Agreement by a document under seal signed by Soviet President Podgorny and Soviet Foreign Minister Gromyko. This document was formally presented to the United States as accreditation of Brezhnev's plenipotentiary authority for specific and limited purposes. Of course, Brezhnev became Soviet President in 1975, so when Brezhnev signed the SALT II Treaty in Vienna on June 18, 1979, he was Head of State and needed no further authorization or accreditation to sign the treaty for the Soviet Union.

Madam President, I ask unanimous consent that the following citation from the American Journal of International Law of March 1977, documenting General Secretary Brezhnev's plenipotentiary powers to sign SALT I on May 26, 1972, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the American Journal of International Law, March 1977]

Correspondence

To The Editor-in-Chief

18 August 1976.

Inasmuch as the July 1976 issue of the American Journal of International Law does not contain a comment from Mr. Charles Bevans, former State Department Assistant Legal Adviser for Treaty Affairs, on the Note by Mr. Schröder in the April 1976 issue on the treatymaking power of the Communist Party of the USSR, I think it appropriate to act as his surrogate.

In his Note, Mr. Schröder speculates that Mr. Brezhnev's signature on behalf of the USSR to the 1972 ABM Treaty and the Interim Agreement with the United States was accepted by the United States, in accordance with Article 7, paragraph 1(b) of the Vienna Convention on the Law of Treaties, as a new international practice. Mr. Schröder is mistaken as to the facts.

Like Mr. Schröder, I too was curious as to Mr. Brezhnev's authority to sign the agreements, and, accordingly, shortly after they were signed, I asked Mr. Bevans whether Mr. Brezhnev had produced appropriate full powers (as specified in Article 7, paragraph 1(a) of the Vienna Convention). Mr. Bevans informed me that Mr. Brezhnev had, in fact, produced full powers, signed by the Chairman of the Presidium of the Supreme Soviet of the USSR and countersigned by the Minister of Foreign Affairs of the USSR. At my request, Mr. Bevans was kind enough to provide me with copies of those full powers. The copies are attached. Also attached is a similar copy of the full powers produced by Mr. Brezhnev for the 1973 Summit meeting referred to by Mr. Schröder.

Benjamin Forman,
Assistant General Counsel, International Affairs, U.S. Department of Defense.

THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it empowers Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign in the name of the Union of Soviet Socialist Republics the Agreements between the Union of Soviet Socialist Republics and the United States of America.

Moscow, June 12, 1973.

[Stamp of the Presidium of the Supreme Soviet]

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. Podgorny.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. Gromyko.

Correspondence

THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign the Interim Agreement between the Union of Soviet Socialist Republics and the United States of America on Certain Measures with Respect to the Limitation of Strategic Offensive Arms.

Moscow, May 26, 1972.

[Stamp of the Presidium of the Supreme Soviet of the USSR]

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. Podgorny.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. Gromyko.

THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central

Commitee of the Communist Party of the Soviet Union, to sign the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Limitation of Anti-Ballistic Missile Systems.

Moscow, May 26, 1972.

[Stamp of the Presidium of the Supreme Soviet of the USSR]

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. PODGORNY.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. GROMYKO.
26 August 1976

Mr. SYMMS. Madam President, there is another equally serious reason why the Senate should not allow the State Department's tolerance for Gorbachev's invalid signature on the proposed INF Treaty to go unchallenged.

Madam President, that is point 1. Point 1 is that if the time comes that the Soviets find it convenient to break out of ABM, to rule out the SS-20's that they may have hidden, that many people do believe—and there is reason for all of us to question whether or not there is a hidden force, since if you hide them in a building, it is hard to verify it, if the building is at some location we are not allowed to inspect—then they can come back and say it was signed by an invalid signatory.

If you study the history of the Marxist-Leninist revolution, they have always taught us that it is OK to lie, as long as it furthers what they are trying to accomplish. They think that is a morally acceptable type of activity.

So point 1 is that if Gorbachev is removed some day, they could easily come back and say that he was only head of the party and therefore he was not justified to do this.

Point 2: To allow the General Secretary of the Communist Party of the Soviet Union to sign a United States-Soviet treaty means that for the first time in the history of United States-Soviet relations we are recognizing the Communist Party of the Soviet Union, instead of just the Soviet Government. But the Soviet state has always tried to claim that while the Soviet Government might be just like any other government, the Communist Party of the Soviet Union was independent of the Government and thus still completely free to foment revolution in every other state in the world.

In other words, it would be OK for the Communist Party to foment revolution. Maybe their Government did not agree with it.

The Soviet Government has always tried to achieve formal American recognition of the Communist Party of the Soviet Union, so as to further advance the world revolutionary cause. To avoid this recognition, the United States State Department has heretofore always relied on the convenient diplomatic fiction that we could recognize only the Soviet Government, while avoiding recognition of the violent revolutionary intentions and activities of the Communist Party of the Soviet Union around the world and even inside our own country.

Thus, formal American recognition of the Communist Party of the Soviet Union, as embodied in Gorbachev's signature as party leader to the proposed INF Treaty, is a major diplomatic victory for the Soviet Union. It could allow the Soviet Communist Party to work actively and legally and even openly to overthrow the Government of the United States of America by violent revolutionary means.

Such recognition by the State Department would thus actually authorize and legitimize Soviet aggression against the United States.

I cannot see why we are on such a railroad track for ratification that we want to overlook this point.

Before President Reagan departs for his next summit meeting with the Soviets, this time in the Soviet Union, he therefore may want to ask the State Department to examine whether the Soviets are complying with a fundamental promise they made at the time that United States-Soviet relations were first established.

The basic foundation for the establishment of United States-Soviet diplomatic relations in 1933 was a letter that Soviet Foreign Minister Litvinov wrote to President Franklin D. Roosevelt, solemnly pledging that:

> It will be the fixed policy of the Government of the Union of the Soviet Socialist Republics . . . not to permit the formation or residence on its territory of any group or organization which has an aim of the overthrow of, or the bringing about by force, of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

The Soviet Government, however, always claimed that while it might be in compliance with the Litvinov promise to itself refrain from revolution inside the United States, the Communist Party of the Soviet Union was an altogether different and independent entity, and therefore party revolutionary activities inside the United States were beyond the control of the Soviet Government.

Two questions should be raised about Soviet compliance with this 1933 Soviet pledge establishing the basis for United States-Soviet Governmental relations:

First, do the International and the Propaganda Departments of the Secretariat of the Central Committee of the Communist Party of the Soviet Union residing in the U.S.S.R. still explicitly advocate violent Communist revolution against all bourgeois regimes, especially against the "main enemy"—the United States Government?

That is the first question, and I ask that question of my colleagues. I think they know what the answer is. All they have to do is read the reports of the Communist Party meetings in the Soviet Union. That is clearly an affirmative answer.

The second question:

Have these party organs effectively replaced the old revolutionary Communist International, or Comintern?

The answer to these questions is yes, clearly and unequivocally.

Second, does the 1986 Russian CPSU document Partapparat, written under the supervision of General Secretary Gorbachev, state:

> The revolutionary parties of the working class are guided by the scientific theory of . . . Marxism-Leninism. They are distinguished by the conviction of the historical inevitability that capitalism will be replaced by socialism, by their understanding of objective laws of socialist revolution, in whatever forms—peaceful or nonpeaceful—it [i.e. revolution] is implemented . . .?

The answer to this question is also yes.

These examples contradict the Soviet promise underlying the very basis for the first establishment of United States-Soviet governmental relations.

Thus in sum, by formally recognizing Gorbachev as party leader in the proposed INF Treaty we are recognizing finally the legitimacy of the goal of violent revolution against our own Government. This would be a major victory for Soviet diplomacy, which the Senate should never accept.

In addition to requiring the State Department to provide the Senate with an assessment of whether the Soviets are fulfilling the Litvinov promise, when President Reagan goes to Moscow, he should ensure that the proposed INF Treaty is resigned, either with Soviet President Gromyko, or with Gorbachev as a duly accredited representative of the Soviet Government. This is the least we could do. Otherwise, the Senate will be submitting like sheep to the tyranny of the Russian Communist Party.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I seek recognition just to pose a few questions to my friend from Idaho.

I inquire of the Senator: Is it his judgment that even if we were to ratify this treaty this week or next week, the treaty itself would be null and void?

Mr. SYMMS. It is my judgment that if and when the Soviet Union wanted to have a loophole to get out of the treaty, they could roll this back out and say that they had it signed by an illegitimate head of Government, that they had it signed by the Communist Party. That is a separate issue from the issue of giving legitimacy to the goals of the Communist Party.

Mr. COHEN. It seems to me that if that were the case, the treaty would be null and void, no matter what we did. There would be nothing to prevent a future United States President, be it Dukakis or Jackson or Robertson or Dole, or whomever, to declare the treaty to be null and void because an authorized person never signed it on behalf of the Soviet Union. So it probably cuts both ways in that respect.

Would it satisfy the Senator from Idaho if we were to ask the Supreme Soviet, which is currently carrying on some sort of reciprocal debate in its Chamber, if they were to attach an understanding, thereby ratifying the General Secretary's authority to have signed the agreement? Would that be satisfactory?

Mr. SYMMS. That is what I said in my closing comments. That is the least we should get out of this. The President can require that it be resigned.

Mr. COHEN. During their deliberations, they may attach an understanding that, indeed, Secretary Gorbachev had the authority to sign this on behalf of the Soviet Union. Would that be satisfactory?

Mr. SYMMS. That would be an improvement. I might just say to my dear friend from Maine that I lack confidence in the Soviets really giving a darn about whether or not it is legitimate or not legitimate. I view this as a question from our point of view. I cannot understand why it is people down in Foggy Bottom and the White House and everywhere else in this town and inside the beltway are so hell-bent to get this treaty ratified because somehow something bad is going to happen if it is not ratified.

I would say to my friend if you go out and talk to the working people outside the beltway, they could care less. They probably do not know what INF means. They could care less about the INF Treaty. They do care about their taxes and chances for preservation of freedom.

I just think for us to be signing a treaty, which we will treat as the supreme law of the land, without having every precaution taken is a mistake on our part.

So that is why I intend to vote against the ratification.

Mr. COHEN. If I could make one other point. It is my understanding of the Senator from Idaho's position that whether or not General Secretary Gorbachev had the legitimate authority to sign on behalf of the Soviet Union is really quite irrelevant in the Senator's own assessment. This is because, as I understand the Senator's position, he believes that they may have more SS-20's in their inventory than they have publicly declared and, if that is the case, they have the ability to have a breakout potential. Whether at some future time they choose to do so under the pretext that General Secretary Gorbachev did not have authority, or whether they simply chose to so so because of military expediency would be quite irrelevant in the Senator's judgment. So, whether it is legal or illegal is really not the issue as far as the Senator from Idaho is concerned.

Mr. SYMMS. My dear friend from Maine is correct. For one thing, this Senator is not undecided on his position on the treaty.

I thank the Senator.

Mr. COHEN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, on behalf of Senator LUGAR and myself I move to table the point of order.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. PELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the point of order of the Senator from North Carolina.

On this motion the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], and the Senator from New York [Mr. MOYNIHAN], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 145 Ex.]

YEAS—91

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—6

Helms
Humphrey
McClure
Pressler
Symms
Thurmond

NOT VOTING—3

Biden
Chiles
Moynihan

So the motion to table the point of order was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CRANSTON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Will any Senators wishing to converse please go to the Cloakroom?

The Senator from Arizona has the floor.

Mr. McCAIN. Thank you, Madam President. Does the distinguished Republican leader or the majority leader wish me to yield?

Mr. BYRD. Does the Senator from Arizona have the floor?

Mr. McCAIN. Yes.

Mr. BYRD. Very well.

The PRESIDING OFFICER (Mr. CONRAD). The majority leader.

Mr. BYRD. I thank the Senator for yielding.

I had a little discussion with Senator HELMS and I believe that the request now would be agreeable that there be a dispensing of the further reading of the treaty and so I make that request, Mr. President, that further reading of the treaty and its protocols, memorandum of understanding, be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator from North Carolina and I thank all Senators. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this is a time for both fear and hope. We are now moving toward the ratification of the first major nuclear arms control treaty that goes beyond an exercise in political symbolism. The INF Treaty is far from perfect, but it will set real limits on some types of nuclear delivery systems, and it will lead to the physical destruction of many delivery systems. Unlike SALT I and SALT II, which did nothing more than enshrine the nuclear arms race under a cloak of well meaning words, this is a treaty with meaning and substance.

THE INF TREATY IS ONLY A PRELUDE

At the same time, we need to be realistic about what we are doing. The INF Treaty is a beginning. It is an important first step in a process that will lead to far more demanding negotiations on reductions in strategic arms, conventional forces, and eventually in NATO's remaining theater nuclear forces. At the same time, it is only a beginning. It is the prelude to a process that will take at least a decade to have real meaning.

Like all previous nuclear arms treaties, the INF Treaty does not constrain the Soviet nuclear build up. To put this in historical perspective, the U.S.S.R. had a little over 2,000 warheads on strategic missile systems in 1972, when SALT I was signed. It had a little under 6,000 warheads when SALT II was signed. It now has close to 10,000 nuclear warheads on its ICBM's and SLBM's.

The INF Treaty does eliminate one class of delivery systems, but it does not affect the number of nuclear strike aircraft, short range land based ballistic missiles and GLCM's, or any category of SLCM's and ALCM's. It does not require the reduction or destruction of any nuclear warheads.

There also are some important technical problems and ambiguities. The INF Treaty does not set limits on the number of ICBM's that can be used against theater targets, and any missile that is tested even once at ranges over 5,000 kilometers is counted as an ICBM, even if it is then tested extensively at INF ranges. Similarly, a GLCM can still be deployed if it is never tested at ranges above 500 kilometers, even though its range could be extended with only a limited sacrifice in accuracy and reliability by cutting the weight of the warhead. Finally, the INF Treaty does not set any clear limits on new forms of weaponry like boost glide vehicles.

A BEGINNING WHICH DOES NOTHING TO CONSTRAIN THE TRENDS IN THE NUCLEAR BALANCE

As a result, the INF Treaty does not establish any controls on the future trends in the nuclear balance. This gives the U.S.S.R. a serious potential advantage. For all its rhetoric, the U.S.S.R. has led the nuclear arms race during the Nixon, Ford, Carter, and Reagan administrations. This includes all of the categories of theater nuclear weapons that will not be reduced as a result of the INF Treaty.

The INF Treaty will not limit the rate at which the U.S.S.R. is increasing its superiority in theater nuclear weapons. Long before the INF Treaty, NATO agreed to reduce its theater nuclear weapons by some 2,800 bombs and warheads. In contrast, the Warsaw Pact increased its land based short range nuclear delivery systems by 50 percent between 1980 and 1986. It established a 12:1 to 15:1 lead in these systems over NATO, and it continues to deploy more nuclear artillery rounds in spite of the INF Treaty.

NATO converted many of its dual capable nuclear strike aircraft to purely conventional missions when it took the decision to deploy the GLCM and Pershing II. The Warsaw Pact built up a 3:1 lead in its number of nuclear strike aircraft, and simultaneously doubled their average range-payload capability. It has not only continued this build up since the INF Treaty was signed, there are some signs it has accelerated it.

The Soviet Union has continued to build up ICBM and SLBM forces that can be used to substitute for the SS-12 and SS-20. In spite of all of Gorbachev's talk about arms control and glasnost, the U.S.S.R. produced 300 new ICBM's during 1984-86. All of NATO, including our British and French allies, produced 10. The U.S.S.R. produced 250 SLBM's and NATO produced 170. As for the short range—less than 500 kilometers—missiles not covered by the INF Treaty, the U.S.S.R. produced 1,350 missiles and NATO produced none.

If we look at the latest projections of our intelligence community, we find that the Warsaw Pact has conducted new tests of its ICBM's at ranges similar to those of the SS-20 and other IRBM's it has agreed to destroy. We find that the U.S.S.R. has some 6,500 nuclear warheads on its ICBM's versus a little over 2,000 for the United States and that it can afford to allocate many of these warheads to attacks on Western Europe.

We also find that at a time that the United States is still debating giving 50 of its MX ICBM's rail-based mobility, the United States intelligence community estimates that that 50 percent of all Soviet ICBM's will be mobile SS-24 and SS-25 missiles by the mid-1990's, and that the Soviet Union will replace over 85 percent of its present ICBM's with SS-24's, SS-25's, and a new heavy ICBM.

We also cannot forget that as the U.S.S.R. improves its bombers and SLBM's, it can also use these against theater targets as well as against the United States. Once again, the Soviet Union is projected to be conducting a massive modernization effort. It will modernize over 35 percent of its SLBM's by the mid-1990's, and nearly 50 percent of its strategic bombers. It will deploy large numbers of ALCM's and SLCM's, and continue to build up massive numbers of deep nuclear shelters and other defenses. In fact, the latest United States intelligence estimates strongly indicate that the U.S.S.R. is spending more on SDI programs than the United States.

The true trends in the arms race are reflected in the total nuclear stockpile, or killing power, available to each side. The U.S.S.R. has made a great many claims about a buildup in United States nuclear strength under the Reagan administration. The truth is that the United States has concentrated on making its forces survivable and on improving their accuracy and command and control. It has steadily cut its stockpile since 1975, and has 12 percent fewer weapons than it had then. The U.S.S.R. has increased its number of nuclear weapons by 37 percent during the same period, and now has a 30 percent lead over the United States.

All of these Soviet increases in nuclear strength can continue in spite of the INF Treaty. The U.S.S.R. can increase its number of strike aircraft, ALCM's, and SLCM's. It can target more of its ICBM's and SLBM's on Europe. It can increase its number of land-based missiles with ranges under 500 kilometers and use them to reach many of the targets that were covered by the SS-4, SS-12, SS-23, and SS-20. Iraq, for example, has recently fired its Scud B missiles at ranges of 600 kilometers by using all their propellant and reducing warhead weight to levels that would still allow the use of very high yield nuclear warheads.

All of these trends also threaten the United States and U.S. forces just as much or more than they threaten our allies. We should have no illusions. We cannot segregate arms control or decouple ourselves from the fate of Europe. The INF Treaty and START are part of a common process.

THE INF TREATY AND START ARE PART OF A COMMON PROCESS

This is the most important message we must remember as we more toward ratification and toward the next step in arms control. If the INF Treaty does not lead to a much stronger START Treaty, with far stronger sublimits, inspection requirements, and verification and enforcement provisions, the INF Treaty will be a total failure. It will be another Washington Naval Arms Treaty—a prelude to war that changes the rules of the arms race, but for the worse.

The INF Treaty is also a warning that arms control treaties do not necessarily do anything to reduce the risk and cost of war. The INF Treaty may well help create a political climate that will reduce the risk of war. There is no evidence, however, that it will reduce Soviet willingness to launch an attack if some radical change should occur in the political situation, or that it will reduce Soviet willingness to escalate to the use of nuclear weapons.

Even after the INF reductions are fully completed, the U.S.S.R. will be able to use many other weapons to complete the same missions. The U.S.S.R. can continue to increase these weapons under the terms of the treaty, and even if it does not, there is a relatively limited number of fixed targets in NATO where the U.S.S.R. will benefit from long range time urgent strikes. The U.S.S.R. not only will be able to cover all of these targets with its remaining forces, the removal of the GLCM and Pershing II will cut the number of survivable targets and remove a great deal of the risk of time urgent retaliation by NATO.

The INF Treaty might help in some war fighting scenarios, but it will increase the Soviet advantage in preempting, or launching surprise nuclear attacks in many others. This will be particularly true of strikes against ports, main operating bases, and NATO remaining nuclear delivery systems and weapons storage sites. NATO will be particulary vulnerable if the U.S.S.R. can strike before NATO disperses its nuclear strike aircraft and nuclear weapons.

Since the Warsaw Pact will be able to strike at all the same targets it had an incentive to strike at before the INF reductions, the INF Treaty will not reduce the cost of nuclear war in lives, economic facilities, and military forces. The main impact of the treaty will be to change the timing and impact of the weapons systems used in a nuclear exchange.

In fact, the INF reductions may well lead a Soviet targeteer—who is allocating aircraft, ICBM's and SLBM's—to use higher yield weapons, and to allocate more weapons, against many targets to make up for a loss of accuracy and predictable kill capability.

THE IMPLICATIONS OF THE INF TREATY FOR START

These points will be of crucial importance as we move ahead toward START. Regardless of the improvements that have been negotiated in the INF Treaty as a result of our debates, and regardless of the outcome of our ratification debate, nothing will be accomplished unless this treaty leads to a sound START agreement, and unless we proceed toward conventional force reductions with the proper caution.

If we are to move forward from the INF Treaty, however, we must come to grips with issues that the INF Treaty largely avoids. We must find some mechanism that will help enforce the treaty without relying on "killer amendments."

The INF Treaty's lack of enforcement provisions could lead future U.S. administrations, and other Western governments, to ignore uncertain intelligence indicators, or even actual violations, because of the political cost of publicizing them and taking substantive action. This could well encourage the U.S.S.R. to threaten major breaks in East-West relations, or to exploit divisions within the Western alliance, in order to force governments to suppress data on violations or to ignore a Soviet buildup in the forces and capabilities which are not covered by the treaty.

No arms control treaty can ever avoid some ambiguities in its wording, specify detailed penalties for every violation, or create a foolproof mechanism for defining the nature and seriousness of every possible violation. Nevertheless, the INF Treaty fails to make a serious attempt to deal with any of these issues. It fails to assure the U. S. Congress, allied governments, or the peoples of the West, that violations will be fully publicized and reacted to, and to create a diplomatic climate that makes the U.S.S.R. aware it cannot try to negotiate United States and allied willingness to tolerate or ignore violations.

THE NEED FOR AN IMPROVED APPROACH TO FUTURE ARMS REDUCTIONS

It is even more important, however, that a START Treaty should not repeat the disastrous mistakes of SALT II. We must move toward a treaty that will really reduce any incentive to go to nuclear war.

The INF Treaty is the practical limit of what the West can accept in the form of arms reductions whose main effect is political symbolism. Any future reductions in strategic nuclear arms, conventional arms, and NATO's remaining theater nuclear arms must come to grips with the three real goals of arms control: Reducing the overall arms race and the instabilities in the military balance, reducing the risk of war, and reducing the cost of war if deterrence fails. Above all, such reductions must provide the West a firm assurance that a higher level of deterrence will exist after such reductions than before the reductions take place.

We cannot rush into START in the name of detente, good will, or domestic political considerations. We cannot afford to rush into a START agreement that does not achieve its purpose.

This is not a minor risk. The START Treaty, like the INF Treaty, will make deep reductions in some forces, but may well not make reductions in others like cruise missiles. Like the INF Treaty, it will not lead to the destruction of a single nuclear weapon. It affects only deployed systems, and unlike the INF Treaty, it may well not require the destruction of systems removed from deployment. Warheads, bombs, and missiles can be retained in storage, a prospect that raises a very real risk of breakout at a time when both sides are deploying mobile missiles and small cruise weapons.

If the verification of INF presents problems, we should have no illusions about START. START will create a verification nightmare—a massive intelligence and negotiating problem that can only be justified by the incredible cost of any nuclear exchange.

It also will take very few mistakes in defining sublimits and our response to those sublimits to see START end in increasing the incentive for a Soviet first strike, or in making it easier for the U.S.S.R. to use its strategic nuclear weapons against Europe or our other friends and allies. Only a few errors in bomber counting rules, cruise missile definitions, the way we load our ICBM war heads or SLBM's, could make the START Treaty the prelude to a major deterioration of the nuclear balance or a new and more expensive arms race.

Similarly, it would take only a few late night negotiating sessions, a careless concession under the pressure of time, or a momentary lapse of attention to create a START Treaty that would act to decouple the United States from its European allies. The START Treaty is not simply a treaty between the United States and the Soviet Union, it is a treaty between the West and the Soviet Union.

This means the West not only must find ways to deal with the problem of verification and enforcement in a way that combines its treatment of INF and START, it must develop an agreed strategy for arms control that will bind the United States and Europe together, and prevent any divisions between the front line states of Europe and other European countries.

The present lack of a comprehensive arms control strategy in the West creates such serious problems that it virtually precludes the signature of a START Treaty during this year. Even 50 percent cuts in strategic missiles will have little effect in reducing the risk of war, and loss of life, unless they are coupled to restrictions that deprive both sides of any incentive for a first strike.

A START Treaty can give the Warsaw Pact more of a military incentive to launch a first strike, preemptive strike, or counterforce strike, unless the treaty has sublimits on the mix of weapons on both sides.

We also must remember our objective. There has been careless, if not reckless, talk about "abolishing" nuclear weapons. We cannot treat the fate of the human race as an exercise in mindless political slogans. We are decades away from a world in which we can hope to place firm limits on all forms of weapons of mass destruction. We cannot ignore the proliferation of nuclear, chemical, and biological weapons.

We cannot ignore the fact that the "deep reductions" sought in the START Treaty will not rid the world of a single nuclear weapon or place any constraints on the production of new ones. We cannot ignore the fact that nuclear weapons in storage are only safer than deployed nuclear weapons if they stay in storage, and that storing nuclear weapons may actually encourage cheating and the surprise deployment of such weapons.

The goal of START is not to abolish nuclear weapons. It is to limit the arms race and above all to reduce the incentive on each side to initiate or escalate to nuclear war. START will also stand or fall on its ability to end any incentive for a first strike against the opposing side's strategic nuclear delivery systems. It will stand or fall on

Soviet willingness to abandon the search for some form of nuclear warfighting capability and to accept mutual assured destruction.

This will not be easy. The Soviets have long rejected assured destruction for a damage limiting and war fighting strategy. The Soviet Union has also approached strategic arms control from a totally different perspective. A START Treaty will only serve Western interests if it has sublimits that show the U.S.S.R. has shifted away from any effort to "win" a nuclear exchange.

START must make major reductions in the capability to strike at the remaining strategic nuclear delivery systems on each side, and it must have inspection and enforcement provisions that move toward this end.

START must explicitly come to grips with the difficult issue of mobile ICBM's and cruise missiles. A meaningful START Treaty must firmly constrain these developments, or we must accept the fact that a START agreement will fail to put meaningful limits on nuclear systems and could simply redirect the arms race.

The West must judge the value of any START agreement in net assessment terms. Even a small number of weapons can have a devastating effect. The issue in judging a START Treaty must be whether it will really create a secure military balance once it is carried out, and not how many delivery systems and warheads are reduced.

The United States, Britain, and France also must explicitly determine their force modernization needs after treaty reductions. The West cannot afford to repeat the experience of the INF Treaty, and disagree on what level of modernization is needed after the treaty becomes a fact of life.

Finally, the United States must be certain it has created a combination of inspection systems and national technical means that is fully capable of supporting the mission of both verification and of predicting all the changes in Soviet nuclear forces.

The United States will need to be able to conduct short notice inspections anywhere in the U.S.S.R. It also will probably need major additions to its intelligence budget to guard against over-dependence on a limited number of platforms in space, and to ensure that it can meet all the West's arms control needs, its other intelligence needs, and the growing needs of the United States unified and specified commands.

This is why, Mr. President, the United States must not rush into a START agreement. The issue is not time, but substance. Rushing toward START will not help the reputation of the Secretary of State or the President. We do not need another pointless repetition of SALT II. We do not need a failed treaty or, worse, a failed framework for a START agreement. This would only end in absolutely destroying the reputation of those who agreed to it, and the prospects for serious arms control.

It also is much to soon to deal with the U.S.S.R. on a basis of trust. We have just seen at Geneva that they still are willing to exploit every opportunity we offer them, and every weakness in our arms control drafts. We cannot rush to judgment on START. Further, if we do rush into a START agreement with even the faults of the INF Treaty, I hope that this administration will understand that the present consensus on arms control will disappear. I, and I suspect many of my colleagues on both sides of this body, will immediately oppose and attack such an agreement. Every fault, every weak point will be driven home to the American people.

A sound START agreement may well be possible, and it would be an achievement that everyone in this country and the world could do nothing but applaud, but an unsound START agreement would be a true threat to world peace. This is, I believe, a crucial message of this INF debate, and one that I hope the executive branch will take with great seriousness. No matter how difficult it may be to deal with the Soviet Union under pressure, any negotiator should remember that the U.S. Senate can be even more demanding and that it will be far less willing to compromise with this Nation's security.

CONVENTIONAL ARMS CONTROL AND FURTHER REDUCTIONS IN THEATER NUCLEAR SYSTEMS

We also need to recognize that it may take years to negotiate meaningful reductions in conventional forces. In the interim, the United States and Europe must maintain their force levels in NATO, and modernize them to help offset the Warsaw Pact advantage in numbers. This requires a full understanding in both the peoples and governments of the Western Alliance of the trends in the balance, of the need to maintain and modernize such forces until suitable reductions are carried out, and of the need for carefully tailored reductions that will deprive the Warsaw Pact of its massive advantage in conventional forces.

Once again, the West must start with a net assessment approach. It cannot afford to enter into conventional force reduction negotiations unless it can forge an agreement as to the level of asymmetry it needs to establish a stable balance, and of the measures that must be taken to deprive the Warsaw Pact of its advantage in reinforcement and redeployment capability.

The West cannot afford to take added risks with its conventional forces. It is too close to the edge of losing the level of capability it needs and to being forced to rely on rapid escalation to nuclear war in even limited attacks. While such attacks may now seem unlikely, this has not been a great century for predictable and rational attacks. Further, NATO cannot leave Europe vulnerable to intimidation, decoupling, political threats, or Soviet efforts to divide the West.

Finally, the West needs to act quickly to educate public opinion to the fact that it cannot risk further reductions in theater nuclear forces until it has a suitable START Treaty and has at least made major progress in conventional force reductions.

We cannot deter war if we are trapped into allowing our theater nuclear capability to degenerate without creating a stable balance of conventional and nuclear forces in Europe. Regardless of the current political climate in the FRG, and some other European countries, we cannot afford to follow public opinion when we need to lead it.

We need to delay further theater nuclear reductions until we have established the conditions where we are ready to conduct them properly. In the interim, we must show our resolve, modernize our air breathing and short range nuclear systems, and encourage Britain and France to modernize their national nuclear forces.

IMPLEMENTING A NEW APPROACH TO ARMS REDUCTIONS

We can deal with all of these issues without delaying ratification of, or adopting "killer amendments" to, the INF Treaty, but we need to clearly recognize that our future goal is arms reductions which will really reduce the threat and cost of war. The INF Treaty will ultimately only have meaning to the extent to which it leads to START and other arms control treaties that meet all the military and enforcement criteria that the INF Treaty does not.

Further, if we are to achieve such treaties, we must create a new political climate for arms control in the West that will build a consensus around a sound approach to arms reductions, and which will ensure that the U.S.S.R. cannot put pressure on a United States administration to disguise or delay reporting on any Soviet violations of arms control treaties.

This is why I have worked with my colleagues in the Senate Armed Service Committee, especially Senator NUNN, Senator WARNER, and Senator LEVIN to introduce legislation into the fiscal year 1989 Defense Authorization Act that would strengthen our reporting on Soviet compliance with arms control treaties, and require an annual report on arms control strategy that would analyze the true impact of arms control proposals in net assessment terms. It is also why I have joined with several of my colleagues—including Senator WALLOP, Senator

McClure, Senator Karnes, Senator Wilson, Senator Nickles, and Senator Grassley—to add language that would strengthen our efforts to enforce all existing and future arms control treaties.

DEALING WITH THE PROBLEM OF ARMS CONTROL VIOLATIONS

The first major step in improving our approach to arms control is to find a way of dealing with violations that goes beyond narrow exercises in trying to improve the wording of future treaties and legalistic exercises in dealing with violations.

We need to ensure that the West will publicize all Soviet violations and react with suitable countermeasures. This enforcement activity must be the responsibility of the United States. While arms control affects every Western nation, no European nation has the intelligence assets to verify major arms control treaties, and verification and enforcement cannot be left to consensus. At the same time, no arms control treaty can ever anticipate every possible violation. Further, the United States cannot afford to confuse minor violations with meaningful shifts in war fighting capability.

What is needed is a legal mechanism that goes beyond the current narrow focus on the technical details of verification and compliance and which can ensure that no Soviet violation is disguised or ignored because of a desire to preserve the overall climate of East-West relations or domestic political convenience. We need to put the U.S.S.R. on notice that it will face formal and public United States reaction to each violation, and we need to ensure that we use the Congress and Western public opinion as a deterrent to any Soviet violations or sudden build-up in military capability.

The United States can best accomplish this through legislation which requires the administration to report any significant indication of a violation to the Congress, and which expands the current annual compliance report on arms control treaties with the U.S.S.R. to give this report real teeth.

This does not require formal amendments to the INF Treaty, but it does require two kinds of enforcement legislation which can be passed either as reservations to the treaty or amendments to the Defense Authorization Act:

INTELLIGENCE REPORTING ON SUSPECTED ARMS CONTROL VIOLATIONS

Legislation is needed to require the Director of Central Intelligence to notify the Congress of any significant intelligence indicator that the Soviet Union may be violating an arms control treaty. It would require him to promptly inform the Congress of the outcome of his analysis of that indicator and to a formal determination as to whether the indicator does or does not show a Soviet violation of an arms control treaty.

COMPREHENSIVE REPORTING ON THE STATUS OF ARMS CONTROL AGREEMENTS WITH THE U.S.S.R., AND ON ANY VIOLATIONS OF THESE TREATIES

Legislation is also needed to require the President to provide the United States Congress with an annual report which would summarize the current status of all arms control agreements with the Soviet Union, and set forth a clear plan to deal with any violations. This report would expand the reporting provided in the annual compliance report on arms control so that on December 31 of each year, the President would provide:

First, an assessment of the risks any violation of an arms control poses to the national security interests of the United States and its allies; and,

Second, the measures he is taking to bring the U.S.S.R. into compliance with their arms control commitments, as appropriate.

In the event the President had to issue two consecutive reports in which he certified any Soviet noncompliance with all current arms control treaties, this legislation would require him to include an assessment of the actions necessary to compensate for such violations, and if the violations continued, he would be required to take such actions.

This legislation would make it clear to the U.S.S.R. that it could not manipulate its way out of arms control violations through diplomacy or political pressure, and that it would inevitably be confronted by an open United States debate over any violation and by Presidential efforts to correct the violation that would counter Soviet actions or even abrogate the treaty. Such a report would also be issued at a time when it would have maximum impact on the defense budget cycle and any coming arms control negotiations.

THE NEED FOR AN ANNUAL REPORT ON ARMS CONTROL STRATEGY

The second major step in improving our approach to arms control is for the United States and NATO to create a comprehensive arms control strategy that will be regularly updated, force the administration and Congress to work toward a consensus, and educate public opinion in the United States and allied countries.

This could be accomplished in the United States by legislation to require the President to submit an annual report, on December 31 of each year, setting forth a comprehensive strategy for arms control to the Congress. In NATO, it could be accomplished by having the NATO Ministers authorize the Secretary General to issue a similar document.

The U.S. document would provide a detailed and comprehensive statement of U.S. arms control strategy on all existing and prospective arms control treaties and negotiations. It would specify the nature and sequence of an administration's future arms control efforts.

It would describe how the United States will approach strategic, conventional, and additional theater nuclear force reductions. It would provide a comprehensive net assessment of the current trends in the military balance as they affect arms control.

This net assessment would include a comprehensive data base on the forces on both sides affected by the arms control treaty, it would specify the methodology used to analyze them in full detail, it would provide the results of both static and dynamic methods of analysis, and it would examine all major scenarios and contingencies ranging from political confrontation to full scale war.

It would assess the military impact of arms control proposals and would explain the level and impact of U.S. arms control proposals on the risk and cost of war in typical contingencies or scenarios.

It would show the impact of proposed subceilings, asymmetries and other driving factors affecting a treaty or arms control proposal on the military balance, and show how these act to increase deterrence and to reduce the risk and cost of war.

The United States report would describe the strategy the United States will use to verify and enforce proposed arms control treaties. It would describe how the United States will consult with its allies and tailor its force improvement strategy to ensure it can preserve national security with and without arms control.

A NATO document might have to be more general, although allowing the Secretary General to issue it would ease some of the problems in coordination. It would, however, link the U.S. effort in nuclear arms control to the nuclear and conventional efforts of NATO, and it would help shape a broader consensus in NATO and the West. Above all, it would ensure that Western public opinion would be fully informed, and could not be manipulated to support the kind of arms control that might destabilize the East-West balance, rather than increase Western security.

BUILDING A DEFENSE AND ARMS CONTROL CONSENSUS

The West must face the fact that its competition with the U.S.S.R. in arms control will be a long and difficult process, and that the most serious risk it faces is the U.S.S.R.'s ability to exploit political divisions within the United States and other Western nations.

Some of these differences are inevitable. There will always be differences between liberals and conservatives, and among the nations of the West, as to the best way of dealing with verification and enforcement and with arms control strategy. The challenge we face is to find ways to limit those differences and to use them constructively, rather than allow the Soviet Union to exploit them. To do this, we have to work toward a consensus on key issues and we must do so in an open and democratic way.

We need to stop dealing in secret information, and to educate our publics. We need to build a broad popular consensus, not simply one among decisionmakers and experts. If we do not, we are almost certain to see the left and right polarize. We are likely to see domestic politics force unilateral cuts in modernization, manpower, and forces in anticipation of arms reductions. We also are likely to see the U.S.S.R. split the West by exploiting its lack of cohesion and national differences, and we may well destroy any serious Soviet interest in arms control by creating so many opportunities for political opportunism that the U.S.S.R. cannot resist exploiting them.

It is easy to rush forward into the wrong kind of arms control. History will be no more forgiving of those who do so, however, than those who rush into confrontation and an arms race. The stakes in the next arms control treaties will be the security of the world. We need to move forward in a way that not only will preserve Western security, but ultimately that of the peoples of the Soviet bloc and of the rest of the world.

Mr. President, I yield the floor.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I realize it is unfashionable to speak as briefly as I am going to in support of the ratification of the INF Treaty. The brevity of my remarks indicate in no way any lack of enthusiasm of the Senator from Vermont for ratification of the treaty. After all, I do come from the same part of Vermont that produced Calvin Coolidge. So I am speaking in his tradition.

As a consequence, Mr. President, I rise to add my voice, and my vote, to those who urge that the Senate ratify the INF Treaty before the May 29, 1988, meeting of President Reagan and Soviet leader Gorbachev in Moscow.

It is my view that the American people want the President of the United States to have a ratified treaty in his briefcase when he meets with the Soviet leader to talk about further arms controls and other matters of importance between our two nations.

While this treaty proposes only modest reductions in the massive nuclear stockpiles of our two nations, it is a historic document because it can become the first step down the road to more significant arms reductions in the future.

This treaty is in the best interest of the United States and of all the nations of the world because it is seen as a clear signal that both the United States and the Soviet Union are serious about the quest for peace.

The INF Treaty is important because, for the first time, the two great superpowers are proposing to actually destroy parts of their nuclear arsenals—and not merely to reduce the pace of the arms race.

Like other members of the Senate—and like millions of other Americans—I have studied the treaty and come to the conclusion that the treaty is in the best interest of this country and that it contains safeguards to assure that outcome.

The Senate has played an important role in establishing that guarantee. We don't have to let down our guard in our dealings with the Russians. We don't have to trust them.

We have only to trust our own judgment and our own experts.

The treaty opens the Soviet Union to onsite inspections as an essential part of the verification process. This breakthrough is dramatic and, again, can become another step toward our eventual goal of sanity in the balance of arms in this world.

The Senate has time for a thorough debate on this treaty. We have time to decide whether to add any amendments or reservations or any other additions to the treaty.

We have time to do all that and to ratify the treaty before the leader of the United States—the leader of the free world—goes to meet with the leader of the Soviet Union to continue the quest for peace on this planet.

The eyes of the Nation, indeed of the world, are on the U.S. Senate these days. We are faced with historic decision. History, this Senator believes, requires that we meet that challenge in time to give our President the support he has requested. I am confident that the Senate will be up to that task.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank the Senator from Vermont for his statement, both its content, with which I thoroughly agree, and its brevity. He and I both come from New England. We value the quality of brevity, honored in the breach usually in this body, and I am very glad to share a small portion of it with him.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I compliment my friend and colleague from the State of Vermont. I agree with the excellent statement which he just made and wish to associate myself with those remarks.

In that regard, while the Senator from North Carolina is on the floor, and I hope that some of the participants in the compromise that is supposed to be worked out so that we could vote on the defense authorization bill would be here also, I would like to pose a question. Following on the remarks of the Senator from Vermont, I would simply point out that this is May 18. In 10 days or 9 days—I do not know exactly when the President is leaving—he is going to the summit meeting in Moscow with Mr. Gorbachev. I for one happen to feel that we should move much faster on this treaty and let the Senate work its will, which I predict will be substantial, if not overwhelming, vote in support of the treaty. I am guessing we are going to have 80 votes for this treaty when we finally wind it all up. I simply appeal to the membership as a whole to be more interested in the time that it is going to take to work this out. I do not know what is benefited by waiting until after the President is en route to Moscow or maybe waiting until after the summit has begun or sometime after the summit is over to ratify this treaty.

We are not making good use of our time once again Mr. President. The record will show, I am sure, that we started debate on the INF Treaty yesterday afternoon sometime. We had some interesting talks, I am sure, but no vote. We have been on it today since early this morning around 9 o'clock. We drag and drag and drag and finally here about 5 o'clock in the evening, which is normal pace for the Senate, we have a vote on a totally meaningless amendment.

I simply say that I think everyone should have their say. I think we should have debate. If there are flaws in this treaty, if people want to offer legitimate amendments to the treaty, then I suggest they should offer them. I appeal to Senators on both sides of the aisle, since time is of every essence, let us get moving. Let us do our work. Let us not fool around, which I think we are doing to a large extent from the time we spent on the amendment that was just defeated by a vote of 91 to 6, or some measure.

I for one think it is not proper for the Senate to tell the Soviet Union who it is that can sign a treaty for them. We are a pretty big power and we are pretty important in the world, but so far as I am able to ascertain we do not have a vote, nor do we have the military power inside the Soviet Union to force a vote, for whom we think should be signing treaties in behalf of the Soviet Union.

Therefore, while I am sure the author of that amendment felt very sincere about it, I did not happen to agree with him, as did not 90 of my colleagues, I simply ask the managers of the bill if they can tell me at this time, have any time arrangements been entered into or can some time arrangements be entered into to let everyone have their legitimate say and still not delay the determination that the Senate should make on this treaty beyond a reasonable period of time?

Mr. PELL. There are no time agreements in prospect at the moment. I would not be surprised if there were some in the future. That is the best I can say.

Mr. EXON. I appreciate the remarks from my friend, the manager of the bill, from Rhode Island, the chairman of the committee. I think his answer, the best one he could possible give me, Mr. President, indicates the potential seriousness of the situation. There is too much dilly-dallying going on. There is also some dilly-dallying going on, Mr. President, with regard to the completion of the vote on the defense authorization bill. As the body knows, we have completed by agreement all work on that bill except the death penalty provision offered by the Senator from New York. Once again, the Senator from New York has every right to offer that amendment. I think it is a good amendment. I have supported him on that amendment up and down the line. But I am concerned that we have not resolved this matter either by bringing it to a vote or coming up with some kind of a reasonable proposal that I understood has been made to the Senator from New York with regard to having a time certain as best the majority leader and the minority leader could give him with the understanding of the chairmen and the ranking members of the appropriate committees involved with regard to maybe bringing up the death penalty amendment on another matter.

I happen to strongly support the Senator from New York in what he is trying to do. I do not support the Senator from New York in the minifilibuster that is going on now on the defense authorization bill, and that is what it should be dubbed, or maybe someone else is filibustering the bill. I firmly believe that the defense authorization bill should move forward either with or without the amendment offered by the Senator from New York which, I emphasize once again, has the full support of this Senator.

I think it is time to move on these bills. I think the Senate is not fully realizing the very limited amount of days we have scheduled to be in session for the rest of this year, and if we do not make better use of our time than we have yesterday at midafternoon, when we started debate on the INF Treaty, and all day today until 5 o'clock tonight, then I think it is not very likely we are going to get this treaty approved before the President leaves for Moscow, to which I take strong objection.

Mr. SYMMS. Mr. President, will my colleague yield for a request?

Mr. EXON. I will be yielding the floor in just a moment. I simply say, Mr. President, I think it is incumbent on the leadership to move aggressively ahead on these two matters that I have addressed, the treaty and the holdup of the defense authorization bill. I know when we go to conference with the House on that it is going to be a very long and a very tedious and a very difficult one, and I think we should put that behind us. I also feel, with just a little more consideration from all of us, we could move much more speedily, and I would hope that most of my colleagues in the Senate would concur that the pace at which we are moving now must be corrected.

Mr. President, I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent that Mr. Keith Skidmore have floor privileges during the deliberations on the INF Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I thank the Chair.

Mr. DOLE. Mr. President, let me indicate that we would certainly like to continue on this treaty tonight for 2, 3, or 4 hours if there are speakers. I can only address Senators on my side. I understand the distinguished Senator from Maine might be prepared to launch into a major address. In any event, we would hope so. But if there are speeches to be made or amendments to be offered, I think the vote we just had is an indication of the strong support for this treaty. It is not going to be any surprise. It is going to be more than 80 votes; there is going to be probably 90-some votes for the treaty. Let us get it done. Let us get it over with. The President leaves at 10 o'clock next Wednesday morning.

I do not suppose he has to have it on the plane. They can get it over there later. But we ought to be moving, and I hope we are moving. I hope amendments will be offered. If there are any amendments to the text, let us offer them now. I urge my colleagues, particularly on this side, and I make an appeal as a Republican, with the Republican in the White House and the Republican who is going to go to Moscow, that we should accommodate our President.

Again, I do not accuse anyone of foot-dragging or any dilatory tactics. But here it is 5:30; there are still 2 or 3 hours of daylight. We could do a lot between now and 8:30 or 9 o'clock tonight to move this process along.

So if there are any Senators who may be listening who could make their speeches, either in support of INF or offer an amendment of any kind, whatever they may be offering to the text of the treaty, it would certainly help the leadership on both sides of the aisle.

Senator BYRD, the majority leader, is certainly committed to trying to do what he can to speed up action. I want to join him in that effort.

Insofar as the DOD authorization bill and the D'Amato amendment, I would indicate to all my colleagues that I have just received less than 30 minutes ago a proposal from Senators in opposition to the D'Amato amendment. Senator D'AMATO does not even know I have this. I will now discuss this proposal with Senator D'AMATO, and hopefully have some report to the full Senate or the leadership either late tonight or tomorrow morning.

But what we are trying to agree on, if we can agree, is to have a freestanding amendment with the time limitation and with identified amendments, and limiting the postcloture period. So we hope to make some report on that.

I want to yield the floor very quickly before anybody leaves.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I wonder if the minority leader might share with all of us in the U.S. Senate the latest proposals that have been made with regard to ending the debate on the defense authorization bill. Did he indicate he had a proposal? I ask the question of the majority leader. Can he share that with us just so the Senate might have some inkling as to what is going on and how reasonable each side is being, assuming that they are being reasonable on coming to some kind of an understanding on the measure?

Mr. DOLE. I would say I only have a draft of amendments to be offered by either Senators KENNEDY or HATFIELD or SIMON or LEVIN or EVANS. They have identified 10 amendments that are germane to the D'Amato amendment. Then I have a suggested draft on a unanimous-consent agreement which would dispose of the freestanding measure within 2 days assuming cloture is invoked. But it is only preliminary. I think it might be misleading if I start going through it point by point.

Mr. EXON. I understand. I thank the minority leader. I will just say, Mr. President, because I know the gathering throngs are waiting, that the Senator from Nebraska has a statement that I intend to deliver that everybody has been anxiously waiting for on the INF Treaty. I have delayed introducing that because I did not want to delay any more important business of the U.S. Senate.

Since we seen to be winding down, I will be glad to deliver that masterful speech this evening, and I am sure that the Senate will be hanging in the balance to see what the Senator from Nebraska is going to do in this particular matter. Then I suspect shortly thereafter we will adjourn.

I also want to assure the Senate that from the information that I have we will not be here tomorrow night. There are some things going on tomorrow night, and I am sure we are not going to be in session. Therefore, I only emphasize once again, Mr. President, the time is wasting. I will not waste any time in the U.S. Senate. I will give a fairly brief speech. Maybe I will just enter it into the RECORD so the people will know I was over here and interested in the proposition.

I want to move this Senate along on this matter. I did not know the President was leaving as early as Wednesday. I think that constrains us in time even more than I had anticipated. I think we have to get trucking.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I join in the hope and the thought that our colleagues will come over here, present their amendments, and make their speeches. We are ready to receive them. At this point I yield.

Mr. CRANSTON. I ask the Senator to yield just for a question.

As I understand it, most of the proposals that will come before us relate to the resolution of ratification and are not amendments to the actual text of the treaty. In fact, I do not know of any on this side of the aisle that are amendments to the treaty or in that form. Is the Senator aware of any on our side of the aisle?

Mr. PELL. I am not aware of any.

Mr. CRANSTON. I would like to appeal to the other side. We do not have any amendments that we are aware of on our side that are amendments to the treaty. I do not know how many there may be on the other side. There may be only those from one Senator. I wonder if it is possible to ascertain whether those who may have amendments on the other side could come now and bring them up. If there are none on that side, or none that anybody intends to go through with, we would be over the hump of the treaty, and could go on to the resolution of ratification.

Mr. LUGAR. Let me respond, if I may, to the distinguished Senator from California. We would have to make a check and ascertain whether that is the situation. Obviously, Senators were not aware prior to our colloquy now that we might come to this point this rapidly. I think it is apparent that the distinguished Senator from North Carolina does have additional amendments. He may not choose to call up all of them. He has some and whether they are to the text of the treaty as opposed to the articles of ratification we would have to ascertain. It is certainly a valid question.

I am pleased that we have progressed really as far as we have today. I think the dispensing of the reading of the treaty is a major triumph in terms of time, and the fact that we have engaged in a good debate, had a vote. And it seems to me we are centering now on the question the distinguished Senator is raising. So we will make that check, and are eager to move rather rapidly.

Mr. CRANSTON. I thank the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Rhode Island retains the floor.

Mr. SARBANES addressed the Chair.

Mr. PELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I would like to suggest, in addition to this effort to identify amendments, as to the text of the treaty that we dispose of that which would enable us to move on to the resolutions of ratification. I understand the point the distinguished Senator from California was making; to the extent we can, we get these opening statements, which Members wish to make, out of the way today and tomorrow so that part of the discussion has been addressed, and Members have had an opportunity to make their general statement on the INF Treaty.

Then at least when we get to this other part, we can keep both of these tracks moving, is what I am trying to urge we need to do. I think it is very important that we do that. Otherwise, I can envision a situation in which we are dealing with amendments at some rapid clip, and Members also at that point are only getting in to make general statements in support or in opposition to the treaty. So if I can at least move one or the other, or both, while we are pending here I think it would be very helpful.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I am delighted that the Senator from Maryland made that point. I think it is very important to get the speeches out of the way so we can have Senate action.

I would simply add one point about why it is necessary to try to get the amendments up. Most of the amendments to the treaty have been dealt with in one way or another. Virtually all of the substantive proposals that are going to come before us have been drafted in the form of provisions to be attached, if the offeror has his or her way to the resolution of ratification. But we cannot get to the resolution of ratification until we are done with the treaty.

So those who do have any proposals that they wish to attach as amendments to the treaty should be urged to come now to do it so we can move on and let other Senators who would like to precipitate action on the floor now, but are foreclosed from doing so until we have dealt with the treaty, get to that opportunity.

Mr. SARBANES. Have we identified the amendments to the text of the treaty itself; in other words, the amendments that have to be out of the way in order to get to the resolution of ratification?

Mr. DOLE. Mr. President, if the Senator will yield, I say that on our side we are in the process of hotlining that right now. We are calling every Senator to see if they have amendments to the text.

Mr. SARBANES. I do not believe there are any amendments on this side to the text of the treaty, as I understand it.

Mr. DOLE. That is my understanding. There are on this side. There may be three Senators with amendments to the text. We are not certain. We are calling 46 Senators to make that determination.

Mr. SARBANES. Fine.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, today, I would like to spend a few minutes reviewing where we are with respect to the Senate's consideration of the INF Treaty and provide a brief historical perspective regarding the role of the Senate in the making and implementing of treaties with foreign governments.

The role of the Congress in the consideration and acceptance/rejection of treaties with foreign governments is as old as the Republic. Under the Articles of Confederation, treaties were actually negotiated by agents of Congress, since there was no executive to carry out this function, though any treaty entered into by Congress had to be consented to by 9 of the 13 States (two-thirds approval). When the Constitutional Convention created an executive branch coequal with the legislative, the appointed Senate was given the sole responsibility of considering treaties which had been negotiated by the President. This arrangement was a compromise between Charles Pinckney of South Carolina, who wanted the Senate to have sole responsibility for making treaties, thus preserving the power of the individual States to have an equal voice in developing foreign alliances, and Alexander Hamilton of New York, who wanted the President to have sole responsibility for negotiating foreign policy, although with the advice and consent of the Senate.

From 1789 until 1986, the Senate utilized a tripartite system for treaty consideration. Under rule 30 of the Standing Rules: First, the Senate would meet as a "Committee of the Whole" and act upon any proposed amendments to each article of the treaty, in sequence; second, the Senate would thereafter meet as the Senate and ratify any amendments which had been adopted by the Committee of the Whole, after which Senators would be free to offer and debate any additional amendments to any section of the treaty; and third, the Senate would consider the resolution of ratification, which would incorporate all amendments to the treaty's text previously accepted, after which Senators were free to offer and debate any reservations, declarations, statements, or understandings as amendments to the resolution of ratification (though no amendments to the text of the treaty could be offered). This scheme offered opponents of a treaty a nearly unlimited number of opportunities to offer and debate the same amendments. Therefore, in 1986, rule 30 was modified by Senate Resolution 28 (TV in the Senate) to eliminate the necessity for the Senate to sit as a Committee of the Whole.

Mr. President, from the submission of the first treaty by President Washington, there arose a dispute between the Senate and the President as to the ability of the Senate, in offering its advise and consent, to modify or eliminate particular provisions within the text of the treaty. In 1794, Washington sent the Jay Treaty (which averted war with Britain over the seizure of American ships) to the Senate for an up or down vote. Facing a threatened rejection of the entire treaty, the leadership allowed the Senate to suspend one article and the President acquiesced to this act of senatorial independence. In 1803 the Senate added an amendment to the proposed King-Hawksbury Convention with Great Britain. The British Foreign Minister complained strenuously but accepted the result. In fact, Senate amendments and changes to treaty texts had become such an accepted practice that, in 1868, the Senate adopted a ruling which authorized amendments upon a simple majority vote. The right of the Senate to modify or amend treaties was upheld by the Supreme Court in *Haver* v. *Yaker,* 76 U.S. 32 (1869).

As Senators are aware, there are four types of modifications to a treaty which can be offered and debated:

First. Amendments are actual changes to the text of the treaty itself. An amendment to the text requires the explicit consent of the other party to the treaty to be of full force and effect with respect to international law. In 1978, the Senate amended the Panama Canal Treaty on four occasions, each of which had to be formally accepted by the Government of Panama before the ratification of the treaty could go forward.

Second. Reservations modify or vary the legal obligation of either the United States or the other party from that contained in the text of the treaty.

There is some dispute as to whether a Senate reservation must be explicitly consented to by the other party before it can have the force of international law. In 1979, during committee consideration of SALT II, the staff of the Foreign Relations Committee apparently advised the committee that a Senate reservation would be binding upon the U.S.S.R. as long as the reservation was included in the instrument which was exchanged with the U.S.S.R. at the time of formal ratification. This position was disputed by, among others, several Yale Law School professors including Eugene Rostow (in a letter to Chairman Frank Church on September 27, 1979). Professor Rostow, and others, argued that international law was unsettled on this question and warned that there was no guarantee that silence by the U.S.S.R. to a Senate reservation meant that the U.S.S.R. would be bound by the provision (in official statements, the Soviet Government had said that reservations added by the Senate were internal matters for the United States only). Rostow pointedly argued that reservations must be explicitly agreed to by the U.S.S.R.

The committee was persuaded by the Rostow argument. In drafting the resolution of ratification, the committee broke with precedent and authorized only three types of acceptable modifications: those which did not have to be formally communicated to the Soviets (previously termed "declarations"), those which required formal communication but did not require Soviet acceptance, and those which did require explicit Soviet acceptance (previously termed "amendments" or "reservations"). Because of the Soviet invasion of Afghanistan, the Senate never considered the SALT II Treaty and the three-part modification system developed by the Foreign Relations Committee was never implemented.

Third. Understandings are statements by the Senate as to its interpretation of a specific term in the text of the treaty. Understandings do not change the legal obligation of the United States under the treaty and serve only to clarify—not change—the meaning of a specific term. In 1986, the Senate added three "understandings" to the Genocide Convention. While some argue that there is a split of opinion as to whether an understanding must be communicated, only, or whether it must also be accepted by the other party before having the force of law, the Foreign Relations Committee is said to be of the view that understandings must both be communicated and accepted.

Fourth. Declarations bear a direct relationship to the text of a treaty without directly affecting its terms. The Senate may add a "declaration" as a statement of general policy or as a specific instruction to the President with respect to implementation of the treaty. There is general agreement that declarations need not be officially communicated to or accepted by the other party since they affect the United States only, do not affect the treaty per se, and have no effect on the other party at all.

Mr. President, after consideration of the various modifications offered by Senators to the text of the treaty, the Senate votes to offer its advice and consent to the resolution of ratification. Article 2, section 2, of the Constitution requires the affirmative vote of two-thirds of the Members present and voting to consent to ratification—adoption of the resolution.

If adopted, the treaty and the resolution are returned to the President. He may, one, agree to ratify with whatever modifications have been added, or two, he may reject the modified language and refuse to ratify the treaty. The Senate has no means to force a President to ratify a treaty which contains a modification which he finds objectionable. Where modifications are acceptable to the President but require the explicit acceptance of the other party, the President would have to either reopen negotiations or seek formal acceptance from the other party.

While it is true that the Senate has seldom rejected a treaty outright (between 1789 and 1978, only 16 of 1,772 international agreements submitted to the Senate had been rejected), conditions added by the Senate have, on several occasions, caused a treaty to become unacceptable either to the other party or to the President. A 1973 Department of State study showed that 38 treaties had failed to come into effect because of unacceptable reservations. Of those, the following were the most significant:

(a) the 1824 treaty with Great Britian to eliminate the slave trade was not ratified by Britain because of three major amendments, the most onerous of which was a provision which denied Britain the right to search vessels in American waters; (b) the

Hay-Paunceforte Treaty of 1900 with Great Britain regarding British participation in the construction of an inter-ocean canal across Central America was not ratified by Britain because of the addition of three unacceptable Senate amendments: (c) the Arbitration Treaties of 1904 were rejected for ratification by President Theodore Roosevelt because Senate-added language had made the treaties a "sham;" (d) the 1911 Arbitration Treaties with Great Britain and France were rejected for ratification by President William Howard Taft Because three amendments "sharply limited" the effect of the treaties; (e) the 1930 protocol to implement U.S. participation in the Permanent Court of International Justice (which had been adopted by the League of Nations in 1920) was rejected in 1935 because amendments which had been agreed to had made a two-thirds affirmative vote impossible; and (f) the 1925 Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War was not ratified by France in 1934 because of a reservation added by the Senate with respect to when the treaty would become effective for the United States.

Mr. President, after acceptance of the modifications by both parties and ratification by the President, disputes over conditions or terms between the parties are interpreted by the President. However, if the Senate, during consideration of treaty, included a specific interpretation in the resolution of ratification which was unambiguous and clear, the President is bound to honor that interpretation. According to the American Law Institute's "Restatement of the Law, Foreign Relations Law of the United States" (revised, 1985) at sections 314(d) and 326. ambiguous or unclear interpretations can be interpreted by the President as he deems appropriate.

For the Senate to successfully add modifications to a treaty or to give its interpretation to treaty terms, the Senate must have acted upon such modifications or interpretations during its consideration of the text of the treaty and the accompanying resolution. At the turn of the century, the Senate attempted to clarify the terms of the peace treaty which had ended the Spanish-American War, after the treaty had been ratified. In *Fourteen Diamond Rings* v. *United States,* 183 U.S. 176 (1901), the Supreme Court rejected this attempt, via passage of a subsequent Senate resolution, to clarify certain treaty terms and held that "the meaning of the treaty cannot be controlled by subsequent explanations of some of those who may have voted to ratify it."

Mr. President, at this point, I would like to briefly turn to the INF Treaty itself. In my view, and in the view of a number of Members of the Senate, we have spent a substantial amount of time and effort on the review of this particular treaty. As we all recall, the President and the General Secretary signed the INF agreement on December 8, 1987. The signing of the treaty followed literally years of intensive negotiations with the Soviet Union. In fact, formal negotiations with the Soviets lasted for more than 7 years and even extended past the signing of the treaty itself as evidenced by the agreement between the Secretary of State and the Soviet Foreign Minister on the nine technical points this past week in Geneva. I can tell you that the negotiations were intensive and extensive. As one of the cochairs of the Senate Arms Control Observer Group, I am convinced, beyond a certainty, that the INF Treaty stands the test of being a good treaty, one which is verifiable, and one which is in our national interest to ratify expeditiously.

In discussing the 7 years over which this agreement was hammered out and in reflecting on the very active role of the Senate Arms Control Observer Group in these discussions, I do not wish, in any way, to give short shrift to the activities of the three Senate committees which shared jurisdiction over INF. In fact, the oversight activities of the Foreign Relations, Intelligence, and Armed Services Committees were, to say the least, exhaustive. Since the signing of the treaty on December 8, 1987, the Foreign Relations Committee held 22 days of hearings which included the presentations of 50 witnesses. In addition, the Intelligence Committee has held 20 hearings and has conducted 17 staff briefings for Senators. The Armed Services Committee held 29 hearings on INF. Since the Foreign Relations Committee favorably reported the resolution of ratification on March 30, 1988, additional committee hearings have been held and the Secretary of State has been required to return to Geneva to clear up several points of contention which have been raised by Senators. In my view, no one can argue that this review of the INF Treaty was anything less than absolutely thorough and exacting.

While reviewing the progress of the INF Treaty through its examination by the Senate, I was struck by the fact that in the 10 years between 1963 and 1973, the Senate agreed to six major arms control treaties, five within 12 months of signing (the Limited Test Ban Treaty, signed August 5, 1963, approved September 24, 1963—under 2 months; the Outer Space Treaty, signed January 27, 1967, approved April 25, 1967—3 months; the Nuclear Non-Proliferation Treaty, signed July 1, 1968, approved March 13, 1969—9 months; Protocol II of the Latin America Nuclear Free Zone Treaty, signed April 1, 1968, approved April 19, 1971—3 years; the Seabed Arms Control Treaty, signed February 11, 1971, approved February 15, 1972—less than 1 year; and SALT I, signed May 26, 1972, approved August 3, 1972—2 months).

However, in the 10 years between 1974 and 1984, while five arms control agreements were approved, none was approved by the Senate within 1 year of signing by the President (the Biological Weapons Convention, signed April 10, 1972, approved December 16, 1974—1 year and 8 months; the protocol to the ABM Treaty, signed July 3, 1974, approved November 10, 1975—1 year and 4 months; the Environmental Modification Treaty, signed May 18, 1977, approved November 28, 1979—2½ years; U.S.-IAEA Safeguards Agreement, signed November 18, 1977, approved July 2, 1980—2½ years; and the Protocol to the Latin American Nuclear Free Zone, signed May 26, 1972, approved November 13, 1981—nearly 10 years). In addition, three of the most important arms control agreements ever negotiated with the Soviet Union, the Threshold Test Ban Treaty (sent to the Senate on July 29, 1976), the Peaceful Nuclear Explosions Treaty (sent to the Senate on July 29, 1976), and the SALT II Agreement (sent to the Senate on June 22, 1979) have never been approved by the Senate and to this day remain on the calendar.

Mr. President, the work the Senate has done on this treaty, as I said, is exhaustive. It has been in the finest traditions of the Senate. I am pleased to see that the Senate now is proceeding with the review of the treaty, and I hope that it will be in a position to give consent to the ratification of this treaty prior to the President's departure for Moscow to meet with the General Secretary of the Soviet Union.

Mr. President, the INF Treaty has been 7 years in negotiation and nearly 6 months in consideration by the Senate. This treaty is of major importance not only to the United States but also to our NATO allies. Just last week, Prime Minister Thatcher and Lord Carrington, who has been the head of the NATO organization, reiterated the absolute requirement that the INF Treaty be approved by the Senate before the President travels to Moscow at the end of this month. We can and must move forward on this agreement.

I hope and pray that the Senate will fulfill that request by our NATO allies.

Mr. President, I intend tomorrow to continue a conversation concerning the efforts that were put forth in Geneva by our negotiators. I think the RECORD ought to show who was involved in this negotiation and the progress that was made in connection with the very long negotiation on this treaty.

A FIRST STEP TOWARD REAL ARMS CONTROL

Mr. LEAHY. Mr. President, when I first ran for the Senate in 1974, I was driven by a burning desire to do something to stop the mad nuclear arms race. I promised my family, my constituents, and myself I would make working toward that goal one of my top priorities in the U.S. Senate.

And, I have done that during my 14 years here. I worked for the ill-fated SALT II Treaty, I fought for the nuclear freeze, and for the last 5 years I have tried to keep an informal cap on nuclear weapons until a new strategic arms treaty can enter into force.

Today, I am at last able to do something that has eluded me all these years—I can fight on the Senate floor to give our consent to ratify a treaty to destroy an entire class of nuclear missiles.

As I have said more than once on this floor, the INF Treaty is a critical step toward a legally binding agreement to cut the vast, obscene arsenal of strategic missiles and bombers threatening the very existence of the American and Soviet people.

That is why I will be working as hard as I can on this floor to get this treaty approved, if at all possible before President Reagan goes to the Moscow summit on May 29.

As we debate this important, but relatively minor INF Treaty, I call on all Senators to remember that it barely scratches the surface of the more than 50,000 nuclear weapons in the United States and Soviet stockpiles.

The INF Treaty will get rid of about 2,000 deployed warheads on U.S. Pershings and ground-launched cruise missiles and Soviet SS-20's, and about another 1,000 warheads on shorter range missiles, nearly all on the Soviet side.

The main importance of the INF Treaty is that it represents a breakthrough in arms control:

For the first time, entire classes of missiles are to be destroyed.

For the first time, the production of entire classes of missiles will be prohibited.

For the first time, both sides have accepted onsite inspections to strengthen verification.

These are precedents of incalculable value for the future of arms control. Even 5 years ago few would have believed either the Soviet or United States Government would agree to such ground-breaking principles. They open the door to much more far-reaching arms control steps in the strategic arms race.

Mr. President, the Senate has given this treaty extraordinarily thorough consideration and study. The Foreign Relations, Armed Services and Intelligence Committees have spent nearly 4 months in intensive review of it. All have found it to be verifiable, militarily useful to NATO, favorable to the United States and its allies, and in the best interests of this Nation.

I venture to say nearly every Senator has had his or her own private briefings on the treaty over these 4 months. This Senator certainly has. I have met repeatedly with the negotiators and other arms control experts. In January, I visited key allied capitals and NATO headquarters to consult with NATO political and military leaders about the treaty. I reported to the Senate on my discussions and findings on February 16. I ask unanimous consent that a copy of my report be included in the RECORD at the conclusion of my remarks. A summary of the results of my discussions is contained in an article I did for the Los Angeles Times on February 8, and I ask unanimous consent that it also appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, my meetings in Europe made crystal clear the intense desire of our allies that this treaty be ratified, ratified before the President goes to Moscow, and ratified without killer amendments or conditions.

If the Senate were to fail to consent to ratification, or even to delay significantly granting its advice and consent, we could create a very serious political crisis in the NATO Alliance, and in our relations with the Soviet Union.

However, if we complete our deliberations in a timely way, we will greatly improve the atmosphere for the Moscow summit and strengthen the chances President Reagan and General Secretary Gorbachev will make major progress toward a new treaty cutting strategic weapons by 50 percent. We will also reassure our NATO allies that the U.S. Senate will approve arms control agreements with the Soviet Union, and will demonstrate that an American administration can manage a stable relationship with Moscow.

These are goals of the most fundamental and last importance. They far transcend the useful but quite limited importance of the INF Treaty itself. By itself, the INF Treaty is almost a minor arms control step. In only a few months, we will replace with strategic warheads all the weapons we eliminate under the treaty. Unless we cap strategic weapons and begin drastic reductions, the INF Treaty will soon mean little or nothing.

So, Mr. President, the Senator from Vermont strongly favors Senate advice and consent to ratification of the INF Treaty, and doing that in time for the President to go to Moscow with that in hand when he sits down with Mr. Gorbachev. I will fight against all attempts to delay or kill the treaty through the amendment process.

EXHIBIT 1

[From the Los Angeles Times, Feb. 8, 1988]

DON'T STAMPEDE NATO TO WIN INF CONVERTS

(By Patrick Leahy)

The Senate of the United States has begun hearings on the treaty signed in Washington last December by President Reagan and General Secretary Mikhail S. Gorbachev to eliminate all intermediate-range missiles from the superpower arsenals. The debate will be difficult and far-ranging. Some senators will try to impose conditions on the treaty that could make it unacceptable to the Soviets or even harmful to the NATO alliance.

To deflect such efforts by conservatives, mainly in its own party, the Administration may unfortunately plant the seeds of the next major security crisis in the alliance. It is already pressing for an alliance commitment to modernize short-range nuclear weapons, including extending the range of the Lance battlefield missile so that it will reach deep into Warsaw Pact territory, and arming NATO nuclear-strike aircraft with stand-off missiles.

The Administration understandably wants to show that removal of the intermediate-range missiles does not weaken NATO's nuclear deterrent, and to convince skeptical conservatives in the Senate that the alliance has the political will to deploy new nuclear weapons.

But in so doing, the Administration is pushing NATO, especially West Germany, where most of these nuclear weapons are based, toward a very dangerous controversy about nuclear deterrence.

I just returned from talks on the INF treaty with senior allied and NATO leaders and American officials in Europe. From those talks, three things became clear:

The allies solidly support speedy ratification of the INF treaty and would regard delay or ratification with unacceptable conditions a major political and military disaster for the alliance.

The most serious issue question facing the alliance is what its next steps should be to maintain a political and military equilibrium in Europe. There is as yet no agreement, and indeed there is deep concern that the United States may push its partners into divisive and highly visible debate over force improvements—above all, nuclear modernization—before they have time to build public support.

Despite political risks and financial constraints, our European partners are prepared to join us in improving conventional forces and even in carrying out some modernization of remaining nuclear forces. But they need to work out these decisions carefully, and in the context of an overall NATO strategy that combines further steps in arms control with force improvements.

Everyone in the alliance agrees that the next priority after the INF treaty is ratified is to conclude a START agreement cutting the strategic arsenals by 50%. Beyond that, there simply is no consensus on what to do next.

Several of the allies believe we should make negotiations on reductions in Soviet conventional-force advantages and a ban on all chemical weapons the next priorities of the alliance. They want a pause in any further moves on nuclear forces in Europe. The goal is a stable military balance at lower levels of both conventional and nuclear forces—not the denuclearization of NATO. Nuclear deterrence is an essential and integral part of NATO's flexible response strategy.

Our German partners have a somewhat different perspective on next steps. Most of the remaining nuclear weapons are on their territory—and more important, because of their short range most would explode on German soil if used. German public opinion is increasingly anti-nuclear. Thus, Germans from across the political spectrum believe that the alliance must move promptly into talks on the rest of nuclear weapons based in Europe.

Therein lies the extraordinarily sensitive alliance management issue facing the United States, to whom all the allies look for leadership.

What is called for now is restraint on all sides so that the alliance is not forced into a premature debate on what it should do next.

The Administration should not pressure the Germans to agree immediately to specific programs to modernize short-range nuclear systems. The Germans, for their part, should not seek to rush the alliance into talks on reducing short-range nuclear systems.

And, we in the Senate, as we debate the INF treaty, should avoid the political temptation to link ratification to any specific actions by NATO on force modernization or arms control.

NATO demonstrated to all that is has the will to carry out politically difficult measures when it implemented the alliance's 1979 decision to deploy INF missiles while seeking a solution to the arms race in Europe. Implementation of that strategy was a model of alliance cooperation, consultation and sensitivity to the special needs of its individual members.

Let's allow NATO the same time and deliberation it needs to work out a common strategy, under U.S. leadership, for its next steps. The alliance should not be stampeded by the short-term political needs of the Reagan Administration, of presidential candidates seeking the limelight or of senators trying to show "leadership."

NATO AND THE INF TREATY

Mr. LEAHY. Mr. President, in January I visited several NATO capitals to discuss the views of the allies on the INF Treaty. I was particularly interested in how they saw the treaty affecting NATO's capabilities to deter intimidation or aggression from the Warsaw Pact, its implications for the security tie between the United States and Europe, and what they believe NATO should do next. In many respects, the most important question relating to the INF Treaty is not the particular impact of the treaty itself, but what NATO's next steps in arms control and defense should be.

The central issues of the treaty impinge directly and immediately on the political and military solidarity of the Alliance, and the Senate has an obligation to understand fully what this treaty may mean to the long-term strength of NATO before it gives its advice and consent.

A full listing of my meetings in Europe is appended to this statement. Let me just state here that among my meetings were discussions with the British, Belgian, and Italian Foreign Ministers, the British and German Defense Ministers, and the Chief of Staff of SHAPE and his chief military assistants. In addition, I met with American Ambassadors in Britain and Italy, and our charges in Germany and Belgium, as well as the United States Permanent Representative to NATO.

To avoid problems of confidentiality, I have not attributed statements or points of view to individuals. But, I have tried to reflect as accurately as possible the spectrum of opinion I heard from all these meetings.

It will be noted, Mr. President, that my meetings were in the four key countries hosting U.S. Pershing and cruise missiles, and the countries where virtually all remaining United States nuclear weapons in Europe are based. These are the countries most directly affected by the INF Treaty, and who will be integral to decisions the Alliance must make about a future where arms control is likely to lead to continued reductions of strategic and theater nuclear weapons.

This is a lengthy statement, Mr. President, so let me first summarize my conclusions.

CONCLUSIONS

The Senate must act promptly to ratify the INF Treaty, and do so without adding "killer amendments" that would cause the Soviets to reject it.

Senators should not in their zeal for NATO insist on adding conditions to ratification of the INF Treaty that would create serious political controversy and division in the Alliance. The more specific and binding the Senate is about measures it believes the Alliance must take in force modernization or arms control, the greater the problems it will cause the allies.

The INF Treaty is irreversible no matter what the Senate does. Politically, there is no chance that INF deployments could be resumed if the treaty is rejected. In fact, there is a strong probability that INF systems already deployed would have to be removed. If we are to avoid the Soviets retaining their SS-20's while NATO loses Pershing and GLCM, the Senate must give its advice and consent to this treaty.

Our allies are willing to make and carry out difficult decisions on force improvements, including modernizing short-range nuclear weapons, but should not be forced into premature, highly public debates. The United States, as leader of the Alliance, has an obligation to use the consultative machinery of NATO to reach decisions that take into account the special situations of each country.

The allies unanimously support prompt conclusion of a START Agreement. However, there remains a legacy of deep concern about long-term United States intentions in extending its nuclear umbrella over Europe. These concerns were exacerbated by the far-reaching goals announced by President Reagan at Reykjavik—complete elimination of nuclear missiles—and the absence of consultations with the allies about such goals. The damaging impact on allied confidence in the United States of the Reykjavik summit must not be underestimated. A challenge to American leadership is to allay these profound concerns so heedlessly stimulated.

There is no Alliance consensus on what to do next on arms control in Europe. There is support for moving on to talks on conventional force reductions—though an underlying concern persists that such talks could lead to potentially dangerous U.S. conventional force reductions. A serious disagreement among the allies is possible on whether, when and with what goals further talks on remaining nuclear weapons in Europe should begin. Unless managed skillfully by the United States, this potential disagreement could lead to the isolation of the Federal Republic of Germany over a core Alliance security issue. This should not be allowed to happen, not with a steadfast ally like Germany.

In grappling with all these major issues about where NATO goes next, the present and successor administrations should look back to the model followed by the Carter administration in reaching NATO's December 1979 "dual track" decision. That step-by-step process successfully dealt with some of the most potentially divisive issues ever faced by the Alliance, and NATO came out of it stronger and more united than ever before. Above all, the allies should not be forced by the domestic political needs of an outgoing administration or individual Members of the Senate into premature decisions on such profoundly important security questions.

TREATY RATIFICATION

There have been some claims by treaty opponents that our allies, all of whom have formally endorsed the INF Treaty, were pressured by the Reagan administration to support it against their private inclinations. According to this claim, the allies are appalled at the zero option outcome, never expecting the United States would actually agree to remove all INF missiles from Europe. The theory goes on that the allies really wanted an agreement that left a clear, though reduced, capability based in Western Europe to strike into Soviet territory. This line of argument says the allies would have preferred an INF Treaty closer to the so-called walk in the woods proposal of 1984. Senators will recall that this proposal by Ambassador Paul Nitze would have left each side with 100 INF missile warheads.

Let me first state emphatically, Mr. President, that none of the allied foreign or defense ministers or NATO military officers with whom I spoke voiced any reservations whatsoever about the urgency and importance of ratification of the INF Treaty. They professed astonishment that anyone in the United States would make such claims. All stressed emphatically that the treaty should be ratified without conditions that would make it unacceptable to the Soviet Union. So far as I can tell from extensive discussions with the British, Belgian, German and Italian foreign and defense ministers or senior ministery officials, as well as top NATO military leaders, the Alliance unanimously wants prompt ratification of the INF Treaty, and would regard delay, defeat or derailment through unacceptable conditions a political and military disaster for NATO of very great magnitude.

So there can be no misunderstanding, I will repeat, Mr. President. Our allies want the Senate to give its advice and consent to the President to ratify the INF Treaty promptly and without conditions which would force a renegotiation of any portion of the agreement.

That said, Mr. President, I will also tell my colleagues that there are some influential figures among our allies who are not unreservedly happy with the complete removal of the INF missiles. Through the early 1980's the allies withstood intense political pressure in allowing these missiles to be based in their countries. They did so because NATO concluded in 1979 that it needed a capability in Europe to launch nuclear retaliation deep into the Warsaw Pact, including into Soviet territory, as part of the strategy of flexible response. Under that strategy, the Alliance must have a full range of capabilities to respond to any level of Warsaw Pact aggression from the conventional through the theater nuclear up to strategic nuclear war.

It seemed clear to me that at least some allied leaders wish that the outcome of the negotiations had been partial removal of the INF missiles, with a core deep strike missile capability remaining to maintain the deterrent credibility of flexible response. On the other hand, a cardinal principle of the Alliance is shared burdens and shared risks, and this principle would have been hard to maintain with an INF force cut to only 100 warheads. As a practical matter, these residual warheads would have had to have been concentrated in one or two countries, with possibly severe political problems for those countries being so singled out.

However, no allied leader with whom I spoke argued that the INF Treaty was disadvantageous to NATO, and all urged its prompt ratification. Almost all did say that the INF Treaty, by itself, means little from a military or arms control point of view—though they stressed its great political importance—and must be complemented soon by a strategic arms reduction treaty. Otherwise, the Soviets will quickly replace SS-20 warheads with more strategic missile warheads, as on the SS-25.

NEXT STEPS IN FORCE IMPROVEMENTS AND ARMS CONTROL

All allied leaders with whom I spoke pointed to remaining NATO deep strike forces, primarily dual capable aircraft, as preserving for the alliance the capability to present to the Soviet Union a credible risk of nuclear attack from within Europe. However, most conceded dual capable aircraft do not present the same deterrent risk as missiles. NATO's flexible response strategy remains fully valid, but the Alliance does need to examine thoroughly and systematically what further measures, both in arms control and in defense improvements, are needed to maintain high quality deterrence in the INF Treaty era. All accepted the obvious point that elimination of INF highlights Soviet conventional force advantages, but several emphasized that these Soviet advantages are not nearly as pronounced as many, especially in the United States, like to claim.

In all capitals, I found the allies willing to consider in the NATO framework what additional force improvements may be needed. All reaffirmed the 1983 Montebello decision that NATO should modernize its short range nuclear systems. All expressed a willingness to look at conventional force improvements. But, Mr. President, it was made very clear to me that the allies do not want to be stampeded into a public debate over what specific steps each country should take in force improvements. Even as I was in Europe for these meetings, I saw evidence why our allies should feel these concerns. There were press reports of senior administration civilian officials and U.S. military leaders talking about the importance of NATO deploying an extended range Lance missile. Of introducing a standoff nuclear missile for use on dual capable aircraft, and of upgrading the large NATO nuclear artillery force. There was a perception in Europe that the administration is already trying to push key allied countries toward early decisions on specific modernization programs before NATO has worked out a combined action plan for its next steps in force improvements and arms control—and before the allies have had an opportunity to work out a political consensus in their own countries about how to proceed.

The allied leaders with whom I spoke were invariably polite. But it was quite clear to me that underneath their courteous phrases were real concerns that the administration, in its need to demonstrate "strength" during the INF Treaty debate, will press them on modernizing short range nuclear forces. Also, frankly, I think they are worried that their friends in the Senate, in their zeal to show Alliance security is not compromised by the INF Treaty, may try to add conditions about NATO nuclear and conventional force modernization and improvements to the treaty. The more specific and binding these Senate conditions, the more problems they create for our allies.

I am confident, after these discussions, that all our allies are prepared to do what is necessary, within the political and fiscal realities of each partner, to maintain the strength and cohesion of NATO and the validity of Flexible Response. But, they want to use the NATO consultative machinery to work out specific steps, with due regard to the special sensitivities and political conditions of each country. The allies definitely do not want the Alliance consultative mechanism shortcircuited—as it disasterously was at the Reykjavik Summit. Nor do they want to be forced into a highly controversial public debate over specific force modernization measures, as they were during the neutron bomb fiasco.

Mr. President, let me interject a personal observation here. My sense from these conversations and from a broader acquaintance with NATO, one that I fostered over my 14 years in the Senate, is that politically and financially our allies cannot afford to do major things in force improvements—conventional or nuclear. They face many of the same fiscal and economic problems we do, and realistically they are not going to significantly expand defense spending, for that matter is the United States. Therefore, the more we claim NATO is at severe disadvantage in certain kinds of forces and the more we insist great efforts are needed to rectify imbalances, the more we foster perceptions of weakness. This simply undermines Western will and solidarity. It will not, whatever the doom and gloom crowd may think, stimulate our allies into greater defense efforts.

Therefore, Mr. President, during the INF Treaty debate and afterward, I hope the administration and individual Senators will keep calls for NATO defense efforts reasonable and within the bounds of political and fiscal reality. Let us not set up the Alliance as weak, when it is immensely strong, and let us not call for spending and deployments we will not accomplish.

The same concerns hold for the arms control dimension of NATO's overall political and military strategy for maintaining stability in relations with the East. Just as there is as yet no clear consensus among the allies on the question of precisely what force improvements to undertake, when and by whom, so there is no agreement on what to do next on arms control.

All those with whom I spoke were united in urging rapid conclusion of a START agreement reducing strategic offensive forces. That is the logical priority after ratification of the INF agreement. Allied leaders were clear that the INF agreement, while it is primarily important for political reasons, will be militarily meaningless without strict limits on Soviet strategic forces. Otherwise, as I noted earlier, the SS-20 warheads the Soviets will eliminate under the INF Treaty will be easily replaced by additional strategic ballistic missile warheads, such as the SS-25's.

Beyond that, there is no unanimity of view on what NATO's arms control priority should be. Most told me they strongly favor making major asymmetric conventional force reductions by the Warsaw Pact NATO's next goal. Others said they would add a ban on chemical weapons—to eliminate what some feel are significant Soviet advantages—though many conceded there are serious verification problems with verification of a chemical weapons ban.

Most allied leaders told me they wanted no further steps by NATO on its remaining theater nuclear arsenal. They believe INF and START treaties are as far as the Alliance should go in eliminating or reducing nuclear weapons, at least for now. They emphasized time and again that nuclear weapons are an integral part of NATO's deterrent strategy of Flexible Response, and the Alliance must take care to deflect the longstanding Soviet goal of the denuclearization of Europe. This would leave Western Europe naked before Soviet and Warsaw Pact conventional force advantages. "Decoupling" or the withdrawal of the American nuclear umbrella from Europe remains a nightmare to all our allies.

However, Mr. President, German leaders across the political spectrum, as well as opposition party figures in Britain—argued to me that NATO must move promptly to negotiations on short or battlefield range systems, of which NATO will retain well over 4,000 even under the INF Treaty. Most insisted the goal should not be a "third zero,"—elimination of all remaining nuclear systems in Europe. The aim should be reductions in short range nuclear systems to equality at some lower number (the Soviet Union is variously estimated in public literature to have some 6,000 short range warheads in Europe).

Our German friends, certainly the Government, share absolutely the position that NATO must retain nuclear weapons. However, antinuclear sentiment is extremely strong in Germany, and the German Government must be sensitive to pressures to go beyond the INF Treaty. Most of the remaining NATO nuclear arsenal is based in Germany, and if ever used, most would explode on German soil. German interest in negotiations on short range nuclear systems in understandable, and the Alliance has an obligation to consider the German point of view carefully.

THE CONSULTATIVE PROCESS AND THE CHALLENGE TO NATO

Allied leaders were highly complimentary of the Reagan administration's use of NATO consultative machinery during the INF negotiations. I heard no concerns expressed about the ability of the allies to present their views on the negotiations and to have them taken into account in the formulation of U.S. positions. There were some concerns expressed about the rapidity of the negotiations in the closing phases. It seemed to me that some allied leaders felt that the administration's initial proposal for a zero option in Europe was not serious, and the allies were somewhat surprised at the Soviet acceptance of the zero outcome. However, the allies all indicated they had had ample opportunity to consult with the United States during the negotiations, and all declared the zero-zero result was acceptable to them (although, as noted earlier, some said the zero-zero outcome did create new problems for the Alliance).

Much more serious concerns were voiced about indications the administration may pressure the Alliance to make quick decisions about specific conventional nuclear force modernization actions, and about what to do next in arms control. One allied leader was quite blunt in criticizing actions by the administration that circumvent established NATO consultation and decision-making procedures. All allies told me they want NATO to study next steps very carefully, making full use of Alliance mechanisms. Insofar as it is possible, they want to address issues of force modernization—and even arms control steps—out of the public limelight. They reminded me how well the process leading to the December 1979 dual track decision worked and said we should use the same model.

Specifically, the Germans fear the administration is going to spark a highly visible debate on modernizing and extending the range of the Lance battlefield missile, on deploying a tactical air launched missile on dual capable aircraft, and on modernizing NATO's nuclear artillery. The Germans are not ready for such a public debate, which would be highly divisive in their country. They need to make use of the NATO consultative machinery to deal with the issues of nuclear—and conventional—force modernization. Some spoke of using the consultative process to work out a new "dual track" strategy of short range nuclear modernization in the framework of a new nuclear arms control proposal.

In most meetings, allied leaders spoke of their shock at the President's actions at the Reykjavik summit, where he appeared to jettison 40 years of NATO strategy of integrating nuclear weapons into its overall deterrence posture. They said nothing in recent years had "jolted" them so much as this evidently casual, almost offhand agreement by the President to pursue the goal of a complete elimination of nuclear missiles. The damage of the administration's conduct of the Reykjavik summit should not be underestimated.

As an interesting demonstration of how closely the allies follow developments here, several times allied leaders raised the study by Dr. Fred Ikle and others entitled "Discriminate Deterrence." They saw this study as another bit of evidence, together with the Reykjavik summit, the zero/zero option, star wars, and other strategic actions of the Reagan administration, of a gradual loosening of the U.S. commitment to nuclear deterrence in Europe. They fear the United States is looking for ways to reduce the risk of nuclear war beginning in Europe and spreading to the intercontinental level—or conversely, that the United States is looking for ways to confine any nuclear exchange to Europe, sparing the American homeland. I sought to reassure them on this point, referring to the Ikle study as a classic example of the many "file and forget" papers that are done by our strategic community. Nevertheless, to have this study raised with concern is a needed reminder that the allies study our actions in much the same way as our kremlinologists or sinologists "read the tea leaves" to try to predict future directions of Soviet or Chinese policy. We ought to be more aware of how such essentially peripheral exercises feed into allied anxieties about where we may be going in security policy.

SCHEDULE OF MEETINGS

The following is a list of my meetings on INF and related issues in Europe. I also had a separate schedule of meetings with EEC and host country officials on agriculture trade matters, which will be dealt with in a separate report.

LONDON

Ambassador Charles Price, U.S. Embassy.

DCM Ray Seitz, U.S. Embassy.

Alexander Vershbow, U.S. Embassy.

Sir Geoffrey Howe, Foreign Secretary.

George Younger, Minister of Defense.

Gerald Kaufman, Labor Party Foreign Policy Spokesman.

BRUSSELS

DCM Ronald Woods, U.S. Embassy.

Alexander Leibowitz, U.S. Embassy.

Leo Tindemans, Foreign Minister.

Ambassador Alton Keel, U.S. Mission to NATO.

Political Adviser Robert Gray, U.S. Mission to NATO.

John Kornblum, U.S. Mission to NATO.

Steven Geis, U.S. Mission to NATO.

General Robert Reed, Chief of Staff, SHAPE.

Donald Gelber, Political Adviser to SACEUR.

General Lutz Moek, Deputy Chief of Staff, Operations.

Admiral Fiorenzo Rosso, Deputy Chief of Staff, Support.

General Michael Nelson, Asst. Chief of Staff, Operations.

Air Comm. John Willis, Chief, Special Weapons Branch.

BONN

DCM James Dobbins, U.S. Embassy.

Felix Vargas, U.S. Embassy.

Manfred Woerner, Defense Minister (and soon to be Secretary General of NATO).

Helmut Schaefer, State Minister for Foreign Affairs.

Voker Ruehe, CDU Foreign Policy Spokesman.

Willy Wimmer, CDR Defense Spokesman.

Ortwin Lowack, CSU Foreign Affairs Spokesman.

Karl Lamers, CDU Arms Control Spokesman.

Michaela Geiger, CSU Spokesman on U.S. Affairs.

Dr. Werner Hoyer, FDP Defense Spokesman.

Dr. Horst Emke, SDP Foreign Policy Spokesman.

Dietrich Stobbe, SPD U.S. Affairs Expert.

Dieter Boden, FRG Foreign Service, aid to Dr. Emke.

ROME

Ambassador Maxwell Rabb, U.S. Embassy.

DCM John Holmes, U.S. Embassy.

John Tefft, U.S. Embassy.

Guilio Andreotti, Foreign Minister.

Guiseppe Pisanu, Undersecretary of Defense.

Finally, Mr. President, I also wish to take this opportunity to commend the majority leader on the new schedule that we have. There has been a great deal of interest in Vermont on the INF Treaty and other matters pending here. Usually, I would only be able to travel to Vermont on weekends. Last week, however, I was able to schedule meetings all over the State to discuss not only the trip that the leader was having, a trip that was carried prominently and clearly in the Vermont press, but also to discuss my trip and the legislative calendar.

Everywhere I went, Mr. President, throughout the State, I heard over and over again from Vermonters, ranging from schoolchildren to senior citizens, that they were delighted to see we actually had a schedule which enabled them to hear from us directly. I hope that Senators will cooperate with the leadership in making this new schedule possible.

Mr. BINGAMAN. Mr. President, as we begin debate on the INF Treaty, I would like to bring to the attention of my colleagues in the Senate an insightful report authored by Dr. Louis Rosen of Los Alamos National Laboratory.

Dr. Rosen is well known to my colleagues on both the Energy and Armed Services Committees. He is one of this Nation's most distinguished nuclear physicists and his career at the laboratory spans over four decades. Currently, he is a senior fellow at the laboratory and devotes the majority of his time to the work of the Center for National Security Studies.

Dr. Rosen's work on nuclear and particle physics has brought him in contact with the leading Soviet scientists in these fields for more than 30 years. He has visited the Soviet Union frequently over the last 25 years and as a result he has gained a unique perspective on Soviet technological and political developments that I believe is worth the attention of my colleagues.

In his report dated February 12, 1988, Dr. Rosen analyzes General Secretary Gorbachev's apparent agenda, the constraints on Gorbachev's ability to pursue that agenda and the opportunities and dangers for the United States and our allies in a variety of areas, including arms control and scientific and cultural exchanges.

Mr. President, I commend Dr. Rosen's penetrating report to my colleagues. I ask unanimous consent that Dr. Rosen's article be inserted in the RECORD directly following my remarks. I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UPDATE ON "PERCEPTIONS ABOUT THE U.S.S.R. FROM THE STANDPOINT OF INTERNATIONAL SECURITY"

(By Louis Rosen)

I. INTRODUCTION

A short essay with the above title, based on visits to the USSR over a period of 25 years, was written last year following my third visit in as many years to that nation.[1]

During November of 1987 I again traveled to the USSR, this time as a participant in the 10th meeting of the U.S.-USSR Joint Coordinating Committee on the Fundamental Properties of Matter. Our formal meetings took place in Yerevan, but our delegation spent several days in Moscow and I was graciously granted my request to spend one day visiting the meson factory project at Troitsk. I also enjoyed the opportunity of meeting with Serguei Kapitsa and concluding arrangements for him to visit LANL, a visit which had already been approved by

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[1] Published as a CNSS Brief, August 7, 1987.

DOE, but not yet by the appropriate Soviet bureaucracy. However, I was encouraged by the fact that academician Velikhov, to whom Kapitsa is deputy for arms control, and who provides advice to General Secretary Gorbachev, was favorably inclined to the proposed visit.

Following my meeting with Kapitsa in Moscow, the remaining barriers to his visit were expeditiously surmounted and, within three weeks, we welcomed him at Los Alamos. We had discussions on arms control and on particle accelerators, in which field he is an expert. He presented a seminar on the latter topic and an open colloquium on the former. Both were well attended and well received. In short, the visit was remarkably successful in permitting an in-depth exchange of views under reasonably relaxed conditions and without acrimony. The gist of Kapitsa's thesis was that no developments in technology will, by themselves, lead to international security. There must be a dramatic change in thinking if the world is to be spared destruction by modern technology; and that thinking must encompass all major societal problems.

In the light of the just-concluded, but not yet ratified, INF agreement, it is timely to compare promises with performance since the advent of Gorbachev's leadership, and to further explore the opportunities and risks that glasnost and perestroika present towards progress on arms control, which I broadly define as any activity which decreases the probability of major world conflict without jeopardy to either our values or our national security.

II. CONCLUSIONS FROM PREVIOUS VISITS TO THE U.S.S.R.

In the essay to which I referred above, my major conclusion was that, following my first visit to the USSR subsequent to Mikhail Gorbachev's rise to power, I left with the firm conviction that the new leadership is finally convinced that world domination, by any nation, is no longer a rational goal; and that they are now more determined than ever before to seek meaningful accommodations with the west, including military agreements, which are verifiable and of such transparent advantage and low risk to both sides that they can receive very strong popular support in the east and in the west. The immediate goal of the USSR is to enjoy military security at much less cost in order to improve the civilian industrial economy and the standard of life of its citizens. It is now officially and openly acknowledged by the Soviet leadership that the USSR industrial plant, its agriculture, its health care system and its administrative infrastructure have for decades been in a state of accelerating deterioration. Soviet successes in space, in military hardware and in heavy industry have been achieved through enormous sacrifice and with high penalty to the rest of the economy. They desperately need respite from the arms race. To achieve that they appear willing to make major concessions to the west.

III. GORBACHEV'S APPARENT AGENDA

The changes now taking place, or promising to take place in the Soviet Union, did not all originate with General Secretary Gorbachev's ascension to power. They have been evolving since Khruschev succeeded Stalin. Already in the 1950s it appears that the Soviets were becoming convinced that an attack from the west was not very likely. At one time they appeared determined to achieve nuclear superiority, but this went away in the 1960s. In the 1970s they made an about-face on defense against strategic missiles and in the 1980s they scaled back their missile production plans. But perhaps the most significant clue to changes in Soviet thinking came 10 years ago when Gen. Sec. Brezhnev said, in an open forum, that nuclear superiority is "pointless" and that it is "dangerous madness" to talk of victory in a nuclear war. He postulated that nuclear sufficiency is adequate. Gorbachev has extended this thinking to the concepts of "minimal defense" as distinguished from "overwhelming superiority" and "mutual security" as distinguished from "unilateral security."

On the political side, the past 25 years have witnessed the gradual abandonment by the Soviets of the dogma that major war between east and west is inevitable. In his book, "Perestroika," Mr. Gorbachev explicitly states that the Soviet Union envisages only peaceful competition with the West.

But Gorbachev is the first to clearly and publicly articulate, in almost Churchilian prose, the past terrible excesses of the Soviet government, the severe problems facing the Soviet Union and the dramatic changes which will have to occur to alter the situation. At the same time he is encouraging a more accurate picture of the western world to be portrayed in the Soviet Union.

Most of Gorbachev's solutions, and probably the most difficult to implement, involve internal changes. But the resources to accomplish major improvements in standard of living will be impossible to assemble without major reductions in the human and material resources allocated to weaponry, especially high technology weaponry. And herein resides the opportunity to start the process of reducing, worldwide, the level of armaments (nuclear and nonnuclear), thus releasing resources to improve the quality of life worldwide. Gorbachev has not yet adequately addressed the deeper question of how one can achieve the trust and understanding which are essential if agreements are to be binding and lasting.

My scientific colleagues in the USSR are completely persuaded of Gorbachev's sincerity. They share his vision of a USSR which is more open than in the past and in which one relies far less on secrecy for internal stability and external security. He also envisions a work force less prone to alcohol abuse, more productive, more innovative, more attuned to the benefits of high technology and higher levels of production of quality merchandise. Gorbachev ostensibly favors reduced military competition in favor of increased economic competition. Gorbachev maintains that universal security demands the "unconditional observance of the United Nations Charter and the right of peoples to choose, themselves, the roads and forms of their development, revolutionary or evolutionary." He further says "the world cannot be considered secure if human rights are being violated." He appears eager to relegate to the United Nations a much greater and more central role in dealing with world problems, especially violent conflict. He also firmly and unequivocally advocates greater international cooperation against terrorism.

Although historically the Soviet Union has placed the economic security of its citizens ahead of their human rights and industrial efficiency, Gorbachev seems to be backing away from that ordering of priorities. He is advocating an expansion of free enterprise and stronger coupling between supply, demand, costs, and profits. He is advocating far less centralized control of production and more opportunities for local work forces and local management to determine operational goals and procedures, plant upgradings, and production goals. He is even accepting the necessity for some unemployment as inefficient and/or unnecessary factories are converted or closed down. Implementation of many of these reforms is now mandated by law. However, that does not guarantee it will actually happen in practice as well as in theory. In some ways any bureaucracy, and especially the communist bureaucracy, can function outside the law.

On the international scene, Gorbachev has proved to be a master at public relations. The public identifies with his vision of a world free of nuclear, chemical, and biological weaponry and with major reductions in conventional forces. He espouses the noninterference of great powers in the internal affairs of other nations, such as the Soviet involvement in Afghanistan, which my Soviet colleagues told me he strongly opposed.

All of the above represent enormous changes for a nation of 280 million people with a history of 1,000 years of authoritarian rule. What is the probability that these changes can be implemented, and if they are, will they contribute to international security? What risks do they pose for the west generally and the U.S. specifically? What if Gorbachev cannot achieve his announced goals? Will he fall and, if not, what will be his fall-back position? I shall address below some facets of these crucial questions.

IV. WILL THE USSR EVOLVE SO AS TO IMPROVE THE WELL-BEING OF ITS CITIZENS WHILE ENHANCING INTERNATIONAL SECURITY?

Whether or not Gorbachev's visions can be realized depends, in first approximation, on whether he can retain power for a number of years without retreating from his goals. In the Soviet Union, at least among the people I know, Gorbachev is seen as a brilliant tactician as well as a tough and visionary leader. He is superb at public relations and his goals have the ring of honesty and achievability. But are they in fact achievable? I give some example problems.

I was told by a number of colleagues that glasnost is not the absolute good it may appear to be. For example, it is now more difficult for Institute Directors to establish overall priorities. The Soviet meson factory, which I visited, is now six years behind schedule. Although the past year has seen unusual progress and all accelerating structures and power supplies are now in place, they have yet to start tuning the acclerator. The reason is that electrical power and cooling water are not yet available. These services are not under the control of the scientific director who must negotiate with his political counterpart and the labor unions on the allocation of resources. Worker housing and cafeteria services compete with cooling towers and beam lines. Glasnost, as now practiced, provides a recognized voice to all elements involved in a given enterprise, and this can be debilitating to progress.

Glasnost appears to be potentially counterproductive in other ways. Previously the views of extreme political activists did not have access to news media. Now they do. So one sees virulent racist "letters to the editor." Antisemitism, in particular, is now openly advocated. The Soviet Union has proceeded vigorously towards a nuclear energy economy. However, first Chernobyl and now glasnost are spawning serious opposition to the construction of nuclear power plants, and this could be very damaging to the Soviet economy. Nonetheless, essentially everyone with whom I talked, strongly supports Gorbachev and his policies, especially glasnost. It is asserted that, without glasnost, the Soviet leadership will find it almost impossible to achieve credibility internally or externally.

According to most of the people with whom I spoke, the greatest problem which the new Soviet leadership faces is one of credibility. Why is this?

It would appear that many Soviet citizens, perhaps even a majority, now recognize that, on the economic front, Marxism-Leninism simply has not worked beyond providing a modicum of economic security, in exchange for a substantial measure of individual freedom. It has long been an open secret that Soviet governance institutionalized on infrastructure of deceit, unachievable promises, and outright falsehoods, protected by a veil of secrecy which was enforced by intellectual and physical coercion. The full revelation of Stalin's purges and orchestrated famines started to come to light under Khruschev but is only now publicly acknowledged and universally understood. But the corruption and excesses of the bureaucracy and the contrived external threats, did not cease with Stalin's demise. Incarceration of political prisoners in asylums, antireligious crusades and suppression of dissent and criticism has continued as part of the pattern of life in the Soviet Union, although with decreasing intensity as the years since Stalin's death increased in number.

Only now is corruption and inefficiency in the Soviet system of governance openly discussed, along with the vast resources being allocated to military purposes. This is seen to be at the expense of the civilian economy. Only with Gorbachev has come the public revelation that the Soviet economy has seldom moved in the way that has been projected year after year for 70 years. The Soviet people have now been told that previous leadership has been less than candid, as a matter of government policy. These revelations, together with the short supply and inferior quality of almost all consumer goods, plus the long lines separating the buyer from even these, produce an environment of skepticism and cynicism. So why should they believe a new leader, charming and eloquent though he may be, when he tells them that from now on they will know what is happening, that there will be openness in government and foreign relations, that they will have more say over their working conditions and, eventually, access to more and better quality merchandise? Nor is that all. Gorbachev is also telling the Soviet citizenry that, in order for his promises to be fulfilled, they must work harder and more efficiently and start paying more for the essentials of life so as to reduce the huge government subsidies for food, housing, and transportation. (Other amenities, including education and health care are provided without direct charge to the recipient.) Even the treasured job security appears no longer to be sacred.

Most of Gorbachev's promises for a better life have been heard before, but they always got lost in the enormous bureaucracy which is the Soviet Union. But Gorbachev is moving to change that central feature, as well as the obsession with secrecy. And these promised changes are subject to observation and verification by the populace. They, in fact, appear to be occurring even as this essay is being written.

But suppose the situation does not improve significantly; or suppose Gorbachev is deposed. Will the system revert to the tyranny and terror of former years, with punishment for those who supported the reforms? Nobody, of course, knows. But the way the general public answers the above question will determine whether Gorbachev's program has a chance to succeed.

The above are not the only problems Gorbachev inherited. A major one is the overgrown, inefficient and self-serving bureaucracy. He is proposing to prune it back drastically and this will not be graciously accepted. Some elements of the military will doubtless object to a reduction in size and number of major elements. A liberalization and opening up of society implies constraints on the KGB. Nobody would hazardous a guess as to how this will play.

In order to effectively address internal shortcomings, as above cited, the Soviet leadership is now moving to decrease its foreign commitments as well as its national security requirements. Domestic affairs are driving foreign policy. It is these domestic problems, plus the spectre of another high technology weapons race, in the guise of SDI, which are probably mainly responsible for bringing the Soviets back to the bargaining table in Geneva, and which prodded them into the concessions which resulted in the INF Treaty. This is not to imply that the Soviets do not see it in their interest to reduce the probability of global warfare. Self-preservation is a global instinct and the people of the USSR understand, better than most, the rigors and horrors of war.

I have written, at some length, of the factors working against Gorbachev and his current policies. There is, obviously, another side. The major factor in his favor is the broad recognition that things cannot, for much longer, go on as in the past. Change must occur. A very major source of support for Gorbachev and his policies comes from the intellectuals. Their numbers are small, less than 10% of the population, but they have disproportionate influence because of their access to and involvement in the mass information media, and they have the respect of a substantial part of the population. However, not all intellectuals are unequivocally pro-Gorbachev. For example, some are not comfortable with the length (not the content) of some of Gorbachev's speeches; and with the prominence enjoyed by Raisa, because that is not in Russian tradition.

As previously indicated, Gorbachev's immediate and primary challenge is to improve the standard of life in his country. He, in contrast to previous leaders, argues that this cannot be done by simply mandating it and appealing to altruism and nationalism. He asserts that such improvement requires incentives in the workplace, freedom of information, freedom of thought and utilization of advanced technology. Can these changes be implemented by a system of government which has traditionally imposed need-to-know as a "modus operandi?" In addition many Soviet citizens are uncomfortable with *glasnost* not only because it may expose them to jeopardy in the future, but also because it is contrary to their history and traditions. It is a curious fact, but I am told that most Soviets feel comfortable with the government making decisions for them. Peristroika conjures up even more suspicion than *glasnost* because, in the past, it has often involved reorganization which imposed more constraints and more hardships in the daily life of the Soviet citizen.

Gorbachev professes an unshakeable belief in communism and we must assume this is so. After all, his grandfather was an active member of the communist party and Gorbachev rose to power within the system. The current and general disillusionment with the system is both a help and a hindrance to him. It is a help because it mandates change. It is a hindrance because of the loss of credibility. But it may help him to redefine the system. It is hard to see how he can avoid that. He is, after all, the first communist leader to publicly recognize and advertise the deficiencies of the system and to offer a program for their correction.

The opportunities for the west reside in the circumstance that in order for Gorbachev's program to work, he must garner major resources from somewhere. The biggest opportunity resides in the military budget. Superficially it might appear that the military budget in the USSR is simply not a sufficient fraction (~15%) of their gross national product to yield the kind of savings that are required. But fraction of GNP can be misleading. The reason is that, unlike in the U.S., the military has first call on quality of materials, people, and production facilities, as well as hard currency. When one is concerned with innovation and creativity and high technology generally, "quality" can have an enormous impact. Even in the U.S. many feel that our position in the world marketplace is seriously encumbered by the diversion of scientific and engineering skills, as well as capital, from investments in new industrial initiatives, including, for example, process technology. In the USSR this effect is enormously amplified.

The present enthusiasm of the Soviet leadership for an end to the cold war is not diminished by the fact that some constituent republics in the USSR, especially in Asia and the Baltic area, are even less happy with their status than in the past—a situation which is not only uncomfortable but potentially dangerous. Glosnost automatically serves as a vehicle to reveal other polarizations in Soviet society—none more serious than that between the extremes of the political spectrum. The extreme right has yet to denounce Stalin. If one now adds the dedication to superstition among large segments of the population, the unraveling of family coherence, which has always been strong in Russia, rapidly increasing divorce rates, the erosion of respect for the law and the low birth rate in the European part of USSR, which part sets the tone and agenda for the whole nation, one can begin to appreciate why the Soviet leadership does not need arms races and external involvements at this stage in their history. The above problems did not emerge suddenly and without warning. Already ten years ago, a Soviet colleague showed me an editorial in Pravda addressed to unwed women. They were told that they need not forgo the joys of motherhood just because men are scarce and they have no husband. When one considers that Russia has traditionally been a puritanical society, one can appreciate how serious must be the birthrate problem in the European part of the USSR.

Gorbachev has set out to "computerize" the Soviet Union. He has entrusted this task to Academician Velikhov. But there is opposition. It comes from the bureaucrats who worry that computers will make it easier to discover what they do and how poor is their performance; and it comes from the far right who oppose computer language on ideological grounds, as a way to subvert Russian culture. On the more prosaic side one might ask whether it is feasible to computerize a society which proscribes telephone directories and street maps in its capital.

I have tried to summarize my impressions of the problems which Gorbachev faces, because only by recognizing these problems can an outsider hope to realistically estimate Gorbachev's chances of success and what opportunities for developing a safer and more livable world are to be found in the present Soviet predicament. Some have argued that it is in the best interest of the West to exploit that predicament and work for the collapse of Soviet society. Such an approach would, in the opinion of many, help the Soviets to overcome precisely those societal problems which have been identified, but in a way which would lead to a more unstable and dangerous world. Nor can one rule out a military dictatorship.

V. GORBACHEV'S EXTERNAL GOALS AND THE PRICE HE MAY BE WILLING TO PAY TO ACHIEVE THEM

As pointed out in my previous essay, many see the closed nature of Soviet society as the most serious barrier to better relations between East and West. Glasnost could help lower this barrier. It appears that Soviet foreign policy is today more flexible than it has been during the past seventy years. Whether military doctrine will track the gyrations of foreign policy remains to be seen. Those tenets of Marxism-Leninism which mandated violent world revolution have been officially and publicly renounced. Also officially disavowed is the hope of world domination and the dogma of the inevitability of a struggle to the death between communism and capitalism. The Soviet Union is sending signals about its inclination to reduce its commitments to, and involvement in, nations outside of its immediate sphere of influence. The Afghanistan venture has been a costly lesson and the deteriorating economy is a warning that, in the absence of constructive change in governance and in public attitudes, the Soviet Union will not be able to maintain its international status.

With an eye on the above factors, Gorbachev is telling the Soviet people and the outside world that the arms race must be arrested and reversed if we are not to witness an ever increasing probability of destruction of our civilization. To underscore his perception of this danger he has made what, even a few years ago, would have appeared to be unthinkable concessions, in order to achieve a treaty which eliminates short- and intermediate-range nuclear missiles (500-5000 km) in Europe, Soviet Asia, and the USA; but leaving aside the missile forces of France and England. After a number of drastic changes in the Soviet position to bring it into line with the U.S. position (including intrusive on-site and short notice inspections), the so-called zero-zero option was adopted. This entails the dismantling of four Soviet warheads for every U.S. warhead eliminated, and the destruction of their launch platforms.

VI. CONCLUSIONS

For reasons above identified the INF Treaty will be seen as providing military advantage to the West and political advantage to the Soviet bloc. But the major significance will reside in the precedents the treaty sets. These precedents are vital for future negotiations on reductions in conventional, chemical, and biological weapons, as well as for reduction in strategic nuclear arsenals.

It would appear that the potential political advantages to the East could eventually outweigh the military advantages to the West, but not if the West acts wisely. However, in the unlikely event that the treaty is not ratified, the political damage to the West could be very serious and translate into a degradation in the NATO position relative to that of the Warsaw Pact. The point is that those who oppose the treaty will not be mollified by the fact it is not ratified. From this standpoint the damage will already have been done. On the other side, the much larger number of people in western Europe and the U.S. who applaud the treaty will be seriously alienated from the entire arms control process as conducted by the U.S.

Assuming INF ratification, what comes next? This year could bring agreement on reduction of strategic warheads to 50% of their present levels, since that would still leave an overabundance of deterrent force on each side. However, such an agreement will probably require a tacit agreement on compliance with the ABM treaty during the next decade. Such an agreement will probably be facilitated by Soviet confidence in their ability to neutralize, if feasible, or destroy, if necessary, any battle stations that appear over their territory. The Soviets appear already to have withdrawn their demand that SDI development cease. They only insist that the traditional interpretation of the ABM treaty remain in force, as do some of our allies and many members of Congress.

But what about the longer term future? Continued progress on arms control will depend on the survivability of Gorbachev's policies and public commitments. It will also depend on whether Gorbachev can persuade the world that it is in everybody's interest for his policies to be taken at face value and that there are no hidden agendas which could place western security and/or western values in jeopardy. The West, in turn, must understand that Soviet leadership is facing a great dilemma. For the bureaucracy to stay in power they must improve the quality of life or demonstrate an imminent external threat. To do the former they must give their people more flexibility and freedom to communicate and travel—they must open up Soviet society. But an open society will expose the shortcomings of the bureaucracy and erode its power.

The most probable scenarios appear to be the following:

(1) General Secretary Gorbachev is sincere and will be successful, at least in the short term. This will be affirmed when we are told more about Soviet goals and intentions, about the true dimensions of their defense budget, when they relax restrictions on emigration and tighten controls against the abuse of human rights. Other indications will emerge when we see the extent to which military doctrine follows political policy, and the extent to which the Soviet Union desists from undermining legitimate governments through military coercion and political intrigue. The above are some of the benchmarks against which we can measure the sincerity of stated Soviet policy.

(2) Gorbachev will fail to achieve his aims through design or circumstance. He will change direction or be smothered by the bureaucracy; and his reforms will falter or even be reversed. The communist party will reassert its dominance, from Moscow, over all facets of life and revert to previous styles of governance; or the military will become dominant.

(3) Gorbachev will succeed without accommodation with the West and the USSR will become more dangerous to world peace than ever before.

(4) The arms control process will break down and the arms race will continue at ever higher levels and with ever greater danger to world survival. The Soviets will break out of the ABM treaty.

It seems to the writer that scenario (1) is both the most probable and the most desirable; and that it is in the interest of the entire world to avoid placing obstacles in its path. It is also the judgment of the writer that the scenario with the second highest probability is (2). Nonetheless, scenarios (3) and (4) cannot be ignored. The West is therefore faced with the necessity of adopting a political and military posture which is hospitable to scenario (1) but which can be responsive, in timely fashion, to scenarios (3) and (4), as well as to (2).

If the U.S. and USSR are to move beyond a 50 percent reduction in strategic missiles to major reductions and balance in conventional weaponry, arms treaties alone will not be sufficient. A lessening of fear, distrust, and suspicion is required. There will therefore be a need to put in place an extensive program of confidence building which, among other activities, would involve U.S.-USSR collaboration on large-scale initiatives which will be seen as having major world benefits. I refer to collaborations in areas such as environmental protection, bolstering the world economy and improving world health through sanitation and medical programs. I also have in mind large programs of student exchange, as well as increased scientific and cultural exchanges.

It is not too early to start enhancing existing activities which contribute to confidence-building and to identify major new initiatives which can have global impact.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Nebraska.

Mr. EXON. Mr. President, I want to make a speech that I indicated would not be a lengthy speech. I just do not want to interrupt the business of the U.S. Senate on any legitimate issue. I have been waiting to the end of the day, so that I would not delay action on this measure.

I would simply like to say, is there anyone on the floor now or within the sound of my voice who would like to come to the floor to make a statement on or introduce an amendment with regard to the pending matter before the business of the U.S. Senate?

If not, I will proceed, Mr. President, and not hold up the body, giving the views of this Senator with regard to the matter, the very important matter that is before us that I hope will receive expeditious but thorough consideration and debate in this body.

Mr. President, I rise today in support of Senate consent to the ratification of the INF Treaty. As a member of the Senate Armed Services Committee and the chairman of that committee's Subcommittee on Strategic Forces and Nuclear Deterrence, I have looked long and hard at this treaty and its implications. While it is not perfect, I believe that, on balance and on the whole, it is in the best security interest of the United States and our

NATO allies to ratify the treaty. That is why I have been pleading again and again for speedy action in this area.

While we should not be euphoric, let us acknowledge that this is the first meaningful arms control agreement between the United States and the Soviet Union since the Salt II Treaty in 1979. That agreement was never formally ratified.

Americans have yearned for some reduction in the ever-maddening arms race between the two superpowers. Those hopes are shared by billions of people worldwide. This treaty, while a modest step, nevertheless is the first arms reduction agreement of the postwar era. Whole classes of nuclear weapons will be destroyed. We have set up a more rigorous verification scheme than has ever been possible before.

I remember during the SALT II Treaty debate in 1979 the long debates which were held over "on-site" verification. Many at that time said the Soviets would never agree to such intrusive measures. They maintained that we would simply have to be content with satellite monitoring and other intelligence methods. I remember at the time saying that, regardless of the outcome of SALT II, the next arms control agreement would have to include on-site verification. Fortunately, the United States has held firm and we now have this important provision in place at least in part if not to our total liking. This can set the stage for even deeper reductions in other weapons in the future.

The U.S. Senate has done the American people proud throughout this whole process. I have traveled to Geneva to speak with our negotiators and have maintained contact with them during this process. When last-minute hitches on Soviet compliance with the treaty arose, the Senate leadership demanded that we go back to the Soviets and nail down these loose ends. That has now been accomplished and we can move ahead with ratification with confidence.

Mr. President, move ahead we must. The American people want this treaty and it is deserving of ratification without untimely delay.

Now that there is agreement between the Senate and the Reagan administration, the President should have the treaty ratification papers in his pocket when he lands in Moscow for the summit meeting next week. There is no cause for further untimely delay.

Despite the fact that this treaty deserves ratification on its merits, we must keep it in the proper context. The key to understanding the value of the INF Treaty is in recognizing the interrelationship among strategic nuclear, theater nuclear, and conventional forces. Many try to divorce these three components, setting aside the nuclear issues with an attitude that the nuclear balance is sound and always will be.

Even administration witnesses, including members of the Joint Chiefs of Staff, have testified that the INF Treaty can be dealt with in isolation. I suspect they have said so in their zeal for the Senate ratification of this treaty.

I also suspect that they understand the tremendous reliance the free world has placed upon the nuclear deterrent provided by the United States as well as the critical interrelationship between nuclear and conventional forces. Yet few Americans truly understand our Nation's defense posture and how it developed over the years.

Until recently, we have lost sight of the fact that it has always been the imbalance between NATO and Soviet conventional forces in Europe that promotes instability and a greater risk of war, not only the nuclear balance.

In the years after World War II, NATO and the United States deliberately opted for a strategy relying upon nuclear firepower to deter another world war. Why? Because conventional forces are much more expensive than nuclear ones.

Let me say that again, Mr. President.

Conventional forces are much more expensive than nuclear ones. But I think that that is not the popular perception in many circles today.

We hear rhetoric about how SDI or the MX is going to break the bank, but the reality is that conventional forces are tremendously more expensive to build and maintain. In addition, they have to be equipped, and when you talk about equipping and maintaining conventional forces compared with what it costs to maintain our nuclear deterrence with ICBM's, we find that the ICBM's are miniscule in cost compared with conventional forces. It does not mean that we should not have, and are not going to be required to have as far as we can now see into the future, a reasonable balance between nuclear forces and conventional forces.

In the end, it has proved less of an economic burden to rely upon nuclear weapons to deter all wars rather than to embark upon a total conventional buildup.

I am not saying that that is the way we should go, but that was a decision that was made sometime ago. Strictly from the standpoint of what is going to cost us the least, then we have to recognize that costwise nuclear deterrence is much cheaper than conventional deterrence. I simply emphasize again, Mr. President, in my view we have to have both.

To a great extent, this idea remains at the core of our defense strategy. But we have learned that the conventional imbalance means that if deterrence fails, our choices rapidly become surrender or nuclear escalation. Neither option is attractive. However, no serious effort to significantly close the conventional balance has ever been sustained for long either by the United States or our NATO allies. To be fair, we have increased our spending on our conventional forces, we have better equipment than the Soviets for the most part, and we have other advantages over the Soviets such as better trained forces.

But in the end, as witness after witness has told the Armed Services Committee during its hearings on the INF Treaty, a conventional imbalance still remains and will remain in the future unless we want to do something about it. Some argue that it has grown even greater in the Soviets' favor, especially as the Soviets close the qualitative gap and field weapons as good or better than ours. And they are presently on that course.

At the same time, the United States also has lost its clear-cut strategic superiority. We now view "parity" or "essential equivalence" in strategic systems as acceptable. Indeed it is, for neither superpower can accept a position of clear inferiority in nuclear forces.

The consequence of this, however, was to raise doubt in the minds of our European allies with regard to the depth of the United States commitment to European security. The unanswered question has long been whether the United States would, in fact, escalate a conventional war that NATO was losing into a nuclear one. In the 1970's, rather than make the economic sacrifices necessary to close the conventional imbalance, NATO opted for a stronger nuclear commitment from the United States. That took the form of Pershing II and ground launched Cruise missiles, the West's INF systems.

The new INF systems were intended to provide a visible linkage between theater and intercontinental forces. They were to be a firm guarantee of continued American commitment to the defense of Europe.

So how is it that we can now live without them? There are several explanations for this. First, the treaty requires the Soviets to destroy missiles capable of carrying over 1,600 warheads. Instead of being nuclear, these warheads could have been chemical or high explosive and used in support of a conventional Soviet attack. This is now the essence of Soviet military doctrine.

Should the Soviets ever launch a conventional attack upon NATO, that attack would be preceded by massive chemical and high explosive missile attacks upon our critical airfields, port facilities, headquarters, and troop assembly areas. Such an attack could cripple NATO very quickly. In the future, if the Soviets wish to attack these facilities, they must use aircraft, which is a militarily more difficult challenge, or nuclear weapons, which would give them second thoughts about attacking in the first place. So while NATO loses its INF systems, the Soviets are also forced to give up theater missiles capable of nuclear, chemical, or conventional attacks upon NATO's critical bases.

In fact, the Soviets will be forced to give up four times as many missiles as we will. That is a tremendous advantage to NATO.

Second, we need to remember that NATO maintained theater nuclear forces prior to the advent of the Pershing II and Cruise missiles. While these new systems are an improvement over the existing ones, NATO has and will retain aircraft and missiles capable of deep strikes. It will continue to retain these aircraft, submarine-launched and ship-launched systems.

Third, we may wish the Europeans to carry a greater share of the defense burden. But the bottom line remains that we cannot allow the Soviets to dominate western Europe. That requires a continued, strong United States commitment to the defense of Europe and our allies there under NATO.

Fourth, this commitment means that the nuclear "umbrella," the so-called extended deterrence concept, will remain valid for many years to come. The security of both NATO and the United States ultimately rests upon American strategic nuclear forces. There are sufficient numbers of these strategic weapons to cover the targets now covered by our INF systems.

There is, however, another part to this debate—the all important political one. While the governments of our NATO allies were seeking the deployment of our INF systems, it also was clear that the European public would not support such a deployment unless there was a concurrent commitment to negotiations on such systems. NATO did, in fact, act upon this so-called dual track approach of building up its forces in an effort to induce the Soviets to agree to arms reductions.

As we all know now, the approach worked. The INF Treaty is a victory for NATO.

Through the INF Treaty, NATO has demonstrated that it is a vibrant alliance which can follow through on a major policy decision. This is a tremendous victory. Conversely, failure by the U.S. Senate to ratify this treaty will disappoint many who expect the United States to live up to its commitment.

More importantly, the INF treaty focuses our attention on real defense issues that have long been neglected and can no longer be ignored. Specifically, NATO must address the conventional imbalance. The consequences of not doing so are to permanently cast NATO in the position of serious conventional inferiority.

This will be even more worrisome should the ill-founded notion of the "triple zero" or nuclear-free Europe catch on. Reduce NATO's reliance upon nuclear weapons even further while ignoring the conventional imbalance, and we have a recipe for disaster. We cannot predict the future and an unexpected crisis could lead to a military confrontation tomorrow. Should NATO prove militarily weak, the Soviets could be tempted to take greater risks than normally prudent.

I have urged the President to hold a summit with our NATO allies in order to develop a concrete commitment and plan to close the conventional imbalance.

To date, I have been disappointed with the response from both the President and our allies. NATO needs to do more in the conventional area today; it needed to do so yesterday. The INF Treaty will not change that; it only makes it more imperative.

Our allies are going to have to make some tough decisions and commit themselves to a significant conventional buildup. We need not match the Soviets tank for tank and gun for gun. But we do need to significantly close the gap.

If the INF Treaty makes conventional forces relatively more important, it also does the same for strategic nuclear forces. Fortunately, Mr. President, the strategic balance is in better shape than the conventional one. That is the result of the attention it has received in recent years.

I warn my colleagues against taking this for granted, however. The ICBM and bomber legs of our nuclear triad still require modernization. While a START agreement may ease this requirement, it makes no sense to me to further reduce our reliance upon nuclear forces without first addressing the conventional imbalance.

We need to strengthen our weaknesses before we negotiate away our strengths.

We need to better think out the relationship between nuclear and conventional forces in the future.

I suspect that no matter what action NATO takes, the conventional imbalance will remain with us for some time to come. This means that the leaders of the West must do a better job of explaining why the United States and NATO rely so heavily upon nuclear weapons for their security. They must also explain why that reliance is so much greater for us than it is for the Soviet Union.

It is difficult for politicians to argue that nuclear bombs have a necessary purpose, but it is finally time to squarely confront this reality. Most important, we need to expose the dangers associated with a nuclear-free Europe.

I wish we could reduce reliance upon our nuclear weapons. My heart tells me that is desirable but my mind and experiences of a lifetime tell me we must do so with caution. It is far easier to "duck" the reality of nuclear deterrence than to face it. Yet with the INF Treaty, now is the time to be honest with ourselves and the people we represent. I have seen the American people respond admirably in difficult times.

I have faith that they will understand this situation and follow a responsible course that will ensure their future freedom and security.

Mr. President, as I said in my opening remarks, we must keep the INF Treaty in the proper context. We must view the INF Treaty both as a first step toward better relations with the Soviet Union, but also within the overall context of our legitimate security needs.

The INF Treaty is not the final step. It imposes new responsibilities and challenges upon us all. I have confidence that we can safely ratify the INF Treaty and build our future security upon it. Let us ratify this treaty now and move on.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the calling be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I intend to speak on the INF Treaty. Of course, I am not prepared to do so at length just at this moment, but I do want to call attention to a very important fact and a fact which, in my opinion, this debate ought to turn on.

NATO is in a state of perilous unpreparedness, a perilous state of unpreparedness. Senators need not take my word for it. They can read the testimony of Admiral Crowe, the Chairman of the Joint Chiefs of Staff. He testified that NATO has on hand less than 7 days' worth of ammunition and fuel with which to defend Western Europe and with which our 323,000 GI's must defend themselves.

Think of it: Less than a 7-day supply of ammunition and fuel. If I were the parent, if I were the father of one of those 323,000 American GI's stationed in Europe or the father of one of the 310,000 dependents with those GI's in Europe, and if I knew as I know as is now public knowledge, unclassified, that we have less than a 7-day supply of ammunition and fuel for the defense of NATO and for the defense of our very own troops, I would certainly not think too highly of this idea required by the INF Treaty that the United States destroy the two weapons systems best suited to deterring a Soviet attack in the first place or blunting such an attack should one take place.

We introduced the Pershing II missile and the ground-launched cruise missiles into Europe in large measure to offset the severe disparity between the forces of the Warsaw Pact and those of NATO. As is well known, the Soviets and their allies outnumber us greatly in divisions, outnumber us 2-to-1 in tanks and armor and by substantial margin in combat aircraft. We are simply outclassed and would be overwhelmed were the Soviets to attack.

On top of all of that, the severe disparity in weapons and forces and regiments, or I should say divisions, on top of all of that, with that great handicap, our troops have less than a 7-day supply of ammunition and fuel. Now, that is not a classified figure. That is sort of a general figure. They say less than 7 days. What is the exact figure? It is less than 7 days. I cannot say it because it is classified. But it is worse than 7 days. We do not have 7 days. We have less than 7 days. And for us to propose to remove these two weapons, far and away the weapons best suited to deterring an attack and blunting an attack if one takes place, is really to approach the defense of our Nation in a very cavalier fashion.

I know the political attraction of arms control. I know the political attraction of giving the President something to wave in Moscow. But there has to be something more to this than public relations. There has got to be something more to this than feel-good politics, and indeed there is much more—a very grave responsibility to attend prudently to the defense of this Nation and in particular to the 320,000 American GI's who are in Europe inadequately equipped, precariously underequipped and undersupplied, such that General Rogers, the most recently retired Supreme Allied Commander in Europe, said that as of last year, when he was still commander, his forces, the NATO forces, would be overwhelmed in 10 days to 2 weeks.

That is the testimony taken by the Armed Services Committee on the INF Treaty. About 2 weeks. In fact, I think he said it was less. I think he said it was 8 to 10 days. General Galvin, the current commander, says he might be able to last 2 weeks. That is the outside optimistic figure, 2 weeks, before he would have to resort to nuclear weapons to avert annihilation of our forces.

That brings in another interesting element. There can be no question that because of the disparity in numbers of forces available to the Soviets, which is favorable to them, a large disparity, and the calamitous and shocking and scandalous unpreparedness of our forces in the area of ammunition and fuel, our commanders would have no choice but to resort to nuclear weapons within 2 weeks at the outside.

Now, what happens at that point? Over the years we have evolved the doctrine of flexible response and the weapons with which to carry out such a doctrine. The planning was that if the Soviets were foolish enough to attack and if we were overwhelmed, as almost certainly we would be, such that we had to resort to nuclear weapons, to those force multiplier weapons, we would go to intermediate-force weapons, and that is why we have the Pershing II missiles and the ground-launched missiles, the most modern intermediate-range forces that we have in Europe, swiftest, most accurate, most deadly, most survivable. That is why we have them there. That is precisely why they were deployed and developed. If you take those out, as this treaty will require, you open up in that doctrine, in that arsenal of flexible response, a big gap and you go from conventional warfare in one hop up to the strategic level. Do you know what the proponents of the treaty, many of them, suggest we might do to replace these intermediate-range weapons? They suggest that we begin to use, indeed that we begin to rely upon, strategic weapons, weapons launched from submarines, strategic platforms, and even ICBM's launched from the United States. We go right from conventional warfare to missiles, missiles launched from strategic platforms such as submarines at sea or ICBM's from the United States. Could there be a more dangerous or more provocative doctrine? Could there be a more dangerous or more provocative use of strategic weapons? I cannot think of it.

It is the height of folly to open up that kind of gap in our doctrine and our arsenal of flexible response. The day could well come when we could afford to do that. The day could come when we could say, "Let's junk these things." Good riddance. I would join enthusiastically in it. I would like to push the plunger to blow up a few of these things myself. But the day has not come, and why has it not come? Because nothing has changed in Europe. Indeed, the conventional disparity has grown worse. Both General Galvin and General Vuono, Chief of Staff of the Army, testified that over the last couple of years the disadvantage to NATO has become larger. Not better. Things have not gotten better. They have gotten worse. They have actually gotten worse.

The underlying difficulty in Europe is that there is a massive disparity between the Soviet forces and the NATO forces. If we could address that disparity, we would deal with the underlying problem, and that of course is the subject of the talks on mutual and balanced force reductions. Unfortunately, so far those talks have not gotten anywhere, nor indeed are they likely to go anywhere in the future if we take away the incentive the Soviets have to negotiate the kind of large asymmetrical reductions which are necessary to bring about some symmetry in conventional forces such that we no longer need force multiplier weapons. But if we take away the Pershing II and the ground-launched cruise missiles, there will be no weapon that can reliably and swiftly and lethally reach Soviet territory, save strategic weapons. And if the Soviets are no longer reliably threatened by intermediate-range weapons, what incentive will there be for them to negotiate down the size of their conventional forces? There will be none, as far as I know. There will be none.

So the bottom line is that we are putting the cart before the horse. I am all for destroying intermediate nuclear forces when they are no longer needed. Has the need disappeared? No. The need has grown greater. It has not diminished. Why? Because the fundamental problem is still there, on the one hand, the great disparities between the forces of the Warsaw Pact and NATO, and on the other hand the almost criminal inattention to defense by our allies and, indeed, even by ourselves, such that we have, as I began by saying, less than a 7-day supply of ammunition and fuel. That is something to think about. Thinking about that does not make you feel good. That is not feel-good politics. But I suggest that we better think about that, and we better very carefully consider the whole equation before we come to a vote on this treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I see the leader on the floor. I shall speak fairly briefly, and shall be happy to yield the floor at any time the leader wishes me to do so.

I wish to speak on the INF Treaty. I plan to offer certain conditions to the resolution of ratification. As a member of the Senate Foreign Relations Committee I voted against this treaty in committee because I felt the vertification matters had not been clarified. I felt that there should be some linkage of the exchange of ratification documents to certification of Soviet compliance with the Helsinki Final Act. I also felt that there should be a linkage of the exchange of ratification documents to assurances of parity in NATO-Warsaw Pact conventional forces. And I felt there should be some linkage of the exchange of ratification documents to certification that any additional conventional force imbalance in Europe resulting from the treaty will not jeopardize the security of NATO or of the U.S. military personnel stationed in Europe or of their dependents.

Mr. President, when I served in the U.S. House of Representatives in the mid-1970's, the argument was made to me that I should support funding for the installation of the INF missiles because they were critical to protecting the lives of American servicemen in West Germany and elsewhere in Europe.

It seems to me that we are giving up our trump card, these missiles, while the Soviets are keeping their trump card, their conventional forces advantage. Many authorities agree with this assessment, including Gen. Bernard Rogers, the former NATO commander.

Also, some of the verification issues have been resolved in the past week. However, we will be discussing others in more detail on the Senate floor.

In the Foreign Relations Committee hearings, I raised many of the issues that were discussed last week by the Secretary of State and Soviet Foreign Minister Shevardnadze, and I am glad that progress has been made in clarifying those issues. But I am not yet completely satisfied that all verification concerns have been cleared up. Regarding verification, on the whole, I believe we are making progress.

Let us remember that the United States is an open society. People can go anywhere here. Indeed, the New York Times reported earlier this year that a Czechoslovakian truck carrying a collapsible airplane traveled around the United States. The airplane flew around taking pictures, presumably of air bases and other confidential sites. We are a very open society. We have virtually free onsite inspection by anybody.

For the first time, the Soviets are granting some degree of onsite inspection, and I will concede that this is a step forward. I hope glasnost is real. Our President has made a great effort in encouraging this movement. But I also believe that we should be very careful about what we are doing here in terms of future commitments.

Our President is going to Moscow soon. A President of the United States can make a lot of commitments. For example, I picked up the New York Times last December and read an article that said that the President had communicated to our European allies that we were prepared to modernize our conventional forces in Europe next year if this treaty goes forward.

That line of thinking was sort of dropped by the witnesses before the Foreign Relations Committee. I repeatedly asked, "Will this treaty mean an increase in military spending?" The witnesses uniformly said no, it will not. I think this was the White House line passed down to avoid problems in the ratification process. I go back to that December article, where the President said it is our intention to modernize our forces to Soviet conventional forces advantages. But does the American taxpayer know about that commitment or that intention?

We are told that if we modernize our nuclear forces, we can replace the missiles that are being taken out. In briefings, the military leaders say we need a rail mobile missile system, and a land mobile missile on top of trucks, and so forth.

Indeed, some have said that the long-range missiles are getting old; some are obsolete. They are trying to find a way to replace them and argue that they will have to be destroyed anyway; so perhaps we should have an arms control agreement and pat each other on the back and appear to be destroying a generation of missiles when in fact, by modernizing at the same time, we are merely destroying the obsolete and creating the new.

The point is that we need to analyze carefully what we are doing and where we are going. Overall, in general, it has been a positive thing for the two sides to meet. Discussions can lean to positive results.

I have counseled that we must be very careful. I voted against the treaty in the committee because the verification problems. The treaty was held up, and there had to be additional meetings between the Secretary of State and the Soviet Foreign Minister.

Let us remember that the Russians were ready to start hedging on verification even before the treaty is ratified by the Senate. Imagine what they might do afterward.

Also, I am one Senator who agrees with this administration that the Soviets have cheated on the ABM Treaty and other treaties, and that finding has been universally accepted. In fact, when I was in Geneva about a week ago with our leader, Senator DOLE, this point was raised, and it was not substantially challenged by the Soviet delegation. Perhaps they have grown tired of challenging and decided to except our denunciation.

The point is that we are in an area where we should proceed carefully.

I have prepared statements, also, regarding the Helsinki Final Act. We are told that the Soviet Union is entering into a period of time when it is withdrawing from Afghanistan, maybe Angola, and other countries.

I was in Vietnam 5 weeks ago, and the Soviets are expanding their presence there. They have a major military base at Cam Ranh Bay which they are expanding. It is not the Soviet Union taking responsibility for feeding and taking in about 30,000 Vietnamese refugees.

The Soviet Union is up to mischief in many parts of the world. Let us not pass over lightly the alleged change in the human rights situation. Even though there is a glasnost policy, some of the things we have seen on television the last few nights cause us great concern.

I believe we should seek parity in the conventional forces of NATO and the Warsaw Pact. If there is to be an agreement on START, we should first have an agreement on conventional forces. That is something that was spoken about frequently in the Foreign Relations Committee hearings. Everybody agrees that there should be parity, but they say we can get it in another agreement. But if we give up our trump card, we may not get it in a later agreement.

Many other things could be covered here, but in the interest of time, let me say that I am concerned that the INF Treaty may make NATO's deterrent less credible.

I am also concerned that it may lead to higher U.S. defense spending as efforts are made to close the gap between NATO and the Warsaw Pact.

I will be here until at least 1990 and will have to vote on defense budgets. If we are told next year thet we must increase defense spending to make up for the loss of these INF weapons, we will indeed be in a difficult position because of our budgetary deficit and because our people will not have been properly informed.

Let us remember that the United States already spends one-half or more of its defense budget on European defense. There should be more sharing of this burden by our wealthy European allies and by the Japanese.

While we throw away our INF trump card through negotiations, the Soviets are keeping their trump card, which is a 3-to-1 conventional force advantage over NATO. The Soviet Union has combat divisions in Poland, Czechoslovakia, Hungary, and East Germany. They show no sign of reducing them or in any way removing them.

It is my strongest feeling—and has been since my days in the House of Representatives—that we should have focused first on eliminating the conventional forces imbalance. If the Soviets are serious about lowering the threat, they should reduce their conventional superiority over NATO in troops, tanks, and artillery.

I would be reassured about the treaty if progress were being made in conventional arms control talks. The condition I plan to offer would not kill the treaty. It would only delay exchanging the ratification documents until the President certifies that parity has been achieved between NATO and the Warsaw Pact forces.

There is also a condition relating to the Helsinki Final Act that I shall raise at the proper time.

So, Mr. President, in conclusion, I am looking very carefully at this treaty. The Senate has some very serious amendments to consider in the days ahead, and one of our basic purposes should be to send a signal to the White House that a START agreement should not be entered into without a conventional forces agreement attached to it.

I am worried that perhaps some commitments will be made by a White House, that is now trying to avoid certain domestic problems, that will go beyond what the Senate intends. The fact that the Senate held up on this treaty as it did indicates the degree of caution in our country about this treaty.

Mr. President, I yield back the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise today as the Senate begins to consider the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter range missiles—the INF Treaty.

Consideration of the INF Treaty by the full Senate is the latest—and most important—step as we continue the ratification process laid out in our Constitution. The INF Treaty was signed by President Reagan and General Secretary Gorbachev on December 8, 1987. The treaty and related documents were submitted to the Senate with a letter of transmittal on January 25, 1988. The same day, the Senate Foreign Relations Committee began its 27 days of hearings. The Senate Armed Services Committee held 20 days of hearings; the Senate Select Committee on Intelligence spent more than 20 days of hearings on the INF Treaty. The Senate Appropriations Committee held hearings on the cost implications of the treaty. The Foreign Relations Committee completed its deliberations and marked up the resolution of ratification on March 30, 1988, and submitted its report on April 14, 1988. The Armed Services and the Intelligence Committees also submitted reports.

Senators have now had time to consider the diligent work done by the Senate committees. We have followed the hearings with interest and we have studied the issues raised in the course of Senate committee consideration. Today, we begin to act as a body on the INF Treaty.

The debate on the INF Treaty will be the most vigorous ratification struggle the Senate has faced since consideration of the Panama Canal treaties in 1978. As we move into the debate—conducted in executive session—it is perhaps instructive to lay out for those who are observing our deliberations here the process by which treaties are ratified.

According to article II, section 2 of the Constitution, the President is granted the power "by and with the Advice and Consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." The Senate does not actually ratify treaties—it consents to Presidential signing of the instrument of ratification by passing a resolution of ratification. A two-thirds vote of the Senate is required to approve the resolution of ratification. A treaty has the force of law once the instruments of ratification are exchanged between signatories and the President announces its ratification.

The Senate will consider the INF Treaty in a two-step process. First, the text of the INF Treaty is read and any amendments to the text of the INF Treaty—or the protocols—are considered. Though it takes two-thirds of the Senate to consent to ratification, it only takes a simple majority to actually amend the text of a treaty. Amendment of the treaty text requires the consent of the other signatory party to enter into force.

After consideration of the treaty text is complete, the Senate begins action on the resolution of ratification. During consideration of the resolution, Senators can address their concerns through a variety of means. The Senate may approve—by simple majority vote—reservations and/or understandings. Reservations modify U.S. obligations without changing treaty text while understandings clarify but do not change treaty provisions. Because of the sometimes murky distinction between reservations and understandings—especially in terms of the need to gain consent from the other signatory party—the Senate Foreign Relations Committee agreed to a three-tiered system for categorizing Senate conditions during the deliberations on the INF Treaty.

Conditions which are only instructions or understandings within the U.S. Government—such as declarations by the Senate on issues related to the treaty—fall into category 1. Category 1 generally consists of "sending messages to ourselves" since communication to the Soviets is not necessary. Category 2 includes conditions which are formally communicated to the Soviet Union but do not require its agreement. Category 3 conditions must be communicated and agreed to the by the Soviet Union.

It is important to remember that under international law, it is the substance of a particular condition that determines its status. Whether called a reservation or understanding, what a given condition actually says determines whether the approval of the other party is necessary for a treaty to enter into force.

It is clear that a treaty which has been under negotiation for most of this decade cannot be casually changed by the U.S. Senate. It is also clear that the Senate must fulfill its constitutional duties for advice and consent in a careful and thoughtful manner. No one wishes to rush consideration of the INF Treaty. Unlike regular legislation which can be changed readily if unforeseen problems occur, treaties "are forever." Because the INF Treaty is of unlimited duration, the Senate must exercise special care to insure that we anticipate as much as humanly possible.

One of the major advantages of the INF Treaty is that it bans certain classes of weapons—forever. Because of this permanence, Senators must make sure that we—and the American people—understand what each and every clause of this treaty and its related documents mean.

It is this process of ensuring the Senate understands exactly what the INF Treaty means, and what its implications are, that will occupy our energies for the rest of the month. The time we will spend on the INF Treaty is worth it—because the treaty strengthens the link between arms control and our national security interests, because the treaty increases the security of our allies, because the treaty sets valuable precedents for future arms control, and because the treaty is a vital step in making our world safer from the threat of nuclear war.

The treaty strengthens our national security because it is good arms control. And it is the first arms control agreement likely to be ratified since the ABM Treaty in 1972. The INF Treaty is testimony to the soundness of the Reagan approach to arms control: do not give in when a proposal is consistent with our defense posture and has the support of our allies, the Congress, and our citizens. Under these conditions, persistence pays. The "double-zero option," calling for the elimination of all intermediate-range nuclear forces, was first proposed in 1981. Even though the Soviets walked out of all arms control negotiations in 1983 and threatened the European democracies, President Reagan and our allies held firm behind the zero option. The INF Treaty before us today is the embodiment of the zero option and a tribute to alliance solidarity.

The INF Treaty strengthens the security of our allies because it shows the North Atlantic Treaty Organization [NATO] is capable of making and implementing a decision in the face of tremendous domestic and international opposition. The 1979 "dual track" decision was taken in response to the Soviet deployment of the SS-20 missile system. NATO decided to modernize its own nuclear forces while pursuing arms control negotiations designed to make such modernization unnecessary. Modernization did begin in 1983—despite many opponents here and abroad. The NATO alliance survived and arms control prospered in the form of the treaty before us today.

The INF Treaty sets vital precedents for arms control in a number of areas. First, the INF Treaty is the first accord in history to actually reduce the number of nuclear weapons. SALT I and the unratified SALT II agreement only capped United States and Soviet arsenals—they did not reduce overall numbers. This treaty actually reduces the superpower arsenals. Second, the INF Treaty represents the first time an entire class of weapons—missiles with ranges of 500 to 5,500 kilometers—have been eliminated through arms control. Supporters of arms control understand the importance of this precedent.

Third, the fact that over 2,700 weapons—with more than 4,000 warheads—will be dismantled means that the superpowers will establish a workable system for dismantling and destroying nuclear weapons. Such a regime—with all necessary verification—will exist because of the INF Treaty and will make any future reductions much easier to implement. The verification provisions negotiated in the INF process are far more intrusive than anything the Soviet Union has ever agreed to in the past. And this is very significant for any future agreements on arms control.

Fourth, the INF Treaty is based on the concept of asymmetrical reductions. That is, while the Soviets are required to destroy the launchers for more than 3,100 warheads, the United States is only required to destroy less than 900. The Soviets give up 857 deployed and 979 nondeployed missiles while the United States gives up 429 deployed and 438 nondeployed missiles. The concept of asymmetrical reductions will be central if any progress is to be made on reducing conventional weapons in Europe.

The establishment of these important arms control precedents in the INF Treaty makes future arms control more feasible and more likely. The strategic arms reduction talks [START] have made tremendous progress in recent months. Significant issues remain—and there may not be time for a START Treaty to be completed before this President leaves office. Whether there is further agreement or not, President Reagan has broken new ground and laid out a framework that our next President cannot ignore.

Many issues will be debated during Senate consideration of the INF Treaty. One of the first will be the condition added by the Foreign Relations Committee concerning treaty interpretation. Democrats on the committee were joined by Senators HELMS and MURKOWSKI in adding language which asserts a Senate role in any "reinterpretation" of a treaty. This issue grew out of the administration's action in reinterpreting the 1972 ABM Treaty. Once the Senate begins consideration of the actual resolution of ratification, the condition added by the committee will be the first order of business.

The issue of how the INF Treaty applies to so-called futuristic weapons—that is weapons that destroy their targets by nonnuclear and nonexplosive means—figured prominently in the past few weeks. The issue was addressed in meetings with the Soviets and we now have a common understanding—in writing—clarifying the status of futures under the terms of the INF Treaty. We still may hear debate in the coming days about exotic weapons using lasers and hypersonic boost but quick response to Senate concerns has removed a major potential obstacle.

The list of additional issues we will consider is long—as long as the imagination of Senators. A partial count includes: the legal authority of the Secretary Gorbachev to sign the treaty; Soviet human rights practices; Soviet withdrawal from Afghanistan; United States control compliance policy; the conventional force balance in Central Europe; alliance "burden sharing;" the accuracy of information provided by the Soviet Union as part of the memorandum or understanding accompanying the INF Treaty; modernization of NATO nuclear forces with ranges less than 500 kilometers.

The length—and importance—of this list shows why we will spend so many hours on the INF Treaty. I announced my support for the INF Treaty last year. Since that time, I have examined the treaty and related documents in detail, I have discussed the treaty with my colleagues, and I have met with administration officials to discuss INF-related issues. My support for the INF Treaty today is stronger than ever. During our consideration of the INF Treaty, I will continue to work for its ratification without crippling conditions.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection it is so ordered.

CATHEDRAL OF ST. MARY STAR OF THE SEA

Mr. LEAHY. Mr. President, the Cathedral of St. Mary Star of the Sea overlooks beautiful Lake Memphremagog in the very northern reaches of my home State of Vermont. Since only a small part of the lake is in the United States, and the rest in Canada, the setting has a rich international tradition. For many years, homilies have been given in both French and English because of the proximity of Newport, VT, to the French speaking Province of Quebec.

This tradition of international good will is being continued today by Father Charles Davignon, the church pastor. For the last 20 years, the church rectory has become a port of entry for refugees seeking to emigrate to Canada from Central America, Europe, and South Africa.

Canada's lax immigration laws lure many immigrants to its borders. But the large numbers of immigrants have created problems for Canadian officials who cannot schedule hearings at the pace of new arrivals.

Since immigrants are not allowed to work in the United States, prolonged detention at the border can exhaust what little savings thay have brought with them.

The Vermont church is providing food and shelter to many of these refugees. Father Davignon, who served as a missionary in Peru, is fluent in Spanish as well as French and assists the refugees even further by translating their applications, and explaining their problems to Canadian officials.

Mr. President, I ask unanimous consent that an article appearing in the April 17 edition of the Sunday Rutland Herald and the Sunday Times Argus, describing the efforts of this remarkable parish priest in Vermont be reprinted in its entirety. Father Davignon's work should be an inspiration to all of us. The Leahy family is proud to have him as a close friend.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Rutland Herald and the Sunday Times Argus, Apr. 17, 1988

PRIEST IN NEWPORT FEELS AT HOME WITH MISSION THAT AIDS REFUGEES

(By Monica Allen)

NEWPORT—When Father Charles Davignon left missionary work in Peru to return to Vermont, he sadly thought he had left his Spanish behind forever.

But the language Davignon, 57, mastered while working as an associate Maryknoller in the 1960s and 1970s has come in handy recently in an unlikely place—the Northeast Kingdom where he serves as pastor of St. Mary Star of the Sea.

The granite cathedral with two silver-domed spires sitting on a hill overlooking Lake Memphremagog has become a symbol of shelter to 11 refugees over the last two years, many of whom speak only Spanish. Davignon, a slight, gray-haired man with a bright sense of humor, who also speaks fluent French, has opened the doors of the Catholic church's rectory to refugees from El Salvador, Chile, Paraguay as well as South Africa, Ireland and Italy.

It started two winters ago when a fellow priest showed up on the doorstep with three Chileans. The priest was helping the Chileans—undocumented workers who had been living in Rhode Island—to enter Canada.

"He's here with three Chileans, wondering if there's any place to stay," Davignon recalled. "And he knows I have a mansion," he added, referring to the grand 14-room rectory.

That night began what Davignon now describes as his church's new mission.

The refugees come to the border, a few miles from the church, trying to enter Canada. They are drawn by that country's lenient immigration policy. Tightened immigration laws in this country have made it impossible for undocumented workers to hold a job without risking arrest.

But because so many people are flooding into Canada, that country has been turning them away temporarily until officials can schedule hearings. The hearings were held immediately as a person entered the country until last year when the law changed, forcing people to be turned back.

American immigration officials allow the refugees to await hearings in this country as long as they don't try to hold a job, said Ronald Gardner, area port director for Immigration and Naturalization at Derby Line.

The waiting period presents a problem for people like Teresa Alvarenga, 52, of El Salvador, who spend practically all the money they have just getting to the border. The small woman, with curly reddish hair and light brown skin, thought she would spend a day in customs answering questions and then could go with her children, already refugees in Canada, to their home in Quebec City.

But on March 6, she was returned to the American side of the border in Derby Line to await a hearing on April 19. She was left holding her baggage, with no place to go and only $23. She spoke Spanish and only a bit of English.

Alvarenga, a nurse, fled from the city of San Salvador more than six years ago when fellow nurses were being assaulted and murdered. She went to live with other Salvadorans in Los Angeles. When her son and daughter, who entered the country a few years later, were forced to leave Los Angeles last year, she decided to follow them as soon as she could. Her children were undocumented workers in Los Angeles and risked arrest if they continued working there.

Alvarenga flew to Boston on March 5, expecting the airport to be a taxi ride away from the Canadian border. Instead, she learned she was more than 300 miles from Derby Line. She spent one night in a Boston motel and paid more than $85 for the room and a taxi ride from the airport. In the morning, she telephoned her children in Canada and they sent a friend to drive her to Vermont. When she could not enter Canada that day, she was taken to a Derby Line motel.

It was here she learned about Davignon.

Immigration officials on both sides of the border are familiar with Davignon and openly thankful to him. "He's done a great service for the area," Gardner said.

The scene in Derby has been repeated in other communities along the border. In Plattsburgh, N.Y., where refugees have come by the busload to the nearby border, a local shelter has a special program to address their needs while they await hearings.

Davignon drove to the motel that night to take Alvarenga to the church. Since then, she has stayed in a small dormitory room at the Sacred Heart parochial school, next to the rectory. The dormitory is nearly empty as the school prepares to close its high school next year and offer only elementary education.

Alvarenga dines with the nuns who run the school. Some of the older nuns in the French order of Daughters of Charity of the Sacred Heart speak only French.

"They mix French, English and a sprinkling of Latin, and manage to communicate," Davignon said. The students have also tried their best.

In the school yard on a recent sunny afternoon, children waved and shouted "Hola, Hola" as they ran up to greet Alvarenga and Davignon. They have proudly mastered the Spanish word for hello.

Parishioners have also assisted Davignon by inviting the refugees to their homes for dinner, giving toys to the children and opening up their vacant apartments when needed.

The refugees have added spice to Davignon's routine. He has enjoyed talking with people about the political issues in their homelands. He also enjoys helping them navigate the complications of immigration law.

The wild phone calls and surprise visits have caused some amusing and some tense moments. One evening, Davignon was hosting Bishop John Marshall, 10 other priests and more than 100 parishioners for a Mass and dinner celebration. In the middle of the event, an Indian man and a citizen of South Africa walked in holding baggage. The South African had been forced to leave his country for taking a position against apartheid, and he wanted to join his wife who already had emigrated to Canada.

The man had called the rectory a few nights earlier and talked with Davignon. He then traveled by mistake to Newport, R.I., looking for the church and finally took a bus to Newport, Vt. Once in town, he could see the church on the hill and he trooped up on foot.

He needed a ride to Canadian Customs where his wife would be waiting for him to make entry. So, Davignon excused himself from his host duties and drove the man to customs.

"It was kind of tense for him at the border. He was asking me, 'What should I tell them?'", Davignon said. "I told him to simply say he was applying for refugee status."

With the situation under control, Davignon raced back to the church to continue with the celebration.

The church has no extra money to help feed and house the refugees except for a recent anonymous gift in the collection plate. Davignon turned it over to the nuns for food and other expenses. The sporadic visits have not caused a problem, but Davignon believes the numbers will increase and there should be a better hospitality system. Ideally, he would like to see the laws changed to allow the people into Canada sooner.

"I wish there was some structure, like 'legal temporary entry'," Davignon said, "so these people would not be dehumanized, not feel isolated."

"I'm not critical of the laws, but I do feel neither one of the governments has addressed the problem of the turned-back alien," he said.

For now, Davignon is happy to take care of the small numbers of refugees. It brings back memories of his days as a missionary. On the wall of his office hangs an alpaca blanket with a llama in its center, an artifact from his years in Peru. A Spanish dictionary sits prominently on his bookshelf, near a painting of the farmhouse in Brownington, Orleans County, where he grew up.

"I miss that whole mission world," Davignon said. He adds, "This is a new mission for all of us."

KIDSPAC

Mr. LEAHY. Mr. President, recently, the New York Times had an article about my friend Bill Harris and his involvement with Kidspac in Cambridge, MA.

We live in a critical era where the powerful, wealthy, and those representing large blocs of voters have unprecedented clout on Capitol Hill. What Bill Harris has done is to persistently and with great credibility speak for children—those who are not wealthy or powerful or even vote. On the political scene it is one of the few marks of real altruism and deserves the recognition of all of us. Because of that, I ask unanimous consent that the excellent article about him be placed in the RECORD at this point, so that he can have this degree of national recognition.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROUP'S FOUNDER RAISES MONEY TO PROMOTE INTERESTS OF CHILDREN

(By Kathleen Teltsch)

CAMBRIDGE, MA—It is not your typical political headquarters. A blue stroller graces the entrance, and there is a playpen in the reception area. The silence is often broken by an 11-month-old baby's bid for attention.

"Jack comes to work every day with his mother, and he incidentally improves the quality of life for all of us," said William Harris, who runs the operation and is happy to have an assistant's baby around the office. "In this place, it's perfectly natural."

Perhaps so. Mr. Harris is the nonsalaried founder, president and treasurer of the political action committee Kidspac, and for the past seven years he has been raising money for candidates who support programs and policies that he thinks are good for America's children.

"It was a way to saying 'thank you' to them at a time when I felt more needed to be done to focus public attention on the problems of children and families and to enlist the support of Congress," said Mr. Harris, a 48-year-old private investor who is the father of two children. His wife, Robie, is an author of children's books.

THE YEAR OF THE CHILD

Mr. Harris has managed to raise more than $1 million for Kidspac, and now, although he disdains taking credit himself, he sees a bright political landscape in the area of child care, prenatal health and early education.

"This has become the year of the child," he said. "The politicians are coming aboard the ark in droves."

He sees them arriving two by two, Republicans and Democrats, Democrats and Republicans. He reels off the names of governors and mayors around the country making earnest commitments in the area. Governor Cuomo of New York has called for a "decade for children."

One of Kidspac's major expenditures, $56,000 financed a nationwide poll of 1,201 registered voters that found 47 percent saying that a candidate giving special attention to early childhood issues would be appealing to them. The response was even higher among voters 18 to 34 years old and Southerners and working women with children under 10.

Mr. Harris, who has a doctorate in urban affairs and a background in communications, says candidates are increasingly seen and photographed around children.

"Aware that working mothers with children under 10 comprise 8 percent of the voting electorate," Mr. Harris said, "more and more candidates are showing up at the office gates."

Such attention is important because, in Mr. Harris's view, the free market system cannot meet the needs of America's children without government help.

As welcome as 11-month-old Jack is in the headquarters of Kidspac, for example, Mr. Harris says child care should not depend on an employer's approval or the readiness of some companies to provide a facility for children as an inducement to working mothers."

Government resources are needed for quality day care and that requires trained people making a fair wage," he said, adding: "Investing in children and nurturing and educating them into the next century is not just a plank in a political platform. It is the basic foundation of our society's future."

Arguing that attention to children's issues also makes good sense from an economic viewpoint, he pulled from a shelf a recent study by the House Select Committee on Children, Youth and Families. The committee concluded that early prevention services like childhood immunization or supplemental food programs save the Government money by averting permanent illness or disability in later life.

An increasing number of business organizations are recognizing childhood issues, Mr. Harris maintained. Picking up another study, this one by the Committee for Economic Development, he said: "Here's a group of blue-chip businessmen urging investing heavily in the educationally disadvantaged because we're going to have a terrible time meeting the demand for jobs by the turn of the century."

Important union groups are also becoming involved, he said, such as the American Federation of State, County and Municipal Employees. "Fortunately, the ark is a big one," he said.

Mr. Harris has no easy explanation for what he calls the configuration of forces coming together on early childhood questions. "Maybe it is the gene expressing itself," he said.

The gene factor could also be an element in the creation of Kidspac.

He remembers the notion of a political action committee for children came to him one day as he was standing on the steps with his father, Irving Harris. The older Mr. Harris, a Chicago businessman, has given generously to programs benefitting families. One of them is the widely watched Beethoven Project, aimed at helping families in a low-income housing project by providing expectant mothers with prenatal care, and later teaching them about nutrition and other factors to aid them as parents.

Kidspac's major focus is also on such prevention programs. "We believe very strongly," William Harris said, "that it makes good politics, good economics and it's good for the soul."

NATIONAL PEACE OFFICERS' MEMORIAL DAY SERVICE

Mr. TRIBLE. Mr. President, over the past weekend the Nation's capital hosted the seventh annual "National Peace Officers' Memorial Day Service."

This important service is held annually in memory of those law enforcement officers killed in the line of duty during the previous year. During 1987, a total of 155 Federal, State, and local law enforcement personnel fell prey to violent criminals. Two of those—State troopers Harry L. Henderson and Alexander M. Cochran III—were from the Commonwealth of Virginia.

These officers volunteered to serve on the frontlines of an increasingly dangerous conflict—the war on crime and drugs. It's vital that we remember their sacrifice, and that we act to ease the continued suffering of their family and friends. This memorial service is an important part of that effort, and I ask unanimous consent that an article from the Washington Post describing the service be inserted in the RECORD at this time, along with a list of the 155 officers killed last year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CEREMONY HONORS OFFICERS WHO MADE "SUPREME SACRIFICE"

(By Lynne Duke)

The hands that placed red carnations on a wreath on the Ellipse yesterday were unsteady. The faces of those bearing the flowers struggled, most without success, to hold back tears. Some kissed the flowers as they parted with them. Some held tight to the hands of the little children with reddened noses and teary eyes, the children whose parents are gone.

One emotion was expressed in hundreds of ways, but shared by all, as the 155 law enforcement officers who died while on duty nationwide last year were remembered by their families, their colleagues, White House Press Secretary James S. Brady and Attorney General Edwin Meese III on the seventh annual National Peace Officers' Memorial Day.

The ceremony, which was part of National Police Week, was not only for the deceased and their families.

It also was for officers who continue in thier duties, knowing that they and their families could be next, said Vivian Eney of Silver Spring.

Eney's husband, Sgt. Christopher S. Eney, was the first U.S. Capitol Police officer to be killed on duty when he was shot accidentally by a fellow officer on Aug. 24, 1984.

She is a member of COPS (Concerns of Police Survivors), which sponsored yesterday's ceremony along with the women's auxiliary of the national Fraternal Order of Police.

"For me it's also honoring today's law enforcement heroes," Eney said.

"As far as I'm concerned, death doesn't make them a hero. What makes them a hero is the fact that they're walking out of the academy, they're putting on a gun, they're wearing the badge. And in this day and age that takes a lot of courage.

"We are their nightmare come true. We are the worst thing that could happen to them in their job, and yet they're willing to come here and to participate in this service and to grieve with us knowing full well that their wife or their parent could be the next one."

In 1990, the annual ceremony will move to the permanent home of the National Law Enforcement Officers Memorial, which is to be in Judiciary Square.

The memorial will cost $5 million, which is being raised through private donations, said Craig Floyd, president of the memorial fund.

Yesterday's ceremony was attended by about 7,000 officers and family members representing agencies in 32 states, the District and Puerto Rico, as well as federal law enforcement agencies, according to organizers.

Among the dead who were honored were six officers from the District, Maryland and Virginia.

Brady, who received near-fatal injuries when he was shot in the 1981 assassination attempt on President Reagan, urged the families in a brief, halting speech from his seat to take pride in the officers' lives and "solace in the fact that we will never forget their supreme sacrifice."

After each name was called and each carnation was placed on the wreath, each family received "The Supreme Sacrifice Medal of Honor" from Meese, who shook family members' hands and offered words of encouragement.

Emma Taylor of Chicago, whose husband, Robert L. Taylor, 44, a superintendent of the Pontiac Correctional Center in Illinois, was stabbed to death in the prison on Sept. 3, 1987, said she was not sure whether attending the ceremony was a good idea.

As she spoke, she stood in a long line to greet Brady.

"I really had mixed emotions about coming because I didn't know what to expect. I didn't know if I would be able to get anything out of it, what it would really do for me personally. And I've gotten that and so much more out of just finding people that understand what I'm going through, and I've made so many wonderful friends and the ceremony means so very much to me."

The ceremony once again opened the floodgates of her grief, but that is inevitable, she said.

"It comes up again anyway. It's not anything that goes away. That's one of the first things I learned when this happened . . . that it's never going to go away."

SIX FROM AREA AMONG HONORED

Six law enforcement officers from the District, Maryland and Virginia were killed in the line of duty in 1987.

District: Police Officer Robert Remington, 39, was shot with his gun by a burglar as the two struggled over the weapon in Hugo Boss, a men's store in Georgetown, on May 19.

Police Officer James L. Gordon, 41, was shot in his Largo home Dec. 14 by a Prince Georges County police corporal who was investigating a break-in and mistook Gordon for a burglar.

Maryland: State troopers John E. Sawa, 40, and Larry E. Small, 21, were killed March 10 when a tractor-trailer whose driver was intoxicated crashed into their police cruiser on I-95 near Havre de Grace.

Virginia: State Trooper Alexander M. Cochran III, 27, was fatally shot Jan. 15 when he responded to a domestic dispute in his Lorton neighborhood.

State Trooper Harry L. Henderson, 43, was killed March 17 when a truck smashed into him and his cruiser while he was writing a traffic ticket on I-66 in Warren County.

In Recognition of the 25th Observance of National Peace Officers' Memorial Day We Remember the Roll Call of Heroes of 1987

ALABAMA

Charles R. Alcuri, Elizabeth S. Cobb, Howard E. Dutton, George T. Herring, John D. Seifert.

ARIZONA

Andy Begay, John E. Bradshaw, George Covert, Steven Garibay, Bruce A. Petersen, Roy L. Stanley, Ricahrd C. White.

CALIFORNIA

Charles R. Anderson, Terry W. Autrey, Michael A. Brandt, Lonnie G. Brewer, Keith B. Farley, Roosevelt Ferrell, James D. Ketchum, John W. Libolt, Manuel Lopez, Jr., Randall L. Marshall, Robert A. Medina, James H. Pagliotti, Mark Taylor, Benjamin W. Worcester.

COLORADO

Charles A. Fry, Edward Hockom, Stephen P. Miller, Daniel R. Stillwell, James E. Wier.

CONNECTICUT

Daniel S. Wasson.

DELAWARE

David B. Pulling.

FLORIDA

Waymon D. Allen, Kenneth S. Baldwin, Ray L. Barnes, Frederick T. Clark, Sr., Grover C. Cooper, III, Fred Griffis, Ronald R. Grogan, Gerald D. Johnson, Donna M. Miller, Robert Nicol, Jr., Timothy Pollard, Jeffrey N. Ritchey, Sr., Stephen Rouse, Laverne D. Schulz, Richard Tingley, James A. Wouters, Jeffrey D. Young.

GEORGIA

Willie D. Cameron, Walter L. Harden, Bruce Williford.

HAWAII

Troy L. Barbosa, David N. Ronk.

ILLINOIS

Gregory R. Edwards, William Morrison, Jr., John M. Sack, Lee Seward, Robert L. Taylor.

INDIANA

W. Kevin Artz, Omega Graham, John E. Hatfull.

KENTUCKY

Robert C. Banker.

LOUISIANA

Richard J. Davidson, Thomas M. Phillips.

MAINE

Jeffrey L. Bull.

MARYLAND

John E. Sawa, Larry E. Small.

MASSACHUSETTS

Roy Sergei.

MICHIGAN

Andre Barksdale, James E. Boland, Albert O. DeSmet, Daniel J. Dubiel, John J. Fitzpatrick, Richard Fortin, Clay Hoover, Ira Parker, Linda J. Smith.

MISSISSIPPI

David B. Ladner.

MISSOURI

Henry C. Bruns, Russell W. Harper, Kenneth J. Koeller, Jr., Charles A. LaRew.

NEBRASKA

Craig D. Dodge.

NEW JERSEY

William F. Brey, Lester Guischard, Theodore Moos, Patricia E. Quinn.

NEW MEXICO

John A. Carrillo, Joe R. Silva.

NEW YORK

James Chiverton, David R. Clark, Thomas J. Consorte, Robert G. Dunning, Robert S. Insalaco, Samuel A. Johnson, A. Paul Kurdys, Francis J. Lasala, Louis L. Miller, Jr., Myron Parker, Michael Reidy, George Scheu, Harold E. Vanderhoef, Robert E. Venable.

NORTH CAROLINA

Robert L. Smith.

OHIO

Paul Durkin, Robert L. Elliott, Clifford W. George, Jeffrey M. Phegley.

OKLAHOMA

Charles Dillon, John H. Kerr, David C. Williams.

PENNSYLVANIA

Clinton W. Crawford, William D. McCarthy, Lynn R. Sutter.

SOUTH CAROLINA

Otis Grier, Sr., Donald R. Hayes, Robert P. Perry, Jr.

TEXAS

Wesley S. Alford, Joseph D. Bock, Benito E. Bravo, Melvin K. Drum, Maria M. Groves, Patrick L. Grun, Stanley K. Guffey, George W. Raffield, Jr., Ronald D. Slockett, Dale C. Stiles, Janice M. Vanderveer.

UTAH

Jackson D. Elmer, Wade A. Hansen, Gerry L. Ivie.

VIRGINIA

Alexander M. Cochran III, Harry L. Henderson.

WASHINGTON

James S. Gain, Clifford R. Hansell, William J. Heffernan, John R. Saxerud.

WEST VIRGINIA

William H. Phillips.

WISCONSIN

Dennis J. Gorlewski, Wallace L. Larson, Roger A. Sterling, John J. Stoll, James E. Stoltenow.

DISTRICT OF COLUMBIA AND FEDERAL OFFICERS

Arthur L. Cash, David L. Crater, James Gordon, John R. McCravey, Jude P. O'Dowd, Robert Remington, James D. Taylor, Raymond J. Stastny.

PUERTO RICO

Robert Wilson Santos Lopez, Albert Alvardo Velez.

"Well served peace officer.
May you rest in peace."

In 1987, 155 law enforcement officers gave their lives in the performance of their duty to protect our Nation.

Mr. THURMOND. Mr. President, on May 6, 1988, Congressman Floyd Spence of South Carolina underwent a double-lung transplant at the University of Mississippi Medical Center in Jackson, MS. It is my pleasure to report to his many friends in the Senate that he has made remarkable progress in recovering from this extraordinary medical procedure.

During his nine terms in Congress, Floyd Spence has often served as a conferee on armed services legislation. Those Senators who have served as conferees with him have recognized that he is a capable advocate of a strong national defense for this Nation. Congressman Spence has risen in seniority to become the second ranking minority member of the powerful House Armed Services Committee and is the ranking minority member of the Subcommittee on Seapower and Strategic and Critical Materials. He has distinguished himself as an authority on national security and is a lecturer on the threat of communism in the world.

As the dean of the South Carolina delegation in the House of Representatives, Congressman Spence is held in the highest esteem by his fellow South Carolinians. The fact that he is the ranking member of the House Committee on Standards of Official Conduct is indicative of the high regard in which he is held by his colleagues on both sides of the aisle in the House.

Mr. President, Congressman Spence has exhibited great courage in the face of adversity. Even though his condition has meant that he has had to endure great physical pain and discomfort, he has admirably performed his official duties and maintained a high voting attendance record.

Floyd Spence has always exhibited courage. In 1962, he was the first officeholder in South Carolina to change from the Democratic to the Republican Party. Through tireless efforts, Congressman Spence helped to pioneer the development of the two-party system in our home State.

Mr. President, Floyd Spence is an able Congressman, a distinguished statesman, a true patriot, and a great American. I am sure that many in this Chamber join me in wishing him a speedy recovery. I look forward to his return to the Halls of Congress.

NICARAGUA

Mr. LEAHY. Mr. President, no one welcomed more than I the signing of a cease-fire between the Contras and Sandinistas 2 months ago. It was the first real sign that the war was coming to an end.

In accord with that agreement, and with the sole purpose of assisting the peace process, Congress approved $34 million in genuine humanitarian aid, half for the Contras and half for children injured in the war, plus $1[illegible] million to monitor compliance.

That legislation is very specific. Under it, the aid is to be delivered only through neutral organizations, and administered consistent with the Sapoa cease-fire agreement. That means that the aid may only be delivered to Contras in cease-fire zones inside Nicaragua. It gives the Verification Commission sole authority to determine compliance with the program.

The law also states that the intent of Congress is that the aid to be used is to further the peace negotiations. No-where does it say that the purpose is to keep the Contras viable as a military force so they can resume the war.

I voted for this aid because I feel that if administered according to the law, it would give the Contras incentive to negotiate a settlement, while making clear to their leadership that there will be no more military assistance from the United States.

But after several briefings by AID, I am increasingly concerned that the law is not being followed. Daily, it is more and more obvious that the administration is ignoring the stated intent of Congress.

There are disturbing signs the administration is using this aid in a last ditch attempt to keep the Contras together as a fighting force.

The Agency for International Development has already started delivering aid directly to the Contras in Honduras, even though the law and the Sapoa agreement say it must go through neutral organizations acceptable to both sides to Contras gathered in cease-fire zones inside Nicaragua.

Already, more than 300 tons of food and clothing have been delivered in Honduras. That clothing, incidently, is military uniforms. Eighty thousand pounds of food have been air dropped by a company that until 3 months ago was delivering military aid to the Contras. I would hardly call that neutral delivery system.

Now AID is giving the Contra leadership cash. $330,000 per month has already been given to Contra families in Miami, Teguicigalpa and Costa Rica. How is that consistent with the law? I know I didn't vote to give money to Contra fatcats in Miami, and I don't think a lot of other Senators did either.

An additional undisclosed amount, reported in the press to be as much as $450,000 per month in cordobas, is being given to individual Contras inside Nicaragua. How can we possibly know how this money is being spent? How can the Verification Commission set up by the Sapoa agreement monitor what is done with this money?

The law only authorizes aid to Contras in cease-fire zones for the purpose of furthering the peace process.

Cease-fire zones have not been formally established. But most of the Contras are already in zones tentatively agreed to by the negotiators. The Sandinistas have said they will allow immediate delivery of aid to these zones by the International Red Cross—which Congress identified in the law as an acceptable organization—even though the permanent cease-fire is not yet final. The Contras say No * * * they do not like the Red Cross.

If the Contras do not like the law and do not go to cease-fire zones, they do not get this aid. The law is absolutely clear on that point.

OAS Secretary General Soares, one of two members of the Verification Commission, has said publicly that the deliveries in Honduras violate the cease-fire agreement. The administration does not like Mr. Soares' position, so it just ignores him.

This picking and choosing by the administration until it hears what it wants is outrageous. That is why we wrote the law so strictly. AID is not doing what Congress specified in writing. It is one more example of this administration swimming against the tide in Central America.

And, according to the press the CIA is still running the Contras. The Washington Times has a report that the CIA was behind the expulsion of some dissident Contras by the Hondurans a couple of weeks ago. This report indicates the CIA is helping quash all opposition to ex-Somocista Guard Colonel, Enrique Bermudez. I ask unanimous consent to include in the RECORD at the conclusion of my remarks an article from the May 16, 1988, edition of the Washington Times entitled "Resistance Leaders Struggle to Heal Rift."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. While the administration again evades the law and undermines the chances for peace, the peace talks have been virtually drowned out by recriminations and accusations of bad faith by both sides.

The cease-fire expires in 2 weeks. The Sandinistas' offer to extend it has not been accepted by the Contras. The administration ought to make some home truths clear to the Contra leadership pretty fast:

First, this war is over as far as the United States is concerned. The Contras had better negotiate while they have something left to negotiate with.

Second, the aid Congress approved must be administered in accordance with the law—even by an administration which has a record of evading the law when it comes to Central America.

I want to be absolutely clear. The administration will continue its current pattern of evasion of the will of Congress only over the strenuous and repeated objections of the Senator from Vermont. I protest now and I will keep protesting how the administration is applying the law we passed in March.

Mr. President, as one who wants peace and a decent political settlement in Central America, I am just as angered by recent actions by the Sandinistas which endanger this fragile chance for peace.

According to press reports, the Sandinistas have ordered the leading non-government radio station and the written press to stop criticizing the government. Either the Sandinistas have forgotten that just 3 months ago at Sapoa they promised to permit "unrestricted freedom of expression," or they don't know what free expression means.

This heavy-handed action comes just 2 weeks after Interior Minister Borges reportedly ordered the country's best-known radio news director to his home and began punching him, shouting that his programs were inciting violence and insurrection.

More than 30 people were arrested this month by Sandinista authorities for trying to demonstrate in support of construction workers on a hunger strike protesting low wages.

Finally, there are reports that the Sandinistas are back-peddling in their negotiations with the Miskito Indians, who have been seeking a separate peace agreement with the government.

Sandinista sincerity in the peace process will be shown by whether they are willing to allow genuine freedom of expression, to accept real political participation by the opposition, and to recognize and protect the rights of Nicaragua's Indian minorities.

I recognize the sad history of United States-Nicaraguan relations, and the heavy burden this country bears for the Somoza dictatorship and the Contra war.

But nations cannot live in the past. We must move forward. The Sandinistas must understand that how they deal with fundamental issues of civil and political rights will materially affect their future relations with the United States, whoever succeeds

Ronald Reagan as President of the United States.

Mr. President, I understand the Foreign Relations Committee will be hearing from AID Director Alan Woods on the Contra aid program later this week. I commend the committee for this and I urge the Members to seek answers to these very disturbing issues.

EXHIBIT 1

[From the Washington Times, May 16, 1988]

RESISTANCE LEADERS STRUGGLE TO HEAL RIFT

(By Glenn Garvin)

MIAMI.—Nicaraguan Resistance leaders will meet again this morning in a desperate attempt to patch up a rift in their fighting ranks that threatens to wreck the movement.

"Unless we can get this under control, you are going to see the beginning of the end" of the U.S.-backed insurgency against Nicaragua's Marxist government, predicted one exhausted rebel leader.

"We have had problems before, but nothing like this. This is fatal,"

The five-member resistance directorate met for several hours on Friday, Saturday and again yesterday seeking a solution to the split. They did not seem to have moved much closer to an accord.

"There is a proposal on the table, but that's all I can tell you," a rebel official said yesterday, "I don't know how likely it is that it will be accepted. That's what we're trying to figure out."

The atmosphere inside the meeting room has been anything but cordial. "Saturday's meeting was the worst in the history of the Nicaraguan Resistance," one official said. "You smell something ugly, no? No matter what you smell, I can assure you that it is worse than you imagine."

The split is between military chief Enrique Bermudez, a former National Guard colonel under the late Nicaraguan dictator Anastasio Somoza, and a group of young battlefield leaders, who want to replace him.

The feud surfaced three weeks ago, although its roots go back at least to 1984. The younger commanders say Mr. Bermudez is militarily inept and tolerates corruption and human rights abuses among his cronies. They have threatened to quit the movement if Mr. Bermudez is not removed.

The rift has also opended deep divisions in the insurgency's political leadership, with three members of the directorate opposing Mr. Bermudez and two supporting him. It has driven a wedge between the rebels and their allies in the Honduran government, and, increasingly, between the resistance and the Reagan administration, which supports Mr. Bermudez.

"Are the gringos in the middle of this situation?" snorted one rebel official over the weekend. "I'd say they're at the very top. . . . They act as though the resistance directorate has nothing to say about this at all."

The split erupted publicly in the middle of tense cease-fire negotiations between the rebels and Nicaragua's ruling Sandinista National Liberation Front, and the peace talks are all but forgotten now.

Several senior rebel officials didn't even know yesterday that Nicaragua's Assistant Foreign Minister Victor Hugo Tinoco was arriving here this morning to try to work out a time and place for the next round of negotiations.

The Sandinistas proposed over the weekend that a fourth round of truce talks with the rebels be held May 25 to 28 in Managua, Nicaragua's capital. Nicaraguan Defense Minister Humberto Ortega warned that if the 60-day cease-fire that expires May 31 is not extended, "we will launch actions of a scope never seen in this war".

"Obviously, we can't negotiate anything with the Sandinistas until we get this other situation under control," a rebel official said.

The proportions of the crisis have expanded steadily since mid-April, but over the past five days the confrontation has seemed to be spinning out of control.

On Thursday, Honduras arrested and deported Diogenes Hernandez ("Commandante Fernando") the last senior dissident rebel officer remaining in that country. Seven others were expelled two weeks ago.

Several rebel officials here—some of them who support the dissidents and some who don't—immediately predicted that the expulsion of Mr. Hernandez would have disastrous consequences.

"This leaves the dissident troops in Honduras under the command of junior officers who are a lot more militant, and a lot less experienced in politics," said one official. "[Mr. Hernandez] had been around, and he understood political consequences of things. These younger officers are more likely to start shooting when things didn't go well. God knows what is likely to happen."

The dire predictions were almost immediately fulfilled on Friday, when Mr. Bermudez announced plans to go to the resistance base in Yamales, Honduras, where a large number of dissident rebel troops are camped. Dissident officers there threatened to take Mr. Bermudez hostage if he tried to enter the camp.

Mr. Bermudez did not enter the Yamales camp, although reports here differ as to whether he was physically blocked from the camp or simply changed his mind after he heard the threats from the dissidents. Either way, rebel officials here say he is holed up near Yamales with several Honduran military officials, mapping out his next move.

"There was active disobedience to Bermudez among the troops over the weekend," said one rebel official. "He doesn't control any troops anymore."

Rebel officials here are increasingly angry about the degree of support that U.S. officials are offering Mr. Bermudez. They were furious last week when they learned that the CIA had told Honduran authorities to expel the dissident commanders.

That revelation came during a meeting in Tegucigalpa last week between Honduran officials, CIA officers, and rebel political officials trying to mediate the split within their combat forces.

Nicaraguan Resistance leaders told the Hondurans the expulsions had complicated their problems.

"You know why we expelled them?" one of the Hondurans replied. "Because they"—he gestured to the CIA officers—"told us to."

Pedro Joaquin Chamorro, a rebel political director who was attending the meeting, was so astonished his jaw dropped open, according to sources here. "I'm sorry, I didn't hear you," he told the Honduran. "What did you say?"

The Honduran official repeated his statement, and the CIA officers did not deny it, the sources said.

Of the five-member rebel political directorate, Mr. Chamorro is now said to be the most fiercely opposed to Mr. Bermudez. He has told some rebel officials he will resign if Mr. Bermudez is not removed.

ANTI-TAKEOVER LEGISLATION

Mr. PRYOR. Mr. President, today I am joining many of my colleagues as a cosponsor of the anti-takeover legislation of 1988 which is presently on the Senate Calendar awaiting action.

To be truthful, I had heard many of my colleagues, especially those on the Banking Committee, discuss this legislation recently and speak of the need for it. Several of them have urged me to become a cosponsor. However, quite frankly it was only when I woke up one day in Arkansas and read of a hostile takeover attempt being waged against a fine Arkansas company that I really began to understand the real need for this piece of legislation.

Arkansas Best Corp., was founded in Fort Smith, AR, in 1935 and has grown to be one of the largest trucking firms in the United States. It employs 1,800 people in the Fort Smith area alone and 11,350 nationwide. Not only does ABC contribute $76.5 million in wages to the Arkansas economy each year and over $3.5 million in corporate taxes, it is a company that exemplifies the term corporate "good citizen."

Appearing as a wolf in sheep's clothing, the New York-based takeover group ironically calls itself "Razorback Acquisition". It has already announced that if it gains control, it will immediately sell off two major parts of the existing company. I cannot doubt that this will eventually lead to closure or cutbacks and the loss of hundreds of jobs not only in Arkansas but nationwide.

Even if the takeover bid is not successful, ABC will have lost millions of dollars in its efforts to avert the takeover attempt—money that could have been more wisely invested in expansion and job creation.

I know this particular piece of legislation will probably not directly benefit ABC. It may too late. However, it can help many companies like it, and the communities in which these companies exist.

Hostile takeover attempts can adversely affect three major groups of people: The employees who stand to lose jobs, pensions, benefits, and the amenities which come from working for a smaller, more locally controlled company; the community which benefits from not only the job base, but also from the community contributions a company can make; and the consumer who loses everytime a larger company absorbs a smaller one and reduces the competition in the market place.

There is little doubt in corporate takeovers that it is the "little guy" that suffers. Business Week estimates that corporate mergers have cost more than 500,000 jobs nationwide over the past 3 years. As chairman of the Senate committee which oversees private pension plans, I have become more and more concerned about the effect that closures, mergers, and buyouts have on employees who have built up pensions with companies that are taken over.

But lest I sound provincial, and as if I am only worried about how we in Arkansas are affected by such takeovers, let me reemphasize the danger the American consumer faces as competition is reduced and control of major companies becomes concentrated in fewer and fewer hands. I am also concerned about the bankruptcies and business failures nationwide which have resulted from ill-financed and destructive takeover attempts.

I am pleased to become associated with this bill to join Chairman PROXMIRE as a cosponsor and hope the Senate will move to its consideration as soon as we have completed our work on the INF Treaty.

I would ask unanimous consent that a summary of the legislation be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

The bill includes provisions which would:

—Require any person who acquires more than 5% of the stock of a company to file the necessary disclosure statement with the SEC within 5 days of the purchase (rather than 10 days as required under current law), and prohibit a buyer from making further purchases until the disclosure statement is filed.

—Require more details in the disclosure statement than under current law, including a list of other large stockholders with whom the acquisition was discussed during the 30 days prior to the disclosure and detailed information on how the buyer is financing the purchase.

—Require the buyer to disclose whether the purchase is for passive investment purposes or to control the company. The bill also beefs up penalties for failure to properly disclose.

—Extend the minimum tender offer period from 20 days under current law to 35 days, and where an Employee Stock Ownership Plan controls 10% or more of the company, extend the period an additional 60 days to allow the employees time to make a competing offer.

—Protect employee pension plans during takeover of a company, increase penalties for insider trading, and allow a company to recover "greenmail," the profits that are many times realized by corporate raiders simply by making a takeover threat.

The basic goal of the legislation is to make sure that the SEC, management, shareholders, and communities know the intent of a buyer and have time to assess the merits of a transaction, and to protect the workers and those others who often suffer as the result of takeovers by corporate raiders.

DOD AUTHORIZATION BILL

Ms. MIKULSKI. Mr. President, in approving the Defense Department authorization bill, the Senate will take two steps which are especially important to my constituents in Maryland.

First, it will extend the deadline for destruction of the U.S. Army's mustard gas stockpile at Aberdeen Proving Ground and seven other sites around the country by 3 years, from 1994 to 1997.

Earlier this year I proposed legislation to extend the deadline because I felt that the Army should take all the time it needed to dispose of these dangerous chemical stocks in a judicious and fail-safe manner. The stakes are too important to rush the disposal of these toxins, and the citizens near the Aberdeen Proving Ground have a right to be consulted, informed, and protected during this process. I'm very pleased that the Armed Services Committee agreed and included this provision in the bill.

Second, I was pleased to cosponsor Senator WARNER's amendment to ban any electromagnetic pulse program [Empress] in the Chesapeake Bay area. Last year in the continuing resolution the Congress included language, which I had proposed, prohibiting any Empress testing in the bay. In my view, and the view of the Appropriations Committee, this language imposes a permanent ban on Empress testing in the bay.

Senator WARNER's language underlines our concern over the effects of this new, exotic testing and restates the ban contained in the continuing resolution.

NO TO THE DEFENSE BILL

Mr. HARKIN. Mr. President, I cannot in good conscience support the fiscal year 1989 Defense authorization bill, S. 2355, since it lacks any meaningful arms control provisions and funds nuclear weapons development programs that would undermine and degrade our national security in the long run.

All of the sensible and modest arms control amendments to the Defense authorization bill failed. Very modest reductions in the bloated and wasteful SDI program budget failed. Efforts to include interim restraint on the numbers of MIRV'd nuclear delivery vehicles failed, although the chairman of the Armed Services Committee agreed to seek interim restraint in conference. The amendments to reduce the threshold for nuclear test explosions to 5 kilotons failed, as did the amendment to transfer $500 million from the MX rail garrison to conventional forces.

While I cannot support S. 2355 in its present form, I may vote for the compromise bill coming out of conference, since our colleagues in the other body have agreed to some modest arms control measures. They agreed to cut the SDI funding to the $3.5 billion range, still far more than could be justified, considering that even the Defense Department now admits that the best we could expect would be a partial, leaky defense for the forseeable future, but a small cut, nonetheless. In my judgment, a funding level in the range of $2 billion is the most that could be justified for SDI for the purpose of providing the United States with options should the Soviet Union ever attempt to build a nationwide defense system.

The other body did pass a useful amendment requiring that no more than 40 percent of the SDI funds be expended on preparation for early deployment of the leaky phase 1 system. I urge acceptance of this provision in conference.

The other body overwhelmingly approved an amendment to return to the numerical sublimits of the expired and unratified SALT-II Treaty. I urge our conferees to agree to interim restraint at these limits.

The other body agreed overwhelmingly to cut MX rail garrison funding down to $100 million, compared to $700 million in our bill. Again, I urge reductions in this destabilizing weapon to the House level.

For the future, we must make drastic changes in our military budget. We must reevaluate the level of military spending, and we must change our propensity to fund every new nuclear weapon system that science can invent.

While the dollar level of this year's military spending was decided at the so-called budget summit between the White House and the Congress last December, and cannot be changed now, it is far in excess of our real defense needs. There is no justification for our Nation's unprecedented peacetime military spending level, a level that now exceeds the budget authority at the peak of the Vietnam war.

Not only is the cost of our military far in excess of any real defense needs, but many of the development projects in the nuclear strategic arena, if developed and deployed, would be dangerously destabilizing. The third generation of nuclear weapons, including the nuclear-pumped directed energy weapons, would make the use of nuclear weapons more likely in the future. Other new developments such as Earth penetrating warheads, precision guided manuevering reentry vehicles, and weapons to track down and kill mobile missiles would be destabilizing, giving incentives to the side striking first in a crisis.

We must stop this qualitative or technological arms race. We must work diligently to stop all testing of nuclear weapons, both underground explosions and flight testing of delivery systems. We must work to stop the current plans to deploy weapons in space. All of these technological developments threaten our security in the years and decades ahead.

Unfortunately, this administration has diverted our attention from this dangerous qualitative arms race to the quantitative arms race. While reducing the numbers of weapons as proposed in the START negotiations is desirable, it is not sufficient to improve our security. In fact, if we insist on keeping destabilizing weapons, such as vulnerable weapons or weapons which threaten the survivability of our adversary's strategic nuclear weapons, then we could end up with a more dangerous environment even with fewer total numbers of weapons.

Furthermore, reducing our current arsenals by 50 percent does not significantly change the danger of a nuclear holocaust. A few hundred nuclear bombs would destroy either civilization. We have over 10,000 strategic warheads alone. After the proposed 50 percent START cut down to 6,000 warheads, we would still have over 10 times the number needed to destroy the Soviet Union—we could kill them 10 times over instead of 20 times over.

I urge my colleagues to consider the long-term consequences of continuing the militarization of our society, of continuing our proclivity to solve all of our international problems by the threat or use of force as the first and not the last resort.

We must expand our definition and perception of national security. Our national well-being depends on more than how much we spend on the military. It depends on our economy, on the health and education of our people. Indeed, every unnecessary dollar spent on weapons of war is a theft from the civilian economy, a theft from industrial investment that could help to reduce our enormous trade imbalance and return this country to a position of industrial competitiveness.

Every unnecessary dollar spent on the military is a theft from programs to solve pressing societal problems such as acid rain, dependence on foreign oil, deteriorating bridges and cities, organized crime, drugs—problems that directly confront our Nation's well-being.

Throwing money at the military will not resolve our pressing national problems.

Mr. President, I must vote "no" to the Defense authorization bill as currently written, with the hope that the conference will agree to at least modest arms control provisions as passed by the other body. For the future, I will work for changed priorities, including reductions in the military budget, and a major emphasis on stopping the qualitative, technological arms race.

UNITED STATES-ALLIED BURDEN SHARING

Mr. STEVENS. Mr. President, as the ranking member on the Defense Appropriations Subcommittee, I have become increasingly concerned about the impact of Federal budgetary constraints upon America's world-wide commitment to freedom and security. As my colleagues will recall, I took the Senate floor on March 31, 1988, to address the specific issue of United States-Allied burden sharing, outlining my thoughts and concerns as we seek to have our friends and allies in Western Europe and Asia reach a consensus with us as to their increased participation in the common defense of democracy.

I am pleased to note that my concerns over the burden sharing issue are shared by many other Members of the Senate and by senior officials at the Department of Defense and the Department of State. One of those concerned officials is the Assistant Secretary of Defense for International Security Affairs, Hon. Richard L. Armitage. In fact, Mr. Armitage was recently in Honolulu for a meeting with the Pacific Asian Affairs Council where he discussed the absolute requirement that our friends in Asia begin to address the level of their defense commitment. As the Assistant Secretary noted in his remarks, there is a growing concern in the Congress that our Pacific allies, especially the Japanese, must devote an increased level of support to the American military forces which are stationed in their country for the defense of the Japanese home islands.

Assistant Secretary Armitage's remarks are very insightful and most timely. He has specifically addressed the very heart of the matter and has offered very constructive criticism of the continuation of the status quo. I commend his remarks to my colleagues and ask unanimous consent that his speech, entitled "America's International Role: The Key to Our Security," be printed in full in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AMERICA'S INTERNATIONAL ROLE: THE KEY TO OUR SECURITY

(Remarks prepared for delivery by Hon. Richard L. Armitage, Assistant Secretary of Defense)

Thank you very much for giving me the opportunity to meet with the council today. The job of a policy official in the Defense Department is to help Secretary Carlucci maintain our international defense relationships and security policies on an even keel. Year in, year out, this is a tall order: There are always crises which arise, hotspots which engage our attention, and inevitable frictions with our allies which need to be worked on and worked out. One essential thing which sustains our overall policy abroad is the support of the American people, and the Congress, for an active role of responsible U.S. leadership in the world community. If it were not for broad, bipartisan support for our international role since World War II, the world today would be far less free, secure and stable.

Yet, we seem to be at one of those times of reassessment and transition as a nation. A popular President will soon complete eight years of stewardship of the executive branch, and the newspapers, journals, bookshelves and airwaves are abuzz with a lively debate over America's future directions in foreign policy. In previous election years when an incumbent left the Presidency, voting sentiment seemed to crystallize around a single major issue—the agony of Vietnam, the legacy of Watergate, or the frustration of the Embassy hostage takeover in Teheran.

In 1988, I daresay, among the issues which stir voters' passions, no single foreign policy problem stands out above all others. Without being overly political about it, whether by good fortune or good government, or both, the United States today does not find itself in the grip of any such front-page crisis. Good news hasn't slowed down the debate—far from it. Our enduring national concern about the various threats posed by communism, terrorism, drugs, and budget and trade deficits have merely made the debate more complicated—perhaps too complicated for many self-appointed experts.

We Americans are a nation of do-ers, a restless breed always looking to fix things even if, as Mark Twain would say, they "ain't broke." That is the only explanation I can find for the view, currently gaining vogue, that the time has come to reassess and revise all of the alliance commitments, responsibilities, and roles which the United States has upheld with great success for the past four decades. I am, of course, delighted that we and our allies find ourselves at peace in 1988; and I welcome the opportunity that an election year brings for a vigorous discussion of the goals we want to pursue abroad through the 1990s in order to confer the blessings of peace, freedom and prosperity on citizens of the twenty-first century. Indeed, that is what brings me here today.

However, I do not welcome some of the things I am reading and hearing about how America's best years are behind her, and how our post-war leadership role is destined to come to an end in the coming years. I get even more exercised when I come across some of the snake-oil foreign policy remedies being prescribed supposedly to help the United States transition gracefully into its sunset years as a major world power. Today, I would like to challenge and rebut the new stream of negative thinking before it becomes accepted wisdom.

Many of you have probably heard of, or read, the best-selling book by Yale historian Paul Kennedy, entitled "The Rise and Fall of the Great Powers." A survey of the past five hundred years, it examines the states or coalitions of states which rose to economic greatness, how their economic power translated into political power and military strength, why they went to war, why the winners won and the losers lost, and the consequences of their national policies—from the Ottomans to the Hapsburgs, to Napoleon, the British Empire, Hitler and the Axis powers, and to the United States in the post-war era.

Professors Kennedy's thesis is that states initially become great in the marketplace by producing goods far more efficiently than anyone else. Success leads a state to look outward in search of territories to provide new resources and markets, and bigger profits.

He says that economic power begets military power, and at some point, great powers suffer a condition he calls "Imperial Overstretch." When they see their economic supremacy fading and fear new powers encroaching on their extensive networks of resources and markets. According to Kennedy, time and again the result has been a costly military buildup leading to war.

He contends that the victor in great power wars has consistently been the side with the bigger manufacturing base, more skilled workers, and more raw materials—in other words, the side with the most staying power. At times, the real long-term winner has been a bystander state with the emerging technology and resources necessary to surge ahead of the exhausted combatants to become the next great power and renew the cycle.

Professor Kennedy's lesson from history? For a great power to remain great, it must keep reinvesting in its manufacturing base, always looking ahead to the next generation of technology; and, at the same time, it should resist the temptation to spend scarce national funds on military missions that may have outlived their utility in a changing world.

It is a provocative thesis, suggesting some intriguing patterns and parallels connecting the dominant powers over an enormous span of history. But Paul Kennedy has gone a step further in his book, beyond history and into the realm of political prescriptions, by applying his view of the past to the present and future. He sees the United States today clinging to a network of military alliances formed at the end of the Second World War, when American supremacy in the international economy was at its peak. His analysis suggests that today we are making the wrong investments as a nation.

For example, in East Asia, he sees the United States borrowing Japan's money to pay for an elaborate post-war security regime that allows Japan and its neighbors to invest their own funds in advanced manufacturing techniques which, in turn, are driving American producers out of business. America's defense posture, in his view, is accelerating our fall from preeminence and subsidizing the rise of Japan and the newly-industrialized countries such as Korea.

This is a frightening message to many Americans. I think it's the wrong message to be sending to the American people, our allies and our adversaries. Paul Kennedy has some novel ideas about America; but I think many of them belong in a novel, not a serious discussion of our Nation's future.

In my view, the great power era ended in 1945 when the advent of nuclear deterrence reduced the prospect of all-out conventional war between the world's strongest powers. The last of the old-style powers—the Soviet Union—is now entering the advanced stages of "imperial overstretch;" and the stretchmarks are showing from Afghanistan to Poland.

The United States is fundamentally different from the so-called "great powers" of the past five centuries. We are not an ethnically-homogeneous nation ruled by a dominant leader such as Napoleon, Nicholas I, or Queen Victoria. No, we are not English, or French, or Spanish, or Russian—or, for that matter, Japanese, Vietnamese, or Polynesian: We are all these, and more. Over four million of our citizens trace their ancestry to Asia and the Pacific Islands. People around the world see a little of their own blood in the American lineage, and this is a great source of our strength and legitimacy.

Nor does American foreign policy resemble the hegemonic exercise of imperial power in earlier eras, which largely consisted of seizing territory and exploiting less-developed societies. When the American people declared independence from the British Crown, we chose to govern no one but ourselves. That is why other societies view America more readily as a partner than a threat.

We could have conquered Japan and West Germany after World War II and shackled them politically and economically, as the Russians did with the areas they occupied. Instead, we helped put Japan and Germany on their feet and left them to govern themselves—and yes, to prosper. Free-world alliances are based on mutual consent and respect; we have nothing to fear from each other's strength, and we don't need any Iron Curtains.

Finally, and most importantly of all, Americans manage their affairs in a revolutionary new way, by historical standards: We have a democratic system of self-government which can adapt to change and challenge better than any great power in history.

This is why I reject the current wave of pessimism about America's future. And this is why I feel compelled to speak out as forcefully as I can before misguided ideas lead to destructive actions. Paul Kennedy is wrong about the United States, and so are the people who have seized upon his great power theory as a rallying cry to bash our allies and roll back our overseas defense posture in the mistaken belief that this will make America more competitive.

I am concerned that the purpose and the benefits of American alliances and overseas deployments are being misrepresented in the current debate. We do not keep 55,000 forces in Japan and 40,000 forces in the Republic of Korea as a favor to our allies. We are abroad to protect mutual interests. Moreover, the defense of our own territory is based on forward deployment of forces.

The United States has a fundamental national interest in a stable East Asia region. No one in this room needs to be reminded what kind of price was paid when deterrence broke down on the Korean peninsula in 1950.

Yet, listen to this letter which Secretary Carlucci recently received from a Member of Congress. It said, and I quote: "A growing number of the American people feel abused by our allies. They feel that we spend a much greater portion of our wealth on the common defense; that we have too large a number of soldiers stationed on their territory; and that the allies use the money they save on defense to subsidize their trade, creating our enormous trade deficit."

The author is addressing the topical issue of burdensharing, and undoubtedly has Japan in mind, among others. So let me address this criticism head-on.

It is a fact that Japan spends only a fraction over one percent of its gross national product for defense, while the United States spends just under six percent. Japan could obviously afford to spend more. But let's review the facts before drawing the wrong conclusions.

In 1981 the United States pledged that in the northwest Pacific it would provide a nuclear umbrella, offensive projection forces as necessary, and a continued presence in the Republic of Korea. In the southwest Pacific and Indian Oceans, the United States said it would maintain the nuclear umbrella, projection forces as necessary, and sea-lane protection force.

Japan pledged that it could, within the limits of its constitution, defend its own territory, air and sea-lanes to a distance of 1,000 miles. The administration and Congress supported Japan's statement of its roles, and encouraged Japan to achieve the requisite level of capability within this decade. From 1983 to 1985, Prime Minister Nakasone obtained five percent annual real growth in defense spending while holding all other Japanese ministries to negative real growth. He fought for and won approval of a defense plan for 1986 to 1990 designed to achieve the defense goals established in 1981. Japan has continued to support annual defense spending increases of over five percent, breaking the psychologically sensitive barrier of one percent of GNP in 1987 for the first time in twenty years. Japan's 1988 defense budget, the first under Prime Minister Takeshita, is on the verge of surpassing the British, French, and German levels, which will make it the world's third largest.

What is truly important, though, is capability. Japan's 1986 to 1990 defense program is giving it the wherewithal to deny Soviet ships and aircraft undetected access to the Pacific and even the Indian Ocean, when Soviet forces come from the Vladivostok area.

The Japanese have more than twice as many destroyers as we do in our Seventh Fleet, which covers all of the western Pacific and Indian Oceans—and they are acquiring still more in the next two years. Japan has over four times as many antisubmarine aircraft as we do in the Seventh Fleet; and by 1990, the Japanese air self-defense force will have approximately three hundred tactical aircraft—about the same number we have defending the continental United States. In addition, in the 1990s Japan will begin deploying over one hundred F-16 aircraft enhanced with advanced Japanese avionics and other improvements, the technology from which it will share with us if we so desire.

Thus, Japan will meet its basic defense goals by 1990, as promised. In its defense plan for 1991 to 1995, Japan will likely obtain an over-the-horizon radar system, long-range early-warning aircraft, and tanker aircraft, which will make undetected Soviet aircraft or shipping access to the Pacific or to Japanese territory across the sea of Japan nearly impossible. By any measure, Japan's projected capability, complemented by U.S. strategic and enhanced conventional weapons capability, presents a very favorable scenario for continued Pacific deterrence.

These are the facts. Some of the apostles of burdensharing are still pushing for Japan to spend more on defense, even though no one, including the Japanese, wants Japan to become a new military colossus in Asia. Others say that if Japan won't take over military missions from U.S. Forces in East Asia, it should pay for the American presence. The fact is, they are carrying an impressive share of the burden. In fiscal year 1988, Japan will spend 2.5 billion dollars in support of the U.S. military personnel stationed in Japan. That amounts to forty-five thousand dollars per person—the most generous host nation support the United States enjoys anywhere in the world.

The administration's view is that Japan should continue to fulfill its 1981 pledge to develop the 1000-mile capability. Beyond that, the most productive contribution Japan can make to regional stability is to invest a greater portion of its wealth in its already-substantial foreign aid program. U.S. security interests benefit from Japan's aid to the Philippines and other countries in need of assistance as they seek to open their economies and political systems.

Here, then, is a sensible way for Japan to increase its share of the free world's security burden without causing political friction between our two greal countries. Americans should appreciate the positive benefits of Japan's defense efforts, and stop uninformed, illogical criticism.

While Japan's extraordinary economic performance has placed it at the heart of congressional anxiety on this issue of allied burdensharing, the Republic of Korea is encountering some of the same ill-considered criticism of our security relationship. In contrast to Japan, the ROK spends over five and one-half percent of its GNP on defense. That has not stopped American critics from advocating a cutback of American forces, however.

Here again, the critics seem absolutely determined to snatch defeat from the jaws of victory. Protected by U.S. and Korean forces from a continual threat of aggression from the north for over three decades, the ROK has prospered economically. It has recently inaugurated as President Roh Tae Woo, the first democratically-elected leader in seventeen years; and the national assembly elections last week illustrate the vibrant diversity allowed by the ROK's maturing political process.

Korea's remarkable progress as a nation has earned it international prestige. This summer, the Olympic games will take place in Seoul. The United States will work with our allies on the peninsula to assure a successful and peaceful Olympics, free of North Korean interference. So, instead of destabilizing the region by threatening to pull our forces out of Korea, the U.S. continues to make an important difference.

I do not want to be misunderstood on the issue of burdensharing. The time has come for our allies and friends to bear a greater burden in the defense of democracy and freedom. All of us can and must do more. Where U.S. Forces are stationed abroad, host nation support is very important. The distinguished Senator from Alaska, Ted Stevens, has spoken forcefully on behalf of increased allied support for our troops; and no doubt he reflects a genuine concern in the Congress. But the true price of freedom represents a mixture of many burdens: military, political, foreign aid, human rights—and even social burdensharing, as in assisting refugees fleeing war and persecution.

In the case of Japan, greater globally-coordinated overseas development assistance will best serve the interest of the free world, of which Japan is an integral part. In the Republic of Korea, the evolving democratic process may introduce new difficulties to our relationship. But these are manageable, particularly when we recognize that Korean democracy is developing in a more western direction. One could say the same about the Philippines, which has undergone a dramatic democratic transformation that has touched the hearts of all Americans. The U.S. and the Philippines are presently engaged in a review of our military basing agreement. If we reach a satisfactory accommodation, both countries—and the region as a whole—will benefit. If not, our forces will go elsewhere, reflecting our respect for the sovereign prerogatives of nations hosting our forces. In either case, the United States will remain engaged in the Pacific as a force for stability.

My message today is a simply one: We must not allow all of this heady talk about great powers, grand strategies and the coming of the third millenium to make us dizzy. There is a reason why allies of the United States are more secure, prosperous, and friendly to our interests than they were four decades ago: We planned it that way. America will gain absolutely nothing if we blame our Japanese, Korean and other friends for doing exactly what we have been encouraging them to do all these years.

Paul Kennedy and other critics appear not to appreciate the true meaning of "alliance." Japan's gain is not our loss, or vice versa: The strength of one adds to the security of all. In today's turbulent world, no country can stand alone; it is the integrity of our alliances that allows us all to prosper as free nations.

Every politician and economist in America knows that trade and budget deficits are a price tag imposed on our future prosperity. It hurts to realize that we will not have a free ride into the twenty-first century. But I submit that bashing our allies and ignoring their very real contributions to our mutual well-being will not lower that price tag. Indeed, if we were to follow the Paul Kennedy prescription and begin to retreat from our position of strength and leadership around the world, our children would pay a far higher price, and the future of this great nation might well be called into question. Americans should be relieved that our skills are being tested in the workplace and the marketplace, not on the battlefield, and that differences can be worked out peacefully and intelligently with our partners in Asia.

As we take the necessary steps to keep our economy sound, nothing would harm us more than for America's friends and its adversaries to conclude that the United States no longer accepts its leadership responsibilities. "Peace through strength" is much more than a slogan. It is the way the United States, Europe, Japan, the ROK, and other free countries have made the difficult passage from the ravages of war to the dawning of an age of opportunity and fulfillment. Strength in the service of peace persuaded the Soviet Union to get out of Afghanistan. Strength in the service of peace also led the Soviets to agree to the INF arms reduction treaty, and underlies productive negotiations on long-range nuclear weapons. The unparalleled combined strength of the U.S.-Japan alliance virtually assures prosperity and security for our children and for Asia in general.

Many of us in the foreign policy community hope to preserve and pass on the winning formula of "peace through strength," not only to shield the United States from the risk of war, but to broaden the circle of freedom to more countries and peoples who are still caught in the grip of poverty, aggression, or tyranny. With the steadfast support of concerned citizens like you, America's epitaph as a superpower will never need to be written.

SHOREHAM NUCLEAR POWERPLANT

Mr. McCLURE. Mr. President, for over two decades I have participated in efforts in Congress to formulate a wise, balanced national energy policy. I believe we have had some successes and some disappointments, but I have never been quite as dismayed as I was when I read two editorials published last Friday regarding the Shoreham nuclear powerplant. These editorials, one in the Wall Street Journal entitled "Cuomo's Nuclear Bust-Up," the other in the New York Times entitled "The Shoreham Syndrome," were not directly the source of my dismay, for indeed they are right on the mark. Rather, it is the situation which necessitated the editorials which I find appalling.

Imagine if you will a fully completed nuclear powerplant which cost $5.3 billion to build. Imagine further that this plant has met all operating and safety requirements of the Nuclear Regulatory Commission and has been granted a low-power operating license. Imagine a plant which could displace 7 to 9 million barrels of oil a year in a region which is heavily dependent on imported oil. Now imagine a group of people deciding not only that the plant should not operate, but that the company that built it would be paid not to operate it. Moreover, imagine that this proposal is so completely in the national interest that Federal taxpayers will be willing to pay $2.5 billion—that's right—$2.5 billion, to finance it.

I regretfully inform my colleagues that you do not have to imagine any of this. It is exactly what is going on with respect to the Shoreham plant and the Long Island Lighting Co. [LILCO]. Governor Cumo, who has led State and local opposition to Shoreham, apparently has proposed the scheme which I just outlined. If the proposal was not being taken seriously, I would find it laughable. However, it is being taken seriously, and I am appalled. There are many details of the proposal which I find offensive, but suffice it to say that even one Federal dollar in support of it is too much, not to mention $2.5 billion.

The Cuomo scheme is bad fiscal policy and bad energy policy. I cannot find any redeeming value in it. Not only would this proposal pull the plug on a $5.3 billion plant which is already built and capable of operating, it would result in guaranteed higher rates to Lilco customers, without any additional power. It would result in a cost to Federal taxpayers of $2.5 billion without justification. It would result in the need to provide alternative sources of power to replace the much needed Shoreham power. This power will likely be obtained by the building of yet more oil-fired turbines or some new, as yet unplanned baseload plant—at added cost to the ratepayers—or even imports of Canadian electricity, much of which is nuclear powered.

Mr. President, I ask unanimous consent that editorials from the May 13 Wall Street Journal and New York Times be printed in the RECORD; I further ask unanimous consent that a not so recent, but equally valid editorial from the November 7, 1987, Washington Post be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 13, 1988]

CUOMO'S NUCLEAR BUST-UP

Ted Turner, meet Mario Cuomo. The New York governor apparently has won his hostile takeover bid for Lilco's Shoreham nuclear-power plant. He has what looks like an all-but-done deal with the management of the Long Island utility to buy the $5.3 billion nuclear reactor for $1 plus the sweeteners of rate hikes and tax breaks. Shoreham thus would become the first completed nuclear plant in the country to be torn down before it ever began operations. We'd call the deal a front-end bust-up, helped along by paying Day-Glomail.

This fiscal meltdown is certainly the most expensive victory yet for the anti-nuclear lobby. The deal was made possible by Governor Cuomo's acquisition corporation, the Long Island Power Authority, which he created this past summer to wage a takeover battle against Lilco, an investor-owned firm on the Big Board.

Even before the takeover bid, Governor Cuomo committee what in the private sector would be called market manipulation when the helped drive down the value of Lilco. He did this by simply refusing to allow federally required demonstrations of Shoreham's emergency evacuation plans. Then he threw down this gauntlet: "Lilco rips off the people of Long Island. Now we are coming after you." And he did, including a proxy contest to put his people on Lilco's board.

Under the preliminary agreement leaked this week, New York would take over Shoreham after writing the $1 check, then immediately shut it down. Lilco would have to pay the cleanup costs of between $400 million and $500 million. In exchange, Lilco would get guaranteed rate hikes for the next decade of 4 percent to 5 percent which will maintain Long Island as among the nation's highest utility-cost areas. Eventually, Lilco could resume paying dividends.

The Cuomo plan doesn't stop at gouging New York taxpayers and Long Island ratepayers. Federal taxpayers also will contribute. The key to the deal is the Lilco also would get a $2.5 billion tax write-off for Shoreham. This would guarantee that the utility won't have to pay any federal taxes for a least a decade. New York also would help Lilco float $100 million in tax-exempt industrial-development bonds to help pay for the clearup. Make that *de*-industrialization bonds.

None of this will do anything to solve the problem of getting energy to that strip of densely populated land from Brooklyn to Montauk. Long Island faced high utility rates back in the early 1960s, when Lilco managers decided that the village of Shoreham would make a fine location for a nuclear-power plant. Local county officials approved the plan in 1970, and Lilco first filed for an operating license in 1975. The opposition delayed hearings until 1982, and by now legal fees alone are about $25 million. Throughout, the anti-nuclear lobby scaremongered Shoreham despite the peaceful existence a few miles across the long Island Sound of three Millstone reactors, which have helped make nuclear the source of more than half of Connecticut's electricity.

The timing of this takeover makes Mr. Cuomo the last of a dying breed. Mr. Mitterrand is back in power in France, but even he has given up on nationalizations. In Mr Cuomo's case it is statization, but the principle is the same. The only difference is that the Lilco expropriation will go down in history as the first time a government has taken over a private operation not to save it, but to bury it.

[From the New York Times, May 13, 1988]

THE SHOREHAM SYNDROME

New York's politicians propose cutting a deal to scrap the completed, ready-to-run Shoreham nuclear power plant on Long Island. That folly could threaten the nation's security, not just Long Island's, by further eroding public confidence in nuclear power. Its cost will become clear enough when brownouts or even rolling blackouts hit Hempstead this summer, and when oil prices once again rise sharply.

When the energy noose tightens, America will need a fuel-efficient automobile fleet, energy-efficient homes and appliances, a full strategic petroleum reserve and power plants—including nuclear reactors—that substitute for foreign oil. The Reagan Administration has opposed almost all such initiatives, preferring to entrust America's energy security to the mercy of world markets.

New York's politicians have been no more farsighted. Confronted with the $5.3 billion nuclear power plant built by an unpopular utility, the Long Island Lighting Company, they have chosen the easy way out. Building Shoreham may have been a mistake; scrapping it now that it's completed and as safe as Federal regulators can make it would be a monumental error.

Governor Cuomo could have led the way out of the impasse. He could have devised a plan to mitigate rate shocks, by funneling in some of New York's low-cost hydropower and seeing that Lilco's stockholders bore a large share of imprudent cost overruns. He could have demanded extra safety measures, then assured the public the plant could be operated.

Instead, Mr. Cuomo has played wrecker. He has done everything to prevent Lilco from obtaining approval in Washington of its emergency evacuation plan, even though its only serious flaw is the state's own refusal to cooperate. He has helped weaken the company by opposing rate increases. He now proposes a preposterous deal: letting Lilco survive in return for abandoning Shoreham to the state, which would shut it down.

Long Islanders would lose because the company would be guaranteed a 5 percent annual rate increase for a decade—about the same as it would have cost to put Shoreham on line. Yet a new power plant will have to be built on Long Island soon. Meanwhile the region's economy remains highly vulnerable to future increases in oil prices.

If Mr. Cuomo succeeds in destroying Shoreham, the Nuclear Regulatory Commission would have to share the blame. It has judged Shoreham safe, by licensing it to operate at low power, but has done little to prevent New York's subversion of its emergency planning rules, or to rebuild public confidence in nuclear power after the accidents at Three Mile Island and Chernobyl.

Countries like France and Japan already generate substantial portions of their electricity by nuclear power without exciting extreme public fears. But this country has fallen far behind in nurturing a nuclear energy option. When the next crunch in oil prices comes, Americans will be least prepared. Then, for all the good it will do, they can blame the lethargy of the Reagan Administration and the political timidity of leaders like Governor Cuomo.

[From the Washington Post, Nov. 7, 1987]

NUCLEAR POWER AND THE GOVERNORS

The Federal Nuclear Regulatory Commission has broken the stalemate over two big reactors, Shoreham on Long Island and Seabrook in New Hampshire, that are now completed. The governors of New York and Massachusetts, Mario Cuomo and Michael Dukakis, have respectively been blocking their operating licenses by refusing to cooperate in emergency planning to deal with accidents. The Seabrook planning area spills over into Mr. Dukakis' state, giving him, under the previous practice, leverage to prevent licensing simply by declining to work with New Hampshire's Gov. John Sununu.

When the state and local governments won't take part, the NRC's new rules enable its licensing board to consider plans drawn up by the utility that operates the plant. That's clearly second-best, as the NRC acknowledges, but it's better than allowing a governor to hold up indefinitely a plant that, over a decade of planning and construction, has won all the successive required approvals and met every standard.

There's no doubt that the NRC is reflecting congressional intent. In an attempt to exempt these two reactors from the new policy, a Massachusetts congressman, Edward J. Markey, brought legislation to the House floor last August. It was defeated, 261 to 160. Licensing reactors, and setting safety standards, are properly the federal government's job.

The American Northeast, meaning New York State and New England, doesn't like any of the major sources of electric power. It doesn't like coal because of air pollution, and the Northeast remains much more dependent than the rest of the country on oil and nuclear power. Events in the Persian Gulf certainly don't encourage greater dependence on imported fuel oil now. That leaves nuclear power—but the governors of Massachusetts and New York don't care for that one either.

The Northeast's solution is to import large and increasing amounts of its power from Canada. Most of it is hydroelectric; some is nuclear. The Northeast is managing to avoid hard choices by relying on generating plants built by others, beyond its own borders. That's a pretty clear demonstration of the reason for keeping final decisions in the hands of the federal government, where the responsibility for the national energy supply rests.

Mr. McCLURE. Mr. President, I make an urgent plea to all my colleagues to contemplate the damaging consequences of such an ill-conceived proposal now being thrust upon Lilco, its ratepayers, the citizens of New York State, and the taxpayers of the Nation, and to join me in opposition to it.

SOVIET WITHDRAWAL FROM AFGHANISTAN

Mr. HUMPHREY. Mr. President, on this Sunday past the Soviet Army began to withdraw from Afghanistan. It has been nearly 9 years since Soviet forces invaded that hapless country and they have been very long years for the people of Afghanistan. Indeed, it has been one 9-year-long nightmare for the Afghan people who have suffered every kind of barbarity at the hands of the Soviet Army and at the hands of the army of the puppet regime which the Soviets created in Kabul.

A million and a quarter Afghans are dead, according to a study recently financed by the Government of France. A million and a quarter.

I have cited that figure before in speeches on the floor of the Senate, but it cannot be repeated too often. Each time I speak I suppose and hope that someone who has not heard this before will hear it.

A million and a quarter. It is almost an incomprehensible figure, a million and a quarter Afghans have died as a result of the Soviet occupation of Afghanistan.

I am not talking about combatants. The bulk of these casualties, these deaths, are women and children and the elderly. And they have died in the greatest numbers because of the indiscriminate warfare waged by the Soviets, the merciless warfare waged by the Soviets against the Afghan people in their villages and in their homes.

A million and a quarter is a large number, but it is an especially large number for a small nation. We can better understand the magnitude of this calamity visited on the Afghans by the Soviet Army by considering what such a loss would mean to our country. If you apply the same proportions to the population of the United States, the figure of dead is 16 or 17 million Americans. Try to imagine that kind of calamity befalling our country.

That would mean that nearly every family would have lost a child, or a mother, or a father. And so it is in Afghanistan. Death has broken the hearts of nearly every family. It has been an agony. Millions more have been wounded, subjected to unspeakable heartbreak and privation. Millions—5 million—have been driven into foreign exile, and that number, Mr. President, is equivalent to 80 million Americans. Try to imagine 80 million Americans driven by the fury and privation of war into foreign exile.

Let us hope the nightmare is nearly over. Let us hope the Soviets withdraw fully from Afghanistan, from all of Afghanistan, and do so on schedule or ahead of schedule. Mr. President, there is one sure way to ensure such an outcome, and that is to keep the Afghan resistance well armed. For let us remember why the Soviets are leaving Afghanistan after 9 long years. Are they leaving for reasons of noble sentiment? No. That is not the reason. Are they leaving because they have decided that the people of Afghanistan deserve self-determination? No, that's not the reason, either. In fact, there is an abundance of evidence that the Soviet troop withdrawal does not mean the Soviets are giving up on their quest to subdue, to subjugate Afghanistan.

Yes, they are withdrawing their troops, but we can be sure based on statements they have already made that they intend to lavishly supply this puppet regime in Kabul with all manners of military assistance and economic assistance.

For now, the best thing we can do is keep the resistance well armed to ensure that the Soviets do, in fact, withdraw.

In that context, Mr. President, I want to commend the Senate and in particular the leadership, Senator BYRD and Senator DOLE, for rescuing the Afghan resistance from a near-disaster at the hands of the State Department. Back in 1985, unknown even to President Reagan, the State Department offered to cut off aid to the resistance on the first day of a Soviet withdrawal from Afghanistan. In other words, the State Department, ever willing to trust in Soviet good conduct, was willing to cut the resistance off the resupply even though Afghanistan would still have been under occupation and even though the Communist puppet regime was still in power.

What a treachery that would have been, Mr. President. Yet, the State Department persisted in that policy right up until February of this year.

In February, Senators who have been involved in the Afghanistan effort approached the Senate leadership expressing our alarm at the calamitous course which the State Department had set. The upshot was, the leadership drafted a resolution which repudiated the State Department plan by stating:

> The Senate hereby expresses its strong belief that the Government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance, or take actions which might limit the ability of the resistance to receive assistance, until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the Mujahideen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to elections.

Thanks to the leadership, and as well to the chairman and ranking member of the Foreign Relations Committee, the resolution was speedily brought to the floor and was unanimously adopted by this body. That was a turning point, and I suggest it is not an overstatement to say an historic turning point, for soon thereafter having been embarrassed the administration overrode the State Department. On the heels of the adoption of the Senate resolution, the administration reversed course and abandoned the plan to cut off aid to the resistance on day one of the Soviet withdrawal. That was a history-making turning point, and I commend and thank the Senate leadership and the Senate as a whole for an important and timely intervention.

Now it is May 18.

On May 15, the Soviets began their withdrawal. On May 15 and on May 16, 17, and 18, and tomorrow and next month, the resistance, thanks to the leadership of the Senate and of this body, will continue to receive the necessary help they need to carry on their struggle against the Soviet occupiers and against this criminal regime by the Soviets set up in Kabul.

For that reason, for the reason of the continuing flow of these weapons, the Soviets will have every necessary motivation to remove their forces from Afghanistan completely and on schedule.

Of course, Afghanistan's troubles are far from over. There is concern the Soviets might remain in northern Afghanistan, might remain north of the Hindu Kush Mountain Range, an area which they might occupy with greater success and safety and at less expense than has been the case with their occupation of the entirety of Afghanistan.

There are some signs the Soviets might have such a plan in mind. Only time will tell. And even if the Soviets withdraw from all of Afghanistan, that leaves the puppet Communist regime in power, and as long as such a regime stands, we cannot proclaim success in our stated effort to secure the independence of Afghanistan and self-determination for her people.

So the struggle is far from won. But on this eve of the beginning of a Soviet withdrawal, it is well to note the success of the Afghan people and to give thought to the enormous sacrifice they have made in their long struggle to win back their country.

It, likewise, is well for the Congress and for the Senate to note the courageous role played by the people and Government of Pakistan and the burdens they continue to bear, with terrorist bombings—directed from Kabul and Moscow—almost a daily occurrence. For her courageous and principled stand as a bulwark against imperialism and bullying, Pakistan has suffered thousands of casualties and injuries and much economic distress.

Finally, Mr. President, I want to thank the Senate for speaking out so forcefully and unanimously on the need to keep the supply lines open to the resistance.

Had the Senate not acted so effectively, as of this Sunday, aid to the resistance would have ended. Effective Sunday, the resistance would have been progressively disarmed as it consumed supplies on hand. We can't know yet the final outcome of events in Afghanistan. But it is not hard to imagine what would likely have happened, had the resistance been disarmed while Afghanistan remained occupied by Soviet forces. Such an outcome would have been a great tragedy for the people of Afghanistan and a great shame for the people of the United States.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1386. An act for the relief of Marsha D. Christopher; and

H.R. 1430. An act to authorize decorations, medals, and other recognition for service in the U.S. merchant marine, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore [Mr. PROXMIRE].

At 3:50 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4162. An act to make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 274. A concurrent resolution commending Prime Minister Ozal of Turkey and Prime Minister Papandreou of Greece for their statemanship in initiating their current dialog.

The message further announced that pursuant to section 143 of the Nuclear Waste Policy Act, as amended by section 5021 of Public Law 100-203, the Speaker appoints, with the concurrence of the President pro tempore of the Senate, Mr. Frank Parker, of Sommerville, MA, to the Monitored Retrievable Storage Review Commission, vice Mr. Victor Gilinsky, of Glen Echo, MD, resigned.

The message also announced that pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the Speaker appoints Mr. Stuart C. MacIntire, of Shaumberg, IL, as a member on the part of the House from private life of the Congressional Award Board, vice Mr. Patrick, L. O'Malley, of Chicago, IL, resigned.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 274. A concurrent resolution commending Prime Minister Ozal of Turkey and Prime Minister Papandreou of Greece for their statesmanship in initiating their current dialog; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3261. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the third quarterly commodity and country allocation table showing current programming plans for food assistance under Public Law 480 for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3262. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, the selected acquisition reports for the quarter ended December 31, 1987; to the Committee on Armed Services.

EC-3263. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit—Panama Canal Commission's Financial Statements for 1987 and 1986"; to the Committee on Armed Services.

EC-3264. A communication from the general counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act to authorize the imposition of civil money penalties in certain circumstances; to the Committee on Banking, Housing, and Urban Affairs.

EC-3265. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3266. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3267. A communication from the Deputy Administrator of the Federal Highway Administration, transmitting, pursuant to law, a report entitled "S.E. 17th Street Causeway Final Feasibility Study Report"; to the Committee on Environment and Public Works.

EC-3268. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the annual report on those funds dated May 5, 1988; to the Committee on Finance.

EC-3269. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report regarding the committees which provide advice and consultation to the Secretary in carrying out his duties under the Social Security Act; to the Committee on Finance.

EC-3270. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on cash flow financing of the Foreign Military Sales Program; to the Committee on Foreign Relations.

EC-3271. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to May 12, 1988; to the Committee on Foreign Relations.

EC-3272. A communication from the acting general counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

EC-3273. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Civil Service Retirement and Disability Fund [CSRDF] Annual Report" for fiscal year 1986; to the Committee on Governmental Affairs.

EC-3274. A communication from the Director of the Officer of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to require D.C. government and the U.S. Postal Service to fund retirement cost-of-living adjustments for their respective annuitants, and for other purposes; to the Committee on Governmental Affairs.

EC-3275. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, an errata notice to the order of the Commission adopting Final Rule Order No. 783; to the Committee on Governmental Affairs.

EC-3276. A communication from the Chairman of the Board of Directors of the Future Farmers of America, transmitting, pursuant to law, the annual audit report of the Future Farmers of America for the year ended August 31, 1987; to the Committee on the Judiciary.

EC-3277. A communication from the Acting Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, a report entitled "The Four City Pilot Program—Narcotics Traffickers Deportation Act, Anti-Drug Abuse Act of 1986—One Year Evaluation"; to the Committee on the Judiciary.

EC-3278. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-3279. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—the State Vocational Rehabilitation Services Program; to the Committee on Labor and Human Resources.

EC-3280. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Rehabilitation Services Administration Programs; to the Committee on Labor and Human Resources.

EC-3281. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Strengthening Research Library Resources Program; to the Committee on Foreign Relations.

EC-3282. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, the 1987 Surgeon General's Report on the Health Consequences of Smoking"; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 2407. A bill to temporarily suspend the duty of sulfachloropyridazine; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. Hollings):

S. 2408. A bill to transfer the Coast Guard cutter *Ingham* to the Naval and Marine Museum at Patriots Point, SC; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS:

S. 2409. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. SASSER:

S. 2410. A bill to authorize the Securities and Exchange Commission to conduct a study of proxy contests as a vehicle for corporate takeover activity; the role and conduct of institutional investors and their fund managers, including managers of public and private pension funds, in connection with such contests; and the need for, and feasibility of, measures intended to improve protections for persons on whose behalf and for whose benefit fund managers hold securities entitled to vote in such contests; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MITCHELL (for himself, Mr. Danforth, Mr. Moynihan, Mr. Heinz, Mr. Riegle, Mr. Durenberger, Mr. Cranston, Mr. Pryor, Mr. Gore, Mr. Sarbanes, Mr. D'Amato, Mr. Rockefeller, Mr. Dodd, Mr. Sasser, Mr. Reid, Mr. Kennedy, Mr. Kerry, Mr. Graham, Mr. Bond, Mr. Stennis, Mr. Dixon, Mr. Bumpers, Mr. Inouye, Mr. Heflin, Mr. Lautenberg, Mr. Cochran, Mr. Trible, Mr. Cohen, Ms. Mikulski, Mr. Adams, Mr. Chafee, Mr. Simon, and Mr. Boren):

S. 2411. A bill to amend the Internal Revenue Code of 1986 to extend the low-income housing credit through 1990; to the Committee on Finance.

By Mr. KARNES:

S. 2412. A bill to ensure continued funding for the Davis Creek Dam, North Loup Project, NE; to the Committee on Appropriations.

By Mr. HATCH:

S.J. Res. 320. A joint resolution to commemorate the 50th anniversary of the passage of the Food, Drug and Cosmetic Act; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. Hatch):

S.J. Res. 321. A joint resolution to designate the period commencing February 19, 1989, and ending February 25, 1989, as "National Visiting Nurse Associations Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MELCHER:

S. Res. 430. A resolution to order the printing of 300 additional copies of the Senate document entitled "The Older Americans Act Amendments of 1987: A Summary of Provisions."; to the Committee on Rules and Administration.

By Mr. ARMSTRONG:

S. Con. Res. 119. A concurrent resolution expressing the sense of the Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. Hollings):

S. 2408. A bill to transfer the Coast Guard cutter *Ingham* to the Naval and Maritime Museum at Patriots Point, SC; referred to the Committee on Commerce, Science, and Transportation.

LEGISLATION TO TRANSFER THE COAST GUARD CUTTER "INGHAM"

Mr. THURMOND. Mr. President, I rise today to introduce legislation to transfer the Coast Guard Cutter *Ingham* (WHEC 35) to the Naval and Maritime Museum at Patriots Point, SC.

Patriots Point Naval and Maritime Museum features an impressive array of maritime vessels including the famous World War II Aircraft Carrier *Yorktown* (CV-10) and destroyer *Laffey*, along with the world's first nuclear powered merchant ship, the N.S. *Savannah*. It is only proper to add this famous Coast Guard ship to this collection for public visitation.

Mr. President, like the *Yorktown* and *Laffey*, the *Ingham* was awarded the Presidential Unit Citation for her service in World War II. This courageous action against German U-Boats in the Atlantic is highlighted in the book "Bloody Water" by Capt. John M. Waters, Jr. (U.S. Coast Guard Ret.).

The *Ingham* (WHEC 35) Service record speaks for itself.

WORLD WAR II

1942-43—17 North Atlantic Convoys
1943-44—12 Mediterranean Convoys
2 Carribean Convoys
1945—6 Pacific Amphibious Operations
4 Occupation Duties

VIETNAM

1968-69—Service tours
1980—Cuban Exodus Operations

Presidential Unit Citation with Gold Star
Philippine Republic Presidential Unit Citation
Republic of Vietnam Meritorious Unit Citation
Republic of Vietnam Meritorious Civil Action
Coast Guard Meritorious Unit Commendation.

Mr. President, there are several other reasons why the *Ingham* (WHEC 35) is important to Patriots Point. First, the *Bibb* (WHEC 31), was built at the Charleston Navy Yard. The *Bibb* (WHEC 31) was the first of this class cutter. Accordingly, Charleston Harbor has many historic ties to the Coast Guard and the development of this type of vessel.

Second, the Destroyer Escort Sailors Association [DESA], has been an active veterans group working constructively with Patriots Point for over 3 years. DESA is actively seeking a ship to serve as national headquarters. Since there are no destroyer escorts [DE's] available, and many DE's were manned by Coast Guard personnel, many feel the *Ingham* (WHEC 35) is a logical substitution. Her size, armament, and design is very similar to a World War II DE.

Third, Patriots Point will be the location of the 1989 DESA National Convention with over 2,500 DE veterans—many ex-Coast Guards—expected to attend. Moreover, Charleston, SC and Patriots Point is often the location of many individual DE and Coast Guard ship reunions. The *Ingham* would provide an excellent meeting place for these functions.

Fourth, the U.S.C.G.C. *Ingham* Association strongly favors the bringing of their famous ship to join the fleet at Patriots Point. Since 1985 Captain Waters, repesenting the U.S.C.G.C. *Ingham's* Association, has enthusiastically worked with Patroits Point on the subject of the *Ingham's* acquisition. Patriots Point would very much like to add the U.S. Coast Guard to its alumni of supporting veterans organizations.

Mr. President, Patriots Point Museum is ably suited to provide the setting and high public exposure this distinguished vessel deserves. Accordingly, I am pleased to introduce this measure and urge my colleagues to act expeditiously on its approval.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the department in which the Coast Guard is operating shall transfer the Coast Guard cutter "INGHAM" to the Naval and Maritime Museum at Patroits Point, South Carolina. The Secretary shall transfer the "INGHAM" along with such equipment and in such condition as the Secretary considers appropriate. The Secretary shall make the transfer upon the decommissioning of the "INGHAM" or at a later time as determined appropriate by the Secretary.

Mr. HOLLINGS. Mr. President, I rise to join in introducing legislation which will transfer the Coast Guard cutter *Ingham* (WHEC 35) to the Naval and Maritime Museum at Patriots Point, in Charleston, SC, after the decommissioning of the vessel. I am especially pleased to do so in light of the fact that Adm. James S. Gracey—the Commandant of the U.S. Coast Guard—and I exchanged letters as far back as September 1985 concerning the possibility of displaying this proud ship at the Patriots Point location. Now that the retirement of the *Ingham* is to occur on May 27, 1988, this bill is timely indeed.

Patriots Point rests on the waters of Charleston Harbor, and overlooks that historic city. It is both a museum to naval history and a development project which highlights Charleston's role in naval history. Already, construction has begun on hotel and marina facilities to better accommodate visitors. Berthing the *Ingham* there permanently will make a fine and historical addition to the museum itself, which is now the home of the famed aircraft carrier *Yorktown*, the destroyer *Laffey*, the submarine *Clamagore*, the nuclear ship *Savannah* the world's first—and the Coast Guard cutter *Comanche*.

The *Ingham* served courageously against German U-boats in World War II, having escorted 31 convoys at great risk and danger. She also fought in the Pacific theatre, during six amphibious operations. For her service, the *Ingham* was awarded the Presidential Unit Citation. More recently, she did three tours of duty in the Vietnamese war.

Mr. President, it is fitting and appropriate that the *Ingham* rest in retirement at Patriots Point. Her illustrious past will serve to inspire our future, and those who visit her shall be better able to understand America's maritime history.

By Mr. BUMPERS:

S. 2409. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund, and for other purposes; to the Committee on Finance.

COOPERATIVE ORGAN TRANSPLANT CONTRIBUTIONS ACT

Mr. BUMPERS. Mr. President, I am introducing a bill today which is a modification of a bill that I introduced about 6 months ago, and it is called the organ transplant bill. It is designed to allow taxpayers in this country to check off on their income tax return some amount to go into a national organ transplant fund. Many, many people are dying in this country every year not for lack of an organ, and many are dying for that reason, but because they do not have the $100,000 to $300,000 that it takes to get some of the more exotic transplants today. So I offer this bill today as a substitute to the one I previously introduced.

By Mr. SASSER:

S. 2410. A bill to authorize the Securities and Exchange Commission to conduct a study of the use of proxy as a vehicle for corporate takeover activity; the role and conduct of institutional investors and their fund managers; including managers of public and private pension funds, mutual funds, insurance funds, and bank trust funds, in connection with such contests; and the need for, and feasibility of, measures intended to improve protections for persons on whose behalf and for whose benefit fund managers hold securities entitled to vote in such contests; to the Committee on Banking, Housing, and Urban Affairs.

STUDY OF USE OF PROXY CONTESTS IN CORPORATE TAKEOVERS

● Mr. SASSER. Mr. President, I rise, as a member of the Securities Subcommittee of the Banking Committee, to introduce legislation to require the Securities and Exchange Commission to study the increasing role of proxy contests as vehicles for hostile corporate takeovers. It is my intention to offer this legislation as an amendment to the corporate takeover bill—the Tender Offer Disclosure and Fairness Act—when it reaches the floor in the near future.

Mr. President, there is increasing evidence that many of the abusive, manipulative, and speculative tactics that have characterized tender offers in the last few years may be switching to the proxy forum. Indeed, I am afraid that if we curb such practices and activities in the context of tender offers, they will become even more plentiful in proxy contests.

In particular, the role of institutional investors is of concern. One of the most surprising and important conclusions of the innumerable studies of the October stock market crash is the dramatically increased role of institutional investors in the equity markets.

In fact, institutions now control upwards of 50 percent of the stock of many companies. Moreover, they account for a much greater percentage of trading volume. At the same time, as many studies of the crash conclude, it is apparent that institutions are following increasingly short-term strategies.

Significantly, it now appears that the trading strategies of institutions could be deviating from the wishes of the beneficial owners. Simply stated, owners generally take a longer term view of what is best for themselves, as compared to fund managers who are more constrained by short-term considerations.

Mr. President, this has far-reaching ramifications. I think that much of the short-term orientation of American management is directly traceable to this development. Since managers know that institutions control their stock, they are extremely reluctant to embark on projects or programs that might depress the stock price in the short term.

This means that research and development suffers. In some extreme cases, it means that companies don't make needed investments in plants and equipment.

In the context of contests for control, this development takes on aded meaning. Companies that have a high percentage of their stock owned by institutions are particularly vulnerable to a hostile raid, whether in the form of a tender offer or a proxy contest.

Corporate raiders have been quick to spot this tendency and to exploit it. They promote the notion that there will be a temporary decline in the price of the stock should the raider be defeated. In which case, the fund manager will be subject not only to criticism, but also to potential legal liability, if he doesn't side with the raider.

Accordingly, in contest after contest, fund managers disproportionately side with raiders.

Mr. President, it appears that the existing institutional framework may compel short-term orientation on the part of fund managers. As noted in the Harvard Business School press,

> Performance records of money managers are increasingly compared on a quarter-to-quarter and year-to-year basis, despite the obvious problems of using such short-term time horizons.

The short-term focus is particularly disturbing when it is contrary to the wishes of the beneficial owners. The Banking Committee has heard testimony that fund managers will vote for a raider who plans to break up a company, when the beneficial owners may be that company's employees. The manager feels compelled to do this as a result of the expected short-term gain in share price, despite the fact that the employees will likely lose their jobs.

Mr. President, I think it is clear that this developing influence of institutional traders deserves serious study by the SEC. We need to have a better understanding of the relationships between corporate raiders and fund managers and the criteria applied by the managers in determining their proxy votes.

This trend should be examined immediately from several perspectives to assure that the "quick buck" or "short-term" mentality, synonymous with the takeover craze in recent years, does not pervade the proxy process.●

By Mr. MITCHELL (for himself, Mr. Danforth, Mr. Moynihan, Mr. Heinz, Mr. Riegle, Mr. Durenberger, Mr. Cranston, Mr. Pryor, Mr. Gore, Mr. Sarbanes, Mr. D'Amato, Mr. Rockefeller, Mr. Dodd, Mr. Sasser, Mr. Reid, Mr. Kennedy, Mr. Kerry, Mr. Graham, Mr. Bond, Mr. Stennis, Mr. Dixon, Mr. Bumpers, Mr. Inouye, Mr. Heflin, Mr. Lautenberg, Mr. Cochran, Mr. Trible, Mr. Cohen, Ms. Mikulski, Mr. Adams, Mr. Chafee, Mr. Simon, and Mr. Boren):

S. 2411. A bill to amend the Internal Revenue Code of 1986 to extend the low-income housing credit through 1990; referred to the Committee on Finance.

LOW-INCOME HOUSING CREDIT EXTENSION

● Mr. MITCHELL. Mr. President, I am introducing legislation today to provide for a 1-year extension of the low-income housing tax credit. Senators Danforth, Moynihan, Heinz, Cranston, Riegle, Durenberger, Pryor, Gore, Sarbanes, D'Amato, Rockefeller, Dodd, Sasser, Reid, Kennedy, Kerry, Graham, Bond, Stennis, Dixon, Bumpers, Inouye, Heflin, Lautenberg, Cochran, Trible, Cohen, Mikulski, Adams, Chafee, Simon, and Boren are joining me as cosponsors of this legislation.

Congress created the low-income housing tax credit as part of the Tax Reform Act of 1986 to encourage the construction and rehabilitation of housing for low-income families. In the first year of operation, use of the tax credit has been modest and I believe changes should be made in the program to ensure adequate investment in low-income housing. In fact, last week Senator Danforth and I announced the formation of a task force to examine the credit and recommend changes. At this time, however, we are not proposing substantive changes in the credit. Instead, we are simply seeking a 1-year extension of the credit beyond its December 31, 1989, expiration date.

Although the credit does not expire until the end of next year, it is necessary to extend the credit this year to prevent an interruption in development activity in 1990. Multifamily housing takes many months to develop from the time of initial planning to the date a multifamily housing project is placed in service and ready for occupancy.

Because the tax credit can only be claimed after a project is placed in service and occupied by tenants, developers will soon cease planning new projects that cannot be completed until after the expiration of the credit at the end of 1989. They will not risk the expenditure of substantial development funds which depend on a tax program which could cease after 1989.

I don't mean to suggest at all that the future of the low-income housing tax credit is in doubt. I am confident that the Federal Government will continue policies designed to provide safe and decent housing for the American people.

This country has experienced an unprecedented loss of affordable rental housing during this decade. At the same time, Federal funds for low-income housing have been cut by over 75 percent. HUD new construction is almost an anomoly, with most funds used to subsidize rents in existing housing.

Not surprisingly, we have seen a substantial increase in homelessness, with families with children one of the fastest growing groups among the homeless.

Several States, including my own State of Maine have formed task forces to examine why the number of homeless is growing and how best to address the affordable housing issue. In Maine, the homeless task force has completed its report. A separate task force continues to examine the affordable housing problem.

While a task force may better define the magnitude of a problem, it doesn't take a task force to see that there are over 32 million people living below poverty, about 5 million subsidized housing units, and little new construction to understand how homeless families are growing.

And, that does not even begin to take into consideration those hundreds of thousands of units that are in projects with contracts that will soon expire, further reducing the existing stock of low-income housing.

Some may differ on the nature and amount of resources that should be provided to ensure all Americans have a decent place to live. But I believe we all agree some level of Federal assistance must be provided, including assistance through Federal tax incentives. For that reason, I fully expect Congress to renew the low-income housing tax credit.

Because investment in low-income housing is highly dependent on tax benefits, development activity fell sharply during the uncertainty arising from congressional debate on tax reform in 1986. Activity was also low during 1987 because of the unfamiliarity of the new tax credits and how they interacted with complex housing and tax laws.

If the development community does not soon receive a clear signal that the credit will be extended beyond its current expiration date, there will be another sharp decline of new low-income housing development in 1990.

Given the shortage of low and moderate income housing in many areas of the country, I believe we must take steps to assure uninterrupted development by extending the low-income housing tax credit well before its scheduled expiration date under current law.

I urge my colleagues to join the 30 Senators who are today introducing this legislation to extend the low-income housing tax credit.

I ask that a copy of this legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR EXTENSION OF LOW-INCOME HOUSING CREDIT.

Section 42(n) of the Internal Revenue Code of 1986 (relating to termination of low-income housing credit) is amended—

(1) by striking out "1989" each place it appears and inserting in lieu thereof "1990",

(2) by striking out "1990" in paragraph (2)(A) and inserting in lieu thereof "1991", and

(3) by striking out "1991" in paragraph (2)(B)(iii) and inserting in lieu thereof "1992".●

● Mr. DANFORTH. Mr. President, today Senator Mitchell and I are introducing a bill to extend the sunset date of the low-income housing tax credit from December 31, 1989, to December 31, 1990. This extension will address the most pressing, immediate need voiced by a number of people involved in the financing and the development of low-income housing projects. However, it is not a long-term solution. Senator Mitchell and I have introduced a separate bill that will help make the tax credit more effective in the long run. In addition, we have established a task force to make further recommendations as to how we should improve the credit.

The low-income housing tax credit was established in the 1986 Tax Act to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. Mr. President, this type of investment is crucial to our Nation's poor who need affordable places to live. Our country is in the midst of a vast and growing housing affordability and availability crisis. There is a large and expanding gap between the cost of decent housing, as provided by the private sector, and the income which is available to pay for it. The number of homeless people is an indication of the severity of the low-income housing crisis. As many as 700,000 people could be homeless on a given night in 1988, and considerable more could experience homelessness over the course of the year—estimates range from 350,000 to over 3 million people.

While the low-income housing tax credit needs a great deal of improvement, it is necessary to extend the credit to prevent an interruption in development activity in 1990. Typcially, it takes a year to 18 months for a project to be placed in service and ready for occupancy. Since the tax credit can only be claimed after a project is occupied, developers will soon cease planning new projects that cannot be completed until after the expiration of the credit at the end of 1989. As a result, it is necessary to extend the credit as soon as possible to prevent a sharp decline in development of low-income housing.●

● Mr. LAUTENBERG. Mr. President, I am proud to join with my distinguished colleagues, Senators MITCHELL and DANFORTH, in introducing this important bill to extend the low-income housing tax credit.

Mr. President, the shortage of decent, affordable housing for low- and moderate-income Americans is a national problem of crisis proportions. It is disgraceful that, in a society where so many are blessed with so much, millions live on the streets or in horrible, inhumane conditions. The problem is serious, it is growing rapidly, and it must be addressed immediately.

Some of our Nation's homeless live just outside the White House gates. But somehow, the sight of these desperate people has failed to move those inside.

Over the past 7 years, this administration has savaged housing programs. Funding has been cut by about 70 percent. New construction of public housing has been reduced to meager levels. Existing public housing has been allowed to fall into disrepair. Housing subsidy programs have been seriously underfunded.

In this context, it is critically important that existing programs to develop low-income housing not be allowed to expire.

The low-income housing tax credit was created in the Tax Reform Act to encourage the construction and rehabilitation of low-income housing. Tax incentives like this are needed if private developers are going to help meet the housing needs of low income people. The fact is, without Government incentives, production of low-income housing generally is just uneconomical.

The low-income housing tax credit is now set to expire on December 31, 1989. It is important that Congress act quickly to prevent an interruption in development activity. Without an extension, developers will soon stop planning new projects, since the credit is only available after a project is occupied.

I hope the Finance Committee will move quickly to approve the bill. And I would urge my colleagues to support this very important legislation.

It's time to make housing a priority.●

● Mr. CHAFEE. Mr. President, today I am joining in the introduction of legislation that is vitally important to all low-income Americans as well as homeless Americans. The bill we are introducing would extend the expiration date of the low-income housing credit for 1 year from the end of 1989 to the end of 1990.

One of the proposals advanced in the recent Rouse-Maxwell report is the indefinite extension of the low-income housing credit program. The Rouse-Maxwell report was developed by a high-level task force assigned by the Senate Housing Subcommittee to recommend comprehensive housing policy reforms. While not going as far as the Rouse-Maxwell report recommends, our bill would provide Congress with the additional time necessary to study the program and determine if it is accomplishing its stated goals.

We created this low-income housing tax credit as part of the Tax Reform Act of 1986 to encourage construction and rehabilitation of housing for low-income Americans. The credit has the potential for expanding the supply of available and affordable housing and, in fact, is necessary to provide the incentive to develop or renovate housing for the poor.

However, providing the necessary housing supply for the poor is a long-term job. According to the Rouse-Maxwell report, a low-income housing tax credit that expires at the end of 1989 will not be effective in sufficiently increasing the supply of low-income housing.

The State housing agencies that assist with these programs must invest a considerable amount of time and resources in the development of the necessary capacity to administer them. In addition, private housing developers must have considerable lead time for the projects. These necessary participants in the program need to know that it will be extended past 1989, in order to encourage them to make the required investments in time and resources.

History has shown that investment in low-income housing is highly dependent on the tax benefits provided by this credit. I would urge my colleagues to give this bill their full support.●

By Mr. KARNES:

S. 2412. A bill to ensure continued funding for the Davis Creek Dam, North Loup project, Nebraska; to the Committee on Appropriations.

DAVIS CREEK PROJECT FUNDING

● Mr. KARNES. Mr. President, I am introducing legislation today to help secure the next phase of funding for the Davis Creek Dam, North Loup division, in Nebraska.

Congresswoman VIRGINIA SMITH and I recently overcame objections in the Office of Management and Budget to funding we arranged last year to begin work on Davis Creek. The project has been delayed several times and is many years behind schedule. Davis Creek remains a vital portion of the North Loup project, a fully authorized project since 1954. After extensive meetings with Secretary Hodel, OMB Director Jim Miller, and Howard Baker, we were successful in convincing the administration to release the funds in question. Now that the overt objections in certain offices in the administration have been removed, we will be working to make sure the project moves forward and that the $1 million we provided for last year will be expended expeditiously.

We must now move forward with funding for fiscal year 1989, the subject of this bill.

The language provided herein is the same language authored by Congresswoman SMITH and her staff to be included in the House version of the energy and water appropriations bill. I congratulate her for her excellent work in this regard, and I hope that we could incorporate the same language in the Senate to avoid Davis Creek becoming a conference item, should this language be added to the Senate version of the energy and water appropriations bill.

Judging from yesterday's vote in the House of Representatives, there are still some who do not fully understand the facts and circumstances surrounding the Davis Creek matter and would stop the project. However, I was very pleased to see that the project survived the attempt to strike funds for Davis Creek by a comfortable 82-vote margin. Nebraska's Representatives in the House deserve a great deal of credit for leading the battle to set the record straight and protect the Davis Creek funding. VIRGINIA SMITH has been a true leader in this fight from the very beginning and continues to lead the way. I also want to congratulate DOUG BEREUTER and HAL DAUB for their spirited and effective defenses of this important project. When we see influential Members like Nebraska's distinguished delegation in the House fully engaged in the cause, many things are possible, for the good of Nebraska and for the country. The Davis Creek victory is only one example of this fact.

Mr. President, I do not believe in half built projects. I believe in completed projects and fulfilled promises. A completed North Loup project, including the Davis Creek feature that will make it complete from an operational standpoint, will fulfill a promise made to the people of Nebraska in 1954 and reaffirmed several times since that time. We need to move forward at a prudent pace. The language approved by the House and being submitted to the Senate at this time will accomplish this purpose.

Mr. President, my commitment to water development in rural America is a strong one. I introduced and passed the amendment last year to provide the initial funding for Davis Creek. I have submitted testimony in favor of Davis Creek and the entire North Loup project, and I am working in close contact with the Senate Appropriations Committee to secure a strong second step in the funding process. My colleagues may be assured I will continue to lead the effort in the Senate to see the entire North Loup project finished as planned, and I urge the support of my colleagues in this effort.●

By Mr. HATCH:

S.J. Res. 320. Joint resolution to commemorate the 50th anniversary of the passage of the Food, Drug, and Cosmetic Act; to the Committee on the Judiciary.

FIFTIETH ANNIVERSARY OF THE PASSAGE OF THE FOOD, DRUG, AND COSMETIC ACT

Mr. HATCH. Mr. President, 50 years ago, our predecessors passed the Federal Food and Cosmetic Act of 1938—a milestone in the development of sound processes for the regulation of the modern food and drug marketplace. today I ask for the support of my colleagues for a joint resolution I am introducing to commemorate the Food and Drug Administration for the tremendous work it has performed since the implementation of the 1938 act.

It is astounding to discover that today the Food and Drug Administration has the responsibility for regulating more than $700 billion worth of goods sold annually to Americans—constituting about 25 percent of the personal consumption expenditures in the United States. The rigorous standards created by the FDA for food and drug safety have made America's food supply the world's safest and most abundant. The FDA has diligently protected the American public against products that have been misformulated, misbranded, adulterated or tampered with—thereby maintaining the American public's high level of confidence in the basic safety of the marketplace. For example, FDA vigilance shielded America from the thalidimide tragedy of the early 1960's in which at least 10,000 European babies were born severely deformed.

The FDA has taken innovative new measures to deal with the AIDS epidemic that has threatened our Nation and the world, by giving expedited review to promising experimental treatments, preventative drugs and diagnostics. These efforts have led to the rapid, recordbreaking agency approval of some major products, including the review and approval of the first testing kits to help screen the blood supply against contamination by the AIDS virus in 3 months and the review and approval of the first effective palliative for AIDS in less than 4 months.

The FDA has successfully accomplished its Herculean task with limited resources—7,000 full time employees nationwide and an annual budget of $478 million. If one compares the agency's fiscal year 1988 budget to the overall value of the products it regulates, one can determine that the average American pays approximately $2 annually to have the agency assure the soundness of approximately $3,000 worth of consumer goods—a bargain by anyone's estimate.

So let us join in appreciation for such a landmark event in the protection of the public health. I would like to urge my distinguished colleagues to join me in sponsoring this joint resolution and expeditiously approving it when it comes before the Senate for consideration. I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 320

Whereas the passage of the Food, Drug and Cosmetic Act was a landmark event in the protection of the public health;

Whereas this Act is still the basic law enforced by the Food and Drug Administration;

Whereas the Food and Drug Administration has the responsibility for regulation of products representing 25 percent of each consumer dollar spent;

Whereas the Food and Drug Administration has over the course of the last 50 years established rigorous standards for food and drug safety that have been admired and emulated throughout the world;

Whereas the Food and Drug Administration's efforts have helped make America's food supply the world's safest;

Whereas the agency has developed the world's most advanced drug and device review system—a system which has assured the safety and efficacy of the nation's pharmaceutical and medical devices;

Whereas the advanced scientific approach toward drug review adopted by the FDA has contributed enormously to the betterment of science, medicine, and health of the American people;

Whereas FDA has consistently improved this system to make it responsive to the changing needs of the American people, technology, and the marketplace;

Whereas FDA has diligently protected the American public against products that have been misformulated, misbranded, adulterated, and tampered with on a day-to-day basis—ensuring the wholesomeness of the many food and drug products it regulates and upon which many Americans depend;

Whereas this effort has sustained the American public's high level of confidence in the basic safety of the marketplace over the past 50 years:

Whereas the thoroughness of FDA premarketing review has largely spared our nation from a repeat of the "Elixir of Sulfanilamide Tragedy of 1937";

Whereas FDA has responded in a herculean manner to each tampering or recall crisis that has befallen the nation, and has worked swiftly and effectively to protect the public;

Whereas FDA has taken innovative new measures to deal with the AIDS epidemic that has threatened our nation and the world, by giving expedited review to promising experimental treatments, preventatives, and diagnostics for this disease;

Whereas these efforts have led to the rapid, record-breaking agency approval of major products that have helped the nation to meet the AIDS threat, including the review and approval of the first testing kits to help screen the blood supply against contamination by the AIDS virus, and the review and approval of the first effective palliative for AIDS;

Whereas FDA through its regulation of the nation's blood networks has maintained the basic safety and efficient functioning of America's blood supply;

Whereas FDA, with its limited resources, has successfully met its tremendous responsibilities even in the face of dire national emergencies; and

Whereas the men and women of FDA have worked tirelessly, and often at great personal sacrifice, in order to perform their vital service to the nation: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes as an important anniversary the passage of the Federal Food, Drug and Cosmetic Act. The President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe this anniversary with appropriate ceremonies and activities.

By Mr. BRADLEY (for himself and Mr. Hatch):

S.J. Res. 321. Joint resolution to designate the period commencing February 19, 1989, and ending February 25, 1989, as "National Visiting Nurse Associations Week"; to the Committee on the Judiciary.

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

● Mr. BRADLEY. Mr. President, I rise today to introduce a joint resolution establishing the week of February 19 to 25, 1989, as National Visiting Nurse Associations Week. This joint resolution, cosponsored by my colleague from Utah [Mr. Hatch] is intended to focus attention to the importance of home health care in the United States.

As many of my colleagues in this body know, Senator Hatch and I have been advocates for expanded home health care for a long time. Experience has demonstrated that providing health services to many kinds of patients in the comfort and security of their homes is a better alternative—physically and psychologically—than hospitalization or nursing home care.

In many cases the delivery of health care in the home is more cost-effective, and, for the patient, far more comfortable.

The growth of home health care services in the past decade has been nothing short of phenomenal, due, in part, to the Government's encouragement as well as to a general recognition of the need for care in the home.

One organization, the Visiting Nurse Association, recognized that need more than 100 years ago. Originally called the District Nurse Association of Buffalo, NY, the Visiting Nurse Association was founded in 1885. It is the oldest continuously operated home nurse association.

In recognition of the care and support the VNA's have provided, we propose to name the week of February 19 to 25, 1989, as the National Visiting Nurse Associations Week.

I think it is important to note that the Visiting Nurse Associations generally remain in the background, doing their work quietly but efficiently, without fanfare. Every year, their trained professionals and community volunteers assist almost 1 million American men, women, children, and infants. Their services range from neonatal care, to hospice services, to physical therapy, to home IV therapy.

Home care providers have been in the forefront of working with AIDS, cancer, and ventillator-dependent patients.

One of the unique aspects of the VNA's is their strong community support. A board of directors composed of health care professionals and community leaders oversees each association to ensure high standards of care. The United Way, funded by contributions from local businesses, and individuals, is one of the primary financial backers for indigent care services provided by every VNA. United Way also monitors the quality of care provided by local VNA's. VNA services are supported by a combination of individual and corporate contributions within their communites, in addition to some Federal and State government funding.

Care is the primary responsibility of the VNA's, and the quality of that care is one of the hallmarks of the Visiting Nurse Associations.

But the VNA's provide more than health care. They also offer tender loving care, and for that and more they rely on volunteers in each commuity to assist the professional health care staff. These volunteers are engaged in such activities as cheering up patients with visits, delivering meals-on-wheels, reading to patients, and running errands. Volunteers do many of the little things that make a patient's stay at home more comfortable and uplift their spirits to make recovery a little speedier.

For all of these reasons, we today introduce this joint resolution commemorating the Visiting Nurse Associations and wish them well as they embark on their second century of service.●

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 1052

At the request of Mr. SPECTER, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 1052, a bill to establish a National Center for the United States Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1515

At the request of Mr. HEFLIN, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1515, a bill to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.

S. 1544

At the request of Mr. METZENBAUM, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1544, a bill to amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes.

S. 1766

At the request of Mr. SARBANES, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1766, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 2033

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2083

At the request of Mr. HEINZ, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2083, a bill to ensure that certain railroad retirement benefits paid out of the dual benefits payments account are not reduced, and for other purposes.

S. 2098

At the request of Mr. HOLLINGS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2156

At the request of Mr. LUGAR, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2156, a bill to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget.

S. 2174

At the request of Mr. BURDICK, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2180

At the request of Mr. TRIBLE, his name was added as a cosponsor of S. 2180, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale, or possession of firearms, not detectable by metal detection and x ray systems.

S. 2240

At the request of Mr. JOHNSTON, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2240, a bill to amend the act to reauthorize the States Mining and Mineral Resources Research Institute Program, and for other purposes.

S. 2241

At the request of Mr. GRASSLEY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2241, a bill to amend title 5, United States Code, to prohibit reimbursement by the United States of costs incurred by contractors in connection with proceedings relating to violations of laws or regulations.

S. 2351

At the request of Mr. DOMENICI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers.

SENATE JOINT RESOLUTION 230

At the request of Mr. HELMS, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of Senate Joint Resolution 230, a joint resolution to designate the third week of June of 1988 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. BOREN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 313

At the request of Mr. WALLOP, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Senate Joint Resolution 313, a joint resolution designating May 1988 as "Take Pride in America Month."

SENATE JOINT RESOLUTION 315

At the request of Mr. DECONCINI, the names of the Senator from Indiana [Mr. QUAYLE], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 315, a joint resolution designating 1989 as "Year of the Young Reader."

SENATE CONCURRENT RESOLUTION 112

At the request of Mr. BAUCUS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 112, a concurrent resolution expressing the intent of Congress regarding certain provisions of Public Laws 100-202 and 100-223.

SENATE RESOLUTION 426

At the request of Mr. BAUCUS, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Resolution 426, a resolution expressing the sense of the Senate that the seven major industrial nations of the world must take immediate action to protect the Earth's stratospheric ozone layer.

AMENDMENT NO. 1680

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of amendment No. 1680 intended to be proposed to Treaty No. 100-11, The Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, together with the Memorandum of Understanding and Two Protocols, signed at Washington on December 8, 1987.

AMENDMENT NO. 2070

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of amendment No. 2070 proposed to S. 2355, an original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2071

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of amendment No. 2071 proposed to S. 2355, an original bill to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 119—RELATIVE TO IMMIGRATION OF SOVIET CHRISTIANS AND FREE PRACTICE OF THEIR FAITH IN THEIR CHURCHES AND HOMES

Mr. ARMSTRONG submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 119

Whereas throughout 1988, celebrations will be held throughout the Soviet Union to commemorate the Christianization of Kievan-Rus' in 988 A.D.;

Whereas Christian churches have been instrumental in sustaining the faith of the believers and in developing the religious culture of the region;

Whereas the Christianization of Kievan-Rus' has made outstanding contributions to world literature, music, folk art, customs and places of worship;

Whereas, although the Constitution of the Soviet Union guarantees religious freedom, Soviet leaders, over the past 70 years, have sought to dissolve many forms of religious witness in the Soviet Union and replace them with Marxist atheism;

Whereas, the Soviet Union is signatory to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Madrid Concluding Document and has an obligation to comply with the United Nations Universal Declaration of Human Rights;

Whereas, the Soviet Union is committed under Principal VII of the Helsinki Final Act to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.";

Whereas in the Soviet Union it is illegal to formally teach religion to persons under 18 years of age;

Whereas openly distributing Bibles or other religious materials has been restricted in the Soviet Union and in some cases has been the basis for imprisonment and harassment;

Whereas thousands of churches have been closed and confiscated in the Soviet Union during the last seven decades, and the Soviets have severely restricted the number of theological seminaries; and

Whereas there are at present nearly 150 Christians who are known to be serving prison sentences, are in exile, or are confined in psychiatric institutions in the Soviet Union because of their religious beliefs, including Balys Gajauskas, Viktoras Petkus, Pastor Ivan Antonov, Pastor Nikolai Boiko, Semyon Skalich, Lev Lukyanenko, Father Vladimir Rusak, and Victor Walter: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in 1988 in celebration of the millennium of the Christianization of Kievan-Rus'—

(1) the Soviet Union should comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Madrid Concluding Document, and the United National Universal Declaration of Human Rights and allow Christians to practice their faith without interference, persecution, or harassment;

(2) the Soviet Union should grant a general amnesty for all Christians who have been imprisoned because of their religious beliefs;

(3) the Soviet Union should allow religious believers of all ages to worship and practice their faith without restrictions in their homes and churches;

(4) The Soviet Union should permit unlimited publication, distribution, and importation of Bibles and other religious materials in all languages; and

(5) the Soviet Union should allow churches that are closed or used for secular purposes to reopen, allow new churches to be built when needed, and allow theological seminaries to open or expand in order to insure an adequate supply of priests and pastors for the parish churches.

● Mr. ARMSTRONG. Mr. President, I am introducing legislation calling on the Soviet Union to proclaim general amnesty to imprisoned Christians and allow them to freely practice their faith. 1988 marks the 1,000th anniversary of Christianization of Kievan Rus'. It is in the spirit of the celebration of this millenium that I am introducing this legislation. It is my hope that it will bring much needed attention to the plight of Christians living in the Soviet Union.

Despite glasnost, evidence shows that restrictions on religious liberties continue to violate both the spirit and the letter of the 1975 Final Helsinki Act. This act, signed by many countries including the Soviet Union, requires respect for human rights and fundamental freedoms, including the freedom on thought, conscience, religion or belief. It states that "participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." And still, harsh restrictions are placed on the Soviet peoples' right to worship. Religious education is heavily restricted. In fact it is illegal to formally teach religion to anyone under the age of 18. The Bible and other religious materials in the national languages are in extremely short supply, and attendance in seminary is strictly limited due to Soviet policy.

Mr. President, in the Soviet Union all religious believers live under the constant threat of harassment, arrest, and imprisonment. Those who practice and teach religion are frequently arrested. Often these individuals are not charged with practicing religion. Instead, they are arrested on trumped-up charges. No matter what the charges, the results are often the same—they are sent to prisons and forced labor camps where conditions are brutal. The Soviets signed the Helsinki Act, and continue to violate it. What is worse, article 52 of the Soviet constitution guarantees religious freedoms. Unfortunately, it is very clear that compulsion, and not freedom has been the actual Soviet policy concerning the practice of religion.

We must support the efforts of all those who struggle to practice their faith under such conditions. The plight of those brave souls should inspire us to use what means we can to press for their release. As celebrations of the Christian Millennium get underway, we must look at the reality of the persecution of religious believers in the Soviet Union. We must use this opportunity to press the Soviet Union to give amnesty to imprisoned Christians and allow the free practice of religion throughout their country.●

SENATE RESOLUTION 430—AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF A SENATE DOCUMENT

Mr. MELCHER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 430

Resolved, That 300 additional copies of Senate Document 100-68, 100th Congress, 1st Session, entitled "The Older Americans Act Amendments of 1987: A Summary of Provisions" shall be printed for use by the Special Committee on Aging.

AMENDMENTS SUBMITTED

INF TREATY

HOLLINGS EXECUTIVE AMENDMENT NO. 2104

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the resolution of ratification of Treaty Doc. 100-11, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles; as follows:

At the end of the resolution of ratification add the following new paragraph:

The Senate's advice and consent to ratification of the Treaty is subject to the condition that, in connection with the exchange of instruments of ratification of the Treaty, the President shall obtain the agreement of the Union of Soviet Socialist Republics to the following reservation:

References in the Treaty to ground-launched cruise missiles shall be deemed to be references only to ground-launched cruise missiles which are equipped with nuclear warheads.

MANAGEMENT OF PUBLIC BUILDINGS

BURDICK AMENDMENT NO. 2105

Mr. BYRD (for Mr. BURDICK) proposed an amendment to the bill (S. 2186) to improve the efficiency and effectiveness of management of public buildings; as follows:

On page 8, line 1, insert the following, and renumber the following section accordingly:

"SEC. 8. CERTAIN OTHER AUTHORITIES

"Nothing in this Act shall be construed to affect the authorities granted in sections 5, 6, and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403 (f), (g), and (h))."

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place Thursday, June 9, 1988, beginning at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measures:

S. 1737, a bill providing for the completion of the Colorado River storage project; and

S. 2102, a bill to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes.

For further information, please contact Russell Brown, senior professional staff for the subcommittee, at (202) 224-2366.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Tuesday, May 24, 1988, at 9:30 a.m. in SR 332 to receive testimony on the United States-Canadian Free Trade Agreement.

For further information, please contact Bill Gillon of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 18, 1988, to consider recommendations to the administration for the implementation of the United States-Canada Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 18, 1988, to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Wednesday, May 18, 1988, to hold a hearing on S. 2250, a bill to amend the Indian Religious Freedom Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL OVERSIGHT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Environmental Oversight, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 18, to conduct an oversight hearing on GAO's recent report "Indoor Radon: Limited Federal Response To Reduce Contamination in Housing."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FEDERALISM, AND THE DISTRICT OF COLUMBIA

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Government Efficiency, Federalism, and the District of Columbia, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on May 18, 1988, to resume open hearings on S. 1992, the Heinz-Sasser bill to improve the efficiency and intergovernmental relation aspects of the Nation's Ground Water Management Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, May 18, 1988, to conduct hearings on the issue of cashing Government checks by banks for noncustomers, and S. 2110, the Fair Access to Check Cashing Act.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON ENERGY RESERCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the

Senate on May 18, 1988, to receive testimony on the Department of Energy's fiscal year 1989 budget request for renewable energy and energy conservation programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

KOREAN WAR MEMORIAL

● Mr. BINGAMAN. Mr. President, conspicuously absent among Washington's beautiful and inspiring monuments to the great men and women and events of our past is a memorial to those who fought and died in the Korean war. This gap will soon, at long last, be filled. Thirty-three years after the Korean war ended Congress has enacted legislation to authorize the construction of a Korean War Memorial in Washington, DC. I have supported the legislation since I came to the Senate and am gratified that the process for design and construction of an appropriate memorial has been set in motion. I am especially proud that a New Mexico veteran is actively involved in this process.

Today I would like to commend the 6147th Tactical Control Group, "The Mosquitos," and in particular Lt. Col. Sidney F. Johnston, a retired veteran from the last three wars from my home State of New Mexico, for contributing their time, effort, and vision to the design process for the memorial. Colonel Johnston originated the basic concept of a proposal submitted by The Mosquitos for a Korean War Memorial Library. Their proposed Memorial Library would not only pay tribute to those who served, but also house historical material to ensure that the sacrifices made in the "Forgotten War" would no longer be forgotten. Colonel Johnston worked closely with his cousin, James F. Smith, also a veteran, in developing the proposal; together they devoted a great deal of time and invested much of themselves in their concept.

I congratulate these veterans for their commitment to the memorial project. Their proposal for a library is an ambitious one, deserving the serious attention of the President's Korean War Memorial Advisory Board, as well as the Congress. I would like to include an excerpt from their proposal in the RECORD at this point, and to congratulate them again for their efforts.

The excerpt follows:

[The Korean War Veterans National Memorial Library]

(Proposed by The 6147th Tactical Control Group Korea 1950-1953)

"THE MOSQUITOS"

Following the first meeting of the President's Korean War Memorial Advisory Board, on Wednesday, September 23, 1987, a memorandum was issued by Advisory Board member Colonel Conrad K. Hausman (Ret.) to all Korean War veterans groups. In part, this memorandum stated, "The Memorial must radiate a message that is at once inspirational in content and timeless in meaning. This dictates the Memorial to be unique in concept, designed for publc use, located on prominent prospect, and present renewable living aspects of hope, honor, and service".

In response to the requirements of the Advisory Board, and to assure that present and future generations do not forget the duty of all free men and women to come to the defense of freedom, the 6147th Tactical Control Group presents this proposal for a memorial to the veterans of the Korean War.

The Memorial Library would house books, films and military records, from Government and private donation, for historical research and to inform younger generations of the sacrifice and dedication to service given by those perpetually enshrined by name on the exterior walls of the Library. Although a memorial to American Servicemen and women, the Memorial Library honors the twenty-two other nations who sent forces to Korea. The circular driveway symbolizes the unity of purpose of the United Nations forces and the flags of those nations encircle the Library. The top of the Dome has a ring of 23 lights shining skyward, twenty-two for the other nations and one for the United States.

In addition to the Library and the MIA Memorial Auditorium on the main level, the lower level provides an amphitheater for meetings of veteran's groups and others, conference rooms, offices, a small theater for historical researchers, and the Memorial Library Archives.

The 6147th Tactical Control Group veterans, respectfully submit that the Korean War Veterans National Memorial Library meets the requirements of the President's Korean War Memorial Advisory Board.●

A GIFT OF LOVE

● Mr. DURENBERGER. Mr. President, earlier this month—May 1-7—animal lovers, veterinary professionals and others throughout the country joined in celebrating National Pet Week. This year's theme for the week is "Pets—A Gift of Love."

Among the groups promoting this deserved salute to pets and pet owners in Minnesota is the Minnesota Association of Veterinary Technicians. This group of more than 300 paraprofessionals is headed by its president, Mary L. Lund.

As a life-long pet owner, I am well-aware of the value which pets represent in many American families. And, I'm especially appreciative of the role which veterinary professionals play in maintaining this bond.

I am reminded, for example, of the time a few years ago when Baron, the Durenberger family Schnauzer, snuck out through a small hole in the fence of our yard in McLean and couldn't be found after 2 days of searching.

About a week later, my wife Penny heard a strange noise outside the front door. Opening the door, she found Baron lying on the stoop, exhausted. He had been shot through his hind legs and apparently attacked by an animal, but managed to drag himself on his front legs through the woods behind the house before collapsing, bloody and dehydrated, at home.

Penny quickly put him in the car and drove him into see our veterinarian who went to work on him immediately, reconstructing his hip and sewing up his wounds. After a lengthy convalescence, Baron was back in the yard chasing squirrels, though he never again ventured very far from home.

Mr. President, this little story is an example of the strong bonds which exist between pets and their owners, and also of the important role played by veterinary professionals in keeping that relationship alive. Baron has now "gone on to greater rewards," but he's been replaced in our home by Heidi, an equally loyal Schnauzer. She along with her fellow pets all across the country received some well-deserved recognition May 1-7 during National Pet Week.●

WORLD POPULATION AWARENESS WEEK

● Mr. SIMON. Mr. President, several weeks ago, many communities across the country, and around the world, celebrated "World Population Awareness Week." While Congress has been unable to lend its support to this important effort, many Governors, State legislatures and mayors have.

One of those States supporting World Population Awareness Week was my State of Illinois. On March 8, Gov. Jim Thompson signed a proclamation urging Illinoisans to join many others in looking for reasonable solutions to the problems of overpopulation.

I applaud the Governor and the State of Illinois and ask that the proclamation be printed in full in the RECORD.

The proclamation follows:

PROCLAMATION—STATE OF ILLINOIS

Whereas, the world's population has exceeded 5 billion and is growing at the unprecendented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world, including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need family planning, but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 17-23, 1988, as "World Population Awareness Week" in Illinois, and I call upon all Illinoisans to reflect upon the consequences of overpopulation.●

LAWRENCE C. MERTHAN, MINNESOTA SCHOLAR AND SERVANT

● Mr. DURENBERGER. Mr. President, on Wednesday, September 30, 1987, Minnesota and the Nation lost a hero. Nine years after first being diagnosed as having cancer, Lawrence C. Merthan succumbed to the one challenge that could not be overcome with prayer and good humor. To those whose lives Larry touched, words cannot convey the sense of loss that Larry's passing brought. He was a precious, though underappreciated, national asset, and over time will be sorely missed.

Born in St. Paul on September 25, 1918, Larry Merthan was, like many of his generation, a strong believer in the importance of his church, his family, and his country. Consistent with his upbringing, Larry sought to serve them to the fullest of his abilities. As one who was fortunate enough to spend time with Larry, his wonderful wife Claudia and their peers, I can attest that his efforts were not in vain. His lifelong efforts to educate, enlighten and instill hope and promise were a resounding success.

Although my first contact with Larry came in the legislative arena, over time it was his unwavering faith in the Lord that led me to regard him as such a special person. As a product of a similar upbringing, I know that Larry's deep faith was the result of a life of commitment to the Catholic Church and its teachings. And it was that faith which made Larry such an inspiration to his friends.

Family was an equally important part of Larry Merthan's life, and as anyone who has met his lovely wife Claudia and their three children knows, Larry had much to be proud of. Larry drew strength from his family, and they from him. Perhaps that is what stood Larry apart from some of his contemporaries in Washington. He knew what was important and made time for his family.

In looking back at the accomplishments of this remarkable man, it may be that Larry's greatest legacy was his willingness to serve this great country. For those who were fortunate enough to work with him, Larry was a respected combat veteran, attorney, staff director of a U.S. Senate select committee, an effective spokesperson for distinguished organizations affected by regulators and legislators, and an active participant and counselor in numerous political campaigns.

Mr. President, I suspect that when Larry Merthan graduated from St. Thomas College in St. Paul in 1941, he had the same uneasy feeling that today's college graduates have. But unlike today's graduates, Larry's uneasiness was not prompted by employment prospects, but by World War II. In 1942, like hundreds of thousands of other recent graduates, Larry joined the Armed Forces.

For Larry, World War II meant serving with distinction as a navigator for the U.S. Army's Eighth Air Force in Europe. In recognition of his 28 combat missions, Larry received the Distinguished Flying Cross and the Air Medal with the three oak leaf cluster. He left active service as a captain in 1945, but continued to serve in the Air Force Reserve for a number of years, eventually achieving the rank of lieutenant colonel.

After leaving active service in the Air Force, Larry remained in Europe for a period as the State Department's Vice Consul in Stuttgart, West Germany. Among his many responsibilities was the issuance of passports and visas to U.S. citizens, displaced persons, and others in need of help. It was his work for the State Department which first exposed him to the existence of the Anne Frank Institute, a foundation he tirelessly supported with his time and efforts.

Upon finishing up his work in Stuttgart, Larry returned to Minnesota and sought to complete his war-interrupted educational agenda at the University of Minnesota. In 1945, Larry received his juris doctorate from the university and embarked on his carreer as an attorney. His first 6 years were spent as a trial lawyer in St. Paul, where he became very active in civil and government affairs. During his administration of the St. Paul Housing and Redevelopment Authority the community received Federal funds to construct the first two public housing facilities ever built in St. Paul.

In 1955 Larry returned to West Germany, where he served as the Deputy Director, and eventually Director, of the United States-Trans Lieben Foundation. The foundation's objectives were the reunification of Germany, the integration of Germany into Western Europe and the development of political science in German schools and universities. It was during this period of time that Larry served on the United States Educational Commission—Fulbright—for Germany, selecting German students and research scholars to study in the United States.

Mr. President, in 1959 Larry Merthan left Germany to return to America. He quickly made his way to Washington, where he was named staff director of the Special Senate Committee on Unemployment Problems. His primary work for the committee consisted of staffing a series of hearings, 15 in total, which sought to explore the causes and possible solutions to the problem of unemployment.

Upon completion of the committee's work, Larry returned to Minnesota, by way of U.S. Senator Eugene McCarthy. During his 5 years as Senator McCarthy's legislative counsel, Larry used his years of experience to assist the Senator in crafting legislation which benefitted Minnesota, as well as the Nation. When Larry left Capitol Hill for the Pfizer Cos., in 1965, the Congress lost a skilled legislative craftsmen and the private sector gained a counsel known as much for his integrity as for his formidable legal and technical skills.

Much happened in Larry Merthan's life between the day he left Government service and September 30, 1987. Through it all, he maintained communications with his old friends while making new acquaintances on a daily basis. Is it any wonder that the many people whose lives Larry touched were present for the moving services held at Our Lady of Victory Catholic Church?

Mr. President, as one of Larry's relatively new friends, his passing prevented me from knowing him as well as some of his dearest friends. Eulogies by Eugene McCarthy, Bob Gray, and Dr. Franklin Littell, all very close personal and professional friends of Larry, aptly conveyed the loss his passing meant to his wonderful family, his friends, his home State of Minnesota, this enclave we call Capitol Hill, and the Nation. While I lacked the years of direct personal contact with Larry that Gene, Bob, and Franklin had, my sense of loss is no less. But it is tempered by the knowledge that Larry's lifetime of faith, commitment and sacrifice to the Catholic Church and his fellow man will be returned one hundredfold.

Mr. President, I ask that eulogies delivered by Eugene McCarthy, Robert Gray, and Dr. Franklin Littell be printed in the RECORD at this point.

The eulogies follow:

EULOGY: LAWRENCE MERTHAN

(By Hon. Eugene McCarthy)

Larry Merthan, as most of you called him, and I have long known each other. Our relationship does not quite merit a paraphrasing of a Biblical text to read "Before I am, Lawrence was." But he was with me, possibly a little before me, throughout my political life, and possibly after in that one of his last helpful acts was to make me a "foundation," so that his support, care and concern for me might continue after his death.

Consistently through the years he called me "Eugene." I called him "Lawrence." I accepted this use of our full proper names as a sign of reserved, personalized respect on both his part and mine. He did not have what some call "mutual" friends. Each relationship of his was uniquely personal, singular. Yet while they were particular, they were classical. He was what he should have been: a husband, a father, a brother to his family members, a son to his parents, a colleague to the persons in his profession, an uncle, a friend.

Lawrence was the parliamentarian for the convention at which I was first nominated to run for the House of Representatives. He ruled, as you who know the state of 1948 Minnesota politics, under difficult circumstances. It was a time when Robert's Rules of Order took precedence over reason, law, and Constitution. Through the years he continued to campaign with and for me, and was legal counsellor in my Senate office.

He flew bombing missions over Germany in numbers beyond what he was expected to fly, and as Franklin Littell has told you, returned to Germany after the war, working to restore and establish order and culture. After returning to the United States he continued his interest in Germany and German-American relationships. I stood beside him as he looked, near grief, at the Berlin Wall soon after it had been built. In one of our late conversations he spoke of Germany and of the pleasure of his last trip to that country with Claudia, noting that he had enjoyed it especially because with her he had no need to translate, but could experience all in the German language.

The special, singular distinguishing mark of his character, his spirit in repose, was equanimity, a quality seldom found or recognized in modern times. The mark of his actions and involvement with persons was loyalty. The physical sign of his composure, his repose, was his respectful treatment and enjoyment of a good cigar, preferably Cuban.

One who speaks of Lawrence Merthan or who has spoken of him, has no need to change text, only the tense of the verbs. What one might have said in projecting what Lawrence would be, and in speaking of what "he is," one may say in today's memorial in speaking of what Lawrence was. He was a good servant of his time, his family, his country, his profession, but in all things "God's good servant, first," as was said of Thomas More.

REMARKS OF DR. FRANKLIN LITTELL

To Larry: I shall always remember Larry. He was a wonderful friend. In Bonn and Brussels, Paris and St Paul, Mt. Pleasant and Munich, Washington and Philadelphia and a dozen other cities—he was the most delightful of companions and dependable of allies.

I shall always remember Larry. He was a Mensch. He had flown 28 missions over Germany and had suffered the loss of all but a handful of his original companions. But he returned to help rebuild a democratic Germany. A courageous man of war when necessary, he was a compassionate man of peace when possible. Many of Germany's leaders in this generation—and not long ago one of them was a cabinet minister in Bonn—were students, members of the Verband Deutscher Studentenschaften and other youth and student groups, whom he helped in the postwar years.

I shall always remember Larry. He was a Christian. Like his patriotism, which he never vaunted, his faith was solid and unpretentious and unafraid. He worked with Jews and Protestants and fellow-Catholics without abrasiveness, in good faith, with full respect for the liberty and dignity and integrity of his fellows. He helped me when I was reorganizing Iowa Wesleyan College. He was a generous supporter of the work of the Anne Frank Institute of Philadelphia. He helped to launch the Center for the Study of World Religions at Temple University. He neither flaunted nor hid his faith: he lived it out.

I shall always remember Larry. He was a model associate. In more than fifty years of educational and religious work I have never had a more loyal and trustworthy colleague—and very few indeed to be mentioned in the same breath. We worked together in the sometimes tense world of political infighting and territorial conflict that characterized organized work in a Germany arising from the ruin in which Nazism had landed it, and with our German colleagues we fought to keep the new movements free of Communist take-overs in the west and to strengthen genuinely democratic movements east of the Iron Curtain. He never lost his nerve. He never had to be propped up. On the contrary, he was someone to lean on when the going was rough.

I shall always remember Larry. He was "Uncle Larry" to my children in their tender years. Sometimes Papa was heavy, even grim. "Uncle Larry" was always cheerful, always understanding, always helpful. They would listen eagerly as he told them of his travels and adventures. When my beautiful daughters were teen-agers "Uncle Larry," then a bachelor, was the only non-German on the committee that picked "Miss Germany" for the international competition for "Miss Universe." That was impressive. He didn't stay a bachelor, of course. . . . His lovely daughter and his wonderful wife are left to us.

I shall always remember Larry. He was lively, he was joyful, he affirmed life. He showed amazing fortitude in bearing his terrible final illness. And now he has passed into the realm of eternal life, into the Presence where all brokenness is healed, all unfinished business and all loose ends are gathered up and life is returned to its original perfection. Now he is where he belongs, where all life is up-beat. Auf Wiedersehen, lieber Kollege, dear Larry—until we meet again. We shall always remember.

REMARKS BY ROBERT K. GRAY

In this capital city, which Larry so loved, most men strive for greatness. Some even achieve it. Then there are those great and wise few who appreciate—and reach—a level of attainment beyond greatness.

Blessed with typical midwestern parents—honest, hard-working, flag-waving, god-fearing, family-loving—with that Midwestern brand of parentage it would have taken special effort for Larry Merthan to turn out really rotten.

What Larry did was quite the opposite. He stood on the shoulders of that blessed past and reached that highest level of attainment: one of unfaltering faith, of profound patriotism, of unquestionable honesty, of complete integrity and of unfailing loyalty and total trust. More simply stated, Larry Merthan was a completely good man.

Each of us who saw Larry in his last months has his own story about the man's courage and confident optimism. For me, those traits were epitomized in the remarks of a young colleague who, after spending time with Larry said, "I just cannot believe it. This guy comes in here in a wheel chair and ends up building my confidence, my spirits and my enthusiasm."

When we worked together in the 60's, Larry was my deputy. He was dutifully respectful but he did not mind my pointing out to clients that had Hubert Humphrey been elected, my slightly larger office would have been his. For Larry had a great respect for the proper order of things in this City of Power. And I know this morning he would expect me to acknowledge that this occasion is less about Larry Merthan than it is about Almighty God. This morning he would want us to share in his faith. He would expect us to rejoice that his life goes on.

Larry, old friend, you will be missed . . . until we meet again.

He was a lawyer, a lobbyist, a linguist, a legislative strategist. If all of us pooled our knowledge of his impact, we still would fall short of assessing his full contributions to the governmental processes and to the legislation which bore his fingerprints and affects us all.

Larry was counselor to candidates and Presidents. He was a politician's politician. His loyalty and vision never waned. On my final visit with him he sought my help in his plan to establish a campaign organization in each of the fifty states.

Larry was unyielding in his support of the Democratic party, but his solid friendships cut across party lines as it did in ours for three decades. And when one of your oldest friends is constantly one of your best friends it says much about the quality of that friendship and the giver's capacity for friendship.●

GREATER NATIONAL EMPHASIS NEEDED ON EDUCATION

● Mr. SIMON. Mr. President, columnist Robert Maynard serves as editor and publisher of the Oakland Tribune in Oakland, CA. I do not see that journal regularly, but I do read his column when it appears in the Chicago Sun-Times, and recently he had a column about education and the need for a greater national emphasis on education.

If this Nation believes it can continue to ignore both economic poverty and the poverty of educational opportunity that face too many Americans, we are fooling ourselves, and we are destined to be a nation with a declining standard of living and a declining quality of life.

His column is personal but its lesson is national, even international.

I urge my colleagues to read the column, which I ask to insert in the RECORD at this point.

The column follows:

[From the Chicago Sun-Times, Apr. 29, 1988]

AMERICA NEEDS A LOVE AFFAIR WITH LEARNING

(By Robert Maynard)

My brothers and I were squeezed into the cab of the moving van, our little knees bouncing against each other on every wide turn. My father, at the wheel, was impervious to our discomfort. Steering the van through the streets of New York with effortless ease, physical discomfort was the last thing on his mind.

Instead, his deep baritone voice vibrated in the cab of the truck. "Do you understand," he would say to no one of us in particular, "how our system of justice was influenced by ancient Greece and by the teachings of Jesus Christ?"

There we were, in the middle of the cacophony of traffic trying to cross the Manhattan Bridge. The other motorists might have been listening to the Dodgers game or jazz on the radio. Not us.

In my father's "Green Hornet," as he called the van, lessons on history and theology were in full swing. My parents never missed an opportunity to cram us full of some historical or biblical observation.

Always, they were romancing our minds with the idea of the love of learning.

My brothers and sisters agree on one thing a half-century later: My parents deliberately set out to create in each of us a curious and inquiring mind. It is no accident they produced six children who are educators, linguists, journalists and the like.

Even though they came to America as immigrants, my parents never doubted what it took to make it in the United States: hard work and a love of learning.

The strategy of my parents comes regularly to mind of late as I watch the growing debate over public education. It is clear we are about to be inundated in a discussion over the proper role of the federal government in the schools.

As that debate unfolds in the political campaign of 1988, my sense of unease grows. I fear we are about to rush off in the wrong direction. The present motivation for all this talk by Democrats and Republicans about education concerns the latest political buzzword, "competitiveness."

Because we are in a new global market, competing for jobs with the rising Asian and Latin economies, politicians realize our work force must be better educated to be competitive. Hence the new emphasis among political leaders on education.

Why do I fear they are leading us astray? Only because I think politicians look at education the way they address war—throw massive amounts of money and materiel at the adversary. But more important than money is our attitude toward education. My parents made that point often by speaking with contempt of "educated fools." These, to them, were people with advanced degrees but without elementary common sense.

For that reason, my folks described people whose intellects they admired as "learned," never educated. That, it seems to me, is a major distinction.

Instead of having "education" as our focus, I think we should aim at "learning" as our goal. The difference is one of attitude, an important aspect of the intellectual process.

This is no mere semantic distinction. It has everything to do with how we approach this "competitive" challenge. If we think of the national need as being "education," I fear we will think in narrow mechanistic and technocratic terms. Education in that sense is measured in degrees attained and number of hours logged in this subject or that.

By contrast, a lifetime of learning suggests a continuing hunger for new knowledge and new ways of looking at old problems and new ones. When I think of education, I think of a goal being achieved. When I think of learning, I think of a continuing process of growth from infancy to the end of our days.

That is why I hope our political leaders can inspire a national atmosphere where learning is loved for its own sake.

In such an environment, much more than mere "competitiveness" will be attained. That is the atmosphere in which creativity can triumph over the mastery of mechanics.

INFORMED CONSENT: MARYLAND

● Mr. HUMPHREY. Mr. President, women considering an abortion have a right to know the risks and alternatives to this serious operation. S. 272 and S. 273 would require recipients of Federal financial aid to secure informed consent from their patients before performing such an abortion. I hope my colleagues will agree that regardless of where one stands on the issue of abortion, we can all agree on the need for complete and accurate information. Anything less is unjust and makes a mockery of the so-called freedom of choice. I ask that a letter from Maryland be inserted into the Congressional Record.

The letter follows:

College Park, MD,
December 1, 1987.

Dear Senator Humphrey: I have had an abortion and it is an experience that I will never forget and has been very difficult to overcome. In December of 1975, I was 10 weeks pregnant; an unemployed single parent with a 5 year old son. How could I support another child? How could I raise two childen alone? These questions raced through my mind as I considered what to do. My parents could not help me. The fathers of my two children were not willing to share full-time family responsibilities. There was no one I could turn to for advice or help. I was lonely, confused, and afraid. I could not see how I could handle the responsibility or expense of another child alone.

There seemed to be no alternative but abortion, yet, I felt deep inside that something was wrong with that solution. Nevertheless, one morning I went to the Laurel Clinic in Washington, D.C., to have an abortion. I didn't receive any formal counseling. They simply described the suction abortion procedure and said that it would take only a few minutes. Those few minutes scarred me for the rest of my life. I recall the cold and insensitive comments of the doctor . . . "Oh, this one wants an abortion for Christmas—Uh huh . . . abortion now—pay later." I was already uneasy, but the doctor's uncaring attitude made me afraid, and I wanted to get out of the clinic as fast as I could. I wanted to scream "Stop"! but it was too late.

When I regained consciousness, I was already crying. I realized I had made a terrible mistake. My reasons for having the abortion now seemed weak and insignificant. The knowledge that something very precious in me had died weighed heavily upon me. My baby—a living soul—was gone forever. The sense of loss and grief was vivid, just as if someone close to me had died—which of course was true.

Watching a TV program months later, I learned some medical facts. I found out that at 10 weeks my preborn baby was a fully formed human being that could even feel pain. I'd had the abortion thinking that the little embryo inside me was mere tissue, with only the potential for becoming actual human life. I felt as though I had been deceived—that my ignorance had been exploited. If only someone had been there to give me the facts about the child inside me. If only someone had been there to point out the alternatives that would help me to accept and handle the responsibility instead of escaping it at the expense of my baby's life.

Now, I have a job. Now I am part of a church with caring friends that are a real support in terms of crisis. As a matter of fact it has been my faith in Jesus Christ and the forgiveness that comes from knowing Him that enables me to be free from the guilt of my abortion and go on. I also am closer to my family. All the circumstances which weighed heavy on my abortion decision changed—all but one. My baby is dead! My soul still grieves and there is nothing that can retrieve that precious little life, once lost.

Sandra Walton.●

SOVIET SPACE PROGRAM

● Mr. ARMSTRONG. Mr. President, will the flag above the first lunar base bear a sickle and hammer or stars and stripes?

Will the next satellite image forecasting the U.S. wheat crop have a copyright in Moscow or Washington, DC.

Will the first humans on Mars be Vladimir and Olga or Jim and Susan?

These days it seems the Soviets are doing everything first in space:

Cosmonauts have amassed nearly three times as much time in space as our astronauts.

A Russian has lived in space nearly four times longer than any American.

Soviets are the sole occupants of low-Earth orbit.

Soviet's last year launched the world's most powerful rocket.

Soviet's may test launch a shuttle soon.

These developments may have profound impacts on our future. As the Soviet rocket engineer Korolev said, "Rockets are weapons and science."

A recent article, "Red Star Rising," in U.S. News & World Report outlines where the Soviets are in space and what this means for the United States. I ask that it be printed in the Record.

Red Star Rising

Like a giant winged insect clinging to a stout post, the space shuttle hangs on the side of the world's most powerful rocket. The stocky, delta-wing silhouette is familiar. The location—Baikonur Cosmodrome in Central Asia—is not. A launch is expected to come within months, perhaps even during Ronald Reagan's visit to Moscow in late May. With the American shuttle still grounded nearly 2½ years after the Challenger accident, there is no more telling symbol than the Soviet's Kosmoylet ("Space Flyer") of how the steady, even plodding, march of the Soviet space program has begun to carry the day.

Kosmolyet is expected to fly into orbit, then return to land automatically on a long runway stretching across the Asian desert. If the unmanned flight is a success, cosmonauts Igor Volk and Anatoly Levchenko will pilot the shuttle in an Earth-orbit mission next year—and the Soviets will have taken another big step in their relentless march on the heavens.

The steps are coming faster and faster these days. The Soviets have taken a lead in manned space flight, in launch rate and in heavy-lift launchers. And the implications for both the U.S. and the Soviet Union go far beyond questions of national prestige. Unlike the race to the moon in the 1960s, the stakes this time are critical. The nation that builds a reliable space-transportation system—and that masters the arduous task of living and working in space—will have an edge in the growing commercial competition over everything from launch services to space manufacturing. And a nation that can quickly launch reconnaissance and communications satellites in a crisis will have an edge in a military compeition that increasingly depends upon space to fight a war on the ground.

In the unlikely event of a major war, the Soviet Union's robust space program would provide a clear military advantage. The military apparatus of both the United States and the Soviet Union would be struck blind and dumb if space-based systems were knocked out in a conflict. But the Soviet Union, with three major spaceports—possibly supplemented by mobile launch facilities—could quickly replace any satellites that were destroyed. The U.S., by contrast, is still struggling to get the shuttle flying again and to rebuild its nearly abandoned expendable rocket fleet. The explosion last week in Henderson, Nev., that destroyed one of only two plants in the country that make a shuttle-fuel component will not help. Last year, the U.S. had eight launches. The Soviets had 95.

The Soviets' lead in heavy-lift launchers was solidified last year with their test of the Energia, a massive rocket with four times the payload of the U.S. shuttle. The Energia will carry the Soviet shuttle; it could also launch a space station, a mission to Mars—or the heavy components that would be needed for a Star Wars defense system. While the U.S. military has been pushing for a heavy-lift vehicle for years, there's not even a design yet.

Even the pride of the U.S military space fleet, the photoreconnaissance satellites that are so powerful they can count the number of people in a crowd, may not be adequate to the tasks ahead. Senator David Boren (D-Okla.), chairman of the Select Committee on Intelligence, is lobbying for an upgrade in the U.S. "national technical means"—spookspeak for spy satellites—if the U.S. is to verify a future strategic-arms treaty.

Today, it's the Soviets who have the right stuff. Cosmonauts continue to set space-endurance records, the latest last December, when Yuri Romanenko returned from 326 days in orbit. Since February, 1987, the Soviets have kept their Mir ("Peace") space station permanently manned; automatic resupply ships haul up everything from fuel to borscht. And with the coming of *glasnost,* they have begun their most daring space maneuver yet: An aggressive marketing campaign to commercialize space services. One American company has already contracted to send a crystal-growing experiment up on Mir next year.

And then there's Mars. Although the money and technology needed to launch a manned mission to the red planet appear to be beyond the Soviet reach for now, that hasn't stopped them from methodically building the know-how that might someday go into such a venture. Soviet planetary scientists have laid out an ambitious unmanned exploration program of Mars (see box, above right).

CASHING IN

The contrast between the technological flash of the American space program and the dogged march of the Soviets is most telling in the Soviets' emergence as a potential major player in commercializing space. "If the first stage of our space effort was seen as research, now it is becoming a practical, commercial program," says Stepan Bogodyazh, head of the international department of Glavkosmos, the Soviet civilian space organization. "There is a movement toward the industrialization of space."

Manned space spectaculars may capture public imagination, but the routine business of launching communications satellites is what really pays, both economically and in direct practical benefits. While the National Aeronautics and Space Administration was deciding a decade and a half ago to abandon expendable rockets and make the shuttle—an unprecedented, high-tech machine—its sole launch vehicle, the Soviets were making the routine business space flight truly a routine. "Their botton line is moving a lot of payload to orbit as cheaply as possible," says Houston lawyer Art Dula, whose Space Commerce Corportation is trying to sell contracts to launch Western satellites on Soviet boosters. Dula, the first U.S. businessman to visit Baikonur, said the Proton booster he saw was "built like equipment on an oil rig." Says Bogodyazh: "A rocket is not a Mercedes. It works for 10 minutes. It needs to be reliable; that's the important thing."

America's 1986 decision that the U.S. will no longer rely exclusively on the shuttle—plus President Reagan's decision to encourage rocket makers to contract directly with satellite owners for launches—has nudged the nation's expendable-rocket assembly lines into motion once again. But it will be years before the U.S. can catch up with the Soviets' ability to move hardware into space. General Motors, which owns the communications-satellite company Hughes Aircraft, even asked the State Department for permission to launch its satellites aboard the Soviet Proton. In seeking Western customers, the Soviets are exploring the option of launching from a proposed Australian spaceport. They're also offering customers complete communications-satellite systems and contracts to perform scientific experiments in space. A new Soviet agency is selling sharper pictures from space than its French and American competitors (see box on page 54).

The Soviet launch process is indeed like an industrial assembly line: Boosters are put together in hangars, rolled 30 miles by rail to the pad, erected and fired—in fair weather or foul—almost immediately. A remote-sensing satellite for India was dispatched on March 17 during a blinding snowstorm. "When they're dealing with proven hardware, they're clearly confident," says Nicholas Johnson, advisory scientist to Teledyne Brown Engineering and author of the authoritative annual book *Soviet Year in Space.*

THE TECHNOLOGY RACE

Ironically, as a technological race between East and West, it's still no contest: America wins hands down. In fact, one reason the Soviets have to launch so often is that their spy satellities—which account for one third of all Soviet launches—are technological dinosaurs: They carry cameras with film. The entire spacecraft—actually an improved version of the Vostok capsules that cosmonauts rode in the 1960s—has to be brought back to Earth.

A recent article in *Izvestia* by Roald Sagdeyev, head of the Soviet Space Research Institute, laid the blame for Soviet scientific backwardness on a stifling bureaucracy that saps young scientists' energy and enthusiasm. Most scientific institutes lack simple conveniences like photocopiers and adequate computers.

The U.S. technology edge is apparent elsewhere, too. Unmanned American probes have visited every planet except Neptune and Pluto; the Soviets have reached only Venus and Mars. The U.S. shuttle, even with its problems, appears to be more capable than the Soviet's. Kosmolyet apparently has no robot arm for retrieving satellites, for example Cosmonauts cannot make space walks untethered; American astronauts can fly freely wearing a "manned maneuvering unit."

Skylab, the U.S. space station lofted in 1973, was larger and more sophisticated than Mir is today. Apollo astronauts beat the Soviets to the moon, boosted there by a Saturn 5 rocket, which first flew in 1967. Yet Skylab was abandoned in 1974 and allowed to crash back to Earth. The Saturn 5 was dumped after the Apollo-Soyuz mission in 1975. The Soviets' new, massive Energia rocket, which will carry the shuttle, "is essentially a Saturn 5," says Marcia Smith, a space expert at the Library of Congress. "The difference is, we don't have Saturn 5s any more."

THE OTHER SHUTTLE

The Soviet shuttle blastoff will be a spectacular show, broadcast live on television. Energia's four main engines, plus four liquid-fueled, strap-on rockets, will generate 8.8 million pounds of thrust to lift the ship from its concrete pad.

While the American shuttle was envisaged as the universal space truck, the Soviets' model fits a more modest and specialized niche in their expanding capabilities. "We see the main task of our shuttle as bringing cargo back from space," Bogodyazh says, such as completed experiments and space-station parts needing repair. Alexandr Dunayev, head of Glavkosmos, has suggested that even on the first flight something may be retrieved. Soviet space analyst Charles Vick of the Alabama Space and Rocket Center says a likely candidate is the "space tug" left in orbit last spring after delivering the Kvant observatory to Mir. With their extensive fleet of expendable rockets, the Soviets see little need to use a shuttle for launching cargoes.

The first flight of Kosmolyet will carry no crew, typical of the conservatism of the Soviet space program. But cosmonauts have already made at least four flights in a jet-engined version that can take off and land from an airport.

With its raked tail and delta wing, the Soviet shuttle looks remarkably like its American counterpart, leading the Pentagon to suggest it's largely a copy. Its 125-foot length and 76-foot wingspan are within 3 feet of the American shuttle's dimensions. But many experts say these similarities are only superficial: Aerodynamics dictate the configuration of any space plane that can land on a runway.

Unlike the American shuttle, which has three powerful main engines of its own as well as two solid-rocket boosters, Kosmolyet depends entirely on Energia's rocket motors for lift. Vick estimates that Kosmolyet will be able to carry about 66,000 pounds into Earth orbit. The U.S. shuttle, fired at the same orbital inclination, could carry only about 45,000 pounds. Because the booster's liquid-fueled engines can be throttled back or shut down, Kosmolyet could be safer than the American shuttle in an emergency. A defective solid-rocket booster triggered the Challenger accident; many experts still warn of the danger of solid rockets, which cannot be shut down once ignited.

THE LURE OF COOPERATION

The planned July launch of the unmanned Phobos probes illustrates another way that the Soviets have turned to profit their competence in simply getting things into space. Delays in the early days of the U.S. shuttle program, and then the Challenger accident, left American space scientists frustrated as mission after elaborate mission was postponed or scrapped.

Soviet scientists have suffered from handicaps as well. Six of their seven Mars probes failed. They have had difficulty developing compact and reliable instruments needed for planetary experiments. But they have learned to make a virtue out of their shortcomings by opening the Phobos mission to foreign scientists. "This is their way of enlarging their body of scientists," says Arden Albee, a geology professor at California Institute of Technology and project scientist for the American Mars Observer, scheduled for launch in 1992. It is also, notes Albee, "a very powerful international relations tool."

The Phobos probes will carry scientific instruments from 12 East-bloc and European nations and the European Space Agency. "They've developed a competence in multinational efforts that's way beyond anything we've done," says Bruce Murray, former director of the Jet Propulsion Laboratory and one of 10 American scientists who will participate in the Phobos experiments as consultants.

As a result, the data from Soviet missions are becoming much more valuable. And, says Samuel Keller, NASA's deputy associate administrator for space science, "there's much more pressure on the government from [American] scientists to cooperate with the Soviets." Under terms of a scientific-exchange agreement signed between the U.S. and the U.S.S.R. last year, Keller already has received a big package of radar maps of Venus taken by Soviet probes. For their part, American scientists will include about 10 Soviet scientists in the U.S. Mars Observer team. Yet exchanging scientists and data is about as far as the U.S. is willing to go. They're "a way of transferring knowledge without getting into the hang-up of transferring technology," Albee says.

The U.S. government has stubbornly refused to allow much in the way of U.S. equipment to travel on Soviet vehicles. While this is ostensibly for reasons of keeping sensitive technology with military implications from falling into the hands of the Soviets, an exchange of letters last year between General Motors Chairman Roger Smith and Secretary of State George Shultz threw a slightly different light on the matter. In a "Dear George" letter to Shultz, Smith said that with the American shuttle grounded, "the opportunity to use the U.S.S.R. Proton booster has many attractions." Engineers at GM's Hughes subsidiary had assured him, Smith said, "that the Proton booster could be used without involving a transfer of advanced technology to the U.S.S.R."

Shultz responded with an icy "Dear Roger" letter saying that if Americans were allowed to launch satellites on Soviet boosters, the Europeans would follow. "We must never allow the United States to become dependent upon the Soviet Union for access to space," he concluded.

One American company, Payload Systems, Inc., has been issued a license by the Department of Commerce to put an experiment to grow protein crystals aboard Mir next year for an unnamed corporation. George Economy, Payload Systems' managing director, says he found Glavkosmos more accommodating on the question of proprietary experiments than NASA. "To fly in the shuttle, you have to tell NASA everything. But we just need to certify to the Soviets the chemicals are nontoxic and not hazardous to the crew. And the cosmonauts will be trained to do what we want them to do."

A NEW MATURITY

In a society whose international prestige has never rested on much more than ballet and the bomb, manned space has always been exploited by the Soviet Union as a highly visible status symbol.

But experts note a new maturity in the Soviet manned space program that goes beyond merely scoring propaganda points. The Soviets, with their 5,000 days in space against America's 1,800, are truly learning how to live and work in space. In a high space drama last year, Soviet cosmonauts demonstrated the nerve and confidence they have developed. As the 11-ton Kvant astrophysical module approached Mir, its automatic docking system malfunctioned. Cosmonauts Romanenko and Alexandr Laveikin watched as Kvant sailed past 30 feet away, nearly smashing into Mir. On a second docking attempt five days later, the two ships touched but failed to lock safely together. Donning spacesuits and carrying hammers and chisels, the cosmonauts climbed out a docking port and made their way hand over hand along rails toward Kvant. They asked mission control to back the 19-by-13 foot lab away from Mir so they could see the problem.

"I can see something white," came the excited voice of one cosmonaut. It turned out to be a toilet bag that apparently had been floating along with Mir after it somehow escaped a departing Progress resupply ship a month earlier.

The Soviets' commitment to manned flight as a key to expanding exploration and commercialization is clear in their plans for Mir. Like virtually everything in the Soviet space program, Mir is an evolutionary improvement of earlier craft, the Salyut series of space stations that began flying in 1971. The 56-foot-long Mir will itself grow as four laboratory modules, in addition to Kvant, are plugged in over the next few years. A much larger space station—perhaps several Mirs strung together—is expected to follow. Soviet scientists are even thinking about stringing as many as six Mirs together to make the round trip to Mars.

LESSONS LEARNED

The Soviet space program offers hard lessons as the U.S. restarts its own program. The first is obvious: Never repeat the tragic mistake of making everything depend on a single launcher, the shuttle.

The second equally crucial lesson is to set goals that reflect the long-term objectives of space commercialization and exploration—rather than short-term "spectaculars." President Reagan's space policy, announced in February, commits the nation to "expand human presence and activity beyond Earth orbit into the solar system." But while the President's new policy seeks means to "assure a highway to space," the Russians already are traveling it. By launching frequently and reliably, the Soviet Union has shown it can generate and support a broad range of space programs, from highly publicized manned flights to secret spy satellites.

"They're flying," says John Logsdon, director of the Space Policy Institute at George Washington University. "That's the fundamental comparison."—By William J. Cook with Jeff Trimble in Moscow and William F. Allman in Washington.

Overcoming the Human Factor: Record-Setting Flights Have Taught the Soviets How to Live in Space

They may not have the most-sophisticated rocket motors or the most-reliable on-board computers. But the Soviets are well on their way to mastering the most-complex spacecraft component of all: The human body.

The crippling toll that extended space flight exacts upon the human organism first became apparent about a decade ago, when cosmonauts and astronauts began staying in space for more than a few days at a stretch. Space sickness—the nausea and vomiting that affect about 40 percent of them—is the least of the problems; it usually subsides after a few days. The grimmer and more lasting effects of weightlessness are captured vividly in pictures of long-flying Soviet cosmonauts, propped up in chairs on the Kazakh steppe after landing, too weak to rise.

LINGERING EFFECTS

Some effects of space flight take months to reverse, even after return to Earth. Bones lose up to 15 percent of their calcium. Hemoglobin in the blood—which transports oxygen to the body's cells—drops by as much as one third. Fluids shift toward the upper body, stressing the heart-and puffing out the face.

The last American space flight to last more than a few days was a three-month mission aboard Skylab—14½ years ago. But in the intervening period, the Soviets have set a series of space-duration records and in the process have perfected a number of techniques to counteract the debilitating effects of weightlessness. Currently, cosmonauts Vladimir Titov and Mus Manarov are aboard the Mir space station, aiming at a new record of more than a year in space.

"We already have worked around many of the obstacles that worried us a decade ago," says Anatoly Grigorev, director of the Institute of Medical and Biological Problems, a branch of the Soviet Academy of Sciences. Case in point: Yuri Romanenko, the stocky cosmonaut who returned to Earth in late December after setting a new record aboard Mir. "I felt better back on Earth after 326 days in space than after my 96-day mission 10 years ago," a robust Romanenko, who is 43, told journalists after his return to Earth. "When I returned in 1978, doctors flying with me in a helicopter suggested I try to stand up. My legs felt like lead. This time, I didn't have any trouble at all and managed to jog about a hundred yards the next day." His weight was virtually unchanged from before his mission, and the calicum level in his bones dropped just 5 percent, far less than doctors had expected. He had, however, grown a half inch in flight due to weightlessness.

Romanenko's good health is ascribed to an exercise routine developed by trial and error over the years. Romanenko spent 2 hours each day jogging on a treadmill, pumping a stationary bicycle and performing stretching and pull-push exercises. Other devices include a spring-loaded "penguin suit" that makes the wearer stretch his muscles in the course of ordinary movement, and a pressure suit that forces blood flow to the legs in order to counteract the pooling of blood in the upper torso.

It's still not certain whether such measures would be adequate to counteract the effects of a 30-month mission to Mars. For one thing, notes NASA's Arnauld Nicogossian, "it's very hard to get people to exercise" in space for several hours a day. Romanenko was said to be exceptionally disciplined in his exercise routine.

Grigorev and many physicians involved in space research believe that in any case exercise is not enough to keep cosmonauts healthy on such a long trip and that a Mars spacecraft would have to include a centrifuge on board—or another way to produce at least some artificial gravity. Rats in an experimental centrifuge sent into space by the Soviets were much healthier on return to Earth than others left weightless for the entire journey. But engineers argue that inclusion of a centrifuge will be difficult and costly, and the issue remains undecided.

STAYING COOL

Psychological factors may be more limiting than physical factors in a long mission, however. The published diary of cosmonaut Valentin Lebedev, who was in space from May to December, 1982, includes frequent entries such as "slept badly" or "could not go to sleep at all." Lebedev noted that he and crew mate Anatoly Berezovoy were tired, nervous and sensitive, and barely were able to keep their tempers in check. Even the relentlessly cheerful Romanenko lost his cool on the last day of his record-breaking mission, snapping to bossy mission controllers who were urging him to finish last-minute tasks: "Get rid of those unnecessary staff at mission control. We have our orders and are doing our best." Nicholas Johnson, an American expert on the Soviet space program, notes that Romanenko's efficiency seemed to drop sharply toward the end of his mission. "The last four months were clearly an endurance test."

Still, it's a test the U.S. will not be able to carry out on its own before 1996—the earliest possible date a U.S. space station would be flying.

SELLING SNAPSHOTS—SOVIET REMOTE-SENSING SATELLITES BEAT OUT THE COMPETITION

Need the sharpest pictures of Earth that are available from space? Call Soyuzkarta, Moscow. That year-old Soviet agency is surpassing both the American Landsat and French SPOT satellites by offering photographs that can pick out objects a mere 5 meters, or 16 feet, across.

Art Dula, who has a contract to sell Soviet launch services in the West, has a Soyuzkarta picture on the wall of his Houston law office showing Strategic Air Command headquarters at Offutt Air Force Base, Nebr. "You can see the friggin' airplanes," he exclaims.

NO RUSH SERVICE

The high resolution of Soyuzkarta's pictures, which sell for about $1,000 apiece, makes them ideal for map makers, though they do have important limitations for other users. The Soviet images are captured on film, which has to be returned to Earth for processing. Landsat and SPOT, on the other hand, use electronic sensors that record images digitally and beam them back by radio—making them more timely and more easily processed by computers. Landsat and SPOT are also equipped to distinguish among different wavelengths of light, allowing scientists to determine the status of agricultural crops and to identify different geologic formations.

Soyuzkarta is dickering with several American firms to sell its pictures. So far, the Soviet agency has been willing only to sell pictures of a client's own country, to avoid any possible intelligence use. The U.S. government has asked Soyuzkarta for pictures of an agricultural test plot in the Soviet Union to see if it will live up to a United Nations agreement requiring vendors to make available any pictures to any customer.

Soyuzkarta's entrance to the international market has helped force a change in American policy that had, on national-security grounds, restricted U.S. commercial remote-sensing equipment to a sharpness of no better than the 10-meter resolution obtained by SPOT. With the Soviets offering 5-meter resolution, the national-security argument seemed a bit weak. The new policy? "The U.S. government will encourage systems competitive with or superior to foreign-operated systems," says a national-security directive issued in January.

AMERICA'S LONG ROAD BACK—FOR THE TROUBLED U.S. SPACE PROGRAM, 1989 COULD BE A TRIUMPHAL YEAR

When the space shuttle Discovery is launched in August—though continuing glitches may cause that date to slip to September—the American space program will take off once again. Major science missions, on hold since 1986, are scheduled to go off over the next two years. The $1.4 billion Hubble Space Telescope—which NASA space-science chief Samuel Keller calls "the most important scientific instrument that has ever been built"—will allow astronomers to see seven times farther out into the universe than any terrestrial telescope. It will remain in orbit, tended periodically by shuttle visits, for up to 20 years. The Galileo mission, scheduled to be launched in October, 1989, will visit several of Jupiter's far-off moons for the first time. And Magellan will set out to conduct an extensive survey of Venus's surface.

FINDING A FOCUS

More important for the long term, the American space program finally has a focus that it lacked for the past decade and a half. President Reagan in February laid out a comprehensive outline to foster commercial operations, develop a permanently manned space station and explore the solar system.

As a crucial first step, the federal government has taken itself out of the commercial-space-freight business. No longer will everything be carried up by shuttles; they will fill the more specialized role of carrying people and the larger military and scientific payloads. Privately owned expendable rockets will haul all for-profit payloads, such as communications satellites. The business is already under way: McDonnell Douglas, Martin Marietta and General Dynamics so far have firm contracts worth $770 million to launch 11 satellites for commercial customers plus three weather satellites for NASA.

The initial piece of the American space station—already scaled down and slipped a year by budget constraints—is now scheduled for launch in 1995. If the shuttles are fully operational by then and can deliver crew quarters and laboratory modules on schedule, astronauts will take up permanent residence in late 1996.●

SENATOR McCONNELL'S ADDRESS TO AIPAC

● Mr. PACKWOOD. Mr. President, the early years of Senator MITCH McCONNELL's life provided him with little exposure to the Jewish community or its interests. However, his career has since been punctuated by experiences that have helped him to understand, sympathize with, and, ultimately, become a strong supporter of the State of Israel and defender of the Jewish faith and experience. I was fortunate enough Monday night to listen as Senator McCONNELL addressed the American-Israel Public Affairs Committee [AIPAC] and led us on a journey through the personal experiences that have shaped his commitment to the State of Israel.

As the keynote speaker, Senator McCONNELL, who represents a State with a very small Jewish community, eloquently emphasized the need for America to preserve and nourish our crucial bilateral relationship with Israel. As one of the strongest supporters of Israel in the Senate, in his AIPAC speech, I heard my friend of 20 years breathe life into the American commitment to our most valuable Middle East ally. The American Jewish community should be glad to have this steadfast supporter of Israel in the United States Senate and as a member of the Foreign Relations Committee.

Mr. President, I would like to have Senator McCONNELL's address inserted into the RECORD as it should be read by everyone who recognizes the importance of our ties with Israel.

The remarks follow:

STATEMENT OF SENATOR MITCH McCONNELL—AIPAC POLICY CONFERENCE

Thank you, I'm delighted to be with you. I only wish my former law partner Barney Barnett had lived to see me up here tonight. He was a great friend of Israel, of Kentucky, and member of AIPAC and an old friend of mine. As many of you know, we lost him in December.

Barney was Jewish and he was a Kentuckian. I once heard him say, "There is only one race greater than the Jews—and that's the Derby."

There aren't many Jewish people in Kentucky—less than six-tenths of 1 percent. As a matter of fact—not many in small towns anywhere in the South. In Alabama where I spent my early years, there was one Jewish man in town, Mr. Jaffe. He was in the same category as the local Republican. We were unusual for most Southern Communities—we had a Republican Party but he died when I was 8.

Obviously, I would've asked Barney what he thought I should talk about tonight. And as sure as I'm standing here, I can hear he saying, "Well, they're gonna be suspicious 'cause they don't know you. They're gonna think you're just another politician there to get your snout in the trough."

And if I were you, I would probably think that. But I arrived here without pro-Israel political support and I suspect I could get by without it in the future. Certainly I'm not here because there are a lot of Jewish voters in Kentucky. I guess you could say, I'm here because I happen to think Israel is important. I happen to think what it represents is important. And let me add something that will sound especially strange coming from a Southern Protestant, I think the Jewish experience is important.

So what we have here tonight is a Southern Baptist who wants to talk to you about his understanding of what being Jewish means and, more specificially, how this relates to Israel on its 40th anniversary.

I don't recall any bigotry against Jews when I was growing up because there weren't any Jewish poeple around. I didn't know that Mr. Jaffe, who owned the local department store, was Jewish; yet I remember thinking, even at the age or 7 or 8, that he was different somehow from everybody else. Years later, I wondered how difficult it must have been for him to have a spiritual life, but he did. I didn't know any Jews until college when some of my fraternity brothers were Jewish. No one, in my presence at least, ever mentioned treating Jews differently from anyone else until my campaign for the U.S. Senate. My campaign Manager, Joe Schiff, happened to be Jewish, so was my treasurer, Larry Steinberg. And as the campaign was getting underway, Joe came to me and said something very surprising and yet, in retrospect, not so surprising. He was speaking not only as a pragmatic campaign manager and a friend, but also as a Jew—as somone personally sensitive to the bigotry our there.

As you know in campaign commercials and bumber stickers, there's always the phrase—"Paid for by friends of Smith, so and so Treasurer." Joe very calmly and seriously said to me one day, "Mitch, you know, it could be a mistake to use 'Steinberg' on all the campaign material?"

That had to have been tough for him to ask. The question was the result of millenia of the Jewish experience. My answer—if Larry does the work, Larry gets the credit.

That incident has stayed with me. And then a few years ago, someone handed me an article from a newspaper somewhere. It was written by an American Jew whose name I don't recall. But he said something that was so powerful in explaining the Jewish experience that I'll never forget it as long as I live.

He said that sooner or later, no matter how proven and true his non-Jewish friends, his heart couldn't help asking one secret question—would they hide me in their attic?

I can't think of a more painful and revealing question. No one in America should ever have to ask that, even in his heart. No one in America should ever have to wonder if it could happen here.

I think Robert Frost explained part of the meaning of Israel to Jews when he wrote, "Home is the place where, when you have to go there, they have to take you in." And apart from the obvious biblical, spiritual, and visceral bonds, if I were Jewish, that is what Israel would mean to me.

I think I understand what Israel means to the Lein family, whom we're trying to get out of the Soviet Union. Evgeny and Irina Lein first applied for an exit visa in 1978. His request was denied on the grounds that he had access to classified materials. He was subsequently dismissed from his position as a research scientist, as was his wife, who worked for the Institute of Biology.

Evgeny served time in prison. He was severely beaten by thugs. He's been threatened with more years in prison. In a letter to the Supreme Soviet that Evgeny signed with 19 other refusniks, they said that their desire to go to Israel "is not more than a demand to go home." That is not too much for any human being to ask or expect—is it ladies and gentlemen?

One Israeli said, "Anywhere else I feel I am at the mercy of the government . . . I want to be in a country where I can defend myself when I am attacked." The history of persecution that would prompt such a statement reveals Israel's moral authority. There is no more moral right than the right to defend one's family. To be in a place where one is able to say—this is where I make my stand for my God and my people.

Yet as Israel celebrates her 40th anniversary, you keep hearing on the talk shows and reading in the papers the question, "Has Israel lost its way?" It's a sign of how rapidly the world is changing that such a question could be asked only 40 years after Israel's founding.

Yet as Time magazine has said, "Israel cannot afford to lose its way." And we all know the reason why. Because the margin of error is so small. There are enemies on Israel's borders that threaten. There are enemies with long-range missiles that threaten. There are demographic trends that threaten. Israel's own increasing internal divisions threaten and the strain is unrelenting.

This small margin of error is why so many supporters of Israel like myself are sensitive to any criticism of Israeli policy, believing that every criticism saps Israel's energy for dealing with the dangers she faces. As a result, there has been less discussion in the Senate over how to safeguard Israel's future than there has been over whether Secretary Shultz should have an official residence or whether staff should travel first class on foreign trips. Certainly the role of the Congress is not to impose it's view of Israel's future. But the current lack of discussion about Israel in the Congress is not healthy if we are to maintain a strong commitment.

If the American people aren't educated through discussion, they will not continue to appreciate why we're so important to Israel and why Israel is so important to us. Reasons that I certainly don't need to repeat for this audience.

If the American people don't have a firm appreciation of the U.S.-Israeli relationship, they will be worn down by the TV footage of Palestinians being scattered by tear gas and bullets and the evening news reports of how many Palestinians have been killed. We all know the power of such images and how rapidly they can influence public opinion.

According to a recent Gallup poll, there is tangible evidence that this is already happening.

A plurality of Americans (41 percent) think that U.S. aid to Israel should be decreased or stopped altogether as a consequence of Israel's handling of Palestinian unrest. About 24 percent say the level of aid should remain the same and only 7 percent favor increasing aid; 41 percent also favor the establishment of an independent Palestinian state, while fully 36 percent don't have an opinion; 66 percent favor direct talks between Israel and the PLO.

Clearly, the job of educating Americans about Israel's needs and vulnerabilities is not complete. It's not enough for American Jews to support Israel, the rest of the country must do so as well.

Israel is caught in controversy right now. The reaction of many of her supporters is like, as we say in Kentucky, a jackrabbit in a Texas windstorm—just hunkering down until it blows over. But, as the Gallup poll indicates, just hunkering down won't work—and it isn't blowing over.

I know how hard it will be to open the discussion, but, ladies and gentlemen, Israel is worthy and therefore worthwhile debating. The American people must understand what is at stake. They must understand that Israel is a country very much like the United States—built on an idea, built by people from many lands. Both are nations of dreamers.

David Ben-Gurion said, "In Israel, in order to be a realist, you must believe in miracles." Thomas Wolfe said, "America is the one place where miracles not only happen, but where they happen all the time."

So, ladies and gentlemen, would you please rise and join me in a toast:

To the mircale that is Israel, to the miracle that is America, and to the hope that these two miracles have brought the peoples of the Earth.

Thank you for inviting me.●

ATOMIC VETERANS COMPENSATION ACT OF 1987

● Mr. SIMON. Mr. President, as Memorial Day draws near, America will be honoring her brave servicemen who died in combat. It is a tribute of living memory and appreciation for those who selflessly gave their lives for their country. And I join in honoring those servicemen and their families.

However, there is a group of proud veterans that served our country that are not receiving the recognition they deserve. For those servicemen who participated in the atomic tests, Bikini Atoll, Operations CrossRoads or who served in Nagasaki or Hiroshima, I think there remains a question of justice and appreciation. As Americans, it is clear that they risked their lives in order to carry out their services to the Nation. And frankly, it is only fair and just that we compensate our servicemen for the radiogenic illnesses related to their radiation exposure.

Both the Senate and the House have passed a bipartisan bill that would provide compensation benefits to men and women who participated in the atomic weapons testing program and the cleaning up of Hiroshima and Nagasaki. H.R. 1811 is waiting for the President's signature.

As a gesture of appreciation and acknowledgment for their service and as an indication that we are finally prepared to extend justice to those who have risked their lives in our behalf, I urge the President to enact the Atomic Veterans Compensation Act of 1987.●

THE RELEASE OF DAVID SOHAPPY

● Mr. EVANS. Mr. President, inscribed on the marble facade on the west front of the U.S. Supreme Court Building are the words: "Equal justice under law." No phrase better embodies the promise of America. Yet, for two Indian fisherman who are members of the Yakima Tribe of Washington State, that promise has rung hollow—at least until today.

Yesterday and today David Sohappy, Sr., and David Sohappy, Jr., were released from Federal prison in Spokane, WA. These two Yakima Indian fishermen were convicted of selling salmon and steelhead caught out of season, in violation of tribal fishing regulations and, because of that, the Federal Lacey Act. Both men received 5 year sentences in Federal prison. I believe the sentences these men received were grossly disproportionate to the crimes of which they were convicted, and I think it was wrong for them to be sent to Federal prisons to serve sentences for what essentially were violations of tribal law.

Although only a simple fisherman, David Sohappy has been the subject of much controversy both in legal circles and the popular press. Along with a number of his fellow Yakima Indians, David Sohappy has been embroiled in a continuing battle with both the Federal and State governments over the exercise of treaty fishing rights along the Columbia River. The name Sohappy has been associated with landmark litigation to clarify Indian treaty rights. His plight has been the subject of editorial comment in almost every major daily newspaper in the Pacific Northwest.

Mr. President, the controversy surrounding this case goes back for nearly 135 years. In 1855, the Nez Perce Tribe, the Umatilla Tribes, the Warm Springs Tribes, and the Yakima Indian Nation reserved fishing rights on the Columbia River and its tributaries in treaties signed with the Federal Government. In the treaties the Indians were guaranteed the right "to fish in common with" the non-Indian citizens of the territory. In 1906, in United States versus Winans the U.S. Supreme Court ruled that the right encompassed guaranteed access to the Columbia River and its tributaries at all "usual and accustomed fishing places."

In the years after the treaties were signed, the Indians continued to harvest most of the fish taken from the waters of Puget Sound and the Columbia River. For awhile, the fact that the tribes effectively monopolized the fishery resource did not generate controversy betweeen the Indians and the non-Indian citizens of Washington territory and Oregon State. With the advent of modern commercial canning and fishing techniques, however, non-Indian fishing activities grew more intense and conflicts developed. The 1906 Winans case was but one of the consequences of the growing tensions.

Conflicts between Indians and non-Indian became more acute as hydroelectric dam construction in the Northwest decimated many fish runs. A low point was reached in the 1950's when a dam was constructed at The Dalles, OR. It was known at the time that building the dam could flood Celilo Falls, an area of historic importance to the Columbia River Indian tribes. Nevertheless, the decision to move forward to build the dam was made. In fact, a memorandum signed by a regional solicitor for the Army Corps of Engineers listed disbursement of the Indians residing at Celilo Falls as a positive benefit of dam construction. It is unconscionable that such thinking colored formulation of official policy as recently as this.

Following the construction of the Bonneville Dam in 1938 and the subsequent flooding of 37 "usual and accustomed" fishing sites on the mainstem of the Columbia River, the Secretary of War approved a settlement agreement in which the War Department agreed to acquire more than 400 acres to serve as in-lieu fishing sites.

In the 50 years since the 1938 agreement was executed, only 40 acres of the agreed upon 400 acres of in-lieu fishing sites have been acquired. Although the tribes continually have complained, their words have fallen on deaf ears. In fact, it has been difficult to resolve even the relatively minor issues of responsibility for operating and maintaining the fishing sites and determining where on the sites permanent residences can be located.

In the late 1970's continuing tensions between Indian and non-Indian fishermen resulted in numerous decisions clarifying the extent of Indian fishing rights. In 1974 in United States versus Washington, Federal District Court Judge George Boldt ruled that the treaties signed by territorial Governor Isaac Stevens guaranteed to the descendants of Indian signators an equal share of the harvest of salmon and steelhead. In Sohappy versus Smith the Federal courts extended the principles of United States versus Washington beyond its case area.

Congress became increasingly concerned with the fate of the salmon and steelhead resource, and in the late 1970's and early 1980's it passed a number of acts to protect the fishery resource. For example, provisions were included in the Pacific Northwest Power Planning and Conservation Act to reduce the impacts on anadromous fish of hydroelectric development. Similar provisions were included in the Salmon and Steelhead Conservation and Enhancement Act, which provided for coordinated management and enhancement efforts, and the Lacey Act Amendments of 1980 to provide for enforcement of Columbia River fishery regulations.

When the Lacey Act amendments were enacted, there were no Federal laws relating to the harvest of salmon and steelhead. In the late 1960's, in Washington Department of Game versus the Puyallup Tribe, the Supreme Court found that State regulations were inapplicable in Indian fishermen unless prosecutors were able to prove a "conservation necessity." Therefore, tribal regulations were the only means of policing the Indian fishery.

From discussions with tribal leaders it appears that tribes perceived the Lacey Act amendments to be necessary to provide for the application of tribal regulations to non-Indians following the Supreme Court decision in Oliphant versus Suquamish Tribe in which the Court ruled that Indian tribes do not have criminal jurisdiction over non-Indians. In their application, the Lacey Act amendments have had a much different, and broader, effect than contemplated by tribal leaders who did not oppose enactment. Even before the Lacey Act amendments were passed, Federal officials began efforts to utilize tribal fishery regulations to prosecute tribal members. These efforts were undertaken without any consultation or the cooperation of tribal law enforcement officials and before Federal officials were given authority by Congress to use tribal regulations against tribal members.

Mr. President, I believe that Indian tribes, not the Federal Government, should bear primary responsibility for enforcing tribal laws. In this sense, I believe that the Lacey Act has been wrongly applied. Tragically, David Sohappy and the other Yakima fishermen were caught in the middle of a struggle between two sovereign governments.

David Sohappy and the other Yakima fishermen who were convicted in Federal court are pawns in a struggle that should not have taken place. In recent years we have seen a tremendous improvement in the management of salmon and steelhead. The fishery runs are stronger than they have been in the last several decades. This is true in large part because of the cooperation of tribes and non-Indians in efforts to manage and enhance the fishery resource.

Surely there is a need for vigorous enforcement. We should focus our efforts, however, on greater cooperation between Federal, State, and tribal enforcement activities. This cooperation should be initiated, rather than being forced upon, the Federal Government.

I am pleased that, as a result of the release of these two men, we are now able to move beyond the facts of this particular case. I hope to work with the State, Federal, and tribal fishery managers to improve the institutional arrangements that presently exist. In the future, Federal and State law enforcement officials should work in close cooperation with tribal enforcement officials to assure an adequate response. This is true especially in cases such as those of the Sohappys where courts and prosecutors are faced with difficult questions of interpretation of tribal law and customs.

Mr. President, Indian tribes themselves, and their members, have the greatest interest in the preservation of the fishery resources. They have relied on the fishery for their way of life since time immemorial. And they have demonstrated their commitment to the continued strength of salmon and steelhead resources time and time again. I believe they will continue to do so in the future. The Federal Government and the States are just now beginning to recognize and appreciate this very simple fact.●

NORWEGIAN CONSTITUTION DAY

● Mr. SIMON. Mr. President, yesterday, May 17, was Norwegian Constitution Day, and I am pleased to congratulate the good people of Norway and Norwegian Americans on this important occasion.

The Norwegian Constitution dates from 1814. The 1814 basic law established a constitutional monarchy, where Norwegians could enjoy a vibrant democratic system. Norway is today a strong democracy, and a vital member of the NATO alliance.

Today about 3 million Americans can trace their heritage to Norwegian roots. Norwegian immigrants to our shores helped build this country, and we are all the better for it. I commend Norwegian Americans for remembering Norwegian Constitution Day, and I am grateful for their many contributions.●

AIR PASSENGER PROTECTION ACT OF 1987, H.R. 3051

● Mr. CHAFEE. Mr. President, drug and alcohol abuse has become an increasing problem in the workplace. The costs of this abuse are clearly magnified in the transportation sector. When operators of a plane, bus or train use drugs or alcohol on the job, they not only endanger their own lives, but the lives of passengers entrusted to their care.

Last October the Senate approved legislation which would require drug and alchohol testing for transportation workers in safety sensitive positions. This legislation is urgently needed before another major drug-related catastrophe occurs. Yet despite this need, the House of Representatives has refused to come to the table in conference to reach agreement on a final bill. More than 6 months have passed since the Senate has approved the Air Passenger Protection Act of 1987.

I urge my colleagues in the House of Representatives in the strongest terms to meet the Senate in conference to give final congresssional approval to this critically needed legislation.

Substance abuse leads to impaired memory, lethargy and reduced coordination. In the case of a transportation worker in a safety-sensitive position, delayed response time can result in the loss of life. This was never more evident than after the recent Amtrak passenger train crash in Maryland which resulted in 16 fatalities and 170 injuries. Two of these fatalities were young girls from my own State of Rhode Island, Kirsten Luce, age 16, and her sister Corrine, age 13. My heart goes out to their family.

Now there are those who will say that random drug testing of airline pilots, bus drivers or truck drivers, is a violation of our civil liberties. I would agree with this assessment in every case, except where the lives of the public are so blatently at risk. In undertaking a drug testing program of any sort, it is necessary to protect the privacy and rights of those being tested. The Senate-passed legislation takes the necessary precautions to protect these rights. The bill also provides safeguards to assure accurate test results. Mr. President, it is worth noting that this legislation takes great care to protect employees both by requiring that a second test of the highest laboratory quality be administered to confirm any initial screening which indicates the use of alcohol or drugs, and by requiring the confidential treatment of the initial screening.

The potential for catastrophic disaster created by those who abuse alcohol and illegal drugs while working in safety-sensitive transportation positions necessitates a drug testing program to deter this behavior.

It is my sincere hope that Congress will approve legislation to address this problem with all speed.●

THE LEVEL OF DRUG TRAFFICKING IN PARAGUAY

● Mr. KERRY. Mr. President, in recent months, the political debate in this country over international narcotics trafficking and how best to fight the war on drugs has intensified considerably. We are coming to realize that drugs and the narcotrafficking organizations that deal with drugs pose an immense threat to the national security of this country. We are also coming to realize the importance of securing the cooperation of the governments of drug producing and drug transit nations in fighting the war on drugs.

In my capacity as chairman of the Foreign Relations Subcommittee on Terrorism, Narcotics, and International Operations, I am conducting an exhaustive investigation into the operations of the international narcotrafficking organizations, and the links between these organizations and a number of governments in the Western Hemisphere. The degree to which narcotics have corrupted many governments in Latin America is alarming. This high level corruption is well-documented in some cases, such as those of Gen. Manuel Antonio Noriega in Panama and Col. Jean Claude Paul in Haiti, against whom the U.S. Justice Department has issued indictments. But these cases are not unique. The fact is that narcotics corruption is pervasive throughout the hemisphere.

We are familiar with the threat narcotrafficking poses to democracy in such countries as Colombia, Panama, Haiti, and Honduras. In this light it is particularly disturbing to learn of narcocorruption spreading to other countries. I would like to take this opportunity to discuss the case of Paraguay, a country which has long been a major South American producer of marijuana, and has in recent years become a popular transit country for cocaine moving out of Bolivia and Peru. Moreover, since the mid-1980's, evidence has grown that Paraguay is being used increasingly by the narcotraffickers to process coca into cocaine. Along with this increased trafficking activity, it would seem, has come increased narcocorruption.

My office has received allegations from members of the Paraguayan opposition, corroborated by reports from the Paraguayan press, that at least one major cocaine smuggling operation based in Paraguay was protected by high level government officials, and that an investigation into this operation was blocked.

The cocaine trafficking operation implicated by these charges was directed by Erich Bunte, a German citizen who lived in Paraguay until his arrest in Belgium in 1987. Bunte has a history of illegal activities in Paraguay, including involvement in investment fraud, counterfeiting, and the production and sale of false passports. He is said to have connections with high officials in the Paraguayan Ministry of the Interior, the military, and the Department of Prisons.

Shortly after his release from prison in 1986, where he was held due to his conviction on fraud charges, Bunte was given charge of a government project to resettle Iranian expatriates in Paraguay. Many newspaper accounts refer to Bunte's dealing in the printing and sale of false Paraguayan passports, especially to the Iranians whose immigration he was supposed to be organizing. These articles also tie Bunte to arms trafficking in conjunction with his drug trafficking.

In July 1987, Bunte bought a Cessna L-80 to use in moving cocaine from the Bolivian frontier to Asuncion, for shipment to Europe. The plane Bunte bought originally belonged to Hiran Delgado Von Leppel, the Paraguayan Director of Prisons, but Bunte bought it through two intermediaries, to cover the connection.

In August 1987, Bunte flew a shipment of cocaine from Bolivia to Asuncion, Paraguay, in the Cessna, and had the cocaine packed in a shipment of coconut oil soap on a plane bound for Brussels. In Brussels, on August 14, Bunte and his partner, Jose Francisco Ljubetich Arrellaga, and both their wives were arrested by Belgian customs officers while trying to smuggle the cocaine into that country.

According to Paraguayan opposition sources, the Paraguayan Government had hired a Belgian company to coordinate the logistics of Paraguayan export industries, to handle the legal work and paperwork involving foreign governments. The Paraguayan Government also gave orders to one official of this firm not to examine the activities of H.E.B. Grupo Empresarial, Bunte's company that handled the soap/cocaine shipment.

The official Paraguayan investigation into the Bunte case fell under the jurisdiction of the Ninth Circuit Court. Investigative work was to be conducted by the judge of the court. Dr. Edgar Stanley originally was in charge of the case. He led a fairly vigorous investigation for a couple of weeks, confiscating $350,000 in counterfeit U.S. dollars from Bunte's safe deposit box in the Paraguayan Investment Bank, and calling for investigations of Bunte's home and office.

However, on August 27, 1987, Dr. Daniel Ferro, Stanley's secretary, went to investigate the offices of H.E.B. Grupo Empresarial in Asuncion. He found the suite empty of all Bunte's things. It had been painted and the building's ownership claimed they had renovated the suite in preparation of renting it again. All this had been done within 2 weeks of Bunte's arrest in Belgium. Moreover, although it is not clear who removed Bunte's papers, it is clear that it was not done by members of the Bunte's company nor with their knowledge. Bunte's secretaries approached the Ninth Circuit Court complaining that their personal belongings had been moved from the office without their being notified, that they didn't know where they were or how to recover them. Again, Mr. President, Paraguayan opposition sources charge that agents of the Ministry of the Interior emptied the offices 3 days after Bunte's arrest, to prevent Judge Stanley's investigation from obtaining documents that could compromise Ministry officials.

On September 1, Edgar Stanley resigned as judge of the Ninth Circuit Court. He refused to comment to the press on his reasons. Newspaper sources mention an order Stanley was under pressure from the Government to sign for the detention of Hermes Rafael Saguier, a leader of the opposition Liberal Party. Stanley resigned without having signed it. Moreover, sources close to Hermes Rafael Saguier claimed that Stanley had told them he resigned because of political pressures from above to block his investigation into the Bunte case.

As of October 1987, no replacement to Stanley had been named to the Ninth Circuit Court, and there had been no further action within Paraguay on the investigation.

Mr. President, the charges of official complicity in blocking the Bunte investigation outlined so far would be troubling in themselves. Unfortunately, there are more suspicious events surrounding the case. Judge Stanley had intended to call for a search of a house rented by Bunte in Asuncion for his in-laws. Bunte kept personal and business documents at the house. On September 28, the house burned down in the middle of the night. No one was hurt, but everything was destroyed. The police and Bunte's in-laws blamed a short-circuit. The Paraguayan press was skeptical that this was the cause, indicating that the fire had conveniently destroyed documents which could have proven damaging to high Paraguayan officials.

Although Belgian authorities working on the prosecution of Erich Bunte have revealed little information about their case, the judge overseeing the case, stated that he has possession of check stubs confiscated from Bunte, totaling over $400,000, in the names of "well-known people in Paraguay."

The story behind the Erich Bunte case and Bunte's connections with the Paraguayan Government is far from complete. But the picture that emerges is yet another portrait of shrouded connections between narcotics traffickers and high government officials. And the Bunte case is not the whole story in Paraguay. U.S. Ambassador Clyde Taylor is the leading United States voice right now who is openly speaking of his suspicions that Paraguayan officials are connected to drug trafficking. He has been critical of Stroessner's government on both drug issues and in calling for opening the political process. As a result, he has been the subject of harsh criticism from officials of Paraguay's ruling Colorado Party, including Roberto Velazquez Excobar, who called him a "destabilizing force in United States-Paraguayan relations."

Mr. President, as you know, each year the Department of State submits a list of countries which it designates as major drug producing and trafficking nations to the President of the United States. The President is required to review the State Department report on each of these countries and to determine whether each government has cooperated fully with U.S. efforts to combat illegal narcotics trafficking. Paraguay was not certified this year as having cooperated with the United States in antidrug efforts, but was exempted from aid cuts based on security interests. A leading Paraguayan opposition leader has stated to my office that he would support a reassessment of Paraguay's certification status because this could help push the Stroessner regime toward democratic reform. U.S. pressure could drive a wedge between those in the Stroessner government who are involved in narcotrafficking and those who aren't.

I believe that a reassessment of Paraguay's status with regard to certification for antidrug efforts is indeed in order. Closer United States attention to the levels of narcotrafficking and to the connections between the traffickers and Paraguayan Government officials could contribute both to our goal of curbing drug trafficking through that country and the goal of restoring democracy in Paraguay in the wake of the Stroessner regime. It seems to me that these are the overriding United States security interests in Paraguay, as well as the interests of the Paraguayan people.

Currently, our acceptance of the situation in Paraguay is tantamount to forfeiting yet another country to dominance by the international narcotrafficking cartels. The Stroessner government has done little to indicate that it will fight the narcotraffickers effectively. As Stroessner himself has said, in defense of his dictatorship which denies all individual rights but has provided 35 years of stability: "Corruption is the price you pay for peace."●

Mr. BYRD. Mr. President, there has been morning business today, has there not?

The PRESIDING OFFICER. The leader is correct.

CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting leader on the other side of the aisle as to whether or not Calendar Orders Nos. 638, 648, 664, and 674 have been cleared on that side of the aisle.

Mr. PRESSLER. They have.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of those four calendar orders seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIMINAL AND CIVIL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND INJURY TO PERSONS IN THE FREE EXERCISE OF THEIR RELIGIOUS BELIEFS

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 794) to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of their religious beliefs.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND FOR OBSTRUCTION OF PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS.

Chapter 13 of title 18, United States Code, is amended by adding at the end the following section:

"**§ 247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs**

"(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

"(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property or attempts to do so; or

"(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so;

shall be punished as provided in subsection (c) of this section.

"(b) The circumstances referred to in subsection (a) are that—

"(1) in committing the offense, the defendant travels in interstate or foreign commerce, or uses a facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce; and

"(2) in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction is more than $10,000.

"(c) The punishment for a violation of subsection (a) of this section shall be—

"(1) if death results, a fine in accordance with this title and imprisonment for any term of years or for life, or both;

"(2) if serious bodily injury results, a fine in accordance with this title and imprisonment for not more than ten years, or both; and

"(3) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

"(d) No prosecution of any offense described in this section shall be undertaken by the United States except upon the notification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

"(e) As used in this section—

"(1) the term 'religious real property' means any church, synagogue, mosque, religious cemetery, or other religious real property; and

"(2) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.".

SEC. 3. TECHNICAL AMENDMENT.

The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs.".

Mr. METZENBAUM. Mr. President, S. 794 would provide a strong and effective tool for the Federal Government to prosecute persons who use force and intimidation to interfere with the religious worship of others.

S. 794 makes it a Federal crime: First, to deface, damage, or destroy religious property because of the religious character of that property, or second, to intentionally obstruct, by force or threat of force, any person in the enjoyment of that person's free exercise of religion. S. 794 provides strong penalties for interference with religious worship. Where death results from the commission of a crime, up to life imprisonment may be imposed. In the case of serious bodily injury, fines and imprisonment of up to 10 years may be imposed. In other cases, fines and up to 1 year imprisonment may be imposed. These penalties are appropriate when intolerance to religious beliefs is expressed through force and violence.

The need for the passage of this bill is evidenced by the growing number of incidents of violence motivated by hostility to certain religious groups. Recent studies by the anti-defamation league of B'nai B'rith, the Center for Democratic renewal, and the Lawyers Committee for Civil Rights show that persons of many faiths have been targeted including Jews, Catholics, Buddhists, Unitarians, and Muslims. Those responsible for the violence include old groups like the Ku Klux Klan, new groups such as the Neo-Nazi "Skinheads," and individuals. The perpetrators of this violence share common ideologies of intolerance and bigotry. The activities of these bigots have created justifiable concerns about religious tolerance and make S. 794 an appropriate response to this violence which threatens one of our most precious rights, the right to the free exercise of religion.

There is broad-based support for S. 794. On October 5, 1987, by voice vote the House passed a companion bill H.R. 3258 cosponsored by Mr. DAN GLICKMAN. S. 794 and its House companion are supported by the Justice Department, the Anti-Defamation League of B'nai B'rith, the General Board of Church and Society of the United Methodist Church, the National Institute Against Prejudice and Violence, the American Jewish Committee, and the American Jewish Congress.

I urge my colleagues to support this bill in order to guarantee Federal protection for a fundamental constitutional right, the right to the free exercise of religion.

Thank you, Mr. President.

Mr. CRANSTON. Mr. President, the Senate is about to consider passage of S. 794, legislation introduced by the distinguished Senator from Ohio [Mr. METZENBAUM], which is intended to make violence motivated by religious hatred a Federal criminal offense. I strongly support this legislation and applaud Senator METZENBAUM for his leadership in addressing this important problem. We need to take steps to deal forcefully with the type of bigotry and hatred which underlies these types of acts of violence.

However, I have strongly felt that the Federal Government needs to address all forms of hate crimes. Earlier this year, the Senator from Massachusetts [Mr. KERRY] and I introduced legislation, S. 2109, which would amend various provisions of the United States Code to provide criminal penalties for violations of the civil rights of individuals based upon their affectional or sexual orientation. On April 19, 1988, I introduced an amendment to the pending measure, amendment No. 1966, CONGRESSIONAL RECORD, S4288, which would have added violence against individuals based upon their affectional or sexual orientation.

Unfortunately, efforts to reach a time agreement which would have enabled this amendment to be considered in connection with S. 794 were unsuccessful. Since it became apparent that continuing to press for consideration of this amendment would jeopardize passage of S. 794, I agreed to withhold the amendment at this time.

I intend to continue to press for consideration of the amendment, along with another measure, S. 2000, the proposed "Hate Crimes Statistics Act," which I have introduced which would direct the Attorney General to collect data on the incidence of crimes that manifest prejudice based upon race, religion, affectional or sexual orientation, or ethnicity. We need to deal with all forms of hate crimes and to make it clear that these acts of hatred will not be tolerated in our society. Violence against gay or lesbian individuals is as repugnant as violence directed against individuals because of their race, their religion or their ethnicity.

Mr. SIMON. Mr. President, today I join my distinguished colleague from Ohio, Senator HOWARD METZENBAUM in commending the Senate on the passage of S. 794. This legislation makes it a Federal offense to interfere with the exercise of religious freedom, or to damage or desecrate religious property. I cosponsored this bill, which was favorably reported by my subcommittee, and I am pleased to support its passage.

This Nation is known around the world for its democratic tradition and values. Included within this tradition is our treasured first amendment right to worship freely. We must never forget the fact that many of our ancestors came to this country in search of freedom to practice their religion. Indeed part of what makes the wonderfully complex tapestry that is our country, is the many religious groups that have found their home here. Our freedom to worship is an integral part of our lives that is often taken for granted.

Unfortunately we are seeing an increasing amount of violence directed at persons because they belong to a particular religious group. The evidence is clear. I was appalled to learn, that on the night marking the 49th anniversary of Kristallnacht, the infamous night Nazis destroyed Jewish-owned store fronts and burned synagogues in Germany, several synagogues and Jewish-owned stores in the Chicago suburbs were vandalized. Whether he or she be Jewish, Christian, or Moslem, no person should suffer or die for practicing his or her faith. No religious symbol should be desecrated to show hatred toward a group of people that share in a particular religious doctrine. In passing this legislation Congress is sending a clear signal that the desecrations, the injuries, the deaths, are intolerable in a free society such as ours.

Although the passage of S. 794 is a positive step, much more must be done. That is why I have introduced S. 702, a proposal directing the Attorney General to acquire data about serious crimes manifesting religious as well as ethnic and racial prejudice. The Constitution Subcommittee of the Senate Judiciary, which I chair, will hold hearings on this measure in the near future.

Again, I commend Senator METZENBAUM and all those who worked on S. 794 for their commitment to this very important issue. Let this be a message to all: that the words of the first amendment to the Constitution prohibiting the interference with our exercise of religion are not empty words, but a vital part of that which makes us free.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

So the bill (S. 794) was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

MR. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MERCHANT MARINE ACT AMENDMENTS

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1988) Amendments to the Merchant Marine Act of 1920,

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. (a) Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), is amended—

(1) by striking "Treasury" the first time it appears and inserting "Treasury, or the actual cost of the transportation, whichever is greater,"; and

(2) by striking "merchandise." at the end thereof and inserting in lieu thereof the following: "merchandise: Provided further, That for purposes of this section, the term 'merchandise' includes valueless material: Provided further, That this section applies to the transportation of valueless material or any dredged material regardless of whether it has commercial value, from a point or place in the United States or a point or place on the high seas within the Exclusive Economic Zone as defined in the Presidential Proclamation of March 10, 1983, to another point or place in the United States or a point or place on the high seas within that Exclusive Economic Zone: Provided further, That the transportation of any platform jacket in or on a launch barge between two points in the United States, at one of which there is an installation or other device within the meaning of section 4(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)), shall not be deemed transportation subject to this section if the launch barge has a launch capacity of 12,000 long tons or more, was built as of the date of enactment of this proviso, and is documented under the laws of the United States, and the platform jacket cannot be transported on and launched from a launch barge of lesser launch capacity that is identified by the Secretary of Transportation and is available for such transportation.".

(b)(1) For purposes of interpreting the proviso pertaining to transportation of any platform jacket by launch barge, as added by subsection (a) of this section to section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation shall develop, maintain, and periodically update an inventory of launch barges with less than a launch capacity of 12,000 long tons that are qualified to engage in the coastwise trade. Each launch barge listed on such inventory shall be identified by its name, launch capacity, length, beam, depth, and other distinguishing characteristics. For each such launch barge, the name and address of the person to whom inquiries may be made shall also be included on the inventory. A launch barge not listed on such inventory shall be deemed not to be "a launch barge of lesser launch capacity identified by the Secretary of Transportation" within the meaning of such proviso to section 27 of the Merchant Marine Act, 1920.

(2) Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall publish in the Federal Register an initial inventory of launch barges developed and maintained in accordance with paragraph (1) of this subsection.

(3) Not later than 60 days after the date of enactment of this Act, and periodically thereafter, the Secretary shall publish in the Federal Register a current inventory of launch barges developed, maintained, and updated in accordance with paragraph (1) of this subsection.

SEC. 2. Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: ", or to tow any vessel transporting valueless material or any dredged material, regardless of whether it has commercial value, from a point or place in the United States or a point or place on the high seas within the Exclusive Economic Zone as defined in the Presidential Proclamation of March 10, 1983, to another point or place in the United States or a point or place on the high seas within that Exclusive Economic Zone.".

SEC. 3. Notwithstanding the provisions of section 1 of this Act, a vessel may transport municipal sewage sludge if that vessel, regardless of where it was built, is documented under the laws of the United States and, on the date of enactment of this Act, that vessel—

(1) is in use by a municipality for the transportation of sewage sludge; or

(2) is under contract with a municipality for the transportation of sewage sludge.

SEC. 4. For purposes of the first paragraph of section 805(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1223(a)), a vessel described in section 3(2) of this Act is not a vessel engaged in domestic intercoastal or coastwise service, but the prohibitions in the second paragraph apply to that vessel.

SEC. 5. Notwithstanding the provisions of section 1 of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation under section 12106 of title 46, United States Code, to a vessel that—

(1) is engaged in transporting only valueless material in the coastwise trade or transporting dredged material, whether or not of value, (A) from a point or place on the high seas within the Exclusive Economic Zone as defined in the Presidential Proclamation of March 10, 1983, to a point or place in the United States or to another point or place on the high seas within such Exclusive Economic Zone or (B) from a point or place within the United States to a point or place on the high seas within such Exclusive Economic Zone;

(2) had a certificate of documentation issued under section 12105 of that title on October 1, 1987;

(3) had been sold foreign or placed under a foreign registry before that certificate was issued; and

(4) was built in the United States;

except that such certificate of documentation shall be endorsed to restrict the use of such vessel to the transportation of valueless material in the coastwise trade, and to the transportation of dredged material, whether *or not of value, (i) from a point or place on the high seas within such Exclusive Economic Zone to a point or place in the United States or to another point or place on the high seas within such Exclusive Economic Zone, or (ii) from a point or place within the United States to a point or place on the high seas within such Exclusive Economic Zone.*

Mr. BREAUX. Mr. President, the bill before us represents a pragmatic approach toward providing direct economic benefit to several U.S. maritime interests including U.S. shipbuilders and fabricators of offshore structures, U.S. barge operators, U.S. dredge operators, U.S. tugboat operators, and U.S. maritime labor.

The bill would clarify congressional intent that the "Jones Act"—originally drafted in 1920—should apply to the transportation of merchandise regardless of its value between points in the United States lying inside the seaward boundary of the United States exclusive economic zone established by President Reagan in 1983. This would result in substantial new opportunities for U.S. shipyards to construct sludge barges and dredge vessels and, of course, opportunities for U.S. companies to operate them. Without this legislation, these jobs will be lost to foreign competition.

The bill would protect U.S. tugboat operators and U.S. seamen working in the coastwise trades from incursions by foreign operators into the towing of sludge and other barges to offshore sites.

The bill would provide U.S. shipbuilders interested in fabricating large offshore drilling platforms the opportunity to compete for contracts with domestic oil lease holders. Currently there are no "Jones Act" qualified launch barge vessels in existence with the capacity to launch very large deepwater platform jackets. U.S. shipyards capable of fabricating such large platform jackets are, therefore, precluded from even bidding on fabrication contracts with domestic oil companies for lack of a vessel to transport the finished product from their yards to the installation site far out on the U.S. Outer Continental Shelf.

It should be noted that the dual-mode transportation of such deepwater platform jackets from a U.S. port to a point on the U.S. Outer Continental Shelf has become subject to the provisions of the "Jones Act" only recently as a result of an interpretive ruling by the Customs Service in 1984. It should be further noted, therefore, that even with the 1984 ruling that specifically reserved the launch barge trade for U.S.-built vessels, no launch barge of sufficient capacity has since been constructed in the United States. It must be concluded, therefore, that there is no demonstrable market for the construction of such launch barges by U.S. shipyards. This is primarily because U.S. lease-holders have the authority to contract with foreign shipyards for the fabrication of deep water platforms which can be legally transported to an Outer Continental Shelf installation site on one of the very launch barges this bill addresses. Any construction of a U.S. launch barge of this size would be, therefore, a very expensive and unjustified gamble.

Therefore, this bill would allow U.S. shipyards in the business of fabricating large platform jackets to make use of a fleet of 12 existing foreign built launch barges to transport such jackets to Outer Continental Shelf installation sites insofar as these vessels are willing to re-flag to the U.S. and insofar as the platform jacket cannot be handled by any of the much smaller launch barges in the United States coastwise certified fleet.

As such, the launch barge provision of the bill would provide a substantial opportunity to bring platform jacket construction opportunities and hundreds of jobs back home to U.S. shipyards without compromising any other demonstrable U.S. shipbuilding opportunities or the interests of existing U.S. launch barge operators.

Mr. President, having dealt with maritime issues for some 15 years now, I am not unaware that any tinkering with the Jones Act causes anxiety among many in the maritime community. Some have argued in the past, and some will argue today that we must be absolute in our preservation of the application of the Jones Act—regardless of the economic consequences for other legitimate U.S. maritime interests. This is, I believe, a sort-sighted and almost paranoid perspective of the fundamentalists—and one that will ultimately do more harm than good to the interests of the maritime community as a whole.

We must be pragmatic in our approach to maritime policy and analyze each opportunity as it presents itself. If we expect to put this industry back on its feet—as I would like to help do—we must start measuring the benefits and detriments of proposals in real economic terms—not in perceived notions or philosophical purity. My staunch defense of the Jones Act to date has been in tangible, not philisophical terms. I would hope to see the entire maritime community embrace this approach.

Furthermore, it is my understanding that there remain in the administration those who shudder at the thought of the United States exercising its jurisdiction over such commercial activities in the U.S. exclusive economic zone [EEZ] as the transportation of sludge to Federal dumpsites and the transportation of dredged material. I understand that their fear is that such a threat of so-called creeping jurisdiction will cause a profound response among the international community concerned with the freedom of the seas. While I am certainly a strong advocate and defender of preserving the rights of innocent passage and unencumbered passage through straits of economic and strategic significance, I hardly view a legitimate exercise of jurisdiction over commercial activities within a Nation's declared EEZ as compromising these important international principles of navigation.

Again, Mr. President, I think it is clear that this is a very important bill to the U.S. maritime industry in many respects and one that should be viewed on balance. It is strongly supported by an unusually diverse coalition of maritime interests—labor, vessel operators and shipyards—and so I ask for my colleagues immediate and favorable consideration.

Mr. MURKOWSKI. Mr. President, this bill would resolve certain issues of U.S. maritime law regarding foreign-built vessels in domestic trade. I have for some time been concerned about two situations falling within the same general area of law, and have prepared two amendments which would resolve these problems also.

One addresses the fact that passenger vessel service between communities in southeastern and southcentral Alaska is limited by a lack of U.S.-flag carriers. This creates a substantial obstacle to realizing the economic potential of communities in southeastern and southcentral Alaska.

The other involves the shipment of Alaskan coal to Hawaii. Low-sulfur Alaska coal is an environmentally preferable alternative to the imported coals presently purchased for use in power-generation facilities in Hawaii. But inducing U.S. vessels to enter this trade would create prohibitive cost factors, forcing Hawaii to continue procuring foreign coal rather than an environmentally safer domestic alternative.

I have discussed these amendments with my distinguished colleague Senator BREAUX, the sponsor of the measure pending before the Senate at this time. It is my understanding that he recognizes my concerns and intends to provide an opportunity for these issues to be aired in a hearing of the Merchant Marine Subcommittee. I would like to ask, Mr. President, if that is the understanding of my good friend Senator BREAUX, as well.

Mr. BREAUX. Mr. President, I do in fact understand and recognize the concerns my colleague from Alaska has expressed on these matters. In my opinion these are appropriate issues to bring before the Subcommittee on Merchant Marine, and I would be pleased to chair a hearing on them during this Congress.

Mr. MURKOWSKI. Mr. President. I thank my colleague for this opportunity to confirm my understanding. I have no wish to see the legislation before us delayed for any reason, and I recognize some Members may wish additional time to consider my amendments. In light of these facts, and in recognition of my good friend's intentions, I will refrain from offering any amendment at this time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1988) was passed.

The title was amended so as to read "A bill to amend the Merchant Marine Act, 1920, and for other purposes".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HISPANIC HERITAGE MONTH

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2200) to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZE THE DESIGNATION OF THE NATIONAL HISPANIC HERITAGE MONTH.

The joint resolution entitled "Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as 'National Hispanic Heritage Week' ", approved September 17, 1968 (36 U.S.C. 169f), is amended—

(1) by striking "week including September 15 and 16" and inserting "31-day period beginning September 15 and ending on October 15";

(2) by striking "Week" and inserting "Month"; and

(3) by striking "week" and inserting "month".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on January 1 of the first year beginning after the date of enactment of this Act.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GENE TAYLOR POST OFFICE BUILDING

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3987) to designate the United States Post Office Building located at 500 West Chesnut Expressway in Springfield, Missouri, as the "Gene Taylor Post Office Building."

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3987) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO INDEFINITELY POSTPONE H.R. 4222

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 633, H.R. 4222, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC BUILDINGS AMENDMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 631, S. 2186.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2186) to improve the efficiency and effectiveness of management of public buildings.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Buildings Amendments of 1988".

SEC. 2. INCREASED THRESHOLD FOR APPROVAL PROCESS.

Sections 4(b) and 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 603(b) and 606(a)) are amended by striking out "$500,000" each place it appears and inserting in lieu thereof "$2,000,000".

SEC. 3. LIMITATIONS ON LEASING AUTHORITY.

Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended by adding at the end thereof the following new subsection:

"(e) LIMITATION ON LEASING CERTAIN SPACE.—Notwithstanding any other provision of this Act, with respect to any lease subject to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), the Administrator may not lease any space to accommodate—

"(1) major computer operations;

"(2) secure or sensitive activities related to the national defense or security, except in any case in which it would be inappropriate to locate such activities in a public building or other facility identified with the United States Government;

"(3) offices which would require major alterations in the structure or mechanical system of the building to be leased; or

"(4) a permanent courtroom, judicial chamber, or administrative office for any United States court;

except that the Administrator may lease such space if the Administrator first determines, for reasons set forth in writing, that leasing such space is necessary to meet requirements which cannot be met in public buildings and submits such reasons to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.".

SEC. 4. DOLLAR AMOUNT ADJUSTMENT.

Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is further amended by adding at the end the following new subsection:

"**[(g)]** *(f)* DOLLAR AMOUNT ADJUSTMENT.—Any dollar amount referred to in this section and section 4(b) of this Act may be adjusted by the Administrator annually to reflect a percentage increase or decrease in construction costs during the preceding calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any such adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.".

SEC. 5. STATE ADMINISTRATION; SPECIAL RULES FOR LEASED BUILDINGS.

The Public Buildings Act of 1959 (40 U.S.C. 601-616) is amended by adding at the end thereof the following new sections:

"SEC. 19. STATE ADMINISTRATION.

"(a) Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State, or to a commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over land or interests under the control of the Administrator in such State, commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished by filing with the Governor (or if none exists, with the chief executive officer) of such State, commonwealth, territory, or possession a notice of relinquishment to take effect upon acceptance thereof, or in such other manner as may be prescribed by the laws of the State, commonwealth, territory, or possession where such lands are situated. The authority granted by this section is in addition to and not instead of that granted by any other provision of law. Nothing herein shall be construed to authorize the Administrator to dispose of any land or interest in property to a State, commonwealth, territory or possession.

"SEC. 20. SPECIAL RULES FOR LEASED BUILDINGS.

"(a) SPECIFICATIONS.—Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, the Administrator shall not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant use by, the United States until the Administrator has established specifications for such building.

"(b) COMPETITIVE [BIDS] PROCEDURES.—The Administrator may acquire a leasehold interest in any building which is being constructed for lease to, and for predominant use by, the United States only by the use of competitive procedures required by section 2711 of the Competition in Contracting Act of 1984, amending section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

"(c) INSPECTIONS.—The Administrator shall inspect every building to be constructed for lease to, and for predominant use by, the United States during the construction of such building in order to determine that the specifications established for such building are complied with.

"(d) ENFORCEMENT.—

"(1) POST-CONSTRUCTION EVALUATION.—Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such building for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in this section.

"(2) CONTRACT CLAUSE.—The Administrator shall ensure that any contract entered into for a building described in paragraph (1) shall contain provisions permitting a reduction of rent during any period when such building is not in compliance with such specifications.".

SEC. 6. LIMITATION ON MAXIMUM RENTAL RATE.

Section 322 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 278a) is repealed.

SEC. 7. PROTECTION OF FEDERAL PROPERTY.

(a) REFERENCE TO GSA.—The Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318-318d) is amended—

(1) by striking out "Federal Works Agency" each place it appears and inserting in lieu thereof "General Services Administration"; and

(2) by striking out "Federal Works Administrator" each place it appears and inserting in lieu thereof "Administrator of General Services".

(b) INCLUSION OF LEASED PROPERTY.—Section 1 of such Act is amended to read as follows:

"SECTION 1. SPECIAL POLICE.

"(a) APPOINTMENT.—The Administrator of General Services, or officials of the General Services Administration duly authorized by the Administrator, may appoint uniformed guards of such Administration as special policemen without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the United States and under the charge and control of the Administrator.

"(b) POWERS.—Special policemen appointed under this section shall have the same powers as sheriffs and constables upon such property to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Administrator or such duly authorized officials of the Administration for the property under their jurisdiction; except that the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process.".

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of such Act is amended by striking out "Federal property" each place it appears and inserting in lieu thereof "property".

(2) Section 3 of such Act is amended by striking out "and over which the United States has acquired exclusive or concurrent criminal jurisdiction".

SEC. 8. TECHNICAL AMENDMENT.

The Act entitled "An Act to designate the United States Post Office and Courthouse in Pendleton, Oregon, as the 'John F. Kilkenny United States Post Office and Courthouse'" (Public Law 98-492; 98 Stat. 2271) is amended by striking out "Dorian" and inserting in lieu thereof "Dorion".

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2105

Mr. BYRD. Mr. President, on behalf of Mr. BURDICK, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), on behalf of Mr. BURDICK, proposes an amendment numbered 2105.

Mr. BYRD. Mr. President, I ask unanimous consent that further consideration of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 1, insert the following, and renumber the following section accordingly:

"Sec. 8. CERTAIN OTHER AUTHORITIES.—

"Nothing in this Act shall be construed to affect the authorities granted in sections 5, 6, and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(f), (g), and (h)."

Mr. BURDICK. Mr. President, last April the Senate Committee on Environment and Public Works reported to the Senate S. 2186, a bill to improve the efficiency and effectiveness of the management of the Public Buildings Program of the General Services Administration. I urge my colleagues to approve this needed legislation.

Fifteen years have passed since the last major revision of the statutes regarding our Nation's Public Buildings Program. The legislation reported by the Environment and Public Works Committee will effect a series of modest reforms that will greatly improve the efficiency of the General Services Administration's management of our Public Buildings Program.

The committee proposes this amendment to this bill to assure the protection of national security information. Section 3 of the bill requires the General Services Administrator to determine, and so advise, the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives when an agency may lease space to accommodate the following: major computer operations; secure or security sensitive activities related to the national defense or security, except when inappropriate to locate such in a public facility or facility identified with the Federal Government; and offices that require major alterations in the structure or mechanical system of the building. The purpose of this provision is to minimize the cost to the Government of leasing space.

However, most of the Central Intelligence Agency's leased space falls within these categories. Section 5(e) of the Central Intelligence Agency Act of 1949 permits the Agency to make alterations, improvements, and repairs on the premises it leases without regard to cost, so long as the Director certifies that these actions are necessary for the successful performance of the Agency's functions or the security of its activities. Further, section 6 of that same law exempts the Agency from providing information regarding its functions. In addition, section 8 of the CIA Act authorizes the Agency, notwithstanding any other law, to expend sums for other purposes necessary to carry out its functions. Such purposes may include acquiring necessary land and renting and operating buildings. In order to protect classified information in the interest of national security, it is important that the CIA's rights in these areas be preserved.

Section 5 of the bill allows GSA to turn over Federal land or interests to a State whenever GSA considers it desirable. The committee believes that the CIA, not the GSA, is in the best position to decide when such action is appropriate for the CIA's buildings.

This section also requires that GSA not commit to the construction of a building for lease to an agency until it has established specifications for each building. Publication of such specifications could constitute a breach of security with respect to Agency buildings.

This argument also holds true for that portion of section 5 requiring competitive bids for buildings constructed for lease to an agency. Also, the Agency expressed concern regarding the language requiring GSA inspection of such buildings.

To assure the integrity of our Nation's vital national security function, I urge my colleagues to adopt the committee's amendment to S. 2186.

Mr. MOYNIHAN. Mr. President, last March I introduced S. 2186, legislation to improve the efficiency and effectiveness of the management of the Public Buildings Program of the General Services Administration [GSA]. This bill was reported last month by the Senate Committee on Environment and Public Works with only two minor amendments.

The reforms in this bill include:

Raising from $500,000 to $2 million the threshold level at which GSA must submit to Congress a prospectus for a major acquisition or alteration of space;

Granting GSA statutory authority to relinquish legislative jurisdiction, so that where it is appropriate local law enforcement agencies may protect Federal properties;

Expanding the statutory authority for GSA's security and law enforcement functions to all buildings and areas that are under the charge and control of the agency; and

Eliminating the cap on alterations to leased space to a cost of no more than 25 percent of the amount to be paid during the initial year of the lease.

The House of Representatives passed a public buildings reform measure last December. The House bill, H.R. 2790, contained two controversial provisions which are likely to impede enactment of this needed legislation.

Section 5 of the House bill authorizes the General Services Administration to acquire public buildings using time financing. I favor the concept of time financing, or lease-purchase. Last year the Committee on Environment and Public Works, in legislation which later became law, approved the lease-purchase of the International Cultural and Trade Center to be built on the Federal Triangle. Soon the committee will report to the Senate legislation authorizing time financing for the construction of a new building, to be located on Capitol Grounds, for the Federal judiciary. However, the administration is opposed to the generic authorization of time financing contained in H.R. 2790 and has threatened a veto if this provision is included in the measure passed by Congress.

S. 2186 also does not include the House bill's requirement that Federal buildings be constructed in compliance with nationally recognized building codes and local zoning laws. The General Services Administration asserts that this provision will unduly delay projects and cause lengthy discussions between Federal and local authorities over even minor alterations to Federal buildings.

Mr. President, this bill is the result of an administration proposal forwarded to the Congress over a year ago. The reforms that would be effected by the enactment of this measure would greatly improve the management of our Nation's Public Buildings Program. I urge my colleagues to support this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2105) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Buildings Amendments of 1988".

SEC. 2. INCREASED THRESHOLD FOR APPROVAL PROCESS.

Sections 4(b) and 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 603(b) and 606(a)) are amended by striking out "$500,000" each place it appears and inserting in lieu thereof "$2,000,000".

SEC. 3. LIMITATIONS ON LEASING AUTHORITY.

Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended by adding at the end thereof the following new subsection:

"(e) Limitation on Leasing Certain Space.—Notwithstanding any other provision of this Act, with respect to any lease subject to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), the Administrator may not lease any space to accommodate—

"(1) major computer operations;

"(2) secure or sensitive activities related to the national defense or security, except in any case in which it would be inappropriate to locate such activities in a public building or other facility identified with the United States Government;

"(3) offices which would require major alterations in the structure or mechanical system of the building to be leased; or

"(4) a permanent courtroom, judicial chamber, or administrative office for any United States court;

except that the Administrator may lease such space if the Administrator first determines, for reasons set forth in writing, that leasing such space is necessary to meet requirements which cannot be met in public buildings and submits such reasons to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.".

SEC. 4. DOLLAR AMOUNT ADJUSTMENT.

Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is further amended by adding at the end the following new subsection:

"(f) Dollar Amount Adjustment.—Any dollar amount referred to in this section and section 4(b) of this Act may be adjusted by the Administrator annually to reflect a percentage increase or decrease in construction costs during the preceding calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any such adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.".

SEC. 5. STATE ADMINISTRATION; SPECIAL RULES FOR LEASED BUILDINGS.

The Public Buildings Act of 1959 (40 U.S.C. 601-616) is amended by adding at the end thereof the following new sections:

"SEC. 19. STATE ADMINISTRATION.

"(a) Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State, or to a commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over land or interests under the control of the Administrator in such State, commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished by filing with the Governor (or if none exists, with the chief executive officer) of such State, commonwealth, territory, or possession a notice of relinquishment to take effect upon acceptance thereof, or in such other manner as may be prescribed by the laws of the State, commonwealth, territory, or possession where such lands are situated. The authority granted by this section is in addition to and not instead of that granted by any other provision of law. Nothing herein shall be construed to authorize the Administrator to dispose of any land or interest in property to a State, commonwealth, territory or possession.".

"SEC. 20. SPECIAL RULES FOR LEASED BUILDINGS.

"(a) Specifications.—Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, the Administrator shall not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant use by, the United States until the Administrator has established specifications for such building.

"(b) Competitive Procedures.—The Administrator may acquire a leasehold interest in any building which is being constructed for lease to, and for predominant use by, the United States only by the use of competitive procedures required by section 2711 of the Competition in Contracting Act of 1984, amending section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

"(c) Inspections.—The Administrator shall inspect every building to be constructed for lease to, and for predominant use by, the United States during the construction of such building in order to determine that the specifications established for such building are complied with.

"(d) Enforcement.—

"(1) Post-construction evaluation.—Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such building for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in this section.

"(2) CONTRACT CLAUSE.—The Administrator shall ensure that any contract entered into for a building described in paragraph (1) shall contain provisions permitting a reduction of rent during any period when such building is not in compliance with such specifications.".

SEC. 6. LIMITATION ON MAXIMUM RENTAL RATE.

Section 322 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 278a) is repealed.

SEC. 7. PROTECTION OF FEDERAL PROPERTY.

(a) REFERENCE TO GSA.—The Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318-318d) is amended—

(1) by striking out "Federal Works Agency" each place it appears and inserting in lieu thereof "General Services Administration"; and

(2) by striking out "Federal Works Administrator" each place it appears and inserting in lieu thereof "Administrator of General Services".

(b) INCLUSION OF LEASED PROPERTY.—Section 1 of such Act is amended to read as follows:

"SECTION 1. SPECIAL POLICE.

"(a) APPOINTMENT.—The Administrator of General Services, or officials of the General Services Administration duly authorized by the Administrator, may appoint uniformed guards of such Administration as special policemen without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the United States and under the charge and control of the Administrator.

"(b) POWERS.—Special policemen appointed under this section shall have the same powers as sheriffs and constables upon such property to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Administrator or such duly authorized officials of the Administration for the property under their jurisdiction; except that the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process.".

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of such Act is amended by striking out "Federal property" each place it appears and inserting in lieu thereof "property".

(2) Section 3 of such Act is amended by striking out "and over which the United States has acquired exclusive or concurrent criminal jurisdiction".

SEC. 8. CERTAIN OTHER AUTHORITIES.

Nothing in this Act shall be construed to affect the authorities granted in sections 5, 6, and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403 (f), (g), and (h)).

SEC. 9. TECHNICAL AMENDMENT.

The Act entitled "An Act to designate the United States Post Office and Courthouse in Pendleton, Oregon, as the 'John F. Kilkenny United States Post Office and Courthouse' " (Public Law 98-492; 98 Stat. 2271) is amended by striking out "Dorian" and inserting in lieu thereof "Dorion".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO STAR PRINT S. 2180

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2180 be star printed to accurately reflect the Judiciary Committee action to report the bill with an amendment in the nature of a substitute, and I send the correction to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING MAY 1988 AS "TAKE PRIDE IN AMERICA MONTH"

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 530.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 530.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 530) designating May 1988 as "Take Pride in America Month."

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 530) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR THURSDAY, MAY 19, 1988

RECESS UNTIL 9.30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, after the two leaders have been recognized under the standing order on tomorrow morning, there be a period for morning business not to extend beyond 10 o'clock a.m., and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF THE INF TREATY AT 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that, at the hour of 10 o'clock tomorrow morning, the Senate go into executive session to resume the consideration of the INF Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on tomorrow the Senate will come in at 9:30 a.m. After the two leaders have been recognized under the standing order there will be a period for morning business not to extend beyond the hour of 10 o'clock, during which time Senators may speak for not to exceed 5 minutes each, all of which time the Senate will be operating in legislative session.

At the hour of 10 o'clock a.m. the Senate will go into executive session to resume consideration of the INF Treaty and rollcall votes are hoped for and expected on tomorrow.

Does the distinguished acting leader, Mr. PRESSLER, have anything further he would like to say or any business he would like to transact?

Mr. PRESSLER. No. I thank the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to; and, at 7:15 p.m., the Senate recessed until tomorrow, Thursday, May 19, 1988, at 9:30 a.m.

EXTENSIONS OF REMARKS

STATEMENT OF CARL GERSHMAN ON THE NATIONAL ENDOWMENT FOR DEMOCRACY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. LAGOMARSINO. Mr. Speaker, as Chairman of the National Republican Institute for International Affairs, I take great pride in the work of our organization to develop and strengthen democratic institutions in other countries in the world. The work of the Republican Institute is strongly supported by the National Endowment for Democracy. Its president, Carl Gershman, recently testified before the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary on the activities of the endowment and the related institutes. His statement follows:

STATEMENT OF CARL GERSHMAN, PRESIDENT, NATIONAL ENDOWMENT FOR DEMOCRACY

I want to thank you, Mr. Chairman, and the members of the subcommittee, for giving me the opportunity to testify before you today on behalf of the National Endowment for Democracy. I welcome the chance to respond to your questions, since I am confident that the more that is known about the Endowment's work, the more support there will be for its unique and profoundly important mission.

From where we stand today, we can look back upon four years of work—four years of building an institution that has the explicit, unambiguous purpose of advancing democracy throughout the world. No one, Mr. Chairman, has followed this process more closely than your subcommittee, and I hope you will agree that the progress made by the Endowment has been steady and encouraging.

This progress—and what I believe will be the bright and important future of the Endowment—is the result of three fundamental factors. The first is what we have done here to build the Endowment. The second is that others have done abroad to advance democracy. And the third is the very nature of the world situation in which we find ourselves.

First, with regard to the Endowment itself: Over the past four years, we have established a durable foundation that is at once conceptually, programmatically and procedurally sound. Conceptually, our work has been based upon the view, set forth in 1984 in our Statement of Principles and Objectives, that "the existence of autonomous economic, political, social and cultural institutions"—in a word, civil society—"is the foundation of the democratic process and the best guarantor of individual rights and freedoms."

Programmatically, we have acted upon this idea by contributing to the development, and in some cases the very survival, of a wide array of free institutions devoted to the values of democracy: trade unions, business associations and political parties (work carried out through our core grantees in these fields, the Free Trade Union Institute, the Center for International Private Enterprise, and the National Democratic and the National Republican Institutes for International Affairs), as well as civic organizations of women and youth, public policy institutes, cooperatives, and a variety of free communications media including newspapers, journals, books and films.

Procedurally, in addition to establishing high standards for the careful selection, monitoring and evaluation of grants, we have adhered to three basic operating principles: our grants are open to public scrutiny, our programs are responsive to the needs and initiatives of our partners abroad, and our approach is consistent, not veering to the left or to the right but holding faithfully to a democratic course. In practice, this means that we are ready to assist authentic democratic initiatives in a wide variety of circumstances: in authoritarian systems where the goal is transition to democracy; in developing democracies where the goal is the reinforcement of democratic structures and values; in closed societies where the goal is opening the system to independent activity; and in conflict-ridden countries where the goal is sustaining the possibility of democracy when the violence subsidies.

This approach, Mr. Chairman, has been presided over by a Board of Directors that reflects the broad diversity and vigorous pluralism of American society. It has found support in a growing bipartisan majority in Congress and acceptance here and abroad among groups actively working to promote democratic ends. The fact that this bold, innovative and authentically democratic approach has also been unifying and consensual demonstrates how broad and deep is the commitment to democracy in our own country and indeed throughout the world.

If we have been successful, Mr. Chairman, it is largely because there exist people abroad who are passionately and courageously devoted to democracy. For them, democracy is not something to be taken for granted. It is a precious ideal whose value is enhanced by the very precariousness of its existence in some countries, or by its denial by force in many others. These people, with whom the Endowment has established bonds of solidarity and cooperation, include:

In the Philippines, trade unionists, business leaders, women civic activists and high school students who are struggling to consolidate their new democracy under the most difficult conditions;

In Haiti, democrats who refuse to relinquish the political space they have gained since the overthrow of Duvalier, and who continue to work for the establishment of democracy despite the violence of the past year;

In Nicaragua, where the labor, business and political groups comprising the civic opposition, along with the editors of La Prensa, the Mother of Political Prisoners, youth activists and many others have refused to succumb to fear and repression and may now be in a position to advance their democratic aspirations;

In Chile, where the unfolding political process that will result in a plebescite later this year could bring about the transition to democracy that groups across the democratic political spectrum have been striving to achieve;

In South Africa, where black and white democrats, undaunted by the new wave of repression, are working together to replace apartheid with a democratic system;

In Poland, Czechoslovakia, Hungary and other countries of Eastern Europe where there has been an extraordinary growth in independent democratic action, a process that is now spreading even to the Soviet Union itself.

These are but a few of the countries in which we have been active, all of which are listed in the annual report that we have submitted to the subcommittee. Among the many projects described, there are some that already have had an especially broad and significant impact. I would like to call the subcommittee's attention to:

The Institute for Liberty and Democracy in Peru, where pioneering work with the vast informal sector of microentrepreneurs has produced a new free-market approach to development in the Third World that is beginning to transform development theory and policy around the world;

Conciencia in Argentina, a women's civic action movement that is spreading to fifteen other Latin American Countries and has been established in the Philippines as well;

Libro Libre in Costa Rica, a movement of democratic intellectuals, which has produced a new democratic literature for Central America and which represents the first coherent attempt to promote democratic ideas in the region;

The International Coalition for Human Rights in Cuba, headed by Armando Valladares who just recently led the successful fight for the establishment of a United Nations commission to investigate Cuban human rights violations.

The Chinese Intellectual, a journal of independent opinion circulating in China whose editor has now established a major intellectual center in Beijing which is working to further the process of reform and opening.

The people who lead these efforts were among those who spoke at a conference we organized last year to describe our work. Their remarks, as well as those of other equally remarkable democratic leaders who spoke there, are included in this book, the Challenge of Democracy, which I would also like to present to the subcommittee.

Mr. Chairman, the third and final factor that accounts for the progress and acceptance of the Endowment is the very nature of the world situation in which we find ourselves. This situation is clearer to us now, after the experience of Nicaragua, than it was before. What we have all learned and, I think, can agree upon is that an anti-Communist dictator (such as Somoza) is not a bulwark against Communism, nor is the removal of such a dictator a guarantee of democracy. If we don't build up the democratic forces—systematically, over time, with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

adequate resources—then there will not be a strong democratic alternative when the authoritarian system collapses, as inevitably it must. In a word, we will have only ourselves to blame if we find ourselves with no option other than retreat for the use of force, and we will pay the price—as we have—in money, in division that strains the political fabric of our society, and possibly in lives as well.

There is even a more basic reason for the relevance of the Endowment today. We live in a state of strategic parity with or main rival, the Soviet Union. There may be violent conflicts at the margins of the world political system, but the overall balance is likely to be preserved. This means that the use of force will continue to decrease as an instrument of policy, and competition will increasingly shift to the realm of politics. We must have the capability to engage effectively in this competition.

Ironically, while democracy is the most broadly accepted and legitimate political idea in the world today, we have never done very well at explaining and defending it. In fact, we have all but abandoned the field of political competition to our ideological rivals, who have usurped the banner of democracy for their own anti-democratic ends.

We're now beginning to wake up to this unpleasant reality, but we still have a long way to go. True, there has been a democratic revival during this decade, and conditions are still favorable for democratic advance. But this is no cause for complacency. It was only a little more than a decade ago that democracy was thought to be in decline, and it will not take many setbacks for pessimism to return once again.

In the meantime, we should accept the fact that political competition will not disappear, that democracy has dedicated opponents who have hardly given up the fight, and that we must therefore have the wherewithal to defend and promote our values in a world of diverse cultures and competing political philosophies.

I believe that the Endowment is potentially the most effective instrument we have for advancing our values in the world. It is cost-effective, activist, engaged. It not only provides concrete assistance to democrats on the frontlines of political struggle, but sends a message of solidarity and democratic commitment. We are gaining good will even as we assist our friends and thereby advance our own interests as well.

Mr. Chairman, we have been immensely grateful for the support and understanding which you and the subcommittee have shown for the Endowment. We hope that as we continue to progress, you will continue to weigh our needs against the enormity of the challenge we face and the promise this new institution offers for serving the finest ideals and highest interests of our country.

RAISE THE MINIMUM WAGE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. GARCIA. Mr. Speaker, as we all know, the Federal minimum wage has not been raised since 1981 when it was set at $3.35 per hour. For the 6.7 million people working at or below the minimum wage, and another 6 to 7 million just above it, this amount is no longer a fair and equitable wage. It is these people who will be helped most by H.R. 1834, the Minimum Wage Restoration Act of 1987.

I believe the facts speak for themselves. A person who works full time, 40 hours per week, at $3.35 per hour makes only $6,970 a year, or $4,630 below the poverty level for a family of four. For the 2 million workers in this position, it becomes difficult, if not impossible, to keep their heads above water and their families clothed and fed. We can no longer accept these substandard wages to be inflicted on the people who are the most in need; those who want to help themselves and their families; those who go tirelessly to work every day just to feed their children; the young people who are trying to put themselves through school.

This is not a new argument. Sixteen times since FDR originally set the Federal minimum wage at 25 cents per hour we have heard that raising the wage floor will cause higher unemployment, increased inflation, and will hurt those it is designed to help. History has proven these arguments wrong. With one exception—during the 1974–75 recession—a minimum wage increase has been followed by periods of increased productivity and employment. In fact, after the 50 percent wage increase between 1977 and 1981, employment increased 9 percent.

Perhaps the most alarming fact, however, is that since 1981, the purchasing power of the minimum wage has fallen 33 percent, making the real wage a mere $2.52 per hour. Originally designed to be 50 percent of the average, nonfarm wage, it has fallen to below 36 percent of all workers' hourly earnings, the lowest proportion in the 50-year history of the minimum wage. The income gap between the richest and poorest one-fifth of all wage earners is the greatest it has been since FDR enacted his monumental legislation.

Anyone opposing the raise in the minimum wage should first try living on it. Surely no one who understands the difficulty and frustration of working full time at a level of pay insufficient to make ends meet would stand in the way. Mr. Speaker, we must work to ensure that our workers are paid a fair and equitable wage. I ask my colleagues to support the Minimum Wage Restoration Act.

DRUNK DRIVING IS A NATIONAL CRISIS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. MAZZOLI. Mr. Speaker, I rise today to express my strong support for House Concurrent Resolution 276 and to urge my colleagues to sponsor this measure which expresses the sense of Congress that drunk driving should be declared a national crisis by the Surgeon General.

On May 15, Kentucky and this Nation witnessed one of the worst bus accidents in history—the senseless slaughter of 27 members of a church group—most of them young teenagers—when the school bus in which they were traveling was hit head-on by a driver under the influence of alcohol. Thirty to forty other passengers were injured, at least eight seriously, in the crash. The carnage of precious human life such as this is unacceptable.

We, who value life and respect it, must take immediate steps to stop this national epidemic—this national disgrace—which critically injures and takes the life of innocent citizens every year. I have joined my colleagues of the Kentucky delegation in signing a letter to President Reagan, urging his support of our efforts to declare drunk driving a national crisis and bring together the resources of all levels of Governments to resolve the drunk driving epidemic.

The problem of drunk driving is a problem for us all. I would like to extend my deepest sympathies to all of the families of the victims of the bus accident in Kentucky who are suffering the tragic loss of life due to drunk driving.

A TRIBUTE TO MARIE BODACK

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. DIOGUARDI. Mr. Speaker, I rise today to congratulate an outstanding student from Yonkers, NY who has demonstrated her excellence in oratory skills.

On March 5, 1988, Ms. Marie Bodack, a junior at the Ursuline School in New Rochelle, NY, won the New York State championship of the 51st American Legion National High School Oratorical Contest for a speech she wrote and delivered entitled, "We the People," on the Constitution of the United States.

I would like to commend the American Legion for sponsoring this event that allows Americans to reflect upon our heritage and the importance of democracy to this Nation. I would also like to congratulate Ms. Bodack and wish her the best in the national regional contest. I am proud to represent Marie Bodack, New York State champion of the national high school oratorical contest, and take this opportunity to share her speech with my colleagues:

WE THE PEOPLE

(By Marie Bodack)

Many of us here can recite verbatim the preamble of the Constitution. Those of us who have not memorized the entire preamble must know that the first three words are "We the people." But how many of us who know this have ever thought about what those words really mean and how they are reflected in the Constitution, especially in the First Amendment and in today's society.

When all 55 delegates from 12 of the 13 colonies met in Philadelphia in 1787 to amend the Articles of Confederation, they decided that an entirely new document should be drafted. The end result of the convention was a document unique in the history of our country: The United States Constitution. Its uniqueness can be found in its trust in and reliance on the American people reflected in the 26 amendments passed throughout its 200 year history.

The fact that the original document did not contain provisions for the people upset many including Patrick Henry, one of the staunchest opponents of the Constitution, who cried, "What right had they (the framers of the Constitution) to say 'We the people'?" when the people's rights were not recognized. Also angered was the author of the Virginia declaration of rights, George Mason, who asked, "Where is the barrier drawn between the government and the rights of citizens?" Nevertheless, the Constitution was amended and the outcries of citizens' rights supporters continued to be heard. At the time when the Bill of Rights was drawn up, the colonists remembered the oppression they faced while under British rule and feared any form of oppression and so many fought to have their rights recognized in writing. Because of this, ten amendments to the Constitution were drawn up and ratified in 1791. They later became known as the Bill of Rights.

Today, the written words are broadly interpreted by the Supreme Court and their meaning strictly enforced. Among other things, the Bill of Rights protects the rights of the accused, the rights of the citizens to bear arms and the rights of the citizens to be secure in their houses.

Two hundred years after the Constitution was drafted the Amendments are still often cited. Without a doubt, one of the most often cited is the First Amendment, which reads:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press; or the right of the people to peaceably assemble and to petition the government for a redress of grievances."

In our free society today there are often deeper questions pertaining to the legitimacy of the First Amendment—as Jonathan Bartlett in his book, The First Amendment in a Free Society, says, "the battle of the meaning of the First Amendment's guarantee of the right to assemble has been joined over a particularly divisive and as yet unresolved issue." No one would find fault with the public assembling in New York City for the Thanksgiving Day Parade or for a political speech but when the Nazis wanted to march in Skokie (a largely Jewish town in the Chicago suburbs) questions were raised, such as "Is there a limit to freedom of speech and what about the right of the Jews?" In the end, supported by the ACLU, the Nazis were allowed to hold peaceful rallies; however, those questions were never fully answered.

Clearly there are limits to the First Amendment. Even the Court has recognized that. In the Case of Chaplinsky v. New Hampshire (1942) Justice Murphy argued that "there are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "fighting" words—those which by their utterance inflict injury or tend to incite an immediate breach of the peace." Justice Holmes beautifully illustrated this point 25 years earlier when he wrote: the most stringent protection of free speech would not protect a man in falsely shouting "fire" in a theater and causing a panic. The words to any legal document mean nothing if they are not carried out. The same holds true for the words of the Constitution, specifically the First Amendment—part of the Supreme law of the land. However, as we see the First Amendment is actively upheld in our society today and is kept alive by the people!

The First Amendment is what allows us to openly protest the acts of the government; what allows students of a St. Louis high school to sue the school because articles on sex were censored from the school's newspaper; what allowed Steven Engel and three other parents to sue the New York State Board of Regents over the issue of a 22-word prayer said daily in public schools; what allowed Donna Todd, a housewife, to criticize the IRS for the oath on the bottom of tax return forms; and what allows any one of us to worship our own God (or none at all).

Oliver Wendell Holmes once said:

"The principal of the Constitution that more imperatively calls for attachment than any other . . . is the principal of free thought—not free thought for those who agree with us but freedom for the thought that we hate."

The first 200 years of the Constitution worked only because the people genuinely cared and stood up for their rights. It will only continue to succeed if people remain doing so, because nothing is as important as our freedom.

DANGEROUS LAWN DARTS—GEORGE WILL CALLS FOR A BAN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. FLORIO. Mr. Speaker, the Consumer Product Safety Commission [CPSC], under its current leadership, has taken a laissez-faire view toward dangerous products in the marketplace. Noted conservative columnist George Will recently argued, in a column in the May 8 Washington Post, that conservatives should avoid doing what the current CPSC leadership does so well: "always gin[ning] up reasons why government should not police the path of life."

As Will points out, there are times when the CPSC must "act decisively about a proven hazard." He concludes that the CPSC should ban lawn darts. Will's column follows:

[From the Washington Post, May 8, 1988]

LAWN DARTS AND THE LIMITS OF LAISSEZ FAIRE—THEY'RE DANGEROUS TO KIDS—SO DO SOMETHING

(By George F. Will)

A 6-year-old girl recalls hearing a "scrunch"—children have a flair for onomatopoeia—when she pulled the lawn dart from her skull. She survived the fracture and hemorrhaging, as did the boy who, when a dart lodged in a tree, shook the tree and soon heard what a medical study of lawn-dart injuries calls "the all too familiar scrunch."

Michelle Snow of Riverside, Calif., did not survive. She collapsed in her father's arms and died three days later. The cold fire her death kindled in her father is fueling one of those small controversies within which large issues lurk.

The success of Mothers Against Drunk Driving proves that there is no power like that of parents assuaging grief. David Snow has not yet succeeded in his crusade to get the government to ban lawn darts. But bet on him.

The darts are about a foot long, with plastic fins and steel points. They are thrown at targets in a game comparable to horseshoes. Descending on a normal arc, they strike with a force that one researcher estimates at 23,000 pounds per square inch.

The mills of government grind slowly, and that is generally good. But for 18 years—longer than there has been a Consumer Product Safety Commission—there have been government rules aimed at keeping lawn darts out of the hands, and skulls, of children. In 1970, the Food and Drug Administration banned them. Taken to court, the government compromised.

Lawn darts were to be sold as an adult game, not in toy stores or departments, and with warning labels. But they still are sold in sporting goods stores where children and their parents shop. They are sold in packages with other lawn games such as volleyball. The dart that killed Michelle came in such a package.

Much argument about what government should do takes place on the well-plowed middle ground between two models of government. One is of a strict laissez-faire state that delivers the mail, defends the shores and does little else, maintaining an austere indifference to the consequences of citizens' private transactions with one another. At the other extreme is government-as-nanny, tireless at fine-tuning the equities of social arrangements and expunging risk from life.

Where on the middle ground should the three conservative commissioners of the CPSC stand? They disagree about that. Only one, Anne Graham, favors a ban. She is right.

In an eight-year period, 6,100 people—81 percent under 15, 50 percent under 10—were treated at emergency rooms for lawn-dart injuries. Several children have been partially blinded. Three have died. "Not enough death," says Graham tartly, explaining the CPSC's refusal to ban lawn darts.

True, about 800 children die annually in bicycle accidents, and a baseball bat can do serious harm if carelessly handled. But there really is no alternative to a bicycle for doing what bicycles do, whereas there are lots of alternatives to darts for lawn recreation. And neither bikes nor bats are inherently dangerous in the hands of children.

Furthermore, even people who say, reasonably, that the CPSC should weigh the economic impact of a regulation of a particular product against potential risks to consumers cannot make an economic argument against banning lawn darts. They are a tiny part of the recreation industry.

In today's argument within the CPSC, two commissioners who tend toward hard-shell laissez-faire conservatism want the CPSC merely to write safety standards for dart manufacturers to comply with. Commissioner Graham, herself a Reagan conservative, wants to ban darts and then hear appeals from any manufacturer who thinks he has devised a safe version.

Regarding the CPSC's reluctance to act decisively about a proven hazard, Graham says, somewhat cryptically: "This is catsup-as-a-vegetable. We don't need this."

Her catsup reference is to a tempest early in Reagan's presidency. Some of his more zealous and less, shall we say, politically attuned aides proposed as part of their program for putting government on a diet, that catsup be counted as a vegetable in school lunches. Her reference to "we" is to conservatives.

The point is that conservatives should avoid confirming the caricature—when it is a caricature—of them as logic-choppers who are happiest when the government is gnawing on its own ankle, and who can always gin up reasons why government should not police the path of life. Graham understands that such behavior by conservatives can make the electorate want to—speaking onomatopoeically—smush them.

RECOGNITION OF HONOR BESTOWED ON CLYDE L. CHOATE

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. GRAY of Illinois. Mr. Speaker, in March, a great event occurred on the campus of Southern Illinois University at Carbondale, IL. My friend of more than 40 years, Clyde L. Choate, a former leader in the Illinois State General Assembly, was singly honored by the university and the U.S. Army in chartering the U.S. Army ROTC unit as the "Clyde L. Choate Company."

Mr. Speaker, my friend, Lucien B. Johnson of Salem, IL, who is a civilian aide to the Secretary of the Army, was the principal speaker at the ceremony. The event was attended by State and Federal officials who joined Clyde's family and friends in acknowledging this deserved honor.

Mr. Speaker, I could fill up a CONGRESSIONAL RECORD regarding Clyde L. Choate, who holds our Nation's highest military honor, the Congressional Medal of Honor. Under the special permission granted me, I am enclosing a history of my friend, Clyde L. Choate, who has served the public in the military, elected for 30 years to the State's general assembly, and now serves Southern Illinois University as the director of external affairs.

MR. CLYDE L. CHOATE

Clyde L. Choate was born June 28, 1922 in West Frankfort, the son of a coal miner. After his graduation from Anna-Jonesboro High School, he enlisted in the Army as a private and served 31 months in the European Theater of Operations during World War II.

Rising to sergeant, he took part in the invasion of North Africa, Sicily, Italy, France and Germany. He was cited for bravery in action on the Anzio beachhead and twice on battlefields in France, where he turned down a battlefield commission.

Wounded in action, he was awarded the Purple Heart. He also holds the French Fourragere, U.S. Bronze and Silver Stars, a Presidential citation and the nation's highest military award—the Congressional Medal of Honor.

After the war, Mr. Choate was elected to the Illinois General Assembly in 1946 and was returned to office 15 consecutive times, serving a little over 30 years as State Representative.

He was minority whip four times, majority whip twice, and majority and minority leader one term each.

Mr. Choate was chief sponsor of 319 bills—almost half of which were enacted into law—and co-sponsor of some 2,500 other measures.

The first bill for which he won enactment—in 1947—extended benefits for World War II veterans. In 1972 he secured passage of a bill providing college scholarships for children of POW's and MIA's.

He helped create the state Fair Employment Practices Commission, the Department of Children and Family Services, State Board of Economic Development and Department of Aging.

Over the years, he was chief sponsor or co-sponsor of most of the legislation affecting the growth and operation of Southern Illinois University at Carbondale.

In January 1977 he resigned from State Legislature to become director of External Affairs at SIUC, a position he still holds.

Mr. Choate lives in Anna with his wife, the former Madonna Ross of Carbondale. They have two daughters.

Mr. Speaker we salute our Clyde Choate.

ARIAS SHOULD EARN NOBEL BY CALLING ORTEGA TO ACCOUNT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. KEMP. Mr. Speaker, Congressman MICKEY EDWARDS has been a forceful leader in the House on the issue of Nicaragua and our support for the Nicaraguan Democratic Resistance. His Wall Street Journal article entitled "Arias Should Earn Nobel by Calling Ortega to Account" highlights a disturbing silence by the man who was the chief architect of the peace plan in Central America.

I commend my colleague for writing this article and join with him in the call to urge Oscar Arias and all those who have spoken out for peace in Nicaragua to be just as forceful in their denunciation of brutality by the Sandinistas. For Oscar Arias to be silent during this renewed period of Sandinista abuses shows a lack of compassion for those suffering under the heavy-handed rule of Daniel Ortega.

I would like to call my colleagues' attention to the following article:

ARIAS SHOULD EARN NOBEL BY CALLING ORTEGA TO ACCOUNT

Let me be blunt.

Oscar Arias has already won his Nobel Prize. He has taken the money, taken the medal and taken the bows.

Now he should earn it. The Nobel Prize is a prize for men and women of courage. Gandhi opposed the oppression of the British, took great risks and eventually was murdered. Mother Teresa exposes herself daily to terrible disease. Bishop Tutu speaks out forcefully in a land often filled with hate.

Oscar Arias, safe behind the borders of Costa Rica, wearing expensive clothes and living well, holds his tongue as the Nicaraguan government taunts him, and us.

Mr. Arias is capable to sounding impassioned in the cause of freedom. As the commencement speaker at the National University in San Jose two years ago, I took the platform following a passionate address by Mr. Arias, who had just denounced to his countrymen the evils of the Nicaraguan government. It was a theme he repeated to me as we sat side by side later in the program, and one that he has echoed on several other occasions when I have met with him.

Relatively safe in San Jose, discussing theory and hopes, Mr. Arias has been a staunch defender of democracy and freedom. And he has insisted all along that the so-called Arias Peace Plan, for which he won his Nobel Prize, is actually a peace and democracy plan, one that calls simultaneously for moves toward peace and the institution of democracy inside Nicaragua. By democracy, he has said, he means the whole ball of wax: a free press, justice, free elections—the essential accoutrements of a free people.

What has happened? Just in the past 60 days:

La Prensa, Nicaragua's opposition newspaper, has been censored, threatened, and has twice been closed.

Mobs of government-sponsored hooligans have taunted, harassed and beaten citizens, including repeated assaults on the elderly and desperate women whose sons are held captive in Sandinista prisons.

The Ministry of Justice has been closed and its functions turned over to the head of the state police.

Peaceful demonstrations have been forcibly disrupted by the government.

Independent radio stations have been closed down for opposition to the government line.

Journalists have been beaten.

Labor leaders and leaders of the internal democratic opposition have been arrested and tossed in jail.

Mr. Arias has said nothing.

There are plenty of things to be upset about here in Congress, including the fact that the food supplies voted to send to the Contras have not been delivered, and members of House Speaker Jim Wright's staff have intervened with the delivery agent—the Agency for International Development—in an attempt to stop the food shipments.

But that is a matter between ourselves and the speaker of our House. Mr. Arias is another.

To a large extent, it was Mr. Arias and his well-promoted peace plan that persuaded many in Congress to vote to cut off further assistance to the Contras. That forced the Contras to sit down at the bargaining table with no cards to play and has given Sandinista President Daniel Ortega the courage to do such things as threatening the Contras with a massive military offensive if they do not sign the agreement he proposes.

The kicker is, of course, that the Contras—with no food and ammunition—are weaker than ever before, and the Sandinistas—enjoying a rest from battle and supported by new shipments of Soviet aid—are now stronger than ever. Yet even this—Mr. Ortega's belligerent military threat—prompted no response from Mr. Arias.

It is time to call the Sandinistas to account. It is time to speak out in opposition to continued human-rights abuses in Nicaragua.

Mr. Arias talks a good game. He speaks of democracy and freedom and peace and wonderful things like that. But if he aspires truly to join the ranks of Gandhi, Mother Teresa, and Desmond Tutu, then he must do more than talk. He must show some courage as well.

A CONGRESSIONAL SALUTE TO CHRISTOPHER REDLICH, SR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding man in my district, Mr. Christopher Redlich, Sr. He will be honored on Tuesday, May 24, 1988, at the Boy Scouts of America and the Shipping and Transportation Industry's "Good Scout" Tribute Dinner. I am pleased to have the opportunity to honor him on this auspicious occasion.

Chris Redlich, Sr., has been an active player in the California business community for many years. He joined Marine Terminals Corp. of Los Angeles upon graduation from Stanford University in 1938. After a stint in the U.S. Army, Chris came back to Marine Terminals Corp. in San Francisco, and proceeded to march to the top of that company. He became president of Marine Terminals Corp. (of Los Angeles) in 1952 and president of Marine Terminals Corp. in 1965. He became vice president of North Star Terminal and Stevedore Co. and Northern Stevedore and Handling Corp., both Alaskan affiliate companies, in 1951. He is currently chairman of all three of those companies.

Chris, Sr., is involved in more than one aspect of the shipping industry; he is the president of the Master Contracting Stevedore Association of the Pacific Coast, member of the executive committee and board of directors of the Pacific Maritime Association, member of the board of directors of the National Cargo Bureau, Inc., and a member of the Maritime Transportation Research Board of the National Academy of Sciences.

One would not think that Chris has time to pursue anything besides his work, but fortunately for the community, this is not so. Chris is the past president of the San Francisco Golf Club and the World Trade Club of San Francisco, and is now on the board of directors of the German American Chamber of Commerce, and the Korean/American Chamber of Commerce.

Chris Redlich has been a model leader, worker, and public servant for his entire life. He has given his talents, skills, and energies to the shipping industry and the Long Beach community. My wife, Lee, joins me in extending our warmest congratulations to Christopher Redlich, Sr., his wife Jeanne, and their children, Philipa, Chris, Jr., and Leslie on this special occasion. We wish them all the best in the years to come.

A CONGRESSIONAL SALUTE TO CHRISTOPHER REDLICH, JR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a tremendous young man in the community that I represent in Congress. His name is Christopher Redlich, Jr., and he is being honored alongside his father, Christopher Redlich, Sr., as the "Good Scout" of the year, at a dinner given by the Shipping and Transportation Industry and the Boy Scouts of America.

Chris Junior is the epitome of excellence. He graduated from Stanford University in 1972, and began working for Marine Terminals Corp. as a vessel planner. Exhibiting the same ambition and talent as his father, he became the president of Marine Terminals Corp. of Los Angeles in 1983 and in 1987, became president of Marine Terminals Corp.

In Chris Junior's short career, he has made his way to the board of directors of several corporations, including North Star Stevedoring, Red Horse Insurance Co., Indies Terminal Co., and Majestic Insurance Co.

In addition to this, Chris Junior is a member of the National Association of Stevedores, the past president and chairman of the Los Angeles Steamship Association, a member of the Navy League, the International Business Association, the Foreign Trade Association, the National Maritime Safety Association, the Young President's Organization, the regional director for the General Stevedore Council and the past president of the Boys Club of Long Beach.

I hope that Chris Junior continues to live in the 32d District of California. He is an outstanding young man, one of talent, ability, and excellent business sense. These qualities, coupled with a sensitivity for his community make him a valuable man to any district. My wife, Lee, joins me in extending our congratulations to Christopher Redlich, Jr., as he receives this award. We wish him all the best in the years to come.

A TRIBUTE TO REV. WILLIAM G. KALAIDJIAN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. GARCIA. Mr. Speaker, I rise today to recognize Rev. William G. Kalaidjian, a dedicated member of the Bronx clergy in New York and pastor of the Bedford Park Congregational Church in the Bronx. I do this to coincide with the occasion of a special tribute paid to Reverend Kalaidjian by the Rotary Club of the Bronx of which Reverend Kalaidjian is the current president.

Reverend Kalaidjian has committed himself to public service in the best sense of the term. He has served as the Protestant chaplain in the New York City Police Department for 31 years, as president of Prevention of Cruelty to Children for 25 years, as general secretary of the American Association to Aid the Arman National Sanitarium of Lebanon for 32 years, and as Protestant chaplain of the Bronx Veterans' Administration Medical Center for 12 years.

He has been honored by the National Conference of Christians and Jews, and has participated in a list of activities and functions on behalf of the people of the Bronx and of New York City far too long to detail here.

Reverend Kalaidjian has helped those people overwhelmed by life's misfortunes, in need of help along life's difficult path. His humanitarian assistance to people of all race, color, and creed has endeared him to the hearts of those touched by his good works. It is with great pleasure that I recognize Reverend Kalaidjian for his good works and congratulate him on his outstanding achievements in service to God and humanity.

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent for part of the House proceedings on Thursday, May 12. Had I been present I would have voted:

"No" on rollcall No. 129, the Roth amendment striking language in H.R. 4471, the miscellaneous international affairs authorization bill, which would have authorized the Overseas Private Investment Corporation to operate in Hungary; and

"Aye" on rollcall No. 130, final passage of H.R. 4471, the miscellaneous international affairs authorization bill.

A TRIBUTE TO WHITE PLAINS HIGH SCHOOL

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. DIOGUARDI. Mr. Speaker, I rise today to congratulate White Plains High School, honored as a "School of Excellence" by the President of the United States. Chosen as one of the 270 schools in the country, White Plains High School demonstrated the outstanding characteristics which exemplify a "school of excellence."

Recognition for White Plains High School is well deserved. White Plains High School has a diversified student body, but a sense of unity is clearly evident. The administration has created an open-door policy which allows students to express their feelings and problems. This program lets the students be sincere not only to others, but to themselves.

The quality of the student body at White Plains is also reflected in the faculty. The high standards and unity of the teachers and administrators make the students and the faculty work together well. The principal, Dr. Donald Kusel, has also set up programs which work collaboratively with teachers to provide a good basis on which the students can create and work. Several of these programs are most important to the times in which we live, particularly the prevention of alcoholism and drug abuse, teaching the students about the American form of government and the establishment of a guidance program that helps prepare those students for the future.

Many organizations comprise the strong drug prevention program established by the school: for example, the PTA and the Principal's Advisory Committee. The students also have a program called Students Against Drunk Drivers [SADD]. SADD offers students consultation with their peers and helps to prevent drug use and alcohol consumption. With the help of this group's efforts, we can wage a powerful battle in the war against drugs and alcoholism in the United States.

The White Plains High School has a strong student government and leadership program. The Peer Leader Program teaches students how to assist others. Sports and clubs also contribute to extracurricular involvement. The diversity of the student body has allowed the establishment of the Planning Committee, Discipline Committee, Hispanic Liaison Committee, Academic Eligibility Committee, and interview committees. These are the links between the students and the teachers, which help to maintain a pleasant and diligent school environment.

The school's guidance department is also vital to the school's unity. Counselors advise students on course selection and encourage involvement in other activities inside and outside the school.

Everyone in the 20th district is proud to have one of the best schools in the Nation as our neighbor. A "school of excellence" means a superior education. I am confident that today's students will be well prepared when they become tomorrow's leaders.

TRENTON CELEBRATES 10TH ANNUAL HERITAGE DAYS FESTIVAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues a very special weekend, during which the Heritage Days Festival will take place, for the many residents of Trenton, NJ. The Heritage Days Festival began in 1979 as a one-time event to commemorate the 300th anniversary of Trenton—once a hamlet on the Delaware River that hosted the most famous battle of the American Revolutionary War and today the State capital of New Jersey.

The Heritage Days Festival this year, which will be the 10th annual event, marks the culmination of a great deal of hard work and dedication by the festival committee, many public officials, and the business community in Mercer County. The first Heritage Days Festival attracted a record crowd of 60,000 and, clearly, demonstrated that the people living in a diverse, multiethnic city, such as Trenton, could work together for a common goal. I am proud to say that today the festival has grown to include crowds of more than 150,000 people.

I have a stong sense that there is a tremendous amount of pride among the many residents and community leaders as they experience Trenton's downtown revitalization. The city of Trenton, NJ, is certainly changing for the better, which can be traced to the Heritage Days Festival and the unified effort of the community. Millions of dollars in new construction projects have either been completed or are well underway.

I applaud the hard work of everyone involved in the planning and implementation of the Heritage Days Festival and the revitalization of the city of Trenton. These tremendous strides come in light of hard times for urban areas throughout New Jersey and the Nation as a whole. The wide array of ethnic foods served during the festival and the number of representatives from nationalities around the world—as well as the name of the festival itself, Heritage Days—are very telling and point to the success of the event and the revitalization. That is, the city of Trenton has benefited by virtue of a broad-based, grassroots effort by all of its citizens, regardless of ethnic background.

Indeed, Trentonians have reason to be proud of their city and their neighbors. My best wishes are with everyone as they enjoy the Heritage Days Festival on June 4 and 5.

THE FUTURE OF AFGHANISTAN IS IN THE LESSONS OF HISTORY

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. ARCHER. Mr. Speaker, I commend this article by Maxwell Harway to the attention of my colleagues. It provides a unique insight into the historical perspective of the Afghan conflict. I personally feel that this article is especially pertinent in light of the start of the Soviet withdrawal of their forces from Afghanistan.

[From Fauquier Democrat (VA), Dec. 3, 1987]

THE FUTURE OF AFGHANISTAN IS IN THE LESSONS OF HISTORY

(By Maxwell Harway)

Foreign affairs experts have been examining Soviet offers to remove troops from Afghanistan and relinquish power to a so-called government of national reconciliation.

Do the Soviets really mean this offer? Do they use words differently from others? Are their commitments to be trusted? Two historic experiences with Soviet offers of this type are worth exploring.

When the Soviet army returned to Poland in the waning months of World War II, a Polish government in exile existed in London. It was probably the most representative of any Polish government since the restoration of Polish independence at Versailles in 1920.

The Soviets had contributed to the destruction of the Polish republic with the Molotov-Ribbentrop pact of 1939. They had executed thousands of Polish officers and intellectuals at Katyn Forest, and shot the leaders of the Polish Jews Socialist Bund, Henryk Erlich and Victor Alter, as Hitler's spies.

From Polish communist exiles and from their own prison camps in the USSR, they assembled a committee which they installed behind advancing Soviet troops at Lublin.

The Red army sat on the Vistula River for weeks, within sight of Warsaw, while the Germans killed 200,000 Poles representing largely the supporters of the London Polish government.

Efforts by the West to fly assistance to the Warsaw fighters were thwarted by the Soviet denial of the use of airfields. The attempts by Churchill and Roosevelt to have Stalin deal with the London Poles were futile. The Red Army advances put the Lublin Committee in power.

At the Yalta conference, Stalin yielded to Western pressure, agreeing to reorganize the Lublin Committee on a broader basis, to include "democratic elements living abroad," and to hold "free and unfettered" elections. In keeping with this pledge, 16 representatives of the London government arrived in Poland to negotiate the implementation of the Yalta agreement. They were promptly arrested and imprisoned. The Lublin Committee was now supreme.

The second incident, which took place in Iran in 1946, was geographically closer to Afghanistan.

Reza Pahlevi, the father of the late Shah, had sympathies for the Nazis, and as a result, Iran had been occupied by both Russian and British troops. A 1941 tripartite agreement (Russia, Britain and Iran) provided that foreign troops would be withdrawn "within six months from the date of peace." By 1946, the Soviets had organized their northern area as an Azerbaidzhan Democratic Autonomous area and they refused to leave Iran.

It took a major international crisis—the intervention of the United Nations, and a threat of the use of U.S. military force (when America had a nuclear monopoly)—to successfully force the withdrawal of Soviet troops from northern Iran.

These two historical precedents justify the question: Will Soviet troops leave Afghanistan and under what conditions?

The Soviets have built major airports in southwestern Afghanistan, from which their planes can reach the Straits of Hormuz and the Indian Ocean. A whole new section of Kabul has been constructed with thousands of apartments for 9,000 Soviet "technicians." Two of the three major Soviet television cables have been extended to Kabul. Pipelines from the Afghan natural-gas fields are tied directly into the Soviet pipleline system.

The Soviet airfields are built in the Baluchi area of Afghanistan, where there is a cultural affinity with the adjoining Baluchi areas in Iran and the troublesome, rebellious Baluchistan Province of Pakistan. Only this Baluchistan Province of Pakistan. Only this Baluchistan Province separates the Soviet airfields from the Indian Ocean.

Are the Soviets really prepared to give up all of this?

Part of the answer now comes from Abdul Wakil, the Afghan Foreign Minister (New York Times, May 22, 1987). Mr. Wakil explains that anyone who joins the Kabul government must accept also the domination of the pro-Soviet Peoples Democratic Party which "would remain today and in the future as the vanguard, the guiding and coordinating force of the society." The party would share power with other forces "without giving up its political rule and responsibility" in Afghanistan. Shades of Lublin.

The Afghan resistance and its friends would be well-advised to remember the warning of Foreign Minister Andrei Vishinsky given to Chip Bohlen (Roosevelt advisor and later U.S Ambassador to Moscow) at the Yalta conference: "The Soviet Union will never agree to the right of small nations to judge the acts of great powers."

COMMENDING THE PRIME MINISTERS OF TURKEY AND GREECE FOR THEIR STATESMANSHIP IN INITIATING THEIR CURRENT DIALOG

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. BILIRAKIS. Mr. Speaker, I and many of my colleagues have, for years, worked to encourage a fair and appropriate solution to the serious situation which currently exists on the island Republic of Cyprus. Unfortunately, years, of well-intentioned attempts, by the Members of the U.S. Congress, by the Secretary-General of the United Nations and so forth, have, to date, failed to resolve the problems that the citizens of this partitioned nation are experiencing.

Not only have we not seen any success, Mr. Speaker, but, worse still, the past 14 years have borne witness to a doubling of Turkish troops on Cyprus, an alarming influx of settlers from mainland Turkey, as well as a number of other "violations" against international law and pertinent U.N. resolutions.

Hard as it may be to believe, however, there may be another chance at a breakthrough in this most unfortunate stalemate. Last February, Mr. Speaker, the citizens of Cyprus elected a new President, George Vassiliou, who has already demonstrated his sincere commitment to promoting a just and equitable settlement of the 14-year-old stalemate. Specifically, President Vassiliou has focused his efforts on a proposal for total demilitarization of the Republic—implying the withdrawal of not only Turkey's 35,000 strong occupational army but also of the more than 60,000 settlers from mainland Turkey.

In exchange, despite the security risks involved, Cyprus is willing to dismantle its own defenses and dissolve its national guard, Mr. Speaker, as part of the comprehensive program. President Vassiliou's proposal envisions, instead, the creation of an international peace force in Cyprus under the auspices of the United Nations to strengthen the sense of security of Cyprus and the establishment of effective international guarantees to protect Cyprus from future threats to its sovereignty.

I, for one, Mr. Speaker, would like to commend President Vassiliou for his initiative. The positive results of such a demilitarization program cannot be underestimated. Demilitarization would not only enable the two Cypriot communities to overcome artificial barriers imposed by outside forces and work together to eliminate their outstanding differences, but the withdrawal of Turkish and Greek troops from Cyprus will eliminate the most likely scenario for conflict between these two NATO allies.

Mr. Speaker, we, in Congress, have a responsibility to use our influence to encourage the adoption of this unprecedented, far-reaching, and constructive initiative. After all, there is good reason for hope and optimism in light of the unprecedented current dialog between the Prime Ministers of Turkey and Greece. Let's do all we can, Mr. Speaker, to encourage the spirit of reconciliation currently between Greece and Turkey in Cyprus, too.

COMPREHENSIVE RESPONSE TO DROUGHT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. COELHO. Mr. Speaker, for the second consecutive year California and the rest of the Western States are facing a critical water supply situation. Precipitation, snowpack and streamflow are all far below normal. Consequently, communities throughout the West have been forced to impose restrictions on water use, and farmers and ranchers in some parts of my congressional district will soon face the prospect of seeing their livelihoods literally dry up and disappear.

Fortunately, however, it appears that there may be enough water stored in Federal and State reservoirs to meet at least the basic needs of Western irrigated agriculture this year. But if rainfall and snowfall are again below normal this coming winter, those reservoirs will be empty next spring and we will be faced with a genuine disaster.

Of course, Congress cannot make it rain. But there are steps Congress and the Federal agencies can take in help alleviate the hardships and economic disruption caused by severe water shortages. During the 1976–77 drought, for example, Congress gave the Interior Department's Bureau of Reclamation temporary authority to perform studies and undertake construction, conservation and management activities aimed at mitigating drought damages. The Department also was given temporary authority to facilitate the sales of water between willing sellers and buyers, and to expedite studies of potential new facilities that could lessen the effects of future droughts.

While the 1977 drought emergency legislation was of some help, it was enacted too late to be truly effective. In a 1979 report on the Federal response to the drought, the General Accounting Office recommended that Congress pass permanent "standby" legislation that would give Federal agencies the authorities they would need to respond to future water emergencies quickly.

Congress has never acted on the GAO's recommendation. I believe that it's time we did. The last 2 dry years have been a vivid reminder that another severe drought is inevitable. If it doesn't come next year it will come sometime, and we would be foolish to wait until disaster is upon us before deciding how to respond.

We should act now, this year, to ensure that the Bureau of Reclamation and other Federal agencies have the ability to react promptly and effectively to the next drought. Therefore, I am today introducing legislation that I hope will serve to focus attention on the need to develop a comprehensive Federal drought response plan.

Because preparing for the future requires examining the lessons of the past, my bill is based largely on the provisions of the 1977 drought emergency act. It is my intention to stimulate discussion on the effectiveness of those previous drought relief efforts and so that we may discover what improvements or additions are necessary.

The bill also includes a new provision that would authorize the Interior Secretary to sell unallocated water from Bureau of Reclamation projects to mitigate losses and damages resulting from the current water supply crisis. Under this provision, the Secretary would be authorized to provide short-term, emergency supplies of water to irrigation districts without subjecting them to the long-term ownership restrictions of the Reclamation Reform Act of 1982. Irrigation districts would be required to buy the water at a price sufficient to recover all Federal operations and maintenance costs, and the Secretary's authority to make emergency water sales under this provision would expire at the end of 1988.

Mr. Speaker, I want to emphasize that the legislation I am introducing today is just a starting point. I welcome any suggestions for changes or additions to the bill, and I look forward to working on this legislation with my colleagues on the House Interior Committee. In addition, I am eager to hear the views and recommendations of the Bureau of Reclamation and other Federal agencies. I am pleased that House Interior's Subcommittee on Water and Power Resources has scheduled an oversight hearing on the drought for May 24, and anticipate a thorough discussion of my bill at that time.

A TRIBUTE TO WHITE PLAINS MIDDLE SCHOOL

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. DIOGUARDI. Mr. Speaker, I rise today to congratulate the White Plains Middle School, one of the institutions honored as a "School of Excellence" by the President of the United States. Chosen as one of the 270 schools nationwide, White Plains Middle School demonstrated the outstanding characteristics which exemplify a "School of Excellence."

I am especially proud of this school's accomplishment because it demonstrates to the students of that school that no goal is too great for those who are willing to work to better themselves. By committing themselves to excellence, the students, faculty, and parents of the White Plains Middle School have achieved excellence, and deserve our praise. In particular, I am impressed by the attention the school pays to teaching its students the lessons necessary to be tomorrow's leaders. Too often, that role in our schools is overlooked.

American history and government, from the New World beginnings to the present day, are taught to all students in social studies classes. Emphasis is put on today's government and the role of America in the 20th century. White Plains Middle School also holds mock elections to demonstrate events happening in our Nation today and how these events will affect today's student's tomorrow.

White Plains Middle School also provides instruction for its students about self-government through its student organization. The students can express their feelings, concerns and ideas to the student organization, thus having a working model on how governments operate in our country and in others.

All of us in the 20th district are proud that one of our neighbors is one of the top schools in the Nation. The future of America lies in our children. With great schools like these, I am confident that America will successfully meet the challenges of the future.

IN MEMORY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. MONTGOMERY. Mr. Speaker, on May 30 we will again commemorate the deeds and sacrifices of the Nation's war dead. While each community carries out the Memorial Day observance in its own way, the national focus is on Arlington National Cemetery and the Tomb of the Unknowns.

As we approach Memorial Day, I thought it fitting to share with my colleagues a brief history of the tomb prepared by Max Cleland, former Administrator of the Veterans Administration and now Georgia Secretary of State.

The following article appeared in the May issue of Guideposts.

IN MEMORY

(By Max Cleland)

Each year, and especially on Memorial Day, thousands of people make a pilgrimage to the Tomb of the Unknown Soldier in Arlington National Cemetery. Back when I headed the Veterans Administration in Washington, D.C., and needed a quiet place to sort out my thoughts, I would often drive out to that monument. As a Vietnam veteran, I felt a kinship with the fallen heroes who lie there.

Usually my visit would be in the early evening, and as I wheeled up the path, the marble monolith would glow a soft rose in the rays of the setting sun.

The only sound would be the metallic click of a lone sentinel's boots as he paced back and forth before the tomb. I'd watch respectfully at a distance as the guard, stiff-backed and stern, would take 21 precise steps, then halt for 21 seconds (both acts symbolizing a 21-gun salute) before executing a sharp "shoulder arms," placing his rifle on his shoulder away from the tomb so that he stood between it and any threat.

Every day of the year, in muggy noon heat or midnight snow, around the clock, a volunteer soldier guards the tomb. Each has met a personal test as the best of the elite 1st Battalion (Reinforced), 3rd U.S. Infantry ("The Old Guard") in honoring our four unidentified dead from World War I and II, Korea and Vietnam, who sleep here under the inscription:

HERE RESTS IN HONORED GLORY AN
AMERICAN SOLDIER KNOWN BUT TO GOD

The tomb was created soon after the First World War. On March 4, 1921, Congress, following the custom of our allies, called for the burial of an unknown serviceman as a tribute to all Americans killed in battle. So it was that the bodies of four unidentified men who fell in combat were brought to Chalons-sur-Marne, France. Their closed caskets were placed in a public room off the town square. Then in a simple ceremony on October 24, 1921, twice-wounded Army Sgt. Edward Younger of Chicago, Illinois, chosen for the bravery that had won him decorations, set about his lonely task of making the final selection. While a French military band outside softly played Chopin's "Funeral March," Sergeant Younger, carrying a spray of white roses, entered the dimly lit room and approached the four plain coffins. He slowly circled the row three times, then gently laid the spray on the third casket from the left, stiffened to attention and saluted.

Why did he choose that one?

"I don't really know," he is said to have answered, "but something drew me to it."

"I passed the first one, and then the second. Then something made me stop. And a voice seemed to say, 'This is a pal of yours.' I don't know how long I stood there. But finally I put the roses on the casket and went back into the sunlight."

Today, Sergeant Younger rests with the 200,000 others buried at Arlington.

After the body of the unknown lay in state in France for several hours, it was placed on a flag-draped gun carriage and escorted to a funeral train, which took it to Le Havre. There it was carried aboard the U.S. cruiser *Olympia*, Admiral Dewey's flagship at the battle of Manila Bay, and amid the boom of saluting cannon, the cruiser steamed into the gray Atlantic.

In Washington, the body lay in state in the Capitol rotunda, on the same catafalque that had once held the remains of President Lincoln, as thousands filed past the bier. Hidden within the everchanging mountains of wreaths, the little wilted spray of Sergeant Younger's white roses still lay on top of the casket.

Attending the funeral on the morning of November 11, 1921—Armistice Day—were government officials from President Harding on down, plus representatives of seven allies who each conferred his nation's highest military honor on the unknown.

Then the casket, with only the withered white roses adorning it, was interred, resting within a steel vault on two inches of soil brought from the battlefields of France. Not until 1932, however, was the huge sarcophagus of bone-white Colorado marble with its carved figures representing Victory, Valor and Peace completed.

Twenty-six years later, on Memorial Day, 1958, the unknown dead from World War II and Korea were buried here with ceremonies presided over by Catholic, Protestant and Jewish clergy. And then, on Memorial Day, 1984, the Vietnam unknown was buried.

For all the suffering they symbolize, the unknowns offer a certain solace. I thought of the woman who, kneeling at the Vietnam plaque one afternoon, broke down sobbing. As an attendant comforted her, she said huskily, "I'm sorry, but you probably don't understand. My brother went to Vietnam and never came back. This is the closest I've been to him in eighteen years."

I understand. For this is the gift of the tomb: Its anonymity. Here everyone who has lost a loved one in war can feel close again. I feel that closeness too whenever I visit it. For all I know, the hero who fell in Vietnam may have fought beside me over there.

And so with each visit, as I look at the plaques for our four fallen, I pray that there will never be more.

A TRIBUTE TO BETHANY EVANGELICAL LUTHERAN CHURCH IN AKRON, OH

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. SAWYER. Mr. Speaker, Bethany Evangelical Lutheran Church in Akron, OH, will celebrate its 100th anniversary on Tuesday, May 24, 1988. I would like to pay tribute to this church and its congregation on this very special occasion; I'd also like to share with my colleagues the history of this church which has played such an important role in the history of Akron.

The Swedish Evangelical Bethany Church of East Akron, the original name for Bethany Evangelical Lutheran Church, was established for the Swedish Lutheran population of northeastern Ohio by Pastor Nelsenius on May 24, 1888.

As the community of Akron grew, so did Bethany Evangelical Lutheran Church. The years following 1888 were marked by growth and change until, during the early spring of 1927, the current location of the church was finally dedicated. This important occasion should not go unnoticed: It shows how people dedicated to their faith can improve their lives, the lives of their children, and the spirit of their community.

Through the years, Bethany Evangelical Lutheran Church has been renovated. This physical growth has paralleled the church's in community life. As elder parishioners bring their children to church, these children return to the Akron community stronger for their faith in every walk of life. It is through this commitment to youth that the church has helped to build a foundation for both a sound Akron and a better future.

Bethany Evangelical Lutheran Church stands now as both an architectural and spiritual landmark in the history of Akron. Its continued strength, and the constant dedication of its members, are a vital part of the city. The faith of the people of Bethany Evangelical Lutheran Church is the true strength of this great institution. It will ensure that this church endures for many years to come

So many people have given their faith and support to this church in its first 100 years that I could not name them all. I would like to acknowledge, however, Rev. S. Blake Duncan, pastor of Bethany Evangelical Lutheran Church, who has worked tirelessly to make this 100th anniversary a special celebration of his church's commitment both to the community and to the faith.

In conclusion, I hope that each of my colleagues will join me in congratulating Bethany Evangelical Lutheran Church and its parishioners. They have well served the Akron community for 100 years, and they have made our Nation better with their commitment to their faith. We continue to rely on contributions such as theirs in support of our communities.

A TRIBUTE TO MS. BETTY J. MADDOX

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Ms. Betty J. Maddox who was recently named the Air Force Outstanding Civilian Personnel Officer of the Year for 1987. Ms. Maddox serves as the civilian personnel officer for McClellan Air Force Base in Sacramento, CA. McClellan AFB is the largest employer in northern California. For almost 30 years, Ms. Maddox has served the public sector with dedication and enthusiasm.

Supervising 157 employees and providing civilian personnel support for 14,000 employees requires commitment, intelligence, and great understanding. Her job is to provide trained personnel to support the Sacramento Air Logistics Center mission of keeping combat ready such aircraft as the F/EF/FB-111, A-10, F-4, and C-12 A/D as well as surveillance and warning systems, radar sites, space systems such as the space shuttle, missile tracking stations, and airborne and ground power generators.

Ms. Maddox is extremely progressive. She prepared McClellan AFB for the recent reductions in civilian personnel accounts. As cochair of the civilian employment and cost management committee, she developed a strategy to meet the most drastic cutback in civilian personnel experienced in a decade. By initiating voluntary early out programs and hiring freezes, Ms. Maddox ensured that reductions in forces were not required. She managed a recent cutback from 190 to 157 with little impact on morale or efficiency. This was accomplished by creating a 3-day team building seminar which stressed communication between first- and top-level supervisors, and mutual problem solving. Also, by promoting computer automation, Ms. Maddox has eliminated many labor intensive tasks.

Innovative solutions to complicated problems is just one of her many strengths. I recently had the privilege of reviewing one of her initiatives, Pacer Share. Pacer Share is an experiment which was codesigned by management and union leaders which changes the civilian personnel system by encompassing consolidation of job series and grade levels, includes evaluation of supervisory positions, institutes manpower changes and compensation of employee job performance. Ms. Maddox, as chairman of the Pacer Share steering group, successfully presented and defended this program as it was reviewed by the Air Force, the Office of Personnel Management and to several interested congressional Members and committees. I am extremely proud that such an original idea emanated from the Fourth Congressional District of California.

Ms. Maddox' achievements go beyond her work at the base. She serves on the long-term care board of directors for Eskaton Health Corp., a nonprofit public benefit corporation. She was also selected as regional western representative for the Federal section of the International Personnel Management Association. Ms. Maddox is also a member of the Federal Managers' Association, Air Force Association, and the McClellan Management Society.

As one can imagine, being named the Outstanding Civilian Personnel Officer for 1987 is not the only award bestowed upon Ms. Maddox. Prior to receiving this prestigious award, Ms. Maddox was named the Air Force Logistics Command's top personnel officer in 1987. Seven years earlier, Ms. Maddox was selected as the Air Force Outstanding Civilian Personnel Specalist while working at Langley AFB, VA. Over the years, she has received numerous sustained superior awards.

I would also like to mention the special relationship Ms. Maddox shares with my Sacramento district office. She is always available, helpful, professional and friendly. On behalf of my constituents, my staff and myself, I would like to thank her for the assistance and direction she has given to us all over the years.

I know my colleagues join me today in sincere congratulations to Ms. Betty J. Maddox for receiving the Air Force Outstanding Civilian Personnel Officer of the Year for 1987. Ms. Maddox's devotion, skills and extraordinary contributions to the public sector are a shining example to individuals committed to a quality work force. I would like to extend my best wishes for the future to Ms. Maddox and her daughters, Stacey and Jennifer.

SETTING THE RECORD STRAIGHT ON WORKER RIGHTS AND THE NATIONAL RETAIL MERCHANTS ASSOCIATION

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. PEASE. Mr. Speaker, last month James R. Williams, president of the National Retail Merchants Association, wrote a letter to the editor of the Washington Post renouncing what we had been led to believe was his association's support for that provision in the trade bill that would treat the systematic denial of worker rights as a means of gaining a competitive advantage in trade as an unfair trade practice. Unfortunately, his letter may have left some readers with the impression that Congressman CONTE and I had, in some way, knowingly claimed support for this provision from circles that actually do not.

Since that time, it has been established that we unwittingly added to confusion that started with miscommunication among some members of the Retail Industry Trade Action Coalition [RITAC]. According to counsel at RITAC, the National Retail Merchants Association was a minority dissenter when a vote was taken in which a clear majority of the constituent organizations that belong to RITAC decided to publicly endorse the worker rights provision. It was not until we wrote our letter to the editor on the trade bill and we happened to pull the National Retail Merchants Association off a list of RITAC members to demonstrate that significant business support does exist for the worker rights provision that it was called to our attention that the National Retail Merchants Association, subsequent to RITAC testimony in the House and the Senate, had broken ranks and independently expressed its own opposition to our provision.

Following is a copy of the correspondence that we exchanged with the National Retail Merchants Association in which they apologize for any embarassment caused by this sequence of miscommunication:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 19, 1988.

Mr. JAMES R. WILLIAMS,
President, National Retail Merchants Association, New York, NY.

DEAR MR. WILLIAMS: We are writing with regard to a letter to the editor of the Washington Post that appeared April 18, 1988. In that letter, you take us to task for "claiming" erroneously that the National Retail Merchants Association endorsed that provision in the trade bill to treat the systematic denial of internationally recognized worker rights as a means of gaining competitive advantage in trade.

As we informed your Washington, D.C. staff, the Retail Industry Trade Action Coalition (RITAC), of which your Association is a member, did, in fact, endorse the worker rights provision in formal testimony before the House Ways and Means Committee last year. To avoid any misunderstanding, a congressional letter was sent to the counsel of RITAC in which he and Mr. Boak Sells were asked to affirm in writing RITAC support of the worker rights provision. That affirmation is a part of the written record of the public hearings.

We are dismayed that you have seen fit to have published in the Washington Post a letter that portrays us as untruthful in our advocacy of this provision and without any acknowledge of your misunderstanding with RITAC. Until your staff phoned a couple of weeks ago, we had no reason to believe that your position was different from that stated publicly for the record by RITAC. Indeed, we sincerely believed that your Association supported the provision along with other members of RITAC, having been asked for your views by RITAC. Acting on that belief, we unwittingly added to the confusion.

Your Association deserves credit for your forthright support of an improved trade adjustment assistance (TAA) program. We regret that you do not support the worker rights provision as well, but we were given every reason to think that you did. At any rate, we have struggled mightily to have the worker rights provision included in the trade bill, and we have always done so in straightforward debate without ever knowingly misleading anyone. Accordingly, we do not think that we should be portrayed as having misled anyone in this policy debate, and we certainly should not be held publicly responsible for miscommunication among RITAC members.

Copies of the pertinent documents upon whch we based our views are enclosed. We hope that this misunderstanding will not prevent us from working together productively on issues we mutually support, such as improving the TAA program. We would also be happy to discuss the worker rights provision with you or members of your staff and explain to you why we feel it is not a weapon against exports from poor nations, rather a strategy to improve the horrendous work conditions for many workers in developing countries.

Sincerely yours,
SILVIO O. CONTE,
DON J. PEASE,
U.S. Representatives.
JOHN HEINZ,
TOM HARKIN,
U.S. Senators.

NATIONAL RETAIL MERCHANTS ASSOCIATION,
Washington, DC, May 10, 1988.

Hon. DON PEASE,
Washington, DC.

DEAR CONGRESSMAN PEASE: I am writing to apologize for any embarrassment NRMA's recently published letter in the Washington Post may have caused you.

NRMA's opposition to the worker rights provision contained in the Omnibus Trade Bill has been clearly and publicly articulated on many occasions—in statements filed with the Ways and Means Committee and in letters sent to every member of Congress. Under these circumstances, I think you can imagine how surprised I was to see NRMA listed in your March 30th letter to the Washington Post as a supporter of the proposal.

Unwittingly, however, NRMA added to the confusion by assuming that our strong and public committment to an expanded worker adjustment assistance and training program had somehow been confused as support for the worker rights provision. At the time I wrote the Post, I had no other plausible explanation, given our publicly stated views on these issues. I did not discover until after my letter was sent, that you had a legitimate reason for believing that NRMA had, indeed, endorsed the worker rights proposal. The confusion on all sides was genuine, and led to an unfortunate result. Whatever the reason for the confusion, I hope you will accept my sincere apology.

I hope this misunderstanding will not stand in the way of our working together in the future on trade policy issues. Our Washington staff has had a good relationship with your office in the past, and we look forward to continuing to work with you on issues of mutual interest.

Cordially,
JAMES R. WILLIAMS,
President.

SALUTE TO THE AMERICAN POLITICAL SCIENCE ASSOCIATION ON THE OCCASION OF THE 35TH ANNIVERSARY OF ITS CONGRESSIONAL FELLOWSHIP PROGRAM

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. MINETA. Mr. Speaker, I rise today to congratulate the American Political Science Association as both that organization and this body celebrates the 35th anniversary of the Congressional Fellowship Program.

During the last 35 years, the APSA Congressional Fellowship Program has brought journalists, political scientists, Federal employees and foreign professionals to Washington to work as legislative assistants in congressional offices.

This program continues to bring an invaluable exchange of ideas to Congress. It allows fellows to develop a better understanding of the legislative and political process. But it also allows our offices to gain immeasurably from the perspective, expertise, and experience the fellows have brought with them.

I know that Congress and the American people have benefited greatly from this exchange. And it goes without saying that the fellows themselves gain from their immersion into the legislative process, as do our permanent staff members.

The Fellowship Program, which provides each fellow with a 10-month inside look at Congress, has grown from 6 fellows in 1953 to nearly 50 in 1988. Its reputation as the preeminent congressional fellowship program today attracts applicants from all over the world. And it has been my personal experience that those who are fortunate enough to be chosen as APSA fellows are highly motivated, talented individuals with a strong desire to learn while contributing their knowledge and insight to congressional staffs.

My office has made extensive use of the APSA Fellowship Program. This year alone I have had the good fortune to work with no less than four fellows. And since the APSA Program is nonpartisan, I strongly urge my colleagues on both sides of the aisle to bring APSA fellows into their offices. You will find the experience very rewarding.

Mr. Speaker, I wish then to take this opportunity to thank APSA for making this invaluable human resource available to myself, my staff and the people of the 13th District of California. I always look forward to working with APSA fellows, and I wish them and the program many more years of success.

IMPORT OF GLASS-STEAGALL LEGISLATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. MARKEY. Mr. Speaker, I would like to take this opportunity to comment upon the impact of pending Glass-Steagall legislation on litigation currently before the Supreme Court.

I have heard expressed some concern that, based upon the assumption that the Congress will pass legislation this year either repealing or substantially modifying the Glass-Steagall Act, the Supreme Court may decline to grant review in a case involving the Federal Reserve Board's interpretation of this act. Other merits of the case, Security Industry Association versus Board of Governors of the Federal Reserve System, and of its review aside, I believe that it would be hasty for the Supreme Court to deny the petition for review on the basis of legislative action that may or may not be taken this year.

Glass-Steagall reform implicates the jurisdiction of both the House Committee on Energy and Commerce and the House Committee on Banking, Finance and Urban Affairs. For a bill amending the Glass-Steagall Act to become law, a series of actions must first be taken. It is not certain, given the vagaries of the legislative process, that we will see legislation this year.

I would urge the Court not to decline review on the basis of a legislative contingency. I have been forthright in my statements that it is time that Congress address the pressing issues raised by the Glass-Steagall debate. I do not, however, think that the Court should concede its own important interpretive role in the event that Congress does not have the opportunity to resolve these issues this year.

NORTH CAROLINA HEARING ON THE IMPACT OF THE LIABILITY INSURANCE CRISIS ON SMALL BUSINESS AND MUNICIPALITIES

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. PRICE of North Carolina. Mr. Speaker, on May 6, the Small Business Subcommittee on Antitrust, Impact of Deregulation and Privatization conducted a field hearing in Raleigh, NC. The hearing was chaired by Mr. ECKART and attended by my North Carolina colleague Mr. LANCASTER. The objective of the hearing was to examine the impact of the liability insurance crisis on small businesses and municipalities.

The subcommittee first heard from a panel of small business owners and operators. These included Dan Boone of the Wooten Co., representing the Consulting Engineers Council of North Carolina; Janice Edmonds, owner of the Country Sunshine Children's Center, Inc. and a representative of NC Equity, an independent statewide organization to promote initiatives for improving the economic status of women and their families; Jonathan Howes, the mayor of Chapel Hill and representatives of the North Carolina League of Municpalities; D.C. "Ivy" Iverson, president of United Rent-All; Don M. Ward, executive vice president of the North Carolina Petroleum Marketers Association; and Dolphus Pearson, Jr., owner of the Pearson Insurance Agency. These witnesses discussed their experiences and insights into the problems small businesses have confronted in obtaining adequate and affordable liability insurance coverage. All testified to dramatic increases in rates during the 1980's and the devastating impact of these increases on local businesses and municipal governments.

The second panel of witnesses included J. Ruffin Bailey, attorney for Bailey & Dixon and representing the American Insurance Association; James Fuller, Jr., legislative vice president for the North Carolina Academy of Trial Lawyers; the Honorable Jim Long, commissioner of the State of North Carolina Department of Insurance; and Susan Valauri, North Carolina State Director for the National Federation of Independent Businesses. Because of their positions, these witnesses were able to provide a broad overview of the impact of the liability insurance crisis in North Carolina. They also discussed, with commendable frankness, their thoughts with regard to the causes of this crisis and possible remedies at the State and Federal levels.

It was clear from the testimony received that liability insurance problems have hurt our economic growth and stunted employment opportunities. More importantly, the hearing touched on some unique and creative methods of combatting these problems, including a self-insurance pool for North Carolina municipalities and an impressive array of regulatory initiatives by Commissioner Long's office. I urge my colleagues to study the hearing report carefully for these thoughtful and constructive actions and suggestions.

In closing, I want to compliment the witnesses on their fine testimony and thank especially Mr. ECKART for bringing his subcommittee to North Carolina and Mr. LANCASTER for joining us in conducting this important hearing. I look forward to working with them in the future on these important issues.

TRIBUTE TO DR. A. ZACHARY YAMBA, PRESIDENT OF ESSEX COUNTY COLLEGE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. ROE. Mr. Speaker, we all know how vital the education of our young people is to the future well-being of our great Nation, for the young people of today will be our leaders of tomorrow. I can think of no higher calling then to guide our young people in the proper direction as they pursue their educational goals.

In my home State of New Jersey, we are extremely fortunate to have an outstanding individual who has dedicated his life to this high calling, and who has been a model of excellence in education in his roles as both professor and administrator. I am speaking of Dr. A. Zachary Yamba, president of Essex County College of Newark, NJ.

On Tuesday, May 24, Dr. Yamba will be honored for his multitude of contributions to education with a testimonial dinner held by the Alumni Association of Essex County College at the town and campus in West Orange, NJ. It is my distinct honor to be serving on the honorary committee for this notable event. I would also like to take this opportunity to cite those who have worked so vigorously to make this dinner a success: Senator Ronald L. Rice, president of the Essex County College Alumni Association; dinner chairman, Hon. Thomas J. D'Allessio, Essex Country Sheriff and a graduate of Essex County College; and cochairs Undersheriff Warren Brothers, Kenneth Louis, Sr., and Dr. Jackie Williams.

Mr. Speaker, along with honoring the outstanding achievements of Dr. Yamba, this dinner also helps celebrate Essex County College's two decades of existence with the proceeds being used to establish a college endowment fund that will serve as the basis of a comprehensive student scholorship program. The establishment of such a fund would, indeed, be a worthwhile tribute to Dr. Yamba, whose astute leadership has guided Essex County College through some of its most difficult times and made it a fine institution.

Dr. A. Zachary Yamba was born in Ghana and came to the United States in 1961. He recieved his B.S. and M.A. degrees in languages and education at Seton Hall University in South Orange, NJ, and later pursued doctoral studies at the University of Kansas, Rutgers University, and Brunel University in London, England, eventually receiving his doctorate in educational administration from Pacific State University.

Dr. Yamba graduated from Winneba Teacher Training College in Ghana and was a specialist teacher in mathematics, language, and African history in his native country before continuing his studies at Seton Hall. Prior to joining the faculty of Essex County College in 1968, Dr. Yamba was an instructor of French and foreign languages at Rutgers and Seton Hall Universites.

Mr. Speaker, Dr. A. Zachary Yamba came to Essex County College when it opened 20 years ago as a professor of humanities and eventually moved into key administrative posts including director of humanities, dean of faculty, and dean of liberal arts. He became president of this fine institution at its most crucial juncture, in 1980, in the midst of a financial and educational crisis and, through a firm commitment to quality education, student achievement, and faculty accountability led Essex County College to a new era of excellence, and for that the State of New Jersey and our Nation are a better place.

Dr. Yamba's awards are many and his background is diverse. He is fluent in seven languages, and he was the recipient of a Russell Scholarship for academic excellence from Rutgers University in 1968 and a 3-year UNESCO Language Scholarship. In addition, Dr. Yamba was an outstanding athlete, having been lauded for his soccer exploits, which earned him induction into the Seton Hall University Athletic Hall of Fame in 1980.

Mr. Speaker, in addition to these many enviable achievements and activities, Dr. Yamba has also found ample time to be involved in a myriad of community and professional activities. He is president of the County Community College Presidents Association of New Jersey and serves as a member of the board of regents of Seton Hall University, the board of education of St. Rose of Lima School of Newark, the Council of Higher Education in Newark [CHEN], the Newark collaboration Group, the United Way, the YM-YWCA, and numerous other professional, civic, and community groups.

Mr. Speaker, Dr. A Zachary Yamba has made an outstanding contribution in a great many respects—the education of our young people, the elevation of his profession, and the betterment of his community. I invite you and our colleagues to join me, in saluting this outstanding individual for making his State, our Nation, and the world a better place.

RUSSELL D. DOUGHERTY, BLIND WORKER OF THE YEAR

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. MURPHY. Mr. Speaker, it is with great pleasure and pride that I take this time to bring to the attention of my colleagues' the outstanding work of a gentleman from my district who has been honored with being named Blind Worker of the Year.

Russell D. Dougherty, named Blind Worker of the Year from the industrial workshop operated by the Washington-Greene County branch of the Pennsylvania Association for the Blind, was honored with an award presented by the board of directors President Louis Garrone.

Russell, 37, is the father of two sons, Russell, Jr., and Michael. Mr. Dougherty, who lost his vision due to diabetic retinopathy, has been employed in the workshop since August 1983. Until undergoing a kidney transplant and subsequent rejection last year, he held the supervisory position of workshop liaison.

The Washington-Greene County branch of the Pennsylvania Association for the Blind, a nonprofit, nonfunded agency provides a wide range of services to people who are blind, including employment in an industrial workshop where suture removal kits and tracheostomy care kits are assembled for use by the Veterans' Administration hospitals nationwide.

With this local award, Mr. Dougherty is eligible to compete nationally for the Peter J. Salmon Award given yearly by the board of directors of the National Industries for the Blind [NIB].

For the past 50 years the National Industries for the Blind under the Wagner-O'Day Act, has distributed Government contracts among agencies that employ blind workers.

I commend the NIB for the outstanding work that has been done over the past 50 years on the behalf of blind workers all over America. I know my colleagues join me in congratulating Mr. Dougherty and the local winners across the Nation.

TRIBUTE TO PARKWAY ELEMENTARY SCHOOL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mrs. ROUKEMA. Mr. Speaker, I am pleased to inform my colleagues that the U.S. Department of Education has singled out an elementary school in New Jersey's Fifth Congressional District for inclusion in its annual School Recognition Program. The Parkway Elementary School, 145 E. Ridgewood Avenue, in Paramus is just one of 287 schools here in the United States and overseas to be so honored.

By singling out Parkway Elementary, the Department of Education has recognized what we in New Jersey have known all along—that Bergen County schools are among the Nation's distinguished and the Paramus school district and Parkway Elementary are among the finest. Principal Joseph Roma and his dedicated faculty and staff deserve our praise and our thanks for a job well done.

It is clear that Parkway Elementary School gives its students a strong set of skills, knowledge, values and attitudes. I am pleased that Education Secretary William J. Bennett has held this school up as a model for educational excellence.

Secretary Bennett initiated the elementary school program in the 1985-86 schoolyear. The program examines overall qualities that contribute to school effectiveness and student success. This year, Parkway Elementary and the other 600 nominees were evaluated with a focus on educational philosophy, organization, curriculum, instruction, school climate, community relations, and student success. Clearly, the students, faculty and administration of Parkway Elementary, and indeed, all of Paramus and Bergen County, met each test. In doing so, they have brought honor upon themselves and all of us.

I look forward to welcoming representatives from Parkway Elementary to Washington this fall so that they may be properly honored for their distinctive achievements.

INCREASE IN MINIMUM WAGE PROPOSED

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. PETRI. Mr. Speaker, as I mentioned in my 1-minute speech at the beginning of today's session, I have received from the Chairman of the Council of Economic Advisers, Mr. Beryl Sprinkel, a letter detailing adverse economic consequences the Council would expect to result from enactment of an increase in the minimum wage, and comparing such an increase with my Job Enhancement for Families Act [JEFFA]—H.R. 4119, as means of helping the working poor. JEFFA would increase the current earned income tax credit [EITC] and vary it by family size. Mr. Sprinkel's letter concludes that it would be a far more efficient way of helping the working poor than would an increase in the minimum wage.

I believe this letter is an important addition to the material on JEFFA and the minimum wage which several of us inserted in the RECORD on May 4, pages H2962 to H2978. I ask that it be reprinted in the RECORD at this point.

The letter follows:

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
Washington, May 13, 1988.

Hon. THOMAS E. PETRI,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN PETRI: This is in response to your letter of May 4, 1988. You requested the Council's assessment of the effects of legislation to increase the minimum wage on the economy, on the Federal deficit, and on consumers; the effects of minimum wage offsets; and the effects of Earned Income Tax Credit (EITC) reform.

Increasing the minimum wage would have adverse effects on employment, unemployment, economic output, and on the budget deficit. Job losses, estimated to be over 600,000 for a minimum wage of $4.65 per hour, would be concentrated among younger, less skilled, and minority workers. Increasing the Federal minimum wage would do little to help the working poor; under 20 percent of minimum wage workers are poor and many would lose employment. The direct impact on the budget deficit would be about $2 billion, due to both increased budget outlays and reduced revenues. American consumers, in addition, would have to absorb roughly $13 billion more in higher costs for the products that minimum wage workers help to produce.

Since the adverse effects of an increase in the minimum wage are roughly proportional to its size, a smaller increase is clearly preferable to a large one, although the best policy remains no increase at all. The adverse effects could be ameliorated by such offsets as allowing a training wage of 80 percent of the minimum for workers during their first six months of employment; increasing the credit for tip income; and expanding the small business exemption. Altogether, these offsets could eliminate roughly one-half of the damage of an increase in the minimum wage to $3.85 and one-fourth of the damage of an increase to $5.05 per hour.

Alternative proposals would target assistance to families of the working poor more directly. One is an expansion of the EITC, such as you have proposed, which would base the credit on family size. Without the same adverse effects on the economy, and with comparable or even smaller budgetary cost than the proposed increase in the minimum wage, an expanded EITC would target increased income to working heads of larger families below or close to poverty level.

OFFSETS TO MINIMUM WAGE

Table 1 shows estimated job losses due to increases in the minimum wage and mitigating offsets that would likely result from a training wage and from an expanded tip credit and small business exemption. These estimates are uncertain; the ranges are based on alternative assumptions.

The training wage provides the largest potential offsets. It is estimated that as many as 40 percent of young workers may be affected by a 6 month training wage. A shorter duration training wage, such as one available for 3 months, would provide a much smaller offset. The training wage offsets roughly one-fourth of the adverse effects of an increase in the minimum to $4.65; the tip credit offsets 2 percent to 11 percent; the small business exemption would offset 1 percent to 3 percent. Even allowing for the three offsets, more than 400,000 jobs would be lost in raising the minimum to $4.65.

EFFECTS OF INCREASED MINIMUM WAGE AND EXPANDED EITC

Table 2 shows economic effects and budgetary costs of minimum wage increases and EITC expansion. An increase in the minimum wage to $4.65 would entail the loss of more than 600,000 youth jobs and an increase in the unemployment rate for 16 to 19 year olds of about 3 percentage points. The loss of output due to reduced employment is estimated to cause real gross national product to fall by about $3 billion (in 1982 dollars) and by about $4 billion in 1991 in current dollars. As a result of these direct effects, the Federal deficit would rise by $1.8 billion, with an increase in outlays of $0.8 billion and a loss of $1.0 billion in tax receipts.

In addition to its direct effects, an increase in the minimum wage would impose further damage on the economy and the Federal budget through its indirect effects. Increases in the minimum wage may lead to increases in other wages and prices, resulting in higher inflation. Increased inflation, through its effect on COLAs and interest rates, would raise the cost of entitlement programs and interest payments. If the monetary authorities do not accommodate these increases in inflation, output and employment will be reduced beyond the direct effects of the increase in the minimum wage. Since such indirect effects are critically dependent upon assumptions as to monetary accommodation and inflation impacts, the results are uncertain. Two representative sets of estimates of these indirect effects are presented in Table 2. These estimates indicate that total loss of real gross national product following from an increase in the minimum wage could be four to eight times larger than the direct damage calculated here. Such models, as shown in Table 2, indicate budget deficit increases up to four times higher than estimates based only on direct effects.

Increases in the wages of minimum wage workers who remain employed would need to be absorbed by increases in the relative prices of the products they help to produce. In one form or another, consumers would absorb most of the cost associated with higher wages paid to these workers. For an increase in the minimum wage to $4.65 per hour, the amount of this transfer would be roughly $13 billion. The resulting increase in income for poor families, however, would be less than $3 billion.

Costs to consumers and government due to an increased minimum wage would be more than five times the income gained by poor families. In contrast, the EITC is better targeted toward the working poor; virtually all budget costs are matched by income gains for families with earnings who are either poor or near poor.

The Office of Management and Budget has advised that there is no objection to the transmittal of this report to the Congress from the standpoint of the Administration's program.

Sincerely,

BERYL W. SPRINKEL.

TABLE 1.—ESTIMATED JOB LOSSES DUE TO MINIMUM WAGE INCREASES AND OFFSETS (FOR WORKERS 16 TO 24 YEARS OLD)

Minimum wage	$3.85	$4.25	$4.65	$5.05
Job losses (in thousands)	250	450	650	850
	Job loss offsets			
Each offset (percent):				
Training wage	35–40	33–38	25–29	21–24
Tip credit	4–17	3–14	2–11	2–9
Small business exemption	1–3	1–3	1–3	1–3
Total offsets adjusted for duplication	39–55	36–47	27–37	23–31
Total job losses allowing for offsets (in thousands)	112–153	239–288	410–475	587–655

Training wage: Employers would be allowed to pay 80 percent of minimum wage to workers for the first 6 months on any job. (Exception is that training wage would not be set below current minimum wage of $3.35 per hour.)

Tip credit: Allowed tip credit would be increased from the current 40 percent of minimum wage to 50 percent. This would reduce the effective minimum wage for many food services jobs.

Small business exemption: Increase in exemption for retail and service establishments from the current $362,500 in annual sales to $500,000.

TABLE 2.—ESTIMATED EFFECTS OF MINIMUM WAGE INCREASES AND EXPANDED EARNED INCOME TAX CREDIT

Minimum wage	$3.85 (1989)	$4.25 (1990)	$4.65 (1991)	$5.05 (1992)	Expanded EITC [1]
Direct Effects:					
Job losses (in thousands)	250	450	650	850	0
Increase in teenage unemployment rate (percentage points)	1.1	2.0	2.9	3.8	0
Reduction in real GNP (billions of 1982 dollars)	$1.1	$2.1	$3.1	$4.1	0
Reduction in nominal GNP (billions of dollars)	1.4	2.7	4.1	5.7	0
Increase in Federal deficit (billions of dollars)	.7	1.2	1.8	2.4	$2
Cost to consumers [2] (billions of dollars)	2.4	6.9	13.4	21.3	0
Increase in the income of poor families (billions of dollars)	.5	1.4	2.7	4.2	2
Indirect effects: [3]					
Reduction in real GNP (billions of 1982 dollars)	0–$4.0	2.3–16.2	8.6–26–4	15.1–31.6	....
Increase in Federal deficit (billions of dollars)	.2–.3	1.0–2.5	1.5–5.8	3.7–9.0	....

[1] Preliminary estimates based on Petri Proposal; some portion of an expanded EITC will go to near poor families.

[2] Initial increase in the prices of minimum-wage goods and services, less the increase in Federal costs.

[3] Data Resources Inc. and OMB.

THE OPPORTUNITY OF DEFICIT REDUCTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 18, 1988, into the CONGRESSIONAL RECORD:

THE OPPORTUNITY OF DEFICIT REDUCTION

A top priority of the next President and Congress will be to reduce the Federal deficit. Despite the efforts of recent years, the Federal budget deficit is still unacceptably large. Reducing it will be a major challenge as well as a major opportunity to reform inefficient programs.

The deficit outlook is not good. Although the 1987 deficit of $150 billion was $71 billion less than the record deficit in 1986, half of the savings came from one-time factors such as the way tax reform was phased in. The Congressional Budget Office recently projected the deficit to rise to $177 billion in 1989. Moreover, should a recession hit, the deficit could jump sharply because of decreased Federal revenues and higher outlays for assistance programs. The huge deficits require large Government borrowing which drives up interest rates and crowds out private investment, makes the United States heavily indebted to foreign lenders, and saddles future generations with enormous interest payments. Today $1 out of every $7 in the Federal budget goes just to pay interest on the national debt.

The problem is that the President and the Congress have not been willing to make the hard budgetary choices in recent years, instead making changes on the margins. With defense, entitlement programs, and revenues declared off the table by one side or the other, we have been looking at only 10 to 15 percent of the budget for savings. We cannot get very far with that approach. What we need instead is a broad package of shared responsibility. The only way to get meaningful deficit reduction is to call on all Americans to accept a fair share of the cutbacks.

Various changes should be considered to produce savings. We could close U.S. military bases—now totaling 4,000—that are no longer necessary. Large savings could be realized by reducing duplicative weapons systems, slowing the growth in certain weapons systems, reducing U.S. forces overseas, and cutting foreign aid. We could cut off student loans to schools with high default rates, and "cargo preferences" subsidies to the U.S. shipping industry, and reduce the share of public works projects picked up by Washington. Medicare payments to health care providers could be curbed. We could reduce the portion of retirement benefits p;rovided taxfree to wealthy retirees, and increase various Government user fees. We could end economic development subsidies to profitable companies in well-off communities, and tighten farm subsidy payments to large, successful farming operations. Funding for major science projects could be stretched out and international cooperation expanded. The size of the Federal work force could be restrained.

Another class of changes should also be considered—changes which could not only produce savings but also make the programs more effective. Under this approach, reducing the deficit provides the opportunity to reform tax benefits or spending programs that may be counterproductive.

Several suggestions have been made for how we could save defense dollars while at the same time improving our defense capabilities. For example, some have urged cutting back on expensive, "sitting duck" aircraft carriers in favor of less expensive but more maneuverable smaller ships. We could also replace expensive, complex weapons with simpler, more reliable ones that are easier to use under battle conditions. Money could be saved by simplifying the centralized battlefield command structure, replacing it with the more flexible "maneuver warfare" allowing field commanders to respond quickly to changing battle conditions.

Increasing taxes as a way of discouraging harmful practices is another approach. One proposal is to reduce the tax incentives for hostile corporate takeovers. That would not only increase revenues but curb unproductive takeovers that disrupt communities and drain capital that is better used for plant and equipment modernization. We could also reduce the tax incentives that encourage U.S. companies to shift manufacturing jobs overseas. Some propose higher cigarette and alcohol excise taxes to save Government health-care dollars, and higher energy taxes to reduce America's dependence on unstable foreign sources of oil. Imposing a Federal pollution charge on companies producing harmful emissions or hazardous waste would raise revenue while helping to protect the environment. Tightening the minimum tax would reduce the search for unproductive tax shelters that still goes on.

Several proposals have been made to remove distortions in the Federal Tax Code. Some favor shifting the emphasis of Federal tax policy. They argue that imposing a national sales tax or a value-added tax would help lessen the incentives in our tax code for people to buy goods rather than to save or invest their money. Others propose curbing the mortgage deduction on luxury homes to reduce Tax Code incentives favoring homes over business investment, and cutting the special tax breaks for oil and gas producers to reduce a bias against renewable sources of energy.

Savings could also be found in various kinds of nondefense spending. For example, the Federal Government should no longer provide subsidized water to western farmers for growing surplus crops which are then turned over to the Government for farm subsidy payments. Raising below-market fees for timber harvesting in Federal forests has been urged to protect timber resources. We could improve the efficiency of the Congress by reducing the duplication of authorization, Appropriation, and Budget Committees, and cutting the number of subcommittees, now totaling 240.

Not all of these changes are likely to be adopted as part of a deficit reduction package, nor should they be. But they are helpful in illustrating that some changes have the potential of saving money while making Federal programs and incentives more effective. Several may be difficult to achieve politically. They are deeply entrenched, and could only be changed if a strong case is made for changing them as part of a major national effort to get the Federal deficit down. That has happened in the past with various worthwhile changes made under the pressure of deficit reduction, and it should be continued in the future. Deficit reduction need not be seen as an obstacle to sound economic and social policies, but as sometimes promoting them.

APPEAL FOR RELIGIOUS FREEDOM IN THE SOVIET UNION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. BROWN of California. Mr. Speaker, in honor of the millennium of Christianity in the Soviet Union, and in recognition of our continued support for freedom of religion in the Soviet Union, the House of Representatives will today consider a resolution expressing the sense of Congress that the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their churches and homes. This resolution has my complete and unequivocal support, and I hope that its passage will send a strong message to the leadership in the Soviet Union that, for this body and the American people in general, freedom of religion will remain an issue of the utmost importance in relations between our two countries.

Since Christianity was introduced into Russia in 988 A.D., the Russian Orthodox Church has played an important role in Russian society, and has made outstanding contributions in the area of literature, music, and art. Although Soviet authorities estimate that 40 million of the country's 280 million people consider themselves believers, Western specialists believe the total to be more than twice this number. Christianity and the Russian Orthodox Church are clearly an important spiritual force for the Russian people.

Despite the prominence of religion in Russian society, the Soviet Union has since its founding been an officially atheist state. The atheism of Marxist philosophy has, in practice, translated into both an official and unofficial intolerance for the free and open practice of organized religion. Soviet authorities have consciously striven to abolish religious worship and teachings. Churches and synagogues have been confiscated by the state, and since 1917 approximately 6 out of every 7 Russian Orthodox churches have been closed. The publication and dissemination of religious materials has been prohibited, and formal religious instruction to persons under 18 years of age has been proclaimed illegal. Finally, in the most disturbing example of religious persecution in the Soviet Union, hundreds of individuals have been harassed and imprisoned—many in psychiatric institutions—solely on the basis of their religious beliefs. Nearly 200 Christians are serving prison sentences, are in exile, or are confined to psychiatric institutions in the Soviet Union because of their religious beliefs.

This situation cries out for protest from all people, regardless of their religious beliefs, who view freedom of religion as a fundamental human right. For Americans in particular, freedom of religion is an overriding concern. Our Nation was founded by individuals fleeing religious persecution, and the unfettered right to religious freedom which underlies our political system has contributed greatly to our Nation's strength and spiritual vitality. It is only logical, therefore, that our religious convictions should lead to an outspoken concern for and solidarity with those who have been consistently denied the right to freely practice their religions. Finally, the Soviet Union has ignored its obligations under international law to respect fundamental human rights, such as freedom of religion. The Soviet Union is a signatory of the Helsinki final act of the Conference on Security and Cooperation in Europe, principal VII of which commits signatories to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion."

As our Government pursues improved relations with the Soviet Union, it is incumbent upon our leaders—be they Republicans or Democrats—to leave no doubt as to the gravity of our concern over religious freedom in the U.S.S.R. This issue should be raised at every meeting and in every forum where United States and Soviet leaders discuss bilateral relations between our two nations. I am pleased that President Reagan will visit the Danilov Monastery during his upcoming summit meeting in Moscow, and I am confident that the issue of religious freedom will have a prominent position on the summit agenda.

Since coming to power in 1985, General Secretary Mikhail Gorbachev has proposed sweeping reforms in both the Soviet economy and political system. Under the rubrics of "glasnost" and "perestroika," Gorbachev is attempting to promote greater openness within Soviet society, and greater reliance on personal initiative and market forces in the Soviet economy. Religious freedom has not been ignored by Gorbachev, and he has expressed his intention to apply perestroika—or restructuring—to the area of church-state relations. In an unprecedented recognition of the state's repression of organized religion, Gorbachev recently acknowledged the "mistakes made with regard to the church and believers in the 1930's and the years that followed." He went on to announce "a new law on the freedom of conscience, now being drafted, will reflect the interests of religious organizations" and called for an official policy toward religion that assures the right of the church to "carry out its activity without any outside interference."

These statements, and the limited improvements witnessed in the Soviet Union in the past 3 years, are an encouraging sign that a process of fundamental change may be germinating in the U.S.S.R. We must take care, however, not to overlook the dichotomy between words and actions. While we have heard a great deal about the wonders of glasnost and perestroika, the real-life impact on Christians and Jews in the Soviet Union has been more limited. The State Department's annual report on human rights in the Soviet Union summarized this dilemma well when it stated that "The changes were more than cosmetic and less than fundamental." Much more must be accomplished—both with Soviet society and within the governing bureaucracy—before we can rest assured that the freedom of religion we enjoy in the United States will be afforded to fellow Christians and Jews in the Soviet Union.

More specifically, Gorbachev must take action and institute the structural and legal changes which would guarantee more meaningful and permanent religious freedom in the Soviet Union. Doing so would distinguish the Gorbachev reforms from earlier ones which were merely fleeting thaws between periods of repression. To date, Gorbachev's own policies have flirted with permanent reform, but have not been given the force of law. First and foremost, Gorbachev should release all prisoners of conscience. Within the past year, 168 people who had been imprisoned or exiled because of their religious convictions have been freed. Nearly 200 such individuals remain, however, and represent the most urgent human rights concern. Additionally, the Soviet Government must take the following actions: Legalize religious groups currently prohibited from practicing their faith openly; abolish the requirement that all religious groups register with the state and have all their activities approved by government authorities; allow religious instruction for both adults and children; lift restrictions on the importation and the free dissemination of religious literature; end government restrictions on the education of clergy; and allow religious groups to engage in private charitable activities. I applaud General Secretary Gorbachev for his more open attitude toward religion, but would challenge him to institutionalize this attitude through the implementation of the reforms listed above.

In conclusion, the issue of freedom of religion in the Soviet Union—and indeed elsewhere throughout the world—must never stray from the top of our foreign policy agenda. The continued insistence by the American people and their elected representatives that this issue be addressed by Soviet officials is at least partially responsible for the positive developments we are witnessing now in the Soviet Union. I applaud all those who have raised their voice on this issue, and I am confident that this outspoken concern, combined with a sustained and productive dialog between our two governments, will lead to continued progress in the area of religious freedom in the Soviet Union.

A SALUTE TO ST. ANTHONY'S HIGH SCHOOL, JERSEY CITY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. GUARINI. Mr. Speaker, we have an outstanding secondary educational facility in Jersey City, which despite tremendous odds, is providing truly outstanding work.

The school I speak of is St. Anthony's High School, part of the Newark, NJ, Roman Catholic Archdiocesan school system. This facility, located for many years in a most-depressing part of Jersey City, has despite its many obstacles, provided outstanding students and championship sports teams.

Because of the renaissance of Jersey City due to its new developments along the Hudson River waterfront, with additional housing, the St. Anthony's School facility becomes of the utmost importance. The small parochial school of 310 students has just 10 classrooms and no recreational facilities.

What is of deep significance is that the school's basketball team, the Friars has achieved national recognition in being selected as the No. 2 team in the Nation this season, as well as having won the Parochial B State Championship for the past 6 years. What is remarkable about this record is that the school does not have a gymnasium.

It is indeed a sight to behold to see daily after school two dozen young men with their coaches walk from about 8th and Henderson Streets to the White Eagle Hall on Newark Avenue where they practice in a very small bingo hall owned by St. Anthony's Roman Catholic Church.

The entire community has come to the realization of the outstanding qualities of these young people, who have produced major league basketball stars such as Mike O'Koren, who played with the New Jersey Nets for many years.

On May 24 at the Governor Morris Inn, in Morristown NJ, the Most Reverend Theodore E. McCarrick, Archbishop of Newark, and U.S. Senator BILL BRADLEY, together with the administration of St. Anthony's High School are conducting a "Spread the Word" reception for the benefit of St. Anthony's High School Development Fund.

It is because of the need for tuition revenue for the further development of the school, as well as supporting scholarship needs, which indeed provides the highest quality of teaching, that many individuals have pledged their support to the fund-raising reception. Appreciation is expressed to Charles Loccisano and Robert Harmon who have underwritten the cost of the reception.

Members of the St. Anthony High School Advisory Development Board and Sister Mary

Felicia, principal, and Sister Mary Alan, director of development; Ex-Officio members are Msgr. William Daly, Sister Mary Seraphica, C.S.S.F., Rev. Gerald Bajek and Joseph Romano; William Bloom, Tom Breen, Mel Cohen, Eric Fullilove, Michael Griffin, Robert Harmon, Robert Howard, Ray Ivey, Charles Loccisano, Phil McGee, Thomas Olivieri, Doris Sipos, Maurice Spagnoletti, and Daniel Strulowitz.

St. Anthony's High School is small in size but remains a giant symbol of pride and dedication for the residents of Jersey City and New Jersey. The number of graduates who have gone on to college and become successful community members attests to the quality education offered at the school, which is under the dedicated leadership of the Felician Sisters, with Sister Mary Felicia, principal of the school.

The recognition of the school's all around values, both in sports and academic achievement, has resulted in an increasing enrollment in my district, while some other high school systems are being under surveillance for lack of adequate results with the young people in my area.

"Spread the Word" is providing an opportunity for many individuals to help—to make a difference.

There is no question that in due course the skill and stamina, the tremendous drive of the St. Anthony's spirit, will result in the assistance of many individuals who know the story.

An excellent indication of this spirit was the donation of $2,500 from the Peter D'Elia Memorial Fund to the school principal last week for their school development fund drive. Last February, Peter D'Elia, who was a graduate of St. Anthony's High School and Rutgers University, was killed in an automobile accident just two blocks from his home. As a memorial to this young CPA, who worked with Peat, Marwick & Co., his parents, Patricia and George D'Elia, asked that a scholarship fund be established. Hundreds of his former St. Anthony's High School classmates gathered and raised $5,000. A distribution of half each of the funds to St. Anthony's High School and Our Lady of Mercy Grammar School, where Peter attended, was recently made.

It is my intention to participate at the reception on May 24 to meet special guests Don Criqui, sports announcer, and Mike O'Koren, and a host of other sports celebrities.

I am sure that my colleagues in the House of Representatives are pleased to share in this educational and community success story for a high school whose time of need has arrived.

LAW ENFORCEMENT'S ROLLCALL OF HEROES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. BIAGGI. Mr. Speaker, this week marks the 25th annual commemoration of National Police Week, a special time to recognize and pay tribute to the extraordinary service and sacrifice of our Nation's 500,000 law enforcement officers.

The week began with the National Peace Officers Memorial Day Service, which was held on Sunday, May 15, here in Washington, DC, on the Ellipse. This national ceremony, which has been sponsored by the Grand Lodge Ladies Auxiliary of the Fraternal Order of Police since 1982, was attended by more than 7,500 law officers, police survivors, and other concerned Americans. It was indeed a very moving and deserved tribute to the brave men and women who have lost their lives while serving the law enforcement profession. I want to especially commend Ms. Suzie Sawyer, president of the Grand Lodge Ladies Auxiliary of the Fraternal Order of Police and a founder of the event for all that she has done over the years to ensure the growth and success of this national ceremony.

Other individals who serve on the National Peace Officers Memorial Service Committee and deserve special mention for their efforts, include:

George Austin, Terry Baer, Ed Boston, Mel Bradford, Trudy Chapman, Paul Chapwick, Chuck Cook, Lynne Corbin, Audrey Crown, Larry Desmond, Lois Devlin, Donald Downs, Vivian Eney, Bruce Gentile, Gil Haring, Jon Kelley, Don Knep, Kelley Lang, John Lann, Kimberly McAllister, Tita Moore, Tony Morris, Jim Murphy, Dan Nichols, Nanci Neibauer, Marty Pfeifer, Howie Pond, Amy Reese, Carol Spivey, Roger Staniford, and Dottie Woods.

Mr. Speaker, last year 155 law officers died in the line of duty. An estimated 30,000 officers have lost their lives throughout the course of our history. On average one police officer dies in our country every 57 hours. Another 500,000 risk their lives daily for our protection.

These brave men and women who serve us so well certainly deserve the special day and week that has been set aside in their honor. But, they also deserve something much more.

Our law officers are putting their lives on the line for us every hour of every day. They should have a constant and lasting tribute that is reflective of that fact.

That's why in 1984, the Congress and President Reagan unanimously approved legislation authorizing establishment of the National Law Enforcement Officers Memorial in Washington, DC. I was proud to author that legislation, along with Senator CLAIBORNE PELL of Rhode Island. I am proud to report that efforts to build that memorial are now well underway. In fact, in honor of Peace Officers Memorial Day and the survivors who were in town for the occasion, the memorial fund received two very generous financial commitments this past weekend from the Du Pont Co. for $200,000, and from the Fraternal Order of Police for $100,000. These two significant pledges of support pushed the memorial fund over the $1 million mark in funds raised. The memorial will be built entirely through private donations. Groundbreaking is planned for the spring of 1989. Once built, the memorial will serve as the permanent home of the National Peace Officers Memorial Day Service.

For more informatioin about the National Law Enforcement Officers Memorial project, Members, or other interested persons can contact the National Law Enforcement Officers Memorial Fund at 1360 Beverly Road, Suite 305, McLean, VA 22101; phone: 703-827-0518.

Mr. Speaker, the design of the memorial is now being developed, but it is expected that the design will include the names of law officers who die in the line of duty, as a very special way to permanently honor their supreme sacrifice. At this time, I would like to similarly honor those officers who died in the line of duty during 1987. As a 23-year New York City police veteran myself, I salute these brave men and women, as well as their survivors. Their service and sacrifice will never be forgotten.

IN RECOGNITION OF THE 25TH OBSERVANCE OF NATIONAL PEACE OFFICERS' MEMORIAL DAY: WE REMEMBER THE ROLLCALL OF HEROES OF 1987

Alabama: Charles R. Alcuri, Elizabeth S. Cobb, Howard E. Dutton, George T. Herring, John D. Seifert.

Arizona: Andy Begay, John E. Bradshaw, George Covert, Steven Garibay, Bruce A. Petersen, Roy L. Stanley, Richard C. White.

California: Charles R. Andersen, Terry W. Autrey, Michael A. Brandt, Lonnie G. Brewer, Keith B. Farley, Roosevelt Ferrell, James D. Ketchum, John W. Libolt, Manuel Lopez, Jr., Randall L. Marshall, Robert A. Medina, James H. Pagliotti, Mark Taylor, Benjamin W. Worcester.

Colorado: Charles A. Fry, Edward Hockom, Stephen P. Miller, Daniel R. Stillwell, James E. Wier.

Connecticut: Daniel S. Wasson.

Delaware: David B. Pulling.

Florida: Waymon D. Allen, Kenneth S. Baldwin, Ray L. Barnes, Frederick T. Clark, Sr., Grover C. Cooper III, Fred Griffis, Ronald R. Grogan, Gerald D. Johnson, Donna M. Miller, Robert Nicol, Jr., Timothy Pollard, Jeffrey N. Ritchey, Sr., Stephen Rouse, Laverne D. Schulz, Richard Tingley, James A. Wouters, Jeffrey D. Young.

Georgia: Willie D. Cameron, Walter L. Harden, Bruce Williford.

Hawaii: Troy L. Barbosa, David N. Ronk.

Illinois: Gregory R. Edwards, William Morrison, Jr., John M. Sack, Lee Seward, Robert L. Taylor.

Indiana: W. Kevin Artz, Omega Graham, John E. Hatfull.

Kentucky: Robert C. Banker.

Lousiana: Richard J. Davidson, Thomas M. Phillips.

Maine: Jeffrey L. Bull.

Maryland: John E. Sawa, Larry E. Small.

Massachusetts: Roy Sergei.

Michigan: Andre Barksdale, James E. Boland, Albert O. DeSmet, Daniel J. Dubiel, John J. Fitzpatrick, Richard Fortin, Clay Hoover, Ira Parker, Linda J. Smith.

Mississippi: David B. Ladner.

Missouri: Henry C. Bruns, Russell W. Harper, Kenneth J. Koeller, Jr., Charles A. LaRew.

Nebraska: Craig D. Dodge.

New Jersey: William F. Brey, Lester Guischard, Theodore Moos, Patricia E. Quinn.

New Mexico: John A. Carrillo, Joe R. Silva.

New York: James Chiverton, David R. Clark, Thomas J. Consorte, Robert G. Dunning, Robert S. Insalaco, Samuel A. Johnson, A. Paul Kurdys, Francis J. Lasala, Louis L. Miller, Jr., Myron Parker, Michael Reidy, George Scheu, Harold E. Vanderhoef, Robert E. Venable.

North Carolina: Robert L. Smith.

Ohio: Paul Durkin, Robert L. Elliott, Clifford W. George, Jeffrey M. Phegley.

Oklahoma: Charles Dillon, John H. Kerr, David C. Williams.

Pennsylvania: Clinton W. Crawford, William D. McCarthy, Lynn R. Sutter.

South Carolina: Otis Grier, Sr., Donald R. Hayes, Robert P. Perry, Jr.

Texas: Wesley S. Alford, Joseph D. Bock, Benito E. Bravo, Melvin K. Drum, Maria M. Groves, Patrick L. Grun, Stanley K. Guffey, George W. Raffield, Jr., Ronald D. Slockett, Dale C. Stiles, Janice M. Vanderveer.

Utah: Jackson D. Elmer, Wade A. Hansen, Gerry L. Ivie.

Virginia: Alexander M. Cochran III, Harry L. Henderson.

Washington: James S. Gain, Clifford R. Hansell, William J. Heffernan, John R. Saxerud.

West Virginia: William H. Phillips.

Wisconsin: Dennis J. Gorlewski, Wallace L. Larson, Roger A. Sterling, John J. Stoll, James E. Stoltenow.

District of Columbia and Federal Officers: Arthur L. Cash, David L. Crater, James Gordon, John R. McCravey, Jude P. O'Dowd, Robert Remington, James D. Taylor, Raymond J. Stastny.

Puerto Rico: Robert Wilson Santos Lopez, Alberto Alvarado Velez.

THE MAURY COUNTY, TN, PHOSPHATE INDUSTRY: FEEDING FAMILIES FOR 100 YEARS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. GORDON. Mr. Speaker, 100 years ago this month, a 24-year-old stonecutter named William N. Shirley took a tip from a geologist and cut into some rock not far from his home in Maury County, TN. It was a fortunate cut, one that is still bringing benefits to the people of Maury County.

Mr. Shirley discovered a large deposit of phosphate rock, which in its refined forms has fertilized crops, helped get clothes whiter than white, and provided nutritional benefits to millions all over the United States.

Most important for my congressional district in middle Tennessee, income from Maury County phosphates has fed tens of thousands of families during the century since its discovery. Today, the phosphate mining and refining industry is estimated to be responsible for some 4,000 jobs in Maury County.

Around the turn of the century, the little Maury County town of Mount Pleasant was known as the Phosphate Capital of the World. There were 6,000 rock-cutting miners, and many thousands of others whose livings came from the phosphates.

The mining brought $1½ million a year in turn of the century dollars to the area. The supply seemed inexhaustible.

After 100 years, the mining of this "white gold" had fallen from its peaks, although it is now holding its own. The economy of middle Tennessee has diversified from mining and agriculture to include all kinds of service and manufacturing industries.

The vitality of this region is clearly illustrated in a different kind of groundbreaking that is going on a few miles from where William Shirley discovered phosphorus. That is at the huge General Motors Saturn plant, now well along in its construction and scheduled to be completed about 2 years from now.

I want to ask my colleagues in the House of Representatives to join me today in commemorating the fortunate cut into Gholson Hill that William Shirley decided to make in May 1888. That cut brought 100 years of prosperity for the people of Maury County, TN, and 100 years of useful products for the people of the United States.

NATIONAL POLICE WEEK

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. WISE. Mr. Speaker, I would like to take this opportunity, during the 25th anniversary of National Police Week, to recognize and pay tribute to those public servants who every hour of every day risk their lives—our Nation's law enforcement officers.

Once a year we take this opportunity to thank those who keep our cities and towns safe for us, our children, and our families. It is a service we could not possibly live without, yet one we often take for granted. Daily, officers are laying their lives on the line to protect us from theft, murder, drugs, and assault.

I would like to emphasize that theirs is a constant duty. Unfortunately, this unending service often proves fatal. One law enforcement officer dies every 57 hours in this country. In the last 10 years, 590,000 have been assaulted, 204,000 injured, and 100,000 killed. To honor those who have sacrificed their lives, Congress has designated May 15 as "Peace Officers Memorial Day." In conjunction with that day, my colleagues and I authorized the construction of the National Peace Officers Memorial, a project which is now well under way. This is only a small token of our appreciation.

I would like to thank those officers throughout the United States, especially in West Virginia who work daily to make this country a safer place for us all.

McMILLEN URGES CLOSURE OF FADA [FEDERAL ASSET DISPOSITION ASSOCIATION]

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, today, together with PAUL KANJORSKI and a majority of my Democratic colleagues on the House Banking Committee, I have introduced legislation to close the beleaguered Federal Asset Disposition Association. Our bill culminates and follows on disclosure of a 7-month House Banking Committee investigative report concluding this Federal agency has become a "bloated, insolvent" bureaucracy.

Mr. Speaker, it is time to cut our losses and return asset disposition to the private sector where it belongs. This bill, cosponsored by the chairman and a majority of the House Democratic Banking Committee, abandons the ill-fated FADA experiment, begun in 1985. The bill returns responsibility to the Federal Savings and Loan Insurance Corporation [FSLIC] and the private sector for the handling of the massive caseload of troubled S&Ls across the country.

As a member of the Banking Committee's Subcommittee on Financial Institutions, I believe the FADA experiment has proved a costly and unnecessary failure. The conclusions of the Banking Committee's 7-month investigation are inescapable.

Management and sale of the growing inventory of shopping centers, condominiums, and other property the Government has inherited from failed savings and loans, under our bill, would be handled by FSLIC and the private sector.

Originally FADA was expected to act as a relatively small group of highly skilled real estate workout professionals who would act as FSLIC's master contractor/advisor. That hasn't happened. FADA has spent the $25 million Federal seed money and ended 1987 $15 million in the red. FADA also has charged the FSLIC insurance fund $70 million in management fees and costs.

Duplication, waste, conflicts of interests, exorbitant expenses, and institutional confusion characterize FADA's operations as detailed in the House Banking Committee's investigative report. Our bill would dissolve FADA's bloated bureaucracy and merge its operations into FSLIC. As it is, FSLIC is not getting its money's worth.

A Federal audit to be released shortly is expected to show that the FSLIC fund which insures deposits at savings and loans faces liabilities of as much as $11 to $13 billion more than its assets at the end of 1987.

This bill, in revised version is expected to be adopted as an amendment to the House Banking Committee's Glass-Steagall reform legislation in subcommittee markup later this month.

Mr. Speaker, the Bank Board having failed to terminate FADA voluntarily, for the benefit of the country's depositors, Congress must do the job for them. I find it especially ironic that the one agency created during the past 7 years by the Reagan administration which advocates privatization and ardently seeks to curtail wasteful Government is FADA.

JIMMY TOWNSEND

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. JENKINS. Mr. Speaker, I ask for the indulgence of the House today to introduce you to a good friend of mine. His name is Jimmy Townsend. By birth and by choice, he lives in the mountains of the ninth district of Georgia near the beginning of the Appalachian Trail.

I ask for the privilege to recognize Jimmy Townsend today along with many friends, including former President Jimmy Carter and his wife Rosalynn, and relatives, who are gathering in the Pickens County Library in Jasper to honor him. They're honoring Jimmy today, because frankly, his chances for surviving much longer are in question. In Jimmy's own words:

> There are so many uncertainties for a man with two cancers, especially when chemotherapy and radiation ain't doing any good.

But I'm not here just to pay tribute to a man because he's seriously ill. I'm here to thank a man for his living and sharing it with others, including me.

Jimmy Townsend shared his love of the mountains and its numerous stories, many of them humorous, through his hundreds of newspaper columns and three books, a fourth to be published later this year. Personally, I've come to appreciate his unique storytelling ability and have enjoyed each of his books.

My respect for Jimmy Townsend goes far beyond his capability and renown as a humorist and a storyteller for he has been publishing for only some 17 years, and I have known him for more than 30 years. I've watched him develop friendships with people at all levels from the poorest to a President of the United States. While he has many famous friends, he never forgets those of less reknown, being extremely charitable and generous to anyone needing assistance. I'm proud to be one of Jimmy Townsend's friends, and I'm glad I can call him, "friend."

MR. SPEAKER, WE'VE BEEN HAD

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. BROOMFIELD. Mr. Speaker, we've been had on the Contras.

Last March 29 the House overwhelmingly passed a package that included $17.7 million in humanitarian relief for the Nicaraguan freedom fighters. Within days, it was approved by a large margin in the Senate and signed by the President.

This package was designed to support the peace agreement between the Nicaraguan democratic resistance and the Sandinista government of Nicaragua known as the Sapoa Agreement. Signed by the two sides on March 23, the Sapoa Agreement established an interim cease-fire and pledged the parties to continue negotiations for a definitive cease-fire.

The agreement also specifically provided that the resistance would be "guarantee[d] food and basic supplies". This was to be "exclusively humanitarian aid channeled through neutral organizations".

The Nicaraguan Government agreed with the resistance not only to continue the dialog and negotiations, but to take steps toward democratization that would set the stage for an amnesty for the rebels. Specifically, the Sandinistas were to "guarantee unrestricted freedom of expression, as contemplated in the Esquipulas II accord" signed earlier by the Central American heads of state.

Events that made it clear that the Sandinista government has no intention of complying with its obligations under either Sapoa or Esquipulas II agreements. The Nicaraguan Government has been dragging its feet on negotiating a definitive cease-fire. It has engaged in constant threats against the resistance. It has further retreated from democracy by harassing its internal opposition, including the press, opposition parties and labor unions.

By delaying agreement on the definitive cease-fire and refusing to agree on the selection of the neutral delivery agent for U.S. assistance to the resistance envisioned in the Sapoa Agreement, the Sandinistas have been able to prevent the delivery of food and other critically needed relief supplies. Contra units in the field are suffering greatly, and many are leaving the country for camps outside. Meanwhile, the Sandinistas have attempted to exploit the pressure created by the negotiations and the deteriorating conditions, which have naturally led to divisions in the resistance leadership.

The Agency for International Development, which was designated to administer the humanitarian assistance program, ultimately decided to provide food and other relief supplies to resistance forces located outside Nicaragua. It is doing so under close supervision and with detailed inspection by representatives of the Catholic church.

More recently, the Agency decided to provide Nicaraguan currency to the resistance outside Nicaragua, in hopes that the money could be carried within Nicaragua to purchase critically needed supplies. This can at best be a partial and temporary solution to the crisis in which the resistance forces in the field find themselves.

Mr. Speaker, on May 5 Secretary Shultz met with members of the Foreign Affairs Committee. The Secretary said when asked about this situation, "we've been had." Obviously deeply disturbed, the Secretary indicated that he couldn't believe that the Congress intended to allow the Sandinistas to control the receipt of U.S. assistance by the democratic resistance.

Mr. Speaker, we have indeed been had. It is essential that Congress indicate at this time that it will tolerate no further delay in the delivery of vitally needed relief supplies to the resistance forces inside Nicaragua. It is also essential that Congress send a clear signal to the government in Managua that there are limits to the tolerance of the United States to its repressive actions against the political opposition and bad faith in the negotiations with the resistance.

I ask to submit for the RECORD an informative article on the attitude of the Sandinistas which appeared on May 16, 1988 in the New York Times.

A TOUGHER STAND ON THE OPPOSITION—NEW CURBS ON THE PRESS—REGIME RESISTS STRIKERS, ENDS MISKITO TALKS AND PRESSES CONTRAS WITH THREATS

(By Stephen Kinzer)

MANAGUA, Nicaragua, May 15—Apparently convinced that the Contra guerrilla army is collapsing, the Sandinista Government is taking a new and harder line against opposition groups in the country.

On Saturday, the Government imposed new restrictions on the opposition press. At the same time, officials rejected what they called absurd proposals from the Miskito Indian leader, Brooklyn Rivera, ending five days of talks.

While those steps were being taken in Managua, the Defense Minister, Gen. Humberto Ortega Saavedra, told an audience near the northern village of Pueblo Nuevo that if the Contras did not agree to peace terms soon, Sandinista forces would carry out "actions on a scale never before seen in this war."

RESISTANCE TO STRIKERS

Government officials have also refused to meet demands of striking construction workers and auto mechanics, and they have taken no steps to renew the "national dialogue" among political parties that broke down last month.

[The White House had no official comment today on the Sandinistas actions, but a senior Administration official said they were part of a continuing pattern of activities aimed at testing the reaction of Congress.

["They want to see how far they can go before the U.S. Congress says stop," the official said. He added that if the Sandinistas attacked the Contra forces, "it will raise the question of the additional military aid."]

NO REASON TO COMPROMISE

"The infighting among the Contras is happening at the worst possible moment", said Luis Sanchez Sancho, a leader of the Socialist Party. "The Sandinistas see the Contras falling apart, and they see the United States not disposed to help them. They feel that they now control the situation which means there's no reason to compromise on anything."

The Miskito rebels, who say they seek recognition of "historic rights" and not the overthrow of the Government, arrived in Managua this week optimistic that they would come away with a peace agreement.

"We had made progress in the first two rounds, but this time we found the Government tougher than ever before," Mr. Rivera said. "They even withdrew some points that we thought were already agreed."

One of the Government negotiators, José González, who is the senior Sandinista military officer in the Indian region, accused the Miskito delegates of "ethnocentrism and ethno-populism." He said they were seeking to exaggerate ethnic differences among Nicaraguans.

A few hours after talks with Indian leaders collapsed, major new restrictions on press freedom were imposed by the Interior Ministry. They marked the end of the three-month period during which opposition press outlets were permitted to attack the Government as strongly as they pleased.

The director of the Interior Ministry's press office, Lieut. Lisette Torres, summoned directors of the leading non-Sandinista radio news programs and told them they would no longer be permitted to insult Government leaders or freely report on military recuitment campaigns. The draft has been stepped up in recent weeks, with recruiters dressed in civilian clothes fanning through the coutryside to capture young people avoiding military service.

The pro-Sandinista newspaper Nuevo Diario charged the opposition press with "lacking respect for constituted authorities and even calling for social disobedience."

A PUNCHING INCIDENT

Vigorous criticism of the Government has been the rule on many radio news programs in rcent weeks, and Interior Minister Tomás Borge has apparently decided it cannot be tolerated. In a bizarre episode two weeks ago, he called the country's best-known radio news director, Jose Castillo Osejo, to his home and began punching him, shouting that his program were inciting violence and insurrection.

Nuevo Diario reported that the new restrictions "will apply to both radio and the written press."

In the cease-fire agreement signed with the contras on March 23 in the village of Sapoá, the Sandinistas agreed to permit "unrestricted freedom of expression."

"We are going backward," Ignacio Briones Torres, news director of the Roman Catholic radio station, said in an interview today. "The Interior Ministry has told us we can't use the words 'recruiter' or 'recruitment' to talk about the draft, and we can't use the term 'economic crisis.' We were practically given a dictionary of terms not to use."

UPSET BY STRIKE REPORTING

Government officials have been particularly upset by news coverage of growing labor unrest. More than 30 people were arrested this month for trying to demonstrate support for construction workers engaged in a hunger strike protesting low wages. The hunger strike ended after 10 days, but several other labor protests are being planned.

Inflation has reduced workers' purchasing power by more than two-thirds since a new currency was introduced in February. Even the official Sandinista newspaper Barricada, in a front-page report Friday, said workers in Managua were insisting that "salaries be adjusted in accordance with the upward trend of prices." But the Government has shown no willingness to permit wage increases, and Sandinista officials have denounced labor protesters as traitors.

Leaders of opposition parties are pressing the Government to ease its stance against dissident trade unions and to support changes in the Constitution that would establish an independent judiciary and a nonpartisan electoral commission. In a statement issued Friday, they said the Sandinistas "have not been serious about dialogue."

"On the contrary, tensions are rising because of increased Government repression," the statement said.

CONDITIONS FOR NEW TALKS

The Government has said it is willing to hold another round of talks with contra leaders, but only under conditions the contras have said they will not accept. Deputy Foreign Minister Victor Hugo Tinoco is to travel to Miami Monday carrying a proposal for three days of talks beginning May 25.

The contras have said they will come to Managua only if they are permitted freedom of movement here, but today General Ortega said that would be impossible. He also ruled out the possibility of holding the talks in another country.

President Daniel Ortega Saavedra, the general's older brother, said in a recent speech that talks with the contras would have a limited agenda.

"They think we are willing to discuss if there is going to be a revolutionary process here," President Ortega said. "That is not up for discussion. What we are discussing is how the mercenary forces, who are already defeated, can lay down their weapons."

"They should be grateful that we are not offering them the guillotine or the firing squad, which is what they deserve," he said.

VOCATIONAL-TECHNICAL EDUCATION WEEK

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. MFUME. Mr. Speaker, today, I am introducing legislation to designate the week of November 28 through December 2, 1988, as "Vocational-Technical Education Week," and to call upon the Congress and the President to duly recognize this week. I hope to bring attention to the importance of vocational-technical education to our youth and Nation.

Vocational education has a significant role in educating our children today; a role which has often been misunderstood by many. Historically, vocational education has prepared our young people for work. That task has taken on a new dimension in today's highly specialized and complex world. The need for programs designed to improve the knowledge, skills, and attitudes of our youth has increased exponentially.

Many students are realizing the importance of vocational education as a supplementary formula for achieving success. In fact, a considerable number of high school students undertake a vocational curriculum and continue to pursue post-secondary programs quite successfully. Enrollment in vocational-technical education programs at the secondary and post-secondary levels has increased dramatically.

Nearly 42 percent of today's vocational graduates hold jobs related to their training. Graduates of vocational programs experience shorter periods of unemployment, spend more time in the labor market, and usually earn a higher salary than nonvocational graduates of equal background. Many of these graduates become productive, gainfully employed adults in our communities.

Mr. Speaker, vocational and academic training coupled together will produce well-rounded individuals who are not only considered skilled by the labor market but innovative as well. This training can provide America's future workers and business leaders with the ability to increase productivity and to competitively participate in the world market.

I urge my colleagues to join me in bringing attention to the significance and value of vocational-technical education by cosponsoring "Vocational-Technical Education Week."

THE PRIVATE WAR OF OLLIE AND JIM

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1988

Mr. COUGHLIN. The following article, "The Private War of Ollie and Jim," was written by Robert Timberg, a U.S. Naval Academy graduate who is a decorated Marine infantry officer veteran of the Vietnam war. It is about two other Naval Academy graduates who are decorated Marine infantry officer veterans of Vietnam—Oliver North and James Webb.

The article has something very important to say about the Vietnam experience and the Vietnam generation. This is particularly significant as the men and women who served there move into policymaking positions in Government, the armed services, business and the professions.

Mr. Timberg is the White House correspondent for the Baltimore Sun. In providing these insights into a generation so deeply affected by the Vietnam war, Mr. Timberg continues the distinguished service to his country that was begun in that very same war.

The article follows:

THE PRIVATE WAR OF OLLIE AND JIM

(By Robert Timberg)

Jim Webb has a problem. The problem is Ollie North, his Naval Academy classmate. It is March 1967 and North stands between Webb and the 147-pound brigade boxing championship he has coveted for three years. Boxing has a mystical hold on Webb. He is, and he has done nothing since to cause anyone to doubt it, a warrior, the scion of warriors, an American samurai for whom the ultimate test is combat. He started boxing at eight or nine in England, where his father, a U.S. Air Force officer, was attached to the RAF. At fourteen, he began fighting under the lights at tournaments—Junior Gloves, Golden Gloves—and boxing smokers throughout the Midwest. By the time he hit the Academy, he had fought thirty, maybe forty times. "Nothing builds courage like boxing," he tells his roommate, John McKee. "In the ring, you're on your own, just you and the other guy," he tells his younger brother, Gary.

This time, though, the other guy limps and wears a knee brace, the result of a car accident late in his plebe year. Forget the Academy, the doctors told North when they shipped him home to recuperate, you may never walk again. But North rolled back in the following summer, starting over as a freshman in Webb's class. Now two years and two knee operations later, he's fought his way into the finals.

Webb is pretty sure he can beat North, though he's not too thrilled about taking on somebody who sometimes collapses to the deck of Bancroft Hall, the huge midshipman dormitory, his legs simply giving way beneath him. Then the word starts going around that North's only chance to get past the Marines' physical evaluation board is to beat Webb, who is the embodiment of the Marine Corps-bound midshipman. Guys even tell Webb that North has a steel plate in his head, which, as it happens, is not true but who the hell knows with North. Somebody even says Jimmy, you hit Ollie in the head, you're gonna kill him. Webb also notices something new and disturbing at boxing practice. Coach Emerson Smith, who usually drills the whole team and leaves individual instruction to his assistants, is in the ring, working with North on techniques to use against southpaws like Webb.

One day before the fight, the coach finishes with North and climbs through the ropes. Webb is standing there, hands on his hips, glaring. "What about me, Coach?" he says. "What are you going to teach me about Ollie?" Smith puts his arm around Webb. "Jimmy, this is just a protective measure," he says. "I'm just trying to get the bout even."

On fight night, two thousand midshipmen are in a lather. The fighters wear the Navy colors, Webb in blue, North in gold. The bell rings, North throws Webb off-balance with a swarming attack that, thanks to Coach Smith, is not without its sophistication. Webb is good enough that he can hold North off, land some blows, but his heart is not in it. When it is over, though, no one knows who won. Then the announcement. First round, North by a point. Second round, even. Third round, North by a point. The winner, Oliver North. The next day, Webb confronts Coach Smith. "He jumped on me," the coach says. "He lambasted me. I walked off. He was probably the only midshipman I had words with in twenty-seven years of coaching."

The story of the fight comes back to haunt Webb when the Iran-contra affair breaks nearly twenty years later. Associates put out the word that Webb resents being linked with North. He tells Coach Smith he's —— off that the press keeps throwing the match in his face. "I don't think it's because they mentioned Oliver," the coach says. "I think that what aggravates him is that he lost the bout. And it should. He should have won easily."

As I leave his house in Annapolis, the coach, now retired, shouts after me, "Don't write anything that will hurt Oliver and don't write anything that will get Jimmy mad." The coach is a warm man. Ollie is warm. North, the coach implies, is not all that warm even though he likes to think of him as one of his boys. The inescapable conclusion is that Jim Webb takes himself too —— seriously. But so does Ollie North.

Then again, serious things happened to Jim Webb and Ollie North.

It is twenty years since their fight, and Ollie North has done it to Jim Webb again, this time riding out of the West Wing to supplant him as the most famous member of the Naval Academy class of 1968. That happened November 25, 1986, when Ed Meese walked into the White House pressroom and fingered North as the mastermind of what quickly came known as the Iran-contra affair. At the time, Webb was about to step down after three years as Assistant Secretary of Defense for reserve affairs, an important if not terribly visible Pentagon post. Like North, Webb was a highly decorated Marine infantry officer in Vietnam. But Webb's fame rested on his writting, not his government service. His first novel, *Fields of Fire*, a widely acclaimed best seller published in 1978, was an unapologetic tale of a Marine rifle platoon in Vietnam during a few bloody months in 1969. He had since written two more well-received novels, been twice nominated for the Pulitzer Prize, and won an Emmy reporting from Beirut for *MacNeil/Lehrer NewsHour*. Tom Wolfe has called him one of the four or five most important young American writers. Along the way, he had become the kick-ass troubadour for a generation of combat veterans for whom reconciliation will invariably be a concept proclaimed by others, always prematurely.

In the wake of the Meese announcement, as reporters scrambled to flesh out Ollie North, old Annapolis classmates were contacted. Some would talk. Others, usually those closest to North, would not. One who would not was Jim Webb, though he could hardly be called close. Webb, a man whose relentless integrity and rigid adherence to principle at times border on the self-righteous, was said to be annoyed by North's propensity for exaggeration.

A few weeks after Ollie North became a household name, Jim Webb's retirement plans were shelved when President Reagan named him Secretary of the Navy. Suddenly he was at a critical juncture in the embattled North's chain of command. In military parlance, he was now the reviewing authority for whatever the Navy might have in store for North. "Anything that happens to Ollie comes to my desk," Webb sourly told acquaintances. The coolness, it seemed, was mutual. A Marine friend remembers that when he mentioned to North back in 1983 that Jim Webb had just been sworn in as Assistant Secretary of Defense, North had abruptly changed the subject.

As it happened, my background was similar to Webb's and North's—Naval Academy, the Marine Corps, Vietnam—and in those early days of Iran-contra, I picked up a familiar and troubling aroma. Others saw greed, naked ambition, abuse of authority, a breathtaking disdain for Congress and the federal bureaucracy. I saw those things, too, but what I smelled was cordite, burning ——, the disinfectant odor of hospitals. And somehow, it seemed, the Academy was mixed up in this. North's immediate superiors, National Security Advisers Bud McFarlane and John Poindexter, were Annapolis men. McFarlane a Marine as well. As the bizarre tale unfolded and blossomed into the gravest constitutional crisis in a decade. I kept picking up echoes of Vietnam and an ever more insistent refrain—Ollie, Bud, and John. I remember thinking that Iran-contra was at least in part the bill for Vietnam finally coming due. Although Webb had absolutely no role in Iran-contra, I put him in the mix because it occurred to me that the anger and bitterness that infuse his novels might help explain North and the others. I searched his books for clues. I found a piece of the puzzle in Fields of Fire. At one point, the Webb-like platoon commander, Robert E. Lee Hodges Jr., pinned down in a rice paddy, reacts bitterly to orders from those he sees as living a pampered life in the rear. "—— 'em. Just —— 'em," he says. "—— everybody who doesn't come out here and do this."

Webb and North are not friends. They had a rivalry back at Annapolis, and their careers have touched at various points since then. There are vast differences in personality, but there are some remarkably similar strains as well. In a way, though neither would be comfortable with this characterization, they are secret-sharers, men whose experiences at Annapolis, in Vietnam and its aftermath, illuminate a generation, or rather a segment of a generation—those who went—that today is seating itself at the table of national political power alongside their old tormentors, the battle-scarred veterans of the antiwar movement.

Milt Copulos, a friend of Webb's who spent three and a half years in the hospital and received last rites seven times as a result of his Vietnam service, put it this way: "There's a wall ten miles high and fifty miles thick between those of us who went and those who didn't, and that wall is never going to come down."

Someone once described the Naval Academy as the only place in the world where they take away the basic rights of man and give them back to you one by one as privileges. But it is also something more, a place of pride and honor that over its 142-year history has turned out some of the nation's finest and most heroic combat leaders, among them James Henry Webb Jr. and Oliver Laurence North.

The imprecise process of molding leaders starts in early summer with the arrival of the incoming class and the beginning of that anachronism known as plebe year. Its purpose is to weed out freshmen who are not up to the rigors of military life. The plebe system is messy, often sophomoric, at times vulnerable to abuse. Some good men quit; nearly everyone considers it at least once. The price is high: your youth, at times it seems your soul, for a slogan—Duty, honor, country.

The plebe's bible is a pocket-size handbook called *Reef Points*. It contains nearly three hundred pages of naval lore that new midshipmen are expected to master. If an upperclassman asks a plebe how long he's been in the Navy, for example, it is not a conversational gambit and allows for only a single rapid-fire response: "All me bloomin' life, sir! Me mother was a mermaid, me father was King Neptune. I was born on the crest of a wave and rocked in the cradle of the deep. Seaweed and barnacles are me clothes. Every tooth in me head is a marlinspike; the hair on me head is hemp. Every bone in me body is a spar, and when I spits, I spits tar! I'se hard, I is, I am, I are!" That question, and others of equal intellectual poignancy, are normally asked at meals, which plebes in North and Webb's day ate braced up on the forward two inches of their chairs.

Just about the time they cut off your hair—in other words within an hour or so of reporting to Bancroft Hall—you get an inspirational pamphlet called "A Message to Garcia." As I remember the story, President McKinley in 1898 dispatched a young naval lieutenant named Rowan to deliver a message to a Cuban general named Garcia. The next thing McKinley heard was that Garcia had gotten the message. Rowan hadn't bothered McKinley with questions about how to do it or, as I recall, even asked who Garcia was. If the details are hazy, the theme isn't. You don't hem and haw and talk the job to death. You just do it and report back when it's done. This credo—echoed in Oliver North's declaration at the contra hearings that he would salute smartly and do whatever was asked of him—formed the basis of the academy's plebe curriculum.

Hazing was just beginning to be cut back when Webb and North started at the Academy, but it would be several more years before the practice would be as severely restricted as it is today. Jim Webb had a tough plebe year. At one evening meal, he managed to —— off four seniors, who ordered him back to their room. There they took turns paddling him with a cricket bat, a prohibited practice. Each time a blow landed, Webb would holler either "Beat Army!" or "Harder, sir!" Does it hurt, Webb? "No, sir!" Things started to get messy. Even the firsties knew they had gone too far, but no one would back down. "All you have to do is say it hurts," one of them said. "Harder, sir!" yelled Webb. Finally, one broke the paddle on Webb's ass. "Get out of here, Webb," he said. "Ay, ay, sir!" Webb shouted, racing from the room. Back in his own room, Webb ran into the closet so his roommates couldn't see him, pulled a laundry bag over his head, and cried for fifteen minutes. Looking back, he said he took great strength from the experience. He had been tested and had survived. He displayed no bitterness; but he rattled off the names of the four firsties without a moment's hesitation, as if he were reading from a list.

Earlier, during summer training, Webb was being run by a second classman headed for the Marine Corps. A couple of hours before Webb was to take on a bruiser nicknamed "Louie, Louie," the second classman asked Webb if he was going to win. "Yes, sir." Webb replied. "Bet your ——?" the second classman said, meaning if Webb was wrong, the second classman could "take his ——," that is, whack it with the large, heavy atlas issued to all midshipmen. "Yes, sir!" Webb replied. "Okay, Webb, your —— against mine," said the second classman. "Louie, Louie" broke Webb's jaw, but Webb rallied and won the fight. The second classman was waiting for Webb in his room. "I'll give you a choice, Webb," he said. "My —— or my spoon." Spooning, or shaking hands with a plebe, meant that an upperclassman not only would never haze a plebe again, but that he would be his friend, often his protector. At that point in plebe year, spooning was unheard of and much to be desired. The second classman extended his hand. "What'll it be, Webb, my —— or my spoon?" he asked. "I want your ——, sir," replied Webb, reaching for the atlas.

Ollie North wanted to be a Marine from the day he entered the Academy, so everyone sort of understands the story of his medical records. Classmate Rich Petrino recalled in an op-ed piece that late one night he came upon North, who said he had been sanitizing his medical file so that his knee problems wouldn't hamper his chances of getting into the Marines. North defenders were angered by Petrino's piece. At the same time, a number of those I talked to believed he had done it or something like it. No one exactly condemned him for it either, but several pointed to the incident as an example both of North's unpredictability and his determination. John Sinclair, one of North's roommates, recalled something a friend said on graduation day, 1968: "Ollie's going to be in the news twenty years from now. He's either going to do something great or he's going to fall on his nose."

Sinclair remembers just how bad Ollie North's knees were. "I can't tell you the moxie, the guts, the pain he endured," he said. As Seventh Company commander, a limping North would march his troops through the twice-weekly midshipmen parades. But just before the parade grounds, somewhere between "Company, left turn, HUH!" and the "Company, right turn, HUH!" that would take him in front of the senior Academy officers who would have a say in whether he could get into the Marine Corps. North would grit his teeth and the limp would disappear.

As North and Webb struggled through military rites of passage of Annapolis, events that would define a generation were encroaching on their world. The Class of 1968 entered the Academy in late June 1964, when for many Americans Vietnam was still a speck on the horizon. The Gulf of Tonkin incident, LBJ's pretext for starting the massive U.S. buildup in Vietnam, occurred in August of plebe summer. In the winter of senior year, the Tet offensive took place. Widely interpreted at the time as a major American defeat, it marked the beginning of the end of the American involvement in Southeast Asia. But the protracted fade to black took another seven years.

During the four years '68 was at the Academy, the social fabric of the nation was ripped to shreds and rewoven in a way that North and Webb barely recognized. Watts burned during the summer of 1965. In April 1968, Martin Luther King Jr. was assassinated, and more American cities went up in flames. A few months later, as Annapolis was ablaze with the glitter of June Week, Robert Kennedy was gunned down in Los Angeles. Lyndon Johnson announced in March that he would not seek re-election, the victim/perpetrator of a discredited war that North and Webb were just then getting ready to fight. Then there was the music. No one had heard of the Beatles in June 1963, when North entered the Academy the first time. A year later, when Webb arrived, they just wanted to hold our hand. By 1968, *Sgt Pepper* a year behind them, they wanted to do it in the road.

The Board went up in the stately marble rotunda of Bancroft Hall during the Class of 1968's plebe year. I saw it a few years later when I stopped back at the Academy. From a distance it was just a freestanding bulletin board with pictures of midshipmen on it. At first I thought it was the football team.

"All of a sudden, Vietnam jumped out at us," said Kendell Pease, a North/Webb classmate. "Maybe not the first three or four pictures, but suddenly there was someone you knew. The Board was always there. It was the shadow in the woods, the fog that crept over the Academy until it blanketed everybody." Pease remembers that the pictures were senior photos from the *Lucky Bag*, the Academy yearbook. "It wasn't like somebody you hadn't seen in two or three years, who maybe had grown a moustache or something, or aged a bit. It was the picture of him the last time you saw him. And he was dead."

On April 20, 1969, Webb won a Bronze Star in the rice paddies of the An Hoa Basin southwest of Da Nang. Two days later, on April 22, North won a Bronze Star a couple of hundred miles to the north near the DMZ. The following month, May, both Webb and North won Silver Stars. If you're keeping count, Webb went on to win another Bronze Star and the Navy Cross, second only to the Congressional Medal of Honor among the nation's awards for gallantry in combat. Each was seriously wounded, both returned to action. Webb wound up with two Purple Hearts, North one. No one questions their courage.

Father Jake LaBoon remembers that "everybody knew who Ollie North and Jim Webb were, even when they were just second lieutenants. In the Third Marine Division, the word was that Ollie was the best platoon commander. In the First Marine Division, it was that Jim was the best. They all talked about them, they talked about both of them."

A battle-weary veteran of six months in combat, Lance Corporal Mac McDowell was hanging out with some other Marines when a chopper landed on Henderson Hill in the An Hoa Basin and Webb came charging off with a bunch of other replacements. "Get a look at the teeny-bopper lieutenant," Mac said to his buddies. Later that day, Lieutenant Webb called his new platoon together, told them he didn't like being there any more than they did, but that they were going to have to make the best of it. "Now this is the way it's going to be," he said. "Anything you say to me I will believe. If you tell me the sky is brown, I will believe it." Webb paused. "If I ever find out you lied to me, you're dead meat."

Mac McGarvey was Webb's radio operator for about two months. During that time, Webb's platoon had fifty-six men killed or wounded as the grisly alchemy of war turned replacements into statistics overnight. One night, Webb and McGarvey talked about a lot of things, including faith in God and how they'd react if they were seriously wounded. "Could you handle it?" Webb asked, "Yeah," said McGarvey. The next day on patrol, someone tripped a booby trap and McGarvey's right arm was sheared off by shrapnel. As the corpsman worked on McGarvey, Webb kneeled over him, tears etching streaks in the twenty-three-year-old lieutenant's dirt-encrusted face. "The snake had reared its head, struck, and for a split second Jim was human, he was not a warrior," said McGarvey. "I said, knock that —— off, sir, it's just an arm." Webb, for reasons that must have made sense at the time, wrapped McGarvey's severed arm in a T-shirt and placed it on the poncho with him as the Medevac chopper prepared to lift off. "Maybe he thought they could put it back on," said McGarvey, mystified to this day, "I remember trying to pick it up. I held on to it all the time I was on the chopper, hoping it was a nightmare."

Dale Wilson was due to rotate in eleven days when he became a statistic. Like so many of Webb's men. Wilson was the victim of a body trap, apparently a 500- or 750-pound American bomb recycled by the VC. "I thought I'd been hit by napalm because there was smoke coming off me," Wilson said. "The sun was in my eyes, so I tried to cover my eyes with my right hand, and my hand fell off in my face." He came out of his morphine stupor about 7:00 that night. "I realized I had lost more than I thought," he said. He meant his right arm and both legs.

Webb's medals attest to his courage and composure in combat. He is cited time and again for racing across fire-swept terrain, rallying his men, capturing VC singlehandedly, and pulling wounded troops to safety. In one instance, he sustained fragmentation wounds when he pushed Mac McDowell away from a grenade, then used his own body to shield him from the explosion.

According to the citation for his Silver Star. Oliver North's company was participating in an operation called Virginia Ridge in the hills near the DMZ when it came under withering machine-gun fire. The lead platoon was cut to pieces by the initial burst of fire. Reacting quickly, North maneuvered his platoon through the bloodied ranks and led it into assault after assault, repeatedly exposing himself to hostile fire, "He was hollering and raising hell at us," said Ernie Tuten, one of North's machine gunners. "Every time we did what he told us, the damn fire coming at us would decrease. You know when a guy knows what he's doing. It took eight or ten hours to take that damn hill, and he was in control the whole damn time. It was an unbelievable thing. . . . We know Oliver North wasn't trying to cover his sweet little ass. He put his ass on the line just like the rest of us, and that's what we respected most about him. And all lieutenants are not like that."

North's ardor to supply the contras years later during periods when Congress restricted American aid had its roots in Vietnam, especially in a piece of heaven called Mutter's Ridge. "The supply situation was atrocious," said Don Moore, a fellow platoon commander. "We were stripping the bodies of our wounded and dead to get canteens, to get boots and ponchos. In a fire fight, you'd hear, 'Corpsman! Corpsman!' then, 'Dibs on the canteen, dibs on the boots'. . . . When you're talking about Ollie North and the contras, you are talking about Ollie and Mutter's Ridge. He knows what it was like not to have beans, boots, Band-Aids, and bullets."

Ernie Tuten, North's old machine gunner, remembers coming home in 1970. He had just turned twenty-one, and many friends had beaten him back, one way or another. His outfit landed in San Diego and marched off the ship into what he called "a hippie convention." The Marines were called murderers and baby killers and pelted with rotten tomatoes, not an uncommon experience, but it was new to Tuten. "I couldn't believe it," he said. "We wanted to lock and load, but they wouldn't let us. . . . I though they were a low-life bunch of ——." Jim Webb, speaking at the Air Force Academy a few years ago, said that in 1977, after another Annapolis man, Jimmy Carter, granted amnesty to draft evaders, he turned into a Republican. "What Carter did was elevate the whole group to the level of moral purists," he later told me. "I felt it was a terrible signal to send to those who served." But Webb voiced ungrudging respect for those who went to jail for their beliefs. "I have a strong appreciation for people who act out of conscience," he said. He added, "Thoreau went to prison, not to Canada."

According to Don Moore, Ollie North had a word for protesters—*traitors.* North's Marines, Ernie Tuten said, referred to Congress as Them. "We knew the Marine Corps wasn't in charge of that —— over there," he said. Testifying before Congress in July, North said, "The war wasn't lost on the battlefield. It was lost right here, in this city." Later the same day, Don Moore said, "I feel like he's taken his battle right to the source."

By 1970, Webb and North were back from Vietnam and, on paper at least, seemed interchangeable parts. But even before Vietnam, differences between them began to emerge that would be magnified in the years ahead. For one thing, North always seemed to have a mentor. At the Academy, Coach Smith was one. "If the coach told Ollie to jab, jab, jab, he'd be jabbing still today," said an Annapolis friend. A second was Bill Corson, a Marine colonel at the Academy who in 1968 published a book, *The Betrayal,* that pointedly questioned the way the United States was fighting the war in Vietnam. "Corson was a father figure to North," said a Marine officer who knows both men well. Then there was Bud McFarlane, his boss at the White House. When North testified, McFarlane's old lieutenant colonel's oak leaves gleamed from his shoulders. Finally, there was Bill Casey, the old CIA chief who moved under a cover of mumbles, the thinking man's Casey Stengel, as he was once described to me.

Webb never had a father figure, though he had one hell of an old man. As kids, Webb, his brother, and two sisters would stand at attention by their beds on Saturday mornings, awaiting the arrival of their father, a crusty Air Force colonel who went to night school for twenty-six years and finally got his college diploma. "Ready for inspection, sir!" the kids would shout as he entered. Webb speaks of his father with affection and a certain awe. His father opposed his boxing, joining the Marine Corps, attending law school, and later, becoming a writer. "He brags that he's responsible for my success because at every single decision point in my life he's given me advice that I have ignored," laughs Webb. But, he says, he passed on more than bad advice. "I have my dad's ability to run through a wall. He taught me a lot about leadership. He taught me how to fight."

Webb, unlike North, also seems to have built a career on challenging authority and the conventional wisdom. He does so in the manner of a man so supremely self-assured that he doesn't think twice about questioning things that seem wrong to him. "Jim was not a book soldier," said Mike Wiley, Webb's company commander in Vietnam. "He was a natural combat leader who was not bound by doctrine. He never hesitated to question an order, to say maybe there's a better way."

As a captain working in the Secretary of the Navy's office after Vietnam, Webb published an article that boldly questioned the traditional amphibious mission of the Marine Corps, its statutory reason for being, and called instead for its redesignation as a force in readiness, prepared to move at a moment's notice to any of the world's trouble spots. As he knew it would, the article sent shock waves through the Marine establishment, always paranoid about being abolished and having its mission, flawed or not, assumed by the Army. In 1979, just as the Naval Academy was reaping some favorable post-Vietnam publicity for its seemingly smooth transition to coeducation, Webb's most controversial article, "Women Can't Fight," appeared in *The Washingtonian* magazine. He maintained that a muddleheaded Congress, in ordering the Naval Academy and the other service schools to admit women, had diluted their mission, which he saw first and foremost as turning out combat leaders, a role for which he insisted women were monumentally ill-suited. Despite numerous midshipman requests for him to speak at the Naval Academy, the article led to his being informally banned from his alma mater. Of course, if that article hadn't done it, his Annapolis-based second novel, which portrayed midshipmen as lusty, often profane young men and some officers as petty martinets, would have. *A Sense of Honor* was promptly banned from the Academy bookstore.

No one I spoke to, including several people who do not particularly like him, seriously questioned Webb's judgment (though quite a few disagree with his position on women at Annapolis). Many people, including some friends, worry about North's. One Academy classmate remembers North earnestly insisting that the Soviets were anguished over the United States' involvement in Vietnam because the Americans were going to come out of the war with a combat-hardened army. "I remember thinking this is the craziest thing I've ever heard," the classmate said.

Years later, a colleague on the National Security Council staff had this to say about North: "Ollie is one of those people who will speak to you with equal energy and conviction and will have a plan mapped out in any area. Some of his ideas and plans will be based on a great deal of knowledge and will be really smart things to do. Others will be based on no knowledge and will be really dumb things to do. But you won't be able to tell the difference by listening to him because they will both sound the same. And unless you had your own knowledge of the area, you'd be convinced by him. . . . He knew Central America pretty well. He didn't know anything about Iran."

Don Moore recalled from Vietnam days North's uncanny ability to focus on his assigned mission to the exclusion of everything else. "You know, *wh-o-o-o-sh,* we're not talking tunnel vision, we're talking needlepoint vision, he was boresighted," Moore said. A Marine who served on Okinawa under North recalled that he blended his dedication to duty with stunning attention to detail. "If you took a ——, Ollie North would critique you on how you held your ——," he said.

Milt Copulos put it all together: "If I were a hostage in Beirut, I'd want Ollie to come after me, but I'd want Jim to plan the operation."

Jim Webb and Ollie North saw the American retreat from Vietnam not solely in terms of lost comrades but as the betrayal of an ally as well. In *A Country Such as This,* one of Webb's major characters, a former POW named Red Lesczynski, says to his wife of the withdrawal, "No, I'll *never* get used to it. It's the most deplorable thing this country has ever done. Our country did this, Sophie!"

Watching television footage of the pullout, the humiliated Lesczynski had the same emotions as Webb, then and now: "There was a weakness in his country, in its leaders or maybe its system, that had botched this thing badly, called on citizens to sacrifice and then rebuked their efforts, fading again and again in the clutch. He felt a pulse of fear and for a moment thought he would contact his son and warn him to leave the military, to flee from these cowards and madmen who would ask him to bleed and then whisper that he should be ashamed of his scars." Webb says, "That's about as close as I can come to how I felt."

A Marine officer who has been close to North for years said of his reaction to the American pullout, "He was bitter, real ——— bitter. He said we won the war and they gave it away."

Updating North at the Iran-contra hearings, Bud McFarlane said, "I think for him, when it became a matter of association with the contra movement, that it was again a circumstance in which we had made a commitment to people that he could see we were just about to break, and that the bottom-line consequence of that would be the death of a lot of people—contras—and that he couldn't be party to that."

For Arizona senator John McCain, Annapolis '58, the survivor of five and a half brutal years in a North Vietnamese prison, there remains a crucial distinction between Webb and North, both of whom he knows. "Despite Webb's condescension toward elected officials, he doesn't have contempt," said McCain, "I think Ollie has contempt."

Not long after North returned from overseas, he went back to Vietnam at his own expense to help one of his old troopers, Randy Herrod, defend himself against charges of premeditated murder of sixteen Vietnamese civilians, including several women and children. It was the Marine Corps version of the My Lai massacre, and according to Herrod and his civilian lawyers, North's efforts were not likely to endear him to his superiors, because there was heavy pressure from the top brass in Washington for a conviction. "Ollie took his career in his hands when he came over," said Herrod. Said Harry Palmer Jr., a Herrod lawyer, "They had already convicted two of three and our guy was the leader of the patrol." North was there as a character witness, and at the trial he put on the kind of performance that the nation would see seventeen years later. Head up, feet flat on the floor, hands on his knees, he was, said Palmer, "two right angles." North told the court how Herrod had saved his life and how he had put him in for a Silver Star. The prosecutor "was like a bear cub playing with his you-know-what," said Denzil Garrison, another Herrod attorney. Thanks in large measure to North's testimony, Herrod was found innocent. "We walked the patrol leader," said Garrison, seemingly still amazed by the result.

Webb had little sympathy either for Herrod or for North's impassioned defense, but in 1972 he was drawn into the same case. At that time a staff member in the Secretary of the Navy's office, he was struck by the story of a young Marine named Sam Green. Green had been sentenced to fifteen five-year prison terms as an aider and abettor in the Herrod patrol, and to Webb it was a case of incredible injustice. Herrod, the patrol leader and a veteran of many months in-country, had gotten off. Green, an eighteen-year-old with eleven days in Vietnam at the time of the shootings, had been convicted. Upon his retirement, Webb entered Georgetown Law School and teamed with a seventy-five-year-old real estate lawyer from Cleveland, Green's hometown, to try to win a new trial for Green in a civilian court. The judge denied the motion, saying he could not find grave constitutional error in the court-martial. But he later wrote privately to the Secretary of the Navy suggesting that perhaps a new trial would serve the interests of justice. The Secretary, according to Webb, responded with a form letter. About two weeks later, Green blew his head off. A year after that Webb got Green's dishonorable discharge upgraded to a general discharge, providing some small solace for the family.

The Same Green story only hints at Webb's commitment to Vietnam veterans, whose cause he championed as congressional staffer, senior Reagan administration official, journalist, author, and private citizen. On a personal level, he has never strayed very far from the men who served with him in Vietnam. Ask Dale Wilson. Wilson, who survived the loss of three limbs, graduated from college, has a wife, two kids, and a house he designed himself, got a call from Webb one day in 1977, saying he had shaken loose the Silver Star he had put Wilson in for eight years earlier. Not long after, on Dale Wilson Day in Statesville, North Carolina, Webb showed up with several members of the old platoon, a three-star general from the Pentagon, and the Marine Corps band from Camp LeJeune.

Jim Webb was never what you'd call happy-go-lucky, but friends from Annapolis remember a youthful Tom Sawyer-like quality that would sometimes break through in those days. Whatever it was, it did not make it through the war. "Vietnam changed Jim a great deal," said Glenn Boggs, an Academy roommate who went into the Navy. "I remember talking to him after Vietnam and telling my wife he had had some terrible experience in combat, and it had changed him in a way I'd never understand." Says Webb, "I was probably older when I was twenty-four than I am right now." Friends say his first marriage was a casualty of the war, too. "Jim came back and Barbara didn't recognize him," said an old and close friend. JoAnn, his wife today, was an Army nurse who served in Vietnam. Both her parents were World War II Marines, her father a veteran of Iwo Jima.

Webb entered Georgetown Law School in 1972, after he was forced to retire from the Marine Corps at twenty-six. He fought retirement, but his final option was a limited-duty billet. He turned it down. "I could not continue as a full player, as a line officer." he says. "Everything I've ever done has been 100 percent." He still carries fragments of shrapnel in his head, back, kidney, left arm, and left leg, which sometimes stiffens on him, forcing him to walk with a limp much like North's.

Years later, when I asked why he started writing, Webb mentioned an Auden poem, "In Memory of W. B. Yeats," and singled out the line that reads, "Mad Ireland hurt you into poetry." Georgetown was Webb's Dublin. Rejected by the Marine Corps, the institution that he planned to build his life around, he suddenly saw himself as the Invisible Man as the war was debated and condemned around him by what he saw as a pampered, unbloodied elite. "When I was in the military," he said, "it never occurred to me that this was not an experience being shared by all."

The schims came to a head in his final exam in Criminal Law. The professor, a member of the antiwar clique at the law school who knew Webb's background, often set up situations in which he would use students' names. The first question on the exam was about search and seizure. It involved a Marine sergeant named Webb who tries to ship home some jade in the dead bodies of two Marines from his platoon. Webb would later say—though he would not discuss the incident with me—that he felt like he had been shot as he read the question. "All those broken bodies and nights in the rain. For what? To be laughed at?" said Webb, according to the associate who related the story. Immobilized for a full fifteen minutes, he considered walking out of the exam, but stayed and finished it. Afterward, he confronted the professor, fixing him with a look that Mac McDowell says can crack a rock. "I just want you to know it wasn't funny," he told him. "I went over to Vietnam with sixty-seven lieutenants, twenty-two died, and it wasn't funny." That night, he went through three of the bleakest hours of his life. Even today, he won't talk about it, and he has never written about it. But, he said, "I decided then and there never to take any —— on that again, meaning his Vietnam service. At about that time, he also started to write.

Looking back on Georgetown from the vantage point of a dozen years, Webb expressed little fondness for it but seemed to view it as a valuable experience, in its way akin to plebe year at the Academy. "I'm a combative person, I know I am, and the greatest thing about law school was I learned to fight with my brain," he said. "I clarified something to myself. No matter how much you want to live in the white man's world, you either live by what you believe in or you die."

What are you? I asked Webb. He has four children and at the time the three youngest, all under six, were climbing all over him. "I'm a warrior," he replied. "There's nothing I've ever done that gives me more pleasure than writing. There's nothing I've ever done that is more natural to me than leading and making decisions."

Like much of the rest of the country, North's old classmates clustered around their television sets in July for his six days of testimony before the congressional Iran-contra committees. Several of them mentioned a brief exchange between North and House counsel John Nields that you could have easily missed if your ears weren't tuned to the right pitch. Nields, his longish hair drifting along his collar, referred North to a document.

"That is a chronology that bears the date and time, November 17, 1986, two thousand—which I take is 8 p.m.," said Nields.

"Twenty hundred," corrected North.

"I'm sorry, twenty hundred," said Nields.

"Military time," deadpanned North.

Some of North's friends said they laughed like hell, that it was as if Ollie had tipped the table and Nields's carefully prepared case had slid crashing to the floor like so many elegant place settings. It hadn't, of course. What they heard was a generation cracking along a fault line that first appeared in American society some two decades earlier and has haunted it ever since.

For weeks I roamed the country searching for the real Jim Webb and Ollie North. After some initial hesitation, Webb talked to me, but not about North because of the complicated bureaucratic situation. I wasn't able to talk to North, who at the time was keeping his head down as he awaited the outcome of the special prosecutor's investigation. There were other frustrations, as there always are in trying to understand human complexity. Late in the game, though a fundamental distinction dawned on me. I decided that Jim Webb had a sharply defined silhouette. The more I probed, the more fascinating things I would find, but they would always fit neatly behind that silhouette. Ollie North, I decided unhappily would always be a moving target, a shimmering silhouette, with tongues of flames occassionally flaring out to surprise and bewilder me. If I continued the quest, I realized, I would become a kind of quaint madman, passing from person to person, my trousers rolled, growing smaller and smaller, almost there, never quite. I asked Jake LaBoon, the priest who knew both North and Webb well, to describe the differences for me. "Jim is a much deeper thinker," he said. "I think he doesn't show his emotions as easily as Ollie does. I wouldn't say he is unemotional, but Jim is very reserved." And Ollie? "Ollie," he said, pausing, smiling, "Ollie is champagne."

I explained my frustrations to North's friend, Tom Hayes, who said, "You can't pin him down. He's like mercury. Try to put your finger on him and he squirts somewhere else." Will I ever get a fix on him? "I think you're gonna get no closer," he replied.

The fact is, there were little things about Webb that bothered me, too. His self-assurance is formidable, possible rendering him less capable of even short forays into uncertainty such as he made at Georgetown years ago and which, however painful, led to such explosive personal and creative growth. At one point, he said to me, "It's not easy being Jim Webbs brother and it's not going to be easy being Jim Webb's son." He's right about that, but people who talk about themselves in the third person make me uneasy, as if they are playing themselves back to themselves.

I finally decided that it didn't matter. In trying to make all the diverse elements of North's and Webb's personalities fit neatly together, I had ignored their essence. They were what they were, highly motivated, courageous soldiers, among the best of their generations young military leaders. But within that elite circle, Webb was better, more suited for high command by virtue of his superior judgment and analytic ability. North eventually might have developed that, but at the time of Iran-contra he was still taking the message to Garcia. He was John LeCarré's "honourable schoolboy," Jerry Westerby, telling the introspective, doubt-wracked Smiley, "Sport . . . you point me and I'll march. Okay? You're the owl, not me. Tell me the shots, I'll play them."

North has been called a zealot, and I think that's true. But he was not, in the final analysis, an ideological zealot; he was a zealot about the mission, whatever it was. Unlike Webb, it was not in his nature to question the mission any more than it was to tell anyone he was in over his head, which he most assuredly was. A couple of things occurred to me as I tried to figure out why I thought Webb fit into all of this. Carlton Sherwood, a Pulitzer Prize-winning reporter friend of Webb's, told me that Webb had learned something from Vietnam that Ollie hadn't—that no nation can fight a war while the government and the public are arguing the moral rightness of that war. He also said that Webb had not wanted to take the job as Navy Secretary but felt an obligation to "walk the point" one last time. "He's on watch," Sherwood said, "for those who served and died with him." Webb said something like that in a Memorial Day speech last year at Arlington National Cemetery. "The first duty is to remember," he said. "Those of us who have seen war's ugliness know that a battlefield does not honor its dead. It devours them without ceremony. Nor does a battlefield honor heroes. It mocks their sacrifice with continuing misery and terror. It is for those who survived to remember sacrifice, and to honor our heroes." People told me that Webb can be mean and vindictive as well as overbearing and self-important. "No one is as good as what's written about Jim,' said a classmate who knows him well, "but he's almost that good." For all Webb's accomplishments, though, what stood out most for me was how he, more than anyone I'd heard of, had embraced the cardinal precept of the Marine Corps and taken care of his men, not just in Vietnam but for nearly two decades after. "I would place my life or my family's life in his hands," said Mac McGarvey. "Our relationship is a little deeper than blood." What I wish for Ollie North is that his old rival had been posted at the White House when he was there. Whether Webb liked it or not, he would have then felt duty-bound to watch North—and watch out for him.

Jim Webb took the oath of office as Secretary of the Navy on April 10, but there was a ceremonial swearing-in at Annapolis three weeks later. Twenty-three members of Webb's old platoon were there. In his speech, he asked them to stand. Those who could, did. "While the rest of our country debated the war or ignored it, these twenty-three men picked up twenty-seven Purple Hearts," he said. "We owe them a lot more than our thanks, but I thank them for their service." He performed his first official act at the reception that followed as he interrupted the seemingly endless receiving line to pin a Bronze Star on a flabbergasted Mac McDowell, the man whose life he had once saved. Webb had put McDowell in for the medal eighteen years earlier. Like Dale Wilson's Silver Star, it has been swallowed up by the bureaucracy.

Webb invited the entire Class of 1968 to the ceremony, and some two hundred classmates came, from all across the country. His staff worried that North would show up and turn the day into a media circus. One day Webb got a formal letter from North, who was still two months from delivering his gripping, in-your-face congressional testimony. "Dear Mr. Secretary," it began. North congratulated Webb but said he would not be coming. Given his current circumstances, he said, his presence would only be a distraction. Webb responded with a handwritten note that said, in effect, you're a classmate, —— everybody else, Semper Fi—Jim. North stayed home.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 19, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

9:00 a.m.

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold oversight hearings on the implementation of P.L. 100-276, to provide assistance and support for peace, democracy and reconciliation in Central America.

SD-419

Judiciary

To resume hearings on proposed legislation authorizing funds for the Department of Justice, focusing on activities of the civil division.

SD-226

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for technology programs of the Department of Commerce.

SR-253

Labor and Human Resources

Handicapped Subcommittee

To continue hearings on assistive technology programs for the handicapped, including S. 1586, to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers.

SD-430

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on certain provisions of the U.S.-Canada Free Trade Agreement, signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada.

SD-538

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1461, to convey certain lands to the YMCA of Las Vegas, Nevada, S. 1687, to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson, and S. 2264, to exchange certain Federal mining rights for certain lands in New Mexico.

SD-366

Finance

Social Security and Family Policy Subcommittee

To resume hearings on the long-term status of Social Security trust funds.

SD-215

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 929, Volunteer Protection Act.

SD-226

11:00 a.m.

Judiciary

To hold hearings on the U.S.-Canada Free Trade Agreement, signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada.

SD-226

MAY 23

8:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Departments of the Interior and Energy.

S-128, Capitol

10:00 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on the Department of the Interior's royalty management program.

SD-366

1:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

To hold oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).

SR-332

MAY 24

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor and space nuclear power research and development programs.
SD-366

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the conclusions and recommendations of the President's "Working Group on Financial Markets."
SD-538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To resume hearings on children's health care issues.
SD-215

Judiciary
To resume hearings on proposed legislation authorizing funds for the Department of Justice, focusing on activities of the criminal division.
SD-226

2:00 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on tourism as an export.
SR-253

3:00 p.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider S. 1776, to require U.S. coins to be redesigned, to require that one coin be redesigned to commemorate the Bicentennial of the U.S. Constitution, and to require profits from the sale of proof sets of U.S. coins to be used to reduce the national debt, H.R. 3251, to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress, certain provisions of S. 1987, to establish a separate program to provide housing assistance for Indians and Alaska Natives, proposed legislation to extend the McKinney Homeless Assistance Act, and pending nominations.
SD-538

MAY 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Judiciary
Constitution Subcommittee
Business meeting, to consider proposed Constitutional amendments to provide for a balanced budget for the Federal Government, including S.J. Res. 3, S.J. Res. 4, S.J. Res. 8, S.J. Res. 11, S.J. Res. 25, S.J. Res. 50, S.J. Res. 112, and S.J. Res. 161.
SD-608

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on current and expected world wheat demand and the status of the United States marketing tools.
SR-332

Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the banking industry.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 2384, to authorize funds for fiscal years 1989, 1990, and 1991 for programs of the Atlantic Striped Bass Conservation Act.
SD-406

Governmental Affairs
To hold hearings on issues relative to alcoholism.
SD-342

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1996, to grant United States district courts personal jurisdiction over citizens and subjects of foreign states in certain product liability actions, and certain provisions of S. 2274, Administrative Dispute Resolution Act of 1988.
SD-226

Veterans' Affairs
To hold hearings on S. 1997, to reduce the monthly reduction of an individual's basic pay for the provision of basic educational assistance and provide for the payment to survivors of basic educational assistance paid for, but unused, by the participant, provisions of H.R. 4213, Montgomery GI Bill Amendments of 1988, and S. 2307, to make certain improvements in the educational assistance programs for veterans and eligible persons.
SR-418

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the local rail service assistance program and related measures, including S. 2174 and S. 2195.
SR-253

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1967, to provide for the establishment of the Tallgrass Prairie National Preserve in the State of Oklahoma.
SD-366

Governmental Affairs
To continue hearings on issues relative to alcoholism.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on the Pacific rim nations.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the thrift industry.
SD-53

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation, and the Federal Maritime Commission.
SR-232A

Finance
To resume hearings on children's health care issues.
SD-215

Judiciary
To resume hearings on proposed legislation authorizing funds for the Department of Justice, focusing on civil rights.
SD-226

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the impact of the U.S.-Canada Free Trade Agreement on Transportation.
SR-232A

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings to review the annual report of the U.S. Postal Service.
SD-562

Judiciary
To hold hearings on pending nominations.
SD-226

Select on Indian Affairs
To hold oversight hearings on the Federal Acknowledgment Petition (FAP) process for Federal recognition of Indian tribes.
SR-485

JUNE 6

2:00 p.m.
Governmental Affairs
To hold hearings on issues concerning acquired immunodeficiency syndrome (AIDS).
SD-342

JUNE 7

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Karen B. Phillips, of Virginia, to be a Member of the Interstate Commerce Commission.
SR-253

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of

Labor, Health and Human Services, and Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings on budget reform.
SD-342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.
S-126, Capitol

Rules and Administration
To hold hearings on S. 1786, to establish a series of six Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States.
SR-301

JUNE 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Governmental Affairs
To resume hearings on issues concerning acquired immunodeficiency syndrome (AIDS).
SD-342

2:00 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings to review youth employment issues and related provisions of Title II of the Job Training Partnership Act.
SD-430

JUNE 9

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 2011, to increase the rate of VA compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, S. 1805, to protect certain pensions and other benefits of veterans and survivors of veterans who are entitled to damages in the case of "In re: 'Agent Orange' Product Liability Litigation", and to hold oversight hearings on activities of the Board of Veterans' Appeals, and related matters.
SR-418

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2221, to expand national telecommunications system for the benefit of the hearing impaired.
SR-253

JUNE 10

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for migration refugee assistance, international narcotics control and antiterrorism programs.
S-128, Capitol

JUNE 13

9:30 a.m.
Special on Aging
To hold hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.
SD-628

JUNE 14

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
S-126, Capitol

JUNE 16

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
SD-192

9:30 a.m.
Governmental Affairs
To resume hearings on issues relative to alcoholism.
SD-342

Veterans' Affairs
To hold hearings on S. 2207, to authorize the Administrator of Veterans' Affairs to provide assistive simians and dogs to veterans who, by reason of quadriplegia, are entitled to disability compensation under laws administered by the Veterans' Administration, S. 2105, to extend for 4 years the authority of the VA to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities, and S. 2294, to extend the authority of the VA to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel.
SR-418

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).
SR-332

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
Room to be announced

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on Japanese patent policy.
SD-253

JUNE 27

2:00 p.m.
Governmental Affairs
To resume hearings on issues relative to alcoholism.
SD-342

JUNE 29

10:00 a.m.
Governmental Affairs
To resume hearings on issues relative to alcoholism.
SD-342

JULY 11

9:30 a.m.
Special on Aging
To resume hearings to examine certain problems and challenges surrounding the provision of health care to rural communities, and to review recommendations and innovative strategies to deal with these problems.
SD-628

JULY 14

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricutural Credit Subcommittee
To resume oversight hearings on the implementation of the Agricultural Credit Act (P.L. 100-233).
SR-332

CANCELLATIONS

MAY 19

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

MAY 25

9.30 a.m.
Commerce, Science, and Transportation
To hold hearings on insurance antitrust matters.
SR-253

SENATE—*Thursday, May 19, 1988*

(Legislative day of Wednesday, May 18, 1988)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DENNIS DECONCINI, a Senator from the State of Arizona.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Have not I commanded thee? Be strong and of a good courage; be not afraid, neither be thou dismayed: for the Lord thy God is with thee whithersoever thou goest.—Joshua 1:9.

* * * *I will never leave thee, nor forsake thee.*—Hebrews 13:5.

Father in heaven, omnipresent Lord, I pray for the loneliness of leadership when the moment of decision comes—when personal destiny hangs in the balance. When all counsel has been given and received—advisers, staff—friends have done all they can do and the leader stands alone in the decisive moment; when cosmic issues of profound significance challenge with critical implications for people, nation, and world; when conscience struggles with ambivalence and simple solutions do not apply—help leadership remember there is One who never leaves—never forsakes. His counsel is instantaneous and trustworthy—whether by strong certainty despite political risk—a still small voice within—persistent, intuitive impulse or gentle restraint. In these moments of maximum test for leadership, grant to Senators the courage to trust You and discover the reality of the presence of Him who never fails. In His name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DENNIS DECONCINI, a Senator from the State of Arizona, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. DECONCINI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader, the Senator from Wisconsin, is recognized.

RESERVATION OF LEADERS' TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority leader be reserved for his use later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I reserve my time.

The ACTING PRESIDENT pro tempore. The minority leader reserves his time.

WHAT'S THE FUTURE OF THE AMERICAN ECONOMY? NO ONE KNOWS

Mr. PROXMIRE. Mr. President, astrologers are not the only forecasters who have suffered criticism in recent weeks. The Nation's top economic forecasters have also taken their lumps. Of course, there is a difference. Why did the economic seers, for example, so universally miss the economy's solid growth since the market crash on Black Monday, October 19? The May 9 Wall Street Journal complained that it was not the economists' fault that their forecasts have been so unreliable, it was the fault of the statistics. The brilliant economic commentator, Alfred Malabre contends in a front page Wall Street Journal article on May 9, that former Federal Reserve Board Chairman Arthur Burns "regarded improved statistical radar as a reassuring safeguard against any repetition of the Great Depression." America's economic policymakers were, in the view of Burns, flying blind into the devastating economic storms of the worst depression in American history, so they crashed. Malabre quotes the highly respected Geoffrey Moore as "lamenting the manner in which the Commerce Department puts together its monthly series on contracts and orders for plant and equipment." Malabre quotes the often cited economic forecaster, Lacy Hunt, as calling the leading indicators index "antiquated" and "no longer relevant to the economy's actual performance or prospects."

This Malabre column expressing the opinion of a leading Wall Street Journal editor is specially notable because it denounces the Reagan administration for failing to permit the Government to spend enough money so that economists could look more clearly at the signs that could tell us where the economy is going. When this bastion of all-out conservatism on Federal Government spending calls a conservative Republican administration penny-wise and pound-foolish because of its frugal approach to data gathering, Members of the Congress should sit up and take notice.

On the other hand, Mr. President, this Senator has long believed that the greatest economic illusion is that anyone can foresee the future even with the most relevant and comprehensive statistics. That we can ever achieve such foresight is truly a pathetic fallacy. It is also a virtually universal conviction. Few people believe in astrology or in crystal ball gazers, or in the pronouncements of Nostradamus, but put just a little gram of reason in your predictions, tie the economic future to the change in new factory orders or falloff in housing permits, claim that this will forecast future economic activity, and you begin to pick up believers. If you proceed to put additional statistics together, give them the aegis of a great department of the Federal Government like the Labor Department or the Commerce Department, then you are on your way. The believers become a flood.

Take the survey reported last June in Consumer Reports of the experience of 400 stock mutual funds. The survey traced the record of each of these funds for a period of 5 years. The funds were run by "professionals" who were paid, and generally well paid for their knowledge of the economic forces that move security values. Many of these managers are known to rely heavily on the most logical predictors of security values. That would, of course, mean the statistical indicators of the future course of interest rates, personal income, inflation, and employment. To determine how well the pro's were doing, Consumer Reports in their June 1987 issue compared the performance of these funds with the performance of the Standard and Poor index of 500 stocks. So how well did these well-paid professionals do in forecasting the performance of the securities and the economy on which the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

price of securities was based? A reasonably good record would show 300 of the 400 mutual funds did better than the automatic performance of the S&P 500. Obviously, if only 200 did better and 200 did worse than the index, the mutual fund managers were worthless. Any child could simply buy the S&P 500 and break even. What if only 100 of the "professionals" improved on the S&P 500? Then 300 did worse than a wholly uninformed investor who just bought the S&P 500. With a record of 100 funds better than the S&P 500 and 300 funds worse, the overall professional economic managers were less than worthless.

So what was the record of the trained financial experts? Are you ready for this? Exactly 8 of the 400 mutual funds improved on the performance of the S&P 500. That is right, eight. That is 2 percent. Literally 98 percent of the mutual fund professionals flunked the test. These pro's would have done far better if they had consulted their neighborhood astrologer.

Mr. President, the purpose of this speech is not to give astrology a boost. The purpose of this speech is to assert the plain and simple fact that we cannot foresee the future of this economy of ours. We cannot predict the course of interest rates for 1 week or for the next 10 years. We cannot predict the future unemployment level in this country. We cannot predict personal income, or business investment, or farm prices, or housing starts, or automobile sales. And we certainly cannot predict the overall aggregate effect on the American economy as a whole from these disparate unpredictable factors, all of which are critical to the course of our economy.

Nothing is harder for fallible human beings to accept than the hard, cruel fact that we cannot predict the future of this more-complex-than-ever economy of ours or how it will perform in the future. But the surest mark of honesty and maturity in an economist is his confession that he just does not know, nor does anyone else, where our economy is going in the future.

Mr. President, I ask unanimous consent that the column to which I referred by Alfred Malabre in the May 9 Wall Street Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 9, 1988]

SHAKY STATISTICS POSE PERIL FOR FORECASTERS

(By Alfred L. Malabre, Jr.)

NEW YORK.—Arthur Burns, a close student of business-cycle history, regarded improved statistical radar as a reassuring safeguard against any repetition of the Great Depression. In the years preceding the big slump of the 1930s, as the noted economist often recalled, the nation's policy makers were "flying blind," devoid of such now-familiar monthly data as the Commerce Department's index of leading indicators. Even as basic a number as the unemployment rate wasn't compiled regularly.

Mr. Burns, 25 years old when the Great Depression began, is gone. But one must question whether he would still find very much reassurance in the statistical radar available nowadays to policy makers.

It's not that too few numbers are available today, as was the case when the Great Depression struck. Some important statistics have been scrapped by the Regan administration, to be sure. But the main difficulty now is that much of the available data, unadjusted for a fast-changing economy, appears in need of major overhaul.

Things have reached a point, in fact, where many economic forecasters share the dismay of Lacy Hunt of Carroll McEntee & McGinley. Writing recently in this paper, he called the Commerce Department's leading-indicator index "antiquated" and "no longer relevant" to the economy's actual performance or prospects. He concluded that the barometer "should be abandoned."

Economists are finding all sorts of problems with the numbers coming from Washington's data mills.

Geoffrey Moore, a former U.S. commissioner of labor statistics, laments the manner, for instance, in which the Commerce Department puts together its monthly series on contracts and orders for plant and equipment, a key component of the leading-indicator index.

In the real world, increasingly, such orders are placed with foreign firms. Economists at Goldman, Sachs & Co. estimate that U.S. imports of capital goods have roughly tripled, to nearly $100 billion annually, in the last five years. This is far sharper than the overall rise in capital outlays of about one-third in the same period.

Yet, Mr. Moore notes, the Commerce survey still reflects only orders received at firms operating in the U.S. The economist, who now heads the Center for International Business Cycle Research at Columbia University, maintains that a broader survey, encompassing all such orders, imports as well as those placed domestically, could readily be constructed. However, he adds, "that would cost some money that the government doesn't seem willing to spend."

Interestingly, the plant-and-equipment series was among the few components of the leading-indicator index to decline in both February and March, the latest months available and ones in which the index as a whole rose briskly, suggesting stronger economic growth ahead. Were the plant-and-equipment series broad-based, it seems reasonable that the leading-indicator index would have risen still more briskly.

It also seems likely that fewer forecasters would have seriously underestimated the economy's actual strength in recent months. Overall economic activity rose at an annual rate of 2.3% in the first quarter. Yet as recently as early March, the 50 forecasters polled each month by Blue Chip Economic Indicators, a newsletter, reckoned on average that the economy's first-quarter rise would amount to only 0.7%

The economic role of service businesses which has expanded greatly over the years also tends to be neglected. Indeed, had the vigorous service sector received more attention in the leading-indicator index, the economy's recent strength would surely be less of a surprise.

Most of the 11 series that make up the Commerce index focus entirely or in large measure on the economy's goods-producing sectors. The component measuring weekly hours of work, for example, is for only nonsupervisory workers in manufacturing. It is worth noting that this series, like the plant-and-equipment series, showed a decline in February and March.

Efforts are under way, it should be added, to improve the situation. Mr. Moore's Columbia group is constructing a new set of indexes focusing on activity in the service sector. And, with a grant from the Alfred P. Sloan Foundation, the group has prepared for consideration by Commerce officials a revised, expanded leading-indicator index of 15 components.

The recommended additions include the Dow Jones price index for 20 corporate bonds; a measure of the number of businesses in operation, including service firms; and a series showing the rate at which workers are being laid off.

The Labor Department compiled such a series for many years, and it was a part of the leading-indicator index. But the agency abandoned the statistic early in the Reagan presidency in a cost-cutting move. In its place is an unemployment-claims measure that many analysts deem less useful than the layoff rate as an economic precursor.

Also scrapped was a series showing the rate at which workers quit their jobs. Some forecasters viewed this series as a better barometer of consumer confidence than any survey since, as Mr. Moore says, "it takes real confidence to quit your job."

If Arthur Burns was even half right, the recent frugal approach to data-gathering could prove penny-wise and pound-foolish. In any event, with today's fast-changing economic scene, improving the statistical radar seems an urgent matter.

ROBERT BYRD—A SENATE LEADER FOR ALL SEASONS

Mr. PROXMIRE. Mr. President, in 8 short months our revered majority leader, the senior Senator from West Virginia, will step down to take on another demanding yet fulfilling job, the chairmanship of the Senate Appropriations Committee. His tenure as both majority and minority leader will at that point be an impressive 12 years. Only Joe Robinson, Mike Mansfield, and Alben Barkley, three names that loom large in the history of the Senate, will have served longer in the position of Senate majority and/or minority leader.

Senator BYRD has one distinction that sets him apart from all other Senate leaders, to the best of my knowledge and that is he has had a longer tenure as minority leader than any other majority leader in the Senate's history. I suspect that his difficult and at times frustrating 6-year tour of duty in the minority will prepare him well for the roadblocks he most certainly will encounter as Appropriations Committee chairman in coping with all of the difficulties attendant upon our efforts to bring the budget into balance and at the same time fund vital national priorities.

There is no doubt in my mind that the skills our distinguished leader has honed in dealing with the many problems and conflicts, both real and potential, that confront him daily on this Senate floor will stand him in good stead as he tries to meet a multiplicity of funding demands within the Spartan framework of the Balanced Budget Act. His consideration, unfailing courtesy, and truly remarkable grasp of procedural and substantive detail are attributes he will need in his new job, as Appropriations Committee chairman, a job for which he is extraordinarily well prepared.

In conclusion, Mr. President, I want to express my deep thanks to the majority leader for his kindnesses to this Senator. Without his willingness to keep me informed of when rollcall votes were expected, to take one example, it would have been extremely difficult for me to compile my record of 10,000 votes without a miss. I also want to congratulate him on his marvelous work as Senate leader. And last, but certainly not least, I want to wish him the very best as he takes on another challenging and prestigious job as chairman of the Senate Appropriations Committee.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from West Virginia.

KOREAN NATIONAL ASSEMBLY ELECTIONS

Mr. ROCKEFELLER. Mr. President, in the last 24 hours, American television sets have shown a good deal of disruption and some student rioting by a very small minority of students, but nevertheless some student disturbances within the Republic of South Korea. it would be natural for people to inquire whether or not this portends poorly for the future.

I do not think so and I would like to put a little bit of perspective on the Korean situation as I see it.

Mr. President, on April 26, South Korea took another dramatic step on its historic road to democracy when they held the first National Assembly elections under the new constitution. The vote gave the Democratic Justice Party of President Roh Tae Woo 125 out of the 299 seats. The opposition parties received the following votes in this election: Kim Dae Jung's Party for Peace and Democracy—70 seats; Kim Young Sam's Reunification Democratic Party—59 seats; Kim Jong Pil's New Democratic Republican Party—35 seats. Independents won 10 seats.

The significance of these statistics is profound. For the first time, the ruling party will not have a majority in the National Assembly. For the first time, the Government will have to work closely with the different parties in the National Assembly and practice the arts of dialog, compromise, and accommodation. A comment by President Roh Tae Woo following the election sums it all up for me when he said "the election results could expedite the process of political maturity."

Mr. President, this election demonstrates that Korea's historic return to democracy is succeeding. Despite some allegations of voting violations, the result of the election speaks for itself. What is most significant is what has not happened. There has been no violence associated with these elections. There has been no election fraud. The military has not become involved. The ruling party has accepted the results of this election.

Mr. President, democracy does not develop and flower overnight.

I have to say that sometimes I grow impatient with my American friends and even some of my Senate colleagues when they want to see a country developed by a hierarchical system into a democracy literally in a week. It does not work that way.

It took the United States a century to free the slaves, a century and a half to grant the right to vote to women, and two centuries to guarantee equal opportunity to our minorities. The decision to follow democratic principles was made in Korea less than 1 year ago. South Korea has made dramatic progress in that very short time, and I have every confidence that we are now seeing the successful institutionalization of democracy in this critically important ally to America.

The challenges to Korea are enormous, and they remain so. Only 25 or 30 years ago, they were a struggling, hungry nation just after the Korean war where people were literally eating bark off the trees in order to survive. They have come so far economically and, in terms of democracy, impresses this Senator very much.

We must do everything possible to encourage and to support the people of Korea in their historic and, so far, successful efforts.

I thank the Chair, and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

LESSONS LEARNED

Mr. GRASSLEY. Mr. President, George Santayana, the American philosopher, said in one of his well-known quotes:

> Those who cannot remember the past are condemned to repeat it.

Yesterday in opening remarks, speaking to the history of arms control pacts, I started my statement with that same quotation from George Santayana because I want my colleagues to not only consider the INF Treaty, as important as it is, but to consider efforts toward disarmament historically so that we can learn from the mistakes of the past.

The last time I spoke about the INF Treaty, I concerned my remarks about previous efforts at arms control and how it related to our present debate. I focused yesterday on the Washington Naval Treaty of 1922 and the experience the United States faced with Japan over this treaty.

There were, indeed, lessons to be learned, Mr. President, from our dealings with Japan in that pact: Being lulled into a lax defensive posture; or treaty interpretations by Japan which they pushed to their advantage; and yesterday I spoke about the "proportionate response" by President Roosevelt that prevented the Japanese advantage from overwhelming us even though it caught us off guard, at the beginning of World War II.

I would now like to discuss the experience that Great Britain had in dealing with the Axis powers over naval arms control, particularly navy, because I feel there are equally important lessons to be learned from that relationship.

The most salient point that emerged from the British experience was the constant failure to act in the face of repeated German and Italian violations of treaties. The parallel between that situation and the recent record of noncompliance by the Soviet Union is obivous.

By the terms of the Versailles Treaty, Germany was to be disarmed, although this, in fact, never happened. A Control Commission was set up to supervise the disarming. The Commission also had the authority to conduct onsite inspections for violations. This sounds very similar to the Special Verification Commission and the onsite inspection provisions that are much touted in the current INF Treaty.

The results obtained by the Commission were minimal at best and Germany did everything it possibly could to obstruct, deceive, and counter action by the Commission.

Again, Mr. President, the parallel between that Commission and the ineffectual Standing Consultive Commission set up to monitor SALT violations is striking.

By the 1930's, the British Government knew that Germany, under the Weimar republic, had not disarmed, especially in naval armaments, and yet did absolutely nothing about it.

Germany had clearly violated the arms control provisions of the Versailles Treaty in a major way but the British Government was either unwilling, unable or both, to take any effective action. In 1935, Hitler began the serious and not so secret build up of the German military.

What was the British response to Hitler's initiatives? They rushed to sign an Anglo-German naval agreement which was supposed to limit German naval forces to 35 percent of Britain's in each class of warship.

So in spite of a "pattern of German violations" of the Versailles Treaty and a "sudden rush" toward an increased military force, the British concluded a naval arms control pact.

After the signing of the pact, numerous German violations were discovered, only to be ignored by the Admiralty and the British Government in general. The famous battleship *Bismark* was built in violation of the treaty, but the Admiralty blindly accepted German technical data that asserted the ship was within treaty limits, in spite of evidence to the contrary.

At the same time, the British Government was putting excessive trust in the treaty and built their ships to comply or even fall below treaty limits. The result was a class of battleships, the *George V* class, that was markedly inferior in combat to the *Bismark* battleships.

Like the United States in dealing with Japan through the Washington Naval Treaty of 1922, the British Government, by overly complying with the spirit of the treaty, had relegated themselves to an inferior position as the Germans significantly violated the treaty throughout the 1930's.

Unfortunately, British inability to act decisively was not limited to Germany. Italy too, was violating the 1922 naval treaty in a flagrant way. By 1936, Italy's battle cruisers were more than 10 percent above treaty limits. The British had positive proof of these violations. After much deliberation, the Government decided to ignore them and do nothing about it.

What can we learn from this lesson from history? One major fact seems to be the different ways democracies, on the one hand, and totalitarian regimes, on the other, approach the spirit of an arms control treaty.

Great Britain and the United States approached the treaty as a positive step in reducing tensions and overcomplied with the treaty by reduced building and constructing ships that were below treaty limits.

The totalitarian regimes, on the other hand, pushed the treaties to their allowable limits, seeing the treaties as a way to improve their military or political position.

Another factor that emerged was the willingness of the totalitarian governments to violate the treaties whenever they felt their violations would go undetected, or if detected, fail to provoke any meaningful response from the other side.

This was the case with Germany and Italy in the face of the British lack of will to act. Violation after violation occurred on the part of the Axis with no fear of reprisal, which only served to encourage them to ignore the arms control treaties with impunity.

We all know the ultimate outcome of this behavior, as the world was thrown into another military cataclysm, World War II.

For us today, Mr. President, taking these lessons to heart, we need to make sure that we are not lulled into a false sense of security by this INF Treaty and, more important, in a followup START Treaty.

There is an irresistible impulse to see the INF Treaty as an arms control breakthrough which will facilitate future agreements between the Soviet Union and the United States. Let us hope such a breakthrough happens as a real fact. But, the INF might create a climate, similar to the post-World War I period, where we mistakenly see a significant peace initiative taking place and "give away the store" to the Soviets in an arms control euphoria. We must remain vigilant, maintain a strong defense, and not let ourselves fall behind in areas not covered in the treaty.

Another key lesson we can gain from the past is that we can and should expect violations to the treaty and be prepared to take positive steps to counter any violations. We need to demonstrate to the Soviets that we will not allow violations to take place and that we have the will to act in the face of violations.

A positive compliance policy is necessary to put the Soviets on notice that we cannot and will not tolerate violations to this or any treaty that we sign with them.

In closing, let us not ignore the lessons of the past, the lessons, for instance, of the Anglo-German Naval Treaty of 1935, or the Washington Naval Treaty of 1922, and not make the same mistake that democracies made earlier this century in negotiating with totalitarian regimes without a will to see that the treaties are abided by. The stakes are much higher this time in the nuclear era for all of us to fall into the same traps that allies did with earlier arms control pacts prior to World War II.

Mr. President, I notice the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEATH PENALTY

Mr. D'AMATO. Mr. President, question has arisen with respect to the amendment that I have offered on behalf of a number of my colleagues dealing with the death penalty for those druglords and kingpins who order the assassination or the killing of police officers and others or for those who with reckless disregard, no care for their actions, bring about the death of another as we have seen so often throughout this country, indiscriminate killing, raking of neighborhoods with machinegun fire, semiautomatic weapons.

In the fact that an amendment is now pending to the defense bill, there have been those who have questioned, why bring this amendment up to the defense bill? What relevance does it have? Well, it may be somewhat ironic, Mr. President, but let me suggest we have been fairly successful in dealing with the defense of this country, dealing with the Communists. We have not been nearly so successful in terms of dealing with the problem of domestic tranquility and the violence that has taken place in our neighborhoods and that besets our communities, the ravages of the drug epidemic. I am not suggesting, Mr. President, that the death penalty is going to win the war on drugs. I am suggesting to you that it is an appropriate punishment for those who deliberately execute police officers, for those who deliberately use that violent method to enforce their terror in neighborhoods or on their drug gangs.

I am suggesting to you that, ironic as it may seem, this defense bill may be the most appropriate place by which to have a vote and determine whether or not we are serious or whether it is just political rhetoric as it relates to galvanizing all of our forces, the military for the detection and the interdiction of the drug runners and, yes, to give protection to our police officers who all too often have become the indiscriminate targets of the druggers.

Mr. President, I have attempted to work this out. I have been meeting with the leadership, Senator DOLE and Senator BYRD and others, on a compromise not to hold up the defense bill. Let me suggest right here I am ready for a vote at any time on our amendment. As a matter of fact, I would agree to a time limitation. I would agree to no debate. If the Senate is against it, then so be it.

Mr. President, to simply lay aside this amendment, to handle it as a freestanding amendment, even to have a time certain and prescribed and designated, and to pass it overwhelmingly in this body, is to perform a disservice to the American public when we know that it meets a sure and certain death in the House of Representatives. That is why I have indicated along with a number of my colleagues on both sides of the aisle that we will continue to press forward to have a determination on this matter one way or another so that when the defense bill goes to the House we will have an opportunity to have this matter considered. And it may very well be by way of parliamentary maneuver, et cetera, that the Speaker is able to kill this. The fact is we should not be willing accomplices to defeating a legitimate death penalty bill for the drug dealer who will mete out death to our police officers, to anyone who impedes him; that this is a legitimate issue and that the action of the Senate should not be stilted.

So, Mr. President, although I want to see progress on the defense bill—I am not impeding it. I do not choose to hold it up—I do say let us have a vote on the death penalty. You cannot have it two ways. You cannot say you are for it and yet assign it to the graveyard. That is exactly what is taking place. We have those who would say it has no place here while those same people who say it has no place here would not support it any other place. What they want to see to is that it is never enacted. That is their right. I for one am not going to allow them to beat us down, to point the finger of guilt at us for delay, because we are not delaying. Those of us who are proponents of this measure are not delaying.

Mr. President, I ask unanimous consent that an editorial which appeared in the New York Post today be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

D'AMATO'S RX FOR DRUG KINGPINS

Sen. Alfonse D'Amato thinks drug-dealing killers should pay for their crimes with their lives—and he's making that point in a big way.

D'Amato refuses to withdraw an amendment to the Pentagon's 1989 spending authorization bill which would establish a federal death penalty in drug-related murder cases.

New York's junior senator is right on the money—he should continue to stand fast.

Not that doing so will be easy. Despite the fact that a clear majority in the Senate supports the D'Amato amendment, Senate Majority Leader Robert Byrd (D-W.Va.) has ordered the $299.5 billion spending bill set aside for the time being.

Byrd is anxious for the Senate to ratify the INF treaty before the upcoming Moscow summit, and the majority leader says protracted debate over the D'Amato amendment would delay ratification.

Such debate is indeed a certainty. A number of senators—Edward M. Kennedy (D-Mass.) and Carl Levin (D-Mich.) among them—are implacably opposed to the death penalty. And this group promises a filibuster.

These legislators would do well to try to explain their case to the families of Edward Byrne and Anthony McLean, two New York City cops shot to death by drug dealers just this year.

Or to the family of NYPD Sgt. John McCormick, who also died in a drug-related incident a couple of weeks back.

Or to the families of civilians—literally scores of them—who have died in the city's raging drug-related turf wars in recent months.

New York, of course, is far from unique in suffering this affliction.

D'Amato points out that of the 66 cops who were killed in the line of duty throughout the U.S. in 1986, at least 23 were the victims of individuals with drug-related arrest records.

Hard figures of more recent vintage are not available, but the overall murder rate is on the rise in every big city in the land—and drugs are the key cause.

D'Amato would not mandate the death penalty for drug lords. But they—and the hitmen they hire—would be subject to it if a jury decides that aggravating factors in a given killing warrant consideration of capital punishment.

D'Amato's amendment is targeted specifically at narcotics kingpins. For the death penalty to apply, the prosecution would have to prove that the killers were engaged in a "continuing criminal enterprise"—i.e., a conspiracy—and that the murder in question was committed as part of that conspiracy.

The amendment is carefully constructed so that it will meet the constitutional standards set by the U.S. Supreme Court. It should have no trouble on those grounds, and—in fact—it should have no trouble in the Senate. Were it not for the timorous Byrd, the bill would likely have passed this week.

But there's still plenty of time to take it up after the INF debate. Better late than never.

Mr. D'AMATO. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mr. WILSON. Mr. President, I rise to commend my colleague from New York. I think his request is entirely reasonable. He says he is ready for a vote at any time. He speaks for several people on this floor and, incidentally, several people in both parties. The concern that we have is that another session of the Congress not pass without action, without at least this question having been presented to the elected Members of the Congress. In particular, I commend him for his persistence in attaching the debate on this measure to the defense authorization bill. It may seem to many a strange vehicle, I think he has made quite clear why it is an appropriate one.

Let me just focus on another point that people seem to lose sight of. There is an effort here to divert, to try to persuade him to go with his proposal in a freestanding measure. The problem with that is that this is a bicameral legislature. For better or for worse, there are two Houses, and the other House has shown a classic predisposition not to deal at all with this.

The ACTING PRESIDENT pro tempore. If the Senator will suspend, the hour of 10 o'clock having arrived, all morning business has expired.

Mr. WILSON. I ask unanimous consent that I may proceed for 2 minutes.

Mr. EXON. Mr. President, reserving the right to object—and I shall not object—I have listened to the debate, and I would like to ask unanimous consent that I might pose a question to the Senator from New York, at the conclusion of the remarks by the Senator from California, and that my question of the Senator from New York and his reply will not be beyond 3 minutes, and that the predetermined order will be delayed for that time.

The ACTING PRESIDENT pro tempore. The Chair presumes that the Senator from Nebraska is asking unanimous consent.

Mr. EXON. I ask unanimous consent for the agreement that I stated.

The ACTING PRESIDENT pro tempore. Is there objection to the two unanimous-consent requests? The Chair hears none, and it is so ordered.

The Senator from California is recognized for 2 minutes.

Mr. WILSON. Mr. President, there has been a classic predisposition on the part of the House of Representatives simply not to deal with issues that they wish to duck. We have seen that time and again.

We have seen it recently in the refusal to deal with the resolution passed 63 to 27 by this body, disapproving Presidential certification of the Republic of Mexico as being in full cooperation on United States antidrug efforts.

We have seen legislation, which passed the Senate easily, requiring mandatory random testing of those to whom lives are entrusted in the cabs of locomotives. That legislation is bottled up in the House of Representatives. We cannot get a vote on it.

We are protecting Members of Congress from the public. I thought it was supposed to be the other way around.

That is why the Senator from New York is absolutely correct in insisting that his amendment be attached to the defense bill, because it has a reasonable chance that way of actually coming to a vote in the House of Representatives. It is not guaranteed, but it has a much better chance. If it is a freestanding bill, they will duck it, as they seem to duck so many issues on which the American people crave a decision and want action. I commend him, and I hope he will remain steadfast, I have little doubt that he will.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized for not to exceed 3 minutes.

Mr. EXON. Mr. President, I should like to pose a question to the Senator from New York.

I first advise him, as he knows, that I totally support the effort that he is trying to make and will support it in the future.

I did want to raise the question that we are having a delay on the defense authorization bill which, for whatever reason, I think is not justified under the circumstances. It is quite clear to me, and I think the Senator from New York will agree, that there are Senators who do not agree with our position, who have been trying to work out some kind of arrangement, in cooperation with the majority leader and the minority leader, to have a time certain for expedited consideration on a freestanding bill, or possibly an attachment to some other measure on down the line.

I would simply say to my friend from New York that, important as I think his measure is, I do not believe that allowing this to come up at some future time certain would be wrong, under the circumstances we face. I simply say that there is no way this body can bind the House of Representatives, because, by the Constitution, they are a separate and distinct body, as they should be.

I would think that the offer that I understand has been made to the Senator from New York would seem to be reasonable; and as one who is on his side on this issue, I appeal to him to come to some kind of agreement, so that we can move to the defense authorization bill.

Mr. D'AMATO. Mr. President, there is nothing more that I would like to be able to do than to agree. What is a reasonable request on the surface falls short of our objective, due to the fact that past history would indicate that we would be going through an exercise in futility. We would have people voting for or against and putting up amendments, but it would be nothing more than a charade, in my opinion, because that bill would meet certain death in the House of Representatives.

I hope that the leadership of this body, on both sides, could approach the leadership in the House of Representatives, because this is an important issue. This is an issue of national concern. People do want to have a death penalty bill for those who deliberately bring about the killing of our law enforcement officers and others. So I hope we would make an effort to bring that about.

If we could get an agreement from the Speaker—we know that we have to depend on his good will—a number of my colleagues would then be willing to entertain the proposition of bringing this up as freestanding. I would be in a position then to recommend that.

Mr. EXON. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. EXON. Mr. President, I say to my friend and colleague from New York that to talk about an exercise in futility, much as I support him, he is going through that right now.

As a conferee with the House on the defense authorization bill, this can be tough enough, with critical issues that directly affect national defense.

I advise my friend from New York that, in all likelihood, even if he should be successful, I would bet everything but the farm that his amendment would be dropped in conference because of the other difficult issues we have.

So I think the exercise in futility in this particular case is the course that the Senator from New York is pursuing. I have just given him that free advice whether he would like it or not.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. BYRD. Mr. President, has all time expired?

The PRESIDING OFFICER. On morning business, yes.

Mr. BYRD. Mr. President, is there further morning business?

Mr. DOLE. I was going to use my leader time.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at the expiration of the Republican leader's time, or whenever he wishes to yield the floor, we extend morning business, and that Senators may speak therein for not to exceed 10 minutes each, and that that period not extend beyond 30 minutes.

Mr. DECONCINI. Mr. President, I have no objection, but I would like to have 5 minutes, if we are going to extend morning business.

Mr. BYRD. Absolutely. The Senator can follow the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

Mr. DOLE. Does the Senator from Georgia wish me to yield to him?

Mr. NUNN. Just to follow up on Senator EXON's comment.

Mr. President, I hope that during the day we could resolve this issue of the D'Amato amendment on capital punishment for drug dealers. I favor the amendment and would support the amendment on another piece of legislation.

We have made a lot of strides in this bill on military items and on drug enforcement. If we could get the bill to conference, we would have a much better chance of implementing some of the legislation the Senator from New York has been involved in with respect to giving our military a larger role in the overall surveillance of drugs.

I do not know how anyone loses anything by putting it on a separate piece of legislation that has at least a time certain as to when we will vote on it. Of course, everyone has their rights reserved. There could still be a filibuster.

I say there would not be anything lost because if we adopt the D'Amato amendment on the floor of the Senate, as an amendment to the DOD bill, and we go to conference, the first thing the conferees will do on the House side is appoint the House Judiciary Committee.

Then the Armed Services Committee will have to bring in our Judiciary Committee. What that means is we are going to be at loggerheads for a long time in the conference.

I would say, as has the Senator from Nebraska, there is just hardly any way I can visualize this amendment coming out of conference, not because I would drop it, but because the House Judiciary Committee would not ever want to see the DOD bill the focal point for the whole debate on criminal law.

Therefore, I would hope that everyone in good faith could allow us to pass this bill today.

I understand that Senator LEVIN and Senator KENNEDY have been willing to bring this bill back up. I know the majority leader is willing to allow the bill to come back up.

No one would lose their present position at all by that. We would make sure we have a chance to vote on that as a separate piece of legislative this year.

I thank the minority leader.

Mr. DOLE. Mr. President, let me just comment on that. I did meet with the distinguished Senator from New York this morning, as I indicated I would to the majority leader.

It is his present intention just to leave everything as it is. In other words, he is prepared to vote. He is prepared to vote anyhow immediately with no more debate, vote on the amendment, pass the DOD bill, and go to conference. That would take very little time.

That is the proposal that the Senator from New York made to me. It seems to be reasonable.

I have indicated to the Senator from New York that perhaps the chairman of the Armed Services Committee and the ranking Republican, Senator WARNER, might want to visit with him. He is certainly agreeable to that.

I think for the time being there is not much else that the Republican leader can do in that area.

It is a very important issue, one that sooner or later we are going to address in this Chamber. In the past, every time we have been to that point it has been postponed, once because we did not have enough time, it is on the wrong bill, or whatever.

Many of us in the Chamber would like to have an up or down vote. I would certainly want to cooperate with the chairman, the ranking Republican member of the Armed Services Committee, the majority leader, and the Senator from New York.

So we will continue to be cooperative wherever we can.

THE INF TREATY

Mr. DOLE. Mr. President, on the matter of the treaty, let me say that as far as I know there are only four proposed amendments to the text and as far as I can determine they all come from this side. I believe that places a particular burden on Republicans, since it is the Republican President who is going to Moscow next Wednesday morning, to do the best we can to bring those amendments to the floor, if there are going to be amendments to the text, have the debate, and have the vote and move on to the resolution of ratification.

So, I would urge my colleagues, the four Republicans who have indicated they may have amendments to the text, to come to the floor this morning.

I would say again that the burden is on the Republicans to move this along. We do not have to agree. We can have our amendments. We can have our votes. If we are going to have some serious questions on interpretation that may take a day or two and there are other areas that are going to be debated at great length.

So, I would hope we can continue to expedite the process.

Again, I make it clear as far as I know at this point there have been no delays or dilatory tactics. We need to get these amendments offered today and need to get some action on these four amendments, and hopefully by unanimous consent go to resolution of ratification.

That would indicate, I think, as I have indicated to the chairman, maybe we could even get lucky and finish this next Tuesday or Wednesday.

Senator LUGAR is here, and he is prepared to do business, as I am certain Senator PELL and others are.

I remind my colleagues that I feel a particular responsibility in this instance not being held to any certain date, any artificial date as the majority leader said before, but it does seem that we now do have an opportunity to complete action on this very important treaty.

BICENTENNIAL MINUTE

MAY 6, 1935: SENATOR CUTTING KILLED IN PLANE CRASH

Mr. DOLE. Mr. President, 53 years ago this month, on May 6, 1935, New Mexico Republican Bronson Cutting earned the tragic distinction of becoming the first sitting Senator to die in an airplane crash. Cutting had been appointed to the Senate in 1928 to fill the vacancy caused by the death of Andrieus Jones. He won election in his own right later that year and again in 1934.

Senator Cutting was born in New York in 1888 into a distinguished old-line family. Suffering from tuberculosis, he was forced to drop out of Harvard University after 2 years. Cutting's doctors ordered him West for recovery. Settling in New Mexico, he became one of the new State's commercial, cultural, and political leaders via the newspapers he published. During World War I, he volunteered for military intelligence work in London. Upon his return, he became active in the newly founded American Legion, whose members became his most ardent supporters.

For many years, members of New Mexico's political establishment smiled at Cutting's scholarly reserve, cultured manners, and progressive views. But, in recognition of his large following among voters of Mexican descent and members of the American Legion, late in 1927 he was appointed to the vacant Senate seat. In the Senate, Cutting identified himself with the most progressive Senators and became a vigorous critic of President Hoover's administration.

Cutting's reelection campaign in 1934, decided by only 1,261 votes, had been a bitter, hard-won fight against Democrat Dennis Chavez. Chavez contested the election, alleging that illegal votes had been counted in Cutting's favor. Cutting, who had already been sworn in, flew home to New Mexico to direct an investigation into the charges. It was on his return trip to Washington, armed with documents he believed exonerated him, that Cutting lost his life when his plane went down near Atlanta, MO. Ironically, Dennis Chavez was appointed to Cutting's vacant seat, and he served New Mexico in the Senate for nearly 30 years.

I reserve the remainder of my time.

RECOGNITION OF SENATOR DeCONCINI

The PRESIDING OFFICER. Under the order previously entered, the Senator from Arizona is now recognized for 5 minutes.

THE DEATH PENALTY AMENDMENT

Mr. DeCONCINI. Mr. President, just to go back a little bit with this morning business, the Senator from New York has, I think, stated a very clear position. I appreciate the distinguished chairman of the Armed Services Committee and the Senator from Nebraska wanting to get this armed services bill through. I do, too.

The Senator from Georgia, the chairman of the committee, has been extremely cooperative in dealing with getting the military involved in combating drugs. But I must say that the Senator from New York also has something that we cannot dodge just like we cannot dodge authorization of the defense bill. I do not think we can dodge taking up the death penalty under the circumstances that drug dealers and drug smugglers are causing in this country.

I am hopeful we can find some arrangement. I certainly would not want to see the Senator from New York give up without getting a vote certain on his bill.

I think men and women of good intention ought to be able to all agree that issues ought to be discussed, debated, and voted on. If you win, you win; if you lose, that is not the end of the day, but you have another day.

That is all I want to say on that subject matter.

Mr. EXON. Mr. President, will the Senator yield on that point?

Mr. DeCONCINI. I am glad to yield to the Senator from Nebraska.

Mr. EXON. Just so we can clarify this matter, and again I find myself on the side of the Senator from New York and my good friend from Arizona and others on the death penalty issue, there has been a good faith effort made, and I want the Senator from Arizona to understand that, to do everything that is usually done to guarantee a vote on the amendment by the Senator from New York with regard to the death penalty on a subsequent measure.

The Senator from Arizona has heard this Senator speak on this subject. He has heard the Senator from Georgia speak on the subject. I simply say, and will be a little strong, it is foolhardy for us to think that we are going to proceed with the defense authorization bill with the amendment that I support offered by the Senator from New York. I just do not want any misunderstanding on the part of the Senator from Arizona.

I think an arrangement has been made. What we have run up against is the situation where the Senator from New York is now evidently demanding that not only does he get a guarantee that we take this up in the U.S. Senate, and I agree we should, but he wants to bind the House of Representatives in some fashion which is not, I believe, under the jurisdiction of the U.S. Senate.

So, I think I agree with my friend from Arizona. I hope he is not saying that he believes that the Senator from New York should hold fast on his present position that he is not going to allow the defense authorization bill to move ahead unless he gets an up-or-down vote.

Mr. DECONCINI. I would be glad to respond to the Senator from Nebraska, and I ask unanimous consent that an additional 3 minutes be provided me under morning business to respond to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, to answer the Senator from Nebraska, let me say that I think the Senator from New York is doing a great service in insisting that we do everything possible to see that the death penalty is brought to a vote both in this body and in the House of Representatives. We cannot force the House to do anything.

What we can do is bring the pressure about on an issue that is fundamental and to me very important.

Yes, it may be totally irrelevant, because the Senator from New York is not going to be on the conference committee, nor is the Senator from Arizona, and I know the Senator from Nebraska very much strongly supports the death penalty as does the distinguished chairman, and would try to protect that, but it is important that we do not forsake what we are talking about here. We are talking about a war on drugs.

How many days did we spend here on the floor, 80-some of us, I believe, talking about how we are going to put the military in here, we are going to attack this war, this viciousness, this big enemy. And yet when you want to give an instrument of deterrent of the ultimate punishment, for purveying, smuggling, and disseminating this type of murder in our country we seem to lose a little will. We do not want to take a strong position and put it on this bill because we have to pass this bill for other reasons. Granted, we need to pass it for other reasons.

But there is no reasons we ought to sacrifice the death penalty here. Why should the House not be put on a position? If they want to say no to the Senator from New York, they have every right to do that. If that is the case, pass it here and deal with it in conference.

That is what we do all the time on legislation. Many amendments are put on and they are accepted sometimes or they are voted on and they go to conference. Nobody expects everything to come out of conference.

I hope that the leader of the conference from the Senate side could prevail. If he cannot, it is not the end of the world. The Senator from New York is persistent, and he is going to have this Senator standing right beside him to come back again on some other bill if we have to if we do not get it taken up by the House. This issue is not going to go away.

PUBLICATION OF HELSINKI COMMISSION 3-YEAR REPORT: "REFORM AND HUMAN RIGHTS"

Mr. DECONCINI. Mr. President, in the 3 years since he became General Secretary of the Communist Party of the Soviet Union, Mikhail Gorbachev has sought and effected a number of changes in the political, social, and economic spheres of the Soviet Union. These changes have been aptly described by our Assistant Secretary for Human Rights and Humanitarian Affairs, Ambassador Richard Shifter, as "less than revolutionary, but more than cosmetic." Regardless of how they are qualified, these changes have set the stage for what some see as radical, positive reform of the Soviet Union, or what others fear may lead to social breakdown, conflict, and ultimately, a negative backlash and crushing repression.

With this in mind, I believe it is appropriate, as we debate the INF Treaty, that I bring to the attention of my colleagues a report entitled "Reform and Human Rights" which the Commission on Security and Cooperation in Europe—the Helsinki Commission—is releasing today. The Commission, on which I am pleased to serve as Cochairman with Congressman STENY HOYER of Maryland, felt it was important to initiate a comprehensive survey of Secretary Gorbachev's reform program over the past 3 years. In keeping with the mandate of the Helsinki Commission to monitor and encourage compliance with the Helsinki accords, particularly in the area of human rights and humanitarian affairs, the authors of the document have focused on politics and economics, respect for human rights, and the flow of information and ideas.

This report is based on months of carefully collecting and organizing material that the Commission has obtained over the past 3 years. In addition, the three Russian-speaking members of the Commission staff who complied the data spent 3 weeks in the Soviet Union conducting interviews with both "official" and "unofficial" spokesmen for today's Soviet Union. The Commission was also fortunate in having had the opportunity to speak with many former Soviet citizens who had recently emigrated to the West, and who kindly shared their knowledge of the system they had just left.

Mr. President, in our letter of transmittal to Congress, Chairman HOYER and I, together with the ranking minority members of the Commission, Senator ALFONSE D'AMATO and Congressman DON RITTER, point out that there are areas in which limited progress has been made during the 3 years of Gorbachev's rule. We note the release of hundreds of political prisoners, the rise in statistics for emigration and family visits, the increased tolerance for alternative points of view, both in the official press and among the population at large. But we also note that these steps are only modest beginnings toward genuine reform, toward a "civil society" founded on the rule of law. While the boundaries have been expanded somewhat, there are still clear limitations. Genuine respect for human rights as stipulated in the Helsinki accords is still a long way off.

We recently saw evidence of these limitations when about 100 Soviet citizens gathered in Moscow and attempted to form a new political party. Some of the organizers were jailed by police. Others were packed on airplanes and sent back home. This incident reminds us that there are not only limits, but there is a maddening inconsistency.

The Commission report, then, is a chronology of events. A comprehensive look at what has been accomplished and what remains to be done. I highly recommend the report to all my colleagues.

Mr. President, "Reform and Human Rights" is one more example of the significance that Chairman HOYER attaches to the work of the Commission and his commitment to keep the Congress informed regarding implementation of the Helsinki accords by the signatory states. Chairman HOYER's dedication to the work of the Commission and the energy and integrity which mark his leadership are virtually in daily evidence through hearings, statements, reports and extremely educational and meaningful congressional delegations to Helsinki signatory countries. It is certainly no coincidence that when organizers of the Capitol-to-Capitol telebridge between Washington and Moscow were selecting spokesmen for the broadcast dealing with human rights, their choice fell upon our colleague, the senior Senator from New York, Senator MOYNIHAN, and Congressman STENY HOYER of Maryland.

I would be remiss if I did not mention the outstanding contribution of the junior Senator from New York, Senator D'AMATO, the ranking Senate member of the Commission. Senator D'AMATO, as newly selected Chairman of the Helsinki Commission, led a Commission delegation to the Ottawa Human Rights Meeting in the spring of 1985. He "hit the ground running" so to speak, with a forceful representation to the Soviet delegation at the Ottawa meeting, and has not stopped working for human rights since. It is a pleasure to serve with him on the Commission.

I would also mention the extremely valuable contribution of our ranking minority member on the House side, Congressman DON RITTER. He has been very active in pressing Helsinki issues, particularly on Soviet violations of human rights in Afghanistan and with his attention to the Commission's investigation of the Miroslav Medvid affair.

Mr. President, as I said recently, human rights and international security are closely intertwined. The Helsinki Final Act is an excellent standard by which to gage a nation's compliance with human rights principles recognized throughout the civilized world. The Helsinki Commission will continue to monitor this compliance with the same diligence and care that is reflected in its latest report: "Reform and Human Rights."

Mr. President, I ask unanimous consent that the report be printed in the RECORD. I commend it to my colleagues for review because I think they will find it comprehensive and of significant interest.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REFORM AND HUMAN RIGHTS—THE GORBACHEV RECORD

[Report of the Commission on Security and Cooperation in Europe with an afterword by Yuri F. Orlov]

REFORMING FROM ABOVE

Having proclaimed the urgent need to revitalize and restructure the society and economy of the U.S.S.R., Mikhail Gorbachev has set himself, the Communist Party and the people of the Soviet Union an ambitious agenda of reforms. In politics and economics, proclamation has far outdistanced progress.

Resistance to change is one force that has kept its pace slow and even forced more than one tactical shift in course. Both economic reality and Soviet history — not just the stagnation of the Brezhnev years, but also the centuries-old immobility and indifference of ordinary people to their leaders — have acted as added brakes on rapid transformation. And Gorbachev's determination to preserve central control while simultaneously trying to diffuse power, builds a deep, if unavoidable, contradiction into the process he calls "revolutionary."

Still, in his first three years, he has achieved a large measure of generational change in the top party leadership and created significant expectations of more innovations to come. In the absence of either catastrophe or the emergence of a viable alternative candidate for the post of General Secretary, he appears to have time and space to continue his campaign to reform the Soviet Union from the top.

The drive has produced more debates than results in the political sphere, debates about:

- — multiple-candidate, secret ballot elections to party posts;
- — the privileges and perquisites of high party office;
- — competition for elected local government jobs and for managerial positions in the workplace.

On the field of economic reform, the Gorbachev campaign started with exhortations to workers to show greater discipline and enthusiasm and, as a preventive measure, sharp restrictions on the sale of alcohol. More concretely, he has obtained:

- — consolidation of the bureaucracies overseeing five key sections of production and trade;
- — widened freedom for farmers to sell their output to private purchasers;
- — self-financing for light industry, shifting some of the incentives in consumer goods output from state orders to market demand;
- — partial legalization of the private, underground, goods and service sector; and
- — sweeping, party-approved guidelines for profound realignment in the system of central economic planning and control with vast potential consequences for job security and producer efficiency.

Those guidelines most clearly and most controversially define the direction of Gorbachev's economic reforms. As much as what they contain — creation of new wholesale markets in which enterprises will have to compete for their supplies; new freedom for managers to decide what to produce, how to price it and whom (at what salary) to employ — they are important for the issues they do not confront: state pricing subsidies and transition mechanisms to the newly but only partially decentralized economic system.

The guidelines set not only ambitious targets for change but a rapid schedule for accomplishing it. They promise to introduce something Soviet workers and managers have never faced: uncertainty. And they guarantee no swift rise in living standards.

Imposed from the top, the reforms are far too untested for outsiders to be able to judge their acceptance at the working level. Soviets themselves are skeptical of the new world into which Gorbachev's restructuring is pushing them. Westerners watching his campaign can only acknowledge its ambitious scope and reserve judgment on its prospects of success.

DEMOCRATIZATION SOVIET STYLE

Mikhail Gorbachev's vision of reform has steadily widened from a focus on economic restructuring, premised on public involvement (*glasnost*), to a call for democratization as his first priority.[1] It is his prescription for revitalizing a sense of kinship between state and society, for overcoming widespread societal indifference to government, born of the party leadership's monopolization of policymaking. His twin hope is to convince people that they can shape their own future and the country's and to mobilize popular enthusiasm for the task.

Democratization has narrower political aims as well. Like *glasnost*, it can serve Gorbachev and his allies as a means of purging uncooperative party leaders and officials. Particularly when economic reforms may heighten income disparities and may even lower the standard of living, public participation in decision making can help deflect popular discontent with austerity measures. *Democratizatsia*, in any case, cannot be mistaken in either its present or projected forms for Western-style democracy, and Soviet leaders have taken pains to emphasize that the Communist Party intends to remain the final, uncontested arbiter of national policy.

Still, Gorbachev's public statements acknowledge that the party can no longer rule the Soviet Union without some sort of public input. He presents democratization, which he has occasionally called "Socialist pluralism," as essential for *perestroika* and promises to apply it to all spheres of Soviet life. Specifically, he has called for the people to help in overseeing the bureaucracy's performance; for electoral reform in party and state administrative organs and in economic enterprises; for activating local elected bodies, the Soviets; and for permitting a wide range of organized civic activism.

Glasnost

Describing the state of affairs before his accession, Gorbachev complained, "More often than not, the principles of equality among party members were violated. Many party members in leading posts stood beyond control and criticism." [2] *Glasnost* is one of his corrective devices.

Exposés of official misdeeds ranging from half-hearted support of *perestroika* to full disregard of societal needs and to the most blatant corruption have become common in the Soviet media. This democratization of access to information is a radical break with past practices of restricting such access to the ruling elite. *Glasnost* also serves two direct political purposes: it strengthens directives from above with "control from below" to monitor and pressure officials and to let people feel that traditionally arbitrary bureaucrats are accountable to them. Moreover, publicizing the inadequacies and dismissals of party bigwigs offers the population some sense that the powerful are not immune.

Electoral Reform

As a complement to *glasnost*, Gorbachev has sought electoral reform both inside the party and in other policy-making bodies. His success, however, has been limited.

At the January 1987 party plenum, he proposed multiple candidate, secret ballot elections for party secretaries as high as the republic level. "Of course," he added, "the principle of the party rules, under which the decisions of higher bodies are compulsory for all lower party committees, including those on personnel matters, should remain unshakeable in the party." [3] Even with this concession to orthodoxy, his idea was apparently too radical a threat to the rigid *nomenklatura* system and the tenure it guarantees to ranking officials. The Central Committee Plenum's resolution made no mention of multiple candidates in party elections.

PARTY PERFORMANCE: Since then, the party's record on this score has been spotty. Some multiple-candidate elections have taken place, as in the Izhmorsky Rayon of Western Siberia in February 1987.[4] But the practice has failed to sink roots, and where it has been tried, it appears to have been limited to lower level posts. Ukrainian Party chief Vladimir Shcherbitsky, for instance, announced that in elections held during 1987, 42% of party organization secretaries in his republic had won their positions by defeating several other contenders. But he conceded that only 39 secretaries on the city and district (rayon) levels were elected by secret ballot from among two or three candidates.[5]

Gorbachev's proposals of multiple-candidate party elections, though very inconsistently carried out, have at least not been shelved. In January 1988, Nikolai Shishlin, deputy head of the Propaganda Department, suggested applying this principle even on the Central Committee level, adding that no party post should be held for life. On February 14, *Pravda* carried a page-one article by Ukrainian Party members urging multiple-candidate elections for party committee first secretaries of all ranks. They advocated that, beginning at the district level and eventually extending upward, all party members be allowed to vote for the nominees on secret ballots.

The issue of broadening intra-party democracy is also high on the agenda of the party conference planned for June 1988, and its prominence indicates the reformers' awareness that a democratic restructuring launched from the top cannot exclude the top. Introducing elections where appointment has always been the norm would be a major innovation, one that the regime seems so far unready to try.

PRIVILEGES OF RANK: One indicator of how much resistance there is to democratizing the party is the controversy over privileges accorded CPSU members. In February 1986, *Pravda* printed letters complaining about such perks as access to special stores, to high quality medical care and to special resorts. At the 27th Party Congress, Boris Yeltsin suggested that unworthy party members be stripped of these privileges. His remarks drew a heated response from Politburo member Yegor Ligachev, who also obliquely criticized *Pravda* for having even mentioned this taboo topic.[6]

One recent democratizing measure concerns high-level party members' right-of-way on Moscow streets. The deputy chief of Moscow's traffic control service announced in January 1988, that 800 officials would lose the special lights and sirens their chauffeur-driven vehicles use to clear a path through thoroughfares, often leaving traffic jams in their wake.[7]

LOCAL ELECTIONS: To keep the party from encroaching on the prerogatives of other institutions — a practice Gorbachev has criticized as stifling initiative and efficiency — he has tried to energize local Soviets, i.e. administrative governmental organs. At the 27th Party Congress, for instance, he encouraged the Soviets to "undertake responsibility for all aspects of life on their territory." Such functions include housing and education, public health and consumer goods, trade and services and the protection of nature. Gorbachev warned against excessive centralization and urged "promoting the autonomy and activity of local government bodies." [8]

The ensuing two years have brought few positive results. In January 1988, Gorbachev lamented: "What is the use of talking, comrades, if in many cases party bodies took on many of [the Soviets'] functions?" He concluded that "new approaches" would be needed to make better use of the Soviets' potential.[9]

One such approach is electoral reform. In mid-1987, 162 of the country's approximately 3,800 districts experimented with elections of Soviets on a multiple-candidate basis. Reports indicated that in some places the media and party organs had to convince Soviets and voters to take the experiment seriously. Still, the results have been sufficiently encouraging to warrant drafting a new statute on Soviet elections.[10] More recently, an unprecedented contested election took place for the post of Deputy to the USSR Supreme Soviet.[11]

Electing deputies to Soviets on a multicandidate basis is far less ticklish an experiment than extending this practice to the party itself. Since the Soviets have enjoyed little real power or influence, their electoral reforms are not very significant. One indication of the careful approach to democratization is Gorbachev's statement at the 27th Party Congress: "The Party will continue to see to it that deputies are elected from among the worthiest people. . .and that the composition of the Soviets is systematically renewed." [12] Even with liberalized nominating and electoral procedures, in other words, the party will still have the final word.

WORKERS AND BOSSES: At the January 1987 Central Committee Plenum, Gorbachev called for electing directors of industrial and agricultural enterprises, along with their department heads, production team leaders and foremen. The Law on State Enterprises, adopted in June 1987, incorporated this suggestion by mandating elections of all managerial personnel in enterprises nationwide. Furthermore, the law created a new institution, the Labor Collective Council, whose members are to be elected for two-to-three year terms by secret or open ballot.

Though these provisions seem to authorize workers' participation in management, their influence is actually quite restricted. The prime responsibility of the Labor Collective Council, for example, is to promote productivity and monitor worker performance. And while workers can vote for enterprise directors, the bureaucracy overseeing the enterprise must approve any choice. The director, in turn, must approve all lower level managerial personnel elected by workers.[13]

Legislation of February 1988 is supposed to expand the collective's powers. *Izvestiya* reported that "decisions by the labor collective are now mandatory not only for members of the collective and the administration, but also for higher-ranking state and economic organs. . . . But . . . the collective is not always right—it is right when the law is on its side." [14] It remains to be seen, therefore, what these new powers will actually mean to workplace democracy.

Despite these built-in limitations, and even though there have been more elections in enterprises than in Soviets or the party, grass roots democratization is growing slowly at best. A January 8, 1988 article in *Sovetskaya Rossiya* noted that "Alarm signals about disdainful attitudes to workers' opinions and critical appeals are received from many enterprises. . . ." And workers, not just managerial personnel are finding it hard to alter established methods of operation overnight. "Even the labor collective councils often meet not to consult but just to listen to edifying words and instructions from the managers who lead them." The author concluded that "The support and trusteeship of local party committees are clearly very important here."

While party organizations are supposed to urge managers and workers towards greater independence and democratic practices, the presumed agent of democratization, the party, has resisted setting an example. The Komsomol (Young Communist League) also has been slow to democratize itself. In January 1988, its newspaper published complaints about the failure to implement proposals adopted at the 20th Komsomol Congress in April 1987, for secret ballot, multicandidate elections for district and provincial secretaries: "But it is no secret that electoral practice remains unchanged in many places—that is, just one candidate, a show of hands, and all this under the watchful eye of the Presidium. . .. The conclusion is bitter and simple. Initial attempts to restructure the democratic mechanism in the Komsomol have yet to produce results." [15]

Civic Activism

In striking contrast to the slow development of democracy in the party, the Soviets and the workplace, some elements of Soviet society have jumped at the chance to display greater initiative. Indeed, one of the most remarkable developments of the Gorbachev era has been the mushrooming of unofficial, i.e. not party-controlled, groups. Their interests and programs run an extremely wide gamut, with correspondingly varying degrees and types of political content, but the divide between political and non political-activity is murky.

Rock music, for example, is a very sensitive issue, given its unavoidable association with Western culture and its appeal to many Soviet young people. Moreover, the very appearance of organizations outside authorized channels is a political statement, evidence of dissatisfaction with established mechanisms of self-expression. The head of the Komsomol, which has received much criticism for being formalistic and doctrinaire, recently revealed that the organization's membership has dropped by nearly 4 million since 1985, and the number of 14- and 15-year olds joining has fallen by a fourth.[16]

Soviet youngsters and adults seem to be turning away from party-sponsored groups and to clubs that offer like-minded people organized forms of leisure—music, dance, sports and the like—to groups that press environmental concerns or the preservation of historical monuments and to openly political, civic action associations. It is the groups which take Gorbachev's call for *glasnost* and democratization seriously and whose ideas, if implemented, would lead to fundamental systemic change that pose the greatest immediate difficulties for the authorities. The rise to notoriety of the *Pamyat* (Memory) Society demonstrates that allowing public opinion to organize and express itself can bring challenges from the conservative-reactionary end of the political spectrum as well as from the liberal-left reformist camp.

The spontaneous emergence of a range of informal groups appears to have caught the authorities by surprise. A special party commission reportedly is now examining this phenomenon, but neither explicit guidelines nor laws demarcating the borders of acceptable activity have yet been issued. Consequently, both the party and the groups have been in uncharted waters.

For most of 1987, the authorities took a relatively restrained line, revealing their stance towards unofficial clubs more by actions than statements. Though speeches during the summer by Politburo members Yegor Ligachev and KGB head Viktor Chebrikov indicated concern about liberalizing trends, the Moscow Party organization provided a hall in August for a conference of 47 left-wing reformers' groups. And after *Pamyat* members marched through central Moscow in May, party chief Boris Yeltsin received a delegation of their representatives. On October 8, *Novosti* press agency helped members of four political groups to arrange a news conference for Soviet and Western journalists. Among other things, they discussed forming competing political parties and demanded the right to field candidates in local elections.[17]

REVERSING COURSE: In the fall of last year, however, especially after Yeltsin quit his post under attack, Soviet activists and

Western observers detected mounting pressures to reassert the dominance of party organizations. The Komsomol, according to one report, drafted a proposal for exerting control over unofficial clubs. The document expressed concern about the spread of the groups among graduate and undergraduate students, and concluded: "There is no need for the creation of alternative organizations." It urged that individuals with "healthy principles" be brought into the Komsomol and that "the majority of members of sociopolitical clubs [be severed] from extremist leaders."[18] Though Komsomol officials stressed the draft nature of the proposals, the 20th Komsomol Congress in April 1987, had already called for helping groups based on "sound principles" but eliminating "abnormal phenomena that are alien to the Socialist way of life."[19]

Finally, on December 27, 1987, *Pravda* addressed the question of unofficial groups. A front-page editorial offered the following yardstick for assessing initiatives from below: "Everything that benefits socialism and democracy must be supported 'from above." *Pravda* praised the Soviet Children's Fund named for V.I. Lenin as exemplary and opined that similarly positive activism merited material aid and a real legal foundation. But readers were warned about clubs "whose leadership includes rogues and demagogues who preach chauvinist, anti-Semitic and Zionist views" or who "openly carry out provocative work, advocate the creation of opposition parties and 'free' trade unions." Their activity "sometimes acquires a manifestly illegal character" by organizing demonstrations without consent and printing and circulating documents "hostile to socialism." Pravda called for "productive contacts between state organs, public organizations and informal associations," whose goal must be to "channel people's activeness in a positive direction. . . ."

Remarkably soon afterward, *Pravda* returned to this theme, naming specific individuals as representing impermissible types of social activism. While the February 1, 1988 article blessed the rise of 30,000 groups and associations in the country, it said: "Every family has its political freaks." Prominent in this latter category, according to *Pravda*, were Dmitri Vasiliev, for turning *Pamyat* from a group devoted to preserving the country's cultural heritage into one intent on arousing anti-Semitism; *Glasnost*, edited by "convicted criminal and anti-Soviet" Sergei Grigoryants, and allied with anti-Soviet centers in the West; Seminar: Democracy and Humanism, which called for organizing demonstrations, revising the USSR's Constitution and the total deideologization of the Soviet Union and the Club of Social Initiatives. *Pravda* described the latter's organizational conference in August 1987—though sponsored by the Moscow Party organization—as a response to Western prompting to "create a united political platform." Boris Kagarlitsky, the club's chief spokesman, was not named, but *Komsomolskaya Pravda* openly attacked him one day before.

Pravda stressed that the energies of unofficial groups should be directed "for noble aims in the interests of society." Therefore, people should not hesitate to shun those which were harmful. "For fear of appearing outmoded people from the period of stagnation, we have started for some reason to be shy about calling a spade a spade. This does not do any good. An extremist is an extremist." And "extremists" themselves were admonished by an unmistakable reference to "the power of the law."

Official response to the growth of civic activism will be a key factor in evaluating the seriousness and potential of Gorbachev's proclaimed democratization. Campaigns for electoral reform and *glasnost* which have been launched from above can more easily be controlled than the reactions they evoke. It may be much more difficult and politically damaging (both inside and outside the U.S.S.R.) if the authorities feel compelled to stem a tide they unleashed themselves and ostensibly welcomed.

The party's signals about civic activism thus far indicate a recognition that rousing people from apathetic torpor is a positive good—so long as it does not get out of hand. Under current circumstances, there appear to be three varieties of social activism: encouraged, tolerated and forbidden. The party reserves the exclusive right to assign groups to each category and to change the borders among these categories as it sees fit. Even without using criminal sanctions against unorthodox political activism, the party is showing that democratization has its limits . . . and the party intends to decide when they are overstepped.

Exactly what the party line is, however, remains unclear. Authoritative sources have been sending mixed signals. The latest illustration of divergent views was sparked by an article in *Sovetskaya Rossiya* on March 13, 1988. It warned that the overly broad range of topics aired under *glasnost* and the indiscriminately critical attitude to the country's past and present were generating nihilism among youth. The article praised the accomplishments and idealism of Stalin's era, when there were no demonstrations for the right to emigrate or informal groups based on "peasant socialism" glorifying pre-1917 Russia and "left-wing liberal intellectual humanism." Referring to Trotsky's ethnic origins, the author linked this latter camp to "cosmopolitans," i.e. Jews.

Pravda, seeing the article as a broadside against everything subsumed under *perestroika*, responded on April 5. A full-page editorial attacked *Sovetskaya Rossiya* for printing such dangerous views and blasted the article itself as "an ideological platform and manifesto for anti-*perestroika* forces." *Pravda* acknowledged Stalin's contribution to socialism but maintained that his guilt for mass repressions and lawlessness was "enormous and unforgivable." The editorial did not explicitly address the article's link between "left-wing liberals" and Jews, but it did denounce attempts to seek "a genetic reason for anti-Socialist sentiments." *Pravda* concluded by calling for "more light, more initiative, more responsibility."

Soviet and Western observers have seen this exchange as evidence of a high-level struggle between Gorbachev and Yegor Ligachev, supposedly Gorbachev's primary Politburo rival and an opponent of accelerated *glasnost* and *demokratizatsia*. According to Western press reports from Moscow, Ligachev sponsored the publication of the *Sovetskaya Rossiya* article when Gorbachev was in Yugoslavia and his Politburo ally Alexander Yakovlev was in Mongolia. Upon his return, Gorbachev took advantage of Ligachev's absence from Moscow to win the Politburo's approval for the *Pravda* editorial, large chunks of which Yakovlev wrote.[20]

Whatever the truth of these claims, *Sovetskaya Rossiya* was forced to apologize on April 15 and print the entire Pravda editorial, which stressed the need for more *glasnost* and democratization. If the newspaper exchange was a test of strength between rival party factions, the victory went to Gorbachev. The last word, however, has not been written.

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REBUILDING THE SOVIET ECONOMY

Although the Gorbachev reforms, going under the general heading of *perestroika*, encompass broad aims of social transformation, it is in his ideas for restructuring, renewing, revitalizing and rebuilding the Soviet economy that the General Secretary has put forward the most fully articulated program and the most demanding timetable for change. A Marxist without an operating model for his experiments, he has nonetheless concentrated on the one area where Marxist-Leninist ideology, not in his judgment alone, has produced the greatest failures.

"*Perestroika*," he wrote in his 1987 book of the same title,

> Is no whim on the part of some ambitious individuals or a group of leaders . . . (It) is an urgent necessity arising from the profound processes of development in our socialist society. This society is ripe for change. It has long been yearning for it. Any delay in starting *perestroika* could have led to an exacerbated internal situation in the near future, which, to put it bluntly, would have been fraught with serious social, economic and political crises.

Behind these words of alarm lay, for Soviets, an alarming reality. In the seventh decade after the 1917 Revolution, 40 years after the end of World War II, the centrally planned Soviet economy had a gross national product only half that of the United States. Growth rates were declining, even in industry; productivity levels were falling markedly; Soviet goods were of such poor quality that few wanted to buy them at home or abroad; the technology lag between the U.S.S.R. and the West was accelerating so fast that it threatened Soviet super power status.

As former Senator Charles Mathias has observed, Gorbachev leads a nation that is like a "crippled giant" whose sword-carrying arm is his only strong one. Although rich in raw material, the U.S.S.R. has been so wasteful of its natural and human resources that its planning and distribution weaknesses result in the effective loss of 70 percent of its annual timber output, 20-30 percent of its yearly grain harvest and some 60 percent of its fruits and vegetables. Other indicators—from the quality and availability of health services and housing to the incidence of alcoholism and infant mortality—paint the same picture of a society in decay.

Precedents for Perestroika

Gorbachev is not the first Soviet leader to acknowledge the gap between Communist promise and Soviet reality, nor the first to blame his predecessors in power for failing to narrow it swiftly enough. Lenin blamed czars and capitalists and even the bureaucracy that survived their overthrow. As Gorbachev has pushed his own program of decentralization, one of its ardent advocates found a salient but scatologic Lenin remark to invoke in support of Lenin's heir:

> Everyone in our country is bogged down in the cursed bureaucratic morass of departments. Considerable prestige, intellect, and vigor are needed to combat them daily. Departments are shit, decrees are shit.[1]

Stalin, after reversing Lenin's New Economic Policy and its experiment with private initiative, introduced a command economy as the prod behind the crash development of heavy industry and the forced collectivization of agriculture. Nikita Khrushchev, in turn, blamed Stalinism for leaving Soviet consumers short-changed and farmers inefficient.

Where Gorbachev differs most strikingly from earlier Soviet leaders—including Leonid Brezhnev, whom he depicts as responsible for the country's long, dangerous stagnation—is in emphasizing that individual Soviets, not just their system, must reform. His economic restructuring, ambitious as it is in its intention to replace central dictation with steady decentralization, is nowhere more ambitious than in its proclaimed desire to change the mentality of Soviet bureaucrats, managers, workers and consumers.

He seeks to break the old, implicit social contract between state and citizen: the delivery of low prices, wages and social services and the guarantee of lifetime security in return for political and social passivity. In its place he seeks a new bargain: initiative from below with reduced meddling from above. And where the old system promised slowly improving living standards, the new order offers high risks, short-run austerity and only the cold comfort that reform is the alternative to catastrophe.

Trying to sum up this profound reversal of the Soviet course, the *Economist* editorialized on the 70th anniversary of the Revolution: "The next order, comrades, is not to take orders." It is hard to imagine Soviets, historically fearful of even the hint of anarchy, welcoming this command to make their own decisions and the consequences for them. But at the foundation of Gorbachev's economic program is just such a challenge to Soviet men and women at all levels to try the unknown. They are responding, at best, tentatively.

The Early Stages

On taking power, Gorbachev proclaimed the urgency of economic acceleration and won support for this priority at the April 1985 Central Committee Plenum. Initially, like Yuri Andropov, he offered tinkering and tightening discipline as measures sufficient to correct the weak points of a basically sound system. He also addressed the human factor through exhortative campaigns and administrative measures. Along with calls for greater discipline and enthusiasm in the workplace came a strict crackdown on drunkenness. Gorbachev reduced production of alcohol, closed many liquor stores and forbade the sale of alcohol before 2 p.m.

This period also witnessed large-scale personnel turnover in the economic apparatus and bureaucratic reorganization. In November 1985, for instance, Gorbachev ordered the consolidation of five ministries and one committee involved in food production and processing into one super agency, Gosagroprom. Similar mergers followed for other key sectors of the economy—machine building, fuel and energy, construction and foreign economic relations.

Meanwhile, ever-widening *glasnost* permitted economists to debate the scope and direction of reform. Their views, along with the impressions garnered in conversations with ordinary citizens during his cross-country tours, contributed to Gorbachev's push for fundamental changes.

At the 27th CPSU Congress in February-March 1986, Gorbachev outlined more wide-ranging measures. "The situation today is such that we cannot limit ourselves to partial improvements. A radical reform is needed." [2] His proposals included: reorienting central guidance of the economy away from detailed interference in enterprise activity towards long-range strategic planning; making enterprises more autonomous and responsible for their operations; reorganizing the supply system; making prices more flexible and linking them to consumer demand and democratizing management by enhancing the role of work collectives.

Few policy changes immediately followed these recommendations, but some of Gorbachev's other suggestions quickly became law. His call for greater initiative and decision making on the collective farm level, for instance, led in March 1986 to reductions in the quotas of the produce farms were required to turn over to the state. Collective and state farms received authorization to sell through the cooperative network and collective farm markets all their output above plan requirements and 30 percent of the fruits and vegetables they had previously been obliged to sell to the state. Gorbachev's proposals for changing the economic mechanism of light industry also produced a May 1986 decree, placing all of light industry on a cost-accounting, self-financing basis and ordering consumer goods factories to gear their output to consumer demand.

A more important guide to Gorbachev's priorities was the 12th Five-Year Plan, announced in June 1986. Its extremely ambitious targets—4.1 percent average growth of national income—aimed at bringing Soviet economic performance up to world standards in just a few years. It proposed the near doubling of investment in machine building and metal working, "where the fundamental scientific and technological ideas are materialized, where new implements of labor and machine systems that determine progress in the other branches of the national economy are developed." [3] According to Soviet estimates, only 29 percent of the U.S.S.R.'s machine building currently meets world standards. This figure is supposed to rise to 80-95 percent by 1990. In order to boost productivity, the plan shifted investment away from new construction towards renovating and re-tooling existing facilities and directed ministries to step up the scrapping of obsolete equipment and machinery.

PRIVATE INITIATIVES: Since the stress on quick development of heavy industry gave consumer goods secondary significance, Gorbachev has sponsored a cautious, compensatory expansion of private initiative. For example, he has encouraged the development of private agricultural plots to increase the availability of foodstuffs without raising investment. The Central Committee in September, 1987 authorized state and collective farms to lease more land and sell buildings to those willing to work on private plots and raised the amount of credit available for buying animals.[4] The draft Model Kolkhoz Statute of January 1988 designated private plots as "a constituent part of Socialist agricultural production," a signal to peasants that government attitudes and policies towards private plots, which have alternated among tolerance, encouragement and hostility, will be more stable in the future.[5]

Gorbachev has also widened opportunities for private enterprise in areas other than foodstuffs. A November 1986 law regulating individual labor authorized certain kinds of manufacturing (making clothing, furniture, toys, etc.) and services (like private taxis, music instruction, translating and car repairs). Interested citizens must receive permission from local Soviets to engage in such activities and must pay taxes on their earnings or an up-front fee. Soviet spokespersons in November 1986, described the program's purpose as ending the state's monopoly on services by legalizing competition from individuals.

In fact, the law serves several other purposes as well. By legalizing what existed on a widespread basis anyway, it may give the state greater control of the underground service economy and higher revenues from taxes on individual earnings. Furthermore, the new legitimacy aspires to draw people currently not working, such as homemakers, pensioners and students, into the economy.[6]

Individual labor has little ideological pedigree in the U.S.S.R. Although the 1977 Constitution guarantees self-employment, such initiative has traditionally encountered hostility from the state. Besides, there have been practically no legal sources of supply. More acceptable are cooperatives, whose expansion Lenin espoused in the last years of his life, and Gorbachev has returned to this theme.

As of February 1987, groups of not fewer than three people can form cooperatives engaging in food and consumer services and production of consumer goods. They can contract with state enterprises for facilities, supplies and transportation. Cooperatives set their own prices. After paying an income tax on earnings, they can use remaining profits for wages, social insurance and development.

Plans for Perestroika

Though the outlines of Gorbachev's vision seemed to be developing, no overarching plan materialized until mid-1987, when the June Party Plenum approved two key documents to define the party's economic program: the Basic Provisions for the Radical Restructuring of Economic Management and the Law on State Enterprises. The former provides guidelines for overhauling the entire economy; the latter spells out enterprises' rights and responsibilities. Though different aspects of the reform are scheduled for implementation at different times, the whole package is to be in place by the 13th Five-Year Plan, or 1990-1991.

To gain the central goal of greater productive efficiency, the program narrows Gosplan's role in the economy. While central planning will continue to guide the economy, Gosplan will cease issuing annual plans in 1991. Instead of micro-managment, it will concentrate on larger strategic issues, such as investment, trade, and technological development. Detailed directives to enterprises will yield to state orders ("goszakazy") for high priority items. Central planners will also send enterprises control figures, with indicators on productive activity and efficiency, although these guidelines are not supposed to be compulsory.

DECENTRALIZATION: The Basic Provisions also encompass a reform of the supply system. Gossnab (State Committee for Material and Technical Supply) will no longer centrally allocate resources on the basis of requests for inputs from enterprises. Rather, once the reform goes into effect, enterprises will buy what they need from wholesale stores operated by Gossnab. In 1988, wholesale trade is supposed to account for 15 percent of supply as producers and consumers engage in it through private contracts and agree on prices according to rules set by Goskomtsen (State Price Committee.) Most of the trade among enterprises will take place according to these negotiated prices; Goskomtsen will establish prices for only a few crucial products.

In short, enterprises will be thrown into a new world of accountability. On January 1, 1988, 60 percent of the country's enterprises, including those in the agricultural sector, went over to full-cost accounting and self-financing, with the remainder to follow in 1989. The idea is to inculcate a sense of responsibility into the system of management and create incentives for efficient production.

After fulfilling state orders which are supposed to require only a portion of production, enterprises are to make their own management decisions. Directors will have to plan and finance their own operations on a profit basis. An expansion and modification of the banking system will provide them with loans to supplement their own funds. Moreover, if enterprises prove unresponsive to customers' needs and cannot adapt to being responsible for their economic well being, they can no longer count on bailouts from the state. The consequences of failure include cutting wages, laying off workers and, in extreme cases, even bankruptcy.

Accompanying decentralization of operations at the enterprise level will be a recentralization of strategic guidance at the center. To simplify and rationalize the economic hierarchy, ministerial-level bodies will coordinate the development of complexes by controlling the operations of branch ministries. Ultimately, ministries may be absorbed into complexes, as is already the case with the agro-industrial sector.

JOB INSECURITY: The Soviet labor force now confronts the harsh reality of efficiency measures. Gorbachev has introduced a new regime of linking salaries to output and abolishing ceilings on earnings. But not even productive workers will have guaranteed job security. Stressing profit, rationalizing and streamlining, enterprises will place everyone at risk.

Some reform economists, like Nikolai Shmelev, have argued that job insecurity has its benefits: "A real danger of losing your job and going onto a temporary allowance or being obliged to work wherever you are sent is a very good cure for laziness, drunkenness and irresponsibility." [7] But Soviet economic spokespersons and Gorbachev himself have insisted that there will be no unemployment in the U.S.S.R. The creation of job placement bureaus all over the country has already begun, as have preparations for job retraining. A Soviet official told an interviewer for the January 27, 1988, issue of *Izvestiya*: "It is time to treat calmly the fact that people will not necessarily follow the same vocation throughout their lives."

As managers, under ministry pressure, urge workers to higher productivity, however, several protest strikes against extra shifts and working on weekends have occurred.[8] According to Abel Aganbegyan, reportedly Gorbachev's chief economic advisor, the introduction of stricter quality control also "produced shock" at some factories when workers stopped getting bonuses and their wages fell.[9]

Curbing bureaucratic control of the economy will entail mass firings of officials, many of whom won tenure in power under Brezhnev. *Pravda* revealed on January 21, 1988, that millions of them may have to find another line of work, and Radio Moscow's World Service specified in early February that 3 million people "are to be made redundant" by 1990. Nowhere do people readily accept the prospect of losing their jobs, and Gorbachev has already had to retreat on this front. The *Novosti* press agency disclosed in November 1987, that the number of Central Ministry officials slated for "redundancy" has fallen from 60,000 to about 40,000.[10] It is not even clear how many of these will actually be dismissed although the February 11, 1988 issue of *Pravda*, asserted that one of every two or three ministerial employees are to be let go.

FOREIGN TRADE: Gorbachev has also decentralized control of foreign trade and indicated that he views greater interdependence with the world economy as an important added stimulus to reform. He abolished not only the monopoly on exports and imports held by the Ministry of Foreign Trade but also the Ministry itself, merging it with the State Committee on Foreign Relations. Over 20 ministries and about 80 large enterprises can engage in foreign trade. Operating on a self-financing basis, they can keep some of their export proceeds to pay for imports.

Gorbachev has also reversed the longstanding prohibition on joint ventures inside the Soviet Union with capitalist firms. In order to obtain technology without paying in hard currency, to gain Western management expertise and quality control, as well as access to international marketing networks, the U.S.S.R. has invited foreign firms to establish such ventures, offering 49 percent of control. Finally, the Soviets have expressed interest in joining international organizations, such as the General Agreement on Tariffs and Trade (GATT), the World Bank and the International Monetary Fund.

EARLY RESULTS: The birth pangs of *perestroika* have been clearly "disruptive," in judgment of a report presented by the Central Intelligence Agency and the Defense Intelligence Agency to the Joint Economic Committee on April 13, 1988. Noting that Soviet economic growth in 1987 slowed to an annual rate of less than 1 percent, the CIA-DIA analysis said "poor economic performance" at the start meant that "the short-term outlook for Gorbachev's economic program is not good," a growth rate of "2 percent or less" through 1990.

The report found a sharp drop in agricultural output growth—from an annual rate of 8.2 percent in 1986 to a 3.1 percent *decline* in 1987—and a falling off of industrial rates from 2.5 percent to 1.5 percent in the same two years;

With performance in seven out of the 10 industrial branches down compared with 1986. The machine-building sector—key to Gorbachev's modernization plans—registered no increase in output, and the resulting shortfalls in equipment for investment reverberated throughout industry and the rest of the economy.

Gorbachev's innovations are still too limited and too new to compensate quickly for such broad, negative indicators. There are now, for instance, only about 14,000 registered cooperatives in the U.S.S.R., employing 150,000 people in a workforce of about 128 million. To facilitate faster growth in this sphere, the authorities have announced plans to introduce a bank by 1989 which would finance cooperative ventures. Earlier, however, on April 1, 1988, a progressive income tax on cooperatives' profits will come into effect.[11]

An expansion of international trade could remove some of the burden from Soviet industry, provide needed technology and management experience and raise Soviet hard currency earnings. But the prospect of establishing joint ventures in the U.S.S.R. has tempted relatively few Western businessmen. As of April 1988, there are only 33 agreed deals, though more are pending.[12]

The reasons for this slow development are Soviet measures that deter foreign firms from gaining too much control or too much profit and from threatening domestic Soviet industry. The executive director and three of the five members of the board of directors of all joint ventures must be Soviet citizens. Foreign investors also face serious difficulties in repatriating profits and must pay high taxes on gains. The Soviet economist Shmelev is not surprised by the low number of joint ventures to date. Recently, he asked,

> If in the U.S.A. [an American businessman] pays 34 percent profits tax, somewhere in Southeast Asia—20-25 percent but in the Soviet Union—44 percent, is there any sense in his investing money in our country?[13]

Shortages of consumer goods and services also mark Soviet life and attitudes to change. Gorbachev's plan to favor machine building and metal working and the slow development of private enterprise mean no quick improvement in this sphere and thus little to buy with the higher earnings of harder work. Though light industry was among the first sectors of the economy to switch to cost-accounting and self-financing, the results so far have been disappointing. According to the State Committee of Statistics, light industry failed to deliver about 1 billion rubles worth of contracts in 1987, and continues to produce low quality goods. And cooperatives have thus far produced "a drop in the bucket." [14] *Izvestiya* reported on February 9, 1988 that while people's monetary income had grown even faster than envisaged in the plan, goods shortages were actually increasing.

Problems of Partial Reform

Many specialists question the ambitious targets of the 12th Five-Year Plan. Gorbachev is pursuing acceleration and restructuring at the same time. Thus, two different systems—one based on administrative methods, the other on economic guidelines—are to lead to the predominance of the latter by the next Five-Year Plan.

Having to fulfill targets while trying to renovate and absorb new technology will be hard for managers, who have tended to give preference to the former. The slower they go, the more their performance will impede the planned enhancement of enterprises' responsibility, autonomy and the restructuring of the supply system.[15]

As for the modernization strategy itself, many of the U.S. Government and private sector economists who analyzed it for the Congress' Joint Economic Committee in 1987, doubted that its goals could be achieved in the short timeframe envisioned. The uneven emphasis in investment, they claim, will create bottlenecks when relatively neglected sectors fail to produce goods needed for the program's intended beneficiary, heavy industry. Other problems that will have to be overcome include: managerial resistance to risky new technology; the traditional Soviet preference for new construction, as opposed to refurbishing old facilities; reluctance to retire obsolete equipment and inadequate incentives for research and development personnel.[16]

DELAYING PRICE REFORM: In addition, the Gorbachev program suffers from contradictions, inconsistencies and omissions. One of the most important omissions is the failure to effect price reforms before implementing other aspects of the package. The Basic Provisions merely stressed the need for a comprehensive price reform and charged the State Price Committee to prepare one before 1991. It will be difficult, therefore, to gauge accurately whether enterprises already placed on cost accounting and self-financing are really operating profitably. "The Soviets were well aware of this problem," said Abel Aganbegyan in a recent interview, "but decided not to wait for another three years. We decided on a transition period so that people can learn to work under self-management."[17]

Price reform is politically sensitive. Allowing the price of products to reflect supply and demand would raise the cost of many basic goods and services, such as bread, fuel, rent and transportation. State subsidies (estimated at 90 billion rubles in 1988) have maintained artificially low prices on these items for decades. The population has become accustomed to paying very little for them, and price hikes in the U.S.S.R. have elicited strikes and disturbances several times in the past. Letters published in *Literaturnaya Gazeta* of January 20, 1988, for instance, express alarm about rumored increases in food prices. The regime has decided to put off the question of price reform until 1990 and has promised that extensive public discussion would precede any increases.

THE CENTER HOLDS: Gorbachev's program is one of incomplete decentralization. While ministries and regional party officials are no longer supposed to tell enterprises what to produce, they will still be responsible for the activity of the enterprises they oversee, and bureaucrats seem likely to continue to meddle in every aspect of production.

It is also an open question whether or not crucial enterprises, such as those producing for defense, will really be permitted to go bankrupt. If they continue receiving subsidies, cost-accounting will not be applied uniformly to all sectors.[18] Soviet Finance Minister B.I. Gostev said last December,

> Of course, I do not exclude another possibility, that of rendering aid by the Ministry of Finance . . . to the numerous enterprises that lag behind or experience difficult financial circumstances.

Such rescues, however, would create further imbalances, probably at the expense of the civilian sector.

Another major danger to enterprises' independence is the system of state orders, *goszakazy*, which take precedence over customer demand and, according to Aganbegyan, currently determine 90 percent of enterprise activity. By 1991, this figure should diminish to under 30 percent. But depending on how high a portion the center ultimately absorbs, ostensibly independent managers will have greatly reduced leeway. "If the state orders production of most goods," a former Soviet economist noted, "there is little that managers can buy with their newly available funds. . ."[19]

Enterprises in the agricultural sector remain equally tied to the state. If industry is still bound by *goszakazy*, state and collective farms must still meet government procurement quotas, even if they have been allowed greater latitude for disposing of above-plan output. And while Gorbachev's call for expanding the use of family and brigade contracts will likely become law, these arrangements assume imposed norms. The draft legislation on collective farms, published in January 1988, makes it clear that no retreat from collectivization is envisioned.

Restricting the autonomy of enterprises also jeopardizes the expansion of the private sector and its ability to take up some slack in consumer goods production. Factory directors compelled to complete state orders first will be less likely to provide goods to individual-run or cooperative businesses.

Moreover, the private sector remains shackled. The very legislation authorizing entrepreneurial activity forbids hiring labor and limits full-time participation mostly to homemakers, pensioners and students. People employed in the state sector may engage in private activity only in their spare time.

Those who nonetheless manage to establish a profitable business frequently attract the envy and hostility of a populace unaccustomed to the idea of personal economic success. As a Leningrad taxi driver told Helsinki Commission staffers in December 1987, "For 70 years, they've beaten it into our heads that there shouldn't be rich people." Newspapers have published letters from irate citizens, complaining about departures from Socialist ideals or about the very high prices cooperatives charge for their goods and services.

Finally, strict government campaigns against unearned income undermine the attempt to expand the private sector. Along with uncertainty about Gorbachev's staying power and memories of past shifts in policy, many would-be entrepreneurs have reason to hesitate. A Moscow cab driver asked Commission staffers,"Who can give us a guarantee that policy won't change tomorrow, and the very people who took seriously the government's call to display initiative won't wind up in prison?"

Opposition to Reform

In addition to its flaws, the Gorbachev program has foes: bureaucrats whose jobs may vanish, party officials whose powers would be curtailed, managers unready to take risks, even workers who expect their jobs to last for life. The most powerful opposition is that at the top of the Soviet structure.

The crucial and unanswerable question is how much support Gorbachev's program enjoys in the Politburo and Central Committee. It is indicative that in many speeches, he has felt compelled to defend *perestroika* against its opponents. Gorbachev has often repeated that the party leadership is united on the need for economic changes, but while the leadership knows it must decentralize the system and afford broader scope to individual initiative, many fear losing control of the economy and yielding to the market.

The reform, therefore, has bound with one hand what the other hand has released. Enterprises are supposed to manage their own affairs—but not really. Private initiative is unleashed—but not too far. Administrative and economic approaches to production are supposed to coincide—but in fact, they tend to contradict each other.

A good example of the built-in conflict is the law on State Acceptance (Gospriyomka). Legislation of July 1986 mandated new targets for quality, offering bonuses for high performance and penalties for poor production at 1,500 enterprises, whose output will be monitored by a new body, the State Acceptance Service. Attached to the State Committee for Standards, it can accept or reject what enterprises produce.

Nikolai Shmelev has pointed to an inconsistency in this arrangement: "State acceptance excludes from quality evaluation the most interested party—the consumer, be it the enterprise for which the output is intended, or the man in the store . . . the fundamental defect of the present economic system—diktat by the producer—will basically remain inviolate."[20]

Still, no reform is ever fully consistent or acceptable to all constituencies. Shmelev and other Soviet economists have pointed out the defects in the party's economic program. It is unclear whether their recommendations for pushing the reform farther will find support among the top party leadership.

What is certain is that the current plans for restructuring the Soviet economy guarantee widespread uncertainty and dislocation for the promise of future benefits. But if Gorbachev cannot show some results, especially in the improvement of consumer goods and services, whatever support exists in society at large for *perestroika* may dissipate. And then the inchoate coalition of opponents could find itself strong enough to end reform efforts and oust the Soviet Union's reformer-in-chief.

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20. Shmelev, *op. cit.*, p. 154.

RESPECT FOR HUMAN RIGHTS

A short hand account of the Soviet Union's Gorbachev era human rights record might go: past violations—partly redressed; current violations — notably restrained; future violations—potentially unlimited.

Although it over-simplifies a very mixed pattern of performance, such a summary at least describes the general relaxation of active police measures against dissent in 1985-87. Those years have seen:

•—the release (based on written pledges not to engage in further "illegal" activities) of 383 known political prisoners—329 of them freed in 1987—including such renowned activists, allowed or forced to emigrate, as Anatoly Shcharansky, Yuri Orlov, Anatoly Koryagin and Josif Begun;

•—the return to Moscow of Nobel laureate Andrei Sakharov after nearly six years of exile in Gorky;

•—the release of 83 individuals—64 of them in 1987—who had been held in psychiatric hospitals because of their political views and activities;

•—tolerance of sizable public demonstrations by aggrieved minorities—Jews and Crimean Tatars—and aroused nationalities in the Baltic States and Armenia;

•—new latitude—to build churches, enroll seminarians and import or print Bibles—for religious faiths willing to accept official oversight of their activities; and

•—a sharp increase—from very low levels—in the numbers of Jews, Armenians and Germans permitted to emigrate and in the permissions granted Soviet citizens to visit family members in the United States.

Those and other advances in respect for basic human rights represent a clear change from Soviet conduct during the first ten years after the signing of the Helsinki Accords. They do not, however, signal either that the docket of past abuses has been cleared or that the current phase of relative improvement is becoming a permanent feature of Soviet internal policy.

On the contrary, the slow pace of legal reform—when a stroke of the pen could remove at least two of the most frequently used pretexts for repression, the "slander" and "anti-Soviet agitation and propaganda" articles of the Criminal Code—suggests the presence of determined opposition to human rights liberalization at the highest levels of the Communist Party and Soviet Government. Until the rule of law—and Soviet laws themselves—afford genuine protection to individual and civil liberties, no objective assessment of Soviet conduct can overlook:

•—the 400-1,000 citizens still held in prisons and camps for acts of political conscience;

•—the 95-150 people being subjected to psychiatric treatment because of their dissenting views;

•—the forced emigration of Baltic activists and the resurgence of anti-Semitism in the guise of Russian nationalism;

•—the restrictions being imposed not to control, but to preclude, public protests, including a show of military force in Armenia;

•—the continuing refusal to allow religious believers and clergy to proselytize—even through Sunday schools;

•—the monopoly of mass media by the Government and the lack of access by the general public to the foreign press;

•—the continuing attacks in the Soviet press on independent political movements such as the independent peace groups;

•—the remaining, major obstacles to both emigration and travel—including the hardships those barriers work on tens of thousands of still-divided families; and

•—the absence of either legal guarantees or an independent judiciary able to insure justice for Soviet citizens who not only "know" their rights, as Principle VII of the Final Act states, but seek to "act upon" them.

In the U.S.S.R., despite Gorbachevian calls for citizens to show independent thought and initiative, the Communist Party retains its monopoly of political control. For the present, its leader has granted an unaccustomed measure of freedom to the citizenry. What a different leader might choose to do in the same area is unknown and unknowable.

LIBERTIES AND THE LAW

No visitor to the Soviet capital who had known its atmosphere before 1985 can miss the freedom Gorbachev's rule has brought to civic discourse among the intelligentsia, the stratum of pre-Revolutionary and of Soviet society defined by its engagement in independent thought.[1] "Remarkably," reported a one-time spokesman for Jewish refuseniks, "most of the people I met in Moscow were not afraid to speak their minds in terms unthinkable 12 years ago."[2]

Especially after the arrests of Orlov, Shcharansky and others in early 1977 and the heavy sentences imposed on them for having tried to hold the Soviet Union publicly accountable for its human rights conduct, speaking one's mind in Moscow became a perilous activity. Ten years later, dissenters are still harassed. But in no reported instance from September 1986 until March 1988 have any been arrested, tried or convicted on charges of either disseminating "slander" against the Soviet Union or conducting "anti-Soviet agitation and propaganda."

The laws forbidding and severely punishing dissent are still on the books, articles 190-1 and 70 of the Criminal Code of the Russian Republic, for instance. In Gorbachev's third year, at least, the authorities were not only not enforcing those statutes; they were also releasing several hundred political prisoners who had been incarcerated for violating them. And, Gorbachev indicated in early 1987, the laws were soon to be dropped or notably softened.

Political Prisoners—Free and Not

Although some of the better-known prisoners of conscience—men like Shcharansky (traded for a Czech spy on the KGB payroll) and Orlov (part of the Daniloff-for-Zakharov swap)—were given their freedom and often their ticket to Western exile in 1985 and 1986, the gates of the Soviet gulag did not seem to open wide until after the December 1986 death of Anatoly Marchenko, one of the most revered and stubborn dissidents. Many observers believe that the shock and protest over his death in a prison hospital touched a high-level political nerve. In any event, less than two weeks later, Mikhail Gorbachev telephoned Andrei Sakharov to tell the famed dissenter that his Gorky exile had been lifted. And within a few months the process of amnestying large numbers of prisoners with permission to remain in the U.S.S.R. got underway.

When Sakharov returned to Moscow on December 23, 1986, his first public statement repeated one of his long-standing appeals: freedom for all political dissenters serving terms in Soviet labor camps, prisons, and exile.[3] Less than two months later, *Izvestiya* announced that the Supreme Soviet was pardoning 140 people convicted under articles 70 and 190-1 after they pledged "that in the future they would not be involved in illegal activities." A Soviet spokesperson said that another 140 cases were under review.[4]

By the end of March—in the largest Soviet mass release of political prisoners since the Khrushchev era—200 had been freed with pardons, though not formal rehabilitations, that left them exposed to reincarceration if and when the authorities decide they have violated their promises of obedient conduct. The actual oaths seemed to vary, depending on the camp or prison authorities and the negotiating skills of the inmates. As Sergei Grigoryants joked, "They asked me to write a statement that amounted to a promise that I would not take to the streets with a machine gun."[5]

Following the February decree, a June 1987 amnesty in honor of the 70th anniversary of the Bolshevik Revolution, gave freedom to first-time offenders under article 190-1 and reduced sentences handed down under article 70. One result was to empty the camps of all the women "politicals" in detention.

For the 329 political prisoners released last year, however, freedom is still a relative matter. Many have experienced difficulty in finding employment or residence permission from local authorities. Paradoxically, a July 1987 letter received in the West from several former prisoners, complains that those who completed their sentences before the first pardon remain under "administrative surveillance" (an ill-defined practice whereby former prisoners are still accountable for their movements to the local police) and, hence, have more problems in resettling.

For them and for others, Andrei Sakharov's mixed verdict on the nature and pace of human rights progress under Gorbachev is a fitting one: "The times are changing slowly and in some ways, not at all. But the changes are real." [6]

IN THE CAMPS: For the approximately 350 men and women—12 of them, former Helsinki Accord monitors—still incarcerated or in exile by the count of the International Helsinki Federation and for the perhaps 600 others whom some Soviet sources tally, "life in prison," said the U.S. State Department in 1987, continues to be marked by isolation, poor diet, and malnutrition, compulsory hard labor, beatings, frequent illness and inadequate medical care.

Through 1986, in fact, reports received by the Commission indicated that labor camp conditions had worsened, even that guards and criminal inmates were intensifying the level of political violence and isolation used to demoralize political prisoners.[7] Writing his mother from Perm camp 36-1, former Estonian activist Mart Niklus, who is still in confinement, reported: "In Kuchino . . . everything is unchanged." [8]

By the end of December of last year, eight months after low-key criticism of the labor camps appeared briefly in the Soviet press, Niklus at least had more company. All political prisoners had by then been moved to Perm 36, from a camp in Mordovia and from Perm camps 35 and 37.[9] And, with no inmates left, the women's prison at Barashevo in Mordovia had been closed.

Sergei Grigoryants, who went from Chistopol Prison in February 1987 to found and edit the unofficial journal, *Glasnost*, has noted that the June 1987 amnesty did not include provisions to reduce the camps' production quotas. Failure to meet these heavy work norms, he added, can give wardens the pretext for cutting down on releases by trumping up insubordination charges. "The zone has proven immune to reform," he declared.[10] Despite official Soviet claims that 50,000 prisoners—the vast majority of them ordinary criminals—have been freed, Grigoryants said that his diverse sources indicate that "no more than 10 percent of the prison population has been released."[11]

Psychiatric Abuse

Aside from the release of 64 Soviet citizens committed to psychiatric hospitals as punishment for political crimes, [12] candor has been the most notable 1987 change in Soviet practices in the field of mental health. Not only did the official press begin to reveal the sorry state of the discipline—although not the abuse of psychiatry as a weapon against dissent, but Soviet psychiatrists visiting the United States also agreed "in principle" to let American colleagues visit them, and, presumably, examine their patients.[13]

Along with a TASS announcement in January 1988, that the police would no longer run maximum security "special" clinics and that new regulations would give mental patients the right to contest their commitment in court, recent developments suggest a decided effort to correct one of the ugliest forms of Soviet repression.[14]

The new trend, however, makes few concessions to long-standing criticisms. Nor has it brought freedom to 95 political prisoners known to be still undergoing treatment or dismissal to doctors associated with past abuses. In fact, Dr. Marat Vartanyan, one of the best-known apologists for Soviet psychiatric practices, has been appointed to head the All-Union Center for Mental Health.

"Psychiatry as a weapon in the fight against dissidence still exists," said religious activist Alexander Ogorodnikov, a prisoner from 1978 to 1987, after the TASS announcement. "I think the changes are aimed at limiting the purely non-political abuse of psychiatry" to regain respectability in the international psychiatric community.[15]

INSIDE STORIES: Until last year the official press did not admit that the reputation of Soviet psychiatry was in any way stained. But beginning with a July 11 *Izvestiya* piece, "Without Defense," Soviet journalists have written several exposés of the improper commitment of sane men and women, even of corruption among their doctors. The most candid article appeared November 11, 1987 in *Komsomolskaya Pravda* with a direct attack on the diagnosis of "sluggish schizophrenia" that the late Dr. Andrei Snezhevsky had used to describe mental illness "with no obvious symptoms." Although the paper did not disclose that the diagnosis had been imposed extensively on dissenters, the report did say that it was "very broad and used very frequently" and "can be applied to practically anyone, even someone sane by conventional definition."

Moreover, the paper reported cases of doctors' granting false certificates of insanity to common criminals evading prosecution and of orderlies' raping women patients and forcibly removing the gold crowns from inmates' teeth. Some drug treatments, it added, "can even turn a sane person into an insane one," and some forms of "rehabilitation" amount to "an assault on human dignity." [16]

Dr. Georgy Morozov, head of the Serbsky Institute over which Snezhevsky once presided, has dismissed such reports as "incompetent" and "slanderous" journalism. He also claims that the new regulations, far from requiring significant changes, simply reflect instructions long in effect in Soviet psychiatry.[17] The Health Ministry's chief psychiatrist, however, announced that the new rules should mean dropping 2 million people from the Government's registry of mental patients, a stigmatic listing that limits civil rights, such as travel and employment and that raises risks of involuntary commitment.[18]

PROGNOSIS: Seeking readmission to the World Psychiatric Association it left in 1983, on the verge of expulsion, the Soviet mental health profession still has a lot to explain and to correct. Few who have followed its history are likely to forget first-hand reports like the one of the brutal treatment administered to Serafim Yesyukov, incarcerated after he sought to emigrate:

> He refused (to take pills). They first tried jamming the pills into his mouth. Then the orderly strapped him to the bed and employed two mentally ill inmates to help hold him down while they closed his nostrils and tried to force him to open his mouth. His nose bled. Finally they gave up and injected instead—with a promise to repeat the process if he refused the pills the next time.[19]

Citizen Action, Civic Discourse

In a handful of unofficial but increasingly widely circulated journals, in thousands of lively gatherings of private groups and clubs and in scores of public demonstrations, Mikhail Gorbachev's *glasnost* is bringing a semblance of civil society back to life in a country from which it had seemed, after 1917, to be all but erased. And unlike the brief emergence of such energies during Nikita Khrushchev's thaws, the discourse in the streets and meeting rooms is not in the elliptical form of daring poetry but in the direct language of social and political agitation.

Glasnost creates many dilemmas for party officials. None pose greater problems than the outpouring of such organized but independent citizen action. Launched by the party leadership but still unsanctioned by legal guarantees, this tide of self-expression is beginning to elude party control and to generate forceful but intermittent police reaction.

Not yet a movement—rather a spectrum of interests newly given their voice—the spread of civic action is as closely watched by outsiders as by the Kremlin. Given its head, it could eventually transform Soviet politics. Violently repressed, it will remind the West that the Soviet regime cannot tolerate change.

INDEPENDENT PRESSES: Having failed in their campaign of arrests and intimidation to abolish the multiform *samizdat* publications of the 1960's and 1970's, Soviet authorities by 1985 had at least managed to silence the most respected human rights journals—the *Chronicle of Current Events*, established in 1968, and the *Documents of the Moscow Helsinki Group*, begun in 1976. Once released from imprisonment, however, the editors of the earlier publications returned to their typewriters with restored zeal and extended contact networks.

The result has been the appearance of an array of *samizdat* bulletins in Moscow and Leningrad and, to a lesser extent, in other major cities. Earliest and best-known is the journal *Glasnost*, edited by Sergei Grigoryants. His former collaborator Lev Timofeyev has also begun circulating *Referendum*, while a Leningrad group puts out *Mercury*. The first two concentrate on human rights issues; *Mercury* focuses on local and environmental affairs; other specialized journals report on the arts, economics and religion.[20]

Devoid of comment but packed with news, *Express-Khronika* first appeared on street-corners in central Moscow in August 1987, the product of Aleksandr Podrabinek, whose campaign against the political abuse of psychiatry earned him two terms in the labor camps before his 35th birthday. A weekly, averaging about 20 pages and an initial press run of 150-170 copies, *Express-Khronika* feeds a hunger for human rights news that authorized reporting only teases. "We are starved for information, not points of view," Podrabinek says. "Facts—we need facts."

"In the past, of course," adds his colleague, Sergei Lyozov, "the official press would publish nothing at all. *Glasnost* means they are now publishing bits and scraps, always distorted and always weeks late." [21]

With its reports on demonstrations and nationalities, activities around the U.S.S.R., on treatment of political prisoners and demonstrations by Crimean Tatars in Central Asia, *Express-Khronika* amounts to a real-time news service from the Soviet underground. The challenge it presents to the authorities is being answered in two ways. *Sovetskaya Rossiya* on March 27, 1988, labeled Podrabinek a "dealer in slander," and KGB plain-clothesmen attacked him with their fists the same day, as he hawked copies of the purple-covered journal in downtown Moscow.[22]

INDEPENDENT GROUPS: According to the February 1, 1988 issue of *Pravda*, there are now over 30,000 citizens groups in the Soviet Union, representing, as do the independent publications, a wide range of social interests and viewpoints. Some are openly political, such as the reestablished Ukrainian Helsinki Monitoring Group; others pursue such interests as preserving cultural monuments, protecting the environment, advancing music and the arts.

Groups with political agendas, such as the Pacifist Group for Trust Between the East and West, tend to be called "unofficial," while those considered to be apolitical are usually referred to as "informal." Both kinds are, in theory, legal instances of civic organizations. But according to a 1932 law, the groups must have as their goal "active participation in the building of socialism" in the U.S.S.R. or in the defense of the country.

They must also be controlled by the party. While visiting Moscow in November 1987, former Soviet citizen Vladimir Kozlovsky was told by Moscow acquaintances that the Russian Nationalist *Pamyat* Society, a linguistics society and a homosexuals' club had all applied for registration with the Moscow City Council. A member of the linguistic club reported that it had been refused on the grounds that "no one in the city council had enough knowledge of linguistics to exert control over it." [23]

Some independent citizens groups have been granted permission by local authorities to meet in public buildings. One group that was not was the Press Club *Glasnost*. When it organized the independent human rights seminar in Moscow in December 1987, authorities closed a building that had been rented for the group's opening plenary session, allegedly for reasons of public health. Nevertheless, the seminar was allowed to take place in separate apartments in the city, where working groups met to discuss various issues. Approximately 400 persons, including Western observers, discussed such issues as "law and society," "human contacts," "nationality issues," "religious freedom" and "culture." Although some would-be participants from outside Moscow were prevented from attending, the meeting was a milestone in the Soviet human rights movement.

IN THE STREETS: Article 190-3 of the RSFSR Criminal Code provides labor camp sentences up to three years long for "organization of, or active participation in group actions disrupting the peace." It is not being stringently enforced. As a *New York Times* correspondent wrote in mid-1987:

> A few months ago it would have been inconceivable for a human rights protest to occur in the heart of the capital without the participants being quickly whisked away by the police.[24]

By late 1987, in fact, public demonstrations in the city on a wide spectrum of issues had become almost commonplace by Soviet standards. Noting the rallies held in the Baltic States that year to commemorate significant dates in their history, Latvian dissident and protest organizer Roland Silaraups testified to the Commission in October:

> . . . in Latvia today, it is easier to express one's opinions—opinions which are independent of those held by the authorities—without fear of immediate arrest, than has been the case in the past.

Aside from the major and often sustained protest demonstrations by nationality activists described in the next section, a variety of other protesters have appeared in the Soviet streets. In Lvov, for example, twenty members of the Ukranian branch of the Trust Group demonstrated against Soviet policy in Afghanistan. And environmentalists in Leningrad have protested destruction of cultural monuments and dangers to the ecology in the area.

Demonstrations were even held in support of deposed Moscow city party head, Boris Yeltsin, both in Moscow and Sverdlovsk, his former home. The February 9, 1988 issue of *Novoe Russkoe Slovo*, features a photo of animal rights activists picketing at Moscow's "Dynamo" Metro Station.

The response to demonstrations seems to vary with location, timing and circumstances. Following Crimean Tatar protests in the summer of 1987, a delegation was allowed to meet with Council of Ministers President Gromyko to discuss the Tatars' grievances. Some of the most active participants, however, were fined 40 to 50 rubles, about a week's average wage, and forced to leave the capital.

CONFLICTING SIGNALS: Shortly thereafter the Moscow City Council passed a measure barring demonstrations on or in the Red Square area or on the main streets of central Moscow. New laws have also been adopted by municipal authorities in areas with high concentrations of Crimean Tatars to crack down on their continuing demonstrations. Authorities in Sverdlovsk passed similar regulations in response to the pro-Yeltsin demonstrations, as did the city authorities of Ufa, after citizens took to the streets to protest urban air pollution. Ufa officials did, however, promise to consult with Moscow about ending construction of additional chemical plants. Demonstrations and public meetings in late winter of 1988 with city officials in Nizhny Tagil, produced a promise to cease operations at a local coke smelting plant that had, according to protesters, dangerously raised the level of pollution in the city, and had caused 54 children to be stillborn in 1987.[25]

In Estonia, city officials met ahead of time with organizers of the August 23, 1987 demonstration and worked out a tenuous framework for the rally. While the first Latvian demonstration in June 1987 went unmolested, violence broke out at its August successor when police attacked organizers in Riga. By November 14, the Latvian authorities had developed another technique: filling the city with their own "demonstrators," a method subsequently emulated in Moscow, keeping some organizers under house arrest and expelling others from the U.S.S.R.

In—and perhaps because of—the presence of observers from the International Helsinki Federation, 100 Jewish refuseniks were allowed to demonstrate in central Moscow on January 28, 1983 without interference. On other occasions, demonstrators have been beaten by plainclothes police or kept under preemptive house arrest. Only a handful, however, have been jailed and these for two weeks or less under what is termed "administrative arrest."

So while demonstrators are not immediately whisked away by the police in every case, article 190-3 is still on the books. In his Commission testimony, Silaraups warned that, . . . the KGB continues to collect information about these people so, if there is a change in the political climate, they can be held accountable.

And *Pravda* wrote on December 27, 1987:

> There are groups who, under the label of independent organizations, directly carry out provocatory work, press for the creation of opposition parties, "free" labor unions, push phony culture instead of genuine values. Their activities sometimes acquire a clearly illegal nature: without permission from the authorities, they organize demonstrations, and at times, disorders, illegally print and distribute documents inimicable to socialism.

On October 7, 1987, Soviet Constitution Day, police detained about 15 citizens who publicly called for revision of the 10-year-old Constitution to reflect *glasnost* and *democratizatsia*. One of the KGB officers told the group: "*Perestroika* is already over." [26]

Protection of the Law

To gauge the progress Soviets have made in the field of human rights, it is necessary to look beyond activities they have tolerated under Gorbachev's rule to liberties they have guaranteed. It is a short search that turns up little.

Despite public promises in early 1987 of major reforms in the Criminal Code, either the complexity of the task or political resistance to it have left old laws in force and new ones largely in abeyance. Following a call by Gorbachev himself for review and reform of Soviet laws to bring them in line with his program of social change, the Party Central Committee formally ordered "the first systematic examination of criminal laws since the existing code was drawn up in 1961." [27] The order, in turn, formalized a campaign by Soviet spokesmen to herald sweeping liberalization—even, it was suggested, abolition of the statutes that made political actions into crimes.

Publicity outpaced performance. More recent Soviet statements promise only to drop article 190-1 punishing "dissemination of clearly false fabrications slandering the Soviet political and social system" and to abolish provisions for sentencing offenders to internal exile. Considering that the slander statute was added to the code in 1966 without previous public discussion, it is discouraging that it has not been erased with similar dispatch.

Article 190-3, giving the courts grounds to punish public demonstrations, was another Brezhnev era addition to the laws that could be—but have not been—summarily dropped. Even if they were removed, Soviet legal expert Vladimir Kudryatsev indicated in early 1988 that article 70 on "anti-Soviet agitation" will remain, albeit rewritten. "It is now important," he said, "for us to draw a clear line, through clear formulations, between the desired free statement of opinion, on the one hand, and the fanning of anti-State activities on the other." [28] Since article 70 carries stiffer penalties—up to seven years in labor camps—than article 190 (up to three years), its retention could leave dissenters exposed to harsher treatment than before.

Even the one legal liberalization that has taken effect turns out to have limited impact. A new law giving Soviet citizens the right to appeal acts by officials, came into force on New Year's Day, 1988, but a commentary on it published since, specifies that it does not apply to decisions by any but individual officials, presumably abusing their power, or by any officials in the Office of Visas and Registration (OVIR) that grants or denies permission to emigrate.

As exiled Soviet criminal defense lawyer Dina Kaminskaya has told Commission staff, earlier laws already provided legal recourse, in theory, against arbitrary acts of housing authorities and employers. In practice, such disputes were rarely pursued through the courts and rarely to the satisfaction of individual citizens.

One other small sign of progress is a Moscow City Council decree at the end of 1987 that will allow former prisoners with a single conviction for a "serious crime" to be registered with spouses or parents as legal residents of the capital. Those with more than one conviction—Aleksandr Podrabinek, for example—are still barred from residence in the city except in cases of medical necessity.

The greatest change for the better remains the non-enforcement of repressive laws. Until that practice is made permanent by real revisions of the Criminal Code and by a judiciary independent of official pressure, the rights of Soviet citizens to question the state openly are in the hands of the state itself, subject to whatever restrictions this regime or its successors decide to impose.

Looking Forward

Mikhail Gorbachev's calls for a more open Soviet society, for more initiative and involvement by Soviet citizens in shaping their lives and implementing his reforms, have already had remarkable effects on correcting past abuses of human rights. But he has not changed the system of political rule by a single, all-powerful party, and he has indicated that he does not seek more than a measure of political competition *within* the Communist Party—certainly not from forces outside or opposed to it.

Given that built-in limitation to his reform goals, civil liberty as the West conceives it, can never be the broad foundation of Soviet law and society. The latitude Gorbachev has granted for dissent—energetically exploited by many who have suffered before for having the courage of their convictions—is new in Soviet experience. But it is a freedom that can be curtailed as easily as it was granted.

Andrei Sakharov judges progress in these cautionary words sent to a June 14, 1987 graduation ceremony at the College of Staten Island:

> The changes in the internal life of the Soviet Union which have been proposed by Gorbachev are important and necessary. I want to believe that his intentions are serious.
>
> But what has been accomplished to date is merely a beginning. It has only scratched the surface of the monolith of Soviet society.

Beneath that surface, expectations are rising. A young Socialist, a veteran of 13 months in the KGB's Lefortovo Prison in Moscow in 1982-83, presses the case for parliamentary elections, opposition political parties, a free press and broad civil liberties. In meetings of groups like the Club for Social Initiatives or Democratic *Perestroika*, 29-year-old Boris Kagarlitsky argues for radical change:

> The young have not lived through the Stalin crimes or the thaw under Khrushchev. We have different experiences and a different psychology and cultural background . . . We've never really even had socialism here. It's time we tried.[29]

FOOTNOTES

1. See Tibor Szamuely, *The Russian Tradition*, McGraw-Hill, New York, 1974.
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3. Gary Lee, "Sakharov Returns, Calls for Release of Prisoners," Dec. 24, 1986.
4. "Humane Act," *Izvestiya*, Feb. 14, 1987.
5. Bill Keller, "Soviet Releasing Some Prisoners Under New Law," *New York Times*, Feb. 7, 1987.
6. Bill Keller, "Sakharov Emerges, Freer but Still in Limbo," *New York Times*, Nov. 7, 1987.
7. "Memorandum on Recent Intensification of the Regime in Soviet Prisons and Concentration Camps," Research Center for Prisons, Psychoprisons, and Forced-Labor Camps in the Soviet Union, April 1986.
8. Mart Niklus, letter provided by Relief Committee for Estonian Prisoners of Conscience.
9. Kronid Lubarsky, *USSR News Brief*, Dec. 31, 1987.
10. Bill Keller, "Where Cold and Food Are the Tools of Torture," *New York Times*, Feb. 22, 1987.
11. Sergei Grigoryants, "The Pitiful Results of the Amnesty," *Russkaya Mysl'*, Feb. 5, 1988.
12. "Soviet Abuse of Psychiatry for Political Purposes," Helsinki Watch, New York, January 1988, p. 2.
13. Associated Press, "Soviets to Allow Visits to Mental Hospitals," *Washington Post*, March 27, 1988.
14. Paul Quinn-Judge, "Soviet Dissidents Give New Psychiatric Law Mixed Reviews," *Christian Science Monitor*, Jan. 7, 1988.
15. *Ibid.*
16. "Soviet Abuse of Psychiatry . . ." *op. cit.*, p. 4.
17. "International Helsinki Federation Mission to Moscow," *News from the Helsinki Watch*, Feb. 22, 1988.
18. Associated Press, "Two Million to Quit Soviet Mental-Patient Rolls," *Washington Post*, Feb. 12, 1988.
19. Joyce Barnathan, "Inside a Mind Jail," *Newsweek*, Aug. 11, 1986.
20. David Remnick, "Dissident Paper Reports the News *Pravda* Won't Print," *Washington Post*, Mar. 28, 1988.
21. *Ibid.*
22. *Ibid.*
23. Vladimir Kozlovsky, "Return," *Novoe Russkoe Slovo*, Dec. 20, 1987.
24. Philip Taubman, "In Moscow, A New Era?" *New York Times*, July 29, 1987.
25. Associated Press, "Smog-Covered Soviet City Site of Mass Anti-Pollution Protest," Apr. 8, 1988.
26. Vladimir Kozlovsky, "Return to Moscow", *Novoe Russkoe Slovo*, Jan. 26, 1988.
27. Celestine Bohlen, "Soviets Would Drop Law Used to Jail Dissidents," *Washington Post*, Sept. 22, 1987.
28. Quoted in *Der Spiegel*, Jan. 25, 1988.
29. David Remnick, "New Soviet Dissidents Urge 'Genuine' Socialism," *Washington Post*, March 3, 1988.

EXPRESSING NATIONAL IDENTITIES

According to its heirs, the 1917 Revolution transformed relations among nationalities and ethnic groups. From the Russian Empire that Lenin had termed a "prison of peoples," emerged, says the Soviet slogan, "a fraternal union of equal peoples." The facts do not support quite such a happy picture. In Soviet times, tensions have persisted at and just below the surface among the U.S.S.R.'s 103 separate nationalities—22 of them with over 1 million members, 49 with fewer than 100,000.

In Mikhail Gorbachev's first three years, in fact, old aspirations and resentments flared anew. Many Western (and perhaps Soviet) analysts believe Gorbachev's own policies—relaxing central authority in economic matters, encouraging public discussion of touchy issues—have stimulated the revival of vocal nationalism. By upsetting old arrangements for the sharing of top jobs—even the number and quality of them to be shared—among representatives of competing ethnic groups, Gorbachev's reform drive exacerbates frictions without providing new mechanisms for resolving them.

A clear example of this cause and effect was the violent rioting in late 1986 in Alma Ata, following the ouster of Kazakhstan's top party leader—accused of corruption—and his replacement by a Russian instead of another Kazakh. Less easily explicable—and nowhere predicted—was the combination of massive, sustained public protests in Armenia and ethnic violence in Azerbaijan, early in 1988.

While they followed direct attacks on the Armenian Party leadership by Gorbachev, among others, the protests did not seem directly related to the criticism. Rather, the orderly street demonstrations in Yerevan focused on demands to reunify an Armenian enclave in Azerbaijan with the main republic. Gorbachev personally heard out the protesters' case with apparent sympathy in late February, but *Pravda* on March 21 bluntly condemned it as an "anti-socialist" attempt to "exploit people's emotions for provocative aims so as to reverse society's development." [1]

More widely expected but so far less extensive and explosive, dissent against Russian rule and Soviet policies has also come out into the open in the Baltic States, incorporated into the U.S.S.R. as part of the spoils of World War II. Even more assertive has been a well-publicized nationalist campaign among right-wing Russians, espousing an open anti-Semitism and an implicitly anti-Soviet nostalgia for a vanished Russian culture, safely isolated from Western influences.

Those who can say, "I told you so," cannot, however, forecast the course of the nationalist ferment with any degree of certainty. It has put Gorbachev on the defensive—"Show me a country without nationalist problems," he snapped at reporters covering his March 1988 visit to Yugoslavia, "and I will move there right away." [2] It has also required him to admit to the Central Committee plenum of February 18, 1988 that the regulation of relations among nationalities is "the most fundamental, vital issue of our society," one he said the party's top body should address in a special session this summer.[3]

No observer can say with certainty that Gorbachev is waiting too long to do too little to quiet nationalist feelings. But to the extent that his reform drive and *glasnost*, especially, have helped raise expectations of change and of fairer treatment for various minorities, the outpouring of separate ethnic demands could, in combination, drive him to pull back from his declared course or, like some of his predecessors, try to rein in forcefully the nationalist forces he has helped unleash.

Central Asia

The first major explosion of those forces occurred as a two-day riot in Alma Ata in December 1986, after Kazakhstan's First Secretary, Dinmukhamed Kunaev, was ousted and replaced by Gennady Kolbin, an ethnic Russian, who had been secretary of the *oblast* committee in Ulyanovsk. Kunaev, who lost his place in the Politburo a month later, was charged with overseeing large-scale corruption, an accusation also brought posthumously against the party boss of neighboring Uzbekistan.[4]

Official versions of the Alma Ata "events" list 2 dead and 200 others injured, but *samizdat* sources put the toll at 280 Kazakh students and 29 militiamen and soldiers killed, with 2,138 protesters arrested. Where both accounts agree is that the Kunaev-Kolbin switch sparked an outpouring of resentment. According to an eyewitness version, the crowd in Alma Ata's central Brezhnev Square gathered to demonstrate against Russians holding jobs—especially in the army and police—that the youngsters felt should go to their own people.

What began as a peaceful rally of students holding placards with the slogan, "Kazakhstan must belong to the Kazakhs," and singing national songs turned violent after the crowd heard the Republic's premier list all the state posts in Kazakh hands and ask, "What are you unhappy about? Which of your rights have been violated?"

When the demonstrators still refused to disperse, militia and soldiers surrounded the square and attempted to force them out, an effort that took a day and much violence to succeed.[5] While reports of tension in the region continue—including an April 1987 incident involving the desecration of a Muslim cemetery by Russian "hooligans"[6]—there have been no further, reported violent flare-ups between Russians and Muslims in Kazakhstan or the neighboring Central Asian Republics.

ISLAM AND NATIONALISM: Nervous party ideologists, nonetheless, continue to attack the increase in the influence of Islam—a stimulant to nationalist sentiments across Soviet frontiers in Iran and Afghanistan—and the ineffectiveness of "atheistic education" on the U.S.S.R.'s estimated 45 million Muslims, 16 percent of the Soviet population. According to Keston College, there are close to a thousand unregistered mullahs working in the Tadzhik SSR as opposed to fewer than twenty with official permission.[7]

"Gorbachev has ordered a frontal assault on Islam," wrote a Rand analyst,[8] and arrest figures for Muslim activists, compiled by Keston College, would seem to bear him out: from 2 in 1985, to 10 in 1986, and 15 in 1987. These activists have been accused by the chief of the Tadzhikistan KGB of attempting to infiltrate the party, government and law enforcement agencies.

There is also "a methodical effort to divide, co-opt, and tame the Moslem clergy."[9] For instance, an official Muslim clergyman has stated that "there is no contradiction between the Komsomol and religion, no antagonism," a position contrary to Lenin's teaching that party members who attend religious service should be expelled. Soviet policy in Central Asia, however, has long tried to make practical accommodations with local beliefs and local elites, and, until the Alma Ata "events," had appeared to be buying time and peace.

Armenia

Until much more recently, a similar modus vivendi had also kept the political surface of Soviet Armenia nearly unroiled. Left alone with their own ancient Christian culture, able to maintain relatively easy contact with friends and family in the diaspora in the West, the 3 million or so Soviet Armenians voiced and seemed to feel far deeper historical grievances against Turks across the border than against their neighbors or masters inside the U.S.S.R.

Except for several protests in 1987 against environmental pollution in the area around Yerevan, the Republic appeared calm about its circumstances and its leaders, even party chief Karen Demirchyan, whose alleged tolerance for corruption drew attacks from Gorbachev but support in the Armenian Party hierarchy.[10]

Beginning on February 22, 1988, that tranquility evaporated. Demonstrators estimated in the hundreds of thousands marched peacefully but persistently for four days in a row in Yerevan, the swelling crowds demanding the inclusion in the Armenian SSR of the nearby Azerbaijan-administered territory of Nagorno-Karabakh, an enclave roughly the size of Long Island. Moscow had promised to unite the two in 1923, three years after Soviet authority was established in Armenia, but never implemented the pledge.

The protest erupted after the small region's legislature—directly defying a Central Committee injunction from Moscow—voted 110-7, with 13 abstentions on February 20 for reunification with Armenia.[11] Only the day after his radio appeal for "civic maturity and restraint" on February 25 left the Yerevan crowds unmoved, did Gorbachev receive two Armenian intellectuals—journalist Zori Balayan and poet Silva Kaputikyan—as the protesters' emissaries in his Moscow office. Promising to take personal responsibility for finding a solution—but giving no promise as to what it would be—he showed sympathy for their complaints about the lack of Armenian-language television and textbooks in Nagorno-Karabakh.

Returning to Yerevan the same day, Mr. Balayan told the crowd of some half million demonstrators, "Mikhail Sergeyevich understands." Hearing that message, the protesters voted to disband, but their leaders pledged to gather again on March 26 to weigh the more substantive answer they insisted on having from Moscow.[12]

The hint of concessions to Armenians, however, apparently sent Azeris on a rampage in the industrial city of Sumgait, 22 miles north of Baku, on February 28. According to a TASS report of March 21, the violence left 32 dead and 197 hurt, including about 100 policemen. Unofficial sources say the toll is higher and allege that the "pogrom" included mutilation and rapes of Armenian women.[13]

The conflict left the Kremlin only hard choices. A week before the Armenians' deadline, the message from Moscow as relayed by *Pravda* was negative. To redraw the boundaries to put Nagorno-Karabakh inside Armenia, the party organ said, would be to "break the established mechanism." Continuing, it raised questions Soviet leaders have long dreaded:

> What if the rest of the regions, at the expense of other peoples, set out to satisfy their own interests in this fashion? What will happen to the union of brotherly nations, to the economy of the country? As we see, the "noble" idea of "reunification," has an obvious anti-socialist flavor.[14]

Moscow ultimately refused the demand for Nagorno-Karabakh's annexation to Armenia, but produced a $670 million package of measures intended to raise social and cultural standards for the Armenian majority in Nagorno-Karabakh. With armed troops patrolling Yerevan's streets in force, the original demonstrators let their March 26 deadline pass without renewed public protests. Many workers in Stepanakert, the capital of Nagorno-Karabakh, however, staged strikes to protest Moscow's decision.

One notable victim of the Armenian events was former political prisoner Paruir Airikyan. As a result of his active dissemination of news concerning the events, he was arrested in late March 1988 and charged with "slander against the Soviet social and political system." His was the first such "political" arrest to come to Western attention since September 1986.

The Baltic States

In the region where nationalist unrest had been most persistent and most consistently repressed in the post-war U.S.S.R., Gorbachevian gestures of tolerance for dissent brought old demands—voiced with impressive new organization — back into the open. The success of protest organizers in rallying public support, however, has also brought a toughening of the official line and a practice that may prove to be a policy: attacking not the sentiment, but its most visible and energetic exponents.

Nationalists in the three Baltic Republics—Latvia, Lithuania and Estonia, all of which were incorporated into the Soviet Union in 1940 as part of Stalin's bargain with Hitler—gained a new lease on life in 1986 when the Kremlin quietly released 23 political prisoners. Punished for earlier activities in support of the separate identities and cultures of the Baltic States, several of them put their freedom promptly to the service of their original causes. In Latvia, the formation of a group calling itself "Helsinki '86" led within months to a massive, peaceful demonstration in Riga and to unprecedented coordination among Baltic nationalist leaders in planning subsequent rallies and in uniting behind a call for full disclosure of the history of their nations' annexation by the Soviet Union.[15]

Roland Silaraups, one of the recently released political prisoners, played a major role in organizing a peaceful demonstration in Riga on June 14, 1987 to commemorate the 46th anniversary of Stalin's deportation of thousands of Latvians to Siberia. At this first organized mass demonstration since World War II against Soviet rule in the Baltics, an estimated 5,000 demonstrators and bystanders gathered to place flowers at Riga's Monument of Freedom and to hear speakers denounce Stalin's crimes. The demonstration was allowed to proceed with a minimum of police interference.

The Riga demonstrations seemed to energize Latvia's neighbors. Estonian activist and former political prisoner Tiit Madisson told a Helsinki Commission hearing on October 6, 1987 that the events in Riga "were like a torch which helped flame sentiments throughout the Baltic."

Similar protests followed in all three Baltic capitals on the anniversary of the Molotov Ribbentrop Pact, August 23; again in Riga on November 14, Latvian Independence Day; in Vilnius on Lithuanian Independence Day, February 16, 1988 and in Tallinn on Estonian Independence Day, February 24. Smaller demonstrations also took place in outlying towns and cities. But the authorities' response had toughened since June 14. In Lithuania and Latvia, massive displays of police and auxiliary police power, plus pro-government "counter demonstrations" kept nationalist sympathizers off the streets.[16]

Particularly outside the capitals, police have used force against the activists. They drove several prominent organizers of the August 23 Vilnius demonstrations out of town, leaving them in the countryside with threats of future physical retribution. The

Estonian Independence Day demonstrations were allowed to take place, but many activists, particularly those involved in forming an independent Estonian political party, have been forced to emigrate, as has about half the original membership of "Helsinki '86." [17] Another means of dealing with less active, but potential demonstrators has been to threaten them with loss of jobs or expulsion from school. At least seven activists have been called up for military reserve duty; two of them were jailed for refusing to report and a third was forced to emigrate. In Riga and Tallinn, large numbers of school children between the ages of 14 and 18 were packed off to the country for a week to keep them apart from the demonstrations.[18]

There are reports of Lithuanians serving up to 15 days in jail for their part in the Independence Day events on February 16, 1988. Two months earlier members of the Vilnius City Council had told Commission staff members, "We'll take a look at it," if anyone applied for permission to demonstrate on Independence Day. Subsequently, members of the Vilnius dissident community reported to the same staff members that police had already been around warning potential participants to stay away.

Accepting a measure of nationalist sentiment as its own, the central press has criticized Russians who settle in the Baltics and refuse to learn the native language. There have also been calls to fill in the "blank spots" in Baltic history, so as not to provide ammunition for the "bourgeois nationalist reactionaries" abroad. A top Latvian editor has said of the 1939 Stalin-Hitler Accord: "We are for publication of it (the pact); it would remove a lot of this needless talk." [19]

Russian Nationalists

Under Gorbachev, the talk of Russian nationalists has been strident. Riding a mainstream current of patriotic sentiment in favor of historic preservation, fidelity to Russian culture and a more balanced view of the Czarist past, a right-wing group called "Pamyat" has won remarkable public support and official tolerance in Moscow and Leningrad.

Its leader is openly anti-Semitic. Official commentators have linked his views to those of the early 20th-Century Black Hundreds, instigators and executors of savage pogroms. But despite clear opposition from liberal officials high in the Central Committee and the press, Pamyat appears to flourish as the dark side of the Slavophile school in which many distinguished writers as well as political and military figures have also found a home. Originally founded by Ministry of Aircraft Production, workers whose enthusiasm for restoring run-down churches, graveyards and other monuments was widely shared, Pamyat has changed since Dmitri Vasiliev, a Muscovite, a writer-photographer and a charismatic speaker, became its head. In speeches (often taped and disseminated widely through an informal network of supporters) to large audiences in premises provided by party and other official agencies, Vasiliev praises Gorbachev, *perestroika* and Russia.

But citing the long-discredited *Protocols of the Elders of Zion*, he denounces:

> A satanic conspiracy of Freemasons and Zionists . . . afoot to destroy our sacred country, its culture, all that is dear to us. . . . Unless we unite and smash these evil forces now—for there is very little time left—it will be the end of our people and our fatherland.
>
> Do you know that sinister forces are rebuilding our holy capital in such a way that the main streets will constitute a Star of David? Do you know that the satanic forces want to make Russia a nation of alcoholics? But no one ever told you of the Judeo-Masonic plot to prepare our children for a life of debauchery. For the yogurt they are given every day contains not less than 1.5 percent alcohol . . .[20]

If Pamyat's chief spokesman is on the lunatic fringe, the organization's supporters are not. Numerous enough to stage a march through central Moscow in mid-1987 that ended with the leaders being officially received by the city party's then-First Secretary, Boris Yeltsin, they have also been able to meet in the headquarters of the Leningrad Region Party Committee and to link themselves effectively to officially sanctioned drives for restoring monuments of Russian culture and giving old Russian placenames back to locales that had carried post-revolutionary, Communist honorifics.

Neither as extreme as Vasiliev nor openly dissident, like the exiled Solzhenitsyn, a number of respected Russian nationalist writers have written oblique criticism of Soviet policy as a destructive influence on traditional Russian values and culture. Theirs is the "benign" Russian nationalism dedicated to the restoration of Russian national heritage and spiritual values.

Because Russian nationalism itself can mean different things to different people, the Kremlin's attitude toward it is difficult to ascertain. Alexander Yakovlev, a Politburo member with close ties to Gorbachev, is on record as sharply criticizing Russian nationalism. Yet there is little doubt that Russian nationalist grievances get a sympathetic hearing from some leading party figures. The August 1986 Politburo decision to scotch the project to turn northern Russian rivers southward was probably not occasioned only by wiser economic judgments, but also by the protests of leading Russian writers against the havoc the scheme would wreak on ancestral northern Russian lands. In the past year, as well, certain street names in Moscow have regained their prerevolutionary designations and the city of Izhevsk, briefly Ustinov, after the late Soviet Defense Minister, has had its good name restored.

As for Pamyat, though under attack in the press, it has had more leeway than similar nationalist groups would get in other areas, a policy that lead one observer to ask:

> If similar organizations were to be set up, for example, in Lithuania, Ukraine, or Armenia, that linked nationalism with idolatry of pre-revolutionary heroes, would they be given space in party buildings for their meetings and highly publicized interviews with top party officials? Hardly likely.[21]

Other Nationalities and Minorities

Glasnost has brought grievances of other national groups—the Crimean Tatars, Ukrainians, Belorussians and Jews, for example—a new measure of public attention. Only on marginal issues, however, has Gorbachev given their demands much satisfaction. Whatever broad new Soviet policy is to be developed on the nationality issue, it will have to be exceptionally elastic to accommodate the full range of concerns that these nations and minorities have long voiced, long in vain.

CRIMEAN TATARS: In the summer of 1987, Crimean Tatars resumed agitation for their right to return to the ancestral homeland from which Stalin expelled them in 1945 for alleged treason during World War II. In Moscow and areas of Central Asia to which they had been exiled, the Tatars renewed the demonstrations they had begun as early as 1956, pressing the campaign that makes theirs the first open dissident movement in the Soviet Union.

After extraordinary public rallies outside the walls of the Kremlin, Soviet authorities agreed to establish a nationwide commission, with local affiliates in Central Asia, under the chairmanship of Council of Ministers President Andrei Gromyko to "examine" the Tatars' demands. The Commission eventually mandated new measures to "promote the culture of Crimean Tatars," but did not resolve the major issue: resettlement in Crimea for all who desire to do so. In March 1988, the Commission ruled that Crimean Tatars who were "the most virtuous and proved in work and social life" would be allowed to return to the homeland, a move condemned as inadequate by Crimean Tatar activists.[22] Meanwhile, a Crimean Tatar representative in the West claimed that Moscow plans to move 500,000 Slavic settlers into the Crimea, possibly as a result of predicted unemployment among unneeded workers in the Russian Republic.[23]

UKRAINE: The perennial issue of Russification in the Ukraine, touched on by Ukrainian writers at the January 1987 plenum of the All-Union Writers' Union in Moscow, has continued to gain momentum in literary and party circles. On the first anniversary of the Chernobyl nuclear accident, the Kiev University Komsomol distributed a leaflet addressed to citizens of Kiev attacking local party officials for being unresponsive to the peoples' needs.[24]

This "official" protest has been paralleled by the formation of an unofficial Ukrainian Culturological Club devoted to the preservation of Ukrainian history and culture. Criticized in the official press, the club was expelled from the Government-owned premises in which it had been meeting. Newspapers, however, have printed letters in support of the group, including one by Oksana Meshko, an elderly activist with a long history of labor camps and exile. In contrast, three other prominent Ukrainian nationalists were prevented from attending the independent Moscow human rights seminar in December 1987, and some of Ukraine's most renowned political prisoners still remain at Perm Camp No. 35—having been transferred there from the notorious Perm Camp No. 36-1 in December 1987.

BELORUSSIA: The normally quiescent Belorussians have also become more assertive on national issues. As early as 1986, 28 Belorussian cultural figures wrote to Gorbachev, proposing a series of measures designed to preserve their culture and language. One hundred and thirty-four nonliterary activists followed with a similar letter in June 1987. On November 1, 1987, a demonstration in Minsk, allegedly organized to revive a Belorussian tradition of honoring the dead, produced various nationalist complaints against Soviet repression. And a month later, representatives of about 30 unofficial Belorussian youth groups met to discuss history, cultural, and language issues.[25] While tolerated, so far, such nationalist activities have begun to be criticized in the official press.

JEWS: There have been symbolic shifts in official attitudes toward Jewish cultural activists. The Soviet press has become more attentive to Jewish contributions to society and has given increased coverage to Jewish theaters, dance troupes, etc. During a visit to the United States in August 1987, Rabbi Adolf Shayevich of the Moscow Choral Synagogue, known for his public fealty to the Kremlin line, stated that teaching Hebrew would be permitted under the new law on self-employment. At least one private course had been set up with official blessing in Baku, Azerbaijan,[26] but there are reports that this course has been closed down by city authorities.

A private Jewish library and a Jewish museum have also been established in Moscow, and certain Jewish literature has been permitted for import. The newly-opened kosher restaurant at the Choral Synagogue, however, is reportedly open only to tourists and synagogue staff. A well-known former refusenik told Commission staffers in April 1988, that he believes the Government is seriously attempting to reduce anti-Semitism—admission for Jewish applicants to institutes of higher learning is much easier, for instance, but that *glasnost* has led to greater manifestations of anti-Semitism "from below."

OTHER AREAS: The Soviet press has recently reported serious ethnic disturbances in one of the most under-publicized areas of the Soviet Union, Moldavia, but little information directly from that area is available.[27] On a peaceable note, the Kazakh Central Committee published resolutions in March 1987, calling for the improvement of both Russian and Kazakh language instruction. There have also been some concessions to the status of local languages in schools in Moldavia and Buryatia, as well as calls for the same in the Kirghizian press. In Georgia, human rights activists have formed an organization named after the martyred Georgian poet Ilia Chavchavadze to press for more cultural and religious concessions.

The Nationality Dilemma

The rise in national consciousness and its various public expressions have forced Gorbachev to address the issue. In his address to the February 18, 1988 party plenum (called to discuss education issues) Gorbachev referred to the nationality issue as the "vital, fundamental" issue of society and suggested that a future party plenum be devoted to the issue. Earlier, the issue had not been high on the agenda, although various party spokesman had gradually begun to address the issue more frankly and to recognize the dangers of ignoring long-festering complaints. In his November 2, 1987 speech commemorating the 70th anniversary of the Bolshevik Revolution, the General Secretary said:

> (The party) must be exceedingly attentive and tactful in everything touching the national interests or national feelings of people and ensure the most active participation of the toilers of all nations and nationalities in the solution of the diverse tasks in the life of our multinational society
>
> If we encounter signs of legitimate discontent or protest, we shall seriously get down primarily to the root causes of such phenomena. Administrative zeal will be of no help in this respect . . .[28]

Thus far, the reluctance to resort to "administrative zeal" has meant that, with the exception of the Alma Ata rioters, only one nationalist dissident—Armenian Paruir Airikyan—has been arrested and tried for participating in nationalist activities. Only in the Baltic States have some activists been forced to emigrate or recalled for military reserve duty and prosecuted when they refused. After the remarkable Armenian protests, Gorbachev and his policy-makers must recognize that nationalist concerns—whether old grievances or new, whether over language and culture or money and land—are emerging as major obstacles to internal Soviet harmony, political unity and economic productivity.

FOOTNOTES

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15. Juris Kaza, "Stirrings of Baltic activism test Moscow's tolerance of nationalism, *Christian Science Monitor*, Aug. 21, 1987.

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22. "Crimean Tatars Unsatisfied With Government Overtures", *RL Research*, Mar. 18, 1988.

23. Report by Aishe Seitmuratova, "On Persecution of Crimean Tatars in Uzbekistan and in Crimea," January 1988.

24. *Russkaya Mysl'*, Jan. 15, 1988.

25. Bohdan Nahaylo, "'Informal' Belorussian Groups Hold First Conference," *RL Research* 47/88, Jan. 31, 1988.

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27. Bohdan Nahaylo, "National Ferment in Moldavia," *RL Research*, Feb. 3, 1988.

28. Ann Sheehy,"Gorbachev's Remarks on the National Question," *RL Research*, Nov. 3, 1987.

PROFESSION RELIGIOUS BELIEFS

When General Secretary Gorbachev demanded a "decisive and uncompromising struggle against manifestations of religion and a strengthening of political work with the masses and of atheist propaganda,"[1] during a November 24, 1986 speech in Tashkent, some feared a new wave of religious repression in the making. It did not materialize. Soviet spokesmen later told Commission staffers that Gorbachev's rhetoric "was just for party members, anyway."

When he spoke to the nation at large through televised coverage of a Kremlin reception in late April 1988 for the top hierarchy of the Russian Orthodox Church, Gorbachev struck a dramatically more tolerant note:

> Believers are Soviet people, workers, patriots, and they have the full right to express their conviction with dignity. *Perestroika* and democratization concern them too — in full measure and without any restrictions.

In his statement of welcome to the clergymen, as read by Soviet newscasters, Gorbachev appeared to promise new policies toward religion that would assure at least the Orthodox Church the right "to carry out its activity without any outside interference."[2]

Although that right has not been put into law, practice in certain areas of the Soviet Union has already produced an improved situation for believers.

An American correspondent reported early in 1988:

> Religious activists, many of whom have been released from prison or exile over the last year, agree that authorities have a more tolerant attitude.[3]

And Ambassador Richard Schifter, U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs, told a State Department audience on May 14, 1987:

> The restrictions seem to be relaxing for those religious groups willing to obey the regulations.

Gorbachev has spoken infrequently about religion, and his call at the 27th Party Congress in February 1987 for ". . . more creative initiatives and activity . . . against clerical anti-Sovietism"[4] suggests a retreat from all-out attacks on individual faith, which does not challenge the authority of the Soviet state. The difference between not attacking religion and tolerating vigorous, free, religious expression, however, is significant. Soviet authorities have not proved they intend to take the second step.

Official Attitudes

The Soviet press and official spokesmen have shown a recent willingness to criticize past attitudes and policies and to suggest that change is in the offing. Yuri Smirnov, head of the international department of the All-Union Council for Religious Affairs, for instance, said early in 1988:

> Previous leaders tried to force the masses away from religion. In practice, much has changed. The needs of believers, the church in our country, are being regarded more calmly and attentively.[5]

And during an August 1987 U.S. visit, Konstantin Kharchev, Council chairman, admitted that in the past believers had been "rudely treated." Under Gorbachev, he claimed, this practice was being corrected.[6]

In the fall of 1987, Cultural Fund chairman Dmitri Likhachev also publicly criticized the Government's interference with the church and the limitations placed on the production of religious literature.[7]

Not only *Moscow News*, largely for Western readers, but also *Literaturnaya Gazeta*, and *Izvestiya* have publicized mistreatment of Soviet believers attempting to register their churches. The tone of such commentary is not new. In August 1965, *Komsomolskaya Pravda* carried an article by a G. Kelt, warning:

> Today we are deceiving ourselves again. . . . It is true that there are no churches and no ministers in large parts of the Soviet Union. But there are believers. . . . Where do they come from? From the ranks of those who leave the church . . . closing a parish does not make atheists of believers. On the contrary, it strengthens the attraction of religion for people and it embitters their hearts besides.[8]

One dramatic change in official attitudes is the new visibility — including appearances on Soviet television — of the Russian Orthodox hierarchy. During the 1988 Russian Orthodox Easter celebrations, Soviet television broadcast part of the service from the Epiphany Cathedral in Moscow — at 3 a.m. without prior notice — in what is believed to be the first Soviet religious telecast.[9] Such exposure can be seen as an attempt to co-opt the 1988 celebrations of the Millenium of Christianity in Kievan Rus' and as a reward to the Orthodox hierarchy that faithfully tows the party line in public statements on peace, human rights and religious freedom. Nevertheless, the treatment is a marked change from the pre-Gorbachev era when Soviet clerics were virtual nonpersons in the official media.

Legal Status and Criminal Penalties

Soviet legal restrictions on religious practices originate in legislation adopted under Lenin, intensified under Stalin and amended over the years. While Yuri Smirnov claimed that "the Government is preparing to amend the laws that limit organized religion," he added that, "it is too early to discuss what changes might be made."[10] According to a recently emigrated Russian Orthodox priest, one person who has seen the new draft legislation on religion — rumored to be awaiting official promulgation — told members of the Moscow International Society for Human Rights that "it hardly varies from the old legislation."[11]

One putative change has been to grant "juridical personage" to registered churches, a move reported in the *Journal of the Moscow Patriarchate* in January 1986. At least one representative of the Council on Religious Affairs, however, has stated that "to a certain degree" religious congregations were granted the right to legal entity in 1946, and that status was allegedly reaffirmed in 1957.[12]

Another new practice drops the requirement that baptisms be registered with local councils on religious affairs. Unless and until new legislation alters them, however, criminal codes in the Soviet Republics will continue to outlaw religious education in Sunday schools and provide sanctions against "infringement of the laws on separation of the church from the state and of the school from the church" and "infringement upon the person and rights of citizens in the guise of performing religious rites." In the past, believers were also sentenced on charges of "slander" or "being occupied in illegal enterprises," i.e., printing Bibles and other religious literature.

A special edict by the Supreme Soviet in February 1987, and an amnesty in June 1987, to mark the 70th anniversary of the October Revolution, though not addressed directly to imprisoned believers, significantly reduced the number of known religious prisoners, from 411, as reported by Keston College in early 1986, to approximately 240 in February 1988. The total number of known Christian prisoners dropped from 338 to 153. Approximately 30 of the latter are Jehovah's Witnesses sentenced for refusing to serve in the armed forces. The 90-odd non-Christians are Hare Krishnas and Muslims.

Analysis of the known arrests for the period 1985-1987 shows that while the latter groups have suffered increased arrests and jailings, overt persecution of more traditional religious organizations has relaxed. From the beginning of 1987, when approximately 125 Baptists were imprisoned, their number has declined to 38. Some of those still in the camps, however, are older pastors in poor health after repeated sentences.

Religious Communities and Instruction

In early 1987, both the Pentecostal and Seventh-Day Adventist communities recorded "firsts" in their Soviet history — the opening of a registered Pentecostal Church in Moscow and of a seminary for the officially recognized Adventists.[13]

Statistics on the registration of new churches remained imprecise and must be interpreted in light of the fact that registration itself does not necessarily insure a community decent premises in which to worship.

In the November 1987 issue of *Nauka i Religia* (Science and Religion), Council Chairman Kharchev claimed that there are 6,794 registered Russian Orthodox communities (down from the 1981 total of 7,007.) In contrast, the weekly *Ukraina* of July 1987, gave the figure as 8,500. Kharchev also counted almost 3,000 Evangelical Christian-Baptist communities; *Ukraina* reported "over 2,000." Keston College, however, has pointed out that the All-Union Council of Evangelical Christians and Baptists (AUCECB) previously claimed over 5,000.[14]

During recent discussions in the Soviet Union with Helsinki Commission staffers, a former Russian Orthodox priest indicated that receiving permission to register an Orthodox Church in the area he was familiar with, Western Siberia, was easier than in other parts of the U.S.S.R. — in part because religious council officials had so much trouble with Evangelical Christians that they were willing to cooperate with the Russian Orthodox.

Yet another reason, he said, was that Siberian officials themselves were younger and more liberal in their attitudes. Other analysts believe that Soviet authorities prefer to register Baptist communities, fearing that refusal may drive the believers into illegal groups.

During the Moscow independent human rights seminar in December 1987, some participants described bitter feuds with local officials over opening Russian Orthodox Churches. One man from the Donbass region of the RSFSR reported that his Russian Orthodox congregation had received written permission to open a church from the All-Union Council, only to be thwarted by local authorities. In Georgia, according to dissident Zviad Gamsakhurdia, at least 16 Georgian Orthodox communities have been groundlessly refused permission to register.[15]

Nor does the opening of the first Adventist seminary in 57 years alter the long-standing principle of careful control over entrance to seminaries and theological institutions. The numbers are kept low, and candidates are frequently admitted on the basis of their "reliability" rather than spiritual qualifications.

A contentious, perennial problem for ordinary believers — the supply of Bibles — has been somewhat alleviated under Gorbachev. The All-Union Council of Evangelical Baptists and Christians, for example, received 10,000 copies of the Bible and 10,000 hymn books in Russian in June 1987 through the combined efforts of the United Bible Society and the Mission Light of the Federal Republic of Germany. As a result, there is now a small supply of Bibles available for purchase at the Moscow Baptist Church at a cost of 30 rubles each (about $45 U.S. at the official exchange rate.) Another 100,000 Bibles are scheduled to be delivered in 1988, along with 10,000 in German, and 8,000 in Moldavian. The Russian Orthodox Church has obtained permission to print 100,000 Bibles, and Keston College reported that the United Bible Society has also sent a shipment of paper and printing equipment to the Georgian Orthodox Church to produce 10,000 Bibles in Georgian.

On March 22, 1988, Vladimir Solodin, chairman of an official committee assigned to review books that had been previously banned, announced that the general Soviet public would be permitted to own Bibles and other religious literature which was not "anti-Government."[16]

Religion and National Identity

In his 27th Party Congress remarks about combating "anti-Soviet clericalism," Gorbachev also used familiar terms to urge more "efforts to overcome the vestiges of religion and nationalism." The problems presented by religious denominations that are historically associated with the national cultures of non-Russian minorities have frustrated the Soviet Government throughout its history. Gorbachev's policies in this respect are different only to the degree that they may be bringing such issues to the surface of Soviet politics.

Probably the best example of past official conduct is the treatment of the Ukrainian Eastern-rite Catholic Church, forcibly joined to the Russian Orthodox Church in 1946 at an illegal synod in Lvov. In August 1987, an open appeal to Pope John Paul II from two bishops, 35 clergy and 174 laity in the Ukraine sought aid in security legalization for the Ukrainian Catholic Church; in February 1988, a similar appeal to the Supreme Soviet was signed by over 5,000 persons. For 40 years the official line was that the church does not exist and those who claim to be its adherents are simply purveyors of Ukrainian bourgeois nationalism. Since the fall of 1987, however, mixed signals have suggested that old policies may be under reexamination. A supplement to *Komsomolskaya Pravda*, "Sobesednik," for instance, published a "challenge" by a Ukrainian Catholic to debate the issue of religious faith with a Komsomol member.[17]

In November 1987, Radio Liberty reported contacts between Soviet officials and representatives of the Ukrainian Catholic Church to discuss the legalization of the church. Ukrainian activist and exile Joseph Terelya said he was "fairly optimistic" that the Kremlin will move on legalization.[18]

At a human rights meeting in Venice, Italy in February 1988, however, the Archbishop of Pskov reverted to form: "We have no Uniates, and the people want nothing to do with them."[19] Nevertheless, a group of Ukrainian Catholics from Chicago was reportedly invited by a Russian Orthodox prelate in early 1988 to celebrate an Eastern-rite Mass at a church in Ivano-Frankovsk in Western Ukraine.[20]

Reports from the Baltic States, where the Lithuanian Catholic Church has historically been a carrier and symbol of nationalist feelings, are similarly mixed. In July 1987, Lithuanian authorities answered years of petitions by thousands of Catholics by announcing their intention to return Our Lady Queen of Peace Church to the parishioners of Klaipeda in 1989, 28 years after authorities seized it. A month later, the chaplain of a major Vilnius church told a United Press correspondent:

> Attendance is increasing. It is most definitely on the increase. There are more younger people and families . . . generally, we do not feel the pressure from the Government that we used to in the past.

The same priest, an ethnic Pole, noted that "Polish priests have flocked to Lithuania to help administer to the spiritual needs of its Catholics." [21]

While it is difficult to imagine priests of any faith "flocking" to an area of the Soviet Union, the introduction of Polish clergy to fill the places of an older generation of Lithuanian priests could combine with the strict ceiling of 30 new entrants per year to the seminary in Kaunas to help the Kremlin subtly distance Lithuanian priests from the ethnic roots of their flock.

Catholic dissidents and a priest who had recently spent time in labor camp for his religious activities told Helsinki Commission staffers that the vast majority of the clergy remains afraid of offending secular authorities. A priest who demonstrates independence, they said, can count on being refused a permanent position in any parish.

The Latvian Lutheran Church, at one time the nation's predominant religious faith, has seen its hierarchy crack down on members of the reform-minded "Renaissance and Renewal" group and the Roman Catholic Church, step into the vacuum to acquire the largest following in present-day Latvia.[22]

Two members of "Renaissance and Renewal" told a Helsinki Commission staffer in Riga that "the mission of the Lutheran hierarchy in Latvia is to travel abroad and to extinguish the church quietly." The Latvian hierarchy, they reported, has removed activist ministers who were bringing more people back to the churches from the parishes and has relieved them from positions at the theological institute. According to Keston College, however, one of the major figures in "Renaissance and Renewal," Pastor Modris Plate, has been restored to his pastorate.[23]

Hare Krishna Movement

When Religious Affairs Council chairman Kharchev provided *Nauka i Religia* in November 1987, with his statistics on the numbers of Soviet believers in the various faiths, he made no mention of the Hare Krishna movement. This hard-to-define, quasi-religious philosophy is still a tiny fringe group. According to representatives abroad, it has grown to include at least 200 fully initiated members and over 10,000 practitioners since it was introduced into the Soviet Union in 1971.

The first two years under Gorbachev were difficult. Arrests doubled from 6 in 1985 to 12 in 1986. None, however, were reported in 1987, and Anatoly Pinyaev, the founder of the movement in the Soviet Union, was released from a special psychiatric hospital last December after four years of incarceration. Some Hare Krishna representatives, by contrast, were invited earlier in 1987 to discuss registration of the group with the Council on Religious Affairs, but the talk has not led to any reported further action. The application for registration in 1986 by Hare Krishnas in Riga, Latvia was rejected by the local council on the grounds that "(their) views on dietary practices and performance of yogi exercises may not serve as a reason for registration as a religious group." [24]

Approximately six devotees are still believed held in labor camps or psychiatric hospitals, and one died in labor camp in December 1987. The sect is most visible in Moscow. During USSR-India month in July 1987, orange-robed believers could be seen in the capital staging their gatherings or "kirtanas" on the streets, handing out nuts and sweets to crowds observing discussions between a delegation of the International Helsinki Federation and the Soviet Human Rights Commission.[25]

FOOTNOTES

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FREEDOM OF MOVEMENT

A right most Westerners take for granted, the freedom to travel abroad is a privilege the Soviet state grants or denies its citizens, requiring them, in either case, to go through an arduous application procedure involving submission of numerous documents to an Office of Visas and Registration (OVIR), a section of the Ministry of Interior. According to a recent issue of *Izvestiya*, it is no longer necessary to submit applications to one's place of employment or educational institution in order to travel to the West for a visit or for permanent emigration.[1] Refuseniks are quick to point out, however, that following submission of the required documents, the KGB will make the necessary inquiries at the workplace or educational institution.

In theory, only Jews, Armenians and Germans are allowed to "repatriate" to their respective homelands or reunite with families abroad. Occasionally, dissidents or members of other nationalities are allowed or forced to leave. Although emigration increased considerably in 1987 over previous years, the flow has come nowhere near the levels of the late 1970's. Entry and exit visa totals for temporary visits to and from the Soviet Union, however, rose significantly, particularly in 1987, and *Pravda*, noting continuing Western criticism of Soviet emigration restrictions, wrote on January 25, 1988:

> . . . although we have overtaken the West in many spheres . . . international propaganda has managed to fudge over our general picture of accomplishments as a result of insufficiently justified bars to leaving the country. . . .

Those "bars" tighten or relax in accordance with high-level political decisions, rather than the formal regulations for entering and leaving the Soviet Union promulgated by the Supreme Soviet on September 20, 1970, or the "clarified" regulations that went into effect on January 1, 1987. Those new rules limit emigration for family reunification to instances where a Soviet applicant seeks to rejoin, "a husband, a father, a mother, a son, a daughter, a brother, or a sister." Despite fears that Soviet authorities might release only those who fit the family relations stipulations, the National Conference on Soviet Jewry's year-end survey found that in 1987:

> There is some easing of the first-degree family restriction as a requirement for invitations to leave. Indeed, in some cities, from 25 to 30 percent of the new applicants did not have such invitations.

Soviet refuseniks, however, have informed the Commission that in January 1988, at least some OVIRs interpreted the rules strictly, accepting applications only from first degree relatives. During the Shevardnadze visit to Washington in late March 1988, administration officials received assurances from the Soviets that the latter will "liberally" interpret emigration regulations once again.

The year 1987 did see large numbers of Soviet Armenians allowed to leave the Soviet Union—3,200, compared to 88 in 1985 and 197 in 1986. There has also been a huge increase in the number of Soviet Germans going to the Federal Republic of Germany—14,888, compared to 460 and 698 in the two previous years. And Jewish emigration figures have risen from 1,140 in 1985, 914 in 1986 to 8,155 last year. The totals for the first quarter of 1988 are 2,396. The statistics are encouraging, but they reflect changed tactics under Gorbachev, not institutional or legalized reforms that might survive if he does not.

State Secrets

The Soviet practice of denying applicants with supposed knowledge of "state secrets" permission for them or their family members to emigrate has been and continues to be applied in an unpredictable manner. For the first time, the clarified regulations of January 1987, at least provide a formal statement—a possible ground for seeking reversal of a low-level denial—that an individual may not be permitted to leave "if he is privy to state secrets or if there are other reasons involving state security."[2]

The practice of denying emigration due to a relatives' alleged possession of state secrets appeared to increase beginning in 1987. In some recent cases, applicants who are refused on "state secrets" grounds, are being told to "go through their lists of relatives because maybe someone in their family had access to secrets," the Union of Councils for Soviet Jews reported on January 28, 1988. During the preceding week, several long-term refuseniks from Moscow received word from OVIR that their secrecy status would not be reinvestigated "as long as they have no close relatives outside the country."

In addition, at least the OVIR in Odessa is now demanding documents from military authorities if the applicants have draft-age sons.

In one positive development, at least three long-time refuseniks who had been mentioned in *Vechernaya Moskva*, on February 12, 1987 [3] as being permanently ineligible for emigration on "state secrets" grounds, did, in fact, eventually receive permission. In addition, a special commission has been established in the Supreme Soviet to make final decisions on disputed security denials. Its workings are still unclear, but the applications of some refuseniks previously denied on security grounds have supposedly been approved on the basis of the commission's decision.

In response to a question on emigration during his televised interview with NBC news in December 1987, Gorbachev has also resurrected an issue that had not been raised for several years: that of emigration as a dangerous "brain drain" out of the Soviet Union. Picked up in the Soviet press, his justification for limiting freedom of movement was repeated a few weeks later by a representative of the U.S.S.R. Friendship Society during discussions with Helsinki Commission staffers and during a "U.S.-U.S.S.R. Citizens Summit" in Alexandria, Virginia in February 1988.

Statistically, the brightest spot in the area of travel from the Soviet Union is that of divided spouses and blocked marriages. At the time of the November 1985 Reagan-Gorbachev summit in Geneva, there were approximately 20 such problem cases. The number is now down to five.

Family Visits, Travel

Because the U.S. Government does not generally monitor the movements of its citizens or permanent resident aliens, exact statistics on the number of them who have been issued visas to visit relatives in the Soviet Union, cannot be obtained. Nevertheless, it is clear that visa refusals for such visits have been reduced to a minimum, and in 1987, the Soviet Government reversed its policy of denying entry visas to former Soviet citizens. While emigres report that those who had been imprisoned on political charges since the Stalin era are not being permitted to visit their former homeland, their spouses have been allowed in.

In reporting on Soviet citizens allowed to visit family members in the United States, the U.S. State Department described the situation on the eve of Gorbachev's ascent to power:

> In general, few Soviet citizens are granted exit permission to visit relatives in the United States. Most are retired and have family members in the United States. . . .
>
> During the period October 1, 1984—March 1985, the (U.S.) Embassy and consulate general issued U.S. visas to 557 Soviet citizens for private visits.[4]

As of October 1987, the Department noted changed conduct:

> Soviet practice in the area of family meetings reflected some of the other liberalizing changes taking place in Soviet society. . . . The number of people who applied for and received visitors visas for private family trips to the United States was more than 2,800 for the April 1—September 30 reporting period—more than double that figure for the same period in 1986, (1,050).[5]

By the end of 1987, the number of such visas issued for the year had nearly doubled again to 5,764.

Footnotes

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THE FLOW OF INFORMATION AND IDEAS

The most-noticed—because most visible to outside observers—of the changes sponsored by Mikhail Gorbachev in Soviet internal affairs has been the lifting of long-standing restrictions on expression in the media and the arts. Where a time-honored rule of thumb—whatever is not permitted is forbidden—was enforced by formal censorship and powerful sanctions against dissent, journalists, writers, film makers and others have gained new latitude to explore the limits of political and cultural orthodoxy.

Their freedom is far from assured, far from absolute. It advances only by fits and starts, without formal statutory protection. But in taking advantage of the expanded scope for inquiry, comment and self-expression, Soviets are both serving the proclaimed goals of *glasnost* and, some hope, insuring its continuation. Asked by a member of a Washington audience in late 1987 which period was better for writers—the post-Stalin "thaws" or the current *glasnost*—Author Daniil Granin, a 1963 defender of Alexander Solzhenitsyn, replied succinctly: "Now is better. It hasn't ended yet."

Nor did it begin with Gorbachev. *Glasnost* has antecedents in the writings of Lenin. And the concept of free expression, along with respect for law, has been a central aim of Soviet human rights advocates since they emerged as open dissenters in the mid-1960's.

There is more than a little irony in a Communist Party leader's adopting and adapting the rallying cry of democrats his predecessors scorned, jailed, and exiled. But Gorbachev's policy remains far from the genuine openness sought by such men as Andrei Sakharov. Official *glasnost* is more a means than an end in itself.

It is meant to serve the Gorbachev reform agenda by:

•—assisting a political purge. *Glasnost* exposes the public to details of the past errors and misdeeds of officials whom the new party leaders seek to depose.

•—mobilizing reform initiative. Wider public information about what is *wrong* in Soviet society is meant to spur and justify experiments in setting things *right*.

•—educating the Soviet public. By exposing the Soviet population to a wide variety of opinions on social and other issues, *glasnost* sets the stage for bringing Soviet citizens into the information age.

•—releasing stifled creativity. Especially in the field of culture, *glasnost* opens the way both for suppressed talent to emerge and for a fresh examination of Soviet history's darkest episodes.

•—providing accurate reporting to decision makers. In a society pressing modernization but still hobbled by self-deception, correct information is essential at the top, and *glasnost* opens a reporting channel from below.

Auxiliary benefits may come in making the Soviet media more popular and thus decreasing the audience for Western radio broadcasts. Further, *glasnost's* early beneficiaries come from the ranks of the disaffected intelligentsia. To the degree that they gain a stake in Gorbachev's success, they may be not only reintegrated into the society that has often censured the best of them as "internal emigres;" they may also be dissuaded from seeking an audience for their criticism in the West.

Glasnost, however, is no easy instrument to wield. Conservative Soviet spokesmen are trying to define its limits in terms of the service it renders to concrete party aims, not as a free-for-all of free expression. Yet a policy that sanctions a multiplicity of views in a state where only one view can prevail obviously threatens the machinery of party control; it could even endanger party power.

That risk is already apparent. To keep *glasnost* from swelling from a thaw to a deluge, the Soviet regime will likely face ever more difficult choices. As the Nagorno-Karabakh incident has shown—with its hundreds of thousands of Armenian protesters on the streets of Yerevan—*glasnost* carries the risk of opening a Pandora's box of dissent.

MEDIA POLICIES

Background

Since the summer of 1922, the Soviet state has had a national censorship agency under one formal name or another.[1] Known from its first incarnation as *glavlit*, the institution employed at one time as many as 70,000 censors, many of them with offices inside the publishing houses and periodicals they oversaw.

Their guide was a constantly updated tome of some 300 pages: "Index of Information not to be Published in the Open Press," also known informally as the Talmud. Its listing of forbidden topics ranged from domestic food shortages and natural disasters to the mention of discredited leaders such as Trotsky or of *glavlit*, itself.

Always required to submit material to the censors in advance of publication for study periods lasting several days to two weeks, on average, for monthly journals, editors could dispute the censors' verdicts with the censors themselves and bargain for the restoration or revision of disputed material. But even when writing had been cleared with the secret police (KGB), the censors had the last word; they checked printed text against manuscript before giving the go-ahead for the presses to roll.

Knowing the obstacles they faced, the norms the party decreed and the penalties they could suffer in perquisites as well as publication denied, writers and editors most commonly practiced the avoidance mechanism of self-censorship. As effectively as official scrutiny, this practice in literature, film, journalism and the visual arts worked to stifle open dissent and individual creativity.

Various sources, including high-level Soviet officials, claim that under Gorbachev, official censorship has ended and that journalists are now free to tackle any subject. In practice, however, public information must serve the party's goals, advance and applaud its programs.

It is the party that sets the media agenda, one that Givi Pasturia, deputy editor of *Dawn of the East*, the Russian-language newspaper of Soviet Georgia, defined to Helsinki Commission staff members in December 1987, in two ways. Soviet reporters, he said, are no longer barred from once-forbidden zones of investigation. On the other hand, they are adjured to criticize societal shortcomings sharply. *Glasnost*, in short, lifts prohibitions to sanction a new conformity.

As for *glavlit*, its status is unclear. Martin Dewhirst, an authority on Soviet censorship, told the Commission in February 1988, that the agency has a new head, Vladimir Boldyrev—said to have been appointed in early 1987—and that many former censors have new jobs as librarians. Although most Soviet journalists and cultural figures say they no longer see the once-all-powerful censors, a scaled-down apparatus for party control apparently still exists.

Gorbachev and Glasnost

Mikhail Gorbachev has long been a Soviet media critic. The press, he complained, was often "guilty of monotony, drabness and superficiality." [2] Within a few weeks of his inaugural pledge to disseminate more news on party work, a *Pravda* editorial in late March 1985 declared:

> Timely and frank release of information is evidence of trust of people, respect for their intelligence and feelings and for their ability to assess events.

For the first six months thereafter, however, the press concentrated on corruption and economic failings,[3] harking back to the campaigns of Yuri Andropov's brief tenure as General Secretary. By the fall of 1985, a wider novelty was apparent in the publication of an interview with President Reagan, of news of domestic natural disasters and, in December, of writer Yevgeny Yevtushenko's call for the publication of long-banned modern Russian classics. Despite Writers' Union head Georgy Markov's criticism of *glasnost* at the February 1986 27th Party Congress,[4] the 1986 press pushed onto new ground with stories on problems of Afghanistan war veterans and the privileges of party membership and with criticism of Stalin as a war leader.

Such advances—spurred by Gorbachev in 27th Party Congress injunctions to raise the "low ideological and artistic level" of some Soviet TV programs, and to mobilize the local press against anti-reform party bosses [5]—have not gone uncontested. In January 1987, Gorbachev made his ally Aleksandr Yakovlev, already Central Committee Secretary for Propaganda, a candidate member of the Politburo.

But six months after Yakovlev, a former Columbia University exchange student and Ambassador to Canada, got the power to push the *glasnost* policies he is credited with devising,[6] a top Soviet editor called for restraint. In a June 1987 speech to the Union of Journalists, *Izvestiya* editor—in-chief Ivan Laptev warned that freedom was leading to articles that presented Soviet history as "a complete error, a kind of historic failure." [7]

Appearing to retrench and revise priorities, Gorbachev put a new spin on his policy in a January 1988 meeting with Soviet media representatives. Where, a year before, he had stressed the need to fill in the blank spaces ("white holes") in Soviet history, he now suggests the press deemphasize historical and sociopolitical themes—Stalinism and its victims, by implication—in favor of a focus on positive examples of the effects of reform on the economy.[8]

Gorbachev's shift in emphasis may herald more far-reaching concessions to Old Guard Party stalwarts. Early evidence suggests, however, it is more a tactical than a strategic retreat. The central press, at least, continued to use *glasnost* at the start of 1988 as a means of exposing old and new corruption. For example, in Uzbekistan, old corruption was exposed when Leonid Brezhnev's son-in-law appeared to be the target of a bribery probe. New corruption was the focus when a Brezhnev secretary was convicted of taking bribes, a Ukrainian KGB official was charged with brutality, and Armenian Party and police were accused of taking payoffs for protecting illegal conduct[9]. On anti-Stalinism, a play published in the January issue of *Znamya* goes significantly farther than Gorbachev has in denouncing the one-time dictator. It accuses Stalin of murdering the Leningrad Party chief Sergei Kirov in 1936 and has Vladimir Lenin call himself "guilty before the workers of Russia" for not ousting Stalin in time.[10] A clear setback for *glasnost*, however, was an October 1987 Council of Ministers order disclosed in February 1988, to halt the work of independent publishing cooperatives.[11] Such cooperatives had already printed some books in Latvia and Estonia, but were closed by Moscow's order in 1987. The Soviet Government clearly did not want to relinquish its total control over official printing presses in the U.S.S.R.

Debating History

The issue of Stalin's place in Soviet history—and press and textbooks—is a question that both media and party have tentatively reopened. Two years before a party commission's formal rehabilitation in February 1988 of Nikolai Bukharin, among the most prominent of Stalin's victims, Mikhail Gorbachev was on record as seeing no need to reexamine the past.[12]

His 1986 contention that Stalinism was a bogus issue, invented by enemies of socialism, gave way to a Central Committee Plenum decision in January 1987, that, as one analyst said, "in order to introduce change in the current system, the present leadership must disassociate itself from the Stalinist past." [13] By July of that year, Gorbachev was saying:

> I think we never will be able to forgive or justify what happened in 1937-38 (Stalin's Terror) and never should.[14]

In between the plenum and that statement, however, top party ideologist, Yegor Ligachev, weighed in with an effort to set limits on de-Stalinization. Soviet history, he said, should not be seen as "a chain of errors" and Stalin should be credited with having "put the Soviet Union on the map as a leading industrial power."[15] When Gorbachev came to give an authoritative discourse on his nation's history to a November 1987 observance of the Revolution's 70th anniversary, he was circumspect. Stalin had been right to crush the Trotsky-Bukharin opposition, he held, but his methods were brutal. Portraying Stalin's opponents as misguided rather than villainous, Gorbachev placated the dictator's admirers by refering to thousands of victims rather than the millions numbered by most Western and some dissenting Soviet historians.

With signals from the top so uncertain, the Soviet press has divided views. Defending Stalin and Stalinism are such journals as *Zvezda* (Star), *Molodaya Gvardia* (Young Guard), *Moskva* (Moscow) and *Literaturnaya Rossia* (Literary Russia). Most Soviet journals—*Druzhba Narodov* (Friendship of the Peoples), *Znamya* (Banner), *Novy Mir* (New World) and *Yunost* (Youth)—see black horror in the "white holes" of the past.[16]

Early in 1987, for instance, *Ogonyok* (Little Fire), a liberal journal, ran graphic articles on Stalin's purge of the Red Army elite. A number of other periodicals carried criticism of Stalin's wartime leadership or attacked his policies of economic centralization, agricultural collectivization and scientific and cultural dictatorship.

Some published writing has even raised the question of Stalinism's impact on contemporary Soviet society. Interviewed in the weekly *Literaturnaya Gazeta* (Literary Gazette) of September 9, 1987, Academician Dmitri Likhachev, chairman of the recently established Culture Fund, compared Stalinism to serfdom, saying that it:

> Spread deep roots into the mentality of several generations . . . The fear which it instilled in our minds and souls still shackles people's consciousness and paralyzes it.

Not everyone is paralyzed. Bukharin's widow, Anna Larina, was able to conduct her campaign for his rehabilitation in the Soviet press, notably in a lengthy interview with *Ogonyok*. And more anonymous survivors, as they did after Nikita Khrushchev's denunciations of Stalin in 1956 and 1961, have flooded Soviet newspapers with letter-memoirs. *Literaturnaya Gazeta*, for example, received 10,000 in 1987, presumably similar to the plea of Valentina Gromova, which the *Washington Post* reproduced on February 10, 1988. Recounting the travails of her blind, 82-year-old husband and his 10 years in Arctic labor camps, she asked that innocent *gulag* survivors be given state pensions.

Describing Reality

Not only in viewing the past but also in reporting on the present, Soviet media are shedding the gray conformity that was long their chief characteristic, and circulation figures indicate that the reading public is rewarding the standard bearers of *glasnost*. *Pravda*, viewed as unenthusiastic for reform, lost 300,000 of its daily 1987 sales, but still circulates 10.7 million copies. *Izvestiya*, on the other hand, has published hard-hitting articles and gained 2.5 million in readership.

Among the periodicals a similar trend has appeared. Conservative journals such as *Molodaya Gvardia*, which opposed plans to publish suppressed works by the late Boris Pasternak, have kept their circulations stable. *Novy Mir* and *Znamya*, liberal literary and political monthlies, have doubled their sales to about one million and one-half million, respectively.

Druzhba Narodov—probably because of its announced plan to publish the Anatoly Rybakov novel, *Children of the Arbat*,—saw circulation rocket from 150,000 to 800,000. Subscriptions poured into *Moskva* after it decided to serialize the pre-Revolutionary work, *The History of the Russian State*.

In journalism *glasnost* has expanded content as well as readership. Taboo topics from ordinary crime to political corruption, from environmental protest to inadequate health care have become regular, if not standard, fare in the Soviet press and on Soviet television. For example, the sensitive issue of the millions of victims of Stalin's drive to collectivize agriculture from 1929 until 1933 has recently surfaced in the Soviet press. Vladimir Tikhonov, a member of the Soviet Academy of Sciences, wrote in early April in the weekly *Argumenti i Fakti*, that Stalin's policy of "de-kulakization" had liquidated the Soviet peasantry as a class with well over "10 million rural dwellers" persecuted.

DISASTERS: Since the Chernobyl nuclear power plant fire and explosion in April 1986 shattered the official myth that nuclear accidents cannot occur in the U.S.S.R., Soviet people and media have shown heightened concern for ecology and nuclear energy issues. Although it took about two weeks after the accident for officials to release data to the Soviet press on Chernobyl, the disclosure was extensive and inaugurated a new practice of discussing calamities.

In 1986, the press reported earthquakes in Moldavia, the sinking of a Soviet passenger ship in the Black Sea and a fire on a Soviet nuclear submarine which went down near Bermuda—all events which would have gone unrecorded in pre-*glasnost* times. In January 1988, the youth newspaper, *Komsomolskaya Pravda*, revealed that public opposition had stopped construction of a nuclear power plant near Krasnodar. Criticizing such popular fears, the article also said the public lacked information, as evidenced by the flood of concerned citizens' letters to the Atomic Energy Ministry.

SOCIAL PROBLEMS: Crime, routinely concealed in the past, has become the subject of regular columns in Moscow's three dailies and, since 1987, of weekly press briefings at the Ministry of Internal Affairs. Moscow police admit that at least 2,000 prostitutes ply their trade in the Soviet capital.[17] And *Izvestiya* reported in September 1987, the existence of 50,000 drug addicts in the U.S.S.R.—80,000 fewer than police officials say are at large.[18]

Press freedom to discuss these social issues and others such as juvenile delinquency and alcohol-related crime has its cost. Moscow police were angry at a *Komsomolskaya Pravda* charge of their brutality to teenage motorcycle gangs, and a *Moskovsky Komsomolets* report mentioning prostitutes' earnings apparently stimulated new enrollment in the oldest profession.

The sorry state of Soviet health services has also received unaccustomed publicity. In the September 25, 1987 *Pravda*, for example, Dr. Svyatoslav Fedorov, a famous eye surgeon, said that the basic problem for the Soviet health system was getting medical personnel to work better. Interviewed by *Literaturnaya Gazeta* in April 1987, the new Minister of Health, Dr. Evgeny Chazov, revealed that the Soviet Union ranks 50th in the world in infant mortality and that pollution levels in 104 Soviet cities threaten public health.[19] And *Voprosy Ekonomiki* (Economic Questions) said in 1987, that three-fourths of the citizenry pay or bribe medical workers to get better treatment than the "free" health system routinely provides.[20]

OFFICIAL CORRUPTION: Launched by Andropov, the drive against bribe-taking and self-enrichment by Soviet officials has reached back into the Brezhnev family, east into a $6.5 billion scandal in Uzbekistan[21] and to the point that *Pravda* acknowledged that corruption had become the key to decisionmaking involving officials and entrepreneurs who hired bodyguards and bought police protection.

Long an instrument of the anti-corruption campaign, the press has even been allowed to record KGB misconduct. In one instance, it publicized the rebuke administered to the Ukrainian KGB chief, Stepan Mukha, by KGB head Viktor Chebrikov for helping to silence a local, muckraking journalist. In January 1988, *Pravda* also reported how falsified evidence had been used to frame an Odessa police chief, A. V. Malyshev, and imprison him for two years, in retaliation for his drive against theft of state property by local party chiefs.

Electronic Glasnost

Although it took up the new ethos later than the print media, Soviet television has embraced it warmly and—in Gorbachev's first year in office—profited from *glasnost* concretely. As the first leader to rely heavily on TV to promote his views and programs, Gorbachev gave it priority attention. He installed Aleksandr Aksenev in December 1985 as the new head of Gostelradio, the mass media agency, which has since purchased new transmitters and other equipment and, in 1987, added four hours to the daily TV broadcast schedule.[22]

Along with these changes, Soviet television is notably less boring and more popular, improved in style and substance and even coverage of foreign news. In 1986, the amount of live programming increased [23] and in 1987—as part of a trend that brought a record number of live interviews with Western political figures—Soviet TV ran more than 20 telebridges, exchanges of views, with various Western countries.[24] On February 8, 1988, it even gave unprecedented live coverage to the Supreme Soviet's "debate" on the Intermediate-range Nuclear Forces Treaty.

A Moscow cab driver's comment to a Commission staffer in late 1987, that, "now at least there's something to watch on TV" is confirmed by surveys that show television as the main Soviet communications medium and find viewers spending twice as much time in front of their sets in the spring of 1987 as two years earlier.[25]

On news broadcasts they are routinely seeing reports on subjects—drug abuse, crime, runaway children, AIDS, natural disasters and accidents—that both electronic and print media used to shun. Soviet TV has even shown some public demonstrations of protest: Jewish *refuseniks* in Moscow, Lithuanian nationalists in Vilnius.

The direct link between Gorbachev's message and the Soviet electronic medium can be clearly seen in the coverage by special programs of his reform agenda. A new broadcast, shown immediately after the evening newscast, is called "Spotlight on *Perestroika*," an examination of people's responses to restructuring plans.

Another program, "Man and the Law," looks at the impact of proposed revisions in Soviet law. One show on private enterprise discussed ways and means of setting up a private business. Another successful venture, "Twelfth Floor," a monthly broadcast aimed at youth, has brought millions of viewers frank discussions between experts and young people on touchy social and psychological questions.

Limits of Glasnost

The candor, the spirit of inquiry, the new daring of the Soviet media are all reflections of the wider role public opinion is gaining in a society where a citizen's only place used to be in the audience, applauding the leadership. Opinion polls—formerly classified data—are now frequently published, even when they show, as an unusual survey of youth did in *Komsomolskaya Pravda* in September 1987, that nearly a third do not believe in communism.

Not only are readers' letters published in greater numbers and variety of conflicting viewpoints, but the national TV news broadcast, *Vremya* (Time), has shown numerous man-in-the-street interviews. A specialist at the Institute on State and Law told Helsinki Commission staffers in December 1987, that legal and practical changes are being developed to ensure individuals equitable access to the media. And public opposition is credited with getting top leaders to reverse plans to divert the flow of Siberian rivers into Central Asia, to search for new designs for a World War II monument in Moscow and to stop construction on a nuclear power plant in the north Caucasus.

If knowledge is power, sharing information has the effect of diluting central political control in a nation whose regimes have historically monopolized authority. The change makes many Soviets—both powerful and those unused to power—uncomfortable. And the change is still a relative one, not a total reversal.

Some issues are still off-limits to journalists—any criticism of Soviet foreign policy decisions, the Kremlin leadership or the Communist system in the U.S.S.R., for example. In military matters, too, secrecy remains strong. Yet an *Izvestiya* commentator, Stanislav Kondrashev, can complain publicly, as he did in the September 1987 *Kommunist*, that the lack of "necessary information about military and military-political affairs" hampers the work of Soviet journalists.[26]

Since the leadership decision to withdraw troops from Afghanistan, however, the press has been able to treat the war there with greater honesty. Its 1985 coverage still portrayed the conflict as basically a tale of Soviet heroics and *mujahedeen* banditry. Revealing now that Soviet troops are being killed and wounded, the press has also disclosed that many Afghans oppose the Soviet presence and that many Soviet citizens are critical of it. An outstanding example of such reporting was the series of articles by Artyom Borovik published in the liberal journal, *Ogonyok.*[27] Without directly questioning the 1979 decision to invade Afghanistan, the media are at least giving Soviet citizens a sense of the course of the war there.

Soviet authorities, however, are still screening out most information from the West. Citing hard currency shortages and promising anew (as human rights spokesman Fyodor Burlatsky did in Yugoslavia in mid-March, 1988)[28] to bring policy in line with 1975 Helsinki Accord undertakings on information exchange, they permit only the public sale of Communist Party publications. Although the Kremlin did stop jamming Voice of America broadcasts to the Soviet Union in 1987, it continues to block Radio Liberty signals. And after the massive Armenian protests over the Nagorno-Karabakh dispute, the April 4, 1988 *Pravda* accused Western radio stations of inciting recent ethnic unrest.[29]

And some Soviet officials openly show their distaste for current journalistic conduct at home. Defense Minister Dmitri Yazov, in a January 1988 television appearance, sharply criticized the press for undermining public respect for the Red Army and called on it to instill patriotism in Soviet youth.[30]

Since his views on this subject are close to those stated by Party Secretary Yegor Ligachev and KGB chief Viktor Chebrikov, it is not surprising that Soviet journalists feel uncertain about which line to follow and which lines they may not cross. When editors met with Gorbachev at the start of this year, *Pravda* editor-in-chief Viktor Afanasyev noted: "In recent times, breaking mechanisms against press criticism have appeared." His colleague at the helm of *Ogonyok*, Vitaly Korotich, said that ideological clashes seriously impeded communication among journalists and with Soviet officials.[31] The clashes would seem an inevitable accompaniment to as abrupt a switch in as crucial an area of political power as *glasnost* is for the Soviet media, officialdom and the public. After years of near-total silence about the gap between the nation's promises and its performance, many people in the U.S.S.R. feel poisoned by a diet of bad news. Dissident Elena Bonner remarked to Helsinki Commission staffers in December 1987, that "information shock" had hit much of the public.

Reportedly, the Moscow media is playing a role in what may be an ever-widening rift between Gorbachev and his chief Kremlin rival, Yegor Ligachev. When Gorbachev was in Yugoslavia and Aleksandr Yakovlev was in Mongolia, Ligachev apparently summoned a meeting of Soviet newspaper editors to discuss party policy. (Significantly, *Moscow News* and *Ogonyok* editors were deemed too liberal to invite.) During this meeting, Ligachev praised an anti-reform article published on March 13 in *Sovetskaya Rossiya* and called for restraint in the Soviet press. In late March—when Ligachev was out of Moscow—Gorbachev reportedly called a Politburo meeting which reprimanded the *Sovetskaya Rossiya* editor and warned Ligachev for his conduct at the editor's meeting.[32]

The architects of *glasnost* must hope that the shock that comes from dispelling the official myth of Soviet perfection will be a galvanizing one for reform. Their aspirations, however, ring a note reminiscent of the appeal a Russian editor in exile made to the new Czar Alexander II over 130 years ago. "Sire, give us freedom of speech," beseeched Alexander Herzen in a public letter, "We have so much to say to the world and ourselves."[33]

Like Mikhail Gorbachev, Alexander II was a reforming autocrat. Except for freeing Russia's serfs, however, his grants of freedom were largely curtailed or reversed after his assassination. It is not clear, after only three years of Gorbachev's rule, how much of his program—beginning with *glasnost* in the media—will endure even through his lifetime.

Footnotes

1. For a detailed survey of censorship and the workings of the Main Board for the Protection of State and Military Secrets in the Press, State Committee for the Press under the Soviet Council of Ministers, see Martin Dewhirst and Robert Farrell, eds., *The Soviet Censorship*, Scarecrow Press, London, 1973.

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5. Vera Tolz, "Gorbachev's Speech to the 27th Party Congress: Reaffirmation of *Glasnost*," Feb. 26, 1986.

6. Julia Wishnevsky, "Aleksandr Yakovlev and the Cultural 'Thaw'," *RL Research*, Feb. 5, 1987.

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11. Bill Keller, "Soviet Halts Independent Publishing Cooperatives," *New York Times*, Feb. 3, 1988.

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22. Viktor Yasmann, "*Glasnost* and Soviet Television in 1987," *RL Research*, Jan. 28, 1988.

23. Boris Kagarlitsky, "The Intelligentsia and the Changes," *New Left Review*, July-August 1987, pp. 5-26.

24. Viktor Yasmann, "Soviet Telebridges in 1987," *RL Research*, Jan. 28, 1988.

25. Isaac Tarasulo, Lecture, Kennan Institute, Jan. 7, 1987.

26. Celestine Bohlen, "Soviet Press Asks Military Cost Figures," *Washington Post*, Sept. 29, 1987.

27. David Remnick, "Soviet's Kabul Dispatches Bring Home 'the Real War'," *Washington Post*, Mar. 4, 1988.

28. David Remnick and Jackson Diehl, "Soviet Sales Seen for Western Press," *Washington Post*, Mar. 18, 1988.

29. Reuters, "West Media Incite Riots, Soviets Say," *Chicago Tribune*, Apr. 6, 1988.

30. Bill Keller, "Soviet Official Says Press Harms Army," *New York Times*, Jan. 21, 1988.

31. Antero Pietila, "Soviet Press Gives Glimpse Into Clashes Over Reforms," *Baltimore Sun*, Jan. 14, 1988.

32. Philip Taubman, "A Power Struggle is Seen in Moscow," *New York Times*, Apr. 14, 1988.

33. Quoted in Adam Ulam, *In the Name of the People*, Viking Press, New York, 1977, p. 38.

CULTURAL POLICIES

If the advance of *glasnost* in the Soviet media has been tentative, its pace and sweep through cultural life—from films to plays, from dead poets to living novelists and even rock musicians—has been nearly revolutionary. Slower in painting, sculpture and music than in publishing, movie-making and the theater, new policies have had a dramatic impact not only on the culture Soviets display but on those who shape it.

Long-entrenched bureaucrats have been swept aside and old bureaucracies by-passed. Suppressed works have surfaced, and their creators have won rehabilitation. And the old creed—that art must present a positive view of life, a stream of praise for the state and party—has been giving way. Various trends are developing: a lively youth culture, an experimental avant-garde, anti-Western Russophilism and critical realism affiliated with Gorbachev's general views.[1]

In its first stage, however, the phenomenon is more a changing of the guard than an unleashing of fresh creative impulses. Or, as leading liberal writer, Bulat Okudzhava has said, it is a "revolution without revolutionaries." Most of the victors today in the struggle for control of the Soviet cultural establishment are artists who had been fighting (or publicly conforming) to the old rules and rulers yesterday. New and youthful talent—except in film and pop music—has yet to emerge, to be widely seen and heard.

Yet if the climate of tolerance for candor, experiment and self-expression can endure, it is possible that *glasnost* will develop—through free competition—both new voices and new audiences for Soviet culture. The early start is promising, but still, just a start.

Changing at the Top

Beginning in late 1985, with the already noted appointment of a new head of Gostelradio, the Soviet cultural bureaucracy has undergone a profound house cleaning. The Ministry of Culture—run by Politburo candidate member Petr Demichev since 1974—got a new head, Vasily Zakharov, in September 1986. Also that month, Mikhail Nenashev, former editor of *Sovetskaya Rossiya*, took over the State Printing Committee (Goskomizdat) from long-time boss Boris Stukalin.

Aleksandr Kamshalov, former head of the Central Committee cultural department's film sector, became the director of Goskino, the film industry management agency, in December, just seven months after the Fifth Congress of Cinema Workers voted to replace director Lev Kulidzhanov with director Elem Klimov as secretary of the Union of Cinematographers. A month later—June, 1986—the Eighth Writers' Union Congress, in a companion move, ousted veteran First Secretary Georgy Markov for Vladimir Karpov.

In October of the same year, the delegates to the 15th Congress of the venerable All-Russian Theatrical Society (founded in 1883) voted to dissolve their organization after Moscow Art Theater Director Oleg Yefremov urged forming a new union to protect theaters from arbitrary decisions by censors and bureaucrats.[2] As a result, two new theater organizations came into being: the U.S.S.R. Theatrical Workers Union, headed by actor Kiril Lavrov, and an affiliate for the Russian Federation, with actor Mikhail Ulyanov as its chief.

A fierce fight inside the Artists' Union ended in January 1988 with a temporary compromise: the election of 63-year-old Andrei Vasnetsov by the Congress of Soviet Artists as chairman of the union's board. Vasnetsov had been in the avant-garde 30 years ago, but kow-towed to Nikita Khrushchev's criticism of modern art with a public admission of error in 1962.[3]

Only musical officialdom has escaped the upheaval. Despite fiery speeches against his policies, composer Tikhon Khrennikov, union head since 1948, held onto his post through the Seventh Congress of the Union of Composers in April 1986. Eleven months later, however, *Izvestiya* carried a polemic by composer Vladimir Dashkevich, decrying stagnation in the Union.[4] The fight is not over.

And Culture Minister Zakharov may well be right that:

> *Perestroika* of Soviet society is particularly manifest in culture. We have revised old concepts of administrative guidance . . . (to make once-subservient cultural organizations) full fledged participants in the cultural process, with rights previously the sole domain of government . . . We have abandoned the old policy of bans . . . What matters is artistic merit. Plays, stories and films previously banned for political considerations are now being made public.[5]

The reorganization, for example, has given the Union of Cinematographers a share of the power Goskino once monopolized over film production, from ideology to finance. Even more importantly, the film studios themselves have been put on a make-or-break self-financing basis, requiring them to succeed at the box office—not just with cultural apparatchiks—or go bankrupt.[6]

No longer, Givi Dvalishvili, deputy director of the Georgian union, told Commission staffers, most scripts await final approval from Goskino in Moscow. Each studio's "creative group" decides what to shoot, with only pornography, war propaganda and extreme cruelty or violence barred *a priori*.

In a related experiment with autonomy, 80 theaters have gained exemption from Culture Ministry review and approval of the plays they want to rehearse and produce.[7] And with audience taste taking a greater role in setting theatrical fare, government subsidies are to be trimmed without, however, requiring theaters to be totally self-supporting. As a result, ticket prices will rise from a maximum of 3 rubles to a minimum of 30.[8]

Profiting from Rehabilitation

To win audiences even at higher costs, publishers, film makers and others are finding that their most lucrative properties are often not fresh creations but casualties of earlier censorship.

Rehabilitation has been a constant in Soviet culture; composer Dmitri Shostakovich experienced it in his own lifetime. But with reevaluation of Soviet history the most important single theme to emerge from *glasnost* so far, resurrection of films condemned to the shelves and writings consigned to the authors' desk drawers has been a cultural growth industry. As a young Soviet Socialist, Boris Kagarlitsky wrote:

> It is significant that what most excited the (Soviet) public in the mid-eighties were not new works, but old ones that had been suppressed in an earlier period.[9]

FILM: In fact an early sign of the cultural thaw was the 1985 release of Elem Klimov's film, *Agony*, produced ten years earlier but hidden away, *Newsweek's* then-Moscow correspondent was told, because Leonid Brezhnev viewed the sympathetic portrait of Czar Nicholas II and casually remarked, "who needs this movie?" After its release, three other films rescued from the censors—German's *Road Test*, Panfilov's *Topic* and Abuladze's *Repentance*—proved the biggest box office draws of the 1985-87 period.[10] By late 1987, a Cinematographers' Union official disclosed that a total of 30 feature films and another 70 documentaries—blocked by previous censorship, some for as long as 20 years—had been cleared for at least limited screenings.[11]

Repentance, the hugely popular Georgian film directed by Tengiz Abuladze, is an example of both the workings and the content of *glasnost*. Made in 1984, it was only released in 1986 after intervention by the Georgian Party's then First Secretary, Eduard Shevardnadze, now Soviet Foreign Minister. A surrealist but scathing view of Stalin, his victims and Stalinism's legacy of moral and intellectual dishonesty, *Repentance* drew 3 million viewers in the Moscow area alone during six spring weeks in 1987.[12]

Another popular film, *It's Not Easy To Be Young*, directed by Latvian Juris Podnieks, also saw the light of day thanks to another Politburo member—Yegor Ligachev. Initial reaction in 1986 to the youth-oriented film censured its makers for not showing "typical" young people. But after Ligachev was invited to see it, the film was released immediately—and drew 9 million viewers in five months.[13]

PUBLISHING: In literature, as well, resurrected authors turn into best-sellers, not an insignificant consideration for publishers who must this year become self-financing, responsible for up to half of their losses. Merit as well as money, of course, leads the journal *Novy Mir* to print Boris Pasternak's long-banned *Dr. Zhivago*.

Similar considerations spur others to publish once-forbidden classics by poets such as Anna Akhmatova and Nikolai Gumilev, who was executed by the Soviets in 1921. Less renowned in the West, other important Soviet authors have escaped from long silence, especially when—and because—their writings dealt with Stalin or other controversies in Soviet history. Thus, the last installment of Sergei Zalygin's long novel, *After the Storm*, on Lenin's New Economic Policy (NEP), appeared in 1985, and the late Aleksandr Bek's fiction, *The New Appointment*, on Stalin's Ministry of Steel Production, ran in *Znamya* in 1986.

The magazine *Druzhba Narodov* scored in 1987 with an account of the arrest and exile of innocents in 1934 (Anatoly Rybakov's *Children of the Arbat*); Yuri Trifonov's *The Disappearance* about the Terror and some of Varlaam Shalamov's *Kolyma Poems*, stories about the Siberian prison camps that had long been underground classics. Even the conservative journal, *Oktyabr*, found space to serialize Vassily Grossman's epic *Life and Fate*, which openly compares Stalinism and Fascism.[14]

Yet a further breakthrough is publication of Russian emigres, condemned in the past to oblivion. Vladimir Nabokov, Georgy Ivanov and Evgeny Zamyatin (whose anti-utopian 1920 novel, *We*, is to be printed in 1988) are among those being posthumously honored. Of the living emigres, however, Aleksandr Solzhenitsyn, Lev Kopelev, Vladimir Voinovich and Georgy Ivanov head the list of the still unmentionable and unprintable.

Novy Mir, in contrast, has announced plans to print poetry by 1987 Nobel Laureate Joseph Brodsky, and the humor magazine, *Krokodil*, has already excerpted Vassily Aksyonov's memoir, *In Search of Melancholy Baby*, including these surprising lines:

> I perceive with greater clarity that totalitarian decadence must be (and is now in the process of being) outweighed by the forces of liberalism and benevolent inequality. And I thank God that the leader of those forces is a powerful America.[15]

THEATER: The best-known beneficiary of *glasnost* on stage is surely playwright Mikhail Shatrov, now 55, a trained engineer who uses drama to air his views and to vent a hatred for Stalin going back to the death of Shatrov's father and uncle in the purges.

With five of his plays in the 1988 repertory at Moscow theaters, Shatrov is having his message—"Stalin is not Lenin's heir"—widely heard. Published in *Znamya* before its production, *Further . . . Further . . . Further* is "a work jammed with suppressed details of Soviet history," an American reporter wrote, "that has made the playwright the talk of the town—but not for the first time."[16]

During the 27th Party Congress, for instance, the Moscow Art Theater, once Stanislavsky's home and now the domain of director Oleg Yefremov, staged Shatrov's *Silver Wedding Anniversary*, one of a number of dramas that attack party corruption, bureaucratic bungling and venality. His drama, *The Brest Peace*, written in 1962, not only portrays Trotsky and Bukharin but also draws parallels between Lenin's expedient decision to make peace with the enemy and Gorbachev's arms control initiatives 70 years later.

Such comments earn Shatrov criticism on two conflicting counts: that he reveres Lenin to excess or, as the head of *Pravda's* cultural department complained in January 1988, that his plays show a failure to understand Marxist historical laws.[17]

Innovating With Words and Music

Although revival and retrospection have been the chief features of *glasnost* in culture since 1985, experiment has been encouraged as well. In music, rock is becoming almost respectable and international collaboration is expanding. But on stage and screen, as well, new voices with new messages are getting through to Soviet audiences.

In literature, however, at least one talented new voice remains outside the establishment. The Writers' Union in early 1988 rejected the membership application of Tatiana Tolstoya, a popular short story writer whose work often appears in *Novy Mir.* Some have seen this rejection—reversed in May—as a sign of the Russophiles' increasing strength in the important Writers' Union. As David Remnick noted in a recent article, "the official literary world is still dominated by what is occasionally referred to as the 'fascist mafia' "—editors of reactionary magazines and the "Russian Party." [18]

FILM AND THEATER: Two documentaries—one a fresh look at history (*More Light,* released in 1987) and the other a Latvian inquiry into contemporary youth (*Is It Easy to Be Young?*) have both proved popular. The first focuses on Soviet leaders, including such Stalin victims as Trotsky, Bukharin and Lev Kamenev, and links Lenin's NEP to Gorbachev's reforms. Liberal historian Yuri Afanasev, however, complains that it blames only the men at the top, not society below, for Soviet ills.[19] The Latvian film, on the other hand, talks to real youngsters about real problems: alcohol and drug addiction, alienated Afghanistan veterans. Without seeking to theorize, it sends a bleak message about apathy and disaffection in the coming generation.

Another popular film, *Plyumbum, or a Dangerous Game,* might be called a docudrama exposé on the life of young Stalin era "saint" Pavlik Morozov, 13, who denounced his father as a *kulak* and was later murdered by local farmers. This film, seen by 20 million people in 1987 and early 1988, debunks the heroic Morozov myth.[20]

Glasnost has also brought some experimental theater to Soviet stages, including Lithuanian director Eimuntas Nekrosius, 35, and his staging of Chingiz Aitmatov's *A Day Lasts More than One Thousand Years.* Its heavy reliance on mime and gesture in the performance by the Vilnius Youth Theater was such a success that Moscow police had to control the crowds of ticket-seekers outside the Sovremennik Theater.[21] Innovation in Leningrad in 1988 brought Aleksandr Galin's play on prostitution, *Stars in the Morning Sky,* to the Maly Theater and its noted director, Lev Dudin. The theme had been a forbidden one, but what made audiences gasp were the unprecedented steamy, nearly nude sex scenes.

CLASSICAL MUSIC: Far more staid, the Soviet concert hall is only beginning to admit new sounds, and Soviet music arbiters have not yet dropped the control they exercise over performers through the "Artist's Certificate" that lists the musician's permitted repertoire before Soviet audiences.

Nevertheless, official Soviet attitudes towards contemporary classical music seem to have improved. One leading Soviet composer, Sofia Gubaidulina, discussed the effect of *glasnost* on the Moscow classical music scene:

> It is an extraordinary event in the country . . . I think that now in Moscow we have a situation in which we are starting to hear more new music, and to promote creative achievement by composers.
>
> New art in general has been lacking, but in Moscow there is a hunger for new music . . . It doesn't have to be avant-garde, it has to meet spiritual needs.[22]

Today, the three most prominent Soviet composers are generally acknowledged to be Alfred Schnittke, Edison Denisov, and Sofia Gubaidulina, who have recently been allowed more contacts with Western musicians. Ms. Gubaidulina, for example, was allowed to travel to the West seven times since August 1986—when she made her first trip abroad at the age of 56.

Glasnost has had another effect on Soviet music. In a recording-history first, the Soviet Government allowed an American team to come to the U.S.S.R. in 1987 and record a Soviet orchestra. American Lawrence Leighton Smith and Russian Dmitri Kitayenko conducted the Moscow Philharmonic. The three Sheffield Lab compact discs, called "The Moscow Sessions," feature Smith conducting Russian music and Kitayenko conducting American music.[23]

FOLK AND JAZZ: Russian musical culture has a long tradition of balladeers, including Aleksandr Galich and Vladimir Vysotsky, loved by Soviet listeners but barely recognized by the powers-that-be. Galich emigrated in 1974 and died in France in 1981. Vysotsky died of alcoholism in 1980 at the age of 42; his unpublicized funeral in Moscow drew 30,000 mourners.

By 1988, however, official nonrecognition for Vysotsky had turned to acclaim, almost idolatry. His songs were Melodiya best sellers. A TV program and a film chronicled Vysotsky's life. To mark his 50th birthday in January 1988, 12,000 attended a sold-out commemorative concert.

The orgy of Vysotsky mania, reported an American journalist, is daily taking on new forms. School children are being assigned to study his poetry, monuments to him are sprouting up all over the country, and for three nights running, millions of television viewers have watched a film of his life and works.[24]

Popular and official Soviet attitudes towards jazz have also changed. Sometimes considered a product of the "decadent West," other times seen as the "cry of oppressed American blacks," today jazz has enough Soviet Government approval that some of the roughly 170 jazz musicians and ensembles are allowed to tour the United States. Among the perennial winners of an annual critics' poll, the Ganelin Trio from Lithuania had a successful U.S. tour in 1986.

ROCK MUSIC: Until shortly before Gorbachev came to power, rock music was officially scorned as a decadent Western product which lured Soviet youth from Socialist values. The Komsomol went so far as to post bans forbidding the playing of 73 Western and 37 Soviet groups at discos or other places under its control.

As in the West, Soviet rockers represent broader social protest, all the more unwelcome in the Soviet Union.

Rock groups are persecuted, Boris Kagarlitsky observed, first and foremost not for their music but for their "striving to get away from ordinary forms of life, their fear of sinking into philistinism," their "rebellious tendency," their protest against social injustice.[25]

By late 1985, official attitudes could be seen to be changing with the announcement by Valery Sukhorado, Melodiya Records general manager, that a double record, "The Beatles' Best Songs," would be released in early 1986.[26] *Leningradskaya Pravda,* in January 1986, proudly described a Leningrad rock club which "brings together" 40 amateur rock clubs and almost 500 rock fans in the Inter-Union House of Amateur Art. This official club organized seminars, concerts—with 50 in 1985 alone—and an annual three-day rock competition.

Indeed, the Leningrad Rock Club set up in 1981 was the first to bring rock out of the Soviet underground. After a similar organization, the Moscow Rock Laboratory, appeared in 1985, other clubs sprang up all over the country.

Recognizing that youth had become alienated from the Soviet establishment, the Komsomol seized on rock concerts and discos to win back adherents to its officially organized program. Rock gained further ground with the popular success of a concert in the summer of 1986, organized by Moscow rock critic Art Troitsky and singer Alla Pugacheva, to benefit the victims of Chernobyl.[27]

Since then, rock music has proliferated on radio and TV, on concerts and in film, and can be heard daily and nightly in Moscow. Well-known rock composer Boris Grebenshchikov says, "Since the end of October (1986) we've been playing absolutely what we want—nobody stopped us, nobody asked us." [28]

This new acceptability poses problems for many Soviet rock musicians. Grebenshchikov, of the group *Aquarium,* ironically calls himself, "the darling of *glasnost.*" He explains: "We are so official now, so taken to heart, that the people who were with us before are not sure of us. Nobody can believe that the system has changed. They think we must have changed." [29]

But it may be that incentives in the Soviet music world have changed. After the success of a Western record in 1987, "Red Wave," a sampler of work by *Aquarium, Kino, Alisa* and *Strange Games,* Melodiya seems to have realized that selling Soviet rock abroad could be a source of much-needed hard currency. Indeed, Melodiya was so eager to break into this market, that it pressed a disc from a pirated tape of *Aquarium.* The first 200,000 copies of this Melodiya record—priced at 2.50 roubles—sold out in hours; it will eventually reach the million mark. Yet Melodiya paid no royalties to *Aquarium,* since the group is still not officially recognized; nor did it even give them a copy of the record. Melodiya's new interest in rock, observed Leningrad rock critic Aleksandr Kan, "is a breakthrough. Still, every song, every sound, every record, has to be approved . . . (I)t is being done exclusively on their terms." [30]

Those terms include restructuring of the Soviet rock scene announced in mid-1987 and dividing rock musicians into two new categories: the formerly "official" groups, now called "professionals," with the Rock Club as their union, and former underground bands, called "amateurs," now organized in the Rock Laboratory. Theoretically rock groups need an invitation to join the Rock Laboratory, but so far such invitations have been almost universal.

After October 1987, these two categories will be allowed to advertise their concerts and to earn 9 rubles per band per performance. (Amateur concerts must include two bands.) The two unions are already in competition; the professionals are trying to renegotiate their pay scale with the cultural ministries. At this point, it is still unclear how a band moves from amateur to professional status. Most rockers, however, seem happy with the new arrangement.[31] In any case, this official two-tier union structure for Soviet rockers shows Soviet authorities' desire to make rock musicians part of the establishment—if not of the state.

Ending Art's Isolation

Although fewer Soviet artists lost their lives during Stalin's terror than other cultural figures, the heavy hand of Socialist realism has kept a tighter stranglehold on Soviet art than on other spheres of culture, isolating it almost completely from Western art of the 20th century. With only one modern art museum in the Soviet Union—in Armenia—Soviet art is also cutoff from its own extensive avant-garde tradition of the 1920's. Until very recently, nonconformist artists of later generations were ignored or persecuted and their works suppressed in the Soviet Union.

Harbingers of *glasnost*, however, have been exhibits of Soviet avant-garde works by Kazimir Malevich, Marc Chagall, Vasily Kandinsky, Lyubov Popova, Aleksandr Rodchenko, Pavel Filonov, Vladimir Tatlin, Natalya Goncharova, Mikhail Larionov, and Aristarkh Lentulov. Until 1986, their art was locked away in special Soviet archives.

The dual structure of the official art establishment includes the Union of Artists and the U.S.S.R. Academy of Arts. Art historian, Daniil Dondurei writing in 1987 in *Literaturnaya Gazeta (10)*, described this system as "unprecedented in world practice." Soviet artists "decide themselves what to produce, they evaluate the quality of their product, set its price, decide to whom and how to sell their pictures and, finally, they buy their best work from themselves." (Soviet artists sell their work to art foundations which are run by the republic and national Union of Artists.) Dondurei also disclosed that there are 115,000 paintings, sculptures, and graphic works—acquired at a total of 60 million rubles—in Union of Artists closed depositories.[32]

Reports of recent Union of Artists sessions are filled with details of financial scandals—not surprising, given the stakes—such as competition among members for commissions, access to foreign travel, etc.[33] At a recent Congress, *Sovetskaya Kultura* reported, May 21, 1987, the First Secretary of the RSFSR Union of Artists, Valentin Sidorov, accused some union workshops heads of abuse of official positions. Soviet media have also sharply attacked recent exhibits organized by the Academy of Arts and the Union of Artists. Critics point out that although Leniniana no longer appeals, it is still such a strong presence at these shows that the public stays away in droves. In contrast, as Dondurei reported, people waited for hours to get into the 17th Exhibition of Young Moscow Artists and to a December 1986 show of 67 avant-garde artists in the Moscow branch of the RSFSR Union. Apparently, official Soviet artists consider such much-attended exhibits to be "scandalous."

Nonetheless, the Soviet decision to hold its first international art auction in July 1988, also recognized the popularity of the unofficial artists. To be held in Moscow, the auction will include about 100 paintings by some 20 Soviet artists, among them Ilya Kabakov, Ivan Tshuikov and Vadim Zakharov.[34] Summing up the Soviet art scene, a Soviet Culture Ministry official acknowledged:

> (I)t is only in the last few years with the advent of *glasnost* and *perestroika* that artists of all tendencies and styles have had greater opportunities to exhibit and export their works openly.[35]

Judging Progress

As with media policies, proponents and opponents of change in culture are still deep in debate. In some fields, such as art and music, *glasnost* has a long way to go. In other spheres, such as theater and film, it has already had a major impact and is changing the face of Soviet literature.

Since *glasnost* and culture are both constantly changing, a final verdict on what it will do for the variety and authenticity of Soviet culture would be premature. William Fisher, a media critic, however, provides a convincing interim verdict at least on glasnost in popular culture:

> As the restraints on expression are lifted by decree, the infrastructure below begins to shift of its own accord. Whether the authorities' real goal for culture is genuine openness or just good publicity, their new policies are likely to lead to developments beyond their direct control.[36]

Footnotes

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AFTERWORD

THE MEANING OF GORBACHEV'S REFORMS

YURI F. ORLOV

The Context of the Reforms

While *glasnost* and *perestroika* have brought several positive changes to the Soviet Union, two important things have not changed under Gorbachev. The first is the basic strategic aim of the Soviet Communist Party leadership: worldwide extension of the party's influence. (It is worth remembering that expansionist geopolitical aims are not special to the Soviet Union or to the Soviet system. The Soviets are going through a disease that all of the major European powers have gone through.)

The current reforms represent not a change of *basic strategy* but of *tactics*. Many officials at the top of the Soviet hierarchy have apparently recognized that they cannot achieve their geopolitical aims without improving the current Soviet model of socialism and the Soviet image abroad.

The second thing that has not changed under Gorbachev is the source of major decisions about basic strategy and tactics: the Politburo, and the chiefs of the KGB and army. Gorbachev has inspired sympathy and support in the West as an embattled, independent figure whose power to reform society is precarious. But this dramatic and romantic image of him is a fantasy, an image of a Western leader. From the beginning, Gorbachev's position inside the Soviet leadership has in fact been strong, not precarious, because he has been implementing a policy decision whose broad lines were drawn by the very top of the Soviet hierarchy.

That policy of reform has strong support in key sectors of power and influence in Soviet society, because it speaks to things they want: the KGB, a bureaucracy purged of corruption and lack of productivity; the military, advanced technology and efficient agriculture; the technological elite, technological development as a high national priority; and the intelligentsia, some freedom of expression. It is the workers whose support is weak, because the policy does nothing for them; a rise in their standard of living is not even one of its direct goals.

Thus, the contradictions in statements made by Gorbachev and Chebrikov, or Gorbachev and Ligachev should not be taken seriously as signs that Gorbachev's position is unstable. These are in fact, Gorbachev's men; that they have conservative views and can voice them in public simply means that Gorbachev wants to preserve conservative elements in the party.

Gorbachev's reforms need to be seen in the above context—a context unlikely to change in the foreseeable future—if one is accurately to gauge the motives for them, their inherent limits, and the possibilities of further reforms.

The Motives for the Reforms

The reforms under Gorbachev aim to overcome the slow but steady degeneration of the Soviet system, which created a crisis for the Soviet leadership less because it endangered the system itself than because it endangered their geopolitical strategy. For their strategy rested on the belief that the Soviet system was, in all key respects, better than any other. The belief was severely challenged when they compared the degenerating Soviet system with the West. It was the *contrast with the West* that forced the leadership to see that a change of tactics was needed to protect and promote their strategy—a change that was difficult and even revolutionary from their standpoint.

What symptoms of degeneration led to this change? The list is well known: A growing technology gap between the West and the U.S.S.R. Chronic economic stagnation and agricultural problems. Corruption and drunkenness. Incompetence and irresponsibility.

Other reasons for reform have been:

•—the declining international prestige of the Soviet Communist Party and the Soviet Union;

•—the growing critical outlook of the Soviet intelligentsia, prestige of dissident critics among them, and sympathy of Western intellectuals for repressed Soviet dissidents;

•—Eastern Europe's continuing aversion to the Soviet model of socialism;

•—the resistance of the Polish workers;

•—the unexpected and continuing struggle of the Afghan people; and

•—the impossibility, in modern conditions, of cutting off the flow of information to the West about the nature of the Soviet regime and its human rights violations.

The Limits of the Reforms

The bounds of the current reforms are consistent with these motives for reform. They are defined pretty much by the party's interest in controlling key sectors of society, its historical self-legitimation as creator of a unique system opposed to Western society and the internationalist ideology necessary for world hegemony.

Thus, there are some things we simply cannot expect. We cannot expect Soviet leaders to exchange their party goals for Russian nationalist ones. Nor—as Gorbachev himself keeps reminding us—can we expect substantial modification of the Soviet system in the direction of Western-style democracy (a genuine multi-party system, for example).

Gorbachev, himself a prime example of a party technocrat, has accelerated a transition from rule by a pure party *bureaucracy* to rule by a *technocracy* composed of both party functionaries and people close to the party. This shift is indeed a positive one, but must be recognized as having been made in the interests of efficiency, not democracy, and as being very far from a structural change in the system. What we *can* expect is that the limited freedom of action granted to economic managers is an improvement that will be limited in effect, unable to produce the results the leadership aims at.

For example, removing the food deficit and the notorious inefficiency of both agriculture and industry requires more than the half-measures currently proposed under *perestroika*. It requires a virtual renunciation of party control over the economy and a significant expansion of the scope and influence of the free market. But this is something the Soviet Communist Party has always feared, and continues to fear, for obvious reasons. Furthermore, an industry in which individual managers were truly their own masters would seem to require—as Western experience shows—giving independence to the trade unions, in order to protect workers from arbitrary management decisions. But, again, doing so would entail renunciation of party control over a key sector of the economy.

The case of *glasnost*—for which many dissidents struggled for many years—is somewhat mixed. It is a reform aimed at both substance and image. The Soviet leadership genuinely wants and badly needs criticism of bureaucracy and new ideas for the system. As a way of providing that, the policy of *glasnost* has certainly been effective—but undoubtedly more than they bargained for.

An obvious limit of *glasnost* is that offering such criticism and ideas even now requires courage. The men and women testing *glasnost* in human rights and independent peace organizations know that people just like them have been in labor camps, prisons, psychiatric hospitals, places of internal exile, and that *even under Gorbachev, a significant number of them remain there.* Moreover, these men and women have been variously experiencing administrative harassment, detention, firings, beatings and threats or worse. Nevertheless, to my knowledge, in the last several months almost none has been brought to trial and almost no one brought to trial has been condemned. This is certainly a positive development. Whether it will persist remains to be seen.

Under such conditions, *glasnost* has inherent limits as a tactic for improving the image of the Soviet regime. For the courage of people willing to put *glasnost* to a prominent test under such conditions is the courage of people whom it will be difficult if not impossible to silence. They will persist in speaking out. They will also persist in sending information independently to the West—one of the very things for which such people are persecuted by the Soviet authorities.

Their high prestige and influential contacts in the West mean that their information finds an audience and their safety is closely monitored abroad. If they remain relatively unharmed, this fact itself will enhance the image of the regime—but their information and critical statements certainly will not. If they are harmed, that image will be harmed unequivocally.

The Possibilities of Further Reforms

Any positive changes in the Soviet Union are reversible, of course, so long as the KGB continues to exist, and Gorbachev certainly intends to preserve that organization. So, on one hand, it is difficult to consider even the current limited reforms truly permanent in character. On the other hand, severe difficulties like the technology gap between the Soviet Union and the West are facts of life that may force the Soviet Communist Party to retreat at some point, redefining Soviet socialism with every retreat. Each concession will open new battlegrounds where individuals and groups in the Soviet Union may have a positive influence through their fight for substantive reforms in human rights and other areas.

Moreover, there is the activity of an increasing number of Soviet citizens gradually engaging in criticism of the current system, joining organizations independent of the party, and wishing to go further than the limits set by the party. This itself creates an atmosphere of pressure in favor of maintaining and possibly even expanding the current reforms.

No matter how you look at it, Soviet society *is* entering a new stage—a stage in which internal criticism, *if supported by international pressure,* could lead to a not insignificant humanizing of Soviet society within the foreseeable future. For Soviet leaders are now engaged in a colossal effort to spread the image of a new, more civilized, humane, liberal country. Their desire that the West accept the image and, also, cooperate with them in such areas as technological and agricultural development, offers the West an historic opportunity to help that image be given more genuine substance.

It is in the interests of the international community, not simply of the Soviet people, that the West exercise its current leverage, because the more humane and liberal the Soviet Union emerges from its current crisis, the less dangerous will be its geopolitical ambitions and the safer the world will therefore be.

So the most constructive thing to do during this period of change in the Soviet Union is not, as some in the West think, simply to sit back and encouragingly applaud Gorbachev's words and reforms. The applause needs to be combined with pressure on the Soviet leader to back their liberal words with more action and to expand their reforms in accordance with the international human rights agreements they themselves have signed.

The force and timing of Western pressure on the Soviet Union in the area of human rights need to take into account the nature of recent official Soviet human rights initiatives. As a result of Western publicity and pressure about their human rights performance, the Soviets now accept human rights as an issue for international discussion. However, they seek to control how it is defined and who discusses the Soviet side of it in the international arena.

Thus, for example, at the recent summit between Gorbachev and Reagan, Gorbachev tried to reduce the issue of Soviet violations of human rights to a matter of differences in American-Soviet cross-cultural semantics. And there is, of course, the recent birth of the Soviet Human Rights Commission. This highly-publicized, semi-official body has been initiating discussions and meetings with independent international human rights groups, even as the Soviet authorities have been continuing to harass the genuinely independent human rights groups and activists in the Soviet Union. That a leading activist, Lev Timofeyev, spoke at a recent Moscow meeting between the Commission and the International Helsinki Federation for Human Rights, was entirely due to a series of bold and clever maneuvers by Helsinki Federation members.

The Soviets evidently treat the human rights issue as a tactical game. The Helsinki Federation maneuvers in Moscow show that it is important for the West to play this very serious game—and play it well.

Pressure points in the area of human rights that offer the strongest prospect of genuine reforms in the near future are the release of all political prisoners and elimination of all political articles in the Criminal Code. These are gains that can *realistically* be achieved through internal and international pressure for a genuine *glasnost.* It will certainly help world peace when Soviet citizens can, without fear of punishment, criticize the military activities of their government, or engage in peace movements independent of government-controlled organizations.

A more distant but *also realistic* prospect of reform is offered by the Soviet policy of closed borders. Open borders in the Western sense—free entry into and exit from the country—are essential for establishing mutual confidence between people inside and outside the Soviet Union, and any increase in such confidence means an increase in international security. The "new thinking" of the Gorbachev regime on this question differs not so much from the former, police-state practice. But international pressure backing internal pressure for more open borders can, I think, be immensely constructive. It can help compel Soviet leaders to face the contradiction of simultaneously pursuing policies of both isolationism and world hegemony.

HELSINKI COMMISSION REPORT ON REFORM AND HUMAN RIGHTS

Mr. D'AMATO. Mr. President, I rise today to join with my distinguished colleague and good friend, Senator DeConcini, in announcing the release of a major report by the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission. This report is entitled "Reform and Human Rights, the Gorbachev Record," and describes the course of events in the Soviet Union under the leadership of General Secretary Mikhail S. Gorbachev.

The publication of the Commission report is very timely. Its detailed account of events in the Soviet Union provides essential information for all persons who are interested in developments in the Soviet Union, as we consider the INF Treaty and as the Moscow Reagan-Gorbachev summit approaches. I commend this report to my colleagues and strongly recommend that they take the time to read it before voting on Senate amendment No. 1680.

Today, Senator DeConcini, who is the Commission's cochairman, Representative Steny Hoyer, who is the Commission's distinguished chairman, and Representative Don Ritter, who is the distinguished ranking member of the Commission in the House, are each taking to the floor of our respective Houses to bring this report to the attention of our colleagues and of the public at large. This 89-page report is only the largest example of the Commission's scholarship, meeting its mandate to oversee the progress of the Helsinki process and report to the Congress on its findings.

This report tells the story of glasnost and perestroika in the Soviet Union. It tells how far the Soviets have come under Gorbachev in moving away from their Stalinist past. It also shows how far they have to go before they meet their human rights commitments. They made these promises to the world when they signed a variety of international agreements, including the Helsinki Final Act, promises they have blatantly and flagrantly disregarded in past years.

The fact is that they still have a long way to go before we can say they have complied with the obligations they freely undertook. I recognize the progress they have made. But none of the steps they have taken are protected from reversal, in most cases, literally overnight.

The key to respect for human rights and fundamental freedoms is the creation of constitutional and legal protections for these rights and freedoms, protections that are observed in practice by the state. In fact, in the Soviet Union, promised revisions to the criminal code have not taken place. Many of the political prisoners who were released were not released unconditionally. Many were made to promise that they would not resume the activities for which they had been imprisoned.

Since activities are now permitted under glosnost that previously were prohibited, and the laws under which those arrests and prosecutions were pursued have not changed, all that happened is an administrative relaxation of police and KGB practices. The legal authority of the state to arrest persons, to censor publications, and to prohibit gatherings and demonstrations, remains unchanged.

The current state of affairs in the Soviet Union should be of immediate concern to all of us. We are now engaged in the historic debate over the ratification of the INF Treaty. President Reagan has said that our policy toward the Soviet Union is divided into four major areas—bilateral issues, regional issues, arms control, and human rights—and that parallel progress is necessary in all of these areas.

We have, in the INF Treaty, progress in the area of arms reduction. I support the treaty and I intend to vote for it. But we have not had similar progress in the area of human rights. Accordingly, I have joined with Senator DeConcini as an original cosponsor of Senate amendment No. 1680 to the resolution of ratification of the INF Treaty. We intend to offer this as the last amendment to the resolution during the current debate.

This amendment requires the President to formally communicate to the Soviet Union the Senate's "declaration and understandings" on the issue of human rights. The amendment incorporates language from the final act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights. It does not reopen the treaty or force any new negotiation with the Soviets.

Our purpose in offering this amendment is to remind everyone—in the Senate, in the administration, in the media, and in the Soviet leadership—that we continue to believe that human rights are important. The amendment emphasizes that the human rights issue needs to be addressed with the same urgency and the same dedication as United States and Soviet leaders displayed dealing with the INF Treaty. Unless we show that we mean what we say on the human rights front, we can be certain that progress in human rights will continue to lag.

AMENDING THE WAR POWERS RESOLUTION

Mr. BYRD. Mr. President, I am introducing legislation, together with the distinguished Senator from Georgia, Mr. Nunn, the distinguished Senator from Virginia, Mr. Warner, and the distinguished Senator from Maine, Mr. Mitchell, which amends the War Powers Resolution. That resolution, which was enacted into law in 1973, was the focus of much attention during the first session of the 100th Congress. We debated on several occasions whether or not it should apply to the situation in the Persian Gulf, whether it should be "invoked" by the President or the Congress, whether the circumstances in the Gulf constitute the "hostilities" referred to in the law. These issues have not been definitely settled or resolved satisfactorily, despite the fact that little attention is being focused on them right now. The fact that other matters are in the headlines today does not mean that the concerns which occupied many hours of the Senate's time last year are any less relevant to the effective conduct of our foreign policy.

The events of the past 9 months and the debates in the Senate have demonstrated beyond a doubt that the War Powers Resolution, as presently written, is unworkable and needs to be changed. This would be true regardless of the merits of any particular policy or the attitude of a President toward compliance—which in the past year have also been the sources of difficulties.

The legislation is being introduced now, when no new crisis in the Persian Gulf or anywhere else has seized our attention, in order to keep our focus on the workings of the basic law itself, not on any particular policy. It is my hope that Senators and outside experts will examine these proposals and assess their merits in the coming weeks, and that this legislation will thus provide the basis for amending the War Powers Resolution during this session of Congress.

The distinguished chairman of the Foreign Relations Committee has appointed a subcommittee of the full committee to study the War Powers Resolution. That is what the present law is titled: "The War Powers Resolution"; and with an eye to amending it. And so, the chairman is aware of the introduction of this legislation and has indicated to me that that panel will appropriately address the resolution along with other bills and resolutions and proposals in order to bring to the Senate floor the legislation on which the Senate might give its full attention.

The key to the revisions I am proposing lies in section 4 of the legislation. This section changes the presumption of the current War Powers Resolution, which is that U.S. Armed Forces must be withdrawn from situations of hostilities or imminent involvement in hostilities within 60 days unless Congress specifically authorizes their continued presence. Instead of mandating withdrawal as a result of congressional inaction through failure to provide specific authorization—the situation under current law—this legislation requires passage of a specific joint resolution requiring disengagement.

A resolution of disapproval would be given expedited consideration in the Congress. The procedures under which the resolution would be treated are more comprehensive and more thorough, I believe, than any we have heretofore seen.

In addition, the procedures incorporate the essence of the unanimous consent agreement under which the Senate is currently operating for determining the privileged status of resolutions. Under the provisions of this legislation, if a dispute arises as to whether a joint resolution is entitled to privileged status and expedited consideration, the determination will be made by the Senate as a whole following 4 hours of debate.

The legislation makes another major change in the War Powers Resolution designed to correct a defect in the implementation of the resolution since its enactment—namely, the viability of the consultation process. No President has ever effectively consulted on a regular basis with the Congress, and by consultation, I mean the exploration of a consensus prior to a decision to commit U.S. forces in a situation. Instead, the Congress has almost always been treated to after-the-fact consultation, which is not consultation at all. The result is that the essence of the intent of the law, which is the creation of a decision-sharing arrangement between the two branches in the matter of the making of war has been frustrated from the outset. This is partly because Presidents have been reluctant to bring the Congress into the decisionmaking process at the time when consensus-building is most needed. It is, also, partly the result of a lack of any identifiable consultative mechanism in the original act.

This legislation creates a permanent consultative body, consisting of the majority and minority leadership of both Houses as well as the chairmen and ranking members of the three key committees in the House and the Senate involved with national security matters. The permanent counsultative body will, as an entity, be available for the consultations with the President envisioned in the original act. It will provide a forum through which executive-legislative consultation can be facilitated.

Mr. President, the lack of adequate consultation has been a major disappointment in the workings of the current law. Obviously, without a shared assessment of the facts concerning a particular situation, the risks entailed for American involvement, and the options available to best approach that situation, a consensus on actions between the two branches cannot have much chance for development. Mr. President, from Central America to Iran to Lebanon, we have all seen the debilitating effects that lack of consensus has brought to the United States' credibility and for American's image as a leader, a coordinated, consultative policy which makes commitments thoughtfully, which envisions thorough debate, and which has the staying power to see those commitments through to their end, is what is needed to provide the credibility, the dependability, and the sure-footedness that America must have if it is to remain the world's foremost superpower.

The lack of adequate consultation before decisions are taken has jeopardized the workability of the act from its inception, and has led to confrontations between the executive branch and the Congress on specific situations which might otherwise have been avoided.

This legislation takes into account a primary complaint we have heard from Presidents of both parties, which is the reduction in the leverage and flexibility of the Chief Executive caused by the automatic withdrawal clause. I can sympathize with this view, as the clause does telegraph intentions and provide potential adversaries with an advance timetable as to when American actions will cease. This legislation also establishes a mechanism which also takes into account a primary complaint often heard in the Congress, which is that the Chief Executive habitually takes actions that effectively preclude the forming of a consensus through true consultative procedures.

The legislation also takes into account the need for extreme urgency when the paramount national security interests of the Nation are at stake, and allows the initial consultative process to be limited to a core group of six members—the majority and minority leaders of both Chambers, in addition to the Speaker of the House and the President pro tempore of the Senate. The core group will quickly expand its consultations into the larger consultative group of 18 when necessary, in order to make the appropriate assessments and decisions leading to the introduction of fast-track legislation addressing a specific situation.

In those instances where a dispute arises between the executive and legislative branches, where the executive has refused to file the report required under section 4(a)(1) of the War Powers Resolution, the permanent consultative body can, by majority vote, determine that such a report is required to be filed. This would have the effect of triggering the resolution, allowing for a joint resolution pertaining to involvement in situations of hostilities or imminent hostilities—approval or disapproval—to be introduced and receive expedited treatment.

The creation of this consultative body should enable the Congress and the executive branch to respond more effectively to the types of situations which occur frequently in the world today and which were not as pervasive at the time the original law was drafted. I refer to terrorist episodes, hostage rescues, the need for immediate retaliations, and other ambiguous situations of relatively brief duration. In other words, unlike the focus of the current War Powers Resolution, which is principally on large-scale military involvements or wars such as the Vietnam war, the approach embodied in these amendments is universal in application. It introduces a flexibility into the resolution which permits more adequate action in the variety of situations which confront the United States, from the Middle East to Central America. The option of Congress acting with the dispatch appropriate to a specific situation is built into the resolution.

Finally, this legislation includes an enforcement mechanism to ensure that the President cannot defy the Congress. This is done through the power of the purse, cutting off funds to keep forces in situations of hostilities after the time established by any law requiring their withdrawal.

These changes to the war powers resolution will, if adopted, greatly improve the ability of Congress to participate equally and effectively in decisions to employ U.S. military forces in the broad variety of situations which the modern world presents. Congressional prerogatives are preserved—the power to declare war, the power to determine through the budgetary process how funds will be expended for military forces, the right to be consulted effectively—without creating a situation in which the executive branch makes every effort to skirt the literal application of the law or a situation in which the Congress has only two often untenable choices: Support the President's policy or force the complete withdrawal of U.S. forces within 60 days.

The chairman of the Foreign Relations Committee, Mr. PELL, recognizing that the time is now ripe to review the War Powers Resolution, has established a special panel of the committee to deal with this issue. I hope that the committee would be able to find the time in its schedule during the current session to take up this matter, and will consider the legislation that we are offering today in a constructive light. I also hope that the administration will provide its constructive, positive reaction and opinion to this proposal and will aid the committee in its deliberations on this matter.

I close by thanking Senator NUNN, who is chairman of the Armed Services Committee, and Senator WARNER, who is the ranking member of the Armed Services Committee, and Senator MITCHELL, who has been an original cosponsor of this bill, for their joint efforts and for the many hours they have all expended, and together with our staffs have expended, on the development of this legislation.

It is well thought out. It is seriously introduced, and I hope that this bipartisan effort will be successful, for it is time the matter be addressed, and I am confident that Mr. PELL and his able committee and subcommittee, which will be a panel of that committee, will give it its best attention.

I hope for additional cosponsors from both sides of the aisle.

Mr. President, I send to the desk the joint resolution for its appropriate referral.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. NUNN. Mr. President, the War Powers Resolution is broke and should be fixed. The legislation Senators BYRD, MITCHELL, WARNER, and I are introducing today will make every effort to fix that legislation.

The question should be posed, before you fix something, what is wrong with it; what is wrong with the current law?

First, Presidents are extremely reluctant to report to Congress under the War Powers Resolution and, when they do, Congress has found it very difficult to act.

Second, the law is a very blunt instrument. It requires that all U.S. forces be withdrawn 60 days after the President reports, unless Congress affirmatively approves the intervention. In other words, congressional inaction requires withdrawal. Time deadlines for completing military action, I believe, are precisely the wrong way to commit American forces.

Third, the resolution covers only those forces included in the President's report, if and when he makes a report. If the President sends a report up saying he has committed seven marines in a rowboat, that is all the resolution covers, even if he subsequently sends in the entire Seventh Fleet. So if Congress fails to act, the forces identified in the President's report are those that are required to be withdrawn. So the President determines what forces would be required to be withdrawn. He could specify those forces in a very narrow way and that would be all that would be withdrawn.

Fourth, the 60-day clock, when it begins ticking, gives foreign governments and adversaries who perhaps are not governments, including terrorist groups, a real lever for influencing the U.S. policy debate. Our adversaries, or would-be adversaries, can control our own debate in this country in terms of its timing. In short, it means that the jerks can jerk us around, and they do.

Fifth, when Congress tries to invoke the act, as we are empowered to do, a filibuster is possible and, in many cases, probable. Moreover, any congressional action is subject to veto. This means that the President, plus one-third of either the House or the Senate, can conduct a war beyond the reach of the War Powers Act.

Sixth, the War Powers Resolution encourages confrontation rather than consultation between the President and the Congress. When forces are introduced, the debate in the Congress is frequently on procedure rather than policy, and the procedure in the existing law is very flawed.

The procedure in the legislation Senator BYRD is introducing on behalf of all of us today has been gone over very carefully. I believe that Senator BYRD's close attention to that procedure means that the legislation we are introducing has the most well thought out expedited procedures of any legislation we will have before this body. No one is more expert than Senator BYRD in this area—no one.

Seventh, many of the terms in the current law are not clear. For example, in the deployment of U.S. forces to the Persian Gulf, we could not agree on what "imminent involvement in hostilities" meant—even after U.S. forces were attacked.

Part of that is because there was not an agreement on the policy itself, but a large part of it was because of the automatic clock. I think if you take away the automatic clock, you make it much more likely that Congress and the executive can agree when hostilities are imminent.

Eighth, the act raises questions about the U.S. staying power in a midst of a crisis, thus making it harder for the United States to secure the cooperation of our friends abroad.

How could the President go to Great Britain or France or West Germany or Japan and say, "We are in this thing now, help us," and the clock is ticking away? They will say, "Well, Mr. President, unless the Congress gives you authority in 60 days, you are out of it, so why should we get involved?"

We must remember that, under the Constitution, the Founding Fathers gave Congress the power to declare war. We must have a War Powers Act that applies that power to the modern threats that our Nation faces, including threats that are less than all-out war.

Let me turn very briefly, Mr. President, to the resolution that Senators BYRD, MITCHELL, WARNER, and I are introducing.

First, it would continue the obligation of the President to report to Congress in the same circumstances as contained in current law.

Second, it establishes a permanent consultative body consisting of the leadership of the House and the Senate and the chairman and ranking minority members of the Committees on Foreign Relations, Armed Services, and Intelligence from both the House and the Senate. The chairmanship and vice chairmanship would rotate between the Speaker of the House and the majority leader of the Senate.

Third, it requires the President and the congressional leadership to meet on a regular basis to discuss matters of national security. I believe this is one of the most important aspects of our revision. Regular consultation between the President and the leadership of the Congress can avoid many of the problems we have seen in the past. Trust can be established. Hopefully, some consensus on national security issues can be reached—without such consensus, no policy can be sustained over time.

Fourth, when the President reports the introduction of forces, or when the permanent consultative body determines by majority vote that he should have reported, the permanent consultative body can, by majority vote, authorize the chairman and vice chairman to introduce a joint resolution which would then be considered by expedited procedures. The text of such a joint resolution is not spelled out in the law. It could either require the President to withdraw the forces or it could authorize the President to continue to deploy the forces or take any other matters which the body deems appropriate.

Fifth, any other Senator is free to introduce any resolution that he or she may choose, but that would not be entitled to expedited procedures.

Sixth, this bill would prohibit the expenditure of funds that are inconsistent with any resolution adopted by Congress. This is a direct expression of the power of the purse. In my view, this is the best way Congress can exercise our constitutional responsibility.

This bill will assure that the congressional leadership and the President will consult on matters of national security in advance before the crisis arises. It also assures that, in the event the President deploys American forces, the congressional leadership will meet and recommend appropriate action to the rest of the Congress. It guarantees that the recommendation of the leadership will be given prompt consideration on the floor of both this body, the Senate, and the House of Representatives. Finally, it requires that, if the Congress passes the law, no funds may be spent by the President in contradiction of that law.

And, if the President vetoes the law, which he has a right to do, and if the veto is not overriden by the Congress, then the President at least is on notice that the power of the purse may very well be employed when the appropriation process begins; that is to say that if the Congress has passed, by a majority vote, a piece of legislation that says we do not agree with your action and we want funds to be cut off, even if that does not go into law because of veto, the Congress will be putting the President on notice that this military action, in all likelihood, will not be funded in the next authorization and appropriation bills.

The President cannot veto the absence of money. He cannot produce money by a veto. And so the action may come later in terms of the money not being there, but it inevitably will come if that set of circumstances occurs.

Most of all, though, I hope that this will not foster confrontation but, rather, consultation, national consensus, and a much more bipartisan effort in national security and foreign policy matters.

I think that this legislation is worthy of our consideration here in the Senate. I know I have heard from Senator LUGAR when I made reference to this legislation. He will be a key member of the Foreign Relations Committee. Senator PELL will be in charge of that committee's deliberations. I am delighted that Senator LUGAR and Senator PELL are on the floor now, because they have a large affect on this legislation. We hope that they will give it serious consideration.

Finally, Mr. President, as the House and Senate consider the proposal Senator BYRD and I have made, improvements will surely be offered. I welcome this debate and look forward to the consideration of this enormously important matter. Congress must revise the War Powers Resolution so that it works and so that the American people can have a voice, through their elected representatives, in the deployment of our forces to hostilities.

I commend the majority leader for his leadership in this respect, which I think is a very, very important beginning of a debate which could, indeed, pull our Nation together rather than continuing to tug it apart.

The **PRESIDING OFFICER.** The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia. His reference to the fact that no President can veto the absence of money—Edward I learned that. He learned that. He was the monarch of England from 1272 to 1307. He learned that. And Edward II, of course, took over in 1307 and ruled to 1327, when he was deposed, and then Edward III took over in 1327 and ruled for 50 years, until 1377. And he learned. He learned that he had to go to Parliament to get revenues to fight—what? To fight the 100-year war with France. And Parliament had learned at that time that if it was going to grant revenues to a king, it could exact concessions.

That is where all this power of the purse that we talk about began. Our Founding Fathers were well acquainted with the experience of Englishmen who had shed blood that Parliament might have this control of the purse. And it is amazing, truly marvelous to read our Constitution, and if one knows something about English history, to trace the roots of these various phrases and words in our own Constitution back to the English history, the English constitution, which is an unwritten one.

But Henry IV was made king, in large part, by Parliament, and then there came James I of England, who was James VI of Scotland. He advocated very strongly the divine right of kings, so he took on Parliament.

And his son, Charles I, who took over in about 1625 and ruled until 1629, he lost his head twice. King Charles I, he was a strong advocate of the divine rights of kings. He lost his head twice. The first time when he took on Parliament in a civil war. Now, think of that, between the Parliament and the king. That war lasted 5 years. Then there was a second civil war that lasted a few months. And then Charles I lost his head for keeps the second time.

They learned not to mess around with Parliament. When it came to asking for revenues, the Parliament, which grew out of the curia regis which in turn grew out of the Anglo-Saxon witan, the Parliament learned early on, early on, that the power of the purse was the basic power of government. And we ought to think of that.

When this line item veto comes up again, I am ready for it. I am ready for that, that crazy idea of the line item veto. We should have a few courses in English history here to see where our forefathers—based on the history the colonists had and based on the experiences of England and Englishmen going back, as I say, to 1272 and even earlier—learned that the power of the purse should be in the hands of the people—the people's representatives.

Well, so much for that. I thank the distinguished Senator from Georgia. I want to yield to the Senator from Virginia before I make my statement.

The **PRESIDING OFFICER.** The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished majority leader for this courtesy.

Mr. President, I rise today as an original cosponsor of the "War Powers Resolution Amendments of 1988" and urge each of my colleagues to give these proposed amendments their close attention and study.

Mr. President, it has become obvious to the cosponsors of these amendments and to other Members of this body that the war powers amendment, as presently written, does not work. The War Powers Resolution does not assist the Congress in making constructive contributions to policies involving the use of United States Armed Forces, and at times, the War Powers Resolution can actually prevent the Congress from exercising its authority over and accepting its responsibility for the use of the Armed Forces. Quite bluntly, the War Powers Resolution has not worked in the past, is not working now, and will not work in the future.

From its enactment over a Presidential veto in 1973, the War Powers Resolution has been beset by a host of problems, not the least of which is the fact that at least two of its operative provisions are of questionable constitutionality. Another serious problem with the existing resolution is its framework under which the Congress could purportedly exercise its authority and responsibility over use of the Armed Forces by congressional inaction. The provision calling for termination of the use of forces after 60 days unless Congress extends that authority casts doubt about the Nation's ability to make and keep foreign policy commitments. The uncertainty of American resolve resulting from this statutory timetable could lead to increased hostilities and to an unwillingness of adversaries to negotiate until and unless the Congress extends the automatic deadline. It is for these very reasons that not a single President since the enactment of the War Powers Resolution in 1973, be he Republican or Democrat, has acceded to the authority of that resolution. Furthermore, Mr. President, it is exactly because of the uncertainties created by the War Powers Resolution that Members of this body have been reluctant through the years to trigger its provisions.

Mr. President, the purpose underlying the War Powers Resolution was to increase the involvement of the Congress in decisions to introduce and to utilize U.S. Armed Forces in situations involving hostilities or imminent hostilities. In my opinion, the present resolution has just the opposite effect. If we, as Members of the Congress, wish to accomplish this purpose, it is incumbent upon us to fashion legislation that will have that effect. It is for this reason that I join today with the distinguished majority leader, Senator NUNN, and Senator MITCHELL in introducing the War Powers Resolution Amendments of 1988.

Mr. President, the Senate joint resolution which we introduce today is a long overdue effort to address the shortcomings in the present law. The amendments proposed today will remove from the War Powers Resolution those provisions most often described a unconstitutional and will replace the automatic 60-day termination provision with expedited procedures for the consideration of a traditional legislative vehicle, subject to the veto by a President, which could then be overridden, in appropriate cases, by the Congress. Furthermore, the amendments proposed today would provide for the Congress to exercise its oversight authority and responsibility through Congress' well recognized "power of the purse."

Mr. President, there are provisions contained in the amendments proposed today that I believe could be strengthened or made more workable. It is my belief that this body working through its committee process can and hopefully will improve upon this resolution. But Mr. President, the resolution introduced today is a serious and sincere effort by its cosponsors to "clean our own house." If we are not willing to admit and attempt to correct shortcomings in legislation intended to enhance the role of the Congress in the foreign policy arena, we cannot and should not expect support in our efforts from either of the other branches of Government or from the American people. And without that support we cannot and should not succeed.

Mr. President, the distinguished majority leader and I and other Senators have worked on this problem for well over a year now and we have witnessed many divisive but conscientious debates here on the floor of the Senate with respect to the law of the land, as it is referred to, the War Powers Resolution of 1973. We recognize it is unworkable. We further recognize that if it is to be corrected, it has to be corrected by Congress and not the courts nor the executive branch.

So we have to launder our own problems that we created in 1973. No President has ever complied with the War Powers Resolution of 1973. And for good reason.

There are provisions which are clearly unconstitutional. But each President, to some degree, has complied with the spirit of the War Powers Act. And in my judgment, President Reagan has complied more so with the spirit than any other President. Indeed, on the eve of giving the orders whereby this Nation retaliated for the recent mining of one of our destroyers in the Persian Gulf, he assembled in the White House the leadership of the Congress prior to the orders being given, to discuss with them his proposals for a measured retaliation.

Thereafter, on two occasions, the Secretary of Defense and the chairman of the Joint Chiefs came up to consult with the leadership of the Congress respecting possible changes in our Persian Gulf policy, clear examples that the consultative process works, and works in the best interests of the United States. And I commend the President for instituting those consultations.

This bill, under the leadership of our distinguished senior Senator from West Virginia, was put together by a group of us. It is our hope and expectation the Foreign Relations Committee will act expeditiously, and then the Senate as a whole. There may well be some good changes that can come forward. But the process has now been started under the leadership of the majority leader and, indeed, I recently spoke with the minority leader, and he just looked at the bill for the first time, and perhaps he will have some ideas as well.

I thank the distinguished majority leader for the courtesy and I yield the floor.

Mr. MITCHELL. Mr. President, I am pleased to join the distinguished majority leader, Mr. BYRD, the distinguished Senator from Georgia, Mr. NUNN, and the distinguished Senator from Virginia, Mr. WARNER, in introducing this joint resolution to amend the War Powers Resolution.

Last month's exchange of fire in the gulf again catapulted the War Powers Resolution into the headlines. Not since a similar American show of force last fall had the American public, the Congress, or the administration focused on the resolution.

Yet fundamental problems with the War Powers Resolution have not been seriously addressed, let alone resolved.

On April 14, the United States destroyed two Iranian oil platforms and damaged or sank six Iranian vessels. The President refused to submit a report under section 4(a)(1) of the act, despite the law's requirement for such action whenever American forces are introduced into hostilities or situations in which imminent involvement in hostilities is clearly indicated by the circumstances. The administration did not appear even to understand the law with which it claimed to be "conforming," but not complying.

Congress was gratified to finally have been consulted before the attacks were ordered, and many Members voiced their support for U.S. action in the gulf. Yet almost immediately, both Houses resumed debate about the law's relevance and questioned whether invoking the resolution would help or harm U.S. policy. In a few week's time the Senate may again consider a resolution introduced pursuant to the law that the President will not obey.

The need to amend the War Powers Resolution has repeatedly been demonstrated. This legislation is intended to begin a process of reform. I sincerely hope that we can effectively revise the law before another international event again exposes its weaknesses.

During past years, Congress has not been involved in many discussions about whether or not the War Powers Resolution applied to a specific troop deployment, be it the Marines to Lebanon, advisers to El Salvador, or troops to Grenada or the Persian Gulf.

We have spent countless hours proposing, filibustering, and debating measures to invoke a law—rather than assessing the wisdom of the policy that prompted the deployment of forces. We have rarely reached a consensus, but we have often conveyed the appearance of a divided country.

In so doing, we have undermined the positive role that Congress can and should play in crucial national policy decisions.

The War Powers Resolution was designed to ensure the collective judgment of both the Congress and the President in the decision to wage war. It is a well-intentioned law.

But it has not worked.

The divisive and inconclusive debates about whether a report should have been filed under section 4(a)(1) have repeatedly demonstrated the law's irrelevance.

This legacy of failure has prompted our effort to amend the resolution.

The joint resolution is based on the premise that the War Powers Resolution does not work because it oversteps the constitutional bounds on Congress' power to control the Armed Forces in situations short of war and because it potentially undermines our ability to effectively defend our national interests.

By enabling Congress to require—by its own inaction—the withdrawal of troops from a situation of hostilities, the resolution unduly restricts the authority granted by the Constitution to the President as Commander in Chief.

The structure of our Government, with power divided among three separate but equal branches, creates special problems in the use of armed force.

The Constitution grants to Congress the exclusive authority to declare war, as well as the responsibility to provide for the common defense.

But the Constitution makes the President Commander in Chief of the Armed Forces. That authority gives him the power to direct the Armed Forces and to repel attacks against the United States.

Our Founding Fathers divided these war powers to enable the President to effectively lead the Armed Forces in defense of our Nation, while ensuring that Congress would concur in the weighty decision of war.

But this deliberate division of power was effectively ignored in the Korean and Vietnam wars, wars waged without a congressional declaration of war. The 1973 War Powers Resolution was an attempt to reassert Congress' authority to decide when the United States would become involved in war.

Although portrayed as an effort "to fulfill—not to alter, amend or adjust—the intent of the framers of the U.S. Constitution," the War Powers Resolution actually expands Congress' authority beyond the power to declare war to the power to limit troop deployment in situations short of war.

Based on the presumption that introducing U.S. troops into hostilities would lead to war, the resolution grants to Congress in such instances the automatic power to require—without so much as a vote in the House or Senate—the withdrawal of American troops.

But the President as Commander in Chief has the authority to deploy troops in defense of American interests. His constitutional authority should not be subject to an automatic recall of American forces within 90 days.

The resolution could have debilitating effects on our military policy by prompting Presidents to think in terms of short-term military action regardless of purpose, and by encouraging political compromises that may not be strategically sound.

Furthermore, debate over the resolution conveys the appearance of a divided America that lacks resolve and staying power. The resolution severely undercuts the President by encouraging our enemies to simply wait for U.S. law to remove the threat of further American military action.

Into the very situation that require national steadiness and resolve, the War Powers Resolution introduces doubt and uncertainty.

This does not serve our Nation.

The War Powers Resolution therefore threatens not only the delicate balance of power established by the Constitution. It potentially undermines America's ability to effectively defend our national security.

This is why, since the law's enactment in 1972, every President has been reluctant to report under the act. This also explains why many in Congress have feared the consequences of implementing the resolution.

The legislation we are introducing today would remedy the resolution's fundamental problems, while advancing the law's original aim of guaranteeing congressional participation in any decision to go to war.

The joint resolution would make two basic changes in the law. It would replace the presumption that troops will be withdrawn with the presumption that troops will remain unless a majority of Congress votes specifically to recall them. The joint resolution also would ensure that Congress plays a more consistent and significant role in the process of deciding to dispatch troops into hostilities or potential hostilities.

To achieve these goals, the joint resolution creates a permanent consultative group, composed of the majority and minority leaders of both Houses and the chairman and ranking members of the Foreign Affairs, Armed Services, and Intelligence Committees. This group would consult regularly with the executive on vital national security issues—not simply hours before or after a decision to deploy troops is made.

Such consultations would enhance overall congressional-executive coordination and forge a stronger basis for bipartisan cooperation in national security matters.

Meaningful and consistent consultation with the Congress would also help prevent the President from implementing a controversial policy that Congress could not responsibly change.

Under the imprecise requirements of current law, we have too often seen the executive deploy troops without consulting the Congress, without gaining support for a potentially dangerous course of action.

Yet once U.S. troops confront imminent hostilities, the Congress and all Americans want to unite in support of our Armed Forces. Congress has been reluctant to invoke the War Powers Resolution, fearing that triggering the deployment time clock would undercut the President or endanger our troops.

This legislation therefore repeals the current law's requirement that troops automatically be withdrawn within 90 days unless Congress votes otherwise. But it would guarantee an up or down vote on the deployment of troops—regardless of the President's compliance with the resolution—if the consultative group determined that the law applied.

Under the joint resolution, the consultative group could vote to invoke the War Powers Resolution and introduce a congressional resolution to either authorize continued deployment or require the withdrawal of U.S. Armed Forces.

Any other Senator would remain free to introduce a similar resolution, but only the consultative group's resolution would be guaranteed expedited treatment.

The joint resolution provides that a privileged resolution requiring troop withdrawal will simultaneously prohibit funds for any activities that would violate the resolution's intent. This automatic enforcement mechanism affirms Congress' power to appropriate moneys and provide for the common defense.

In sum, these reforms could create a law that works.

As we consider revising the War Powers Resolution, Congress should pause and consider the law's purpose, which is to fulfill, not to alter, the intent of the Constitution to insure the collective judgment of both the Congress and the President in the decision to wage war.

We cannot ignore the fact that the current law has not achieved this goal.

But it is a worthy aim. It deserves a chance to work.

By guaranteeing a straight up or down vote on the deployment of troops into hostilities, this joint resolution would end the debilitating series of unresolved debates about invoking a law that a President refused to obey.

It would eliminate the period of prolonged uncertainty about the United States' ability to sustain a troop commitment.

The legislation would make congressional-executive consultation a meaningful process, not simply a symbolic formality.

It would remove the primary motivation for a President to avoid reporting under the War Powers Resolution.

And it would free Congress from its current focus on legalism and encourage debate on substantive policy issue.

This legislation would transform the resolution from an irrelevant mechanism into a vehicle for ensuring congressional participation in the most crucial decisions that our Nation may ever face.

The President can continue to evade the law and Congress can continue to flounder in legalistic debate. The two branches of government can sustain a ritualistic fight over war powers.

Or we can change the law. The courts will not do it for us.

This legislation is offered as a first step toward helping the War Powers Resolution fulfill its original purpose.

I hope that this joint resolution will provide a framework for reform to ensure that Congress and the President can fulfill their responsibilities of guarding and guiding this Nation's decision to go to war.

Mr. PELL. Mr. President, I would like to respond to the suggestion of the majority leader and say I think he has rendered a very real service by putting forward this resolution. It is needed because the present law does not seem to be workable.

We had instances of hostilities, but it had not taken effect. I think back to the hard work that Senator Javits, Senator Eagleton, and others put into this matter. Their original thought that it should take effect immediately was sensible, but now when you let the President extend himself for 2 months and then try to pull him back, it has proved a very difficult operation.

I am happy to say that Senator BIDEN, the chairman of the subcommittee we set up to consider this problem of the War Powers Act, is expected to be back with us this summer, and we look forward to having hearings as soon as possible.

I again thank those who introduce it because I think it focuses attention on a problem that needs to be looked at.

Mr. BYRD. Mr. President, I thank the distinguished chairman.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I thank the leader.

THE PUBLIC, THE SOVIETS, AND NUCLEAR ARMS

Mr. PELL. Mr. President, on March 16 the Committee on Foreign Relations heard testimony on a project designed to explore the views of the American public on the future of United States-Soviet relations and nuclear policy. Today, I would like to bring to the attention of the Senate the results of this timely and revealing survey. The results of this project are especially relevant during our consideration of the INF Treaty and on the eve of the upcoming summit meeting in Moscow because they provide an unusually rich understanding of Americans' fears and hopes for the future—and what policies they will support now to move toward the future they choose.

This ambitious 3-year study entitled "The Public, The Soviets, and Nuclear Arms" was conducted by the Public Agenda Foundation in New York City and the Center for Foreign Policy Development at Brown University. The fundamental premise of this nonpartisan study was that while the American people may not always have a detailed understanding of key foreign policy issues, they do have a strong sense of the values they expect our foreign policy to incorporate and the direction they wish it to take. And a foreign policy firmly anchored in these fundamental values and goals will be far more stable and durable than a policy based on short-lived trends and glib rhetoric.

This is a time of change both in Soviet policies and, necessarily, in our interaction with the Soviets. Now more than ever, policymakers need to know where the American public wants our Nation to head, and what it is or is not willing to risk in order to get there. The long-term focus of this study sets it apart from surveys which measure transient opinion on narrow issues: this study illuminates the fundamental public assumptions that will inevitably shape United States policy toward the Soviets and nuclear weapons over the rest of this century and beyond.

In order to identify the fundamental assumptions that share public attitudes toward the Soviet Union and nuclear weapons, the Brown Center and Public Agenda probed the viewpoints of community leaders, public "focus" groups and expert groups across the country. Participants were asked to grapple with the following four alternative future scenarios: First, the United States gains the upper hand in the United States-Soviet competition; second, the nuclear threat is eliminated, but the United States and the Soviet Union continue to compete in other areas; third, the United States and U.S.S.R. engage in cooperative problem solving; and fourth, the United States withdraws from its global commitments and focuses on defending only the United States. These four alternative futures were designed to encourage the public participants to consider the trade-offs and policy requirements of each scenario. This process ensured that the judgments rendered by the participants reflected a broad consideration of the implications of their chosen preferences and also provided insight into the fundamental values the public brings to issues of foreign policy.

The project has been guided by a nonpartisan national council of 100 prominent Americans, whose broad representation has helped to ensure balance and accuracy. The executive committee of the council consists of Howard Swearer, president of Brown University, who chairs the committee; Daniel Yankelovich, president of Public Agenda; Douglas Dillon, former Secretary of the Treasury and a founding member of the Committee on the Present Danger; William Hyland, former Deputy National Security Advisor to Presidents Ford and Carter and editor of Foreign Affairs; Amos Jordan, former principal Deputy Assistant Secretary of Defense and president of the Center for Strategic and International Studies; Walter Massey, vice president of the University of Chicago; David Mathews, former Secretary of HEW and president of the Kettering Foundation; Senator Charles McC. Mathias, our former colleague on the Foreign Relations Committee; Gen. Edward Meyer, former Army Chief of Staff; Alice Rivlin, former Director of the Congressional Budget Office and now director of the Economic Studies Program at the Brookings Institution; Cyrus Vance, former Secretary of State; and Thomas J. Watson, Jr., former Ambassador to the U.S.S.R. and chairman emeritus of the IBM Corp.

The directors of the project have gone to impressive lengths to guarantee the comprehensiveness, coherence, and balance of the four alternative future scenarios considered by the participants. Their research included meetings with 20 focus groups of American citizens around the country, gatherings of community leaders in the 10 different cities, and over 20 seminars with foreign policy experts and policy makers. In all of these discussions, the guiding principle was to present what the public and experts could agree was a realistic representation of our country's fundamental alternatives for dealing with the Soviet Union and the problems of nuclear weapons, along with the risks and tradeoffs associated with each.

This effort culminated in the "Public Summit '88" campaign of January 1988, which sought broadly to engage the citizens of four nationally representative cities—Baltimore, Nashville, San Antonio, and Seattle—in discussion of the four futures. The campaigns involved some 3 weeks of television, radio, and newspaper informational presentations, town meetings and other community gatherings, and other activities. At the end of the campaign, people in all four cities were encouraged to state their views on the four future scenarios through a widely distributed opinion ballot: in all, 76,000 people chose to do so, revealing extraordinary public interest.

At the same time, the project gathered innovative "citizen review panels" in these four cities plus Chicago, consisting of 963 Americans chosen to be demographically representative of the Nation as a whole. The participants entered into a 2-hour educational program and discussion of the alternative futures, their implications, benefits, risks and tradeoffs, before filling out a detailed questionnaire giving their considered opinion on the issues. Both the ballot and the questionnaire allowed citizens, not just to express support for specific futures, but to support or oppose specific aspects of each future.

The study demonstrates that of the four future scenarios, Americans prefer one in which, by the year 2010, the United States and Soviet Union are cooperating to solve common problems such as nuclear proliferation, terrorism and pollution; they are willing to open the door to a new, constructive relationship with the Soviet Union if the Soviets will do the same. A future in which the superpowers eliminate the nuclear threat—in weapons as well as in regional hot spots—while competing otherwise is an overall second choice. Two other futures, in which the United States gains the upper hand over the Soviet Union or defends only North America, are less popular, but there is strong support for aspects of each. Taken together, the results suggest a "composite future," incorporating parts of all four futures, which most Americans would like to move toward. This composite future comprises continued military strength, nuclear reductions even at the expense of increased spending on conventional forces, cautious cooperation with the Soviets on common problems, and greater contributions by our allies to their own defense. These public priorities merit the careful attention of Congress and the executive branch alike.

Mr. President, at this point I ask unanimous consent that a summary of the report's key results be placed in the RECORD, along with several editorial assessments of its importance. I commend the summary—and indeed the full report—to my colleagues as a valuable source of insight into enduring public beliefs on these vital issues.

Ther being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PUBLIC, THE SOVIETS, AND NUCLEAR ARMS: SUMMARY OF RESULTS

The Public Agenda Foundation and the Center for Foreign Policy Development at Brown University have undertaken an intensive three-year project to discover what kind of relationship Americans want to have with the Soviets over the next two decades, to the year 2010. This study on "The Public, The Soviets, and Nuclear Arms" is unique in several respects. Instead of focusing on opinions on current issues, as in traditional opinion polls, it looks at the public's underlying values—the rationales and beliefs that the public employs in forming opinions. Secondly, the study uses new techniques that encourage the public to weigh the pros and cons of various alternatives—to confront the risks and benefits associated with different paths that U.S. policy might take. Thirdly, it focuses on long-term directions, inviting the public to debate and decide where policy should lead over a span of two decades.

The study asked 963 average Americans to think about four alternative futures for U.S.-Soviet relations. And it asked them, in choosing among the alternatives, to weigh the costs, the risks, and the trade-offs associated with each. Developed after preliminary testing with public, expert and leadership groups, and consultation with more than one hundred leading experts and decision-makers with vast experience and diverse perspectives on U.S.-Soviet relations, the study asked citizens to grapple with four alternative futures:

(1) The U.S. Gains the Upper Hand.

(2) Eliminate the Nuclear Threat; Compete Otherwise.

(3) Cooperative Problem Solving.

(4) Defend Only North America.

Emerging from the research is a rich and detailed picture of what Americans want for the future, what risks and tradeoffs are or are not acceptable to them, and what policies they are prepared to support after they have thought seriously about the costs and compromises of each. Thus, the research captures more than just Americans' hopes and dreams—or even their worst fears—as important as those may be. It provides an understanding of the kind of future Americans are willing to work for and the long-term policies they will support even when confronted with the risks and costs and compromises that are part of the real world of foreign policy.

The results which follow are reported in the order of popular support for the four futures. However, as will be seen, in each case a majority of the public discerns strong positive and negative arguments, suggesting that it would favor a "composite" future for guiding future policies.

FUTURE 3: COOPERATIVE PROBLEM SOLVING

The most popular future was of "Cooperative Problem Solving" between the superpowers by 2010. In this future (Future Three), the superpowers' relationship has changed from one of fierce hostility and competition to a businesslike working relationship addressing common problems such as the spread of nuclear weapons, terrorism, nuclear power plant safety, space exploration and environmental protection. This future was presented and discussed, not as "the outbreak of peace," but as a pragmatic approach toward dealing with urgent problems confronting both countries that would be easier to solve if the superpowers worked together. That is, common self-interest, not the desire for friendship, was the underlying rationale for this future. Concrete policy options and tradeoffs, inlcuding costs and risks, were systematically presented with this and each of the other futures.

This future was the first choice of 46% of the respondents, and the second choice of 30%: in all, 76% selected it as their first or second choice. Its pragmatic appeal is underscored by the fact that, by and large, people liked it regardless of their political party or ideological orientation. Among conservatives, for example, 70% ranked it first or second, compared to 82% among liberals and 76% among moderates.

The most convincing argument for this future, supported by 83%, was that issues such as "the spread of nuclear weapons, pollution, and AIDS are the real problems facing us and the Soviets." However, a large minority (42 percent) expressed concern about whether the Soviets were truly interested in working together, saying that a convincing argument against this future was that the Soviets will only "pretend to cooperate, then turn on us." In principle, this future was acceptable to a large majority; but many questioned whether Soviet behavior will make this option feasible.

FUTURE 2: ELIMINATE THE NUCLEAR THREAT; COMPETE OTHERWISE

The second most popular future presented a world that is very different from the one envisioned in Future Three. In Future Two, the superpowers are not cooperating on a broad range of common problems. Rather, they have recognized that they have one overriding mutual interest and cooperate in only one area of extraordinary importance—eliminating the threat of mutual annihilation. In this future, the two sides realize that they have irreconcilable philosophical differences, and so continue to compete and view for influence around the world. Nevertheless, each has also come to see that its adversary sincerely wants to eliminate the threat of nuclear war, and so both sides have agreed to reduce drastically their nuclear arsenals and negotiate agreements to make sure that regional conflicts do not escalate into all-out war.

Twenty-eight percent named this future as their first choice, and 46 percent said it was their second preference: in total, 74 percent said that it was their first or second choice; 75 percent found convincing the argument that "we should drastically cut the number of nuclear weapons on both sides so that, if somehow they are ever used, the whole world won't be destroyed."

Seventy-five percent also supported the argument that "we and the Soviets should reach agreements to prevent local conflicts, such as in the Middle East, from escalating because they are the major way that a nuclear war would start." Indeed, 70 percent said they would favor reaching such agreements "even if that means doing things that our allies such as Israel oppose."

On the negative side, a plurality of 47 percent to 37 percent agreed that a convincing argument against this future was that "the Soviets can't be trusted and will cheat on arms control treaties." And 53 percent found convincing the argument that "this future would leave the Soviets with a large advantage in nonnuclear or conventional forces"—an advantage most Americans would like to see redressed, through Soviet reductions or a Western buildup, before deep nuclear cuts occur.

FUTURE 1: U.S. GAINS THE UPPER HAND

In the world of Future One, "U.S. Gains the Upper Hand," the U.S. has gained clear military and political superiority over the Soviet Union. The U.S. has deployed a panoply of offensive and defensive weapons, potentially including defenses against missiles; it has vigorously protected countries from Soviet or communist aggression; and it has successfully applied economic and political pressure against the Soviets and their allies. This future was people's third choice overall; 24 percent ranked it as their first choice and 15 percent ranked it second, giving it a combined first and second ranking of 39 percent.

The two most telling arguments against Future One involved futility and cost; 75 percent found convincing the argument that "trying to gain military superiority is a formula for an endless arms race," with 83 percent agreeing that if the U.S. had a larger nuclear arsenal than the Soviets, "they would keep building until they caught up." And 70 percent found convincing the argument that this future would be too expensive "because it would mean enormous defense spending, year after year."

However, certain aspects of this future garnered strong support. People deeply believe that the U.S. should be strong militarily and capable of resisting aggression; 71 percent agreed that "the Soviets are constantly testing us, probing for weakness, and they're quick to take advantage whenever they find any;" 61 percent agreed that it is U.S. strength that "keeps ruthless, aggressive countries from starting trouble around the world."

The public's stance in several areas was quite complex. Asked in the pretest (before discussion of the pros and cons) whether the U.S. should help anti-communist groups, 64 percent said that the U.S. should provide such assistance. However, when a particular trade-off was added to the question, support plummeted: only 39 percent said we should aid anti-communists even if that means sometimes supporting dictators and others who do not believe in democracy. While most Americans want the U.S. to help governments and groups who are opposing Communist expansion, they want the U.S. to be selective in deciding whom to help. And the public is divided (44 percent in favor and 51 percent opposed) on increasing military aid to help Third World countries fight communism if that means increasing the chances that U.S. troops will get involved in local fighting.

Americans' views on the Strategic Defense Initiative are similarly complicated. In this study, 56 percent said that the U.S. should build SDI even if that means giving up the chance to negotiate deep cuts in nuclear weapons. However, in response to another question, a comparable majority (59 percent) said they would give up or share SDI in order to forge a working partnership with the Soviets on common problems. The results suggest that improving the superpower relationship is considered more important than a mere reduction in the numbers of nuclear weapons. They also suggest continued controversy and uncertainty about the SDI program.

FUTURE 4: DEFEND ONLY NORTH AMERICA

Future Four presents a world in which, by 2010, the U.S. has gradually ended its alliances, withdrawn from its global commitments, and redefined its security interests, and is actively defending only the continent of North America. This vision of the future is, overall, totally rejected by people in the panels. Only 4 percent named this future as their first choice, and only 8 percent said it was their second choice—a combined first or second preference of only 12 percent. However, there were aspects of this approach that large majorities support with enthusiasm.

Majorities agreed that the United States had an important role to play as a world power which Future Four would undermine. In part, this sentiment stems from a broad view of the country's self-interest. For example, 66 percent felt that a convincing argument against this future was that "if we pull back, many nations would feel more insecure and would build their own nuclear weapons." 61 percent found convincing the argument that "history shows that it is U.S. strength that keeps ruthless countries from starting trouble around the world." And 55 percent found convincing the argument that "our allies may make concessions to the Soviets and eventually leave us alone in a world filled with enemies."

On the other hand, large majorities felt that the U.S. was shouldering too much of the expense of defending other countries. Fully 79 percent said that a convincing argument for Future Four is that "while we spend billions to defend Japan and Europe, they are winning the economic competition and taking away American jobs." And 78 percent favored making our allies pay more of the cost of their own defense, even if that means losing influence over them on economic issues.

MOVING AWAY FROM WISHFUL THINKING

One aspect of the results strongly confirms that participants generally move away from wishful thinking toward a considered judgment which takes risks and tradeoffs into account. In the pretest (before discussion of the pros and cons of each future), people were asked to rate each future individually. Three of the four futures won over 70 percent support! In other words, people's first (and understandable) reaction was to favor alternatives that, however attractive, were in fact logically incompatible.

The change between the present and the posttest was dramatic. People's assessment became much more selective, and their support for all the futures decreased from the pre- to the posttest; in three cases, the decrease was striking. Support for Future Three (Cooperative Problem Solving) dropped from 93 percent in the pretest to 70 percent in the posttest; for Future Two (Eliminate the Nuclear Threat; Compete Otherwise), from 89 percent to 55 percent; and for Future One (U.S. Gains the Upper Hand), from 70 percent to 49 percent.

Only with defending only North America (Future Four) was there little change. In the pretest, this option was opposed by 61 percent to 33 percent, and in the posttest by 65 percent to 29 percent—a drop of only 4 percentage points. These results suggest that people's initial views about this option were very close to their considered judgment: people had rejected it in advance.

THE PUBLIC'S COMPOSITE FUTURE

One goal of the research was to discover what the public's "composite" future might be if people took into consideration realistic tradeoffs, risks and costs. By looking at the broadly supported elements related to each future and reactions to the arguments for and against each one, one can surmise what the public composite future includes.

First and most important, people want to change the nature of the U.S.-Soviet relationship; they want to end the Cold War and have the superpowers work together to address common problems. People see such a change, not as a utopian wish, but as a pragmatic response to a world in which the greatest danger we face is no longer direct Soviet aggression but an array of problems that threaten the Soviet Union as well as the U.S. (such as the spread of nuclear weapons, terrorism, pollution, and the management of nuclear power). And, people feel, it is superpower hostility that keeps us (and the Soviets) from turning our attention to these problems. However, people have concerns about Soviet intentions and whether the Soviets would agree to such a course. And they worry about sharing high technology, giving up SDI and, in general, moving too quickly (or naively) in this direction.

Second, people want to eliminate the risk of nuclear annihilation by drastically cutting back the size of the superpower arsenals and negotiating agreements to make sure that the superpowers do not get dragged into regional conflicts, thereby setting off a global war. But while people feel that the Soviets are truly interested in such steps, they are also concerned about possible Soviet cheating and about agreements that result in a conventional force imbalance. There is also widespread public concern about possible Soviet aggression and/or support for communist insurgencies in the Third World; and people doubt that the superpowers can compartmentalize their differences by, for example, agreeing to drastic nuclear arms reductions while simultaneously engaging in armed competition in the Third World.

Third, the public believes that the U.S. should be strong militarily. People believe that U.S. weakness will invite aggression and that U.S. strength has kept the peace. People also want the SDI program to go forward in some fashion—at least unless there is a fundamental change in the overall U.S.-Soviet relationship. However, they believe that the arms race is unwinnable, and that trying to gain "the upper hand" over the Soviets would be too expensive and ultimately futile.

Fourth, the public rejects the idea that the U.S. should withdraw from commitments, but a large majority would like the allies to pay more of the cost of their own defense. People are concerned about the effect of defense spending on U.S. domestic needs and worry about the country's ability to compete in the international economy.

Finally and perhaps most important, all the results taken together suggest that though Americans want a fundamental change in U.S.-Soviet relations that effectively ends the Cold War, they do not want to pursue such a course quickly or recklessly. Rather, people want to work for change gradually, a step at a time, and have the U.S. constantly assess and reassess Soviet intentions and behavior.

CONCLUSION

The Reagan-Gorbachev summits have ushered in a new era of public thinking about nuclear arms and the Soviet Union. Americans feel that the arms race is not winnable and they would like to see it end; in the future, people would like to see a fundamental change in relations with the Soviets that would include drastic nuclear arms reductions and the formation of a working partnership on common problems such as the spread of nuclear weapons, terrorism, and nuclear power plant safety.

However, the public is not ready to declare peace. Many people feel that the U.S. was deceived during detente and that the recent military buildup was necessary. And now, while most Americans are hopeful about the new Soviet leadership, they remain wary about the Soviets and their motives. The public is taking a wait-and-see attitude and is willing to support the U.S. taking small steps to test Soviet intentions. But the outcome may depend on what the Soviets do. In effect, the Soviets are on probation in terms of U.S. public opinion.

The current mood is different from anything we've seen. It is unlike the 1950s and 1960s when the Soviets were seen as threatening nuclear war. It is also unlike the 1970s and the early 1980s when the public's thinking swung from one extreme to another. Today, while the Soviets are mistrusted and still regarded as a dangerous adversary, they are also believed to be rational and, to some extent, predictable—and thus no more interested in nuclear war than we are. In fact, more than 80% believe the Soviets genuinely want to reduce the size of nuclear arsenals, and a large majority feels that the Soviets are potential partners on a range of common problems. Following is a summary of what has and has not changed in terms of public opinion.

What has changed:

1. The Soviets are no longer seen as a nuclear threat;

2. The public feels that the arms race cannot be won and they would, in the future, like to see it end because:

The arms race is felt to be too expensive;

The Soviets are felt to be truly interested in sharply cutting both sides' nuclear arsenals;

The argument that arsenals should not be reduced because nuclear weapons have kept the peace since World War II is rejected;

They oppose directly linking human rights with arms control agreements;

And they feel that there is little danger in signing an arms agreement in the short term;

3. In the future, people would like to radically change the U.S. relationship with the Soviets so that the countries work together on a range of common problems.

What has not changed:

1. The Soviets are not trusted; many assume they will cheat on any arms agreements—however, most do not believe that this, by itself, is reason not to sign;

2. The Soviets are seen as intent on expanding communism in the Third World and ready to take advantage of any weakness;

3. The U.S. must be strong and continue to be a world power, in large part because people say that U.S. strength has kept the peace:

But people feel that the U.S. spends too much to defend other countries and that our allies should do more;

And they are concerned about the U.S. being the "world's policeman."

In sum, a new set of questions is on the public's mind, questions that involve Soviet intentions toward their neighbors, in the Third World and about arms control agreements. More than anything else, how Americans answer these questions will depend on Soviet actions and people's perceptions of Soviet intentions.

[From the Minneapolis Star Tribune, Apr. 10, 1988]

PEOPLE'S POLICY LEAVES POLITICIANS LAGGING BEHIND

(By Harlan Cleveland)

American foreign policy is not an abstraction. It is driven by what happens. What the president and Congress do is necessarily reactive. But in reacting, our political leaders have to be guided by what they think most Americans think.

The leaders' problem is that they often get left behind. People, not leaders, make the policy. (The federal government, for example, was the last to learn that the war in Vietnam was over.) This means that, at any given time, most of the elements of American foreign policy are already lying around in a "people's policy," an inchoate consensus not yet fully grasped by the professionals and amateurs temporarily residing in Washington.

The political leaders who succeed are those who sniff around and listen hard, figure out the people's sense of direction and formulate in persuasive prose and programs what most Americans already think ought to be done.

We tested in Minnesota, in 1984 and 1985, this idea that the people get there first. It was a project called Prospects for Peacemaking, funded by Honeywell Inc. and conducted by the University of Minnesota's Humphrey Institute with a major assist from the Minnesota League of Women Voters.

Our focus was on U.S.-Soviet relations, arms control and national security policy. We first tried to find out what Minnesotans from all parts of the political spectrum thought the problem was. We didn't invite "experts" into the discussion until the citizens had thought through the questions they wanted the experts to address. (The story is told in a book, "Prospects for Peacemaking: A Citizens Guide to Safer Nuclear Strategy," published by MIT Press in 1987.)

The result was a year-long, community-wide discussion, including 11½ hours of pubic forums covered gavel-to-gavel by public radio and television. Because they took off from what the citizens wanted to know, the topics were more basic than the experts had been debating in their elegant and often abstruse debates among themselves.

The citizens didn't show much interest in U.S.-Soviet comparisons of nuclear throw-weight; they wanted to know how we could be sure that, with the Soviet Union, a deal is a deal.

After a couple of seminars with a wide assortment of Minnesotans on U.S.-Soviet relations, I called Marshall Shulman, who succeeded George Kennan as the premier Sovietologist in the West; he was then director of Columbia University's Harriman Institute for the Advanced Study of the Soviet Union.

What I hear my neighbors asking, I told him, is something like this: "What's the minimum behavior we need from the Soviets—and what's the minimum behavior they need from us—to persuade us mutually not to blow up the world?"

There was a long pause at the other end of the telephone. Then I heard a chuckle from our ranking expert on U.S.-Soviet relations. "That's interesting. Harlan," he replied. "You're asking a more fundamental question than anyone at the Harriman Institute is working on."

Comes now Public Summit '88, a national experiment in sniffing out the "people's policy." This unusual mixture of policy research and opinion polling is managed jointly by Brown University and the Public Agenda Foundation, the nonprofit spinoff of pollster Daniel Yankelovich's survey-research business. Their report, "U.S.-Soviet Relations in the Year 2010," was published March 16.

The Brown-Public Agenda combine tried to see what would happen if people had to think *at the same time* about short-term policy and long-term aims. Opinion polling, they reasoned, takes a snapshot of people's current thinking, which is "volatile and unreliable" unless people have thought through the questions posed. Besides, most poll questions leave out "information about tradeoffs, risks and costs," and then gauge only the views of "isolated individuals," not their interactions with other people.

To bypass these flaws in orthodox polling, Public Summit '88 organized a creative mix of academic experts, "focus groups," before-and-after polling, and a saturation citizen-education blitz in four cities—Baltimore, Nashville, San Antonio and Seattle. The judgments are mostly based on the reactions of 963 people, carefully selected as a scientific sample of all Americans, and on 76,000 ballots voluntarily returned by citizens in those four places who cared enough to think their very best.

Four alternative U.S.-Soviet futures were constructed to order the "thinking-through" process. In shorthand:

1. The United States tries to gain the "upper hand."

2. Soviets and Americans work together to make drastic cuts in nuclear forces but otherwise compete as great powers.

3. Soviets and Americans not only turn off the arms race but "work jointly" on common problems—terrorism, nuclear proliferation, global pollution, AIDS.

4. A "Fortress America" option: Defend only North America, move away from being a global power.

Looking at U.S. foreign policy through the prism of U.S.-Soviet relations is always troublesome. The Four Futures give very short shrift to such conundrums as the collision of modernization, fairness and cultural identity in the Third World, the nervous breakdown of the international monetary system, cooperation or competition in outer space, the future of the United Nations, and a dozen other equally perplexing puzzlements.

But as far as it went, which was to analyze attitudes about how we're going to get along with the only power that can destroy us. Public Summit '88 is a fresh and original approach to an issue of primordial importance.

Three-quarters of the citizen sample picked Futures No. 2 and No. 3, joint cooperation or competitive coexistence, as their first or second choice. "Gaining the upper hand" drew 39 percent of first or second-choice ballots. Fortress North America, with first or second choices amounting to only 12 percent, was a distant fourth.

Some may read these results as a victory for soft-headed wishful-thinking over hard-headed realism in a world where nice nations finish last. But to me, the striking thing about the collective opinion of the citizen sample, which was essentially confirmed by the 76,000 Americans in the four cities, is how well they seem to combine a warm heart and a cool head.

"People are not interested in 'instant detente,'" the report says, "Instead they want a cautious, careful, step-by-step approach where Soviet trustworthiness is repeatedly assessed based on accrued experience."

In one independent poll cited, only a tiny minority (15 percent) thought a Soviet attack or a nuclear first strike against the United States was likely in the future, and two-thirds (67 percent) agreed that "While the leaders of the Soviet Union may be ruthless, they are not reckless or irrational fanatics." But, asked whether the Reagan military buildup had been necessary or not, 69 percent said it had.

The remaining aspirants for the presidency would be well advised to read carefully the report of Public Summit '88, and match their rhetoric now and actions later to the gathering mood of the policy-making American people. The Soviets can still make it impossible to cooperate. But they have moved, in U.S. mainstream thinking, from implacable adversary to potential partner in much global activity.

The people's policy still has the Soviets "on probation," say the reseachers for Brown and Public Agenda, Also on probation are those who would be our leaders in the 1990s and beyond.

[From the New York Times, Mar. 30, 1988]

TALKING ECONO-MILITARY

(By Flora Lewis)

PARIS.—The phrase "politico-military" entered the strategists' jargon about a generation ago. It was a handy way of reminding diplomats and military men, who tend to go their own ways, that their concerns are tightly linked. Clausewitz observed that war and politics have shared goals, but he made it sound as though they were alternatives when in fact there are constant interconnections.

In the same way, it's obvious that talking defense has to take account of money and resources. But it is time now to develop a wider understanding of econo-military issues, the pervasive and permanent impact of economic and security questions on each other.

Traditionally, the realm of the Departments of State and Defense was considered to be foreign affairs, while Treasury and Budget were the senior domestic posts. But economics now enters every aspect of international relations, from the big, basic issues of how much should and can be spent on defense to the attempt to use money as a carefully targeted weapon, by denial as the U.S. is doing with Panama or by supply as with the Afghan and contra rebels.

Mikhail Gorbachev has understood very clearly that his country's status as a great power can only be maintained by improving its economic base. He is willing to trade off missiles that made it a superpower for the opportunity to develop its economy.

West Germany is now the major power of Western Europe. While it has a big army, it has no missiles and a declining population. But, it has a very solid Deutsche mark, a big trade surplus and capacity for large investment. So it has clout.

The power of Japan, totally economic, has all the industrial countries quivering in a combination of apprehension and appetite for its surplus savings. Some Americans would like to see Japan spend a lot more on defense to use up that surplus, but that would destabilize the rest of Southeast Asia. The need is to persuade the Japanese, who are edging up to converting their power into politics, to use it in a massive foreign aid program for countries starving for capital and striving for democracy, like the Philippines.

The European Community is hoping to unite into an almost real common market by 1992. Europe will be more or less a power, more or less able to defend itself, according to how successfully economic integration sparks more growth.

What some call the decline of the U.S. role in the world isn't due to any loss of ships and guns and planes, although a trend is developing to limit the use and even existence of overseas bases, which will reduce capacity to project power around the world by the end of the century. But the tremendous dependence on foreign capital, because of the huge budget and trade deficits, has obviously diminished America's ability to influence others and must affect its decisions on defense spending.

The U.S. public seems to have grasped these basics, although econo-military studies are still in the toddling state, far from a developed body of work, as exists in strategic doctrine.

A survey of attitudes by the Public Agenda Foundation and the Center for Foreign Policy Development at Brown University revealed emerging opinions on where the nation should be heading. Called Public Summit '88, it focused on what U.S.-Soviet relations should be between now and 2010.

It was an unusual opinion test in that after sampling initial views, which provided expectable wish-dream reactions that were "logically incompatible," the sponsors conducted intensive citizen education campaigns in four cities and then tested again. They said the shift was dramatic.

Respondents were offered four choices for the future, with a realistic description of risks and costs in each case. The first suggested "cooperative problem-solving." Seventy-six percent made that their first or second choice. The second was continued competition but drastic reduction in nuclear arms and risks of conflicts going nuclear. Seventy-four percent made that the first or second option.

The third approach was to seek U.S. superiority over the Russians, first or second for 39 percent. The fourth option, to withdraw and defend only North America, was first or second for only 12 percent. But 72 percent said the U.S. would neglect its own problems "by spending so much on what seems like a never-ending arms race." And 78 percent want the allies to pay more toward their own defense "even if that means losing our influence over them on economic issues."

The great majority want to explore "a fundamentally different relationship with the Soviets" but with caution. They don't seek or trust instant détente. And they are keenly aware of costs. Econo-military is coming in.

[From the Providence Journal, Mar. 18, 1988]

How Americans View the Russians: A Striking New Survey

(By Brian Dickinson)

In these twilight years of the 20th century, the Soviet Union continues to loom as a troubling presence, clouding America's future. Mutual suspicions continue to run deep. Whenever high policymakers discuss the Soviets, the perils posed by nuclear weapons are much in mind.

Yet what does the American public think of this tense relationship, so often described as two scorpions jammed into a bottle? What do American voters—taxpayers—actually believe about the future of the U.S.-Soviet standoff?

Until now, little was known about this most critical element in U.S. foreign policy. Policies toward the Soviet Union have tended to be shaped largely by presidents and professors, with public opinion usually left out in the cold.

This gap in knowledge is now being closed, thanks to a unique public opinion survey just released. A team of scholars and public opinion experts, supported by a distinguished (and nonpartisan) group of prominent Americans, has taken an unprecedented sampling of American views toward the Soviet Union. The results are striking.

While the survey shows that most Americans remain skeptical of Soviet intentions, three-fourths of them voiced a readiness to move toward a more cooperative relationship, provided the Soviets did likewise.

On the critical issue of atomic weapons, three-fourths of those in the survey also favor deep cuts in both U.S. and Soviet nuclear arsenals. (Interestingly, however, less than half were willing to abandon the U.S. "Star Wars" space defense effort in order to reach that goal.) More than two-thirds of those in the survey said they would be inclined to support U.S.-Soviet accords to keep regional disputes from flaring out of control.

Such a summary cannot begin to do justice to this landmark study, which I believe will soon emerge as one of the most compelling looks at U.S. foreign policy since World War II. It provides fresh material for scholars, policy experts—and, most of all, for the political leaders who will have to wrestle with difficult policy issues in the years ahead.

This potential to influence the policy process is what gives this study its special importance. One of its principal backers, Thomas J. Watson Jr., the former head of IBM and former U.S. Ambassador to Moscow, put it succinctly the other day for members of the Senate Foreign Relations Committee.

The project, he said, was designed to help meet "what I see as our paramount national security objective: getting the country on track with a policy for dealing with the Soviets that most Americans can support for the long haul." No policy, said Ambassador Watson, is worth anything "if it is not imbedded in the way the American public thinks."

This opinion survey, he added, sought to bridge the gap between the policy experts and "that great reservoir of good common sense out there." The results, he declared, show that "there is now a great opportunity for leadership in national security, leadership that connects with the public and asks people what they want in the long term, rather than what they *should* want."

Many public opinion surveys just gather dust in the archives, but I sense this one could have a profound impact on how U.S. policy toward the Soviet Union is shaped in the next few years.

For the first time, a U.S. presidential election is coinciding with a Soviet leadership committed to certain kinds of change. For the first time, a nuclear arms treaty will bring about actual reductions in numbers of atomic weapons. Old theories about security are being given a deserved new look.

Into this time of ferment has come this thoroughgoing opinion study titled "The Public, the Soviets and Nuclear Arms." The timing could hardly be more propitious.

Representing three years of work, it is a joint product of the Public Agenda Foundation, headed by former Secretary of State Cyrus R.Vance, and the Center for Foreign Policy Development at Brown University. Daniel Yankelovich, president of the Public Agenda Foundation, supervised the survey work. At each stage, the project was evaluated by a national advisory council of more than 100 prominent Americans whose political views range across a wide spectrum.

This kind of expertise is not often brought to bear on projects as thorny as U.S.-Soviet relations. Its quality of leadership says a good deal for the validity of this survey's method—and therefore its results.

This opinion survey breaks important new ground. On the central issue of the age, it boldly tries to narrow the gap between policy experts and the public who has to live with the policy results. It reflects considered and widely shared beliefs that future political leaders, Republican and Democrat alike, cannot easily ignore.

IN MEMORY OF DAVID L. GUYER

Mr. DODD. Mr. President, I rise to pay tribute to David L. Guyer, the former president of Save the Children, who died this week at the age of 62. He will be sorely missed, not just by his family and friends, but by the thousands of people he spent a lifetime working to help.

Mr. Guyer is the kind of man who could have risen to the top in any field he chose to pursue. But he did not specialize in law or medicine or politics. His impressive talents served those in need.

A Stanford graduate with a master's degree from New York University, Mr. Guyer became executive director in 1971 of Save the Children, the Connecticut-based international relief organization, and was elected president in 1977. He was the former vice president of the Institute for International Education where he oversaw "Project City Streets," a program that gave minority students the chance to study abroad. A member of the U.S. mission to the United Nations under Henry Cabot Lodge and Adlai E. Stevenson from 1960 to 1965, Mr. Guyer had served in the Army Air Corps in World War II.

Mr. Guyer was a good friend of the cause of peace, a good friend of the world's children, and a good friend of the powerless. I offer condolences to his widow, his four daughters, and his two sons. We can all take some measure of solace on this sad occasion from the considerable contributions made by this very good man; his noble works will live on.

BRASHIER GENEROSITY SPURS EXPANSION OF GREENVILLE TECH

Mr. HOLLINGS. Mr. President, in recent weeks there have been a number of articles in the national media about the education reform movement in South Carolina, including a front-page story in the Washington Post and the cover story of the May 2 issue of Newsweek magazine. Of course, the question they are all asking is, "What is South Carolina's secret? How has South Carolina—a State that once ranked near rock bottom in per-student expenditures and academic achievement—vaulted to leadership in the national education reform movement?"

One answer, Mr. President, is that South Carolinians—individual citizens and businesses alike—have embraced education as a statewide priority second to none. Parents are getting more involved. Taxpayers have supported an increase in the sales tax earmarked for school improvement. And businesses—spurred by a born-again appreciation that their own success is tied to the quality of their communities' public schools and colleges—are pitching in with partnerships, financial aid, and outright grants.

A superb example of this renaissance of citizen commitment occurred recently in Greenville, SC. On April 26, a leading real estate developer, T. Walter Brashier, announced his donation of 32 acres of prime real estate along I-385 for the purpose of creating a new campus of Greenville Technical College.

Mr. President, for a quarter century under the extraordinary leadership of its president, Thomas E. Barton, Jr., Greenville Technical College has been a critical factor in drawing industry to upstate South Carolina from around the world. Its graduates are the backbone of textile, chemical, electronic, and other manufacturing enterprises throughout the region. And, not surprisingly, as the upstate economy has grown and diversified in recent years, the demand for skilled technical workers has expanded.

Accordingly, the Brashier donation could not have come at a more opportune time and place. It will permit Greenville Tech to build a new campus in the fast-growing Golden Strip area encompassing Fountain Inn, Mauldin, and Simpsonville. The gift, the single largest in the school's history and largest of any among South Carolina's 16 technical colleges, is valued at $2 million. Mr. Brashier graciously announced the donation in honor of his father, Ralph T. Brashier, and his grandfather, James Tom Brashier. It is fitting and appropriate that the new branch of Greenville Tech will be known as the Brashier Campus.

Mr. President, I applaud Walter Brashier for his generosity and the example he has set: an example of public spiritedness and commitment to quality public education. His gift will yield dividends—in the form of skilled jobs and more fruitful lives for Greenville Tech graduates—for many decades to come.

Mr. President, I yield the floor.

A TRIBUTE TO RAYMOND MAHONEY

Mr. RIEGLE. Mr. President, I rise today to honor the life of a leader, a patriot, and most of all, a friend. Last March, Raymond Mahoney of East Lansing passed away, leaving the people of my State with a great loss.

Raymond Mahoney's life exemplified the highest tradition of public service. Ray's selfless hard work was felt at all levels; nationwide, statewide, and locally. Ray served his country in one of the most honorable roles, he served in the Foreign Service. He spent time in both the Pacific and European theaters. Ray served his State as senior administrator at the State Library of Michigan. He worked diligently to make information more accessible to people. Ray understood that an educated public is the key to a healthy community and a strong nation. As a Vista Volunteer in the Office of Services to the Aging, Ray proved that growing older can mean living life to the fullest extent and helping others in need. In each of these professions, Ray worked for the good of many, but never forgot the importance of the individual.

One of Ray's fundamental contributions was his tireless quest to bring enlightenment to others. To Ray, ignorance was oppression and knowledge was freedom. He believed that the possession of information and knowledge could lead people to a better understanding of themselves and of the world around them.

It is indeed a great man who can lead people to the truth not only by words, but by actions. Raymond Mahoney was such a man. His dedication to family and friends, his duty to his country and community, and his love of knowledge and wisdom, was an inspiration to all of us. The people of Michigan will sorely miss him, as will I.

LISA DOMENICI GORENCE

Mr. HEFLIN. Mr. President, on a recent Wednesday morning, a small gathering of Senators and ex-Senators, our colleague Senator PETE V. DOMENICI discussed a message that his daughter Lisa Gorence had recently delivered to a Catholic gathering. I was so impressed with the content of this message that I felt it should appear in print in the CONGRESSIONAL RECORD.

Lisa Gorence's message addressed the issue of Christian discipleship and, specifically, women's discipleship. I think it is a very powerful message and should be carefully reviewed. I ask unanimous consent that the attached message of Lisa Domenici Gorence to the Newman Center be printed in the CONGRESSIONAL RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

MESSAGE OF LISA DOMENICI GORENCE TO NEWMAN CENTER

Because Christ meets a Samaritan woman at the well of Jacob, a well dating to the Old Testament when God gave it to Jacob, we can expect that he will talk of something more than well water. (Gospel of John, Chapter 4).

Today's gospel addresses the issue of discipleship and specifically women's discipleship. Yet with his answer, Christ is really telling us who can be disciples, and He shocks us. First of all, Christ speaks to and asked for water from a Samaritan. You must realize that the religious and social tradition of the times required Jews to have no association with Samaritans. Not only does Christ choose to meet with an unassociable Samaritan, but a female one at that. He breaks a second traditional rule by speaking with a single woman in midday. In his choosing specifically a woman, Christ validates women's discipleship. The Samaritan woman leaves her bucket at the well, just as the Apostles left their fishing nets. I don't think Christ is trying to compare female and male disciples for better or worse, Yet, I believe he positively affirms the qualities of women as important bearers of His good news. Christ's examples of women throughout Scripture are the bearers of life, seers of beauty, empathisers, listeners, intercessors for righteousness, and mediators. Yet these qualities need not be only of women. Christ himself exemplifies compassion, understanding and sensitivity throughout his life. Therefore, men, too, need to look at women disciples as examples of conveyors of the good news. Thirdly, Christ recognizes the Samaritan woman as a sinner. She's had four husbands and now is living with a fifth man. Yet despite her shortcomings, most importantly Christ reveals to her that He is the Messiah. He converts her and makes a disciple out of this unorthodox person. Not only does the Samaritan woman come to believe He is the Messiah, but she goes out to spread the good news and then brings more believers to Christ.

If Christ can make a disciple out of a Samaritan woman, then surely he has called each of us as Catholic Christians to be his disciples too. The story of the Samaritan disciple is rather like a single snapshot. Christ meets the Samaritan at the well of Jacob; there she discusses water almost humorously with Christ. He asks for water; she demands to know why He is even speaking with her. He replies that if she knew who He was, she'd never ask for water from Him. We see the conflict brewing over well water used to satisfy physical needs and baptismal water used to give eternal life. When Christ acknowledges her past, she finally realizes He is someone great, whereupon He reveals himself as the Messiah. She then is converted and overwhelmed with surprise and joy and goes off to spread her good news.

Unfortunately, we do not know how she continues with her ministry. To see the photo as it fits within an album would have been more helpful, but perhaps too limiting. What is important is that Christ gives us an example of who can be disciples of his good news. Even with three strikes against her—as a sinner, a non-Jew, and female—the Samaritan woman is called to see the Lord and to witness to Him. Christ chooses imperfect people to be His disciples. Once we are baptized and once we proclaim Christ as the Messiah, we are chosen to be disciples, whether we want to or not.

Most of our relationships with Christ are not as elementary as that of the Samaritan woman. She physically experiences Christ revealing himself to her, and she immediately feels her "call" and can drop her bucket of earlier responsibility and go off to witness. Christ's revelation to us is personal and often disguised. In my own life, little actions from my children and family reveal the mystery and goodness of Christ. Perhaps the greatest sign from God for me is new life. Even after three children, my fourth baby's birth seemed just as miraculous as the first. How without the intercession of God could we have given birth to such a perfect and innocent being. All my previous worries about succeeding with four children seemed appeased—thanks to much family and community support.

Other signs of his revelation may be quite simple—a call from a friend just when I'm at my last rope. A sign of beauty in flowers from my husband. An unexpected hug or "I love you, Mom" kiss from one of my children. These signs of Christ's love strengthen my faith and enable me to better hear His call. When you experience Christ's revelation through signs, the next questions are "What is Your Call?" and "How do you Witness?"

I have to admit that when Jon first asked me to speak about my own "calling" and witnessing as a Christian woman, I felt a wave of panic. Here I am with four children under five, rarely feeling very Christian towards them and probably screaming at them to be quiet while Jon is on the phone with me. I thought surely I will be like Moliere's Tartuffe, or the hypocrite, speaking in front of you today. However, over the next few weeks I really pondered about being a Christian woman of the 80's and finally decided that perhaps some of my thoughts might be valid, especially since the Samaritan woman turned disciple was four husbands and one boy-friend up on me.

What is my call and how do I witness? Unlike the Samaritan woman, I do not feel that being called is a one-shot deal, but rather a daily struggle within a life-long journey. I must work hard at listening for my call and often I just don't hear it. While each of us is called in a different way, I would submit that our call to disciple or witness is much closer to home than we would expect. Who of us has the luxury of actually dropping our fishing nets or leaving our bucket at the well. I cannot give up my responsibilities to my husband and my children and go off and minister in El Salvador, unless, of course, someone wants to adopt my four children and my husband. Instead I must accept my current limitations and witness as best I can within those boundaries. This is my call.

You, too, must look at your daily lives to see how you are called. I think most of us will find those we immediately touch in our work or family become major points of our discipleship. Defining your call, however restrictive it may be, is a challenge and perhaps an especially difficult one, I think, for women of the 80's. The secular world says we women can have it all—we can be superwomen with perfect jobs, perfect marriages, perfect children, perfectly clean homes, perfect figures, and on and on. What false advertising! Surely I'm not the only woman who falls miles short of any of these perfections. I truly believe we women cannot have it all. How lucky we are to have some of it, whatever that "it" may be.

If we are imperfect secular women, then, too, we are imperfect Christian women. Perhaps my strongest image of the perfect Christian women is Mary, the Mother of Christ. Yet even while I put Mary or other Christian women like Mother Teresa, on a pedestal because they have done great things, they, too, in order to succeed limited their responsibilities.

To limit your discipleship to a specific audience is not wrong, nor does it fall short. Rather it is necessary in order to be effective. Each of us must witness within our own limitations, and I would ask if it is not more difficult to see Christ in those we love and are close to than to those we don't know. I wouldn't dare yell at a friend's child nor nag at someone else's husband, but to truly see Christ in your spouse, your children, your family, neighbors, and co-workers, is a struggle.

Once you've diffused or limited your discipleship, the challenge remains to actually witness to those you touch while worshipping God. My own definition of worship is to see and feel the presence of God who is love in each person I touch. Witnessing need not be broadcasting the good news, but can be rather sharing God's love through quiet daily example.

As a mother of four, my current daily worship and witness is merely a way of survival. At the end of a day I may reflect on what I've done. I may have changed dozens of diapers, made peanut butter sandwiches, read Winnie the Pooh three times to three on my lap, kissed several "owles", patiently accepted looking at shoes on backwards, or a shirt on inside out. I may even have asked for patience to settle a fight without getting angry myself. I have given out many hugs and kisses, praised some artwork, listened to make-believe stories, made several bottles, or played my son's favorite game of mouse trap for the second time. I know and even swallowed my pride at my dirty house while welcoming in a friend. I didn't move any mountains, but rather survived the day with little actions of love. Of course my hope is that as each day, each week, each year, goes by, my family will grow in the love of the Lord and will contribute beyond. Not only are we called to witness to others, but we must witness to ourselves. We, too, have Christ present within and must take care of ourselves the best we can.

Again, for women in particular, this may seem selfish, but it need not be cause for guilt feelings. We must fulfill our own needs so we may fill needs of others. It is vital that each of us do what is necessary to rejuvenate ourselves, to feel good about ourselves—whether it means a quiet rest, daily exercise, meeting with a friend, a long bath, or a glass of wine at the end of the day. We must love ourselves as we love others. Only then can we succeed as exemplars of Christ's love.

Another way of witnessing for me is through prayer. Because my current discipleship is so limited to immediate family, prayer allows me to reach out to those I cannot physically touch. Prayer comforts me knowing that I might be able to extend my ministry to others. Prayer also allows me to accept my shortcomings knowing that I have a friend in Christ, a friend who will not desert me.

Lastly, I have hope—hope that I would continually challenge my own boundaries and limitations—hope that I will broaden my ministry some day.

I end with a challenge to you:

Number One: To accept the fact that you are indeed a disciple of Christ;

Number Two: To look for signs of his revelation in your daily life, and to seek out those you must disciple to;

And lastly: To share with them Christ's love for you as you recognize Christ in each of them.

THE CLOSING OF GLASNOST MAGAZINE

Mr. MOYNIHAN. Mr. President, I rise today to direct my colleagues' attention to a most disturbing article in today's New York Times. According to the article, Soviet authorities this week closed down Glasnost magazine, a biweekly periodical published in Moscow. Since it was first published last summer, Glasnost has served as an invaluable outlet for dissident thought in the Soviet Union.

Even in the best of times, Glasnost had to make do with old typewriters and carbon paper to print the magazine. It was published in editions of only 200 copies. Now its printing equipment has been confiscated, and Editor Sergei I. Grigoryants may face charges of "defaming the Soviet State."

We who closely watch the Soviet Union can only regard this most recent action as an ominous one. For the many in this country who have been swept along by the enthusiasm the stated policy of glasnost has engendered, this incident should serve as a check. The Soviet Union is not a free country, nor is it one in which the right to speech is respected. Though the Soviets have made incremental progress in the human rights field, a great deal of ground must be covered before the Soviet Union can be said to have complied with international agreements guaranteeing the rights of its citizens.

Mr. President, I ask unanimous consent that the article from today's New York Times be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, May 19, 1988]

Soviet Closes a Magazine Extolling Openness

(By Bill Keller)

Moscow, May 18.—The editor of the independent magazine Glasnost said today that the authorities had confiscated his printing equipment and destroyed his files and manuscripts, leaving the future of the best-known Soviet dissident journal in doubt.

The editor, Sergei I. Grigoryants, who was released Monday from a week in jail, said tonight that he had also received indirect reports that the Soviet prosecutor was preparing to charge him with defaming the Soviet state, a crime that carriers up to three years in prison or internal exile.

The dissident editor, who has grown increasingly disillusioned about the prospects for change, charged that the crackdown on his magazine and other recent police moves against dissent were a deliberate presummit message to President Reagan from Soviet police and the K.G.B. that they, not Mikhail S. Gorbachev's liberal supporters, still control the rights environment here.

The crackdown on Glasnost magazine—named after Mr. Gorbachev's favorite catchword for greater official tolerance of public expression—was a major setback for an unofficial publication that has become, in a little more than 10 months, the largest and most influential of the new generation of dissident literature.

The journal of dissident news and opinion is issued twice a month in editions of about 200 copies, and articles are widely reprinted in other independent magazines around the country and published in translations abroad.

Mr. Grigoryants said that while he was imprisoned the police and plainclothesmen had ransacked the house outside Moscow that he used as his editorial office, leaving him without equipment to continue publication.

Speaking to reporters today at his apartment in Moscow, Mr. Grigoryants said he was barred from the house Tuesday by a cordon of police and plainclothesmen, but had managed to inspect it through the open windows.

Mr. Grigoryants said officials in the Ramensky district had told him to file documents proving that the house and the equipment belonged to him, a process that he said the authorities could easily stretch out for a year or more.

Mr. Grigoryants has spent more than eight years in prisons and labor camps, including a term for "anti-Soviet agitation and propaganda" for his work on an earlier underground bulletin. He was one of scores of political prisoners set free early last year under a mass pardon.

The editor was arrested May 9 as he waited at his editorial office for a delegation from a newly organized group, the Democratic Union, that recently proclaimed itself an opposition party.

Mr. Grigoryants said today that he was doubtful that the new group had the potential to become a serious political force, but he endorsed the general idea of an opposition front and had agreed to help the organizers of the Democratic Union publish a paper.

After what he described today as a mock hearing, in which no lawyers or witnesses took part and the only question put to him was his name, he was found guilty of resisting arrest and ordered to spend a week in jail.

Shortly after the arrest, the Soviet press agency Tass, in a bulletin distributed only to English-language clients, strongly suggested that Mr. Grigoryants's detention was intended as a warning against disturbances that might mar the summit meeting.

One of the organizers of the Democractic Union, Viktor Kuzin, was arrested along with Mr. Grigoryants and served five days.

On Tuesday, Mr. Grigoryants said, another Democratic Union organizer, Valeria Novodvorskaya, was arrested and sentenced to 15 days for taking part in an unauthorized demonstration last week.

In announcing his plans to publish Glasnost last summer, Mr. Grigoryants declared his intention to work entirely in the open, even sending copies to the Communist Party Central Committee, as a test of Mr. Gorbachev's sincerity.

Since then he has been denounced in the official press and occasionally harassed, but the authorities have not prevented him from distributing his magazine. Scores of other independent journals have followed him in a resurgence of independent publishing.

ROBERT MASTERTON

Mr. COHEN. Mr. President, while observing the operatic ritual of autumn, poet May Sarton once wrote:

> I think of the trees and how simply they let go, let fall the riches of a season, how without grief (it seems) they can let go and go deep into their roots for renewal and sleep * * *
>
> Is this a key? Keep busy with survival. Imitate the trees. Learn to lose in order to recover, amd remember that nothing stays the same for long, not even pain, psychic pain. Sit it out. Let it all pass. Let it go.

The trees provide a methaphor for our mortality. The release of life is made more tolerable because it presages an inevitable renewal. Yet, the sight of an old elm touched by time, falling from majesty, does not strike us with the sadness of a young oak broken by some cruel force. There is an acceptance of the universal order of the finite, and an intuitive rejection of the reversal of that order.

That is why Maine people are sadened by the loss of Robert Masterton. Mr. President, I would like to call the Senate's attention to the impressive achievements of an adopted son of Maine who died tragically this week at an uncommonly early age.

Robert R. Masterton was only 58 when he succumbed to an inoperable brain tumor, but he left behind a string of accomplishments and a reservoir of good will that will be remembered long after his death.

Bob Masterton was a banker by profession and a community leader by avocation. He served with distinction as president, board chairman and chief executive officer of "The One Bancorp" and headed its principal subsidiary, Maine Savings Bank. He also played a key role in the revision of Maine's banking laws and served on a number of important national banking boards and associations.

But his energy did not stop there. As a community leader he was an active player in the economic revival of Portland, and the provided innumerable hours of community service in such positions as chairman of the Portland United Fund campaign, chairman of the Maine Development Foundation, a trustee of the University of Maine, Westbrook College and Maine Medical Center, chairman of the Governor's Task Force on Technology Strategy for Maine, chairman of the State Science and Technology Board and Chairman of the Portland Museum of Art building committee.

But this listing of his formal titles does not do justice to the inspiration he provided and fondness he engendered in the community at large. We will miss his leadership and his energy.

Because we have no choice, we let Bob Masterton go, but we do not sit him out or simply let him pass. He has touched the hearts and imaginations of those who had the great privilege of knowing him, and he will dwell in our thoughts as long as we live, reminding us to look to each day with the same hope, daring, creativity, laughter and love as he brought to each waking hour.

I hope the Members of the Senate will join me in sending condolences to his wife, Nancy, his children and grandchildren.

In addition, Mr. President, I ask unanimous consent that an article from the May 16 Portland Evening Express, which spells out Bob Masterton's accomplishments in more detail, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Banker Masterton Dead At 58

Cape Elizabeth.—Robert R. Masterton, 58, of Delano Park and High Ridge Road, Denmark, president, board chairman and chief executive officer of The One Bancorp and chairman and CEO of its principal subsidiary Maine Savings Bank, died at his home early this morning from an inoperable brain tumor.

Mr. Masterton, a leader in the savings bank industry nationally, was a key figure in the economic revival of Portland during the past two decades and served on innumerable municipal and state civic boards and organizations.

Roy P. Hibyan, president of Maine Savings Bank, said Mr. Masterton's impact on the state and community will be felt long after his death.

"The book is far from closed on his contribution," said Hibyan, who was hired by Mr. Masterton 14 years ago. "His passing is just another chapter. There's a lot more chapters to come."

Hibyan described Mr. Masterton as a man who inspired by example and who matched professional competence with a deep concern for people.

"There are a tremendous number of people, far beyond the bank, for whom Bob was a mentor," Hibyan said. "His passing, in a way, places the burden and responsibility on all of us to carry forth with his sense of ideals."

Mr. Masterton was instrumental in drawing up Maine's 1975 banking laws, considered the most advanced of any state's at the time they were passed by the Legislature.

Those laws allowed interstate banking on a reciprocal basis with banks in any other state, the first time any state had passed such a law. Mr. Masterton himself used those laws and later amendments to them for his bank the take over banks in other states.

The laws were also used extensively by out-of-state banks to take over Maine banks.

He was chairman of the national Association of Mutual Savings Banks from May 1981 to May 1982, the second Mainer to hold that post.

Mr. Masterton was general chairman of the Greater Portland United Fund campaign in 1969. He was recipient of the Maine Jaycees Outstanding Young Man of the Year award in 1965.

He and his wife, Nancy, were named co-winners of the Kiwanis Club of Portland's 44th annual distinguished service award in September 1987. They were the first husband and wife to receive that award jointly.

Mr. Masterton's life here between 1962 and his death was one of banking, community and state service.

He joined Maine Savings Bank in 1967 and was its president from 1970 to 1987. Mr. Masterton was a former board chairman of the Maine Development Foundation, was honored as the annual "Friend of Business Education" in 1986 by the Business Education Association of Maine, was a University of Maine trustee from 1973 to 1978, a Westbrook College trustee from 1969 to 1973 and a Maine Medical Center trustee from 1970 to 1979.

He was a past chairman of the Governor's Task Force on Technology Strategy for Maine and was a leading member of the Governor's Commission on the Status of Education in Maine.

Mr. Masterton once said that a fitting epitaph for him would be: "He gave it his best shot." His best shots were many.

He considered his chairmanship of the building committee for the Portland Museum of Art expansion as his biggest achievement, together with his leadership of the National Association of Mutual Savings Banks.

Mr. Masterton was chairman of the State Science and Technology Board in 1985-86. He was vice chairman of the Federal Home Loan Bank of Boston for two terms, the first savings banker ever named to that post, and was one of two mutual savings bankers named to serve on the Federal Reserve Board's Thrift Institution Advisory Council in 1983 and 1984.

In 1980, the Chamber of Commerce of the Greater Portland Region gave Mr. Masterton the Henri A. Benoit Award for private sector leadership. He was president of the Savings Bank Association of Maine in 1978-79.

He enjoyed relaxing at his farm in Denmark which he purchased only a few years ago.

Robert Raynor Masterton was born in Boston, Mass. April 26, 1930, son of Robert R. and Jamesina Masterton. His father died last year.

He played basketball and was captain of the track team at Watertown (Mass.) High School, graduated from Northeastern University in Boston in economics in 1953 and received his master's degree in business administration from the Harvard Graduate School of Business Administration in 1957.

He graduated from Northeastern with honors and was vice president of his class for three of his four years. He was drafted and served in the U.S. Army before entering Harvard.

After graduating from the business school, he joined the North Central Co., a St. Paul, Minn. insurance firm. After a year there, he became assistant manager of sales for ordinary life and accident and health insurance. Eight months later, he was named general sales manager of North Central Life Insurance Co., and became a vice president in June 1959.

In 1961, North Central purchased Maine Fidelity Life Insurance Co. in Portland and Mr. Masterton and his family moved here the following year.

He was not greatly impressed with this city at that time and resolved then to improve it if he was going to live here. On a state level, he probably did as much to help the housing industry as any person ever has.

He was president of Maine Fidelity six years, moved to Maine Savings in 1967 as a vice president and became its first full-time president in 1970.

Mr. Masterton had to give up bridge, jogging, gardening and skiing because of his many duties. He continued to play tennis and golf over the years.

Mr. Masterton is survived by his wife, the former Nancy Nye, whom he married in 1953; his mother, of Pocasset, Mass.; one son, Peter, of Windham; one daughter, Laurie Tuchman of Scarsdale, N.Y.; and three grandchildren.

Funeral arrangements will be handled by Hobbs Funeral Home in South Portland. Arrangements were not complete this morning.

BOB MASTERTON

Mr. MITCHELL. Mr. President, I want to join my colleague from Maine, Senator COHEN, in expressing my own sense of loss at the tragic and untimely death of Bob Masterton.

Bob's life exemplified the finest qualities of our national character: Bob was a successful, innovative and energetic businessman. In two decades of work, he built the Maine Savings Bank's assets tenfold, making it the largest banking institution in the State of Maine. With that effort, he made possible the expansion of Maine businesses, the ownership of countless homes by Maine families and the vitality of many of our communities.

In business, Bob was forward-looking and unafraid to face changing circumstances and mold them. He led the way to reforming State banking laws at a time when the entire U.S. banking community was going through changes that many other banks found wrenching and even terminal.

Bob recognized that the business and governmental interaction which affects the banking community could be a fruitful way to modernize and upgrade Maine's banking laws and at the same time, make it possible for his bank and others to better serve the Maine community.

But the major contribution that Bob Masterton made was his active role in a range of civic activities that ran the gamut from the Portland Museum of Art to affordable housing programs and United Way fundraising. Bob served on more boards, commissions and Governor's committees than it is possible to list and his service was always active, committed, and inspiring.

Bob was not only admired in Maine, he was widely loved, because he was a man who gave so much of himself to the people with whom he worked and the community he chose to make his home. He was never content to rest on his success in the business world, considerable as that was, but saw it as his duty to give generously of his time, his energy and his vision to the problems and potential that Maine communities and people face.

In the 1830's, Alexander de Tocqueville commented on the American tendency to form private groups to accomplish public goals. The voluntary activities of American citizens, outside the formal framework of government, have done as much to shape our Nation's character and to preserve its ideals as any other factor.

Bob's life exemplified the finest of that unique American willingness to blend private and public responsibility. Bob never sought high public office, although there was no question in my mind he was more than qualified to do so, but he achieved more than many office holders could have done.

His wife and family have my deep sympathy for the untimely passing of a great Maine citizen. And I know the entire community of our State shares in the sense of loss that I have with the death of Bob Masterton.

HOW WOULD AMERICANS REACT?

Mr. HELMS. Mr. President, the Washington Times yesterday carried an interesting column by Phyllis Schlafly on May 18 which outlines one of the troublesome problems with the INF Treaty.

Mrs. Schlafly makes the point that United States troops remaining in Europe will be dangerously exposed once the Pershing II missiles are removed from Europe, as proposed by the INF Treaty.

Writes Mrs. Schlafly:

> Twice in our lifetime, hundreds of thousands of American troops have been risked in a no-win ground war. After the Korean war, and again after the Vietnam war, our collective remorse cried, "Nevermore." How can our Nation, which bled so badly over the betrayal of the American servicemen sent to Vietnam, do it all over again?

Mr. President, Mrs. Schlafly is exactly right.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ONLY WAY TO AVOID A HOSTAGE CATASTROPHE

The subject of hostages taken by foreign terrorists has been in the news, off and on, a great deal of the time over the last 10 years. We've all agonized about their suffering, sympathized with their families, and debated what to do about the terrible dilemma.

But what if 625,000 American men, women and children were hostages, instead of several dozen? Or even 325,000? How would Americans react? What ransom might we pay for their release?

At the present time, 325,000 American troops are stationed in Western Europe, accompanied by their 300,000 dependents. So long as they are part of a credible deterrent against a Soviet invasion of Western Europe, stationing them there makes sense.

But if their most effective weapons are taken away from them, leaving them with only one-fifth as many weapons as a potential enemy, then we must ask, why are they there? Are they just a symbol? And, if so, of what? Are they a paper tiger to become the laughing stock of the world in the face of the 5-to-1 Soviet-bloc superiority in chemical and conventional weapons?

Worse still, will our 625,000 servicemen and their dependents become instant hostages under a Soviet ultimatum to surrender? Will they become cannon-fodder if the Russians attack Western Europe, confident that Soviet tanks can sweep across the continent within a week?

Denuclearizing Western Europe, which the INF Treaty attempts to do by eliminating our Pershing IIs and the Soviets' SS-20s, means that the next European war will be fought with the same kinds of non-nuclear weapons we used in World War II, Korea and Vietnam. When it comes to competing with ground troops, tanks and artillery, the Soviet-Warsaw Pact forces are overwhelmingly superior to the U.S.-NATO forces.

Twice in our lifetime, hundreds of thousands of American troops have been risked in a no-win ground war. After the Korean War, and again after the Vietnam War, our collective remorse cried, "Nevermore." How can our nation, which bled so badly over the betrayal of the American servicemen sent to Vietnam, do it all over again?

But the proposed Intermediate Nuclear Force Treaty is setting us up to let it happen. The treaty eliminates our best weapons in Western Europe, the Pershing IIs, and leaves 625,000 American lives at risk some 4,000 miles away from home, facing off against decisively superior enemy forces.

Former NATO Commander Bernard Rogers has warned that the INF Treaty will make a Soviet attack on Western Europe more (not less) likely. That's because the specific weapons reduction required by the treaty will leave the Soviet Union with such massive superiority that the men in the Kremlin will know that the conquest of Western Europe is within their grasp.

But, say the treaty peddlers, why worry in the new era of "glasnost" and "perestroika"? Aren't the Russians friendly now?

Alas, according to Evan Galbraith, former U.S. Ambassador to France, just since Soviet General Secretary Mikhail Gorbachev took power, he has increased his conventional weapons forces (especially tanks and artillery) more than the entire military forces of West Germany and France combined!

If the U.S. Senate determines that "glasnost" with Mr. Gorbachev is such a high priority that it demands withdrawal from Western Europe of our most effective weapons, which were designed and installed for that particular theater, then the Congress should first evacuate American servicemen and their dependents.

All Americans in the U.S. Armed Services are entitled to the best available weapons and technology, and, if the U.S. Senate deprives them of that support, then we should bring them all home before we have a hostage disaster.

Before the U.S. Senate votes on the INF Treaty, it should reflect on how American public opinion reacted to the taking and holding of our hostages by Iran during 1980, to the deaths of our Marines who were recklessly made vulnerable to the car-bombing of our Beirut Embassy in 1983, to the 1985 hijacking of TWA flight 847 in Athens, and to every news story that involved American hostages over the last several years.

Then the senators should face up to the fact that the only way to avoid a hostage catastrophe is to evacuate our troops from Western Europe before the INF Treaty is ratified.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The PRESIDING OFFICER (Mr. SANFORD). Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar Order No. 9, which the clerk will report.

The assistant legislative clerk read as follows:

> Treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The Senate resumed consideration of the treaty.

Mr. COHEN. Mr. President, I am a supporter of the ratification of the INF Treaty, but I would like to take at least a few moments to lay out a bit of recent history of the arms control process. Let me begin with when I first came to the Senate and joined the Senate Armed Services Committee. I recall many generals, members of the JCS, and others coming before the Armed Services Committee at that time, consistently talking about a so-called window of vulnerability, as exposure to a preemptive strike that would decimate our land-based forces, leaving us with ancient bombers to fly thousands of miles into the equivalent of an aerial mine field laced with thousands of radar and thousands of surface-to-air missiles, and a diminishing fleet of submarines whose command and control and whose capabilities were inferior to that of land-based systems.

Now, this window of vulnerability gave birth not only to the strategic blues but to the concept of a mobile land-based missile called the MX. The concept of this mobile land-based system however, was controversial. President Jimmy Carter searched for a variety of homes for the MX. The one that I first became acquainted with was called the vertical MPS, multiple protective shelters. That was a system whereby we would play a sort of shell game, moving these large MX around from time to time among a large number of holes as if we were playing a shell game.

That was fairly controversial. However, the controversy increased when the Carter administration decided to change the vertical MPS, even though it was the most reliable and cost effective basing option, according to the Air Force, the administration found problems with the vertical MPS mode, because it might not comply with the SALT II Treaty provisions.

This was a classic case of designing our strategic systems to conform to a treaty, rather than the other way around. It was a mistake at that time. I felt it should be pointed out that it was a mistake. Nonetheless, they decided that the vertical MPS was defective, in that it would not conform to some provisions of SALT II.

It eventually evolved, through a series of changes into the so-called racetrack system, with a zipper roof. The roof would slide open to allow the overhead satellites of the Soviets to take pictures and know how many MX's we had in the field at a given time. The racetrack system seemed to be the one most viable at that time.

Then, in 1980, it ran into the so-called sagebrush rebellion, or a variation of it. People in the West decided that the system would take too much land, too much water, too much concrete, and they voiced rather strong opposition to it.

Ronald Reagan, who was then campaigning against President Carter, allowed, in my judgment, political considerations to override strategic necessities when he made a campaign promise to cancel the racetrack basing mode.

The MX has been homeless—some might argue hopeless—since that time. It is a system intended to enhance our security, that is itself without sanctuary, and it has been forced to move, like some unwelcome garbage barge, from conceptual place to place.

There are some scientific benefactors who suggested refuge for the MX in a crowded neighborhood, called dense pack, the theory being that multiple warheads fired by the Soviets into a crowded neighborhood of closely spaced MX's would commit fratricide before arriving on their targets. It was dubbed "dunce pack." It quickly died from a case of infectious ridicule and was given a rather ignoble burial.

The Reagan administration tried to dress the tattered MX up in new clothes and called it the Peacekeeper, but it remained unwelcome because it was too valuable and too vulnerable to stuff it in great numbers in fixed silos, and it was too big to move on anything but rails, an option foreclosed by President Reagan.

Then we had another commission, called the Scowcroft Commission. Senator RUDMAN and I and others played an instrumental role in urging its creation. The purpose of the Scowcroft Commission was to take a group of respected national leaders with vast experience in the field of our strategic requirement and to reach a consensus on what it would take to achieve our strategic needs, a strategic stability, coupled with a need to achieve reductions.

The Scowcroft Commission recommended that we deploy 100 MX's plus a new, small, highly mobile, single-warhead system called Midgetman.

There was an effort to use the Scowcroft Commission to build a consensus in Congress that could be sustained over a long period of time, a durable consensus that would help to build these systems to protect our national security interest.

About the same time the Scowcroft Commission was created, there was also a freeze movement spreading across this country and Western Europe. The freeze movement started in reaction to what I believe was the perceived position of the administration to be opposed to any arms control proposals whatsoever. It also was reacting with some justifiable alarm to notions of relying upon a so-called launch on warning strategy, launching our MX and other strategic missiles before the incoming warheads could arrive. It became known as prompt launch in some circles. It started to terrify a lot of people, and justifiably so.

The concept was that we would have to use it or lose it. That contradicted all prior doctrine that had been adopted by the preceding administrations, and, therefore, started to alarm a great many Americans who were well-meaning and justifiably concerned about what we were proposing to do to protect our land-based missiles.

I recall that Helen Caldicott, an Australian physician living in the United States, attended a function in Maine and labeled me one of the most dangerous men in America. She warned the people of Maine, particularly schoolchildren, that if I were reelected, all of them would be dead within a period of 10 years. Her message seemed to be, "Vote Democratic or Die."

Thankfully, such a motto was not embraced by Maine voters, New Hampshire has chosen not to put it on its license plates, and the Nation rejected her inflammatory pronunciations.

Mrs. Caldicott recently reappeared in California, where she compared Mikhail Gorbachev to Jesus Christ. I thought it rather innovative to compare Republican candidates for elective office to the Son of Sam and the leader of a Communist nation to the Son of God.

In any event, in conjunction with the freeze movement, Senator NUNN and I proposed a concept called build-down. It was an oxymoron of sorts, designed to simplify a complex notion that a way could be found to allow the modernization of our respective strategic forces while achieving substantial reductions. The Soviet Union and the United States could be allowed to deploy whatever systems each country saw fit in order to protect its own national security interests. It could even deploy MIRV systems, but only at a cost. A severe penalty would be imposed on the United States if we decided to go forward with MX or on the Soviet if they went forward with the follow-on to the SS-18 or the SS-19, or with the SS-24. There would be a 2-for-1 reduction for every RV on a MIRV'd ICBM the Soviets or the United States put into use—twice as many warheads would have to come out as were deployed.

The purpose was to allow each side to determine what was in its respective best interests, at the same time securing a method for substantially reducing the size of our forces.

President Reagan liked the concept very much. He called me, after reading an article that I had written. His administration did not like it. Nonetheless, it became part of our negotiating position with the Soviet Union. Unfortunately, the Soviet Union, after having walked out of the INF Treaty negotiations in 1983, decided that they did not want to talk about build down.

Nonetheless, it was important to consider that in the build-down concept there was a tradeoff: We could deploy mobile systems, hopefully the Midgetman type, and give the Soviets an incentive to do the same and that would lead to more stability, because as the systems became more mobile, they became less easy to target. Therefore, mobility lends itself to strategic stability. But there is a price to pay. Every time you become more mobile, you may become more stable, but it is harder for each side to verify where those systems are and how many there are.

I mention this because the build-down concept, embraced by President Reagan and rejected by his administration and the Soviets, was tossed into the Atlantic on the way over to Geneva. The Scowcroft Commission's recommendations also seem to have been dropped into the Atlantic, because we have a rejection by this administration of the Scowcroft recommendations—namely, that we move vigorously toward the production and deployment of a single warhead mobile missile.

The official position of the administration today is that we reject all land-based mobile systems. I think it is an unwise position; nonetheless, that is our official position.

I mention this by way of background to the debate on this treaty because it is important that we not overlook some very crucial issues before we appear, by the ratification of the INF Treaty, to give a green light to the administration to negotiate a more far-reaching treaty known as START, which would include a 50-percent reduction in our strategic forces.

We need to have a coherent concept of what kind of force structure we need and want and then negotiate a treaty—a verifiable treaty—to conform to those strategic objectives and not negotiate a treaty and then try to shape our forces to conform to its terms. So I think the administration should proceed very cautiously on the road to Moscow and not rush to secure a place in history at the expense of those who share a measure of responsibility to see to it that our history remains secure.

So I hope, Mr. President, that those who see the Senate moving toward the ratification of the INF Treaty do not simply see that as a 100-percent endorsement to going forward and rush into an agreement with the Soviets on a START Treaty before we have had an opportunity to consider exactly what our strategic forces ought to look like, how we would structure those forces, and whether or not we have the capability, current and projected in the immediate future, to verify such a START proposal.

I would like to address just a few comments to the treaty itself. There are those who question whether it is in fact verifiable. I would say in my capacity as vice chairman of the Intelligence Committee, that Senator BOREN, who is the chairman, and I have worked long and hard dealing with the intelligence community. As a result of our hearings, we are satisfied that it is adequately verifiable, but by no means can we make the statement nor have we ever made the statement that it is absolutely verifiable.

Anything that has been crafted by the hand of man is not perfect. There are no perfectly crafted treaties. There are no treaties which can be absolutely verified. There is always a measure, a large degree in some instances, of doubt as to whether we could verify certain aspects of any treaty.

This involves a question of Soviet intent. It involves a question of Soviet ability, opportunity, all weighed against the risk of detection and what goals they would seek to achieve by cheating if they were to do so.

As far as intent goes, I think Winston Churchill said with respect to the Soviet Union, it is a riddle wrapped in a mystery in an enigma. I suspect it remains so today, nothwithstanding the glasnost efforts of Mikhail Gorbachev.

So none of us can give any assurance concerning Soviet intentions.

Would they seek to cheat under the present circumstances? In other words, what would be the goal of their cheating on the INF Treaty under the present circumstances, weighed against the risk of detection?

It seems to me that overall the risk of detection is quite high and the goal to be achieved by cheating really is quite unnecessary. It is quite unnecessary because they have the ability to deploy SS-25's. They can continue to deploy as many SS-25's as is necessary to retarget all of those sites in Western Europe currently targeted by the SS-20's. So they have little incentive to cheat because they do not have to. That is one of the factors we take into account.

Nonetheless, by virtue of the fact that they do have an ability to produce SS-25's, there is almost a magnetic relationship between INF and START. By the very reasons that we say there is little incentive for the Soviets to cheat under INF, there would be more incentive to do so under a START regime. With a 50-percent reduction on the part of the Soviets, they have less ability to cover all of their targets on a global basis. Therefore, the incentive to find a way to circumvent the restrictions imposed by such a START Treaty would be greater.

As the incentives are greater it also places additional burdens upon our ability to verify. The verification becomes much more difficult because while you have a 50-percent reduction you have 50-percent retention and an ability to develop and deploy even more.

So, Mr. President, let me say to my colleagues that we can make no ironclad guarantees about the treaty. But I think on balance we find that it is in our own overall national security interest. It is of marginal significance from a military point of view. It is of marginal benefit to either the Soviet Union or to us, because it is a small fraction, it is a very small fraction of our respective inventories. I think the greatest consequence is in political terms, political terms for the Western Europeans.

I believe that my colleagues who are opposed to this treaty have some justifiable concerns that by removing the Pershing II missiles and the ground-launched cruise missiles, which the Western Europeans courageously agreed to deploy, we have thereby exposed the deficiencies of our conventional forces. That is true. We have thereby exposed our own conventional deficiencies, and so we have a choice. We can either rebuild our conventional capabilities, working as an Alliance, which I would hope we do, although the prospects are not great for securing budgetary increases dedicated to rebuilding our conventional forces. Or we can negotiate reductions.

I think that history is quite evident that it is hard to negotiate with the Soviets from a position of weakness. That was one of the reasons why the freeze movement, although well-meaning in its intent, springing from a heartfelt concern that we were not doing enough about arms control negotiations, nonetheless would have put us at a great disadvantage. It would have frozen us with old systems, old B-52's, old submarines, and very vulnerable land-based ICBM forces. It was necessary for us to go forward with the kinds of systems important to our security and let the Soviets know that we were indeed going to modernize. That is the way that one has to negotiate with the Soviet Union, and I suspect the same thing is going to be true at the conventional level.

The critics of the treaty are quite right that we now have to address the issue of conventional disparity. The answer is not to reject the treaty. By rejecting the treaty we would not enhance our position in Europe. I think that the public sentiment, the political sentiment in Europe is so deeply committed to the removal of these systems at this point that we would suffer a great political setback if we were to reject this treaty.

So, measuring the political implications of the decision before us, I think it carries consequences either way. If we ratify it, it does then present us with another political dilemma. What will the NATO allies do about rebuilding our conventional forces? I hope that we will make that commitment to rebuild them. But in the event that we should choose to reject this treaty, I think the consequences are even more severe in that the missiles would not stay there and we would not have achieved the reductions the Soviets are now committed to.

Mr. President, I will have more to say about this later addressing myself to the more technical aspects of the treaty. However, I did want to try to place it in some historical context because I saw in this morning's paper that some of those who would like to see us move forward quickly with ratification, and I favor moving forward quickly with ratification, have also stated they want to give the President the moral authority to move forward to sign new agreements. Mr. President, there are agreements and there are agreements.

I think that we could certainly indicate that we would like to see the ratification of the Peaceful Nuclear Explosion Treaty. I think we would like to see the ratification of the Threshold Test Ban Treaty. I think that we should negotiate at least some of the foundation blocks for a new strategic arms reduction treaty.

But I do not in any way want to have my endorsement of the ratification of the INF Treaty seen as an unqualified green light to go ahead and sign a START Treaty before we resolve the issues of exactly what do we have in mind about our strategic forces, how do we intend for them to be structured, what is it we have in mind as far as the balance between land-based, air-based, sea-based systems, what is our proposal going to be in terms of having a small, highly mobile, single-warheaded system called the Midgetman?

I would note that if the administration is backing away from its commitment to the Midgetman, then I have serious doubts about the future of the MX. I do not favor a rail-garrison concept for the MX missile.

I think we have to resolve those kinds of issues before we move forward and negotiate a treaty and then put the Senate in a position, not this year but perhaps next year, of having to support a treaty which it finds may very well undermine rather than enhance the security interests of the country.

Mr. President, I would urge my colleagues to support this treaty with the cautionary remarks that I have made.

Mr. LUGAR. Mr. President, I take this occasion to congratulate the distinguished Senator from Maine on his comments. Likewise, simply to inform all Senators who may be listening or watching our debate to note that this is a very appropriate time for opening statements. This is an important period of time in which we need to accomplish those introductory remarks that will enrich our debate and, likewise, any amendments to the text. As both the majority and minority leaders pointed out, we really do need to proceed with that action so we can move to the articles of ratification in which there are currently a number of amendments and a considerable amount of action.

I want to follow the remarks of my distinguished colleague from Maine by simply pointing out that we come to this particular debate because of decisions made to strengthen NATO in 1979, the beginning of the so-called two-track decision. It was a fateful time for Europe, for the United States, and for NATO. It was the year the Soviets, with the installation and deployment of SS-20 missiles, were prepared to intimidate our European allies and, some would even allege, try to bring about the breakup of NATO through that intimidation.

The distinguished Chancellor of the Federal Republic of Germany, Helmut Schmidt, in a speech in London suggested that we ought to negotiate on two tracks and simply stated that the two tracks were, one, to request the Soviets to withdraw the SS-20 missiles which, at least from our standpoint, did not appear to have any particular strategic significance for them but were meant simply to intimidate Europe and, second, if they did not do so at a time certain, which came to be the fall of 1983, that NATO would, in fact, install cruise missiles and Pershing II's in countries of our alliance and we would tend to build up those until we reached parity with the Soviet Union.

The Soviets, perhaps, as some would have claimed predictably did not respond and, as a matter of fact, through various friends in NATO nations, through numerous disruptions, demonstrations, and political actions, tried simply to break the spirit of NATO altogether.

Now, it is historically a very important fact of all our alliance now that NATO not only held together, but that Germany, Italy, Great Britain all cooperated fully in the installation of those aspects of our deterrent that were called for by the two-track decision. All of these were very difficult decisions.

The elections in Great Britain and in West Germany in 1983. Mrs. Thatcher and Helmut Schmidt, the victors in those situations, led a democratic underpinning to very tough decisions made by those countries.

Following that point, as the Soviets had pledged, they left the negotiating tables, plural. We were out of touch. Indeed, in our own domestic politics of 1984, a great deal was said about our inability to construct arms control negotiations, quite apart from agreements, or even stay in touch with the Soviets.

After that election campaign had proceeded for quite a while, we all recall that the then Foreign Minister of the Soviet Union, Andrei Gromyko, came to the White House in October of 1984 and signaled the Soviets were prepared to come back to the negotiating table. They claimed not to take up the INF situation in particular or the strategic talks or anything else. But, under an umbrella arrangement that Mr. Gromyko and our Secretary of State, George Shultz, constructed in Geneva in January 1985, a so-called three-part conference was called—space, the START, and the INF situations being the three parts. The thought then was you could not have an agreement on one without agreements on the others and there was linkage that was very tangible.

I shall not relate all the permutations of the situation that occurred from then on, but suffice it to say that, in due course, the Soviets agreed to separate the INF situation from START and from space talks. The agreement that has been negotiated and that we are taking a look at today really comes from those decisions in which the United States held, really throughout, that these were separate situations. The Soviets, in due course, agreed, because, in my judgment, we remained firm.

I think it is important for Senators to recognize that at a very early point in all of this the President of the United States, in a meeting with the joint leadership of the Congress, heard the distinguished majority leader, Senator BYRD, request that the Senate, which would have final responsibility for ratification of the treaty, be on the takeoff as well as the landing of this situation. He encouraged the President to appoint an arms control observer group that, from the very beginning of the negotiations, might have an opportunity to monitor what our side was doing and, if it seemed appropriate, what the Soviets were doing, to have some historical continuity in this body.

The President readily agreed with that thought. As a matter of fact, at the initial breakfast which sent off our negotiators, under the chairmanship of Max Kampelman, the President made a very interesting comment that the treaty might not come within his term of office, might come within the term of another President, and therefore, as we embarked upon this thing, it was important that there be persons in our Government, U.S. Senators whose terms extend beyond that of our Presidents and, in some cases, their tenure in office entends for a long time, who would have institutional memory of what occurred.

In fact, the majority leader and minority leader appointed Senators, Democrats and Republicans alike, and they proceeded to Geneva in March of 1985, with Senator BYRD and Senator DOLE both going to that initial meeting.

It was a fateful time in which the Soviet leader died and, in fact, the delegation attended some funeral recognition of the Soviet leader's passing. Mr. Gorbachev came on the scene and the talks commenced really without missing a beat. They were important to the Soviets. They were important to us.

Let me just simply say, Mr. President, having witnessed these negotiations since March of 1985, I am impressed with the diligence of our negotiators. I think they were brilliant in trying to think through the nuances of language. They noted in past treaties sometimes that the Russian language was ambiguous when translated into English and vice versa. Great thought was given to mistakes that might have been made in the past in the ambiguity of language. A great deal of thought was given to each of the so-called bracketed passages, passages in which there was disagreement and which the brackets were removed only when we came together with that meaning.

These talks proceeded between the Soviet and American negotiators, but also, as we now know, through three summit conferences involving the leaders of the U.S.S.R. and the United States and many meetings of our Secretary of State, George Shultz, and Mr. Shevardnadze, the Foreign Minister of the Soviet Union. In fact, that Foreign Minister-Secretary of State relationship has been a key factor in facilitating the ending of bracketed language, or more substantial agreements and breakthroughs when they were required.

So we come now to a treaty situation which I believe may be unique in the annals of the Senate. I suspect that there has not been a treaty in which so many Senators have been so involved over so long a period of time in examining the issues, having an opportunity to converse with our negotiators at each step and to understand the particular problems that they had, problems that they were trying to solve. Even uniquely, the opportunity for United States Senators to interview, to question, to converse with the Soviet negotiators and with many Soviet leaders who were not directly involved in the negotiations, to understand where they were coming from, the problems they saw, the technical objectives that they had.

It is for this reason, Mr. President, that I come to this particular moment with confidence that we have fashioned a good treaty for the security of the United States. I agree with my distinguished colleague from Maine that those who are requesting of us 100 percent verifiability are making an imposssible request of any arms control treaty. I do not know what percentage ought to be assigned to that.

I am willing to grant that skeptics have a point in suggesting that there are aspects of this verification really beyond our knowing technically or in any other way. In this manner, we have proceeded in common sense to see if, in fact, there are defects in verification, we can assume that we pick them up at some stage along the trail without damage to our national security. because that is our objective in attempting to reach this agreement.

Much has been made of the fact that the NATO situation will have to be reevaluated. Indeed, every NATO leader knows this.

What is also true, as the chair knows, is that each NATO leader who came before the Foreign Relations Committee, or testimony of which we have knowledge, unanimously believes that this was an important step for Europe. And, indeed, the Senator from Maine is absolutely correct. We have had direct testimony from NATO leaders that we beguile ourselves if we believe that rejection of this treaty would somehow lead to the retention of Pershing II's in Germany, or cruise missiles in some other situations.

Europeans have decided that those weapons must go and, therefore, we have a predicament in terms of our NATO relationships which needs to be understood by all the Senators.

NATO has reached a judgment and a consensus. NATO leaders wait, sometimes with anxiety, as this body deliberates this treaty, to note how firmly, how astutely we will affirm what they have already found.

I would conclude these thoughts, Mr. President, simply by saying that each Senator has to make a sober judgment as to what is in the best interests of our country as well as our alliance with others and the possibilities for our security and any movement toward peace. It is apparent, in my judgment, that we have taken limited steps. The remarks made by my colleague from Maine I think are very accurate to that effect. People seeing cosmic significance in this I think also will be disappointed, and skeptics already have said: How can you point to the importance of this treaty if NATO alone retains 4,000 nuclear warheads in the European sector? Is that not a multiple of all that we are removing?

And of course the answer is yes. We retain very great authority in the NATO area, from various delivery systems. So do the Soviets. We understand that.

But we also ought to understand that we are making a unique breakthrough—and history will have to show whether, in fact, it succeeded—to open up very substantially both of our countries to the inspection of each other. It has been a long-held American negotiating position that we ought to have onsite inspection, the ability of Americans and NATO allies in this case, to go into the Warsaw Pact countries, to go into the Soviet Union, to determine whether in fact provisions of an arms control treaty were being met.

Past negotiators have testified, as the Chair knows, before the Foreign Relations Committee, that this was an unthought of goal just a few years ago. That to have achieved onsite inspection, this degree of intrusion into a closed society, would have been unthinkable. But it is thinkable, Mr. President. And it brings many new thoughts for us in the United States.

I think it is fair to say that when we finally came to this point of onsite inspection, there were many in the United States, in our Department of Defense, in our defense industries and some of our communities, who wondered what this will mean for us to have additional Soviet investigators in our country, in our plants, in our military installations that might be tied up in any way with the INF Treaty.

That is sobering. It is especially sobering as we think ahead to other arms control treaties. The strategic treaty now being negotiated would apparently call for a vast expansion of this intrusion into the Soviet Union at a time of glasnost, at a time in which there is ferment in that country; a veritable army of Americans coming in to take a look at arms control verification.

But likewise in the United States, very substantial numbers of Soviet military or intelligence personnel arriving at our country. We have had many debates, Mr. President, about the counterintelligence capabilities of our country in dealing with those persons who now come from the Soviet Union and who do not wish us well.

A great number may come and say we are here under the guise of peace and arms control. We wish everyone well. But, Mr. President, this will create great anxiety. We are on the threshold of that question and the INF brings it squarely in front of us. But in modest amounts.

We have an opportunity, Mr. President, literally to go to school on what it means to get involved in onsite inspection and how we go about, in a 3-year period, a very limited period, verifying the destruction of missiles.

Mr. President, I think these are important objectives that give us all opportunities to move forward. Therefore, I strongly support the ratification of this treaty, favorable action taken by the Senate. I hope that will come in a very short period of time and for that reason, Mr. President, I draw these remarks to a close in hopes that others in the sound of my voice will be stimulated to come to the floor to give opening statements either for or against the treaty, to offer amendments so that we are ready to proceed and take significant action today.

I thank the Chair.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I believe the Senate would be very unwise, indeed, to consent to ratification of the INF Treaty. It seems to be a little-known fact but a fact nonetheless that of the 38 witnesses called before the Senate Armed Services Committee, 30 testified that from a military point of view, from the national security point of view, the INF Treaty is disadvantageous to the United States and to our NATO allies.

Let me repeat that, of 38 witnesses called by the Armed Services Committee, 30 testified that this treaty is not in the national security interests of the United States or its allies. That is a pretty impressive ratio, 30 out of 38.

I have to add the caveat that most of those went on to endorse the conventional wisdom that failure to ratify would cause political problems in Europe. I will deal with that conventional wisdom and that concern a bit later in my remarks.

But I want to stress that when they were asked to focus strictly on the military ramifications of this treaty, as opposed to the political ramifications or supposed political ramifications, 30 out of 38 of these experts on defense testified that this treaty was disadvantageous to the United States and to our allies.

That is pretty impressive. If there is one basis on which this treaty must be judged, if there is one criteria which is far more important than the others, certainly it ought to be national defense, certainly it ought to be the military ramifications of this treaty, should it be effectuated. Yet it seems to me in the debate there is far too little heard about the military effects of this treaty.

Thirty out of thirty-eight testified that this is not a good treaty from the standpoint of national security. For example, Gen. Bernard Rogers who retired just last year as Supreme Allied Commander in Europe, the commander of NATO, if you will, testified and made the case very plainly. He said, referring to NATO and referring to the treaty: "It would be stronger"—NATO, he means—"It would be stronger if it"—the treaty—"It would be stronger if it were not ratified."

He said: "NATO would be stronger without this treaty."

In other words, NATO will be weaker if we have this treaty; that is what General Rogers said.

He said further: "I spent 8 years as NATO commander, and this treaty is wrong. We should not have this treaty, in my opinion."

Eight years as commander of NATO and, by all accounts, 8 years of exemplary service. Here is a man who is highly regarded by virtually everyone. I do not know of one critic of Gen. Benard Rogers. He was an outstanding NATO commander, and that is why he served for 8 years. He said this treaty is wrong and that we should not have this treaty, in his opinion.

I want to make clear, so that no one feels that I am misrepresenting General Rogers or any of the other witnesses, that General Rogers, like so many of the others, went on to say he felt we should ratify this treaty but for political reasons.

I will leave it to Senators to judge whether we should ratify this treaty based primarily on political considerations or whether we ought to ratify this treaty or not ratify this treaty based primarily on national security considerations. I opt for the latter. Politics be damned. I am concerned about national security, and I will address this conventional wisdom about the political dangers of failure to ratify in a few moments further on in my remarks. It is hogwash, in my opinion, but I will get to that in due time.

Mr. President, the Armed Services Committee believes this treaty can make "a modest but useful contribution to NATO's security." I do not know where the committee came up with that idea when 30 out of 38 witnesses said just the opposite, but that is what appears in the committee report and that is one of the reasons I voted against the committee report.

Nonetheless, the committee believes the treaty can make a modest but useful contribution. Is that a ringing endorsement? Does that convey enthusiasm? Hardly. It is hardly a ringing endorsement, and such hesitancy, such ambivalence, is hardly surprising given the fact that 30 out of 38 of our experts said this is a bad deal for us in terms of national security. That the committee can muster no more than faint praise in this day of treaty mania, it seems to me, bears looking into.

The treaty should not be ratified for these reasons, in my opinion:

First of all, the treaty exacerbates the dangers of the unbalancing in conventional forces. The treaty will exacerbate the dangers of the imbalance in conventional forces. No one will deny there is an imbalance. No one will deny that the Soviets and the Warsaw Pact forces have a large superiority, by most yardsticks, over the NATO forces. That is, in fact, why we have nuclear weapons, including these INF weapons, in Europe because without them, our troops would be annihilated. It is that simple.

So overpowering is the Soviet advantage in divisions, in tanks, in armor, in artillery, and in combat aircraft, including aircraft which are every bit as sophisticated as ours, that is why we have nuclear weapons in Europe. If we had evenly matched forces, we probably would not have any nuclear weapons in Europe, and we certainly would not have the INF Treaty destroy the Pershing II and ground-launched missiles. They simply would not have been built and place an enormous cost, both in fiscal and political terms, were there not an overpowering need for them to save our troops from annihilation in the event the Soviets were to attack Europe.

We have these weapons there as force multipliers. A nice term we like to use around here. It is the equivalent of—what was the phrase in the Old West? The six-shooter. What was it called? The equalizer. Something like that. That is what these weapons are there for. Without them, we are going to be in very deep trouble.

Were I the parent of 1 of those 323,000 GI's—soldiers, sailors, and airmen—stationed in Europe, I would be pretty upset with this treaty because it is going to take away the best of the force multiplier weapons we have, the best of the weapons that we have to save our troops from annihilation in the event of a Soviet attack. I am not the parent of one of those, nor am I the parent of 1 of the 310,000 spouses and children, dependents of our GI's in Europe who are stationed there with them. We have, what does that make, 633,000 GI's and dependents in Europe who are going to be in much greater danger if this treaty is ratified.

Remember, as I said last night in my remarks, our goal is to have a 30-day supply of ammunition. Do we have a 30-day supply of ammunition in Europe? No, siree. Do we have a 25-day supply? No, siree. Twenty? No, sir. How about 15? Do we have half even of what we are supposed to have? No. Ten days maybe? No, we do not have 10 days of ammunition and fuel in Europe.

Well, what do we have? Well, it is a secret. It is classified. But the unclassified way of expressing it is that we have less than a 7-day supply of ammunition and fuel in Europe.

If you were the parent of one of those GI's or dependents, 633,000 of them and you knew that we have less than 1 weeks supply of ammunition and fuel, would you be in favor of taking away these two missiles which are the most effective weapons we have for, first of all, deterring an attack and, second of all, disrupting an attack or blunting an attack, if one should come? I think the answer is pretty obvious.

If you are the parent of 1 of these 633,000 young Americans, I suspect you would be pretty upset about this proposal to take away the 2 weapons which are best suited to deal with this massive Soviet superiority, on the one hand, and this calamitous state of unpreparedness on NATO's part on the other.

This disparity, this asymmetry in conventional forces, which vastly favors the Soviets, is getting worse.

It is not getting better. If it had substantially improved, we might say, "Well, OK, let's take a chance; let's get rid of these two weapons best suited to deterring a Soviet attack and disrupting a Soviet attack if one should come." If things had gotten better, maybe we could say, "Yes, let's throw the dice; let's take a chance."

Have things gotten better? No. Worse, not substantially worse but somewhat worse in recent years despite our best efforts, so strong is this Soviet thrust to build up its forces. Even the committee in its optimism nonetheless notes that,

> The INF Treaty, while succeeding in the removal of a number of nuclear weapons in the middle of NATO's deterrent spectrum, leaves a serious imbalance in conventional and theater nuclear forces on one side of this spectrum and a strategic balance that is in rough parity on the other side.

Even the INF Treaty leaves a serious imbalance in conventional forces. Well, of course it does. The INF Treaty does nothing whatever, does nothing whatever to address this imbalance in conventional forces, not a thing. And because it fails to do so, it exacerbates the effect of this imbalance. As for the remaining theater nuclear forces, they are not nearly as credible as a deterrent because they are not nearly as reliable, not nearly as accurate, not nearly as survivable, not nearly as lethal, and some of them not at all threatening to Soviet territory because they simply do not have the range. Compared with Pershing II and ground launched missiles, the other INF weapons on which we will be forced to rely are junk. They are junk. They are old and getting older, and they are not survivable most of them, and they are not a credible deterrent to the Soviet side.

We are going to get rid of the two most modern weapons, those which we implaced in large measure to deal with this Soviet conventional asymmetry, superiority, which threatens our people, the security of NATO, and ultimately our own security here in the United States.

As I said a moment ago, the conventional imblance has grown worse, not better. General Rogers had this to say about the conventional force imbalance:

> Every year that passes, the gap between the force capabilities of NATO and those of the Warsaw Pact get wider—

Not narrower, wider—

> To NATO's detriment. My major concern for the past decade has been that this gap might widen to the point where the military situation for NATO would get beyond restoration and the Soviets would accomplish their objective in Western Europe against the backdrop of massive conventional forces which can threaten to seize and hold territory to achieve the capability to intimidate, coerce, and eventually neutralize the West European nations without firing a shot. I also believe that the INF Treaty has the potential to accelerate the Soviets' achievement of that objective.

Well, General Rogers retired a year ago. Maybe things have changed. Maybe he is not quite up to date. I do not think so, but if you want the opinion of the current NATO Commander, Gen. John Galvin, he said this in the same vein:

> The conventional balance gap is becoming a somewhat more unfavorable balance to us over the last few years.

Let me repeat that because, as I have said, if things had gotten better, if this imbalance in conventional forces has ceased somewhat or eased significantly, maybe we ought to take a chance on this treaty, but both General Rogers and General Galvin, representing the last 9 years of the command of NATO, say that it has gotten worse. General Rogers is worried that the Soviets may be close to achieving their goal of intimidation and neutralization of Western Europe without firing a shot, and General Galvin has this to say:

> The conventional balance gap is becoming a somewhat more unfavorable balance to us over the last few years. The reason for that is the Soviet Union has moved toward a higher technology level on the a number of their production capabilities. I am talking about aircraft, communication, and other things.

General Galvin is saying not only do the Soviets have a substantial superiority in numbers of men in their divisions and tanks and armor and artillery, in combat aircraft, he is saying they are also making great strides, as we know, in the quality of these weapons such that in many cases they are every bit as good as ours and in some cases better. They have this reactive armor on their tanks now which renders useless, I am told—I better be careful how I phrase this because we are getting close to classified material here, but it is fair to say that this reactive armor neutralizes much of the weaponry on which we now depend to blunt an armored attack.

General Vuono, Chief of Staff of the Army, stated that—

> While we have made great improvements in our conventional capabilities, the trend in the conventional balance in comparison with the Soviet Union for army ground forces has become worse since 1967.

Mr. President, no witness more dramatically underscored the precarious state of NATO's conventional forces than Adm. William Crowe, Jr., Chairman of the Joint Chiefs of Staff, when he testified that NATO has not met its minimum goal of a 7-day supply of fuel and ammunition.

I mentioned that a moment ago. In fact, the goal is for 30 days, but that goal has been so far beyond our capability for so long that somehow this new ex officio goal of 7 days has become the standard, and we have even less than a 7-day supply of fuel and ammunition. What happens after a week? If the Soviets were to attack Europe on this day, which is what, May 19, by May 26 our 325,000 American GI's are out of critical ammunition and fuel. What happens next? Surrender? Annihilation? No, neither of those two. We go to nuclear weapons. That is why we have them there, except that we have to go to them much sooner than if we had adequately attended to sustainability and preparedness. We ought to have and our official goal is a 30-day supply. What do we have? Not even a week. Not even a week.

Mr. President, this treaty ought not be ratified because it exacerbates the dangerous asymmetry in conventional power which favors the Soviets and which increasingly favors the Soviets according to the very best testimony we have.

But instead of urging defeat of the treaty for exacerbating the dangers arising from conventional force imbalances, the Armed Services Committee skirted the issue by calling for an expansion of NATO's conventional forces and a modernization of its theater nuclear weapons. That is a very funny joke except when I think of those 323,000 American GI's and 310,000 dependents, somehow I cannot muster a laugh. But it is a joke because there is not one Senator here or one defense leader who believes we are going to increase our conventional forces or modernize our theater nuclear weapons.

Why? Because we have neither the money nor the political will to do either. So the committee brushes aside this dangerous Soviet superiority in conventional forces and suggests that we can deal with it later by expanding our conventional forces and modernizing our theater nuclear weapons. It is not going to happen, and no one thinks it will.

Ironically, by falsely proclaiming the success of the INF talks, we have persuaded Western public opinion that, in fact, lower defense expenditures can be expected, not higher.

The fact is that in the post-INF period, we and our NATO partners will face even more resistance than we face today. American defense budgets in real inflation dollars have declined 4 years in a row. I think it is down to around 6 percent, and it used to be 10 percent in President Kennedy's term. We and our NATO partners will face even more resistance to defense spending after this treaty.

(Mr. SHELBY assumed the chair.)

Mr. HUMPHREY. Mr. President, the likelihood of defense increases necessitated by the treaty is very low. As the Chairman of the Joint Chiefs of Staff, Admiral Crowe, noted, the United States will need to spend more money to correct weaknesses in conventional forces in NATO. But he said, "I also believe we are not going to do that."

He is a realist. He has been around the Defense Establishment and he has been around Congress long enough to be able to read the political signs. He knows there is not going to be an increase in defense spending on NATO, on the part of the United States or by any of the NATO countries. He says this treaty means that we will have to spend more on conventional forces, but he knows that is not going to happen, and he is right.

So, was former Secretary of Defense Harold Brown, when asked in the committee about the probability of increases in NATO defense spending: "I would assess the probability as low." Indeed, it is very low.

He said, further:

> If U.S. defense budgets continue to drop by a couple percent a year, as they have, the Europeans will have lots of excuses and significant justification for not increasing theirs at all.

That is reason No. 1. The treaty will exacerbate the calamitous disparity and asymmetry in Europe which favors the Soviet Union and which increasingly favors the Soviet Union.

Reason No. 2 for not ratifying this treaty: Again, it is a military reason. I will leave the politics to later, because I think it is mostly hogwash.

The treaty will heighten the risk of general nuclear war. Does anybody care about that? I get the impression that not many do. But I believe this is demonstrable, that it will heighten the danger of general nuclear war. Indeed, the committee acknowledges that the elimination of Pershing II and ground-launched missiles will leave a gap in NATO's flexible response. As General Rogers put it:

> And what does NATO give up in this treaty? The very weapons system the Soviets fear the most, the Pershing II, which keeps high the credibility of NATO's deterrence.

So, by ratifying this treaty, we will open a gap in this doctrine of flexible response, and we will open a large gap in the arsenal of flexible response. That gap in the arsenal of flexible response will increase the possibility that war in Europe would leapfrog from conventional warfare very quickly around that gap in flexible response, around that gap in theater weapons, to strategic weapons.

That is not an observation original to this Senator. It is not an observation original to those who might be called conservative in their political outlook, as I am.

Former Secretary of State Henry Kissinger, no enemy of arms control so far as I know, testified:

> The INF Treaty and the pressures it generates against the remaining nuclear systems places the predominant burden of nuclear defense on weapons based in the United States or at sea.

What is he saying? He is saying that we are going to have to go very quickly from conventional war to strategic war, leapfrogging over intermediate-range weapons. He said that the INF agreement places the predominant burden—not just some of the burden or a little of the burden, but the predominant burden—on nuclear defense, on weapons based in the United States or at sea.

What does that mean? It means that we are going to start firing systems from the United States as soon as our troops in Europe are threatened with annihilation. It means that when the Soviets see those missiles rising off the Continental United States, they will say: "That is it. It's an all-out attack. Let them all go."

The use of strategic weapons for theater defense is insane. It invites all-out nuclear war. It was to avoid such an eventuality that we designed and built and emplaced, at great cost, these INF weapons, the best of which we are about to eliminate, leaving only the old junk, which has a very low credibility and therefore a very low deterrent effect.

Tragically, one of the remedies proposed by the proponents—indeed, they had no alternative but to propose it—one of the remedies proposed to treat the problems created by the INF Treaty is to rely more heavily on strategic weapons, such as submarine-launched missiles, and to rely on them for theater use. If there is a more dangerous or a more provocative use of strategic weapons, I cannot imagine what it is.

General Galvin testified with respect to the problems of using strategic weapons in place of theater weapons:

> In initial use, it would be very awkward to consider a strategic weapon for use as a theater weapon. The advantage of a theater weapon, if it ever came to use in war, is that it very clearly shows that it is a theater decision, not simply a United States decision.

In other words, he is saying that the Soviets are likely to respond to the use of theater weapons in kind. They are likely to respond, indeed. How could they not respond in kind with strategic weapons, in the face of strategic weapons launched against them from the United States and from submarines at sea? How could they respond otherwise?

If you are the Soviet command structure and you see ICBM's rising in numbers off the continental United States, you cannot say, "Well, they are just firing those because of this conflict in Europe." You cannot take that chance. You have to respond in kind.

This is nutty. I have heard a lot of insanity in 10 years in this town, but this pushes the bounds of insanity way out beyond where they were before.

The increased reliance on strategic weapons forced by this treaty has to be its worst feature.

So, reason No. 1 for refusing to consent to ratification is that this treaty will exacerbate the dangerous conventional force imbalance in Europe which is growing ever more disadvantageous to us.

Reason No. 2 is that by opening a gap in the doctrine and the arsenal of flexible response we make more likely the leapfrogging of warfare in Europe from the conventional force level, to the strategic, to an all-out exchange of nuclear weapons.

Reason No. 3 to defeat this treaty is that it fails to reduce the nuclear threat against our allies.

If we are going to buy these first two situations, if we are willing to exacerbate the asymmetries in conventional forces and we are willing to increase the likelihood of general nuclear warfare, you would think we would at least get the diminution of an increased nuclear threat against our allies. Does that happen? No; not in the slightest, because to compensate for the vehicles which the Soviets must destroy under this treaty, Moscow will target other nuclear delivery vehicles equally swift, equally accurate, equally lethal against NATO.

That is not an observation original to this Senator or to the conservatives who are in the majority who seem to predominate in opposition to this treaty. Defense Secretary Carlucci pointed it out himself. He said "It is certainly realistic"—not possible—he said "certainly realistic to anticipate that the Soviets might retarget some of their SS-25 missiles."

And there are other options the Soviets have for retargeting weapons not covered by this treaty against our allies. Indeed, the Soviets, as is known, have already redeployed from our Atlantic Coast to European waters *Yankee*-class submarines covering SS-N-6 missiles which are now retargeted against NATO.

So, the process has already begun. Anticipating the destruction of the vehicles which she is required to destroy, the Soviet Union is already retargeting other weapons not covered by this treaty against the very same targets in Western Europe.

General Rogers stated it this way: "For NATO, the name of the game is to deter. What the Soviets are eliminating comprises only about 3 percent of their stockpile"—3 percent— "3 percent of their nuclear warheads. Nearly all of the remaining 97 percent can be retargeted onto those same installations in NATO's rear area, thereby keeping the risk high and on the backs of the Western European people."

So, that is reason No. 3.

Just to review: Reason No. 1, the treaty exacerbates the conventional force imbalance which is growing worse.

Reason No. 2, it makes more likely general nuclear war because it eliminates a significant part of the doctrine and the arsenal of flexible response which makes it more likely that war will leapfrog to a general nuclear exchange.

And reason No. 3 is it does not even reduce the intimidation against our allies. They are already being retargeted by other warheads equally lethal, equally intimidating, such that there is no net change nor will there be in that respect.

Against this damning testimony about the military implications, the national security implications of this treaty, nonetheless the committee chose to recommend to the Senate that the Senate give its consent to ratification.

However, in my opinion, had the committee stuck to its business and stuck to its charter and based its recommendations on the testimony relative to the military effects of the treaty, I believe that members would have had to recommend against ratification. But that is not what happened.

Instead, the committee departed from its charter and focused on the purported political ramifications in Europe were the treaty to fail of ratification.

The committee then recommends ratification not on the basis of military benefits and indeed in the face of the military disadvantages which arise out of this treaty, but instead based its recommendation on the conventional wisdom that refusal to ratify this treaty would cause political problems in Europe.

In other words, the committee is recommending form over substance.

That is not terribly reassuring when it comes to national security—form over substance. We see that all the time, I must admit, perhaps a majority of the time in dealing with domestic issues. PR and "feel-good" politics is all too common around here.

I would hope that we would have a higher standard at least in the area of national security, and if not for ourselves but what about for the 323,000 young people and their 310,000 dependents, children, whom we are placing at greater risk if we ratify this treaty?

There are plenty of grounds to challenge this conventional wisdom, Mr. President. We have heard all of this nonsense before. It is like an echo. It is amazing, is it not, the way history repeats? I suppose that is because human nature does not change. It just does not change. The players change. The props change. But the drama is always the same because human nature does not change.

We have heard all of this before. Back when SALT II was under consideration we heard the very same kind of poppycock, and let us remember SALT II was not ratified. Let us remember that at the outset while we discuss this. But in the consideration of the treaty when ratification was under debate, we heard the same kind of "the sky is falling" suggestions and predictions that we are hearing today.

They say today if we do not ratify this treaty even though it stinks from a military point of view, even though every, not every—that is an exaggeration—but 30 of 38 defense experts testified that from a military point of view it is disadvantageous to us and to NATO—we are still hearing this baloney about the importance of political considerations, and it is baloney. We have heard it before.

In SALT II the witnesses at that time told us the same thing, not us—maybe some of us were here—I was not—but told the Senate the same thing. It was the same story, the same song.

The Secretary of State—Cyrus Vance was at that time Secretary of State—told the Foreign Relations Committee that the rejection of the SALT II Treaty would have a potentially debilitating effect on the alliance. He said, "It would be a terribly severe blow to NATO and members of the alliance should this treaty fail of ratification. They have made this clear in statements through the heads of most of the governments of the NATO countries."

You could have played that same line over in the Armed Services Committee a month ago and indeed virtually the same line was heard. If we do not ratify this treaty, the political ramifications will destroy NATO.

We heard it then. Was it true? No. The treaty was not ratified. Did NATO self-destruct? No. It remains stronger. It is stronger than it was but, relative to the Soviet Union, weaker because the Soviets have pushed ahead so far and so fast despite Mr. Gorbachev's smiles. NATO is stronger, not strong enough, precariously weak relative to the Soviet Union and weaker than it was in Secretary Vance's time in office, but NATO was stronger, it did not self-destruct. He was wrong. That prediction was nonsense.

The Secretary of State said, "If we do not ratify SALT II the sky will fall, the world will come to an end." He said, "It would be a terribly severe blow to NATO"—terribly severe.

It was not. It was not severe. It was not even serious.

The Secretary of Defense, Harold Brown, told the Foreign Relations Committee when SALT II was pending, "The Europeans do believe that if SALT fails approval it greatly increases the probability of an all-out arms race between the United States and the Soviet Union." "They"—meaning the Europeans—"certainly would examine various alternatives to the alliance—their own nuclear capability, a separate alliance, neutrality. I am sure all of those would be raised as possibilities."

Well, those are pretty serious warnings, Mr. President, those warnings which Secretary of Defense Harold Brown laid before the Senate Foreign Relations Committee back when SALT II was pending. The same song we are hearing today. He was suggesting that if SALT II were not ratified, that the NATO countries would develop their own separate nuclear capability. Have they done that? No. France and England have, of course, but that predates the SALT II controversy. They are still reliant upon the American nuclear umbrella, except under this treaty they are going to be reliant upon strategic weapons much more than upon remaining theater weapons, which are mostly junk.

Secretary of Defense Brown suggested the political ramifications of the NATO countries were so severe the NATO nations might develop their own nuclear forces. Maybe. Or maybe set up some kind of new alliances, he suggested, or, worst of all, neutrality.

Have these things happened? No. That was a lot of hot air. He was wrong.

Despite all of the conventional wisdom and the doomsaying in high places, NATO not only survived in good order and grew stronger, but, obviously, successfully deterred attack over the years since then and now.

Mr. President, it is an understatement to say that the concept of arms reduction is politically popular and it is an understatement to say that the concept is as politically popular in Europe as it is in the United States. In fact, it is more popular. In fact, there seems to be a strong current of pacifism running throughout Europe.

As former Defense Secretary James Schlesinger testified just recently, more than 50 percent of the people in Germany favor unilateral disarmament. Well, that might be so, but it does not mean that we should coddle pacifism. It does not mean we should reflexively endorse the politics of feeling good at the expense of our national security and that of NATO and at personal peril to our 323,000 GI's in Europe who have less than a 7-day supply of ammunition and fuel.

Now, I know all about the plans to resupply Europe with aircraft and sealifts. That is a disaster, too. I intend to address that in a separate speech.

So let no one take any comfort in that, because that is just as bad a situation, in terms of shortfall, nearly as bad as the shortfall in ammunition in Europe.

The net of this treaty is this: The United States will have to destroy, NATO will have to destroy the two types of missiles best suited to partially offset the substantial Soviet advantage in conventional forces, weapons which are best suited to deter in the first place a Soviet attack on Europe—Pershing II's and ground-launched cruise missiles. We will, therefore, be forced to rely on less suitable weapons, such as cruise missiles air-launched from considerable distances and weapons launched from penetrating aircraft, however, many of those survive the vast and sophisticated Soviet system of air defense.

By the way, those very same aircraft on which we will be increasingly dependent, those penetrating aircraft, are intended for theater roles, are intended for combat support. We do not have enough of them to begin with and a lot of them are going to be destroyed because they are not adequately protected in Europe. Whatever are left will have two jobs: combat support and longer range theater responsibilities, weaving their way, if possible, through Soviet air defense to deliver weapons that would have been delivered far more swiftly and accurately and reliably and dependably and lethally by these modern weapons which we are required to destroy.

We will be forced to rely on less suitable weapons, such as cruise missiles air launched from considerable distances, weapons launched from penetrating aircraft, provocative weapons, launched from strategic platforms and on new battlefield missiles if—and that is a very big if—the allies can agree to produce them and deploy them, which is highly unlikely.

Indeed, the opposite is true. They want to get rid of them all now, and you can hardly blame them. Because if we do not have weapons that credibly deter the Soviets by threatening Soviet soil itself, then you can hardly blame the Europeans, the Western Europeans, for not wishing the war to be conducted solely upon their territory while Soviet territory remains safe.

So we are going to be forced to destroy two types of missiles best suited to Soviet conventional forces' superiority. We are going to have to rely on less suitable and more provocative weapons and all the while our NATO allies remain just as fully targeted and intimidated by nuclear weapons in the future as they are now. Different ones, yes, different weapons, to be sure, but just as deadly and just as intimidating.

There are a number of other serious problems which implementation of the treaty will create which are written off as matters that can be addressed within the START negotiations. In other words, we do not know how to deal with these problems now. Let us just put them off. Maybe in some future talks we could figure out how to deal with them.

If the INF Treaty has faults, they should be addressed now during the treaty debate. Hoping the faults will be corrected sometime in the future in negotiations which might or might not succeed is simply an irresponsible approach to safeguarding national security. If anything, such buck-passing suggests that the stratagic reductions and the conventional arms reductions should have come first. And, of course, logic dictates, in particular, that conventional arms reductions should have come first because it is the asymmetry in conventional arms which derives the necessity of having force multiplier weapons.

If we have in place these missiles and these theater nuclear weapons in Europe to deal with the conventional force asymmetries, then we should deal with the conventional force asymmetries before we deal with the theater nuclear forces. That is perfectly logical, is it not?

There are other serious problems. For example, is the question of what defines a missile covered by this treaty? During the hearings, Senators expresed the concern that the Soviets, without violating the treaty, could deploy a new type missile to replace the SS-20. If a missile were tested for the first time at a range in excess of 5,500 kilometers, even if every subsequent test were at INF ranges, that missile would not be covered by the treaty. In other words, if the Soviets wanted to play games—and I cannot be too optimistic that they will resist the temptation—they can design some new INF missiles, lighten them up so that on the first test they will exceed 5,500 kilometers and therefore they are not classed as INF weapons when, indeed, they are designed to be, and then load them up with sophistication and maybe some kind of armoring, heavier warheads, and use them as INF weapons, even though they would not be covered by this treaty. There is a big loophole in this treaty that will permit them to do that.

The Armed Services Committee failed to resolve this dilemma. Given the Soviet penchant for exploiting ambiguities and loopholes, the treaty not only asks for trouble, it begs for it.

There are other important concerns. As the committee report itself notes, late in the INF negotiations the U.S. reversed its position and agreed to ban conventionally armed ground-launched cruise missiles—conventionally armed GLCM's of INF range.

Our negotiators now dismiss the need for GLMC's in Europe but the fact is that NATO was on the verge of establishing a need for such weapons when the United States did an about face. In a closed hearing the committee learned that the Supreme Allied Commander of Europe was in fact on the verge of announcing a need for GLCM's. The committee was told that the position of the Supreme Allied Commander in Europe was overridden by the Joint Chiefs of Staff. Ambassador Jeane Kirkpatrick is likewise concerned about the loss of the GLCM option, saying: "But I tell you, that is my greatest concern, concerning weapons on the treaty."

And Dr. Schlesinger used the same phraseology, he said: "The ban on conventionally armed ground-launched cruise missiles is my gravest reservation about this INF Treaty."

Well, grave reservations are certainly in order, Mr. President, because the treaty throws away the most valuable and the most promising nonnuclear weapon we have to deal with the Soviet superiority in conventional weapons in Europe.

Mr. President, arms reduction is certainly a worthy goal but in this case we have put the cart before the horse. We deployed nuclear weapons in Europe to offset the massive Soviet superiority in conventional forces. There are nuclear weapons in Europe which no longer make sense and they ought to be removed. But before we remove those very weapons that are the most effective weapons to today's threat, the most effective, the best, the most well suited, designed for this purpose—first the Soviet conventional superiority must be eliminated or at least significantly reduced. It would have made more sense to secure an agreement to reduce the imbalance in conventional forces before dealing with nuclear weapons deployed to offset that imbalance.

Ambassador Kirkpatrick agrees. Responding to the chairman's question about whether the current sequence is not proper, she said, "I wholeheartedly agree with that position, Senator NUNN."

She meant that she was agreeing that it would be wiser to have dealt with the problem first and the symptoms later, so to speak.

If we implement the INF Treaty first we will have thrown away the leverage to secure reductions in conventional forces and these reductions will have to be very heavily asymmetrical in our favor, if they are to truly reduce the potential for conflict in Europe.

As Dr. Harold Brown noted, "the Rand study says conventional arms reductions would have to be unequal and rather deep, and they would have to be made in the key firepower elements, tanks and artillery."

Mr. President, the INF Treaty is a fraud. It is a fraud. It is a dangerous fraud.

The treaty will not reduce the dangers of Soviet superiority in conventional forces. It will exacerbate those dangers. Conventional balance is growing worse and the treaty will eliminate the very best weapons for dealing with that danger. Further, by eliminating Pershing II and ground-launched missiles, we are throwing away the best bargaining chips we have to deal with the root cause of tensions in Europe, the substantial Soviet superiority in conventional weapons.

The INF Treaty will not reduce the threat of nuclear war in Europe. It will heighten it, by creating a dangerous gap in the arsenal of flexible response such that escalation is likely to leapfrog to strategic weapons. And neither will the treaty relieve our allies from the intimidation of being targeted by the Soviet missiles, because Moscow is already, even in advance of ratification, is already targeting NATO with other nuclear weapons equally deadly and equally intimidating.

Mr. President, I will have more to say on this treaty. I hope that the Senate will not rush in an unseemly fashion to conclude debate. There is much that needs to be said.

Senators need to have an adequate opportunity; should not be rushed. Of all matters before the Senate this year, let us not be rushed in this matter.

This political, public-relations deadlines in Moscow be damned. Let us serve national defense first, and politics later.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I come to the floor of the Senate today to participate in one of the most important and solemn responsibilities entrusted to us by the Constitution of the United States. Our advice and consent powers with respect to Presidential treaties with foreign nations is always of the very highest importance. It is especially significant when the subject of the treaty involves the awesome destructive power of nuclear weapons.

Mr. President, the intermediate Nuclear Force treaty between the United States and the Soviet Union deserves our most careful attention. As a member of the Senate Armed Services Committee, I have studied as best I can the potential effect the treaty would have on our NATO defenses.

I commend the chairman of the Armed Services Committee, Senator

NUNN, and all the members of that committee for the fine job they performed in deliberating and reporting their findings in this field to the Senate.

I commend and thank all members of our committee on Foreign Relations for their usual accurate, diligent and effective review of all treaties referred to them. The consequences are great, and we need the frank opinion of those of our Membership who have been with the problem, for years. And that is just what our committee membership as now composed provides.

Their fine representation and splendid efforts are appreciated by those of us who have a chance to know their work. I want to express that appreciation now for my part, and I know I can speak for the rest of our membership as well.

Mr. President, I have been here a good number of years, and have seen a tremendous change. I am trying to make some calculations for memorandums later, as to the change that I have witnessed here as a Member of this body since soon after World War II.

We have learned a great deal. We have overlooked some things. I find that I depend on some of the men from the Office of the Secretary of State, regardless of what administration is in power. I have listened closely to the men that have carried the responsibility day and night as President of the United States. They have had to deal with what was then an unknown problem. We did not know much about nuclear weapons and the capacity to undermine and deceive our adversaries. This is one of the important things, one of the difficult things that has happened since the end of World War II. And the men and women who have served in the Senate can attest to the fact that we have not had a perfect record with respect to the control of nuclear weapons.

Our specialized committees have done an amazing job and we have benefited from that. We do not have a clear, certain future ahead as I view it. The situation is hard to interpret. It is hard to say what answer we have, if any, to this difficult problem.

We all know that we are dealing with adversaries and potential adversaries who are people of uncertainty. We are dealing with potential harm.

This is a problem. It is a problem that haunts all of us. But, I think we have made some progress.

As chairman of the Senate Appropriations Committee and its Defense Subcommittee, I have supported measures to strengthen our national defense. In that position, I have had a growing feeling of new knowledge, strength, and capacity. I am proud that I can say that and have that spirit.

I have also reviewed the findings of the Senate Committees on Foreign Relations and Intelligence. I commend the Senators involved in preparing the reports, and the time and effort they have expended. I want to commend and thank the numerous staff members over the years who have worked hard, day and night, at what seemed at times to be a fruitless venture into learning more about the problem.

I commend the members of the administrations who have struggled with the problem of nuclear weapons, regardless of their titles or party membership. We have had some splendid men in this field, and we now have Mr. Shultz, who I think brings some of the finest knowledge I have ever seen in a human mind to this problem in an attempt to find an answer.

I am glad to commend him and thank him for what he has done and continues to do.

I will not recount the provisions of the INF Treaty. That has been done ably here on this floor over and over by other Members. They have already discussed in detail the fine print of that agreement. I simply wish to make a few general remarks regarding my views of the INF Treaty.

Mr. President, I have never been one to rush to consent in agreements with the Soviet Union. I have always maintained a healthy skepticism of the regime in power in Moscow and its willingness to abide by international conventions and treaties. That skepticism is not based on whim, Mr. President. It is based on many years of my personal observations as a Member of the Senate of post-World War II Soviet conduct.

Let me hurriedly say, I do not condemn the Soviet Union totally for what they have done or said or failed to do. We have problems that are very similar to theirs, and we cannot solve one without at the same time considering and perhaps solving the other. This will not work by chance. No plan in this field of weaponry will work by chance.

Far too often, the United States has entered into agreements with the Soviet Union only to receive allegations that those agreements have been violated. My point, Mr. President, is that the agreements with the Soviet government must be subject to verification by on-site inspections.

I am not here trying to condemn any country. That is not the way to find solutions to problems, and I do not come here just to condemn.

In my opinion, the problem with past agreements with the Soviet Union is that we had insuffficent ability to verify compliance. The unique strength of the INF Treaty lies in its rigorous regimen of verification. Through a series of on-site inspection and monitoring rights, the United States will have the ability to determine Soviet compliance.

I have carefully studied the concerns expressed by the chairmen of the Foreign Relations, Armed Services, and Intelligence Committees regarding technical problems with several verification provisions in the treaty. It is my understanding that the recent negotiations between the United States and the Soviet Union have clarified these technical verification issues and have satisfied the concerns expressed by many Members of the Senate.

I believe that there is a chance for us to have a more stable relationship with the Soviet Union in the field of nuclear weaponry than in those unhappy, uncertain years before.

Mr. President, the threat of nuclear destruction hangs over our lives and the lives of our children. I do not mean to say that something is going to happen tomorrow morning before breakfast. I am not trying to create a scare. I am not trying to just make noise. But, I feel that we must make every effort to reduce the likelihood of a nuclear holocaust.

I believe the Intermediate Nuclear Force Missile Treaty between the United States and the Soviet Union is a small, but vitally important, first step in this long and difficult process.

That is why, Mr. President, I am prompted to come here and make this short statement. I am not an expert in this field. In fact, I need much more knowledge. But I feel that it is my duty to share what opinions I have. I am happy there is more hope in the future in the area of nuclear arms than there has been for the many years that I have been here.

I am encouraged by the progress that is being made in this field, and I urge the Senate to ratify the INF Treaty.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I want to thank the President pro tempore of the Senate, my good friend, for his remarks and for coming over here and speaking as he did. I wish success for all of his ideas.

Mr. STENNIS. Mr. President, I thank the chairman very much and, again, thank him for the work he has done over the years and the leadership offered by him now as chairman of the highly important Committee on Foreign Relations. I believe he is achieving results.

Mr. President, I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, as the Senate begins debate on the INF Treaty between the United States and the Soviet Union, it is appropriate to observe, as has the senior Senator from Mississippi, the performance of the Senate to date on this very important responsibility.

When I came to the floor, I did not realize that I would have the privilege of following the Senator from Mississippi. It is far more credible coming from him to praise the Senate for its role to date, because he has been, through the many years of his long distinguished service, a participant in more than one such debate.

What I think he has made clear and discussed in eloquence is that the process that has been employed on the consideration of the INF Treaty is one that does deserve praise. It is, in my study of prior efforts and my observation of what has been done by the three committees having primary jurisdiction here—the Foreign Relations Committee, Armed Services Committee, and Intelligence Committee—far and away the most thorough and comprehensive consideration that has been given to any treaty in the history of the United States.

So I thank my friend from Mississippi for confirming my judgment and for giving the testimony that a great deal of credit is due to the members of those committees.

In particular, Mr. President, I would like to echo his praise for the chairman of the Armed Services Committee, my chairman, the senior Senator from Georgia, Mr. NUNN, for the extraordinary effort he has made in arranging and presiding over the truly extensive and thorough review of this agreement by the Senate Armed Services Committee. He has patiently and persistently delved into details of what is a very complex agreement. He has done so with constructive purpose. He has spent great amounts of his own time relentlessly pursuing the true facts and the true meaning of what we all hope can be a historic accord. He has obviously done so with a most constructive attitude. So he has my commendation and my thanks.

Mr. President, this is a treaty which clearly has evoked strongly opposing views. A moment ago my friend from New Hampshire, Mr. HUMPHREY, took the floor to give a lengthy and a very thoughtful analysis, and whether one agrees or disagrees with the points he raised, he voiced legitimate concerns, concerns which deserve response and which in the fullness of the debate I am sure will receive that response. He has voiced the criticism of the treaty that it has, in the words of some, made Europe safe for conventional warfare. He specifically addressed the conventional imbalance between NATO and the Warsaw Pact. He has expressed the concern that this treaty will leave the members of NATO in a position where we are more vulnerable to conventional attack than with the present nuclear deterrent provided by the Pershing II and the ground-launched cruise missiles which would be removed under the INF agreement as our part of the bargain as the Soviets eliminate SS-20's and other members of this class of intermediate nuclear force weapons.

Mr. President, it is true that we will lose some military advantage. It is also true that we have sought the elimination of the SS-20's and that in order to achieve it we offered to eliminate our corresponding weapons.

It is certainly arguable whether or not this treaty is militarily significant because it is true, that the Soviets can retarget those same European targets with longer range weapons.

It is also true, as the Joint Chiefs have responded to the concerns of a brilliant soldier, General Rogers, that we will not as a result of this treaty have a denuclearized Europe. There will remain in place other weapons that provide a nuclear deterrent. We will have the Lance; we will have the dual-capable aircraft having the capability to deliver a nuclear response in the event that a conventional attack were launched by the Warsaw Pact. But it is clearly true that we are giving up a significant weapon in the Pershing II.

This agreement represents a political victory for a point of view which the West has long espoused, which is that we are willing to engage in responsible arms reduction. It is perhaps more important symbolically than it is in real terms. It is more a political initiative than a military one in terms of whatever advantages may accrue to the West. And as we have heard there are many who hold the view that it is not advantageous to us.

What it represents is the effort, the successful effort, by the President of the United States and the NATO allies to press a strategy which has produced a climate which without question was absolutely essential for the negotiation of this treaty. There would be no treaty, Mr. President, had the President of the United States yielded to the importuning of those who counseled them to take a very different course, and indeed only 5 years ago many self-appointed arms control experts ridiculed the zero-zero option offered by the President of the United States as being unrealistic, and indeed many charged that it was a ploy. They charged the President of the United States, in fact, with a thinly veiled stonewalling of what they termed serious arms control negotiation.

Well, in fact and in time it is clear that the deployment of the ground launched cruise missiles and the Pershing II's on European soil by our NATO allies was essential in order to achieve the climate which produced this treaty. Whatever you may think of this treaty, it is obvious there would have been no elimination of the SS-20's by the Soviet Union had there not been present the threat of this counterforce, this nuclear deterrent capability of striking Soviet targets, indeed, on Soviet soil.

Ms. MIKULSKI assumed the chair.

Mr. WILSON. So I think what we have, Madam President, is a situation in which General Rogers and many other critics would say from a purely military point of view we have given up that capacity to deter aggression on the part of the Warsaw Pact because we have given up the ability with certain of our weapons within our arsenal to reach out and strike Soviet targets on their homeland, and we have done that for what they consider to be inadequate advantage politically. They are quite right in pointing out the historic ambivalence of our European allies. They at one and the same time have wanted the United States to be more forthcoming on the subject of arms control and at the same time have been very much concerned that they not be allowed to stand naked without an American nuclear umbrella of some kind.

Only time will tell whether this is in fact the wise agreement which we all hope it to be. Only time will tell whether or not it has advanced the cause of arms control, far more serious arms control than that which is under consideration in the INF Treaty, the kind of arms control, Madam President, that is contemplated in the follow-on talks leading to strategic arms reduction.

But what is clear is that our NATO allies have urged the signing and the ratification of this treaty by the United States. What is true is that it will require then a response which they have not yet apparently been prepared to make. Critics of this treaty are correct in pointing that there is a very limited conventional capability on the part of NATO to withstand a Warsaw Pact conventional attack.

They are right to point that out, because what this treaty does is to require of the NATO allies that they mature in terms of the seriousness of their commitment to resist a conventional attack by the Soviet Union and its Warsaw Pact allies. They must do much more than they have been prepared to do.

They are right to be concerned about young American troops stationed on European soil as part of our commitment to the NATO alliance.

They are right to challenge the NATO allies as to the seriousness of purpose with which they will defend themselves. They are right to ask them that, because they are right to be concerned about whether or not those American troops stationed on European soil will be fighting against overwhelming odds because our European allies are not sufficiently serious of purpose to mount the conventional efforts necessary to equalize those odds until one would hope we can at one point enter an agreement that will reduce the terrific conventional imbalance that now exists.

I agree with those who say that it would be far better had we entered into an agreement to reduce conventional weapons and done away with the lopsided Warsaw Pact advantage that exists, prior to entering into an agreement of this kind relating to the nuclear deterrent by which we have sought to provide an equalizer to that Warsaw Pact strength. But the facts are what they are.

Madam President, at this point, I would like to take those facts and to look at this agreement, to look at many of the issues that were raised in the course of the consideration by the committees of jurisdiction, because it is essential that before we vote to ratify this treaty, we understand how our own participation in the process was essential. It is important that we do so not simply to engage in an exercise in self-congratulation, but to make clear the need for the kind of role that has been performed, as we contemplate any future arms control agreement and, specifically, as we contemplate the far more important possibility of actual strategic arms control reduction; because this, in comparison to the proposed strategic arms control agreement, is a very modest achievement. We are dealing with 4 percent of the entire inventory of nuclear warheads.

Having said that, to be fair I have to point out that there is an important symbolic significance, and it goes beyond mere symbolism in the achievement of the INF Treaty. This is a treaty that provides for the first ever onsite verification in the history of arms control. The verification procedures which it describes are the most intrusive, the most comprehensive in the history of arms control.

Having said that, I will also say that it must not be considered an adequate precedent for the START talks, because in fact it is not adequate to that purpose. This treaty is also significant because it is, for the first time in the history of arms control agreements, a successful effort to eliminate entirely offensive weapons and not simply manage the escalation in a growing inventory of nuclear weapons.

This treaty actually eliminates an entire class of offensive nuclear weapons. That is a principle that deserves attention and applause, and I think it should become a hallmark of any future arms control agreement. One which simply purports to manage the escalation is not good enough, any more than a freeze was not good enough.

Had President Reagan listened to those who counseled that we engage in a freeze, we would not have before us today a treaty that will bring us actual reduction in offensive weapons.

It is for that reason, again, that he deserves high praise for his firmness, his perseverance, in pressing for that strategy, without which we would not have produced the climate, without which there would have been no hope of negotiating this treaty.

Now let us focus on the work done by the various Senate committees involved in the review of the INF Treaty. I think that work merits high praise for the thoroughness, for the bipartisan nature of the review.

As the distinguished Senator from Mississippi has reason to know, having participated in other such efforts, the work of these committees was exemplary, and it pointed up a number of issues that deserve our attention here on the floor of the Senate.

The Senate Armed Services Committee included in its report that the treaty includes the elimination of conventional ground-launched cruise missiles and that their inclusion may very well not have been in our national interests. That is a conclusion with which I quite agree. I wish it had not been made a part of the bargain.

Furthermore, it is the recommendation, the very strong recommendation, of the Senate Armed Services Committee that the administration not foreclose U.S. options to preserve conventional air-launched cruise missiles and sea-launched cruise missiles in a subsequent agreement having to do with strategic arms.

I would go much further than the recommendation. I would say that it is imperative that we not give up the capability that presently we enjoy of having conventionally armed air-launched cruise missiles and sea-launched cruise missiles when it comes time to negotiate a strategic arms reduction treaty.

Second, the problem of so-called futures, having to do with the ground-launched cruise missiles of intermediate range, is also a problem of great significance. It is clear that this issue was not covered effectively in the treaty itself, nor was there satisfactory clarification of it by resort to the negotiating record. It has required, in effect, subsequent clarification, if not renegotiation.

The diplomatic note that Secretary Shultz brought back from Geneva, signed by the Soviets, does much to resolve the issue. Nonetheless, to ensure that there is the kind of coordination, the kind of consistency and compatibility between domestic and international legal obligations that is essential in the consideration of any treaty, it is necessary that that understanding be further acted upon as a category 3 amendment to the resolution of ratification, that being one that would require the concurrence of the Soviet Union. It is important for the future, as well as for this agreement, that we assure compatibility between domestic and international legal obligations, a principle which one would hope is now firmly embedded in the thinking of the Senate. But that may not be the case as we conclude the deliberations on the Biden amendment. We will have reason to revisit that issue. What is most important as it related to the so-called futures issue as was made abundantly clear in the record of the Senate Armed Services Committee hearings is that the INF treatment of the so-called futures issue be understood to apply only to the INF Treaty and that it not be viewed as precedent with respect to START nor have some retrospective application.

Third, the Intelligence Committee concluded that while the United States will be able to adequately monitor the INF Treaty, it can do so only by stressing our intelligence collection assets. For that reason, I fully support the efforts by the Intelligence Committee in conjunction with the Armed Services Committee to obtain additional funds for new collection capabilities to improve our ability to monitor the INF Treaty. Such intelligence improvements are absolutely essential to ensure that we have adequate assets to monitor Soviet military developments in the START environment as well, and again that is of infinitely greater importance than the treaty immediately before us.

Fourth, since onsite provisions for a START agreement will have to be far more comprehensive and will inevitably be far more complex, we should proceed with caution before signing any treaty on limiting strategic arms until we determine how the INF onsite provisions are in fact working or failing to work. Even now, we are engaged with the Soviets in serious follow-on talks regarding inspection rights and obligations. These are the so-called nine monitoring problems about which the public has been reading in the newspapers. We have entered a new monitoring era and we need to assure ourselves that we are going to proceed with the greatest caution and gain experience that is required before we take the next step when that next step is one of such infinitely greater importance.

Fifth, there is much work to be done on ensuring compliance with this treaty, already there are disturbing and ominous reports of suspect Soviet cruise missile tests that may well be a violation of the INF Treaty. The treaty is not yet in effect. The question arises what are they doing; will they continue it? The Senate Armed Services Committee report calls for the development and deployment of safeguard defenses by NATO to counter any Soviet cheating and thereby to reduce the incentives for the Soviets to cheat. I would urge my colleagues to join us in endorsing a commitment to safeguard defenses. Furthermore, I and several of my colleagues will offer a compliance amendment to the resolution of ratification that will set in place certain procedures within the United States Government to respond promptly and with congressional support to any Soviet violations of this accord. It does little good and indeed great damage to enter into an agreement without having made provision for what our response will be if there is violation of this accord.

Sixth, and finally, I would urge my colleagues most emphatically to join me in opposition to the so-called Biden amendment that is proposed to this treaty regarding the Senate's role in defining and determining the meaning of the INF Treaty. Though it will be argued by its proponents to be an effort to protect and enhance Senate prerogatives, this provision would in fact prove to be an unwise and dangerous effort to constrain Senate consideration of the best evidence available to clarify meaning of treaty text ambiguities of the kind that we have found in the ABM Treaty and in this treaty and which in any complex negotiations are a virtual certainty to occur. Had the Biden amendment been in effect during our careful examination of this very treaty, the Senate would have been prevented from either identifying, analyzing or ultimately solving the problem of future technologies.

It would have simply been there an ambiguity, unresolved, ready to be exploited by the Soviets. That is not the way that we should proceed, Madam President.

In short, I recommend that the Senate approve the INF Treaty subject to a needed, and nonthreatening amendment on the future's issue.

In supporting the treaty, however, I want to emphasize that my support is directly related to the maintenance of a strong and modernized nuclear deterrent and to the hope that our NATO allies will respond, as in fact they must, that they will embrace with a new enthusiasm and a new commitment the requirement that they be far more apparently ready and far more ready in act for a conventional engagement than in fact is presently the case.

So it must be understood that at least among some who will vote for this treaty there is insistence that there be maintained a strong modernized nuclear deterrent and new safeguard defenses for NATO and for the United States.

For us to continue our partnership for this alliance to remain strong for there to be real hope that this treaty can advance peace, those are absolute sine qua nons.

Furthermore, I wish to forcefully state that it is my opinion that no further reductions in theater nuclear forces can be sought or entertained unless and until talks proceed in achieving a reduced balanced conventional force deployment in Europe. That should have occurred before the INF Treaty. If we are to eliminate any other theater weapons, there must first occur the kind of confidence builder that can came only from the elimination of the tremendous imbalance that does exist and it does threaten Western Europe.

These are not just reasonable conditions. They are what reason dictates as essential conditions for a climate that will present us with the opportunity to say that when this INF Treaty is ratified we have achieved more than simply an agreement. It is necessary if that agreement is to signify that there will be in fact a better climate for peace and if, we are in fact serious about proceeding to the next step, to a START agreement, it is essential that before we do so the Soviets understand very clearly that the Senate of the United States will in the future exercise the same role that we have with regard to the INF Treaty, a role that the Senate has not exercised in every instance in the past, most notably not in the case of the Antiballistic Missile Treaty.

It is essential that we make clear that while we are for peace, we are for a realistic peace, one that offers the genuine promise of lasting. We are not for agreement simply for the sake of agreement's sake in an election year. This is simply too important.

Madam President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I regret very much indeed that I see no more speakers willing to offer their remarks or amendments. For that reason, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, for 40 years the study Foundation for Peace and Security in Europe has been NATO's evolving policy of nuclear deterrence. When NATO was created, this policy sought to extend United States' strategic nuclear power with its protective shield to the European theater. As Soviet strategic capability eventually matched and in the case of some weapons surpassed ours, new requirements emerged. In response to this change, the 1970's ushered in NATO's "flexible response" and the restoration of the credibility of the threat of nuclear retaliation. With the deployment of medium and short-range missiles in Europe and the United States' strategic nuclear umbrella, NATO was in a strong position to discourage Soviet nuclear or conventional attack. As nuclear deterrence has evolved, one fact has remained crystal clear: it works; the Soviets and the Warsaw Pact have been kept at bay and peace has been preserved for 40 years.

We must keep in mind that nuclear deterrence has not been a static policy—it has been dynamic. And with the signing of the INF Treaty on December 8, this policy reached a new milestone.

When the Senate Foreign Relations Committee began its hearings on the INF agreement, I raised several issues which I thought should be addressed before I reached a final decision regarding my support of the treaty. I would like to review both the questions and the responses which I consider full and satisfactory.

At the outset, my principle interest was how the treaty would build on a record of relative success: Could the treaty build upon the accomplishments of the past 40 years?

I believe Secretary Shultz addressed this concern when he testified that each of the criteria we established as imperative to the sustenance of United States and allied security interests was included in the treaty's terms. He noted that the treaty protected each of the following interests: First, equality of rights and limits; second, limits on Soviet and United States systems only; third, global limits so there is no transfer of threat from Europe to Asia or vice versa; fourth, no impact on NATO's conventional defenses; and fifth, an effective verification.

A number of other witnesses added to and expanded upon this theme that NATO security interests and the military underpinnings of deterrence are preserved by the treaty. For example, Secretary Carlucci said:

> Deterrence is based not only on NATO's military capability, but also on its collective political will. The INF experience demonstrated to the Soviets that our nations have the political resolve to make—and stand by—the tough decisions necessary to ensure our security.

Obviously, Madam President, time will be the best judge of the treaty's success in building upon a record of peace in Europe and between the United States and the Soviet Union. However, a majority of the experts and witnesses who appeared before the Senate Foreign Relations Committee expressed confidence that the treaty bolstered United States and NATO security and political and interests. I believe this consensus of opinion is just cause for optimism about the future of deterrence and prospects for nuclear stability and peace.

I should note, my optimism is tempered by the tough issues which lie ahead for the alliance as a whole. Many of my colleagues and some of the witnesses expressed concerns that I share regarding the balance of conventional forces as well as modernization requirements. There has been and will continue to be an urgent need to reach agreement on a stable balance of forces in Europe, to modernize remaining battlefield and theater nuclear forces, and to redress some of NATO's serious military deficiencies. However, these issues are challenges, and should not be viewed as obstacles standing in the way of treaty ratification. I believe that the constructive experience of consultation and decision-making that has characterized the INF process, can be carried forward to meet these challenges. Congress can clearly plan a role in assuring the accomplishment of this agenda through the defense authorization process and legislation which supports these requirements.

In addition to questions about the treaty's impact on European security and the strength of the alliance, as our hearings got underway, I expressed concern that a number of specific details in the agreement were not fully understood or required further clarification by our negotiators. In January, I said if the foundation of the treaty was weak, and details not clear, the prospects for successful implementation, monitoring, and compliance would understandably be called into doubt. At the time, the most pressing issue was the reliability of the data exchanged between the two parties. Subsequently, other questions needing resolution emerged, including whether the agreement banned futuristic weapons and the scope of our inspection rights.

Fortunately, the hearing process and careful consultation between the administration and congressional leadership produced a list of nine mutual concerns that could be brought to the United States-Soviet negotiating forum for resolution. In his report this week to a joint meeting of the Senate Foreign Relations, Armed Services, and Intelligence Committees, Secretary Shultz said: "We have resolved all nine issues to our satisfaction." Without this assurance that the Soviets understood their obligations under the treaty, I doubt any Member of the Senate would have been able to support this treaty. With that assurance, we can have a greater degree of confidence that our interests are secure.

Madam President, this treaty makes an important contribution to United States and NATO interests. The unprecedented onsite inspection terms combined with the fact that the Soviets are eliminating far more missiles than the United States, clearly enhance our political security and military strength.

U.S. Ambassador Richard Burt recently noted in an article in the Washington Quarterly:

> Strength is a necessary component of U.S. national security policy but not a sufficient one. Strength must be married to strategy. U.S. decisionmakers must have both a clear understanding of U.S. priorities and an overall plan for achieving them.

I believe the INF Agreement is an example of the successful marriage of strength and strategy. Eight years ago, difficult decisions were made by NATO nations to deploy intermediate range nuclear weapons in Europe. United States and allied nations were resolute in their determination to strengthen their military posture relative to recent Soviet SS-20 deployments, simultaneous with an attempt to negotiate meaningful reductions in the overall numbers of intermediate range weapons.

This strategy, known as the "dual track decision," was based on a view that if SS-20 deployments were left unmatched, the Soviets might believe they could intimidate Europe or, more importantly, Moscow might miscalculate the risks and consequences of aggression.

The combination of military strength and resolute, effective implementation of strategy has yielded the first reduction in the numbers of United States and Soviet nuclear weapons, rather than a limitation on growth. It is an historical, important milestone.

I began my comments by asking whether the treaty could build on the 40 years of peace we have enjoyed in Europe. Let me conclude by noting after months of hearings, countless witnesses, and volumes of questions, testimony and answers, I have reached the conclusion that the treaty terms and reductions are key achievements which fortify our strategy of nuclear deterrence and preserve our military strength.

Madam President, I fully intend to support the treaty and hope that all Senators will as well.

Madam President, I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, as I read the tea leaves and listen to the statements and comments of people both on this floor and to the press, it appears to me that the Senate of the United States is set to suspend judgment. With the INF Treaty before it, it is the patience of those who wish to get it behind them that is being tried, rather than the merits of this treaty.

The day before yesterday, the Senate undertook the awesome responsibility of debating the INF Treaty on the floor. In the opinion of this Senator, this responsibility transcends the political process. It is rooted closely in the foundation of our Government of over 200 years ago. Senators would do well to read the passages from the Federalist Nos. 62 and 63 that describe the purpose and constitution of the Senate and why it alone was chosen as the legislative check on the executive's authority to make treaties.

In this context, I wish to associate myself with the remarks of our majority leader, Senator BYRD, that the Senate was not conceived to be an "efficient" organization. The rules and procedures of the Senate, while improvable, should never allow for this body to entertain law and treaties so swiftly that the minority is given short shrift and the majority power by fiat. The virtue of the Senate, should be found in its deliberateness. Were this untrue, what would distinguish us from the executive branch? Indeed, it is when the Congress in general and the Senate in particular seeks to emulate or usurp the prerogatives of the executive that we do the most harm to our own prerogative and to the interests of our Nation.

My purpose here is to let Senators know that we should not be playing, "beat the clock" in our deliberations over this treaty. I suspect there are a few Senators who feel as I do. We have important matters to consider over the next days. We cannot, though some leaders tell us we ought to feel rushed by the artificial deadline of next week's summit. Whether or not we provide our advice and consent to this treaty—and I have no doubt we eventually will, it should be beside the point to meet a deadline. If the improvement in relations between the United States and the Soviet Union is so delicate and so temporal that it cannot stand a week or two wait in the ratification of a treaty that goes in perpetuity, then it is obviously illusory. It should be the treaty that concerns us—not the new relationship. New relationships have risen, and have fallen inexorably. This treaty purports to control us in perpetuity.

Fifty-two times since the end of World War II have leaders in the West seen a new horizon in our relationship with the Soviet Union. Of all 52 new relationships and new horizons, none have been viewed as being for the worse. It tells one something about a wholly utopian view of the forces that surround ourselves in a world in which we did not ask to be confronted by a nation bent on expanding its empire.

No, Madam President, the treaty is the issue before us, not the new relationship. As I said, this treaty purports to control us in perpetuity.

More important for the Senate, Madam President, our constitutional duties are limited to providing advice and consent to this treaty. That means that this is our last shot. What we decide over the next days and weeks will become the supreme law of the land: It stands in front of our Constitution; we have no future power to execute or interpret it.

And despite the plans for amendments, we will not have such power given us.

And if history is a judge, we will be timid to change or repeal it, for unlike domestic law, such actions require the consent of the other party.

When we see the Soviet Union violate this one, as they have violated every single treaty that has been in the past, the actions of this Senate will most likely, if history repeats itself, be to constrain further the behavior of the United States and not to confront the behavior of the Soviet Union.

If Senators have concerns about the terms or consequences of this treaty, now is the time to voice them, not 15 years down the road. If we are to avoid the silly embarrassment of the ABM Treaty debate of last year, we must do our job in the Senate now and do it thoroughly and do it deliberately.

So I ask my colleagues: What is more important to the respect of this Senate and the U.S. Government abroad, as well as the health and viability of the arms control process? A treaty well-made or a treaty swiftly dispatched? What will we be remembered for if we do not well consider its terms and implications thoroughly? Our efficient dispatch of legislative procedure or our bungling and incompetence of the affairs of state? Today, tomorrow, and on—America must hope that Senators will at least ponder these thoughts as the drumbeat from the White House and our leadership begins to demand our swift consent to the INF Treaty.

Madam President, much has already been discussed in the various responsible committees and on the floor about the provisions of the INF Treaty. I, for one, have more to say on these issues, as do a number of Senators with whom I have consulted. Today, however, I would focus my view of this treaty on its broader military and political implications. Too often the objectives for which we enter into treaties in the first place dominate our attention. Whether or not we have achieved them becomes less than relevant. I would share my concerns about the INF Treaty in this context, and I would hope however vainly, that Senators may come to the floor over the next few days to debate the relative merits and demerits of these concerns. The treaty's assumptions and objectives are really what will govern us after we consent to ratify, not simply its terms.

I begin, Madam President, by offering an observation. We stand here today debating the INF Treaty not because of a new trust between our nation and the Soviet Government, but because of the persistence of a fundamental distrust. An arms control treaty, make no mistake about it, is an expression of distrust. Were it otherwise, we would have arms control treaties with Britian, with France, with Israel, with Mexico, with Canada, with Japan, and all the nations around and about the world who trust us.

So make no mistake about it, this is not an expression of some new and fundamental trust. It is axiomatic that if we trusted the Soviet Union, that is, if we believed that the goals and aspirations of the Soviet Government were consistent with our own, we would scarcely need to debate this treaty.

The proof of this, Madam President, can be found in our relations with the other democratic states, some of whom are armed with the same weapons that we seek to limit in the INF Treaty. Again, why have we not included them in the negotiations? Why must we seek to limit only Soviet nuclear weapons? The answer is clear. The answer is simple. Because of the fundamental distrust between our countries and our peoples. And only because of that distrust.

Does it not follow then that it is not the deployed weapons that we seek to limit—for weapons absent ill intentions do not threaten us. No, Madam President, we seek to limit or constrain or to shape the behavior of the Soviet Union and its allies, whose purposes we have judged to be antithetical to our own, whose purposes we judge are to do us harm. That and nothing else is the limits test for this agreement, Madam President, and not whether this is the beginning of an unprecedented change in the nature of our relations, No. 53. Let me suggest that if we are ever to trust the Soviet Government as we do the governments of the great democracies, the Soviets must not attend first to their own disarmament, but to the legitimate and God-given aspirations of their own and their captive people. It is on the field of imperialist expansion and human rights that we—the leader of the free world—must judge Soviet intentions toward us. To this Senator's judgment, that field has not changed since 1917, and remains unlikely to change in the near future. And it is to those intentions, and the implications of the INF Treaty, that I now turn my attention.

Let me talk first to the military consequences of the INF Treaty. Some have said that the military consequences of this are irrelevant, that it merely returns us to a situation in which we once found ourselves. Some have suggested that they are significant. The administration suggests that there is no reason why the Soviet Union will violate their treaty because it is so easy to circumvent. I maintain that there are serious, unspoken, unconsidered military consequences to this treaty.

Discussions of military matters in this country have acquired an aura of unreality. Jargon, numbers, and detached attitudes mislead many to think that strategy is a game without consequences, except possibly for budgets. Today, I am here to remind the Senate that our votes on the INF Treaty are not part of a game, or of political theater. My point is that this treaty is having a serious influence, a bad influence, on the military position of the United States in the world. This has major consequences for a third of a million American military personnel in Europe, and it means, make no mistake about it, the end of our relationship with Europe as we have known that relationship since the end of World War II. Anyone who thinks that we can undergo a major loss of military capability without paying a serious price should pause to reconsider.

The question arises, why American INF in Europe? Why are they there in the first place? What are we doing when we take them out?

Defending Europe against the Red army has been a problem for the United States since 1945. The reason is simple. At first, Europe was not able, and later it proved unwilling, to provide for itself troops and armaments in quantities sufficient to defeat a possible Soviet invasion. In 1951 NATO's defense ministers met in Lisbon and pledged to provide the alliance 90 divisions on the inter-German border. It quickly became obvious that these were not forthcoming and the pledge was the first in a string of meaningless pledges.

This was but the first of a series of essentially meaningless commitments to the conventional defense of Europe. In 1951 and thereafter, Europe, one way or the other, has relied quite fundamentally on American nuclear weapons.

Make no mistake: American nuclear weapons have been the glue that has held NATO together. Even since the early 1960's, that glue has been cracking.

The deployment of Pershing II's and cruise missiles was a militarily marginal attempt to patch it back together. Without even this equivalent of chewing gum and baling twine, NATO's defenses will now be tenuous at best. Let me explain.

NATO's military forces were never built or deployed to fight. We all hoped that they could deter a Soviet and Warsaw Pact force that was obviously designed for victory. NATO forces were and remain strung out along the border in layer-cake fashion. Their front was not and is not protected by nuclear mine fields, as is the front of northeast Turkey. Their rear has not had and does not have massive reinforcements. The only real hope was, and remains, that the Soviets would be afraid to smash this edifice for fear of a nuclear war with the United States, since during the 1950's the United States was able to protect itself while striking the Soviet Union at will, and Europe slept soundly.

Then, the 1957 sputnik signaled that the Soviet Union could deliver nuclear warheads on the United States, and immediately NATO had a fundamental problem. Would the United States go to war for Europe's sake and thus endanger itself?

It was obvious immediately that words alone would not suffice. That is why, as the 1950's ended, just as soon as America's very first missiles, the Thor and Jupiter, came off the assembly lines, they were rushed to Europe: to England, to Italy, and to Turkey. This assured Europeans and Soviets alike that were the Soviet Union to start war in Europe, the Soviet Union would be struck by missiles from Europe. Incidentally, the Soviets would have to use their then-scarce warheads to try to take out the American INF forces, rather than strike the U.S. By 1960-62, all seemed to be well again. But then, in 1963, as part of the settlement of the Cuban missile crisis, the United States removed its INF missiles from Europe—a greater Soviet achievement than missiles in Cuba.

During the years that followed, the United States tried to patch things up. But every subsequent patch was weaker than the previous one. In 1963, over loud objections from the Europeans, Robert McNamara unilaterally sprang the military doctrine of flexible response upon NATO. According to it, NATO would respond in kind to every level of aggression. In other words, if the Soviets invaded in one place with conventional weapons, NATO would fight them there, and nowhere else, with conventional weapons only. If the Soviets chose to use battlefield nuclear weapons, so would we, and so on up the ladder of escalation, step by step. However, NATO reserved the right to go to a higher rung if it were defeated on a lower one. This was the first variant of the less than "brilliant" military doctrine the United States used in Vietnam. Naturally, the Europeans wanted no part in it. They were partially reassured, however, by the fact that in the 1960's the United States had what was then called "escalation dominance"—meaning that while NATO was at a disadvantage in conventional weapons, the United States had a significant advantage in battlefield nuclear weapons, and an even greater advantage in intercontinental weapons. This meant that while the Europeans could not be as secure as in the past, they knew that even if the strategy implied the fighting of a war on their soil, they were probably OK, given that the overall military equation gave the Soviets no incentive to go to war and no lever for coercion.

Today is a different story. Today, our problems are rooted in the events of the decade 1965-75. Quite simply, the Soviet Union reversed the military balance as regards both battlefield and long-range nuclear weapons—while at the same time it widened its advantage in the conventional field. Thus, by the mid-1970's "flexible response" had become a hollow term, because if NATO and the United States were to resist a Soviet invasion, our choice would be to lose badly on the conventional level, or lose even worse, and with worse damage, at higher levels. Nonetheless, we bowed down to the doctrine of a god called flexible response, because knowing we could not use nuclear weapons in our defense meant confronting the world that confronted us.

The Soviets' introduction of the SS-20 was dramatic, but it was overdramatized, since the Soviet Union had already established escalation dominance over the United States. By the late 1970's the Soviets had more than enough warheads to cover their targets.

NATO's strategic discussions in the late 1970's deserve to be remembered today. There was a consensus that the alliance's military posture had to be much improved. But whatever intentions there were of restoring flexible response to its original status vanished when it became clear that the United States, responding to a Communist-front campaign, would not deploy the enhanced radiation warhead, and that, above all, the United States would sign a SALT II treaty under which it would not try to reverse Soviet superiority in longer-range, counterforce warheads.

How ironic, Mr. President, that the principal violation of the SALT II Treaty now becomes enshrined in the language of the INF Treaty! The SS-25 was considered a violation. It is now specifically authorized and allowed in the treaty before us. So the violations of the treaty before become the provisions of the treaty to follow.

Under the circumstances, after ceding to the Soviet Union superiority in long-range, counterforce warheads, NATO is left with but one option—that was to try to create the impression that however disadvantageous it might be for NATO to go up the ladder of escalation that it would do it. The only way to do this was for the United States to reverse the Kennedy administration's 1963 decision, and to reintroduce American intermediate-range missiles into Europe.

The decision to deploy 572 INF warheads in Europe was not an attempt to counter 2,000 SS-20 and 400 SS-4 warheads. It was just to put in 572 warheads. Had it been an attempt to counter them, it would have been laughable on its face. Instead, it was a last stab at lending some deterrent credibility to a military arrangement that had become untenable.

Note well what we could and could not have done with our INF. Both the Pershings and the cruise are mobile, quick-reacting, highly accurate, some with short time of flight, and can be rapidly retargeted. It also means they could strike the rear of Soviet forces quickly, efficiently, and with relatively little collateral damage. Of course because they are so few, our INF missiles would surely not have enabled NATO to defeat an all-out attempt by the Soviet Union to take over Europe. But because our INF missiles are so obviously weapons that any defending army would be very likely to use, they created obvious disturbances to Soviet military plans. So much so that the Soviets went through a lot of trouble to get rid of them. Now they are rid of them.

And they create a new balance.

The proponents of the INF treaty say—and a few may even believe it—that it is a good deal because the United States gives up 572 warheads while the Soviets give up four times, as many. But this simplistic numerology ignores two facts. First, our 572 warheads were the one and only credible nuclear link in the chain between the European battlefield and the Soviet Union. What others are there? Nuclear-armed fighter-bombers? What are their chances of getting through Soviet air defenses? Perhaps before we are done the Chairman of the Armed Services Committee will explain to us what these chances are. I personally doubt he would put friends of his in the cockpit. How about American submarines and land-based missiles in the United States? I know and hear that the official U.S. line is still that stated by President Kennedy: "We will defend your cities with our cities." But perhaps the distinguished chairman of the Armed Services Committee would explain to the public just how that would work given the military balance of 1988? The Senator from Georgia will tell us, I hope, in case of a Soviet invasion of Europe, what would United States strategic forces shoot at?

A fundamental question, Mr. President. What would U.S. strategic forces shoot at?

How many warheads? Where? And what would the Soviet Union do then? Why would it make sense for us to actually do it? And if it would not make sense to do it, then why should anyone believe the threat? Therein is our problem. And if no one believes the threat, why are we removing from Europe something that the Soviet Union really does believe would be used? Perhaps our military establishment can explain this to unsophisticates like ourselves. Perhaps the Senator from Rhode Island will tell us "with what new words our diplomats will fight" now that there is no military basis to sustain them.

The second fact is that while our removal of 572 warheads will mean that vital strategic targets will remain uncovered, the Soviets' removal of four times as many will not prevent them from covering each and every NATO target that they now cover. That is because we are very short of warheads, while they have plenty and are physically close by. They are enshrined in this treaty. It is also because while we will abide by the spirit, as well as the letter of the treaty, the Soviets may abide by the letter but surely not the spirit. And we have seen that already in the test made light of by the Secretary of State and others of the Soviets' SSN-19 from a mobile ground launcher.

Make no mistake about it. While we cover it up and hide our faces and turn our noses today, in 6 months' time there will be a compliance problem existing between the United States and the Soviet Union.

Our forces now will be threatened by a newer, more accurate, more flexible missile, the SS-25. What is more, that newer, more accurate, more flexible missile is now entirely unthreatened and secure.

All of this is to say that NATO will not have the wherewithal to deter and the Europeans know it and the Soviets know that the Europeans know it and Senators all know that the Soviets know and the Europeans know it. And Senators know that this is why German politicians are today lining up outside the Kremlin to make their deal. I will have more to speak to that later on.

My point here is that the INF Treaty represents the abandonment of seriousness about deterrence. We can see this in the loose talk about radical improvements in NATO's conventional force structure. It is whistling past graveyards, Mr. President.

Suppose with me for a moment that every scheme proposed actually came to pass. None of it, none of what is proposed would make a difference against the Soviet Union deterred from using the obvious weapon of choice, precursor strikes by SS-25's armed with nuclear, chemical, or conventional warheads. Our troops will have nothing like the ABM defense that the Soviets will have in the SA-12-B, even though we will be threatened by ballistic missiles far more than they.

At once the key storage sites, the airfields, and the command centers of Europe have been taken out. What will our fancy new conventional gear do for us? Who will stand on the floor of this Senate and tell me that the military structure of Europe, the means by which it is based, the structure of those bases is anything but positively beautiful sitting ducks for Soviet missilery. They are too small, too confined, too densely settled, whether air bases, military bases, tank depots, what have you.

And furthermore, the air arm which is supposed to be that thing which gives us the opportunity to reestablish deterrence are located at a handful of bases where specific types of aircraft are bunched by their type and role. Surveillance aircraft are at one base, close-range aircraft at another, fighters at several others. It leaves a Soviet military planner but one simple problem to solve: Which is the most important to take out first?

Who will argue that that is not the case? Who will argue?

The problem is this question will not arise. No one is really serious about conventional weapons in 1988 for the same reason that no one has been serious about conventional weapons since 1951. They are prohibitively expensive, both in terms of money and manpower; and in the end, a good small NATO conventional army will be defeated by a good, big, heavy nuclear Soviet Army.

If an official testimonial be needed for all of this—and I hope that the leaders of the Foreign Relations Committee might hear this—note, please, that the last, the last NATO ministerial meeting, January of this year, I believe, asked NATO headquarters to come up with a draft comprehensive plan for NATO's military posture after the INF Treaty by December of this year.

Who is comfortable with that kind of leadership from the West? Why is the ministerial asking NATO headquarters to come up with a plan at the end of this year to confront a post-INF Europe? Good Lord, do we as citizens not have the right to expect our own leader would think of that before the treaty?

It seems beyond the repertoire capacity of Gilbert and Sullivan to believe that even our leaders did not recognize how ironic it was that a ministerial would be asking that out loud and in public. The truth of it all is we do not know what post-INF Europe is going to look like because nobody has thought about what post-INF Europe will look like, not the Europeans, not Secretary Shultz, not Admiral Crowe. Nobody does because, if they did, the answer would have been forthcoming.

I was in Europe, in England, France, and Brussels in January of this year and sat with NATO military leaders and said to them:

> I am the fairy godmother today. I can grant your wish tomorrow. Tell me what you would like the conventional force balance to look like. Just tell me, so that at least we now have a target as to where we might go and what we might have to confront and what the problem is that we see.

Not in Brussels, not in Paris, not in England, and not in the United States is there yet an answer to that. But they tell us to hurry, the INF Treaty is troubling the climate of the summit.

Common sense shouts, it absolutely shouts, that the INF Treaty should be considered acceptable only if it fits within a comprehensive NATO military plan. But that is not how we are doing things in negotiating treaties first and asking questions about their military effect later. No, sadly, today we do the treaty first and then plan on how to live with it. And perhaps someone will show me how it is wrong to call this irresponsible.

The Secretary of State appears to believe that you can throw a rock in a still pond and cause no ripples. It appears more than passingly obvious that the fundamental objective of arms control in the United States is political, not strategic; is political, not military; is designed to satisfy our needs, not redress balances that have been designed, confronted, and thought worthy of discussing, debating, and fighting over.

I would not even know how to go about trying to amend this treaty to address that balance because NATO does not know how to go about addressing that balance. And therein I arrive the political consequences of the INF Treaty.

Mr. President, I apologize to the Senate for history lessons, but it seems that history is lost even on those who legislated through it. It seems that we have forgotten what it was we set out to do over the course of a series of events, responding only to political needs, sometimes self-generated, more often accidentally triggered.

Over the past 2 weeks, I have spoken about various aspects of this treaty and how awkwardly some of it is drafted, how unfairly some of it is conceived, and how shallowly some of it has been pursued. These range from a lack of precision that simply allows the Soviet Union to substitute better weapons for the ones it promises to remove; to the inadequacy of a verification regime that will allow the Soviets to retain whatever weapons it chooses to retain; to the total absence of U.S. commitment to Soviet compliance that allows the Soviet Union to flaunt current treaties as we negotiate new ones, to the disastrous effect the treaty will have on the military situation in Europe.

So I would now like to focus on the political effects of the treaty.

First, fundamentally and foremost, the political effect of this treaty is at home. It was, in fact, President Reagan who told us, told the Nation, told Europe that he would not bring us a treaty until the Soviets were in compliance with existing treaty obligations. The week before Gorbachev arrived with the still unnegotiated INF Treaty, the President released a list of Soviet violations of arms control treaties and asked us to hurry and embrace the new treaty.

What are the Soviets to think about the seriousness with which we approach treaties? Does not this request in effect give them license to continue to violate treaties?

Oh, it gives the Senate a wonderful chance to stand on the floor and pontificate about how treaties are being violated. But whoever seeks to do anything but control even further the flexibility and the response of our own Nation when that takes place?

So the President and the leadership on my side and the leadership on the other side are asking us to do two things. We, at one time, are being asked to ratify and give our advice and consent to ratification of this treaty and, at the same time, make no mistake, give our advice and consent to past Soviet behavior and, therefore, license it in the future.

Will anyone in here explain to me why that is not the case? How can we say that we trust you now to abide by the terms of a new treaty with far graver consequences when you are in violation of treaties with less grave consequences? Is that what President Reagan wants us to do? Apparently.

In my judgment, the overall political effect of the whole treaty is far worse than the ill-effect of all its flawed aspects put together.

In a nutshall, the INF Treaty is the lastest in a series of United States actions that have more and more undermined the post-war political order of Europe. In the wake of the INF Treaty, it may well be impossible to stop the progressive collapse of that order.

Over the past 25 years our relations with Europe, especially with Germany, have changed for the worse. Today, on many issues of consequence, Europe, led by Germany, tends to work against the interests of the United States.

There is a war in Central America. Who should win it? The German foreign minister is working to help the Sandinistas win it. There is a struggle in the Middle East, between Israel and the PLO. The German foreign minister is on the side of the PLO.

When Poland tried to shake off the Soviet yoke, Mr. Gernsher was on the Soviet side.

Official U.S. policy is that the United States must acquire the best antimissile defense we can as soon as possible. The German foreign minister was working to keep this from happening.

Indeed, in any given controversy between the United States and the Soviet Union, German foreign policy is likelier than not to be on the Soviet side and against us. Perhaps most important, Germany is now transferring about 2 percent of its gross national product to the Soviet Union in various ways. And that figure is on the way up as German politicians race to Moscow for the Soviet leaders' favor.

And why is this happening? It is worthwhile to recall why we paid for the Marshall Plan and set up NATO in the first place. Above all, we want to keep the Soviet Union from using against us the resources of Europe in general and Germany in particular. Recall why Europe in general and Germany in particular were eager to take part in this American-sponsored post-war order. Above all, they wanted America's nuclear protection against the Soviet Union.

Once upon a time when the protection we delivered was absolute, so, too, was Europe's solidarity with us. But, as the military balance shifted toward the Soviet Union in the late 1960's, Europe began to hedge its bets and now Germany's bettors are rushing to Moscow. And why not?

A nation can expect good friends only when it has military superiority. The United States sees that time and time and time again around the world and yet refuses to believe it, in some kind of uptopian view that our power really means nothing in this world.

As the military balance continues to shift against us, as a result of the INF Treaty, what political results can we expect other than that Europe, led by Germany, will move to accommodate the Soviet Union?

And when our Secretary of State and our Ambassador to Germany sided with the German left against the sitting government on the issue of German P-1's, all need to remain hitched to the Western wagon simply vanished and a downward spiral began.

The first effect of the INF Treaty is surely that it will be impossible as a matter of practical politics for either Europe or the United States to fill any of the military holes that the INF Treaty has blown in our military posture.

Military forces are credible deterrents only when they are obviously designed and built to fight and to win wars. But they can be so designed and built only if one decides that a given war is possible an that it would be worthwhile to fight it.

Let me repeat that. Military forces are credible deterrents only when they are obviously designed and built to fight and to win wars. But they can be so designed and built only if one decides that a given war is possible if that were to happen it would be worthwhile to fight it.

The logic of any arms control agreement, however, is that the Soviet Union is a partner in a peace process rather than the enemy in a possible war. I hear Senators in here saying that this treaty is one step closer to peace.

Now with whom, to hell, are we at war? We are at peace; we have been at peace; and we will remain at peace if and only if we are able to maintain a deterrent that is credible and the ability to fight a war that we think could happen and hoped to design our weapons to win. And now that is gone.

Our President says that the Soviet Union is now a partner interested in peace and not an enemy preparing for conquest or intimidation. Our President says this and every leader in Europe has helped him to raise Mr. Gorbachev's credibility with European voters. Nevertheless, while we have been helping to raise the Soviet Union's political stock, the Soviet Union and European leftist parties have redoubled their charges that the United States is the root cause of the danger of war.

Given this imbalance of political efforts it is more than natural, it is obvious, it is essential that the Germans and other Europeans, to a lesser extent, now believe that they have less to fear from the Soviet Union than from the United States.

This political imbalance is beginning to have an effect on American public opinion as well. Is it, therefore, even conceivable that European parliaments, or the United States Congress, will agree to provide new large-scale military improvements designed to be at least as disturbing to the Soviet Union as the Pershing II's and other United States missiles have been? The political logic that produced the INF Treaty categorically says no.

If the distinguished chairman of the Foreign Relations Committee or the Senator from Indiana have a different understanding of this political logic and where it might lead, I wish they would explain it and tell us the rest.

My understanding of this logic is that it leads inexorably to a downward spiral of American allied military power and of an ever greater accommodation to the Soviet Union, a spiral that becomes harder and harder to stop and that takes us where just about none of us wants to go.

Very few of us want a START agreement that will increase the ratio of Soviet fighting warheads to American strategic targets; but few of us are willing to say so because it is incongruous to talk in terms of the logic of war when we are patting each other on the back for supposedly stepping onto the path of peace.

That is why we will be induced to swallow any number of events that we know put our country in danger. Perhaps we will find the military logic so politically embarrassing that we will even just stop thinking about it.

But make no mistake, the Soviet Union is thinking about it. Very few of us want to see the denuclearization of Europe and every Member I know from the Senate who has met with German politicians in recent times has made that point. It is a point easy to make. But how are we going to stop its coming?

By agreeing to the INF Treaty we are taking out of Europe the most effective nuclear weapons we have. If we do not want to sustain the argument for having very effective weapons that would land outside of Germany, what makes us think we are going to sustain, much less win, the argument in favor of retaining nuclear weapons that can only land in Germany?

I would love to hear the Senator from Indiana or the Senator from Rhode Island, who support this treaty, answer that question. My own view is that the political logic of the INF Treaty leads directly to the denuclearization of Germany. We genuinely do not want this to happen, and I would say that neither, probably, does the Senator from Indiana or the Senator from Rhode Island want this to happen.

But apparently many in this body are willing to advance the logic that leads to denuclearization, while trusting that some miracle will prevent it. But what happens when the miracle does not happen, the logic works itself out as we foresaw, and we get a denuclearized Germany? Who will bear responsibility for that event?

Nobody here believes that withdrawing United States troops from Europe would be a good thing in and of itself. Some want to do it in the hope of awakening Europe to its responsibilities, and others are willing to do it because our troops have become outgunned and outmatched. But nobody, least of all the Senator from Wyoming, wants to abandon Europe. Yet what would be the role of United States troops in a denuclearized Germany?

I can explain to my constituents—indeed I can explain to my sons—why they ought to put their lives on the line in Europe if they are part of a force with weapons and plans such that, in the event of war, they would stand a good chance of surviving and winning. But I cannot tell my constituents—and I will not tell my sons—to go serve in Europe without nuclear weapons, or with inferior ones, when the Soviets have the means to kill them or capture them and send them to Siberia. I do not know any elected official who will be able to sustain the argument that United States troops should stay in Europe even though they are outgunned—in effect to stay there as hostages—just to calm the nerves of Hans Dietrich Genscher and to allow the Germans to ease their accommodation with Moscow. Make no mistake about it. The denuclearization of Germany would mean the departure of United States troops from that country.

What then would happen if United States troops left Germany under these circumstances? Under another set of circumstances, one could reasonably have hoped that Europe would pull itself together into a serious military force with a stock of nuclear weapons to match and deter the Soviets. But a United States withdrawal from a Germany that had already decided to denuclearize itself would be too late to produce such a result. Germany would have made its deal with the Soviet Union. France and perhaps Britain, try as they might, have neither the material nor the political means to right quickly a Eurostrategic balance that has been tilting to the Soviet Union for so many years with the consent of the United States. Where would the United States troops withdrawn from Germany go? Would France and Britain, or Italy want them? Would we want them there? That would depend on whether we could give them nuclear armament with which they could strike the rear of advancing Soviet troops. In other words, if we wanted to keep them in Europe, we would have to reequip them with the weapons we decided to take from them when we ratified the INF Treaty. Otherwise, they would come home and the rest of Europe would follow Germany into accommodation. But if we can now foresee that we will have to restore them the moment we want military credibility, why are we rushing to take these vital weapons from our troops now?

The answer is the political engine.

One might object to what I have been saying by the truism that trains of political logic do not necessarily run to their logical conclusions. That is true. Something could intervene to stop or throw this train in reverse. But if that is more than a purely theoretical possibility, perhaps someone will tell me what that reversing event is likely to be in this case. On the other hand, it is all too easy to see the factors that are actually driving this train of political logic to a tragic end. Look at them carefully, because we Americans are responsible for many of them, and we are about to become responsible for another one.

I hope that some here remember the political fights that took place all over Europe between 1979 and 1984. The question of whether or not our INF missiles should be deployed was only the occasion of the fights. The root cause, however, was that two very different political tribes—the European socialist parties and new left on the one hand, and the political center and right on the other were slugging it out for control of Europe. It is essential to realize that the differences between these two sets of opponents in the 1980's are much bigger than they had been in previous years.

Those of us who got to know European socialism in the days of Hugh Gritskeel and Kurt Schumacher will not recognize today's European socialists, led by people like Neil Kinnock and Oskar Lafontaine. Since the late 1960's, under the influence of events such as the Berlin wall and the Helsinki accords, as well as under the lash of new left groups such as the Greene, European socialist parties have readopted marxism, and have acquired a hard, pro-Soviet and anti-American edge. In 1974-84 the battle over deployment of INF was fought out as a battle between opposing visions of good and evil, not strength and weakness. It was much rougher than anything in Europe since 1945. On one side was the vision of a Europe denuclearized, aligned against the United States in the Third World, and with its economy much more deeply involved with the Soviet Union. On the other side was the vision of a Europe armed with nuclear weapons, doing whatever was necessary to defend itself, including SDI. This Europe would be aligned with the United States around the world and would remain socially what it has been. This side claimed that a basic enmity with the Soviet Union and communism would be a central fact of life and that nuclear weapons would be essential for living in such a world. The other side said this was crazy, and that the path to safety lay in getting rid of both nuclear weapons and of the notion that the Soviet Union was an enemy.

Every European country had at least one election during this period, and without exception, the pro-American, promissile deployment side won big. Their political credit was confirmed and grew. By 1986, the wind was in their sails, and the future seemed theirs. Observers spoke of a coming generation of exile for the left.

And then the Americans dropped the other shoe, at Reykjavik, and by welcoming Gorbachev in triumph in Washington to sign the INF Treaty, and by semipublicly riding roughshod over Germany's wishes to retain the Pershin IA's. Suddenly, the United States had validated every point that the far left had made in the political wars of 1979-84. The Soviet Union was not the enemy, nuclear weapons were. The Soviet Union was good, and we should be nicer to it. The Pershings and Cruises were bad, and would have to go.

Almost overnight, the center-right politicians, from Margaret Thatcher to Helmut Kohl, to Jacques Chirac, and even Francois Mitterrand who had been speaking well of the missiles and ill of the Soviets, ceased looking like wise men and began looking like obstacles to a United States-Soviet understanding about peace. Not only were they discredited, but so was much of their agenda. They scrambled to claim that they had been on the side of a negotiated double-zero solution all along, and they vied to say nice things about Gorbachev. But no one missed the point that they were singing someone else's song.

Almost overnight, the far left politicans who had been rejected for speaking ill of the missiles and speaking well of the Soviet Union looked like men who had been correct all along. Their entire agenda was accredited. The wind was in their sails. Having zeroed nuclear delivery vehicles with ranges between 500 and 5,500 kilometers, they committed themselves to zeroing the remaining nuclear weapons, the ones whose ranges are so short that they would land on Germany. The INF fight had been tough. This one would be easy.

In January 1988, Erich Honecker, the East German dictator, wrote to Chancellor Kohl proposing negotiations to denuclearize Germany. Kohl and his Christian Democratic Party did not have it in them to reject the very notion of such negotiations. It was left to the Christian Democratic floor leader in the Bundestag, Alfred Dregger, to admit that the third zero was on the agenda. I ask the Senate, I ask the Nation, I ask the Secretary of State, the Foreign Relations Committee, and anybody else who comes to listen, How can this fight possibly come out? How can any German, once he has agreed that the Pershing II's and cruise missiles were a bad thing, now argue that nuclear weapons that can only explode on Germany are a good thing? Even if they were inclined to do so by pressure from the United States, any such politician would have to consider that the United States might do to them in this instance what it did regarding INF—that is, switch sides and leave them holding indefensible positions. Besides, with the United States on record with so much antinuclear rhetoric, no German politician would stake his career on a campaign in favor of short-range nuclear weapons. Besides, even if a German politician were to throw caution to the winds and try to oppose denuclearization in an election campaign conducted after the ratification of the INF Treaty, he would lose. Signing the INF Treaty has already altered the German political landscape. Ratification will change it some more. We may already be past the political point of no return in Germany. Such, if we ratify INF, we surely will be.

All of this is to say that the train of political logic set in motion by the INF Treaty has a powerful engine. Unfortunately, voting for ratification, no matter what the arguments in favor of this agreement, is stoking that engine. History will hold us responsible for the events that all of this will bring, because on a few days in May the Senate suspended judgment in pursuit of peace—when we are not at war—in pursuit of security when we already had it.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. WALLOP. I thank the Chair.

Mr. President, I ask unanimous consent that two amendments to the treaty be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

EXECUTIVE AMENDMENT NO. 2106

In Article VI, paragraph 2 of the Treaty, strike "which is outwardly similar to, but not interchangeable with" and insert in lieu thereof "which is either outwardly similar to, or interchangeable with".

EXECUTIVE AMENDMENT NO. 2107

In Article IV of the Treaty insert before the period at the end of Paragraph 1 thereof the following:

"; provided, further, that the Parties agree that vehicular launchers subject to elimination under this Treaty shall be rendered entirely inoperable both as launchers and vehicles by cutting such vehicular launchers in halves.".

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I think we ought to have at some point this afternoon an opportunity to think carefully about unanimous consent to proceed from the treaty to the Resolution of Ratification, and also I would like to have some understanding as to what agreements have been reached on the amendment by Mr. D'AMATO to the Department of Defense authorization bill. I understand that there have been good speeches and that there are two other Senators who are slated to speak on the treaty within the next short while. I would suggest that around 4 o'clock today, or thereabouts, perhaps we ought to have a live quorum and have Senators come over and let us have discussion as to where we are on the treaty and as to whether or not we can get from the treaty to the Resolution of Ratification. So if our cloakrooms would announce to our respective colleagues that we expect during the afternoon to put a unanimous-consent request and it would be well if Senators came over, we would have a little airing as to where we are.

I compliment the Senator and managers of the bill—Mr. PELL, Mr. LUGAR, Mr. DOLE, Mr. CRANSTON, and others who have been marshaling the speakers and trying to get them to come to the floor. I also compliment those who have come to the floor and spoken. But they are also going to make speeches later. I know how it is. I sometimes like to make a speech now and one later. If we can get agreement to move from the treaty to the Resolution of Ratification, that would be helpful.

Mr. DOLE. Mr. President, if there are speeches by Republicans, there is no one here to speak now, so I hope they will head in this direction, because we would like people to speak before we move to the Resolution of Ratification.

As the majority leader pointed out, you can make the same speech on the Resolution of Ratification that is before us, so it is not critical that people speak right now. But it is important, in my view, that we do more to the Resolution of Ratification.

I hope there will be no amendments to the text of the treaty. I think I indicated earlier today that there might be four amendments. I am now advised that two of the four indicated they would not offer amendments. Hopefully, the other two will reach the same conclusion. In any event, if they do intend to offer amendments, I hope they do that today, because we have had good discussion. There has been hardly any time lost. There could be speeches made by those who support and those who oppose the treaty.

I think that 4 o'clock, as the majority leader has suggested, would be a good time to come together to see where we are. At that time, I will again contact Senator D'AMATO to see where they are on the amendment on the defense authorization bill.

Mr. BYRD. Very well.

Mr. President, there are a number of Senators who will not be able to be around in the early evening, between 7 and 10 o'clock. So if any Senators wish to speak during that period, the Senate will stay in session. If there are none this evening, the Senate will go out at 7 o'clock.

I repeat that for any Senators who wish to speak later than that, the Senate will be in session, if they so wish.

Mr. President, I renew the suggestion concerning the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EVANS. Mr. President, I have listened to the early part of the debate on this treaty with considerable interest. We have had many opening statements and, as we all know, a single point of order on which the vote was rather substantial.

Many of the early statements, however, have been oriented toward history; they have been oriented toward ancillary events. They have been oriented toward what we love to do in this Chamber, and that is not talk precisely about the issue before us but about the "what ifs." What if something happens on conventional armament? What if something happens in some other facet of arms control? As if that had a direct baring on what we are here debating and what we will at some point vote upon. I do not intend to take up much of the Senate's time with another review of all the issues raised by the INF Treaty.

First, I commend the chairmen and the ranking members of the committees responsible for this initial review. I believe this review was as comprehensive and thorough as any in the history of treaty making in this Nation. We wanted to be careful and thoughtful and complete in what we were about to undertake.

The comprehensive and thorough review resulted in some important supplementary agreements with the Soveit Union that helped clarify the obligations of the parties under the treaty and I believe will make it a better document.

Nevertheless, I feel compelled to spend at least a few minutes talking about what I believe are some disturbing aspects of this process we are now in. For the most part, principal problems flow from an inability or unwillingness to maintain a really proper perspective over what the INF Treaty is really all about.

Certainly, the INF Treaty, which, if adopted, will be the first major treaty of anything like its consequences in 14 years, has both symbolic and substantive significance for the arms control process. There is no question about it. It is the first arms control treaty considered by the Senate for advance and consent since the SALT I Treaty was considered in 1972. Moreover, as we all know, this is the first nuclear arms control treaty to provide for actual reductions in the nuclear arsenals of the superpowers and for actual elimination of missiles, launchers, and the related support structures and facilities.

We also include unprecedented inspection and verification provisions. In fact, it is rather ironic that the verification provisions themselves tilted people, some people, from an objection to the treaty because of lack of verification, their concern about placing too much trust in the Soviet Union, and as the treaty negotiations went on and on and on those very same people suddenly were objecting to the treaty for quite a different reason.

Now it was too intrusive; verification was too complete; we simply could not afford to allow the Soviet Union to inspect and to visit some of our most secret facilities that the verification procedures would call for. Interesting.

The only thing they did not change was their opposition to the treaty which remains total, absolute and under no circumstances are we likely to bring some of those objectors aboard for any kind of an arms control treaty.

But let us look more specifically at just what it is we are doing. The treaty provides for elimination of only a very small portion of the nuclear missiles held by each side. And the missiles to be eliminated are the shortest range missiles. Clearly, in the overall scheme of things, the agreement represents a solid, if modest, achievement.

However, throughout the deliberations in the Senate Foreign Relations Committee and in other committees and in the debate so far on the floor there has been, in my view, a disturbing tendency among some Senators to characterize the treaty unfairly. For some, the treaty apparently would result in apocalyptic military consequences for the United States and our allies.

And to say, this, of course, in the light of the testimony we received from one after another of our top military leaders and in the information we received from their counterparts throughout Europe, to say that it would have apocalyptic military consequences means that we have had a steady stream of misleading, false testimony from the very military leaders we depend upon, and I do not think that is true.

For others, the treaty is fatally flawed because it does not address aspects of the superpower relationship unrelated to nuclear weapons.

Mr. President, I think it is time for us to focus on what is in front of us, not to try to bring in as we are so wont to do in this Senate all of the unrelated, nongermane kinds of elements that are not strictly on point when it comes to this treaty.

The treaty does not pretend to be that ambitious. It has been clear from the time negotiations began on this treaty that the category of weapons addressed in the negotiations was far too small to have anything approaching overwhelming military significance. And that message has been reinforced time and time and time again during Senate hearings on the INF Treaty. A broad array of our top military planners and strategic theorists have testified that the treaty will have only a small impact on the overall nuclear balance despite the fact that the treaty is militarily advantageous to the United States.

At the same time, the treaty was never intended as a vehicle to resolve all the differences we have with the Soviet Union or to redress all the imbalances between the Warsaw Pact and NATO. It has never been billed as anything more or less than precisely that which it purports to provide for: The elimination of the intermediate range and shorter range missiles of the Soviet Union and the United States in Europe and in portions of Asia.

Accordingly, I believe there is simply no reason whatsoever for us to attempt to burden this treaty with provisions that it was never intended to carry. This treaty was never intended to address conventional military forces in any way and should not now be asked to carry the burden of what is properly the subject of separate, and in this case multilateral, not bilateral negotiations. This treaty was never intended to resolve differences between the United States and the Soviet Union over human rights issues and should not now be asked to carry that burden either.

Moreover, this treaty should not be asked to carry the burden of amendments or other provisions which are no more than thinly veiled attempts to delay its ratification. The treaty, for example, will not result in a disadvantageous nuclear materials stockpile gap that this Senate should be concerned about.

This treaty has received unprecedented review and consideration by the Foreign Relations, Armed Services, and Select Intelligence Committees. We have reviewed the negotiating record in detail. We have had doubly and triply redundant testimony from authoritative administration witnesses. It is probably fair to say that no treaty of the United States has been subject to such exacting scrutiny.

So, another concern I have is the apparent desire somehow and someway of Senators to make certain that there are some Senate fingerprints on this treaty or on the resolution of ratification just simply to show that we are serious and that we have analyzed the treaty and that in doing so somehow we have to add to it or amend its provisions.

We have no need to be defensive about the Senate's role in evaluating and passing judgment on this treaty.

We have not failed if in the ultimate analysis we ratify the treaty as it is now written. We do not need to condition our advice and consent for example, on Soviet agreement to interpretations to which they already have formally subscribed in a document every bit as binding as the treaty itself.

We will simply puzzle those not only from the Soviet Union but from Europe and elsewhere in wondering what it is we are attempting to do after receiving the kindness and assurances in formal documents that we felt were necessary then to show our mistrust or whatever other sentiment it is we are trying to display by asking once again that those very same provisions be added to this treaty.

We do not need to restate constitutional law or principles regarding the relationship between the Senate and the President in making and interpreting treaties. We all agree the very essence of treatymaking and of Senate ratification of all treaties is that the shared interpretation of the President and the Senate at the time of treaty agreement constitutes the basis of our legal obligations as a Nation. To the extent that future events or circumstances cast into ambiguous light provisions which now are crystal clear, those ambiguities will have to be addressed. We simply can neither foresee now nor solve now all potential future problems which might arise under this treaty. We should not burden the treaty with attempts to do so.

Mr. President, I believe this treaty is sound. It will allow us to accomplish a limited objective in a way that provides us with unprecedented means to make certain that our interests are protected. There simply is no need to make any modifications to the text of the treaty or to add any conditions to our advice and consent during consideration of this agreement on the floor of the Senate. It embodies in principle the phrase that the President is so fond of and which General Secretary Gorbachev apparently is now tired of hearing: Trust, but verify. We do a disservice to the American people to the extent we treat this treaty as something more, or less, than what it is: A single step back from the nuclear precipice.

I yield the floor.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, we now have before us the INF Treaty that has been before the Senate now for a little over 4 months. It has gone through exhaustive hearings in the Senate Armed Services Committee, Senate Foreign Relations Committee, and the Senate Intelligence Committee and is now prepared to be debated, amended or not amended, and approved for ratification for the United States so the President and the General Secretary of the Communist Party can finally wrap up this treaty and begin its implementation.

Mr. President, as I examined this treaty and listened to the testimony that we had over these months, I believe that what has driven events, for me and perhaps a lot of others, is what has become known as the Kissinger-Kirkpatrick view.

The Kissinger-Kirkpatrick view of the INF Treaty, in its briefest form, is that the treaty is a mistake, but it would be a greater mistake for the Senate not to ratify it. That is the Kissinger-Kirkpatrick approach to this INF Treaty. I believe that many in this Senate will be supporting the treaty and voting for it along those lines.

It is somewhat, I suppose, premature fatalism to argue that "Well, it is a mistake, but it would be a greater mistake not to ratify or improve the treaty because of what it would do to Europe." Yet, that is the reason that we now find ourselves saying, "Well, let us just get on with it. Wrap it up. Send it on back down to the President. Get this over with."

There are still a couple outstanding issues. One is the interpretation issue. I think we have to finally wrap up the futures issue and figure out what the record is going to reflect on the diplomatic notes of exchange and determine what we view to be a nonweapon delivery system. I believe Senator HOLLINGS has an important amendment dealing with the conventional cruise missiles. And there will be some other sense of the Senate Resolutions and some reservations that will be debated. We might get into NATO policy and amendments on where we ought to go from here. For all practical purposes, there are only a few major outstanding issues.

But the thinking now is just to get the treaty's approval over with. And we will get it over with because our rationale is the Kissinger-Kirkpatrick doctrine, which is a somewhat fatalistic approach to this treaty; that is where we are.

Mr. President, I think that it is important that we go through and figure out how did we get here and what did we get? What are some of the good things of the treaty? What are some of the problems? What are some of the challenges that we are going to have? And to try to lay these out as best as we can.

The first question we must ask ourselves is how did we get here? How did we get to this position of having the INF Treaty before the U.S. Senate? Well, I can say, Mr. President, that a key point of reference would be 1979. I think 1979 is the point when the United States and NATO first publically confronted the Soviets' deployment of the SS-20's by tying NATO's deployment of P-II's and GLCM's to arms control efforts to reduce INF missiles on both sides to the lowest possible level. And we began what was commonly referred to as the dual track approach: We would begin negotiations with the Soviet Union to get rid of the SS-20's, but if in fact they did not limit the SS-20's we would in fact go ahead and deploy.

And what happened basically, and I think it has been stated a number of times, is that the Soviets called our bluff. There was some discussion as far back as 1977, in the former administration, that perhaps we could provide the nuclear deterrent by just adding a few more submarines. But it was rejected at the time, by Chancellor Schmidt of Germany, and other NATO leaders. They said, no, they did not want to have that sea-based deterrent; that they really wanted to have those missiles on the land because that showed alliance cohesiveness. So the sea option was rejected.

As we look at the 1979 reference point we begin to trace the emergence of the so-called zero-zero option, which was not formally put into place until 1981. We went through a lot of difficult times. We went through a lot of protests, we had a lot of marches, there was political consernation and political uncertainty whether we would go forward with this.

The Soviets walked out of the talks and eventually came back and accepted what we proposed in 1981. It showed that when we have resolve and decide to stick with our position we sometimes get our position. And that is one of the good things about this treaty. It is a lesson on how to negotiate.

But there was a lot of uncertainty at the time. There was a lot of propoganda and I think that the Soviets were simply trying to see what the political climate would bear.

It was during this time that there was not just political uncertainty in Europe but there was political uncertainly even in this country. I know my dear friend from Indiana, we have talked a lot about this, but back in 1982 and 1983 we were always confronted, particularly even as late as October of 1983, we were confronted on this floor with a resolution just to freeze nuclear weapons. It was a simple approach, one that you could put on a bumper sticker, one that had a lot of political appeal. As a matter of fact, it got over 40 votes in this body.

Many of the Senators that supported that freeze resolution are very strong advocates of this treaty. I might point out to them that had that freeze resolution been adopted, we would not have this treaty. That feeeze resolution said no more production, just freeze nuclear weapons. The Pershing II and the ground launch cruise missile would never be deployed, and if they had not been deployed, we would not be taking out the SS-20, the SS-5's, the SS-4's, the SS-12's, the SS-23's, and SSC-X-4's along with the Pershing II's and cruise missiles. So we had a lot of political uncertainty and it was not just in Europe. We had political uncertainty in this country, in this Senate, in this Congress. The freeze resolution passed the House of Representatives. It did not pass the Senate.

So, fortunately we were able to deep-six the freeze resolution. We got on with the actual deployment. We deployed Pershing II's. We deployed the ground launch cruise missiles in Britain, Italy, the Netherlands, Belgium, and then we got from the deployment aspect to: What was our strategy and thinking as far as what should we have in an INF Treaty?

We said we would like the Soviets to take these SS-20's out. But, if they did not, we would go ahead and deploy the P-II's and GLCM's. There were strong military reasons for deploying these missiles. They were much more difficult to find and target than NATO's dual-capable aircraft. They also were much more capable: In the case of the P-II's, they could take out key command centers in the Soviet Union in a matter of minutes.

Then, right after the deployment began we started hearing the criticism from many of the people, I think, that were also the strong freeze supporters saying: You know, you are just not going to get the Soviets to accept this zero-zero option. As a matter of fact, many in our own Government, I think, at the lower levels of political appointees, said you know, we are going to have to change our position. The Soviets will not buy the zero-zero option.

All of a sudden even supporters of deployment were saying: "Gee, well, you know, we have got this position. It seems to be a logical position. It is one that we support. We have gone through it, but if they do not take it, so what. We have got a position, a zero-zero position that is better than the freeze." So we got into this political debate on what we should do for political reasons.

Our military strategy had been thought out. But, gee, politically zero-zero sounded a lot better than freeze.

It certainly does. But I believe that this was the fatal flaw of our strategy that we subordinated what made sense to what seemed politically clever. And we ought to understand this about the process.

Certainly, in this case we went through the struggle and the political uncertainty and the criticism and it resolved much to the credit of the alliance. I think it was one of the fundamantal changes, perhaps, in history and one of the lessons I think that are most important in U.S. and Soviet relations; because the Soviets did not think that we could do it. They did not think that we could, as Western civilized democracies, with the freedom of election, that we could withstand the political onslaught of the constituency.

They underestimated our constituency, because our constituency, even though it may not be something that you would want to talk about, our constituency, whether it is the American constituency or the constituency in Western Europe, will do what they think is in their national security interests.

Time and time again, they rise above politics and do what is right from a national security point of view.

So we had this deployment and we heard the carping from those that did not want it. Those supporting the freeze were now criticizing zero-zero as being unrealistic. The fundamental flaw is that we continued to maintain the zero-zero option as policy as what we were willing to accept even after we went through deployment.

In other words, we would go through all of this and deploy, put in missiles that were far more militarily significant than the nuclear weapons that we had there before, and they say that we would be willing to take them out.

I think that Margaret Thatcher and others are absolutely right, and hindsight is always better than foresight, but we ought to know and we ought to learn something about this; that it would have been far better from a military point of view and, I dare say, a political point of view, to have reduced our INF missiles to equal numbers.

That is, I believe, the classic error that was made. I believe that many of my dear friends were lulled somewhat into a false sense of security; that they were looking at the people who were criticizing them and said, "Well, if they are going to criticize this as being unrealistic, perhaps the Soviets might think it is unrealistic, and if nothing happens, I am not going to lose any sleep."

The question is, and it never was addressed, should we continue to maintain the zero-zero option, notwithstanding the criticism? I look back in time and I think, quite frankly, that the so-called walk in the woods, which Ambassador Nitze was criticized for, for talking about it, if my memory is correct, would have been preferable to this.

We got on to the political gyroscope, I am fearful, and that is what happens sometimes in this process because politics can overtake what maybe we should be doing in our national security interests. We get caught up when we start figuring out who our friends are, who our enemies are, and we say, "Well, now, let's just see where we ought to be positioned politically."

That is no way to move the Nation forward, particularly in a very important arms control process.

I hope when history is recorded that, in fact, the U.S. and NATO made major gains from 1979 through 1983. The Soviets just guessed wrong, NATO showed more political resolve and deployed INF. I say that event, plus probably Grenada, has more to do with the improved relationship between the United States and the Soviet Union and moving into more of an accommodation than any other two events in the Reagan administration.

Those two events showed the Soviet Union and showed the world that Western political will can be mobilized when our national interests are put on the line. It made the Soviets think differently.

We are now in a new era. Gorbachev is new. I do not think the system itself has changed, but we will see who is right on that.

The most troubling aspect to me is that as we get caught up in this climate of zero-zero, and double-zero, how do you avoid that so-called triple-zero? The triple-zero is something I hope we will discuss somehow in the Resolution of Ratification to show we reject it.

Certainly, I like to see a world without nuclear weapons. You bet. But it is impossible. It is absolutely impossible. It certainly is impossible in my lifetime.

And nuclear weapons have helped keep the peace; they have brought stability.

That's one of the reasons why we need to be careful in our further negotiations to eliminate them. We need to know what we did in INF and make sure we learn the right lessons.

Mr. President, let me summarize some things that I believe were the constructive parts of this treaty.

First, I think that the treaty's asymmetrical reductions clearly are a positive development. It is very important when we get into conventional arms control. The fact that the Soviet Union was willing to give up more than the United States is important because it establishes a precedent. It is a very important precedent, particularly as we go down a far more complicated road of conventional arms control where, according to a recent Rand study, reductions would have to be not three-to-one, but more like six or more to one to produce rough parity. We have established this precedent.

Mr. President, we have taken the admonishment of our beloved colleague, Senator Scoop Jackson, and have gone one step further. The Jackson amendment, which was passed after the SALT I and the ABM debate, established that the United States of America shall not agree, to unequal limits in any future arms control agreement.

Double zero was equal. The Jackson amendment, which I have cited on this floor many times, played a very important role in this.

I think the asymmetrical reduction is very important: The cohesiveness, the idea of sticking together, the investment in national defense, the idea that you had to build up in order to build down; that you had to make that commitment in investment in order to get the results that you wanted.

Another sound aspect of our INF Treaty negotiations was that we not only consulted with the allies of the West, but with Japan about preventing the Soviets from simply taking those SS-20's deployed in Eastern Europe and putting them near Japan. We took their concerns into account.

The treaty also provides for onsite inspection, Mr. President. It is a positive development. I actually think this onsite inspection is not anything that is going to give us a lot of confidence in verification, but it is a helpful development because we need it.

If we are going to start to ask for verification of warheads, verification of range, verification of megatonnage, and verification of things of that sort, other than just launchers, we are going to have to have onsite inspection. It is going to have to work.

I think the latest flap over INF Treaty verification procedures is probably somewhat instructive of the difficulties the two nations may have in working out this inspection program. But we will see and we will monitor closely.

The treaty also encouraged a serious debate in the Armed Services Committee, and I am sure the Foreign Relations Committee did as well, on NATO security. We went back and examined the doctrine of flexible response. From 1967, this Nation moved from the doctrine of massive retaliation to the doctrine of flexible response.

The doctrine of flexible response says that we will have forward defenses, which we do, in fact, have. If forward defenses failed, we would have deliberate escalation. If deliberate escalation failed, then we would have a general nuclear response. The treaty's consideration encourages our recommitment to this doctrine.

I believe this has been very positive.

Another positive development is we are now hearing Margaret Thatcher, Francois Mitterrand, and other leaders in Western Europe begin to talk about the importance of having, as Margaret Thatcher says, a war-free Europe; that we have to have a nuclear deterrent as well as building up our conventional forces, that we as well as Western Europe are going to have to spend a lot more of our energies on the conventional forces because that is where the imbalance is.

That is music to my ears. Now we will see if we do it. But that is a very positive development where in fact you have the leadership of Europe beginning to say we have to do more for defense. It is their defense as well as ours. Somehow I get the feeling that it is just our defense, our national security interests. I am proud of the fact that we are still considered to be the No. 1 power in the world, particularly the No. 1 power in the Western World, that we have that leadership and along with that leadership we have responsibilities, but this is a global economy with global responsibilities, and I am delighted to see it. If it is the result of the INF Treaty that Europe does more on defense, history will show that this treaty, contrary to some of the criticism, it receives today and perhaps tomorrow, contrary to that criticism, it will go down in history as a very positive, very beneficial development.

If that is the result, you are going to get a stronger, more determined, more cohesive Europe that is going to invest in defense, be willing to take care of itself as it has grown from World War II. We have helped them with the Marshall plan and we have been over there with some 325,000 troops. If they are willing and will do more because of this INF Treaty, history will hail this as a tremendous success. I am not sure that is going to be the result but we will not know. So I think as you look there are some very positive aspects to the treaty.

Now, Mr. President, let me review what I consider to be the other side of the treaty. I do not want to say the good and the bad but that is the way it is phrased, the good, bad, and the ugly. Let us look at the things that certainly bother me and I think the Senate ought to be forewarned about.

The INF Treaty stands for Intermediate Nuclear Forces. I would imagine if you went to the Rotary Club in Dallas or my Rotary Club in Huntington and asked what we are eliminating with this treaty, the sophisticated answer might be SS-20's and SS-4's and SS-5's, at least SS-20's, Pershing II's. A little less sophisticated answer may be, "Well, we are getting rid of nuclear weapons." I would say the less sophisticated answer is the one generally thought of, that this is what the treaty is in effect getting rid of. And we have heard testimony and we have heard statements and we have heard debate on this floor that this is a historic treaty because we are getting rid of an entire class of nuclear weapons, so most people think that this treaty is eradicating, getting rid of nuclear weapons.

It is, but it is doing a lot more than that. This treaty, in fact, bans deployment of conventional weapons—conventional cruise missiles and exotic INF cruise or ballistic missiles that have been designed to damage or destroy their targets. Conventional arms control is already here. I guess we have thought about conventional arms control. We have talked about it. But we sure have not done much about it. We have not put it on the front burner. I think it ought to be on the front burner because that is where the problem is. The problem is not a strategic imbalance. The problem is not an INF imbalance. The problem is that we have a conventional imbalance, and that is what we ought to be focusing on.

This treaty does ban conventional arms, and yet if you asked the Secretary of Defense today or the Secretary of State and the President, or the head of any European government, what is in fact our plan for conventional arms control, with any kind of specifics, there is no answer. More important, conventional cruise missiles are advanced technology, and I can tell you—I do not know how many times I have heard this—people say that one of the advantages of the United States of America vis-a-vis the Soviet Union and others is that we are ahead in this technology.

Well, we may have this technological advantage but it is not deployed. And now here we are willing to go ahead and ban something that we have asserted is to our advantage. To those who want to see a further reduction in nuclear weapons, I can tell you one of the most promising nonnuclear weapons is the conventional cruise missile. The conventional cruise missile can do a lot of things, particularly if you get additional range and get accuracy. It fits our strategy of FOFA, follow-on force attack. That is the NATO strategy if, in fact, conflict breaks out in Western Europe. The follow-on force attack talks about striking deep behind the enemy lines and concentrating firepower, knocking out railroads, affording cross corps fire support, knocking out bridges, knocking out fixed targets and, believe me, the planes are not going to be able to get there. Cruise missiles, conventional cruise missiles are perfectly suited to this mission and would raise the nuclear threshold. Yet, we are banning the ground-launched versions in INF.

(Mr. FOWLER assumed the chair.)

It is very interesting, Mr. President, why we are banning these cruise missiles. There has been a lot of testimony on this. The reason we are banning these conventional cruise missiles is that it was said in the discussions that it was difficult to verify the difference between a nuclear cruise missile and a conventional cruise missile.

I can see that with respect to a missile itself, just looking at it, from technical means. Screw on a conventional warhead or a nuclear warhead—just look at that as a picture, and it is very difficult to verify. But it is not that difficult to verify. The military handles these nuclear warheads a lot different from the way they handle conventional warheads for safety purposes. It is difficult, though not impossible to determine which missiles have associated nuclear support facilities near them.

You could have some degree of confidence in verification. You would not have 100 percent. But what is of interest is that we have said we are going to ban the conventional cruise missile because we cannot distinguish it from nuclear cruise missiles. But—listen to this, and listen very closely—we are told that we can verify a weapon delivery vehicle that is designed to damage or destroy its target. If it damages the target, it is banned. If it only temporarily disables the target and the target does not need repair, it is not banned. If you use a blinder and you dazzle an optical sight for a period of time but you do not have to get the sight repaired, that blinder is not banned. But if the sight needs a repair, it is banned, because that is what we define as damage.

You may have what is a laser target designator used to designate targets, not designed to destroy a target or damage it. That is allowed, even though it could probably still have the capacity to damage an infrared optical sight. Or you might have a high power microwave emitter that was designed to jam or disrupt radars, avionic computers, command and control antenna, or other military computers. It would be allowed even though it might also still have, the capacity under some circumstances to damage these targets' circuits.

In each case you have to fall back and say, "Was it designed to damage?" So you have to verify design. You have to verify intent. Are you going to tell me that it is easier to verify design or verify intent than it is to verify whether a warhead is nuclear or conventional? I doubt it. Yet, because of verification, it was decided to ban the conventional cruise missile, which led, in turn, to banning these nonwarheaded systems.

Certainly, we can verify if an American system is designed to damage and destroy. But how are we going to verify intent or design of a Soviet system?

Of course the answer to all this is that there is not a military requirement for the conventional ground-launched cruise missile.

When I was first told about this, I called up General Galvin, the Supreme Commander of NATO, and asked him if he had a requirement for a ground-based conventional cruise missile of an INF range.

He said, "No, I don't have one now"—this was before the decision was made—"but we are about 90 percent there, and in fact ground-launched cruise missiles are something that I think we will need in the future."

What is of interest is that I think I was perhaps the first one to call and to contact General Galvin on this issue. Nobody on the Joint Chiefs of Staff had asked him. Nobody that I know of in the Defense Department had called him up or at a political level had asked him. They just casually asserted that we had no military requirement.

I have to say right now that even though we have been told that the conventional air-launched cruise missile and the conventional sea-launched cruise missile will not be compromised in START—I do not believe there are formal requirements for those yet either. There is a temporary requirement for the Navy. There is a statement of need for the Air Force, but no formal requirement.

They say: "Don't worry, we're going to use conventional air- and sea-launched cruise missiles." Yet, there is no requirement there, either. So, who are they kidding? Yet, look at what potentially they may have.

It is not technically a formal requirement. But, according to a DIA, Rand and the Commission on Long-Range Integrated Strategy we will need 10,000 to 20,000 conventional cruise missiles for NATO.

Do you know what the official answer is here? Even if we have to have 10,000 to 20,000 nonconventional cruise missiles, we will put them all on planes or ships. Twenty-thousand cruise missiles on planes and ships. Where are they going to put them? That is almost absurd on its face.

Of course, we need conventional INF-range ground-launched cruise missiles. We need the flexibility of being able to reload them quickly. We need to have launchers that are not tied to vulnerable planes and air bases or distant ships. Now they are banned.

Mr. President, as we discussed the banning of the conventional cruise missile, though, we did not stop here, at just banning what was commonly understood in the committees—that a conventional cruise missile was one that had a conventional warhead or a chemical warhead. We went further to include nonwarheaded systems.

This became clear when I tried, in the Senate Armed Services Committee to try to ascertain what was meant by "weapons delivery vehicle."

When I first raised this question, the response came back to me, "We could not give you an authoritative response at this moment because we were trying to define in the Senate Armed Services Committee what a weapon delivery vehicle was, in other words, what is a weapon?" And at least it was commonly understood by many a weapon was probably a warhead.

If you want to go on in the Senate Armed Services Committee report, I think after the hearing the first report talked about something that would destroy a target, not damage but destroy a target.

Even though there was no way to give an authoritative definition of what a weapon was at this time, within 48 hours there was a definition of what a weapon was. They basically came back and said that a weapon is commonly understood to be—we now have definition—a mechanism or device and they added the word "warhead designed to damage or destroy a target." That is commonly understood.

Where did you get that definition? "Do not worry about where we got the definition. It is just commonly understood that is the definition of weapon. We meant it all along."

That is interesting. It is commonly understood.

I went and tried to find out what the Joint Chiefs of Staff "Dictionary on Military and Associated Terms" said about the definition of weapon that is commonly understood. There is no definition, interestingly, of weapon. It does have a definition of warhead. It says, "It is that part of a missile, projectile, torpedo, rocket, or other munition which contains either a nuclear or thermonuclear system, high explosive system, chemical or biological agent or inert material intended to inflict damage."

So I decided to check the "Soviet Dictionary of Military Terms" for what a weapon is. It is interesting.

Page 286 defines weapon. "The total sum of systems of destruction, used in armed conflict for the destruction of personnel, equipment, and buildings and structures of the enemy."

That is the Soviet Dictionary of Military Terms' definition of weapon.

Now there is the Soviet Military Encyclopedia's definition of weapon. "Military devises and means utilized in armed conflict by striking by physical action and firepower that bring the destruction of the enemy."

There is no definition of damage but it was commonly understood—commonly understood.

Just reading Webster's definiton of weapon—I do not want to bring Webster in here but let us bring him in for a matter of record—an instrument of offensive or defense combat, something as a club, sword, gun, or grenade, used in destroying or defeating or physically injuring an enemy."

So as to this commonly understood definition of weapon, you just cannot find it. You just simply cannot find it. They made it up.

As far as I am concerned, it was a definition that they first stumbled into when they tried to answer my questions.

Now that they have made it up, we have now gotten the Soviets to sign off on this definition of weapon delivery vehicle.

I had a difficult time getting that commonly understood. Because it is commonly understood by a number of Senators that that was not what we were talking about. But now it is because we have it taken care of with the Soviets.

I remember, I even wrote former Secretary of Defense Weinberger and former Director Adelman, and asked them, "Did you ever discuss futuristics in the administration?" The answer came back from both. Secretary of Defense Weinberger said, "No, I didn't discuss it. If I did I would have been absolutely opposed to it." Ken Adelman said, "No, we didn't discuss it," but he said, "It should have been discussed and we ought to get the Soviets to agree on a definition."

They have two different approaches, but they agreed on the bottom line. They agreed on the bottom line that it was never discussed.

So they created this definition.

I asked. I said I was trying to get it. Was there any discussion at all in the administration? One time when I asked this question if futuristics were ever discussed in the administration, one of our senior military people tried to imply that he could not answer that question because of executive privilege.

I pointed out—I said, "You know you can go ahead and raise the executive privilege if there was something you discussed, and I am a strong defender of it, but you cannot raise the executive privilege if there is nothing to hide. You cannot raise executive privilege if there was nothing that was ever discussed."

So he decided to answer the question directly and admitted that, no, they never discussed it. I mean to tell you it was difficult to get them to admit that.

They never discussed it. Yet it was commonly understood.

The dictionary does not define it that way. The military Soviet dictionary does not define it that way. The JCS military dictionary does not even have the definition of weapon. But it is commonly understood. If this is not a lesson in the absurdity of the process we are going through, I do not know what it is.

But it was commonly understood and then we got a letter—remember the letter from Shevardnadze that was supposed to prove it was commonly understood? We sent over oral communication. He sent back "Yes, we understand that it means warhead." Warhead. Weapon means warhead however equipped according to the first Soviet translation; however armed according to the second United States State Department translation.

We are dealing with something that is commonly understood. The Foreign Minister of the Soviet Union gives us a different definition. The State Department's article-by-article analysis which is supposed to have been authoritative said "warhead or simulation thereof."

So we had this definition of warhead as being a weapon. I understood that. I think many in the Senate understood that. It was what we were talking about. It was commonly understood until we got this new definition.

It was just created. They created a new definition. It just shows you can bring up a question, you bring up a question in this process about any kind of system, whether it is nuclear or nonnuclear, and in this case happens to be nonnuclear conventional things that we really need; bring up the question and, by golly, the process will try to ban it not whether it is in our interest or not, whether we discuss it or not discuss it. You bring it up, we will ban it, like chopping off heads—just ban it. And that is where we have gotten ourselves.

This is a very interesting discussion, Mr. President. We were discussing the commonly understood definition of "weapon."

This definition of "weapon," I am convinced, trying to figure out its history, was just simply made up. As we went beyond the conventional cruise missile, which was commonly understood to be a conventional warhead, a chemical warhead, nonnuclear warhead, we went into so-called futures, conventional weapons that I think are going to be very, very important.

Let us look at this future technology that we are going to be banning by this treaty. As I said, this is really a conventional arms control treaty. This is not a nuclear arms control treaty. As a matter of fact, we will be in the future banning potential deployment of conventional weapons much more than nuclear weapons because we never had any plans to deploy that many nuclear weapons. We are going to have a certain number, and call it quits, to provide for the nuclear deterrent. It takes a lot of conventional forces to try to restore that conventional balance, a lot of weapons, and we are simply banning them by this treaty and coming up with this new definition which has now been agreed to. The Senator from Indiana is not going to try to undo that definition. I do not have the votes to do it anyway. I will be supporting Senator HELMS to try to say let us talk about nuclear, but I am not going to argue on this definition.

[Mr. WIRTH assumed the chair.]

Mr. QUAYLE. Mr. President, I want the Senate to know what the importance is of some of this future technology.

First—and here we go again—the United States of America should be proud of our private sector and the free enterprise system's ability to stay technologically ahead in some of the future weapons, whether it be high-powered microwaves or lasers, getting better missile accuracies, extending cruisemissiles' range, or doing things with unmanned missiles rather than having to rely on planes. Yet we are going to go along with this ban even though it is in our interest to keep these options open.

Conventional weapons can be used, particularly cruise missiles, to suppress air defense targets and other radar networks and to disrupt Warsaw Pact command and control.

Also, you have to understand that if you get the accuracy down to zero, we can take a nonnuclear conventional cruise missile and destroy the target conventionally—the best example is that you can hit Qadhafi's tent with this—if you do that, think of the targets you can hit in Western Europe.

Mr. President, the Senate Armed Services Committee has been very active in establishing the balanced technology initiative, commonly referred to as BTI. There has been strong bipartisan support of the balanced technology initiative, which promotes future weapons, promotes future technology. As a matter of fact, it promotes technology that does not necessarily have a lot of constituency interest because it is in research and development.

The reason for establishing the balanced technology initiative was "to improve the fighting power and survivability of the combat forces of the United States and to raise the threshold for nuclear war."

This is theater conventional application to improve the fighting power and survivability of combat forces of the United States and to raise—this is what BTI and futuristic weapons will do—raise the threshold of nuclear war.

What we want to do is to prevent any kind of nuclear conflict. God help us all if that would ever happen. I do not think it will. If we do the right thing, it will not.

Conventional weapons will help raise the threshold for nuclear war. Yet, we are giving away some of our most promising options banning them.

That is the Balanced Technology Initiative which the Senate Armed Services Committee created, pushed on this floor, with strong bipartisan support. Yet, many of the things that would have application here potentially would be banned by this treaty.

We have heard the debate about that conventional imbalance; and the thing that simply does not quite come together is that we really do not have the specifics of what kind of conventional arms control strategy we want to pursue. Since we do not have those specifics, why are we willing to simply ban many of the conventional future applications here in this treaty?

I see my senior colleague on the floor, who can be helpful in this, working with us to make sure that we have a very good discussion at some time on what we consider to be a nonweapon delivery vehicle—in other words, what we think is a nonweapon delivery vehicle.

I have tried to look at this very hard, on things that would not be considered a weapon, even with the definition of "designed to damage and destroy." I do not like that definition; I think it was concocted; but we will live with the definition. The United States and the Soviet Union have agreed to that definition, and legally it is part of the treaty.

Now, the challenge is to make sure that we have an idea of some examples of what is in fact a nonweapon, a nondelivery weapon. Let me go through a few of them. It is not an all-inclusive list.

Certainly, nonweapons devices that do not damage or destroy, would include the following:

High-powered microwave devices mounted on INF-range ground-launched cruise or ballistic missiles designed to disarm or incapacitate but not damage enemy troops or assets.

Laser devices on INF-range ground-launched cruise or ballistic missiles designed to dazzle, disrupt, or interfere with enemy night sights or human vision.

Radio frequency emitters on INF-range ground-launched cruise or ballistic missiles designed to set off missiles, artillery shells or any other weapons' proximity fuses well before these weapons ever get to their intended target.

Jammers capable of disrupting enemy avionics, C3I systems, or computers causing them to malfunction.

Hypersonic boost glide vehicles, which are unlike INF-defined ballistic missiles since they are not ballistic over most of their flight path and which are unlike INF-defined cruise missiles since they are not self-propelled but instead are only boosted.

Electro-thermal propelled artillery projectiles of INF range.

Directed energy weapons of INF range that are not mounted on ground-launched cruise missiles.

These are some of the promising futuristic technology items that, even with the definition of damage and destroy, would be classified as a nonweapon delivery vehicle and we would be allowed to deploy if we want to. This list comes from my own research of the record, looking at it very carefully. I believe I have stated it clearly, and I do not think we should have any objection to what I have just listed.

Mr. President, let us also understand that this idea of banning the conventional cruise missile was an idea that would in fact be helpful to the Soviet Union and, as I have pointed out, for military reasons, but not helpful to the United States. I think we have an edge in technology. I think it was a mistake. I think we are going down the wrong route if we are going to ban conventional weapons.

Recently, the Secretary of Defense, Frank Carlucci, appeared on the "David Brinkley Show" and said this is a Presidential decision. This was not a decision taken lightly. In the course of trying to make this a Presidential decision, I am certain that it was an issue that was considered to be a very strong position of the Soviet Union.

Perhaps even enough that some suggested it might have even been a treaty buster. If we do not accept what the Soviets are pushing, this could possibly have the magnitude if we could not go along with banning the cruise missile, being a treaty buster.

I do not know. When we get into these things, you do not know exactly what people across the table are thinking. It was certainly in that connection that this Presidential decision was made.

Mr. President, I want to shift my remarks to the whole verification issue and look at some of the verification problems that I think we are going to have. I do not buy the idea that we have a great deal of confidence that we can verify this treaty. Does that make the treaty fatally flawed? No. I think we have probably done as well as we can given what we are working with trying to verify it.

You simply are not going to have a great deal of confidence in verifying this treaty. Anybody who says we have a great deal of confidence verifying this treaty is simply in my judgment not speaking from the facts.

Certainly, to be able to verify the intent of the Soviet Union, to verify if a system was designed not to damage but could damage, is beyond our capabilities.

I know the Senator from Wyoming is on the floor. He is an expert in these areas. There is no way in the world you are going to be able to verify intent of the Soviet Union. It is impossible. You cannot do it. That is one of the real paradoxes in this treaty because the conventional cruise missile was given up and banned because of verification. It was because of verification that we had to ban the conventional cruise missile, and now because of it we are going to have to verify the intent of the Soviet Union whether a weapon system is designed to damage or destroy.

Mr. WALLOP. Mr. President, will the Senator yield for a question?

Mr. QUAYLE. I am glad to yield to my friend from Wyoming.

Mr. WALLOP. This, I assume, comes from the discussion of the variety of definitions which constitute the common understanding. I agree with the Senator's earlier statement that there are at least four separate views of what constitutes common understanding that have been returned to us in formal testimony.

But the point that the Senator is making is, I think, one that I hope the Senate hears because in the hearing it was stated—and this is my question—that if the purpose of a drone or other kind of machinery of war was surveillance or jamming and permitted, that even though its capability was to be destructive, it would be permitted because its stated purpose would be surveillance or jamming.

So notwithstanding the fact that in the course of exercising this surveillance or jamming its technology could blind, confuse, dazzle, disorganize, put out of commission, the radars or optical sights, for example, it still would be permitted if on the statement of the Soviet Union its purpose was surveillance or jamming.

Is that the recollection essentially?

Mr. QUAYLE. The issue comes down to this: If in fact you have a drone or a reconnaissance drone and if they say that was simply designed to be a reconnaissance drone but it also would have the capability to, say, knock out something, if it was tested like that, assuming we saw the test and it looked like it could damage a target, it would probably be out. But, in fact, if they just test it under 500 kilometers or another way and say, well, this is a new missile just designed for nonweapons purposes, we would have to permit it.

Another example and one that did come up was if you had a laser target designator and you said that this was to designate targets by a laser so other weapons could come in and deliver the kill. Would that be banned? The answer came back, no, that that necessarily would not be banned because a target designator would be OK. But what if that target designator, that laser, would also have the power, if it was put on, say, a tank optical night sight to get in there to do some damage by accident, at least that would cause repair and they say, "Well, whoops, that was not designed for that purpose." It may have the capacity, but then you get in and you have to verify design and intent.

As I said, it is impossible. It just cannot be done.

Mr. WALLOP. Therein comes the problem that arises with arms control agreements between free societies where such things as this are openly debated and closed societies, such as the Soviet Union, in which they are not publicly debated, but within the closely held circles of the military.

How is it going to be possible for any system authorized to the Soviet Union to be authorized where we were to express the desire for the same capability on this floor and somebody could make the slightest case that this laser illuminator blistered paint that becomes damaged let alone what other things it might be going to do.

The inequity of the arms control process between closed and open societies is what you are pointing out, the verification of intent. Our intent is sometimes exceeded by our exuberance over the possibilities that can be imagined. Their intent is wholly hidden from the world. Therein lies inequity.

I compliment the Senator for bringing it up.

Mr. QUAYLE. Can you not imagine this: Let us say we come up and just take the target designator. Say we designed this to designate targets. Can you not imagine some future perhaps Senator or Congressman who does not want to see that deployed saying, "That may be our stated intent but you know what, I do not know if I trust those people over there in the Department of Defense, that they say this thing is designed as a laser target designator, but we really know it has the capacity to damage." We are going to get ourselves in a situation which I have said before that the Congress of the United States holds us in higher compliance requirement than does the Soviet Union and we will simply be bogged down in minutia not by the Soviets but by our own selves by coming up with these concocted definitions to be played out in the future.

Mr. WALLOP. I would say to my friend that not only does the Congress hold us to a higher performance and compliance standard than it does the Soviet Union but it also holds us to a higher compliance standard than does the body in the text of the treaty.

Mr. QUAYLE. I think that the statement is well taken, and I think it shows part of the problem. But you cannot verify this.

There are a number of other things that you simply are not going to be able to verify. Cruise missiles that go beyond 500 kilometers between 500 and 5,500 kilometers are banned if they are weapon delivery systems. Everyone knows that in some cases we have never tested our cruise missile at full range. The definition in the treaty to find out what the range of a cruise missile is it uses the word, "fuel exhaustion."

I can tell you that you can test a cruise missile at 440 kilometers and you can sit there and have confidence that that cruise missile did what it wants to do at 800 or 900 or 1,000 kilometers and you can have the confidence to do that. You may have tested it below the 500 but you have the confidence to do that.

How are you going to verify fuel exhaustion? How are you going to get inside there? Do you think you are going to be taking those missiles and testing them? No. You simply cannot verify that.

It is the same way with a ballistic missile. It is not quite as much problem with a ballistic missile as it is with a cruise missile. A ballistic missile has the same INF restrictions. It cannot be deployed if it goes between the 500 and 5,500 kilometers. A ballistic missile tested at 450 kilometers you can have confidence up to 600 or 700 kilometers that it hit there and it is very easy to get even farther.

Let me give you a recent example, Mr. President. Iraq recently fired a SCUD missile that hit Tehran. It was a ballistic missile. When that ballistic missile was transferred—supposedly it was only at the range of 300 kilometers—with very, very little changes, very subtle changes, all of a sudden we have gotten from 300 kilometers up to 600 kilometers. You have taken something the Iraqis tell you—not to disparage the Iraqis but they do not have a lot of engineers and spend a lot of time on how to get ballistic missiles from 300 kilometers to 600 kilometers, but it went from INF allowed to INF prohibited. It shows you how easy it is to violate. And you simply cannot tell whether in fact they are violating.

They can deploy ballistic missiles at 450 kilometers and you can have confidence it is going to go beyond.

Mr. WALLOP. Will the Senator also respond to this question. Were one to test a ground-launched cruise missile with a range of 5,600 kilometers, would that missile then be acceptable under the terms of the treaty?

Mr. QUAYLE. If we tested beyond the 5,500 kilometers, it is not INF and you could deploy it.

Mr. WALLOP. Is there anything to tell that missile that it need not try to figure out how to stop somewhere on the way at some later date? You tested at 400, you tested at 5,600 kilometers and it is wholly permitted, is that correct?

Mr. QUAYLE. Yes. We have to take the good word of the Soviet Union that they did not design this missile or intend this missile to go within the 500 to 5,500 kilometers. I mean, there is a lot of good faith in this treaty. If you want to believe and put a lot of good faith and say, boy—like a good common understanding—we really have to have a lot of faith they are going to live up to this. I think when they decide that they want to violate this treaty and it will be in their interest to violate this treaty, they are going to do it. I am not so sure when that time will come, and it may be a while. They are not going to violate it just to violate it. They are going to violate it when it is in their interest.

We have the definition of damage and destroy. You have the defintiion of what is a mechanism or device. You have also in this treaty what I think are some asymmetries as far as what is required of us and what is required of the Soviet Union, particularly in the Memorandum of Understanding as we begin the implementation of this treaty.

One of the problems and the differences in this treaty—and I want now to name just three of them—one of them deals with launchers. One of them deals with the on-site inspection at Votkinsk. The other deals with the data.

Now, let us address the launcher issue. Under the terms of the treaty, the United States destroys its launcher by cutting it in half. The Soviet Union basically is allowed to keep their launcher. They are allowed to keep their launcher. They have to cut a little bit off of the erector part of the truck, but they keep the launcher itself.

Now, they have stated that they want to design this or take this for transporting a lot of pipe around the country. I guess they must have a lot of pipe or think they are going to have a lot of pipe. But that is an asymmetry that should not exist. When we see a transporter from our satellites, we must simply hope it isn't a new missile launcher. We won't know.

If you are going to destroy all INF weapons to make verification easier, destroy all of them.

But we didn't.

Another asymmetry is where we have portal monitoring which has been played up as a big deal. I think it is a big deal we have onsite inspections. But I do not think that this onsite inspection is going to give us the confidence of verification.

At Votkinsk, which is to be where we have the portal monitoring, where we, in fact, are going to have the onsite inspection, where we, in fact, are going to have the onsite inspection, stop trucks going in and out, that is not a production facility. It is an assembly facility.

Yet, in Magna, UT, which is where the Soviets will have the porthole monitoring and be able to have the onsite inspection, that plant in Utah is not only an assembly plant, it is a production plant. The defense industry in the United States is different from the Soviet Union, we have integrated plants where we do both the production and the assembly. That is another asymmetry in this treaty.

Finally, the one that really is going to be interesting to see how it plays out is the issue of the missile data we have. Many people may be under the impression that we already have in our hands the military data on saying where the SS-20, SS-4, SS-5, and the SSCX-4's are, the numbers which have already been disputed and that we have that information and we are going to use that information for compliance purposes of this treaty. That is wrong.

Do you know when we get that information? We get that information 30 days after the treaty goes into force. I can guarantee you that the data that we will be giving the Soviet Union will be exact, precise, and on point. I am not convinced that the data we are going to get 30 days after this treaty goes into effect is going to be exact, precise, and on point.

We have already had a big dispute on the data. This is another asymmetry and verification concern in the treaty.

So this idea that we can, in fact, verify this treaty with a great deal of confidence is simply not sound.

Mr. WALLOP. Will the Senator yield?

Mr. QUAYLE. Yes.

Mr. WALLOP. I think it is wise to point out in that instance that the Senator has just spoken about, that the data that we get 30 days after the treaty enters into force is unchallengeable. It is the data that we are given. And whatever we may think of it, it is too late then to make comment because it is the data that binds the treaty. And so whatever the Soviets give us is what we have to accept.

Mr. QUAYLE. I thank the Senator for that addition. He is absolutely correct. We cannot challenge it. We have to accept it.

Good faith. It is like, they are like us. We sit down and negotiate. Just like you and I sit across a table and negotiate and get an agreement.

I do not think that is the case, but we will see. We will see what that memorandum of understanding on the final data will actually be.

But, Mr. President, let me speak just briefly about some of the costs associated with this verification that we are not going to even have the confidence to verify anyway. You are talking about billions and billions of dollars of additional costs.

And then, what is of interest, after we are going to spend this money—which I think we have to have better national technical means so we can call it to our attention—but what is of interest, after we spend all this money for verification purposes, which we need to be able to say when we go to our constituencies, "we can verify this treaty," but you cannot verify this treaty. You simply cannot.

We spend this money. Then let us say the—the Senator from Wyoming has been very diligent on this point—let us say all of a sudden by good luck we find through national technical means a violation. Then what? Then what? Nothing. No response.

What has the response of the violation of the ABM Treaty been? A more narrow interpretation than the treaty provides. Some response.

So we will spend this money. We will be well informed—maybe. But then we will not be willing to do anything.

Mr. SYMMS. Will the Senator yield for a question?

Mr. QUAYLE. I am glad to yield.

Mr. SYMMS. First, I want to compliment the Senator on his presentation. I think he is adding a great deal to the depth and understanding of what we are getting into in this debate.

But, if, in fact, we spend all this money on verification, what is the United States of America saying to the Soviet Union by signing and ratifying another agreement with them when they have a list of numerous violations that they are out of compliance with? We have done nothing to get them back into compliance. If we go ahead and ratify this treaty short of amending the text of the treaty that they must get into compliance on the other treaties, then what difference does it make whether they cheat on this treaty, as they have the others, or not, because are we not just a paper tiger?

Mr. QUAYLE. I am sure that some would say, in response to that, that you have a new Soviet Union; it is a new day; a new era.

Past compliance, yes, that is an issue. The Senator is absolutely on point. They have violated past arms control treaties. I do not know of an arms control agreement they have actually complied with. There may be one, but I am not sure of one.

If our past record is any indication, they know full well that they can violate this and the response will be silence.

Mr. SYMMS. On the Senator's point on verification, though, if we, in fact, required them to get into compliance on other treaties before this treaty went into effect, would that not be a reasonable, rational position for the United States to take, even if it meant that they had to sit back down and renegotiate that they agreed to this?

Mr. QUAYLE. Well——

Mr. SYMMS. Then it might be that it would be the new Soviet Union, if they agreed to it and they got back in compliance.

Mr. QUAYLE. Well, I share the Senator's concern, and it is a rather intriguing ploy, I might say, if we say you are going to have to get in compliance to ratify this.

Unfortunately, we are beyond that. We are beyond that because we are not going to renegotiate this treaty. It is eventually going to be ratified one way or another. Sometime soon. Maybe sooner rather than later.

But what we should have done—now is not the time. We talk about and say maybe in the future we ought to do it. But what we should have done is during the negotiations that we should have had other things on the agenda with the Soviet Union, rather than just the arms control agenda.

Where was the compliance agenda? Would that not have been a good position to take, before you enter into a treaty, that you want compliance with other treaties?

For the Senate now to force the President to not let this go forward or renegotiate it, I share the concerns but I do not think it would be a very worthwhile effort.

Mr. SYMMS. Would the Senator yield for another question?

Mr. QUAYLE. I will be glad to.

Mr. SYMMS. I just want to make a point here. This is from one of the national pollsters. They have taken a poll on this very question. This is what the people that work for wages and pay the taxes in this country and support our national defense believe. They believe, a majority of the public believes President Reagan should certify the Soviet Union is adhering to all past arms control treaties before this treaty can take effect, even if that requirement would kill the agreement.

That is what the American people think. It is 70 percent of them who think that.

That is very interesting. This Senate is going to have the opportunity, this Senator might say, to vote that issue. They can make every excuse they want to, but then they can go back home and tell the American people that they voted to not make the Soviets comply with their past arms control violations, to go into the treaty. I would say that if, in fact, this Senate does not fix this treaty in this flawed area—the Senator said it is flawed, poorly negotiated; that is really what your speech said—by the administration, if we do not fix it, then we are not living up to our constitutional responsibilities. As far as I am concerned, that is why I am here. I think that is why other Senators are here. They take their job very seriously, and I believe the Senate ought to amend this treaty to say that the President must be able to verify that the Soviet Union is in compliance with all other treaties that they have with the United States before this treaty goes into effect.

If we are not willing to do that, then what we are willing to do is just lie down and let the Soviets run over us and say that we will do anything to have a treaty here to go into the fall elections of 1988, so we can run back home and say we are for peace.

I would suggest to my colleagues that if the kind of peace that they are talking about is what they have got in

South Vietnam and what they have behind the Iron Curtain, it is not worth much and I thank the Senator for yielding.

Mr. QUAYLE. I certainly appreciate the Senator's interest in this compliance issue. I would only say they are violating other treaties. We know that. I am not so sure that you want to have an amendment that would force renegotiation and not allow this to go forward until they get in compliance with the other treaties. I think it would be very problematic at this particular juncture.

Mr. DOMENICI. Would the distinguished Senator yield to the Senator from New Mexico for just 2 minutes for an observation?

Mr. QUAYLE. I will be glad to yield 2 minutes to my friend for an observation.

Is it a good observation?

Mr. DOMENICI. Could I make it 3?

Mr. QUAYLE. It must be very good. Do you want 3 minutes?

Mr. DOMENICI. I might make a better observation if you give me 3 rather than 2.

Mr. QUAYLE. If it is a better observation I yield for that purpose.

Mr. DOMENICI. I do want to say to my friend from Indiana, first that I am very sorry that we did not steal your coach. I truly wish he would have gone to New Mexico.

On the other hand, you are very lucky, you still have him. That is a pretty good observation for starters, I assume.

Mr. QUAYLE. Well, that is. I just want you to know that I am only a Senator from Indiana and Robert Montgomery Knight is king from Indiana.

Mr. DOMENICI. So I figured that would give you a chance to say that you were glad that he stayed in Indiana and that way the rest of my remarks would be very satisfactory to you.

Mr. QUAYLE. We are delighted that he stayed in Indiana. If you had anything to do with his staying in Indiana we thank you for it.

Mr. DOMENICI. I did not. I sure did not. But I do want the Senator to know that it was very good for my State, so we know what we think about your coach, that it was very good for my State, the State of New Mexico, that he even considered us. And we want to thank you for that. There are many people who are now a little more aware that New Mexico is a State and we are part of the Union and all those things, and we have a great basketball program and you were very helpful in that regard. I am very sorry that my efforts, as meager as they were, were unsuccessful.

Having said that, Mr. President, let me just make an observation.

I do not read the Constitution very often, but frequently I am amazed to find things in it. The other day when we were debating the trade bill, I was amazed to find that there was a provision in there that made a couple of the prohibitions against shipping Alaskan oil to ports in the United States unless they went to certain ports; I was amazed that the Founding Fathers were smart enough to think that should not be done. They even had a special provision in there saying you just cannot pass laws favoring one port over another. It was almost that specific.

So I thought I would see what we are doing here on the floor and what it says is, "He," the President, "shall have the power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur."

At that point, there is a semicolon and there is some more language that does not pertain. So, Mr. President, I believe we have had some wonderful debates here for the last couple of days. I think we laid this treaty down Tuesday evening.

Next Wednesday evening or Thursday morning when the President of the United States, Ronald Reagan, is on the way to the summit, or waiting in Helsinki to see what we are going to do, we will have 7 full days to debate this treaty.

I have not gone back and seen how many scores of days the three committees with 50 Members of the Senate, how many days they have had to review this treaty so that we can do what this Constitution says: Advise and consent.

You do not advise and consent by saying maybe. You either vote yes or no. It seems to me that you do not even filibuster because this Constitution envisioned filibusters because it knew the rule of the U.S. Senate was even going to do that. That was part of the processes that were around even before this Constitution.

But you know it does not even do any good to filibuster a treaty because the truth of the matter is you have to have two-thirds of the Senate present voting aye or you do not approve the treaty anyway.

Mr. President, I am no mindreader and I have not taken it upon myself to go walk around and ask the U.S. Senators who represent the people of this country whether they are for or against this treaty. But let me tell you what I think.

I think if we were to vote tonight, yes or no, on this little constitutional provison, two-thirds say yes or no, I believe that it would be a surprise if there are 10 nays. I think the vote right now would exceed 90 ayes.

Mr. WALLOP. Would the Senator yield for question?

Mr. DOMENICI. Just let me finish. That is my thought. It is nothing more than the Senator from New Mexico who thinks that is the case. it may be that it is 85 to 15.

But, Mr. President, I believe the President of the United States deserves an opportunity for this body, before he meets in Moscow, to say yes or no. And if we want to say no, let us say no. But if we want to say yes, it seems to me that scores of days before three major committees involving 50 U.S. Senators and 6 or 7 full days on the floor, which is what we are going to have, I just somehow think that ought to be enough.

For that 10, 12, or 15—maybe I will expand my numbers—that want to vote no, it seems to me in all deference to them—they are marvelous Senators—they have just as good ideas as the 85 or 90 who want to say yes. It seems to me that they ought to make their points in 5, 6, or 7 days; they ought to be able to offer any kind of appropriate, valid amendment or reservation or forced amendment to this treaty in 5, 6, or 7 days.

I speak again only for myself. I am not on any of the committees that passed on this.

I knew it was coming for weeks on end. I had plenty of intelligent people who know verification inside and out. As a matter of fact, the experts of the whole world are in my State. They run all over making sure all this is done right. They are there to talk to me. I had five of them for the last 3 months. They have been reading it and reviewing it, and I am not even on a committee.

I think if there is something new for me to learn, as a Senator from New Mexico, that puts America's future in jeopardy if I vote "aye," that 5, 6, or 7 days is enough time to educate me.

Mr. President, I think my fellow Senators know this Senator has the deepest respect for them. Whether they are in the 90 who are going to vote for it or the 10 who are opposed to it, I truly believe that the U.S. Senate, come Wednesday night of next week, will have had plenty of time to vote yes or no.

I believe this President, not only this President, but the American people deserve the opportunity to have their President—he is not going to be around here next year—carry this treaty to Moscow for a summit.

It does not have to yield anything more. I am not so sure that all these statistics about what the American people want, what the overwhelming sentiment is, is not that they want this treaty ratified and they want this President to have an opportunity to maximize the opportunities that might flow from it.

That is why I took a few minutes to come to the floor. I am speaking at no one. I am not directing my attention at anyone. I just hope that the general consensus is that we ought to be able to come to a conclusion by Wednesday and do just what the Constitution says: vote yes or no or modify this treaty.

We should get on with helping this President with this very difficult mission in a very different and changing world.

I thank the Senator for yielding, and I thank the Senate for listening.

Mr. QUAYLE. Mr. President, let me say, as far as this time schedule, I think we can and hopefully will be able to conclude this—I do not know if it will be Wednesday; I do not know when the President and the General Secretary meet. Maybe it will be Wednesday night. I do not think now is the time to start harping about we have to get on and pass this at a certain deadline.

I think now we want to sit here and have a discussion. I have been interrupted a number of times this afternoon. I am just trying to conclude my opening remarks.

I happen to have spent a lot of time on this treaty. I spent some time on the opening remarks, and, as the Senator knows, I am not speaking from prepared text. I am speaking from an outline because I happen to know a lot about this issue.

Mr. DOMENICI. Absolutely.

Mr. QUAYLE. For us to start talking about a deadline at this time I think is really quite inappropriate. I have sat here on this floor. I came over around 3 o'clock, and I am about ready to conclude.

I think that speech will be much more appropriate if we get into the dilatory tactics, and that may happen. I do not know. I hope it does not.

I can tell the Senator I am not being dilatory. I made substantive remarks about concerns I have about this treaty, and I made some substantive observations about the good things about this treaty.

If Senators do not want to talk about this, Senators do not have to talk about it. But once you have been involved in this thing for 4 months—and I have lived with this thing, and I have a lot to say about it. I do not have a lot of amendments. I may offer one. I may not. I am going to debate them once they are offered.

I want to see the interpretation issue resolved favorably. I want to see the futures thing finally concluded. I want to have a good debate on the Hollings amendment which I think is the substance of this.

For now to sit here and say we have to get on and pass this thing by Wednesday evening, fine, I hope we do. I am going through here, and I have tried to go through. I yielded to the majority leader, and I have yielded to the Senator. I am trying to get through my statements so we can get on with it.

Mr. DOMENICI. Mr. President, I was not directing my remarks at the Senator, and I think he knows that. In fact, I have been listening, even though I was not here, and I think he has a marvelous understanding of the treaty. He deserves to speak at length on it, and he deserves to be heard.

My remarks were not addressed at the Senator. In fact, I said they may not be addressed at anyone; did I not? I am assuming that maybe there is no one who wants to really delay the treaty because they do not like the treaty. That is what I said.

I hope that there were none, but that my opinion was that we ought to have enough time for that up-or-down vote and time to let this President take it with him. That is all I said.

I thank the Senator for yielding again.

Mr. QUAYLE. We may get to where a speech like that is right on target. To make that speech now when I am trying to conclude my remarks I do not think has any bearing on what is going on right now. I hope we do not, but we may get into dilatory tactics. I may join the Senator from New Mexico, depending on what it is.

Mr. WALLOP. Will the Senator yield 1 minute to me for an observation? The Senator has been most kind, and his remarks have been interrupted and interrupted, but before the Senator from New Mexico leaves let me make this observation.

First, there has been no debate. There have been speeches. I posed what I think are legitimate questions. There are no answers. I will raise them again. That is not dilatory, at least on my part.

If we vote tonight, and I believe what the Senator said to be true, and get 75, 80, 90 Senators to vote speaks about the Senate and not about the treaty. It speaks about us wishing to satisfy political needs and not the needs of this country.

This treaty goes in perpetuity. For us to be hurried because of a summit or any other thing before the Senate has had an opportunity to debate, and I say again it has not, I think is just a wrong urging at this moment in time.

The Senator from Wyoming knows well enough that we cannot filibuster this. It does not make any sense. I am not trying to. But heavens, I raised a whole series of historical points and military points and political points on the floor of this Senate this afternoon. Those deserve answers, and they did not and were not forthcoming.

Mr. QUAYLE. Mr. President, let me try to conclude my remarks. I have two things that I want to finish with.

One of the things that has been brought out and talked about as a problem down the road is this whole notion that you are going to get into a denuclearized Europe, the so-called triple zero.

I have said, and others have talked about the possibility that we are going to denuclearized Western Europe. Some think that we are on that road right now.

Yet, I think the Senate would probably go on record to say no, we want to have that nuclear deterrent. We had debate in the Senate Armed Services Committee about trying to go on with the modernization program in accordance with Montebello. In the modernization program in accordance with the Montebello decision and the Senate Armed Services Committee, we still have some restrictions on ATACMS, we still have some restrictions on some of the dual-capable artillery shells. We still have not modified that commitment.

I admonish people to think down the road a bit. If you do not think Europe could potentially be denuclearized, think about a change of government in Britain. Think of the Labor Party that would come in and what their agenda is. They have a two-party system, essentially a two-party system. Think about if you have a change in government in Germany, the SPD. Look at what has happened with the Danes and the Norwegians and the Spanish, the Greeks, the Japanese, and in the Philippines. They have all increased their interest in having nuclear-free zones or no nuclear weapons on their soil. Think how our ships are going to visit their ports. A more neutral Europe, is that good for our interests? I am not sure it is. I am not sure a more neutral Europe is in our best interests, one that would be aligned with the East rather than the West. I believe that we are really at the threshold here to see where in fact Europe is going. Is it going to be stronger, more cohesive? Is this treaty going to do those things or is it not? I think that the ultimate objective—I think we need to put this right out on the table—of the Soviet Union beyond denuclearization and a more neutral Europe is to get access to trade and credit and be able to prop up their economy through the wealth that we generate in the West. We are going to have trade, but it is going to have to be very careful trade, particularly in the area of technology. You have to look at human rights. We are not going to just rush over this, but that is the object. Face it, the bottom line is to have trade assistance from the West.

So I think it depends, Mr. President, on which road we travel with the INF Treaty. If you are going to maintain a nuclear deterrent in Western Europe, if you are going to maintain a strong alliance, if you are going to get Western Europe to do more rather than less, if you are going to have an alliance that in fact says we are going to build up our conventional forces and be willing to do that, that is all fine and good. If, on the other hand, we travel down the road where you go to the so-called triple zero, you see a denuclearization, you see a more neutral Europe, you see them looking toward the East rather than the West, then I do not think that is good. The success or failure of this treaty as history will record will determine on which one of those roads we travel.

Mr. President, let me conclude with a couple observations of the so-called interpretation amendment which I hope can be favorably resolved. Despite all the protestations to the contrary, this is a rehash of the so-called ABM debate, whether you are on the side of the narrow interpretation or you are on the side of the broad interpretation. They use the word "reinterpretation." We are not talking about reinterpretation because the ABM Treaty was not a reinterpretation. It was just an interpretation. Where there are ambiguities, the President has the right to interpret a treaty. He has the constitutional duty to interpret a treaty. I do not believe anybody ought to deny him that. And now we are getting into whether it is a reinterpretation.

What if, in fact, an administration witness testifying on a treaty makes a mistake? What if mistakes are made? Are you not subject to reinterpretation? In that case, a reinterpretation might be to the good. And when you look at this interpretation issue, I think what you want to try to figure out is how are you going to make the Soviets bound by our ratification record and our authoritative statements? The Soviets are bound by the treaty. And even if we are going to be bound and somehow they are going to be bound by the ratification record here, what about the ratification record in the Supreme Soviet? Are we going to be bound by that? I hope this whole thing is dropped. It does not belong in this treaty. I hope that it does not become a problem and I hope that either we can work it out on the floor or we can work it our privately.

Finally, Mr. President, I conclude that the treaty, in fact, should and will move forward. We will have debate on some issues that I think are quite important. As we look at this, I think we will be judged by what we learn from this process. We will be judged by lessons learned from the INF, precedents that we will take forward to START, precedents that we will take forward in the arms control process, precedents that we will take forward as a country. There is a lot to learn about the INF Treaty and the INF debate and the whole process. My desire is to not only have many Senators become interested in the issue but also as a Senate and an institution we can in fact learn by our mistakes, learn by the process, figure out what we need to do to make sure that this treaty is a success and not a failure. There are many challenges that we will have to meet to make sure that this treaty is a success and that we can look back to May 1988, when the Senate gave its advice and consent for ratification, and say we did the right thing; that history will record that this is a successful treaty and a successful effort and not one that ended in chaos, self-doubt, consternation, and a host of ambiguities. Many of the lessons that we learn with this will be valuable not only today but in the future.

Mr. BYRD. Mr. President, in relation to the treaty, and we are speaking in executive session because the Senate is in executive session, I would like to propound a unanimous-consent request that the Senate close off all amendments to the treaty and that the Senate proceed to the presentation of the resolution of ratification

Before I put the request, I should say that once all amendments to the treaty have been disposed of, if there are, indeed, amendments to the treaty, then the Senate should go to the resolution of ratification.

The resolution of ratification would have to lie over until the next day, and the Senate would then proceed with the resolution of ratification and amendments thereto. If any amendments to the treaty have been accepted prior to going to the resolution of ratification, those amendments would be incorporated into the resolution of ratification, along with any other amendments to the resolution by way of declarations, statements, reservations, understandings, and so on.

In the interest of proceeding in a fairly expeditious manner, and certainly in an orderly manner, I would hope that we could do that at this point. If any Senator has an amendment to the text of the treaty, if we can know that and be informed of that now, of course, I shall not press the request at this time. I wonder if we might have an indication from any Senator who has an amendment to the text and would like to present that amendment. Senators who have other statements they would like to make, they can make those statements on the resolution of ratification. Now I make inquiry.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. I will just take 15 seconds here. I hope we can move on to the resolution of ratification. There are about 12 major amendments we are going to have to deal with on the resolution. I indicated this morning there may be four Senators who have amendments to the treaty. I am now certain that two of those do not. The other two Senators are present. At least one of the two are present.

So it would be my hope we can move on. We have had 3 good days of discussion. There has hardly been any time lost. People have made their points, and I hope we can move on.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of the resolution of ratification.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina reserves the right to object.

Mr. HELMS. Mr. President, we have been on the treaty 2½ days, compared to 70 days for the Panama Canal treaties 10 years ago.

I suggest to the majority leader, prior to coming over here, I talked with three Senators, all of whom are contemplating amendments to the treaty. On their behalf and my behalf, at this point, I would have to object.

Mr. BYRD. Do I understand the Senator to say other Senators have amendments to the text of the treaty?

Mr. HELMS. Yes. I cannot say whether they will or can offer them this afternoon. But if the distinguished majority leader wants to revisit this, perhaps in an informal way in his office tomorrow morning, I will certaintly be cooperative in that regard and I am sure they will, too.

Mr. BYRD. So the Senator does object to the request today?

Mr. HELMS. I reluctantly and regrettably have to object.

The PRESIDING OFFICER. There is objection.

Mr. BYRD. Mr. President, the Senator is certainly within his rights to object to the request. I suggest we revisit this on tomorrow morning. That is Friday. Let us get all Senators on the floor at that time and identify those Senators who have amendments to the text of the treaty—they certainly have a right to call them up—and I hope they will proceed with their amendments so the Senate may debate and act upon those amendments. Then, hopefully, we could close out debate on the treaty and go to the resolution of ratification. If we could do that tomorrow, then we would not have to come in on Saturday. We would come in Monday; that would meet the requirements of the rule. Then on Monday, the Senate could proceed to consider the resolution of ratification and any amendments thereto.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes, I yield to the distinguished Senator.

Mr. DOLE. I do not have any quarrel with the majority leader's suggestion. Certainly the Senator from North Carolina is within his rights. But I want to remind all of us, particularly those on my side, that it is our President who is going to go to Moscow next week, and he would like to have us consent to the ratification of the treaty. I can already foresee not doing much tomorrow. I think I can see that in the cards. It appears, if you have a meeting in the morning, there will be some more delay and then we are into Monday. I am not certain we are going to do anything, but I hope we do a lot Monday, Tuesday, and Wednesday. There are a number of major amendments to the resolution of ratification. It would seem to me, if Senators have amendments, they ought to offer the amendments; they ought to offer them today.

I say that as the Republican leader on behalf of the Republican President, who I think deserves great credit for this treaty. We are not shutting anybody off. Nobody has attempted to do that. But I hope we understand on our side of the aisle that we have a special responsibility to President Ronald Reagan. So hopefully in the morning, if there is that meeting, it will help move this thing along because we have major amendments. The one on interpretation could take a couple of days.

The PRESIDING OFFICER. The time of the agreement has expired.

Mr. BYRD. Mr. President, if I may have 2 more minutes.

The PRESIDING OFFICER. Is there an objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, a motion is not in order to take the Senate from the text of the treaty to the resolution of ratification. We only do that when all action is completed on the treaty.

Now, there are some amendments on this side to the resolution of ratification, but I know of no amendment to the text of the treaty on this side. Am I correct?

Mr. PELL. Correct.

Mr. BYRD. That is correct. Whatever time remains I will be glad to yield to the distinguished Senator from North Carolina, if he has any response. Otherwise, tomorrow morning we will have a live quorum. We will have everybody come to the floor. If any Senators have amendments to the text of the treaty, I hope they will identify them and begin to call up those amendments, because, as the Republican leader has stated, the clock is running. The clock may run as long as there are legitimate amendments, serious amendments and serious debate.

But I hope Senators will call up their amendments, legitimate amendments, and get on with action on the treaty.

Mr. DOLE. There will be a full day tomorrow, right?

Mr. BYRD. There will be a full day tomorrow. I will go as long as the managers wish.

Mr. PELL. Might there be a full day on Saturday, too?

Mr. BYRD. We may still do so.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that this colloquy be as in legislative session.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, the DOD authorization bill is the unfinished business. That is S. 2355. The pending status of that bill is that it has advanced through the amendment stages up to the point of the pending amendment by Mr. D'AMATO under an agreement that precludes any other amendments to the bill. The amendment by Mr. D'AMATO has been one of which several parties have been seeking to find an agreement that would allow the Senate to dispose of the D'Amato amendment and then proceed immediately to a final vote on the passage of the DOD authorization bill.

Mr. LEVIN, Mr. KENNEDY, and other Senators on both sides of the aisle have been working on an agreement that would allow the distinguished Senator from New York [Mr. D'AMATO] to have a freestanding bill which would be covered in itself by a time agreement, providing that there be no debate on the motion to proceed. The bill, therefore, could be brought up at any time that the majority leader would be prepared to bring it up after consultation with the distinguished Republican leader. The agreement would also provide for time limitations on the bill during debate thereof, and the agreement would specify certain amendments, and only those amendments would be allowed to be called up to the bill. As I understand it, they would be germane amendments to the D'Amato amendment, and it would not allow nongermane amendments. There could be no filibuster on the bill because of the time agreement.

Consequently, the distinguished Senator from New York would be guaranteed a bill that would be called up and guaranteed a clear shot at the D'Amato amendment; a time agreement which would preclude nongermane amendments to the D'Amato amendment; a time agreement that would provide for a limited amount of debate and therefore preclude any filibuster; a time agreement which would allow for a final decision on the D'Amato amendment separate from the DOD authorization bill.

If we could enter into that time agreement, we could then immediately vote on the DOD authorization bill. Senator NUNN and Senator WARNER could take that bill to conference, and the time of the Senate would be saved in the long run.

I hope that the principals whose names I have mentioned will speak to the matter. I would like to put the request on the agreement.

Mr. NUNN. Mr. President, just briefly, I certainly subscribe to the proposal as outlined by the majority leader. I believe this bill has the support of the broad majority in the Senate, the DOD bill, and I think the amendment has the support of a broad majority.

I do not believe that, even if we pass the amendment as an amendment to this bill relating to capital punishment, we will be able to arrive at any kind of conference conclusion that would be positive. The reason I say that is that the House is very sensitive about jurisdiction. We all know in the Armed Services Committee that as soon as there is a nongermane, nonrelevant amendment on the bill, whichever committee that would deal with that subject in the House, they appoint them as conferees.

So we will be in conferring with the House Judiciary Committee and, of course, our Judiciary Committee will then want to be involved. And both Judiciary Committees are likely to be opposed to it coming out of this legislation. I am sure the House Judiciary Committee will be against it coming out.

If we passed this as an amendment to this DOD bill, we would do our best in conference, because we would be representing the Senate, but I would imagine that we would either have to give up on the amendment at some point to get a DOD bill, a defense bill, or we would be basically holding up the authorization bill for many, many weeks, maybe months.

Now, the House Appropriations Committee is already starting tomorrow marking up their House appropriation bill. We hoped we would, for many, many reasons, be in sync with the House appropriation bill and the Senate appropriation bill by having an authorization bill first. If this whole matter is held over until after the INF Treaty because of recesses and because of other considerations, we have no real hope of getting a conference completed by the 4th of July. And with the conventions coming up, we will probably be into September before we finish this bill.

The Senator from New York has been very involved in getting other amendments on this bill, including other important drug-related amendments. I think they would be held up a long, long time just by the nature of the calendar.

So I hope that we could have an agreement along the lines the majority leader has proposed—and I hope the Senator from New York and others who are interested in this would agree to that—which would give them every opportunity to have a freestanding bill, with the assurance that we would reach a vote on that bill.

Mr. WARNER addressed the Chair.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. Mr. President, I yield to Mr. WARNER.

Mr. WARNER. Mr. President, I shall take but a minute to join my distinguished chairman, the Senator from Georgia, in stating that, having been through nine conferences with him now, and particularly in the last few years where a number of conferees came from other House committees than the House Armed Services Committee—one time we had 75 conferees—I would anticipate a like scene this time, in view of the desire of the House to protect its jurisdiction. I am quite certain that here in the Senate consideration would be given to the Senate Judiciary Committee to join in the conference. So I hope that our colleagues, both of whom have attended many conferences themselves, would be well aware of that.

Mr. WILSON. Would my friend from Virginia yield?

Mr. BYRD. I yield to the Senator from California. I promised the Republican leader first—all right, then, Mr. WILSON.

Mr. WILSON. Mr. President, and to my friend from Virginia and to the majority leader and to my friend the chairman of the committee, I think that Senator D'AMATO and I and others who are eager to obtain a vote are not only sympathetic to what has been said here, in terms of not wanting to hold up the bill. Obviously, we do not want to do that but we do want a vote.

The problem is precisely that the other body does not really want to deal with it, as does this body.

I agree with the Senator from Georgia. He is absolutely correct. I am sure that there is not only a broad majority favoring the DOD authorization bill, but also a broad majority favoring this amendment.

The only problem that we have with a freestanding bill is the virtual certainty that it will never come to light on the House side. It is simply too easy for the House to duck it.

I am mindful of the admonition by the chairman, in fact he and I earlier today discussed the problems dealing with the conference and the problem that the defense authorization bill conference traditionally has when there are nongermane amendments.

The only problem is that there is no better opportunity available. So my suggestion, with all respect to the desire to move the DOD bill, would be to let us have this vote on the Senate side; not hold up the bill, move it along and, if a better vehicle presents itself in the interim, then I would say let us attach an amendment relating to the death penalty to that vehicle. Then perhaps we can avoid the problem that the Senator from Georgia foresees with respect to the DOD conference.

But the problem right now is that a freestanding bill is really an exercise in symbolism of the kind we too often are compelled to engage in on the Senate side.

We do something in response to the expressed will of the people and then it never happens on the House side.

So, this may not be a perfect vehicle, it is simply that it is the best one around and a freestanding bill simply gets us nowhere in the House.

That is I think in a nutshell the problem that we face.

Mr. BYRD. Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, I met briefly this morning with the Senator from New York. I know he had a very brief visit on the floor with Senators NUNN and WARNER. I am not certain there have been any meetings since that time. I understand there may not have been.

But I am not certain we have advanced any since we started here a few days ago with reference to this amendment. It will be up to the Senator. We have had a letter since then from another Senator saying he would object to any unanimous-consent agreement on the D'Amato amendment. I think that letter is in the hands of our staff.

So I am still willing to try to work it out. I know the majority leader is. I know the defense authorization bill is important. And I know the amendment is important, the D'Amato amendment is important.

I have delivered the proposed agreement, given to me yesterday by Senators LEVIN and KENNEDY, and the proposed list of 10 amendments to Senator D'AMATO. I know he has had those under review.

But I am not in a position to tell the majority leader that we can consent to anything at this point. We have yet to hear from the principal, Senator D'AMATO.

Mr. NUNN. Will the Senator yield briefly?

Mr. BYRD. I yield.

Mr. NUNN. One point Senators may be interested in. I do not have the exact date here, where this will have impact. It is not many weeks off. We have a transfer authority in this bill to allow the Department of Defense to transfer funds to avoid, as much as possible, the furloughs of civilian employees.

At some point, this is going to play a role. The Department of Defense has got some serious outlay problems to meet the budget request. They are going to have to have transfer authority, internally, to make those switches.

So we may very well have a few phone calls from civilian employees who otherwise would be furloughed.

I do not know whether that is going to come in 2 weeks or 3 weeks or a month or 4 weeks or 5 weeks. I do not know. I will know more tomorrow.

But at some point, we are going to have a lot of civilian employees working at military bases around the country that are going to be impacted if we do not pass this legislation.

Mr. BYRD. May I yield to the distinguished Senator from New York; without losing my right to the floor.

Mr. D'AMATO. Mr. President, first of all let me preface my remarks by saying that no one has been more patient, more understanding and worked harder to bring about the passage of this bill than the chairman of the committee, Senator NUNN. Not only as it relates to this controversy but also in dealing, I think, in only a fashion that a gentleman—and I say gentleman—with the intellect but also with the concern that he demonstrates for others and their prerogatives and their thoughts as related, I think, to achieving a rather substantial milestone with this body as it related to getting a bill that brought about the proper use of the military as it relates to the areas of detection and the limited—and they are limited—arrest provisions under certain circumstances that the military can engage in.

I have to say that this Senator feels somewhat defensive, and I do. Certainly not as it relates to the distinguished Senator from Georgia and certainly not as it relates to the majority leader who has been more than accommodating and who has been patient maybe to a fault. But let me suggest that this is not a new area of endeavor, or one of a political vein or nature to this Senator.

When I watch the media accounts they have rather trivialized some of the work that I have been undertaking, and yes even in an effort to sensitize, maybe, this body and the White House and others to the dilemma that we face, I feel that the American public has been trivialized for a long time.

It is unfortunate that it takes an election year to get some of my colleagues to begin to recognize the dilemmas that we have as it relates to the drug problem. It is really unfortunate. It is unfortunate that this Senator and others; Senator DECONCINI, who for years has been in the forefront—I have to tell you, I view with disdain the recent activity of some of my colleagues who do not give two hoots and a holler, really, and then rush forward: Oh, work? Assign their staff? Really put in time and effort? A lot of hokum.

Mr. President, as I was saying I find if it were not so tragic and we were not dealing in such an important area, rather amusing the awakening to the issue of the drug problem and the challenges that we face.

I find it also rather interesting and intriguing that the very same people who say your amendment is holding up this bill, are my colleagues who refuse to give us an expeditious vote. I am ready to vote on this right now without any further debate.

So I reject the contention that we are holding up this bill. And it very well might be, and certainly I am not in a position to second guess the Senator from Georgia that the conferees that the House puts on may object. Well, let them be held accountable for objecting. Let us see who is really going to work to either implement the program that is going to bring about some measure of response to the drug problem and who is going to look to kill it.

But if we allow a freestanding bill to go to the House it will be assigned as sure as we are here today to the morgue.

No one will have responsibility, no finger of accountability will be there. That is why I suggest at the very least to give it the opportunity to smoke out those who want it both ways. Who want to say, yes, they are ready to use all available means to fight the drug war, and yet when it comes to undertaking some measures that would give a measure of protection to our law enforcement officers, to innocent people, yes, make it more difficult for the drug kingpins to just order with abandon the dispatch of their gunmen into neighborhoods, to inflict their pain, as well as they do their drugs, and we are willing to take the necessary steps to back up our quest for law enforcement.

So I have to reluctantly note, not just on behalf of this Senator, but I say there are a half a dozen Senators on this floor who support our going forward and asking for a vote. I wish I could accommodate the majority leader because he has been most gracious, most understanding and he has demonstrated more concern for giving everybody a fair opportunity. Reluctantly, Mr. President, I am not in a position to withdraw the amendment at this time.

Mr. BYRD. Mr. President, there will come a time when we have to take some action on this bill and on the amendment. A tabling motion would be in order at any time. I realize the distinguished Senator can enter a cloture motion, as can other Senators.

I would hope that we redouble our efforts to try to reach some understanding that would allow final action on the DOD authorization bill and a separate vote on the D'Amato amendment.

I am on the same side of the distinguished Senator from New York, just as is the distinguished Senator from Georgia, the chairman of the committee. But I think we reach a little far. "One's reach should exceed his grasp else what's a heaven for?" Senators are reaching a little far, perhaps, if they hope to commit the leadership of the other House to a given Senate amendment presently pending in this body.

I admire those Senators who seek to get a commitment out of the other body's leadership, but I do not think we should expect the Senate to stand by overly long in the event that such a commitment is not forthcoming.

Mr. President, there will come a time when we will have to face up to this. I know that, if a House Member were to insist on the Senate's accepting an amendment of the House under similar circumstances, I could not give that commitment, even if I want to. Neither can the Speaker.

While it would be desirable to have a commitment out of the other body, I hope we will not employ that approach much longer. It will prove to be an idle expenditure of time.

Mr. NUNN. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NUNN. I want to reiterate the point the majority leader just made. The problem with this, everybody knows there are certain leverage points around here. There is very little leverage that I can connect between holding up the Department of Defense bill and getting people who are opposed to capital punishment on the House side to agree to a time certain on a House vote on the capital punishment matter.

I do not think that correlates. I do not think there is any leverage. I do not believe that the people over on the House side, who may not want to vote on capital punishment now, are going to yield to implicit threats to hold up the Department of Defense bill. It just does not correlate. There is not much leverage there.

Mr. BYRD. Mr. President, I think we have had about enough discussion on this matter today, but I would urge those Senators who are involved in the effort to continue their efforts, and we will return to the matter tomorrow.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The Senate continued with the consideration of the treaty.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, the President of the United States and the General Secretary of the Soviet Union signed the Intermediate Range Nuclear Force [INF] Treaty on December 8, 1987. For the first time in history, these two countries arrived at a general consensus that both would eliminate a whole category of nuclear delivery systems. These systems are comprised of missiles with ranges between 300 and 3,400 miles. Under the authority of our governmental processes and the U.S. Constitution, it is the responsibility of the Senate to give its advise and consent to this historic agreement.

I believe that two of the most important votes facing the Senate today are those decisions on war and peace and the confirmation of potential Supreme Court Justices. The importance of war and peace influences millions of lives and reflects the purpose and integrity of a country. The importance of confirming a potential Supreme Court Justice is critical because of the length and scope of the member's term. The debate on this treaty entails even a greater breadth and scope than the above mentioned examples. Moreover, the vote on a treaty between the United States and the Soviet Union will influence the entire civilized world and could lead to a stable and lasting peace. I look forward to a thorough, careful, and prudent debate.

Mr. President, before I begin to outline my reasons for supporting this treaty, while recognizing some reservations and caveats, I take this opportunity to commend President Reagan, Secretary Shultz, our arms control experts, and the Department of State for their diligent efforts in negotiating this treaty. I also applaud the efforts of the Majority Leader BYRD, the Minority Leader DOLE, and the chairmen of the Foreign Relations Committee, the Armed Services Committee, and the Intelligence Committee for their considerations and analysis of this treaty. Regardless of the final outcome of commas and precise definitions, a great deal of credit should be showered upon the aforementioned people.

(Mr. SIMON assumed the chair.)

Mr. DECONCINI. Mr. President, the treaty limiting intermediate range missile forces should be viewed as a positive step in the West that can have constructive results. This depends upon the next step in nuclear arms control negotiations and the future direction of Soviet policy. This treaty cannot and should not be viewed by itself as a panacea for nuclear disarmament or an establishment of détente for United States-Soviet relations. This must be considered on its own merits. However, I believe supporters of this treaty can point to the future benefits of this apparent success in some aspects of arms control. At a minimum, it portrays that the unprecedented provisions of missile dismantlement and on-site verification can lead to further agreements now under discussion. This treaty enhances NATO's security, U.S. security, and may eventually provide the impetus for more comprehensive East-West arms reduction agreements.

The INF Treaty is "a tribute to the collective resolve of the North Atlantic Alliance," as quoted by the Foreign Relations Committee report. Back in 1979, NATO pursued the dual track decision to either counter the Soviet SS-20 threat with INF deployments or to eliminate it through negotiations. With the signing of the INF Treaty in December, NATO demonstrated the resolve needed to achieve its objectives. Secretary Shultz testified to the Foreign Relations Committee that "the way we and our Allies successfully met the Soviet INF challenge shows that tough mindedness, clarity of purpose, and resolve pay off." The INF Treaty meets the terms sought by the United States and the security of the West. The United States is better off and so is Europe. These are two of the most important reasons why I am supporting this agreement. Moreover, the treaty is overwhelmingly supported by public opinion both in Europe and the United States. In addition to enhancing the security of the United States and our NATO allies, the verification and monitoring provisions could, if properly adhered to, diminish the possibility of war.

However, this does not mean that I do not harbor some concerns.

The INF Treaty has focused greater attention on the conventional force balance between NATO and the Warsaw Pact.

NATO has succeeded so far in deterring Soviet military aggression. It is important to note that the Warsaw Pact has more than a 2-to-1 advantage over NATO in the numbers of main battle tanks, artillery, antitank guns and missile launchers, and surface-to-air missiles. Meetings and strategies concerning this imbalance are currently taking place both in the United States and in Europe. This assymetry has existed for some time and the INF Treaty has forced NATO to prioritize this disparity. The treaty does not increase or decrease this imbalance, it has simply forced us to address the problem. The United States and NATO are currently working to develop new weapon technologies and strategies to help counter the Warsaw Pact's numerical advantage. Former NATO Commander Rogers has urged NATO members to raise defense spending by 4 percent annually in order to pay for these new technologies.

We should emphasize the mutual benefit of NATO-United States bases in Portugal, Spain, Greece, and Turkey. These bases should be financially supported by all NATO members. It is a travesty that the United States is literally held hostage for increased foreign aid each year for these bases. NATO does retain superior air power over the Warsaw Pact. NATO is also more politically cohesive. These are critical advantages to sustain in the future, and Spain's actions to remove the 72 United States F-16's could potentially threaten our air superiority. I will discuss this in further detail as the debate continues.

Additionally, I have been troubled by the executive branch's initial position on several issues with respect to this treaty, many of which have subsequently been resolved. The issue of treaty interpretation has been contentious in the past. I hope that the Senate will not digress on this question and replay the ABM treaty dispute. The Foreign Relations Committee has handled this issue extremely well. The committee did not attempt to make the Senate the interpreter of treaties, but instead, required that the executive interpret and implement treaties within the boundaries of the executive's original presentation in obtaining Senate consent to ratification. The executive branch should not be able to alter the interpretation of a treaty by changing its testimony made to the Senate at the time that the executive sought ratification. If this were allowed to happen, it would concede a power to the executive branch that the Constitution does not grant.

Based upon an example of views and opinions by the United States and the U.S.S.R. in recent months, the inclusion of futuristic weapons in the treaty is also an area of great concern. The Foreign Relations Committee has sought to define through further clarification the term "weapon delivery" to missiles using weapons other than conventional or nuclear warheads, such as high-energy lasers. Ambassador Glitman has worked with the committee to attempt to clarify this issue, saying the following about the treaty:

> What this clearly shows is that we intended to capture any future weapons delivery system that is ground-launched, ballistic, or cruise, and falls within the range bands covered by the Treaty.

This appears to satisfy many questions about the U.S. interpretation of futuristic weapons. The administration seems to be firm in its testimony that futuristic weapons would be banned by this treaty. However, it was unclear as to what the Soviet Union's interpretation would be. I believe that Soviet Foreign Minister Shevardnadze attempted to address this question. Nevertheless, further clarification and precise language were needed.

Mr. President, three committees have been responsible for the INF Treaty in the Senate. The Intelligence Committee is one of these committees. I have been a member of this committee for over a year. This committee has been largely responsible for the verification and monitoring provisions in the treaty. I have read hundreds of pages of testimony and reviewed countless documents concerning oversight, onsite monitoring, and verification. This is an imperative section of the treaty. I believe President Reagan said it best: "Trust but verify."

While I have asked a number of questions in the committee concerning our ability to effectively check and verify Soviet missiles and installations, I have also been concerned about the Soviet's ability to negate or circumvent these procedures. Although verification and onsite monitoring look effective on paper, this is not quite convincing, especially given the Soviets record on past agreements. The Soviets track record demands effective verification. On April 28, 1988, the New York Times reported a serious rift between American and Soviet officials over interpreting verification provisions in the treaty. One of these differences concerned the scope of American monitors' inspections at Soviet sites. More specifically, the issue was whether United States inspectors will be allowed to look inside Soviet structures big enough to conceal small rocket stages but not large enough to hide entire SS-20 range missiles.

Furthermore, American officials have said that the two sides disagreed over inspection rights outside the Soviet missile assembly installation at Votkinsk. The question is over how much access American inspectors should have to other Soviet facilities. The Americans argued that they should be able to freely carry out inspections within general boundary lines drawn on Soviet diagrams. The Soviets countered with the suggestion that the United States should only be able to inspect buildings drawn in dark lines within these boundaries.

These disputes over implementing or actually practicing the onsite inspections were serious, if not resolved, especially given the key provisions pertaining to verification. It is one thing to agree in writing to historic and sometimes intrusive monitoring provisions. It is another if we are unable to follow through and practice these monitoring provisions. This was much too important to be termed a "technical dispute." I am satisfied that Secretary Shultz and Foreign Minister Shevarnadze have subsequently resolved this matter. However, these verification disputes may require additional practice sessions in order to clarify the interpretation and implementation.

The administration has been somewhat hesitant to assure that these verification methods and technical means would be adequately funded. The Intelligence Committee budget is classified and I cannot go into specific detail on this particular subject, but this administration must commit to an Intelligence budget that sufficiently improves the surveillance and onsite monitoring provisions needed to verify the treaty. The New York Times reported on April 27, 1938, that this administration had reneged on a previous commitment to seek the money. The heart and soul of this treaty entails compliance with provisions on verification. If the administration did not follow through on its own commitments to fund these imperative programs, they would face serious obstacles from the Intelligence Committee. Great progress has been made over the last few days on this issue. I would hope that this spirit of cooperation will continue between the committee and the Executive in implementing this treaty.

Mr. President, these concerns and caveats hopefully reflect some careful consideration in fulfilling the role of advise and consent on this treaty. These concerns have been addressed without killer amendments or renegotiation. But this treaty was not perfect. The role of the Senate to advise and consent was probably more important given the complicated verification, monitoring, and onsite requirements than ever before in our history. I believe the Senate has improved the treaty. I believe the Senate is performing its constitutional role. Most of these improvements and modifications can be accomplished without amending or drastically altering the substance of the treaty. I do not support any killer amendments to the treaty. Nevertheless, I would still like to see some modifications on human rights, regional conflicts, and base rights. I will address these concerns in separate statements.

As I stated earlier, my support for this treaty is determined by its impact on United States and NATO security. This treaty has positive effects on future arms control agreements and on overall Soviet relations. But this treaty does not automatically translate into better overall relations. There are not magic wands or secret formulas that will make relations perfect. We have read about General Secretary Gorbachev's economic and political reforms in the Soviet Union. Buzzwords like "glasnost" should not disarm the U.S. public. Moscow's foreign policy has indeed changed in both style and charm; but has Mr. Gorbachev's foreign policy qualitatively changed from that of his predecessors?

I have carefully looked into this topic and have talked to many Soviet scholars and experts in this area. I have read numerous research articles on this subject matter. Although there is never a unanimous opinion, there is a great deal of consensus on certain points. The Soviet Union believes in the inherent superiority of Marxist-Leninist ideology, the need to preserve the superpower status, and the necessity to maintain Soviet control over Eastern Europe. Rather than ominous threats, the Soviet Union now charms Western Europe in an effort to limit the military power facing the Soviets from the West. The Soviets more aggressively pursue Western technology and financial credits. General Secretary Gorbachev has the same objectives as his predecessors. He has merely shifted tactics and rhetoric. This INF Treaty could be viewed as a political precursor to better United States-Soviet relations and possibly better United States-Eastern European relations. It could be a precursor for better Western European and Soviet relations. And, it could be a precursor for better Western European and Eastern European relations. A great deal depends upon how this treaty is implemented and what progress is made on future arms control negotiations.

Mr. President, I would like to make a final comment on our relations with the Soviet Union. I believe it is too early to judge whether Mr. Gorbachev will succeed in reforming Soviet society. I wish him well in his endeavors. However, our negotiations and consideration of this treaty should not be influenced by glasnost and perestroika. I was somewhat confused by Prime Minister Thatcher's comments a few weeks ago stating that the Senate should quickly approve the treaty so as not to hurt Mr. Gorbachev's efforts at home. Mr. Gorbachev's efforts at home have nothing to do with this treaty. I hope that her comments will not influence the outcome of this vote.

The Arizona Republic, in an editorial on May 3, 1988, reported Deputy Director of the CIA Robert Gates as saying: "For centuries, Westerners have hoped that Russian economic modernization and political reform—even revolution—signaled an end to despotism. Repeatedly, since 1917, the West has hoped that domestic changes in the U.S.S.R. would lead to changes in Communist coercive rule at home and aggressiveness abroad. These hopes, dashed time and time again, have been revived by Gorbachev's ambitious domestic agenda, innovative foreign policy, and appealing personal style." The Republic editorial concluded by saying that there is a chance that Mr. Gorbachev will remake the Soviet Union, and conversely, it is just as likely that the same forces that have prevented progress in the past could ignite a conservative backlash, thereby preserving the moribund Soviet status quo. We should not allow Soviet domestic politics to influence, one way or another, the merits and considerations of this treaty.

Mr. President, the United States and the Soviet Union seem headed toward reducing their nuclear arsenals. This treaty calls for the destruction of 2,695 missiles and would remove 2,096 nuclear warheads. The Soviets will remove four nuclear warheads for every one removed by the United States. This treaty represents a "triumph of solidarity for the NATO alliance" to win their objectives and to bargain from a position of strength. This treaty strengthens Western European confidence in regard to the U.S. commitment to defend Europe. This treaty has been carefully scrutinized by the Senate and important recommendations have been included. Specifically, the verification and compliance problems worked out directly by Secretary Schultz and Foreign Minister Shevardnadze were addressed after the treaty was signed.

As for the future of arms control, September is now the working deadline for reaching an agreement on a Strategic Arms Reduction Treaty. There is speculation that we will soon begin discussing conventional arms reductions. One would hope that we would move prudently and carefully on all future agreements to assure that they are verifiable and leave us with a survivable and viable deterrent. One would also hope that if deadlines do pass without agreement between the United States and Union of Soviet Socialist Republics, there would not be cause for alarm. What matters is not who gets credit for a treaty but what that treaty represents. It is not whose signature is on the treaty, but whether or not that treaty is sound. If we can learn from this INF Treaty and the recently resolved problems of verification procedures, the lesson is not to rush into last-minute agreements. Provisions on verification and monitoring take time to negotiate, time to practice, and time to implement. The prudent path is to let negotiations take their natural course. We should not unnaturally rush negotiations.

In closing, I am reminded of what Winston Churchill said when he was attempting to describe the motives behind the actions of the Soviet Union: "I cannot forecast to you the action of Russia," he said. "It is a riddle wrapped in a mystery inside an enigma. But perhaps there is a key. That key is Russian national interest." This treaty provides us with a key to that national interest. This treaty literally provides the United States inspectors with Soviet keys to defense facilities in order to verify the terms of agreement. Keeping in mind Churchill's warning, let me say this: In a nuclear world, a strong defense and "verifiable trust" are the ultimate guarantees of peace. Peace depends, at least in part, on the ability of the United States to keep the aggressive tendencies of the Soviet Union in check. We have experienced an unprecedented growth in our defense budget over the last 7 years, and we have negotiated from strength. We are negotiating from strength and we can verify this treaty. This treaty sends a message to the people of the world. The United States is committed to the defense of the free world and dedicated to peace in our time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I rise this evening in strong support of the resolution to ratify the Intermediate-Range Nuclear Forces Treaty.

The fact that this treaty is before us this week is a tribute to the determination of our President and the NATO alliance. Their perseverance and solidarity in the face of Soviet deployment of SS-20 missiles is what brought us to the signing of this landmark treaty. We have proven that the alliance is militarily strong and politically unified.

Let us just review a little bit of history if we might.

In the mid-1970's the Soviet Union aimed a new class of intermediate-range missiles, SS-20's, at Europe. The military reasons for deploying the SS-20 were to erode NATO's capability for flexible response and to confront the alliance with a credible threat of preemptive nuclear strike. There were also political motivations. The Soviet Union hoped to divide the alliance and to decrease European confidence in the U.S. nuclear guarantee.

In 1979, the NATO allies embarked on a dual-track strategy to counter the destabilizing deployment off Soviet SS-20's. We agreed to deploy 572 U.S.-owned and operated Pershing II's and ground-launched cruise missiles in West Germany, the United Kingdom, Belgium, and Holland. This intermediate nuclear force modernization was to proceed simultaneously with INF arms control discussions, in other words, the two-track procedure.

I would like to commend our European allies for sticking with this decision to deploy INF weapons in Europe.

I think every one of us can recall the massive so-called peace marches in West Germany, Belgium, Denmark, England, the lines surrounding the bases in Europe where Pershing weapons were going to be located, the marked growth in neutralist sentiment when we deployed the Pershing II's, the rise of the Green Party in Germany when we made substantial political gains as a result of their embracing a nonnuclear platform.

Nevertheless, those leaders, and I take my hat off to every one of them, stuck it out under tremendous political pressure and we proceeded toward genuine accomplishments in arms control.

Now to put the dual-track procedure back on the move and to counter the growing European popular resentment, President Reagan announced the first arms control initiative of his administration and that was on November 18, 1981. He had been in office some 9 months. This was at the National Press Club.

He called upon Moscow to "substantially reduce the dread threat of nuclear war which hangs over the people of Europe." He offered to cancel deployment of U.S. medium-range missiles in Europe if the Soviets withdrew their medium-range missiles aimed at Europe. This was called the "zero-zero" option.

In this body, the support for the President's "zero option" was enthusiastic and bipartisan. However, the press largely decried this initiative, saying it could not be done.

It was offering the Russians something, of course, we did not expect them to accept. Let us look at what some of the newspapers said at the time.

The Indianapolis News: "Reputed war monger Ronald Reagan took steps to shed his image yesterday."

The Albuquerque Journal: "The outcome won't be determined quickly nor is it likely to result in a nuclear-missile free Europe."

Tulsa World: "President Reagan made a case for a non-nuclear Europe that is likely to be approved by everyone except those most important to its success—the Soviets."

The Santa Ana (CA) Register: "It is difficult to view the Reagan proposal for nuclear arms reduction as a truly serious one, though we hope that it is."

The Birmingham News: "* * * odds that Ronald Reagan will get any real agreement by the Kremlin on his 'zero option' are nonexistent."

They did not equivocate. They laid it right out—"of course, it won't happen."

The Christian Science Monitor: "Few think the proposal, as outlined publicly, will be acceptable to Moscow."

The St. Louis Globe-Democrat: "Realistically, Reagan knows there is little possibility of the Russians giving up the enormous advantages they have gained from deploying some 270 SS-20 missiles—each with three warheads—in Western Russia."

The Rockford Register Star (Illinois): "As a blueprint for nuclear disarmament, President Reagan's proposal for complete elimination of intermediate-range nuclear weapons from Europe has about as much chance of Soviet acceptance as the proverbial snowball in Hades."

It is true, Mr. President, that the Soviets rejected the zero option. Thus, we went ahead and deployed 572 Pershing II's and ground-launched cruise missiles in Europe.

We assumed a posture of strength. We responded forcefully and properly to Soviet attempts to intimidate NATO. And now we find ourselves voting on a double-zero option.

Everybody said it could not be done. President Reagan stuck to it and it is being done.

On the opening day of hearings on this treaty, Secretary of State George Shultz told the Foreign Relations Committee, "the way we and our allies successfully met the Soviet INF challenge shows that tough-mindedness, clarity of purpose, and resolve pay off."

And how has the allied response paid off? Under this treaty, this zero-zero option, we will dismantle all our intermediate-range nuclear weapons in Europe. The Soviets will dismantle all their medium-range nuclear weapons pointed at Europe, plus all the medium-range missiles they have aimed at Asian countries. The Soviets will be required to dismantle four times as many warheads as will the U.S. In my view, this is a good deal.

The INF Treaty provides for the global elimination of all long-range and short-range INF missiles. Missiles with a range of 600 to 3,000 miles must be destroyed within 3 years of the treaty's effective date. Missiles with a range capability of 300 to 600 miles must be destroyed within 18 months. These missiles must be destroyed; they cannot be converted into other types of weapons. Furthermore, the treaty bans INF missile modernization, production and flight tests.

Under the treaty, the U.S. will eliminate the following: 108 Pershing II missiles; 309 deployed GLCM's; 260 undeployed GLCM's; 170 old Pershing 1A missiles stored in the United States.

The United States will thus dismantle 429 deployed warheads. The Soviet Union will eliminate: 400 SS-20's; 70 SS-4's and SS-5's; 356 undeployed long-range INF missiles; 387 SS-12/22's and SS-23's; 539 undeployed short-range INF weapons.

The Soviet Union will dismantle over 1,600 deployed warheads.

I cannot emphasize enough the importance of those numbers.

The INF Treaty is clearly to NATO's military advantage and to the advantage of the United States.

Nor can I stress strongly enough the significance of the global elimination of these weapons. Never before in history has there been an agreement to discard an entire class of weapons. This is one of the most important aspects of the INF Treaty. It has tremendous implications for the security of Europe and the ultimate security of our planet. It points the way to future agreements to eliminate other weapons, or to reduce the most destabilizing weapons in our arsenals. It points the way to a START agreement.

The other critical aspect of this landmark pact is its new, intrusive, verification procedures. The key verification provisions of the INF Treaty are the following:

A detailed exchange of data, on an ongoing basis, regarding the origin and destination of missiles and launchers in transit; the dates for elimination of deployment areas, bases and support facilities; the date, place, number, and type of missiles and launchers to be destroyed at specified elimination sites and through launching.

I should note that this exchange of data is in and of itself remarkable and revolutionary.

The distinguished senior Senator from Arizona just talked about the Russians, what they are like—an enigma wrapped in a conundrum and enclosed in a mystery.

The memorandum of understanding submitted to the Senate with the INF Treaty contains very detailed information about the composition, location, and numbers of each side's INF force—what we have and what the Soviets have. By way of contrast, the data exchanged during SALT II negotiations could fit onto a single page.

Baseline inspections of missile operating bases, support and elimination facilities, to verify the numbers and location of all missiles and launchers to be destroyed.

Inspections of missile and launcher elimination.

Close-out inspections to verify that the destruction process has been completed.

Short notice "challenge" inspections.

Inspections of production facilities.

The role of these inspections is threefold: To establish the inventory of INF missiles and related equipment to be eliminated; to ensure that they have indeed been eliminated; and to detect a covert INF force. The inspections will be supplemented by the activities of our intelligence community and technology, referred to as national technical means. To enhance the usefulness of NTM in the verification regime, the treaty requires that the United States and Soviet Union not interfere with each other's intelligence gathering.

I am confident that the verification provisions of this treaty will be effective, and will allow us to detect significant cheating. As Ambassador Paul Nitze said in his committee testimony:

This is what Ambassador Paul Nitze said, and no one can accuse Ambassador Nitze to be soft on the Soviets:

> What do we mean by effective verification? We mean that we want to be sure that, if the other side moves beyond the limits of the treaty in any militarily significant way, we would be able to detect such violation in time to respond effectively and thereby deny the other side the benefit of the violation.

Mr. President, I concur with the majority of Senators and negotiators who have gone through the issues with a fine-tooth comb. They have determined that the verification regime is not just a coup for negotiators. It will work.

Now that I have described the nuts-and-bolts provisions of the treaty that have earned my enthusiastic support, I would like to touch on some of the questions that have inevitably risen.

First, in recent weeks a number of controversial issues surrounding treaty ratification have drawn attention. Most have been resolved satisfactorily through 11th hour negotiations on the part of the administration.

One particularly thorny issue has been whether or not the treaty covers so-called futuristic or exotic weapons. The treaty is explicit on its application to conventional GLCM's. The negotiators agreed to ban conventional missiles to aid in verification, since intermediate-range cruise missiles equipped with conventional warheads are indistinguishable from those equipped with nuclear warheads. Our negotiators, and the Senators on the relevant committees, have been assured that the ban extends to all medium-range missiles, including those equipped with futuristic devices.

I do not pretend to believe that the issue of futuristic weapons has been dealt with for the last time.

The other issue of great concern which we will be forced to address in the next few days is that of treaty interpretation. As I understand it, some members of the Committee on Foreign Relations plan to add a condition to the INF Treaty which seeks to repudiate the Sofaer doctrine.

Mr. President, no one is more opposed to a broad interpretation of the ABM Treaty than I. No one is more concerned about the implications of the Sofaer doctrine for the interpretation of all treaties. I have given my full support to the Senator from Georgia and the Senator from Michigan in their efforts to legislate U.S. adherence to the ABM Treaty. I have been supportive of all efforts to cut spending on SDI, which in my view is on a collision course with the ABM Treaty. In many ways we have been successful in our legislative efforts, and I pledge to continue to do all I can to this end.

Nevertheless, I am convinced that the INF Treaty is not the appropriate forum for righting this wrong. It troubles me to think that this debate, Mr. President, could degenerate into a partisan reopening of a long-festering wound. I am also troubled by the implications for this treaty of such a condition. Can the authors of it assure the Senate that we will not sink into a constitutional quagmire further on down the line?

This is not the time nor the legislation to debate that issue.

Other issues raised by the signing of an INF Treaty are the strength of our conventional forces and the need for an ensuing strategic arms reduction agreement.

The INF Treaty alone does not constitute a threat to Europe's security. In the early 1970's there were no INF forces in Europe. Former Secretary of Defense James Schlesinger testified:

> It is a form of parochialism in Europe to suggest that the Soviets have basically been deterred by a relative handful of warheads in Europe, none of which were deployed before 1983.

Yet, certainly the INF agreement has served to focus our attention on the need for the modernization of NATO conventional forces, as well as the desirability of forging a conventional arms agreement with the Soviet Union to do away with Warsaw Pact superiority in this regard. I hope that we will move forward in both areas, and hope that our NATO allies will continue to be full partners in the effort to negotiate from a position of strength.

The INF Treaty and strategic arms control are inextricably linked. The INF accord—revolutionary as it is—will only be truly beneficial to the security of NATO if there are some limits on Soviet strategic nuclear forces. Without these restraints on Soviet long-range missiles, the Soviets will be free to compensate for their dismantled, intermediate-range SS-20's by deploying more strategic missiles aimed at European targets.

In other words, you can take a long-range weapon and just have it go higher and thus have a shorter range. So I think following on with the START negotiations is extremely important.

Thus, now that an INF agreement has been signed by the United States and the Soviet Union, I believe there should be a mutually observed and stable temporary cap on strategic forces until a START agreement can be concluded.

The Senators from Arkansas, Vermont, Pennsylvania and I continue to believe that the core sublimits of the SALT II Treaty should not have been abandoned by the United States in November 1986. And we still believe that continued U.S. adherence to those limits serves our national security interests, so long as the Soviets also adhere to the same limits.

The Senator from Georgia indicated during debate on the DOD authorization that budget-cutting measures would likely result in a de facto interim restraint. I consider this of vital importance to the success of the INF Treaty.

Mr. President, in conclusion I would like to reiterate that the INF Treaty is a breakthrough. Indeed, we are on the threshold of a new era in arms control.

But we must not rest on our laurels. We must not be content to praise our allies, our negotiators, and each other and call it a day. We must recognize that our work has only just begun.

The President and Soviet leader are hopefully close to cementing a START agreement. Such a treaty will present us with challenges only alluded to in the INF agreement. Since that pact will result in arms reductions, rather than elimination, we will have to attack its verification regime with all of our ingenuity and skill. The willingness to negotiate is there—we have proved that with INF. But the truly hard work is still before us, in START verification; in the ongoing long-range negotiations in Geneva and in conventional weapons reductions talks.

The great lesson to be learned from the business at hand is that in arms control, good faith coupled with unwavering resolve and a strong military posture is a formula that produces results. Let us learn this lesson well, and put it to worthwhile and productive use as we face the many challenges that remain.

I urge all Senators to support the resolution of ratification.

I thank the Chair.

AMENDMENT NO. 2108

(Purpose: To provide that the treaty shall not enter into force unless and until the President has certified that the U.S.S.R. has ceased the violations, previously certified by the President, of existing arms control treaties or agreements)

Mr. SYMMS. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2108.

Mr. SYMMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Article XVII add at the end thereof the following new paragraph:

3(a) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the SALT I ABM Treaty, to wit:

1. Construction of the Krasnoyarsk radar.

2. Movement of a Flat Twin ABM radar and a Pawn Shop van (a component of an ABM System), from a test range and initiation of deployment at a location outside of an ABM deployment area or test range.

3. ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 surface to air missiles and radars, of which there have already been over 100 such tests.

4. Mobility of the Soviet ABM-3 system in violation of the Treaty ban on mobile ABMs.

5. Development of mobile Flat Twin ABM radars in violation of the prohibition on developing and testing mobile ABMs.

6. Falsification of the deactivation of ABM test range launchers in violation of the ABM Treaty dismantling procedures.

7. Rapid relocation of a Flat Twin ABM radar, creating a new ABM test range, in violation of the requirement for prior notification.

(b) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of Nuclear Test Bans, to wit:

Venting of nuclear radioactive debris beyond Soviet borders from underground nuclear weapons tests in violation of the 1963 Limited Test Ban Treaty, of which there have been over 30 conclusively confirmed cases.

(c) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of Biological and Chemical Weapons Bans, to wit:

1. Involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan in violation of the 1925 Geneva Protocol.

2. Maintenance of an offensive biological warfare program and capability in violation of the 1972 Biological and Toxin Weapons Convention.

(d) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the SALT I Interim Agreement, to wit:

1. Deployment of the heavy SS-19 Intercontinental Ballistic Missile and the medium SS-17 Intercontinental Ballistic Missile as replacements for the light SS-11 Intercontinental Ballistic Missile, in violation of the Article II prohibition against replacing light ICBMs with heavy ICBMS.

2. Deployment of modern Sea-launch ballistic missile submarines exceeding the limit of 740 SLBM launchers without compensatory dismantlement.

3. Deployment of SS-N-21 and SS-NX-24 long-range sea-launched cruise missiles on converted Y Class SLBM submarines.

4. Use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM.

(e) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the objects and purposes of SALT II, to wit:

1. Flight-testing of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".

2. Deployment of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".

3. Deployment of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".

4. Development of "rapid-refire" capability for the SS-25 Mobile ICBM.

5. Covert Development of multiple warhead capability for the SS-25 Mobile ICBM.

6. Total encryption of SS-25 telemetry.

7. Exceeding the de facto SALT II overall ceiling on Strategic Nuclear Delivery Vehicles.

8. Development of the SS-N-23 Sea-launch Ballistic Missile.

9. Flight testing of the SS-N-23 Sea-launch Ballistic Missile.

10. Deployment of the SS-N-23 Sea-launch Ballistic Missile on Delta IV and III Class submarines.

11. Total encryption of SS-N-23 telemetry.

12. Arctic basing of the Backfire Intercontinental Bomber.

13. Production of Backfire Intercontinental Bombers in numbers exceeding annual limits.

14. Concealed deployment of banned SS-16 mobile ICBM launchers.

15. Failure to declare in the SALT II Data Exchange, operationally deployed and concealed SS-16 mobile ICBM launchers.

16. False declaration in the SALT II Data Exchange as to the range of the AS-3 Kangaroo long-range air launch cruise missile, so as to avoid inclusion of such missile.

17. False declaration as to the range and refueling capability of the Backfire bomber.

18. Exceeding the SALT II sublimit of 1,200 multiple warhead ICBMs and SLBMs.

Mr. SYMMS. Mr. President, what I am doing is having this amendment printed in the RECORD tonight so my colleagues will have the opportunity to consider it. I know Senator THURMOND and others are on the floor wishing to speak. The distinguished chairman and floor leader, Senator LUGAR, has been very courteous. I think the hour is late, so what I would suggest, Mr. President, is that I ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I ask for a division of the amendment.

The PRESIDING OFFICER. The Senator has that right. Will the Senator state what the division is that he wants?

Mr. SYMMS. I would ask that the amendment be divided in each subsection so there would be five divisions in the amendment. It is subsection (a), subsection (b), subsection (c), subsection (d), and subsection (e).

The PRESIDING OFFICER. So the Chair understands the request, than you are asking for the yeas and nays separately on each one of those subsections?

Mr. SYMMS. That is correct.

The PRESIDING OFFICER. The Senator has that right.

Mr. SYMMS. I ask for the yeas and nays on each subsection.

The PRESIDING OFFICER. I am advised by the Parliamentarian that is automatic with the previous request.

Mr. SYMMS. That was my understanding. Thank you, Mr. President.

Mr. LUGAR. I have a parliamentary inquiry. Will the Senator yield?

Mr. SYMMS. I will be happy to yield to my colleague.

Mr. LUGAR. When the yeas and nays were ordered on the initial amendment, when the amendment is divided, automatically the yeas and nays follow on each section? So there are five yea and nay situations?

The PRESIDING OFFICER. I am advised by the Parliamentarian that is the situation.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I will be very brief. I note the distinguished Senator, the senior Republican in the Senate, Senator THURMOND, and a very dear friend and one I admire greatly is waiting to speak on this treaty.

Mr. President, my amendment has listed pages and pages of Presidentially certified Soviet Arms Control Treaty and Agreement violations.

This amendment, I might remind Senators, would require the President to certify that the Soviets have corrected these numerous violations before the INF Treaty enters into force.

After hearing these violations, what good is verification if there is no enforcement? Mr. President, one has to wonder "does this mean the Soviets are going to cheat on the INF Treaty?"

Perhaps the most realistic response was one provided by former Secretary of Defense Caspar Weinberger during testimony before the Senate Foreign Relations Committee on February 2:

> They have cheated in the past. I think we can expect they will cheat in the future whenever they decide it is in their national interest to do so.

And that is the point, Mr. President. If we allow this treaty to enter into force while the Soviets remain out of compliance with treaties and agreements with the United States, it sends a clear signal to the Kremlin that they can cheat on this treaty as well.

This is a signal we should not send. Indeed, the American people believe that this is a signal we should not send.

According to a recent poll, a majority of the public believes President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the INF Treaty can take effect—even if this requirement would kill the agreement. Mr. President, 79 percent of the American people believe that President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the INF Treaty can take effect, according to a Yankelovich poll of March 1988.

My amendment, the amendment before the Senate right now, would require exactly what a majority of Americans want to see: A Presidential certification as to Soviet compliance with past agreements prior to the INF Treaty going into force.

Specifically, for the benefit of those Senators who did not hear this amendment read, the amendment would provide that:

> The INF Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the violations, previously certified by him to the United States Congress, of the following Treaties and agreements:
>
> 1. The SALT I ABM Treaty (of which the amendment lists 7 Presidentially certified violations);
> 2. The 1963 Limited Test Ban Treaty;
> 3. Biological and Chemical Weapons Bans, (of which the amendment lists 2 Presidentially certified violations);
> 4. The SALT I Interim Agreement, (of which the amendment lists 4 Presidentially certified violations); and
> 5. The SALT II Treaty, (of which the amendment lists 18 violations of the object and purpose of this agreement).

Let me remind my colleagues, Mr. President, that these are not just violations in the eyes of this Senator. Rather, these are violations reported to Congress by the President of the United States.

These are Soviet violations which we know about; violations which may never be corrected if we do not use whatever leverage we have to obtain such corrections.

This amendment would put it to Gorbachev and his stooges in the Kremlin: "either you fix your violations to previous treaties and agreements, or you don't get our Pershing II's and GLCM's removed from Western Europe and destroyed."

Mr. President, this amendment is not supported by just this Senator, but rather by the majority of the American people. Polls indicate, and I know the polls are accurate in this regard, that the American public does not want to see this treaty go into effect until the President certifies that the Soviets are in compliance with previous arms control treaties. That is exactly what this amendment would do.

I might just recapitulate to say that what this amendment is all about is for the Senate of the United States to go on record to decide whether or not it wants to have the verification of this treaty mean anything. Should the Senate condone Soviet violations of all existing arms treaties, Soviet violations which have been confirmed by President Reagan?

If we do not ask the Soviet Union and in fact insist that the Soviet Union get into compliance with all of the other arms control treaties that they are out of compliance with, then the verification portion of this treaty really is saying that the verification has no enforcement, it has no compliance.

I think, also, Mr. President, what this treaty is all about—this is really a political will amendment. But everyone will come in tomorrow and say this would force the renegotation of the treaty. This amendment will not force renegotiation of the treaty. It will only require that the Soviet Union fulfill its legal obligations.

I would just like to point out that the Symms amendment does not block ratification of this treaty. It only blocks entry into force until the Soviet Union complies with all existing treaties.

I stated earlier, Mr. President, the fact that the American people by 79 percent in a national poll by Yankelovich, a bonafide polling institution, think that the Soviet Union should be in compliance with their other treaties before we dismantle cruise missiles and Pershing II's from Western Europe.

It will not block the ratification. It will only mean that it will not go into force.

I repeat: 79 percent of the people, from the Daniel Yankelovich Group Polling Co., said that President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the treaty goes into effect.

To save time for my colleagues, and I might just say to the leadership of the committee, I will be here in the morning at your request to start the disposal of this treaty. I do not anticipate that it will take a long time to dispose of it. I think I have protected myself, the way the parliamentary situation is, and I will be willing to work with Senator LUGAR and Senator PELL, to see how they wish to resolve this issue.

I would like to be able to debate this briefly in the morning. I do not anticipate it will take me very long. I do not have too much more to say. Just to make the point, Mr. President, the Soviets have cheated in the past and I think the Senate and each Senator ought to go on the record whether he wants to go ahead and condone Soviet cheating or not.

It is a choice that each Senator can make and I impugn no motives of any of my colleagues but I think it would be a way for the U.S. Senate to stand up for what the Constitution intended we do on treaties and that is to improve those treaties and improve the body of the treaty. Remember, treaties are permanent, and they are the supreme law of land.

I repeat, this amendment is only an amendment which would make the verification portion of the treaty—there would be compliance to it. It does not block ratification. It would only block entry into force until the Soviets get back into compliance on the other treaties.

Mr. LUGAR. Would the Senator yield for a question?

Mr. SYMMS. I would be happy to yield to my friend.

Mr. LUGAR. Let me ask the distinguished Senator. On this side of the aisle we are not certain of what the time situation is going to be in the morning. We at least have heard some informal discussion that the Senator's amendment and his divisions might be the subject for the first vote in the morning, to indicate the presence of Senators.

It may very well be that the distinguished majority leader will offer time for debate. Then again he might not.

So for this reason I think the distinguished chairman of the Foreign Relations Committee would make a comment about the Senator's amendment and I will make a comment this evening so there will at least be some record.

We, of course, then would support, in the event it is the Senator's wish, additional time to debate the issue but we are uncertain.

So I would ask the Senator's indulgence if we were to make comments after the distinguished Senator from South Carolina makes his comments.

Mr. SYMMS. I thank you very much. I understand that. I do not think the majority leader has stated at what time the Senate is coming in but this Senator will find out and I have announced I will be here. I do not anticipate needing much time for myself. Five to ten minutes is all I will need. There may be other Senators on this side or on the other side that wish to address this issue so I do not want to preclude my colleagues but I have no intention to delay the process here.

I think I might just say before I yield the floor, this amendment really will clear the air on this treaty. If the Senate is not willing to make the Soviet Union comply, then I will say the Senate has pretty well spoken, that they are going to go ahead and ratify this treaty no matter what, but at least the air will be cleared on the issue.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, Secretary of State Shultz told the Committee that, "We believe that the INF Treaty stands on its own merits and should not be linked to other arms control agreements or issues."

The INF Treaty improves U.S. security. We should not be in a position of cutting off our nose to spite our face. If the INF Treaty is a good treaty, it should not be linked to other issues. Insistence on such linkage could hinder the achievement of arms control agreements.

In particular, this amendment could make the INF Treaty hostage to a resolution of the Krasnoyarsk radar issue. Secretary Shultz told us that, "We have made known to the Soviets our concerns over the Krasnoyarsk radar in many fora and will continue to press for the resolution of this problem."

I share the concern of many Senators over this Soviet violation of the ABM Treaty, but I believe the administration is now trying to resolve these issues—and we should support their effort.

In truth, if we demand resolution of all of our problems with the Soviet Union prior to entering into arms control agreements, we may never achieve those agreements. The important question is, how does this treaty help our security? Does it help it or harm it? I hope we can discuss this briefly tomorrow, and I look forward to the debate.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the treaty being debated today is the culmination of years of effort. It is a tribute to the resolve of the NATO Alliance, to the negotiators, and especially to President Reagan, whose leadership saw it through to signing last December. The President and our allies proved critics of the ambitious "zero-zero" proposal wrong. In doing so, they reconfirmed the fact that the only way to negotiate successfully with the Soviet Union is to show strength, resolve, and patience.

I would also like to take this opportunity to commend the chairmen and ranking members of the three committees involved in the review of the INF Treaty, especially Senator PELL and Senator LUGAR, the floor managers of the treaty. They deserve high praise for the bipartisan and thorough effort that was put forth in their examination of the treaty's implications for United States and Alliance foreign policy and national security. These past few months have been a model of how both parties can work together in a nonpartisan fashion on important national issues.

The work done by the various committees was also exemplary of the constitutional responsibilities of the Senate in providing its consent to the ratification of treaties. These responsibilities demand no less than pursuing every question, clarifying every ambiguity, and resolving every issue, and that is exactly what has transpired over the past several months. This outstanding work pointed to a number of issues that I will review and ask Members to keep in mind during the ratification debate on this treaty.

We have heard that the treaty before the Senate is of historical importance and precedent. The treaty's on-site verification procedures, for example, are the most comprehensive in the history of the arms control process. The treaty is also significant because it is the first to eliminate rather than just limit entire classes of nuclear weapons and it establishes the principle of unequal reductions of forces in similar cases like the INF Treaty where the Soviets possess more missiles and warheads than the United States. This principle will be critical for conventional arms control negotiations.

Mr. President, the Armed Services Committee, of which I am a member, concluded in its report on the treaty that there were a number of legitimate concerns about the inclusion of conventional ground-launched cruise missiles in the treaty. As the committee noted, "Advanced technology is the alliance's trump card, and highly accurate, unmanned, long range, stand-off weapons represent a particularly attractive means for redressing the conventional imbalance in Europe." The committee concluded that it was inadvisable to amend the treaty to permit conventional ground launched cruise missiles of INF range, and urged the administration not to allow the INF precedent to foreclose U.S. options for conventional ALCM's and SLCM's in a START Treaty.

During the recent May recess, I traveled to Germany to discuss INF

Treaty related issues with senior United States military commanders. Because of my misgivings about the conventional cruise missile issue, I solicited the views of each of the military leaders about the wisdom of amending the treaty to exclude conventional cruise missiles. Without exception, they did not support such an amendment. All pointed to the difficulty of verifying the treaty if conventional cruise missiles were permitted—an argument that had also been made by Joint Chiefs of Staff witnesses before the Armed Services Committee. One general also noted that from his perspective, the significant advantage of eliminating all ground launched missiles of INF range was that the very threatening Warsaw Pact chemical weapons delivery capability against critical targets such as ports, airfields, and POMCUS sites would thereby be curtailed.

The problem over futuristic GLCM's of INF ranges came to have great significance during committee work on the treaty. I disagree with those who assert that this issue was covered in the treaty. The testimony before the Armed Services Committee in conjunction with the negotiating record shows clearly that this issue was not addressed directly, if at all, during the course of the negotiations. If the issue had not been resolved, it could have sown the seeds for treaty compliance concerns in the future. The diplomatic note that Secretary Shultz successfully brought back from Geneva signed by the Soviets does much to resolve this issue.

Nonetheless, I agree strongly with Senators WARNER and NUNN that to ensure the diplomatic note is an integral part of the treaty, a category III amendment must be attached to the treaty. This amendment would require the concurrence of the Soviet Union. Such concurrence should present no problem since the Soviets have already agreed to the substance of the amendment in signing the diplomatic note. I believe this amendment is a vital requirement to ensure that the common understanding of the two sides on this issue is legally binding on both parties.

While I am not a member of the Senate Intelligence Committee, I commend the efforts of Senators BOREN and COHEN in assuring that important technical details on the verification of the INF Treaty were commonly understood by both parties before the treaty was brought to the floor for the ratification debate. The verification procedures in this treaty are tremendously complicated, and I believe that Senators should be under no illusions that we have seen the last of disagreement between the two sides on such technical issues. As Secretary Shultz characterized the problem of verification, the "devil is in the details."

It is for this reason that I believe that we should not proceed with the signing of a START Treaty, whose onsite verification provisions will be infinitely more complex, until we determine how the INF on-site provisions work. As the recent incident with the nine monitoring problems pointed out, these are complex issues that require careful consideration and negotiation.

Mr. President, on a matter related to verification, I would like to draw attention to an important judgment made by the Senate Select Committee on Intelligence. Specifically, the Intelligence Committee concluded that while the U.S. intelligence community will be able to monitor the INF Treaty, it does so only by stressing our intelligence collection assets. Thus I support strongly the efforts of Senators BOREN and COHEN to obtain additional funding for new collection capabilities to improve our monitoring for the INF Treaty. Such intelligence improvements are absolutely essential to ensure that we have adequate assets to monitor Soviet military developments in the START environment.

At the same time, Mr. President, we should not assume that we can solve all the challenges of monitoring treaty compliance with hardware alone. We must also ensure that our intelligence analysis capabilities keep pace with our technological capabilities. Moreover, our technological and analytical intelligence capabilities must be balanced among the requirements to monitor treaty compliance, to detect legal military developments that could upset the balance, and to support military operations.

Mr. President, this Senate has received a solid record of reports detailing Soviet noncompliance with their existing arms control commitments. It is against this background that all Senators should consider the treaty that is before the Senate. At a minimum, Soviet violations must be taken seriously if we are to deter future Soviet violations of treaties, particularly with respect to the INF Treaty. While there have been signs of change in the Soviet Union, we should not delude ourselves about the nature and objectives of this regime. We must proceed with caution and demand deeds not words in resolving our outstanding compliance concerns with the Soviets. Moreover, I would like to see safeguards in this treaty to deter noncompliance, and procedures in place to deal with noncompliance should it occur. I understand that my colleague from Wyoming, Senator WALLOP, may be offering an amendment to deal with this latter point, and I look forward to working with him should he offer such an amendment.

Mr. President, I do not believe that we should approach this treaty without some concerns about the impact of the treaty on the NATO Alliance and on the future of the NATO flexible response strategy. In West Germany, for example, an apparent sentiment exists within some political quarters and among the public to remove all nuclear weapons from German soil. If such a movement were to come to fruition, it would have a devastating impact on the alliance and on the flexible response strategy that has kept the peace in Europe for over 40 years. Thus we must ensure that in ratifying this treaty, we do not encourage or permit the elimination of all ground-based NATO nuclear forces in Europe.

This point was very clearly brought home to me in my recent discussions with U.S. military leaders in Europe. Several generals cited recent polls in Europe that found General Secretary Gorbachev to be more popular than the American President. NATO's political and military leaders know that the Soviets must continue to be judged by their deeds and not by their words—and that there is no evidence that the Soviets have abandoned their aggressive goals. Nonetheless, the leaders with whom I spoke say a formidable challenge for NATO leaders to convince their populations that the threat has not diminished, and that the alliance must remain steadfast in meeting that undiminished threat.

My discussions with military leaders about the challenges that the alliance will face in the post-INF period focused on the need for conventional and theater nuclear modernization, and on the need for progress in arms control to limit conventional and chemical weapons. In particular, Mr. President, the military leaders stressed the importance of carrying out the Montebello decision, which predated the INF Treaty, to reduce the European nuclear stockpile while taking steps to ensure that the remaining nuclear weapons are responsive, survivable and effective. I was pleased that during recent consideration of the fiscal year 1989 Defense authorization bill, the Senate adopted a Sense-of-the-Senate amendment that strongly supported the need to continue with the modernization of theater nuclear forces that will remain in the post-INF period.

Mr. President, I want to emphasize that my support for this treaty is directly related to the maintenance of a strong and modernized nuclear deterrent for NATO and for the United States. This point should not be lost by my Senate colleagues. Nuclear deterrence has kept the peace for over 40 years between the United States and the Soviet Union and it will only continue if our nuclear and conventional posture in both the United States and NATO is credible.

Finally, Mr. President, I would like to express my disapproval of the Biden-Pell amendment regarding the treaty interpretation powers of the executive branch. While I understand and appreciate Senators' concerns about this issue, I believe that the assurances the administration has already provided to the Senate on the authoritativeness of its witnesses are sufficient. Thus, I encourage that this proposed amendment be rejected.

Mr. President, I recommend that the Senate approve the INF Treaty subject to an amendment on the future technology issue. On the basis of the wide-ranging testimony that we have had during the hearings of the Armed Services Committee, the testimony I heard while participating in a number of hearings of the Intelligence Committee, and on the basis of discussions with senior military leaders both here and in Europe, I intend to vote to ratify the treaty, and I urge my colleagues to do likewise.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from South Carolina on his strong statement in behalf of the treaty.

These comments will be directed to the amendment offered by the distinguished Senator from Idaho, Senator SYMMS, which will be the subject, as I understand, of five votes tomorrow morning. I must say to the Chair that this is an extraordinary procedure in that, essentially the same arguments pertain to a list of alleged violations. Nevertheless, I will address these arguments this evening briefly and then we may, of course, have further debate as the majority leader may suggest tomorrow.

The basic point made by my distinguished colleague, the chairman of the Foreign Relations Committee, is very important; that is, linking the INF Treaty to a set of other issues is not in the best interests of our country. The question with the INF Treaty is not that we are doing a favor for the Soviet Union. That really has never entered into the mind of our President, our Secretary of State, or the negotiators. We are involved in this process because we believe we are doing something constructive for our security.

Now, to deny ourselves that security with a long laundry list of alleged violations in the past is certainly nonsensical. We appreciate the fact that the Soviet Union has cheated on numerous occasions, and some of those occasions are in the list of the distinguished Senator from Idaho. They are the subject of compliance with the ABM Treaty or on the SALT II unratified treaty or wherever they appear. They are subject to debate with the Soviet Union and to action we may wish to take. We could take the action of leaving the ABM Treaty, for example, or indicating that we would not follow SALT II. These are options available to us, or a whole host of proportionate options.

To deny ourselves a national security option in this manner does not make good sense for our security. I think we have to come to the commonsense conclusion again that this treaty stands on its merits. As Senator PELL has said, it was negotiated on its own merits in the interest of the United States and our NATO allies. Our leaders and the NATO leaders have testified that it is in our best interests. We should not defer obtaining those benefits.

The distinguished Senator from Idaho has said that this is really not a killer amendment; that, in fact, it would not stop the treaty; it would only stop, in fact, the values of the treaty.

Let me just point out that this treaty is top-heavy in favor of destruction of Soviet missile launchers first. They have four times as many.

The point for accelerating that destruction is to move things down to parity in a hurry. That is in our security and the security of our allies. To defer that benefit to ourselves, once again, defies common sense. It should not be done. It is not a question of whether the treaty is killed, although the effect of adopting these amendments, in my judgment, would seriously delay the possibility of any treaty, as clearly as an amendment situation to the text of the treaty required going back to the Soviets and back to subjects that have been the source of a great deal of debate and acrimony in the past, back to subjects that are still under discussion by the Joint Consultative Commission in some cases.

Given the list of both alleged and actual Soviet violations, we certainly need to be vigilant in monitoring what the Soviets are doing in compliance, in particular, with past treaties, but also with this treaty.

I point out, as others have, that this treaty provides the strongest compliance measures of any treaty we have signed with the Soviet Union. We should not deny ourselves on-site inspection. That is a very important advance in terms of compliance. We should not deny ourselves the consultative procedures that are part of the treaty for resolving these disputes with the Soviet Union.

In short, the treaty gives us strength in terms of compliance. That, it seems to me would be of some value and some happiness to all Senators as they look at this particular treaty.

We are going to continue to press the Soviets for compliance on other agreements.

I can say from personal experience, having visited General Ellis in Geneva, who now heads our part of the group that looks into these alleged violations, that Americans have been vigorous in pursuing this with the Soviet Union. These are not all cut and dried issues. It is not precisely clear what we would have the Soviets do, even though we allege some circumstances which are totally out of kilter. We shall pursue this vigorously.

We have testimony from the Secretary of Defense and the Secretary of State, before our committee, to that effect. There are clear incentives for the Soviets to comply with the INF Treaty.

The treaty provisions themselves increase very considerably the probability that the Soviets will be caught cheating. One of the values of the so-called zero-zero option is that there are no short-range and no intermediate-range missiles left after these systems are destroyed. It is not a question of picking and choosing which ones were left and whether they were among the chosen.

This totally annihilates the whole lot; and, therefore, if something shows up, it is a clear violation. We have not had that option before, and it is an example of a provision which strongly helps the compliance situation. Finally, the President of the United States had before him all the alleged and actual violations the Senator from Idaho has listed before he signed the treaty. The Joint Chiefs of Staff had that entire list before them before they recommended the signature of the President on these documents. The Secretary of State, the Secretary of Defense, the Director of the CIA, the Director of NSC—a whole host of Americans who are deeply patriotic and deeply interested in our security—know precisely the list of alleged and actual violations. They know the vigor with which we pursued these violations. They also know the values of compliance and enforcement and the security needs that are involved in the INF Treaty. Weighing all these things, they recommended signing, and the President signed.

Each Senator will have to make a judgment as to whether he or she agrees with the President, with the Joint Chiefs of Staff, with the Cabinet officers, with the CIA, and the whole group who have looked at this.

I have heard no argument as to why their judgments, collectively and unanimously, should be upset. I have heard no testimony during this debate as to why any of the heads of the NATO alliance states, apart from our own, would recommend, on the basis of these alleged or actual violations, that they should not have endorsed the treaty. All have, and vigorously.

As a matter of fact, we have had testimony that if the United States were not to ratify, it would be a serious breach of our alliance—more grievous than any of the violations suggested in that list.

For these reasons, Mr. President, I strongly urge Senators to read the RECORD carefully and think through carefully the implications of this vote. I hope that Senators, when they return tomorrow, having read the RECORD of this tonight, and whatever debate we have tomorrow, will vote to reject the Symms amendment or amendments, as the case may be, in the course of the five votes that have been called for. It is a serious set of propositions. They should be rejected, and the treaty should be ratified.

Mr. HELMS. Mr. President, the Senator from Indiana has only one problem, and I think it is a fairly large problem, in his declaration; and that is, according to the Yankovich poll which I have just received today, the vast majority of the American people disagree with him.

I am going to ask in a moment that the entire poll relating to this subject be printed in the RECORD.

On the question whether the American people believe that President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the INF Treaty can take effect, 79 percent said that it should be required and 16 percent said that it should not be required.

While we are at it, there was another question asked. Let me read the question.

The next step of the treaty is for the United States Senate to ratify it. As a part of their approval of the treaty, the U.S. Senate can require that certain conditions be met before the treaty can take effect. For each of the following, please tell me if you think the U.S. Senate should or should not require that condition be met before the treaty can take effect.

The first condition before the treaty could go into effect was that the conventional forces of the Soviet Union and its allies—which includes their troops, tanks, jet fighters, and the like—must be roughly equal to the conventional forces of the United States and its NATO allies in Europe—rough conventional equality before the treaty can take effect.

Sixty-eight percent of those polled said, "yes"; 25 percent said, "no"; 7 percent said, "I don't know" or refused to answer.

The next question: "Should President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the agreement can take effect?"

Sixty-one percent said it should be required even if it killed the treaty—even if it killed the treaty, Mr. President, 61 percent; 30 percent said it should not be required; 9 percent said, "did not know."

The interviews were conducted between February 17 and 24 of this year by professional interviewers working from two central, supervised locations. The typical interview required approximately 30 minutes to complete.

Respondents were chosen from among all households in the continental United States on the basis of random probability sampling procedures which took into account unlisted telephone numbers. The sample was stratified according to census regions, States within census regions, and counties within States. Interviewers observed gender quotas so that 52 percent of the sample is comprised of women and 48 percent is comprised of men. Each respondent was screened for his or her voting status, and only registered voters were included in the study. Only registered voters, Mr. President.

I mention these facts because there has been from the very beginning a predisposition to put down, to riducule, or to declare as frivolous or false anybody who questioned this treaty.

I went through a little bit of that on the Foreign Relations Committee. So did Senator PRESSLER. The Senators on the other side even established at one point what they called a Helms watch to refute all of these alleged inaccuracies.

They may have concluded that they were fooling everybody, but this poll shows that they fooled nobody.

All I have said from the very beginning is that if this treaty is good for the United States, fine. But just because the State Department and a few lackies who support the State Department say it is good does not make it good. And that is the point.

I do not think the American people left to their own judgment, even with the news media being so preponderantly biased in favor of this treaty, are being fooled by it. I have often said that the American people by instinct will do the right thing and make the right judgments and this Yankelovich poll seems to indicate that that is again the case, and I am very gratified at the results of the poll. Once again, despite the media barrage aimed at them, the American people have not been fooled.

Mr. President, I am reminded that 10 years ago Senators ignored the will of the American people in voting to give away the Panama Canal.

Senators who ignore the will of the American people with regard to Soviet cheating on arms control treaties do so at their own peril, but more importantly they put at risk their country.

I ask unanimous consent that the entire poll relating to the treaty be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YANKELOVICH POLL ON THE INF TREATY

STUDY BACKGROUND

The findings summarize the results of a national telephone survey among 1,004 registered voters completed under the direction of The Daniel Yankelovich Group, Inc.

Interviews were conducted between February 17 and 24, 1988, by professional interviewers working from two central, supervised locations. The typical interview required approximately 30 minutes to complete.

Respondents were chosen from among all households in the Continental United States on the basis of random probability sampling procedures which took into account unlisted telephone numbers. The sample was stratified according to census regions, states within census regions, and counties within states. Interviewers observed gender quotas so that 52% of the sample is comprised of women, and 48% is comprised of men. Each respondent was screened for his or her voting status, and only registered voters were included in the study.

The results have been sample balanced to reflect the proper age, sex, race and geographic region of all registered voters throughout the United States. Adjustment weights were applied to ensure comparable results with the first two ATS surveys. In theory, in 19 cases out of 20 the findings based upon such samples will differ by approximately 3 percentage points from what would have been obtained from interviewing all registered voters throughout the country. The possible error for subgroups is somewhat higher.

Two versions of the questionnaire were employed in this study. In both versions we asked the same six items in Question 10, but the actual order in which the questions were asked differed from one version to the other. The two versions were alternated across representative half-samples of voters.

A copy of the questionnaire, showing question wording and placement, is included in this report. The questionnaire copy also includes the results to each question along with trend data where available. The report also includes selected crosstabulations of the results by several political and social groups.

SPLIT SAMPLE—VERSION I

Q. The next step of the treaty is for the U.S. Senate to ratify it. As a part of their approval of the treaty the U.S. Senate can require that certain condition be met before the treaty can take effect. For each of the following please tell me if you think the U.S. Senate should or should not require that condition be met before the treaty can take effect. (Randomize 1-3)

[In percent]

	ATS March 1988		
	Should require	Should not require	Don't know/ refused
1. That the conventional forces of the Soviet Union and its allies, which includes their troops, tanks, jet fighters, and the like, are roughly equal to the conventional forces of the United States and its NATO allies in Europe before the treaty can take effect	68	25	7
2. That the Soviet Union remove its restrictions on Jews who wish to leave the Soviet Union before the treaty can take effect	60	34	6

[In percent]

	ATS March 1988		
	Should require	Should not require	Don't know/ refused
3. That President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect	79	16	5

Now I'm going to repeat each of the conditions you indicated the U.S. Senate should require. For each, please tell me if you would still favor the Senate requiring it, if that meant it would risk killing the INF Treaty and, therefore, there would be no elimination of intermediate range nuclear missiles based in Europe and the Soviet Union.

AMONG THOSE FAVORING CONDITION IN 0.10a.

[In percent]

	ATS March 1988		
	Still require it	Do not require	Not sure (volunteered)
1. That the conventional forces of the Soviet Union and its allies, which includes their troops, tanks, jet fighters, and the like, are roughly equal to the conventional forces of the United States and its NATO allies in Europe before the treaty can take effect	70	23	7
2. That the Soviet Union remove its restrictions on Jews who wish to leave the Soviet Union before the treaty can take effect	72	22	6
3. That President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect	77	19	4

NET TOTAL

[In percent]

	ATS March 1988		
Even if condition would kill INF Treaty	Should require it	Should not require	Not sure (volunteered)
1. That the conventional forces of the Soviet Union and its allies, which includes their troops, tanks, jet fighters, and the like, are roughly equal to the conventional forces of the United States and its NATO allies in Europe before the treaty can take effect	47	40	13
2. That the Soviet Union remove its restrictions on Jews who wish to leave the Soviet Union before the treaty can take effect	43	47	10
3. That President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect	61	30	9

Mr. WIRTH. Mr. President, the treaty between the United States and the Soviet Union to ban medium and shorter range nuclear missiles represents an historic step in the annals of arms control. This treaty is significant for two reasons. First, both parties have agreed to eliminate an entire class of nuclear weapons from their arsenals. Second, the parties to the agreement have accepted mutual intrusive verification. Both are significant more for the precedent they establish than for the number of weapons they actually eliminate, especially in relation to the total numbers of nuclear weapons in the arsenals of each nation.

By now it is well known that this treaty eliminates only 4 percent of the nuclear weapons of the United States and Soviet Union. There were some who testified before the Committee on Armed Services and the Committee on Foreign Relations as those committees considered this treaty—and, no doubt, we will hear the same strains again during floor debate on the treaty—that the elimination of the weapons involved in this treaty will weaken NATO. Based on my own private discussions with senior NATO commanders and the treaty negotiators, participation in virtually all of the Armed Services Committee hearings on the treaty, and attendance at many of the Foreign Relations Committee and Select Committee on Intelligence hearings, I am persuaded that this is not the case. I share the opinion of the President, the Secretary of Defense, the Secretary of State, the chairmen, ranking members, and the great majority of the membership of the Armed Services and Intelligence Committees, and the chairman and the majority of the membership of the Foreign Relations Committee, that this treaty is in our national security interest and that it should be ratified.

As I have already noted, the treaty we are now considering formally on the Senate floor is precedent setting. For the first time we and the Soviets agree to eliminate a whole class of nuclear weapons. The United States will eliminate 859 deployed and nondeployed missiles and 429 deployed warheads; the Soviets will eliminate 1,752 deployed and nondeployed missiles and 1,687 deployed warheads. All United States and Soviet longer range INF missiles must be destroyed within 3 years; all short-range INF missiles are to be destroyed within 18 months. None of the eliminated missiles may be converted to other types of missiles or transferred to other countries.

Of equal significance in my mind, Mr. President, is the verification regimen that accompanies this agreement to remove and destroy the INF missiles. These verification provisions, some of which are already being implemented, include data exchanges, onsite monitoring of elimination of missiles, and onsite inspection of remaining missiles until they and associated facilities are eliminated.

The onsite inspection provisions, especially those involving challenge inspections of sites where suspected violations have occurred or are occurring, are of particular significance. These provisions, like the challenge inspections agreed to by the signatories of the Stockholm agreement on confidence- and security-building measures and disarmament in Europe of September 1986, lend credibility to the treaty. U.S. and allied officers who have participated in challenge inspections under the Stockholm agreement have been enthusiastic in their support for the process and report that the inspections have proved to be more valuable than they initially expected. I predict that the challenge inspections for which the INF treaty provides will be equally valuable and will strengthen confidence in our ability to enforce the treaty and identify and publicize any attempts at circumvention.

Our participation in the ratification process now underway is not, and must not be seen as, a rubber stamping of the treaty forged by administration negotiators. This process is the embodiment of the constitutional principle of the balance of powers between the executive and legislative branches. The executive branch, of course, must take the lead role in foreign policy, especially in the negotiation of treaties with other sovereign States, diligently striving to assure that the Nation's best interests are represented in the negotiated treaties and that all potential trouble spots are identified and resolved before we sign or the Senate is asked to ratify the treaties. For the Senate to fulfill its constitutional mandate, its devotion to its ratification mission must be equally painstaking. The Senate must be fully satisfied that the testimony of administration witnesses on the negotiation process and its decisions represent the official interpretation of the treaty into which we are entering and that that interpretation will stand for the life of the treaty. Any other interpretation undermines our ability to advise and consent in this or future ratifications. Indeed, any other interpretation calls into question the validity of all treaties now in force.

As we consider this treaty we should make every reasonable effort to judge it on its own merits. We should avoid the temptation to use this ratification process to extract commitments from our Government on future negotiating positions or condition our approval on the outcome of coming events beyond our control. Nevertheless, this process cannot and should not occur in a complete vacuum. In particular we cannot ignore our concern regarding Soviet commitments to human rights and fundamental freedoms. While we cannot compel the Soviets to adhere to their expressed willingness to move forward in this area, we are obligated to remind the Soviet Union at every opportunity that progress on human rights will help improve relations between our two countries.

In conclusion, let me reiterate my conviction that this treaty is in our national security interest. It marks an historic point on the road to eliminating weapons of mass destruction while assuring security for our Nation, its people, and its democratic form of government. There are risks involved in any arms agreement. We must be prepared to take reasonable risks to reach our goals. I am satisfied that ratification of this INF Treaty is worth the minimal risk I believe is entailed. Ratification of this treaty opens the door to further negotiations on nuclear force reductions as well as conventional arms control measures. We must not shrink from this opportunity to open the door and move through it in pursuit of more comprehensive agreements that offer the possibility of significant arms reductions. I support this treaty, I intend to vote for ratification, and I urge my colleagues to do so as well.

SUPPORTING EXECUTIVE AMENDMENT NO. 1680 TO THE INF TREATY RESOLUTION OF RATIFICATION

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of executive amendment No. 1680 to the resolution of ratification. Our decision on this amendment is, in my view, as important as our decision on this treaty. This amendment is about human rights, but, in a larger sense, it is about the establishment of lasting world peace.

This is so because the conflict between the Soviet Union and its satellites and the United States and its allies is based not upon the weapons both alliances have built and deployed—but rather upon fundamentally opposed values. To the extent that the Soviet Union begins to really respect the human rights and fundamental freedoms of its own citizens, the risk of war between our societies is measurably reduced.

Now, values is a neutral word. It can mean anything. In fact, many people hold the view that it is somehow wrong to say that some values are preferable to others, and to judge other societies on the basis of those values. I strongly disagree.

Let us look at the values in question here. I quote now from the amendment itself:

> The freedom of thought, conscience, religion, and belief, without regard to race, sex, language, religion, or national origin,
>
> The recognition and respect for the rights of individuals, including those belonging to national minorities, to enjoyment and practice of their cultures, heritage, history, and national consciousness.
>
> The right of freedom of movement for individuals within the Soviet Union and the right to leave the Soviet Union, without arbitrary and capricious barriers, and
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> The right of individuals to know and act upon their rights and duties in—the Helsinki Final Act, the Madrid Concluding Document, the Universal Declaration of Human Rights, and other international human rights agreements to which the Soviet Union is a signatory or party.

We recognize that these rights fall short of our belief that every human being has, as an integral part of his or her identity as a human being, the rights to life, liberty, and property, and that all other rights and freedoms flow from these inalienable rights. We have developed an elaborate, time-tested structure of constitutional and legal safeguards for these rights and freedoms, based upon the fact that the power of the state exists to protect and serve the individual—not the other way around.

Regardless of the shortcomings of the rights recognized in these international agreements, Soviet respect for them in law and in practice would represent a step away from its current nature as a lawless, totalitarian dictatorship ruled by the iron whim of its current masters, and toward a modern constitutional state of limited powers affording real protections to its citizens. Such movement is at least as important to the future of world peace as is any possible arms reduction agreement, including the INF Treaty itself.

The problem we face is simply this. So long as the Soviet Union remains a closed society, obsessed with secrecy, guarding itself not just against invading foreign armies, but also against foreign ideas, no disarmament regime, however strict and detailed, will remove the danger of war. So long as the Soviet Union is ruled by a hierarchy which is accountable to no one but itself, it can engage in lies and deception, in aggression and subversion, allocating its massive resources to serve secret ends.

We have the lessons of history to guide us. After World War I, Germany was substantially demilitarized. Yet, after Hitler assumed power, secret preparations were made to build a forbidden Air Force, to build a forbidden Navy, to build forbidden tanks, and to dramatically expand the army beyond the limits set in the treaty that ended World War I. Hitler's Germany proceeded to do all of those things, hidden behind curtains of totalitarian secrecy.

What if the Soviet Union agrees to join with us in massive, cooperative disarmament? Does that end the threat of world war? Clearly, it does not. So long as the Soviet Union remains a closed, one-party state, dedicated to an ideology that preaches world dominion and the ultimate triumph of communism, the threat of war remains real.

Arms reduction agreements have their place. I support this treaty and I intend to vote for its ratification. I believe that carefully crafted, verifiable, and enforceable arms reduction agreements can help reduce tensions and contribute to world peace.

However, we must not deceive ourselves that arms reduction agreements are the road to world peace. The road to peace lies in ending those conditions that threaten war. The accumulation of weapons is, in this context, not the most important threatening condition. Rather, opposed values and goals imbedded in societies are key conditions.

The conditions that threaten war are integral parts of the Soviet Government and official Soviet ideology. These conditions are, to a significant extent, contradicted by Soviet human rights promises. When the Soviet Union begins to live up to those promises, these conditions will be reduced and the chances of lasting peace will be enhanced.

By voting for this amendment, we will tell the whole world that we recognize that arms reduction cannot, by itself, bring peace to the world. We must reduce tensions by achieving real respect for the fundamental values shared by all civilized nations. The Soviets are a prime human rights offender, having engaged in sustained and massive violations since the inception of the Soviet state.

By adopting this amendment, we will tell the Soviet leadership that we view human rights as a very important, indeed, fundamental aspect of our relationship. We will tell them that we cannot be swept off our feet by the rush of some Soviet "peace offensive." We want real, lasting peace, not merely a period of temporary relaxation doomed to be followed by another cycle of aggressive Soviet expansion.

The President is traveling to the Soviet Union this week, for a historic summit meeting in Moscow. I understand that he will press our human rights concerns in his meetings. Positive Senate action on this amendment will strengthen his hand.

The Vienna Review Meeting of the Conference on Security and Cooperation in Europe is nearing its conclusion. The negotiators are entering the final phases of shaping its concluding document. If we pass this amendment, we will lend strength to the Western position, helping assure that further progress will be made toward establishing a comprehensive international human rights regime.

If, however, we do not pass this amendment, we will tell the world that Soviet peace offensives work—that weapons, which are merely the tools of conflict, are more important than values, that are the roots of conflict. We will tell the Soviets that they can disregard the President's representations on human rights, because the Congress of the United States doesn't really share those values. We will tell our allies that our traditional leadership on human rights issues is a sham, because when the time comes for action, we can find reasons to turn aside and remain passive.

This issue is critical. It goes to the future of United States-Soviet relations for the balance of this century. If this amendment passes, the Senate will tell the next President, whomever he may be, that the four-part approach to our relations is sound and strong and rests upon a bipartisan foundation.

These four parts—bilateral issues, regional issues, arms reduction, and human rights, must be pursued in parallel, and real progress must be made in each area in order for our relations to see lasting improvement. If we don't pass this amendment, it will be clear to all that some parts of the four-part policy are really important—and some can be disregarded. This is clearly not a signal we would want to send.

Mr. President, I call upon my colleagues to join with me in support of this agreement. This amendment is not a killer amendment. It does not require reopening negotiations. It should, I strongly believe, receive our unanimous support.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may be permitted to speak out of order for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMBASSADOR FIELDS

Mr. DOLE. Mr. President, America has lost one of its finest representatives in any international forum. Last Tuesday Ambassador Louis G. Fields, Jr., passed away, days before he would have celebrated his 59th birthday.

Lou served in the Army in Korea, and continued as a dedicated public servant in times of peace. Early in his career he served as administrative assistant to Virginia's Senator A. Willis Robertson.

But it was in foreign affairs that Lou Fields truly made his mark, defending America and Americans with skill, dedication, and courage.

As assistant legal adviser at the Department of State, Lou relentlessly sought to bring terrorists to justice. He was so effective that a number of terrorist organizations vowed to eliminate him. But a man of his mettle could not be deterred by such threats.

Early in his first term, President Reagan recognized Lou's character and ability in appointing him as America's representative to the Committee on Disarmament. Gradually, Ambassador Fields convinced the world community that an entire class of weapons could be eliminated, but only with strict verification. And many in this Chamber will remember his tireless efforts to explain that America must negotiate from strength to achieve this goal.

Many said it could not be done, but today the Soviet Union, its allies, and a host of others are working off the Lou Fields agenda for a verifiable worldwide ban on chemical weapons.

Lou was indeed a statesman, but his family, friends, and colleagues will remember him as an inspiration.

Sometimes he had to deliver bad news or unvarnished truth, but somehow he always had the respect and friendship of everyone he dealt with. Few people pass from this world with as many expressions of sorrow from every corner of the globe.

Those who had the privilege of working for him, such as Dave Smith on my right, remember him as a coach who taught, advised, and encouraged them to go on and make their own mark.

America will miss the services of Ambassador Louis G. Fields, Jr., but today it is far more important that his wife, Kitty, and daughter, Fran, know that we will miss the friendship and warmth of Lou Fields, our prayers are with them and with Lou.

ON LEARNING TOO MUCH FROM EXPERIENCE

Mr. MOYNIHAN. Mr. President, in the first of this series of floor statements on the question of drug abuse in the United States, I spoke of my experience in ending the French Connection, as it was called, the heroin route from central Turkey to southern France to New York City which began at least as early as the 1960's, and which was associated with the heroin epidemics in New York, Washington, and other cities at that time.

I am aware that there is, and will be, a more than advisable element of the first person in these statements. Still, I plead necessity, more than imprudence. It happens I am the only Member of the Senate who has served in the executive branch, in the Cabinet. It was as a member of the Cabinet that I met in Paris on December 11, 1969 with the head of the French Surete. I am also the only Member of the Senate who has served as an ambassador, to India and to the United Nations, and I have been at the meetings and conferences at which the international drug trade is worried about, as it has been this past quarter century. In truth, most of the present century, albeit at much lesser levels of intensity. When JOHN GLENN or JAKE GARN speaks of space on this floor, I listen. They have been there. When ALAN CRANSTON or FRANK LAUTENBERG speaks of human rights, I listen. They have been there. When JOHN CHAFEE or JOHN MCCAIN speaks of war, I listen. They have been there. It simply happens as I think that I am more or less alone in having been involved with narcotic matters on the executive side and so I speak in the hope that I may be heard also.

And so to part two.

Which presents a simple, but central proposition.

Recall that in our first statement we noted the distinction—a rough but usable distinction—that is made between hard and soft societies. Turkey and France were, are, hard societies. If the central government of either can be brought to make a decision, that decision is likely to be carried out. That "if" is important. It is because there will be consequences that it is not always easy to get decisions. At the other end of the spectrum, decisions—which is to say agreements—are easily to be had because no one has then to take on the worry of doing anything. Not long ago, on behalf of the Committee on Foreign Relations, I brought two International Labor Conventions to the Senate floor. This was the first time in a third of a century that the Senate had taken up an ILO treaty, and it would be only the ninth time in our long membership, which goes back to 1934, that we ratified a treaty. I defended our reticence on the ground that when we did agree to a labor convention, we abided by it, noting that in the world at large there is, unhappily, almost an inverse relation between real labor standards and the number of ILO conventions a country will have adhered to.[1] I well remember the look in the faces of the French, which is to say, Parisian officials as we outlined our irreducible demand that they clean out the heroin laboratories of Marseilles. A long way off, Marseilles. Semi-independent since it began life as a colony of the Greek city of Phocaea in 600 B.C. And yet. if necessary . . .

And so it having come to pass that one source of heroin supply was closed down, true to Secretary Shultz's model—as economists say—another source of supply, in time many other sources, came onto the world market. This is to say Mexico, as mentioned earlier.

If I may be indulged one slight digression, I would point out that during the 1960's a heroin source developed involving opium produced in the so-called Golden Triangle where Thailand, Burma, and Laos meet. I never learned how heavy a traffic this was, and I suspect a good deal was marketed among American troops then in

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[1] Number of ILO Conventions ratified: Bolivia—39, Colombia—47, Cuba—86, Honduras—20, Jamaica—25, Mexico—66, Nicaragua—58, Paraguay—33, Peru—64.

The ILO has executed a total of 166 conventions.

Vietnam. Even so, or you might say especially so, it came to our attention in the White House. I recall one meeting in the Situation Room—yes, this was a war on drugs—when the then-Director of the Central Intelligence Agency volunteered that he would arrange to have the suppliers "roughed up" a bit. I do not know what followed. Do not need or even want to know. Because I knew then. Nothing could or would happen. You do not "rough" up 5 million peasants in a jungle terrain on the other side of the world. You may knock over a cart here, empty a basket there. But you don't live there. They do. In time you are gone. They stay.

Further, with time, a new/old drug appeared. Cocaine. As with heroin, cocaine was a widely used drug in pre-prohibition times, if I can use that term. It was isolated by a German chemist named Albert Nieman in 1860 from the coca leaf, which grows in a vast region of South America, and which from before Inca times has been chewed as a mild stimulant much as Americans, Italians, and Germans drink coffee. Cocaine soon was widely used in America. From my youth I recall a folk tune:

Walked up El-lum
Come down Main
Tryin' bum a nickel
For to buy cocaine.

And, of course, in the Great Secret of America's Age of Innocence, cocaine was the active ingredient in Coca Cola from the 1890's until 1903. Honey, have a Coke on me.[2]

I said earlier that I would present a "simple, but central proposition." It is this. In dealing with the appearance of new sources of heroin supply, and sources for a newly popular drug, that is to say cocaine, the U.S. Government set about trying to cut off the supply in exactly the way we had successfully broken the French Connection.

There is nothing unusual in this. Mankind's woeful history is filled with the misfortunes of those who try to emulate earlier successes in later, changed circumstances. To use that economists' term, we now had a model of how to break an international drug flow. We had knocked out the Turkish-French traffic. Moreover—and here students of government will want to pay close attention—we now had an institution, the Drug Enforcement Administration, which was created in 1973 in the context of that success with Turkey and France. This was its basic learning experience, if I can use a term from psychology. And why not? Organizations learn how to behave when they are young, and it is something awful to try to change them later on.

And that is our trouble to this day. The "model" of Turkey and France simply did not apply to the new countries we were soon to be dealing with. Mexico is not a hard society. Neither is it soft. It is somewhere in between. So, if I may interject, are we, in respect to these matters. If we were a sufficiently law-abiding society, surely we would not have the drug epidemic that now plagues us. If I am not mistaken, the main problem with Mexico in this regard is that its police and military institutions are simply not disciplined enough to resist the extraordinary temptation to be corrupted by drug traffickers. This is an elemental circumstance in a developing nation, much less an underdeveloped one. In 1983, I visited Pakistan for a number of reasons, including a look at the just-beginning heroin traffic coming out of the northwest frontier provinces, and Afghanistan. I met with President Mohammad Aiz-ul-Haq to tell him of our concern in this matter and also to state as plainly as was appropriate that if opium growth and heroin production ever got established in those valleys, his police and army, admirable institutions as they were, would be overwhelmed by corruption. They would not have real control of the terrain. Alexander the Great, Iksander as he is called in those regions, was the last outsider to manage that. (The British claim to have done, but with unconvincing evidence.) Starting from that weakness, the further leverage of money would topple any police effort. I subsequently toured the area and had my picture taken in an opium field. (I published this in a newsletter of February 1983. I do not think events have disproved my prediction. Indeed, we learn that Pakistan now has an indigenous heroin problem of its own. Devout Muslims for whom drug use is proscribed as much as alcohol use are becoming addicted in their own country.)

With respect to Mexico, there is a somewhat unique aspect to the hard-soft distinction I have been making. Early in this century Mexico was a place of unsparing civil violence. If I remember correctly, the Mexican Revolution took 1 million lives in the second decade of this century. Mexicans killing Mexicans. In 1934, that rarest of events occurred: the onset of stability. (Lord knows how youth, and older people who should know better, go about the possibility of revolution. Revolution, if by that you mean turmoil, is easy. Happens all the time. What is rare and precious, is stability.) The P.R.I., translated as the Institutional Revolutionary Party, came to power with the Presidency of Lazaro Cardenas and there has been a peaceful sucession of Presidents ever since. As I understand the matter, one condition of this peaceableness is that the regular army—the bane of Latin American stability—is kept quite small. Today it numbers a mere 100,000. Inasmuch as the army is the nearest thing to a national police force, it should be clear that it is no match for a 2,000 mile border with the United States. The Immigration and Naturalization Service has estimated that illegal migration across the border has grown of late to upwards of 200,000 persons per month. Consider that 100 of those persons could bring across a year's supply and more of Mexican heroin for the American market.

But to cocaine: Is it such a different drug from the supply-side perspective? Although the Department of State's March 1988 "International Narcotics Control Strategy Report" estimates that 679 square miles in South America currently grow coca, just 14 percent of that area, or 96 square miles, would be sufficient to satisfy the entire U.S. demand for cocaine.[3] 96 square miles is an area smaller than Queens—109 square miles. United States demand for herion could be met with opium grown on only 16 square miles—an area smaller than Manhattan. Of course, a much larger area could grow coca than is now under cultivation. The "Strategy Report" states that although no Brazilian territory was included in its estimate of total coca acreage, "almost all of Brazil's immense land can be used for cultivation. The remote Amazon region offers . . . an ideal location for coca plantations." The Amazon region alone is 2.4 million square miles. Moreover, many parts of the continent can produce four crops a year. The supply, in other words, is unlimited. There is a processing stage, of course, but from what I have seen of American and Bolivian drug agents destroying "cocaine factories" in remote jungle clearings, it is not an especially exacting task.

And now to our question of governments. There is no government in Bolivia. Never has been. There is a capital. That is all there is to be said about Bolivia, save that it has tried to cooperate with the United States.

Colombia? Yes. From time to time there is an effective government in Colombia. And always there have been men of true democratic conviction and great courage. But their lives have been short and rarely happy. It happens that Colombia has a tradition of civil violence of unimagined horror.

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[2] Ronald Siegel, Dept. of Psychiatry and Biomedical Sciences, University of California at Los Angeles, "New Patterns of Cocaine Use," National Institute on Drug Abuse Monograph #61, 1985.

[3] According to the National Narcotics Intelligence Consumers Committee (Report, 1985-1986), annual U.S. consumption of cocaine is about 70 metric tons. According to the "International Narcotics Control Strategy Report" (1988), it takes 500 metric tons of coca leaf to produce one metric ton of cocaine. Therefore, 35,000 metric tons of coca are required to meet the U.S. demand of 70 metric tons of cocaine. In Bolivia, according to the "Strategy Report," one hectare of land produces on average 1.4 metric tons of coca. Therefore, 25,000 hectares, or 96 square miles, will yield the 35,000 metric tons needed to supply the United States.

Such a period broke out just after World War II, with the assassination by right-wing assailants of a left-wing political leader, Jorges Gaitan, leading to riots and reprisals in which half a million people were killed. Or maybe it was left-wing assailants. It matters not. A pattern had grown up—Gabriel Garcia Marquez alludes to it in his new book, "Love In The Time of Cholera," of villages identifying themselves as liberal or conservative—Hatfield and McCoy—and warring incessantly against otherwise identical neighbors of the opposite persuasion. La Violencia raged with unequalled horror. Crucifixions that would have unsettled Crassus. No mother was hacked to death before she had watched her children hacked to death. No husband tortured before seeing his wife dismembered. It raged until in whole interior regions of the nation there was simply no human life left. Are we to wonder that we have photographs of bales of cocaine piled at beaches awaiting shipment north? Or that Ministers of Justice are assassinated for thinking this untoward?

If we move further north into the Caribbean matters become worse. Panama, once part of Colombia, does have an army but a corrupt one, and an especially corrupt one now under our country's former good friend, General Noriega. Consider. This is a country whose army chief has been indicted by a Federal grand jury! Honduras? The Bahamas? Please. There is Costa Rica, of course. A country with a government. But alas, with only a tiny police force and no army whatever. And to the extent that Cuba, one country in the region that does have an army and a police force and does control events, it surely wishes us no good in these matters. And may, indeed, be doing us harm.

In a word, Mr. President, the French connection model misleads us. We cannot stop production abroad of illegal drugs intended for sale in this country.

We can try, and we should. Not to do so would be an utterly unacceptable form of acquiescence and would be seen in the world as such. And our efforts will have some small success. But if we are going to be serious—and are we—we will know that there is only so much to be achieved in this mode.

Similarly, there is only so much to be achieved through interdiction of drugs being smuggled into the United States.

I would not expect that this is a popular position to take in public. What? Not control our borders? What kind of country are we?

A fair question to which there are a number of answers. Of which the first is that we are a big country. A continent: 88,633 miles of sea coast, 7,458 miles of land frontier. Very little of it fenced or guarded. Given that tiny quantities of heroin or cocaine in pure form produce huge amounts of the drugs as consumed, and high "mark ups" in price, the pressure on our borders is irresistible.

As reported by Peter Passell in the New York Times, a number of economists, Peter Reuter of the RAND Corp., Mark Moore and Mark Kleiman of the Kennedy School of Government for example, have been trying their hand at economic analysis of the drug traffic. A characteristic question would go as follows: given the huge markup in prices, what would be the effect on retail prices of increased seizures at the wholesale level? Last March 14, I asked this question of a panel of administration officials appearing before our Foreign Relations Subcommittee on Narcotics and Terrorism. Namely, what did they estimate would be the effect on the street price of cocaine in New York if the wholesale price in Miami doubled? As a consequence of seizures, that is. None of the officials seemed to grasp the figures would be about 10 percent. That is to say a 100-percent increase in wholesale price makes for hardly noticeable increase in retail price, which is to say price to the consumer.

For my part, I have a cruder, layman's model. I hold that at any given moment there is certain amount of narcotics that will be consumed in the United States. Suppliers from abroad will send in enough supply until this level of demand is met. Period. The stuff is so cheap out there and so dear in here. If we double our rate of interception, they will double their shipment rate. The same amount will get through.

There is a great disjunction of information on this subject—not to say understanding—within the Federal Government. Following the President's address yesterday at the U.S. Coast Guard Academy commencement, the White House press office distributed a "Fact Sheet" that pointed with some pride to the fact that in fiscal year 1987, Federal agents seized approximately 639 pounds of heroin. One must assume that the White House staffer simply did not know that the Office of Technology Assessment estimates 13,200 pounds (6 metric tons) were consumed. Otherwise our anti-smuggling seems pitiful indeed.

Please note that I do not mean to suggest that the level of demand in the United States is constant. It can go up or it can go down. There is such a thing as drug pushing. Oh, indeed, there is. Not 10 days ago, I was in Rochester, NY, as fine and law-abiding a city as will be found on Earth. And what are the police doing? They are intercepting 13- and 14-year-old children sent up from New York to live in crack houses, dispensing the product through mail slots or whatever, regularly and handsomely paid, more or less because of their age; more or less immune from prison. And also, of course, doomed.

Something like this—I grant I have no data, but the history seems clear enough—something like this happened during Prohibition, as we recall the ear. A huge amount of the most concentrated forms of alcohol, which is to say whiskey, gin, rum, were smuggled into the United States from Canada and the Caribbean. A great deal was seized. Or some was seized. Most of it got through. Enough I would think to meet the demand for the "real" stuff. Then there was bathtub gin. We have that equivalent in domestic, sometimes legal, sometimes illegal, pharmaceutical drugs. Finally there was beer. Too bulky and too cheap to be worth smuggling, and so produced at home. In a part of New York in which I spent sometime as a young man, Prohibition was a very recent memory, and folks were rather proud of how little it had changed life on the West Side. They would say it never really crossed Ninth Avenue. And, thank goodness, to the extent that nothing ever touched the grand 19th century fixtures of the Landmark Tavern at 11th Avenue and West 46th Street. Again, we have a contemporary equivalent in the domestic growth and distribution of marijuana, a bulky and relatively cheap product. It will come as no news to the Senate that the United States is an increasingly important source of marijuana consumed in the United States: In 1987, 25 percent of that marijuana was domestically grown, up from 18 percent in 1986.[4] However, I must admit to some surprise to learn that marijuana has become the largest "agricultural" cash crop in California and that most of it is grown in our national forests.[5]

And so we see two models, do we not. The French connection model of cutting off production abroad. The Prohibition model of preventing smuggling at the border. Neither are working. The first model can only work with a particular kind of country, of which there are but few. The second model did not work the first time. Hence, we ought not to have been surprised when our learned and candid Secretary of Health and Human Services, Dr. Otis R. Bowen, on April 28, 1988, told the President and fellow Cabinet officers that it was not working. I cite the Washington Post report:

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[4] Estimates by Greg Kenaston, Congressional liaison, Drug Enforcement Agency. According to the RAND Corporation, domestic marijuana production is rising because of increased interdiction of foreign shipments: "Domestic production is a response to a rise in the import price. It may turn out, unfortunately, that the United States has at last managed (rather expensively) to provide effective tariff protection for one industry: marijuana production." (RAND, "Sealing the Borders," Peter Reuter, 1988, p. 127.)

[5] The Economist, 4/2/88, p. 27. One million acres of forest service land "has been taken over by marijuana growers."

> Generally speaking, Mr. President, I prefer optimism to pessimism, as you do. . . . But today, I don't know how I can honestly be very optimistic about the war on drugs. . . . It's difficult for me to say we're winning the war, especially when we consider drug dealing and use in our streets.

Of late we have heard quite a bit about bringing the armed services into this particular war. I have even had a responsible New York City law enforcement official suggest to me that the United States ought to invade Bolivia. I am sympathetic to the concerns that lead to such proposals, but it seems to me we really must ask what we would be getting into, especially when it comes to giving powers of arrest to members of the Armed Forces.

First, we would be turning away from a century long adherence to the principle of posse comitatus, which is to say the rule that the Armed Forces will not be used as a police force. I like that rule. So do the Armed Forces.

Second, we would be giving the Armed Forces a mission which would fail. I have discussed this at the highest levels of the Pentagon, walked through my experience with Turkey and France, the distinction between hard and soft governments, the vast regions which could be used to supply the raw materials, the immensity of the border crossing problem, the length of the border. Invariably, at this point, Army officers recall Vietnam, 1968, McNamara's Wall. Some $650 million was spent to build a "wall" some 385 miles in length across the width of Vietnam. The purpose was to stop the infiltration of troops and supplies from the north. Every possible technology was used, including the most sensitive sensors. Human life was of no concern. This was a shooting war; we were fighting an enemy. And so, land mines were sown without stint. And what happened? According to the military, nothing happened. The infiltration of troops and material—I use the French term to suggest the sheer bulk and weight of military supplies continued seemingly uninterrupted.

Third, in the first shoot out of the second week of Army border operations, after the smoke had cleared and the body count completed, it would develop that American soldiers had just machinegunned three, six, nine American teenagers. Just how long would that go on? Forget about the teenagers, if you like. But do not forget about those infantry men. They did not enlist in the U.S. Army in order to shoot their own countrymen. It is not something we could or should ask of them. And that is what we would be doing.

Mr. President, I will next turn to the underlying reasons, as I see them, of the situation we find ourselves in, reasons which are grounds for perhaps surprising optimism.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4567. An act making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 223. A concurrent resolution expressing the sense of Congress that in 1988 in celebration of the millennium of the Christianization of Kievan-Rus' the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their chruches and homes.

The message further announced that pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the Speaker appoints Mr. SAWYER as a member of the Congressional Award Board, on the part of the House, vice Mr. LANTOS, resigned.

ENROLLED BILL SIGNED

At 5:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4083. A bill to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore [Mr. DECONCINI].

At 5:55 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of it reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4264. An act to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4162. An act to make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States; to the Committee on Foreign Relations.

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4567. An act making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 223. A concurrent resolution expressing the sense of Congress that in 1988 in celebration of the millennium of the Christianization of Kievan-Rus' the Soviet Union should proclaim a general amnesty for imprisoned Christians and allow Christians to practice their faith within their chruches and homes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4264. An act to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-498. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation.

"JOINT RESOLUTION MEMORIALIZING THE 100TH CONGRESS OF THE UNITED STATES TO REGULATE THE PORTRAYAL OF VIOLENCE AND THE MARKETING OF WAR TOYS AND TOY FIREARMS

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the Members of the 100th Congress of the United States of America, as follows:

"Whereas, the media is becoming an increasingly important source of information, role models and content of children's play; and

"Whereas, stories and programs presented in the media are coordinated with the development and marketing of children's toys and games; and

"Whereas, even conscientious parents have difficulty in regulating their children's exposure to these programs and toys; and

"Whereas, the programs and toys may adversely affect the development of children in ways that impede their understanding of the consequences of violent acts committed by themselves or others; and

"Whereas, the mistaken assumption by law enforcement agents or other individuals that look-alike firearms are real firearms can lead to tragic consequences; now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to:

"1. Regulate, or obtain agreements from manufacturers of look-alike firearms to mark them with clearly recognizable markings; and

"2. Regulate, or obtain agreement from, media operating under licenses issued by federal agencies to prohibit the coupling of programs which portray violence with the marketing of war toys or other toys which foster violent play among children; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-499. A resolution adopted by the Association of Pacific Island Legislatures opposing the extension of United States sovereignty and jurisdiction over a 200 mile extended economic zone adjacent to the waters of the Commonwealth of the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

POM-500. A resolution adopted by the Association of Pacific Island Legislatures favoring legislation to provide continuity of Federal programs between the United States and the Republic of Palau for the next fifteen years; to the Committee on Energy and Natural Resources.

POM-501. A resolution adopted by the Association of Pacific Island Legislatures requesting the United States Government to reinstate the eligibility of students of the Republic of the Marshalls, the Republic of Palau, and the Federated States of Micronesia for educational financial assistance; to the Committee on Energy and Natural Resources.

POM-502. A resolution adopted by the Association of Pacific Island Legislatures favoring the continuation of Pell Grants to Micronesian students pursuing secondary education on Guam, Hawaii, and the continental United States; to the Committee on Energy and Natural Resources.

POM-503. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO RELEASE FEDERAL HIGHWAY TRUST FUNDS

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the 100th Congress of the United States, as follows:

"Whereas, the Federal Government imposes a tax of 9¢ per gallon on motor fuel which is deposited in the Federal Highway Trust Fund; and

"Whereas, that trust fund by law may only be used for specified purposes, primarily the construction and maintenance of federal-aid highways and urban mass transit; and

"Whereas, the states, including Maine, rely upon funds from that trust fund to pay a fair share of the cost of maintenance and necessary improvements to federal-aid highways, highways that are an essential part of the infrastructure on which the people and businesses of the State depend; and

"Whereas, the Federal-Aid Highway Act covering fiscal years 1988-1992 cut back authorizations from that fund, and Maine's share dropped significantly from $142,000,000 for fiscal year 1987 to $119,000,000 for fiscal year 1988; and

"Whereas, Maine had planned a highway budget of $167,000,000 for state fiscal year 1988-89, including the $119,000,000 of federal funds, matched by State and local funds; and

"Whereas, later federal action in the Continuing Appropriation Act of 1988 held back $10,000,000 even from this reduced funding for fiscal year 1988, and the President's budget proposal suggests that even more than $10,000,000 will be held back the next year as part of the federal budget balancing package; and

"Whereas, the failure of the Federal Government to release the full amount from the Federal Highway Trust Fund will unfairly require the State to make up for the shortfall, despite the fact that the Federal Highway Trust Fund is entirely paid for by user fees, not general tax revenues, thus requiring the people of Maine to pay twice for the same purpose; now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully urge and request that the 100th United States Congress release the funds which have been held back from the Federal Highway Trust Fund and distribute it to the states, including Maine's share of approximately $20,000,000 for fiscal years 1988 and 1989; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Ronald Reagan, President of the United States, the President of the Senate and Speaker of the House of the Congress of the United States and to each member of the Senate and House of Representatives in the Congress of the United States from this State."

POM-504. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION NO. 27

"Whereas, The right to travel freely is a fundamental human right, and Jewish citizens of the Soviet Union deserve fair consideration of their visa applications and freedom from harassment and threats for seeking to exercise that right; and

"Whereas, It has come to the attention of the Legislature of the State of California that, despite the Soviet Union's laudable recent releases of some notable political prisoners, many more persons are still imprisoned for their political beliefs, and that approximately 400,000 Jews who seek to emigrate are denied that basic human right by the Soviet Union which in January allowed only 98 Jewish refuseniks to emigrate; and

"Whereas, Soviet citizens have suffered harassment and injuries when they have demonstrated for their right to travel, the release of political prisoners, and other vital human rights; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California urges the government of the Union of Soviet Socialist Republics to free all of its political prisoners, to allow the emigration of all of its citizens who duly apply for that right, and to end the harassment of Soviet citizens who demonstrate for their rights; and be it further

"*Resolved,* That the Legislature urges the President of the United States and other federal officials and Members of Congress to refrain from publicly or privately praising the Soviet Union for its "glasnost" policy that has permitted only a few dissidents and refuseniks to go free until the Union of Soviet Socialist Republics takes substantial and permanent steps to free all of its political prisoners, allow the emigration of all of its citizens who duly apply for that right, and end the harassment of Soviet citizens who demonstrate for their rights; and be it further

"*Resolved,* That the Legislature urges the President of the United States and other federal officials and Members of Congress to use all appropriate diplomatic channels in every meeting, contact, or communication between American and Soviet officials to press Soviet authorities to take the actions urged by the resolution; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President, Vice President, and Secretary of State of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Ambassador to the United States from the Union of Soviet Socialist Republics, and to the Consul General of the Union of Soviet Socialist Republics headquartered in San Francisco."

POM-505. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Foreign Relations:

"RESOLUTION NO. 1068

"Whereas, in 1985, Charles Thornton, a medical reporter for the Arizona Republic newspaper, was killed, while in Afghanistan to report on the efforts of international medical workers to treat the wounded and dying Afghan freedom fighters; and

"Whereas, Thornton had very little warning of imminent danger to reporters as he was killed only days after the Soviet Ambassador to Palestine warned foreign journalists to leave Afghanistan; and

"Whereas, on October 9, 1987, film maker Lee Shapiro of North Bergen, New Jersey, and his cameraman Jim Lindelof were killed in Afghanistan when they were attacked by four Soviet helicopter gunships; and

"Whereas, based on eyewitness reports of this aerial ambush, it is apparent that Shapiro and Lindelof were hunted down and deliberately murdered by the Soviets, who also seized their equipment and film; and

"Whereas, because of their concern for the suffering of the Afghan people under the brutal Soviet occupation, Shapiro and Lidelof were making a film in Afghanistan to show the world the truth about Soviet atrocities in that sorrowful land; and

"Whereas, three years ago, Lee Shapiro made an award-winning film about the suffering of the Miskito Indians at the hands of the dictatorial Sandinista regime, showing thereby his commitment to the oppressed peoples of the world. Now, therefore, be it

Resolved by the House of Representatives of the 2d session of the 41st Oklahoma Legislature, the Senate concurring therein:

"That the Oklahoma Legislature hereby condemns the savagery of the Soviet armed forces in hunting down and murdering Charles Thornton, Lee Shaprio and Jim Lindelof and memorializes the President of the United States, the Congress of the United States, and the Ambassador to the United States of the Union of Soviet Socialist Republics to take action to effect the return by the Soviets of their bodies, film and equipment.

"That President Ronald Reagan is hereby requested to posthumously award Charles Thornton, Lee Shaprio and Jim Lindelof the Medal of Freedom in recognition of their martyrdom in the cause of liberty.

"That copies of this resolution be dispatched to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Oklahoma Congressional Delegation, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and the Ambassador to the United States of the Union of Soviet Socialist Republics."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S. 425. A bill for the relief of Sukhjit Kuldip Singh Saund (Rept. No. 100-347).

S. 1583. A bill for the relief of Maria Antonieta Heird (Rept. No. 100-348).

S. 1842. A bill for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monico Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter (Rept. No. 100-349).

S. 1972. A bill for the relief of Irma Purisch and Daniel Purisch (Rept. No. 100-350).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 431. An original resolution to amend Senate Resolution 28 (99th Congress), relating to television and radio coverage of the Senate, to clarify the prohibition on the use of tape duplications of radio or television coverage of Senate proceedings (Rept. No. 100-351).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

William H. LeBlanc III, of Louisiana, to be a Commissioner of the Postal Rate Commission for the term expiring November 22, 1994; and

Henry R. Folsom, of Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring October 14, 1994.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. Adams, Mr. Burdick, Mr. Daschle, Mr. Fowler, Mr. Glenn, Mr. Harkin, Mr. Kennedy, and Mr. Pryor):

S. 2413. A bill to establish regional centers for the commercial development of new industrial farm and forest products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSTON:

S. 2414. A bill to encourage the development of improved technologies for coal separation using superconductivity; to the Committee on Environment and Public Works.

By Mr. MELCHER (for himself, Mr. Leahy, and Mr. Harkin):

S. 2415. A bill to provide that surplus dairy products should be provided to carry out the temporary emergency food assistance program before certain dairy export programs, to extend such dairy export programs and such food assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FOWLER:

S. 2416. A bill to amend the Food Security Act of 1985 to encourage the entry of windbreaks and shelterbelts into the Conservation Reserve Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS:

S. 2417. A bill to authorize a certificate of documentation for certain vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself and Mr. Pressler):

S. 2418. A bill to amend the Food Security Act of 1985 to allow States or local government entities to carry out special conservation reserve enhancement programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (by request):

S. 2419. A bill to amend title 38, United States Code, to repeal provisions relating to setting the interest rate on guaranteed or insured housing loans to veterans and inspecting manufactured homes purchased by veterans, to modify the procedures for the sale of loans by the Administrator of Veterans' Affairs, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SHELBY (for himself, Mr. Gore, Mr. Burdick, Mr. Stennis, Mr. Simpson, Mr. Humphrey, Mr. DeConcini, Mr. Dole, Mr. Baucus, Mr. Chiles, Mr. Quayle, Mr. Adams, Mr. Boschwitz, Mr. Cochran, Mr. McClure, Mr. Pryor, Mr. Melcher, Mr. Hatch, Mr. Simon, Mr. Garn, Mr. Moynihan, Mr. Riegle, Mr. Bingaman, Mr. Heflin, Mr. Sanford, and Mr. Conrad):

S.J. Res. 322. Joint resolution to designate the week of September 23–30, 1988, as "National American Indian Heritage Week"; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. Nunn, Mr. Warner, and Mr. Mitchell):

S.J. Res. 323. Joint resolution amending the War Powers Resolution to provide expedited procedures for legislation requiring the disengagement of U.S. Armed Forces involved in hostilities or providing specific authorization for their continued engagement in such hostilities, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 431. An original resolution to amend Senate Resolution 28 (99th Congress), relating to television and radio coverage of the Senate, to clarify the prohibition on the use of tape duplications of radio or television coverage of Senate proceedings; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. Adams, Mr. Burdick, Mr. Daschle, Mr. Fowler, Mr. Glenn, Mr. Harkin, Mr. Kennedy, and Mr. Pryor):

S. 2413. A bill to establish regional centers for the commercial development of new industrial farm and forest products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL RESEARCH COMMERCIALIZATION ACT

● Mr. CONRAD. Mr. President, I am pleased to introduce today a bill entitled the Agricultural Research Commercialization Act of 1988. Joining me in sponsoring this legislation are Mr. Adams, Mr. Burdick, Mr. Daschle, Mr. Fowler, Mr. Glenn, Mr. Harkin, Mr. Kennedy, and Mr. Pryor. I want to personally commend Senators Glenn and Harkin for their leadership on this issue.

Mr. President, the United States has a tremendous capacity to produce renewable resources. Our farmers are among the most efficient in the world. Our highly sophisticated farming methods have increased productivity by 938 percent per man-hour since the end of World War II. Output per acre is up 209 percent, and crop output is up 200 percent since the 1940's.

U.S. farmers produce 41 percent of the world's corn supply, and 11 percent of the world's wheat. In total, over one-fifth of the world's wheat and coarse grains is produced in the United States.

The American farmers' efficiency means that Americans spend only 11 percent of their consumer dollar on food—12 percent if farm program costs are included—less than any country in the world.

Unfortunately, this efficiency does not translate into profits for the farm economy. Cash receipts from the market for feed grain, food grain and oilseed producers is at a 25-year low. Carryover stocks of grain nearly tripled in the 1980's taking prices to new post World War II lows. Wheat stocks are now declining and should fall below 1 billion bushels by the end of the 1988-89 marketing year. But, to achieve this, the dollar has fallen sharply, the Department of Agriculture has engaged in an aggressive export subsidy program, and farmers have left millions of acres of wheat land idle.

The U.S. farm population has dropped by half since 1970, and in fact may be at its lowest in 170 years; 240,000 people left the farm in 1986. Many are forced off the land by foreclosure, others simply lose hope. Many young people are leaving farms and the rural communities because they simply cannot make a decent living.

So what does our tremendous capacity mean today? When we have periods of good crop weather, it means enormous stockpiles of grain; it means grain prices near their lowest in 25 years in real dollars; it means record numbers of farmers being forced off the land; it means rural businesses closing down—it means a rural decline.

The long-term outlook for agriculture under the current farm policies is just as serious. Cash receipts from the market for field crops, at a 25-year low in real dollars, are predicted to show no increase over the next 10 years. So farmers cannot expect to increase their income from the market. In the same time period, production costs will rise while Federal farm program spending is likely to drop. As a consequence, net farm income is projected to drop in real dollars by 1996.

But, in spite of all these problems, our tremendous capacity to produce agricultural commodities—renewable resources—is a blessing. It offers us a tremendous opportunity to develop new industries; to redevelop our rural economies; and to produce environmentally safe products for everyday use.

How can we do this? The United States has a tremendous ability to discover and develop new industrial uses for traditional and new agricultural crops. Our scientists are currently the world leaders in biotechnology. Our Federal laboratories and agricultural experiment stations, in combination with university, State and private research facilities, are developing ways to produce high-demand products from renewable raw materials.

For example, the starch in corn can be transformed into a biodegradable plastics and into a highly absorbent "super slurper" material which has many applications, including drawing water out of ethanol fuel and coating seeds to speed germination. Purple sunflower seed hulls produce a noncarcinogenic red food dye. Soybean oil can be used to make a biodegradable ink; and kenaf, a tall fiber plant which will grow in the Southern States, can be made into newsprint.

The seeds of a wildflower, meadowfoam, contain an oil which makes an excellent lubricant for machinery, a flotation agent for separating metal ores in the mining industry, and can be an input in the manufacture of plastics. It is already being exported to Japan for use in cosmetics.

But, most of these and other new industrial products aren't on the market. What are the obstacles which stop these ideas from becoming commercially viable? During a hearing I held last year, the New Farm and Forest Products Task Force, created by USDA, enumerated the roadblocks to successful commercialization of new agricultural products and processes. The insights of the task force have been invaluable to me in constructing this legislation.

In its report, the task force identified the factors within our system which obstruct commercialization efforts:

First, within the public sector, there is no effective advocate for agricultural diversification. As a consequence, there is a lack of consistency and no real commitment from government to make the effort a success.

Second. Research funding for projects developing new crops and new products is inadequate and unstable. We need a long term, stable commitment.

Third. Financial returns on new agricultural commercialization ventures are not easy to predict or capture. Instead, returns and benefits are uncertain and dispersed between producers, processors, and consumers.

Fourth. Research on new products has not focused on market needs.

Fifth. There currently exists no effective mechanism to successfully manage the transfer of agricultural product ideas from research to the market.

Sixth. And finally, the commercialization of new product ideas—developing a prototype, manufacturing the product and developing a market niche—is both very costly and very risky. Few individuals have the resources to successfully commercialize new product ideas and few financial institutions are willing to take the risks.

These are the obstacles that my bill addresses. The sole purpose is to assist in commercializing new industrial products and processes which use traditional and new agricultural crops and forestry products. It is based on the strong recommendation of USDA's New Farm and Forest Products Task Force that the Congress establish an autonomous, nonprofit corporation to foster and facilitate the development and commercialization of new farm and forest products.

My bill will establish an independent nonprofit corporation under the U.S. Department of Agriculture, called the Agricultural Research Commercialization Corporation [ARCC] for short. ARCC will provide bridge financing and technical counseling to speed new nonfood, nonfeed agricultural and forestry products and processes into production and sale.

This is not a bill to increase agricultural research. It is designed to take the fruits of that research to the market by assisting entrepreneurs to commercialize new nonfood products.

ARCC will assume part of the initial risk of these commercialization ventures. It will help finance commercialization projects through low-interest loans, grants, repayable grants and loan guarantees. ARCC shall be comprised of 10 to 12 regional centers around the country serving diverse agricultural regions, and responsible for providing financial assistance to carefully screened projects. This assistance can be used for all aspects of the commercialization process, from prototype testing and market development to factory construction and worker training.

Each regional center will accept applications from companies seeking to commercialize new industrial products and processes using agricultural and forestry commodities. Applications shall be evaluated for scientific soundness, technical feasibility and market potential. Applicants must also demonstrate that they have committed their own resources to the project. They must show that they have access to private business enterprises which will provide additional resources, but that adequate private sector funding is not available. Proposals demonstrating that matching funds are available from the public or private sector will receive priority. Finally, each applicant must show that once started, the project can be self-sustaining.

Regional centers will develop a network of experts from the scientific, financial, managerial, engineering, agricultural, and marketing sectors. This network will review proposals and provide expert advice and information on all aspects of product commercialization to assist applicants with their projects. In addition, the regional centers can help coordinate commercialization and research projects around the country to prevent duplication and to target projects toward industry needs.

The regional director of each regional center, in consultation with an advisory council and other expert project reviewers, shall make recommendations on the applications. The Board of Directors of the Corporation, appointed by the Secretary of Agriculture, shall review the recommendations and shall vote on whether and how to assist the applicants.

After an initial appropriation, ARCC is designed to be self-sustaining. Successful companies are required to repay their debt obligations to ARCC. These repayments, in addition to other contributions from State and private sources, are placed in revolving funds to be used solely for the continuation of ARCC's activities.

The need for Federal assistance to provide a boost to entrepreneurs seeking to commercialize new product and processes is clear. This financing does not compete with private financial institutions, instead it fills a financing gap in the early growth period of innovative firms.

The economic benefits of commercializing new uses for farm and forest products are substantial. This initiative will increase the demand for agricultural crops, putting back to work millions of acres of idle land, thousands of family farmers and the small businesses who serve them. In addition, thousands of new jobs in manufacturing and processing will be created. Finally, the new products will make us more competitive internationally.

The environmental benefits are also impressive. There is an increasing concern about our growing dependence on nonrenewable, nonbiodegradable materials in our day-to-day life. The permanence of discarded plastics has become a serious environmental problem. These plastics are endangering our marine life and littering our environment. Biodegradable plastics can provide a real answer, if a full scale market can be developed.

For farmers, the new crops mean the ability to diversify and to rotate crops, helping to reduce disease and pest problems, and reduce the need for pesticides and fertilizers. The use of agricultural commodities to produce new industrial products that are natural, often biodegradable and environmentally safe, rather than synthetic and nonbiodegradable, will result in cleaner ground water, air, and soil.

Federally funded research has given us biodegradable plastic and literally dozens of other product ideas. The Agricultural Research Commercialization Corporation can give us an industry, jobs, and economic development.

We can't help but win with ARCC. Its success will mean an expanded economy, an increased employment base, a larger, diversified, and stable farm economy, increased competitiveness, and a safer environment. I urge my colleagues to join me in supporting ARCC.

I ask unanimous consent that a summary of the legislation and the legislative language, as well as the executive summary of the New Farm and Forest Products Task Force, be printed in the Record.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Research Commercialization Act of 1988".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has available a tremendous wealth of renewable resources, rainfall, climate, soil, and skilled agricultural producers;

(2) the agricultural sector and rural areas of the United States continue to experience depressed conditions;

(3) there is a demonstrated need for rural economic development in order to bring profitability back into the agricultural sector and bring jobs back into rural areas;

(4) domestic agricultural commodities are confronting strong competition in world markets;

(5) as a consequence of strong foreign competition, utilization of United States agricultural exports is shrinking, resulting in lower commodity prices and lower profitability for agriculture and related industries;

(6) new and emerging technologies, such as bioengineering and biotechnology, and other such innovations offer great potential for the development of new agricultural products and processes suitable for industrial and other non-food and non-feed uses;

(7) industrial products and processes developed from new technologies will contribute substantially to the economic stability and well-being of the rural economy and to the favorable competitive position of the United States in foreign markets;

(8) the development, commercialization, and marketing of new non-food, non-feed or industrial products is both financially costly and unusually risky;

(9) the private financial sector often does not provide adequate capital for the high risk commercialization and marketing of new products;

(10) the United States spends over $2,000,000,000 per year on agricultural research;

(11) many of the emerging new ideas, products, and processes resulting from agricultural research have never been commercialized because of the high initial financing costs and high risk; and

(12) the careful targeting of financial assistance to entrepreneurs for the commercialization of new industrial uses of agricultural and forestry products will be a cost effective means of stabilizing the agricultural sector and redeveloping the rural economy.

SEC. 3. PURPOSE.

It is the purpose of this Act through the Corporation established pursuant to section 5—

(1) to commercialize new non-food, non-feed uses for traditional and new agricultural crops in order to enhance and stabilize the economic development of the rural economy, and to diversify markets for raw agricultural and forestry products;

(2) to identify the results of private and public agricultural research with the potential for the development and commercialization of new non-food, non-feed products and processes;

(3) to encourage cooperative development and marketing efforts among manufacturers, financiers, universities, and private and government laboratories in order to accelerate the commercialization of new industrial uses for agricultural and forestry products;

(4) to emphasize the development and marketing of new uses and new forms of farm and forest products and by-products, rather than increasing the productivity of established crops;

(5) to direct, to the maximum extent possible, commercialization efforts toward the development of new products from crops that can be raised by family-sized farmers;

(6) to disseminate (to the extent limited by proprietary rights) the results of development projects in order for the public to benefit from the programs authorized under this Act; and

(7) to provide financing mechanisms to accomplish the activities described in paragraphs (1) through (6).

SEC. 4. DEFINITIONS.

As used in this Act:

(1) Corporation.—The term "Corporation" means the Agricultural Research Commercialization Corporation established in section 5.

(2) Corporate Board.—The term "Corporate Board" means the Board of Directors established pursuant to section 9.

(3) Commercialization.—The term "commercialization" or "commercialize" includes—

(A) activities associated with the development of prototype products or industrial plants;

(B) the application of technology and techniques to the development of industrial production; and

(C) the market development of new industrial uses of new and traditional agricultural and forestry products and processes, that will lead to the creation of goods and services that may be marketed for profit.

Universities or other non-profit organizations are not excluded from participation in the activities described in this paragraph.

(4) Regional Centers.—The term "Regional Centers" means the Centers established pursuant to section 7.

(5) Secretary.—The term "Secretary" means the Secretary of Agriculture.

SEC. 5. ESTABLISHMENT OF CORPORATION.

(a) Establishment.—There is established within the Department of Agriculture an independent non-profit corporation to be known as the "Agricultural Research Commercialization Corporation".

(b) Central Office.—The Secretary shall provide facilities for the principal office of the Corporation within the National Agricultural Library at the facilities located in Beltsville, Maryland.

(c) PLACE OF INCORPORATION.—The Corporation shall be incorporated in the District of Columbia and be considered a resident of such.

(d) ESTABLISHMENT OF REGIONAL CENTERS.—The Corporation shall establish a minimum of 10 and a maximum of 12 Regional Centers in the United States as provided for in section 7.

SEC. 6. POWERS OF THE CORPORATION.

(a) GENERAL POWERS.—In carrying out the provisions of this Act, the Corporation shall have the power—

(1) to adopt, alter, and rescind bylaws and to adopt and alter a corporate seal, which shall be judicial noticed;

(2) to make agreements and contracts with persons and private or governmental agencies, except that the Corporation shall not provide any financial assistance unless specifically permitted under this Act;

(3) to lease, purchase, accept gifts or donation of, or otherwise to acquire, and to use, own, hold, improve, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property, real, personal, or mixed, or any interest therein;

(4) to sue and to be sued in its corporate name and to complain and defend in any court of a competent jurisdiction;

(5) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings, except actions cognizable under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), in which actions it will be represented by the Attorney General;

(6) subject to provisions of this Act, to select, employ, and fix the compensation (including, without limitation, pension plan, health benefits, incentive compensation plan, paid vacation, sick leave, and other fringe benefits) of such officers, employees, attorneys and agents as shall be necessary for the transaction of the business of the Corporation;

(7) to make provision for and designate such committees, and the functions thereof, as the Board of Directors may deem necessary or desirable;

(8) to indemnify Directors and officers of the Corporation, as the Board of Directors may deem necessary or desirable;

(9) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this Act and to pay for such use, such payments to be credited to the applicable appropriation that incurred the expense;

(10) to obtain the services and fix the compensation of consultants;

(11) to use the United States mails on the same terms and conditions as the executive departments of the United States Government; and

(12) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Corporation, to carry out the provisions of this Act and the exercise of its powers, purposes, functions, duties, and authorized activities.

(b) GOVERNMENT CORPORATE CONTROL ACT.—The Corporation shall be considered a wholly-owned corporation for the purposes of the Government Corporate Control Act.

SEC. 7. REGIONAL CENTERS.

(a) LOCATION.—

(1) IN GENERAL.—Each Regional Center established by the Corporation pursuant to section 5(d) shall be located in a different State, which is, to the maximum extent possible, representative of the climate, geography, soil, and water conditions of the region to be served by such Center.

(2) REGIONS.—The Corporation shall establish a Regional Center to serve—

(A) the Northern Plains, which shall include Minnesota, Montana, North Dakota, South Dakota, and Wyoming;

(B) the Eastern Corn Belt, which shall include Illinois, Indiana, Michigan, and Wisconsin;

(C) the Western Corn Belt, which shall include Iowa, Kansas, Missouri, and Nebraska;

(D) the Pacific region, which shall include Alaska, California, Hawaii, Oregon, and Washington;

(E) the Mountain States, which shall include Arizona, Colorado, Idaho, Utah, and Nevada;

(F) the Southern Plains, which shall include Oklahoma, Texas, and New Mexico;

(G) the Northeast region, which shall include Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont;

(H) the Eastern Midsection region, which shall include Delaware, New Jersey, Pennsylvania, Ohio, and West Virginia;

(I) the Border South region, which shall include Kentucky, North Carolina, Tennessee, South Carolina, and Virginia;

(J) the Deep South, which shall include Alabama, Arkansas, Georgia, Louisiana, and Mississippi; and

(K) two additional areas if Centers are determined to be necessary in such areas by the Board of Directors of the Corporation, to be established as determined by the Board of Directors.

(b) ACTIVITIES.—Each Regional Center shall carry on activities provided for in this Act and such other activities as the Board of Directors shall from time to time delegate to such Centers.

(c) REGIONAL DIRECTOR.—

(1) APPOINTMENT.—Each Regional Center shall be headed by a full-time Regional Director who shall be appointed by the Secretary.

(2) QUALIFICATIONS FOR SELECTING REGIONAL DIRECTORS.—The individual selected to be the Regional Director for each Regional Center must meet one or both of the following qualifications:

(A) Such individual shall have a scientific or engineering background.

(B) Such individual shall have experience in the development of new products or processes in the public or private sector.

(d) ADVISORY COUNCILS.—

(1) APPOINTMENT.—The Corporate Board shall appoint an Advisory Council for each Regional Center and such Council shall advise the Regional Director concerning all activities carried on by the Regional Center.

(2) COMPOSITION OF ADVISORY COUNCILS.—The Advisory Council shall be comprised of representatives of the public sector, the financial sector, the private business community (both high-tech and mature industries), the labor sector, State and local governments, universities, colleges, technical colleges, vocational schools, private and Federal laboratories, the farming sector, scientists, and engineers.

(3) DUTIES OF THE ADVISORY COUNCIL.—The primary duty of the members of the Advisory Council shall be to review or coordinate the peer review of the technical, engineering, financial, and managerial soundness and marketing potential of the applications for assistance.

SEC. 8. ACTIVITIES OF THE REGIONAL CENTERS.

The Regional Centers shall—

(1) encourage interaction among private and Federal laboratories, National Science Foundation centers, Department of Agriculture research programs, and other Federal resources, State and local regional economic development programs, universities, colleges, the private sector and the financial community, for the purpose of evaluating and commercializing new, non-food, nonfeed uses of agricultural and forestry products;

(2) identify broad areas where commercialization of new products and processes can contribute to the economic growth of the United States, through the development of new, non-food, non-feed uses for farm and forest products by private companies and businesses;

(3) encourage cooperative associations of universities, private enterprises, and/or Federal laboratories for the purpose of coordinating research and development programs that will aid in the creation of new technologies and processes using agricultural and forestry inputs;

(4) provide technical assistance and related business and financial counseling for small American businesses to commercialize new, non-food, non-feed uses of agricultural and forestry products;

(5) identify new non-food, non-feed products and processes which are worthy of financial assistance;

(6) advise universities of the research needs of the private sector and improve the exchange of scientific and technological information for the mutual benefit of universities and private business;

(7) disseminate information on its commercialization projects in order that the public shall benefit from the activities of the Regional Centers, except that the proprietary rights of individuals or businesses are respected;

(8) make use of existing programs in scientific, engineering, technical and management education which will support the accelerated commercialization of new, non-food, non-feed products and processes using farm and forest products;

(9) determine how public universities can increase income derived from the sale or licensure of new non-food, non-feed products or processes that have commercial value; and

(10) advise the Corporation on the viability of specific proposals submitted for financial assistance and on the type of assistance, if any, to be provided.

SEC. 9. CORPORATE BOARD OF DIRECTORS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Corporate Board shall consist of 25 members of which—

(A) 10 members shall be the 10 Regional Directors; and

(B) the remaining 15 members shall be appointed by the Secretary.

(2) EXPERIENCE.—In appointing the members to the Corporate Board under paragraph (1), the Secretary shall assure that—

(A) the Regional Directors have experience in the development of new technologies; and

(B) the members appointed under subparagraph (B) are representative of the agricultural, scientific, financial, and managerial community.

(3) CHAIRPERSON.—The Corporate Board shall elect a Chairperson from among the members of the Corporate Board who are not Regional Directors.

(b) Term of Office.—

(1) In general.—Members of the Corporate Board shall be appointed for a term of 5 years.

(2) Staggered terms.—Members of the Corporate Board shall serve staggered terms. The Secretary shall designate five members of the Corporate Board to be up for reappointment in one year, followed by five members so designated in each of the next years.

(3) Removal.—A Director may be removed from office by the Secretary only for neglect of duty, or malfeasance in office.

(c) Oath and Citizenship.—Before assuming office, each member of the Corporate Board shall take an oath to faithfully discharge the duties of the individual's position as a member of such Board, and be a citizen of the United States.

(d) Meetings, Quorum, Actions.—

(1) Meetings.—The Corporate Board shall meet as may be provided by the bylaws of the Corporation, and at any time pursuant to the call of the Chairperson, but the Board shall not meet less than twice annually to review financial applications.

(2) Quorum and actions.—A majority of the Corporate Board members shall constitute a quorum, and any action by such Board shall require a majority vote of all members of the Board.

(e) Public Meetings.—

(1) In general.—Except as provided in paragraph (2), all meetings of the Corporate Board held to conduct the official business of the Corporation shall be open to public observation, and shall be preceded by reasonable public notice.

(2) Closed meetings.—Pursuant to the bylaws of the Corporation, the Corporate Board may hold a closed meeting if the Chairperson determines that the meeting is likely to disclose—

(A) information that is likely to adversely affect financial or securities markets or institutions;

(B) information, the premature disclosure of which would be likely to—

(i) violate proprietary rights of individuals; or

(ii) impede on an individual's ability to negotiate a contract for financial assistance; or

(C) matters or information exempted from public disclosure pursuant to paragraph (1), (2), (4), (5), or (6) of subsection (c) of section 552b, title 5, United States Code.

SEC. 10. POWERS AND DUTIES OF CORPORATE BOARD.

(a) Powers.—

(1) Vesting.—The powers of the Corporation shall be vested in the Corporate Board.

(2) Chief executive.—The Chairperson of the Corporate Board shall be the chief executive officer of the Corporation, and shall be responsible for the management and direction of the Corporation on a full-time basis.

(3) Officers.—The Corporate Board shall establish the offices and appoint the officers of the Corporation, which shall include a General Counsel and Treasurer, and define the duties of such offices.

(b) Delegation of Authority.—

(1) Corporate Board.—The Corporate Board may, by resolution, delegate to the Chairperson and any other directors any functions, powers and duties assigned to the Corporation under this Act other than those expressly vested in the Corporate Board.

(2) Chairperson.—The Chairperson may, by written instrument, delegate such functions, powers, and duties as are assigned to the Chairperson pursuant to the provisions of this Act, to such other directors, officers, or employees of the Corporation as the Chairperson considers appropriate.

(c) Delegation Not Permitted.—

(1) In general.—Notwithstanding any other provision of law, the Secretary and any other officer or employee of the United States shall not make any delegation to the Corporate Board, the Chairperson, or to the Corporation of any power, function, or authority not expressly authorized by the provisions of this Act, except where such delegation is pursuant to an authority in law which expressly makes reference to this section.

(2) Reorganization Act.—Notwithstanding any other provision of law, chapter 9 of title 5, United States Code, shall not apply to authorize the transfer to the Corporation of any power, function, or authority.

(d) Bylaws.—The Corporate Board shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Corporation.

(e) Organization.—The Corporate Board shall provide a system of organization to fix responsibility and promote efficiency.

(f) Exemption for Certain Laws.—Except as specifically provided for in this Act, directors, officers, and employees of the Corporation shall not be subject to any law of the United States relating to governmental employment.

(g) Hirings and Discharges.—

(1) In general.—The Chairperson shall appoint such employees as the Corporate Board may authorize to carry on the business of the Corporation. The Chairperson may discharge such employees from such positions in accordance with this section.

(2) Limitation.—The Corporation shall not be authorized to employ more than 70 full-time equivalent professional positions at any time.

(h) Political Qualifications.—No political test or qualifications shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation.

SEC. 11. COMPENSATION.

(a) Corporate Board.—

(1) In general.—Members who serve on the Corporate Board shall receive compensation at a rate of $5,000 annually, as well as reasonable expenses incurred in carrying out the business of the Corporation, as approved by the Corporate Board.

(2) Chairperson.—The Chairperson of the Corporate Board, as the full-time chief executive officer, shall be compensated at a rate in accordance with section 11(c).

(b) Regional Director.—The Regional Director of each Regional Center shall be compensated at a rate in accordance with section 11(c).

(c) Officers and Employees.—The Corporate Board shall—

(1) fix the rate of compensation for individual officer positions and categories of other employees of the Corporation taking into the consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapters II and III of chapter 53 of title 5, United States Code, for comparable positions or categories; and

(2) if determined necessary by the Board and approved by the Secretary, fix the rate of compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code.

SEC. 12. FINANCIAL DISCLOSURE AND CONFLICTS OF INTEREST.

(a) Financial Disclosure.—The financial disclosure provisions of the Ethics in Government Act of 1978 (2 U.S.C. 701 et seq.) applicable to individuals occupying positions compensated under the Executive Schedule shall apply to the Directors and officers of the Corporation and to employees of the Corporation whose position in the schedule established by the Board of Directors pursuant to section 11(c) is compensated at a rate equivalent to that payable for grade GS-16 or above of the General Schedule established by chapter 53 of title 5, United States Code. The financial disclosure provisions of the Ethics in Government Act shall apply to the Corporation as if it were a Federal agency.

(b) Post-Federal Employment.—Any provision of law governing post-Federal employment activities shall not apply to former Federal employees who may be employed by the Corporation to act on behalf of the Corporation.

(c) Conflicts of Interest.—

(1) In general.—Except as permitted in paragraph (3), no member of the Corporate Board shall vote on any matter respecting any application, contract, claim, or other particular matter pending before the Corporation, in which, to the knowledge of the member, such member, spouse or minor child of such member, partner or organization (other than the Corporation) in which such member is serving as officer, director, trustee, partner, or employee, or any person or organization with whom such member is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(2) Removal.—Action by a member of the Corporate Board that is contrary to the prohibition contained in paragraph (1) shall be cause for removal of such member pursuant to the powers of the Corporation in section 6, but shall not impair or otherwise affect the validity of any otherwise lawful action by the Corporation in which the member or officer participated.

(3) Informed consent.—The prohibitions contained in paragraph (1) shall not apply if the member of the Corporate Board advises the Board of the nature of the particular matter in which such member proposes to participate in, and if such member makes a full disclosure of such financial interest, prior to any participation, and the Corporate Board determines, by majority vote, that the financial interest is too remote or too inconsequential to affect the integrity of such member's services to the Corporation in that matter. The member involved shall not participate in such determination.

(d) Criminal Punishment.—Section 207(a) of title 18, United States Code (and subsections (f), (h), and (j) of such section, to the extent such subsections relate to subsection (a)) shall apply to former directors, officers, and employees of the Corporation as if they were former officers or employees of the executive branch of the United States Government. Such section shall apply to the Corporation as if it were an agency of the executive branch of the United States Government.

SEC. 13. AUTHORIZATION OF ADMINISTRATIVE EXPENDITURES.

(a) Corporate Expenditures.—In each fiscal year the Corporation is authorized to expend amounts for—

(1) reasonable and necessary administrative expenses, not to exceed 5 percent of amounts appropriated in any fiscal year; and

(2) generic studies and specific reviews of individual proposals for financial assistance, which shall not exceed ½ of 1 percent of amounts appropriated in any given year.

(b) Administrative Expenditures.—For purposes of this section, administrative expenditures shall include—

(1) all ordinary and necessary expenses, including all compensation for personnel and consultants, expenses for computer usage, or space needs of the Corporation and similar expenses; and

(2) reimbursement to members of the Corporate Board for reasonable expenses which are incurred in connection with the service of the Corporation.

(c) Limitation.—Expenditures authorized under subsection (a)(2) shall not be available—

(1) for administrative expenses;

(2) for the reimbursement of governmental agencies for the salaries of personnel of such agencies detailed to the Corporation;

(3) to exceed the personnel limits established pursuant to section 11(c)(2); or

(4) for operating expenses.

(d) Real Property.—Funds authorized for administrative expenditures shall not be available for the acquisition of real property.

(e) Administration Expenses Considerations.—The Corporation's expenditures for administrative expenses shall reflect due consideration for economy and efficiency.

SEC. 14. PUBLIC ACCESS TO INFORMATION.

(a) In General.—The Corporation shall make available to the public, on request, any information regarding its organization, procedures, requirements, and activities. The Corporation is authorized to withhold information which is exempted from disclosure pursuant to subsection (b) of section 552 of title 5, United States Code, and section 9(e) of this Act as such pertains to minutes of meetings of the Board of Directors.

(b) Determination by Corporation.—

(1) In general.—The Corporation, on receipt of any request for information, shall determine promptly whether to comply with such request and shall promptly notify the person making the request of such determination.

(2) Review of determination.—In the event of an adverse determination, and if requested by the person requesting the information, such determination shall be reviewed by the General Counsel of the Corporation.

(c) Criminal Sanctions.—Section 1905 of title 18, United States Code, shall apply—

(1) to Directors, officers, and employees of the Corporation as if they were officers or employees of the United States; and

(2) to the Corporation as if it were a Federal agency.

SEC. 15. FINANCIAL ASSISTANCE.

(a) In General.—The Corporation, through the Regional Directors, in accordance with the criteria provided for in section 16, shall provide financial assistance through grants, repayable grants, long-term low interest loans, and loan guarantees to projects commercializing new, non-food, non-feed products using agricultural and forestry commodities.

(b) Determination of Type.—The Corporate Board, at the discretion of the Board, may provide any of the following types of assistance to successful applicants:

(1) Loans at low interest rates.

(2) Grants that are matched by private or local public funds.

(3) Repayable grants that are matched by private or local public funds and which are repaid out of gross revenue from the sale of the product as agreed in a contract between the Corporation and entrepreneur.

(4) Guarantees of loans made by private financial institutions.

(c) Proprietary Rights.—The Corporation shall not receive proprietary or patent rights to any proposal in return for financial assistance.

SEC. 16. ELIGIBILITY CRITERIA FOR FINANCIAL ASSISTANCE.

(a) In General.—To obtain financial assistance from the Corporation, an entity shall file an application with the Regional Director of the appropriate Regional Center.

(b) Application.—An application submitted to the Regional Director under subsection (a) shall—

(1) describe the proposal of the entity for the commercialization of a new product consistent with this Act, including documentation that such proposal is—

(A) scientifically sound;

(B) technologically feasible; and

(C) marketable;

(2) provide documentation that adequate private sector funding is not available, but that the applicant has the ability to obtain matching funds from the public or private sectors;

(3) provide documentation that the applicant's own resources, including time and money, have been invested in the project;

(4) provide documentation that the product or process has broad application and has the potential to be commercially viable without continual assistance;

(5) provide documentation that the proposal has broad participation by representatives of the sectors described in section 7(d)(2);

(6) provide documentation that the managerial ability or established relationship exists between the applicant and other entities to give the applicant access to private business assistance;

(7) provide assurances of legal compliance by the applicant with the terms and conditions of the receipt of assistance under this Act; and

(8) provide assurances that the proposal will result in the creation of new jobs.

(c) State Participation.—A proposal which can show proof of actual or promised State or local government financial participation shall receive priority over a proposal which cannot show such public sector involvement.

(d) Private Participation.—A proposal which can show proof of actual or promised private financial participation shall receive priority over a proposal which cannot show such private sector involvement.

(e) Application Review Process.—

(1) In general.—The Regional Directors shall work in consultation with the staff, the Advisory Council, and the peer review members to evaluate the proposals submitted to the Regional Centers.

(2) Staff.—The staff of the Regional Center, on receipt of an application under this section, shall evaluate the proposals made, and materials contained, in the application and submit its recommendations to the Regional Director and the Advisory Council.

(3) Advisory council.—The Advisory Council shall review the proposal, assisted by the peer review. The Advisory Council shall, by majority vote, make a non-binding recommendation on the proposal to the Regional Director.

(4) Regional Director.—The Regional Director, on consideration of the Advisory Council's recommendation and on peer view comments, shall make and submit the Director's recommendation to the Corporate Board along with the recommendation of the Advisory Council.

(5) Corporate Board.—The Corporate Board shall, by majority vote, make the final decision on whether and how to provide assistance to the applicant.

SEC. 17. REPAYMENT OF FINANCIAL ASSISTANCE.

(a) Successful Entities.—Entities that succeed in marketing new, non-food, non-feed products and processes through the use of repayable grants provided under this Act shall repay to the Regional Center the amount of such financial assistance based on a percentage of the gross sales of such entity as contracted between the Corporation and the entity. Loans shall be repaid as specified in the contract between the Corporation and the entity.

(b) Nonsuccessful Entities.—Entities which do not succeed in marketing new, non-food, non-feed products and processes through the use of financial assistance provided under this Act shall not be required to repay the Regional Center for such financial assistance, except that the entity shall be required to transfer to the Corporation any collateral pledged to obtain the loan, loan guarantee, or repayable grant.

(c) Guidelines.—The Corporation, in consultation with the Secretary and the appropriate committees of Congress, shall issue guidelines to enable the Regional Centers to determine whether a project is successful.

SEC. 18. REVOLVING FUND.

(a) Establishment.—There is established a revolving fund to be administered by the Secretary as provided for in this Act.

(b) Contents.—Funds received by the Regional Centers under section 17(a) as a result of any loan or grant made pursuant to the provisions of this Act, shall be covered into and become a part of the revolving fund established under subsection (a).

(c) Use of Fund.—The contents of the revolving fund established under subsection (a) shall be used by the Corporation to provide financial assistance under section 15, and to pay for the costs of operation as provided for in section 6(a).

(d) Regional Revolving Funds.—

(1) Establishment.—The Corporation may establish a revolving fund in one or more of the areas served by the regional centers established under section 7(a).

(2) Contents.—Amounts contained in such revolving funds shall be derived from contributions from commodity groups, funds received through State tax check-off programs, or funds received from other independent sources.

(3) Use of fund.—The contents of the revolving fund established under paragraph (1) shall be used by the Regional Center for such region to pay for the costs of operation and the activities described in section 8, and to provide financial assistance of the type described in section 15.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated such sums as may be necessary in each of the fiscal years 1989 through 1999 to carry out the purposes of this Act. Amounts appropriated shall be available to each Regional Center in proportion to each Region's share of the gross agricultural sales of the United States, to provide financial assistance for the development of new, non-food, non-feed industrial uses for farm and forest products.

(b) TRUST FUND.—The Secretary may set up a trust fund of up to $1,000,000,000 to finance the Corporation on a continuing basis.

THE AGRICULTURAL RESEARCH COMMERCIALIZATION ACT OF 1988—EXECUTIVE SUMMARY

The act creates the Agricultural Research Commercialization Corporation (ARCC). The purpose of ARCC is to facilitate the commercialization (not research) of new industrial products and processes which use traditional and new agricultural and forestry crops. ARCC has a structure similar to the very successful Corporation for Science and Technology (CST) created by the State of Indiana to commercialize new, high technology product ideas. ARCC is designed to help us exceed the excellent record of Japan, for example, in commercializing new technologies.

The financial costs and risks of taking a good product idea to the market are often higher than the private sector is willing to assume. ARCC is designed to assume part (not all) of the initial risk of new ventures.

Examples of nonfood, nonfeed agricultural products which might qualify for assistance include soybean oil ink, kenaf—a fiber plant used to make paper which grows in the South, biodegradeable corn starch plastics, and a noncarcinogenic red food dye from purple hulled sunflower seeds.

The benefits of developing industrial markets for agricultural products include: (1) a large, economic multiplier effect—industrial market development increases the demand for agricultural crops and crop inputs, stimulating rural businesses, as well as providing new industrial jobs in processing; (2) reduced reliance of farmers on the food market, thereby adding much needed stability to agriculture; (3) biodegradable and environmentally safe industrial products; e.g., soybean oil ink and corn starch plastics; and (4) the investment of a relatively small amount of funds, targeted carefully, will stimulate rural economic development.

SECTION 1. SHORT TITLE

This act may be cited as the "Agricultural Research Commercialization Act of 1988."

SECTION 2. FINDINGS

Congress finds that our agricultural and forestry sectors have tremendous capacity, far beyond what is needed for food production. The agricultural sector continues to experience depressed conditions and strong competition from abroad. In order to improve the economic condition of rural areas, and retain our lead in the new and emerging technologies, such as biotechnology, we should strive to develop and commercialize new industrial products and processes using agricultural and forestry crops. In addition, Congress recognizes the inherent risks associated with attempts to commercial new products and processes.

SECTION 3. PURPOSE

It is the purpose of this Act to lend a hand in the difficult process of commercializing nonfood, nonfeed products and processes using agricultural crops. The goals are to expand the market for traditional crops and new crops which are suitable for production on family-sized farms; to enhance U.S. competitiveness in international markets; to create jobs; and to strengthen the rural economy.

SECTION 4. DEFINITIONS

This section defines terms used in the bill.

SECTION 5. ESTABLISHMENT OF CORPORATION

This section establishes an independent, nonprofit corporation under the United States Department of Agriculture. The Corporation, entitled the "Agricultural Research Commercialization Corporation," shall serve as a hub for ten Regional Centers, where the main activities of the Corporation shall be carried on.

SECTION 6. POWERS OF THE CORPORATION

The Corporation shall have general corporate powers. It shall use the United States mails as if it were an executive department of the United States government.

SECTION 7. REGIONAL CENTERS

The ten Regional Centers shall serve the agricultural regions of the country, including the Northern Plains, the Eastern and Western Corn Belts, the Pacific, the Mountain States, the Southern Plains, the Northeast, the Eastern Midsection, the Border South and the Deep South, and possibly two other regions.

Each Regional Center shall be headed by a Regional Director to carry out the activities of the Corporation, who will work in consultation with an Advisory Council appointed by the Board of Directors of the Corporation and a broad network of volunteers available for project review. Each Regional Director shall have a small support staff.

SECTION 8. ACTIVITIES OF THE REGIONAL CENTERS

The Regional Centers shall (1) develop a network of scientists, engineers, financiers, business managers, and other specialists to assist in project review; (2) seek out new, nonfood, nonfeed agricultural product ideas; and (3) evaluate and recommend applicants for assistance.

SECTION 9. CORPORATE BOARD OF DIRECTORS

The Board of Directors shal include the ten Regional Directors, as well as fifteen other Directors appointed by the Secretary. The Board of Directors shall elect a Chairman. Members of the Board shall serve staggered five-years terms.

The Board of Directors shall make the final evaluation of project proposals and determine the type and amount of assistance.

SECTION 10. POWERS AND DUTIES OF THE CORPORATE BOARD

The Chairman of the Board of Directors shall seve as a full-time chief executive officer. The Board has the authority to delegate to the Regional Centers the bulk of the activities of the Corporation. The Corporation shall adopt bylaws, develop an organization structure, and hire a limited number of staff members. The choice of officers and employees shall be nonpartisan.

SECTION 11. COMPENSATION

The Regional Directors, the Chairman of the Board of Directors, and other officers and employees shall have a fixed salary in accordance with the executive schedule for federal employees. Each member of the Board of Directors shall receive $5,000 annually, plus reimbursement for reasonable expenses.

SECTION 12. FINANCIAL DISCLOSURE AND CONFLICTS OF INTEREST

Members of the Board of Directors and other officers and senior staff members of the Corporation shall be subject to financial disclosure rules.

A Director is precluded from voting on any matter in which such individual has a financial interest. Directors who violate this rule shall be removed from the Board.

SECTION 13. AUTHORIZATION OF ADMINISTRATIVE EXPENDITURES

Administrative expenses are required to be kept to a minimum in order to make available more money for financial assistance for commercialization projects.

SECTION 14. PUBLIC ACCESS TO INFORMATION

The Corporation shall be prohibited from releasing to the public proprietary information of applicants, although non-private information shall be available.

SECTION 15. FINANCIAL ASSISTANCE

The Corporation is authorized to provide low-interest loans, grants, repayable grants and loan guarantees to eligible applicants to commercialize industrial products using agricultural and forestry crops. The Corporation may not obtain proprietary rights to any product in return for financial assistance.

SECTION 16. ELIGIBILITY CRITERIA FOR FINANCIAL ASSISTANCE

An applicant may be eligible for financial assistance if such applicant's proposal to commercialize a new, nonfood, nonfeed agricultural product or process is scientifically sound, technologically feasible and marketable. In addition, the applicant must show that the proposal has broad application, will create net new jobs, and that the applicant has invested his own resources in the project, but that adequate public or private sector funding is not available. Agricultural commodities to be used in the manufacturing of the product must expand or develop markets for agricultural crops which can be raised on family-sized farms.

SECTION 17. REPAYMENT OF FINANCIAL ASSISTANCE

If the commercialization venture is successful due to the financial assistance of the Corporation, the company shall repay the amount of financial assistance to the Regional Center. If the venture is unsuccessful, the company shall not be required to repay this financial assistance, except that it will be required to transfer any assets used to collateralize the assistance as per contractual agreements between the Corporation and the entity.

SECTION 18. REVOLVING FUND

Once established, the Corporation is designed to be self-funding. Funds received by the Corporation as repayment for any loan or grant made under its authority shall be placed in a revolving fund for use solely by the Corporation to provide financial assistance as described under Section 15 and to pay for operational costs enumerated in Section 6. In addition, the Corporation may establish regional revolving funds, which would receive contributions from commodity groups, state check-off funds or other independent sources.

SECTION 19. AUTHORIZATION OF APPROPRIATION

The Corporation is authorized to receive $100,000,000 in each fiscal year. Each Regional Center shall receive from the Corporation annually for financial assistance and administrative expenses an amount proportional to each region's share of the nation's gross agricultural sales.

EXECUTIVE SUMMARY

NEW FARM AND FOREST PRODUCTS

Agriculture, including forestry, is a strategically vital industry for the United States. Not only is food security critical to national security, but the Nation's domestic economy and balance of trade are both highly dependent upon agriculture. As America's largest industry, agriculture must necessarily be a cornerstone for prosperity and international competitiveness.

With its production capacities already underutilized, U.S. agriculture is facing major challenges which portend a chronic crisis state. The causes of this crisis are complex and related to global developments, in addition to long-term domestic policies. However, regardless of cause, America now has an overconcentration of agricultural production in a relatively few major food and feed crops—crops for which worldwide production is increasing, and global import markets are shrinking.

Although the possibility of a regional calamity causing a temporary shortfall in supply always exists, current trends offer little hope for long-term relief. Indeed, deepening problems can be expected in the future, as an increasing number of exporting countries will be competing for shrinking export markets. These realities pose sobering challenges to U.S. policymakers, as well as the agricultural industry itself.

The New Farm and Forest Products Task Force was formed to respond to these challenges. A collaborative effort between industry, academia and government, the Task Force evolved in mid-1985 from a previous USDA Challenge Forum to address related issues. Upon formation, the Task Force adopted a mission to define and propose meaningful, actionable initiatives based upon a comprehensive analysis of the situation.

Based on its findings, the Task Force concluded that diversification of agriculture and forestry must become a national priority. Indeed, the group concluded that diversification, via both new crops and new uses for existing ones, appears to offer the only alternative which promises to enable both: (1) revitalization of ailing segments of the industries; and (2) realization of the full economic potential which agriculture and forestry hold for the Nation.

Continued efforts to increase efficiency and reduce production costs for current commodities continue to be important; however, in the opinion of the Task Force, at least equal emphasis should be placed on diversification into new crops and other new products. Importantly, the group did find evidence that significant opportunities exist for new farm and forest products to meet real market needs—particularly in industrial, non-food application areas.

Based on its findings and conclusions, the New Farm and Forest Products Task Force proposes adoption of the following national goal:

To develop and commercialize within 25 years, an array of new farm and forest products, utilizing at least 150 million acres of productive capacity, to meet market needs representing net new demand for agricultural and forestry production.

Such a goal represents the equivalent development of two to three new soybean crops—in about one-half the time the soybean required to rise to its current level of significance. The Task Force estimates that attainment of such a goal today would: generate about 750,000 new jobs; increase farm income by about $30 billion per year; and annually contribute about $100 billion in activity to the Nation's economy.

The Task Force believes the proposed goal is appropriate and attainable. However, success in achieving it will require both technological and institutional innovation. Specifically, success in large scale diversification of American agriculture will depend upon: (1) adoption of appropriate strategies; and (2) implementation of those strategies through initiatives which provide innovative organizational approaches to overcome past limitations and barriers to success. Although the quality of public agricultural research has always been quite high, concentration upon production of curent commodities, and the lack of mechanisms to ensure commercial relevance and effective technology transfer to industry, have been limitations in the past.

The diversification strategies recommended by the Task Force are as follows:

1. Increase national emphasis on, and reallocate existing resources to the development of new farm and forest products;
2. Establish a consensus that diversification of agriculture and forestry should be a national priority, based upon an understanding, across a broad spectrum of society, of the vital contributions that agriculture and forestry make to the health and wealth of the Nation;
3. Establish mechanisms to increase private/public sector collaboration and cooperation in the development of new farm and forest products;
4. Establish mechanisms to facilitate agricultural technology transfer, particularly between the public research and private industrial sectors;
5. Ensure that responsible biotechnological developments can proceed at a rate which retains national leadership in agricultural applications; and
6. Establish an organized program to identify opportunities for encouraging, and reducing barriers to, the development of new farm and forest products.

To implement the strategies and thereby enable attainment of the diversification goal, the New Farm and Forest Products Task Force proposes several specific action steps and initiatives. Each proposal addresses a particular need, and is intended to build upon existing, relevant programs and organizations in both the private and public sectors. However, one of the proposals is considered to be of paramount importance. Specifically, the Task Force considers the establishment of an independent organizational entity, dedicated to achievement of the diversification goal and provided with adequate resources to attain it, is essential for success.

In its report, the Task Force proposes the establishment of the Foundation for New Farm and Forest Products. The proposed organization would be an autonomous, nonprofit corporate entity with a mission to foster and facilitate the development and commercialization of new farm and forest products. As conceptualized, the Foundation would be specifically charged with the responsibility to achieve the diversification goal. Bridging both private and public sectors, the Foundation would serve as an advocate, catalyst, coordinator, and cooperative funding source for the development of new farm and forest products.

The Foundation proposal builds upon the results of prior studies and proven organizational models. A key element of the proposal involves establishment of a trust fund to provide a stable, long term funding source for the needed cooperative private/public sector research programs. Based on models in other areas of industry and technology, the minimum requirement for such a trust fund would involve a one-time allocation of $100 million—perhaps generated by a single diversion from current commodity support programs. However, although such a minimal program would represent a step in the right direction, it would be inadequate to undertake the enormous and vitally important task of diversifying American agriculture.

To accomplish the diversification goal, the Task Force recommends that the Foundation be initially funded by proceeds from a $1 billion trust fund invested solely in U.S. Treasury securities. It is proposed that the fund be established by the sale of $200 million of various commodities held by the Commodity Credit Corporation each year for a five year period. When fully established, income from the trust would annually provide over $75 million as a significant, sustained source of long term "seed and venture capital". Importantly, investments would be directed toward carefully selected, cooperative projects in which private companies and other public organizations are also willing to invest. Such an approach would leverage funding, help ensure market focus, and also enhance cooperation and technology transfer between the public and private sectors. Foundation investments would be made with provisions to secure royalty returns from successful projects, and the trust fund would ultimately revert back to the Federal Government.

As detailed in its report, the Task Force proposes several other initiatives related to: (a) commercialization mechanisms for USDA research; (b) multi-disciplinary university research centers relevant to new farm and forest product technologies; (c) international cooperation to develop agricultural sources for industrial raw materials, on a selective basis as mandated by the Critical Agricultural Materials Act of 1984, PL 98284; and (b) task force efforts to address other specific needs.

The New Farm and Forest Products Task Force views its recommendations and proposals as merely starting point—actions to begin the concerted, long-term effort needed to revitalize U.S. agriculture and forestry, and ensure they remain as cornerstones of American competitiveness and prosperity.

TASK FORCE MEMBERS AND SPONSORING ORGANIZATIONS

Chairman: Dr. Ronald L. Sampson, The Procter & Gamble Company; Mr. Edward Andersen, National Grange; Mr. Donald E. Anderson, The Andersons; Mr. Martin L. Andreas, Archer Daniels Midland; Dr. Terence W. Barrett, W. J. Schafer Associates, Inc.; Dr. Melvin G. Blase, Department of Agricultural Economics, University of Missouri; Dr. Chester T. Dickerson, Monsanto Corporation; Mr. Jeff Gain, National Corn Growers Association; Mr. Roger J. Gaire, Foster Wheeler USA Corporation; Mr. Allan D. Holiday, Farmland Industries, Inc.

Mr. Robert J. McCoy, The Procter & Gamble Company; Mr. Bobby F. McKown, Florida Citrus Mutual; Dr. D. Bruce Merrifield, U.S. Department of Commerce; Dr. Phillip Nelson, Food Science Department, Purdue University; Dr. Donald E. Nelson, Extension Service, U.S. Department of Agriculture; Ms. Jane M. Ross, Grants & Program Systems, U.S. Department of Agriculture; Dr. Eldon W. Ross, Forest Service, U.S. Department of Agriculture; Mr. Mickey Stewart, ASCS Office, State of Nebraska; Dr. William F. Stoll, Technical College, University of Minnesota Technical College, Waseca.

Mr. Norman Johnson, Weyerhauser; Dr. Gary D. Jolliff, Department of Crop Science, Oregon State University, (Co-sponsored by the Council for Agricultural Science and Technology); Dr. Michael Ladisch, A.A. Potter Engineering Center, Purdue University; Dr. John Long, Archer Daniels Midland; Dr. Don Tilmon, Cooperative Extension Service, University of Delaware; Dr. John R. Welser, Upjohn Company; Dr. Charles P. West, Resin Research Laboratories, Inc.

ACKNOWLEDGEMENTS FROM THE TASK FORCE

The work of the New Farm and Forest Products Task Force was made possible through the dedicated efforts and generous support of many individuals and organizations. The voluntary effort of each member, and the supprt of each member's sponsoring organization, enabled the work to progress without a budget or direct funding support. Because of the unusual circumstances involved, the Chairman particularly wishes to express his appreciation to the Procter & Gamble Company for their support of his efforts.

Although encouraged and supported by the U.S. Department of Agriculture, the Task Force was an independent body. Consequently, the group's conclusions and recommendations do not necessarily reflect the views of that Department. Nonetheless, the work of the Task Force could not have been accomplished without the coordination and support of the Department of Agriculture, especially the Office of the Secretary, the Office of the Assistant Secretary for Science and Education, and the Office of Critical Materials. In addition, the counsel and perspectives provided by Dr. Orville G. Bentley, Assistant Secretary for Science and Education, and the Department members of the Task Force Secretariat listed below, were constructive, helpful, and much appreciated.

Similarly, although the findings of the Task Force do not necessarily reflect the views of any particular outside contributor to its work, the individuals listed below as Task Force Associates must be acknowledged. Although not a member of the Task Force, each Associate made substantive contributions to their work. The perspectives the Associates shared, and the time and effort they contributed, were much valued and appreciated.

TASK FORCE SECRETARIAT

(Note: The Secretariat was formed to provide liaison between the Task Force and the Department of Agriculture. With the exception of the Task Force Chairman, each member of the Secretariat was affiliated with the Department.)

Dr. Andrew Cowan, Agricultural Research Service; Mr. Michael Hoback, Science and Education; Mr. Joseph H. Howard, National Agricultural Library; Dr. Vivian Jennings, Extension Service; Dr. David B. Johnson, Forest Service; Mr. Robert W. Long, Science and Education; Dr. Paul F. O'Connell, Grants & Program Systems; Ms. Jane M. Ross, Grants & Program Systems; Dr. Charles B. Rumburg, Cooperative State Research; Dr. Ronald L. Sampson, Task Force Chairman; Mr. Howard C. Tankersley, Soil Conservation Service; Dr. Richard Wheaton, Office of Critical Materials.

TASK FORCE ASSOCIATES

Mr. Dennis Avery, Bureau of Intelligence and Research, U.S. Department of State; Dr. L. James Butler, Department of Agricultural Economics, University of Wisconsin; Dr. T. Austin Campbell, Agricultural Research Service, U.S. Department of Agriculture; Hon. S. Mason Carbaugh, Department of Agriculture and Consumer Services, State of Virginia; Dr. Donald A. Holt, Agricultural Experiment Station, University of Illinois; Dr. Lee Kolmer, Agricultural Experiment Station, Iowa State University; Dr. E. Charles Leonard, Humko Chemical Division, WITCO Corporation; Dr. William G. Lesher, Lesher & Associates.

Mr. Stan Cath, Agricultural Research Institute; Ms. Melinda Cohen, National Association of State Foresters; Mr. John C. Datt, American Farm Bureau Federation; Mr. Julian J. Doyle, SIROTECH Limited; Dr. James Duke, Agricultural Research Service, U.S. Department of Agriculture; Mr. Michael Edwards, Department of Agriculture, State of New York; Mr. David M. Goodman, New Jersey Commission on Science and Technology; Mr. Ralph E. Grossi, American Farmland Trust; Dr. Richard Hahn, A. E. Staley Manufacturing Company, (Industrial Research Institute); Mr. Vern F. Highley, Agricultural Consultancy.

Dr. James A. Patterson, Ohio Farm Bureau Federation; Mr. Roger Salquist, Calgene, Inc.; Dr. Howard A. Schneiderman, Monsanto Corporation; Mr. Hal Smedley, National Corn Growers Association; Dr. Dale Stansbury, National Resources and Environment Office, National Association of State Universities and Land Grant Colleges; Mr. Gerald T. Underwood, U.S. Department of Commerce; Dr. Dorothy VanZandt, University of Maryland; Dr. Joe Varner, Biology Department, Washington University; Dr. Noel Vietmeyer, National Academy of Sciences.●

● Mr. GLENN. Mr. President, it is with great pleasure that I join today with my distinguished colleague, Senator CONRAD, in becoming an original cosponsor for the Agricultural Research Commercialization Act of 1988. This measure is a forward-looking initiative which addresses what is in my judgment the single most important issue facing American agriculture today—the development of new nonfood uses for our Nation's agricultural commodities.

I have long supported the need to expand our research efforts into new uses. This measure complements those efforts by establishing the Agricultural Research Commercialization Corporation [ARCC] which will provide financial assistance to help selected new uses projects transition from the laboratory to the marketplace. This, along with other efforts to place greater emphasis on new nonfood uses research and products, will further our efforts to establish a cohesive framework to fully utilize one of our Nation's greatest natural resources—American agriculture.

Mr. President, the problems facing American agriculture are complex. They will not be solved quickly, rather they require a comprehensive strategy which addresses market development as well as research into new nonfood uses of our agricultural commodities. I believe that this legislation is a vital part of that solution and I look forward to working with Senator CONRAD toward its passage.●

By Mr. MELCHER (for himself, Mr. LEAHY, and Mr. HARKIN):

S. 2415. A bill to provide that surplus dairy products should be provided to carry out the Temporary Emergency Food Assistance Program before certain dairy export programs, to extend such dairy export programs and such food assistance programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

USE OF SURPLUS DAIRY PRODUCTS IN THE TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

Mr. MELCHER. Mr. President, today is another day in which some of our fellow citizens will go hungry. We still have surplus commodities in warehouses throughout the land, but hungry people need the commodities now, not next year. Hunger cannot wait. Lack of nutrition hurts, limits growth and development in kids and causes health problems in young and old. They need a helping hand, a nutrition bridge to get them through troubled times.

In hearings recently held before joint subcommittees of the Senate Agriculture Committee, witnesses from Montana and Iowa stated repeatedly that TEFAP, the Temporary Emergency Food Assistance Program was an effective way to do that.

Therefore, today I am introducing a bill which will extend TEFAP through September 1991. And, although the bill extends the foreign dairy export sales provisions for another 3 years it also establishes a higher priority for TEFAP. As a domestic program for U.S. citizens, they come first. That means that the surplus now tagged for export will be made available to needy people this year. That is important because surplus cheese and powdered milk are in short supply in Government surplus stocks.

And the bill makes some needed changes on how this Emergency Food Assistance Program is operated. Not only does this bill serve to increase State administrative fund support for local food distribution from 20 to 30 percent thus making State facilities more supportive of commodity program implementation, but other provisions in the bill will also encourage use of volunteers.

The bill does allow funds to be used for notifying program participants about other assistance programs. We feel all of these provisions will enhance and speed up commodity donation to our needy citizens.

Mr. President, passage of this legislation is urgently needed. I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF SURPLUS DAIRY PRODUCTS FOR TEFAP.

Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law, the programs authorized by sections 153 and 1163 of the Food Security Act of 1985 (15 U.S.C. 713a-14 and 7 U.S.C. 1731 note) shall not be operated in a manner that will, in any way, reduce the quantities of dairy products that traditionally are made available to carry out this Act or any other domestic feeding program.".

SEC. 2. EXTENSION OF TEFAP.

(a) Authorization.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) (as amended by section 813 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)) is amended by striking out "through September 30, 1988" and inserting in lieu thereof "through September 30, 1991".

(b) Local Support.—The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 is amended by striking out "20" and inserting in lieu thereof "30".

(c) Notice of Availability of Commodities.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(b)(2) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "fiscal year ending September 30, 1988" and inserting "fiscal year 1991".

(d) Program Termination.—

(1) In general.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(a) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "1988" and inserting "1991".

(2) Conforming amendment.—Section 202A(a)(1) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 812 of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "To the extent" and all that follows through "fiscal year 1988" and inserting in lieu thereof "For the period ending on the date specified in section 212".

SEC. 3. EXTENSION OF DAIRY EXPORT INCENTIVE PROGRAM.

Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14(a)) is amended by striking out "1989" and inserting in lieu thereof "1991".

SEC. 4. EXTENSION OF EXPORT SALES OF DAIRY PRODUCTS.

Section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) is amended—

(1) in subsection (a), by striking out "fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988" and inserting in lieu thereof "each of the fiscal years 1986 through 1991"; and

(2) in subsection (c), by striking out "1988" and inserting in lieu thereof "1991".

SEC. 5. SUPPLEMENTATION OF COMMODITIES.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding after section 203C, the following new section:

"SEC. 203D. STATE SUPPLEMENTATION OF COMMODITIES.

"(a) Authorization.—The Secretary shall establish procedures under which State and local agencies, charitable institutions, or any other persons may supplement the commodities distributed under the program authorized by this Act with nutritious and wholesome commodities that such entities or persons donate for distribution, in all or any portions of the State, in addition to the commodities otherwise made available under this Act.

"(b) Use of Facilities.—The State or emergency feeding organizations may use the funds appropriated under this Act and equipment, structures, storage space, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this Act, and the personnel, both paid or volunteer, used for such storage, handling, or distribution, to distribute commodities donated by such State and local agencies, charitable institutions, or any other persons under this section.

"(c) State Costs and Information.—

"(1) In general.—Funds allocated to States for the costs associated with the distribution of commodities under this Act may additionally be used by the States or emergency feeding organizations to pay distribution costs to facilitate the distribution of commodities donated under this section.

"(2) Information program.—Funds allocated to States under this Act may also be used for the costs of conducting a program, in all or part of the State, that provides information concerning the availability of other food assistance programs such as the food stamp program authorized by the Food Stamp Act of 1977 (7 U.S.C. 2011 et. seq.) and the Special Supplemental Food Program for Women, Infants, and Children authorized by section 17 of the Child Nutrition Act (42 U.S.C. 1786), to persons applying for, or participating in, the program authorized under this Act.

"(d) Volunteer Workers.—State and local agencies shall continue, to the maximum extent practicable, to use volunteer workers and food stuffs donated by charitable and other organizations in the operation of the food distribution program authorized by this Act.".

By Mr. FOWLER:

S. 2416. A bill to amend the Food Security Act of 1985 to encourage the entry of windbreaks and shelterbelts into the Conservation Reserve Program, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

WINDBREAKS AND SHELTERBELTS IN THE CONSERVATION RESERVE PROGRAM

● Mr. FOWLER. Mr. President, I rise today to introduce legislation to encourage the entry of windbreaks and shelterbelts into the Conservation Reserve Program established by the Food Security Act of 1985.

Congress created the Conservation Reserve Program in 1985 to manage highly erodible croplands and reduce the impacts of erosion and agricultural runoff. To date, 27 million acres of highly erodible land have been bid into the reserve, greatly reducing erosion through the conservation practices of the land managers.

These practices include planting grass and trees, maintaining permanent wildlife habitats, and establishing field windbreaks and shelterbelts. However, only 1.5 million acres of the conservation reserve acreage has been devoted to trees, and only an additional few thousand acres are enrolled as permanent wildlife habitat, windbreaks and shelterbelts. Unless we target land for these programs through positive incentives, these conservation practices are likely to remain an insignificant part of the long term reserve. That would be unfortunate, because they offer some of the greatest potential long-term benefits.

Fifty years ago, windbreaks and shelterbelts were planted after the Great Dust Bowl, to avert another agricultural disaster of that scale. Based on those sound conservation practices, our farmland did indeed regain its place as the world's most productive.

But most of those protective barriers were torn down and planted in the 1970's when fencerow-to-fencerow farming was unwisely encouraged to expand production. Thus we entered a new era of record erosion levels—which led to the enactment of the conservation reserve in 1985.

A growing number of States are recognizing this error and initiating programs to reestablish windbreaks and shelterbelts: The Kansas Fish and Game Department pays for and plants trees. Idaho's Fish and Game Department provides supplemental payments for habitat improvement of upland windbreaks. And in Nebraska, university studies show that a windbreak system comprising 10 percent of the crop area can be paid for in full within 15 years, and have a positive effect on income in 35 of the 50-year life of the windbreak.

Mr. President, this is a bonus for farmers and ranchers who install windbreaks and shelterbelts that has not received the same attention as the erosion reduction benefits. Overall average yield increases in fields adjacent to these natural barriers. The Nebraska research has shown an 18-percent increase for soybeans, 20 percent for corn, and 22 percent for wheat in fields protected by windbreaks and shelterbelts. And I would point out that these increases were achieved without intensifying the application of pesticides and fertilizers.

The natural systems also enhance wildlife, providing vital habitat, food and nesting and winter cover for birds and animals that once thrived in the countryside. The reemergence of these creatures would bring satisfaction to the landowners and benefit rural communities that have seen their economies diminish along with the diversity of their landscape. The return of sportsmen in search of pheasants and nesting waterfowl would give rural regions a much-needed economic boost.

This will augment the protection of cropland, wildlife and water quality achieved through the riparian buffer zones of streamside forests. As of the sixth sign-up, we have a new provisions to include 66- to 99-foot wide filter strips in the CRP. I support this provision—which filters excess agricultural nutrients out of our water supply and makes the water more suitable for many game fish and other aquatic creatures—and I hope that we can increase the value of these buffer zones by encouraging a well-rounded system of natural conservation practices.

Mr. President, my bill does not open up the 1985 farm bill. It merely directs the attention of the Department of Agriculture to a section of the Conservation Reserve Program which has not been emphasized, but which should be now that we have reached two-thirds of the program goal.

To ensure the inclusion of these natural systems in the conservation reserve, my bill authorizes the Secretary of Agriculture to coordinate with State and local entities to create incentives for windbreaks an shelterbelts and meet the cost of establishing them. We may need a higher bid rate for these lands—in order to profit from their added benefits. That is why it is vital that the Secretary be able to secure additional funds from other interested parties so that we can achieve the goals of this legislation.

Mr. President, I ask that the text of the bill be entered into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) it is in the public interest to establish and maintain, as is appropriate, windbreaks and shelterbelts throughout the Nation to—

(A) reduce wind erosion, control snow deposition, conserve moisture, and protect crops, orchards and livestock;

(B) increase yields of sheltered row crops;

(C) provide food and cover for wildlife;

(D) conserve energy; and

(E) enhance the natural beauty of the landscape;

(2) the Secretary of Agriculture is authorized by the Food Security Act of 1985 (Public Law 99-198) to include in the conservation reserve program lands that are not highly erodible but would provide for—

(A) the establishment of shelterbelts and windbreaks; or

(B) permanently vegetated stream borders, filter strips of permanent grass, forbes, shrubs, and trees that will reduce sedimentation substantially; and

(3) States have expressed interest in offering financial inducements to owners and operators of farms and ranches to plant land in windbreaks and shelterbelts.

SEC. 2. ENTRY OF WINDBREAKS AND SHELTERBELTS INTO THE CONSERVATION RESERVE PROGRAM.

Section 1234(c)(3) of the Food Security Act of 1985 (16 U.S.C. 3834(c)(3)) is amended—

(1) by resignating subparagraphs (C) and (D) as subparagraphs (D) and (E) respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) coordinate with other entities in accordance with the section 1 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a) to allow—

"(i) payment by such entities of any amount that such entities are willing to provide, including such amounts that such entities are willing to provide to meet contract offers that exceed Federal limitations on rental payments under contract offers in the area;

"(ii)) contribution toward the owner or operator's share of the cost of establishing conservation measures and practices under such contract; or

"(iii) any combination of actions described in clauses (i) and (ii);

so as to encourage the submission and enable the acceptance of contract offers under subparagraph (B);".●

By Mr. HOLLINGS:

S. 2417. A bill to authorize a certificate of documentation for certain vessels; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF CERTAIN VESSELS

● Mr. HOLLINGS. Mr. President, I rise today to introduce legislation that would grant waivers to two vessels located in South Carolina and operated by residents of my State.

Title 46 of the United States Code, coupled with the Jones Act, requires that vessels engaged in the domestic coastwise trade be built and documented in the United States. These laws apply to all vessels, irrespective of size or intended use. Furthermore, these provisions of law permanently terminate the coastwise privileges for U.S.-built vessels which are later sold to foreign citizens. If a U.S. citizen subsequently purchases such a vessel, a legislative waiver of these documentation and coastwise provisions is required.

The legislation I am introducing today would provide such a waiver to the vessel *Scotch 'N Water*—official number 264090. This vessel is an 81.5 feet motor yacht, built in 1950 by John Rybovich & Sons of West Palm Beach, FL. However, the vessel was sold to an alien in 1958. The vessel was redocumented under the U.S.-flag in 1961, but removed from documentation in 1984.

The present owner purchased the vessel earlier this year and applied for coastwise trading privileges. His intent was to make the vessel available for charter by six passengers or less in the waters off the northern coast of South Carolina. The typical charter would be in the nature of a fishing excursion or tours of the beautiful islands in that area.

The Coast Guard Documentation Office in Miami notified the owner that the vessel had been previously owned by an alien and therefore, could not receive a certificate of documentation providing for coastwise trade privileges.

The owner has expended a great deal of time and money refurbishing the vessel since its purchase. Previous owners used the vessel for recreational purposes only and therefore coastwise trading privileges were never necessary.

This bill would also grant a legislative waiver to the vessel *ERSA* (official number 229511). The *ERSA* is a 73-foot yacht which was built in 1929 by the New York Engine and Launch Co. The vessel, which has always been used solely for recreational purposes, was purchased in 1984 by Eugene R. Smith for charter to six passengers or less in the Hilton Head Island, SC, vicinity. However, because this vessel has had numerous owners throughout the years, the present owner cannot fully reconstruct the chain of title to prove by clear and convincing evidence that the vessel has always satisfied the requisite citizenship criteria to obtain coastwise privileges. Therefore, a legislative waiver is necessary before the *ERSA* may obtain coastwise privileges, although the present owner is unaware of any past alien ownership of the vessel.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for the following vessels: SCOTCH 'N WATER (ex VICTORIOUS), United States official number 264090, and ERSA, United States official number 229511.●

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 2418. A bill to amend the Food Security Act of 1985 to allow States or local government entities to carry out special conservation reserve enhancement programs; to the Committee on Agriculture, Nutrition, and Forestry.

CONSERVATION RESERVE ENHANCEMENT PROGRAMS

● Mr. DASCHLE. Mr. President, on behalf of myself and Senator PRESSLER, I rise today to introduce legislation that would enable out State to implement a program to assist debt-ridden farmers and ranchers.

Gov. George Mickelson of South Dakota has developed a program in which farmers and ranchers enrolled in the Conservation Reserve Program could lease their CRP land to the State. The farmer's annual CRP payments from USDA would be paid then go directly to the State. In return, the farmer would receive from the State an advance, cash payment based on the current value the farmer's 10-year CRP contract. The farmer could then use the payment to restructure his debt or otherwise improve his financial position.

Unfortunately, the statutory limit on CRP payments undermines the State's ability to carry out this worthy program. The bill we are introducing would exempt the State from the $50,000 payment limitation only to the extent necessary to implement a State conservation reserve enhancement program approved by the Secretary. Let me emphasize that this bill would not affect the limitation on payments to States for any other purpose. In fact, States would not financially profit from this exemption. The CRP payments to a State would simply serve to repay the advance payment made to the producer. Second, this bill would not affect the payment limitation as it applies to individual producers. The producer would still be prevented from enrolling land in the CRP that generated rental payments in excess of $50,000, regardless of whether his CRP land is ultimately leased to the State.

Mr. President, this legislation enjoys the explicit support of the Secretary of Agriculture, and was drafted in close consultation with Departmental lawyers. It is a technical amendment to the 1985 Food and Security Act, but it would greatly benefit States such as South Dakota that are still suffering the effects of the agricultural recession.

Mr. President, last year Congress enacted legislation intended to address the severe credit problems in rural America. This program would offer farmers and ranchers another tool to help improve their financial situations. We need to take advantage of all available tools to reduce the debt burden in agriculture. My State has taken the initiative to develop a creative approach to assist farmers and ranchers. A number of other States have already expressed an interest in developing similar programs of their own. We should encourage this kind of initiative, not discourage it. We should make this technical change in the payment limitation so that States can make resourceful use of a successful Federal program.●

● Mr. PRESSLER. Mr. President, today I am joining my colleague from South Dakota, Senator DASCHLE, in introducing legislation to modify the $50,000 payment limitation to allow States to implement approved programs that would enhance the Conservation Reserve Program.

Last December during consideration of farm credit legislation, I offered an amendment to authorize a debt restructuring program initiated by the State of South Dakota. At that time, the chairman and ranking members of the Senate Agriculture Committee were very supportive of the proposal and agreed to work with South Dakota to develop an acceptable program. Since that time we have met with Secretary Lyng and other USDA officials to work out the details. USDA has signed off on the legislation my colleague and I are introducing today.

Under the proposed South Dakota program, farmers with land in the Conservation Reserve Program could sign an agreement with the State and receive a lump sum payment. In return for that payment, farmers would assign their annual CRP payments to the State. The State housing authority would issue bonds to finance the payments to farmers. These bonds would be repaid with the State's annual CRP payments. This program would help many farmers pay off high interest debt or finance their operating expenses at a lower rate of interest. All of this would be done at no additional cost to the Federal Government.

This legislation simply waives the $50,000 payment limitation for States that develop an approved conservation reserve enhancement program. Farmers, and not State governments, will benefit from this type of program. Only States with approved programs would be eligible.

Mr. President, for years I have encouraged States to do more to aid farmers and ranchers. This legislation will encourage additional initiatives to assist farmers. I urge the Senate to take prompt action on this legislation.●

By Mr. CRANSTON (by request):

S. 2419. A bill to amend title 38, United States Code, to repeal provisions relating to setting the interest rate on guaranteed or insured housing loans to veterans and inspecting manufactured homes purchased by veterans, to modify the procedures for the sale of loans by the Administrator of Veterans' Affairs, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' HOUSING AMENDMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2419, the proposed "Veterans' Housing Amendments Act of 1988." The Administrator of Veterans' Affairs submitted this legislation by letter dated May 3, 1988, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the May 3, 1988, transmittal letter and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Housing Amendments Act of 1988".

NEGOTIATED INTEREST RATES

SEC. 2. Chapter 37 of title 38, United States Code, is amended by—

(a) Striking out section 1803(c) in its entirety and inserting in lieu thereof:

"(c) Loans guaranteed or insured under this chapter shall be payable on such terms and conditions as may be agreed upon by the parties thereto, subject to the provisions of this chapter and regulations of the Administrator issued pursuant to this chapter. These loans shall bear interest at such rate as may be agreed upon by the veteran and the lender provided, however, that such loans shall bear the same interest rate for the life of the loan.";

(b) Striking out in section 1810(e)(1)(C) "permitted pursuant to section 1803(c)(3)(A) of this title";

(c) Striking out in section 1811(c)(1) "area, at an interest rate not in excess of the rate authorized for guaranteed home loans or manufactured home loans, as appropriate," and inserting in lieu thereof "area";

(d) Striking out in section 1811(d)(1) "not to exceed the rate authorized for guaranteed home loans, or manufactured home loans, as appropriate,";

(e) Striking out in section 1819(a)(4)(A)(iii) "permitted pursuant to section 1803(c)(3)(A) of this title";

(f) Inserting "and" immediately after the semicolon at the end of section 1819(e)(5);

(g) Striking out in section 1819(e)(6) "regulation; and" and inserting in lieu thereof "regulation.";

(h) Striking out section 1819(e)(7) in its entirety; and

(i) Striking out section 1819(f) in its entirety, and inserting in lieu thereof:

"(f) Loans guaranteed under this section shall bear interest at such rate as may be agreed upon by the veteran and the lender provided, however, that such loans shall bear the same interest rate for the life of the loan.".

SALE OF VENDEE LOANS

SEC. 3. Section 1816(d) of title 38, United States Code, is amended by striking out paragraph (3) in its entirety and inserting in lieu thereof:

"(3) The Administrator may sell any note evidencing such a loan in order to maintain the effective functioning of the loan guaranty program under this chapter—

"(A) with recourse; or

"(B) without recourse. In order to assure such sales without recourse will maximize the proceeds to the Loan Guaranty Revolving Fund, the Administrator shall:

"(i) consult with a professional financial advisor;

"(ii) review the experience of other Federal agencies that have conducted loan asset sales without recourse;

"(iii) explore such marketing strategies as overcollateralized loans or private reinsurances; and

"(iv) accept bids only when they appropriately reflect the prevailing interest rates and characteristics of the loans.".

REPEAL CERTAIN MANUFACTURED HOME LOAN REQUIREMENTS

SEC. 4. (a) Section 1819(h) of title 38, United States Code, is amended by—

(1) striking out the last sentence of paragraph (1); and

(2) striking out paragraph (2) in its entirety, and inserting in lieu thereof:

"(2) Any manufactured housing unit properly displaying a certification of conformity to all applicable Federal manufactured home construction and safety standards pursuant to section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5415) shall be deemed to meet the standards required by paragraph (1) of this subsection.".

(b) Section 1819(j) of title 38, United States Code, is amended by—

(1) striking out "refuses to permit the inspections provided for in subsection (h) of this section; or in the case of manufactured homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of manufactured homes"; and

(2) striking out "warranty." and inserting in lieu thereof "warranty; or in the case of manufactured homes which are determined by the Administrator not to conform to the standards provided for in subsection (h) of this section; or in the case of a manufacturer who has engaged in procedures or practices determined by the Administrator to be unfair or prejudicial to veterans or to the Government.".

(c) Section 1819(l) of title 38, United States Code, is amended by striking out "the results of inspections required by subsection (h) of this section,".

(d) Section 1819(c)(3) is amended by striking out the second sentence is its entirety and inserting in lieu thereof, "The maximum VA liability under such guaranty shall be limited to an amount equal to the difference, if any, between the total indebtedness and the value of the property, as determined by the Administrator, not to exceed the maximum guaranty on the particular loan. Payment of a claim under such guaranty shall only be made after the filing of an accounting with the Administrator."

PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS

SEC. 5. Section 1804 of title 38, United States Code, is amended by striking out section (e) in its entirety.

OFFSET OF TAX REFUND FOR HOUSING LOAN DEBT

SEC. 6. Section 1826 of title 38, United States Code, is amended by—

(a) Striking out "No" and inserting in lieu thereof:

"(a) Except as provided in subsection (b) of this section, no"; and

(b) Inserting at the end thereof the following new subsection:

"(b) This section shall not apply to the reduction of a refund of Federal taxes by the Secretary of the Treasury pursunat to section 3720A of title 31, United States Code.".

TIME LIMIT FOR HOUSING DEBT WAIVER

SEC. 7. Section 3102(b) of title 38, United States Code, is amended by—

(a) Striking out "101 and 1801" and inserting in lieu thereof, "101, 1801, and 1818(a)(2) of this title"; and

(b) Inserting at the end thereof, "An application for relief under this subsection must be made (1) within 180 days from the date of notification of the indebtedness by the Administrator to the debtor, or within such longer period as the Administrator determines is reasonable in a case in which the payee demonstrates to the satisfaction of the Administrator that such notification was not actually received by such debtor within a reasonable period after such date; or (2) September 30, 1990, if notice of such debt was provided before October 1, 1988.".

EFFECTIVE DATES

SEC. 8. (a) The amendments made by sections 2, 4, 5, and 7 of this Act shall take effect October 1, 1988.

(b) The amendments made by sections 3 and 6 of this Act shall take effect upon enactment of this Act.

VETERANS' ADMINISTRATION,
Washington, DC, May 3, 1988.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend title 38, United States Code, to repeal provisions relating to setting the interest rate on guaranteed or insured housing loans to veterans and inspecting manufactured homes purchased by veterans, to modify the procedures for the sale of loans by the Administrator of Veterans' Affairs, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This omnibus measure, entitled the "Veterans' Housing Amendments Act of 1988," would make a number of amendments to the Veterans Administration Housing Loan Guaranty Program to reduce administrative regulation and enhance revenues.

Section 2 of the draft bill would allow the veteran and the lender to agree upon an interest rate for the home loan so the veteran can benefit from the best combination of interest rate and points. This would be accomplished by repealing the authority of the Administrator to set the maximum interest rate which veterans may pay on VA guaranteed home loans currently contained in 38 U.S.C. § 1803(c) and manufactured home loans contained in 38 U.S.C. § 1819(f). Section 2 of the draft bill also makes additional perfecting amendments.

Prior to 1966, the law contained a statutory interest ceiling on VA guaranteed housing loans. Public Law 89-358, enacted March 3, 1966, removed an exact percentage limitation on the VA interest rate, and provided instead that interest on such loans may not exceed the rate in effect for loans insured by the Secretary of Housing and Urban Development under section 203(b)(5) of the National Housing Act. In 1973, the Congress enacted Public Law 93-75 which removed the requirement that the interest on VA home loans not exceed the HUD interest rate. The 1973 amendment, which remains in effect, requires that in setting the VA interest rate "the Administrator shall consult with the Secretary of Housing and Urban Development * * * and, to the maximum extent practicable, carry out a coordinated policy on interest rates on loans insured under * * * section 203(b) [of the National Housing Act] and on loans guaranteed or insured under * * * chapter [37 of title 38, United States Code]."

The Housing and Urban-Rural Recovery Act of 1983, Pub. L. No. 98-181 § 404, enacted November 30, 1983, repealed the authority of the Secretary of Housing and Urban Development to set interest rates on loans insured by the Secretary. Such loans may now bear interest at any rate agreed upon by the borrower and lender.

Although VA makes every effort to reflect the loan market in setting interest rates on guaranteed home loans, it is not always possible for such rates to keep exact pace with money market demands. When the cost of money is not adequately reflected by the VA interest rate, lenders are required to charge points to bring their yield into line with secondary market demand. One "point" equals 1 percent of the loan amount. The points must be paid in cash at loan closing. VA has interpeted the law as not permitting veterans to pay points, except under certain limited circumstances spelled out in 38 U.S. § 1803(c)(3); e.g., refinancing and home improvement loans. This is because if the veteran paid this amount he or she would, in effect, be paying an interest rate above the permitted maximum. Thus, the seller will normally absorb these costs.

Sellers who are reluctant to pay points often either refuse to sell with VA financing, or increase the selling price of their homes to reflect the anticipated points. In neither instance is the veteran being benefited.

Under the draft bill, the veteran buyer, the seller, and the lender can negotiate on whether the rate, and thus the monthly payment, will be lowered in exchange for a certain number of points and, if it is, who will pay some or all of such points. This change will also encourage sellers to sell with VA financing and charge veterans the same price as nonveterans for the home. Thus, the transaction can be tailored to fit the needs and circumstances of the parties involved and will allow the veteran greater flexibility in obtaining the best financing options.

This change would also be consistent with the Administration's goal of reducing Federal regulation and permitting market forces to operate.

Section 2 of the draft bill, consistent with present policy, would not authorize adjustable rate mortgages. The bill requires that the loan bear the same interest rate for the life of the loan. Nothing in the draft bill would preclude lenders from waiving collection of a portion of the interest.

This would permit "buy downs" where a builder or developer arranged for a lower interest rate for the first few years of the loan. VA currently permits buy downs.

VA estimates that enactment of section 2 of the draft bill would result in administrative cost savings of less than $100,000 in any fiscal year.

Section 3 of the draft bill would revise provisions of the law related to the sale of vendee loans by VA. Following the foreclosure of a loan guaranteed or made by VA, the Administrator frequently acquires the property that secured the loan. VA then sells these properties in an effort to recoup the Government's loss under the guaranty. In some cases, the VA provides seller financing, commonly known as a "vendee loan." VA may then sell the paper for such vendee loans to generate immediately cash for the Loan Guaranty Revolving Fund (LGRF). Historically, this paper has been sold with recourse; i.e., the Government agrees to buy the note back from the holder if the borrower defaults.

Administration credit management policies, however, favor selling loan assets without recourse. Selling with recourse runs counter to effective debt management and does not provide an accurate measurement of the subsidy inherent in Federal credit. In addition, selling the loans with recourse creates a contingent liability to the Government for the full face value of the loan. This contingent liability represents the full extent of the Government's cost for repurchasing vendee loans that eventually default. Accordingly, VA had planned to begin selling loans without recourse in Fiscal Year 1988.

Recent amendments to section 1816(d)(3) of title 38 made by Public Laws 100-136 and 100-203 have restricted the freedom of the Administrator to sell loan assets without recourse. As the law now stands, until October 1, 1989, the Administrator will be required to make complex projections of the anticipated yields and costs of recourse and nonrecourse sales of each block of loans to be offered for sale. Based upon such projections, the Administrator will determine whether it is in the best interests of the effective functioning of the loan guaranty program to sell with or without recourse. After October 1, 1989, VA would be prohibited from selling loans without recourse unless they could be sold at par. For all intents and purposes, that would preclude selling loans without recourse.

The present law imposes complex and costly administrative requirements on VA without tangible benefit. Further, the effective prohibition of selling without recourse after October 1, 1989, is an unnecessary and unwarranted interference with the administrative flexibility required by the Administrator to dispose of loan assets.

Therefore, section 3 of the draft bill would grant the Administrator flexibility to sell loans in a cost effective manner, either with or without recourse, without the administrative burdens now contained in the law.

Section 4 of the draft bill would repeal certain requirements of the VA manufactured home loan program that VA believes to be no longer necessary.

Section 4(a)(i) of the draft bill would delete the requirement that VA standards for manufactured home sites include requirements to encourage the development of attractive residential areas which will be free from and not substantially contribute to adverse scenic or environmental conditions.

Currently, 38 U.S.C. § 1819(h)(1) requires that, as part of the standards established in approving manufactured home sites, VA take into consideration scenic or environmental conditions. Since these provisions were enacted, many beneficial changes have taken place with respect to planning and construction standards for manufactured home parks and subdivisions. State and local regulatory agencies generally have standards for licensing, occupancy, and use which prevent overcrowding and other adverse conditions, including those which affect the scenic and environmental state of the manufactured home sites. VA's standards only serve to duplicate existing local requirements and complicate the application process. Accordingly, VA recommends eliminating these requirements.

Section 4(a)(ii) of the draft bill would repeal the requirement that VA inspect the manufacturing process of manufactured homes and conduct on-site inspections of such units purchased with VA financing. The bill would further provide that any manufactured home unit that properly displays a certificate of conformity with all applicable Federal manufactured home construction and safety standards would be eligible for purchase with VA guaranteed loans.

Currently, 38 U.S.C. § 1819(h)(2)(A) requires the VA to make inspections of the manufacturing process of manufactured homes and to perform random on-site inspections of manufactured homes purchased with a VA guaranteed loan. The purpose of the inspections of manufacturing plants is to insure that manufacturers comply with the standards for planning, construction, and general acceptability of manufactured homes required to be prescribed by the Administrator under 38 U.S.C. § 1819(h)(1). The on-site inspections were mainly required to judge the effectiveness of the manufactured home loan program.

In 1970 when the Congress enacted the VA manufactured home loan program, there were no comprehensive regulations insuring the safety and fitness of manufactured housing. Four years later, however, the Congress enacted the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401-5426. That statute requires the Secretary of Housing and Urban Development, in consultation with the Consumer Product Safety Commission, to establish Federal manufactured home construction and safety standards. Generally, all new manufactured homes sold in interstate or foreign commerce must comply with these Federal standards. Units are required to have permanently affixed to them a tag or label certifying their compliance with such standards. The Secretary of HUD is authorized to conduct necessary inspections to enforce the Federal standards.

VA believes that the comprehensive scheme established under the National Manufactured Housing Construction and Safety Standards Act of 1974 is sufficient to insure that new manufactured homes purchased by veterans with VA guaranteed loans will be properly built and suitable for occupancy and use.

Section 1819(h)(2)(B) of title 38, enacted as part of Pub. L. No. 95-476 in 1978, permits VA to delegate to HUD the responsibility for conducting manufactured plant inspections. VA has entered into an agreement with HUD under this provision of the law, and has made such a delegation. VA believes it is unnecessary to retain the provisions in the law for VA to conduct inspections, and the provision should be eliminated.

VA further believes on-site inspections are likewise unnecessary. Such inspections might have been useful when the law was first enacted to aid in evaluation of this program. Over 15 years of experience with the manufactured home loan program has demonstrated the viability of the program. Each of the states where VA has guaranteed manufactured housing loans have and enforce planning and zoning laws which adequately address our concerns. Additionally, VA's procedures require lenders to certify that the unit has been properly installed on an approved site, and that the veteran receives everything for which he or she has paid. As these inspections are no longer necessary, they should be eliminated.

The draft bill also makes perfecting amendments consistent with the elimination of such inspection.

In addition, the draft bill proposes one technical amendment to the manufactured home loan program. Section 1819(j) permits VA to suspend from participation in the VA program a manufacturer of manufactured homes who refuses to permit inspections, is unwilling or unable to comply with its warranty obligations, or if the units fail to conform to VA standards. This section does not specifically contain the additional "catch all" grounds of suspension for engaging in practices prejudicial to veterans or to the Government. Provisions of the law applicable to suspending other loan guaranty program participants authorize suspension for such prejudicial practices. See 38 U.S.C. §§ 1804(b) and (d) and 1819(k). In addition to removing the reference to the inspections which the draft bill proposes to eliminate, engaging in actions unfair or prejudicial to veterans or the Government would be added as a basis for suspension. We believe this technical correction is desirable to make clear that VA has the authority to suspend manufacturers who engage in such practices.

Finally, subsection (d) of section 4 of the draft bill would repeal the provision in 38 U.S.C. § 1819(c)(3) that VA may not pay a claim under the guaranty until after the liquidation sale. Currently, VA provides the guaranteed lender (the holder) with an appraisal of the value of the property. The holder must then sell the property for at least that appraised value in order to break even. If the holder sells the security for more than VA's appraised value, the holder must reduce the claim by the actual sales proceeds over and above the appraised value. If the holder sells the security for less than the appraised value, the holder may ask VA to reconsider its valuation. Such requests are often granted and have the effect of increasing the claims by the difference between the liquidation price and the appraised value.

This proposal would require the guaranteed lender to submit a claim immediately upon receiving VA's appraisal of the property's worth. Any loss on the eventual resale of the property would be absorbed by the lender. Unlike other housing properties, manufactured homes typically depreciate, not appreciate, in value. By paying the claim as soon as possible, VA would be able to prevent an increase in the claim amount due to a depreciation in the value of the manufactured home during the liquidation process. This also substantially speeds up the claims payment process to guaranteed lenders.

Section 5 of the draft bill would repeal the requirement for a statement of local officials regarding the feasibility of public or community water and sewerage systems as a condition to the VA guaranty of loans for the purchase of newly constructed homes.

Currently, under 38 U.S.C. § 1804(e), the VA may not guarantee loans for newly constructed residences in areas where local officials certify that the establishment of public or community water and sewerage systems is economically feasible unless the dwellings are served by such systems. Since enactment of this section in 1965, conditions have changed significantly. Federal, State, and local laws now adequately address the subject of individual water and sewerage systems as an alternative to public and community water systems. These certification requirements place an additional burden on local officials and program participants without materially benefiting the veteran.

Enactment of this proposal would result in administrative savings of less than $100,000 in any fiscal year.

Section 6 of the proposed legislation would amend section 1826 of title 38, United States Code, to expand VA's authority to collect housing loan debts by offsetting a debtor's Federal tax refund. Currently, section 1826 prohibits offset of any non-VA Federal payment to satisfy an indebtedness to VA arising out of the Loan Guaranty Program unless the debtor consents in writing, or a court has determined that the debtor is liable to the VA. Since a significant number of VA guaranteed loans are foreclosed nonjudicially, these requirements are often not met.

Under section 3720A of title 31, United States Code, which was enacted by the Deficit Reduction Act of 1984, Pub. L. No. 98-369 § 2653, past-due debts to Federal agencies may be referred to the Secretary of the Treasury for collection by offsetting against refunds of Federal taxes due the debtor.

VA believes the Deficit Reduction Act established a policy of collecting Federal debts in this manner. Therefore, conforming amendments should be made to section 1826 of title 38.

VA estimates that enactment of this proposal would generate collections of approximately $1 million and produce administrative costs of less than $100,000 in any fiscal year.

Section 7 of the draft bill would impose a time limit during which a veteran may request waiver of a loan guaranty debt. Generally, a veteran would have 180 days from the date of the notice of the debt to file a waiver request. This amendment is consistent with subsection (a) of section 3102 of title 38 which imposes the same limit on requesting waivers of all other debts to VA. Under subsection (b) of that section, however, no time limit is imposed on requesting waiver of a home loan debt. This creates several problems, especially when a request for waiver is made on a loan program debt after it has been referred for collection through litigation. If such a waiver request is filed, all collection action must be stopped until a decision is made on the waiver request. If the request for waiver is subsequently denied, then we must go through the time-consuming and costly process of referring the case a second time for collection.

To reduce hardship and prejudice to veterans who may have relied on the current law, any veteran who received notice of a home loan debt prior to October 1, 1988, would have until September 30, 1990, to request a waiver.

Section 7 would also make a technical amendment to section 3102(b). Currently, that section pertains to veterans as defined by sections 101 and 1801 of title 38, and to the spouses of veterans. Section 101 contains the general definition of veteran for title 38 purposes, and section 1801 defines veteran to include, for home loan purposes, certain surviving spouses of veterans who died from service-connected causes and spouses of veterans who are prisoners of war or missing in action. In addition to those categories of persons, section 1818(a)(2) of title 38 grants home loan eligibility to persons currently on active duty in the Armed Forces. Unfortunately, active duty servicemembers do not meet the definition of veteran in either section 101 or 1801. This technical amendment would make it clear that debts of active duty servicemembers are eligible for waiver consideration and would be subject to the time limit proposed.

Enactment of this proposal would result in insignificant administrative benefits savings of less than $1 million in any fiscal year and insignificant administrative savings of less than $100,000 in any fiscal year.

The final section of the draft bill provides that all amendments will take effect October 1, 1988, except for section 3 relating to the sale of vendee loans, and section 6 relating to Federal tax offsets. These two provisions would take effect upon enactment.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

SECTION-BY-SECTION ANALYSIS—DRAFT BILL—VETERANS' HOUSING AMENDMENTS ACT OF 1988

SECTION 2—NEGOTIATED INTEREST RATES

Subsection (a) would repeal current provisions of 38 U.S.C. § 1803(c) requiring VA to set an interest rate on guaranteed home loans and provide instead that such loans shall bear the rate of interest agreed upon by the veteran borrower and lender.

Subsections (b) through (d) would make perfecting changes.

Subsections (e) through (i) would repeal current provisions of 38 U.S.C. § 1819 requiring VA to set an interest rate on guaranteed manufactured housing loans, provide instead that such loans shall bear the rate of interest agreed upon by the veteran borrower and lender, and make other required perfecting changes.

SECTION 3—SALE OF VENDEE LOANS

Would repeal 38 U.S.C. § 1816(d)(3) that regulates the manner in which VA may sell vendee loans, and prohibits VA from selling vendee loans without recourse after October 1, 1989, unless these loans are sold at par. It would substitute authority to sell such loans either with or without recourse. To maximize without recourse sales proceeds, the bill would require the Administrator to consult a financial advisor, review the experience of other Federal agencies, explore various marketing strategies, and accept bids reflecting prevailing interest rates.

SECTION 4—REPEAL CERTAIN MANUFACTURED HOME LOAN REQUIREMENTS

Subsection (a) would repeal the requirement of 38 U.S.C. § 1819(h) that VA establish standards for manufactured housing sites that consider environmental concerns, and that VA inspect manufactured housing plants and sites. It would substitute a provision that any manufactured home bearing a certificate of conformity to all applicable Federal manufactured housing standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 will be acceptable for VA financing.

Subsection (b) would amend 38 U.S.C. § 1819(j) to authorize VA to refuse to guarantee loans for the purchase of manufactured homes made by manufacturers that engaged in practices that were unfair or prejudicial to veterans or the Government. It also makes perfecting changes to that subsection.

Subsection (c) would make perfecting changes.

Subsection (d) would repeal the requirement in 38 U.S.C. §1819(c) that a guaranteed manufactured loan holder liquidate the security before VA may pay a guaranty claim. Instead, holders would submit their claim to VA after receiving VA's determination of the security's value. The holder would be required to credit the veteran's debt with the value as determined by VA.

SECTION 5—PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS

Would repeal 38 U.S.C. § 1804(e) which prohibits VA from guaranteeing loans for newly constructed residences in areas not served by public or community water and sewerage systems where local officials certify that the establishment of such systems is feasible.

SECTION 6—OFFSET OF TAX REFUND FOR HOUSING LOAN DEBT

Would amend 38 U.S.C. § 1826 to permit VA to collect all debts arising out of the housing loan program by offsetting the debtor's Federal tax refund.

SECTION 7—TIME LIMIT FOR HOUSING DEBT WAIVER

Would amend 38 U.S.C. § 3102(b) to impose a time limit of 180 days after receiving notice of a housing loan debt for a veteran to request that VA waive that debt. Veterans who received notice of debts before October 1, 1988, would have until September 30, 1990, to request waiver. This section of the bill would also make a technical amendment to section 3102(b) to make that section applicable to active duty servicemembers.

SECTION 8—EFFECTIVE DATES

Would make all provisions of this bill effective October 1, 1988, except for sections 3 (Sale of Vendee Loans) and 6 (Offset of Tax Refund for Housing Loan Debt) which would take effect upon enactment.

By Mr. SHELBY (for himself, Mr. GORE, Mr. BURDICK, Mr. STENNIS, Mr. SIMPSON, Mr. HUMPHREY, Mr. DECONCINI, Mr. DOLE, Mr. BAUCUS, Mr. CHILES, Mr. QUAYLE, Mr. ADAMS, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. MCCLURE, Mr. PRYOR, Mr. MELCHER, Mr. HATCH, Mr. SIMON, Mr. GARN, Mr. MOYNIHAN, Mr. RIEGLE, Mr. BINGAMAN, Mr. HEFLIN, Mr. SANFORD, and Mr. CONRAD):

S.J. Res. 322. Joint resolution to designate the week of September 23-30, 1988, as "National American Indian Heritage Week;" to the Committee on the Judiciary.

NATIONAL AMERICAN INDIAN HERITAGE WEEK

Mr. SHELBY. Mr. President, today I am pleased to introduce a Senate joint resolution which honors those Americans whose ancestors were the first Americans in the "New World." My resolution, Senate Joint Resolution 322, designates the week of September 23 to 30, 1988, as "National American Indian Heritage Week."

It goes without saying that our forefathers would have had difficulty merely surviving had it not been for the help of the native Americans. Furthermore, the American Indian made numerous contributions to the United States of America as we know it today.

Many scholars are compiling evidence suggesting that American Indian society, philosophy, and political institutions played an even more significant role in American life than once thought. One contribution which we, in Congress, should especially appreciate is the model the Iroquois Confederacy provided for America's Founding Fathers in developing fundamental ideas found in the U.S. Constitution. Concepts such as the system of checks and balances, freedom of speech and the right of an individual to pursue liberty are a few democratic principles which we can trace back to the Indian philosophy presented in the Iroquois Confederacy. As times goes on more and more people are recognizing how striking the similarities between these two documents are.

Another way in which the American Indian helped our country and the rest of the world is through their farming techniques. Products such as corn potatoes and other plants originally domesticated by native Americans account for almost one half of the world's total food supply. The advanced methods of farming that the American Indians showed our forefathers provided food then, as well as, vision for the future. We all know that agriculture is an integral part of our economy not only as the livelihood of America's farmers but as an important component of international trade. In fact, the American trade surplus in Agriculture has spurted to $1 billion, the biggest surplus since 1984.

Finally, the American Indian added to our art, culture and our language. Many forms of arts and crafts had native American Roots. Pottery making was a specialty of the Inca Tribes while weaving was an advanced art among the Inca, the Pueblo, and the Navajo. Words that we use such as moccasin, chipmunk, canoe and Tobgogan came directly from the tribal language of some native Americans. Furthermore, it is impossible to drive through any region of the United States without seeing native American influence in the names of cities, towns, rivers and mountain ranges. My own home town of Tuscaloosa, AL, was named after a famous Indian chief.

I hope that this joint resolution which already has generated the interest of 24 of my Senate colleagues who are original cosponsors will cause all Americans to think about the many valuable contributions native Americans have made to American life. I am pleased to sponsor this joint resolution in the Senate and urge my colleagues to join me in seeking its adoption.

I ask unanimous consent that this joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 322

Whereas American Indians were the original inhabitants of the territories that now constitute the United States of America;

Whereas American Indians and their descendents have made many essential contributions to our nation;

Whereas the citizens of the United States should be reminded of the assistance given to our founding fathers by the native Americans;

Whereas the citizens of the United States should be aware of the present relationship between the American Indians and the United States; and

Whereas the last week in September begins the harvest season in the United States; Now, therefore be it

Resolved by the Senate and House of Represenatitves of the United States of American in Congress assembled, That the week of September 23-30, 1988, is designated as "National American Indian Heritage Week". The President is authorized and requested to call upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 473

At the request of Mrs. Kassebaum, the names of the Senator from Massachusetts [Mr. Kerry], the Senator from New Hampshire [Mr. Humphrey], and the Senator from Utah [Mr. Hatch] were added as cosponsors of S. 473, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 1301

At the request of Mr. Leahy, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 1301, a bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised on July 24, 1971, and for other purposes.

S. 1345

At the request of Mr. McConnell, the name of the Senator from Indiana [Mr. Quayle] was added as a cosponsor of S. 1345, a bill to allow the National Association of State Racing Commissioners, State racing commissions and regulatory authorities that regulate pari-mutuel wagering to receive and share Federal Government criminal identification records.

S. 1851

At the request of Mr. Biden, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 2024

At the request of Mr. Baucus, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2031

At the request of Ms. Mikulski, the names of the Senator from Illinois [Mr. Simon] and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of S. 2031, a bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors of the United States Customs Service, and revenue officers of the Internal Revenue Service with the immediate retirement provisions applicable to certain employees engaged in hazardous occupations.

S. 2032

At the request of Mr. Breaux, the names of the Senator from West Virginia [Mr. Byrd] and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2032, a bill to authorize expenditures for boating safety programs, and for other purposes.

S. 2083

At the request of Mr. Heinz, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 2083, a bill to ensure that certain railroad retirement benefits paid out of the dual benefits payments account are not reduced, and for other purposes.

S. 2115

At the request of Mr. Danforth, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 2115, a bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes.

S. 2147

At the request of Mr. Ford, his name was added as a cosponsor of S. 2147, a bill to provide that surplus dairy products should be provided to carry out the temporary emergency food assistance program before certain dairy export programs, to extend such dairy export programs, and for other purposes.

S. 2174

At the request of Mr. Burdick, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 2174, a bill to amend the Department of Transportation Act so as to reauthorize local rail service assistance.

S. 2179

At the request of Mr. Ford, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 2179, a bill to amend the Petroleum Marketing Practices Act.

S. 2180

At the request of Mr. Metzenbaum, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 2180, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems.

S. 2187

At the request of Mr. Wallop, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of S. 2187, a bill to amend the Internal Revenue Code of 1986 to allow refundable credit against tax to taxpayers for dependents who have not attained the age of compulsory school attendance as prescribed by the law of the State in which the taxpayer resides, and to repeal the credit for expenses for child care services necessary for gainful employment for expenses with respect to such dependents.

S. 2200

At the request of Mr. Simon, the names of the Senator from Indiana [Mr. Quayle] and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of S. 2200, a bill to amend Public Law 90-498 to provide for the designation of National Hispanic Heritage Month.

S. 2231

At the request of Mr. Kennedy, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2231, a bill to amend the Public Health Service Act to reauthorize nurse education programs established under title VIII of such Act, and for other purposes.

S. 2240

At the request of Mr. Johnston, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of S. 2240, a bill to amend the Act to reauthorize the State Mining and Mineral Resources Research Institute program, and for other purposes.

S. 2244

At the request of Mr. Ford, his name was added as a cosponsor of S. 2244, a bill to extend the provisions of the Temporary Emergency Food Assistance Act of 1983.

S. 2245

At the request of Mr. Ford, his name was added as a cosponsor of S. 2245, a bill to provide that surplus products should be provided to carry out the temporary emergency food assistance program before certain dairy export programs, to extend such dairy export programs, and for other purposes.

S. 2299

At the request of Mr. Leahy, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 2299, a bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment, and for other purposes.

S. 2351

At the request of Mr. Domenici, the names of the Senator from North Dakota [Mr. Burdick] and the Senator from Wyoming [Mr. Wallop] were added as cosponsors of S. 2351, a bill to amend the Internal Revenue Code of 1986 to repeal the capitalization rules for freelance writers, artists, and photographers.

SENATE JOINT RESOLUTION 239

At the request of Mr. Ford, the names of the Senator from Mississippi [Mr. Cochran], the Senator from Alaska [Mr. Stevens], the Senator from Alabama [Mr. Heflin], and the Senator from North Carolina [Mr. Helms] were added as cosponsors of Senate Joint Resolution 239, a joint resolution to designate May 1 through May 31, 1988, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 278

At the request of Mr. Glenn, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating November 20-26, 1988, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 281

At the request of Mr. Simon, the names of the Senator from Texas [Mr. Bentsen], the Senator from New Mexico [Mr. Domenici], the Senator from Illinois [Mr. Dixon], the Senator from Utah [Mr. Hatch], the Senator from Kansas [Mrs. Kassebaum], the Senator from Kansas [Mr. Dole], the Senator from Alaska [Mr. Stevens], the Senator from Maine [Mr. Mitchell], the Senator from New Hampshire [Mr. Humphrey], the Senator from New York [Mr. Moynihan], the Senator from Virginia [Mr. Trible], the Senator from Massachusetts [Mr. Kerry], the Senator from Louisiana [Mr. Johnston], the Senator from Ohio [Mr. Metzenbaum], the Senator from Indiana [Mr. Quayle], the Senator from Colorado [Mr. Wirth], the Senator from Arizona [Mr. DeConcini], the Senator from Washington [Mr. Adams], the Senator from Minnesota [Mr. Durenberger], the Senator from Idaho [Mr. Symms], the Senator from Delaware [Mr. Roth], the Senator from California [Mr. Cranston], the Senator from Nevada [Mr. Reid], and the Senator from Wisconsin [Mr. Proxmire] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate the month of October 1988, as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 295

At the request of Mr. DeConcini, the names of the Senator from Indiana [Mr. Quayle] and the Senator from Washington [Mr. Adams] were added as cosponsors of Senate Joint Resolution 295, a joint resolution to provide for the designation of September 15, 1988, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 309

At the request of Mr. Wilson, the names of the Senator from Washington [Mr. Evans], the Senator from Connecticut [Mr. Weicker], the Senator from Missouri [Mr. Bond], the Senator from Alaska [Mr. Murkowski], the Senator from North Dakota [Mr. Burdick], the Senator from Mississippi [Mr. Cochran], the Senator from Georgia [Mr. Fowler], the Senator from Indiana [Mr. Lugar], the Senator from Hawaii [Mr. Matsunaga], the Senator from Idaho [Mr. McClure], the Senator from Vermont [Mr. Stafford], the Senator from South Carolina [Mr. Thurmond], and the Senator from Wyoming [Mr. Wallop] were added as cosponsors of Senate Joint Resolution 309, a joint resolution designating the month of May as "National Asparagus Month."

SENATE JOINT RESOLUTION 315

At the request of Mr. DeConcini, the names of the Senator from Georgia [Mr. Nunn], the Senator from Wisconsin [Mr. Kasten], and the Senator from Alabama [Mr. Heflin] were added as cosponsors of Senate Joint Resolution 315, a joint resolution designating 1989 as "Year of the Young Reader."

SENATE JOINT RESOLUTION 319

At the request of Mr. Leahy, the names of the Senator from Tennessee [Mr. Gore], the Senator from Alabama [Mr. Heflin], the Senator from New York [Mr. Moynihan], the Senator from Minnesota [Mr. Durenberger], the Senator from Missouri [Mr. Bond], and the Senator from Virginia [Mr. Warner] were added as cosponsors of Senate Joint Resolution 319, a joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week."

AMENDMENT NO. 1680

At the request of Mr. DeConcini, the name of the Senator from Florida [Mr. Graham], was added as a cosponsor of amendment No. 1680 intended to be proposed to treaty No. 100-11, The treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate range and shorter range missiles, together with the memorandum of understanding and two protocols, signed at Washington on December 8, 1987.

AMENDMENT NO. 2104

At the request of Mr. HOLLINGS, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from Idaho [Mr. MCCLURE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of amendment No. 2104 intended to be proposed to treaty No. 100-11, The treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate range and shorter range missiles, together with the memorandum of understanding and two protocols, signed at Washington on December 8, 1987.

SENATE RESOLUTION 431—RELATIVE TO USE OF TAPE DUPLICATIONS OF RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 431

Resolved, That section 6 of Senate Resolution 28, agreed to February 27, 1986 (99th Congress, 2d Session) is amended to read as follows:

"SEC. 6. (a) The use of any tape duplication of radio or television coverage of the proceedings of the Senate for political campaign purposes is strictly prohibited.

"(b)(1) Except as provided in paragraph (2), any tape duplication of radio or television coverage of the proceedings of the Senate furnished to any person or organization shall be made on the condition, agreed to in writing, that the tape duplication shall not be used for political campaign purposes.

"(2) Any public or commercial news organization furnished a tape duplication described in paragraph (1) shall be subject to the provisions of paragraph (1) but shall not be required to enter into a written agreement.".

AMENDMENTS SUBMITTED

INF TREATY

WALLOP EXECUTIVE AMENDMENTS NOS. 2106 AND 2107

(Ordered to lie on the table.)

Mr. WALLOP submitted two amendments intended to be proposed by him to Treaty Doc. 100-11, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles; as follows:

EXECUTIVE AMENDMENT No. 2106

In Article VI, paragraph 2 of the Treaty, strike "which is outwardly similar to, but not interchangeable with" and insert in lieu thereof "which is either outwardly similar to, or interchangeable with".

EXECUTIVE AMENDMENT No. 2107

In Article IV of the Treaty insert before the period at the end of Paragraph 1 thereof the following:

"; provided, further, that the Parties agree that vehicular launchers subject to elimination under this Treaty shall be rendered entirely inoperable both as launchers and vehicles by cutting such vehicular launchers in halves.".

SYMMS EXECUTIVE AMENDMENT NO. 2108

Mr. SYMMS proposed an amendment to Treaty Doc. 100-11, supra; as follows:

In Article XVII add at the end thereof the following new paragraph:

3(a) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the SALT I ABM Treaty, to wit:

1. Construction of the Krasnoyarsk radar.
2. Movement of a Flat Twin ABM radar and a Pawn Shop van (a component of an ABM System), from a test range and initiation of deployment at a location outside of an ABM deployment area or test range.
3. ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 surface to air missiles and radars, of which there have already been over 100 such tests.
4. Mobility of the Soviet ABM-3 system in violation of the Treaty ban on mobile ABMs.
5. Development of mobile Flat Twin ABM radars in violation of the prohibition on developing and testing mobile ABMs.
6. Falsification of the decactivation of ABM test range launchers in violation of the ABM Treaty dismantling procedures.
7. Rapid relocation of a Flat Twin ABM radar, creating a new ABM test range, in violation of the requirement for prior notification.

(b) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of Nuclear Test Bans, to wit:

Venting of nuclear radioactive debris beyond Soviet borders from underground nuclear weapons tests in violation of the 1963 Limited Test Ban Treaty, of which there have been over 30 conclusively confirmed cases.

(c) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of Biological and Chemical Weapons Bans, to wit:

1. Involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan in violation of the 1925 Geneva Protocol.
2. Maintenance of offensive a biological warfare program and capability in violation of the 1972 Biological and Toxin Weapons Convention.

(d) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the SALT I Interim Agreement, to wit:

1. Deployment of the heavy SS-19 Intercontinental Ballistic Missile and the medium SS-17 Intercontinental Ballistic Missile as replacements for the light SS-11 Intercontinental Ballistic Missile, in violation of the Article II prohibition against replacing light ICBMs with heavy ICBMS.
2. Deployment of modern Sea-launch ballistic missile submarines exceeding the limit of 740 SLBM launchers without compensatory dismantlement.
3. Deployment of SS-N-21 and SS-NX-24 long-range sea-launched cruise missiles on converted Y Class SLBM submarines.
4. Use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM.

(e) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the objects and purposes of SALT II, to wit:

1. Flight-testing of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".
2. Deployment of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".
3. Deployment of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".
4. Development of "rapid-refire" capability for the SS-25 Mobile ICBM.
5. Covert Development of multiple warhead capability for the SS-25 Mobile ICBM.
6. Total encryption of SS-25 telemetry.
7. Exceeding the de facto SALT II overall ceiling on Strategic Nuclear Delivery Vehicles.
8. Development of the SS-N-23 Sea-launch Ballistic Missile.

9. Flight testing of the SS-N-23 Sea-launch Ballistic Missile.

10. Deployment of the SS-N-23 Sea-launch Ballistic Missile on Delta IV and III Class submarines.

11. Total encryption of SS-N-23 telemetry.

12. Arctic basing of the Backfire Intercontinental Bomber.

13. Production of Backfire Intercontinental Bombers in numbers exceeding annual limits.

14. Concealed deployment of banned SS-16 mobile ICBM launchers.

15. Failure to declare in the SALT II Data Exchange, operationally deployed and concealed SS-16 mobile ICBM launchers.

16. False declaration in the SALT II Data Exchange as to the range of the AS-3 Kangaroo long-range air launch cruise missile, so as to avoid inclusion of such missile.

17. False declaration as to the range and refueling capability of the Backfire bomber.

18. Exceeding the SALT II sublimit of 1,200 multiple warhead ICBMs and SLBMs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, May 19, at 10 a.m., for markup on the nominations of William Hardee Leblanc, III, and Henry R. Folsom, to be commissioners of the U.S. Postal Rate Commission; S. 2344, Office of Government Ethics Reauthorization Act of 1988; implementing legislative language for the United States-Canadian Free Trade Agreement [FTA]: Chapter 13, article 1301-1309 (government procurement); H.R. 3400, the Federal Employees Political Activities Act of 1987; S. 508, Whistleblower Protection Act of 1987; S. 2140, Federal Employees Leave Bank Act of 1988; S. 2188, to amend section 307 of the Federal Employees' Retirement System Act of 1986; and H.R. 2985, to designate the facility of the U.S. Postal Service located at 850 Newark Turnpike in Kearny, NJ, as the "Dominick V. Daniels Postal Facility."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, May 19, 1988, at 10 a.m. to conduct hearings on the condition of the Federal Savings and Loan Insurance Corporation and the thrift industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 19, 1988, at 9:30 a.m. to receive testimony on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure theory," as adopted in *Citronelle-Mobil Gathering, Inc, et al.* v. *Herrington,* 826 F. 2d 16 (TECA 1987).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 19, 1988, at 2 p.m. to hold a hearing on S. 1523, RICO, the firearms provision.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 19, 1988, at 2 p.m. to hold a hearing on the nomination of Rear Adm. Clyde T. Lusk to be Vice Commandant of the U.S. Coast Guard.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the National Ocean Policy Study, be authorized to meet during the session of the Senate on May 19, 1988, at 9:30 a.m. to hold a hearing on the reauthorization of the Marine Mammal Protection Act.

The PRESIDING OFFICER. Without objection, it is ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 19, 1988, at 2:30 p.m. to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE HANDICAPPED

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on the Handicapped, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, May 19, 1988, at 9:30 a.m. to conduct a hearing on "Examination of the Assistive Technology Promise," part I.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY AND THE LAW

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Technology and the Law of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, May 19, 1988, at 10 a.m. to hold a hearing on high-technology terrorism.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

JOHN HUME'S COMMENCEMENT ADDRESS AT TUSCULUM COLLEGE

● Mr. SASSER. Mr. President, many of my colleagues are familiar with the extraordinary work of John Hume, a member of Great Britain's Parliament from Derry, Northern Ireland. Mr. Hume has dedicated himself to working for peace in that troubled part of the world. As the leader of the Catholic Social and Democratic Labor Party of Northern Ireland, Mr. Hume has sought to use the party as a means of achieving equality and justice for Catholics in Northern Ireland.

Mr. Hume recently visited Tusculum College in my home State of Tennessee. Mr. Hume honored the college by providing the commencement address for the class of 1988. At the same time, Mr. Hume was honored by Tusculum College as he was awarded the honorary degree of doctor of laws.

Tusculum College is the oldest coeducational institution of higher learning in America in a convenant relationship with the Presbyterian Church. Moreover, Tusculum has a rich heritage as one of the oldest institutions of higher learning in Tennessee.

My good friend, D. Bruce Shine, serves as the chairman of the Board of Trustees for Tusculum College. Bruce had the distinct pleasure of awarding Mr. Hume's honorary degree earlier this month. Bruce made some observations about Mr. Hume that I would like to share with my colleagues:

> John Hume is a servant of peace. He has dedicated his public life to achieving in Northern Ireland a pluralistic society where Catholic and Protestant can enjoy life, liberty and the pursuit of happiness without regard to their mode of worshiping their God. * * * Daily we read of the continued and senseless violence in Northern Ireland and yearn as Christians for the day when Christ's children can live together with peace and justice in Ulster. We applaud those whose life and conduct is motivated by a desire to end the "troubles" in Northern Ireland.

Mr. Hume is certainly worthy of the praise bestowed upon him by D. Bruce Shine. We would all do well to follow his example of peacefully striving for justice. Mr. President, my colleagues would benefit greatly from taking time to review the remarks of this remarkable man at Tusculum's College spring commencement. I ask unanimous consent that a copy of Mr. Hume's commencement address appear in the RECORD at this point.

The remarks follow:

Commencement Address by John Hume, M.P., on the Occasion of the Award of an Honorary Doctorate at Tusculum College in Tennessee, May 1, 1988

I am deeply honoured to accept this award. It is a particular pleasure to come to Tusculum which has a long tradition of educational excellence combined with a concern to be involved in the community in which it is based. Tusculum offers an example in which the various elements which go to make an education; academic ability, practical endeavours, and community awareness are brought together to produce a well-rounded approach to education. I am conscious that in Cicero's Tusculan Disputations, he argues that virtue joins man to God, and Cicero would later write that man's first rule must be regard for his fellow men and the avoidance of any personal gain when this can only be acquired by harming another. I am aware too of the strong Christian ethic and the Presbyterian roots of this college and I would like today to dwell on some of the links which such roots establish with my own homeland.

The Presbyterian heritage in Ireland is long and complex and represents a close connection between Ireland and Scotland. The crude Protestant-Catholic divide which is so often taken as the condition in Ireland, and sometimes indeed considered the principal cause of our difficulties, masks the much more subtle interplay between the various traditions which exist in our island. The development of Presbyterianism was not without considerable hardship and rejection from those of the more established Churches in Britain and in Ireland. Seventeenth century Presbyterians knew discrimination and oppression as did Catholics, and as with many Catholics they made the decision to come to the United States to seek a new freedom and tolerance.

The influence of Presbyterianism on the structure of American government has been profound. The fundamental principles upon which the United States is built, equality, respect for human and civil rights, and a check on the possible abuse of central authority, all coincide closely with the principal tenets of Presbyterian libertarianism. The form of government in the U.S., is very similar to that of the Presbyterian church itself, with secular modifications. The American public school system has grown out of the parish school system established by Presbyterians. Indeed, it has been said that the most lasting testimony to Presbyterian libertarianism is the American Constitution. It is often forgotten too, that the noncomformist tradition established by Presbyterians, the distrust of elaborate ecclesiastical hierarchies and the search for direct access to God, was also a basis for political reform in eighteenth century England, attacking corruption, excessive monarchical and executive influence and unrepresentative Government.

The influence of the Scottish-Irish Presbyterian in this thirst for reform was very significant. The virtual founder of the American Presbyterian Church, Francis Makemie was born in Ireland and educated in Scotland. (I am happy to say that cross-community efforts are being made to preserve a meeting house associated with Francis Makemie in a town called Ramelton, County Donegal, not far from my own home city of Derry.) Makemie was commissioned to be a missionary to the Barbadoes and other American colonies. During the late seventeenth century, he did much to encourage a notable immigration of Presbyterians from Scotland and Ireland who sought to escape religious oppression.

The Armagh-born Presbyterian, Frances Hutcheson, who died in 1746, promoted the idea of a contract between governor and governed, and a doctrine of religious toleration which would be carried into American revolutionary thinking. Even in the nomenclature of church architecture, the use of the term "meeting house" in place of church, can we detect a direction towards community involvement and cohesion which Presbyterians found lacking in order faiths. By the time of the American Revolution, almost two thirds of the colonies' total population of three million were Calvinist. Scottish-Irish Presbyterians were greatly to the fore in the struggle that would ensue to establish a new nation which would never again lapse into exclusion of its own citizens from meaningful participation in their own Government.

Democratic ideals then, conveying a deep religious significance for the Presbyterian, also had profound political meaning in their expression as goals for society, and one of their greatest political expressions can be found here in the U.S., in the principles enshrined in your Constitution. Accommodation of difference, and toleration of diversity are the hallmarks of a strong democracy and these can only be based on a willing acceptance of the challenges represented by a system in which you may seek to maximise support for your point of view but you may never demand dominance as of right.

These principles reflect dimensions of the calvinist belief in self-reliance—the primacy of the individual ordered with a strong sense of community. They were also a response to the religious intolerance, social discrimination and political alienation which many calvinist communities had witnessed in Europe.

That such a radical, constructive and tolerant approach could emerge from a dearly held religious outlook and the experience of exclusion and persecution is perhaps remarkable to our eyes today. Most examples today would suggest that such factors create exclusivist, intolerant and vengeful political attitudes which serve only to regenerate the prejudices and injustices to which they react. Where we see social, cultural or territorial disputes interlocked with strong religious attachments we see, perhaps, the most intractable problems.

In so many conflict situations we see how religious intensity manifests itself as a crusade to exclude alternative interpretations of the word of God. Religion often falls to sustaining an exclusivist, self-righteous and supremacist sense of identity in areas of conflict. Intense and self-righteous religious attitudes create in people a certitude of mind that demands dominance of its values in everything. It seeks to impose values and behaviour patterns of a narrow origin on entire populations. In the political dimension this intolerance creates positions which are maximalist, to the point of excluding all others. Dialogue, negotiation, tolerance and compromise are all seen as evidence of weakness or corruption in one's position. In these circumstances it is possible to create a society in which the frames of mind are set so hard, they become brittle. It then requires or is mutually felt to require rupture of one or another to create movement.

This same certitude and value-prescriptive approach to society also commonly manifests itself in post-independence situations. The impetus is to justify the struggle for independence by maximising the distinctiveness of the new political entity which includes enshrining particular values in its structures and laws. Constitutions and legislation are often used less as a shield to protect the rights of all in the society than as a badge to proclaim the values of some.

Those who delivered the American constitution mitigated all these possible tendencies. Democratic ideals, conveying a deep religious significance for the Presbyterian and other faiths who sought a new order in a new world, had profound political meaning in their expressions as standards for society. The principles enshrined in your constitution give those ideals substantive political expression. Accommodation of difference, tolerance of diversity and provision for change are the hallmarks of a strong democracy. These can only be based on a willing acceptance of the challenges represented by a system in which you may seek to maximise support for your point of view but you may never demand dominance as of right or in perpetuity.

Such tolerance and accommodation cannot be dismissed as mutual submission by communities uncertain of their values or lacking real commitment in their beliefs. Nor can they be downgraded as convenient acquiescense before fears of the prevalence of other cultures, values or identities. On the contrary this acceptance reflected self-confidence. People believed sufficiently in their communities that they were not reduced to fear of difference. They believed sufficiently in the integrity of their values that they did not demand the insulation of those values by their imposition on the entire society and its succeeding generations.

When we look at situations where difference has generated into conflict we often lament the hatred and distrust which prevent accommodation. Such hatred and distrust generally derive from a fear of others and their intentions. That such fear can reduce people to violent expressions betrays in them a lack of self-confidence. Their self-confidence may well have been broken under victimisation. This condition leads to an inability to reach an accommodation with others. Without a wider vision, without guarantors to the survival of those locked in the conflict no quarter appears possible. What we are left with is, to use an urban American term, gridlock. Very often, it is a deadly gridlock with the lives of ordinary people clogged by the use of violence and each act of violence causing a further retreat into hardened positions.

Such, to a greater or lesser degree are some of the features in the British-Irish problem particularly in the politics of Northern Ireland. There we have two traditions. British and Irish—who have not yet engaged in a means to resolve their old fears, suspicions and hurts. Too much of the political impetus is to rehearse old injuries and old victories and dictate these as the terms of current politics. Pre-occupations with the supposed threat to their own tradition by anything which acknowledges or nourishes the political standing of the other side leads to repudiation of dialogue and compromise. That fears and suspicions can paralyse political development points to the shortage of self-confidence. Self-confidence is that quality by which we come to terms with our fears, get them into context and act without being intimidated by them. A task of real political leadership in a divided society must be to engender and express self-confidence in their community. It cannot be acceptable that people in positions of leadership should simply replay all fears and blame the mistrust of the other community. I am under no illusions that leaders can quickly replace historic distrust. What they must try to do, however, is to fashion a self-confidence which can overcome the paralyising effects of that distrust. Self-confidence is not about not knowing fear but about not fearing fear.

Leaders in Ireland are faced with starker choices than in most Western societies. Treading a path which neither neglects or over-indulges the fears of their communities and which ultimately seeks to transcend the low common denominator of fear and mistrust and offer a positive alternative, is never easy in even the best ordered political environment. In Ireland, where we must overcome a legacy of the deadliest mistrust, a sequence of hurt and injustice piled high upon one another, with each section of the community with its own valid tale to tell of the wrongs which have been inflicted upon it, the effort must be supreme.

This lack of self-confidence displays itself in one way by the demand to hold all power in one's own hands. It shows itself in anxieties to have political structures made in the image of one tradition. It shows itself in the rejection of tolerance and the requirement for dominance. We see it in the abandonment of peaceful processes for violent excesses. We see it in the attitudes which want victory and cannot understand accommodation. We see it when the despair expressed in the status quo is exceeded by antipathy to any change.

In the Unionist community, with its British identity and a rich Protestant heritage there is tremendous pride in their tradition. Pride in their service to the Crown, pride in their industrial achievements and work ethics and pride in their maintenance of their faith. Many of them celebrated victories in old battles as proof of their special mettle. Can such pride not be fashioned into self-confidence instead of archaic supremacism? If unionist leaders really had confidence in the values they claim for their community and in their peoples intelligence and abilities, they would not allow suspicions of the tendencies of others to inhibit them from seeking accommodation.

Similarly the nationalist tradition takes pride in its Irish culture, pride in their progress against colonisation and for many pride in their adherence and contribution to the Catholic faith. Many instance various geo-political facts to indicate Ireland's nationhood and the contribution it can make to the world through that nationhood. But for some their faith in the Irish people and the values and abilities they claim for them is not sufficient to believe they can survive alongside another culture. Their assertions about Ireland's potential among the nations of the world do not apparently run to believing that Irish representatives can ever hold their own in a political relationship with the neighbouring island of Britain. If such people really had the self-confidence to match their pride and protest they would not refuse to acknowledge the political realities of a divided people. They would not indulge in the ugly despair of violence in an attempt to force one's terms on others. Nor would they demand that only the ultimate is acceptable now, suggesting a fear that their identity or tradition could not cope in a scenario which fell short of the ultimate.

In a society such as Northern Ireland, where religion, whether helping to divide or unite, plays such an important role in everyday life, there falls a great responsibility upon religious leadership to offer something of the strength which is needed to lift those who are in entrenched positions. The Presbyterian faith, through its beliefs and indeed in its very construction places emphasis upon self-reliance, personal responsibility and the need to include the views of all its community in decisions which affect the direction of the church in matters of faith or social organization. These are guiding principles which ought to inspire the practice of politics in Northern Ireland. To cut oneself off from dialogue, to place oneself in a position where compromise will mean loss of face or erosion of support and to eschew improvements without victory as selling out is to have lost sight of the great objectives which arguably inspired so much of our mutual christian heritage.

Ireland may be a small island but there is room there for all who wish to share with their neighbour. Reconciling our differences require the strength to know one's own identity and the willingness to see it as dependent upon others for its definition and meaning. No one in Ireland can today adopt the slogan "ourselves alone" and seriously propose this as a means to resolve disunity. Acceptance of diversity and its meaning for one's self and one's society is a prerequisite for the kind of progress we need to make in Britain and Ireland.

That such progress will be gradual almost goes without saying, but it bears repetition in the circumstances of Northern Ireland, where the defence mechanisms of all sides are so sharply honed that each step towards dialogue is often seen as a harbinger of one's own total capitulation or annihilation. If we are to heed the words of the song and give peace a chance, we must first give ourselves a chance by restoring respect and tolerance.

This brings me back to the inspiration provided by those who fashioned your Constitution. Your system has fashioned unity out of diversity. It is a unity not of assimilation but accommodation. I have often observed that perhaps the richest principle of the United States is to be found even on your cheapest coin, "E Pluribus Unum". Here is the assertion that from many threads, one cloth can be woven, all the stronger indeed from the addition of more threads. The self-confidence in a society based on such a principle is not the naive belief that somehow differing elements can all be made to pull in the one direction. Rather it derives from the deeper realization that a society which can absorb the tensions created by varying interests emerges stronger with each absorption. It derives from the acceptance that diversity can be complementary and not simply competitive or conflicting. These are lessons for us in Ireland and in the Lebanon and Middle-East and other areas where different identities are gridlocked in conflict.

It is not for me to pretend that you do not still face issues concerned with the full acceptance of diversity. Diversity can only be fully accommodated and reconciliation made truly real when there is equality. But as a leader of a minority community who entered politics in a Civil Rights Movement against political discrimination, economic disadvantage and social inequality. I am struck by the emphasis on self-confidence in the political development of the black and the Hispanic communities here.

Throughout my work in politics I have been greatly inspired by Martin Luther King. He outlined brilliantly the futility of violence as a means of change in a divided society. His inspirations on the power and processes of non-violent approaches have been profound. His dream of equality, reconciliation and tolerance should be a motive force of all in political and social affairs. But many people seem to be unaware that so much of his leadership was aimed at generating and inspiring self-confidence.

He did not only challenge the injustices of the powerful, he also challenged the pessimism of the oppressed. Much of his writing attacked what he called the inferiority complex of those black activists who rejected his dream of reconciliation and who instead sought exclusivism or victory through violence.

In a political environment such as my own background we have much to learn from Martin Luther King's leadership. Where two communities act as threatened or victimized minorities and where there is such a strong tradition of violence as a means of political expression we would do well to read King's analyses of the politics of fear, despair and violence. In circumstances where so often rage can be portrayed as strength and reason as weakness it is appropriate to note King's views:

"Courage is the power of the mind to overcome fear. . . . the determination not to be overwhelmed by any object, however frightful. It is the power of life to affirm itself in spite of life's ambiguities. This requires the exercise of a creative will that enables us to hew out a stone of hope from a mountain of despair. Courage is an inner resolution to go forward in spite of obstacles and frightening situations; cowardice is a submissive surrender to circumstance. Courage breeds creative self-affirmation; cowardice produces destructive self-abnegation. Courage faces fear and thereby masters it; cowardice represses fear and is thereby mastered by it."

Consistent with such principals my party and I worked to establish the Forum for a New Ireland. There, representatives of the nationalist tradition throughout Ireland tried to come to terms with the fears, inhibitions and prejudices that exist in our politics and to address our aspirations and approaches in a manner which would be sensitive to the real needs of the Unionist tradition and which could engage the British. I have long believed that it would be helpful to all if those of the unionist tradition could engage in a similar exercise of "creative self-affirmation".

In the absence of such a movement however it is still the responsibility of others to proceed in a creative will to create hope. I believe that, deriving from the Forum exercise, the talks between the British and Irish governments leading to the Anglo-Irish Agreement displayed such a will. That Agreement does give us a stone of hope.

By acknowledging that the real context of the problems in Northern Ireland is not simply those six counties but rather relations there, relations between North and South in Ireland and relations between Britain and Ireland, it offers to liberate politics in Northern Ireland from the "narrow ground" of that region and its peoples prejudices and pressures.

By recognizing and guaranteeing the rights and identity of both traditions in Northern Ireland it offers a basis for equality. Only on a basis of equality can reconciliation take place. These recognitions and guarantees are expressed by the two sovereign governments who represent the identities which the two communities in Northern Ireland claim and fear. In doing this the governments have tried to create a break from the old animosities for the people in Northern Ireland. In many respects it is similar to the federal civil rights interventions in the American South where local politics could neither maintain the status quo nor deliver, of itself, such change as was necessary.

The Agreement threatens the rights of no tradition. It rules out no aspiration. No community is offered any advantage over another community. It has been opposed by people in both traditions precisely for that reason. For myself and my party we have resolved that a framework offering equality, recognition of diversity and challenging people of new relationships and co-operation is enough for us. We have sufficient respect for other people and sufficient self-confidence in ourselves to believe that in such a framework we can determine our future in peace and stability.

Irish poet and playwright, Oscar Wilde, on his return from a visit there, is supposed to have said of America, "It will be a great place when its finished". The work of establishing a great nation in the United States is of course complete, and in the twentieth century, the United States has become a major focus of political attention for the Western World. What we must do in Ireland is to begin the work of completing our own business of ending the ancient quarrels which have sown division among our people and among the peoples of the two islands for so long. We now have an instrument to do so, if we are willing to use it.●

HONORING NORMAN VINCENT PEALE

● Mr. D'AMATO. Mr. President, for over half a century Dr. Norman Vincent Peale has been delivering a message of self-respect and salvation from his pulpit at Marble Collegiate Reformed Church in New York City. I rise today to pay tribute to this most remarkable man who turns 90 this month.

Dr. Peale has dedicated his life to helping people. He has brought happiness and success to millions through his gospel of hope. On any Sunday, Peale can be heard on radio and television exhorting his parishioners on the power of positive thinking.

Indeed, Mr. President, Norman Vincent Peale is perhaps most renowned for his motivational teachings. His landmark publication, "The Power of Positive Thinking," which has sold over 15 million copies, teaches the importance of hard work, enthusiasm, frugality, and positive thinking in the attainment of personal and spiritual well-being. Foremost on Peale's agenda, however, is to persuade people to follow Jesus Christ, who—in Peale's words—is the greatest thinker who ever thought.

Born the son of a Methodist minister in Bowersville, OH, Dr. Peale started his career as a reporter for the Detroit Journal. After this short flirtation with the fourth estate, Peale opted for the ministry. That calling brought him to parishes in Berkeley, RI, Brooklyn, Syracuse, NY, and finally to his home of 50 years, midtown Manhattan. At each stop along the way he has made friends, an impact, and a difference in people's lives.

In addition to his weekly sermons at Marble Collegiate, Dr. Peale delivers over 75 motivational speeches yearly. Business groups frequently tap Peale's expertise in the hope his message will aid in the professional growth of their leaders. Through this outreach to community and business groups, and his 29 books of wisdom and advice, Dr. Peale is credited for starting the self-help revolution which has swept the Nation.

Mr. President, few have been as influential across such a broad spectrum of Americans as Norman Vincent Peale. No doubt this powerful and unique message will endure long after his passing. Until then, however, his eloquent expressions of self-help and "hands-on" faith will continue to inspire, to lead, and to save those willing to seek the best in themselves, in others, and the life they are given.●

MR. ROBERT HATCHER

● Mr. McCONNELL. Mr. President, the American political scene has been dominated in recent months by the Presidential campaigns. For the Republicans, that race will officially culminate in less than 3 months when the national convention concludes in New Orleans. I am honored to have the privilege of heading up the Kentucky delegation at that convention.

I recently found an interesting article in the Providence, KY, Journal-Enterprise that highlights the life of one of the voting delegates that will be with me in Louisiana, Mr. Robert Hatcher. Hatcher is a city councilman in Providence who has been very active in Republican Party functions in Kentucky.

Mr. President, I would like to enter the article into the RECORD so that my colleagues in this body can learn of the high caliber of dedicated individuals that the Kentucky delegation will bring to the national convention.

The article follows:

[From the Providence (KY) Journal-Enterprise, Apr. 28, 1988]

HATCHER NATIONAL GOP VOTING DELEGATE

(By Mark Holloway)

Robert Hatcher of Providence has been elected as a voting delegate to the Republican National Convention in New Orleans, LA, Aug. 15–18.

Hatcher refers to his good fortune of becoming one of the 38 voting delegates from the entire state as a culmination of years of work in the Republican Party.

Evidence of these years of service is prevalent throughout Hatcher's home. He has photographs of himself with many leading Republican candidates down through the years, including one with Vice President George Bush. There are also photographs, signed, of President Ronald Reagan, President Richard Nixon, Senator Mitch McConnell, and many, many others. And like any good Republican, Hatcher also has his own private elephant collection.

He was nominated as a voting delegate at the Republican District Convention held recently in Princeton. All counties in the First Congressional District have a member on the nominating committee. From this committee come three alternates and three delegates to the National Convention.

At another meeting scheduled for May 14, delegates will be selected to serve on four committees at the National Convention: Committee on Resolutions, Committee on Rules and Order of Business, Committee on Credentials, and Committee on Permanent Organization.

Senator Mitch McConnell and Hal Rogers will head the Kentucky delegation at the National Convention, Hatcher said. Nelda Barton, formerly of Providence, will be a voting delegate at large, Hatcher added.

He explained that voting delegates are obligated to vote for Vice President George Bush on the first ballot, because Bush took the majority of votes in Kentucky on Super Tuesday.

Hatcher is excited to be chosen as a voting delegate to the National Convention. He began actively supporting the Republican Party in high school, and continued the tradition in college. He has served as County Youth Chairman in Webster County, and is currently secretary/treasurer of the Webster County Republican Party. He has served as county campaign chairman for President Reagan, Senator McConnell, and Gubernatorial candidate Jim Bunning.

Hatcher has lived in Webster County 11 years, and is currently serving his second term on the Providence City Council.●

ANNUAL FINANCIAL DISCLOSURE OF SENATOR STAFFORD

● Mr. STAFFORD. Mr. President, in each of the last 14 years, I have made public disclosures of my financial holdings, along with summaries of my Federal tax return.

I have pledged that I would issue a similar report to the citizens of Vermont each year for the remainder of my time in public office.

In keeping with that promise, I am once again issuing a public statement of financial disclosure.

The financial statement shows that my wife, Helen, and I had net assets of $982,000 as of May 11, 1988, when the evaluation was made.

The statement that I am making public details our holdings, including bank accounts, cash value of life insurance and Federal retirement fund, real and personal property we own, and stocks and bonds.

The majority of the stocks and bonds listed were owned by us before I entered public office in Vermont 33 years ago.

The summary of our joint Federal income tax return shows that Mrs. Stafford and I had an adjusted gross income of $135,600 last year. Of that total, nearly $87,500 came from my salary as a U.S. Senator.

Our total tax bill for the year was more than $45,000, of which nearly $34,000 was in Federal income taxes and more than $11,000 in Vermont State income taxes.

I shall ask that details of our financial statement be printed in the CONGRESSIONAL RECORD, as in the past. And, as I have done in each of the last 14 years, I am making copies of the statement available to newspapers, radio and television stations, and other news services in Vermont.

This information is being made public because I remain convinced that those who serve in Government, as well as Government itself, must be as open and candid as possible with the public.

The net assets of the Staffords increased by $112,000 last year, mainly due to appreciation in the value of our homes. A major portion of our assets continues to consist of homes in Virginia and Vermont whose estimated fair value is $420,000.

One of the best ways Americans have to judge whether their Government and their officials are acting properly is to provide full disclosure of all interests of Government and of those who make decisions in Government.

Thus, I invite all Vermonters—and all other Americans—to examine my financial interests and to match those interests with my record as a public official.

We have made some progress in providing the public with more information about the interests and activities of public officials, but we have a long way to go in providing full public disclosure.

I shall continue to support legislation that provides greater ventilation of the way we do business in Government. In the meantime, I shall continue to make my own full disclosure to my fellow Vermonters.

The summary follows:

Summary of 1987 joint Federal income tax return, Robert T. and Helen K. Stafford

Income:	
Salary	$87,483.30
Interest	8,745.95
Dividends	4,306.78
Honoraria	15,125.00
U.S. Navy retired pay (taxable amount)	12,299.28
Keogh plan	3,470.35
Rental houses	4,169.81
NRSC COMBO account payments	2,936.24
Total income	138,536.71
Adjustments to income: Reimbursed employee business expense	2,936.24
Adjusted gross income	135,600.47
Deductions	17,395.37
Exemptions	3,800.00
Taxable income	114,405.10
Federal income tax due and paid.	33,985.96
Federal income tax overpaid (to be applied to 1988 Federal income tax)	3,998.04

Statement of Financial Condition, Senator and Mrs. Robert T. Stafford, May 16, 1988

	Value
Certificates of Deposit:	
Chittenden Trust Co.	$10,000
First Vermont Bank	10,000
Howard Bank	10,000
Do	10,000
Marble Savings Bank	10,000
Proctor Bank	10,000
Do	10,000
Vermont National Bank	10,000
Do	10,000
Vermont Federal Bank	10,000
Total	100,000
Checking accounts:	
First Virginia Bank	600
Howard Bank	165
Riggs National Bank	92,000
Total	92,765
Life insurance: Connecticut General, MONY, NYLIC, NSLI, Travelers (total)	20,000
Real estate (estimated market value):	
3541 Devon Dr., Falls Church, VA	250,000
27 Howard Ave., Rutland, VT	70,000
64 Litchfield Ave., Rutland, VT	100,000
Total	420,000
Additional assets:	
Contributions to Federal retirement (Dec. 31, 1987)	101,070.56
Law library and office furniture	2,000.00
Boat and 2 cars	80,000.00
Personal property	35,000.00
Total	218,070.56
Stock names and shares:	
AT&T, 100 at 27+⅛	2,712.50
Con Edison, 200 at 42+½	8,500.00
Gillette Co., 20 at 36+¾	735.00
Greyhound Corp., 20 at 52	1,040.00
Howard Bank, 1,604 at 28	44,912.00
Monsanto Co., 80 at 81	6,480.00
NL Industries, 40 at 7+⅝	305.00
Navistar International (formerly International Harvester), 20 at 6+⅛	122.50
NYNEX, 159 at 62½	9,937.50
Outboard Marine, 40 at 31+⅞	1,275.00
Quantum Chemical (formerly National Distillers, 40 at 77+½	3,100.00
Security Pacific, 19 at 34+¼	650.75
Time, Inc., 268 at 87¾	23,517.00
Vendo, 10 at 9	90.00
Verbanc (formerly Bellows Falls Trust, 240 at 100.28	24,067.20
West Point (formerly Cluett Peabody), 18 at 31⅞	573.75
Total stock value (May 11, 1988	128,018.20
Keogh account (Howard Bank)	3,367.28
Total assets	982,221.04

U.S. Senator Robert T. Stafford 1987 honoraria received

Date of deposit and name of organization:	*Amount*
Jan. 12: Executive Enterprises, New York, NY	$1,000
Jan. 20: Coalition of Higher Education Assistance Organizations, Arlington, VA	1,000
Mar. 25: Gannett Co., Washington, DC	125
Apr. 2: American Association of Colleges of Nursing, Washington, DC	1,000
Apr. 21: Association of Equipment Distributors, Washington, DC	2,000
July 15: Single Service Institute, Washington, DC	1,500
July 23: National Association of Student Financial Aid Administrators, Washington, DC	2,000
Oct. 2: Associated General Contractors, Washington, DC	2,000
Oct. 29: Association of Urban Universities, Washington, DC	1,000
Nov. 4: Capitol Speakers Bureau, Washington, DC	2,000
Dec. 8: Center for Energy & Environmental Management, Fairfax Station, VA	1,500
Total, honoraria received	15,125●

TRIBUTE TO EDWARD B. PULVER

● Mr. **LAUTENBERG.** Mr. President, I rise to congratulate Edward B. Pulver on his reelection to another term as secretary-treasurer of the New Jersey State AFL–CIO and to honor his strong commitment and unyielding dedication to the American labor movement.

Throughout his 47-year career, Mr. Pulver has served labor through his leadership and participation on a variety of State boards and gubernatorial commissions. Along with serving as secretary-treasurer of the New Jersey State AFL–CIO since 1977, he has been elected to several other offices, including president of the Hudson County Central Labor Council. Mr. Pulver has served as area COPE director for region 7, and as regional director for the Seafarers International Union. However, among his most notable accomplishments was helping to found the A. Phillip Randolph Institute and the Council for Latin-American Advancement.

In addition to his involvement in the labor movement, Mr. Pulver has also dedicated much of his time to community activities. He has conducted food drives at local schools and has been a coach for baseball and basketball teams. Mr. Pulver also has been an important spokesman and leader for the Jersey City Boys Club.

Edward Pulver has received numerous awards and honors for his many contributions to the labor movement. Among them are the Central Labor Council Leadership Award from Somerset County and the Hudson County Labor Man of the Year Award. Mr. President, I applaud Edward Pulver for the leadership, dedication, and enthusiasm he has given and continues to offer the New Jersey labor movement, and I wish him continued success as secretary-treasurer of the New Jersey State AFL–CIO.●

OUTSIDE DIRECTORS FINALLY GIVEN A SAY IN CORPORATE GIVING

● Mr. DURENBERGER. Mr. President, this month my former employer, H.B. Fuller Co., once again demonstrated the company's leadership in charitable giving. The company has set up a board made up of members from outside the organization to decide how to allocate the company's charitable donations.

For years, H.B. Fuller has put great emphasis on charitable contributions. In fact, so strongly did CEO Elmer L. Andersen feel about it that he personally handled all corporate charitable giving for both the company and for the Elmer and Eleanor Andersen Foundation.

It was my great privilege to join the company under Elmer Andersen's leadership in 1971 and to see that attitude fostered through the coming years. In fact, it was Elmer Andersen who provided me with the opportunity of representing his and the company's interest in the community on a wide variety of boards and committees.

And it was with his encouragement that I proposed to the board of directors, and they adopted, a commitment to giving 5 percent of corporate pretax earnings, increasing that by one-half percent over the next 5 years.

By expanding their decisionmaking base for charitable contributions H.B. Fuller is doing more than showing corporate responsibility, they're showing community responsibility as well.

Mr. President, a recent commentary piece in the Minnesota Star-Tribune details this company's plans for expansion. I ask that it be printed in the CONGRESSIONAL RECORD at this point.

The article follows:

[From the Minnesota Star-Tribune, Apr. 17, 1988]

OUTSIDE DIRECTORS FINALLY GIVEN A SAY IN CORPORATE GIVING

(By Leonard Inskip)

A Minnesota pioneer in corporate responsibility keeps finding fresh ways to show that responsibility. Tomorrow the H.B. Fuller Co. will welcome outsiders into its inner sanctum of charity policymaking.

The company will apparently become Minnesota's first with outsiders on the board of its charitable foundation. The new directors will bring specialized perspectives on government, small business, large business and education, plus a shared general interest in community affairs.

Typically, corporate foundations have boards of company employees—often only top executives, but sometimes a mixture of executives and other employees. Even with good intentions, plus good advice from staffs, those board members may be somewhat removed from society's severest problems.

Does the Minneapolis executive who drives home on Hwy. 55 to the suburbs really understand the concerns and needs of the people he passes in north Minneapolis? Do white, typically male managers fully understand the concerns and needs of women or minority employees?

"Our outside directors will bring a sense of what's going on in the community from a different perspective than an employee would," says Tony Andersen, H.B. Fuller chief executive. "They will bring a sensitivity to what the community sees, needs, wants, feels."

Although Fuller has long contributed 5 percent of its pretax profits to charity, it created a foundation only a year ago. This year it will allocate about $400,000 to the foundation, or about half of its total spending for charity and community affairs, according to Karen Muller, who directs those activities. The foundation will enable Fuller to stabilize its giving through ups and downs of corporate earnings.

The foundation board, which meets Monday, will have four Fuller executives, including Andersen (who also is a director of Cowles Media Co., parent of the Star Tribune). Three new members will represent shareholders, customers and the community. A fourth is an outsider on Fuller's corporate board of directors who will be a link between the foundation board and corporate board.

Representing shareholders will be Greg Palen, a small shareholder who heads a small business in St. Paul's Midway. Representing customers will be David Stanley, chief executive of Payless Cashways of Kansas City Co., an national building-materials retail chain. Stanley is a former Piper Jaffray executive who was a leader in such Twin Cities groups as the Bridge for Runaway Youth and the Walker Art Center, and in such projects as Lowertown redevelopment. He commutes to Kansas City from Minneapolis.

Representing the community will be House Majority Leader Ann Wynia, who understands human-service issues and government's role. Her St. Paul legislative district is home to the Fuller headquarters. The fourth and partial outsider will be Reatha Clark King, president of Metropolitan State University and a Fuller Co. director. She brings understanding of educational issues, as well as a background of community and minority affairs.

Two leaders in the Minnesota foundation world, Jackie Reis and Jim Shannon, say they know of no other corporate foundation here with outside directors. Some people have urged such appointments. The Philanthropy Project, a group which several years ago urged corporate and private foundations to give more to meet the needs of the disadvantaged, recommended that "foundations should make their boards more representative of the community, particularly with regard to income, gender, race and age."

In 1982, the national Council on Foundations published a collection of essays on corporate philanthropy. Summarizing several essayists, a writer said: "Too much corporate philanthropy today is conducted haphazardly, casually, reactively and indiscriminately, sometimes through an old-boy network . . . . Decisions on giving are too often made by a few top executives, acting on inadequate information or personal whim."

Fewer grounds may exist today for such criticism. Corporations have tightened and improved charity procedures—just as they've tightened and improved business operations. But Fuller's step toward greater openness to outside views is something other corporations should consider.

Fuller has pioneered corporate responsibility in many ways. It ranks its responsibilities this way; customers first; employees second; shareholders third; community fourth. Each group, including shareholders, has been a winner as Fuller grew from obscurity to Fortune 500 status.

The company also pioneered in democratizing charity processes by allowing employee community-affairs councils at 32 locations to make charity decisions. In addition, an employee committee will determine nearly all the foundation's own grants—with directors deciding such matters as policy and investments.

Starting next year, up to five employees will get a year's paid leave to work in community service. Employees can match outside volunteer hours with up to one week's paid time off yearly to volunteer. A retirees' volunteer program began in 1987. The company is introducing the 5 percent charity concept in Latin America, where its subsidiary contributed $265,000 to charitable activities last year. Karen Muller will train Fuller employees in eight European countries this year, so they can set up community-affairs councils.

H.B. Fuller Co. is doing more than showing that corporate responsibility can be handsomely rewarding in customer satisfaction, employee morale, shareholder gains and community benefits—and winning national recognition for itself. It has committed $1 million to the University of Minnesota for a chair in corporate responsibility so that future graduates know about the subject. The person who someday fills that chair will be seriously remiss if H.B. Fuller Co. isn't a prime case study.●

MARTHA O. HESSE

● Mr. HECHT. Mr. President, I would like to bring to my colleague's attention an interesting article that was recently published in the Washington Times, concerning the hard-working Chairman of the Federal Energy Regulatory Commission, Martha O. Hesse. I ask that the article be printed in the RECORD immediately following my statement.

The article follows:

REGULATOR SHOCKS SKEPTICS, ENERGIZES TIRED COMMISSION

(By Dan Vukelich)

When Martha O. Hesse took over as chairman of the Federal Energy Regulatory Commission in 1986, more than a few gas and electric industry executives were skeptical.

She was a newcomer to the energy industry. She had been in Washington only five years. She was informal, stylish and a woman.

"They patted me on the head and tried to give me the impression that this is all too complicated for me," Ms. Hesse recalled.

Today, Ms. Hesse, 45, the first female chairman of FERC, has forced chauvinistic energy executives to heed the Reagan agenda of deregulation and, in the process, earned a reputation as one of the president's most effective appointees.

Her regulatory initiatives are helping reshape the industry or, as she puts it, "allowing the industry to restructure itself."

"It is what the administration, Republicans and free marketeers stand for . . . to let the industry decide what structure is best."

At Ms. Hesse's renomination hearing July 9 last year, Senate Majority Leader Robert C. Byrd, West Virginia Democrat, told the Senate Energy Committee she had brought a new vitality to a "lethargic" regulatory body.

Committee Chairman J. Bennett Johnston, Louisiana Democrat, called her "bright, capable, straightforward and a very competent administrator." White House Personnel Director Robert H. Tuttle has called her one of the best appointments the president has made in his 7½ years in the White House.

Tall, blonde, informal and prone to colorful attire, Ms. Hesse is not a cookie-cutter Republican Washington bureaucrat.

She is a successful Chicago businesswoman, twice-divorced, who holds an MBA from the University of Chicago. She drives a blue 1980 Porsche 911 to work, sails on Chesapeake Bay and is partial to Puccini, Mozart and Eric Clapton.

The daughter of an Army officer, she was raised on posts across the country, among them Fort Riley, Kan., and Fort Sheridan, Ill.

She started a computer software company, SEI Information Technology, in Chicago with her first husband in 1969, "when not too many women were starting companies."

There, she lived in a 47th-floor apartment above Water Tower Place, one of the city's most exclusive shopping malls, just north of the Loop and overlooking Lake Michigan. When she came to Washington, she lived in the Watergate. She now lives in a Northwest town house.

She was making more than $176,000 a year when she left the firm in 1981 to become assistant secretary for management and administration under Energy Secretary John Herrington, for whom she managed a $22 billion budget and 135,000 employees.

Her second marriage, to Robert Dolan, then chairman of the Young Americans for Freedom, ended in divorce in 1985, before she was appointed to FERC.

When first appointed to FERC, she was told it was customary for industry lobbyists and lawyers to take the new commission chairman hunting or fishing. In an early speech to industry executives, she set them straight: "Gentlemen, you were wrong. You're going to have to learn to shop."

The industry was ripe for change. George Lawrence, president of the American Gas Association, described the situation at FERC in early 1986 before Ms. Hesse's arrival as "regulatory chaos."

Significant issues were going unresolved. Although market forces were signaling the need for more competition, FERC hadn't created the regulatory framework to let it happen. The few initiatives the commission had advanced were mired in the courts.

"What the commission was saying was, 'You didn't like what we did, so we're not going to do anything,' " Mr. Lawrence said. "People were sitting there glaring at each other, and a lot of money was at stake."

Ms. Hesse quickly changed that with the help of a disarming personal style and an exhausting speaking schedule that still includes up to three speeches a week.

She streamlined the moribund 1,600-employee staff, computerized the commission's record-keeping, reduced the rate-case backlog, brought in top-notch legal talent and cleaned up ethical conflicts in an agency reputed to have one of the fastest revolving doors in town.

She mapped out a plan for deregulation of natural gas apparently satisfactory to the Court of Appeals for the District of Columbia, which has sent back several significant FERC decisions.

She sold her agenda to a majority of the other four commissioners and then stuck to it, despite noises from the pipeline industry that if it dragged its feet long enough, Martha Hesse would go away.

Although the pipeline industry may not agree with her, they long ago realized she was serious, said Gerald V. Halvorsen, president of the Interstate Pipeline Association, whose FERC-regulated members transported more than 90 percent of the 13 trillion cubic feet of interstate natural gas consumed in the United States last year.

"Everyone has been on her case at different times, [but] she's taken the pounding with a degree of grace," Mr. Halvorsen said.

"She's a gusty lady,' said Danny Macey, a reporter for Spencer Publishing, which publishes a gas industry newsletter. "She came in cold, did her homework and, since then, has brought the industry a long way toward competition."

FERC was created in 1977 as a successor to the Federal Power Commission to ensure U.S. consumers can get natural gas, oil and electricity at "just and reasonable rates."

The impact of its decisions on the wholesale cost of U.S. energy is enormous.

Pipelines that once sold only gas—dictating price and terms to both producer-suppliers and utility-customers—now move gas for others on a first-come, first-served basis under FERC's "open-access" initiative.

Ms. Hesse calls this transportation function the centerpiece of her plan to increase competition among gas sources, and has used the carrot of lighter-handed regulation in other areas, such as rate-making, to convince all but four of the 30 largest U.S. pipelines to offer open access.

Perhaps the most significant complaint lodged against the commission under Ms. Hesse's leadership is that, despite the push toward more competition, residential consumers haven't been able to take advantage of gas prices that have been lower than at any time since the 1973 oil embargo.

One critic, Ed Rothschild of the Citizens Labor Energy Coalition, charged: "If you're a producer of pipeline, you're delighted with the Hesse agenda. But if you're a captive residential customer, you haven't shared at all."

Ms. Hesse's renomination to a second term, advanced last June, has languished in the Senate Energy Committee. If it doesn't move, she has only five months left in the job, which pays $82,500 a year.

In that time, she plans to turn her sights on increasing competition in the electric industry.

She acknowledges that the highly technical nature of what FERC does is one reason why she and the commission receive so little exposure in the news media, but she said she "came to Washington to make a difference, not to see how much ink I could get."

"All my life I've worked in a male-dominated world. At some point it's no longer an issue," she said. "Success is not gender-specific."●

ABE STOLAR—PART IX

● Mr. SIMON. Mr. President, Julia Shurukht of the Stolar family is not being allowed to leave the Soviet Union because her mother won't sign the financial waiver release. Despite the fact that she has an adequate pension and earns more than her daughter; despite the fact that she has received secondary affidavits of support in case she should be in need; despite the fact that Julia's father immediately signed the release forms, she still refuses to sign.

Faced with a seemingly insurmountable problem, the Stolars took the unusual step of taking this matter to the Soviet courts. As was stated in an article by Thom Shanker, "They filed suit to free Julia from having to produce the required document." The People's Judge S.N. Ryzhova ruled that "the plaintiff's mother is able to work and is secure financially." The judge did not specifically release Julia from submitting a parental consent form, but the Stolars thought the decision would be sufficient proof for the authorities that Julia was not leaving behind a destitute family who would become a burden upon the state.

Even though the deadline for appealing the judge's decision passed, the visa officials still would not accept the Stolars' applications. Two months after the decision was made, Julia's mother received a court summons and was ordered to request reopening of the case. On September 5 another judge suspended the previous ruling and the Stolars were left where they originally started.

As a family member stated, "The authorities here can do anything they want. There are no laws, no logic." Once again, the Stolars were blocked from leaving the Soviet Union as a family.●

COMMERCIAL FLORICULTURE IN NEW MEXICO

● Mr. BINGAMAN. Mr. President, we in New Mexico are blessed with an abundance of natural resources and a wonderful climate. Two of these natural resources are sunlight and geothermal energy.

One of the industries which is uniquely suited to take advantage of our climate and natural resources is the commercial floricultural industry—which is estimated to be a $7 billion annual business nationally. And, according to a recent article by C. Anne Whealy in Grower Talk, the trade magazine for commerical greenhouses, entitled "New Mexico: It Grows As It Goes," New Mexico's floricultural industry is booming—or perhaps I should say blooming.

The development of the New Mexico floriculture industry is a case example in successful economic development. First, take an activity which is ideally suited to the local community—in this case, plants and sunshine. Next, add support from State and local institutions. In this case, activities of the Plant Genetic Engineering Laboratory at New Mexico State University and the New Mexico Solar Energy Institute have helped spur the growth of the industry. The result is a growth in economic activity and jobs that helps the entire community.

I am happy to say I have also been able to help the process by sponsoring support for research on plant commercialization—an effort, I should add, which brought down the misguided criticism from those who apparently think that economic development is not the proper activity of government. Their criticism notwithstanding, I believe the floricultural industry in New Mexico is off to a good start, and I hope it will serve as an example for further efforts at local economic development.

I ask that the article by Ms. Whealy be included in the Record following my remarks.

The article follows:

New Mexico, the Land of Enchantment, ranks fifth of the states in total area, but only 37th in population. With 1.48 million inhabitants (11.7 people per square mile) there are as many square feet of greenhouses devoted to cut flower and potted plant production as there are people in the state. The principal players can be counted on one hand, yet the amount of greenhouse area has doubled in the last several years.

The main growing areas in the southern part of the state, near Las Cruces and Anamis-Lordsburg. In the Las Cruces area there are three major producers: Aldershot's of New Mexico, potted crops; Flores de New Mexico, potted crops and cut flowers; and Masson's Southwest and Masson's Radium Springs, potted crops. In the Anamis-Lordsburg area are rose growers: Burgett's Floral and the Beall Company of New Mexico, and McCants Greenhouse, bedding plants.

WHY NEW MEXICO?

The floricultural industry is growing by leaps and bounds in New Mexico because of high light, availability of geothermal energy, low humidity, favorable climate, good water, plentiful labor and lots of wide open country.

Las Cruces, home to the land-grant institution, New Mexico State University, and the New Mexico Solar Energy Institute, is 4,000 feet above sea level with over 45,000 inhabitants—a small city that is prospering, and a pleasant place to grow. Pete Vanderlugt, owner of Aldershot's of New Mexico (550,000 square feet of pot plants), comments: "Outside it's brown, but you can adjust to brown. I enjoy it here, I'm happy with New Mexico, and glad I located my business here."

The Anamis-Lordsburg area is quite different from metropolitan Las Cruces. Located in the extreme southwestern part of the state, 4,200 feet above sea level, with a county population of about 6,000 residents, the Anamis-Lordsburg area is remote. However, "Anamis is impressive," says Jack Whittier of the Solar Energy Institute. "They have hot, shallow geothermal water, reasonable land prices, very good, fresh water and it is in close proximity to Interstate 10. If you don't mind living out in the middle of nowhere, it's a great place to do business."

"Just like every place else, it has its pluses and minuses," Dale Burgett owner of Burgett Floral (5 acres, cut roses) and a native of Clovis, assures. "Some people might think we're crazy to be out here, but if you want solitude, if you want to be in the country, you'll love it. There aren't many people who really like living and working in a remote area. Personally, I like it."

AVAILABILITY OF GEOTHERMAL ENERGY

"We pay about $4 per million Btu for natural gas; with geothermal, you can reduce heating bills—essentially to zero," says Rudi Schoenmackers, New Mexico Solar Energy Institute. "We recognized a while back that one of the major applications for the resources that we have in New Mexico would be space-heating, specifically greenhouses. We have developed close ties with the greenhouse industry and have conducted surveys for geothermal as it relates to greenhouse applications."

All of our heating is by geothermal energy. Our geothermal is above 200°F, which is relatively high for low-temperature geothermal. It's not a major geothermal find capable of generating power, it requires 300°F plus to generate electricity, but you don't want that—there's a real problem in pumping water that's hot," explains Dale, a pioneer of the greenhouse business in southern New Mexico and who, along with Tom McCants, are the original geothermal entrepreneurs.

Growers in New Mexico agree that geothermal is a real benefit, but it is expensive to develop—a substantial initial investment. However, there have been financial incentives from the New Mexico State Department of Energy and Minerals for the drilling of geothermal and exploration wells for the greenhouse industry. And, like solar energy installations, there are some state tax credits for geothermal.

"But the major incentive to grow in New Mexico is the ability to produce a quality crop year-round—that is probably more of an incentive than anything else," according to Rudi.

The Solar Energy Institute provides technical consulting services to greenhouse operators in New Mexico and maintains two, 6,000 square foot "incubator" greenhouses as "a trial ground for growers to come in and test the water and to see if they like our climate," explains Jack.

"We are essentially the landlords. We maintain the physical facility and provide water, geothermal heat, electricity—everything except benches and specialized equipment the grower may want. Typically we charge $2.50 per square foot for the year.

"A small start-up business can come to Las Cruces for a year or two and without putting much capital up front, can get growing experience and a business history that can be taken to the bank," Rudi says. "A larger grower can evaluate our situation for a small cost. We're not making a profit on these greenhouses, we're charging just about as much as it costs to operate and maintain them. The state had the foresight to put money into their interest of attracting this type of industry, and this is what we have to offer. Making this facility available to industry—I'd say that's a pretty good incentive.

"However, we learned that geothermal energy is not necessarily the most critical factor to the industry," says Rudi. "We realize that New Mexico has some other assets that the industry is very interested in. The major asset being high winter sunlight."

"Even though geothermal is a real advantage," Jack adds, "our climate and labor force are by far the best deals—people probably would have come here even without the geothermal."

THE SUNLIGHT IS EXCEPTIONAL

Producers in New Mexico expect 345 days, or 3,500 hours of sunshine per year, or 80% sunshine during the daylight hours, with 10,000 to 12,000 foot-candles during the summer.

"The crops are always ahead of themselves due to the higher light—it's possible that with reduced crop time, a grower could get an extra crop over a couple of years," says Don Cotter, New Mexico State University.

"We rarely get cloudy days. It's very rare to have two cloudy days in a row and three in a row is an uncommon occurrence. Of course we can get a week or two of cloudy weather, but that's the type of thing we talk about for months." The light intensity is so high in New Mexico that it's necessary to shade the greenhouses year-round to reduce greenhouse temperatures, even in the winter.

WARM DAYS, COOL NIGHTS

The mean annual temperature is 60° F in New Mexico. Typically however, the difference between day and night temperatures is greater than 30° F. "Even if it gets hot during the day, it's cool at night—a 90° F day, then a 60° F night. It's not like other areas of the Southwest where temperatures can be 100° F at 1 a.m.," comments Rudi.

"It's colder here at night than most people would think. As soon as the sun goes down the desert cools off quickly," Pete notes. "We heat every night of the year and our fans run year-round during the day. We use natural gas—we're too far away from the geothermal source—and we have a rather signficant fuel bill as a result."

LOW HUMIDITY, LESS PROBLEMS

New Mexico has a dry, arid climate. The average rainfall is 8.4" per year and the average relative humidity during the day is 30%. During the night, the average humidity is about 60%. Low relative humidities provide producers the ability to maintain cool temperatures in greenhouses during the summer with fog or traditional fan and pad evaporative cooling systems. Low humidity also allows the opportunity to actually determine the humidity level in the greenhouse, and indirectly reduces disease pressure. Thus, low relative humidity translates into increased productivity and enhanced quality.

PESTS—MORE OR LESS?

"Since this isn't a major growing area and with our reduced humidity, the incidence of pests and diseases is very low," according to Roldan Trujillo, president of Flores de New Mexico (10 acres, potted and cuts).

Tom Beall, owner, Beall Company of New Mexico, agrees, "We don't have nearly the insect pressure as if we were located in a cultivated area."

"Insects are a nationwide problem regardless of where you are—give them an environment, and you'll have a problem," Dale comments.

PLENTY OF WATER, NONE YOU CAN SEE

"Water has not been an issue yet. Probably the largest underground aquifer here is the Rio Grande Basin. The quality of our water is very good," according to Jack.

The concensus of the producers is that once water rights have been secured, water is not a concern. "In New Mexico, we have been fairly good stewards of water," observes Don. "The New Mexico Constitution allows producers to use 3 acre-feet of water per acre in annual production, but since greenhouse operations normally require approximately 10 acre-feet per year, producers are required to set aside a little more than 3 acres per acre of greenhouse. The problems typical of water in the West—bicarbonates and boron—are not a problem for us."

QUALITY LABOR

"One real advantage in New Mexico is a good labor pool," says Roldan, "which is primarily an agricultural labor force accustomed to working in the vegetable industry. We have found them to be hard-working. Initially, we had problems with seasonality as other crops came in, but we've found people who recognize the stability of year-round work. We have an incentive pay system for various tasks and it increases productivity tremendously."

Pete also finds the plentiful labor force to be a major advantage of the area, "but as in other areas, you get what you pay for. I have good people—I'm happy with them—but I pay them more than the minimum wage".

IT'S A WAYS TO MARKET

The major drawback to producing in New Mexico is the transportation factor. It is an overnight truck ride to major markets in Phoenix, Houston, Dallas, Los Angeles and Denver.

"The distance to market is a major disadvantage; transportation is my biggest cost," says Pete. "With only 1 million-plus residents in New Mexico, there's no way they can buy all of our product—we must export our product out of state. Moreover, the availability of supplies is poor, you end up buying from all over the U.S. There are no local supply houses that carry a full line of greenhouse horticultural goods."

"Growers ship all over the US, from Florida to California and California to Florida, so what's the difference?" Dale counters. "We're half-way in-between. Transportation isn't a big deal if you can produce quality, get it out and get it rolling. We truck all our cut roses by our vans."

"But transportation," says Rudi, "is an issue that we cannot discount. However, I feel that our quality more than makes up for the increase in transportation costs."

THE VISION

"One of the disadvantages is that our area is not known as a production center for cut flowers and therefore we have to demonstrate that we're able to provide high quality, and we have been able to do that very effectively," says Roldan. "the major disadvantage was going into an unknown area—the important underlying factors necessary for producing a high quality flower are here—but it had not been done commercially," he says.

"Our goal is that the term 'New Mexico Flowers' will become very common. We think that because of the relatively low land and labor costs in this area, there's a very good potential that this may be an important floriculture center in the future. Because this is an agricultural valley, diversifying from the turn of the century from cotton and alfalfa and now a heavy producer of vegetables, we will see a diversification into flowers in the not too distant future."

Rudi's vision is similar. "We are going to turn this area into a greenhouse capital. We think we have things going here that will lead to a large expansion in this industry. I feel that people here would benefit from having the industry grow. If we could say nationally 'here is a product that is called Flowers of New Mexico, that would benefit the industry. Like California Wine or Florida Foliage—quality is associated with a name. We would like to see that with the products that do best here—roses and some of the potted plants."

"Eventually," Tom concludes, "this will be a major production area, especially as the oil problems start up again, and we can expect that."

It grows as it goes? That's the New Mexico state motto: Crescit Eundo.●

SOVIET JEWRY

● Mr. MOYNIHAN. Mr. President, I rise today to address the issue of Soviet Jewry. For the past 11 years I have done so at Solidarity Sunday for Soviet Jewry, an annual event in front of the United Nations sponsored by the Coalition to Free Soviet Jews.

But this year is different. Conditions in the Soviet Union have changed and the Soviet leadership has changed. The Coalition has wisely decided that new circumstances demand new responses.

How is this year different? Last month—April—more Jews left the Soviet Union than in any month in this decade. 1,088 Soviet Jews won their freedom in April, the first time more than 1,000 had done so in any month since 1981. Many refuseniks who had waited years and years for permission to emigrate received that permission in the last year. A handful of Soviet rabbinic students are being permitted to study outside of the Soviet Union, and there has been far less harassment of Jewish religious and educational activities. We must appreciate these developments.

But we must not delude ourselves. The Coalition estimates that 800,000 Soviet Jews would consider emigrating if current restrictions on emigration were lifted. Even at the current "high" rate of emigration it would take 62 years before all of these people could leave.

I have had the opportunity to examine firsthand some of the changes taking place in the Soviet Union. Last August, I led a delegation from the Senate Foreign Relations Committee to the U.S.S.R. We were guests of the Supreme Soviet—the first congressional delegation ever to be afforded this honor.

We were sent there by the Senate majority leader, Senator ROBERT C. BYRD, to assess the new direction the Soviet leadership appears to be taking in restructuring the Soviet economy. We also examined a variety of international issues and took a close look at the problems associated with our new Embassy. We probed glasnost and perestroika from a variety of vantage points and were impressed by the new openness, particularly in our long dialogs on many issues.

During our 9 days there we met with refuseniks and other dissidents, a usual thing for such a delegation. But we did something very unusual. Although the American Embassy in Moscow usually arranges such visits at the end of congressional trips, we decided to meet with refuseniks early on in ours. We could thus speak with more knowledge when we met with Soviet officials.

We established this strategy—and indeed much of the planning for our trip—after close consultation with Zeesy Schnur and the leadership of the coalition to Free Soviet Jews. It was Zeesy—and Rabbi Eliyahu Essas and Natan Shcharansky in Israel—who suggested people to contact and cases to stress in our meeting with Soviet authorities.

When our delegation arrived in Moscow, my wife Elizabeth coordinated our efforts. Liz held four meetings with refuseniks in just 48 hectic hours. She also arranged a meeting between the three Senators on our trip and 16 long-term refuseniks at the home of Prof. Aleksandr Lerner.

I can report today that 15 of these 16 refuseniks are now living in freedom in Israel. So are 37 of the 40 individuals on the list of cases Zeesy suggested we stress with the authorities. These refuseniks had spent an average of 13½ years waiting for an exit visa. Almost all were released within weeks of three U.S. Senators raising their names repeatedly.

This may give you an idea about what glasnost is about. Glasnost does not mean that the ideas of Jeffersonian democracy are replacing Marxist dogma in Moscow. It means that the Soviet Union is making a major effort to normalize relations with the United States.

Glasnost means that the new leaders of the Soviet Union have decided to deal with their nation's most pressing problem: How does a nation which has produced 21st-century weapons bring the rest of its economy into the 20th century? How can the Soviet economy compete—not with that of the United States, but with those of Japan, South Korea, and Taiwan? To do so requires increased trade and massive infusions of credit from the West, particularly from the United States.

At an unprecedented public press conference at the Soviet Ministry of Foreign Affairs, I was asked about the possibility of such close economic relations between our two nations. I answered that before such a thing could happen, there would have to be agreement by the community involved "that those who wish to leave have left or have serious prospects of leaving. Anything less would not warrant any change in our policy."

Under the czars, as my Soviet hosts well knew, anyone who wished to leave could leave. And it does not speak disdainfully of a nation that some of its citizens wish to leave. A recent poll taken in Switzerland suggests that a quarter of the population there would like to live elsewhere, and you can't say that conditions in Switzerland are such to make life there intolerable. But it is unseemly for a great nation to lock up its people as if it were a prison. This is what the Soviet Government does, and this is what we are asking them to stop doing.

I told my hosts time after time that congressional concern for Soviet Jews was not just a political gimmick or an excuse to harm relations between our nations. It arises out of the fact that ours is a nation of immigrants. When I wrote "Beyond the Melting Pot" with Nathan Glazer 25 years ago, the largest immigrant group in New York City were those who had come from Russia. Is it any wonder, I asked my Soviet hosts, that those of Russian heritage desire freedom for their kin who are no longer their countrymen?

I made the same point a few months later on "Capital to Capital," a television show broadcast simultaneously in the United States and the Soviet Union and seen by over 130 million Soviets. Vadim Zagladin, one of Gorbachev's leading foreign policy advisers, said on the program:

> In the film clip which you showed, there was an interesting phrase, "The United States is a nation of immigrants." The Americans are a nation of immigrants, and this is really so. And this explains a great deal your attitude toward the problem of emigration as a whole. Our nation is not a nation of immigrants.

A remarkable degree of understanding, to be sure.

And other Soviets seem to have been listening. Two months after "Capital to Capital," General Secretary Gorbachev told NBC's Tom Brokaw,

> I understand the concern of the American side to some extent, since that is a nation that was formed * * * largely as a result of immigration policies.

The Soviets appear no longer to see our interest in free emigration as an American weapon, but rather as a legitimate outgrowth of our national identity. Quite a change.

The Soviets want—and need—our economic cooperation. They must understand that the people and the Government of the United States will neither forget nor ignore the Jews of the Soviet Union. The American interest in a free and humane world is not the creation of any official or individual in Washington; it springs from the character of the American people and is a consequence of our unique national heritage.

The late Scoop Jackson, who was my closest friend in the U.S. Senate, often stressed that the Jackson-Vanick amendment would only be a true success when its main provisions would no longer apply—when the President would be able to certify that emigration from the Soviet Union was at a sufficient level to satisfy the amendment's waiver requirements.

When the Senators in our group made this point to Soviet officials in our private meetings, the Soviets assured us that this will yet happen. Glasnost, they said, will develop to the point where restrictions on emigration will be lifted, and anyone who applies for an exist visa will be granted one. But, they suggested, we should reward them for the steps they have already taken and thus strengthen the hand of those within the Politburo who support glasnost.

In classic Marxist fashion they turned the Jackson amendment's logic "on its head." The amendment promises eventual trade concessions for current free emigration. The Soviets hint at eventual free emigration in exchange for current trade concessions.

We are not yet near conditions of free emigration. The Soviet Union continues to deny visas on the grounds that applicants possess "sensitive information," even when that information has long since become technologically obsolete. Thus Vladimir Rize of Vilna—one of the three cases we raised who is still in the Soviet Union—is being refused because of published work he did in microbiology 23 years ago. Rabbi Essas was told for a decade that his wife's prior experience as an engineer had exposed her to "state secrets" that made their emigration a threat to Soviet national interests. And the Soviets seem to promote the theory of "genetic transfer of secrecy," denying one applicant because his grandmother supposedly had access to "sensitive information."

It is that there are those in this country who are so tempted by the promise of profits from increased trade with the Soviet Union that they are trying to use the Soviet withdrawal from Afghanistan and the INF Treaty as a pretext for circumventing the Jackson amendment.

Yes, we should be pleased that the Soviet Union is finally planning on leaving Afghanistan. But there is no reason to reward them for slaughtering hundreds of thousands of civilians and making millions refugees.

Yes, we should applaud any step to lessen the chances of nuclear war. But we must not consider rewarding such steps by betraying our commitment to human rights.

We must make it clear that we have not forgotten Soviet Jewry—and that we have not forgotten Scoop Jackson, who taught us in Congress how to help their cause.

In closing, we should remember that our generation is not the first to take up the cause of Russian Jews. Over 75 years ago, a rally was held at Carnegie Hall to protest Russian discrimination against its Jewish citizens. The keynote speaker was Woodrow Wilson, then Governor of New Jersey and later President of the United States.

Woodrow Wilson's words that night of December 6, 1911, are our words to the Soviet regime today: "This is not Jewry's cause alone," he declared. "It is America's. It is the cause of all who love justice."●

CHARLES PINCKNEY NATIONAL HISTORIC SITE

● Mr. THURMOND. Mr. President, the National Trust for Historic Preservation and the National Parks and Conservation Association today announced the formation of the National Heritage Coalition. The objective of this group is to bring attention to and help preserve America's natural and cultural heritage. Among the supporting groups of the coalition are the Conservation Foundation, the Wilderness Society, the Coalition for Scenic Beauty, Preservation Action, and the Council on America's Military Past.

In today's announcement, Mr. J. Jackson Walter, president of the National Trust for Historic Preservation, listed Snee Farm in Charleston, SC, as a priority on its list of endangered historical landmarks needing protection. Snee Farm was the home of Col. Charles Pinckney, one of our country's greatest Founding Fathers. Charles Pinckney wrote the Pinckney draft of the Constitution and some historians have even credited him as being the primary author of the Constitution that was eventually adopted. Plans are currently underway to develop the historic Snee Farm property into a housing subdivision. A fund raising campaign has been started by local citizens who plan to purchase the property; and I was pleased, along with my distinguished junior Senate colleague, Mr. HOLLINGS, from South Carolina, to introduce legislation, S. 2058, which would allow the National Park Service to operate Snee Farm as part of the National Park System.

I commend the National Trust for Historic Preservation and the National Parks and Conservation Association for recognizing Snee Farm as a national historical treasure. I again urge my colleagues to give S. 2058 their prompt and careful consideration.●

INFORMED CONSENT: VIRGINIA

● Mr. HUMPHREY. Mr. President, hundreds of women have shared the stories of how abortion negatively impacted their lives. These testimonies are far more compelling than any arguments I could make in favor of informed consent. Mrs. Donna Eadie and Ms. J. Nasca of Virginia submitted to abortions because they had no knowledge of the true nature of this major surgical procedure. They both favor requirements to ensure that women can make an informed choice for or against abortion. I ask that their letters be printed in the CONGRESSIONAL RECORD.

The letters follow:

FEBRUARY 10, 1987.

DEAR SENATOR: I had an abortion in 1977. I was 25 years old, 2 months pregnant, and unmarried. I had gone to Planned Parenthood, who directed me to a physician who performed abortions. I don't recall anyone who counseled me or gave me any information on the pros or cons of abortion. Perhaps like many women, I just assumed because abortion was legal it was medically and "scientifically" proven that I was not carrying a baby. It surely was just a few cells and no form of a human being could possibly have developed within that time. No one gave me any information that indicated otherwise.

In 1982, I saw a T.V. program on NOVA that actually showed the moment of conception through the birth of a child. I was so distraught after that viewing because I immediately realized that I had taken my baby's life! I couldn't understand how abortion had become legal with this scientific proof available!

Perhaps if I had seen that film before I had the abortion, I would have chosen another alternative. Perhaps not. But I still had the right to be told the true facts (i.e., the fetus growing inside me was not just a mass of cells).

I am now a Christian and have been blessed, by the grace of the Lord, with 2 beautiful children. But I can't help wonder sometimes about the little baby whose life I snuffed out. I'm sure many women will come to the same realization I did, particularly after they have subsequent children born to them.

Thank you for the work you are doing to help the unborn and my family will keep you in our prayers.

MRS. DONNA EADIE,
Chesterfield, VA.

MARCH 1987.

DEAR SENATOR HUMPHREY: When I was eighteen and fresh out of high school, I dated around and became pregnant. After discussing it with my boyfriend, he agreed to help me get an abortion. He located a clinic in the heart of Chicago and rounded up the money ($150). It may sound naive, but we knew nothing about abortion or what was in effect happening inside of me. All we knew was that something inside of me was growing and eventually it would develop into a baby. Until then, it was a fetus which was only a bit of tissue that could and should be removed.

On the day of my appointment we drove to the place and after about half an hour, I gathered the courage to go in. A woman met me when I entered. She took my money showed me a seat, and asked me to fill out some papers which I suppose stated that they were not to be held liable if anything went wrong. They asked me to remove my clothes and lay on a table.

The doctor came in and within minutes and without my having an inkling of what he would do, he killed my first child (I was guilty too). They told me to lay on the table for a while and they gave me a candy bar. They offered me birth control pills lest I find myself in the same predicament again.

I now work in a crisis pregnancy center. We need to inform girls about abortion so they will never have to share my experience. God bless you in your efforts to save the unborn.

Sincerely,

J. NASCA,
Falls Church, VA.●

PROPOSED MEMORIAL TO HONOR MOHANDAS GANDHI

● Mr. SIMON. Mr. President, I am pleased to cosponsor S. 1766, a bill introduced by my good friend Senator PAUL SARBANES, which would authorize the Indian American Forum for Political Education to establish a memorial in honor of Mohandas Gandhi. This bill will not involve any costs to the taxpayer. It offers us the prospect that soon our Nation's capital will be graced by a monument dedicated to the memory and inspiration of the preeminent man of peace of the 20th century.

Mohandas "Mahatma" Gandhi stood for the proposition that the individual, by sheer will and the justice of his or her cause, can change the world. Gandhi spent a good part of his young adulthood in South Africa, where he witnessed and fought first-hand the corrosive and abhorrent policies of racism and discrimination. In India, he became the leader of a movement which relied on nonviolent protest and civil disobedience to rid the country of colonial rule and gain India its independence.

Central to Gandhi's philosophy was the nonuse of violence to achieve political and social progress. This philosophy had its roots both in India and in the West, notably in the writings of Henry David Thoreau and Ralph Waldo Emerson. Gandhi in turn provided inspiration to Dr. Martin Luther King and the U.S. civil rights movement in the 1950's and 1960's.

I am grateful to the Indian-American community for undertaking responsibility for building this memorial. I am certain that this memorial will provide this generation, and future generations of Americans, with inspiration to build a better, more peaceful world. "Mahatma" means "great soul" in English. Gandhi clearly earned this title of reverence and affection, and people everywhere are grateful for his lifetime work on behalf of peace.

Gandhi truly was a great soul, and I urge my colleagues to support S. 1766.●

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that, after 1 hour of debate, to be equally divided in accordance with the usual form on the pending Symms amendment, the vote on or in relation to the first division occur at 11:30 a.m.; that that be a 15-minute rollcall vote, with the call for the regular order to be automatic at the conclusion of the 15 minutes; provided further that each of the remaining four divisions follow back-to-back immediately thereon and that the rollcall votes on or in relation to the divisions be limited to 10 minutes each on each of the four backup votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This would allow a tabling motion on any or all of the divisions.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes, I am happy to yield.

Mr. DOLE. What time would the majority leader want to convene?

ORDERS FOR FRIDAY, MAY 20, 1988

RECESS UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the two leaders or their designees under the standing order on tomorrow, there be a period for morning business not to extend beyond the hour of 10 a.m. and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF THE INF TREATY AT 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that at 10 o'clock tomorrow morning the Senate resume consideration of the INF Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, are we clear that the debate on the pending Symms' amendment will begin at the hour of 10:30 and last for 1 hour, equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. This would mean, then, that the half hour between 10 and 10:30 would be open for debate on the INF Treaty.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank both managers and also all Senators and I especially thank the Republican leader.

NATIONAL APPLIANCE ENERGY CONSERVATION AMENDMENTS OF 1988

Mr. BYRD. Mr. President, I ask unanimous consent, if the Republican leader has no objection, that the Senate proceed to the consideration of Calendar Order No. 671.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2167) to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for fluorescent lamp ballasts.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "National Appliance Energy Conservation Amendments of 1988".

SEC. 2. AMENDMENTS FOR FLUORESCENT LAMP BALLASTS.

(a) Definition.—(1) Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding the following new paragraph at the end:

"(29)(A) The term 'fluorescent lamp ballast' means a device which is used to start and operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation.

"(B) The term 'ANSI standard' means a standard developed by a committee accredited by the American National Standards Institute.

"(C) The term 'ballast efficacy factor' means the relative light output divided by the power input of a fluorescent lamp ballast, *as measured under test conditions specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.*

"(D)(i) The term 'F40T12 lamp' means a nominal 40 watt tubular fluorescent lamp which is 48 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.1-1978(R1984).

"(ii) The term 'F96T12 lamp' means a nominal 75 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.3-1978(R1984).

"(iii) The term 'F96T12HO lamp' means a nominal 110 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.1-1978(R1984).

"(E) The term 'input current' means the root-mean-square (RMS) current in amperes delivered to a fluorescent lamp ballast**[**, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984**]**.

"(F) The term 'luminaire' means a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply through the ballast.

"(G) The term **[**'nominal**]** *'ballast* input voltage' means the rated input voltage of a fluorescent lamp ballast.

"(H) The term 'nominal lamp watts' means the wattage at which a fluorescent lamp is designed to operate.

"(I) The term 'power factor' means the power input divided by the product of *ballast* input voltage and input current of a fluorescent lamp ballast, *as measured under test conditions specified in ANSI standard C82.2-1984, or as may be prescribed by the Secretary.*

"(J) The term 'power input' means the power consumption in watts of a ballast and fluorescent lamp or lamps, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984, *or as may be prescribed by the Secretary.*

"(K) The term 'relative light output' means the light output delivered through the use of a ballast divided by the light output delivered through the use of a reference ballast, expressed as a percent, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984, *or as may be prescribed by the Secretary.*

"(L) The term 'residential building' means a structure or portion of a structure which provides facilities or shelter for human residency, except that such term does not include any multifamily residential structure of more than three stories above grade.".

(2) Section 321(a)(1) of such Act (42 U.S.C. 6291(a)(1)) is amended by inserting the following before the period at the end thereof: ", except that such term includes fluorescent lamp ballasts distributed in commerce for personal or commercial use or consumption.".

[(2)**]** *(3)* Section 321(a)(6)(B) of such Act (42 U.S.C. 6291(a)(6)(B)) is amended by striking out "(13)" and inserting in lieu thereof "(14)".

(b) Coverage.—Section 322(a) of such Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following:

"(13) Fluorescent lamp ballasts.".

(c) Test Procedures.—Section 323(b) of such Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

"(5) With respect to fluorescent lamp ballasts manufactured on or after January 1, 1990, and to which standards are applicable under section 325, the Secretary shall**[**, no later than July 1, 1989,**]** prescribe test procedures that are in accord with ANSI standard C82.2-1984 *or other test procedures determined appropriate by the Secretary.".*

(d) Labeling.—Section 324 of such Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)(2)—

(A) by striking out "(2) The" and inserting in lieu thereof "(2)(A) The"; and

(B) by adding at the end the following:

"(B) The Commission shall prescribe labeling rules under this section applicable to the covered product specified in paragraph (13) of section 322(a) and to which standards are applicable under section 325. Such rules shall provide that the labeling of any fluorescent lamp ballast manufactured on or after January 1, 1990, will indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 1989, a capital letter 'E' printed within a circle on the ballast and on the packaging of the ballast or of the luminaire into which the ballast has been incorporated.".

(2) by striking out "(13)" and inserting in lieu thereof "(14)" in subsection (a)(3) and in paragraphs (1)(B), (3), and (5) of subsection (b); and

(3) by adding at the end of subsection (c) the following:

"(7) Paragraphs (1), (2), (3), (5), and (6) of this subsection shall not apply to the covered product specified in paragraph (13) of section 322.".

(e) Standards.—(1) Subsection (g) of section 325 of such Act (42 U.S.C. 6295(g)) is amended—

(A) by inserting; Fluorescent Lamp Ballasts; after "Dryers" in the heading; and

(B) by adding at the end the following:

"(5) Except as provided in paragraph (6), each fluorescent lamp ballast—

"(A)(i) manufactured on or after January 1, 1990;

"(ii) sold by the manufacturer on or after April 1, 1990; or

"(iii) incorporated into a luminaire by a luminaire manufacturer on or after April 1, 1991; and

"(B) designed—

"(i) to operate at nominal input voltages of 120 or 277 volts;

"(ii) to operate with an input *current* frequency of 60 Hertz; and

"(iii) for use in connection with an F40T12, F96T12, or F96T12HO lamps;

shall have a power factor of 0.90 or greater and shall have a ballast efficacy factor not less than the following:

Application for Operation of	Ballast Input Voltage	Total Nominal Lamp Watts	Ballast Efficacy Factor
one F40T12 lamp	120	40	1.805
	277	40	1.805
two F40T12 lamps	120	80	1.060
	277	80	1.050
two F96T12 lamps	120	150	0.570
	277	150	0.570
two F96T12HO lamps	120	220	0.390
	277	220	0.390

"(6) The standards described in paragraph (5) do not apply to (A) a ballast which is designed for dimming or for use in ambient temperatures of 0° F or less, or (B) a ballast which has a power factor of less than 0.90 and is designed for use only in residential building applications.

"(7)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (5) should be amended, including whether such standards should be amended so that they would be applicable to ballasts described in paragraph (6) and other *fluorescent lamp* ballasts. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for fluorescent lamp ballasts, including whether such standards should be amended so that they would be applicable to additional *fluorescent lamp* ballasts.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.".

(2) Subsection (i) of section 325 of such Act (42 U.S.C. 6295(i)) is amended by striking out "(13)" in paragraphs (1) and (2) and inserting in lieu thereof "(14)".

(3) Subsection (e)(1)(C) of section 325 of such Act (42 U.S.C. 6295(e)(1)(C)) is amended by inserting "Volume" after "Rated Storage".

[(3)**]** *(4)* Section 325 of such Act (42 U.S.C. 6295) is amended—

(A) in subsection (j)(B)—

(i) by inserting "fluorescent lamp ballasts," after "clothes dryers,"; and

(ii) by striking out "hearing" and inserting in lieu thereof "heating"; and

(B) in subsection (k)—

(i) by inserting "and in paragraph (13)" after "(11)" in paragraph (1); and

(ii) by inserting "fluorescent lamp ballasts," after "clothes dryers," in paragraph (3)(B).

(f) EFFECT ON OTHER LAW.—(1) Section 327(b)(1) of such Act (42 U.S.C. 6297(b)(1)) is amended by inserting before the semicolon at the end the following: ", or in the case of any portion of any regulation which establishes requirements for fluorescent lamp ballasts, was prescribed or enacted before the date of the enactment of the National Appliance Energy Conservation Amendments of 1988".

(2) Section 327(b)(4) of such Act (42 U.S.C. 6297(b)(4)) is amended by inserting before the semicolon at the end the following: ", or is a regulation (or portion thereof) regulating fluorescent lamp ballasts other than those to which paragraph (5) of section 325(g) is applicable".

(3) Section 327(c)(1) of such Act (42 U.S.C. 6297(c)(1)) is amended by inserting before the semicolon at the end the following: ", except that a State regulation (or portion thereof) regulating fluorescent lamp ballasts other than those to which paragraph (5) of section 325(g) is applicable shall be effective only until the effective date of a standard that is prescribed by the Secretary under paragraph (7) of such section and is applicable to such ballasts".

Mr. METZENBAUM. Mr. President, I am pleased to support Senate passage of S. 2167. This legislation will strengthen our Nation's energy policy, it will save consumers billion of dollars, and it will reduce the regulatory burden on an important sector of our manufacturing industry. Last year, Congress passed legislation, enacted as Public Law 100-12, which established energy efficiency standards for several classes of consumer products; such as furances, water heaters, and air conditioners. It was estimated that the legislation would result in a 2-percent reduction in the Nation's demand for electricity. S. 2167 will expand these benefits by establishing energy efficiency standards for flourescent lamp ballasts and thereby reduce the Nation's demand for electricity by an additional 1 percent.

One percent may not sound like much, but in fact, it translates into consumer savings, through reduced electric bills, totaling nearly $11 billion by the year 2000. It means that the construction of an estimated 10 major powerplants would be deferred and that consumers would again save by avoiding rate increases to pay for such plants. Finally, these savings will strengthen the American economy by allowing these savings to be available for investment in economic expansion, instead of being spent on our Nation's overhead. Every business or factory which uses fluorescent lighting can expect to have reductions in the cost of their lighting.

A second benefit of using energy more efficiently is that you gain the benefits of a greater supply of energy at a lower cost than actually developing an equivalent new energy supply. It is estimated that the additional cost of an efficient ballast is roughly $3.50, but the total lifetime savings of such a ballast is $16.50 to $36.50. Thus, the cost of saving energy is approximately 1.5 cents per kWh. This is less than the operating costs of many powerplants, and it is only about one-quarter of the cost of building a new plant. Moreover, this energy is made available without increasing acid rain, nuclear waste, or utility rates.

Finally, a major benefit of this legislation, and the reason it has strong industry support, is that it provides regulatory relief to industry. There are five States which have energy efficiency standards for fluorescent lamp ballasts. Other States, and even cities, are considering the establishment of such standards. This growing and ever-changing patchwork of State and local standards is a manufacturer's nightmare. How can a manufacturer keep track of the various standards and adjust its production, marketing and supply operations accordingly, except with extraordinary effort and cost? S. 2167 solves this problem simply, and at little cost. It preempts State authority to establish standards and, in turn, establishes a single Federal standard. The States have agreed to this approach, and so, they too strongly support this bill.

Mr. President, the administration has voiced its opposition to this measure. In fact, in 1986, when Congress first passed the legislation establishing appliance standards, the administration vetoed it. The rational was that these regulations would be burdensome on industry. However, their position did not recognize that industry fully supports these energy efficiency standards. That bill, as well as S. 2167, would cause a net reduction in regulation of industry by preempting State and local regulatory authority. This is not burdensome regulation. It is smart regulation.

I hope that the administration will recognize the benefits of this legislation and the broad support it has from industry. Representatives of the National Electrical Manufacturers Association testified before my Subcommittee on Energy Regulation and Conservation and strongly endorsed this legislation, saying, "the industry views the Federal legislation as a 'regulatory reflief act' * * *." Although the administration sent a statement to the hearing reiterating its opposition to Federal efficiency standards, I remain hopeful that they will not oppose enactment. Support for this legisaltion is nearly overwhelming. It was reported last week from the Committee on Energy and Natural Resources by a unanimous vote. It is supported by the States. It is supported by utilities. It is supported by utility commissions, by consumer groups and by environmental groups. Finally, and most important, certainly for the administration, it is supported by the industry to which it would provide regulatory relief.

Mr. President, S. 2167 would save consumers and utilities billions of dollars, it will provide regulatory relief to industry, and it will strengthen our Nation's economy and its energy policy. The arguments for its enactment are compelling.

I thank the support of my 25 colleagues who have cosponsored this legislation and I urge its passage.

Mr. WIRTH. Mr. President, I would like to join my colleagues from the Energy and National Resources Committee in support of the National Appliance Energy Conservation Amendments of 1988. I was privileged to chair the committee's hearings on this legislation which amends the Energy Policy and Conservation Act to set Federal energy efficiency standards for fluorescent lamp ballasts. Although this appears, at first glance, to be a minor initiative, there is tremendous promise for achieving substantial energy savings if we enact this legislation.

Ballasts are the component of a fluorescent light fixture that transform source electricity into the characteristics needed to operate fluorescent lighting. Today's ballasts dissipate 20 percent of the electricity entering the fixture as waste heat. However, industry has developed ballasts that are 10 to 15 percent more efficient and last twice as long as their predecessors. The legislation before us establishes a national standard for ballasts that is as tough as any existing State standard and has strong support from the lighting industry.

Fluorescent lights account for 10 percent of the United States' electricity demand and 40 percent of the demand in commercial buildings. With this nationwide standard for ballasts, it is estimated that energy use in the commercial sector would be reduced by 4 percent, resulting in savings of $10.7 billion by the year 2000. Passage of this legislation would reduce peak power demand by approximately 7,000 megawatts by the year 2000—the equivalent of seven large generating facilities.

This bill, and the appliance standards bill passed last year, represent the kind of initiatives this Nation ought to be pursuing to reduce its energy bill. There are a number of benefits to be obtained from this strategy.

The past year's events in the Persian Gulf are a striking reminder that the Strait of Hormuz are as narrow today as they were 15 years ago. Increasing imports of oil from this region of the world threatens our energy security, and we should be working hard to reduce the United States' dependence on foreign oil.

There are other, equally important reasons to strengthen this Nation's energy independence through energy conservation. First, we can enhance our industries' competitiveness in international markets by cutting the energy costs of producing everything from computers to petrochemicals. Second, reducing energy consumption and increasing energy efficiency will help improve the Nation's balance of trade, since 25 percent of our merchandise trade deficit can be attributed to oil imports.

And third, preeminent atmospheric scientists from the United States and many other countries are sounding an alarm about a new, and potentially profound, threat to the earth's environment—global warming. We now know that worldwide emissions of carbon dioxide from combustion of fossil fuels are causing an increase in the temperature of the atmosphere. And these scientists are very concerned that this global warming is proceeding at a rapid pace and will cause changes in the Earth's climate that far exceed not only human experience but also the ability of plants and animals to adapt to a changing environment. It is clear from these scientific findings that energy efficiency is an essential component of our efforts to protect the environment.

Mr. President, these facts provide a compelling argument for the development of a strong, comprehensive national energy policy. And such a policy must renew the Nation's commitment to energy efficiency. The fluorescent lighting ballast standards established by the legislation before the Senate today is a positive step toward an energy policy for our future. I look forward to working with my colleagues in the future to develop a strong national energy policy and I urge all Senators to support this legislation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2167) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATING CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE STATES OF VIRGINIA AND WEST VIRGINIA AS WILDERNESS AREAS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of H.R. 2878.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2878.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2878) to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas.

The Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I rise in strong support of H.R. 2878, the Virginia Wilderness Act of 1987 which parallels similar legislation, S. 1460, that I have introduced in this Congress.

Mr. President, the efforts to establish and expand Virginia wilderness lands began with legislation Senator TRIBLE and I introduced in 1984.

That year Congress passed Virginia's first wilderness bill which designated 11 areas comprising nearly 56,000 acres of land in the Jefferson and George Washington National Forests as wilderness.

H.R. 2878, championed through the House of Representatives by my good friend and colleague Congressman JIM OLIN, covers approximately 27,600 acres.

It is a continuation of our efforts to designate pristine and undisturbed national forest lands for wilderness preservation.

Specifically, the bill recommends four new areas previously under study for the full protections that a wilderness designation provides, and adds two areas within the Jefferson National Forest to existing wilderness areas.

These two additions are recommended by the Forest Service's RARE II process.

Specifically, the individual areas consist of 5,700 acres for Barbours Creek in the Jefferson and George Washington National Forests in Craig and Alleghany Counties; 3,665 acres for Shawvers Run in the Jefferson National Forest in Craig County; 9,300 acres for Rough Mountain in the George Washington National Forest in Alleghany and Bath counties; 6,450 acres for Rich Hole in the George Washington National Forest in Rockbridge and Alleghany counties; 2,500 acres added to the Mountain Lake Wilderness area of the Jefferson National Forest in West Virginia; and 72 acres added to the Lewis Fork Wilderness in the Jefferson National Forest in Washington County.

The Virginia Wilderness Act of 1987 enhances our recognition of the delicate balance between our citizens' desire to preserve Virginia's natural beauty and the need for the region to promote economic growth.

These lands offer outstanding recreational opportunities and will remain open for hiking, camping, hunting, and fishing.

All of these lands are federally owned as part of the National Forest System, so no private property will be condemned, and no costs will be incurred by the Federal Government.

Mr. President, just 4 years ago only a meager 8,700 acres of national forests lands in Virginia were protected by the wilderness system.

Today, following approval of this bill, our collective efforts will have succeeded in bringing a total of 89,800 acres of Virginia national forest lands in the Federal wilderness system.

I am proud to be associated with the many active Virginians, including members of local boards of supervisors, the Virginia Wilderness Committee and many individual citizens, who have provided me with valuable technical assistance and advice.

My support for continuing this process simply represents my lasting resolve to ensure a wilderness experience for the enjoyment of future generations of Virginians.

Mr. President, I also say today to those Virginians committed to expanding wilderness protections to other areas that I do not view this legislation as the culmination of my interest in designating appropriate national forest lands as wilderness.

I remain open to considering further additions to our wilderness system consistent with the support of local governments, affected businesses and industries and interested citizens.

Mr. President, this bill is unanimously supported at the Federal level by the U.S. Forest Service, at the local government level by the jurisdictional boards of supervisors, and at the citizen level of the Virginia Wilderness Committee, and the Virginia chapters of the Sierra Club and Wilderness Society.

I am pleased to wholeheartedly support this bill, and respectfully commend it to my colleagues for their support.

Mr. TRIBLE. Mr. President, I rise in support of the Virginia Wilderness Act of 1987.

This measure is a culmination of the effort begun in 1984. The 1984 Virginia wilderness bill placed roughly 56,000 acres into the National Wilderness Preservation System. It also designated four areas, comprising some 25,000 acres, as wilderness study areas. The study designation protected those areas from development and preserved their pristine qualities, while the Forest Service continued to study them for inclusion in the National Wilderness System.

The legislation now under consideration completes the 1984 action by designating as wilderness the four areas that have been under study. In addition, this measure designates as wilderness 2,500 acres in the Jefferson National Forest, to be known as "Mountain Lake Wilderness Area." This land is located in West Virginia. We have worked with our colleagues, Senators BYRD and ROCKEFELLER, to have this land included in this legislation.

We owe it to future generations to preserve wilderness areas. The 1984 legislation helped to preserve areas of great natural beauty in the Shenandoah Valley and southwest Virginia. I am pleased that we are able to build on our earlier accomplishments today.

Mr. President, I applaud the efforts of my distinguished colleague, Senator WARNER, for his hard work on this legislation. I urge my colleagues to support this measure.

The PRESIDING OFFICER. If there are no amendments to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2878) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCLERODERMA AWARENESS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 266.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 266.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 266) to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution bill.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 266) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 266

Whereas scleroderma is a disease in which connective tissue in the body becomes hardened and rigid, and might afflict any part of the body;

Whereas approximately 300,000 people in the United States suffer from scleroderma;

Whereas women are afflicted by scleroderma 3 times more often than men;

Whereas scleroderma is a chronic and often progressive illness that can result in death;

Whereas the symptoms of scleroderma vary greatly from person to person and can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease, and is considered to be understudied: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 12, 1988, is designated as "National Scleroderma Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR REFERRAL OF S. 1516—A BILL TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order 647, S. 1516, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to be referred to the Committee on the Judiciary for a period not to extend beyond June 3 for the purpose of examining section 2503 only and if the committee has not reported the bill at the end of this time, that the bill be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on April 20, 1988, the Committee on Agriculture, Nutrition and Forestry reported S. 1516, a bill to reauthorize the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA]. On May 4, 1988, the committee filed the bill. Subsequently, on May 13, the committee filed a report in support of S. 1516.

Today, we are entering into a unanimous consent agreement with the leadership of the Committee on the Judiciary, to examine the provisions of the bill related to extending the patent life of certain agricultural chemicals.

Section 2503 of S. 1516 would extend the patent life of certain chemicals up to 5 years in order to restore time allotted under the patent of the product for marketing it but used instead to obtain regulatory approval of the product.

This issue is clearly within the jurisdiction of the Judiciary Committee. We have agreed to a referral of 15 days for the purpose of examining section 2503. The referral would begin today and end on June 3.

At the present time we are continuing discussions with the Environment and Public Works Committee to work out a schedule for that committee's consideration of certain sections of the bill. We have agreed that four sections of S. 1516 will be examined by the Environment Committee.

My understanding is that the Environment Committee plans to hold a hearing in early June on FIFRA-related issues and markup legislative proposals soon thereafter. I will be asking the distinguished majority leader to schedule floor consideration for FIFRA as soon as possible after that time.

As the distinguished leader knows, Senate passage of a good FIFRA bill is my top legislative priority this year. My colleague, the Senator from Indiana [Mr. LUGAR], and I will do everything we can to achieve this goal. I urge our colleagues in the House to begin work on their bill as well.

WAIVER OF CERTAIN SENATE RULES

Mr. BYRD. Mr. President, I ask unanimous consent that paragraph 1 of rule IV of the rules for the Regulation of the Senate Wing and paragraph 1 of rule XXXIII of the Standing Rules of the Senate be suspended during the period between May 31, 1988 an June 3, 1988 for the purpose of permitting the National Geographic Society to take pictures of the Senate Chamber for use in a Senate publication entitled: "The Senate of the United States of America."

I also ask unanimous consent that the Sergeant at Arms of the Senate be authorized and directed to make the necessary arrangements for any such photographs.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. **BYRD**. Mr. President, I wish to inquire of the distinguished Republican leader as to whether the following calendar orders on the Executive Calendar have been cleared on his side of the aisle: 655, 656, and 658.

Mr. **DOLE**. They have been cleared. Each has been cleared on this side of the aisle.

Mr. **BYRD**. I thank the Republican leader.

EXECUTIVE SESSION

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned nominations; that they be considered and confirmed en bloc; that the motion to reconsider en bloc be laid on the table; that the President be immediately notified of the confirmation; that they be spread severally upon the Record; and that any Senators who wish to have statements included in the Record may be authorized to do so; and that the Senate return to legislative session.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

David A. Ezra, of Hawaii, to be United States District Judge for the District of Hawaii.

John C. Lifland, of New Jersey, to be United States District Judge for the District of New Jersey.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The following-named persons to be Members of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:

Gail Bird, of New Mexico.
Edith Colvard Crutcher, of Kansas.
Roy M. Huhndorf, of Alaska.
James Courtney Jennings, of Virginia.
William Steward Johnson, of the District of Columbia.
Dwane H. King, of Oklahoma.
Alfred H. Qoyawayma, of Arizona.
Beatrice Rivas Sanchez, of Michigan.
James D. Santini, of Nevada.
Irving James Toddy, Arizona.

NOMINATION OF DAVID EZRA

Mr. **INOUYE**. Mr. President, I rise to speak in favor of confirming Mr. David Ezra of Honolulu, HI, to serve as a U.S. district court judge for the District of Hawaii.

In 1979, the Hawaii State Bar Association, Senator Spark Matsunaga, and I established the Hawaii Commission for Federal Judicial and United States Attorney Appointments, to advise us on Federal judicial nominations.

Mr. Ezra's nomination was submitted to the commission for review and comment. The commission unanimously recommended for the confirmation of Mr. Ezra to serve as a U.S. district court judge.

The commission concluded that Mr. Ezra "possesses the intelligence, legal ability, integrity, independence, dedication, experience, judicial temperament, as well as the requisite personal qualities.

I request that a copy of the commission's report be included in the Record.

I respectfully urge my colleagues to confirm Mr. Ezra's nomination.

There being no objection, the material was ordered to be printed in the Record, as follows:

Hawaii Federal Selection Commission,
Honolulu, HI, December 22, 1987.

Hon. Daniel K. Inouye,
U.S. Senator, Prince Kuhio Federal Building, Honolulu, Hawaii.

Dear Senator Inouye: The Hawaii Commission for Federal Judicial and United States Attorney Appointments submits this report letter pursuant to the Charter which created the Commission in 1979 and was amended in July, 1986.

Paragraph 4 of the Charter provides that: "If the President nominates for confirmation by the United States Senate a person not included on the Commission's certified list of candidates, the Senators shall transmit the name of the nominee to the Chairman of the Commission within 48 hours of its receipt by the Senate."

The Commission then has two weeks within which to submit to each United States Senator from Hawaii a report which must address four specified subjects noted in paragraph 4 and consider the personal and professional qualities listed in paragraph 6 of the Charter.

On December 7, 1987, this Commission received from the United States Senators from Hawaii the name of Mr. David A. Ezra as a nominee by the President of the United States for the position of United States District Judge for the District of Hawaii.

The Commission met twice during the weeks of December 7 and 14, 1987. Six of the nine members were present at each meeting and prior to each meeting two of the absent three members telephoned their proxies to the Commission Chairman.

Paragraph 4(a) of the Charter requires the Commission to "make available an opportunity for comment to all interested members of the Bar and legal community" concerning the nominee's practice and conduct. Requests for comments concerning Mr. Ezra's practice of law and conduct in the State were solicited from the Judiciary, both State and Federal, the members of both the State and Federal Bars, and the legal community in the State. In addition, a notice requesting comments was published in The Honolulu Advertiser and the Honolulu Star-Bulletin.

In response to the Commission's requests for comments from members of the Bar and legal community, the Commission received several letters and two oral communications. Most of the responses were highly complimentary of Mr. Ezra and very supportive of his nomination. Attached to this report are those responses.

The Commission did receive some negative responses. Individual members of the Commission made efforts to contact the authors of negative responses in order to ascertain: (1) more specific information; and (2) whether the author would permit the Commission to disclose the identity of the author in order to allow the Commission to ask the nominee about the concerns raised in the responses. In every instance, the authors declined to permit the Commission to disclose their identities. In addition, most of the concerns raised involved generalizations or matters of subjective perception about which individuals could reasonably differ.

The Commission believes it should actively solicit comments concerning any nominee. However, when a comment is negative, a paradox is created because (1) the Commission will honor as confidential all communications unless the person contacting us authorizes us to disclose to the candidate (and others when appropriate) the identity of the person contacting the Commission but (2) unless the Commission is authorized to disclose the source of a complaint, there is virtually no way to confront or even discuss that complaint with the candidate. (The Commission notes that as to any specific complaint, it is almost impossible to deal with it by interviewing the candidate; any attempt to discuss a specific complaint in a general way with the candidate or others might make it easy to identify the source of that complaint.)

For these reasons, as to any negative comment, the Commission adopted a policy of asking the person complaining whether we had that person's authority to disclose his or her name and to discuss the substance of the complaint with the candidate.

In cases where we are given such authority, the Commission will go forward and investigate the complaint. In cases where we are not given such authority, the Commission felt that unless we could corroborate the information independently and disclose to the candidate the information without in any way compromising the integrity of the initial complainant, we would not confront the candidate concerning such information and would discount the weight given to any such complaint.

Since those who authored negative responses declined to permit the Commission to disclose their identities and permit the Commission to make specific inquiries of the nominee about the matters raised and in view of the rather general nature of most of the negative responses, the Commission could not and did not give substantial weight to the negative responses. It should be noted that no experienced, competent, and active trial attorney can avoid developing personality conflicts or avoid "rubbing" someone the wrong way. That is the nature of trial advocacy. In short, the Commission does not believe that the negative responses received were such to warrant a negative recommendation.

The Commission gave great weight to certain of the favorable letters. For example, Mr. Arthur Reinwald, a senior partner in the firm of Reinwald, O'Connor, Marrack and Hoskins, and a past president of the Hawaii State Bar Association, spoke very favorably of Mr. Ezra both in his letter, a copy of which is enclosed, and in a follow-up telephone call. In that call, Mr. Reinwald enthusiastically endorsed Mr. Ezra's integrity, competency and trial skills. (Concerning Mr. Ezra's trial skills, Mr. Reinwald noted that Mr. Ezra had tried two cases against Mr. Reinwald's partner, Mr. Dennis O'Connor, and that both Mr. Reinwald and Mr. O'Connor were highly impressed with Mr. Ezra's handling of those cases.)

Mr. Reinwald emphasized that despite the fact that Mr. Ezra and two other former partners of Mr. Reinwald's firm had withdrawn some years ago and had filed suit against the firm, Mr. Ezra settled the matter amicably and professionally. Mr. Reinwald stated he still considered Mr. Ezra a friend, remained on excellent terms with him, had seen his work on an ongoing basis, including some work Mr. Ezra had done for former clients of Mr. Reinwald's firm, and was highly impressed.

A second letter, from Mr. Vernon Hirata, executive vice-president and general counsel of Territorial Savings, a long-time and an ongoing client of Mr. Ezra and his firm, was very favorable. The Commission was impressed with that client's emphasis on Mr. Ezra's competency and sense of ethics.

The Commission reviewed the materials submitted by Mr. Ezra. Those materials were essentially the same that were submitted to the American Bar Association, Financial Disclosure Report and Asset and Income Statement. Individual members of the Commission made discreet inquiries of various persons in the community whose judgment and opinions were respected concerning Mr. Ezra. The Commission also contacted the Office of Disciplinary Counsel concerning any complaints or grievances that might have been filed against Mr. Ezra. The Office of Disciplinary Counsel reported that there had been a single inquiry concerning Mr. Ezra but it was dismissed as being totally without merit at the preliminary investigation stage. No formal proceedings were ever initiated.

On December 17, 1987, the Commission conducted an interview with Mr. Ezra.

Based upon the Commission's review of the materials submitted, inquiries made by the Commission, the responses received, and the interview conducted with the nominee, the Commission reports as follows:

A. LENGTH AND NATURE OF THE NOMINEE'S PRACTICE WITHIN THE HAWAII STATE BAR AND FEDERAL BAR

Mr. Ezra has been licensed to practice in all of the Courts of this State and has been actively practicing in those Courts since 1972. He enjoys a general reputation for being a highly competent lawyer, careful, honest, and hard-working, and one who aggressively represents his clients. His reputation for integrity is very high.

Mr. Ezra's legal practice has been confined almost entirely to civil matters. However, early in his career, Mr. Ezra did engage in some criminal defense work. In his 15 years of practice, he has participated in a substantial amount of civil litigation at both the trial and appellate levels. Included in his practice are cases and proceedings before the bankruptcy courts and the Public Utilities Commission. Mr. Ezra also has participated in a number of arbitration proceedings both as counsel for parties and as an arbitrator.

B. SCHOLARLY WRITINGS AND OTHER ACTIVITIES

The Commission was not referred to any law review articles authored by the nominee. However, it is clear from the materials submitted by Mr. Ezra that he has had extensive experience and a high degree of skill in writing legal memoranda and appellate briefs. The Commission believes that these can be considered scholarly although they are not law review articles or treaties. It appears that Mr. Ezra's written legal work is careful, accurate and well-written. The Commission believes that Mr. Ezra has the requisite writing skills for the position for which he has been nominated.

The Commission notes that Mr. Ezra was an excellent law student and graduated number one in his class. He was selected to participate on the law review during his second year of law school and in his third year was appointed to the editorial board of the law review. In addition, Mr. Ezra was selected by the faculty of St. Mary's University School of Law to teach a course in legal research and writing to first-year law students.

Since 1978, Mr. Ezra has been a member of the adjunct faculty at the William S. Richardson School of Law and the University of Hawaii. As an adjunct Professor of Law, Mr. Ezra has taught courses in legal remedies to third-year law students. He is also developing a liaison program for a clinical trial practice course.

The Commission notes that Mr. Ezra has also frequently served on the faculty of various continuing legal education courses involving civil and commercial litigation.

C. THE EXTENT AND NATURE OF THE NOMINEE'S INVOLVEMENT IN THE COMMUNITY

Mr. Ezra has been involved in a substantial number of community activities in the State. These activities are detailed in his response to the Commission's inquiry, a copy of which is attached to this report. Some of his activities include participation in: Hawaii State Bar Association activities; the United States Navy League; Council of Advisors, American Arbitration Association; Hawaii State Chapter, Arbitrator under the Court Annexed Arbitration Program; the Hawaii Bankers' Association; Hawaii League of Savings Institutions; Hawaii Financial Services Association; and the Mortgage Bankers Association of Hawaii. Mr. Ezra has also served in the United States military: the United States Army Reserve.

D. RECOMMENDATION OF THE COMMISSION AS TO THE ULTIMATE DISPOSITION OF THE NOMINATION

The Commission unanimously believes that Mr. David A. Ezra possesses the intelligence, legal ability, integrity, independence, dedication, experience, judicial temperament, as well as the requisite personal qualities enumerated in paragraph 6 of the Charter, to be an excellent United States District Judge for the District of Hawaii. Although Mr. Ezra may not have had as much criminal law practice experience as others, the Commission does not believe that this is any ground for disqualification. The Commission unanimously recommends that the nomination of Mr. David A. Ezra for United States District Judge for the District of Hawaii be approved.

If you have any questions or if the Commission can be of any further service, please do not hesitate to contact us.

After the completion of this report, the Commission received additional information which we have not had an opportunity to review or evaluate. As soon as we have had an opportunity to review it, we will forward a supplemental report to you.

Very truly yours,

David L. Fairbanks,
Chairman, Hawaii Federal Selection Commission.

NOTICE

The Charter of the Hawaii Federal Selection Commission, as amended July, 1986, between the Hawaii State Bar Association and the two United States Senators from Hawaii provides that the Commission must submit a report to each Senator concerning a Presidential nominee for United States District Judge for the District of Hawaii, Judge of the United States Court of Appeals for the Ninth Circuit, and for United States Attorneys in Hawaii. Paragraph 4(a) of the amended Charter requires that "the Commission shall make available an opportunity for comment to all interested members of the Bar and legal community."

The President has nominated David A. Ezra, Esq., for the position of Judge of the United States District Court for the District of Hawaii. Pursuant to the amended Charter, the Commission requests that all interested members of the Bar and legal community submit comments to the Commission concerning Mr. Ezra's practice and conduct in the State and Federal courts in Hawaii. All comments should be sent to: Hawaii Federal Selection Commission, c/o David L. Fairbanks, Esq., 1900 Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii 96813.

In order to complete its work within the time set forth in the amended Charter, the Commission must receive all comments not later than December 16, 1987.

David L. Fairbanks,
Chairman, Hawaii Federal Selection Commission.

Reinwald O'Connor
Marrack & Hoskins,
Honolulu, HI, December 11, 1987.

Mr. David L. Fairbanks,
Chairman, Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

Re: David A. Ezra, Esq.

Dear Mr. Fairbanks: I have known David Ezra for more than twelve years. He was with this firm for five years, as an associate and later a partner. For several years I worked closely with him, having firsthand observation of his talents and dedication to the practice of law. From the beginning, he demonstrated an excellent education and insight to be a first-class lawyer. He maintained a keen dedication to the practice, to the point that he was made a partner in this firm at least 1 year before the norm.

For the last seven years, many of us were aware of David's continued growth in the practice and his many accomplishments. His reputation among lawyers is excellent and his integrity is beyond question. Of the many lawyers mentioned in recent years as potential candidates for the Federal bench, in my opinion, David is the best qualified. If I were to rate him by the standards of the committee, I would rate David very well qualified for the position.

Very truly yours,

Arthur B. Reinwald.

Territorial Savings,
Honolulu, HI, December 16, 1987.

Mr. David L. Fairbanks, Esq.,
Hawaii Federal Judicial Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

Re: David A. Ezra.

Gentleman: I am writing to express my support for the nomination of David Ezra to become a judge of the United States District Court for the District of Hawaii.

I am presently general counsel of Territorial Savings and Loan Association and was head of the Legal Department of American Savings Bank prior to assuming this position.

Over the past seven years or so, I have had occasion to work closely with David Ezra in his representation of Territorial Savings and American Savings in cases and matters of major importance to the financial institutions.

In my opinion, he is one of the outstanding trial attorneys in Hawaii. Yet, he appreciates that litigation is not always in the best interest of his clients. His advice has always been ethical and within the bounds of fair play.

His actions towards and relationships with other attorneys have always been professional, and he is cognizant that his personal beliefs as to an attorneys' competence or his personal dislike for an attorney should not affect his legal judgment on the matter before him.

It is without hesitation that I recommend that your commission strongly endorse the nomination of David Ezra to be the next U.S. District Court Judge for Hawaii.

Very truly yours,

VERNON HIRATA,
Executive Vice President and General Counsel.

CIRCUIT COURT OF THE FIRST CIRCUIT,
Honolulu, HI, December 14, 1987.

DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

DEAR MR. FAIRBANKS: I am writing to respectfully recommend the appointment of David A. Ezra, Esq., to the Federal bench in Hawaii.

I have known Dave for approximately 14 years. He and I became acquainted during our early years of practicing law. I have the highest regard for Dave's integrity, legal ability and dedication to fairness within our judicial system. He will be an outstanding Federal judge for Hawaii.

Thank you.

Very truly yours,

DANIEL G. HEELY,
Criminal Administrative Judge.

HERMAN & LEONG,
ATTORNEYS AT LAW,
Honolulu, HI, December 16, 1987.

Re David A. Ezra, Esq.

MR. DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

GENTLEMEN: I have practiced law in Hawaii for six years (and before that in California since 1971).

David Ezra and I worked together on one significant case in federal court which was active for about three years. David represented the Republican Party and I represented the League of Women Voters in the action challenging the state and federal reapportionment plan. David and I appeared together in court numerous times. He was always well-prepared, to the point, ethical, and articulate. His written briefs were excellent. He always acted very professionally.

Although I am a Democrat, I think David is well-qualified for the position of federal district court judge and should be confirmed.

Very truly yours,

HERMAN & LEONG.
PETER J. HERMAN.

THOMPSON & CHAN
ATTORNEYS AT LAW,
Honolulu, HI, December 16, 1987.

Re nomination of David A. Ezra to the United States District Court for the District of Hawaii.

MR. DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

GENTLEMAN: We submit this letter to express our enthusiastic support for the nomination of David A. Ezra to the United States District Court for the District of Hawaii.

Each of us has known Mr. Ezra for over a decade. We believe that Mr. Ezra is well qualified to serve as a judge of the United States District Court for the District of Hawaii and would do so with distinction. We therefore urge you speedy endorsement of his nomination.

Thank you for your kind attention.

Very truly yours,

ANTHONY S. CHAN.
SHAWN B. THOMPSON.

A. PETER HOWELL,
ATTORNEY AT LAW,
Honolulu, HI, December 14, 1987.

Re David A. Ezra, Esq.

MR. DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

DEAR MEMBERS OF THE COMMISSION: I fully support the nomination of David A. Ezra for the position of Judge of the United States District Court for the District of Hawaii.

While I have not had a great deal of personal contact with Mr. Ezra, I do know that he has a good reputation, and from everything I've seen or read about him, I believe he would make a good United States District Judge.

Sincerely,

A. PETER HOWELL.

DECEMBER 14, 1987.

MR. DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

DEAR MR. FAIRBANKS: Thank you for your memorandum soliciting comments with respect to the nomination of David A. Ezra, Esq. for the position of judge of the United States District Court for the District of Hawaii.

I have seen Mr. Ezra's work over a number of years as a practitioner. He has a fine mind, has always taken an orderly and aggressive approach to his cases and I think he would make an excellent federal judge.

As you know, because of the shortage of judges it is very difficult to get to trial in federal court now. I believe that Mr. Ezra should be confirmed as soon as possible. Thank you for taking the time to consider these comments.

Very truly yours,

JERRY M. HIATT.

DECEMBER 9, 1987.

Re nomination of David A. Ezra.

MR. DAVID L. FAIRBANKS,
Chairman, Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

DEAR DAVID: I am writing in response to your notice. I think that David Ezra is qualified for nomination to the position of Judge of the United States District Court for the District of Hawaii and that the Commission should confirm his nomination.

Frankly, it has begun to appear to me that the appointment of a Federal Judge for our district has become a political football and that the real qualifications of the proposed applicants have become secondary. So although I am a Democrat, I think it is important that Mr. Ezra be speedily confirmed unless there are legitimate and serious questions about his qualifications.

Sincerely,

A. BERNARD BAYS.

DECEMBER 11, 1987.

Re nomination of David A. Ezra for Judge of the United States District Court for the District of Hawaii.

MR. DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

GENTLEMEN: As a member of the Hawaii Bar, I am writing to support the President's nomination of David A. Ezra for the position of Judge of the United States District Court for the District of Hawaii.

Because our areas of practice have overlapped considerably, I have had substantial dealings with Dave over the past ten years. Despite the fact that Dave has frequently been an adversary and has aggressively represented the interests of his client, I have developed great respect for Dave as a lawyer and as a person. Dave has always demonstrated the utmost competence as a lawyer, and I am confident that his abilities will enable him to do an excellent job as a judge. In addition, Dave has demonstrated qualities such as patience, tact, and respect for his fellow lawyers which suggest to me that he will have a good judicial temperament. At this same time, Dave is firm, confident, and decisive, qualities which are important in a judge, particularly in view of the burdensome caseload of our federal judiciary.

For these reasons, I believe Dave will make a fine judge and I wholeheartedly support his nomination.

Sincerely,

PHILLIP L. DEAVER.

JOSEPH A. RYAN,
ATTORNEY AT LAW,
Honolulu, HI, December 8, 1987.

MR. DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Commission, 1900 Davies Pacific Center, Honolulu, HI.

Re David A. Ezra, Esq.

DEAR SIR: I have been involved in litigation in which Mr. David A. Ezra was an adversary. He was skillful and well prepared. I've observed him in practice in Hawaii for about 10 years.

It is my opinion that Mr. Ezra is well qualified for the position of Judge of the United States District Court for the District of Hawaii.

This is an unsolicited letter.

Very truly yours,

JOSEPH A. RYAN.

MAURICE SAPIENZA,
ATTORNEY AT LAW,
Honolulu HI, December 14, 1987.

MR. DAVID L. FAIRBANKS, Esq.,
Chairman, Hawaii Federal Selection Committee, 1900 Davies Pacific Center, Honolulu, HI.

DEAR MR. FAIRBANKS: I have known David A. Ezra for over ten (10) years, both as a lawyer and as an individual. On one occasion, he represented me in a personal matter. As a lawyer, I have found him to be a man of the highest integrity and possessed a deep knowledge of the law which only a lawyer in love with his profession can acquire. I have formed a firm respect for his legal temperament and believe that he will be a real credit to the Hawaii Bar as Judge of the United States District for the District of Hawaii.

As an individual, I have developed a real fondness for him not only because of his Holmes like sense of humor and wit but because of his real devotion to his wife and children.

I have no hesitation whatsoever in asking you to recommend David highly to Senators Inouye and Matsunaga, to whom you are required to submit your report.

Sincerely,

MAURICE SAPIENZA.

A. WILLIAM BARLOW,
ATTORNEY AT LAW,
Honolulu, HI, December 10, 1987.

Mr. DAVID L. FAIRBANKS, Esq.,
Hawaii Federal Selection Committee, 1900 Davies Pacific Center, Honolulu, HI.

Re nomination of David A. Ezra, Esq. as Judge of the United States District Court for the District of Hawaii.

GENTLEMEN: I have known the Ezra family for more than twenty years, and David A. Ezra for most of that time. I have always been very favorably impressed with Mr. Ezra's legal competence and particularly his sensitivity to the Canons of Professional Ethics, I and many members of the legal community believe he has a fine "judicial temperament," and I am pleased to join many in this community in urging you to support his nomination. He is surely qualified for the appointment.

Sincerely,

WILLIAM BARLOW.

NOMINATION OF DAVID A. EZRA

Mr. MATSUNAGA. Mr. President, I rise in support of the nomination of David A. Ezra to fill a vacancy on the Federal District Court Bench in Hawaii. I thank the distinguished majority leader and the Republican leader for expediting consideration of this important nomination.

Mr. Ezra has been a resident of Hawaii since his graduation from law school in 1972 and is a partner in the firm of Ezra, O'Connor, Moon and Tam in Honolulu. He was found to be highly qualified to serve as a Federal judge by the Hawaii Federal Judicial Selection Commission, which the senior Senator from Hawaii, Mr. INOUYE and I established, in cooperation with the Hawaii Bar Association, to review candidates for Federal judgeships in Hawaii. Mr. Ezra's record of outstanding achievement has earned him the respect of his colleagues and friends in Hawaii's legal community.

The seat which Mr. Ezra is to fill is a newly created third Federal judgeship in the district court of Hawaii. Hawaii was allocated this third Federal judgeship because of the district court's extremely heavy workload and backlog. Delays in nominating a qualified candidate for this seat plus a vacancy created by retirement and only recently filled, have only made the situation worse. For that reason, I am most appreciative of the leadership's effort to expedite consideration of this nomination, and I urge that the nomination of Mr. David A. Ezra be confirmed.

STATEMENT ON THE NOMINATION OF JOHN C. LIFLAND

Mr. LAUTENBERG. Mr. President, I rise to support the nomination of John C. Lifland to the U.S. District Court for the District of New Jersey.

Mr. Lifland is a respected and experienced member of the New Jersey Bar. A graduate of Yale University and Harvard Law School, he has been a partner at the law firm of Stryker, Tams and Dill, in Newark.

He was appointed by the New Jersey Supreme Court, to the State Board of Bar Examiners. As a member of the board for 9 years, he helped supervise admission to the State's legal profession.

Mr. Lifland has also distinguished himself in the field of antitrust law, serving as an editor of the Antitrust Law Journal. He has also served as a vice president of the Association of the Federal Bar of New Jersey.

Mr. President, I have heard from New Jersey lawyers who know John Lifland. They say that he is a skilled, and conscientious lawyer. They say that as a judge, he will be dedicated not to the service of one ideology or another, but to the service of the law and the Constitution.

His nomination has won the unqualified endorsement of the Association of the Federal Bar of New Jersey. Mr. Lifland has also won high marks from the ABA. He has been found well qualfiied and exceptionally well qualified by members of the screening panel.

Last, I want to thank the Judiciary Committee for moving without delay on this nomination. The New Jersey courts are overloaded. The U.S. Judicial Conference recently proposed that Congress increase by 30 percent the number of Federal district court judges in the State. Because of the overwhelming workload of the court, cases have had to be transferred out of the State. Judges are straining to keep up. Litigants, in the end, are not as well served as they should be.

Mr. Lifland would be a welcome addition to the bench in New Jersey. He promises to serve the people and the law well. I urge the Senate to give its consent to his nomination.

STATEMENT ON THE NOMINATION OF JOHN LIFLAND

Mr. BRADLEY. Mr. President, today, the Senate considers the nomination of John Lifland to fill a vacancy on the Federal District Court for New Jersey. I did not know Mr. Lifland prior to his nomination but, as I have with other nominees, I have asked his peers in New Jersey's legal community to comment on his qualifications.

I would like to share the comments of the Association of the Federal Bar of the State of New Jersey, which appointed a committee of distinguished members to review the nomination. Their panel consisted of a former Federal district court judge and past presidents of both the State Bar and the State Federal Bar Associations. Their report to me stated in part:

> Every individual we interviewed spoke of Mr. Lifland in laudatory terms. Set forth below are some of the comments which we received which typify how Mr. Lifland is regarded by members of the judiciary and the trial bar:
>
> * * * He is superb and possesses every quality you look for in a judge, i.e., intelligence, integrity and temperament.
>
> A stellar performer.
>
> A top drawer nomination.
>
> Our Association has concluded that Mr. Lifland is an outstanding trial lawyer, enjoys a reputation for impeccable integrity, is exceedingly conscientious and is uniquely qualified to become a United States District Court Judge. We enthusiastically endorse Mr. Lifland and we respectfully urge you to support his nomination.

I share the Federal Bar Association's enthusiasm for Mr. Lifland. Mr. Lifland started his practice of law after graduating from Harvard Law School by joining his father's law firm. He then clerked for U.S. District Court Judge Thomas Meaney, following which he joined one of New Jersey's largest law firms, Stryker, Tams & Dill.

Mr. Lifland has provided leadership in New Jersey's legal community. He was elected a New Jersey fellow of the American Bar Foundation and served for 9 years as a member of the New Jersey Board of Bar Examiners. He currently serves as vice-president of the Association of the Federal Bar; and he is actively involved in committees of the American Bar Association, the New Jersey Bar Association, and the Essex County Bar Association.

In addition to these activities, Mr. Lifland participated in an effort of the Garden State Bar Association to assist minority students pass the State bar exam. This project involved a number of former members of the State Board of Bar Examiners who met on weekends and evenings with minority graduates of Rutgers and Seton Hall law schools to help them prepare for the bar exam. His law firm also provides a substantial amount of financial support to the statewide campaign for justice which supports the legal services of New Jersey and the firm provides both pro bono legal services and financial support to Essex-Newark Legal Services.

Mr. Lifland has also contributed his time and knowledge to legal education programs sponsored by the New Jersey Institute for Continuing Legal Education, the New Jersey State Bar Association, and the Financial Executives Institute.

The Federal District Court for New Jersey is currently—has 6,216 cases pending before it—the second highest load in the circuit. That's a caseload of 444 cases per judge. Because of this backlog the Judicial Conference has recommended that three judges be added to the District Court for New Jersey. Given the enormous caseload, it is urgent that the current vacancy be filled and I am extremely pleased that the Judiciary Committee gave this nomination such expeditious consideration.

From everything I have been able to learn about John Lifland, I believe he will make an excellent addition to the district court and I am pleased to support his confirmation by the full Senate.

LEGISLATIVE SESSION

The Senate resumed consideration of legislative business.

Mr. BYRD. Mr. President, does the distinguished Republican leader have any further business?

Mr. DOLE. No further business.

The PRESIDING OFFICER. Will the majority leader suspend for a statement of the Chair?

Mr. BYRD. Yes.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 90-206, appoints Mr. Eagleton to the Commission on Executive, Legislative, and Judicial Salaries.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. Pursuant to section 143 of the Nuclear Waste Policy Act, as amended by section 5021 of Public Law 100-203, the Chair, on behalf of the President pro tempore, and with the concurrence of the Speaker of the House of Representatives, appoints the following individual to the Monitored Retrievable Storage Review Commission: Dr. Frank Parker, of Massachusetts, vice Mr. Victor Gilinsky, of Maryland, resigned.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, parliamentary inquiry, as in executive session. Would not one show of seconds by virtue of the division of the Symms amendment provide for a rollcall vote on each of the divisions?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent as in executive session that it be in order—

Mr. DOLE. They have been ordered.

Mr. BYRD. I thank the Chair, and I thank the Republican leader, and I also thank our able staff.

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, the Senate will come in at 9:30 following a recess; there will be a period for morning business following the recognition of the two leaders; Senators will be permitted to speak during that period for morning business for not to exceed 5 minutes each, at the conclusion of which the Senate will resume consideration of the INF Treaty.

There will be 30 minutes of debate, and any Senator may utilize those 30 minutes.

At the hour of 10:30, the Senate will resume consideration of the pending amendment by Mr. SYMMS. There has been a division called for which will necessitate five votes.

The yeas and nays have been ordered, and rollcall votes will occur either on tabling motions or up or down on the respective divisions. There will be five rollcall votes.

I believe I also included in the request that the first vote be a 15-minute rollcall vote, and each of the remaining four rollcall votes will be 10-minute backup votes.

I urge all Senators to come to the floor within the first 15 minutes and to stay close to the floor, and I urge our respective staffs to advise Senators during that first rollcall vote, of course, prior thereto, as our cloakrooms always do, to remain on the floor during the vote so they will not miss any of the backup 10-minute rollcall votes.

It is pretty easy to do with a lot of confusion in the Chamber.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to and, at 7:34 p.m., the Senate recessed until tomorrow, Friday, May 20, 1988, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 19, 1988:

THE JUDICIARY

DAVID A. EZRA, OF HAWAII, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.

JOHN C. LIFLAND, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM OF YEARS PRESCRIBED BY PUBLIC LAW 99-498 OF OCTOBER 17, 1986, NEW POSITIONS:

GAIL BIRD, OF NEW MEXICO.
EDITH COLVARD CRUTCHER, OF KANSAS.
ROY M. HUHNDORF, OF ALASKA.
JAMES COURTNEY JENNINGS, OF VIRGINIA.
WILLIAM STEWART JOHNSON, OF THE DISTRICT OF COLUMBIA.
DWANE H. KING, OF OKLAHOMA.
ALFRED H. QOYAWAYMA, OF ARIZONA.
BEATRICE RIVAS SANCHEZ, OF MICHIGAN.
JAMES D. SANTINI, OF NEVADA.
IRVING JAMES TODDY, OF ARIZONA.

HOUSE OF REPRESENTATIVES—*Thursday, May 19, 1988*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our words, O God, be instruments of good tidings and our actions consistent with our words. Let our piety not be paraded for others to see and hear so that we will be known for something we are not. But let our actions be honest reflections of a true desire to serve You and others in peace and good will. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. UPTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 113, not voting 44, as follows:

[Roll No. 139]

YEAS—274

Ackerman
Anderson
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Martinez
Mazzoli
McCloskey
McCrery
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Packard
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickle
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (NE)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Vento
Visclosky
Walgren
Watkins
Waxman
Weldon
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—113

Armey
Badham
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
Dickinson
DioGuardi
Dreier
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Gregg
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hyde
Inhofe
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Lott
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Martin (IL)
McCandless
McCollum
McGrath
Meyers
Molinari
Moorhead
Murphy
Oxley
Parris
Pashayan
Penny
Porter
Pursell
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Volkmer
Vucanovich
Walker
Weber
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—44

Akaka
Alexander
Andrews
Biaggi
Boulter
Broomfield
Brown (CA)
Chappell
Clay
Duncan
Goodling
Gray (IL)
Hansen
Hawkins
Hunter
Ireland
Jones (TN)
Kemp
LaFalce
Lightfoot
Lujan
Mack
Marlenee
Matsui
Mavroules
McDade
Mica
Miller (OH)
Moody
Nichols
Owens (NY)
Pickett
Rose
Skelton
Smith (IA)
Spence
Stratton
Towns
Udall
Valentine
Vander Jagt
Weiss
Wheat
Williams

□ 1023

Mr. JACOBS changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF GUIDELINES FOR SUBMITTING AMENDMENTS ON FOREIGN OPERATIONS APPROPRIATIONS BILL, FISCAL YEAR 1989

(Mr. **PEPPER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I take this time to advise Members of the guidelines that the Rules Committee anticipates following for the consideration of the foreign operations appropriations bill for fiscal year 1989.

At the request of the leadership on both sides of the aisle, the Rules Committee is contemplating reporting a modified rule that would make in order only amendments printed in the Rules Committee report. The Rules Committee, in order to provide for the orderly consideration of this important legislation, must see the amendments before we meet on the bill. We are anticipating meeting on this bill early next week and we are requesting that if Members have amendments to the legislation that they submit those amendments, with any explanatory materials, to the Rules Committee by 5 p.m. on Monday, May 23.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

The bill we are talking about is the foreign aid appropriations bill?

Mr. PEPPER. That is right.

Mr. WALKER. So in other words, the drug-free workplace amendment I have been offering, I would have to submit to the Rules Committee in order to make it in order?

Mr. PEPPER. By 5 o'clock Monday.

Mr. WALKER. By 5 o'clock Monday?

Mr. PEPPER. Yes.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON FOREIGN OPERATIONS APPROPRIATIONS BILL, 1989

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, May 19, 1988, to file a privileged report on a bill making appropriations for foreign operations, export financing and related programs for the fiscal year 1989 and for other purposes.

Mr. EDWARDS of Oklahoma reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4587) making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes, and that I may include tabular and extraneous material and charts.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1989

Mr. FAZIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4587) making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. Lewis] and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. Fazio].

The motion was agreed to.

□ 1029

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4587) making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes with Mr. Gephardt in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California [Mr. Fazio] will be recognized for 30 minutes and the gentleman from California [Mr. Lewis] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. Fazio].

□ 1025

Mr. FAZIO. Mr. Chairman, it is a pleasure to present H.R. 4587—the legislative branch appropriations for fiscal year 1989—to the House. The bill and report—House Report No. 100-621—were filed on May 12, 1988.

I will not go over every detail—the report and bill have been available to the Members for several days. But I will summarize the bill.

Before I begin, I want to thank each member of the legislative Subcommittee on Appropriations: Mr. Obey, Wisconsin; Mr. Alexander, Arkansas; Mr. Murtha, Pennsylvania; Mr. Traxler, Michigan; Mrs. Boggs, Louisiana; Mr. Lewis, California, ranking subcommittee; Mr. Conte, Massachusetts, ranking full committee; Mr. Myers, Indiana; Mr. Porter, Illinois; Mr. Whitten, Mississippi, full committee chairman.

Mr. Lewis, in particular, the ranking minority and my colleague from California, who has participated in all of our hearings and deliberations and has been a full partner in the writing of this bill.

Also, I appreciate working with and the help of members of the Committee on House Administration, primarily: Chairman Frank Annunzio; Bill Frenzel, ranking minority; Leon Panetta and Pat Roberts, chairman and ranking member on the Personnel and Police Subcommittee; Charlie Rose and Bill Thomas, the chairman and ranking minority of the Office Systems Subcommittee; and Joe Gaydos and Bob Badham, chairman and ranking member of the Accounts Subcommittee.

Mr. Chairman, there is $1.41 billion—$1,407,708,000—in the bill for the operations of the legislative branch for fiscal year 1989. These funds do not include the activities of the Senate, which will be inserted when the bill is considered in the other body. Also, we do not include certain permanent appropriations.

The bill has $835.8 million for congressional operations nd $571.6 million for other agencies.

We have reduce the budget by 9.1 percent—over $140 million. The budget request asked for an 11.8 percent increase. The committee has allowed only 1.6 percent.

We have scrupulously adhered to the economic summit agreement for domestic programs—in fact we have held the bill even lower than the agreement, which was 2 percent. As I said, we have allowed only 1.6 percent.

As presented to the House, the bill contains $22.5 million more than the current fiscal year 1988 appropriation. That increase over the current level barely pays for the fiscal year 1989 cost of last January's COLA for our employees, a modest level of other mandatory salary items, plus a few repairs, necessary renovations, some new equipment, contractual and other price increases to maintain current services, and a few essential program enhancements.

For example, there are increases made necessary to pay the fiscal year 1989 cost of last January's 2 percent comparability salary adjustment that was given to all Federal employees, except the Members of Congress, judges, and senior level people. This and other mandatory salary increases such as normal longevity increases and health and other benefit increases amounted to $27.5 million—then there are inflation and price increases to maintain current services—such as supplies, equipment, printing, books, rent—of $11.6 million—new equipment, repairs, and alterations to our physical plant, and other maintenance increases have been held to a $3.7 million increase. These increases have been substantially offset by a $20.2 million reduction in our mail and printing workload.

Through actions in this bill and by the agencies of the legislative branch, we have reduced overall employment by 53 jobs. Only 67 essential jobs of the 216 new jobs requested have been allowed, while there will be a reduction of 120 jobs at the Government Printing Office.

Mr. Chairman, the bill consists of three titles. Title I is congressional operations: House—$505.7 million; joint items—$98.0 million; OTA—$17.5 million; CBO—$18.4 million; Architect of the Capitol—$79.6 million; CRS—$44.7 million; and congressional printing—$72 million.

Title II consists of: Botanic Garden—$2.5 million; Library of Congress—$199.2 million; Library building and grounds—$7.5 million; Copyright Royalty Tribunal—$123,000; Superintendent of Documents—$13.7 million; and GAO—$348.6 million.

Title III contains various provisions to facilitate operations.

TITLE II—OTHER AGENCIES

Mr. Chairman, I want to make special note of title II of this bill—the "other agencies" title.

Too often, we think of this bill as merely funding the House and Senate. Some realize that the Congressional Budget Office and Architect of the Capitol are also in the bill. But few Members focus on that very substantial portion which funds other activities of the legislative branch.

As I have noted, we have the Library of Congress, an institutional leader throughout the country for the library community, scholarly research, preservation technologies, copyright registration, books for the blind and physically handicapped and other important programs. Just one of their programs, machine readable cataloging, is a great example of the help the Library of Congress gives to libraries throughout the country. This program saves the Nation's libraries over $250 million each year, dollars and staff time that your State and local libraries would have to expend to catalog a book or magazine before placing it on one their shelves. I will place an analysis of these savings in the RECORD at the conclusion of my remarks.

The General Accounting Office is an extremely important part of the legislative branch—as well as the entire Government. The GAO sets our accounting standards—does financial audits of Govenment programs and corporations—reviews program results, does studies, and is an overall watchdog in assisting the Congress and the American people. According to Comptroller General Charles Bowsher, the GAO had measurable financial benefits of $18 billion in fiscal year 1987—that's a return of $59 for every $1 we appropriate to GAO. And those savings are only part of the story—GAO studies are of major assistance to congressional committees in carrying out their responsibilities. How many times have you seen a GAO study lead to a major improvement or serve to raise an issue that was otherwise buried in the bureaucracy.

We have a small agency with a big responsibility—the Copyright Royalty Tribunal. The tribunal sets royalty rates for the cable TV industry, for jukebox and phonograph records, and for public broadcasting. They also distribute royalty funds to the performing rights societies for jukeboxes and the cable industry. This agency distributes over $100 million each year in royalties to copyright owners in the music and television industries.

Then there is the Superintendent of Documents, a part of the Government Printing Office. That program distributes Government documents and reports to over 1,400 Federal depository libraries all over the country. They also sell or distribute free about 70 million publications yearly to the general public. In many ways, that program brings the Government as close to the average citizen as any program in the entire Federal structure.

Of course, we also have the Office of Technology Assessment and the Congressional Research Service in title I who do very important work for the House and Senate. But whose studies are widely reported and respected.

So, this is not a bill that solely funds the House and Senate. It is an entire branch of Government—one of the three co-equal branches. I hope that Members will remember that when they vote on this bill—and when they explain its contents to our constituents.

COMPARISONS

We have developed some interesting comparisons:

Since 1978 the legislative appropriation has grown at an annual rate of 5 percent. The executive budget has grown at an annual rate of 8.3 percent. The CPT has grown at an annual rate of 6 percent. That is, the legislative branch has declined in real terms since 1978, while the Federal budget continues to grow in real terms.

And, we have held the legislative appropriation to a 1.6-percent increase over 1988.

Federal revenues are up 6.1 percent—spending in other parts of the budget are up 3.6 percent. But we have kept our own spending as tight as possible.

We want it to be known that the legislative branch is contributing to the reduction in the Federal deficit.

In summary, this is a very tight, austere budget.

It meets what we assume will be the budget resolution targets. It is well within the economic summit agreement. We have tried to protect core legislative functions. Members can be assured we have trimmed the maximum, but the House will have the funds needed for essential operations. There is no need to apologize for this bill, or to make meat ax reductions.

I urge an "aye" vote for the bill.

The Savings to the Nation's Libraries from the Distribution of Cataloging Records by the Library of Congress in Machine-readable Form

1. The Cataloging of Books:	
Number of academic and public libraries	13,883
1986 book purchases nationwide in dollars (Average cost per book = $30.00)	$577,518,468
1986 number of books purchased nationwide	19,250,619
Number cataloged using LC records (82%) (Average savings per title cataloged = $11.29)	15,785,507
Total savings nationwide for books cataloged	$178,218,370
2. The Cataloging of Serials:	
Number of academic libraries	5,034
Average number of new titles cataloged per year per academic library	1,000
Total new titles in academic libraries	5,034,000
Number of public libraries	8,849
Average number of new titles cataloged per year per public library	20
Total new titles in public libraries	176,980
Estimated total new titles cataloged	5,210,980
Estimated number of records derived from LC cataloging (estimate of 50%) (Average savings per title cataloged = $28.23)	2,605,490
Total savings nationwide for serials cataloged	$73,552,982
3. The Cataloging of Maps, Music, Sound Recordings and Visual Materials	
Annual number of times these records were used for cataloging on the OCLC database (Average savings per title cataloged = $21.71)	147,172
Total savings nationwide for maps, music, sound recordings, and visual materials	$3,195,169
Total savings nationwide for cataloging books serials, maps, music, sound recordings and visual materials, grand total estimated savings	$254,966,521

(Estimates based on data for academic and public libraries from the 1986 Bowker Annual, an LC study Alternative Methods for Transmitting Machine-readable Bibliographic Data: a Feasibility Study and statistics supplied by OCLC, Inc.)

[From the Democratic Study Group, May 17, 1988]

IS IT OUT OF CONTROL? THE COST OF CONGRESS

Despite conservative rhetoric about "sky-rocketing" costs and "burgeoning" staff, the fact remains that, adjusted for inflation, the cost of Congress has actually declined over the past decade.

Since FY 1978, appropriations for congressional operations (including the House, Senate, and various related agencies) have actually dropped 3%, after accounting for inflation. Appropriations for the House are down 7% over this period. In contrast, funding for the Executive Branch rose 25%, adjusted for inflation, while funding for the Judiciary rose 59%.

The Legislative Branch appropriation bill for FY 1989, which will be considered by the House on Thursday, continues the trend of fiscal restraint. The measure essentially freezes funding for congressional operations at the current level, 4% less than what would be needed to keep up with inflation.

SECTION I—OVERVIEW

A perennial target of conservatives and other critics is the alleged high cost of Congress. Every year, articles are written and speeches made about fat congressional payrolls and Members living "high off the hog".

A recent example is an April 8 commentary in the Washington Times, which complains about the "exploding population of Capitol Hill staff" and asserts that Congress has made itself the most expensive legislative body in the world.

That Congress has the largest budget of any legislature in the world is hardly surprising, as the United States is the largest industrialized democracy in the world. Further, the size and cost of Congress reflects the several roles the institution plays—lawmaker, watchdog over other branches of government, and source of assistance to citizens in dealing with the Federal Government.

The budget and staff of Congress did expand substantially in the 1960s and early-1970s, reflecting a desire for Congress to expand its capabilities and develop independent sources of information and analysis, in an effort to become less dependent on Executive Branch expertise and to deal with the growing complexity of the Federal Government. However, the period of congressional expansion ended in the 1970s.

Key points regarding the budget and staff of Congress include the following:

Total appropriations for the operation of Congress represent a tiny fraction of the federal budget—0.11% (eleven one-hundredths of one percent) in FY 1988. On a per capita basis, this amounts to about $5.14 per citizen.

Over the past ten years, appropriations for Congress, adjusted for inflation, dropped 3%, while appropriations rose 25% for the Executive Branch and 59% for the Judicial Branch.

Within the overall congressional budget, appropriations for the House of Representatives (including the House share of joint items) declined 7% over the past ten years, on an inflation-adjusted basis, while appropriations for the Senate increased 3%.

Despite allegations of burgeoning congressional staffs, over the past decade appropriations for personal staff of Members of the House dropped 16% and appropriations House committees dropped 155, after adjustment for inflation.

Congressional printing costs are down 47% (after inflation) since FY 1978, reflecting technological improvements and a decline in the volume of publications printed and distributed at congressional expense.

Mailing costs for the House dropped 24% since FY 1978, adjusted for inflation, while mail costs for the Senate increased 29% over this period.

The salaries of Members of Congress declined by 15% over the past ten years, after adjustment for inflation. In order to maintain the same purchasing power Members had in FY 1978, salaries would have to be increased $16,000.

The overall number of employees in the Legislative Branch is down 3% since 1977. At the same time, Executive Branch employment is up 9% and Judicial Branch employment is up 61%.

Over the past ten years, the size of House Members' personal staff has increased by an average of 1.4 employees per Member. This increase occurred at the same time that the real value of each Member's staff allowance has declined. This seems to represent a trend toward employing larger staffs at lower pay.

The average size of a House Members' staff was 17 employees at the end of 1987—about one staff member for every 33,000 constituents.

The number of employees of the House committees has remained relatively stable over the past decade, increasing by just 3% between 1977 and 1987.

SECTION II—THE COST OF CONGRESS

This section addresses the contention that the costs of Congress are somehow "out of control." It describes trends in appropriations for the House of Representatives, the Senate, and other Legislative Branch agencies, and compares trends in appropriations for the Legislative Branch with the other branches of government. It also presents data on two specific items that have recently been controversial: Members' salaries and congressional mail costs.

The Size of the Legislative Branch Budget

Appropriations for the entire Legislative Branch totaled $1.9 billion in FY 1988—amounting to just 0.16% (sixteen one-hundredths of one percent) of the overall federal budget.

The Legislative Branch appropriation includes funding for a number of agencies included within the Legislative Branch for historical reasons, but only partially related, or totally unrelated, to the operation of Congress. Examples include the Library of Congress (other than the Congressional Research Service), the General Accounting Office, the Government Printing Office (other than congressional printing), and the Tax Court. These "non-congressional" Legislative Branch agencies account for about one-third of the Legislative Branch budget.

The portion of Legislative Branch appropriations allocated to congressional operations amounted to $1.26 billion in FY 1988. This represents a comprehensive total for the cost of Congress, including not only the House and Senate but also related entities such as the Architect of the Capitol, congressional printing at the GPO, the Congressional Research Service, the Congressional Budget Office, and the Office of Technology Assessment.

Appropriations for the expenses of Congress represent a tiny fraction of the total federal budget—currently 0.11% (eleven hundredths of one percent). On a per capita basis, this year's appropriation for congressional operations amounts to about $5.14 per citizen.

Overall Spending Trends

Despite rhetoric about the "exploding" cost of Congress, in recent years the Legislative Branch has been the slowest growing of the three branches of government. Over the past decade, appropriations for Congress have failed to even keep pace with inflation. This is demonstrated by Table 1 on page 4, which shows appropriations increases and decreases (on an inflation-adjusted basis) for the Congress, the other Legislative Branch agencies, and the other branches of government. (See Appendix for annual appropriations levels for the past ten years both before and after inflation, for these items.)

TABLE 1.—COMPARISON OF APPROPRIATIONS TRENDS FOR LEGISLATIVE AND OTHER BRANCHES

[Dollar amounts in millions]

	Fiscal year 1988	Inflation-adjusted percent of change [1]		
		10 years—fiscal years 1978–88	5 years—fiscal years 1983–88	1 year—fiscal years 1987–88
Total, all branches	$1,175,686	+25	+12	+3
Executive branch	1,172,438	+25	+12	+3
Judiciary	1,340	+59	+37	+1
Congress	1,260	−3	+2	−3
House [2]	712	−7	+5	−4
Senate [2]	469	+3	−2	−1
Support Agencies [3]	78	+1	+4	
Other legislative branch [4]	648	−7	+1	−2

[1] Inflation adjustments made using Consumer Price Index.

[2] Figures for the House and Senate include all direct appropriations for each chamber, plus each chamber's share of jointly appropriated items such as official mail costs, joint committees, printing, and buildings and grounds. (See Appendix for further details.)

[3] Congressional Research Service, Congressional Budget Office, and Office of Technology Assessment.

[4] Includes the General Accounting Office, the Library of Congress (except CRS), the Government Printing Office (except congressional printing), the United States Tax Court, and other miscellaneous agencies.

Key points concerning overall appropriations trends include the following:

Over the past ten years, appropriations for Congress have actually dropped by 3% (after adjustment for inflation) and funding for the non-congressional Legislative Branch agencies has dropped by 7%. On the other hand, funding for the Judiciary has increased by 59% and funding for the Executive Branch has increased by 25%.

Over the same period, funding for the House of Representatives (including the House share of joint items) has declined 7% (adjusted for inflation), while funding for the Senate has risen 3%.

The share of the total federal budget allocated to Congress has dropped from 0.14% in FY 1978 to 0.11% in FY 1988.

Over the past five years, Legislative Branch appropriations have increased only slightly (on an inflation-adjusted basis), with increases of 2% for Congress and 1% for other Legislative Branch entities. Far larger increases were registered for the Executive Branch (12%) and the Judicial Branch (37%).

In the current fiscal year, FY 1988, appropriations for the Congress and the rest of the Legislative Branch again dropped after adjustment for inflation, while budget authority for the other two branches rose slightly.

House of Representatives spending trends

Table 2 on page 6 shows inflation-adjusted appropriations increases and decreases for the House of Representatives, broken down by major items. The table reflects not only the direct costs of the House but also the House share of various items appropriated jointly, such as official mail costs, joint committees, and printing. As the table indicates, costs for most of these items have declined since FY 1978.

Despite allegations of burgeoning Member and committee staffs, over the past ten years appropriations for Members' staffs have dropped by 16% and appropriations for committees have dropped by 15%, on an inflation-adjusted basis.

There has also been a dramatic drop in appropriations for official mail costs—an inflation-adjusted decline of 43% since FY 1978. As discussed in the section on Mail Costs below, this drop reflects success in arresting and reversing the growth of franked mailings.

A very dramatic drop has also occurred in congressional printing costs, which have declined by 47% (after adjustment for inflation) since FY 1978. This drop reflects factors such as technological improvements at the Government Printing Office and a decline in the volume of publications printed and distributed at congressional expense.

The only basic item in the House budget showing large increases is the House share of employee benefit costs—which has more than doubled in the past ten years. The increase largely reflects legislative and accounting changes: legislation requiring all congressional employees not covered by civil service retirement to participate in Social Security (thus requiring the House to begin paying the employer share of the payroll tax for these employees) and establishment of the new Federal Employees Retirement System (FERS). Under FERS, the budgets of federal agencies (including the House) are charged for the full cost of accrued benefits; under the older retirement system a large portion of benefit costs was paid out of a central fund rather than charged to the employing agency. Because of this accounting change, benefit costs charged to the House (and to other federal agencies) have risen dramatically.

TABLE 2.—TRENDS IN APPROPRIATIONS FOR HOUSE OF REPRESENTATIVES

[Dollar amounts in millions]

	Fiscal year 1988	Inflation adjusted percent of change[1]		
		10 years—fiscal years 1978–88	5 years—fiscal year 1983–88	1 year—fiscal years 1987–88
Total House of Representatives	$712	−7	+5	−4
Members' staff (clerk-hire)	175	−16	−3	−3
Committees[2]	110	−15	+13	−2
House officers and employees[3]	55	+12	+5	
Employee benefit costs[4]	73	+223	+230	−9
Office expenses, equipment, furnishings and allowances[5]	102	+19	+19	−9
Official mail costs[6]	49	−43	−20	−25
Printing[7]	35	−47	−27	+9
Buildings and grounds[8]	54	−8	−34	+5
Others[9]	60	−7	+28	+7

[1] Inflation adjustments made using Consumer Price Index.
[2] Includes all appropriations for House committees plus 50 percent of appropriations for joint committees.
[3] Includes Offices of the Clerk, Doorkeeper, and Sergeant-at-Arms, House Post Offices, Legislative Counsel, Parlimentarian, police personnel (House), etc.
[4] Employer contributions for Social Security, retirement, health, unemployment, and other benefits for House employees. The very large increases in this largely reflect legislative and accounting changes (see text for further explanation).
[5] Includes Members' office expenses, other supplies and equipment, reporting of committee hearings, etc.
[6] Represents a portion of the joint appropriation for official mail costs, based on the House share of total mail costs incurred each year.
[7] 50 percent of joint appropriations for congressional printing.
[8] Architect of the Capitol, including appropriations for maintenance of House buildings and 50 percent of appropriations for joint items (Capitol and grounds, heating plant, etc.).
[9] Includes leadership offices, compensation of Members, 50 percent of miscellaneous joint costs, etc.

When employee benefit costs are excluded from the total, inflation-adjusted appropriations for all other House items declined by 14 percent over the past ten years.

Member's salaries

Although salaries of Members of Congress are often a popular target for criticism, these salaries, like most other items in the House budget, have fallen well behind inflation over the past decade. Table 3 on page 7 shows the salaries payable to Members of Congress in each of the past ten years, along with the year-to-year increases or decreases after adjustment for inflation.

TABLE 3.—CHARGES IN MEMBERS' SALARIES

	Salary [1]	Annual percent change after adjustment for inflation [2]
Fiscal year:		
1978	57,500	−6.4
1979	57,500	−9.5
1980	60,663	−7.2
1981	60,663	−10.0
1982	60,663	−6.9
1983	69,800	+11.2
1984	72,600	
1985	75,100	−0.3
1986	75,100	−2.4
1987	89,500	+15.8
1988	89.500	−4.1
Cumulative change, Fiscal year 1978–88		−15.3

[1] Salary as of the end of each fiscal year.
[2] Inflation adjustments made using CPI.

As Table 3 indicates, Members' salaries have failed to keep pace with inflation in seven of the past ten years. Over the decade since FY 1978, Members salaries have dropped by 15%, on an inflation-adjusted basis. In order to just maintain the same purchasing power Members had in FY 1978, a salary increase of $16,000 would be needed.

Mail costs

Another controversial item in the congressional budget has been the cost of official (i.e., franked) mail. Table 4 on the next page shows the annual costs and volume of mail sent by members of the House and Senate.

As the table indicates, the volume of franked mail rose rapidly in the late 1970s and early 1980s and reached a peak in FY 1984—with far larger increases occurring in the Senate than in the House. However, since then the growth of mail volume has been arrested and largely reversed—particularly in the House—as a result of voluntary actions by Members to restrain their mailings. For the House, the FY 1988 mail volume is only 9% above the FY 1978 level. For the Senate, however, the FY 1988 mail volume is still 152% above FY 1978.

TABLE 4.—OFFICIAL MAIL COSTS AND VOLUME

[Dollar amounts in thousands [1]]

Fiscal year	Before adjustment for inflation		After adjustment for inflation [2]		Volume (millions of pieces)	
	House	Senate	House	Senate	House	Senate
1978	$35,109	$13,817	$64,539	$25,399	334.1	96.1
1979	27,729	15,214	46,138	25,134	239.7	86.5
1980	43,422	18,484	63,575	27.063	400.1	111.2
1981	29,686	24,176	39,112	31,852	262.3	133.3

TABLE 4.—OFFICIAL MAIL COSTS AND VOLUME—Continued

[Dollar amounts in thousands [1]]

Fiscal year	Before adjustment for inflation		After adjustment for inflation [2]		Volume (millions of pieces)	
	House	Senate	House	Senate	House	Senate
1982	59,894	40,144	73,490	49,256	508.2	263.6
1983	40,307	32,126	47,814	38,109	335.7	221.2
1984	67,348	43,609	76,794	49,725	586.2	338.4
1985	45,308	39,853	49,789	43,795	354.3	322.0
1986	60,401	35,538	64,808	38,131	461.1	297.6
1987	44,201	19,424	46,091	20,254	338.5	156.2
1988 [3]	49,298	32,865	49,298	32,865	362.8	241.9
Changes (percent):						
1978–88	+40	+138	−24	+29	+9	+152
1984–88	−27	−25	−36	−34	−38	−29
1986–88	−18	−8	−24	+14	−21	−19

[1] These figures represent actual costs incurred in each year; they differ from the appropriations figures given in table 2 and the appendix because not all appropriations are actually spent in the year appropriated.

[2] Expressed in constant fiscal year 1988 dollars.

[3] Estimate.

In terms of dollar amounts, official mail costs for the House have declined 24% over the past ten years, after adjustment for inflation. By contrast, mail costs for the Senate have risen 29% over this period. (Note that these figures refer to actual expenditures for official mail in each year. They differ from the appropriations figures given in Table 2 and the Appendix because appropriations are often not fully spent in the year appropriated.)

SECTION III—CONGRESSIONAL STAFF

This section addressed the allegation that there has been an excessive increase in the number of congressional staff over the past decade. It describes increases and decreases in the number of employees working for congress, and compares changes in the number of congressional employees with changes in the number of employees of the other branches of government.

Table 5 on the following page shows increases and decreases in employment for the three branches of government, and for the major components of the Legislative Branch. (See Table C in the Appendix for year-by-year personnel totals for the past ten years.) Major points concerning Legislative Branch Employment include the following:

Over the past ten years, the total number of legislative branch employees has actually dropped by 3%. At the same time, employment in the Executive Branch increased 9% while employment in the Judicial Branch rose 61%.

In 1977, there were 73 Executive Branch employees (excluding the military) for every employee of the Legislative Branch; in 1987, there were 82 Executive Branch employees for every Legislative Branch staffer.

The number of employees on the House payroll increased by a modest 6% over the past decade, and has not grown at all over the past five years. Over the same periods, the number of Senate staffers increased by 12% and 2% respectively.

At the end of 1987, there were 7,496 employees on the personal staffs of Members of the House (including staff in both Washington and district offices and temporary, part-time, and shared employees). This represents an average of 17 staffers per member—about one staff member for every 33,000 constituents.

The size of House Members' personal staffs has increased by an average of 1.4 staffers per member over the past ten years. However, "clerk-hire" funds for Member's staffs have not grown during this period. Rather, funding for Members' clerk-hire actually declined by about 16%, after adjustment for inflation. The increase in the number of employees seems to represent a trend toward somewhat larger staffs at somewhat lower levels of pay.

The number of employees on Members' personal staffs peaked at 7,861 in 1983; since then, it has dropped by about 5%.

The number of staff members for House committees has remained relatively stable over the past decade, increasing by a total of only 3% since 1977.

TABLE 5.—TRENDS IN EMPLOYMENT LEVELS

[Personnel totals, as of the end of each calendar year]

	Total staff 1987	Percent of change		
		10 years—1977–87	5 years—1982–87	1 year—1986–87
Total Government	3,120,287	+9	+9	+3
Executive branch [1]	3,062,500	+9	+9	+3
Judiciary	20,396	+61	+27	+7
Legislative branch	37,391	−3	−1	+4
House	11,608	+6		+4
Members' staff	7,496	+9	−1	+3
Committee staff	2,241	+3	+13	+7
Other	1,871	−1	−8	+6
Senate	7,219	+12	+2	+6
Architect	2,120	−4		+1
GPO	5,202	−32	−12	
Library of Congress	4,991	−3	−5	+4
GAO	5,382	−1	+4	+4
Other	869	+34	+20	+2

[1] Excluding members of the Armed Forces.

APPENDIX

TABLE A.—LEGISLATIVE BRANCH APPROPRIATIONS—DETAIL AND COMPARISON—BEFORE ADJUSTMENT FOR INFLATION

[Budget authority; in millions of dollars]

	Fiscal year—										
	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Executive Branch	510,888	567,982	674,768	43,980	807,707	885,572	947,247	1,071,300	1,070,007	1,096,751	1,172,438
Defense	117,227	126,467	143,859	180,001	216,547	245,043	265,160	294,656	289,146	287,427	291,416
Interest	35,442	42,613	52,517	68,735	84,995	89,775	111,059	129,431	135,982	138,565	147,871
Non-Defense (noninterest)	358,219	398,902	478,392	495,244	506,165	550,754	571,028	647,213	644,879	670,759	733,151
Judiciary	459	521	609	656	733	823	904	1,052	1,044	1,267	1,340
Congress	708	785	874	792	910	1,038	1,068	1,110	1,104	1,241	1,260
House	418	434	462	475	514	569	602	614	622	713	712
Members' staff (clerk-hire)	113	118	127	138	144	151	161	167	163	173	175
Committees [1]	71	77	73	78	80	82	91	96	96	108	110
Official mail costs [2]	47	42	56	29	45	52	51	45	60	63	49
House Officers and employees [3]	26	32	34	38	41	44	46	48	46	52	55
Office expenses, equipment, furnishings and allowances [4]	46	47	52	63	70	72	92	96	90	107	102
Employee benefit costs [5]	12	14	14	15	16	19	30	33	35	77	73
Printing [6]	36	37	40	41	42	41	43	40	33	31	35
Buildings and grounds [7]	32	35	32	38	40	69	45	44	47	49	54
Other [8]	35	33	34	36	36	39	43	45	52	53	60
Senate [9]	248	304	360	263	339	405	397	422	413	452	469
Support Agencies	42	47	51	53	57	63	69	74	68	75	78
Congressional Research Service	23	26	28	30	32	35	38	40	37	40	43
Congressional Budget Office	10	11	12	13	13	15	17	18	16	18	18
Office of Technology Assessment	9	10	11	11	12	13	15	16	15	17	17
Other Legislative Branch [10]	379	411	444	459	504	542	702	669	618	634	648
Total, Legislative Branch	1,087	1,196	1,318	1,251	1,414	1,580	1,770	1,779	1,722	1,875	1,908

[1] Includes all appropriations for House committees, plus 50 percent of appropriations for joint committees.

[2] A single appropriation covers official mail costs of both the House and the Senate. In this table, the appropriation has been divided between the House and Senate, based on the proportion of actual mail costs incurred by each Chamber each year.

[3] Includes appropriations for the Offices of the Clerk, Doorkeeper, and Sergeant-at-Arms, the Legislative Counsel., Parliamentarian, House Post Offices, police personnel on the House payroll, and similar items.

[4] Includes all appropriations for "allowances and expenses" except employee benefit costs. These appropriations cover Members' office expenses, other supplies and equipment, furnishings, reporting of committee hearings, etc.

[5] Represents Hcuse share of payments for various benefits for House employees, including Social Security, retirement, health insurance, and unemployment compensation. The large increase in this item in fiscal year 1984 reflects legislation requiring all House employees not covered by the Federal retirement system to participate in Social Security (thus requiring the House to begin paying the employer share of the Social Security tax for such employees). The large increase in fiscal year 1987 reflects establishment of the new Federal Employees Retirement System. Under the new system, employing agencies (including the House) are charged the full cost of accrued benefits not paid for by employee contributions; under the older Civil Service Retirement System a large portion of benefit costs was not charged to agency budgets.

[6] Represents 50 percent of the joint appropriation for congressional printing at GPO.

[7] Includes the appropriation to the Architect of the Capitol for maintenance of House office buildings, plus 50 percent of the appropriations to the Architect for "joint" items such as the Capitol and grounds and the heating plant.

[8] Includes appropriations for leadership offices, compensation and mileage of Members, congressional use of foreign currency, and 50 percent of appropriations for miscellaneous joint items (such as certain nonpersonnel police costs).

[9] Total for the Senate has been computed on the same basis as the total for the House. It includes all appropriations for the Senate plus the Senate's share of joint items (including joint committees, congressional printing, the Architect of the Capitol, and official mail costs).

[10] Includes the Library of Congress (other than CRS, which is shown under "Support Agencies" above), the General Accounting Office, the Government Printing Office (other than congressional printing costs, which are included in the House and Senate totals above), the U.S. Tax Court, and other miscellaneous legislative branch agencies.

TABLE B.—LEGISLATIVE BRANCH APPROPRIATIONS—DETAIL AND COMPARISON—AFTER ADJUSTMENT FOR INFLATION [11]

[Budget authority; in millions of constant fiscal year 1988 dollars]

	Fiscal year—										
	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Executive Branch	939,132	945,062	987,947	980,211	991,052	1,050,501	1,080,099	1,177,253	1,148,076	1,143,640	1,172,438
Defense	215,491	210,428	210,628	237,155	265,702	290,680	302,349	323,798	310,242	299,715	291,416
Interest	65,151	70,903	76,892	90,560	104,288	106,495	126,635	142,232	145,903	144,489	147,871
Non-Defense (noninterest)	658,491	663,730	700,428	652,495	621,061	653,326	651,115	711,223	691,930	699,436	733,151
Judiciary	844	867	892	864	899	976	1,031	1,156	1,120	1,321	1,340
Congress	1,301	1,306	1,279	1,043	1,117	1,231	1,218	1,220	1,184	1,294	1,260
House	768	723	676	626	631	675	687	675	668	744	712
Members' staff (clerk-hire)	207	196	186	182	177	180	183	183	175	180	175
Committees [1]	130	129	107	102	98	98	104	105	103	113	110
Official mail costs [2]	86	70	81	38	55	62	59	50	65	66	49
House officers and employees [3]	49	53	50	50	50	52	53	53	50	54	55
Office expenses, equipment, furnishings and allowances [4]	85	77	77	83	86	85	105	106	96	111	102
Employee benefit costs [5]	23	24	21	20	19	22	35	36	37	80	73
Printing [6]	66	62	58	54	52	48	49	44	36	32	35
Buildings and grounds [7]	59	58	47	50	49	82	51	49	50	51	54
Other [8]	64	54	50	47	44	47	49	49	56	56	60
Senate [9]	455	506	528	347	416	480	452	464	443	472	469
Support Agencies	77	78	75	70	70	75	79	81	73	78	78
Congressional Research Service	42	43	41	39	39	42	43	44	40	42	43
Congressional Budget Office	19	19	18	16	16	18	19	19	17	19	18
Office of Technical Assessment	16	16	16	15	15	16	17	17	16	17	17
Other Legislative Branch [10]	697	684	651	605	618	643	800	735	663	661	648
Total, Legislative Branch	1,998	1,990	1,930	1,648	1,735	1,874	2,018	1,955	1,848	1,955	1,908

[1] Includes all appropriations for House committees, plus 50 percent of appropriations for joint committees.

[2] A single appropriation covers official mail costs of both the House and the Senate. In this table, the appropriation has been divided between the House and Senate, based on the proportion of actual mail costs incurred by each Chamber each year.

[3] Includes appropriations for the Offices of the Clerk, Doorkeeper, and Sergeant-at-Arms, the Legislative Counsel, Parliamentarian, House Post Offices, police personnel on the House payroll, and similar items.

[4] Includes all appropriations for "allowances and expenses" except employee benefit costs. These appropriations cover Members' office expenses, other supplies and equipment, furnishings, reporting of committee hearings, etc.

[5] Represents House share of payments for various benefits for House employees, including Social Security, retirement, health insurance, and unemployment compensation. The large increase in this item in fiscal year 1984 reflects legislation requiring all House employees not covered by the Federal retirement system to participate in Social Security (thus requiring the House to begin paying the employer share of the Social Security tax for such employees). The large increase in fiscal year 1987 reflects establishment of the new Federal Employees Retirement System. Under the new system, employing agencies (including the House) are charged the full cost of accrued benefits not paid for by employee contributions; under the older Civil Service Retirement System a large portion of benefit costs was not charged to agency budgets.

[6] Represents 50 percent of the joint appropriation for congressional printing at GPO.

[7] Includes the appropriation to the Architect of the Capitol for maintenance of House office buildings, plus 50 percent of the appropriations to the Architect for "joint" items such as the Capitol and grounds and the heating plant.

[8] Includes appropriations for leadership offices, compensation and mileage of Members, congressional use of foreign currency, and 50 percent of appropriations for miscellaneous joint items (such as certain non-personnel police costs).

[9] Total for the Senate has been computed on the same basis as the total for the House. It includes all appropriations for the Senate plus the Senate's share of joint items (including joint committees, congressional printing, the Architect of the Capitol, and official mail costs).

[10] Includes the Library of Congress (other than CRS, which is shown under "Support Agencies" above), the General Accounting Office, the Government Printing Office (other than congressional printing costs, which are included in the House and Senate totals above), the United States Tax Court, and other miscellaneous legislative branch agencies.

[11] All adjustments for inflation are made using Consumer Price Index (CPI-U).

TABLE C.—LEGISLATIVE BRANCH STAFFING—DETAIL AND COMPARISON

[Personnel totals, as of the end of each calendar year]

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
Grand total	2,850,889	2,880,928	2,886,570	2,906,852	2,858,187	2,861,498	2,890,565	2,965,707	3,049.972	3,039,819	3,120,287
Executive Branch	2,799,720	2,829,410	2,833,557	2,853,267	2,804,658	2,807,604	2,835,551	2,910,281	2,993,693	2,984,702	3,062,500
Judiciary	12,696	13,112	14,117	15,086	15,425	16,055	16,528	17,271	18,280	19,055	20,396
Leg. Branch	38,473	38,406	38,896	38,499	38,104	37,839	38,486	38,155	37,999	36,062	37,391
House	10,913	10,986	11,242	22,406	11,724	11,564	12,074	11,830	11,880	11,116	11,608
Members' Staff	6,859	6,952	7,224	7,329	7,652	7,540	7,861	7,627	7,811	7,271	7,496
Committee Staff	2,169	2,143	2,034	2,067	1,987	1,989	2,133	2,115	2,213	2,088	2,241
Other	1,885	1,891	1,984	2,010	2,085	2,035	2,080	2,088	1,856	1,757	1,871
Senate	6,424	6,564	6,957	6,995	6,940	7,060	7,151	7,045	7,168	6,811	7,219
Architect	2,219	2,249	2,231	2,081	2,018	2,128	2,256	2,262	2,141	2,095	2,120
GPO	7,698	7,325	7,069	6,610	6,310	5,936	5,742	5,547	5,391	5,223	5,202
Library of Congress	5,142	5,180	5,393	5,324	5,162	5,240	5,275	5,343	5,215	4,804	4,991
GAO	5,428	5,386	5,329	5,434	5,269	5,186	5,248	5,310	5,374	5,164	5,382
Other	649	716	675	649	681	725	740	818	830	849	869

Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Pennsylvania [Mr. GAYDOS], a member of the Committee on House Administration.

Mr. GAYDOS. Mr. Chairman, I want to thank my colleague the gentleman from California [Mr. FAZIO] for yielding. At the outset I want to state that this bill is fiscally responsible legislation, and limits the potential for growth in the legislative branch expenditures.

Mr. Chairman, I would ask the chairman, the gentleman from California [Mr. FAZIO] whether he is aware that the Committee on House Administration has had a subcommittee to handle police matters over the last several decades; and does the gentleman from California [Mr. FAZIO] intend that the oversight procedures and authority of the Committee on House Administration continue in that vein?

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Mr. FAZIO. Yes. As is stated in the committee report, the consolidation of the disbursing function under the Architect of the Capitol is merely mechanical, and is not intended to affect in any way the continuance of administrative and oversight procedures and authorities of the appropriate committees on the House and Senate.

Mr. GAYDOS. If, by placing the payroll of the Capitol Police under the Architect, those administrative and oversight procedures and authorities are negatively affected, would the gentleman and the committee agree that we must find some procedures so that we do not disrupt the controls that Members currently have with respect to Capitol Police, and will your subcommittee work with the Committee on House Administration to insure their continuance?

Mr. FAZIO. Absolutely. The consolidation should not change any aspect of accountability of the Capitol Police to Members of Congress. And if such accountability is affected negatively, we will be pleased to work with you in insuring appropriate controls.

Mr. GAYDOS. Mr. Chairman, I want to thank the gentleman for his sensitivity to that problem.

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman's support. I am grateful for his support for the bill, also.

Mr. GAYDOS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, every year, like a broken record, a few of our colleagues repeat the same arguments concerning the funding of the legislative branch. They say, "let's set a good example for deficit reduction by freezing or cutting the legislative branch appropriation." Then they can brag to their constituents that they have voted to hold the line on Government spending by keeping our own legislative branch spending down. I would ask these colleagues where have they been over the past several years. Why have they missed all of the compelling evidence that across-the-board actions to control the deficit do not work? In fact, experience indicates that, when applied to the legislative branch, across-the-board actions do much more harm than good.

As chairman of the Accounts Subcommittee of House Administration, I was told firsthand about the effects of previous across-the-board actions to cut our committee structure. I am referring to the cuts required by the first round of Gramm-Rudman sequestration in 1986. Chairman after committee chairman testified that those cuts devastated his committee's ability to perform critical legislative and oversight functions which needed to be done. I am absolutely convinced that many of the problems now facing the country were exacerbated by the inability of the committees of jurisdiction to address them in 1986, precisely because of arbitrary, across-the-board budget cuts. This evidence has been lost on the few misguided individuals who continue to advocate across-the-board actions.

Furthermore, as recently as last December, the leadership of both parties decided to "just say no" to across-the-board budget cuts. Their bipartisan agreement avoided another round of sequestration under Gramm-Rudman. Tough choices were made, specific budget categories were cut and others increased in an intelligent effort to control the deficit. It was a more difficult process than simply waving the magic wand of an across-the-board cut, but the product was far less detrimental than what occurred in 1986.

Similarly, in the proposal before us today, Chairman FAZIO and the subcommittee have made many hard choices, and labored extensively to come up with an intelligent product that does not completely satisfy either side. However, in their informed judgment, it represents what is necessary to get the job done. Let us not try to second guess their best efforts at the eleventh hour by waving the magic wand of across-the-board action in a futile attempt to impress our constituents. Our constituents are smart enough to know that you do not get anything for nothing. Let us provide the funds to do the job of good government which they sent us here to perform.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. Mr. Chairman, I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding.

I was interested in the point raised by the distinguished gentleman from Pennsylvania [Mr. GAYDOS]. Our House Administration Committee, majority and minority, is interested in keeping its jurisdiction over Capitol Police.

We appreciate the cooperation of the gentleman from California in all matters relating to this subject. We have no objection to his bill with respect to the administrative change that is made. In fact I think it is a positive administrative step.

We are much heartened to hear this discussion between the gentleman from California [Mr. FAZIO] and the distinguished gentleman from Pennsylvania.

The House Administration Committee is grateful to the Legislative Appropriations Subcommittee and its chairman for the sensitivity they have shown to insuring that Capitol Police oversight functions will be maintained with as little disruption as possible.

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman's comments.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to thank my chairman, the gentleman from California [Mr. FAZIO], for his excellent leadership on this legislation. As you can imagine, this is a tough bill. It is difficult to defend here or at home. It is unpopular to vote for the funding for your own office, committee, and staff expenses. This appropriations bill funds the work of the Congress and those agencies which provide expertise critical to the success of those efforts for which we are all elected. This bill should and does demonstrate that Congress is willing, by example, to exercise the sort of budget restraint we are calling for across the board in American government. You have indicated that reducing the national deficit is of highest priority. Further you have indicated that critical to meeting this challenge is to reverse past patterns of growth in appropriations. This legislative branch bill is solid evidence that we are taking you seriously.

Mr. FAZIO and the staff have worked hard and this is a tight responsible bill. We are well under our targets as set for us by the economic summit and the pending budget resolution. I am pleased to report that we are neither over in budget authority nor are we over in the dreaded outlays limit.

This is not an easy responsibility—you hear testimony from your colleagues requesting assistance—you look at the money available and have to tell your friends, "there ain't any money." We denied budget requests to every single agency including over $70 million for the House of Representatives. Our bill is almost $135 million less than was requested. This reflects almost a 10 percent reduction from the spending requests we received from congressional committees, Members and our support agencies. Every agency took a reduction from its request.

Chairman FAZIO has briefly outlined the expenditures of the bill title by title. I need not be redundant. There is one very significant area of concern that I want to bring to the attention of my colleagues regarding this bill. History and tradition in our subcommittee places committee budget in the category of "mandatory appropriations"—that means that committee chairman and ranking members go to House Administration, make their case for spending authority and our subcommittee then automatically appropriates.

The appropriations subcommittees respond in this fashion to almost no other area of Government—we don't do it in defense—we don't do it for programs that affect hungry children. But appropriations for increasing the size of committee staff—and some would suggest that these budgets have historically grown "just a little more than inflation"—do not—do not receive the tough critical appropriations eye expected of our committee. We can't change that history and tradition this year but it should be changed.

Several years ago the Franking Commission was planning to send to each Member a series of suggested changes in the congressional mail program, with a request for your reaction and suggestions. Still several years later, there have been no changes in the franking rules. This year the cost estimate is unbelievably low. Also half the estimate of 2 years ago. I am afraid, if we are going to be honest, this will have to be paid in the supplemental. Only through serious attention to ways and means of reducing the pattern of mail growth will we actually be able to sustain the efforts toward reduced spending by the legislative branch reflected in this bill. As a member of the Franking Commission, I believe this area needs careful review.

I urge your support for that effort and for this bill.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman from California for yielding.

Describing our legislative budget as "very tight" may well describe this year's total increase, but it certainly does not fit a description of what we have done in this Congress.

Let me quote out of a report from an impartial group, the Congressional Quarterly. This is a recent report, and the opening paragraph reads as follows:

> Congress is made up of a great deal more than elected Senators and Representatives. With more than 31,000 employees in 1987, the legislative branch is larger than the Departments of State, Labor or Housing and Urban Development. In comparison, the second most heavily staffed legislative branch in the world is the Canadian Parliament which gets by with a staff of fewer than 3,500.

The facts are that our staff now exceeds 37,000 for the legislative branch. It is more than 10 times higher than the biggest staff of the biggest legislative branch anywhere in the world. To call that budget tight is ludicrous. The reality is this Congress is a prime example of waste of funds. To be more than 10 times bigger, than the biggest other legislative branch in the world, is a sad comment on this attitude of Congress. We have developed an imperial Congress. We have developed a Congress where we are willing to lock in Members and where we are willing to waste money on staff and privileges.

I am under no illusions that today we are going to correct that, but I do think we have an opportunity in this bill to eliminate some of the excesses that are presented in this bill.

I would cite as an example of that the 16.5-percent increase in the House leadership offices that is proposed for this body. It seems to me that if we are going to bring the budget in line, to have a 16.5-percent increase in the leadership staffs is inappropriate.

We ought to look very carefully at the other increases proposed in this measure. We ought to ask ourselves if something more than a cost-of-living adjustment is appropriate for the biggest staff of a legislative body anywhere in the world.

Mr. Chairman, I happen to believe that we have got to set an example in this body. The waste and the abuse that takes place in Congress has to be addressed before the American people will believe that we are serious about restoring leadership to this country.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman.

Mr. FAZIO. Mr. Chairman, I was intrigued by the gentleman's reference to Canada. Did the gentleman say how many employees were in the Canadian Parliament?

Mr. BROWN of Colorado. The Congressional Quarterly publication indicates a staff of fewer than 3,500, but they were the biggest in the world outside of us.

Mr. FAZIO. Canada has a population about 10 percent of the United States and if we were to multiply their population to the level of ours and proportionately increase their staff, that would be 35,000, which would be very close to the number quoted by the gentleman. With respect to the other developed countries, we are relatively small.

Mr. BROWN of Colorado. If you follow the gentleman's example, India, whose population is many times that of ours, has a staff that is far smaller than Canada's, and perhaps China has a population that is many times bigger than ours and has a far smaller staff.

Mr. FAZIO. Of course, we may be arguing apples and oranges. We have a unique legislative branch in our constitutional form of government, and many other countries have not placed other agencies in their legislative body. For example, the national library of the country may not be located in the legislative branch, or the printing budget, et cetera. So we may be counting many other employees in our legislative branch who really do not work for legislative bodies in these other countries per se. These other agencies make up almost 40 percent of our bill.

Mr. BROWN of Colorado. If anything, I would think that argues for a smaller staff here since much of the staff is off in the executive agencies, whereas, in the Canadian parliamentary system some of that staff might be combined.

Mr. FAZIO. I think we are saying that we are not really comparing comparable entities.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from California [Mr. Lewis], the ranking Republican, and the gentleman from California [Mr. Fazio], the chairman of the subcommittee know, I do plan to offer later on today the drug-free workplace amendment to this particular bill as I have offered it to previous legislation that has come before the House in the appropriations area.

I think we have an agreement worked out whereby that particular motion can move through the House expeditiously, but I did want to clarify one thing that has come up in terms of debating this idea kind of outside this process. There have been some people who have suggested that if we apply this to the legislative branch in this bill, we would somehow be in a position of perhaps cutting off Congressmen's salaries if, in fact, we did not have an absolutely drug-free workplace amendment. It seems to me that carries with it the assumption that Congressmen's salaries are included in this bill.

It has always been my understanding that they are not included in this bill when we pass it, and I just wanted to clarify whether or not that was still the case or whether something has changed here.

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Mr. LEWIS of California. There is a permanent appropriation whereby Members' salary adjustments are provided for, so it is not and Members' salaries are not a part of this bill.

Mr. WALKER. So insofar as my amendment does apply to this act, while it would apply to nearly all of the operations on Capitol Hill, the specific reference to Members' salaries would not be in this act. Is that true?

Mr. LEWIS of California. I believe that to be correct, but the gentleman can presume I will check it very carefully as we go forward.

Mr. WALKER. I thank the gentleman for this response and for yielding.

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Gaydos].

Mr. GAYDOS. Mr. Chairman, I rise in strong support of the legislative branch appropriations bill for fiscal year 1989, as reported out of committee. This bill is a fiscally responsible piece of legislation which will limit the potential for growth in legislative branch expenditures. It is the bipartisan product of a very rational and systematic process of reviewing in detail every budget request from the entities comprising the legislative branch. The bill, as skillfully crafted by the Subcommittee on Legislative Branch Appropriations, prudently balances the demand for fiscal restraint in the expenditure of public funds with the critical need for the legislative branch to discharge its constitutional responsibilities in an effective manner. Consequently, I commend the chariman of the subcommittee, Mr. FAZIO, the ranking minority member, Mr. LEWIS, and the members of the subcommittee for their hard and thoughtful work.

The recommended total appropriation of $1,407,408,000 for fiscal year 1989 is only $22,485,500 more than the appropriation already enacted for fiscal year 1988. This total proposed amount for fiscal year 1989 reflects an increase of only 1.6 percent over fiscal year 1988. According to the committee report, this percentage increase is significantly below the 2-percent growth allowance for domestic programs as stipulated in the recent budget summit. Furthermore, this recommended amount for fiscal year 1989 is $140,459,000 less than the sum total of all the budget requests from the respective legislative branch entities. In effect, the total of all the requests was cut by 9.1 percent. Thus, the recommended total appropriation for fiscal year 1989 is very reasonable and it certainly cannot be considered as excessive in any way.

My colleagues should, also, note that the total legislative branch budget increase is only 1.6 percent, whereas the increase in the overall Federal budget proposed by the President is 3.6 percent. In other words, the subcommittee has presented to the House a true product of fiscal restraint and prudence.

In terms of understanding the relationship of the pending appropriations bill with the legislative branch budgets approved over the past several years. the committee report is again very instructive. Since 1978, a year in which legislative branch operations stabilized, the legislative branch budget has declined in real terms. As the report indicates:

> The average growth since 1978 has been about 5 percent per year, while price levels as measured by the Consumer Price Index have increased by 6 percent annually. Congressional operations, title I of the bill (and adding the current budget estimates for the Senate), also have been restrained, growing at only 5.5 percent annually, which is less than the CPI, and has resulted in a decline in real terms. During the same period, the executive branch has averaged an 8.3 percent annual rate of growth, an increase in real dollars at an annual rate almost 66 percent higher than the legislative budget.

Finally, I strongly urge my colleagues to support this bill as reported out of committee. It is a very responsible allocation of Federal funds. In particular, I would recommend against supporting any indiscriminate across-the-board cut. Approval of such a cut would seriously negate the careful judgments made by the Appropriations Subcommittee during its meticulous budget review process. In fact, the adoption of such an amendment would impair the process itself and it would lead to unforeseen consequences. It would be a defeat for the House's effort to apportion its funds in a fiscally responsible manner.

Mr. FAZIO. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PANETTA], a member of the Committee on House Administration.

Mr. PANETTA. Mr. Chairman, I rise to pay tribute to the gentleman from California [Mr. FAZIO] and also his ranking member, the gentleman from California [Mr. LEWIS], for the tough challenge that they have in bringing a legislative appropriations bill to the floor and the outstanding job they have done in the bill before the House today. As chairman of the Personnel and Police Subcommittee of the House Administration Committee, I want to commend them for the cooperation and support that they have provided us in the efforts we have made to try to deal with the issues affecting personnel in the House of Representatives.

The purpose of the Legislative Appropriations Subcommittee and the purpose of the House Administration Committee is to ensure that we serve the membership and the American public. I think the test is whether we are, in fact, performing that job on behalf of the public.

It is interesting that this is probably one of the few areas where the employers are subject to the judgment of those they serve every 2 years regarding whether or not they are, in fact, performing that job well. That is probably the ultimate test of how we perform.

Having said that, we do have, I think, a responsibility as an institution to deal with the protection of rights provided to our House employees. For that reason I wanted to take this opportunity to summarize some of the actions that have taken place this year based on concerns that have been raised about House employees and protections for those employees.

We have established this past year an adverse action procedure which provides due process to employees under the House officers who have been terminated or suspended or demoted and who believe that such actions have been taken in violation of House rules or the U.S. Constitution. This is the first time that such a procedure has been established for these employees. It provides for employee notification in the event that any of these actions occur, and, if requested, an on-the-record hearing with an officer or his designee is held followed by a written decision on the issue of whether the action has been taken in violation of House rules or the Constitution.

That decision can be appealed to a committee of final review made up of four Members of the House plus the three officers not involved in the matter. That decision is based on a record of the initial hearing and any written statements supplied by the employee or the House officer.

In addition, there have been concerns raised about the House folding room, and they have been legitimate concerns. Not only have we established the adverse action procedure, which is now available to employees in the folding room as well as employees of other House officers, but we have also approved 67 temporary employees to assist in folding room operation. Third, we have asked the Doorkeeper to conduct a study on the relocation of that operation to another facility to avoid some of the physical hazards and problems that we have with the present folding room operation.

Having said that, in recent weeks the focus has been on extending protections to employees not only under the House officers but to those associated with Members as well. I believe this is an issue which deserves close scrutiny. My subcommittee has held hearings on legislation which has been introduced in this area, and it is my hope that the House Administration Committee will examine the issue of how Congress can provide its employees the basic protections enjoyed by other workers and still comply with the constitutional mandate of separation of powers and the restrictions represented by the Constitution's speech and debate clause.

There are some thoughtful proposals that have been submitted by the gentlewoman from Colorado, Mrs. SCHROEDER, the gentlewoman from Illinois, Mrs. MARTIN, as well as the gentleman from Colorado, Mr. BROWN, and Senator LEAHY in the other body. All of these proposals are worth examining.

The key here is to ensure that we protect the rights of our employees, but we also preserve the constitutional principles which apply.

I again thank the gentleman from California for his cooperation and support in this legislation.

Mr. FAZIO. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Michigan [Mr. TRAXLER], a member of the subcommittee.

Mr. TRAXLER. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I would like to discuss with the chairman and ranking member an issue that has been on my mind but was just brought forcefully to my attention. Like many of my colleagues, I have a group of constituents who are visiting the Capitol today. They are elderly persons, they are senior citizens, about 78 of them. They are not as mobile as many of us are, perhaps, and the comforts that one would expect in a national monument and a working building such as this are sadly lacking for visitors.

I appreciate the fact that this is an historic monument as well as a working building and that there are severe space limitations as well as architectural constraints on what might be done to improve the lot of the millions of visitors who come to this Capitol each year to see both this historic building and their government in action, the Congress of the United States. It occurred to me as I came in the door and this bill was under consideration that it would be an appropriate time to ask my colleagues whether or not any thought has been given to providing some kind of adequate facilities for the millions of tourists and visitors, both domestic and foreign, who come here each day. I point out the need for restroom facilities, I point out the need for just simply rest seats, a place to sit down, and I point out the need for audiovisual space where they could have a film on the history of the Capitol, perhaps, or their Congress in action.

I recognize there are a lot of game players in this besides this committee, and the leadership on both sides would have to be consulted on any effort such as this. But, certainly, the needs of the American people ought to overcome any inaction or lack of momentum or indecision and lack of leadership on this question. This is a question that has been building up, but as the number of visitors increases it is going to be much more of a problem, and that was again forcefully brought to my attention today.

That, basically, is my statement and my question, and I would be most appreciative of any thoughts the gentlemen may have on this issue.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, may I say to the gentleman from Michigan [Mr. TRAXLER] we seriously considered such facilities as a part of the extension of the west front. The House summarily turned us down on that thought. But as we are working toward plans for reorganizing the east side of the Capitol, those plans do not include discussion of these kinds of facilities. How extensive they will be will depend very much upon a final plan that is adopted, but it is one of the considerations we are taking into account.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I would simply add I think the gentleman from California [Mr. LEWIS] and I both join with the gentleman from Michigan in his sensitivity to this lack of facilities to this need that we have on Capitol Hill, which is obviously a significant tourist attraction as well as a working building. The Capitol itself has millions of people who travel through it every year, and we really have not accommodated the needs of our tourists and visitors as we have at so many national parks and so many other tourist attractions all over the country.

So I would hope as we deal with the security needs of the Capitol, which is something which is imminent but not totally agreed to yet, that these concerns can be taken into consideration at the same time.

We not only ought to make sure people are not carrying weapons, but we ought to make sure they understand about the institution they are a part of and are given the opportunity to learn and understand its history so that they can participate in it more fully during the brief period they are with us.

Mr. TRAXLER. May I commend the two gentlemen for their statement. Surely I know that both gentlemen recognize the problem and I know if it were left to each of them they would find a solution. I would only encourage others who are a piece of the legislative pie and are part of the actors in it to be as sensitive to the need as these gentlemen have demonstrated over the years.

Mr. DE LA GARZA. Mr. Chairman, I rise in support of H.R. 4587, the legislative branch appropriations for fiscal year 1989.

The problems and issues that we as Members of the House of Representatives consider, discuss, and ultimately vote on are often complex and controversial. I, as an elected representative and as chairman of the Committee on Agriculture, want to make the right decisions for my constituents back in the 15th Congressional District of Texas, for American agriculture, and for our Nation. Unfortunately, I cannot do this alone.

Committee staff serve a vital role in helping us, the 435 men and women who have the honor of serving in the U.S. House of Representatives, to understand the issues and to make reasonable and hopefully coherent judgment about national policy. They are our extra set of eyes and ears, helping us gather and digest information. The support provided by adequate staffing of a congressional committee enables Members to effectively carry out the legislative branch's legislative and oversight responsibilities.

Mr. Chairman, to those who would propose making further cutbacks in committee appropriations, let me relate what has happened to the Committee on Agriculture, the committee which I have the honor of serving as chairman. Throughout much of its history the committee operated with very limited staff resources. But as the committee was assigned broader jurisdictional responsibilities and American agriculture itself became much more complex, increases in committee resources were required.

Nevertheless, in response to the overriding budgetary problems our Nation faces, the Agriculture Committee's staff size has been gradually reduced from a high of over 70 employees in the early 1980's to around 60 full-time employees today. I believe we have reached the point now where any further reductions would harm the ability of the committee to operate effectively for the American people. The Committee on Agriculture oversees the Nation's single biggest industry and largest employer, agriculture. Yet, the Committee on Agriculture is one of the smallest standing committees of the House.

Mr. Chairman, I assure you and my colleagues that as committee chairman, I will continue to diligently monitor and control committee costs. The appropriations level allotted to the Committee on Agriculture will continue to allow the committee's members to effectively respond to the problems and concerns of American agriculture.

Mr. JONES of North Carolina. Mr. Chairman, I rise to speak on behalf of H.R. 4587, the legislative branch appropriations for fiscal year 1989.

As chairman of the Committee on Merchant Marine and Fisheries, I have sought for the committee to accomplish its legislative and oversight goals in the manner expected of us by the House, but also in a fiscally prudent, nonextravagant way, trends since 1981, when I became chairman, show that authorizations and spending for our committee have effectively leveled off after accounting for increases in cost of living. During the 8 years of my chairmanship, the committee's average increase is less than 2.5 percent a year. I would certainly say that we are holding the line.

During the Gramm-Rudman days of 1986, our committee was hurt badly by the budget cuts. We were able to adjust, but only at great cost. We terminated 14 staffers; left unfilled other positions as they became open; eliminated all travel; had no pay increases for staff that survived; and some staffers had to accept unpaid furloughs or salary reductions. The 1986 sequestration signifcantly affected the ability of our committee to discharge its legitimate oversight and legislative responsibilities.

I place great emphasis on operating the committee on a bipartisan basis. Over the years, the ranking Republican members and I have successfully cooperated to make the committee function as a single, efficient unit. I take pride in saying that each budget proposal submitted from our committee has been worked out on a bipartisan basis and was supported fully by the Republican and Democratic leaders of the committee.

I urge Members to support H.R. 4587, and to vote "no" on any amendments that would cripple our ability to carry out our legislative and statutory responsibilities.

Mr. DREIER of California. Mr. Chairman, I rise today in opposition to H.R. 4587, the legislative branch appropriation bill for 1989. While the funding request is a reduction from the initial budget request and less than agreed upon in the dubious budget summit agreements last year, the bill still represents a $25.5 million increase over fiscal year 1988 figures.

The proposed 1.6-percent increase in the legislative branch appropriation is simply unjustified. In light of the diminishing public perception of the Congress during the past several years, I find it very difficult to believe that

Congress could not continue functioning at the same level of performance without the proposed increase in the legislative budget.

In addition to the increased fiscal demands, 67 new legislative positions would be created under H.R. 4587. A simple look at the incredible rate of growth in staff sizes over the past 15 years would illustrate the ludicrousness of this provision. Congress has been spending more and more money increasing its size and the scope of its operation, yet efficiency seems to be declining. Today, evidence abounds which indicates that Congress has evolved into a quasi-governmental oversight entity. Not only are we expanding the constitutional limits of congressional authority, but we are usurping the authority of both the executive and judiciary branches of the Federal Government. Should Congress pass the legislation, we would be prolonging and giving tacit approval for this truly alarming trend.

Mr. Chairman, let's take the lead in making do with less and let's take the lead in cutting back the oversized and overstaffed Federal Government apparatus. We can start by opposing H.R. 4587.

Mr. LEWIS of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FAZIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1989, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS, HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $505,500,000, as follows:

AMENDMENTS OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. HEFLEY:

On page 2, line 10, strike "$505,500,000" and insert in lieu thereof "$504,270,000";

On page 3, line 7, strike "$51,067,000" and insert in lieu thereof "$50,742,000"; and

On page 3, line 18, strike "$54,092,000" and insert in lieu thereof "$53,187,000".

The CHAIRMAN. Does the gentleman from Colorado request that the amendments be considered en bloc?

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, the amendments eliminate the net increase in investigative staff. It cuts $1.23 million from the bill, $325,000 from the committee employees' account and $955,000 from the standing committees' special and select category and the money intended for hiring 33 additional staff members, 9 for the Budget Committee, 24 net for other committees at an average of $38,000 per employee.

The committees are getting new staffs in this amount: The Armed Services Committee 8; Banking, Finance and Urban Affairs 6; District of Columbia 2; Foreign Affairs 2; House Administration 4; Post Office and Civil Service 1; Public Works and Transportation 7; Rules 6; Science, Space, and Technology 24; Small Business 5; and Veterans' Affairs 1.

I happen to serve on the Science, Space, and Technology Committee, and for the life of me I cannot imagine what in the world we would do with 24 additional staff members.

The congressional staff is bloated. As the gentleman from Colorado [Mr. BROWN] has already pointed out to us, we have 37,000 staff as of 1987. We talk a lot about the bloated Pentagon around here. The Pentagon I believe has around 25,000 staff members; we have 37,000. We are larger than the Department of State, Labor or of Housing and Urban Development.

The gentleman from Colorado [Mr. BROWN] also pointed out that the Canadian Parliament is the next most heavily staffed with 3,500 employees. The committee staffs since World War II has grown twelvefold. In 1972 we had 319 staff members for standing committees at a cost of $8.2 million. In this bill we have 941 staff members at a cost of $51 million, 3 times the staff at 6 times the cost.

The investigative staff also is bloated. In 1972 we had 673 staff at a cost of $11 million. In this bill we have 1,376 staff at a cost of $54 million, twice the staff at 5 times the cost.

This maybe would not be so bad if we saw our efficiency improving as a result of the additional staff. But budgets are still not produced on time. When they do come they contain enormous deficits. Continuing resolutions have become the rule rather than the exception around here, and appropriation bills must be protected because of authorizing legislation that is not passed.

So I think this is a reasonable amendment, I think it is a moderate approach. It is a no growth amendment to make us live where we are on this.

It is hard for us to say no to our constituents out there. Everybody comes to us and they tell us you have to balance the budget, but not on our backs. When the retired people come to us they say balance the budget, but please do not do it on Social Security because we have earned that. The farmers come to us and they say balance the budget, but do not do it with farming because we feed the Nation. The military comes to us and says you have to balance the budget, but please do not do it with defense because we protect you. The educators come to us and they say you must balance the budget, but do not do it with education because we educate your children and that is the future of America.

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So it is hard, I understand that, to say "no" to anyone out there. But we could say "no" to ourselves.

We could say "no" to our own budget here.

Last year in my first year in Congress I returned $120,000 of my office budget; I returned it back to the Government. A lot of people said "that is silly" to do because "that is just spent somewhere else anyway." My response to that was "Yes, it probably was silly to do except that is the only budget I really control. I can't control these other budgets."

I can have a say but I cannot control them. But I can control my own office budget. So for me that symbolically meant something, to give that $120,000 back.

We seemingly cannot control very well all the budgets of Government but the one budget that we really can control is our own congressional budget.

Mr. Chairman, I would ask that we would support this, what I consider to be a very reasonable amendment.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I think in the gentleman's amendment, which has been offered right at the beginning of the consideration of this bill today, we find the essence of much of the rhetoric we will hear today and that is that we should do it ourselves. I can honestly argue that Congress has effectively been willing to treat itself differently than the executive branch and the judicial branch of Government because, in fact, we do feel more responsibility to our constituents. Directly, we are accountable every 2 years. And because we have made it a practice in this institution to become increasingly self-critical for whatever political benefit may accrue and because there is on the part of some Members a truly legitimate fear that this institution is not tightly run.

I would like to put those fears to rest and simply say that through actions in this bill and by agencies of the legislative branch we have reduced overall employment this year by 53 jobs; only 67 essential jobs of the 216 new jobs requested have been allowed, while there has been a reduction in the job ceiling of 120 at the Government Printing Office.

But the gentleman is focusing on House of Representatives committee staff. I would like to place in context what we have been doing in order to discharge our constitutional role as one of the three coequal branches of government and how we more effectively serve to oversee and to some degree regulate the vast power of the executive branch and, to some lesser degree, the judiciary.

Over the past 10 years, the total number of legislative branch employees has actually dropped by 3 percent; at the same time employment in the executive branch increased by 9 percent while employment in the judicial branch rose by 61 percent. This is, I think, an important piece of data for all of us to focus on.

In 1977, there were 73 executive branch employees excluding the military—I want to make that clear, we know that growth has occurred there—for every employee of the legislative branch.

In 1987, there was 82, 9 more, for every 1 legislative branch employee.

So our staff is not growing in any rational context, not in real terms—we dropped 3 percent in the last decade—and certainly not in the context of the people whom we are elected to work with, whom we are elected to provide oversight for on behalf of the American people.

The number of employees on the House payroll increased by a modest 6 percent over the last decade and has not grown at all over the last 5 years. Over the same period, I might add, the number of staffers in the other body have increased 12 percent in the past decade and 2 percent over the last 5 years.

I really think at this point I could give up my time, but I am not certain how many Members on the other side have any intention of carrying on the debate. At this point I wonder if Mr. LEWIS has any others he intends to yield to.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the full 5 minutes and perhaps we will have some others I might be able to yield to during this time. I think the gentleman from Colorado's amendment is a very good one. It is a fiscally conservative amendment.

As I look at some of the staff people that are being added to some of these committees, and we have gone through them: Armed Services, 8 more; Banking, 6 more; Foreign Affairs, 3 more; House Administration, 4; Science and Technology, 24 new members of the investigative staff. We are not growing as a body. We are still going to have 435 Members next year and we have 435 Members of Congress this year.

Why do we need to increase the staffs to this degree, especially when the average cost is going to be $38,000 per staff member per year?

I think we are doing just fine. If the system is not broke, why do we have to fix it?

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. I thank the gentleman for yielding.

Mr. Chairman, I do not know how we can possibly quote the statistics that our staff has not grown and that we are doing these kinds of reductions and so forth. Every resource that I have even been able to dig out points out that we have had a very steady and a fast-increasing growth over the years in the staff of Congress.

Just this last Sunday way out in Colorado Springs the newspapers have big headlines entitled "Bloated Congress; Staff Costs Outstrip Pace of Business."

Mr. FAZIO, we are becoming the laughing stock of the Nation because we cannot get our budget under control.

I do not think we should say just because the Senate does it worse than we do that we are justified. I do not think we can do it just because the executive branch grows faster than we do, that it is justified.

This is something we can control. This is something that we could better use executive branch personnel for many of these slots. We have those resources here with our system of government.

It just seems ludicrous to me that we continue with this kind of spending in a section of the budget that there is not a constituency out there screaming for more money; it is simply our own. We can control it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I heard these numbers of staff that are being increased along the way. In addition to the question of numbers, I am wondering about apportionment of these staff people. Are we in fact going to get them apportioned in a way that if the gentleman's amendment does not pass that the minority is going to get its fair share of these people? Or is this a simple expansion of the majority's power in the House?

I do not know the answer to my question; I am asking.

Mr. UPTON. Let me just say this, I do not know if this is totally accurate, but it is something that I heard this morning coming in: You know—on the Banking Committee—I understand there are 90 investigative staff members on the Banking Committee overall. Only 19 are reserved for Republicans, only 19 out of 90.

Mr. WALKER. If the gentleman would yield further, I heard him mention 24 new staff people at the Committee on Science, Space, and Technology on which I serve, and I am not aware that we were moving toward hiring more minority staff people there. Can someone tell me what the distribution of those is going to be? I am due to become the ranking Republican member of that full committee next year. I would be interested in this figure. This sounds like a very fascinating piece of information that we are getting here.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I certainly hope that the gentleman will oppose this amenmdment in order to make sure that he gets his proper share of those 24 employees on the Committee on Science, Space, and Technology. I know this gentleman will work very effectively on behalf of the many causes he believes in. But I think it probably would be more appropriate for Mr. GAYDOS, who intends to seek his own time, to respond because this is really an issue that is decided in the Committee on House Administration's Subcommittee on Accounts, which is worked out, as you know, between the chairman and the ranking member in each instance.

Mr. UPTON. Let me make one other comment here. I note in a publication, Vital Statistics on Congress 1987 to 1988, on that page it lists the legislative branch appropriations since 1946 and puts it in constant dollars. The legislative appropriations in 1946 was $54 million. Of course, this bill is considerably higher than that. In 1986 it was $1.7 billion.

The increase that this thing shows, 2,859 percent increase since 1946 to 1986 whereas the Consumer Price Index has gone up 450 percent; quite an increase.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the question before the House is, Should we increase the investigative staff further? I think relevant to that argument is the question, Is our staff large enough now? Is it in desperate need of an increase?

I think the facts spoken by CQ are appropriate here.

The words are very simple: We are the most heavily staffed legislative branch in the world. We are the world's champions. We have the gold medal in terms of staff numbers.

We are not only the gold medal winner, but we have more than 10 times as many staff members as the silver medalists. Now, this is out of some 140 or more contenders in the world. Maybe there are additional ones. You know, there is real competition for this title.

So, in terms of the burning question of "do we need to increase our staff more?," I have not heard the case made to indicate we need more staff members. It is certainly not made on the basis of comparison to other legislative bodies.

Second, we ought to focus on the fact here that this only deals with an increase. The gentleman is not trying to cut staff members, as I understand it. He is only trying to eliminate the increase.

I would yield to the gentleman from Colorado to confirm that. As I understand it, his amendment does not cut staff in any way, is that correct?

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. BROWN of Colorado. All it does is eliminate the proposed increase.

Mr. HEFLEY. Eliminates the increase, yes.

Mr. BROWN of Colorado. I think that says a lot about what we are talking about here. There has been no case brought to the floor to indicate a need for new staff members.

Third, I think it is appropriate to note that we now have in Congress, as of this year, a little over 37,000 staff members for the legislative branch. A comparison would be the entire staff of the Pentagon which now stands somewhere above 25,000. In other words, Congress has a staff that is a legion bigger than the Pentagon. I do not know if we are planning to invade anyone, but the fact is we probably could do a pretty good job of it. Our staff is more than 12,000 bigger than the entire staff of the Pentagon.

Now the gentlemen from the committee are suggesting a further increase.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I suggest to the gentleman some would say that we have been invading the taxpayers' pockets for years.

Mr. BROWN of Colorado. I think the gentleman's point is well made. The taxpayers waved the white flag a long time ago but the IRS was unwilling to honor it.

I do not want to belabor the point. The simple fact is to suggest we ought to increase our staff is ludicrous and everybody in this Chamber knows it. The fact that we bring a further increase to the floor says more about our sense of humor than it does our sense of responsibility.

But we cannot look the American people in the eye and say, with a staff 10 times as big as the silver medalist in world competition, that we need more increases.

I would hope that the gentleman from Colorado would be willing to ask for a recorded vote, because I think the voters of this Nation are going to be interested in who is going to fight for a further increase.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. I thank the gentleman for yielding.

Mr. Chairman, I think that is a wonderful suggestion. Maybe we should have a recorded vote on this and I will do that.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, if the gentleman would offer that recorded vote maybe we could complete the debate at this point.

□ 1120

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I will take just a moment.

I think that the gentleman from Colorado [Mr. BROWN] really hit on the crux of this. Do we need these people? There has not been an argument made here today that points out why we need these additional people.

There is a passage in the Bible that talks about a farmer having great harvest. So he says, "Let's tear down our barns so we can build new barns, so we can store this great harvest."

That seems to be what we are doing in this Congress. We say, let us tear down our buildings so we can accommodate more people, so we can store more staff members in them.

I know that there is talk about getting the Library of Congress to give the House of Representatives the Madison Library as a new House office building.

When is this going to stop? How far is this going to go?

Mr. LEWIS of California. Mr. Chairman, I was going to say in my opening remarks, as I indicated to the House, that questions of personnel at the committee level are authorized within the House Administration Committee, and from that point in time our subcommittee merely serves as a vehicle for appropriations. We do not take testimony or make judgments regarding the size of those staffs.

Having said that, I must tell my colleagues that this gentleman for many years now has felt that growth patterns among investigative staffs are absolutely unacceptable. Committees that have as many as 70 investigative staff members may have less responsibility than another committee that has 20 staff members.

It is long overdue that we adjust those numbers among the investigative staffs.

I would say to the Members, thereby concluding my remarks, that I support the acceptance of this rather modest amendment, and I think that perhaps the gentleman might very well have gone further.

Mr. GAYDOS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have great sympathy for the maker of the amendment. I think authentically he feels that he is doing the right thing. But as the chairman of the Subcommittee on Accounts, I would like to spread something on the record to be considered by my colleagues.

We in the Subcommittee on Accounts over the last 4 or 5 years came up with a bipartisan recommendation in the omnibus primary expense resolution which comes before this body for approval or for defeat. We have done this repeatedly.

In fact, the statistics are very clear. Since 1980 we have averaged less than 2 percent per year as an increase in this account. This amendment would very mischievously put limitations on the statutory investigative committee staff members. I am here to plead the case because I hear the requests of the chairman. In the Accounts Subcommittee we handle all Standing Committee requests, all of the Select Committee requests, the Appropriation and Budget are excluded, and we have HIS, House Information Systems. That is before our committee.

I just want to make the very practical observation that this amendment, if adopted, would probably deny any kind of increase in salary for those individuals in the statutory investigative category.

I also want to state this: I am very proud of the record that we had last year. Last year we had an increase of 2.4 percent, less than a 2½-percent increase, and all the statutory committees did give increases to their staff members.

When we have come on the floor here, particularly in the last 4 or 5 years, it has always been in a bipartisan manner, and the votes will show that. We have been carrying this omnibus expense resolution repeatedly year after year with less than 67 or 69 Republicans voting for this resolution.

So I say to the maker of the amendment again that this is not the place for this amendment. It comes before the House. We have this unique procedure because the Accounts Subcommittee then authorizes it backwards. We have a certain limitation. We can go over it. Yet we hear from all the committees. The minority is sitting right next to the majority member, and in most instances, with very few exceptions, there is complete agreement. So I do not think there is any extraordinary amount in here. I want to commend the committee for what they have done. I think at this point I could say the proposal before us today submitted by the subcommittee chairman, the gentleman from California [Mr. Fazio], and the subcommittee shows they have made very hard choices in setting these figures out. They have labored intensely to come up with this finished product. Maybe it does not satisfy both sides, but I think basically and fundamentally it is fair.

However, in their judgment—and I did not sit in on those committee meetings—they represent what is necessary to get the job done, and I can say on an arm's-length, first-hand basis that this is at least a minimum amount, and if we disturb this amount in there, along with the safeguards I very specifically pointed out, I think you are doing a disservice to this body and a disservice overall to what we have to consider in the Subcommittee on Accounts.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to my friend, the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I would ask the gentleman, if this is not the time to deal with this matter, when is the time to deal with it? I ask that because the authorization bill comes before us with a closed rule ordinarily. So here is an opportunity to deal with the issue. It seems like there is never a right time to deal with it.

Mr. GAYDOS. Mr. Chairman, let me respond to my colleague. We had this on the floor of the House—and my colleague, the gentleman from Pennsylvania, Mr. Walker, knows this—and we had an innate reform. We had a complete consideration of all these problems 7 or 8 years ago. That is properly where we should reconsider this structure. But at this time, under these circumstances, with the investigatory committees and the responsibilities being what they are and with the workload being what it is, this is not the time to go into reform. That is not the way to do it.

If the gentleman thinks there are more employees in the House and we should have the number curtailed, we can take a look at the statutory authorization for the minority and the amount for the majority and the percentages and how they are being used. That should belong to the committee, and it should be considered at another time and another place, not here where very sensitive financial questions are at stake.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank my colleague for yielding.

First, I would point out to my colleague, the gentleman from Colorado, that 7 or 8 years ago he would have been in the Colorado Legislature, so I understand his frustration. He did not get a chance to deal with some of these matters. We are wondering why we could not bring an authorization here under an open rule or under some kind of a process that would allow us to deal with some of these issues.

I want to go back to an issue I raised a couple of minutes ago about how these increases are split between the minority and majority, because my good friend, the chairman of the Science, Space, and Technology Committee, came here to the floor a minute ago and was somewhat surprised, as I was somewhat surprised, to hear the numbers on the Science, Space, and Technology Committee.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. Gaydos] has expired.

(On request of Mr. Walker, and by unanimous consent, Mr. Gaydos was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman continue to yield?

Mr. GAYDOS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, as I was saying, he expressed somewhat of a surprise, as I did, about these numbers. Then when the gentleman said these are absolutely necessary numbers, we do not know where that number of 24 for the Science, Space, and Technology Committee came from. Now, if that is an absolutely necessary number, we would surely like to know where it developed and I surely would be interested in what the division of that is between the majority and the minority.

Could the gentleman fill me in on that?

Mr. GAYDOS. Mr. Chairman, I would have to yield to the chairman of the subcommittee for that, but let me respond to my friend first, if I may.

Mr. WALKER. Mr. Chairman, if the gentleman would yield, let me point out that the subcommittee chairman referred me to the gentleman. The gentleman from California [Mr. Fazio] referred me to the gentleman from Pennsylvania and said it was the Committee on House Administration from which they got those figures.

Mr. GAYDOS. That is correct.

Mr. WALKER. All right.

Mr. GAYDOS. That was an unusual process in this House. There are needs, and there are justifications for additional personnel.

Let me give the gentleman an example. We have made available—and this was not in the figures originally—$750 million for the Judiciary Committee. Why? An emergency occurred. They are carrying on right now two impeachments. It is a primary constitutional duty. That is how these things work.

As far as the additional employees are concerned, that particular committee may have some inherent need for additional staff to carry out the work they are undertaking. That is how the committee system works.

Let me suggest to my good friend and colleague, the gentleman from Pennsylvania, that we can always recommit the omnibus resolution. We can always do that. By the will of the House, we can do that.

Second, I want to emphasize the fact that every one of the resolutions we brought on the floor was done in a bipartisan fashion and received unanimous support coming out of the committee. So that problem will be resolved in the committee.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. GAYDOS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I do not think anybody is doubting that. I know that the committee works very closely with members like the gentleman from Minnesota [Mr. Frenzel] and other members of the committee, and the gentleman is right, they do handle those things in a bipartisan manner.

But I must admit that there is some confusion here over this business of where these large numbers are coming from. I still am somewhat concerned about what we mean in terms of the relative priorities.

The gentleman is absolutely correct, if the committee has an emergency situation and needs to expand its staff, we need to consider that, but I will tell the gentleman that there is some concern on our side that very often what happens is that the majority gets its increases and the minority that has to also deal with the matter gets practically nothing. So, therefore, we are left with more staff people on the other side, and we are trying to have our handful of people competing with them. What I am trying to determine is whether or not these increases that are talked about here are balanced between the majority and the minority.

Mr. Chairman, can the gentleman give me that assurance?

Mr. GAYDOS. Mr. Chairman, we have repeatedly done that. When the minority appears with the majority, on their request, substantiating their budget, we have repeatedly asked that question.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GAYDOS] has again expired.

(By unanimous consent Mr. GAYDOS was allowed to proceed for 2 additional minutes.)

□ 1130

Mr. GAYDOS. All right; I will yield to the chairman in 1 second, but we have repeatedly asked the minority representative, and in 9 out of 10 cases there has been a resolution of any difficulty, I can say that.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ANNUNZIO], the full committee chairman who has handled the accounts for many, many years.

Mr. ANNUNZIO. Mr. Chairman, I thank the chairman of the subcommittee.

Mr. Chairman, I do not know how much I can contribute, but I will try to answer the question this way:

As far as standing committees are concerned, the statutory allotment for committee staff, as my colleagues know, that is divided one-third. The minority staff gets one-third of that money automatically. That is how it is done.

Now, as far as the others are concerned, that is an agreement that is reached. We do not have any control over that. That is an agreement of the chairman of the full committee and the ranking minority member. When they came before our committee, we asked the ranking minority member, "Are you happy with the division of the staff on your committee," and he answers, "Yes."

Now it is necessary to be at these meetings. There have been instances where that has not been true, but on the other hand what we have done is we have encouraged, we have encouraged the ranking majority member of that committee and the ranking minority member to get together on staff and to come back.

So, that is not the responsibility of the committee. Our responsibility is to in depth try to make an investigation of the moneys that they are asking and that that money be spent accordingly.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to take 1 minute here to try to explain what some of us regard as the problem. I appreciate what the gentleman has told me. I have a hard time believing, for example, that, if the Energy and Commerce Committee, where the staff ratios are overwhelmingly against the minority, that the minority member of that committee comes in, and it was that the staffing arrangements there are perfectly all right with him.

And I think that there are several other instances around here where I know the minority members are very, very concerned about the extent to which the staffing is weighted against the minority in the body.

But let me say to the gentleman that the problem here is that the gentleman from Colorado is dealing with investigative staff, not with statutory staff. The gentleman is absolutely correct; in statutory staff we are given one-third of the members.

Now in some cases we understand that there may be a problem on that, but nevertheless the rules of the House do provide that, and so there are just some people who evidently operate outside the rules.

Now we are dealing with investigative staff. Now on investigative staff the minority is traditionally overwhelmed. There is no such provision on investigative staff, and investigative staff goes overwhelmingly to the majority side. It means that that investigative staff, when blended with the statutory staff, gives overwhelming odds on every one of the committees of this body to the majority.

Now you control the place, and we understand that. The question is whether or not it is fair. And many of us contend that that is not particularly fair.

What the gentleman from Colorado, as I understand it, is attempting to do is simply say that we ought not be increasing that investigative staff even more. All this gentleman is attempting to do, as a part of that, is to find out whether or not there was any attempt whatsoever, if we do not approve the gentleman from Colorado's amendment, to balance majority and minority interests.

Mr. Chairman, I still have not gotten a straight answer to that question. I gather, because I have not gotten a straight answer, that most of this investigative staff is probably going to the majority and that the minority is going to get practically nothing.

It seems to me then that that is a signal to virtually every minority Member in this body that they had better vote for the gentleman from Colorado's amendment because this is one more attempt.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I am glad to yield to the gentleman from New Jersey [Mr. ROE] who I think has some confusion.

Mr. ROE. Mr. Chairman, I do not know where that figure comes from, but I just checked with our committee. We had 77 people in 1987. We had 74 people in 1988. And the committee gave us $30,000 for the increase in 1989. We have less people in 1989 than we had in 1988 and in 1987. So something is wrong with that figure. That figure is at variance, and it is not correct.

Will the gentleman continue to yield?

Mr. WALKER. I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, let me remind the people around here that we happen to handle all of the space program, all of the domestic research in the Nation plus a plethora of all of the energy programs in this country, and so forth and so on. I made a very strong pitch with the gentleman from New Mexico, Mr. MANUEL LUJAN, that we do not have an adequate number of people to be able to run this committee and run it properly. We cannot even do the investigate oversight we should be doing simply because of lack of personnel.

Now anybody who comes up and takes the point of view that the staffs are overpaid and they are over, as my colleagues know, on the numbers, is totally—and I do not want to say that word because it would be too strong, and it would certainly be out of order with the facts is what it amounts to, and I would hope that the gentleman would come over and sit with our committee and other committees around this House to talk about what we can do to save the taxpayers money. And we can save them money if we have adequate people and trained technical people able to do it. Time and time again we have uncovered on the NASA program and program after program where, if we had additional people in the investigation, we would be able to save hundreds and millions of dollars for the taxpayer.

Mr. Chairman, we just do not have adequate personnel, and that is a matter of fact.

Mr. WALKER. Mr. Chairman, I thank the gentleman for making his point, and let me say to the gentleman that I will be happy to yield in just a moment, but I just want to clarify where we are here at the moment, however.

Mr. Chairman, is the gentleman saying that there are not 24 additional members that the Science, Space and Technology Committee is going to get?

Mr. ROE. Mr. Chairman, we will take them. We would love to have them.

Mr. WALKER. OK, the gentleman from New Jersey, Mr. ROE, would love to have them.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Just a matter of record, just a matter of record, and I have been the recipient of all the barbs.

We cut from this committee one-half million dollars, and they had justified the request. We did not have it. All they received last year was a 2.6-percent increase which took care of some cost of living. That is about it, and the employees, that figure of 24 employees is a fallacious number.

Mr. WALKER. Mr. Chairman, I am trying to work ourselves through a maze here. If the 24 staff people that were in the proposal for the Committee on Science, Space, and Technology do not in fact exist, then that was a large number of the total that was on the sheet. It seems to me that that in fact argues again for the gentleman from Colorado's amendment. I think that was nearly half the employees; wasn't it, that is in that 24?

Mr. HEFLEY. Yes, it was.

Mr. WALKER. So where is that money going? If we have an appropriation here for 24 staff members that do not exist, where is that money going?

Can somebody answer that question for me? If we know that there are 24 staff members that we are allocating money for that now do not exist according to the chairman of the Committee on Science, Space, and Technology, where is that money going?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, the funds are allocated by the funding resolution that is reported to the House by the House Administration Committee and its Accounts Subcommittee. They make the decisions as to how these funds and positions are allocated. We have simply provided in this account what is required to give the general 2-percent comparability increase that was provided this past January, although that is up to each chairman. We provided a slight increase for merit increases, and then we provided the additional funds that we were asked to provide by the House Accounts Subcommittee in order to compensate for the additional people who would be available to the whole panoply of committees based on their judgments.

Mr. GAYDOS. Mr. Chairman, will my colleague from Pennsylvania yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Chairman, a further explanation:

I had mentioned very hurriedly the Judiciary Committee and what their additional expenses were. We had up in the Committee of Standards an extraordinary amount of cases, and there will probably be other cases, so these are all expense that are variables, and that is where the possibility of those positions would be. Remember by the time this thing materializes next year, by February, by March, we will be bringing the omnibus resolution on the floor. We will then have solid numbers at that time of what we need, and each committee has to justify their requested budgets.

So, Mr. Chairman, I do not think the concern of the gentleman is well-founded at this time. I say that with all sincere feeling.

Mr. WALKER. Mr. Chairman, if the gentleman will allow me to reclaim my time, the gentleman from New Jersey, the chairman of the Committee on Science, Space, and Technology, has just shown me a sheet that indicates we got bad numbers out here. The numbers of staff people that were listed for the Committee on Science, Space, and Technology was in fact underestimated, the gentleman shows me here, so in fact we are dealing out here with bad numbers.

Now, if we are dealing with bad numbers, then the question becomes whether or not the numbers in terms of the money are also bad numbers. And I have got real concerns on that.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, the bad numbers are not coming from here.

Just a minute. Is the gentleman going to yield to me?

Mr. WALKER. Yes, I yield to the gentleman from New Jersey.

Mr. ROE. The figure they had listed for us for our committee in 1987 was 50. That number is incorrect historically.

Mr. WALKER. Mr. Chairman, I understand.

Mr. ROE. But the figure for 1988 is correct with 74 people, so, therefore, we had 77 people in 1988 and 74, so that figure is correct.

□ 1140

Then we have 75 people now. Whoever made this chart up, whoever is arguing this point, had the number 50 in the wrong place.

Mr. WALKER. Let me say to the gentleman, that is not a chart that was made up by the gentleman from Colorado. The gentleman is operating on the premise of figures that were given to him, as I understand it, from the Appropriations Committee that came out of the finance office. That is what I am trying. Evidently we have an appropriation that is based on numbers that came out of the Appropriations Committee, which are wrong numbers.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. The number will be verified when the various committees come before us in February. We will look at the numbers. If they are justified and we have the funds, they will receive it. If they do not, they do not receive it. I do not see why the great concern.

Mr. WALKER. But in the meantime we have spent the money here. In the meantime, we are talking about spending the money here.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Colorado.

Mr. HEFLEY. Well, Mr. Chairman, I think my point has been made. Not only does no one stand up and justify the need for these staff people, we do not even know where these staff people are. We were operating from what we thought was a good list.

One number we do know is correct, that is an increase of $1.23 million. We know that is a correct number, and that is the additional amount of money that will be spent on additional investigating staff, wherever they are, for whatever purpose they are, we do not know, and that is what I am asking, that we strike that amount.

Mr. WALKER. We also do not know whether there is any allocation between majority and minority that is fair as the result of it.

Mr. BROOKS. Mr. Chairman, I rise in strong support of H.R. 4587, the legislative branch appropriations bill for fiscal year 1989. The Committee on Appropriations, under the leadership of the subcommittee chairman, the gentleman from California [Mr. FAZIO], and the distinguished chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN], has brought to the floor a lean and prudent appropriation that will fund legislative branch activities at a reasonable level.

Mr. Chairman, H.R. 4587 appropriates funds for the legislative branch at a level that is only 1.6 percent above that for fiscal year 1988. The amount allocated for the House and for items shared jointly with the Senate actually shows a decrease of over $5 million from the previous fiscal year. This bill represents a good faith effort on the part of our branch of Government to show our commitment to real deficit reduction and adherence to the guidelines of the 1987 budget summit agreement.

Mr. Chairman, it is important that our branch of the Government ensure that sufficient resources are provided so that we can carry out our constitutional responsibilities vigorously and thoroughly. We need to appropriate money for our operations prudently and responsibly—but at the same time, we must not be buffaloed into stripping ourselves of the tools we need to do our job. H.R. 4587 strikes a balance between these two goals, and I urge its adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 234, not voting 25, as follows:

[Roll No. 140]

AYES—172

Andrews
Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Carper
Chandler
Cheney
Coats
Coble
Coleman (MO)
Combest
Conte
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
DioGuardi
Dorgan (ND)
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Jacobs
Johnson (CT)
Johnson (SD)
Kasich
Kemp
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lukens, Donald
Lungren
Martin (IL)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Murphy
Myers
Nichols
Nielson
Owens (UT)
Oxley
Packard
Pashayan
Patterson
Penny
Petri
Porter
Pursell
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Skaggs
Skeen
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Stallings
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Thomas (CA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Young (FL)

NOES—234

Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Jeffords
Jenkins
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Parris
Pease
Pelosi
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Sisisky
Skelton
Slaughter (NY)
Smith (FL)
Smith (NJ)
Solarz
Solomon
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Swift
Synar
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Valentine
Vento
Visclosky
Walgren
Watkins
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NOT VOTING—25

Akaka
Biaggi
Boulter
Broomfield
Carr
Duncan
Hansen
Hawkins
Ireland
Jones (TN)
Lightfoot
Lujan
Mack
Matsui
Mica
Moody
Mrazek
Pickett
Savage
Smith (IA)
Spence
Stratton
Towns
Udall
Weiss

□ 1201

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Moody against.

Mr. Hansen for, with Mr. Akaka against.

Messrs. PARRIS, CHAPPELL, CLINGER, ROSE, EVANS, DURBIN, and ECKART changed their votes from "aye" to "no."

Messrs. MILLER of Washington, LEACH of Iowa, SHAYS, SKAGGS and DAVIS of Michigan changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BROWN of California). The Clerk will read.

The Clerk read as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $4,024,000, including: Office of the Speaker, $902,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $828,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $926,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $733,000, including $5,000 for official expenses of the Majority Whip and not to exceed $162,950, for the Chief Deputy Majority Whip; Office of the Minority Whip, $635,000, including $5,000 for official expenses of the Minority Whip and not to exceed $80,740, for the Chief Deputy Minority Whip.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: On page 2, line 13, strike "$4,024,000" and insert "$3,724,000".

On page 2, line 13, strike "$902,000" and insert "$842,000".

On page 2, line 15, strike "$828,000" and insert "$768,000".

On page 2, line 17, strike "$926,000" and insert "$866,000".

On page 2, line 19, strike "$733,000" and insert $673,000".

On page 2, line 22, strike "$635,000" and insert "$575,000".

Mr. BROWN of Colorado. Mr. Chairman, this is a very simple amendment and I will try to proceed through it quickly so that the body can proceed. Basically the proposal for the House leadership is to increase those offices in three ways.

First, a cost-of-living increase of which this Member has no objection.

Second, a staff salary increase of which I have concerns about but I do not raise at this point.

Third, an additional staff member at $60,000 each in five offices.

The bill before this House calls for a 16½-percent increase in leadership office budgets. The amendment that I present would permit a 7.7-percent increase. Some of my colleagues might say that allowing a 7.7-percent increase is too much. Frankly I agree with that sentiment, but this body is not attuned to making significant changes in the committee work product.

So what is offered is a very simple amendment. It suggests that we ought to adopt a leadership budget that is similar to their original proposal. This amendment is the same as the original request for funding for the leadership offices was presented. It permits a 7.7-percent increase.

Mr. Chairman, if we do not adopt this amendment we will have a 16.5-percent increase in the leadership office budgets. I think it would set a dreadful example not only for this House but for the budgets that will follow. If we are to make a significant effort to bring the deficit into line, it has to start with us. To say that our leadership will have an increase that is 10 times higher than the legislative budget is a disgrace. It is a disgrace to this body, and it is a disgrace to the American people. It is a clear signal that we are not serious about handling our budget deficits.

Mr. Chairman, the bottom line is we should not have an enormous increase in the leadership budgets. This amendment does allow a 7.7-percent increase.

Mr. Chairman, I urge adoption of the amendment.

Mr. FAZIO. Mr. Chairman, I move to strike the last word and I rise in opposition to this amendment.

First I want to point out to everyone who may have the opportunity to hear this brief debate, and it will be brief, that the increases that the gentleman from Colorado [Mr. BROWN] is talking about have been applied in a bipartisan manner. The majority and minority whip, the majority and minority leader, and the Speaker, all leadership accounts have been treated equally in this bill. I think that is a fundamentally important point to make. This is not something that advantages one party or the other.

We have three new leaders on the majority side, and due to the gentleman from Mississippi's [Mr. LOTT] decision to run for the other side, we will have a new leader on the Republican side in the next Congress. We believe it is important for these people to have the flexibility to make the kind of basic decisions about how they should be staffed in a manner that is consistent with the kind of leadership that we anticipate they will be providing and that they have already provided in this first year of their tenure.

This is not an expensive part of the bill. I think it is important to point out that we have a very modest increase, 1.6 percent in the total bill, which is far more modest than the executive branch, the White House, the Office of the President, or other comparable entities. The positions are filed by highly qualified people, and to attract and maintain them we have to pay them a wage that in this city, sad to say, is not the large or an exorbitant amount. That it may look because of the very high cost of living, and the attractiveness of competing salaries elsewhere. Mr. Chairman, $60,000 may sound to many like a huge increase but all of us on this floor know that in the context of Washington, DC, that is a rather small amount of money for additional staff with training in law or other professional backgrounds that obviously our leaders would seek or for their other official expenses. I do not think there is much more that should be said on this amendment. I believe it is one that should be defeated so that we can provide the kind of strength and staffing that our leaders on both sides of the aisle deserve.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when I looked over this report of the subcommittee, I had intended originally to make a number of amendments. I have condensed all my amendments into one because the bill has had plenty of debate. We will have worked the subject over sufficiently by the time we come to a final vote.

First of all, I ought to say that the subcommittee has done an extraordinarily good job to limit its overall increase to 1.6 percent. We all ought to be grateful, and I am, for the difficult decisions that were made in the subcommittee.

On the other hand, if one looks at the matter raised by the gentleman from Colorado [Mr. BROWN], one cannot help but raise one's eyebrows.

Mr. Chairman, we are trying to be frugal. We are trying to confine ourselves to the strictures of the summit agreement. And yet our leaders are being given something like a 16-percent increase in their staff allowances which amount to an item of $600,000. That is a substantial increase in wages to those who are working and substantial number of increased positions being created.

□ 1210

I do not think that is the kind of leadership example that ought to be shown in this body. We have here a budget that is holding all of the congressional increases to 1.6 percent, and our leaders are taking 10 times that amount in increases for their own staffs.

I think the gentleman from Colorado [Mr. BROWN] makes a splendid point. He does not cut this amount as much as I would have cut in the amendment that I was earlier contemplating. Nevertheless, he takes a little of the sting off of the huge increase that would otherwise be granted.

I believe that our leadership would feel more comfortable if it were not so far in the lead in showing us how to spend more money than we have previously spent.

I believe the distinguished gentleman from Colorado [Mr. BROWN] is showing our leaders and the subcommittee how to lead, and I believe the whole body would be relieved if his amendment were accepted. I urge that it be accepted.

The CHAIRMAN pro tempore. (Mr. BROWN of California). The question is on the amendment offered by the gentleman from Colorado [Mr. BROWN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of Colorado. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 225, not voting 31, as follows:

[Roll No. 141]

AYES—175

Applegate
Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Carper
Chandler
Chapman
Clinger
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dreier
Early
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Huckaby
Hunter
Hutto
Inhofe
Jacobs
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Livingston
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Nichols
Nielson
Olin
Oxley
Packard
Patterson
Penny
Petri
Porter
Price
Pursell
Ravenel
Ray
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Skaggs
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weldon
Whittaker
Wolf
Wortley
Wylie
Yatron
Young (FL)

NOES—225

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Atkins
AuCoin
Barnard
Bates
Beilenson
Berman
Bevill
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron

Campbell
Cardin
Chappell
Cheney
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefner

Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Hyde
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Michel
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey

Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Pease
Pelosi
Perkins
Pickle
Quillen
Rahall
Rangel
Regula
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Sisisky
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NOT VOTING—31

Akaka
Aspin
Biaggi
Bilbray
Bosco
Boulter
Broomfield
Carr
Duncan
Ford (TN)
Hansen

Hawkins
Houghton
Ireland
Jones (TN)
Kemp
Lightfoot
Lujan
Mack
Matsui
Mica
Moody

Pepper
Pickett
Smith (IA)
Spence
Stratton
Towns
Udall
Weber
Weiss

□ 1230

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Pepper against.

Mr. Hansen for, with Mr. Akaka against.

Mr. NELSON of Florida changed his vote from "aye" to "no."

Mr. DAVIS of Illinois changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. Hayes of Louisiana). The Clerk will read.

Mr. FAZIO. Mr. Chairman, I ask unanimous consent that the remainder of the bill, except for lines 10 and 11 on page 34, be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. GINGRICH. Mr. Chairman, reserving the right to object, I would like to clarify this because I am not sure what the gentleman just asked to be able to do.

Mr. FAZIO. Mr. Chairman, if the gentleman will yield, we are simply opening the bill up to amendment at any point, except the very end of the bill, because we realize, for example, the gentleman from Pennsylvania [Mr. Walker], will be offering an amendment at that point.

Mr. GINGRICH. So if I may continue my reservation of objection for a moment, Mr. Chairman, if I wanted to offer an amendment that affected sending postal patron mail, that amendment would be in order under the gentleman's request, and that part of the bill would be open?

Mr. FAZIO. Certainly; that would apply to any amendment.

Mr. GINGRICH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The remainder of the text of H.R. 4587 through line 9, page 34, as follows:

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $178,828,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $51,067,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $336,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $54,092,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $177,163,000, including: Official Expenses of Members, $82,068,000; supplies, materials, administrative costs and Federal tort claims, $21,193,000; furniture and furnishings, $1,265,000; stenographic reporting of committee hearings, $800,000; reemployed annuitants reimbursements, $1,380,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $69,835,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $622,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this heading may be transferred among the various categories of allowances and expenses under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,429,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $35,561,000, including: Office of the Clerk, $15,905,000; Office of the Sergeant at Arms, $951,000; Office of the Doorkeeper, including overtime, as authorized by law, $7,525,000; Office of the Postmaster, $2,610,000, including $49,570 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $17,101 per annum each; Office of the Chaplain, $78,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $746,000; for salaries and expenses of the Office for the Bicentennial of the House of Representatives, $261,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $954,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $3,222,000; six minority employees, $521,000; the House Democratic Steering Committee and Caucus, $803,000; the House Republican Conference, $803,000; and other authorized employees, $1,182,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this heading may be transferred among the various offices and activities under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

Sec. 101. Of the amounts appropriated for fiscal year 1989 for salaries and expenses of the House of Representatives, such amounts as may be necessary may be transferred among the headings "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "CONTINGENT EXPENSES OF THE HOUSE (STANDING COMMITTEES, SPECIAL AND SELECT)", "CONTINGENT EXPENSES OF THE HOUSE (ALLOWANCES AND EXPENSES)", and "SALARIES, OFFICERS AND EMPLOYEES", upon approval of the Committee on Appropriations of the House of Representatives.

Sec. 102. Effective for fiscal years beginning with fiscal year 1989, the additional amount appropriated as a joint item for the Capitol Police Board in chapter IX of title I of the Urgent Supplemental Appropriations Act, 1986, shall be transferred from the Clerk of the House to the Architect of the Capitol and disbursed by the Architect of the Capitol, subject to the review, approval, and other procedures specified with respect to such appropriation.

SEC. 103. Effective for fiscal years beginning with fiscal year 1989, the annual rate of pay for the positions established by section 103(a) of the Legislative Branch Appropriations Act, 1986, and the positions established by section 102(a) of the Legislative Branch Appropriations Act, 1988, shall not exceed the annual rate of pay payable from time to time for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

JOINT ITEMS

For joint committees, as follows:

Contingent Expenses of the Senate

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,330,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,143,000.

Contingent Expenses of the House

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $4,346,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not to exceed twelve assistants on the basis heretofore provided for such assistance; and (5) $998,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,414,000, to be disbursed by the Clerk of the House.

Capitol Police Board

Capitol Police

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $25,673,000, to be disbursed by the Architect of the Capitol.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $1,887,000, to be disbursed by the Architect of the Capitol: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1989 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

Official Mail Costs

For expenses necessary for official mail costs, $58,926,000, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act: *Provided*, That funds appropriated for such purpose for the fiscal year ending September 30, 1988, shall remain available until expended.

Capitol Guide Service

For salaries and expenses of the Capitol Guide Service, $1,220,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the One-Hundredth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $20,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $3,500 from the Trust Fund), and rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww and 42 U.S.C. 1395w-1, $17,505,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $18,361,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $6,532,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

Contingent Expenses

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, which shall remain available until expended.

Capitol Buildings and Grounds

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $445,000; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $15,471,000, of which $1,100,000 shall remain available until expended: *Provided*, That of the funds to remain available until expended, $500,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $3,771,000, of which $160,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $28,895,000, of which $4,453,000 shall remain available until expended: *Provided,* That upon enactment of this Act, the pay for the position of Superintendent of Garages shall be equivalent to the pay payable for positions at step 1 of level 12 of the House Employees Schedule, subject to the further increases authorized under 5 U.S.C. 5307(a)(1)(B) relating to the implementation of salary comparability policy.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $24,785,000: *Provided,* That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1989: *Provided further,* That appropriations under this head shall hereafter be available for maintenance, alterations, personal and other services, and for all other necessary expenses of the Government owned property, buildings and facilities located in Lot 803, Square 695, formerly known as the General Services Administration Coal Yard at 42 I Street, S.E., in the District of Columbia.

ADMINISTRATIVE PROVISIONS

SEC. 104. Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.

SEC. 105. The Architect of the Capitol, under the direction of the Joint Committee on the Library, is authorized to accept donations to restore and display the Statue of Freedom model.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $44,684,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further,* That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $72,000,000: *Provided,* That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That, to the extent that funds remain from the unexpended balance of fiscal year 1984 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1989".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,521,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including the Speaker's Civic Achievement Awards Program, development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $152,647,000, of which not more than $5,000,000 shall be derived from collections credited to this appropriation during fiscal year 1989 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $5,000,000: *Provided further,* That, of the total amount appropriated, $5,784,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That the balance remaining from the $11,500,000 appropriation in Public Law 98-396, dated August 22, 1984, shall be used to purchase equipment, supplies and services as needed to deacidify books and other materials from the collections of the Library of Congress.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $19,697,000, of which not more than $7,000,000 shall be derived from collections credited to this appropriation during fiscal year 1989 under 17 U.S.C. 708(c), and not more than $1,034,000 shall be derived from collections during fiscal year 1989 under 17 U.S.C. 111(d)(3) and 116(c)(1): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $8,034,000: *Provided further,* That $100,000 of the amount appropriated is available for the creation and maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $36,474,000.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $3,381,000, of which $1,000,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $128,790, of which $41,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right not to be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $7,500,000, of which $500,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $633,000, of which $510,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $117,000); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying publications to the Depository Library and Inter-national Exchange Programs, $25,155,000, of which $11,424,000 representing excess receipts from the sale of publications shall be derived from the Government Printing Office revolving fund: *Provided*, That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 1512), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18: *Provided further*, That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45-D, 45-E, 45-F, and 47-A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than 5,117 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That notwithstanding the limitations of 5 U.S.C. 5901(a), as amended, the cost of uniforms furnished or allowances paid for uniforms to each uniformed special policeman appointed under the authority of 44 U.S.C. 317, shall not exceed $400 during the first year in which the employee is required to wear a prescribed uniform.

ADMINISTRATIVE PROVISIONS

SEC. 204. Funds authorized to be expended by the Government Printing Office for fiscal year 1989, not to exceed $282,000, shall be available without regard to the 25 per centum limitation of section 322 of the Economy Act of June 30, 1932, as amended, for the repair, alteration, and improvement of rented premises.

SEC. 205. Subject to the approval of the Joint Committee on Printing, and without regard to any other provision of law, the Public Printer is authorized to dispose of the parcel of land identified as Lot 884, Square 677, in Northeast D.C., in such manner and on such terms and conditions as he determines to be in the best interests of the Government. The proceeds from this transaction shall be deposited and separately held in the Government Printing Office revolving fund pending authorization in an appropriation Act as to their disposition.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $348,595,000: *Provided*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That this appropriation shall be available to finance a portion, not to exceed $50,000, of the costs of the Governmental Accounting Standards Board: *Provided further*, That $100,000 of this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the United States General Accounting Office in Washington, D.C., in 1992, to the extent that such expenses cannot be met from the trust authorized below: *Provided further*, That the General Accounting Office is authorized to solicit and accept contributions (including contributions from INTOSAI), to be held in trust, which shall be available without fiscal year limitation for the planning, administration, and such other expenses as the Comptroller

General deems necessary to act as the sponsor of the aforementioned triennial Congress of INTOSAI. Monies in the trust not to exceed $10,000 shall be available upon the request of the Comptroller General to be expended for the purposes of the trust.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means, the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. (a) Effective upon enactment of this Act, the Clerk of the House of Representatives is authorized to receive commissions for providing public telephone service in space occupied by the United States House of Representatives.

(b) The Clerk is authorized to receive for deposit, amounts charged to any legislative branch entity, including but not limited to Legislative Service Organizations, the Congressional Budget Office and the Architect of the Capitol, for the provision of telephone or telecommunications services: *Provided,* That no amounts charged to the official expense allowances of Members of the House shall be deposited in accordance with this section.

(c) Receipts from the commissions and charges set forth in subsections (a) and (b) of this section shall be deposited in the United States Treasury for credit to the appropriation for "Salaries and Expenses of the United States House of Representatives", and shall be available for expenditure upon the approval of the Committee on Appropriations of the House of Representatives.

SEC. 307. (a) The annual and sick leave balances of the individuals described in subsection (b) shall be transferred to the leave system of the Architect of the Capitol. The transfer shall be carried out in the manner provided in section 6308 of title 5, United States Code, notwithstanding the exception under section 6301(2)(vi) of such title referred to in such section 6308. The leave balance transferred shall be the balance as of September 30, 1988, and the transfer shall be effective October 1, 1988.

(b) The individuals referred to in subsection (a) are the officers, members, and employees of the Capitol Police with respect to whom responsibility for administration of pay and benefits is transferred from the Clerk of the House of Representatives to the Architect of the Capitol effective October 1, 1988.

SEC. 308. The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202—

(1) shall be subject to any applicable adjustment during fiscal year 1989 under, or by reference to any applicable adjustment during fiscal year 1989 under, subchapter I of chapter 53 of title 5, United States Code; and

(2) with respect to the positions of Assistant Architect of the Capitol and Executive Assistant, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1989.

SEC. 309. (a) None of the funds appropriated for fiscal year 1989 by this Act or any other law may be obligated or expended by any entity of the executive branch for the procurement from commercial sources of any printing related to the production of Government publications (including forms), unless such procurement is by or through the Government Printing Office.

(b) Subsection (a) does not apply to (1) individual printing orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, (2) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (3) printing from commercial sources that is specifically authorized by law or is of a kind that has not been routinely procured by or through the Government Printing Office.

(c) As used in this section, the term "printing" means the process of composition, platemaking, presswork, binding, and microform, and the end items of such processes.

SEC. 310. (a) The first sentence of section 309(a) of title 44, United States Code, is amended by striking ", except the Office of Superintendent of Documents," after "Government Printing Office" and inserting "(except for those programs of the Superintendent of Documents which are funded by specific appropriations),".

(b) Section 309(c) of such title is amended by striking the last two sentences and inserting "This budget program shall be considered and enacted as prescribed by section 9104 of title 31.".

(c) Section 309(d) of such title is amended to read as follows:

"(d) The Comptroller General shall audit the activities of the Government Printing Office at least once every 3 years and shall furnish reports of such audits to the Congress and the Public Printer. For these purposes the Comptroller General shall have such access to the records, files, personnel, and facilities of the Government Printing Office as he considers necessary.".

The CHAIRMAN pro tempore. Are there any points of order against that portion of the bill?

If not, are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGRICH: Page 9, line 17, strike "$58,926,000" and insert in lieu thereof "$38,926,000".

Mr. GINGRICH. Mr. Chairman, I will be very brief on this. I think the issue is very clear. I would like my colleagues to understand that I have three amendments in a row prepared on this topic. I am prepared first of all to offer the current amendment and insist on a vote which would provide for a $20 million cut in the amount set aside for mail and would, therefore, eliminate for next year postal patron mailings.

I have a second amendment which would cut out $10 million and I have a third amendment which would cut out $5 million so that Members will have a chance. Until we get a yes, I will continue offering amendments to see if there is any amount that my colleagues are willing to cut out.

Let me explain why. A number of analysts and reporters have been examining the rise of the invulnerable incumbent. A number have looked at the fact that we now use what is in effect federally financed campaigns as long as we are a Member of the House. One of the most powerful weapons we have to ensure that incumbents have an easy time getting reelected is the capacity to send unrequested postal patron mailings under the frank for everybody in our district. All of us practically use it. We encourage our colleagues to use it, and it is at the present time a legitimate tool of the trade.

But when we recognize that the House of Representatives, which was supposed to be the people's House, which was supposed to be elected every 2 years precisely so that the American people had a chance to challenge and indeed to fire incumbents who they thought were not doing their job, there is something fundamentally wrong with raising the people's taxes in order to wage what is in effect a campaign to ensure that the people cannot defeat us.

In 1986 1½ percent of the incumbents who ran for reelection were defeated.

□ 1235

Ninety-eight and one-half percent of the incumbents who ran for reelection were reelected. Now with all due respect to my colleagues, both in my own Republican Party and in the Democratic Party, it is a little hard to suggest that in a year when a substantial number of Senators in both parties were not being reelected, in a year when Governors were not being reelected and county commissioners and sheriffs were not being reelected, that magically, the one place in America that was 98.5 percent effective was the House of Representatives.

Articles by David Broder, articles in the New York Times, an analysis in the National Journal and Congressional Quarterly, in publication after publication it is clear that over the last 13 years we have built an incumbency reelection machine of such power that it is very, very hard for a challenger in either party to win, either the primary or the general election.

I would submit that is fundamentally wrong. And therefore offering an amendment which to the best of our knowledge based on the information available to the appropriations staff at this time, is about the correct amount to eliminate postal patron mailing and a "yes" vote for this amendment would allow us to eliminate unrequested postal patron mailings which are clearly federally financed elections for incumbents.

I thank the Chair for the time.

Mr. FAZIO. Mr. Chairman, I move to strike the last word and I rise in opposition to this amendment and to the next two.

I hope not to take the 5 minutes and I hope we can move to a vote without further debate. We will probably have to debate the other two as well.

We simply want to reiterate that we have brought to the floor today a very tight bill with a very tightened amount to fund our mailing cost. If we reduce this amount it will not in any way impact on our ability to mail. Based on current law, we will not pay the Post Office for the cost of all of our mail, which means that in effect we would be getting some other postal patron to pay for the cost of communicating with our constituents.

I would like to let the Members know that the volume of franked mail rose rapidly, it is true, in the 1970's and early 1980's, and reached a peak in fiscal year 1984. But far larger increases were occurring in the other body than in the House.

However, since then the growth of mail volume has been arrested and largely reversed, particularly in the House as a result of voluntary actions by Members to restrain their mailings. For the House in fiscal year 1988 mail volume is only 9 percent above 1978 level. In effect, a 9-percent increase over a decade when this institution has been the subject of a blizzard of mail from individuals and orchestrated interest groups that make it mandatory that we have the capability to respond.

We have been, in this body, not profligate, we have been tight-fisted in this area. The amounts provided for mail in this bill are quite well-reasoned. In terms of dollar amounts, official mail costs for the House have declined over 24 percent in the last 10 years after adjustment for inflation. With that, Mr. Chairman, I would rest our case and hope we could go to a vote.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Post Office and Civil Service who is the most knowledgeable Member of the House on this subject.

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I simply would like to observe that a bipartisan group in the House a couple of years ago, when there was a lot of noise about the cost of mailing, did a very thorough analysis of what was going on not only in this body but in the Senate, and there was a similar group in the Senate that we worked with and reacted to.

I could only observe about the gentleman's amendment that it will not save any money, it will cost money because the result is that you will shift from the cheapest form of mail that we have to the most expensive form of mail that we have. You would not reduce my ability to mail to my constituents a bit by taking one occupant mailing, except that I would take the computer and send it first class instead of at the very low third class, and it would cost about 150 percent more to mail the same number of pieces.

Second, you should know that the place where the mail volume and cost is going up is the other body, not this body. The other body does not send occupant mail. So eliminating an occupant mail, one mailing for the House, will not save you a nickel in that body of the Congress that is spending the most money.

While it may be great speech material in the gentleman's district, it will cost money and not save money and it only applies to the House, I am sure that some Senators, particularly from small States, would applaud his efforts because almost invariably they try to twist our arm and take away from the House a privilege they do not have, a privilege which lets us mail our mail cheaper than theirs.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. Mr. Chairman, I yield to the distinguished gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Chairman, I must say that I have the greatest admiration for the technical skill of the chairman of the Committee on Post Office and Civil Service. I thought that was a wonderful argument which any American student of how this city works would applaud because what he said was an amendment to cut $20 million will cost more money, which by definition cannot be true. There may come a crisis point during the fiscal year when we would have to stop mailing, but by definition if you cut $20 million you cannot spend more.

Second, he said, not sending out unrequested mail would, by definition, lead to requested mail. He said, third, if I understood him, that Senators who are worried about being run against by House Members who use the frank privilege—precisely my point that there is a political side effect—will be delighted that the Senate can cheat and we will not. He said—all I want to say in summary is this is clearly by every reasonable standard, whether it is by Common Cause or by Kennedy Institute or it is by the Washington Post or the New York Times, this is a federally financed campaign allocation in which the taxpayers pay and everybody who wants to vote "no" is voting for federally financed campaigns for incumbents. You ought to be honest about it.

Now I do not see any reason to suggest that we ought to be allowed to send 200,000 pieces of cleverly developed mail at the taxpayers' expense to the taxpayers to explain to them, for example, how to bring in the hay or to explain to them a wide range of interesting things which people's staffs develop, without them requesting it.

And so I would simply say this is a straightforward question. It cuts $20 million. Only in Washington could even a liberal Democrat suggest that an amendment to cut $20 million costs more.

I would say further it is clearly an example of an unrequired, unrequested activity which is a federally financed campaign.

Mr. FRENZEL. Mr. Chairman, we have heard that this has been a frugal account for the Congress.

I would like to take you back 20 years ago when we were spending $8.5 million. By 1984 we had escalated that to $117 million. As a matter of fact, I took from the time I came to Congress, which was 1970, we were spending $10 million; if we take it through this current fiscal year we have had an 800-percent increase. If we take it through 1984 we have had a 1,200-percent increase.

I would not call that frugality, nor any kind of fiscal responsibility.

As we have attempted to tighten down on various kinds of mailing, the Members of the House through great ingenuity have found new ways to spread their names to the mail boxes of their States and districts in new and exciting ways.

We have, for instance, said Members could only have six mass mailings to their districts, but we have Members who send 20 and 30 mass mailings which happen to be notices of town meetings which are perfectly legal under our franking restrictions.

We also have Members who send first-class letters to everybody in sight because with the new automatic machinery it is very easy to do. In this one Member's opinion, the greatest abuses of the frank are in unsolicited first-class mail, and in notices of town meetings broadcast on a wide scale.

Now it is true that we have reduced the franking expenditure this year. That does not result from any fiscal austerity imposed by the committee. The committee has merely estimated what it had left over from last year when the total amount was not spent and what was likely to be spent in this fiscal year.

In fact, the committee has never exercised any control at all. It is doing what the President does when he submits a budget on entitlements, he, and it, simply computes what he, or it, thinks is going to happen. That is what the committee has done on this particular item.

I think it would be a wonderful thing if the gentleman from Georgia's amendment were accepted, because it would force us to make some changes in the way we allow our Members to spray the mail around for personal advertisements for themselves and their various activities.

Now I do not think it is going to happen, but I congratulate the gentleman for his effort and urge support of his amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I would like to make one point: Since the gentleman serves as the ranking Republican member on the Committee on House Administration, the contention here a moment ago was if in fact we passed the gentleman from Georgia's amendment this would not stop the postal patron mailing, that merely would have less money in the account. It is my understanding that the Committee on House Administration could correct that pretty easily simply by banning the use of postal patron mail so that we could live within the account. Would that not be the better way to go?

Mr. FRENZEL. I believe the jurisdiction would be under the Franking Commission or the Committee on Post Office and Civil Service.

The Committee on House Administration does not have that jurisdiction.

But what happens is we get billed in arrears by the Post Office. If we make a $20 million cut nobody cares because we will get the billing later. You have to make it a couple of years in a row in order to make it work.

The CHAIRMAN pro tempore (Mr. HAYES of Louisiana). The question is on the amendment offered by the gentleman from Georgia [Mr. GINGRICH].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 232, not voting 31, as follows:

[Roll No. 142]

AYES—168

Alexander
Andrews
Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bilirakis
Bliley
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dowdy
Dreier
Dyson
Eckart
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Fish
Frank
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Glickman
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Harris
Hastert
Henry
Hiler
Holloway
Hopkins
Houghton
Hunter
Inhofe
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lukens, Donald
Lungren
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Murphy
Myers
Nichols
Nielson
Oxley
Packard
Pease
Penny
Petri
Pursell
Ravenel
Regula
Rhodes
Ritter
Roberts
Robinson
Rogers
Roth
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Stallings
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wortley
Wyden
Wylie
Young (FL)

NOES—232

Ackerman
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Goodling
Grant
Gray (IL)
Gray (PA)
Guarini
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jenkins
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pelosi
Perkins
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ray
Richardson
Ridge
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Solarz
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tauzin
Taylor
Thomas (GA)

Torres
Torricelli
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Yates
Yatron
Young (AK)

NOT VOTING—31

Akaka
Biaggi
Bonior
Boulter
Broomfield
Carr
Clement
Dickinson
Duncan
Gordon
Hall (OH)
Hansen
Hawkins
Ireland
Jones (TN)
Kemp
Lightfoot
Lujan
Mack
Matsui
Mica
Moody
Pepper
Pickett
Smith (IA)
Spence
Stratton
Sundquist
Towns
Udall
Weiss

□ 1304

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Pepper against.
Mr. Hansen for, with Mr. Akaka against.

Messrs. MOAKLEY, NOWAK, and BOEHLERT and Mrs. ROUKEMA changed their votes from "aye" to "no."

Mr. MacKAY, Mr. NICHOLS, and Mrs. BYRON changed their votes from "no" to "aye."

So, the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGRICH: Page 9, line 17, strike "$58,926,000" and insert in lieu thereof "$48,926,000".

Mr. GINGRICH. Mr. Chairman, I will not speak long. The issue is very obvious.

Mr. Chairman, we just offered an amendment which would have eliminated in effect all the postal patron mailing on the grounds that it is a federally financed campaign for the incumbents. I now have an amendment which would eliminate only half for those who still wish to preserve some right to reach their constitutents, but at the same time recognize that maybe when we reelect 98½ percent of the incumbents in both parties that we are a little too rich in the degree to which we allow federally financed campaigning.

Mr. Chairman, I will ask for a vote on this, but I will be glad to keep the debate very short. If this does fail, I will announce to my colleagues I will then offer an amendment to cut one-fourth of the postal patron mailings.

Mr. Chairman, I yield back my time.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Georgia [Mr. GINGRICH] indicated earlier that in the calendar year 1986 over 98 percent of the membership of the House of Representatives standing for reelection were reelected. I am sure the gentleman from Georgia has done research as to the number of postal patrons that were mailed last year. Would the gentleman from Georgia indicate to the body how many Members used their full quota of six postal patrons in 1986?

Mr. GINGRICH. Mr. Chairman, I would say to my good friend that information to the best of my knowledge was not available from the Committee on Appropriations staff who, when we asked them, in fact, were not able to tell us precisely what amount postal patrons by themselves cost.

Mr. DURBIN. Mr. Chairman, the gentleman from Georgia [Mr. GINGRICH] is incorrect. If the gentleman from Georgia had called the Franking Commission before he introduced his amendment, as I did 15 minutes ago, the gentleman would have been apprised of the fact that in 1986 10 Members of the House of Representatives used the full allotment under the postal patron and mailed six mailings. I take it that the gentleman probably is not aware of how many Members of 1986 mailed five postal patron mailings. I assume the gentleman does not know that number. The Franking Commission would have advised the gentleman that 16 Members mailed five postal patrons.

□ 1310

The gentleman would also have learned had he called in advance before offering the amendment that 38 Members mailed four postal patron mailings in 1986, the last election year.

The gentleman could have concluded from that information that 85 percent of the membership of the House of Representatives mails three or fewer postal patrons, less than half the number we are allotted to mail under House rules.

I might also say to the gentleman that if he is concerned, as all of us are, about the cost of Government, the gentleman is probably aware of the fact that many Members of the House do not prevail upon the rules of the House to use postal patrons, but do enjoy special orders.

In fact, if the gentleman would check the RECORD, we would find that many of our colleagues will request special orders night after night and that while the gentleman is using his special order, whether from either side of the aisle, many times it is late at night and, of course, the viewing public is hearing this gentleman expound and then, of course, while the gentleman is expounding we have our security guards waiting on overtime. We have staff sitting in the office waiting for these special orders to end.

Now, there are ways of abusing the process. When it comes to postal patrons, at least 85 percent of the Members are following not only the letter of the law, but the spirit of the law, using fewer than half of the allowed postal patrons, while other Members night after night after night take out special orders and push the process to the point where it costs us a great deal of money.

So, I would ask Members to join me in voting against this amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I yield to the distinguished gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, our colleague, the gentleman from Illinois, had a great deal of excellent information. The gentleman did point out that by simply restricting Members to say half the number of postal patrons currently allowed that very few Members would be inconvenienced; certainly something we might decide to change in terms of setting a limit once we adopted my amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, would the gentleman consider restricting the use of special orders by Members in the evening?

Mr. GINGRICH. Mr. Chairman, will the gentleman from Minnesota yield further?

Mr. FRENZEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. I am fascinated, and I want to say this as bluntly as I can——

Mr. DURBIN. The gentleman does not want to respond?

Mr. GINGRICH. I am going to respond to the gentleman's question.

I find it fascinating, I understand the arrogance of a majority which gives itself more committee staffs, which rigs the rules to ensure that its proxy voting allows it to dominate in committee and subcommittee, which plays games with the calendar. I understand why you find special orders very difficult, because they are one of the few embarrassing examples of free speech where you do not get to rig the game so you always win.

Now, what I would like to say, if my friend, the gentleman from Minnesota, will yield to me slightly further, is that there is a sickness in this building which allows the public to be cheated of a chance to fire us.

It is wrong for us to take money from the public to brainwash our constituents, which many of us work at systematically, in order to insure we cannot be defeated either in a primary in those districts which are one party, or in a general election. It is just wrong. It is a violation of the basic system of self-government.

Mr. DURBIN. Mr. Chairman, will the gentleman from Minnesota yield?

Mr. FRENZEL. I yield to the gentleman from Illinois.

Mr. DURBIN. I am afraid, Mr. Chairman, that the gentleman from

Georgia was not responsive to my question.

There are those who suggest that taking the floor for special orders, keeping the staff of the House on overtime many, many times, also abuses this process.

The gentleman wants to restrict the use of postal patrons, and the facts already tell us that 85 percent of the Members, by their own decision, restrict the use of postal patrons.

I am asking the gentleman from Georgia, will he restrict the use of his own special orders?

Mr. GINGRICH. Mr. Chairman, will the gentleman from Minnesota yield further?

Mr. FRENZEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. I will say very briefly, Mr. Chairman, I can appreciate why those on the gentleman's side who failed to support freedom in Central America do not believe in free speech in the House.

Mr. FRENZEL. Mr. Chairman, there is nothing in the amendment that I read which deals with mass mailings. The Gingrich amendment would simply reduce the amount available, the amount appropriated for mailing by this House.

I think it is a useful amendment. I do not pretend that it is going to be effective in the short run. We would have to do one like it for a couple years to catch up to the late post office billing system here. Nevertheless, a little self-discipline would not be an awful thing in the House.

I support the amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

This argument with regard to special orders has come up a number of times and I think it needs to be corrected each time it comes up.

There is no overtime paid in the House of Representatives. Those people are all on annualized salaries. So therefore, that is a ridiculous argument. It costs no more to have the House free to debate than to shut off debate.

I think the majority should be ashamed of themselves for consistently doing that, particularly since so many of their Members also take such wide advantage of that time.

Mr. DORNAN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I just want to make one point about the comments of the gentleman from Illinois.

I appreciate that the majority controlling this House, as it does, has access to information, which, for example, in a recent Congressional Budget Office example on the minimum wage, it changes when it does not fit it.

We had staff on our side ask questions of the Committee on Post Office and Civil Service, asked questions of the Franking Commission, and asked questions of the appropriations staff yesterday. We were not given the information.

I can appreciate why the majority does help the gentleman from Illinois on their side to make their case.

Mr. DORNAN of California. Mr. Chairman, as the gentleman from Illinois pointed out, I am either 1 of the 10 that put out the max or one of the 16 that put out 5 newsletters.

Frankly, if they had graphics awards on Capitol Hill, I would put my newsletters up against anybody's. They are excellent. They are informative—oh, not so fast, do not applaud—but in fairness to the taxpayers, I just voted to cut them all out. I would cut out half. I would cut out a quarter, and I will tell you why.

I admit at my town meetings, as I know you all do, that my newsletters in synchronization with my polls, put my best foot forward. I talk about issues that I shine in and I talk about issues that I know the people are dying to hear about if they are going to vote with me. These newsletters are targeted just as is our campaign mail.

So let me rise in what remaining time I have against the newsletters, somewhat dispassionately, because I know the facts of the matter when two-thirds of the House is putting them out to insure their incumbency, it is not going to go down.

But let me defend special orders, even the special orders of my good friend, the gentleman from Texas, Mr. HENRY GONZALEZ.

I think all of you who have been around here a decade or longer, as I have, have heard the comments from our constituents who visit, and it comes even more when they visit the Senate side, they said, "What has happened to the quality of debate in the House?"

Ask one of your best orators, the gentleman from California [Mr. DELLUMS].

Ask one of of your best orators who was excellent on the floor before he reached the lofty heights of the Speaker's chair. What has happened to the colloquies and the dialogs back and forth? When the Rules Committee began to tighten up with more and more closed rules, and I think now we have the highest amount of closed rules, which to the great American taxpayers means how we operate on the floor of the House in discord in debate, while those rules tighten up, I thought the last place where we would get colleague dialog was in those special orders.

I call other Members. I tell them even if they have an opposite viewpoint that I am going to have a special order on the floor; even things we agree on, like the pending starvation of 2 million people in Ethiopia; the fact that the Contras are being frozen to the point of starvation by the communist rulers in Managua; SDI, the Defense budget, the things that the gentleman from California [Mr. DELLUMS] and I would like to discuss, do not even put in jeopardy the 1-minute speeches that we have at the beginning of the day, which is that steam valve where the elected Representatives of the people can let off some heat on the issues of the day.

The gentleman from Ohio, Mr. JIM TRAFICANT, knows that I am a devotee of his exciting 1-minutes at the beginning of the day.

Do not even put in jeopardy those 5 minutes which comes first at the end of the day and those 1 hour special orders at the end of the day.

With all due respect for my antismoking colleague, the gentleman from Illinois, it is a cheap shot to try to literally mix apples and oranges, because I think we are all best in this well when we come down here and speak from our intellects and our hearts without notes; so do not—I repeat, do not attack the B-1 and do not attack special orders, not while I am on the floor.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak against the amendment.

Mr. Chairman, I think it is basically time to bring this debate back to the amendment itself, instead of all this extraneous matter.

This amendment very much reminds me of the Winston Churchill story, since it is dealing with exactly the same subject of the last amendment which lost, but only is half the cut and the Winston Churchill story, basically we know what it is, we are just haggling over the price.

Mr. Chairman, I would urge all my colleagues to vote against it, as they did before.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. GINGRICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 206, not voting 35, as follows:

[Roll No. 143]

AYES—190

Andrews
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Donnelly
Dornan (CA)
Dowdy
Dreier
Eckart
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Fish
Frank
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Harris
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hubbard
Hughes
Hunter
Hutto
Inhofe
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Nichols
Nielson
Oxley
Packard
Patterson
Pease
Penny
Petri
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stallings
Stangeland
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wortley
Wyden
Wylie
Yatron
Young (FL)

NOES—206

Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Grant
Gray (IL)
Gray (PA)
Guarini
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Huckaby
Hyde
Jenkins
Jones (NC)
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Mfume
Mineta
Moakley
Mollohan
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Pelosi
Perkins
Pickett
Pickle
Price
Rahall
Rangel
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Valentine
Vento
Visclosky
Walgren
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Yates
Young (AK)

NOT VOTING—35

Akaka
Badham
Biaggi
Boland
Boulter
Broomfield
Carr
Clement
Coyne
Duncan
Ford (TN)
Gordon
Hall (OH)
Hansen
Hawkins
Holloway
Ireland
Jones (TN)
Lightfoot
Lujan
Mack
MacKay
Matsui
Mica
Miller (CA)
Moody
Pepper
Smith (IA)
Spence
Spratt
Stratton
Sundquist
Towns
Udall
Weiss

□ 1339

Mr. STAGGERS changed his vote from "aye" to "no."

Mr. DICKINSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1340

AMENDMENT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGRICH: Page 9, line 17, strike "$58,926,000" and insert in lieu thereof "$53,926,000".

Mr. GINGRICH. Mr. Chairman, this cuts only $5 million. We are all prepared to go home, and I simply yield back my time and ask for a vote.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

The principles that have been discussed at length here still apply.

Mr. GINGRICH. Mr. Chairman, would the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman.

Mr. GINGRICH. Mr. Chairman, I want to say on behalf of the minority that if the majority wish to rise and bring this bill up next week so Members could leave now, I am sure we can accommodate them, but for the majority to control the schedule and control the calendar and then to put the Members on both sides at an inconvenience and blame those of us who wish to work on the floor is just inappropriate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. GINGRICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 188, not voting 37, as follows:

[Roll No. 144]

AYES—206

Andrews
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bentley
Bilbray
Bilirakis
Bliley
Boehlert
Borski
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Donnelly
Dornan (CA)
Dreier
Dwyer
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Frank
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kasich
Kemp
Kolbe
Konnyu
Kostmayer
Kyl
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Lott
Lowery (CA)
Luken, Thomas
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Nichols
Nielson
Oxley
Packard
Parris
Patterson
Pease
Penny
Petri
Pickle
Porter
Price
Pursell
Ravenel
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Skaggs
Skeen
Skelton

Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
Stallings
Stangeland
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wyden
Wylie
Yatron
Young (FL)

NOES—188

Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bereuter
Berman
Bevill
Boggs
Bonior
Bonker
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Dowdy
Downey
Durbin
Dymally
Early
Edwards (CA)
Espy
Evans
Fascell
Fazio
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Grant
Gray (IL)
Gray (PA)
Guarini
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Huckaby
Jenkins
Jones (NC)
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McGrath
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Pelosi
Perkins
Pickett
Quillen
Rahall
Rangel
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schulze
Schumer
Sikorski
Sisisky
Slattery
Slaughter (NY)
Smith (FL)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Valentine
Vento
Visclosky
Walgren
Watkins
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Yates
Young (AK)

NOT VOTING—37

Akaka
Badham
Biaggi
Boland
Boulter
Broomfield
Carr
Clement
Daub
Duncan
Feighan
Ford (TN)
Gordon
Hall (OH)
Hansen
Hawkins
Holloway
Horton
Ireland
Jones (TN)
Lightfoot
Lujan
Lukens, Donald
Mack
MacKay
Matsui
Mica
Moody
Pepper
Smith (IA)
Spence
Stratton
Sundquist
Towns
Udall
Weiss
Wilson

☐ 1359

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WELDON

Mr. WELDON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON: Page 15, after line 25, insert the following new section:

SEC. 106. The Architect of the Capitol shall give the highest priority to expediting the installation of an alarm system to alert individuals occupying the Longworth House Office Building, the Cannon House Office Building, and the Capitol, of a fire or other emergency. The installation of such alarm system shall be completed not later than October 1, 1989, and the Architect of the Capitol shall submit a report to the appropriate committees of the Congress concerning such installation on October 1, 1989.

Mr. WELDON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. SMITH of Florida). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WELDON. Mr. Chairman, I will try to be brief. My amendment is noncontroversial.

Mr. Chairman, I would like to start out by commending the committee for their hard work in providing funds to upgrade the quality of fire and life safety equipment in the buildings House Members and staff occupy as well as the Capitol itself. These improvements are long overdue and much needed.

Mr. Chairman, the amendment I am offering today deals with the issue of a fire alarm system in every building on Capitol Hill. The only reason I am offering this amendment, which gets down to micromanaging what the Architect's office will do, is because of what I read to be an apparent cavalier attitude in the Architect's Office for fire and life safety.

As a result of a recent incident that occurred in the Longworth Building, some quotations from representatives of the Architect's Office have alarmed me. One such quotation was that the congressional office buildings are "as safe as any place in the world." Another one was that these buildings meet and exceed the Building Officials Conference of America code—the BOCA code—which describes the national standard.

Mr. Chairman, I have talked to every major fire and life safety group in America since the fire in the Speaker's office. I have also as recently as this morning talked to the executive counsel of the code and the organization that was cited by the Architect's Office, and in no way will they back up that statement. In fact, the Longworth Building is in blatant violation of that code today. As a matter of fact, the Longworth Building and other buildings on Capitol Hill are in violation of every major fire and life safety code in America, contrary to what we have been told by the Architect.

As a result of the fire in the Longworth House Office Building in the Speaker's office we noted several discrepancies and deficiences. First is a lack of a sprinkler protection system. Second was a lack of automatic recall of elevators. Third, stairwells not being properly enclosed. Fourth, a lack of preplanning, and fifth, a lack of any alarm system with which to evacuate the men and women who inhabit that building at that point in time.

This body, as the result of a request that I made 2 weeks ago, has approved a select committee to investigate that fire and make recommendations. However, as we investigate that fire and make recommendations, there are some things that will be corrected by this particular bill.

The sprinkler systems are in fact being put into place today in the Longworth Building, and there are plans for an alarm system to be installed in every building on Capitol Hill. My concern, Mr. Chairman, is that these changes and improvements will take up to 2 years to complete. That means that for 2 years we will not have any means of evacuating people in our office buildings during times of an emergency.

What happened 2 weeks ago when the Speaker's office caught on fire was the fact that we had Members who left their offices on the fourth floor who were greeted with smoke and did not know whether to exit at the top of the building or down through the stairwells. We had one staff person who apparently was on an upper floor of the Longworth Building who had a hearing problem and who never got the word to evacuate the building and, in fact, for 3 hours following the fire the D.C. Fire Department would not allow anyone in that building because of the level of toxic fumes and substances in the air.

It is intolerable that we in the Capital of this great Nation would allow our buildings to be so unsafe in terms of life safety.

☐ 1405

What my amendment does is very simply require the Architect to proceed immediately with installing alarm systems in every building covered by the appropriations in this particular act. In addition, I am going to ask for a colloquy with my distinguished colleague from California, in a moment, that would also allow us to have the Architect proceed immediately with other steps to implement other alarm systems as quickly as possible while a full-scale alarm system is being developed for the entire Capitol Hill complex.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I simply would like to say that we can accept his amendment. We have looked at it. We believe we have been making progress here, moving in the right direction to modernize the fire-fighting equipment and the installation of alarm systems, et cetera, that will do a great deal to protect the Members and staff and visitors here in the Capitol.

I think the gentleman is making an effort to expedite the installation of these alarms and I will only hope that the Members could support it. It does conform to the plans that we have but it makes them occur in a shorter time frame.

We have appropriated prior funding for fire safety and we have provided additional funding in this bill for the Architect to implement these plans.

Mr. Chairman, I congratulate the gentleman on his amendment, and at this point I have some additional material on fire safety improvements and the recent fire at the Longworth Building that may be of interest.

FIRE SYSTEMS BY BUILDING AND RECENT FUNDING

Appropriation/building	Amounts funded in prior appropriations	Amount in this bill	Fiscal years appropriated	Portable fire extinguishers throughout	Sprinkler throughout	Sprinkler key areas	Detectors throughout	Detectors key areas	Class I, standpipes 2½"	Voice alarms	Manual alarm	Elevator automatic fire service	Elevator manual fire service	Smoke control system	Halon system key areas	Fire proof construction
Capitol Building	$358,000	$200,000	1984, 1985 and 1988	X		X	D	X	X	D	D	D	X		X	X
House Office Buildings:																
Cannon	640,000	175,000	1978, 1979, 1981 and 1988	X		X	D	X	X	D	D	D	X			X
Longworth	1,796,100	420,000	1986,87, and 88	X	I/D	X	D		X	D	D	D	X		I	X
Rayburn	500,500	200,000	1981, 85, and 88	X		X	I/D		X	D	X	D	I		X	X
Annex No. 1	130,000		1979	X		X	X		X	X	X					
Annex No. 2	2,548,000		1975, 1978, 1979, 1980 and 1981	X	X		X	X	X		X	D	X	D	X/I	X
House Underground Garage				X	X				X		X	NA	NA			X
501 First Street, S.E.	64,000		1985	X	I		I		NA		I	NA	NA		D	
Total, House Office Bldgs	5,678,000	795,000														
Senate Office Buildings:																
Russell	500,000		1982 and 1983	X		X	D		X	D	X	D	X			X
Dirksen				X		X	D		X	D	X	D	X			X
Hart				X	X		X		X	X	X	X	X	I	X	X
Immigration	220,000		1984 and 1988	X	I		I		X	I	I	I	I			X
400 North Capitol Street				X				X	X		X	X	X		X	X
Plaza Hotel				X			X		X		X					
Senate Garage				X			D		NA							X
Total, Senate Office Bldgs	720,000															
Capitol Power Plant	17,000		1988	X				X	NA		X	NA	X	NA	I	X
Library of Congress:																
Jefferson	13,438,000		1982 and 1984	X	I	X		I	X	I	I	I	I	I	X/I/D	X
Adams				X	I	X		I	X	I	I	I	I	I		X
Madison				X	X		X		X	X	X	X	X	X	X	X
Total, Library of Congress	13,438,000															
Botanic Garden:																
Conservatory				X					NA			NA	NA	NA		
Administrative Office				X					NA	NA	NA	NA	NA	NA		
Poplar Point				X					NA	NA	NA	NA	NA	NA		
Total	20,211,600	995,000														

Legend: X—Operational. I—Installation in Progress. D—Design in progress. NA—Not Applicable.

FIRE IN LONGWORTH HOUSE OFFICE BUILDING ROOM 1236, THURSDAY, MAY 5, 1988

1. Where and when did the fire occur?

The fire occurred in a utility room in suite 1236 of the Longworth House Office Building, assigned to Speaker Jim Wright of Texas. The Capitol Police received the first report of the fire at 6:02 p.m. and the first police officer arrived at the scene at 6:03 p.m. Evacuation of the building was ordered at 6:06 p.m. and completed at 6:27 p.m. The D.C. Fire Department was called by the Capitol Police at 6:07 p.m. and arrived at 6:14 p.m. The entire building was declared safe at 7:10 p.m. See attached police report.

2. What caused the fire?

The Architect's fire protection engineers and the D.C. Fire Department agree that the fire was electrical in origin. The fire protection engineers have examined the four electrical appliances in the room and have determined that an electrical short in a photo copying machine was the cause of the fire.

3. How much damage was done by the fire?

Though the fire was contained within the utility room, there was considerable water, smoke and heat damage in two other offices in the suite. Fortunately, the door connecting to the two remaining offices remained closed and those rooms sustained no damage and were in use the following day. The cost of repairing the damage is estimated to be approximately $10,000, not including labor, which will be provided by the superintendent's regular shop employees.

4. Does the Longworth House Office Building conform to modern fire protection standards?

The Longworth House Office Building complied with the D.C. building code at the time of its completion in 1933. The D.C. government has recently adopted the 1984 edition of the BOCA/National building code. Also the Architect of the Capitol requested and received initial funds for electrical and fire protection improvements in his fiscal year 1986 appropriations. The cost of the project begun in 1986, when completed in 2 years, is anticipated to be $18,500,000. Major elements of the project include a full sprinkler system, smoke alarms and voice alarms throughout the building including all offices and elevator emergency systems. At that time the building will meet or exceed the present D.C. building code with one exception, viz., the enclosure of the stairways. Such enclosure is considered architecturally, functionally and economically impracticable and is offset by the installation of the sprinkler system.

5. What fire fighting equipment exists in the Longworth House Office Building?

The primary fire fighting equipment is a 2½" class I standpipe system. Class I is defined by codes as being intended for fire department use only. Class II 1½" standpipe systems are optional and defined by codes as being intended for use by building maintenance personnel who are trained and equipped for fire fighting. The Longworth House Office Building intentionally does not have a Class II standpipe and uses instead the "dry-type" hand extinguishers which were used on May 5 to contain the fire until arrival of the D.C. Fire Department.

Other equipment includes a fire pump to boost pressure to standpipes and sprinklers in the attic, subbasement and portions of the basement, and automatic fire suppression systems over cooking areas of the kitchen, cafeteria and carry-out.

6. Was any fire equipment not functioning properly at the time of the fire, as was re-

ported? How often is fire equipment inspected and maintained?

It was reported by Congressman Weldon, who assisted the Capitol Police in fighting the fire with dry-type fire extinguishers, that one of the fire extinguishers was empty. It is not known whether this extinguisher had been emptied during this fire or had been emptied earlier and escaped notice during periodic inspections. Fire equipment is inspected monthly and maintained annually.

7. Why are no hoses connected to the standpipes?

As stated above, Class I standpipes are intended for fire department use only. Accordingly, by mutual agreement with the D.C. Fire Department many years ago, the Architect of the Capitol agreed to remove all hoses in all buildings under his jurisdiction. The D.C. Fire Department made its request for two reasons: First, in order to prevent dangerous use of hoses by those not trained or equipped for fire fighting with life saving equipment, and second, the department prefers to use its own continuously maintained equipment when fighting fires.

8. What emergency training, planning and procedures have been conducted for the Capitol buildings? Who specifically is responsible for notifying building occupants of emergencies?

The 1400 man Capitol Police Force is fully trained in emergency procedures and all new recruits receive such training from the fire protection engineers prior to entering on duty. A comprehensive general order is periodically issued by the Capitol Police covering emergency procedures in detail. The D.C. Fire Department in consultation with the three fire protection engineers on the staff of the Architect of the Capitol conducts arrival orientation tours of all Capitol buildings in order to insure full familiarity with the buildings and their equipment by all fire department personnel who may respond to a call on Capitol Hill.

Pending completion of the alarm systems presently being installed in the Longworth and other Capitol buildings, the Architect of the Capitol has agreement from the Capitol Police that building evacuations will be conducted by police officers. That procedure was carried out on May 5.

9. Why were the Longworth elevators used improperly for evacuating building occupants, and why did these elevators stop on the floor where the fire occurred?

The Longworth House Office Building elevators are presently not equipped with automatic fire protection provisions, which are being installed during the current fire protection improvement project. Until completion of this project elevators will stop at any floor to which called. Thereafter, all elevators will automatically go to the exit floor in the event of fire and will be prevented from stopping at the fire floor.

10. Why were building occupants exposed to smoke filled stairways when evacuating the building?

None of the four stairways in the building is enclosed and they are not recommended for enclosure for the reasons given in question 4. This provision is offset by the current installation of the sprinkler system.

11. What steps are being taken to improve: A. building occupant notification in the event of emergencies; B. fire detection and alarm systems, and; C. coordination between local fire officials on improving fire safety in the Capitol buildings?

A. Current fire safety improvement projects include voice communication with occupants as well as general fire and smoke alarms in all office buildings where they currently do not exist.

B. Both fire and smoke detectors are also included in the improvement projects for buildings that do not have them.

C. Coordination between local fire fighting personnel and the fire protection engineers on the staff of the Architect of the Capitol is a regular and on-going operation.

Q. Fire safety equipment now in Longworth?

A. Fire extinguishers throughout; sprinklers in key areas (computer rooms, kitchen areas, equipment rooms); Class I standpipes to connect fire department hoses to; elevators can be directed by fire department not to stop at floor where fire is; of course, the building is of fireproof construction.

Date May 19, 1988.
Reply to J. Raymond Carroll, P.E.
Attention of: Director of Engineering.
Re Fire hoses.
To: Manny Crupi, budget officer.

Our fire protection and safety engineers work closely with the local D.C. Fire Battalion that serves as the first responder for the Capitol Complex. We participate with this local group in conducting familiarization exercises from time-to-time to insure that new firemen, in particular, are aware of where to enter the buildings and to determine the location of standpipes to which they connect their hoses. We do not provide hoses connected to standpipes because, as a matter of policy of this office, we do not want untrained office workers without proper personal protective equipment fighting fires. The local Fire Battalion is located just a few blocks from the Capitol Complex and they respond immediately to all calls made from the police dispatcher or to any alarm placed from any of the buildings.

We have had meetings with the local fire chief and his assistants more than once in past years to discuss items and procedures of mutual interest. One of these items was the issue of providing fire hoses connected to standpipes. Their position was that even if we provided hoses, they would carry their own to insure that the hoses were serviceable during an emergency. They agreed that untrained people should not use hoses to fight a fire. Therefore, by mutual agreement, we decided to remove all hoses from all buildings.

The first meeting that I recall in which this was discussed occurred before the Madison Building was completed. Hoses were not provided in that building nor in the Hart Building constructed later. It is my understanding that this is the position of fire fighters in general.

Of course, in those instances where local personnel are properly trained and therefore become a local fire brigade, a Class II standpipe system with 1½ inch hoses connected becomes a part of a very useful and desirable fire protection system. And, in certain classes of high rise structures, having hoses available for fire department use becomes a necessary part of the fire protection system. However, in these particular buildings, I believe that our policy of not providing hoses is proper, well considered, and in the best interests of the occupants.

Mr. WELDON. Mr. Chairman, I also would request the chairman if he would, I would like the Architect to proceed with other short-term steps that could be taken. For instance, possibly using the bell system, or using the telephone automatic dialing system to alert Members and staff when an emergency occurs. That could be done almost immediately.

Mr. FAZIO. That is a good suggestion and we will certainly work with the Architect to see whether we can bring about those improvements.

Mr. WELDON. I thank the gentleman and I thank the Chair.

The CHAIRMAN pro tempore (Mr. SMITH of Florida). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WELDON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: On page 34, after line 9 insert the following new section:

SEC. 311. Each of the amounts appropriated by this Act shall be reduced by 1.6 percent.

Mr. FRENZEL. Mr. Chairman, I have already stated that I was pleased with the committee's careful discrimination in producing this bill and delighted to note that this has given us a bill that is only 1.6 percent above last year's appropriation. However, some of us are never satisfied in the chase to reduce Federal expenditures, particularly as those expenditures relate to our own operations.

I believe the country is in a desperate situation with respect to uncontrolled spending and never-ending deficits of 3 percent of GNP as far as the eye can see, or the mind can stretch.

I do not believe this tiny amendment is going to suddenly restore fiscal discipline to this House. I do, however, think that the House ought to have a chance to vote on whether it would like to see one account, at one time in the history of the House, actually frozen at last year's expenditure level.

One account in this case would be the total legislative appropriation.

As I looked at the appropriation I was tempted, as was the gentleman from Colorado, to attack the leadership increases which seem pretty high. I thought GAO was too high, I thought OTA was too high, I thought CBO was too high. And yet because the committee had done such a workmanlike job, I felt it would not be fair to the committee to do other than to make tiny cuts across-the-board to restore the level of discipline which I thought necessary in this case.

For that reason, Mr. Chairman, I have submitted only the puny amendment that now pends. It would reduce everything by 1.6 percent. By my calculation, that would cut a total of $22,500,000, give or take a few bucks, from this bill.

There would be minimal reductions from each account. I know that the subcommittee members will be aggrieved because they have done such hard work and have already made decisions that are difficult.

Nevertheless, I think the House ought to have a chance one time to be on record saying we are for freezing expenditures and we are going to freeze ourselves first.

For that reason I hope that the House will adopt my amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I want my dear colleague, the gentleman from Minnesota [Mr. FRENZEL] to know that I certainly appreciate his fine description of our workmanlike effort to hold this bill down. I want to rise to say, "Thank you very much—I think."

Mr. FAZIO. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I want to correct the RECORD. If this amendment were adopted this would not be the first time that we have a freeze in the legislative branch adopted by the House of Representatives. In fact, the committee reported a freeze 3 years ago and it was adopted. We came to the floor this time with a 1.6-percent increase in light of the 2-percent limit in the economic summit that applied to domestic agencies.

We came in four-tenths of 1 percent below that agreement. With the adoption of the Gingrich amendment we are now at 1.2 percent.

I refuse to bring bills to the floor which have been elevated to a point at which we can then make a cosmetic cut and all feel good. I think it is the responsibility of each Appropriations subcommittee to bring what is required, no more, no less. That is what we have done. In order to do that we were required to cut the budget request for congressional operations by $67.2 million and $73.2 million for other agencies, an overall reduction of 9.1 percent, or about $140 million. We made significant reductions in the bill as it was submitted by the amalgam of legislative branch agencies. There are many unhappy administrators, as well there will be when you put a tight bill together. But it would be inappropriate and unfair to all the people who work so hard in the House of Representatives, in the various joint committees and offices, certainly in those independent agencies within the legislative branch, for us to simply accept, again for cosmetic purposes, a 1.2- or 1.6-percent across-the-board cut.

So give the committee credit for all the reductions we have made, 9.1 percent from those submitted budgets, and stand with the committee on this amendment.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words and I rise in favor of the amendment.

Mr. Chairman, I commend the gentleman from California [Mr. FAZIO]. I know he has a difficult job. This is not an easy area. I think Mr. FAZIO is to be congratulated for the even temperament that he maintains through these difficult times.

I would like to address an inquiry to him, though, if he is willing to respond.

He has made a point that this measure has a 1.6-percent increase. There is a rumor on the floor that that increase has been achieved simply by underestimating the amount that we would spend for postage. If postage then turns out to be more than that, then we would have a supplemental.

My inquiry to the gentleman is would he be willing to oppose the supplemental appropriation for the legislative branch that exceeded the 1.6 percent?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I do not think I would want to tie myself down at this time until I knew exactly the purposes of the supplemental request. But I do not believe we have underestimated the postal subsidy at all. Until we made the reductions, was it $5 million that Mr. GINGRICH finally extracted from the bill—until that was adopted, I would be able to say frankly—no pun intended—that we had exactly what we needed. I think we may now be slightly below the requirement because this is an estimate done by the Postal Service of what they anticipate the mail cost will be.

I would hope that with some continued voluntary restraint, because we all know we did not impose any by the adoption of that amendment, we would be able to live within that amount. I would hope that we could. I certainly would not anticipate a significant breaching of the amount that we would agree to in this bill. So there is no underfunding of the postage in here.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding because there is an interesting line in that particular appropriation amount for postal expenses and that is that the money is going to be expended not just next year but it is going to begin to be expended this year because it says the money can be expended upon enactment of this bill. So that in fact the money would have to cover not only next year's expenses but it would have to cover the rest of this year, in the campaign year.

I am wondering whether or not the amount of money there is sufficient to really cover a 15-month period instead of a 12-month period. Was that calculated in?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding further.

Mr. Chairman, this is rather routine language. It simply allows us to reimburse the Postal Service, whenever they calculate what we owe them.

If it were to be required to be a little more in one fiscal year and less in another, we have the flexibility so as not to be in arrears in terms of our account with the Postal Service.

There is no effort to avoid the ultimate requirement to pay for our official mail.

Mr. WALKER. If the gentleman will yield further, that sounds to me suspiciously like that this is indeed a supplemental for last year being passed this year because it sounds to me as though we may have already reached the point where we have overspent last year's account.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, there is absolutely no supplemental request from the Postal Service pending; there is absolutely no intent to fund last year's postal charges in this bill. I would simply say that what we bring is what we think the Postal Service needs, no more, no less. That is why this series of three amendments we went through was such a charade.

Mr. BROWN of Colorado. I thank the gentleman from Pennsylvania and the gentleman from California.

Mr. Chairman, I simply want to make this point: The gentleman from Minnesota has offered an amendment that will eliminate the increase. He does not cut the legislative appropriation. He simply calls for the elimination of an increase. He preserves the priorities of the committee. It is a very mild, very reasonable resolution. It does not attempt to deal with the enormous waste that we have in this body. He still leaves us with money for a staff that is 10 times the biggest staff of any other legislative body in the world. He still leaves us with the enormous surpluses that we have in terms of personnel and practices.

So the measure is a very moderate one, a very mild one. It seems to me the least we could do if we are trying to address the problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 184, noes 211, not voting 36, as follows:

[Roll No. 145]

AYES—184

Andrews
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bereuter
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Chandler
Cheney
Clarke
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
DioGuardi
Dorgan (ND)
Dornan (CA)
Dreier
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lewis (FL)
Lloyd
Lott
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison (WA)
Murphy
Nelson
Nielson
Olin
Oxley
Packard
Patterson
Penny
Petri
Porter
Price
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stallings
Stangeland
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Tauzin
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Yatron
Young (FL)

NOES—211

Ackerman
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bentley
Berman
Bevill
Bilbray
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carper
Chapman
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dyson
Edwards (CA)
Espy
Evans
Fascell
Fazio
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hughes
Jenkins
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lowery (CA)
Lowry (WA)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Mavroules
Mazzoli
McCloskey
McGrath
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Morella
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (UT)
Panetta
Parris
Pashayan
Pease
Pelosi
Perkins
Pickett
Pickle
Pursell
Quillen
Rahall
Rangel
Richardson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Schroeder
Schumer
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NOT VOTING—36

Akaka
Badham
Biaggi
Bilirakis
Boland
Boulter
Broomfield
Carr
Clement
Crockett
Duncan
Dymally
Early
Feighan
Ford (TN)
Gordon
Hansen
Hawkins
Holloway
Ireland
Jones (TN)
Lightfoot
Lujan
Mack
MacKay
Matsui
Mica
Moody
Owens (NY)
Pepper
Smith (IA)
Spence
Stratton
Sundquist
Udall
Weiss

□ 1436

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Hawkins against.

Mr. Hansen for, with Mr. Akaka against.

Mr. McMILLEN of Maryland changed his vote from "aye" to "no."

Mr. HAMMERSCHMIDT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: On page 19, line 2, strike "$152,647,000" and insert in lieu thereof "$148,031,980".

Mr. BROWN of Colorado. Mr. Chairman, the document that stands before us recommends a 6.3-percent increase in spending for the Library of Congress. This is one of many areas that have had an explosion in spending over recent years. The amendment suggests that they should be allotted a 3-percent increase instead of a 6.3-percent increase. The 3 percent is a reflection of the cost-of-living adjustment that will be recommended for other Federal employees. We are suggesting that the members of the Library of Congress staff should be treated as other employees should.

Mr. Chairman, there is no reason that they should have a higher increase than other Federal employees. There is no reason that we should talk about further expansion in the Library at a time when our deficit still runs in enormous figures.

Mr. Chairman, I yield back the balance of my time.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are going to be two amendments offered here in the next half hour to 45 minutes, one cutting the Library of Congress, and the other, the General Accounting Office. I think they are the two most important amendments we will deal with on this bill.

The Library of Congress has not done any profligate spending. There has been no explosion of spending at the Library of Congress. We have in the last several years allowed for an $80 million renovation and restoration of the Adams and Jefferson buildings, but the Library salaries and expenses account has been held very tightly. We really do need to provide some relief, and the librarians across the country have asked us for this, and I know each of my colleagues have heard from them, and they will hear more if they are so inclined to vote for a reduction today.

Mr. Chairman, we need to expand the reading room and other reader services when the renovation of these buildings is completed. We began the process of doing that.

This is a library that is not only for the Congress of the United States. As my colleagues know, it is for intellectual inquiry in our country. We spend a lot of time talking about competitiveness, we are really in need of giving the library the resources to help the intellectual and research element of our population find the answers to the future. We have not been making adequate book purchases. We are falling further and further behind.

☐ 1440

As the major book repository in this country, and indeed in this world, for the written word, we need these services. We believe we need to do more in preserving the documents that are already published. We are not doing enough. We are providing authority in this bill to acquire services to preserve books through the process of deacidification. If we didn't begin that soon, many books will become too brittle or will disintegrate, and will no longer be available to all mankind.

Mr. Chairman, because of the appropriations in this bill to the Library of Congress there will be an estimated savings to State and local libraries across the country of some $250 million because of the cataloguing done at the Library of Congress. These libraries benefit from Library of Congress cataloguing, including the university and research laboratories, as well.

The reduction in this amendment will severely impact the ability of the entire American library system to work.

This is one of the two most important no votes I am asking you to cast today.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to my colleague, the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman for yielding.

I rise also, Mr. Chairman, in opposition to the amendment. The Library of Congress is a national library and it has many general services, both to other governmental agencies and to the general public. We have to realize that from those services they have many receipts. They have receipts for copyright fees and sale of catalog cards and publications, income from gift and trust funds and reimbursements for several services performed for other Government agencies.

We have cut back this bill $7 million over the 1988 budget, $13½ million less than was requested, and we have only given 4 out of the 30 permanent positions that were requested.

We need indeed not only to preserve the books on the deacidification program, but we also need to continue to put the microfilming on line and to be able to go into the optical disc program.

These are costly items, Mr. Chairman, and I would hope that we would not cut back on the splendid services of the Library of Congress, not only to the Congress itself and to the Congressional Research Service, but to every conceivable library entity in this country and to all the other Government agencies it serves so well.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Chairman, just to set the record straight, the amendment in no way cuts the Library of Congress. It does not in any way deal with the Congressional Research Service. It allows, on the contrary, an increase in the funding for the Library of Congress, only it allows a 3-percent increase, not a 6.3-percent increase.

The other aspect that I think is important here is that it does not in any way cut out the other funding that is available from fees that come into the Library. That is not restrictive at all. All it deals with is the congressional funding.

Mr. FAZIO. Mr. Chairman, the gentleman is correct on those points.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong opposition to this amendment which would cut the Library of Congress funding by, let us make it very clear, it cuts the Library of Congress funding by $4.6 million, so it is a hefty cut.

I think we ought to give the President's appointee, Dr. Billington, who is the new Librarian of Congress, a chance to do a good job.

The CHAIRMAN pro tempore (Mr. HALL). The time of the gentleman from California has expired.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding.

The Library of Congress needs some areas of concern in terms of repairs. They are trying to go to a computerized system with respect to their cataloguing, et cetera. This is a time when they really do need some extra funding, and it is minimal at best.

I recall, Mr. Chairman, 2 years ago when the Library of Congress had to reduce its hours in terms of serving the American people. This is not just the Congress' Library. People come from all over the country, and indeed all over the world, to partake in the written word in all accessible wonderful forms of information which the Library of Congress has.

Mr. Chairman, we are a free society. God forbid that we should cut the premier library in this country that serves every library in the Nation by $4.6 million.

I think it is a very, very poor amendment. I really hope that if there is one amendment that we reject today wholesale, I hope it is this amendment. Let us send a strong signal to the American people that we are a Nation that believes in our libraries and indeed in the Library of Congress.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to take just a few minutes to indicate that this is not a cut. We still allow for a 3-percent increase from the 6.3-percent increase that is in the bill.

When we look at the total dollar volume in the legislative appropriation bill, we see $1.4 billion. Is there not a way that we can shave just a little bit, in this case $4.2 million? They are still getting an increase. It is not a cut. They are still getting an increase, and with the deficit the way it is today I think we need to take every look and turn every stone to see where we can save any money at all. I think this is one that is a fairly easy vote to cast "yes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. BROWN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UPTON: On page 26, line 23, strike "$348,595,000" and insert in lieu thereof "$339,742,000".

Mr. UPTON. Mr. Chairman, my amendment does a number of things. First of all, again this is not an amendment that cuts funding for the GAO. It still provides a $10 million increase over this fiscal year, 1988, and reduces the amount in the bill itself by $8.8 million. The increase is enough to absorb all costs of living pay increases, GS level step increases, benefit costs and other critical needs.

The amendment cuts out $3 million in new furniture. It eliminates $3.3 million in program enhancements, like the $1 million increase in travel.

In my view, the GAO can absorb some of these small increases. There has been a 50-percent increase in the GAO budget since 1982, from $236 million back then to a proposed $349 million for fiscal year 1989.

Congress needs to examine where the GAO is headed. It has become a committee staff function. We know already today that committee staffs are increasing.

In 1966, the GAO did 15 percent of its work for the Congress. In 1981, it did 40 percent of its work at the request of the Congress, and today it does 82 percent of the work for Congress.

In more than half the issue areas that the GAO has, 90 percent of its staff resources are dedicated to filling requests from Congress.

Mr. Chairman, we have to look to ourselves to reduce this increase, and even though committee numbers have gone through the roof, as we saw a little earlier this afternoon, Congress' insatiable appetite for staff has drawn the GAO underneath its wing. We should stop it and we should not increase the GAO budget until we look at the GAO's source of work.

Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I mean no disrespect to the author of the amendment, but it is ironic that one of the former employees of the Office of Management and Budget is here today asking us to cut the General Accounting Office. I guess old rivalries never die.

I would hope that the House would stand firmly behind what is a measured increase in the GAO budget. We have allowed an increase this year, but we did so after rejecting a $64-million increase requested by the GAO and allowing them only $18.8 million. That is 5.7 percent above the 1988 level, but we think it is warranted because we think in an era when we need to find as many reductions in defense spending, in domestic spending, in any kind of spending, including that in the legislative branch, the GAO is our greatest asset.

If we make an additional cut of 2 percent, as this gentleman would have us do, it means that we will have reductions-in-force and/or a hiring freeze, even though the agency is not anywhere near their currently authorized number of staff on the current payroll.

Because of spending restraint imposed by this committee General Accounting Office has not been able to hire all the people they are currently authorized for a substantial part of the past 10 years.

They would have to cut back on the removal of asbestos within their office building. They would have to cut down on travel days, and travel is the lifeblood of an audit staff that must examine programs throughout the country and in many parts of the world where we have Government programs and operations.

They would have to make a number of reductions in their staff training program, and cut back on their efforts to reward people based on performance.

They might have to close several offices in part because this amendment would deny increases in rent that have been provided for in this bill.

I think we need more effort from the GAO and not less.

I think this branch of government should stand up for its own prerogatives, and we should defeat this amendment.

Mr. UPTON. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 2 minutes.

There was no objection.

Mr. UPTON. Mr. Chairman, I would just like to point out very briefly that since 1983 the GAO's budget has gone up nearly $100 million, from $252 million in 1983 to $349 million, which is requested for fiscal year 1989.

In addition, the number of employees that they have is more than 5,000. That is more than the size of most communities in my district.

I would just think that a $100 million increase since 1983 is plenty.

Now, some would argue, you know, that because of the CR we asked for 27 new reports this last year, that was passed by one vote back in December, and that is the reason why they need more funding. In my view, that was another reason to vote against the CR so that we could have eliminated some of those requests for reports.

☐ 1455

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. UPTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 238, not voting 41, as follows:

[Roll No. 146]

AYES—152

Andrews
Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Combest
Conte
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Jacobs
Johnson (CT)
Jontz
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (FL)
Lott
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Patterson
Penny
Petri
Pursell
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Yatron
Young (FL)

NOES—238

Ackerman
Alexander
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Coyne
Darden
de la Garza
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Panetta
Pashayan
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ray
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Snowe
Spratt

St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Walgren
Watkins
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NOT VOTING—41

Akaka
Applegate
Biaggi
Bilirakis
Boland
Boulter
Broomfield
Carr
Clement
Crockett
Dicks
Duncan
Dymally
Early
Feighan
Ford (TN)
Gordon
Hansen
Hawkins
Holloway
Horton
Ireland
Jones (TN)
Kemp
Lehman (CA)
Lightfoot
Lujan
Mack
MacKay
Matsui
Mica
Moody
Owens (NY)
Smith (IA)
Solarz
Spence
Stratton
Sundquist
Udall
Weiss
Wylie

□ 1513

Mr. SAVAGE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UPTON: On page 26, line 23, strike "$348,595,000" and insert in lieu thereof "$346,339,000".

Mr. UPTON. Mr. Chairman, I will not take all that 5 minutes, barely 2 seconds.

I think we have an agreement between the sides. This amendment basically limits the increase to 5 percent, $2.2 million savings, and I thank the gentleman for agreeing to the amendment.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I am happy to yield to the gentleman.

Mr. FAZIO. Mr. Chairman, we are happy to help the gentleman, and I appreciate his amendment.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. UPTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 34, after line 9 insert the following new section:

SEC. 311. No funds appropriated under this Act shall be expended in any workplace that is not free of illegal use or possession of controlled substances which is made known to the federal entity or official to which funds are appropriated under this Act.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as having been read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is the drug-free workplace amendment that has been offered to a couple of other appropriations, and I think we have an agreement worked with each side on the bill to take this. It is a problem where we do have in fact problems on Capitol Hill. I would hope that this amendment would help us deal with some of the drug problems that have arisen here.

With that, I will be glad to yield to the gentleman.

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman yielding.

I also know the gentleman from Illinois intends to accept the gentleman's amendment once the gentleman from Illinois [Mr. DURBIN] has had a chance to comment.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I can already anticipate the outcome of this amendment being offered on the floor, because it has already been offered several times, and the gentleman from Pennsylvania has been successful. But I would urge the Members to take just a few minutes of their own time to read this amendment and consider the practical impact of what the gentleman from Pennsylvania has suggested.

May I ask my colleagues to pay attention for a moment to what they are doing in adopting this so-called drug-free workplace amendment? If the gentleman from Pennsylvania [Mr. WALKER] prevails and this amendment language is added, the following may occur: If one of the 1,600 employees of the Office of the Architect of the Capitol, and let us suggest it might be someone who is on the buildings and grounds detail, should be arrested for illegally possessing marijuana, the net impact of that arrest and notification of that arrest to the officials of the Office of the Architect of the Capitol would be to close the Office of the Architect of the Capitol and would be to eliminate all Federal funds. Even the gentlewoman from Illinois may, from time to time, want heat and air conditioning in her office, but that conviction of a single employee would close the Architect's office as part of some so-called drug crusade.

I would also ask the Members to consider the fact that we have many fine and reputable employees on Capitol Hill, but yet if one of the Capitol Hill policemen, for example, should be involved in the possession of an illegal substance, that in fact would result in eliminating all funds for security on Capitol Hill, and we would then close down those offices that are in charge of the security of the visitors, the employees and the Members.

I ask the Members whether or not that is the approach they think we should take as a way of eliminating drugs in America or setting an example. In fact, the Walker amendment sets exactly the wrong example. It suggests to America that we are taking this issue lightly, that we will not look at the practical impact of this amendment and what it will do.

There are many important things that we need to accomplish to fight drugs in America. The approach which the gentleman from Pennsylvania suggests does not entail a sensible and substantial approach to a very real problem. This amendment does not border on nonsense. It crosses the border.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think this is a ridiculous amendment, and I will vote against it.

Mr. OBEY. Mr. Chairman, I move to stirke the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I know the easy thing to do is to say let us vote for this and get rid of it, after all, everybody wants to catch a plane. I want to catch a plane, too, and I am not going to do it obviously.

Let me tell you why I am going to vote against this amendment. I am going to vote against this amendment because I love the Congress as an institution. I have deep respect for the legislative process. I have a sense of reverence bordering on awe on the fact that I am even a part of this process and can deal with most people on both sides of the aisle for whom I have a tremendous degree of respect.

□ 1520

I care too much about the necessity for public officials to level with their constituents to accept a piece of garbage like this, and I want to tell my colleagues why.

I do not use drugs. I do not even smoke. I do take an occasional martini once in a while or a good glass of Leinenkugel's or Millers or Point Special.

But let me tell my colleagues what this really says. When we vote for an amendment like this, what we really communicate to people is the impression that we have done something about drugs, and all we have done is to pretend. We will have played another "let's pretend" game. We will have pretended that we have done something to deal with the drug problem in this society and we will not have done one whit, because this amendment does nothing about drug education, it does nothing about drug enforcement, it does nothing to cut off drug supplies. It simply pretends that there is something sensible or something just.

If we say to the Library of Congress that if a single employee is convicted of possession of drugs that we ought to close down the entire Library of Congress, that is really what this language could be interpreted as suggesting.

I do not very often agree with the President of the United States, but I agreed with what he said yesterday. People laughed at him when he said it, but I think he was correct. I think we do need a commission. I think we do need some neutral, nonpolitical operation to review what we ought to do about drugs in this country.

But we are not going to get it and I will tell my colleagues what we are going to get instead. We are going to have both political parties posing for political holy pictures on the drug issue for the next 6 months, just as they did 2 years ago during the election, and as soon as the election is over we will again see pressures for budget cuts on drug enforcement, just like everything else, and we will see people cynically walk away from the drug issue just as fast as they made love to it before the election.

I just have to tell my colleagues I respect the motives of every single individual in this place, but I cannot believe that this place is craven enough to begin to erode the quality of the legislative process by allowing people to think that we have done something except hide when we pass a piece of laughable garbage like this amendment.

Mr. RUSSO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the deep concern of the gentleman from Wisconsin about this matter; and I just want to alert the body that this amendment will appear on the Defense appropriation bill so the Congress should understand that we will be getting calls from GE and General Dynamics and McDonnell Douglas as well as from anybody else who does business with the Federal Government expressing concern that they are going to face this same kind of test. So let us all be prepared. This is going to be done across the board, and for all my colleagues who believe in reducing defense spending, this amendment may do it for us.

I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I thought we had an agreement, so I did not spend much time on the amendment, and I appreciate the fact the gentleman did have an agreement with me and lived up to his side of the bargain. But I thought that we were going to try to keep the amendment fairly brief. But evidently we are not, so I think we need to talk a little bit about the nature of the amendment.

I realize there are Members in this body who regard zero tolerance to drugs as garbage. I understand that there are Members who regard zero tolerance to the use of drugs on Capitol Hill as nonsense and ridiculous. They are entitled to their opinion. But I will tell my colleagues that we have a problem here. We have arrested dozens of people on this Hill in the last couple of years for drug use. We are not immune to the problem. There are Capitol Hill employees who have been arrested for drug use. This is a real problem.

My colleagues may not like the amendment, but I will tell them the American people like this idea. A recent poll showed 77 percent said that Federal money ought to be used to leverage no drug use in this country. We have decided on two previous appropriations that that would be the standard, and now it comes to us and all of a sudden it begins to pinch, and all of a sudden we begin to realize that by golly, our employees might have to live up to a zero tolerance level. All of a sudden it comes back to Congress, and what do we hear from Members? We hear that it is garbage, that it is ridiculous, that it is nonsense.

I will tell my colleagues it is not garbage, it is not ridiculous and it is not nonsense. This is something we should apply to ourselves. We ought to have a standard of zero tolerance to drugs in this country and on this Hill because drugs are illegal. The use of them is terrible. We ought to have a standard that suggests that we are not going to tolerate in any way, shape or form the use of drugs around here.

That is all my amendment does. My amendment says that we are not going to have any usage of drugs on this Hill because we are not going to allow people to expend moneys, expend the taxpayers' moneys in places where drugs are being used.

Let me say what is going on here is that we are trying to have a standard where we set policies that assure drug-free workplaces. That is all we are doing. There is an underlying standard of law that suggests we cannot take money away if the people are trying in good faith to comply. So, therefore, if in fact we set a standard in this body that has workplaces where we have policies for drug-free participation, and those people are in fact trying to enforce those laws, there would be no reason for officials to withhold it. However, if we have bad faith and if we have drug usage or drug distribution or drug possession going on on a broad base, under this standard, given the underlying law of the Federal Government, we could in fact then continue to allow the money to flow.

But I think that when the committee itself can ban the use of funds for an acquisition of any new expanded telecommunications system for agencies of the legislative branch, when we can put that kind of standard in for banning money, no expenditures for telecommunications, then it seems to me that we might be able, given the need for a drug fight, to have a standard that says no part of any funds ought to be spent for drug use as well, and that is exactly what my amendment does.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Let me ask my friend from Pennsylvania, if I can, as I understand the amendment under discussion, the gentleman just indicated there were instances of people who had used controlled, dangerous substances on Capitol Hill. As I read the terms of the gentleman's amendment, if that was known to have occurred and it did occur, funds would be cut off for the use of the Congress of the United States. It seems to me in reading the gentleman's amendment that there is no good faith standard, there is no complicity required. All that is necessary by the terms of the gentleman's amendment is that drugs are found to be in use on Capitol Hill, and if that is the case then funds would be cut off for the operations of the Congress of the United States.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. I continue to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, is it not correct that if somebody wanted to undermine the Government of the United States, they would come in and do exactly that? That is the problem I see with the amendment, because the amendment does not deal with the complicity of the agency involved, it deals with the fact of being, with which the agency may or may not in any way be involved. That would be a quick way for somebody to undermine the Government of the United States.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. Reclaiming my time, I yield briefly to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

If the gentleman will read the amendment carefully, it says expend in any workplace which is not free of illegal use or possession of controlled substances.

It is indeed true if it becomes known to an official that there was drug usage in that workplace, the money could be cut off. However, as soon as that particular agency brought itself back into compliance, the money could flow again, because obviously at that point it says it cannot be expended in a place which is not free of drug usage. Once we bring it back into compliance, we are in fact free again of illegal usage, and so that is certainly the standard by which we would apply it.

If the opposition to this amendment thinks it is a good thing to continue to have illegal use of drugs on Capitol Hill, that is fine with me.

Mr. RUSSO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Illinois.

Mr. RUSSO. Mr. Chairman, I thank the gentleman for yielding.

I just want to say I know the gentleman from Pennsylvania is very sincere in the amendment he is offering. But I would hope he would possess the same fervor when we argue about funding the Contras, whether or not the Contras have any dealings in drugs and whether we ought to apply this language to the Contras. We ought to apply it to countries like Panama who have strong men who deal in drugs and gun running, and the gentleman ought to check with the DEA and the CIA, and if the gentleman is that sincere, we ought to apply this amendment to all agencies of the Government and we ought to have a drug-free workplace in all agencies, and we should not send moneys to countries that deal in drugs. We ought to cut out Colombia and a few other countries where we send funds.

Again I thank the gentleman for yielding.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Pennsylvania, if I have any time.

Mr. WALKER. Mr. Chairman, let me say to the gentleman from Illinois that I have been very diligent in adding this to every appropriation bill, and I intend to add it onto the foreign operations bill, for example, which would cover some of the things the gentleman is talking about.

Mr. RUSSO. I encourage the gentleman to do so.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(On request of Mr. OBEY and by unanimous consent Mr. LEWIS of California was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question. Would he be willing to see this amendment applied to addictive substances as well as other substances, and would he be willing to see this applied in the foreign aid bill to the militaries of any aid recipient?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I choose not to yield to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 98, not voting 47, as follows:

[Roll No. 147]

AYES—286

Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonker
Brennan
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Cardin
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Fields
Fish
Flippo
Florio
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Glickman
Goodling
Gradison
Grant
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Jeffords
Jenkins
Jones (NC)
Jontz
Kaptur
Kasich
Kemp
Kennelly
Kleczka
Kolbe
Konnyu
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Rahall
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stump
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Traficant
Traxler
Upton
Valentine
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Whittaker
Wilson
Wise
Wolf
Wortley
Wyden
Yatron
Young (AK)
Young (FL)

NOES—98

Ackerman
Aspin
Atkins
Beilenson
Berman
Bonior
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Campbell
Carper
Clay
Collins
Conyers
Coyne
Dingell
Dixon
Donnelly
Durbin
Dwyer
Edwards (CA)
Evans
Fascell
Fazio
Flake
Foglietta
Foley
Ford (MI)
Frank
Garcia
Gejdenson
Gonzalez
Grandy
Gray (IL)
Gray (PA)
Green
Hayes (IL)
Hoyer
Hughes
Jacobs
Johnson (CT)
Johnson (SD)
Kanjorski
Kastenmeier
Kennedy
Kildee
Kostmayer
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Markey
Martinez
McCloskey
McCurdy
McHugh
Mineta
Moakley
Morrison (CT)
Nagle
Nowak
Oakar
Oberstar
Obey
Olin
Pease
Pelosi
Rangel
Ray
Ridge
Rodino
Rostenkowski
Roybal
Sabo
Savage
Sawyer
Scheuer
Schumer
Shumway
Sisisky
Smith (FL)
Stokes
Studds
Synar
Torricelli
Towns
Vento
Visclosky
Waxman
Wheat
Whitten
Williams
Wolpe
Yates

NOT VOTING—47

Akaka
Biaggi
Bilirakis
Boland
Boulter
Broomfield
Carr
Clement
Crockett
Dellums
Derrick
Duncan
Dymally
Early
Feighan
Ford (TN)
Gingrich
Gordon
Hansen
Hawkins
Herger
Holloway
Horton
Ireland
Jones (TN)
Kolter
Lightfoot
Lott
Lujan
Mack
MacKay
Matsui
Mica

Moody
Ortiz
Owens (NY)
Quillen
Smith (IA)
Solarz
Spence
Stratton
Sundquist
Swift
Udall
Vander Jagt
Weiss
Wylie

□ 1550

The clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Dellums against.

Mr. McCLOSKEY and Mr. LELAND changed their votes from "aye" to "no."

Messrs. GUARINI, LAFALCE, TRAXLER, and DICKS changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS

Mrs. MARTIN of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MARTIN of Illinois: Page 34, after line 9, insert the following new section:

SEC. 311. None of the funds made available by this Act shall be obligated unless and until legislation is enacted which applies title VII of the Civil Rights Act of 1964, or comparable provisions, to the Congress.

Mr. FAZIO. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman may state his point of order if he wishes.

Mr. FAZIO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI. This amendment makes appropriations in this bill contingent upon subsequent congressional action and as such is legislation in an appropriations bill.

Mr. Chairman, I would at this time suspend and allow the gentlewoman from Illinois to make her point if she wishes.

The CHAIRMAN. The Chair will inquire, does the gentleman from California reserve his point of order, or does he make a point of order now?

Mr. FAZIO. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. MARTIN] is recognized for 5 minutes in support of her amendment.

Mrs. MARTIN of Illinois. Mr. Chairman, let me say to the Members of the body that I will not ask for a vote in ways that might both embarrass the House and cloud the issue, because the issue is too important to be clouded. But this is not just a symbol but a signal to the entire House that 24 years is too long. I do not suggest that my amendment is the only answer to finally and completely bring the House under the rules that we passed for the rest of the Nation and put in effect in 1964 and to bring our employees and all of us under a bill that would be constitutionally sound but would indeed finally extend civil rights and its legislation to Congress.

I am going to take 30 seconds to read something:

> The House of Representatives can make no law which would not have its full operation on themselves and their friends as well as all society.

That is quoting James Madison.

Mr. Chairman, I ask my fellow Members on both sides of the aisle in a bipartisan way to end the charade and the hypocrisy and this year permit themselves to pass this needed legislation. I would like to add that for 65 Members, both Republicans and Democrats, in less than a week to come on this bill shows, I believe, not just courage but a recognition that the time for this action has come. The time for a vote will come later.

Mr. Chairman, if the chairman of this subcommittee would wish to add something, I would be grateful.

Mr. FAZIO. Mr. Chairman, if the gentlewoman will yield, let me say that I appreciate her approach. I certainly think that much of what she is asking for has merit. I would hope that the appropriate committees would hold hearings. We need to fine-tune these bills so they fit into the legislative environment.

I appreciate the gentlewoman's forebearance and her desire not to proceed to a vote. If she would withdraw the amendment, I will not have to make my point of order, and let me say that I do want to support her effort in other forums.

Mrs. MARTIN of Illinois. For the moment, the amendment is withdrawn.

The CHAIRMAN. Does the gentlewoman from Illinois [Mrs. MARTIN] ask unanimous consent to withdraw the amendment?

Mrs. MARTIN of Illinois. I do, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW: Page 34, after line 9, insert the following new section:

SEC. 311. Amounts shall be available from the official expenses allowance of a Member of the House of Representatives for payment of expenses of a controlled substances testing program for Members and their staff.

Mr. SHAW (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FAZIO. Mr. Chairman, I reserve a point of order on this amendment as well.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] reserves a point of order on the amendment and the gentleman from Florida [Mr. SHAW] is recognized for 5 minutes in support of his amendment.

Mr. SHAW. Mr. Chairman, the amendment that is before the House right now would simply make drug testing a reimbursable expense under the House rules. Currently, if any Member of Congress conducts drug testing in their office, they must pay for it out of their own pocket.

In 1986, I implemented a voluntary drug-testing program in my office. Both my staff and I took drug tests to reveal that our office is indeed drug-free.

This sent a strong antidrug message to all my constituents, the media, and recreational drug users and abusers that we do not tolerate drugs on or off the job.

Unfortunately, the House Administration Committee said that the drug tests are not voucherable and, therefore, I could not use money from my official expense account. I also could not use any campaign money because it was considered as an official expense. Our last resort was to see if these services could be donated. However, I discovered that a firm could not donate the services because of restrictions on businesses supplementing official activities.

This leaves us with the problem of not being able to pay for the testing, which is a minor detail; yet it is a significant one. Any Member who wishes to conduct drug testing in his own office must do so, as I did, at his own expense.

Mr. Chairman, this amendment does not require any new money. It merely allows Members to use money from their official expense account to pay for these drug tests. It also does not set up any type of drug testing program, although I have introduced legislation that would set up a voluntary drug testing program for Members and staffs and employees of the House.

Mr. Chairman, this is an important amendment. It states that we in the Congress are willing to apply the rules to ourselves that we now impose upon the private sector. Every Member should vote yes on this amendment and prove to their constituents that they feel as I do on this matter.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I am delighted to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I thank the gentleman from Florida for yielding.

We have discussed this amendment earlier. As the gentleman pointed out in his statement, there is no new money involved, but I do want the membership to understand that this is an expense, and many of the Members are telling me they do not have enough money in their office budgets now, and this would be an additional expenditure and an additional outlay of money from Members' office allowances.

So under the circumstances, if the gentleman would agree to withdraw his amendment, I will assure him that we will hold hearings on his amendment in the Committee on House Administration so that we can get all of the facts, because right now this is legislation on an appropriation bill.

Mr. SHAW. Mr. Chairman, I thank the gentleman for his comments. Based upon his commitment to hold hearings, it is my intention to withdraw the amendment.

I would like to state, however, that the amendment as drawn or the bill as I have offered it, on which the gentleman has graciously consented to hold hearings, makes it voluntary for each Member. It does not impose any rules on any Member that that Member does not decide to impose upon himself.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield further?

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, the only way we are going to determine all the points the gentleman has made is to hold hearings.

Mr. SHAW. Mr. Chairman, I understand what the gentleman is saying, and believe me, on the minority side we do very well know the value of hearings, and we support that process.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. GRANDY

Mr. GRANDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRANDY: Page 34, after line 9, insert the following new section:

SEC. 311. None of the funds appropriated or otherwise made available by this Act shall be used by the Congressional Budget Office to add to, delete, or alter any information such Office has provided to any Member or committee of the House of Representatives or the Senate or any joint committee of the Congress, except to correct factual errors or to provide new or updated information pursuant to a subsequent request similar or identical to the earlier request.

□ 1600

Mr. GRANDY. Mr. Chairman, I had a speech that I was going to make on this amendment. It was obviously in defense of the amendment. It was a speech asking that I could offer the amendment and that it could be considered by this body. There is no need to go into why this amendment is being offered. My colleagues have read the "Dear Colleague" that my colleague, the gentleman from North Carolina [Mr. BALLENGER] and I have sent. My colleagues have read the Wall Street Journal articles, and they have probably read the Congressional Quarterly.

My colleagues know that all we are trying to do is restore some integrity to the nonpartisan Congressional Budget Office.

I would like at this time to thank the subcommittee chairman, the gentleman from California [Mr. FAZIO] for what I understand is an agreement to accept this amendment.

Mr. FAZIO. Will my friend, the gentleman from Iowa, yield?

Mr. GRANDY. I yield to the chairman, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I wanted to indicate to the gentleman from Iowa [Mr. GRANDY] and the gentleman from North Carolina [Mr. BALLENGER] that we believe the amendment is worthy and could be accepted, and at this time we would ask them both to place their remarks in the RECORD so we might move along.

Mr. GRANDY. Mr. Chairman, I would be pleased to put my remarks in the RECORD.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. Mr. Chairman, I yield to my colleague, the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, I rise to support the effort of my colleagues from North Carolina and Iowa, and I want to commend them for the work they have done in trying to bring this crucial issue before the House.

And this is a crucial issue. The CBO is the official scorekeeper for our efforts to reduce the Federal budget deficit which is surely the No. 1 economic problem of our Nation. We simply cannot confront the budget deficit honestly if the official scorekeeper is manipulated by the players.

Now I think just about everyone around here with eyes at least half open knows that we have not confronted the deficit honestly and that the scorekeeper has been manipulated repeatedly. The censored minimum wage report is only the smoking gun that seals the case, not just an isolated scrap of evidence. For years and years we've been passing bills that are supposed to reduce the deficit, and then two things happen. Half of the promised savings never materialize; and meanwhile other spending somehow grows more than it was supposed to.

The minimum wage case is a perfect example of this process. A big minimum wage increase will affect the deficit directly in many ways.

For example, it will increase nursing home and hospital costs that will have to be reimbursed by Medicaid and Medicare. Those were the things that never got into the first CBO report, and they may be as important as what got taken out.

But the material that was taken out also has large indirect budget implications. Fewer jobs means lower overall economic activity than would otherwise occur, producing lower Federal revenue. And the increased inflation predicted by CBO would increase the interest costs for carrying the Federal debt by $4 to $6 billion per year. Though CBO itself did not draw these conclusions, they are obvious.

It's very easy to understand why the sponsors of this bill did not want the offending material left in the report. But it won't do to claim that taking it out was somehow normal procedure. It was clearly important material with budget relevance. It had been requested. The CBO had seen fit to put it in the initial report. Then why was the minority not given a copy of that initial report? Why was it denied a copy when it asked for one?

Is it normal procedure for majority committee staffers to have the ultimate decision over what goes into or comes out of a CBO report, without the minority even knowing about it until after the deed is done? Shouldn't the CBO have the right to decide what goes into its reports? If it doesn't, what good is it? Why pay for a separate agency when we could just let the Democratic Study Group staff write the reports?

Surely the CBO should have control of its own product. That is what the amendment suggested by my colleagues is for. It is a major step toward increasing CBO's independence and freeing its hard-working professionals to do a more honest job. I don't think this is the only thing we need to do to help CBO, and I am preparing a separate bill with additional provisions. But this morning's effort is a solid first step.

Supporting a strong, independent CBO should be a cause especially dear to those of us from Wisconsin, because it was in our State that the whole idea of nonpartisan legislative service agencies got its start back at the beginning of the progressive era. In fact, when the most famous progressive leader of all, Robert M. LaFollette, took over as Governor of Wisconsin in 1901, one of his first good government reforms was the establishment of the very first of these agencies, the Legislative Reference Library of Wisconsin.

The idea was actually the brainchild of Charles McCarthy, who became the Library's first director. In 1906, he advised other States that, "The department must be entirely nonpolitical and nonpartisan or else it will be worse than useless. If you have the choice between establishing a political department and no department at all, take the latter."

And McCarthy was right. Authoritative sanction for politically "cooked" numbers is worse than no sanction for any numbers at all. I urge my colleagues to support the present effort, as well as future efforts, to enhance the independence of CBO so that it may live up to the high ideals set forth by "Fighting Bob" LaFollette and Charles McCarthy almost a century ago.

Mr. BALLENGER. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. Mr. Chairman, I yield to the coauthor of the amendment, the gentleman from North Carolina [Mr. BALLENGER] who I think will be brief.

Mr. BALLENGER. Mr. Chairman, the Congressional Budget Office was established to assist Congress in carrying out its responsibilities under the Congressional Budget and Control Impoundment Act. Simply put, this agency has been the "fiscal umpire."

The recent events surrounding the doctoring of a CBO report on the minimum wage make it plain that this once proud, non-partisan and non-biased agency may be a thing of the past.

The umpire has been forced to take sides.

Here's what happened: The CBO was asked to assess the impact of raising the minimum wage rate from $3.35 to $5.05. The original report, issued on March 25, concluded that the increase would raise consumer prices and cause a loss of 500,000 lower paying jobs.

The majority apparently objected to their conclusions and ordered the report suppressed. They asked for a second version which was received on March 29, minus the section dealing with the impact on unemployment and inflation.

This partisan subversion of CBO is apparently nothing new, but it has gotten worse. Former Acting CBO Director Ned Gramlich is quoted as saying:

> . . . there is ample precedent for this kind of pressure and manipulation, and if it continues it could irreparably damage CBO's credibility.

CBO is staffed with a group of professionals who are more than able to discharge their duties as prescribed by law. Let's free them to resist partisan manipulation to which they are being subjected.

This amendment simply prohibits any funds in the bill from being used to alter data or information once a report is released without bipartisan approval. It does nothing more, nothing less.

Shortly, there will be a motion for the Committee to rise. The majority does not want a vote on this amendment. If the Committee rises, there will not be a vote.

The majority does not want a vote on whether this House will permit freedom and fairness of information—they are afraid it might be successful. Instead, the majority intends to continue to destroy the impartiality of CBO and suppress all opposing views.

I urge my colleagues to vote to defeat the motion to rise, so that the Grandy-Ballenger amendment may be debated and voted on. A vote against the motion to rise is a vote for fairness and for restoring CBO to the nonpartisan status it once enjoyed.

I urge my colleagues to vote against the heavy-handed tactics of the majority and defeat the motion to rise.

Mr. GRANDY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GRANDY].

The amendment was agreed to.

Mrs. BOGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the committee, the gentleman from California [Mr. FAZIO].

As the gentleman from California knows, I chaired the Commission on the U.S. House of Representatives Bicentenary which has responsibility to oversee preparations for the 200th anniversary of the House of Representatives and the legislative branch which occur next spring. I appreciate the support this subcommittee has given to the Office of the Bicentennial and preparations for the anniversary of the first branch of our Government.

Among the many contributions from many public and private sources, I would like to call attention especially to the contributions the Library of Congress is making to these efforts. These include two exhibits and a symposium with publications, catalogs and other appropriate byproducts. One exhibit will be built around Dr. Kenneth Martis' publication: "The Historical Atlas of Political Parties in the United States Congress." It will open in February in conjunction with a joint conference entitled "Toward a Broader Understanding of the U.S. Congress," which the Library will sponsor with several other entities.

In March the Library's Council of Scholars will conduct a symposium addressing the topic "Knowledge, Power and the Congress." And a second major exhibit, "The Congress of the United States: The First Two Centuries," is planned for the Great Hall of the Library in September 1989.

Regarding the first conference, "Understanding Congress," some support will be provided by the Ford Foundation as well as the Lyndon Baines Johnson Foundation. We are currently exploring the possibility of having the House and Senate each provide $15,000 to underwrite honoraria and expenses for speakers and program panelists.

Could the gentleman tell me if funds would be available for this purpose if the expenditures are approved by the House Administration Committee?

Mr. FAZIO. Mr. Chairman, if the gentlewoman will yield, I wish to assure my friend and a member of the subcommittee, the gentlewoman from Louisiana [Mrs. BOGGS] that we appreciate the effort she has been making in this area for many years. There are certainly sufficient funds in the bill that will be available as soon as the House Administration Committee approves the expenditures.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman from California [Mr. FAZIO].

The CHAIRMAN. The Clerk will complete the reading of the bill.

The Clerk read as follows:

This Act may be cited as the "Legislative Branch Appropriations Act, 1989".

The CHAIRMAN. Are there further amendments?

Mr. FAZIO. Mr. Chairman, I know of no further amendments, and I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. FOLEY, having assumed the chair, Mr. GEPHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4587) making appropriations for the legislative branch for the fiscal year ending September 30, 1989, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 277, nays 104, not voting 50, as follows:

[Roll No. 148]

YEAS—277

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant

Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Edwards (OK)
English
Espy
Evans
Fascell
Fazio
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (UT)
Panetta
Parris
Pashayan
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Robinson
Rodino
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (TX)
Snowe
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—104

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bereuter
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Emerson
Erdreich
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Grandy
Gregg
Hall (TX)
Hefley
Henry
Herger
Hiler
Hopkins
Hunter
Inhofe
Jacobs
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lungren
Martin (IL)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Morrison (WA)
Murphy
Nielson
Oxley
Packard
Patterson
Petri
Rhodes
Ridge
Ritter
Roberts
Roth
Rowland (CT)
Saxton
Schaefer
Schuette
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Slaughter (VA)
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stenholm
Stump
Sweeney
Swindall
Tauke
Vucanovich
Walker
Weldon
Whittaker

NOT VOTING—50

Akaka
Biaggi
Bilirakis
Boland
Boulter
Broomfield
Carr
Clement
Collins
Crockett
Derrick
Duncan
Dymally
Early
Feighan
Ford (TN)
Gordon
Gradison
Hansen
Hastert
Hawkins
Holloway
Horton
Hyde
Ireland
Jenkins
Jones (TN)
Kolter
Lightfoot
Lott
Lujan
Lukens, Donald
Mack
Martinez
Matsui
Mica
Moody
Ortiz
Owens (NY)
Quillen
Roe
Smith (IA)
Solarz
Spence
Stratton
Sundquist
Udall
Vander Jagt
Weiss
Wylie

□ 1624

The Clerk announced the following pairs:

On this vote:

Mr. Akaka for, with Mr. Donald E. Lukens against.

Mr. Stratton for, with Mr. Hansen against.

Mrs. Collins for, with Mr. Bilirakis against.

Mr. Quillen for, with Mr. Boulter against.

Mr. **SHAYS** and Mrs. **MEYERS** of Kansas changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 20, 1988, TO FILE REPORT ON H.R. 1580, ANTI-APARTHEID AMENDMENTS ACT OF 1988

Mr. **WOLPE**. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight, Firday, May 20, 1988, to file its report on H.R. 1580, the Anti-Apartheid Amendments Act of 1988.

The **SPEAKER** pro tempore (Mr. **BILBRAY**). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON S. 1539, RAIL SAFETY IMPROVEMENT ACT OF 1988

Mr. **THOMAS A. LUKEN** submitted the following conference report and statement on the Senate bill (S. 1539) to amend the Federal Railroad Safety Act of 1970 and for other purposes:

CONFERENCE REPORT (H. Rept. 100-637)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1539) to amend the Federal Railroad Safety Act of 1970 and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Safety Improvement Act of 1988".

SEC. 2. AUTHORIZATION FOR APPROPRIATIONS.

Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended to read as follows:

"SEC. 214. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There is authorized to be appropriated to carry out this Act not to exceed $40,649,000 for the fiscal year ending September 30, 1988, not to exceed $41,868,470 for the fiscal year ending September 30, 1989, and not to exceed $44,381,000 for the fiscal year ending September 30, 1990.

"(b) Sums appropriated under this section for research and development, automated track inspection, and the State safety grant program are authorized to remain available until expended.".

SEC. 3. INCREASED PENALTIES; LIABILITY OF INDIVIDUALS.

(a) Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) is amended—

(1) in subsection (a) by striking "railroad" and inserting in lieu thereof "person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad)";

(2) in subsection (b) by striking all after "(45 U.S.C. 39)" and inserting in lieu thereof "in an amount of not less than $250 nor more than $10,000, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty of not to exceed $20,000 may be assessed.";

(3) in subsection (c)—

(A) by striking the first sentence and inserting in lieu thereof "Any person violating any rule, regulation, order, or standard referred to in subsection (b) shall be assessed by the Secretary the civil penalty applicable to the standard violated. Penalties may be assessed against individuals under this subsection only for willful violations.";

(B) by inserting ", in which the individual resides," after "such violation occurred"; and

(C) by adding at the end the following new sentences: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor,

under protest communicated to the supervisor. Such individual shall have the right to document such protest."; and

(4) by adding at the end the following new subsection:

"(f) Where an individual's violation of any rule, regulation, order, or standard prescribed by the Secretary under this title is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after notice and opportunity for a hearing, may issue an order prohibiting such individual from performing safety-sensitive functions in the rail industry for a specified period of time or until specified conditions are met. This subsection shall not be construed to affect the Secretary's authority under section 203 to take such action on an emergency basis.".

(b) Within 30 days after the date of the enactment of this Act the Secretary of Transportation (hereafter in this Act referred to as the "Secretary") shall issue interim rules, regulations, orders, or standards containing penalty schedules applicable to railroads and individuals reflecting the changes made by the amendments in subsection (a). The Secretary shall issue final rules, regulations, orders, or standards with respect to such penalty schedules within 6 months after such date of enactment.

SEC. 4. LICENSING OR CERTIFICATION OF ENGINEERS.

(a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(l)(1) The Secretary shall, within 12 months after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary to establish a program requiring the licensing or certification of any operator of a locomotive, including any locomotive engineer, after the expiration of 12 months following the establishment of such program.

"(2) The program established by the Secretary under paragraph (1)—

"(A) shall be implemented through review and approval of each railroad's operator qualification standards;

"(B) shall provide minimum training requirements;

"(C) shall require comprehensive knowledge of applicable railroad operating practices and operating rules;

"(D) shall, except as provided in paragraph (4), require the consideration, to the extent information is available, of the motor vehicle driving record of each individual seeking licensing or certification under such program, including—

"(i) any denial of a motor vehicle operator's license by a State for cause within the previous 5 years;

"(ii) any cancellation, revocation, or suspension of a motor vehicle operator's license by a State for cause within the previous 5 years; and

"(iii) any conviction within the previous 5 years of an offense described under section 205(A)(3)(A) or (B) of the National Driver Register Act of 1982,

and may, based on such driving record, require disqualification of an individual or the granting of a license or certification conditioned on such terms as the Secretary may prescribe; and

"(E) shall require any individual seeking a license or certification under this subsection to—

"(i) request the chief driver licensing official of each State in which such individual has within the previous 5 years held a motor vehicle operator's license to provide information to his or her employer or prospective employer, or to the Secretary, as the Secretary may determine, with respect to such individual's driving record; and

"(ii) make the request provided for in section 206(b)(5) of the National Driver Register Act of 1982, for information to be transmitted to his or her employer, prospective employer, or the Secretary, as the Secretary may determine.

"(3) The Secretary, employer, or prospective employer, as appropriate, shall make information obtained under paragraph (2)(E) available to the individual, who shall be given an opportunity to comment on it in writing. Any such comment shall be included in any record or file maintained by the Secretary, employer, or prospective employer that contains the information to which the comment is related.

"(4)(A) The Secretary shall establish standards and procedures for waiving the application of requirements established under paragraph (2)(D) to any individual or class of individuals who the Secretary determines are not currently unfit to operate a locomotive.

"(B) In establishing the program under this subsection, the Secretary may not waive the application of requirements established under paragraph (2)(D) to an individual or class of individuals with a conviction, cancellation, revocation, or suspension described in paragraph (6)(A) or (B) who have not successfully completed a rehabilitation program established by a railroad or approved by the Secretary.

"(5) An individual who is denied a license or certification or whose license or certification is conditioned under requirements established under paragraph (2)(D) shall be entitled to an administrative hearing under subsection (b) to determine whether such license or certification has been properly denied or conditioned.

"(6) No individual shall be denied a license or certification under requirements established under paragraph (2)(D) because of—

"(A) a conviction for operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; or

"(B) the cancellation, revocation, or suspension of the motor vehicle operator's license of such individual on the basis of operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance,

if such individual subsequent to such conviction, cancellation, revocation, or suspension has successfully completed a rehabilitation program established by a railroad or approved by the Secretary.".

(b)(1) Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401, note) is amended by adding at the end the following new paragraph:

"(5) Any individual who is employed by a railroad as an operator of a locomotive, or who seeks employment with a railroad as an operator of a locomotive, may request the chief driver licensing official of a State to transmit information regarding the individual under subsection (a) of this section to his or her employer or prospective employer, or to the Secretary. There shall be no access to information in the Register under this paragraph which was entered in the Register more than three years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by the States under Public Law 86-660 (74 Stat. 526) or under this title shall be subject to access for the purpose of this paragraph during the transition described under section 203(c) of this title.".

(2) Paragraphs (1) and (2) of subsection (b) of section 206 of the National Driver Register Act of 1982 (23 U.S.C. 401, note) are each amended by adding at the end the following: "Information submitted to the Register by States under Public Law 86-660 (74 Stat. 526) or under this title shall be subject to access for the purpose of this paragraph during the transition described under section 203(c) of this title.".

SEC. 5. PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION.

(a) Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended to read as follows:

"(2) In any proceeding with respect to which a dispute, grievance, or claim arising under this section is brought for resolution before the Adjustment Board (or any division or delegate thereof) of any other board of adjustment created under section 3 of the Railway Labor Act (45 U.S.C. 153), such dispute, grievance, or claim shall be expedited by such Board or other board and be resolved within 180 days after its filing. If the violation of subsection (a) or (b) is a form of discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other board of adjustment created under section 3 of the Railway Labor Act may award the aggrieved employee reasonable damages, including punitive damges, not to exceed $20,000.".

(b) Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended by adding at the end the following new subsection:

"(f) (1) Except as provided in paragraph (2), or with the written consent of the employee, the Secretary shall not disclose the name of any employee of a railroad who has provided information with respect to an alleged violation of this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.

"(2) The secretary shall disclose to the Attorney General the name of any employee described in paragraph (1) who has provided information with respect to a matter being referred to the Attorney General for enforcement under this title, any other Federal railroad safety law, or any rule, regulation, order, or standard issued under this title or any other Federal railroad safety law.".

SEC. 6. NORTHEAST CORRIDOR IMPROVEMENT PROJECT.

Section 704(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(1)) is amended—

(1) by striking "and" before "installation of evacuation"; and

(2) by adding at the end the following: "improvements to the communication and signal systems at locations between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line; improvement to the electric traction systems between Wilmington, Delaware, and Newark, New Jersey; installation of baggage rack restraints, seat back guards and seat lock devices on three hundred forty-

eight passenger cars operating within the Northeast Corridor; installation of forty-four event recorders and ten electronic warning devices on locomotives oerating within the Northeast Corridor; and acquisition of cab signal test boxes and installation of nine wayside loop code transmitters for use within the Northeast Corridor;".

SEC. 7. JURISDICTION OVER HIGH SPEED RAIL SYSTEMS.

(a) Section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)) is amended to read as follows:

"(e) The term 'railroad' as used in this title means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, as well as any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.".

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by striking subsections (i), (j), and (k), and redesignating subsection (l), as added by section 4 of this Act, as subsection (i).

SEC. 8. ENFORCEMENT OF SUBPOENAS AND ORDERS.

Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking "Act;" and all that follows and inserting in lieu thereof the following: "title. In case of contumacy or refusal to obey a subpoena, order, or directive of the Secretary issued under this title by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation an order requiring immediate compliance with the Secretary's subpoena, order, or directive.".

SEC. 9. AUTOMATIC TRAIN CONTROL AND RELATED SYSTEMS.

Section 202 of the Federal Railroad Safety Act of 1970 is amended by adding at the end the following new subsections:

"(j) Within 90 days after the date of enactment of this subsection, the Secretary shall issue such rules, regulations, orders, and standards as may be necessary to require that—

"(1) whoever performs any test required by the Secretary of an automatic train stop, train control, or cab signal apparatus prior to entering territory where such apparatus will be used shall certify in writing that such test was properly performed; and

"(2) that such certification shall be kept and maintained in the same manner and place as the daily inspection report for that locomotive.

"(k)(1) All trains operating after April 1, 1990, on the main line of the Northeast Corridor between Washington, DC, and Boston, Massachusetts, or on the feeder line referred to in section 704(a)(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976, shall be equipped with automatic train control systems designed to slow or stop a train in response to external signals.

"(2) If the Secretary finds that it is impracticable to equip all trains as required under paragarph (1) before April 1, 1990, the Secretary may extend the deadline for compliance with such requirement, but in no event shall such deadline be extended past July 1, 1990.

"(l) The Secretary, in consultation with the National Railroad Passenger Corporation, freight carriers, commuter agencies, employee representatives, railroad passengers, and rail equipment manufacturers, shall undertake a study of the advisability and feasibility of requiring automatic train control systems, including systems using advanced technology, such as transponder and satellite relay systems, on each rail corridor on which passengers or hazardous materials are carried. Such study shall include—

"(1) a specific assessment of the dangers of not requiring automatic train control systems on each such corridor, based on analysis of the number of passenger trains, persons, and freight trains traveling on such corridor daily, the frequency of train movements, mileage traveled, and the incident and accident history on such corridor;

"(2) an analysis of the cost of requiring such systems to be installed on each specific corridor; and

"(3) an investigation of alternative means of accomplishing the same safety objectives as would be achieved by requiring automatic train control systems to be installed.

The Secretary shall submit to the Congress by April 1, 1990, a report detailing the results of such study.".

SEC. 10. EVENT RECORDERS.

Section 202 of the Federal Railroad Safety Act of 1970 is amended by adding at the end the following new subsection:

"(m)(1)(A) The Secretary shall, within 18 months after the date of the enactment of the Rail Safety Improvement Act of 1988, issue such rules, regulations, standards, and orders as may be necessary to enhance safety by requiring that trains be equipped with event recorders within 1 year after such rules, regulations, orders, and standards are issued.

"(B) If the Secretary finds that it is impracticable to equip trains as required under subparagraph (A) within the time limit under such subparagraph, the Secretary may extend the deadline for compliance with such requirement, but in no event shall such deadline be extended past 18 months after such rules, regulations, orders, and standards are issued.

"(2) For the purposes of this subsection, the term 'event recorders' means devices that—

"(A) record train speed, hot box detection, throttle position, brake application, brake operations, and any other function the Secretary considers necessary to record to assist in monitoring the safety of train operation, such as time and signal indication; and

"(B) are designed to resist tampering.".

SEC. 11. NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) Within 30 days after the date of enactment of this Act, the Secretary of Transportation (hereafter in this Act referred to as the "Secretary") shall establish a Northeast Corridor Safety Committee and appoint members to the Committee which shall consist of representatives of—

(1) the Secretary;

(2) the National Railroad Passenger Corporation;

(3) freight carriers operating more than 150,000 train miles per year on the main line of the Northeast Corridor;

(4) commuter agencies;

(5) railroad passengers;

(6) rail labor; and

(7) any other persons or organizations the Secretary determines to have a significant interest in rail safety.

(b) The Secretary shall consult with the Northeast Corridor Safety Committee on safety improvements on the main line of the Northeast Corridor.

(c) Within 90 days after the date of enactment of this Act, the Secretary shall, in accordance with section 333 of title 49, United States Code, convene a meeting of rail carriers operating more than 150,000 train miles per year on the main line of the Northeast Corridor for the purpose of reducing through freight traffic on portions of such line used primarily for passenger traffic.

(d) Within one year after the date of enactment of this Act the Secretary shall submit a report to the Congress on the status of efforts to improve safety on the main line of the Northeast Corridor pursuant to the provisions of this section.

SEC. 12. MISCELLANEOUS.

Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)) is repealed.

SEC. 113. AMENDMENTS TO SAFETY APPLIANCE ACTS.

The Act of March 2, 1893 (45 U.S.C. 1-7), the Act of March 2, 1903 (45 U.S.C. 8-10), and the Act of April 14, 1910 (45 U.S.C. 11-16), commonly referred to as the Safety Appliance Acts, are amended as follows:

(1) The Act of March 2, 1893, is amended—

(A) in the first section (45 U.S.C. 1)—

(i) by striking "common carrier engaged in interstate commerce by";

(ii) by striking "in moving interstate traffic"; and

(iii) by striking "in such traffic";

(B) in section 2 (45 U.S.C. 2)—

(i) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(ii) by striking "used in moving interstate traffic";

(C) in section 3 (45 U.S.C. 3), by striking "person, firm, company, or corporation engaged in interstate commerce by";

(D) in section 4 (45 U.S.C. 4), by striking "in interstate commerce";

(E) in section 5 (45 U.S.C. 5)—

(i) by striking "common carriers" and inserting in lieu thereof "railroads";

(ii) by striking "engaged in interstate commerce"; and

(iii) by striking "in interstate traffic";

(F) in section 6 (45 U.S.C. 6)—

(i) by striking all before the first semicolon and inserting in lieu thereof the following: "Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this Act, shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), or where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, not to exceed $20,000, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary under the Federal Claims Collection Act of 1966, recovered in a suit or suits to be brought by the United States attorney for

the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(ii) by adding at the end the following: "For purposes of this section, an act by an individual that causes a railroad to be in violation of any of the provisions of this Act shall be deemed a violation, and an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor, under protest communicated to the supervisor. Such individual shall have the right to document such protest.";

(G) in section 7, by striking "common carrier" and inserting in lieu thereof "railroad"; and

(H) in section 8 (45 U.S.C. 7)—

(i) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(ii) by striking "such carrier" and inserting in lieu thereof "such railroad".

(2) The Act of March 2, 1903, is amended—

(A) in the first section (45 U.S.C. 8), by striking "common carriers by" and by striking "engaged in interstate commerce" the second time it appears;

(B) in section 2 (45 U.S.C. 9)—

(i) by striking "common carriers engaged in interstate commerce by railroad" and inserting in lieu therof "rialroads"; and

(ii) by striking "engaged in interstate commerce"; and

(C) in section 3 (45 U.S.C. 10), by striking "common carrier" and inserting in lieu thereof "person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad)".

(3) The Act of April 14, 1910, is amended—

(A) in section 2 (45 U.S.C. 11), by striking "common carrier" and inserting in lieu thereof "railroad";

(B) in section 3 (45 U.S.C. 12)—

(i) by striking "in interstate or foreign traffic" wherever it appears;

(ii) by striking "common carrier" and inserting in lieu thereof "railroads"; and

(iii) by striking "common carrier" and inserting in lieu thereof "railroad";

(C) in section 4 (45 U.S.C. 13)—

(i) by striking "common carrier subject to this Act" and inserting in lieu thereof "person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad)";

(ii) by striking "carrier" wherever it appears and inserting in lieu thereof "person";

(iii) by striking "of not less than $250 and not more than $2,500 for each and every such violation, to" and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), or where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, not to exceed $20,000, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation. Such penalty shall";

(iv) by striking "and recovered" and inserting in lieu thereof the following: "and, where compromise is not reached by the Secretary under the Federal Claims Collection Act of 1966, recovered"; and

(v) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor under protest communicated to the supervisor. Such individual shall have the right to document such protest.";

(D) in section 5 (45 U.S.C. 14), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(E) by amending the first section (45 U.S.C. 16) to read as follows: "That as used in this Act, the Act of March 2, 1893 (45 U.S.C. 1-7), and the Act of March 2, 1903 (45 U.S.C. 8-10), commonly known as the Safety Appliance Acts, the term 'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).".

SEC. 14. AMENDMENTS TO LOCOMOTIVE INSPECTION ACT.

The Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911 (45 U.S.C. 22 et seq.), is amended—

(1) by amending the first section (45 U.S.C. 22) to read as follows: "That the term 'railroad', when used in this Act, shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 23), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 3 (45 U.S.C. 24), by striking "common carriers" and inserting in lieu thereof "railroads";

(4) in section 5 (45 U.S.C. 28)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "carrier" whereeever it appears and inserting in lieu thereof "railroad";

(5) in section 6 (45 U.S.C. 29), by striking "carrier" and "carriers" wherever they appear and inserting in lieu thereof "railroad" and "railroads", respectively;

(6) in section 8 (45 U.S.C. 32), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad"; and

(7) in section 9 (45 U.S.C. 34)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) violating this Act, or any rule or regulation made under its provisions or any lawful order of any inspector, shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), or where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, not to exceed $20,000, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation. Such penalty shall be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary under the Federal Claims Collection Act of 1966, recovered in a suit or suits to be brought by the United States attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an act by an individual that causes a railroad to be in violation of any of the provisions of this Act, or any rule or regulation made under its provisions or any lawful order of any inspector, shall be deemed a violation, and an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor under protest communicated to the supervisor. Such individual shall have the right to document such protest."

SEC. 15. AMENDMENTS TO ACCIDENT REPORTS ACT.

The Act entitled "An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission", approved May 6, 1910 (45 U.S.C. 38 et seq.) is amended—

(1) in the first section (45 U.S.C. 38)—

(A) by striking "common carrier" engaged in interstate or foreign commerce by";

(B) by striking "carriers" and inserting in lieu thereof "railroads"; and

(C) by adding at the end the following: "The term 'railroad' when used in this Act shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 39)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking the last sentence;

(3) in section 3 (45 U.S.C. 40)—

(A) by striking "common carrier engaged in interstate or foreign commerce by"; and

(B) by striking "carriers" and inserting in lieu thereof "railroads";

(4) by amending section 7 (45 U.S.C. 43) to read as follows:

"SEC. 7. Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) violating this Act or any rule, regulation, order, or standard issued under this Act or the Federal Railroad Safety Act of 1970 pertaining to accident reporting or investigations shall be liable for a penalty in such amount, not less thant $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), or where grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, not to exceed $20,000, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation. Such penalty shall be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary under the Federal Claims Collection Act of 1966, recovered in a suit or suits to be brought by the United States attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. For purposes of this section, an act by an individual that causes a railroad to be in violation of any of the provisions of this Act or any rule, regulation, order, or standard issued under this Act or the Federal Railroad Safety Act of 1970 pertaining to accident reporting or investigations shall be deemed a violation, and an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor under protest communicated to the supervisor. Such individual shall have the right to document such protest.".

SEC. 16. AMENDMENTS TO HOURS OF SERVICE ACT.

The Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), is amended—

(1) in the first section (45 U.S.C. 61)—

(A) in subsection (a), by striking "common carrier engaged in interstate or foreign commerce by;"

(B) in subsection (b)(1), by striking all after "term" and inserting in lieu thereof "'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)."; and

(C) in subsection (b)(4), by striking "carrier" and inserting in lieu thereof "railroad"'

(2) in section 2 (45 U.S.C. 62), by striking "common carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 3 (45 U.S.C. 63), by striking "common carrier" and inserting in lieu thereof "railroad";

(4) in section 3A (45 U.S.C. 63a), by striking "common carrier" and "carrier" wherever they appear and inserting in lieu thereof "railroad";

(5) in section 4 (45 U.S.C. 64), by striking "common carrier" and inserting in lieu thereof "railroad";

(6) in section 5 (45 U.S.C. 64a)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) that requires or permits any employee to go, be, or remain on duty in violation of section 2, section 3, or section 3A of this Act, or that violates any other provision of this Act, shall be liable for a penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation. Such penalty shall be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary under the Federal Claims Collection Act of 1966, recovered in a suit or suits to be brought by the United States attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. It shall be the duty of the United States attorney to bring such an action upon satisfactory information being lodged with him. In the case of a violation of section 2(a)(3) or (a)(4) of this Act, each day a facility is in noncompliance shall constitute a separate offense. For purposes of this section, an act by an individual that causes a railroad to be in violation of this Act shall be deemed a violation, and a individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor under protest communicated to the supervisor. Such individual shall have the right to document such protest.";

(B) in subsection (a)(2), by striking "the common carrier" and inserting in lieu thereof "such person";

(C) in subsection (c), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(D) in subsection (d), by striking "carrier" and inserting in lieu thereof "railroad".

SEC. 17. AMENDMENTS TO SIGNAL INSPECTION ACT.

Section 25 of the Act of February 4, 1887 (49 App. U.S.C. 26) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The term 'railroad' as used in this section shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C- 431 et seq.).";

(2) in subsection (b), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad", and by striking "carriers" and inserting in lieu thereof "railroads";

(3) in subsection (c)—

(A) by striking "carrier by"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in subsection (d), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(5) in subsection (e), by striking "carrier" and inserting in lieu thereof "railroad";

(6) in subsection (f), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(7) in subsection (h)—

(A) by amending the first sentence to read as follows: "Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) violating any provision of this section, or failing to comply with any of the rules, regulations, orders, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), or where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, not to exceed $20,000, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation. Such penalty shall be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary under the Federal Claims Collection Act of 1966, recovered in a suit or suits to be brought by the United States attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office."; and

(B) by adding at the end the following: "For purposes of this section, an act by an individual that causes a railroad to be in violation of any of the provisions of this section, or to fail to comply with any of the rules, regulations, orders, standards, or instructions made, prescribed, or approved under this section, shall be deemed a violation, and an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor under protest communicated to the supervisor. Such individual shall have the right to document such protest."; and

(8) by striking "Commission" wherever it appears, except as it appears in subsection (f) in the title of the Act of May 6, 1910, and inserting in lieu thereof "Secretary of Transportation".

SEC. 18. RAIL PASSENGER SERVICE AMENDMENTS.

(a) Section 301 of the Rail Passenger Service Act (45 U.S.C. 541) is amended by striking "agency" and inserting in lieu thereof "agency, instrumentality, authority, or entity,".

(b) Section 303(a)(1)(E) of the Rail Passenger Service Act (45 U.S.C. 543(a)(1)(E)) is amended to read as follows:

"(E) Two members selected by the preferred stockholders of the Corporation, who each shall serve for a term of one year or until their successors have been appointed.".

(c) Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)) is amended by striking the third sentence and inserting in lieu thereof the following: "The president and other officers of the Corporation shall receive compensation at a level no higher than the general level of compensation paid officers of railroads in positions of comparable responsibility.".

(d) Section 308(a) of the Rail Passenger Service Act (45 U.S.C. 548(a)) is amended by inserting immediately after "also" in the last sentence the following: "provide all relevant information concerning any decision to pay to any officer of the Corporation compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, and".

(e) Section 602(i) of the Rail Passenger Service Act (45 U.S.C. 602(i)) is repealed.

(f) Subsection (b) of the first section of the Act entitled "An Act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes", approved June 22, 1972 (Public Law 92-316; Stat. 227), is repealed.

(g)(1) The National Railroad Passenger Corporation (hereafter in this subsection referred to as "Amtrak"), or the owner of any facility which presents a danger to the employees, passengers, or property of Amtrak, may petition the Secretary for assistance to the owner of such facility for relocation or other remedial measures to minimize or eliminate such danger under this subsection.

(2) If the Secretary determines that—

(A) a facility which is the subject of a petition under paragraph (1) presents a danger of death or serious injury to any employee or passenger of Amtrak or serious damage to any property of Amtrak; and

(B) the owner of such facility should not be expected to bear the cost of relocating or other remedial measures necessary to minimize or eliminate such danger.

the Secretary shall recommend to the Congress that the Congress authorize funding, by reimbursement or otherwise, for such relocation or other remedial measures.

(3) Petitions may be submitted under paragraph (1) with respect to any relocation or remedial measures undertaken on or after January 1, 1978.

(h)(1) There is authorized to be appropriated to the Secretary for the purposes of this subsection, $1,000,000, to remain available until expended.

(2) The National Railroad Passenger Corporation, or such Corporation jointly with any owner or operator of a rail station used for the operations of such Corporation, may apply to the Secretary for funds appropriated under this subsection for payment or reimbursement of expenses, incurred after October 1, 1987, in connection with enabling such station to comply with the requirements of any official notice received before October 1, 1987, from State or local authorities asserting that a violation of building, construction, fire, electric, sanitation, mechanical, or plumbing codes exists or is alleged to exist with respect to such station.

SEC. 19. MAINTENANCE-OF-WAY OPERATIONS.

(a) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(n) The Secretary shall, within one year after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary for the safety of maintenance-of-way employees, in-

cluding standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used.".

(b)(1) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employees' shall include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(2) As it applies to interruptions caused by noise under section 2(a)(3) of such Act, the amendment made by paragraph (1) shall take effect 180 days after the date of the enactment of this Act.

(c) The Secretary shall, within one year after the date of the enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

SEC. 20. GRADE CROSSING DEMONSTRATION PROJECTS.

The Federal Railroad Safety Act of 1970 is amended by adding at the end the following new section:

"SEC. 215. GRADE CROSSING DEMONSTRATION PROJECTS.

"(a) The Federal Railroad Administration shall establish demonstration projects for the purpose of evaluating—

"(1) whether reflective markers installed on the road surface or on a signal post at grade crossings would reduce accidents involving trains;

"(2) whether a stop sign or yield sign installed at grade crossings would reduce such accidents; and

"(3) whether speed bumps or rumble strips installed on the road surface at the approach to grade crossings would reduce such accidents.

"(b) The Federal Railroad Administration shall, within two years after the date of the enactment of the Rail Safety Improvement Act of 1988, report to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate on the results of the demonstration projects established under subsection (a).

"(c) There is authorized to be appropriated to the Secretary of Transportation for improvements in grade crossing safety other than the demonstration projects provided for under subsection (a), $1,000,000, to remain available until expended.".

SEC. 21. TAMPERING WITH SAFETY DEVICES.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(o)(1) The Secretary shall, within 90 days after the date of the enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary to prohibit the willful tampering with, or disabling of, specified railroad safety or operational monitoring devices.

"(2)(A) Any railroad company operating a train on which safety or operational monitoring devices are tampered with or disabled in violation of rules, regulations, orders, or standards issued by the Secretary under paragraph (1) shall be liable for a civil penalty under section 209.

"(B) Any individual tampering with or disabling safety or operational monitoring devices in violation of rules, regulations, orders, or standards issued by the Secretary under paragraph (1), or who knowingly operates or permits to be operated a train on which such devices have been tampered with or disabled by another person, shall be liable for such penalties as may be established by the Secretary, which may include fines under section 209, suspension from work, or suspension or loss of a license or certification issued under subsection (i).".

SEC. 22. DISPATCHER TRAINING.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(p)(1) The Secretary shall, within 180 days after the date of the enactment of the Rail Safety Improvement Act of 1988, conduct and complete an inquiry into whether training standards are necessary for those involved in dispatching trains.

"(2) Upon the completion of such inquiry, the Secretary shall report the results of such inquiry to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate along with the Secretary's recommendations, and if the Secretary recommends that rules, regulations, orders, or standards be issued, the Secretary shall promptly initiate appropriate rulemaking proceedings.".

SEC. 23. GRADE CROSSING SIGNAL SYSTEM SAFETY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is further amended by adding at the end the following new subsection:

"(q) The Secretary shall, within one year after the date of the enactment of the Rail Safety Improvement Act of 1988, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.".

SEC. 24. ACCIDENT REPORTS.

If a railroad, in reporting an accident or incident under the Accident Reports Act (45 U.S.C. 38 et seq.), assigns human error as a cause of the accident or incident, such report shall include, at the option of each employee whose error is alleged, a statement by such employee explaining any factors the employee alleges contributed to the accident or incident.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

John D. Dingell,
Thomas A. Luken,
Jim Slattery,
Norman F. Lent,
Bob Whittaker,
Managers on the Part of the House.

Fritz Hollings,
J.J. Exon,
Brock Adams,
John C. Danforth,
Bob Kasten,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1539) to amend the Federal Railroad Safety Act of 1970 and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. SHORT TITLE

Senate bill

Designates short title as "Railroad Safety Act of 1987".

House amendment

Designates short title as "Rail Safety Improvement Act of 1987".

Conference agreement

House amendment with a technical amendment. Designates short title as "Rail Safety Improvement Act of 1988".

2. AUTHORIZATION

Senate bill

Authorizes the appropriation of $40,649,000 in FY 1988 and $41,868,470 in FY 1989.

House amendment

Authorizes the appropriation of the same amounts as the Senate bill in FY 1988 and FY 1989 respectively, as well as $44,381,000 in FY 1990. Authorizes sums for research and development, automated track inspection, and state safety grant program to remain available until expended.

Conference agreement

House amendment.

3. INDIVIDUAL LIABILITY

Senate bill

Extends jurisdiction of the Secretary over safety violations from railroads alone under current law to any person, including a railroad or an individual covered by the Hours of Service Act or who performs other safety-sensitive functions as determined by the Secretary, including all aspects of railroad employees' safety-related behavior. Provides that any person committing a violation "may" be assessed the applicable civil penalty by the Secretary, except that a penalty may be assessed against an individual only for willful violations. Provides that action to recover a penalty against an individual may be brought in the judicial district in which individual resides. Provides that an individual shall not be deemed to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad offical or supervisor. In addition, gives the Secretary authority, after notice and opportunity for a hearing, to bar an individual from performing safety-sensitive functions in the rail industry under terms specified by the Secretary where a violation indicates that such individual is unfit to perform such functions.

House amendment

Extends jurisdiction of the Secretary over safety violations from railroad alone under current law to any person, including a railroad and any manager, supervisor, official, or other employee or agent of a railroad. Provides that any person committing a violation "shall" be assessed the applicable civil penalty by the Secretary, except that a penalty may be assessed against an individual only for willful violations. Provides that action to recover a penalty against an individual may be brought in the judicial district in which individual resides. In addition, gives the Secretary authority, after notice and opportunity for a hearing, to bar an individual from performing safety-sensitive functions in the rail industry under terms specified by the Secretary where a violation indicates that such individual is unfit to perform such functions.

Conference agreement

House amendment with an amendment. The amendment adopts the Senate provision insulating an individual from liability for a willful violation where the individual acts pursuant to a direct order of an official or supervisor, but adds a requirement that the individual protest such order. The individual is also given the right to document that protest. The documentation of a protest may be in writing or by any other available means of making a record, including the use of electronic or telegraphic devices. The conferees believe that the false, fraudulent, or similarly specious documentation of a protest should be punishable under 18 U.S.C. 1001.

In retaining the word "shall" in section 209(c) of the Federal Railroad Safety Act of 1970 (FRSA), the conferees intend to affirm current law with respect to the question of the Secretary's discretion. No other inference should be drawn from the conferees' action.

4. PENALTIES FOR VIOLATIONS

Senate bill

Provides penalty of not less than $250 nor more than $10,000 per violation, as the Secretary deems reasonable.

House amendment

Provides penalty of not less than $250 nor more than $10,000 per violation, except where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury or has caused death or injury, in which case a penalty of up to $25,000 may be assessed.

Conference agreement

House amendment with an amendment. The amendment provides that a fine of up to $20,000 may be assessed where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of or caused death or injury.

The amendment also requires the Secretary within 30 days of enactment to promulgate interim penalty schedules applicable to railroads and individuals to reflect the change in penalty levels provided in the conference agreement. They expect the Secretary to promulgate final penalty schedules within six months of enactment. The conferees view these penalty schedules as a matter committed to agency discretion by law.

5. QUALIFICATIONS OF LOCOMOTIVE OPERATORS; USE OF MOTOR VEHICLE VIOLATIONS HISTORY

Senate bill

Requires the Secretary within 18 months to issue rules, regulations, standards, and orders concerning minimum qualifications for the operators of trains. Requires the Secretary to consider the establishment of an engineer licensing program, uniform minimum qualification standards, and a program of review and approval of each railroad's own qualification standards. Requires the Secretary to report to Congress within 12 months of enactment on activities with respect to this rulemaking.

Permits railroad employees or job seekers who are or would be covered by the Hours of Service Act or who are or would be performing other safety-sensitive functions to request the chief driver licensing official of a state to transmit information from the National Driver Register (NDR) regarding the individual to an employer, prospective employer, or the Federal Railroad Administration (FRA). The employer, prospective employer, or FRA must make the information available to the individual, who will have the opportunity to comment on it in writing. Prohibits access to information in the NDR more than three years old, unless such information relates to revocations or suspensions still in effect. Makes other conforming amendments to the National Driver Register Act of 1982. Provides that no employee shall be disciplined or sanctioned based on information in the NDR where such employee has completed a rehabilitation program subsequent to the cancellation, revocation, or suspension of the person's motor vehicle operator's license.

House amendment

Requires the Secretary within 180 days to issue such rules, regulations, orders, and standards as may be necessary to establish a program for licensing train operators, including engineers, after two years following establishment of such program. Requires licensing to be implemented through a program of review and approval of each railroad's operator qualification standards and to include minimum training requirements and comprehensive knowledge or railroad operating practices and operating rules. Prohibits from holding a license any individual who, within the previous five years (1) has been denied a motor vehicle operator's license by a State for cause; (2) has had a motor vehicle operator's license cancelled, revoked, or suspended by a State for cause; or (3) has been reported to the NDR because of a conviction described in section 205(a)(3) of the National Driver Register Act of 1982.

Grants the Secretary access to NDR for purpose of implementing foregoing provisions. Entitles an individual denied a license on the basis of information in the NDR to an administrative hearing. Provides that no individual be prohibited from holding a license because of a conviction for operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance, if such individual has subsequently completed a rehabilitation program established be a rail carrier or approved by the Secretary.

Conference agreement

Senate bill with an amendment. The conference agreement requires the Secretary within 12 months to issue such rules, regulations, orders, and standards as may be necessary to establish a program requiring the licensing or certification of any operator of a locomotive, including engineers, after 12 months following the establishment of such a program.

The program shall (1) be implemented through review and approval of each railroad's operator qualification standards; (2) provide minimum training requirements; (3) require comprehensive knowledge of applicable railroad operating practices and rules; (4) require the consideration, to the extent information is available, of the motor vehicle driving record of each individual seeking licensing or certification; (5) permit, based on such driving record, the disqualification of an individual or the granting of a license or certification conditioned on such terms as the Secertary may prescribe; (6) require the individual to request the chief driver licensing official of each State in which he or she has, within the previous five years, held a motor vehicle operator's license to provide information to his or her employer or prospective employer, or to the Secretary, as the Secretary may determine, with respect to such individual's driving record; and (7) require the individual to make the request provided for in section 206(b)(5) of the National Driver Register Act of 1982 for information to be transmitted to his or her employer or prospective employer, or to the Secretary, as the Secretary may determine.

The conference agreement also incorporates the Senate bill's amendment to the National Driver Register Act of 1982, but modifies it by limiting its scope to persons seeking a license or certification to operate a locomotive and by making other technical changes. The employer, prospective employer, or Secretary are authorized to receive the information from the NDR and shall transmit such information to the individual, who shall have the opportunity to comment on it in writing. Such comment shall be included in any record or file maintained for purposes of licensing or certification.

The conferees intend that the Secretary shall make every effort to eliminate or minimize any duplication of effort involved in obtaining the information prescribed by the provisions of this section.

The Secretary is given authority to waive the requirements with respect to consideration of the driving record of any individual or class of individuals determined not to be currently unfit to operate a locomotive. However, given the gravity of alcohol and drug-related driving offenses, waivers may not be granted to individuals with alcohol or drug-related offenses in their driving history unless such individuals have successfully completed a rehabilitation program established by a railroad or approved by the Secretary.

Individuals who have successfully completed rehabilitation shall not be denied licensing or certification on the basis of a drug- or alcohol-related driving conviction that occurred prior to such rehabilitation, but such individuals' licenses or certifications may be conditioned as the Secretary deems appropriate.

An individual whose license or certification is conditioned or denied on the basis of that individual's driving history shall be entitled to an administrative hearing under section 202(b) of the FRSA.

The conferees do not intend that in order to be eligible for licensing or certification an individual must obtain a motor vehicle operator's license if the individual has never had one or if the individual relinquished or failed to renew such a license in the past for reasons unrelated to his or her driving record.

6. EMPLOYEE DISCRIMINATION

Senate bill

Provides expedited procedures for resolution of disputes, grievances, and claims before an Adjustment Board in proceedings under section 212(c) of the FRSA. Provides for award of reasonable damages, including punitive damages, of up to $10,000 where discrimination takes a form other than discharge, suspension, or reduction of pay and no other remedy is available.

House amendment

Provides expedited procedures and compensation as in Senate bill, except that compensation may be up to the equivalent of one year's pay. Also prohibits the Secretary from disclosing the name of any employee who provides information with respect to any alleged violation, except with the employee's written consent or to the Attorney General when a matter is referred for judicial enforcement.

Conference agreement

House amendment with an amendment. The amendment sets the level of compensation available under the circumstances described in the bill at up to $20,000.

7. NORTHEAST CORRIDOR IMPROVEMENT PROJECT (NECIP)

Senate bill

Amends section 704(a)(1) of the 4R Act to add authorization for several projects and activities on the main line of the Northeast Corridor and related facilities.

House amendment

No provision.

Conference agreement

Senate bill with technical amendments.

8. JURISDICTION OVER HIGH-SPEED RAIL

Senate bill

Clarifies Secretary's jurisdiction in rail safety area by defining "railroad" to include all forms of non-highway ground transportation that run on rails or electromagnetic guideways, except for rapid transit operations within an urban area that are not connected to the general railroad system of transportation. The term "railroad" includes certain commuter or other short-haul rail passenger service and intercity high-speed ground transportation systems without regard to whether they use new technologies not associated with traditional railroads. Makes other technical changes in FRSA.

House amendment

No provision.

Conference agreement

Senate bill with a technical amendment.

9. ENFORCEMENT OF SECRETARY'S ACTIONS

Senate bill

Gives U.S. district courts jurisdiction to enforce subpoenas, orders, or directives of the Secretary.

House amendment

Similar provision.

Conference agreement

Senate bill with technical amendments.

10. USER FEE STUDY

Senate bill

Requires Secretary within six months to report to Congress on the need for and feasibility of imposing user fees as a source of funding for the federal rail safety program.

House amendment

No provision.

Conference Agreement

No provision.

11. AUTOMATIC TRAIN CONTROL (ATC) AND RELATED SYSTEMS

Senate bill

Requires Secretary within 180 days to issue rules, regulations, standards, and others requiring pre-trip certification that test of automatic train stop, train control, or cab signal apparatus was properly performed, and prescribes record-keeping requirements.

Requires Secretary within 30 days to issue rules, regulations, standards, and orders requiring use of ATC on all trains operating in the Northeast Corridor (NEC) by no later than December 31, 1990. Requires Secretary to report to Congress by January 1, 1989, on the progress of this effort and to detail any proposals for modification of this ATC requirement.

House amendment

Requires installation of ATC on all trains operating after April 1, 1990 on the main line or a specified feeder line of the NEC. Permits Secretary to extend this deadline to July 1, 1990 if compliance by April 1, 1990 is found to be impracticable.

Requires Secretary to undertake a study of the advisability and feasibility of requiring ATC on each rail corridor on which passengers and hazardous materials are carried.

Conference agreement

Senate bill with an amendment. The amendment (1) requires promulgation of the pre-trip certification rules within 90 days; (2) adopts the House provision on installation of ATC on the NEC and (3) provides for the ATC study in the House bill, with a report to be submitted to Congress by April 1, 1990. By referring to ATC, the conferees do not intend to preclude the use or consideration of new and advancing technology with regard to ATC.

12. EVENT RECORDERS

Senate bill

Provides that Secretary shall require the installation and use of event recorders on freight trains within one year after enactment.

House amendment

Requires Secretary within 180 days to conduct and complete an inquiry into whether to require that all trains be equipped with event recorders. Provides that the Secretary shall report results of inquiry to Congress and initiate a rulemaking proceeding if Secretary recommends that event recorders be required. Also defines term "event recorder".

Conference agreement

Senate bill with an amendment. The conference agreement requires the Secretary within 18 months to issue such rules, regulations, standards, and orders as may be necessary to enhance safety by requiring that trains be equipped with event recorders within one year after issuance. The Secretary is given discretion to extend the deadline for equipping trains by an additional six months if compliance within one year is found to be impracticable. The conference agreement also adopts the House definition of "event recorder" with a modification specifying time and signal indication as examples of those functions that the Secretary may consider necessary to record.

13. NEC SAFETY COMMITTEE

Senate bill

Requires Secretary within 30 days to establish an NEC Safety Committee and to appoint representatives of specified interests. Secretary is to consult with Committee on safety improvements in the NEC. Requires Secretary within 90 days to convene a meeting of NEC rail carriers for purpose of reducing through freight traffic on NEC passenger lines. Provides for annual report from Secretary to Congress, with recommendations for legislation.

House amendment

No provision.

Conference agreement

Senate bill with an amendment. The amendment (1) adds a representative of rail labor to the Committee; (2) limits the participation of freight carriers on the Committee and in the meeting to be convened by the Secretary to those operating more than 150,000 train miles per year on the main line of the NEC; (3) provides for only one report, to be issued within one year from the date of enactment; and (4) deletes the requirement for legislative recommendations.

14. TECHNICAL AMENDMENT TO FRSA

Senate bill

Repeals requirement for one-time report that has since been completed and submitted.

House amendment

No provision.

Conference agreement

Senate bill.

15. AMENDMENTS TO OLDER SAFETY ACTS

Senate bill

Makes multiple technical changes to the Safety Appliance Acts, Locomotive Inspection Act, Accident Reports Act, Hours of Service Act, and Signal Inspection Act to modify or delete outdated references and language and to conform provisions to the new liability and penalty provisions in section 3 of the Senate bill.

House amendment

No provision.

Conference agreement

Senate bill with amendments. The amendments conform the language and intent of the Acts specified above to the language and intent of the new liability and penalty provisions in section 3 of the conference report.

16. GRADE CROSSING PROVISIONS

Senate bill

Requires the Secretary within six months to institute a rulemaking to provide for the safety of highway travelers and pedestrians who use railroad grade crossings at points where trains operate through densely populated college campuses.

House amendment

Addresses three areas of grade crossing safety:

(1) Requires FRA to establish certain demonstration projects for the purpose of evaluating whether various specific measures would reduce accidents;

(2) Authorizes the appropriation of $1 million from the sums authorized in section 214 of the FRSA for improvements in grade crossing safety;

(3) Requires the Secretary within 180 days to issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.

Conference agreement

House amendment with an amendment. The amendment provides 12 months for the signal rulemaking. The amendment also authorizes the appropriation of $1 million for improvements in grade crossing safety other than the demonstration projects otherwise provided for, without regard to sums authorized in section 214. The conferees intend that these funds be used for the installation of active warning systems.

17. RAIL PASSENGER SERVICE AMENDMENTS

Senate bill

Makes several technical and other amendments to the Rail Passenger Service Act (RPSA).

House amendment

Addresses three areas of safety with respect to certain Amtrak facilities:

(1) Allows Amtrak or the owner of any facility which presents a danger to Amtrak employees, passengers, or property to petition the Secretary for relocation assistance or other remedial measures. If such assistance is deemed appropriate, the Secretary may recommend to Congress that funding for that purpose be authorized.

(2) Authorizes the appropriation of $1 million from sums authorized under section 214 of the FRSA to permit Amtrak or the owner or operator of certain Amtrak stations to bring such stations into compliance with State or local codes.

(3) Provides Amtrak with certain remedies in the event of a breach by a rail carrier or line owner having a contractual obligation to permit Amtrak to operate service on its line and to maintain such line in a condition suitable for such operation.

Conference agreement

Senate bill with an amendment. The amendment makes certain technical changes in the Senate bill's RPSA provisions. It also incorporates the provisions of the House amendment pertaining to dangerous Amtrak facilities and to Amtrak stations in violation of local codes, with a further amendment providing a separate authorization and ensuring Amtrak's concurrence and participation when funds are sought.

18. MAINTENANCE OF WAY OPERATIONS

Senate bill

Requires the Secretary within one year to issue such rules, regulations, orders, and standards as may be necessary for the protection of maintenance of way employees, including standards protection of maintenance of way employees, including standards for bridge safety equipment and requirements relating to instances when boats shall be used. Amends Hours of Service Act to include maintenance of way workers within the term "employee" for purposes of section 2(a)(3) of that Act. Requires the Secretary within one year to amend 49 CFR Part 218 to apply blue signal protection to on-track vehicles where rest is provided.

House amendment

Identical, except that House provision also requires issuance of standards for motor vehicles used by maintenance of way employees which provide that the employees shall ride in a separate compartment from tools and hazardous materials carried in the vehicle.

Conference agreement

Senate bill. The Senate bill and the House amendment both would amend section 2(a)(3) of the Hours of Service Act by requiring that sleeping quarters provided for maintenance of way employees are clean, safe, and sanitary, and afford such employees an opportunity for rest free from interruption caused by noise under the control of the railroad. Some carriers have argued that applying the existing FRA noise guideline governing sleeping quarters, which was adopted prior to maintence of way coverage, would cause the elimination of camp and bunk cars in maintenance of way operations. The conferees do not intend this result.

Thus, if the carriers can present persuasive evidence to the FRA that the existing guideline would have this unintended effect, the conferees would expect the FRA to review the guideline with respect to maintenance of way camp and bunk cars to determine, first, whether the carriers' claims are in fact correct; second, whether the problem, if any, is best handled through a change in the noise standard itself or through a case-by-case review of specific situations, with waivers granted and conditioned as appropriate; and third, whether reasonable alternatives exist so that a carrier's claim should not override maintenance of way employees' legitimate concerns and need for uninterrupted rest. The conference agreement postpones the effective date of the noise provision for six months.

19. TAMPERING WITH SAFETY DEVICES

Senate bill

No provision.

House amendment

Requires the Secretary within 90 days to issue such rules, regulations, orders, and standards as may be necessary to prohibit the willful tampering with, or disabling of, specified railroad safety or operational monitoring devices, such as cab whistles, event recorders, and similar equipment. Prescribes penalties for tampering, as well as for operating or permitting to be operated a train on which such devices have been tampered with or disabled.

Conference agreement

House amendment.

20. DISPATCHER TRAINING

Senate bill

No provision.

House amendment

Requires the Secretary within 180 days to conduct and complete an inquiry into whether training standards are necessary for dispatchers. The results of the inquiry are to be reported to Congress together with the Secretary's recommendations. Rulemaking proceedings shall be initiated if the Secretary recommends that such standards are necessary.

Conference agreement

House amendment.

21. ACCIDENT REPORTS

Senate bill

No provision.

House amendment

Permits each employee whose error is alleged in an accident or incident report as a cause of an accident or incident to include in such report a statement by such employee explaining any factors the employee alleges contributed to the accident or incident.

Conference agreement

House amendmemt. The conferees anticipate that FRA will issue regulations implementing this provision that will allow for submission of such a supplementary statement by an employee identified in the railroad's report without delaying the submission of the railroad's accident or incident report, which must be submitted within 30 days after the end of the month in which the accident or incident occurred. The conferees further anticipate that the FRA will file any supplementary statement it receives with the appropriate report from the railroad.

22. FENCING OF RAIL YARDS

Senate bill

No provision.

House amendment

Requires the Secretary within one year to issue such rules, regulations, orders, and standards as may be necessary to require the fencing of rail yards in heavily populated areas so as to prevent or deter injury of persons not employed by the rail carrier.

Conference agreement

No provision.

23. LOCAL SPEED ENFORCEMENT

Senate bill

No provision.

House amendment

Permits the Secretary to enforce speed regulations with respect to any carrier on the basis of information supplied by duly authorized agents of local government as if such information were supplied by Federal agents.

Conference agreement

No provision.

John D. Dingell,
Thomas A. Luken,
Jim Slattery,
Norman F. Lent,
Bob Whittaker,
Managers on the Part of the House.
Fritz Hollings,
J.J. Exon,
Brock Adams,
John C. Danforth,
Bob Kasten,
Managers on the Part of the Senate.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished Minority Leader yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican leader for yielding.

Mr. Speaker, we have concluded the legislative program for today.

The House will not be in session tomorrow.

On Monday, May 23, the House will meet at noon and consider 17 bills under Suspension of the Rules, as follows:

H.R. 2737, Continental Scientific Drilling and Exploration Act;

H.R. 3977, Mining and Mineral Resources Research Institute Act authorization, fiscal 1990–93;

H.R. 2203, Sewall-Belmont House authorization increase;

H.R. 2806, Federal Land Policy and Management Act amendments;

H.R. 4028, to exchange certain National Forest System lands in the Targhee National Forest;

H.R. 4097, to transfer a certain parcel of land in Clark County, NV;

S. 1539, conference report on Rail Safety Improvement Act of 1988;

H.R. 4615, to establish for the 1988 through 1990 corps of upland cotton an optional acreage diversion program;

H.R. 4345, U.S. Grain Standards Act Amendments of 1988;

H.R. 4556, relating to certain cross compliance requirements under the Extra Long Staple Cotton Program;

H.R. 3651, Antiterrorism and Arms Export Amendments Act of 1988;

H.R. 3765, Commercial Space Launch Act amendments;

H.R. 3704, Hotel and Motel Fire Safety Act of 1987;

H.R. 4419, Federal Fire Prevention and Control Authorization Act;

S. 1989, South Pacific Tuna Act;

H.R. 2210, to concur in Senate amendments to Antifoulant Paint Control Act; and

S. 1988, Amendments to the Merchant Marine Act of 1920.

Mr. Speaker, recorded votes on any suspensions will be postponed until Tuesday, May 24.

On Tuesday, May 24, the House will meet at noon and consider recorded votes on suspensions postponed from Monday, May 23, and H.R. 1801, the Juvenile Justice and Delinquency Prevention Act amendments, under an open rule, with 1 hour of debate.

On Wednesday and Thursday, May 25 and 26, the House will meet at 11 a.m. on Wednesday, and 10 a.m. on Thursday, to consider an unnumbered H.R. bill, the foreign operations appropriations for fiscal year 1989, subject to a rule.

H.R. 4387, the Intelligence Act authorization for fiscal year 1989, subject to a rule.

And H.R. 3146, the Lottery Advertising Clarification Act of 1987, under an open rule, with 1 hour of debate.

On Friday, the 27th of May, the House will not be in session. At the close of business on Thursday, the Memorial Day district work period will begin.

Members should be advised that there could be further action on H.R. 3, the trade bill, and possible action on conference reports on House Concurrent Resolution 268, the budget resolution for fiscal year 1989, and H.R. 2470, the Medicare Catastrophic Protection Act of 1987, and H.R. 1212, the Employee Polygraph Protection Act.

At the close of the week's business, the House will adjourn until 1 p.m. on Wednesday, June 1, for the Memorial Day district work period. Conference reports may be brought up at any time and, of course, any further program will be announced later.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

I might make the observation that our latest word is with respect to the veto of the trade bill that that would probably come sometime Tuesday, and then assuming that as soon it was messaged up here to the House we probably would consider that measure, so I suspect that Tuesday would be the day for us in which we would consider either sustaining or overriding the President's veto. Is that not correct?

Mr. FOLEY. Well, I would think it would depend, if I can respond to the gentleman, on the time that the message arrives. It might be that the House in that event would consider the trade bill veto override issue as the first item of business on Wednesday, depending on the time it arrives on Tuesday.

Mr. MICHEL. I understand.

Mr. FOLEY. What we would like to do, I would tell the gentleman from Illinois, as soon as we know, is to give Members some advance notice of perhaps a day as to the exact time that we would consider H.R. 3, the veto, if that occurs.

Mr. MICHEL. Well, I am sure we will do everything we can from this side of the aisle to facilitate that and to do everything we possibly can to expedite consideration by the House.

Mr. FOLEY. Well, we appreciate the cooperation of the gentleman.

Mr. MICHEL. We have to also note that the other body will probably be called upon to act. We would like to give them the opportunity so that everything does not jam up for the Memorial Day recess.

Mr. FOLEY. I am glad the gentleman recognizes the eventual requirement of the other body to act on this matter.

Mr. MICHEL. That was said without prejudice, obviously.

□ 1625

ADJOURNMENT TO MONDAY, MAY 23, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, May 23, 1988.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 25, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 24, 1988, it adjourn to meet at 11 a.m. on Wednesday, May 25, 1988.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR FILMING IN THE HALL OF THE HOUSE WHEN THE HOUSE IS NOT IN SESSION

Mr. FOLEY. Mr. Speaker, I offer a resolution (H. Res. 454) providing for filming in the Hall of the House when the House is not in session, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. Res. 454

Resolved, That the United States Capitol Historical Society is authorized to film, at times designated by the Speaker when the House is not in session, the Hall of the House and adjoining corridors and passages, for inclusion in a videotaped tour of the United States Capitol building to be distributed by the Society. Copies of the film may be used only for legitimate nonprofit news and educational purposes.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from Washington?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL POLICE WEEK

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, this week, May 15-21, is "National Police Week." I ask my colleagues and all citizens to join me in taking this opportunity to salute the men and women who risk their lives daily to ensure our safety.

Those of us who make the laws too often take for granted the dedication and courage of those who enforce these laws. Last year 155 law officers died in the line of duty. This week we should remember and honor the sacrifice these officers and their families have made for us.

But beyond this recognition of those who gave up their lives for us, we need to remember the psychological burden officers and their families live with each day. Every officer knows that each of the hundreds of contacts made each day holds the potential to become a life-threatening incident. They and their spouses, children, and parents must find the courage to live with that knowledge without letting it control their lives.

Mr. Speaker, during National Police Week I would like to thank the Federal, State, county, and local police officers in my district who risk their lives every day to protect the citizens of Western New York. And I urge all Americans to join me in reflecting upon the contributions police officers make to our way of life and the debt we owe them for their service.

NATIONAL RURAL HEALTH AWARENESS WEEK

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, on behalf of the House rural health care coalition, I wish to thank you for your support for House Joint Resolution 461, designating this week "National Rural Health Awareness Week." This week of recognition will focus national attention on the unique needs and characteristics of the rural health care delivery system.

As a nation, we have committed ourselves to the ideal of universal access to basic health care services. To keep that commitment to rural Americans, we must recognize the unique stresses on our rural health care delivery system:

First. We tend to associate poverty and lack of insurance coverage with urban areas. In fact, rural areas, with 30 percent of the Nation's population, have 38 percent of the Nation's poor.

One in five rural residents now live in poverty;

The poverty rates for the rural elderly are 75 percent higher than for all U.S. elderly; and

Rural Americans have a 15 percent higher rate of lack of insurance coverage than the U.S. average and a 24 percent higher rate than their metropolitan counterparts.

Second. While we tend to think of rural life as healthier,

In fact, rural occupations—farming, mining, lumbering—are among the most dangerous;

The rural elderly, comprising a higher proportion of the general rural population than the urban population, have higher rates of chronic illness and disabling conditions; and

Rural infant mortality rates are substantially higher than urban rates.

Third. We often think it is cheaper to provide care in rural areas. In fact, however,

The greater distances, geographic barriers, and sparse population make care more expensive in rural areas; and

Rural providers often have to pay as much or more to attract and retain health professionals.

Fourth. Due to the higher percentage of elderly as a portion of the total population in rural areas, rural providers are especially dependent on Medicare. They lack the volume and the mix of patients to balance shortfalls in Medicare reimbursement and are thus hard-pressed to pay the salaries that will attract and retain professionals.

Rural hospitals are in particular peril. Recent reports show that as a group, they now have negative Medicare operating margins.

Rural areas are finding it difficult to attract and retain family physicians, in part due to substantial differentials in rural versus urban Medicare physician reimbursement rates.

Rural hospitals, nursing homes, and home health agencies are reporting severe shortages of nurses and allied health professionals.

Access to community-based, high-quality, basic health care services is at risk in rural America. The House rural health care coalition was formed to meet this challenge. We are making progress in addressing reimbursement inequities and refining reimbursement policy, but much remains to be done.

Our further progress in meeting this challenge requires an understanding in Congress and the Nation as a whole of the unique stresses on the rural health care delivery system.

APPROACH WITH CAUTION: THE M-1 COPRODUCTION DEAL

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, I want to raise the issue of the proposed M-1 tank coproduction deal with the Egyptian Government.

Under this arrangement, 555 M-1 tanks will be produced for the Egyptians. Initially, the tanks will be 100 percent United States manufactured, but gradually the Egyptians will be responsible for an increasing share of the final assembly of these tanks. By the middle of the next decade, nearly 20 percent of the work required to build an M-1 tank will be completed in Egypt.

I want to raise a serious concern about this deal. We in this country have already seen a dangerous trend of exporting American jobs overseas—to Mexico, the Far East, and elsewhere. We must not enter into arrangements which further sanction the export of U.S. jobs so easily.

The Pentagon argues that this joint production plan will protect American jobs. But there is no way that a plan that allows 20 percent of the work to be done in Egypt can protect as many jobs as a plan that provides complete American production.

Mr. Speaker, this production deal will go through. But we have every right—indeed every obligation—to question arrangements that result in the loss of American jobs. I for one do not want to see these coproduction deals become the wave of the future.

CRISIS IN OUR NATION'S INFRASTRUCTURE

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I want to discuss a subject that quickens the pulse and excites the interest of every Member. I refer to the state of the Nation's infrastructure. Actually, Mr. Speaker, I'm lying. Neither Members of Congress nor the general public takes much interest in infrastructure as I have learned while trying to give speeches about it.

But we better start getting interested because the crisis is growing and time is running out. This at least was the message in testimony before the economic development subcommittee yesterday by Peter Goldmark and Nancy Rutledge, vice chairman and executive director respectively of the National Council on Public Works Improvement.

After 2 years of study the council concluded that the quality of America's infrastructure today is barely adequate to meet current requirements and insufficient to meet the demands of future economic growth and development. A decent quality of life depends on reliable transportation, clean water and safe disposal of wastes and we are doing an increasingly lousy job of providing all three.

Fact: We are the only civilized nation that has no infrastructure policy.

Fact: We invest less in infrastructure than any of our competitors.

Fact: Capital investment in basic infrastructure has dropped from 2.3 percent of GNP in 1960 to 2.6 percent in 1985.

There is plenty of blame to go around, but a large dose of it belongs right here in the Chamber. It was the Congress that made State and local governments increasingly dependent on the Federal Government by having the Feds pay for everything from sewer systems to city halls. Now we're no longer willing or able to pay for it all. But we continue to load on all kinds of environmental, safety, civil rights, economic rules and regulations which make it almost impossible for local governments to meet their own needs.

And to add insult to injury, in the tax act we built in some serious disincentives for local governments to finance these projects.

I hope we deal with the mess we've had a big hand in creating before its too late. For starters I hope both the Democratic and Republican parties include strong planks in their party platforms this summer.

□ 1640

ALTERNATIVE CHURCH-STATE LANGUAGE PROPOSED FOR CHILD CARE LEGISLATION

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KILDEE. Mr. Speaker, I rise today to share with my colleagues alternative language regarding the separation of church and state and its application with regard to H.R. 3660, the Act for Better Child Care.

At issue as we consider national child care legislation is how to best enable church participation while at the same time addressing the constitutional issue of the separation of church and state.

I recognized at the time the Act for Better Child Care was introduced that further work was needed on this critical question and I pledged that I would work for language that would both protect the important role of churches in the provision of child care and meet the constitutional limitations presented by the U.S. Supreme Court decisions.

I have been working with many groups and individuals including the U.S. Catholic Conference, representatives of other religious organizations and members of the Alliance for Better Child Care. I have also worked with Marian Wright Edelman of the Children's Defense Fund who, in a recent letter to me, supported this language as an alternative to sections 19 and 20.

As is often the case with any compromise, not everyone is happy with each provision. However, it is my intent to offer this language during subcommittee markup of H.R. 3660. It has been reviewed by the Office of Legislative Counsel where technical changes were made which do not effect the original intent of those who worked with me in developing the new language.

I would like to thank all who worked so hard to develop this alternative language and for those who have submitted suggestions to the subcommittee. All have played an important role in the process which resulted in this language.

I submit this language for my colleagues' consideration and counsel and welcome further suggestions.

AMENDMENT TO H.R. 3660

Page 60, strike line 4 and all that follows through line 24 on page 62, and insert the following:

SEC. 19. LIMITATIONS ON USE OF FINANCIAL ASSISTANCE FOR CERTAIN PURPOSES.

(a) SECTARIAN PURPOSES AND ACTIVITIES.—No financial assistance provided under this Act shall be expended for any sectarian purpose or activity, including sectarian worship and instruction.

(b) FACILITIES.—

(1) NEW FACILITIES.—No financial assistance provided under this Act shall be expended for the construction of a new facility.

(2) EXISTING FACILITIES.—No financial assistance provided under this Act shall be expended to renovate or repair any facility unless—

(A) the child care provider that receives such financial assistance agrees—

(i) in the case of a grant, to repay to the Secretary or the State, as the case may be, the amount that bears the same ratio to the amount of such grant as the value of the renovation or repair, as of the date such provider ceases to provide child care in such facility in accordance with this Act, bears to the original value of the renovation or repair; and

(ii) in the case of a loan, to repay immediately to the Secretary or the State, as the case may be, the principal amount of such loan outstanding and any interest accrued, as of the date such provider ceases to provide child care in such facility in accordance with this Act;

if such provider does not provide child care in such facility in accordance with this Act throughout the useful life of the renovation or repair; and

(B) if such provider is a sectarian agency or organization, the renovation or repair is necessary to bring such facility into compliance with health and safety requirements imposed by this Act.

(c) TUITION.—With regard to services provided to students enrolled in grades 1 through 12, no financial assistance provided under this Act shall be expended for—

(1) any services provided to such students during the regular school day;

(2) any services for which such students receive academic credit toward graduation; or

(3) any instructional services which supplant or duplicate the academic program of any public or private school.

SEC. 20. NONDISCRIMINATION.

(a) FEDERAL FINANCIAL ASSISTANCE.—Any financial assistance provided under this Act, including a loan, grant, or child care certificate, shall constitute Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), and the regulations issued thereunder.

(b) RELIGIOUS DISCRIMINATION.—A child care provider may not discriminate against any child on the basis of religion in providing child care services in return for a fee paid, or certificate redeemed, in whole or in part with financial assistance provided under this Act.

NATIONAL RURAL HEALTH AWARENESS WEEK

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, this week, the week of May 15, is "National Rural Health Awareness Week." As such, today I join several of my colleagues on the Rural Health Care Coalition to call the attention of the House to the health care crisis that continues to exist today in my State of Nebraska and throughout rural America.

The Rural Health Care Coalition's overall goal is to ensure that every rural American has access to the same basic, high-quality, affordable, community-based health care available in urban areas.

Our bipartisan coalition, only a little more than 1 year old now, has already made significant progress toward this goal through both regulatory and legislative reforms.

But, much, much more remains to be done—and can be done—to address the unique needs and characteristics of the rural health care delivery system.

The rural health crisis is not just a matter of keeping hospitals open under unfair and discriminatory Medicare policies or a matter of attracting more doctors to the small, country communities where the financial rewards will not be as great as in the big cities.

Establishing and maintaining a basic health care network in rural areas means overcoming the geographic distances between communities, a lack of transportation, and a shortage of not just doctors but also nurses, nurse practitioners, medical technologists, physical and occupational therapists, and the whole array of allied health professionals.

Rural health care providers also face the task of serving a population that is proportionately older, poorer, sicker, less likely to be insured, and engaged in occupations that are among the most dangerous.

The Secretary of the Department of Health and Human Services reports to this Congress each year on the improvements in the overall health and life expectancy of the American public, but we risk reversing this trend if we let the rural health care delivery system, which serves 95 million Americans or about 42 percent of the population, fall apart.

This is National Rural Health Awareness Week. I urge my colleagues to do just that—become more aware of this rural crisis and join our effort to meet the challenge of truly universal access to basic health care.

I know where you can start. The Rural Health Care Coalition has announced it legislative agenda for this year and will be introducing legislation in the next few weeks. I hope you all will take a close and careful look at this important legislation and give it your support.

H.R. 4636 WOULD ENHANCE USE OF CRP

(Mr. JOHNSON of South Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Mr. Chairman, today I am introducing H.R. 4636, which would enable the States to enhance the use of the CRP, the Conservation Reserve Program, of the 1985 farm bill. This will provide an opportunity to get much-needed cash into the hands of CRP-eligible farmers as well as further the goals of the CRP to discourage planting on highly erodible land.

This bill is an example of bipartisan cooperation with South Dakota's Governor and State officials. Under the plan, the farmers would sign a contract with the State allowing the State to receive the farmer's rental payment from the Federal Government over the 10 years of the CRP contract. Farmers, in exchange, would receive a lump-sum payment up front from the State.

I want to stress to my colleagues that this bill is of a technical nature only and will not lift current payment limitations for individuals or otherwise substantially change the CRP program. This legislation may well save the Treasury money if more farmers sign up to take additional marginal land out of production.

Finally, Mr. Speaker, I would like to add that this concept also has the backing of both environmental and agricultural groups, as well as Agriculture Secretary Richard Lyng and the National Governors' Association, and I would urge my colleagues to join me in supporting this needed, innovative legislation.

HOUSE JOINT RESOLUTION 461 RECOGNIZES RURAL HEALTH CARE SYSTEM CONTRIBUTIONS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, today I rise to join many of my colleagues in support of "National Rural Health Awareness Week." I commend the gentleman from Iowa [Mr. TAUKE], my good friend and neighbor, for introducing House Joint Resolution 461 recognizing the significant contribution that our rural health care system provides our local communities.

There are a number of recognizable factors that, together, create financial and service challenges in the delivery of rural health care. These factors include, but are not limited to, changing demographics, a weakened rural economy and declining hospital occupancy. Demographics clearly indicate that the rising number of older individuals is changing the face of our rural communities. Since 1970 rural America has experienced a 27-percent growth in the number of individuals over the age of 65.

Rural hospitals have a lower patient volume, thus, it is more difficult to offset losses from Medicare revenues. Over the past 10 years there has been a notable decline in hospital occupancy. This decline is national in scope and affects hospitals of all sizes. However, it is more visible in smaller rural hospital facilities. Declining or fluctuating occupancy rates in small rural hospitals make it difficult to cover day-to-day fixed costs, maintain funding reserves, or make capital improvements.

Mr. Speaker, the list could go on, but as those have said before me, No. 1, we do have a rural health care availability crisis in this country today. We have introduced on a bipartisan basis a rural health care agenda and this is the year to guarantee rural health care will continue.

DEFENSE BURDEN SHARING

(Mr. HALL of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, recently I read the treaty between the United States and Japan for Mutual Cooperation and Security that we entered into in 1960, and was surprised to find that it contains no provisions for Japan to either provide some portion of its own defense or to reimburse the United States for the costs of maintaining the defense of their nation.

Article 10 of the treaty provides that after it has been in force for 10 years, either country may give notice of its intention to terminate the treaty, and it terminates 1 year later. There is no mechanism that provides for periodic review or renegotiation of the treaty, but I believe that the United States ought to initiate discussions to get the process underway, since the Japanese seem to be disturbingly slow in picking up their fair share of the defense costs in their sphere of influence in the world.

Today, the Japanese spend slightly over 1 percent of their gross national product on national defense while the United States spends about 6.5 percent. With one-third of our GNP, it doesn't seem to me too much to ask, and if necessary demand, that the Japanese begin to shoulder their fair share. I am not a Japanese basher, I admire them. It is simply time for foreign governments, including Japan, to defend their own shores.

The same argument holds for some of our European allies as well. West Germany, and France, to name two, I believe could do more. With the West Germans at 3.3 percent and the French at 4.1 percent, their need to maintain open sealanes into the Middle East is far more important to them than it is to us at the present time.

I believe that fairness and equity dictate that these nations, as well as the other NATO allies, begin to do their part to maintain the common defense of the Western World. The United States has borne the lion's share of the burden for the last 40 years. It's time for the others to step up and begin to carry the load.

SUPPORT RURAL HEALTH AWARENESS WEEK

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today I am joining my colleagues in the Rural Health Care Coalition in supporting Rural Health Awareness Week, House Joint Resolution 461.

For years urban America has ignored the particular and even unique circumstances which rural America faces. Funding formulas for such programs as the Community Services Block Grant and the Job Training Partnership Act have traditionally favored cities and metropolitan areas. Public housing and urban development programs are not well adapted to small communities. In the past, individuals with low to middle incomes who wanted to build homes in small or rural communities found themselves ineligible for Federal loan guarantees.

Nowhere are the resultant inequities as great as in funding and reimbursements from Federal health programs to individuals and institutions in rural areas. Rural hospitals have long struggled for adequate, equitable Medicare reimbursements. Medicare recipients in sparsely settled areas have, for example, suffered from lack of adequate mental health care because part B required supervision of such services by a psychiatrist—a health professional often unavailable in sparsely settled areas. While this condition and others have changed, many inequities remain.

In part, positive changes are gradually occurring because of the efforts of the Congressional Rural Health Care Coalition's efforts to educate the Congress, the executive branch, and Americans generally, of the need for pertinent statutory, regulatory, and programmatic changes. A healthy America depends on equitable distribution of Federal and other resources and reasonable regulations and formulas to meet the health requirements of all parts and regions of the country. The recognition and activities of Rural Health Awareness Week will assist in the development of a greater understanding about the unique or unusual health factors confronting rural America.

REMOVE FAA FROM DOT

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, the primary mission of the Federal Aviation Administration is to assure the highest possible level of safety in commercial and general aviation. The most effective long-term action Congress can take to provide the FAA with the powers it needs to carry out that mission is to remove the FAA from the Department of Transportation and to establish it as an independent agency.

□ 1650

Mr. Speaker, I have just now introduced legislation to do exactly that, to restore independent status to the FAA, the independent status that it once enjoyed.

The unprecedented challenges to the Nation's air traffic system resulting from the economic deregulation of domestic aviation require the highest possible degree of safety vigilance by that agency of the Federal Government having the greatest expertise in aviation safety: The FAA. This legislation will give the FAA the independence it needs to act decisively, objectively and authoritatively in the best interests of safety.

The FAA would be reorganized into three regions, eastern, central, and western. The three regions would help to eliminate costly and inefficient duplication of effort that occurs throughout the existing nine regions. In addition, three regions will be more responsive to central policy and decision-making by FAA headquarters.

The current practice of separate regions interpreting and implementing policy has resulted in administrative fragmentation, which severely hinders the ability of the Administrator to direct the FAA.

The legislation also grants authority to the Administrator to establish a separate pay rate and grade system for FAA employees. This flexibility is essential for the agency to hire and retain highly trained and qualified personnel. Employees would remain subject to the protections and requirements of the Federal civil service system.

The Administrator will have the authority to grant allowances over and above basic rates of pay for positions that are subject to extraordinary cost-of-living expenses, or job functions or skills that are essential to the management or operation of the Administration. An allowance granted by the Administrator may not exceed 25 percent of an employee's basic rate of pay.

Finally, the legislation directs the Deputy Administrator to find ways to improve the FAA's procurement process.

Mr. Speaker, this legislation has had the benefit of receiving important input from many new groups which operate and use this Nation's aviation system. I feel we have reached a consensus both on this bill and on the principle that change is desperately needed for the FAA to meet its primary mission, to assure the highest possible level of safety in commercial and general aviation.

RURAL HEALTH AWARENESS WEEK

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, I am on the floor today, during "Rural Health Awareness Week," to focus attention on the precarious state of health care in rural America.

In the last few decades the Federal Government has come to play a dominating role in the delivery of health care. Unfortunately, the way the Federal Government pays for health care services unfairly penalizes rural health providers.

We now have a truly national economy in which workers move freely from one area to another. Yet our current method of reimbursing health care providers ignores this development and overemphasizes reigonal differences.

While perhaps appropriate at one time, this two-tiered payment system is squeezing the finances of rural hospitals and clinics, while luring many health care professionals away from rural areas, causing chronic personnel shortages.

I hope that Rural Health Awareness Week will focus attention on these problems and help move us toward a system where all Americans will have access to quality and affordable health care.

NATIONAL RURAL HEALTH AWARENESS WEEK

(Mr. STALLINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STALLINGS. Mr. Speaker, it is with great pleasure that I rise today in recognition of "National Rural Health Awareness Week"—May 15 through May 21.

As a cosponsor of the legislation making this designation, and as a member of the Rural Health Coalition, I am committed to providing quality health care in our rural communities.

Thirteen percent of the rural population is over 65 years old, with the increased health needs that come with age. Yet, in the past 10 years, more than 125 rural hospitals have closed. Rural areas have approximately 25 percent of our Nation's population, yet only 11 percent of the active, non-Federal physicians.

Today, as rural States like Idaho are struggling to strengthen their farm economies, attract high-tech industries, and expand their overall economic bases, access to high-quality, basic health services is imperative. Otherwise, not only will the health care needs of the residents of these communities be neglected, but the lack of health care facilities will make rural areas less desirable locations for private economic development.

It is my hope that passage of this resolution will serve to heighten public awareness of the health care needs of rural America, and highlight the need for economic equity for rural hospitals and health care facilities.

GRAND PRIZE WINNERS IN THE ENQUIRER'S "WHY I LOVE AMERICA" ESSAY CONTEST

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, first I want to thank some of my colleagues for letting me go ahead of them because this has been a special day in Washington, DC, for two young Americans who won an essay contest that drew 67,379 entrants from 6 years of age to 12 years of age.

These two young grand winners from this essay contest entitled "Why I Love America" sponsored by the National Enquirer have been down at the White House, visiting Cabinet offices, they have visited many of our offices, they guested with us in the Chamber earlier this morning. They are now over visiting some of our Senators in the other Chamber.

One is Greg Williams, a young, sightless boy from Hammond, IN. His mom, Mary, is a schoolteacher, and his dad, Reverend Williams, is as proud of him as are his two brothers and his young sister.

The young girl, Wendy Ann Crane, is from Sepulveda, CA. She won in the 6-to-8 age group. Mr. Speaker, I would like to read their essays because they are so short, and they show us exactly how lucky we are to be Congressmen and Senators serving young American citizens like this, leaders of tomorrow.

Wendy Ann Crane says:

> Every day when I go to school, I see a bird flying in the sky that is red, white and blue and that stands for my country and freedom—my American flag.
>
> I love seeing it fly high and know I am safe. I feel good when I say the Pledge of Allegiance as I see the face of the President of our country, and think how glad I am to be an American.
>
> I like knowing I can be what I want to be, I can go where I want, wear the clothes I like, and go to the school and church I like to.
>
> I feel like the flag—free to fly like a bird. Where else can I go and feel like this?
>
> I feel safe and sound, and this is why I love my country, America. It's the best.

Mr. Speaker, Greg won in the 9-to-12 age group and he says:

> I love America because we all have our Constitution and the freedom it gives us. We have the freedom of speech, the press, religion and assembly. I am also grateful to live in a country that allows us to go from place to place without being questioned.

Even though I am blind, my country gives me the right to be treated equally. I get to go to a regular school, be with regular kids and do the things they do.

America has stayed a strong country because it has a strong and patient government which is run by the people. When changes in the government are needed, the changes are made peacefully.

I know that in the future when I grow up, I will be able to help make these changes. I truly love America because in no other country would I have the opportunity to serve my God and my country at the same time. This is why I love America.

All the children who entered our contest are winners because they've all gained a wonderful new appreciation of what America means to all of us.

STATE OF THE NATION'S SAVINGS AND LOAN INDUSTRY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, after reviewing the General Accounting Office's testimony before the Senate Banking Committee today on the state of the Nation's savings and loan industry, I have concluded that it would be appropriately entitled "Apocalypse Now."

It is not news that our thrifts are in trouble, but the extent of that trouble is astonishing. The GAO analysis suggests that the total bill for troubled thrifts may in fact be well in excess of $50 billion. That amount not only exceeds even the Bank Board's optimistic projection of the resources available in the FSLIC insurance fund, but also exceeds the total net worth of the healthy two-thirds of the thrift industry.

In this context, I find it difficult to muster even a sense of cautious pessimism. It is distressing that the Federal regulators have not yet acknowledged the extent of the problem. The regulators, like Dorothy in the "Wizard of Oz," seem to have been wishing for the ruby slippers to get us back to fiscal health. This report shows that no such slippers exist.

One thing is clear. It is now up to Congress to resolve this pending disaster and it must act decisively. Up to now, all parties have liked to see themselves as the Dutch boy with a finger in the dike, but now we can see that the water is already lapping over the seawall and threatening catastrophe far and wide.

Delay has enormous consequences. Every day that we allow the problem to fester, the bill grows by over $30 million. In terms easier to understand, every day of delay wastes as much money as would be required to house more than 6,000 families in homeless shelters.

The Bank Board's overarching strategy to address the problems in Texas, Louisiana, and Oklahoma is a positive step. But it can in no way be characterized as a solution. While finally beginning to deal with failed thrifts, the Bank Board's assumptions are incredibly optimistic. Yet, even using those optimistic assumptions, extrapolating the estimated costs of the Coastal transaction announced last week yields a total bill for the troubled section of the industry of between $40 and $50 billion—that is nearly twice what the Bank Board publicly expects to spend.

The numbers just do not add up.

NATIONAL RURAL HEALTH AWARENESS WEEK

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise today in support of House Joint Resolution 461, a resolution to designate the week of May 15, 1988, as "National Rural Health Awareness Week." Mr. Speaker, our Nation's existence depends on the health of its people, but 25 percent of our Nation's people are medically underserved. These people are rural Americans. They are served by only 12 percent of our country's doctors, 18 percent of our country's nurses, and 14 percent of our country's pharmacies. These discrepancies constitute a gross injustice.

Health care services are not as accessible to rural Americans as they are to urban Americans. Rural America is limited, not just by transportation, but also by the fact that more rural residents are uninsured. It's a fact that the health status of rural Americans is lower than their urban counterparts. Rural Americans show disproportionately higher rates of maternal and infant mortality, injury, and chronic illness than urban Americans.

As a member of the Rural Health Coalition, one of my greatest concerns, considering the sheer size of my State of Nevada, is the ever-more frequent stories of rural hospital closures. When a hospital closes in my State, it doesn't just mean the loss of convenience but in some cases the potential loss of life.

Mr. Speaker, this resolution won't solve the problem, but it should bring this crisis to the attention of those capable of addressing it. I urge my colleagues to do their part in addressing rural health concerns.

PUBLICATION OF HELSINKI COMMISSION REPORT "REFORM AND HUMAN RIGHTS"

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, as ranking minority House member of the bipartisan, bicameral Commission on Security and Cooperation in Europe—the Helsinki Commission—I would like to call the attention of this body to the release today of the Commission's report entitled "Reform and Human Rights." This report is a carefully documented, comprehensive survey of the changes that have taken place in the Soviet Union over the last 3 years under General Secretary Gorbachev's program of "perestroika." The report examines three major areas: Politics and economics, human rights, and flow of information and ideas.

As this report clearly points out, much has changed over the last 3 years. It is heartening, for instance, to read that over 300 political prisoners were released last year ahead of schedule. But it is disappointing to read that there are at least 300 political prisoners still held in labor camps and exile. This is only one example where improvement and failed expectations go hand in hand. We read also that some churches, those that are willing to register with authorities, are experiencing a letup in persecution. But Ukrainian Catholics are still not even allowed to register their parishes.

Briefly put, "Reform and Human Rights" documents positive changes that have occurred, and the problems that remain in Mr. Gorbachev's Soviet Union. I recommend it to my colleagues as an important source of information on "glasnost" and "perestroika", and I commend my colleague Congressman STENY HOYER, Chairman of the Helsinki Commission for his leadership in initiating the report. I believe I can speak for my other Republican colleagues on the Helsinki Commission when I say that we look forward to continued cooperation with Chairman HOYER and our Democratic colleagues as we seek to promote human rights in the Soviet Union by actively promoting the principles of the Helsinki accords.

MINING AND MINERAL RESOURCES RESEARCH INSTITUTE ACT

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, H.R. 3977, a bill I cosponsored authorizing appropriations for the Mining and Mineral Resources Research Institute Act will soon be coming to the floor for a vote. I urge the passage of this important piece of legislation.

The mineral institute program was initiated to provide seed money to encourage the development of minerals related government/industry/university research and graduate education programs at selected State universities and colleges.

There are currently 32 colleges and universities that receive allotment grants in support of basic research and education in mineral sciences and engineering. Allotment grants, per the authorizing legislation, must be matched by two non-Federal dollars for each Federal dollar. This is a cost effective and worthy piece of legislation that will help assure a viable mineral sector in this Nation's economy. I urge my colleagues to vote to pass this legislation when it comes to the floor.

A TRIBUTE TO AMBASSADOR LOUIS G. FIELDS, JR.

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute.)

Mr. PASHAYAN. Mr. Speaker, Ambassador Louis G. Fields, Jr., who passed away on May 16 at the age of 58, ended 20 years of distinguished public service in 1984 when he retired as the U.S. Ambassador to the U.N. First Committee on Disarmament. He first came to Washington in the early 1960's when he served as administrative assistant to Senator Willis Robertson of Virginia.

From 1966 to 1969 he served with the executive branch's Interdepartmental Group on Vietnam where he was a specialist on countering Vietcong economic subversion. Never one to be a Washington desk-bound bureaucrat, he made numerous trips to Southeast Asia to gather intelligence firsthand.

In 1969 Ambassador Fields, an international lawyer, joined the Foreign Service in the Department of State in the Legal Adviser's Office. He became a trusted and valued adviser to those Assistant Secretaries of State who directed America's effort to combat international terrorism and international narcotics traffficking. Following his retirement in 1984, Ambassador Fields practices international law in Washington. He traveled widely across the country, lecturing on terrorism before university audiences and local World Affairs Councils.

Toward the end of his life, Ambassador Fields also traveled along the east coast, lecturing before groups and vividly illustrating that one could still lead a rich and fruitful life while suffering from cancer.

Louis Fields was a kind and thoughtful man, putting his family and country before his personal concerns. And he was my friend; I shall miss him.

A TRIBUTE TO AMBASSADOR LOUIS G. FIELDS, JR.

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute.)

Mrs. BENTLEY. Mr. Speaker, I want to thank and commend the gentleman from California [Mr. PASHAYAN] for bringing to our attention the death of Ambassador Lou Fields. I knew him well, and I, too, was very sad this week when I learned of his death. He was indeed an outstanding American and he did a tremendous job.

□ 1705

I had occasion to work with him as a newspaper person when he was serving in the Indonesia area.

Mr. Speaker, I again want to commend the gentleman for bringing this up.

Mr. PASHAYAN. I thank my colleague for her appropriate remarks.

COMMISSION ON SECURITY AND COOPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, The Commission on Security and Cooperation in Europe is releasing today a comprehensive survey of Mikhail Gorbachev's efforts during his first 3 years as General Secretary of the Soviet Communist Party to promote significant reforms in the politics, economy and society of his country. This Commission report is designed to contribute to that consistent pressure placed upon Soviet officials. In the words of Yuri Orlov, "To back their liberal words with more action and to expand their reforms in accordance with international human rights agreements they themselves have signed." In describing how much has changed or seems to be in the process of changing, the report also documents how many fundamental rights of Soviet citizens to freedom of expression, of belief, of movement and of national character remain restricted and unprotected.

Mr. Speaker, this report by the Helsinki Commission is the culmination of many months of hard work. I want to thank the cochairman of the Commission, Senator DENNIS DECONCINI for the enormous amount of personal commitment he has dedicated to the Commission in fulfilling its mandate. His leadership within the Senate on the importance of human rights has been demonstrated many times throughout his career and most recently during the debate on ratification of the INF Treaty. Senator DECONCINI's message: Arms reductions and human rights must be pursued with equal vigor. As Chairman of the Commission I want to extend equal appreciation to the Commission's ranking minority members: Senator ALFONSE D'AMATO and Representative DON RITTER. As the Commission's chairman during the 99th Congress, Senator D'AMATO demonstrated a strong commitment to maintaining the bipartisan and recognized expertise of the Commission in fulfilling its legislative mandate. It was an honor to serve with him and I want to thank him for the many years of dedication to the issue of human rights. Representative DON RITTER, who just returned from a Commission trip to Poland in early April, has shown a relentless commitment in the human rights field. He has served on the Commission for 7 years and throughout has demonstrated the need to remind the world of the daily abuses suffered by thousands throughout.

I thank my colleagues not only because they have made the work of the Commission easier through their contributions on a daily basis but because this report, which each of them contributed to, is a reflection of the bipartisan nature of a joint body that seeks to emphasize the critical importance of human rights and of holding all nations, including our own, accountable for their actions in this area. The Commission believes that as we look around today, human rights abuses are continuing in frequency and increasing in variety with all of the attendant tragic and brutal consequences. What is clear to the Commission is that if the abuses are to be arrested it will take political will, commitment and action by governments.

In our letter of transmittal to Congress, we state that:

> There has been much to applaud in the three years of Gorbachev's rule, especially compared to the repressive actions of his predecessors. The release of many political prisoners from camps and psychiatric prison-hospitals, the rise in the numbers of Soviet citizens permitted to emigrate and to travel, the increasing candor of the official Soviet press and the increasing tolerance shown to unofficial groups and unorthodox points of view are all welcome steps in the right direction. They are, however, no more than first steps. And as our report documents, they were taken slowly and could be retracted almost overnight. Until the rule of law establishes a balance between the power of the Soviet state and the human dignity of individual Soviet citizens, the latter will always be at risk. If Mikhail Gorbachev cannot answer the cry to secure the liberty he says his people need to rebuild their society, their economy, their initiatitive and their self-confidence, he will be just another Russian reformer, remembered more for his proclaimed intentions than his actual achievements. Because we are certain that his innovations cannot take root without a foundation of assured justice, we have titled this report on the Gorbachev record, "Reform and Human Rights." The two must go together. After three years of Gorbachev's rule, however, that essential connection has yet to be made and maintained.

Mr. Speaker, I urge my colleagues to read the Commission's report. It is very timely as we debate the INF Treaty and discuss those elements that comprise our national security and as we approach the upcoming United States-Soviet summit, scheduled to begin May 29 in Moscow.

Human rights is a priority for the U.S. Congress. It must be addressed every day at every level and at every opportunity, if progress is to be made.

A WORKABLE COMPROMISE FOR PLANT-CLOSING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SCHUETTE] is recognized for 5 minutes.

Mr. SCHUETTE. Mr. Speaker, today my distinguished colleague, Mr. DICK CHENEY, and I are introducing—with 12 of our distinguished colleagues in the House, a compromise on the important national issue of plant closing notification. The act states that American businesses have a moral and ethical responsibility to their workers and their families, and to the communities which surround their facilities. It says that business should provide reasonable advance notice of a plant closing or large layoff because it is good corporate citizenship and makes good common sense. It should be the policy of all American businesses.

Mr. Speaker, plant closing notification should not be a partisan or contentious issue. In that vein, this legislation is offered in the spirit of cooperation and compromise, so that we may take affirmative action to assist American workers, their families and their communities to effectively deal with the important transition period as a plant closes its doors.

We all are very aware that this plant closing notification issue has become the focus of debate and controversy in this year's trade bill deliberations. Indeed, it has become the center of fierce partisan fighting in the House. My friend and colleague, Senator DAN QUAYLE, the distinguished sponsor of this bill in the Senate, also indicates mandatory plant closing notification also has become the object of fierce warfare in that body. This is a tragic situation for the working men and women of this Nation.

For proponents of mandatory notification, it has become an all or nothing push to have 60-day, court-enforced, inflexible mandatory notification of both closings and layoffs. Proponents have said on the floor, in the media, and to me personally that they are willing to sacrifice the entire trade bill if the plant closing notification language is removed from the conference report.

Opponents of the plant closing notification language in the trade bill are likewise fighting tooth and nail to completely do away with the notification language. They say it will hurt job growth and our competitiveness, and encourage the type of illogical hiring behavior we have seen in Europe where employers have done some strange things that is, the well known French companies known as Forty Niners, in order to circumvent the notification requirements.

It is common knowledge both in and out of the White House that the President will veto the trade bill, at least in part, because of the mandatory plant closing notification provisions. We all know that a nasty override fight has been threatened, where proponents have promised to scuttle the entire trade bill and hold this issue over the heads of the President, the Vice President, and those opposing mandatory notification.

However, what has been lost in the partisan bickering and infighting has been the need to be concerned with the welfare and lives of those affected by plant closings or large permanent lay offs. No one should come to work in the morning to find the gates locked. No one should learn through a notice stapled on the company bulletin board that the next day the facility will close its doors forever.

It is time that we stop this counterproductive political warfare and compromise. It is time to make peace and help the working men and women of this country who face this problem, especially if there is a reasonable alternative which can bring us all together.

Virtually everyone in this Chamber and nearly everyone across the Nation agree that businesses should give notice. Several groups including the General Accounting Office, and the OTA agree that early notification helps promote the efficient retraining and placement of dislocated workers, and eases the burden of adjustment in the community. It also substantially reduces the costs of unemployment for the public sector.

What we are in disagreement over then is what the appropriate role is for the Federal Government in promoting adequate notice. This initiative comes half way between Government inaction—which is intolerable, and mandatory, inflexible, court-enforced notice—which would damage our competitiveness and hurt job creation.

This initiative calls upon and motivates the business sector to develop and articulate notification policies as part of the collective bargaining process in their communities in two important ways:

First, by setting an example through written advance notice policies in Government contracts; and

Second, by utilizing the effective tool of publicity to encourage both the development of and adherence to such a policy.

This act, if passed, would give the Secretary of Labor the authority to investigate plant closings, assemble information on what was and was not done, and publicize those instances where flagrant abuses of reasonable advance notice were found. In addition, this proposal would require any contractor, who must file a written affirmative action statement, to specify a notification policy in writing in a contract appendix—including those instances where the policy would not apply; that is, if it would impede the continuation of operations at the facility.

Mr. Speaker, Mr. CHENEY and I believe this proposal is a reasonable compromise that will resolve the problems associated with court-enforced notification once the trade bill is vetoed. This initiative solves one of the biggest obstacles to passage of a trade bill—a trade bill that will be good for trade and good for the American worker. Moreover, this language could be adopted without delay.

To those who say that it is mandatory notice or nothing at all, what they really are saying is that they do not want $980 million in job training money for the estimated 1.5 million people per year who lose their jobs to plant closings. To those who do not want any notification at all—voluntary or mandatory, what they really are saying is that all is fair. They must believe that business' moral and ethical responsibilities end at the plant gate.

Most of us reject those positions, and want to make a reasonable peace for the good of the country. This compromise is a means to achieve an end—to help assist American workers, their families and their communities to receive reasonable notice, which is what proponents of mandatory notice, and the majority of the rest of us say that they deserve.

I urge all my colleagues to join Mr. CHENEY and I along with our distinguished colleagues Mrs. MARTIN, Mr. LEWIS, Mr. EDWARDS, Mr. MADIGAN, Mr. VANDER JAGT, Mr. SUNDQUIST, Mr. WEBER, Mr. GALLO, Mr. BROOMFIELD, Mr. UPTON, Mr. ROWLAND of Connecticut, and Mr. BURTON in supporting this initiative. It is what we all say that we want—on both sides of the aisle and in both legislative bodies. I hope we can move forward to adopt this legislation. Thank you very much, Mr. Speaker.

JOE McCAFFREY'S TRIBUTE TO CONGRESSMAN MEL PRICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise today to call to the attention of our colleagues a tribute to the late Congressman Mel Price that was written by our good friend, Joseph F. McCaffrey, who covered the Congress for 38 years.

I know there are many Members here today who recall Joe McCaffrey's fairness and objectivity in covering the U.S. Congress and the Members serving in the Congress during the time he was broadcasting over station WMAL as a well-known and highly regarded commentator.

When Joe McCaffrey retired from covering Congress, he took on a new position as publisher of the Culpeper News in Culpeper, VA. The tribute which Joe McCaffrey wrote in behalf of late Congressman Mel Price appeared in the Culpeper News on Thursday, May 12. It is written in Joe's usual factual, timely, and heartwarming style.

The text of this very fine tribute to Mel Price follows:

[From the Culpeper News, May 12, 1988]

TRIBUTE TO CONGRESSMAN MEL PRICE

(By Joseph McCaffrey)

Congressman Mel Price died recently, I feel badly about this because Mel was the first member of Congress I got to know while covering the Hill. I met him just after he had won election by defeating a sitting member.

I remember him telling me about the day after that election. He was peeling potatoes on KP at Camp Lee. He still did not know the returns, but he was hoping when suddenly the sergeant burst into the mess hall and said to him, "Private, is there anything I can do for you?"

That stunned Mel for a minute but then in came the company commander who said to the private, "Congratulations, SIR."

The "sir" almost floored Mel but he broke into a big smile when the CO told him he had been elected to Congress.

Even though he was overage, Price had volunteered for the service. He wasn't in long enough to move up the ladder, so when he left to take his oath of office he was only a private first class. But he moved up the ladder in the House of Representatives to become chairman of the Armed Services Committee, a far cry from peeling potatoes on KP.

In many ways Mel was an unusual politician. He was not, as he would admit, a brilliant Rhodes scholar type and he was not an overwhelming speaker.

Mel was not the "lotsa" type which moved on the political scene with the 1960s. He did not have lotsa teeth and lotsa well coiffured hair. He was not at home on television; after all, he had been a reporter for years and he was more at home with the print media.

He didn't need those things. For one thing, he loved his work. And loving it he was willing to put much time on it. He was dedicated to the men and women he served in that Illinois district. His office staff knew that each and every letter received was important. And they acted accordingly.

In his years in the House, Price won the respect of all who knew him. As old Carl Hayden, the first man to serve Arizona in the Senate, would say, "He was a work horse, not a show horse." He accepted every assignment given him.

For more than 43 years Mel Price served his country and his district well. Very well.

CONCERNS ABOUT AGRICULTURAL IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on May 17, 1988, the U.S. International Trade Commission [ITC] conducted a hearing on "Competitive Conditions in the U.S. Market for Asparagus, Broccoli, and Caulifower," in Monterey, CA. This hearing followed a May 10, 1988, hearing on the "Changing Structure of the U.S. Fruit and Vegetable Industry," in Washington, DC, that was conducted by the House Agriculture Committee's Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, which I have the honor to chair. At this time, I would like to share the text of my statement before the ITC with my colleagues:

STATEMENT OF HON. LEON E. PANETTA BEFORE THE INTERNATIONAL TRADE COMMISSION

Madame Chairman and Members of the Commission: I regret that I cannot present this testimony personally but the House of Representatives is in session today considering several important bills and therefore, I must be in Washington, D.C. I enjoyed the opportunity to have breakfast with all of you yesterday morning and have asked my wife, Sylvia, to present my final testimony today.

First of all, let me express my gratitude to each of you for having this hearing in my District. One of the key elements of the diversified economy of the Central Coast is agriculture. The value of this industry is over one billion dollars and employs over 50,000 people in Santa Cruz and Monterey Counties alone from selected agriculture and agriculture related businesses. We are proud of this industry and its contribution to the agricultural commerce of the nation and the world. The farmers of my area are free market producers who do not depend on federal subsidies. They produce a quality product and are willing to compete freely with any other nation for the American and world consumer. But that competition must be free—and it must be fair. That is not the case with regards to the competitive condition in the United States market for asparagus, broccoli, and cauliflower—the issue you are considering today.

Last week, the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, which I have the honor to chair, convened a hearing to investigate many of the same issues. We found that imports of many fruit and vegetable products have increased dramatically over the last decade and are making up a growing share of the U.S. diet. These conditions are changing the nature of agriculture in this country as we know it and that change effects farmers, investors, and consumers.

At the May 10th hearing, the General Accounting Office (GAO) released a report that I requested entitled "Agricultural Trade: Causes and Impacts of Increased Fruit and Vegetable Imports". I would like to make this report and the testimony submitted at my hearing available to the Commission.

GAO noted that imports of fruit and vegetable products have increased at a much faster pace than other agricultural products. Between 1980 and 1986, agricultural imports increased by 21%, from $17.4 billion to $21.1 billion. Yet during this same period, fruit imports more than tripled (rising from about $482 million to about $1.6 billion), while vegetable imports more than doubled (rising from about $783 million to about $1.6 billion). More than one-half of the increase in imports came from just four products—broccoli, tomatoes, table grapes, and frozen concentrated orange juice. Imports of asparagus and cauliflower also rose sharply. These products primarily come from Brazil, Chile, and Mexico.

Not only are fruit and vegetable imports rising, but proportionately, American consumers are eating more imports. For example, approximately 9 percent of the frozen broccoli consumed by Americans in 1980 came from foreign sources. But in 1986, the import share jumped to 39 percent. Import shares of asparagus and processed cauliflower also increased significantly between 1978 and 1986; from 6 to 13 percent for asparagus and from 10 to 30 percent for processed cauliflower.

Some of this rise can be attributed to a significant increase in imports shipped to the U.S. from foreign subsidiaries of U.S. firms. The General Accounting Office (GAO) reported last year that imports shipped by foreign affiliates to their U.S.-based parent companies increased 80 percent between 1982 and 1985, from $430 million to $776 million.

These conditions have become increasingly controversial for two reasons. First, inadequacies in the Food and Drug Administration's pesticides inspection activities intensify U.S. consumers' concern about whether imported produce is safe to eat. And second, the rapid growth in imports of fruit and vegetable products has had an increasing effect on U.S. growers and food processors.

On numerous occasions, GAO has documented the severe inadequacies in the Food and Drug Administration's (FDA) pesticides monitoring and enforcement activities. According to GAO, the FDA tests less than 1 percent of all food shipments and uses laboratory methods that can only detect one-half of the pesticides available on world markets. Furthermore, GAO found that the average violation rate among imports was twice that of domestic products and that shipments containing illegal pesticides are often marketed and consumed, rather than being reexported or destroyed. GAO also found that financial penalties are frequently not imposed when shipments which violate U.S. standards are detected.

The Omnibus Trade bill includes provisions, which I sponsored with Congressman Dingell and other colleagues, to address many of these problems. While this legislation is a step in the right direction, budget constraints will continue to restrict the number of shipments that can be tested at the border. Thus, the issue of safety is likely to remain an area of concern.

The intense competition from imports now threatens the viability of California's frozen vegetable industry. Thirty-four processing plants ceased operating in California between 1977 and 1987, due at least in part, to pressures from increased imports, according to GAO. Over 31,000 employees were affected by these closings.

This situation is similar to problems experienced by domestic rose growers. Imported roses have captured an increased share of the U.S. market and are driving U.S. growers out of business. Imports of hybrid tea roses, the principal variety of rose imports, captured 44 percent of the domestic market in 1987, up from 31 percent 3 years earlier. Although the Department of Commerce found that roses from Colombia were being dumped in the United States, no relief has been granted to the domestic industry.

A number of factors have led to this increase in imports. Most significantly, lower labor, land, and other production costs abroad have encouraged increased imports. As an example, the average wage for a farm worker in California is $6.00 an hour while the average wage for a similar worker in Mexico is $3.00 a day and in Guatemala, $1.50 a day. The costs alone of growing broccoli in Mexico are about 32 percent of the California costs per acre and 43 percent of the cost per pound. This cost differential plus the reduced standards and regulations on the use of pesticides and insecticides make it virtually impossible for U.S. farmers to compete.

In addition, while the dollar rose against European and Japanese currencies, it fell against the currencies of several major agricultural exporters, such as Mexico, Brazil, and Chile. For example, in mid-1986, the peso was undervalued in relation to the dollar by about 20 percent, according to a report by the University of California. The report also noted that this undervaluation resulted from specific government policies aimed at making Mexican products more competitive in foreign markets.

Part of the U.S. market for imported fruits and vegetables developed under favorable tariff treatment under the Generalized System of Preferences (GSP), the Caribbean Basin Initiative (CBI), and previous multi-lateral trade negotiations. While many products, such as steel, textile, and apparel articles, are exempted from such treatment because they have been designated as import-sensitive articles, agricultural products have not been afforded such treatment.

At the same time that imports have increased, U.S. exports of many fruit and vegetable products have remained constant or decreased. (For the record, I am inserting two charts which illustrate this point.) Unlike European growers, our growers do not benefit from the variable levy systems which shield European growers from fluctuating market conditions. Nor do U.S. growers receive subsidies from Federal price-support programs. Furthermore, U.S. producers are frequently are not able to enter European or Japanese markets because of restrictive import policies, coupled with protective government subsidies.

All of these factors concern me when I look toward the future. Our growers find themselves in a dilemma. Their domestic markets are eroded by imports from other countries and export markets are often foreclosed by import restrictions, or foreign prices kept artificially low because of subsidies. In addition, agricultural industries frequently appear to bear the brunt of our efforts to improve economies abroad. Before the ability of our producers to compete is further compromised, we need to examine these issues in a comprehensive manner.

The bottom line is that if we do nothing to address this situation now, we will lose an important sector of our domestic agricultural industry. The warning signs are obvious. If we do nothing, not only will we lose an industry but the likelihood is we will never gain it back. Vital land and water will be lost to commercial development and workers will be lost to other industries. If we are smart enough to pay attention, then actions can be taken to improve our trade, economic and competitive future. That future rests in our hands.

I am pleased that the Commission has undertaken an investigation into this issue and would urge you to consider steps for possible remedy. Thank you again for providing me with the opportunity to speak on an issue of such importance to the agricultural industry of California and the nation.

U.S. IMPORTS AND EXPORTS OF SELECTED VEGETABLES AND VEGETABLE PRODUCTS, 1982 AND 1986

[Dollars in thousands]

Commodity	Imports			Exports		
	1982	1986	Change (percent)	1982	1986	Change (percent)
FRESH	$439,096	$655.950	49	$155,050	$119,554	−23
Asparagus	9,100	13,940	53	13,076	13,179	1
Beans	8,311	20,583	148	NA	NA	NA
Cabbage	2,371	2,956	NA	NA	NA	NA
Carrots	8,468	14,124	67	NA	NA	NA
Cauliflower	1,843	2,134	16	NA	NA	NA
Celery	1,171	1,894	62	NA	NA	NA
Cucumbers	63,172	64,611	2	NA	NA	NA
Eggplant	7,601	9,507	25	NA	NA	NA
Garlic	14,907	20,481	37	NA	NA	NA
Lettuce	3,898	3,685	−5	51,795	37,456	−28
Okra	4,639	4,074	−12	NA	NA	NA
Onions	24,325	40,385	66	19,132	19,843	4
Peppers	60.015	79,808	33	NA	NA	NA
Potatoes, seed	7,194	4,209	−41	1,516	1,001	−34
Potatoes, table	23,603	18,268	−23	22,614	10,811	−52
Squash	24,353	20,512	−16	NA	NA	NA
Tomatoes	174,125	334,779	92	46,917	37,264	−21
CANNED	228,670	232,730	2	60,295	60,937	1
Artichokes	13,049	19,606	50	NA	NA	NA
Asparagus	3,265	4,478	37	NA	NA	NA
Corn, Sweet	NA	NA	NA	52,053	55,936	7
Mushrooms	91,562	122,645	34	NA	NA	NA
Pimentos	7,915	9,841	24	NA	NA	NA
Tomato Paste	74,575	32,518	−56	NA	NA	NA
Tomato sauce	5,399	7,338	36	2,910	2,446	−16
Tomatoes	32,905	36,304	10	5,332	2,555	−52
DRIED/DEHYDRATED	8,525	17,728	108	67,944	51,648	−24
Garlic	NA	NA	NA	7,440	8,975	21
Mushrooms	8,525	17,728	108	NA	NA	NA
Onions	NA	NA	NA	35,880	28,440	−21
Potatoes	NA	NA	NA	24,624	14,233	−42
FROZEN	36,759	73,959	101	57,202	82,756	45
Broccoli	9,670	34,495	257	NA	NA	NA
Cauliflower	7,089	10,753	52	NA	NA	NA
Corn, Sweet	NA	NA	NA	24,254	28,525	18
Okra	7,761	4,093	−47	NA	NA	NA
Peas	7,840	9,088	16	NA	NA	NA
Potatoes	4,399	15,530	253	32,948	54,231	65
Grand Total	713,050	980,367	37	340,491	314,895	−8

NA=not available (does not imply zero, merely indicates that data are not readily available).

Source: Compiled by Jasper Womach, Congressional Research Service, Feb. 11, 1988, from data in U.S. Department of Agriculture, Foreign Agriculture Service, Horticultural Products Review, supplements 5 and 6, March 1987; and, Economic Research Service, Foreign Agriculture Trade of the United States.

U.S. IMPORTS AND EXPORTS OF SELECTED FRUIT AND FRUIT JUICE PRODUCTS, 1982 AND 1986

[Dollars in thousands]

	Imports			Exports		
	1982	1986	Change (percent)	1982	1986	Change (percent)
Fresh	$692,801	$978,997	41	$686,635	$748,234	9
Apples	36,483	70,373	93	146,333	100,274	−31
Avocados	NA	NA	NA	10,603	10,941	3
Bananas	560,784	707,013	26	NA	NA	NA
Cantaloupes	26,441	36,969	40	NA	NA	NA
Grapefruit	334	238	−29	98,420	133,570	36
Grapes	NA	16,741	NA	95,169	102,445	8
Kiwifruit	4,586	16,350	257	NA	14,805	NA
Lemons	3,953	2,353	−40	82,294	94,380	15
Limes	1,918	4,048	111	1,580	1,151	−27
Mangoes	20,139	29,023	44	NA	NA	NA
Melons, other	6,217	20,024	222	NA	NA	NA
Oranges	3,326	9,285	179	189,551	227,861	20

U.S. IMPORTS AND EXPORTS OF SELECTED FRUIT AND FRUIT JUICE PRODUCTS, 1982 AND 1986—Continued

[Dollars in thousands]

	Imports			Exports		
	1982	1986	Change (percent)	1982	1986	Change (percent)
Pears	5,678	20,664	264	25,368	20,794	−18
Pineapples	NA	10,265	NA	NA	NA	NA
Prunes/plums	NA	NA	NA	17,488	20,129	15
Raspberries	9,093	17,067	88	NA	NA	NA
Strawberries	3,906	7,192	84	19,829	21,884	10
Watermelons	9,943	11,392	15	NA	NA	NA
Canned	154,276	323,779	110	84,781	51,117	−40
Apricots	492	3,917	696	1,207	369	−69
Cherries	NA	NA	NA	7,156	8,424	18
Mixtures	3,200	10,270	221	37,279	18,912	−49
Olives	2,663	103,862	3,800	NA	NA	NA
Oranges	28,834	39,401	37	NA	NA	NA
Peaches	136	9,871	7,158	27,682	14,321	−48
Pears	40	3,410	8,425	2,215	1,078	−51
Pineapple	118,911	153,048	29	9,242	8,013	−13
Dried	28,188	24,038	−15	176,916	182,215	3
Apricots	9,290	12,450	34	NA	NA	NA
Dates	7,895	4,060	−49	NA	NA	NA
Figs and fig paste	7,728	4,851	−37	NA	NA	NA
Prunes	NA	NA	NA	71,407	72,909	2
Raisins	3,275	2,677	−18	105,509	109,306	4
Juice	462,314	662,649	43	153,120	91,240	−40
Apple/pear	92,334	192,145	108	NA	NA	NA
Blueberries	3,514	5,647	61	NA	NA	NA
Frozen	NA	NA	NA	NA	NA	NA
Grape	1,393	5,493	294	NA	NA	NA
Grapefruit	NA	NA	NA	25,902	23,839	−8
Orange	320,169	385,996	21	127,218	67,401	−47
Pineapple	26,443	48,406	83	NA	NA	NA
Raspberries	953	7,913	730	NA	NA	NA
Strawberries	17,508	17,049	−3	NA	NA	NA
Grand total	1,337,579	1,989,463	49	1,101,452	1,072,806	−3

NA=not available (does not imply zero, merely indicates that data are not readily available).

Source: Compiled by Jasper Womach, Congressional Research Service, Feb. 11, 1988, from data in U.S. Department of Agriculture, Foreign Agriculture Service, Horticultural Products Review, supplements 5 and 6, March 1987; and, Economic Research Service, Foreign Agriculture Trade of the United States.

PRECEDENCE OF SPECIAL ORDERS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that my special order precede that of the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CUBAN LIBERATION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 60 minutes.

Mr. PEPPER. Mr. Speaker, tomorrow is the 86th anniversary of an event that is very important in terms of U.S. history and Western Hemispheric relations. May 20, 1902, was the day that Cuba, with aid from this Nation, gained its liberation from Spain.

All of us here realize what a special feeling it is to commemorate with pride and happiness our own similar anniversary every July 4. I think that we are also capable of appreciating the degree of pain most Cuban citizens feel when they reflect on their own history every May 20. They do so with the full knowledge that that same hard-fought independence was taken away from them under the regime of Fidel Castro in 1959.

Since the Castro regime began to impose its own brand of atheistic Communist oppression, the Cuban people have had little to celebrate. We here in the United States have also had great reason to mourn. Not only has the specter of communism, with the strong backing of Soviet Russia, been an ever-present shadow in our own backyard, but we have also witnessed the great tide of human suffering that has been swept to our shores from the oppressiveness of Castro's Cuba.

The massive military buildup, financed by the Soviet Union, which we have witnessed not too far from our homeland has not limited itself to the islands of Cuba. The presence of the Cuban military has been felt in other parts of the world as well. In particular, Nicaragua and Angola come to mind as examples of where Cuban troops have contributed significantly to the propping up of other oppressive Communist governments. I do not think I need to relate to my distinguished colleagues the toll that this has exacted in the form of increased U.S. efforts to promote peace and democracy throughout the world.

Mr. Speaker, I would like to submit for the RECORD the text of a statement pointing out the significance of Cuban Independence Day. It was signed by the following individuals: Dr. Joseph R. Julia, president, Cuban Crusade for Relief and Rehabilitation; Dr. Alejandro Paniaqua, president, Caribbean Committee; Mr. Joseph Yali, president, African Committee; Mr. Peter Hartwich, chairman, Cuban Crusade Campaign, 1988; and Mr. Fernando Capo, chairman, International Committee. The excellent statement follows herewith:

1988 CUBAN INDEPENDENCE DAY

Crusade 1988—Worldwide Solidarity Message honoring Cuban patriots Jose Marti, General Antonio Maceo Grajales, General Generoso Campos Marquette and American patriot President Theodore Roosevelt, who personally led Americans fighting alongside Cubans to successfully liberate Cuba. That first real liberation date was commemorated on May 20, 1902 and is known as Cuban Independence Day.

To: His Excellency Ronald W. Reagan, Vice-President George Bush and Administration. Honorable Speaker Jim Wright, Congressmen Dante B. Fascell, Claude Pepper, Robert Garcia and all other members of the United States of America, House of Representatives and Senate and to the people of the world.

Cuban Independence Day is also Latin American and World American Solidarity Day since it signifies the very first day of Hemispheric and Global Brotherhood. In order to reflect the true beliefs and sentiments of worldwide peoples after having their memories refreshed as to the real historical and present day established and known facts that remain unchallenged today, we expose these facts for the global population to hear, see and take very careful notice of.

The United States, in joining Cuban patriots last century in their struggle for freedom against the Spanish tyranny, did not exact their pound of flesh and colonize Cuba as has always and still is the practice when large powerful nations have aided small countries in their so-called freedom wars. Instead America rejoiced together with Cuba on May 20th, 1902 when they celebrated their hard won freedom then. America had helped a new free democratic nation to be born by aiding them during their liberation struggles and after economically.

And today more than ever, it is very necessary for the United States to point out their record, referring to all of their dealings with any nation small or large; America has always liberated or aided liberation but has never colonized anyone.

May 20th, anniversary of the free Republic of Cuba's Liberation Day is the first and best example of America's fraternal behavior toward a hemispheric brother's liberation struggle; the United States is your brother and not your master. The same is true for the rest of the world proven time and again via its total aid for many European, Asian and African nations during World Wars I and II. Practically all militarily occupied or colonized nations were liberated by America at a very high cost of American materials and blood, at the end of those wars.

Soviet Russia and Mainland China were major recipients of that aid. Communist Russia has repaid that debt by colonizing fourteen now captive nations and utilizing force to dominate its now imperialistic Russian Empire, a major political enemy of America. Chinese Communists overran mainland China and now threaten to colonize all Asia. It is important to note that all Communist takeovers titled liberation revolutions have taken place after World War II, when both Russia and China were aided to liberate themselves from German and Japanese occupation with America's help.

The above statements are historically established facts forgotten under the stress of political battle by U.S. against an ever aggressive foe who specializes in propaganda trickery, such as Russian sponsored "World Peace Movement" and utter falsehoods represented by Russian backed "World Nuclear Freeze", and who has enslaved countries utilizing the noble colors of liberation, falsely and criminally.

In the name of Cubans, Americans and the world's peoples, we publicly challenge our atheistic totalitarian and political adversaries to produce and name just one May 20th style of real free self-autonomous sovereign state produced by Russia or China, via a Communist induced and backed revolution. In two words, they cannot.

May 20th, Cuban Independence Day, also Latin American and World Solidarity Day is the actual anniversary of America's Foreign Policy Principles; Liberate and Aid to Liberate, as against the Dominate by Force and colonize practice championed by World Communism.

Soon she entered into the political arena during the regime of President Fulgencio Batista. First-rank collaborator of the President's wife, in one of the most successful social projects ever executed in Cuba; dealing with housing for the poor, health center, and better wages for fishermen and workers of the mining industry.

She was co-founder of the "Obra Benefica Religiosa Social en la Sierra Maestra", together with Dr. Joseph R. Julia and Vecentian Father Superior Lorenzo Elosegui Orodengae C.M. in 1957.

In 1961, she was co-founder of the "Cuban Crusade for Relief and Rehabilitation Association Inc.". She personally helped thousands of Cubans, Latin Americans and others to obtain employment, housing, clothing, furniture, medical help, educational grants, at the Cuban Crusade offices in New York City and Miami. In 1965, she was elected Chairman of the Committee for Hemispheric War on Poverty Crusade in Latin America.

In 1984, she accompanied Dr. Julia to the Orient setting up the "Cuban Crusade Asian Chapter", with central offices in Taipei, Taiwan—"The Power of the Cross" postcards were printed and distributed through Asia.

She is co-owner of patented "Achay-Julia" economical homes which are intended to benefit the poor worldwide.

Soon after Castro's successful take-over in Cuba in 1959, the above Committee met with him on numerous occasions from January 1959 until July 5, 1960.

Mr. Castro gave his personal approval to said "Obra Benefica Religiosa", which immediately became law by Resolution No. 575 of the "Minsterio de Finanzas" in July 5, 1960.

The 575 Resolution of July 5, 1960, set a unique precedent since it permitted, for the first time, the teaching of religious and social work within a communist country. Our Sierra Maestra's program was conceived and so officially sanctioned as an autonomous organization without any direct government control or intervention.

It allowed for the construction of: (a) one 300 hospital beds in Sierra Maestra; (b) a vocational center for the teaching of arts, trade, agricultural, and mining techniques.

Dr. Joseph R. Julia, Father L. Elosequi O., CM, and Candelaria Achay, presiding, formed the Vincentian Father's Committee.

Both Dr. Joseph R. Julia and Candelaria Achay were designated via legal document, with the exclusive presentation and "Power of Attorney", globally of the "Obra Benefica Religiosa Social St. Vincent de Paul en la Sierra Maestra".

It is, therefore, the most perfect instrument in our hands with which spearhead the process of peace, and gradual normalization of relations between Americans and Cubans, Now!

It was precisely Miss Achay's dream and prophetic desire at the time of her ill fated premature death.

It all began with Mr. Castro's revolution embracing of the Christian Crucifix and the insidious metamorphosis that followed. Castro's rise to power in Cuba marked a turning point in the traditional love-hate relationship between North and South and among Latin Americans themselves.

Time is now ripe for action and not for a military intervention, nor for an aggressive political adventurism which could turn out to be as counterproductive today as it has been in the past.

It is a time for action through good will and common sense. As Miss Achay said it, "the moment of truth is now!"

During long years, our "Obra Benefica Relgiosa Social" was forced into painful inactivity. But we were not dead, through our efforts, funds were raised in Cuba and the United States from firms like Hirsh and Company of Wall Street and others who happened to believe in the sincerity, feasibility, and down to earth approach of our program.

American and global peoples, our duty and moral obligations is to hammer out these truths via the entire global media to educate world opinion by commemorating next May 20th anniversary of Cuban Independence Day 1902 representing the first true 20th century liberation and transmitting the above Solidarity message of strong truths hemispherically and universally.

We call upon the free nations of the world to stand united behind American Universal Foreign Policy and aid, liberate all of the world's enslaved peoples from communist tyranny and oppression now infiltering the Western Hemisphere and elsewhere via the communist surrogate of Soviet Russia, who in 1959 stole Cuban liberty from Cubans, Fidel Castro's Red Cuba.

We also call upon the global free nations to join in complete solidarity; economically, politically and religiously and thus unified march to triumph over World Communism before the 1980's end.

Dr. Joseph R. Julia,
President, Cuban Crusade Political Committees.
Dr. Alejandro Paniaqua,
President, Caribbean Committee.
Mr. Joseph Yali,
President, African Committee.
Mr. Peter Hartwich,
Chairman, Cuban Crusade Campaign, 1988.

Today, Cuban Independence Day Commemoration in the House of Representatives, we pay tribute and remembrance to two God chosen leaders who led their nations in the ways of peace and respect; the late Speaker John W. McCormack and late Candelaria G. Achay, founder of the Cuban Crusade.

Speaker McCormack's history as a powerful humane head of his people is well remembered globally with reverence.

We herein remember today Candelaria G. Achay as a Cuban leader who lead her people toward love, peace and unity under God.

We herein recount her story on Earth doing God's will on Earth.

CUBA INDEPENDENCE DAY—1988

Crusade 1988—Respectfully, our message today is being addressed to His Excellency Ronald W. Reagan, Vice President George Bush and Administration, Honorable Speaker Jim Wright, Congressmen Claude Pepper, and Dante B. Fascell and all other Members of Congress.

In this glorious day—May 20th, 1902—we wish also to pay humble tribute to Miss Candelaria Achay, the beloved co-founder of our international "Cuban Crusade for Relief and Rehabilitation", who recently expired at St. Vincent Hospital in New York City. She functioned as the indisputable leader of our organization for more than 25 years.

Divinely inspired, she helped to carry on the torch of hope and the message of Christ on the desecrated island of Cuba and elsewhere, through an arduous and bitter struggle.

Miss Achay was born in Cuba, of Cuban-Chinese parents, December 12, 1927, and received basic religious education at the

Sacred Heart Academy; but, shortly had to abandon the religious career because of failing health.

We offer a sensible way out of this Caribbean alienation; the shortest possible approach; perhaps the only door still open to reconciliation.

Our "Obra Benefica Religiosa Social St. Vincent de Paul", has a 20 year old record of credibility in the United States Congress, and within the Spanish-American communities as well.

We have no attachment whatsoever to vested interests here or abroad, this is why we can speak today, freely and loud.

We are only truly committed to God, and to the highest ideals of freedom. These reasons may explain why our program has received (a) best wishes for success from our State Dept. in bringing about closer relations between Cubans and Americans. (b) the blessings from the Papal Nuncio, with an introduction to American by a letter to late Cardinal Francis Spellman; (c) the blessing by late Cuban Cardinal Manuel Arteaga.

Closing words—in memory of our beloved "Candy Achay":

Ms. Candy Achay was a Catholic mystic. On September 8, 1962, in a dream, she received a direct revelation from the Patroness Virgin of Cuba "The Virgin of Charity." The revelation was painted in December 1962, by a famous Vincentian, Father Superior Lorenzo Elosegui Orobenguia CM. It is titled the "Power of the Cross," and it depicts the end of atheistic oppression in Cuba.

The Virgin of Charity is shown high in the heavens carrying child Jesus surrounded by purple and reddish clouds depicting the bloody period the Earth's people have been traversing for nearly a century being gathered by God Almighty for dispersement in space. In her right hand is the cross from which emanates the healing vibrations of Jesus Child falling directly upon Cuba, killing the dragon atheism. The sickle and hammer symbols of the regime in Cuba are broken signifying the end of Cuba's atheism by divine intervention.

The three figures in the rowboat are the original Cubans to whom the Virgin appeared in Cuba's Bay of Nipes last century, rowing toward Cuba to spread the message of freedom. This is a divine message from God Almighty announcing the coming victory of Jesus Christ over the forces of darkness.

Miss Candy's remains were cremated and her ashes were thrown in the waters in front of the Statue of Liberty in New York City.

Candy's last wishes were—"May my ashes reach a free Cuba someday!"

REMEMBRANCES

"Candy is a ray of light shining down from the Almighty * * * "—Dr. Joseph R. Julia, life long associate of Candy and cofounder of Cuban Crusade.

"* * * a loyal friend, * * * I feel her presence down to my soul * * *—Rev. Father Lorenzo Elosegui Obergoa, Seville, Spain.

"She is the personification of love * * * "—The late John Wm. McCormack, Speaker of the House, December 14, 1977.

"She is the soul of Asia—with her Chinese ancestors * * * she is now in the "Celestial Heaven".—Steve Min, President, Taiwan—Philippine Chapter.

"A Chinese sister from Cuba; her soul was always Chinese".—Peter and Vince Wu Families.

"A Chinese princess, who will help us * * * from the far reaches of Heaven".—Mr. James T. Fan, President, Japanese and Korean Chapter.

"My best friend * * * Excellency in love and goodness"—A.D. Paniagua, MD.

"The Power of the Cross" message can be applied in conventing Mainland China away from present Atheism."

"We have distributed thousands in Thailand, Mainland and Burma.—Gen. Kei-Chiu (Generalissimo Chang Kai Shek assistant).

Mr. Speaker, I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I just want to commend the gentleman from Florida for giving us those appropriate remarks on the observance of Cuban Freedom Day.

WHAT'S THE BEEF WITH JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I was shocked to hear a few minutes ago that the Government of Japan only today has lifted all restrictions on the sale of Toshiba products to Communist bloc countries. This action presumably was taken because the 1 year restriction imposed by the Government of Japan on Toshiba expired today. And this action serves as a reminder of why we in the Congress have developed a hard line on Toshiba, the mother company, and its subsidiary, Toshiba Machine Corp. which together with Konigsberg of Norway sold the complex computerized milling equipment and software to the Soviet Union which made it possible for the Soviets to produce the silent propeller. That, of course, by their ability to produce this silent submarine propeller, destroyed any advantage that our silent submarines had. This means that the Navy is going to have to run up its costs considerably to get in the lead once again. There have been estimates as high as $30 billion and $60 billion to reach or to achieve the level of leadership that we once had with our Navy against the Soviet Navy.

Also by lifting this ban today it points up that the Government of Japan is only going to impose minimum punishment on its people. Japan has no espionage law. In fact, it refused to pass an espionage law last year after the Congress got into the matter of the sale of this secret milling equipment to the Soviet Union. It was only after the Congress, I might point out, only after the Congress unearthed this and began talking about the sale of this equipment did Japan even make the effort to impose the minimum sentence of 1 year of no sales.

You can see how fast a year goes by.

So they probably have really not lost anything. This is what is disturbing to many of us here in the Congress. How can we really secure our technology when we are in the leadership, when we have been arguing on the floor and in committees against the sale of military technologies such as the Aegis missile cruiser and others to any overseas sources, including Japan; we have been pointing out that these countries do not have espionage laws, that they do do reverse engineering to steal our technology and that there is very little, if any, real interest in these other countries to protect the technology that we have developed.

□ 1720

I must say that today's action of lifting this ban seems to emphasize or to prove that our arguments have been correct.

Mr. Speaker, let me just get on with the additional comments I have concerning trade with Japan. As the Members know, Mr. Speaker, I have been trying to inform the American public over the past few months on some important facts concerning trade, with emphasis on the fairness issue, particularly in relation to Japan, the country with which one-third of our trade deficit lies.

We know, for instance, that Japan has gone out of its way to keep United States citrus fruit and beef out of that country and to prevent its citizens from being able to purchase these items at a reasonable yen.

It reminds me also of what we learned only last week, that the Government of Japan had imposed or was trying to impose a $2,000 tariff on some $804 worth of Girl Scout cookies that the crew of the U.S.S. *Midway* had purchased. The *Midway* is now homeported in Japan, and the crew, being from the Beeville, TX, area, the Girl Scouts down in that area had made contact with the sailors on that ship, and when Girl Scout cookie time came around, they reached out and they purchased $804 worth of cookies. The Girl Scout troups felt they had made a tremendous sale, and then the crew was hit with a $2,000 duty.

So on and on it goes. Fairness? I have not seen it. I am really not certain whether or not I was amazed to read in the Wall Street Journal today that Japan's ruling Liberal Democratic Party, which has been in power there since 1955, is afraid of committing political suicide if they allow our beef and citrus fruits in their markets. At least this is the argument they are using.

In an article in the Wall Street Journal today it quotes U.S. Trade Representative Clayton Yeutter warning that if Japan tries to stall international deliberations on a United States effort to open Japan's beef and citrus markets, the United States will file an unfair trade case in Washington against Japan. I certainly hope he goes through with it. The one thing I worry about is that he has not been hard enough, but this time I think Mr. Yeutter really intends to go through with it. He has disclosed that Japan has suggested that the two countries should revive their bilateral talks on these two items which broke of last month when the United States filed an unfair trade complaint with the General Agreement on Tariffs and Trade in Geneva. The General Agreement on Tariffs and Trade is commonly known at GATT, and it is an international group in Geneva that is set up to adjudicate trade disputes, and it is also set up to handle trade matters and to see that tariffs that are imposed across the world in all international and trade sectors are equal between all countries, and that the practices between all countries are fair. And then when there is an unfairness issue that comes up, GATT is supposed to adjudicate it.

But when one country will not allow the process to continue or says to GATT, "We are not even going to come in and sit in your court if you want to adjudicate against us," then it is very difficult to get at these things.

In the article in the Wall Street Journal, Mr. Yeutter said that the Japanese "privately have expressed an interest in settling the increasingly bitter dispute"—and it is a bitter dispute—"before President Reagan and Prime Minister Noboru Takeshita meet June 19 at the seven-nation economic summit in Toronto. Deputy Trade Representative Michael Smith is scheduled to meet today in Tokyo with Japanese officials on the beef issue. But so far, Mr. Yeutter said, there isn't any sign Tokyo is willing to lower barriers to U.S. beef and citrus imports."

The agreement that the United States had with Japan on beef quotas expired in late March, and this further accelerates United States efforts to gain access to Japan's markets. I might go on to read some comments about the LDP—this is the party that has been in power since 1955—which says that the dispute has larger political and economic consequences because Reagan administration officials want to take whatever action is necessary to pry open Japan's beef and citrus markets before the November elections to counter election-year criticism in this country that they are not tough enough on unfair trade.

And that is true, there have been many of us, including myself, on this side of the aisle who have said that the Reagan administration has not been tough enough. And for their part, Japanese officials insist that yielding to United States demands would be tantamount to suicide for the ruling LDP in power since 1955.

The article states that all this gives rise to United States suspicions that Japan is stalling and Japanese accusations that the United States is playing politics.

Mr. Yeutter has said, "We will not permit them to stall the GATT process."

Mr. Speaker, at this point I include the Wall Street Journal article of May 19, 1988, in full, as follows:

[From the Wall Street Journal, May 19, 1988]

U.S. CAUTIONS JAPAN ON DELAY OF IMPORT ISSUE—AIDE WARNS OF TRADE CASE OVER BEEF AND CITRUS; TOKYO SEEKS MORE TALKS

(By Walter S. Mossberg)

PARIS.—U.S. Trade Representative Clayton Yeutter warned that if Japan tries to stall international deliberations on a U.S. effort to open Japan's beef and citrus markets, the U.S. will file an unfair-trade case in Washington.

In an interview, Mr. Yeutter also disclosed that Japan has suggested that the two countries revive their bilateral talks on beef and citrus imports, which broke off last month when the U.S. filed an unfair-trade complaint with the General Agreement on Tariffs and Trade, an international group in Geneva that is adjudicating this trade dispute.

The Japanese, he said, privately have expressed an interest in settling the increasingly bitter dispute before President Reagan and Prime Minister Norboru Takeshita meet June 19 at the seven-nation economic summit in Toronto. Deputy Trade Representative Michael Smith is scheduled to meet today in Tokyo with Japanese officials on the beef issue. But so far, Mr. Yeutter said, there isn't any sign Tokyo is willing to lower barriers to U.S. beef and citrus imports.

LONG-RUNNING BATTLE

Negotiators for the two nations have been wrangling over this issue for months. A U.S.-Japan agreement on beef quotas expired in late March, further accelerating U.S. efforts to gain greater access to Japan's market.

For both nations the dispute has larger political than economic consequences. Reagan administration officials want to take whatever action is necessary to pry open Japan's beef and citrus markets before the November elections, to counter election-year criticism that they aren't tough enough on unfair trade. For their part, Japanese officials insist that yielding to U.S. demands would be tantamount to suicide for the ruling Liberal Democratic Party, in power in Japan since 1955. All this gives rise to U.S. suspicions that Japan is stalling and Japanese accusations that the U.S. is playing politics.

"We will not permit them to stall the GATT process," Mr. Yeutter declared in the interview. "I have told them that if they try, we will self-initiate a section 301 complaint and we will put a definitive timetable on that complaint." Such a complaint could result in trade sanctions against Japan.

SIGNS OF STALLING

At this point, Mr. Yeutter discussed only a potential unfair-trade complaint, which would be taken under section 301 of U.S. trade laws to counter any Japanese stalling at GATT. But other U.S. officials, speaking on condition of anonymity, said the administration is likely to file a section 301 complaint soon after the Toronto summit unless the beef and citrus issue is settled by then.

In Tokyo, Japanese officials expressed surprise that the U.S. is threatening such a complaint. Japanese officials know that filing a 301 complaint is a difficult last resort for a U.S. president because it requires consensus among his trade, diplomatic and military advisers. In the past, the State and Defense departments opposed antagonizing Japan unless national security is involved, as it was last year, when the U.S. imposed trade sanctions on Japan for violating a semiconductor agreement.

Mr. Yeutter said the U.S. will be closely watching a June 14 GATT meeting for signs Japan may be dragging its heels. Already, Tokyo has irritated the U.S. by proposing that GATT establish several panels, rather than just one, to deal with the dispute.

In the interview, Mr. Yeutter disclosed that the new bilateral talks were proposed to him and other top U.S. officials during meetings last week by Japan's ambassador to the U.S. Nobuo Matsunaga, who returned to Tokyo soon after.

JAPANESE INITIATIVE

"The initiative came from them," Mr. Yeutter said. "Ambassador Matsunaga indicated to me that he planned to strongly encourage the relevant officials of the Japan government to settle this issue bilaterally prior to the economic summit in Toronto."

In Tokyo, a Japanese government official characterized Tokyo's new proposal as a "brainstorming session" to find common ground. "We have to break the ice," the official said.

U.S. officials hope Japan may be anxious to settle the issue before the economic summit, both to head off a U.S. unfair trade filing and increase the chances President Reagan may agree to curb separate sanctions against Japan over semiconductor trade practices, as he did at the 1987 summit in Venice.

Mr. Yeutter said the U.S. is wary about a possible Japanese ploy whereby non-tariff barriers on beef and citrus would be reduced or scrapped, but large tariffs and surcharges would be substituted. "I made it very clear to . . . Ambassador Matsunaga, that a surcharge would not be acceptable to us," he said.

The U.S. is willing to negotiate some increase in Japanese beef tariffs, currently 25%, if all non-tariff barriers are dropped, because it believes U.S. beef is so much cheaper to produce that it would remain price-competitive in Japan even with high tariffs. But the U.S. would want Japanese pledges that any tariffs would be capped at specified levels, and would diminish over time. And the U.S. opposes surcharges, believing them a bad precedent.

POLICY DIRECTORS

The issue is extremely difficult to settle because influential Japanese politicans, with close ties to agricultural interests, don't want cheap imported beef flooding the market. They, not Japan's trade negotiators, direct policy on this issue.

One such politician is Koichi Kato, chairman of a powerful agricultural subcommittee in Japan's Diet, or parliament. He said yesterday that if Japan is forced to liberalize beef without some "border measures," such as surcharges or tariffs, the LDP "would be defeated very seriously in the next election. That's why we are sticking so strongly to border measures."

Mr. Kato said Diet members also fear the U.S. will next attack Japan's ban on imported rice. Although rice is as much as ten times more expensive than elsewhere, most Japanese feel the country must be self-sufficient in rice production as a matter of national security. "If you take on rice liberalization, then anti-American feeling will definitely arise," Mr. Kato said.—Damon Darlin in Tokyo contributed to this article

Mr. Speaker, I say that it is really time to challenge Japan. We are only asking for fair treatment for our people. Japan has an open door in the United States on almost every item. In fact, I cannot think of a single item that Japan has wanted to export into this country that they cannot export to us, with all the breaks that go with being a friend, which includes taxes.

Now they are going so far as to politicize agriculture. They have stated that their party would be defeated if they dealt fairly with American farmers, those great Americans who have fed so much of the world. In other words, they are willing to keep their people from having an opportunity to purchase reasonably priced American agricultural products in order to keep their ruling position in Japan. And there is really not any definite proof that they would lose an election. This is just the attitude over there. They do not want American products.

I remember discussing this item, beef in particular, with a young Japanese student here, and he made it clear that they were allowing beef to come in from Australia, but they were not going to allow any from the United States.

Is that fair? I ask, Mr. Speaker, is that fair?

They are refusing an open market to our farmers, although they enjoy one as a friend in this country. Instead, they prefer the illusion of an open market by substituting large tariffs and surcharges for nontariff barriers on beef. It sounds like comparing apples and watermelons to me. An open market is an open market.

Every month we wait for the trade figures and check the balance of trade with Japan. This past week the newspapers gave us a good report on our trade balance. I am one for good news and will not rain on anyone's parade, but according to our statistics, the trade balance with Japan remained at $4.5 billion for the month. However, the Japanese said there is a reduction. They did not give any figures when they said this. Perhaps this is just another illusion, like their open market. Whichever it is, the situation needs to be reviewed.

The illusion of open markets and refusing to deal with us fairly is what I have been discussing on the floor. For several weeks I have read passages from the book, "The Japanese Conspiracy," to show the American public how the Japanese agency, the Ministry of International Trade and Industry, together with many of its major manufacturers, have conspired to destroy various American industries. This is the book. I am still on the chapter, "Green Tea and Dirty Tricks," and I will finish that chapter next week, because the balance, the part that I have not read yet, dealing with the theft of IBM technology by Hitachi is such a vital chapter and the information is so great and the details of the process so complex that I think it warrants a very special session, one that does not get involved with beef and citrus fruit and the Toshiba products.

So, I will proceed with that next week at a more leisurely pace, Mr. Speaker, and I now yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Ireland (at the request of Mr. Michel), for today, on account of medical reasons.

Mr. Lightfoot (at the request of Mr. Michel), for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Bentley) to revise and extend their remarks and include extraneous material:)

Mrs. Bentley, for 60 minutes, on June 1, 2, 7, 8, 9, 14, 15 and 16.

Mr. Dornan of California, for 5 minutes, today.

Mr. Leach of Iowa, for 60 minutes, on May 23.

Mr. Craig, for 60 minutes, on June 7, 14, 21 and 28.

Mr. Schuette, for 5 minutes, today.

(The following Members (at the request of Mr. Hoyer) to revise and extend their remarks and include extraneous material:)

Mr. Hoyer, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. Bentley) and to include extraneous matter:)

Mr. Ridge.
Mr. Crane.
Mr. Lewis of California.
Mr. Clinger.
Mr. Whittaker.
Mr. Solomon in two instances.
Mr. Weldon in two instances.
Mr. Hastert.
Mr. Wolf.
Mr. Fields.
Mr. Wylie.
Mr. Coleman of Missouri.
Mr. Michel.
Mr. Hopkins.
Mr. Rowland of Connecticut.
Mr. Swindall.
Mr. Gallegly.
Mr. Schulze.
Mrs. Roukema.
Mr. Kemp in two instances.
Mr. Young of Alaska.
Mr. Rinaldo.
Mr. Kolbe.
Mr. Badham.
Mr. Gunderson.

(The following Members (at the request of Mr. Hoyer) and to include extraneous matter:)

Mr. Eckart.
Mr. Hoyer.
Mr. Fascell in three instances.
Mr. McCloskey.
Mr. Gephardt.
Mr. Wise.
Mr. Kostmayer.
Mr. Donnelly.
Mr. Penny.
Mr. Olin.
Mr. Ackerman.
Mr. Mineta.
Mr. Darden in two instances.
Mr. Wyden.
Mr. Solarz.
Mr. Stark.
Mr. Edwards of California.
Mr. Durbin.
Mr. Kildee
Mr. Smith of Florida.
Mr. Tallon.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4083. An act to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, May 23, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3637. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the supplemental contract award report for the period May 1, 1988 to June 30, 1988, pursuant to 10 U.S.C. 2431 (b); to the Committee on Armed Services.

3638. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of an altered Federal records system submitted by the Department of the Army, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3639. A letter from the Secretary of the Interior, transmitting a copy of the annual report for fiscal year 1987 covering the Outer Continental Shelf [OCS] Oil and Gas Leasing and Production Program administered through the Minerals Management Service, pursuant to 43 U.S.C. 1343; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

3640. A letter from the Secretary of State, transmitting a report on the status of the sale of Stinger missiles; report assessing the global threat caused by the proliferation of man-portable ground-to-air missiles similar to the Stinger, pursuant to Public Law 100-202, section 573 (b) and (c); jointly, to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4028. A bill to authorize the Secretary of Agriculture to exchange certain national forest system lands in the Targhee National Forest (Rept. 100-629, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee On Interior and Insular Affairs. H.R. 4097. A bill to direct the Secretary of the Interior to transfer a certain parcel of land in Clark County, NV; with an amendment (Rept. 100-630). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee On Interior and Insular Affairs. H.R. 4143. A bill to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes; with an amendment (Rept. 100-631). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3691. A bill to designate the Federal building located at 600 Las Vegas Boulevard in Las Vegas, NV, as the "Alan Bible Federal Building" (Rept. 100-632). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3811. A bill to designate the Federal building located at 50 Spring Street, Southwest, Atlanta, GA, as the "Martin Luther King, Jr. Federal Building"; with an amendment (Rept. 100-633). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3817. A bill to designate the Federal building located at 405 South Tucker Boulevard, St. Louis, MO, as the "Robert A. Young Federal Building" (Rept. 100-634). Referred to the House Calendar.

Mr. ANDERSON: : Committee on Public Works and Transportation. H.R. 3838. A bill to designate the Federal Building located at 215 North 17th Street in Omaha, NE, as the "Edward Zorinsky Federal Building" (Rept. 100-635). Referred to the House Calendar.

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4505. A bill to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal year 1989; with an amendment (Rept. 100-636). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee of Conference. Conference report on S. 1539 (Rept. 100-637). Ordered to be printed.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4340. A bill to provide for retirement and survivors' annuities for bankruptcy judges and United States magistrates, and for other purposes; with an amendment (Rept. 100-638 pt. 1). Ordered to be printed.

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4399. A bill to facilitate commercial access to space, and for other purposes (Rept. 100-639). Referred to the Committee of the Whole House on the State of the Union.

Mr. SWIFT: Committee on House Administration. H.R. 4436. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1989 (Rept. 100-640). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. H.R. 4637. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1989, and for other purposes (Rept. 100-641). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DREIER of California:

H.R. 4635. A bill to amend title II of the Social Security Act to remove the limitation on outside earnings under the OASDI Program, and to amend the Internal Revenue Code of 1986 to eliminate the income tax on social security benefits and exempt individuals age 70 or over from the FICA and SECA taxes; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 4636. A bill to amend the Food Security Act of 1985 to allow States or local governmental entities to carry out special conservation reserve enhancement programs; to the Committee on Agriculture.

By Mr. OBEY:

H.R. 4637. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1989, and for other purposes.

By Mr. GOODLING (for himself and Mr. Hawkins):

H.R. 4638. A bill to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988; to the Committee on Education and Labor.

By Mr. COLEMAN of Missouri (for himself, Mr. Ford of Michigan, Mr. Jeffords, Mr. Perkins, Mr. Williams, Mr. Fuster, Mrs. Roukema, Mr. de Lugo, Mr. Blaz, Mr. Sunia, and Mr. Goodling):

H.R. 4639. A bill to amend the Higher Education Act of 1965 to prevent abuses in the Supplemental Loans for Students program under part B of title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. WAXMAN (for himself and Mr. Dingell):

H.R. 4640. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERMAN:

H.R. 4641. A bill to amend the False Claims Act; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 4642. A bill to provide for the reinstatement of the canceled entry of William A. Wright to certain lands in Lamar County, AL; to the Committee on Interior and Insular Affairs.

By Mr. BURTON of Indiana (for himself and Mr. Jacobs):

H.R. 4643. A bill for the relief of the office of the sheriff of Marion County, IN; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 4644. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for improvements to the taxpayer's principal residence to remove architectural barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself and Mr. Bereuter). (Both by request):

H.R. 4645. A bill to provide for participation by the United States in a capital stock increase of the International Bank for Reconstruction and Development and a replenishment of the African Development Fund, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KANJORSKI (for himself, Mr. McMillen of Maryland, Mr. St Germain, Mr. Gonzalez, Mr. Annunzio, Mr. Fauntroy, Mr. Neal, Mr. LaFalce, Ms. Oakar, Mr. Vento, Mr. Garcia, Mr. Schumer, Mr. Frank, Mr. Lehman of California, Mr. Morrison of Connecticut, Ms. Kaptur, Mr. Torres, Mr. Kleczka, Mr. Nelson of Florida, Mr. Manton, Mrs. Patterson, Mr. Kennedy, Mr. Flake, Mr. Mfume, Ms. Pelosi, Mr. Ackerman, Mrs. Roukema, Mr. Ridge, and Mr. Florio):

H.R. 4646. A bill to require the Federal Savings and Loan Insurance Corporation to revoke the charter of the Federal Asset Disposition Association and reform the process for liquidating assets of failed thrift institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HERGER:

H.R. 4647. A bill to provide for the establishment of the National Commission on Natural Resources Disasters, to provide for increased planning and cooperation with local fire fighting forces in the event of forest fires, and for other purposes; to the Committee on Agriculture.

By Mr. KENNEDY:

H.R. 4648. A bill to amend the Public Health Service Act to establish a program to assist students in financial need to enter careers in nursing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAGOMARSINO (for himself and Mr. Thomas of California):

H.R. 4649. A bill to require the Secretary of Energy to convey to the State of California by quitclaim deed certain lands in a naval petroleum reserve and to provide that money received from a naval petroleum reserve shall be treated the same as money received from other public lands; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. OBERSTAR:

H.R. 4650. A bill to improve the safety of air travel by establishing the Federal Aviation Administration as an independent Federal agency; to the Committee on Public Works and Transportation.

By Mr. PENNY:

H.R. 4651. A bill to establish regional centers for the commercial development of new industrial farm and forest products, and for other purposes; to the Committee on Agriculture.

By Mr. SCHUETTE (for himself, Mr. Cheney, Mrs. Martin of Illinois, Mr. Lewis of California, Mr. Edwards of Oklahoma, Mr. Madigan, Mr. Vander Jagt, Mr. Sundquist, Mr. Weber, Mr. Gallo, Mr. Broomfield, Mr. Upton, Mr. Rowland of Connecticut, and Mr. Burton of Indiana):

H.R. 4652. A bill to encourage the advance notification of major employment reductions, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHULZE (for himself, Mr. Gibbons, Mr. Thomas of California, Mr. Guarini, and Mr. Archer):

H.R. 4653. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants; to the Committee on Ways and Means.

By Mr. SUNIA:

H.R. 4654. A bill to authorize the establishment of a National Guard in and for American Samoa; to the Committee on Armed Services.

By Mr. WYDEN (for himself, Mr. Waxman, Mr. Walgren, Mrs. Collins, Mr. Leland, and Mr. Richardson):

H.R. 4655. A bill to amend the Public Health Service Act to revise and extend the programs of nurse education established in title VIII of such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4656. A bill to provide for settlement of the land rights of the Kenai Natives Association, Inc., under section 14(h)(3) of the Alaska Native Claims Settlement Act, by providing for and authorizing grants and exchanges of lands and interests between such corporation and the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FROST (for himself, Mr. McCloskey, Mr. Kolter, Mrs. Roukema, Mr. Dornan of California, Mr. Gordon, Mr. Quillen, Mr. de la Garza, Mr. Coyne, Mr. Jontz, Mr. Fauntroy, Mr. Martinez, Mr. Matsui, Mr. Horton, Mr. Stark, Mr. Fuster, Mr. Roe, Mr. Wilson, Mrs. Bentley, Mrs. Boxer, Mr. Mrazek, Mr. Bryant, Mr. Foglietta, Mr. Rahall, Mr. Lantos, Mr. Savage, Mr. Fawell, Mr. Tauke, Mr. Chapman, Mr. Brooks, Mr. Pickle, Mr. Coleman of Texas, Mr. Bustamante, Mr. Andrews, Mr. Ortiz, Mr. Leland, Mr. Stenholm, Mr. Kostmayer, Mr. Wolf, Mr. Walgren, Ms. Pelosi, Mr. Lipinski, Mr. Garcia, Mr. Lehman of Florida, Mr. Yates, Mr. Erdreich, Mr. Lancaster, Mr. Manton, Mr. Studds, Mr. Volkmer, Mr. Kasich, Mr. Coelho, Mr. Synar, Mr. Guarini, and Mr. Neal):

H.J. Res. 573. Joint resolution to designate the week beginning November 13, 1988, as "National Craniofacial Deformity Awareness Week"; to the Committee on Post Office and Civil Service.

By Ms. SLAUGHTER of New York:

H.J. Res. 574. Joint resolution designating September 1988 as "National Employee Assistance Programs Recognition Month"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. Garcia, Mr. Bliley, Mr. Atkins, Mr. Bateman, Mr. Bilbray, Mr. Blaz, Mr. Boland, Mr. Boulter, Mr. Coelho, Mrs. Collins, Mr. Conte, Mr. DioGuardi, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Fawell, Mr. Fazio, Mr. Fish, Mr. Flippo, Mr. Foglietta, Mr. Frost, Mr. Hayes of Illinois, Mr. Hefner, Mr. Henry, Mr. Hochbrueckner, Mr. Horton, Mr. Hughes, Ms. Kaptur, Mr. Kasich, Mr. Kennedy, Mr. Kostmayer, Mr. LaFalce, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Lightfoot, Mr. Donald E. Lukens, Mr. Lungren, Mr. McCloskey, Mr. McEwen, Mr. McGrath, Mr. Martinez, Mr. Miller of Washington, Mr. Mollohan, Mr. Mrazek, Mr. Nielson of Utah, Mr. Owens of New York, Mrs. Patterson, Mr. Pepper, Mr. Perkins, Mr. Roe, Mr. Saxton, Mr. Schuette, Mr. Schumer, Mr. Skeen, Mr. Smith of New Hampshire, Mr. Solarz, Mr. Spence, Mr. Stallings, Mr. Swindall, Mr. Towns, Mr. Traxler, Mr. Volkmer, Mr. Weber, Mr. Weldon, Mr. Wolf, Mr. Wortley, and Mr. Young of Florida):

H.J. Res. 575. Joint resolution to designate the week beginning November 21, 1988, through November 27, 1988, as "National Adoption Week of 1988"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR:

H. Con. Res. 304. Concurrent resolution calling on Israel to drop all charges against Mubarak E. Awad and to allow him to continue undeterred his important work on behalf of regional peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. DURBIN (for himself and Mr. Leach of Iowa):

H. Con. Res. 305. Concurrent resolution condemning the disruption of efforts to relieve the food emergency in Africa and urging negotiations to resolve the armed conflicts that are a principal cause of the food emergency; to the Committee on Foreign Affairs.

By Mr. DAUB:

H. Res. 453. Resolution expressing the sense of the House of Representatives with respect to the Federal policy pertaining to the disposal of low-level radioactive waste; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. FOLEY:

H. Res. 454. Resolution providing for filming in the Hall of the House when the House is not in session; considered and agreed to.

By Mr. YATRON (for himself, Mr. Solomon, Mr. Fascell, Mr. Broomfield, Mr. Gilman, Mr. Shays, Mr. Smith of Florida, Mr. Clarke, Mr. Burton of Indiana, Mr. Frank, Mr. Mack, Mr. Carr, Mr. Cardin, Mr. Bateman, Mr. Berman, Mr. Smith of New Jersey, Mrs. Boxer, Mr. Garcia, Mr. Weiss, Mr. Miller of Washington, Mrs. Meyers of Kansas, Mr. Gallo, Mr. Bonker, Mr. Hochbrueckner, Mr. DioGuardi, Mr. Dwyer of New Jersey, Mr. McHugh, Mr. Ritter, Mr. Hyde, Mr. Courter, Mr. Stratton, Mr. Coleman of Texas, Mr. Herger, Mr. Hall of Ohio, Mr. Yates, Mr. Vander Jagt, Mr. Feighan, Mr. Wolpe, Mr. Levin of Michigan, Mr. Erdreich, Mr. Dellums, Mr. Flake, Mr. Manton, Mr. Hoyer, Mr. Green, Mr. Houghton, Mr. McDade, Mr. Carper, Mr. Fawell, Mr. Evans, Mr. Coughlin, Mr. McCrery, Mr. Torricelli, Mrs. Morella, Mr. Livingston, Mr. Molinari, and Mr. Lewis of Florida):

H. Res. 455. Resolution protesting Soviet human rights violations, especially restrictive emigration regulations, and calling on the President to stress, at the Moscow summit meeting, the inherent link between respect for human rights and the achievement of lasting peace; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. Barnard.

H.R. 245: Mr. Lancaster.

H.R. 279: Mr. Richardson.

H.R. 303: Mr. McCurdy, Mr. Guarini, Mr. Flippo, and Mr. Dannemeyer.

H.R. 382: Mr. Stallings.

H.R. 387: Mr. Conyers, Mr. Dixon, Mr. Jeffords, Mr. Richardson, Mr. Traficant, and Mr. Wise.

H.R. 388: Mr. Robinson.

H.R. 570: Mr. Parris and Mr. Dannemeyer.

H.R. 722: Mrs. Morella.

H.R. 763: Mr. Kildee, Mr. Matsui, Mr. Gray of Pennsylvania, Mr. Conyers, Mr. LaFalce, Mr. Gibbons, Mr. Biaggi, Mr. Fauntroy, Mr. Bonior, Mr. Mrazek, Mr. Mica, Mr. Bilirakis, Mr. Frank, Mr. Grant, Mr. Hayes of Illinois, Mr. Leland, and Mr. AuCoin.

H.R. 911: Mr. Hochbrueckner, Mr. Boland, Mr. Hughes, Mr. Tauzin, and Mr. Coble.

H.R. 1003: Mr. Downey of New York, Mr. Wilson, Mr. Chapman, Ms. Pelosi, Mr. Sunia, Mr. Bonker, Mr. DeFazio, Mr.

Fauntroy, Mr. Smith of Florida, Mr. Foglietta, and Mr. MacKay.

H.R. 1076: Mr. McEwen and Mr. McMillan of North Carolina.

H.R. 1604: Mr. Kanjorski, Mr. Inhofe, and Mr. Herger.

H.R. 1810: Mr. Daub and Mr. McHugh.

H.R. 2036: Mr. Brooks, Mr. Dymally, Mr. Crockett, Mr. Shays, and Mr. Dwyer of New Jersey.

H.R. 2148: Mr. Kanjorski, Mr. Fawell, Mr. Chapman, Mr. Buechner, Mr. LaFalce, Mr. Coyne, Mr. Boehlert, Mr. DioGuardi, Mr. Bilirakis, Mr. Studds, Mr. Biaggi, Mr. Brown of California, Mr. Wheat, and Mr. Hoyer.

H.R. 2640: Mr. Nowak, Ms. Slaughter of New York, Mr. Boulter, Mr. Konnyu. Mr. Young of Alaska, Mr. Grandy, Mr. Glickman, and Mr. Armey.

H.R. 2762: Mr. Bevill, Mr. Mineta, Mr. Neal, and Mr. Bates.

H.R. 3005: Mr. Dwyer of New Jersey.

H.R. 3010: Mr. Shays.

H.R. 3044: Mr. de la Garza, Mr. Boehlert, Mr. Neal, Mr. Fauntroy, and Mr. Bereuter.

H.R. 3215: Mr. Edwards of Oklahoma.

H.R. 3361: Mr. Kostmayer, Mr. Mavroules, Mr. Scheuer, Mr. Akaka, Mr. Rowland of Connecticut, and Mr. LaFalce.

H.R. 3363: Mr. Hatcher and Mr. Tauzin.

H.R. 3392: Mr. Jacobs and Mr. Schumer.

H.R. 3593: Mr. Waxman.

H.R. 3624: Mrs. Lloyd.

H.R. 3719: Mr. Alexander, Mr. Nowak, Mr. Atkins, Mr. Jontz, Mr. Emerson, Mr. Cardin, Mr. Montgomery, Mr. de la Garza, Mr. Davis of Michigan, Mr. Bunning, Mr. Lowry of Washington, Mr. Dannemeyer, Mr. Shaw, Mr. Brown of California, Mr. Wyden, Mr. Johnson of South Dakota, and Mr. Bonker.

H.R. 3723: Mr. Emerson.

H.R. 3742: Mr. Robinson, Mr. Ritter, Mr. Perkins, and Mrs. Lloyd.

H.R. 3791: Mr. Towns and Mr. Ballenger.

H.R. 3809: Mr. Edwards of California.

H.R. 3844: Mr. Synar, Mr. Martinez, and Mr. Aspin.

H.R. 3883: Mr. Cardin and Mr. Price of North Carolina.

H.R. 3891: Mr. Towns.

H.R. 4048: Mr. Ford of Tennessee, Mr. Kastenmeier, Mr. Gordon, Mr. Jontz, Mr. Gray of Illinois, Mr. DioGuardi, Mrs. Vucanovich, Mr. Livingston, Mr. Nowak, and Mr. Olin.

H.R. 4091: Mr. Towns.

H.R. 4136: Mr. Anderson, Mr. Levine of California, Mr. Martinez, Mr. Roybal, Mr. Panetta, Mr. Bosco, and Mr. Lehman of California.

H.R. 4213: Mr. Bustamante and Mrs. Smith of Nebraska.

H.R. 4230: Mr. Brown of California, Mr. Borski, Mr. Chapman, Mr. Dwyer of New Jersey, Mr. Feighan, Mr. Hatcher, Mr. Horton, Mr. Lipinski, Mr. Owens of New York, Mr. Ritter, Mr. Skaggs, Mr. Carr, Ms. Kaptur, and Mr. Stallings.

H.R. 4231: Mr. Owens of New York, Mr. Neal, Mr. Beilenson, Mr. Lagomarsino, Mr. Borski, Mr. DeFazio, Mr. Dwyer of New Jersey, Mr. Mavroules, Mr. Martinez, and Mr. Cardin.

H.R. 4329: Mr. Grant, Mr. Jontz, Mrs. Martin of Illinois, Mrs. Bentley, and Mr. Towns.

H.R. 4335: Mr. Boucher, Mr. Stark, Mr. Wolpe, Ms. Pelosi, Mr. Levin of Michigan, Mr. Leland, and Mr. Evans.

H.R. 4353: Mr. Atkins, Mr. Foglietta, and Mr. Henry.

H.R. 4364: Mr. Neal.

H.R. 4372: Mr. Mavroules and Mr. Andrews.

H.R. 4380: Mr. Anderson, Ms. Kaptur, Mr. Gaydos, Mr. Murphy, and Mr. Murtha.

H.R. 4400: Mr. Walker, Mr. Houghton, Mr. Hyde, and Mr. Synar.

H.R. 4402: Mr. Dellums and Mr. McEwen.

H.R. 4426: Mr. Mrazek and Mr. DioGuardi.

H.R. 4444: Mr. DeFazio, Mr. Chapman, and Mr. Martin of New York.

H.R. 4474: Mr. Boehlert, Mr. Fawell, Mr. Hayes of Illinois, Mr. Roe, Mr. Bonker, Mr. Dwyer of New Jersey, Mr. Gingrich, Mr. Evans, Mr. Foglietta, Mr. Hughes, Mr. Miller of Washington, Mr. Lipinski, and Mr. DioGuardi.

H.R. 4498: Mr. Grant, Mr. Foglietta, Mr. Mineta, and Mrs. Kennelly.

H.R. 4514: Mr. Brown of Colorado, Mr. Roberts, Mr. Evans, and Mr. Watkins.

H.R. 4516: Mr. Jontz.

H.R. 4523: Mr. Slattery and Mr. Dorgan of North Dakota.

H.R. 4526: Mr. Bosco, Mr. Panetta, Mr. Roybal, Mr. Wolpe, Mr. Carr, Mr. Donnelly, Mr. Dwyer of New Jersey, Mr. Feighan, Mr. Ford of Michigan, Mr. Kanjorski, Mr. Lehman of Florida, Mr. Martinez, Mr. Obey, Mr. Schumer, Mr. Waxman, Mr. Burton of Indiana, Mrs. Collins, Mr. Fazio, Mr. Florio, Mr. Sabo, Mr. Sweeney, Mr. Weber, Mr. Cardin, Mr. Green, Mr. Kennedy, Mr. Hutto, Mr. Ackerman and Mr. Hunter.

H.R. 4542: Mr. Leath of Texas, Mrs. Smith of Nebraska, Mr. Grandy, Mr. Cheney, Mr. Evans, and Mr. Slattery.

H.R. 4548: Mr. Dyson, Mr. Vento, Mr. Sweeney, Mr. Lehman of California, and Mr. Johnson of South Dakota.

H.R. 4554: Mr. Mfume.

H.J. Res. 378: Mr. Schumer, Mr. Skeen, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Spratt, Mr. Waxman, Mr. Tallon, Mr. Wise, Mr. Levine of California, Mr. Emerson, Mr. Mineta, Mr. Applegate, Mr. AuCoin, Mr. Bateman, Mr. Callahan, Mr. Crane, Mr. Davis of Illinois, Mr. Dornan of California, Mr. Hochbrueckner, Mr. Holloway, Mr. Hyde, Mr. Jeffords, Mr. Miller of California, Mr. Molinari, Mr. Slattery, Mr. Smith of Texas, Mr. Visclosky, Mr. Volkmer, Mr. Wilson, Mr. Blaz, Mr. Daub, Mr. Neal, Mr. Ireland, Mr. Valentine, Mr. Berman, Mr. Boland, Mr. Conyers, Mr. Dixon, Mr. Dorgan of North Dakota, Mr. Frost, Mr. Grant, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Bennett, Mr. Leach of Iowa, Mr. Livingston, Mr. Rahall, Mr. Towns, Mr. Walgren, Mr. Natcher, Mr. Spence, Mr. Campbell, and Mr. Saxton.

H.J. Res. 449: Mrs. Saiki, Mr. DeWine, Mr. Stokes, Mr. Hayes of Illinois, Mr. Fazio, Mr. Cooper, Mr. Biaggi, Mr. Gordon, Mr. Craig, Mr. Packard, Mr. Pepper, Mr. Molinari, and Mr. Sundquist.

H.J. Res. 453: Mr. St Germain, Mr. Gilman, and Mr. Morrison of Washington.

H.J. Res. 488: Mr. Smith of New Hampshire, Mr. Emerson, Mr. Stump, Mr. Schaefer, Mr. de Lugo, Mr. Bonior of Michigan, and Mr. Anderson.

H.J. Res. 509: Mr. Bevill, Mr. Schuette, Ms. Kaptur, Mr. Towns, Mr. Bustamante, Mrs. Bentley, Mr. Berman, Mr. Blaz, Mr. DeWine, Mr. Bliley, and Mr. Bosco.

H.J. Res. 528: Mr. de la Garza.

H.J. Res. 539: Mr. DeWine, Mr. McMillen of Maryland, Mr. Hubbard, and Mr. Volkmer.

H.J. Res. 543: Mr. de Lugo, Mr. Schaefer, Mr. Hochbrueckner, Mr. Clarke, Mr. Rowland of Connecticut, Mrs. Lloyd, Mr. Ortiz, Mr. Kolter, Mr. McEwen, Mr. Boucher, Mr. Ritter, Mr. Young of Alaska, Mr. Flake, Mr. Dyson, Mr. Towns, Mr. Lantos, Mr. McCurdy, and Mr. Saxton.

H.J. Res. 544: Mr. Dymally, Mrs. Lloyd, Mr. Lagomarsino, Mr. Anderson, Mr. Fawell, Mr. Wortley, Mr. Annunzio, Mr. LaFalce, Mr. Akaka, Mr. Levin of Michigan, Mr. Perkins, Mr. Dwyer of New Jersey, Mr. Lipinski, Ms. Oakar, Mr. Conte, Mr. Boucher, Mr. Flippo, Mr. Feighan, Mr. McDade, Mr. Skaggs, Mr. Moakley, Mr. Chapman, Mr. Harris, Mr. Hayes of Illinois, Mr. Bennett, Mr. Thomas A. Luken, Mr. Richardson, Mr. Gallo, Mr. Lent, Mr. Badham, Mr. McEwen, Mr. Wyden, Mr. Clay, Mr. Henry, Mr. Tallon, Mr. Wolpe, Mr. Foglietta, Mr. Smith of Florida, Mr. Rowland of Connecticut, Mr. Roe, Mr. Regula, Mr. Mineta, Mr. Levine of California, Mr. Rangel, Mr. Walgren, Mr. Kolter, and Mr. Coyne.

H.J. Res. 549: Mr. Bartlett, Mr. Borski, Mr. Shaw, Mr. Emerson, Mr. Frost, Mr. Davis of Michigan, Mr. Schaefer, Mr. Hughes, Mr. Bevill, Mr. Flippo, Mr. Callahan, Mrs. Martin of Illinois, and Mr. Dickinson.

H.J. Res. 553: Mr. Moorhead, Mr. Pashayan, and Mr. Ravenel.

H.J. Res. 559: Mr. de Lugo, Mr. Oberstar, and Mr. Ford of Michigan.

H.J. Res. 564: Mr. Ackerman, Mr. Kasich, Mr. Wheat, Mr. Ritter, Mr. Brown of California, and Mr. Espy.

H.J. Res. 565: Mr. Rhodes, Mr. Bevill, Mr. Roe, Mr. Kastenmeier, Mr. Flippo, Mr. Wyden, Mr. Callahan, Mr. Udall, Mr. Synar, Mr. Spence, Mr. Lantos, Mr. Lagomarsino, Mr. DeFazio, Mrs. Boxer, Mr. Jontz, Mr. Fazio, Mr. Derrick, Mr. Lehman of California, Mr. Dickinson, Mrs. Collins, Ms. Pelosi, Mr. Regula, Mr. Gonzalez, Mr. Levin of Michigan, and Mr. Kasich.

H. Con. Res. 260: Mr. Owens of Utah, Mr. Carper, Mr. Penny, Mrs. Vucanovich, Mr. Henry, Mr. Dicks, Mr. Boucher, Mr. Price of North Carolina, Mr. Jacobs, Mr. Jones of North Carolina, Mr. Derrick, Mrs. Meyers of Kansas, Mr. Anderson, Mr. Rahall, Mr. Hammerschmidt, Mr. Clarke, Mr. Roberts, Mr. DeWine, Mr. McEwen, Mr. Emerson; Mr. Lehman of Florida, Mr. Evans, Mr. Coble, Mr. Shumway, Mrs. Boxer, Mr. Montgomery, Mrs. Byron, Mr. Sabo, Mr. Madigan, Mr. McHugh, Mr. Dixon, Mr. Wylie, Mr. Cardin, Mr. Bilirakis, Mr. Udall, Ms. Pelosi, Mr. Dickinson, Ms. Kaptur, Mr. Traficant, Mr. Smith of Florida, Mr. Richardson, Mr. McMillen of Maryland, Mr. Torres, Mr. Callahan, Mr. Dowdy, Mrs. Saiki, Mr. Skeen, Ms. Gracia, Mr. Brennan, Mr. Quillen, Mr. Nichols, Mr. Cheney, Mr. Yatron, Mr. Andrews, Mr. McCollum, Ms. Schaefer, Mr. Thomas of Georgia, Mr. Hall of Ohio, Mr. Craig, Mr. Dorgan of North Dakota.

H. Con. Res. 265: Mr. Bosco, Mr. Hutto, Mr. Fields, and Mr. Kolbe.

H. Con. Res. 271: Mr. Smith of New Hampshire and Mr. Carper.

H. Con. Res. 291: Mr. DioGuardi, Mr. Derrick, Mr. Owens of New York, Mr. Neal, Mr. Hughes, Mr. Rangel, Mr. Martin of New York, Mrs. Bentley, Mr. Chapman, Mr. Wheat, and Mr. Inhofe.

H. Con. Res. 298: Mr. Glickman, Mr. Olin, Mr. McCloskey, and Mr. Boucher.

H. Con. Res. 302: Mr. Tallon, Mr. Emerson, Mr. Smith of Florida, Mr. Lantos, Mr. Valentine, and Mr. Erdreich.

EXTENSIONS OF REMARKS

NEW GAO REPORT REVEALS BIGEYE BOMB TESTING DATA FUDGED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. FASCELL. Mr. Speaker, this was supposed to be the year for a Presidential certification of good health for the Bigeye chemical bomb. The President gave his seal of approval to the Bigeye bomb but it has had as much trouble testing successfully this past year as it has for a number of years. So many testing problems, in fact, that the House Armed Services Committee, for the first time ever, zeroed out the Defense Department's request for almost $100 million in production funds for the bomb. And, just to make sure that there was no misunderstanding about the use of prior year funds released by the President's certification, Chairman ASPIN successfully offered an amendment to his committee's bill specifying that any prior year funds now available to the Bigeye bomb program could now only be used for testing and not production. A successful amendment by Senator PRYOR to the defense authorization bill also restricts the use of any funds for procurement of the Bigeye bomb until the GAO certifies that the bomb has tested successfully and is ready for production.

I have recently received new evidence from the U.S. General Accounting Office [GAO] that the Bigeye bomb is seriously flawed and technically not ready for production. Equally, if not more, disturbing is the evidence in this new GAO report to me that the Department of Defense now admits that its previous reliability evaluation of the Bigeye bomb was based on selectively-chosen, "fudged" data. This new information raises serious questions not only about the reliability of the Bigeye bomb but also about the reliability of the management of the Bigeye bomb testing program.

During this past year, former Secretary of Defense Weinberger and Secretary of Defense Carlucci admitted in letters to Chairman ASPIN that the Bigeye testing program was experiencing new problems and was not meeting DOD's reliability standards. The recent letter by Secretary of Defense Carlucci to Chairman ASPIN, dated February 18, 1988, admits that the Bigeye bomb is not "mature" and has not yet met the reliability standard. This candid admission by the executive branch about the testing failure of Bigeye was, however, combined with an illogical request by the Department of Defense to move the bomb from testing into production. Congressional action in the House and in the Senate has now made it clear that Congress does not want the Bigeye bomb program to proceed to production until the bomb has tested successfully and until the testing program has proven to be a valid and realistic one. It is clear that the Bigeye needs to undergo a testing program into calendar year 1990 before we can make a decision whether or not to embark on producing new chemical weapons.

The GAO report to me and my return letter to GAO acknowledging receipt of the report follows:

U.S. GENERAL ACCOUNTING OFFICE,
PROGRAM EVALUATION AND
METHODOLOGY DIVISION.

Hon. DANTE FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This report responds to your staff's request that we provide preliminary findings on our work involving the developmental and operational testing of the Bigeye bomb. We have continued to actively monitor and evaluate the Bigeye program since we sent you our June 4, 1987, analysis of the Bigeye operational test plan. As you know, several GAO reports and letters of correspondence have been issued over the past five years in the area of chemical warfare and the Bigeye bomb. We will provide more detailed reports on operational and developmental testing in the near future.

OBJECTIVES, SCOPE AND METHODOLOGY

We have concentrated our attention on three key areas of quality: that of the operational testing program for Bigeye; that of the developmental (laboratory) testing of the weapon, involving lethal agent; and that of DOD's evaluation of the Bigeye's operational capabilities in a mission context. This report discusses our findings, which are based on the data we have received from DOD to date. We employed multiple data gathering methods to produce our findings. We obtained documents such as briefing papers, status reports, manuals, memos, test plans and test results and analyses. We reviewed and analyzed these documents to assess the status of the program and to identify information gaps related to testing issues. We interviewed officials from the Office of the Secretary of Defense, the Naval Air Systems Command Program Office, the Army's Chemical Research, Development and Engineering Center, the Director of Operational Test and Evaluation, the Navy's Operational Test and Evaluation Force, and we also interviewed operational testers from the Air Force and Navy and private sector experts to verify results and to assure the completeness of our evidence.

We discussed the issues in our report with these officials and have included their comments where appropriate. However, in accordance with your wishes, we did not obtain written comments on a draft of this report.

OPERATIONAL TESTING

At the time of our June 1987 analysis, the Bigeye operational testing (OT) program had been suspended and the bomb decertified, due to numerous failures during the testing of the first ten bombs. That testing resumed in late August 1987, and 48 additional bombs were dropped by the end of December 1987. The Defense Department expected to issue a report on the OT results by March 15, but no report has yet been issued. Our comments therefore must be based on the data we have received, and on our interviews with DOD officials, rather than on a completed DOD report.

Our June 1987 analysis cited four major concerns with the OT program—unrealistic mission profiles, the absence of a data analysis plan, an excessive number of independent variables, and 10 limitations to achieving operational realism. Although DOD did not resume testing for nearly three months after we raised these issues, no changes were made in the test plan to address them. Indeed, DOD rejected most of our observations as unfounded in a lengthy letter sent to the House Armed Services Committee at the end of July, which we did not see until early September. We did not, in fact, receive a direct reply to our comments until March 8 of this year—almost nine months after our report was issued.

The results of the August to December 1987 tests confirm the validity of the issues we raised in our June analysis. Although we have the test data from Dugway, it is virtually impossible to determine why some test runs were successful and why some failed, due to the large number of independent variables present in every run (a problem we highlighted in our June 1987 analysis). For example, we cannot determine why a test run with three bombs covered less area than a test run with one bomb. The variables include: wind, drop height, fuze setting, number of weapons, release mode, aircrew experience, type of aircraft, and so on. Even for purposes of determining accuracy, for which all 58 weapons will be used, there are only 18 weapons that are countable, given DOD's criteria.

The Bigeye program office states that the overall reliability of Bigeye now stands at 0.79 at the 80% lower confidence level. However, this reliability figure is based in part on DOD's assumption that the bomb will generate lethal agent *every* time its mixing system functions. Using data from the DOD laboratory tests, however, we determined that at the DOD-required level of lethality, VX was generated much less often than the level assumed by DOD. Including these actual test results from the laboratory in calculating reliability, the weapon system reliability figure falls considerably lower than 0.79.

Other problems complicating analysis of Bigeye tests involve changing and loose definitions of success being used by DOD. A criterion contained in the Test and Evaluation Master Plan was changed during the course of testing, which lowered the reliability requirement. Futhermore, criteria for accuracy and deposition are either so vague or so broad that deposition of virtually any simulant over a very large area is considered evidence of a successful run. Such criteria are of questionable utility in evaluating the weapon.

Despite these problems with the test program, President Reagan certified the Bigeye as "in the national interest" in January 1988, thereby releasing $90 million in funds

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

previously allocated for Bigeye production "facilitization."

According to the Bigeye program office, the Bigeye program has now entered low-rate-initial production (LRIP), which calls for the production of hundreds of bombs. Of these, 20 bombs will be subjected to article acceptance tests in the fall of 1989, and 80 will be used for additional operational testing scheduled for early 1990.

However, if future test plans also contain a multiplicity of independent variables and shifting and vague definitions of success, important questions about weapon performance will remain unanswered. In sum, then, we find that the quality of the operational testing program for Bigeye has not improved.

BIGEYE DEVELOPMENTAL TESTING

In addition to the operational testing results, the Defense Department issued a collection of reports in September 1987 on supplemental developmental testing (DT) of the Bigeye bomb. The DT reports, based in part on laboratory tests of lethal agent and simulant by the Chemical Research Development and Engineering Center (CRDEC), were issued together as a set of seven appendices with one cover letter from DOD. They were the DOD response to legislative requirements in the FY 1987 Defense Appropriation Bill involving four major Bigeye problems cited in our June 1986 report (GAO/PEMD-86-12BR): excessive pressure buildup, generation of lethal agent, agent "flashing" (burning), and the overall reliability of the weapon.

In order to answer questions about pressure, DOD conducted just one additional test, at the CRDEC laboratories. We believe that the results of this test are not conclusive, in part because the rate of pressure buildup in the test was noticeably slower than in four of the five previous high temperture-start tests.

Similarly, with regard to lethal agent generation, we find that DOD has not fully answered the congressional question. DOD continues to assume that there is a predictable correlation between VX purity and biotoxicity, despite the fact that CRDEC officials state that this is not scientifically sound. This assumed correlation is especially significant because DOD's calculations of weapon reliability are based on the assumption that adequate VX is generated *every* time mixing occurs inside the weapon. If this is not true, and we believe as does CRDEC that it is not, then the reliability calculations being claimed by DOD are in doubt and the weapon does not meet DOD specifications for lethal agent generation.

We also believe that flashing, or agent burning, is an unresolved Bigeye issue, contrary to DOD conclusions. Rather than conducting any tests DOD did a literature search on flashing, and concluded that it is no longer a concern. Yet in four of six Bigeye lethal agent generation tests with high temperature starts, the temperature generated inside the bomb actually met or exceeded the VX auto-ignition temperature. There is also empirical evidence that impure VX flashes at lower temperatures than pure VX, and Bigeye reactions often contain high levels of impurities.

Furthermore, Bigeye program officials now state that almost all the data they cited in their August 1987 report on Bigeye reliability cannot be replicated, because a former program official selectively chose the data to portray the program in a favorable way. The Bigeye program office is uncertain about which test data were used to calculate lethal agent generation reliability, and therefore no longer endorses the figures issued in the report. We commend the Bigeye program office's candor on this point, but note that the matter of Bigeye reliability is left unresolved.

We conclude that DOD has not answered the major concerns raised in the FY 1987 legislation with regard to developmental testing. The evidence cited by DOD is unconvincing—potential pressure problems are not solved by one additional test which differs from previous tests; flashing is not solved by a literature search; lethality is not solved by using a correlation rejected by CRDEC experts; and reliability is not demonstrated by using data analyses now considered unreliable by the Bigeye program office.

OPERATIONAL CAPABILITIES

At your request, we also reviewed DOD's August 1987 study of the operational capabilities of the Bigeye bomb, which had been issued in response to a legislative requirement in the FY 1987 Defense Appropriation Bill. The legislation required DOD to report on the "military requirements for long-range standoff chemical weapons," including "the military advantages and disadvantages of such weapons and the potential of such weapons to complement the currently planned binary chemical weapon systems."

However, we found that the 11-page DOD report contained such a small amount of empirical data that it was impossible for us to do a proper full-scale analysis. The DOD study analyzed only four of many possible delivery-system alternatives for chemical weapons; provided only a cursory comparison of the military advantages and disadvantages of the alternatives; and gave no indication of the comparative cost of developing and fielding the alternatives. In effect, DOD had not prepared a report with the essential elements of an operational capability analysis. In interviews with DOD officials, they conceded that the study was at best "preliminary," and that further study of operational capability is necessary.

Under these circumstances, we decided to end our operational capability study, after consultation with your staff.

SUMMARY

Clearly, a great deal of work remains to be done with regard to the Bigeye weapon. Questions about operational capability remain unanswered. Many of the issues we raised in our June 1986 report on development testing remain unresolved, as do the concerns about the operational testing program that we brought to your attention in June 1987. We continue to believe that a careful testing program could have answered most of our major questions. Unfortunately, the necessary changes were not made in the test plan to respond to the issues we raised.

If you have any questions concerning this report or any other aspect of our work on the Bigeye weapon system, please call me (275-1854) or Mr. Kwai Chan, Group Director (275-6161).

Sincerely,

ELEANOR CHELIMSKY,
Director.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 12, 1988.

ELEANOR CHELIMSKY,
Director, Program Evaluation and Methodology Division, U.S. General Accounting Office, Washington, DC.

DEAR ELEANOR: This is to acknowledge receipt of your status report as of May 1988 on the Bigeye binary program.

The following key findings of your report reaffirm past GAO findings that the Bigeye program remains seriously flawed and technically not ready for production. Your new findings confirm that:

The Bigeye bomb has not met the DOD's own required reliability standard for operational testing, leaving Bigeye's operational capability in grave doubt.

Important questions about this weapon's performance remain unanswered.

The quality of the testing program is also unreliable and the DOD's changing test criteria have made it practically impossible to have a meaningful test program and an honest success evaluation for the bomb.

Longstanding development testing problems are still unresolved and, in responding to your GAO investigation, the Bigeye program office conceded "fudged" data.

It is truly disturbing to note that previous DOD analyses have been fudged and that DOD's own Bigeye reliability calculations are based on a formula that has never been validated, and that DOD's own research scientists have rejected as unsupportable.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

DOES MICHAEL DUKAKIS WANT A STRONG AMERICA?

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. SOLOMON. Mr. Speaker, I'd like to bring to everyone's attention the difference between two views of America.

It was brought to my attention by a recent article in the May 16 Stars and Stripes, headlined "Guard Deployment Order Upheld." The story reminds us that Michael Dukakis wants to do for America what he has done for Massachusetts. I hate to think of that ever happening, but fortunately, I don't think the American people want it to happen, either.

Dukakis tried to block the deployment of a State National Guard unit for a Central American training mission. But reason prevailed, even in the State that voted for George McGovern. A U.S. district court judge rejected the effort, and criticized Dukakis for seeking a judicial solution to a political problem.

Mr. Speaker, we can be sure that your candidate for the Presidency was motivated not by any regard for State's rights, but by a determination, shared by many Members of this body, to weaken the United States and its friends in Central America.

But not everyone in this body is so anxious to turn America into a second-rate power. There are still a few good Truman Democrats around. And one of them is G.V. "SONNY" MONTGOMERY of Mississippi, with whom I have the pleasure of working on the Veterans Affairs Committee. Even if Michael Dukakis has forgotten the stirring words of another Massachusetts Democrat, John F. Kennedy, at least Sonny Montgomery still believes America should pay any price, shoulder any burden to preserve freedom around the world. It was a Montgomery bill of 1986 that barred Governors from blocking deployment of National Guard troops.

Thank God some people still believe in a strong America.

The article follows:

[From Stars and Stripes, May 16, 1988]

GUARD DEPLOYMENT ORDER UPHELD

Boston, MA.—A U.S. District Court judge recently rejected an effort by Gov. Michael S. Dukakis to block the deployment of a National Guard unit on a Central American training mission.

In a 20-page decision, Judge Robert Keeton upheld the constitutionality of the "Montgomery Amendment" and criticized Dukakis and other Massachusetts officials for seeking a judicial solution to a political problem.

There was no immediate comment from Dukakis, the Democratic presidential front-runner who has touted on the campaign trail his refusal to allow the deployment.

Dukakis has pointed to his decision as part of a broader objection to the Reagan administration's Central American policies.

The challenge stemmed from a 1987 decision by the federal National Guard Bureau to send a Massachusetts public affairs unit to Honduras on a training assignment scheduled for later this month.

The legal action centered on a 1986 law named after sponsor Rep. G.V. "Sonny" Montgomery (D-Miss.), which bars governors from withholding approval for National Guard activation based on the location, purpose, type or schedule of duty.

Dukakis and Massachusetts Attorney General James M. Shannon had argued the amendment was an unconstitutional infringement on the right of states to control their militias.

But Keeton said the state's argument did not stand up to close scrutiny.

A TRIBUTE TO REV. JOHN J. BRADLEY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to Rev. John J. Bradley of St. Charles Borromeo Parish, who is celebrating his 40th anniversary of ordination.

On Friday, May 20, 1988, a mass and celebration will be held honoring Father Bradley for his 40 years of spiritual guidance and it is a pleasure to share a message of thanks and congratulations on behalf of those from the Seventh Congressional District who know and respect him.

Father Bradley was ordained into the priesthood in 1948 and served in various parish assignments throughout the archdiocese of Philadelphia. Father Bradley has also served in Michigan, South Carolina, Iceland, and Korea.

Father Bradley also exemplified his spiritual commitment as an Air Force chaplain by giving guidance and comfort to the men and women of our armed forces.

In 1975, Father Bradley was assigned as an assistant priest at St. Charles Borromeo Church in Drexel Hill, Delaware County, and continues to serve there today.

As you can see, Mr. Speaker, Father Bradley is very deserving of praise for giving comfort and happiness to so many and I wish him the very best in future endeavors.

THE DEATH OF JERRY L. MILLS, SR.

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DARDEN. Mr. Speaker, the city of Smyrna, GA, this week lost one of its most senior members of the city council, and a truly dedicated public servant, with the death of Jerry L. Mills, Sr.

Jerry was only 41 when he died in the midst of a long battle against kidney and heart disease. Already in recent months, he had received two transplanted kidneys—one from each of his sisters. The people of Smyrna also had raised more than $50,000 for a heart-kidney transplant, although Jerry's death from heart failure came before that operation could be scheduled.

Jerry served twice on the Smyrna City Council—from 1973 until 1981, and from 1985 until his death on Monday, May 16. He received much of the credit for annexation of a 1,000-acre industrial park, and he headed a council committee that was renovating the police department building in Smyrna.

Jerry was a native of nearby Marietta, and had worked for CSX Transportation as a railroad freight conductor until poor health forced him to leave that job. Before going to the Louisville & Nashville Railroad, which later became CSX, Jerry was a salesman for Merita Bakeries. He was chairman of Local 1033 of the United Transportation Union and a member of King Springs Baptist Church.

Mr. Speaker, I ask my colleagues to join me in extending sympathies to Jerry's wife, Mrs. Paula Barfield Mills of Smyrna; his two sons, Jerry Junior and Scott; his daughter, Doris; his parents, Lawrence and Ruth Mills; his brothers, Donald, David, and Anthony; and his sisters, Mrs. Jeanett Moon and Mrs. Evelyn Pannell.

Jerry Mills was a dedicated public servant, a devoted family man and a good friend to all of us, and we will miss him.

PLYWOOD, ECONOMIC EQUITY, AND THE UNITED STATES/CANADA FREE TRADE AGREEMENT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WYDEN. Mr. Speaker, I'm happy to report to my colleagues that some significant improvements have been fashioned in the United States/Canada Free Trade Agreement that should ensure a fairer, more equitable future for United States plywood manufacturers.

And quite frankly, I believe these changes will help our Canadian plywood manufacturing competitors in the long run, as well.

Thanks to the good work of the Trade Subcommittee of the Committee on Ways and Means, and most especially of Chairman Sam Gibbons of Florida, and Mr. Ed Jenkins of Georgia, who put forward the amendment. We now have proposed treaty implementation language which directs both Canadian and United States Governments to get down to the business of creating common, harmonized, performance-based standards for plywood on both sides of the border.

The subcommittee's May 11 decision means that no adjustment of current tariffs will occur until that common system is in place, and it is my understanding that that will not be long in coming.

Now, for many of my colleagues this may not mean much. And indeed, the reasons no such standard now exists are arcane and somewhat shrouded in the mists of plywood history. But suffice it to say that for those of us whose States are heavily involved in the plywood industry, the problem of lack of performance standards in Canada has been a longstanding one. And as the Free Trade Agreement was initially crafted, the treatment of plywood—more especially, the nontreatment of this continuing Canadian nontariff barrier—was a new and very real threat against thousands of jobs in the Pacific Northwest and the Southwest, and millions of dollars in lost revenues.

The story began last December, with the ink barely dry on the draft treaty agreement worked out between the United States and Canadian negotiators. Although our plywood industry had been consulted by the administration before this deal was done, the final language left some serious problems. I was one of several Members contacted about this issue by concerned plywood manufacturers—many of them small businesses.

Currently, high tariffs on both sides of the border largely preclude any cross-trade in plywood between the United States and Canada. In a nutshell, the original agreement would have called for the gradual elimination of those barriers over a 10-year period. But it would not have eliminated a prescriptive barrier the Canadians now impose against United States-made plywood.

Quite simply, the Canadians will not allow plywood made from D-grade veneers, or from southern pine, to be used in structural paneling. D-grade veneers and southern pine products encompass about 80 percent of this Nation's plywood production. We have no such barriers regarding Canadian products.

Not only would we have been denied access to their home markets, but the Canadians would have been able to flood our open domestic, residential construction markets from the safety of their protected plants. Multinational corporations would be encouraged to move their manufacturing operations into Canada's protected zone, and out of our country.

Our U.S. negotiators have a long-standing policy of not granting tariff reductions as long as non-tariff barriers against certain products remain in place. The treaty, as written, would have ignored this practice and would have given the Canadians an open United States market 10 years down the road while our suppliers would have faced the same old pattern of unfair trade barriers.

It seemed to me that we have caved in. I consulted with two of my fellow co-chairs on the Forestry 2000 Task Force—LINDSAY THOMAS and SONNY CALLAHAN. We agreed that a letter to the U.S. Trade Representative pointing out these concerns was in order. That letter—which asked the administration to work with us to craft better treaty language within the implementing legislation—was sent January 7. Ambassador Clayton Yeutter responded 2 weeks later, vowing to work with us toward that end.

But meanwhile, Ambassador Yeutter and other administration officials told us that our fear was unfounded. They said a deal had been worked out with the Canadians that would allow our United States-made products to qualify under their Canadian Mortgage and Housing Corp. rules. The CMHC—the Canadians' version of our FHA—would have qualified the product for use in housing underwritten by the Federal program—about 15 percent of the market. At a March 8 hearing before the Subcommittee on Regulation and Business Opportunities, which I chair, Deputy U.S. Trade Representative Alan Holmer said that once our product was in 15 percent of the Canadian structural paneling market, it would be only a matter of time before it qualified for the remainder of the market.

My colleague from Oregon, PETER DEFAZIO remarked that he thought we had been "snookered again" in these negotiations, and several other Members at that hearing including BERYL ANTHONY, ROD CHANDLER and ALEX MCMILLAN, expressed similar concerns about the administration's strategy. We all called for tougher language within the treaty, and we were backed up by a letter voicing those requests and signed by 30 members of the Forestry 2000 Task Force.

Barely 48 hours later, our concerns appeared justified when the CMHC delivered a surprise announcement that it would not qualify or even examine United States plywood for Canadian structural paneling.

It was the kind of action that offers red meat to the protectionists, and which threatened the success of the Free Trade Agreement. On March 25, I testified before the House Ways and Means Committee, again pressing for language addressing this serious problem. The bottom line: no reduction of plywood tariffs under the FTA until the Canadian prescriptive barrier was removed and a common, United States-Canada, performance-based standard was in place.

On March 29, I received a welcome letter from Ambassador Yeutter in which he pledged to leave existing tariffs in place until a harmonized system of plywood standards had been reached. But I and several of my colleagues believed that additional insurance was required. Working with plywood producers, we developed a statutory proposal for the Ways and Means Subcommittee, and on May 2, we submitted a draft to Chairman GIBBONS under a cover letter cosigned by DON BONKER, BERYL ANTHONY and ROD CHANDLER.

On May 11, the subcommittee approved language very similar to the proposal we pushed forward.

In the weeks leading up to the subcommittee's vote, Ambassador Holmer and Ann Hughes, a deputy assistant secretary at the Department of Commerce, were especially helpful and supportive, and I want to give them full credit for a job well done. The final version of the treaty's plywood language is as much the administration's as our own, and I think it represents the productive, bipartisan approach to this problem.

Mr. Speaker, I just want to conclude by saying that I'm proud to have been part of the coalition that came together over the last 6 months to correct this plywood problem and to improve an already excellent trade treaty. I thank my fellow members, especially those members of the Foresty 2000 Task Force, for their support.

REMARKS OF RICHARD PERLE BEFORE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. KEMP. Mr. Speaker, as a member of the Helsinki Commission, I had the honor and the privilege of hearing—and questioning—several distinguished witnesses last week at the Commission hearing. The subject was "Soviet Trade and Economic Reforms: The Implications for U.S. Policy."

One of the witnesses is an old friend and the architect of the Jackson-Vanik amendment, former Assistant Secretary of State Richard Perle. Richard spoke most eloquently on Jackson-Vanik, and also on the subject of most-favored-nation status for the Soviet Union. I join him in opposing this benefit for the Soviet Union, as they continue to violate human rights. I would like to share his remarks with you:

STATEMENT BY RICHARD PERLE

Mr. Chairman, members of the Commission, I should like to begin by thanking you for your consideration in asking me to testify today. The issue of the relationship between trade, human rights and national security has long been of interest to me. It is an interest that developed out of nearly eleven years on the staff of the late Scoop Jackson, a man who cared deeply about human rights and our national security and who believed that the United States had an obligation to do whatever it could to foster both.

On at least one aspect of the relationship between trade and human rights our law is clear: We will not grant such trade concessions as most-favored-nation treatment and access to U.S. government credits to non-market economy countries that deny their citizens the right and opportunity to emigrate. This link is enshrined in the Jackson-Vanik amendment to the Trade Act of 1974.

I was delighted to learn that Secretary of Commerce Verity used the occasion of his recent visit to Moscow to make it plain to the Soviet leaders that they can expect no departure from the provisions of Jackson-Vanik, that it will, in Secretary Verity's words, "stay on the books." This is, of course, the policy to which the President has long been deeply committed, together with all who have been nominated to run for the presidency since the amendment was first proposed in 1972. I hope and trust that what was true in 1972, 1976, 1980, and 1984 will also be true in 1988 and we will see the candidates of both parties rededicate themselves to the proposition that if goods are to flow freely from East to West, people must be allowed to do so also.

It is sometimes argued that expanding trade between the United States and the Soviet Union entails no concession to the Soviet Union, that extending most-favored-nation treatment to the Soviet Union amounts to little more than the removal of discrimination against Soviet products entering the United States. However, Mr. Chairman, the fact is that there can be no such thing as equal access to each other's market so long as the Soviets control their economy centrally. When we open our market to Soviet products they are given a full opportunity to compete against the products of our other trading partners as well as those manufactured here. No U.S. government agency controls potential buyers of Soviet goods. But when the formality of MFN is extended by the Soviet Union to the United States the result is quite different: a central government authority could, if it wished, vitiate the benefits of nominal market access by instructing the purchasing entities under its control. It is for this reason that MFN is not genuinely reciprocal but represents a major American concession.

The same is true, of course, of access to credits. It doesn't take a banker to figure out in which direction credit is likely to flow if we and the Soviets agree that each is prepared to extend credit to the other. Jackson-Vanik prohibits government credits from going to the Soviet Union. Removal of that restriction would be a major concession to the Soviets.

Mr. Chairman, it is important to note that Jackson-Vanik was adopted with a view to easing these restrictions if the Soviets would ease their restrictions on emigration. This they can do by issuing exit permits to those who request them. Toward this end there is a provision in the legislation for a Presidential waiver which can be exercised if the President has received assurances (and reported them to the Congress) that there will be a liberalization of Soviet emigration practices. Any such waiver would have to be renewed annually on the perfectly sensible principle that we ought not to make permanent concessions in exchange for what might turn out to be temporary progress in human rights.

Perhaps I might be permitted to say a word about two closely related issues, the sale of advanced technology to the Soviet Union and other countries of the Warsaw Pact and the extension of private credits from Western financial institutions to the Soviet Bloc.

As I am sure members of the Commission know the Soviet Union has relied for years on advanced western technologies in the development and production of their major military programs. We have once secret data that shows conclusively that, in the early 1980's, the Soviets relied on western origin technologies in more than 5,000 military programs. We and our principal industrial allies cooperate—although not nearly enough—in an agreed regime of restraint on exports of advanced technology to the Warsaw Pact.

It would be a tragic blunder to permit the desire for expanded trade to undermine this restraint, however imperfect. The last remaining western advantage in a military balance that is increasingly adverse to the Western alliance is our superior technology. Share that with the Soviets through foolish joint ventures or careless exports and we will see the military balance shift even faster—and much further—against us. In the end we will either deepen the risk to our own security to make it necessary to spend vast sums to counter our own technologies. We may even do both. The recent Toshiba/Kongsberg case has illustrated how costly it is when technology that has profound military consequences falls into Soviet hands. I favor expanding trade in areas that will improve the lot of the Soviet consumer but not the accuracy of Soviet missiles or the effectiveness of Soviet submarines.

Finally, we should regard with concern—and at the very least with attention—the extent to which the Soviet Union is now raising western capital, vital hard currency, through untied loans from western financial institutions. In 1986 nearly $2 billion per month was lent by western lending institutions, especially those in Germany and Japan, to the Soviet Union and Warsaw Pact. None of these funds were tied to exports; none could be regarded as export credits. Our allies, who seem never to find the money to share the burdens of western defense fairly, somehow have an abundance of ready cash when Moscow needs money.

Today's Washington Post reports a $2.1 billion loan to the Soviet Union from a consortium of West German banks led by the Deutsche Bank. This loan is untied, available to underwrite the Soviet defense budget, (which presently claims upwards of 20% of their gross national product) should they choose to use it in that way. Or, it might be used to subsidize Cuba. Or Cubans in Angola. Or Vietnamese in Cambodia. Or world wide intelligence operations. The terms of the loan are believed to be favorable, bordering or concessionary. And it comes at a time when the Germans, who are spending barely one half as much as we are for defense (on a per capita basis), claim that there is no cash available to even up the burden of alliance defenses.

Mr. Chairman, this seems to me sheer folly. Those who believe that Soviet economic problems offer some home that they will moderate their international behavior for economic motives should dwell on the implications of the Germans and Japanese rushing in to free them from the necessity to choose. If the west showers hard currency on the men in the Kremlin they may find a way to have their military budget and economic development too. We have yet to see any diminution of Soviet military spending. Gorbachev has continued the Soviet military build-up that is now entering its third full decade; and he is doing it with support from western banks.

There can be no noble purpose than enlarging the sphere of human freedom. This Commission has labored long and hard over many years to turn the promise of the Helsinki Final Act into reality. You have the gratitude of all of us who enjoy the great gift of individual liberty and hope to see it shared by those to whom it has been denied.

A SMOKE-FREE AMERICA BY THE YEAR 2000

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. TALLON. Mr. Speaker, I am very proud to represent one of this country's largest tobacco-producing districts. So, I don't pretend to be objective about the subject of cigarette smoking. But my subjectivity pales in comparision with Dr. Koop's. Our Surgeon General seems to have lost all reason when it comes to tobacco. Dr. Koop has declared that he wants a smoke-free America by the year 2000 and it appears that he is determined to achieve it, no matter the cost. He has put the Surgeon General's stamp of approval on his own emotional obsessions.

The Surgeon General's recent report, which classified this Nation's 55 million smokers as drug addicts, is a gross trivilization of this country's serious drug problem. We are drowning under an avalanche of drugs and all Dr. Koop wants to talk about is cigarettes. He compares smokers with cocaine and heroin abusers. It follows that he would make similar comparisons between tobacco growers and manufacturers and the international drug cartel.

When was the last time you read of a robbery or murder over a pack of cigarettes? Is it cigarettes that are taking over our inner cities, condemning our young people to a life of crime and violence? Is Dr. Koop prepared to make driving under the influence of tobacco a criminal offense?

The report overlooks the fundamental fact that cigarettes don't affect your judgment in any way. It also fails to explain the contradiction between labeling smoking as an addiction and the fact that 38 million Americans have quit smoking without any help.

The significance of the report by Koop is not that it unveils new scientific evidence, but that he organized existing research into a systematic presentation for political purposes. Clearly, scientific accuracy is secondary to political effectiveness in Koop's book. If it's a political war he wants, then it's a political war he'll get. It's unfortunate, however, that he is willing to discredit the office of the Surgeon General in the process.

TRIBUTE TO ISRAEL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. KOSTMAYER. Mr. Speaker, over this past weekend, Jews and non-Jews alike joined in celebrating the 40th anniversary of the creation of the State of Israel.

For Jews everywhere this occasion is a time of rejoicing, but also for many a time of some anguish. For non-Jews this is also a time of celebration because the survival of this tiny and beleaguered state symbolizes the survival and success of democracy itself in the Middle East. And Mr. Speaker, it symbolizes the survival of the Jewish people.

Mr. Speaker, on this anniversary, I want to talk about Israel, about its past, its somewhat troubled present and about its future.

Israel like America was founded on a set of basic principles. These principles were drafted in Israel's case, and in America's too, largely by political and religious refugees.

Since its formation under David Ben-Gurion on May 15, 1948, as a "light unto the nations," Israel has flourished economically, culturally, and industrially.

The country's ancient language, Hebrew, was brought back to life and continues to evolve in everyday use. The establishment of colleges and universities has helped nurture Israel's scientific and cultural growth, which has, in turn, created a land in which the desert truly does bloom. Israel is a center for painting, sculpture, poetry, literature, and drama, as well as a publishing center.

Israeli immigrants, like those immigrants who came to America, brought with them skills necessary for contributing to what can only be described as dramatic economic growth. Their desire to build a modern nation in the Promised Land is best illustrated by the high standard of living Israel now enjoys.

This lifestyle relies on the preeminence of Israel's diamond industry, along with achievements in textile, chemical, and electronics manufacturing. Israel's capacity to produce food through its use of advanced irrigation systems has helped sustain its population.

These immigrants, arriving from different political backgrounds, have banded together to form a vibrant democracy. The State of Israel has survived five bloody, Arab-Israel wars with periods in between that can hardly be called peaceful. Israel, surrounded by hostile Arab countries, has been forced again and again to fight for its right to exist. Today, we recommit ourselves to that right, absolutely, unequivocally and without reservation.

During the intervening years, the country has managed to accept almost a million Jewish refugees, many of them survivors of the Holocaust. Six million Jews perished in World War II while the whole world looked the other way. They were victims of horrors that words cannot adequately describe. It was this tragedy—the central tragedy of the human era—that led Holocaust survivors and Palestinian Jews to engage 40 years ago in a struggle for their own state, a state where Jews would no longer be a persecuted minority.

The struggle to survive has not been easy. Attacks on the Jewish territory have been relentless since efforts to partition the region under the British mandate for Jews and Palestinians failed, the last such proposal coming in 1947 with the United Nations plan. When it became clear this plan had failed, the Jewish National Council proclaimed a State of Israel 40 years ago this past weekend. The fledgling country was immediately recognized by President Truman.

But fighting broke out when advancing Arab armies sought to encircle and destroy the tiny state. Neither that conflict nor the war in 1956 ensured Israel's existence, and both wars left it with hostile neighbors and vulnerable borders. After the 1956 war, Israel returned land it had captured in exchange for a security agreement that Egypt's Gamal Nasser violated in 1967, beginning the Six Day War, a battle for survival Israel waged alone.

The Israelis no longer believe they can relinquish power for promises. And I agree that Israel should not be forced into a settlement that places it in mortal danger again.

Prime Minister Yitzhak Shamir and others in the coalition government have so far been reluctant to commit themselves to negotiations based on land for peace and so far have managed to stall Secretary of State George Shultz's plan for an international peace conference. On the other side, Arabs won't accept anything less than everything. Historically and unhappily the Arab community has been largely unwilling to negotiate. Often those Arab leaders who did so paid with their lives. Something must give, but I don't believe everything should be given by either side.

Our relationship with Israel is a special one. I can think of no other modern country the United States has as much in common with philosophically, economically, strategically, and militarily. Our unwavering support for the State of Israel is unprecedented among United States foreign policy initiatives. It is in our interest, Mr. Speaker, as well as theirs.

This friendship should continue and grow, and like any good friend we must continue to work with Israel to ensure its survival and stability for all time. I believe Israel's greatest challenges—and its greatest accomplishments—lie ahead.

Violence in the territories has not been ignored by the Israelis or the international community. The uprisings resulting from Israel's military occupation have forced the country to refocus attention on its relationship to these areas. The people of Israel long for lasting peace while they struggle for the best way to achieve it.

The Israelis' historic willingness to negotiate, while Middle East Arabs have refused opportunities to do so, must be noted. For 40 years and longer, Arab States have denied Israel's right to exist and have refused to negotiate.

Only Egyptian President Anwar Sadat had the courage to negotiate a peace with Israel. He paid for that act in 1981 with his life. The recent decision by Arab countries to allow Egypt back into the fold, is a welcome, but long overdue sign.

Sadly, other Arab countries remain quick to condemn Israel, but they have done little to relieve the Palestinian plight. Several proposals, including the 1947 United Nations' plan, included a separate land for Palestinians adjacent to the proposed Jewish State. But Arabs refused to accept this and fought a battle that left the Palestinians empty handed.

The Palestinian people have long been considered alien by the Arab States, which refuse to take them in. From 1948 to 1967, Egypt occupied the Gaza Strip and Jordan controlled the West Bank. During this period, both countries could have established a Palestinian State had they wanted to.

But it appears Palestinian self-determination only became an issue among Arabs after Israel gained the territories in 1967. Yet even after war for its very existence, the Israelis were willing to negotiate with the Palestinians.

I believe concessions on both sides today can make it easier for Israel to remain strong. I believe renewed violence and threats . to Israel's security make peace negotiations a must. It is becoming clear, with widespread protests and strikes, that there are limits on Israel's military sovereignty in the West Bank and Gaza Strip.

The current unrest began on December 9, 1987, when a false rumor circulated sparking protests in Gaza that rapidly spread to the West Bank and East Jerusalem. The Israeli army reportedly opened fire in four separate incidents that day, killing one Arab and wounding 20. Although the United States' friendship with Israel remains strong, I believe our country was correct to criticize some of the harsh security measures the Israelis have taken against Palestinian protesters.

Israel can only continue its occupation at a great cost to the credibility it has built since 1948 among free men and women everywhere. Middle East analysts recently have reemphasized the dangers involved in a continued occupation; namely, a demographic time bomb that is ticking away. If talks do not begin, Israel may be dealing with an Arab population in the occupied territories greater than the number of Jews in Israel by the turn of the century. Israel has demonstrated her willingness to talk, now the Palestinians and Arab States must do so, too.

Much has been written about the new generation of Palestinians, those who have known only a frustrating life under military rule. They appear more susceptible to Islamic fundamentalism; they are not afraid to fight, or to die as martyrs. They have too few political rights and are forced to endure small injustices each day. True, there have been advances and improvements in the quality of life—they weren't treated well by their Arab brothers at all—but those throwing stones have said they feel their lives are at a dead end under the occupation. They are a people without hope, filled with anger.

The United States has been, and can be again, a catalyst for peace talks between hostile Middle East neighbors. I would like to take this opportunity to applaud Secretary Shultz's tireless efforts to secure agreements for meaningful negotiations.

Secretary Shultz sent several of the Middle East nations letters outlining the administration's goals of an international peace conference to resolve problems in the region, to be followed by bilateral negotiations based on U.N. Security Council Resolution 242. So far, no country has accepted or rejected the proposal outright.

After several ill-conceived policy swings, the United States finally appears to be enjoying enhanced standing among Arab countries because of its willingness to enter the Persian Gulf and take strong measures against unrest in the region. We should use this leverage to convince Arab nations to work toward settlement of some of the problems that plague the area. We must do all we can to moderate Arab behavior and attitudes.

But I would like to urge the administration, in its final months, to be somewhat less concerned about a comprehensive settlement, which has eluded Israel and the Middle East for more than 40 years. Rather, we should pursue incremental steps upon which a final, lasting peace can be built.

History has shown—at Camp David, for example—that when a President has focused on one issue with specific goals, he is more likely to enjoy success. The armistice agreements of 1949, and the 1979 Egypt-Israeli Peace Treaty all were negotiated separately. Talks involving two or more countries at once have usually failed.

The evidence I have seen indicates the gap between countries now is too great to be bridged at once; peace will have to be accomplished gradually. But I believe it can be done.

And so, Mr. Speaker, on this occasion—the 40th anniversary of Israel—we note the survival of this tiny state and its beleaguered people.

We recommit ourselves as the world's oldest and most powerful democracy to Israel's continued success and peaceful future.

FOOD SHORTAGES IN AFRICA

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DURBIN. Mr. Speaker, today I am introducing a resolution along with my colleague, Mr. LEACH, calling attention to the food emergency that is threatening millions of lives in Ethiopia, Sudan, Mozambique, and Angola. Armed conflicts are a principal cause of the food emergencies that are threatening massive starvation in these countries. The resolution urges greater efforts on the part of the United States to bring about negotiations leading to an end to the armed conflicts.

We occasionally see news reports indicating that hunger and starvation are on the increase in Africa once again, and we can expect to see more of these reports in the coming months. Our natural humanitarian reactions to this news will be to work to send food to the people in need. That will be a legitimate and well-meaning response, but it will not solve the problem.

As I have investigated this issue, I have been frustrated to learn that starvation in Africa cannot be prevented simply by shipping our surplus grain overseas. I have found that, at its root, the problem is not just food.

Donor countries are ready to provide food assistance where needed, and African countries generally have the capability to produce or buy enough food to meet their food needs, except in times of drought. However, in Ethiopia, Sudan, Mozambique, and Angola, millions of people are at risk of starvation because food production and food distribution efforts are being disrupted by armed hostilities. Military conflicts have upset the precarious balance between food needs, food production, and food assistance, devastating the lives of many unfortunate people.

In Ethiopia, an estimated 7 million people are at risk of starvation. In Sudan, an estimated 2.8 million people are at risk of starvation. In Mozambique, an estimated 4.5 million people are at risk of starvation. And in Angola, an estimated 2.7 million people are at risk of starvation. In these countries, armed conflicts have disrupted food production, hampered transportation and distribution of food assistance, displaced millions of people, and caused the deaths of hundreds of thousands of children from war or war-related causes. The common thread running through all these countries is armed conflict.

In Ethiopia, approximately 100 trucks carrying emergency food have been destroyed during the past year due to the escalation of the civil war. Despite the risks, international relief organizations kept trying to transport food to the hungry people in the northern provinces until the Ethiopian Government ordered relief workers to leave and the agencies were forced to suspend food distribution efforts.

In Sudan, emergency airlift operations to provide food to people in outlying areas have been the object of attack. As in Ethiopia, emergency food assistance to people at risk of starvation has taken a back seat to war efforts. News reports are infrequent, but whether we see them or not, people are dying of starvation and malnutrition that could be prevented if the conflict was resolved.

The primary U.S. response to this food emergency in sub-Saharan Africa has been to allocate food for emergency distribution. That is a laudable response but, unfortunately, in the current emergency it is not enough.

After the 1984-85 famine in Africa, a famine early warning system was put in place to give advance notice of potential food emergencies so that resources could be marshaled to meet emergency needs. That early warning system worked. We were given unprecedented advance notice of the current food emergency, and the United States and other donor nations responded with millions of tons of food assistance, which was made available for distribution. But that humanitarian response is being thwarted by the ongoing armed conflicts which prevent effective distribution of food.

Although the situation in Mozambique and Angola are more complicated, the same problem has arisen. While the United States provides food assistance in Mozambique, we are not adequately addressing the fact that the terrorizing activities of the rebel group known as Renamo are the fundamental cause of the malnutrition and threat of starvation in Mozambique. The U.S. State Department recently released a report documenting Renamo's horrible campaign of violence and destruction in Mozambique. This rebel group is funded by millions of dollars in military assistance from South Africa. Renamo's activities have disrupted food production, transportation, and relief efforts. Hundreds of thousands of people have left their villages and fled for their lives, only to experience malnutrition and the threat of starvation.

The insurgency in Angola is also a principal cause of hunger. In that country, the United States has joined South Africa in providing millions of dollars in covert military assistance to the rebel group, UNITA. Again, an externally financed insurgency has disrupted food production and transportation and displaced countless people. Furthermore, in Angola the United States has been providing less than its usual share of international food assistance, because the administration does not want to do anything that might be seen as aiding Marxists. But the people who are dying do not have the luxury of being either Marxists or capitalists. They don't have the energy for any ideology. They are just hungry people. And until the conflict in Angola is resolved, they will continue to face the bleak prospect of malnutrition, hunger, and death.

In all four of these countries, armed conflict has been given a higher priority than meeting food needs. Some parties involved in the conflicts have refused to accept the fact that disrupting food production and food assistance efforts as a means of advancing their war efforts is reprehensible and worthy of condemnation. Their callous disregard for human needs has prevented equal access to food assistance. At the same time, the international response to this food emergency has not placed a high priority on resolving the conflicts that give rise to the food emergency.

A new initiative is needed to try to resolve the armed conflicts in these countries. Just as the United States has at times stressed the importance of negotiations to address conflicts in other countries such as Afghanistan, we must try to prevent the suffering and deaths of thousands or even millions of people in Africa by encouraging and working toward negotiations to end the hostilities in Ethiopia, Sudan, Mozambique, and Angola.

In addition to preventing tragic suffering in the short term, efforts to bring about a negotiated end to the conflicts in these countries are absolutely necessary for long-term development in Africa. Development is difficult when armed conflicts destroy the fruits of development efforts. Development projects that are designed to strengthen a country's infrastructure and reduce the impact of rainfall shortages and other natural disasters cannot be successfully undertaken in a climate of armed conflict. As a result, we can expect repeated food emergencies in these countries until the conflicts are resolved.

The resolution I am introducing focuses squarely on the armed conflicts in Ethiopia, Sudan, Mozambique, and Angola, in the hope that stronger efforts to bring about negotiations may save people in those countries from needless malnutrition and starvation. The resolution contains the following six action clauses:

First, it condemns the disruption of food production and relief efforts by parties involved in armed conflicts in Ethiopia, Sudan, Mozambique, and Angola, and deplores the suffering and deaths that result from the disruption.

We must speak out against those who would use hunger and starvation as tools for accomplishing military goals.

Second, it urges the President and the Secretary of State to support and promote proposals made by international relief organizations to negotiate agreements to ensure safe transportation and distribution of emergency food assistance to all people at risk of starvation in these countries, including people in contested areas.

We must encourage safe passage agreements that allow international relief organizations to bring food to people in need, even if that assistance must be transported through combat areas.

Third, it urges that all humanitarian assistance provided by the United States be made available to noncombatants on the basis of need and without regard to political considerations or affiliation.

When people who are not involved in combat are at risk of starvation, they must be seen first as fellow humans in need. We should not withhold assistance and allow them to starve because of their political views.

Fourth, it urges the President and the Secretary of State, without altering the policy of the United States of not recognizing the insurgents in Mozambique, to pursue all possible means of bringing about negotiations leading to the cessation of the hostilities in Ethiopia, Sudan, Mozambique, and Angola, including efforts to ensure that all countries providing military assistance to parties involved in the conflicts are included in the negotiations.

We must do everything we can to bring about negotiations that will resolve the armed conflicts in hunger-threatened areas. But those negotiations will not be successful if they do not take into account the role of external funding in perpetuating the conflicts. Outside countries providing military assistance in these armed conflicts must participate in the negotiations to end the conflicts.

At the same time, in Mozambique, negotiations must not be used as an excuse to legitimize the terrorist rebel group Renamo. In Mozambique, the United States should encourage the involvement of the Mozambican Government and the Government of South Africa in negotiations, and we should maintain our current policy of not recognizing Renamo.

Fifth, it urges all countries providing military assistance to parties involved in the armed conflicts to shift the emphasis of their involvement away from military assistance and give the highest priority to diplomatic efforts focusing on the importance of resolving the conflicts through negotiations, so that the food emergencies can be addressed and further malnutrition and threat of starvation can be avoided.

The United States and other outside countries must reevaluate their priorities and place renewed emphasis on diplomatic efforts rather than relying on military assistance as a means of achieving goals in these countries. Military assistance is unlikely to lead to victory in any of these conflicts, but it will certainly prolong and extend the suffering, malnutrition, and starvation. Negotiations to address the food emergencies must become our highest priority in these countries, while we shift our emphasis away from military assistance which prolongs the conflicts.

Sixth, it urges the President and the Secretary of State to seek the involvement of other countries in Africa and the United Nations as mediators to facilitate communication and negotiation in the pursuit of peace.

The United States is unlikely to be able to bring about negotiations acting alone. We must encourage other African countries as well as the United Nations to make themselves available as mediators to try to resolve the armed conflicts.

The food emergencies in Ethiopia, Sudan, Mozambique, and Angola may appear to be overwhelming and the armed conflicts in those countries may appear to be so entrenched that no resolution is possible. But a concerted negotiating effort may succeed where other actions have failed. The food emergencies will not end unless the conflicts end, and the conflicts will not end unless wholehearted negotiations begin.

I urge my colleagues to consider cosponsorship of this resolution. I ask them to join in this call for negotiations to address the armed conflicts which are a principal cause of the food emergency in Africa. If we really want to end the food emergency, negotiations must be an essential component of our response.

WORLD POPULATION AWARENESS WEEK

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. SABO. Mr. President, April 17-23 was recognized in Minnesota and across the Nation as World Population Awareness Week. During this week, Americans gathered in all 50 States at conferences, debates, public forums, and other educational events to learn more about rapid world population growth and discuss ways in which the United States can contribute to an eventual solution.

I heartily endorse these efforts because there is hardly another international issue that is more fundamentally recasting the fortunes and futures of the world's peoples.

More than 90 percent of current world population growth is occurring in the Third World, where many nations are doubling their populations every 20 or 30 years. The resulting impact on developing economies, fragile democracies, and important environmental resources is deeply disturbing for those working to improve conditions in the developing world.

A comparison helps to illustrate the broad difference in population trends between the Third World and the more developed world. My home State of Minnesota is home to a little more than 4 million people. The nation of Senegal, on the other hand, on the western coast of Africa, has a population of 7.1 million. More importantly, while Minnesota's population is growing slowly, and would take a century to double at current growth rates, Senegal's population is growing at a swift 2.8-percent annually. That means that Senegal's population will double in size over the next 24 years if present growth continues. And Senegal's growth is typical of much of the Third World, where 90 nations will double their populations in 30 years or less.

World Population Awareness Week provided an opportunity for Americans to chart an effective and far-sighted policy for helping developing nations to stabilize their population growth as a necessary first step toward economic development and environmental preservation. I am very pleased that the citizens of Minnesota took a leading role in the activities relating to the week, and I include Governor Perpich's proclamation in the RECORD.

PROCLAMATION

Whereas, the world's population of more than five billion will, at its present growth rate, double in the next 40 years; and

Whereas, more than 90 percent of this unprecedented growth takes place in nations of the third world least able to accommodate such rapid expansion; and

Whereas, rapid population growth overwhelms the capacity of human societies to provide food, housing, education, employment and basic health services, and undermines economic development as well as social, cultural and political stability; and

Whereas, the massive proliferation of our human numbers places enormous strains on the global environment, contributing significantly to the depletion of natural resources, the conversion of cultivable fields and forest into wasteland and desert, the pollution of the earth's land and waters, and the destruction of its ozone layer; and

Whereas, the tragic results of the ever increasing imbalance between population and resources can be seen in the emergence of renewed famine in Africa and elsewhere; and

Whereas, the disastrous consequences that unchecked population portends for humankind and the natural environment can be averted by the extension of family planning services to the more than 500 million people in the developing world who need and want such services but lack the means or access to obtain them;

Now, therefore,

I, Rudy Perpich, Governor of the State of Minnesota, do hereby proclaim the week of April 17-23, 1988 to be "World Population Awareness Week" in the State of Minnesota, and call upon all of its citizens to reflect upon the consequences of world overpopulation and the opportunities to contribute to a solution.

STAFFING LEVELS OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. ROE. Mr. Speaker, In connection with the debate on the Hefley amendment to H.R. 4587, there was a rather confused and confusing discussion of the staffing of the Committee on Science, Space, and Technology. To set the record straight, I wish to provide the actual staffing history for permanent employees for our committee since the current administration took office:

Year as of Jan. 3	*Staff positions*
1980	86
1981	88
1982	76
1983	76
1984	76
1985	79
1986	78
1987	71
1988	73

As has become increasingly clear, our Nation's economic and military well-being is linked vitally to science, space, and technology. Nevertheless, the relevant Congressional Committee has undergone a progressive decrease in personnel. Not only was the data cited in the debate incorrect, I believe that the actual staffing pattern represents the wrong direction for this House to take.

VIRGINIA'S GOVERNOR BALILES PROCLAIMS "WORLD POPULATION AWARENESS WEEK"

HON. JIM OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. OLIN. Mr. Speaker, I, along with 171 of my colleagues, cosponsored House Joint Resolution 148 to designate a "World Population Awareness Week." This bill passed the House on April 20.

In today's interdependent world, the problems of other nations are also the problems of the United States. "World Population Awareness Week" would recognize the dangers of the world's rapidly growing population—dangers which include environmental degradation, urban deterioration, growing unemployment, malnutrition, hunger, infant mortality, and resource depletion.

Mr. Speaker, Virginia's Governor, Gerald L. Baliles, is forging new links between Virginia and the rest of the world. These links have brought a new awareness in our State of the negative effects of population growth.

In recognition of this problem, Governor Baliles declared April 17-23, 1988, as "World Population Awareness Week" in Virginia. In making this proclamation, Governor Baliles outlined the problems of world population growth and the need for an awareness of the problem.

I am submitting Governor Baliles' declaration into the RECORD:

CERTIFICATE OF RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

WORLD POPULATION AWARENESS WEEK

Whereas, the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth can cause or intensify a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if family education programs and maternal health programs could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need these kinds of programs but do not have acces or means to such services; and

Whereas, the United States has been the leading advocate of a universally recognized basic human right to a decent standard of living;

Now, therefore, I, Gerald L. Baliles, Governor, do hereby recognize the week of April 17-23, 1988, as World Population Awareness Week in Virginia and call its significance to the attention of all our citizens.

Gerald L. Baliles,
Governor.

YOUTH ENDOWMENT FUND

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. LELAND. Mr. Speaker, I bring to your attention the great generosity and altruism displayed by a young Houstonian. Conrad Choucroun has acted to assist impoverished children in the United States by establishing a youth endowment fund which will provide grants to groups working with needy children. His efforts to help children less fortunate than he are to be applauded. Included is a copy of his Bar Mitzvah speech in which he establishes the endowment.

BAR MITZVAH SPEECH BY CONRAD CHOUCROUN

APRIL 23, 1988

It would be dishonest of me to stand before you and say that today I am a Man. I am just beginning to think about who I am, what I believe, and what kind of life I want to live. But I would like to talk to you about the path I want to follow to become a responsible Jewish adult.

The Torah portion that Ben and I read dealt with the lepers, at the time of Moses, being sent out of the camps; and then with the purification rituals that were necessary for their being allowed to come back into the community, with dignity, . . . to no longer be treated as outsiders.

It is very sad to live as an outsider, whether you are an outsider in your own family or a part of a group that is treated like outcasts by a lot of people.

One group of outsiders that always seems to be there is the poor in America. Over the years the faces and nationalities have changed, but the problem hasn't gone away. The Jewish Fund for Justice is an organization that helps these outsiders to get on their feet; to learn how to grow food, or start businesses, to improve the quality of education for their children, to improve working conditions, and to help the poor become more responsible for their own lives. I am donating a large part of my Bar Mitzvah money to start a Youth Endowment Fund within the Jewish Fund for Justice. Once a year, until I am 21 years old, I will receive a leter from the JFJ describing the work of three organizations who deal with problems of young people who are poor in America. Then I will let them know where I would like my endowment to be used—maybe for a group that works with street gangs in the Bronx, or maybe to a Texas organization trying to improve education for children of migrant workers. In doing this I feel like I am also honoring another group of outsiders, the generation of my great-great grandfather who came to America, poor and believing in the American Dream. I am now living that Dream, and it is my responsibility to help in my small way to make that dream available to all of America's citizens.

This is not a hand out. This is a hand up. This is not like giving someone a free meal. This is helping teach someone how to feed himself for his whole life. This is my way of participating in a purification ritual, of helping people who are outsiders to enter the community with dignity.

I have to admit there is a part of me that wants to be a "Toys-R-us" kid forever. But there's another part of me that is ready to demonstrate my connection to the Jewish people, our heritage, and our values.

I am sharing my Bar Mitvah with Daniel Odula, a boy my age in the Soviet Union, who is not allowed the freedom to have his own Bar Mitzvah. His parents have both lost their jobs since asking to leave the Soviet Union, and his mother is very ill. I hope one day soon they will have freedom and dignity and no longer live with the sadness of being an outsider.

I would like to thank Rabbi Karff, Rabbi Kaplan, and Cantor Gerber, and the teachers who have helped me prepare for this day. To Rachel, my hebrew teacher, I want to say that I really did like our Hebrew lessons and all the hundreds of things we talked about. I learned a lot more from you than just Hebrew.

To Ben, I feel like I've known you forever . . . preschool, sport, school, that summer in France, camp, and now Bar Mitzvah. You've been the kind of friend who feels more like a relative. Thanks.

To Nana, thanks for all the great Friday night meals and the wonderful conversations we have.

To Doc, we all miss you, your poetry, and even your lectures a lot right now. Whenever my teachers at school say that I am behaving like a revolutionary, I know how proud you would be.

To my older brother Gerard I want to say that even though I messed up your plans to be an only child, you've been more than just tolerant of me. Thanks.

To my younger brother Pierre, thank you for always being so willing to loan me money, even if you do make me put my drum set up for collateral.

To Papa I want to say I admire you, and the way you came to America and learned English, and worked hard to be successful. Thank you for loving me so very much.

To Mom and Steve, thank you loving me for who I am and not changing me into someone else. Steve, thank you for bringing Nicky, and Sam and Ellie into our lives.

Thanks to all of you for sharing this important occasion with me.

CUBA'S INDEPENDENCE DAY, 1988

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. FASCELL. Mr. Speaker, today, as in years past, we gather together to recall May 20, 1902—Cuba's first independence day. That day must have been a truly joyous moment for it marked the end of more than a decade of struggle by the Cuban people for freedom. The successful struggle for independence was due foremost to the valor of the Cuban people, yet we in the United States can also be proud of the support we gave at that time to the Cuban people in their hour of need.

Unfortunately, as we are all aware, the independence and freedom won at great cost by the Cuban people was later betrayed by Fidel Castro. As a result, the work of the great Cuban patriot, Jose Marti, as best symbolized by the radio station which carries his name, remains unfinished. Similarly, the need for the solidarity of the United States with the Cuban people continues.

On this Cuban Independence Day, 1988, it is most appropriate that we in the Congress pledge ourselves again to continue to provide that support.

Recently, voices have been raised again to urge a "normalization" of relations with Cuba. While I respect those whose views differ from my own, I fail to see the rationale for any such move at this time and would strongly oppose a basic change in the direction or in the fundamentals of U.S. policy toward Castro.

After all, has Castro's Cuba ended its support for violence against its neighbors or yet removed its troops from Africa?

Has Castro renounced a military relationship with the Soviet Union and established a truly nonaligned foreign policy?

Have meaningful steps been taken toward restoring full respect for human rights and democracy in Cuba?

And is Castro now willing to end his vitriolic attacks against the United States and settle the more than $2 billion of outstanding claims for American properties expropriated without compensation nearly 30 years ago?

Given the answers to these questions, rather than consider offering an olive branch to Castro, I believe we should support a tightening of the embargo on Cuba, as suggested in the provision of the omnibus trade bill which mandates a study on improving the effectiveness of the embargo.

Pressure on Castro, especially international pressure, can bring results. Consider, for instance, Castro's response to 2 years of vigorous campaigning by the United States to focus international attention on the grave human rights violations in Cuba by taking the case of Cuba up in the United Nations Human Rights Commission [UNHRC].

I traveled to Geneva this March with my good friend, the ranking member of the House Foreign Affairs Committee, BILL BROOMFIELD, in order to demonstrate in a tangible way the strong, bipartisan congressional support for the efforts of the administration and of Ambassador Armando Valladares to raise the profile of Cuban human rights abuses in the United Nations. We personally urged the representatives of the other UNHRC members to join us in this endeavor, noting that for years Fidel Castro has literally gotten away with murder.

The result, as you all know, was a personal triumph for Ambassador Valladares. Castro, for the first time, agreed to accept a mission from the UNHRC to investigate the human rights situation in Cuba. He has agreed to permit unprecedented visits to Cuban jails by the International Red Cross. Perhaps Castro thought he could deflect international attention in this manner. But the result has been just the opposite: attention to human rights in Cuba is increasing, not subsiding. Now the challenge is to keep Castro's feet to the fire, and ensure a thorough, objective effort by the UNHCR mission, and corresponding action in Geneva.

My friends, I wish I could be optimistic that human rights violations in Cuba would soon cease, or that Cuba would soon rejoin the ranks of free nations. But we must not lose faith that someday democracy and human rights will be restored in Cuba, as the Cuban people so fervently desire.

When that occurs, the free people of Cuba and their American friends can gather on May 20 and celebrate Cuba's Independence Day unreservedly, for the mission of Cuba's patriots begun in the last century, and later interrupted by the dictators Batista and Castro, will finally be concluded.

IRVING BERLIN CELEBRATES 100TH BIRTHDAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. SOLOMON. Mr. Speaker, Irving Berlin is now 100 years old. An editorial in my hometown newspaper, the Glens Falls Post-Star, expressed the wish that this great America monument may live to be 200. I certainly agree.

"God Bless America," "Easter Parade," "White Christmas," * * * these are only a few of the songs that Irving Berlin etched forever in the hearts of Americans. In fact, as the Post-Star acknowledged, it is hard to imagine that these songs haven't always existed.

Every single note Irving Berlin wrote reveals a man deeply in love with his country and with life itself. It is my pleasure to enter the editorial in the RECORD, and to ask Members to join me in wishing this great American happy birthday as he enters his second century.

The editorial follows:

BERLIN'S MELODIES UNEQUALLED

This country doesn't have a great many national monuments that are more than 100 years old. There's the Statue of Liberty, which is not quite 102, and the Washington Monument, which is 104. But the Lincoln Memorial is barely 66, and the Jefferson Memorial's mere 45. And then there's Irving Berlin, who turned 100 on May 11.

It's sometimes difficult to realize that songs like "God Bless America," "White Christmas" and "Easter Parade" haven't always existed.

"This Is the Army," "Blue Skies," "A Pretty Girl Is Like a Melody," "I've Got My Love to Keep Me Warm," "The Girl That I Marry," "They Say That Falling in Love Is Wonderful," "Let's Face the Music and Dance," "Cheek to Cheek" . . . and on and on.

There are surely enough Berlin songs and Berlin stories to last another lifetime. Some of them are surely mythic, as befits a man who, in more ways than one, has himself become a little larger than life. Irving Berlin, may you live to be 200.

A TRIBUTE TO REV. GEORGE J. RUHL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to the Reverend George J. Ruhl, pastor emeritus of Our Lady of Peace Parish, who is celebrating his 50th anniversary as a priest.

On Sunday, May 22, 1988, Our Lady of Peace Parish will honor Reverend Ruhl for his 50 years of spiritual guidance and dedication to the people of the communities in which he served. It is my sincere pleasure to share this message of thanks on behalf of those from the Seventh Congressional District of Pennsylvania who know, love, and respect him. He has provided comfort and guidance to so many, oftentimes without regard for his own personal well-being.

As a former Air Force chaplain, Father Ruhl saw the best and worst of man. His dedication to the men and women of our armed services through World War II and the Korean war exemplifies his service to our Nation and its people.

Father Ruhl was ordained into the priesthood in May 1938. When he was first ordained, he was stationed in upstate Pennsylvania. At one point in his career he served as a chaplain for the Professional Boxing Association. After serving in the two wars, he was sent to St. John's in Philadelphia for 17 years until he became pastor of St. Kevin's in Springfield in 1966. In 1972 he was transferred to Our Lady of Peace Parish in Milmont Park, PA, where he currently serves as pastor emeritus.

Mr. Speaker, clearly this is a man of extraordinary quality. I thank you for this opportunity to praise this man who has brought peace, comfort, and happiness to so many lives.

THE DEATH OF FRANK BROWN

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DARDEN. Mr. Speaker, the recent death of Frank Brown has taken from the people of Auburn, AL, their city's recreation director and a beloved community leader. His loss also is felt greatly by the people of several Georgia communities where he worked before going to Auburn 15 years ago.

Frank Brown was only 47 years old when he died on May 4, 1988, following a brave 18-month battle with leukemia. He was a native of Orrville, AL, and a graduate of Livingston University.

Frank's first job after college was as teacher in Cobb County, GA. He started a recreation program there in his spare time and eventually became its director. He built the first youth baseball park in the Cobb County city of Acworth, and taught a special ceramics class for retarded children.

In the late 1960's and early 1970's, Frank was recreation director first in Roswell, GA, then in Coweta County, GA. He left Coweta County for Auburn in 1973, and there he more than tripled the size of the recreation department, largely with the help of a $900,000 bond issue which he promoted.

His friends and family long will remember Frank Brown as a man who devoted his life to building strength—both of body and of character—in the many young people whose lives he touched.

Mr. Speaker, I ask my colleagues to join me in extending our sympathies to Frank Brown's widow, Genyth Morgan Brown, his two sons, Frank Brown, Jr., and Drew Morgan Brown, his parents, Robert Lawrence and Eloise Brown, and the many other friends in both Georgia and Alabama who appreciate his contributions to their communities. All of us will sorely miss him.

OREGON BEEF COUNCIL, AMERICAN HEART ASSOCIATION LAUNCH HEALTHY PROJECT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WYDEN. Mr. Speaker, many Americans these days have taken an active role in maintaining their health by eating a low-fat diet. This preventive approach will help to combat cardiovascular disease, one of the major health problems facing us today.

In light of these developments, a brochure developed jointly by the Oregon Beef Council and the American Heart Association in Oregon deserves notice. The brochure is part of a widespread effort by the Heart Association to work with various agricultural producer groups to educate health-conscious consumers about nutritious selection and preparation of foods. The Heart Association has found that stressing gradual dietary changes and encouraging alternative cooking methods makes it easier for people to improve their eating habits.

The Oregon Beef Council/Heart Association brochure includes tips on the calorie and fat content of various cuts of beef. The brochure also features guidelines for moderating overall consumption of beef to keep within cholesterol limits.

Most importantly, the two groups have developed healthy, yet flavorful recipes that make it possible for consumers to include beef in their "heart-healthy" diets. By choosing leaner cuts and using certain cooking techniques, cooks can reduce the fat content of beef to 10 percent.

The Heart Association reports that public response to this cooperative project has been enthusiastic. Consumers appreciate this informative brochure and welcome the news that a healthy diet can include moderate amounts of beef.

The recent trend toward a lighter, healthier American diet has also challenged beef producers to adapt their products to meet changing consumer demands. Cross-breeding and genetic research, the use of more nutritious feed, and greater efforts at the retail level to trim meat of visible fat all have helped to reduce the fat content of beef.

The interests of the American Heart Association and the Oregon Beef Council do not always coincide. Yet, in this instance they have shown their ability to work together to address both consumer and agricultural concerns. Their cooperation should serve as a model for agricultural producer groups and American Heart Association chapters in other States.

THE MIDDLE EAST CONFLICT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. KEMP. Mr. Speaker, I want peace in the Middle East. We all do. But Secretary of State Shultz is wrong when he calls for an international conference on Arab-Israeli issues, and for Israeli concessions prior to negotiations. While the United States should work for peace, we should not intervene into their internal political affairs.

I would like to share with my colleagues a letter I wrote to President Reagan on the subject of the Middle East conflict, and an article by my good friend Pete Dawkins which appeared in the Central New Jersey Home News.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1988.

Hon. RONALD REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I must express my opposition to Secretary of State George Shultz's proposal for an international peace conference on the Middle East which would include the Soviet Union. I also want to make clear to you my disagreement with the recent letter sent to Secretary Shultz this week by a number of my Senate colleagues seeking Israeli concessions even prior to negotiations.

During his current shuttle diplomacy, Secretary Shultz has promoted an international conference on Arab-Israel issues to precede bilateral negotiations and to involve the members of the UN Security Council, including the Soviet Union. He is reportedly also calling for Israel to announce now that it will exchange "land for peace" and he has urged early "autonomy" talks on the West Bank and Gaza with follow-on negotiations to begin later this year with Syria on a final settlement of the Golan Heights issue.

I believe it is important that the United States work for peace in the region. However, I also believe the United States must be careful not to intrude into Israel's internal political affairs or put aside the principles of the Camp David Accords. Recent criticism leveled at Israeli Prime Minister Yitzhak Shamir by certain Senators and by the State Department for his expressed concerns about current US proposals can only harm the cause of a secure peace in the Middle East.

Israel is a vital ally and friend and a proud democracy whose elected leaders surely understand best their country's security requirements and appropriate risks for peace. We should refrain from public criticism of Prime Minister Shamir and his negotiations posture during his visit to Washington and during this sensitive period.

Throughout her history Israel has sought to achieve a secure peace with her neighbors, but history has proven that the Arab-Israeli conflict cannot be resolved by Israeli concessions alone. Some past concessions have increased the risks to Israel without bringing peace. With U.S. help, a measure of progress has been achieved in the past and we should work closely with our Israeli friends to build a sound future.

I am also concerned by related Department of State actions on four recent anti-Israeli votes at the United Nations. Two of these votes condemned Israeli actions and two votes sought to delay the closing down of the PLO's office in New York, as legally mandated by the Anti-Terrorism Act of 1987. I believe U.S. endorsements or abstentions on these votes, rather than clear "no" votes, are contrary to U.S. policy and injurious to Israeli and U.S. interests.

Mr. President, it has been long-standing U.S. policy for some four decades not to support an international conference on the Arab-Israel question involving the Soviet Union. You have provided personal assurance on this point as recently as last summer. A similar problem arises with regard to Syria.

The Soviet Union and Syria have both long supported policies and organizations, including terrorist groups, that explicitly deny Israel's right to exist. Any international conference involving their participation would surely be manipulated for radical purposes against Israeli and U.S. interests.

Moshe Arens, a distinguished Member of the Israeli Knesset and former Israeli Minister of Defense and Ambassador to the United States, pointed out in a recent article that the Jewish domain has at least four times in this century been involved in "land for peace" swaps which yielded territory without gaining peace—in partitions of 1922 and 1947, following war in 1947, and in 1978. Most recently, following the Camp David Accords of 1978, Israel yielded the strategic Sinai Peninsula, with its major Israeli bases, to Egypt without gaining a comprehensive peace settlement in return.

I believe it is wrong to insist on Israel's taking part in an inappropriate conference or in making any concessions before negotiations. We should not be joining those who would abandon the framework of the Camp David Accords. As Mr. Arens has pointed out, Israeli concessions in advance could lead Israel to borders that cannot possibly be "secure" as required by UN Security Council Resolution 242. Such concessions would be made before the Arab world had committed itself to direct negotiations with Israel on the basis of a true peace.

Mr. President, I believe that, rather than singling out Israel to make concessions, we should promote bilateral peace talks between Israel and its neighboring states on the basis of their recognition of Israel's right to exist. We should be pressing Israel's Arab neighbors to recognize Israel's right to live securely and in peace, as called for in the Camp David Accords.

In this connection, I believe the Palestinians, who have historically been much neglected by the Arab countries and the United Nations, should be represented on the delegations of those Arab countries prepared to live in peace with Israel. I am disturbed to hear that the U.S. Ambassador to the United Nations has reportedly met recently with officials of the PLO, which you have called "the world's most vicious terrorist organization."

Concerning issues of Palestinian autonomy and final peace settlements, I believe it should be U.S. policy to adhere to the Camp David principles and not force a settlement that allows the Soviet Union back into the Middle East or compromises the security of our loyal friend and ally, Israel.

Mr. President, I respectfully urge a comprehensive review of current U.S. proposals and policy on the Middle East. It is important to assure that U.S. and Israeli interests are fully protected and that our country's Middle East peace efforts are put back on a sound footing.

Sincerely,

JACK KEMP.

THE SHULTZ PLAN EXPLOITS ISRAEL'S VULNERABILITY

(By Pete Dawkins)

The unrest among Arabs in the Israeli-ruled West Bank and Gaza has been a source of great concern to all of us who admire Israel and support its quest to live peacefully with its neighbors.

Each evening, the network news shows us ugly confrontations where Palestinians and Israeli soldiers exchange rocks and bullets.

We ask ourselves, "What are they to do?" "Where does Israel go from here?"

My support for this tiny Middle East outpost dates back to my years in Washington, when I was involved in developing U.S. security policy for the region.

My support for Israel has since been reinforced by my visits there and by my continuing study of Israel's conflict with its neighbors.

As a candidate for the U.S. Senate, however, I have for the first time been called upon to comment on the Arab-Israeli conflict, and particularly on the plan that Secretary of State George Shultz has devised in the hope of bringing about peace in the Middle East.

The Shultz peace plan, I believe, is deficient in its tenets and its timing. Because it responds to violence that has placed Israel on the defensive, it exploits Israel's current diplomatic vulnerability. And, in doing so, it places pressure on Israel to act in ways which are inconsistent with its interests and which run counter to the lessons of history.

For 40 years, Israel has sought peace with its neighbors, and has demonstrated her willingness to enter peace talks without preconditions. In promoting the Shultz plan, the United States has attempted to impose the precondition that talks will be on the basis of "land for peace."

History has shown, and Israel knows, that land is essential for its security and that exchanging it cannot always buy peace. Only with Egypt has Israel negotiated a peace treaty in which land was returned. But the talks that led to that treaty did not have preconditions. Land was returned, and peace achieved, but one was not the preconditon for the other.

Consider also the Shultz plan's provision concerning how the problem of self-rule for the Arabs in the West Bank and Gaza is to be achieved. Instead of adhering to the U.S. guaranteed Camp David accords—which called for a five-year period of autonomy before the issue of the territories would be resolved—the Shultz plan calls for only a three-year autonomy.

The five-year period was intended to provide a safeguard, enabling the residents of the territories to demonstrate that they could live peacefully without threatening Israel's security.

Under the Shultz plan, not only is this period shortened, but Israel is called upon to negotiate the post-autonomy status of the territories even before it feels secure that such status would not pose a vital threat to its interests.

This plan, however, is flawed not only in its details, but in it fundamental conception, for it is based on the premise that it is Israel which is the obstacle to peace, and Israel which must be pressured into making the magnanimous concessions—into taking the great risks—necessary even for talks to begin.

Such an approach fails to recognize the realities of the Middle East. It is Israel which for 40 years has called for unconditional peace talks, only to be rebuffed again and again by its Arab neighbors.

Israel is our friend and, perhaps, the only nation in that crucial part of the world the United States can truly rely on for support. Why is it, then, that we feel free to exploit Israel's vulnerability by pressuring it into actions that are likely to risk its security?

It was a mistake for 30 United States senators to sign a letter of support for Shultz' plan—a letter designed to pressure Israel to make concessions even before any negotiation begins. And even had their view been a correct one—which it is not—private discussions with our very close ally and the only democracy in the region certainly would have been more productive and fair-handed.

History has shown that Israel will continue to seek peace with her neighbors, with or without the help of the United States. But if the United States is to play a constructive role in achieving that peace—as I believe we should—we must first recognize the wisdom of the Greek historian Plutarch, who wrote that, "perseverance is more prevailing than violence; and many things which cannot be achieved when they are taken together, yield themselves up when taken little by little." This advice is appropriate both for Israel and for the United States.

In the end, one inescapable conclusion comes from the event of recent weeks: We've got our reasoning—and our rhetoric—backwards.

The question is not, "Will Israel agree to trade land for peace?" but, "Are the Arabs prepared to exchange peace for land?"

RURAL HEALTH CARE WEEK

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. TALLON. Mr. Speaker, I am pleased to join with my colleagues in recognizing this week as Rural Health Care Week.

Quality health care is tragically unavailable to many rural Americans. The lives of these patients are in danger simply because national care programs do not take into account the specific needs of rural areas.

Health care is an important issue to the people of the Sixth District of South Carolina. Yet, the sixth district is a medical provider's nightmare.

It is not the fault of the sixth district; nor is it specific to the sixth-district. National standards for Medicare reimbursement discriminate against areas such as ours.

That is why the Congressional Rural Health Care Coalition was formed. With this group, we in Congress have a vehicle that is committed to improving Medicare. A Medicare payment system ought to be flexible enough to take the plight of rural areas into consideration.

Rural areas are also facing the dilemma of manpower shortages of medical professionals. Rural facilities cannot afford to offer financial incentives to health care professionals. This crisis puts the lives of our rural population in jeopardy.

In recent years rural health care has improved because the Nation has begun to recognize the urgency of this situation. Our commitment to improvement continues in the designation of this week as Rural Health Care Week.

LOSS OF OPEN SPACE IN THE NORTHEAST

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. KOSTMAYER. Mr. Speaker, I would like to bring to the attention of my colleagues an article regarding an issue which I believe deserves our attention. The issue is America's vanishing countryside, our loss of open space especially in the corridor between New York and Washington.

Since World War II, we have lost between 70 and 100 million acres of agricultural land to commercial and residential development. In Pennsylvania approximately 90,000 acres is lost each year. Nationwide, roughly 3 million acres of farmland are lost annually. This is a trend we must slow and then reverse.

The seriousness of this threat has been recognized by many States. Connecticut, Maine, New Hampshire, Rhode Island, Maryland, Vermont, and my own State of Pennsylvania have adopted programs to preserve precious farmland and open space. In many cases, bonds are issued to buy the development rights to farms. Under such an arrangement, the farmer retains title to the property but signs a deed restriction, assuring that the land will not be developed and can only be used for farming purposes or some other open space use. In the event that the property is sold at a later date, the deed restriction still applies.

Currently, the Interior Committee's Subcommittee on National Parks and Public Lands, chaired by the gentleman from Minnesota [Mr. VENTO], is conducting hearings on H.R. 4127, legislation introduced by the full committee chairman, Mr. UDALL of Arizona. H.R. 4127 converts the Land and Water Conservation Fund to a dedicated trust fund to be used for the preservation of the Nation's historical, cultural, and outdoor recreational heritage.

As a cosponsor of the bill and as a member of the subcommittee, I have urged the consideration of such proposals as the purchase of development rights in order to preserve open space in highly threatened suburban areas such as the one I represent in Bucks and eastern Montgomery Counties, PA.

An article which recently appeared in the Daily Intelligencer of Doylestown, PA, details the seriousness of this problem while recommending viable solutions. I commend this article to my colleagues for their consideration.

And I look forward to offering proposals to meet this national crisis.

NORTHEAST'S FARMLAND PRESERVATION EFFORT SPREADS

FRANKLIN TOWNSHIP, NJ.—Susan and Ted Blew are having fun these days growing vegetables on their 160-acre farm, making some money and raising three children in wide open spaces only 45 minutes from the smokestacks of industrial Newark.

Things weren't always so good.

For five years, they struggled, saddled with a six-figure mortgage and a floating interest rate that reached 16 percent.

Theirs was a Catch-22 situation. To make more money to pay the mortgage, the Blews rented 1,000 more acres and grew wholesale grain. They considered it drudgery, and, worse, the new loans only added to their debt.

Then, about two years ago, they found a way to pay off their mortgage, keep their Hunterdon County farm for their children and make money growing what they wanted: They sold development rights to their land to the state of New Jersey as part of a farm land preservation program.

More and more state and local governments are giving top priority—and tens of millions of dollars—to farm land preservation programs, efforts to save rapidly vanishing open space from developers. The trend is spreading from the Northeast, where it started to the South and West.

The government assesses the land's value for farming and compares that to its higher worth for housing or commercial use, such as a mall. The farmer is offered the difference in dollars in return for an agreement that the land can never be sold for development. The farmer keeps the property, and can still sell it, but its deed will be restricted to farming or open space use.

The Blews received almost $900 an acre or $143,500 from the state and county, which split the cost. That same day, Dec. 19, 1985, they turned the check over to the bank, paying off their mortgage, on which they had been making payments of close to $10,000 every six months, and an outstanding business loan.

"We had $10 (left) to go to lunch," Ted said. They celebrated at a Ponderosa restaurant with steaks and chocolate milk. "It came to $10.12," said Susan, smiling.

The Blews can afford to smile now. The pressure is off.

"It relieved the pressure of that exploding interest rate," Ted said, "You enjoy working when you're making some money, when you're able to pay your bills and have something left over."

New Jersey's share of the money came from a $50 million bond issue voters approved in 1981.

Other states with similar farm land and open space preservation programs include Connecticut, Maine, Maryland, Massachusetts, New Hampshire, Pennsylvania, Rhode Island and Vermont.

Local programs exist in Boulder County, Colo.; Forsyth and Mecklenburg counties in North Carolina, whose respective seats are Winston-Salem and Charlotte; King County, Wash., around Seattle; and Northern California's Marin and Solano counties. In Collin County, Texas, north of Dallas, officials are trying to raise funds for land preservation.

Over the last decade, almost 100,000 acres of working farm land have been saved said Jim Riggle, director of field operators for American Farmland Trust in Washington, DC, a nonprofit organization that works to conserve agriculture.

The success of preservation programs, however, doesn't mean development is being slowed.

Riggle estimated that since World War II, some 70 million to 100 million acres of U.S. agricultural land has been converted to commercial or residential use, or has been used for highway or other public works projects. That leaves no more than 1.2 billion acres of privately owned open land nationwide of what 575 million are being farmed or have a high potential for farming, while the rest remains unused for crops because of its lesser quality.

Roughly 3 million acres of farm land are being lost every year, he said.

"Six out of 10 of the most productive agricultural counties are either already classified in metropolitan areas or adjacent to them" he said. "That's where the action is taking place. There is a general degrading of the quality of our land in this country."

Development pressure in Massachusetts remains strong even though the state has already spent $45 million to buy up rights and preserve nearly 20,000 acres. The Legislature last December approved an additional $35 million for the program.

Why? "You're preserving the economic fabric of the rural area. It has an additional benefit. It's a working landscape." replied August Schumacher Jr., Massachusetts commissioner of food and agriculture.

Ron Allbee, Vermont's commissioner of agriculture, agreed.

"We sell Vermont to tourists for the pristine open space, for the small villages," Albert said, "I think there's a broader concern. If we lose our agriculture, we're going to lose what people identify as Vermont."

Even in big cities, such as Philadelphia, voters are overwhelmingly approving bond issues to buy up the rights. There are many reasons.

In Pennsylvania which is just beginning its program after voters approved a $100 million bond issue in November, agriculture is the No. 1 industry.

Pennsylvania has 56,500 farms that produce crops worth $3.2 billion a year and generate $35 billion in related business. But since 1960, the state has lost 50,000 farms and 3.8 million acres of land that went out of production, most of it believed to be for development.

Along with economics, sentiment helped the pro-preservation forces, state Sen. Noah W. Wenger said.

"Even people that live in the cities can remember their grandfather or their uncle living on a farm," he said, "and they have a certain affinity to that and I think that was in its favor."

But even more, Wenger said, was the realization that about 20 percent of all the jobs in the state are related to agriculture.

"It's just good business sense to take care of your No. 1 industry," he said. "You would spend $100 million to keep a basic industry intact so that that industry can continue to pay taxes and provide jobs so that we will have funds available to support our social programs, our research programs."

Other referendums approved last November included a $65.2 million bond issue to help preserve open space in Rhode Island.

And New Jersey voters, in their second referendum on the issue in six years, overwhelmingly approved raising the state's share for farm development buyouts to 80 percent, making it easier for counties with limited funds to become partners.

Arthur R. Brown Jr., secretary of the New Jersey Department of Agriculture, considers farm land preservation his top priority since such land in New Jersey has dropped from 2 million acres to 850,000 acres in the past 20 years.

"We're protecting a non-renewable resources, which is land," he said. "The citizens of New Jersey are . . . behind keeping agriculture here in the Garden State. And they're willing to pay for it."

The trend toward preservation of farm land appears to be gaining priority beyond the Northeast. "The idea has begun to catch on," said American Farmland's Riggle.

Californians will vote June 7 on a referendum for $776 million to preserve open space, including farm land, greenbelts and parks. The bond issue is the first in 74 years to be placed on the ballot by voter petition rather than by the Legislature, underscoring the growing enthusiasm.

In Florida, a state law requires every county to develop within the year a program to limit incursion into rural areas. More than 90 percent of all open land outside urban in Florida is farm land.

"People are beginning to recognize the finite resource that we have," said Ralph Grossi, president of American Farmland. "Good farm land is worth protecting. In many communities it is the buffer zone between the next city the open space people like to drive to."

Riggle said the preservation programs are concentrated in the Northeast because it is the oldest settled region and the states are small, and often mountainous, limiting the amount of arable land.

"The Northeast states have had to confront the issue of urban growth and development versus open land resources sooner than the rest of the country," he said.

David Meade is one of the Northeast's concerned farmers. He sold the development rights to 70 acres of his farm land in Howell Township, N.J., near Freehold, to the state for about a half million dollars last September. Developers had offered him more than a million.

"I would only have to take that money and go out and buy another one. Farming isn't an occupation. It's a way of life," he said. "It's not necessarily something you get into with the idea of getting rich. It's something you get into because it's a matter of the heart."

NATIONAL CHOIR CHAMPIONSHIP WINNER

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DURBIN. Mr. Speaker, it is with great pride that I announce to you the winners of the most prestigious national choir competition in the country. Every year choir groups across the country dream of winning a national choir championship at the Young Americans National Invitational Performance Choir Festival in Hollywood, CA. However, only one group can be the very best in the Nation. That group this year is the Mt. Zion Swingstations of Mt. Zion, IL.

Many school singing groups are blessed with talent. However, the Mount Zion Swingstations have taken this one step further by combining their ability with long hours of practice. This effort was made with one goal in mind—to be the very best. Excellence is not new to this group of performers; they have also twice won the Midwest Swing Choir Invitational in Fort Wayne and the Showstoppers National Show Choir Invitational in Chicago—both of which are major national competitions.

Director Roberta Vest and Choreographer Dwight Jordan deserve special credit for leading the Swingstations toward their goal of another national championship. While both of these teachers have incredible musical and dance talents, their real talent is in the ability to inspire and motivate young adults. The teaching profession has many rewards, but few equal the satisfaction that comes from crafting a group of young people into a unified family with the teamwork and sharing that is found among the members of the Swingstations. Although they are sad to lose the friendship and talents of their graduating seniors, their continued guidance will assure the Swingstations many more fine awards and championships in the years to come.

This special group of 46 singers, dancers, and musicians have learned the value of dedication, determination, and cooperation at a very young age. Thus not only will they always have the memories of their fine accomplishments, but they take with them personal qualities that will assist them throughout their lives. The Mt. Zion Swingstations are excellent performers and fine young individuals. It is with great pride that I offer my congratulations to them on a job well done and wish them the best of luck in all future endeavors.

NATIONAL RURAL HEALTH AWARENESS WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Ms. SNOWE. Mr. Speaker, I am pleased to join my colleagues in supporting House Joint Resolution 461 designating the week of May 15 as National Rural Health Awareness Week.

As I think you know, my congressional district is the largest in area east of the Mississippi. As such, it holds in common many characteristics indicative of rural areas across the country. The pace and style of life, the values, the population density, the economics and the demographics all differ from those found in urban areas and it is these differences that form the basis of the quality of life that we have come to know as rural.

It is also these differences that have created challenges in the delivery of health care services. Compared to more urban areas the population tends to be older and, therefore, more likely to use health care; tends to be in poorer health, in general; and tends to have a higher percent of individuals in poverty, particularly those who are the working poor.

The issue of health care in rural areas is generally defined as centering around the availability, the accessibility and the affordability of care. All of these present barriers to the delivery of health care, but they are even greater in rural areas.

The designation of National Rural Health Awareness Week serves to underline the need to examine our health care system in order to assure that those who live in rural areas receive the same quality of health care that all Americans have come to expect.

HONDURAS SHOWS NO FAVORITES IN FIGHTING ILLEGAL DRUGS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. SMITH of Florida. Mr. Speaker, last week the Honduran Ambassador to Panama Rigoberto Regalado Lara was arrested at Miami International Airport after Customs agents found 26 pounds of cocaine in his luggage. The Honduran Government subsequently suspended Mr. Regalado's diplomatic immunity. This will permit the United States to prosecute him in this country.

What is particularly important about the action of Honduras is that Ambassador Regalado is the half-brother of General Humberto Regalado Hernandez, the commander of the Honduran armed forces.

The Government of Honduras is saying: what has to be done to stop drugs will be done, regardless of who you are.

That is a refreshing change from some of the responses other countries have made to allegations that have been raised against high-ranking officials. I now call on officials in other countries to take a similar tough stand against their compatriots who are dealing in this poison.

For the benefit of my colleagues, an article on the Regalado arrest follows:

[From the New York Times, May 18, 1988]

SEIZED HONDURAN FACES HEARING

(By George Volksy)

MIAMI, May 17.—A Honduran diplomat was in a local jail today awaiting a hearing on Federal charges of cocaine possession after his arrest by United States Customs agents at Miami International Airport.

The diplomat, Rigoberto Regalado Lara, the Honduran Ambassador to Panama, was arrested Saturday after Customs agents reported finding about 26 pounds of cocaine concealed in his luggage. The cocaine was reportedly covered in coffee to prevent specially trained dogs from detecting the cocaine. The Customs Service did not say what led them to suspect that Mr. Regalado was carrying cocaine.

The 49-year-old diplomat is a stepbrother of Gen. Humberto Regalado Hernández, the Commander in Chief of the armed forces in Honduras.

After Mr. Regalado's arrest, the Honduran Government suspended his diplomatic immunity and his appointment as Ambassador to Panama. The Honduran Government said the United States was free to prosecute Mr. Regalado under American law.

Ana T. Barnett, the Executive Assistant United States Attorney in Miami, said the suspension of immunity was only symbolic because Mr. Regalado would not have been entitled to immunity in the United States because he is the Ambassador to a third country.

Customs agents arrested Mr. Regalado after the Honduran arrived in Miami from Teguciglapa aboard a regular passenger flight. He was ordered held without bond by a Federal magistrate on charges of possession of more than 10 kilograms of cocaine and intent to distribute the cocaine.

According to an affidavit submitted in Federal court, a Customs agent who examined Mr. Regalado's luggage "discovered white powdery substance secreted inside 10 packages surrounded by coffee and wrapped in plastic concealed inside pants legs and other clothing in his suitcase."

"A field test of the white powdery substance proved positive for the presence of cocaine," the affidavit said.

Mr. Regalado, who is being held at the Metropolitan Correction Center here, is a retired Honduran Army colonel. He has been the Honduran Ambassador to Panama since 1986.

In a communiqué on Monday announcing Mr. Regalado's suspension, the Honduran Government said, "This once again is a demonstration that the Government of President José Azcona Hoyo is engaged in open combat against drug trafficking without discrimination of any kind."

RECOGNITION OF OUTSTANDING SCIENCE STUDENTS

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. BADHAM. Mr. Speaker, it is my honor today to recognize 36 young men and women from southern California who have been named outstanding high school science students. They were recognized recently by Chapman College, an excellent school in Orange, CA, that many residents of the 40th congressional district have the opportunity to attend.

The future of our Nation depends on quality education in the fields of science and technology. Without such emphasis, the United States risks losing its place as the undisputed economic leader of the free world.

Here are the students who are deserving of recognition by this body:

Scott Siegel, David Cesario, Eyal Goldmann, Hiep Quach, Jason Black, Michele Wen-Yee Chan, Jon Pickett, Glen De Sandre, Albert Huang, Paul Cash, Roy D. Yen, Deborah K. Oh, Jong Moon, John Lee, Mike Coffin, Steve Burgeson, Yu-Jen Wang, Ripdeep Mangat, Sheila Tai, Jill Gould, Kevin Kawado, Terry Chun, Shiva Malek, Jennifer Tan, Anthony C. Shen, David C. Bear, Dat Tien Dinh, Michael Medina, Sang Tran, Robert Fowler, Brad Collins, Ilene Goldman, Phil Homer, Cindy Alexander, Arian Pampo-Flores and Danny Braunstein.

Mr. Speaker, these students hold the key to our future standing in the world. I'm sure my colleagues join me in congratulating these young men and women and encouraging them to continue their hard work to make this country a better place to live.

WORLD POPULATION AWARENESS WEEK

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. GEJDENSON. Mr. Speaker, I ask that the attached proclamation, signed by Connecticut's Gov. William A. O'Neill, designating the week of April 17, 1988, as "World Population Awareness Week" be included in today's CONGRESSIONAL RECORD.

In todays rapidly changing world, steps must be taken to stimulate a global awareness of rising population and its effects.

As a leader among nations, the United States should strive to promote a worldwide effort that will assure increased prosperity for all peoples on Earth. Recognition of "World Population Awareness Week" is part of the process necessary to acquaint the public with the demands encountered by increasing population.

State of Connecticut

BY HIS EXCELLENCY WILLIAM A. O'NEILL, GOVERNOR: AN OFFICIAL STATEMENT

The world's population has reached approximately five billion and is growing at the unprecedented rate of 87 million a year.

It is most important for the people of our state and nation to recognize that as the population of the world increases, so does the demand for the world's finite resources.

We must make a concerted effort to understand the effects of rapid population growth throughout the developing world and continually commit ourselves to improving the quality of life in all nations.

This year, the week of April 17 through 23 is being observed by many organizations and individuals throughout the United States as World Population Awareness Week.

In coordination with this effort and to create a greater public awareness of the basic human needs of all people and our responsibility to continually strive to help those less fortunate, I am pleased to designate April 17 through 23, 1988 as World Population Awareness Week in Connecticut.

NO DEAL WITH PANAMA'S NORIEGA BEATS A BAD ONE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. FASCELL. Mr. Speaker, the South Dade News Leader recently published an editorial which captures well the anger and frustration generated among the American people by reports of the "plea-bargain" offered to Panama's notorious drug baron and dictator, Gen. Manuel Noriega, by the Reagan administration. I commend this thoughtful editorial to our colleagues.

At a time when there is overwhelming sentiment on the part of the Congress and the American people to increase the effort in the war on drugs, the administration would drop pending drug charges against the Panamanian dictator, apparently without securing the removal of Noriega's cronies and ending Panama's role as a drug base. That we would offer such a bargain throws in doubt the credibility of this country's antidrug efforts at home and abroad. As the News Leader says, the administration should "Just say no" to Noriega.

[From the South Dade News Leader, May 17, 1988]

NORIEGA SITUATION AN EMBARRASSMENT

"Who would ever believe that the United States can or will do anything again in Latin America if in Panama we allow a drug-dealing dictator who has been indicted, who has killed people, who is a mercenary of the worst sort, to thumb his nose at (us) and continue to keep the Panamanian people under his control? I've never heard of such a disgraceful proposal."—Sen. Alphonse D'Amato, R-N.Y.

That sums up the bewilderment and outrage of Americans now that the Reagan administration apparently is ready to capitulate to Panamanian dictator Manuel Noriega.

Presidential spokesman Marlin Fitzwater calls it a "plea bargain." We drop drug charges against Noriega; he agrees to leave Panama by August for at least a year, allowing for election of a new Panamanian government. Apparently, his billion-dollar drug empire would stay in place.

There is always something unsavory about plea bargaining with criminals; the deals always favor them, not society. And this is no deal—not for Panama, not for the United States. It sells out the people of Panama. It caves in to Noriega. It does nothing to stop the flow of drugs. And it further damages the credibility of an already reeling administration.

Its willingness to deal is an embarrassing admission that it has not been able to force Noriega out, with sanctions and diplomatic pressure. It is reduced to groveling: If we drop the drug charges and let you keep all your dirty money, will you just go to an island somewhere for a while, please?

But sadly it fits with the sorry history of the failure of the American government—over four administrations—to deal with Noriega and his drug empire. Retired drug agents have come forward to say they had the goods on Noriega for 18 years—"not a smoking gun but a 21-cannon barrage"—but every time they tried to move they were pulled back by the State Department.

Again the Reagan administration is being panicked by the threat of communism—afraid Noriega will team up with Castro—while turning a blind eye to the more insidious and compelling danger of drugs. This is a bad deal. Reagan should stand up for what he stands for and "Just say no!"

NATIONAL RURAL HEALTH AWARENESS WEEK

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WHITTAKER. Mr. Speaker, I am pleased to join my colleagues in proclaiming this week "National Rural Health Awareness Week."

While Americans are becoming more health-conscious and more aware than ever of their health care options, most of the attention has been focused on our neighbors living in cities. Let's take a minute to look at what's happening in our Nation's small towns and rural areas.

Rural women have a harder time finding obstetrical care, and face a greater chance of dying in childbirth. While medical technology has made great strides in reducing infant mortality, the infant mortality rate in rural areas is significantly higher than in urban areas. Rural Americans, particularly farmers, have a higher injury rate than their urban neighbors. Rural Americans have a higher rate of chronic diseases, in part reflecting the disproportionately high number of elderly in our rural areas.

But not only do rural Americans face special health care needs, they also face special obstacles to the delivery of services. This lack of access has long-ranging effects on the health of our Nation's small towns and rural citizens.

The problem of rural health care is not limited to the patient—it also affects the hospitals, the doctors, the nurses, and all those people involved in the health care delivery system. Our rural hospitals, reimbursed at lower DRG's and with a lower volume of patients, are closing at alarming rates. Attracting health care professionals to rural areas continues to be difficult. For example, the nursing shortage is particularly acute in rural areas, where nurses are being recruited away by city hospitals, able to offer higher salaries and more flexible working conditions.

For too long, the special health care needs and problems of rural Americans have taken a back seat to our urban neighbors. Yet these problems have given a number of my colleagues and I the impetus to band together and push these problems to the forefront. The House Rural Health Care Coalition saw a number of successes last year and I am encouraged that many of this year's priorities will become law.

The Rural Health Care Coalition has made progress in addressing the special needs of the health care delivery system in rural areas, but much still needs to be done. Let's use National Rural Health Awareness Week as the needed springboard to finally give the health of rural Americans the priority it deserves.

IN HONOR OF EDGAR B. HOLT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. KILDEE. Mr. Speaker, on Sunday, May 22, the third annual Edgar B. Holt Scholarship fund-raiser will be held in Flint, MI. Each year, these scholarships are awarded to deserving young black students. The legacy Edgar Holt left to them and to Flint is one of hope and opportunity. For these black students, the Edgar B. Holt Scholarship Program often means the difference between poverty or a string of dead-end jobs and a life of new growth and dreams realized.

Mr. Speaker, the city of Flint was truly blessed to have a citizen like Edgar B. Holt. His heroic work to improve the lives of working people and his battle for the rights and dignity of blacks have made our community a better place and its people a better people. Edgar Holt shared the vision and relentless pursuit of truth of his contemporary, Dr. Martin Luther King, Jr. Indeed, in many ways, Edgar Holt was Flint's Dr. King.

From 1950 until his death in 1984, Edgar Holt fought unceasingly for the economic rights of workers, particularly the black workers of Buick Motor Division, where he worked. He served as the director of education for the United Auto Workers Local 599, where he organized a union bargaining committee to fight for equal pay and benefits for black employees. Edgar Holt also helped establish the Foundry Council, an organization that fought for workers' rights in the Buick foundry.

However, it was his work with the National Association for the Advancement of Colored People [NAACP] for which he became best known. Indeed, Mr. Holt was so closely associated with the growth of the NAACP in Michigan in the 1950's and 1960's that he was commonly known in Flint as "Mr. NAACP."

For 34 years, Edgar Holt was the heart and soul of Flint activism against the injustice of racism. With his help, the black community won a voice in Flint that was unparalleled—the election of the city's first black mayor in 1958. Mr. Holt took on another institution entrenched in the conflicts between blacks and whites—the Flint City Police Department. Not only did he improve relations between the department and the black community, he went on to root out racism and discrimination within the department.

Edgar and Lois Holt considered all of the black youth of Flint as their "adopted" children, whose future was at risk unless new doors could be opened for blacks across America. And if those doors would not open of their own accord, Mr. Holt was determined to break them down so that black young people could stream through them to a better life and a brighter future.

Mr. Holt made our entire community a better place for people of all races to work, to raise our families, and to experience the fairness and equality guaranteed by our Constitution. The Edgar B. Holt Scholarship Fund offers young black students the chance to do just that. Mr. Holt's life and now his legacy are a powerful role model for today's black youth. We can keep his spirit alive in our community by supporting this scholarship fund, which says to young black men and women, "we believe in you. Your hopes are not empty dreams. Together, we can make those dreams reality."

NAUGATUCK VALLEY FASTEST GROWING AREA IN CONNECTICUT

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. ROWLAND of Connecticut. Mr. Speaker, I am pleased to share with my colleagues some good news from an area of my district known as the Naugatuck Valley.

In 4 years, a six mill-town community known as the Naugatuck Valley in Connecticut, designated by Government for more than two decades as economically depressed, has been transformed into a booming cosmopolitan, affluent community now projected to be the fastest growing area of the State.

The towns of Ansonia, Derby, Shelton, Seymour, Oxford and Beacon Falls, with a combined population of about 90,000 people had seen little change for more than 40 years. The primarily Italian, Irish, Polish and Russian families that has emigrated and located in the Valley were very nonmobile with most members of their large families living their entire lives in the community. The people who lived there, worked there and also purchased services there. People knew each other. There were no socio-economic levels or separations. Volunteerism thrived with volunteer fire departments and ambulance services and at the local community hospital.

The community and its residents had survived more than their share of crisis. The hurricane generated floods of August 1955 that devastated the downtown areas, taking lives and destroying homes, buildings and bridges. In 1975, the Nation's largest arson fire destroyed Shelton's Sponge Rubber Products Plant putting 2,000 people instantly out of work. The most recent disaster occurred in 1986. A natural gas explosion and fire at a popular Derby restaurant killed six and involved the community in a day long rescue of the owner's son. Thousands attended the wake and funeral for two members of one of the community's best known families, a mother and daughter killed in that explosion.

The community's wage-earners were employed mostly in several large, local metals, rubber, and heavy machinery manufacturing firms. They earned the highest factory worker incomes in the State. The culture was fiscally and philosophically conservative. And, even though being roughly equidistant from three of the State's largest cities, Bridgeport, New Haven and Waterbury, the community remained insular and unchanged. The community bordered Fairfield County's gold coast towns with the highest per capita income in the Nation. Yet the Valley towns tended to exist as if in a cocoon, protected by the beautiful natural hills of the Valley and insulated by the culture.

Unfortunately, the community had been described for years as having a bad image and an inferiority complex. In response, the Valley Chamber of Commerce which serves the six towns, launched a community image improvement program in 1985. The community has responded positively, ambitiously and with vigor. The slogan, "We have it all in the Valley" had a goal of educating residents about the quality and availability of community programs and services. The fortuitous timing of the campaign matched the period of the most dramatic change in the community's history.

An analysis of the community found some interesting statistics. Thirty-nine percent of the residents said the community improved in 2 years. Economic development ranked number one and public education was the most improved service with a rating 20 percent better than in the first survey.

Things began to change. The completion of Route 8, an interstate connector between Interstates 95 and 84 passes through the heart of the community, cracked the cocoon that had shielded the Valley and began a period of change. Slow at first, the pace of change accelerated explosively in 1983.

In the 4 years to follow, the community underwent a rapid and dramatic metamorphosis matched by few communities across the Nation. As the new year dawned in 1988, the Valley was no longer a changing community but a new community.

Demographic and other indicators are staggering:

The six town communities are now identified as the fastest growing area of the State with population projected to increase from 89,000 in 1985 to 100,000 in the year 2000.

The unemployment rate which was 18 percent in 1975, fell to 2.9 percent, which was below the State average in late 1987.

The employment base became diversified. Manufacturing jobs remained stable at about 10,000 through 1970's and 1980's but nonmanufacturing high tech and service industry jobs doubled in 1986.

The community, which for decades had provided jobs primarily for its residents, emerged as a bedroom community with people living in the community and working elsewhere. The community's total labor force is now 49,000 with about 28,000 jobs in the community, creating a job gap of 21,000.

The Valley has become an affluent community. In 1980, 3.6 percent of Valley households earned $50,000 or more. In 1987, this percentage increased to 22.7.

The average sale price of a single family home increased 106 percent between 1983 and 1987. In just 4 years, the home price doubled from $74,000 to $150,000.

Retail sales in the six towns also doubled since 1983. In the Valley, retail sales increased 68 percent. Statewide this figure was only 30 percent.

More than 100 new companies are located in the Valley. Among the largest are: Black and Decker, Tetley Inc., Richardson-Vicks, Philips Medical Systems, Chesebough-Ponds, I.T.T. Semi Conductor, and T.I.E. Communications. More than 4 million square feet of office space was either built or currently under construction. I.B.M. is presently constructing a six building office complex on land partially in Oxford. This facility will house more than 2,600 employees.

The new Valley has emerged as a metropolitan district that will rival the State's finest cities. The continuation of growth, prosperity and opportunity is guaranteed with plans and projects already underway. Community leaders have responded well to the development, but will be challenged to provide a steady, but controlled growth and development that ensures desired services and programs including health care, sewer and waste disposal, roads, quality education and recreational facilities.

The cocoon has been cracked open, and a beautiful community has emerged.

NATIONAL RURAL HEALTH AWARENESS WEEK

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. PICKLE. Mr. Speaker, this Nation's rural health care delivery system is in serious trouble. Rural hospitals are losing money, and many will close their doors before the end of the year. It is increasingly hard for rural areas to attract and keep family physicians. There is a critical shortage of nurses and other health professionals in rural hospitals, nursing homes, and home health agencies.

Common misconceptions about rural health care needs have made it hard to correct these problems. People tend to think of poverty as an urban problem, but one in five rural residents is living in poverty. Country living is associated with a healthy lifestyle, but rural occupations are among the most dangerous, and the rural elderly have higher rates of disabilities and chronic illness. We think it is cheaper to provide health care in rural areas, but providers face long distances, geographic barriers, and must pay as much or more than urban providers to attract health professionals.

As a member of the Ways and Means Subcommittee on Health, I have worked on legislation to relieve these pressures. Congress has increased Medicare reimbursement for rural hospitals and encouraged health care professionals to locate in underserved areas.

But more must be done to assure rural America of the health care it needs. For that reason, Mr. Speaker, I was pleased to cosponsor House Joint Resolution 461, designating the week of May 15, 1988, as "National Rural Health Awareness Week." We in Congress and the Nation as a whole must recognize the unique and severe problems if we are going to meet the challenge of providing rural health care.

SAVE THE ELEPHANT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. EDWARDS of California. Mr. Speaker, I'm proud to be among the 73 cosponsors of the Elephant Protection Act, introduced by Congressman BEILENSON from California. Enactment of this measure is needed to prevent the rapid extinction of the world's largest terrestrial animal.

The Elephant Protection Act is so vitally important because the elephant population is declining at the alarming rate of 10 percent a year, and presently there are only 700,000 remaining. The elephant will disapper if this trend is not fundamentally altered. Consuming over one-third of the elephant ivory in the world market, the United States must claim significant responsibility. It is for this reason that I support an American boycott of elephant products. The global market for these items of luxury would be sharply reduced, thus lessening the pressure on already fragile elephant populations.

I would like to share with my colleagues an editorial which appeared in the Christian Science Monitor of May 16, 1988, that explains in more detail this unfortunate dilemma. Again, I urge my colleagues to support the Elephant Protection Act.

[From the Christian Science Monitor, May 16, 1988]

IT'S TIME TO SAVE THE ELEPHANT

The image of a bull elephant, billowing his ears and trumpeting a challenge, symbolizes nature's magnificence. But if that image is to survive in fact, not just in our imaginations, quick action is needed.

Wildlife experts estimate that 800,000 of Africa's elephants were slaughtered for their tusks in the past decade. Some 700,000 remain. They're being shot at the rate of 70,000 a year; another 10,000 die because older elephants, teachers and protectors of the young, are lost.

It's not stretching things very far to say that the Western consumer who buys carved ivory in a New York boutique is helping pull the trigger in the African bush. Each year tons of poached ivory is secreted out of places like Tanzania and Uganda to the Far East for carving, then off to retailers in the United States, Europe, and Japan. In the process, the value of the ivory multiplies a hundred times. It is estimated that 80 percent of the ivory being sold today comes from poaching.

Clearly, Africa's nations have a crucial role in saving the elephant from extinction. In Kenya, elephants have made a comeback in a few protected wildlife reserves. And a concerted effort by the Tanzanian government and international wildlife organizations has arrested the killing of elephants in the giant Selou reserve. But the picture in most of Africa is bleak, with outmanned and outgunned rangers unable to hold off poachers.

But Africa is only one front in this battle. As long as the market expands, poaching will flourish. Africans who do the actual killing get only a tiny cut of the profits. But what they get can be a huge supplement to sparse incomes.

If Americans would simply stop buying ivory trinkets, the world market would shrink by 30 percent. Consumer boycotts are, therefore, a promising tactic, and wildlife groups like the Washington-based African Wildlife Fund are going to push that approach during the coming Year of the Elephant observance.

In the long term, development of better methods for marking ivory—employing, perhaps, such sophisticated techniques as irradiation—could help control the commerce in poached tusks. At present, it's nearly impossible to distinguish between illegal and legal ivory.

Legislation may play a part, too, though outright bans on the import of ivory could alienate African countries that are making an honest effort to enforce a limited, legal harvest. Those countries sorely need the foreign exchange a legitimate ivory trade could bring.

To save the elephant, cooperation and understanding will have to subdue greed and indifference. In that sense, this battle is crucial for humanity, too.

KROGER SUPERMARKETS

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DEWINE. Mr. Speaker, the Kroger Supermarkets in the Cincinnati area of my State, Ohio, have developed an innovative method of assisting the hungry. Kroger has established a system where customers can donate the change from their purchases to provide fresh food for the hungry. With many charitable customers donating, Kroger has been able to implement an exemplary food assistance program.

As we all know, most food assistance programs, like assistance for Women, Infants and Children [WIC], provide primarily canned goods to the needy. Consequently, despite our efforts, poor people do not get the kind of nutritional foods like fresh fruits and vegetables that they need. But, through these donations, Kroger is able to issue food stamps for fresh fruit, vegetables, milk, and other perishables to needy recipients. In the approximately 2 months the program has been in operation, Kroger has offered about $5,000 a week in food assistance to those in need.

I would like to applaud the initiative and innovation of the Kroger Supermarkets. They saw a need in the community and they worked to find a way to fill that gap. In these times of budgetary restraint, the Government is constrained from doing all that is necessary to assist the hungry. However, programs like those developed at Kroger can make a huge difference for the community. I commend the employees of Kroger and their customers for their charity and their innovation. They have provided an excellent example for others to follow of an effective community assistance program for the hungry.

LEGISLATION TO REVIEW EFFECTS OF THE CABLE COMMUNICATIONS POLICY ACT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. GALLEGLY. Mr. Speaker, today I am introducing legislation directing the Federal Communications Commission [FCC] to expeditiously evaluate whether the Cable Television Policy Act of 1984 is in fact working to the benefit or detriment of the consumer. The FCC will be responsible for reporting back to Congress within 6 weeks.

As many of my colleagues are aware, the Cable Television Policy Act of 1984 deregulated basic cable rates. The present law states that if a majority of cable customers are able to pick up three or more nonduplicated television signals, then a competitive cable market exists. Cable companies are then not subject to basic rate regulation by the local franchise authority.

The 1984 legislation was a good idea in concept, but in may situations cable companies are able to raise rates without fear of reprisal from the city government or citizens. The public is held hostage to increasing rates and is left with little recourse. It's time to take another look at what effects the 1984 legislation has had around the country.

The present situation allows for very little flexibility on the part of the consumer. The average homeowner has two choices: pay whatever the cable company demands or do without. This legislation will force the FCC to examine whether or not the current policy is appropriate. The evidence available to me at this time is, frankly, not very encouraging of current policy.

I urge my colleagues to join me in support of this measure. It is of importance to all present and future cable consumers.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY REQUIRED.

The Federal Communication Commission shall conduct a study to evaluate the consequences of the Cable Communications Policy Act of 1984 (Public Law 98-549) and its effect on the rates charged for cable service by cable systems. Such study shall include an evaluation of—

(1) the extent to which franchising authorities have sufficient authority or alternatives to protect consumers from significant rate increases for cable service initiated by cable operators; and

(2) the extent to which rate increases for cable service since the enactment of such Act reflect actual increases in costs for cable operators or result in increase in profits for such operators.

SEC. 2. REPORT REQUIRED.

The Federal Communication Commission shall submit to each House of the Congress a report on the results of the study required by section 1 not later than six months after the date of enactment of this Act. Such report shall include an analysis of the items required to be studied by paragraphs (1) and (2) of each section.

SEC. 3. DEFINITIONS.

The terms used in this Act have the same meanings given such terms by section 602 of the Communications Act of 1934.

NATIONAL RURAL HEALTH AWARENESS WEEK, MAY 15-21, 1988

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. GUNDERSON. Mr. Speaker, today I rise to join many of my colleagues in support of "National Rural Health Awareness Week." I commend my good friend and neighbor, Mr. TOM TAUKE, for introducing House Joint Resolution 461 recognizing the significant contribution that our rural health care system provides our local communities.

Western Wisconsin, like the rural areas many of the members of this body represent, is not isolated from the rest of the world. Federal policy decisions made in Washington in the areas of agriculture, education, health care, housing, and transportation affect the lives of our rural constituents, and, unfortunately in some instances, negatively. However, there is growing concern over perceived problems with Federal funding formulas regarding an urban versus rural bias.

There are a number of recognizable factors that together create financial and service challenges in the delivery of rural health care. These factors include, but are not limited to, changing demographics, a weakened rural economy, and declining hospital occupancy.

Demographics clearly indicate that the rising number of older individuals is changing the face of our rural communities. Since 1970, rural America has experienced a 27 percent growth in its number of individuals over the age of 65. Rural hospitals have a lower patient volume, thus it is more difficult to offset losses from Medicare revenues. Larger nonrural hospitals, in general, have a more diverse volume of patients and therefore can better absorb losses incurred under the Medicare Prospective Payment System [PPS].

A weakened rural economy is another factor affecting rural health care. It is not surprising that in many instances, a rural hospital is the primary community employer—the economic backbone of our small towns. With limited opportunities available to young people in rural communities, there is an out-migration to urban areas. This out-migration of younger people is significant to the operation of a rural hospital, since it increases the proportion of low-income, older individuals. With nearly 50 percent of rural hospitals supported by the local tax-base, a weakened rural economy unfortunately limits a rural community's ability to maintain and keep the hospital's doors open.

Over the past 10 years there has been a notable decline in hospital occupancy. This decline is national in scope and affects hospitals of all sizes, however, it is more visible in smaller, rural hospital facilities. Declining or fluctuating occupancy rates in small, rural hospitals make it difficult to cover day-to-day fixed costs, to maintain funding reserves or make capital improvements. Also affected is the maintenance, morale, and recruitment of health care professionals serving in these facilities. This ultimately impacts on the availability and quality of care in small, rural hospitals which, again, primarily serve older individuals.

The Robert Wood Johnson Foundation Special Report Number Two/1987 observes that over the past 15 years there have been substantial changes affecting the access and delivery of health care. To go one step further, the 1980's have served as an important turning point in our Nation's health care system. Advances in medical research and technology, coupled with the enactment of the Medicare Prospective Payment System [PPS], have clearly redirected the focus of health care services and access to such services. These advances in the health care field have affected clinics, hospitals, physicians, and recipients, most notably those who are older and rely on Medicare for assistance. Few issues are more important or of utmost concern to Americans than access to affordable and quality health care services.

In 1965, Congress realized the need of accessible and affordable health care, and this idea was the cornerstone of the Medicare and Medicaid Programs. The intent of the Medicare Program is to provide medical services to older individuals for a small deductible for hospitalization. Over the past 23 years, the Medicare Program has experienced a number of alterations over the years, bringing us now to our current PPS system.

As well intended as the Medicare PPS is, there are some very clearcut inequities, which translate into financial burdens to rural hospitals and potentially affect the care provided to older individuals. Data provided by the Rural Wisconsin Hospital Cooperative indicates that Medicare payments to urban Wisconsin hospitals for the same Medicare Diagnosis Related Groups [DRG's] are 30 to 40 percent more than to rural Wisconsin hospitals.

Being on the rural side of a metropolitan statistical area [MSA] county line costs most rural communities thousands of dollars annually. For example, in Wisconsin's Third District there is a hospital classified as urban. Thirty-four miles down the road there is a rural hospital. With all conditions being equal, if an older individual was admitted to the urban facility as a stroke patient in 1987, the facility would be reimbursed by Medicare $4,081. If this individual is admitted to the rural facility the Medicare DRG reimbursement rate would be $2,860. This represents a 42.6 percent differential in Medicare reimbursement for identical services. Add to this the fact that in Wisconsin nearly two-thirds of rural hospital patients are Medicare beneficiaries, compared to roughly one-third for urban hospitals. Clearly, this complex situation must be addressed in order to provide necessary health care services to older individuals residing in our rural communities.

If the aberrations in the Medicare reimbursement formula are not altered in the future, our competitive health care environment will continue to slowly close the doors of many needed rural hospitals. Rural communities, such as those in the district I serve, that are experiencing agricultural losses, cannot afford the loss of a major community service provider. Above and beyond the immediate impact of health care access, the loss of rural health care facilities will have a direct and indirect impact on the rural economy. In my home State of Wisconsin, it is estimated that it would cost approximately $48 million in direct payments to hospitals and $1 billion annually in economic activity.

Serving western Wisconsin, a district that is 60 percent rural, I believe it is important that we work together to strengthen the ability of our rural health care system to provide quality health care, and promote equity in the distribution of Medicare funds to maintain the viability of the nearly 2,700 rural hospitals across the United States.

As a member of the House Rural Health Care Coalition, and cosponsor of the House Joint Resolution 461, I believe this resolution sheds important light on the challenges facing our rural health care providers and professionals.

Today, we must look beyond Medicare and institutionalization as the sole response to address the health care concerns and needs of rural Americans, young and old alike. Increasing the availability of preventive services may be one of our most compassionate and cost-effective cures. Alternatives—such as adult day care, home care, hospice and respite care, which help individuals remain in their community—must be made available and effective in rural communities and large urban centers.

Mr. Speaker, I commend the work our rural health care system, the dedicated and talented men and women who serve to assist and provide care for the millions of rural residents across the country. This spirit of caring is important to keep in mind as we work to improve our Federal health care programs to make them compatible with the lifestyle of rural Americans and their urban counterpart.

NUCLEAR DECOMMISSIONING RESERVE FUND ACT OF 1988 REDUCES UTILITY RATES AND PROVIDES AN ADDITIONAL MARKET FOR U.S. TREASURY OBLIGATIONS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation which will have the dual benefit of lowering electric utility rates for consumers while increasing tax revenues from existing qualified nuclear decommissioning reserve funds. The Nuclear Decommissioning Reserve Fund Act of 1988 will achieve these results by lowering the applicable tax rate on the income of such funds and removing the current investment restrictions on such funds.

Generally, owners of nuclear powerplants must decommission, or close down and dismantle, such plants at the end of their useful lives. Decommissioning involves major expenditures because of residual radiation and generally will occur many years after a plant first becomes operable. A utility company which owns a nuclear powerplant usually collects a portion of the estimated future cost of decommissioning the plant each year from customers as a cost of service.

Section 468A of the Internal Revenue Code of 1986 allows a utility to deduct contributions to a qualified nuclear decommissioning reserve fund, subject to certain limitations. A qualified nuclear decommissioning reserve fund is a segregated fund to be used exclusively for the payment of nuclear decommissioning costs and other related expenses.

The qualified fund constitutes a separate taxable entity and is subject to tax at the maximum corporate income tax rate—currently 34 percent. The assets of a qualified nuclear decommissioning reserve fund, like those of a tax-exempt black lung disability trust fund, may be invested only in Federal, State, or local government obligations or certain bank or credit union deposits.

Although establishment of a qualified fund for decommissioning carries certain tax advantages for utilities,. the current restrictions so limit the investment alternatives as to make an election under Code section 468A of limited value. Utilities which establish such a fund generally limit their investments to tax-exempt securities due to the fact that the maximum corporate income tax rate is applied to taxable income of the fund. As a result, the U.S. Treasury is denied significant tax revenue from the qualified funds. The current investment limitations, although well-suited to a tax-exempt black lung trust, are inappropriate when applied to a taxable entity such as a qualified nuclear decommissioning reserve fund.

The Nuclear Decommissioning Reserve Fund Act of 1988 would correct these problems, and make establishment of a qualified nuclear decommissioning reserve fund more attractive, by lowering the tax rate on income of such a fund from 34 to 15 percent and eliminating the current restrictions on fund investments. These modifications would encourage utility companies with qualified funds to invest in taxable securities such as U.S. Treasury obligations rather than tax-exempt securities. This revised investment program would benefit utility customers and increase tax revenues from existing qualified funds.

This legislation would reduce the annual amount of decommissioning costs charged to customers. If the tax rate were lowered to 15 percent and the current investment restrictions were eliminated, the annual decommissioning collections in calendar years 1989 to 2004 from customers of utilities which already have established qualified funds would drop to approximately $394 million—from approximately $425.8 million under current law—saving nearly $32 million annually and directly benefiting customers by lowering the electricity rates they otherwise would be charged.

Furthermore, if the income tax rate were decreased to 15 percent and the current investment limitations were removed, it is estimated that total tax revenues from existing qualified funds would escalate to nearly $43 million for calendar years 1988 through 1990. This represents an estimated increase of more than $31 million in Federal tax revenue from existing qualified funds over current law.

The Nuclear Decommissioning Reserve Fund Act of 1988 represents an opportunity to create a substantial market for U.S. Treasury obligations and increase tax revenue from existing qualified funds. In addition, the bill would benefit customers through lower utility rates. I am hopeful that my colleagues, recognizing the merits of this legislation, will support this bill.

NUCLEAR DECOMMISSIONING RESERVE FUND ACT OF 1988

To amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Decommissioning Reserve Fund Act of 1988."

SEC. 2. NUCLEAR DECOMMISSIONING RESERVE FUND.

Section 468A(e) of the Internal Revenue Code of 1986 is amended as follows:

a. Paragraph (2)(A) is amended by deleting "equal to the highest rate of tax specified in section 11(b)" and inserting in lieu thereof "of 15 percent", and

b. Paragraph (4) is amended by adding "and" at the end of subparagraph (A), by deleting "and" and inserting in lieu thereof a period at the end of subparagraph (B), and by deleting subparagraph (C).

SECTION 3. EFFECTIVE DATE.

The amendments to Code section 468A which are made by this bill shall be effective with respect to taxable years beginning after December 31, 1987.

WORLD POPULATION AWARENESS WEEK 1988

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. HOYER. Mr. Speaker, since this time yesterday, the world's population has increased by almost 250,000 people. More than 90 percent of these babies were born in the poorest, most destitute countries of the Third World.

The rapidly escalating population of the Third World is a particularly troubling development, one that has enormous ramifications for economic development and political stability. There are a number of serious problems associated with the explosive growth in population, including the depletion of scarce natural resources, the spread of disease, the horrors of malnutrition and hunger, severely inequitable distribution of income and wealth, and civil disturbances and strife.

During the week of April 17-23, 1988, we marked the third annual "World Population Awareness Week." I am especially proud that the citizens of Maryland, my home State, played a central role in helping to promote a better understanding of the implications for all of us of the skyrocketing growth in population.

One of the most important points made during the course of the week was the ever-widening gulf between affluent and impoverished nations. Probably more than any other single factor, it is population growth that separates poorer lands from wealthier countries.

It is useful to make a simple comparison to illustrate this point. Consider the State of Maryland and the country of Haiti, which are roughly the same size in land area. But, Maryland faces a rosy economic future; the same cannot be said for Haiti. That island nation cannot long sustain its population growth if there is to be any real hope of reversing a bleak economic future.

In contrasting Maryland and Haiti, there is an obvious difference in terms of standards of living. Many realize that Haiti is the poorest country in the Western Hemisphere and one of the poorest countries in the world. Many do not realize that Haiti's problems are worsening, and one of the major differences between Maryland and Haiti is widening.

Maryland's population has remained relatively stable, at about 4½ million people. In this circumstance, the benefits of economic growth will tend to improve life for everyone. In Haiti, on the other hand, where the population of 6.2 million grows at a swift 2.3 percent per year, the population growth far outpaces any modest economic gains. The result is not surprising: As the population swells, everyone is essentially a little poorer. In a country already gripped by such depression and destitution this is frightening to contemplate.

At its current rate of growth, Maryland's population would not double in size for another 100 years. Haiti's population will double every 30 years.

Mr. Speaker, as Americans, we are fortunate to be able to enjoy the benefits of a large and wealthy nation, one favored with an abundance of natural resources; with a remarkably productive and efficient agricultural base; and the world's most creative and innovative medical, scientific, and technological research communities. As a people, Americans tend to be generous and compassionate, and we have realized and acted on our responsibilities to those countries that are not so fortunate and not so well-endowed with natural and human resources.

For the most part, our population growth, particularly in the years since the Second World War, has been tempered and incremental. We have not witnessed the booming, burgeoning, uncontrolled population growth of the poorest countries of the Third World. It is clear that failure to slow this pace and to meet the needs of the populations of these countries will have profound consequences for us all in the years ahead.

Mr. Speaker, many Marylanders and other Americans who took part in the activities during "World Population Awareness Week" have demonstrated a commitment to learning more about the effects of rapid population growth and the possibility of an American contribution toward solving this problem. I congratulate them for their concern and interest in helping. In addition, I would like to acknowledge the important contribution made by the Population Institute in focusing our attention on population growth. I also ask that the proclamation issued by William Donald Schaefer, the Governor of Maryland, be printed in the RECORD.

The proclamation follows:

WORLD POPULATION AWARENESS WEEK

Whereas, The world's population has reached five billion people and is growing at the unprecedented rate of 87 million a year; and

Whereas, Rapid population growth causes or intensifies a wide range of grave problems in the developing world including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, It is estimated that 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths which occur each year in developing countries could be prevented if voluntary child spacing and maternal health programs could be substantially expanded; and

Whereas, It is also estimated that some 500 million people in the developing world desire family planning but do not have access or means to such services, and the United States has been the leading advocate of the human right of couples determining the size and spacing of their families.

Now, therefore, I, William Donald Schaefer, Governor of the State of Maryland, do hereby proclaim April 17-23, 1988 as World Population Awareness Week in Maryland, and do commend this observance to all of our citizens.

A THOUGHTFUL, PRAGMATIC EDITORIAL ON THE DRUG SITUATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. STARK. Mr. Speaker, the adage "politics makes strange bedfellows" is a common cliche, an almost overused expression. But, surprisingly, it's most appropriate when applied to the recent surge in calls for congressional debates or hearings on the merits of decriminalization of narcotics.

Proponents come from all sides of the ideological aisle, conservatives and liberals alike. The primary common characteristic, however, is having the courage and willingness to state the obvious: We are losing the current war on drugs and we ought to be willing to say that the emperor has no clothes. The time to talk about alternative solutions to this dilemma has arrived.

One of the leading conservative intellectuals on this subject is the writer and author William F. Buckley. I once said that I'd have to eat my hat if I ever agreed with Buckley on anything, so please pass the Stetson.

His article of May 18, 1988, was a commonsensical, pragmatic discussion of the current drug policy situation. It's appropriate to include it in the RECORD for all to read, contemplate, and discuss.

[From the Washington Post, May 19, 1988]

DRUG FEVER

(By William F. Buckley, Jr.)

In order to cool the fever of the House, the Senate came out with a resolution authorizing (and, in effect, urging) the Pentagon to become a drug containment force. The House, meanwhile, had logged its enthusiasm for using the military—and in language so inspiriting as to give the impression that every member of the House was going to sign up in the Foreign Legion to move against drug traffickers.

Meanwhile on the Miami front, Zero Toleration was at work. Zero Toleration is the expressive term used by the Drug Enforcement Agency to suggest the seriousness of its approach to illegal drugs. Last week a $2.5 million pleasure craft was stopped and searched. After much huffing and puffing, the search party came up with a 10th of an ounce of marijuana. Zap! the guillotine of Zero Toleration dropped, the vessel was taken, and the confiscation of an absentee owner's $2.5 million property was about to happen . . . At that point, somebody—the head of DEA? The chief of staff? Ronald Reagan? Ms. Quigley?—intervened and said maybe Zero Toleration should be understood at least as one part metaphor. Otherwise, all we'd need to do if we wanted to acquire the Queen Elizabeth II is to find one half-leaf of pot on it next time it berths in New York.

Susan Rasky of The New York Times reminds us that a year ago, when it was grandly ordered by the House that the president deploy enough military equipment and personnel to halt within 30 days the penetration of our borders by aircraft or vessels carrying narcotics, Sen. Sam Nunn gave a little speech, serving the inflamed situation as King Canute did when he placed himself on a chair on the beach and ordered the tides to stop. Nunn said that in order to attempt to effect such an end, we would need to recall our entire Navy from wherever it was at sea and to begin immediately constructing 58 more AWACS—and even then we would have no guarantee of success. The Senate tabled the motion, but this year felt it had to get into the act because of political pressures.

It was New York Mayor Ed Koch who first used the metaphor, under the umbrella of which the use of the military appears plausible. What he said was that we are "at war" with those countries that permit the production of drugs that poison American citizens. Well, if we are at war with, say, Colombia, Peru and Paraguay, we have the right to stop their ships or their airplanes and to search, and even to destroy, those ships and planes. That is the one liberating thing about war; scruples are no longer relevant.

But the bellicose metaphor doesn't relieve us of practical problems. One such was stated over the weekend by a commentator who said, "We will wait for the first time an American dentist flying his little plane back from a weekend's fishing in Key West is shot down by the Air Force." That will reintroduce us to reality. And that reality is that there is no way of stopping the importtion of drugs. All we can do is persuade people that we are doing everything that can be done to prevent their importation. Nobody doubts that any semiresourceful person during Prohibition could get himself a quart of whiskey. Insert into the space occupied by 32 ounces of whiskey the stuff that crack is made of and you can make a minor metropolis high. The cash value of those 32 ounces of cocaine is about $100,000.

The scale of the problem is simply too large. Susan Rasky quotes a poll that informs us that an estimated 90 million Americans of voting age have experimented with drugs. That is a dismaying figure, the only bright side of which is that the same poll indicates that 94 percent of those who have done so are against their children's doing so. But given a clientele of that size, what do we really expect our Navy and our Air Force and our infantry to do about it?

And the most frightening aspect of it all is that any success by the military would be measured in an increase in the price of drugs, not their disappearance. An increase in their price means very simply an increase in crime. Addicts willing to rob or kill to sustain a $50-a-day habit have no moral problem in facing the burden of robbing or killing to sustain a $1,000-a-day habit.

A fresh thought, however forlorn. Antabuse makes someone sick who goes on to take alcohol. Might science come up with an equivalent for drugs?

Then all we would need is to train our Marines to give injections to 90 million Americans.

SOVIET COMMUNIZATION OF LATIN AMERICA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. FIELDS. Mr. Speaker, I am deeply concerned over the scope of the Soviet effort to take over Latin America through education. In 1984, the National Bipartisan Commission on Central America headed by former Secretary of State Henry Kissinger recommended providing 10,000 scholarships in Central America to counter the Soviets who by 1983 had already awarded 7,590 scholarships for study in the Soviet Union, Cuba, and other countries.

The State Department has documented the situation in its 1987 report on Soviet Influence Activities. After reading the following material, I am sure that my colleagues will agree that the American people should be aware that many of Central America's future leaders are receiving Marxist indoctrination.

CHAPTER VIII—SOVIET RELATIONS IN LATIN AMERICA

This chapter is divided into two sections. The first is a report on the results of a conference on Soviet activities in Latin America. The conference, sponsored by the Department of State on May 7, 1987, brought together nine scholars to discuss the entire range of the U.S.S.R.'s interaction in the region. The report provides a useful context for the second section, a discussion of Soviet cultural and information activities in Latin America. The second section was not a product of the conference.

Neither section focuses on propaganda or active measures, but rather on legitimate international relations. This chapter is included in this report to describe—using the example of one region, Latin America—the backdrop of diplomatic, economic, and cultural activities against which Soviet influence activities take place. The interaction between these legitimate international relations and the deception activities that constitute active measures may be subtle. For example a student scholarship program for study in the Soviet bloc is in the first, legitimate category. If that program is then used to prepare agents of inflence, for example, it encroaches on the realm of active measures. Likwise, international radio broadcasting is an acceptable means of disseminating information and propaganda; its use to spread disinformation, however, ties it to active measures.

The views expressed in the first section of this chapter are those of the conference participants and do not necessarily reflect Department of State positions or policies. The conference participants were: Cole Blasier, University of Pittsburg; Juan del Aguila, Emory University; Robert Evanson, University of Missouri, Kansas City; David Jordan, University of Virginia; Bruce McColm, Freedom House; Eusebio Mujal-Leon, Georgetown University; William Richardson, Wichita State University; Jiri Valenta, University of Miami; and Robert Wesson, The Hoover Institution at Stanford University.

SECTION I: DIPLOMATIC AND ECONOMIC INTERACTIONS

In the past two decades the Soviet Union has increased its diplomatic, economic, cultural, and political activities in Latin America. Although the area remains a low-level priority for Moscow vis-a-vis the rest of the Third World, Latin America is viewed as an arena for competition with the U.S. Soviet interest in Latin America is due primarily to the region's political and strategic importance to the U.S. The priority of Latin America on the Soviet agenda may change; during late 1986-early 1987, rumors have circulated of a Latin American visit this year or next by General Secretary Gorbachev.

The Soviets follow two approaches to political relations with Latin America: state-to-state, involving the pursuit of "normal" diplomatic and economic ties with non-Marxist governments; and party-to-party, aimed at developing ties with the region's communist regimes, parties, and leftist groups. In 1960, the U.S.S.R. had diplomatic relations with only five countries in the region. Today, it has relations with 16 Latin American and Caribbean countries and engages in some economic activity with nearly all countries in the region. Communist party relations have been strongest with Marxist Cuba and Nicaragua where Soviet influence has been most significant.

The Soviets have expanded trade relations in Latin America partly by taking advantage of U.S. barriers to certain imports. U.S. quotas are one reason for recent increased Soviet purchases of sugar from Guyana and Caribbean countries. The U.S.S.R. now buys from Nicaragua bananas and other products no longer salable in the United States. Argentine President Alfonsin has said that unless the West opens its doors to increased exports, his country will be forced to trade more with the socialist bloc.

Trade relations have served to expand Soviet presence in Latin America, but have been costly to the U.S.S.R. The Soviets imported approximately three times what they have exported to the region.

As it has in the Middle East and Africa, the U.S.S.R. has sought to extend influence through the supply of weapons and military advisers. To date, military relations have been established only with Cuba, Nicaragua, and Peru. Most military assistance to Cuba and Nicaragua is given on a grant basis. Cuba has received $9 billion in assistance since 1960. Soviet sales and assistance to Peru since 1973 are valued at about $1.5 billion. Peru is currently deeply in debt to the U.S.S.R.

The foundation of Soviet cultural relations with Latin America is exchange visits and scholarships for study in the U.S.S.R. The number of scholarships offered to Central Americans to pursue post-secondary degree programs increased sixfold from 1979 to 1983. Corresponding figures for scholarships provided by the U.S. Government to Latin Americans remained relatively low and constant for the same time period.

Despite its multifaceted presence in Latin America, the U.S.S.R.'s success in expanding influence has been limited. U.S. influence remains strong and widespread. Recently both U.S. and Soviet interests have been served by the return in many Latin American countries to constitutional government and civilian rule.

SOVIET VIEWS OF LATIN AMERICA

Throughout the 19th century, Russian scientists and travelers visited many Latin American countries. By the 1890s the Russian Empire had established official and economic relations with Mexico, Brazil, Argentina, and Uruguay. After the Bolshevik revolution, Soviet diplomats, trade representatives, and political advisers were sent to Latin America to extend those earlier relations, establish a Soviet presence, and set up local communist parties.

Soviet attention to and relations with Latin America have fluctuated among countries and over time. The Mexican Communist Party was founded in 1919, and in 1924 Mexico became the first country in the Western Hemisphere to exchange ambassadors with the U.S.S.R. Disagreements between the two countries in the Comintern, however, led to a break in relations in 1930, a major setback for the Soviets with the Latin American country they knew the best at that time. It was not until the German attack on the U.S.S.R. in 1941 and the subsequent anti-fascist military alliance of World War II that relations with Mexico and several other Latin American countries were restored. In the postwar period, the Cold War strained many of the newly established diplomatic relationships. However, Mexico, Uruguay, and Argentina maintained relations with the U.S.S.R.

During the 1950s and 1960s, Latin American studies began to be emphasized in the U.S.S.R. In 1961, after Castro's success in Cuba, Soviet interest was whetted, and the Soviet Academy of Sciences established an Institute on Latin America to train scholars and to provide guidance to policymakers.

In the 1960s and 1970s, the Soviets concentrated on diplomatic, commercial, and cultural contacts. They encouraged exchange visits ranging from ballet troupes to government officials, set up Soviet reading rooms, and offered scholarships. The Soviet leadership scaled back support for revolutionary activities in countries where conditions did not appear favorable for radical change. Attention was directed instead to improving relations with such "progressive" forces as Allende's Popular Unity government in Chile.

More recently, the Soviets have been encouraged by the success of revolutionary forces in Nicaragua and the ability of the "united fronts" to bring together in political coalitions communist and noncommunist radicals in countries as different as El Salvador, Peru, and Uruguay. The Soviet Union probably perceives a weakening of the inter-American security system caused by: a decline of U.S. influence in the region; the Falklands/Malvinas War; a stronger sense of Latin American nationalism; and the emergence of such regional powers as Argentina, Brazil, and Mexico. The Soviets interpret these events as a shift in the correlation of forces in their favor.

Soviet approaches to the region have been evolving over the past two decades. Although they have viewed most of Latin America as not ripe for revolutionary change, the Soviets have tried to take advantage of opportunities as they have arisen. In addition to state-to-state relationships based on diplomatic, economic, and cultural ties, the U.S.S.R. has pursued party-to-party relations. Although the U.S.S.R. will readily exploit such conditions as those that led to leftist Sandinista rule in Nicaragua, the Soviets' relations with the "new democracies" suggest they recognize there is much to gain from official state-to-state relations.

CULTURAL RELATIONS

The U.S.S.R. has offered thousands of scholarships and other forms of assistance to Latin American students and professionals, primarily in the scientific and technical fields. The total number of students in the U.S.S.R. from Latin America and the Caribbean more than doubled between 1979 and 1985, from 2,900 to 7,600. Many others study in East European countries (3,000 in 1983) and in Cuba (6,400 in 1984).

The Soviet Union also has sought to extend influence through interactions with the media, relying on official Soviet agencies (TASS and Novosti) as well as Cuban (Prensa Latina). In March 1987, an agreement was signed between the U.S.S.R. State Committee for Television and Radio Broadcasting and the private Argentine television company Channel 9. The Soviets are to send to Argentina feature programs which will be broadcast throughout the country and distributed to 20 countries in Latin America. A tentative agreement was also made between the U.S.S.R. and the state company Argentina Televisora Color to exchange feature, news, and musical programs, especially to highlight the Soviet national holiday of November 7 and the Argentine national holiday of May 25. Both Argentine companies expressed interest in receiving satellite broadcasts of the "Vremya" news program.

SECTION II: SOVIET CULTURAL AND INFORMATION ACTIVITIES

The Soviet Union seeks to expand its influence, particularly in the Third World, through cultural and information (C&I) activities. Such activities include sponsoring performing arts and sports presentations, providing scholarship programs for study in the U.S.S.R., distributing inexpensive books, and providing media programming. In recent years, Soviet C&I activities have increased in Latin America.

Radio Moscow broadcasts exclusively to Latin America 103 hours per week in six languages. TASS provides information to local news media organizations in about a dozen Latin American countries. At the same time the Soviets are making long-term investments in the region by offering scholarships to Latin American youth to study in the U.S.S.R.

Cultural presentations are one of the most successful C&I programs. In 1985, the U.S.S.R. sent world-class musicians and dancers to perform in Argentina, Brazil, Colombia, the Dominican Republic, Ecuador, Mexico, and Panama. The Soviets also have made efforts to establish and expand cultural centers and libraries, for example in Argentina and Uruguay.

It is no surprise that the Soviets have been the most successful in influencing countries already favorably disposed to the U.S.S.R. and activists of the political left. Another audience with which the Soviets have made significant progress is young people and students.

KEY TARGETS AND SURROGATES

The Soviets often have relied on Cuba as a surrogate to disseminate propaganda and disinformation. This not only allows the Soviets a lower profile but also exploits the cultural affinity of other Latin states with Cuba. Primary targets have been: Nicaragua, Argentina, Brazil, Colombia, and Mexico.

In Nicaragua, for example, Cuban teachers, musicians, poets, writers, and journalists make frequent visits. East European press agencies provide articles to the local press. Perhaps most important of all in terms of long-term investment, however, is the fact that in 1985 more than 2,500 Nicaraguan students were awarded scholarships to study in the Soviet bloc.

In Mexico, Cuba places articles in Marxist-oriented newspapers and circulates pro-Soviet newspapers and books. Cuban, Nicaraguan, and East German wire services also provide material to the Mexican media. Further C&I activities include programs sponsored by Mexican-Cuban friendship societies, cultural presentations, and educational exchange programs.

Aside from the primary targets, Cuba has helped to advance Soviet foreign policy in Barbados, Ecuador, Guatemala, Panama, Bolivia, Colombia, Peru, and Venezuela. Cuba provides news services through local bureaus of Prensa Latina, publishes magazines in several languages, and reaches an even larger audience through radio broadcasts on Radio Havana and Radio Venceremos.

Nicaragua, in addition to being a target of Soviet-Cuban efforts, has occasionally itself acted as a surrogate. Nicaraguan television often airs Cuban programs, and the Cuban Prensa Latina consistently provides material to the Nicaraguan News Agency (ANN). In Honduras, the Nicaraguan Embassy has provided TASS articles and pro-Soviet material to leftist groups and the local press. In the Dominican Republic, Nicaragua has cooperated with the local communist party to advance Soviet policy. The number of students participating in an exchange program between Nicaragua and the State University of Guadalajara in Mexico increased significantly in 1985.

SOVIET EDUCATION PROGRAMS

One of the most successful and important C&I efforts is the extensive educational "exchange" program offering an opportunity to study in the U.S.S.R. at the undergraduate and graduate levels. The largest numbers of students participating in the program in 1985 came from Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, Nicaragua, Panama, and Peru. These scholarships usually are subsidized entirely by the U.S.S.R. at a high cost. Technically, they do not constitute a true exchange program, as Soviets do not study in Latin American countries.

The Soviets also have established an exchange program for professors. Soviet professors have taught in Colombia, Ecuador, Mexico, Nicaragua, and Venezuela. Latin American professors, especially from Mexico and Nicaragua, have traveled to the U.S.S.R.—mostly to study and do research, seldom to teach.

Research conducted on the views of Panamanians who studied abroad have demonstrated that the majority were favorably impressed by their host countries. When questioned about views on U.S. foreign policies, the bloc returnees were more critical than those who studied in the United States and those who remained in Panama were more supportive of U.S. positions.

On questions concerning the role of Cuba in Central America, more than two-thirds of returnees from the United States and three-quarters of those locally educated saw Cuba as a threat to the stability and peace of other countries. Half of the bloc returnees agreed with this position. One-fifth of bloc returnees saw Cuba as a positive influence in the region, but very few of U.S. returnees and those educated in Panama agreed. When questioned about Soviet surrogates in the region, substantial majorities of U.S. returnees and locally educated students identified Cuba and Nicaragua as surrogates. For returning bloc students, approximately half saw, Nicaragua as dominated by the U.S.S.R.

Two-thirds of those who studied in the Soviet bloc received scholarships, while only one-third of those who studied in the U.S. received assistance. Three in ten of the bloc-educated students identified a scholarship as a factor in studying abroad; very few of those who studied in the United States mentioned financial assistance. In addition, those who studied in the bloc tended to stay for longer periods of time—the majority stay at least five years—while most U.S. returnees stayed four years or less. Also, students in the Soviet bloc were more likely to receive language training upon arrival in the host country than were those who were educated in the United States.

MINIMUM WAGE, MAXIMUM COVERUP

HON. FRED GRANDY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. GRANDY. Mr. Speaker, I want to use this opportunity to call to the attention of the House an editorial that appeared in the Wall Street Journal earlier this month, entitled "Minimum Wage, Maximum Coverup." I am sure we all know what the editorialist was referring to: The laundered CBO report on the minimum wage.

I am sure we all agree that the debate on the minimum wage is one of the most important debates facing the 100th Congress. As policymakers, I believe we should be operating within the bounds of free speech. I would certainly hope the House would not act in a manner which would eliminate freedom of speech or information at the same time we are witnessing the glasnost of the Soviet Union under Mr. Gorbachev.

Unfortunately, it appears freedom of information and expression of free speech may not be well respected here in Washington. The CBO report on the minimum wage was first released on March 25. It contained information regarding the effect the minimum wage bill would have on the economy. The report noted that up to 500,000 jobs could be lost if H.R. 1834 were enacted. It predicted a 0.2 to 0.3 percentage point increase in inflation.

More importantly, it indicated that of those 250,000 to 500,000 Americans who would lose their jobs, many of them would be in the low-income and/or teenage workforce.

Whether or not we agree with the legislation, whether or not we agree with the CBO report—either one of them—I hope we all agree that the CBO should continue to serve the Congress without bias. The people at CBO should be allowed to carry out their research in a professional manner rather than being treated like children whose opinions are sometimes naive and inopportune.

I am asking my colleagues to support the amendment that I am offering along with my friend from North Carolina, Mr. BALLENGER, which would prevent CBO funds from being used to change or delete provisions of CBO reports. It would give CBO the freedom it needs to carry out necessary research on behalf of the Congress.

SUPPLEMENTAL LOANS TO STUDENTS

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. COLEMAN of Missouri. Mr. Speaker, Supplemental Loans to Students [SLS] provides up to $4,000 per year to independent, graduate, and professional students. Students pay a market rate of interest, capped at 12 percent, and begin repayment within 60 days. Borrowers may defer repayment while attending school, but interest is capitalized during this period. There is no need test for these supplemental loans; rather, the intent of Congress was that these loans complement other Federal student assistance.

The SLS Program has grown explosively during the current fiscal year. The Department of Education projects a $1.8 billion loan volume for the SLS Program this fiscal year, compared with $200 million in fiscal year 1986 and approximately $500 million in fiscal year 1987. In the first quarter of fiscal year 1988, alone, the SLS loan volume of $515 million exceeds the loan volume of the entire preceding fiscal year.

A rather recent development has been that students are taking out SLS loans rather than apply for Pell grants or even guaranteed student loans, which carry a lower interest rate and are fully subsidized by the Government while the borrower attends school. SLS's are attractive to the school because of a more simplified application process. Because both Pell's and GSL's require a determination of need, the application process for grants and Federal, low-interest loans is more complex and lengthy. SLS's are additionally attractive because first- or second-year students can borrow up to $4,000, compared to the annual maximum of $2,625 in the GSL Program. Finally, SLS's are paid to the student in a single, lump sum, while GSL's are multiply dispersed in several payments during the academic or training program.

Both for students and for the integrity of the Federal loan program, the explosive growth in SLS's as the primary source of aid is a potential disaster. My concern is that "front-ending" financial assistance with SLS's will increase both the number of defaulters and the amount of dollars in default. Providing as much as $4,000 in a single payment, early in the educational program will do nothing to discourage early dropouts, which account for a great proportion of defaulters in the GSL Program.

Furthermore, borrowers, even those who continue in their educational programs, will have a greater propensity to default on supplemental loans due to the unfavorable repayment schedule and potentially unmanageable debt burden.

To avoid significant growth in the cost of defaults, I am introducing legislation which would require that a borrower apply for both a Pell grant and a guaranteed student loan before applying for an SLS. Connecting SLS loans with other need-based financial assistance programs will remove any incentive to "front-end" financial aid with supplemental loans. Additionally, this legislation reduces the SLS eligibility by the amount of the GSL eligibility and requires multiple disbursements of funds, removing any possibility of a borrower's receiving a single, large payment in the SLS Program. Multiple disbursements will also discourage students, who borrow substantial amounts of SLS loans with the intention of then subsequently dropping out of the academic or training program. Finally, SLS funds borrowed by the student will be disbursed to the institution, in line with GSL disbursements.

Because of the high volume of supplemental loans in the fourth quarter of the fiscal year, July through September, this legislation must be enacted prior to July 1, 1988, if we are to realize substantial reductions in potential defaults.

PERSONAL EXPLANATION

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. SWINDALL. Mr. Speaker, because a number of articles have appeared in some newspapers in Georgia regarding one of my former legislative aides' involvement in a townhouse in the District of Columbia which I owned and in which he lived in for approximately 6 weeks during January and February 1985, I offer the following statement for the RECORD.

After my election to Congress more than 3½ years ago, I began the process of hiring my congressional staff. One of the individuals whom I hired was Sinclair Hollberg, who had worked on issue research during my 1984 campaign. Sinclair was hired as a legislative assistant to assist in answering congressional correspondance and to research legislative issues during congressional sessions.

In early December 1984, my wife and I found a townhouse which was located a block from my Washington office. We decided to purchase the house and, because it was more than 100 years old, to renovate it before moving in. Because Sinclair Hollberg had not yet found a suitable place in Washington to live, he agreed to live in our townhouse, rent free, in exchange for selecting a contractor to do restoration work and for overseeing the contractor's activities when I was absent from the District of Columbia.

Because my aide and I both knew at the time that my wife and I would be absent from Washington virtually all of January, except to attend the Presidential Inauguration and related ceremonies during the period of January 18-24, my aide volunteered to let the contractors doing the renovation in and out each day and to answer any questions they might have regarding the renovation. My aide was never required to help with the renovation or to live in my townhouse.

On the morning of January 3, 1985, the same day I was sworn into Congress, my wife and I purchased the townhouse. After the closing we went to the townhouse and reviewed the necessary renovation work with Sinclair and then proceeded directly to my Washington office where we greeted some 150 supporters who had flown to the District of Columbia on a charter flight in order to be present at my swearing in.

Immediately after my swearing-in, my wife and I accompanied our supporters on their return flight to Atlanta.

At 8 the following morning I checked my wife into Piedmont Hospital in Atlanta, GA and at 3 that afternoon our first child, Kelley Alice, was born.

On that same day, Friday, January 4, Sinclair Hollberg met with a general contracting firm in the District of Columbia to discuss the renovation of my townhouse. The contractor submitted a written contract which I accepted by telephone. The contractors began work the following January 7. A copy of that contract is available for inspection in my congressional office.

During the entire month of January 1985—with the exception of the swearing-in session on January 3—the House of Representatives was, for all intents and purposes, in recess. Consequently, there were no committee meetings or other legislative business conducted during that month. The purpose of the recess was to allow new Members and their staffs to move into their new offices and homes, to allow time for transition and to accommodate the Presidential Inauguration and related activities. After the January 3 swearing-in, the first vote in the House did not occur until February 7, 1985. Neither of the committees on which I served in 1985 even met until the week of February 6.

Following the birth of our child, my wife and I returned to Washington on Thursday, January 17, to attend and participate in the numerous Inaugural activities that spanned a period of 5 days. During the Inauguration we stayed at a hotel in the District of Columbia because our townhouse was still under renovation and because Sinclair was still living in it.

On Monday, January 28, I returned to Washington to prepare for the session which was to begin the following Monday, February 6. At that time I met with Sinclair and learned that he had spent more time overseeing the renovation then either of us had originally anticipated. During that meeting I learned that during the month of January he had divided his time between staff orientation meetings, answering congressional mail, moving his own personal belongings to the District of Columbia and overseeing the renovation of my townhouse. In order to accomplish all of these things, he had on several occasions worked in my congressional office into the wee hours of the morning.

Although the ethics manual for Members of Congress specifically states that "due to irregular time frames in which the Congress operates, it is unrealistic to impose conventional work hours and rules on empoyees," in order to avoid even the appearance of impropriety I decided that I should pay him for half of January out of my own pocket and half of January out of my congressional clerk hire account. Sinclair and I both felt that this fairly and accurately reflected the reality of what had actually occurred during January of 1985. If there was any error, it was in favor of the taxpayers.

Consistent with that decision on January 28, 1985, I instructed my congressional bookkeeper to notify the Clerk of the House to delay the date of Sinclair's placement on congressional payroll from January 3, 1985 to January 15, 1985. At the time of our decision on January 28, Sinclair had received no compensation whatsoever from either me personally or from the House of Representatives. The purpose of delaying his enrollment on the Federal payroll was to effect our decision to split his compensation in such a way as to reflect the reality of what had actually occurred rather than what we both had originally thought would occur.

Copies of the January 28, 1985 notification to the Clerk of the House requesting Sinclair's delay in enrollment as a Federal employee and copies of the checks I wrote Sinclair in payment of work performed on my townhouse during January 1985 are available for inspection in my congressional office. Additionally I offer Sinclair's Hollberg's sworn affadavit regarding this matter.

I trust this statement will clear up any misunderstandings left by a number of articles which ran in some newspapers in Georgia.

City of Washington
District of Columbia:

AFFIDAVIT OF B. SINCLAIR HOLLBERG

B. Sinclair Hollberg, being first duly sworn, deposes and says:

1. I am B. Sinclair Hollberg. From January 4, 1985, until December 19, 1985, I served as a legislative assistant in the Washington office of Congressman Pat Swindall. I am currently a member of the teaching staff and a candidate for a doctoral degree at the Catholic University of America. Before coming to Washington, D.C. in 1985, I had considerable experience in the renovation of residential properties, and in state and local government in my native state of Georgia.

2. There have been a variety of press reports discussing the fact that I assisted Congressman Swindall when he first came to Washington, D.C. by supervising the renovation on a townhouse which he and his wife, Kim, purchased for their family use during their stay in the city. Accordingly, I have decided that it is best to set forth in detail the facts of this matter, in the hopes of setting the record straight.

3. Congressman Swindall and I have been friends for many years. I supported him when he first ran for Congress in 1984, and worked on his campaign. When he was elected to the House of Representatives, he asked me to come to Washington and work on his staff as a legislative assistant. Congressman Swindall also told me that he and his wife had purchased a small historic house near his Congressional office.

4. When I first got to Washington on January 3, 1985, Congressman Swindall took me by his new house, and I made several suggestions for improvements, primarily designed to inexpensively improve its habitability and appearance (such as sanding the floors, new moldings, etc.). Knowing of my renovation experience, Congressman Swindall asked me if I would be willing to help his wife and him by overseeing the renovations. In addition, my own living arrangements had just fallen through, as the condominium which I planned to lease was being sold. Accordingly, I agreed to coordinate the renovation project, and in return live in the Swindall's house for a short period of time. The understanding that I had with Congressman Swindall was that the contractors would be the ones doing the physical work of the renovation, and that my responsibility would be to make sure that they put in the time for which they billed and that the work was done in an expeditious and competent manner, using the correct materials.

5. Both Congressman Swindall and I expected that the work would be completed prior to the Inauguration (or, roughly, in a two week period). I began legislative work in Congressman Swindall's office on January 4, 1985, with the understanding that I could continue to live in the house and would coordinate the finishing touches of the renovation work, as needed, as I began my new job as a legislative assistant. I thought it likely that some of the necessary supervision of the project might have to occur during daytime hours, but I did not believe

it would prevent me from discharging my legislative duties, especially as January is a month when new Congressmen settle into the city, organize their offices, etc., and their staffs do not yet have a heavy work load.

6. On January 4, I met with the Jaffe Decorating Company personnel to discuss the project, as Congressman Swindall had accepted their proposal and signed a contract with them for the work. In the subsequent days as work progressed, it was evident that the project would need to be expanded in order to be completed in satisfactory manner. As is often the case in the renovation of a historic property, the initial work revealed both unforseen problems in need of correction and unexpected opportunities to improve the house at minimal extra cost and in logical sequence.

For instance, because of the poor condition of the plaster in the house, the planned widening of the dining room door led to the demolition and re-sheetrocking of the entire wall. This led to further sheetrocking in the dining room, including an area which was ideal for air conditioning duct work. This instigated a decision to place a new heating and air conditioning system in the house, which necessitated other changes.

7. It soon became apparent that work would extend past the expected completion date. During the days in January that they spent in the city, Congressman Swindall and his wife stayed in a hotel. On returning to the city, in mid-February, they moved into the still unfinished house. At that time, I moved out of the house and stayed with a friend until I located a permanent local residence.

8. Congressman Swindall was concerned that I be properly paid for the time that I spent on the renovation. Accordingly, he paid me a total of $700 for that service (as well as allowing me to stay in the house free of charge from January 4th through mid-February). Furthermore, my salary from the House of Representatives did not commence until January 15, 1985.

9. During the period that I assisted in supervising the renovation project, my usual daily schedule (whether I was living in the house or elsewhere), included an early morning look at the construction (the workmen arrived around 7:00 a.m.). I, then, either went to the Congressional office, or to a working breakfast, by 8:00 a.m., and would then work in the office unless attending meetings of the Government Operation Committee staff, or performing other official functions on the Hill. I would, also, stop by the house to check on the work from time to time, as needed.

I am certain that the renovation project on Congressman Swindall's house took more time than either he or I originally anticipated. I am also certain, however, that I fully and adequately performed the functions of my position as legislative assistant in the office of a Member of Congress during this period. I did not have as much free time for myself as I would have liked, as a result of carrying both a full-time job and exercising the supervisory responsibilities for the renovation. However, both of these responsibilities were fully completed, as I put in considerable time in the office late at night and on weekends.

B. SINCLAIR HOLLBERG.

DR. JAMES N. PITTS, JR. HONORED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. LEWIS of California. Mr. Speaker, it is with great respect and pride that I rise today to recognize a long-time friend and colleague, Dr. James N. Pitts, Jr. Because he has announced his plans to retire, I am taking this opportunity to pay tribute to a truly remarkable and dedicated individual.

Dr. Pitts strongly believes in the importance of translating basic scientific research into regulatory and government policies designed to improve public health and welfare. In order to achieve this, he has contributed extensively his time and expertise to government agencies in both the executive and legislative branches, at the Federal, State, and local levels. He has also played an important role at the international level.

These contributions began early in his career in air pollution research with his service to the Technical Advisory Committee of the California Air Resources Board in the formative years of that agency's existence. This committee had responsibility for overseeing the ARB's development of the first statewide regulation of mobile sources. In a similar role, he has served as chairman of the air quality advisory panel to the California State Assembly Committee on Transportation.

Jim's unique contribution to public policy and improved air quality derives not just from the fact that he is a world-class researcher and academic talent, who earned his bones in the university system; in fact, what truly sets him apart is his courage and commitment to the public interest, and his independence as a researcher.

In particular, his willingness to go up against the conventional scientific wisdom earned him the everlasting approbation of less astute and more accommodating colleagues. He has been fortunate to have stayed in the game long enough to see his adversaries in near full retreat. Data now proves that Jim's theories which contradicted the majority were right all along. For millions of southern California citizens, he was a beacon light whose eloquence and determination in search of the truth made him a prophet.

One example of his pioneering research resulted in the development of new measurement techniques to measure levels of hazardous air pollutants in the atmosphere. Based on this work, he was one of the first to warn of the possible links between air pollutants and carcinogens. For example, he resigned from a prestigious National Academy panel on the health effects of diesel smoke, rather than lend his support to a report which downplayed the health risks of diesel smoke. We now know that Jim was once again ahead of his time and that the conventional wisdom he had the guts to challenge was, in fact, wrong.

Over the past 25 years Dr. Pitts has been the most articulate and consistent member of the air pollution scientific community in addressing the need to develop aggressive but workable and cost-effective strategies for controlling air pollution emissions. He has maintained a vigorous program of investigator—initiated research on critical air pollution phenomena and translated scientific knowledge into effective legislation at the local, State, and national levels. In this capacity, he has played a pivotal role during the crucial years of the development of air pollution control programs in California, the United States, and, indeed, the world.

Jim has been a singular influence, as well as an inspiration, for an entire generation of scientists and policymakers. He has given his time and energy to serve the public interest, both as a member of numerous State and Federal advisory bodies, as a witness before congressional and State legislation hearings, and as a counselor to public officials.

He has been tireless in his support for independent scientific research, and through his administration of the Statewide Air Pollution Research Center, has established that institution as one of the most important and influential centers of excellence in the entire University of California system.

Talented, dedicated, insightful and successful are all qualities that describe Jim Pitts. I feel privileged to have worked closely with a man of his capacity. His contributions to our world are indeed remarkable in both their quality and quantity. Jim's career has been long, productive, and of great significance to many people. I wish him all the best for a happy, healthy, and enjoyable retirement.

COMMON CAUSE AND THE SPEAKER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. GINGRICH. Mr. Speaker, the issue of congressional ethics is one which the citizens' group Common Cause has been actively involved in for years. Their role as a watchdog group in politics is well known. I was very interested to see a letter yesterday from its president, Fred Wertheimer, to the chairman of the House Ethics Committee, JULIAN DIXON.

In his letter, Mr. Wertheimer asks the Ethics Committee to investigate the Speaker of the House, JIM WRIGHT. I would encourage all of my colleagues to read today's articles from the Washington Times, Wall Street Journal, and Washington Post regarding the letter from Common Cause.

CONGRATULATIONS TO RALPH E. KAUFMAN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. GEPHARDT. Mr. Speaker, I would like to congratulate Mr. Ralph E. Kaufman, winner of the 1988 Small Business Person of the Year Award for Missouri, and draw my colleagues' attention to his exemplary business and community endeavors.

Small businesses are a major force in our national economy. National Small Business Week, May 8–14, was set up to honor those such as Mr. Kaufman. The theme of the week' "Small Business: Working for America," is appropriate because of the employment, national production, and new products generated by small businesses. The award was based on growth, innovation, and commitment to both employees and the community.

Mr. Kaufman is the president of REK Industries, Inc., a home remodeling firm in St. Louis. He began REK Industries in 1970, and today it is the largest and most preferred full-service home remodeler in St. Louis. The company has grown from 20 to over 100 employees, including 25 sales agents and 60 work crews. The annual growth rate has been a steady 7 to 10 percent. Mr. Kaufman's success is attributed to effective management and customer service-oriented personnel.

Mr. Kaufman's newest ventures include REK Development, which develops commercial properties and low-income housing through HUD, and REK Realty, which is expecting continued growth in upcoming years.

Not only is Mr. Kaufman an outstanding businessman, he is also an active part of the St. Louis community. He sits on the board of directors of the Better Business Bureau, the National Conference of Christians and Jews, the Anti-Defamation League, and the Jewish Community Centers Association. He has also been honored with the St. Louis Remodeling Guild's Man of the Year Award, United Cerebral Palsy's Humanitarian award, and is on the U.S. Holocaust Memorial Council in Missouri.

It is evident by his record that Mr. Kaufman is an outstanding member of his community and an innovative businessman, who will continue to "work for America."

THE RETIREMENT EQUITY ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DREIER of California. Mr. Speaker, I have introduced H.R. 4635, the Retirement Equity Act to repeal three inequities in the Social Security system. First, my bill eliminates the Social Security outside earnings limitation. This limitation requires Social Security to deduct $1 for every $2 earned above the exempt annual amount. This translates into a 50-percent tax on those older workers who want, or need, to continue working. Secretary Bowen and Commissioner Hardy have agreed that this limitation is in need of revision. It is time for Congress to act.

Second, the Retirement Equity Act would eliminate the tax on Social Security beneficiaries who earn above the arbitrary annual limit. We continue to encourage today's workers to plan ahead for retirement, reminding them that Social Security is only a partial retirement plan. Yet, we tax up to one-half the benefits of retirees if their full retirement earnings amount to more than the arbitrary cap: $25,000 for an individual, or $32,000 for a couple filing jointly. To add fuel to the fire, these income thresholds are not indexed for inflation. This is unfair to senior citizens and discouraging for today's workers who are planning for retirement.

Third, H.R. 4635 eliminates the FICA and SECA tax on individuals over age 70. It makes no sense that these individuals must continue to pay into a retirement system for which they may never see a return. Not only are they forced to continue paying into the system, but should they make more than $25,000, they are subject to the Social Security tax.

I hope my colleagues will join me in my efforts to eliminate the real inequities in the Society Security system by cosponsoring H.R. 4635.

THE MARITIME DRUG LAW ENFORCEMENT AND ENHANCEMENT ACT OF 1988

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DAVIS of Michigan. Mr. Speaker, I have introduced a bill, H.R. 4608, to increase the effectiveness of maritime interdiction of illegal substances entering the United States. It will create a fiscally responsible approach to tracking the Federal investment in drug interdiction and coordinate the efforts of agencies responsible for maritime interdiction. The Coast Guard will be authorized to acquire additional equipment and personnel and receive operational funding so that other Coast Guard missions are not impaired. Reorganization of the Federal maritime programs, new law enforcement authority for vessel inspections, and a better vessel identification system will enhance the drug interdiction effort nationwide. Agreements between the United States and Canada to keep the Great Lakes free of drugs are encouraged.

We all are aware of the devastating effect of drugs on the youth of our country and its prevalence throughout our society. There is not a single person who remains untouched by this pervasive attack on the core of our society—by increased public funds spent on drug interdiction, rehabilitation programs, time lost by employees that are "users," and defective merchandise produced by an impaired work force. But the greatest damage of all is in the shattered lives left behind. Whether the victims are adolescents or adults, their loved ones will know the deepest pain, fear, and grief as they watch bodies and minds being destroyed.

The rhetoric on this budget subject fills every publication on the newsstands while our efforts to prevent the arrival of new shipments of drugs on our shores have not been totally effective. This legislation will coordinate and refine the efforts made by the many agencies involved with maritime drug interdiction, while ensuring accountability to the U.S. taxpayer.

Title I of this bill provides congressional management of expenditures on programs for illegal drugs. It directs the administration and the appropriate committees to report annually on spending proposed for drug interdiction programs within their jurisdiction. Duplication of effort can thus be avoided and there will be a more efficient use of funds if Congress consolidates all appropriations for drug-related expenditures into a single bill. This procedure will ensure adequate follow-on funding for the Coast Guard to operate existing drug interdiction equipment in the future and prevent further decline in existing Coast Guard responsibilities such as search and rescue, military readiness, and enforcement of other U.S. laws due to increased pressure to interdict illegal drugs.

Title II will increase the effectiveness of the Coast Guard's drug interdiction efforts and clarify its law enforcement jurisdiction. This will give the Coast Guard the authority for maritime air surveillance and interdiction, and protection from liability when forcing a vessel to stop. A new section to title 14, United States Code, similar to existing authority for the Federal Aviation Administration, will indemnify Coast Guard employees for claims and judgments against them for actions within the scope of their employment. The Coast Guard will be authorized access to the customs forfeiture fund and given the authority to purchase additional equipment essential to the mission of drug interdiction. Additional personnel will be authorized to operate the new equipment provided under this bill.

Title III concentrates on drug interdiction on the Great Lakes where the threat of drug trafficking may be increasing with the increased effectiveness of drug interdiction in the Southeast. Establishment of an interagency agreement between the Coast Guard and the Customs Service on maritime drug interdiction is required and the use of long-range surveillance aircraft in the Great Lakes area would be expanded. Under this title the President is directed to enter into discussions with the Canadian Government on an international agreement concerning interdiction of illegal drugs crossing the United States-Canadian border and increasing cooperation between the drug interdiction officials of both countries.

Title IV establishes a system of identification of ownership of recreational vessels to aid in determining whether a vessel is a U.S. "vessel" and, thus, subject to being boarded by Coast Guard personnel. Law enforcement officers of every agency involved with maritime drug interdiction have repeatedly mentioned the difficulty of identifying vessels they are tracking. In particular, vessel owners will be required to identify a person who is an agent of the owner so that the Coast Guard does not have to wade through a corporate web to deal directly with the owner. If a vessel is already owned by an individual only, that person can act as his own agent.

Title V will reorganize and consolidate the Federal maritime programs within the Department of Transportation [DOT] to more effectively manage the Federal maritime drug interdiction effort. Specifically, an Office of Drug Interdiction Coordination is established to coordinate all maritime interdiction programs in DOT. The duplication of any effort due to overlapping responsibilities is a waste of invaluable personnel and equipment.

At a time when the United States of America must use every available resource to overcome the forces that are constantly seeking to open new avenues for bringing these illegal substances into our country, we cannot afford to waste time and money through mismanagement. We cannot tolerate any action that will impede our efforts to win this "war against drugs."

I offer this as a way to improve drug law enforcement in the maritime arena. I welcome the opportunity to join with others in the leadership of the House to formulate omnibus legislation to continue to strengthen our Nation's overall effort to stem the flow of illegal drugs.

INTRODUCTION OF LEGISLATION TO ALLOW DEDUCTION FOR MAKING HOMES ACCESSIBLE TO THE HANDICAPPED

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to help individuals make their homes more accessible to the handicapped. Under existing tax laws, businesses are able to deduct the costs of making their establishments more accessible to the handicapped, but in many cases, that same benefit is unavailable to most individual taxpayers.

In general, any trade or business that takes steps to make its establishment more accessible to the handicapped is able to deduct those costs in the year incurred. Despite a fundamental income tax principle that capital expenditures must be amortized over the useful life of the property being constructed or improved, the tax laws allow costs associated with making a trade or business accessible to the handicapped deductible in the year incurred.

Unfortunately, individual taxpayers are not able to qualify for as generous a benefit. Generally, expenses incurred to remove architectural barriers to the handicapped are deductible as medical expenses. However, medical expenses are subject to a 7½-percent "floor": in other words, medical expenses must exceed 7½ percent of a taxpayer's adjusted gross income before they are deductible—and even then, only the excess over that amount is deductible.

In addition, it is not clear what costs of removing architectural barriers are allowable. Prior to 1986, the Internal Revenue Service had generally taken the position that for an expense to be allowable as a medical deduction, it must be an essential element of treatment and must not have otherwise been incurred for nonmedical reasons. The 1986 Tax Reform Act clarified and liberalized this standard, generally by allowing certain capital expenditures designed to make a taxpayer's residence more accessible to the handicapped a qualified medical expense deduction. See, for example, Senate Report 99-313, p. 59.

In response to the 1986 act amendments, the Service issued Rev. Rul. 87-106, IRB 1987-43, which listed 13 examples of qualified expenses which would be allowed as a medical expense deduction if used to make a home more accessible to the handicapped. The Service noted that this list was not exhaustive.

The purpose of my legislation is to allow expenses similar to those indicated in Rev. Rul. 87-106 as a deduction, without regard to the 7½-percent floor. Thus, a taxpayer who incurred "qualified barrier removal expenditures" could deduct those amounts in full. "Qualified barrier removal expenditures" are expenses incurred which make a taxpayer's principal residence more accessible to, and usable by, the handicapped, as defined by the Service in regulations. It is my intent that the Service would use principles similar to those in Rev. Rul. 87-106 in making this determination.

My bill also makes clear that expenses deducted under my legislation would not also be allowed as a medical expense deduction. In addition, the taxpayer would not be able to increase the basis in their property by the amount claimed as a deduction under this bill.

Mr. Speaker, it is simply unfair that individual taxpayers cannot get the same benefits as businesses for making their own homes accessible to the handicapped. A parent with a disabled child, for example, should not have to incur expenses exceeding 7½ percent of their adjusted gross income in order to qualify for the limited benefit in the 1986 tax bill. My bill will allow all taxpayers to claim, as an itemized deduction, any qualified expense to make a residence more accessible to the handicapped that a business could take. This bill is fair and humane, and I urge my colleagues' support.

TRIBUTE TO ROBERT SHAPLEN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. SOLARZ. Mr. Speaker, I want to take this opportunity to offer my reflections on a remarkable and inspirational individual, Robert Shaplen, whose recent death has left those of us who had the privilege to know him—either personally or through his writings—with a deep sense of loss.

For nearly five decades, he built an illustrious career in journalism during which time he became a premier authority on Asia. For the past 36 years, he worked on the staff of the New Yorker magazine where his articles on Asia became a hallmark of the publication and were required reading for anyone concerned about developments in that region of the world.

While at the New Yorker, it became clear that Robert Shaplen was not merely a correspondent who happened to cover Asia. Rather, his unusually sharp intellect, coupled with a keen perceptivity, enabled him to capture in a unique way the issues, the events, and the people he portrayed. As a result of the breadth of his experience, he was not only a recorder of facts and events but in many ways was a teacher—while at the same time always remaining a student—who devoted a lifetime to studying, understanding and informing the people about this important region of the world.

He came to know Asia and Asians intimately and shared his insights by writing extensively about his experiences there. All told, he authored 10 books in addition to the countless articles he wrote for the magazine.

Mr. Shaplen garnered much of his knowledge from firsthand observation of some of the most critical events of the past half century and from his discussions with prominent world leaders who helped to shape the course of history in Asia.

Not only did he witness the activity of Mao Zedong in the mountains of Yenan in 1946 and report on the rise and fall of Indonesia's President Sukarno in the 1960's. He wrote exhaustive accounts on the strategic and battlefield developments during both the Korean and Vietnam wars and was a frontline correspondent in the Philippines during the Second World War.

Robert Shaplen attempted to both record and interpret history and he did it well. Having devoted nearly five decades to covering events in this region of the world, he brought to his work not only a personal interest and knowledge, but a rich historical perspective.

Indeed, our understanding of many of the events which occurred in Asia since World War II have been enriched and broadened because Robert Shaplen's unique perspective and wealth of talent helped bring these events into such sharp focus in a historical context.

It was Robert Shaplen, for example, who flew over Nakasaki only hours after the city was destroyed by the atomic bomb in 1945. Describing what it was like to witness such devastation, he wrote of "looking over a volcano in the process of eruption." And it was Robert Shaplen who brought this sense of history when he reported on the Vietnam war.

His thirst for renewing and expanding his knowledge of Asia did not wane with the passage of time. Having developed a vast reservoir of information and material during the many years in which he lived in Asia and reported on events there, he was not content to rely solely on his past experiences to guide his views and analysis of contemporary developments. Rather, his abiding curiosity and desire to learn still more about the region led him to visit there regularly and, in fact, it was only a month ago that he traveled to Vietnam, Korea and Hong Kong in his quest for new information and insights.

In striving to understand the complexities and subtleties of Asia, any student of the region would be wise—and, perhaps, intellectually duty-bound, to consult the works of Robert Shaplen. Not only will one find a series of thoughtful and thought provoking analyses of developments in Asia spanning the last half century, one will find a finely woven fabric of ideas drawn from his many years of observation of the Asian people and their culture. Steeped in history, his work offers a compelling journey through these events, described not a mere occurrences in a vacuum but as they fit into the historical mosaic of the Asian people and their region.

It was Robert Shaplen's ability to relate the wider dimensions not only of the events in Asia, but of the diverse political, religious and social aspects of the Asian people and their society that was, perhaps, his greatest genius.

I am grateful to have known him and to have had the opportunity to personally benefit from his considerable wisdom. He will surely be missed.

TRIBUTE TO NORTHERN VALLEY REGIONAL HIGH SCHOOL'S CHAMPION ACADEMIC DECATHLON TEAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mrs. ROUKEMA. Mr. Speaker, on this Sunday, the administration, faculty, staff, friends, and students of Northern Valley Regional High School in Old Tappan will gather to pay a special tribute to a special group of "athletes."

These athletes have brought honor and distinction to themselves, their school and their community, but not on any field of competition. These athletes are stars of the classroom. Last month, they captured fifth place in the national academic decathlon competition in San Antonio, TX. In doing so, they won seven individual medals in social studies, essay, language, literature, and speech. This year's fifth place showing by these dedicated students follows strong finishes in 1986 and 1987.

However, the team's trail of outstanding achievement did not begin and end in San Antonio. In fact, the Northern Valley Regional High team captured its third consecutive New Jersey championship in March.

We read of the feats of our student athletes each day in the headlines of our local newspapers, as well we should. However, in far too many instances, the accomplishments of our sterling students fail to receive the attention they deserve.

The academic decathletes of the Northern Valley Regional High School in Old Tappan spent hundreds of hours studying and preparing for this year's competition. In most cases, their preparation came at the expense of many social and other extracurricular activities. These dedicated students deserve not only our applause, but also our admiration.

I invite my colleagues to join me in congratulating the students of Northern Valley Regional High School in Old Tappan for achieving this academic feat. On behalf of all the residents of the Fifth Congressional District, I offer my heartfelt thanks to principal, Anthony Panico, team coach, William Schneberger, and the parents of the decathletes for their untiring support of their students.

A CONGRESSIONAL SALUTE TO THE NATIONAL TOURING EXHIBIT "ARE WE TO BE A NATION? THE MAKING OF THE FEDERAL CONSTITUTION"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the national touring exhibit, "Are We To Be A Nation? The Making of the Federal Constitution," which will be on display in my district at the Los Angeles Public Library's San Pedro Regional Branch from May 24 through June 30, 1988. The exhibit has been touring the country since March 1987 and is part of a 30 stop tour to celebrate the Bicentennial of the United States Constitution. The American Library Association and the New York Public Library developed the touring exhibition with funding provided by the National Endowment for the Humanities.

Detailing the personalities and events that shaped the framing of the great document, the exhibit features 32 free-standing panels containing reproductions of prints, maps, manuscripts, portraits, and cartoons from the period. Focusing on the people, politics, and events that shaped a revolutionary new government, the exhibition presents the background of political, cultural and socioeconomic developments that sparked the move toward nationhood and the adoption of the Constitution. It also explores the variety of ideological forces that contributed to the creation of the American democratic system of governance, that proved so effective in cementing the union of a far-flung republic while preserving the liberty of the people.

In addition to commemorating the Bicentennial of the Constitution, the exhibit presents an opportunity for Americans to reflect on their responsibilities and reaffirm their commitment to democracy. The exhibit appropriately celebrates the Constitution in libraries, the traditional centers for free public access to materials representing diverse points of view.

My wife, Lee, joins me in saluting the city of Los Angeles Commission on the Bicentennial of the U.S. Constitution and the Los Angeles Public Library for helping to bring this exhibit to the people of San Pedro and the surrounding community. The efforts of the Bicentennial Commission to promote and coordinate educational programs in celebration of the 200th anniversary of the Constitution are to be fittingly commended here today on the floor of that unique constitutionally mandated institution, the U.S. House of Representatives.

IN MEMORY OF MATTHEW LAWHEAD AND ERIC MARTIN

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. MINETA. Mr. Speaker, it is with much regret that we recognize the tragic deaths of two outstanding students at Willow Glen High School in San Jose, CA. The loss of Matthew Lawhead and Eric Martin, two young men killed in a recent automobile accident, was a great blow to their families, friends, and all in our community.

There can be no compensation for this loss. All we may do is offer condolence, and appreciate these young men for the lives they led.

Eric Martin possessed a great enthusiasm for life, an enthusiasm epitomized by his involvement in sports. Eric worked to improve himself through participation on football, baseball, soccer, and basketball teams. Through this, Eric learned the value of both individual dedication and group effort.

Eric had another quality which was highly cherished by all who knew him: he was an exceptional friend. Many enjoyed his friendship, spending time with him backpacking or skiing on the weekends. Eric was not one to sit back and watch life pass him by; rather, he brought his energy and his spirit to the many groups of which he was a part, and to the many individuals who knew and loved him.

Matthew Lawhead was a true leader, a person who actively and enthusiastically served his peers. Consistently elected to represent fellow students in student goverment, as a high school senior Matthew was chosen as student body president. He was truly dedicated, and continually worked to better himself and his community through his endeavors.

Matthew was very much a team player. Through his involvement in football, soccer, and lacrosse, his enthusiasm was borne out by numerous awards for inspiration and leadership. Named captain of the football team for 3 consecutive years, Matthew was the focal point of the team's drive and spirit.

All who knew Matthew knew that positive outlook on life was truly contagious. Moreover, his fine character and high standards served as a model for all in our community.

Mr. Speaker, the loss of these young men has truly been a tragedy to our community. However, the memory of their commitment to personal excellence and community service should inspire a similar dedication in all Americans.

ALTERNATIVES PROGRAM

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. HASTERT. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the fine work of the Alternatives Program sponsored by Elgin Community College in the 14th Congressional District of Illinois. This program has proved effective in meeting the challenge of addressing the needs of women who wish to return to school or find employment.

An expanding economy, particularly one which relies heavily on high technology, requires an educated work force. The Alternatives Program, designed to help with women with a job search or education, helps participants to define their career interests, skills, and possible occupations.

After examining long-term goals and possible barriers to reaching those goals—this program goes a step further by providing financial assistance for tuition and help in locating suitable child care.

Since the program began in 1981, Alternatives has helped hundreds of women start their lives all over again. Of the 500 women who participated in 1986, the program helped 235 start their education and 83 find employment.

The program is funded by the Illinois Department of Commerce and Community Affairs [DCCA] and the Illinois State Board of Education Department of Adult Vocational Technical Education.

To qualify for the program, women must be eligible for public aid or be a victim of domestic violence. The typical participant is "someone who has spent the majority of her time taking care of her family and suddenly finds herself in a position that she has to support her family."

In making the transition to economic independence, education and training programs must be developed. Higher education, as we all know, can make a substantial difference in one's lifetime income and bring further benefits to the family.

One major focus of the Alternatives Program has not only been to prepare individuals for those jobs which do exist, but also to help them to become more competitive in the job market.

For many women on welfare, education represents one important escape route out of the personal, social and financial catastrophe that living in poverty represents. Providing such women with opportunities to improve their educational backgrounds and to gain new skills in order to enhance their employment prospects must be a key objective.

It is with great pleasure that I applaud the creative achievement of the Alternatives Program of Elgin Community College which serves as a model for other community-based programs that undertake innovative and ambitious projects designed to assist women in making this vital transition to economic independence.

THE 35TH ANNIVERSARY OF THE QUEENS COUNTY MENTAL HEALTH SOCIETY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Queens County Mental Health Society of Queens Village, NY, as it celebrates its 35th anniversary today.

The Queens County Mental Health Society is a voluntary, nonsectarian agency that has thrived over the years despite no Federal financial support. The society is funded solely through membership dues and charitable contributions.

The society has a noble and simple mission: The prevention of mental illness, the education of the public about mental illness, and advocacy for the mentally ill.

Mr. Speaker, the Queens County Mental Health Society has served the Queens community with unrivaled compassion and dedication. The society's innovative presence is felt throughout the community through such efforts as: Teenage suicide prevention programs in local high schools; a speakers' bureau that provides lecturers on mental health issues; an information and referral service; a directory of mental health resources in the Queens area; and "Project Visit," a program that matches volunteer visitors with patients at Creedmoor Hospital who have not had visitors in over 6 months.

These unique programs help to break down the walls of public ignorance about mental illness. The Queens County Mental Health Society helps to bridge the gap between the public and the mentally ill.

Mr. Speaker, Queens is a better place to live because of the creative and selfless work of the society.

I congratulate President Stella Salerno; Vice Presidents Michael Halpert, Judie H. Heap, and Nathaniel Schwartz; Secretary Olimpia Brewington; Treasurer Max Felder; the board of directors; the professional advisory committee; and Executive Director Bernadette Claps on this special day, and I ask all my colleagues in the House of Representatives to join me in thanking them for their outstanding leadership in the Queens community.

LEGISLATIVE EFFORTS TO MODIFY OR REPEAL GLASS-STEAGALL

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. RINALDO. Mr. Speaker, very soon, probably within the next few weeks, the U.S. Supreme Court will decide whether to review a decision of the U.S. Court of Appeals for the Second Circuit in a case of great importance to our financial services industry and the consumers it serves. I refer to Securities Industry Association (SIA) versus Board of Governors of the Federal Reserve System, et al. ("the Board"). The legal issues in this case, which involve an interpretation of section 20 of the Glass-Steagall Act, are substantially similar to issues pending in legislative form before this Congress.

Let me explain briefly what this case is about. In April a year ago the Board authorized Citicorp and other large banking organizations to form affiliates which could engage in underwriting and dealing in municipal bonds, mortgage and consumer related securities, commercial paper, and Government securities. All except Government securities are "ineligible securities" for banks and bank affiliates to underwrite or deal in as principal. The Board's order was based upon an interpretation of section 20 of the Glass-Steagall Act which prohibits banks from affiliating with firms that are "engaged principally" in underwriting and dealing in securities. The Board reasoned that a determination whether or not a securities affiliate of a bank was "engaged principally" in underwriting securities involved a comparison of the revenues derived from underwriting ineligible securities with the revenues generated from underwriting eligible securities, that is, Government and municipal securities. Citicorp and the other applicants agreed to limit the total revenue the securities affiliate would derive from doing business in ineligible securities to 10 percent of the revenues obtained from underwriting Government and municipal securities. Notwithstanding the fact that this formula would allow the applicant banking organizations to do a volume of business in ineligible securities greater than that of all but the largest investment firms the applications were approved by a 3-to-2 vote of the Board. The Board's order was affirmed by the U.S. Court of Appeals for the Second Circuit in February of this year, and the SIA has now pending before the Supreme Court a petition to review that decision.

Last year, Congress adopted legislation suspending the effective date of the Board's decision until March 1, 1988, in the case now pending before the Supreme Court. I would hope that the Court would not read anything into the fact that we allowed the moratorium to expire. That this happened indicates nothing more than that the legislative efforts to modify or repeal Glass-Steagall have provoked enormous debate.

ELK HILLS NAVAL PETROLEUM RESERVE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. LAGOMARSINO. Mr. Speaker, today Congressman BILL THOMAS of California and I are introducing legislation to recognize the rights of the State of California to lands that were promised to it by Congress over 130 years ago. These lands, which will be dedicated to the support of the public schools and more specifically, to the State teachers retirement system, are located in Elk Hills naval petroleum reserve.

Mr. Speaker, the school lands grants originally began in 1785 in an ordinance relating to the Northwest Territory. Since then, all but five of the States admitted to the Union have had a school grant. As Teddy Roosevelt said in "The Winning of the West," the school grants laid "the basis for the whole system of public education" in the Western States. The school grants constitute what the Supreme Court has called a "solemn agreement" between the States and the Federal Government. These lands were to be held in trust and administered for the support of the public school system.

Mr. Speaker, whether the reserve should be sold, as the administration suggests, or retained, is a question for another day. This bill merely seeks an equitable settlement of the State's longstanding interest in Elk Hills.

INTRODUCTION OF LEGISLATION TO PROVIDE FOR AN EQUITABLE SETTLEMENT FOR THE KENAI NATIVE ASSOCIATION, INC.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today designed to correct a deficiency in the Alaska Native Claims Settlement Act as it applies to the Kenai Native Association, Inc.

All but about 4,240 of the 23,040 acres conveyed to the Kenai Natives Association pursuant to section 14(h)(3) of ANCSA are located in the Kenai National Wildlife Refuge and subject to section 22(g) of the act, which stipulates that such lands "remain subject to the laws and regulations governing use and development of such refuge."

These lands represent essentially everything the Natives of Kenai received in settlement of their claims with the United States and constitute the chief asset of the Kenai Corp.

Under one interpretation of this clouded title, so long as they remain in the refuge and subject to section 22(g) of the act their lands are undevelopable and virtually valueless. The Natives may be denied the right even to live on them.

During the last decade the Kenai Native Association has formulated several exchange proposals, urged the Department of the Interior to develop regulations specifying their rights, and made proposals for the utilization of their lands, including for homesites for their people. All of their efforts have come to naught and their inability to put their lands to any productive use now threatens the survival of the Kenai Native Association. They have concluded for various reasons that the prospects of working anything out except by legislation have deteriorated to the vanishing point, and that the only solution for them is legislation which would remove their lands from the refuge.

The Kenai Native Association's holdings in the refuge are in three blocks, comprising about 15,680, 2,160, and 960 acres respectively. All of these blocks are adjacent to exterior boundaries of the refuge and the deepest extends into the refuge only about 3 miles.

These lands were designated for conveyance to the Native Corp. in the first place, after prolonged discussions with the Fish and Wildlife Service and in accordance with its recommendations, precisely because they are on the edges of the refuge, in the vicinity of other lands developed for nonrefuge purposes, and without extraordinary refuge values. Land to the north of their 15,000-acre tract, and deeper in the refuge, is extensively developed for oil and gas. This tract is bounded on the west by lands owned by the Salamatof Village Corp. Land to the east of their 2,000-acre block and, again, deeper in the refuge, is intensely developed for oil and gas. This block is bounded on the north by lands owned by Salamatof. As noted, the lands adjacent to them owned by Salamatof were removed from the refuge by section 1432 of ANILCA.

The Kenai refuge embraces almost 2 million acres. While the removal of the 18,800 acres on the edges owned by the Kenai Corp., which are adjacent to lands previously removed for the benefit of the Natives of Salamatof, will have an imperceptible effect on the refuge. It will be the salvation of the Kenai Native Association.

NATIONAL DARE DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WOLF. Mr. Speaker, I would like to take this opportunity to call attention to the Drug Abuse Resistance Education [DARE] Program which is being implemented by law enforcement agencies in local school districts throughout the country to teach the skills necessary to recognize and resist the pressure that influences children to experiment with drugs.

I especially congratulate my constituent, Meghan Beach, a sixth-grader at the Nottingham Elementary School in Arlington, VA, who is currently enrolled in the Arlington County DARE Program and who has written an essay entitled, "Taking a Stand," regarding the use of drugs. I recently attended one of the DARE classes taught by Officer McFarland, of the Arlington County Police, where Meghan read her essay. I would like to share Meghan's paper with my colleagues:

> I, myself, am going to make a plan to keep from being pressured into using drugs. For my body to stay healthy, I must eat right, never try drugs or alcohol, and always get enough exercise. When my feelings are hurt, or I am stressed and angry, I should talk to a friend or relative, or if there is a problem, I should try to work it out. If I am confronted with an exciting or dangerous risk, I should stop and think about the consequences or ask for somebody's advice. If a friend tries to pressure me into taking alcohol or marijuana, I should say no! If a situation arises and it offers fun and adventure, I should take into consideration what might happen to me. If I see people on television using alcohol and drugs, I should think of how they can hurt you seriously. I would never take drugs because I know that it is not a good risk to take. Drugs and alcohol can really harm you and mess up your life. A good choice to make is to set a goal for yourself to keep away from this type of pressure.

After attending one of the DARE classes and reviewing the course material offered, I am convinced more than ever that the DARE Program, on both a local and national level, is an extremely positive approach to equipping our youngsters with the skills to resist peer pressure to experiment with and use harmful drugs.

I urge my colleagues to cosponsor House Joint Resolution 540 which would designate September 15, 1988, as "National DARE Day" recognizing the contributions of individuals across the country who are involved in the worthwhile DARE Program.

AGRICULTURAL RESEARCH COMMERCIALIZATION ACT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. PENNY. Mr. Speaker, I am today introducing the Agricultural Research Commercialization Act of 1988. A Senate companion is authored by Senator KENT CONRAD of North Dakota. This legislation will establish the Agricultural Research Commercialization Corporation [ARCC] within the U.S. Department of Agriculture to provide financing to assist in commercializing new industrial products and processes which use agricultural and forestry crops.

This legislation provides targeted assistance to overcome a serious American problem—the failure to commercialize the fruits of our reseach investment, particularly agricultural research. America has invested a vast amount of time and resources into agricultural research, developing new, industrial product ideas for agricultural and forestry crops. However, few of these product ideas are being commercialized. The reason is that the costs and risks of moving a product from the idea stage into production and marketing are very high. Few entrepreneurs have the resources and few financial institutions will take the risks involved in commercializing a new product. In contrast, our competitors in Japan and elsewhere, supported by their governments, are very successful in commercializing new technologies.

ARCC is such an entity. It will provide financial assistance for selected new projects through low-interest loans, grants, repayable grants and loan guarantees. Priority is given to commercialization proposals which include financial support from State and local governments and private industry.

ARCC's activities will have a tremendous multiplier effect on our economy. First, it will increase the demand for agricultural and forestry crops, benefiting rural businesses and communities. Second, the commercialization activities will create new jobs in manufacturing and processing. Third, this legislation will make us more competitive, reducing our trade deficit.

ARCC will also reduce environmental pollution. Many of the products developed from agricultural crops are biodegradeable and evironmentally safe, like soybean oil ink, and corn starch plastic.

ROBERT HENRY HINCKLEY

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. OWENS of Utah. Mr. Speaker, the State of Utah and the Nation have lost a great friend and dedicated public servant as a result of the death, on April 30, of Robert Henry Hinckley of Eden, UT.

Mr. Hinckley rose to the Nation's highest echelons of politics, aviation, and broadcasting. His remarkable career took him from a tiny Dodge dealership in Mount Pleasant, UT, to the Franklin Roosevelt White House, to the board room of the American Broadcasting Co. which he cofounded.

He began his political career as a State legislator from Sanpete County and a mayor of Mount Pleasant. During the Depression, he was named by Gov. Henry Blood to direct Utah's relief programs. He later became an administrator in Franklin Roosevelt's New Deal, serving as Utah Director and Western Regional Director of the Federal Emergency Relief Administration.

In 1935, President Roosevelt appointed him Assistant Administrator of the Works Progress Administration. When the Civil Aeronautics Authority, forerunner to the FAA, was created in 1938, the President chose Hinckley for the five-member panel. A year later, he became Chairman of the CAA and a major promoter of commercial aviation. He was instrumental in the construction of National Airport in Washington, DC, and the Salt Lake Airport.

When famed columnist Drew Pearson noted in 1940 that U.S. airlines had gone an entire year without a fatality, he praised a man who "played a leading part in the spectacular holiday from death—a man who eats, drinks, and sleeps aviation. He is Robert H. Hinckley, the quiet-mannered, indefatigable Chairman of the CAA, to whom air safety records are an old passion."

Roosevelt moved him to the Commerce Department in 1940, where he served as Assistant Secretary. Mr. Hinckley returned to the private sector in 1942 when he took an executive's job at Sperry Corp., but after World War II ended, he was summoned by Harry Truman to direct the Office of Contract Settlements, charged with negotiating settlements to defense contracts that were no longer needed in peacetime.

He participated in the formation of ABC in 1946, when national television was only a dream. He became vice president in charge of ABC's Washington, DC, office, a post he held until retiring in 1959. He remained on the board of directors.

A dedicated Democrat, he remained active in party politics and worked in 1960 to make Lyndon Johnson the party's nominee for President.

He never let go of his first career as a Dodge dealer, which began with the Mount Pleasant office in 1915. He later opened dealerships in Ogden in 1927 and in Salt Lake City in 1955. In 1980, he was presented with a plaque from the Chrysler Corp.'s Lee Iacocca for his 65 years of Dodge affiliation.

Mr. Hinckley also served as a director of First Security Corp., vice president and director of American Paper & Supply Co., a trustee of the Edward J. Noble Foundation, a member of the Financial Industrial Fund and Financial Industrial Income Fund, and a member of the National Advisory Arthritis and Metabolic Diseases Council.

He served as a member of the University of Utah Board of Regents from 1928 to 1941, and again from 1965 to 1969. In 1965, he donated $250,000 to the school to launch the Hinckley Institute of Politics. Since that time, the Hinckley Institute has sponsored hundreds of interns in local, State, and national offices, hosted hundreds of visiting scholars and prominent speakers, and has inspired countless university students to participate actively in politics.

Dr. J.D. Williams, the founding director of the Hinckley Institute, said of Robert Hinckley:

> Most of us in life pursue a single career, perhaps two at the maximum. Bob Hinckley found his niche in five, as he made this country a better place in which to live: cars, public service, aviation, television, and education.
>
> He made miracles. Perhaps the most important one for the country was having over 10,000 pilots ready for World War II before we even had planes for them.
>
> What we have known him for at the University of Utah was his vision of "Every citizen a politician." It is impossible to calculate the benefit in the lives of students what Robert H. Hinckley Institute of Politics has done in preparing young men and women for the vital political lifeways of American democracy.

He also gave Brigham Young University $250,000 in memory of his parents to finance radio and television education. Both schools gave him honorary degrees.

He received the Brotherhood Citation Award from the Utah chapter of the National Conference of Christians and Jews and was given the Citizen Achievement Award by B'nai B'rith.

Mr. Speaker, I know my colleagues will want to join me in expressing sympathy to Mr. Hinckley's two sons, both of whom are very close friends of mine, and to his daughter upon the loss of their father, and in paying tribute to a distinguished American.

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WISE. Mr. Speaker, due to official business in my congressional district I was unable to be present and voting the day before yesterday during rollcall Nos. S. 132, an amendment by Mr. WALKER of Pennsylvania, and 133, final passage of H.R. 4567.

A fundraising event at the Regional Contracting Assistance Center, a nonprofit organization designed to help small- to medium-sized small businesses bid on Federal Government contracts, was held last evening. Since I created the RCAC, it was important for me to attend.

Had I been present and voting, I would have voted "No" on rollcall 132, and "Aye" on rollcall 133.

A TRIBUTE TO CHANNELLOCK, INC.

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. RIDGE. Mr. Speaker, on March 1, 1988, Channellock, Inc., a hand tool manufacturer of more than 100 years in northwest Pennsylvania, enacted a total ban on the use of tobacco products at their manufacturing facilities. I would like to take this opportunity to commend Channellock, Inc., on their compassionate yet firm stance on this important health issue.

National attention has been focused on the issue of tobacco addiction not only for its impact on our Nation's health, but its impact on the economy as well. According to recent estimates, about 51 million Americans smoke regularly while an estimated 22 million use smokeless tobacco in such forms as snuff or chewing tobacco.

The health hazards of tobacco addiction have been well publicized. Among those risks are coronary heart disease and many types of cancer. These health risks not only affect the physical well-being of our country, but have a severe impact on the economy as well. The Congressional Office of Technology Assessment has estimated an annual average cost of $65 billion to the Nation for disease and lost productivity due to smoking. The Government is initially burdened with these costs through Medicare, Medicaid and various other types of insurances, but this burden is then passed to the employers and employees of the United States through higher taxes and insurance premiums.

Recognizing these risks, Channellock, Inc., undertook a massive education campaign to warn their smokers of the risks of tobacco use. Channellock provided their employees various support techniques to help eliminate tobacco use. These techniques included a "smokeless program" offered through the local Meadville Medical Center. As a result, 50 percent of tobacco users at Channellock kicked the habit. At this time, only a small percentage of employees at Channellock use tobacco products, but none within the confines of their buildings.

Mr. Speaker, it is with pride that I commend and congratulate Channellock, Inc., on the success of their program and encourage all employers to follow their example.

TRIBUTE TO DR. WILLIAM HAVENER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. WYLIE. Mr. Speaker, I take this time to congratulate and recognize the outstanding work, my good friend Dr. William Havener, has done as chairman and professor of the Department of Ophthalmology at the Ohio State University College of Medicine. Our community is very proud of Dr. Havener for his contributions which have enhanced the stature of the University Hospital and helped make it one of the great hospitals of the country. Dr. Havener's friends, among whom Marjorie and I are pleased to be included, are gathering to honor him tonight. Not only is Dr. Havener a great doctor, he is an energetic man who has a penchant for giving me advice on some of the difficult political decisions I have to make. I think he is the single most prolific writer of letters to his Congressman which I appreciate because his letters are insightful and thought provoking.

Dr. William Havener has served on two occasions as chairman: First, 1959–61; and 1972–78.

Though he is stepping down as chairman of the department, he will continue as a professor, having served in that capacity since 1959. Dr Havener came to the OSU Department of Ophthalmology in 1954 as an assistant professor. He became a full professor in 1959.

Dr. Havener is a native of Portsmouth, obtained his bachelor of arts degree in 1944 from Wooster College and was elected to Phi Beta Kappa. He received his doctor of medicine from Western Reserve University in 1948. He also has a master of science degree in ophthalmology from the University of Michigan and served his residency there from 1951–53.

Dr. Havener is the author of over 180 articles published in medical journals. His most noted publication is a book entitled Ocular Pharmacology that entered its fifth edition in 1983.

He has received several academic awards from the OSU College of Medicine, including its "Professor of the Year Award" in 1978. He has served as chairman from Franklin Country/Chapter of Mothers Against Drunk Drivers, and as honorary director for the Ohio Society for the Prevention of Blindness. In 1982, Dr. Havener received an honorary doctor of science degree from Wooster College. In 1986, Dr. Havener served as chairman for the Doctors for Wylie Committee.

He enjoys gardening at his farm in Powell. He and his wonderfully supportive wife, Phyllis, are the parents of seven wonderful children. Dr. Havener, for all you do, Marjorie and I join your many friends in saying, we thank you.

IN HONOR OF THE 50TH ANNIVERSARY OF THE BETTY LEE STORE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. CLINGER. Mr. Speaker, I rise today to pay tribute to the Betty Lee Store of Warren, PA, which is celebrating its 50th anniversary. Betty Lee was founded in June 1938 by Hyman and Nahum Levinson, sons of Russian immigrants. The Levinsons, taking the lead from their father, who was a merchant himself, were able to establish a solid business in only a few short years. Joined a few years after by brothers Bert and Jake, the Levinson partnership began to build and soon the family enterprise owned and operated stores across a wide swath of western Pennsylvania. Betty Lee, a specialty retail shop for women, has served Warren and surrounding communities with outstanding service for an impressive five decades. It has grown and changed with the marketplace and has succeeded in providing quality products for its many longtime customers. As a native of Warren, I have known the Levinsons for years. I applaud their many successes and congratulate them for their continued commitment and dedication, as well as their ability to face the challenge of our ever-changing marketplace. Congratulations Betty Lee for 50 years of noteworthy achievement and service.

TRIBUTE TO RICHARD B. OGILVIE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. KOLBE. Mr. Speaker, last week I lost a very close friend, a friend who gave me my start in politics and who embodied for me the ideal public servant. I am speaking of Gov. Richard B. Ogilvie, the former Governor of Illinois, who passed away Tuesday, May 10.

In his passing, Governor Ogilvie left behind a legacy of what good government is—a legacy that deserves our recognition and our thanks. Throughout his tenure as Governor of Illinois, Richard Ogilvie never lost sight of his objective to represent the best interests of the people of Illinois. Sometimes this meant doing what was not politically expedient, like instituting an income tax, for the first time in Illinois, in the face of a budget way out of whack. In instituting this tax, Governor Ogilvie knew he was effectively ending his political career. Yet he knew this was in the best interest of the State.

In a word, Richard Ogilvie was honest, and it was this honesty which ultimately ended his career. This was the irony of Richard Ogilvie's career. He had a lot of guts and he stood on his principles, two qualities which do not endear a politician to the public. It was not until after he left the Governor's office did the people of Illinois appreciate the strength and integrity of Richard Ogilvie.

Certainly, there is much we can all learn from the example Governor Ogilvie gave us. In this age of images created by 30-second TV spots, more attention should be given to substance, as Governor Ogilvie embodied. In his memory, much could be said of Richard B. Ogilvie, and I have read none better than this article written by my brother John, who served as Richard Ogilvie's press secretary. I commend this as a tribute to him.

[From the Phoenix Gazette, May 12, 1988]

EX-ILLINOIS GOVERNOR REFLECTED GOOD SIDE OF PUBLIC SERVICE

(By John Kolbe)

After returning to Arizona years ago following a nine-year stint in Illinois journalism and government, I developed a shorthand way of describing a part of my resume to new friends unfamiliar with the names and faces of faraway politics.

"I worked for the governor of Illinois," I would say, "the one who did *not* go to prison."

It was true, as far as it went, for both my boss' predecessor and his successor, the one who beat him in 1972 after a campaign of deception unusual even by the relaxed standards of Illinois politics, later were convicted in federal court and ended their careers in disgrace.

But the flippant answer does injustice to a man whose contribution to Illinois and American governance is based on far more than avoiding the clutches of federal prosecutors.

He brought *character* to the craft of politics.

Not character, as in, "He's a real character," but character, as in rock . . . as in steady . . . as in decent. Stop to think about it, and you'll realize that in today's image-driven, year-around political frenzy, when we extol candidates for their charisma, or good looks, or stamina, or experience, or quick intellect, "character" is not a word we often hear in describing public officials.

It was used a lot to describe Richard B. Ogilvie.

More amazing, it still was being used when he died Tuesday, more than 15 years after he retired from public office, albeit involuntarily, to become one of Chicago's most influential lawyers and respected voices on matters of public policy.

Character is not easily depicted in 30-second commercials or four-color brochures with catch pharases. It is *felt.*

And voters felt it in Dick Ogilvie. God knows, with his overweight, owl-eyed, scar-faced (a war wound) countenance, he didn't make it on good looks. HIs oratory was mostly hum-drum, rarely soaring in flights of inspiration, and his disdain for even modest public relations exercises exasperated those of us who were employed to sing his praises. ("Charisma Isn't Everything," read a whimsical campaign slogan.)

Although far more than passably intelligent, he was not much of a thinker, conceptualizing great issues and conjuring up broad solutions to obscure problems.

Ogilvie, a Republican, was a *doer.* See a problem, find the shortest line between here and a solution with the help of bright and ambitious people whom he never found threatening, and go there—directly, simply, *now.* If that approach often carried political risks, he didn't ignore them, but simply recognized it as the unavoidable price of doing the public's business.

What he had was integrity in its most fundamental political sense—the willingness to face reality without evasions and to level with people about it, openly and plainly.

That's what he did when he arrived in office and found a budget $1 billion out of balance.

Without hesitation or self-pitying agony, he decided that Illinois must end its status as one of the last major industrial states without an income tax. Barely two months into office, he proposed a flat-rate, high-exemption tax later hailed by economists a model of fairness and simplicity (the state tax form took five minutes).

If raising a tax is politically risky, creating a brand new one affecting everyone is suicidal. His public approval ratings fell from the 60s to single digits overnight.

Staff members sunk into depression. The governor sucked on his pipe, and said matter-of-factly, "We'll just have to work harder."

The tax passed, by a single vote, and with it, probably (seen with the advantage of hindsight), his political career as well. He recouped more than 40 points in the polls, but lost four years later by one point to a pioneer of pure media politics—a man who promised everything (which may have foretold his perjury conviction years later), but whose only claim on public attention was a walk across the state in a work shirt and red bandana.

Dick Ogilvie left office without excuses ("I didn't work hard enough," he explained) and with his honor intact, and soon assumed status as a larger-than-life statesman called upon by public officials bedeviled by intractable problems, and wooed as a possible candidate whenever elections loomed.

Shortly before his death, he had agreed to the nearly unprecedented request from a Democratic mayor to head the deeply troubled Chicago Housing Authority.

All of which may be of limited interest to Arizonans 1,500 miles away, even to the many displaced Illinois natives here, except for the context of chaos, deception, incompetence and ethical tawdriness through which people in this state may be inclined to view the practice of politics these days.

Dick Ogilvie is an enduring reminder to anyone who cares for our political system that government, and governors, can be decent without losing their toughness, intensely practical without losing their vision, and ultimately (according to the early judgment of history) successful.

For five years, my life and career revolved around him, my boss, mentor and friend.

Voters decreed that we should part ways long ago, but I have never forgotten the example he gave to hundreds of young people lured by his candor and thoughtful pragmatism in the spring of their careers, and for whom "the governor" will forever signify only one man.

Often in the past year, I have been warmed by memories of that example, and its reassurance that character, real class, is not always elusive in the halls of government.

So long, Governor. And thanks.

NATIONAL RURAL HEALTH CARE AWARENESS WEEK

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. BAKER. Mr. Speaker, the week of May 15, has been designated "National Rural Health Awareness Week." I would like to take this opportunity to express my full support for the work done by the Rural Health Coalition. The Coalition will soon be introducing thorough and comprehensive legislation which will tackle the serious and complex problems that are unique to the rural health care system. Rural hospitals are continuing to struggle to maintain excellent health care services within a system that is incapable of meeting their needs.

Within my district of Louisiana, hospitals are facing severe financial losses as a result of receiving inadequate hospital and physician Medicare reimbursement. They are providing excellent care to those on Medicare and should not have to suffer financial losses for choosing to give the best care possible.

The legislation under consideration will have far reaching implications in halting the unfair and destructive policies being directed to our rural hospitals. In addition, other rural health needs will be served well by this legislation. There are strong provisions which will provide greater opportunity for our rural health clinics to expand into the underserved areas, and to help relieve the shortage of health care personnel.

FEDERAL WATER POLICY MUST BE CHANGED

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. HOPKINS. Mr. Speaker, this week, the House passed a bill funding water projects for the next fiscal year. When this bill comes back to the House from the conference committee, I hope that my colleagues will take the time to realize that current funding policy continues to ignore a serious and growing problem.

Given the narrow budgetary restraints and even more binding policy limits imposed on the originating committee, this legislation does as much as it can with available resources; however it falls far short of addressing the changing water needs of this Nation.

Despite an increasing nationwide trend of inadequate water supply, projects exclusively designed for water supply do not qualify for matching funds under present Federal policy.

The situation is becoming increasingly detrimental to farm income, industrial growth, new employment opportunities, and health conditions.

In central Kentucky, for example, severe drought conditions have existed since August 1987. The Bluegrass region of my State has a 27-inch deficit of rainfall from January 1980 to December 1987.

Ignoring the threats of inadequate water supply and focusing on flood control when communities are running out of water just doesn't make sense. This policy is unrealistic, outdated, and unfair. It must be changed.

THE PRESENT AGE AND THE STATE OF COMMUNITY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1988

Mr. MICHEL. Mr. Speaker, the distinguished sociologist Robert Nisbet delivered this year's Jefferson lecture under the auspices of the National Endowment for the Humanities. His speech, a brilliant study of the idea of a "national community," is, in my mind, one of the best pieces of political analysis in years.

Nisbet, who has for many years been recognized as an outstanding scholar in his field, reminds us that schemes to form a "national community" while often based on noble impulses, carry with them unintended—or, in some cases, intended—side-effects such as the destruction of intermediary institutions; for example, family, local community, local government, private and professional organizations and other groups that stand between the individual and the state.

This theme—a vision of "national community" versus one of a "community of communities"—or "a nation of communities"—is, I believe, at the heart of almost all the major struggle between the two great political parties. Nisbet's brief, but incisive, analysis of the "national community" approach shows its weaknesses and its dangers.

I hope all of our colleagues take the time to read this excellent speech. At this time I wish to insert in the RECORD, "The Present Age and the State of Community," the Jefferson lecture for 1988, by Robert Nisbet, published in Chronicles magazine, June 1988.

THE PRESENT AGE AND THE STATE OF COMMUNITY

(By Robert Nisbet)

The Present Age begins with the First World War, the Great War as it is deservedly still known. No war ever began more jubilantly, among all classes and generations, the last including the young generation that had to fight it. It is said that when Viscount Grey, British Foreign Minister, uttered his epitaph of the war on the evening of August 3, 1914—"The lamps are going out all over Europe; we shall not see them lit again in our lifetime"—he could scarcely be heard by those sitting in his office because of the loud cheers on the street outside the building. From the beginning it was a cheering and also singing war; only after a year of devastating trench warfare did the cheers begin to subside.

In Europe the war ended, in November 1918, in somber hue. Twelve million European soldiers had been killed, 25 million wounded, and vast areas, along with their churches, halls, and houses, devastated. Every conceivable horror of war was perpetrated by both sides. "When it was all over," wrote Churchill just after the war, "Torture and Cannibalism were the only two expedients that the civilized, scientific Christian States had been able to deny themselves, and they were of doubtful utility."

An unknown German named Oswald Spengler had spent the war in his hometown writing *The Decline of the West*. Freshly published copies festooned bookstore windows for the edification of the defeated German soldiers straggling home. It was by no means the only grim epitaph of the Great War. Such works as *The Magic Mountain, Death in Venice, Desert of Love, Under Fire, The Waste Land, Goodbye to All That,* and *Brave New World* attested to the impact of what had been fundamentally a civil war, one strongly tinctured by religious moralism that made it a war of total Good against total Evil for the duration. Possibly no war in history has ever had more striking consequences: the Seventy-Four Years War, perhaps yet to be the West's second Hundred Years War; the novel and persistent totalitarian state; permanent, state-managed terror against the innocent; and the Third World, that part of it, at least, composed of the *disjecta membra* of the old European empires.

When we turn to America, as I now do for the rest of the lecture, the scene changes vastly. No nation ever had a better war than America did with the Great War. We were combatant for a little over a year. Not a shell or bomb fell on American soil. We prospered economically, our losses in battle were small. But that notwithstanding the American experience was at once shocking and joyful. For about two years it was as though some powerful demigod had amused himself turning America upside down in its government.

Prior to 1917 we were the most decentralized, dispersed, regionalized, and localized government to be found among the great nations of Western society. What with those features of our government plus the rigorous separation of powers in the Constitution and the vast number of rights and powers left to the component states, it is no wonder that European scholars and statesmen—Lord Bryce, who loved America, among them—denied that the United States had a true sovereign or, as Bryce put it, "a Theory of the State."

Within weeks of declaration of war on Germany in early April 1917, all this was being changed, transformed. Overnight America became a highly centralized, collectivized war state, virtually a total state. In an extraordinary series of acts, Congress turned the government, and also economy and social order of the United States, over to President Wilson and his war government. The railroads, telegraph, mines, munition factories, shipping lines were all immediately nationalized. A War Industries Board was given total power over the production areas of the economy. A War Labor Policies Board was established, a Food Administration.

That was only the beginning. Believing that the hearts and minds of the people were vital to his great war design, Wilson, working through his personally chosen aide, George Creel, set up a national corps of Four-Minute Men, 75,000 strong before the war ended. Each was empowered to enter any public meeting, including church services, without invitation, and to speak for about four minutes on the purposes of the American war against the Germans. Beyond this, more than a million so-called Neighborhood Watchers were recruited to serve without pay, or even official identification in most cases, to serve quite literally as spies or monitors upon their own neighborhoods; this, of course, to pick up any possibly disloyal remarks from the neighbors. As Samuel Morrison writes, it "was a wonderful opportunity to bring patriotism to the aid of neighborhood feuds and personal grudges."

In 1917, at Wilson's request, Congress passed the Espionage Act which banned certain types of speech in the interest of military recruitment under the draft. The following year, also at Wilson's request, Congress passed the Espionage Act under which Victor Berger, the first socialist ever elected to Congress, and the notable labor leader Eugene Debs were sent for long sentences to federal prisons for publicly questioning American entrance into the war. The Palmer Raids in 1919, raids without warrant by the Attorney General, were only extensions of invasions of offices and homes which had begun in late 1917. Prior censorship of the press was considered by Wilson and his aides but, anticipating furor from publishers, scrapped in favor a law empowering the Postmaster General to open all second- and third-class mail and instigate charges against publishers of newspapers and magazines containing disloyal and seditious material. All over America schoolbooks were examined by local, mostly self-appointed committees for possible harboring of songs, poems, stories, and essays by German authors, no matter how far back in time they may have been or how distinguished.

To this day it is unclear why President Wilson instituted so thorough, so total, a war government and encouraged widest possible direct citizen action. He was aware of what he was doing: "It is not an army we must shape," he declared shortly after declaration of war, "it is a nation." But why shape an entire nation, why the manifest overkill in simply meeting war needs? The barrage of propaganda from the government was mild in World War II compared with the First World War. Again, why? It is hard not to suppose that Wilson was engaged by intent in two wars: the first, the war against Germany; the second, a war against what were to his mind the cultural and linguistic, perhaps even genetic impurities which had entered his beloved "city as on a hill" with the vast waves of immigration from both Eastern Europe and Asia. Theodore Roosevelt had been voluble in his dislike of what he called "hyphenated Americans" and Wilson appears to have shared T.R.'s distaste and also passion to see the fabled melting pot bubbling away at high heat. The almost fanatical search for German spies in America, for ordinary pro-Germans indeed, may have covered a fear and distrust of all the newly arrived in America. This was the age par excellence in America for eugenics groups concerned with purity of American blood and also for Americanist societies equally concerned with purity of ideas and allegiance.

Congress of course settled everything beginning in early 1919 by scuttling in record time the whole apparatus of the war state. It was not long before Army-Navy Stores were blossoming in every community and meatless Tuesdays were abandoned, and the last of the anti-Kaiser posters eroded away by weather, though a full decade would be required for the retirement of Liberty Steak and return of hamburger. All of this was theoretically what every American had been impatiently waiting for, the end of war restrictions, of Four-Minute Men with their insufferable pomposities, of Neighborhood Watchers snooping around, relaying gossip, of the ridiculous but patriotic glass bowls in every living room gathering the tinfoil from chewing-gum packages, and all that.

But within a year many Americans found themselves perversely missing the war and the Great Crusade. Peace was by no means an unqualified blessing. Inflation—or HCL as it was then popularly called, "high cost of living"—was murderous. Employment had been steady and well-paid during the war when cost-plus contracts were common. Profits had been good; several thousand millionaires were made by the war. There had been salutary economic and social reforms under the pressure of supporting the war. There had been less discrimination against minorities. Women, by virtue of taking the places of men called to service, were in the limelight as never before. That fact together with the sharply diminished role of hard liquor during the war surely helped the causes of the 18th Amendment in 1919 and the 19th a year later.

Other aspects of the war on the home front were also missed: the moral crusade and all its appurtenances had been collectively fulfilling. The First World War was a singing war, in trenches and home front alike, as the Second World War was emphatically not. There were the spirited parades at home, the familiar sight of Our Boys in uniform waiting to go Over There, the bond rallies with all one's favorite stars of Hollywood and Broadway, lots of spontaneous noise. There was one stillness, though, that almost everyone noticed and liked: the stillness of an atmosphere purged of strikes and lockouts and of the bitter acrimony of intervention versus isolation in the war. Instead there was something of what the English philosopher, L.P. Jacks, called "the spiritual peace that war brings."

The truth, the poignant truth, was that America was feeling a sense of national unity, of cohesion, and of single-mindedness it never had felt in its history: not in the Revolutionary War, the War of 1812, not in the period leading up to and then following the bloody Civil War. Southerner and Northerner, Easterner and Westerner were brought together in one national army, fighting not each other but a common, hated enemy. We were engaged in the Great Crusade, and we fought, unlike some of our European Allies, for morality, for democracy made safe in the world, not for crass reasons of mere national interest. National war brought, as it so often has in modern times, the sense of war community and also national community. People liked it.

A second major collective experience for Americans in the Great War, one also the subject of frequent editorials and magazine articles, was the immense reinforcement given to the American idea of progress. Bryce had commented, in a whole chapter, on what he called the Fatalism of the Multitude in America, the ingrained conviction that America was exceptional, was the mighty creature of a fated destiny denied other countries in the world. Bryce said that it was no Tyranny of the Majority, as Tocqueville had claimed, which made for a certain uniformity of American thought, a distinct unwillingness to buck public opinion, but rather a sense that whatever was happening was a part of a great destiny that was unique to America and not to be opposed lightly.

The war gave immense impetus to this conviction. Before the war was even finished, there was a national sense that the Americans, Our Boys, Over There, were the true winners of the only war against the Beast of Berlin. That American entrance into the war made a difference is not to be denied. But that Our Boys possessed a native Know How, Can Do, and No Fault in battle, outstandingly superior to European soldiers was, well, a little something else. Still, Mark Twain had prepared Americans for this feeling of inherent, ingrained superiority to the Europeans in his *Connecticut Yankee in King Arthur's Court* and *Innocents Abroad* in which, with side-slapping humor, he demonstrated how American homespun had it all over monarchical valor. The American people loved it, and when a good war came along like that of 1917-1918, it was a good time for dilating once again on the native genius of Americans.

Thus the appearance of the Great American Myth in 1918: that Our Boys—with minimum training in the camps, with short notice, unfamiliarity with the topography of Flanders Fields—had nevertheless outfought man to man the German and also the Allied soldiers. I have no difficulty whatever in remembering conversations among elders which would begin as follows: "The reason Our Boys were so superior to European soldiers was . . . " and then would follow any one of a dozen possible reasons ranging from the fact that they fought with the strength of 10 because their hearts were pure all the way to the alleged fact that all of Our Boys grew up on farms where they not only had good fresh milk and eggs but also, from boyhood, squirrel rifles which made them expert riflemen before they were not out of high school. The European fuddy-duddies just didn't have a chance. (May I say parenthetically here, if you don't believe me, do, as I did nostalgically some years ago, go to bound volumes of some of the most popular magazines of wartime and through the 1920's, such as: *The Literary Digest, Everybody's, American, The Saturday Evening Post, Review of Reviews,* and for the young at the time, *American Boy* and *Youth's Companion.* But there were many others.)

It was, to repeat, a good war for America; good politically, or so it was widely felt; good economically; and good psychologically, spiritually. America was at last inside modernity; it had in effect been dragged in by the Wilson war government and by the sheer impact of the war on traditional American values. Not again would the United States be as culturally separated from the rest of the world, as intellectually parochial.

The pores of American society had been opened. A new kind of individualism was to be seen; directed not against the national government as of yore but against the moral codes of family, local community, and church. There was greater informality in public; language became less formal, less stilted. Dress for both sexes relaxed considerably in its prewar dictates. Gin flowed in the 20's, flappers were endlessly photographed, cigarettes omnipresent, and, Freud having become popular, much discussion of repressions, complexes, and the relativity of morals.

So did the idea of progress flourish in the 20's. It may have become moribund in Europe after the war and its devastating assault there, but not in America—neither among intellectuals nor the laity. Marxism, which, like Freudianism, was permeating intellectual life in the 20's, had its guarantee of progress for the proletariat at least, provided a little blood was spilled at the barricades; liberals were still ringing changes on Herbert Croly's prewar book title, *The Promise of American Life;* and as far as the ordinary American was concerned, plaques hung from countless walls, at office and in home with the words "Don't Knock Progress." To help out, the French exported, no doubt gladly, Couéism to America, and millions could be heard, privately or publicly, repeating: "Day by day in every way I am becoming better and better."

As if to confirm the reality of progress in America, a cultural renaissance took place in the 20's; a genuine renaissance. Some wars seem to produce cultural renaissances. There were the Persian Wars at the beginning of the fifth century B.C. in Greece, the later Punic Wars out of which came Rome's grandeur, the Spanish war preceding and attending England's Age of Elizabeth, and so on. There is certainly nothing automatic or foreordained about war and cultural renaissance, but the larger truth is that there has been a reasonably close relation throughout history between war and civilization just as between war and the state. The hold that war and its disciplines have upon the individual can't help but lessen the weight of old and possibly constricting conventions and thus liberate the creative mind for at least a short period. Ever since the French Enlightenment, when so many philosophes were writing their plans for perpetual peace, war has had a bad press. Perhaps today in the nuclear age, it's better that way. But it is indisputable in comparative history that wars and civilization's advances—its spurts—are closely connected.

The 1920's was technologically resplendent, of course, with the automobile and radio making immense changes in social and cultural respects. But equally notable was the eruption of genius and high talent in the arts. The 20's was the best decade for the creative imagination since the 1850's (when Emerson, Thoreau, Melville, Hawthorne, and Whitman produced their classics): in the novel, Faulkner, Hemingway, Fitzgerald, Dos Passos, Dreiser, and many others of like talent; in poetry, Wallace Stevens, Frost, Robinson, Williams, and living abroad mostly, Eliot and Pound. Mencken was at his height; so was O'Neill in the drama. And nowhere did renaissance lights shine more brilliantly than in jazz and in the film, in each of which America commenced a world influence that has only recently shown signs of waning. Finally, it was in the 20's that America found its civil religion, in sports and in icons of the Ruths, Cobbs, Dempseys, Granges, and others—names which seem still to come trippingly off the tongue.

I turn now to another aspect of the 20's, one that I shall stay with for the rest of the lecture. This was the decade in which the political intellectual, what the French call the *politique,* made his arresting entry into American culture, and with him an idea that would remain lustrous for all the years down to the present moment: the idea of the national, political community; a national community to replace what were perceived as moribund forms of community such as the family, local community, church, and so on.

It is useful to point out first, though, that the political intellectual of the 20's had his predecessor in the war intellectual of 1917-1918. President Wilson was nothing if not a political intellectual himself, and, as I have already suggested, seeing the war as he so ardently did, as a struggle for American minds and America herself in need of afflatus, be brought to his government artists, novelists, journalists, academic scholars, and others who, without being forced to depart their accustomed places in the world of arts and letters, could yet aid the war effort by simply turning their talents to the cause of the war against Germany. Individuals of the stature of John Dewey, Isaiah Bowman, Guy Stanton Ford, Carl Becker among academics; Walter Lippmann from journalism; Samuel Hopkins Adams, novelist; and Joseph Pennell, artist; all presented arms with pen and brush.

A group of about 30 scholars and journalists and some businessmen met through much of the war secretly in the basement at nights of the old American Geographical Society building, there to help, at the President's strong request, in preparing the government for the eventual peace table. Here drafts of the Fourteen Points were prepared, with Lippmann having a particularly influential role here.

The emergence in numbers of the political intellectual in the 1920's was thus yet another consequence in some degree of the Great War. It was a kind of clerisy, a political clerisy that emerged in behalf of the provident state. There were Dewey, Charles Beard, Charles Merriam (who had worked closely and confidentially with President Wilson during the war) among academics. Outside the academy, and profoundly influential, were the likes of Lippmann, Lewis Mumford, Herbert Croly, Waldo Frank, Stuart Chase, Oswald Villard of *The Nation,* Harold Laski—English, but closely affiliated with American interests and issues.

Few of these knew each other personally. Yet, taken together, they constituted a clerisy, a political clerisy, its sworn objective that of reforming the American political community. All of them had been connected in one way or other with the Great War; all were sensitively aware of the change that had come over Americans, however briefly, during the war, a change, as I have noted, that comprised a deep sense of war community and an equally poignant awareness of American progress, American fatalism, destiny, future fulfillment. Both the war community and the American fatalism were charged with the moral dimension.

To the political minds I am referring to, it seemed a pity for America to lose its sense of moral community and progress. Why not create, as William James had recommended, a moral equivalent of war in order to enjoy and thrive on the virtues of war? John Dewey expressed himself positively on this: much, he thought, of the Great War would hang on. It was indeed Dewey's call to action for something larger than scholarship and philosophy in the academy.

Dewey had long been obsessed by the idea of community. A staunch Hegelian before he worked his way to pragmatism, he seems to have absorbed permanently the idea of the Hegelian national community as set forth in *Philosophy of Right* and other major works. He never forgot his native rural Vermont, nor did he ever return to rural America. He was a product of great nationally minded universities: Johns Hopkins, Michigan, Chicago, and finally Columbia. Dewey preceded Charles Horton Cooley by 10 years in the teaching of community at the University of Michigan. When he transferred to Chicago, he commenced a series of experiments in the construction of the ideal classroom. His constant predicate was community, and he described the school as, ideally, a "miniature community."

In the 1920's, by then in New York, Dewey published his *Individualism Old and New.* The key to the book lies in a long chapter titled "The Lost Individual." There was also his seminal *The Public and Its Problems,* which became a veritable charter to the new clerisy. Democracy he defined here as "the idea of community itself." He cites Woodrow Wilson's *The New Freedom:* "Everywhere . . . relationships are largely great impersonal concerns, with organizations, not with other individuals." What must be done, Dewey asks in a long chapter titled "Search for the Great Community": "What are the conditions under which it is possible for the Great Society to approach more closely and vitally the status of the Great Community, and thus take form in genuinely democratic societies and states?"

There we have, superbly stated, evocatively and almost thrillingly, a theme, a quest, that has remained important in the American reform canon from John Dewey and Walter Lippmann through Franklin Roosevelt down to Governor Cuomo. How, in a word, to convert society into community. Community is a loaded word. The Romans wisely placed *communis* (the root of *Communitas*) in a different declension from *socius* (the root of *societas*). Never the twain shall meet, said the wise *patres conscripti,* as if to warn: You can call a camel a horse, but that does not make it one. You can twist rhetorically society, the great society, into a community, but that doesn't make it one. The fact that a national war—which has but one objective, destruction of the enemy—brings disparate groups and classes into the feeling of community, but only in respect to one purpose, the war and defeating hte enemy, doesn't mean that a multipurpose, a hydra-valued and myriad-interest society in peace can be molded, like a twist of dough in a bakery, into a community. So might the Roman Fathers have wisely said.

But not our American Fathers in the 20's. It was to be Great Community instead of Great Society. Beginning early in the 20's the catch-question "We Planned in War, Why Not in Peace?" was to be found in more and more books, journals, and lectures. The memory of the Great War and its venture into national community served advocates of a corporate state, a socialist state, a national community more abundantly than did the tracts and treatises from Europe on these matters.

It is interesting to see how synchronously the literary and the philosophical sections of the 20's cultural efflorescence worked together in the quest for national community. It was almost as though an invisible conductor presided with baton over the scene. Dewey, Lippmann, and Croly offered philosophical arguments to the effect that all older forms of community were moribund, thus making national community imperative. With a wave of his baton the invisible conductor brought such mighty literary talents as Sinclair Lewis, Sherwood Anderson, Edgar Lee Masters, Ellen Glasgow into action. They, in novel, short story, and poem, in *Main Street, Winesburg, Ohio,* and *Spoon River Anthology* concurred enthusiastically with the philosophical section. Yes, the American small town and its family, church, and neighborhoods were all moribund, suffocating, tyrannizing, over their Carol Kennicotts and George Babbitts. *Ecrasez l'infâme.*

And, almost as though activated by a baton, came an answering, or conjoining, threnody of how bad things are in the city too. The city was the place of broken dreams, of frustrated pilgrims, of empty lives, of vast financial networks of power engaged in rebutting individuals of talent, sentencing the whole population to anonymity bordering on death. Dreiser, Dos Passos, Harf Crane were among those who painted the great cities in these lines and colors, but there were many others in the 20's, and of comparable genius.

The individual was, as Dewey and others iterated and reiterated, Lost; Lost in either the stupefyingly dull and banal small town or else lost in the thoroughfares of Metropolis. Lost, alienated, estranged, in need of—and now our invisible conductor has called for the horns of the *politiques* which respond instantly in a timely diapason representing the answer: community, but the Great Community of the entire nation; nothing intermediate, nothing less!

One wonders whether a single reader of the best-selling literature in the 1920's on the tyrannical, mindless village or small town, on the frightening anonymity and soullessness of the city—say, San Francisco, St. Louis, or even Chicago and New York—and the Lost Individual as well as the Lost Generation, ever stopped in his or her reading long enough to wonder whether or in what measure there was any real verisimilitude in the author's stereotypes? Probably not. Such is the power of a plausible ideal type; and such is the power of the writing classes over the reading classes.

The political clerisy I describe was, through the 1920's at least, remarkably free of the party ideologies which would become clamant in the 30's and thereafter. Before the onset of the Depression, Herbert Hoover had the high respect of many who wanted to see the state, with the help of the learned and the administratively wise, become a community. Reading the Deweys, Mumfords, Chases, and Lippmanns as they wrote in the 20's one is not particularly struck by the ideology in the ordinary sense. The clerisy in the beginning sought to be transideological if not quite transpolitical.

The New Deal and Franklin Roosevelt helped change much of that. But it also brought out in sharp relief the continuing theme of the national community and also memory of the Great War. It is generally agreed that Marxists, Keynesians, and Fabians had little if any influence on the structure and theory of the New Deal. There was, after all, never a theory of the New Deal to be influenced.

The New Deal was exhumation of World War I structures in the first place and thereafter halter-skelter adaptations, readaptations, and patchings-up of the various structures brought into being. Nothing worked so far as the essentials of the Depression were involved. After a flicker of hope in 1937, there was a recession that put things back to almost 1932 status. In the end it was World War II that ended the Great Depression.

What did succeed, more or less, though, in a pragmatic way, was the creation by Roosevelt and this aides of a war community without armed war and sedition acts. Without loss of time, the New Deal began in the resurrection of the old War Industries Board, the Labor Board, the various agricultural and pricing commissions of World War I. Some of the principals of the Great War came back to man the New Deal boards and commissions, among them Bernard Baruch, Hugh Johnson, and Herbert Bayard Swope. Above all, the centralization that had characterized Wilson's war government characterized FDR's depression government. Roosevelt used the imagery of war often in his speeches and didn't hesitate to liken himself to general and the American people to an army. Everywhere, he suggested, discipline was needed. As William Schambra of the American Enterprise Institute has noted in an illuminating paper, Roosevelt specifically likened his work to that of making the nation the substitute for the old and now archaic community of the village and the neighborhood. Said FDR: "We have been extending to our national life the old principles of the local community . . . the many are the neighbors. . . . Nationally we must think of them as a whole and not just by sections or by states." Or, Roosevelt might have added, by families, towns, churches, cooperatives, and mutual aid groups. For in practice he disdained them too.

As the New Deal endured, it became more and more direct and unmediated in its thrust. New agencies for dealing with one or another aspect of the Depression tended not merely to bypass state governments and local communities, not to mention churches and other voluntary associations, but actually weaken these intermediate groups and governments. As in World War I, there were posters (the Blue Eagle!), parades, and evening marches through neighborhoods, all signaling at one and the same time the war against the Depression and the ever-present prospects of victory soon. FDR remained insouciant and also commanding in presence throughout, personalizing handsomely the centralization of state.

The Great Depression was Crisis No. 2 in the saga of America the Great Community. It meshed nicely with Crisis No. 3, which was the Second World War and which, at long last, ended the Great Depression. Roosevelt said just after Pearl Harbor that it was now time for Dr. New Deal to be replaced by Dr. Win the War; but in truth both doctors worked together throughout. In no appreciable respect was the crisis machinery created by the Depression dislodged by the onset of World War II. A continuity of crisis machinery is one of the more notable aspects of the story of the American welfare state and, more particularly, the dream of the Great Community in America.

Seemingly nothing disturbs the growth and momentum of the crisis machinery of the welfare state. Not economic prosperity; some say the welfare state grows as fast under boom as recession. A fourth crisis came along in the 1960's, that of the war in Vietnam and on the campuses of major universities in America. For some reason President Johnson spurned Great Community as his landmark, preferring the Great Society. Perhaps an ex-schoolteacher was refusing to violate further the word Community.

The appeal of the idea of national community is undiminished in our time. The symbols and impedimenta are everywhere to be seen. Community threatens to become the battleground of politics, replacing the enemy in this respect. Community is more siren-like, more seductive than economic growth and the size of budget deficits. To be sure, in some minds the goal of national community includes the great corporations, as in some of the presentations of Felix Rohatyn, Robert Reich, and the *New York Review.* Governor Cuomo was presumably not excluding the corporate giants from the American national family he described in San Francisco before the Democratic Convention in 1984. By my count there were 23 references to the family; not one addressed to the household. America as community, family, wagon train won the hearts and minds of those present along with more than a few others in the listening audience at large. Within less than an hour's stroking of the theme of community, he became a presidential candidate in all but declaration.

Community, with its powers of enchantment, is as dangerous a companion of politics as religion. We know the hazards of the latter. For politics shares with religion a capacity—not to be found in anything economic—for inspiring dreams of redemption. The passions aroused by religion and politics are from the same furnace in the human heart. The state as theocracy repels most of us, thinking inevitably of past and present instances of it in the world, in early New England, in present-day Iran.

The same skepticism doesn't seem to prevail, however, with respect to the vision of community. The original voices of national community—Dewey, Lippmann, Croly—back in the 1920's were unfamiliar with the structure of modern bureaucracy simply because there wasn't any, or much, in America at that time. We cannot blame them for their well-intentioned but inevitably naive vision of the national community as simply an effortless expansion of the village, with nothing else involved. The 1930's taught them differently, of course, when the administrative structure of the New Deal appeared under the name of community.

The ideal of national community excites the imagination and seems to narcotize the nerves of caution. It is easy to imagine citizens largely satisfied with a government committed to the common defense and the general welfare. It is impossible to conceive of a satisfied citizenry living in what is proclaimed to be a community. Expectations would mount perilously. It would be hard to find a better recipe for permanent unrest.

The idea of national community is supported by an assumed inevitability of a certain theoretical scheme of progress. Democracy began, the scheme informs, with the small town, the church, the school, the family, and cooperatives of one or other kind. But this democracy is gone and can never be recovered. (One wonders at this point what 3,000 reporters were visiting last winter in Iowa and New Hampshire if not small towns meeting in churches, schools, and the like.) Democracy has passed through the purely political stage represented by our Constitution, through the economic state represented first by free private enterprise, then by government regulation, and is now reaching its highest stage, national community.

It is interesting that the same sketch of inevitable progress carries a theory of the true center of democratic government. In the beginning, the center was the colonial legislature. Stage two was the passing of the center to a national Congress, under the Constitution. But, it is argued, under the iron discipline of the march of history, democracy, true democracy, passed from Congress as center to the presidency. The President is, the script reads, the authentic center of national democracy, for he alone represents the entire people. This theory of progress was doing quite well until yet another state was introduced a few years ago, one that appears to be flourishing in certain legal circles. Not Congress, not the President, but the federal judge is the true Atlas of modern democracy. Think how long, the apologetics suggest, desegregation, apportionment, abortion legalization, and abolition of school prayers would have taken if these manifestly legislative acts had to go through Congress and the presidency. For the federal judiciary they were the work of moments, by comparison. The federal judge, it is said, is untrammeled by the necessity of being elected by the sweat and stench of politics, by any political obligation whatever. Properly instructed by critical legal studies, he is the reincarnation of Solon and Solomon. To bring the dreamed-of national community into existence through Congress and the presidency would take years, possibly decades. A few Supreme Court decisions, and the basic work will be done. In any event, it is not exaggeration to say that the mission of a centralized, unitary, omnicompetent, national community has reached a number of notable law schools. Legislation, not interpretation, is the proper business of the Benthamite legal mind.

Are there other currents of thought at the present time, counter to those I have been discussing? It seems to me there are. It can hardly have escaped the attention of everyone that the present structure of the welfare state, the framework of what is being called national community is the outcome rarely of careful, unhasty thought and contemplation, but rather of crisis and therefore crisis-thought. It was the crisis of World War I that initiated the momentum, the crisis of Depression that established it, and the crisis of World War II that brought to its essentially present form the idea of the welfare state or national community. Looking back 75 years it is hard to find a single major national event that has not somehow furthered the cause of the centralized, unitary bureaucracy we live by. I believe, although I cannot be sure, that more and more responsible people are giving thought to alternative patterns, not driven by the spur of crisis.

I am struck too by the continuing rise of interest in intermediate groups, associations, and patterns of indirect rather than direct authority. Such interest was largely lacking in this country—though not in Europe, especially France—even three decades ago. It is one thing for the planning government to look out on an imagined mass of 235 million discrete, even isolated individuals, and it is something else for that planning mind to look instead at the reality of the groups and associations in which that 235 million people tend for the most part to live. Such groups as family, neighborhood, church, school, and township are far from being excrescences; they are very much parts of human personalities. Interestingly, perhaps auspiciously, the idea of intermediation in government and society appears to be transideological at the present time. Both the left and the right have discovered it in recent years. They do not have the specters of dead communities before their eyes as do the prophets of the unitary national community. They do not see the population as one of lost, alienated, estranged souls striving vainly and hopelessly to live in households, grasp at religion, be tormented by job, and live in asphalt jungles. And, as noted, they see very clearly the importance and popularity of groups intermediate to individual and state. Such is the seeming spread of the concept of intermediation that one of the best articles of the year on the subject appeared a few months ago in *The New Republic* (an admirable journal, of course), but I couldn't help thinking of its old founders, Croly, Dewey, and Lippmann, spinning, surely, in their graves. There is no talismanic power in the idea of intermediation; it will never attract enthusiastic crowds or rallies any more than a sound military strategy or reform in the budgetary process will. But it's a retreat from crisis-thinking.

It is within that theoretical context that the recent rejuvenation of the states, or many of them, is best seen. The Brookings Institution report some months ago on 14 states the Institution had been studying for years is contributory. These states, far from going into passive retrenchment as the result of revenue-sharing and other deployment measures taken by the federal government, proved themselves both buoyant and innovative in the new life given cultural as well as economic and social services. Some journalists have commented on the unwanted, almost forgotten, political liveliness—these days—of the state capitals and the increase in the quality of those in positions of leadership.

There is a general, perhaps rising movement of the times perhaps best called the Antibureaucracy. There is more awareness of the sheer fact of the national, federal bureaucracy; and with this awareness a focused hostility. The Antibureaucracy reminds me of an inverted cargo cult. The people are pleased with the usufruct of central bureaucracy, but instead of praying to, they curse the cargo ships. They see it as Karl Marx did, as "an appalling parasitic body," and as Max Weber did, "an iron cage . . . filled with robots." Paul Volcker, from his vantage point of member of a presidential commission to seek the causes of an apparent decline in the quality of government service, opined that a vicious circle is created: the lower the quality of the service, the more the confidence of the citizen in his government is shaken; and the more respect for government goes down, the worse the quality of those seeking employment. Something like a Perestroika is needed in this country, and who knows? It may be under way; not only in the federal government but at the great corporations like IBM and General Motors.

Finally, there is a substantial difference in the intellectual scene regarding government and the social order, one that 30 years ago I would never have expected to see in my lifetime. A second ideology was, as we now know, just beginning to come into existence in the 50's, a conservative ideology, an entry that within another decade or two made a two-ideology, bipolar, political society. Historians had for years been proving that a conservative movement would never rise in the United States; the reasons given were that America had never known a feudal stage in its history, and this, it was said, was a prime requirement in all countries for an emergent conservative mentality. Well, either America did have a feudal stage or else one isn't necessary after all for the rise of a distinctly conservative political ideology.

In any event, it would seem that conservatism, however defined from one week to the next, is here and is likely to remain for awhile. It is of little consequence in this respect how the Reagan coalition cracks up. The important forces are institutional: there are large, wealthy conservative foundations, institutes and think tanks, respected columnists, and a regular harvest of books and articles which somehow make the best-seller lists. Intellectually, conservatism is no more monolithic than is liberalism. Each can seem chameleonic most of the time, especially to the true believer. We can't define ideology either, but we do know that it's there. Through its 200 years of history, mostly in Europe, conservatism has commonly manifested a serious interest in institutions like the family, church, the local community, the private sector for their value as buffering or mediating forces and for their role in preserving a more diverse and pluralistic social order. All indications are that we shall remain a bipolar society ideologically for awhile yet.

In conclusion, if I am correct in my impressions—and they are hardly mine alone—of a gathering distrust of mammoth bureaucracies and their stultifying effects upon human energies, of a distinct renascence of the states, of a rising interest in the whole theory and policy of the intermediate strata and groups and of their vital influences upon the individual's perception of himself as well as of the national state, and of an intellectual pluralism in this country that was largely absent 30 years ago, if I am correct in this, then surely there will be a rethinking of the state of community—in both senses of the word "state"—in America. In addition to the by now well-ensconced, crisisborn, renaissance-lifted idea of the nation as a community of individuals resembling the famous frontispiece of Hobbes's Leviathan, that is, the unitary, centralized national community, there will be, there may already be, a second envisagement of community, one sprung perhaps from the ancient ideal of a *communitas communitatum*, a community of communities: perhaps even a change in our national inscription from *e pluribus unum* to *in pluribus unum*.

SENATE—*Friday, May 20, 1988*

(Legislative day of Wednesday, May 18, 1988)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable TOM DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

But he that is greatest among you shall be your servant. And whosoever shall exalt himself shall be abased; and he that shall humble himself shall be exalted.—Matthew 23:11-12.

Servant Lord, Lord of all servants, Thou knowest the hundreds of men and women who labor in this place faithfully, day in, day out—tirelessly, many arrive before the Senate opens and remain long after it closes. Many are involved in tasks menial but essential. Many are involved in technical tasks which require great skill. Many are the Senators' most strategic connection with constituents, the public, and the press. Most tasks are hidden and unheralded. Most attract little attention from the tourists or the press. Many are unknown even to the Senators. Little if any recognition is given, yet the effective operation of the Senate depends upon them. We offer our profound gratitude, Lord, for these faithful, dedicated, hard-working men and women. We honor them. We pray for Your richest blessings upon them and their loved ones. Guide them in their struggles; protect and provide all with Your loving care. Let them be assured that they are known to Thee and loved by Thee—and appreciated by us. We pray this in the name of Him who became a servant to become a savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 20, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NO TASK TOO SMALL

Mr. BYRD. Mr. President, I listened to the Chaplain's prayer as he emphasized that there is no person and no task too small or too humble to be beyond the boundaries of God's service. I am reminded of the wisdom of the little girl who had already discovered this when she said:

We have the nicest garbage man;
  he empties out our garbage can.
He's just as nice as he can be;
  he always stops to talk with me.
My mother doesn't like his smell,
  but then she doesn't know him very well.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin is recognized.

THE ECONOMIC FUTURE OF THE UNITED STATES IS UNFORESEEABLE

Mr. PROXMIRE. Mr. President, after serving for 30 years on the Senate Banking Committee, the most common mistake this Senator makes is to respond to questions on what is going to happen to interest rates, to inflation, to unemployment or to any other questions relating to specific developments about the future of our economy. There is only one correct answer to these questions. It is: "I don't know." That should be followed promptly with, "No one else knows either. No one." The Chairman of the Federal Reserve Board does not know. The Secretary of the Treasury does not know. None of the highly paid economists employed by the country's most prestigious financial institutions know. They do not know what is going to happen in this marvelous, complex economy of ours, no matter how wise, how experienced, or how well paid they may be. They can pour thousands of statistics into computers. They can calculate the consensus view of the 100 or 500 most eminent forecasters, but they cannot know this country's economic future or any significant detail of its future. The top economic savant in the economic department at Harvard University does not know. Fabled Wall Street zillionaires from Diamond Jim Brady to Diamond Don Regan never did know and do not know now. But many an American and many a Member of the Congress believe that if you ask an expert who is smart enough and who has access to the vast statistics about our economy and the superb technology that can now coordinate it, you can then predict the critical elements of the economy and coalesce these elements into a framework that will provide an accurate or a reasonably accurate economic forecast.

Mr. President, this was never the case. And the enormous increase in statistical data on the economy is not making it more likely that we can predict the economy, it is making it less likely. On top of all this we now have a true world economy.

What happens to interest rates in this country depends not exclusively on Federal Reserve action or a combination of Federal Reserve action and the reaction of millions of America's unpredictable borrowers and lenders. It also depends on the action of individual investors and borrowers and government policymakers in Japan, in the United Kingdom, in Canada, in West Germany, in France, in Italy, and in the developing world. There is no way we can foresee these international developments any better than we can foresee the developments in our own country.

Mr. President, the best newspapers in this country feed this widespread illusion that we can forecast economic developments. For instance, one of the very best newspapers in this country is the New York Times. It is a great paper and better today than it has

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ever been. It is especially strong in the quality of its reporters and commentators on economic and business issues. Recently the New York Times carried a story by one of its wisest and most perceptive reporters, Louis Uchitelle. Uchitelle wrote on the release on May 13 of the data on producer prices. He quoted a Morgan Stanley economist as calling the 0.4 rise in the finished goods component of producer prices as "consistent with a gradual progression of rising inflation over the next several years. But it is not indicative of an imminent deterioration into inflation." How about that forecast? Mr. President, this is nonsense. The 0.4 percent April rise means one thing and one thing only. It means that finished goods producer prices rose by 0.4 percent in April—until the revision that may take place next month, provides a more accurate figure. It says absolutely nothing about the inflation in coming months and certainly not "over the next several years."

The New York Times article reports the 0.8 percent rise in intermediate goods component of producer prices. It then quotes a Dean Witter economist as follows: "the data suggests that demand is not as strong as we had anticipated. This takes some of the pressure off the Federal Reserve to immediately tighten credit." Again this has got to be nonsense. Is the Federal Reserve going to ease its monetary policy because the preliminary report for April shows that producer prices—intermediate goods—rose by a substantial 0.8 percent? The Times article also quotes a Bank of America economist as saying, "The core rate of inflation is really very stable and very low." Here is a comment that flatly contradicts the hard figures release in April that are the subject of the Times story. The hard figures show that wholesale prices—now called producer prices—that is at the stage before they enter into consumer prices and affect the cost of living rose in the finished materials stage by 0.4 percent in April, in the intermediate stage by 0.8 percent and in the crude materials stage by 1.3 percent. How can any economist interpret this as meaning that "the core rate of inflation is very stable and very low."

Of course, that forecast may be right. So many completely unpredictable elements can affect the cost of living in the future that no one can tell. The hundreds of thousands of persons who may have read that front page story in one of the great newspapers of our Nation on May 14 may or may not have gotten the impression that inflation will accelerate or slow down. But they certainly were given the unmistakable impression that the eminent economists who were quoted can predict with confidence the future course of prices, and by interference the course of our economy generally. Unfortunately, this faith in economic foresight may be the majority view in this country today.

One comforting thing about forecast by astrology is that most Americans know that astrology is a pleasant joke, nothing serious. But the economic stargazers are taken seriously—even by the paragon of newspaper rationality—the New York Times and that is disturbing.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

THE WAR POWERS RESOLUTION

Mr. ADAMS. Mr. President, yesterday, the majority leader, together with Senators NUNN, MITCHELL, and WARNER, introduced a joint resolution to revise the War Powers Resolution. While I have not completed my review of this proposal, it could play an important role in the debate on this issue.

I believe we need a debate on this issue. It is critical that Congress reach a consensus on a workable mechanism for implementing the war-making power that is reserved solely for the Congress in the Constitution. Not to do so will result in a continuing shift of authority from the Congress to the Executive in this critical area of national policy. Such a shift has dangerous implications. In this regard, the efforts of Senator PELL and the majority leader to focus on this question are entirely appropriate.

At the same time, until legislation is enacted—if it is—the War Powers Resolution remains the law of the land. It has not been declared unconstitutional. And while some have declared it unworkable, I am not ready to reach that conclusion. I believe it can work if the Congress has the will to make it work. It is a simple task; really it is. All the Congress has to do is obey the law and apply the War Powers Resolution to our policy in the Persian Gulf.

I have introduced a joint resolution to address our policy in the Persian Gulf. Because action on this resolution involves a fundamental issue of constitutional authority between the Executive and Congress, I want all of my colleagues to understand this joint resolution and the procedures associated with it.

To date, the Foreign Relations Committee has not acted on Senate Joint Resolution 305.

Pursuant to the War Powers Resolution, Senate Joint Resolution 305 will be automatically discharged from the committee on May 25 and could become the pending business before the Senate as soon as May 26. This will depend upon the floor schedule and whether we are in executive session.

Under a unanimous-consent agreement agreed to by the Senate last December, before we begin consideration of the resolution, any Senator may raise a point of order questioning whether it is entitled to privileged status under the War Powers Resolution because there are imminent hostilities. The point of order can be debated for 4 hours and would then be voted on. Should a majority of the Senate vote that it is entitled to privileged status, there will be a limitation of 3 days of debate on the text of the joint resolution. During that 3 days, the text of the joint resolution is amendable.

As we move forward to consider this joint resolution, there will be two key issues at stake. First, on the point of order, are we going to adhere to the law? Second, are we going to assume our responsibility under the Constitution and address U.S. policy in the Persian Gulf?

With regard to the first issue, our requirement to act under the War Powers Resolution is clear. The President has committed U.S. troops to a situation involving imminent hostilities for a period longer than 48 hours. The War Powers Resolution requires that the Congress authorize that continuing commitment. Despite the clear mandate of the law—a law which the Congress adopted over a Presidential veto—more than a year has passed since the initial commitment, and there still has been no authorization for U.S. troop involvement in the Persian Gulf.

On the second point, we have to answer a number of policy questions. First, do we support a continuation of the Kuwaiti ship reflagging operation indefinitely? Second, do we want our troops defending neutral shipping attacked in the gulf? Third, are we satisfied with the role our allies are playing in keeping neutral shipping open? Fourth, how is our commitment to be paid for? All of these are valid questions which the Congress should address.

Let me conclude with this point: the Congress can duck this issue again. We can decide to debate how we ought to reform the process rather than focusing on the policy. But we cannot evade this simple fact: today, thousands of American sailors are on alert in the Persian Gulf. They are not wondering if they are in hostilities—they know they are. What they do not know is if the Congress supports their continued presence in the gulf. This Senator does. And this Senator believes the Congress ought to have the courage to authorize our commitment and define our policy. There will be yet another chance to do that in the near future when my joint resolution comes to the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

THE INF TREATY

Mr. DOLE. Mr. President, first let me indicate that at 10 o'clock or shortly thereafter we will be back on the INF Treaty and there is a 30-minute period from 10 to 10:30 where speakers who have opening statements or whatever will come to the floor, and I hope if there are any on either side of the aisle—I address myself primarily to this side of the aisle—that they will not waste that 30 minutes because we need to start making real progress on the treaty itself and hopefully after these five votes we will be able to move to the resolution of ratification.

Again time is of the essence. The President leaves on the first leg of his trip to Moscow next Wednesday morning at 10 a.m., and I would again urge my colleagues on both sides, but particularly on this side of the aisle—the Republicans are seated, and President Reagan is a Republican—we have a special responsibility to make certain we consent to this treaty ratification and the President will have the instruments with him when he visits with Mr. Gorbachev late next week.

MAY 14, 1971: SENATE APPOINTS FIRST FEMALE PAGE

Mr. DOLE. Mr. President, 17 years ago this week, on May 14, 1971, 16-year-old Paulette Desell became the Senate's first female page. Five months earlier, Senator Jacob Javits named Miss Desell to the position upon learning that there were no restrictions against appointment of female pages. The Senate Sergeant at Arms, however, refused to accept her appointment until he received authorization from the Rules Committee. The committee subsequently agreed to allow female pages despite objections concerning "their safety, their ability to carry out the more arduous tasks, and what they would wear."

The issue of what pages would wear had surfaced previously in the mid-1940's. Near the end of World War II, pages in the House of Representatives had abandoned their knickers in favor of long pants, a dark blue jacket and tie. The Senate pages continued to wear the customary scratchy knickers. In 1946, when Senate Republicans won a majority for the first time in many years, they set about putting their own stamp on the era. To the great relief of the Senate pages, who had to endure merciless teasing from their House counterparts, the Senate adopted the more modern and stylish attire. In 1971 the female pages quickly adjusted to this style and proved themselves the equal of their male counterparts.

The history of Senate pages extends back to 1829. In that year Senator Daniel Webster arranged for the appointment of 9-year-old Grafton Hansen, the grandson of the Senate Sergeant at Arms, as this body's first page. Two years later, the Senate agreed to a second Webster appointment and 12-year-old Isaac Bassett began a Senate career that would extend 64 years until his death in 1895. Throughout the Senate's history, pages have played an important role in this Chamber, and in the process hundreds of young men and women have had a ringside seat on American history.

Mr. President, I reserve the remainder of my time.

ON RURAL HEALTH CARE

Mr. SANFORD. Mr. President, on May 2, I chaired a Senate Budget Committee field hearing in Greenville, NC, on rural health care. I asked the chairman of the Budget Committee, Senator LAWTON CHILES, to hold this hearing on rural health care because there is no more important issue before Congress today than insuring access to quality health care for everyone in this country, rich and poor, whether they live in one of our cities or on one of our farms.

For decades the cost of health care has outpaced the rate of inflation. Since 1972 its increase has nearly quadrupled that of the Consumer Price Index. While this is a national problem, it places more of a burden on our rural communities at a time when rural economies are declining.

Health expenditures represent the third largest category in the Federal budget, after defense and Social Security. And if you remove the Social Security Trust Fund, health care represents the second largest category.

The Federal Government generally looks upon health care disease by disease, or as an income subsidy issue, rather than by geographic location. Yet there are large numbers of people in certain geographic areas who are not able to get quality medical care either because it is not available or it is too costly.

With the growth of our cities and the demand for specialization and advanced technology in medicine, it is very difficult to get attention focused on the disparity between Federal health care assistance to urban and rural areas. Instead, we speak in terms of categorical programs or block grants or reimbursement rates.

The health care problems in the rural areas of this country are many and the range is broad. Medicare reimburses rural health care providers at a lower rate than larger urban providers. Yet that small rural provider is often less able to absorb that lower payment which is frequently below the actual cost of the service provided. The amount of uncompensated care is increasing, further exacerbating the problem for those or our rural communties least able to pay the differences needed to provide vital health care services. Some declining rural communities have an oversupply of underutilized care while other communities have too little.

How do we attract and keep good health care providers in our rural areas? How do we confront the reality that, as rural populations shrink, more of our rural hospital beds go unfilled? How do we deal with the dramatic increase in malpractice insurance costs that prevents a growing number of rural physicians from delivering babies? How is the nursing shortage affecting the delivery of health care in rural communities? How do we pool our resources to provide better rural health care services more efficiently? How do we provide more services in our underserved areas?

These were the questions we wanted to pursue in this hearing. But we did not just discuss the problems. We also heard about solutions—about innovative programs and changes taking place in rural North Carolina to better meet the changing health care needs of its rural counties and communities.

We heard testimony from health care providers. Dr. Jane McCaleb, a primary care physician practicing in two of North Carolina's most rural and poorest counties, told us how she was able to reduce infant mortality in those counties from 24 per 1,000 births to 4 per 1,000 births. This was done at a time when infant mortality was increasing in the United States. The national average is about 10 per 1,000 births.

We heard from Walter Shepherd, who, at East Carolina University's School of Medicine developed a cost-effective, preventive health care outreach program that has attracted the attention of several States and even several foreign countries.

We heard Jim Bernstein talk about a broad range of rural health care issues, including a successful program he developed to place physicians in rural, underserved communities. At the same time, he stressed how devastating some of the changes made in the Federal Physician Placement Program, the National Health Service Corps, will be on some of North Carolina's poor, underserved areas.

Finally, we heard testimony from two nurses, Dr. Terri Lawler and Eloise Jenkins, and a rural hospital administrator, Richard Harrell, who discussed the nursing shortage and the effect of low reimbursement rates to health care providers in rural areas. Rural areas are competing with urban areas throughout the country, with a clear disadvantage that somehow must be addressed.

Badly needed changes are already being made at the Federal level. Last year's budget reconciliation bill enacted numerous changes in Medicare policy that will increase reimbursement rates to rural physicians, clinics, and hospitals and improve rural health care delivery. It authorized rural health care transition grants for small, rural hospitals to plan and implement changes to improve health services. And it requires that more research and demonstration funding be targeted specifically at programs related to rural health.

There must be a commitment at the Federal and State levels to ensure that our rural communities can deliver necessary quality health care services. We must find that delicate balance between being fiscally responsible and maintaining adequate access to quality care in rural America.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER [Mr. Sanford]. The time for morning business has expired.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now go into executive session to resume consideration of Executive Calendar Order No. 9, which the clerk will report.

The assistant legislative clerk read as follows:

Treaty Document 100-11, treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The Senate resumed consideration of the treaty.

Mr. EXON. Mr. President, for the third straight day the Senator from Nebraska is on the floor appealing for reason and understanding, not wishing to trample on those who have misgivings about the treaty because that certainly is within their rights.

I have just read a story from the UP wire that I would like to read and enter into the Record at the conclusion of my remarks.

Washinton.—Moderate Republicans, particularly Senate Leader Robert Dole, are getting edgy that the stalling tactics of their dissident colleagues will prevent President Reagan from taking the INF Treaty to the Moscow summit.

The first of several "killer amendments"—as treaty supporters brand them—was set before the Senate today for five votes on various parts of it, votes guaranteed to drain time from a clock already running on Reagan's Wednesday departure for his May 30-June 2 meeting with Soviet Leader Mikhail Gorbachev.

The treaty's first indirect test, a challenge to its presence on the floor, produced a 91 to 6 show of strength Wednesday for the agreement eliminating an entire class of superpower missiles.

Mr. President, I ask unanimous consent that the remainder of that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Treaty

(By Eliot Brenner)

Washington.—Moderate Republicans, particularly Senate Leader Robert Dole, are getting edgy that the stalling tactics of their dissident colleagues will prevent President Reagan from taking the INF Treaty to the Moscow summit.

The first of several "killer amendments"—as treaty supporters brand them—was set before the Senate today for five votes on various parts of it, votes guaranteed to drain time from a clock already running on Reagan's Wednesday departure for his May 30-June 2 meeting with Soviet Leader Mikhail Gorbachev.

The treaty's first indirect test, a challenge to its presence on the floor, produced a 91 to 6 show of strength Wednesday for the agreement eliminating an entire class of superpower missiles.

But Sen. Steve Symms, R-Idaho, proposed Thursday that the treaty not go into effect until Reagan certified to the Senate that the Soviets had cleared up violations of five existing agreements. He constructed his amendment in such a way as to get a vote on each of the five issues.

Sens. Caliborne Pell, D-R.I., the Foreign Relations Committee chairman, and Richard Lugar, R-Ind., a former head of the committee, popped up promptly to remind Symms the President wants the treaty considered on its own merits.

Quoting from Secretary of State George Shultz at Senate hearings on the pact, Pell said, "it should not be linked to other arms control issues or treaties, we shouldn't be in a position of cutting off our nose to spite our face."

Symms was undaunted, and the stalling by an arch-conservative handful that includes him and Sen. Jesse Helms, R-N.C., prompted Dole to appeal publicly.

"It's our President who is going to Moscow next week," the Kansas Senator stressed to fellow Republicans. "He'd like to have the treaty."

Sen. Pete Domenici, R-N.M., joined Dole's call, saying five to seven days of treaty debate is enough and the accord should get a final vote Wednesday, the day Reagan leaves for Moscow. Foreign Relations Committee staffers predicted the pact might end up getting its final vote Thursday.

"Not only this President but the American people deserve the opportunity to have (him) * * * carry this treaty to Moscow for a summit," Domenici said.

Countered dissident Sen. Gordon Humphrey, R-N.H., "let us examine this treaty carefully and let the public relations deadline of Moscow be damned." Humphrey called the agreement a "dangerous fraud" with flawed provisions.

Mr. EXON. Mr. President, I support the majority leader, Senator Byrd; the minority leader, Senator Dole; the managers of this bill on the INF Treaty, and I think 90 or more Members of the U.S. Senate, in a plea to get on with the business at hand.

Mr. President, there is so much nonsense going on today—and I do not mean to imply that all of the amendments that are going to be offered are nonsense amendments. I would simply emphasize, Mr. President, that there are some serious amendments that should be considered and debated. None of them—and I emphasize the word "none"—none of them, in the opinion of this Senator, have thus far been offered.

As the UPI story said, the clock is ticking away. The President, as the minority leader indicated on the floor yesterday during a similar discussion, leaves next Wednesday morning. We are not going to be here on Saturday, we are not going to be here on Sunday, and I expect we are not going to be doing a whole lot on Monday. That should be ample notice to the leadership and the Members of the U.S. Senate, 90 or more I suggest who think it is vitally important that we have this treaty ratified, as it will be, by the U.S. Senate.

I think the President should have that in his pocket when he gets on the airplane Wednesday morning leaving for Moscow.

What kind of a position is the U.S. Senate going to be in if our President is going to a summit in Moscow and when he arrives there the U.S. Senate is still dilly-dallying on a treaty that the American people overwhelmingly support and the U.S. Senate overwhelmingly supports?

A typical example, Mr. President, of this nonsense and extraneous amendments was evident yesterday in the newspapers back in my State of Nebraska. There is now being some talk about some "important"—I do not think it is important at all—but "important" amendments that have suddenly sprung up from somewhere, somehow, that would tell the President what to do and tell the President what not to do in dealing with the Soviets in general and with this treaty in particular.

I think this is a terrible situation that the U.S. Senate finds itself in today. I would think at this juncture it is time to unite the American people behind this important trip that our President is making on Wednesday next.

It seems to me that many of these activities today, and the broad-based press coverage of this latest extraneous amendment that is being suggested doing those kinds of things now, is ill-timed and can only cripple the President as he represents the United States of America and the free world in the upcoming summit meeting.

It seems to me that the President must come in for some of the blame. The President should put his foot down. He is the President of the United States. He is my President of the United States. He is the leader of the Republican Party, without question.

I feel that the President is contributing to some of his own problems. I noticed yesterday, in pictures widely circulated in Nebraska and press connections therewith, that, at the same time, the President was taking time out from his supposedly very busy preparation for the Moscow summit—I hope he is preparing—to have a campaign-style picture taken in the Oval Office. I think this is the time when the President and all of us should not be politicking. Let us put politics aside, at least until after the end of the summit. I simply call upon the President to stop politicking.

I suggest that all of us address the legitimate measures that will be brought up as amendments to this bill and then get on with the business of giving the approval of the U.S. Senate to this treaty, as we will, sooner rather than later, after time for legitimate discussion and legitimate consideration to legitimate amendments only.

I would certainly say that the five time-consuming amendments that we are scheduled to vote on at 11:30 today fall into that category, in the opinion of this Senator, as nonsense.

I hope, if nothing else, the majority leader and minority leader could consider the possibility of a cloture motion, if possible. Maybe that would not knock out some of these amendments, because maybe they are germane. But at least if a cloture motion is filed it would expedite the matter, giving us a chance of getting this in the hands of the President when he leaves for that important summit discussion with the Soviet leader.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will be brief. There are other Senators seeking recognition. Our time before we begin voting is limited.

I will urge my colleagues, as others have and my colleague from Nebraska certainly has already, to oppose the amendment offered by our colleague from Idaho because the issue is not new to the Senate. I think it was September 24 of last year that this body voted on a sense of the Senate amendment stating that any INF Treaty should not be ratified until the President certified Soviet compliance with the ABM Treaty. That amendment was tabled 62 to 28.

Mr. President, I voted against that amendment and I will vote against this amendment. Due to the parliamentary situation, I will vote against this amendment five times. I oppose this amendment because it is designed to kill the INF Treaty not to further U.S. security interests.

Every Senator in this body supports Soviet compliance with their legal obligations. Every Senator has expressed concern about Soviet violations of arms control treaties. In the case of the Krasnoyarsk radar, we voted 89 to 0 last year expressing our sense that it constituted a violation of the 1972 ABM Treaty.

Mr. President, this amendment is not about Soviet compliance with arms control. It is about whether this body believes the INF Treaty deserves to be ratified on its merits. And it is about supporting President Reagan's negotiators who successfully rejected Soviet attempts to link INF to a range of issues not before this body today.

One of the reasons the INF Treaty deserves our strong support is that is represents a triumph for tough negotiating. When the Soviets linked negotiations to a halt in Pershing 2 and ground-launched cruise missile deployment, we said no. When the Soviets tried to link INF to our forward based systems, we said no. When the Soviets tried to link INF to British and French nuclear weapons, we said no. And when the Soviets linked negotiations to SDI, we said no.

This amendment would link the entry into force of the INF Treaty to Presidential certification of Soviet compliance with other arms control treaties. But this is the wrong issue at the wrong place at the wrong time. If Senators are concerned about Soviet compliance, let them bring the issue before the Senate. If Senators feel administration responses to compliance issues are inadequate, let them draft legislation proposing a remedy. This body would act upon such legislation the way we act on all legislation. But do not link the INF Treaty to compliance questions unreleated to it.

I will vote against this amendment and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been listening to the debate here on the floor and in my office and I want to take a little of the Senate's time this morning to recognize the efforts of the negotiators who have presented our case in Geneva and whose efforts have led to the presentation of this INF Treaty to the Senate.

Actually, in the beginning I should state categorically in my judgment real credit for this treaty must go to the President. His decision to stick to the zero-zero option he announced very early in the negotiations paid off.

Despite all the criticism and claims that he was too firm and too inflexible in his approach to arms control, the determination to rebuild the defenses of this country and at the same time, while negotiating from strength, present a position that was acceptable and in the best interests of the world, has paid off for us.

Many people said we were asking too much of the Soviets and that we should change our negotiating position. The fact that we did not in my judgment will make this go down in history as one of the great periods of leadership in arms control. But as one of those who has been privileged to go to Geneva quite often representing the Senate as part of the Arms Control Observer Group, I got to know the negotiators that we had sent there very well.

Of our negotiators, Maynard "Mike" Glitman deserves, I think, a great share of the credit for presenting the President's position and having the patience, if not really presenting the position with real New England obstinateness—I think Mike proved to be a hard rock in the U.S. delegation.

He learned how to deal with the Soviet negotiators. He is a very incisive and intelligent man. He is also, as I said, very obstinate and can be most direct in negotiations.

I know that he found it difficult to deal with the Soviets and he told us that often. But he developed a negotiating style that the Soviets understood and respected. And, again, that style paid off.

Mike's deputy, Ambassador John Woodworth, should also be commended for his contributions. Both Mike Glitman and John Woodworth spent countless hours briefing Members of the Senate in Geneva and Washington, DC, on the subtle nuances of the Soviet positions, on the changes in our position, and on the prospects for progress.

There is no question that our negotiators all had great experience. One of those who had the institutional knowledge, who was really our repository of institutional memory in the whole field of arms control because of his expertise and long experience, was Ambassador Paul Nitze. He was our chief INF negotiator until 1983 and I think has to be recognized as a primary architect of the U.S. position and the architect of the strategy that the President has adopted that has led to the treaty that is now before us.

I think the three of us present on the floor now were members of the arms control group. Paul Nitze has been just fabulously generous in his personal time to brief the Members of the Senate Arms Control Observer Group. Few people realize how many times he has come to the Senate and met with us, two, three, four, five of us at a time, to bring us up to date and give us his opinion of what new developments meant and how new positions of the Soviets should be responded to by our negotiators.

In addition to that, he saw to it that we got copies in the classified area of the Senate, the Arms Control Observer Group did, of the reports that were sent to the Secretary of State by our negotiators. Those of us who wanted to keep track of what was going on in Geneva but could not get to Geneva were able to read summaries of the reports that had been sent to the Department of State without asking for them every time.

It was Ambassador Nitze, in his role as Ambassador at Large and Special Adviser to the President and to the Secretary of State on Arms Control Matters, who has facilitated the great amount of information that has come to the Senate during these negotiations.

The country has profited, now, from his involvement in Government for many, many years. I will discuss that later. I would also like to recognize and commend Norm Clyne, Paul Nitze's deputy. Norm Clyne has been a great help to me and to the Observer Group through the briefings and summaries he has provided to the Senate.

The head of our delegation through these negotiations has been Ambassador Max Kampelman. He did not negotiate this treaty; Ambassador Glitman did. But Ambassador Kampelman led the negotiators in the meetings that took place in Geneva and here in Washington. I do not think many people realized that Ambassador Kampelman had representatives of almost every echelon of American Government on his staff advising him in Geneva: the CIA, the Defense Intelligence Agency, the Department of State, the National Security Council, the Joint Chiefs of Staff, the Department of Defense and the President himself. The number of people that were there every time we met with him amazed me.

Ambassador Kampelman had to have negotiations within our own advisory group before he could go negotiate with the Soviets. And negotiating with the Soviets is not an easy thing to do.

Although I will say something later about my feelings concerning the way in which they have changed, Max passed on an analogy about negotiating with the Soviets that I think we should share with the Senate. Some members of the observer group will remember that.

Max Kampelman had experience as the head of the U.S. delegation on the conference on security and cooperation in Europe and he said that his total experience in working with the Soviets convinced him that negotiating with the Soviets was similar to trying to coax a Coke from a broken vending machine when you have already put the money in. He said you have several options.

You can continue to put money in the machine but there is not guarantee it will ever give you a can of Coke—no matter how much money you put into it.

You can walk away from the machine and lose your money, but you will also lose the result you sought. You will never have a Coke. He said you can kick the machine. You will probably not get a Coke, but it might make you feel better. He said you can do what we have done in these negotiating with the Soviets—and this is the approach that Max advocated. He recommended sitting down and waiting for the machine to give up a Coke. It owed you a Coke; you paid for it. Even a broken machine might give up the Coke when it is ready to do it.

You have to think about that for a minute, Mr. President, because what this treaty means and what Ambassador Kampelman meant is that this treaty is the product of patience on the part of the United States, its Presidents, and its negotiating team. I use the word "Presidents" advisedly.

We have sought an agreement on INF weapons for a number of years. One of the reasons we are here today is because there has been a change in the Soviet negotiating tactic and in the Soviets doing the negotiating.

When we first went to Geneva as part of the arms control talks, Ambassador Karpov headed the Moscow delegation and Ambassador Obukov was the negotiator in charge of the INF group for the Soviets. In time, Ambassador Karpov was given a promotion and called back to Moscow. Ambassador Obukov moved into the START negotiations, and Ambassador Masterkov completed the negotiations on the INF Treaty.

Then the Soviets made Yuli Vorontsov the head on their Geneva delegation in an attempt to infuse some momentum into the negotiations. Interestingly, Vorontsov also had primary responsibility for dealing with the Soviets' problem in Afghanistan..

Ambassador Obukov now heads the Soviet delegation in Geneva. He is an experienced negotiator. He has a reputation that precedes him as having a negotiating style that is very brusk and obtrusive, a difficult person to negotiate with.

But during our consultations in Geneva, those of us with the arms control observer group found another side of Ambassador Obukov: an afficionado and critic of fine art. He can be very charming to our wives and very affable in his discussions with us. He indicated, I think, in his social manner a desire on the part of the Soviets to wind up the negotiations and eventually get a treaty.

He was replaced, as I said, during the negotiations on the INF by Ambassador Masterkov—a quite, calm negotiator, the kind of person you would expect to be sitting at a chess table at a masters tournament. A career foreign service diplomat, he was uncharacteristic, really, of the United States caricature of a typical Soviet negotiator.

Masterkov, too, in his social meetings, his social conversation with members of the arms control observer group, indicated a desire to find a way to come to an agreement with the United States. Neither he nor Obukov, in my judgment, ever strayed from the narrow instructions they received as negotiators for the Soviet Union.

There is no question that if we look at these people and realize what they did month in and month out, negotiating for a period of several years, they have accomplished what many of us thought was almost impossible on our first trip to Geneva, in March 1985, as members of the arms control observer group. I had the feeling that we had an almost impossible task, and that the positions we heard articulated that had been taken by American Ambassadors and Soviet Ambassadors were so far apart it would be almost impossible to reach a conclusion.

Mr. President, I want to place in the RECORD the professional biographies that have been provided to me on Ambassador Glitman, Ambassador Kampelman, and Ambassador Nitze. These, I think, ought to be in the RECORD because people ought to know, if they read this RECORD sometime in the future, who the men were who guided our country into reaching the agreements represented by the INF Treaty. I am sad that I do not have a more extensive biography on Ambassador Glitman. If I get one today, I will ask unanimous consent that I can replace this, but this is the one that was available to me and my staff last evening.

I ask unanimous consent that all three of these be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAUL HENRY NITZE

On May 16, 1986, President Reagan appointed Ambassador Nitze to his present position as Ambassador at Large and Special Advisor to the President and the Secretary of State on Arms Control Matters.

From January 24, 1985, until his present appointment, Ambassador Nitze served as Special Advisor to the President and the Secretary of State on Arms Control Matters. President Reagan awarded him the Presidential Medal of Freedom on November 7, 1985, for his contribution to the freedom and security of his country.

Prior to this assignment, Ambassador Nitze was head of the United States Delegation to the Intermediate-Range Nuclear Forces Negotiations with the Soviet Union, which convened on November 30, 1981, in Geneva.

During the preceding seven years, Mr. Nitze was a consultant on defense policy and international relations to various government departments and private firms. He also served as Chairman of the Advisory Council of the Johns Hopkins School of Advanced International Studies; a Director on the Boards of Aspen Skiing Corporation, Twentieth Century-Fox Film Corporation, Schroders, Inc., American Security and Trust Company, the Ethics and Public Policy Center, and the Atlantic Council of the United States; Trustee Emeritus of the Aspen Institute for Humanistic Studies and the George C. Marshall Research Foundation; and Chairman of Policy Studies, Committee on the Present Danger.

During the previous 13 years he served in several positions within the Department of Defense.

He was Assistant Secretary of Defense (International Security Affairs) from January 1961 until 1963. In November 1963 he became the 57th Secretary of the Navy, a position he held until July 1967.

From July 1967 to January 1969, he was the Deputy Secretary of Defense. In the spring of 1969, Mr. Nitze was appointed as Secretary of Defense Representative to the United States Delegation to the Strategic Arms Limitations Talks with the Soviet Union, a position he held until his resignation in June 1974.

From 1953 until 1961, Mr. Nitze was President of the Foreign Service Education Foundation in Washington, D.C.

From 1947 until 1953 he served in various positions within the Department of State, beginning as the Deputy Director of the Office of International Trade Policy. In 1948 he was named Deputy to the Assistant Secretary of State for Economic Affairs. In August 1949, he became Deputy Director of the State Department's Policy Planning Staff, and Director the following year.

During the period 1944-1946, Mr. Nitze was Vice Chairman of the United States Strategic Bombing Survey. He was awarded the Medal of Merit by President Truman for service to the Nation in this capacity.

From 1941 until 1943 he was Chief of the Metals and Minerals Branch of the Board of Economic Warfare, until named as Director of Foreign Procurement and Development for the Foreign Economic Administration.

Graduated *cum laude* in 1928 from Harvard University, Mr. Nitze subsequently joined the New York investment banking firm of Dillon Read and Company. In 1941 he left his position as Vice President of that firm to become Financial Director of the Office of the Coordinator of Inter-American Affairs.

Born in Amherst, Massachusetts, on January 16, 1907, Mr. Nitze, a widower, was married to the former Phyllis Pratt. They have four children—Heidi, Peter, William, and Anina. Mr. Nitze maintains his legal residence in Washington, D.C., and has a residence in Bel Alton, Maryland.

MAYNARD GLITMAN

Ambassador Glitman entered the Foreign Service in 1956 as Economic Officer in the Department of State and was Fiscal and Financial Officer in 1957-59. He was Consular and Economic Officer in Nassau (1959-61) and Economic Officer in Ottawa (1961-65). He attended Atlantic Affairs Studies at the University of California (Berkeley) in 1965-66. In 1967-68 he was International Relations Officer in the Department and was detailed to the United Nations General Assembly in 1967 and to the National Security Council in 1968 and was Political Officer in Paris from 1968 to 1973. He returned to the Department to be Director of the Office of International Trade Policy and subsequently was Deputy Assistant Secretary of State for International Trade Policy.

He then was detailed to the Department of Defense and was Deputy Assistant Secretary of Defense for International Security Affairs in 1976-77. From 1977 to 1981 he was Deputy Chief of Mission at the United States Mission to NATO in Brussels. He was then appointed Department of State Representative and Deputy Negotiator to the Intermediate Range Nuclear Forces Negotiations, with the rank of Ambassador, in Geneva from 1981 to 1984. In 1984 Mr. Glitman was nominated by President Reagan to serve as the Chief U.S. Representative at the Mutual and Balanced Force Reduction (MBFR) Talks in Vienna. Since 1985 he has been the Chief U.S. Negotiator for Intermediate-Range Nuclear Forces in Geneva.

Ambassador Glitman was born in Chicago, Illinois on December 8, 1933. He received a B.A. from the University of Illinois in 1955 and M.A. from the Fletcher School of Law and Diplomacy in 1956 and served in the United States Army. He is married to Christine Amundsen Glitman and has five children, Russell, Erik, Karen, Matthew and Rebecca.

MAX M. KAMPELMAN—BIOGRAPHICAL SUMMARY

Max M. Kampelman, a lawyer, diplomat and educator, is Counselor of the Department of State and Ambassador and Head of the United States Delegation to the current negotiations on nuclear and space arms in Geneva. A partner, until his retirement in 1985, in the law firm of Fried, Frank, Harris, Shriver & Kampelman, he has lived and worked in Washington since 1949. He has had an active career in the law, government service, education and public affairs.

In addition to his current diplomatic assignment, he is a Trustee by Presidential Appointment of the Woodrow Wilson International Center for Scholars, which he previously served as Chairman. He was appointed by President Carter and reappointed by President Reagan to serve as Ambassador and Head of the U.S. Delegation to the Conference on Security and Cooperation in Europe, which took place in Madrid from 1980 to 1983. He previously was a Senior Advisor to the U.S. Delegation to the United Nations and served as Legislative Counsel to U.S. Senator Hubert H. Humphrey.

An educator, he received his J.D. from New York University and his Ph.D. in Political Science from the University of Minnesota, where he taught from 1946 to 1948. He has also served on the faculties of Bennington College, Claremont College, the University of Wisconsin, and Howard University. He lectures frequently here and abroad and has written extensively in scholarly and public affairs journals. He served on the governing boards of Georgetown University, the Hebrew University of Jerusalem, Haifa University, the University of Tel Aviv, New York University School of Law, Mt. Vernon College, and the College of the Virgin Islands. He has received honorary Doctorate degrees from the University of Minnesota, Georgetown University, Bates College, the Hebrew University of Jerusalem, Bar-Ilan University of Israel, and Hebrew Union College. He has also been the recipient of the Knight Commander's Cross of the Order of Merit of the Federal Republic of Germany.

Ambassador Kampelman was the founder and moderator of the public affairs program on public television, "Washington Week in Review." He was chairman of the Washington public broadcasting radio and television stations from 1963 to 1970.

His activities, until his present diplomatic assignment, included service as Chairman of Freedom House, Vice Chairman of the Coalition for a Democratic Majority, Executive Committee of the Committee on the Present Danger, Honorary Vice Chairman of the Anti-Defamation League, Chairman of the National Advisory Committee of the American Jewish Committee, and Vice President of the Jewish Publication Society.

MAX M. KAMPELMAN BIOGRAPHICAL INFORMATION

Position: Counselor of the Department of State and Ambassador and Head of the U.S. Delegation to the Negotiations on Nuclear and Space Arms.

Address: U.S. Department of State, 2201 C Street, N.W., Room 7250, Washington, D.C. 20520. Telephone: (202) 647-6240.

Family: Wife, Marjorie; five children.

Born: November 7, 1920, New York, New York.

Degrees: Doctor of Humane Letters, Honoris Causa, University of Minnesota, 1987; Doctor of Law, Honoris Causa, Bar-Ilan University, 1987; Doctor of Law, Honoris Causa, Bates College, 1986; Doctor of Humane Letters, Honoris Causa, Georgetown University, 1984; Doctor of Humane Letters, Honoris Causa, Hebrew Union College, 1984; Doctor of Philosophy, Honoris Causa, Hebrew University of Jerusalem, 1982; Ph.D., Political Science, University of Minnesota, 1951; M.A., Political Science, University of Minnesota, 1946; J.D., New York University School of Law, 1945; A.B., New York University, University Heights College, 1940.

Professional memberships: American Bar Association (Standing Committee on Law and National Security, 1979-85); Federal Bar Association; District of Columbia Bar Association (Committee on Legal Ethics and Grievances, 1966-72; Chairman, Committee on Police Relations, 1969-71); American Political Science Association (Treasurer, 1956-68; President, District of Columbia, 1955).

Government service: Counselor to the U.S. Department of State, 1987-; Ambassador and Head of the United States Delegation to the Negotiations on Nuclear and Space Arms, Geneva, 1985-; Board of Trustees, (Presidential Appointment) Woodrow Wilson International Center for Scholars, 1979-, (Chairman, 1979-1981); Ambassador and Chairman, (Presidential Appointment) U.S. Delegation to the Conference on Security and Cooperation in Europe, Madrid, 1980-1983; Co-Chairman, U.S. Delegation to Observe the Elections in El Salvador, May, 1984; Member, U.S. Presidential Delegation to the Inauguration of the President of El Salvador, June 1, 1984; Senior Advisor, U.S. Delegation to the United Nations, 1966-67; Legislative Counsel to United States Senator Hubert H. Humphrey 1949-55; Alternate, President's Commission on Intergovernmental Relations, 1954-55; Vice Chairman, Mayor's Committee on Charter Reform, Minneapolis, 1947-48.

Other past activities: Senior Partner, Fried, Frank, Harris, Shriver & Kampelman, 1955-85; Chairman, Freedom House, New York, 1983-1985 (on leave); Honorary Vice Chairman, Anti-Defamation League, 1981-, (National Commission, 1973-77; Vice Chairman, 1977-1981); Honorary Governor, The Hebrew University of Jerusalem (Governor, 1973-1985; Chairman, Truman Research Institute for the Advancement of Peace, 1983-1985); Board of Governors, University of Haifa, 1984-1985; Board of Governors, Tel Aviv University, 1984-1985; Board of Directors, Georgetown University, 1978-1984; Board of Advisors, Kennedy Institute of Ethics, 1984-1985; Board of Trustees, Law Center Foundation, New York University, 1978-1985; Board of Trustees, U.S. Council for International Business, 1984-1985; Chairman, National Advisory Committee, American Jewish Committee, 1984-1987.

Board of Directors, HIAS, 1981-1985; Vice President, Helen Dwight Reid Educational Foundation, 1959-1985; Vice Chairman, Coalition for a Democratic Majority, 1977-1985; Executive Committee, Committee on the Present Danger, 1976-1985; Board of Directors, American Peace Society, 1973-1985; Vice President, Jewish Publication Society 1978-1985; Chairman Emeritus, American Friends of the Hebrew University, (President, 1975-77; Chairman, 1977-80); Chairman Emeritus, Greater Washington Telecommunications Association (WETA-TV), (Chairman, 1963-70); Board of Directors, Mount Vernon College 1972-80; Overseer, College of the Virgin Islands 1963-1980; Board of Trustees, Institute for American Universities, Aix-en-Provence, France, 1959-80; Board of Directors, American Friends of the Israel Conservatory of Music, 1977-79.

Council of Trustees, America-Israel Cultural Foundation, (Board of Directors, 1974-80); Honorary President, Friends of the National Zoo (President, 1958-60); Chairman, Institute for Jewish Policy Planning and Research, 1978-79; Chairman, Martin Luther King, Jr. Memorial Forest Committee, Israel, 1974; Member, Democratic National Committee Study on Vice Presidential Selection, 1973-74; Board of Directors, Arena Stage, Washington, D.C., 1974-78; Board of Trustees, American Histadrut Cultural Exchange Institute, 1968-72; Board of Trustees, Federal City Council, 1965-75; Board of Advisors, A Presidential Classroom for Young Americans, 1968-72; Moderator, Washington Week in Review, Eastern Educational Network, 1967-70; Board of Directors, The Atlantic Council of the United States, 1965-70; Board of Directors, National Training Laboratories, 1966-68.

Trustee, Population Reference Bureau 1966-67; Visiting Professor of Political Science, Claremont College, California, 1963; Captain, United States Marine Corps Reserve, 1955-62; Visiting Professorial Lecturer, Department of Government, Howard University; Faculty of Political Economy, Bennington College, Vermont, 1948-50; Faculty, School for Workers, University of Wisconsin, Summers 1947-48; Instructor in Political Science, University of Minnesota, 1946-48; Civilian Public Service, Selective Service Board, 1943-64; Law Clerk, Phillips, Nizer, Benjamin, Krim, New York, 1941-43; Research Staff, International Ladies Garment Workers Union, New York.

Publications: "A Reply to Moscow on INF Talks," the New York Times, July 21, 1987; "Today's American: The Complex Challenge" in Today's American How Free? Freedom House, 1986;" A Success is Born, Warner Books, 1986; Negotiating World Order: "The Lessons of the Madrid CSCE Conference" (Chapter) Edited by Alan K. Henrikson, Scholarly Resources, 1986; "Negotiating with the Soviets," New York Law School, Journal of International and Comparative Law, Volume 7, Summer 1986; "The United States Approach to the Geneva Negotiations," in Review of International Affairs, Vol. XXXVII, No. 866, May 5, 1986; "Negotiating with the Soviet Union, in World Affairs, Spring 1986; SDI and the Arms Control Process," The Atlantic Community, Fall 1985; "Reminiscences of Patricia Roberts Harris" in The George Washington Law Review, March-May 1985; "Can We Negotiate With the Russians." Encounter (In conversation with George Urban), Feb. 1985, Vol. LXIV, No. 2; and March 1985, Vol. LXIV, No. 3; "Defense in Space is Not 'Star Wars'", The New York Times Magazine, (with Brzezinski and Jastrow, Jan. 27, 1985.

"Beyond Containment? The Future of U.S.-Soviet Relations," Policy Review, Winter 1985, Number 31; "Freedom of Religion and Belief: Basis of Peace," Quarterly, Vol. V, Number 3, 1984; "The Democratic Challenge in Latin America," Freedom at Issue, November-December 1984, Number 81; "East-West Relations: Negotiating with the Soviets" in Vital Speeches of the Day, July 15, 1984; "Judaism, Human Values and the Search for Peace," Hebrew Union College, May, 1984; "Negotiating with the Soviet Union: Lessons from Madrid," in Exploring Soviet Realities, Report of a Bipartisan Seminar in the U.S. House of Representatives, 1983-84; "Three Years At the East-West Divide, "Freedom House, September 1983; Anti-Semitism in the Soviet Union," American Jewish Committee, 1982; "The Helsinki Process is in Danger," in The Atlantic Community, Summer 1982; "Negotiating With the Soviets in Madrid," World Affairs, Spring 1982.

"Armaments and Human Rights," World Affairs, Fall 1981, "Trust Us, Comrades . . . ," Freedom at Issue, March 1981 (also in The Atlantic Community, Fall 1981); "Geopolitics: A Jewish Perspective on the U.S., the U.S.S.R., and the World," Anti-Defamation League, 1980; "Jewish Power: Myth or Reality," Anti-Defamation League, 1978; "The Power of the Press: A Problem for our Democracy," Policy Review, Fall 1978; "Hubert H. Humphrey: Political Scientists," P.S., American Political Science Association, Spring 1978; "Congress, The Media, and The President," Proceedings of the Academy of Political Science, Vol. 32, No. 1, 1975; Chapter in Congress Against the President, edited by Harvey Mansfield, (Praeger), 1976; "The Arrogance of the Press," The Washingtonian, October 1974; "Political Survival in a Democracy," Chapter 10 in The Job of the Congressman, by Donald G. Tacheron and Morris K. Udall (Bobbs-Merrill), 1970.

"Dissent, Disobedience and Defense in a Democracy," World Affairs, September 1970; "The Washington Lawyer: Some Musings," The George Washington Law Review, May 1970; "When Press Bites Man," Columbia Journalism Review, Spring 1968; "The Strategy of Deception," Co-author (with Kirkpatrick) (Farrar, Straus), November 1963; "Decision-Making in Defense: The Role of Organization," Public Administration Review, Summer 1958; the Communist Party vs. The C.I.O.: A Study in Power Politics, (Praeger), May 1957; "Legislative Control of the Bureaucracy," (with Gilbert), in Annals of the American Academy of Political and Social Science, 1954; "Legislative Bureaucracy: Its Response to Political Change," Journal of Politics, 1954; "Labor in Politics," a chapter in Interpreting the Labor Movement, published by Industrial Relations Association, 1954; "Can Foreign Policy be Democratic?", American Perspective, 1948; "The United States and International Copywright", American Journal of International Law, 1947; "Harold J. Laski: A Current Analysis," Journal of Politics, 1947; "T.V.A. Labor Relations," Minnesota Law Review, 1946.

MAX M. KAMPELMAN—AWARDS AND REFERENCES

Awards

Henry M. Jackson Award, Jewish Institute for National Security Affairs (JINSA), November 8, 1987.

First Public Affairs Award, Washington Educational Television Association, July 16, 1986.

Otto L. Walter Distinguished International Fellow, New York Law School, April 22, 1986.

Law Alumni Association Achievement Award, New York University School of Law, 1985.

Highest Award, Council of Jewish Federations, Nov. 16, 1985.

Judge Learned Hand Award, Institute of Human Relations, Sept. 11, 1985.

Liberty Award, Hebrew Immigrant Aid Society, Sept. 4, 1985.

Golden Plate Award, American Academy of Achievement, July 7, 1984.

Knight Commander's Cross (Badge and Star) of the Order of Merit of the Federal Republic of Germany, May, 1984.

Maurice N. Eisendrath Bearer of Light Award, Union of American Hebrew Congregations, May, 1984.

Distinguished Alumnus Award, Yeshiva University, May 20, 1984.

Certificate of Appreciation, Institute for the Study of Diplomacy, Georgetown University, Dec. 6, 1983.

Masaryk Award, Czechoslovak National Council of America, October, 1983.

Isaiah Award, American Jewish Committee, Oct. 13, 1983.

Human Rights Award, American Federation of Teachers, July 1983.

Human Rights Award, The American Immigration Lawyers Association, May 20, 1983.

Plaque of Honor, American Club, Madrid, April 20, 1983.

Vanderbilt Gold Medal, New York University Law Center, November 4, 1982.

Baltic Freedom Award, Joint Baltic American National Committee, July 28, 1982.

Hubert H. Humphrey First Amendment Freedoms Prize, Anti-Defamation League, June 4, 1982.

The Anatoly Shcharansky Award, Union of Councils for Soviet Jews, Sept. 20, 1981.

Solidarity Award, National Conference on Soviet Jewry June 1, 1981.

Distinguished Statesman Award, Anti-Defamation League, May 30, 1981.

Mr. STEVENS. Mr. President, we have been well served by these Ambassadors. The Senate reviewed their qualifications and confirmed them as Ambassadors to represent our country in negotiations that are probably the most difficult negotiations we have been involved in to date. There are more difficult ones to come as we negotiate and hopefully can reach an agreement with the Soviets on the strategic arms reduction talks [START] and on the talks that concern the use of defensive systems and space.

I am grateful to the leadership of the Senate, both Senator DOLE and Senator BYRD, for having appointed me to this group because I think one of the greatest privileges I have had since I have served in the Senate has been the right to go to Geneva to join these men and their staffs, to go over the documents that have been presented to the President, to the State Department, the responses that have come from the various intelligence agencies, the Department of Defense, the National Security Agency, and to offer advice and comments concerning the reactions that I felt might come from the Senate if a position, as presented to us, was actually adopted in the negotiations.

This procedure has been one which I hope the Senate will follow for the future. We have had times when treaties have been negotiated and presented to us that none of us knew anything about, none of us really knew the negotiators, and few of us had confidence in the process.

The consequence has been that over a series of years now, as I mentioned the other day, we have piled up four treaties that have been negotiated with the Soviets that have not been ratified. In my judgment, they were not ratified because there were not enough Senators willing to come to the floor and state that they had lived through this process. They knew the people had reached the agreements, they knew the negotiating tactics, they knew what we had yielded and what we had gained, and they were prepared to recommend to the Senate and the country that this country enter into the treaty. The reason that this treaty, in my opinion, is going to be overwhelmingly approved by the Senate is that we have had a group of people who have been willing to do that and our negotiators in Geneva and the Soviets have had a better understanding of the Senate's role, interest, and perspective on the negotiations.

I, as one of this group, can stand before the Senate and the country today and say I have confidence in this treaty. It need not be changed at all. I am proud of the work that has been done by the Armed Services Committee, the Foreign Relations Committee, the Intelligence Committee, and the leadership in seeking clarification of some points; clarifications we wanted, we deserved, and we have received.

The Nation needs this treaty. It needs it approved, and it needs it approved in time for the President of the United States to take it with him to a historic meeting in Moscow—to present to the Russian people an agreement that we are willing to enter into with them.

This is not just a treaty with Gorbachev; it is a treaty between the American people and the Russian people. I hope it will be a treaty that will be sustained for many years. I intend to vote for it without reservation, to oppose all killing amendments, and to urge the Senate to complete its business in time for the President to deliver it to Moscow.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I take the floor at this moment simply to commend the distinguished Senator from Alaska for his comments and also to draw the attention of the Senate to the fact that the distinguished Senator from Alaska [Mr. STEVENS] has served since the beginning as cochairman of the Senate Arms Control Observer Group.

He has been indefatigable in his trips to Geneva and in conversations with our negotiators.

For the RECORD, I for one want to add words of commendation. I think all Senators should know of the work of this good man, frequently in private, but always on behalf of his country.

AMENDMENT NO. 2108

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, there will now be an hour of debate on the Symms amendment to be equally divided and controlled in the usual form with the vote ordered at 11:30. Who yields the time?

Mr. LUGAR. Mr. President, a point of parliamentary inquiry. The time I presume is equally divided between the advocates and the opponents of the Symms amendment. The distinguished chairman of the Foreign Relations Committee and I are obviously opposed to the amendment, so I presume that someone else will need to control the time for the advocates.

The PRESIDING OFFICER. The proponent of the amendment, the Senator from Idaho, controls the time on that side.

Mr. LUGAR. And the distinguished Senator from Rhode Island would control the time in opposition?

The PRESIDING OFFICER. Yes.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I yield myself 10 minutes.

Mr. President, there are three main reasons to vote for this amendment, and what I intend to do is to briefly state what those reasons are and be as brief as I can in explaining the amendment to my colleagues, and then I wish to quote some highlights from President Reagan's March 10, 1987, unclassified report on Soviet Noncompliance with Arms Control Agreements.

Mr. President, these are not the words of Senator SYMMS from Idaho. This is the President of the United States, and I will insert the entire report in the RECORD so it will be there for all to see. I know there are Senators who have said they think this amendment does not mean anything, but basically what it does is it simply states it will not block the ratification process, it will not interfere with anything that happens next Wednesday if the President goes to Moscow with the ratified treaty. It simply means the treaty does not go into effect until the President can report to the Congress and verify that all Soviet arms control violations have been corrected and the Soviets are back in compliance. That is the reason why Senators should vote for this amendment.

Here are the three reasons for supporting my amendment. First, the American people overwhelmingly support requiring Soviet compliance with existing arms control treaties before the INF goes into effect. Second, President Reagan has clearly stated as a key Presidential policy that Soviet compliance with existing arms treaties is an "essential prerequisite" for any new treaty such as the proposed INF Treaty which we are being asked to ratify.

Third, the open press has already reported on two new Soviet violations of the proposed INF Treaty. The Soviets already have a covert SS-20 force of about 300 to 500 covert SS-20's. Moreover, there are already press reports that the Soviets may have several hundred covert long-range SSN-119 illegal, land-mobile SLCM's which are really covert, illegal, long-range mobile GLCM's.

I rest my case, Mr. President, for the Symms amendment on these three points. First, the American people overwhelmingly understand the logic of requiring the Soviets to comply with existing arms treaties before we ratify a new one. Second, our overwhelmingly popular President, Ronald Reagan himself, recognized the logic of requiring the Soviets to comply with existing arms treaties as an "essential prerequisite" before we vote to allow him to ratify a new arms control treaty. And finally, there is evidence that the Soviets are already cheating in several ways on the INF Treaty.

The Daniel Yankelovich Group poll conducted between February 17 and 24, 1988 found that 79 percent of the representative sample polled believed that:

> President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect.

A majority also believed that the Soviets should be required to comply with existing arms control treaties even if this would cause the INF Treaty not to go into effect.

Mr. President, I find that to be the case when I visit my State of Idaho. I find that to be the case in any other State I have visited. I think Senators are going to find that we will bring this out as these reports continue to come in in the future that the Soviets are still not complying. We can talk all we want about verification, but if there is no compliance verification is absolutely not worth the paper it is written on if people are allowed to get away with cheating and there is no punishment for it.

I strongly agree with this authoritative poll, which simply expresses the logical thrust of commonsense American public opinion—the Soviet should comply with their existing international obligations before we vote to ratify new obligations.

President Reagan stated correctly in his March 10, 1987 sixth report to Congress on Soviet Noncompliance With Arms Control Agreements that:

> Compliance with past arms control commitments is an essential prerequisite for future arms control agreements.

Then on December 1, 1987, President Reagan in his seventh report to Congress confirmed a serious new Soviet ABM Treaty violation to Congress—the Soviet illegal deployment to Gomel of the Flat Twin and Pawn Shop mobile ABM radars. Thus, there is a still expanding pattern of Soviet SALT violations. In this seventh report, President Reagan also stated that:

> Compliance with treaty obligations is a cornerstone of international law.

As President Reagan also stated in his seventh report to Congress on Soviet SALT violations, dated December 1, 1987:

> When taken as a whole, this series [of seven Presidential] reports provides a clear picture of continuing Soviet violations . . . there is a pattern of Soviet noncomplaince . . . The compliance concerns enumerated in this Report are not unfamiliar to the Soviet Union. I expressed my personal interest in these issues directly to Soviet General Secretary Gorbachev during my meetings with him, both in 1985 in Geneva and then again in Reykjavik in October 1986. In addition, the Standing Consultative Commission discusses compliance concerns in detail during its biannual sessions . . . Most recently, Secretary of State Shultz raised U.S. concerns about Soviet noncompliance during his October 1987 visit to Moscow . . . the Soviet Union has failed to correct its noncompliant activities . . . strict compliance with all provisions of arms control agreements is fundamental . . . Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future . . . it will be achieved only if effective verification and total compliance are integral elements of the process both with respect to existing arms control agreements and possible new ones.

I repeat, Mr. President, these are the words of President Reagan in his most recent report to Congress on Soviet arms control treaty cheating of December 1, 1987, delivered to Congress just 1 week before President Reagan signed the proposed INF Treaty after reporting a new Soviet ABM Treaty violation with the Gomel Flat Twin radar deployment.

In his March 10, 1987 report to Congress on Soviet SALT violations, President Reagan added:

> Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less . . . If we are to enter agreements of this magnitude and significance, effective verification is indispensible and cheating is simply not acceptable.

Finally, in his June 1985 report to Congress on Soviet SALT violations, President Reagan stated:

> This pattern of Soviet noncompliance raises fundamental concerns about the integrity of the arms control process, concerns that—if not corrected—undercut the integrity and viability of arms control as an instrument to assist in ensuring a secure and stable future world . . . we have made it absolutely clear that we expect the Soviet Union to take positive steps to correct their noncompliance and to resolve our compliance concerns in order to maintain the integrity of existing agreements and to establish the positive environment necessary for the successful negotiation of new agreements.

But as President Reagan conceded in his March 1987 report to Congress in regard to all Soviet violations of SALT I and SALT II:

> In no case were we determined that the Soviet Union was in violation did they take corrective action.

And moreover, the President has reported an even expanding pattern of Soviet SALT and other arms control treaty violations.

In a letter to Congress transmitting his December 1, 1987 report to Congress on Soviet SALT violations, President Reagan also stated:

> Correcting their violations will be a true test of Soviet willingness to enter a more constructive relationship . . . on security matters.

Thus, by President Reagan's own 1985 and 1987 standards, there may be no integrity to the arms control process, and there may be a lack of the positive environment necessary for the negotiation and ratification of new agreements.

In sum, my amendment merely codifies in the proposed INF Treaty President Reagan's own policy that Soviet compliance with existing arms treaties is an "essential pre-requisite" for ratification and entry into force of any new arms control treaty.

Mr. SYMMS. Mr. President, I ask unanimous consent that the White House Presidential Report dated March 10, 1987 be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The President's Unclassified Report on Soviet Noncompliance With Arms Control Agreements

The following is the text of a letter from the President to the Speaker of the House of Representatives and to the President of the Senate transmitting the President's report, in classified and unclassified versions, on Soviet noncompliance with arms control agreements as required by PL 99-145:

> Dear Mr. Speaker (Dear Mr. President): In response to congressional requests as set forth in Public Law 99-145, I am forwarding herewith classified and unclassified versions of the Administration's report to the Congress on Soviet Noncompliance with Arms Control Agreements.
>
> Detailed classified briefings will be available to the Congress in the near future.
>
> I believe the additional information provided, and issues addressed, especially in the more detailed classified report, will significantly increase understanding of Soviet violations and probable violations. Such understanding, and strong congressional consensus on the importance of compliance to achieving effective arms control, will do much to strengthen our efforts both in seeking corrective actions and in negotiations with the Soviet Union.
>
> Sincerely,
>
> Ronald Reagan

Soviet Noncompliance With Arms Control Agreements

> At the request of the Congress, I have, in the past three years, provided four reports to the Congress on Soviet noncompliance with arms control agreements. These reports include the Administration's reports of January 1984, and February and December 1985, as well as the report on Soviet noncompliance prepared for me by the independent General Advisory Committee on Arms Control and Disarmament. Each of these reports has enumerated and documented, in detail, issues of Soviet noncompliance, their adverse effects to our national security, and our attempts to resolve the issues. When taken as a whole, this series of reports also provides a clear picture of the continuing pattern of Soviet violations and a basis for our continuing concerns.
>
> In the December 23, 1985, report, I stated: The Administration's most recent studies support its conclusion that there is a pattern of Soviet noncompliance. As documented in this and previous reports, the Soviet Union has violated its legal obligation under, or political commitment to, the SALT I ABM Treaty and Interim Agreement, the SALT II Agreement, the Limited Test Ban Treaty of 1963, the Biological and Toxin Weapons Convention, the Geneva Protocol on Chemical Weapons, and the Helsinki Final Act. In addition, the USSR has likely violated provisions of the Threshold Test Ban Treaty.
>
> I further stated: At the same time as the Administration has reported its concern and findings to the Congress, the United States has had extensive exchanges with the Soviet Union on Soviet noncompliance in the Standing Consultative Commission (SCC), where SALT-related issues (including ABM issues) are discussed, and through other appropriate diplomatic channels.
>
> I have also expressed my personal concerns directly to General Secretary Gorbachev during my meetings with him, both in 1985 in Geneva and then again this past October in Reykjavik.
>
> Another year has passed and, despite, these intensive efforts, the Soviet Union has failed to correct its noncompliant activities; neither have they provided explanations sufficient to alleviate our concerns on other compliance issues.
>
> Compliance is a cornerstone of international law; states are to observe and comply

with obligations they have freely undertaken.

In fact, in December 1985, the General Assembly of the United Nations recognized the importance of treaty compliance for future arms control, when, by a vote of 131-0 (with 16 abstentions), it passed a resolution that:

> Urges all parties to arms limitation and disarmament agreements to comply with their provisions;
>
> Calls upon those parties to consider the implications of noncompliance for international security and stability and for the prospects for further progress in the field of disarmament; and
>
> Appeals to all UN members to support efforts to resolve noncompliance questions "with a view toward encouraging strict observance of the provisions subscribed to and maintaining or restoring the integrity of arms limitation or disarmament agreements."

Congress has repeatedly stated its concern about Soviet noncompliance. The U.S. Senate, on February 17, 1987, passed a resolution (S. Res. 94), by a vote of 93 to 2, which:

> * * * declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violations of existing agreements, and calls upon it to take steps to rectify its violation of such agreements and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty * * *

Compliance with past arms control commitments is an essential prerequisite for future arms control agreements. As I have stated before:

> In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less.

I have also said that: Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. . . . The United States Government has vigorously pressed, and will continue to press, these compliance issues with the Soviet Union through diplomatic channels.

THE ABM TREATY

Today I must report that we have deep, continuing concerns about Soviet noncompliance with the ABM Treaty. For several reasons, we are concerned with the Krasnoyarsk radar, which appeared to be completed externally in 1986. The radar demonstrates that the Soviets were designing and programming a prospective violation of the ABM Treaty even while they were negotiating a new agreement on strategic offensive weapons with the United States.

The only permitted functions for a large, phased-array radar (LPAR) with a location and orientation such as that of the Krasnoyarsk radar would be space-tracking and National Technical Means (NTM) of verification. Based on conclusive evidence, however, we judge that this radar is primarily designed for ballistic missile detection and tracking, not for space-tracking and NTM as the Soviets claim. Moreover, the coverage of the Krasnoyarsk radar closes the remaining gap in the Soviet ballistic missile detection and tracking screen; its location allows it to acquire attack characterization data that could aid in planning the battle for Soviet defense forces and deciding timely offensive responses—a standard role for such radars.

All LPARs, such as the Krasnoyarsk radar, have the inherent capability to track large numbers of objects accurately. Thus, they not only could perform as ballistic missile detection and tracking radars, but also have the inherent capability, depending on location and orientation, of contributing to ABM battle management.

LPARs have always been considered to be the long lead-time elements of a possible territorial defense. Taken together, the Krasnoyarsk radar and other Soviet ABM-related activities give us concerns that the Soviet Union may be preparing an ABM defense of its national territory. Some of the activities, such as construction of the new LPARs on the periphery of the Soviet Union and the upgrade of the Moscow ABM system, appear to be consistent with the ABM Treaty. The construction of the radar near Krasnoyarsk, however, is a clear violation of the AMB Treaty, while other Soviet ABM-related activities involve potential or probable Soviet violations or other ambiguous activity. These other issues, discussed fully in the body of the report, are:

The testing and development of components required for an ABM system that could be deployed to a site in months rather than years;

The concurrent operation of air defense components and ABM components;

The development of modern air defense systems that may have some ABM capabilities; and

The demonstration of an ability to reload ABM launchers in a period of time shorter than previously noted.

Soviet activities during the past year have contributed to our concerns. The Soviets have begun construction of three additional LPARs similar to the Krasnoyarsk radar. These new radars are located and oriented consistent with the ABM Treaty's provision on ballistic missile early warning radars, but they would increase the number of Soviet LPARs by 50 percent. The redundancy in coverage provided by these new radars suggests that their primary mission is ballistic missile acquisition and tracking.

This year's reexamination of Soviet ABM related activities demonstrates that the Soviets have not corrected their outstanding violation, the Krasnoyarsk radar. It is the totality of these Soviet AMB-related activities in 1986 and earlier years that gives rise to our continuing concerns that the USSR may be preparing an ABM defense of its national territory. The ABM Treaty prohibits the deployment of the ABM system for the defense of the national territory of the parties and prohibits the parties from providing a base for such a defense. As I said in last December's report:

> This would have profound implications for the vital East-West balance. A unilateral Soviet territorial ABM capability acquired in violation of the ABM Treaty could erode our deterrent and leave doubts about its credibility.

CHEMICAL, BIOLOGICAL, AND TOXIN WEAPONS

The integrity of the arms control process is also hurt by Soviet violations of the 1925 Geneva Protocol on Chemical Weapons and the 1972 Biological and Toxin Weapons Conventon. Information obtained during the last year reinforces our concern about Soviet noncompliance with these important agreements. Progress toward an agreement banning chemical weapons is affected by Soviet noncompliance with the Biological and Toxin Weapons Convention. Because of the record of Soviet noncompliance with past agreements, we believe verification provisions are a matter of unprecedented importance in our efforts to rid the world of these heinous weapons—weapons of mass destruction under international law.

The Soviets have continued to maintain a prohibited offensive biological warfare capability. We are particularly concerned because it may include advanced biological agents about which we have little knowledge and against which we have no defense. The Soviets continue to expand their chemical and toxin warfare capabilities. Neither NATO retaliatory nor defensive programs can begin to match the Soviet effort. Even though there have been no confirmed reports of lethal attacks since the beginning of 1984, previous activities have provided the Soviets with valuable testing, development, and operational experience.

NUCLEAR TESTING

The record of Soviet noncompliance with the treaties on nuclear testing is of legal and military concern. Since the Limited Test Ban Treaty (LTBT) came into force over twenty years ago, the Soviet Union has conducted its nuclear weapons test program in a manner incompatible with the aims of the Treaty by regularly permitting the release of nuclear debris into the atmosphere beyond the borders of the U.S.S.R. Even though the debris from these Soviet tests does not pose calculable health, safety or environmental risks, and these infractions have no apparent military significance, our repeated attempts to discuss these occurrences with Soviet authorities have been continually rebuffed. Soviet refusal to discuss this matter calls into question their sincerity on the whole range of arms control agreements.

During their test moratorium, the Soviets undoubtedly maintained their sites because they quickly conducted a test soon after announcing intent to do so. Furthermore, there were numerous ambiguous events during this period that can neither be associated with, nor disassociated from, observed Soviet nuclear test-related activities.

Soviet testing at yields above the 150 kt limit would allow development of advanced nuclear weapons with proportionately higher yields of weapons than the U.S. could develop under the Treaty.

The United States and the Soviet Union have met on four occasions during the past year for expert-level discussions on the broad range of issues related to nuclear testing. Our objective during these discussions consistently has been to achieve agreement on an effective verification regime for the TTBT and PNET. I remain hopeful that we can accomplish this goal.

THE HELSINKI FINAL ACT

In 1981 the Soviet Union conducted a major military exercise without providing prior notification of the maneuver's designation and the number of troops taking part, contrary to its political commitment to observe provisions of Basket I of the Helsinki Final Act.

During the past year, we have reached an accord at the Stockholm Conference on Confidence- and Security-Building Measures that contains new standards for notification, observation, and verification of military activities, including on-site inspection. We will be carefully assessing Soviet compliance with these new standards, which went into effect January 1, 1987.

RECENT DEVELOPMENTS

At the end of 1986 and during the early weeks of 1987, new information pertaining to some of the issues in this report became available, but it was judged that the data did not necessitate a change in any of the findings. This was partially due to the developing nature of the information at the time and certain ambiguities associated with it. Furthermore, the Soviet Union resumed underground nuclear testing on February 26, 1987.

SALT II AND THE SALT I INTERIM AGREEMENT

The Soviet Union repeatedly violated the SALT II Treaty and took other actions that were inconsistent with the Treaty's provisions. In no case where we determined that the Soviet Union was in violation did they take corrective action. We have raised these issues for the past three years in the SCC and in other diplomatic channels.

The Soviets committed four violations of their political commitment to observe SALT II; they are:

The development and deployment of the SS-25 missile, a prohibited second new type of Intercontinental Ballistic Missile (ICBM);

Extensive encryption of telemetry during test flights of strategic ballistic missiles;

Concealment of the association between a missile and its launcher during testing; and

Exceeding the permitted number of strategic nuclear delivery vehicles (SNDVs).

In addition, the Soviets:

Probably violated the prohibition on deploying the SS-16 ICBM;

Took actions inconsistent with their political commitment not to give the BACKFIRE bomber intercontinental operating capability by deploying it to Arctic bases; and

Evidently exceeded the agreed production quota by producing slightly more than the allowed 30 Backfire bombers per year until 1984.

Concerning the SALT I Interim Agreement, the Soviets used former SS-7 ICBM facilities to support deployment of the SS-25 mobile ICBM, and thereby violated the prohibition on the use of former ICBM facilities.

SOVIET NONCOMPLIANCE AND U.S. RESTRAINT POLICY

On June 10, 1985, I expressed concern that continued Soviet noncompliance increasingly affected our national security. I offered to give the Soviet Union additional time in order to take corrective actions to return to full compliance, and I asked them to join us in a policy of truly mutual restraint. At the same time, I stated that future U.S. decisions would be determined on a case-by-case basis in light of Soviet behavior in exercising restraint comparable to our own, correcting their noncompliance, reversing their military buildup, and seriously pursuing equitable and verifiable arms reduction agreements.

The December 23, 1985, report showed that the Soviets had not taken any actions to correct their noncompliance with arms control commitments. In May 1986, I concluded that the Soviets had made no real progress toward meeting our concerns with respect to their noncompliance, particularly in those activities related to SALT II and the ABM Treaty. From June 1985 until May 1986, we saw no abatement of the Soviet strategic force buildup.

The third yardstick I had established for judging Soviet actions was their seriousness at negotiating deep arms reductions. In May 1986 I concluded that, since the November 1985 summit, the Soviets had not followed up constructively on the commitment undertaken by General Secretary Gorbachev and me to build upon areas of common ground in the Geneva negotiations, including accelerating work toward an interim agreement on INF.

In Reykjavik, General Secretary Gorbachev and I narrowed substantially the differences between our two countries on nuclear arms control issues. However, the Soviets took a major step backward by insisting that progress in every area of nuclear arms control must be linked together in a single package that has as its focus killing the U.S. Strategic Defense Initiative (SDI). Furthermore, it became clear that the Soviets intended to make the ABM Treaty more restrictive than it is on its own terms by limiting our SDI research strictly to the laboratory.

It was, however, the continuing pattern of noncompliant Soviet behavior that I have outlined above that was the primary reason why I decided, on May 27, 1986, to end U.S. observance of the provisions of the SALT I Interim Agreement and SALT II. The decision to end the U.S. policy of observing the provisions of the Interim Agreement (which had expired) and the SALT II Treaty (which was never ratified and would have expired on December 31, 1985) was not made lightly. The United States cannot, and will not, allow a double standard of compliance with arms control agreements to be established.

Therefore, on May 27, 1986, I announced: In the future, the United States must base decisions regarding its strategic force structure on the nature and magnitude of the threat posed by the Soviet strategic forces and not on standards contained in the SALT structure which has been undermined by Soviet noncompliance and especially in a flawed SALT II Treaty which was never ratified, would have expired if it had been ratified, and has been violated by the Soviet Union.

Responding to a Soviet request, the U.S. agreed to hold a special session of the SCC in July 1986 to discuss my decision. During that session, the U.S. made it clear that we would continue to demonstrate the utmost restraint. At this session we stated that, assuming there is no significant change in the threat we face, the United States would not deploy more strategic nuclear delivery vehicles or more strategic ballistic missile warheads than does the Soviet Union. We also repeated my May 27 invitation to the Soviet Union to join the U.S. in establishing an interim framework of truly mutual restraint pending conclusion of a verifiable agreement on deep and equitable reductions in offensive nuclear arms. The Soviet response was negative.

In my May 27 announcement, I had said the United States would remain in technical observance of SALT II until later in the year when we would deploy our 131st Heavy Bomber equipped to carry air-launched cruise missiles. The deployment of that bomber on November 28, 1986, marked the full implementation of that policy.

Now that we have put the Interim Agreement and the SALT II Treaty behind us, Soviet activities with respect to those agreements, which have been studied and reported to the Congress in detail in the past, are not treated in the body of this report. This is not to suggest that the significance of the Soviet violations has in any way diminished. We are still concerned about the increasing Soviet military threat.

A number of activities involving SALT II constituted violations of the core or central provisions of the Treaty frequently cited by the proponents of SALT II as the primary reason for supporting the agreement. These violations involve both the substantive provisions and the vital verification provisions of the Treaty. Through violation of the SALT II limit of the one "new type" of ICBM, the Soviets are in the process of deploying illegal additions to their force that provide even more strategic capability.

Soviet encryption and concealment activities have, in the past, presented special obstacles to verifying compliance with arms control agreements. The Soviets' extensive encryption of ballistic missile telemetry impeded U.S. ability to verify key provisions of the SALT II Treaty. Of equal importance, these Soviet activities undermine the political confidence necessary for concluding new treaties and underscore the necessity that any new agreement be effectively verifiable.

SOVIET NONCOMPLIANCE AND NEW ARMS CONTROL AGREEMENTS

Soviet noncompliance, as documented in this and previous Administration reports, has made verification and compliance pacing elements of arms control today. From the beginning of my Administration, I have sought deep and equitable reductions in the nuclear offensive arsenals of the United States and the Soviet Union and have personally proposed ways to achieve the objectives in my meetings with General Secretary Gorbachev. If we are to enter agreements of this magnitude and significance, effective verification is indispensable and cheating is simply not acceptable.

I look forward to continued close consultations with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements.

The findings on Soviet noncompliance with arms control agreements follow.

THE FINDINGS

Anti-Ballistic Missile (ABM) Treaty

Treaty Status

The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each Party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

1. The Krasnoyarsk Radar

Obligation: To preclude the development of a territorial defense or providing the base for a territorial ABM defense, the ABM Treaty provides that radars for early warning of ballistic missile attack may be deployed only at locations along the periphery of the national territory of each Party and that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

Issue: The December 1985 report examined the issue of whether the Krasnoyarsk radar meets the provisions of the ABM Treaty governing phased-array radars. We have reexamined this issue.

Finding: The U.S. Government reaffirms the conclusion in the December 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associate siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction and the absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

2. Mobility of ABM System Components

Obligation: Paragraph 1 of Article V of the ABM Treaty prohibits the development, testing, or deployment of mobile land-based ABM systems or components.

Issue: The December 1985 report examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1985 report that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the USSR's development and testing of components of an ABM system, which apparently are designed to be deployable at sites requiring relatively limited special-purpose site preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

3. Concurrent Testing of ABM and Air Defense Components

Obligation: The ABM Treaty and its Protocol limit the Parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the Parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the parties from testing them in "an ABM mode." The Parties agreed that the concurrent testing of SAM and ABM system components is prohibited.

Issue: The December 1985 compliance report examined whether the Soviet Union has concurrently tested SAM and ABM system components in violation of its legal obligation since 1978 not to do so. It was the purpose of that obligation to further constrain testing of air defense systems in an ABM mode. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty. However, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other ABM-related activities suggest the USSR may be preparing an ABM defense of its national territory.

4. ABM Capability of Modern SAM Systems

Obligation: Under subparagraph (a) of Article VI of the ABM Treaty, each party undertakes not to give non-ABM interceptor missiles, launchers, or radars "capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode. . . ."

Issue: The December 1985 report examined whether the Soviet Union has tested a SAM system or component in an ABM mode or given it the capability to counter strategic ballistic missiles or their elements in flight trajectory in violation of their legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that the evidence of Soviet actions with respect to SAM upgrade is insufficient to assess compliance with the Soviet Union's obligations under the ABM Treaty. However, this and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

5. Rapid Reload of ABM Launchers

Obligation: The ABM Treaty limits to 100 the number of deployed ABM interceptor launchers and deployed interceptor missiles. It does not limit the number of interceptor missiles that can be built and stockpiled. Paragraph 2, Article V, of the Treaty prohibits the development, testing or deployment of "automatic or semi-automatic or other similar systems for rapid reload" of the permitted launchers.

Issue: The December 1985 report examined whether the Soviet Union has developed, tested, or deployed automatic, semi-automatic, or other similar systems for rapid reload of ABM launchers in violation of its legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that, on the basis of the evidence available, the USSR's actions with respect to the rapid reload of ABM launchers constitute an ambiguous situation as concerns its legal obligations under the ABM Treaty not to develop systems for rapid reload. The Soviet Union's reload capabilities are a serious concern. These and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

6. ABM Territorial Defense

Obligation: The ABM Treaty and Protocol allow each party a single operational site, explicitly permit modernization and replacement of ABM systems or their components, and explicitly recognize the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

Issue: The December 1985 report examined whether the Soviets have deployed an ABM system for the defense of their territory or provided a base for such a defense. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1985 report that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload and ABM mobility) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues.

Biological Weapons Convention and 1925 Geneva Protocol

Chemical, Biological, and Toxin Weapons

Treaty Status: The 1972 Biological and Toxin Weapons Convention (BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the United States and the Soviet Union are Parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

Obligations: The BWC bans the development, production, stockpiling or possession, and transfer of microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It imposes the same obligation in relation to weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials, or devices and prohibits use of bacteriological methods of warfare.

Issues: The December 1985 report examined whether the Soviets are in violation of provisions that ban the development, production, transfer, possession, and use of biological and toxin weapons and whether they have been responsible for the use of lethal chemicals. We have reexamined this issue.

Finding: The U.S. Government judges that continued activity during 1986 at suspect biological and toxin weapon facilities in the Soviet Union, and reports that a Soviet BW program may now include investigation of new classes of BW agents, confirm the conclusion of the December 1985 report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972.

There have been no confirmed attacks with lethal chemicals or toxins in Kampuchea, Laos, or Afghanistan in 1986 according to our strict standards of evidence. Although several analytical efforts have been undertaken in the past year to investigate continuing reports of attacks, these studies have so far had no positive results. Therefore, there is no basis for amending the December, 1985, conclusion that, prior to this time, the Soviet Union has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972.

Threshold Test Ban Treaty

Nuclear Testing and the 150 Kiloton Limit

Treaty Status: The Threshold Test Ban Treaty (TTBT) was signed in 1974. The Treaty has not been ratified by either Party but neither Party has indicated an intention not to ratify. Therefore, both Parties are subject to the obligation under customary international law to refrain from acts that would defeat the object and purpose of the TTBT. Actions that would defeat the object and purpose of the TTBT are therefore violations of legal obligations. The United States is seeking to negotiate improved verification measures for the Treaty. Both Parties have separately stated they would observe the 150-kiloton threshold of the TTBT.

Obligation: The Treaty prohibits beginning March 31, 1976, any underground nuclear weapon tests having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties. In view of the technical uncertainties associated with estimating the precise yield of nuclear weapon tests, the sides agreed that one or two slight, unintended breaches per year would not be considered a violation.

Issue: The December 1985 report examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons. We have reexamined this issue.

Finding: During the past year, the U.S. Government has been reviewing Soviet nuclear weapons test activity that occurred prior to the self-imposed moratorium of August 6, 1985, and has been reviewing related U.S. Government methodologies for estimating Soviet nuclear test yields. The work is continuing. In December 1985, the U.S. Government found that: "Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty." At present, with our existing knowledge of this complex topic, that finding stands. It will be updated when studies now under way are completed. Such studies should provide a somewhat improved basis for assessing past Soviet compliance. Ambiguities in the nature and features of past Soviet testing and significant verification difficulties will continue, and much work remains to be done on this technically difficult issue. Such ambiguities demonstrate the need for effective verification measures to correct the verification inadequacies of the Threshold Test Ban Treaty and its companion accord, the Peaceful Nuclear Explosions Treaty.

Limited Test Ban Treaty

Underground Nuclear Test Venting

Treaty Status: The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty) (LTBT) is a multilateral treaty that entered into force for the United States and the Soviet Union in 1963. Soviet actions not in accord with this treaty are violations of a legal obligation.

Obligations: The LTBT specifically prohibits nuclear explosions in the atmosphere, in outer space, and under water. It also prohibits nuclear explosions in any other environment "if such explosions cause radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted."

Issue: The December 1985 report examined whether the USSR's underground nuclear tests have caused radioactive debris to be present outside of its territorial limits. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that the Soviet Union's underground nuclear test practices resulted in the venting of radioactive matter on numerous occasions and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation under the Limited Test Ban Treaty. The Soviet Union failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous U.S. demarches and requests for corrective action.

Helsinki Final Act

Helsinki Final Act Notification of Military Exercises

Legal Status: The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with 33 other States. Soviet actions not in accord with that document are violations of their political commitment.

Obligation: All signatory States of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military maneuvers, defined as those involving more than 25,000 troops.

Issue: The December 1985 report examined whether notification of the Soviet military exercise "Zapad-81" was inadequate and therefore a violation of the Soviet Union's political commitment under the Helsinki Final Act. We have reexamined this issue.

Finding: The U.S. Government previously judged and continues to find that the Soviet Union in 1981 violated its political commitment to observe provisions of Basket I of the Helsinki Final Act by not providing all the information required in its notification of exercise "ZAPAD-91." Since 1981, the Soviets have observed provisions of the Helsinki Final Act in letter, but rarely in spirit. The Soviet Union has a very restrictive interpretation of its obligations under the Helsinki Final Act, and Soviet implementation of voluntary confidence-building measures has been the exception rather than the rule. The Soviets have notified all exercises requiring notification (i.e., those of 25,000 troops or over), but have failed to make voluntary notifications (i.e., those numbering fewer than 25,000 troops). In their notifications, they have provided only the bare minimum of information. They have also observed only minimally the voluntary provision providing that observers be invited to exercises, having invited observers to only fifty percent of notified activities.

Mr. SYMMS. Mr. President, I want to read some of the highlights of this report.

In the December 23, 1985 report, I stated: I am quoting Ronald Reagan:

The Administration's most recent studies support its conclusion that there is a pattern of Soviet noncompliance. As documented in this and previous reports, the Soviet Union has violated its legal obligation under, or political commitment to, the SALT I ABM Treaty and Interim Agreement, the SALT II Agreement, the Limited Test Ban Treaty of 1963, the Biological and Toxin Weapons Convention, the Geneva Protocol on Chemical Weapons, and the Helsinki Final Act. In addition, the USSR has likely violated provisions of the Threshold Test Ban Treaty.

Another year has passed and, despite these intensive efforts, the Soviet Union has failed to correct its noncompliant activities; neither have they provided explanations sufficient to alleviate our concerns on other compliance issues.

Compliance is a cornerstone of international law; states are to observe and comply with obligations they have freely undertaken.

I skip over. I read on.

I have also said that: Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future * * *

He goes on.

Today I must report that we have deep, continuing concerns about Soviet noncompliance with the ABM Treaty. For several reasons, we are concerned with the Krasnoyarsk radar, which appeared to be completed externally in 1986. The radar demonstrates that the Soviets were designing and programming a prospective violation of the ABM Treaty even while they were negotiating a new agreement on strategic offensive weapons with the United States.

I skip over.

The integrity of the arms control process is also hurt by Soviet violations of the 1925 Geneva Protocol on Chemical Weapons and the 1972 Biological and Toxin Weapons Convention. Information obtained during the last year reinforces our concern about Soviet noncompliance with these important agreements. Progress toward an agreement banning chemical weapons is affected by Soviet noncompliance with the Biological and Toxin Weapons Convention. Because of the record of Soviet noncompliance with past agreements, we believe verification provisions are a matter of unprecedented importance in our efforts to rid the world of these heinous weapons.

The record of Soviet noncompliance with the treaties on nuclear testing is of legal and military concern. Since the Limited Test Ban Treaty (LTBT) came into force over twenty years ago, the Soviet Union has conducted its nuclear weapons test program in a manner incompatible with the aims of the Treaty by regularly permitting the release of nuclear debris into the atmosphere beyond the borders of the USSR.

The Helsinki Act is not in my amendment, but just as a point, it was part of the President's report:

In 1981 the Soviet Union conducted a major military exercise without providing prior notification of the maneuver's designation and the number of troops taking part, contrary to its political commitment to observe provisions of Basket I of the Helsinki Final Act.

The Soviet Union repeatedly violated the SALT II Treaty and took other actions that were inconsistent with the Treaty's provisions. In no case where we determined that the Soviet Union was in violation did they take corrective action. We have raised these issues for the past three years in the SCC and in other diplomatic channels.

The Soviets committed four violations of their political commitment to observe SALT II; they were:

The development and deployment of the SS-25 missile, a prohibited second new type of Intercontinental Ballistic Missile (ICBM);

Extensive encryption of telemetry during test flights of strategic ballistic missiles;

Concealment of the association between a missile and its launcher during testimony; and

Exceeding the permitted number of strategic nuclear delivery vehicles (SNDVs).

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a total of 20 minutes and 50 seconds.

Mr. SYMMS. Mr. President, I want to make a few more points. I want to talk about the findings of the report. I yield myself 2 more minutes, and I want to reserve the remainder of my time. I think other proponents of the amendment wish to be heard.

I read from the report: "Findings: Antiballistic Missile Treaty, Treaty Status":

> The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each Party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.
>
> 1. *The Krasnoyarsk Radar* * * *.
>
> *Finding:* The U.S. Government reaffirms the conclusion in the December 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty.

I will not go into the details. It will be spread on the RECORD for others in America to read what we are talking about here today.

> *Finding:* The U.S. Government reaffirms the conclusion in the December 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction and the absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.
>
> 2. *Mobility of ABM System Components* * * *.
>
> *Finding:* The U.S. Government reaffirms the judgment made in the December 1985 report that the evidence of Soviet actions with respect to SAM upgrade is insufficient to assess compliance with the Soviet Union's obligations under the ABM Treaty. However, this and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.
>
> *Finding:* The U.S. Government reaffirms the judgment of the December 1985 report that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the USSR's development and testing of components of an ABM system, which apparently are designed to be deployable at sites requiring relatively limited special-purpose site preparation * * *.
>
> 3. *Concurrent Testing of ABM and Air Defense Components* * * *.
>
> *Finding:* The U.S. Government reaffirms the judgment made in the December 1985 report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty. However, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other ABM-related activities suggest the USSR may be preparing an ABM defense of its national territory.
>
> 4. *ABM Capability of Modern SAM Systems* * * *.

I could go on: chemical, biological, and toxin weapons; Threshold Test Ban Treaty; Limited Test Ban Treaty; Helsinki Act, and so forth.

The basic underlying point I want my colleagues to understand is that I do not bring this out for any reason except to remind us that our obligations in the Senate are to correct what we think are glaring weaknesses with respect to a treaty that we are being asked to ratify. This amendment will not block the ratification of this treaty.

The PRESIDING OFFICER. The Senator has used his 2 minutes.

Mr. SYMMS. I reserve the remainder of my time.

Mr. PELL. Mr. President, I return to the point that was made yesterday, and it is the same one that Secretary Shultz made when he told us:

> We believe the INF Treaty stands on its own merits. It should not be linked to other arms control agreements and issues.

That is what is really important. It can stand on its own feet and should not be connected with other issues.

The treaty improves American security. We would be in the position of cutting off our nose to spite our face. If the treaty is a good treaty, it should not be linked to other points.

I think the amendment of the Senator from Idaho addresses itself to pretty contentious and controversial arguments of Soviet violations of the ABM Treaty and related treaties.

Mr. President, the amendment of the Senator from Idaho [Mr. SYMMS] addresses itself to highly contentious and highly controversial charges of Soviet violations of the 1972 ABM Treaty, the 1963 Limited Test Ban Treaty, the biological weapons convention, the 1925 Geneva protocol, the SALT I interim agreement, and the unratified SALT II Treaty.

At the present time, the Reagan administration has not charged the Soviet Union with clear violations on all the issues contained in the Symms amendment. The administration has made a number of allegations, however. They are contained in the administration's recent reports to Congress.

Mr. President, many experts disagree with the conclusions of the administration on these issues. The charges are extremely technical and I do not believe we should debate them here. Suffice it to say that, other than the Krasnoyarsk radar which I believe is a violation of the ABM Treaty, the reliability of the other charges remain arguable.

I would like to call attention to a November 21, 1987 article in the Washington Post, entitled "Soviet Arms Violations Disputed." According to the account:

> The Democratic majority of the House Permanent Select Committee on Intelligence yesterday charged the Reagan administration has misrepresented Soviet compliance with arms control treaties.

In addition, the Arms Control Association has analyzed the administration's charges of Soviet noncompliance. Not surprisingly, the association report comes to some very different conclusions than the administration.

Insufficient attention has been paid to the views of many experts that the Soviet Union has generally complied with its obligations under arms control agreements. In this regard, I would like to call attention to a New York Times report of January 10, 1986. The report explains that a top State Department official, Gen. John Chain, testified to the Senate Armed Services Committee that:

> The Soviet Union has complied with the vast majority of important arms control provisions.

Mr. President, I do not believe that the issue of Soviet noncompliance with other arms control agreements should stand in the way of allowing us to gain the benefits we will gain from the INF Treaty. As Secretary of State Shultz told our committee:

> The President signed the INF agreement because its provisions serve U.S. and Allied interests . . . We are and will, however, continue to press the Soviets to end their noncompliance with arms control agreements.

As I said yesterday, if we demand resolution of all of our problems with the Soviet Union prior to entering into arms control agreement, we risk the possibility of never achieving those agreements.

Mr. President, there will be numerous opportunities to continue working with the Soviet Union to resolve compliance issues. The purpose of the amendments of the Senator from Idaho [Mr. SYMMS] is not to resolve these issues, it is to block the INF Treaty. I urge my colleagues to reject the Symms amendments.

The INF Treaty stands on its own feet. It is a move forward, from the viewpoint of American interests. There are problems with the Soviet Union, and they should be treated on a separate channel, a separate track.

I ask unanimous consent that the Washington Post article, the New York Times article, and the Arms Control Association report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 21, 1987]

SOVIET ARMS VIOLATIONS DISPUTED

(By R. Jeffrey Smith)

The Democratic majority of the House Permanent Select Committee on Intelligence yesterday charged the Reagan administration has misrepresented Soviet compliance with arms-control treaties and has failed in arms-control talks to adequately heed to potential difficulties in monitoring future Soviet treaty compliance.

"While critics of Soviet compliance behavior assert that the Soviets have established a pattern of intentional cheating on arms-control agreements, the evidence is inconclusive," the committee's 11 Democrats said after a two-year study that ended late last year.

While the Soviets sometimes "scrupulously" adhered to arms-control limitations, the report asserted, at other times they "have pushed to the limit or beyond treaty provisions whose interpretation they thought they could exploit to their advantage."

The committee's conclusions, in a declassified version of an extensive report on U.S. capability to monitor compliance with arms-control agreements, were issued after an extended struggle with the intelligence community over the secrecy of its conclusions and a bitter fight with the Republican minority.

The Democrats questioned administration assertions that the Soviets had clearly violated a SALT II treaty ban on development of a new, large, intercontinental ballistic missile and encoding of missile test data.

The panel said these apparent violations were either "impossible to resolve" or stemmed from unclear treaty language.

The six-member Republican minority sharply disputed these views, charging in a separate report that the Democrats' "main ambition was to discredit" the adminstration's judgments and dismiss potential problems in verifying compliance with future arms treaties.

Republicans and Democrats agreed, however, that the administration had failed to develop a coherent strategy for research on new arms-control monitoring technologies.

The majority report reached these major conclusions:

The administration had not adequately used the Standing Consultative Commission (SCC), a permanent group of U.S. and Soviet officials established by the 1972 Antiballistic Missile Treaty, to resolve allegations of Soviet noncompliance with arms treaties.

Rep. Dave McCurdy (Okla.), the committee's second-ranking Democrat, said testimony before the panel by retired Air Force general Richard Ellis, the administration's ambassador to the SCC, "pretty well indicated that many of the so-called compliance issues and allegations of violations had not been addressed in the SCC, which was the proper forum."

The report said the SCC had "achieved results" in the past, but the administration had not presented "concrete solutions" for improving the SCC, despite frequent criticism of its operations.

The Republicans said that while the SCC had resolved a few minor U.S.-Soviet disputes, it has "failed in its primary mission of resolving compliance concerns."

The administration had focused its attention on Soviet treaty violations at the expense of sound analysis about the military significance of alleged Soviet treaty violations. McCurdy said testimony indicated that the Joint Chiefs of Staff had repeatedly declined to make such assessments.

"The executive branch has failed over the years to develop" a sound strategy for research on new technologies for arms-control monitoring, particularly in the area of nuclear testing. Testimony from former U.S. arms negotiator John Tower and others indicated that the administration repeated a practice of its predecessors in which "verification issues were not entirely worked out before proposals were tabled" at the arms negotiations.

ANALYSIS OF THE PRESIDENT'S REPORT ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

EXECUTIVE SUMMARY

The President's latest Report on Soviet Noncompliance of Arms Control Agreements, dated March 10, 1987, charges the Soviet Union with a "continuing pattern" of violations of seven arms control agreements, and a "likely" violation of an eighth. The report closely follows last year's noncompliance report, reaffirming every charge while offering neither new charges nor new evidence. Moreover, the report concludes that the Soviet Union has "made no real progress toward meeting our concerns," and states that "compliance with past arms control commitments is an essential prerequisite for future arms control agreements."

The administration's most significant charge is that the Soviet Union may be "preparing an ABM defense of its national territory," in violation of the ABM Treaty's fundamental purpose of banning the deployment of a territorial defense against strategic ballistic missiles or the base for such a defense. A Soviet breakout from the fundamental limits of the ABM Treaty could threaten U.S. security and would provide a clear basis for U.S. withdrawal from the ABM Treaty.

The administration's charge that the aggregate of Soviet ABM-related activities suggests that the Soviet Union may be preparing a nationwide defense is simply not supported by the evidence. The administration uses the Krasnoyarsk early warning radar, the one clear Soviet violation of the ABM Treaty, in a very misleading fashion, suggesting it is in fact a battle-management radar. The new report also presents as evidence three new Soviet early warning radars, even though it acknowledges they are in themselves "consistent with the ABM Treaty's provision on ballistic missile early warning radars." The other supporting evidence, described as "likely," "probable," or "ambigious" violations, are all old issues of marginal military significance, based on contentious interpretations of the available data and the treaty language. This collection of activities does not support the administration's suggestions that the Soviet Union may be preparing a territorial defense against ballistic missiles.

As discussed in our analysis, the Administration continues to distort the overall compliance picture, exaggerating problem areas of little military significance while ignoring the undisputed positive record of Soviet compliance with most treaty provisions, including the areas of central importance. Moreover, the administration's report ignores recent Soviet actions that have reduced the potential for controversy in several areas; the Soviet Union has removed equipment possibly related to the SS-16 ICBM from the Plesetsk test range, reduced producton of the Backfire bomber, agreed to a new Common Understanding on concurrent operations of air defense and ABM components, and dismantled a number of disputed radars at ABM test ranges. In addition, the Soviet Union has continued to dismantle strategic systems to remain in compliance with SALT II even after the United States formally repudiated and intentionally exceeded the SALT II limits.

The administration's report does not discuss SALT II compliance issues in detail, because the United States has repudiated SALT II and no longer considers it to be an existing agreement. Nevertheless, the administration's report cites several Soviet SALT violations as part of the alleged pattern of Soviet noncompliance and offers them as the principal rationale for the U.S. abandonment of SALT II. Considering the gravity and consequences of these charges, our analysis examines the three principal SALT II compliance issues and finds that it is by no means clear that the Soviet Union has in fact violated that agreement.

The report fails to take into account new evidence that casts even greater doubt on some of its charges. In the areas of chemical and biological warfare and the Threshold Test Ban Treaty, significant new evidence throwing doubt on the administration's charges has come to light since the last report was issued, yet the administration's charges remain the same.

The administration's distortions of the compliance problem undermine confidence in the arms control process, thereby dimming future prospects for arms control; agreements.

THE ANTI-BALLISTIC MISSILE TREATY

THE KRASNOYARSK RADAR

According to the March 10, 1987, report, "The U.S. Government reaffirms the conclusion in the December 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972."

In mid-1983, a new large phased-array radar (LPAR) was discovered under construction in central Siberia at Abalskovo, north of the city of Krasnoyarsk, which is about 750 kilometers from the nearest Soviet border. The radar is oriented toward the northeast, away from the border.

Such large phased-array radars are affected by several treaty provisions, which are tied together in Agreed Statement F. Agreed Statement F prohibits either side from deploying large phased-array radars except within permitted ABM deployment areas, within permitted ABM test ranges, as early warning radars deployed along the national periphery and oriented outward, or for space-tracking or national technical means of verification.

The Soviet Union argues that the Krasnoyarsk radar is a space-tracking radar as allowed by Agreed Statement F. The administration argues that the radar's "siting, orientation, and capability" indicate that it "is primarily designed for ballistic missile detection and tracking," not space tracking. Therefore, the administration charges that the Krasnoyarsk radar is either an early warning radar which is neither on the periphery of the Soviet Union nor oriented outward, or an ABM battle-management radar outside permitted ABM deployment areas or test ranges, and is therefore a violation of the ABM Treaty. The United States reportedly raised the issue in the Fall 1983 session of the Standing Consultative Commission (SCC), emphasizing the Krasnoyarsk radar's similarity to other permitted Soviet early warning radars, the fact that it fills a significant gap in Soviet early warning coverage, and the fact that the radar is ill-suited for other permitted functions, such as space-tracking. For these reasons, the United States has declared it a violation and called for its dismantlement.

In October 1985 the Soviet Union proposed to halt construction of the Krasnoyarsk radar if the United States halted construction of a large phased-array radar for early warning at Thule, Greenland, and cancelled its plans to deploy a similar radar at Fylingdales Morr, Great Britain. The Soviet Union has charged that both of these radars are in violation of the ABM Treaty's limits on large phased-array radars for early warning. The United States has refused to consider this offer, arguing that the U.S. radars are legal modernizations of existing radars.

The administration's charge that Krasnoyarsk violates the ABM Treaty appears to be correct. The location and orientation of this radar, the elevation of its transmitting and receiving faces, and its similarity to the Soviet Pechora-type early warning radars place it in violation of the treaty. While the radar could well have some space-tracking capabilities, the Soviet claim that the radar is primarily intended for space-tracking does not appear to be consistent with the evidence.

The Soviet offer to stop construction in exchange for similar U.S. action at Thule and Fylingdales represents at least a tacit admission that the Krasnoyarsk radar is a violation. Without going into a complete discussion of the legality of the two U.S. radars, it would appear that the two U.S. radars raise serious questions concerning U.S. compliance with the ABM Treaty.

The Krasnoyarsk radar appears to have been placed in its illegal inland location primarily to provide cost-efficient early warning and not to serve a battle management function in connection with a nationwide ABM system. The radar is an undefended, soft target which would be extremely vulnerable to attack; and by virtue of its location, it would be of very little value as part of a nationwide defense. The Central Intelligence Agency has explained that because the Krasnoyarsk radar is a large fixed installation, it is "vulnerable to direct attack," and "susceptable to degradation from nuclear blackout effects." Moreover, the CIA has reportedly concluded that the radar is "not well suited" for an ABM role because it "does not cover the path of incoming U.S. ICBMs because it is too far east and is pointing in the wrong direction." Finally, the Krasnoyarsk radar is similar to the other Pechora-type radars, which reportedly operate at a frequency of about 150 MHz. This frequency is well-suited for early warning but much less effective for an ABM battle-management role (the U.S. Missile Site Radar once deployed at Grand Forks and the Soviet Pushkino ABM radar operate at frequencies more than ten times as high). The lower fequency is extremely susceptible to "blackout" from nuclear blasts and provides less accurate tracking information than higher frequency radars.

For all these reasons, it can be concluded that the radar, although in an illegal location, does not provide substantial battle-management capabilities and does not fundamentally undercut the treaty's objectives in constraining the location of LPARs to prevent their use in a battle-management role.

MOBILITY OF ABM SYSTEM COMPONENTS

The administration charges that Soviet development and testing of rapidly deployable ABM components represent "a potential violation" of the ABM Treaty's ban on mobile ABM systems and components.

Article V of the ABM Treaty prohibits the development, testing, and deployment of mobile land-based ABM systems and compoents. Mobile ABM compoents are defined in a common understanding as being those that are "not permanent fixed types." In the mid-1970s, the Soviet Union began testing two new radars, the Flat Twin and the Pawn Shop, partly in connection with its ABM test program. There have been estimates that the Flat Twin, the larger of the two types, could be set up on a prepared site in several months. U.S. concern was originally aroused by the fact that a Flat Twin radar, which had initially been tested at the Sary Shagan ABM test range, was subsequently disassembled and moved to Kamchatka within a period of months, rather than the years required to build most previous ABM radars. The Pawn Shop is a radar housed in a van-size container, without wheels or any other noticeable facilities for mobility. Reportedly, it has never been observed to have been moved.

The Pawn Shop and Flat Twin were first observed more than 15 years ago. Reports indicate that, during this entire period, the radars have not been observed anywhere except within permitted test areas, and there have never been more than six in existence. Recently, press reports indicate that "several" of the Pawn Shop radars at the Sary Shagan test site have been completely dismantled. The Flat Twin radar at Kamchatka appears to have remained intact.

The issue in this case is whether these radars should be considered "mobile," defined by Common Understanding C as "not permanent fixed types." During the time the treaty was being drafted, the United States was concerned about the mobility of the Soviet SA-2 air defense system, components of which could be dismantled and quickly reassembled at a new site. Therefore, the U.S. view was that if a component was moved within a week or less, it would be considered mobile and therefore banned by the treaty. Neither the Flat Twin nor the Pawn Shop would appear to fit this interpretation of "mobile." As a 1978 U.S. government report on the subject concluded:

> The [new ABM system undergoing testing] and its components can be installed more rapidly than previous ABM systems, but they are clearly not mobile in the sense of being able to be moved about readily or hidden. A single operational site would take about half a year to construct. A nationwide ABM system based on this new system under development would take a matter of years to build.

Apparently, very little activity with regard to these two radars has taken place since the 1978 report was written and none of the radars have been deployed at the permitted Moscow deployment area or elsewhere in the Soviet Union. Therefore, there is little evidence for the administration's charge that these radars represent a "potential violation" of the treaty. The Soviets reportedly never had more than six such radars at test sites, and have now dismantled several of them. There appears, therefore, to be no basis whatsoever for the administration's charge that Soviet activity in this area may be part of an effort to create a base for a defense of its national territory.

CONCURRENT OPERATIONS OF ABM AND AIR DEFENSE COMPONENTS

The administration charges that concurrent operations of Soviet air defense radars at ABM test ranges constitute a "highly probable" violation of Article VI of the ABM Treaty, which bans testing of non-ABM systems and components "In an ABM mode."

During 1973 and 1974, U.S. intelligence observed that an air defense radar associated with the SA-5 SAM system had been operating at the Sary Shagan test range during ABM tests. While there are several possible purposes for radars at an ABM test range other than testing "in an ABM mode"—such as range safety, instrumentation, and defense of the range—the circumstances constituted a basis for concern, and the United States raised the issue in the SCC. The activities in question stopped shortly thereafter. A classified agreed statement was negotiated in the SCC and signed in 1978, which reported regulated the concurrent testing of air defense radars and ABM components. Subsequently, the United States again expressed concerns over operations of air defense radars at the Sary Shagan range, leading to a common understanding initiated in 1985. This understanding reportedly bans all uses of air defense radars during ABM tests, except in the unlikely event that hostile aircraft are clearly in the vicinity.

This issue is a prime example of the administration's tactic of making public charges on issues that could be (or in this case apparently already had been) resolved in the SCC. The SCC's record in handling this question has been impressive: the Soviets ceased their initial activity soon after the question was raised, and two subsequent agreements have been negotiated. The 1985 understanding, reportedly banning essentially all concurrent operations of air defense radars during ABM tests, should resolve the issue once and for all. Despite this constructive history, the administration has consistently referred to this issue as a "highly probable" violation in its compliance reports, and has not mentioned the 1985 agreement designed to resolve the problem.

Whatever the actual purpose of the past concurrent operations of the SA-5 radar, they by no means made the SA-5 system ABM-capable. The SA-5 radar is an antiquated mechanical-scan system, now being sold to Third World clients such as Libya and replaced by newer air defense systems. As a 1978 Carter administration report pointed out, while the SA-5 operations were in a grey area, "much more testing, and testing significantly different in form, would be needed before the Soviets could achieve an ABM capability for the SA-5 . . . Extensive and observable modifications to other components of the system would have been necessary, but these have not occurred." There is no evidence to support the administration's suggestion that these past concurrent opreations are part of a Soviet preparation for an ABM defense of its national territory.

ABM CAPABILITY OF MODERN SAM SYSTEMS

While acknowledging that "the evidence . . . is insufficient," the 1987 report reaffirms the judgment of the December 1985 report that the Soviet SA-12 surface-to-air missile system may have some ABM capabilities, in contravention of Article VI of the ABM Treaty, which prohibits non-ABM systems with ABM capabilities, and testing of non-ABM systems "in an ABM mode."

The SA-12 is a surface-to-air missile system designed for defense against both aircraft and tactical ballistic missiles. It has been tested against the SS-12, a tactical ballistic missile with a range of roughly 900 kilometers. The ABM Treaty allows antitactical ballistic missiles (ATBMs), but forbids giving them ABM capabilities or testing them "in an ABM mode." The definition of testing "in an ABM mode" was spelled out in a 1978 SCC agreed statement, which the administration describes as stating in part that "an interceptor missile would be considered tested in an ABM mode if it had attempted to intercept a strategic ballistic missile or its elements in flight trajectory," which would include a target missile "with the flight trajectory characteristics of a strategic missile or its elements over that portion of the flight trajectory involved in the test."

ATBM systems are an inherent grey area of the ABM Treaty. The exact point at which an ATBM system begins to have some ABM capability is not defined. The administration does not actually charge that the SA-12 has been tested against missiles with "the flight trajectory characteristics of strategic ballistic missiles," and there appears to be little evidence to suggest that the SA-12 has any significant ABM capability. Even against tactical ballistic missiles the SA-12 has apparently had a poor record, reportedly intercepting its target only once in 20 tests. There is no evidence to support the charge that the development of this ATBM system is part of a preparation for a nationwide defense against strategic ballistic missiles. It should also be noted that the United States is also upgrading an air-defense system, the Patriot, for an ATBM role.

RELOAD OF ABM LAUNCHERS

The administration argues that Soviet actions relating to reloadable ABM launchers create an "ambiguous situation" with respect to the ABM Treaty's ban on development and testing of rapidly reloadable launchers, and is "a serious concern."

Article V of the ABM Treaty prohibits the development, testing, and deployment of "automatic or semi-automatic or other similar systems for rapid reload of ABM launchers." Thus, the treaty does not ban reloadable ABM launchers, but bans ABM launchers with a "rapid reload" capability. During the negotiations, the United States reportedly indicated that it would consider an ABM launcher to be rapidly reloadable if it could be reloaded in a "strategically significant" period of time. The goal was to prevent either side from expanding the very limited firepower of the permitted ABM system by developing the capability to fire several interceptors from each of the allowed 100 launchers during a missile attack.

Reload activities have reportedly been observed involving two Soviet ABM interceptors, the Galosh and the newer SH-08 Gazelle interceptor, which is similar to the U.S. Spring missile. According to the administration, a Galosh launcher has been reloaded and refired, and a Gazelle launcher has been reloaded but was not then refired. The administration reports that these reloads took place in "much less than a day;" some press reports indicate that the reloads required roughly two hours. The administration has not indicated publicly how frequently these reload activities may have occurred, but recent reports suggest that one of the launchers was only reloaded once in 1983, and that reloading activities have not been repeated since then.

The issue hinges on whether the Soviet reload activities constitute "rapid" reload. During the ABM Treaty negotiations, the United States informed the Soviet Union that the ban on rapidly reloadable launchers would not require any changes in existing Soviet systems. At the time, U.S. intelligence reportedly estimated that the Galosh launchers could be reloaded in as little as 15 minutes (this estimate was later lengthened). Since the more recently observed reloads reportedly took well over an hour, it does not appear that the Soviet systems should be considered "rapidly reloadable." There is no evidence to support the administration's suggestion that Soviet ABM reload capabilities are part of preparations for nationwide defense.

PREPARATION OF A TERRITORIAL DEFENSE

The administration charges that "the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload and ABM mobility) suggests that the USSR may be preparing an ABM defense of its national territory," which could have "profound implications for the vital East-West balance."

Article I of the ABM Treaty states, "Each party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense." This is the underlying objective of the treaty, and therefore any breach of this central prohibition would strike at the heart of the treaty, could seriously threaten U.S. national security, and could be grounds for withdrawal from the treaty.

Despite the seriousness of the charge, the administration provides no substantial evidence to support it. With few exceptions, the evidence rests on old and largely discredited or irrelevant assertions.

As our report indicates, the administration cites:

a clearly illegal, but highly vulnerable, early-warning radar at Krasnoyarsk, which could not contribute significantly as a battle-management radar for a nationwide defense;

two types of old, "mobile" ABM radars, neither of which is actually mobile, and of which only a half-dozen have ever existed, all at permitted test sites, and most of which have reportedly been dismantled recently;

the possible operations of some antiquated air-defense radars during ABM tests—a problem that has now been resolved in the SCC;

an ATBM system that apparently has never been tested against targets other than aircraft and short-range ballistic missiles;

reloadable launchers that take hours, not minutes, to reload—far too long to be any real help against a major nuclear strike.

In addition, the administration reports that "Soviet activities during the past year have contributed to our concerns," citing particularly the beginning of construction of three more early-warning radars in the western Soviet Union, at Skrunda in Latvia, Mukachevo near the Czech border, and at Baranovichi, near the Polish border. Unlike Krasnoyarsk, or perhaps the U.S. radars at Thule and Fylingdales Moor, all three of these radars are clearly in allowed locations, on the periphery of the Soviet Union and oriented outward. Hence, as intended by the drafters of the ABM Treaty, almost all of their coverage is *outside* Soviet territory, making it difficult for them to serve as ABM battle-management radars. Moreover, all are believed to be of the Pechora-type, which clearly are early-warning radars, operating at frequencies appropriate for early warning but an order of magnitude less than those used by modern ABM battle-management radars. As the CIA explained in 1985 testimony, the nine Pechora-type radars "are large, fixed installations, vulnerable to direct attack, and they are potentially susceptible to degradation from nuclear blackout effects." Thus, the construction of these permitted early-warning radars is hardly evidence of a Soviet effort to create the base for a nationwide defense.

These items simply do not add up to a "base" for a nation-wide defense. A genuine nation-wide defense would take many years to build. A conventional-type defense modeled on the Moscow system and upgrading of the Soviet air-defense system would require many hundreds and possibly thousands of ABM radars, and many thousands of ABM interceptors. The length of time it has taken the Soviet Union to modernize its single 100-interceptor system around Moscow (after nearly seven years it is still not complete) suggests how difficult a crash program to deploy thousands of ABMs would actually be. Furthermore, the administration's detailed charges demonstrate that even the initial stages of a genuine effort to deploy a nationwide defense would be observed long before such a system became operational, giving the United States ample time to respond.

THE THRESHOLD TEST BAN TREATY

In its latest report, the Reagan administration charges that a number of Soviet nuclear tests constitute "likely" violations of the 1974 Threshold Test Ban Treaty. At the same time, the report acknowledges that "work is continuing" on "reviewing U.S. Government methodologies for estimating Soviet nuclear test yields," and that the U.S. charge may need to be "updated" when current studies are completed.

In Article I of the 1974 Threshold Test Ban Treaty, the parties undertook "to prohibit, to prevent, and not to carry out any underground nuclear weapon test having a yield exceeding 150 kilotons." The treaty was signed by President Nixon in 1974, but it has never been ratified by the United States. Nevertheless, under international law, both parties are bound not to take actions that would defeat the "object and purpose" of the treaty. In practice, this means not testing above the 150-kiloton threshold.

The administration asserts that its estimates of the yields of Soviet nuclear tests, based on measuring the seismic magnitude of the events, indicate that it is "likely" that a number of Soviet tests (10-20) have exceeded the 150-kilton threshold since the signing of the treaty. There is a substantial controversy, however, over the interpretation of the seismic data. A growing number of seismologists have concluded that the data simply do not support a conclusion that the Soviet Union has been testing above the 150-kiloton threshold.

The administration's charge is based on a conclusion that does not fully address two critical factors: "regional bias" and statistical uncertainty in seismic measurement.

The location where the Soviet Union conducts its nuclear weapons tests (Semipalatinsk) differs geologically from the location where U.S. tests are carried out (the Nevada Test Site), so that a Soviet nuclear test sends larger seismic signals through the earth than a test of the same yield would at the U.S. test site. During the past year, the

CIA has adjusted its estimate of this "regional bias" and has reduced its estimates of the yield of Soviet nuclear tests by some 20 percent. However, many seismologists, both in and out of government, believe the CIA may still be overestimating the yields of Soviet tests, because they believe the "regional bias" factor has still not been properly applied. (The administration's reference to "continuing" studies that may cause the conclusion on compliance to be "updated" implicitly acknowledges this ongoing debate.)

In addition to the "regional bias" problem, yield estimates based on the measurement of seismic waves inherently involve some statistical uncertainty. For each test, a "best estimate" or central value is made, along with a range of uncertainty, which the administration argues may be as large as a factor of two, though many seismologists believe that with improved techniques this uncertainty can be reduced. For example, if a test is judged to have a central value of 150 kilotons, it is recognized that the actual yield of the test could be as low as 75 kilotons or as high as 300 kilotons. If the Soviet Union were testing near the 150-kiloton threshold, half the tests would appear to be above the threshold and half below. Therefore, while the estimated yields of some Soviet tests since 1974 may have been over 150 kilotons, the actual yield of the tests could very well be at or below 150 kilotons.

Taking into account the "regional bias" problem and the inherent statistical uncertainty in seismic measurement, Dr. Roger Batzel, director of the Lawrence Livermore Laboratory, recently testified that "the Soviet appear to be observing some yield limit. Livermore's best estimate of this yield limit, based on a probabilistic assessment, is that it is consistent with TTBT compliance." Dr. Siegfried Hecker, director of the Los Alamos Laboratory, also testified that the seismic evidence was "consistent" with Soviet compliance, though because of the uncertainty, he testified that the data was also consistent with noncompliance. Milo D. Nordyke, leader of the treaty verification program at Lawrence Livermore, testified that "it was concluded that the Soviets appear to be observing a yield limit. The best estimate of this yield limit is that it is consistent with TTBT compliance."

Further undermining the administration's charge is the fact, which the administration's 1987 compliance report acknowledges for the first time, that when the TTBT was signed, both sides agreed that "one or two slight, unintended breaches per year would not be considered a violation."

Nevertheless, despite this agreement, despite a significant change in the U.S. government's "regional bias" factor, and despite the conclusions of the Los Alamos and Lawrence Livermore laboratories and the assessments of independent seismologists, the administration has refused to alter its conclusion that it is "likely" that the Soviet Union has violated the TTBT.

SALT II

The new report does not address SALT II issues in the context of Soviet compliance with existing agreements, since the United States has repudiated its political commitment to this agreement. Nevertheless, the report's introduction cites these issues as evidence of past Soviet violations and offers them as the principal rationale for the U.S. abandonment of SALT II. A close examination of the three principal U.S. charges of Soviet noncompliance with SALT II—as cited in the new report and discussed in detail in previous years—reveals that it is by no means clear that violations have actually occurred. Rather, the disputes hinge on differing interpretations of extremely complex and ambiguous treaty provisions, and on detailed technical information that neither side has made available to date.

THE SS-25

The introduction to the 1987 report reaffirms the administration's charge that the SS-25 mobile ICBM is a prohibited second new type of ICBM, and therefore a violation of the Soviet Union's SALT II commitment.

SALT II permitted each side to flight test and deploy only one "new type" of light ICBM. A new type is defined as one that differs from an existing type by more than five percent in length, diameter, launch-weight, throw-weight, or differs in number of stages or propellant type. This provision was not intended to preclude either side from testing and deploying new ICBMs, but only to insure that they fit within the designated parameters. The parameters were specified primarily to control the throw-weight of missiles and not their qualitative performance. The United States wanted the right to develop, test and deploy new missiles that would have improved reliability and guidance, and it was not believed possible to verify these qualitative characteristics with high confidence. The Soviet Union has declared that the SS-X-24—a ten-warhead rail-mobile and silo-based ICBM—is to be their allowed one "new type." The United States has designated the MX as its one "new type" of ICBM.

In order to prevent the rapid conversion of single-warhead ICBMs to multiple-warhead ICBMs, SALT II also placed certain restrictions on the testing and deployment of existing types of single-warhead ICBMs. Neither side was permitted to test or deploy an existing type of single-warhead ICBM whose reentry vehicle constituted less than 50 percent of the missile's throw-weight.

The administration has charged that the SS-25 is a violation of the "new type" rule and of the 50 percent rule. The administration claims that the SS-25 is an illegal second "new type" of ICBM because its throw-weight is judged to be about 90 percent greater than that of the SS-13, which the Soviet Union has set as the standard of comparison for the SS-25. In addition, the administration claims that the SS-25 violates the 50 percent rule because its reentry vehicle constitutes only about 45 percent of the missile's throw-weight.

The Soviet Union rejects both of these allegations, claiming that the SS-25 is a permitted variation of the SS-13 and that the reentry-vehicle of the SS-25 constitutes more than 50 percent of the missile's throw-weight. On June 4, 1986, Marshall Sergei Akhromeyev, chief of staff of the Soviet military, asserted that the United States has overestimated the throw-weight of the SS-25 by including equipment (an instrumentation package) used during testing that would not be included in the actual deployment of the missile, and underestimating the throw-weight of the SS-13 by excluding from its calculations the SS-13's penetration aids and a guidance system carried on its third stage. If the throw-weight of the SS-25 were to include these additional devices and the throw-weight of the SS-25 were to exclude the testing package, he claimed the SS-25 would be within the permitted five percent variation. Moreover, the Soviet Union claims that if the SS-25's throw-weight were correctly calculated by excluding the testing package, the reentry vehicle of the SS-25 in its deployed condition would constitute more than 50 percent of the missile's throw-weight.

This compliance dispute essentially hinges on SALT II's definition of "throw-weight." The Article II(7) definition of throw-weight clearly states that penetration aids and guidance devices should be included. Moreover, former Secretary of State Cyrus Vance's formal analysis of the SALT II treaty for the Senate stated that as long as the targeting device "cannot provide additional velocity of more than 1,000 meters per second to a reentry vehicle, it is considered comparable to a post-boost vehicle and included in the throw-weight." The treaty definition of throw-weight does not mention instrumentation packages used during testing, and a strong case can be made that it should not be included since presumably it would not be included in an operational missile.

Until the administration is prepared to explain on what basis it excludes these additional devices from its calculation of the SS-13's throw-weight, and on what basis the instrumentation package on the SS-25 should be included in the missile's throw-weight, its case will remain weak. Whether or not the SS-25 fits within the five percent limit on throw-weight using the Soviet reading of the treaty language depends on the weights of the various elements of the throw-weight. This information, which the United States may not know in detail, has not been volunteered by the Soviet Union.

The Secretary of State George Shultz acknowledged the weakness of the administration's case when he stated, "There are questions about whether in a purely technical sense it [the SS-25] fits within treaty language as might be interpreted by a lawyer." No suggestion has been made in the administration's latest report that new evidence exists to strengthen the administration's case. Indeed Congressman Lee Hamilton (D-IN), chairman of the House Permanent Select Committee on Intelligence, argued as recently as last summer that the SS-25 "does not reasonably add up to an unequivocal violation."

TELEMETRY ENCRYPTION

The 1987 report also renews the charge that "extensive encryption of telemetry" on Soviet missile flights violates the SALT II prohibition on "impeding" verification through the deliberate denial of missile test information.

During flight-tests, the performance data of ballistic missiles is normally radioed to ground-based receiving stations. These radio signals, known as "telemetry," can be monitored by the other side and analyzed to retrieve technical data. The country testing a missile can also scramble or "encrypt" these radio signals so that it is impossible for the eavesdropping country to retrieve and analyze the technical information being communicated.

In Article XV (3) of the SALT II Treaty, each party was prohibited from using "deliberate concealment measures which impede verification." In a common understanding, both parties agreed that the encryption of telemetry would be permitted, except when the practice "impedes verification of compliance with the provisions of the treaty." In Secretary of State Vance's analysis of the SALT II Treaty for the Senate, he explains that Soviet negotiators agreed during the negotiations that there should be "no encryption of information involving parameters covered by the treaty . . . and that if any misunderstanding arose, they could be considered in the Standing Consultative Commission."

The administration argues that the Soviet Union has been heavily encrypting their missile telemetry (of such missiles as the SS-25, SS-24, and SS-18) over the last few years in a manner that impedes our ability to verify the performance characteristics governed by SALT II.

The Soviet Union has responded that its encryption practices do not impede verification of the relevant provisions of SALT II. In recent statements, Soviet spokesmen have stated that no encryption has occurred with regard to the relevant parameters: the launch weight, payload, dimensions, or number of warheads of its missiles. In addition, the Soviet Union has asked the United States to identify the specific telemetry information it needs for verification. U.S. spokesmen have refused to specify this information on the grounds that it would endanger sensitive intelligence sources and methods.

This compliance issue partially hinges on the interpretation of the word "impede." It is apparently not clear in the negotiating record whether "impede" means "to prevent" or whether it means "to make more difficult." Soviet encryption practices have undoubtedly made verification more difficult, but given the specificity of the administration's charge that the reentry vehicle of the SS-25 constitutes slightly less than 50 percent of the missile's throw-weight, encryption has obviously not prevented monitoring of very detailed qualitative provisions.

The ambiguity inherent in the encryption issue was recently summed up by Representative Hamilton: "What we have is not an open and shut case of Soviet noncompliance. Instead, it is a case where treaty language is not as precise as it should be."

Finally, there are genuine questions as to what obligations the bilateral commitment "not to undercut" SALT II should entail in a situation whether neither party has ratified the treaty and one party has taken a formal position that it never would ratify it. Under international law, the parties to an agreement are bound not to take actions that would defeat the "object and purpose" of the treaty pending ratification. In the case of SALT II, the United States stated in 1981 that it did not intend to ratify the treaty and on May 27, 1986, withdrew its political commitment to the treaty. The main purpose of SALT II Treaty as stated in Article I was "to limit strategic offensive arms quantitatively and qualitatively." The "deliberate concealment" provision was not a central purpose of the agreement. It was intended to enhance each country's ability to verify compliance with the treaty's central provisions. Consequently, even though the Soviet Union has apparently not raised the point, some uncertainty exists as to the parties' obligation to comply with the secondray confidence-building provisions such as those limiting the encryption of telemetry.

STRATEGIC NUCLEAR DELIVERY VEHICLES

The introduction to the 1987 report also charges that the Soviet Union violated its SALT II commitment by "exceeding the permitted number of strategic nulcear delivery vehicles (SNDVs)."

If the SALT II Treaty had been ratified and gone into force, both parties would have been required to limit the number of SNDVs (ICBM launchers, SLBM launchers and heavy bombers) to 2,400, which would have been reduced to 2,250 by December 31, 1981. Since the treaty was never ratified, neither side has been required to limit their SNDVs to these aggregates. Instead, both sides have understood their political commitment "not to undercut" SALT II as including an obligation not to exceed the number of SNDVs each side had at the time SALT II was signed in 1979. In the Memorandum of Understanding accompanying SALT II, signed on June 18, 1979, the Soviet Union declared that it possessed 2,504 SNDVs, while the United States declared that it possessed 2,283 SNDVs. Thus the Soviet Union's SALT II commitment limits it to 2,504 SNDVs.

In the last few years, the Soviet Union has begun the deployment of three new types of SNDVs: MIRVed SLBMs on Delta and Typhoon-class submarines, mobile, single warhead SS-25s, and Bear-H heavy bombers with air-launched cruise missiles. At the same time, to make room for these new systems within the overall limit, the Soviet Union has dismantled launchers for SS-N-6 SLBMs and SS-11 ICBMs, and dismantled or converted Bison heavy bombers. The administration has claimed that from 1983 to 1986 the Soviet Union's total number of SNDVs has exceeded the 2,504 limit by as many as 30 delivery vehicles.

This compliance dispute is difficult to judge definitively without access to classified data. However, it is clear that over the past five years the Joint Chiefs of Staff, in their annual posture statements, have consistently estimated the total number of Soviet SNDVs to be below 2,504. For example, the FY 1987 JCS Order of Battle shows the Soviet Union to have 2,477 SNDVs.

Moreover, the Soviet Union has indisputably abided by all of the key numerical sublimits of SALT II. It has removed almost 200 ICBM launchers, SLBM launchers, and heavy bombers as it has deployed new systems in the past few years. For example, the Soviet Union has dismantled the silos for 72 SS-11 missiles as it has deployed the same number of mobile SS-25s. Reportedly, it has continued to dismantle SS-11 missiles even after the United States formally exceeded SALT II's numerical limits in November 1986. Given these facts, it is hard to believe that the Soviet Union has made a clear choice to violate SALT II's overall limit, while scrupulously abiding by SALT II sublimits.

Instead, it appears that this compliance problem is based on a U.S.-Soviet dispute regarding the conversion and dismantlement of some 40 to 50 obsolete Bison bombers. Reportedly, the Soviet Union has told the United States in the SCC that, of the original 50 or so Bisons, most have been dismantled and the rest have either been or soon will be converted to aerial fuel tankers. Most of the dismantlements have been confirmed in JCS estimates of the Soviet forces, but recent official U.S. sources continue to include as SNDVs the remaining 15 Bisons that the Soviets claim have been or will be converted to fuel tankers.

The status of these nearly obsolete bombers is the heart of the issue. If these systems were excluded and categorized as aerial tankers, the total number of Soviet SNDVs would be at or below the 2,504 the Soviet Union had in 1979, and therefore the Soviet Union would be in full compliance with its commitment to SALT II. Specific provisions for bomber conversion have never been negotiated in the SCC, leaving the situation ambiguous, but the administration has refused to allow the U.S. representative at the SCC, General Richard Ellis to negotiate the necessary procedures and clarify the issue. Rather than a clear case of a Soviet violation, the SNDV issue appears to be a problem that could readily be resolved in the SCC.

Indeed, in a recent letter to President Reagan, Senator Sam Nunn (D-GA), now chairman of the Senate Armed Services Committee, listed the SNDV issue as an area in which the Soviet Union was now in compliance with SALT II.

THE BIOLOGICAL AND TOXIN WEAPONS CONVENTION AND THE GENEVA PROTOCOL

The administration charges that "the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972 * * * [and] has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972." (See special section in ACT September 1986 "Chemical and Biological Weapons: Slipping Out of Control?")

The 1925 Geneva Protocol bans the use in war of poisonous, asphyxiating, or other gases, as well as biological warfare.

The 1972 Biological and Toxin Weapons Convention bans both use and possession of biological and toxin weapons, except in small amounts used for defensive research. (Toxins are highly poisonous chemicals produced by living organisms. They are covered by the convention even if snythesized artificially.)

The administration charges that the Soviet Union has violated these agreements, resting its case primarily on: the alleged transfer of toxin weapons to the Vietnamese, for use in Southeast Asia; the alleged use of chemical or toxin weapons by Soviet troops in Afghanistan; and the outbreak of anthrax in the Soviet city of Sverdlovsk in 1979, allegedly due to an accident at a facility suspected of carrying out prohibited biological warfare activities. The Soviet Union has adamantly denied all of the charges.

"YELLOW RAIN" IN SOUTHEST ASIA

For more than two decades, there have been occasional reports of chemical attacks in Southeast Asia. Most of the reports have come from Hmong tribesmen of Laos. In the late 1970s, the number of reports increased significantly and the U.S. government stepped up its investigations. In 1981, then-Secretary of State Alexander Haig formally charged that the Soviets had provided their Vietnamese allies with a toxin-laden substance known as "yellow rain," which had been used in attacks in Laos and Kampuchea.

From the beginning, the administration focused its case on samples of the alleged "yellow rain," collected in Southeast Asia. The samples were said to contain poisonous tricothecene mycotoxins. These toxins are produced by fungi which grow on vegetation, and which have infested grain in many parts of the world, including the Soviet Union. The administration asserted that trichothecenes do not occur naturally in Southeast Asia. Richard Burt, then head of the State Department's Bureau of Political-Military Affairs, called the samples a "smoking gun."

Since then, however, these claims have been seriously questioned. Despite extensive testing, the initial indications that the samples contained trichothecene mycotoxins have not been confirmed by other laboratories. The U.S. Army chemical warfare laboratory has never found trichothecene mycotoxins in any of the environmental samples taken from Southeast Asia. Moreover, it has now been shown that trichothecenes occur naturally in the diet of Southeast Asians never exposed to alleged "yellow rain" attacks. Finally, Harvard Professor Matthew Meselson and his colleagues have demonstrated that the alleged samples of "yellow rain" were actually the feces of Southeast Asian honeybees.

The questions raised by the refugee reports, however, remain unanswered. These accounts, which are often contradictory, may reflect an exaggerated reaction to the use of herbicides or tear gas, possibly compounded by poor interrogation techniques on the part of investigators. The introduction to the 1987 report indicates that there have been no "confirmed" reports of new attacks for three years. Whatever the validity of the earlier refugee reports, the administration has never produced convincing evidence that the Soviet Union supplied whatever agents may have been used.

Despite the telling criticisms of the sample evidence and the uncertainty surrounding the refugee reports, the administration continues to press its charges with undiminished confidence.

AFGHANISTAN

The administration's case that the Soviet Union has used chemical or toxin warfare in Afghanistan is even weaker than its case in Southeast Asia. There are fewer refugee reports, and the physical evidence reportedly consists of a single gas mask contaminated with toxins—which even the administration's Defense Science Board reportedly discounts, arguing that there is no evidence the Soviet Union has used toxins in Afghanistan.

SVERDLOVSK

The administration has repeatedly charged the Soviet Union with maintaining an offensive biological warfare capability in violation of the Biological and Toxin Weapons Convention. This accusation rests on a variety of evidence. The 1987 report refers to "continued activity during 1986 at suspect biological and toxin weapons facilities in the Soviet Union, and reports that a Soviet BW program may now include investigation of new classes of BW agents." But "activity" and "investigation" do not necessarily constitute violations of the convention, which allows defensive research. The keystone of the administration's case, therefore, as described in the Defense Intelligence Agency's 1986 report on the "Soviet Biological Warfare Threat," is the very serious outbreak of anthrax that occurred in the Soviet city of Sverdlovsk in the spring of 1979.

In 1980, largely on the basis of an emigre report, the Carter administration expressed concern to the Soviet Union that the outbreak could have resulted from an accident at a suspected biological warfare facility in the vicinity. The area where the outbreak reportedly occurred and the reported nature of the cases suggested that the illnesses could have been caused by an airborne cloud of deadly anthrax spores released by such an accident.

The convention obligates members "never in any circumstances to develop, produce, stockpile or otherwise acquire or retain" biological agents or toxins in quantities that "have no justification for prophylactic, protective, or other peaceful purposes." The convention also obligated the parties "to consult one another and to cooperate" in resolving problems relating to the convention.

The Soviet Union, however, refused to discuss Sverdlovsk either formally or informally, on the grounds that it was a natural event caused by contaminated meat and therefore not subject to the convention. This Soviet reticence raised further suspicions.

Over the last six months, Soviet officials have belatedly begun to provide more information on the outbreak. They now say the outbreak was caused by a batch of anthrax-contaminated livestock feed. According to the Soviet account, the meat from the infected livestock was subsequently sold privately, leading to the outbreak of anthrax.

The available details of the outbreak itself are contradictory. The initial report was that the anthrax was of the rare pulmonary form, which supported the thesis that the outbreak was caused by an accidental release of airborne spores. However, Soviet doctors who say they treated the anthrax patients in Sverdlovsk now report that the patients died of intestinal anthrax as one would expect from contaminated meat, not pulmonary anthrax. The contaminated meat explanation would also be consistent with the fact that the outbreak is known to have lasted for several weeks, which would not be expected if it had been caused by a single cloud. Other circumstantial details are also inconclusive. While it is true that there is a complex in the area which had long been suspected of engaging in biological warfare research, it is also true that anthrax has been endemic in the Sverdlovsk area since Czarist times.

None of the explanations of what happened in Sverdlovsk in 1979 can yet be considered proved. The new Soviet willingness to discuss the incident in detail may eventually provide sufficient evidence to establish their explanation. Certainly the publicly available evidence does not support the administration's unequivocal assertion of Soviet violations of the convention.

Mr. SYMMS. I yield myself 2 minutes.

Mr. President, with all due respect to the distinguished chairman—and I hear what he is saying—I think we should come back to the basic point I made, and I have to propound a question to the distinguished Senator from Rhode Island.

This amendment will not interfere with the ratification of this treaty. What I would like to have the Senator explain to me is how it is that it is OK for the Soviets to have numerous violations, as reported in the President's own report I went through, which is now part of the RECORD, ranging from the SALT I ABM Treaty, the Limited Test Ban Treaty, the biological and chemical weapons bans, the SALT I Interim Agreement, the SALT II Treaty, just to mention a few of those violations—and what is wrong with asking the Soviet Union, if they are to become a new partner in peace, to get in compliance with the other existing treaties. I cannot see why the United States Senate should not put that demand on the Soviet Union.

I can say one thing: 80 percent of the American people think that the Soviet Union should get in compliance with their other treaties before this treaty goes into effect.

In other words, what we are saying is that we ratify the treaty, and as soon as the President can confirm to Congress that they are back in compliance with the other treaties, we start dismantling the cruise missiles and the Pershing II's in Western Europe; but until they do it, the cruise missiles and the Pershing II's stay right in place. I think it is a very simple and easy-to-understand question.

I yield myself 1 more minute.

So far as I am concerned, Mr. President, if we do not have the will, the political will, to ask that all our adversaries, and the nation that we are signing this treaty with—if we do not have the political will to ask them to comply with their existing international legal obligations, then what is all this talk about this new verification procedure that is so new in the INF Treaty?

If you are not going to make people comply with the treaty, why should they worry about the verification process? If they do get detected and caught violating, they know we will not do a single thing.

The U.S. Senate has a chance to go on record today to show some political will and, as I have said in my speech earlier, the political will is probably the most single important thing in conducting foreign policy and preserving peace by deterring war. The will to be free—a strong military certainly is important and a strong economy to back it up—but you have to have the political will first, and this is all this amendment is all about.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, 80 percent of the people in the poll agree about the importance of getting the Soviets to comply with the treaty but I wager that more than 80 percent of our people want to see this treaty pass because the treaty itself is of importance, and nobody is going to question our desire that the Soviets conform to it and they make concessions to us and we should conform to it.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. SYMMS. Does the Senator agree with me that we can still ratify this treaty with this amendment? Then the overwhelming majority of the American people can get their wish. Give them the treaty and give them a choice. Ask the Soviets to get in compliance before we dismantle over $700 million of military equipment. We have leverage.

Mr. PELL. I think the treaty stands on its own feet. I want to see it pass in as clean a form as possible.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. Fourteen minutes and forty-eight seconds.

Mr. HELMS. Mr. President, will the Senator yield to me 6 or 7 minutes?

Mr. SYMMS. I yield to the distinguished Senator from North Carolina 7 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Senator.

Mr. President, the Senator from Idaho is exactly right. From the very beginning of consideration of this treaty or even before it got here we had Senators on this floor and elsewhere, and I counted as I recall about 52, who endorsed this treaty before they even had it in their hands. There were Senators speaking in November saying this is a great treaty, and they had never seen it.

The American people are about to wake up that something is afoot here. They do not trust the Soviets and neither does the Senator from North Carolina.

If we do not have the courage to say, "Look, these cheaters in the Soviet Union have got to be brought to heel," then I do not know what we are about in the United States Senate.

Let me tell you why I do not trust the Soviets, Mr. President: Back in 1983, in August, I was asked by the President to go to Korea and represent him and read his remarks at the meeting of a group in commemoration of the 30th anniversary of the signing of the Korea and United States Mutual Defense accord.

We had booked passage on a plane out of New York for an appointed day, and for a reason that was personal we changed our reservations from that plane and instead caught a plane from Los Angeles at 11:30 p.m. that night.

While we were there in Anchorage for a fuel stop, and it took about an hour and a half, both planes, the one from New York and the one from Los Angeles, upon which Mrs. Helms and I were flying, were side by side. And since it was a long stopover, most of the passengers of both planes got off, and I met many people aboard the other plane, including a delightful family on its way to Korea, a United States family, a young man, handsome, his wife, beautiful, and two precious little girls, Noel and Stacy, 5 years old and 3 years old respectively.

All right.

I held those little girls on my lap. They understood quickly how grandfathers feel about little girls. We played games, and I can remember right this minute their giggling and laughing, and I taught them how to say "I love you" in sign language.

Presently their plane was called, I say to the Senator from Idaho, because he was there. We were flying the same plane. Their plane was called. That lovely family got their belongings together and they headed for the other plane to Seoul, South Korea, the one that Senator SYMMS and I had originally been scheduled to fly.

And I will never forget those little girls blowing me a kiss at the door and holding up their little hands saying "I love you." They were on the other plane which was KAL-007.

Do not ask JESSE HELMS why I do not trust the Communists.

I had a letter shortly thereafter from the grandmother of these two little girls and, Mr. President, I carry it around. It is tattered now, but I carry it around to remind me of the duplicity of the Soviet Union.

This grandmother lives in Rochester, NY. I wish it were possible for the Senate to see these tattered clippings that she sent me that I have carried around all these years in my pocket.

The clipping says: "Grieving in North, missing family welcome at Cape Vincent." It has a picture of a young man and wife and precious little girls whom I held on my lap and who kissed me on the cheek as I left and waved bye-bye, and they held up their hands saying, "I love you."

Let me read you the letter from the grandmother, part of it. It is dated Monday, September 26, 1983. It says:

> DEAR SENATOR HELMS: It's with an extremely heavy heart that I feel obliged to send you a note of thanks as you were the last one to see and to love and to talk with our beloved daughter, Carroll, our son-in-law Neil, and our blessed granddaughters Noel and Stacy. My husband and I are certainly going through hell and it gets worse every day, but I guess this is the cross that we have to bear.

Then she continues:

> We are presently in the process of getting the cottage ready to close for the season.

And later I learned in a telephone conversation with her that they had a summer cottage out on the lake out in Rochester and that was the last place that this grandmother saw her daughter and son-in-law and those two little girls.

But she said:

> We are presently in the process of getting the cottage ready to close for the season. The hardest part was taking down Noel's and Stacy's swing and disposing of their toys which are just too heartbreaking to have around. And there isn't a day that I do not wipe away another little sticky fingerprint.

And then she goes on to ask why. Why did we trust them? Why do we deal with them?

And Senator SYMMS is trying to answer that question with this amendment which will be divided.

The Soviet Union has violated every treaty they ever signed with the United States of America, especially arms control treaties.

And the polls show that the American people are aware now that this treaty which has been so highly advertised and so beautifully orchestrated by the State Department and the news media and politicians is, in fact, flawed, and it is a danger to the United States, it is a danger to NATO, it is a danger to world peace, and it is a boon to those who want to take over this world.

I think the American people are sick and tired of seeing the Soviets cheat and lie on treaty after treaty after treaty while Washington sits back and does nothing about it except sign a letter of protest and express our diplomatic "concerns." Big deal. Big deal.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. SYMMS. I would like to yield 2 more minutes to the Senator from North Carolina. His 7 minutes have expired. I ask if the Senator will yield to me for a point I want to add to his point about what happened on that fateful night when a great Congressman, Larry McDonald was murdered, along with 268 other innocent people.

Mr. HELMS. I yield.

Mr. SYMMS. On the night that KAL-007 was shot down, as the Senator from North Carolina well knows, the Soviet Union was preparing to violate the SALT II Treaty by illegally testing their now illegal SS-25 ICBM prohibited second "new type" ICBM with illegal total encryption of electronic telemetry, so the KAL-007 murder of 269 innocent people was in some ways related because the Soviets were much more sensitive to the unintended penetration of Kamchatka impact area air space by an innocent commerical airliner.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. SYMMS. I yield.

Mr. HELMS. That is the reason they shot down KAL-007, because they did not want to get caught cheating, even by an innocent commerical airliner inadvertantly straying off course into Soviet airspace.

Mr. SYMMS. And the other point, as the Senator knows, once this INF Treaty is ratified, the illegal SS-25 missile becomes legal under the INF Treaty.

Mr. HELMS. That is correct.

Mr. SYMMS. I just think my colleagues need to know this.

I thank the Senator for his very impassioned plea to our colleagues to read what it is we are trying to do with this amendment.

Mr. HELMS. The Senator made exactly the point that I was going to make. The SS-25 is here. It is a reality. No; it is therein the Soviet Union's arsenal, not ours. They were testing it that very night and that is the reason they shot down KAL-007 and killed 269 people, including 5-year-old Noel and 3-year-old Stacy and Larry McDonald. Two hundred and sixty-nine people wantonly, premeditatedly, knowingly killed, murdered by the Soviet Union, and we are being asked to trust them with a treaty that we cannot even verify.

I do not care what anybody says, it cannot—it cannot—be verified. Every Senator can do what they wish and they can go along with the crowd, but they are going along with the crowd against people like little Noel and Stacy, and I resent it.

I thank the Senator for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Will the distinguished Senator from Rhode Island yield me 6 minutes.

Mr. PELL. I yield 6 minutes to the Senator from Indiana.

Mr. LUGAR. I thank the Senator.

Mr. President, two points have been made by the advocates of this amendment and they are important to consider. The first point—and it has been made eloquently by my distinguished colleague from North Carolina—is do not trust the Soviets. I think that probably is a sentiment unanimously held by Members of this body. We do not trust the Soviets.

The purpose of this arms control treaty is not a devotion to trust of the Soviets. It is not an endorsement of Soviet activity. It is not a condoning of anything that has occurred before.

It has nothing to do, in short, with trusting the Soviets. We do not. The President made that clear on the moment he signed the treaty and he talked about verification. He might also have gone on to talk about the great efforts we have made to try to bring the Soviets to compliance. It is not an easy task.

I suppose the second point the advocates have made is that the American people, by and large, would like to see every violation of the Soviets cleared up prior to the time that we have another treaty. They would like—and this Senator shares that point of view—to see the Soviets either demolish Krasnoyarsk or render it into something that is acceptable under the treaties that we have. Likewise, each of the technical violations that are cited, we ought to continue to pursue those, and we are doing that through the joint consultative committee.

So, I would say, Mr. President, we all might exercise more vigor. That point is well taken.

But, Mr. President, the point of this amendment is simply to make certain that this treaty does not get off the ground. The distinguished Senator from Idaho has said it is not a killer amendment; you can still go ahead and ratify the treaty; you just do not put it into effect until this long list of Soviet violations is brought into compliance. Mr. President, that might be some way down the trail, and maybe advocates of the amendment wish it that way.

But I would just simply say that those of us who advocate this treaty believe that it was signed by the President of the United States, negotiated faithfully by skilled negotiators, because it is in our security interest. It is in our security interest now.

The American people understand that very clearly by overwhelming numbers. They want the President to negotiate. They want him to negotiate from strength. They do not trust the Soviets, but they want us to be talking, negotiating, working for our own security.

The American people support the INF Treaty because it does advance our security. It advances it by providing verification procedures superior to any we have negotiated before. It advances our security by demanding that Soviet missile systems that would support warheads four times as numerous as the ones we have be destroyed. That is important, Mr. President, not only to us but to our European friends.

The distinguished Senator from North Carolina has said that the whole promotion of the treaty has been beautifully orchestrated by the national press and by the State Department. But, Mr. President, the facts of life are that the President of the United States, Ronald Reagan, advocates this treaty. He is the basic champion. Do the advocates of this amendment really want to gut the efforts of our President? Because that is precisely what the amendments do.

Mr. SYMMS. Will the Senator yield for a question?

Mr. LUGAR. Yes, on the Senator's time.

Mr. SYMMS. Yes.

I will read this. The President stated correctly in his March 10, 1987 report to Congress that "compliance with past arms control agreements is an essential prerequisite for future arms control agreements." Compliance is an essential prerequisite.

That is the President's words and policy. That is all this amendment does. Does the Senator not agree? That is all the amendment does. It does nothing else. It does not stop ratification. Does not the Senator agree with me that all we are trying to do with this amendment is get them in compliance?

Mr. LUGAR. Let me respond to the distinguished Senator that all his amendment does is kill the INF Treaty. I hope everyone within the sound of my voice knows it is a killer amendment.

Mr. SYMMS. It is not a killer amendment.

Mr. LUGAR. I hope that Senators, as they are listening to my voice, understand that the next five votes—Mr. President, it is a very strange procedure, I must say. We are going to have five votes on identically the same topic, and that could only be described as a dilatory tactic. It is a dilatory tactic.

We are going to have five votes. Senators will have five chances to affirm the INF Treaty.

I would conclude, Mr. President, by saying simply that the President of the United States had to weigh all of the Soviet violations. So did the members of his Cabinet. So did the Joint Chiefs of Staff. They all weighed those predicaments and they said the security of the United States is in the INF Treaty. The President signed it. He knew all the violations. He knew everything described by the Senator from Idaho. The President knew his own words that the Senator has just given; that compliance is important, that we ought to have compliance, ought to vigorously pursue it.

But the President finally said that it is in our interest, the American interest, to sign this treaty and to get on with it. I would like to affirm that point of view, Mr. President, and ask that Members carefully consider the predicament we are in, but then to vote against each of these five amendments, or the segments thereof, because that alone will afford to the INF Treaty ratification.

I thank the Chair.

The PRESIDING OFFICER (Mr. Graham). Who yields time?

Mr. PELL. Mr. President, I yield 4 minutes to the Senator from Maine [Mr. Cohen].

Mr. COHEN. Mr. President, I thank the Senator for yielding.

Mr. President, I wish to associate myself with one aspect of the remarks of my friend from Idaho, and that is that there was no justification for the shooting down of KAL-007. It was an act of barbarity. It reflected a mentality and temperament and rules of engagement of a brutal society. I do not think any of us ought to forget the way in which the Soviet ships harassed those American ships and Japanese ships that were trying to find the wreckage of the plane, the black box and the bodies of the passengers on board. So the world, I think, was justifiably outraged and justifiably condemned that act of barbarity on the part of the Soviet Union.

I would also like to indicate that I might disagree just slightly with my colleague from Indiana, Senator Lugar, in that he suggested that we are vigorously pursuing a resolution of the disputes over past treaties and their violations.

I might say that I do not think we are pursuing the resolution of those conflicts vigorously enough. In fact, I suspect that there are those within the administration who actively are trying to restrain a resolution of those issues, who might prefer to have an issue in conflict rather than a resolution of that conflict.

Frankly, I hope that the President might be encouraged by this debate to reinvigorate, within his administration, the effort to seek the resolution of the alleged treaty violations that have been listed in this amendment of the Senator from Idaho.

I do want to associate myself, however, with the Senator from Indiana in terms of his statement that we do not trust the Soviet Union by virtue of our ratification of this treaty.

If the Soviets have, in fact, violated every treaty in each of the respects outlined in the amendment of the Senator from Idaho, I must say, Mr. President, that President Reagan would have abdicated his responsibility as chief executive officer of this country.

I am puzzled as to why those who have been his staunchest supporters would have turned away and tired not to prevent the President's meetings with the Soviet leadership; why they did not vigorously protest; and why they did not at that point consider charging the President with having abdicated his constitutional responsibilities.

As I understand it, the President of the United States is the person charged with seeking the enforcement of treaties, not the Congress of the United States. Frequently, I am charged perhaps with intruding upon the jurisdiction of the executive branch by sponsoring legislation dealing with covert action, legislation on war powers, or legislation regarding independent counsels.

Well, here there could not be a more clear intrusion into the responsibilities of the executive branch than what this amendment seeks to do, not by its wording, but by its consequence.

The President of the United States is charged with the responsibility for faithfully executing the laws of the land and to the extent that he has ignored the laws of the land, a treaty being the law of the land, it seems to me it was incumbent upon those who have been his staunchest supporters to seek some sort of action directed toward the President himself.

The fact of the matter is that some of the allegations contained in the amendment's list of violations may not be. In the amendment, they are all lumped together—they are all considered to be categorical, unequivocal violations of the treaty when in fact there is some doubt about that.

Some of the allegations of treaty violations by the Soviets are clear, in my judgment; others are less clear. Some are just clearly ambiguous.

I would just point to one which is not even ambiguous. One of the items cited in the amendment as a clear violation of the treaty is the Soviets having converted a retired ballistic missile submarine into a cruise missile carrying submarine. The authors of the amendment have charged that as being a violation. Yet I would point out that the deployment of SLCM's on a converted SSBN, while it is a security concern is not a violation.

I want to quote from the President's unclassified compliance report of February 1, 1985, and I emphasize that I am quoting from the President's own report. He said:

> The U.S. Government judges that the Soviet Union's conversion of a dismantled SSBN into a submarine longer than the original and carrying modern, long-range cruise missiles is not a violation of its political commitment under the SALT I Interim Agreement. . . .

So here we have a case where the President has certified it is not a violation.

So I think for a variety of reasons, Mr. President, that this amendment, whether divided into five parts or left as one, should be rejected.

I believe that the treaty ought to be judged on its own merits. We have, perhaps, the most clearly articulated verification procedures we have ever had. I believe that it measures up to the kind of criticism that has been justifiably launched at past agreements. It ought to stand on its own.

The **PRESIDING OFFICER**. The time of the Senator from Maine has expired.

Mr. **COHEN**. May I have 1 more minute?

Mr. **PELL**. I yield an additional minute.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **COHEN**. It sought to stand on its own merits and I believe that it does.

If you are opposed to signing a treaty with the Soviet Union, then vote for the Symms amendment. If you do not want to have a treaty relationship with the Soviet Union on this basis now or in the future, then vote for the Symms amendment.

But if, in fact, you wish to have this treaty go into effect, to perhaps build a better relationship with the Soviet Union, insisting that the President indeed fulfill his constitutional responsibilities by seeking the enforcement of compliance with past treaties, then I think we can do that without undermining this treaty as this amendment would do.

For those who are opposed to dealing with the Soviet Union, I suggest that we take it up with the President of the United States and ask why he has abdicated his constitutional responsibilities, if that, in fact, is the charge that is implicitly being leveled by the sponsors of this amendment.

So I would hope that we reject the amendment of the Senator from Idaho.

The **PRESIDING OFFICER**. Who yields time? The Senator from Rhode Island?

Mr. **PELL**. I yield 4 minutes to the Senator from Virginia [Mr. WARNER].

The **PRESIDING OFFICER**. The Senator from Virginia.

Mr. **WARNER**. Mr. President, I stand with my colleagues from Indiana and Maine and others in opposition to this amendment. I hope we are not characterized, those of us who oppose the amendment, as anyone trusting the Soviets. I think that point was made clear by the Senator from Indiana. Certainly the Senator from Virginia in no way wishes at any time to associate himself with persons who trust the Soviets.

But I want to point out to my good friend from Idaho that the Senate Committee on Armed Services, this year, of which my distinguished colleague is a member, also was concerned about the question of compliance and put in a provision of law which perhaps you are familiar with, calling on the President to expand his reporting to the Congress with respect to the various alleged violations of arms control agreements.

If you refer to page 147 of the bill you will see there that the law which, hopefully, will be acted on by the Senate today or tomorrow, requires:

> A summary of the current status of all arms control agreements in effect between the United States and the Soviet Union.
>
> An assessment of all violations by the Soviet Union of such agreements and the risks such violations pose to the national security of the United States and its allies.
>
> A net assessment of the aggregate military significance of all such violations.
>
> A statement of the compliance policy of the United States with respect to Soviet violations with such agreements.
>
> What actions, if any, the President has taken or proposes to take to bring the Soviet Union into compliance with its commitments under arms control agreements with the United States.
>
> If the President in any second consecutive report submitted to Congress under this section reports that the Soviet Union is not in full compliance with all arms control agreements between the United States and the Soviet Union, the President shall include in such report an assessment of what actions are necessary to compensate for such violations.".

I point this out to indicate to my colleagues and Members of the Senate that our committee has incorporated in the bill a specific provision dealing with this subject and I think that that is the way in which the Senate should deal with it, as opposed to this amendment.

I, therefore, conclude by asking a question of my distinguished colleague from Idaho.

Your amendment, in five areas, requires the President to indicate that the Soviets are not engaged in any of the following violations before the treaty would take effect.

Supposing he were able, pursuant to your amendment, to say that the Soviets are no longer engaged in a particular violation and then within a month afterward, the Soviets continued the violation? What would be the effect?

Mr. SYMMS. Well, I think that the answer—I think the Senator asked the right question. The President said, 1 week before he signed the INF—and I want to quote what he said. He said: "I expressed my personal interest in these issues—violations—directly to Soviet General Secretary Gorbachev during my meetings with him both in Geneva and Reykjavik and in addition, the Standing Consultation Commission discussed its compliance concerns in detail during its biennial sessions. Most recently Secretary of State Shultz raised U.S. concerns about Soviet noncompliance during his October 1987 visit to Moscow. The Soviet Union has failed——"

Mr. WARNER. If I may interrupt, could the Senator's response be on his time if he is going to read?

Mr. SYMMS. OK, put this on my time because I think this is the answer.

The **PRESIDING OFFICER.** Objection, the time will be charged against the Senator form Idaho.

Mr. SYMMS. "It calls into question security important security benefits from arms control and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It will be achieved only if effective verification and total compliance are integral elements as the process both with respect to existing arms control agreements and possible new ones."

That is really what the President, himself, is saying. And all we are trying to do is to make the record clean so that what the Senator's question purports to be is less apt to happen.

I think it is almost assuredly that the Senator's question, the answer to that will be we will have more violations if we ratify this treaty without insisting on compliance on other treaties.

Mr. WARNER. Mr. President, if I could restate the question to the Senator. As the amendment is drawn, if the President is able to certify that the Soviets are no longer engaged in a specific violation, then evidence came to the attention of the President and others that, having made that certification, the Soviets resumed the violation, what would be the effect under the amendment? Would not the President then——

Mr. SYMMS. The same thing I said we should do.

Mr. WARNER. What would be the status of the treaty?

Mr. SYMMS. Then the treaty being violated should be abrogated. It is that simple.

Mr. WARNER. Which means it would be an on-again/off-again treaty depending on the violations of other arms control agreements?

Mr. SYMMS. The point the Senator talks about comes right back to American political will. If we do not have a political will to make an agreement and see that people stand with it, then we should not be bound by any agreement. The INF Treaty should be abrogated by the United States if the Soviets cheat on this treaty, and abrogate other treaties if the Soviets are in "material breech."

Mr. WARNER. I certainly agree with respect to the provisions of the treaty, any violations of provisions of the treaty resulting in questions of whether or not it were abrogated. But if it were on a separate arms control agreement, a violation were to reoccur, one that is stated in the amendment, then what would happen to this treaty? This treaty is then abrogated by virtue of a violation on another arms control agreement?

Mr. SYMMS. No. This treaty would be ratified with this amendment in it next Wednesday. And then once the President certifies that the Soviets are in compliance on other agreements, then we would put up our side of the agreement and remove the cruise missiles and remove the Pershing IIs and then if there is another violation of the other treaties, we should abrogate those other treaties.

Mr. WARNER. The treaty would then take——

Mr. SYMMS. If there is another violation after that and the GLCM's and Pershing II's are out of Western Europe, it does not make any difference, I would say to my good friend. They are already gone and our side of the bargain has been met.

We can abrogate it and find out all the leftwing politicians in Europe who we have emboldened with this agreement would not let us bring those weapons systems back to Europe.

Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator from Idaho has 2 minutes, 7 seconds.

Mr. SYMMS. The Senator from Wyoming and the Senator from North Carolina both wish some time. So I yield 1 minute to the Senator from Wyoming.

The **PRESIDING OFFICER.** The Senator from Virginia had the floor. Does the Senator from Virginia yield the floor?

Mr. WARNER. Mr. President, at this time, I once again ask the Senator if a violation were to take place on another treaty after this one went into force and effect, the Senator's response is this treaty is not abrogated by virtue of his amendment?

Mr. SYMMS. My answer to the Senator is, once the cruise missiles and Pershing II's are destroyed, as far as our compliance with the treaty, we would have to go through the entire democratic process to rebuild those systems. It is a fait accompli. We should abrogate those treaties that the Soviets violate. The Senate overwhelmingly voted by a vote of 93 to 2 and the House unanimously by a vote of 418 to 0 that the Soviet Krasnoyarsk radar is a clear violation of the SALT I ABM Treaty. The United States should abrogate the ABM Treaty over this Soviet "material breech."

The **PRESIDING OFFICER.** The time yielded to the Senator from Virginia has expired.

Mr. WARNER. Thank you, Mr. President.

The **PRESIDING OFFICER.** Who yields time? The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Kansas.

The **PRESIDING OFFICER.** The Senator from Kansas.

Mr. DOLE. Mr. President, this is an important vote. It is one of the killer amendments we have talked about. I have no quarrel with those who offer the amendment. I hope there will be an overwhelming vote against it. I think the amendment seems to suggest that Ronald Reagan never even thought about this, somehow he did not care about violations, that he did not take into consideration existing violations or treaties that have been violated by the Soviets.

That is common knowledge. I think if you look at history, it suggests just the opposite because when President Reagan was candidate Reagan, he was the first to raise this issue publicly. It was President Reagan who sent us a series of reports on Soviet noncompliance and shared with us his general advisory committee's in-depth look at the history and reason for Soviet violations.

President Reagan initiated a worldwide campaign to expose Soviet supply of "yellow rain" for use in Southeast Asia.

Finally, it was President Reagan who—after going the "extra mile"—removed us from the constraints of the unratified, expired and violated SALT II. He took a lot of heat for it.

Unfortunately, in life—and certainly international life—doesn't fall into neat little piles. When the INF Treaty became a real possibility, the President had to weigh all the factors and then make a decision.

Is there anyone in this Chamber who seriously believes that Ronald Reagan failed to consider Soviet violations?

He thought long and hard about this, and he decided that, on balance, it is in our interest to proceed with INF. One major factor in that decision was INF's unprecedented verification measures, as pointed out by the Senator from Indiana. These set it apart from all its predecessors.

Verification is only one-third of the equation. We need to add an effective compliance policy in case a violation is discovered. Finally, everyone agrees—Ronald Reagan in the forefront—that we must continue to press for Soviet compliance with existing agreements. He has not backed away from that.

So I believe we should give the President consent to ratify in time for the Moscow summit—as he has asked. Let us commit the Soviets to those verification measures.

Then, let us work with our President. Let us find out how he intends to press for Soviet compliance, and let us back him up. Let us also cooperate with him to develop a sound compliance policy for the future.

This is a constructive approach. As I have indicated, I have a great deal of respect for the sponsors of this amendment, and much sympathy for their motives on this. But I think this amendment to the treaty text will do more harm than good, and will undercut our president.

So I hope we have an overwhelming vote to table the amendment, or an overwhelming vote up or down so we can complete action on this treaty by sometime midweek of next week.

I thank the Senator.

The **PRESIDING OFFICER.** Who yields time?

Mr. **PELL.** Mr. President, I yield 1 minute to the Senator from Nebraska [Mr. KARNES].

The **PRESIDING OFFICER.** The Senator form Nebraska.

Mr. **KARNES.** Mr. President, I rise in opposition to the amendment offered by the Senator from Idaho. This amendment would require the President to certify Soviet compliance with past arms control treaties before this agreement may enter into force. I have considerable sympathy with the goal of the amendment offered by the Senator from Idaho. I share his view that Soviet failure to comply with past arms control agreements represent a threat to the national security and the integrity of the arms control process. I also agree that the American people strongly support adopting a strict policy for addressing Soviet violations, as indicated in the opinion poll he referred to last night. It is essential that this body send a clear message to the Soviet Union that United States will take a harsh view toward violations of the INF Treaty.

While I share the goal of the Senator from Idaho, I cannot support the means that he has chosen to employ for reaching that goal. I would like to point out to the Senator from Idaho and other Members of the Senate that there is a more constructive approach to resolving the problem of compliance with the INF Treaty. Senator WALLOP and I are sponsoring an amendment to the resolution of ratification, which is designed to establish a positive compliance regime.

Mr. **COHEN.** Mr. President, I am pleased that the Senate has been able to initiate floor action on the treaty between the United States and the U.S.S.R. on the elimination of their intermediate-range and shorter range missiles—the INF Treaty. In the 4 months since the treaty was formally transmitted to this body, the Senate, acting through its committees, has been engaged in an extremely productive review of the treaty, its meaning, and its implications for the security of the United States and our allies.

As the vice chairman of the Select Committee on Intelligence and a member of the Committee on Armed Services, I have had the opportunity to participate in the deliberations of those committees on the treaty and related matters. Both committees held numerous hearings on treaty-related matters on which they have special expertise and issued reports setting forth their findings, conclusions, and recommendations.

As a result of the review to date, the meaning and the implications of the treaty are much better understood both by Members of the Senate and, I believe, by administration officials. As a result of this review, I have concluded that the INF Treaty is a good treaty whose implementation is in the security interests of the United States and our allies. Accordingly, I vigorously support the Senate giving its advice and consent to ratification.

INTELLIGENCE COMMITTEE DELIBERATIONS

From last September to March of this year, when it submitted its report, the Intelligence Committee conducted 15 closed hearings and 17 on-the-record staff briefings on INF monitoring, in addition to many informal staff briefings. The committee unanimously adopted a report on March 21 which addressed not only the immediate intelligence issues raised by the treaty, but also the longer term implications of the treaty, including its relationship to future requirements that may be levied against our intelligence capabilities. The unclassified committee report, which was included in the report of the Foreign Relations Committee, addresses generally the issues involved in the monitoring and verification process and describes the role which monitoring and verification plays in the overall assessment of the INF Treaty. Each of these issues is addressed in detail in the classified report, which is available to each of the Members of the Senate.

The committee's unclassified report, "The INF Treaty: Monitoring and Verification Capabilities," noted that "(s)ince no verification and monitoring regime can be absolutely perfect, a central focus for the committee has been to determine whether any possible infractions would be of sufficient military significance to constitute a threat to our national security interests." The report found that while some of the treaty's provisions will be difficult to monitor, the limited military utility, high cost, or operational difficulties associated with potential cheating scenarios made such cheating unlikely. The committee noted, however, that if a START treaty on long-range strategic arms is achieved, the incentives for and military significance of Soviet violations of the INF Treaty would increase. Moreover, the need to monitor START limits in addition to the INF limits could strain our intelligence capabilities. For these reasons, the committee recommended support for a long-term program to modernize and improve upon current plans for intelligence collection, specifically those that would be most helpful in verifying a START treaty.

Yesterday, the chairman of the Intelligence Committee, Senator BOREN, and I, had the opportunity to meet with the President to discuss these matters. I am pleased to report that after our meeting, the President issued a statement that he supports the initiation this year of a multiyear program to improve our intelligence capabilities and that he will include funding for the second year of this program in next year's budget.

Mr. President, I ask that the full statement issued by the President be included in the RECORD at the end of my statement.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See Exhibit 1.)

Mr. **COHEN.** As Senators are aware, subsequent to the issuance of the Intelligence Committee's March 21 report, additional matters arose related to the treaty. The Intelligence Committee held a number of additional hearings and meetings, including a joint meeting with the Foreign Relations and Armed Services Committee, to address these additional matters and a report on regarding them was adopted by the committee earlier this month. I will summarize these issues in a moment.

ARMED SERVICES COMMITTEE DELIBERATIONS

As part of its inquiry into treaty-related matters, the Armed Services Committee held 29 hearings on between January and March. This included a review of NATO defense issues and an extensive review of the treaty text on an article-by-article basis. The latter included 4 days of hearings with the chief U.S. negotiator of the treaty, Ambassador Maynard Glitman, to receive detailed answers to a lengthy list of questions in order to clarify potential ambiguities in the treaty text.

On March 28, the committee adopted, by a vote of 18 to 2, its report on "NATO Defense and the INF Treaty." In its report, the committee identified 15 issues which it believed warranted particular attention and offered recommendations on these issues. The committee's fundamental conclusion was that, on balance, the positive features of the treaty outweigh its weaknesses. Moreover, the committee concluded that if the Senate were to reject the treaty, the adverse political repercussions in Europe and elsewhere would be very significant.

"FUTURISTICS" AND THE DEFINITION OF "WEAPON-DELIVERY VEHICLE"

Among the 15 issues identified by the Armed Services Committee was the question of so-called futuristic weapon systems and, in particular, the definition of the term "weapon-delivery vehicle." The article-by-article analysis submitted by the Secretary of State defines this term as "those types of ground-launched cruise missiles that have been * * * flight tested or deployed with any type of warhead device or simulation thereof." As the Armed Services Committee's report noted, this suggests that the treaty would not cover ground-launched ballistic missiles or ground-launched cruise missiles that destroyed their targets through other, perhaps more futuristic or exotic, means such as lasers, microwave pulse generators, or direct impact. The committee recommended "that the Senate insist that the administration tell it authoritatively (1) what they think the definition of 'weapon-delivery vehicle' is and (2) whether this definition was clearly agreed to by the Soviet Union." The committee also raised the possibility of the need to adopt an appropriate understanding on this matter.

The committee concluded, and I fully concurred in this evaluation, that this issue is critical. The INF Treaty is intended to last in perpetuity. Accordingly, the treaty must be very clear in defining what types of future weapons of INF range will and will not be allowed.

Following close consultations on this matter among the Senate leadership, the three committees, and the executive branch, the United States raised this matter with the U.S.S.R. On May 12, Ambassador Kampelman and Soviet Ambassador Karpov concluded a diplomatic note on the application of the treaty to intermediate-range and shorter-range missiles flight tested or deployed to carry or be used as weapons based on either current or future technologies and on the related question of the definition of the term "weapon-delivery vehicle" as used in the treaty.

INSPECTION PROTOCOL ISSUES

Since the three committees issued their reports, it also became clear that problems had arisen regarding the implementation of the protocol on inspections. It is important to note that, in some cases, these issues involved not simply a differing interpretation of treaty terms but an apparent Soviet attempt to back away from the actual text of the treaty. As I stated at the time, in my view, the failure to resolve these issues would jeopardize the INF Treaty.

The Intelligence Committee, in close consultation with the Senate leadership and the Foreign Relations and Armed Services Committees, reviewed these problems with administration officials. On May 9, agreement was reached among the Senate leadership, the leadership of the three committees, and the administration not to proceed with floor consideration of the treaty pending rsolution of these problems. On May 12, during the ministerial meeting in Geneva, the United States and the Soviet Union concluded an agreed minute addressing these issues.

NATO SECURITY AND THE INF TREATY

Mr. President, in recent weeks, much attention has been focused on these very complicated and arcane issues of futuristics and inspection rights. I believe that "details" such as these are critical in determining whether the treaty will serve our interests, fulfill its purpose, and remain viable over time. At the same time, Mr. President, this focus on treaty details does not mean that we have failed to give significant attention to the broader implications of the treaty for the security of the United States, NATO, and our Asian allies.

As I mentioned earlier, the Armed Services Committee report was entitled "NATO Defense and the INF Treaty." The relationship between the treaty and NATO's security was, indeed, the central focus of the committee's deliberations. Nineteen of the committee's 29 hearings on the treaty explicitly dealt with NATO security issues, including one meeting with Dr. Willem van Eekelen, the Defense Minister of the Netherlands and Chairman of the Eurogroup Defense Ministers. In addition to these formal meetings, I and many members of the committee held numerous meetings with European political and military officials.

The committee examined NATO's ability to successfully implement its strategy of flexible response, including forward defense, and the impact of the INF Treaty on NATO's ability to do so. Flexible response requires that NATO have sufficient forces to respond to any level of aggression and a full spectrum of forces—conventional, theater nuclear, and strategic nuclear—so that it can counter any act of aggression with an appropriate response. In our view, there are serious deficiencies in NATO's ability to implement its strategy.

Of particular concern is the failure of NATO to develop and adequate conventional force posture. Not only has the Alliance permitted the nuclear threshold to remain unacceptably low, conventional deficiencies call into question whether NATO's conventional defense would hold out long enough to enable political authorities to make a carefully deliberated decision to turn to a nuclear response to aggression. There is also concern regarding our theater nuclear force posture. Over the last decade, there has been a significant increase in Soviet theater nuclear forces. During the same period, NATO has decided to retire some 2,400 older theater nuclear weapons in conjunction with a commitment to pursue theater nuclear modernization. I believe it is very important that we adhere to this commitment. In doing so, I believe that we can address certain concerns expressed by European, particularly German, officials. In this regard, of particular importance is the tactical air-to-surface missile which can reach beyond German territory.

I would urge my colleagues to take the time to read the Armed Services Committee's evaluation of NATO's defense posture and how it will be affected by the INF Treaty.

As I indicated earlier, I have had the opportunity to discuss these issues with a number of European officials. The large majority of them expressed support for the INF Treaty. At the same time, many had concerns about what would follow once the treaty is in place. Such concerns involved the relative priority among future arms control efforts, modernization of remaining theater nuclear forces, the viability of and U.S. commitment to extended deterrence, and efforts to enhance NATO's conventional deterrent. Such concerns were particularly pronounced among West Germans.

An articulate expression of such concerns was made by Dr. Alfred Dregger in a recent speech in Washington, which I ask be inserted in the Record at the end of my statement. Dr. Dregger is the chairman of the ruling party parliamentary group in the Bundestag of the Federal Republic of Germany. I should point out that I disagree with Dr. Dregger on many counts, both in terms of fact and judgment. However, I believe it is critical that we understand views that are commonly held in allied countries. Dr. Dregger's speech is representative of a perspective which I have heard repeatedly from a number of German officials, and I would commend it to my colleagues' attention.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. **COHEN.** Next, Mr. President, is my conclusion.

Mr. President, I have briefly summarized the consideration that the Senate, acting through two of its committees, has already given to the INF Treaty. In their opening statements, members of the Foreign Relations Committee have summarized the consideration that the Senate, acting through that committee, has given to the treaty. This review to date has been thorough, perhaps more thorough than the review of any comparable treaty in the Senate's history. The 4 months which has been required to conduct this review has been a very valuable and productive investment of time which has served the interests of the Senate and the United States well. I would argue that, in a sense, the treaty to which the Senate will give its advice and consent to ratification will be a better treaty than that which was submitted to the Senate in January.

Mr. President, I believe that the Senate has acted in a very responsible manner to date. I am confident that, during our floor consideration, we will continue to do so. It will be necessary to debate various issues, so that all Senators are aware of the treaty's meaning and implications and so that all Senators have the opportunity to express their views. While this will take some time, there is, in my view, no reason why the Senate cannot conclude its consideration of the treaty and the resolution of ratification prior to the Moscow summit. As other Senators have correctly noted, our objective is to deal with this treaty responsibly, not to meet a deadline. However, I believe that we can conclude our consideration in a responsible manner during the next 2 weeks.

Once again, Mr. President, let me express my strongly held view that implementation of this treaty will serve the security interests of the United States and our allies. Accordingly, I urge my colleagues to support it.

EXHIBIT 1

STATEMENT BY THE PRESIDENT

I strongly support bipartisan efforts by the Senate Committees on Intelligence and Armed Services to work with the Administration to modernize and upgrade our intelligence capabilities. It is important as we work toward future arms reduction agreements that our country have all of the means necessary to assure compliance with these agreements. With or without future arms control agreements, it is important for our national security interests that we keep pace with changes in technologies in other nations. For that reason, I welcome bipartisan support to start this year on a multiyear program to improve these systems. I will also include funding for the second year of this program in the final budget which I submit to the Congress, and I will urge the next administration to assure continuity of this vital effort. After 1989, the funding for the program should be additive to the 2-percent real growth objective for national security spending.

EXHIBIT 2

NUCLEAR DISARMAMENT: CONSEQUENCES FOR THE ALLIANCE—PERSPECTIVES FOR GERMANY AND EUROPE

Address by Dr. Alfred Dregger, Member of the Bundestag, chairman of the CDU/CSU Parliamentary Group, at the American Institute for Contemporary German Studies at the Johns Hopkins University, Washington, D.C., May 5, 1988

INTRODUCTION

Since 1945 the hegemony of the East is present already in peacetime—if that is how we want to describe Europe's existing state—in the middle of Germany. Its pressure is directed straight at Western Europe. This is an unprecedented situation in history.

1. In an east-westerly direction our country is only 250 km deep. In its north-south direction, however, it encompasses the entire front in central Europe, from the North Sea to the Alps. In this situation we are and will continue to be dependent upon the Alliance. It is and will remain essential that allied forces are stationed on West German territory. It is and will continue to be important, indeed crucial, for our country to be part of the risk- and deterrence-sharing alliance which creates North America and Western Europe a strategic whole.

Only in this way has it been possible to build up in what is now a narrow Western Europe a risk which a potential aggressor cannot take. Thus in a world fraught with war the Alliance's territory, including its exposed parts, has been an area of peace and security.

There are schools thought in the United States who, following the INF agreement, would substitute this strategic whole by a more regionalized defense strategy. This would have serious implications for the Alliance, and in the first part of my address I shall try to analyze them.

2. Alongside the Atlantic Alliance the European solidarity is of great importance to us West Germans. Together with others, we are striving to merge the European members of the Alliance, with the full participation of France, into a European security union which will enable Europe to exercise greater influence and assume greater responsibility within the Alliance. This point I shall be dwelling on in the second part of my address.

3. And finally I shall turn to a problem that is still unsolved, the division of Germany and Europe. Here, too, it is a question of the security of all concerned, but also of the human and civil rights of the people of Eastern central Europe who, after 1945, were subjected to communist rule against their will.

A.

My starting point is the INF agreement. We Germans assume that it will be ratified. My Government and my parliamentary group have expressed their approval, so today I will merely try to analyze the agreement's implications for Europe's security and the consequences to be drawn from them.

1. The INF agreement has relieved the Soviet Union of the risk of a possible strike by US land-based systems in Europe. The Pershing II, the weapon system which commanded most respect from the Soviet Union, is to be removed from Europe.

2. True, Europe will be freed from the threat posed by the Soviet SS 20s, but the Soviet Union will still have, in addition to its other tremendous nuclear potential, 1,365 land-based nuclear systems with ranges below 500 km which cover every point in the Federal Republic of Germany. It makes no difference to us whether we are destroyed by medium-range or short-range weapons.

3. However one assesses Mr. Gorbachev's policy, how great its chances and what the results are likely to be, there has so far been nothing to justify the assumption that the Soviet Union has finally abandoned its Czarist legacy of expansion to the East, West and South, or its communist aim of the revolutionary change of the world.

Western Europe is the part of the world on which the Soviet Union still focuses most of its interest and energy. The "common European house" is a metaphor regularly used by Mr. Gorbachev. In its Western territories the Soviet Union has the largest concentration of resources, infrastructure and armed forces. The Federal Republic of Germany is only a narrow barrier to the Soviet Union's western route to the Atlantic.

4. Situated along the dividing border between East and West we Germans recognize that we cannot sustain ourselves on our own. To do so we need the help of the Europeans acting in unison within the Atlantic Alliance. We, the CDU/CSU, led the Federal Republic of Germany into the Alliance in the face of stiff opposition from the SPD. We secured a parliamentary majority in favor of the NATO decision to modernize nuclear weapons in Europe which had been championed by chancellor Helmut Schmidt who, however, had been abandoned by his own party because of that very decision. We know that we depend on the United States if we want to preserve freedom, security and democracy—and this is our aim.

5. But we also know that the United States and the free nations of Europe depend on the Federal Republic of Germany if, with the Eastern half of Europe already gone, they do not want Western Europe, too, to become part of the Soviet Union's sphere of influence.

Without us, without the territory of the Federal Republic of Germany, and without the military contribution of the Federal Armed Forces Western Europe can neither be defended nor protected from blackmail.

If the Soviet Union succeeded in bringing the Federal Republic of Germany and other West European countries into its power orbit it would have under its control a Euro-Asian block which not even the United States would be able to cope with. Thus the United States, through its military presence in Europe, is defending not only us but itself.

8. The Alliance has a rural foundation. It lies in the conviction that its members are defending common values and in the certainty that none of them wittingly or unwittingly disregards the vital interests of the others. To prevent any doubt arising or increasing in Germany as a result of the disarmament process, it is in our allies' own interest that west Germans should make our security aims unmistakably clear. This is my intention.

b.

1. Germany's primary aim is to prevent our country being destroyed by war. West Germans, 14 million of whom were expelled from their native regions in East Germany, Eastern and South-Eastern Europe after World War II—and two million of them died—today live in one of the most densely populated countries on earth. It is a country which can be destroyed but not defended by nuclear weapons. We therefore expect our allies to target their nuclear deterrents, wherever possible, not on our country but on the territory of the potential aggressor. This explains our aversion to short-range nuclear systems, which in either direction can only carry from Germany to Germany, and our ever greater aversion to nuclear artillery. Anyone who ignores this basic fact resulting from the geography and division of our country cannot expect to gain any lasting political success in Germany. We Germans are glad that our French allies appreciate our position on these issues.

2. Preventing a non-nuclear war is likewise vital to the Germans. Our country would be the main theater in a European war, by virtue not only of its division but of the fact that the East pursues an offensive and the West a defensive military strategy. What it menas to be the main theater of war we know only too well from our own experience, particularly during the last war. Dresden was no less terrifying than Hiroshima.

3. Since 1945 the Alliance has prevented war in Europe and kept it free from blackmail. We Germans appreciate this. We are a reliable ally and our armed forces represent an important contribution to the Alliance. Of course, the deterrent effect of nuclear weapons has helped preserve peace in Europe, though only within the framework of the Alliance's overall strategy. The crucial factor has not been the weapons, not even the nuclear variety, but the shared risk and the shared deterrence which makes the Alliance's territory, that is to say North America and Western Europe, a strategic whole.

This strategic unity implies that if the Soviet Union were to attack Germany it would not only be confronted with the conventional and nuclear forces of the United States, Canada and Europe stationed in our country—which are still greatly outnumbered by those of the Soviet Union but with an alliance which, by virtue of its risk-sharing and deterrence-sharing, spans the geographical distance between Europe and North America; an alliance whose philosophy does not tolerate zones with different degrees of security; an alliance which for this reason would not shrink from, any means of repulsing an aggressor, repulsing him—and this is what matters—on his own territory with devastating consequences for himself.

4. The strategic unity of the alliance's territory, the unreserved commitment of North America and Western Europe to risk-sharing and deterrence-sharing, has enabled the Federal Republic of Germany to place its forces completely under NATO command, to forgo nuclear weapons, and to link its destiny to that of the Alliance.

Will this philosophy, and with it the strategy of war prevention through deterrence, if necessary using the ultimate means, be maintained or is the United States in the act of drafting a completely different strategy?

The Iklé report contains the following key sentence:

"To help our allies and to defend our interests abroad we cannot rely on threats expected to provoke our own annihilation if carried out."

This sentence is remarkable because it does not refer to the defense of the Alliance's territory by the Alliance but to the help which the United States will afford to those who defend their territory. This help would exclude those weapon systems which, if used, could lead to the destruction of the United States. Obviously these are the US strategic systems, whose deterrent capability would no longer be used for the defense of Europe.

This sentence is all the more remarkable as it comes at a time when the United States is eliminating its land-based intermediate-range systems. What remains are chiefly the short-range systems which would not affect the United States or the Soviet Union but could lead to the annihilation of Germany in particular.

The Iklé report follows this line of reasoning when it implies that the American nuclear weapons in Europe should not be seen primarily as a means of escalation but as means with which the Alliance can, with selective and controlled measures, defeat attacking Soviet forces without any escalatory effect. Paul Nitze has apparently even proposed the elimination of all air- and sea-based intermediate-range systems. This would imply complete intermediate-range denuclearization.

On such a vital question as this I must state unequivocally that a strategy that would be tantamount to the regionalization of a European war would deprive the Allicance of the basis for its existence in Europe, especially in Germany. We Germans cannot make our small and densely populated country available for a nuclear-war strategy which, if implemented, would mean the end for us.

Our only option is a war-preventing strategy which in a divided Europe must be based on the strategic unity of the whole territoty of the Alliance, that is to say the unqualified commitment of North America and Western Europe to risksharing and deterrance-sharing. Such a strategy, too, has its risks, for America as well as for Europe. But it has served its purpose. It has kept the Alliance's territory free from war and blackmail and bolstered America's world-power status. In this respect NATO is the most successful alliance in history. All of us should do everything possible to preserve it.

This includes not questioning the Alliance's risk-sharing arrangement. Referring to this at a CDU congress on security held in Bonn on 13 April, Ambassador Richard Burt said that to the United States risk-sharing means rejecting the idea of limiting a nuclear war to European territory. To the Federal Republic it means rejecting the denuclearization of its territory.

That is true. The two are interrelated. This fact has to be allowed for in disarmament negotiations. Those who, following the removal of land-based systems, would also eliminate the air- and sea-based intermediate-range systems and instead increase the short-range variety, must realize that they are thereby rejecting the risk-sharing principle and hence NATO's present philosophy and strategy.

c.

With respect to the INF agreement's implications, I should like to say the following:

1. We reject proposals for compensating for the loss of intermediate-range systems with short range-systems. This would mean that the intermediate category, which can reach the territory of the potential aggressor, would no longer be available, whereas the short-range category, most of which could in Central Europe reach only Germany on both sides of the dividing line, in other words the potential victim, would be increased. Such a switch from longer to short range-systems would be in contravention of the general political guidelines which the Alliance had good reason to adopt.

2. We reject all so-called "firebreak" concepts. Disarmament in the intermediate-range sector has made disarmament in the short-range sector not superfluous but more urgent. We cannot agree to an avoidable nuclear threat being added to the special, unavoidable conventional threat to which our country is already exposed on account of its geographical position. Consequently, in view of the elimination of intermediate-range systems, short-range systems must follow suit. This depends not only on what happens, following the INF agreement, with regard to short-range weapons but particularly with regard to air- and sea-based intermediate-range weapons. The more intermediate-range systems are eliminated, the more short-range systems will have to be eliminated as well.

3. The 1,365 short-range systems of the Soviet Union, compared with only 88 on the Western side, pose a threat to our country's existence. That would also apply to Western systems if they were no longer part and parcel of a war-preventing, risk-sharing and deterrence-sharing alliance but became instruments of a strategy for waging war.

On numerous occasions, we have called upon Mr. Gorbachev to unilaterally reduce his overwhelming superiority in terms of short-range missiles for the sake of confidence building. We have had no reply. As regards these weapons too we want negotiations with the Soviet Union on the basis of a NATO disarmament and security concept.

4. So long as risk-sharing and deterrence-sharing with respect to intermediate-range weapons is maintained we, the CDU/CSU, will reject a third zero solution, because the denuclearization of Europe would give full effect to the Soviet Union's huge conventional and chemical superiority.

This is a factual argument which is not easy to assert because it contradicts the philosophy of the first two zero solutions. I have never concealed my view that it would have been better to start the nuclear disarmament process with weapons of ranges below 500 km than with the intermediate-range categories. But it didn't work out that way. We therefore have to face the facts and we will do so.

But before any decisions are taken with regard to the modernization of short-range systems we want clarification within NATO as to what would be the strategic purpose of the nuclear weapons with ranges below 500 km, how many of them would be needed, and what their ranges would be. In our view the purpose can only be a limited one, that is to say, to prevent the concentration of conventional assault forces, especially tank armies. In this connection it is clear that the greater the range of a modernized version of the Lance the fewer will be needed.

5. We would like above all to know whether and with which air- and sea-based systems the United States is prepared to maintain the intermediate-range deterrence once the land-based variety has been scrapped. The credibility of the flexible-response strategy depends on this.

6. At their meetings in Brussels on June 12, 1987 and March 2/3, 1988 respectively, NATO's Foreign Ministers and Heads of State and Government decided to develop a comprehensive concept (Gesamtkonzept) for disarmament which will embrace systems with ranges below 500 km. This concept is intended as the basis for decisions on modernization and for negotiation proposals to the Soviet Union. There will be no more decisions restricted to specific weapon systems as in the case of the two zero options. That is a good thing. We Germans expect all allies to follow this line.

7. We Germans also want the Alliance's comprehensive concept to consider whether the nuclear artillery is necessary and expedient. If our allies say these weapons are needed in order to protect their forces then I must point out that protection of the civilian population is just as important—at least to us—as the protection of our own and allied forces. The fighting spirit of the Federal Armed Forces does not depend solely on its equipment but more so on the conviction of our servicemen that NATO's strategy is necessary to ensure the survival of the German people. In any case, we must seriously doubt the value of such protection for the Alliance's forces as well if their own leaders were to expose them to the effects of nuclear weapons on the battlefield. Chernobyl gave us an idea of what this would mean.

8. Allies who depend on one another should appreciate one another's situation even though their situations differ in the extreme. My country's situation can be described in three short sentences: Germany and its capital Berlin are divided. On both sides of the dividing line there are huge concentrations of forces of opposing alliances. The people east of the dividing line are forced to live under a communist regime. These are our burdens.

With the Bundeswehr, a conscript army, we have placed the strongest and most up-to-date conventional force in Europe at NATO's disposal. We have recently increased the period of conscription from 15 to 18 months. The sons of the Federal chancellor and my own sons are officers of the reserve. They will be called up for periods of reserve training and will be liable to compulsory military service up to the age of 60. No member of the Alliance demands anything like so much of its ablebodied men.

Americans who are aware of this will not say that the German burden and the German contribution to the Alliance is too small. We do not expect gratitude for what we do because we are doing it for our country. But because we are doing it for the Alliance as well we expect our allies to show consideration for our special geographical situation and our vital interests.

9. The Warsaw Pact's capability for surprise attack and large-scale offensive action and for force generation from deep within its own territory will remain the key problem of European security until the Soviet superiority has been removed by means of asymmetric reductions. Whether the Warsaw Pact is prepared to make such reductions will be seen when the West have tabled their disarmament concept which will hold General-Secretary Gorbachev to his word. We Germans urge that it do so.

10. We Germans call for a global ban on and global elimination of chemical weapons. Both sides can manage without them. It should be possible to solve the verification problem. The superpowers can also manage without a very large proportion of their strategic nuclear systems, which are to be reduced by 50 percent. We welcome this intention on the part of the United States and the Soviet Union.

D.

1. In 1963 McGeorge Bundy, President Kennedy's National Security Adviser, told Konrad Adenauer that in the next ten to fifteen years neither France nor England would be the leading power in Europe but the United States of America. His forecast was correct. It is in neither America's nor Europe's interest that this should remain so.

Europe needs to have more confidence in its own abilities and to develop its own identity in matters of defense as well. Only in this way can one European voice which will be taken seriously emerge from the babble of European voices that crosses the Atlantic and also reaches the Kremlin. Europe itself must become America's ally and conduct a dialogue with the Soviet Union. The Europeans must emerge from their present role in which they are at best consulted but have no say in decisions concerning their own fate.

2. We already have a European security union, Western European Union, whose members have pledged to afford each other "all the military and other aid and assistance", over and above the requirements of the NATO Treaty. This WEU, which embraces Germany, France, the United Kingdom, Italy and the Benelux countries, must be activated. It needs all those institutions which today enable NATO to function as an alliance: a council of ministers, a permanent council, and a military committee. Western European Union must be open to all European countries who are prepared to accept its mutual assistance obligation.

The fact that we have a European security union does not mean we reject our American ally, on the contrary. In a changing world in which the United States is no longer the sole dominating power, the Americans want, I expect, not weak but strong allies. NATO can only stay strong if Europe becomes strong. This presupposes the political and military integration of the free States of Europe.

3. Europe's two nuclear-weapon States, France and the United Kingdom, have a special responsibility for Europe's security. They must coordinate their nuclear systems and place them in the service of their European allies too. So long as the superpowers have not reduced their nuclear systems to the level of those of the two European nuclear powers added together there is no reason, in the German view, to call for nuclear disarmament on the part of France or the United Kingdom.

4. A European security union that is able to act would enable Europe to participate in all negotiations which directly concern Europe's security. This must apply in particular to negotiations on nuclear arms control. It is not the Americans but the Europeans themselves who are to blame for not having been a party to the Reagan-Gorbachev talks in Reykjavik.

5. The European Community aims to establish the internal European market by 1992. A European economic and monetary union is envisaged. Together with a European security union it would form the political union of Europe. That union would be a strong and valuable ally to the United States. The creation of a political union of the free States of Europe has been the CDU/CSU's aim since the days of Konrad Adenauer. Helmut Kohl has moved a good way towards that goal, particularly in co-operation with France. It is my hope that after the French presidential elections—regardless of the result—France and Germany will be able to launch the initiatives that are needed to achieve this goal.

E.

1. While to many people the political unification of Europe today seems possible, indeed probable, there are many who feel that it is unrealistic to seek the termination of the division of Germany and Europe. But the nations of Europe want an end to division. It is the totalitarian regimes in the communist countries that prevent this from happening. We cannot ignore these regimes but neither can we accept them. We should therefore adhere to our aim of German and European unity.

2. The principles established by the Atlantic Alliance in the 1967 Harmel Report are therefore still as valid today as they were then. Let me quote paragraph 8 of that report: ". . . No final and stable settlement in Europe is possible without a solution of the German question which lies at the heart of the present tensions in Europe. Any such settlement must end the unnatural barriers between Eastern and Western Europe, which are most clearly and cruelly manifested in the division of Germany."

3. The border that was drawn right through the middle of Europe over forty years ago is neither a historical nor a cultural border. It is a demarcation line drawn by the victorious powers, a remnant of rigid military rule which violates Europe's dignity and the right of its peoples to enjoy freedom and self-determination.

Terminating the division of Germany and Europe is an objective which can only be achieved in close co-operation with both superpowers, taking into account their interests, including their security interests. Whether and when the Soviet Union will be amendable to such a policy is just as uncertain as the process of change initiated by Mr. Gorbachev.

But the Soviet Union, too, must ask itself what will be better for itself in the long run: a reunited Europe with whom it will be able to develop close co-operation, or the maintenance of its domination over the nations of eastern central Europe, forcibly allied to it a domination the economic, political and military burdens of which are not diminishing but growing from year to year.

The faster the process of West European integration, the sooner the Soviet Union will ask itself this crucial question. When the European Community, which already represents part of that peaceful order for the whole of Europe which must be the West's objective, develops via an economic and monetary union and a security union into a political union, then we shall have an outstanding model for a united Europe based on freedom and justice, reconciliation and harmony.

4. On June 12, 1987, President Reagan, in his speech at the Brandenburg Gate in Berlin, called upon General Secretary Gorbachev to open the Wall. He coupled this demand with proposals for providing opportunities for Berlin, the divided German capital. All this strengthens our hope that the United States will remain our valuable and reliable partner, not only in defense matters but in European matters as well.

Mr. CRANSTON. Mr. President, I rise to join the others who are opposing this amendment.

Let me quote two authoritative sources in the administration on the issue of what will we do if the Soviets do not comply with this treaty. Secretary Shultz told us in the Foreign Relations Committee on March 14:

> The Soviet record of compliance with treaties is far from perfect. We have incorporated into the INF Treaty some lessons we learned the hard way. For one thing, its terms are more detailed and precise than those of any of its predecessors. Its verification provisions, by increasing the likelihood of getting caught, clearly decrease the attractiveness of cheating. And the structure of the reductions will give us a basis to assess Soviet compliance early on.

Paul Nitze said on January 28 to the Foreign Relations Committee:

> We are still faced, unfortunately, with Soviet non-compliance with the ABM Treaty, most notably in the instance of the Krasnoyarsk radar. The Soviets have halted further construction of that radar, but the violation will continue to exist until the radar is effectively dismantled. We will continue to insist that the Soviets deal with that violation satisfactorily. However, because the INF Treaty provides us substantial security benefits in its own right, and because INF systems are not directly related to strategic ballistic missile defenses, it is our judgment that immediate implementation of the Treaty would be in the net security interest of the U.S. and its allies.

Mr. President, obviously, the Soviet record of noncompliance is far from perfect. They have not violated every treaty they have ever signed, as has been charged. Some of our concerns about their compliance are ambiguous. They have their concerns about our compliance in some cases.

In many cases, that is ambiguous. In some cases, we have agreed with their concerns, and we have changed our way.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Idaho controls 1 minute, 45 seconds.

"KILLER AMENDMENT" DEFINED

Mr. SYMMS. Mr. President, I keep hearing the term "killer amendment" used here on the floor and in the press.

I've been trying to figure out precisely what is meant by the term "killer amendment"—a term inevitably used by those who favor the treaty apparently without any amendment.

Apparently a killer amendment is one which needs to be offered to correct a defect in the treaty and preserve vital U.S. interests and on which those who call it a "killer amendment" do not want to vote. Preserving the United States interests, it seems, might be unacceptable to the other party to the treaty, in this case, the Soviet Union.

I remember well the last occasion on which the term "killer amendment" was bandied about in the Senate in connection with a treaty. It was during the debate on the Panama Canal Treaties in 1978.

Well, perhaps the Senate would be wise to remember that if the Senate had adopted one or two of the so-called killer amendments considered during the Panama Canal Treaty debate, United States interests would be better served in Panama than they are today.

Mr. President, I ask unanimous consent that two related chapters from important books be printed in the RECORD. The first is a chapter from the book "Mesmerized by the Bear, the Soviet Strategy of Deception," entitled "Soviet Deception in Arms Control."

The second chapter is from a book entitled "Arms Control: The American, Dilemma," "The Death of Arms Control: Soviet SALT Break Out."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET DECEPTION IN ARMS CONTROL

(By David S. Sullivan)

President Ronald Reagan stated bluntly on April 2, 1985, that "The Soviet Union virtually outnumbers us in any type of weapon you want to name." President Reagan has publicly conceded that the Soviet Union has achieved overwhelming strategic superiority over the United States at least seven times since 1982.

These declarations of a starkly true fact have extremely serious consequences for world peace, but this fact of U.S. strategic nuclear inferiority is not well known around the Free World or even in the United States.

The full implications of the reality of Soviet strategic superiority have yet to be fully understood in U.S. politics, defense planning, budgeting, and diplomacy.

How have the Soviets achieved this strategic superiority so decisively and so successfully without provoking an American response?

In a nutshell, the arms control process has been responsible for Soviet strategic superiority. A strong element of Soviet deception and duplicity has been involved.

ARMS CONTROL HAS LED TO SOVIET SUPERIORITY

President Reagan himself realized this fact as early as May 9, 1982, when he stated:

So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige."

An awareness of this truth is now beginning to permeate U.S. defense and intelligence establishments. For example, the Defense Department stated recently that:

"The Soviet Union regards arms control negotiations as arenas of political conflict in which important military advantages can be gained or lost. The Soviet leadership does not think in terms of mutuality or perceive arms control negotiations as a means of reducing arms. They attempt at every turn to achieve strategic advantage."

Another recent Defense Department statement was even more critical of the arms control process:

"Current Soviet policy on arms agreements is dominated by their attempts to derive unilateral advantage from arms negotiations and agreements, by accepting only arrangements that permit continued Soviet increases in military strength while using the negotiation process to inhibit Western increases in military strength."

Even the U.S. intelligence community, which so often has underestimated Soviet strategic strength and misperceived Soviet intentions, has finally reached the same conclusion. The most recent Central Intelligence Agency National Intelligence Estimate on Soviet strategic forces was declassified in June 1985 by the White House and released to the U.S. Senate. NIE-11-3-8-85 states:

"Soviet leaders view arms control policy as an important factor in advancing their strategy of achieving strategic advantage. Moscow has long believed that arms control must first and foremost protect the capabilities of Soviet military forces relative to their opponents."

Defense Secretary Caspar Weinberger was even more succinct when he stated in December 1984 that "We now face precisely the situation that SALT I and SALT II were supposed to prevent."

President Reagan's National Security Adviser, Robert McFarlane, was quoted in January 1986 as saying:

"The U.S. strategic buildup has not worked, and has done nothing to close the window of vulnerability. In fact, American land-based missiles have become even more vulnerable to Soviet first strike attack over the past few years."

President Reagan has made four historic reports to Congress on Soviet arms control treaty violations. The first was on January 23, 1984; the second was on October 10, 1984; the third was on February 1, 1985; and the fourth was on December 22, 1985.

Each of these four presidential reports to Congress on Soviet arms control treaty violations was in response to an amendment that U.S. Senator Jim McClure (R-Idaho) sponsored and that was either unanimously or overwhelmingly passed by the U.S. Senate.

These four presidential reports support the reasonable conclusion that arms control treaties with the Soviets have undermined American security, not safeguarded it. Arms control treaties have enormously strengthened the Soviet Union while weakening the United States. Yet because this conclusive fact seems so startling to so many observers, we must also conclude that the Soviets have used the arms control process and arms control treaties as a bold instrument of massive deception to promote their own thrust to military supremacy over the United States. In fact, however, there has long been overwhelming evidence that the Soviets use diplomacy and international law as important tools in their arms control deception program.

THE FOUR PRESIDENTIAL REPORTS ON SOVIET VIOLATIONS

The fact that these reports were rendered at all is historic and unprecedented. For the first time in our history, a U.S. President has openly accused the Soviet Union of violating Strategic Arms Limitation Treaty (SALT) commitments. These four reports, made by formal messages to Congress, are irrevocable and, though still incomplete, must be applauded. Even the liberal pro-arms control Arms Control Association has concluded that Soviet "violations of arms control agreements cannot be overlooked or excused." But the implications of these violations for American national security and for world peace are extremely serious. These implications have not yet been addressed within the U.S. government, however, despite urgent and repeated requests to President Reagan beginning on March 1, 1984.

In addition to addressing the military implications of the Soviet SALT violations and deceptions, we need to summarize these presidentially confirmed Soviet arms control treaty violations. Moreover, when these violations were first released, they were downplayed both by the White House and by the media, so they are not, in fact, well known at all. It is important to note further that these findings were unanimously agreed upon by the national security departments and agencies of our government. There were neither dissenting footnotes nor disagreeing qualifications by any part of the Executive Branch to these presidential reports to Congress. There are now 106 Soviet arms control treaty violations agreed and confirmed by the Executive Branch and reported by the President to Congress.

These 106 violations are summarized, for the first time aggregated in one place publicly, as follows, according to the different treaties violated.

PRESIDENTIALLY CONFIRMED EXPANDING PATTERN OF SOVIET SALT II BREAK-OUT VIOLATIONS—TOTAL OF TWENTY-TWO

A. SS-25 mobile ICBM—prohibited second new type ICBM:

1. Development;

2. Flight testing (irreversible);

3. Deployment since 1985—over eighty, plus launchers, a "direct violation";

4. Rapid-refire capability—doubles force;

5. RV-to-throw-weight ratio (and doubling of throw weight over old SS-13 ICBM)—probable covert SS-25 two or three MIRV capability;

6. Encryption of telemetry, a "direct violation."

B. SNDVs:

7. Strategic Nuclear Delivery Vehicle limit of 2,504. Soviets are at least sixteen to over six hundred SNDV's over the number they had when SALT II was signed in 1979, thus illustrating the fundamental inequality of SALT II.

C. SS-N-23 SLBM:

8. Heavy throw weight prohibited;

9. Development;

10. Flight testing (irreversible);

11. Deployment on Delta IV and III Class submarines;

12. Encryption of telemetry.

Backfire intercontinental bomber:

13. Arctic basing; increasing intercontinental operating capability;

14. Probable refueling probe; increasing intercontinental operating capability;

15. Production of more than thirty Backfires per year for five years, making more than ten extra Backfire bombers.

CCD:

16. Expanding pattern of camouflage, concealment, and deception (*maskirovka*), deliberately impeding verification.

Encryption:

17. Almost total encryption of ICBM, SLBM, and SLCM telemetry.

Launcher-Missile Relationship:

18. Concealment of relationship between SS-16, SS-24, and SS-25 missiles and their mobile ICBM launchers;

19. Confirmed deployment of fifty to two hundred banned SS-16 mobile ICBM launchers at Plesetsk test range, now being replaced by a similar number of banned SS-25 mobile launchers.

Falsification of SALT II Data Exchange:

20. Operationally deployed SS-16 launchers not declared;

21. AS-3 Kangaroo long-range air-launched cruise missile range falsely declared to be less than six hundred kilometers and not counted.

Excess MIRV fractionation:

22. SS-18 super-heavy ICBM: NIE reportedly says SS-18 deployed with fourteen warheads each, adding 1,212 warheads * * *

These Soviet violations of the SALT I ABM Treaty have enormous significance, both military and political. The Soviets are planning to deploy over four thousand mobile ABM interceptors by 1987, for a nationwide ABM defense. They can already defend almost 20 percent of their strategic forces, and soon they will be able to defend 50 to 66 percent. The Soviets are over ten years ahead of the United States in strategic defenses.

PRESIDENTIALLY CONFIRMED EXPANDING PATTERN OF SOVIET SALT I INTERIM AGREEMENT—FIVE BREAK-OUT VIOLATIONS

Soviet deployment of the *heavy* SS-19 ICBM and the medium SS-17 ICBM to replace the light SS-11 ICBM was a circumvention defeating the object and purpose of the SALT I Interim Agreement. Article II of the Interim Agreement prohibited heavy ICBMs from replacing light ICBMs. This violation alone increased the Soviet first-strike threat by a factor of five.

2. Soviet deployment of modern SLBM submarines exceeding the limit of 740 SLBM launchers without dismantling other ICBM or SLBM launchers, which the Soviets actually admitted was a violation.

3. Soviet camouflage, concealment, and deception deliberately impeded verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long-range cruise missiles on converted Y Class SLBM submarines, which "is a threat to U.S. and Allied security similar to that of the original SSBN."

5. "The U.S. judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement."

PRESIDENTIALLY CONFIRMED EXPANDING PATTERN OF SOVIET VIOLATIONS OF NUCLEAR TEST BANS—FIVE BREAK-OUT VIOLATIONS

1. Over twenty atmospheric nuclear weapons tests, August through September 1961, in violation of the 1959 Mutual Test Ban Moratorium.

2. Over thirty conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited or Atmospheric Test Ban Treaty.

3. Over twenty cases of Soviet underground nuclear weapons tests over the 150-kiloton threshold in "probable violation" of the 1974 Threshold Test Ban Treaty.

The many Soviet nuclear test ban violations have allowed the Soviets to develop and test much more lethal warheads for their new ICBMs, SLBMs, and cruise missiles. Thus these Soviet violations have enormous strategic significance.

PRESIDENTIAL CONFIRMATION OF SOVIET VIOLATIONS OF THE KENNEDY-KHRUSHCHEV AGREEMENT ON CUBA OF 1962

The Soviets breached a unilateral commitment by sending offensive weapons—intercontinental nuclear-delivery-capable bombers, nuclear-delivery-capable fighter bombers, and various kinds of nuclear missile submarines—back to Cuba, beginning in 1969.

On September 14, 1983, President Reagan for a second time confirmed that the Soviet Union had violated the Kennedy-Khrushchev agreement that ended the Cuban missile crisis: "That agreement has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be described as offensive weapons not defensive, there." This presidential statement has been backed up by the CIA director, the chairman of the Joint Chiefs of Staff, and the under secretary of defense for policy. Even the State Department concedes that the Soviets have violated the "spirit" of the agreement.

PRESIDENTIALLY CONFIRMED EXPANDING PATTERN OF SOVIET VIOLATIONS OF BIOLOGICAL AND CHEMICAL WEAPONS BANS

1. "The Soviets have maintained an offensive biological warfare program and capability in direct violation of the 1972 Biological and Toxin Weapon Convention." The United States has no defenses against this capability. The Sverdlovsk Anthrax explosion of April 1979, killing several thousand Soviets, is direct evidence of this capability.

2. "Soviet involvement in the production, transfer, and use of chemical and toxic substances for hostile purpose in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol." Tens of thousands of innocent men, women and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

3. The Soviets violated the Conventional Weapons Convention by using booby-trap mines and incendiary devices against civilians in Afghanistan.

4. The U.S. Government has determined that the Soviet Union is violating the 1975 Helsinki Final Act by its inadequate notifications of its Warsaw Pact military exercises.

5. The Soviets violated the Montreux Convention of 1936 by transiting the Turkish Straits repeatedly with aircraft carriers. (The Turkish Government, a signatory of the Montreux Convention, repeatedly protested these violations to the Soviets, to no avail.)

6. The Soviets breached the 1982 Brezhnev SS-20 moratorium, their unilateral commitment to end SS-20 deployment, by completing SS-20 launcher positions and continuing to deploy new SS-20s.

In sum, twenty-two of the presidentially confirmed Soviet violations relate to the SALT II Treaty, nine relate to the SALT I ABM Treaty, and five relate to the SALT I Interim Agreement. Many relate to the nuclear weapons ban agreements. Nothing whatsoever has been done by the Reagan Administration to counteract these Soviet arms control violations. Until the Reagan Administration, all previous administrations had claimed that if the Soviets were ever caught violating even one arms control treaty, the United States would have to reassess the entire spectrum of our relations with them. Complete U.S. inaction in the face of these presidentially confirmed Soviet violations demonstrates that this was a false premise. In fact, U.S. inaction can be interpreted as appeasement of the Soviets. Instead of reassessing our relations with the Soviet Union, the Reagan Administration actually resumed arms control negotiations with the Soviets aimed at achieving a new arms control treaty and has even agreed to hold a summit meeting with the Soviets in its quest for a new arms control treaty.

A reasonable explanation of these confirmed Soviet violations is that they are measures to test U.S. intelligence capabilities and U.S. political will. Further, the violations and the expanding pattern of Soviet camouflage, concealment, and deception activities may be a preparation or a cover for more extensive violations taking place already or planned for the future. The United States still has no long-range or even short-range strategy to deter or to counteract Soviet violations. But most important, Soviet violations are aimed at increasing strategic superiority.

America is now witnessing the Soviet SALT break-out deployment of hundreds of illegal new-type ICBMs, carrying illegal new MIRVed warheads covertly, being camouflaged illegally, and defended by thousands of launchers for several illegal mobile camouflaged ABM systems, using an illegal nationwide system of large ABM battle management radars.

ADDITIONAL REAGAN ADMINISTRATION CHARGES OF SOVIET TREATY VIOLATIONS

1. Soviet violation of the 1945 Yalta Agreement, by denying free elections in Poland.

2. Soviet violation of the 1945 Potsdam Agreement, by occupying Eastern Europe.

3. Soviet violation of the United Nations Charter, through threatened aggression against Poland, in 1980-81.

4. Soviet violation of the Paris Peace Accords on ending the Indochina War, by continuing to build up the North Vietnamese military.

5. Soviet violation of various international agreements governing civil aviation, by the brutal KAL 007 shoot-down murder incident of 1983.

6. Soviet violation of the 1972 Incidents at Sea Agreement during the attempts to recover the KAL 007 black box. In fact, there is strong evidence that the Soviets shot down KAL 007 in the first place in order to cover up some of their SALT II violations (such as a test of their illegal SS-25 second new-type ICBM, with full encryption of electronic telemetry signals) planned for that very night of August 31, 1983.

The Defense Department has stated that the United States should vigorously pursue compliance issues with the Soviet Union and demand that the Soviets take corrective action when we detect violations. If this fails, the United States should be prepared to take those measures necessary to maintain our national security in the face of Soviet violations.

But the Soviets are directly challenging the essence of the United States democratic political system by their forty-six confirmed, conclusively agreed-upon arms control violations. They are boldly gambling that American democratic leaders cannot muster the leadership or collect the bipartisan political consensus necessary to demonstrate the political will to compensate for the Soviet SALT violations. The Soviets believe, with some justification derived from their direct experience with American appeasement, that American political leaders are paralyzed and demoralized and unable to galvanize public support to challenge the Soviets and counteract their threats to our collective allied security.

The Soviets are demonstrating self-confidence and have reason to. The Soviets know full well that they have an overwhelming 4-to-1 numerical advantage in ICBM warheads (counting the Defense Intelligence Agency's best estimate of fourteen warheads on each of 326 superheavy SS-18 ICBMs, giving the Soviets 8,500 ICBM warheads to only 2,100 for the U.S.). Their accuracy and megatonnage advantages give them over a 6-to-1 or even an 8-to-1 advantage in first-strike counterforce capabilities. The Soviets also have simultaneously over a 14-to-1 advantage in intermediate-range nuclear force warheads against NATO. The Soviets are apparently deploying a nationwide ABM defense, probably capable soon of defending not only Moscow but also ICBM fields and all the USSR. Thus the Soviets are able to threaten the United States with a strategic offensive first strike, and soon they may even be largely immune from a limited U.S. retaliation.

EIGHTEEN ADDITIONAL SOVIET SALT CIRCUMVENTIONS OR VIOLATIONS

Assistant Secretary of Defense Richard Perle has testified to the Senate that the existing violations reports from the President are "illustrative only," and that "twenty to twenty-five" more Soviet violations remain to be publicly confirmed by the President to the Congress. The following eighteen additional Soviet SALT violations have been widely discussed in the press.

1. Developing and testing the Soviet SS-18 ICBM rapid-reload and refire capability as a circumvention of all the SALT II ceilings, doubling the Soviet SS-18 force.

2. Soviet failure to dismantle 18 SS-9 Fractional Orbital Bombardment ICBMs banned by the SALT II Treaty, which also circumvented the SALT I ICBM ceiling.

3. Soviet deployment of SS-11 ICBMs at SS-4 MRBM soft launch pads for covert soft launch in circumvention of all SALT I and SALT II ceilings.

4. Soviet maintenance of several thousand stockpiled ICBMs, SLBMs and strategic cruise missiles as potentially operational, thus circumventing all SALT II ceilings.

5. Soviet development and deployment of the SS-24 rail mobile ICBM, which will be above SALT II launcher ceilings, and which reportedly may have heavier throw weight than the Soviet heavy SS-19 and which therefore is a prohibited new very heavy ICBM.

6. Probable Soviet exceeding of the SALT II ceiling of 820 MIRVed ICBMs, by reportedly deploying covertly MIRVed mobile SS-25 ICBMs, and by preparations to deploy MIRVed SS-24 mobile ICBMs.

7. Soviet failure to deactivate old ICBMs on time, in violation of the SALT I ICBM ceilings and 1974 dismantling procedures, and continuous falsification of official deactivation reports between 1975 and 1981.

8. Ongoing Soviet deployment of the mobile SS-16, mobile SS-24, and mobile SS-25 ICBMs, which circumvents and defeats the object and purpose of SALT I, because it is inconsistent with the U.S. SALT I Unilateral Statement against mobile ICBM deployment.

9. Violation of the late Soviet President Brezhnev's 1972 SALT I pledge not to build mobile ICBMs.

10. Violation of the late Soviet President Brezhnev's 1972 SALT I pledge to dismantle the entire G Class of strategic missile submarines.

11. Soviet violation of the SALT II ceilings of 1200 MIRV ICBM and MIRV SLBMs, and the 1320 ceiling on MIRV launchers and intercontinental bombers with long-range ALCMs, through deployment of excess MIRVed and ICBM and MIRVed SLBMs and over fifty Bear H bombers and over three hundred intercontinental Backfire bombers capable of carrying long-range ALCMS.

12. Soviet circumvention of the SALT I ABM Treaty, by giving the Moscow ABM-3 complex the capability to defend over three hundred adjacent MIRVed ICBM silos.

13. Soviet violation of the 1971 agreement to reduce the risk of outbreak of nuclear war by jamming U.S. early-warning detection systems, failing to notify the United States of this jamming, and failing to notify the United States of the early April 1984 salvo launch of multiple SS-20s toward the United States.

14. Soviet achievement of "unilateral advantages" through their circumventions, violations, and negotiating deceptions related to SALT I and II. These Soviet unilateral advantages violate the 1972 agreement on basic principles of U.S.-Soviet relations, which is specified in the preamble to the SALT II Treaty as a fundamental element of SALT II.

15. Soviet violation of the June 1973 agreement on the prevention of nuclear war, through their hostile actions and hostile threats in the October 1973 Middle East War. (The Federal Republic of Germany has made this charge against the Soviets.)

16. Soviet direct interference with U.S. national technical means of SALT verification in a reported 1980 incident in which a Soviet intelligence satellite rendered a U.S. satellite useless during a key Soviet missile test. The incident is a clear violation of SALT I and II provisions. Moreover, the Soviets have reportedly blinded U.S. satellites with lasers and are jamming U.S. electronic collection satellites and other systems.

17. SALT II permits no increase in the throw weight of the superheavy SS-18 ICBM and no new type of very heavy ICBM to replace it. The Soviets appear to be doing both: developing a third new type of ICBM that is even heavier than the SS-18.

18. Any follow-on to the heavy SS-24 will have to be within 5 percent of its throw weight and other characteristics or else it is a prohibited new-type ICBM. The SS-24 follow-on under development is a fourth new-type ICBM, when SALT II allows only one new-type ICBM, and the SS-24 follow-on also appears to have even more throw weight than the heavy SS-24, which is already probably heavier than the SS-19.

The Soviets have thus gained overwhelming strategic superiority over the United States through their SALT violations, and thus they will be very reluctant to correct their violations. Indeed, deliberate Soviet efforts to counter U.S. "spies in the skies" strongly indicate a Soviet intention to continue to circumvent and violate treaties.

SOVIET INTENT TO DECEIVE

As noted at the outset, according to a Department of Defense statement of March 28, 1984:

"The Soviet Union regards arms control negotiations as arenas of political conflict in which important military advantages can be gained or lost. The Soviet leadership does not think in terms of mutuality or perceive arms control negotiations as a means of reducing arms. They attempt at every turn to achieve strategic advantage."

One Soviet military theorist stated in 1971, before SALT I was signed, that Soviet diplomacy is war. *Military Thought,* the classified journal of the Soviet General Staff, the Soviet agency most responsible for negotiating SALT, stated that "In fact, a nation's diplomatic activity becomes a part of those non-military means of policy implementation which . . . are contained within the concept of war." If the arms control process is considered an aspect of war by the Soviets, then they are guided by Sun

Tzu's principle that "all warfare is based on deception."

Assistant Defense Secretary Perle has stated, "I believe we chronically underestimate the extent to which the Soviets engage in concealment and deception in order to mask programs that they have underway. . . . The Soviets have not hesitated to mislead us deliberately and all too successfully, in order to achieve their purpose." And as Perle stated to the Senate Armed Services Committee on February 20, 1985, "The Soviet Union has violated almost all of the most important arms control agreements signed since 1963."

Perle also stated to the Senate Armed Services Committee on February 20, 1985, that:

"The current rash of Soviet arms control violations did not happen by accident. It resulted from the fact that our behavior vis-a-vis their noncompliance with signed agreements convinced the Soviets that they could get away with these acts. We did little in response to repeated Soviet violations of the LTBT during the 1960s and 1970s. We resolved many SALT I compliance problems by accepting Soviet behavior as legitimate. We resolved the SS-19 'heavy' missile issue by accepting the SS-19 as a 'light' ICBM. There are now 2,000 warheads aimed at us on SS-19 missiles. We resolved the launch control silo issue by accepting the legitimacy of launch control facilities that are nearly identical to missile silos. We resolved the deployment of an ABM radar to Kamchatka by accepting it. We resolved the expanding pattern of Soviet concealment activities by ignoring them. During the 1970s we resolved the issue of Soviet testing of SAM missiles on the ABM mode by pretending it had stopped."

And as the President's General Advisory Committee on Arms Control (GAC) stated in November 1983, "Aspects of Soviet conduct related to about half their documentary arms control commitments were found to constitute material breaches of contracted duties."

SOVIETS DECEPTIVELY SIGN TREATIES, INTENDING TO VIOLATE THEM

It is worth noting that the Defense Department has officially stated that "Several of these violations must have been planned by Soviet authorities many years ago, in some cases perhaps at the very time the Soviet Union entered into the agreement."

These cases of deliberate violations planned by Soviet leaders at the very time of signing the arms control agreements relate to the Soviet heavy SS-19 ICBM and the SALT I Interim Agreement of 1972, the six Pechora Class ABM battle management radars, and the SALT I ABM Treaty, the Soviet biological offensive warfare program, the 1972 Biological Weapons Convention, and the SS-16 and SS-25 mobile ICBMs and the SALT II Treaty.

Moreover, in March 1984 the Senate was told by a former member of the Joint Chiefs of Staff that twelve years before, in 1972, neither the Senate nor the Joint Chiefs of Staff were informed of vital intelligence information that the Soviet Union intended to violate the SALT I accords even before they were signed. Through an inordinate and even irrational desire to appear before the public as peacemakers and to preclude jeopardizing the chance of SALT I approval by Congress and thus electoral success, the Nixon Administration apparently withheld this essential military intelligence from our top military leaders, who, remaining in ignorance of it, supported SALT I, as did a similarly uninformed Congress.

In particular, Dr. Henry Kissinger may have deliberately misled the Senate by failing to reveal our knowledge of a Soviet plan for circumvention of the key SALT I provision limiting heavy ICBMs. If so, SALT I and the whole ensuing fabric of strategic arms control since 1972 received congressional approval at its inception under false pretenses covering up Soviet bad faith.

In any event, no one can now doubt that the USSR from the beginning of detente in 1972 planned to use the agreed limitations * * *

HISTORY OF SOVIET TREATY VIOLATIONS AND DECEPTIONS

In April 1984 the Defense Department stated that "To the Soviets, treaties are manipulated in the manner most conducive to the interests of national policy objectives."

President Reagan, on September 2, 1983, asked these very relevant questions after the Soviet attack on Korean Airlines Flight 007:

"What can be said about Soviet credibility when they so flagrantly lie . . .? What can be the scope of legitimate mutual discourse with a state whose values permit such atrocities? And what are we to think of a regime which establishes one set of standards for itself and another set for the rest of mankind?"

A 1962 Defense Department study entitled Soviet Treaty Violations confirmed over fifty Soviet security treaty violations since 1917. These violations were also confirmed by a 1962 U.S. Senate Judiciary Committee study the same year.

Long before SALT began in 1969, the Soviets violated two significant arms control treaties, one in the 1920s, which entailed onsite inspection, and another in the late 1940s.

As Soviet authorities on international law have themselves stated:

"Those institutions of international law which can facilitate the accomplishment of the stated tasks of Soviet foreign policy are recognized and applied in the USSR; those which contradict these aims in any way are rejected."

According to an official U.S. State Department Soviet Affairs Note dated August 10, 1959:

"Few nations can match the USSR in vociferous protestations of loyalty to international obligations! However, such declarations which are typical of Soviet propagandists and scholars alike—diverge widely from Soviet practice. In the years since the Bolshevik Revolution the Soviet government, while consistently accusing others of bad faith in international dealings, has not hesitated to violate its own treaty obligations when such action appeared to be in its interest."

This conclusion is well illustrated by Lenin's cold admission in 1918 regarding the March 1918 Soviet-German peace treaty of Brest-Litovsk: "Yes, of course we are violating the treaty. We have already violated it thirty or forty times."

The 1959 State Department analysis of Soviet treaty compliance authoritatively concluded that:

"The history of the last 40 years provides numerous examples of deliberate treaty violation by the Soviet regime. . . . The USSR has disregarded treaty provisions inconvenient to itself, has unilaterally denounced conventions to which it is a party, has threatened abrogation as a means of intimidation, and has on several occasions attacked fellow signatories to treaties of friendship and nonaggression."

It is evident that the Soviet Union places no value in abiding by international agreements. The Soviet view is that, if an international obligation no longer serves its purposes, Moscow has no inhibitions about violating it. As the record of diplomatic history indicates, the Soviet approach to its international commitments should warn us that we must create a clear Soviet self-interest in treaty compliance; otherwise, treaties with the Soviets are self-deceptive scraps of paper, which are worse than worthless. In fact, treaties with the USSR can be a positive danger if they lull us into a false sense of security, as they have done so often in the past.

That same false sense of security has permitted the enormous momentum of the Soviet strategic weapons buildup, which started even before the Cuban missile crisis of 1962, and which will continue into the 1990s, unconstrained by existing SALT treaties, which the United States still unilaterally observes.

Former Reagan Administration Arms Control Director Eugene Rostow has written, "The SALT I Agreements and the process of negotiating SALT II did not prevent the worst decade of the Cold War or the Extraordinary buildup of the Soviet nuclear arsenal."

Finally, as Richard Perle has testified, "The Soviets see arms control negotiations not in terms of negotiating mutually beneficial agreements to limit the risks and consequences of war, but as an opportunity to inhibit U.S. programs, create divisions within the Western Alliance, and prevent the exploitation of advanced U.S. technology to balance Soviet quantitative advantages in military systems." Perle added that there has been almost a hundred percent increase in Soviet nuclear warheads aimed at the United States since SALT II was signed in 1979.

But the best summation of the Soviet attitude toward treaties was given by Soviet leaders themselves. Lenin stated that "Promises are like pie crusts, made to be broken."

And Joseph Stalin stated that:

"Words have no relation to actions—otherwise what kind of diplomacy is it? Words are one thing, actions, another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron."

Lenin and Stalin's approach has been confirmed as the consistent Soviet approach by official U.S. government documentation from 1959, 1962, 1984, and 1985. This documentation supports the inescapable conclusion that the Soviets have violated, evaded, or circumvented virtually every international security treaty they have signed since 1917.

AMERICANS MUST UNDERSTAND THE TRUTH ABOUT SOVIET DECEPTION

In 1934 Winston Churchill challenged the British government to explain to the British people and to the world that the Germans were violating the arms control provisions of the Versailles and other arms control treaties. In the House of Commons Churchill stated. "The worst crime is not to tell the truth to the public." Unfortunately, the British government lied to the British people. Thus Britain slept until Englishmen had the choice of another world war or eventual Nazi domination.

To avoid a similar choice, we must first admit to ourselves the true result of our misguided recent history. We must acknowledge that the hypnotic fog of detente has frozen U.S. forces and brought about relative unilateral American disarmament through stagnation and obsolescence of U.S. strategic systems and a corresponding massive growth in the quality and quantity of Soviet weapons. Additionally, countless successful Soviet deceptions and the significant practical military effects of Soviet arms control violations have further aggravated the strategic imbalance—an imbalance that never more urgently required the American government to take countermeasurs than it does now.

These are the concrete realities that we must face. As President Reagan stated on March 22, 1985:

"I would like to call your attention to something that no one seems to be aware of—that we ourselves have cut the defense budgets over the last four years—our own proposed or projected five-year defense spending—we to date reduced those by more than $150 billion, and today the 1985 budget is $16 billion less than the 1985 budget that had been projected by the Carter Administration."

And as Richard Perle has stated, "To cut that [defense] budget in the aftermath of Soviet violations, I think, would only encourage the Soviets to the view that they can continue to violate with impunity, without suffering the consequences that people have wrongly assumed would inevitably follow the detection of a Soviet violation."

We must recognize also that overdue remedies will not be cheap. Carter Administration Defense Secretary Harold Brown said in 1979 that, without SALT, the United States would be required to spend $30 to $100 billion more on defense during the 1980s for strategic systems.

Now that massive Soviet violations have made SALT, which already favored the Soviet Union, a mere hollow shell, America must accept the new reality and must implement defense programs even, as Harold Brown said, at the additional cost of tens of billions of tax dollars, in order to achieve any hope of catching up with the USSR, much less regaining our lost superiority. Yet the Reagan Administration has been forced by Congress to spend tens of billions of dollars less on defense than proposed even by Jimmy Carter, whose defense program relied on Soviet good faith and on Soviet SALT compliance.

To build public and congressional support for the strategic spending that even the Carter Administration admitted would be needed (and that most Americans even now erroneously believe is being expended), American leaders must come clean with the American people and explain the effect and extent of congressional defense budget cuts as well as the full extent and effects of Soviet arms control break-out. Otherwise, Americans could receive a highly unpleasant surprise when finally given an answer to Professor Harold Rood's question: "Can it really be true that Soviet negotiations for the Strategic Arms Limitation Treaties are nothing more than part of the preparations for war? That would place Soviet leaders in no better odor than Adolf Hitler."

CONFIRMATION OF THE FAILURE OF ARMS CONTROL

Finally, we should look back for a moment to 1971, when America was number one, still a great power, and examine how American tolerance for the Soviet strategic buildup was the basis for the failure of the arms control process. Gerard Smith, the Nixon Administration's Arms Control director, stated overconfidently in 1971:

"If, after a reasonable period, SALT negotiations prove unproductive, or if the USSR resumes land-based ICBM deployment or moves to modernize or expand its Moscow ABM system, the United States would take whatever steps are necessary to maintain its strategic deterrent."

Today we should evaluate Gerard Smith's self-confident prophecy.

First, the SALT II negotiations did not produce a ratifiable treaty, even after seven years of negotiations. Thus it is fair to say that SALT negotiations have been "unproductive."

Second, Soviet violations of SALT II and the SALT I ABM Treaty, many of which have been confirmed by the President to the Congress, prove conclusively that SALT treaties have not constrained Soviet strategic force buildup. Indeed, the Soviets have "resumed" land-based ICBM deployment, in violation of SALT II, and the Soviets are both "modernizing" and "expanding" their ABM system in violation of the SALT I ABM Treaty.

Third, despite Smith's confidence that the United States would respond to all these Soviet challenges, the United States is not taking the necessary responsive steps to "maintain its strategic deterrent.

In 1972 the SALT I ABM Treaty and SALT I Interim Offensive Agreement succeeded in killing the superior U.S. ABM program in exchange for "constraints" on Soviet forces that turned out to be completely illusory. The Soviet offensive buildup continued unchanged by SALT I and II. But since 1972 the Soviets have also completely reversed the relative position of the sides on ABM capabilities, and now the Soviets are breaking out of both defensive and offensive SALT I and II constraints. Meanwhile, the Soviets are once again trying to convince the United States to give up its Strategic Defense Initiative and defensive antisatellite program in exchange again either for nothing or for illusory offensive constraints.

As the Committee on the Present Danger concluded recently:

"The adverse balance entails both political and military risks. . . . As relative Soviet power continues to increase, the Soviets expect the U.S. and it allies to move increasingly toward accommodation and *appeasement.*"

Winston Churchill warned gravely after World War II:

"Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To abandon it now would be to abandon it forever."

THE DEATH OF ARMS CONTROL: SOVIET SALT BREAK OUT

(By David S. Sullivan)

In the wake of the October, 1986, Reykjavik Summit, where Soviet Dictator Gorbachev himself described the discussions as "heated" and "sharp," American leaders are finally beginning to realize that the Soviets have killed arms control as a means of preserving international security. This is because American leaders are belatedly beginning to recognize that the Soviets immediately began "breaking out" of the Strategic Arms Limitation Talks (SALT) treaties as soon as they were signed as long ago as 1972. The two fundamental U.S. arms control objectives of 1969, when SALT negotiations first began, have not been achieved. Indeed, we are now in precisely the situation that the SALT treaties and negotiation process were supposed to prevent. The Soviets now have the capability for a first strike attack on most American deterrent, retaliatory forces. At the same time, they are able to defend with Anti-Ballistic Missiles (ABMs) an increasing proportion of their nation against the small percentage of U.S. deterrent forces that might survive their first strike and execute a retaliatory attack. The Soviets are about to have operational a nationwide ABM defense. The net result of Soviet offensive and defensive SALT break out is not just the death of arms control, but, much more ominously, the imminent demise of nuclear deterrence itself. The Soviets are rapidly approaching the capability to engage in "nuclear blackmail." President Reagan recognized the danger of a Soviet nuclear blackmail ultimatum based on their first strike and nationwide ABM capabilities as long ago as 1985. A prominent strategic expert and former director of the Arms Control and Disarmament Agency also has chillingly suggested that Soviet Dictator Gorbachev engaged in nuclear blackmail at the recent Reykjavik Summit. As Ronald Reagan stated in 1964: "We are at war with the most dangerous enemy that has ever faced mankind." This assessment is even more true today.

At the Reykjavik Summit, Soviet nuclear blackmail was already subtly in evidence. Soviet leader Gorbachev threatened to conduct international relations under the rule of "law by the fist," meaning the Soviet fist. Gorbachev also mentioned "unpredictable, serious consequences" in future U.S.-Soviet relations if the United States did not acquiesce to the Soviet demands. Finally, Gorbachev's characterization of President Reagan before the summit as a "liar" regarding the innocence from espionage charges of American journalist Nicholas Daniloff, and his explicit comparison of the president to a "madman," were also unprecedented and provocative. Gorbachev stated bluntly that the United States must "accept the realities" of Soviet strategic supremacy, and he explicitly referred to a Soviet "break out" superiority.

The Soviets are now conformed to be violating in significant ways *every* important, existing arms control treaty. The essential results of the Soviet SALT break out violations are their first strike offensive capability and their emerging nationwide ABM defense. The United States must now take proportionate responses. As President Reagan stated in June 1986, in regard to his strategic modernization programs, "We come to one of those unique crossroads of history where nations decide their fate . . . our choices are clear."

THE MAIN SOVIET SALT BREAK OUT VIOLATIONS

SALT I Interim Offensive Agreement

SS-19 MIRVed ICBM deployment resulted in a sixfold increase in Soviet first strike counterforce capability.

SALT II Treaty

Excess fractionation of SS-18 MIRVed ICBM adding almost 1,500 warheads, deployment of 10 MIRV SS-24 rail-mobile ICBM, deployment of road mobile SS-25 covertly MIRVed ICBM, and testing of the even *heavier* throw-weight follow-on to the super heavy SS-18 all further enhance Soviet first strike, counterforce capabilities.

SALT I ABM Treaty

Deployment of the nine Pechora-Krasnoyarsk Class ABM Battle Management Radars providing overlapping, massively redundant coverage, together with massive deployment of three types of camouflaged, mobile ABM-capable SAMs and mass production of mobile ABMs give the Soviets an impending nationwide ABM capability.

America is now witnessing the Soviet SALT break out deployment of illegal new mobile ICBMs, carrying illegal new MIRVed warheads, defended by an illegal nationwide ABM system using illegal ABM Battle Management Radars, and illegal mobile ABM, and mobile ABM-capable interceptor missiles and radars. The result of these Soviet SALT break out violations is a Soviet first strike offensive capability and a nationwide ABM defense. (See the Annex to this study for a complete listing of the Soviet violations confirmed by President Reagan, together with an evaluation of some of their military implications.)

WISDOM OF ABANDONING SALT I AND SALT II

President Reagan has wisely decided to abandon U.S. unilateral compliance with the expired SALT I and SALT II agreements, and he should withdraw from the SALT I ABM treaty as well. A recent poll shows that 70 percent of the American people support his decision to abandon SALT II. The president's decision was based upon the fact that the Soviets were ignoring all three criteria for his "interim restraint" SALT compliance policy: 1) The Soviets should make tangible negotiating progress on a new intercontinental arms control treaty in Geneva; 2) they should reverse their SALT break out violations; and 3) they should reverse their threatening strategic and military buildup. The Soviets have totally ignored each of these criteria, so President Reagan was fully justified in his belated decision to abandon SALT I and SALT II. The Soviets have refused to agree to progress in the Geneva strategic intercontinental arms negotiations on an equitable, realistic basis, have not even acknowledged their ever widening pattern of SALT break out violations, and are continuing relentlessly to increase their ICBM, IRBM, SLBM, bomber, cruise missile, warhead, and ABM superiority gaps over the United States.

The Soviets are now engaged only in arms control negotiations by propaganda: Gorbachev's deceptive proposals for intercontinental offensive nuclear weapons reductions occur while the Soviet offensive buildup continues relentlessly in violation of SALT I and II, and Gorbachev's deceptive nuclear test ban moratorium proposal occurs while the Soviets continue their violations of two existing nuclear test ban treaties.

Each year, the Soviets are deploying scores of illegal SS-25 and now SS-24 mobile ICBMs. The Soviets are 75 to 600 missiles and bombers *above* the number they had when SALT II was signed in 1979. Since 1978, there have been twenty-four Soviet violations of the 150 kiloton threshold of the 1974 Threshold Test Ban Treaty, and since 1965 there have been over thirty unambiguous Soviet violations of the 1963 Limited or Atmospheric Test Ban Treaty.

There is a recent excellent example of this deceptive Soviet arms control propaganda. The new Soviet Ambassador to the U.S., Yuri Dubinin, stated the following disinformation in our nationally circulated *Parade* magazine of March 1, 1987:

The arms race is on the verge of becoming uncontrolled and uncontrollable. . . . The SALT I and SALT II strategic offensive arms agreements have been scuttled after 14 years. SDI is being sped up on a collision course with the ABM Treaty. . . . [The USSR urges] ratification of the Soviet-American treaties of 1974 and 1976 on the limitation of nuclear explosions. . . . *We are staying within the limits of the SALT I and SALT II agreements.* . . . The Soviet Union is not seeking nuclear superiority. . . . The ABM Treaty must be fully preserved and observed. . . . We suggest that the limits of the permitted [SDI] research should be clarified to avoid misunderstanding and suspicion about compliance with the [ABM] Treaty (emphasis added).

The Dubinin propaganda is false for the following reasons:

1. The "arms race" is being run mostly by the Soviets, whose dynamic strategic programs are in break out from SALT. Since the SALT process began in 1969, the U.S. has scrapped or cancelled over *twice* as many nuclear warheads as the Soviets have *added* since 1969.

2. The Soviets themselves scuttled SALT I and SALT II first, by their break out violations, some of which date all the way back to 1972. These violations caused the U.S. to finally end its unilateral compliance, but only after both agreements had expired on their own terms.

3. The U.S. SDI program is indeed on a collision course with the ABM Treaty, but the Soviet Krasnoyarsk radar has already cut the heart out of the ABM Treaty, and Soviet SDI-type developments are probably ahead of the United States.

4. The Soviets urge U.S. ratification of the 1974 TTBT, because they have already garnered massive strategic advantages from their twenty-four violations of it, creating their first-strike capability.

5. The Soviets are not staying within the SALT I and SALT II limits—they have long been way over the limits of both, and recently they exceeded the main SALT II sublimit.

6. The Soviet Union has sought nuclear superiority, as their military writings from the early 1960s indicate, and the USSR has long ago achieved it.

7. The Soviets have broken out of the ABM Treaty, and they even admit it to themselves.

NEED TO WITHDRAW FROM SALT I ABM TREATY

President Reagan is now confronted with the final decision required by Soviet SALT break out violations—U.S. withdrawal from the SALT I ABM Treaty. In agreeing to the 1972 SALT I package of the ABM Treaty and the Interim Offensive Agreement, the United States gave up a potent ABM capability for defending ICBMs in exchange for what turned out to be no constraints at all on Soviet offensive programs. Preexisting Soviet ICBM and SLBM deployment plans were actually codified in the SALT II Interim Agreement. The United States thus gave up an advantage in ABMs for worse than nothing, a huge Soviet buildup in the very first strike, counterforce capability that our ABM was designed to thwart. The Soviets also reversed the relative U.S.-Soviet position in ABM development in the years after SALT I, and now they have deployed thirty-one large ABM radars, compared to a maximum of only twelve planned by the United States in 1969, more than double the most ambitious American ABM program. In retrospect, SALT I was clearly detrimental to U.S. national security interests. And SALT II merely again codified the ongoing Soviet first strike, counterforce buildup.

Since SALT began in 1969, the Soviets have added over 10,000 nuclear warheads to their arsenal. In the same period, the U.S. has scrapped over 8,000 warheads deployed, and has cancelled plans for over 12,000 more. Thus the U.S. has scrapped or cancelled twice as many nuclear warheads as the Soviets have added.

Dr. Henry Kissinger finally conceded this to a shocked NATO conference in Brussels on September 1, 1979: The amazing phenomenon about which historians will ponder is that all this [dramatic growth of the Soviet strategic power since 1963] has happened without the U.S. attempting to make any significant effort to rectify that state of affairs. . . . It cannot have occurred often in history that it was considered an advantageous military doctrine to make your own country deliberately vulnerable.

SOVIET IDEOLOGY: WAR PREPARATION

Indeed, American leaders are finally beginning to ask this fundamental question about the prospects for arms control: Why should the Soviet Union be willing to reduce their nuclear weapons at all, when nuclear weapons are their most important means for becoming and remaining a superpower?

An even more significant factor explaining the death of arms control is emerging into the consciousness of American leaders: Soviet Marxist-Leninist ideology is totally incompatible with arms control. But this has long been an obvious obstacle to arms control to those familiar with Marxism-Leninism. Just a few examples can be cited. The Sixth World Congress of the Communist International published this Resolution in 1928: "The peace policy of the Proletarian State is merely a more advantageous form of fighting Capitalism." In 1969, just as SALT negotiations began, the journal of the Soviet General Staff (the key body involved in Soviet arms control policy), Military Thought, stated: Strengthening of its defenses is now the foremost political function of the Soviet State. . . . [N[ever before has the internal life of the country been subordinated to a war so deeply and thoroughly as at the present time.

Military Thought added in 1971: In fact, a [Marxist-Leninist] nation's diplomatic activity becomes a part of those non-military means of policy implementation which . . . are contained within the concept of the content of war.

Clearly, to Soviet leaders steeped in Marxism-Leninism, diplomacy and arms control negotiations are a fundamental element of war preparations, which they avow as the main function of the Soviet State.

The fundamental Soviet war preparation strategy underlying their Marxist-Leninist ideological approach to arms control was discerned as long ago as 1958 by three eminent Americans. Former Secretary of State Dean Acheson recognized in 1959 that: "In the present century the Soviet State has perfected the use of negotiations . . . as a method of warfare."

Dr. Herbert Dinerstein wrote prophetically in the January 1958, edition of *Foreign Affairs:* If they [the Soviets] should acquire such preponderant military strength, they would have policy alternatives even more attractive than the initiation of nuclear war. By flaunting presumably invincible strength, the Soviet Union could compel piecemeal capitulation of the democracies. This prospect must indeed seem glittering to Soviet leaders.

And as the late President John F. Kennedy accurately predicted in the 1960 presidential "missile gap" campaign: Their [Soviet] missile power will be the shield from behind which they will slowly but surely advance—through Sputnik diplomacy, limited brush-fire wars, indirect nonovert aggression, intimidation and subversion, internal revolution, increased prestige or influence, and the vicious blackmail of our allies. The periphery of the Free World will slowly be nibbled away.

Thus Kennedy recognized that the fundamental Soviet strategy in international relations was one of nuclear blackmail.

President Reagan also seemed to recognize the Soviet war preparation, ideological approach to arms control earlier in his administration, when he stated on March 31, 1983: The chances for real arms control depend on restoring the military balance. We know that the ideology of the Soviet leaders does not permit them to leave any Western weakness unprobed, any vacuum of power unfilled. It would seem that to them negotiation is only another form of struggle.

And President Reagan correctly stated on January 29, 1981, at his first news conference as president: They [the Soviets] have openly and publicly declared that the only morality they recognize is what will further their cause, meaning they reserve unto themselves the right to commit any crime, to lie, to cheat, in order to attain that.

He added on March 8, 1983: ". . . they are the focus of evil in the modern world." President Reagan also stated on May 9, 1982: So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs and, in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige.

Thus President Reagan has shown that he is aware of the ideological basis for the Soviet approach to arms control. It remains only for the State Department to recognize this reality. Henry Kissinger wrote accurately in *Time* magazine in March, 1983, that: Their [Soviet] arms program aims for strategic superiority. . . . [T]hey believe strategic edges can be translated into political advantages. . . . [A]rms control to the Soviets is an aspect of political warfare whose aim is not reciprocal stability but unilateral advantage.

Looking back, Kissinger's conclusions also should already have become accepted by the State Department.

U.S. SALT OBJECTIVES: NO SOVIET FIRST STRIKE OR NATIONWIDE ABM CAPABILITY

When the Strategic Arms Limitation Treaty Talks began in 1969, the United States had two fundamental objectives:

(1) preventing the Soviets from deploying an offensive first strike capability.

(2) and preventing the Soviets from deploying a nationwide antiballistic missile defense.

These two objectives were integrally linked in the Preambles to the 1972 SALT I ABM Treaty, the 1972 SALT I Interim Agreement or Offensive Weapons, and the 1979 SALT II Treaty. Evidence for this assessment is clear. Senator Henry Jackson said this in 1972 about the primary U.S. objective in SALT I—to preserve the survivability of U.S. strategic forces: The intent of the SALT I Agreements is to enhance our security by enhancing the survivability of our deterrent.

And Article I of the ABM Treaty, the most important provision prohibits a nationwide ABM defense, or even the *base* for a nationwide ABM defense.

But the United States has completely failed to achieve our two fundamental SALT objectives, after almost two decades of the SALT negotiating process. This American failure results from the clear fact that the Soviets now have a first strike offensive capability, and they are about to have a nationwide ABM defense. Thus supreme United States national security interests should require America to withdraw from the 1972 SALT I ABM Treaty, rather than to pledge to Soviet leader Gorbachev to abide by this failed and violated treaty for another seven years. Indeed, the United States has already decided to cease its unilateral compliance with the expired SALT I Interim Agreement and the expired unratified SALT II Treaty because of systematic Soviet violations of both. The same rationale applies even more clearly to the SALT I ABM Treaty—Soviet violations of the ABM Treaty are conclusive and point to deployment of the prohibited nationwide ABM defense, and the failure of arms control to prevent a Soviet offensive first strike capability requires U.S. withdrawal from unilateral compliance with not only the SALT I Interim Agreement and the SALT II Treaty, but also with the SALT I ABM Treaty.

The United States should withdraw from the ABM Treaty partly because of the following U.S. Unilateral Statement to the SALT I ABM Treaty of May 9, 1972, expressing American policy: The U.S. Delegation believes that an objective of the follow-on [that is, SALT II] negotiations should be to constrain and reduce on a long term basis *threats to the survivability* of our respective strategic retaliatory forces. . . . If an agreement providing for more complete strategic offensive arms limitations were not achieved within *five years,* U.S. supreme national interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty. (emphasis added)

SOVIET FIRST STRIKE CAPABILITY

But the Soviets now have deployed a first strike counterforce offensive capability which threatens the survivability of our deterrent retaliatory forces, according to authoritative administration statements. The Soviet first strike capability stems from their confirmed violations of SALT I and II—especially the MIRVed SS-19 ICBM deployment, excess fractionation on their MIRVed SS-18 ICBM, and deployment of their rail mobile, MIRVed SS-24 ICBM. Moreover, after fourteen years of negotiations on more complete offensive weapons constraints, there are not permanent, or even interim limitations on Soviet offensive forces; the SALT I Interim Offensive Agreement expired in 1977 and the fatally flawed SALT II Treaty was never ratified and expired in 1985. Therefore, under the two conditions of the 1972 U.S. Unilateral Statement, U.S. supreme national interests *require* U.S. withdrawal from the ABM Treaty.

There is another criterion available to judge the failure of the SALT process. Under the Brooke Amendment to the Senate resolution of approval of SALT I in 1972, the Senate itself stated that SALT I and the SALT II negotiations would be based upon: "The preservation of longstanding U.S. policy that neither the Soviet Union or the United States should seek unilateral advantage by developing a first strike potential." The Brooke Amendment thus posited that the success of SALT I and SALT II depended upon the prevention of a Soviet first strike potential.

But according to authoritative Administration statements, the Soviets have achieved a deployed first strike strategic offensive capability. President Reagan has correctly stated in January 1985: Modern, accurate ICBMs carrying multiple nuclear warheads—*if deployed in sufficiently large numbers relative to the size of an opponent's force structure, as the Soviets have done with their ICBM force*—could be used in a rapid *first strike* to undercut an opponent's ability to retaliate effectively. (emphasis added)

President Reagan's national security advisor also stated in January 1985 that "American land-based missiles have become even more vulnerable to Soviet first strike attack over the past few years." And in President Reagan's May 1985 Victory in Europe Day speech, he also described the Soviet "first strike" capability and alarmingly warned that the Soviet threat now emerging jeopardizes "deterrence itself."

In President Reagan's strategic modernization statement of June 3, 1986, he again stated that there is a . . . Growing strategic imbalance between the United States and the USSR . . . . In calculating what they call the "correlation of forces," the Soviet political and military leadership are ever mindful of the state of the nuclear balance between the United States and the Soviet Union . . . . [A]ny weakening of our nuclear deterrent, leaving the Soviet Union with superior nuclear force . . . could invite the Soviet Union to rely on such an advantage . . . . *[T]his loss in survivability* of U.S. strategic forces, coupled with the magnitude of the Soviet buildup, had begun to erode seriously the stability of the strategic balance. (emphasis added)

Moreover, Admiral William Crowe, Chairman of the Joint Chiefs of Staff, testified to the Senate on June 19, 1986, that: "The strategic nuclear balance has shifted dramatically. The Soviets now enjoy superiority in ICBMs." ICBMs are the key element in a first strike capability because they are highly accurate weapons capable of destroying hardened targets within only thirty minutes of flight time. The Soviets are acknowledged to have over a six to one advantage against U.S. hard targets in ICBM warheads. It is really more like eight or ten to one Soviet first strike advantage. As Air Force Chief of Staff, General Larry Welch, confirmed on August 18, 1986: "The existing imbalance in hard target attack capabilities is very heavily in favor of the Soviets."

Finally, the CIA testified to the Senate on June 26, 1985, that: The Soviets already have enough hard target-capable ICBM reentry vehicles today to attack all U.S. ICBM silos and launch control centers. In such an attack today, they would stand a good chance of destroying Minuteman silos.

Further, the Defense Department's 1987 edition of *Soviet Military Power* also stated that "the Soviets will enhance their first strike capability." And lastly, a Reagan Administration arms control official warned on August 7, 1985, that: "The Soviet Union possesses a tremendous capability to launch a devastating first strike against the United States, and they are continuing to expand that capability."

In sum, it is clear that the Soviets have a first strike offensive capability. The significance of this conclusion is serious. Former Defense Secretary Melvin Laird stated on July 24, 1972, that: If the Soviet Union goes forward with a program . . . which appears to be a concerted attempt to undermine the survivability of the Minuteman deterrent force, we would view this with great concern. In my view, such a program would be contrary to the intent of the agreements that have been arrived at in SALT [I] . . . . I think the intent of this agreement would be violated.

SOVIET NATIONWIDE ABM DEFENSE

What about the second SALT objective—preventing a Soviet nationwide ABM defense? This objective was integrally linked to preventing the Soviets from acquiring a first strike offenisive capability. In November 1985. Defense Secretary Weinberger testified to the Senate that the Soviets already have "some nationwide ABM capability." Of course, even a *base* for a nationwide ABM capability is banned by Article I of the ABM Treaty.

The Soviet ABM Treaty violations, especially their Krasnoyarsk radar, are clear cut, and have been confirmed six times by President Reagan. The Krasnoyarsk radar is supposed to be on the periphery of the Soviet Union and oriented outward, yet it is located 750 kilometers in the interior and oriented inward toward a border 4,000 kilometers away. Its siting, orientation, and capability are prohibited. Its construction is being continued, and it appears almost completed. Despite U.S. requests, no Soviet corrective actions have been taken. It is an early warning radar with inherent ABM Battle Management capabilities.

The Krasnoyarsk radar is illegal by virtue of its location, orientation, and capabilities. Even American SALT I negotiators such as Henry Kissinger, Paul Nitze, and Raymond Garthoff concede that Krasnoyarsk is a violation. Virtually all American and Western arms control experts of every persuasion agree that Krasnoyarsk is a violation.

But in public propaganda and in private diplomatic channels, and reportedly even in the SALT Standing Consultative Commission, the Soviets have tried to deny and rebut our charge. The Soviets have reportedly claimed that the Krasnoyarsk radar does not violate the ABM Treaty. The Russians claim instead that Krasnoyarsk is for spacetracking, is therefore not constrained by the Treaty, and therefore can be located anywhere. These public and private Soviet claims can now be labeled for what they are—deception, disinformation, and duplicity. According to Senator Jesse Helms, Ranking Republican Member of the Senate Foreign Relations Committee, the CIA has stated recently that: The United States is aware that, over the last several years, Soviet officials have indicated that the Krasnoyarsk radar is a violation of the ABM Treaty.

This CIA statement means that the Soviets have *admitted* privately to themselves that they are violating the ABM Treaty. This Soviet private admission contradicts their public disinformation, lies, propaganda, and duplicity. This new CIA information is also chilling. Many historical studies of the 1918-1939 interwar period contain the private speeches and boasts of Nazi leader Adolf Hitler. During the mid and late 1930s, Hitler privately bragged to his more cautious generals that he could get away with his flagrant violations of the 1921 Versailles Peace Treaty and the arms control treaties of the 1930s, because the Western Democracies were militarily weak and did not have the political will to enforce the peace. For example, in October 1933, when those around Hitler talked about possible Westen sanctions against Nazi rearmament, Hitler reportedly retorted: "A pretty crew they are! They'll just protest. And they will always be too late."

President Reagan's sixth Unclassified Report On Soviet Noncompliance With Arms Control Agreements states ominously: "Taken together, the Krasnoyarsk radar and other Soviet ABM-related activities give us concern that the Soviet Union may be preparing an ABM defense of its national territory . . . this would have profound implications for the vital East-West balance." Defense Secretary Weinberger stated that: "Such a development would have the gravest implications on the U.S.-Soviet strategic balance. Nothing could be more dangerous to the security of the West and to global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

The Defense Department's 1987 edition of *Soviet Military Power* states: The growing network of large phased-array radars, of which the Krasnoyarsk radar is a part, is of particular concern when linked with other Soviet ABM efforts. These radars take years to construct, and their existence could allow the Soviet Union to move quickly to deploy a nationwide ABM defense. The degree of redundancy being built into their Large Phased Array Radar network is not necessary for early warning. It is highly desirable, however, for ballistic missile defense. During the 1970s, the Soviets developed components that could be integrated into an ABM system that would allow them to construct individual ABM sites in months rather than years. . . . [There has been] development and testing of a mobile land-based ABM system or components. . . . The USSR probably has violated the [ABM] Treaty's prohibition on testing SAM components in an ABM mode. . . . The SAM-10 and SAM-X-12B GIANT systems may have the potential to intercept some types of strategic ballistic missiles. The Soviets also have begun deploying another important SAM system, the tactical SAM-12A GLADIATOR, and are flight-testing an even more capable, longer range, higher altitude complement, the SAM-X-12B GIANT. . . . The SAM-X-12B capability is a serious development because this system is expected to be deployed widely throughout the USSR. It could, if properly supported, add a measure of point-target defense coverage for a nationwide ABM deployment. . . . Both systems are expected to have widespread deployment. . . . By using such components along with the Large Phased Array Radars, the Soviets could strengthen the defenses of Moscow and defend targets in the western USSR and east of the Urals. . . . Taken together, all of their ABM related activities suggest that the Soviets may be preparing an ABM defense of their nation—precisely what the ABM Treaty was designed to prevent.

The CIA has recently declassified another key judgment from the President's sixth report to Congress on Soviet SALT violations: In totality, these [Soviet ABM] activities provide a strong basis for concern that the USSR might have an *integrated plan* for an ABM defense of its national territory, and might be working toward it. (emphasis added)

The unclassified Presidential Report states further that the Soviets are: Testing and developing components required for an ABM system that could be deployed to a site in months; concurrently operating air defense and ABM components; developing three modern air defense systems that may have some ABM capabilities; and demonstrating the ability to reload ABM launchers in a period of time shorter than previously noted.

According to authoritative, official, unclassified U.S. Intelligence estimates, the Moscow ABM system modernization and upgrade will be operational in 1987, as will the illegal Krasnoyarsk ABM Battle Management Radar. In fact, three more Pechora-Krasnoyarsk Class ABM Battle Management Radars have just recently been discovered, making a total of more than nine large ABM Battle Management Radars in the Pechora-Krasnoyarsk Class alone. These three new radars reportedly provide 360 degree triple coverage of the key western approaches to the USSR. Counting the Moscow and Hen House Class Radars, the Soviets now have thirty-one large ABM Battle Management Radars, over twice as many as the U.S. only planned in 1969, at the height of our Safeguard ABM system ambitions. These numerous large ABM Battle Management Radars already comprise a prohibited use for a nationwide ABM defense, because their coverage is overlaping and internetted and they are the long lead-time element for a nationwide ABM defense.

There has thus been a complete reversal of roles between the United States and the USSR since 1969 in ABM Battle Management Radars, are key long lead-time element of a nationwide ABM defense system.

ABM interceptor missiles and small ABM engagement radars are necessary and must be linked up with ABM Battle Management Radars in order to form a nationwide ABM system. Ideally, these components should be mobile, in order to enhance their survivability and increase their ability to extend defensive coverage to potential targets. The Soviets have four types of ABM and ABM-capable interceptor-radar systems, three of which are mobile, in mass production today. These are the SAM-5, SAM-10, SAM-12, and ABM-3 interceptor and engagement radar ABM-capable or ABM systems. Top Soviet officals have twice admitted that Soviet SAM systems have an inherent ABM capability. Moreover, reports that the mobile SAM-12 system has been deployed to defend the mobile SS-25 ICBM confirms that the SAM-12 is an ABM system. There are already over 2,500 ABM-capable SAM-5 interceptor-radar systems deployed around Moscow, around Krasnoyarsk, and nationwide, and the ABM-capable SAM-10 SAM-12 and ABM-3 systems are mobile. There are reportedly over .000 semimobile and mobile SAM-10s already deployed nationwide. Both the ABM-capable SAM-10 and SAM-12 mobile systems will be deployed nationwide by next year, 1987, and the SAM 10 is already being deployed around Moscow and around Krasnoyarsk. The SAM-12 will probably also be deployed around Moscow and around Krasnoyarsk. The ABM-3 will also be widely deployed around Moscow and probably nationwide and be operational in 1987. So the Soviets probably already have over 4,600 ABM-capable launchers; the U.S. has none.

The engagement radars for these four ABM systems are reportedly being calibrated and internetted with each other, and with both the large Pushkino and the Pechora-Krasnoyarsk Class ABM Battle Management Radars. In particular, the SAM-5 and the SAM-10 already deployed around Moscow are reportedly already calibrated and internetted with the Pushkino ABM radar, and also with the ABM-3 system. The

SAM-12 is also expected to be deployed both around Moscow, as well as around Krasnoyarsk, where there are already large numbers of SAM-5s. Thus the SAM-10 and SAM-12 being deployed around Moscow are being internetted with the SAM-5, which is already tied to the Pushkino ABM radar and the ABM-3 system. The ABM-3 mobile system is also expected to be deployed around the Krasnoyarsk ABM Battle Management Radar, joining the already deployed SAM-5 and SAM-10 and the expected SAM-12.

In sum, all four of these ABM and ABM-capable systems are being deployed around and internetted with the Moscow ABM, and this deployment and internetting will probably also occur around the Krasnoyarsk ABM Radar, all during 1987. These ABM deployments will connect the expanded and upgraded Moscow ABM system to the illegal Krasnoyarsk ABM system, making a nationwide Soviet ABM system. This system will be supported by thirty-one large ABM Battle Management Radars, including nine overlapping Pechora-Krasnoyarsk Class Radars. As the Defense and State Department's White Paper on Soviet strategic defense programs of October 1985 confirmed; The aggregate of current Soviet ABM and ABM-related activities suggests that the USSR may be preparing an ABM defense of its national territory—*precisely what the ABM Treaty was designed to prevent.* (emphasis added)

President Reagan stated on October 13, 1985, that "For some years now we have been aware that the Soviets have been developing a nationwide defense" in violation of the ABM Treaty. President Reagan understood the stakes involved in Soviet break out from the offensive and defensive constraints of SALT I and SALT II when he stated in June 1986: "We come to one of those unique crossroads of history where nations decide their fate. Our choices are clear." The failure of arms control is finally being recognized at the highest levels of the American government. The Soviets are indeed breaking out of SALT.

As long ago as May 1969, at the very beginning of the SALT negotiations, U.S. chief SALT negotiator Gerard Smith prophetically conceded that "If either side is striving for or appears to be striving for an effective counterforce first strike capability, then there is no hope for strategic arms control."

Most ominously, President Reagan stated on March 18, 1985, that: They [the Soviets] already outnumber us greatly in offensive weapons, and if they alone developed a defensive weapon before us, then they wouldn't have to worry about our deterrent—a retaliatory strike. *Then they could issue an ultimatum to the world.* (emphasis added)

We are today rapidly approaching the point where the Soviets will have not only a monopoly on offensive first strike capability, but a monopoly on nationwide ABM defenses as well. They could then issue their ultimatum and engage in nuclear blackmail.

And Defense Secretary Weinberger stated in November 1985 that the United States would have to add to its offensive forces in the event of Soviet ABM Treaty break out. We are already adding slightly to our offensive and defensive forces due to Soviet break out from the SALT I Interim Offensive Agreement and the SALT II Treaty. As the Joint Chiefs of Staff stated to Congress in July, 1986: "Taken as a whole, these violations—SS-25, encryption, and the Krasnoyarsk ABM radar—give the Soviets definite advantages."

CONCLUSION: DEATH OF ARMS CONTROL

In conclusion, it would be a grave concession undermining world peace, American security, and strategic stability for the United States to ever agree to extend our unilateral compliance with the ABM Treaty, especially after the start of Soviet ABM and offensive SALT break out. Instead, the United States should withdraw from the ABM Treaty itself, not only because of the Soviet nationwide ABM defense break out violations but also because of the fourteen-year failure of the SALT negotiating process to prevent a Soviet first strike offensive capability that jeopardizes American supreme national interests. The United States may succomb to nuclear blackmail by the Soviets if it were to agree to extend its compliance with the ABM Treaty, against its supreme national interests. As Secretary of State Shultz correctly stated on May 14, 1984: Arms control will simply not survive in conditions of inequality." And as Dr. Zbigniew Brzezinski, former President Carter's national security advisor, stated correctly in 1984: The time has come to lay to rest the expectation that arms control is the secret key to a more amicable American-Soviet relationship, or even to the enhancement of mutual security.

Defense Secretary Weinberger and other experts have stated that the United States is now in the precise situations the SALT process was supposed to prevent. The United States is vulnerable to a Soviet first strike, yet the ABM Treaty prevents it from deploying the same nationwide ABM defense that the Soviets are already deploying in violation of the ABM Treaty. There is thus really no useful arms control business left to contract with the Soviets, because their SALT negotiating duplicity and their treacherous SALT break out violations have enabled them to checkmate the United States strategically through arms control.

How does one negotiate with an adversary that is constantly striving to undermine strategic stability and the fundamental purposes of arms control? After all, military forces are only the reflection of political hostility. It is therefore futile to try to regulate or reduce military forces separately from their underlying political causes. But until we can convince Soviet leaders to abandon their Marxist-Leninist ideology, there can be no hope for arms control. Perhaps in recognition of this fact, President Reagan stated profoundly on March 8, 1983, that: The struggle now going on for the world will never be decided by bombs or rockets, by armies or military might. The real crisis we face today is a spiritual one; at root, it is a test of *moral will and faith.* (emphasis added)

Will America have the moral will and faith to recognize that the Soviets have killed arms control by their SALT break out violations, and that the only way to preserve international security is by unilateral means, enhanced deterrence? After all, the United States was far safer from the Soviet threat of nuclear war during the 1945-1963 Cold War period when America relied on its unilateral efforts for deterrence. The history of detente and SALT shows that the Cold War never ended for the Soviets. Thus the United States must finally abandon its futile quest for security through arms control. The United States must instead seek security by the old fashioned method—through unilateral offensive deterrent deployment programs, and through our own nationwide Strategic Defense Initiative. We must regain security by the old fashioned method—we must earn it. Perhaps this is what President Reagan meant when he said we are at a crossroads of history where we have the choice to decide our nation's fate.

The Soviets are indeed already engaging in nuclear blackmail. Dr. Eugene Rostow, former Director of the Arms Control and Disarmament Agency, suggested authoritatively and chillingly in the February 1987 issue of *Commentary* that Soviet nuclear blackmail is already being used openly: The Reykjavik summit can be compared to the Cuban missile crisis of 1962. . . . In both episodes, the Soviet Union sought to convert its nuclear power into a coercive political force. . . . At Reykjavik . . . Mikhail Gorbachev pressed hard for a final showdown. What he demanded . . . was Western recognition of the Soviet Union's nuclear first strike capacity, based on its formidable array of offensive nuclear weapons, coupled with a monopoly in defensive systems. . . . [T]he Iceland meeting [was] a stunning demonstration of the methods of Soviet aggression. . . . Gorbachev ambushed Ronald Reagan at Reykjavik. . . . Soviet foreign policy under Gorbachev has ceased to be patient. . . . Gorbachev wants answers now. Taught to believe that the correlation of military forces will determine the future of world politics, Gorbachev is demanding that the U.S. draw the obvious conclusion from the fact that the Soviet Union is a stronger military power than the U.S., and that its military strength is growing more rapidly than ours. . . . He knows that it [the USSR] is now on the verge of achieving overwhelming strength. . . . He is determined to utilize this military superiority. . . . . [There is] the "subliminal" political influence of such a first strike capacity already palpable both in Europe and in the U.S. . . . . Thus his violent rush to intimidate Reagan at Reykjavik. . . . *[I]s the West [under] the pressure of nuclear blackmail?* (emphasis added)

Winston Churchill warned gravely after World War II: "Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To abandon it now would be to abandon it forever."

Mr. SYMMS. In addition, Mr. President, I ask unanimous consent that my dear colleague letter also be printed in the RECORD, along with President Reagan's unclassified report to Congress on Soviet SALT violations of March 10, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 20, 1988.

DEAR COLLEAGUE: At 11:30 this morning the Senate will begin voting on five separate divisions to my amendment concerning Soviet cheating. Each division involves a separate area of Soviet arms control cheating, and each division would prohibit the INF Treaty from going into effect, but would not prevent ratification, until the Soviet Union ceased its cheating on prior agreements.

I am attaching a recent and very reliable poll which shows the overwhelming support of registered voters throughout the country for my proposal, even if it would risk killing or would kill the Treaty.

I remain deeply concerned that the Soviet Union will, after ratification of the Treaty, ignore the Treaty's provisions. The issue today is one of risk. I do not believe, given the Soviets history of non-compliance, this nation can continue to accept the inherent risk of further negotiations with the Soviet Union until the Soviets cease cheating on existing agreements and treaties with the United States.

To do less will only condone past cheating and invite further with its attendant damage to our national security.

Sincerely,

Steve Symms,
U.S. Senator.

SUMMARY OF YANKELOVICH POLL

1. Should the U.S. Senate require President Reagan to certify that the Soviet Union is adhering to all past arms control agreements before the INF Treaty can take effect?

Yes: 79 percent.
No: 16 percent.
Don't know: 5 percent.

2. Should the U.S. Senate require President Reagan to certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect even if it meant it would risk killing the INF Treaty?

Yes: 77 percent.
No: 19 percent.
Don't know: 4 percent.

3. Should the U.S. Senate require President Reagan to certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect even if it meant it would kill the INF Treaty?

Yes: 61 percent.
No: 30 percent.
Don't know: 9 percent.

STUDY BACKGROUND

The findings summarize the results of a national telephone survey among 1,004 registered voters completed under the direction of The Daniel Yankelovich Group, Inc.

Interviews were conducted between February 17 and 24, 1988, by professional interviewers working from two central, supervised locations. The typical interview required approximately 30 minutes to complete.

Respondents were chosen from among all households in the Continental United States on the basis of random probability sampling procedures which took into account unlisted telephone numbers. The sample was stratified according to census regions, states within census regions, and counties within states. Interviewers observed gender quotas so that 52% of the sample is comprised of women, and 48% is comprised of men. Each respondent was screened for his or her voting status, and only registered voters were included in the study.

The results have been sample balanced to reflect the proper age, sex, race and geographic region of all registered voters throughout the United States. Adjustment weights were applied to ensure comparable results with the first two ATS surveys. In theory, in 19 cases out of 20 the findings based upon such samples will differ by approximately 3 percentage points from what would have been obtained from interviewing all registered voters throughout the country. The possible error for subgroups is somewhat higher.

Two versions of the questionnaire were employed in this study. In both versions we asked the same six items in Question 10, but the actual order in which the questions were asked differed from one version to the other. The two versions were alternated across representative half-samples of voters.

A copy of the questionnaire, showing question wording and placement, is included in this report. The questionnaire copy also includes the results to each question along with trend data where available. The report also includes selected crosstabulations of the results by several political and social groups.

The White House,
Washington, DC, March 10, 1987.

Hon. George Bush,
President of the Senate,
Washington, DC.

Dear Mr. President: In response to congressional requests as set forth in Public Law 99-145, I am forwarding herewith classified and unclassified versions of the Administration's report to the Congress on Soviet Noncompliance with Arms Control Agreements.

Detailed classified briefings will be available to the Congress in the near future.

I believe the additional information provided, and issues addressed, especially in the more detailed classified report, will significantly increase understanding of Soviet violations and probable violations. Such understanding, and strong congressional consensus on the importance of compliance to achieving effective arms control, will do much to strengthen our efforts both in seeking corrective actions and in negotiations with the Soviet Union.

Sincerely,

Ronald Reagan.

THE PRESIDENT'S UNCLASSIFIED REPORT ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

At the request of the Congress, I have, in the past three years, provided four reports to the Congress on Soviet noncompliance with arms control agreements. These reports include the Administration's reports of January 1984, and February and December 1985, as well as the report on Soviet noncompliance prepared for me by the independent General Advisory Committee on Arms Control and Disarmament. Each of these reports has enumerated and documented, in detail, issues of Soviet noncompliance, their adverse effects to our national security, and our attempts to resolve the issues. When taken as a whole, this series of reports also provides a clear picture of the continuing pattern of Soviet violations and a basis for our continuing concerns.

In the December 23, 1985, report, I stated:

> The Administration's most recent studies support its conclusion that there is a pattern of Soviet noncompliance. As documented in this and previous reports, the Soviet Union has violated its legal obligation under, or political commitment to, the SALT I ABM Treaty and Interim Agreement, the SALT II Agreement, the Limited Test Ban Treaty of 1963, the Biological and Toxin Weapons Convention, the Geneva Protocol on Chemical Weapons, and the Helsinki Final Act. In addition, the USSR has likely violated provisions of the Threshold Test Ban Treaty.

I further stated:

> At the same time as the Administration has reported its concerns and findings to the Congress, the United States has had extensive exchanges with the Soviet Union on Soviet noncompliance in the Standing Consultative Commission (SCC), where SALT-related issues (including ABM issues) are discussed, and through other appropriate diplomatic channels.

I have also expressed my personal concerns directly to General Secretary Gorbachev during my meetings with him, both in 1985 in Geneva and then again this past October in Reykjavik.

Another year has passed and, despite these intensive efforts, the Soviet Union has failed to correct its noncompliant activities; neither have they provided explanations sufficient to alleviate our concerns on other compliance issues.

Compliance is a cornerstone of international law; states are to observe and comply with obligations they have freely undertaken. In fact, in December 1985, the General Assembly of the United Nations recognized the importance of treaty compliance for future arms control, when, by a vote of 131-0 (with 16 abstentions), it passed a resolution that:

> Urges all parties to arms limitation and disarmament agreements to comply with their provisions;
>
> Calls upon those parties to consider the implications of noncompliance for international security and stability and for the prospects for further progress in the field of disarmament; and
>
> Appeals to all UN members to support efforts to resolve noncompliance questions "with a view toward encouraging strict observance of the provisions subscribed to and maintaining or restoring the integrity of arms limitation or disarmament agreements."

Congress has repeatedly stated its concern about Soviet noncompliance. The U.S. Senate, on February 17, 1987, passed a resolution (S. Res. 94), by a vote of 93 to 2, which:

> . . . declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violations of existing agreements, and calls upon it to take steps to rectify its violation of such agreements and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile-Treaty . . .

Compliance with past arms control commitments is an essential prerequisite for future arms control agreements. As I have stated before:

> In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less.

I have also said that:

> Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. . . . The United States Government has vigorously pressed, and will continue to press, these compliance issues with the Soviet Union through diplomatic channels.

THE ABM TREATY

Today I must report that we have deep, continuing concerns about Soviet noncompliance with the ABM Treaty. For several reasons, we are concerned with the Krasnoyarsk radar, which appeared to be completed externally in 1986. The radar demonstrates that the Soviets were designing and programming a prospective violation of the ABM Treaty even while they were negotiating a new agreement on strategic offensive weapons with the United States.

The only permitted functions for a large, phased-array radar (LPAR) with a location and orientation such as that of the Krasnoyarsk radar's would be space-tracking and National Technical Means (NMT) of verification. Based on conclusive evidence, however, we judge that this radar is primarily designed for ballistic missile detection and tracking, not for space tracking and NTM as the Soviets claim. Moreover, the coverage of the Krasnoyarsk radar closes the remaining gap in the Soviet ballistic missile detection and tracking screen; its location allows it to acquire attack characterization data that could aid in planning the battle for Soviet defensive forces and deciding timely offensive responses—a standard role for such radars.

All LPARs, such as the Krasnoyarsk radar, have the inherent capability to track large numbers of objects accurately. Thus, they not only could perform as ballistic missile detection and tracking radars, but also have the inherent capability, depending on location and orientation, of contributing to ABM battle management.

LPARs have always been considered to be the long lead time elements of a possible territorial defense. Taken together, the Krasnoyarsk radar and other Soviet ABM-related activities give us concerns that the Soviet Union may be preparing an ABM defense of its national territory. Some of the activities, such as construction of the new LPARs on the periphery of the Soviet Union and the upgrade of the Moscow ABM system, appear to be consistent with the ABM Treaty. The construction of the radar near Krasnoyarsk, however, is a clear violation of the ABM Treaty, while other Soviet ABM-related activities involve potential or probable Soviet violations or other ambiguous activity. These other issues, discussed fully in the body of the report area:

The testing and development of components required for an ABM system that could be deployed to a site in months rather than years;

The concurrent operation of air defense components and ABM components;

The development of modern air defense systems, that may have some ABM capabilities; and

The demonstration of an ability to reload ABM launchers in a period of time shorter than previously noted.

Soviet activities during the past year have contributed to our concerns. The Soviets have begun construction of three additional LPARs similar to the Krasnoyarsk radar. These new radars are located and oriented consistent with the ABM Treaty's provision on ballistic missile early warning radars, but they would increase the number of Soviet LPARs by 50 percent. The redundancy in coverage provided by these new radars suggests that their primary mission is ballistic missile acquisition and tracking.

This year's reexamination of State ABM-related activities demonstrates that the Soviets have not corrected their outstanding violation, the Krasnoyarsk radar. It is the totality of these Soviet ABM-related activities in 1986 and earlier years which gives rise to our continuing concerns that the USSR may be preparing an ABM defense of its national territory. The ABM Treaty prohibits the deployment of an ABM system for the defense of the national territory of the parties and prohibits the parties from providing a base for such a defense. As I said in last December's report, this would have profound implications for the vital East-West balance. A unilateral Soviet territorial ABM capability acquired in violation of the ABM Treaty could erode our deterrent and leave doubts about its credibility.

CHEMICAL, BIOLOGICAL AND TOXIN WEAPONS

The integrity of the arms control process is also hurt by Soviet violations of the 1925 Geneva Protocol on Chemical Weapons and the 1982 Biological and Toxin Weapons Convention. Information obtained during the last year reinforces our concern about Soviet noncompliance with these important agreements. Progress toward an agreement banning chemical weapons is affected by Soviet noncompliance with the Biological and Toxin Weapons Convention. Because of the record of Soviet noncompliance with past agreements, we believe verification provisions are a matter of unprecedented importance in our efforts to rid the world of these heinous weapons—weapons of mass destruction under international law.

The Soviets have continued to maintain a prohibited offensive biological warfare capability. We are particularly concerned because it may include advanced biological agents about which we have little knowledge and against which we have no defense.

The Soviets continue to expand their chemical and toxin warfare capabilities. Neither NATO retaliatory nor defensive programs can begin to match the Soviet effort. Even though there have been no confirmed reports of lethal attacks since the beginning of 1984, previous activities have provided the Soviets with valuable testing, development, and operational experience.

NUCLEAR TESTING

The record of Soviet noncompliance with the treaties on nuclear testing is of legal and military concern. Since the Limited Test Ban Treaty (LTBT) came into force over twenty years ago, the Soviet Union has conducted its nuclear weapons test program in a manner incompatible with the aims of the Treaty by regularly permitting the release of nuclear debris into the atmosphere beyond the borders of the USSR. Even though the debris from these Soviet tests does not pose calculable health, safety or environmental risks, and these infractions have no apparent military significance, our repeated attempts to discuss these occurrences with Soviet authorities have been continually rebuffed. Soviet refusal to discuss this matter calls into question their sincerity on the whole range of arms control agreements.

During their test moratorium, the Soviets undoubtedly maintained their sites because they quickly conducted a test soon after announcing intent to do so. Furthermore, there were numerous ambiguous events during this period that can neither be associated with, nor disassociated from, observed Soviet nuclear test-related activities.

Soviet testing at yields above the 150 kt limit would allow development of advanced nuclear weapons with proportionately higher yields of weapons than the U.S. could develop under the Treaty.

The United States and the Soviet Union have met on four occasions during the past year for expert-level discussions on the broad range of issues related to nuclear testing. Our objective during these discussions consistently has been to achieve agreement on an effective verification regime for the TTBT and PNET. I remain hopeful that we can accomplish this goal.

THE HELSINKI FINAL ACT

In 1981 the Soviet Union conducted a major military exercise without providing prior notification of the maneuver's designation and the number of troops taking part, contrary to its political commitment to observe provisions of Basket I of the Helsinki Final Act.

During the past year, we have reached an accord at the Stockholm Conference on Confidence- and Security-Building Measures that contains new standards for notification, observation, and verification of military activities, including on-site inspection. We will be carefully assessing Soviet compliance with these new standards, which went into effect January 1, 1987.

RECENT DEVELOPMENTS

At the end of 1986 and during the early weeks of 1987, new information pertaining to some of the issues in this report became available, but it was judged that the data did not necessitate a change in any of the findings. This was partially due to the developing nature of the information at the time and certain ambiguities associated with it. Furthermore, the Soviet Union resumed underground nuclear testing on February 26, 1987.

SALT II AND THE SALT I INTERIM AGREEMENT

The Soviet Union repeatedly violated the SALT II Treaty and took other actions that were inconsistent with the Treaty's provisions. In no case where we determined that the Soviet Union was in violation did they take corrective action. We have raised these issues for the past three years in the SCC and in other diplomatic channels.

The Soviets committed four violations of their political commitment to observe SALT II; they were:

The development and deployment of the SS-25 missile, a prohibited second new type of Intercontinental Ballistic Missile (ICBM);

Extensive encryption of telemetry during test flights of strategic ballistic missiles;

Concealment of the association between a missile and its launcher during testing; and

Exceeding the permitted number of strategic nuclear delivery vehicles (SNDVs).

In addition, the Soviets:

Probably violated the prohibition on deploying the SS-16 ICBM;

Took actions inconsistent with their political commitment not to give the BACKFIRE bomber intercontinental operating capability by deploying it to Arctic bases; and

Evidently exceeded the agreed production quota by producing slightly more than the allowed 30 BACKFIRE bombers per year until 1984.

Concerning the SALT I Interim Agreement, the Soviets used former SS-7 ICBM facilities to support deployment of the SS-25 mobile ICBM, and thereby violated the prohibition on the use of former ICBM facilities.

SOVIET NONCOMPLIANCE AND U.S. RESTRAINT POLICY

On June 10, 1985, I expressed concern that continued Soviet noncompliance increasingly affected our national security. I offered to give the Soviet Union additional time in order to take corrective actions to return to full compliance, and I asked them to join us in a policy of truly mutual restraint. At the same time, I stated that future U.S. decisions would be determined on a case-by-case basis in light of Soviet behavior in exercising restraint comparable to our own, correcting their noncompliance, reversing their military buildup, and seriously pursuing equitable and verifiable arms reduction agreements.

The December 23, 1985, report showed that the Soviets had not taken any actions to correct their noncompliance with arms control commitments. In May 1986, I concluded that the Soviets had made no real progress toward meeting our concerns with respect to their noncompliance, particularly in those activities related to SALT II and the ABM Treaty. From June 1985 until May 1986, we saw no abatement of the Soviet strategic force buildup.

The third yardstick I had established for judging Soviet actions was their seriousness at negotiating deep arms reductions. In May 1986 I concluded that, since the November 1985 summit, the Soviets had not followed up constructively on the commitment undertaken by General Secretary Gorbachev and me to build upon areas of common ground in the Geneva negotiations, including accelerating work toward an interim agreement on INF.

In Reykjavik, General Secretary Gorbachev and I narrowed substantially the differences between our two countries on nuclear arms control issues. However, the Soviets took a major step backward by insisting that progress in every area of nuclear arms control must be linked together in a single package that has as its focus killing the U.S. Strategic Defense Initiative (SDI). Furthermore, it became clear that the Soviets intended to make the ABM Treaty more restrictive than it is on its own terms by limiting our SDI research strictly to the laboratory.

It was, however, the continuing pattern of noncompliant Soviet behavior that I have outlined above that was the primary reason why I decided, on May 27, 1986, to end U.S. observance of the provisions of the SALT I Interim Agreement and SALT II. The decision to end the U.S. policy of observing the provisions of the Interim Agreement (which had expired) and the SALT II Treaty (which was never ratified and would have expired on December 31, 1985) was not made lightly. The United States cannot, and will not, allow a double standard of compliance with arms control agreements to be established.

Therefore, on May 27, 1986, I announced:

In the future, the United States must base decisions regarding its strategic force structure on the nature and magnitude of the threat posed by the Soviet strategic forces and not on standards contained in the SALT structure which has been undermined by Soviet noncompliance and especially in a flawed SALT II Treaty which was never ratified, would have expired if it had been ratified, and has been violated by the Soviet Union.

Responding to a Soviet request, the U.S. agreed to hold a special session on the SCC in July 1986 to discuss my decision. During that session, the U.S. made it clear that we would continue to demonstrate the utmost restraint. At this session we stated that, assuming there is no significant change in the threat we face, the United States would not deploy more strategic nuclear delivery vehicles or more strategic ballistic missile warheads than does the Soviet Union. We also repeated my May 27 invitation to the Soviet Union to join the U.S. in establishing an interim framework of truly mutual restraint pending conclusion of a verifiable agreement on deep and equitable reductions in offensive nuclear arms. The Soviet response was negative.

In my May 27 announcement, I had said the United States would remain in technical observance of SALT II until later in the year when we would deploy our 131st Heavy Bomber equipped to carry air-launched cruise missiles. The deployment of that bomber on November 28, 1986, marked the full implementation of that policy.

Now that we have put the Interim Agreement and the SALT II Treaty behind us, Soviet activities with respect to those agreements, which have been studied and reported to the Congress in detail in the past, are not treated in the body of this report. This is not to suggest that the significance of the Soviet violations has in any way diminished. We are still concerned about the increasing Soviet military threat.

A number of activities involving SALT II constituted violations of the core or central provisions of the Treaty frequently cited by the proponents of SALT II as the primary reason for supporting the agreement. These violations involve both the substantive provisions and the vital verification provisions of the treaty. Through violation of the SALT II limit of the one "new type" of ICBM, the Soviets are in the process of deploying illegal additions to their force that provide even more strategic capability.

Soviet encryption and concealment activities have, in the past, presented special obstacles to verifying compliance with arms control agreements. The Soviets' extensive encryption of ballistic missile telemetry impeded U.S. ability to verify key provisions of the SALT II Treaty. Of equal importance, these Soviet activities undermine the political confidence necessary for concluding new treaties and underscore the necessity that any new agreement be effectively verifiable.

SOVIET NONCOMPLIANCE AND NEW ARMS CONTROL AGREEMENTS

Soviet noncompliance, as documented in this and previous Administration reports, has made verification and compliance pacing elements of arms control today. From the beginning of my Administration, I have sought deep and equitable reductions in the nuclear offensive arsenals of the United States and the Soviet Union and have personally proposed ways to achieve the objectives in my meetings with General Secretary Gorbachev. If we are to enter agreements of this magnitude and significance, effective verification is indispensable and cheating is simply not acceptable.

I look forward to continued close consultations with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements.

The findings on Soviet noncompliance with arms control agreements follow.

THE FINDINGS

Anti-Ballistic Missile (ABM) Treaty

Treaty Status

The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

1. The Krasnoyarsk Radar

Obligation: To preclude the development of a territorial defense or providing the base for a territorial ABM defense, the ABM Treaty provides that radars for early warning of ballistic missile attack may be deployed only at locations along the periphery of the national territory of each party and that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

Issue: The December 1985 report examined the issue of whether the Krasnoyarsk radar meets the provisions of the ABM Treaty governing phased-array radars. We have reexamined this issue.

Finding: The U.S. Government reaffirms the conclusion in the December 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction and the absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

2. Mobility of ABM System Components

Obligation: Paragraph 1 of Article V of the ABM Traety prohibits the development, testing or deployment of mobile land-based ABM systems or components.

Issue: The December 1985 report examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1985 report that the evidence of Soviet actions with respect to ABM component mobility is ambiguous, but that the USSR's development and testing of components of an ABM systm, which apparently are designed to be deployable at sites requiring relatively limited special-purpose site preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

3. Concurrent Testing of ABM and Air Defense Components

Obligation: The ABM Treaty and its Protocol limit the Parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the Parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the Parties from testing them in "an ABM mode." The Parties agreed that the concurrent testing of SAM and ABM system components is prohibited.

Issue: The December 1985 compliance report examined whether the Soviet Union has concurrently tested SAM and ABM system components in violation of its legal obligation since 1978 not to do so. It was the purpose of that obligation to further constrain testing of air defense systems in an ABM mode. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty. However, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other ABM-related activities suggest the USSR may be preparing an ABM defense of its national territory.

4. ABM Capability of Modern SAM Systems

Obligation: Under subparagraph (a) of Article VI of the ABM Treaty, each party undertakes not to give non-ABM interceptor missiles, launchers or radars "capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode. . . ."

Issue: The December 1985 report examined whether the Soviet Union has tested a SAM system or component in an ABM mode or given it the capability to counter strategic ballistic missiles or their elements in flight trajectory in violation of their legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that the evidence of Soviet actions with respect to SAM upgrade is insufficient to assess compliance with the Soviet Union's obligations under the ABM Treaty. However, this and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

5. Rapid Reload of ABM Launchers

Obligation: The ABM Treaty limits to 100 the number of deployed ABM interceptor launchers and deployed interceptor missiles. It does not limit the number of interceptor missiles that can be built and stockpiled. Paragraph 2, Article V of the Treaty prohibits the development, testing or deployment of "automatic or semi-automatic or other similar systems for rapid reload" of the permitted launchers.

Issue: The December 1985 report examined whether the Soviet Union has developed, tested or deployed automatic, semiautomatic, or other similar systems for rapid reload of ABM launchers in violation of its legal obligation under the ABM Treaty. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that, on the basis of the evidence available, the USSR's actions with respect to the rapid reload of ABM launchers constitute an ambiguous situation as concerns its legal obligations under the ABM Treaty not to develop systems for rapid reload. The Soviet Union's reload capabilities are a serious concern. These and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

6. ABM Territorial Defense

Obligation: The ABM Treaty and Protocol allow each party a single operational site, explicitly permit modernization and replacement of ABM systems or their components, and explicitly recognize the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

Issue: The December 1985 report examined whether the Soviets have deployed an ABM system for the defense of their territory or provided a base for such a defense. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment of the December 1985 report that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload and ABM mobility) suggests that the USSR may be preparing an ABM defense of its national territory. Our concern continues.

Biological Weapons Convention and 1925 Geneva Protocol

Chemical, Biological, and Toxin Weapons

Treaty Status: The 1972 Biological and Toxin Weapons Convention (BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the United States and the Soviet Union are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

Obligations: The BWC bans the development, production, stockpiling or possession, and transfer of microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It imposes the same obligation in relation to weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices and prohibits use of bacteriological methods of warfare.

Issues: The December 1985 report examined whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons and whether they have been responsible for the use of lethal chemicals. We have reexamined this issue.

Finding: The U.S. Government judges that continued activity during 1986 at suspect biological and toxin weapon facilities in the Soviet Union, and reports that a Soviet BW program may now include investigation of new classes of BW agents, confirm the conclusion of the December 1985 report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972.

There have been no confirmed attacks with lethal chemicals or toxins in Kampuchea, Laos, or Afghanistan in 1986 according to our strict standards of evidence. Although several analytical efforts have been undertaken in the past year to investigate continuing reports of attacks, these studies have so far had no positive results. Therefore, there is no basis for amending the December 1985 conclusion that, prior to this time, the Soviet Union has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuahea, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and, the Biological and Toxin Weapons Convention of 1972.

Threshold Test Ban Treaty

Nuclear Testing and the 150 Kiloton Limit

Treaty Status: The Threshold Test Ban Treaty (TTBT) was signed in 1974. The Treaty has not been ratified by either Party but neither Party has indicated an intention not to ratify. Therefore, both Parties are subject to the obligation under customary international law to refrain from acts that would defeat the object and purpose of the TTBT. Actions that would defeat the object and purpose of the TTBT are therefore violations of legal obligations. The United States is seeking to negotiate improved verification measures for the Treaty. Both Parties have separately stated they would observe the 150 kiloton threshold of the TTBT.

Obligation: The Treaty prohibits, beginning March 31, 1976, any underground nucler weapon tests having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties. In view of the technical uncertainties associated with estimating the precise yield of nuclear weapon tests, the sides agreed that one or two slight, unintended breaches per year would not be considered a violation.

Issue: The December 1985 report examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons. We have reexamined this issue.

Finding: During the past year, the U.S. Government has been reviewing Soviet nuclear weapons test activity that occurred prior to the self-imposed moratorium of August 6, 1985, and has been reviewing related U.S. Government methodologies for estimating Soviet nuclear test yields. The work is continuing. In December 1985, the U.S. Government found that: "Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty." At present, with our existing knowledge of this complex topic, that finding stands. It will be updated when studies now under way are completed. Such studies should provide a somewhat improved basis for assessing past Soviet compliance. Ambiguities in the nature and features of past Soviet testing and significant verification difficulties will continue, and much work remains to be done on this technically difficult issue. Such ambiguities demonstrate the need for effective verification measures to correct the verification inadequacies of the Threshold Test Ban Treaty and its companion accord, the Peaceful Nuclear Explosions Treaty.

Limited Test Ban Treaty

Underground Nuclear Test Venting

Treaty Status: The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty) (LTBT)) is a multilateral treaty that entered into force for the United States and the Soviet Union in 1963. Soviet actions not in accord with this treaty are violations of a legal obligation.

Obligations: The LTBT specifically prohibits nuclear explosions in the atmosphere, in outer space and under water. It also prohibits nuclear explosions in any other environment "if such explosions cause radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted."

Issue: The December 1985 report examined whether the USSR's underground nuclear tests have caused radioactive debris to be present outside of its territorial limits. We have reexamined this issue.

Finding: The U.S. Government reaffirms the judgment made in the December 1985 report that the Soviet Union's underground nuclear test practices resulted in the venting of radioactive matter on numerous occasions and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation under the Limited Test Ban Treaty. The Soviet Union failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous U.S. demarches and requests for corrective action.

Helsinki Final Act

Helsinki Final Act Notification of Military Exercises

Legal Status: The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with 33 other States. Soviet actions not in accord with that document are violations of their political commitment.

Obligation: All signatory States of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military maneuvers, defined as those involving more than 25,000 troops.

Issue: The December 1985 report examined whether notification of the Soviet military exercise "ZAPAD-81" was inadequate and therefore a violation of the Soviet Union's political commitment under the Helsinki Final Act. We have reexamined this issue.

Finding: The U.S. Government previously judged and continues to find that the Soviet Union in 1981 violated its political commitment to observe provisions of Basket I of the Helsinki Final Act by not providing all the information required in its notification of exercise "ZAPAD-81." Since 1981, the Soviets have observed provisions of the Helsinki Final Act in letter, but rarely in spirit. The Soviet Union has a very restrictive interpretation of its obligations under the Helsinki Final Act, and Soviet implementation of voluntary confidence-building measures has been the exception rather than the rule. The Soviets have notified all exercises requiring notification (i.e., those of 25,000 troops or over), but have failed to make voluntary notifications (i.e., those numbering fewer than 25,000 troops). In their notifications, they have provided only the bare minimum of information. They have also observed only minimally the voluntary provision providing that observers be invited to exercises, having invited observers to only fifty percent of notified activities.

Mr. SYMMS. Mr. President, I yield 1 minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me begin by saying that I think it is a sad time in this Senate when people who care about our security are accused with not caring about it.

The Senator from Indiana has no corner on the concerns of security. There are different views, and they are legitimate. This is a process the Constitution assigned to the Senate.

I ask anybody here what it is that would make the Soviet Union more serious about this treaty than any that has preceded if they are in violation of it?

The Senate Armed Services Committee, according to Senator WARNER, is calling on the administration to report on all violations in a more comprehensive way.

That is the way to do nothing about violations. That is just a way to say that I care about them.

Interestingly enough, the principal violation of the treaty which preceded this, the SALT II Treaty, is enshrined in this treaty.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. SYMMS. How much time remains?

The PRESIDING OFFICER. Thirty-eight seconds.

Mr. SYMMS. I yield the remaining time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, as I said, the Senator from Indiana said we would pursue these violations in the Standing Consultative Commission, which is a committee of two that never has a majority in it. So our purpose is only to discuss real concerns. Some of us do not believe that this is in the national security interests of the United States and that is not a violation of our oath of office; it is a fulfillment of office. The Senate is an arena in which the people are entitled to disagree without being accused of a lack of concern about our security.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I move to table Division I of the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield the floor?

Mr. SYMMS. I ask unanimous consent to proceed for 1 minute to make an inquiry of the majority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SYMMS. I just wanted to make an inquiry of the majority leader. There have been accusations, I would say, that somehow this Senator is being dilatory by having this amendment divided when the issue clearly is whether or not you want to get compliance. Now, if it would be agreeable to the majority leader and to the Senate, I ask unanimous consent that the amendment stay divided but that one vote cast would be spread upon the RECORD as five votes recorded but there be one vote cast, if that would please the majority leader.

Mr. BYRD. I would have no objection. That would save almost an hour of the Senate's time.

Mr. SYMMS. I so ask unanimous consent that the five votes be recorded as though each were cast but one vote cast will be recorded in each of the five instances.

The PRESIDING OFFICER. Is there objection? Is there objection?

Mr. BYRD. Mr. President, I would object to that. If we are going to have one vote, let it count as one vote in this instance.

Mr. SYMMS. I say to the majority leader, certainly the leader can call the shot but I know we have used this procedure on treaties.

Mr. BYRD. On treaties we do, that is true, at times. We usually give adequate notice when we do that so absent Senators are on notice that they are going to miss five votes. I object. Let us have one vote on the five. I have no problem with that. Let us save 40 minutes of the Senate's time on five votes.

The PRESIDING OFFICER. The Senator objects. The yeas and nays have been ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent I may have 1 minute to address a question to the Senator from Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I would simply like to ask the position of the White House on the five amendments, or the one amendment. Is it opposed to the amendment?

Mr. LUGAR. The White House is opposed to these amendments.

Mr. CRANSTON. I thank the Senator very much.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to table division I of the amendment.

Mr. BYRD. Mr. President, will the Chair state what the situation is as to whether or not there will be five votes in one?

The PRESIDING OFFICER. Objection having been heard to the unanimous-consent request that was made by the Senator from Idaho, the yeas and nays as ordered by the Senator from Indiana with a sufficient second were on the first division of the amendment as offered by the Senator from Idaho, a motion to table the first division of the amendment offered by the Senator from Idaho.

Mr. BYRD. So there will indeed be five votes then?

The PRESIDING OFFICER. At this time what has been ordered is the yeas and nays on the motion to table the first division of the amendment of the Senator from Idaho.

Mr. BYRD. Mr. President, I would have no objection to making it one vote on all five but not counting as five votes if that would be agreeable.

Mr. SYMMS. There are objections from this side of the aisle on that, I say to the leader. I would be happy to have one vote, have it listed in the Record as five votes. I know that has happened to this Senator when I have been absent before so I am aware it is done.

The PRESIDING OFFICER. The question is on the motion to table division I of the amendment of the Senator from Idaho. The yeas and nays haing been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Vermont [Mr. Leahy] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'Amato] and the Senator from Vermont [Mr. Stafford] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 11, as follows:

[Rollcall Vote No. 146 Ex.]

YEAS—85

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—11

Gramm
Hecht
Helms
Hollings
Humphrey
McClure
Nickles
Pressler
Shelby
Symms
Wallop

NOT VOTING—4

Biden
D'Amato
Leahy
Stafford

So the motion to lay on the table division I of amendment No. 2108 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, may I inquire would the Senator be prepared to vitiate the rollcall votes on the final four sections?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, so all Senators know, I asked before this vote for unanimous consent that one vote count as five votes, and there was an objection raised to that.

There will be objections raised from this side, and I have already been told by Senators they will object if we ask to vitiate five votes.

If the Senator wants to cast one more vote and have it count as four votes, this Senator has no objection as long as it is spread on the Record as four.

I renew that request. I ask unanimous consent that the next vote on the Lugar tabling motion will be spread on the Record as four votes on the following four subsections and one vote count as four.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I would hope he would renew that request after this vote.

I know of at least maybe two Senators who are stuck in the rain in traffic. If they did not get here in time they would miss four votes.

I temporarily object.

The PRESIDING OFFICER. Objection is heard.

Mr. LUGAR. Mr. President, I move to table division II and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table division II of the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Vermont [Mr. Leahy] is necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. Stafford] is necessarily absent.

The PRESIDING OFFICER (Mr. Shelby). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 147 Ex.]

YEAS—87

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—10

Gramm
Hecht
Helms
Hollings
Humphrey
Nickles
Pressler
Shelby
Symms
Wallop

NOT VOTING—3

Biden
Leahy
Stafford

So the motion to lay on the table division II of amendment No. 2108 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS addressed the Chair.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order. The Senate will be in order.

Mr. SYMMS. Mr. President, I ask unanimous consent that the Lugar tabling motion on subsection (c) be also spread upon the Record as a vote on subsection (d) and subsection (e), so that the next vote would count as three votes and would be spread upon the Record individually.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, and I shall not object, but I do want the Record to reflect at this point that my vote on each of those three would not be identical. I do not object to having it shown that way, but I do want it understood that I would have voted in a different fashion on two of the three subdivisions.

Mr. BYRD. Mr. President, then I object to the request, if that is the situation.

The PRESIDING OFFICER. Objection is heard.

VOTE ON DIVISION III OF AMENDMENT NO. 2108

Mr. LUGAR. Mr. President, I move to table subsection (c) and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table of the Senator from Indiana [Mr. LUGAR]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Vermont [Mr. LEAHY] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 11, as follows:

[Rollcall Vote No. 148 Ex.]

YEAS—86

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—11

Garn
Gramm
Hatch
Hecht
Helms
Hollings
Humphrey
Nickles
Shelby
Symms
Wallop

NOT VOTING—3

Biden
Leahy
Stafford

So the motion to table division III of amendment No. 2108 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON DIVISION IV OF AMENDMENT NO. 2108

The PRESIDING OFFICER. The question now occurs on division IV of the Symms amendment.

Mr. LUGAR. Mr. President, I move to table division IV and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table of the Senator from Indiana [Mr. LUGAR].

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Vermont [Mr. LEAHY] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—82 yeas, 15 nays, as follows:

[Rollcall Vote No. 149 Ex.]

YEAS—82

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—15

Garn
Gramm
Hatch
Hecht
Helms
Hollings
Humphrey
McCain
McClure
Murkowski
Nickles
Pressler
Shelby
Symms
Wallop

NOT VOTING—3

Biden
Leahy
Stafford

So the motion to lay on the table division IV of amendment No. 2108 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON DIVISION V OF AMENDMENT NO. 2108

Mr. LUGAR. Mr. President, I move to table division V and ask for the yeas and nays.

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 20 seconds.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, this is the last vote in the series of five votes, but not necessarily the last vote today. I wonder if there is any Senator who has an amendment that he plans to call up immediately?

The PRESIDING OFFICER. The Senate will be in order. The majority leader.

Mr. BYRD. Is there another amendment that will be called up to the treaty?

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. I yield to the distinguished Republican leader.

Mr. DOLE. I am advised the Senator from New Hampshire [Mr. HUMPHREY] will have an amendment.

Mr. BYRD. Very well. I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Vermont [Mr. LEAHY] is necessary absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 150 Ex.]

YEAS—89

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—8

Gramm Hollings Shelby
Hecht Humphrey Symms
Helms Nickles

NOT VOTING—3

Biden Leahy Stafford

So the motion to lay on the table division V of amendment No. 2108 was agreed to.

Mr. LUGAR. I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, does that take care of the five votes?

The PRESIDING OFFICER. It does.

Mr. DOLE. I hope that we could now move to the resolution of ratification. The majority leader is not on the floor but he will be here shortly. Again I would say that if there are any amendments to be offered to the text, I hope they would be offered quickly and we can dispose of them. I have had some inidication, "Well, we are going to go out; we will not vote until Monday."

There is another day lost. We are getting into next week. The President leaves Wednesday morning. I assume we have a couple days beyond that, but I know there are other items the majority leader wants to dispose of next week. So again, if there are any—the reason I am speaking, I assume they are on this side of the aisle—if there are any amendments to the treaty itself, I hope that we can be apprised of that and there will not be any delay; they will be offered; debated and voted on this afternoon so we can go on to the resolution of ratification. There are still about a dozen major issues that have to be debated on the resolution of ratification. If anyone does not want the treaty ratification to occur next week, that is their right.

We ought to know it right up front and not take one issue every day, as we are today and as we did yesterday and the day before.

So I certainly encourage any Republican colleagues to come to the floor with amendments, and we can move on.

I ask the chairman: So far as I know, there are no amendments on his side.

Mr. PELL. As far as I know, there are no amendments on this side.

When the time comes, do we move to the question about moving on to the resolution of ratification, or is it automatic?

Mr. DOLE. We cannot do it, but we can file cloture. I have a cloture motion ready to file today. I will first want to discuss that with the majority leader.

I do not really believe we will get on the resolution of ratification until sometime next week. That well leave a couple of days for 20 Senators to participate in major amendments. The amendment we just had was a serious amendment. Nobody quarrels with that. Now the slate is clean, and we are ready for another one. If there is one, we should be debating it, and we ought to vote within a reasonable time this afternoon.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, as I understand it, Senator HUMPHREY is on his way to the floor to offer an amendment, and while that is occurring, let me make a few comments.

Within an hour after this treaty became the pending business before the Senate, earlier this week—and, by the way, we have not been on it 3 full days yet—I began hearing mutterings and declarations about dilatory tactics, killer amendments, and that sort of thing.

I did not set the President's schedule, and I hope, frankly, that something can be worked out. I do not know whether it can be or not. But he decided on the date, and the leadership of the Senate decided when we would take up this treaty, which has been on the calendar a while.

So, as Senator WALLOP said, I hope there will not be an inclination to disparage those who are trying to make as certain as possible that there will be at least some consideration of this treaty.

I say again what I said earlier this morning—that there is a vast lack of knowledge about the contents of this treaty, but the American people are catching on, according to polls I have seen.

As I told a distinguished friend of mine awhile ago, who was encouraging the accelerating process: "What would you do if you genuinely thought this treaty was bad for this country and bad in terms of the preservation of freedom? What would you consider to be your responsibility under the Constitution?"

That is the way I feel about it. But I have heard over and over again that amendments are dilatory, killer amendments. What is a killer amendment? I wish somebody would define it.

Generally speaking, dating back to my experience in opposition to the Panama Canal giveway treaties, a killer amendment back then was one that would have improved the Panama Canal Treaty or hopefully killed it.

I will say one thing: The cause of freedom in this hemisphere would be a lot better off if we had not ratified those treaties, the Panama Canal giveaway.

A lot of Senators who voted for that treaty in a rush and climbed on the bandwagon of that time had to meet their electorate in the next election, and they are no longer here. I can pinpoint the names. I think there were 23 of them who voted for the treaty, which was declared to be perfect, who were subsequently defeated at the polls. On the other hand, only two who opposed the treaty were defeated at the polls.

I remember President Carter saying: "If we just give away the Panama Canal"—I am paraphrasing him at this point—"if we will just approve these treaties, peace will come to Central America, and tranquility, and America will be able to have friends."

Well, look at it, Mr. President. Anybody who believes that today has lost his mind. Even 10 years ago I figured those who believed it had a little bit of faulty judgment.

A killer amendment, to me, is a code word around this place to persuade Senators that they had better not vote for a given amendment because, one, they might not be able to go home on Friday afternoon or, two, they might offend somebody downtown, or things of that sort.

I hope that at some point, some Senators who are making such delarations would just haul out the Constitution of the United States and examine it in terms of the responsibility of the U.S. Senate and each of the 100 Senators today, with respect to treaties.

Senator BYRD, the distinguished majority leader, appeared before the Foreign Relations Committee during the hearings on this INF Treaty. Senators ought to go back and read what the Senator from West Virginia said at that time in terms of the responsibility of each Senator with respect to the ratification of treaties or the failure to ratify, as the case may be.

It is true I am going to object to rolling this thing along certainly until Senator HUMPHREY and any other Senators who have amendments in preparation have their opportunity to offer them.

But I hope we will stop this characterization of Senators as being dilatory or offering killer amendments. There is some principle on both sides and it needs to be respected. There is something to this business of comity in the Senate.

I say again that we have not yet been on this treaty 3 days, and it took 70 days to complete the giveaway of the Panama Canal.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have just filed at the desk five amendments—four to the text of the memorandum of understanding and one to the protocol on inspection. These, I am quite confident, will not be controversial. In fact, they are based upon the State Department corrigendum of January 15, 1988, which indicates that the amendments will be incorporated in an exchange of notes with the Soviet Union, thereby securing the agreement of the Soviet Union to the amendments.

The amendments involve clear errors in the text now before the Senate, principally with regard to numbers of American missiles and American missile launchers, as well as to the geographic location of the Longhorn Army missile facility, which is in Texas, but which the State Department provided to the Soviets in the wrong place in Texas. In other words, they have the right State, but the wrong place, in their haste. That covers four of them.

The fifth amendment at the desk involves an incorrect legal reference in the protocol on inspection. Unless this correction is made, the provision in the protocol is absolutely meaningless.

In other words, Mr. President, these are substantive amendments in that they correct significant errors of fact. Since the note correcting them is not before the Senate, the only lawful way for these corrections to be achieved is by amendment. Otherwise, the Senate will be in the position of, for example, granting approval to a treaty text known by us to be incorrect.

Let me emphasize, Mr. President, that these amendments are based entirely on the State Department's corrections—the so-called Corrigendum—published by the State Department, but not transmitted to the Senate by the President. These are not my corrections, but the State Departments corrections of their sloppy work. Our job is to get them legally into the text.

I now understand that there may be as many as 50 other factual errors in the document before the Senate and that the State Department intends to resolve quietly those textual problems by an exchange of notes. I do not think the Senate ought to operate that way. I think we ought to correct the mistakes that we know to exist and be done with them.

I, therefore, ask the distinguished chairman of the Foreign Relations Committee, other managers of the bill and the leadership that I would like to know when the note will be exchanged so that we might have that as a matter of record.

There are some who are going to say, "Oh, this is just a minor point." It is not minor. None of these is a minor point, and it is not going away if we ignore it. In fact, it will be just another example of the desire by some to push this treaty through.

There are approximately, according to my information, about 50 factually incorrect terms in the document that we will be approving unless we set about the business of correcting them.

Back on May 4, Mr. President, I wrote an identical letter to the distinguished majority leader and the distinguished minority leader. The text of the letter is the same for each.

After the managers of the bill have had an opportunity to look at these amendments, I will call them up. It will be fine with me to consider them en bloc, by voice vote.

In the meantime, Mr. President, I ask unanimous consent that at this point, the text of my May 4 letter to Senator BYRD be printed in the RECORD with the understanding that it is identical to the letter that I sent to Senator DOLE, the minority leader, on May 4.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, May 4, 1988.

Hon. ROBERT BYRD,
The Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: I have today been advised that as of January 15, 1988, the Executive Branch by diplomatic note was seeking agreement with representatives of the Union of Soviet Socialist Republics to the adoption of four amendments to the Memorandum of Understanding and one amendment to the Protocol regarding Inspections to the proposed Treaty Concerning Intermediate-range Nuclear Forces. These amendments were *not* incorporated in the January 25, 1988, message to the Senate from the President transmitting the proposed Treaty, its Protocols, and its Memorandum of Understanding.

Since the Memorandum of Understanding and the Protocol regarding Inspections are expressly made an integral part of the Treaty, the five agreed amendments will necessarily require Senate approval prior to any action consenting to the ratification of the Treaty. Otherwise, the Senate would be giving its consent to an incorrect text.

The five amendments made subsequent to the December 8, 1987 signing of the Treaty appear on initial analysis to be purely technical in nature. Accordingly, it would seem appropriate for the Senate leadership to offer the amendments to correct the apparent defects. By similar letter, I am making the same suggestion to the Minority Leader in the hope that five joint leadership amendments could be propounded early during any debate of the proposed Treaty in order to clear up this particular procedural and legal problem which the Administration has failed to address publically.

I have taken the liberty of enclosing for your consideration the five needed amendments. Obviously, I would have no objection to the four amendments to the Memorandum of Understanding being considered en bloc should there be propounded a unanimous consent request to that effect. With the requirement for Article-by-Article consideration no longer in the Senate Rules, there four amendments and the amendment to the Protocol would be in order in Executive Session immediately after the Treaty came before the Senate and could thus be disposed of promptly.

Of a far more significant nature, however, is the recent disclosure that Mikhail Gorbachev was not authorized to sign the proposed Treaty on behalf of the Soviet Union. It is an undisputed principle of international law that treaties are made between states, and therefore only a head of state, a Foreign Minister, a duly authorized ambassador, or a person specifically authorized by a state can sign a treaty on behalf of a state. Gorbachev holds no plenipotentiary state office.

As I am certain you will recall, when the late Leonid Brezhnev signed the ABM Treaty on behalf of the Soviet Union, he was given express authority for that purpose by a vote of the Supreme Soviet. Written certification of the Supreme Soviet authorization was presented to the Department of State prior to the time of the signing of the ABM Treaty because prior to the vote of the Supreme Soviet there had been extensive discussion of Brezhnev's lack of authority, in his capacity as General Secretary of the Communist Party, to bind the Soviet state at international law. I am enclosing a copy of the accreditation document used for the ABM Treaty and call to your attention its authentication by the Soviet Foreign Minister and the Chairman of the Presidium of the Supreme Soviet. (At the time of the signing of the proposed SALT II Treaty, Brezhnev was also the Chairman of the Presidum of the Supreme Soviet, i.e. head of state, so that the issue did not arise.)

In stark contrast to the ABM precedent, Gorbachev did not provide, nor was he asked for, evidence of his authority at the time of the signing of the proposed INF Treaty, its Protocols, and its Memorandum of Understanding; therefore, his action with respect to each such document, in the complete absence of contrary and contemporaneous authoritative proof, was entirely ultra vires and nugatory.

It follows that the documents sent to the Senate by the President cannot be brought validly before the Senate since they do not represent a proposed treaty between contracting sovereigns but are instead, at best, personal agreements between the President of the United States and the General Secretary of the Soviet Communist Party.

The only proper course left for the Administration to follow in these unusual circumstances is to seek forthwith a properly executed treaty with the Soviet Union by means of a new and authoritatively signed Protocol incorporating by reference the text of the proposed, or more accurately, the alleged INF Treaty, its Protocols, and its Memorandum of Understanding (perhaps making other agreed corrections in the process) and thereafter to submit such new Protocol and incorporated documents to the Senate for advice and consent.

While the foregoing may seem unnecessarily cumbersome, any other course of action would be comparable to allowing the Chairman of the Republican National Committee to sign a treaty on behalf of the United States and thereby have him pretend to bind the country and future Administrations. Moreover, at a practical level, any other course could forseeably lead as well to an occasion at a not-distant future date in which a new Soviet regime could renounce the Treaty by claiming that the former Communist Party Secretary acted without authority.

Moreover, the United States Senate should not, in any event, be asked to consent to ratification of *any* treaty whatsoever which has been improperly executed because asking the Senate to proceed in the face of a known fundamental flaw of such basic nature tends to denigrate even further the role and function of the Senate in the treaty-making process. As you have often pointed out, the Framers did not intend the Senate to rubber-stamp treaties, and you could now add, much less to rubber-stamp documents purporting to be treaties but which in fact are not.

I trust that, notwithstanding my stated opposition to the substance of the documents presently in question, you will understand that these particular matters are not raised for any arbitrary purpose of impeding or delaying Senate action on the proposed Treaty and that they are raised now only because until now they were unknown outside of the Executive Department. With respect to their expedited resolution be assured therefore that I will give whatever assistance or cooperation that you feel is either necessary or appropriate.

With warm personal regards, I am

Sincerely,

JESSE.

CORRESPONDENCE

THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign the Interim Agreement between the Union of Soviet Socialist Republics and the United States of America on Certain Measures with Respect to the Limitation of Strategic Offensive Arms.

Moscow, May 26, 1972.

[Stamp of the Presidium of the Supreme Soviet of the USSR].

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. Podgorny.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. Gromyko.

THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Limitation of Anti-Ballistic Missile Systems.

Moscow, May 26, 1972.

[Stamp of the Presidium of the Supreme Soviet of the USSR].

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. Podgorny.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. Gromyko.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER (Mr. DODD). The Senator from Indiana.

Mr. LUGAR. Mr. President, let me just say I appreciate the opportunity that the Senator from North Carolina has afforded us to examine the amendments on our side. We will be delighted to do so for a few minutes and then we will have a response.

I thank the Senator.

Mr. HELMS. I thank the Senator.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order that I submit the five amendments en bloc and they be considered en bloc, assuming that the distinguished manager on the majority side gives approval to them, as the distinguished Senator from Indiana.

The PRESIDING OFFICER. Is there objection? Is there objection?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LUGAR. Would the Chair please repeat the request?

The PRESIDING OFFICER. The request of the Senator from North Carolina was that all five amendments be considered en bloc. I would ask the Senator from North Carolina if I have properly stated his request?

Mr. HELMS. The Chair is absolutely correct. I ask unanimous consent that it be in order for me to submit them en bloc and they be considered en bloc and acted upon by voice vote.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. PELL. Mr. President, reserving the right to object—and I do not intend to—I just want to be sure what the request is.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Could the Senator repeat it, please?

Mr. HELMS. The accoustics in this Chamber are terrible today.

Mr. PELL. I say would you repeat the request?

Mr. HELMS. I have five amendments at the desk which I have not yet called up. I think the distinguished Senator knows about them. While they are technical amendments, they are significant amendments and the State Department agrees that the errors do in fact exist.

The PRESIDING OFFICER. The Chair would inquire of the Senator from North Carolina, his unanimous-consent request was to consider the amendments, five amendments, en bloc, that unanimous-consent request did not include a voice vote? It would not be an appropriate vote since, by unanimous consent——

Mr. HELMS. I sure do not want to do anything improper around this place. I just want to expedite the procedure a little bit. I do not want to be dilatory.

Mr. PELL. I understand that the request is for the five issues to count as one; and there is no objection that they count as one when it comes to a vote.

Mr. LUGAR. Mr. President, reserving the right to object—I shall not object—with the understanding that we are considering the five en bloc and there has been no request with regard to the vote.

The PRESIDING OFFICER. The Senator is correct. Is there objection to the unanimous-consent request of the Senator from North Carolina?

Whout objection, it is so ordered.

The clerk will report the amendment.

AMENDMENT NO. 2109

(Purpose: To make technical corrections in the MOU)

Mr. HELMS. Mr. President, in accordance with our colloquy, I send the amendments to the desk to be considered en bloc and I ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes amendments en bloc numbered 2109.

Mr. HELMS. Mr. President, assuming that the managers of the bill, I hope, have read the amendments, without objections on their part I ask unanimous consent that the reading of the en bloc amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the Memorandum of Understanding at Section II, Paragraph 2, strike out the numerals "170," "170," and "175" under the column headed "USA" and insert respectively in lieu thereof the numerals "178," "178," and "182".

In the Memorandum of Understanding at Section III, Paragraph 1(a)(ii) under the heading Wueschhiem strike out the coordinates "007 25 06 E" and insert in lieu thereof the coordinates "007 25 40 E" and under the same heading in the column denominated "Launchers" strike out the numeral "31" and insert in lieu thereof "21".

In the Memorandum of Understanding at Section III, Paragraph 2(a)(i) under the heading "Training Facilities: Fort Sill, Oklahoma" in the column denominated "Launchers" strike out the numeral "39" and insert in lieu thereof "38".

In the Memorandum of Understanding at Section IV, Paragraph 2(a)(i) under the heading "Missile Production Facilities: Longhorn Army Ammunition Plant" in the column denominated "Missiles" strike out the numeral "0" and insert in lieu thereof "8" and under the column "Support Equipment" strike out the numeral "0" and insert in lieu thereof "1".

In the Protocol regarding Inspections at Section XI, Paragraph 1 in the second sentence thereof strike out the words "paragraph 10 of Section VI of this Protocol" and insert in lieu thereof "paragraph 11 of Section VI of this Protocol".

The PRESIDING OFFICER. Is there further debate on the amendments? The Senator from Indiana?

Mr. LUGAR. Mr. President, first of all, could I conduct an inquiry of the distinguished Senator from North Carolina? What is the source of the figures that the Senator would want inserted?

Mr. HELMS. The State Department.

Mr. LUGAR. They came from the State Department?

Mr. HELMS. Yes, sir.

Mr. LUGAR. Very well.

Mr. President, let me say to begin with that the amendments, at least the first four, are the so-called corrigendum issue. These are technical changes, as the Senator from North Carolina has explained it, that need to be made. But the method of making them makes a good bit of difference.

The burden of my argument will be to say that the Soviets have been informed of the need to make these technical changes. The Soviets have been informed officially of the specific corrections to be made to the treaty as indicated in the front of the published version of the treaty and the Soviets have agreed to these changes. So, we have no argument, at least with regard to these technical corrections that we wish to make.

The United States is prepared to exchange notes formally during this coming week. I believe the Senator from North Carolina raised that question. I am advised by the administration that those notes would be forthcoming during the current week. And on the basis of the fact that the Soviets have agreed to the changes, we anticipate that the Soviets will be responsive.

I would simply point out, Mr. President, this is the accepted diplomatic practice for dealing with the so-called corrigenda that have accompanied various other treaties where technical corrections need to be made.

Therefore, the gist of my argument is that there is no attempt to cover up these changes. They have been well known for some time; as I have pointed out, shared with the Soviets as well as with the rest of the world.

The five corrigenda identified by the administration at the time of the signature of the treaty, back on December 8, were in fact, as I pointed out, included in the published version of the treaty publicly delivered to each Senator on December 8.

I would point out that to get into an amendment of the treaty at this point, I believe, does mischief to the process. There is no reason to violate the body of the treaty in this manner.

It seems to me that common diplomatic practice ought to be followed once again. And, as I have pointed out, the procedures that will in fact occur with the exchange of notes following information already given to the Senators, as well as to the Soviets, is agreed to by all parties.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Let me do it by parliamentary inquiry. Is the corrigendum published by the State Department before the Senate now?

The PRESIDING OFFICER. Would the Senator repeat his question?

Mr. HELMS. Is the corrigendum a document before the Senate now?

The PRESIDING OFFICER. The Chair would inform the Senator from North Carolina that pending before the Senate is the treaty, a Memorandum of Understanding to protocols, of which one has amendments, that is the pending amendment before the Senate.

Mr. HELMS. What is the answer, if I may inquire? Yes or no.

The PRESIDING OFFICER. The Chair was unclear as to what the Senator from North Carolina, the specific request of the Senator from North Carolina.

Mr. HELMS. I just asked if the corrigendum was one of the documents before the Senate. Is it an item we are considering this morning?

The PRESIDING OFFICER. The Chair would inquire, is that part of the documents the Chair has identified? Or is it a matter extraneous to the items that the Chair has identified as the pending matter before the Senate? Is the corrigendum?

Mr. HELMS. Mr. President, I will withdraw the parliamentary inquiry. I know the answer. But I assume the Senator is not opposed to the amendment.

The PRESIDING OFFICER. The Chair would inform—has the parliamentary inquiry been withdrawn?

Mr. HELMS. I will withdraw it. I will save you a lot of trouble.

The PRESIDING OFFICER. The Chair thanks the Senator from North Carolina.

Mr. LUGAR. The Senator raised a question if I am opposed to the amendment. I am opposed to the amendment because I think it is an inappropriate way to deal with a corrigendum item. I simply add in response to the Senator's question that, in fact, the notes have not yet been exchanged. This Senator does not know whether the notes that will be exchanged will, in fact, contain the figures that are included in these five amendments. That is a very broad assumption, although the Senator has assured me the State Department is the source for these figures, but this Senator at least has been apprised that there have been considerable discussions within the administration as to whether these will be the final figures involved in the corrigendum.

The point that I tried to make, in further response to the Senator, is that in due course, we are in agreement with the Soviets as to how these technical corrections will be made. There is a good-faith attempt being made to do this. It would be a mistake to adopt this amendment to the treaty, thus locking in figures that may not be, in fact, the same ones to be exchanged in notes that are still to occur. That is why countries deal as they deal in this manner, in the exchange of diplomatic notes, as opposed to amendments to treaties, in a formal sense.

I do oppose the amendments, and I am hopeful the Senator will not persist.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. It is not surprising these typographical errors occur. The treaty itself is a long, complex document. As I understand it, the majority of these errors have occurred in the U.S. data to the memorandum of understanding and have not had any impact whatsoever on the substance of the treaty.

I believe the administration at this very moment is completing the process of compiling these corrections, which include a number of items in addition to the five identified in January when the treaty was submitted.

There is a standard international practice, too, for the correction of such errors which involves the exchange of diplomatic notes. That is a process that is under way at this time.

Also, on the question of policy, I am not sure the Senate should put itself out as a copy editor and be concerned with such minutia. We are not a copy editor. My own view is there is no reason for any delay by the Senate in its consideration of the treaty. These are administrative details which have little effect or no effect on substance.

So I join my colleague from Indiana in opposing this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thought the signal from the managers originally had been, "Oh, we will take the amendment." That is the reason why I handled it the way I did. Then they were handed information that apparently they changed their minds, which is fine. I want them to do what they think is right. In the process, I want to do what I think is right.

The corrigendum is not before the Senate formally although the Senate was informed about it. Let me read it. It was added to this State Department document that each Senator has. I think I better read it into the RECORD because what the distinguished Senator from Rhode Island may have appeared to be implying—I know he did not wish to be implying it—he seemed to be saying that, with respect to Pershing missiles, an error in the identification of the number of such missiles was insignificant. But here is what the corrigendum says:

> The Treaty printed herein appears as it was signed on December 8, 1987. In the course of review, the U.S. Government has identified certain technical errors in the text. These will be corrected through an exchange of diplomatic notes with the Soviet Union. As of January 15, 1988, the following corrections were to be made:
>
> (1) In the Memorandum of Understanding (MOU), section II, paragraph 2, page 10, concerning shorter-range missiles and launchers, for the United States, the number of non-deployed missiles should read 178. Also, the aggregate number of deployed and non-deployed missiles should read 178. The aggregate number of second stages should read 182.
>
> (2) In the MOU, section III, paragraph 1(a)(ii), page 12, for Wueschheim, the geographic coordinates should read, in the pertinent part, 007 25 40 E. Also, the number of launchers should read 21.
>
> (3) In the MOU, section III, paragraph 2(a)(i), page 26, for training facilities: Ft. Sill, Ft. Sill, Oklahoma, the number of launchers should read 38.
>
> (4) In the MOU, section IV, paragraph 2(a)(ii), page 33, for the Longhorn Army Ammunition Plant, Marshall, Texas, the number of missiles should read 8, and the number of training missile stages should read 1.
>
> (5) In the Protocol regarding Inspections, section XI, paragraph 1, lines 17-18, page 55, the reference should read "paragraph 11 of section VI of this Protocol."

I read that into the RECORD because I know that the Senate does not want deliberately to contend that the treaty can be or should be changed without the advice and consent of the Senate. If there really is a custom for the State Department to change treaties after the Senate has acted, it does not make any sense to me.

These five items have been identified, but they—and I refer to the changes—have not been formally conveyed to the Senate for its advice and consent.

The last time I checked the Constitution, nobody had delegated the constitutional authority to the State Department to make changes in the fashion that apparently is contemplated.

Senators have expressed concerns about authoritative testimony. We are likely to have some debate about that next week, as I understand it. To ignore these five items which are covered in these amendments would be to assert that the Senate has no role in ensuring that the Senate ratifies the same text that is subsequently conveyed upon ratification to the Soviets.

Changes, I submit, Mr. President, in the text should not be made without the advice and consent of the Senate.

I asked for the corrigendum. It was not submitted to the Senate by the President. It was published by the State Department, and if the Senate does not include the corrections, we will be approving an uncorrected treaty. We will be allowing the State Department to change the numbers after we have approved it in the Senate. I do not think that is what the Founding Fathers intended when they wrote the Constitution of the United States.

Let me ask the managers: Are they insistent that the amendments en bloc not be approved?

Mr. LUGAR. I will respond that I would be opposed to approving the amendment. I reiterate that at this point notes have not been exchanged. Let me just say the Senator makes a valid point with regard to information in terms of the final detail. I am advised the administration will exchange notes with the Soviet Union on Monday. So at least at minimum the Senator's point may be prematurely taken in that we do not know what in fact will finally be the corrigenda.

Mr. HELMS. I say this with all due respect because Senator LUGAR is my friend, Mr. President, and I admire him greatly, but I do not think the Senator wants to say that we should not correct an error, or five errors, or it turns out to be a whole bunch of errors because these points touch on various places. Here we are in a position of knowing that the treaty as it now stands before us is in error, and there is some reluctance to correct the errors that we know exist and the State Department even acknowledges by its own corrigendum.

I tell you what, I do not want a rollcall vote on this this afternoon. No yeas and nays have been obtained on the en bloc amendments, have they, Mr. President?

The PRESIDING OFFICER. They have not. The Senator from North Carolina is correct.

Mr. HELMS. Maybe we could discuss it and work out something later, so I withdraw the amendment.

The amendment was withdrawn.

Mr. LUGAR. I thank the Senator.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, having spoken about the past efforts at arms control between the allies and other totalitarian regimes during the post-World War I period—in other words, between 1918 and 1940—I would like now to examine the Soviet performance in complying with international security agreements. If my colleagues will remember, on two occasions in the last 2 days in morning business, I took the opportunity of reminding my colleagues of the history of failures of the Washington Naval Disarmament Agreement of 1922 and the Anglo-German Naval Pact of 1935, in which there were varying differences between the way democracies looked at the treaties and abided by the treaties and the way totalitarian countries took full advantage of those treaties and even violated those treaties to the detriment of the cause of peace during that period of time, which obviously made the totalitarian countries stronger vis-a-vis the Allies about 1940.

So I want to remind my colleagues of that history, and have them be mindful of it as we consider this INF Treaty. This is important because it gives some basis to judge Soviet behavior and how our current actions should be directed in dealing with the Soviets over the INF Treaty.

Both the administration and the Intelligence Community agree that this, or any treaty, is not 100 percent verifiable and that the Soviets could maintain a covert force of SS-20's without being detected.

They argue, however, that the Soviets could not cheat in a "militarily significant way" and that training, deployment and testing of a covert force would certainly be detected.

I will have to defer to the Intelligence Committee in their assessment that we have the means to detect militarily significant violations of the treaty.

I have examined the Intelligence Committee report and feel that they have made a reasonable case for this conclusion.

I feel we must take efforts to assist them in providing the Intelligence Community the means to be able to continue and improve upon this surveillance capability.

Yet I am disturbed, Mr. President, by these statements because it seems to imply that we can expect some violations of the treaty on the Soviet's part, violations that we might or might not be able to detect.

As I will point out in my remarks, Soviet violations of treaties take place with alarming regularity.

The experience the democratic governments of pre-World War II had with the Axis powers over naval arms control pacts was one of violation after violation with little or nothing done to penalize the offending party. And that is particularly the case with the

United States in the case of The Washington Naval Treaty and the admiralty of the British Government in the case of the Anglo-German pact.

The British Government had neither a compliance policy for dealing with violations of the agreements or the will to develop one.

The lesson to be learned from this experience is that any verification process, regardless of how accurate it can be, will be meaningless if the will to take specific and definite action against violations is lacking.

Unfortunately, Mr. President, the Soviet record in complying with international agreements, and arms control pacts specifically, has not been any better than the totalitarian regimes of the past, specifically between the two world wars.

Soviet performance has been a dismal one, and there is a feeling that we are watching history repeat itself.

Let me list just a few of the more glaring Soviet violations to international agreements:

A nonaggression and neutrality pact with Turkey, signed in 1925, was violated in 1945 when the Soviet Union denounced the pact and began a campaign to control the Black Sea straits.

A nonaggression pact with Afghanistan, negotiated in 1926, was violated in 1946 when the Soviet Union forced Afghanistan to cede the border territory of Kishka.

Nonaggression pacts were signed by the Soviet Union with Lithuania, Latvia, Estonia, and Finland. The Soviets violated these pacts by invading all four countries between 1939 and 1940.

A nonaggression pact was signed with Poland. On September 17, 1939, Soviet troops invaded Poland and on September 29, 1939, the Soviet Union signed an agreement with Nazi Germany to partition Poland.

The Soviets signed the Atlantic Charter in 1941 guaranteeing, among other provisions, that they respected the rights of all peoples to choose their own government. The Soviet record in dealing with its client states in the post World War II period has been in total violation of the Charter and everything it stood for.

The Soviets violated an agreement with President Truman guaranteeing "free access to Berlin" for United States forces. The Berlin blockage was a blatant violation of this understanding.

In addition, the Soviets violated many of the provisions, if not the outright spirit of the Potsdam, Yalta, and Four Powers Agreements signed with the allies at the end of World War II.

This is rather a poor record of compliance on the part of the Soviet Union but an all too familiar pattern for a totalitarian regime in complying with international agreements.

Quite frankly, there is a difference between the way democracies look at treaties and the way totalitarian regimes look at the same treaties—something for us always to keep in mind.

Unfortunately, the Soviets have done even worse when it comes to the matter of arms control pacts.

In five reports submitted to Congress, President Reagan has concluded the Soviets have violated the following arms control treaties:

The SALT I ABM Treaty and Interim Agreement; The SALT II Treaty; the Geneva Protocol on Chemical Weapons; the Biological and Toxin Weapons Convention; the Limited Test Ban Treaty; and the Helsinki Final Act.

There are also concerns that they have violated the Threshold Test Ban Treaty.

Specific violations of these treaties include:

Krasnoyarsk radar; testing and deployment of SS 20 missile; encryption of ballistic missile telemetry; underground nuclear test venting; and use of former SS 7 sites.

To make matters worse, Mr. President, it came to light last week that the Soviets were backsliding and reneging on verification procedures to the INF treaty.

We know that those have been worked out, or supposedly worked out. But there was supposedly nine verification issues that the administration raised with the Soviets to which we had not received satisfactory responses.

And this was before we had even ratified the treaty with them!

Taken as a whole, Soviet compliance with treaties presents a rather dismal pattern of behavior.

Does this mean that there is no hope for this treaty or future treaties with the Soviets?

I hope not, Mr. President, because I would like to see this treaty signed and a positive step toward a reduction in nuclear arms take place.

As the State Department stated in their report on Soviet noncompliance:

> While these violations constitute a most disturbing pattern of behavior, the Soviets have adhered to many if not most provisions of the treaties to which they are a party.
>
> However, selective compliance is not enough. Parties to agreements are required to honor all obligations and commitments.

What we have to do is be sure that any treaty we sign with the Soviets has as few ambiguities and flaws as possible.

We have to make it abundantly clear that there is a resolve on the part of the United States not to accept violations and that we have the will to respond with proportionate and appropriate action to any and all Soviet noncompliance.

We have to make sure that the Soviets recognize that the gain realized from violations will be outweighed by the loss they will suffer from our reaction to it.

I applauded the action of this body in delaying debate on the treaty until the verification problems were resolved to our satisfaction.

The threat of delaying action on the treaty proved to be a sufficient incentive to force the Soviets to comply with the verification rights as originally negotiated in the treaty.

In future dealings with the Soviets, we need to demonstrate equal resolve not to tolerate any other violations to this or any other treaty.

Soviet adherence to treaties has been similar to all totalitarian regimes.

When confronted with an opportunity to gain advantage by violating a pact, in the face of weakness or a lack of will on the part of the democracies, they press for advantage—not just the Soviets; any totalitarian regime in this century. The United States must make sure that in ratifying this treaty it is perfectly clear to the Soviets that the United States has the tools and the will to make them pay a price for any and all violations.

Mr. KENNEDY. Mr. President, I urge the Senate to support the INF Treaty. It has been 16 years since the Senate as a whole last considered an arms control treaty. In that period, the United States and the Soviet Union have each added thousands of nuclear weapons to their arsenals. They have each increased the sophistication and the military capacities of these arsenals. And they have each poured vast resources into a research program for strategic defenses.

But these additional weapons, this improved military technology and this massive spending on strategic defense have not made either nation more secure. They have not made the world a safer place. They have not made nuclear war any less likely. And they have not made the consequences of a nuclear war any less catastrophic.

By these standards, the INF Treaty is a significant achievement. It increases nuclear stability by eliminating a class of weapons that each side regards as particularly threatening. For the Soviet Union, American INF missiles in Europe were viewed as weapons with first strike rather than deterrence missions. For the United States, Soviet INF and shorter range missiles were viewed as intended to intimidate NATO and drive a wedge between the United States and its allies. Elimination of these weapons thus improves the security of both sides.

But the INF Treaty has significance beyond its immediate terms. Although it affects only 4 percent of the nuclear arsenals of the United States and the Soviet Union, it establishes four indispensable precedents for future arms control agreements.

First, this is the only agreement to require the dismantling and destruction of nuclear delivery systems. Previous agreements simply capped additional systems that could be built. By actually eliminating weapons, the INF Treaty signals a genuine commitment to reverse the arms race and achieve deeper nuclear reductions that can lead to increased mutual security.

Second, the INF Treaty is the only agreement in which Moscow has accepted significantly asymmetrical reductions. This suggests that agreements may be possible in other areas where the Soviets have substantial numerical advantages, notably conventional and chemical weapons in Europe.

Third, the INF Treaty is the only agreement to require onsite inspection and monitoring of its major provisions. This breakthrough will facilitate negotiation of more far-reaching arms control agreements in all areas. Reliable verification procedures are essential to make a treaty viable. Confidence that both sides are adhering to the agreement is the cornerstone of all arms control.

Finally, on a broader level, the INF Treaty is the first break in the logjam that has blocked progress on arms control throughout the 1980's. It demonstrates that both the United States and the Soviet Union at last have found the will to seek agreements to reduce the risk of nuclear war.

Perhaps most important, the INF Treaty is a major step toward reestablishing bipartisan agreement in the United States on national security policy. It is a welcome reaffirmation of the broad consensus in Congress and the country for negotiating arms control agreements with out principal adversary.

I urge the Senate to give its advice and consent to this treaty. I commend President Reagan for his success in negotiating the INF agreement. And, I hope he will be able to build toward even greater arms control achievements at the upcoming Moscow summit.

Mr. PELL. Mr. President, perhaps there are no amendments coming forward to the treaty. I wish there were, so that we can move on to the resolution of ratification.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BYRD. Mr. President, it was my understanding that there might be another amendment to the treaty. If there is going to be one, this would be a good time to offer it.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. I was advised after the vote at about 12:40 that within 30 minutes there would be an amendment to be offered to the treaty. It has now been about an hour and 30 minutes. We are not making any headway this way.

So I hope there is an amendment that will be offered.

Mr. HUMPHREY. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. HUMPHREY. I have an amendment I wish to offer as soon as it arrives. It is being retyped. I could begin to talk about it if that would save some time.

Mr. BYRD. That would be helpful, and I thank the distinguished Senator. I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, as soon as it arrives in my office, which I expect will be in the next 10 minutes or so, I intend to offer an amendment to the treaty, the purpose of which will be to delay the effective date of the treaty until such time as the President of the United States as Commander in Chief certifies to the Senate that NATO has increased the stockpile of arms and ammunition on hand in Europe for the defense of Western Europe from its present calamitous situation of less than 7 days supply, as the unclassified term is used, less than 7 days supply to at least half the stated goal of 30 days' supply of ammunition and fuel.

That will be the purpose of the amendment. Frankly, I do not expect it to be agreed to—I wish it would be—but I do not expect it to because there is obviously a full head of steam behind this treaty and Senators do not seem disposed to adopt amendments however prudent or wise they might be.

Therefore, my principal purpose, since I cannot hope to succeed in the adoption of this amendment, is to clarify the effect of this treaty on the security of NATO and on our own security and, in particular, on the security of the 323,000 soldiers, sailors, and airmen whom we have attached to NATO, assigned to NATO, for the defense of Western Europe.

The treaty is detailed and the discussion tends to be detailed and arcane and sometimes in these circumstances the fundamentals are lost or obscured.

I would like to begin by addressing the fundamentals, asking the fundamental question: Why do we have nuclear weapons in Europe? If we did not have nuclear weapons in Europe, we would not be debating an INF Treaty, would we? So that question is essential to this debate and essential to the treaty.

We have nuclear weapons in Europe, not because we are fascinated with nuclear weapons, not because we do not have better things on which to spend our money, but we have them there to augment and back up our conventional fighting capability. And why do we need to augment and back up our conventional warmaking capabilities in Europe? Because, without augmentation and backup, our forces woud be annihilated in the event of a Soviet attack. That is why. There is a fundamental for you. Without nuclear weapons in Europe, our forces would be annihilated or, at best, captured—but, more likely, mostly annihilated—were the Soviets to yield to the temptation to attack Europe.

That is why we have nuclear weapons there, to prevent the annihilation of our Army, those 323,000 American GI's, not to mention the hundreds and hundreds of thousands of Armed Service men and women of our NATO Alliance.

Let me point out, before going a step further, that the production and deployment of nuclear weapons in Europe is a policy that has had bipartisan and overwhelming support over the years. The reason it has had widespread and bipartisan and overwhelming support is the obvious—that we need those nuclear weapons there in order to, A, deter the Soviets from attacking and, B, if they were to attack, to hopefully blunt that attack that our servicemen might be spared defeat and capture and annihilation. Those are pretty stark terms, but that is exactly and precisely what we are talking about. That is precisely the purpose of these weapons—deterrence and, where deterrence fails, the salvation, we hope—hope, because it is by no means assured—the salvation of our forces.

Just how bad is the situation in Europe? I think that is the next logical step in my argument.

Well, on the one hand, NATO has actually improved its capabilities in recent years—not a lot, but marginally. And something is better than nothing, I suppose. So, in an absolute sense, things have gotten a little bit better with respect to NATO's capabilities.

But that is not the decisive factor. The decisive factor is: How does NATO fare against the Warsaw Pact? And in that equation, the situation has grown worse. In other words, relative to power, the resources of our adversaries, the advantages of our adversaries, NATO has actually grown weaker in recent years.

That is not my view alone. That is the view of Gen. John Galvin, who is the present Supreme Allied Commander in Europe, which is to say the Commander of NATO, who testified to that effect before the Armed Services Committee just a few weeks ago. He said that things have actually gotten a little worse in the last couple of years. So did Bernard Rogers, who preceded General Galvin and who retired last year and who served admirably, by all accounts, for 8 years as Commander of NATO. He, too, said that in modern times the situation with NATO has deteriorated relative to the Warsaw Pact forces.

Both of the two most recent NATO Commanders testified that things have gotten worse. General Rogers said: "Every year that passes, the gap between the force capabilities of NATO and those of the Warsaw Pact get wider." The gap has widened, according to General Rogers.

General Galvin said, on the same subject: "The conventional balance gap is becoming a somewhat more unfavorable balance to us over the last few years."

So we have nuclear weapons in Europe because we urgently need them and the need for those weapons, according to Generals Rogers and Galvin, has actually grown in recent years; it has not diminished.

Because of the overwhelming superiority of the Soviet and Warsaw Pact forces in Europe, the NATO allies adopted and began to implement the doctrine of flexible response to assure that, no matter how the Soviets and the Warsaw Pact forces deployed their resources, we would have an appropriate response, A, to deter them from doing that in the first place, and, B, to blunt an attack if they should launch one.

I referred to the Soviet superiority. It is well known. It is not a partisan charge. There is no real disagreement about it, except in degree, and even that disagreement is not substantial.

The Warsaw Pact forces have a 2-to-1 advantage in main battle tanks—2 to 1. Actually, effectively, that advantage is even greater because the Soviets, I understand, are rapidly deploying what is known as reactive armor, which is a revolutionary new development designed to ensure or certainly substantially increase the survivability of Soviet and Warsaw Pact tanks against NATO antitank weapons. We do not have reactive armor, not deployed, anyway, but the Soviets have already begun to deploy it. So this advantage they have in main battle tanks of 2 to 1, effectively speaking, is even greater.

In heavy artillery, the Warsaw Pact has an advantage of 2.3 to 1 versus NATO. In armored personnel carriers, the Soviet Warsaw Pact forces have a 1.3-to-1 advantage over NATO. In tactical aircraft, the Warsaw Pact has an advantage of 1.2 to 1 over NATO. In interceptor aircraft, the Warsaw Pact has a 2.4-to-1 advantage over NATO.

In modern deliverable chemical munitions, you cannot calculate a ratio of advantage because we do not have it. Whereas they have an estimated 700,000 tons of chemical munitions. That is not just an abstraction. That is not just an academic figure, because we know that their doctrine calls for the use and that the exercise of their forces demonstrates the use, the anticipated use of chemical weapons in the event of an attack on Western Europe.

So, the Warsaw Pact forces have a decided, a distinct, a dangerous advantage in the resources they control versus those controlled by NATO. And it is more than that. I mean they have geographical advantages.

The lines of communications between the Soviet Union and Western Europe are very short compared to the lines of communication between Western Europe and the United States which, after all, would be the arsenal, once again, for the defense of Europe if it came to that. Those lines of communications are going to be much more dangerously affected by submarines and aircraft, enemy submarines and aircraft, than with those lines of communications during World War II when we lost a lot of tonnage to a tiny number of submarines.

So the Soviets and Warsaw Pact forces have substantial advantages in resources and substantial advantages in geography and logistics. And not to mention, I did not mention the advantage in manpower. In manpower, in manning levels, the Soviet Warsaw Pact forces have about a 3-to-1 advantage over NATO.

It is for those reasons that we have nuclear weapons in Europe and it is for those reasons that we developed this doctrine and a corresponding arsenal of flexible response. The problem created by the INF Treaty is that it will open a very big gap in the arsenal contemplated in the doctrine of flexible response.

For our part, we are required to destroy the two most modern weapons and the two weapons best suited to deter a Soviet attack in the first place and to disrupt an attack should one come. And when we destroy those weapons, those two weapons, the Pershing II missile and the ground-launched cruise missile, we open up this gap in flexible response. We open up a gap in the ability to defend Western Europe and to defend the NATO forces, including those 323,000 American GI's in Europe.

Mr. President, if I were the parent of one of those 323,000 GI's, or the parent of one of those 310,000 dependents stationed with those GI's, and I heard about this proposal to eliminate the two very best weapons we have in Europe to deter an attack and to blunt an attack I would be upset. But, you know, I would be even more upset when I found out that NATO has less than a 7-day supply of ammunition and fuel for the defense of Europe; less than a 7-day supply on hand.

The official NATO goal, according to testimony in open session, official NATO goal is 30 days. We do not have 30 days. We do not even have half of that. Not even 15 days, or even half of 15. Not even a quarter of the stated goal.

Nor do we have 7 days. That is just the unclassified expression we use. The actual figure is classified. But it is less than 7 days of ammunition and fuel for the defense of Europe on hand.

If I were the parent of one of those 323,000 GI's over there, up close to the front lines, and I found out that our troops, NATO troops, have less than a 7-day supply of ammunition on hand and I found out that the INF Treaty proposes to eliminate the two most modern and best-suited weapons to deterring an attack on Europe and disrupting such an attack if one should come, I would be pretty darned worried and, in fact, I would be mad as hell. And every American should be as mad as hell because that is precisely the situation.

You do not have to be the parent of one of those young people to be concerned or to be outraged at what is proposed to be done with respect to their security and the security of NATO and ultimately our own security. This is just plain nuts.

If we had addressed the conventional force imbalance first, if we had eliminated the need for nuclear weapons and eliminated the need for Pershing II's and GLCM's, then fine, let us get rid of the darned things. But we have not dealt with the underlying problem, the problem that gave rise to these nulcear weapons.

So if this treaty is ratified, we go back to the bad old days where we face these enormous forces, offensively deployed with all kind of geographical advantages and huge margins of advantage in the way of fighting forces and modern weapons.

So we are putting the cart before the horse, so to speak. I guess some proponents of the treaty take comfort from the rhetoric about the intent to address the conventional imbalance afterwards and the rhetoric to modernize NATO battlefield weapons, weapons of shorter range than these we are proposing to destroy.

Well, those who take comfort in that rhetoric are leaning on a mighty, mighty fragile straw, a mighty fragile reed because it is not going to happen. We are not going to increase our conventional force levels in Europe. There is not the money to do so and there is not the political will to do so, either here or in Europe.

Neither are we going to modernize battlefield weapons. In fact the momentum is in the other direction: to get rid of them all; not to modernize them, to replace old ones with new ones, but to get rid of them altogether.

And who can blame the Western Europeans? Because if you get rid of those two weapons that credibly threaten Soviet soil, get rid of those two, then all the remaining weapons are intended to be used on the soil of Western Europe because that is their range. Their range is limited.

If you get rid of those two missiles it means the Soviets are free and clear in the event of a war in Western Europe. But it means our allies will catch hell. All the fighting and all the missile impacts will be in Western Europe, pretty much. At least they will not be in the Soviet Union. They will be in the satellite nations as well, of course. But not in the Soviet Union.

So who can blame our Western European allies for wanting to get rid of battlefield weapons as well? And then we will really be in big trouble and then we will see the unravelling of NATO as we are beginning already to see the signs, I believe, of a potential unravelling.

We see the neutralization and denuclearization of NATO which is one of the Soviet's primary goals and then we will see the neutralization and the Finlandization of Western Europe and the extension of Soviet hegemony all of which we have struggled mightily and at great expense since World War II to prevent.

Mr. President, the amendment I propose to offer has arrived and I will send it to the desk.

I will ask first that the page provide a copy to the floor managers on each side.

AMENDMENT NO. 2110

(Purpose: To provide that the Treaty shall not enter into force unless and until NATO stockpiles of ammunition and fuel have been increased from less than seven days supply to at least half the stated goal of ammunition and fuel sufficient to sustain a conventional defense of Europe for thirty days)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment. The bill clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 2110.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Article XVII add at the end thereof the following new paragraph:

"3. Notwithstanding the provisions of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall have certified, without delegation, to the United States Senate that, in his judgement as Commander-in-Chief of the Armed Forces of the United States, the stockpile of ammunition and fuel stored in Europe for NATO defense has been increased from its present level of less than seven days of ammunition and fuel to at least fifteen days."

Mr. HUMPHREY. Mr. President, I intend to read the amendment and discuss it at length.

First, the purpose of the amendment is to provide "that the treaty shall not enter into force unless and until NATO stockpiles of ammunition and fuel have been increased from less than 7 days supply to at least half the stated goal of ammunition and fuel sufficient to sustain a conventional defense of Europe for 30 days."

In other words, this amendment would hold the effectuation of the treaty in abeyance until NATO has on hand at least half—it seems like we are not asking too much—at least half of what the stated goal is.

Let us make the point the stated goal is not an arbitrary figure; it is based on need. It is not an abstraction; it is based on need. We do not even have half that. This is what the amendment would call for, half of 30 days, which is 15.

In other words, until NATO brings up its supply of ammunition and fuel on hand from somewhere below 7 days, which is where it it now, less than a week, to half its stated requirement of 30 days, this treaty would not be in effect.

So the language reads as follows:

In Article XVII add at the end thereof the following new paragraph:

3. Notwithstanding the provisions of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall have certified, without delegation, to the United States Senate that, in his judgment as Commander-in-Chief of the Armed Forces of the United States, the stockpile of ammunition and fuel stored in Europe for NATO defense has been increased from its present level of less than seven days of ammunition and fuel to at least 15 days.

That is the totality of the amendment. It is straightforward. It is prudent, in my opinion, and it is intended to deal with the calamitous, scandalous, and perilous state of unpreparedness in Europe.

So calamitous and perilous is that state of unpreparedness, in the sense of sustainability, that General Rogers, during his period of command, stated publicly that he felt perhaps 7 to 10 days would elapse before he would have to resort to nuclear weapons in order to stave off annihilation. I am using those words. He did not use those words. He felt he had 7 to 10 days before he felt he had to resort to nuclear weapons.

General Galvin is much more optimistic. He felt he had 2 weeks at the outside. That is how bad things are.

We are terribly and woefully unprepared to sustain a war in Eruope at the conventional level for more than a week to two weeks. It seems to me this is something we ought to deal with before we effectuate this treaty.

The situation of NATO is getting worse, according to the commanders, according to the Commander-in-Chief of the United States Army, General Vuono, who said that while we have made great improvements in our conventional capabilities, the trend in the conventional balance, in comparison with the Soviet Union for army ground forces, has become worse since 1967.

With respect to the calamitous state of unpreparedness in this unclassified figure of less than 7 days, no less an expert than Adm. William Crowe, Jr., Chairman of the Joint Chiefs of Staff, testified before the Armed Services Committee that indeed NATO has not met its 30-day goal and, in fact, supplies were less than 30 days.

It is a pretty shocking revelation. I think it is a revelation to most Americans, and I expect to even a few Senators just how bad off we are in Europe and that, in fact, things have become worse.

So before we destroy the two weapons best suited to deterring war and blunting an attack, I suggest we deal with the underlying problem first. That is why I offer this amendment.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

Mr. EXON. Mr. President, I have just looked at the amendment offered by the Senator from New Hampshire. I rise to oppose the amendment, not that the Senator does not make a good point. I serve on the Armed Services Committee with the Senator from New Hampshire, and I have respect for his judgment on matters with regard to the military. He has made a good point.

There is not any question but what there are lots of things wrong with the NATO Alliance with regard to a sudden onslaught if it would happen from the Soviet Union.

What this amendment is doing or would do is a little different from the other amendments that have been defeated in the Senate by votes of about 95 to 5 or 90 to 10 or 89 to 11, something like that. It is essentially a killer amendment.

I think this has been one of those cases where deliberation has been carried to a point of no return. In fact, I think many of these amendments border on the ludicrous. I do not dub this particular amendment offered by the Senator from New Hampshire as bordering on ludicrous, but it certainly is a killer amendment.

What this amendment, and other amendments like it, would simply do, Mr. President, is to cancel out the treaty and make it null and void. There is no way that the Senator is suggesting here, as much as I would like to see it happen, is going to take place in the timeframe that he suggests.

I guess what the debate has turned into, by some Senators, is to use this as a means of expressing their frustration with regard to the imbalance in our conventional forces. I think most of the Members of the U.S. Senate would agree with that.

Or putting it another way: The Senator from New Hampshire, or those who are coming at the Senate with these kind of amendments, would not have any treaty at all with the Soviet Union.

The treaty process is one that involves the give and take, the attempt to have one side say, "Well, we will do this if you will do that."

When we have to deal with amendments like this—and I hope we will not take too long with it—what we are simply saying is that we have no confidence in the President of the United States, his administration, his advisers, all of those experts who have been working for years and years and years to try to take the tiny step that the INF Treaty takes with regard to some mutual understanding between the two superpowers.

As I have said time and time again on this floor, Mr. President, this treaty is not going to solve everything. It is not going to solve a great deal. It certainly is not going to eliminate, in my view, the tensions between the two superpowers. But if there is any one good thing about this treaty, it is a first step in a long, long time where the Soviet Union and the United States have at least said, "Well, we can agree on something." When you have that kind of a situation, there is nothing easier than to nitpick it, to detail it to death, to say that before we sign this treaty we should insist that conventional ammunition be raised to a higher level. That is nonsense from the standpoint of whether or not you are for the treaty. If we had that kind of a situation prevailing, we would have to have all 100 Members of the Senate sitting at the right hand of the President of the United States and/or those in whom the President has placed faith, including the Secretary of State, and make sure that every "i" is dotted and every "t" is crossed before the United States in the person of our President, who is directed to carry out international affairs, is allowed even to sign the treaty.

The Senator from New Hampshire and others are exercising their due right as Members of the Senate to pursue any course of action they think appropriate. I happen to feel, for reasons that I have just stated, this is not appropriate. This is a killer amendment; if the Senate were to adopt the amendment of the Senator from New Hampshire, there would not be any INF Treaty.

The Armed Services Committee and the Foreign Relations Committee have for days and weeks and months examined this treaty, backward and forward. We came up with some things that we did not think were right and needed clarification before we proceeded to take up the treaty. The administration, after first not being enthusiastic about our approach, came on board and said, yes, you are right, Members of the Senate, particularly the principal committee of jurisdiction, the Foreign Relations Committee, and you are right, those of you on the Armed Services Committee who have some questions about it and we should have a clarification of understanding on some of the legitimate points in the treaty that are major concerns to members of those two committees of the Senate.

After we have gone through all of that, now we are going through a whole series of nitpicking and I think irrelevant amendments with regard to the treaty. Such is the amendment we have had by the Senator from New Hampshire. It is another reason that this Senator has been on the floor pleading, Mr. President——

Mr. HUMPHREY. Will the Senator yield for a question?

Mr. EXON. In just a moment—pleading, Mr. President, with the Senate to get cracking. The President of the United States leaves on Wednesday next for a summit meeting with the leader of the Soviet Union, and if he goes there without this treaty being ratified, I would predict we are going to have a terribly crippled President.

Mr. NUNN. Will the Senator from Nebraska yield for a brief observation?

Mr. EXON. I will be happy to yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Nebraska for setting forth very clearly the Armed Services Committee majority opinion. By majority I mean majority on both sides of the aisle. I think the Senator from New Hampshire has identified clearly a problem. There certainly is a problem in ammunition stockpiles in Europe, particularly allied. The United States has some problems but nothing like the allies.

We have been on a strange course in this country for several years and that is building up toward a 90-day supply, although we certainly have not gotten there yet, when our allies give out ammunition in many cases, depending on the type ammunition, in anywhere from 7 to 15 days.

So the Senator from New Hampshire is correct in identifying that problem, and I commend him for it. He has been one of our valued members on the Readiness Subcommittee. But let us walk our way through this and see what would happen if this problem is basically a condition of ratification of this treaty. In other words, the treaty as the Senator from New Hampshire views it should be a hostage to the solution of this problem.

If the Senate of the United States basically attaches this condition and thereby fails to give its consent to the ratification of this treaty, and the European allies, who are very much in favor of this treaty and who have gone through tremendous political and emotional turmoil and protests in their own countries because of the deployment of the Pershing II's and ground-launched cruise missiles, are now told no, we are not going to let those SS-20's come out and we are not going to go along with this treaty until such time as you build up your ammunition stockpiles, I ask the Senator from Nebraska if he believes the reaction of the allies to that is going to be basically to correct this longstanding problem?

My own feeling, if I could answer the question and then get a reaction from the Senator from Nebraska, is just the opposite. I think this would be extremely disruptive to the alliance and that we would have such a negative reaction, such an overwhelmingly negative reaction that our Pershing II's and ground-launched cruise missiles probably would be forced out and the SS-20's would only come out if the Soviet Union decided to do it as a benevolent act. And I have not witnessed too many benevolent acts coming from the Soviet Union in my lifetime.

So I am afraid that the Senator from New Hampshire, although well-meaning—and certainly the amendment is directed toward a problem that exists, a real problem—has picked the wrong vehicle through which to address that problem. I am afraid it would be counterproductive. So my lone question to the Senator from Nebraska is does he generally share this assessment or does he have a different view?

Mr. EXON. Mr. President, in answer to my colleague from Georgia, I think he is absolutely correct and directly on point. But as disappointed as our NATO Allies would be, certainly such action that they might take as a result of our failure to ratify this treaty, or to kill it with killer-type amendments as offered by the Senator from New Hampshire, which would have a totally devastating effect on the people of Europe and our NATO Allies, I would like to add it would also have a very negative effect, in my view, on the people of the United States who have a stake in this particular treaty. If there is one thing that I think the people of the United States are united on today, I offer as my view in answer to the question of the Senator from Georgia, it is that we need a beginning to the beginning of an understanding between the Soviet Union and the United States.

So the answer to the question is, yes, I think it would be devastating as far as our allies are concerned, but it would also be devastating as far as respect for the trust in the Senate by the people of the United States because I think they want the beginning of an understanding and they are hopeful that the INF Treaty is it.

For all of those reasons and others, I hope that we would promptly dispose of the amendment offered by the Senator from New Hampshire and at the appropriate time either the ranking member or the chairman of the committee will make a tabling motion, or I will make one or someone from the majority on the other side of the aisle who I think are fundamentally opposed to this amendment at this time on this measure.

Mr. NUNN. I thank the Senator from Nebraska.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I hope that a tabling motion, when it comes, will not be premature. This is hardly a nitpicking or irrelevant discussion, to use the terms unfortunately chosen by the Senator from Nebraska. In any event, I am not aware that there is another Senator ready to offer an amendment. If there is, I will will withdraw this amendment and defer to that Senator. But I do hope that Senators on both sides will forebear any hasty tabling motion. I do not regard it as nitpicking. I do not regard the security of 323,000 American sailors and airmen as a nitpicking matter or an irrelevance.

I do not regard the context in which this treaty will be effectuate as irrelevant. It is entirely relevant. What this does to security is relevant to this discussion.

I make the point again that this treaty will undermine NATO's security, undermine the security of American GI's and their dependents, and it will do so for three reasons.

First of all, it exacerbates the conventional force imbalance. It will tempt the Soviets to use that superiority in conventional forces to launch an attack. Furthermore, this treaty is going to make a general nuclear exchange more likely, not less likely, because when you take out the most effective and credible theater nuclear forces, as this treaty does, you open up a big gap in the doctrine and the arsenal of flexible response, such as a war in Europe is likely to go, in 1 or 2 weeks, from conventional levels to strategic levels.

Look at the testimony of some witnesses who suggest we use ICBM's launced from the United States to make up for these theater forces. That is the most insane proposal I have heard of. Yet, it is put forward by many capable witnesses as a way to deal with the problems caused by this treaty.

So this treaty will increase the dangers of conventional warfare in Europe by exacerbating the conventional force imbalance. It makes war between the United States and the Soviet Union—which concerns the Senator from Nebraska—more likely, not less likely, because of the leapfrog effect caused by the opening of the gap in flexible response.

On top of all these disadvantages, which Senators are prepared to embrace, it does not even eliminate the threat of nuclear war, which intimidates our allies today; because, as Senators know, the Soviets are already, as they were expected to do, retargeting warheads not covered by this treaty. That is already happening, even in advance of this treaty.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield. I do not have much more debate.

Mr. WARNER. I want to isolate one area.

As I understand the amendment, the treaty would be suspended until such time as "the President shall have certified, without delegation, to the U.S. Senate that, in his judgment as Commander in Chief of the Armed Forces of the United States, the stockpile of ammunition and fuels stored in Europe for NATO defense has been increased from its present level of less than 7 days of ammunition and fuel to at least 15 days."

What would be the Senator's expectation of the period of time that would elapse before the President could make that certification?

Mr. HUMPHREY. I say, in all modesty, that I think the Senator from Virginia is better prepared to answer that, as the ranking member of the Senate Armed Services Committee, who spends a good deal more time on these issues than does the Senator from New Hampshire.

Mr. WARNER. Clearly, it would be a period of years, because you do not produce this stuff overnight.

Mr. HUMPHREY. That is the point I was going to draw to the Senator's attention.

Let me say this——

Mr. WARNER. I would like to continue for a minute.

Mr. HUMPHREY. I yield further.

Mr. WARNER. This is in the nature of a question.

Mr. HUMPHREY. Yes, as always.

Mr. WARNER. The committee received testimony from Gen. Thomas C. Richards, the Deputy Commander in Chief of the United States-European Command, who stated:

> Warsaw Pact forces deployed against the Central Region of NATO have sixty to ninety days of operational spares and supplies forward deployed. Our own stocks in Europe do not compare. Serious shortages remain in certain ground-to-air munitions, high technology surface-to-surface rounds, and antiradiation missiles, and in the readiness of support forces. They are compounded by continuing shortfalls in the areas of strategic sea and airlift.

The subcommittee found that the sustainability picture will not improve in the next several years. So this year the Armed Services Committee took testimony to the effect that it would be a period of several years. Our colleagues should bear that in mind, because the effect of the amendment, if adopted, would be to delay the implementation of this amendment for several years.

I join the members of the Armed Services Committee in focusing the attention of the Senate and others on these shortfalls and our problems with sustainability.

Of course, I will object, on the ground that (a) this is a subject we have to treat elsewhere than this treaty, and (b) I think it would not be in the interests of our NATO allies and this country for this treaty to be delayed in terms of its effectiveness for several years, which would be the effect of the amendment.

Mr. HUMPHREY. Those are good questions, of course.

Mr. President, I disagree with my friend and colleague from Virginia. This matter of a calamitous state of unpreparedness in Europe is not something to be dealt with elsewhere. It is the context in which this treaty should be weighed, and that is why this Senator is offering this amendment at this time.

The Senator from Virginia is correct, that it would take several years to correct these shortfalls, these grievous, dangerous, scandalous shortfalls, which imperil the lives of American troops and their dependents in Europe—right at this moment.

The Senator is correct, that it would take several years to correct that shortfall. But it would take less time if there were the will to do it and if the right priorities were authorized within the Federal budget to do that. It could be done in a much shorter timeframe. That is obvious, I think. The problem is one of priorities.

I wanted to ask the floor managers if they prefer to go for a rollcall vote on this today, or do they wish to do so on Monday, or just what is the plan?

Mr. PELL. I think we would prefer to have a rollcall vote today, and there would be the motion to table.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON addressed the Chair.

Mr. HUMPHREY. Is the Senator from Nebraska asking me to yield?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I am prepared to offer the tabling motion.

There are several colleagues on both sides of the aisle who have contacted me, hoping we could have a vote immediately. I think we have had sufficient debate. I am ready to make the tabling motion now. I do not wish to cut off debate by anyone who has salient points to make.

Since I have the floor, and I have indication from the Senator from North Carolina that he would like to address this, I ask him how long he would like to make remarks?

Mr. HELMS. Anything is relative. I am sure the Senator would conclude that I would want to take too long, and I would conclude that I want to take long enough. I do not think that the Senator would want to move to table when another Senator is seeking the floor to support the amendment. He has that right.

Mr. EXON. I am going to be here, I tell the Senator from North Carolina. There are some other Senators who have a timeframe—could we get unanimous consent for a time certain to have the rollcall vote?

Mr. HUMPHREY. I would object to that, Mr. President.

Will the Senator yield for a question?

Mr. EXON. The Senator would object to that?

Mr. HUMPHREY. I would object to that, though I do not have much more to say.

Will the Senator yield for a question?

Mr. EXON. Without losing my right to the floor.

Mr. HUMPHREY. Would the Senator agree that national security is really the bottom line at stake in the consideration of this treaty? Would he agree that it is imprudent and unseemly to hasten the debate, especially when another amendment is not pending, especially when this matter has been on the floor only 2 days?

Mr. EXON. I would agree that serious national security considerations are at stake, and I would have to very strongly feel, which I suspect is not the position of the Senator from New Hampshire, that the ratification of this treaty will indeed improve the national security of the United States or the free world or I would not be supporting it. Others can have a different point of view.

Mr. HUMPHREY. Surely the Senator will welcome debate and not seek to cut it off.

Mr. EXON. Mr. President, the case that the Senator tries to make and the case that I think the Senator from North Carolina tries to makes seems to me will not affect the outcome of this vote. I am not cutting them off on further considerations that they have with regard to other discussions in this area.

I think it is time to move on on this treaty, and we are not going to get the action before the President leaves unless we do move on.

I am not going to lose my right to the floor because I am just about to make a tabling motion.

Could I yield to the minority leader without losing my right to the floor?

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object.

Mr. EXON. All right.

Mr. HUMPHREY. And I will not object. I want the Senator from Nebraska to know that if he preemptorily cuts off debate, depriving the Senator from North Carolina or any Senator the right to debate, then I will propose another amendment that I had not planned to propose. If the Senator wants to play games——

Mr. EXON. I will say, without losing my right to the floor, the Senator from New Hampshire should clearly understand that the Senator from Nebraska is the one who has the reputation of being understanding, of being a gentleman, and always recognizing the rights of other Senators.

So the Senator has any right to exercise that he wants, and I am not particularly frightened about other amendments that he might want to offer because I suspect the Senator from New Hampshire will do that anyway——

Mr. HUMPHREY. No, he will not.

Mr. EXON. Under any circumstances.

I have tried to accommodate my friend and colleague from North Carolina. I have tried to enter into some kind of time agreement so we can have a vote.

I am very fearful, Mr. President, if I yield this floor, this debate is going to go on and on and on, which I think is part of the plan of those who are trying to see that we do not vote on this treaty before the President leaves.

I would ask once again out of courtesy to all of my colleagues if I might be able to yield for the comments the minority leader would like to make without losing my right to the floor.

Mr. DOLE. I would like to ask a question.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, the Senator from Nebraska has yielded. I hope we will permit the Senator from North Carolina to make whatever statement he wishes to make. I think we would like to dispose of this amendment one way or the other this afternoon. We do not know how much longer it is going to take. I do not think we are going to gain much if we peremptorily move to table because the Senator from North Carolina knows the rules pretty well. He could be right back with something else, and the Senator from New Hampshire also.

The only thing I would like to do is protect a number of my colleagues who have time commitments, and if we could have some agreement to vote at a certain time, whether it is 3:30, 4:30, 5:30, 6:30, just some certain time so that Senators will be on notice, they could make their plans or make new ones.

I just make that suggestion.

Mr. EXON. That was almost essentially the same proposition that the Senator from Nebraska offered 5 minutes ago and got absolutely nowhere.

You have heard the request from the minority leader. The majority leader is now on the floor. Anything in that area would come under his jurisdiction. I would be glad to yield to him if I might without losing my right to the floor.

If we could get a time certain, then I think we could dispose of this matter rather rapidly.

In the interest of accommodation to other Senators, would the Senator from North Carolina and the Senator from New Hampshire agree to a time certain for a tabling motion on the amendment offered by the Senator from New Hampshire?

Mr. HUMPHREY. Mr. President, reserving the right to object, and I would not object if such a request were put by the floor manager or the leadership, but I do not think the Senator from Nebraska ought to be taking their responsibility into his own hands.

Mr. EXON. With my keen advice and perception to my learned friend from New Hampshire I would simply say that I have just spoken the words that have just been spoken a few moments ago that this would be under the jurisdiction of the majority leader here on the floor.

But I thank the Senator from New Hampshire for his usual kind and understanding remarks.

What does the Senator from North Carolina have?

Mr. HELMS. I have a speech to make.

Mr. EXON. Mr. President, I ask unanimous consent that I might yield to the majority leader for any remarks or proposals that he has without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

The Senator may yield.

Mr. BYRD. Mr. President, while I have the floor at the sufferance of the distinguished Senator from Nebraska and the Senate through its unanimous consent, I think I should explore a time limit on debate and a time for debate, a time for the motion to table so that Senators would be on notice as to when such a vote would occur.

Second, I would like to ascertain, if we possibly can, how many more amendments there are or will be, if anyone is able to state, to the treaty itself because a motion is not in order to go from the treaty to the resolution of ratification. As long as Senators have amendments or wish to debate the treaty itself, the Senate cannot go to the resolution of ratification.

One might ask, well, why not offer cloture on the treaty? That can be done. If cloture were adopted, then that would cover all aspects of the treaty, the resolution of ratification itself, and, if Senators were so disposed, they could run out the 30 hours under postcloture and prevent any other amendments from being called up.

So it is not a situation such as we normally have on the floor when we are dealing with a bill.

This is a two-stage operation now. It used to be three. It is a two-stage operation when we are dealing with treaties.

I would like to first of all see if we could have some understanding as to when the distinguished Senators who wish to discuss the pending amendment would be willing to allow Senator EXON, if he wishes to move to table, to proceed.

Could we do that?

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BYRD. Yes, I am happy to. The Senator from Nebraska has yielded to me temporarily.

Mr. HELMS. Is the distinguished majority leader referring to the Humphrey amendment?

Mr. BYRD. Yes, as I understand it.

Mr. HELMS. I do not imagine I will speak over 15 or 20 minutes.

Mr. BYRD. Yes.

Mr. HELMS. But I learned a long time ago that it is not to the advantage in some cases to hem yourself in.

I have no desire to speak at length, but I do want to support the Senator from New Hampshire.

Let me say this parenthetically if I may, Mr. President, through the majority leader. It is my impression that all of us are paid to work at least 5 days a week. I thought that there was a system in effect that we were in session 3 weeks and out 1 week, and I am here on Friday afternoon. The majority leader is here. Some of us are here. I have great sympathy for those who want to go home because I would like to go home as well.

Mr. HUMPHREY. Me, too.

Mr. HELMS. On the other hand, this business of trying to conclude consideration of the treaty and go to the resolution of ratification more quickly than some of us feel we should does not set well.

But I will say this: if I could begin in the next few minutes I will be through by about 3:30. But I cannot speak for any other Senator.

The Senator inquired about amendments. I have one or two and I know that Senator WALLOP has one. But I have not checked with Senators. I do not know. But I do know of at least three or four.

Mr. BYRD. Mr. President, I will make this suggestion to the distinguished Republican leader, that each side try to determine how many amendments remain to the treaty itself. It is my understanding that there are no amendments on this side to the treaty. If we could determine what amendments remain to the treaty then, hopefully, we could arrive at an understanding as to when the Senate then could move to the resolution of ratification. The resolution of ratification, except by unanimous consent, cannot be presented to the Senate on the same day the Senate completes action on the treaty. It has to lay over for a day.

So, at such time as the treaty itself is closed out with no more amendments and no further debate thereon, then the Chair will announce that the resolution of ratification will be laid before the Senate the following day. The Senate would be prepared to go to the resolution of ratification on Monday if the treaty could be closed out today, for example. And then we would have Monday on which to begin debating the resolution of ratification and amendments thereto.

I hope we will approach the matter in that spirit. The Republican leader has been doing what he can do and has been urging that the Senate get on with the treaty. It would seem to me that if Senators would tell their two leaders what amendments they have—they are entitled to call up amendments; nobody denies them that right—if they could inform the leadership as to what amendments remain, then the Senate itself would be on notice as to how much more work can be done today and when it might proceed to the resolution of ratification.

I yield to the Republican leader, with the continued understanding of the Senator from Nebraska.

Mr. DOLE. Mr. President, I say to the majority leader we will attempt to ascertain that, but it is very difficult to do on this side. I think there may be, as Senator HELMS indicated, two or three. Maybe that is accurate. So we will try to find out. But I cannot guarantee you we will find out, because I do not think anybody knows for certain.

I would guess there are probably three or four Senators who may have amendments. I have been advised by Senator SYMMS that he has no further amendments. I think Senator WALLOP may have an amendment, a one-word amendment, as I recall. I do not know how many the Senator from North Carolina has or how many the Senator from New Hampshire has.

But, beyond that, I do not believe any Senators on this side have any amendments to the treaty, but some Senators do have amendments to the resolution of ratification.

Mr. BYRD. I am going to recommend to the Chair that the Chair begin asking for amendments and when the Senate reaches the stage where the Chair puts that question—I would suggest the Chair put it twice so that all Senators will have the opportunity to hear clearly, and state it loudly enough—and if no Senator seeks recognition to offer an amendment to the treaty, that the Chair—acting circumspectly, reasonably, honorably, and fairly, as the Chair will, I am sure—state that the resolution of ratification will be presented to the Senate on the following day the Senate is in session.

At that time, I will move to go back into legislative session and that will close off amendments to the text of the treaty.

Any Senator can call up as many amendments as he wishes to the treaty.

But I think the time has come when Senators should be on the floor and ready to call up their amendments to the treaty. At least the Senate will know, hopefully, the amount of work that remains to be done on the treaty before we go to the resolution of ratification.

Senator HUMPHREY has one amendment pending; is that correct?

Mr. HUMPHREY. Yes.

Mr. BYRD. And the Senator from North Carolina has an amendment that he wishes to call up; Did I understand him correctly?

Mr. HELMS. At least one.

Mr. BYRD. And Senator WALLOP has an amendment, did I hear someone say?

Mr. HELMS. He mentioned that to me informally in the dining room a while ago, but I am not speaking for him, obviously.

Mr. BYRD. All right. I am not trying to take over the leadership on the other side of the aisle. The Republican leader is doing the best he can do.

The Senator from North Carolina has at least one amendment, Senator

HUMPHREY has one amendment pending, and we are to understand that Senator WALLOP may have an amendment. Mr. DOLE will attempt to ascertain if there are others on his side.

But, once we reach the point where those amendements have been disposed of, then I am going to ask the Chair to put the question: "Is there any further amendment?"

Mr. HUMPHREY. Will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. HUMPHREY. Is the Senator saying that, in effect, the opponents henceforth must remain on the floor continuously as long as the Senate is in session to avoid a sneak attack by the Chair?

Mr. BYRD. There will not be one.

Mr. HUMPHREY. Mr. President, I have only been here 10 years—the Senator has been here a great deal longer—but in those 10 years, I do not believe I have ever seen this technique employed. Certainly, it is in accordance with the rules, but it violates grossly the traditions and gentlemanly privileges that we all enjoy. I hope that the majority leader would not resort to such a strategy.

Mr. BYRD. Mr. President, I do not accept the premise that there is going to be any sneak attack. I have already put the Senator on notice as to what the Chair would say.

We cannot just go on like we are going with no sense of direction.

Senators, it seems to me—let us talk about a sneak attack—it would seen to me that any Senator, in fairness to his colleagues, should feel an obligation to tell them or at least tell his leader that he has an amendment, and not keep his leader guessing.

Mr. HUMPHREY. Will the Senator yield for a question?

Mr. BYRD. Let me finish and then I will yield for a question.

Mr. HUMPHREY. I beg the Senator's pardon.

Mr. BYRD. There is not going to be any sneak attack. The Chair is not going to conduct itself in that manner.

But I am putting the Senator on notice that we cannot go on like this, with nobody knowing what anybody else is going to do.

I think Senators owe other Senators the obligation to let the Senate know if they have amendments. If they have amendments, why hide them under a bushel? Why not say, "I have two amendments"? Every Senator is entitled to do that, and is entitled to call up his amendments.

Mr. HUMPHREY. Will the Senator yield for a question?

Mr. EXON. My I reclaim my right to the floor?

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Nebraska has the floor.

Mr. BYRD. Will the Senator allow me to see if we can get a time limit on the debate prior to the tabling motion?

Mr. EXON. Anything to get that done.

Mr. BYRD. The Senator from North Carolina says he wants to speak for 30 minutes. Could the Senator from New Hampshire indicate how much time he will need?

Mr. HUMPHREY. I really do not plan to speak much longer, if at all. But I would like to reserve 10 minutes, just in case there are points raised that deserve rebuttal.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 45 minutes for debate prior to the making of the motion to table; 30 minutes under the control of Mr. HELMS and 15 minutes under the control of Mr. HUMPHREY.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object, and I do not wish to object, but I understand the Senator from Wyoming, Mr. WALLOP, wishes to reserve 5 minutes.

Mr. BYRD. Does the Senator wish to provide an additional 5 minutes for Mr. WALLOP?

Mr. HUMPHREY. Yes.

Mr. BYRD. I modify my request accordingly.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. EXON. Reserving the right to object.

Mr. BYRD. The Senator better buy this while it is——

Mr. EXON. Is the majority leader providing any time for rebuttal on this side?

Mr. BYRD. No. The Senator is ready to table, as I understood.

Mr. EXON. I was ready to table at this time.

Mr. BYRD. Yes. But if the Senator keeps on now, we will never get this request agreed to. I have long found that you had better grab an agreement quickly, or you will lose it.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. EXON. How many minutes are there for them to talk?

Mr. BYRD. Fifty minutes; 30 minutes to Mr. HELMS, 15 minutes to Mr. HUMPHREY, and 5 minutes to Mr. WALLOP.

Mr. DOLE. Not more than.

Mr. BYRD. Not more than.

Mr. EXON. I would agree if we can get an agreement on that.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Hearing none, it is so ordered.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Under the agreement, if no one yields time, the time will be apportioned proportionately against the three sides.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, Senator HELMS will be here momentarily to use his time. I must say again that I regret the majority leader has chosen to threaten the opposition in the way that he has. He prefers not to use the term "sneak attack" but I prefer to use it because that is what it is. I only ask if that is the new standard that it be applied uniformly to all legislation in the future.

Mr. BYRD. Would the Senator yield?

Mr. President, there will be no sneak attack approach. What I said was not in any way threatening. I simply wanted Senators to know that the Chair would put the question. It seems to me we have waited long enough.

And a sneak attack, if there is one, it would seem to me, would come under the category of not letting the Senate know that one has an amendment or when it will be called up. In other words, I am walking around with a switchblade knife in my pocket. Nobody knows when I may whip it out and cut a throat.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, if the Chair is under instructions to call the question in the absence of Senators offering amendments, then we are certainly hearing about a brandnew standard and it is one which I have never seen employed.

I do not really believe there has been any dilatoriness so far in this debate. This treaty which bears on national security in the most direct possible way, and which I believe, and indeed other Senators believe threatens our national security and that of our allies, has been on the floor 2 days.

If anything, trying to cut off debate peremptorily at this point by one means or another is due legitimate criticism. Not the criticism about dilatory efforts by Senators. Because I am not aware that there have been any.

It just does not seem unreasonable to this Senator that the treaty ought to be debated for at least 3 or 4 days. We are proposing to radically alter our arsenal in Europe; which in my view, and in the view of many experts who testified, indeed 30 of the 38 witnesses who came before the Armed Services Committee, is militarily disadvantageous to the United States.

I will repeat that figure if it comes as a shocker to some, because it ought to. Of the 38 witnesses called by the Senate Armed Services Committee, when asked to focus on the national security effects of the treaty, 30 of the 38 said the treaty was a bad deal, that it would undermine our security and that of NATO.

It is not just this Senator who thinks this is an unwise treaty; 30 of the 38 witnesses called by the Armed Services Committee feel likewise.

I want to add the caveat that most of them went on, as did the Armed Services Committee, to focus on the purported political ramifications of failure to ratify, but that is just a lot of hot air. It has nothing to do with national security in my opinion.

In any event, national security is what this is all about and I really do find it unseemly that the proponents are trying to rush this thing through, even resorting to little-used sneak attack tactics in order to achieve their end.

I think it is shocking and it is disgraceful and it is shameful and I hope we will hear no more about it. Let us at least have debate for a few more days. There is at least that much debate that needs to be had in order to do a responsible job of examining and advising and consenting on this treaty.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. EXON. Will the quorum call be charged against each side according to the time agreement?

The PRESIDING OFFICER. Is there unanimous consent the time be charged against each side?

Mr. HUMPHREY. Mr. President, Senator HELMS will be here momentarily and I suggest the absence of a quorum.

Mr. DOLE. To be charged equally?

Mr. HUMPHREY. Mr. President, I withdraw that request.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Parliamentary inquiry, Mr. President. How is the time being charged at this point?

The PRESIDING OFFICER. The time is being charged proportionally at the present time.

Mr. HUMPHREY. The request was to divide it how?

The PRESIDING OFFICER. The Chair had received unanimous-consent request which was withdrawn to charge the allocation of the quorum call proportionately to the three Members allocated time.

Mr. HUMPHREY. Why was the request needed if the Chair is already doing that?

The PRESIDING OFFICER. We are not in quorum call, the Chair will state to the Senator from New Hampshire, now.

Mr. HUMPHREY. If we were in a quorum call, the time would be divided in what manner?

The PRESIDING OFFICER. If there was a unanimous consent agreed to, the time in a quorum call could be charged proportionately. In the absence of a unanimous-consent agreement, it will be charged to those making the unanimous-consent request.

Mr. HUMPHREY. I see. I misunderstood the situation. I apologize to the Republican leader. If he wishes to secure such an agreement, I will have no objection.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. HELMS. Mr. President, I stepped off the floor to check the time spent on this treaty. I find that the consideration of the treaty began on Tuesday at 2:33 p.m.; the Senate completed its business for the day at 5:47 and even if you include the wrap-up time and other things, that was 3 hours and 12 minutes for Tuesday.

On Wednesday we began consideration of the treaty at 10:27 a.m., and the Senate, I think, recessed at 7:15. It may have adjourned. But even if you include all of the ancillary activities, which consumed an hour or more, that is 8 hours and 48 minutes.

Yesterday we got on the treaty at 11:08 a.m. and the Senate went out at 7:34 p.m. This morning we began at 10:01.

I understand the pressures on some Senators to race through this treaty, get it done, get it behind us, and to heck with what consequences may flow from the inattention and the brevity of consideration.

I do not think this sort of thing confers a great deal of credit upon the Senate in terms of its constitutional responsibilities to examine treaties, especially one that is greatly flawed, as this one is.

I myself regret some of the rhetoric has not only been pious and self-serving, on the part of those who want to race through this treaty and go home and stick their fingers in their ears and say look at us, we did a great job.

We had an example awhile ago. The managers of the bill were unwilling to approve five technical amendments which dealt with acknowledged errors in the treaty-errors acknowledged, of all things, by the State Department. Now some in the Senate, apparently, are willing to let the State Department exchange some notes with the Soviet Union instead of letting the Senate correct the errors and thereby vote one way or another on a treaty that is just riddled with errors and with flaws of a substantive nature.

The fact that I have been privileged to serve the Senate for nearly 16 years is a matter of great importance to me. I love the Senate. I love the intent of the Founding Fathers when they created this most unique legislative body in the history of the world.

For that reason, I find myself appalled at self-serving declarations implying that there is something wrong with due consideration of the treaty.

Mr. President, I want to take a few minutes to extend my appreciation and commendation to the distinguished Senator from New Hampshire for his amendment, now pending, because this amendment, if adopted—and it will not be—but if it were adopted, it could be a major step toward improving this treaty and, second, because this amendment highlights the central flaw in this treaty.

The Senator from New Hampshire is a great American for offering his amendment. I imagine that it took some courage on his part because of the onslaught of criticism by those who want to race through this treaty.

The central flaw in this treaty is that it will leave our fighting men, military personnel in Europe virtually defenseless with no nuclear deterrent to restrain the massive conventional forces of the Soviet Union.

Gen. Bernard Rogers testified before our committee. By the way, General Rogers retired last year as Supreme Allied Commander in Europe. General Rogers said that we could hold out for less than 7 days without nuclear weaponry. The Soviets are getting it their way. We are pulling out all our Pershing II's, and they are pulling out their SS-20's, but what they have and we do not have is the SS-25, which they developed illegally in contravention of a previous treaty.

I alluded, Mr. President, earlier today that they were in the process of testing the SS-25 the night they shot down KAL 007 and killed 269 innocent people, including 2 little girls, 5 and 3, who I held on my lap. So do not talk to me about trusting the Soviet Union. I do not trust them, and the polls show the American people do not. I feel confident in saying that if the American people could vote on the Humphrey amendment, the verdict would be overwhelmingly in the affirmative.

Mr. President, after this treaty is ratified, whenever it is ratified, unless the Senate adopts this amendment or one similar to it and other amendments, the main part of those nuclear weapons, the main part of our deterrent will be gone because we will have no Pershing II's. NATO will have no Pershing II's. We will have nothing there, and the Soviet Union will have the SS-25, which is the all-purpose weapon. It is either long-range, which can hit us, or it is short-range, whatever they want to use it for.

I surmise that is the reason the able Senator from New Hampshire offered his amendment, and I applaud him for it.

I mentioned General Rogers. Let us look at what the new NATO commander has said about this. Guess what, Mr. President? The new NATO commander, General Galvin, also testified that he can hold on under the best of circumstances for less than 2 weeks without resort to nuclear weapons. He will have to hold out as long as he can because there will not be any to deter the Soviets.

The weapons we vote to destroy, to blow up have held the Soviet Union at bay in terms of taking over all of Europe. These weapons, by the way, cost $7 billion, and now it is proposed that we just scrap 7 billion dollars' worth of weapons.

So there will be more than 350,000 of our military personnel and more than 300,000 of their dependents—women and children—with about 7 days to make it to Dunkirk to be hauled off by fishing boats under this treaty.

Mr. President, the distinguished Senator from New Hampshire alluded to the Soviet advantage in what is know as reactive armor.

Let me make this clear, as clear as I can make it. If the Senate consents to ratification of the INF Treaty, then the principal elements of the U.S. nuclear deterrent will be gone. Should that happen, and obviously I believe it should not happen, then American troops and their dependents, to whom I just alluded, would be exposed to the enormous military advantages possessed by the Soviet Union in conventional, in chemical, in biological warfare. They would be sitting ducks.

We heard from the State Department and others that you can trust the Russians. Well, ask the grandmother in Rochester, NY, to whom I referred this morning whether you can trust the Russians or not. Their little granddaughters Noel and Stacy were among the 269 innocent people who were deliberately murdered back in August of 1983.

In conventional forces, a major, if not decisive, advantage enjoyed by the Soviet Union is its superiority of at least 3 to 1 in modern battle tanks. Worse still, there have been recent and reliable open sources which reported in detail why the actual advantage held by the Soviets in armored forces is in a practical sense far greater than the officially acknowledged ratio of 3 to 1.

I refer, of course, to the most profound and destabilizing Soviet advance in the European theater in conventional technology during the past 2 decades, the rapid fitting of reactive armor onto the Warsaw Pact tanks.

While it is common knowledge that the Soviet Union has at least a 3-to-1 advantage in tanks in Europe—and it is more than that—it is not common knowledge in the United States and certainly not in the Senate that these tanks, these three tanks facing our one tank are quickly becoming equipped with reactive armor. That is what the Soviet Union has and that is what it is having and that is what it will have. We are going to leave all of our military personnel sitting there like ducks along with their dependents.

Some may ask, what is reactive armor? A good question. It can best be compared, I suppose, to a bulletproof vest for tanks. An incoming antitank missile, like a bullet fired at a police officer wearing a bulletproof vest, is stopped by reactive armor.

Now, reactive armor stops an antitank missile by exploding into the missile, deforming the direct energy of its shaped highly explosive warhead. This differential of the directed energy prevents penetration of the tank's underlying armor and does not significantly damage the tank because all energy released is external, outside of the tank's basic armor.

The Soviets have that. I do not want to get into any classified information, but Senators ought to take a look at it and see what we have. And then they might take a second look at this treaty that they want to race through.

Mr. President, the point is that 95 percent of NATO's antitank weaponry is made obsolete by this development by the Soviet Union, this reactive armor as it is called. That information came from Mr. Phillip A. Karber, who is vice president and general manager of national security programs of the BDM Corp. Mr. Karber is recognized as an internationally respected expert in the field, and he has testified before the Senate Committee on Armed Services.

But the list of NATO and U.S. Army antitank weaponry made obsolete by this reactive armor that the Soviets now have should be bone-chilling to all Senators, and it certainly would be to the American people.

The tens of thousands of the hand-held, so-called "LAW" rockets we have provided our American personnel in the Army to knock out the oncoming Soviet tanks are now obsolete. Forget it. Kaput, they are gone in terms of being effective. The thousands or so recoilless guns that we have provided our American military in the U.S. Army to knock out attacking Soviet tanks are now rendered obsolete. The 3,000 Dragon and Milan antitank weapons are now obsolete and the 2,000 TOW and Swingfire antitank system weapons are now obsolete. How fair is that to the men that we have sent to Europe?

There is going to be an amendment before action on this treaty is completed giving the Senate the opportunity to vote on the question of bringing those boys home along with their dependents. Maybe it is time we bring them home anyhow. I wonder how many Americans realize that it costs the taxpayers of this country, the United States of America, $477 million a day to defend Europe. Now, if anybody wants to make the argument that it is high time for Europe to defend itself and to pay for it, I will buy that argument forthwith. But we cannot have it both ways.

I am sorry about the fact that the President has a plane ready to go over to visit Mr. Gorbachev and he would like to take off from here next week sometime, but I happen to believe that the responsibility bestowed, conferred upon the Senate regarding treaties is more important than the travel schedule of the President of the United States. I happen to like the man. He has been my friend for a long time. But this treaty is flawed. And I say again that I shall never forget the rush in this Chamber and in other public places by Senators to endorse this treaty and say it is the greatest thing since sliced bread last December before they ever held it in their hand. They did not know what was in it. They did not know what it provided. They did not know anything about the defects. Just because it was called arms control and a deal with the Soviet Union, they said, "Let's go."

But there are a few of us who are saying, "Wait just a minute." And I am proud to stand with Gordon Humphrey, Steve Symms, Malcolm Wallop, and a very few others to say, "Wait a moment," even at the price of offending some of my best friends in the Senate. I hope they will get over it. We will be working together on something maybe next week or the week after that. But I held up my hand standing right there in the well of the Senate three times to take the oath of office as a U.S. Senator, in 1973, in 1979, and in 1985. I am in my 16th year in the U.S. Senate. I do not think the people of North Carolina sent me here to cut a deal to go along and get along, even when it involves the President of the United States, whom I was supporting long before others in this Chamber were supporting him. I am not going to be a yes man for anybody. I did not hold up my hand to be a yes man.

I hope Senators will ask themselves quesitons like, "Can you assure, Senator, the American people that our troops in Europe can defend themselves without the nuclear deterrent which this treaty would remove and destroy?"

I am old enough to remember the days when Hitler's armies swept through France in World War II and the German and the Anglo-French armed forces were considered impregnable. Today, our NATO troops face a Soviet tank advantage of three to one, acknowledged, when anybody who has studied the matter knows that it is much worse in terms of a disadvantage than three to one. Ninety-five percent of NATO's antitank weaponry is obsolete.

I think the Senate should understand the military significance of this one-two knockout punch, the left hook of Soviet reactive armor and the right jab of removing the nuclear deterrent provided for our side by our cruise and Pershing missiles.

Mr. President, if there is a military confrontation in Europe, then the plain fact is that the United States could be faced with hundreds of thousands of Americans effectively taken hostage, making the Iranian takeover of the American Embassy at Tehran look like a blackmail job by comparison.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an interview published in the Armed Forces Journal with Phillip A. Karber in the May 1987 issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, I also ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an article entitled "In Mock Combat, Soviets Win Again and Again," and subtitled "Large-Scale Exercises at Desert Raise Questions About Capabilities of U.S. Army." That was on the front page of the Washington Post on February 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, my good friend from Virginia [Mr. WARNER] said it would take several years to correct shortfalls. As I heard the Senator speak—and I have the utmost respect for him—I wondered if he could tell how long it took to meet demands of this type during World War II. I know the answer to that, because I was around at that time. It was a matter of months.

In any case, what is the alternative? The question is, are we going to allow these hundreds of thousands of American fighting men to be held hostage by this treaty and the implementation of this treaty at an early date more important than their lives and their security? I think I know the answer to that, and I presume that other Senators do.

Mr. President, I inquire: how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Carolina has approximately 1½ minutes remaining.

Mr. HELMS. I reserve the remainder of my time.

EXHIBIT 1

[From Armed Forces Journal International, May 1987]

AN EXCLUSIVE AFJ INTERVIEW WITH PHILLIP A. KARBER

(By Benjamin F. Schemmer)

Last summer the State Department asked Phillip A. Karber to evaluate the "Conventional Balance Implications of a World Without Nuclear Weapons. "His review was the only one commissioned, in or out of government before the Summit at Reykjavik. AFJ asked him to drop by to discuss the background and potential of conventional arms control on March 24th, the day Secretary of Defense Caspar Weinberger revealed the first photo of the new Soviet T-80 tank and its reactive armor. The interview took an unexpected direction, with Karber living up to his legendary stamina and reputation for straight talk in what became the longest interview in AFJ history. It is presented here, unabridged, in the first of two parts; Part II will appear in June.

Longtime readers of AFJ are familiar with Karber's unique insight into Soviet armor developments and NATO defense issues. In a November 1976 article. "Anti-Tank Weapons and the Future of Armor," he was the first analyst in the West to point out that the Soviet military was involved in a major antitank debate. In 1981 ("The Growing Armor/Anti-Armor Imbalance in Central Europe." June AFJ). he wrote presciently: "The modern armored vehicle and its enemies become the ultimate arbiter of strategic influence. . . . what is disconcerting is the fading ability of the US and its allies to retain their competitive position in the armor anti-armor balance."

Karber's May 1984 article. "In Defense of Forward Defense." has the dubious distinction of being the most plagiarized article ever published by AFJ (See page 6 for the latest example.) Defense Minister Manfred Worner had it distributed throughout the West German officer corps, saying: "I have studied it very carefully and must say that it is by far the best that I have read about our defense situation in a very long time."

A former Marine, he came to Washington in 1968 as national security adviser to Congressman Craig Hosmer, minority leader of the Joint Committee on Atomic Energy. He has been with BDM since 1971, less a sabbatical in 1981-1983 as director of Defense Secretary Weinberger's Strategic Concepts Development Center, and has served on the US Army Science Board.

AFJ. You authored a controversial position paper on conventional arms control recently which has created a lot of interest in Europe. . . .

KARBER. The only position it represents is my own.

AFJ. You argue that the West should focus on Soviet tanks as the main threat to stability in Europe. Why tanks.

KARBER. The Soviets have an offensive doctrine and an offensive deployment. The main battle tank is the sine qua non of their offensive capability, the cutting edge of their combined arms formations. Whatever other conventional weaponry the Warsaw Pact has, without the tank their ability to break through NATO's defenses and seize Western Europe in a rapid and deep campaign would be reduced to a blitzkrieg.

AFJ. The edition of Defense Secretary Weinberger's Soviet Military Power that just came out states that the U.S.S.R's "development and extensive deployment of reactive armor capable of defeating relatively inexpensive antitank weapons, threatens to shift fundamentally the conventional force balance." Do you agree, or is this just another example of budget-time hype when the Pentagon is under enormous budgetary pressure?

KARBER. Well, I might have said if differently. Reactive armor not only defeats inexpensive antitank weapons, it is effective against some very expensive systems.

Essentially, it nullifies a decade of NATO investment in infantry antitank capability—an investment that was not cheap to procure and will be even more costly to replace.

AFJ. But the real issue isn't economic.

KARBER. You're right. Soviet deployment of reactive armor does not threaten a fundamental shift—it is a fundamental shift, and one which is extremely destablizing in terms of the European military balance.

AFJ. So, in terms of my original question?

KARBER. No, it's definitely not hype. If anything, it's understated. Nor do I believe that SecDef has exaggerated the danger for NATO.

AFJ. Do our European allies agree with US intelligence?

KARBER. You should ask them.

AFJ. I will, but right now I'm asking you. Look, last fall at a conference in The Hague on New Technology and the Economics of Defense, if I've got the story right, you were holding forth on the implications of Soviet reactive armor and most people there—defense experts—didn't know what you were talking about.

KARBER. In terms of the general NATO defense community, there has not been much time to absorb, let alone assess, the pace of Soviet deployments. On the other hand. European specialists are very aware of the implications of Soviet reactive armor. At that Dutch conference, for example, the French Defense Ministry and German technologists were as informed as any American and were not shy about expressing their concern.

In fact the first photographic details of a T-80 with reactive armor, albeit a model, were published in Europe by Soldat und Technik in February, that preceded Soviet Military Power VI by a month. In January, British Armed Forces Minister John Stanley was warning Parliament of the speed and magnitude of Soviet tank modernization.

AFJ. Did he mention reactive armor'

KARBER. He stressed it, in much the same vein as Weinberger.

AFJ. Is reactive armor that significant?

KARBER I can't think of a Soviet conventional technology in the last 20 years that has come on so fast with such profound implications for the balance.

AFJ. How fast?

KARBER. In roughly 18 months. Say 75% to 80% of all Soviet tanks deployed in East Germany.

AFJ. How many is that? How many tanks do the Soviets have in East Germany?

KARBER. It's no secret about 7,500. I thought you'd read my arms control paper.

AFJ. I read it; I didn't memorize it. You mean the map of tank battalion locations? I realize that you were focusing on MBFR-type reduction options. But how accurate is it?

KARBER. It's based on open sources, so I'm sure someone could produce a more authoritative version, but the location of NATO kassens are public knowledge, and the Pact's subordinate battalions are plotted within a 100-km radius of their division headquarters.

AFJ. Look at those deployments. The red are Soviet, right? The majority of Soviet tanks in East Germany are T-61 and T-80 with reactive armor, right?

KARBER. Frankly, I wish the recent statements were just budgetary hype, because that would imply we had an antidote for reactive armor, if only Congress would buy it.

AFJ. We don't have a technological counter to Soviet reactive armor?

KARBER. Sure, both we and our allies have a number of programs under design or development. A modern NATO main battle tank with a large caliber, high velocity gun will still penetrate a T-80. And all Soviet tanks are still vulnerable from both bottom and top attack. But there is no single technological "silver bullet" waiting in the wings which, with the benevolence of an appropriations bill, could resurrect NATO's infantry direct-fire antitank weapons to the lethality or tactical potency that they had before the Soviet deployment of reactive armor.

AFJ. Wait a minute. Everywhere you turn, someone is developing a new antitank weapon—both here and in Europe!

Karber. If the next conventional war occurs in the laboratory, I'm sure we will win. Pick your favorite infantry direct-fire technology or system and ask, "When will it be in the hands of our troops; when will it be deployed to Europe?" You asked what the significance is of Soviet reactive armor—its significance is that it is here today, in the field, and our countermeasures aren't.

WHAT IS REACTIVE ARMOR?

AFJ. I want to come back to both the balance implications and what we do about it, but first let's talk about what reactive armor is, and how well it works.

Karber. I thought you wanted to talk about conventional arms control in Europe. The Army or the R&D community can give you a much better evaluation than I can.

AFJ. But you said reactive armor represents a fundamental shift in the NATO Warsaw Pact military balance. That's not irrelevant to European conventional arms control, is it?

Karber. It shouldn't be.

AFJ. OK, now that we got that settled. . . .

Karber. What is this, "'60 Minutes' meets Popular Machanics"?

The best way to describe developments in armor protection is to start with the threat they are trying to protect against. There are two primary methods of penetrating a modern main battle tank with direct fire. One is high velocity, in the form of a long, thin dart make up of dense, super-hard metal—tungsten carbide or depleted uranium—fired from a high pressure gun, i.e., from another tank.

The other is HEAT [high-explosive, antitank] ammunition—a conical, high-explosive warhead which when detonated creates a stream of hot molten plasma that burns through traditional steel. While HEAT rounds can also be fired from a tank gun, the fact that the penetrability of the warhead is independent of its velocity lends HEAT technology to infantry-fired, short-range recoilless rockets or slow-traveling, large diameter guided missiles such as ATGMs, which are more accurate at long range than traditional guns and do not have to be mounted on a heavy vehicle because there is no recoil.

AFJ. We understand Physics 101. But let's get to the point. Is this Soviet reactive armor better than the British Chobham or US "special" armor?

Karber. It's different. Western armor, as developed in the early 1970s and as deployed in various versions on the Challenger [UK], the Leopard II [FRG], and the M-1 [US], uses a combination of materials sandwiched together. This composite or laminate material is complex, relatively expensive to produce and because it is welded rather than cast like homogeneous steel, is used in flat, squared-off tank designs. By incorporating materials resistant to thermal energy.

AFJ. Like ceramics?

Karber. Right: the new composite armors are far less vulnerable to HEAT warheads. Because of the different consistency of the multiple layers laminated armors also tend to distort or break up the long-rod highvelocity darts.

AFJ. With equal effect?

Karber. No. As a general rule of thumb composite armors provide about three times more protection against HEAT than does traditional steel plate, but only about 50% more against high-velocity rounds.

AFJ. How does reactive armor work?

Karber. Reactive armor is a form of shaped charge, a box of explosive, which is mounted on the outside of an armored vehicle. Retrofitting a tank with reactive armor involves only welding threaded bolts to the hull or turret, hanging reactive armor boxes on them with brackets that fit over the bolts, and securing them with a nut, it's fast and simple. When an incoming HEAT round detonates, it also ignites the reactive armor, which explodes back into the face of the warhead, which distorts the plasma jet and makes its penetration a lot less effective.

AFJ. And what is the comparable effect of reactive armor?

Karber. It has minimal effect against high-velocity rounds. Against HEAT it depends on a number of variables. How large is the warhead? How much of what kind of armor is behind the reactive box on the target vehicle. . . ?

AFJ. Give us an example, say improved TOW vs the T-80?

Karber. I don't know the ballistic details of the T-80, and if I did I wouldn't talk about them. But if you want a hypothetical guess the current TOW has a six-inch warhead which given an average penetration-to-diameter ratio of round 1-to-1 for HEAT means it should be effective against 600 mm of traditional steel. Assuming that the armor thickness on the T-80 is no less than that of previous Soviet tanks combined with a 70° angle of obliquin and a slab of laminate armor on the glacispiale, it probably exceeds 600 mm of equivalent protection.

AFJ. We've been told that without reactive armor, current TOW's are ineffective against a T-80's front hull but marginally effective against the turret.

Karber. I think that's a fair way of putting it.

AFJ. What happens when you add reactive armor?

Karber. I have heard claims for "Blazer." Israel's version of reactive armor, which suggest that it cuts the effective penetration of HEAT by half. So if you applied that to your example, reactive armor added on to the integral protection of the T-80 would stop TOW on both the hull and turret.

AFJ. So is it "fair" to say that virtually all of NATO's current inventory in infantry antitank weapons which depend on a HEAT warhead will not penetrate the latest Soviet tanks with reactive armor?

Karber. For existing HEAT warheads with a cone diameter of six inches or less, that is the conclusion that I have come to.

AFJ. How much of NATO's infantry antiarmor on the Central Front falls into this category?

Karber. All of the hand-held rockets and recoilless guns. A thousand of the latter and 10 times that of the former. Around 3,000 medium ATGM's like Dragon and Milan; 2,000 TOW, SS-11, Swingfire. Conservatively, 95% of NATO's infantry antitank capability is hurt by Soviet reactive armor.

On the specifics, I'm not trying to be cute or evasive, but there is a lot we do not know. There is a lot of testing going on, and a lot more to do. There is only one Army that has had combat experience with reactive armor. . . .

AFJ. The Israelis.

Karber. Yes, and they appear to be very impressed with its effectiveness against HEAT warheads and infantry ATGMs.

AFJ. Did the Russians get reactive armor from the Israelis? I've got sales brochures from Israel Military Industries dating back to 1983 (and probably before then) selling the stuff on the open market. Those brochures claim you can protect 10 square meters of a tank's surface area by clipping on less than one ton of reactive armor.

Karber. Actually, a West German invented reactive armor in the mid-1970s, couldn't interest the NATO armies, and sold it to the Israelis. They developed and fielded this Blazer armor on their older model tanks, Centurions and M-60s, which were used in combat in Lebanon.

AFJ. IMI's Blazer brochure says "the system was developed by the Rafael Armament Development Authority"; it doesn't mention the Germans. Some say the Syrians got examples of Blazer from knocked-out Israeli tanks and gave it to the Soviets, who reverse engineered it for the T-80.

Karber. There may be some truth to that. Certainly Israeli success and Syrian examples could have accelerated Soviet interest. But if I had to bet, I'd guess that Soviet reactive armor is "home grown."

AFJ. Why?

Karber. First of all, there is nothing magical about reactive armor, it is not what you would call "high tech" or pushing the frontiers of science. It represents sound state-of-the-art chemical engineering, a new application, not a new technology, and the Soviets have been very good at producing efficient shaped charge warheads for several decades. They did not have to steal or borrow anything other than the idea—and the concept of reactive armor was being discussed openly in the West in the late 1970s.

Second, the time interval is too short for reverse engineering. Before the Israelis first went into Lebanon, artists' drawings of a T-80 with the same silhouette as your reactive armor photo were being published.

AFJ. You don't mean that silly drawing back in the 1981 issue of Soviet Military Power?

Karber. White out the details of the reactive boxes and compare them side by side. Look at the protrusion of the gun mantel, the same square turret when all previous Soviet designs were rounded.

AFJ. You could fool me. But those artists drawings have never impressed me. Besides, why would we cover, up gloss over, the reactive armor—if, in fact, that is what it was?

Karber. It could have been a mock-up test vehicle, the original may not have been very clear, or that level of detail may have been classified. Anyway, I think it's an interesting coincidence. My third reason is that the Soviets have been energetically experimenting with enhanced armor protection for over a decade, trying different techniques on all their tanks, not just the T-80.

AFJ. Such as?

Karber. Old T-54 55s have been found in Afghanistan with retrofitted spaced armor turrets and others with add-on applique armor. Likewise, T-62s have been seen with add-on steel bustles welded on the frontal arcs of their turrets. Both the T-72 and original T-64 apparently incorporate laminate armor on their hulls. Some Western European tank designers believe that the

Soviets have found a technique of incorporating a volcanic basalt, called "black granite," into their cast turrets, which, if true would give a form of composite protection against HEAT at a fraction of Western production costs. T-72s have been reported with applique armor on their turret roofs for enhanced protection from top attack.

AFJ. However, reactive armor is only on the T-30?

KARBER. No, reactive armor is not only on the new T-80, but also on the revised T-64B, which is still in mass production. There is no technical limitation other than a decline in horsepower-to-weight ratio and acceleration, which would prevent active armor being retrofitted to the entire Soviet tank fleet, or extended to light armored vehicles, BMPs, and APC's as well.

AFJ. The Israelis put Blazers on their M-113 armored personnel carrier. Is there any evidence of reactive armor on this class of Soviet vehicles?

KARBER. I have not seen any less a logical step, given Soviet concern over the survivability of their infantry fighting vehicles. On the other hand, it will not offer anywhere near the same protection as an MBT.

AFJ. Why?

KARBER. The BMP, for example, cannot carry as much weight. The base armor offers far less protection. If reactive armor was added on the front hull, where it is most needed, it would change the center of gravity and destabilize the vehicle when amphibious.

A SOVIET SHIFT?

AFJ. Let's go back a second. If reactive armor is not "high tech," why is everyone so bothered? Does this represent a fundamental shift in the Soviet approach?

KARBER. People are bothered because it's effective. Particularly against our current infantry antitank weapons—the proliferation of which we depend upon to offset the Soviet quantitative advantage in tanks. People are bothered because reactive armor has been deployed in such large numbers so fast.

AFJ. But given a choice between "reactive" and "special" armor, the Soviets clearly opted for the less effective?

KARBER. They chose an armor optimized against the HEAT warhead. Which, as I said, offsets the anti-armor gains which have been made by both US and NATO forces over the last decade. NATO forces expanded their number of ATGM systems by 500% between the mid-1970s and the mid-1980s, while Western tank inventories have remained relatively stable—no more than a 15% growth for any country.

AFJ. Yes. but NATO has also initiated a major tank modernization program built around the high-velocity gun, and the Soviets apparently ignored it.

KARBER. The Soviets ignored a threat for which there was no solution to concentrate on a threat which could be greatly reduced. Whatever armor they might have chosen, there is none that I know of, given current vehicle weights and design characteristics, which would offer protection from the NATO 120 mm smoothbore high-velocity gun. Just as NATO's special armor will not stop their 125 mm Rapira gun from penetrating our newest main battle tanks.

The Soviets' solution vis a vis NATO's latest tanks wasn't more protection but more killers—to have three times as many of their main battle tanks which can penetrate ours as we have that will penetrate theirs.

AFJ. So you think they made the right choice in going with reactive armor.

KARBER. Given a fleet of 53,000 tanks in their inventory. I don't think they made the wrong choice. Even with a production rate of 3,000 new tanks a year, it would have taken them 20 years to convert their force to Western style integral composite armor. Assuming they had the technical knowledge.

AFJ. How do we know that?

KARBER. I read it in *AFJ.* [See December 1983 *AFJ*]. Nonetheless, to create an M-1 or Leopard II would have required a major change in their production facilities and a total break with an established design tradition.

The approach they have taken is to incorporate new materials, laminates, and composites where they can efficiently be added without radical design changes, and take up the slack with reactive armor. One advantage of add-on reactive armor, besides being relatively cheap, is that as designs improve it can be unbolted and replaced fairly easily.

AFJ. Given the advantages of reactive armor, particularly as an add-on enhancement, why hasn't it been fielded by NATO armies.

KARBER. Several reasons. First, our new generation MBTs Challenger, MK-1. Leopard IIs with special armor did not need enhancement for protection against Warsaw Pact HEAT rounds. For earlier models without special armor (Chieftain, Leopard I, M-60, and the AMX-30), reactive armor is likely to be increasingly attractive.

Second, as originally designed, reactive armor provides little additional protection against high-velocity guns, and that is and will remain the major threat to our first-line tanks. We may see reactive armor go "high tech" and evolve into active armor where the defensive charge is predetonated by a sensor which detects the imminent arrival of a high-velocity penetrator—and intercepts or deflects it with debris. But, problems in discriminating between bullets and lethal rounds means active armor is still in the early experimental stage.

AFJ. Wait a minute. What about NATO's thousands of APCs and infantry fighting vehicles? Aren't they vulnerable to the Warsaw Pact's proliferation of antitank HEAT warheads? This issue of Bradley vulnerability has not gone away.

KARBER. There already is considerable interest in adding reactive armor on to lighter vehicles, but the problems we discussed earlier with respect to the Soviets putting it on the BMP would likewise apply to NATO. Reactive armor offers a good prospect of saving these vehicles from the smaller man-portable rockets but limited potential against the larger ATGM warheads. If you want IFVs which can operate with tanks and survive in an intense maneuver-dominated battlefield, they will need heavier base armor. Then reactive armor can make a big difference, but we're talking about 40-ton vehicles, not the current systems at half or a third of that weight.

Reactive armor also has some operating and safety constraints. Commanders get nervous with eighteen-year-olds driving down the autobahn in an armored vehicle uploaded with a ton of explosive inside the vehicle. Think about peacetime training with an additional ton of explosives strapped to the outside.

AFJ. What happens when the reactive armor detonates during combat? The combined effect of both the HEAT round and the armor exploding must give the crew one hell of an Excedrin headache.

KARBER. Well, in combat the crew would try to ignore it. Assuming the vehicle survives, once in lager they would get out, change their shorts, and bolt on a new reactive box. If not replaced, a second round hitting the same spot would penetrate.

AFJ. But how do the Soviets view these limitations?

KARBER. It's not clear. When they introduced both the T-64B and T-80 into Central Europe, they did so without the reactive armor, adding the boxes in their forward kasserns. It does not appear that the reactive armor is mounted during rail or administrative movements, but whether this is due to concern for safety or security is uncertain. Given the ease of adding reactive armor in the field, the practicalities of training and rapid reinforcement could mean that some systems may not get their add-on armor until a crisis or hostilities. As for your Excedrin headache, tankers are deaf anyway, and the Soviets seem to view it as a small penalty for saving the vehicle and the lives of the crew.

A SHIFT IN THE BALANCE

AFJ. While I find much of this fascinating, and your insights are very helpful in untangling some complex issues, nevertheless, couldn't the Soviets argue that they are merely catching up to NATO's advantage in tank survivability, that the fielding of reactive armor is itself a reaction that has minimal effect on the Europoean military balance?

KARBER. They could, and probably will make that argument. But just because they say is doesn't mean we should believe it. From a political point of view what is threatening to NATO is not that the other side achieves proximate parity in a given weapons technology, but that they have far more weapons forward-deployed in Central Europe than is necessary or reasonable for defense. For NATO to accept the logic of technological equality in the face of the current imbalance would be to concede defeat before the first battle. As a good Marxist would say, quantitative disparity has a quality all its own.

With quantitative advantage in tanks, the closer they get to qualitative parity via modernization, the more decisive the engagements, the more dynamic the battlefield, the greater the range of attack options, the more unstable the balance. To the extent that they increase the survivability of their tanks, to the extent they reduce the effectiveness of NATO's antitank weapons, they increase the prospects and attractiveness of an offensive strategy.

AFJ. Your arms control paper has a map that shows the peacetime deployment of divisions between the Atlantic and the Urals, which illustrates NATO's conventional problem with a clarity that we have seldom seen. How bad is the quantitative disparity in tanks on the central front today?

KARBER. Within Central Europe the Warsaw Pact has about 17,000 main battle tanks in active operational units (not counting unmanned units, stored tanks, or those in the maintenance pipeline). In the Western Military Districts of the USSR there are around 10,000 tanks, in the Soviet Central Strategic Reserve (back to the Urals) another 5,000.

I should point out, however, that the majority of the units which provide these last two reinforcing figures are below 50% manpower strength in peacetime, and part or all of the strategic reserve might be committed to another theater.

AFJ. What about NATO?

Karber. In Central Europe today, about 6,500 [tanks] in active units. Counting our POMCUS [prepositioned tanks], full French participation, German territorials, and a month for U.S. and British offshore reinforcement, an additional 3,500, max.

AFJ. Of the Warsaw Pact inventory in Central Europe, how many of those tanks are Soviet and how many have reactive armor?

Karber. The Soviets have about 9,500 tanks forward deployed.

AFJ. In Central Europe? The Soviets alone have 3,000 more tanks forward deployed than NATO, not counting the Eastern Europeans?

Karber. That's about right. In terms of Soviet tanks fitted with reactive armor, it's hard to put down specific numbers; there's a lot less data available.

AFJ. According to Soviet Military Power, only one-third of the Soviet inventory is represented by T-72s, T-64s, and T-80s.

Karber. That can be misleading. It applies to the entire Soviet inventory. To give you an approximation, there are several recently published reports which note that of the five Soviet armies in East Germany, the three opposite NORTHAG (2nd Guards Tank Army, 3rd Shock Army, and 20th Guards Army) are fitted out with the latest T-64 and the two opposite CENTAG (8th Guards Army and 1st Guards Tank Army) have completed conversion to the T-80. That would give about 6,000 tanks equipped or being fitted with reactive armor. The remaining Soviet fleet (those deployed in Poland, Czechoslovakia, or in independent tank regiments at army and front level) would be primarily T-62s and T-72s.

AFJ. That's 6,000 tanks equipped with reactive armor—almost equal to NATO's entire inventory of active tanks in the Center region. Of NATO's tank fleet, how many have both the protection of new armor and a high-velocity gun which has an assured kill capability against the T-64B and the T-80?

Karber. By your definition, only one NATO tank would fit. The West German Leopard II with its 120 mm smoothbore gun. Today there are around 2,000 deployed in active German and Dutch units, with another 1,200 scheduled to be produced over the next several years.

AFJ. What about the US M-1 Abrams and the UK Challenger?

Karber. They are both good tanks. Their limitation is in their current armament. The British 120 mm rifled gun was designed around the principle of a HESH (high explosive squash head) warhead, a design that works quite well against new Western armors (laminates and composites) by causing cavitation and internal spalling. Unfortunately, reactive armor appears to be an effective counter to HESH. The lower velocity of the rifled gun limits the effectiveness of the sub caliber discarding sabot, but I understand the British are working hard on a new round.

AFJ. What's wrong with the Abrams?

Karber. Nothing. It has got great protection, and is so fast and quiet that in NATO exercises our allies call it "whispering death." Ten years ago we decided to mount the German 120 mm gun on the M-1, which was a farsighted decision by the US Army in the face of heavy Congressional opposition. The problem is that the opposing tanks, the ones which drove the requirement for upgunning to the 120 mm. are in the field but almost all the M-1s in the hands of US troops in Europe are still armed with the old 105 mm rifled gun; they're not the M-1A1, which is the new version mounting the 120 mm gun. In fact, you still see a significant number of M-60s with US units in the field and in the POMCUS.

AFJ. I thought that the NATO-standard L-7 105 mm gun with the new depleted uranium round would still penetrate Soviet main battle tanks.

Karber. It may, but you asked for an "assured kill." The only gun which every Western tank designer I've talked to is in agreement on is the German 120 mm smoothbore. There may still be life and even growth potential in rifled guns, both the 105 and 120 mm, by the use of superhard materials and innovation in design of the long rod penetrator, but the inherent limitation visà vis the large caliber smoothbore is velocity.

AFJ. So how does all this balance out?

Karber. Of the active forces in Central Europe today, before mobilization of reserves or introduction of reinforcements, the Warsaw Pact has a little more than two and a half tanks for every one of NATO's. In terms of survivable killers, the Leopard II on our side and the T-64/T-80 on theirs, the ratio is close to 3-to-1 favoring the Warsaw Pact.

Based on current modernization rates and programmed production, that unfavorable ratio is likely to stay fairly constant over the next several years. The big uncertainties being the speed of US M-1 conversions and Eastern European . . .

AFJ. The biggest uncertainty being the accuracy of your predictions.

Karber. Is this an interview or an ambush?

AFJ. In 1982 you were attributed in Newsweek with the following prediction, and I quote: "Karber says the Pact already has more T-64, and T-72 tanks deployed than NATO will have of the counterpart American M-1s and German Leopard IIs by 1985." How accurate was your prediction?

Karber. That's one I can live with.

AFJ. Yes, but your prognosticative powers raise an interesting issue. If we saw the T-64, T-80 threat all along, why all the current excitement?

Karber. That's one I did not see coming. Neither in terms of the technical approach nor speed of deployment.

AFJ. Such uncharacteristic humility. OK, if we are really as surprised as everyone acts, how did the Soviets get so much reactive armor deployed so fast without us seeing it?

Karber. I can only offer my own confession. Given the Western approach of introducing advanced armor with the entry of an entirely new generation of MBTs, there was a tendency to mirror image the threat—to expect them to do what we did. Thus the changes from early T-64, T-72, variants labeled T-74, the late model T-64B and the ubiquitous T-80 were disarmingly evolutionary. Each with differences, cumulatively significant, but not the expected radical departure which would presage the patent infringement of our design. The cast turret was misleading. . . .

AFJ. Yes, but by 1985 the DoD had identified reactive armor on Soviet tanks.

Karber. The open press also had some hints around the same time. It is one thing to see it on some experimental vehicles or on a few tanks in the interior of the Soviet Union, but remember both the T-64 and T-80 were originally deployed forward into Eastern Europe without reactive armor. By the summer of 1986 the 6,000 we've already mentioned were already there. All the Soviets had to do was mount the boxes and, presto, simultaneous quality and quantity.

AFJ. How fast?

Karber. My guess? The bulk of it has come forward into Central Europe over the last 18 months. Not a lot sooner.

AFJ. Do the scale and speed of deployment really matter?

Karber. The Soviets pulled off a qualitative transformation of one third of the Warsaw Pact tank fleet within months, rather than years which previous patterns would have suggested, and you ask if it matters? It took NATO a decade to field a similar number of the so-called "inexpensive" ATGMs, which, with current warheads, will not penetrate those tanks. How long in the future do you think it will take to field a counter to the threat we face today?

AFJ. I'm also surprised that you would cite the Eastern Europeans as balance swingers; their force modernization has not been particularly noteworthy, has it?

Karber. That's exactly the point. With the marginal exception of the East Germans, the Eastern European tank inventories, although large, are becoming obsolete with the passing of every day.

AFJ. How many tanks do the Eastern Europeans have? How many T-62s and T-72s?

Karber. Total inventory? Around 15,000. But opposite Central Europe in active operational units, about 7,500. The average non-Soviet tank is a 30-year-old T-55. With current armament and armor it could not penetrate an M-1 at 800 meters, but at the same range would be blown away by even a Dragon ATGM. The Eastern Europeans missed the mid-1960s T-62 modernization, and over the last decade less than 5 percent of the force has received T-72s. I believe the numbers actually fielded are still in the hundreds.

AFJ. No sign of T-64, T-80, or reactive armor?

Karber. None that I've seen.

AFJ. So where is the uncertainty? Isn't the most likely course a continuation of non-modernization? The Soviets have the killers and the Eastern Europeans have the victims!

Karber. Possibly, but remember that the T-72 is now in series production in Eastern Europe, that in the last two years their tank production increased by 50 percent to an annual rate of 700 tanks.

What's the matter? That number doesn't impress you? Just remember it's equal to the US yearly average over the last decade. The thing to watch, however, is whether the Eastern Europeans get reactive armor.

AFJ. What difference would it make?

Karber. It would increase the survivability of the older tanks against hand-held Panzerfaust and short-range ATGMs.

But as more T-72s enter the force, reactive armor could be added on, which combined with the same high velocity 125 mm gun that is on the latest Soviet MBTs, would give them a weapon in the killer class, albeit not equal to the T-80 in survivability, maneuverability, or the control and without the T-80's collateral barrelfired ATGM.

AFJ. I've been wanting to ask, what is this AT-8 Kobra that is supposedly fired from the T-80? If the Soviets realize that current medium-size ATGMs will not penetrate a modern MBT, why did they hold such a missile now?

Karber. I don't know the real reason. But the T-80 ATGM, which, by the way, is also on the T-64B, would seem to fill a useful overwatch role in dueling with NATO's long-range ATGMs, such as HOT and future TOW, which are mounted on vehicles vulnerable to Kobra-size ATGMs. It might also be used to engage our armed helicopters, although they haven't got much for this mission if the guidance is tied to slewing the turret. From my perspective it looks as if they learned from our earlier mistakes. They designed the missile as a collateral or adjunct weapon without compromising the primacy of the main guns' target-servicing mission or high-velocity performance.

A FUNDAMENTAL SHIFT

AFJ. So you're saying, just with Soviet modernization, the current unfavorable trend of 3-to-1 in killer tanks is likely to continue, and that if the Eastern Europeans field a T-72 with reactive armor the balance will get worse. That much I'll buy. But given the current imbalanced distribution of modern killers in the armies of the Warsaw Pact, does this really threaten a fundamental shift?

KARBER. We are making a fundamental mistake to fall so far behind. But the fundamental shift is not in the relative modernization of killer tanks vis à vis each other, even though it's imbalanced. The purpose of reactive armor is to eviscerate NATO's infantry antiarmor weapons as a threat to Soviet tanks.

AFJ. You said earlier that reactive armor offsets a decade of NATO antiarmor development. What does that mean?

KARBER. In the mid-1970s, as the US and NATO got serious about conventional defense in Europe, there was a general recognition that the alliance did not have the power to stop a Warsaw Pact offensive spearheaded by superior numbers of tanks. NATO did not have enough tanks, and the infantry did not have antitank weapons in the numbers and with the range, accuracy, or lethality to defend their own positions, let alone compensate for our inferiority in tanks. Rather than add force structures—more tank battalions which would be very expensive to procure, man, and maintain—the US led the way in introducing second-generation ATGMs into the existing infantry units. Every rifle squad received a Dragon. Special antitank platoons and companies were formed around the longer-range TOW on specialized vehicles, and with the Bradley every infantry squad had an additional IFV-mounted TOW. The Europeans followed with the Milan and HOT. This proliferation virtually doubled NATO's active inventory of crew-served, direct fire antitank weapons.

AFJ. What about LAWs—the short range, manportable unguided weapons?

KARBER. There was improvement there too, both in quantity and quality. But these systems were always viewed as close-in weapons, good for closed terrain such as forest trails or urban areas. But in a standup fight in the open, by the time the infantry could employ these weapons the position would be compromised.

AFJ. The proliferation of ATGMs was a fundamental shift in our favor?

KARBER. But the significance wasn't limited just to the increased density of antitank weapons. It had a fundamental impact on Western tactics and operations. First, NATO infantry could hold their positions with much greater strength, inflict higher losses on Soviet tanks, and free more Western tanks for counterattack. The range and lethality of the ATGM gave depth to infantry engagement of armor: they could kill more tanks but also survive for successive engagement.

Second. NATO could fight more decisively further forward, which meant more favorable terrain for the defense and that the Warsaw Pact would have to concentrate and commit its main breakthrough forces earlier and on fewer axes of attack. These two developments produced new opportunities for air interdiction and, with more NATO tanks freed up, new opportunities for decisive countermaneuvers.

AFJ. Stop. Are you implying that a bunch of tin explosive boxes simultaneously undermine both NATO's deep attack or FOFA [follow-on forces attack] strategy and the Air Land Battle doctrine?

KARBER. The most ardent advocates of FOFA have always admitted that, unless NATO's direct-fire defense can stop the initial offensive surge and force the attacker into exhausting attrition battles where he must commit second echelon formations against a tight time schedule, the effects of air interdiction will be dribbled away. The same is true for operational level counterattacks. They need a strong infantry anvil to get leverage out of the hammer blows of our armor.

AFJ. But if infantry weapons will not penetrate Soviet frontal armor, aren't there tactical innovations which can compensate? What do you call the tactic where infantry lets the armor sweep by to get side and rear shots? Hedgehog?

KARBER. I call it uncommon valor. You might as well pass out Medals of Honor the first hour of the war. The troops will earn them, but who'll get back to write up the commendations?

AFJ. Don't give me that macho grunt stuff!

KARBER. Look, there is no question that NATO infantry are going to kill thousands of Warsaw Pact tanks, even in the era of reactive armor. They are going to get more side and rear shots than they want, just in the process of dynamic battle, not to mention positions which are interpenetrated or overrun.

AFJ. "Interpenetrate?" You sound like Al Haig. . . .

KARBER. Brave soldiers will stalk T-80s on foot and get them in the rear with a LAW or even a Molotov cocktail: ATGM gunners will expose themselves and their position to get a mobility hit on the tracks. But we are going to lose them at a rate we cannot afford. You do not have to design new tactics to sacrifice more infantry: our current antitank weapons do that very adequately.

AFJ. There is a growing left wing movement in Europe which argues that NATO should depend more on infantry ATGM, on a defensive defense. In several debates over there, you have called them "Gucci Guerillas who would trade in tanks to engage Soviet armor from the sun roofs of their Mercedes.

KARBER. The only good news in reactive armor is that the Soviets have demonstrated that the advocates of "defensive defense" are now as irrelevant as they were irrational.

EXHIBIT 2

[From The Washington Post, Feb. 22, 1988]

IN MOCK COMBAT, "SOVIETS" WIN AGAIN AND AGAIN

(By George C. Wilson)

FORT IRWIN, CALIF.—Army Pvt. Fred Cole, sitting in his foxhole at dawn, easily spotted the Soviet tank charging up the hill toward him. The yellow fireball of morning sun rising above the mountains lit up the brown floor of the Mojave Desert, revealing that the tank was only the first of a long column of Soviet armored vehicles.

Cole aimed his Dragon antitank missile at the lead vehicle and fired. Nothing happened. Once again the Dragon did not work.

The Soviet motorized rifle regiment roared right past Cole and other U.S. defenders trying to stop the column. Referees of the mock battle, fought with harmless laser beams rather than bullets but otherwise realistic, declared Cole and most of his buddies dead. The Soviets—in less than half an hour—had won another battle against the U.S. Army.

The victors were American soldiers dressed as Soviets who used Soviet tactics and vehicles in fighting a battalion from The Big Red One—the U.S. Army's 1st Infantry Division, a mechanized outfit which is part of the forward defense of NATO in West Germany.

The losers were the new GIs in the all-volunteer Army who employed the same weapons and tactics used by U.S. troops stationed around the world. But during two weeks of almost continuous mock armored battles, the Americans never won.

Time and again, U.S. Army units, although armed with such modern weapons as the M1 tank, could not coodinate their attacks or defenses to overwhelm or stop the "Soviets."

The string of "Soviet" victories at this giant outdoor laboratory called the National Training Center, a chunk of Mojave Desert as big as Rhode Island, raised questions about the capabilities of the U.S. Army at a time when the Intermediate-Range Nuclear Forces (INF) Treaty is about to pull part of the nuclear crutch out from under NATO.

Under the INF pact, the North Atlantic Treaty Organization's nuclear-tipped Pershing II and cruise missiles on the ground in West Germany will be removed. U.S. senators across the political spectrum have expressed concern during INF hearings whether the imminent removal of these short- and medium-range nuclear missiles leaves NATO's nonnuclear forces in Europe too weak to deter or defeat a Warsaw Pact invasion.

Short of actual war, the National Training Center, 37 miles northeast of Barstow, Calif., provides the best measure of how the U.S. Army would do against the Warsaw Pact. For two weeks, this reporter, often accompanied by a photographer, observed battles pitting a battalion from the 2nd Brigade of the 1st Infantry Division against a simulated Soviet motorized rifle regiment.

Direct observation and interviews with officers and soldiers on both sides of the battle line revealed:

The American foot soldier does not have a decent antitank weapon. His most lethal one is the Dragon. Dragon gunners complained that this weapon—a bulbous tube as cumbersome to carry on your back as a cylindrical vacuum cleaner—forces them into a suicide position when taking on modern Soviet tanks like the T72.

"Remember," a Dragon instructor told his gunners before the mock battles on the desert began, "you have to keep the cross hairs on the tank for 15 to 20 seconds or else you won't hit it. A T72 can swing his gun around and kill you in four seconds."

When fired the Dragon sends up a highly visible, distinctive plume of white smoke, the equivalent of waving a red flag at a bull in the view of gunners trying to keep their aim steady while worrying about being spotted by a Soviet T72 tank crew. The Dragon missile trails a wire behind it as it flies along. Guidance signals travel over this wire while the gunner seated on the ground tries to hold the aiming-canister body of the weapon steady in its stand. the gunner is supposed to sit stockstill while the Dragon's missile is in flight. If he dives for cover rather than continue to keep the Dragon sight on the tank, the missile will fly off course.

If the missile flies over water, such as a pond or stream, and the trailing guidance wire gets wet, the control signals short-circuit, sending the rocket off course.

"It kind of PO's me that they can't give me something better than this," said one of the new GIs who volunteered for the infantry with enthusiasm but was so dispirited by his experience as a Dragon gunner fighting the mock Soviets here that he is thinking of quitting the Army after his four-year tour rather than make it a career as he had planned. "I've been killed in every battle I've been in. I'll fire the thing out here, but not in combat. I'd rather get court-martialed than killed."

The Defense Department is working on a better antitank weapon, but the Dragon is what soldiers on foot would have to use tomorrow morning if war broke out.

The advent of modern Soviet weapons, like handheld antiaircraft missiles for shooting down helicopters, has forced the Army to abandon many of the fancy tactics used in Vietnam where commanders often hovered in choppers above the battle radioing down instructions.

Army infantry commanders today act more like the North Vietnamese commanders they used to scoff at for explaining tactics on sand tables and then walking their troops through the plan on the ground before attacking. Painstaking rehearsals are back in style, officers here said.

"It's back to Napoleon," said one commander, explaining that perfecting the classic tactics of maneuver, surprise, artillery, barriers and mines to drive enemy forces into a "kill sack" is the only way to win against modern, fast-moving armies. Infantry leaders contended that preparation, timing and coordination are the big keys to success—far more important than the wonder weapons Pentagon leaders are pressing the Army to buy.

The Soviets have stuck to these basic tactics in training their army and kept their officers in the field with the same troops for years at a time, officers noted, in contrast to the U.S. Army where lieutenants and captains constantly rotate from one type of job to another.

"We in the Army have been kidding ourselves about how long it takes to get good at this stuff," said one officer who referees the land battles here between U.S. and Soviet forces. "I thought I was a real hot-shot platoon leader. Now that I've watched over 300 battles out here, and seen what it really takes to win, I realize I didn't know anything. We've got to keep our platoon leaders and company commanders in the field with their men longer or we're going to lose our ass."

One of the commanders of the mock Soviet force, called OpFor, has concluded he would have a better chance of winning a nonnuclear battle in Europe if he commanded Soviet rather than U.S. troops. He said they are better schooled in the fundamentals of massing force and coordinating firepower through years of practice in the field.

The Soviet motorized regiment's basic tactic is to find a weak spot in the defense and ram through it with column after column of armor. In the battles here, the first part of the Soviets' attacking column sometimes suffered heavy losses, but the rest of the force kept coming, punching through the U.S. front-line "crust" and rolling up th flanks in less than an hour—as Cole and other members of Charlie Company discovered during the dawn attack.

The Soviets also have units with fresh battlefield experience in Afghanistan while the U.S. Army has almost run out of officers and sergeants with combat experience. U.S. troops pulled out of Vietnam in 1973, the last battlefield experience of the American military except for the limited invasion of Granada in 1983.

Offsetting those Soviet advantages, commanders here said, are the U.S. Army's sharing of command responsibilities from officers to sergeants; the initiative and skill of the new GIs, superior equipment and weaponry. Comparatively few Soviet commanders have access to radios, for example, making it difficult to coordinate operations during battle, officers here said.

Brig. Gen. Horace G. (Pete) Taylor, commander of the National Training Center, said the mock Soviet troops here are better than the real ones the Army would face in a war in Europe, partly because their leaders know the Mojave Desert terrain so well. Also, the Soviet force outnumbers the U.S. Army defenders 3 to 1, as might be the case along the NATO front.

"That's what we are trying to train these guys to do—to be able to win at those odds," said Taylor. He portrayed the center as an outdoor classroom where learning by doing—not who wins and who losses—is the important consideration. "This place plays a major role in deterrence—the Soviets know everything we do." It is an open secret within the military that the Soviets watch the center by satellite, but Taylor would not comment on this.

Although Defense Secretary Frank C. Carlucci said last week that he spared training funds in cutting his budget for fiscal 1989 by $33 billion, training exercises here are to be curtailed as an economy measure.

The Soviet Union as well as the United States has fielded new generations of nonnuclear weapons that kill troops by the acre, meaning any land war in Europe is likely to inflict horrendous casualties, according to infantry officers here.

"In the mid-1970s," said one, "we got the idea we could somehow fight a war without casualties. We're going to lose people."

An Army general specializing in manpower said he doubted today's Army of 781,000 would provide enough "trigger pullers" to stop a Warsaw Pact invasion without resorting to nuclear weapons. He recommended broadening the all-volunteer Army's training base so it could quickly train draftees as front-line replacements if war should come, especially since the Army's end strength is slated to be reduced by 8,600 people in Oct 1.

The Army's new M1 tank proved to be a lethal weapon for killing Soviet armor, especially at night because of scopes that could see in the dark, but also became vulnerable whenever it was slowed by antitank ditches or came within range of Soviet infantry. Tank commanders often lost track of who was where in the dark.

In one confusing night battle, for example, the 1st Infantry's force lost 23 of its 26 tanks, four of them to friendly fire. Undersecretary of the Army James R. Ambrose said the Army should reduce the confusion by equipping armored vehicles with lighted consoles showing drivers and commanders where everybody is.

The training center's post audit of the night battle, aided by computerized records of who did what to whom, concluded that 70 to 80 percent of the U.S. attacking force had been killed or wounded. This meant, officers said, that the objective could not have been held even if a small band of survivors had seized it.

The Soviets won this battle by fooling U.S. intelligence officers. Rather than hide their antitank troops in the hills as anticipated, they dug firing positions right on the desert floor. The U.S. brigade did not send out reconnaissance teams to locate the enemy before the night battle started.

This reporter was in a platoon leader's M113 armored vehicle during the all-night battle. We got lost out on the desert. This happens so often that troops have an expression for it—L.I.D., "lost in desert."

"When the Soviets are allowed to attack en masse, they're almost unstoppable. He'll mass to get 6-to-1, 7-to-1 odds to break through," Taylor said, "If you're able to shoot down their intelligence, you can stop them."

One veteran infantry commander pleaded that officers be honed to win battles in the mud rather than "punch tickets" in the Pentagon bureaucracy: "The wisdom of the Army has always been at the botton where men get killed, not at the top. In battle, there's never a shortage of generals—always a shortage of privates."

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire has 10 minutes, and the Senator from Wyoming has 2½ minutes.

Mr. HUMPHREY. Mr. President, I am prepared, if all other parties are, to yield back my time. I am not doing so now, but if others are prepared to do so, I will do likewise.

Mr. WALLOP. Mr. President, I am prepared to yield back my time.

I just say to the Republican leader that this Senator has no problems committing to him that I will raise my amendment on Monday; that it is one of the two printed.

There is no attempt on the part of this Senator to delay that. I am quite prepared, on my own behalf, to forgo the 24 hours at such time as that and others have been taken care of. I just want to make it clear that, so far as this Senator is concerned, I do not believe that my amendment will take all that long. In fact, I believe it ought to be accepted, though I wonder what level of judgment may be brought to bear. I will not take too long on Monday to discuss that issue.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

There are only three Senators who have time. Is that correct?

The PRESIDING OFFICER. There are two now.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina has approximately 1½ minutes remaining. All other time has been yielded back.

Mr. HELMS. Mr. President, as I conclude, let me return briefly to the amendment before us.

I think we need to hear, finally, not from the Senator from North Carolina nor the Senator from New Hampshire but from the able Senator from South Carolina—in this instance, both Senators from South Carolina are able, but I refer to Senator THURMOND—Secretary of Defense Carlucci, and the Chairman of the Joint Chiefs of Staff.

This is from testimony before the Armed Services Committee on January 25, 1988. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator THURMOND. Mr. Secretary, one of NATO's goals is to provide minimum essential facilities at our reinforcing air bases in Europe.

Minimum essential facilities provide for storage of 7 days of ammunition and fuel. We will not reach this goal for some years to come. Do you feel that the 7-day minimum is adequate?

Secretary CARLUCCI. One of the NATO initiatives is to try and build up sustainability. That, once again requires budget tradeoffs.

As for whether the 7 days is adequate, let me defer to Admiral Crowe on that question.

Admiral CROWE. Obviously, all professional military people would like it to be longer, Senator.

But given the circumstances and what we have in mind for reinforcement, et cetera, that goal would be a quantum step forward, and we need it desperately. We are not there yet.

Mr. HELMS. Mr. President, over and over again, we have heard that we should support this treaty, and oppose all amendments because the President supports the treaty. This Senator, for one, is here to represent his constituents, and not the White House.

But the underlying theme of a lot of statements made here on the floor is that "this Treaty must be OK because President Reagan thinks it is OK."

General Rogers must be wrong about his assessment that this Treaty will weaken NATO and endanger American lives, because otherwise, President Reagan would have never approved this Treaty.

But the fact is, Mr. President, that President Reagan never received the assessment of General Rogers. The one person who knows the military situation in Europe best—he was NATO commander for longer than any other American—was denied access to the President by the White House staff.

This is what General Rogers told the Foreign Relations Committee: "I was invited * * * in the spring of 1987 to come back to see the President to present my view * * * But when I came back, I did not get to see him."

Why, I asked.

"The White House," General Rogers responded, "will have to answer that * * * I did meet with Mr. Carlucci and General Powell."

This reminds me, Mr. President, of a good friend of mine, now retired and down in Florida, who was our Ambassador to Cuba at the time just prior to the takeover of Cuba by Castro.

He tried desperately through the State Department, through normal channels, to see President Eisenhower. But he was always circumvented. He never got to see the President. So he resigned.

He wanted to assure the President, his good and personal friend, that Castro was a Communist, and we had better watch out for him.

Sometime after he resigned, he saw President Eisenhower at a social function, and the President said, "why didn't you talk to me before you resigned, why didn't you let me know about this?"

He said, "Mr. President, I tried to, but I couldn't get through, I couldn't penetrate through those people around you."

Mr. President, there are 300,000 American service men and women with 325,000 dependents stationed today in Western Europe.

That is what this amendment is about; the Americans whose safety will be directly determined by the success or failure of the arms control process.

Now, many Senators have come to the floor to proclaim that this treaty is a victory for NATO; that it would make NATO stronger. Well, if that is the case, then these Senators should have no problem with this amendment. The President would simply certify that NATO defenses could sustain the Soviet attack.

Does this treaty leave NATO stronger? Does this treaty make our troops and their dependents safer? During all the months of hearings on this treaty, I have yet to hear one reasonable argument why it would.

Rather, the opposite is correct. This treaty will leave NATO weaker and our troops more vulnerable to a Soviet attack. This is just my assessment, but the assessment of the experts.

Gen. Bernard Rogers, for 8 years, was Supreme Allied Commander of the U.S.-European Command. General Rogers was the man in the field. He knows the situation, and he outlined to the Foreign Relations Committee why this treaty will make NATO weaker:

The treaty reduces the credibility of the deterrence of NATO by giving up . . . the Pershing 2s, which the Soviets fear because they can strike Soviet soil with certainty and with accuracy within 13 minutes.

We are sacrificing the long-term credibility of NATO's deterrent for political expediency in the short term—all because of a proposal made in 1981.

Well, Mr. President, this Senator, for one, is not going to sit idly by what with the credibility of the NATO deterrent, and the safety of American citizens for political expediency.

All this amendment does is ask the President to certify, in effect, that General Rogers is not correct; that the removal of our Pershing 2's and GLCM's will not threaten the safety of Americans in Europe.

Senators who believe that the INF Treaty actually enhances the safety of NATO should have no problem asking the President to make this certification.

Mr. President, that concludes my comments. If I have any time remaining, I yield it back.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for 1 minute, to see if I can determine how many more amendments there are to the text.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I have been advised by Senator SYMMS that he has no further amendments to the text. I have been advised that the Senator from Wyoming has one.

Is the Senator from North Carolina now in a position to indicate how many amendments he will have to the text?

Mr. HELMS. I will have one or two.

Mr. DOLE. A maximum of two.

Mr. HELMS. I do not want to hem myself in.

Mr. DOLE. One or two—is that more than two?

Mr. HUMPHREY. Let me reserve two.

Mr. HELMS. A while ago, I called up five technical amendments, and at first I was signaled by the managers on both sides that they were OK. You nodded your head, I say to the Senator from Indiana.

Then somebody rushed in with a piece of paper on each side. I do not know where the paper came from. They said, "No, we can't do that. We oppose the amendment." They have a right to change their mind.

Mr. DOLE. That was one amendment.

Mr. HELMS. It was five amendments. I offered to offer them en bloc, and I withdrew them. I reserve the right to offer them separately now, and I shall do so, and we will have rollcall votes on them. I do not care if it takes until 3 a.m. tomorrow, or whatever.

I suggest that we try to reach some accommodation on this thing, because I, for one, am not going to stand idly by while the Senate refuses to amend a treaty which even the State Department acknowledges is flawed. These are errors that the State Department acknowledges; and the argument is made, "Well, we can correct them all by an exchange of letters."

Phooey on that. Let the Senate do its work. We ratify treaties; the State Department does not, so far as I am concerned.

So I am going to keep my options open, but I will be glad to work with the leaders on this. I am not going to acquiesce and roll over and play dead.

Mr. DOLE. As I understand it, there is one amendment by Senator WALLOP, perhaps two by Senator HUMPHREY, and an undetermined number by the Senator from North Carolina.

Mr. BYRD. To the treaty.

Mr. DOLE. To the treaty.

The PRESIDING OFFICER. All time has expired on the Humphrey amendment.

Mr. HUMPHREY. Mr. President, will the Republican leader yield?

Mr. DOLE. I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I just want it to be clear that in the discussion a moment ago about possible amendments, no other Senators on either side are precluded.

Mr. DOLE. That is true.

Mr. EXON. Mr. President, I ask unanimous consent for 30 seconds on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I think we have a great majority leader and a great minority leader. If I may have their attention for a moment, I should like to suggest this: Would it be possible to move this along? Most of us would like to move it along. Perhaps we could stay and debate amendments to the treaty this evening, maybe come in tomorrow and have further debate, and have some kind of arrangement for any amendments that are debated, and have stacked the votes on Monday, and thereby give ample time to anyone who wants to speak on any amendments. I guess we do not have too many.

I am not going to pursue that other than to say I think it might be a way to have thorough debate that many people want to expedite the procedure to get to the ratification process.

Mr. President, I move to table the amendment offered by the Senator from New Hampshire.

Mr. HUMPHREY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion of the Senator from Nebraska, Senator EXON, to lay on the table the amendment of the Senator from New Hampshire.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Illinois [Mr. DIXON], the Senator from Kentucky [Mr. FORD], the Senator from Iowa [Mr. HARKIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Vermont [Mr. LEAHY], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois [Mr. DIXON] would vote yea.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. HECHT], the Senator from Vermont [Mr. STAFFORD], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

On this vote, the Senator from Minnesota [Mr. DURENBERGER] is paired with the Senator from Idaho [Mr. SYMMS].

If present, and voting, the Senator from Minnesota would vote yea and the Senator from Idaho would vote nay.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 8, as follows:

[Rollcall Vote No. 151 Ex.]

YEAS—73

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Byrd
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Evans
Exon
Fowler
Glenn
Gore
Graham
Grassley
Hatfield
Heflin
Heinz
Inouye
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stennis
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—8

Armstrong
DeConcini
Gramm
Helms
Humphrey
McCain
McClure
Pressler

NOT VOTING—19

Biden
Burdick
Chafee
Chiles
Cochran
Dixon
Durenberger
Ford
Garn
Harkin
Hatch
Hecht
Hollings
Johnston
Leahy
Simon
Stafford
Stevens
Symms

So the motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, while we have 81 Senators present, I seek recognition to inquire as to what Senators will call up another amendment. Could the Senator from North Carolina respond?

Mr. HELMS. If I may ask the dear majority leader, what did he ask?

Mr. BYRD. I am just trying to inquire as to whether or not any Senators were ready to call up another amendment.

Mr. HELMS. Well, just for openers, Mr. Leader, if the managers of the bill are unwilling to take these five technical amendments, then I want to proceed one by one on those. But my understanding earlier was that we were going to take them because it is without any question correcting errors. The State Department acknowledged that.

If the majority leader will turn to the last page, and Senators may be interested as well—it is not even in this copy. I beg your pardon, it is in the front.

It is the corrigendum. You can read it for yourself. These are acknowledged errors which the State Department proposed to do by exchange of notes and I do not think it is the State Department's responsibility. I think it is our responsibility.

I am willing to do them singly by voice vote or en bloc by voice vote or individually by rollcall vote or whatever the managers want. But I want them presented because I do not think we ought to be in the business of ratifying a treaty that has acknowledged errors that we know about.

Mr. BYRD. So the Senator has an amendment which he is prepared to call up?

Mr HELMS. I am sorry?

Mr. BYRD. The Senator is prepared to call up five amendments?

Mr. HELMS. That would depend on what the distinguished managers of the bill decide.

Mr. LUGAR. Will the Senator yield?

Mr. BYRD. Yes.

Mr. LUGAR. I thank the leader.

I would just make the comment without debating the points that the Senator from North Carolina is talking about five corrections that need to be made to the treaty. That is not in dispute.

The problem is that the corrections that our Government wants to make have not yet been defined. To put into the treaty today the specific facts that the Senator from North Carolina has in his amendment would be to put into the treaty in some cases incorrect material and, therefore, the motion is not a timely one. We could not accept an incorrect set of figures. Those figures will be known on Monday and the letters will be sent.

At that time we would be in a better position, I suspect, to discuss this with regard to the articles of ratification. But certainly not, I think, with regard to the treaty text.

Mr. BYRD. Would the Senator from North Carolina be willing to wait until Monday to have those corrections made?

Mr. HELMS. Excuse me. I almost interrupted the majority leader and I did not mean to do that. He knows that.

Mr. BYRD. I know that.

Mr. HELMS. I am just absolutely persuaded they ought to be amended in the text. I do not know what the problem is.

Mr. BYRD. Perhaps by Monday those amendments would prove to be no problem, as I understood the Senator from Indiana.

Mr. HELMS. If the Senator would yield, I will be delighted to confer with the distinguished Senator from Indiana and the distinguished Senator from Rhode Island over the weekend if we can work it out, I am sure. Because it just does not make any—excuse me, I am not reflecting on anybody—but it just does not make any sense to do otherwise. To me.

Mr. BYRD. As I understand the Senator from Indiana, if the Senate were to proceed today the Senate might have to redo its work on Monday when the correct figures have been identified.

Mr. LUGAR. That is correct. Without advising the Senate as to how it might want to proceed, there are other items in which our administration has agreed to do certain things with transfers of letters.

Senators may, during the articles of ratification, may want to offer category 3 amendments. This may or may not be their pleasure.

I would say respectfully I believe these corrections that are being suggested in the so-called corrigenda item fall under that category. It may very well be that the Senate will work its will and will want to confirm what the administration has put into writing in the transferring of the letters. But I think they are in the same category.

Mr. BYRD. Would the Senator from North Carolina be persuaded by the logic of the distinguished Senator from Indiana which indicates to me, I think, that we might save time by waiting until Monday to deal with those technical amendments.

Mr. HELMS. I am willing to do that. Yes, sir.

Mr. BYRD. Is there another Senator who would like to call up—who has an amendment that could be called up this afternoon? I believe I understood Mr. HUMPHREY had one?

Mr. DOLE. Two.

Mr. BYRD. Mr. HUMPHREY has two.

Mr. HUMPHREY. I am not prepared to call them up at this juncture, but I do wish to have some time to address the treaty before the day is out.

Mr. BYRD. Did Mr. WALLOP have an amendment?

Mr. WALLOP. Mr. Leader, I have one and I spoke with the Republican leader and the majority leader. I would be quite prepared to both enter into a time agreement and discuss these Monday afternoon, at the leader's choice of times.

I really have no intention of delaying on that.

Mr. DOLE. It is one of two; is that correct?

Mr. WALLOP. It is one of two, yes. But the one that it will be is the one dealing with article 6, paragraph 2.

Mr. BYRD. Well, if the managers know what the amendments are, would they be willing to enter into such time agreements?

Mr. PELL. I would be glad to.

Mr. LUGAR. Yes, indeed.

Mr. BYRD. That is on which amendment? Which of the two?

Mr. WALLOP. The one dealing with article 6, paragraph 2. An hour and a half equally divided by 1, 1:30 Monday.

Mr. BYRD. Mr. President, I ask unanimous consent that on the amendment by Mr. WALLOP dealing with article 6, paragraph 2, there be a 1½-hour time limitation to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. How about the second amendment of the Senator?

Mr. WALLOP. The Senator has the intention of only calling up the one amendment.

Mr. BYRD. I thank the Senator.

Now, if we could make an equally good bargain with the Senator from New Hampshire?

Mr. HUMPHREY. Mr. President, I have already stated that I am not prepared to call them up just now and I am not prepared to call them up just now because I had no idea that the leadership would be in such a great rush to whip this treaty through the Senate.

Mr. BYRD. The treaty will be around awhile. The Senator need not worry about that.

Mr. HUMPHREY. I hope so. I wish to offer those amendments, but I am not prepared to do so now, as I said a moment ago.

Mr. BYRD. The Senator has two amendments?

Mr. HUMPHREY. That is correct.

Mr. BYRD. Would the Senator care to identify them?

Mr. HUMPHREY. No, he would not. Frankly, I say to the majority leader I reserved slots for two trying to protect myself against all of this unseemly haste. I have not decided which two the several I am contemplating offering to use.

Mr. BYRD. I can understand the frustration of the Republican leader. [Laughter.]

Mr. President, I ask unanimous consent that only the following amendment to the treaty remain in order. The amendment by Mr. WALLOP——

Mr. HUMPHREY. Mr. President, I will save the Senator time. I intend to object to such an agreement.

Mr. BYRD. The Senator has that right.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. The amendment by Mr. WALLOP on which there is already a time limitation. I ask unanimous consent that no amendment to that amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. And the two amendments from Mr. HUMPHREY.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Yes.

Mr. BYRD. And how many amendments does the Senator from North Carolina wish to have included?

Mr. HELMS. That depends on how intractable the managers of the treaty are. We could have had five of them out of the way just like that. But they said "Oh, no, we cannot do that." So I am unable to say to the leader right now. But I will say to him in good faith that I will do the best I can to limit the number of amendments. He and I have worked together for a long time. I believe he will testify that I am generally cooperative. But that is the best I can do right now. And that depends on the two managers of the bill for whom I have the deepest respect.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. May we get one of those indetermined numbers laid down now? Can we take up one now? It is only 4:20. As the Senator from North Carolina says, we get paid for full-time work. So if you have an amendment, maybe we can proceed on that.

Mr. HUMPHREY. Will the Senator yield?

Will the Republican leader yield?

Mr. DOLE. I do not have the floor.

Mr. BYRD. I yield.

Mr. HUMPHREY. I thank the majority leader.

Since part of our work is to express our opinion in the hopes of informing the discretion and judgment of our colleagues, our work is not limited only to amendments. As I said earlier, this Senator is willing to stay here as late as is reasonable tonight to continue to express his opinion on this treaty. I continue that to be work. I hope the inference is not being drawn that because a Senator is not prepared to jump through the hoop with an amendment at the moment the Senator is loafing or the Senate is loafing. Nothing is further from the truth.

Mr. BYRD. Mr. President, I do not know of anyone who is trying to drive anyone to jump through hoops.

Mr. DOLE. Not in this place.

Mr. BYRD. But I do think the Senator's colleagues are entitled to know how many amendments the Senator wishes to offer. If he wishes to offer 10, fine. Just say: I have got 10 amendments and here is what they are. Nobody finds any fault with that. The Senator has a right to call up any amendments. The only thing we are trying to do is determine if there are amendments out there; if so, how many and who are the prospective offerors and whether or not we can get a time agreement. That is not an unreasonable thing to ask.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. I think the Senator from North Carolina may accommodate us with an amendment now. I know he has lots of them. At least I have heard he has lots of them.

I watch CNN. They said he had 100, but his staff says it is really only 60.

Mr. HELMS. Only 60. That is a great improvement.

Mr. DOLE. I heard 40.

Mr. BYRD. Mr. President, if the Senator is ready to call up an amendment, I yield the floor.

Mr. HELMS. I have one thing I want to do before I call up an amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Does the Senator yield the floor?

Mr. BYRD. Yes.

Mr. HELMS. Everybody with bated breath should await the amendment. Let us revisit the scenario of earlier this afternoon. I hope I am stating it correctly.

I shared with the managers five technical amendments designed to incorporate five technical corrections identified by the State Department, no less. "No dispute," as Senator LUGAR said about the errors having been made and incorporated into this treaty.

They are substantive errors. I also indicate that as many as 50 other supposedly technical modifications have been identified by the Soviet Union, but not reported to the Senate and, therefore, not a part of this treaty. Now what goes on here?

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

The distinguished Senator from Indiana, who is my friend, indicated that these issues were expected to be resolved by an exchange of diplomatic notes with the Soviets on Monday, May 23. Here we are being asked to ratify a treaty full of errors, at least 50 of them. I am addressing five of them. To be sure, my amendments touch in several places on the same error in each case.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senator from North Carolina is absolutely correct. If Senators and other people in the Chamber will take their seats, the Senator from North Carolina is entitled to be heard.

Mr. HELMS. May I commend the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair very much.

Certainly we would not, should not, and I hope shall not move to the resolution at least until these issues are corrected in the text of the treaty.

I am not limiting myself to the five amendments that I have offered. I am talking about all the errors that we know about in this treaty. It seems to me to be the height of absurdity to know the treaty is in error at 50 points and say, "Oh, well, we will exchange notes with the Soviet Union," when—as far as I know the Constitution has not been changed—that is our responsibility, the Senate of the United States.

We can move rapidly on these things. I said that earlier, I say it now, and I will say it later.

The point is this, Mr. President: I certainly hope that no Senator believes that the State Department should be making changes in the treaty, no matter how technical, without the approval of the Senate exercising its advise and consent responsibility. If we are not supposed to do that job, take it out of the Constitution.

My life would be a lot easier if I did not have to fool around with treaties anyhow, but, of course, I do not want to take it out of the Constitution because I think that is part of the important meaning of the U.S. Senate.

The PRESIDING OFFICER. If the Senator will suspend, the Senate is not in order. There is noise in the gallery and there is noise on the floor. The Senator from North Carolina is entitled to be heard.,

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, if I can say parenthetically, the obvious disinterest in the conversations may tell us something about the seriousness with which the Senate is approaching its responsibility in connection with this treaty.

From the outset, there were hoots and catcalls aimed first at me and then at others because we dared to say, "Look, this treaty is not perfect as Secretary Shultz said it was when he came up here and testified."

The treaty was not perfect in December when something like 52 Senators, by actual count, stood on this floor and elsewhere and pontificated to the press for all to hear that this was a great treaty, it was the finest thing since sliced bread, and they had not even seen it. They did not know what was in it. I wonder how many Senators know what is in it right to this day.

Let the hoots and the catcalls come and all of the snippy little editorial comments. They have been doing that for 16 years, and I feel like Winston Churchill following an assassination attempt on his life. He was shot at. He said there is nothing more exhilarating than to be shot at and missed.

The administration has been in a rush, but now it turns out, and there is nothing novel about this, that the State Department was not ready after all. I think Pat Buchanan or somebody said INF stands for "It's Not Ready Treaty," "It's Not Finished Yet."

These items covered by the five amendments which I was willing to have considered en bloc early this afternoon will need to be corrected, in my judgment, by the Senate, not by anybody in striped pants from the State Department, because it is our constitutional responsibility, not delegated to the State Department, to make sure that this treaty is as good as it possibly can be or is less bad as it could possibly be.

But the bottom line is, at a minimum we certainly should assure ourselves that the treaty we are considering is the same one that was conveyed to the Soviets. As that matter now stands, that is not the case. But we can work on that over the weekend. I certainly will not be intractable about it. Maybe we can reach some accommodation on how to proceed, when to proceed, and for how long. It seems to me that we ought to handle it in 3 minutes. We ought to take care of about 30 or 40 of the errors in this treaty, counting all of the points that it touches, in about 3 minutes.

Mr. President, since there seems to be such a burning desire to have an amendment, I will have one shortly, but I need to go backstage here a minute and get my papers together.

Mr. MATSUNAGA. Mr. President, I rise to express my support for expeditious ratification of the INF Treaty. I add my voice to those of many of my colleagues who will vote to give this body's advice and consent to the agreement, hopefully before President Reagan's upcoming summit meeting with the Soviet Union's General Secretary Gorbachev.

The treaty before us meets the single most important qualification of any arms control treaty: it enhances our own national security. Under the agreement, both the United States and the Soviet Union must eliminate all ground-launched short- and long-range intermediate nuclear force missiles. This marks the first time in the history of the arms race that an entire class of nuclear weapons is to be eliminated. In fact, it marks the first time ever that nuclear arms inventories will be reduced, not merely limited, as other agreements, such as the unratified SALT II Treaty, have provided. The Soviet Union will be required to dismantle more than twice the number of missile systems and to remove four times the number of warheads required of the United States.

The treaty also bans flight testing of INF missiles, which means that such weapons cannot be modernized or tested for reliability, thereby removing incentives to cheat on the treaty.

Finally, Mr. President, the treaty sets forth the most comprehensive and intrusive verification regime in the history of arms control, and includes significant data exchange, onsite inspections, surprise inspections, and prohibitions on interference with national technical means of verification. It also includes permanent portal monitoring at missile factories and the establishment of a Special Verification Commission to communicate and resolve compliance concerns.

Mr. President, critics of this treaty have argued that the elimination of our INF inventory will leave NATO further exposed to Warsaw Pact aggression. I believe it is clearly evident from the unanimous support for this treaty expressed by the leaders of every NATO nation, who have the most to gain or lose from this agreement, that the West's remaining nuclear weapons and conventional forces in Europe are sufficient to deter invasion. Although Warsaw Pact forces have a numerical superiority in most conventional categories, it is clear that we have a significant qualitative edge. In addition, NATO troops are better trained than their Warsaw Pact counterparts, and would presumably have the advantage of defending their own terrain. Furthermore, NATO would still have 4,600 tactical nuclear weapons at its disposal, compared to a third of that number for the Warsaw Pact countries.

Critics also allege that removal of our INF missiles would detract from our political commitment to Europe, the very purpose for which such missiles were originally deployed. This allegation is patently false, Mr. President. We will still retain in Europe several hundred thousand U.S. troops as a tripwire. Moreover, we would retain hundreds of submarine-based ballistic and cruise missile warheads dedicated to the defense of the continent, not to mention hundreds of bomber-delivered nuclear weapons on carriers stationed in European waters. In any event, a political commitment to our allies must rest on a foundation firmer than the deployment of a few hundred missiles. Our political, military, and economic interests are inextricably bound with that of the European nations—as we learned in World War I and World War II. It is inconceivable that our commitment to Europe's safety and prosperity would be any less for the sake of a few hundred missiles of indeterminate military value, particularly when their removal is to be matched by the removal of a greater number of Soviet missiles.

Mr. President, treaty detractors also raise the concern that the Soviets will cheat on this agreement. But, as I earlier mentioned, the treaty before us incorporates the most comprehensive and intrusive inspection and verification regime in history. The Senate Foreign Relations, Armed Services, and Intelligence Committees, which have held a score or more of hearings on this issue, have all asserted that Soviet cheating can be detected by our intelligence agencies, at least to the extent that such cheating would be militarily significant. If we cannot be guided by their advice, as well as by the advice of our President, arms control experts, the military service chiefs, and the heads of our intelligence agencies, whom can we rely on for reasoned, prudent advice on this matter of grave importance to our Nation and our allies?

Mr. President, as I earlier stated, my support for this treaty is predicated on the belief that it is in our own national security interest. Although the treaty will result immediately in only a 4-percent decrease in nuclear arsenals, the success of this agreement, and the fundamental principles of verification and arms reduction that it embodies, can be used as a basis to proceed with a far more important START agreement to reduce strategic stockpiles by as much as 50-percent.

But it may be in the psychological and political sense, as the chairman of the Foreign Relations Committee, Senator PELL, noted in his opening statement, that the INF Treaty will provide its most important legacy. As my colleagues are fully aware, this is the first major arms control agreement submitted to the Senate by this administration, and indeed, the first to be formally debated in this chamber since the 1972 ABM Treaty. As such, the INF Treaty may represent the beginning of an era marked by superpower cooperation rather than confrontation in every sphere of activity, from trade to space to education to human rights to foreign affairs. Ratification of this treaty also can lend credibility to Secretary Gorbachev's attempts to liberalize, within limits, the political and economic controls that presently constrain the free commerce of goods and ideas within the Soviet Union and the Soviet bloc nations.

Mr. President, I urge my distinguished colleagues to support this treaty. An unprecedented opportunity is at hand for us to turn the hands of the nuclear clock away from midnight. An opening exists which can determine for the better the course of superpower relations for decades to come, if only we will grasp it.

Mr. President, before I yield the floor, I would like to commend President Reagan, Secretary Shultz, and Ambassador Glitman for their work in drafting this seminal document. I also commend the distinguished majority leader, Senator BYRD; the minority leader, Senator DOLE; the chairman of the Foreign Relations Committee, Senator PELL; and the members of the committees with jurisdiction in this matter for the responsible and constructive manner in which they have fulfilled their responsibilities in reporting the INF Treaty for early floor consideration and ratification, which hopefully will be accomplished before President Reagan leaves for his meeting with Mr. Gorbachev beginning on May 29.

I yield the floor.

HUMAN RIGHTS AND THE INF TREATY

Mr. LAUTENBERG. Mr. President, I, along with Senators DECONCINI, GRASSLEY, and D'AMATO intend to offer a nonkiller human rights amendment to the resolution of ratification of the INF Treaty.

Our amendment will require the President to formally communicate to the Soviet Union the Senate's "declaration and understandings" on the issue of human rights. If adopted it will make a strong statement about the high priority the American people place on human rights. Because it is a category II amendment, it will not open the treaty up for renegotiation. It is not a killer amendment.

The amendment incorporates language from the Helsinki accords and the universal declaration of human rights—documents which the Soviet Union has signed. It will remind the Soviet Union that progress on human rights will help improve relations between our two countries.

Our amendment is supported by the National Conference on Soviet Jewry, the Union of Councils for Soviet Jewry, the Religious Action Center, Americans for Human Rights in Ukraine, the World Congress of Free Ukrainians, the Ukrainian Congress Committee of America Inc., the Joint Baltic American National Committee, the Lithuanian-American Community of the U.S.A., Lithuanian Catholic Religious Aid, and the Estonian American National Council Inc.

Mr. President, these organizations have contacted us to indicate their support for our amendment. I ask unanimous consent that copies of their letters supporting this amendment be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE ON
SOVIET JEWRY,
Washington, DC, March 24, 1988.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR FRANK: I want to tell you how pleased we, at the National Conference on Soviet Jewry, are that you and Senators Grassley, DeConcini, and D'Amato have introduced a human rights amendment to the resolution of ratification of the INF Treaty.

The Soviets have thrice signed onto the norm of conduct, repeated in the 1975 Helsinki Final Act, those concepts which provide "Everyone has the right to leave any country including his own." Whatever may be the state of compliance with previous arms control agreements, we know that the Soviets are in violation of Basket III of the Helsinki Final Act. That is a situation which only the Soviet Union, in its pursuit of normal relations with the United States and our Western allies, can change.

The amendment which you and your colleagues introduced this week will serve to remind the Soviets that the American people are committed to human rights and opposed to restricting emigration. The National Conference on Soviet Jewry supports the language in the amendment and the fact that it does not formally link arms control agreements with freedom for Soviet Jews and other human rights concerns.

We hope that your colleagues in the Senate will join you in co-sponsoring the amendment.

With best regards,

MORRIS B. ABRAM,
Chairman.

UNION OF COUNCILS FOR
SOVIET JEWS,
Washignton, DC, March 21, 1988.

Hon. FRANK R. LAUTENBERG,
Hon. CHARLES E. GRASSLEY,
Hon. DENNIS DECONCINI,
Hon. ALFONSE D'AMATO,
U.S. Senators,
Washington, DC.

DEAR SENATORS LAUTENBERG, GRASSLEY, DECONCINI AND D'AMATO: We are pleased to respond to your letter of March 14. On behalf of the Board and members of the Union of Councils for Soviet Jews, we thank and commend each of you for introducing the human rights amendment to the Resolution of Ratification of the INF Treaty.?

While we would not support a "killer amendment" affecting this important treaty, we believe that your amendment, if adopted by the Senate, would appropriately require the President to deliver a message to General Secretary Gorbachev that cannot too often be reiterated. It is the message that the Congress has long and consistently sent, that this and prior administrations have sent, and that a quarter of a million Americans sent last December 6 when they joined us on the Mall for "Freedom Sunday."

The message is that the American people believe that trust between nations depends importantly on the extent to which human rights are guaranteed and protected, that improved relations between our countries depend on such trust as much as upon signed agreements. Improvement in US USSR relations, whether expressed in arms reduction, cultural and scientific exchanges, or expanded trade and financial assistance, must be "linked" to a verifiable demonstration of compliance by the Soviets with their human rights obligations to their own citizens and to the civilized community of nations with whom they have signed agreements.

As you have so well said, this amendment will remind the Soviet Union that human rights issues, including the right of Soviet Jews and other oppressed minorities to emigrate, remain high on the Senate's agenda. It will remind them that the spirit of the late Senator Henry Jackson, the commitment to linking human rights progress to the vital interests of the Soviets, remains alive and well in the Congress of the United States and, therefore, in the hearts of the American people.

The 100,000 members of the UCSJ, and its councils in 45 states and cities, urge all Senators to join you in sending this vital message to Mr. Gorbachev and to the courageous Refuseniks who risk and endure so much—day after day, year after year—to gain the freedom of conscience and movement that we in the West take for granted. It is, after all, this very freedom that the INF treaty is meant to advance.

Fifty years ago, the civilized world paid an unbearable price for appeasing a totalitarian state, for accepting, promises without trust, for maintaining cultural and economic ties with an outlaw nation that, by its treatment of its citizens and neighbors, had forfeited the right to the respect and dignity accorded civilized nations. Your amendment is designed to remind us all, including Mr. Gorbachev, that we take seriously the admonition, "Never Again;" that arms reductions alone, in the absence of trust and decent behavior, will not promote, let alone guarantee, world peace, and that, more importantly, peace without freedom for the individual is a hollow and ultimately dangerous goal indeed.

With all best wishes for your success, we are

Sincerely,

PAMELA BRAUN COHEN,
National President.
MICAH H. NAFTALIN,
National Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
May 3, 1988.

Hon. FRANK LAUTENBERG,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: We are writing to you to let you know how pleased we are about the Human Rights Amendment to the INF Treaty that you and your colleagues have introduced in the Senate. We want to express the strong support of the Union of American Hebrew Congregations (representing 1.3 million Reform Jews throughout the United States) and The Central Conference of American Rabbis (representing over 1400 Reform Jewish Rabbis).

We believe that the Human Rights Amendment effectively addresses the concerns we share about Soviet Jewry particularly and human rights abuses generally in the Soviet Union—without jeopardizing the INF treaty. The amendment deserves the strong support of the Senate as well as the human rights community.

We commend you on your determined fight for human rights and believe this amendment will send a strong message about the deep commitment of the American people to the cause of human rights, thereby encouraging the Soviets to make good on their obligations under international human rights agreements.

Sincerely,

DAVID SAPERSTEIN.

AMERICANS FOR HUMAN RIGHTS
IN UKRAINE,
Newark, NJ, March 29, 1988.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We urge you to support S. Exec. Amdt. 1680, an essential factor to the INF treaty, which is under consideration in the U.S. Senate. Sponored by Senators Dennis DeConcini, Frank Lautenberg, Charles Grassley and Alfonse D'Amato, the amendment calls on the Soviet Union to live up to its commitments to respect human rights and fundamental freedoms. In view of the opportunity that presents itself for furthering the liberalization and democratization in the USSR it is both prudent and practical at this time.

This amendment reaffirms our commitment to human rights and asks the Soviets to do the same in the documents they have signed; namely, the Helsinki Accords, the Madrid Conference final document, the United Nations Universal Declaration of Human Rights and other agreements to which the Soviet Union is a signatory.

The amendment is a declaration and understanding from the president of the United States to the Soviet Union. It should be noted that this is not a "killer" amendment and will not open up the INF provisions for renegotiation. In this era of "glasnost" it is to the Soviets' advantage to comply with the human rights provisions of the amendment.

The mere cessation of certain arms or missiles does not in itself guarantee peace or even characterize a trend. Verification is needed not only in compliance on arms but in the human rights area as well. The degree of the USSR's human rights observances is a barometer of its intentions towards its citizens and towards the American people as well. The human factor added to the INF treaty will likely be the key that can ensure a lasting peace.

Our experience has shown that human rights, trade, and arms reduction are intertwined and should be viewed as such. We should face the issue squarely and support S. Exec. Amdt. 1680. To add your name to the list of cosponsors, please call Sharon Waxman in Senator Lautenberg's office 4-4744 or Melissa Patack in Senator Grassley's office 4-3637.

Respectfully yours,
WALTER BODNAR,
Vice-president.
BOZHENA OLSHANIWSKY,
President.

WORLD CONGRESS OF FREE UKRAINIANS; HUMAN RIGHTS COMMISSION,
Toronto, Canada, March 28, 1988.
Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of our organization I would like to express our strong support for the Human Rights amendments, S. AMDT 1680, to the INF Treaty. As you know, the Ukrainian community is very much concerned with individual rights, religious freedom, religious rights and national freedom. During this period of "glasnost and perestroika" our communities are very sensitive to the issues of progress in implementation of the Helsinki Final Act and the Madrid Document.

U.S. demand for sustained and demonstrable implementation of these agreements is very timely. Continued development of mechanisms which would ensure full compliance in the area of human rights and fundamental freedoms are seen to be essential.

Your proposal to include a balanced number of follow-up activities with advance verifiable implementation is crucial to the goal of lasting peace and security. The Ukrainian community applauds your commitment, and that of your colleagues, to the issues of human rights and fundamental freedoms. We look forward to the successful incorporation of the Helsinki Human Rights amendment in the INF Treaty.

The World Congress of Free Ukrainians is an international coordinating body representing 230 member organizations in the free world, with a 1.5 million community in the US alone. Please keep us informed about the outcome of this amendment.

Sincerely yours,
CHRISTINA ISAJIW,
Executive Director.

JOINT BALTIC AMERICAN
NATIONAL COMMITTEE,
March 24, 1988.
Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of Baltic Americans throughout the United States, we would like to thank you for introducing to the INF Treaty, Senate Amendment 1680. Human, national and religious rights abuses remain a serious problem in the Soviet Union, and the Soviet-occupied nations of Estonia, Latvia and Lithuania.

Senate Amendment 1680 would reaffirm our belief that the Soviet Union should accept political dissent as an integral part of glasnost; it would also serve as a clear indication that the United States holds the Soviet Union accountable for the pledges and agreements it undertakes.

Once again, thank you!

Sincerely,
OJARS KALNINS,
Chairman, JBANC.

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC.,
March 22, 1988.
Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Ukrainian Congress Committee of America, I am expressing our support for Senate Amendment 1680 to the INF Treaty regarding future compliance by the Soviet Union with its commitments to the 1975 Final Act of the Conference on Security and Cooperation in Europe.

The linkage between human rights and arms control is a policy which does not abandon the fundamental security of human beings from our dedication to an effective arms control policy. Such linkage is the essence of Western interpretations of the broad terms we now know as human rights, which today encompasses not only individual human freedoms, but also national and religious rights. This linkage has proven its effectiveness not only in an improvement of human rights matters, but also in matters related to arms control.

There can be no peace in this world as long as people and nations are not free. Thus, in reiterating Western views and commitments to human rights and arms control, the Ukrainian Congress Committee of America finds it necessary to have an amendment to the INF Treaty which further underscores our beliefs that world peace is directly linked to freedom for nations and individuals.

Sincerely,
IGNATIUS M. BILLINSKY,
President, Natl. Executive Committee.

LITHUANIAN-AMERICAN COMMUNITY
OF THE U.S.A., INC., NATIONAL EXECUTIVE COMMITTEE,
Philadelphia, PA, March 24, 1988.
Hon. FRANK R. LAUTENBERG,
Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the National Executive Committee, I have been asked to convey to you our sincere appreciation for introducing the Human Rights Amendment to the Intermediate-Range Nuclear Forces/INF/Treaty. The Lithuanian-American Community of the U.S.A., Inc., with chapters in 28 states, supports your efforts and those of Senators DeConcini, Grassley and D'Amato.

As you well know, the U.S. non-recognition policy of the Soviet Union's annexation of the Baltic States is of great importance to the Baltic-Americans. We ask that you and your Senate colleagues find a way to lessen their concerns by stating the following in a "non-killer" amendment to the INF Treaty:

"; provided, however, that the Parties understand and agree that nothing in this Treaty, its Protocols or Annexes thereto or its Memorandum of Understanding of data exchange thereunder shall be construed as recognition by the United States of America of any sovereignty of the Union of Soviet Socialist Republics over Eastonia, Latvia or Lithuania."

Should your staff have any questions, I may be reached at /215/-677-1684.

Sincerely yours,
STANLEY A. GECYS,
Executive Director.

LITHUANIAN CATHOLIC
RELIGIOUS AID,
Brooklyn, NY, March 25, 1988.
Hon. FRANK R. LAUTENBERG,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express my support for the Human Rights Amendment to the INF Treaty Resolution of Ratification which you have introduced together with Senators D'Amato, DeConcini and Grassley. As you know, peace and justice are mutually dependent—we can never have true and lasting world peace without genuine respect for human rights and social justice.

The INF Treaty is testimony to the importance that both superpowers attach to the question of arms control, as well they should. Unfortunately, the Soviet government attaches far too little significance to respecting the human rights of its own citizens and the citizens of neighboring states. As the executive director of a relief organization that works full-time on behalf of Roman Catholics in the Baltic States and the USSR, I monitor daily the numerous ways in which the Soviet government discriminates against Roman Catholics and persecutes their leaders.

It is important for the US Senate to remind the Soviets that human rights ranks at the top of the American agenda alongside arms control and that the long-term stability of a US-Soviet relationship that is based on trust and mutual respect depends as much on the way in which the Soviets treat their own people as it does on Soviet policy toward the United States.

I appreciate the initiative you and the other three Senators have taken in introducing the human rights amendment to the INF treaty and hope that you will spare no effort to convince a majority of your fellow Senators to support its passage.

Sincerely,
CASIMIR PUGEVICIUS,
Executive Director.

ESTONIAN AMERICAN
NATIONAL COUNCIL, INC.,
New York, NY, March 28, 1988.
Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: Thank you for introducing the Human Rights Amendment to the Resolution of Ratification of the INF Treaty. Many of us who have deep concerns about the Soviets' lack of compliance with the various international agreements on human rights that they have signed have also been disturbed by the lack of attention the Administration seems to be giving to human, religious and national rights issues. As Estonian-Americans, we were pleased to see Congressional letters last month to General Secretary Gorbachev on behalf of the right of Estonians, Latvians, and Lithuanians peacefully to demonstrate; however, we have been very disappointed in the Administration's lack of response to the harsh repressive measures used by the Soviets to prevent such demonstrations in the occupied Baltic States.

We feel that the concept of "balanced progress in all baskets", as mandated by the CSCE process, is not being adhered to by this Administration. We still favor linkage (see enclosed Safire column from the New York Times); however, your amendment would serve to rectify the growing imbalance somewhat. Without it, security issues will go forward without any corresponding advance in human rights.

Sincerely,

JUHAN SIMONSON,
President.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I will describe the parliamentary situation we are in. We are 50 to 60 percent toward agreement. And the disagreement does not relate to the fact that the treaty contains a bushel of errors. It relates only to the question of whether the treaty should be amended or the resolution of ratification should be amended referencing the treaty.

That may not make a lot of sense to people reading the RECORD or listening, but it is an important point. That is the current hangup, if that is the word.

Before I offer an amendment, let me make a comment or two about the history of the hearings and the consideration of this treaty. It was on January 25 that the distinguished Secretary of State, Mr. Shultz, appeared before the Foreign Relations Committee, at which time he assured the committee, and thereby the Senate, that there were no secret understandings in connection with the INF Treaty.

Now I used the quotation marks because I am quoting him verbatim, using Secretary Shultz' own words, "secret understandings." He said there were no secret understandings in connection with the treaty.

Specifically, Mr. Shultz said: "There is the question of the fine print." And I might say, parenthetically, that is the understatement of the week. He said:

> There is the question of the fine print. It is all there for you to see. There are no secret understandings. My transmittal letter to the President includes a detailed explanation of the actual structure and functioning of the treaty and its associated documents.

Well, Mr. President, I must confess that I am concerned that since this assurance on January 25 by the Secretary of State, the situation has changed. And that is part of the problem. Trying to pin down this treaty, and its implications and its meanings and its statements and its provisions, has been a matter of trying to hit a moving target. Or sort of like trying to pick up a blob of mercury in a saucer. Try to do that sometime. It cannot be done.

In any case, Mr. Shultz told the Foreign Relations Committee that there were no secret understandings. But now I discover that there are at least two communications between the United States and the Soviet Union which are in fact and indeed secret understandings between the two parties.

I am given to understand—and I have no doubt about the accuracy of what I am about to say—that there is a note of May 8, 1988 from the Soviet Union and a letter dated May 12 from Ambassador Glitman to the Soviets. So there you have two secret understandings which occurred after Secretary Shultz gave his assurances on January 25.

These have not been transmitted to the Senate for advice and consent. Indeed, insofar as I know, they have not been acknowledged or divulged publicly.

My feeling about the matter, Mr. President, is that this Senate and the American people are entitled to full disclosure. No pigs in a poke this time, Mr. President. I think these communications and whatever obligations they may entail and detail should be made available forthwith to the Senate for public discussion and thereby give the American people a chance to assess these secret understandings.

The distinguished majority leader expressed a great hope that there will be another amendment this afternoon. To tell the truth, I am a bit ambivalent. I do not care one way or the other. But I am willing to accommodate that wish on the part of the leadership.

I am going to offer again the first of five technical amendments that I offered earlier this afternoon. At that time, Mr. President, I suggested and in fact requested that the five amendments, all involving admitted, acknowledged errors in the treaty, be corrected by the Senate and not by the State Department with some sort of secret exchange of notes, or nonsecret exchange of notes, for that matter.

So, in fact, to be honest about it, I felt when I offered the en bloc amendments that not only would they be accepted readily but that I was, for once in my career at the Senate, doing something on behalf of the State Department. Because the amendments, and this amendment which I shall offer presently which was the first of the five—the amendments simply would correct a bunch of mistakes in the text of the Memorandum of Understanding.

Now, it can be contended, and I guess it shall be—not with an agreement by this Senator—that, oh, this is a minor matter and not a big mistake. But I suspect that it is a mistake that the Soviets at least will take seriously, since it involves eight Pershing II missiles, each with 50 kilotons of nuclear explosives.

I daresay that most people walking on Main Street, U.S.A. would not be able to identify a kiloton. Perhaps I can help.

The Hiroshima bomb was 20 kilotons, as I understand it. And each of the Pershing II missiles involved in this error, in this treaty as it now stands before the Senate, has 50 kilotons of nuclear explosives.

By the way, the Nagasaki bomb was 15 kilotons, not even one-third of the 50 kilotons of the nuclear explosives possessed by each of the eight Pershing II missiles about which an error has been made in this treaty.

I think we ought to correct all of the errors. The Senate has responsibility under the Constitution to ratify a treaty which it believes at least to be accurate. If we are not willing to do that, I do not think we are living up to our responsibility under the Constitution to advise and consent.

AMENDMENT NO. 2112

(Purpose: To make technical corrections in Section II of the MOU)

Mr. HELMS. So, with that in mind and to accommodate the majority leader, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2112.
>
> In the Memorandum of Understanding at Section II, Paragraph 2, strike out the numerals "170," "170," and "175" under the column headed "USA" and insert respectively in lieu thereof the numerals "178," "178," and "182".

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I think I shall yield the floor. I am not going to ask for the yeas and nays—deliberately—because I feel the best course of action is to try to work this thing out over the weekend with the distinguished managers of the bill, Mr. PELL and Mr. LUGAR, and the leadership of the Senate, Mr. BYRD and Mr. DOLE. So I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, Senator HELMS has proposed that we adopt this amendment which serves a very real purpose because an error has been made, a slight error, and it should be corrected. The question is how should it be corrected. Should it be corrected by separate amendments from the Senate floor or should it be corrected in a more normal way through an exchange of diplomatic notes for these minor errors, refinements of technical data?

The standard international practice for correcting them, always done in the past, is through the exchange of diplomatic notes confirming the corrections.

My own view is that we would do better to follow that procedure.

In addition to that we will be hearing early next week from the administration as to the correctness of the corrigenda that have been set up and we also believe there may be additional corrigenda that will be set up.

So for both those reasons, both as a matter of procedure and because it is premature, I believe it would be best if we did not act on this amendment at this time.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I think the Senator from North Carolina indicated that there might be some way to resolve this with the managers and maybe it would be in the interest of time. It is a technical amendment. There are five of these and there may be even more technical corrections that need to be made.

So I would hope that we might take the Senator's suggestion and see if we can resolve this.

We have just been visiting informally with the majority leader and the Senator from North Carolina to see if that were the case, if this amendment could be withdrawn or at least maybe on Monday morning withdrawn, whatever. If we could have another amendment, not a technical amendment, that we might go to work on on Monday morning it would help us on Monday.

Senator WALLOP has an amendment he has agreed to bring up about 1 o'clock. As I understand in conversation with the majority leader he would like to begin work at 10 or 10:30 on Monday morning.

Mr. BYRD. Mr. President, if the distinguished Republican leader will yield?

Mr. DOLE. I would be happy to.

Mr. BYRD. I wonder if we can come in at 9:30 on Monday and go on the INF Treaty at 10 o'clock. We will have the pending amendments by Mr. HELMS at 10 o'clock. And we would expect then the amendment by Mr. WALLOP at around 1:30, 1 or 1:30?

Mr. DOLE. Senator HUMPHREY has two.

Mr. BYRD. Senator HUMPHREY has two amendments.

If we can have an amendment following the amendments by Mr. HELMS in the event that we are able to dispose of them at a reasonably early hour on Monday, so that the Senate will have something to work on prior to Mr. WALLOP calling up his amendment.

If the Republican leader will yield, does the Senator from North Carolina anticipate that it will take very long on the five technical amendments?

Mr. HELMS. I would not think so. I would be ready to handle them at 1:30, but I can understand there are different strokes for different folks. But my underlying feeling is that the Senate ought to act on a treaty that is accurate and not act on a treaty that it knows is inaccurate.

The State Department has corrected its errors. Now they want to correct their correction. So I think it is fair to give them another chance and let them correct the second error by Monday morning. I think we could work that out.

I will assure the Senator that unless something drastic happens like my hitting a tree coming to work that I will make sure that some sort of an amendment is ready to go immediately following, whether it be mine or somebody else's. But it probably will be my own.

Mr. DOLE. If they have not resolved the five technical amendments by 10 o'clock that there be another amendment we could move to. It may take some time. When this exchange of notes was taking place somebody said it would be Monday but that could be any time on Monday.

Mr. PELL. That is true and that exchange of notes could well occur Tuesday or Wednesday. We cannot count on it being here by 10 o'clock.

Mr. HELMS. We can set it aside.

Mr. DOLE. What we really need is another amendment; something other than technical amendments.

Mr. HELMS. You cannot have two pending. And I want to have this pending.

Mr. BYRD. The Senator has five amendments pending. I take it they are going to be acted on en bloc?

Mr. HELMS. That was my original proposition, I will say to the Senator. I wanted all five to be considered en bloc. It may be that we can work something out so that will occur.

I assure the distinguished majority leader I will work to that end.

Mr. BYRD. All right. Mr. President, as I see the situation, if the Senate does not complete its action on the treaty on Monday so that the Senate can go to the resolution of ratification on Tuesday, it is going to become increasingly difficult to think in terms of wrapping up the treaty and resolution of ratification by next Saturday.

I say that, saying again for the record, that it is not the date so much that I am concerned about. I am satisfied with the work of the three committees—the Armed Services Committee, the Intelligence Committee, and the Foreign Relations Committee—with their assurances that the problems that were earlier brought to light have been clarified and worked out. General Powell stated to us in a meeting, with the distinguished Republican leader present, that the treaty process, meaning the recent problems that arose, the return of the negotiators to Geneva and the working out of the difficulties, had enhanced the security interests of the United States.

So I am satisfied with the committees' determinations that these matters have been resolved and that the treaty is greatly improved over what it was when it came to the Senate.

So I am willing to do everything that is reasonable to expedite the action of the Senate on the treaty. No push Senators. I could not push Senators if I tried to, but not act in haste. I would say that, if the Senate does not complete action on the treaty next Monday so that the Senate can then go on Tuesday to the resolution of ratification, in connection with which there will be amendments on both sides of the aisle, then the chances of having that little package with the blue ribbon around it in the President's pocket when he goes to Moscow are going to diminish daily and hourly.

I say this to encourage us all, if we can, to cooperate with the leadership, and right now the problems are on the other side of the aisle. Later there will be amendments on both sides of the aisle when the resolution of ratification is up for debate.

Senators who have amendments to the text of the treaty itself, if they could just let us know how many and let us try to dispose of those amendments.

I hesitate to repeat myself, but every Senator has a right to call up an amendment, two amendments, or as many amendments as he feels should be called up to the treaty. I understood there were two by Mr. HUMPHREY, one by Mr. WALLOP, and five by Mr. HELMS, which are at the desk, and possibly one or two others?

Mr. HELMS. Two or three, whatever. I am not prepared to say.

Mr. BYRD. I hope over the weekend the distinguished Senator from North Carolina will determine whether it is two or whether it is three. We can stay in Monday night and work on them. I have a feeling we are going to have to work longer days next week.

So I shall take my seat now, but it should be plainly written on the record that the little bundle with the blue ribbon on it really will not go with the President to Moscow if we are on this treaty very much longer. The resolution of ratification is still to come, and there will be amendments to it.

So I hope that the White House, will get busy and help the leader on the other side and the leader on this side so we may at least identify the amendments that remain to the treaty.

The Republican leader is fighting the good fight.

Mr. President, there will not be any more rollcall votes today.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I am advised that Senator HUMPHREY will be prepared at 12 noon on Monday to offer his amendment and would not take longer than 1 hour. So that would dispose of one of those. If he has two, one of the two. Senator WALLOP will only have one. I am not certain we can get an agreement on that now, but at least, he has indicated he will be prepared at noon to go forward with the one amendment. I do not know which one it is or what it is, but it will be an amendment.

Mr. BYRD. Will the Republican leader know whether or not we can proceed to get a 1-hour limit on that amendment?

Mr. DOLE. I probably can give the agreement now. But I think the majority leader is right. I am still optimistic, but I am less so than I was yesterday because we have not done that much today and did not do that much yesterday or how much we will do on Monday.

There are major amendments on both sides to the resolution of ratification, and there should not be any mystery if we have 5 amendments, 50 amendments, or 3 amendments. But when nobody will communicate, it is pretty hard to tell how many amendments there are. So I do not know how many amendments there are. I do not know what they are, but hopefully by Monday we will be able to ascertain how many will be offered and what the amendments are.

My view is, as long as everybody is up front, we know where we are. That is all I ask. If the treaty is not going to be dealt with next week, that will be something we will worry about later, but we need to find out how many amendments there are, what the amendments are, if we can, and if we can complete action on Monday.

I hope we would stay in later on Monday. I think most colleagues are prepared on both sides for probably very late nights next week because it is an exceptional, extraordinary matter that we are on on the Senate floor. I will alert the Republicans on this side to expect later evenings next week.

Mr. BYRD. I thank the Republican leader, if he will yield. Mr. President, we will have some late sessions next week and Senators should be prepared to remain in session next Saturday, if Saturday is required, to finish the work on the treaty. If, indeed, the Senate by meeting on Saturday can finish its work, then we are all willing to spend that extra day to get the work done.

There will be some serious amendments. Not a great number, as far as I know, but some serious amendments to the resolution of ratification. The leadership is not asking Senators to withhold their amendments and not call them up. The leadership is only asking Senators to let the leadership know what amendments are still out there. That is all. Senators ought to be willing to state whether they have 10 amendments, or 5, or 2 amendments.

I also hope that the Republican leader will—it would be all right on this side I think I can say without a doubt—inquire as to whether or not Senators would be willing to waive the 24-hour rule so that, once the Senate completes action on amendments to the treaty, instead of having to wait 24 hours to go to the resolution of ratification, the Senate could go immediately to the resolution of ratification. It may be helpful, depending upon what time of day that could take place. Easily that can cut a day away. And when we only have 6 days at most remaining, that could mean the difference between taking the treaty to Moscow and not taking it. Of course, it can be flown over, I am sure, and air dropped to the President so that he would have it before he leaves Moscow.

I thank the Republican leader.

Mr. HELMS. Will the Senator yield to me.

Mr. DOLE. I yield the floor.

Mr. HELMS. I want to inquire of the distinguished Senator from West Virginia, he kept referring to blue ribbon.

Mr. BYRD. The what?

Mr. HELMS. The Senator referred several times to a blue ribbon. Since we are dealing with the Soviet Union, will he at least say pink ribbon?

Mr. BYRD. Pink ribbon?

Mr. HELMS. I thank the Senator.

Mr. DOLE. Mr. President, I will as the majority leader suggests, try to ascertain if we can get a waiver of the 1-day rule. It would depend on what hour of the day it was. And also the number of amendments that will be offered. I think it is down to one Senator. I think I know from others, but I still have one who will not tell me. Maybe by Monday we can ascertain how many there are.

But I must say, as I have said before, the votes indicate the strong, overwhelming, bipartisan support for this treaty. I would guess when the final vote comes—and it will come, maybe not next week but maybe the next week—it is going to be overwhelming. Does that make it accurate in every respect, correct in every respect? Does that mean 95 Senators are right and 3, 4, or 5 are wrong? Probably not. But it does seem to me that when there is an overwhelming majority, many of whom have spent months and months and months on this treaty—all of us took an oath of office, not just one Senator—I think we have upheld that oath.

Mr. President, it is a Republican President who is going to Moscow next week, and I believe he has a right, unless this treaty is fatally flawed in some way, to be able to exchange instruments with Mr. Gorbachev while he is there. We may get hung up next week on the other side. Right now, it look like Republicans may be dragging their feet. That is not the case. I have said from the start everybody has a right to offer their amendments, obviously. Let us get them offered. Let us have the debate. Let us vote.

We really have not done that much today. We have had one amendment divided five ways, and one other amendment—that is it—both to the text of the treaty. Now, Monday, if we can dispose of the Humphrey amendments and the Wallop amendments and if there can be something worked out on the technical amendments—I am not an expert in that area—then that would leave an undetermined number of amendments that the Senator from North Carolina might have. And that is his right. He has every right to offer as many amendments as he wants. But I have a responsibility, too, as the Republican leader in this instance to try to accommodate Senators, yes, but also accommodate my President. I intend to do everything I can to do that. When there is this mystery out here, it is pretty hard to proceed. I cannot operate that way. I want people to level with me and I will level with them. Then we can find out precisely where we are.

So I would hope that my staff and other Members' staffs can get together with members of the staff of the Senator from North Carolina and work out the technicals and determine what other amendments there will be, and then on Monday, as the distinguished majority leader indicates, finish work on the text of the treaty, see if we cannot get the 1-day rule waived, and go to work on the resolution of ratification because the last time I heard there are 12 rather significant amendments and the one on interpretation could take a day or two. So there is no certainty that even if we completed action on the treaty, the text of the treaty on Monday night at whatever time, we would suddenly clear the way in 5 days or 4 days—5 days if we include Saturday—to complete action on the entire package. I certainly want to cooperate with all of my colleagues, but I want it understood that, if we can, I would like to finish this treaty. I think it is incumbent upon us on this side if we support our President to make our case, make our arguments, win or lose, and move on. I am ready to move on.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, will the distinguished Republican leader agree to a request that there be no amendments in order to the amendment of the Senator from Wyoming, Mr. WALLOP? I am told he may be agreeable to that.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, there is a nomination on the Executive Calendar, I am told, under Department of State. I inquire of the distinguished Republican leader if that nomination has been cleared on his side?

Mr. DOLE. That has been cleared, yes.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 608.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Frederick M. Bernthal, of Tennessee, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Mr. SIMPSON. Mr. President, I support the nomination of Fred Bernthal to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs. I have had the pleasure of knowing Fred since I came to the Senate in 1979, when he was serving on the staff of our former majority leader, Howard Baker—first on a fellowship and then in the capacity of legislative director for the majority leader. Indeed, while Fred now hails from Tennessee, he is a native of my home State of Wyoming, having been born in Sheridan.

During Fred's service in the Senate, I came to value his expertise and judgment on many of the issues that came before the subcommittee that I chaired and of which Howard Baker was a member, the Subcommittee on Nuclear Regulation.

Fred left the Senate in 1983, to serve as a Commissioner of the Nuclear Regulatory Commission—and he has served there, as well, with distinction and honor. Again, I valued his advice and judgment as he served in this capacity for the past 5 years.

As the President's nominee for the position of Assistant Secretary at the State Department, I am confident that Dr. Bernthal will continue to serve his country with distinction, and I look forward to working with him in this new and challenging capacity.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move that the vote by which the nominee was confirmed be reconsidered.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business, that Senators may speak therein for not to exceed 10 minutes each, and that the period not extend beyond 6 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INF TREATY

Mr. HUMPHREY. Mr. President, earlier there was complaining on some parts about the Senate loafing too much, and I made the point that it is not only amendments which constitute our work, that part of our work is to speak out, to air our feelings, to try to share some insights in hopes that every now and then—it does not happen too often—we might change a few minds recognizing as I do as a practical matter that by the time matters reach the floor of this body opinions are pretty well formed.

Nonetheless, thanks to TV coverage, I think we have an opportunity of influencing the judgment of the American people as a whole beyond just addressing our colleagues. So for that reason I thought I would use these last few minutes available tonight to address the matter of the INF Treaty in hopes of fostering a little more understanding amongst the American people than perhaps presently is the case.

I suppose some think that Senator HELMS and I are just a couple of stinkers, that we are just trying to be troublemakers and maybe make the President uncomfortable, and so on. That is not the case. We each of us wherever we are on an issue try to do our duty as we see it.

I think the President has slipped his moorings on this treaty, but it looks like he is going to get his way. At least there will be some record of opposition for the historians to consult when they write a more objective analysis of this treaty and its consideration.

Mr. President, for the benefit of Senators my staff have very conscientiously put together a notebook containing excerpts from the Armed Services Committee hearing on INF. Frankly, the notebook is intended to help Senators who oppose the treaty. We have extracted all of the best quotes we think in opposition to the treaty.

Since the opposing side is not getting a full airing in the press, I would have to say or a fair airing, I hope that this notebook will be of some value to my colleagues. It is available from my office. I am going to just read some of these excerpts and comment on them in the few minutes that I have tonight.

There are a great many people beyond Senator HELMS, Senator WALLOP, and Senator HUMPHREY, and a few others, who oppose this treaty or who at least are greatly concerned about the national defense aspects of this treaty.

For example, I read from the testimony of Dr. Schlesinger commenting on this point. This is from the hearing page 138. He said:

> I was commenting, Senator Humphrey, that there are many people who have been apprehensive about this treaty. There was a long honorable list of those people, starting with President Nixon, Secretary Kissinger, Brent Scowcroft, and so on.

Secretary Schlesinger said:

> I think if you look at that list you will find that most of them now favor ratification, even though they were critics of the treaty if they feel—

Get this part:

> if they feel that the political consequences including in Europe a failure of the Senate to ratify will be detrimental to the interest of the United States.

He goes on to say:

> That does not say that they did not and do not so believe that the movement toward the treaty was a mistake, but have signed the treaty. Most of them that I have talked to would favor ratification and swallow their reservations about the wisdom of having gotten to where we are.
>
> Senator HUMPHREY. That does not say too much about the merits of the treaty. It just says something about the political situation, the international political situation.
>
> Dr. SCHLESINGER. That is quite correct.

So, in other words, Dr. Schlesinger was pointing out that many eminent Americans are concerned about the military effects of this treaty but have ultimately come to favor form over substance, if you will. They are concerned about what will happen politically if we do not ratify this even though the substance they find objectionable.

I, for one, do not prefer form over substance, particularly when we are dealing with national defense, particularly when the lives of 323,000 young Americans, our soldiers, sailors, and airmen in Europe are at risk by virtue of the enormous advantage of the Warsaw Pact forces in numbers, in resources and geographical advantage and also by virtue of the drastic and precarious state of unpreparedness of NATO.

We discussed at some length earlier here today that NATO forces do not have the 30 days of ammunition and fuel which is regarded to be their bare minimum requirement. They do not even have half of that, indeed not even half of half. In fact, the nonclassified characterization is that NATO has less than 7 days of ammunition and fuel with which to defend Europe and with which our young people have to defend their lives.

So, I think substance is far more important, particularly in these precarious circumstances, than is form.

Form can take a flying leap and the Moscow summit can do likewise.

I am not going to support this, nor am I going to acquiesce in lashing this treaty through the Senate with unseemly haste if I can help it just to oblige the State Department who hoped to carry this blue ribbon bound document to Moscow.

If it is ratified a week later what difference will it make? The effect will be the same. At least the Senate will have had an opportunity to adequately discharge its responsibilities.

General Rogers, again, on the stream of those who object to the military effects of this treaty which, after all, ought to be the primary criterion, Gen. Bernard Rogers said to the Armed Services Committee at page 89 addressing this Senator:

> I do not like it either, Senator, that we have gotten to this point where we really have virtually no options but to go ahead and ratify something which is counter to our interests and counter primarily to the interests of our allies in Europe.

Now, there is Gen. Bernard Rogers, Supreme Allied Commander in Europe, who retired last year. He served 8 years in that command, won the highest plaudits from every observer. He says that this treaty is counter to our interests, counter to the interests of our allies in Europe.

Then General Rogers, again answering in this same vein, describing the historical context by which we come to this ridiculous situation where we are proposing to ratify form over substance, even though the substance, according to some of the best witnesses, will work against our national security, General Rogers was describing the historical process. He said, on page 12 of the hearing transcript:

> It was at this juncture where political credibility took a higher priority than the credibility of NATO's deterrence.

There is General Rogers saying that the process gave political credibility a higher priority than the credibility of NATO's deterrence.

Again, on page 51 of the hearing transcript, General Rogers: "NATO will be weaker from the standpoint of the credibility of its deterrence" as I have pointed out here.

Senator WARNER said: "So I would interpret that it would be stronger if we reject it," referring to NATO. General Rogers, referring to NATO: "It would be stronger if it"—the treaty—"were not ratified, that is correct."

And the credibility of our NATO deterrence—what does that mean? It means it is less convincing to the Soviets and they will be more tempted to launch an attack. That is what deterrence is all about—persuading an adversary that the costs of an attack are too high. If the deterrence declines below a certain level of credibility, then it is no longer an effective deterrence. Deterrence has worked in Europe for 40 years. Let us hope it will continue to work. I doubt it, frankly, if this treaty is ratified. Unless, of course, the allies are willing to substantially increased their conventional forces and they are willing to spend a great deal of money on modernizing battlefield weapons, neither of which they will do.

I will stand here right now and bet any of my Senate colleagues—I am not sure this is precedented, at least since the Senate has been covered by television—I will bet any one of my colleagues $100 right on the spot here that NATO will not be willing to increase conventional force levels, nor will it be willing to—especially our European partners; we are willing—nor will our European partners be willing to modernize battlefield weapons. Indeed, they want to get rid of them and that will even more undermine the credibility the NATO's deterrence.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUMPHREY. Mr. President, I know Senators are anxious to go home. This Senator, frankly, is anxious to talk some more about the treaty, but we are going out at 6, I understand, and my time is up.

I ask unanimous consent and the forebearance of the majority leader that I might continue until 6 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. I thank the majority leader for his courtesy.

General Rogers again on the same subject, page 85, speaking of NATO:

> Its future freedom will be degraded and therefore its security will be degraded. To me it is a major degradation, a major degradation in the quality—correction—in the credibility of our deterrent, particularly the deterrence of intimidation through the threat of aggression, conventional aggression.

Ambassador Jeane Kirkpatrick, testifying on page 8 of the committee transcript:

> I think the treaty on balance leaves Europe somewhat more vulnerable and the Soviet Union somewhat less vulnerable and the Alliance somewhat weaker. But I think the United States Senate should ratify the treaty.

Again, Ambassador Kirkpatrick in this case resorting to the conventional wisdom that if we do not ratify, if we disappoint the expectations of public opinion in Europe, that NATO will come apart at the seams.

Mr. President, as I pointed out in remarks on an earlier day, of a day or two ago, these same kind of "the skies are falling" claims were made in testimony to the Senate back when the SALT II Treaty was under consideration.

The witnesses predominantly said, if we do not ratify this treaty, NATO will be so disappointed that NATO is going to come apart at the seams; members will go off and acquire their own independent nuclear forces; that they may resort to neutrality and all manner of doomsaying; all of which was nothing but hogwash. Today we are hearing the same thing.

So, I suggest there are substantial grounds for rejecting that conventional wisdom that we ought to ratify for the sake of form and the sake of policy.

Nonsense. And even if that were true, we should not do so if it is at the expense of our national security, which it so clearly is.

Here is Ambassador Kirkpatrick again on the same subject, page 22:

> The bottom line that I took from reading the statement and listening to it was that this treaty is a mistake but should be ratified since we would otherwise be adversely judged around the world. Is that an unfair conclusion that I have drawn?

I beg your pardon, I beg the Chair's pardon. That quote should be attributed to Senator EXON. He read Ambassador Kirkpatrick's statement and he says with regard to her statement, "The bottom line I took from reading this statement and listening to it was that this treaty is a mistake but should be ratified since we would otherwise be adversely judged around the world. Is that an unfair conclusion that I have drawn?" Ambassador Kirkpatrick: "Well, I think it is a reasonable conclusion."

Ambassador Kirkpatrick, page 75. As for the INF Treaty—I beg the Chair's pardon again. It is getting late. In any event, this should be attributed to Robert Blackwell, a witness before the Armed Services Committee, page 75: "As for the INF Treaty, I, like our chairman, support it but I do so holding my nose for the reasons that Phil Karber suggested. We have to do it for political reasons and alliance integrity but it has all the problems that Phil suggested, and many more in my judgment. And I will get to the remarks of Mr. Karber in due time, of course. Not tonight, because there is not time, but I hope on Monday and Tuesday.

This notebook, I would say to my colleagues, is divided up into sections. There is not really time to launch into a new section because time is up for today. So I will reserve this and much more, as well, and all that I can squeeze in between now and when the time comes for us to vote on this. I hope that will not be so soon that Senators have an inadequate opportunity to express themselves fully on this very important matter.

Mr. President, I thank the majority leader again for his courtesy and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has yielded the floor.

EPIDEMIC?

Mr. MOYNIHAN. Mr. President, it is fairly common to speak of an "epidemic" of drug abuse in the United States at this time. This is not, I would think, an inaccurate use of that useful term; referring to diseases which are prevalent at one time and not at another. One supposes the best known epidemic is the plague (*Pasteurella pestis*). A.H. Gale identifies three pandemics of great tenacity, the first in the reign of Justinian in 542–43, next the Black Death which took off as much as one-third of the inhabitants of England in the year 1348–49, and finally, surprisingly, 1894. But the disease was epidemic for centuries, coming and going, in the manner described in Defoe's Journal of the Plague Year. In the United States we have had our share—most recently, or so I would judge with no more than a layman's knowledge, the influenza epidemic, also worldwide, of 1918–19. Some half a million died in the United States, and 20 million worldwide.

We don't know nearly enough about drug abuse to use medical terms save as analogies, but for that we need not apologize. Neither did doctors of medicine until, as time is measured, quite recently. Again I cite Gale:

> We must remember that all bacterialogical knowledge is historically new. Before about 1880 the only way of classifying diseases was by their signs and symptoms, and classification founded on the micro-organism came late and did not always coincide with the older classification.[6]

There is one challenging fact; namely, that there have been at least two periods of extensive and debilitating drug use in our history. There was the period between the Civil War and World War I. Then another period which begins in the 1960's and continues to this day. There is also the intriguing aspect of the drugs themselves moving across continents, as did those microorganisms of old—and of late. Of which more later.

However, as someone involved with the public problem of drugs for a near quarter century now, the analogy I have most resorted to is that of alcohol abuse, which on the other hand, has increasingly, in this period, been described and treated as a medical disease. Some while ago Chauncey D. Leake, professor of pharmacology at Ohio State University, put the matter succinctly enough:

> Alcohol is probably the most widely used drug in the world, and certainly is the drug with which humanity has had the longest experience.[7]

On the other hand we do have a century and a half experience with what we now call drugs in contrast with drink. Let us call the one twice the experience in time as the other: and both brief. I claim no special knowledge of either calendar, but there does not seem to be any great problem of measurement. In his fine study, "Town Planning in London, The Eighteenth and Nineteenth Centuries," Donald J. Olsen identifies the onset of distilled spirits as a form of social pathology.

> Cheap gin helped to keep the population of London stable from 1700 to 1750.[8]

In truth the numbers are astonishing. M.C. Bauer estimated the population at 1700 to have been 674,000 and 50 years later no more than 676,000. By contrast the population went from 864,845 in the first British census of 1801 to 2,363,236 in 1851.[9] I take this to be important in that little changed in the public regulation of drinking during this eminently laissez-fair period. The latter came at the end of the 19th century when—once again—the population of London, in comparative terms, became stable. But I am now ahead of myself.

I would like to go back to 1969. In that first, busy year of a new administration, there was a considerable receptivity to the notion that there was a drug problem in the United States, and that the Federal Government had to organize and act in response. I believe it to be the case, and I am content that historians might learn otherwise, that I first raised the matter in conversations with President-elect Nixon in the Pierre Hotel in New York City in December 1968, and for certain I first traveled abroad in pursuit of the matter. But the Nixon White House was more than receptive, not least because the Capital was alarmed. A heroin epidemic had hit Washington, having made its way from New York. In 1969 there were, for example, more bank robberies in the Nation's Capital, in a single year that is, than there had been for the previous 100 years combined. I remember that almost hourly event: the young male waving a revolver at a horrified, or perhaps experienced, young female bank teller, demanding $35 or her life. I will not soon forget a later summer afternoon being invited to a meeting of some of the city's leading citizens at a bank boardroom across from the Treasury Department, and being asked whether it would be possible to have Federal troops occupy the Capital to reestablish law and order. I said this was not possible, and that I must refuse on my own account, as I was sure that if I were to ask the President he would refuse, and I did not wish to see him put in that position. But I did say we would press ahead with the heroin issue, and we did.

Interest in the subject grew, propelled by the steady, increasingly informed, and intellectually open concern of John E. Erhlichman, then the President's chief domestic adviser. On November 4, 1969, I became counselor to the President, a Cabinet position without portfolio, but the better for purposes such as this. I was not of the President's party, had agreed to stay only 2 years, and would like to record that I was treated with courtesy and consideration throughout. That the day came that President Nixon felt that others could handle urban affairs as well or better than I seemed to me both welcome and natural. John Ehrlichman, assisted most ably by Egil Krogh, took on my incipient drug program and pressed it with great energy and resourcefulness. In December of 1969 a Governors' conference was convened at the State Department. The President's call catches the sense of urgency at that time:

> "When we look to the history of civilization," he said, "we find that those civilizations that have turned on a broad, general basis to drugs . . . those civilizations inevitably lose their spirit. They go down. They are destroyed. This is what happens."

I gave the luncheon address to the conference on December 3, 1969. Note that this was only 8 days before I met with the head of the French Surete at Ambassador Shriver's residence in Paris. For what it is, this was the state of my thinking at the time. I would ask the Senate's indulgence to include the address in the RECORD at this time, first noting that my theme, which I will continue in these floor statements, is that alcohol abuse and drug abuse are much the same phenomenon: the sudden impact on society of a new technology. This is to say, the quintessential modern phenomenon. To the best of my recollection, I thought this out on my own, and I have no idea whether it has won any general acceptance. I can only state that two decades later I have not thought of any more persuasive model. I called my address—lecture really—"The Whiskey Culture and the Drug Culture."

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[6] A.H. Gale, Epidemic Diseases (London: Penguin Books, 1959), p. 17.

[7] Lucia, Salvatore Pablo, editor, Alcohol and Civilization, McGraw Hill, New York, 1963, p. 1.

[8] Yale University Press, 2d Edition, 1982, New Haven and London. "Cheap gin helped to keep the population stable from 1700 to 1750, at less than 700,000."

[9] Bauer, M.C., Health, Wealth, and Population, London, 1926.

It is said W.C. Fields asked that his tombstone record the simple epitaph: "On the whole I'd rather be in Philadelphia." One has something of the same sensation in rising to speak to the question of narcotic and drug abuse in the United States today.

It is not that my views are different from those of anyone now speaking or writing extensively on this subject. This is a familiar and perfectly acceptable situation for a person whose life has alternated between university teaching and government service.

My concern is rather that I feel so little confidence in what I shall say. Enough to differ from what others think, but hardly enough to insist on the correctness of what I think. All I know for certain is that the President is absolutely correct in his concern about the problem of drug abuse in the nation at this time. It is the task of Presidential leadership to ask the people to consider developments they would as soon not think too much about, and to seek solutions to problems they would prefer to simpl;y ignore. It is a lonely task and difficult one—not least because a President, given this task, is likely to be most resisted when he is most right. This has not changed, and will not.

President Nixon has asked us to think about drug abuse. And to act in response to thought. It is very much time we did.

My thoughts are general, as would befit someone with no special competence whatever in the particular subject. Almost all I know about drugs as such I have learned from my children, aged thirteen, twelve and ten respectively. They know a great deal, albeit I am relieved to say it is second-hand knowledge at this point, and hopefully it will remain so. But drug use by very young persons is part of their culture, and they are very much aware of it. As I shall argue, it is also very much a part of the overall American culture at this moment in our history, even though most of us have not quite noticed this fact.

Let me offer one general idea. Drug use—and abuse—represents simply one more instance of the impact of technology on society. This is the central experience of modern society. At one or two removes, most of the ills we suffer are the consequences of technology. That is to say, the bad results that accompany the good ones—good results which led to the adoption of the technology in the first place. A commonplace observation, but truly an important one, and one which will, I think, be recognized by Governors who struggle daily with waters polluted by technology, underprivileged populations displaced by technology, drivers and pedestrians maimed by technology, cites choked with technology, and air fouled by it. Not to mention urban populations near to terrorized by crime brought about by the need to obtain money to purchase certain drugs which are yet another product of technology. For nuclear weapons to cyclamates, this is what is so unsettling about modern life. The effort to master and somehow transcend technology is central to the concerns of the great philosophical historians and sociologists of the age, men such as Jacques Ellul, Lewis Mumford, David Riesman, Michael Young. But for the moment one of the tasks of government is to keep technology from rending the fabric of society. That is what this conference is about, the specifics of which I would like now to consider.

By way of perspective, let me propose that alcoholism, which appeared as a social problem in the 18th and 19th Centuries, and which is a very serious problem in the United States today, represented one of the early impacts of technology on physical functioning and social behavior. An impact not just on the social structure, in the manner of gun powder and the steam engine, but also in the life of the imagination and the pattern of personal well-being.

The distillation of alcohol was developed in Italy in the late fifteenth century, about the time, that is, when invention became more or less a systematic process. (The Celts seem from the dawn of history to have possessed the secret, but they are an especially gifted people.) But an abundant supply of alcohol did not become available until technology, in the form of improved agriculture practices, combined with the development of America, began to provide a surplus of grain. When alcohol first appeared in large quantities the impact on society was calamitous. Hogarth's Gin Lane was no exaggeration. Penny Drunk, Tupence Dead Drunk was the tavern sign, and it was also the truth. Those Irishmen digging the Erie Canal, in addition to a dollar a day or so in wages, were provided a quart of Monogahela whiskey, served in four ounce portions throughout the day beginning at six o'clock in the morning.

The point is that no one understood alcohol when it first appeared. And for that matter we still do not. Not really. Folk wisdom has taught us that whiskey in large amounts is not good for breakfast. That is, does not make you strong. That is, does not make you wise, nor necessarily more attractive to the opposite sex. But it took a long time to learn that, and many lives were ruined in the process. And many lives are still being ruined.

Much the same could be said about the impact of drugs on modern society. It seems to me absolutely necessary to see first of all as an incident of the impact of technology. Just as many primitive or underdeveloped societies developed some forms of simple fermented alcohol, so many others found and made use of simple forms of drugs. Often, these has religious as much as recreational users. Wine is part of the Catholic mass; peyote is used by the American Church. (In each instance, it is a substance indigenous to that part of the earth where the religion first arose.) Technology made it possible to go beyond simple forms to much more complicated ones—as from wine to brandy—and made the simpler ones more widely available, and in circumstances of much less social control than had been the case. (The Greeks regularly drank wine, but had a true Apollonian horror of drunkenness, where the ideal of 18th Century England was to become and remain "as drunk as a Lord.")

The ascent of opium is a classic example. By itself, a substance of considerably less than massive powers. But an alkaloid of opium was developed named morphine. That same year the hypodermic neeedle was invented. This was a very much more powerful drug. The combination of the two appeared most forcefully during the Civil War as a method of relieving the pain of wounded soldiers. In the process it addicted many, who thereafter became dependent on the opium-based patent medicines which were even more common than the alcohol-based remedies. (The later being still common, as in the case of Geritol which is 12% alcohol.)

By the end of the 19th Century addiction was common—the incidence in the population being greater even than today. In 1904, for example, the largest advertising budget in America was expended on behalf of a product known as Antidote, which was purported to cure opium and morphine addiction. In 1898, moreover, heroin, diacetyl morphine, was developed by an American, and began to be used—as a cure for opium and heroin addiction. None of these worked, of course, and in 1914 legal prohibition of the nonmedical use of such drugs was imposed by the Harrison Narcotic Act.

History being what it is, I think it improper to accept the now familiar dichotomy that we are moving from an alcohol culture to a drug culture. Almost from the beginning of industrialization we have been something of both. The difference is that of late the drug environment has become very much more menacing than ever before, so that drug use is rapidly—very rapidly—becoming as much or more a threat to society than alcohol use.

Cortisone derivatives, among the most powerful of the new drugs, are now widely used under medical direction. Amphetamines, which affect the central nervous system, appear to circulate without regulation. And, of course, cannabis, or marijuana to use its popular designation, is now in wide use among young persons. Through the well-established process of chemical synthesis cannabis derivatives have now been developed, and one at least, tetrahydrocannibate (THC) is already appearing in the illegal markets for such commodities. The terrifying consequences of the uses of hallucinogenic drugs such as LSD are too well known to need describing.

Let there be no mistaking the fact. There is a drug problem in America today. We are using too many chemical substances. We are suffering from an onslaught of the chemical environment that has no precedent in our history. If it continues unchecked we are likely to do not only our persons but our culture serious, even great harm. Somehow we have got to get the use of chemical substances back under social control. Or perhaps one should simply say we should develop such a social control, for really we have never had such. Technology has created a new situation to which we must find an effective response.

There are those who will and do propose a social policy of complete and free availability of almost all chemical substances that are or can be ingested in one form or another. In its most popular form today, this takes the form of advocating the free use of cannabis, and somewhat less frequently, the free, or mildly regulated use of heroin. I believe this to be a very mistaken position. It is a form of hiding behind the principles of individual freedom to avoid the reality of individual danger and individual harm. It is almost a form of indifference to pain: and I say that in full knowledge of the generosity of spirit and the effort to be understanding that often motivates such proposals.

Our object must be higher. We must learn to use fewer drugs not more.

The question, of course, is how?

One of the reasons there is such widespread support for the free use of drugs, and such great skepticism about ever reducing that use, is that America lives with the heritage of the social disaster brought by the effort to prevent the use of alcohol.

Prohibition was perhaps the greatest social experiment we have undertaken. Certainly it was our greatest disaster. As a student of urban affairs, it would be my view that the American city has still not recovered from the utter delegitimation of authority which was brought about by the wholesale, public violation of the Volstead Act. Owing primarily to prohibition, city government in America became utterly corrupted during the 1920's, and everyone knew it. Its reputation, its honor, its dignity have not yet recovered.

Nor has the aftermath of prohibition been especially redeeming.

Prohibition created organized crime, which city, state and national administrations have striven in vain to bring under control for what is now almost three generations.

Prohibition, as best one can tell, created a drinking ethic which now suffuses the American culture. In New York City, for example, 15,000 saloons were replaced by 32,000 speakeasies. Drinking became de riqueur, and later became for all too many a source of dependency, if not actual addiction. In 196-, some 4.5 million Americans suffered from the disease of alcoholism. In 1964, the F.B.I. reported some 1,458,000 arrests for public drunkenness. This accounted for over 31 percent of the total arrests for all offenses, and is almost twice the number of arrests for index crime offenses. If alcohol-related arrests are taken into account (such as driving under the influence of alcohol, disorderly conduct, and vagrancy), alcohol abuse probably accounts for about half the arrests that take place in America each year. And as you know, the question of whether persons with the disease of alcoholism can or ought to be punished by law is very much before the courts. If you would have a measure of its incidence, you might consider on the way home today that about one oncoming car in ten is driven by an alcoholic.

We were not able to prevent the use of alcohol, and we have not been able to bring it under social control for millions of our people. This seems to me to be a fact to be reckoned with. I am always impressed when I come upon a problem which others have tried to solve and have failed to solve, particularly when this has involved government efforts. I prefer not to assume that the others were simply stupid, or venal, or uninterested. I prefer to assume it is a tough problem.

So also, obviously, is the problem of drug use. We have had drug prohibition for fifty-five years now. And here we are at this conference. Not exactly a record of success.

What are we to learn? The first thing, obviously, is that this is not an easy problem. Men as good as us or better have struggled, and by all outward indices, they have failed. It could be things would be even worse but I doubt that. In the course of the spells the size of the drug using population expanded enormously and changed very considerably in its social character. Rather as did drinking during the 1920's, drug use became respectable during the 1960's. The present pattern of drug use very much seems to resemble the pattern of alcohol use. Alcohol use is greatest among well-educated younger males. Alcohol abuse (alcoholism, problem drinking, involved or escapist drinking) is centered in poor metropolitan populations, particularly in older males, persons who are divorced and badly educated, with low occupational status. There are some social variants. Fundamentalists and Catholics are overrepresented among persons who are alcoholics. I would imagine persons of Latin extraction might have a higher use of drugs such as marijuana, following the same pattern of cultural inheritance.

This is about all we know, however. Which is to say that we know drugs do more damage to some groups than they do to others and more to some individuals than to other individuals. Just as does alcohol.

On further thought, it will be seen that we know one other thing. There is not going to be any cheap way out of this. Any situation in which the 14-year-old son of a professor such as myself can think of at least 10 acquaintances who have used marijuana; in which the 12-year-old daughter can explain that if pot becomes hard to get people will turn to the "hard stuff"; to which the older son replies that pot is not addictive; whereupon the 10 year old offers his not unsophisticated views: any situation like this is not going to be cheap and easy to get out of.

What we must do is to be as serious and as intelligent as we can. And above all we must resist the temptation to be superior or moralistic in the aggressive and aggrandizing way that sometimes appears when this subject is raised. We are almost all of us drug users of some kind; almost all of us alcohol users of some kind.

Technology has unleashed an enormous social agent which threatens us in the most serious way. The humility with which we approach this problem will almost be a measure of the responsibility with which we do so. It is easy enough to make efforts: it will take moral courage and intellectual stamina to succeed.

And we had better succeed. For the issue is not casual drug use, or alcohol use alone (and I would hope by now I would have made plain that both are matters urgently in need of attention). The issue also has much to do with the structure of authority and governmental legitimacy in America. Which is to say it has to do with the preservation of Democracy. I think it is not unfair to say, for example, that a fair amount of the spread of marijuana among school youth has been deliberately encouraged by groups that hope that by doing so they will in effect delegitimate not just the course but the entire structure of democratic institutions. These institutions, they say in effect, desire arbitrarily to deny you a desirable experience, and simultaneously cannot do so. They are malevolent and impotent at the same time. If we remember that something like this happened in Prohibition, let us not assume it cannot happen again. Moreover, let us not assume it is an isolated phenomenon. On the contrary, it is a problem at the heart of the malaise of Western democracy at this time. Recently a group of Englishmen wrote a pamphlet dealing with social problems in Britain which they began with the statement that what they were proposing would be hard to do.

They spoke of the seeming impotence of specific governments and observed: Their weakness is that of almost all governments of democracies in the 20th Century. All of them in their different but inimitable ways have had to struggle with a task which is becoming steadily more difficult to perform—how to live up to their names and govern.

Curiously, we find we have to reassess our standard judgment about the all-powerful modern state. In so many instances, all power can turn out to be no power.

It is fundamentally in response to this fact that the present administration has tried to be very careful in what it will promise, and striven to be meticulous in delivering on what in fact it does promise. This has made for rigor, not rigor mortis. Some of the most important social programs of the 20th Century have been proposed to Congress in the past year, and more will be coming. And in the meantime we are prepared and determined to meet issues such as those of alcohol and drug abuse.

New legislation is needed, and we have proposed such legislation. A uniform state regulation is needed, and this is now available in the form of the Uniform State Controlled Dangerous Substances Act. And above all we need knowledge. Dr. Norman Zinberg has, it seems to me, most helpfully described the drug phenomenon in terms of a triangle of "Drug, Set, and Setting." That is to say we need to know so much more about the interaction of a particular chemical, a particular individual and the social (or anti-social) context in which the two come together. This very like the epidemiological triad, and deserves the most careful attention and serious research. Until very recently most drug users have been treated in terms of medical or criminal categories. Drug users were treated as deviants. Benignly so in the case of the Civil War opium addicts swilling away at patent medicines to cure what was known as "soldiers illness," or punitively so as in the case of the heroin addict of the slum, supporting his habit by thievery or worse, and in agonizing numbers ending his life by what society prefers to diagnose as an "overdose" of whatever it is that ailed him. Drug use has broken out of that deviant structure, much as did alcohol use. David Riesman has pointed out how frequently it serves as a "boundary breaking" agent—boundaries, that is, between social class and race, and, of course, the ever present boundary of sex. Young Americans are much involved in boundary breaking, and are likely to continue to be. We must accordingly expect them to continue to be much involved with drugs. Unless we provide them with an alternative.

This, it seems to me is the point. Educating the public, particularly the young, to the nature and danger of drug use is first and fundamental. Restricting the supply of drugs and, where appropriate, enforcing the laws against their use, is next.

Whatever we do, let us not corrupt our police and courts and political system in the process of enforcing our laws. (And let us be candid. It is entirely evident that the heroin traffic has involved municipal corruption. Moreover, that corruption apparently, for a period, made its way into the ranks of Federal narcotics agents). Nor, just as seriously, having become aroused by this problem because it has appeared among the children of the upper middle class, let us not continue to ignore the far more desperate reality of drug use among the poor. If I were to be asked for an example of moral corruption in American society during the 1950s and 1960s—a failure more accurately of moral sensibilities—I do not think I could cite a better example than the near-to-absolute indifference of the foreign policy establishment of the United States to the international drug traffic. Practices by friendly governments which would have been regarded as utterly intolerable had they extended to some recognizably political field, or had they been deleterious to the interests of well-being of a more visible class of people, to be blunt, known to the foreign policy establishment, such practices would have had the gravest and most immediate consequence for the practitioners. But so long as the only people being destroyed were far away and relatively invisible, these practices continued with barely the mildest demur. Nothing, it seems to me, has changed more dramatically since the advent of the present administration. President Nixon has made the control of the international drug traffic a specific object of American foreign policy. It is long past time some President did.

It is similarly past time we began to think about drug abuse in terms of persons who we seriously wish to educate. Telling children that something is dangerous, that is to say that adults don't like it, is at least as likely to attract as to repel them. We forget about the way we have approached these subjects in the past—look how we have failed!—and to learn what really are the approaches—the arrangement of facts, if you will—that will in fact affect a solution.

But above all we must provide an alternative.

It is as simple and as complex as that. A society in which people do not need drugs. In which the young are not afraid. In which the poor are not more interested in death than life. In which the colors of the cityscape and the countryside are so much more beautiful than anything to be attained by hallucinogenic chemicals that the use of them seems counterfeit simply because it will be counterfeit: an experience that does not reward but cheats. What kind of society is that? I think we all know. I think we had better get on with building it.

Fifteen years passed. The heroin epidemic passed. Then the pestilence broke out once again. This time the bacillus, if you like, was cocaine. This drug followed precisely the early pattern. It begins as a plant. It is widely used on the continent of South America. The Incas so record. In 1860, to be precise, a German chemist named Albert Nieman raised its intensity by isolating cocaine hydrochloride from the coca plant.

In the 1970's cocaine use revived, rather as if morphine use had revived. I refer to my crude model of stages of intensity. Cocaine had a certain fashion. It was assuredly a drug associated with affluent youth. Plastic surgeons in New York learned to rebuild nose bridges of young ladies of fashion who had sniffed too much or too often. Then in the early 1980's something changed. If I may keep to my crude model, cocaine went to crack as morphine had gone to heroin. I learned about hits from Detective Charles J. "Chuck" Bennett of the New York Police Department. There was something new on the streets, he remarked one evening. It was called "crack." It was a kind of cocaine. Sure enough, driving in Manhattan we came upon your standard drug dealer standing on a corner whipping his right hand as if snapping a whip. Crack.

We are yet to learn who the chemist was. It was not an employee of the Bayer Pharmaceutical Co. Not a Dr. Nieman. What have we here? Folk science, I suppose. The chemistry is something as follows: Cocaine hydrochloride is mixed with baking soda and water and heated in a pot. The resulting material is then dried and broken into tiny chunks, which dealers sell as crack rocks. It is as easy and as inexpensive as that. As with heroin, a much more intense "high" occurs, although it is quite brief in the case of crack.

What I did not know then was that given the great quantity of cocaine now becoming available in the United States, this new cocaine derivative would soon become available at very low prices. It has previously been a Park Avenue phenomenon. Stories abounded of persons "sniffing" cocaine through a rolled up $100 bill. Now something like "cheap gin" appeared and spread wildly through the slums and down the age gradient. I am told by children, or near children, that use in the—once elite—welfare hotels of New York City begins as early as age 12, and if one informant is correct, can cost as little as 85 cents per "rock."

May I ask the indulgence of the Senate one last time to place an address in the RECORD. This was given at the Albert Einstein College of Medicine of Yeshiva University in the Bronx on May 31, 1984. It is a sequel of sorts to my remarks at the Department of State 15 years earlier. It suggests how little my thinking had advanced, but also, perhaps, how little social learning there had been. Neither I had changed much, nor yet the subject.

Dean Frank E. Young of the University of Rochester Medical School recently dug up a wonderfully allusive remark of Rudolph Virchow, the eminent 19th Century pathologist. "Medicine," he said, "is a social science, and politics is nothing but medicine on a grand scale."

I take him to mean that medicine, properly understood, deals with the well-being of commodities, not just of individuals.

We are becoming more aware, I believe, of the association between health and what are called lifestyles. Not everything we learn in this regard is reassuring. Our population trends are decidedly moving away from the stable marriages and households that we associate with good health.

(We learn, for example, that in 1983, 36.1 percent of American men had never married: almost twice the proportion of 1970. Although I would not have thought so at the time, being single is not especially good for you either.)

But as a symbol and substance of truly self-destructive behavior, nothing is more startling than the epidemic of drug use among young persons of this city, and elsewhere, and increasingly of older persons also. There are an estimated quarter million heroin users in our state, most in this city. There are some three quarter million users of cocaine. Dr. Mitchell S. Rosenthal, president of the Phoenix House Foundation, comments that where twenty years ago, only some four percent of the population here had used an illicit drug, the proportion today is 35 percent.

Heavy heroin use began in the mid-1960's. Since then, there have been successive onslaughts of new substances: narcotics, hallucinogens, stimulants, cocaine being the most recent. We hear State Senator Roy M. Goodman speak of New York as "the cocaine capital of the world."

If we are to be serious about this problem, and I would assert we must be very serious indeed, it is necessary first to ask what kind of problem it is.

I believe this can be answered.

Drug abuse as we encounter it today, is very similar to alcohol abuse a century ago, and both came under that broad heading of the impact of technology on society.

We don't particularly think of liquor as the product of technology, but it is. The art of distillation was discovered ages ago. (Alcohol is an Arab term; whiskey a Celtic one.) But there was never a surplus of grain (or grapes) and therefore never an abundance of hard drink. Folks made do with beer or wine: mild intoxicants, little more. The agricultural innovations of the 18th Century, however, produced a grain surplus. These farming technologies crossed to America where the availability of new land compounded the potential for making a mess of things, and we promptly did.

As the westward movement took hold—before canals, before railroads—it emerged that the most economic way to transport grain back over the mountains to the eastern seaboard was in the form of whiskey. And transport it we did. Next, we proceeded to protect it from foreign competition. The first law passed by the United States Congress prescribes the oath of office to be taken by officials of the new republic. The second imposed a 10 percent-a-gallon duty on rum. In no time at all, alcohol consumption in the U.S. was staggering. The scene is nicely portrayed in Rorabaugh's, "The Alcoholic Republic" (1979).

Man simply had no previous encounter with the widespread availability of such a powerful stimulant, and to North Europeans, it was at first irresistible. It felt good and was thought to be good for you. The more the better. It became routine to drink whiskey at breakfast and to go on drinking all day. Laborers digging the Erie Canal were allotted a quart of Monongahela whiskey a day, issued in eight four-ounce portions commencing at six o'clock in the morning. Only slowly did it sink in that such a regimen was ruinous to health and a risk to society. When it did, society responded.

Apart only from the movement to abolish slavery, the most popular and influential social movement of 19th Century America concerned the effort to limit or indeed prohibit the use of alcohol. The former brought about three amendments to the Constitution: The latter, two. In "Thinking About Crime" (1983), James Q. Wilson estimates that by the end of the 19th Century, the temperance movement had reduced per capita alcohol consumption by two-thirds. Alcohol abuse continues to be a major health problem, and a murderous one in combination with that other technological wonder, the automobile. But at least the dangers are far better understood than in the past.

The use of what might be termed high proof drugs appears roughly a century later than the use of high proof alcoholic drink. Just as beer and wine are naturally fermented products of grain and grapes, narcotics and stimulants appear in nature as attributes of the poppy or coca plant.

Then, in the first half of the 19th Century, morphine was produced from opium. In combination with the hypodermic needle, it was widely used in Civil War medicine, giving rise to a form of addiction that was popularly called "Soldier's Disease." (The medical use of morphine in child birth evidently led to similar forms of addiction.) A generation later, heroin, a "distillation" of morphine, was developed by the Bayer Pharmaceutical firm in Germany. (When tested on employees, they found it made them feel heroic—"heroische"—hence, its trade name.) It appears to have been thought useful as a cure for morphine addiction.

In like manner, cocaine, the active ingredient of the coca leaf, was isolated before 1880. Its early use was medical, again in association with the hypodermic needle. Freud used it to treat a friend suffering from morphine addiction. As he increased the doses, he induced an episode of cocaine psychosis, and as reported by Ray (1978), "thereafter was bitterly against drugs." On the other hand, in 1885, the Parke-Davis Pharmaceutical Company asserted that cocaine "can supply the place of food, make the coward brave, the silent eloquent. . ." and declared it a "wonder drug." [10]

Along with alcohol, these substances came under Federal prohibition early in this century. Alcohol prohibition was a convulsive event which among other things led to the creation of a criminal underworld of exceptional influence and durability. There was always a certain amount of drug trafficking within this underworld and this continued at modest levels until the epidemic outbreak of heroin use in the 1960's. It thereupon provided the model on which the large scale import and distribution of drugs commenced in the 1960's.

The parallels to the 1920's were unnerving to me at all events. In 1969, I became Assistant to the President for Urban Affairs. I resolved to use my brief authority on a short list of critical matters at a time of perceived urban crisis. The first was welfare reform. The second was drug abuse. In terms of strategy, it seemed elemental that the international drug traffic had to be put on the agenda of American foreign policy. In the late summer of 1969, I was sent by President Nixon on a mission to Turkey and France: a tale to be told one day.

It is enough for now to state that the mission had results. Our purpose was to break the "French Connection," the trail of heroin from the poppy fields of Afyon Province in Turkey, to heroin laboratories in Marseilles, to the streets of New York. With the cooperation of those governments, this was done. In fairly short order, heroin became scarce and hugely expensive.

In this period, the Federal government was reorganized to deal with this issue at much higher levels of executive energy. A Bureau of International Narcotics matters was established in the Department of State, headed by an Assistant Secretary of State. The Drug Enforcement Administration was created in the Justice Department. And the Alcohol, Drug Abuse and Mental Health Administration was created within the Public Health Service.

Yet, fifteen years after these events, we seem to have made little progress on heroin use, whilst acquiring a massive problem with cocaine. Our statistics are better and they show things to be worse. At the national level, our enforcement arrangements, as between the DEA, the FBI, the Coast Guard and something called the National Narcotic Border Interdiction System appear to be a shambles.

What happened?

Nothing happened!

By which I mean nothing that wasn't to be expected. We have a large population that is disposed to drug abuse. So long as there is such demand, there will be some supply. We understood perfectly well in 1969 that if we broke the French Connection, the drug traffickers would soon make another. Which they did in Mexico. Mexico was closed down and they turned to Pakistan. If Pakistan can be closed down, they will turn to yet some other source. Cocaine follows the same pattern. What we can do is disrupt the traffic. This has solid effect here at home. When supply goes down and prices go up, the number of new users or casual users declines. Disrupting street sales appears to have the same effect.

But nothing will have a final effect until our population changes its mind about drug use. Here again, the earlier encounter with alcohol can instruct us. The temperance movement of the 19th Century succeeded—at least partially—because drunkenness was made a moral issue. At minimum, we have to make drug abuse a societal issue. We were pretty casual about it so long as it was confined to the slums. Shamefully so. And yet, in truth, there are limits to what the larger society can understand of an experience that is not general. But now that drug abuse is so much more widespread, surely it can be asked that we understand.

There are at least two things that must be done. First, any display of official tolerance must be furiously suppressed. The street sale of drugs must be stopped no matter what the cost to the government because the cost to society is so great. We cannot have a group of individuals selling drugs openly as a statement of public toleration.

Similarly, any open production of drugs in another country for the purpose of sale here must be made a priority issue of foreign policy. The Department of State won't do this on its own—its priorities are those of foreign policy and it won't substitute this priority unless the White House forces it to. But it must be forced: no arms, no aid, no loan rescheduling, no anything while they remain indifferent to the drug traffic. We cannot ask others to perform miracles that we cannot perform ourselves. Our experience with Turkey and France and Mexico shows that this can be done, and that it has effects here.

But again, any display of official tolerance or indifference is disastrous. An example. The U.S. Customs Service is authorized to employ 13,370 persons in Fiscal Year 1984. This Spring—as an economy measure—the Administration requested that this number be reduced by 923 positions, and that the overall budget of the Customs Service be cut $23.5 million. Most of the positions the Administration asked to cut are in the area termed "inspection and control," which is to say intercepting contraband, including drugs. The Senate Finance Committee and the House Committee on Ways and Means would have none of this. But what kind of signal did it send to let us say, Colombia?

I think back to a luncheon some fifteen years ago at the residence of the American Ambassador in Paris. Our guest was the head of the French National Police, the *Surete*. He listened in silence as I recounted the social wreckage that heroin had brought to our cities, heroin produced in France. After a point, he became incredulous: was it possible we were just now telling this to the French Government? It was clear something would have to be done, even if it meant taking Marseilles, something French policemen do not relish. But the question obviously nagged at him: what had taken us so long? Luncheon over, we said our farewells; I helped him with his coat. Whereupon he turned, looked me in the eye, and asked: "What kind of people are you?"

The question remains. I hope the answer is that we are people who care enough about each other, and about our institutions, to fight this plague until it is no more.

There was some new historical work, mind. Rorabaugh's, "The Alcoholic Republic," pretty much confirmed my impression of early American practices. (For what it is worth, the first law enacted by the United States Congress set forth the Oath of Allegiance to the new nation. The second law imposed a duty on Caribbean rum, such that the distillers of corn whiskey might profit the better. Indeed, the first franked newsletter sent out by a Member of Congress, John Sevier of North Carolina, informed his constituents that as of January 10, 1791, there was not much doing in Philadelphia but that there was some prospect for an excise tax on distilled spirits. "I am of the opinion," wrote Sevier, that "should the excise bill be passed, we shall derive great benefits from it * * * as it would enable us to sell the production of our own distilleries, lower than our neighbors." James Q. Wilson had become convinced that nothing less than social mobilization was required if we were to deal with the late 20th-century problem of drug abuse in the United States.

LOUIS G. FIELDS, JR.

Mr. PRESSLER. Mr. President, Lou Fields was a friend of mine, an outstanding family man and an outstanding American. I first worked with Lou in the early 1970's on legal matters in our Government. It was my pleasure to know him and to see him now and then over the years. I was proud to participate in his confirmation hearing to be our Ambassador to the Conference on Disarmament in Geneva.

I spoke to Lou by telephone only last week and was very sorry to learn of his illness. He was a brave man who said he was ready to depart this Earth. He had made personal and religious resolutions and was prepared to go. I never before talked to a man who knew he would die quite soon. That was a very moving experience for me.

The world is a better place in that Lou Fields lived and worked here. We shall miss him and his dedicated efforts on behalf of the American people.

A GREEN LIGHT FOR TOSHIBA MACHINE

Mr. HELMS. Mr. President, it has been almost a year since the Japanese Government imposed a 1-year ban on exports to Communist countries by

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[10] David F. Musto, "Lessons of the First Cocaine Epidemic," the Wall Street Journal, June 11, 1986, p. 30.

Toshiba Machine. This week the Japanese Government announced that the ban will be lifted on Saturday. The ban on sales to Communist China was lifted last fall.

If the Japanese Government does, indeed, lift the relatively insignificant restrictions now in place on Toshiba Machine, it will be a green light to more violations and additional betrayals.

Mr. President, we now know a lot more than we did a year ago about the illegal sales to Communist areas of Toshiba Machine and its parent, Toshiba Corp. We now know that the sales of nine-axis milling machines was not an isolated event.

Toshiba Machine sold three five-axis machines to the Baltic Naval Shipyard in Leningrad in 1974 and 1975. Four nine-axis machines and four more five-axis machines were delivered to the same munitions factory in the early 1980's. A five-axis machine went to a Soviet nuclear facility in the mid-1980's.

If the two electronics factories sold to Eastern Europe by Toshiba Corp. are added, we can see a pattern of betrayal of the West involving one of Japan's largest corporations and at least one of its major subsidiaries.

Let me emphasize, Mr. President, that these sales represent only the sales we have been able to trace. The Japanese businessman who blew the whistle on this affair has called it just the "tip of the iceberg." He has been correct so far and is probably on target here as well.

We do not know the amount of the illegitimate profits Toshiba has made on these sales. We do know that Toshiba sold the four nine-axis machines for three times the usual going price or a total of about $17 million.

If we assume a profit level of $12 million for the four nine-axis machines, total profits must be somewhere in excess of $50 million.

From the $50 million we must subtract the $15,000 fine and an approximately $20 million lobbying and cover-up campaign aimed at the Congress. That leaves a final profit of $30 million.

By contrast, the U.S. Navy estimates that it will cost the American taxpayers $30 billion just to regain our lead in antisubmarine warfare. As yet there are no estimates of the damage from the electronics factories and the increased performance of a new fleet of Soviet aircraft carriers.

The issue is quite clear, Mr. President. Unless this Congress passes the original Proxmire-Garn-Heinz legislation as an amendment to a must-sign bill, the signal will go out to Japan and other places that the heat is off.

Corrupt businessmen will draw the conclusion that for $30 million in pure profits, betraying the free world is cost effective.

Mr. President, I ask unanimous consent that a May 16, 1988, article from the Kyodo News Service reporting on the lifting of the export ban be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MITI TO LIFT EXPORT BAN ON TOSHIBA 21 MAY

The Ministry of International Trade and Industry (MITI) will lift Saturday [21 May] the one-year ban it imposed on Toshiba Machine Co. exports to the communist bloc in the wake of its illegal exports of military-sensitive milling machines to the Soviet Union, MITI officials said Monday.

The expiration of the export embargo on Toshiba Machine, a subsidiary of Toshiba Corp., will roughly coincide with U.S. President Ronald Reagan's expected veto of an omnibus trade bill containing sanctions against Toshiba Machine and its parent company, Toshiba Corp., the officials said.

This March, the Tokyo District Court found Toshiba Machine guilty of illegal trading with the Soviet Union and fined it 15,000 dollars. It also handed down suspended jail sentences to two company executives.

Toshiba Machine was accused of selling four computer-controlled machines to the Soviet Union in 1982 which reportedly allowed the Soviet to build much quieter submarines.

According to a company report, Toshiba Machine's sales dropped 17.7 percent from a year earlier to 44.6 billion yen in the first half of fiscal 1987 (April–September 1987), and posted a pretax deficit of 35 million yen.

IN RECOGNITION OF THE HEROIC CREW OF THE "U.S.S. SAMUEL B. ROBERTS"

Mr. PELL. Mr. President, I rise today to congratulate and to honor the heroic crew of the U.S.S. *Samuel B. Roberts* (FFG 58), known to her men as the *Sammy B*, which is based in my home city of Newport, RI.

The *Roberts* left Newport on January 11 on a 6-month deployment to join an 18-ship U.S. fleet in the Persian Gulf. Midway through her tour, while on escort duty, the *Roberts* struck a submerged mine near Farsi Island shortly after dusk on April 14. There, in the waters of the tumultuous gulf region, the courageous crew of the *Sammy B*, added a new chapter to naval history on damage control. With a 22-foot hole in the ship's steel hull, a fireball roaring 150 feet into the air, flooding, and 10 injured sailors, the crew of the *Roberts* performed heroically and with the precision of a fine tuned drill team to save a ship in despair. I would like to add, Mr. President, that the ship's motto "No Higher Honor," appropriately befits its crew.

The following day proved to be as challenging as the *Roberts* was being towed to safety to Dubai in heavy seas. The crew struggled to keep the ship from breaking apart by welding steel plates over cracks and using a steel girder to hold the ship together. The U.S. Naval Academy considers this crew's emergency response to be a textbook case and is working to incorporate it into the Academy's curriculum for damage control training.

The four most injured of the crew had to be medivaced to West Germany for immediate care and later transferred to Brooke Army Medical Center in San Antonio, TX, which specializes in burn treatment. The four sailors, PO Alex Perez of Portsmouth, RI; Seaman David Burbine of Ashaway, RI; Seaman Larry Welsh of Athens, OH, and Seaman Wayne Smith of Clearfield, PA, are currently in good spirits and recuperating quicker than anticipated.

Of the *Roberts* itself, I learned on Wednesday past, Mr. President, that it is scheduled to leave Dubai in mid-June to return first to Newport and then on to Maine where Bath Iron Works, the ship's builder 2 years ago, will perform most of the restoration. All but 10 of the 224 member crew will fly home the same time the *Roberts* leaves Dubai for the scheduled 40-day return trip. Ironically enough, Mr. President, the ship's scheduled departure from Dubai coincides with its original plans to begin its return home at the conclusion of its deployment.

Mr. President, on behalf of the citizens of Rhode Island and the families of the *Roberts'* crew, I would like to congratulate the 224-member crew, particularly the ship's captain, Comdr. Paul X. Rinn, for their heroic and valiant efforts in saving their treasured ship the *Sammy B.* We should all be proud of the courage they displayed in service to our country. We are, I am sure, equally thankful to have them all returning safely to their families and friends.

Mr. President, I ask unanimous consent that an article from this morning's Washington Post by James J. Kilpatrick, appropriately entitled "The Saving of the Sammy B." be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 20, 1988]

THE SAVING OF THE SAMMY B.

(By James J. Kilpatrick)

President Reagan watched a movie the other night. Nothing new in that, but this movie was enough to move a man to tears. It was a brief film prepared by the Navy on the saving of the Sammy B. The story is more than a month old, but it will bear retelling for years to come.

The Sammy B., of course, is the frigate Samuel B. Roberts (FFG 58), commissioned two years ago. She is, or was, and will be again, a beautiful swift ship, 453 feet long, 3,740 tons, carrying a crew of 224 officers and enlisted men. I know a ship just like her.

On April 14 the frigate was engaged in what had become a routine task of escorting Kuwaiti tankers through the Persian Gulf. A clear day. Calm seas. Months had passed without a hostile incident. Twenty-five convoys had gone through. Then, at 6 o'clock in the evening, came a startled cry from a lookout on the bow: mines, three of them, had been sighted.

The Roberts' captain, Cmdr. Paul X. Rinn, ordered his engines halted, then reversed. Carefully, delicately, he began to back out of danger's way. Forty-five minutes ticked by in apprehensive silence. The tension abruptly ended. A submerged mine, packing the destructive power of 250 pounds of TNT, brushed against the Roberts' hull. The explosion ripped a 22-foot hole in the frigate's side. In a fraction of a second, disaster struck. The ship's two gas turbine engines spun off their mounts. Burning fuel formed into a fireball that shot through the main stack and dropped fiery debris on the ship. Decks and bulkheads buckled.

By all the rules of naval warfare, the wounded frigate should have sunk, but the Sammy B. was a ship not meant to follow ordinary rules. Over the next five hours, before the peril of sinking passed, the crew wrote a story of heroism and ingenuity. They literally bound the frigate together with steel wire. They kept her alive to fight again.

When the three mines were sighted, Rinn immediately sounded a call to general quarters, the Navy's condition of highest readiness. The crew closed watertight doors throughout the ship, manned damage-control stations and donned newly developed firefighting gear. Lessons had been learned both from England's experience in the Falklands war and from the terrible damage done last year to the USS Stark, when an Iraqi missile nearly sent her to the bottom. Out of those lessons came new oxygen-breathing apparatus and other equipment for fighting fires at sea.

It was the courage of the crew, rather than the excellence of equipment, that made the difference when the explosion came. Three problems had to be tackled in an instant: fire, flooding and immobility. Make it four problems: 10 members of the crew had been injured, and their injuries had to be treated.

The Sammy B. was dead in the water, a thousand tons of water in the damaged spaces. Her main engines were disabled. Fires fed on ruptured tanks of fuel. Flood waters pushed at bulkheads. The explosion had badly shaken the ship's helicopter. Cracks were developing in the superstructure—all this in the middle of a mine field. But everyone did everything right.

The ship was relatively intact forward. An auxiliary room forward of the main engine room was flooded with a foot of water, but generators and ventilating equipment were working. Rinn put two auxiliary power units to work—electric motors with propellers—and the ship regained limited mobility. Mechanics got the helicopter working. Damage control units fought the fires and shored the sagging bulkheads. Crew members struggled through blinding smoke to remove ammunition from the fire zone. To hold onto the after-end of the ship, sailors, rigged cables of steel wire that kept the Sammy B. in one piece. At last free of the mine field, she traveled slowly in tow to Dubai.

Vice Adm. Henry Mustin, deputy chief of naval operations, told reporters last month that the story of the frigate Roberts will become part of the curriculum in damage control at the Naval Academy. "We can't speak highly enough," he said, "of those young fellows who brought us back a ship. We don't think it could have been done better by anybody, and we think that we're the finest Navy in the world."

Let me add a word as the father of a senior chief petty officer on the frigate Nicholas, sister ship to the Roberts, which went on duty this week in the Persian Gulf. I think so too.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two treaties, which were referred to the appropriate committees.

(The nominations and treaties received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3283. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, notice of the transfer of certain funds in support of the Nicaraguan Democratic Resistance; to the Committee on Appropriations.

EC-3284. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter January 1 through March 31, 1988; to the Committee on Armed Services.

EC-3285. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on the operations of the Bank for fiscal year 1987; to the Committee on Banking, Housing, and Urban Affairs

EC-3286. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, the third report on actions taken to assist the homeless; to the Committee on Banking, Housing, and Urban Affairs.

EC-3287. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on highway safety performance for 1986; to the Committee on Commerce, Science, and Transportation.

EC-3288. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Outer Continental Shelf (OCS) Oil and Gas Leasing and Production Program for fiscal year 1987; to the Committee on Energy and Natural Resources.

EC-3289. A communication from the Acting Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, an interim report on the possible inclusion of Wildcat Brook in New Hampshire as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-3290. A communication from the Assistant Administrator of the Environmental Protection Agency (Administration and Resources Management), transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3291. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice of alterations to an existing Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3292. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3293. A communication from the Acting Assistant Attorney General (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a copy of the executive summary of the "Report on Drug Control"; to the Committee on the Judiciary.

EC-3294. A communication from the Acting Assistant Attorney General (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation entitled the "Anti-Public Corruption Act of 1988"; to the Committee on the Judiciary.

EC-3295. A communication from the Secretary of Education, transmitting, pursuant to law, final funding procedure for the Adult Education for the Homeless Program; to the Committee on Labor and Human Resources.

EC-3296. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend various health professions authorities, and for other purposes; to the Committee on Labor and Human Resources.

EC-3297. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on Health Maintenance Organization program activities for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-3298. A communication from the Chairman and Vice Chairman of the Select Committee on Ethics, United States Senate, transmitting, pursuant to law, a report on an investigation conducted by the Committee; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-506. A resolution adopted by the Senate of the State of Kansas; to the Committee on Environment and Public Works.

"SENATE RESOLUTION NO. 1878

"Whereas, Coal mining is an integral part of Southeast Kansas heritage and the coal industry has long been an important contributor to that area's economy; in this context, coal remains a ready, reliable and abundant supplier of this nation's energy needs; and

"Whereas, Recent controversies over acid rains are threatening to jeopardize the role of coal as an efficient and economical contributor to the Kansas area economy. Currently, Acid Rain Control Bills H.R. 2666 and S.B. 1894 would require the reduction of power plant sulfur emissions by about 12 million tons over the next 10 years; and

"Whereas, This would cause coal displacement in Kansas of 500,000 tons and would cost Kansas 108 coal mining jobs. A direct annual coal mining economic loss of 3.6 million dollars and an indirect annual economic loss to Kansas of 11.5 million dollars would result; and

"Whereas, The ruinous effect of such legislation would send shock waves through the entire economy in the form of swelling unemployment lines and inflated energy costs, exemplified by utility bill increases for residential and for industrial consumers; and

"Whereas, In light of the severe consequences of measures such as the proposed Acid Rain Legislation of 1982-1988, the State of Kansas respectfully requests members of the United States Congress to avoid exercising their authority regarding the problem of acid rain until its causes are more clearly discernible and the measures for its remedy more certain: Now, therefore, be it

"Resolved by the Senate of Kansas; That we urge Congress to further study the acid rain issue before taking action concerning it; and *be it further*

"Resolved, That the Secretary of the Senate be directed to send enrolled copies of this resolution to the Kansas Congressional Delegation and Mr. William Giles, United Mine Workers of America, District 14, 119 East 4th Street, Pittsburg, Kansas 66762."

POM-507. A resolution adopted by the Board of County Commissioners of Crawford County, Kansas, opposing the passage of H.R. 2666 and S. 1894, relative to acid rain; to the Committee on Environment and Public Works.

POM-508. A proclamation of the Mayor of Mulberry, Kansas opposing the passage of H.R. 2666 and S. 1894, relative to acid rain; to the Committee on Environment and Public Works.

POM-509. A resolution adopted by the Florida Conference of Black State Legislators, Inc. opposing any programs which would increase the cost of electricity, supporting the development of clean coal technology, and opposing the adoption of acid rain programs without further consideration of the impact of such programs; to the Committee on Environment and Public Works.

POM-510. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works.

"HOUSE JOINT MEMORIAL NO. 10

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, continuation of the Federal-Aid Highway Program is essential to the safety and mobility of American citizens and to the growth and stability of the Idaho and the national economies; and

"Whereas, the Federal-Aid Highway Program is vitally related to public and private development initiatives which depend on highway transportation; and

"Whereas, 23 United States Code 101(b) states ". . . that since the Interstate System is now in the final phase of completion it shall be the national policy that increased emphasis be placed on the construction and reconstruction of the other federal-aid systems . . ." in order to bring all of the federal-aid systems up to standards and to increase the safety of these systems to the maximum extent; and

"Whereas, it is anticipated that Idaho's interstate highways will be completed by 1991 while the deadline for completion of the system nationally is 1993; and

"Whereas, the authorizations of the surface transportation Assistance Act of 1987 continue only through fiscal year 1991 and yet all 50 states are participating in a Transportation Consensus Program to determine the level of transportation funding required for the next 35 years: Now, therefore, be it

Resolved by the members of the Second Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the Idaho Legislature petition Congress to move funding that was used to complete construction of the Interstate system to the refurbishment and improvement of the non-Interstate System highways and bridges: Be it further

Resolved, That the Idaho Legislature petition Congress to make the Highway Trust fund and user fees accruing thereto, permanent, so that a reliable funding source will be available for ongoing rehabilitation and improvement of major non-Interstate System highways and bridges which are so essential to the vigor of the Idaho and the national economies: Be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to President Ronald Reagan, to Secretary of Transportation James H. Burnley, to the President of the Senate and to the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-511. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on the Judiciary:

"JOINT RESOLUTION MEMORIALIZING THE U.S. CONGRESS TO PROPOSE AN AMENDMENT TO THE U.S. CONSTITUTION TO REQUIRE THE PRESIDENT OF THE UNITED STATES TO SUBMIT A PROPOSED BALANCED BUDGET TO THE CONGRESS AND TO REQUIRE A BALANCED FEDERAL BUDGET

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the United States Congress, as follows:

"Whereas, with each passing year, this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the legislative and executive branches of the Federal Government continually demonstrate an unwillingness or inability, with respect to the annual federal budget, to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget and are not subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, one of the greatest threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under the United States Constitution, Article V, the Congress, whenever ⅔ of both Houses deem it necessary, shall propose amendments to the United States Constitution, which shall be valid for all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of ¾ of the several states; and

"Whereas, we believe action on amendments to the United States Constitution concerning federal expenditures to be vital; now, therefore, be it

"Resolved, That We, your Memorialists, do hereby respectfully urge the members of this Congress of the United States to propose an amendment to the United States Constitution to require a balanced federal budget, except in time of declared war or when ⅗ of the elected members of each House agree; and be it further

"Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and to each member of the Maine Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1301: A bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised on July 24, 1971, and for other purposes (Rept. No. 100-352).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Gordon A. Smith, of Maryland, to be an Assistant Secretary of Defense;

Michael P.W. Stone, of California, to be Under Secretary of the Army;

Alan Marshall Elkins, of Maine, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 1993.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SHELBY, from the Committee on Armed Services:

Mr. SHELBY. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the Congressional Record and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk are printed in the Record of April 26, May 11, and May 16, 1988 at the end of the Senate proceedings.)

**In the Air Force there are 5 appointments from the U.S. Naval Academy, to the grade of second lieutenant (list begins with John R. Garcia) (REF. 1036)

**In the Army there are 548 appointments to the grade of colonel and below (list begins with David T. Bauman) (REF. 1083)

**In the Army there are 987 appointments to the grade of major and below (list begins with Jeffrey A. Abramson) (REF. 1085)

**In the Air Force there are 65 appointments to the grade of colonel and below (list begins with William R. Banas) (REF. 1095)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself and Mr. DeConcini):

S. 2420. A bill to provide for the disposition of certain lands in Arizona under the jurisdiction of the Department of the Interior by means of an exchange of lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 2421. A bill for the relief of the City of Albany, New York; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. Murkowski, Mr. Sanford and Mr. Dodd):

S. 2422. A bill to amend the Foreign Assistance Act of 1961 to increase opportunities for United States insurance companies to provide insurance in connection with United States Government-assisted supplies or activities; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself, Mr. Gore, Mr. Cochran, Mr. Dole and Mr. Boschwitz):

S.J. Res. 324. Joint resolution to designate February 1989 as "America Loves Its Kids Month"; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. Sasser, Mr. Warner, Mr. Hollings, Mr. Inouye, Mr. Pressler, Mr. Gore, Mr. Danforth, Mr. Adams, Mr. Trible, Mr. Ford, Mr. Exon, Mr. Kerry, Mr. Bentsen, Mr. Packwood, Mr. Breaux, Mr. Riegle, Mr. Wilson, Mr. Hecht, Mr. Symms, Mr. Sanford, Mr. Rudman, Mr. Chiles, Mr. D'Amato, Mr. Graham, Mr. Shelby, Mr. Boschwitz, Mr. Hatch, Mr. Reid and Mr. Cranston):

S.J. Res. 325. Joint resolution designating the third week in May 1989 as "National Tourism Week."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN:

S. Res. 432. A resolution to honor Eugene O'Neill for his priceless contribution to the canon of American literature in this hundredth anniversary year of his birth; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself and Mr. DeConcini):

S. 2420. A bill to provide for the disposition of certain lands in Arizona under the jurisdiction of the Department of the Interior by means of an exchange of lands, and for other purposes; to the Committee on Energy and Natural Resources.

ARIZONA-FLORIDA LAND EXCHANGE ACT

Mr. McCAIN. Mr. President, I rise to introduce the Arizona-Florida Land Exchange Act of 1988 along with my colleague, Senator DeConcini.

This legislation provides for the closing of the Phoenix Indian School and sets forth a legislative plan for allocating the property at the site for future public and private uses. The legislation would ratify a proposed land exchange among the United States, Collier Enterprises, and Barron Collier Co. Under the terms of the land exchange, the Colliers would transfer to the United States approximately 108,000 acres of environmentally sensitive land in southwest Florida in exchange for approximately 68 acres of the 104 acres at the site of the Phoenix Indian School in Phoenix, AZ. The remaining 36 acres would be divided among the Veterans' Administration, the city of Phoenix, and the State of Arizona.

Mr. President, a lot of time and effort has been expended over the last year in putting this land exchange together. Members of the Arizona congressional delegation have themselves been closely involved in the development of this exchange, and the Department of the Interior, Collier Enterprises, and Barron Collier Co. have been working at this proposal even longer. Not only will 108,000 acres be added to the Big Cypress and the Florida Panther preserves, but 11.5 acres will be provided for the expansion of the existing Veterans' Administration Medical Center. In addition, 20 acres is guaranteed to the city of Phoenix for use as a park, and 4.5 acres will be set aside for the State of Arizona should they elect to establish a State veterans' nursing home in the future. And finally, the Colliers would pay the United States $34.9 million which would be used to establish two educational trust funds for the educational, child welfare, and facility construction needs of Arizona Indian tribes.

A number of questions have been raised concerning the value of the Florida property involved in this exchange. These questions are largely the result of confusion about the details of the long process underlying the Collier-Department of the Interior negotiation process. Nevertheless, some clarification is required. These questions suggest that the Florida properties have not been properly appraised, and that large portions of the tracts involved in the exchange are underwater and are not actually owned by the Colliers. This does not alter the case.

First, with respect to the values of the lands, the U.S. Department of the Interior performed appraisals of three of the four tracts of Florida lands, following standard appraisal practice and procedures used for all Interior Department land acquisitions. These appraisals were based on sales of comparable property in the area, and fully comply with nationally accepted commercial appraisal standards.

With respect to the value of the fourth tract, the parties initially set an estimated value of $26.6 million and agreed ultimately to rely on the outcome of a related Florida State Department of Transportation condemnation proceeding to confirm the accuracy of that value. In that proceeding, the value of the Collier land was determined pursuant to appraisals using standard Member of Appraisal Institute practices. these appraisals were undertaken and approved according to well-established Florida Department of Transportation and Federal Highway Administration practice. Under the Florida Department of Transportation proceeding, the value of the lands Collier owns and would convey under the exchange agreement was determined to be $28 million. The result is that the United States would be acquiring the largest tract in the exchange at lower than its appraised value.

In short, all the values of the Florida lands were negotiated on the basis of standard commercial appraisal practices, undertaken by or on behalf of public agencies.

One of the four areas to be acquired in the exchange is the land within the Ten Thousand Islands area. Approximately 4,000 acres in this area are below the mean high water line and are subject to an unasserted claim by the State of Florida. The remaining 15,000 acres of upland are clearly owned by Collier. In the exchange, the Interior Department appraised the 15,000 acres of the upland in the Ten Thousand Islands at $5.8 million. The Interior Department did not assign any value to the submerged lands, and Collier gets no credit for any value of the submerged lands in the exchange. At the request of Interior Department, Collier has quitclaimed whatever claim of title it may have to the 4,000 submerged acres, but at no additional cost to the United States. If it is ultimately determined that Collier does have title to the 4,000 acres, the United States would have acquired them at no cost. Even if it should ever be determined that the State owns them, these lands will still be in public ownership, which is exactly the right outcome from the perspective of environmental conservation. In either event, that United States has paid nothing for the small parcel of submerged lands in the deal.

Another question that has been raised concerns the value of the Phoenix Indian School property. For purposes of valuing the property, the Department of the Interior conducted two appraisals. The first appraisal found that if the entire property were developed at its highest and best use; that is, high density, highrise, and commercial space, the present value of the property would be approximately $160 million. That appraisal was not accepted by the Interior Department because the consistent position of the city of Phoenix has been that the property would be zoned as a mixed use high- and low-rise development, and that every effort would be made to maximize public open space. The planning and zoning agreement between Collier and the city makes clear that this kind of mixed use zoning is the objective that all parties intend to achieve.

For that reason the Department of the Interior contracted for a second appraisal, which took into account the likelihood of mixed use zoning and greater public open space. That appraisal resulted in a value of $122.2 million for the total site. Because it will take some time for the zoning process to be completed, particularly given the level of public participation required upon the planning process, the appraiser was required to make assumptions as to the likely outcome of the zoning process. The GAO, in its review of the Phoenix appraisal, raised a concern that these zoning assumptions may prove incorrect. This is a legitimate concern; an appraisal is, in effect, an expert's best guess as to what a willing buyer will pay and a willing seller will accept for property in an arm's-length transaction; it is therefore never a totally reliable test of the value of a piece of property. This of particular concern when the property is not zoned, and elaborate assumptions respecting zoning have to be made. If ultimately the zoning permits more intense development, the property value will be higher. If the zoning is more restrictive, the property value could be less.

I am convinced that once the outcome of the zoning process is known, it is important that the value to be paid by Collier should be put to a test to ensure that the value received by the United States represents the full value that a willing buyer would pay. Thus, the only test is to put the property on the open market, and test the price paid for the land under the exchange agreement against other competitive bids. For that reason, the bill requires that prior to the closing of the exchange transaction, the property will be put up for competitive bid, and other parties will be given an opportunity to bid on the property. If higher offers are received, Collier, who has undertaken the complex zoning effort, will be given a right to match the higher offer. If no offers are received, the value we now assume for the Phoenix property will have survived a true market test and the land exchange can properly go forward.

Mr. President, I realize there may be further concerns regarding this exchange agreement which has already been through a long, difficult, and complex process. I believe, however, that additional concerns can be expressed through another congressional hearing on the disposition of the Indian school property and addressed through a subsequent committee markup. I look forward to working with my colleagues in moving this important piece of legislation.

I ask unanimous consent that the text of the bill, a summary of the Arizona-Florida Land Exchange Act and a section by section analysis of the bill be printed in the record.

I want to emphasize that there are still some questions that need to be resolved, and I hope that with this initial step, with the introduction of this legislation, and through hearings and floor debate, we will be able to iron out any remaining questions and issues that may surround this land exchange.

The outcome of these negotiations has resulted in what I believe to be a fair agreement for all parties.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona-Florida Land Exchange Act of 1988".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) The term "Administrator" means the Administrator of the Veterans Administration.

(2) The term "Arizona Intertribal Trust Fund" means the fund established pursuant to section 202(a)(1) of this Act in the Treasury of the United States for the benefit of Arizona Tribes that were members of the Intertribal Council of Arizona on January 1, 1988, and the members of such Tribes.

(3) The term "Arizona Tribe" means an Indian tribe that has a reservation located partially or totally in the State of Arizona.

(4) The term "City" means the City of Phoenix, Arizona.

(5) The term "Collier" means the nongovernmental parties to the Exchange Agreement identified in the Exchange Agreement as Barron Collier Company and Collier Enterprises.

(6) The term "Exchange Agreement" means the Agreement Among the United States, Collier Enterprises and the Barron Collier Company, executed on , 1988, and subsequently submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(7) The term "Florida Lands" means the lands that would be conveyed to the United States by Collier under the terms of the Exchange Agreement or this Act, and other lands owned by Collier and located within the boundaries of the Florida Panther National Wildlife Refuge to be acquired by purchase by the United States and managed as part of such Refuge, other than those lands identified for conveyance to the United States pursuant to agreements for purchase and sale of such lands executed by Collier prior to January 1, 1988.

(8) The term "Intertribal Council of Arizona" or "ITCA" means the corporation organized and existing under the laws of the State of Arizona under the name Intertribal Council of Arizona, Inc., or a successor to such corporation organized and existing under the laws of the State of Arizona, the membership of which includes thirteen or more of the Arizona Tribes that were members of the ITCA on January 1, 1988.

(9) The term "Land Exchange" means the transaction providing for the acquisition by the United States of title lands in Florida owned by Collier and the receipt by the United States of Monetary Proceeds in exchange for the acquisition by Collier of title to land within the School Property.

(10) The term "Monetary Proceeds" means either—

(A) the amount required to be paid to the United States by Collier upon closing of the Land Exchange in accordance with paragraphs 13 through 15 of the Exchange Agreement, or

(B) the amount required to be paid to the United States by a Purchaser other than Collier upon closing of the Purchase Transaction, less the amount required to be paid from the account for acquisition of the Florida Lands and reimbursement of costs established under section 101(i) of this Act.

(11) The term "Navajo Education Trust Fund" means the fund established pursuant to section 201(a)(2) of this Act in the Treasury of the United States for the benefit of the Navajo Tribe and its members.

(12) The term "Phoenix Exchange Property" means the land within the School Property to be conveyed to a Purchaser under the Land Exchange or the Purchase Transaction, which land shall be the School Property less any parcel of land to be conveyed to the City of Phoenix or the State of Arizona or transferred to the Veterans Administration upon closing of the Land Exchange or Purchase Transaction pursuant to section 101 of this Act.

(13) The term "Planning and Zoning Agreement" means the Memorandum of Agreement between the City of Phoenix, Arizona, Collier Enterprises and Barron Collier Company approved by the City Council

of Phoenix, Arizona, on July 1, 1987, including any amendments or modifications of such Memorandum of Agreement subsequently agreed to by the parties, or, as the context may require, an agreement between the City of Phoenix, Arizona, and a Purchaser other than Collier that is identical in all material respects to such Memorandum of Agreement.

(14) The term "Public Planning Process" means the land use planning and zoning process applicable to the School Property under the Planning and Zoning Agreement or other State or local law and regulation applicable to the planning and zoning of such property.

(15) The term "Purchase Transaction" means the cash purchase of the Phoenix Exchange Property by a Purchaser other than Collier under section 101(h) of this Act.

(16) The term "Purchaser" means Collier or, in the event that Collier does not accept the offer of the United States to acquire the Phoenix Exchange Property under section 101(h)(6) and (7) of this Act, any other person that acquires the Phoenix Exchange Property under a Purchase Transaction.

(17) The term "School Property" means the real property used by the Secretary on January 1, 1988, for the Phoenix Indian High School in Phoenix, Arizona.

(18) The term "Secretary" means the Secretary of the Interior.

(19) The term "Trust Fund Payment" means the payment to the United States of the Monetary Proceeds for deposit into, as the context requires, the Arizona Intertribal Trust Fund or the Navajo Trust Fund, in the form of a lump sum payment or annual payments as determined under section 102 of this Act.

(20) The term "Trust Fund Payment Agreement" means an agreement providing for payment by the Purchaser of annual Trust Fund Payments for deposit into the Arizona Intertribal Trust Fund or the Navajo Trust Fund, or, as the context may require, an agreement between the United States and a Purchaser other than Collier that is identical in all material respects to such Trust Fund Payment Agreement.

(21) The term "Trust Income" to the Arizona Intertribal Education Trust Fund or the Navajo Education Trust Fund means the interest earned on amounts deposited into each such trust fund and any amounts paid into each such trust fund in the form of annual Trust Fund Payments.

(22) The term "Veterans Administration Property" means the property adjacent to the School Property under the administrative jurisdiction of the Veterans Administration on January 1, 1988.

TITLE I

SEC. 101. DISPOSITION OF SCHOOL PROPERTY.

(a) Authorization of Disposal.—The Secretary is authorized to dispose of the School Property and use the Monetary Proceeds only in accordance with this Act. The provisions of this Act shall govern the disposal of such property and other provisions of law governing the disposal of Federal property shall not apply to the disposal of the School Property.

(b) Exchange Agreement.—The Exchange Agreement is ratified and confirmed and sets forth the obligations, duties, and responsibilities of the parties to the Exchange Agreement. The Secretary shall implement the Exchange Agreement in accordance with its terms and conditions; except that, the Secretary may, with the concurrence of Collier, make minor and technical amendments in land descriptions and instruments of conveyance, as set forth in the agreement, upon 30 days prior written notice to the House Interior and Insular Affairs and Senate Energy and Natural Resources Committees.

(c) Conveyance of Lands; Transfer of Jurisdiction.—If the Phoenix Exchange Property is conveyed under the Land Exchange or a Purchase Transaction, the Secretary is authorized and directed, subject to the requirements of this section, to—

(1) convey to the City by quitclaim deed a parcel of 20 acres of the School Property upon election by the City to accept such conveyance under subsection (e);

(2) transfer administrative jurisdiction of a parcel of no more than 11.5 acres of the School Property to the Veterans Administration upon election by the Veterans Administration to accept such administrative jurisdiction under subsection (f); and

(3) convey to the State of Arizona by quitclaim deed a parcel of no more than 4.5 acres of the School Property upon election by the State of Arizona to accept such conveyance under subsection (g).

(d) Preliminary Notice.—On a date no later than 90 days prior to acceptance by Collier of the offer of the United States under the Exchange Agreement, Collier shall provide preliminary notice in writing of its intent to accept such offer to—

(1) the Secretary;

(2) the Mayor of the City;

(3) the Administrator of the Veterans Administration.

(4) the Intertribal Council of Arizona;

(5) the governing body of the Navajo Tribe; and

(6) the Governor of the State of Arizona.

The provision of this preliminary notice by Collier shall not affect Collier's right to accept or not to accept the offer of the United States under the Exchange Agreement and in accordance with subsection (h)(7).

(e) Election by City.—(1) Within 30 days after receipt of notice to the Mayor of the City under subsection (d), the City may advise the Secretary in writing that it elects to accept conveyance of a parcel of 20 acres of land within the School Property identified for conveyance to the City by mutual agreement with Collier in accordance with the Public Planning Process.

(2) On or after conveyance of the Phoenix Exchange Property under the Land Exchange or Purchase Transaction, the Secretary shall convey to the City such parcel of 20 acres of the School Property as the City may elect to receive under paragraph (1), subject to the requirements of this section. If the City and the Purchaser have not identified 20 acres for conveyance to the City in accordance with the Public Planning Process at the time of closing of the Land Exchange or the Purchase Transaction, the Secretary shall convey to the City a parcel of land consisting of the northernmost twenty acres of the School Property.

(3) Nothing in this Act shall be construed as a limitation on the authority of the Purchaser and the City to enter into agreements to exchange, on an acre-for-acre basis, land within the School Property conveyed to the Purchaser for land conveyed by the United States to the City or owned by the City contiguous to the School Property.

(4) Any conveyance to the City by the United States under this subsection shall include the requirement for a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation.

(5) Any conveyance by the Purchaser to the City of land within the School Property pursuant to exchange shall include a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation. The conveyance by exchange of land to the Purchaser from the City shall extinguish any right of reverter restricting the use of land so conveyed to the Purchaser.

(6) Nothing in this subsection shall be construed to alter any right of the City to purchase additional acres of land within the School Property from the Purchaser pursuant to the Planning and Zoning Agreement or as may otherwise be agreed to by the City and the Purchaser.

(f) Election by Veterans Administration.—(1) Within 30 days after receipt of notice by the Administrator under subsection (d), the Administrator may advise the Secretary that it elects to receive administrative jurisdiction of a parcel of land within the School Property of no more than 11.5 acres, which parcel is determined by the Administrator to be necessary for expansion of the Veterans Administration Medical Center in Phoenix, Arizona, provided that, such parcel shall be compact and contiguous to the Veterans Administration Property and in no event shall the western boundary of such parcel be located to the west of the eastern boundary of Third Street at the point of its intersection with Indian School Road as that intersection was located on January 1, 1988.

(2) Upon conveyance of the Phoenix Exchange Property under the Land Exchange or the Purchase Transaction, the Secretary shall transfer administrative jurisdiction of the parcel of land that the Veterans Administration elects to receive under paragraph (1): *Provided*, That, subsequent to such conveyance, the Purchaser and the Veterans Administration may enter into agreements to exchange, on an acre-for-acre basis, land within the School Property conveyed to the Purchaser for land transferred to the Veterans Administration under this paragraph.

(3) The Administrator is hereby authorized and directed to cooperate with the City in the planning and development of its use of land within the School Property for the purpose of ensuring comprehensive planning and zoning and efficient and productive use of the School Property, in accordance with the objectives of the Public Planning Process: *Provided, however*, That the Administrator shall have the final authority to determine the exact location and configuration of the land to which the Veterans Administration was transferred administrative jurisdiction under paragraph (2), subject to the limitations in paragraph (1).

(4) 6 months after the date of enactment of this Act, and every 6 months thereafter until expansion of the Veterans Administration Medical Center in Phoenix, Arizona, is completed, the Administrator is directed to report to the Congress on the Veterans Administration's efforts in cooperation with the City in planning and development of land within the School Property as required under paragraph (4). Such reports shall be submitted to the House of Representatives Committees on Interior and Insular Affairs and Veterans Affairs and the Senate Committees on Energy and Natural Resources and Veterans Affairs, and shall describe plans for use of the land to be transferred to the Veterans Administration, the need for additional Federal legislation authoriz-

ing and appropriating funds for expanded programs and facilities expected to be located on such land, and the expected relationship of such use to the comprehensive planning and zoning of the School Property under the Public Planning Process.

(5) The Administrator is hereby authorized to enter into leasing or other arrangements respecting ownership, management or control of land within the School Property with the City or the Purchaser to facilitate comprehensive planning and zoning and efficient and productive use of the School Property.

(g) ELECTION BY STATE.—(1) Within 30 days after receipt of notice to the Governor of the State of Arizona under subsection (d), the Governor may advise the Secretary in writing that the State of Arizona elects to accept conveyance of a parcel of land contiguous to the parcel of land elected to be accepted by the Veterans Administration under subsection (f) and identified by mutual agreement of the City of Phoenix, Collier and the State of Arizona in accordance with the Public Planning Process for use by the State of Arizona as a site for facilities to be owned and operated by the State of Arizona as a home for veterans. If such parcel is not identified for conveyance to the State of Arizona at the time of the Public Planning Process at the time of the closing of the Land Exchange or the Purchase Transaction, the Secretary shall convey to the State of Arizona a parcel of land consisting of the northernmost 4.5 acres south of the northernmost 20 acres of the School Property.

(2) On or after conveyance of the Phoenix Exchange Property under the Land Exchange or the Purchase Transaction the Secretary shall convey to the State of Arizona the parcel of land elected to be received by the State of Arizona under paragraph (1) of this subsection, subject to the requirements of this subsection.

(3) Any conveyance of land to the State of Arizona under this subsection shall contain a right of reverter in favor of the United States: (A) restricting the use of such land to use as a site for facilities owned and operated by the State of Arizona as a home for veterans; and (B) providing for reversion of title to such land to the United States in the event that the State of Arizona fails to submit proper application to the Veterans Administration for assistance in construction of State home facilities pursuant to 38 U.S.C. 5035 and to appropriate sufficient funds to pay for that portion of the costs of construction for such facility required to be paid by the State of Arizona pursuant to 38 U.S.C. 5035.

(4) In the event that title to such land reverts to the United States, such land shall be offered by the Secretary for sale to the City, subject to a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation, at a price determined by the Secretary which shall be representative of the value of such land discounted to account for such restrictions in use. In the event that the City does not accept the offer of the United States to purchase such land within 6 months from the date such offer is made, such land shall be offered for sale to the Purchaser at fair market value.

(5) Nothing in this Act shall be construed as a limitation on the authority of the Purchaser and the State of Arizona to enter into agreements to exchange, on an acre-for-acre basis, lands within the School Property conveyed to the Purchaser for land conveyed by the United States to the State of Arizona.

(6) Any conveyance by the Purchaser to the State of Arizona of land within the School Property pursuant to exchange, on an acre-for-acre basis, shall include a right of reverter in favor of the United States in accordance with the terms for such right of reverter described in paragraph (3) of this subsection. The conveyance by exchange of land to the Purchaser under this paragraph shall extinguish any right of reverter restricting the use of land so conveyed to the Purchaser.

(h) OFFERS TO PURCHASE.—(1) Upon receipt by the Secretary of notices of election to receive parcels of land by the City of Phoenix, the State of Arizona, and the Veterans Administration under subsections (e), (f), and (g), but in no event later than 45 days after receipt of preliminary notice to the Secretary by Collier under subsection (d), the Secretary shall publish notice that the Secretary will consider offers by persons other than Collier to purchase the Phoenix Exchange Property, subject to the requirements of this section.

(2)(A) Notice under paragraph (1) shall be published in the Federal Register and shall otherwise be advertised in newspapers of general circulation and other appropriate publications, including newspapers in Phoenix, Arizona. Such notice shall include—

(i) an accurate description of the Phoenix Exchange Property, and an identification of any parcels of land within the School Property elected for conveyance or administrative transfer to the City of Phoenix, the Veterans Administration or the State of Arizona pursuant to subsections (e), (f), and (g);

(ii) the name and address of State and local offices from which information concerning the zoning and other legal requirements applicable to such property may be obtained;

(iii) a description of the terms and conditions for purchase of the Phoenix Exchange Property established under this Act pursuant to which the Secretary may accept an offer to purchase the Phoenix Exchange Property;

(iv) a statement of the minimum price that the Secretary may accept for sale of the Phoenix Exchange Property under paragraph (4) of this subsection;

(v) a description of the other terms and conditions for purchase of the Phoenix Exchange Property that the Secretary determines are necessary to ensure that the rights and obligations of a Purchaser under this section are comparable in all material respects to the rights and obligations of Collier under the Exchange Agreement, except as otherwise provided in this Act;

(vi) a statement establishing requirements for deposit of bond or other guarantee of credit in an amount determined by the Secretary; and

(vii) any other information that the Secretary, in his discretion, determines is reasonably necessary to permit a bona fide potential purchaser to evaluate the terms and conditions for purchase of the Phoenix Exchange Property.

(B) Upon request, the Secretary shall make available to any potential purchaser a copy of the Exchange Agreement or any other document in the possession of the Secretary which the Secretary in his discretion determines is reasonably necessary to permit a bona fide potential purchaser to evaluate the proposal of the United States to sell the Phoenix Exchange Property.

(3) Any person seeking to acquire the Phoenix Exchange Property by purchase under this section shall, within 30 days after publication of notice in the Federal Register under paragraph (1), deliver to the Secretary in the form prescribed in such notice, a written offer to purchase the Phoenix Exchange Property which offer shall—

(A) offer to purchase the entire Phoenix Exchange Property for cash in a single transaction at a price greater than the minimum acceptable price established under paragraph (4);

(B) by its terms be irrevocable for a period of at least 120 days from the date such offer is delivered to the Secretary and be legally binding on the offeror upon acceptance of such offer by the United States;

(C) offer to enter into a Purchase Agreement with the United States under the terms and conditions for purchase of the Phoenix Exchange Property described in the notice by the Secretary under paragraph (2);

(D) contain an offer to the United States to enter into a Trust Fund Payment Agreement which is in a form prescribed by the Secretary consistent with the requirements for payment of the Trust Fund Payment in the form of annual payments under section 102 and which is legally binding upon the offeror upon election of the Secretary to receive payment of the Monetary Proceeds in the form of annual payments under section 7 of this Act, including: (i) a detailed description of the collateral to be provided by the offeror to secure the payment obligation under the Trust Fund Payment Agreement upon such election of the Secretary to receive payment in the form of annual payments, and (ii) evidence of ownership and value of such collateral sufficient to permit the Secretary to determine whether such collateral is adequate to secure the payment obligations of the Purchaser under the Trust Fund Payment Agreement;

(E) contain evidence that the offeror has made an offer to the City of Phoenix, legally binding by its terms on the offeror upon approval by the City Council of Phoenix, Arizona, to enter into the Planning and Zoning Agreement;

(F) contain full and substantial evidence of the capacity of the offeror to enter into and perform each of the obligations required to be undertaken by the offeror under the terms described by the Secretary in accordance with paragraph (2) including a description of any financing arrangements to be undertaken by the offeror in order to perform the payment obligation of the Purchaser upon closing of the Purchase Transaction;

(G) meet any other requirements prescribed by the Secretary in the notice published under paragraph (1) which are reasonably necessary to ensure that any offer accepted by the United States under this subsection will provide public benefits to the United States comparable to those provided to the United States under the Land Exchange; and

(H) be accompanied by the deposit of a bond or other guarantee consistent with the requirements prescribed by the Secretary under paragraph (2).

(4) The minimum acceptable price for sale of the Phoenix Exchange Property is a cash amount equal to the sum of the amount required to be deposited into the account for purchase of the Florida Lands and reimbursement of costs under subsection (i) and an amount equal to the amount required to

be paid by Collier under paragraphs 13 and 14 of the Exchange Agreement.

(5)(A) The Secretary shall review any offer to purchase the Phoenix Exchange Property delivered to the Secretary within 30 days after publication of notice under paragraph (1) for the purpose of determining whether such offer meets the requirements under paragraph (3) or other requirements set forth in the notice of the Secretary pursuant to paragraph (2). The Secretary shall identify for consideration as qualifying offers all such offers that meet such requirements subject to the limitations of subparagraph (B).

(B) In determining whether an offer is a qualifying offer under this paragraph, the Secretary shall exclude from consideration any offer that the Secretary in his discretion determines—

(i) does not meet the requirements set forth in the notice of the Secretary pursuant to paragraph (2);

(ii) is made by an offeror without adequate capacity to enter into or perform the payment obligations under this Act or the Trust Fund Payment Agreement; or

(iii) has failed to identify collateral that is adequate to secure the obligations under the Trust Fund Payment Agreement.

(C) The Secretary shall, within 45 days after publication of notice in the Federal Register, select from among the qualifying offers the best qualifying offer, which shall be the single offer from among the qualifying offers that contains an offer to pay to the United States the highest lump sum cash payment upon closing of the Purchase Transaction, provided, that nothing in this paragraph shall be construed to limit or alter the right of the Secretary to elect to receive payment of the Monetary Proceeds in the form of annual payments under section 7 of this Act.

(6) Within 45 days after publication of notice in the Federal Register under paragraph (1), the Secretary shall advise Collier whether the Secretary has identified a qualifying offer or offers. In the event that the Secretary has not identified any such qualifying offer, he shall advise Collier that Collier may accept the offer of the United States to Collier under the terms of the Exchange Agreement and this Act. In the event that the Secretary has identified a qualifying offer, the Secretary shall provide Collier with a copy of the best qualifying offer, and shall advise Collier that Collier may accept the offer of the United States under the Exchange Agreement subject to the requirement that Collier pay, rather than the amount required to be paid under paragraphs 13 and 14 of the Exchange Agreement, the difference between the price to be paid under the best qualifying offer and $45,100,000.

(7) Collier may accept the offer of the United States by notice to the Secretary within 30 days of receipt of notice under paragraph (6) that Collier accepts such offer under the terms of the Exchange Agreement and subject to the requirement, if any, for additional payment under paragraph (6). If Collier accepts the offer of the United States under this paragraph, closing of the Land Exchange shall occur under the terms of the Exchange Agreement and this Act.

(8) If Collier does not accept such offer, the Secretary shall accept the best qualifying offer. If no qualifying offer has been received within the period specified in paragraph (3), the Secretary shall maintain the School Property in accordance with subsection (l) and shall notify the Committee on Interior and Insular Affairs and the Committee on Veterans Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within 60 days of the Secretary's notice to Collier under paragraph (6). Closing of the Purchase Transaction under this subsection shall occur within 90 days after acceptance by the United States of the best qualifying offer, subject to the requirements respecting deposit of payment under subsection (i).

(9) No action of the Secretary under this subsection shall be subject to the provisions of 5 U.S.C. 553 through 558 or 701 through 706.

(i) Account for Purchase Transaction Amounts.—(1) Upon closing of the Purchase Transaction, there shall be established in the Treasury of the United States an account into which shall be deposited from the amount paid to the United States under the Purchase Transaction, at the direction of the Secretary, an amount equal to the sum of—

(A) $49,400,000, less any amount received by Collier in consideration of the conveyance to the United States of any portion of the Florida Lands prior to the closing of the Purchase Transaction, and

(B) an amount equal to the costs determined by the Secretary as reimbursable to Collier under paragraph (2), based on information to be provided to the Secretary by Collier at the time that Collier provides preliminary notice under subsection (d).

(2) For purposes of this subsection, reimbursable costs of Collier shall include—

(A) all costs, including fees for attorneys and consultants, paid or incurred by Collier in connection with the Public Planning Process and planning and zoning of the School Property, and

(B) an amount for compensation of general administrative costs and overhead, which shall be an amount equal to the costs reimbursable to Collier under subparagraph (A) multiplied by a factor of 0.8.

(3) Upon conveyance by Collier to the United States of title to the Florida Lands pursuant to this subsection, the Secretary shall cause to be paid to Collier from the account established under paragraph (1): (A) $49,400,000, less any amount previously paid to Collier by the United States in consideration of conveyance of any portion of the Florida Lands, and (B) an amount equal to the total amount of costs reimbursable to Collier under this subsection, as determined by the Secretary.

(j) Conveyance of Title.—Upon conclusion of the procedures under subsection (h), the Secretary is authorized and directed to release and quitclaim to the Purchaser all right, title, and interest of the United States to the Phoenix Exchange Property.

(k) Lands Not Accepted by Veterans Administration or State of Arizona.—If the Veterans Administration elects to accept transfer of administrative jurisdiction of fewer than 11.5 acres of land pursuant to subsection (f) or if the Governor of the State of Arizona elects to accept conveyance of fewer than 4.5 acres of land pursuant to subsection (g), the Secretary shall offer to sell those acres of land not accepted by the Veterans Administration or the State of Arizona to the City, subject to a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation, at a price determined by the Secretary which shall be representative of the value of such land discounted to account for such restrictions in use. If the City does not, within 30 days of the offer, notify the Secretary that it will accept such offer, the Secretary shall offer to sell those acres of land to Purchaser at the higher of fair market value or $1,170,000 per acre.

(l) Reversion.—Any land within the School Property not conveyed to the Purchaser, the State of Arizona or the City or transferred to the Veterans Administration upon closing of the Land Exchange or the Purchase Transaction or which reverts to the United States under section 101(e)(4) or 101(g)(4) of this Act and is not sold to the City or the Purchaser shall be maintained under the administrative jurisdiction, management and control of the National Park Service and shall not be disposed of until authorized by an Act of Congress, *Provided, however,* That such lands shall not be considered a unit of the National Park System.

(m) Other VA Lands.—If at any time subsequent to closing of the Land Exchange or the Purchase Transaction the Administrator determines that any portion of the land transferred to the Veterans Administration is not necessary for expansion of Veterans Administration programs and facilities, such land shall be offered to the City, subject to a right of reverter in favor of the United States restricting the use of such land perpetually to provide for public open space and recreation, at a price determined by the Secretary which shall be representative of the value of such land discounted to account for such restrictions in use. If the City does not, within 30 days of the offer, notify the Secretary that it will accept such offer, the Secretary shall offer to sell those acres of land to the Purchaser at the higher of fair market value or $1,170,000 per acre. In the event that the Purchaser does not purchase such land, such land shall be maintained by the Veterans Administration and shall not be disposed of until authorized by an Act of Congress.

(n) Reservation of Right-of-Way.—The Secretary shall reserve from any conveyance to the city or the State of Arizona or from any administrative transfer to the Veterans Administration an access right-of-way of no less than 45 feet but no greater than 60 feet in width for conveyance to the Purchaser for ingress and egress to the Phoenix Exchange Property or other property conveyed to the Purchaser within the School Property, as such easement or easements may be identified for such conveyance in the Public Planning Process by mutual agreement of the parties.

(o) Access.—In the event the State of Arizona elects to accept conveyance of a parcel of land under subsection (g), the Veterans Administration shall provide to the State of Arizona reasonable access to such parcel of land across the Veterans Administration Property or across other land within the School Property transferred to the Veterans Administration under subsection (f).

(p) Easement.—Notwithstanding any other provision of law, the Secretary, on behalf of the United States, shall, at the time of conveyance to Purchaser under the Exchange Agreement or a Purchase Transaction, convey to Purchaser an easement of no less than 45 feet but no greater than 60 feet in width across the north end of the Veterans Administration Property as necessary to provide ingress and egress to the Phoenix Exchange Property from 7th Street.

(q) State and Local Authority.—Nothing in this Act shall be construed to supersede, abrogate, enlarge, diminish, or otherwise alter the exercise of authority of the State of Arizona, the City or other State and local authority with respect to planning and zoning of the School Property under applicable State or local law.

SEC. 102. PAYMENT TO THE TRUST FUNDS.

(a) Deposit of Monetary Proceeds.—The Monetary Proceeds shall be paid to the United States for deposit in the Arizona InterTribal Trust Fund and the Navajo Trust Fund in accordance with this section and section 202 of this Act.

(b) Election of Lump Sum or Annual Payments.—Subject to the requirements for consultation under subsection (c)(3), the Secretary may, in his discretion, elect to receive the Trust Fund Payment for deposit in the Arizona InterTribal Trust Fund or the Navajo Trust Fund, or both, in the form of either a lump sum payment or 30 annual payments, calculated in accordance with subsection (c). The Secretary shall provide notice of such election to the Purchaser within 90 days after receipt of notice from Collier that it intends to accept the offer of the United States under the Exchange Agreement pursuant to section 101(d).

(c) Method of Payment.—(1) If the Secretary elects to receive a Trust Fund Payment in the form of a lump sum payment, the Purchaser shall, at the time of closing, pay to the United States an amount equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made.

(2) If the Secretary elects to receive a Trust Fund Payment in the form of annual payments, the Purchaser shall make—

(A) 30 annual payments equal to the interest due on an amount equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made; and

(B) at the time of the last annual payment, a payment equal to that portion of the Monetary Proceeds that is properly allocable to the Trust Fund for which such election is made.

(3) Prior to making any election as to form of the Trust Fund Payment under this subsection, the Secretary shall consult with—

(A) the InterTribal Council of Arizona, concerning the form of the Trust Fund Payment to the Arizona InterTribal Trust Fund; and

(B) the governing body of the Navajo Tribe, concerning the form of the Trust Fund Payment to the Navajo Trust Fund.

(4) If the Secretary elects to receive a Trust Fund Payment in the form of annual payments under subsection (c)(2), the Secretary is directed to execute the Trust Fund Payment Agreement pursuant to which such annual payments will be made.

(5) The interest rate to be used in determining the interest due on annual Trust Fund Payments payable by the Purchaser shall be the interest rate being offered on bonds payable in 30 years sold by the United States on the date that notice of the election of the form of the Trust Fund Payment is made by the Secretary plus 0.25 percent, except that in no event shall such interest rate be lower than 8.5 percent or higher than 9.0 percent.

(6) Closing of the Land Exchange or the Purchase Transaction shall occur no sooner than 90 days after notice of the Secretary's election is provided to the Purchaser, except that if the Secretary elects to receive a Trust Fund Payment in the form of annual payments under subsection (c)(2), closing of the Land Exchange or the Purchase Transaction shall not occur unless Trust Fund Payment Agreement has been executed.

(d) Cash Proceeds.—Any cash proceeds to the United States from the sale of land within the School Property offered to and accepted by the City or the Purchaser subsequent to closing of the Land Exchange or the Purchase Transaction shall be in the form of a lump sum payment, unless otherwise agreed to by the parties, payable to the United States for deposit into the Arizona InterTribal Trust Fund and the Navajo Trust Fund pursuant to section 202.

TITLE II

SEC. 201. CLOSURE OF THE PHOENIX INDIAN HIGH SCHOOL.

(a) Closure.—Notwithstanding any other provision of law, the Secretary shall close the Phoenix Indian High School on a date determined by the Secretary, which date shall be no earlier than June 1, 1988, and no later than September 1, 1988.

(b) Notice.—Within 30 days after enactment of this Act, the Secretary shall notify the tribal governing body of each Arizona Tribe affected by the closing of the Phoenix Indian High School and each person, or parent or guardian of each person, enrolled as a student at the Phoenix Indian High School on January 1, 1988, of the date of closing of the Phoenix Indian High School as determined by the Secretary under subsection (a).

(c) Transfer of Jurisdiction.—Within 60 days after closure of the Phoenix Indian High School under subsection (a), the Secretary shall transfer administrative jurisdiction, management and control of the school property from the Bureau of Indian Affairs to the National Park Service, *Provided*, That, prior to the disposition of the School Property under the terms of the Exchange Agreement or otherwise, the National Park Service shall manage and control such School Property in a manner consistent with the requirements of the Exchange Agreement, including, but not limited to, those provisions governing the removal of fixtures, improvements, and personal property from the School Property. During the interim period of administration the School Property shall not be considered a unit of the National Park System.

SEC. 202. ESTABLISHMENT OF THE ARIZONA INDIAN TRUST FUNDS.

(a) Upon disposal of the School Property and receipt by the United States of the Monetary Proceeds, there shall be established in the Treasury of the United States—

(1) a fund to be known as the Arizona InterTribal Trust Fund; and

(2) a fund to be known as the Navajo Trust Fund.

(b) Each Trust Fund established under this section shall consist of—

(1) an amount equal to the sum of—

(A) that portion of the Monetary Proceeds properly allocable to each such Trust Fund;

(B) that portion of the cash proceeds from the sale by the United States to the City or the Purchaser of additional acres of land within the School Property pursuant to subsection (g)(4) or (m) of section 101 of this Act properly allocable to each such Trust Fund; and

(C) any interest accruing on any amount deposited in each such Trust fund,

(2) less the amount of Trust Income from the Trust Fund used by the Secretary pursuant to subsection (d).

(c) Investment.—(1) If a Trust Fund Payment is made in the form of a lump sum payment under section 102(c)(1) of this Act, the Secretary of the Treasury shall invest the amount of such lump sum payment in interest-bearing deposits and securities in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(2) If a Trust Fund Payment is made in the form of annual payments under section 102(c)(2) of this Act, the Secretary of the Treasury shall hold in trust the security provided in accordance with the Trust Fund Payment Agreement.

(3) At the direction of the Secretary, the Secretary of the Treasury may invest in accordance with the requirements of paragraph (1) any portion of the Trust Income not used by the Secretary in any year.

(d) Use of Trust Income.—(1) Trust income may be used only for—

(A) supplemental educational and child-welfare programs, activities, and services for the benefit of—

(i) those Arizona Tribes that were members of the InterTribal Council of Arizona on January 1, 1988, in the case of payments from the Arizona InterTribal Trust Fund; and

(ii) the Navajo Tribe, in the case of payments from the Navajo Trust Fund;

(B) the design, construction, improvement, or repair of related facilities; and

(C) the payments referred to in paragraph (3).

(2)(A) To carry out the purposes of paragraph (1), the Secretary, pursuant to appropriations, may make grants—

(i) from the Arizona InterTribal Trust Fund to Arizona tribes that were members of the InterTribal Council of Arizona on January 1, 1988, public school districts on or near reservations of such Tribes in the State of Arizona, and the InterTribal Council of Arizona; and

(ii) from the Navajo Trust Fund to the Navajo Tribe or public school districts on or near the Navajo Reservation in the State of Arizona.

(B) The Secretary shall require, as a condition for making any grant to a public school district, the approval of the governing body of the Arizona Tribe the children of which are to be served by such grant.

(3)(A) An amount equal to 5 percent of the Trust Income during the preceding fiscal year shall be paid annually by the Secretary—

(i) to the InterTribal Council of Arizona from the Arizona InterTribal Trust Fund; and

(ii) to the governing body of the Navajo Tribe from the Navajo Trust Fund.

(B) Payments made under this paragraph shall be used for education, child welfare, community development, and general administrative purposes, and may be made only pursuant to an annual budget adopted by the vote of—

(i) a majority of the members of the InterTribal Council of Arizona, in the case of payments to the Arizona InterTribal Trust Fund; and

(ii) the governing body of the Navajo Tribe, in the case of payments to the Navajo Trust Fund.

(C) The limitation on the amount of payments under this paragraph shall not be construed as a limitation on the authority of the Secretary to make grants to the InterTribal Council of Arizona or the Navajo Tribe under paragraph (2).

(4) None of the Trust Income may be used for scholarship grants for higher education.

(e) Allocation.—In depositing into the Trust Funds the Monetary Proceeds, any payment by the State of Arizona, or the cash proceeds from the sale of land within the School Property—

(1) the amount properly allocable to the Arizona InterTribal Trust Fund shall be 95 percent of the total amount of such payment or cash proceeds to the United States; and

(2) the amount properly allocable to the Navajo Trust Fund shall be 5 percent of the total amount of such payment or cash proceeds to the United States.

SUMMARY OF ARIZONA-FLORIDA LAND EXCHANGE ACT OF 1988

The Arizona-Florida Land Exchange Act of 1988 provides for the exchange of property in Phoenix, Arizona under the jurisdiction of the Department of the Interior, with Florida property owned by Collier, to allow for the acquisition of lands to the Big Cypress National Preserve and other conservation units in Florida. The bill also sets forth the manner in which the Arizona property is to be disposed, provides for the closure of the Phoenix Indian High School, and establishes tribal educational trust funds.

DISPOSITION OF THE PROPERTY

Within three years after enactment of the legislation, Collier will have an option to purchase the Phoenix property under the terms of an Exchange Agreement signed by Collier and the Department of the Interior, and ratified by this legislation. The basic terms of the Exchange Agreement are that Collier will acquire the Phoenix Indian School property in exchange for Florida lands owned by Collier, which are to be included in the Big Cypress National Preserve and other conservation units, and approximately $34.8 million for deposit into tribal education trust funds.

Collier must first provide preliminary notice that it may accept the offer to purchase the property to the Secretary of the Interior, the Mayor of Phoenix, the Administrator of the Veterans Administration, the Governor of Arizona, the InterTribal Council of Arizona, and the governing body of the Navajo tribe.

The City of Phoenix will be given twenty acres of the property at no cost with the requirement that the land be permanently used to provide for public open space and recreation. The specific location of the twenty acres will be determined through the public planning process.

The Veterans Administration will be granted administrative jurisdiction over eleven and one-half acres of the property to allow for expansion of the V.A. hospital. The location of the V.A. parcel is to be adjacent to the current V.A. property, as determined by the V.A. Administrator. The Administrator is also directed to participate and cooperate in the public planning process.

The State of Arizona will be given four and one-half acres of the school property to provide for the construction of a state nursing home for veterans, with the location of the parcel to be determined through the public planning process.

If the Veterans Administration decides not to use all of the property allocated for its use, the unused land will revert back to the United States, with first right of purchase being offered to the City of Phoenix, with the requirement that the land be permanently used for public open space and recreation. The purchase price is to reflect the restriction in use. If the City does not elect to purchase the parcel, then the land is to be offered to the purchaser at either fair maket value of $1.17 million per acre, whichever is higher.

The Secretary of the Interior then must give public notice that the Phoenix property is being offered for sale. Potential buyers must agree to pay for the property in a single cash payment, enter into the trust fund agreement, and enter into an identical planning and zoning agreement with the City of Phoenix. The minimum acceptable price is a cash amount that will provide for the purchase of Collier's costs incurred in connection with the public planning process and planning and zoning process.

If the Secretary determines that an acceptable offer has been submitted, then Collier has thirty days to match the new offer and purchase the property. If there was no acceptable offer, then Collier may purchase the property under the terms of the Exchange Agreement.

Under the terms of the Planning and Zoning Agreement signed by the City of Phoenix and Collier, the City will have the option of purchasing additional undeveloped land from Collier by paying the fair maket value for the land. If another buyer purchases the land, that buyer must enter into a planning and zoning agreement which contains the same provision.

CLOSURE OF THE PHOENIX INDIAN SCHOOL

The Secretary of the Interior is directed to close the Phoenix Indian High School between June 1 and September 1, 1988. The Secretary must notify each student and the governing body of the affected tribes of the closure within thirty days after enactment of the Act.

TRANSFER OF JURISDICTION

Once the school is closed, the property will be transferred from the jurisdiction of the Bureau of Indian Affairs to the National Park Service. The property will not, however, be considered a unit of the National Park System.

ESTABLISHMENT OF TRUST FUNDS

To compensate for the school closure, two educational trust funds will be created: one for the Navajo tribe, and one for the tribes belonging to the Arizona InterTribal Council. The funds will consist of the monetary proceeds resulting from the sale of the school property. Ninety-five percent of the monetary proceeds are to be deposited into the Arizona InterTribal Trust Fund, and five percent of the monetary proceeds are to be deposited into the Navajo Trust Fund.

PAYMENT INTO THE TRUST FUNDS

Upon the closing of the Indian School land exchange, the purchaser must pay $34.9 million to the United States. at the discretion of the secretary, in consultation with the InterTribal Council of Arizona and the Navajo tribe, the payment may be made in either a lump-sum payment or in thirty annual payments.

If the payment is made in annual payments, the purchaser is required to make annual payments each consisting of the interest due on the trust fund principal. The principal is due on the date of the final annual payment.

If the Secretary directs the purchaser to make a lump-sum payment, then the entire amount is due to the United States at closing. The Secretary of the Treasury is directed to invest the funds in interest-bearing deposits and securities.

USE OF TRUST FUND INCOME

Use of the trust income is limited to supplemental educational and child-welfare programs, activities, and services, and the construction, improvement and repair of related facilities. In addition, the Secretary is to make annual payments of five percent of the trust income to the InterTribal Council of Arizona, in the case of the Arizona InterTribal Trust Fund; and five percent of the trust income to the governing body of the Navajo tribe, in the case of the Navajo Trust Fund. The bill prohibits using any part of the trust income for scholarship grants for higher education.

SECTION BY SECTION ANALYSIS OF THE ARIZONA—FLORIDA LAND EXCHANGE ACT OF 1988

Section 1 contains the short title, the Arizona—Florida Land Exchange Act of 1988.

Section 2 defines several terms used in the bill.

TITLE I

Section 101 sets forth the provisions for the disposition of the Phoenix Indian High School property. Subsection (a) provides that the disposal of the school property and use of the monetary proceeds is to be governed solely by this Act.

Subsection (b) ratifies the Exchange Agreement between Collier and the United States. The Exchange Agreement sets forth the specific obligations, duties, and responsibilities of both parties. The Secretary is authorized to make subsequent minor and technical amendments to land descriptions and instruments of conveyance described in the Agreement, with the consent of Collier and upon 30 days prior notice to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources.

Subsection (c) establishes the procedure for the conveyance of the school property. If the property is conveyed pursuant to the Exchange Agreement or a Purchase Transaction, the Secretary of the Interior is authorized to convey 20 acres of the property to the City of Phoenix, 11.5 acres to the Veterans Administration and 4.5 acres to the State of Arizona. The remainder of the property (approximately 68 acres) is to be conveyed to the Purchaser.

Subsection (d) requires Collier to provide preliminary written notice of its intent to accept the offer of the United States to purchase the property. The notice must be given to the Secretary of the Interior, the Mayor of Phoenix, the Administrator of the Veterans Administration, the InterTribal Council of Arizona, the governing body of the Navajo tribe, and the Governor of Arizona. The subsection makes clear that the preliminary notice by Collier does not constitute either an acceptance or rejection of the offer of the United States.

Subsection (e) requires the Mayor of Phoenix to advise the Secretary that the City elects to accept the 20 acres of the property within 30 days after receiving the preliminary notice from Collier. The location and configuration of the property is to be determined through the Public Planning Process. The Secretary is directed in paragraph (2) to convey the 20 acres on or after the conveyance of the property pursuant to the Exchange Agreement or Purchase Transaction.

This subsection does not prevent the City from entering into agreements with the Purchaser to purchase additional acres of land within the property or exchanging parcels on an acre-for-acre basis. Any conveyance to the City by the United States or land exchange with the Purchaser must include a right of reverter in favor of the United States limiting the use of the land perpetually to provide for public open space and recreation.

Subsection (f) requires the Administrator of the Veterans Administration to advise the Secretary that the Veterans Administration elects to accept administrative jurisdiction over the 11.5 acre parcel to be used for the expansion of the V.A. hospital. The Veterans Administration must make the election within 30 days after receiving the preliminary notice from Collier. The Secretary is directed in paragraph (2) to transfer administrative jurisdiction over the 11.5 acres upon conveyance of the property pursuant to the Exchange Agreement or Purchase Transaction.

Paragraph (3) directs the Administrator to participate and cooperate with the City in the Public Planning Process in determining the location and configuration of the 11.5 acres. The Administrator retains the sole authority, however, to make the final determination.

The Veterans Administration is required under paragraph (4) to report to Congress every 6 months until the V.A. hospital is completed on the status of the V.A.'s efforts in its participation in the Public Planning Process.

Subsection (g) requires the Governor of Arizona to advise the Secretary within 30 days after receiving notice from Collier that the State intends to accept conveyance of 4.5 acres to use for the construction of a nursing home for veterans. The location of the land is to be determined through the Public Planning Process.

Any conveyance to the State by the United States must contain a right of reverter in favor of the United States restricting the use of the land to provide for a nursing home for veterans. The land will also revert back to the United States if the State fails to submit proper application to the Veterans Administration or fails to appropriate sufficient funds to pay for the State's share of the costs.

If the land reverts back, the United States is to offer the land first to the City of Phoenix, with a restriction that the land be used perpetually for public open space and recreation, at a price determined by the Secretary which reflects the restriction in use. If the City does not accept the offer within 6 months, the land is to be offered to the Purchaser for fair market value.

This subsection does not limit the State from entering into agreements with the Purchaser to exchange land on an acre-for-acre basis. Any land exchange with the Purchaser must include a right of reverter in favor of the United States limiting the use of the land to provide for a nursing home for veterans.

Subsection (h) established the procedure for accepting bids to purchase the school property from parties other than Collier to ensure that the United States receives the maximum value for the property. Upon receiving notices of election from the City, State, and Veterans Administration, the Secretary is directed to publish a notice in the Federal Register and in newspapers of general circulation that other offers to purchase the property will be considered.

Anyone desiring to bid on the property must make an offer within 30 days after the notice is published in the Federal Register. A qualifying bid, which must be irrevocable for 120 days, must be a cash amount that is sufficient to allow for the purchase of Collier's Florida properties, and to establish the educational trust funds and reimburse Collier for costs incurred in the planning and zoning process for the school property. Any bidder must agree to enter into an identical Planning and Zoning Agreement with the City and Trust Fund Payment Agreement with the United States. A bid must be accompanied by the deposit of a bond or other surety as required by the Secretary. The Secretary must review any offer within 30 days after publication of the notice in the Federal Register.

The Secretary is directed in paragraph (5)(C) to select the best qualifying offer, if there is one, within 45 days after publication of the notice in the Federal Register. The "best qualifying offer" is defined to be the qualifying bid that offers to pay the highest lump sum cash payment.

If the Secretary selects a best qualifying offer, he is to advise Collier of the offer and allow Collier 30 days to match the offer. If Collier does not match the offer, the Secretary shall select the best qualifying offer. Closing must occur within 90 days after acceptance of the offer.

If there is no "best qualifying offer," Collier may accept the offer of the United States pursuant to the terms of the Exchange Agreement and this Act.

Paragraph (9) exempts the actions of the Secretary from judicial review and from the rulemaking and adjudication requirements of the Administrative Procedure Act.

Subsection (i) provides for the establishment of an account in the United States Treasury if the school property is disposed of pursuant to a Purchase Transaction. The account is to contain $49.4 million for the purchase of the Florida lands, less any payment already received by Collier, and an amount determined by the Secretary for the reimbursement of Collier's costs incurred in the planning and zoning process of the school property.

Subsection (j) directs the Secretary to convey title to the Purchaser upon the conclusion of the bidding procedures in subsection (h).

Subsection (k) provides for the disposition of property if either the Veterans Administration or the State of Arizona elects to receive fewer than 11.5 acres or 4.5 acres, respectively. The Secretary is directed to offer to sell any unused land to the City of Phoenix, with the restriction that the land be used only for public open space and recreation, at a price determined by the Secretary which reflects the restriction in use. If the City does not accept the offer in 30 days, the Secretary must offer the land to the Purchaser at either fair market value or $1.17 million, whichever is higher.

Subsection (l) states that any land not conveyed by the United States to the Veterans Administration, State of Arizona, City of Phoenix, or Purchaser, or any land which reverts back to the United States is to be maintained under the administrative jurisdiction, management, and control of the National Park Service, although the land shall not be considered a unit of the Park System. The property may only be disposed of pursuant to an Act of Congress.

Subsection (m) provides for the disposition of any land the Administrator of the Veterans Administration determines to not be necessary for the expansion of the V.A. hospital. The land is to be offered first to the City, with the restriction that the land be used only for public open space and recreation, at a price determined by the Secretary which reflects the restriction in use. If the City does accept the offer in 30 days, the Secretary must offer the land to the Purchaser at either fair market value or $1.17 million, whichever is higher. If the Purchaser does not accept the offer, the Veterans Administration is to maintain the property until it is disposed of pursuant to an Act of Congress.

Subsection (n) reserves from any conveyance to the Veterans Administration or the State of Arizona an access right-of-way between 45 and 60 feet wide to allow for the entrance to and exit from the property conveyed to the Purchaser. The location of the right-of-way is to be determined through the Public Planning Process.

Subsection (o) requires the Veterans Administration to provide the State of Arizona with reasonable access across the V.A.'s land to the State's 4.5 acres.

Subsection (p) directs the Secretary to convey as easement to the Purchaser of between 45 and 60 feet across the north end of the Veterans Administration's property to allow for ingress and egress to the Purchaser's property from Seventh Street.

Subsection (q) makes clear that the Act does not alter in any manner the authority of the State or City or other State or local authority with respect to planning and zoning of the school property.

Section 102 establishes the procedure for payment by the Purchaser into the educational trust funds which are created under title II of this Act.

Subsection (a) stipulates that the Monetary Proceeds (which are at least $34.9 million) are to be deposited into the Arizona InterTribal Trust Fund and the Navajo Trust Fund.

Subsection (b) gives the Secretary the discretion to receive the payment for either trust fund in a lump-sum payment, or in 30 annual payments. The Secretary must provide notice to the Purchaser within 90 days after Collier initiates the disposition procedure by giving preliminary notice pursuant to § 101(d).

Subsection (c) sets forth the method of payment of the Monetary Proceeds by the Purchaser. If the Secretary elects to receive a lump-sum payment, the Purchaser must pay the entire portion of the monetary proceeds allocable to the trust fund at the time of closing. If the Secretary elects to receive annual payments, the Purchaser must make 30 annual payments equal to the interest due on the entire portion of the applicable trust fund. A payment in an amount equal to the trust fund principle is due at the time of the last annual payment.

The Secretary must consult with the InterTribal Council of Arizona, Inc., concerning the form of payment into the Arizona InterTribal Trust fund, and with the governing body of the Navajo tribe, with respect to the Navajo Trust Fund, prior to making any election as to the method of payment.

The interest rate to be used in determining the interest due on annual payments into the trust funds is defined in paragraph (5) to be the interest rate due on bonds payable in 30 years sold by the United States on the date the Secretary elects to receive annual payments, plus 0.25 percent. Regardless of the bond rate, the interest rate used for the annual payments may not be lower than 8.5 percent or higher than 9.0 percent.

Paragraph (6) states that the closing of the Land Exchange or Purchase Transaction may not occur within 90 days after the date the Secretary provides notice of the method of payment.

Subsection (d) stipulates that any cash proceeds resulting from the sale of the school property to the City or purchaser subsequent to the closing of the Land Exchange or Purchase Transaction shall be in the form of a lump-sum payment for deposit into the educational trust funds, unless otherwise agreed to by the parties.

TITLE II

Section 201 provides for the closure of the Phoenix Indian High School. Subsection (a) requires the Secretary to close the school between June 1, 1988 and September 1, 1988.

Subsection (b) states that the Secretary must notify the tribal governing body of each affected Arizona tribe, and the students enrolled at the school, within 30 days after enactment of the Act.

Subsection (c) directs the Secretary to transfer administrative jurisdiction of the school property from the Bureau of Indian Affairs to the National Park Service within 60 days after the closure of the school. The Park Service is authorized to manage and control the property consistent with the requirements of the Exchange Agreement, although the school property will not be considered a unit of the National Park System.

Section 202 provides for the establishment of the education trust funds. Subsection (a) authorizes the creation of two funds, the Arizona InterTribal Trust Fund, and the Navajo Trust Fund.

Subsection (b) defines the income to be used for each fund. Each fund shall consist of: the portion of the monetary proceeds allocable to the fund, the portion of cash proceeds resulting from the sale of additional acres of land within the school property, and any interest accruing on the money deposited into the trust fund.

Subsection (c) requires the Secretary of the Treasury to invest any lump-sum payments into the trust fund into interest bearing securities and deposits. If payment into the trust funds is made in the form of annual payments, the Secretary of the Treasury is directed to hold the security provided by the Purchaser in trust. The Secretary of the Treasury is also authorized, at the direction of the Secretary of the Interior, to invest any portion of the Trust Income not used by the Secretary.

Subsection (d) sets forth the allowable uses of the Trust Income. Use of the income is limited to supplemental educational and child-welfare programs, services, and activities, and the design, construction, improvement, and repair of related facilities. The subsection also authorizes the Secretary, pursuant to appropriations and with the approval of the governing body of the affected tribe, to make grants from the trust funds to public school districts on or near the reservations.

In addition, the Secretary is directed to make an annual payments in an amount equal to 5 percent of the appropriate Trust Income to the InterTribal Council of Arizona and the governing body of the Navajo tribe. The use of this income is limited to education, child welfare, community development and general administrative purposes. The subsection prohibits any part of the Trust Income to be used for scholarship grants for higher education.

Subsection (e) provides for the allocation of the Monetary Proceeds into the trust funds. 95 percent of the payment shall be deposited into the Arizona InterTribal Trust Fund, and 5 percent shall be deposited into the Navajo Trust Fund.

Mr. DeCONCINI. Mr. President, I am joining my colleague from Arizona, Senator McCain, in introducing today the Arizona-Florida Land Exchange Act of 1988. While I am concerned about various elements of this legislation, I am cosponsoring the bill so that the Senate will have a legislative vehicle before it on which to base further consideration of this complex land exchange transaction. I am not wedded to each and every provision of the bill. Rather, I consider it a discussion document.

This bill will effectuate a land exchange between the Federal Government and the Collier family in Florida. The Big Cypress Addition, Ten Thousand Islands National Wildlife Refuge and the Florida Panther Wildlife Refuge, which are environmentally significant lands in southeastern Florida, will be transferred by the Colliers to the Federal Government in exchange for approximately 68 acres of the Phoenix Indian School property located in Phoenix, AZ. In addition, the Collier family will pay $34.9 million for the purpose of establishing a trust fund to meet the educational needs of Arizona's Indian children whose school is being closed as a result of this legislation. This may be a great deal for everyone—the Indian community, the veterans, the city of Phoenix and the Federal Government. However, in light of concerns which have been raised by certain Members of Congress, the General Accounting Office and in various newspaper accounts, I think the legislation deserves careful Senate scrutiny.

Similar legislation, H.R. 4519, was introduced in the House on May 3, 1988, and was favorably reported by the House Interior Committee on May 18. Despite the expeditious action by the House, I believe the Senate must carefully review the various components of this legislative package and provide all the affected parties—the Arizona Indian community, the veterans, the developer, the Federal Government, the environmentalists and the city of Phoenix—an opportunity to fully air their views and/or concerns prior to final Senate action. I hope the various committees of jurisdiction will provide a forum for these discussions. That is what the legislative process is all about. Hopefully, after hearings have been completed, we will be able to produce a consensus package which is satisfactory to all the various interests involved in this complicated transaction.

Since the House bill was introduced, concerns have been expressed to me by the Indian and the environmental communities. Earlier this week the representatives of the Inter-Tribal Council of Arizona came to my office expressing a number of their concerns. The tribal chairmen want a full opportunity to participate in the process of reviewing and commenting on the proposed exchange. The school is still an important part of the educational system used by these tribes and the provisions on the closure of the school proposed by the bill are not acceptable to them. There are other very important considerations which the tribes are asking Congress to take into account with respect to this proposed exchange.

In addition to their concerns, I have some of my own. I share the GAO's concerns about the speculative mature of the appraisal of the Indian school property. I am concerned about the formula for the distribution of the trust funds. I am concerned about the attorneys' fees provisions. I believe the issue of a lump sum payment versus a 30-year annual payout in equal installments by the developer to the trust fund for Indian education should be more fully explored. I believe that there should be some congressional review of the alternative bid process which now rests exclusively with the Secretary of the Interior. These are some of the issues which I believe deserve careful scrutiny as the Senate begins consideration of this bill. I do not have any preconceived idea on specific legislative language that should be included in the final legislative package. I remain open to discuss the various options with the interested parties.

Ultimately, I want to be assured that at the end of the legislative process we have a bill that is a good deal for everyone. I expect to work with my colleague, Senator McCain, to see that this proposal gets careful consideration and that we have the necessary hearings in the appropriate committees.

By Mr. MOYNIHAN (for himself, Mr. Murkowski, Mr. Sanford, and Mr. Dodd):

S. 2422. A bill to amend the Foreign Assistance Act of 1961 to increase opportunities for U.S. insurance companies to provide insurance in connection with U.S. Government-assisted supplies or activities; to the Committee on Foreign Relations.

FOREIGN AID INSURANCE ACT

● Mr. MOYNIHAN. Mr. President, I rise today, together with my colleague, Senator Murkowski, to introduce the Foreign Aid Insurance Act of 1988. This legislation addresses a very disturbing problem that confronts U.S. insurance companies: The exclusion of U.S. insurance companies from being able to bid on a large volume of insurance business contracted by a number of foreign governments in connection with U.S. assisted transactions.

Discrimination against U.S. insurance companies is not a new problem. U.S. service industries face a variety of foreign barriers. That is one reason a prime objective of the United States in the Uruguay Round of GATT negotiations is greater liberalization for trade in services. It is also why I have previously introduced legislation calling for a White House Conference on International Trade in Services.

However, the type of discrimination that this legislation addresses is most ironic indeed. It is now a fact that many foreign countries to whom the U.S. Government provides foreign assistance, both military and economic, prohibit U.S. insurance on those transactions. They reserve the insurance for their own nationals.

This legislation would require each agency of the Federal Government that operates foreign assistance programs to implement procedures that would provide U.S. insurance companies with a fair opportunity to compete for the insurance component of foreign assistance transactions.

The legislation would also mandate the U.S. Trade Representative to negotiate agreements with foreign countries that currently discriminate against U.S. insurers in foreign assistance transactions to provide fair treatment for U.S. companies. The bill also establishes a new reporting requirement to be included as part of the national trade estimate on the removal of these foreign country barriers to U.S. insurance companies.

Mr. President, I believe this legislation would serve to significantly increase the insurance opportunities for U.S. companies and will contribute to the reduction of our trade deficit. We are not mandating by this legislation that the business must go to U.S. companies—which we might rightly do in that we are talking about U.S. foreign assistance transactions. Rather, we are only asking that U.S. companies be given a fair chance. I hope that the Senate will expeditiously consider this legislation, and that it will soon become law.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Aid Insurance Act of 1988".

SEC. 2. REQUIREMENTS CONCERNING PARTICIPATION BY UNITED STATES INSURANCE COMPANIES IN FOREIGN ACTIVITIES.

(a) Responsibilities of Federal Agencies.—The head of each executive agency or military department shall take such actions as may be necessary to ensure that United States insurance companies have a fair and open competitive opportunity to provide insurance whenever such insurance is necessary or proper in connection with United States Government-assisted supplies or activities. In any case in which it is appropriate to obtain insurance in connection with the procurement or furnishing of such supplies or activities, such actions shall include the following:

(1) Including in any solicitation, contract, subcontract, or other written agreement for the procurement or furnishing of such supplies or activities a clause which requires that United States insurance companies have a fair and open competitive opportunity to provide insurance.

(2) Certifying to the United States Trade Representative that all necessary and practicable actions have been taken to provide United States insurance companies a fair and open competitive opportunity to provide insurance in connection with the United States Government-assisted supplies or activities. Such certification shall, in every practicable case, be made before any of the United States Government-assisted supplies or activities are received by a foreign country, foreign individual, or foreign entity. In any case in which such certification is not made before such receipt of supplies or activities, the head of the executive agency or military department, as the case may be, shall include in the certification the reasons for the failure to make the certification.

(b) Actions if Foreign Countries Discriminate.—If any foreign country or any foreign government entity excludes, hinders, or otherwise discriminates against United States insurance companies in the provision of insurance in connection with any United States Government-assisted supplies or activities, as determined by the United States Trade Representative, any insurance provided in connection with the United States Government-assisted supplies or activities with respect to that foreign country or foreign government entity after the discriminatory action or while discrimination in such manner is practiced by such country or entity shall be provided only by United States insurance companies or by insurance companies of any foreign country whose government has entered into a bilateral or multilateral agreement with the United States providing for national treatment of United States insurance companies in that country, including that country's foreign assistance programs, or has offered equivalent assurances, satisfactory to the United States Trade Representative, of nondiscriminatory treatment of United States insurance companies.

(1) except to the extent that head of an executive agency or military department certifies to the United States Trade Representative, with respect to a particular project, that no insurance was reasonably available from United States insurance companies or insurance companies of any foreign country whose government does not discriminate against United States insurance companies in connection with such supplies or activities; or

(2) unless the United States Trade Representative certifies to the Congress that bilateral or multilateral negotiations with the discriminatory country concerning such discriminatory acts or other trade barriers to United States insurance companies are in progress and that imposition of the requirement of this subsection would make a favorable settlement for United States insurance companies less likely.

A certification under clause (2) shall include the date on which the negotiations are expected to conclude and shall expire 60 days after such date, except that another such certification may be made.

(c) Reports by United States Trade Representative.—The United States Trade Representative shall review the actions of each executive agency and military department under this section and, after consultation with representatives of United States insurance companies, shall report to the Congress in the report required by Section 181(b) of the Trade Act of 1974 with respect to such actions. The report shall also list the countries receiving United States Government-assisted supplies or activities and the extent to which United States insurance companies have had a fair and open competitive opportunity to provide insurance in each recipient country.

(d) Definitions.—For purposes of this section—

(1) the term "United States insurance company"—

(A) includes an individual, partnership, corporation, holding company, or other legal entity which is authorized, or in the case of a holding company, subsidiaries of which are authorized, by a State to engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies; and

(B) includes foreign operations, branches, agencies, subsidiaries, affiliates, or joint ventures of any entity described in subparagraph (A);

(2) the term "holding company" means a company that is organized under the laws of the United States or of any State and that does not itself engage in the business of issuing insurance contracts or reinsuring the risk underwritten by insurance companies, but which owns controlling interests in subsidiaries that do issue insurance contracts or reinsure the risk underwritten by insurance companies;

(3) United States insurance companies shall have had a "fair and open competitive opportunity to provide insurance" if they—

(A) have received notice of the opportunity to provide insurance; and

(B) have been evaluated on a nondiscriminatory basis;

(4) the term "United States Government-assisted supplies or activities", includes articles, materials, services, supplies, construction materials, and construction or other activities—

(A) that are procured by or with the financial assistance, direct or indirect, of any executive agency or military department and are to be used or (in the case of activities) conducted in a foreign country, including assistance in the form of credits, advance funds, grants (including grants under the Foreign Assistance Act of 1961), and the guarantee of convertibility of foreign currencies;

(B) that are furnished, either within or outside the United States, by the United States Government to or for the account or benefit of any foreign country, foreign individuals, or foreign entity, with or without the provision of reimbursement; or

(C) that are procured by the Department of State or the Agency for International Development in connection with construction activities outside the United States;

(5) the term "executive agency" means an executive agency as defined in section 105 of title 5, United States Code, except that such term includes the United States Postal Service, and Postal Rate Commission, and the General Accounting Office;

(6) the term "military department" means a military department as defined in section 102 of title 5, United States Code; and

(7) the term "State" means any of the several States, the District of Columbia, Puerto Rico, and the Virgin Islands.

(e) REGULATORY AUTHORITY.—The United States Trade Representative is authorized to issue regulations to carry out this Act, including guidelines for executive agencies and military departments and regulations for the prevention of evasion or circumvention of the provisions of this Act by foreign countries, foreign individuals, and foreign entities.●

● Mr. MURKOWSKI. Mr. President, I am pleased to join the senior Senator from New York in introducing this important legislation—the Foreign Aid Insurance Act of 1988. It is intended to address the increasingly common practice of discrimination against U.S. insurance companies by many foreign governments when procuring insurance associated with U.S. foreign assistance.

I am supportive of the role that U.S. foreign aid and foreign military sales play in promoting economic development and the advancement of democratic institutions around the world. At the same time, we must insure that U.S. firms are given a fair chance to participate in some of the trade opportunities which arise from our foreign aid contributions.

Several studies have recently documented the existence of widespread discrimination against U.S. insurers in foreign markets, and have gone on to point out that much of this discrimination occurs when insuring projects that are being carried out with U.S. foreign assistance dollars.

This bill will not establish a preference for U.S. insurance firms, but it will assure that our insurance firms have an opportunity to compete in a fair and nondiscriminatory manner to provide necessary insurance for supplies and activities funded by our foreign aid programs.

The Foreign Aid Insurance Act directs the heads of Federal agencies and military departments, which receive funds under any foreign assistance program, to assure that U.S. insurance companies are not at a competitive disadvantage when seeking to provide insurance associated with our foreign aid. Among the actions agencies are directed to take are to include in all solicitations and contracts a clause mandating that U.S. insurance firms have a fair opportunity to provide insurance; and to certify to the USTR that, to the maximum extent possible, actions have been taken to provide U.S. insurance firms fair opportunities.

The bill also seeks to end discrimination by foreign countries against U.S. insurers by requiring that the necessary insurance be procured in a competitive bidding process. Insurance firms from the United States and from any country whose government has entered into a bilateral or multilateral agreement with the United States providing for national treatment of U.S. insurers; or whose government has offered equivalent assurances, satisfactory to USTR, of nondiscriminatory treatment of U.S. insurance companies would be eligible to participate in that bidding.

The provision which allows the participation of foreign insurers whose governments do not discriminate against U.S. firms will encourage free trade in insurance services, including those associated with foreign assistance programs.

The Foreign Aid Insurance Act will enhance the U.S. Government's policy of seeking to remove barriers to international trade in services. I urge my colleagues to support this legislation intended to give U.S. insurance companies a fair and competitive opportunity to do business overseas.●

By Mr. DURENBERGER (for himself, Mr. GORE, Mr. COCHRAN, Mr. DOLE, and Mr. BOSCHWITZ):

S.J. Res. 324. Joint resolution to designate February 1989 as "America Loves Its Kids Month"; to the Committee on the Judiciary.

AMERICA LOVES ITS KIDS MONTH

Mr. DURENBERGER. Mr. President, I am pleased to introduce today along with my colleagues, Senator GORE, Senator COCHRAN, Senator DOLE, and Senator BOSCHWITZ, a joint resolution to designate February 1989 as "America Loves Its Kids Month."

1988 has been described by many as the Year of the Child. The Congress has become increasingly aware of the suffering and lack of opportunity being experienced by America's children. In one of the wealthiest nations in the world, 13 million children are living in poverty, and 11 million children under age 18 are not covered by any kind of health insurance. America is one of the most technologically advanced nations in the world, yet the United States has the highest mortality rate of any major industrialized nation.

As we speak, the National Infant Mortality Commission, is taking testimony in the Dirksen Senate Office Building of which I am a member, on this tragedy.

In one of the world's most "civilized" nations, approximately 1.9 million children were reported abused and neglected in 1986, and children require protection from sexual exploitation. In a nation dedicated to family values, children continue to turn to substance abuse. And in a country committed to providing opportunity, 700,000 children ages 14 to 18 drop out of school each year, and teenage unemployment is three times the national average.

The Committee for Economic Development has an excellent report about to be released on the problem of children in America.

Members of the 100th Congress are considering many admirable pieces of legislation to combat the problems that are facing American children. Legislation has been introduced to protect children from child abuse and to stop child sexual exploitation. So that poverty will not deny children the opportunity to reach their potential, several of my colleagues have joined me in sponsoring the Medicaid Universal Access to Prenatal Maternity and Infant Care, S. 2046, and S. 1740, the Medicaid Chronically Ill and Disabled Children Amendments. S. 2046 would provide Medicaid coverage for pregnant women and infants with incomes below 100 percent of the federal poverty level, and S. 1740 would give States the option of extending Medicaid coverage to children with chronic illnesses in low-income families. In addition, I have had the privilege of joining with my colleagues in support of legislation that would provide basic nutritional needs to all children, and have supported welfare reform proposals to promote family values, self-sufficiency, and a strong sense of responsibility toward children. So that American children are not left unattended or placed in inadequate child care facilities, the Congress is considering many proposals to increase the supply of quality, affordable child care. Because of the influence our educational system has on the development of young people, I am working with many of my colleagues to guarantee quality, opportunity, and choice in our educational system, and to provide for comprehensive health education in schools that would include strong substance abuse prevention programs.

But as valuable as the children's initiatives in the Congress are, America needs the active involvement of communities to give meaning to any legislation targetted to benefit young people. Kids need to know that their nation is behind them by hearing the affirmation of adults in their communities. Adults need to show that they believe every child has a special potential and that they want this generation of young people to grow up with at least the same opportunities and quality of life that their generation enjoyed. Communities can give our young people things that no amount of legislation could—self-esteem and hope—and it doesn't cost anyone a nickel.

Children have been described so many times as "America's most precious resource" that tragically, this saying begins to sound trite to some. I believe that many sayings become trite because they are true, and I have the opportunity to introduce this resolution today because two women in my home State of Minnesota did not take this truth for granted. They went to work.

Doris Gillespie of St. Paul and Dotte Ewert of Eden Prairie, MN have been active in parents' organizations such as Toughlove and the Parents Coalition of Minnesota [Parcom], because they feel a special burden for young people and parents who have experienced suffering. These organizations are self-help groups for parents whose children are victims of chemical dependency or mental problems. Organizations such as Toughlove and Parcom remind parents who love their children that doing the right thing for their children is not always the easiest thing, and encourages parents to think of themselves as part of the solution to the suffering of their children, not part of the problem.

After a wave of teen suicide attempts in Eden Prairie, Dottie Ewert recognized the need for a unified community effort to combat the suffering and discouragement of Eden Prairie's young people. One evening, sitting inside a church building, Dottie wrote the resolution that became "Eden Prairie Loves Its Kids Month." This resolution was adopted by the city, and in February 1987, and again in 1988, Eden Prairie celebrated this month to build the self-esteem of its young people. Local businesses, the public library, and the Eden Prairie Community Center became involved in promoting the self-esteem of the city's youth. Restaurants offered family meal discounts. Guest speakers were invited to the junior and senior high to speak with kids about problems such as drug abuse and peer pressure. Employers were encouraged to show appreciation to their young employees by taking them out to lunch, and by "catching them doing something right" instead of looking for what they were doing wrong. Senior citizens were encouraged to "adopt" a child and spend time with them. Several adults participated in a balloon launch of messages that contained their wish for a child. Many of these messages were returned, some from adults that wrote their own wish for a child.

Inspired by the success of "Eden Prairie Loves Its Kids Month," Dottie's friend Doris Gillespie took a copy of the resolution to the Governor's office in St. Paul. Subsequently, this resolution was signed, and February of 1988 was declared "Minnesota Loves Its Kids Month." Aware of how powerful the unified efforts of communities could be on a national scale to fight the suffering of American young people, Doris contacted her representation in Washington, DC, with the idea for "America Loves Its Kids Month." The efforts of Dottie Ewert, Doris Gillespie, and others like them remind me that ordinary individuals really can have a great impact on this Nation of ours. Because of their determination and dedication, I am privileged today to introduce this resolution to declare February of 1989 as "America Loves Its Kids Month."

America Loves Its Kids Month is to encourage unified protection and support and raise the self esteem of the children of every background.

The resolution calls on American adults to protect children by reporting child abuse and negligence.

The text of Eden Prairie Loves Its Kids Month encourages the unified effort by all American adults to protect, support and raise the self esteem of children of all kinds.

The resolution calls on all of us to protect children by reporting a variety of these abuses.

Adults are encouraged to recognize and compliment children who are achieving success to raise the self esteem of the children by experiencing the suffering and by supporting them and communicating with them to help children become more confident children.

Mr. President, I urge my colleagues to join me in sponsoring this important resolution. I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 324

Whereas all of the children in the United States, including newborn infants, toddlers, kids who attend preschool, nursery school, kindergarten, elementary school, junior high school, high school, open school, alternative school, and private school, out-of-school kids, and kids of every race, creed, and color, deserve the recognition and support of the people of the United States;

Whereas the adults in the United States should recognize their duty to protect children by reporting any suspicion of child abuse or neglect, the selling of alcoholic beverages to minors, or the dealing of drugs by or for children;

Whereas children in the United States who are achieving success deserve to be highly complimented and given special recognition for their accomplishments;

Whereas the people of the United States should help to raise the self-esteem of children, especially children who have experienced hardship and hurt in their lives, by making an effort to communicate with and to support children;

Whereas adults in the United States should frequently offer to children hugs, smiles, pats on the back, and words of kindness and encouragement, to help children become more confident and successful; and

Whereas the Congress and the President can help children of the United States by designating a month for a united effort of the people of the United States to show their love and appreciation of the children of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 1989 is designated as "America Loves Its Kids Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

By Mr. ROCKEFELLER (for himself, Mr. SASSER, Mr. WARNER, Mr. HOLLINGS, Mr. INOUYE, Mr. PRESSLER, Mr. GORE, Mr. DANFORTH, Mr. ADAMS, Mr. TRIBLE, Mr. FORD, Mr. EXON, Mr. KERRY, Mr. BENTSEN, Mr. PACKWOOD, Mr. BREAUX, Mr. RIEGLE, Mr. WILSON, Mr. HECHT, Mr. SYMMS, Mr. SANFORD, Mr. RUDMAN, Mr. CHILES, Mr. D'AMATO, Mr. GRAHAM, Mr. SHELBY, Mr. BOSCHWITZ, Mr. HATCH, Mr. REID, and Mr. CRANSTON):

S.J. Res. 325. Joint resolution designating the third week in May 1989 as "National Tourism Week"; to the Committee on the Judiciary.

NATIONAL TOURISM WEEK

● Mr. ROCKEFELLER. Mr. President, today, I am introducing a joint resolution to designate the third week in May 1989, as "National Tourism Week." I am pleased to have joining me today, among others, the chairman of the Commerce Committee, Senator HOLLINGS, and the cochairmen of the Senate Tourism Caucus, Senators SASSER and WARNER.

This week is a particularly appropriate time to introduce the joint resolution since this is National Tourism Week. Communities and States across the country are taking part in the fifth annual observance of National Tourism Week. I have no doubt that this year's celebration will, as it has in previous years, be an astounding success.

The growth of the American travel and tourism industry over the past two decades has been nothing short of phenomenal. It has become our third largest retail industry—$270 billion—and our second largest private employer—5.5 million jobs. The industry is the first, second, or third largest employer in some 39 of the 55 States and territories. And the outlook for the industry is one of more growth, more jobs, and more economic development.

With each passing year, more of our Nation's business, political, and community leaders discover the importance of tourism to their local economies. The success stories abound—from Baltimore to Long Beach, from Florida to West Virginia—countless stories of economic rejuvenation due, in large part, to the development and promotion of a strong local tourism industry.

The message is a simple one. Dollars spent on tourism are an investment which pays many times over in jobs and tax revenues.

National Tourism Week has several purposes. First, the celebration of this event is intended to emphasize the importance of the industry to our economy. In addition, it provides an opportunity for the many different segments that comprise the travel and tourism industry to recognize their common goals and unity of purpose. Finally, National Tourism Week is a forum for our States, our regions, and our local areas to display this unity and to promote the local tourist trade.

It was more than a decade ago when I, as Governor of West Virginia, received the message that tourism can be an important part of a State's economic development. I became convinced that our State's natural attributes—our scenic beauty, our white water rivers, our ski slopes, and our rich history and culture—were a marketable product that could help improve our quality of life.

It was just plain logic to make tourism development a top priority of State government—and that's exactly what we did. We instituted the "Travel West Virginia" promotion program. We took the regional approach. We marketed ourselves extensively in the major metropolitan areas within a half-day's drive from the State. We got the word out about what a wonderful vacation opportunity the folks in neighboring States had virtually right in their back yard.

It worked. In 10 years, we tripled the size of West Virginia's travel and tourism industry. Tourism is now the third largest employer in the State, providing paychecks for nearly 28,000 of our people. Tourists spend nearly $3.5 million per day in West Virginia. And the various governmental entities there—State and local—pick up a total of $128 million in annual tax revenues from the industry.

In the international arena, the world travel market is expanding. As more and more of the world's people become economically able to venture beyond the borders of their own nations, our Nation must be right there to ensure that we get our fair share of this market.

In this rapidly changing world economy, it is vitally important that the nations of the world emphasize their strengths. Tourism is certainly one of America's great strengths. Two years ago, foreign travelers spent $16 billion here in the United States. The figures for 1987 are expected to show a continued increase.

Study after study has shown that when it comes to international tourism, the United States is sitting on a gold mine.

Mr. President, a multifaceted partnership between our business community and our various levels of government has nurtured the development of a strong travel and tourism economy in America. By celebrating National Tourism Week, we seek to strengthen that partnership in the interest of sustaining the incredible growth of this industry.

I strongly urge my colleagues to support this joint resolution and join with me as cosponsors.●

● Mr. HOLLINGS. Mr. President, I am pleased to join with my colleague and friend, the Senator from West Virginia, in the introduction of this National Tourism Week 1989 resolution.

More than a quarter-century ago, when I was a Governor, I learned a great deal about the potential of travel and tourism for jobs and economic development. I saw that the folks in Myrtle Beach were investing time, effort, and—most importantly—money in a program to attract tourists to their fine resort community. And Myrtle Beach was reaping huge dividends from its investment. They were swamped with tourists.

So we set out to expand this program to a statewide level. We established a legislative committee on tourism. In 1965, the first Governor's Conference on Tourism and Trade was launched. Later, our State established the Department of Parks, Recreation, and Tourism.

It has all paid off very handsomely. Today, travel and tourism is the number one industry in South Carolina—providing an estimated 94,000 jobs and adding more than $4 billion to our State's economy.

I was so impressed with tourism's potential back in the 1960's that when my friend Luther Hodges left North Carolina to become the Secretary of Commerce under President Kennedy, I talked to him about starting a tourism agency in his department. And so he instituted the U.S. Travel Service, which has evolved into the U.S. Travel and Tourism Administration.

This national effort has also paid off with significant dividends. Travel and tourism has become this country's second largest private employer and third largest retail industry. The growth in travel industry sales continues to outpace the rest of the economy. And it has become our second largest export.

I enthusiastically support this joint resolution, just as I enthusiastically support the nurturing of the travel and tourism industry, and I urge its swift approval by the Senate.●

● Mr. SASSER. Mr. President, I am pleased to join with my distinguished colleague, Senator JAY ROCKEFELLER, and others to proclaim the third week of May as "National Tourism Week".

Over 7 million individuals, directly or indirectly, are employed in tourism or tourism-related industries.

Total travel expenditures in the United States amount to more than $260 billion annually, amounting to some 6.4 percent of the gross national product.

In virtually every State, including my native State of Tennessee, tourism is among the top two or three industries.

America has always been a nation on the move. Americans love to travel and thereby enjoy the many scenic treasures of this great country.

My State of Tennessee is blessed with many, many fine tourism attractions. From the Great Smoky Mountains in East Tennessee to the Hermitage and the Grand Ole Opry in Nashville to Beale Street in Memphis, Tennessee's scenic beauty and historic treasures attract visitors from far and wide.

Tennessee is a top dollar value for the domestic and international traveler. Indeed, according to the statistics compiled by the U.S. Travel and Tourism Administration, Tennessee was visited by some 375,000 foreign tourists in 1986.

This joint resolution honors the many men and women—from travel agents to hotel and motel operators—who keep our tourism industry as one of the most vibrant sectors of the economy.

It is appropriate that we stop and reflect during National Tourism Week on the many economic and social benefits that derive from domestic and international tourism and tip our hats to those in this country who keep this industry on the go.●

NATIONAL TOURISM WEEK 1989

Mr. PRESSLER. Mr. President, I am pleased to join my distinguished colleague from the State of West Virginia, Senator ROCKEFELLER, in cosponsoring the joint resolution establishing National Tourism Week 1989.

In South Dakota, tourism has grown to be my State's second largest industry—second only to agriculture—and is responsible for over 25,000 jobs for South Dakotans. From the four faces on Mt. Rushmore and the beauty of the Badlands in the west, to the mighty Missouri that runs through the center, to the Glacial Lakes in the east, tourism and South Dakota are virtually synonymous.

I am particularly pleased that tourism is a vital part of my State's economy for it allows visitors from around the country and around the world to discover and appreciate the breathtaking beauty and the fascinating history of South Dakota.

I clearly remember joining a number of my colleagues and tourism representatives in the Rose Garden when President Reagan signed the resolution creating the first National Tourism Week in 1984. Since that time, the National Tourism Week Council has done a commendable job of organizing events and activities designed to increase awareness of the tourism industry.

It is only fitting that we carry on this tradition of saluting an industry that makes so many significant contributions to this Nation. I am proud to declare my support for the resolution proclaiming National Tourism Week during the third week of May 1989.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. Cranston, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 11, a bill to amend the title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures fo the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

S. 1323

At the request of Mr. Proxmire, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 1323, a bill to amend the Securities Exchange Act of 1934 to provide to shareholders more effective and fuller disclosure and greater fairness with respect to accumulations of stock and the conduct of tender offers.

S. 1426

At the request of Mr. Pryor, the name of the Senator from Hawaii [Mr. Matsunaga] was added as a cosponsor of S. 1426, a bill to amend the the Internal Revenue Code of 1986 to encourage small businesses to extend retirement and fringe benefits to all employees, and for other purposes.

S. 1640

At the request of Mr. Baucus, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 1640, a bill to amend the Internal Revenue Code of 1986 to allow reserve for bad debts to production credit associations and banks for cooperatives.

S. 1766

At the request of Mr. Sarbanes, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 1766, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of columbia.

S. 2098

At the request of Mr. Hollings, the names of the Senator from Arkansas [Mr. Pryor], and the Senator from Illinois [Mr. Simon] were added as cosponsors of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2129

At the request of Mr. Baucus, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business.

S. 2180

At the request of Mr. Metzenbaum, the name of the Senator from Hawaii [Mr. Matsunaga], and the Senator from Texas [Mr. Bentsen] were added as cosponsor of S. 2180, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems.

S. 2199

At the request of Mr. Chafee, the name of the Senator from North Dakota [Mr. Burdick], and the Senator from Mississippi [Mr. Cochran] were added as a cosponsors of S. 2199, a bill to amend the Land and Water Conservation Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and recreational heritage, and for other purposes.

S. 2286

At the request of Mr. Riegle, the names of the Senator from Montana [Mr. Melcher] and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of S. 2286, a bill to amend the Internal Revenue Code of 1986 to increase the standard deduction for child dependents.

S. 2299

At the request of Mr. Leahy, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 2299, a bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment.

S. 2300

At the request of Mr. Adams, his name was withdrawn as a cosponsor of S. 2300, a bill to issue a fisheries license for the operation of the vessel MV *Ocean Cyclone.*

SENATE JOINT RESOLUTION 248

At the request of Mr. Quayle, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. Riegle, the name of the Senator from Alaska [Mr. Murkowski] was added as a cosponsor of Senate Joint Resolution 270, a joint resolution designating June 26 through July 2, 1988, as "National Safety Belt Use Week."

SENATE JOINT RESOLUTION 271

At the request of Mr. Quayle, the names of the Senator from New York [Mr. Moynihan] and the Senator from Tennessee [Mr. Gore] were added as cosponsors of Senate Joint Resolution 271, a joint resolution to designate August 20, 1988, as "Drum and Bugle Corps Recognition Day."

SENATE JOINT RESOLUTION 287

At the request of Mr. Graham, the names of the Senator from Indiana [Mr. Quayle], the Senator from Connecticut [Mr. Weicker], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Warner], the Senator from Vermont [Mr. Stafford], the Senator from Oregon [Mr. Packwood], the Senator from Georgia [Mr. Nunn], the Senator from Massachusetts [Mr. Kerry], the Senator from Louisiana [Mr. Breaux], the Senator from Alabama [Mr. Heflin], the Senator from North Dakota [Mr. Conrad], the Senator from Texas [Mr. Bentsen], the Senator from West Virginia [Mr. Rockefeller], the Senator from Mississippi [Mr. Stennis], the Senator from Oklahoma [Mr. Boren], the Senator from North Carolina [Mr. Sanford], the Senator from New York [Mr. Moynihan], the Senator from Michigan [Mr. Levin], the Senator from South Carolina [Mr. Hollings], the Senator from Louisiana [Mr. Johnston], the Senator from Massachusetts [Mr. Kennedy], the Senator from Colorado [Mr. Wirth], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Pell], the Senator from California [Mr. Cranston], and the Senator from Tennessee [Mr. Gore] were added as cosponsors of Senate Joint Resolution 287, a joint resolution designating May 1988 as "Older Americans Month."

SENATE JOINT RESOLUTION 288

At the request of Mr. Boren, the names of the Senator from Oklahoma [Mr. Nickles] and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 288, a joint resolution to designate the week of June 5, 1988, through June 11, 1988, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 291

At the request of Mr. Cochran, the names of the Senator from Hawaii [Mr. Inouye], the Senator from Kentucky [Mr. Ford], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate the month of September 1988 as "National Sewing Month."

SENATE JOINT RESOLUTION 295

At the request of Mr. DeConcini, the names of the Senator from Florida [Mr. Chiles], the Senator from Nevada [Mr. Reid], the Senator from Maryland [Ms. Mikulski], the Senator from Michigan [Mr. LEVIN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 295, a joint resolution to provide for the designation of September 15, 1988, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 303

At the request of Mr. SHELBY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. SIMPSON], the Senator from Ohio [Mr. GLENN], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. STENNIS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Vermont [Mr. STAFFORD], the Senator from Arkansas [Mr. PRYOR], the Senator from North Carolina [Mr. SANFORD], the Senator from Georgia [Mr. NUNN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Illinois [Mr. DIXON], the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 303, a joint resolution to designate the month of October 1988 as "National Lupus Awareness Month."

SENATE JOINT RESOLUTION 304

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from North Dakota [Mr. CONRAD], the Senator from Hawaii [Mr. INOUYE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. REID], the Senator from Wyoming [Mr. WALLOP], the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 304, a joint resolution designating July 2, 1988, as "National Literacy Day."

SENATE JOINT RESOLUTION 307

At the request of Mr. RIEGLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 307, a joint resolution to designate the decade beginning January 1, 1988, as the "Decade of the Brain."

SENATE JOINT RESOLUTION 319

At the request of Mr. LEAHY, the names of the Senator from Florida [Mr. CHILES], the Senator from Connecticut [Mr. DODD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mr. DOLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. PRYOR], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. MCCAIN], the Senator from Maine [Mr. MITCHELL], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 319, a joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week."

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE RESOLUTION 394

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 394, a bill expressing the sense of the Senate that funding in fiscal year 1989 for the Federal-aid highway and mass transit programs should be at the levels enacted in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

SENATE RESOLUTION 432—HONORING EUGENE O'NEILL

Mr. MOYNIHAN submitted the following resolution: which was referred to the Committee on the Judiciary:

S. RES. 432

Whereas Eugene O'Neill is recognized the world over as an American literary genius;

Whereas O'Neill's plays have inspired several generations of American playwrights and promise to inspire generations more;

Whereas O'Neill captured the uniqueness of the American experience and brought it masterfully to the stage;

Whereas O'Neill wrote thirteen plays and was honored in his lifetime by four Pulitzer Prizes and the Nobel Prize for literature; and

Whereas O'Neill made a priceless contribution to the literary heritage of our nation: Now, therefore, be it

Resolved, That the Senate recognizes Eugene O'Neill for his tremendous contributions to the canon of American drama and the pleasure he has given to the American people in this the hundredth anniversary of his birth.

● Mr. MOYNIHAN. Mr. President, I rise today to submit a resolution to honor our great American playwright, Eugene O'Neill. Eugene O'Neill, who was born in New York City 100 years ago, has inspired several generations of American playwrights and undoubtedly will inspire generations more. It is my firm belief that Eugene O'Neill, who lives on through his magnificent plays, is supremely worthy of our appreciation in this the 100th anniversary year of his birth.

Eugene Gladstone O'Neill was born on October 16, 1888, in New York City. O'Neill's childhood was one of great unhappiness and isolation. His father, an Irish immigrant who at a very early age was forced to support his large, poverty-stricken family, was a traveling actor whose turbulent career prevented his young son from knowing a stable home. Indeed, O'Neill spent the first 7 years of his life in sleazy hotel rooms and boarding houses. O'Neill's mother, exhausted by endless traveling, gradually became addicted to morphine and suffered its ravages for years.

At the age of 7, young O'Neill was shipped off to a Catholic boarding school in the Bronx. He remained there until, at age 13, he was enrolled at Betts Academy in Stamford, CT, from which he graduated in 1906. O'Neill's intellectual promise was such that he was accepted by Princeton University that same year; however, due to his undisciplined, chaotic upbringing, O'Neill failed to complete his freshman year and instead spent the next 6 years traveling aimlessly all over the world in search of his destiny.

Despite great sadness and loneliness, O'Neill was able to draw upon his adverse life experiences when writing some of the greatest plays of the 20th century. In 1920, O'Neill's first full-length play, "Beyond the Horizon," was produced on Broadway and earned him his first Pulitzer Prize. His second full-length play, "Anna Christie," also written in 1920, won O'Neill his second Pulitzer Prize and clearly established this young Irish American as one of America's leading playwrights.

In the next four years, O'Neill stunned Broadway with four revolutionary and socially controversial plays. The first, "The Emperor Jones," was one of the first plays to poignantly depict segregation in the United States and provide a serious dramatic role for a black actor. "The Emperor Jones" was followed by the highly experimental "The Hairy Ape," the mystical "The Great God Brown," and the great tragedy, "Desire Under the Elms."

In 1927, O'Neill won his third Pulitzer Prize for his masterpiece "Strange Interlude," which delighted playgoers with its untraditional technique. O'Neill followed this triumph with his masterful trilogy, "Mourning Becomes Electra." Then, in 1936, even before

O'Neill wrote what we consider today to be his four greatest masterworks, O'Neill was awarded the Nobel Prize for Literature.

In 1939, O'Neill completed "The Iceman Cometh," followed closely, in 1941, by "Long Day's Journey Into Night," in 1942 by "A Touch of the Poet," and in 1943 by "A Moon for the Misbegotten." As the O'Neill biographer, Barbara Gelb, relates, these last works "required physical and emotional exertion seldom equaled by an artist" due to a nervous disorder that afflicted O'Neill, rendering him barely able to hold a pencil. Indeed, O'Neill did not live to see three of these works produced, nor to receive his fourth Pulitzer Prize—awarded for "Long Day's Journey Into Night." These last four plays are highly autobiographical, and two of them searingly illustrates the ills of substance abuse, ills to which O'Neill had been all too closely exposed early in life.

Eugene O'Neill died on November 27, 1953, but not before making a priceless contribution to the great canon of American Literature. Mr. President, I am sure that you and my colleagues will agree that this extraordinarily driven man is most worthy of honor by this body for his gifts to our great Nation and for providing the world with outstanding examples of American literary genius. As another American playwright, Arthur Miller, said of O'Neill, "The theater will forever need the towering rebuke of his life and his work." I urge my colleagues to join me in honoring one of our finest artists.●

AMENDMENTS SUBMITTED

INF TREATY

HELMS EXECUTIVE AMENDMENT NO. 2109

Mr. HELMS proposed an amendment to Treaty Doc. No. 100-11, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles; as follows:

In the Memorandum of Understanding at Section II, Paragraph 2, strike out the numerals "170," "170,". and "175" under the column headed "USA" and insert respectively in lieu thereof the numerals "178," "178," and "182".

In the Memorandum of Understanding at Section III, Paragraph 1 (a)(ii) under the heading "Wueschhniem" strike out the coordinates "007 25 06 E" and insert in lieu thereof the coordinates "007 25 40 E" and under the same heading in the column denominated "Launchers" strike out the numeral "31" and insert in lieu thereof "21".

In the Memorandum of Understanding at Section III, Paragraph 2(a)(i) under the heading "Training Facilities: Fort Sill, Oklahoma" in the column denominated "Launchers" strike out the numeral "39" and insert in lieu thereof "38".

In the Memorandum of Understanding at Section IV, Paragraph 2 (a)(i) under the heading "Missile Production Facilities: Longhorn Army Ammunition Plant" in the column denominated "Missiles" strike out the numeral "0" and insert in lieu thereof "8" and under the column "Support Equipment" strike out the numeral "0" and insert in lieu thereof "1".

In the Protocol regarding Inspections at Section XI, Paragraph 1 in the second sentence thereof strike out the words "paragraph 10 of Section VI of this Protocol" and insert in lieu thereof "paragraph 11 of Section VI of this Protocol.

HUMPHREY EXECUTIVE AMENDMENT NO. 2110

Mr. HUMPHREY proposed an amendment to Treaty Doc. 100-11, supra; as follows:

In Article XVII add at the end thereof the following new paragraph:

"3. Notwithstanding the provisions of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall have certified, without delegation, to the United States Senate that, in his judgement as Commander-in-Chief of the Armed Forces of the United States, the stockpile of ammunition and fuel stored in Europe for NATO defense has been increased from its present level of less than seven days of ammunition and fuel to at least fifteen days."

DECONCINI EXECUTIVE AMENDMENT NO. 2111

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the resolution of ratification to accompany Treaty Doc. 100-11, supra; as follows:

At the end of the resolution of ratification, add the following:

"The advice and consent to ratification given by the Senate in this resolution of ratification is subject to the declaration, which shall be made a part of the instrument of ratification, that the United States views the renewal of military base rights in North Atlantic Treaty Organization (NATO) member countries as vital to the security interests of both the United States and the NATO member countries and as advantageous to the political and economic security interests of such host countries".

HELMS EXECUTIVE AMENDMENT NO. 2112

Mr. HELMS proposed an amendment to the memorandum of understanding to accompany Treaty Doc. No. 100-11, supra; as follows:

In the Memorandum of Understanding at Section II, Paragraph 2, strike out the numerals "170," "170," and "175" under the column headed "USA" and insert respectively in lieu thereof the numerals "178," "178," and "182".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. METZENBAUM. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 14, 1988, at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 1717, a bill to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes.

For further information, please contact Betsy Moler, senior counsel, at (202) 224-0612, or Joel Saltzman, counsel to the committee, at (202) 224-7932.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, May 20, 1988, at approximately 11 a.m.—following the full committee DOJ hearing and the Subcommittee on Courts hearing—to hold a hearing on the United States-Canada Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, May 20, 1988, at 9 a.m., to hold a Department of Justice authorization hearing on the Civil Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Friday, May 20, 1988, at 10 a.m. to conduct hearings on the sections of the United States-Canada Free Trade Agreement which are under the jurisdiction of the Banking Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative

Practice of the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, May 20, 1988, at approximately 10 a.m.—following the DOJ hearing on the Civil Division—to hold a hearing on S. 929, the Volunteer Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 20, 1988, 10 a.m. to receive testimony on S. 1461, a bill to convey certain lands to the YMCA of Las Vegas, NV; S. 1687, a bill to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes; S. 1849, for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson; and S. 2264, a bill to authorize the Secretary of the Interior to exchange certain Federal mining rights for certain lands in New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on May 20, 1988, at 10 a.m. to hold a hearing on the long-term status of the Social Security trust funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE HANDICAPPED

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on the Handicapped be authorized to meet during the session of the Senate on Friday, May 20, 1988, at 9:30 a.m. to conduct a hearing on "Examination of the Assistive Technology Promise," part II.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 20, 1988, at 9:30 a.m. to hold a hearing on the reauthorization of the technology programs of the Department of Commerce and on related issues of technology and U.S. industrial competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DROUGHT CONDITIONS

● Mr. SASSER. Mr. President, several weeks ago, I addressed the Senate on the problem of low rainfall in Tennessee and across the Southeast. At that time I noted that rainfall in Tennessee was already 4 to 5 inches below normal and ground water levels had fallen off.

Unfortunately, it appears that the situation is worsening. Rainfall is now nine inches below normal in some areas of the State, and again predictions are for no greater than normal rainfall through this summer.

I would like to refer to some of the problems which are pointed out in an article from the Nashville Banner, and I will ask that the article be reprinted in the RECORD. This article notes that farmers are already beginning to experience problems with corn, hay, soybean, and tobacco crops. Soils are not sufficiently moist for planting and wind conditions are exacerbating the problem. As well, individuals around the State have noticed shortages in water supplies at home, with low pressure and sometimes no water at all. Now this happens occasionally in the South, but generally in August, not in May.

Today I have written to Secretary Richard Lyng at the Department of Agriculture asking him to outline what plans the Department has to address another summer of drought. I have encouraged the Department of Agriculture to move forward with plans to address drought conditions and make assistance available to farmers if necessary. I will later ask that a copy of this letter be included in the RECORD.

After the summer of 1986 it was a painstaking effort to bring assistance to our farmers. Should these weather conditions continue to prevail, I would hope that we will not face the same difficulty in providing assistance should we be faced with an emergency this year. The Senate should be prepared to move forward with immediate and sufficient support to help our farmers through this growing season. Whether it be in the form of disaster payments, loans, or distribution of hay and feed, we simply must be prepared.

I encourage my colleagues to contact the Secretary of Agriculture as well and request that the Department prepare contingency plans for poor weather conditions in their States. As farmers begin to move out of the agriculture crisis they have faced over the past several years, we cannot allow poor weather conditions to slow the recovery.

I ask that the article and letter to which I earlier referred by printed in the RECORD.

The material follows:

U.S. SENATE,
Washington, DC, May 20, 1988.

Mr. RICHARD LYNG,
Secretary, Department of Agriculture Washington, DC.

DEAR MR. SECRETARY: As you will recall, the summer of 1986 saw a drought which created severe problems for farmers across the country and especially in the Southeast. Through coordinated action between the Congress and the Administration, we were able to provide some relief to those hard hit by the drought. Unfortunately, it appears that much of the Southeast is again threatened by drought conditions. I am seeking your assistance in making sure that the Federal Government is ready to rapidly respond with effective assistance should drought conditions persist.

Current weather reports from my home state of Tennessee show some areas already nine inches below normal rainfall for the year. As a result, some officials in Tennessee are already dramatically revising crop production estimates downward. As well, the National Oceanic and Atmospheric Administration is predicting no more than normal rainfall in the Southeast for the next three months. Normal rainfall will not create the type of soil moisture which farmers will need for successful crops.

In the past, advance deficiency payments, disaster payments and loans, and providing surplus hay through the Emergency Feed Program have all been used as tools to lessen the economic impact created by drought emergencies. I believe that we should be prepared to once again use these programs as well as others which become necessary. Therefore, I would appreciate you providing me a report on what actions the Department is preparing to take should this drought continue and assistance become necessary. We cannot afford to wait until emergency conditions exist throughout the Southeast to consider appropriate responses. Contingency plans should be put together now.

I would also urge you to begin communicating with state and local governments about drought conditions and possible assistance programs. Advance communications between federal, state and local officials will help us be well prepared should emergency situations develop.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,

JIM SASSER,
U.S. Senator.

[From the Nashville Banner, May 19, 1988]

WIND, LACK OF RAIN HAS FARMERS SCARED

(By Larry May)

After a three-year drought and with no rain in sight, Midstate farmers are beginning to run scared.

They can't transplant their tobacco; their corn crop, spring hay and pasture are drying up, and it may be too dry for them to plant soybeans.

Robertson County Farm Agent Don Malone said the lack of rain, accompanied by a North wind that has dehydrated plants and soil, has changed the farm situation drastically in the last few days.

National Weather Service weatherman Doug Boyette said the long-range outlook anticipates no change in the situation until the latter part of next week.

Chances for any rain at all are slim to none for the next five days, said Brian Wimer, a forecaster with Accu-Weather.

Through Saturday, skies should be mostly sunny and high temperatures will reach 85 degrees. There is a slight chance of a storm on Monday, but long-term weather patterns are expected to remain the same, bringing clear skies and below-normal precipitation.

"We really don't see any changes for the large-scale weather pattern that would offer hope for significant rainfall," Wimer said.

The tobacco crop got off to a good start in the plant beds, farm leaders say, but that picture has changed.

"Farmers are just starting to transplant from the beds to the fields, and they need rain," Malone said.

He also anticipates that farmers who plan to plant no-till soybeans after their wheat is combined may not do so unless it rains soon. Wheat yields and quality are being cut by the drought.

"Earlier this year I estimated wheat yields at 41 or 42 bushels per acre," Malone said. "But now, I doubt if we get much more than 30 bushels per acre."

Both Sumner County Farm Agent Gordon Pafford and Wilson County Farm Agent John Baker have similar situations. Baker said some Wilson County farmers are already feeding hay. Pafford estimated that hay and grass growth is about half of what it should be at this time of year.

Meanwhile, those serviced by the White House Utility District are experiencing another kind of drought. The district has water, but its customers aren't getting any.

Residents who live on Lee Road and Green Acres Road in the Robertson County area near the Sumner County line are having problems with low pressure and many times no water at all.

They charge they can't get any answers from the head of the utility district, Jarmon Cranor.

Vera Pippin has lived on Green Acres Road for two years and said that the problem gets worse every year.

"It is not unusual to go to the refrigerator, get some ice cubes and melt them in my microwave," said Pippin.

She said she has to do this two or three times a week just to brush her teeth.

She said she and other customers have complained to Cranor, but he continues to tell them that the reasons for the low water pressure are wide-spread use of water-sprinkler systems and because there is a "new sewer line being put in."

"How is it that people are using sprinklers and the such when there isn't any water to sprinkle with?" asked Pippin.

The 79-year-old Cranor has been the owner of the utility district for 27 years and said this sort of thing has never happened before.

Cranor said the problem stretches throughout the district.

"People in the district are using three million more gallons each day than ordinary. I use seven million gallons every day to the whole district," said Cranor, who blames most of the problems on the drought.

"I'm doing all I can," he said.

TRIBUTE TO JAMES STEWART ON HIS 80TH BIRTHDAY

● Mr. WILSON. Mr. President, today, May 20, a great actor and great American celebrates his 80th birthday. James Stewart may well be America's most-loved film star, and he is certainly among our most-honored film actors. Jimmy, as he is known to movie fans around the globe, began his acting career on the stage, however.

A stint in summer stock after he graduated from Princeton led to the Broadway stage, where he first saw his name up in lights for his starting role as Sergeant O'Hara in "Yellow Jack." Roles in plays like "Divided by Three" and "Journey at Night" led to an MGM contract, and Hollywood was never the same after Jimmy Stewart arrived.

The contract players in those days stayed busy, and Stewart appeared in 24 movies in his first 5 years in films, climaxing with his Oscar-nominated performance in "Mr. Smith Goes to Washington" in 1939 and his Academy Award for Best Actor of the Year for his role in "The Philadelphia Story" in 1940.

A few pictures later, Stewart's film career was interrupted—and James Stewart, best actor, became Lt. James Stewart, USAF. Lieutenant Stewart flew 20 missions as a bomber pilot and squadron commander with the 8th Air Force, and he didn't stop serving his country when the war ended.

Ultimately, Jimmy rose to the rank of brigadier general prior to his retirement in 1968. Just a year later, Jimmy and his wife Gloria lost a son in the service of his country when Gloria's oldest son, Lt. Ronald W. McLean, was killed in action in Vietnam.

Jimmy's fabulous career in films resumed after the war, winning more Oscar nominations for American classics like "It's a Wonderful Life" and "Harvey." Amidst a multitude of film roles, Stewart also found time to return to the stage—in "Harvey" on Broadway and in London—and to make his debut on television, in "The Jimmy Stewart Show" and "Hawkins."

The past year has been a busy one for James Stewart. In just 1 week in February, Stewart was awarded the Lifetime Achievement Award by the Monterey Film Festival and the Third Annual Salute of the American Museum of the Moving Image in New York City.

A banner year for Jimmy Stewart came in 1985, when he was given the Medal of Freedom, the highest civilian honor in the United States, and was voted an honorary Oscar by the Academy of Motion Picture Arts and Sciences for the body of his work over a period of 50 years in Hollywood.

If I were to catalog all of Jimmy Stewart's great moments here today, we would have to publish a special edition of the CONGRESSIONAL RECORD. But suffice it to say that I wish Jimmy another banner year in the year to come.

I understand that Jimmy's immediate plans include hosting three 2-hour radio specials for the Mutual Broadcasting System dealing with Hollywood in the forties, fifties, and sixties. He is extremely active in the Hollywood community, and just a few days ago received the "Heart of Hollywood" tribute from the Hollywood Presbyterian Medical Center Foundation.

I am certain the Senate joins me in paying tribute today to James Stewart for his contributions to his art and his country.●

DRUG WAR

● Mr. DeCONCINI. Mr. President, for the past 3 weeks, the American public has been inundated with a steady avalanche of editorials, or oped pieces, newspaper articles, and so-called expert opinions on our national effort to combat the narcotics trafficking and drug abuse problems in this country. At a time when we have just begun to develop comprehensive strategies for attacking the drug problem on many fronts and just begun to drag a reluctant Department of Defense into the drug war, many journalists, politicians, and so-called experts appear to be throwing in the towel and scoffing at congressional initiatives to address this national crisis.

Leading the charge to jump on the "legalization of drugs" bandwagon is the self-professed guru of the conservative journalism corps, William F. Buckley, Jr., who recently trivialized the Government's "zero tolerance" interdiction policy and the recent efforts by Congress to bring the military into the drug fray. Other journalists, such as Richard Cohen, have recently suggested that the country is "hyperventilating" on the drug problem; that the drug abuse problem is actually improving and that drug education is the sole answer to all of our drug woes. Other so-called experts in the field, including Peter Reuter of the Rand Corp., have simplistically concluded that the cure for drugs is to "look inside our borders, rather than beyond them, if we are to solve the U.S. cocaine problem." And now the President of the United States, in his graduation address at the Coast Guard Academy, has implied that very serious efforts within Congress to craft comprehensive, multifaceted antidrug plans are merely election-year politics.

Mr. President, as a former prosecutor and one Senator who has spent the better part of his Senate career focusing on the antidrug effort in this country, I am deeply disappointed by those who have "given up the game" in the first inning of our antidrug effort and have called for the legalization of drugs. I am disappointed by those who trivialize the moves within Congress to bring the military into the national antidrug program in a thoughtful, responsible way. And I am disappointed when the President categorizes congressional legislative efforts to attack the drug problem in a comprehensive, broad-based, bipartisan fashion as "election-year politicking".

Mr. President, lost in all of this handwringing and pessimism is the fact that a comprehensive antidrug abuse bill, S. 2205, is gathering momentum in the Senate with a total of 74 sponsors, including 43 Democrats and 31 Republicans. This legislation, which I introduced on March 23 with my good friend ALFONSE D'AMATO of New York, provides additional resources for every key aspect of the antidrug equation—drug treatment, rehabilitation, drug education, interdiction, source country eradication, prison construction, State and local law enforcement assistance, and asset forfeiture. The bill also includes comprehensive chemical diversion legislation that has the support of the administration. The bill is supported by the Conference of Mayors, the National League of Cities, and 13 of the largest, most important national and international law enforcement associations in the United States. Yet some of my colleagues and much of the media seem to be unaware of this important piece of legislation when they call for a bipartisan, comprehensive piece of antidrug legislation that hits all aspects of the drug problem, particularly the demand side. And the President either doesn't want to acknowledge S. 2205's bipartisan support, or is not aware of the fact that his call for a bipartisan, broad-based blueprint for attacking the drug threat has already begun in Congress without him. That is why Senator DOMENICI, Senator D'AMATO and I wrote the President on April 19 to encourage him to support our bill and to get on board with Congress to enact comprehensive antidrug legislation this summer.

Mr. President, the doomsday rhetoric that permeates the newspapers these days is particularly unfortunate because, as John Paul Jones once said during the heat of combat, "We have not yet begun to fight." We have never had a comprehensive, coordinated national and international effort to eradicate drugs at the source, to balance interdiction with the need for demand-side programs, and to maximize the resources and expertise of the military in supporting our antidrug effort. The 1986 drug bill was a "good first step." S. 2205 is a comprehensive second step that attacks the problem on all fronts. And the military amendment that was approved 83 to 6 last Friday is a good "down payment" toward finally bringing a reluctant Defense Department to the antidrug table. Yet there are still those who are ready to throw up their hands and wave the white flag of surrender on the drug problem, before we have even put together a cohesive national strategy for hitting the drug abuse problem with all eight cylinders running.

Mr. President, over the next month or so, lots of ideas will surface on how we can win the drug war. Seventy-three of my colleagues and I have already proposed one comprehensive approach that has real promise in putting new resources into the war on drugs—with a way to pay for them. I hope that by the Fourth of July we are through talking and all gathered in the Rose Garden for a bill signing ceremony that will signal a new beginning in the war on drugs—not a retreat.●

A TRIBUTE TO THE LATE HONORABLE SUZANNE "SUE" SEDGWICK

● Mr. BOSCHWITZ. Mr. President, I rise to mourn the passing and pay tribute to an outstanding and dedicated community leader, the Honorable Suzanne Sedgwick. Judge Sedgwick started her judicial career 17 years ago by running and winning a seat as a Hennepin County municipal court judge. At that time there were no women judges in Minneapolis or St. Paul. Running against a sitting judge is always a difficult matter. For a woman to do so and win 17 years ago was truly an extraordinary achievement.

Her quality of service on that court led to an appointment to the Hennepin County District Court in 1977 and then in 1983 Sue became one of the six judges of the State Court of Appeals. Judge Sedgwick was a founding member of the Minnesota Women's Political Caucus and the National Association of Women Judges. She was the recipient of many awards including the United Way's highest honor, the Distinguished Service Award.

Her colleague Judge Dan Foley called her "a giant Sequoia." Judge Harriet Lansing said about Sue: "Some leaders have a way of casting such a shadow that those who follow walk in that shadow. But with Sue, we always walked in her sunshine."

Sue will be missed not only by her family, friends, and law associates, but by all Minnesotans, both because of her competency and warmth and also because she cared so much and advocated so strongly the cause of those in need.

Judge Sue Sedgwick was truly a ray of bright sunshine. She will be missed and mourned, but through her efforts and dedication she left the world a better place than she found it.●

FINANCIAL STATEMENT AND INCOME TAX INFORMATION OF SENATOR ROBERT W. KASTEN, JR.

● Mr. KASTEN. Mr. President, I ask that my financial statement, my Federal income tax form 1040, and my Wisconsin income tax form be printed in the RECORD.

The material follows:

Robert W. Kasten, Jr., Financial Statement, Dec. 31, 1987

Assets:	
Washington, D.C. home	$195,000
Household goods/personal property	25,000
Automobile (Ford 1986 Taurus)	8,800
Life insurance policy (net cash value)	2,600
Credit Union account	5,900
Stocks	11,700
IRA	4,300
U.S. Civil Service Retirement	22,296
Total	275,596
Liabilities:	
Perpetual Savings Bank Alexandria, Virginia	93,407
First Wisconsin National Bank, Milwaukee, Wisconsin	102,590
First Wisconsin National Bank, Milwaukee, Wisconsin	4,521
Key Point Properties Promissory Note	15,000
Total	215,518
Net worth	60,078
1987 taxes paid:	
Federal	38,363
State (Wisconsin)	10,141
1987 income:	
Senate Salary	87,483
Honoraria	34,773
Total	122,256

FORM 1040 U.S. INDIVIDUAL INCOME TAX RETURN 1987

Robert W. Kasten, Jr. and Eva J. Nimmons Kasten.

[redacted]

FILING STATUS

2. Married filing joint return.

EXEMPTIONS

6a. Yourself.
6b Spouse.
No. of boxes checked on 6a and 6a 2.
No. of children on 6c who lived with you 1.
Nora Kasten, Daughter, 2.
Add number entered in boxes above 3.

INCOME

7. Wages, salaries, tips, etc. (attach Form(s) W-2) (See statement 1) 142,844.

8. Taxable interest income (also attach Schedule B if over $400) 396.

10. Dividend income (also attach Schedule B if over $400) 1,308.

11. Taxable refunds of state and local income taxes, if any, from worksheet on page 11 of instructions 337.

13. Business income or (loss) (attach Schedule C) 40,500.

14. Capital gain or (loss) (attach Schedule D) −3,000.

17. Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E) 3,515.

21. Other income (list type and amount-see page 12) (expense reimbursements) 384.

22. Add the amounts shown in the far right column for lines 7, 8 and 10-21. This is your total income 186,284.

ADJUSTMENTS TO INCOME

23. Reimbursed employee business expenses from Form 2106 384.

29. Add lines 23 through 28. These are your total adjustments 384.

ADJUSTED GROSS INCOME

30. Subtract line 29 from line 22. This is your adjusted gross income. If this line is less than $15,432 and a child lived with you, see "Earned Income Credit" (line 56) on page 18 of Instructions. If you want IRS to figure your tax, see page 15 of Instructions 185,900.

*Nora born in November, 1987.

TAX COMPUTATION

31. Amount from line 30 (adjusted gross income) 185,900.

33a. Itemized deductions. See page 15 to see if you should itemize. If you don't itemize, enter zero. If you do itemize, attach Schedule A, enter the amount from Schedule A, line 26, AND skip line 33b 54,426.

34. Subtract line 33a or 33b, whichever applies, from line 31. Enter the result here 131,474.

35. Multiply $1,900 by the total number of exemptions claimed on line 6e or see chart on page 16 5,700.

36. Taxable Income. Subtract line 35 from line 34. Enter the result (but not less than zero) 125,774.

37. Enter tax. Check if from Tax Table. Tax Rate Schedules, Schedule D, or Form 8615 38,363.

39. Add lines 37 and 38. Enter the total 38,363.

CREDITS

43. Subtract line 42 from line 39. Enter the result (but not less than zero) 38,363.

47. Subtract line 46 from line 43. Enter the result (but not less than zero) 38,363.

OTHER TAXES

52. Tax on an IRA or a qualified retirement plan (attach Form 5329)

53. Add lines 47 through 52. This is your total tax 38,363.

PAYMENTS

54. Federal income tax withheld (including tax shown on Form(s) 1099) 32,212.

55. 1987 estimated tax payments and amount applied from 1986 return 6,400.

61. Add lines 54 through 60. These are your total payments 38,612.

REFUND OR AMOUNT YOU OWE

64. Amount of line 62 to be applied to your 1988 estimated tax 249.

WISCONSIN INCOME TAX 1987

Kasten, Jr., Robert W.
Nimmons Kasten, Eva J.

1. Federal adjusted gross income (from line 30 of federal Form 1040 or line 12 of Form 1040A), 185,900.

2. Additions. Complete Schedule 1 on page 2, 2,500.

3. Add lines 1 and 2, 188,400.

4. Subtractions (state income tax refunds, etc.). Complete Schedule 2 on page 2, 337.

5. Subtract line 4 from line 3. This is your Wisconsin income, 188,063.

6. Tax. (Caution: Please read page 8 of instructions.) 12,792.

7. Dependent credit (do not count yourself or your spouse. Fill in number of dependents, 1×$50, 50.

9. Wisconsin itemized deduction credit. Complete Schedule 3 on page 2, 2,013.

Rent paid in 1987—heat not included, 3,280. Table, page 9, 18.

b. Home owners: Property taxes paid on home in 1987, 1,738. Find credit from table, page 10, 120.

11. Add lines 7 through 10b, 2,201.

12. Subtract line 11 from line 6. If line 11 is larger than line 6, fill in zero (0), 10,591.

13. Alternative minimum tax. Attach Schedule MT, None.

14. Add lines 12 and 13, 10,591.

15. Married couple credit. Complete Schedule 4 on page 2, 450.

16. Subtract line 15 from line 14. If line 15 is larger than line 14, fill in zero (0). This is your net tax, 10,141.

19. Add lines 16 through 18, 10,141.

20. Wisconsin income tax withheld. Attach wage statements, 6,529.

23. Net income tax paid other states, 4,758.

25. Add lines 20 through 24, 11,287.

26. If line 25 is larger than line 19, subtract line 19 from line 25. This is the AMOUNT OF YOUR REFUND, 1,146.●

AIR SAFETY IN THE CHICAGO AREA

● Mr. SIMON. Mr. President, the Aviation Safety Commission recently released its report and recommendations on the safety of the Nation's commercial aviation system. This study provides both the Congress and the administration information that contributes to our perspective on an issue of major concern to us all. Though fairly comprehensive in nature, the Commission did not examine any one aspect of the aviation system in depth. It is, therefore, appropriate to bring to the attention of the Senate a study just completed by the Better Government Association of Chicago. The BGA, over the past 6 months, has investigated air safety in the Chicago area and, as a result of this investigation, has made several important, disturbing findings.

Therefore, Mr. President, I ask to insert this report in the RECORD at this point.

We are all aware of the serious problems of our Nation's air traffic system. This report is documentary evidence that further establishes just how serious the problem is. I commend the directions and staff of the Better Government Association for their contribution to aviation.

The report follows:

CHARGED WITH THE SAFETY OF OUR SKIES: THE FEDERAL AVIATION ADMINISTRATION AND AIR SAFETY IN CHICAGO

(Prepared by the Better Government Association)

INTRODUCTION

The Better Government Association (BGA) is a private, not-for-profit, public interest organization dedicated to fighting inefficiency, waste and corruption in government. Sixty-five years in existence, the BGA has become a nationally recognized investigative force and advocate of governmental reform at the local, county, state and federal levels.

The BGA takes three approaches to reform: investigations with media partners, litigation, and legislation. Media investigations have won virtually every major award in journalism including several Pulitzer Prizes, two Emmy awards and the Jacob Sher Award. These investigations, testimony before city, state and federal legislatures, published white papers, and litigations have led to criminal indictments and convictions as well as significant legal precedents, policy changes, and legislative reform.

The air transportation industry is not a new subject for the Better Government Association. Three years ago the BGA conducted an investigation with 60 Minutes on airport security—an issue of increasing concern worldwide. Investigators were able to obtain service and security jobs without any background checks done to verify their identity. Their employment at O'Hare Airport gave them access to all areas of the airport and even to the cockpit of some airplanes without having to go through security checks.

This present project took a comprehensive look at the air traffic system and its impact on air safety in Chicago. Reporter Scott Smith of WFLD/FOX 32 Television News came to the BGA with the idea, which led to a six month investigation. The research included documents obtained from the Federal Aviation Administration, National Transportation Safety Board, National Aeronautics Space Administration, Congress, aviation safety groups, unions, internal memoranda, and dozens of interviews with pilots and FAA Personnel. The result is a comprehensive look at some of the most important equipment and people charged with keeping our skies safe.

AIR SAFETY IN CHICAGO

The nation's air industry is larger than ever and continues to grow. Air carriers in the United States transported over 447 million passengers in over 6.5 million aircraft departures in 1987.[1] These planes travelled over 4.3 billion miles in more than 14.5 million hours of flight.[2] This unprecedented volume of traffic has also resulted in an increase in the number of accidents, near midair collisions, air traffic controller errors, equipment failures, and seemingly endless delays. 1987 was the worst year ever for aviation safety. Airlines experienced 36 accidents which resulted in 232 deaths in 1987, 11 more accidents than in 1986 and the worst accident figure in 13 years. Commuter airlines suffered 35 accidents, the highest number since 1980, which resulted in 58 fatalities, the worst figure since 1979. Air taxis had fewer accidents but a higher fatality rate for 1987—68 people died (one more than in 1986) in a total of 98 aircraft accidents. Only the general aviation industry, which consists of primarily small, privately-owned aircraft, saw any statistical decline.[3]

The General Accounting Office (GAO), Congress' investigative arm, states that rising accident numbers are not the only indicator of a deteriorating air safety system. Even more important, according to the GAO, are the numbers of near midair collisions and air traffic controller operational errors occurring during the year. In 1987, near midair collisions throughout the

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Footnotes at end of article.

United States rose to an all-time high of 1056, 216 more than the year before. Similarly, air traffic controller operational errors increased across the nation by 25 to 1228 during 1987.[4]

In Chicago, near midair collisions and operational errors rose as well. The total near midair collisions for Chicago air traffic facilities totalled 23 compared to 18 the previous year. This includes the Aurora Air Route Traffic Control Center, O'Hare Tower and O'Hare TRACON (the facilities guiding air traffic to and from Chicago and through part of the FAA's Great Lakes Region). While operational errors in Chicago declined in 1987 by 26, totalling 75, O'Hare's Tower has suffered 11 errors as of April 1988, one less than the total 12 of the year before. This increase has caused significant concern among federal agencies charged with air safety oversight.[5]

What do all these numbers mean? They reveal a system stretched beyond its natural limits. The margin of safety on which the FAA prides itself has diminished significantly and continues to spiral downward.

The federal government must share in the blame. Congress can be faulted for funding cutbacks and withholding money accumulated in the Aviation Trust Fund in order to offset the budget deficit. This multi-billion dollar account is financed by an eight percent surcharge on all plane tickets sold to consumers and was intended to be used for air transportation improvements. Federal procurement procedures have also hampered plans for updating equipment.

But few federal efforts have had a greater negative impact on air safety than the FAA's overzealous public relations campaign to. hide serious operational problems from an unsuspecting public and an uninformed Congress. For example:

According to the General Accounting Office, the FAA testified before Congress in 1985 that a flow control program designed to predict traffic overload was in place when, in fact, limited computer capacity left it inoperable.[6]

FAA policy says air traffic controllers should spend no more than two hours at radar position. O'Hare controllers informed the BGA that management has adopted a policy of rotating controllers on radar positions in different sectors, thus even though the controller is not working one position for more than the allotted two hours, he is working at radar for well over two hours.

The FAA hides inadequate air traffic controller staffing levels behind special terms coined by the FAA after the 1981 controllers' strike. Included in their term "operational controller" are hundreds of "air traffic assistants" whose job is clerical in nature. They are not trained to control traffic and never do so.

HISTORY

The federal government first entered into commercial aviation regulations in 1926 with the passage of the Air Commerce Act. This Act established a dual purpose for government which continues today—promoting the growth of the aviation industry while insuring the safety of its users. While the government succeeded in the former role, it did not fare as well in the latter. In 1938, in reaction to a series of aircraft accidents, Congress passed the Civil Aeronautics Act, which established the Civil Aeronautics Authority (CAA) to provide closer regulation and better coordination of air safety. The CAA maintained oversight of the industry until 1958 when the Federal Aviation Administration (FAA) was established as an agency of the Department of Transportation (DOT). Today, in response to eroding safety and public confidence, Senate bill 1600, introduced by Senators Wendell Ford (D-KY) and Nancy Kassebaum (R-KS) and co-sponsored by Alan Dixon (D-IL), proposes to remove the FAA from under DOT, making it an independent administrative agency of government. For now, however, the FAA is still charged with the dual and—according to some—contradictory role of promoting the industry while keeping it safe.

In 1981, the FAA undertook the largest civil project second only to the Apollo Space Plan—the National Airspace System Plan or NAS Plan. The proposed $10 billion program is designed to completely modernize the air traffic system by 1994. It was sold to Congress under the guise that it would cost-effectively replace man with machine and update the system to state-of-the-art. Today the NAS Plan is a projected $5 to $7 billion over budget, and is not expected to be fully implemented until well into the year 2000. There is support for the view that the FAA overestimated its ability to implement the plan. Meanwhile, the FAA's work force has been reduced significantly even though anticipated equipment remains on the drawing boards and old equipment continues to operate on vacuum tubes and relay switches. As the antiquated system is forced to keep up with more complex and congested traffic, its reliability is rapidly deteriorating.

EQUIPMENT

To the air traffic controllers, the men and women who keep air traffic separated, the most vital instrument they use is the radio communications equipment or "frequencies", as they are called. The BGA's investigation found that this communications equipment is also some of the oldest and most unreliable. Breakdowns are commonplace. A walk through the Aurora Air Route Traffic Control Center reveals name plates on frequency switches citing "by authority of CAA", the federal regulatory agency of the 1930's, '40's, and '50's. Hundreds of old relay switches click in the basement of the Center. There are no microcomputer chips and modernization, but rather a decrepit system causing frequency break-up, fading signals, incomplete transmissions and air traffic controllers having to repeat directions to pilots, using up precious time.

The Better Government Association obtained through the Freedom of Information Act formal complaints called Unsatisfactory Condition Reports (UCR) submitted by controllers to the FAA Great Lakes Region. A review of these documents reveals that frequency problems overwhelmingly lead the list of complaints:

February 4, 1987—"Before I knew what was happening there were 5-8 aircraft on my frequency that had not been answered and still more calling. Needless to say the situation was a recipe for disaster. Aircraft were on converging headings and I was unable to respond promptly . . . the potential for a mid-air collision was very real . . . If ground to air communications are inconsistent then safety becomes inconsistent."

This air traffic controller's supervisor concurred, adding, "This ongoing problem is documented and should be resolved as soon as possible." A log review revealed a total of 59 complaints about this frequency in 13 months. Another frequency had been reported 21 times in three months; another 16 times in 2½ months; yet another UCR noted problems on a specific frequency from 1981 all the way through 1987. In this last case, the supervisor noted that he, too, had filed his own UCR.

One frustrated controller wrote:

"Once again, luck prevailed and there were no mid-air collisions as a result. This has happened repeatedly . . . We are totally dependent on our split second timed communications frequen[cy]. When are we going to correct this dangerous situation? I'm sure we will after two run together."

Another controller wrote:

"Every rush you have to repeat clearance three and four times."

And another:

". . . I was working heavy traffic inbound to O'Hare and was having a major problem separating the aircraft with the frequency cutting out. This problem with [frequency] 133.2 has been reported on numerous occasions. If needed I can get many controllers to write a statement on this situation. It is obvious to the controllers who use this frequency that more than a band-aid solution is needed."

Back in December of 1985, an air traffic control supervisor summarized the problem: "Ultimately it is imperative that this old communications equipment be totally reevaluated, redesigned, and replaced as soon as possible in order to bring the Nation's Air Traffic Control communication system up to modern standards . . . As a closing note, 'A controller can get along without radar, he can survive without automation, but he cannot maintain safety without communication.'" To borrow from one air traffic controller we spoke with, when a frequency is out, the controller is no longer in control but becomes an observer.

While controllers stress frequency equipment as being most important to their work, radar is far more than a mere luxury. The radar or beacon system is some of the oldest equipment employed by the FAA and problems with these electronics are very real. The beacon system runs on vacuum tubes—a far cry from state-of-the-art equipment. Radar scopes have been known to go blank before a controller's eyes.

Among the more common problems attributed to the antiquated radar system are lost aircraft information, aircraft targets disappearing from the radar scope, and false and floating targets. The loss of aircraft information, such as altitude, airspeed and flight number, controllers tell us, is very common. The installation of a new multi-million dollar computer at the Aurora Air Route Traffic Control facility was supposed to have alleviated much of this problem. Controllers say the computer has not made a difference. Other Air Traffic Controllers complain that they lose information altogether and even experience an entire aircraft disappearing from the radar screen, frequently during heavy inbound and outbound rushes. Air traffic controllers also report real and false targets jumping around on the controller's radar scopes.

Experience and luck help the air traffic controller decide whether the sudden appearance of a target constitutes a real aircraft or merely a blip on the scope. An Unsatisfactory Condition Report dated March 21, 1988 notes just such a problem, saying that "These continuing problems should be looked into before somebody decides to ignore a false target and figure out too late that it is for real." Aircraft targets floating on the scope led one controller to file an Unsatisfactory Condition Report noting variances in altitude information provided on the scope of a thousand feet or more. The radar technicians who maintain the beacon system tell us they are afraid to open some of the cabinets housing the equipment because the aged wiring is so brittle it may crumble.

The lack of reliable weather information dissemination to pilots is an important issue among pilots whose lives depend, at times, on the weather. The importance of weather information cannot be underemphasized. Flying through a thunderstorm can be fatal. According to Patrick W. Clyne, a Northwest Airlines pilot and chairman of the Air Line Pilots Association aviation weather committee, "The pilot flying today has little more in the way of usable real-time weather information available to him than did his predecessor of 25 years ago."[7] Weather detection systems are severely limited. There is no real-time weather capability (the ability to report weather as it is happening). An air traffic controller is of limited help to a pilot. He receives only an indication of light or heavy precipitation on his radar scope and cannot discern type and severity of weather. Air traffic controllers told us they often get their weather information from the pilots themselves. For a controller even to receive weather information on his radar scope, he must adjust the radar display so that he loses aircraft altitude, airspeed and flight number information.

The FAA's Air Traffic Control Handbook instructs controllers to verbally provide weather information to pilots only "to the extent possible" contingent upon completing their primary responsibility, which is to keep traffic separated. Because there is no automated systems for providing the information, critical weather details often never reach the pilot, especially during peak travel hours when controllers are busiest. A survey by the General Accounting Office, shows that 55 percent of all air traffic controllers rated training in bad weather tactics less than adequate. A study by the GAO of Dallas/Fort Worth controllers shows that it takes an average of 23 minutes to provide pilots with severe weather advisories. Chicago uses the same weather information system. Pilots may miss a warning altogether because they often must change radio frequencies as they travel from one controller's airspace to another. The GAO's conclusion: "FAA's procedures for communicating weather warnings by having controllers read them over the frequencies is too slow to avoid potential hazards, and some pilots may not receive any warnings because of radio frequency changes . . ."[8]

The most hazardous form of weather, responsible for 113 accidents, 311 deaths and 122 injuries in the last five years, is windshear.[9] Windshear is a rapid change in air space over a short ground distance. It is especially hazardous to an aircraft during the critical take-off and landing phases when the plane is closest to the ground. The current system for detecting windshear, Low Level Windshear System (LLWAS), is severly limited in its capabilities. False alarms are frequent. Forty-nine percent of all false windshear alarms are due to hardware problems, according to John McCarthy, manager of the National Center for Atmospheric Research's application program.[10] At O'Hare Airport, according to pilots and controllers and confirmed by GAO reports, pilots routinely take-off and land through windshear alerts and both pilots and controllers tend to disregard LLWAS warnings. Aside from its unreliability, LLWAS is unable to detect microbursts, which are the most dangerous form of windshear.[11]

The equipment described above is some of the most vital technology in maintaining the safety of the air traffic system. Yet it is plagued with malfunctions, breakdowns, inadequate technology, and just plain old age. United Airlines Executive Vice President John Zeeman told WFLD-TV, "They [FAA] use equipment that we would certainly not use in running our own business on a day-to-day basis."[12]

At the same time, the safety of the flying public allows no room for error, mechanical or human. It is the responsibility of a rapidly shrinking Airways Facility work force to see to it that the air traffic system runs as smoothly as humanly possible.

PERSONNEL

Without the people to run the air traffic system's day-to-day field operations, there would be no system. FAA's airways facilities maintenance technicians and air traffic controllers in Chicago are some of the best in the world, according to the pilots who rely on them each day. But this valuable FAA resource is suffering under the strain of an air traffic system that continues to stretch beyond its limits.

The FAA employs some 5,500[13] airways facility maintenance technicians. It is a work force one hears little about, but it is vital to the day-to-day operation of the air traffic system. These FAA employees maintain all of the equipment that runs the system. As a work force, they are the greatest victims of FAA false projections and delays in the implementation of the NAS Plan.

The FAA planned to replace thousands of maintenance technicians with the advent of the NAS Plan. By the 1990s it expected to have computers diagnosing problems that would be repaired by private sector contractors. The severe time delays haunting the Plan's implementation mean the labor-intensive jobs that the FAA had intended to replace are still in need of human service. The FAA planned to reduce the technician work force through retirement and attrition. But the FAA's incorrect personnel projections, combined with NAS Plan implementation problems, has resulted in critical shortages in the technician work force. Retirements and attrition left staffing below 1993 NAS Plan projections by 1987. Hiring new technicians now may not alleviate the severe shock the work force has felt. For example, training highly skilled radar technicians takes four to six years, but the Great Lakes Region could lose up to 40 of its 90 long-range radar technicians by 1990.[14] Nationally, 50 percent of the work force will be eligible to retire by 1992.[15]

Equipment problems directly relate to insufficient staffing. The following two examples were related to the BGA by technicians at O'Hare. A radio beacon at O'Hare used by pilots for guidance, called Variable Omni Range or VOR, has a failure rate six times greater than anywhere else in the nation. An unsatisfactory Condition Report in October 1987 complained that a controller report of an unreliable VOR to the Airways Facility division resulted in the response that due to staffing cuts, there was no one available to repair it. The supervisor on duty noted, "A situation like this is inexcusable."

In early 1988, the Instrument Landing System (ILS) on O'Hare's main runway, vital to landing planes in bad weather and low visibility, was found to be significantly deficient during an inspection by outside technicians. An internal memorandum obtained by the BGA shows that the technicians' unit at O'Hare responsible for maintaining the Instrument Landing System lost six people in six months through retirements, relocations and promotions. This leaves only four technicians to oversee 69 facilities. According to the memo, a seven day work week is proposed for the remaining staff and around-the-clock coverage has been eliminated. The unit has been unable to complete its assigned tasks; out of 11 inspections scheduled for the first half of fiscal year 1988, only four were completed. Of 52 modifications assigned during this same time period, 40 are over six months old and only three were completed. Supervisors fear employee burnout due to long hours and "the unit losing complete control of the programs under its control causing possible air safety hazards." Similar reductions in shift coverage are occurring in other areas.

Even crucial communications equipment falls prey to the lack of trained maintenance personnel. In April 1986, problems on a main and back-up frequency resulted in a frequency's complete failure during a thunderstorm. The air traffic controller's request for technician assistance was not met. The area manager wrote in the Unsatisfactory Condition Report filed as a result of this incident, "I felt the situation was near unworkable as well as dangerous . . . having one communications technician on duty during a shift is less than needed seeing that communications is the most important tool the controller has to work with."

While the number of technicians decreases, their workload increases. Today, technicians must maintain and modify anything from old vacuum tube and transistor equipment to state-of-the-art microcomputers. This leads to several problems. According to GAO documents and numerous interviews of FAA airways facility personnel, it becomes increasingly necessary to "cut corners" in order to complete the requisite number of projects required of the technicians. Technicians told the BGA that there is pressure to meet quotas which results in fudging statistics, underreporting equipment failures, or sacrificing quality for quantity. Routine preventive maintenance has been replaced by crisis management, so technicians more and more find themselves putting out fires. An internal memorandum notes that some technicians spend between 40 and 60 percent of their time responding to equipment problems. According to both the GAO and the Professional Airways Systems Specialists (PASS), the technicians' union, flight delays have increased by two to three percent due to equipment problems, more than 10,000 delays in one year. And the number of equipment-related delays is on the rise. The FAA attributes delays to an increase in traffic only.[16]

Another outgrowth of the severe personnel shortage is the advent of open watches. Twenty-four hour equipment coverage by technicians is rapidly becoming a thing of the past. Equipment outages that once took minutes to fix may now take hours. Staff are required to work unreasonable hours. The BGA has talked with technicians who have worked shifts up to 32 hours because no replacement staff exists.

The evidence clearly suggests that the increased unreliability of the aged equipment is directly related to an unreasonably overburdened staff. Mark Schneider, executive vice president of PASS, when asked when he thought problems in the Airways Facility work force would reach crisis proportion, responded, "Two years ago."[17]

Air traffic controllers have their own—if not more well-known—problems. The FAA has fewer controllers handling almost twice the traffic today than before the 1981 air traffic controllers strike. Seventy-eight percent of the supervisors surveyed nationwide by the GAO say the workload is having a negative impact on safety. The GAO agrees, noting that "... growth in air traffic activity has caused controller workload to reach a point where controllers are stretched too thin ... controllers and their supervisors have expressed serious concerns about their ability to continue to maintain the proper margin of safety."[18]

A UCR submitted at Aurora in 1986 charged that a certain sector had too much traffic during rush periods. The superior agreed but the Facility Manager wrote that the ATCV and supervisor, though "extremely busy ... are fully qualified, experienced supervisors and in that position are expected to know and anticipate traffic volume and take action to make the very best use of available manpower." Such attitudes seem to prevail at FAA's managerial level. This Facility Manager was later promoted to Assistant Manager of Air Traffic Operations and Administration for FAA Great Lakes Region.

Actual controller numbers are misleading. According to the GAO, the FAA lumps together controllers at varying levels of training, responsibility, and experience, when reporting staffing levels to Congress. This makes it difficult to track the FAA's progress with regard to restaffing.[19] A Full Performance Level Controller, or FPL, is certified on all sectors at a given Air Traffic Control facility. According to air traffic controllers, O'Hare's TRACON facility has 30 FPL's, but the FAA staffing standard says that there should be 66. At Aurora, about 50 percent of the Air Traffic Controllers are FPLs.[20] The rest of the controller population is broken down into "partials," controllers trained on two sectors or more and air traffic assistants who are clerical in nature, assisting the air traffic controllers but never handling traffic themselves. Yet the FAA lumps all of these individuals together as operational controllers.

The skewed numbers affect not only information flowing to Congress, but also air traffic flow control which is administered by a central computer based in Washington, D.C. The FAA says that current traffic management procedures prevent controllers from handling more traffic than they safely should. But flow control procedures do not take into consideration the number and make-up of the controllers on duty.

Flow control also does not limit the hours controllers work in front of a radar scope. Numerous controllers told us they worked on radar anywhere from one to three hours over the two hour limit recommended by the FAA. Government documents confirm this.[21] The midnight shift usually works a full eight hours and leaves a sector only to go to the restroom. As noted earlier, controllers are sometimes rotated between sectors to get around the two hour recommended limit.

Last year, both Aurora and O'Hare led the rest of the nation in overtime, recording almost 28,000 and 20,000 hours respectively. O'Hare's overtime tripled that of Los Angeles Airport, was five times that of Atlanta's Hartsfield Airport, and was almost nine times greater than the overtime of Kennedy, LaGuardia and Newark airports combined.[22] Overtime records obtained by the BGA show some controllers working upwards of 600 hours of overtime during the first nine months of last year, averaging 15-20 hours of overtime per week. Controllers and supervisors say the skies are too busy and the hours are too stressful. Overtime has been cut dramatically this year, but without a corresponding reduction in traffic or workload or an increase in the work force. The reduction in overtime means that sacrifices by controllers are made elsewhere.

One of the more important sacrifices being made in the air traffic control system is the decline in training. Trainees find themselves instructing fellow controllers at times. Because of their own limited experience, these trainees are concerned about the quality of training. A GAO survey revealed that almost half of the supervisors and controllers find new controller training to be less than adequate, especially in areas involving emergency procedures, bad weather and the use of back-up systems.[23]

An incident at FAA's Indianapolis Air Route Traffic Control Center is a case in point. According to air traffic controllers familiar with the incident, in October 1987 two relatively new air traffic controllers were working with a back-up computer. The two became confused when the computer changed from the back-up system to the main computer. As a result, two jets flying 500 miles per hour at 37,000 feet came within seconds of a head-on midair collision. Rather than retraining the controllers as FAA regulations require, the air traffic controllers were decertified for a few hours and proper retraining did not take place.

An Unsatisfactory Condition Report filed in February 1988 by an Aurora air traffic controller noted a similar incident where two controllers using the back-up radar system were inadequately trained. "Both of those controllers do not know how to work [back-up radar] because they were never trained to do so." The supervisor's comments noted that the controllers had indeed been trained on the back-up system and were subsequently scheduled for additional training.

Improper follow-up of operational errors is also not unfamiliar at O'Hare. A series of operational errors there spawned a special investigation by the National Transportation Safety Board (NTSB) in 1987. Repeated recommendations by the NTSB to the FAA have not been adopted. The investigation lead the NTSB to conclude that O'Hare has a "serious staffing problem." The percentage of FPLs is significantly below most other major airport facilities.

NTSB found some controllers working four and a half to five hours on a radar position during peak travel days. Referring to the specific operational errors under investigation, the NTSB noted with concern that one controller received only one and a half hours of retraining after his second operational error in one month. In another case, two controllers were recertified only hours after they were involved in an operational error.[24]

A congressional report by the House Committee on Government Operations in April 1987 concerned itself with the series of operational errors at O'Hare and the FAA's "laissez-faire approach to Air Traffic Control problems at O'Hare Airport." The Committee questioned whether the FAA management that permitted the problems to rise could be relied upon to solve them. The report says, "The FAA did not respond in an adequate nor timely fashion to the problems at O'Hare as reported by its own in-house evaluators and underscored by the subsequent increase in controller errors."[25]

National Transportation Safety Board Chairman Jim Burnett concluded recent Congressional testimony about aircraft operations at O'Hare by saying, "... the Safety Board believes that there is a diminished level of safety of the air traffic control system at O'Hare."[26] The GAO has echoed that view and recommends that restrictions be placed on air traffic until controller numbers and experience levels meet FAA's goals. "Limiting air traffic before conditions worsen seems to be the prudent choice."[27]

Will the FAA make that prudent choice? The attitude so far has been that of an ostrich hiding its head in a runway. One pilot told us, "We'll probably have to kill some people before government does anything meaningful." Cynicism aside, the FAA must recognize the severity of the problems it faces now—prior to the NAS Plan's full implementation and before an aviation disaster occurs. Many knew that technical shortcuts and hastened timetables afflicted the Space Shuttle Program, but not until the shuttle crashed in 1986 did government admit to problems in the program. If we must learn by example, let us learn from what happened to the Space Shuttle. The safety of our air traffic system depends on it.

What should be done? The Better Government Association believes that the following are the minimum steps that should be undertaken by the federal government to provide minimal safety protection to the flying public.

Trained technicians and contollers are needed to keep the airplanes up and the equipment running. It is imperative that the FAA restock its sorely depleted work force at least to 1981 staffing levels.

The GAO has recommended increasing commercial air traffic levels as air traffic controller staffing permits. We think this suggestion should receive serious consideration.

It is time we have accurate information and honest public discussion about the safety and efficiency of the air traffic system. It is the duty of the FAA to keep Congress accurately informed. The issues of staffing, equipment, and traffic volume should be faced head-on, not deflected by an overzealous FAA public relations campaign.

FOOTNOTES

[1] Federal Aviation Administration statistics, May 1988.

[2] National Transportation Safety Board, press release SB-88-01: 12 January 1988.

[3] Ibid.

[4] Federal Aviation Administration, Washington, D.C., March 1988.

[5] Federal Aviation Administration, Great Lakes Region, April 1988.

[6] General Accounting Office, "Aviation Safety: Serious Problems Concerning the Air Traffic Controllers Workforce," RCED-86-121, March 1986.

[7] Aviation Week and Space Technology, "Improved Weather Alerts Affected by Poor Delivery to Cockpit," by James Ott, 5 October 1987.

[8] General Accounting Office, "Aviation Weather Hazards—FAA System for Disseminating Severe Weather Warnings to Pilots," T-RCED-86-152BR, April 1986.

[9] National Transportation Safety Board, Accident Abstracts in which windshear was determined to be a probable cause or factor relating to the accident, January 1982—June 1987.

[10] Air Line Pilot, "The Message is Weather," by Robert Moorman, July 1986.

[11] GAO, "Aviation Weather Hazards . . .," April 1986.

[12] John Zeeman, interview with Scott Smith, WFLD/FOX 32 News, April 1988.

[13] Senate Testimony of the Professional Airways Systems Specialists (PASS), April 8, 1987.

[14] General Accounting Office, "FAA: Staffing Challenges in Managing Shortages in the Maintenance Workforce," RCED-87-137, September 1987.

[15] Ibid.

[16] Ibid., Senate Testimony of PASS, April 8, 1987.

[17] Mark Schneider, interview with Susan Barnett, Better Government Association, January 11, 1988.

[18] GAO, "Aviation Safety: Serious Problems . . .," March 1986.

[19] Ibid.

[20] General Accounting Office, "Federal Aviation Administration Air Traffic Controller Staffing and Related Issues," T-RCED-87-42, July 29, 1987.

[21] Among others see: National Transportation Safety Board, safety recommendation letter from Chairman Jim Burnett to Federal Aviation Administrator Donald D. Engen, February 6, 1987.

[22] GAO, "FAA Air Traffic Controller Staffing . . .," July 29, 1987.

[23] GAO, "Aviation Safety: Serious Problems . . .," March 1986.

[24] NTSB, safety recommendation letter, February 6, 1987.

[25] Fourth Report by the Committee on Government Operations, "Improving the Safety of Air Traffic Control at Chicago's O'Hare International Airport: Federal Aviation Administration Oversight," April 15, 1987.

[26] Testimony of Jim Burnett, Chairman, National Transportation Safety Board, before the Subcommittee on Transportation and Related Agencies, Committee on Appropriations, House of Representatives, "Regarding Air Carrier Operations at O'Hare International Airport," Chicago, Illinois, March 18, 1988.

[27] GAO, "Aviation Safety: Serious Problems . . .," March 1986.●

● Mr. D'AMATO. Mr. President, I am pleased to join my colleagues, Senators STEVENS and DECONCINI in introducing a joint resolution designating the last week in October as "Drug-Free America Week."

America today is faced with a crisis of overwhelming magnitude which threatens to destroy the very fabric of American society, transcending social, economic, and ethnic distinctions. It does not discriminate in its meting out of death and destruction. I am talking, of course, about drug use.

It has become clear that if we are to successfully wage a war on drugs we must fight the demand for drugs as vigorously as we pursue interdiction. It is time for society to have zero tolerance for drug use, be it in the board room or the ghetto.

Unfortunately, Mr. President, many write off drug use as a problem of the ghetto, not realizing that significant demand for drugs comes from the largest segment of society—the middle class. Any successful effort to stop the demand for drugs, therefore, must also focus on middle America. This effort must bring about fervent public condemnation of any drug use whatsoever. We must rid ourselves of any notion that drug use is somehow chic or fashionable.

"Drug-Free America Week" is a start in the right direction. The Congress must lead the way by spurring education about the dangers of drug use and encouraging communities to light a fire of furor that will engulf drug users in a conflagration of moral condemnation.

I encourage my colleagues not only to support this measure, but also to do their part in furthering the goals of "Drug-Free America Week."●

ABE STOLAR—PART X

● Mr. SIMON. Mr. President, Julia Shurukht is not being allowed to leave the Soviet Union because her mother won't sign the parental consent form. Despite the fact that Julia's mother has an adequate pension and earns more than her daughter; despite the fact that she has received secondary affidavits of support in case she should be in need; despite the fact that Julia's father immediately signed the release forms; despite the fact that a court found that she is able to work and is secure financially, she still refuses to sign. What then can be her reason?

According to Julia, she and her mother have been estranged for some years. Moreover, Julia states that her mother is pro-Russian and therefore cannot believe that Julia wishes to leave the country. She is also reported to believe that Julia has fallen prey to a Zionist conspiracy and has been brainwashed.

I believe there comes a time when a parent needs to let go. If this refusal to sign were because her mother's concern prevented her from signing, then it would be more understandable. However, the two are not close and haven't been close for a number of years. Again, what can be her reason?

I urge the Soviet authorities and Julia's mother to take the necessary steps that would allow Julia to leave with her true family.●

INFORMED CONSENT: VERMONT

● Mr. HUMPHREY. Mr. President, I have introduced legislation to require abortion providers in HHS funded facilities and military facilities to secure informed consent from women seeking abortions. S. 272 and S. 273 do not restrict abortion rights in any way. They simply ensure that women know the risks and alternatives before submitting to this surgical procedure. Some abortionists fear that informed women might not choose to abort their babies. The financial interests of the abortion industry (in excess of $500 million annually) should not take precedent over the rights of women to an informed decision. I ask that the following letter from a woman in Vermont be entered into the CONGRESSIONAL RECORD.

The letter follows:

Perkinsville, VT, March 9, 1988.

DEAR SENATOR HUMPHREY: I am writing with respect to your informed consent bills for abortion. I sincerely hope this legislation passes. I regret very much having had an abortion ten years ago. At the time I had no knowledge of what the abortion really involved for the baby. I wasn't even thinking of it as a baby—but as a bunch of cells.

Perhaps if I had had the courage to ask the people at Planned Parenthood (where I found out I was pregnant) or the clinic (where I went for the abortion), about the actual development of the baby, they would have told me. Maybe I didn't ask because I was afraid of the answer, and if I heard that answer, I wouldn't have been able to go on with the abortion. It seemed like the only option at the time.

I think it is imperative for doctors performing abortions and for clinics that encourage abortions to tell the truth about what is involved for the baby—and to refer to it as a baby, not a fetus. My heart was nearly broken again last night as I heard a description of what an abortion was like for a baby of the age mine was. It is tragic—for the babies, for the parents, for us as a nation.

I remember signing a consent form, but I don't remember what was on it and no one went through all the different items on it. No one really said anything. Except when the abortion was over, they said they had to make sure that they "got all of it." It was at that time, for the first time, when it was too late, that I started thinking about the fact that this was a real baby.

This was a very sad time for me. It was supposed to be a joyous time in the sense that I was no longer in a difficult situation, but my heart ached. On the following Mother's Day, I really felt the loss—it all came back to me.

My heart also aches when I hear of a girl or woman thinking about abortion. I want them to know before they make the mistake that it isn't a harmless decision. It does have grave consequences, and that there are positive alternatives. I wish I had known about the support homes that will provide a place to live before and after the birth. There are so many hungry people waiting for a baby to adopt. They want to give love and a home to a baby someone else can't support. How I wish I had done that.

So please share with your colleagues the importance of informed consent. Thank you for listening. God bless you in your efforts.

Sincerely,

GINNY FRANKLIN.●

THE AUTO PARTS INDUSTRY: VITAL TO THE UNITED STATES AND CANADIAN ECONOMIES

● Mr. RIEGLE. Mr. President, the auto parts industry is beginning to come under intense foreign attack. Since the early 1980's, most Japanese automakers have established new transplant production facilities in North America. Many transplants have turned to U.S. parts suppliers for such low-value, low-technology items as glass, lights, and exhaust systems. However, they usually obtain drivetrains and other high-value, technology-intensive components from Japanese suppliers, who often have decades-old relationships with the automaker. U.S. parts manufacturers are shut out of the sophisticated end of the parts spectrum.

This has grave implications for U.S. parts companies. Unable to become original equipment suppliers to the transplants, they are also kept out of the huge aftermarket business for parts for Japanese cars. Further, Japanese parts manufacturers, who once supplied transplants by shipping parts from Japan, have begun to open United States factories of their own, often with the aid of State and other local government incentives. Using these new facilities, the Japanese parts makers now aim to supply the United States domestic car manufacturers as well as the transplants, further eroding the business of United States parts suppliers.

I urge my colleagues to read the following article which appeared in the Washington Post on May 8, describing the Japanese auto parts invasion, and to consider the situation in the auto parts industry when we debate the United States-Canada Free Trade Agreement.

In one key respect—the rule of origin—the agreement is still not responsive to the United States and Canadian auto parts industries. The agreement's 50 percent rule of origin permits foreign transplants to hitch a ride on our trade agreement with Canada, gaining duty-free treatment for cars which will still contain imported engines and transmissions. A better rule would limit duty-free treatment to goods that are at least 60 percent North American. This would create a stronger incentive for domestic and transplant manufacturers to buy the higher technology United States and Canadian parts, such as engines and transmissions, by reducing the benefits of using imported parts.

I have attempted to put that mechanism into place by sponsoring provisions to give the President negotiating authority to seek a 60-percent rule of origin for automotive products and, if successful, to implement it by proclamation.

In addition, I have worked with the administration to ensure that the Select Panel on the North American Automotive Industry addresses this and other issues vital to the future of this key sector.

I ask that the Washington Post article be printed in full.

The article follows:

[From the Washington Post, May 8, 1988]

JAPANESE CAPTURING ANOTHER SEGMENT OF UNITED STATES AUTO MARKET: PARTS

(By Warren Brown)

DETROIT.—The third Japanese invasion of the American auto market is under way.

Phase one was launched with exports, mass numbers of cars and trucks sent here for American consumption.

The second wave came with Japanese auto companies actually moving their production facilities to U.S. shores.

And now, as radio commentator Paul Harvey might say, the Japanese are ready to complete what could be "the rest of the story."

With the same stunning growth that accompanied phases one and two, the Japanese are capturing yet another segment of the American auto scene—the lucrative parts business. Some 150 Japanese auto parts companies are making components in the United States today, nearly triple the number producing goods here in January 1984.

By 1990, many auto industry analysts and officials believe, about 300 Japanese auto parts makers will be turning out engine and transmission parts, heating and cooling components, tires and other automotive equipment in such states as Michigan, Indiana, Illinois, Kentucky and Tennessee.

Those parts will be in addition to myriad automotive components that will continue moving to the United States from Japan for the foreseeable future. And that means even greater pressure for domestic auto parts suppliers, squeezed out of the Japanese parts market overseas and threatened by increasingly cost-and quality-conscious U.S. auto makers at home.

"Clearly, what you have here is a shifting of automotive capacity from Japan to North America," said Christopher Bates, director of policy analysis for the New Jersey-based Motor and Equipment Manufacturers Association. "This is a dangerous trend," he said, particularly for domestic parts suppliers that are being set upon from both sides.

MEMA represents nearly 800 U.S. parts manufacturers, most of them privately owned.

For many of the Japanese parts makers coming ashore, the immediate goal is to supply Mazda Motor Corp., Toyota Motor Corp., Nissan Motor Co. Ltd., Honda Motor Co. Ltd. and other Japanese auto companies that, separately and in joint ventures with American car producers, will have the capacity to produce nearly two million cars and trucks annually in the United States by 1990.

But the goals of the transplanted Japanese parts makers go beyond serving their traditional clients.

Their ultimate goal is to take the biggest possible piece of the nation's $200 billion auto-parts business. That means selling parts for every new vehicle manufactured and sold in the United States, providing items from chemicals to hardware to keep those machines running and looking good long after they have left dealers' showrooms.

Indeed, parts ring up bigger numbers than the sales of the vehicles themselves, which accounted for $175.2 billion in revenue in the U.S. market in 1987, according to figures compiled by the Motor Vehicle Manufacturers Association of the United States Inc.

Vehicle parts come in two basic categories—parts made for original equipment manufacturers, known in industry parlance as OEM parts, and parts made for the aftermarket. The latter group includes replacement and equipment added after the car is purchased.

In dollar terms, the biggest sales in the auto parts industry is in the aftermarket, valued at about $130 billion by analysts at the Automotive Parts and Accessories Association in Lanham, Md. Those same analysts put an estimated $70 billion tag on the OEM market, where there is tremendous pressure from vehicle manufacturers and assemblers to hold down supplier prices.

The Japanese parts suppliers are not alone in their migration to the United States. But they are the most visible members of those importing parts, largely because of the success of Japanese auto makers in America.

The penetration of Japanese parts suppliers here is stoking the fires of protectionism while, at the same time, changing the way all vehicle manufacturers and their suppliers do business in this country. The events also are raising questions about the practice of using billions of dollars in tax money to lure foreign manufacturers to states and localities where, sometimes, competitive native U.S. businesses go begging for government assistance.

The eagerness of the states to attract new companies, foreign and domestic, is evident in a 687-page tome called "Directory of Incentives for Business Investment and Development in the United States," which gives a state-by-state breakdown of an estimated $300 billion in incentives and tax breaks available for companies willing to jump their borders.

Japanese auto parts companies, like their brethren car makers, have made expert use of the book. Mazda, for example, received $120 million in government incentives to build its new $550 million plant in Flat Rock, Mich., where it started auto production in September 1987.

Japanese parts plants coming into Michigan and surrounding states to service Mazda also are receiving a bundle of incentives, although exact amounts are hard to determine.

But the governments' generosity is causing chagrin among U.S. auto parts makers, who say that no comparable funding is available to help them do business in Japan or, indeed, to help them compete against the newcomers in the United States.

"American parts companies are seeing red as their tax dollars are used to lure and subsidize their foreign competitors and give them unnatural cost advantages," said Linda J. Hoffman, a vice president for the Automotive Parts and Accessories Association.

The General Accounting Office, the investigative arm of Congress, studied those charges and reported in March that domestic auto parts makers "have some valid concerns" about governmental assistance to foreign competitors. But the report concluded that U.S. businesses "received the greatest percentage" of available incentives, although Japanese companies are getting an increasing share.

U.S. parts suppliers are not convinced.

"Independent studies show, and Japan's car manufacturers know, that there are highly competitive U.S. manufacturers in every automotive product category," said William F. Busker, president of the Muskegon Products Division of the Goetse Corp. of America, which makes precision engine parts.

But Japanese-affiliated auto manufacturers in this country tend to buy key components, such as engine and drive-train kits, only from Japanese suppliers who are producing components in Japan or in the United States, Busker said. That means American auto parts companies often are excluded from critical research-and-development programs involved in the design and engineering of new Japanese cars, he said.

The upshot? "Japan's lock on its original equipment markets virtually eliminates U.S. parts manufacturers from participating in the global aftermarket where Japanese cars dominate," Busker said.

That alleged lockout is causing a loss of business and jobs for American parts makers, according to Busker and others.

The United Auto Workers union believes that the transplanted Japanese parts suppliers and vehicle manufacturers could wipe out 100,000 U.S. jobs by 1990. The GAO, using a different set of assumptions, says that 45,000 jobs could be scrapped.

Further loss could come from another direction.

The Big Three auto makers in the United States—General Motors Corp., Ford Motor Co. and Chrysler Corp.—all have relationships with Japanese and European parts suppliers and are exploring the possibility of establishing others. Like the Japanese auto makers, they, too, want the highest quality components at the lowest possible cost. Some of these matings are long-term and intertwined, such as the nearly 20-year partnership between Ford and Nippondenso Co. Ltd.

Ford owns 25 percent of Mazda, which does about $300 million worth of business a year with Nippondenso in Japan. Nippondenso supplies Ford with heaters, blowers and electric radiator fans. Ford and Nippondenso's U.S. operations, which are based in Battle Creek Mich., supply parts to Mazda's new car assembly plant in Flat Rock, Mich.

The Mazda plant builds the sporty MX-6 four-seat car sold in the United States by Mazda. It also builds a mechanically and structurally identical front-wheel-drive car, the Ford Probe, that Ford sells in this country.

Most of the MX-6's and Ford Probe's high-value parts and component assemblies—engine, transaxle, suspension, brakes—are supplied by Mazda or a Japanese-affiliated parts maker. Many of the bulky, low-tech components—carpets, various plastic assemblies, glass and tires—come from U.S.-based parts makers.

That discrepancy in parts value is typical of the way Japanese auto makers deal with most American parts suppliers, critics say.

"With distressingly few exceptions," the Japanese auto makers' purchase of U.S. parts appears to be limited to items "with relatively low value and relatively little process-engineering content," said Dan Luria, manager of industry and policy affairs for the Industrial Technology Institute in Ann Arbor, Mich.

Japanese auto makers do tend to favor Japanese parts suppliers for critical items, said Masahiro Uchida, executive vice president of Mazda's U.S. manufacturing operations, which have the capacity to produce 240,000 cars a year. But preference, in this case should not be viewed as discrimination, he said. It is a natural business decision, subject to change as U.S. suppliers become more familiar with Mazda's needs and wants, Uchida said.

"It's very tough to tell suppliers with whom we have had a long-term relationship, 'Bye-bye,'" said Uchida, citing his company's 30 years of doing business with Nippondenso.

We realize that we have to buy more parts here," said Uchida. "But it makes no sense, it is not good business to first buy the more difficult parts from the domestic companies" that are unfamiliar with the way Mazda does business, he said.

The "Mazda way" is in many ways representative of the way all Japanese auto companies deal with suppliers. And it is becoming the way U.S. car makers deal with their suppliers, too.

For example, Japanese auto makers historically have emphasized long-term relationships with their suppliers, often conducted with little reliance on signed contracts. "It's like being in a family," said one Japanese supplier source who asked not to be identified. "We know them and they know us." And what is known is that not only will parts, price and quality be right, but on-time delivery will be assured as well, the source said.

American auto maker-supplier relationships have been quite different. As recently as the late 1970s, American car manufacturers seldom talked to their suppliers until it was time to order parts.

Nearly all of the engineering and design work for American vehicles was done by the car companies themselves. The parts people were brought in at the tail end of the process. Confusion, poor quality and product delays frequently were the result.

Since the early 1980s, U.S. auto makers have been pushing for longer-term contracts, better quality and lower costs. And lately, they've been getting them.

Ironically, the domestic auto parts suppliers' improvements are coming about at a time when they are moving into direct competition with companies that have been doing it the "Mazda way" all along.●

NATIONAL TOURISM WEEK

● Mr. D'AMATO. Mr. President, I am pleased to cosponsor a joint resolution designating the third week in May 1989, as "National Tourism Week."

The phrase "I Love NY" appears on teeshirts, buttons, and bumper stickers throughout America. These simple words are a reminder to millions of their journey to New York. But more importantly, they are an indication that tourism in the United States is alive and well.

Tourism is one of America's largest and most important industries. Perhaps its most visible impact is in the number of jobs tourism generates. Over the past two decades, 10 percent of all new jobs have been in travel and tourism. Nearly 5 million people are employed in tourism related jobs, many of whom, minorities and teenagers, are from groups which traditionally have had high levels of unemployment. Minorities account for 13.7 percent of the industry and teenagers 24 percent.

At a time of burgeoning trade deficits, tourism has remained a somewhat invisible export. Its contribution to our balance of payments is often overlooked. Foreign visits to the United States are expected to reach 30 million in 1988, and in 1989 foreign visits will likely exceed that number. Nearly 3 million tourists from Japan are anticipated in 1989 and over 12 million from Europe. In 1987, travelers from abroad spent in the United States $19.5 billion and it is predicted that 1988 spending will reach $22 billion.

An additional benefit of foreign travel to the United States is the opportunity it affords retailers to promote products made in America. By generating interest in American goods foreign demand for our products is enhanced.

For all these reasons, Mr. President, it is important that we continue our successful efforts to promote tourism and to welcome with open arms our friends from abroad. National Tourism Week is an opportunity for Congress to do its part. I urge my colleagues to support this measure.●

THE KESSLER INSTITUTE CELEBRATES ITS 40TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the Kessler Institute for Rehabilitation as it celebrates 40 years of dedicated service to the care of the physically disabled. The Kessler Institute, a nonprofit hospital affiliated with the University of Medicine and Dentistry of New Jersey, is the State's largest and oldest physical rehabilitation hospital. Since its founding by the late Henry H. Kessler, M.D., Ph.D. in 1948, the hospital has been treating physically disabled patients throughout northern New Jersey.

On Sunday, May 22, the institute will host a special Founder's Day celebration where a series of exhibits highlighting the 1940's and the history will be displayed. The Kessler Institute is the first hospital of its kind in New Jersey, and is the only one in the State accredited by the commission on accreditation of rehabilitation facilities, for its spinal cord and brain trauma programs. The hospital specializes in treating persons disabled by spinal cord injury, brain trauma, congenital or acquired amputation, stroke, back pain, and other long-term disabilities.

The Kessler Institute has been very successful at returning patients to life styles of maximal independence. Each patient receives individualized attention from a dedicated staff which emphasizes, patients' abilities over disabilities. One of the institute's main goals is to help patients realize their functional potential while they learn to cope with the physical and emotional adjustments demanded by disability. Much of the institute's success can be attributed to its comprehensive treatment programs which integrate the patient, family members, physicians, therapists, and counselors in the rehabilitation process.

The Kessler Institute has been very successful at attaining its goals, as well as serving the needs of inpatients and outpatients throughout northern New Jersey. Mr. President, I congratulate the institute on its 40th anniversary and wish its dedicated staff, patients, and families continued success in the future.●

ORPHAN DRUG ACT

● Mr. DECONCINI. Mr. President, recently my colleagues re-enacted the Orphan Drug Act of 1983. By continuing this program on Federal grants for orphan-drug research and the many who suffer from rare afflictions, those who otherwise would not have the opportunity to be treated with cost-effective prescription drug therapies will continue to receive treatment. The Arizona Republic published an article on

April 27 that stated that when this program was first initiated in 1983, there were only 34 orphan drugs on the market. Now, thanks to the Orphan Drug Act of 1983, there are 183 orphan drugs designated for testing and another 24 approved for marketing. The article explains the benefits of this program in more detail and highlights the work of my distinguished colleagues in continuing this program.

I ask that this article be printed in the RECORD.

The article follows:

[From the Arizona Republic, Apr. 27, 1988]

ORPHAN DRUG ACT: A PROGRAM THAT'S WORKING

WASHINGTON.—Long question: What do a couple of liberal Democratic senators, Howard Metzenbaum and Edward Kennedy, have in common with two conservative Republican senators, Orrin Hatch and Nancy Kassebaum? Short answer: not much.

But hold on. This unlikely quartet teamed up the other day to complete re-enactment of one of the best federal acts of recent years. This is the Orphan Drug Act of 1983. You may be properly grateful if you never heard of it.

A moment's digression: In our business, the news business, we write mostly of the bad things in our society—wars abroad, drug abuse at home, the events that Gibbon termed the crimes, follies and misfortunes of mankind. It was ever thus; and as long as bad is more novel than good, it will stay that way. But the unfortunate result is that good things get crowded out of the news. We feed on controversy and we yawn at serenity. Passage of House Resolution 3459 on March 31 didn't make even a ripple in the day's news.

The reauthorization bill, sponsored chiefly in the House by Rep. Henry Waxman of California, continues for three years a modest program of federal grants for orphan-drug research. It expands the scope of the program to include research on orphan medical foods and devices.

The whole idea is to encourage development of pharmaceutical products that will benefit those who suffer from afflictions most of us never heard of. Example: postanoxic myoclonus. It is a terrible disease, characterized by uncontrollable jerking and muscle contractions. It is believed that only 2,000 persons in the United States suffer from these fearful spasms. Because of the act, a drug has been developed that promises relief.

The law provides incentives to drug manufacturers who otherwise would have no reason to interest themselves in such products. Amazingly, medical science has identified an estimated 5,000 rare diseases. By definition, these are diseases that hit no more than 200,000 persons. Roughly 8 million Americans, half of them children, suffer from their effects.

If a manufacturer develops a product useful in their treatment, the company may obtain a seven-year exclusive license for its sale. In addition, the law provides tax credits equal to one-half the cost of clinical testing. The law provides an excellent example of cooperation between the federal government and the private sector. This is the kind of thing the states could not do; without the incentives, it is the kind of thing that private enterprise could not be expected to do. They are not in business to produce profitless products.

When the Orphan Drug Act was passed in 1983, only 34 drugs were on the market for treating these afflictions. Today 183 orphan drugs have been designated for testing and another 24 have been approved for marketing.

An estimated 50,000 paraplegics suffer from kidney infections caused by the constant buildup of ammonia in their urine. A related disease, known professionally as absorptive hypercalciuria, leads to painful kidney stones. Under the orphan-drug program, a product was developed from sodium cellulose phosphate that may be useful in certain cases.

Only a handful of persons—perhaps no more than 100 in the nation—suffer from Wilson's disease. This is a genetic disorder that leads to the body's inability to handle dietary copper. Three years ago the Food and Drug Administration approved an orphan drug for its treatment.

Some of the benefits will go to victims of AIDS who are vulnerable to a fatal form of pneumonia. As many as 60 percent of AIDS patients die as a result. An orphan drug may prolong their lives. Other new drugs treat leprosy, rare gallstones, spasticity, neuroblastoma and testicular cancer. A drug called Mazindol has been developed for the treatment of Duchenne muscular dystrophy. Yet another drug will treat anemia associated with end-stage renal disease.

As a general proposition, conservatives are wary of partnership with governments. Bureaucracy has a way of suffocating innovation. Drug manufacturers historically have chafed at the long delays and the monumental costs associated with approval of a new drug for widespread prescription. The quiet and unpretentious program of orphan drugs has provided a heartening exception to the general rule. This program is working exactly as it was intended to work. Let me suggest a round of applause.●

ORDER FOR RECESS UNTIL 9:30 A.M., MONDAY, MAY 23, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON MONDAY NEXT

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order on Monday next, there be a period for morning business, not to extend beyond the hour of 10 o'clock a.m., that Senators may speak during that period of morning business for not to exceed 5 minutes each, and that at the hour of 10 o'clock a.m., the Senate return to executive session and resume consideration of the INF Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO MONDAY, MAY 23, 1988

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 a.m. on Monday next.

The motion was agreed to; and, at 5:59 p.m., the Senate recessed until Monday, May 23, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1988:

NATIONAL COUNCIL ON THE HANDICAPPED

MARGARET CHASE HAGER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HANDICAPPED FOR A TERM EXPIRING SEPTEMBER 17, 1990, VICE JOHN S. ERTHEIN, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN F. WALL, [redacted], U.S. ARMY.

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. JAMES E. HAUGHT, [redacted].
BRIG. GEN. CURTIS B. HERBERT, JR., [redacted].
BRIG. GEN. JERRY J. JOSTEN, [redacted].
BRIG. GEN. DOUGLAS J. O'CONNOR, [redacted].
BRIG. GEN. FREDERICK W. ROEDER, [redacted].
BRIG. GEN. PAUL E. VALLELY, [redacted].

To be brigadier general

COL. RALPH C. SLUSHER, [redacted].
COL. GEORGE D. FIELDS, JR., [redacted].
COL. RALPH O. DOUGHTY, [redacted].
COL. GEORGE L. GUNDERMAN, [redacted].
COL. ROBERT A. LAME, [redacted].
COL. ROBERT E. GALE, [redacted].
COL. DAVID P. DE LA VERGNE, [redacted].
COL. DOROTHY B. POCKLINGTON, [redacted].
COL. THOMAS E. MATTSON, [redacted].
COL. LARRY L. SCHEUCHZER, [redacted].
COL. THOMAS P. JONES, [redacted].
COL. LEONARD L. HOCH, [redacted].
COL. RONALD L. LOWE, [redacted].
COL. PAUL D. WEBSTER, III, [redacted].
COL. BRUCE G. MACDONALD, [redacted].
COL. JAMES A. POCOCK, [redacted].
COL. EDWARD M. CROWLEY, [redacted].
COL. JAMES E. RITCHIE, [redacted].
COL. JOSEPH C. HURTEAU, [redacted].
COL. STEPHEN C. BISSET, [redacted].
COL. TOMMY W. BONDS, [redacted].
COL. WALTER E. KATUZNY, JR., [redacted].
COL. BARTON J. GILBERT, [redacted].
COL. GARY E. SHAMLIN, [redacted].
COL. THOMAS W. SABO, [redacted].
COL. RICHARD E. STORAT, [redacted].
COL. THOMAS J. PLEWES, [redacted].
COL. MANUEL R. FLORES, [redacted].

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. JAMES R. HOGG, [redacted]/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5142 TO BE CHIEF OF CHAPLAINS, UNITED STATES NAVY:

REAR ADM. ALVIN B. KOENEMAN (LOWER HALF), [redacted]/4100, CHAPLAIN CORPS, U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

HAROLD JOHN BERNSEN

JEREMY MICHAEL BOORDA
LYLE FRANKLIN BULL
STANLEY EARL BUMP
JOHN FREDERICK CALVERT
HENRY GOODMAN CHILES, JR.
EDWARD WILLIAM CLEXTON, JR.
FRANCIS RAYMOND DONOVAN
WILLIAM ADAM DOUGHERTY, JR.
THOMAS WITHERSPOON EVANS
ROBERTA LOUISE HAZARD
VIRGIL LUSK HILL, JR.
MICHAEL PETER KALLERES
ERIC ALTON MCVADON, JR.
RICHARD DAVID MILLIGAN
JOHN KENNETH READY
ROBERT THEODORE REIMANN
ROVER LEE RICH, JR.
DAVID NEIL ROGERS
ROBERT LEE TONEY

RESTRICTED LINE—ENGINEERING DUTY OFFICER

GEORGE RICHARD MEINIG, JR.
ROBERT LEAVY TOPPING

RESTRICTED LINE—AERONAUTICAL ENGINEERING DUTY OFFICER

THOMAS CHERILL BETTERTON

SPECIAL DUTY OFFICER (INTELLIGENCE)

THOMAS ALOYSIUS BROOKS

CONFIRMATION

Executive nomination confirmed by the Senate May 20, 1988:

DEPARTMENT OF STATE

FREDERICK M. BERNTHAL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.